
From: CN=Amy M. Bilyeau/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [UNKNOWN] <Brett M. Kavanaugh>
Sent: 1/25/2001 10:00:18 AM
Subject: : Office of Political Affairs

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP [OA])

CREATION DATE/TIME:25-JAN-2001 15:00:18.00

SUBJECT:: Office of Political Affairs

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Hi, I'm not sure you can access your voice mail yet, I'm not seeing any OLC opinions specifically on your topic, but Melinda in the 308 Library has a file that discusses the history of this office in detail, plus the Patterson book - both are on her desk. I am still looking. Amy

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>
Sent: 1/27/2001 8:52:26 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-JAN-2001 13:52:26.00
SUBJECT:: Re:
TO: Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

For purposes of answering your question, it may matter where the event would be in the White House. Will it be in the residence or in the work area?

Kenneth B. Mehlman
01/27/2001 11:47:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

On February 7, as part of our efforts to highlight the importance of tax relief, we will reunite some of the "tax families" we identified in the campaign. Tax families were people who would benefit from the Bush tax plan who greeted the then Governor at campaign events or appeared at town meetings. We want them to come to the White House for an event. Can the RNC pay for their flights up here-- as most will not be able to afford the cost of a ticket?

From: CN=Kenneth B. Mehlman/OU=WHO/O=EOP [WHO]
To: Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2001 5:45:05 AM
Subject: : Re: Thanks, looking forward...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2001 10:45:05.00
SUBJECT:: Re: Thanks, looking forward...
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

we met with counsel yesterday and we can send congratulatory on almost anything, as long as it is not thanking donors.

From: CN=Harriet T. Lewis/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/31/2001 4:40:30 AM
Subject: : Re: Direct Deposit

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Harriet T. Lewis (CN=Harriet T. Lewis/OU=OA/O=EOP [OA])
CREATION DATE/TIME:31-JAN-2001 09:40:30.00
SUBJECT:: Re: Direct Deposit
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The system will not take it, please call your bank and confirm.

Thanks,

Harriet

From: CN=Randall J. Snyder/OU=OA/O=EOP [OA]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
BCC: Randall Snyder (Randall Snyder [OA])
Sent: 2/2/2001 7:56:40 AM
Subject: : after hours access to the Law Library

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Randall J. Snyder (CN=Randall J. Snyder/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 2-FEB-2001 12:56:40.00
SUBJECT:: after hours access to the Law Library
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Randall Snyder (Randall Snyder [OA])
READ:UNKNOWN
End Original ARMS Header

I have a letter for each of you to sign so that you will be able to have after-hours access to the Law Library. Please see me at your convenience. thanks, Randy

From: CN=Randall J. Snyder/OU=OA/O=EOP [OA]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
BCC: Randall Snyder (Randall Snyder [OA])
Sent: 2/2/2001 7:56:40 AM
Subject: : after hours access to the Law Library

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Randall J. Snyder (CN=Randall J. Snyder/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 2-FEB-2001 12:56:40.00
SUBJECT:: after hours access to the Law Library
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Randall Snyder (Randall Snyder [OA])
READ:UNKNOWN
End Original ARMS Header

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From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/2/2001 8:14:14 AM
Subject: : District court vacancy to add

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-FEB-2001 13:14:14.00

SUBJECT:: District court vacancy to add

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We received a letter advising that Judge Paul Gadola of the Eastern District of Michigan has retired from active service as of January 31, 2001. Please make sure this vacancy is included on our chart. Thanks.

Brad

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>
CC: Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 2/3/2001 6:49:14 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-FEB-2001 11:49:14.00
SUBJECT::
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Jay Root , with the Fort Worth Star-Telegram has asked for certain financial information about the two of you. We will let him know the White House is not subject to FOYA. However , this raises the larger question of releasing information to the press, upon request, that is generally public information. For example, salaries are generally public information and it would be wise to have a policy of releasing such information. Karen , in Texas your policy was to always try to release information when there was need to protect it. Eventually, the financial reports we submit are subject to disclosure. I suggest we let Jay Root know this. The backup filings and divestiture agreements required by OGE may, however, be protected. We should talk before I respond to the request.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2001 11:52:34 AM
Subject: : Richard Arnold

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2001 16:52:34.00

SUBJECT:: Richard Arnold

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

just informed the Judge that he is taking senior status as of tomorrow.
Ergo, another Eighth Circuit vacancy in the appropriate state (Arkansas, I think) needs to be added to our list.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO] <Gian-Carlo A. Peressutti>
Sent: 2/5/2001 6:56:20 PM
Subject: : Re: Letter on education

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2001 23:56:20.00
SUBJECT:: Re: Letter on education
TO: Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

A few points:

First, you should be aware that the appropriations law enacted by Congress this year (as in past years) contains the following broad provision:

Sec. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

The GAO has been unwilling to adopt a reading of the statute that would bar virtually all comment by officials on agency or administration policy or activities. Rather, the GAO has construed this statute in a manner similar to the Anti-Lobbying Act, 18 USC 1913. In other words, the statute prohibits appeals to members of the public suggesting that they in turn contact their elected representatives to indicate support of or opposition to pending legislation. thereby expressly or implicitly urging the legislators to vote in a particular manner.

Second, there are two considerations relevant to your inquiry whether it is appropriate to send out a draft letter that would in turn be used by a private group or individual to blast e-mail to others.

At the outset, there is a general appropriations law principle to the effect that appropriations not be expended for unauthorized purposes. While explaining and promoting the President's policies and programs is a perfectly appropriate government function, I have not found any authority or precedent suggesting that it is acceptable for the government to draft a letter for a private group that the private group would then mass mail to supporters or members. The vagueness of the appropriations principle raises concerns about its possible expansive application to a situation like this.

In addition, there are serious appearance issues raised by certain kinds of interaction between government officials and outside groups. I am far from sure it would be possible to persuasively defend a practice of using government resources to ghost-write letters and e-mails for private groups to send to its supporters.

Therefore, we advise that you not actually perform or take over the functions that ordinarily would be performed by a private group in writing an editorial or preparing a mass e-mail or letter. However, you are obviously authorized to send out information that explains, promotes, and advances the President's policies, programs, and decisions. A private group or individual who receives such information is, of course, free to use it as it sees fit -- including mass mailings to supporters, editorial writing, and lobbying. The principle we advise adhering to, however, is

that the government should not actually take over the functions of the private individual or group.

Different issues are at stake when communications to and from the RNC are involved.

Gian-Carlo A. Peressutti
02/02/2001 05:33:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Letter on education

Thanks for your help with this, Brett. Will wait to hear from you on Monday.

G-C.P.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2001 4:19:57 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2001 21:19:57.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO] <Gian-Carlo A. Peressutti>
Sent: 2/5/2001 6:56:20 PM
Subject: : Re: Letter on education

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2001 23:56:20.00
SUBJECT:: Re: Letter on education
TO: Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

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Gian-Carlo A. Peressutti
02/02/2001 05:33:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Letter on education

Thanks for your help with this, Brett. Will wait to hear from you on Monday.

G-C.P.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2001 8:32:39 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2001 13:32:39.00
SUBJECT:: Re:
TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Just being conservative. I don't know that there is a copyright or other problem with using links to other websites. My guess is that there is not. My conservatism comes from not knowing whether any abuse, overuse, or other problem for a linked website could be created through a link the WH is providing. If the activity is other than political, are we favoring some organizations over others in identifying links? That is the extent of my thinking.

Rachel R. Brand
02/06/2001 12:54:39 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

Moose:
Re this question about whether Rove's e-mail can contain links to articles: Why do you think he would need to get permission first? Is there a copyright problem? I can't think of a copyright problem if the link is to an article that is publicly accessible on the web -- e.g. on CNN's website.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>
Sent: 2/6/2001 6:07:21 AM
Subject: : Re: need help on project in morning

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2001 11:07:21.00
SUBJECT:: Re: need help on project in morning
TO: Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/06/2001 11:07 AM -----

Robert W. Cobb
02/06/2001 09:24:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: need help on project in morning

The only concerns that I see are preferential treatment and consent: both who is on the list of recipients of the Rove newsletter (will it be anyone who wants to be on it) and what organizations are listed as links could raise questions of favoritism if there are persons being excluded from the distribution system. Also, I would not use any links unless the person or entity linked had consented to the link.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO])
Sent: 2/6/2001 7:48:27 AM
Subject: : Re: 5 minute meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2001 12:48:27.00
SUBJECT:: Re: 5 minute meeting
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Consider this your written record. I advised you this morning that your continued participation with the Young Republican organization would be appropriate to continue while you are employed by the White House. As I said, political activity is regulated by the Hatch Act, the limitations of which we discussed briefly. I noted that financial disclosure provisions expressly exclude reporting of political entity affiliations, suggesting special allowances for political activity under ethics law. Moreover, I believe limiting any political activity beyond the limitations imposed by the Hatch Act would raise First Amendment concerns.

Dee Dee Benkie
02/06/2001 10:04:29 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Re: 5 minute meeting

Mr. Cobb

Thank you for your advice. Let me know if I need to get something in writing . I remember that being mentioned in the meeting we had last week with you and Judge Gonzalez. I appreciate you taking the time this morning

Dee Dee

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2001 8:32:39 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2001 13:32:39.00
SUBJECT:: Re:
TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Just being conservative. I don't know that there is a copyright or other problem with using links to other websites. My guess is that there is not. My conservatism comes from not knowing whether any abuse, overuse, or other problem for a linked website could be created through a link the WH is providing. If the activity is other than political, are we favoring some organizations over others in identifying links? That is the extent of my thinking.

Rachel R. Brand
02/06/2001 12:54:39 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

Moose:
Re this question about whether Rove's e-mail can contain links to articles: Why do you think he would need to get permission first? Is there a copyright problem? I can't think of a copyright problem if the link is to an article that is publicly accessible on the web -- e.g. on CNN's website.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 2/6/2001 10:33:30 AM
Subject: : CA5 memos

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2001 15:33:30.00

SUBJECT:: CA5 memos

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Do you have time to help me with some of these?

From: CN=Michael Shannon/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 2/6/2001 12:59:09 PM
Subject: : Re: White House newsletter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2001 17:59:09.00
SUBJECT:: Re: White House newsletter
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

thank you.

Noel J. Francisco
02/06/2001 08:09:50 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Michael Shannon/WHO/EOP@EOP
cc:
bcc:
Subject: Re: White House newsletter

Yes. Federal law only restricts reproduction of the Presidential Seal, not images of the White House. And White House policy restricts only non-White House use of images of the White House. Thus, there is no problem with the Strategic Initiatives group using a picture of the White House on its newsletter.

Noel Francisco

Brett M. Kavanaugh
02/05/2001 10:21:00 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: Michael Shannon/WHO/EOP@EOP
Subject: White House newsletter

Noel:

The Strategic Initiatives guys would like to know whether they can use a depiction of the front of the White House building on their newsletter e-mail. Is that ok under the seal policy?

Please reply to Michael and me. Thanks.

Brett

REV_00125071

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/7/2001 2:43:27 PM
Subject: : Records memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2001 19:43:27.00
SUBJECT:: Records memo
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From the frying pan into the fire. I let the Office of Records Management guys here at White House (you met one of them today after our meeting) see a draft of my memo. They have some comments that they want to share with me tomorrow at some time after noon. So I had better hear them out before we finalize.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John Gardner/WHO/EOP@EOP [WHO] <John Gardner>
Sent: 2/8/2001 9:32:06 AM
Subject: : question

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-FEB-2001 14:32:06.00

SUBJECT:: question

TO: John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I understand you have a question on stationary. I have a meeting
from 3 to 5:30, but will be back after that.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Brooke Vosburgh/WHO/EOP@EOP [WHO] <Brooke Vosburgh>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>
Sent: 2/8/2001 5:40:33 PM
Subject: : Weekly WHJSC

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-FEB-2001 22:40:33.00

SUBJECT:: Weekly WHJSC

TO: Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brooke Vosburgh (CN=Brooke Vosburgh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Scheduling item...

The White House Judicial Selection Committee will be meeting every Thursday morning starting next week. These meetings will have start times of 9:30, 10:00 or 10:30 am and will last approximately one hour. I am working with Stacey Silva to determine the availability of the Roosevelt Room for these meetings. The start time will be determined based on which time slot that assures us the most consistency of the same start time from week to week - we'll let you know.

These meetings include the following people:

Attorney General John Ashcroft

Andy Card

Josh Bolten

Nick Calio

Clay Johnson

Karl Rove

Chris Henick

Tim Flanigan

Brad Berenson

Adam Ciongoli (AG's office)

Brett Kavanaugh

Kyle Sampson

Thanks!

REV_00125084

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Ansley C. Tillman/WHO/EOP@EOP [WHO] <Ansley C. Tillman>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 2/8/2001 5:40:50 PM
Subject: : scheduling for next week

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2001 22:40:50.00
SUBJECT:: scheduling for next week
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I don't know how many meetings you are looking at but if you are able to get a good chunk of these scheduled tomorrow that would be ideal - these are important and we want them have your times locked in.

As I understand it - if Al can't meet with them then Tim will - please coordinate with Heather on these meetings.

Plase be sure and get first and last name, social security numbers and dates of birth. If we are talking about quite a few I may enlist Ansley's assistances with the WAVES requests so please cc her on these emails.

Finally - Al doesn't "do lunch" so please don't schedule any of these meetings over meals.

Thanks guys and let me know if I need to do something to help.

Libby

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Karl Doenges/WHO/EOP@EOP [WHO] <Karl Doenges>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2001 9:56:31 AM
Subject: : Re: RNC video tapes

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-FEB-2001 14:56:31.00
SUBJECT:: Re: RNC video tapes
TO:Karl Doenges (CN=Karl Doenges/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I discussed the issue with my colleague Brett Kavanaugh. We think that it is not appropriate for the RNC to fund or finance official operations including supplying video tape copies of interviews with POTUS and VPOTUS. While political activities can be supported by the RNC, the operations of the Media Affairs office are official rather than political. A fundamental principle of appropriations law is that the Government pays its own way. While there are some exceptions to that general rule, here no exception applies. If the Media Affairs office wants and needs the tapes, it should pay for them itself.

Thank you for bringing the issue to my attention. These Government restrictions are arcane and counter intuitive sometimes, and I think just recognizing that there is an issue is sometimes the biggest hurdle to get over. If you have any further questions, let me know.

Karl Doenges
02/09/2001 02:20:03 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: RNC video tapes

As we discussed earlier, we would like to receive video tape copies of interviews with VPOTUS and POTUS in local markets from the RNC. The process would involve me or a representative from the media affairs office calling the RNC to inform them of an interview. They in turn order a tape from Video Monitoring Service and give us a copy of the tape ordered. The tapes would be used to monitor how the POTUS's message is getting out to the various local markets.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2001 1:01:13 AM
Subject: : Re: Holocaust Commission

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-FEB-2001 06:01:13.00
SUBJECT:: Re: Holocaust Commission
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I'll find out.

Brett M. Kavanaugh
02/11/2001 06:24:20 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
Subject: Holocaust Commission

Who is responsible for appointments to the Holocaust Museum Commission, which received critical attention in WSJ editorials this past week? I know someone who would be a great member and who is interested.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2001 4:29:52 AM
Subject: : Re: Email Deletion

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:12-FEB-2001 09:29:52.00
SUBJECT:: Re: Email Deletion
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett--FYI. It would help take the pressure off if we can get an idea of
the timeframe when we'll be able to discuss. Adam
----- Forwarded by Adam F. Greenstone/OA/EOP on
02/12/2001 09:27 AM -----

Adam F. Greenstone
02/12/2001 09:27:14 AM

Record Type: Record

To: Leanna F. Terrell/OA/EOP@EOP
cc:
bcc: Records Management@EOP
Subject: Re: Email Deletion

As you know, we need to coordinate this with White House Counsel. I have
been trying to speak to and arrange to brief the assigned attorney since
the week before last. Because the Counsel's office is, I would expect,
encountering a very large array of issues associated with starting the new
Administration, it is understandable that they have not been able to
respond to me yet. However, I will keep trying and let you know as soon
as we have an opportunity to discuss. Adam, 5-1268

Leanna F. Terrell
02/12/2001 07:44:04 AM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
Subject: Email Deletion

Adam,
Where are we on this??
----- Forwarded by Leanna F. Terrell/OA/EOP on 02/12/2001
07:43 AM -----

Tilman Dean
02/09/2001 04:45:39 PM
Record Type: Record

To: Leanna F. Terrell/OA/EOP@EOP

cc:
Subject: Email Deletion

Leanna:

Any resolution or ?? on deleting emails?

Tilman

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2001 4:29:52 AM
Subject: : Re: Email Deletion

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])

CREATION DATE/TIME:12-FEB-2001 09:29:52.00

SUBJECT:: Re: Email Deletion

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett--FYI. It would help take the pressure off if we can get an idea of the timeframe when we'll be able to discuss. Adam

----- Forwarded by Adam F. Greenstone/OA/EOP on
02/12/2001 09:27 AM -----

Adam F. Greenstone
02/12/2001 09:27:14 AM

Record Type: Record

To: Leanna F. Terrell/OA/EOP@EOP
cc:
bcc: Records Management@EOP
Subject: Re: Email Deletion

As you know, we need to coordinate this with White House Counsel. I have been trying to speak to and arrange to brief the assigned attorney since the week before last. Because the Counsel's office is, I would expect, encountering a very large array of issues associated with starting the new Administration, it is understandable that they have not been able to respond to me yet. However, I will keep trying and let you know as soon as we have an opportunity to discuss. Adam, 5-1268

Leanna F. Terrell
02/12/2001 07:44:04 AM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
Subject: Email Deletion

Adam,
Where are we on this??

----- Forwarded by Leanna F. Terrell/OA/EOP on 02/12/2001
07:43 AM -----

REV_00125095

Tilman Dean
02/09/2001 04:45:39 PM
Record Type: Record

To: Leanna F. Terrell/OA/EOP@EOP
cc:
Subject: Email Deletion

Leanna:

Any resolution or ?? on deleting emails?

Tilman

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>;Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO])
Sent: 2/12/2001 9:54:25 AM
Subject: : Re: Responses to political groups

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-FEB-2001 14:54:25.00
SUBJECT:: Re: Responses to political groups
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christa J. Bailey (CN=Christa J. Bailey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Gifts from political organizations should be logged in to the gift office system just like other gifts. Written responses in connection with these gifts can be sent on White House letterhead, just as with other gifts.

Deborah K. Hair
02/12/2001 10:32:15 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Responses to political groups

Moose,
Please advise the correct procedure for this.
thanks
Debbie

----- Forwarded by Deborah K. Hair/WHO/EOP on 02/12/2001
10:31 AM -----

Christa J. Bailey
02/10/2001 07:04:28 PM
Record Type: Record

To: Deborah K. Hair/WHO/EOP@EOP
cc:
Subject: Responses to political groups

Debbie - Do you know what the procedure will be for responding to gifts from political groups or individuals (ie County Republican Women's Club)? Should these be logged into our gift office system (IQ) and receive a response on political stationery versus the WH stationery?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brooke Vosburgh/WHO/EOP@EOP [WHO] <Brooke Vosburgh>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Kristen M. Palasciano/WHO/EOP@EOP [WHO] <Kristen M. Palasciano>;Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>
Sent: 2/12/2001 6:02:55 AM
Subject: : Judicial Selection Committee Meeting for this week

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-FEB-2001 11:02:55.00
SUBJECT:: Judicial Selection Committee Meeting for this week
TO:Brooke Vosburgh (CN=Brooke Vosburgh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen M. Palasciano (CN=Kristen M. Palasciano/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The meeting will be held from 4:00-5:00 pm on Wednesday, Feb. 14th in the Roosevelt Room.

The following people will be in attendance:

Attorney General John Ashcroft

Adam Ciongoli (with Ashcroft)

Andy Card and/or Josh Bolten

Al Gonzales

Tim Flanigan

Karl Rove

Chris Henick

Nick Calio

Clay Johnson

Kyle Sampson

Brad Berenson

Brett Kavanaugh

Thanks!

REV_00125099

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/12/2001 6:20:47 AM
Subject: : Presidential decision memorandum concerning personnel

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-FEB-2001 11:20:47.00

SUBJECT:: Presidential decision memorandum concerning personnel

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Would you please e-mail me a sample presidential decision memorandum concerning appointments? We'd like to follow the established model to as great an extent as possible where judicial appointments are concerned.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: jan e. williams/who/eop@eop [WHO] <jan e. williams>;ansley c. tillman/who/eop@eop [WHO] <ansley c. tillman>;heather larrison/who/eop@eop [WHO] <heather larrison>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 2/12/2001 10:20:56 AM
Subject: : Re: Interviews

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-FEB-2001 15:20:56.00

SUBJECT:: Re: Interviews

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:jan e. williams (CN=jan e. williams/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:ansley c. tillman (CN=ansley c. tillman/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Also, all candidates have been instructed to come to the Southwest Gate, not 17th and Penn. Unless there's a compelling reason to switch, I think we should stick with the Southwest Gate -- otherwise, we'll have to spend considerable additional time calling back every candidate.

Elizabeth N. Camp
02/12/2001 03:17:19 PM
Record Type: Record

To: Jan E. Williams/WHO/EOP@EOP, Ansley C. Tillman/WHO/EOP@EOP, Heather Larrison/WHO/EOP@EOP
cc: Kyle Sampson/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Interviews

Since all of these interviews are now taking place here at WW-2nd fl. all of the visitors should be directed to come to the 17th and Penn Street entrance and then to the West Lobby. They will not be going to the OEOB.

Jan is going to send me the most recent master schedule. I will give this to Ansley along with all of the emails sent to date with the SS and DOB info so she can do the WAVES for each person.

Ansley and Heather should both be included on future emails re: time changes, etc..

Thanks!

REV_00125101

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/12/2001 11:34:52 AM
Subject: : Judicial Vacancy -- Term Expiring

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-FEB-2001 16:34:52.00
SUBJECT:: Judicial Vacancy -- Term Expiring
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brent -- this is for you to track. Thanks.
----- Forwarded by Bradford A. Berenson/WHO/EOP on
02/12/2001 04:34 PM -----

Alberto R. Gonzales
02/12/2001 03:45:56 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP, Rachel R. Brand/WHO/EOP@EOP
cc:
Subject: Judicial Vacancy -- Term Expiring

For your information. Who is keeping a master list of known and coming vacancies? Someone please handle.
----- Forwarded by Alberto R. Gonzales/WHO/EOP on
02/12/2001 03:43 PM -----

David S. Addington
02/12/2001 12:15:42 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc: Timothy E. Flanigan/WHO/EOP@EOP
Subject: Judicial Vacancy -- Term Expiring

Judge:

Chief Judge Susan Crawford of the U.S. Court of Appeals for the Armed Forces called (she called me because she knows me from our service together in the Defense Department) to draw to our attention that a vacancy will occur on that court on September 30, 2001, when the 15-year term of Judge Gene Sullivan expires. The Court handles appeals from the

REV_00125118

military justice system under the Uniform Code of Military Justice.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/14/2001 4:32:02 AM
Subject: : 11:00 with Lezlee from Public Liaison moved to 11:30...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-FEB-2001 09:32:02.00

SUBJECT:: 11:00 with Lezlee from Public Liaison moved to 11:30...

TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This means your meeting with Al to review binder needs to be moved to 12 noon. Please review cc list to make sure I got the other attorneys involved with the meeting to review binder.

Thanks!

REV_00125127

From: CN=Randall J. Snyder/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2001 8:17:16 AM
Subject: : hatch act on the OSC site, for a start....

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Randall J. Snyder (CN=Randall J. Snyder/OU=OA/O=EOP [OA])

CREATION DATE/TIME:15-FEB-2001 13:17:16.00

SUBJECT:: hatch act on the OSC site, for a start....

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

http://www.osc.gov/hatch_a.htm

From: CN=Helgard G. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 2/15/2001 6:57:54 AM
Subject: : Re: More on the ABA's role in judicial selection

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard G. Walker (CN=Helgard G. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-FEB-2001 11:57:54.00
SUBJECT:: Re: More on the ABA's role in judicial selection
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Yippee! Prizes for me!

Courtney S. Elwood
02/15/2001 11:14:37 AM
Record Type: Record

To: Helgard G. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
Subject: Re: More on the ABA's role in judicial selection

You're right, joined by Buckley and Williams.

From: CN=Randall J. Snyder/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2001 8:17:16 AM
Subject: : hatch act on the OSC site, for a start....

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Randall J. Snyder (CN=Randall J. Snyder/OU=OA/O=EOP [OA])

CREATION DATE/TIME:15-FEB-2001 13:17:16.00

SUBJECT:: hatch act on the OSC site, for a start....

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

http://www.osc.gov/hatch_a.htm

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Leanna F. Terrell/OA/EOP@EOP [OA] <Leanna F. Terrell>
Sent: 2/15/2001 9:47:24 AM
Subject: : Draft Re: Resoution of E-mail Problem
Attachments: P_NCES0004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:15-FEB-2001 14:47:24.00
SUBJECT:: Draft Re: Resoution of E-mail Problem
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Leanna F. Terrell (CN=Leanna F. Terrell/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

This is a privileged communication.

Brett--As a follow-up to my message this morning, here is a revised draft on the e-mail issue. I have also given this draft to Leanna Terrell, Associate Director for IS&T, to review to ensure technical accuracy. In case you did not receive my voice-mail, we have been given until COB today to produce a draft informing staff members of the resolution of the problem. Please call me ASAP to discuss. Adam, 5-1268

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NCES0004_WHO.TXT_1>

MEMORANDUM FOR ALL STAFF OF THE EXECUTIVE OFFICE OF THE PRESIDENT

FROM: _____

SUBJECT: Resolution of Technical Anomaly Affecting E-mail

On September 29, 2000, all Executive Office of the President (EOP) employees were directed to refrain from deleting any e-mail message on their computers, with the exception of purely personal messages. This was due to a technical problem that affected the Automated Records Management System ("ARMS"), which captures Lotus Notes messages at the time they are sent or received (with the exception of messages that do not qualify as official records when the EOP sender designates the message as a "non-record"). Because the problem was present from approximately April 15, 2000 to September 30, 2000, staff members who began work after that period were not affected.

I am pleased to report that the problem has been resolved, and that steps have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all users may now delete messages which do not need to be maintained in their in or out boxes. E-mails that should be preserved locally as a record of office activities may be printed out with correspondence information (i.e. date, time, sender, recipient and subject of the message), and filed in the appropriate place. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency.

From: CN=Leanna F. Terrell/OU=OA/O=EOP [OA]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 2/15/2001 9:50:30 AM
Subject: : Re: Draft Re: Resoution of E-mail Problem

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Leanna F. Terrell (CN=Leanna F. Terrell/OU=OA/O=EOP [OA])
CREATION DATE/TIME:15-FEB-2001 14:50:30.00
SUBJECT:: Re: Draft Re: Resoution of E-mail Problem
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Adam,
You do good work. What you stated is accurate.

From: CN=Leanna F. Terrell/OU=OA/O=EOP [OA]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 2/15/2001 9:50:30 AM
Subject: : Re: Draft Re: Resoution of E-mail Problem

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leanna F. Terrell (CN=Leanna F. Terrell/OU=OA/O=EOP [OA])
CREATION DATE/TIME:15-FEB-2001 14:50:30.00
SUBJECT:: Re: Draft Re: Resoution of E-mail Problem
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Adam,
You do good work. What you stated is accurate.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Helgard G. Walker/WHO/EOP@EOP [WHO] <Helgard G. Walker>
Sent: 2/15/2001 8:34:07 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 16-FEB-2001 01:34:07.00

SUBJECT::

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard G. Walker (CN=Helgard G. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

FYI: CNN just showed pieces of President Bush's inauguration speech on civility, and then showed Justice Thomas' speech saying that civility was not a paramount value. CNN was trying to suggest (weakly) that not all conservatives agree with the civility offensive.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2001 8:27:32 PM
Subject: : Re: Draft Re: Resoution of E-mail Problem
Attachments: F_J2HS0004_OA.TXT_1.doc; F_J2HS0004_OA.TXT_2.doc; F_J2HS0004_OA.TXT_3.doc

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:16-FEB-2001 01:27:32.00
SUBJECT:: Re: Draft Re: Resoution of E-mail Problem
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks. How's the language look to you? Adam

Brett M. Kavanaugh
02/15/2001 04:55:08 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

I think it probably should be counsel, but either is ok.

Adam F. Greenstone
02/15/2001 04:39:46 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Thanks. As a follow up, I made a few changes to the second paragraph, and added a new sentence at the end.

In terms of our shop signing, do you mean that any appropriate OA or other EOP management official would be okay, or do you think that it should come from counsel?

Brett M. Kavanaugh
02/15/2001 03:04:31 PM

REV_00125145

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: leanna f. terrell/oa/eop@eop
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

I made a coupled of edits and deleted one sentence. The memo should come from your shop, Adam, I believe. Call with any questions.

Adam F. Greenstone
02/15/2001 02:47:17 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Leanna F. Terrell/OA/EOP@EOP
Subject: Draft Re: Resoution of E-mail Problem

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Brett--As a follow-up to my message this morning, here is a revised draft on the e-mail issue. I have also given this draft to Leanna Terrell, Associate Director for IS&T, to review to ensure technical accuracy. In case you did not receive my voice-mail, we have been given until COB today to produce a draft informing staff members of the resolution of the problem. Please call me ASAP to discuss. Adam, 5-1268

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_J2HS0004_OA.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_J2HS0004_OA.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_J2HS0004_OA.TXT_3>

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FROM: _____

SUBJECT: Resolution of Technical Anomaly Affecting E-mail

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The problem has been resolved, and steps now have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all affected users may now delete messages that do not need to be retained in their Lotus Notes account. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency. Each EOP office is responsible for maintaining appropriate records pertaining to its activities.

MEMORANDUM FOR ALL STAFF OF THE EXECUTIVE OFFICE OF THE PRESIDENT

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From: CN=Theresa F. Granger/OU=WHO/O=EOP [WHO]
To: Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Stephen Goldsmith/WHO/EOP@EOP [WHO] <Stephen Goldsmith>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Margaret Tutwiler/WHO/EOP@EOP [WHO] <Margaret Tutwiler>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; John Gardner/WHO/EOP@EOP [WHO] <John Gardner>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Thomas V. McMahan/WHO/EOP@EOP [WHO] <Thomas V. McMahan>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Donald M. Sumerlin/OPD/EOP@EOP [OPD] <Donald M. Sumerlin>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Robert A. Bradtke/NSC/EOP@EOP [NSC] <Robert A. Bradtke>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; Mary O. McCarthy/NSC/EOP@EOP [NSC] <Mary O. McCarthy>; Charles L. Pritchard/NSC/EOP@EOP [NSC] <Charles L. Pritchard>; Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>; Eric P. Schwartz/NSC/EOP@EOP [NSC] <Eric P. Schwartz>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Mary Ellen Countryman/NSC/EOP@EOP [NSC] <Mary Ellen Countryman>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Phillip Larsen/WHO/EOP@EOP [WHO] <Phillip Larsen>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>; Vickers B. Meadows/WHO/EOP@EOP [WHO] <Vickers B. Meadows>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Patrick J. Rhode/WHO/EOP@EOP [WHO] <Patrick J. Rhode>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Helgard G. Walker/WHO/EOP@EOP [WHO] <Helgard G. Walker>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R.

Wilkinson>;Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>;Cathy Alix/WHO
 /EOP@EOP [WHO] <Cathy Alix>;Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L.
 Angelo>;Karen R. Ballard/OVP/EOP@EOP [OVP] <Karen R. Ballard>;June Bartlett/NSC
 /EOP@EOP [NSC] <June Bartlett>;Brooks L. Bash/NSC/EOP@EOP [NSC] <Brooks L.
 Bash>;Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>;Debra D. Bird/WHO
 /EOP@EOP [WHO] <Debra D. Bird>;John M. Blackburn/NSC/EOP@EOP [NSC] <John M.
 Blackburn>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>;Gary E. Bresnahan/NSC
 /EOP@EOP [NSC] <Gary E. Bresnahan>;Bonnie S. Broadwick/NSC/EOP@EOP [NSC]
 <Bonnie S. Broadwick>;Don E. Cheramie/NSC/EOP@EOP [NSC] <Don E. Cheramie>;Carolyn
 E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>;Stevan D. Crowder/NSC
 /EOP@EOP [NSC] <Stevan D. Crowder>;Ashley E. Davis/WHO/EOP@EOP [WHO] <Ashley
 E. Davis>;Eric A. Draper/WHO/EOP@EOP [WHO] <Eric A. Draper>;Joel C. Ehrendreich/NSC
 /EOP@EOP [NSC] <Joel C. Ehrendreich>;Kara G. Figg/WHO/EOP@EOP [WHO] <Kara G.
 Figg>;Jeanie L. Figg/WHO/EOP@EOP [WHO] <Jeanie L. Figg>;Joachim D. Fuchs/NSC
 /EOP@EOP [NSC] <Joachim D. Fuchs>;Stephen M. Garrison/OPD/EOP@EOP [OPD]
 <Stephen M. Garrison>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake
 Gottesman>;Theresa F. Granger/WHO/EOP@EOP [WHO] <Theresa F. Granger>;Wendy E.
 Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>;Janan Grissom/WHO/EOP@EOP [WHO]
 <Janan Grissom>;Alison M. Harden/WHO/EOP@EOP [WHO] <Alison M. Harden>;Robert C.
 Hargis/NSC/EOP@EOP [NSC] <Robert C. Hargis>;Debra Heiden/OVP/EOP@EOP [OVP]
 <Debra Heiden>;Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne Heiligenstein>;Quincy
 Hicks/WHO/EOP@EOP [WHO] <Quincy Hicks>;Brenda I. Hilliard/NSC/EOP@EOP [NSC]
 <Brenda I. Hilliard>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Marilyn R.
 Jacanin/WHO/EOP@EOP [WHO] <Marilyn R. Jacanin>;Melanie A. Jackson/WHO/EOP@EOP [WHO]
 <Melanie A. Jackson>;Gordon D. Johndroe/WHO/EOP@EOP [WHO] <Gordon D.
 Johndroe>;Angela A. Jones/WHO/EOP@EOP [WHO] <Angela A. Jones>;M. Kay Joshi/NSC
 /EOP@EOP [NSC] <M. Kay Joshi>;Dora Kale/NSC/EOP@EOP [NSC] <Dora Kale>;Joel D.
 Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Colleen Litkenhaus/WHO/EOP@EOP [WHO]
 <Colleen Litkenhaus>;Clark R. Lystra/NSC/EOP@EOP [NSC] <Clark R. Lystra>;Michael
 T. Manning/NSC/EOP@EOP [NSC] <Michael T. Manning>;Katherine G. Marinis/WHO
 /EOP@EOP [WHO] <Katherine G. Marinis>;Thomas S. Marsh/NSC/EOP@EOP [NSC]
 <Thomas S. Marsh>;Jenny McGee/NSC/EOP@EOP [NSC] <Jenny McGee>;Melissa
 McKnight/OPD/EOP@EOP [OPD] <Melissa McKnight>;Barbara D. McMillan/WHO/EOP@EOP
 [WHO] <Barbara D. McMillan>;Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A.
 McQuade>;Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>;Cynthia R.
 Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>;Cathy L. Millison/NSC/EOP@EOP [NSC]
 <Cathy L. Millison>;Jennifer K. Millerwise/WHO/EOP@EOP [WHO] <Jennifer K.
 Millerwise>;Marcus J. Mollmann/WHO/EOP@EOP [WHO] <Marcus J. Mollmann>;Kevin S.
 Moran/NSC/EOP@EOP [NSC] <Kevin S. Moran>;Paul L. Morse/WHO/EOP@EOP [WHO]
 <Paul L. Morse>;Lee B. Mynatt/NSC/EOP@EOP [NSC] <Lee B. Mynatt>;Richard S.
 Paulus/WHO/EOP@EOP [WHO] <Richard S. Paulus>;Raymond H. Payne/NSC/EOP@EOP [NSC]
 <Raymond H. Payne>;Sarah Pfeifer/OPD/EOP@EOP [OPD] <Sarah Pfeifer>;Gidell P.
 Porter/NSC/EOP@EOP [NSC] <Gidell P. Porter>;Elliott Powell/NSC/EOP@EOP [NSC] <Elliott
 Powell>;David Reyes/NSC/EOP@EOP [NSC] <David Reyes>;Krista L. Ritacco/WHO
 /EOP@EOP [WHO] <Krista L. Ritacco>;Christina D. Roberts/WHO/EOP@EOP [WHO]
 <Christina D. Roberts>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B.
 Robinson>;Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>;Peter M.
 Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>;Jean M. Russell/OPD/EOP@EOP [OPD]
 <Jean M. Russell>;Daniel R. Sanborn/NSC/EOP@EOP [NSC] <Daniel R. Sanborn>;John B.
 Sherman/NSC/EOP@EOP [NSC] <John B. Sherman>;Ashley M. Snee/OVP/EOP@EOP [OVP]
 <Ashley M. Snee>;Sharon V. Storey/NSC/EOP@EOP [NSC] <Sharon V. Storey>;Rachael L.
 Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>;Deana R. Sutliff/NSC/EOP@EOP
 [NSC] <Deana R. Sutliff>;Barbara E. Swann/OA/EOP@EOP [OA] <Barbara E. Swann>;Carol
 J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Julieanne H. Thomas/WHO
 /EOP@EOP [WHO] <Julieanne H. Thomas>;Ansley C. Tillman/WHO/EOP@EOP [WHO]
 <Ansley C. Tillman>;Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>;Sibyl M.
 Turner/WHO/EOP@EOP [WHO] <Sibyl M. Turner>;Kurt F. Van der Walde/NSC/EOP@EOP [NSC]
 <Kurt F. Van der Walde>;Brooke Vosburgh/WHO/EOP@EOP [WHO] <Brooke
 Vosburgh>;Elaine P. Wasserman/NSC/EOP@EOP [NSC] <Elaine P. Wasserman>;Robert L.
 Wilbon/OA/EOP@EOP [OA] <Robert L. Wilbon>;Robert S. Williams/NSC/EOP@EOP [NSC]
 <Robert S. Williams>;Harry W. Wolff/WHO/EOP@EOP [WHO] <Harry W. Wolff>;Anne
 Womack/WHO/EOP@EOP [WHO] <Anne Womack>;Christina H. Yarmchuk/NSC/EOP@EOP [NSC]
 <Christina H. Yarmchuk>

Sent: 2/15/2001 8:34:20 PM
Subject: : White House Mess Closing

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Theresa F. Granger (CN=Theresa F. Granger/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-FEB-2001 01:34:20.00

SUBJECT:: White House Mess Closing

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stephen Goldsmith (CN=Stephen Goldsmith/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Margaret Tutwiler (CN=Margaret Tutwiler/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ronald G. Bellamy (CN=Ronald G. Bellamy/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00125156

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thomas V. McMahan (CN=Thomas V. McMahan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Donald M. Sumerlin (CN=Donald M. Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert A. Bradtke (CN=Robert A. Bradtke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary O. McCarthy (CN=Mary O. McCarthy/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Charles L. Pritchard (CN=Charles L. Pritchard/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Eric P. Schwartz (CN=Eric P. Schwartz/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary Ellen Countryman (CN=Mary Ellen Countryman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Patrick J. Rhode (CN=Patrick J. Rhode/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard G. Walker (CN=Helgard G. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen R. Ballard (CN=Karen R. Ballard/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:June Bartlett (CN=June Bartlett/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])
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TO:John M. Blackburn (CN=John M. Blackburn/OU=NSC/O=EOP@EOP [NSC])
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TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
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TO:Gary E. Bresnahan (CN=Gary E. Bresnahan/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bonnie S. Broadwick (CN=Bonnie S. Broadwick/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Don E. Cheramie (CN=Don E. Cheramie/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Stevan D. Crowder (CN=Stevan D. Crowder/OU=NSC/O=EOP@EOP [NSC])
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 TO:Ashley E. Davis (CN=Ashley E. Davis/OU=WHO/O=EOP@EOP [WHO])
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 TO:Joel C. Ehrendreich (CN=Joel C. Ehrendreich/OU=NSC/O=EOP@EOP [NSC])
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 TO:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
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 TO:Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP@EOP [WHO])
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 TO:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP@EOP [NSC])
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 TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Theresa F. Granger (CN=Theresa F. Granger/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP@EOP [NSC])
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 TO:Janan Grissom (CN=Janan Grissom/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 TO:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Brenda I. Hilliard (CN=Brenda I. Hilliard/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Marilyn R. Jacanin (CN=Marilyn R. Jacanin/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Angela A. Jones (CN=Angela A. Jones/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 TO:Dora Kale (CN=Dora Kale/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Clark R. Lystra (CN=Clark R. Lystra/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 TO:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 TO:Jenny McGee (CN=Jenny McGee/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 TO:Melissa McKnight (CN=Melissa McKnight/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN

TO:Barbara D. McMillan (CN=Barbara D. McMillan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cathy L. Millison (CN=Cathy L. Millison/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kevin S. Moran (CN=Kevin S. Moran/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Paul L. Morse (CN=Paul L. Morse/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Richard S. Paulus (CN=Richard S. Paulus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Gidell P. Porter (CN=Gidell P. Porter/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elliott Powell (CN=Elliott Powell/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Reyes (CN=David Reyes/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Daniel R. Sanborn (CN=Daniel R. Sanborn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John B. Sherman (CN=John B. Sherman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Sharon V. Storey (CN=Sharon V. Storey/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deana R. Sutliff (CN=Deana R. Sutliff/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Barbara E. Swann (CN=Barbara E. Swann/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sibyl M. Turner (CN=Sibyl M. Turner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kurt F. Van der Walde (CN=Kurt F. Van der Walde/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brooke Vosburgh (CN=Brooke Vosburgh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert L. Wilbon (CN=Robert L. Wilbon/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Robert S. Williams (CN=Robert S. Williams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina H. Yarmchuk (CN=Christina H. Yarmchuk/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

MEMORANDUM FOR WHITE HOUSE MESS MEMBERS

FROM: HECTOR F. IRASTORZA
DEPUTY ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: White House Mess Closing

The White House Mess will be closed Monday, February 19, 2001 in observance of Washington's Birthday.

Thank you.

From: CN=Helgard G. Walker/OU=WHO/O=EOP [WHO]
To: Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/16/2001 6:33:21 AM
Subject: : Call?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard G. Walker (CN=Helgard G. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-FEB-2001 11:33:21.00
SUBJECT:: Call?
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett tells me you need me on a call today -- if so, time? place? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 2/16/2001 10:56:46 AM
Subject: : Re: Draft Re: Resoution of E-mail Problem
Attachments: P_TGZS0004_WHO.TXT_1.doc; P_TGZS0004_WHO.TXT_2.doc;
P_TGZS0004_WHO.TXT_3.doc; P_TGZS0004_WHO.TXT_4.doc;
P_TGZS0004_WHO.TXT_5.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-FEB-2001 15:56:46.00
SUBJECT:: Re: Draft Re: Resoution of E-mail Problem
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Judge Gonzales has signed off, but he and I both have concerns that this memo may cause concern to those who started on January 20 and have been deleting e-mails since they started. By negative implication, the memo may be read to say that such people should have been preserving their e-mails. Is there any way to clarify -- or to send this memo by e-mail only to those who fall into the relevant category?

Adam F. Greenstone
02/16/2001 01:56:41 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Thanks. Phil Larsen has received the draft and will be coordinating it with Hector Irastorza, Deputy Assistant to the President for Management and Administration. As a matter of protocol, he wants to make sure that the Counsel to the President has seen and supports this draft first. It would be great if you can confirm that Judge Gonzales concurs so Phil can move this forward. It would also be helpful if you could relate any views Judge Gonzales has on who should sign, or confirm that your views on that represent those of the Counsel. Adam, 5-1268

----- Forwarded by Adam F. Greenstone/OA/EOP on
02/16/2001 01:48 PM -----

Brett M. Kavanaugh
02/16/2001 09:56:42 AM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP

REV_00125171

cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

This is ok by me, assuming it is from OA.

Adam F. Greenstone
02/16/2001 09:29:53 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Please note Phil's comments on the urgency. I am available at your convenience to discuss. You can page me if I am not at my desk through the Lotus Notes Public Pager Address Book.

----- Forwarded by Adam F. Greenstone/OA/EOP on
02/16/2001 09:24 AM -----

Phillip Larsen
02/16/2001 08:05:28 AM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: Hector F. Irastorza/WHO/EOP@EOP
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Unfortunately we don't have that much time. The servers are ready to explode. We have to have the notice out today.

Adam F. Greenstone
02/15/2001 07:54:54 PM

Record Type: Record

To: Phillip Larsen/WHO/EOP@EOP
cc:
Subject: Draft Re: Resoution of E-mail Problem

Phil--FYI. I think we're almost there, but I'm guessing that Brett may need more time to coordinate this with his office since he has not been able to respond to this last message yet. Here's the latest draft:

I'll let you know as soon as we close the loop. In the meantime, you may want to review Brett's comments below regarding the issue of who should sign. Adam, 5-1268

REV_00125172

----- Forwarded by Adam F. Greenstone/OA/EOP on
02/15/2001 07:32 PM -----

Adam F. Greenstone
02/15/2001 05:15:41 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc: Records Management@EOP
Subject: Re: Draft Re: Resoution of E-mail Problem

I agree, good catch. With that change, I'm prepared to send this to Phil
as a coordinated work product. Okay by you?

Brett M. Kavanaugh
02/15/2001 05:06:50 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

In the first sentence, I think I would change "current" to "then-current"

Adam F. Greenstone
02/15/2001 04:57:09 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Thanks. How's the language look to you? Adam

Brett M. Kavanaugh
02/15/2001 04:55:08 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

REV_00125173

I think it probably should be counsel, but either is ok.

Adam F. Greenstone
02/15/2001 04:39:46 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Thanks. As a follow up, I made a few changes to the second paragraph, and added a new sentence at the end.

In terms of our shop signing, do you mean that any appropriate OA or other EOP management official would be okay, or do you think that it should come from counsel?

Brett M. Kavanaugh
02/15/2001 03:04:31 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: leanna f. terrell/oa/eop@eop
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

I made a coupled of edits and deleted one sentence. The memo should come from your shop, Adam, I believe. Call with any questions.

Adam F. Greenstone
02/15/2001 02:47:17 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Leanna F. Terrell/OA/EOP@EOP
Subject: Draft Re: Resoution of E-mail Problem

This is a privileged communication.

Brett--As a follow-up to my message this morning, here is a revised draft on the e-mail issue. I have also given this draft to Leanna Terrell, Associate Director for IS&T, to review to ensure technical accuracy. In case you did not receive my voice-mail, we have been given until COB today to produce a draft informing staff members of the resolution of the

REV_00125174

problem. Please call me ASAP to discuss. Adam, 5-1268

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TGZS0004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TGZS0004_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TGZS0004_WHO.TXT_3>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TGZS0004_WHO.TXT_4>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TGZS0004_WHO.TXT_5>

MEMORANDUM FOR ALL STAFF OF THE EXECUTIVE OFFICE OF THE PRESIDENT

FROM:

SUBJECT: Resolution of Technical Anomaly Affecting E-mail

On September 29, 2000, all then-current Executive Office of the President (EOP) employees were directed to refrain from deleting any e-mail message on their computers, with the exception of purely personal messages. This was due to a technical problem that affected the Automated Records Management System (“ARMS”), which captures Lotus Notes messages at the time they are sent or received (with the exception of messages that do not qualify as official records when the EOP sender designates the message as a “non-record”). Because the problem was present from approximately April 15, 2000 to September 30, 2000, staff members who began work after that period were not affected.

The problem has been resolved, and steps now have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all affected users may now delete messages that do not need to be retained in their Lotus Notes account. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency. Each EOP office is responsible for maintaining appropriate records pertaining to its activities.

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The problem has been resolved, and steps now have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all affected users may now delete messages that do not need to be retained in their Lotus Notes account. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency. Each EOP office is responsible for maintaining appropriate records pertaining to its activities.

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The problem has been resolved, and steps now have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all affected users may now delete messages which do not need to be maintained in their in or out boxes. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency.

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FROM: _____

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I am pleased to report that the problem has been resolved, and that steps have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all users may now delete messages which do not need to be maintained in their in or out boxes. E-mails that should be preserved locally as a record of office activities may be printed out with correspondence information (i.e. date, time, sender, recipient and subject of the message), and filed in the appropriate place. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/18/2001 2:47:49 PM
Subject: : Re: Do you have judge interview schedule for this week?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-FEB-2001 19:47:49.00
SUBJECT:: Re: Do you have judge interview schedule for this week?
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Do you have Tim's interview schedule as well? I need the entire schedule for judicial candidates. Thanks.

Elizabeth N. Camp
02/18/2001 07:45:53 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Do you have judge interview schedule for this week?

I will fax his entire schedule over in a moment with another item for you.

If you can't read his comments on the 2nd item call me and I'll read it to you.

Brett M. Kavanaugh
02/18/2001 07:44:02 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Do you have judge interview schedule for this week?

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 2/18/2001 1:15:02 PM
Subject: : Re: Response letters to announced judicial retirements

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-FEB-2001 18:15:02.00
SUBJECT:: Re: Response letters to announced judicial retirements
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Harriet , we have had some letters announcing retirements. We will make sure these get to you.

Harriet Miers
02/15/2001 06:52:48 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc:
Subject: Re: Response letters to announced judicial retirements

Al, that is fine and we can set up the personal correspondence people to respond. No problem. However, I do not know if we have any such letters at the present. Have we had some retirements?

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2001 5:01:48 AM
Subject: : Re: 1999 DOJ Regs on Appointing Special Counsels

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2001 10:01:48.00
SUBJECT:: Re: 1999 DOJ Regs on Appointing Special Counsels
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I know your question was directed to Brett, but the message did not reach him, because it wasn't addressed to him. By copy of this e-mail, I am forwarding it to him for reply. I believe it's very easy for the AG to appoint a special prosecutor -- it's really just a matter of making an easy finding and a stroke of the pen. The only hard part, which often takes a little time, is figuring who precisely will be appointed. There are some regulatory standards governing appointment, and individuals need to be approached and convinced.

Alberto R. Gonzales
02/18/2001 04:56:45 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 1999 DOJ Regs on Appointing Special Counsels

Brett , how difficult is it for the AG to appoint a special prosecutor?

Bradford A. Berenson
02/15/2001 02:38:08 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 1999 DOJ Regs on Appointing Special Counsels

In case any of you wants to review the DOJ regs governing appointment of Special Counsels, they can be found on-line at:
www.usdoj.gov/criminal/publications/specialcounselreg. (This is not a link; you need to type this into your browser to pull up the regs.)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/19/2001 11:47:33 AM
Subject: : Cabinet agencies

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2001 16:47:33.00
SUBJECT:: Cabinet agencies
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I do not know if you are randomly assigning these to us or
accepting preferences. If the latter, I am interested in (other than
Justice, of course) Education, Defense, and Interior. Thx.

From: CN=Rachel R. Brand/OU=WHO/O=EOP [WHO]
To: Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; rachel r. brand/who/eop@eop [WHO] <rachel r. brand>
Sent: 2/19/2001 9:39:30 AM
Subject: : Re: Judge interview schedule

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-FEB-2001 14:39:30.00
SUBJECT:: Re: Judge interview schedule
TO: Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

What attachment?

Heather Larrison
02/19/2001 01:59:23 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: rachel r. brand/who/eop@eop
Subject: Re: Judge interview schedule

The attachment I sent you will answer both your questions.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/20/2001 6:15:40 AM
Subject: : Anne Womack obtaining judicial selection document

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-FEB-2001 11:15:40.00

SUBJECT:: Anne Womack obtaining judicial selection document

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Here's how it happened:

Anne Womack received a question from the press about judicial selection procedures. She originally inquired of Clay Johnson. Clay recommended that she obtain our procedures document from Counsel's office. Anne then spoke to Ansley, who had me e-mail the document to her. (I recall sending the document to Ansley, but I don't recall what, if anything, I knew about the reason for Ansley's request.) Ansley then provided it to Anne.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 2/20/2001 8:50:30 AM
Subject: : Re: Resoution of E-mail Problem
Attachments: F_MVMT0004_OA.TXT_1.doc; F_MVMT0004_OA.TXT_2.doc; F_MVMT0004_OA.TXT_3.doc;
F_MVMT0004_OA.TXT_4.doc; F_MVMT0004_OA.TXT_5.doc; F_MVMT0004_OA.TXT_6.doc;
F_MVMT0004_OA.TXT_7.doc; F_MVMT0004_OA.TXT_8.doc

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 20-FEB-2001 13:50:30.00

SUBJECT:: Re: Resoution of E-mail Problem

TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ: UNKNOWN

End Original ARMS Header

yes, but still preferable to send only to those who were here
before January 20. Is that doable?

Adam F. Greenstone
02/20/2001 01:27:36 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Resoution of E-mail Problem

Outstanding. I'm assuming that with the new first sentence, we can send
this to all staff. Can I pass on that Judge Gonzales is square with these
changes?

Brett M. Kavanaugh
02/20/2001 01:02:27 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Resoution of E-mail Problem

I agree with both of your suggestions.

Adam F. Greenstone
02/20/2001 12:07:24 PM

REV_00125198

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Resoution of E-mail Problem

Can we change the date in the new sentence to on or after January 20? Some people who came on board after September 30 may have heard of the order internally (even though they were unaffected), and would need to know. However, I think this is much less likely for folks who came on with the transition. Also, is "disregard" or "ignore" better?

Brett M. Kavanaugh
02/20/2001 11:00:15 AM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: leanna f. terrell/oa/eop@eop
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

I added one sentence at the beginning that should avoid any confusion. See what you think.

Adam F. Greenstone
02/20/2001 10:39:58 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Leanna F. Terrell/OA/EOP@EOP
Subject: Re: Draft Re: Resoution of E-mail Problem

Brett--As a follow up, I have asked Leanna about sending the memo only to those who did not start on or after January 20. She thinks this is possible, but is looking into it to see if there might be any problems. In any case, I hope the clarifying language I've added helps. It would be great if we can wrap this up ASAP. I understand that the servers are near their limit. Adam

----- Forwarded by Adam F. Greenstone/OA/EOP on
02/20/2001 10:34 AM -----

Adam F. Greenstone
02/16/2001 05:12:25 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc: Phillip Larsen/WHO/EOP@EOP, Records Management@EOP

REV_00125199

Subject: Re: Draft Re: Resoution of E-mail Problem

I've taken a stab at some clarifying language with a new sentence in the second paragraph. As for sending it only to those in the relevant category, my sense is that while that may be possible, it would probably take time we don't have, with a greater chance that some people may be missed. It would be great if you and Judge Gonzalez can take a look and see if we're there.

Brett M. Kavanaugh
02/16/2001 03:56:36 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Judge Gonzales has signed off, but he and I both have concerns that this memo may cause concern to those who started on January 20 and have been deleting e-mails since they started. By negative implication, the memo may be read to say that such people should have been preserving their e-mails. Is there any way to clarify -- or to send this memo by e-mail only to those who fall into the relevant category?

Adam F. Greenstone
02/16/2001 01:56:41 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Thanks. Phil Larsen has received the draft and will be coordinating it with Hector Irastorza, Deputy Assistant to the President for Management and Administration. As a matter of protocol, he wants to make sure that the Counsel to the President has seen and supports this draft first. It would be great if you can confirm that Judge Gonzales concurs so Phil can move this forward. It would also be helpful if you could relate any views Judge Gonzales has on who should sign, or confirm that your views on that represent those of the Counsel. Adam, 5-1268

----- Forwarded by Adam F. Greenstone/OA/EOP on
02/16/2001 01:48 PM -----

Brett M. Kavanaugh
02/16/2001 09:56:42 AM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

REV_00125200

This is ok by me, assuming it is from OA.

Adam F. Greenstone
02/16/2001 09:29:53 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Please note Phil's comments on the urgency. I am available at your convenience to discuss. You can page me if I am not at my desk through the Lotus Notes Public Pager Address Book.

----- Forwarded by Adam F. Greenstone/OA/EOP on
02/16/2001 09:24 AM -----

Phillip Larsen
02/16/2001 08:05:28 AM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: Hector F. Irastorza/WHO/EOP@EOP
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Unfortunately we don't have that much time. The servers are ready to explode. We have to have the notice out today.

Adam F. Greenstone
02/15/2001 07:54:54 PM

Record Type: Record

To: Phillip Larsen/WHO/EOP@EOP
cc:
Subject: Draft Re: Resoution of E-mail Problem

Phil--FYI. I think we're almost there, but I'm guessing that Brett may need more time to coordinate this with his office since he has not been able to respond to this last message yet. Here's the latest draft:

I'll let you know as soon as we close the loop. In the meantime, you may want to review Brett's comments below regarding the issue of who should sign. Adam, 5-1268

----- Forwarded by Adam F. Greenstone/OA/EOP on
02/15/2001 07:32 PM -----

Adam F. Greenstone
02/15/2001 05:15:41 PM

REV_00125201

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc: Records Management@EOP
Subject: Re: Draft Re: Resoution of E-mail Problem

I agree, good catch. With that change, I'm prepared to send this to Phil as a coordinated work product. Okay by you?

Brett M. Kavanaugh
02/15/2001 05:06:50 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

In the first sentence, I think I would change "current" to "then-current"

Adam F. Greenstone
02/15/2001 04:57:09 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Thanks. How's the language look to you? Adam

Brett M. Kavanaugh
02/15/2001 04:55:08 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

I think it probably should be counsel, but either is ok.

Adam F. Greenstone
02/15/2001 04:39:46 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

Thanks. As a follow up, I made a few changes to the second paragraph, and added a new sentence at the end.

In terms of our shop signing, do you mean that any appropriate OA or other EOP management official would be okay, or do you think that it should come from counsel?

Brett M. Kavanaugh
02/15/2001 03:04:31 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: leanna f. terrell/oa/eop@eop
bcc:
Subject: Re: Draft Re: Resoution of E-mail Problem

I made a coupled of edits and deleted one sentence. The memo should come from your shop, Adam, I believe. Call with any questions.

Adam F. Greenstone
02/15/2001 02:47:17 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Leanna F. Terrell/OA/EOP@EOP
Subject: Draft Re: Resoution of E-mail Problem

This is a privileged communication.

Brett--As a follow-up to my message this morning, here is a revised draft on the e-mail issue. I have also given this draft to Leanna Terrell, Associate Director for IS&T, to review to ensure technical accuracy. In case you did not receive my voice-mail, we have been given until COB today to produce a draft informing staff members of the resolution of the problem. Please call me ASAP to discuss. Adam, 5-1268

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_MVMT0004_OA.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_MVMT0004_OA.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_MVMT0004_OA.TXT_3>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_MVMT0004_OA.TXT_4>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_MVMT0004_OA.TXT_5>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_MVMT0004_OA.TXT_6>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_MVMT0004_OA.TXT_7>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_MVMT0004_OA.TXT_8>

MEMORANDUM FOR ALL STAFF OF THE EXECUTIVE OFFICE OF THE PRESIDENT

FROM: _____

SUBJECT: Resolution of Technical Anomaly Affecting E-mail

You may disregard this memorandum if you began your employment in the Executive Office of the President on or after January 20, 2001.

On September 29, 2000, all then-current Executive Office of the President (EOP) employees were directed to refrain from deleting any e-mail message on their computers, with the exception of purely personal messages. This was due to a technical problem that affected the Automated Records Management System ("ARMS"), which captures Lotus Notes messages at the time they are sent or received (with the exception of messages that do not qualify as official records when the EOP sender designates the message as a "non-record"). Because the problem was present from approximately April 15, 2000 to September 30, 2000, staff members who began work after that period were not affected.

The problem has been resolved, and steps now have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all affected users may now delete messages that do not need to be retained in their Lotus Notes account. Staff members who began work at the EOP on or after January 20, 2001 as part of the change of administration were not affected by this problem, and were not covered by the September 29, 2000 order. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency. Each EOP office is responsible for maintaining appropriate records pertaining to its activities.

MEMORANDUM FOR ALL STAFF OF THE EXECUTIVE OFFICE OF THE PRESIDENT

FROM: _____

SUBJECT: Resolution of Technical Anomaly Affecting E-mail

You may ignore this memorandum if you began your employment in the Executive Office of the President after September 30, 2000.

On September 29, 2000, all then-current Executive Office of the President (EOP) employees were directed to refrain from deleting any e-mail message on their computers, with the exception of purely personal messages. This was due to a technical problem that affected the Automated Records Management System ("ARMS"), which captures Lotus Notes messages at the time they are sent or received (with the exception of messages that do not qualify as official records when the EOP sender designates the message as a "non-record"). Because the problem was present from approximately April 15, 2000 to September 30, 2000, staff members who began work after that period were not affected.

The problem has been resolved, and steps now have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all affected users may now delete messages that do not need to be retained in their Lotus Notes account. Staff members who began work at the EOP on or after January 20, 2001 as part of the change of administration were not affected by this problem, and were not covered by the September 29, 2000 order. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency. Each EOP office is responsible for maintaining appropriate records pertaining to its activities.

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The problem has been resolved, and steps now have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all affected users may now delete messages that do not need to be retained in their Lotus Notes account. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency. Each EOP office is responsible for maintaining appropriate records pertaining to its activities.

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The problem has been resolved, and steps now have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all affected users may now delete messages that do not need to be retained in their Lotus Notes account. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency. Each EOP office is responsible for maintaining appropriate records pertaining to its activities.

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The problem has been resolved, and steps now have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all affected users may now delete messages that do not need to be retained in their Lotus Notes account. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency. Each EOP office is responsible for maintaining appropriate records pertaining to its activities.

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The problem has been resolved, and steps now have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all affected users may now delete messages which do not need to be maintained in their in or out boxes. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency.

MEMORANDUM FOR ALL STAFF OF THE EXECUTIVE OFFICE OF THE PRESIDENT

FROM: _____

SUBJECT: Resolution of Technical Anomaly Affecting E-mail

On September 29, 2000, all Executive Office of the President (EOP) employees were directed to refrain from deleting any e-mail message on their computers, with the exception of purely personal messages. This was due to a technical problem that affected the Automated Records Management System ("ARMS"), which captures Lotus Notes messages at the time they are sent or received (with the exception of messages that do not qualify as official records when the EOP sender designates the message as a "non-record"). Because the problem was present from approximately April 15, 2000 to September 30, 2000, staff members who began work after that period were not affected.

I am pleased to report that the problem has been resolved, and that steps have been taken to preserve messages that may have been affected by this malfunction. Accordingly, all users may now delete messages which do not need to be maintained in their in or out boxes. E-mails that should be preserved locally as a record of office activities may be printed out with correspondence information (i.e. date, time, sender, recipient and subject of the message), and filed in the appropriate place. Any questions on your obligation to preserve records in your possession should be directed to the records management office for your office or agency.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Helgard G. Walker/WHO/EOP@EOP [WHO] <Helgard G. Walker>
Sent: 2/20/2001 10:02:22 AM
Subject: : Bill on judges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-FEB-2001 15:02:22.00
SUBJECT:: Bill on judges
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Helgard G. Walker (CN=Helgard G. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Kyle:

What do you know about a pending bill on adding circuit judges?
In particular, do you have a copy of it? Also, what are its prospects for
success, based on your understanding and experience?

Brett

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard g. walker/who/eop@eop [WHO] <helgard g. walker>
Sent: 2/20/2001 6:03:32 AM
Subject: : Re: NEW TIME for meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-FEB-2001 11:03:32.00

SUBJECT:: Re: NEW TIME for meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard g. walker (CN=helgard g. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

2 is fine.

Brett M. Kavanaugh
02/20/2001 11:01:41 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP, Helgard G. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: NEW TIME for meeting

I was literally just informed that I have to be in an 11:30
meeting with the Judge and SS guys on Secret Service issues.

Can we move our meeting until 2:00? Sorry.

Courtney S. Elwood
02/20/2001 10:56:21 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: bradford a. berenson/who/eop@eop, helgard g. walker/who/eop@eop
bcc:
Subject: Re: Meet

You bet.

REV_00125217

Brett M. Kavanaugh
02/20/2001 10:31:16 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Helgard G.
Walker/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Meet

Can we meet at 11:45?

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard g. walker/who/eop@eop [WHO] <helgard g. walker>
Sent: 2/20/2001 6:20:35 AM
Subject: : Re: NEW TIME for meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2001 11:20:35.00
SUBJECT:: Re: NEW TIME for meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard g. walker (CN=helgard g. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

No problem

Brett M. Kavanaugh
02/20/2001 11:01:41 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP, Helgard G. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: NEW TIME for meeting

I was literally just informed that I have to be in an 11:30
meeting with the Judge and SS guys on Secret Service issues.

Can we move our meeting until 2:00? Sorry.

Courtney S. Elwood
02/20/2001 10:56:21 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: bradford a. berenson/who/eop@eop, helgard g. walker/who/eop@eop
bcc:
Subject: Re: Meet

You bet.

Brett M. Kavanaugh
02/20/2001 10:31:16 AM
Record Type: Record

REV_00125219

To: Bradford A. Berenson/WHO/EOP@EOP, Helgard G.
Walker/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Meet

Can we meet at 11:45?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 2/20/2001 8:48:42 AM
Subject: : Re: Tonight's meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-FEB-2001 13:48:42.00
SUBJECT:: Re: Tonight's meeting
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Fine by me.

Bradford A. Berenson
02/20/2001 11:55:02 AM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Tonight's meeting

Would there be any way for us to move this back to 5:30? My wife has to go out tonight and is hoping I can get home by 7:00. If 5:30 doesn't work, no big deal, we'll keep it at 7:00. But if it's equally convenient, let me know, and maybe I can score a point with the boss.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/20/2001 2:41:06 PM
Subject: : POTUS Meetings

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-FEB-2001 19:41:06.00

SUBJECT:: POTUS Meetings

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Judge agreed that including Associate and Assistant Counsels in the meeting with the President would be useful and indicated that he intends to follow Clay's practice in that regard.

From: CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>
Sent: 2/22/2001 9:06:55 AM
Subject: : ABE

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-FEB-2001 14:06:55.00
SUBJECT:: ABE
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -

As you know, the WH and the Office of Public Liaison in particular are interested in defining their role with regard to an organization now becoming known as ABE - Americans for Better Education.

ABE is being created as an independent organization dedicated to facilitating the passage of The President's No Child Left Behind education agenda. ABE would be housed, funded, and staffed as a group totally independent from the WH. It would:

- Raise money
- Lobby Congress
- Conduct a media campaign
- Work at the corporate and grassroots level to pass this agenda

With this in mind, what is the legal, and ethical role that the WH and any staffers can play with regard to ABE.

Can we:

- Be present at ABE meetings (assuming they're off campus)?
- Discuss the formation, organization, and mission of ABE?
- Refer those interested in helping POTUS with his ed. plan to ABE and its offices/staff?
- Actively recruit for ABE from among contacts we have made here at the WH?

We're at the point in the formation of this organization where many here feel that we have to be very careful. The answers to these questions will go a long way in helping us move forward.

Many thanks for your help, Brett.

Gian-Carlo Peressutti
Associate Director, White House Office of Public Liaison
6-1611

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO] <Gian-Carlo A. Peressutti>
CC: lezlee j. westine/who/eop@eop [WHO] <lezlee j. westine>; Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>
Sent: 2/22/2001 9:21:14 AM
Subject: : Re: ABE

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 22-FEB-2001 14:21:14.00

SUBJECT:: Re: ABE

TO: Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: lezlee j. westine (CN=lezlee j. westine/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

We'll get on it right away.

Gian-Carlo A. Peressutti

02/22/2001 02:06:52 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Lezlee J. Westine/WHO/EOP@EOP

Subject: ABE

Brett -

As you know, the WH and the Office of Public Liaison in particular are interested in defining their role with regard to an organization now becoming known as ABE - Americans for Better Education.

ABE is being created as an independent organization dedicated to facilitating the passage of The President's No Child Left Behind education agenda. ABE would be housed, funded, and staffed as a group totally independent from the WH. It would:

Raise money

Lobby Congress

Conduct a media campaign

Work at the corporate and grassroots level to pass this agenda

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Can we:

Be present at ABE meetings (assuming they're off campus)?

Discuss the formation, organization, and mission of ABE?

Refer those interested in helping POTUS with his ed. plan to ABE and its offices/staff?

Actively recruit for ABE from among contacts we have made here at the WH?

We're at the point in the formation of this organization where many here feel that we have to be very careful. The answers to these questions will

REV_00125237

go a long way in helping us move forward.

Many thanks for your help, Brett.

Gian-Carlo Peressutti
Associate Director, White House Office of Public Liaison
6-1611

From: CN=Heather Larrison/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/22/2001 1:17:09 PM
Subject: : Re: Confirmed

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-FEB-2001 18:17:09.00

SUBJECT:: Re: Confirmed

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Will do.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 2/22/2001 2:11:02 PM
Subject: : Re: Outside Source Travel Form

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-FEB-2001 19:11:02.00
SUBJECT:: Re: Outside Source Travel Form
TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Yes.

Jason B. Torchinsky
02/22/2001 07:09:38 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Outside Source Travel Form

Brett,

She isn't sure. I can just call over to someone I know at the RNC first thing in the morning if that's ok with you.

Jason

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/26/2001 7:09:59 AM
Subject: : Please call when Tim's lunch guest arrives

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-FEB-2001 12:09:59.00

SUBJECT:: Please call when Tim's lunch guest arrives

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>
Sent: 2/26/2001 8:47:22 AM
Subject: : Re: Budget tour

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 26-FEB-2001 13:47:22.00
SUBJECT:: Re: Budget tour
TO: Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

That is appropriate official activity -- educating and advocating on behalf of the Administration's policies. Each should run it through his or her agency's travel processes and report back to us if there is any problem.

Adrian G. Gray
02/26/2001 01:17:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Budget tour

we are sending out a number of cabinet members to states to stump for the budget. is there any reason why their departments cannot pay for such travel?

From: Sara_M._Taylor@who.eop.gov [UNKNOWN]
To: Sara M. Taylor/WHO/EOP [WHO] <Sara M. Taylor>
CC: Kenneth B. Mehlman/WHO/EOP [WHO] <Kenneth B. Mehlman>; Vickers B. Meadows/WHO/EOP [WHO] <Vickers B. Meadows>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; amccord@rnchq.org [UNKNOWN] <amccord@rnchq.org>
Sent: 2/26/2001 7:17:43 AM
Subject: : Re: OMAHA EVENT

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sara_M._Taylor@who.eop.gov (Sara_M._Taylor@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:26-FEB-2001 12:17:43.00
SUBJECT:: Re: OMAHA EVENT
TO:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:amccord@rnchq.org (amccord@rnchq.org [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Discard the last message -- THEY DO WANT TO MAKE CALLS. AGAIN, SORRY FOR THE CONFUSION. ANN, I WILL HAVE A SCRIPT FOR YOU MOMENTARILY.

SARA

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/27/2001 6:20:59 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])

CREATION DATE/TIME:27-FEB-2001 11:20:59.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I'm faxing over two items. They're both quite dated, but may be useful as background.

Brett M. Kavanaugh
02/27/2001 10:07:55 AM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
Subject:

Do you have any information about special tax status for state law purposes of Presidential appointees, including Senate-confirmed officials.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/27/2001 12:11:25 PM
Subject: : Re: Wednesday's Judicial Selection Committee Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-FEB-2001 17:11:25.00

SUBJECT:: Re: Wednesday's Judicial Selection Committee Meeting

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI for notebook purposes - thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/27/2001 05:10 PM -----

Alison Jones

02/27/2001 05:09:45 PM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP

cc: Ziad S. Ojakli/WHO/EOP@EOP, Townsend L. McNitt/WHO/EOP@EOP

bcc:

Subject: Re: Wednesday's Judicial Selection Committee Meeting

Libby, Z will not be able to attend tomorrow's meeting. Would you please include Townsend McNitt as the Legislative Affairs Office representative. Thanks

Elizabeth N. Camp

02/27/2001 04:59:57 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: Wednesday's Judicial Selection Committee Meeting

TIME: We are still on for 4:00 pm on Wednesday.

LOCATION: The meeting will be held in Chief of Staff Andy Card's Office (West Wing, 1st floor) - not the Roosevelt Room.

Thanks and please call me if you have any questions.

REV_00125255

Libby Camp
456-2632

Attendees:

Attorney General John Ashcroft
Andy Card - Chief of Staff
and/or Josh Bolten - Deputy Chief of Staff for Policy
Al Gonzales - Counsel to the President
Tim Flanigan - Deputy Counsel to the President
Karl Rove - Senior Advisor to the President
Chris Henick - Office of Strategic Initiatives
Clay Johnson - Presidential Personnel and Dpty. to Chief of Staff
and/or Kyle Sampson - Associate Director - Presidential Personnel
Nick Calio - Director of Legislative Affairs
and/or Ziad Ojakli - Senate/Legislative Affairs
Adam Ciongoli - Counselor to the Attorney General
Brett Kavanaugh - Associate Counsel to the President
Brad Berenson - Associate Counsel to the President
Stuart Bowen - Associate Counsel to the President
Christopher Bartolumucci - Associate Counsel to the President
Courtney Elwood, Associate Counsel to the President
Helgi Walker, Associate Counsel to the President
Noel Francisco - Assistant Counsel to the President
Rachel Brand - Assistant Counsel to the President

Message Sent

To:

Brooke Vosburgh/WHO/EOP@EOP
Jan E. Williams/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Megan R. Johnston/WHO/EOP@EOP
Israel Hernandez/WHO/EOP@EOP
Stacey B. Silva/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP
Melissa S. Bennett/WHO/EOP@EOP
Josephine B. Robinson/WHO/EOP@EOP
Virginia T. Gregory/WHO/EOP@EOP
Dee Dee Benkie/WHO/EOP@EOP
andrew.beach@usdoj.gov @ inet
adam.ciongoli@usdoj.gov @ inet
Susan B. Ralston/WHO/EOP@EOP

Message Copied

To:

Bradford A. Berenson/WHO/EOP@EOP
Rachel R. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard G. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

From: CN=Helgard G. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>
Sent: 2/27/2001 10:43:24 AM
Subject: : Newsflash

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard G. Walker (CN=Helgard G. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-FEB-2001 15:43:24.00

SUBJECT:: Newsflash

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Clinton waives executive privilege for aides asked to testify on pardons:

http://dailynews.yahoo.com/hix/abc/20010227/pl/clinton_frees_aides_to_talk_on_pardon_1.html

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brooke Vosburgh/WHO/EOP@EOP [WHO] <Brooke Vosburgh>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>;Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>;Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>;andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>;adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Helgard G. Walker/WHO/EOP@EOP [WHO] <Helgard G. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/27/2001 12:00:01 PM
Subject: : Wednesday's Judicial Selection Committee Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-FEB-2001 17:00:01.00

SUBJECT:: Wednesday's Judicial Selection Committee Meeting

TO:Brooke Vosburgh (CN=Brooke Vosburgh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00125258

READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard G. Walker (CN=Helgard G. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

TIME: We are still on for 4:00 pm on Wednesday.

LOCATION: The meeting will be held in Chief of Staff Andy Card's Office
(West Wing, 1st floor) - not the Roosevelt Room.

Thanks and please call me if you have any questions.

Libby Camp
456-2632

Attendees:

Attorney General John Ashcroft
Andy Card - Chief of Staff
and/or Josh Bolten - Deputy Chief of Staff for Policy
Al Gonzales - Counsel to the President
Tim Flanigan - Deputy Counsel to the President
Karl Rove - Senior Advisor to the President
Chris Henick - Office of Strategic Initiatives
Clay Johnson - Presidential Personnel and Dpty. to Chief of Staff
and/or Kyle Sampson - Associate Director - Presidential Personnel
Nick Calio - Director of Legislative Affairs
and/or Ziad Ojakli - Senate/Legislative Affairs
Adam Ciongoli - Counselor to the Attorney General
Brett Kavanaugh - Associate Counsel to the President
Brad Berenson - Associate Counsel to the President
Stuart Bowen - Associate Counsel to the President
Christopher Bartolumucci - Associate Counsel to the President
Courtney Elwood, Associate Counsel to the President
Helgi Walker, Associate Counsel to the President
Noel Francisco - Assistant Counsel to the President
Rachel Brand - Assistant Counsel to the President

From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;James Carroll/WHO/EOP@EOP [WHO] <James Carroll>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Raymond Sheehan/WHO/EOP@EOP [WHO] <Raymond Sheehan>;Ansley C. Tillman/WHO/EOP@EOP [WHO] <Ansley C. Tillman>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Helgard G. Walker/WHO/EOP@EOP [UNKNOWN] <Helgard G. Walker>;Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>;Mark E. Frownfelter/OA/EOP@EOP [OA] <Mark E. Frownfelter>;Anita B. McBride/WHO/EOP@EOP [WHO] <Anita B. McBride>;Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>
Sent: 2/28/2001 3:59:39 AM
Subject: : New e-mail address

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-FEB-2001 08:59:39.00

SUBJECT:: New e-mail address

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Raymond Sheehan (CN=Raymond Sheehan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=WHO/O=EOP@EOP [WHO])

REV_00125261

READ:UNKNOWN
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard G. Walker (CN=Helgard G. Walker/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark E. Frownfelter (CN=Mark E. Frownfelter/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You may now reach me at my own e-mail. Ann Anderson's e-mail has been disabled.

From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;James Carroll/WHO/EOP@EOP [WHO] <James Carroll>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Raymond Sheehan/WHO/EOP@EOP [WHO] <Raymond Sheehan>;Ansley C. Tillman/WHO/EOP@EOP [WHO] <Ansley C. Tillman>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Helgard G. Walker/WHO/EOP@EOP [UNKNOWN] <Helgard G. Walker>;Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>;Mark E. Frownfelter/OA/EOP@EOP [OA] <Mark E. Frownfelter>;Anita B. McBride/WHO/EOP@EOP [WHO] <Anita B. McBride>;Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>
Sent: 2/28/2001 3:59:39 AM
Subject: : New e-mail address

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-FEB-2001 08:59:39.00
SUBJECT:: New e-mail address
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond Sheehan (CN=Raymond Sheehan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard G. Walker (CN=Helgard G. Walker/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark E. Frownfelter (CN=Mark E. Frownfelter/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You may now reach me at my own e-mail. Ann Anderson's e-mail has been disabled.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/28/2001 4:55:59 AM
Subject: : White House Staff Manual

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-FEB-2001 09:55:59.00

SUBJECT:: White House Staff Manual

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hector Irastorza apparently wants the White House Staff Manual finalized by 5:00 today. I understand that comments from the Staff Secretary have yet to be received, so I don't know that the deadline is real. In any event, if you have any comments to the Staff Manual, please get them to Allison ASAP. She can compile the edits, and we can forward the changes to Dan Faro, who is putting the manual together.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Ansley C. Tillman/WHO/EOP@EOP [WHO] <Ansley C. Tillman>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel r. brand/who/eop@eop [WHO] <rachel r. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard g. walker/who/eop@eop [UNKNOWN] <helgard g. walker>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 2/28/2001 5:22:59 AM
Subject: : Re: Italian.....

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-FEB-2001 10:22:59.00
SUBJECT:: Re: Italian.....
TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard g. walker (CN=helgard g. walker/OU=who/O=eop@eop [UNKNOWN])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm not fluent, but I should be able to tell you what the letter is about.

From: CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>; Stephen W. Devine/NSC/EOP@EOP [NSC] <Stephen W. Devine>; William H. Leary/NSC/EOP@EOP [NSC] <William H. Leary>
Sent: 2/28/2001 6:35:35 AM
Subject: : Re: Records memo

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:28-FEB-2001 11:35:35.00

SUBJECT:: Re: Records memo

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Stephen W. Devine (CN=Stephen W. Devine/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Brett,

Thanks for the update.

Bill Leary, our Senior Director for Records Management, has rewritten our draft guidance to NSC staff to reflect the final guidance for WHouse staff as explained in your memo. We still need separate guidance because our classified email system requires our staff to make a decision not only as to classification (UNCLASS, CONFIDENTIAL, SECRET, TOP SECRET) but also whether it is a record or not. We will include a copy of your memo as an attachment to our memo.

Please note the last paragraph on preserving calendars we keep on our classified computer system, which are shared within directorates and in some cases within the NSC at large in the course of conducting official NSC business. This practice would seem to justify our preserving these as records, which has been our practice in the past.

I am bringing down a copy of our original memo with lineouts and a copy of our most recent proposal for your concurrence.

Thank you. Jock

REV_00125269

From: CN=Heather Larrison/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel r. brand/who/eop@eop [WHO] <rachel r. brand>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 3/1/2001 5:10:05 AM
Subject: : Re: Interview schedule for week of March 5

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAR-2001 10:10:05.00
SUBJECT:: Re: Interview schedule for week of March 5
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

As we dicussed earlier TEF is open on Tues, Thurs and Fri from 3-6 next week and I would prefer to schedule meetings for him at those times rather than beginning at the usual 5 or 6 pm. Please let me know as things are confirmed so I can add them to his calendar.

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/1/2001 5:15:43 AM
Subject: DELIVERY FAILURE: User helgard g. walker/who/eop@eop not listed in public Name & Address Book

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT)
CREATOR:MailRouter (MailRouter [SYS])
CREATION DATE/TIME: 1-MAR-2001 10:15:43.00
SUBJECT:DELIVERY FAILURE: User helgard g. walker/who/eop@eop not listed in public Name & Address Book
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

DELIVERY FAILURE REPORT

Your Document:
Re: Pickering CA5 Candidacy
could not be delivered to:
CN=helgard g. walker/OU=who/O=eop@eop
because:
User helgard g. walker/who/eop@eop not listed in public Name & Address Book
Routing Path:
CN=Mail2/O=EOP;CN=Mail2/O=EOP

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: rachel r. brand/who/eop@eop [WHO] <rachel r. brand>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/1/2001 10:47:54 AM
Subject: : Re: judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-MAR-2001 15:47:54.00

SUBJECT:: Re: judges

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Coniglio and Sen. Hutchinson's Chief of Staff are coming to see me at 4:30 p.m. if anyone is interested in meeting them.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>
Sent: 3/1/2001 4:43:54 PM
Subject: : Re: Sheets for Monday book

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAR-2001 21:43:54.00
SUBJECT:: Re: Sheets for Monday book
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

What memos? I thought you had them all.

Jason B. Torchinsky
03/01/2001 04:56:28 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: bradford a. berenson/who/eop@eop
Subject: Re: Sheets for Monday book

Brett,

Just e-mail me your memos tonight so I can make sure they are in tomorrow morning's draft binders for Tim and the Judge.

Thanks,
Jason

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel r. brand/who/eop@eop [WHO] <rachel r. brand>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;larry d. walker/ovp/eop@eop [OVP] <larry d. walker>
Sent: 3/2/2001 4:45:16 AM
Subject: : Re: Reagan Alumni Association

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAR-2001 09:45:16.00
SUBJECT:: Re: Reagan Alumni Association
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:larry d. walker (CN=larry d. walker/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

I think it best not to have our direct extensions published and, instead,
to just give the general number for the Counsel's Office.

Noel

Allison L. Riepenhoff
03/02/2001 09:11:00 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Reagan Alumni Association

A woman from the Reagan Alumni Association called explaining she is
putting your names into a directory. She wanted your office numbers and
direct extensions. Please let me know if you would like these published,
if not, I will give her my extension and explain she can reach the Counsel
through me.

Thanks,
Allison

Message Sent

To: _____
Stuart W. Bowen/WHO/EOP@EOP
Rachel R. Brand/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

REV_00125275

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel r. brand/who/eop@eop [WHO] <rachel r. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 3/2/2001 7:28:18 AM
Subject: : Re: Staff manual

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAR-2001 12:28:18.00
SUBJECT:: Re: Staff manual
TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Nor mine.

Rachel R. Brand
03/02/2001 12:27:29 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Staff manual

My comments haven't been incorporated either.

REV_00125280

Courtney S. Elwood
03/02/2001 12:07:13 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Staff manual

I reviewed it yesterday and gave extensive comments to Moose. I understand that this new version does not incorporate my revisions.

Brett M. Kavanaugh
03/02/2001 10:00:41 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Staff manual

Who is and who is not reviewing the draft staff manual today? Per Judge's instructions, I think many of us independently should.

Message Sent

To: _____
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel R. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

Message Copied

To: _____
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
stuart w. bowen/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel r. brand/who/eop@eop
noel j. francisco/who/eop@eop
robert w. cobb/who/eop@eop

Message Copied

To: _____

brett m. kavanaugh/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
stuart w. bowen/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel r. brand/who/eop@eop
noel j. francisco/who/eop@eop
robert w. cobb/who/eop@eop

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: rachel r. brand/who/eop@eop [WHO] <rachel r. brand>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 3/2/2001 10:32:43 AM
Subject: : Re: Staff manual

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-MAR-2001 15:32:43.00
SUBJECT:: Re: Staff manual
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I made some comments a few rounds ago and have not made any since. But I can proofread if need be.

Noel J. Francisco
03/02/2001 12:28:14 PM
Record Type: Record

To: Rachel R. Brand/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Staff manual

Nor mine.

Rachel R. Brand

REV_00125282

03/02/2001 12:27:29 PM

Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: Staff manual

My comments haven't been incorporated either.

Courtney S. Elwood

03/02/2001 12:07:13 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: Staff manual

I reviewed it yesterday and gave extensive comments to Moose. I understand that this new version does not incorporate my revisions.

Brett M. Kavanaugh

03/02/2001 10:00:41 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Staff manual

Who is and who is not reviewing the draft staff manual today? Per Judge's instructions, I think many of us independently should.

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP

Timothy E. Flanigan/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Rachel R. Brand/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Message Copied

To:

alberto r. gonzales/who/eop@eop

timothy e. flanigan/who/eop@eop

bradford a. berenson/who/eop@eop

helgard c. walker/who/eop@eop

stuart w. bowen/who/eop@eop

h. christopher bartolomucci/who/eop@eop

rachel r. brand/who/eop@eop

noel j. francisco/who/eop@eop

REV_00125283

robert w. cobb/who/eop@eop

Message Copied

To:

brett m. kavanaugh/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
stuart w. bowen/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel r. brand/who/eop@eop
noel j. francisco/who/eop@eop
robert w. cobb/who/eop@eop

Message Copied

To:

courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
stuart w. bowen/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel r. brand/who/eop@eop
noel j. francisco/who/eop@eop
robert w. cobb/who/eop@eop

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 3/3/2001 5:47:09 AM
Subject: : WHJSC 3/7/01 agenda items

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-MAR-2001 10:47:09.00

SUBJECT:: WHJSC 3/7/01 agenda items

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Anyone who wishes to place an item on the WHJSC Agenda for this Wednesday's meeting needs to send me an e-mail with the contents of that item no later than noon on Monday. Old and new business are welcome.

Also, beginning this week, we will be trying to ensure that there is a tab and some reading materials, even if quite cursory, for each item on the agenda. Whoever puts an item on the agenda will be responsible for supplying the accompanying materials to me, Brett, and Brent. For old business, candidate memos that have previously been included in the binders may be repeated.

Thanks.

From: CN=Rachel R. Brand/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;heather larrison/who/eop@eop [WHO] <heather larrison>
Sent: 3/3/2001 8:09:02 AM
Subject: : Re: Planning session for meeting with president

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-MAR-2001 13:09:02.00
SUBJECT:: Re: Planning session for meeting with president
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I think that's a great idea.

Bradford A. Berenson
03/03/2001 10:53:05 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Elizabeth N. Camp/WHO/EOP@EOP, Heather Larrison/WHO/EOP@EOP
Subject: Planning session for meeting with president

I recommend that we all meet at 4:30 p.m. on Monday to prepare for our 5:15 meeting with the president. Judge and Tim, do you agree, and are you available then?

Message Sent

To: _____
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Rachel R. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

REV_00125286

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Adam B. Goldman/WHO/EOP@EOP [WHO] <Adam B. Goldman>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2001 4:47:51 AM
Subject: : Re: SSN and DOB

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-MAR-2001 09:47:51.00
SUBJECT:: Re: SSN and DOB
TO:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes, while the information should be kept confidential, you can keep the
SSN and DOB information in a database.

Adam B. Goldman
03/03/2001 12:21:28 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: SSN and DOB

We (OPL) are creating a database for all of our guests (we have hosted
over 1000 people at the WH already). Can we keep the SSN and DOB in the DB
so that we do not have to continue asking people for it?

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/3/2001 12:20:23 PM
Subject: DELIVERY FAILURE: User helgard g. walker/who/eop@eop not listed in public Name & Address Book

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT)
CREATOR:MailRouter (MailRouter [SYS])
CREATION DATE/TIME: 3-MAR-2001 17:20:23.00
SUBJECT:DELIVERY FAILURE: User helgard g. walker/who/eop@eop not listed in public Name & Address Book
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

DELIVERY FAILURE REPORT

Your Document:
Re: Pickering article
could not be delivered to:
CN=helgard g. walker/OU=who/O=eop@eop
because:
User helgard g. walker/who/eop@eop not listed in public Name & Address Book
Routing Path:
CN=Mail2/O=EOP;CN=Mail2/O=EOP

From: CN=Adam B. Goldman/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/5/2001 2:49:29 AM
Subject: : Re: SSN and DOB

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2001 07:49:29.00
SUBJECT:: Re: SSN and DOB
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks.

FYI: The database is user name/password protected; only OPL employees can access it.

Robert W. Cobb
03/03/2001 09:47:48 AM
Record Type: Record

To: Adam B. Goldman/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: SSN and DOB

yes, while the information should be kept confidential, you can keep the SSN and DOB information in a database.

Adam B. Goldman
03/03/2001 12:21:28 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: SSN and DOB

We (OPL) are creating a database for all of our guests (we have hosted over 1000 people at the WH already). Can we keep the SSN and DOB in the DB so that we do not have to continue asking people for it?

From: CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: William H. Leary/NSC/EOP@EOP [NSC] <William H. Leary>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 3/5/2001 8:17:43 AM
Subject: : Re: Records memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME: 5-MAR-2001 13:17:43.00
SUBJECT:: Re: Records memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

Brett,
With all the memos firing out of Counsel's office last week I'm not sure you could have had time to look at our draft records memo I dropped off.
When you do get a minute to read our latest draft could you please drop me an email and I'll then call to discuss?
Thank you. Jock
----- Forwarded by Jonathan R. Scharfen/NSC/EOP on 03/05/2001 01:13 PM -----

Jonathan R. Scharfen
02/28/2001 11:35:32 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: John B. Bellinger/NSC/EOP@EOP, John B. Wiegmann/NSC/EOP@EOP, Stephen W. Devine/NSC/EOP@EOP, William H. Leary/NSC/EOP@EOP
Subject: Re: Records memo

Brett,
Thanks for the update.
Bill Leary, our Senior Director for Records Management, has rewritten our draft guidance to NSC staff to reflect the final guidance for WHouse staff as explained in your memo. We still need separate guidance because our classified email system requires our staff to make a decision not only as to classification (UNCLASS, CONFIDENTIAL, SECRET, TOP SECRET) but also whether it is a record or not. We will include a copy of your memo as an attachment to our memo.
Please note the last paragraph on preserving calendars we keep on our classified computer system, which are shared within directorates and in some cases within the NSC at large in the course of conducting official NSC business. This practice would seem to justify our preserving these as records, which has been our practice in the past.
I am bringing down a copy of our original memo with lineouts and a copy of our most recent proposal for your concurrence.
Thank you. Jock

From: CN=Rachel R. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>
Sent: 3/5/2001 8:48:40 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2001 13:48:40.00

SUBJECT::

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Is anyone here an expert on Title VII disparate impact analysis?

RLB

REV_00125318

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel r. brand/who/eop@eop [WHO] <rachel r. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>
Sent: 3/5/2001 6:04:21 PM
Subject: : Re: 1:30 Judicial Prep Mtg. on Tuesday cancelled

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2001 23:04:21.00
SUBJECT:: Re: 1:30 Judicial Prep Mtg. on Tuesday cancelled
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Our discussion of the Wednesday agenda should follow the 10:00 a.m. meeting; that meeting will be attended by many outside our office (and outside the selection process).

Elizabeth N. Camp
03/05/2001 08:14:56 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Heather Larrison/WHO/EOP@EOP, Jason B. Torchinsky/WHO/EOP@EOP, Brent D. Greenfield/WHO/EOP@EOP
Subject: 1:30 Judicial Prep Mtg. on Tuesday cancelled

REV_00125319

The 10am Judicial Clearance Meeting will allow the time needed to discuss Wednesday's agenda.

Note: The Judicial Selection Committee meeting for Wednesday will be in the Indian Treaty Room...again. I'll send a reminder/location change note out on Tuesday night to the bigger group.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Rachel R. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Timothy E. Flanigan/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 3/5/2001 6:04:27 PM
Subject: : event policy question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2001 23:04:27.00
SUBJECT:: event policy question
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Ruth Marcus of the Washington Post called and left me a voice mail inviting me to the White House Correspondents Dinner. I have NOT talked to her (or any other reporter) since taking this job, but I had been assigned to deal with her quite a bit and got to know her in Whitewater/Lewinsky. In any event, can we go? (I left her a voicemail saying yes tentatively, but just as a placeholder.) I assume many in WH will go to this, but the question is whether we in the Counsel's office can and should go. (By the way, were I to go, I would pay reimbursement to Post because I would not want to take a gift, even though I assume this will qualify as an "interest of the agency" event.)

Feel free to say no; I obviously am under no illusions about her intent (battering me up), which is one of the reasons I would insist on paying.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2001 4:34:41 AM
Subject: : D.C. District Court

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2001 09:34:41.00
SUBJECT:: D.C. District Court
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Anyone who has suggestions for people to consider for DDC, please e-mail me as soon as possible. Thanks.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>
Sent: 3/6/2001 9:15:36 AM
Subject: : women judge's reception for judge, 3/16

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2001 14:15:36.00
SUBJECT:: women judge's reception for judge, 3/16
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

this \$50 ticket was comped to us -- can we accept?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/7/2001 6:33:36 AM
Subject: : Re: reminder re Grassley

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAR-2001 11:33:36.00
SUBJECT:: Re: reminder re Grassley
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I will remind him.

Brett M. Kavanaugh
03/07/2001 11:29:05 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: reminder re Grassley

It would be helpful if the Judge's conversation with Grassley occurred before the 4:00 WHJSC meeting today.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 3/8/2001 4:25:28 AM
Subject: : 3 days off

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAR-2001 09:25:28.00

SUBJECT:: 3 days off

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Per the Judge's request, I would intend to schedule my 3 days off for Friday-Sunday, April 13-15. That is Easter weekend.

Fore.

REV_00125334

From: CN=Sara M. Taylor/OU=WHO/O=EOP [WHO]
To: Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Gregory [OA] <Gregory>
Sent: 3/8/2001 11:23:55 AM
Subject: : Congressman Thune

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAR-2001 16:23:55.00
SUBJECT:: Congressman Thune
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Gregory (Gregory [OA])
READ:UNKNOWN
End Original ARMS Header

His staff would like to shoot footage of tomorrow's South Dakota event, for potential campaign commercial use at a later date. We have allowed other candidates to film our events in the past. Is there a problem with us allowing him to film this event?

Sara

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Ansley C. Tillman/WHO/EOP@EOP [WHO] <Ansley C. Tillman>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel r. brand/who/eop@eop [WHO] <rachel r. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/8/2001 1:16:26 PM
Subject: : Re: question

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAR-2001 18:16:26.00

SUBJECT:: Re: question

TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I think that for an event like this, a formal, written invitation to the Justices should be sent to their offices at the Supreme Court. I also wonder if it would be more appropriate to invite all of the Justices.

Noel

Ansley C. Tillman
03/08/2001 06:12:39 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: question

would anyone have contact info or care to extend the invitation? Meredith works in our Public Liaison office.....

----- Forwarded by Ansley C. Tillman/WHO/EOP on
03/08/2001 06:11 PM -----

Meredith A. Terpeluk

REV_00125337

03/08/2001 05:45:52 PM

Record Type: Record

To: Ansley C. Tillman/WHO/EOP@EOP

cc:

Subject: question

Hi Ansley, I have a question. I want to invite Chief Justices O'Connor, Scalia, and Kennedy to the Irish-American event here at the White House next Friday.

Do you all have that number or would it be better to have someone in your shop call and invite?

Let me know. Thanks/

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Rachel R. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

REV_00125338

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Ansley C. Tillman/WHO/EOP@EOP [WHO] <Ansley C. Tillman>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel r. brand/who/eop@eop [WHO] <rachel r. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;Meredith A. Terpeluk/WHO/EOP@EOP [WHO] <Meredith A. Terpeluk>
Sent: 3/8/2001 1:19:56 PM
Subject: : Re: question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAR-2001 18:19:56.00
SUBJECT:: Re: question
TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If Liaison thinks a personal phone call is the right way to extend the invitation, I'd be happy to place the call. I have a strong hunch the Justices will stay away.

Ansley C. Tillman
03/08/2001 06:12:39 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: question

would anyone have contact info or care to extend the invitation? Meredith works in our Public Liaison office.....

----- Forwarded by Ansley C. Tillman/WHO/EOP on
03/08/2001 06:11 PM -----

Meredith A. Terpeluk

REV_00125339

03/08/2001 05:45:52 PM

Record Type: Record

To: Ansley C. Tillman/WHO/EOP@EOP

cc:

Subject: question

Hi Ansley, I have a question. I want to invite Chief Justices O'Connor, Scalia, and Kennedy to the Irish-American event here at the White House next Friday.

Do you all have that number or would it be better to have someone in your shop call and invite?

Let me know. Thanks/

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Rachel R. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

REV_00125340

From: CN=Rachel R. Brand/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;david s. addington/ovp/eop@eop [OVP] <david s. addington>
Sent: 3/9/2001 4:33:45 AM
Subject: : Re: WWII Memorial

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAR-2001 09:33:45.00

SUBJECT:: Re: WWII Memorial

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

End Original ARMS Header

To add to the political thicket: Bob Dole is the chief proponent and fundraiser for the Memorial.

Courtney S. Elwood
03/09/2001 09:32:08 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: David S. Addington/OVP/EOP@EOP
Subject: WWII Memorial

Following up on Addington's caution about White House involvement on the WWII Memorial, I want to add that, perhaps contrary to what you may think, many WWII veterans are opposed to having the Memorial on the Mall.

REV_00125341

Further reason to tread lightly.

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel R. Brand/WHO/EOP@EOP

From: CN=Rachel R. Brand/OU=WHO/O=EOP [WHO]
To: Prescott M. Caballero/WHO/EOP@EOP [WHO] <Prescott M. Caballero>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
BCC: Rachel R. Brand (Rachel R. Brand/WHO/EOP [WHO])
Sent: 3/9/2001 2:07:37 PM
Subject: : website privacy policy

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-MAR-2001 19:07:37.00
SUBJECT:: website privacy policy
TO:Prescott M. Caballero (CN=Prescott M. Caballero/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Prescott:

Here is a stab at a revision of the "If you send us personal information" paragraph of your policy. Please let me know whether any of the revisions are factually inaccurate, especially my description of which government officials will be privy to resume information submitted via the website.

"If you choose to provide us with personal information -- by sending an e-mail to the President, Vice President, or someone else, or by filling out a form with your personal information and submitting it to us through our website -- we use that information to respond to your message and to help us get you the information you have requested. We do not collect personal information for any other purpose. Moreover, we do not create individual profiles with the information you provide or give this information to any private organizations. Nor does the White House collect information for commercial marketing. We will share your e-mail with another federal government agency only if your inquiry relates to that agency or if we are required to do so by law. The Presidential Records Act requires us to maintain documents received by the White House, including e-mails, and requires public disclosure of some of these documents twelve years after President Bush leaves office. In addition, we would release documents, including e-mails, if required to do so by a congressional or judicial subpoena. If you submit resume information through the [NAME of RESUME FORM], this information will be shared only with White House employees involved in making hiring decisions and, if you express interest in employment with a federal executive agency other than the White House, with officials responsible for making hiring decisions in that agency. We are required by the Presidential Records Act to maintain your resume as a record, but it is our position that your personal resume information will not be subject to public disclosure under the Act."

From: CN=Prescott M. Caballero/OU=WHO/O=EOP [WHO]
To: Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; William H. Rice/OA/EOP@EOP [OA] <William H. Rice>; Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>; Michael P. Lingenfelter/OA/EOP@EOP [OA] <Michael P. Lingenfelter>; Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>; Charles B. Dietzel/OA/EOP@EOP [OA] <Charles B. Dietzel>
Sent: 3/9/2001 12:46:43 PM
Subject: : Privacy Statement follow-up

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Prescott M. Caballero (CN=Prescott M. Caballero/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-MAR-2001 17:46:43.00
SUBJECT:: Privacy Statement follow-up
TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:William H. Rice (CN=William H. Rice/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Michael P. Lingenfelter (CN=Michael P. Lingenfelter/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Charles B. Dietzel (CN=Charles B. Dietzel/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

FYI.... Katja Bullock in PPO advises me that Mr. Kavanaugh of Counsels' office has already given his approval on the posting of the PPO form on whitehouse.gov. However, Ms. Bullock advises that he reviewed the privacy policy currently on the whitehouse.gov web site, which is not the most current text. (We have not yet posted the revised privacy policy you sent us on Feb. 26 since the system we were contemplating is not yet complete, and a new whitehouse.gov web site will be unveiled within the next several days.)

As soon as we hear back from you, PPO can have this form activated, which they have now stressed to me is a top-priority for PPO since the form on the Transition web site went off-line some time ago.

Thanks again.

From: CN=Prescott M. Caballero/OU=WHO/O=EOP [WHO]
To: Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; William H. Rice/OA/EOP@EOP [OA] <William H. Rice>; Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>; Michael P. Lingenfelter/OA/EOP@EOP [OA] <Michael P. Lingenfelter>; Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>; Charles B. Dietzel/OA/EOP@EOP [OA] <Charles B. Dietzel>
Sent: 3/9/2001 12:46:43 PM
Subject: : Privacy Statement follow-up

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Prescott M. Caballero (CN=Prescott M. Caballero/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-MAR-2001 17:46:43.00
SUBJECT:: Privacy Statement follow-up
TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:William H. Rice (CN=William H. Rice/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Michael P. Lingenfelter (CN=Michael P. Lingenfelter/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Charles B. Dietzel (CN=Charles B. Dietzel/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

FYI.... Katja Bullock in PPO advises me that Mr. Kavanaugh of Counsels' office has already given his approval on the posting of the PPO form on whitehouse.gov. However, Ms. Bullock advises that he reviewed the privacy policy currently on the whitehouse.gov web site, which is not the most current text. (We have not yet posted the revised privacy policy you sent us on Feb. 26 since the system we were contemplating is not yet complete, and a new whitehouse.gov web site will be unveiled within the next several days.)

As soon as we hear back from you, PPO can have this form activated, which they have now stressed to me is a top-priority for PPO since the form on the Transition web site went off-line some time ago.

Thanks again.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; rachel r. brand/who/eop@eop [WHO] <rachel r. brand>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>
Sent: 3/12/2001 3:51:58 AM
Subject: : Re: District Court Seats -- Our Role

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAR-2001 08:51:58.00
SUBJECT:: Re: District Court Seats -- Our Role
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel r. brand (CN=rachel r. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Why don't we discuss this at the 10:00 meeting?

From: CN=Rachel R. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel R. Brand/WHO/EOP@EOP [WHO] <Rachel R. Brand>
Sent: 3/12/2001 8:41:14 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-MAR-2001 13:41:14.00

SUBJECT::

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Is anyone interested in the district of Puerto Rico?

From: CN=Rachel R. Brand/OU=WHO/O=EOP [UNKNOWN]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel R. Brand/WHO/EOP@EOP [UNKNOWN] <Rachel R. Brand>
Sent: 3/12/2001 11:01:34 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP [UNKNOWN])

CREATION DATE/TIME:12-MAR-2001 16:01:34.00

SUBJECT::

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Helgi:

Will you take the District of Guam? The current judge was appointed by Bush and is up for reappointment sometime in 2002.

RLB

REV_00125386

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel R. Brand/WHO/EOP@EOP [UNKNOWN] <Rachel R. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/12/2001 12:44:52 PM
Subject: : Re: meeting time for Counsel's office

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAR-2001 17:44:52.00
SUBJECT:: Re: meeting time for Counsel's office
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI- time for Thursday Judicial Selection meeting with POTUS still not set in stone. I will let you know when there is an update.

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
03/12/2001 05:43 PM -----

Kara G. Figg
03/12/2001 05:38:18 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: meeting time for Counsel's office

REV_00125387

no, looks like it will now be at 9:30 that morning, pending approval still...

the personnel meeting just got moved.

Elizabeth N. Camp
03/12/2001 05:22:50 PM
Record Type: Record

To: Kara G. Figg/WHO/EOP@EOP
cc:
Subject: meeting time for Counsel's office

I think you said you were aiming for 3:30 pm on Thursday - is this "final"?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel R. Brand/WHO/EOP@EOP [UNKNOWN] <Rachel R. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/12/2001 12:44:52 PM
Subject: : Re: meeting time for Counsel's office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-MAR-2001 17:44:52.00

SUBJECT:: Re: meeting time for Counsel's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel R. Brand (CN=Rachel R. Brand/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI- time for Thursday Judicial Selection meeting with POTUS still not set in stone. I will let you know when there is an update.

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
03/12/2001 05:43 PM -----

Kara G. Figg
03/12/2001 05:38:18 PM
Record Type: Record

REV_00125389

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: meeting time for Counsel's office

no, looks like it will now be at 9:30 that morning, pending approval
still...

the personnel meeting just got moved.

Elizabeth N. Camp
03/12/2001 05:22:50 PM
Record Type: Record

To: Kara G. Figg/WHO/EOP@EOP
cc:
Subject: meeting time for Counsel's office

I think you said you were aiming for 3:30 pm on Thursday - is this
"final"?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/13/2001 11:48:31 AM
Subject: : departure for reception

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2001 16:48:31.00

SUBJECT:: departure for reception

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you want to be a part of the cab caravan meet the Judge at the WW basement at 5:15 pm.

REV_00125393

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/13/2001 10:07:46 AM
Subject: : 3:15 pm meeting in Judges office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2001 15:07:46.00

SUBJECT:: 3:15 pm meeting in Judges office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please gather your judicial selection stuff and come on over.

Thanks!

REV_00125394

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/13/2001 10:07:46 AM
Subject: : 3:15 pm meeting in Judges office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2001 15:07:46.00

SUBJECT:: 3:15 pm meeting in Judges office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please gather your judicial selection stuff and come on over.

Thanks!

REV_00125395

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/13/2001 11:48:31 AM
Subject: : departure for reception

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2001 16:48:31.00

SUBJECT:: departure for reception

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you want to be a part of the cab caravan meet the Judge at the WW basement at 5:15 pm.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/13/2001 1:23:42 PM
Subject: : Meeting with POTUS confirmed for 9:30 am Thursday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2001 18:23:42.00

SUBJECT:: Meeting with POTUS confirmed for 9:30 am Thursday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brooke Vosburgh/WHO/EOP@EOP [WHO] <Brooke Vosburgh>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/13/2001 1:27:36 PM
Subject: : Judicial Selection Committee Meeting confirmation

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 13-MAR-2001 18:27:36.00

SUBJECT:: Judicial Selection Committee Meeting confirmation

TO: Brooke Vosburgh (CN=Brooke Vosburgh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

REV_00125400

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We are still on for 4:00 pm tomorrow (Wednesday) in the Roosevelt Room.

Thank you.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>
Sent: 3/14/2001 5:16:29 AM
Subject: : TIME CHANGE! Meeting with POTUS...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-MAR-2001 10:16:29.00

SUBJECT:: TIME CHANGE! Meeting with POTUS...

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

is now set for 9:20 am on Thursday morning.

Location: Roosevelt Room

Thanks!

Elizabeth N. Camp
03/13/2001 06:23:38 PM
Record Type: Record

REV_00125402

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting with POTUS confirmed for 9:30 am Thursday

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>
Sent: 3/14/2001 5:16:29 AM
Subject: : TIME CHANGE! Meeting with POTUS...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-MAR-2001 10:16:29.00

SUBJECT:: TIME CHANGE! Meeting with POTUS...

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

is now set for 9:20 am on Thursday morning.

Location: Roosevelt Room

Thanks!

REV_00125404

Elizabeth N. Camp
03/13/2001 06:23:38 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting with POTUS confirmed for 9:30 am Thursday

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

From: CN=Matthew Yin/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>; Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>; James B. Wright/OA/EOP@EOP [OA] <James B. Wright>; Larry D. Slaughter/OA/EOP@EOP [OA] <Larry D. Slaughter>; Erna G. Beverly/OA/EOP@EOP [OA] <Erna G. Beverly>; Leanna F. Terrell/OA/EOP@EOP [OA] <Leanna F. Terrell>; Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>; Gertrude A. Roddick/WHO/EOP@EOP [WHO] <Gertrude A. Roddick>
Sent: 3/14/2001 6:34:48 AM
Subject: : Re: ARMS Requirements for Fax Server

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Matthew Yin (CN=Matthew Yin/OU=OA/O=EOP [OA])
CREATION DATE/TIME:14-MAR-2001 11:34:48.00
SUBJECT:: Re: ARMS Requirements for Fax Server
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:James B. Wright (CN=James B. Wright/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Larry D. Slaughter (CN=Larry D. Slaughter/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Erna G. Beverly (CN=Erna G. Beverly/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Leanna F. Terrell (CN=Leanna F. Terrell/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Gertrude A. Roddick (CN=Gertrude A. Roddick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Please advise on the Records Management issue described below. Please feel free to call me if you have any questions or need additional information.

Regards,

Matthew Yin
Intranet Quorum Program Manager
x56568

----- Forwarded by Matthew Yin/OA/EOP on 03/14/2001 11:28 AM -----

Catherine S. Anderson
03/12/2001 03:36:20 PM
Record Type: Record

To: Matthew Yin/OA/EOP@EOP
cc:
bcc:
Subject: Re: ARMS Requirements for Fax Server

Matt: The facsimiles to which you are referring would be governed solely by the Presidential Records Act, not by the Federal Records Act, or the

REV_00125407

Armstrongdecisions/orders which related to the records management of federal records. Accordingly, any records management issues regarding these faxes should be referred to White House Records Management (Terry Good), who then would coordinate any decision with White House Counsel. Sorry, I was not more helpful, but I can only advise you with regard to requirements for federal records. Kate

From: Matthew Yin on 03/12/2001 02:30:22 PM
Record Type: Record

To: Catherine S. Anderson/OA/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: ARMS Requirements for Fax Server

Kate,

The Mail Analysis (MA) of the Presidential Correspondence Office uses two facsimiles to receive faxes addressed to the President. These two facsimiles run around the clock and generate lots of paper (and burn trees too). MA likes to install a Fax Server that will allow them to receive faxes electronically. All incoming faxes will be saved as images and can be printed on demand. The question is: does the Fax Server meet the ARMS requirements? If not, what should we do to make the Fax Server ARMS compliant?

Thanks,
Matthew Yin

Message Copied

To:

Gertrude A. Roddick/WHO/EOP@EOP
Deborah K. Hair/WHO/EOP@EOP
Robert D. Helms/OA/EOP@EOP
Kathleen E. Ohalloran/OA/EOP@EOP
Lynnae C. Roscoe/OA/EOP@EOP
Larry D. Slaughter/OA/EOP@EOP
Erna G. Beverly/OA/EOP@EOP
Leanna F. Terrell/OA/EOP@EOP
Daniel A. Barry/OA/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/14/2001 12:05:47 PM
Subject: : By the Numbers - From the Office of Strategic Initiatives
Attachments: P_4V841004_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-MAR-2001 17:05:47.00

SUBJECT:: By the Numbers - From the Office of Strategic Initiatives

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI

----- Forwarded by Elizabeth N. Camp/WHO/EOP on

03/14/2001 05:05 PM -----

Michael Shannon 03/11/2001 04:43:12 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: By the Numbers - From the Office of Strategic Initiatives

REV_00125409

Please find attached the latest "By the Numbers," which shows President Bush,s Gallup job approval today is higher than Presidents Clinton, Bush 41 and Reagan at comparable points in their administrations.

As always, I would appreciate it if you would pass this on to the appropriate members of your respective offices. Hard copies were distributed to Senior Staff. Thank you.

Message Sent

To: _____

marcus j. mollmann/who/eop@eop
gordon d. johndroe/who/eop@eop
stephen m. garrison/opd/eop@eop
kara g. figg/who/eop@eop
elizabeth n. camp/who/eop@eop
ashley m. snee/ovp/eop@eop
peter h. wehner/who/eop@eop
heather l. west/who/eop@eop
dee dee benkie/who/eop@eop
brooke vosburgh/who/eop@eop
OPA - Political Affairs
OPL - Public Liaison
jill l. angelo/who/eop@eop
virginia t. gregory/who/eop@eop
john m. ackerly/who/eop@eop
tracey l. schmitt/who/eop@eop
wendy l. nipper/who/eop@eop
OSI - Strategic Initiatives
adrian g. gray/who/eop@eop
Jennifer K. Millerwise/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4V841004_WHO.TXT_1>

REV_00125410



BY THE NUMBERS

From the Office of Strategic Initiatives
456-2108

March 9, 2001

Presidential Job Approval

SUMMARY

- President Bush's job approval today is higher than Presidents Clinton, Bush 41 and Reagan at comparable points in their administrations.
- Since Inauguration, the President's job approval rating has risen by an average of 9% in major polls that have measured approval more than once.

HISTORICAL PERSPECTIVE

The Gallup Poll

President	Approve	Disapprove	Dates
<i>G. W. Bush</i>	63	22	3/5-7/01
<i>Clinton</i>	53	34	3/12-14/93
<i>G. H. W. Bush</i>	56	16	3/10-13/89
<i>Reagan</i>	60	24	3/13-16/81

BUSH JOB APPROVAL

Job Approval

Survey	Jan/early Feb	Current	Gain
<i>Gallup</i>	57	63	+6
<i>Zogby</i>	42	53	+11
<i>Newsweek</i>	52	56	+4
<i>Fox News</i>	46	61	+15
<i>ABC News</i>	none	55	*
<i>LA Times</i>	none	62	*
<i>NBC/WSJ</i>	none	57	*

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 3/15/2001 5:54:29 AM
Subject: : AP wire story on judicial selection, FYI

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-MAR-2001 10:54:29.00

SUBJECT:: AP wire story on judicial selection, FYI

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

<http://www.newsday.com/ap/text/washington/ap224.htm>

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/15/2001 1:39:03 PM
Subject: : Tuesday 1:30-2:30 Judicial Selection Prep Meetings

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-MAR-2001 18:39:03.00

SUBJECT:: Tuesday 1:30-2:30 Judicial Selection Prep Meetings

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We are doing away with the one-hour prep meeting on Tuesday and going to try doing this at 3:30 pm on Wednesdays immediately prior to the big Judicial Selection Meeting.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/15/2001 1:39:03 PM
Subject: : Tuesday 1:30-2:30 Judicial Selection Prep Meetings

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-MAR-2001 18:39:03.00

SUBJECT:: Tuesday 1:30-2:30 Judicial Selection Prep Meetings

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We are doing away with the one-hour prep meeting on Tuesday and going to try doing this at 3:30 pm on Wednesdays immediately prior to the big Judicial Selection Meeting.

Thanks!

REV_00125415

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 3/16/2001 6:26:47 AM
Subject: : Interesting comments by CT

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 16-MAR-2001 11:26:47.00
SUBJECT:: Interesting comments by CT
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

<http://www.newsday.com/ap/text/washington/ap229.htm>

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/16/2001 9:50:07 AM
Subject: : Re: Meeting with Tim

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAR-2001 14:50:07.00
SUBJECT:: Re: Meeting with Tim
TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I'll be there.

Heather Larrison
03/16/2001 02:06:46 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Re: Meeting with Tim

It is about a project he would like both of you to work on.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>
Sent: 3/18/2001 5:41:19 AM
Subject: : Re: ABA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2001 10:41:19.00
SUBJECT:: Re: ABA
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Will do.

Alberto R. Gonzales
03/18/2001 10:40:12 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
cc: Timothy E. Flanigan/WHO/EOP@EOP
Subject: ABA

There has been some concern about how quickly we are moving to fill judicial vacancies. Please find quotes for me from democratic senators who cried out for action in the past because of "judicial emergencies." I want to use their statements to support our actions.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 3/18/2001 10:44:38 AM
Subject: : FYI: I should have a draft letter in about 10 minutes

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-MAR-2001 15:44:38.00

SUBJECT:: FYI: I should have a draft letter in about 10 minutes

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Robert K. Spangler/OU=OA/O=EOP [OA]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/19/2001 4:36:39 AM
Subject: : SecurID card

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert K. Spangler (CN=Robert K. Spangler/OU=OA/O=EOP [OA])
CREATION DATE/TIME:19-MAR-2001 09:36:39.00
SUBJECT:: SecurID card
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A securID card for remote voice and data access has been issued for Brett Kavanaugh and can be picked up at your convenience in NEOB room 5116.

OA/IS&T/Account Administration

From: CN=Robert K. Spangler/OU=OA/O=EOP [OA]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/19/2001 4:36:39 AM
Subject: : SecurID card

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Robert K. Spangler (CN=Robert K. Spangler/OU=OA/O=EOP [OA])
CREATION DATE/TIME:19-MAR-2001 09:36:39.00
SUBJECT:: SecurID card
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A securID card for remote voice and data access has been issued for Brett Kavanaugh and can be picked up at your convenience in NEOB room 5116.

OA/IS&T/Account Administration

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 3/19/2001 9:33:23 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2001 14:33:23.00
SUBJECT:: Re:
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Moose -- will you also opine on whether it's OK to attend the event at the Zoo.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/19/2001 5:33:31 AM
Subject: : WHJSC Binder

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-MAR-2001 10:33:31.00

SUBJECT:: WHJSC Binder

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Any agenda items should be forwarded to Rachel and me by close of business today.

REV_00125432

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 3/19/2001 9:33:18 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-MAR-2001 14:33:18.00

SUBJECT:: Re:

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

My experience (from the FCC) is that the cable networks purposefully select promotional items worth less than \$20 because they are very familiar with the ethics rules. We'd still want to check on the value, but my guess is that these fall under (a).

Rachel L. Brand
03/19/2001 01:55:35 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

What's the deal with the yellow binoculars from Animal Planet, and (Moose) should we send them back? Judging from their effectiveness, I would guess that the binoculars are either: a) worth less than \$20; or b) an item of no intrinsic value.

RLB

Message Sent

REV_00125437

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

From: CN=Jennifer M. Oschal/OU=WHO/O=EOP [WHO]
To: John Gardner/WHO/EOP@EOP [WHO] <John Gardner>;Edward W. Radgowski/OA
/EOP@EOP [OA] <Edward W. Radgowski>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>
Sent: 3/19/2001 9:40:56 AM
Subject: : meeting with ken mehlman

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jennifer M. Oschal (CN=Jennifer M. Oschal/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2001 14:40:56.00
SUBJECT:: meeting with ken mehlman
TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward W. Radgowski (CN=Edward W. Radgowski/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ken would like to sit down with both of you to go over some things
(stationary, auto pen, correspondence issues in general) - does tomorrow
around 11:00 work for you? if not, please let me know when you're
available. thanks.

From: CN=Jennifer M. Oschal/OU=WHO/O=EOP [WHO]
To: John Gardner/WHO/EOP@EOP [WHO] <John Gardner>;Edward W. Radgowski/OA
/EOP@EOP [OA] <Edward W. Radgowski>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>
Sent: 3/19/2001 9:40:56 AM
Subject: : meeting with ken mehlman

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Jennifer M. Oschal (CN=Jennifer M. Oschal/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2001 14:40:56.00
SUBJECT:: meeting with ken mehlman
TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward W. Radgowski (CN=Edward W. Radgowski/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ken would like to sit down with both of you to go over some things
(stationary, auto pen, correspondence issues in general) - does tomorrow
around 11:00 work for you? if not, please let me know when you're
available. thanks.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 3/19/2001 2:15:23 PM
Subject: : Re: Batter Up!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-MAR-2001 19:15:23.00

SUBJECT:: Re: Batter Up!

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Perhaps coincidentally, Karen Hughes was described as a "baseball mom" in today's Washington Post.

H. Christopher Bartolomucci

03/19/2001 07:12:58 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Batter Up!

Does anyone want to opine on whether the President should host children's tee-ball games on the South Lawn (the teams would be co-ed)? This is a Karen Hughes special, and it's a red dot so get your two cents' worth in now.

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

REV_00125441

Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 3/19/2001 2:28:39 PM
Subject: : Re: Batter Up!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-MAR-2001 19:28:39.00

SUBJECT:: Re: Batter Up!

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

it's a home-run of an idea. i coached t -ball in austin for three years.
can i be 3rd base coach?

H. Christopher Bartolomucci

03/19/2001 07:12:58 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Batter Up!

Does anyone want to opine on whether the President should host children's tee-ball games on the South Lawn (the teams would be co-ed)? This is a Karen Hughes special, and it's a red dot so get your two cents' worth in now.

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

REV_00125443

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>; Ansley C. Tillman/WHO/EOP@EOP [WHO] <Ansley C. Tillman>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 3/19/2001 11:15:13 AM
Subject: : All media calls re: ABA go to the Press Office - 456-2580

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-MAR-2001 16:15:13.00

SUBJECT:: All media calls re: ABA go to the Press Office - 456-2580

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/20/2001 4:06:37 AM
Subject: : Legal Times article

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-MAR-2001 09:06:37.00

SUBJECT:: Legal Times article

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www5.law.com/lawcom/displayid.cfm?statename=DC&docnum=55323&table=news&flag=full>

www.legaltimes.com

REV_00125447

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/20/2001 4:06:37 AM
Subject: : Legal Times article

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-MAR-2001 09:06:37.00

SUBJECT:: Legal Times article

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www5.law.com/lawcom/displayid.cfm?statename=DC&docnum=55323&table=news&flag=full>

www.legaltimes.com

REV_00125448

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/20/2001 4:21:05 AM
Subject: : Re: Legal Times article

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-MAR-2001 09:21:05.00

SUBJECT:: Re: Legal Times article

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

copy and paste the link into the www. finder after you open up netscape....

or go to www.legaltimes.com - it is at the top of the page.

thanks!

Rachel L. Brand
03/20/2001 09:16:05 AM

REV_00125449

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Legal Times article

That link is unviewable.

Elizabeth N. Camp
03/20/2001 09:06:27 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Legal Times article

<http://www5.law.com/lawcom/displayid.cfm?statename=DC&docnum=55323&table=news&flag=full>

www.legaltimes.com

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

REV_00125450

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/20/2001 4:21:05 AM
Subject: : Re: Legal Times article

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-MAR-2001 09:21:05.00

SUBJECT:: Re: Legal Times article

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

copy and paste the link into the www. finder after you open up netscape....

or go to www.legaltimes.com - it is at the top of the page.

thanks!

Rachel L. Brand
03/20/2001 09:16:05 AM

REV_00125451

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Legal Times article

That link is unviewable.

Elizabeth N. Camp
03/20/2001 09:06:27 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Legal Times article

<http://www5.law.com/lawcom/displayid.cfm?statename=DC&docnum=55323&table=news&flag=full>

www.legaltimes.com

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

REV_00125452

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/20/2001 7:33:29 AM
Subject: : On CNN now - Burden of Proof - ABA/Judges -ch. 42

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-MAR-2001 12:33:29.00

SUBJECT:: On CNN now - Burden of Proof - ABA/Judges -ch. 42

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/20/2001 7:33:29 AM
Subject: : On CNN now - Burden of Proof - ABA/Judges -ch. 42

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-MAR-2001 12:33:29.00

SUBJECT:: On CNN now - Burden of Proof - ABA/Judges -ch. 42

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 3/20/2001 2:52:12 PM
Subject: : Re: Preemptive Strike

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-MAR-2001 19:52:12.00
SUBJECT:: Re: Preemptive Strike
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

but a 3-point reduction for confession and acceptance of
responsibility

Courtney S. Elwood
03/20/2001 06:59:02 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: Preemptive Strike

I want to acknowledge some egregious typos in my memos in the WHJSC
binders for tomorrow's meeting. I deserve to be flogged.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 3/20/2001 2:52:12 PM
Subject: : Re: Preemptive Strike

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-MAR-2001 19:52:12.00
SUBJECT:: Re: Preemptive Strike
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

but a 3-point reduction for confession and acceptance of
responsibility

Courtney S. Elwood
03/20/2001 06:59:02 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: Preemptive Strike

I want to acknowledge some egregious typos in my memos in the WHJSC
binders for tomorrow's meeting. I deserve to be flogged.

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2001 3:29:10 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAR-2001 08:29:10.00
SUBJECT::
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks for the information on USA resignation dates. However on Nevada, they are on the sheet for March 31st but I got a message referencing April 30th. Can you let me know which date is accurate? We need to call them very quickly this morning.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 3/21/2001 9:30:00 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-MAR-2001 14:30:00.00

SUBJECT:: Re:

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

okay to go to the panda bear show and keep the yellow binocs.

H. Christopher Bartolomucci

03/19/2001 01:59:35 PM

Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject: Re:

Moose -- will you also opine on whether it's OK to attend the event at the Zoo.

Message Copied

To:

bradford a. berenson/who/eop@eop

stuart w. bowen/who/eop@eop

robert w. cobb/who/eop@eop

courtney s. elwood/who/eop@eop

noel j. francisco/who/eop@eop

brett m. kavanaugh/who/eop@eop

helgard c. walker/who/eop@eop

rachel l. brand/who/eop@eop

REV_00125527

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brooke Vosburgh/WHO/EOP@EOP [WHO] <Brooke Vosburgh>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/21/2001 7:08:15 AM
Subject: : Confirmation - Judicial Selection Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 21-MAR-2001 12:08:15.00

SUBJECT:: Confirmation - Judicial Selection Meeting

TO: Brooke Vosburgh (CN=Brooke Vosburgh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

REV_00125528

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Today at 4pm in the Roosevelt Room

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brooke Vosburgh/WHO/EOP@EOP [WHO] <Brooke Vosburgh>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/21/2001 7:08:15 AM
Subject: : Confirmation - Judicial Selection Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 21-MAR-2001 12:08:15.00

SUBJECT:: Confirmation - Judicial Selection Meeting

TO: Brooke Vosburgh (CN=Brooke Vosburgh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

REV_00125530

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Today at 4pm in the Roosevelt Room

Thanks!

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Joan Hunerwadel/NSC /EOP@EOP [NSC] <Joan Hunerwadel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kathleen Peroff/OMB/EOP@EOP [OMB] <Kathleen Peroff>;Steven D. Aitken/OMB/EOP@EOP [OMB] <Steven D. Aitken>
Sent: 3/21/2001 9:02:34 AM
Subject: : Meeting w/NSC/DoD GC/WH Counsel

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:21-MAR-2001 14:02:34.00
SUBJECT:: Meeting w/NSC/DoD GC/WH Counsel
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kathleen Peroff (CN=Kathleen Peroff/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

This confirms the meeting for Monday, March 26 @ 2:00 in Rm. 254 EEOB.

Attendees

Jay Lefkowitz, OMB
David Addington, OVP
Brad Wiegmann, NSC Legal Adviser's office
Daniel Dell'Orto, Acting DoD GC
Brett Kavanaugh, WH Counsel's Ofc.
Paul Colborn, Dept. of Justice/OLC
Kathy Peroff, OMB
Steve Aitken, OMB

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Ansley C. Tillman/WHO/EOP@EOP [WHO] <Ansley C. Tillman>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 3/22/2001 4:04:07 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAR-2001 09:04:07.00

SUBJECT::

TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Would you please e-mail me, Brad & Brett the current version of the letter to Senators regarding U.S. Attorneys? Thanks

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 3/22/2001 5:14:43 AM
Subject: : Re: Draft decision memos and agenda for next binder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAR-2001 10:14:43.00
SUBJECT:: Re: Draft decision memos and agenda for next binder
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Let me know what your preference is and I'll make them consistent. We don't have middle names yet for some candidates.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 3/22/2001 7:03:11 AM
Subject: : Do you have list of contacts in non-Repub states?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 22-MAR-2001 12:03:11.00

SUBJECT:: Do you have list of contacts in non-Repub states?

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 3/22/2001 4:47:40 AM
Subject: : meetings re: mess expenses

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAR-2001 09:47:40.00
SUBJECT:: meetings re: mess expenses
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

10 am doesn't work for everyone.

Let's try 1:30 pm - let me know if this doesn't work.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 3/22/2001 5:40:08 AM
Subject: : Re: Draft decision memos and agenda for next binder

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAR-2001 10:40:08.00

SUBJECT:: Re: Draft decision memos and agenda for next binder

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

We've been using middle initials, except in unusual cases (e.g. Charles Christopher Cox) where there's a specific reason to do something different.

Jason B. Torchinsky
03/22/2001 10:14:31 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, bradford a. berenson/who/eop@eop, courtney s. elwood/who/eop@eop
Subject: Re: Draft decision memos and agenda for next binder

Let me know what your preference is and I'll make them consistent. We don't have middle names yet for some candidates.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 3/22/2001 6:01:05 AM
Subject: : divvying up next week's interviews between Tim and Judge

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 22-MAR-2001 11:01:05.00

SUBJECT:: divvying up next week's interviews between Tim and Judge

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

my proposal:

CA3 PA is Tim

ED Ky is Judge

CA8 Iowa is Judge

D Montana is ??? (whoever did it last time)

D Nebraska is Tim

D SC is Judge

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 3/22/2001 8:18:37 AM
Subject: : Re: DCt assignments

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAR-2001 13:18:37.00

SUBJECT:: Re: DCt assignments

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

The district courts for the Mariana Islands and for Guam have one judge each, who are appointed by the Pres. to ten-year terms. I don't know when Judge Unpingco in Guam was appointed. Brent is finding out.

Helgard C. Walker
03/22/2001 01:07:59 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: DCt assignments

I am responsible for Guam, but I don't see a vacancy for that territory listed on the master doc. . . anybody know what the deal is?

Message Sent

To:
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

REV_00125544

Stuart W. Bowen/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; James Carroll/WHO/EOP@EOP [WHO] <James Carroll>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Melinda J. Loftin/WHO/EOP@EOP [WHO] <Melinda J. Loftin>; Raymond Sheehan/WHO/EOP@EOP [WHO] <Raymond Sheehan>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 3/22/2001 9:41:45 AM
Subject: : Interviews

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAR-2001 14:41:45.00

SUBJECT:: Interviews

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Melinda J. Loftin (CN=Melinda J. Loftin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Raymond Sheehan (CN=Raymond Sheehan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please send names, times, and WAVES information for any interviews you have during the week of March 26. Thank you!

REV_00125546

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/22/2001 1:36:04 PM
Subject: : Re: who is handlind judicial selection for the following states?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAR-2001 18:36:04.00
SUBJECT:: Re: who is handlind judicial selection for the following states?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

gracias!

Brett M. Kavanaugh
03/22/2001 06:31:26 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: who is handlind judicial selection for the following
states?

see below

Elizabeth N. Camp
03/22/2001 06:26:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: who is handlind judicial selection for the following
states?

Vermont -- Stuart
Maine -- Bart
Delaware -- Brett
New York -- Courtney
Illinois -- Noel
Washington -- Stuart

I am still trying to set up some of the metings with members of the senate
judiciary committee and want to make sure I send the right person with the
judge.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/23/2001 5:30:15 AM
Subject: : Judicial Appointments meeting time POTUS

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-MAR-2001 10:30:15.00

SUBJECT:: Judicial Appointments meeting time POTUS

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thursday, March 29th

4:25-4:55 pm

Oval Office

REV_00125549

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Joan Hunerwadel/NSC /EOP@EOP [NSC] <Joan Hunerwadel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kathleen Peroff/OMB/EOP@EOP [OMB] <Kathleen Peroff>;Steven D. Aitken/OMB/EOP@EOP [OMB] <Steven D. Aitken>
BCC: Records Management@EOP (Records Management@EOP [UNKNOWN])
Sent: 3/23/2001 8:44:04 AM
Subject: : Meeting w/NSC/DoD GC/WH Counsel - Room Change

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:23-MAR-2001 13:44:04.00

SUBJECT:: Meeting w/NSC/DoD GC/WH Counsel - Room Change

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kathleen Peroff (CN=Kathleen Peroff/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

BCC:Records Management@EOP (Records Management@EOP [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

The meeting will now take place in Room 248, not 254.

This confirms the meeting for Monday, March 26 @ 2:00 in Rm. 254 EEOB.

Attendees

Jay Lefkowitz, OMB
David Addington, OVP
Brad Wiegmann, NSC Legal Adviser's office
Daniel Dell'Orto, Acting DoD GC
Brett Kavanaugh, WH Counsel's Ofc.
Paul Colborn, Dept. of Justice/OLC
Kathy Peroff, OMB
Steve Aitken, OMB

REV_00125550

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Joan Hunerwadel/NSC /EOP@EOP [NSC] <Joan Hunerwadel>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kathleen Peroff/OMB/EOP@EOP [OMB] <Kathleen Peroff>;Steven D. Aitken/OMB/EOP@EOP [OMB] <Steven D. Aitken>
BCC: Records Management@EOP (Records Management@EOP [UNKNOWN])
Sent: 3/23/2001 8:44:04 AM
Subject: : Meeting w/NSC/DoD GC/WH Counsel - Room Change

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:23-MAR-2001 13:44:04.00

SUBJECT:: Meeting w/NSC/DoD GC/WH Counsel - Room Change

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kathleen Peroff (CN=Kathleen Peroff/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

BCC:Records Management@EOP (Records Management@EOP [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

The meeting will now take place in Room 248, not 254.

This confirms the meeting for Monday, March 26 @ 2:00 in Rm. 254 EEOB.

Attendees

Jay Lefkowitz, OMB
David Addington, OVP
Brad Wiegmann, NSC Legal Adviser's office
Daniel Dell'Orto, Acting DoD GC
Brett Kavanaugh, WH Counsel's Ofc.
Paul Colborn, Dept. of Justice/OLC
Kathy Peroff, OMB
Steve Aitken, OMB

REV_00125551

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 3/23/2001 11:49:40 AM
Subject: : Heads up on information leaking out about judicial nominees

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-MAR-2001 16:49:40.00

SUBJECT:: Heads up on information leaking out about judicial nominees

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The FBI is now actively interviewing people for the B.I.s of the first group of names submitted to DOJ. Many of the standard questions they ask clearly indicate that the person in question is being considered for a judicial post. Prospective nominees are starting to receive calls from friends and colleagues congratulating them and asking for details about the judgeship etc. I have instructed the nominees I am shepherding to say only that they "are under consideration" for a judicial appointment but not to identify the court or provide any specifics concerning their status. I have also asked them to emphasize that premature publicity could be damaging to their chances and to ask their friends and colleagues to be discreet.

We all need to be aware that there is now much more information entering general circulation about the President's likely nominees.

REV_00125554

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 3/23/2001 12:20:08 PM
Subject: : Re: FYI: Wisconsin judicial appointments

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAR-2001 17:20:08.00
SUBJECT:: Re: FYI: Wisconsin judicial appointments
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I could take WY and Courtney could take KY?

Courtney S. Elwood
03/23/2001 05:15:34 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: bradford a. berenson/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: FYI: Wisconsin judicial appointments

I'm happy to do it any way you want. The Judge and I met with Senator McConnell today. He told us that there will be a vacancy on the 6th Circuit (the Kentucky) seat this summer. McConnell has candidates already lined up, and the Judge wants us to proceed ahead with these candidates promptly. Let me know if you would like me to handle that seat over the next couple of weeks.

Brett M. Kavanaugh
03/23/2001 03:41:34 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
bcc:
Subject: Re: FYI: Wisconsin judicial appointments

I agree Helgi/Courtney should do CA10 Wyoming if they want.

I am more than happy to do it if you all do not want to.

Big time.

REV_00125556

Bradford A. Berenson
03/23/2001 03:12:05 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: FYI: Wisconsin judicial appointments

What does that even mean? Why do they think Tommy Thompson is going to be making appointments? I gather that depending upon the Governor and Sensenbrenner's advice, we might even continue to employ the bipartisan commission that has functioned in that state for so long.

Also, given the news on the Wyoming vacancy, I think that Helgi and Courtney, who are handling the book for the week after next, should take on that next 10th Circuit vacancy. Any disagreement?

H. Christopher Bartolomucci
03/23/2001 02:08:36 PM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: FYI: Wisconsin judicial appointments

I've heard the same thing.

Rachel L. Brand
03/23/2001 02:07:18 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FYI: Wisconsin judicial appointments

FYI re Wisconsin:
I've been informed by both Gov. McCollum's office and Rep. Sensenbrenner's office that the two senators from WI are threatening to blue-slip any judicial appointee with Tommy Thompson's "fingerprints" on it.

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP

Message Copied

To:

bradford a. berenson/who/eop@eop
stuart w. bowen/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop
rachel l. brand/who/eop@eop
timothy e. flanigan/who/eop@eop
alberto r. gonzales/who/eop@eop

Message Copied

To:

rachel l. brand/who/eop@eop
bradford a. berenson/who/eop@eop
stuart w. bowen/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop
rachel l. brand/who/eop@eop
timothy e. flanigan/who/eop@eop
alberto r. gonzales/who/eop@eop

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 3/23/2001 2:00:59 PM
Subject: : Re: District court vacancy in West Virginia

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAR-2001 19:00:59.00
SUBJECT:: Re: District court vacancy in West Virginia
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

We divvied up all the states, including those where there is no current or impending vacancy.

Helgard C. Walker
03/23/2001 06:56:40 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: District court vacancy in West Virginia

I was assigned the State of West Virginia, but I see no district court vacancy or future district court vacancy on any of our lists. Clue, anyone?

Message Sent

To:
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

REV_00125559

Stuart W. Bowen/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 3/25/2001 7:33:50 AM
Subject: : Secretary O'Neill

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 25-MAR-2001 12:33:50.00

SUBJECT:: Secretary O'Neill

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

announced today that he would sell his Alcoa stock. This episode seems to have been a good example of where being ok ethically and legally still won't cut it politically and pr-wise.

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; James Carroll/WHO/EOP@EOP [WHO] <James Carroll>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Melinda J. Loftin/WHO/EOP@EOP [WHO] <Melinda J. Loftin>; Raymond Sheehan/WHO/EOP@EOP [WHO] <Raymond Sheehan>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 3/26/2001 3:24:39 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAR-2001 08:24:39.00

SUBJECT::

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Melinda J. Loftin (CN=Melinda J. Loftin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Raymond Sheehan (CN=Raymond Sheehan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Do any of you have any/extra White House notepads? Please let me know if you do, the Judge needs one ASAP. Thanks.

REV_00125567

From: CN=Deborah K. Hair/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/26/2001 4:22:18 AM
Subject: : thank you letters for the AZ Hispanic Chamber endorse

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-MAR-2001 09:22:18.00
SUBJECT:: thank you letters for the AZ Hispanic Chamber endorse
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,
Need your input on whether this is "political" or not. Is there some way
you could help me formulate general guidelines for Senior Staff and my
staff so we won't have to ask you every time?
thanks
----- Forwarded by Deborah K. Hair/WHO/EOP on 03/26/2001
09:20 AM -----

Israel Hernandez
03/23/2001 10:37:04 PM
Record Type: Record

To: Deborah K. Hair/WHO/EOP@EOP
cc:
Subject: thank you letters for the AZ Hispanic Chamber endorse

we need to send them a thank you letter for endorsing POTUS's tax cut
plan.

thanks

Israel
----- Forwarded by Israel Hernandez/WHO/EOP on 03/23/2001
10:36 PM -----

Abel Guerra
03/22/2001 06:11:06 PM
Record Type: Record

To: Israel Hernandez/WHO/EOP@EOP
cc:
Subject: thank you letters for the AZ Hispanic Chamber endorse

Izzy,

Here is the thank you list for the AZ Hispanic chamber...they just
endorsed the President's Tax plan..per Karl

Rueben Ramos
Chairman of the Board
Arizona Hispanic Chamber of Commerce
255 East Osborn Road
Suite 201
Phoenix, AZ 85012

REV_00125568

Delia Garcia
President
Arizona Hispanic Chamber of Commerce
255 East Osborn Road
Suite 201
Phoenix, AZ 85012

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 3/26/2001 7:57:04 AM
Subject: : Correction on female appointment stats

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAR-2001 12:57:04.00

SUBJECT:: Correction on female appointment stats

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The stats I quoted for women in the federal judiciary and Clinton appointments were for circuit courts only. In the circuit court appointments, we will have 6 of 28, or 21%, which is a little less than the overall total (and thus a little less than the current totals in the circuit courts) but still quite good compared to where we were a few weeks ago.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 3/27/2001 5:03:56 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-MAR-2001 10:03:56.00

SUBJECT::

TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I need a phone for Priscilla Owen

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 3/27/2001 5:45:18 AM
Subject: : ABA Stories

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-MAR-2001 10:45:18.00

SUBJECT:: ABA Stories

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Here's the Legal Times story to which the Washington Times piece refers:

<http://www5.law.com/lawcom/displayid.cfm?statename=DC&docnum=56508&table=news&flag=full>

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 3/27/2001 5:48:46 AM
Subject: : More stories

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-MAR-2001 10:48:46.00

SUBJECT:: More stories

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

And here's a related piece from the Legal Times on Barnett:

<http://www5.law.com/lawcom/displayid.cfm?statename=DC&docnum=56523&table=news&flag=full>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 3/27/2001 10:51:13 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-MAR-2001 15:51:13.00

SUBJECT::

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Yes, I did look at Armstrong.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 3/27/2001 9:16:11 AM
Subject: : University of Michigan race case

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-MAR-2001 14:16:11.00

SUBJECT:: University of Michigan race case

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

AP: "The University of Michigan law school's admissions standards are unconstitutional because they use race as a factor in judging applicants, a federal judge ruled Tuesday. U.S. District Judge Bernard Friedman, in a written ruling released Tuesday, granted the plaintiff's request for an injunction and ordered the law school to stop using race."

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/27/2001 9:44:29 AM
Subject: : Attendance list for Thursday meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-MAR-2001 14:44:29.00
SUBJECT:: Attendance list for Thursday meeting
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Libby,

Per Brett, this is the list of attendees. We'll have the binders over for Tim and the Judge to review in a little while.

Jason

----- Forwarded by Jason B. Torchinsky/WHO/EOP on
03/27/2001 02:43 PM -----

Jason B. Torchinsky
03/27/2001 02:20:19 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Attendance list for Thursday meeting

Here's the people I think are going to be there. Libby needs to know this soon so she can assemble the event memo and I need to know so I know how many binders to assemble.

1. Vice President
2. Andy Card
3. Karl Rove
4. Judge
5. Tim
6. Brad
7. Brett
8. Helgi
9. Courtney

Please let me know if there's anyone else who needs to be there / needs a binder.

Jason

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;kevin j. martin/opd/eop@eop [OPD] <kevin j. martin>
Sent: 3/28/2001 2:23:15 AM
Subject: : Re: President's Information Technology Advisory Committee

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAR-2001 07:23:15.00

SUBJECT:: Re: President's Information Technology Advisory Committee

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kevin j. martin (CN=kevin j. martin/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

End Original ARMS Header

Some time ago I reviewed a draft temporarily extending the life of the Committee.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;kevin j. martin/opd/eop@eop [OPD] <kevin j. martin>
Sent: 3/28/2001 2:23:15 AM
Subject: : Re: President's Information Technology Advisory Committee

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAR-2001 07:23:15.00

SUBJECT:: Re: President's Information Technology Advisory Committee

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kevin j. martin (CN=kevin j. martin/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

End Original ARMS Header

Some time ago I reviewed a draft temporarily extending the life of the Committee.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;david s. addington/ovp/eop@eop [OVP] <david s. addington>
Sent: 3/28/2001 6:57:06 AM
Subject: : Re: Lunch at the Mess Staff Table Today?

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-MAR-2001 11:57:06.00
SUBJECT:: Re: Lunch at the Mess Staff Table Today?
TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

The train leaves the station at Noon.

H. Christopher Bartolomucci
03/28/2001 11:35:39 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Lunch at the Mess Staff Table Today?

Anyone interested?

Message Sent

To: _____
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
David S. Addington/OVP/EOP@EOP

REV_00125594

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/28/2001 3:08:17 PM
Subject: : 3:00 pm mtg. on Thursday re: Judicial Selection

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAR-2001 20:08:17.00

SUBJECT:: 3:00 pm mtg. on Thursday re: Judicial Selection

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are involved in judicial selection (everyone but Moose, Bellinger and Addington I believe) - please be in the Judge's office at 3:00 pm tomorrow for a 45 minute meeting.

FYI - The Judge leaves the White House at 5:10 pm tomorrow and will be out all day Friday, Saturday and Sunday (family time in Austin). He returns late on Sunday night and will be back in the office on Monday morning.

Thanks!

REV_00125596

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/28/2001 3:08:17 PM
Subject: : 3:00 pm mtg. on Thursday re: Judicial Selection

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAR-2001 20:08:17.00

SUBJECT:: 3:00 pm mtg. on Thursday re: Judicial Selection

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are involved in judicial selection (everyone but Moose, Bellinger and Addington I believe) - please be in the Judge's office at 3:00 pm tomorrow for a 45 minute meeting.

FYI - The Judge leaves the White House at 5:10 pm tomorrow and will be out all day Friday, Saturday and Sunday (family time in Austin). He returns late on Sunday night and will be back in the office on Monday morning.

Thanks!

REV_00125597

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/28/2001 12:01:31 PM
Subject: DELIVERY FAILURE: Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Invalid or nonexistent document

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT)
CREATOR:MailRouter (MailRouter [SYS])
CREATION DATE/TIME:28-MAR-2001 17:01:31.00
SUBJECT:DELIVERY FAILURE: Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Invalid or nonexistent document
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

DELIVERY FAILURE REPORT

Your Document:
Re: Gregory
could not be delivered to:
Records Management
because:
Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Invalid or nonexistent document
Routing Path:
CN=Mail2/O=EOP;CN=SREOP03/O=EOP;CN=SREOP03/O=EOP;CN=Mail2/O=EOP

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/28/2001 12:01:32 PM
Subject: DELIVERY FAILURE: Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Invalid or nonexistent document

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT)
CREATOR:MailRouter (MailRouter [SYS])
CREATION DATE/TIME:28-MAR-2001 17:01:32.00
SUBJECT:DELIVERY FAILURE: Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Invalid or nonexistent document
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

DELIVERY FAILURE REPORT

Your Document:
Re: gregory
could not be delivered to:
Records Management
because:
Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Invalid or nonexistent document
Routing Path:
CN=Mail2/O=EOP;CN=SREOP03/O=EOP;CN=SREOP03/O=EOP;CN=Mail2/O=EOP

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/28/2001 12:01:33 PM
Subject: DELIVERY FAILURE: Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Invalid or nonexistent document

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT)
CREATOR:MailRouter (MailRouter [SYS])
CREATION DATE/TIME:28-MAR-2001 17:01:33.00
SUBJECT:DELIVERY FAILURE: Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Invalid or nonexistent document
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

DELIVERY FAILURE REPORT

Your Document:
Re: Gregory
could not be delivered to:
Records Management
because:
Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Invalid or nonexistent document
Routing Path:
CN=Mail2/O=EOP;CN=SREOP03/O=EOP;CN=SREOP03/O=EOP;CN=Mail2/O=EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/28/2001 2:14:23 PM
Subject: : Disappointees meeting starting now- if you are a part of the email...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAR-2001 19:14:23.00

SUBJECT:: Disappointees meeting starting now- if you are a part of the email...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

exchange taking place this evening re: appointees - COME ON OVER!

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 3/29/2001 6:08:20 AM
Subject: : Re: FW: Call from Kohl's staff on Wisconsin judge process

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAR-2001 11:08:20.00

SUBJECT:: Re: FW: Call from Kohl's staff on Wisconsin judge process

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Judge and Rachel (who's handling Wisconsin) are meeting with Senator Kohl right now. That press account sure doesn't sound right to me. In my prior discussions with folks here, the hope was that we could use the existing system if it was fair and adequately protected the President's prerogatives. We have consulted with Sensenbrenner (and I believe with Governor McCallum as well) and have sought their input concerning whether the current arrangement is acceptable or whether perhaps some negotiations need to take place to work out some modifications, but as far as I know, little thought has been given to scrapping it entirely, and the notion of cutting out the Senators seems ludicrous to me, especially as both are on Judiciary. Maybe wires have gotten crossed somehow, or maybe Sensenbrenner is using this as a hardball pressure tactic in prelude to negotiations with Kohl and Feingold.

Kyle Sampson
03/29/2001 10:50:30 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Call from Kohl's staff on Wisconsin judge process

My White House liaison at DOJ, David Higbee, forwarded the below e-mail about a call from Sen. Kohl's staff received by OLA at Justice. We should discuss at the 3:00 p.m. today.

----- Forwarded by Kyle Sampson/WHO/EOP on 03/29/2001
09:41 AM -----

"Higbee, David" <David.Higbee@usdoj.gov>

REV_00125603

03/29/2001 08:46:37 AM

Record Type: Record

To: "Ciongoli, Adam" <Adam.Ciongoli@intmail.usdoj.gov>, Kyle
Sampson/WHO/EOP
cc:
Subject: FW: Call from Kohl's staff on Wisconsin judge process

FYI

-----Original Message-----

From: Walter, Sheryl L
Sent: Thursday, March 29, 2001 8:38 AM
To: Ayres, David; Israelite, David; Bryant, Dan; Scottfinan, Nancy;
Higbee, David; Tucker, Mindy; Dryden, Susan; McNulty, Paul
Subject: Call from Kohl's staff on Wisconsin judge process

I got a heated phone call last night from Kohl's chief counsel on
Judiciary. A Wisconsin reporter has a story that is on the verge of being
published that says the AG has in essence "given the green light" to
Sensenbrenner to abandon Wisconsin's two decade old bipartisan commission
for selecting judges. (According to Kohl's staff, Sensenbrenner has the
majority of appointments on the commission already, so they are prepared
to give him a leading role but still insist that the established process
should be followed.) Given that both Senators from Wisconsin are not only
Democrats but on Judiciary, this has implications for our nominees coming
up next week. No hold threat yet, but it was between the lines. And, it
will definitely come up in the courtesy calls and in the questions next
Thursday if we don't have an answer.

Is this something we can definitely debunk? (If not, that's another
story.) thanks, sheryl

REV_00125604

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; James Carroll/WHO/EOP@EOP [WHO] <James Carroll>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Melinda J. Loftin/WHO/EOP@EOP [WHO] <Melinda J. Loftin>; Raymond Sheehan/WHO/EOP@EOP [WHO] <Raymond Sheehan>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 3/29/2001 1:09:56 PM
Subject: : Judge Interviews

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-MAR-2001 18:09:56.00
SUBJECT:: Judge Interviews
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melinda J. Loftin (CN=Melinda J. Loftin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond Sheehan (CN=Raymond Sheehan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please send me any information you have regarding the judge interviews for next week. Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 3/30/2001 3:56:10 AM
Subject: : Reggie Walton -- 2

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-MAR-2001 08:56:10.00

SUBJECT:: Reggie Walton -- 2

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Absent objection, I will call Reggie Walton and have him in for an interview.

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>;Dinah Bear/CEQ/EOP@EOP [CEQ]
<Dinah Bear>;Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>;Edward A.
Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>;Amy M. Bilyeau/OA/EOP@EOP [OA]
<Amy M. Bilyeau>;Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>;Melinda
A. Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>;Adam F. Greenstone/OA
/EOP@EOP [OA] <Adam F. Greenstone>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan
C. Hawthorne>;Karen E. Kaufmann/OA/EOP@EOP [OA] <Karen E. Kaufmann>;Cynthia J.
Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>;Lynne D. Scheib/OA/EOP@EOP [OA] <Lynne D.
Scheib>;Zakia Mull/OA/EOP@EOP [OA] <Zakia Mull>;Catherine S. Anderson/OA/EOP@EOP [OA]
<Catherine S. Anderson>;Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M.
Garrison>;John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>;Carlos E. Bonilla/OPD
/EOP@EOP [OPD] <Carlos E. Bonilla>;James E. Carter/OPD/EOP@EOP [OPD] <James E.
Carter>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;K. Philippa Malmgren/OPD
/EOP@EOP [OPD] <K. Philippa Malmgren>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J.
Martin>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Eric H. Otto/OPD
/EOP@EOP [OPD] <Eric H. Otto>;Edwina C. Rogers/OPD/EOP@EOP [OPD] <Edwina C.
Rogers>;Donald M. Sumerlin/OPD/EOP@EOP [OPD] <Donald M. Sumerlin>;Janet P.
Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>;Emily Willeford/OPD/EOP@EOP [OPD]
<Emily Willeford>;David F. Lussier/OPD/EOP@EOP [OPD] <David F. Lussier>;Katie
Hong/WHO/EOP@EOP [WHO] <Katie Hong>;Michael J. Napolitano/WHO/EOP@EOP [WHO]
<Michael J. Napolitano>;Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Kristen
Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Nicolle Devenish/WHO/EOP@EOP [WHO]
<Nicolle Devenish>;Karl Doenges/WHO/EOP@EOP [WHO] <Karl Doenges>;Tucker A.
Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Michael J. Gerson/WHO/EOP@EOP [WHO]
<Michael J. Gerson>;Gregory Goss/WHO/EOP@EOP [WHO] <Gregory Goss>;William
T. Griffin/WHO/EOP@EOP [WHO] <William T. Griffin>;Taylor S. Gross/WHO/EOP@EOP [WHO]
<Taylor S. Gross>;Erin E. Healy/WHO/EOP@EOP [WHO] <Erin E. Healy>;Kenneth A.
Lisaius/WHO/EOP@EOP [WHO] <Kenneth A. Lisaius>;Jeanie S. Mamo/WHO/EOP@EOP [WHO]
<Jeanie S. Mamo>;Wendy L. Nipper/WHO/EOP@EOP [WHO] <Wendy L.
Nipper>;Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>;Krista L.
Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Tracey L. Schmitt/WHO/EOP@EOP [WHO]
<Tracey L. Schmitt>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Scott
Stanzel/WHO/EOP@EOP [WHO] <Scott Stanzel>;Edmund A. Walsh/WHO/EOP@EOP [WHO]
<Edmund A. Walsh>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R.
Wilkinson>;Tracy Young/WHO/EOP@EOP [WHO] <Tracy Young>;Mercedes M. Viana/WHO
/EOP@EOP [WHO] <Mercedes M. Viana>;Alison M. Harden/WHO/EOP@EOP [WHO]
<Alison M. Harden>;Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne Heiligenstein>;Sonya
E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>;Noelia Rodriguez/WHO/EOP@EOP [WHO]
<Noelia Rodriguez>;Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>;H.
Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A.
Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO
/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel
L. Brand>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Robert W.
Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO]
<Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E.
Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Alberto R.
Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Brent D. Greenfield/WHO
/EOP@EOP [WHO] <Brent D. Greenfield>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L.
Riepenhoff>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Helgard C.
Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jill Davie/WHO/EOP@EOP [WHO]
<Jill Davie>;John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>;Scott Jeffcoat/WHO
/EOP@EOP [WHO] <Scott Jeffcoat>;Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M.
Rowan>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Alicia W. Davis/WHO
/EOP@EOP [WHO] <Alicia W. Davis>;Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B.
Dyck>;Joshua L. Ginsberg/WHO/EOP@EOP [WHO] <Joshua L. Ginsberg>;Collister W.
Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Kelley J. McCullough/WHO
/EOP@EOP [WHO] <Kelley J. McCullough>;Kenneth B. Mehlman/WHO/EOP@EOP [WHO]
<Kenneth B. Mehlman>;Jennifer M. Oschal/WHO/EOP@EOP [WHO] <Jennifer M.
Oschal>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Matthew A.

Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>;David M. Thomas/WHO/EOP@EOP [WHO] <David M. Thomas>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>;William S. Clark/WHO/EOP@EOP [WHO] <William S. Clark>;Matthew C. Rhoades/WHO/EOP@EOP [WHO] <Matthew C. Rhoades>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Danner R. Bethel/WHO/EOP@EOP [WHO] <Danner R. Bethel>;Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Michele H. Tennery/WHO/EOP@EOP [WHO] <Michele H. Tennery>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP@EOP [WHO] <Kristen L. Hughes>
CC: Cynthia.Sullivan@lexis-nexis.com [UNKNOWN] <Cynthia.Sullivan@lexis-nexis.com>;maggie.huber @ lexis-nexis.com [UNKNOWN] <maggie.huber>
Sent: 3/30/2001 8:34:52 AM
Subject: : An Inviation -- LEXIS-NEXIS Open House @ the Library

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP [OA])

CREATION DATE/TIME:30-MAR-2001 13:34:52.00

SUBJECT:: An Inviation -- LEXIS-NEXIS Open House @ the Library

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Lynne D. Scheib (CN=Lynne D. Scheib/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Zakia Mull (CN=Zakia Mull/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])

REV_00125608

READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Donald M. Sumerlin (CN=Donald M. Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Katie Hong (CN=Katie Hong/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl Doenges (CN=Karl Doenges/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joshua L. Ginsberg (CN=Joshua L. Ginsberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer M. Oschal (CN=Jennifer M. Oschal/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Bell (CN=Michael J. Bell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:William S. Clark (CN=William S. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew C. Rhoades (CN=Matthew C. Rhoades/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen K. Replogle (CN=Stephen K. Replogle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cynthia.Sullivan@lexis-nexis.com (Cynthia.Sullivan@lexis-nexis.com [UNKNOWN])
READ:UNKNOWN
CC:maggie.huber (maggie.huber @ lexis-nexis.com [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

LEXIS-NEXIS Open Houses
during
National Library Week

The EEOB Library invites you to the unveiling of a customized LEXIS-NEXIS web interface, designed especially for EOP customers. This custom user interface will have simple forms-based templates for easy searching, user guides, search tips, links to both nexis.com and lexis.com and more. LEXIS-NEXIS representatives will be on hand to demonstrate the features of this page and to answer general questions regarding search formulation and data content. They will also demo short cuts and advanced search tips.

If you are a fairly new user, this is your chance to brush up on your search skills. If you are a &super searcher8, the LEXIS-NEXIS reps can give you tips to make your searches even faster and better. This is also

a great opportunity to talk with reference librarians about library services to complement your LEXIS-NEXIS access.

Wednesday, April 4, 2001 3 p.m. to 4 p.m.

Friday, April 6, 2001 9:30 a.m. to 10:30 a.m.

EEOB Library

Room 308

Eisenhower Executive Office Building

Any questions? Please call Martha Schiele, x57000.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/30/2001 5:28:40 AM
Subject: : Re: Reggie Walton -- 2

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-MAR-2001 10:28:40.00
SUBJECT:: Re: Reggie Walton -- 2
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Let's get together with Brett and discuss our DC USA list

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/30/2001 5:34:18 AM
Subject: : Re: Reggie Walton -- 2

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-MAR-2001 10:34:18.00
SUBJECT:: Re: Reggie Walton -- 2
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

How about 4:30 p.m. in Brett's office?

H. Christopher Bartolomucci
03/30/2001 10:28:29 AM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
Subject: Re: Reggie Walton -- 2

Let's get together with Brett and discuss our DC USA list

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 3/30/2001 6:01:26 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-MAR-2001 11:01:26.00
SUBJECT:: Re:
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I think you should make clear to them two things:

1. They can clearly designate a favorite on their lists, and we will do everything possible to respect that designation; and
2. This is a matter of White House policy, and we cannot make nominations if the Senators will not comply.

Rachel L. Brand
03/30/2001 10:45:44 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

Tom Young of Sen. Shelby's office has informed me that Sessions and Shelby

REV_00125615

will NOT send more than one name for each of the district court seats in Alabama -- he wouldn't be persuaded otherwise. I'll work on Sen. Sessions's staffer.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Timothy E. Flanigan/WHO/EOP@EOP

Alberto R. Gonzales/WHO/EOP@EOP

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/30/2001 6:05:02 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-MAR-2001 11:05:02.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

that's fantastic

Brett M. Kavanaugh
03/30/2001 10:54:50 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

With Bart taking the lead on good quotes, let me add (I could do this all day long, but won't, with the literally dozens of Janice Brown quotes):

"The quixotic desire to do good, be universally fair and make everybody happy is understandable. Indeed, the majority's approach is more than a little endearing. There is only one problem with this approach. We are a court."
Janice Brown, dissent in an antitrust case in 1996.

Message Sent

To: _____
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

REV_00125617

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>; Dinah Bear/CEQ/EOP@EOP [CEQ] <Dinah Bear>; Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>; Edward A. Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>; Amy M. Bilyeau/OA/EOP@EOP [OA] <Amy M. Bilyeau>; Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>; Melinda A. Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>; Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>; Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>; Karen E. Kaufmann/OA/EOP@EOP [OA] <Karen E. Kaufmann>; Cynthia J. Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>; Lynne D. Scheib/OA/EOP@EOP [OA] <Lynne D. Scheib>; Zakia Mull/OA/EOP@EOP [OA] <Zakia Mull>; Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>; Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>; John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; James E. Carter/OPD/EOP@EOP [OPD] <James E. Carter>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Edwina C. Rogers/OPD/EOP@EOP [OPD] <Edwina C. Rogers>; Donald M. Sumerlin/OPD/EOP@EOP [OPD] <Donald M. Sumerlin>; Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>; Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>; David F. Lussier/OPD/EOP@EOP [OPD] <David F. Lussier>; Katie Hong/WHO/EOP@EOP [WHO] <Katie Hong>; Michael J. Napolitano/WHO/EOP@EOP [WHO] <Michael J. Napolitano>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Karl Doenges/WHO/EOP@EOP [WHO] <Karl Doenges>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Gregory Goss/WHO/EOP@EOP [WHO] <Gregory Goss>; William T. Griffin/WHO/EOP@EOP [WHO] <William T. Griffin>; Taylor S. Gross/WHO/EOP@EOP [WHO] <Taylor S. Gross>; Erin E. Healy/WHO/EOP@EOP [WHO] <Erin E. Healy>; Kenneth A. Lisaius/WHO/EOP@EOP [WHO] <Kenneth A. Lisaius>; Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>; Wendy L. Nipper/WHO/EOP@EOP [WHO] <Wendy L. Nipper>; Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>; Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>; Tracey L. Schmitt/WHO/EOP@EOP [WHO] <Tracey L. Schmitt>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Scott Stanzel/WHO/EOP@EOP [WHO] <Scott Stanzel>; Edmund A. Walsh/WHO/EOP@EOP [WHO] <Edmund A. Walsh>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Tracy Young/WHO/EOP@EOP [WHO] <Tracy Young>; Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>; Alison M. Harden/WHO/EOP@EOP [WHO] <Alison M. Harden>; Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne Heiligenstein>; Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>; Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>; Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Scott Jeffcoat/WHO/EOP@EOP [WHO] <Scott Jeffcoat>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>; Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>; Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>; Joshua L. Ginsberg/WHO/EOP@EOP [WHO] <Joshua L. Ginsberg>; Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>; Kelley J. McCullough/WHO/EOP@EOP [WHO] <Kelley J. McCullough>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Jennifer M. Oschal/WHO/EOP@EOP [WHO] <Jennifer M. Oschal>; Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>; Matthew A.

Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>;David M. Thomas/WHO/EOP@EOP [WHO] <David M. Thomas>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>;William S. Clark/WHO/EOP@EOP [WHO] <William S. Clark>;Matthew C. Rhoades/WHO/EOP@EOP [WHO] <Matthew C. Rhoades>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Danner R. Bethel/WHO/EOP@EOP [WHO] <Danner R. Bethel>;Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Michele H. Tennery/WHO/EOP@EOP [WHO] <Michele H. Tennery>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP@EOP [WHO] <Kristen L. Hughes>

CC: Cynthia.Sullivan@lexis-nexis.com [UNKNOWN] <Cynthia.Sullivan@lexis-nexis.com>;maggie.huber @ lexis-nexis.com [UNKNOWN] <maggie.huber>

Sent: 3/30/2001 8:34:52 AM

Subject: : An Inviation -- LEXIS-NEXIS Open House @ the Library

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP@EOP [OA])

CREATION DATE/TIME:30-MAR-2001 13:34:52.00

SUBJECT:: An Inviation -- LEXIS-NEXIS Open House @ the Library

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Lynne D. Scheib (CN=Lynne D. Scheib/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Zakia Mull (CN=Zakia Mull/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])

REV_00125619

READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Donald M. Sumerlin (CN=Donald M. Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Katie Hong (CN=Katie Hong/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
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TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
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TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
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TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
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TO:Karl Doenges (CN=Karl Doenges/OU=WHO/O=EOP@EOP [WHO])
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TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
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TO:Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP@EOP [WHO])
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TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
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TO:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
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TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
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 TO:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 CC:Cynthia.Sullivan@lexis-nexis.com (Cynthia.Sullivan@lexis-nexis.com [UNKNOWN])
 READ:UNKNOWN
 CC:maggie.huber (maggie.huber @ lexis-nexis.com [UNKNOWN])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

LEXIS-NEXIS Open Houses
 during
 National Library Week

The EEOB Library invites you to the unveiling of a customized LEXIS-NEXIS web interface, designed especially for EOP customers. This custom user interface will have simple forms-based templates for easy searching, user guides, search tips, links to both nexis.com and lexis.com and more. LEXIS-NEXIS representatives will be on hand to demonstrate the features of this page and to answer general questions regarding search formulation and data content. They will also demo short cuts and advanced search tips.

If you are a fairly new user, this is your chance to brush up on your search skills. If you are a &super searcher8, the LEXIS-NEXIS reps can give you tips to make your searches even faster and better. This is also

a great opportunity to talk with reference librarians about library services to complement your LEXIS-NEXIS access.

Wednesday, April 4, 2001 3 p.m. to 4 p.m.

Friday, April 6, 2001 9:30 a.m. to 10:30 a.m.

EEOB Library

Room 308

Eisenhower Executive Office Building

Any questions? Please call Martha Schiele, x57000.

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>;Dinah Bear/CEQ/EOP@EOP [CEQ]
<Dinah Bear>;Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>;Edward A.
Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>;Amy M. Bilyeau/OA/EOP@EOP [OA]
<Amy M. Bilyeau>;Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>;Melinda
A. Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>;Adam F. Greenstone/OA
/EOP@EOP [OA] <Adam F. Greenstone>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan
C. Hawthorne>;Karen E. Kaufmann/OA/EOP@EOP [OA] <Karen E. Kaufmann>;Cynthia J.
Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>;Lynne D. Scheib/OA/EOP@EOP [OA] <Lynne D.
Scheib>;Zakia Mull/OA/EOP@EOP [OA] <Zakia Mull>;Catherine S. Anderson/OA/EOP@EOP [OA]
<Catherine S. Anderson>;Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M.
Garrison>;John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>;Carlos E. Bonilla/OPD
/EOP@EOP [OPD] <Carlos E. Bonilla>;James E. Carter/OPD/EOP@EOP [OPD] <James E.
Carter>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;K. Philippa Malmgren/OPD
/EOP@EOP [OPD] <K. Philippa Malmgren>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J.
Martin>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Eric H. Otto/OPD
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<Kenneth B. Mehlman>;Jennifer M. Oschal/WHO/EOP@EOP [WHO] <Jennifer M.
Oschal>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>;Matthew A.

Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>;David M. Thomas/WHO/EOP@EOP [WHO] <David M. Thomas>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>;William S. Clark/WHO/EOP@EOP [WHO] <William S. Clark>;Matthew C. Rhoades/WHO/EOP@EOP [WHO] <Matthew C. Rhoades>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Danner R. Bethel/WHO/EOP@EOP [WHO] <Danner R. Bethel>;Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Michele H. Tennery/WHO/EOP@EOP [WHO] <Michele H. Tennery>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP@EOP [WHO] <Kristen L. Hughes>
CC: Cynthia.Sullivan@lexis-nexis.com [UNKNOWN] <Cynthia.Sullivan@lexis-nexis.com>;maggie.huber @ lexis-nexis.com [UNKNOWN] <maggie.huber>
Sent: 3/30/2001 8:34:52 AM
Subject: : An Inviation -- LEXIS-NEXIS Open House @ the Library

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP@EOP [OA])

CREATION DATE/TIME:30-MAR-2001 13:34:52.00

SUBJECT:: An Inviation -- LEXIS-NEXIS Open House @ the Library

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Lynne D. Scheib (CN=Lynne D. Scheib/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Zakia Mull (CN=Zakia Mull/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])

REV_00125625

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TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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TO:Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cynthia.Sullivan@lexis-nexis.com (Cynthia.Sullivan@lexis-nexis.com [UNKNOWN])
READ:UNKNOWN
CC:maggie.huber @ lexis-nexis.com [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

LEXIS-NEXIS Open Houses
during
National Library Week

The EEOB Library invites you to the unveiling of a customized LEXIS-NEXIS web interface, designed especially for EOP customers. This custom user interface will have simple forms-based templates for easy searching, user guides, search tips, links to both nexis.com and lexis.com and more. LEXIS-NEXIS representatives will be on hand to demonstrate the features of this page and to answer general questions regarding search formulation and data content. They will also demo short cuts and advanced search tips.

If you are a fairly new user, this is your chance to brush up on your search skills. If you are a &super searcher8, the LEXIS-NEXIS reps can give you tips to make your searches even faster and better. This is also

a great opportunity to talk with reference librarians about library services to complement your LEXIS-NEXIS access.

Wednesday, April 4, 2001 3 p.m. to 4 p.m.

Friday, April 6, 2001 9:30 a.m. to 10:30 a.m.

EEOB Library

Room 308

Eisenhower Executive Office Building

Any questions? Please call Martha Schiele, x57000.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/30/2001 1:00:02 PM
Subject: : Sunday Line-Up

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-MAR-2001 18:00:02.00

SUBJECT:: Sunday Line-Up

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
03/30/2001 05:59 PM -----

Jennifer K. Millerwise
03/30/2001 05:44:21 PM
Record Type: Record

To:
cc:
Subject: Sunday Line-Up

REV_00125630

NBC Meet the Press: Senator John McCain, re: Campaign Finance
Reform & Senate Business
Congressmen Tom Davis & Meehan, re: Campaign
Finance Reform & House Business

ABC This Week: Senators Don Nickles & Edwards, re: Senate Business
Secretary Abraham, re: Energy
George S. looks at televising executions

CBS Face the Nation: Senators Daschle, re: Campaign Finance &
Senate Business
Congressman Shays & GOP TBD, re: Campaign Finance

FOX News Sunday: Senator John Kerry & Domenici
Discussion on race and college
admissions

CNN Late Edition: Senators Hagel & Feingold, re: Campaign Finance
Reform
Ward Connerl & Kwesi Mfume, re: race and college
admissions

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/30/2001 11:55:25 AM
Subject: : THE WEEK AHEAD, MARCH 31-APRIL 6

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-MAR-2001 16:55:25.00

SUBJECT:: THE WEEK AHEAD, MARCH 31-APRIL 6

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
03/30/2001 04:54 PM -----

03/30/2001 04:33 PM
Rachael L. Sunbarger
Rachael L. Sunbarger
Rachael L. Sunbarger
03/30/2001 04:33 PM
03/30/2001 04:33 PM
Record Type: Record

REV_00125632

To:
cc:
Subject: THE WEEK AHEAD, MARCH 31-APRIL 6

THE WHITE HOUSE

Office of the Press Secretary

FOR PLANNING PURPOSES ONLY March
31, 2001
THIS INFORMATION SUBJECT TO CHANGE

THE WEEK AHEAD
Saturday, March 31) Friday, April 6

Saturday, March 31

10:06 am Broadcast of THE PRESIDENT'S Weekly Radio Address
EST

Sunday, April 1

4:30 pm THE PRESIDENT arrives The White House via Marine One
South Lawn, The White House
OPEN PRESS

Monday, April 2

11:45 am THE PRESIDENT meets with The President of Egypt
Oval Office, The White House
POOL COVERAGE
1st wave: stills only | 2nd wave: remainder of pool

2:00 pm THE PRESIDENT makes remarks to National Restaurant
Association members
Room 450) EEOB
OPEN PRESS

5:15 pm THE PRESIDENT makes remarks to members of Congressional
Hispanic Caucus
Cabinet Room, The White House
POOL COVERAGE AT TOP

Tuesday, April 3

11:00 am THE PRESIDENT will tour H. Fletcher Brown Boys and Girls
Club and participate in Education Roundtable
Williamington, DE
POOL COVERAGE FOR TOUR | OPEN PRESS FOR REMARKS

Wednesday, April 4

4:20 pm THE PRESIDENT participates in Photo Opportunity with
children of
Childrens Miracle Network
East Garden, The White House
OPEN PRESS

Thursday, April 5

1:10 pm THE PRESIDENT makes remarks to American Society of
Newspaper Editors Annual Convention

REV_00125633

J.W. Marriott, Washington DC
OPEN PRESS

3:00 pm THE PRESIDENT makes remarks to US Conference of Mayors'
National Summit on Investment in The New American City
Rose Garden, The White House
OPEN PRESS

Friday, April 6

1:00 pm THE PRESIDENT makes remarks at Malcom Baldrige Awards
Alexandria, VA
OPEN PRESS

7:05 pm THE PRESIDENT attends and "throws out first pitch" at the
Milwalkee Brewers vs Cincinnati Reds MLB Game
Milwalkee, WI
Air Force One Pool Coverage
(For Credentialing Information: Contact Milwalkee Brewers Baseball
Organization)

###

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/30/2001 11:55:25 AM
Subject: : THE WEEK AHEAD, MARCH 31-APRIL 6

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-MAR-2001 16:55:25.00

SUBJECT:: THE WEEK AHEAD, MARCH 31-APRIL 6

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
03/30/2001 04:54 PM -----

03/30/2001 04:33 PM
Rachael L. Sunbarger
Rachael L. Sunbarger
Rachael L. Sunbarger
03/30/2001 04:33 PM
03/30/2001 04:33 PM
Record Type: Record

REV_00125635

To:
cc:
Subject: THE WEEK AHEAD, MARCH 31-APRIL 6

THE WHITE HOUSE

Office of the Press Secretary

FOR PLANNING PURPOSES ONLY March
31, 2001
THIS INFORMATION SUBJECT TO CHANGE

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4:20 pm THE PRESIDENT participates in Photo Opportunity with
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Childrens Miracle Network
East Garden, The White House
OPEN PRESS

Thursday, April 5

1:10 pm THE PRESIDENT makes remarks to American Society of
Newspaper Editors Annual Convention

REV_00125636

J.W. Marriott, Washington DC
OPEN PRESS

3:00 pm THE PRESIDENT makes remarks to US Conference of Mayors'
National Summit on Investment in The New American City
Rose Garden, The White House
OPEN PRESS

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1:00 pm THE PRESIDENT makes remarks at Malcom Baldrige Awards
Alexandria, VA
OPEN PRESS

7:05 pm THE PRESIDENT attends and "throws out first pitch" at the
Milwaukee Brewers vs Cincinnati Reds MLB Game
Milwaukee, WI
Air Force One Pool Coverage
(For Credentialing Information: Contact Milwaukee Brewers Baseball
Organization)

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From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 3/30/2001 1:00:02 PM
Subject: : Sunday Line-Up

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-MAR-2001 18:00:02.00

SUBJECT:: Sunday Line-Up

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
03/30/2001 05:59 PM -----

Jennifer K. Millerwise
03/30/2001 05:44:21 PM
Record Type: Record

To:
cc:
Subject: Sunday Line-Up

REV_00125638

NBC Meet the Press: Senator John McCain, re: Campaign Finance
Reform & Senate Business
Congressmen Tom Davis & Meehan, re: Campaign
Finance Reform & House Business

ABC This Week: Senators Don Nickles & Edwards, re: Senate Business
Secretary Abraham, re: Energy
George S. looks at televising executions

CBS Face the Nation: Senators Daschle, re: Campaign Finance &
Senate Business
Congressman Shays & GOP TBD, re: Campaign Finance

FOX News Sunday: Senator John Kerry & Domenici
Discussion on race and college
admissions

CNN Late Edition: Senators Hagel & Feingold, re: Campaign Finance
Reform
Ward Connerl & Kwesi Mfume, re: race and college
admissions

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jeffrey E. Harris/OMB/EOP@EOP [OMB] <Jeffrey E. Harris>
Sent: 3/31/2001 9:21:53 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 31-MAR-2001 14:21:53.00

SUBJECT::

TO: Jeffrey E. Harris (CN=Jeffrey E. Harris/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

I am in Counsel's Office. Can you give me a call at 6-7984 re
Nolan directives issue? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Irene Kho/OMB/EOP@EOP [OMB] <Irene Kho>
Sent: 3/31/2001 10:56:37 AM
Subject: : LRM IKK1 - - Office of National Drug Control Policy Study on Counterdrug Enforcement on U.S. Public Lands

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 31-MAR-2001 15:56:37.00

SUBJECT:: LRM IKK1 - - Office of National Drug Control Policy Study on Counterdrug Enforcement on U.S. Public Lands

TO: Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

For your written records, White House Counsel had no comments or proposed edits on this LRM.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>
Sent: 3/31/2001 9:43:36 AM
Subject: : Re: RNC interns

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-MAR-2001 14:43:36.00
SUBJECT:: Re: RNC interns
TO: Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Is this now up and running?

Sara M. Taylor
03/16/2001 10:05:46 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RNC interns

Any progress on this?

Sara

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>
Sent: 3/31/2001 11:22:02 AM
Subject: : Florida trip

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-MAR-2001 16:22:02.00
SUBJECT:: Florida trip
TO: Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I would like to know the groups to whom you are speaking and what you will be saying, but it appears likely that this entire trip can and should be classified as political. We can discuss at your convenience, however.

(P.S. This e-mail is part of my new policy to "respond to Mehlmann-shop inquiries within minutes, or least a few hours.")

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: phillip larsen/oa/eop@eop [OA] <phillip larsen>
Sent: 4/2/2001 6:50:27 AM
Subject: : Re: Coordination with WHCA for OA travel laptops

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 2-APR-2001 10:50:27.00

SUBJECT:: Re: Coordination with WHCA for OA travel laptops

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:phillip larsen (CN=phillip larsen/OU=oa/O=eop@eop [OA])

READ:UNKNOWN

End Original ARMS Header

Brett--Thanks. FYI, I had two follow up discussions, one with Captain Miller at WHMO, and the other with Leanna Terrell. I think both agreed that it would be a good idea to narrow down what kind of technical work the WHCA personnel could do on the laptops given their knowledge of the system and resources. Leanna has agreed to do that. In turn, this could be spelled out in any agreement so WHCA personnel would know what they are authorized to do.

Incidentally, Leanna mentioned that IS&T personnel may be along on overnight trips, so WHCA personnel may only have to do this for day trips. She will advise once this is resolved. Adam, 5-1268

Brett M. Kavanaugh
03/31/2001 02:30:13 PM
Record Type: Record

To: Phillip Larsen/OA/EOP@EOP
cc: Adam F. Greenstone/OA/EOP@EOP
bcc:
Subject: Coordination with WHCA for OA travel laptops

Phil:

Adam Greenstone raised with me some questions about the precise language in the MOU. He and I will coordinate on working that out.

Brett Kavanaugh
6-7984

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/2/2001 7:45:31 AM
Subject: : Re: Meeting with Judge re New Hampshire

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2001 11:45:31.00
SUBJECT:: Re: Meeting with Judge re New Hampshire
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Anytime except 2-4pm. Combined with Chris, that means 1-4pm is out.

H. Christopher Bartolomucci
04/02/2001 11:41:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: elizabeth n. camp/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Meeting with Judge re New Hampshire

Anytime except 1:00-2:00

Brett M. Kavanaugh
04/02/2001 11:40:54 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Helgard C. Walker/WHO/EOP@EOP,
H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
Subject: Meeting with Judge re New Hampshire

We need to meet with the Judge about New Hampshire CA1. What is a good time?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/2/2001 9:17:34 AM
Subject: : If you are handling "the King case" involving the DOD please let me know

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-APR-2001 13:17:34.00

SUBJECT:: If you are handling "the King case" involving the DOD please let me know

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If not - no response necessary.

Thanks!

REV_00125668

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/2/2001 9:17:34 AM
Subject: : If you are handling "the King case" involving the DOD please let me know

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-APR-2001 13:17:34.00

SUBJECT:: If you are handling "the King case" involving the DOD please let me know

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If not - no response necessary.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>
Sent: 4/2/2001 3:29:47 PM
Subject: : Home based access of office email

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2001 19:29:47.00
SUBJECT:: Home based access of office email
TO: Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Moose forwarded this to me.

Your home e-mail and computer are always subject to subpoena in the event of a congressional or grand jury investigation, regardless whether you use your home computer to access your office e-mail. Your personal e-mail account is not subject to the Presidential Records Act, however, regardless whether you use your home computer to access office e-mail.

The bottom line, therefore, is that nothing changes from a records perspective when you access your office e-mail from home.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/02/2001 09:41 AM -----

Robert W. Cobb
04/02/2001 09:39:00 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Home based access of office email

Yours, I believe.

----- Forwarded by Robert W. Cobb/WHO/EOP on 04/02/2001
09:38 AM -----

Janet P. Walker
04/02/2001 08:00:09 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Home based access of office email

Good morning! If someone uses their secure ID card to access their office email from home, does this open up their entire home-based computer to scrutiny?

Many thanks for your guidance.

Regards,
Janet Walker

----- Forwarded by Janet P. Walker/OPD/EOP on 04/02/2001
07:59 AM -----

REV_00125671

Janet P. Walker
04/02/2001 07:58:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Home based access of office email

Good morning! Many of you have secure ID cards which allow you to access your voice mail off-site. You can also access your email using this card. Some software has to be installed on your home computer however.

I don't know what impact this may have on the privacy of your home-based computer. We'll put in a request to Moose Cobb to check that out.

In the meantime, if you'd like this access, please let me know. I'll put in a request to have the software made available. NOTE TO BOB: I'll put in a request for you :)

Regards,
Janet

Message Sent

To: _____
Donald M. Sumerlin/OPD/EOP@EOP
Gary R. Edson/NSC/EOP@EOP
Charles P. Blahous/OPD/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
James E. Carter/OPD/EOP@EOP
Dylan C. Glenn/OPD/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Kevin J. Martin/OPD/EOP@EOP
Mark McClellan/OPD/EOP@EOP
Robert C. McNally/OPD/EOP@EOP
Leslie A. Mooney/OPD/EOP@EOP
Eric H. Otto/OPD/EOP@EOP
Edwina C. Rogers/OPD/EOP@EOP
Jean M. Russell/OPD/EOP@EOP
Andrew D. Sacher/OPD/EOP@EOP
Emily Willeford/OPD/EOP@EOP
Judson L. Bruns/NSC/EOP@EOP
William Corbett/OPD/EOP@EOP
John D. Duncan Jr/NSC/EOP@EOP
Wendy E. Gray/NSC/EOP@EOP
Elaine M. Mitsler/NSC/EOP@EOP

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2001 3:39:42 PM
Subject: : Re: Home based access of office email

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 2-APR-2001 19:39:42.00
SUBJECT:: Re: Home based access of office email
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks!

Brett M. Kavanaugh
04/02/2001 07:29:43 PM
Record Type: Record

To: Janet P. Walker/OPD/EOP@EOP
cc:
Subject: Home based access of office email

Moose forwarded this to me.

Your home e-mail and computer are always subject to subpoena in the event of a congressional or grand jury investigation, regardless whether you use your home computer to access your office e-mail. Your personal e-mail account is not subject to the Presidential Records Act, however, regardless whether you use your home computer to access office e-mail.

The bottom line, therefore, is that nothing changes from a records perspective when you access your office e-mail from home.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/02/2001 09:41 AM -----

Robert W. Cobb
04/02/2001 09:39:00 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Home based access of office email

Yours, I believe.

----- Forwarded by Robert W. Cobb/WHO/EOP on 04/02/2001
09:38 AM -----

Janet P. Walker
04/02/2001 08:00:09 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP

REV_00125673

cc:
Subject: Home based access of office email

Good morning! If someone uses their secure ID card to access their office email from home, does this open up their entire home-based computer to scrutiny?

Many thanks for your guidance.

Regards,
Janet Walker

----- Forwarded by Janet P. Walker/OPD/EOP on 04/02/2001
07:59 AM -----

Janet P. Walker
04/02/2001 07:58:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Home based access of office email

Good morning! Many of you have secure ID cards which allow you to access your voice mail off-site. You can also access your email using this card. Some software has to be installed on your home computer however.

I don't know what impact this may have on the privacy of your home-based computer. We'll put in a request to Moose Cobb to check that out.

In the meantime, if you'd like this access, please let me know. I'll put in a request to have the software made available. NOTE TO BOB: I'll put in a request for you :)

Regards,
Janet

Message Sent

To: _____
Donald M. Sumerlin/OPD/EOP@EOP
Gary R. Edson/NSC/EOP@EOP
Charles P. Blahous/OPD/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
James E. Carter/OPD/EOP@EOP
Dylan C. Glenn/OPD/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Kevin J. Martin/OPD/EOP@EOP
Mark McClellan/OPD/EOP@EOP
Robert C. McNally/OPD/EOP@EOP
Leslie A. Mooney/OPD/EOP@EOP
Eric H. Otto/OPD/EOP@EOP
Edwina C. Rogers/OPD/EOP@EOP
Jean M. Russell/OPD/EOP@EOP
Andrew D. Sacher/OPD/EOP@EOP
Emily Willeford/OPD/EOP@EOP
Judson L. Bruns/NSC/EOP@EOP
William Corbett/OPD/EOP@EOP
John D. Duncan Jr/NSC/EOP@EOP
Wendy E. Gray/NSC/EOP@EOP
Elaine M. Mitsler/NSC/EOP@EOP

From: CN=Vickers B. Meadows/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; James F. Daniel/OA/EOP@EOP [OA] <James F. Daniel>
CC: Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>
Sent: 4/2/2001 12:10:22 PM
Subject: : Re: Event Designations meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2001 16:10:22.00
SUBJECT:: Re: Event Designations meeting
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: James F. Daniel (CN=James F. Daniel/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
CC: Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

Does Thursday the 5th at 2:00 p.m. work for everyone? We can meet in my office (Room 145). Please advise. vbm

Courtney S. Elwood
04/02/2001 03:09:59 PM
Record Type: Record

To: Vickers B. Meadows/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, james f. daniel/oa/eop@eop
bcc:
Subject: Re: Event Designations meeting

On the meeting, I am available anytime this week except on Wednesday from roughly 3:30 - 5:00 p.m. and on Friday from 12:30 - 2:30 p.m. I think Brett should join us -- since he is the office expert on designating things political versus official.

On the billing issue, the Judge has recommended a policy that would allow you pay the bills directly from the travel funds, unless the employee received a full per diem on the day of the travel. If the employee received a per diem to cover meals, he or she must pay for the meals eaten on Air Force One. So for past bills, where per diems were already given, staff member need to pay. But going forward, the recommended policy would allow you to institute a procedure whereby staff members receive a reduced per diem and then are not required to pay for meals on AFO.

Vickers B. Meadows
04/02/2001 02:53:51 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: James F. Daniel/OA/EOP@EOP
Subject: Event Designations meeting

REV_00125677

Last I recall, we were trying to get a meeting together on this subject and some related matters. Can we try again for this week? I think the attendees were you, me, Jim Daniel with FMD and possibly Brett.

Also - think we have touched on this issue - I have the Airlift Ops bills for food on Air Force One. Are we still determining whether the staff bill can be paid for by Travel funds, or do the individuals have to reimburse directly. FMDs recommendation is that it may be paid from Travel Funds. Any thoughts?

thanks. vbm

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>
Sent: 4/2/2001 3:29:47 PM
Subject: : Home based access of office email

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2001 19:29:47.00
SUBJECT:: Home based access of office email
TO: Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Moose forwarded this to me.

Your home e-mail and computer are always subject to subpoena in the event of a congressional or grand jury investigation, regardless whether you use your home computer to access your office e-mail. Your personal e-mail account is not subject to the Presidential Records Act, however, regardless whether you use your home computer to access office e-mail.

The bottom line, therefore, is that nothing changes from a records perspective when you access your office e-mail from home.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/02/2001 09:41 AM -----

Robert W. Cobb
04/02/2001 09:39:00 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Home based access of office email

Yours, I believe.

----- Forwarded by Robert W. Cobb/WHO/EOP on 04/02/2001
09:38 AM -----

Janet P. Walker
04/02/2001 08:00:09 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Home based access of office email

Good morning! If someone uses their secure ID card to access their office email from home, does this open up their entire home-based computer to scrutiny?

Many thanks for your guidance.

Regards,
Janet Walker

----- Forwarded by Janet P. Walker/OPD/EOP on 04/02/2001
07:59 AM -----

REV_00125679

Janet P. Walker
04/02/2001 07:58:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Home based access of office email

Good morning! Many of you have secure ID cards which allow you to access your voice mail off-site. You can also access your email using this card. Some software has to be installed on your home computer however.

I don't know what impact this may have on the privacy of your home-based computer. We'll put in a request to Moose Cobb to check that out.

In the meantime, if you'd like this access, please let me know. I'll put in a request to have the software made available. NOTE TO BOB: I'll put in a request for you :)

Regards,
Janet

Message Sent

To: _____
Donald M. Sumerlin/OPD/EOP@EOP
Gary R. Edson/NSC/EOP@EOP
Charles P. Blahous/OPD/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
James E. Carter/OPD/EOP@EOP
Dylan C. Glenn/OPD/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Kevin J. Martin/OPD/EOP@EOP
Mark McClellan/OPD/EOP@EOP
Robert C. McNally/OPD/EOP@EOP
Leslie A. Mooney/OPD/EOP@EOP
Eric H. Otto/OPD/EOP@EOP
Edwina C. Rogers/OPD/EOP@EOP
Jean M. Russell/OPD/EOP@EOP
Andrew D. Sacher/OPD/EOP@EOP
Emily Willeford/OPD/EOP@EOP
Judson L. Bruns/NSC/EOP@EOP
William Corbett/OPD/EOP@EOP
John D. Duncan Jr/NSC/EOP@EOP
Wendy E. Gray/NSC/EOP@EOP
Elaine M. Mitsler/NSC/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 4/3/2001 7:18:20 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2001 11:18:20.00
SUBJECT:: Re:
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

does not apply to White House, acc to OLC opinions

Rachel L. Brand
04/03/2001 11:14:23 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

Who's an expert (or a novice, for that matter) on the privacy act?

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Margaret Tutwiler/WHO/EOP@EOP [WHO] <Margaret Tutwiler>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; John Gardner/WHO/EOP@EOP [WHO] <John Gardner>; Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Vickers B. Meadows/WHO/EOP@EOP [WHO] <Vickers B. Meadows>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Patrick J. Rhode/WHO/EOP@EOP [WHO] <Patrick J. Rhode>; Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Eric S. Edelman/OVP/EOP@EOP [OVP] <Eric S. Edelman>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Anthony N. Banbury/NSC/EOP@EOP [NSC] <Anthony N. Banbury>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; Mary O. McCarthy/NSC/EOP@EOP [NSC] <Mary O. McCarthy>; Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bruce

O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;Mitchell Daniels/OMB /EOP@EOP [OMB] <Mitchell Daniels>;Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>

Sent: 4/3/2001 10:03:42 AM
Subject: : Invitation from Secretary Card

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])

CREATION DATE/TIME: 3-APR-2001 14:03:42.00

SUBJECT:: Invitation from Secretary Card

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Margaret Tutwiler (CN=Margaret Tutwiler/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00125688

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
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TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
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TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
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TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ronald G. Bellamy (CN=Ronald G. Bellamy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
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TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
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TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
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READ:UNKNOWN
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TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
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TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
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READ:UNKNOWN
TO:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

OFFICE OF STRATEGIC INITIATIVES

"The ability to learn faster than your competitors may be your only sustainable competitive advantage."* Arie de Geus, former strategic planner for Royal Dutch Shell

April 3, 2001

Dear Friends,

You are invited to join me in attending the first of OSI,s new lecture series. These will be held periodically to help us to look over the horizon and anticipate change, keeping in touch with the latest insights, trends, and ideas. One way to accomplish this is talking with thinkers, writers, and scholars about what we can do to better plan for the future.

This week, a panel of presidential scholars will meet with commissioned officers yodiscuss lessons that can be learned from previous Presidents* What happens after the first 100 days? How can an administration keep the momentum going? What obstacles have presidents typically faced in their first year? It will be well worth your time. Here are the details:

WHAT: OSI presidential scholars panel

WHO: Jack Watson, former Chief of Staff to President Jimmy Carter
Stephen Skowronek, author of &The Politics Presidents Make8
Fred Greenstein, author &The Presidential Difference8
Norm Ornstein, American Enterprise Institute

WHEN: Friday, April 6, 2:45pm

WHERE: Room 472 in the EEOB

Despite its name, this is not really a lecture series. Instead, it,s more of a give-and-take information session. The format of the event will be simple, with plenty of time for questions.

And if there are any non-commissioned staff that you think might benefit from the presentation, please contact OSI at 62108 and they will make accommodations based on a first come, space-available basis.

Due to limited seating, please don,t hesitate to immediately RSVP. I hope you will join me this Friday. You won,t want to miss it.

Sincerely,

Andy Card

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 4/3/2001 7:14:29 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2001 11:14:29.00

SUBJECT::

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Who's an expert (or a novice, for that matter) on the privacy act?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 4/3/2001 7:18:20 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2001 11:18:20.00
SUBJECT:: Re:
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

does not apply to White House, acc to OLC opinions

Rachel L. Brand
04/03/2001 11:14:23 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

Who's an expert (or a novice, for that matter) on the privacy act?

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 4/3/2001 7:30:37 AM
Subject: : Superior Court Judges -- Calls from the President

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2001 11:30:37.00

SUBJECT:: Superior Court Judges -- Calls from the President

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I spoke to a Superior Court judge I know and asked him to take an informal poll of some of his fellow judges and none of them (including Carter, Reagan, Bush I, and Clinton appointees) received a call from the President at the time of nomination. One was called by the Counsel to the President; the rest were called by Counsel's office staff. Naturally, all of the judges polled said that they would have been thrilled to receive a call from the President.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2001 8:37:30 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2001 12:37:30.00

SUBJECT:: Re:

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

any other legal restrictions on ppo providing names of job applicants to a senator?

Brett M. Kavanaugh
04/03/2001 11:18:14 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

does not apply to White House, acc to OLC opinions

Rachel L. Brand
04/03/2001 11:14:23 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

Who's an expert (or a novice, for that matter) on the privacy act?

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00125703

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Margaret Tutwiler/WHO/EOP@EOP [WHO] <Margaret Tutwiler>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; John Gardner/WHO/EOP@EOP [WHO] <John Gardner>; Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Vickers B. Meadows/WHO/EOP@EOP [WHO] <Vickers B. Meadows>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Patrick J. Rhode/WHO/EOP@EOP [WHO] <Patrick J. Rhode>; Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Eric S. Edelman/OVP/EOP@EOP [OVP] <Eric S. Edelman>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Anthony N. Banbury/NSC/EOP@EOP [NSC] <Anthony N. Banbury>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; Mary O.

McCarthy/NSC/EOP@EOP [NSC] <Mary O. McCarthy>;Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;Mitchell Daniels/OMB /EOP@EOP [OMB] <Mitchell Daniels>;Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>

Sent: 4/3/2001 10:03:42 AM
Subject: : Invitation from Secretary Card

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2001 14:03:42.00

SUBJECT:: Invitation from Secretary Card

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Margaret Tutwiler (CN=Margaret Tutwiler/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

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TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

REV_00125714

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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
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TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
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TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
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TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
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TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])
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TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
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TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
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TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
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TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
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TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
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TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN

TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Ronald G. Bellamy (CN=Ronald G. Bellamy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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READ:UNKNOWN

TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
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TO:Patrick J. Rhode (CN=Patrick J. Rhode/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
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TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
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TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Mary O. McCarthy (CN=Mary O. McCarthy/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN
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READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
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TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
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READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
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TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
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TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
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TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

OFFICE OF STRATEGIC INITIATIVES

"The ability to learn faster than your competitors may be your only sustainable competitive advantage."* Arie de Geus, former strategic planner for Royal Dutch Shell

April 3, 2001

Dear Friends,

You are invited to join me in attending the first of OSI,s new lecture series. These will be held periodically to help us to look over the horizon and anticipate change, keeping in touch with the latest insights, trends, and ideas. One way to accomplish this is talking with thinkers, writers, and scholars about what we can do to better plan for the future.

This week, a panel of presidential scholars will meet with commissioned officers yodiscuss lessons that can be learned from previous Presidents* What happens after the first 100 days? How can an administration keep the momentum going? What obstacles have presidents typically faced in their first year? It will be well worth your time. Here are the details:

WHAT: OSI presidential scholars panel

WHO: Jack Watson, former Chief of Staff to President Jimmy Carter
Stephen Skowronek, author of &The Politics Presidents Make&
Fred Greenstein, author &The Presidential Difference&
Norm Ornstein, American Enterprise Institute

WHEN: Friday, April 6, 2:45pm

WHERE: Room 472 in the EEOB

Despite its name, this is not really a lecture series. Instead, it,s more of a give-and-take information session. The format of the event will be simple, with plenty of time for questions.

And if there are any non-commissioned staff that you think might benefit from the presentation, please contact OSI at 62108 and they will make accommodations based on a first come, space-available basis.

Due to limited seating, please don,t hesitate to immediately RSVP. I hope you will join me this Friday. You won,t want to miss it.

Sincerely,

Andy Card

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Margaret Tutwiler/WHO/EOP@EOP [WHO] <Margaret Tutwiler>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; John Gardner/WHO/EOP@EOP [WHO] <John Gardner>; Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Vickers B. Meadows/WHO/EOP@EOP [WHO] <Vickers B. Meadows>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Patrick J. Rhode/WHO/EOP@EOP [WHO] <Patrick J. Rhode>; Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Eric S. Edelman/OVP/EOP@EOP [OVP] <Eric S. Edelman>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Anthony N. Banbury/NSC/EOP@EOP [NSC] <Anthony N. Banbury>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; Mary O. McCarthy/NSC/EOP@EOP [NSC] <Mary O. McCarthy>; Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bruce

O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;Mitchell Daniels/OMB /EOP@EOP [OMB] <Mitchell Daniels>;Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>

Sent: 4/3/2001 10:03:42 AM
Subject: : Invitation from Secretary Card

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])

CREATION DATE/TIME: 3-APR-2001 14:03:42.00

SUBJECT:: Invitation from Secretary Card

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Margaret Tutwiler (CN=Margaret Tutwiler/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00125720

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
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TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
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TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
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TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
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TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN

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TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN

TO:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
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TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

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TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
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TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
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READ:UNKNOWN

TO:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
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TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
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TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
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TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
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TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
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TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

OFFICE OF STRATEGIC INITIATIVES

"The ability to learn faster than your competitors may be your only sustainable competitive advantage."* Arie de Geus, former strategic planner for Royal Dutch Shell

April 3, 2001

Dear Friends,

You are invited to join me in attending the first of OSI,s new lecture series. These will be held periodically to help us to look over the horizon and anticipate change, keeping in touch with the latest insights, trends, and ideas. One way to accomplish this is talking with thinkers, writers, and scholars about what we can do to better plan for the future.

This week, a panel of presidential scholars will meet with commissioned officers yodiscuss lessons that can be learned from previous Presidents* What happens after the first 100 days? How can an administration keep the momentum going? What obstacles have presidents typically faced in their first year? It will be well worth your time. Here are the details:

WHAT: OSI presidential scholars panel

WHO: Jack Watson, former Chief of Staff to President Jimmy Carter
Stephen Skowronek, author of &The Politics Presidents Make8
Fred Greenstein, author &The Presidential Difference8
Norm Ornstein, American Enterprise Institute

WHEN: Friday, April 6, 2:45pm

WHERE: Room 472 in the EEOB

Despite its name, this is not really a lecture series. Instead, it,s more of a give-and-take information session. The format of the event will be simple, with plenty of time for questions.

And if there are any non-commissioned staff that you think might benefit from the presentation, please contact OSI at 62108 and they will make accommodations based on a first come, space-available basis.

Due to limited seating, please don,t hesitate to immediately RSVP. I hope you will join me this Friday. You won,t want to miss it.

Sincerely,

Andy Card

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;ziad s. ojakli/who/eop@eop [WHO] <ziad s. ojakli>;townsend l. mcnitt/who/eop@eop [WHO] <townsend l. mcnitt>
Sent: 4/3/2001 10:55:04 AM
Subject: : Re: Definition of "good faith consultation with home state senators"

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2001 14:55:04.00
SUBJECT:: Re: Definition of "good faith consultation with home state senators"
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
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READ:UNKNOWN
CC:ziad s. ojakli (CN=ziad s. ojakli/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:townsend l. mcnitt (CN=townsend l. mcnitt/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Perhaps this should be added to tomorrow's agenda?

Kyle Sampson
04/03/2001 02:46:53 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Definition of "good faith consultation with home state senators"

REV_00125745

I would remind everyone that Sen. Hatch's letter may summarize the Senate's understanding/interpretation of the "advice" part of "advice and consent." I think the President's understanding/interpretation of "advice" -- as an institutional matter -- should be something less than Sen. Hatch's suggested guidelines. Indeed, Sen. Hatch set forth these guidelines when (1) the opposition party (Senate GOP) was strong (with 55 Senators) and (2) the President (Clinton) was weak. Here, the opposition party is relatively weak (only 50 Senators and no chairmanships) and (2) Pres. Bush is relatively strong (there is a presumption in favor of a President's nominees at the outset of an administration). Ultimately it will all descend to a battle that will be decided on the basis of who (the President or the Senate) is willing to exercise the political power they have to influence the selection of nominees. But, as an initial matter, it seems to me we should not feel compelled to comply with the Hatch guidelines in every respect. Perhaps further discussion would be fruitful?

Bradford A. Berenson
04/03/2001 02:11:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Definition of "good faith consultation with home state senators"

In speaking with Sharon Prost earlier today in preparation for our meeting tomorrow, I learned that Senator Hatch's staff has located a 1997 letter in which he provided formal guidance on what he considers "good faith pre-nomination consultation with home-state senators" to include. You will recall that Senate Judiciary Committee policy is that failure to engage in such consultation means that a negative blue slip is accorded dispositive weight.

According to Senator Hatch, good faith consultation means:

1. Giving serious consideration to anyone proposed by a home-state senator as a possible nominee;
2. Giving home-state senators the names of candidates the administration is seriously considering for nomination at least two weeks prior to initiating any formal background checks and giving serious consideration to any feedback provided by the senators;
3. Advising the home-state senators when background checks are initiated on a candidate over a senator's objection; and
4. Notifying the home-state senators that the President will nominate the individual prior to publicly announcing it.

It is obviously discouraging that we did not learn of this letter sooner, but we now need to do everything possible to comply with these guidelines so that we do not give the Democrats more of a process issue than they already think they have.

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

REV_00125746

Courtney S. Elwood/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Townsend L. McNitt/WHO/EOP@EOP

Message Copied

To:

alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
brett m. kavanaugh/who/eop@eop
courtney s. elwood/who/eop@eop
h. christopher bartolomucci/who/eop@eop
stuart w. bowen/who/eop@eop
helgard c. walker/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
ziad s. ojakli/who/eop@eop
townsend l. mcnitt/who/eop@eop

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2001 11:30:24 AM
Subject: : Re: Call from Senator Allen's office

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2001 15:30:24.00
SUBJECT:: Re: Call from Senator Allen's office
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Good -- 224-0964. I have not heard from Brett on this but I am sure he will be very interested in it.

Bradford A. Berenson
04/03/2001 03:15:26 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Call from Senator Allen's office

Brett and I will call him back.

Helgard C. Walker
04/03/2001 03:07:22 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
Subject: Call from Senator Allen's office

I just received a voicemail from Senator Allen's Chief of Staff, Paul Unger, who has my name and number because I contacted him a few weeks ago regarding the district court vacancy in Virginia. He said that their press people had received inquiries re the possible nomination of Keisler to CA4 and that he wanted to know "whether there is any movement on Gregory."

I think someone from the "CA4 team" (Brett? Brad?) should either handle the return call or advise me on the strategy for response.

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

REV_00125748

Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 4/3/2001 3:37:32 PM
Subject: : who put together this week's WHJSC book?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2001 19:37:32.00

SUBJECT:: who put together this week's WHJSC book?

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2001 3:39:48 PM
Subject: : Re: who put together this week's WHJSC book?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2001 19:39:48.00
SUBJECT:: Re: who put together this week's WHJSC book?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Helgi and I were responsible, nominally. Is there a problem?

Brett M. Kavanaugh
04/03/2001 07:37:25 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: who put together this week's WHJSC book?

Message Sent

To: _____
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 4/3/2001 3:37:32 PM
Subject: : who put together this week's WHJSC book?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2001 19:37:32.00

SUBJECT:: who put together this week's WHJSC book?

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 4/3/2001 3:43:02 PM
Subject: : Re: who put together this week's WHJSC book?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2001 19:43:02.00
SUBJECT:: Re: who put together this week's WHJSC book?
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I spoke to him a second ago. He wondered if the book had been distributed to the Committee, and I told him that I believed that it had -- although if he didn't tell Brent to distribute it, I didn't know who did. Brent, who gave you the okay?

Brett M. Kavanaugh
04/03/2001 07:40:12 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
bcc:
Subject: Re: who put together this week's WHJSC book?

call Tim

Courtney S. Elwood
04/03/2001 07:39:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: who put together this week's WHJSC book?

Helgi and I were responsible, nominally. Is there a problem?

Brett M. Kavanaugh
04/03/2001 07:37:25 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:

REV_00125760

Subject: who put together this week's WHJSC book?

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 4/3/2001 4:53:41 PM
Subject: : Re: who put together this week's WHJSC book?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2001 20:53:41.00

SUBJECT:: Re: who put together this week's WHJSC book?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

It was Courtney and Helgi, I believe.

Brett M. Kavanaugh
04/03/2001 07:37:25 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: who put together this week's WHJSC book?

Message Sent

REV_00125762

To: _____

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brooke Vosburgh/WHO/EOP@EOP [WHO] <Brooke Vosburgh>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/4/2001 10:07:46 AM
Subject: : Judicial Selection Committee Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2001 14:07:46.00

SUBJECT:: Judicial Selection Committee Meeting

TO: Brooke Vosburgh (CN=Brooke Vosburgh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

REV_00125766

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Reminder that this will be held from 4:00-5:00 pm today in the Roosevelt Room.

Adam Ciongoli from DOJ will not be attending. General Ashcroft will be there. Two other DOJ staffers will join him - Jennifer Newsted and Howard Nielson.

Thanks!

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2001 10:15:36 AM
Subject: : Re: Volunteer

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 4-APR-2001 14:15:36.00
SUBJECT:: Re: Volunteer
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hi! I just wanted to touch base and see if you had any thoughts or guidance to share regarding our volunteer situation described below.

Many thanks!
Janet Walker

----- Forwarded by Janet P. Walker/OPD/EOP on 04/04/2001
02:14 PM -----

Janet P. Walker
04/02/2001 11:03:50 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Re: Volunteer

Just wanted to touch base to see if you had any thoughts to share about how we should proceed regarding the volunteer situation described below.

Many thanks!
Janet

----- Forwarded by Janet P. Walker/OPD/EOP on 04/02/2001
10:44 AM -----

Janet P. Walker
03/28/2001 10:41:47 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: Edwina C. Rogers/OPD/EOP@EOP
Subject: Re: Volunteer

Good day! I spoke to Phil Mistretta, one of our latest volunteers, about his private sector work. Phil said he is an independent contractor who works with larger consultancies. He currently does not have any active consulting projects, although some of the larger consultancies for whom he works do have bids pending on projects where he could have a role.

In the past, he has worked on projects that have involved government agencies but it is not always the case. For example, his last project which he finished at the end of February involved analysis, report writing, and briefing on the financial systems in several Asian countries. It was part of a USAID project to stimulate growth in those countries.

He said that the subject matter of projects with which he is generally

affiliated is different from anything he would be working on as a volunteer. If anything arose however, he would recuse himself from working on it here.

Could you please advise as to what our next steps should be.

Best regards,
Janet Walker

----- Forwarded by Janet P. Walker/OPD/EOP on 03/28/2001
10:29 PM -----

03/26/2001 09:51 AM
Edwina C. Rogers
Edwina C. Rogers
Edwina C. Rogers
03/26/2001 09:51 AM
03/26/2001 09:51 AM
Record Type: Record

To: Janet P. Walker/OPD/EOP@EOP
cc:
Subject: Re: Volunteer

Janet,

How do you want to proceed?

Edwina

----- Forwarded by Edwina C. Rogers/OPD/EOP on 03/26/2001
09:48 AM -----

Robert W. Cobb
03/24/2001 11:03:19 AM
Record Type: Record

To: Edwina C. Rogers/OPD/EOP@EOP
cc:
bcc:
Subject: Re: Volunteer

I think that there are some issues associated with this volunteer's involvement in sensitive matters; I would like to discuss the issue with you. Consider whether there is a possibility of the individual's gaining access to non-public information that he would be able to use to his advantage in his private capacity. Would there be a conflict between his Government role and his private business? Would he be representing private clients with respect to his Government activities? Would he be trading on his public office?

03/22/2001 11:18 AM
Edwina C. Rogers
Edwina C. Rogers
Edwina C. Rogers
03/22/2001 11:18 AM
03/22/2001 11:18 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: Janet P. Walker/OPD/EOP@EOP
Subject: Volunteer

We would like to use a volunteer from the White House Volunteer's Office but we noticed on the days that he is not volunteering at the White House he is a private consultant. His focus seems to be international financial markets. We would like for the volunteer to attend our staff meeting

REV_00125769

where we discuss domestic and international economic issues, including international financial markets. Are there any issues or concerns that we should be aware of in this case.

Thank you for your time.

Edwina Rogers

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>; Dinah Bear/CEQ/EOP@EOP [CEQ]
<Dinah Bear>; Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>; Edward A.
Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>; Amy M. Bilyeau/OA/EOP@EOP [OA]
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Glenn>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Kevin J.
Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>; Robert C. McNally/OPD/EOP@EOP [OPD]
<Robert C. McNally>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Edwina C.
Rogers/OPD/EOP@EOP [OPD] <Edwina C. Rogers>; Donald M. Sumerlin/OPD/EOP@EOP [OPD]
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/EOP@EOP [WHO] <Scott Jeffcoat>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M.
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/EOP@EOP [WHO] <Alicia W. Davis>; Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B.
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Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>; Kelley J. McCullough/WHO
/EOP@EOP [WHO] <Kelley J. McCullough>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO]
<Kenneth B. Mehlman>; Jennifer M. Oschal/WHO/EOP@EOP [WHO] <Jennifer M.
Oschal>; Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>; Matthew A.

Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>;David M. Thomas/WHO/EOP@EOP [WHO] <David M. Thomas>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>;William S. Clark/WHO/EOP@EOP [WHO] <William S. Clark>;Matthew C. Rhoades/WHO/EOP@EOP [WHO] <Matthew C. Rhoades>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Danner R. Bethel/WHO/EOP@EOP [WHO] <Danner R. Bethel>;Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Michele H. Tennery/WHO/EOP@EOP [WHO] <Michele H. Tennery>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP@EOP [WHO] <Kristen L. Hughes>;John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>

CC: rstaton@ustr.gov @ inet [UNKNOWN] <rstaton@ustr.gov>;Jon R. Beckenhauer/ONDCP/EOP@EOP [ONDCP] <Jon R. Beckenhauer>;Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>;Jane E. Baker/PFIAB/EOP@EOP [PFIAB] <Jane E. Baker>

Sent: 4/4/2001 7:24:00 AM

Subject: : REMINDER -- Lexis-Nexis Open House

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP@EOP [OA])

CREATION DATE/TIME: 4-APR-2001 11:24:00.00

SUBJECT:: REMINDER -- Lexis-Nexis Open House

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])

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TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

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TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

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TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

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TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

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TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

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TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
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TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
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READ:UNKNOWN
TO:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:rstaton@ustr.gov (rstaton@ustr.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Jon R. Beckenhauer (CN=Jon R. Beckenhauer/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
CC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Jane E. Baker (CN=Jane E. Baker/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
End Original ARMS Header

The LEXIS-NEXIS open houses in the EEOB Library are great opportunities to see the new customized web page, get search tips, and give your feedback on search software and publications you'd like to see added. Please plan to drop by one of the sessions this week!

LEXIS-NEXIS Open Houses
during
National Library Week

REV_00125775

The EEOB Library invites you to the unveiling of a customized LEXIS-NEXIS web interface, designed especially for EOP customers. This custom user interface will have simple forms-based templates for easy searching, user guides, search tips, links to both nexis.com and lexis.com and more. LEXIS-NEXIS representatives will be on hand to demonstrate the features of this page and to answer general questions regarding search formulation and data content. They will also demo short cuts and advanced search tips.

If you are a fairly new user, this is your chance to brush up on your search skills. If you are a &super searcher8, the LEXIS-NEXIS reps can give you tips to make your searches even faster and better. This is also a great opportunity to talk with reference librarians about library services to complement your LEXIS-NEXIS access.

Wednesday, April 4, 2001 3 p.m. to 4 p.m.

Friday, April 6, 2001 9:30 a.m. to 10:30 a.m.

EEOB Library
Room 308
Eisenhower Executive Office Building

Any questions? Please call Martha Schiele, x57000.

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>; Dinah Bear/CEQ/EOP@EOP [CEQ] <Dinah Bear>; Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>; Edward A. Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>; Amy M. Bilyeau/OA/EOP@EOP [OA] <Amy M. Bilyeau>; Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>; Melinda A. Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>; Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>; Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>; Karen E. Kaufmann/OA/EOP@EOP [OA] <Karen E. Kaufmann>; Cynthia J. Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>; Lynne D. Scheib/OA/EOP@EOP [OA] <Lynne D. Scheib>; Zakia Mull/OA/EOP@EOP [OA] <Zakia Mull>; Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>; Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; James E. Carter/OPD/EOP@EOP [OPD] <James E. Carter>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Edwina C. Rogers/OPD/EOP@EOP [OPD] <Edwina C. Rogers>; Donald M. Sumerlin/OPD/EOP@EOP [OPD] <Donald M. Sumerlin>; Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>; Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>; David F. Lussier/OPD/EOP@EOP [OPD] <David F. Lussier>; Katie Hong/WHO/EOP@EOP [WHO] <Katie Hong>; Michael J. Napolitano/WHO/EOP@EOP [WHO] <Michael J. Napolitano>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Karl Doenges/WHO/EOP@EOP [WHO] <Karl Doenges>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Gregory Goss/WHO/EOP@EOP [WHO] <Gregory Goss>; William T. Griffin/WHO/EOP@EOP [WHO] <William T. Griffin>; Taylor S. Gross/WHO/EOP@EOP [WHO] <Taylor S. Gross>; Erin E. Healy/WHO/EOP@EOP [WHO] <Erin E. Healy>; Kenneth A. Lisaius/WHO/EOP@EOP [WHO] <Kenneth A. Lisaius>; Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>; Wendy L. Nipper/WHO/EOP@EOP [WHO] <Wendy L. Nipper>; Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>; Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>; Tracey L. Schmitt/WHO/EOP@EOP [WHO] <Tracey L. Schmitt>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Scott Stanzel/WHO/EOP@EOP [WHO] <Scott Stanzel>; Edmund A. Walsh/WHO/EOP@EOP [WHO] <Edmund A. Walsh>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Tracy Young/WHO/EOP@EOP [WHO] <Tracy Young>; Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>; Alison M. Harden/WHO/EOP@EOP [WHO] <Alison M. Harden>; Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne Heiligenstein>; Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>; Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>; Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Scott Jeffcoat/WHO/EOP@EOP [WHO] <Scott Jeffcoat>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>; Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>; Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>; Joshua L. Ginsberg/WHO/EOP@EOP [WHO] <Joshua L. Ginsberg>; Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>; Kelley J. McCullough/WHO/EOP@EOP [WHO] <Kelley J. McCullough>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Jennifer M. Oschal/WHO/EOP@EOP [WHO] <Jennifer M. Oschal>; Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>; Matthew A.

Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>;David M. Thomas/WHO/EOP@EOP [WHO] <David M. Thomas>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>;William S. Clark/WHO/EOP@EOP [WHO] <William S. Clark>;Matthew C. Rhoades/WHO/EOP@EOP [WHO] <Matthew C. Rhoades>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Danner R. Bethel/WHO/EOP@EOP [WHO] <Danner R. Bethel>;Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Michele H. Tennery/WHO/EOP@EOP [WHO] <Michele H. Tennery>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP@EOP [WHO] <Kristen L. Hughes>;John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>

CC: rstaton@ustr.gov @ inet [UNKNOWN] <rstaton@ustr.gov>;Jon R. Beckenhauer/ONDCP/EOP@EOP [ONDCP] <Jon R. Beckenhauer>;Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>;Jane E. Baker/PFIAB/EOP@EOP [PFIAB] <Jane E. Baker>

Sent: 4/4/2001 7:24:00 AM

Subject: : REMINDER -- Lexis-Nexis Open House

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP@EOP [OA])

CREATION DATE/TIME: 4-APR-2001 11:24:00.00

SUBJECT:: REMINDER -- Lexis-Nexis Open House

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

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TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Lynne D. Scheib (CN=Lynne D. Scheib/OU=OA/O=EOP@EOP [OA])

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TO:Zakia Mull (CN=Zakia Mull/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
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 READ:UNKNOWN
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 READ:UNKNOWN
 ##### End Original ARMS Header #####

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LEXIS-NEXIS Open Houses
 during
 National Library Week

REV_00125781

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EEOB Library
Room 308
Eisenhower Executive Office Building

Any questions? Please call Martha Schiele, x57000.

From: CN=Heather Larrison/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 4/4/2001 7:44:08 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2001 11:44:08.00
SUBJECT:: Re:
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

FINAL SCHEDULE FOR TODAY

2:00 pm - Judge and Helgi
2:30 pm Tim and Brett

Helgard C. Walker
04/04/2001 10:36:32 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP, Heather Larrison/WHO/EOP@EOP
bcc:
Subject: Re:

OK -- so that means that you are with the Judge at 2:30, and I am with Tim at 2:00. Thanks!

Brett M. Kavanaugh
04/03/2001 11:05:57 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject:

I need to switch to the 2:30 on Wednesday rather than the 2 slot

REV_00125783

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brooke Vosburgh/WHO/EOP@EOP [WHO] <Brooke Vosburgh>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/4/2001 10:07:46 AM
Subject: : Judicial Selection Committee Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2001 14:07:46.00

SUBJECT:: Judicial Selection Committee Meeting

TO: Brooke Vosburgh (CN=Brooke Vosburgh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

REV_00125784

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Reminder that this will be held from 4:00-5:00 pm today in the Roosevelt Room.

Adam Ciongoli from DOJ will not be attending. General Ashcroft will be there. Two other DOJ staffers will join him - Jennifer Newsted and Howard Nielson.

Thanks!

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2001 10:15:36 AM
Subject: : Re: Volunteer

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-APR-2001 14:15:36.00

SUBJECT:: Re: Volunteer

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hi! I just wanted to touch base and see if you had any thoughts or guidance to share regarding our volunteer situation described below.

Many thanks!

Janet Walker

----- Forwarded by Janet P. Walker/OPD/EOP on 04/04/2001
02:14 PM -----

Janet P. Walker

04/02/2001 11:03:50 AM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP

cc:

Subject: Re: Volunteer

Just wanted to touch base to see if you had any thoughts to share about how we should proceed regarding the volunteer situation described below.

Many thanks!

Janet

----- Forwarded by Janet P. Walker/OPD/EOP on 04/02/2001
10:44 AM -----

Janet P. Walker

03/28/2001 10:41:47 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP

cc: Edwina C. Rogers/OPD/EOP@EOP

Subject: Re: Volunteer

Good day! I spoke to Phil Mistretta, one of our latest volunteers, about his private sector work. Phil said he is an independent contractor who works with larger consultancies. He currently does not have any active consulting projects, although some of the larger consultancies for whom he works do have bids pending on projects where he could have a role.

In the past, he has worked on projects that have involved government agencies but it is not always the case. For example, his last project which he finished at the end of February involved analysis, report writing, and briefing on the financial systems in several Asian countries. It was part of a USAID project to stimulate growth in those countries.

He said that the subject matter of projects with which he is generally

affiliated is different from anything he would be working on as a volunteer. If anything arose however, he would recuse himself from working on it here.

Could you please advise as to what our next steps should be.

Best regards,
Janet Walker

----- Forwarded by Janet P. Walker/OPD/EOP on 03/28/2001
10:29 PM -----

03/26/2001 09:51 AM
Edwina C. Rogers
Edwina C. Rogers
Edwina C. Rogers
03/26/2001 09:51 AM
03/26/2001 09:51 AM
Record Type: Record

To: Janet P. Walker/OPD/EOP@EOP
cc:
Subject: Re: Volunteer

Janet,

How do you want to proceed?

Edwina

----- Forwarded by Edwina C. Rogers/OPD/EOP on 03/26/2001
09:48 AM -----

Robert W. Cobb
03/24/2001 11:03:19 AM
Record Type: Record

To: Edwina C. Rogers/OPD/EOP@EOP
cc:
bcc:
Subject: Re: Volunteer

I think that there are some issues associated with this volunteer's involvement in sensitive matters; I would like to discuss the issue with you. Consider whether there is a possibility of the individual's gaining access to non-public information that he would be able to use to his advantage in his private capacity. Would there be a conflict between his Government role and his private business? Would he be representing private clients with respect to his Government activities? Would he be trading on his public office?

03/22/2001 11:18 AM
Edwina C. Rogers
Edwina C. Rogers
Edwina C. Rogers
03/22/2001 11:18 AM
03/22/2001 11:18 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: Janet P. Walker/OPD/EOP@EOP
Subject: Volunteer

We would like to use a volunteer from the White House Volunteer's Office but we noticed on the days that he is not volunteering at the White House he is a private consultant. His focus seems to be international financial markets. We would like for the volunteer to attend our staff meeting

REV_00125787

where we discuss domestic and international economic issues, including international financial markets. Are there any issues or concerns that we should be aware of in this case.

Thank you for your time.

Edwina Rogers

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/4/2001 5:58:10 PM
Subject: : Douglas Potratz correspondence

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2001 21:58:10.00

SUBJECT:: Douglas Potratz correspondence

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know if you are handling this correspondence.

Thanks!

(If not, no reply necessary)

REV_00125789

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/5/2001 7:16:44 AM
Subject: : Re: Lunch

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-APR-2001 11:16:44.00

SUBJECT:: Re: Lunch

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I'm down with that. I'll come by at noon.

H. Christopher Bartolomucci

04/05/2001 11:05:59 AM

Record Type: Non-Record

To: See the distribution list at the bottom of this message

cc:

Subject: Lunch

today at the Mess, anyone?

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

REV_00125791

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/5/2001 12:11:21 PM
Subject: : Personal Use Policy

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 5-APR-2001 16:11:21.00

SUBJECT:: Personal Use Policy

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Moose/Brett--I'm reviewing some new information our security folks will be posting on the intranet on Computer security. They have a bullet on personal use of the internet. I'd like to suggest that they arrange a link to Judge Gonzales February 21 memo on this (the policy on unofficial use of government office equipment), which they could probably scan in. Any objection? Adam

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/5/2001 12:13:45 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-APR-2001 16:13:45.00
SUBJECT:: Re:
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I count four in that paragraph.

Noel J. Francisco
04/05/2001 03:32:39 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

There are three typographical errors in the second paragraph of the ABA's letter.

Message Sent

To:
H. Christopher Bartolomucci/WHO/EOP@EOP

REV_00125801

Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/5/2001 12:15:20 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-APR-2001 16:15:20.00

SUBJECT:: Re:

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I'll see that and raise you one. I see FIVE typos/grammatical errors in that paragraph.

H. Christopher Bartolomucci

04/05/2001 04:09:35 PM

Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

REV_00125805

Subject: Re:

I count four in that paragraph.

Noel J. Francisco
04/05/2001 03:32:39 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

There are three typographical errors in the second paragraph of the ABA's letter.

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

Message Copied

To: _____
bradford a. berenson/who/eop@eop
stuart w. bowen/who/eop@eop
rachel l. brand/who/eop@eop
elizabeth n. camp/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
timothy e. flanigan/who/eop@eop
alberto r. gonzales/who/eop@eop
brett m. kavannah/who/eop@eop
helgard c. walker/who/eop@eop

REV_00125806

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/5/2001 2:45:11 PM
Subject: : AP interpretation of President's comments re judicial selection

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-APR-2001 18:45:11.00

SUBJECT:: AP interpretation of President's comments re judicial selection

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

<http://www.newsday.com/ap/text/washington/ap427.htm>

REV_00125807

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ansley C. Tillman/WHO/EOP@EOP [WHO] <Ansley C. Tillman>
Sent: 4/6/2001 8:02:18 AM
Subject: : Re: REMINDER on LRM OGG17 - - TREASURY Statement for the Record on HR577
Disclosure of Funds for Presidential Libraries
Attachments: P_VHLF1004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-APR-2001 12:02:18.00
SUBJECT:: Re: REMINDER on LRM OGG17 - - TREASURY Statement for the Record on HR577
Disclosure of Funds for Presidential Libraries
TO: Ansley C. Tillman (CN=Ansley C. Tillman/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I have responded.

Ansley C. Tillman
04/06/2001 11:47:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: REMINDER on LRM OGG17 - - TREASURY Statement for the
Record on HR577 Disclosure of Funds for Presidential Libraries

----- Forwarded by Ansley C. Tillman/WHO/EOP on
04/06/2001 11:47 AM -----

From: Oscar Gonzalez on 04/06/2001 11:26:48 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: REMINDER on LRM OGG17 - - TREASURY Statement for the
Record on HR577 Disclosure of Funds for Presidential Libraries

This is a reminder that comments on the Treasury statement are due by no
later than noon today. Please submit your comments as soon as possible.
If you've already responded to this request, please disregard this
message.

Thanks

----- Forwarded by Oscar Gonzalez/OMB/EOP on 04/06/2001
11:25 AM -----

From: Oscar Gonzalez on 04/05/2001 03:34:27 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: LRM OGG17 - - TREASURY Statement for the Record on HR577
Disclosure of Funds for Presidential Libraries

Attached for your review is a Treasury (IRS) statement for the record for

REV_00125811

a hearing this morning, April 5th, before the House Government Reform Committee's Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations on H.R. 577. Please submit your comments by no later than noon tomorrow, April 6th.

Note to agencies: You will also receive a hard copy.

Note to EOP staff: You will not receive a hard copy of this LRM.

Total Pages: _____

=====

LRM ID: OGG17
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, April 5, 2001

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: Oscar Gonzalez
E-Mail: Oscar_Gonzalez@omb.eop.gov
PHONE: (202)395-3923 FAX: (202)395-3109
SUBJECT: TREASURY Statement for the Record on HR577 Disclosure of Funds for Presidential Libraries

DEADLINE: 12:00 noon Friday, April 6, 2001

=====

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Attached for your review is a Treasury (IRS) statement for the record for a hearing this morning, April 5th, before the House Government Reform Committee's Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations on H.R. 577. Please submit your comments by no later than noon tomorrow, April 6th.

DISTRIBUTION LIST

AGENCIES:

068-National Archives and Records Administration - John A. Constance - (301) 713-7340
061-JUSTICE - Sheryl Walter - (202) 514-2141
088-Office of Government Ethics - Jane Ley - (202) 208-8022

EOP:

Amy C. Smith
Justine F. Rodriguez
Mark J. Schwartz
Robert F. Mahaffie
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Kimberley S. Luczynski
Lisa B. Fairhall
Douglas D. McCormick
David J. Haun
Eric W. Hunn
Eric C. Pelletier
Danielle M. Simonetta
Brett S. Loper

Jay P. Lefkowitz
Steven D. Aitken
Ansley C. Tillman
LRM ID: OGG17 SUBJECT: TREASURY Statement for the Record on HR577
Disclosure of Funds for Presidential Libraries

=====

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Oscar Gonzalez Phone: 395-3923 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-4607

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

- hr0577b.doc

Message Sent

To: _____
Amy C. Smith/OMB/EOP@EOP
Justine F. Rodriguez/OMB/EOP@EOP
Mark J. Schwartz/OMB/EOP@EOP
Robert F. Mahaffie/OMB/EOP@EOP
Randolph M. Lyon/OMB/EOP@EOP
Kimberley S. Luczynski/OMB/EOP@EOP
Lisa B. Fairhall/OMB/EOP@EOP
Douglas D. McCormick/OMB/EOP@EOP
David J. Haun/OMB/EOP@EOP

REV_00125813

Eric W. Hunn/OMB/EOP@EOP
Eric C. Pelletier/OMB/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
Brett S. Loper/OMB/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
Steven D. Aitken/OMB/EOP@EOP
Ansley C. Tillman/WHO/EOP@EOP

Message Sent

To:

Amy C. Smith/OMB/EOP@EOP
Justine F. Rodriguez/OMB/EOP@EOP
Randolph M. Lyon/OMB/EOP@EOP
Kimberley S. Luczynski/OMB/EOP@EOP
Eric C. Pelletier/OMB/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
Brett S. Loper/OMB/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
Steven D. Aitken/OMB/EOP@EOP
Ansley C. Tillman/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VHLF1004_WHO.TXT_1>

**Statement of the Internal Revenue Service on
Federal Income Tax Issues of Presidential Libraries
Submitted to
The Subcommittee on Government Efficiency,
Financial Management and Intergovernmental Relations
Of the
Committee on Government Reform
United States House of Representatives
April 5, 2001**

Introduction

This statement discusses issues of tax-exempt status, private foundation classification, and disclosure of contributors raised by organizations that support presidential archival depositories. Generally, these presidential library foundations raise funds to construct and endow a library to hold the papers of a former President and make them available to researchers and the general public. On completion, the presidential library foundation conveys the facility and its endowment to the federal government. The presidential library foundation, however, may continue to raise funds to construct and maintain facilities and conduct educational programs related to the library.

Exemption Under Section 501(c)(3) of the Internal Revenue Code

In general, presidential library foundations would qualify for recognition of exemption under § 501(c)(3) of the Internal Revenue Code as educational organizations. They also may qualify as “charitable” within the meaning of § 501(c)(3) because they lessen the burdens of government.

An organization is educational if it engages in (1) instruction or training of the individual for the purpose of improving or developing his capabilities, or (2) instruction of the public on subjects useful to the individual and beneficial to the community. Treasury Regulation §1.501(c)(3)-1(d)(3)(i). The second category covers a broad range of institutions, including libraries. Several precedents under § 501(c)(3) of the Code (or its predecessor) have held that an organization operating a library qualified for exemption. In United States v. Proprietors of Social Law Library, 102 F.2d 481 (1st Cir. 1939), the court held a law library limited to dues-paying members exempt under section 101(6) of the Internal Revenue Code of 1939. In Revenue Ruling (Rev. Rul.) 75-196, 1975-1 C.B. 155, the Internal Revenue Service ruled that a law library whose rules limited access and use to members, or their designees, of a local bar association qualified for exemption. In Forest Press, Inc. v. Commissioner, 22 T.C. 265 (1954), the Tax Court held an organization engaged in developing and publishing the Dewey Decimal System exempt as an educational organization. Rev. Rul. 81-29, 1981-1 C.B. 329, recognized as exempt an organization that operated a computer

network to facilitate the exchange of bibliographic information among member libraries, some of which were not tax-exempt.

Presidential library foundations can also qualify as charitable organizations under § 501(c)(3) of the Code because they lessen the burdens of government. Section 501(c)(3) uses the term "charitable" in its generally accepted legal sense, which includes lessening the burdens of government. Treasury Regulation §1.501(c)(3)-1(d)(2). Rev. Rul. 85-2, 1985-1 C.B. 178, describes a two-step analysis to determine if an organization is lessening the burdens of government. First, there must be an objective manifestation by the government that it considers the activity part of its burden. Second, the organization must show that its activities actually lessen the government's burden. Presidential library foundations satisfy both parts of the test. The Presidential Libraries Acts of 1955 and 1968 manifest that the federal Government considers maintenance of these archives to be its burden (see, especially, 44 U.S.C. 2112). The activities of presidential library foundations alleviate this burden.

Foundation Classification

A presidential library foundation exempt under § 501(c)(3) that receives contributions from a broad number of sources should also qualify as "other than a private foundation" based on the source and amount of its financial support. Private foundations, which are supported by contributions from a limited number of individuals, such as a single family, and by investment income rather than public support or income from activities that further exempt purposes, are subject to different disclosure rules and strict rules enforced by excise taxes. (The word "Foundation" in an organization's name does not indicate that the organization is a "private foundation" for purposes of the Internal Revenue Code.) Normally, a presidential library foundation, like most § 501(c)(3) organizations that expect to receive public support, applies for an advance determination under §§ 509(a)(1) and 170(b)(1)(A)(vi) that it would not be a private foundation. As with most applicants for exemption under § 501(c)(3), the advance determination would be based on projections that it would receive substantial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public. To receive a final determination under §§ 509(a)(1) and 170(b)(1)(A)(vi), at the end of a five-year period the organization must submit a financial support schedule demonstrating that during that period it received sufficient public support from gifts, grants, and contributions.

Publicity of Contributor Information Filed by Exempt Organizations

Section 6104 of the Code, in an exception to the general rule that returns and return information are confidential, specifically authorizes public disclosure of information on any exempt organization's application for recognition of exemption and annual information returns. However, § 6104(b) specifically provides that

"[N]othing in this subsection shall authorize the [Internal Revenue Service] to disclose the name or address of any contributor to any organization or trust (other than a private foundation, as defined in section 509(a)) or a political organization exempt from taxation under section 527 which is required to furnish such information." Because presidential library foundations normally qualify as "other than a private foundation," the names and addresses of contributors may not be disclosed by the Internal Revenue Service.

Section 6104(d) of the Code requires exempt organizations to make available their annual information returns and application materials for public inspection. However, § 6104(d)(3) provides that organizations that are not private foundations need not disclose the names and addresses of any of their contributors.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 4/6/2001 5:16:05 AM
Subject: : Easter Egg Press

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-APR-2001 09:16:05.00

SUBJECT:: Easter Egg Press

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

CC: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I spoke to the woman in the First Lady's Press Office, Noelia Rodriguez, who responded to the Post's inquiry. She, on her own initiative, decided not to mention the commercialization rationale for not selling eggs because she did not want to "pit this Administration against past Administrations" and therefore decided to emphasize that this was just a return to tradition. While I am not sure I agree with her decision, she's the press expert, and I'm certainly not. So I leave it to her judgment.

There will likely be additional press stories on this. Noelia spoke to the Press Office about the story -- although I don't know if she did so before or after speaking to the Post reporter.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/9/2001 5:15:44 AM
Subject: : Judge's schedule this week

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2001 09:15:44.00

SUBJECT:: Judge's schedule this week

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI - the Judge is leaving town on Thursday around 1pm to go to Texas for Easter.

Wednesday is pretty booked already so if you need time with him for judicial interviews, etc. please get with me this morning so we can get you plugged in for Tuesday.

Thanks!

REV_00125828

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 4/9/2001 5:54:53 AM
Subject: : Response to your question about Court of International Trade

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2001 09:54:53.00

SUBJECT:: Response to your question about Court of International Trade

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This Court is included in the DOJ vacancy list, along with all other Article III courts, plus the Claims Court. There is currently one vacancy on that Court (as of last week), and we will begin work to fill it. Frankly, the candidate recommended by the Georgia Senators, the Georgia Republican Congressmen, and Senator Helms looks outstanding -- at least on paper.

The only courts for which we are responsible that are not included in the DOJ list are the Court of Military Appeals, the Court of Veterans Appeals, and the Tax Court. Typically, the Treasury Department General Counsel assists the White House with the latter court, while the DOD GC assists with the former two. I am uncertain at present how many, if any, vacancies exist on these courts. By copy of this e-mail, I will ask Brent to investigate.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/9/2001 12:04:39 PM
Subject: : Re: Meeting with Senators Sarbanes & and Mikulski

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2001 16:04:39.00
SUBJECT:: Re: Meeting with Senators Sarbanes & and Mikulski
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I think we should consider asking the Senators if we might bring Keisler with us. He's incredibly good in these settings and might really help to seal the deal. Let me know what you think.

Elizabeth N. Camp
04/09/2001 03:44:25 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP
cc:
Subject: Meeting with Senators Sarbanes & and Mikulski

Thursday, March 26 at 10:45 am (Sarbanes Office - Hart 309)

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2001 4:25:50 PM
Subject: : Reggie Walton

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2001 20:25:50.00
SUBJECT:: Reggie Walton
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Should I take him off the list of possibilities for D.C. U.S. Attorney?

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Leanna F. Terrell/OA/EOP@EOP [OA] <Leanna F. Terrell>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>
Sent: 4/11/2001 4:27:39 AM
Subject: : Re: Intranet site for WH Communications

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])
CREATION DATE/TIME:11-APR-2001 08:27:39.00
SUBJECT:: Re: Intranet site for WH Communications
TO:Leanna F. Terrell (CN=Leanna F. Terrell/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Leanna: Given that these would constitute presidential records, I need to defer to White House Counsel's Office and White House Records Management Office to make the call on the format in which the records will be captured and preserved (paper or electronic).

A word of caution, however. OA has already received FOIA requests related to OA information posted on the EOP Intranet. The more we co-mingle presidential and federal records on the Intranet, the more and more likely it becomes that OA FOIA searches will locate responsive documents that originated with WHO. This is a potential issue because those entities in the EOP whose sole function is to advise and assist the President, such as WHO, are not subject to the FOIA. Although OA would argue that such documents were not OA "agency records" for FOIA purposes because WHO created the document and maintains custody and control over its own records, we may want to explore whether it would be technically possible to "partition" the Intranet site into EOP presidential (WHO, OVP, OPD, CEA, NSC, PFIAB) and EOP federal (OA, OMB, CEQ, OSTP, ONDCP, USTR) at least at the highest level (opening page). This may or may not be a big issue, but if we can factor these considerations into the design of the NT Intranet through the use of links vs. direct postings, etc., perhaps we can lessen the number of FOIA referrals and consultations. Let me know if you wish to discuss further. Kate

Leanna F. Terrell
04/10/2001 04:27:28 PM

Record Type: Record

To: Catherine S. Anderson/OA/EOP@EOP, Nellie W. Doering/OA/EOP@EOP
cc:
Subject: Re: Intranet site for WH Communications

You may have seen or heard about this already, but is this going to be an issue with RM?

----- Forwarded by Leanna F. Terrell/OA/EOP on 04/10/2001
04:26 PM -----

William C. Haymes

REV_00125835

04/10/2001 03:01:25 PM

Record Type: Record

To: Michael P. Lingenfelter/OA/EOP@EOP
cc: leanna f. terrell/oa/eop@eop
bcc:
Subject: Re: Intranet site for WH Communications

Michael,

From what you describe, this should be no more than a couple of business days worth of work. A side note, however, the backend created for this system for UNIX will not port well to an NT system. When the intranet goes to NT, we will have to revisit the application and construct a new backend. We may be able to find a solution which ports well to NT, but that will lengthen the development period significantly due to the research/testing required.

-Monty

Michael P. Lingenfelter
04/10/2001 02:36:26 PM
Record Type: Record

To: William C. Haymes/OA/EOP@EOP
cc: George E. Lewis/OA/EOP@EOP, Leanna F. Terrell/OA/EOP@EOP
Subject: Intranet site for WH Communications

Monty:

I'm looking to create a space on the EOP Intranet server where the White House Office of Communications could post Word and Excel documents for viewing by all EOP users. Six users in the Office would have permission to upload documents.

The type of system envisioned is one where the user could simply create a document on their pc, then browse their directory, and attach the file to an ftp process for uploading to www.eop.gov/DirectoryName/

In addition, there needs to be a capability to dynamically add a link to the document to an index page in the directory.

Can you provide we with an estimate of the time and effort required to develop such a system? Please contact me right away if further elucidation of these requirements is needed. I would like to have information to present at this Thursday's White House Internet Advisory Team Meeting.

Thanks

Michael

REV_00125836

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Leanna F. Terrell/OA/EOP@EOP [OA] <Leanna F. Terrell>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>
Sent: 4/11/2001 4:27:39 AM
Subject: : Re: Intranet site for WH Communications

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])

CREATION DATE/TIME:11-APR-2001 08:27:39.00

SUBJECT:: Re: Intranet site for WH Communications

TO:Leanna F. Terrell (CN=Leanna F. Terrell/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Leanna: Given that these would constitute presidential records, I need to defer to White House Counsel's Office and White House Records Management Office to make the call on the format in which the records will be captured and preserved (paper or electronic).

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04/10/2001 04:27:28 PM

Record Type: Record

To: Catherine S. Anderson/OA/EOP@EOP, Nellie W. Doering/OA/EOP@EOP
cc:
Subject: Re: Intranet site for WH Communications

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----- Forwarded by Leanna F. Terrell/OA/EOP on 04/10/2001
04:26 PM -----

William C. Haymes

REV_00125837

04/10/2001 03:01:25 PM

Record Type: Record

To: Michael P. Lingenfelter/OA/EOP@EOP
cc: leanna f. terrell/oa/eop@eop
bcc:
Subject: Re: Intranet site for WH Communications

Michael,

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Michael P. Lingenfelter
04/10/2001 02:36:26 PM
Record Type: Record

To: William C. Haymes/OA/EOP@EOP
cc: George E. Lewis/OA/EOP@EOP, Leanna F. Terrell/OA/EOP@EOP
Subject: Intranet site for WH Communications

Monty:

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Thanks

Michael

REV_00125838

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/11/2001 2:43:38 PM
Subject: : Please let me know if you authored the HR 1081...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2001 18:43:38.00

SUBJECT:: Please let me know if you authored the HR 1081...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Accountability for Presidential Gifts Act Memo =

Courtney?? Is this one yours?

REV_00125839

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/11/2001 2:43:38 PM
Subject: : Please let me know if you authored the HR 1081...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2001 18:43:38.00

SUBJECT:: Please let me know if you authored the HR 1081...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Accountability for Presidential Gifts Act Memo =

Courtney?? Is this one yours?

REV_00125840

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>
Sent: 4/12/2001 3:49:37 AM
Subject: : Re: Please let me know if you authored the HR 1081...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-APR-2001 07:49:37.00

SUBJECT:: Re: Please let me know if you authored the HR 1081...

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

No. I think it's Moose's.

Elizabeth N. Camp
04/11/2001 06:43:22 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Please let me know if you authored the HR 1081...

REV_00125841

Accountability for Presidential Gifts Act Memo =

Courtney?? Is this one yours?

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>
Sent: 4/12/2001 3:49:37 AM
Subject: : Re: Please let me know if you authored the HR 1081...

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2001 07:49:37.00
SUBJECT:: Re: Please let me know if you authored the HR 1081...
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

No. I think it's Moose's.

Elizabeth N. Camp
04/11/2001 06:43:22 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Please let me know if you authored the HR 1081...

REV_00125843

Accountability for Presidential Gifts Act Memo =

Courtney?? Is this one yours?

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;steven d. aitken/omb/eop@eop [OMB] <steven d. aitken>
Sent: 4/12/2001 7:36:58 AM
Subject: : Re: Has the White House issued a memo to WH staff on "contacts with agencies and outsiders on regulatory matters"?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2001 11:36:58.00
SUBJECT:: Re: Has the White House issued a memo to WH staff on "contacts with agencies and outsiders on regulatory matters"?
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:steven d. aitken (CN=steven d. aitken/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
End Original ARMS Header

We have issued a memo on contacts with regulatory agencies. I am not aware of one, however, with respect to outside groups.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>; timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 4/12/2001 2:17:57 PM
Subject: : Re: Interesting snippet on Cox/Boxer

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-APR-2001 18:17:57.00
SUBJECT:: Re: Interesting snippet on Cox/Boxer
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Think long term, Rachel -- when she passes unconstitutional legislation, he can strike it down, and he'll be on a court exercising that authority long after she is in the political graveyard . . .

Rachel L. Brand
04/12/2001 05:47:25 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Interesting snippet on Cox/Boxer

On second thought, maybe he shouldn't be appointed. I can think of few political things better than getting rid of Barbara Boxer.

REV_00125846

Brett M. Kavanaugh
04/12/2001 05:31:24 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Interesting snippet on Cox/Boxer

From UPI:

You be the judge -- Political circles on both coasts are buzzing over the possibility of California GOP Congressman Chris Cox being named to a seat on the 9th U.S. Circuit Court of Appeals. Cox says it would be "an honor" to be considered for the post, but the matter is out of his hands. His U.S. congressional office had no comment on the matter. California Democrat Senator Barbara Boxer, who is making cluck-cluck noises over the possibility the Harvard-trained lawyer might join the court, is secretly said to be relieved at the possibility. The reason -- Cox is a sure bet to take her on in 2004 and the well-liked, well-funded former associate White House counsel could send her packing back to San Francisco.

Message Sent

To: _____
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

Message Copied

To: _____
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
stuart w. bowen/who/eop@eop
h. christopher bartolomucci/who/eop@eop
noel j. francisco/who/eop@eop
robert w. cobb/who/eop@eop

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/13/2001 5:27:35 AM
Subject: : FYI-We will have our regular Counsel Staff Meeting on Monday

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-APR-2001 09:27:35.00

SUBJECT:: FYI-We will have our regular Counsel Staff Meeting on Monday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/13/2001 5:27:35 AM
Subject: : FYI-We will have our regular Counsel Staff Meeting on Monday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-APR-2001 09:27:35.00

SUBJECT:: FYI-We will have our regular Counsel Staff Meeting on Monday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 4/13/2001 10:38:03 AM
Subject: : Re: D. Mich. interviews

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-APR-2001 14:38:03.00

SUBJECT:: Re: D. Mich. interviews

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I am willing to take one or two, but not five. Give me the earlier ones.

Bradford A. Berenson
04/13/2001 02:27:33 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: D. Mich. interviews

Anyone want to volunteer to handle a round of five interviews with D.
Mich. candidates next Wednesday and Thursday afternoons?

Message Sent

To: _____
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

REV_00125859

From: CN=Anne M. Hughes/OU=WHO/O=EOP [WHO]
To: FFULLER@whmo.mil [UNKNOWN] <FFULLER@whmo.mil>; Alice H. Williams/CEA/EOP@EOP [CEA] <Alice H. Williams>; Mary E. Jones/CEA/EOP@EOP [CEA] <Mary E. Jones>; Rosina M. Bierbaum/OSTP/EOP@EOP [OSTP] <Rosina M. Bierbaum>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; John Paliokas/NSC/EOP@EOP [NSC] <John Paliokas>; Francine P. Obermiller/CEA/EOP@EOP [CEA] <Francine P. Obermiller>; SSMITH@whmo.mil [OA] <SSMITH@whmo.mil>; Gregory L. Schulte/NSC/EOP@EOP [NSC] <Gregory L. Schulte>; Joan K. Edwards/NSC/EOP@EOP [NSC] <Joan K. Edwards>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Mary Fibich/CEA/EOP@EOP [CEA] <Mary Fibich>; Sandra F. Daigle/CEA/EOP@EOP [CEA] <Sandra F. Daigle>; Susan P. Clements/CEA/EOP@EOP [CEA] <Susan P. Clements>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Timothy C. Almon/NSC/EOP@EOP [NSC] <Timothy C. Almon>; SMAHON@whmo.mil [UNKNOWN] <SMAHON@whmo.mil>; Kenneth K. Hembree/OA/EOP@EOP [OA] <Kenneth K. Hembree>; Larry E. Handeland/OA/EOP@EOP [OA] <Larry E. Handeland>; Patrick J. Rhode/WHO/EOP@EOP [WHO] <Patrick J. Rhode>; Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Marcus J. Mollmann/WHO/EOP@EOP [WHO] <Marcus J. Mollmann>; Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>; Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Linda S. DeHart/WHO/EOP@EOP [WHO] <Linda S. DeHart>; Lynn A. Crable/WHO/EOP@EOP [WHO] <Lynn A. Crable>; Lana Dickey/WHO/EOP@EOP [WHO] <Lana Dickey>; Gertrude A. Roddick/WHO/EOP@EOP [WHO] <Gertrude A. Roddick>; Eileen M. Upperman/WHO/EOP@EOP [WHO] <Eileen M. Upperman>; David E. Kalbaugh/WHO/EOP@EOP [WHO] <David E. Kalbaugh>; William W. McCathran/WHO/EOP@EOP [WHO] <William W. McCathran>; Kathryn M. McKeown/WHO/EOP@EOP [WHO] <Kathryn M. McKeown>; Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>; Lee R. Johnson/WHO/EOP@EOP [WHO] <Lee R. Johnson>; Elizabeth R. Ubbens/WHO/EOP@EOP [WHO] <Elizabeth R. Ubbens>; Sarah Pfeifer/OPD/EOP@EOP [OPD] <Sarah Pfeifer>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>; Anne C. Crowther/WHO/EOP@EOP [WHO] <Anne C. Crowther>; Ellen W. McCathran/WHO/EOP@EOP [WHO] <Ellen W. McCathran>; Cesar Conda/OVP/EOP@EOP [OVP] <Cesar Conda>; Debra Heiden/OVP/EOP@EOP [OVP] <Debra Heiden>; Terry L. Karow/OVP/EOP@EOP [OVP] <Terry L. Karow>; Elizabeth W. Kleppe/OVP/EOP@EOP [OVP] <Elizabeth W. Kleppe>; Claire M. O'Donnell/OVP/EOP@EOP [OVP] <Claire M.

O'Donnell>;Ashley M. Snee/OVP/EOP@EOP [OVP] <Ashley M. Snee>;Candida P. Wolff/OVP /EOP@EOP [OVP] <Candida P. Wolff>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;John P. Hannah/OVP/EOP@EOP [OVP] <John P. Hannah>;Claire E. Buchan/WHO /EOP@EOP [WHO] <Claire E. Buchan>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Carolyn F. Atkinson/WHO/EOP@EOP [WHO] <Carolyn F. Atkinson>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>

CC: Vickers B. Meadows/WHO/EOP@EOP [WHO] <Vickers B. Meadows>
Sent: 4/13/2001 6:55:18 AM
Subject: : Easter Egg Roll Parking -- State Place

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne M. Hughes (CN=Anne M. Hughes/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-APR-2001 10:55:18.00

SUBJECT:: Easter Egg Roll Parking -- State Place

TO:FFULLER@whmo.mil (FFULLER@whmo.mil [UNKNOWN])

READ:UNKNOWN

TO:Alice H. Williams (CN=Alice H. Williams/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Mary E. Jones (CN=Mary E. Jones/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Rosina M. Bierbaum (CN=Rosina M. Bierbaum/OU=OSTP/O=EOP@EOP [OSTP])

READ:UNKNOWN

TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Diana E. Furchtgott-Roth (CN=Diana E. Furchtgott-Roth/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:John Paliokas (CN=John Paliokas/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Francine P. Obermiller (CN=Francine P. Obermiller/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:SSMITH@whmo.mil (SSMITH@whmo.mil [OA])

READ:UNKNOWN

TO:Gregory L. Schulte (CN=Gregory L. Schulte/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Joan K. Edwards (CN=Joan K. Edwards/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Mary Fibich (CN=Mary Fibich/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sandra F. Daigle (CN=Sandra F. Daigle/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Susan P. Clements (CN=Susan P. Clements/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Timothy C. Almon (CN=Timothy C. Almon/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:SMAHON@whmo.mil (SMAHON@whmo.mil [UNKNOWN])

READ:UNKNOWN

TO:Kenneth K. Hembree (CN=Kenneth K. Hembree/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Larry E. Handeland (CN=Larry E. Handeland/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Patrick J. Rhode (CN=Patrick J. Rhode/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])

REV_00125871

READ:UNKNOWN
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Linda S. DeHart (CN=Linda S. DeHart/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lynn A. Crable (CN=Lynn A. Crable/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lana Dickey (CN=Lana Dickey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gertrude A. Roddick (CN=Gertrude A. Roddick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eileen M. Upperman (CN=Eileen M. Upperman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David E. Kalbaugh (CN=David E. Kalbaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:William W. McCathran (CN=William W. McCathran/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kathryn M. McKeown (CN=Kathryn M. McKeown/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lee R. Johnson (CN=Lee R. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth R. Ubbens (CN=Elizabeth R. Ubbens/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Christa J. Bailey (CN=Christa J. Bailey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne C. Crowther (CN=Anne C. Crowther/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ellen W. McCathran (CN=Ellen W. McCathran/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Terry L. Karow (CN=Terry L. Karow/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Claire M. O'Donnell (CN=Claire M. O'Donnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John P. Hannah (CN=John P. Hannah/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Carolyn F. Atkinson (CN=Carolyn F. Atkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message amends the Administrative Alert circulated yesterday regarding parking on Monday, April 16. Notwithstanding the fact that E Street will be closed beginning at 6:00AM on Monday morning, State Place permit holders will be allowed special access onto E Street for entry onto State Place until 8:00AM. After that time, please use alternate parking. Thank you.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/16/2001 5:50:13 AM
Subject: : Re: President's box at Kennedy Center

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-APR-2001 09:50:13.00

SUBJECT:: Re: President's box at Kennedy Center

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are interested in tickets for the President's Box at the Kennedy Center let me know VIA EMAIL. I'll visit with Stacey Silva - the ROTUS (Receptionist of the United States). She is the keeper of these tickets.

We need to know:

which date(s)/performance - it is best to give her two dates to work with

how many tickets needed

please indicate if it is personal or business

Confirmation:

Official requests confirmed 2 weeks out

Personal requests confirmed 24 hours out

<http://www.kennedy-center.org/programs/newseason/index.cfm>

REV_00125885

Fair Warning: Sr. Staff can bump you but I'm told that doesn't happen very often at all. FYI - Beauty and the Beast is already gone.

Thanks!

Bradford A. Berenson
04/12/2001 07:00:09 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: President's box at Kennedy Center

Do you know who controls access to this and whether in this White House, as in past White Houses, commissioned officers can put in for use of the box?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/16/2001 5:50:13 AM
Subject: : Re: President's box at Kennedy Center

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-APR-2001 09:50:13.00

SUBJECT:: Re: President's box at Kennedy Center

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are interested in tickets for the President's Box at the Kennedy Center let me know VIA EMAIL. I'll visit with Stacey Silva - the ROTUS (Receptionist of the United States). She is the keeper of these tickets.

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how many tickets needed

please indicate if it is personal or business

Confirmation:

Official requests confirmed 2 weeks out

Personal requests confirmed 24 hours out

<http://www.kennedy-center.org/programs/newseason/index.cfm>

REV_00125887

Fair Warning: Sr. Staff can bump you but I'm told that doesn't happen very often at all. FYI - Beauty and the Beast is already gone.

Thanks!

Bradford A. Berenson
04/12/2001 07:00:09 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: President's box at Kennedy Center

Do you know who controls access to this and whether in this White House, as in past White Houses, commissioned officers can put in for use of the box?

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/17/2001 6:33:22 AM
Subject: : Proposed Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-APR-2001 10:33:22.00

SUBJECT:: Proposed Meeting

TO: Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Ken,

Ben Ginsburg contacted me to discuss the manner in which the three major Republican campaign committees may use the President and/or the White House in connection with fundraising letters. He suggested that an appropriate first step would be for Judge Gonzales to meet with the executive directors of the committees and their attorneys, so that they could explain to us the various ways they wish to reference the President and White House in such letters. This would then help us formulate an overall policy. If you agree that this is a good idea, would you advise us on how we should go about setting up this meeting? Thanks.

Noel Francisco

From: CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/17/2001 3:01:58 PM
Subject: : Re: US Attorney Interviews

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-APR-2001 19:01:58.00
SUBJECT:: Re: US Attorney Interviews
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

i defer to brett

H. Christopher Bartolomucci
04/17/2001 06:46:17 PM
Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: US Attorney Interviews

The three of you have expressed interest in doing the USA interviews this Thursday. The districts at issue are New Hampshire, Western Michigan, and Oregon. Who's still interested?

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 4/18/2001 4:17:06 AM
Subject: : Re: double or single spaced?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-APR-2001 08:17:06.00

SUBJECT:: Re: double or single spaced?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I'm going single-spaced.

Brett M. Kavanaugh
04/18/2001 08:00:59 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: double or single spaced?

me three

Courtney S. Elwood
04/18/2001 08:00:21 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP

REV_00125906

cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: double or single spaced?

I agree with Brad on this controversy.

Bradford A. Berenson
04/18/2001 07:56:52 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: double or single spaced?

I have been doing double-spaced. It's easier to read and sets off block quotes and footnotes better.

Helgard C. Walker
04/17/2001 07:50:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: double or single spaced?

I am going with single-spaced.

Brett M. Kavanaugh
04/17/2001 07:49:15 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: double or single spaced?

Message Sent

To: _____
Stuart W. Bowen/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

Message Copied

To: _____
stuart w. bowen/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel l. brand/who/eop@eop

noel j. francisco/who/eop@eop
courtney s. elwood/who/eop@eop

Message Copied

To:

brett m. kavanaugh/who/eop@eop
stuart w. bowen/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
courtney s. elwood/who/eop@eop

Message Copied

To:

helgard c. walker/who/eop@eop
brett m. kavanaugh/who/eop@eop
stuart w. bowen/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
courtney s. elwood/who/eop@eop

Message Copied

To:

bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
brett m. kavanaugh/who/eop@eop
stuart w. bowen/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
courtney s. elwood/who/eop@eop

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 4/18/2001 6:20:34 PM
Subject: : Re: memo title?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-APR-2001 22:20:34.00

SUBJECT:: Re: memo title?

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I say we go with just the name of the relevant individual on the re line.

Rachel L. Brand
04/18/2001 10:09:44 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: memo title?

To add to the debate about formatting arcana: How are we going to caption or title these memos?

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

REV_00125921

Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2001 4:39:50 AM
Subject: : Re: North Carolina Bankers Association

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:19-APR-2001 08:39:50.00
SUBJECT:: Re: North Carolina Bankers Association
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks Brett!

Brett M. Kavanaugh
04/19/2001 08:21:48 AM
Record Type: Record

To: Janet P. Walker/OPD/EOP@EOP
cc:
bcc:
Subject: Re: North Carolina Bankers Association

I see no problem with re-using the tape. As to the costs of the tape, one approach is simply to inform them that we may want to re-use the tape and ask them whether they have any problem with that. A second approach is for the government to reimburse them for the cost of the tape and then there would be no problem re-using it.

Janet P. Walker
04/19/2001 08:06:10 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: North Carolina Bankers Association

Good morning! The North Carolina Bankers Association would like the President to tape remarks for their upcoming annual conference. Since it is a state group, the preliminary decision was to try and see if we could draft generic remarks for the President and then utilize the same tape for other banking associations for the next couple of months. This brings up two questions:

1. The North Carolina Bankers are willing to cover the cost of taping (if approved, the taping will be done in conjunction with other tapings to keep cost down). Is the re-use of the tape something we can do?
2. If it is acceptable to re-use the tape, how would we allocate costs to the North Carolina Bankers?

Your guidance would be greatly appreciated. We're on a tight turnaround

so anything you can do asap would be great.

Many thanks!

Janet

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2001 4:39:50 AM
Subject: : Re: North Carolina Bankers Association

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:19-APR-2001 08:39:50.00
SUBJECT:: Re: North Carolina Bankers Association
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks Brett!

Brett M. Kavanaugh
04/19/2001 08:21:48 AM
Record Type: Record

To: Janet P. Walker/OPD/EOP@EOP
cc:
bcc:
Subject: Re: North Carolina Bankers Association

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04/19/2001 08:06:10 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: North Carolina Bankers Association

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Your guidance would be greatly appreciated. We're on a tight turnaround

so anything you can do asap would be great.

Many thanks!

Janet

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/19/2001 10:37:29 AM
Subject: : Wed. - May 9th

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-2001 14:37:29.00

SUBJECT:: Wed. - May 9th

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Judge has a speech from 3:15-3:45 on Wed, May 9. We will have the prep meeting for the 4:00 pm JSC meeting immediately after the 8:30 staff meeting instead of the normal 3:30 time.

Thanks!

REV_00125930

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Anita K. Abbott/WHO/EOP@EOP [WHO] <Anita K. Abbott>;Katherine A. Ashton/WHO/EOP@EOP [WHO] <Katherine A. Ashton>;James Carroll/WHO/EOP@EOP [WHO] <James Carroll>;Eric Hagans/WHO/EOP@EOP [WHO] <Eric Hagans>;Melinda J. Loftin/WHO/EOP@EOP [WHO] <Melinda J. Loftin>;Anita T. Purcell/WHO/EOP@EOP [WHO] <Anita T. Purcell>;Raymond Sheehan/WHO/EOP@EOP [WHO] <Raymond Sheehan>;Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>
Sent: 4/19/2001 11:54:57 AM
Subject: : Staff Photo

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-2001 15:54:57.00

SUBJECT:: Staff Photo

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Anita K. Abbott (CN=Anita K. Abbott/OU=WHO/O=EOP@EOP [WHO])

REV_00125931

READ:UNKNOWN
TO:Katherine A. Ashton (CN=Katherine A. Ashton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric Hagans (CN=Eric Hagans/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melinda J. Loftin (CN=Melinda J. Loftin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anita T. Purcell (CN=Anita T. Purcell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond Sheehan (CN=Raymond Sheehan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We will gather the troops for a Counsel's Office staff photo on Tuesday,
April 24th at 9:15 am.

The setting is the South Lawn just outside of the East Wing.

Laura/Moose - please make sure I got all of the detailees.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Anita K. Abbott/WHO/EOP@EOP [WHO] <Anita K. Abbott>;Katherine A. Ashton/WHO/EOP@EOP [WHO] <Katherine A. Ashton>;James Carroll/WHO/EOP@EOP [WHO] <James Carroll>;Eric Hagans/WHO/EOP@EOP [WHO] <Eric Hagans>;Melinda J. Loftin/WHO/EOP@EOP [WHO] <Melinda J. Loftin>;Anita T. Purcell/WHO/EOP@EOP [WHO] <Anita T. Purcell>;Raymond Sheehan/WHO/EOP@EOP [WHO] <Raymond Sheehan>;Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>
Sent: 4/19/2001 11:54:57 AM
Subject: : Staff Photo

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-2001 15:54:57.00

SUBJECT:: Staff Photo

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

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TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Anita K. Abbott (CN=Anita K. Abbott/OU=WHO/O=EOP@EOP [WHO])

REV_00125933

READ:UNKNOWN
TO:Katherine A. Ashton (CN=Katherine A. Ashton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric Hagans (CN=Eric Hagans/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melinda J. Loftin (CN=Melinda J. Loftin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anita T. Purcell (CN=Anita T. Purcell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond Sheehan (CN=Raymond Sheehan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;James Carroll/WHO/EOP@EOP [WHO] <James Carroll>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Melinda J. Loftin/WHO/EOP@EOP [WHO] <Melinda J. Loftin>;Raymond Sheehan/WHO/EOP@EOP [WHO] <Raymond Sheehan>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/19/2001 3:02:53 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-2001 19:02:53.00

SUBJECT::

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Melinda J. Loftin (CN=Melinda J. Loftin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Raymond Sheehan (CN=Raymond Sheehan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know if any of you would like a calendar program added to your computer. Thanks!

REV_00125935

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2001 5:25:38 PM
Subject: : Meeting Senators Sarbanes & Mikulski (Brett/Brad)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-APR-2001 21:25:38.00
SUBJECT:: Meeting Senators Sarbanes & Mikulski (Brett/Brad)
TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tim will now be going to this meeting instead of the Judge -

Here are the details:
Thursday, April 26 @ 10:45 am
309 Hart (Sarbane's Ofc-3rd Fl.)
Car drop off at Horsehoe

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: collister w. johnson/who/eop@eop [WHO] <collister w. johnson>
CC: kenneth b. mehlman/who/eop@eop [WHO] <kenneth b. mehlman>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/20/2001 7:34:36 AM
Subject: : Re: Volunteer Charitable Activity

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-APR-2001 11:34:36.00
SUBJECT:: Re: Volunteer Charitable Activity
TO:collister w. johnson (CN=collister w. johnson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kenneth b. mehlman (CN=kenneth b. mehlman/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ask a Landon grad and you'll get some help. You may participate in the proposed charitable activity. See page D-14 in the staff manual for some general guidance. Most significantly, do not personally solicit funds from subordinates or from persons who do business with the White House; solicitation in the form of mass mailings are okay. Otherwise, you have already laid out the parameters for your participation in your e-mail to the Prep boy next door; stick by them and you'll be in good shape. Good luck.

Brett M. Kavanaugh
04/19/2001 05:42:53 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc: kenneth b. mehlman/who/eop@eop, Robert W. Cobb/WHO/EOP@EOP
bcc:
Subject: Re: Volunteer Charitable Activity

Sounds like an excellent cause. This is a Moose Cobb question, I believe, so I am referring it to him by this e-mail.

By the way, I am G'town Prep '83.

Collister W. Johnson
04/19/2001 05:10:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Kenneth B. Mehlman/WHO/EOP@EOP
Subject: Volunteer Charitable Activity

Brett:
Thanks for handling our earlier question.
This one involves my own time with a charity event. When you have a

REV_00125937

moment, let me know your advice -

One of my best friends from high school. Mark Ferris, passed away from a diabetes-related heart attack last year. Several other classmates and I established a scholarship fund in his honor at our school, Landon.

To give the fund a boost, we have been talking through plans to hold a 10K run in Mark's honor next year at the school. Proceeds from the run would benefit Mark's fund, as well as the Juvenile Diabetes Foundation (JDF), who has become a willing partner in planning and executing the event. The dynamics of my relationship with Mark, my classmates, and the school, have led to me being asked to Chair the event, as well as the scholarship fund.

I know there are sometimes constraints on charitable activity when working in the White House. So you know:

- I would be working on this event in my free, non-work, time.
- My role in the event would be as a private citizen, not a White House Employee.
- I would not use any government equipment to undertake my duties as chair of the event or fund
- My official job at the WH does not involve any type of contact with the Juvenile Diabetes Fund or the Landon School.

Thanks very much Brett -

Coddy

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/20/2001 11:44:48 AM
Subject: : Meeting with Phil Perry from DOJ re: Cobell

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-APR-2001 15:44:48.00

SUBJECT:: Meeting with Phil Perry from DOJ re: Cobell

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

ARG has a meeting on Monday with Phil Perry re: Cobell - who is handling this?

Please call me so we can discuss.

If you are not the person - no reply necessary.

Thank you.

REV_00125939

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/20/2001 11:44:48 AM
Subject: : Meeting with Phil Perry from DOJ re: Cobell

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-APR-2001 15:44:48.00

SUBJECT:: Meeting with Phil Perry from DOJ re: Cobell

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

ARG has a meeting on Monday with Phil Perry re: Cobell - who is handling this?

Please call me so we can discuss.

If you are not the person - no reply necessary.

Thank you.

REV_00125940

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>; timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 4/20/2001 8:13:34 AM
Subject: : Re: USA Today today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-APR-2001 12:13:34.00
SUBJECT:: Re: USA Today today
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Not at all. This story is basically consistent with the ones that speculated about possible Bush administration nominees both before and after the election (which I just reread because almost every one mentions Garza). These names have all appeared before, and the sources are loosely described as "GOP insiders." That could be, and probably is, people totally outside the administration.

Courtney S. Elwood
04/20/2001 12:08:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: USA Today today

I'd say this report is more troubling than the Drudge Report

REV_00125943

Brett M. Kavanaugh
04/20/2001 12:06:54 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: USA Today today

identified six likely nominees

"Among the potential nominees, GOP insiders say, are two men who have the chance to become the first Hispanic justice: Alberto Gonzales, now White House counsel, and Emilio Garza, a U.S. appeals court judge in San Antonio.

Other possible choices include J. Harvie Wilkinson and J. Michael Luttig, both veteran judges on a U.S. appeals court in Richmond, Va.; Samuel Alito, a federal appeals judge in Philadelphia; and Janice Brown, a California Supreme Court justice, who was among the first African-Americans on that bench.

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

Message Copied

To:

alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
stuart w. bowen/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
robert w. cobb/who/eop@eop

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>
Sent: 4/20/2001 12:36:38 PM
Subject: : Communications strategy for California judicial selection deal

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-APR-2001 16:36:38.00

SUBJECT:: Communications strategy for California judicial selection deal

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We have just concluded a deal with the California Senators on a brand new, bipartisan system of merit selection panels for picking district judges throughout the state of California. Senator Feinstein is willing to keep her powder dry and to coordinate with us on the public announcement of this arrangement if we want to take some ownership of this -- but probably not indefinitely. We need to decide quickly whether and how to announce this publicly. Senator Feinstein's one request is that Nina Totenberg of NPR be included among the first journalists who gets the story.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 4/20/2001 8:03:49 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 21-APR-2001 00:03:49.00

SUBJECT::

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

how do you read the "General Welfare Clause" of Article I, section 8?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/23/2001 5:38:35 AM
Subject: : Lori Lorenzi is the new Staff Assistant

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2001 09:38:35.00

SUBJECT:: Lori Lorenzi is the new Staff Assistant

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

She will be here next Monday.

Stuart - add another successful hire to your list. Are you on commission w/ PPO?

REV_00125952

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;anita k. abbott/who/eop@eop [WHO] <anita k. abbott>;katherine a. ashton/who/eop@eop [WHO] <katherine a. ashton>;james carroll/who/eop@eop [WHO] <james carroll>;eric hagans/who/eop@eop [WHO] <eric hagans>;melinda j. loftin/who/eop@eop [WHO] <melinda j. loftin>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;raymond sheehan/who/eop@eop [WHO] <raymond sheehan>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 4/23/2001 11:01:00 AM
Subject: : Reminder - Staff Photo - TOMORROW!

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2001 15:01:00.00

SUBJECT:: Reminder - Staff Photo - TOMORROW!

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:anita k. abbott (CN=anita k. abbott/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:katherine a. ashton (CN=katherine a. ashton/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00125967

TO:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:melinda j. loftin (CN=melinda j. loftin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:raymond sheehan (CN=raymond sheehan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

This will be taken somewhere outside the East Wing. Everyone should meet in the West Basement at 9:15. The photographer will will us over from there.

Thanks!

Elizabeth N. Camp
04/19/2001 03:54:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Staff Photo

We will gather the troops for a Counsel's Office staff photo on Tuesday, April 24th at 9:15 am.

The setting is the South Lawn just outside of the East Wing.

Laura/Moose - please make sure I got all of the detailees.

Thanks!

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
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Rachel L. Brand/WHO/EOP@EOP
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Katherine A. Ashton/WHO/EOP@EOP
James Carroll/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP

REV_00125968

Melinda J. Loftin/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Raymond Sheehan/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 4/23/2001 9:26:46 AM
Subject: : Re: Help needed with interviews this afternoon

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2001 13:26:46.00

SUBJECT:: Re: Help needed with interviews this afternoon

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I'll take the 4:30. Just tell me the name of the interviewee.

Rachel L. Brand
04/23/2001 01:24:56 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Help needed with interviews this afternoon

Tim has a family situation and can't be in on the interviews this afternoon for the S.D. Iowa. Is anyone available to do the Tim portion of those interviews with me? (Brett is already doing the one at 4:00). There are slots at 4:30 and 5:00.

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

REV_00125974

Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;anita k. abbott/who/eop@eop [WHO] <anita k. abbott>;katherine a. ashton/who/eop@eop [WHO] <katherine a. ashton>;james carroll/who/eop@eop [WHO] <james carroll>;eric hagans/who/eop@eop [WHO] <eric hagans>;melinda j. loftin/who/eop@eop [WHO] <melinda j. loftin>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;raymond sheehan/who/eop@eop [WHO] <raymond sheehan>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 4/23/2001 11:01:00 AM
Subject: : Reminder - Staff Photo - TOMORROW!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2001 15:01:00.00

SUBJECT:: Reminder - Staff Photo - TOMORROW!

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

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TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:anita k. abbott (CN=anita k. abbott/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:katherine a. ashton (CN=katherine a. ashton/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00125978

TO:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:melinda j. loftin (CN=melinda j. loftin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:raymond sheehan (CN=raymond sheehan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

This will be taken somewhere outside the East Wing. Everyone should meet in the West Basement at 9:15. The photographer will will us over from there.

Thanks!

Elizabeth N. Camp
04/19/2001 03:54:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Staff Photo

We will gather the troops for a Counsel's Office staff photo on Tuesday, April 24th at 9:15 am.

The setting is the South Lawn just outside of the East Wing.

Laura/Moose - please make sure I got all of the detailees.

Thanks!

Message Sent

To:

David S. Addington/OVP/EOP@EOP
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John B. Bellinger/NSC/EOP@EOP
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James Carroll/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP

REV_00125979

Melinda J. Loftin/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Raymond Sheehan/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2001 12:14:12 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2001 16:14:12.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;anita k. abbott/who/eop@eop [WHO] <anita k. abbott>;katherine a. ashton/who/eop@eop [WHO] <katherine a. ashton>;james carroll/who/eop@eop [WHO] <james carroll>;eric hagans/who/eop@eop [WHO] <eric hagans>;melinda j. loftin/who/eop@eop [WHO] <melinda j. loftin>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;raymond sheehan/who/eop@eop [WHO] <raymond sheehan>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 4/23/2001 1:54:05 PM
Subject: : Re: Staff Photo-NEW TIME - 9:30 AM

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2001 17:54:05.00

SUBJECT:: Re: Staff Photo-NEW TIME - 9:30 AM

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

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TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

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READ:UNKNOWN

TO:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:anita k. abbott (CN=anita k. abbott/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:katherine a. ashton (CN=katherine a. ashton/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00125982

TO:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:melinda j. loftin (CN=melinda j. loftin/OU=who/O=eop@eop [WHO])
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TO:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Please meet in West Basement Lobby at 9:30 am instead of 9:15 am.

Elizabeth N. Camp
04/19/2001 03:54:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Staff Photo

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To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;anita k. abbott/who/eop@eop [WHO] <anita k. abbott>;katherine a. ashton/who/eop@eop [WHO] <katherine a. ashton>;james carroll/who/eop@eop [WHO] <james carroll>;eric hagans/who/eop@eop [WHO] <eric hagans>;melinda j. loftin/who/eop@eop [WHO] <melinda j. loftin>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;raymond sheehan/who/eop@eop [WHO] <raymond sheehan>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 4/23/2001 1:54:05 PM
Subject: : Re: Staff Photo-NEW TIME - 9:30 AM

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2001 17:54:05.00

SUBJECT:: Re: Staff Photo-NEW TIME - 9:30 AM

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:anita k. abbott (CN=anita k. abbott/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:katherine a. ashton (CN=katherine a. ashton/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00125985

TO:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:melinda j. loftin (CN=melinda j. loftin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:raymond sheehan (CN=raymond sheehan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Please meet in West Basement Lobby at 9:30 am instead of 9:15 am.

Elizabeth N. Camp
04/19/2001 03:54:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Staff Photo

We will gather the troops for a Counsel's Office staff photo on Tuesday,
April 24th at 9:15 am.

The setting is the South Lawn just outside of the East Wing.

Laura/Moose - please make sure I got all of the detailees.

Thanks!

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Anita K. Abbott/WHO/EOP@EOP
Katherine A. Ashton/WHO/EOP@EOP
James Carroll/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP
Melinda J. Loftin/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Raymond Sheehan/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/23/2001 2:44:16 PM
Subject: : Judge out of town

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2001 18:44:16.00

SUBJECT:: Judge out of town

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI - the Judge is leaving Thursday morning after our 8:30 am staff meeting to go to Austin. He returns to DC on Sunday evening.

REV_00125990

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/23/2001 2:44:16 PM
Subject: : Judge out of town

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2001 18:44:16.00

SUBJECT:: Judge out of town

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI - the Judge is leaving Thursday morning after our 8:30 am staff meeting to go to Austin. He returns to DC on Sunday evening.

REV_00125991

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2001 4:14:24 PM
Subject: : 100-days phone calls and other issues

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2001 20:14:24.00
SUBJECT:: 100-days phone calls and other issues
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett and I are available to meet with you to discuss your office's activities -- let us know when is good for you.

Give me or Brett a call about the 100-days phone calls. The short answer is that it would be the wiser course to have the government pay for these calls.

Rachel Brand
6-7909

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;jan e. williams/who/eop@eop [WHO] <jan e. williams>;heather larrison/who/eop@eop [WHO] <heather larrison>;carol j. thompson/who/eop@eop [WHO] <carol j. thompson>;megan r. johnston/who/eop@eop [WHO] <megan r. johnston>;israel hernandez/who/eop@eop [WHO] <israel hernandez>;stacey b. silva/who/eop@eop [WHO] <stacey b. silva>;alison jones/who/eop@eop [WHO] <alison jones>;melissa s. bennett/who/eop@eop [WHO] <melissa s. bennett>;josephine b. robinson/who/eop@eop [WHO] <josephine b. robinson>;virginia t. gregory/who/eop@eop [WHO] <virginia t. gregory>;dee dee benkie/who/eop@eop [WHO] <dee dee benkie>;andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>;adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>;susan b. ralston/who/eop@eop [WHO] <susan b. ralston>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/24/2001 2:13:54 PM
Subject: : Reminder - Judicial Selection Comm. Meeting....

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-APR-2001 18:13:54.00

SUBJECT:: Reminder - Judicial Selection Comm. Meeting....

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:jan e. williams (CN=jan e. williams/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:carol j. thompson (CN=carol j. thompson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:megan r. johnston (CN=megan r. johnston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:israel hernandez (CN=israel hernandez/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stacey b. silva (CN=stacey b. silva/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:alison jones (CN=alison jones/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:melissa s. bennett (CN=melissa s. bennett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:josephine b. robinson (CN=josephine b. robinson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:virginia t. gregory (CN=virginia t. gregory/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:dee dee benkie (CN=dee dee benkie/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00126016

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Wednesday, April 25
4:00-5:00 pm
Roosevelt Room

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;jan e. williams/who/eop@eop [WHO] <jan e. williams>;heather larrison/who/eop@eop [WHO] <heather larrison>;carol j. thompson/who/eop@eop [WHO] <carol j. thompson>;megan r. johnston/who/eop@eop [WHO] <megan r. johnston>;israel hernandez/who/eop@eop [WHO] <israel hernandez>;stacey b. silva/who/eop@eop [WHO] <stacey b. silva>;alison jones/who/eop@eop [WHO] <alison jones>;melissa s. bennett/who/eop@eop [WHO] <melissa s. bennett>;josephine b. robinson/who/eop@eop [WHO] <josephine b. robinson>;virginia t. gregory/who/eop@eop [WHO] <virginia t. gregory>;dee dee benkie/who/eop@eop [WHO] <dee dee benkie>;andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>;adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>;susan b. ralston/who/eop@eop [WHO] <susan b. ralston>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanagan/who/eop@eop [WHO] <timothy e. flanagan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/24/2001 2:13:54 PM
Subject: : Reminder - Judicial Selection Comm. Meeting....

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-APR-2001 18:13:54.00

SUBJECT:: Reminder - Judicial Selection Comm. Meeting....

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:jan e. williams (CN=jan e. williams/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:carol j. thompson (CN=carol j. thompson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:megan r. johnston (CN=megan r. johnston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:israel hernandez (CN=israel hernandez/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stacey b. silva (CN=stacey b. silva/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:alison jones (CN=alison jones/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:melissa s. bennett (CN=melissa s. bennett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:josephine b. robinson (CN=josephine b. robinson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:virginia t. gregory (CN=virginia t. gregory/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:dee dee benkie (CN=dee dee benkie/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00126018

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Wednesday, April 25
4:00-5:00 pm
Roosevelt Room

Thanks!

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Anita K. Abbott/WHO/EOP@EOP [WHO] <Anita K. Abbott>;Katherine A. Ashton/WHO/EOP@EOP [WHO] <Katherine A. Ashton>;James Carroll/WHO/EOP@EOP [WHO] <James Carroll>;Eric Hagans/WHO/EOP@EOP [WHO] <Eric Hagans>;Melinda J. Loftin/WHO/EOP@EOP [WHO] <Melinda J. Loftin>;Anita T. Purcell/WHO/EOP@EOP [WHO] <Anita T. Purcell>;Raymond Sheehan/WHO/EOP@EOP [WHO] <Raymond Sheehan>;Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/25/2001 7:13:51 AM
Subject: : Group photos from yesterday
Attachments: F_0T6O1004_NSC.TXT_1.jpg; F_0T6O1004_NSC.TXT_2.jpg

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-APR-2001 11:13:51.00

SUBJECT:: Group photos from yesterday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

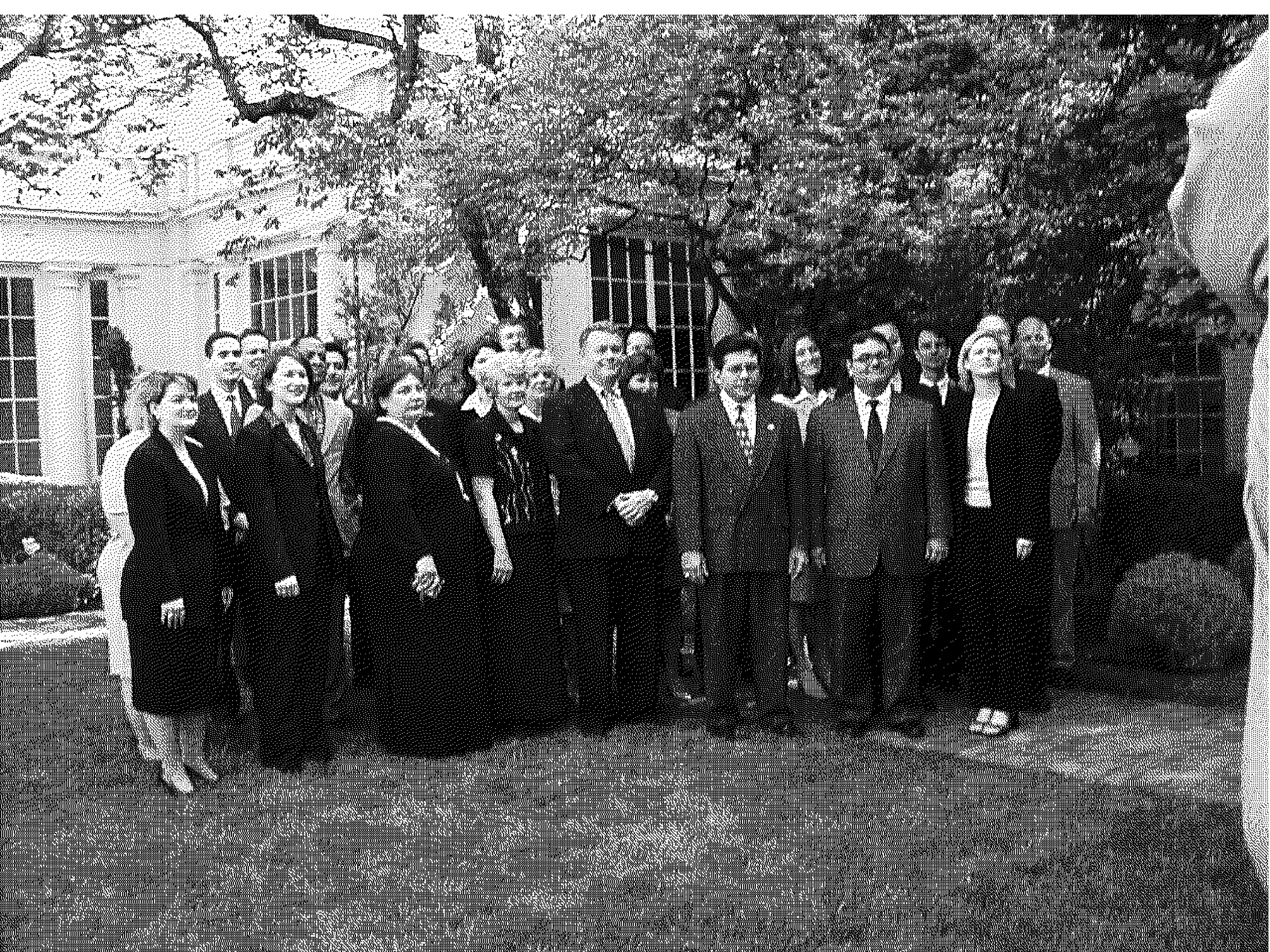
READ:UNKNOWN

TO:Anita K. Abbott (CN=Anita K. Abbott/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katherine A. Ashton (CN=Katherine A. Ashton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric Hagans (CN=Eric Hagans/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melinda J. Loftin (CN=Melinda J. Loftin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anita T. Purcell (CN=Anita T. Purcell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond Sheehan (CN=Raymond Sheehan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_0T6O1004_NSC.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_0T6O1004_NSC.TXT_2>





From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 4/25/2001 8:54:32 AM
Subject: : Ashcroft will not be at JSC today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-APR-2001 12:54:32.00

SUBJECT:: Ashcroft will not be at JSC today

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/25/2001 1:04:38 PM
Subject: : POTUS meetings

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-APR-2001 17:04:38.00

SUBJECT:: POTUS meetings

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Katja is concerned because she has received only three books from judicial selection POTUS meetings. How many meetings have been held?

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 4/26/2001 4:08:26 AM
Subject: : Addendum on talking points

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-APR-2001 08:08:26.00

SUBJECT:: Addendum on talking points

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

In addition to the three items I previously laid out as part of our talking points project, we need one more item following up on Karl's suggestion yesterday: For each candidate we should have a separate sheet with the names, telephone numbers, and short descriptors for three prominent local people who would be willing to field media calls and say great things about our candidates on the day of nomination. When you talk to your candidates to find out where they would like to receive the call from the President, be sure to ask them to call you back with this information as well. Thanks.

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/26/2001 4:56:56 AM
Subject: : Christie Fox Correspondence to Larry Lindsey

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:26-APR-2001 08:56:56.00
SUBJECT:: Christie Fox Correspondence to Larry Lindsey
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Good morning! Wanted to see if you had any thoughts on our previous conversation about the correspondence from Christie Fox. I'll refax a copy for your review.

Many thanks!

Janet
6-5368

----- Forwarded by Janet P. Walker/OPD/EOP on 04/26/2001
08:56 AM -----

Janet P. Walker
04/16/2001 02:16:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Christie Fox Correspondence to Larry Lindsey

Good afternoon! Just wanted to touch base regarding our conversation of last Wednesday regarding correspondence from Ms. Christie Fox to Larry Lindsey. I faxed over a copy of her letter and wanted to make sure you had received it. Any guidance you can provide regarding a response is greatly appreciated.

Regards,
Janet

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 4/26/2001 5:09:06 AM
Subject: : Re: Meeting w/ President Bush - Thursday, May 3 at 9:00 a.m.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-APR-2001 09:09:06.00

SUBJECT:: Re: Meeting w/ President Bush - Thursday, May 3 at 9:00 a.m.

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If anyone is responsible for names that are ready to go the President other than those circulated yesterday by Rachel (plus Mills from Mississippi), please send them immediately to Jason, Brent, and Libby. Libby will generate the attendance list for the meeting, and Jason will be in charge of pulling the books together.

REV_00126045

Elizabeth N. Camp
04/26/2001 07:28:26 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting w/ President Bush - Thursday, May 3 at 9:00 a.m.

30 Minutes in the Oval Office

As soon as the list is complete of participating attorneys I need to know ASAP so I can get the briefing memo submitted.

Thanks!

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/26/2001 5:15:01 AM
Subject: : Sutton points

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-APR-2001 09:15:01.00

SUBJECT:: Sutton points

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you'll just send me your existing talking points on Sutton (updated for his recent S. Ct. victory), I'll take him from there. I need to call him for other reasons anyway.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 4/26/2001 11:26:41 AM
Subject: : FYI

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-APR-2001 15:26:41.00

SUBJECT:: FYI

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I don't have any information about July 4 activities yet....none.

Below is a www site with a calendar of events.

Thanks!

REV_00126049

<http://www.whitehouse.gov/tours/calendar.html>

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 4/26/2001 11:26:41 AM
Subject: : FYI

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-APR-2001 15:26:41.00

SUBJECT:: FYI

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I don't have any information about July 4 activities yet....none.

Below is a www site with a calendar of events.

Thanks!

REV_00126051

<http://www.whitehouse.gov/tours/calendar.html>

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>
Sent: 4/26/2001 8:22:54 AM
Subject: : memos for binder

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-APR-2001 12:22:54.00

SUBJECT:: memos for binder

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Please e-mail me any memos you have for the Presidential binder. I've distributed draft data sheets for the 7 names I have so far.

The book will need to be submitted to the Staff Secretary by COB on May 1, 2001 (this coming Tuesday)

REV_00126053

From: CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO]
To: Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
BCC: OPA - Political Affairs (OPA - Political Affairs [UNKNOWN]), Edward Ingle (Edward Ingle/WHO/EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP [WHO]), John W. Howard (John W. Howard/WHO/EOP [WHO]), Adrian G. Gray (Adrian G. Gray/WHO/EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP [WHO]), Nora.Egan@mail.va.gov (Nora.Egan@mail.va.gov [UNKNOWN]), tim.adams@do.treas.gov (tim.adams@do.treas.gov [UNKNOWN]), carolyn.moore@ost.dot.gov (carolyn.moore@ost.dot.gov [UNKNOWN]), john.flaherty@ost.dot.gov (john.flaherty@ost.dot.gov [UNKNOWN]), b.smullen@state.gov (b.smullen@state.gov [UNKNOWN]), law-steven@dol.gov (law-steven@dol.gov @ inet [UNKNOWN]), david.ayres@usdoj.gov (david.ayres@usdoj.gov [UNKNOWN]), mcginnis.eileen@epa.gov (mcginnis.eileen@epa.gov [UNKNOWN]), kyle.mcslarrow@hq.doe.gov (kyle.mcslarrow@hq.doe.gov [UNKNOWN]), steve.cambone@osd.pentagon.mil (steve.cambone@osd.pentagon.mil [UNKNOWN]), lfenton@doc.gov (lfenton@doc.gov @ inet [UNKNOWN]), dale.moore@usda.gov (dale.moore@usda.gov [UNKNOWN]), Abbott_T@ed.gov (Abbott_T@ed.gov @ inet [UNKNOWN]), Robert.Wood@hhs.gov (Robert.Wood@hhs.gov [UNKNOWN]), Daniel_r._murphy@hud.gov (Daniel_r._murphy@hud.gov [UNKNOWN]), Brian_Waidmann@ios.doi.gov (Brian_Waidmann@ios.doi.gov @ inet [UNKNOWN]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP [OMB]), jackie.arends@osd.pentagon.mil (jackie.arends@osd.pentagon.mil [UNKNOWN]), jamie_Burke@ed.gov (jamie_Burke@ed.gov @ inet [UNKNOWN]), rcoquis@peacecorps.gov (rcoquis@peacecorps.gov @ inet [UNKNOWN]), drew.deberry@usda.gov (drew.deberry@usda.gov [UNKNOWN]), scott.douglas@fema.gov (scott.douglas@fema.gov [UNKNOWN]), dgfehrer@opm.gov (dgfehrer@opm.gov @ inet [UNKNOWN]), david.higbee@usdoj.gov (david.higbee@usdoj.gov [UNKNOWN]), erwin.huelsewede@mail.va.gov (erwin.huelsewede@mail.va.gov [UNKNOWN]), Matthew_f._Hunter@hud.gov (Matthew_f._Hunter@hud.gov [UNKNOWN]), rich.juliano@ost.dot.gov (rich.juliano@ost.dot.gov [UNKNOWN]), april.lehman@do.treas.gov (april.lehman@do.treas.gov [UNKNOWN]), cmartin@doc.gov (cmartin@doc.gov @ inet [ONDCP]), john.mccutcheon@hq.doe.gov (john.mccutcheon@hq.doe.gov [UNKNOWN]), nicholsda@state.gov (nicholsda@state.gov @ inet [UNKNOWN]), schneider-daniel@dol.gov (schneider-daniel@dol.gov @ inet [UNKNOWN]), regina.schofield@hhs.gov (regina.schofield@hhs.gov [UNKNOWN]), sinclair.kelly@epa.gov (sinclair.kelly@epa.gov [UNKNOWN]), courtney.stadd@hq.nasa.gov (courtney.stadd@hq.nasa.gov [UNKNOWN]), victoria_soberinsky@ios.doi.gov (victoria_soberinsky@ios.doi.gov @ inet [UNKNOWN]), Mfreedman@usaid.gov (Mfreedman@usaid.gov @ inet [UNKNOWN]), NOWENS@NCUA.GOV (NOWENS@NCUA.GOV @ inet [UNKNOWN])
Sent: 4/26/2001 6:28:33 PM
Subject: : WH Meeting with Agency/Dept. CoS's and White House Liaisons

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-APR-2001 22:28:33.00
SUBJECT:: WH Meeting with Agency/Dept. CoS's and White House Liaisons
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:OPA - Political Affairs (OPA - Political Affairs [UNKNOWN])
READ:UNKNOWN
BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

REV_00126067

BCC:Nora.Egan@mail.va.gov (Nora.Egan@mail.va.gov [UNKNOWN])
READ:UNKNOWN
BCC:tim.adams@do.treas.gov (tim.adams@do.treas.gov [UNKNOWN])
READ:UNKNOWN
BCC:carolyn.moore@ost.dot.gov (carolyn.moore@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
BCC:john.flaherty@ost.dot.gov (john.flaherty@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
BCC:b.smullen@state.gov (b.smullen@state.gov [UNKNOWN])
READ:UNKNOWN
BCC:law-steven@dol.gov (law-steven@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:david.ayres@usdoj.gov (david.ayres@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:mcginnis.eileen@epa.gov (mcginnis.eileen@epa.gov [UNKNOWN])
READ:UNKNOWN
BCC:kyle.mcslarrow@hq.doe.gov (kyle.mcslarrow@hq.doe.gov [UNKNOWN])
READ:UNKNOWN
BCC:steve.cambone@osd.pentagon.mil (steve.cambone@osd.pentagon.mil [UNKNOWN])
READ:UNKNOWN
BCC:lfenton@doc.gov (lfenton@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dale.moore@usda.gov (dale.moore@usda.gov [UNKNOWN])
READ:UNKNOWN
BCC:Abbott_T@ed.gov (Abbott_T@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Robert.Wood@hhs.gov (Robert.Wood@hhs.gov [UNKNOWN])
READ:UNKNOWN
BCC:Daniel_r._murphy@hud.gov (Daniel_r._murphy@hud.gov [UNKNOWN])
READ:UNKNOWN
BCC:Brian_Waidmann@ios.doi.gov (Brian_Waidmann@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
BCC:jackie.arends@osd.pentagon.mil (jackie.arends@osd.pentagon.mil [UNKNOWN])
READ:UNKNOWN
BCC:jamie_Burke@ed.gov (jamie_Burke@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:rcoquis@peacecorps.gov (rcoquis@peacecorps.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:drew.deberry@usda.gov (drew.deberry@usda.gov [UNKNOWN])
READ:UNKNOWN
BCC:scott.douglas@fema.gov (scott.douglas@fema.gov [UNKNOWN])
READ:UNKNOWN
BCC:dgfehrer@opm.gov (dgfehrer@opm.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:david.higbee@usdoj.gov (david.higbee@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:erwin.huelsewede@mail.va.gov (erwin.huelsewede@mail.va.gov [UNKNOWN])
READ:UNKNOWN
BCC:Matthew_f._Hunter@hud.gov (Matthew_f._Hunter@hud.gov [UNKNOWN])
READ:UNKNOWN
BCC:rich.juliano@ost.dot.gov (rich.juliano@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
BCC:april.lehman@do.treas.gov (april.lehman@do.treas.gov [UNKNOWN])
READ:UNKNOWN
BCC:cmartin@doc.gov (cmartin@doc.gov @ inet [ONDCP])
READ:UNKNOWN
BCC:john.mccutcheon@hq.doe.gov (john.mccutcheon@hq.doe.gov [UNKNOWN])
READ:UNKNOWN
BCC:nicholsda@state.gov (nicholsda@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:schneider-daniel@dol.gov (schneider-daniel@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:regina.schofield@hhs.gov (regina.schofield@hhs.gov [UNKNOWN])
READ:UNKNOWN
BCC:sinclair.kelly@epa.gov (sinclair.kelly@epa.gov [UNKNOWN])
READ:UNKNOWN

BCC:courtney.stadd@hq.nasa.gov (courtney.stadd@hq.nasa.gov [UNKNOWN])
READ:UNKNOWN
BCC:victoria_soberinsky@ios.doi.gov (victoria_soberinsky@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Mfreedman@usaid.gov (Mfreedman@usaid.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:NOWENS@NCUA.GOV (NOWENS@NCUA.GOV @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Meeting Notification

You are invited to and your participation would be appreciated at a meeting of the Chiefs of Staff and White House Liaisons from the departments and agencies. Main topics covered will include: political travel, grant notification processes, and Memorial Day "Moment of Remembrance" activities.

Here are the details:

Date: Monday, April 30th

Time: 2:30 to 3:30

Location: Eisenhower Executive Office Building, Room 474 (Indian Treaty Room)

(*Please enter through the 17th and G Street entrance of the EEOB and proceed to room 474)

RSVP with your first and last name, date of birth, and Social Security number to Doug Hoelscher via e-mail (Douglas_L._Hoelscher@who.eop.gov) or by phone at **PRA 6**

We hope to see you on Monday.

From: CN=James R. Wilkinson/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: daniel j. bartlett/who/eop@eop [WHO] <daniel j. bartlett>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;tucker a. eskew/who/eop@eop [WHO] <tucker a. eskew>
Sent: 4/27/2001 6:49:01 AM
Subject: : Re: Possible May 10 Rose Garden address and announcement of judicial nominees

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-APR-2001 10:49:01.00

SUBJECT:: Re: Possible May 10 Rose Garden address and announcement of judicial nominees

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:daniel j. bartlett (CN=daniel j. bartlett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:tucker a. eskew (CN=tucker a. eskew/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

If we decide to do this and you work on your scheduling request, the earlier in the afternoon the better for news purposes.

Bradford A. Berenson
04/27/2001 10:23:44 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Possible May 10 Rose Garden address and announcement of judicial nominees

I checked with scheduling. The President is in town May 10 and has large blocks of staff time in the afternoon. Thus, it looks like his schedule would accommodate an event announcing his first slate of federal judicial nominations if the conclusion were reached that such an event would be advantageous.

Message Sent

To:

Daniel J. Bartlett/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP

REV_00126070

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>
CC: daniel j. bartlett/who/eop@eop [WHO] <daniel j. bartlett>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;tucker a. eskew/who/eop@eop [WHO] <tucker a. eskew>
Sent: 4/27/2001 6:52:57 AM
Subject: : Re: Possible May 10 Rose Garden address and announcement of judicial nominees

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-APR-2001 10:52:57.00

SUBJECT:: Re: Possible May 10 Rose Garden address and announcement of judicial nominees

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:daniel j. bartlett (CN=daniel j. bartlett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:tucker a. eskew (CN=tucker a. eskew/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

We are not planning to do a scheduling request unless and until the political/communications folks decide to pull the trigger on this. If we do end up doing one, we'll make sure scheduling knows the earlier the better.

James R. Wilkinson
04/27/2001 10:48:51 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Possible May 10 Rose Garden address and announcement of judicial nominees

If we decide to do this and you work on your scheduling request, the earlier in the afternoon the better for news purposes.

Bradford A. Berenson
04/27/2001 10:23:44 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Possible May 10 Rose Garden address and announcement of judicial nominees

I checked with scheduling. The President is in town May 10 and has large

REV_00126071

blocks of staff time in the afternoon. Thus, it looks like his schedule would accommodate an event announcing his first slate of federal judicial nominations if the conclusion were reached that such an event would be advantageous.

Message Sent

To:

Daniel J. Bartlett/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP

Message Copied

To:

daniel j. bartlett/who/eop@eop
timothy e. flanigan/who/eop@eop
alberto r. gonzales/who/eop@eop
brett m. kavanaugh/who/eop@eop
tucker a. eskew/who/eop@eop

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 4/27/2001 7:25:53 AM
Subject: : FYI re: Presidential Acknowledgement Letters

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-APR-2001 11:25:53.00

SUBJECT:: FYI re: Presidential Acknowledgement Letters

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.eop.gov/OA/Forms/Acknowledgement.pdf>

REV_00126073

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>
Sent: 4/27/2001 11:19:24 AM
Subject: : Re: Correction?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-APR-2001 15:19:24.00
SUBJECT:: Re: Correction?
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I'd certainly like to have someone call them up and correct the record,
but unless the Judge or Tim picks up the phone or directs Press to do it,
it won't happen.

Helgard C. Walker
04/27/2001 02:59:06 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
Subject: Correction?

Is it worth correcting the NYT editorial writers, who say that the WHSJC
is comprised "largely" of Thomas clerks, Scalia clerks, and Starr
"alumni?" This is a real exaggeration that allows the media to give the
Committee a much "scarier" cast than it really has: there is 1 Thomas
clerk, 1 Scalia clerk, and 1 ex-Starr lawyers. That's 3 people out of a
committee that has from 15-20 members, and it's less than a third of even
our office. Maybe this is not worth the candle but this is simply

REV_00126077

inaccurate and it bothers me.

Message Sent

To:

Courtney S. Elwood/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 4/30/2001 7:37:10 AM
Subject: : Re: Harkin

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-APR-2001 11:37:10.00
SUBJECT:: Re: Harkin
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Did Grassley take the position that was o.k., or did he excoriate them for it?

Rachel L. Brand 04/30/2001 11:02:09 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Harkin

For what it's worth, Grassley's COS just told me that the Dems never consulted with Grassley on Clinton's judicial nominations in Iowa.

Message Sent

To: _____

REV_00126093

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>; timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/30/2001 7:43:56 AM
Subject: : Re: Harkin

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-APR-2001 11:43:56.00
SUBJECT:: Re: Harkin
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

In either event, he should now be prepared to make this point both in the committee and in the press.

Bradford A. Berenson
04/30/2001 11:37:08 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Harkin

Did Grassley take the position that was o.k., or did he excoriate them for it?

REV_00126095

Rachel L. Brand 04/30/2001 11:02:09 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Harkin

For what it's worth, Grassley's COS just told me that the Dems never consulted with Grassley on Clinton's judicial nominations in Iowa.

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

Message Copied

To:

alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
h. christopher bartolomucci/who/eop@eop
stuart w. bowen/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop
rachel l. brand/who/eop@eop

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 4/30/2001 7:45:31 AM
Subject: : WHJSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-APR-2001 11:45:31.00

SUBJECT:: WHJSC meeting

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please send me any agenda items you will have for this week's binder. Per the usual, drafts will go to the Judge/Tim by noon tomorrow.

Thanks!

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 4/30/2001 11:07:01 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])

CREATION DATE/TIME:30-APR-2001 15:07:01.00

SUBJECT::

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Tim/Brett/John:

Item of interest -- the U.S. Court of Appeals for the Tenth Circuit recently held that the unsealing, on the motion of the Government, of warrant affidavits did not constitute a waiver of the Government's informant privilege when the Government subsequently moved to reseal the affidavits over the objection of the defendant (AUSA on case went on vacation, fill-in AUSA moved to unseal, AUSA returned from vacation and promptly moved to reseal). In re Matter of the Searches/Morrison Knudsen v. United States, D.C. No. 00-SM-21-K, April 26, 2001).

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>
Sent: 5/1/2001 6:43:32 AM
Subject: : Re: Next up on the chopping block. . .

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAY-2001 10:43:32.00
SUBJECT:: Re: Next up on the chopping block. . .
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Are you saying we're not ladies?

Brett M. Kavanaugh
05/01/2001 10:37:02 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Next up on the chopping block. . .

women

Helgard C. Walker
05/01/2001 10:24:17 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
Subject: Next up on the chopping block. . .

First came the (predictable) attack on the Federalist Society. Next up,
the
Independent Women's Forum -- got those membership cards out for
inspection by the
thought police, ladies?

<http://washingtonpost.com/wp-dyn/articles/A25123-2001Apr30.html>

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

Message Copied

To: _____
courtney s. elwood/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 5/1/2001 4:06:45 AM
Subject: : Rose Garden ceremony for judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-MAY-2001 08:06:45.00

SUBJECT:: Rose Garden ceremony for judges

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Has a decision been made on this yet? The more I think about it, the more I'm convinced it's an excellent idea that could have an important effect in helping our nominees get through. We have a compelling story to tell about these nominees, and the President can tell it better than anyone else. It would be a signal that the Administration is firmly behind these nominees -- a critical signal given that today's New York Times report that the Democratic conference is gearing up to obstruct the President's judicial nomination in a fashion that is truly unprecedented in its partisanship and frankly ideological basis.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>
CC: james.r.wilkinson/who/eop@eop [WHO] <james.r.wilkinson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 5/1/2001 5:42:59 AM
Subject: : Re: Rose Garden ceremony for judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-MAY-2001 09:42:59.00

SUBJECT:: Re: Rose Garden ceremony for judges

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:james.r.wilkinson (CN=james.r.wilkinson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Will do. I'll try to have a draft event request to share with Jim by the middle of this afternoon.

Daniel J. Bartlett
05/01/2001 09:10:42 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, James R. Wilkinson/WHO/EOP@EOP
cc:
Subject: Re: Rose Garden ceremony for judges

we discussed this morning in senior staff and agreed to do an event, although probably not in the Rose garden. Andy and Karl had valid concerns of being too political. I think Karen addressed those concerns, but we will need to be careful in crafting the event. Can you and Jim work on a joint scheduling request for an event next wednesday. once approved, jim will convene a event working group to ensure the necessary divisions are included in the planning process.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanagan/who/eop@eop [WHO] <timothy e. flanagan>
Sent: 5/1/2001 6:50:43 AM
Subject: : Re: Next up on the chopping block. . .

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-MAY-2001 10:50:43.00

SUBJECT:: Re: Next up on the chopping block. . .

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanagan (CN=timothy e. flanagan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I purposefully chose the word ladies, because Courtney and Rachel clearly qualify as such in my book.

Noel J. Francisco
05/01/2001 10:45:09 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Next up on the chopping block. . .

Or females?

REV_00126111

Rachel L. Brand 05/01/2001 10:43:26 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Next up on the chopping block. . .

Are you saying we're not ladies?

Brett M. Kavanaugh
05/01/2001 10:37:02 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Next up on the chopping block. . .

women

Helgard C. Walker
05/01/2001 10:24:17 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
Subject: Next up on the chopping block. . .

First came the (predictable) attack on the Federalist Society. Next up,
the
Independent Women's Forum -- got those membership cards out for
inspection by the
thought police, ladies?

<http://washingtonpost.com/wp-dyn/articles/A25123-2001Apr30.html>

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

Message Copied

To: _____
courtney s. elwood/who/eop@eop
bradford a. berenson/who/eop@eop

REV_00126112

h. christopher bartolomucci/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop

Message Copied

To:

helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop

Message Copied

To:

brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>; Dinah Bear/CEQ/EOP@EOP [CEQ] <Dinah Bear>; Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>; Edward A. Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>; Amy M. Bilyeau/OA/EOP@EOP [OA] <Amy M. Bilyeau>; Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>; Melinda A. Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>; Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>; Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C. Hawthorne>; Karen E. Kaufmann/OA/EOP@EOP [OA] <Karen E. Kaufmann>; Cynthia J. Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>; Lynne D. Scheib/OA/EOP@EOP [OA] <Lynne D. Scheib>; Zakia Mull/OA/EOP@EOP [OA] <Zakia Mull>; Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>; Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; James E. Carter/OPD/EOP@EOP [OPD] <James E. Carter>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Edwina C. Rogers/OPD/EOP@EOP [OPD] <Edwina C. Rogers>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>; Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>; David F. Lussier/OPD/EOP@EOP [OPD] <David F. Lussier>; Katie Hong/WHO/EOP@EOP [WHO] <Katie Hong>; Michael J. Napolitano/WHO/EOP@EOP [WHO] <Michael J. Napolitano>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Gregory Goss/WHO/EOP@EOP [WHO] <Gregory Goss>; William T. Griffin/WHO/EOP@EOP [WHO] <William T. Griffin>; Taylor S. Gross/WHO/EOP@EOP [WHO] <Taylor S. Gross>; Erin E. Healy/WHO/EOP@EOP [WHO] <Erin E. Healy>; Kenneth A. Lisaius/WHO/EOP@EOP [WHO] <Kenneth A. Lisaius>; Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>; Wendy L. Nipper/WHO/EOP@EOP [WHO] <Wendy L. Nipper>; Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>; Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>; Tracey L. Schmitt/WHO/EOP@EOP [WHO] <Tracey L. Schmitt>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Scott Stanzel/WHO/EOP@EOP [WHO] <Scott Stanzel>; Edmund A. Walsh/WHO/EOP@EOP [WHO] <Edmund A. Walsh>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Tracy Young/WHO/EOP@EOP [WHO] <Tracy Young>; Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>; Alison M. Harden/WHO/EOP@EOP [WHO] <Alison M. Harden>; Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne Heiligenstein>; Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>; Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>; Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Scott Jeffcoat/WHO/EOP@EOP [WHO] <Scott Jeffcoat>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>; Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>; Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>; Joshua L. Ginsberg/WHO/EOP@EOP [WHO] <Joshua L. Ginsberg>; Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>; Kelley J. McCullough/WHO/EOP@EOP [WHO] <Kelley J. McCullough>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>; David M. Thomas/WHO/EOP@EOP [WHO]

BCC:
Sent:
Subject:

] <David M. Thomas>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>;William S. Clark/WHO/EOP@EOP [WHO] <William S. Clark>;Matthew C. Rhoades/WHO/EOP@EOP [WHO] <Matthew C. Rhoades>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Danner R. Bethel/WHO/EOP@EOP [WHO] <Danner R. Bethel>;Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Michele H. Tennery/WHO/EOP@EOP [WHO] <Michele H. Tennery>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP@EOP [WHO] <Kristen L. Hughes>;John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;James A. Barnett/WHO/EOP@EOP [WHO] <James A. Barnett> Martha B. Schiele (Martha B. Schiele/OA/EOP [OA])
5/1/2001 7:43:58 AM
: nexis.com Enhanced

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 1-MAY-2001 11:43:58.00

SUBJECT:: nexis.com Enhanced

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Lynne D. Scheib (CN=Lynne D. Scheib/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Zakia Mull (CN=Zakia Mull/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

REV_00126115

TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Katie Hong (CN=Katie Hong/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joshua L. Ginsberg (CN=Joshua L. Ginsberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Bell (CN=Michael J. Bell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:William S. Clark (CN=William S. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Matthew C. Rhoades (CN=Matthew C. Rhoades/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen K. Replogle (CN=Stephen K. Replogle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James A. Barnett (CN=James A. Barnett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

From a recent announcement by Lexis-Nexis:

NEXIS.COM ENHANCED

Quick Search is the new name for the tool formerly known as Search on the nexis.com(SM) home page. And Quick Search has even more content! It now features the ability to search 60 days of news as well as two years of company, Web, and legislative data.

We removed the radio buttons for all words, any words, or exact phrase from the Quick Search form. However, you can still search phrases by using quotation marks around the search terms. For example, enter "workplace morale" into the query form to search for the phrase workplace morale. The search engine that powers the nexis.com service interprets words within quotes as a phrase.

Another new feature is that nexis.com evaluates the search against all documents in the databases being searched and retrieves the most

REV_00126118

relevant documents. Previously, only the 1,000 most recent documents were ranked by relevance. This new feature delivers more on-target search results, saving you even more time!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/1/2001 8:43:11 AM
Subject: : Freeh resignation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-MAY-2001 12:43:11.00

SUBJECT:: Freeh resignation

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.fbi.gov/pressrel/pressrel01/freeh050101.htm>

REV_00126122

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/1/2001 2:56:41 PM
Subject: : Re: approval

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAY-2001 18:56:41.00
SUBJECT:: Re: approval
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Judge said that it if Brett said it is okay to go with it.

Thanks!

Katherine G. Marinis
05/01/2001 06:46:14 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: approval

I got Brett's ok on it. Do you think that the Judge still needs to look at it? David Addington's request was to "obtain Card, Rove, and Gonzales clearance of this item for a dinner that is the President's dinner."
thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;jan e. williams/who/eop@eop [WHO] <jan e. williams>;heather larrison/who/eop@eop [WHO] <heather larrison>;carol j. thompson/who/eop@eop [WHO] <carol j. thompson>;megan r. johnston/who/eop@eop [WHO] <megan r. johnston>;israel hernandez/who/eop@eop [WHO] <israel hernandez>;stacey b. silva/who/eop@eop [WHO] <stacey b. silva>;alison jones/who/eop@eop [WHO] <alison jones>;melissa s. bennett/who/eop@eop [WHO] <melissa s. bennett>;josephine b. robinson/who/eop@eop [WHO] <josephine b. robinson>;virginia t. gregory/who/eop@eop [WHO] <virginia t. gregory>;dee dee benkie/who/eop@eop [WHO] <dee dee benkie>;andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>;adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>;susan b. ralston/who/eop@eop [WHO] <susan b. ralston>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanagan/who/eop@eop [WHO] <timothy e. flanagan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 5/1/2001 1:57:14 PM
Subject: : Reminder - Judicial Selection Comm. Mtg.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-MAY-2001 17:57:14.00

SUBJECT:: Reminder - Judicial Selection Comm. Mtg.

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:jan e. williams (CN=jan e. williams/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:carol j. thompson (CN=carol j. thompson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:megan r. johnston (CN=megan r. johnston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:israel hernandez (CN=israel hernandez/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stacey b. silva (CN=stacey b. silva/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:alison jones (CN=alison jones/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:melissa s. bennett (CN=melissa s. bennett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:josephine b. robinson (CN=josephine b. robinson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:virginia t. gregory (CN=virginia t. gregory/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:dee dee benkie (CN=dee dee benkie/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00126126

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Wednesday, May 2
4:00-5:00 pm
Roosevelt Room

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;jan e. williams/who/eop@eop [WHO] <jan e. williams>;heather larrison/who/eop@eop [WHO] <heather larrison>;carol j. thompson/who/eop@eop [WHO] <carol j. thompson>;megan r. johnston/who/eop@eop [WHO] <megan r. johnston>;israel hernandez/who/eop@eop [WHO] <israel hernandez>;stacey b. silva/who/eop@eop [WHO] <stacey b. silva>;alison jones/who/eop@eop [WHO] <alison jones>;melissa s. bennett/who/eop@eop [WHO] <melissa s. bennett>;josephine b. robinson/who/eop@eop [WHO] <josephine b. robinson>;virginia t. gregory/who/eop@eop [WHO] <virginia t. gregory>;dee dee benkie/who/eop@eop [WHO] <dee dee benkie>;andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>;adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>;susan b. ralston/who/eop@eop [WHO] <susan b. ralston>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanagan/who/eop@eop [WHO] <timothy e. flanagan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 5/1/2001 1:57:14 PM
Subject: : Reminder - Judicial Selection Comm. Mtg.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-MAY-2001 17:57:14.00

SUBJECT:: Reminder - Judicial Selection Comm. Mtg.

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:jan e. williams (CN=jan e. williams/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:carol j. thompson (CN=carol j. thompson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:megan r. johnston (CN=megan r. johnston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:israel hernandez (CN=israel hernandez/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stacey b. silva (CN=stacey b. silva/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:alison jones (CN=alison jones/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:melissa s. bennett (CN=melissa s. bennett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:josephine b. robinson (CN=josephine b. robinson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:virginia t. gregory (CN=virginia t. gregory/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:dee dee benkie (CN=dee dee benkie/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00126128

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
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TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Wednesday, May 2
4:00-5:00 pm
Roosevelt Room

Thanks!

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 5/1/2001 1:59:58 PM
Subject: : Re: FW: Bush and Judiciary; "tort reformers" head administration

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-MAY-2001 17:59:58.00

SUBJECT:: Re: FW: Bush and Judiciary; "tort reformers" head administration

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I love the British press. It's so enthusiastic and unconstrained by facts.

Bradford A. Berenson
05/01/2001 05:10:57 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FW: Bush and Judiciary; "tort reformers" head administration

FYI: this is an article from the London Guardian that trial lawyers are blast e-mailing across the country. Our man in Montana got it from a friend of his.

----- Forwarded by Bradford A. Berenson/WHO/EOP on
05/01/2001 05:07 PM -----

Julie Edgar <jedgar@bkhlaw.com>
05/01/2001 05:03:49 PM

REV_00126130

Record Type: Record

To: Bradford A. Berenson/WHO/EOP

cc:

Subject: FW: Bush and Judiciary; "tort reformers" head administration

I am forwarding this e-mail to you at the request of Sam Haddon.

-----Original Message-----

From: Al_Smith_MTLA [mailto:monttla@mt.net]

Sent: Monday, April 30, 2001 12:02 PM

To: "All MTLA Members"

Subject: Bush and Judiciary; "tort reformers" head administration

MTLA members - FYI - Following are two articles on the current administration that are applicable to trial lawyers.

Al Smith

{}

FROM THE GUARDIAN IN LONDON

Cabal of lawyers drives Bush further to right

The Bush Files

Ed Vulliamy

Sunday April 29, 2001

The Observer

George W. Bush's administration - 100 days old today - is being hailed as his country's most ideologically right-wing of the past 100 years, across a spectrum of policies ranging from the environment to labour, civil rights to social issues.

But the rip tide that cuts beneath all Bush's plans to transform the landscape, with more durable results than any other policy, is the hijacking - behind closed doors - of the US judiciary.

The administration - to which power was in effect granted by the Supreme Court in a controversial ruling last December - is preparing not only to set the highest court in the land on course for a conservative generation, but has quietly revolutionised the way in which all federal judges are appointed to benches across the country, guaranteeing politically right-wing selections.

At the core of this manoeuvre, which will weave a new fabric in US society, is a tightly organised right-wing lawyers' group which has come in from the fringes to the core of the administration.

It is called the Federalist Society, of which Bush's Solicitor General Theodore Olson, Interior Secretary Gale Norton, Energy Secretary Spencer Abraham and Senate Judiciary Committee chairman Orrin Hatch are leading members - as are many members of the new White House counsel team.

Stalwart conservative judges on the Supreme Court Anthony Scalia and Clarence Thomas are patrons and guests of the group, and Attorney General John Ashcroft is a close affiliate.

The emergence of the Federalists is traced in a study by the New York-based Institute for Democracy Studies, which concludes that 'extreme conservative organisations sponsoring a combination of right-wing litigation and advocacy are opening the way for a radical transformation of the American legal system'.

Ralph Neas, President of the Washington think-tank People for the American Way, says that 'the White House counsel's office and the Department of Justice are being turned over to the Federalist Society, a bastion of far-right legal thought'.

REV_00126131

The Federalist Society's philosophy underpins, and is ready to steer, all the administration's cornerstone policies on deregulation of environmental and labour law, education, civil rights and abortion. The author of the IDS study, Julie Gerchik, says that 'the agenda is to dismantle everything built since the New Deal'. There was even a Federalist panel in Chicago on 28 March entitled 'Rolling Back the New Deal'.

'Where is the divide between politics and the law here?' says Gerchik. 'This is politics enforced by legal mechanisms.'

The society has already had an impact on major decisions: when Bush pulled America out of the Kyoto treaty on climate change, he did so after reading what he called 'important new information'. That information was a report commissioned by David McIntosh, a Federalist Society founder, arguing that toxic emissions were exaggerated and warning of costs to business.

But above all, the society has ousted the legal establishment which - in the form of the profession's traditional representative body, the American Bar Association - has helped oversee the selection of judges and guarantee the profession's integrity for five decades.

Since Eisenhower, the ABA has had a semi-official role in advising on judicial appointments. But in a sudden, little-noticed move last month, President Bush cut the ABA entirely out of the appointment process. The Federalists were delighted, having for years targeted the association (in a special publication, ABA Watch) for such issues as its support for gun control and opposition to the death penalty.

The ABA's removal creates a vacuum in the recommendation of judges, and into it has moved a 15-person committee formed between the White House and Justice Department urgently to seek candidates for some 100 vacancies to federal benches (one-eighth of all judges).

This recommending committee is firmly in the hands of the Federalist Society, controlled by Deputy Attorney General Larry Thompson, a society member, and others. Sources add that some 70 judges have so far been interviewed, a quarter of them recommended by the Federalist Society.

The society was founded 20 years ago with a mission to beat back what it saw as a liberal orthodoxy permeating public policy and the courts since the Civil Rights movement.

Society members propelled the attempted impeachment of President Clinton over the Lewinsky scandal. Prosecutor Kenneth Starr was an active member, as were many of his team.

Its major benefactor is the Scaife Foundation, controlled by billionaire conservative magnate Richard Mellon Scaife, who deploys his fortunes to advance right-wing causes. Among those causes was the 'Arkansas Project', initiated by Scaife at a cost of \$24 million to mount the suit by Paula Jones - and eventually Lewinsky - against the President.

The first meeting between Scaife and the 'Arkansas Project' was chaired by Theodore Olson, who steered it and is now Solicitor General of the US, the country's most influential lawyer, head of the Federalist Society's Washington chapter, based in the White House.

Olson cut his teeth under Starr in the Reagan administration, and was counsel to Reagan during the Iran-Contra affair. He was himself investigated (but not indicted) by a special prosecutor for lying to Congress, and went on to become chairman of the American Spectator magazine, which 'broke' the Paula Jones story. His wife Barbara is a pivot of the Washington right-wing social circuit, herself chairwoman of a conservative women's organisation funded by Scaife.

>From this background, Olson emerged into the public glare as George Bush's knight and mouthpiece, triumphantly arguing the President's case

against the Florida recounts in the Supreme Court and ultimately winning him the election.

The Federalists' other channel to power has been through clerkships at the Supreme Court under sympathetic judges Scalia, Thomas, Kennedy - and Chief Justice William Rehnquist.

Many saw Bush's victory as a watershed moment when the judges put politics above the law. But it is to the future of the court over the next four years - and thence a generation - that the Federalists are looking.

The backgrounds of the Supreme Court's main conservatives are contentious: Justice Rehnquist was author of the memo during the historic Brown vs. Board of Education case in 1952 supporting racial segregation, saying: 'It is about time the court faced the fact that white people in the South don't like the coloured people'.

But Rehnquist and the court's other conservatives have always toiled in counterpoint with liberal appointees and moderate Republicans. However, only this week, a 5-4 verdict on an apparently innocuous case about driving licences in Alabama cut a major inroad into the 1964 Civil Rights Act, ruling that individuals cannot now sue federal agencies over discrimination cases.

In the hands of Bush's legal team now are two possible appointments during his term of office which could swing the court decisively to the right.

The Federalists are not the only group taking care to ensure a conservative federal judiciary. Three right-wing organisations funded by the Scaife Foundation have organised a series of junkets so that judges can attend political seminars on the advantages of deregulation in environment, labour and civil rights law.

They are the Law and Economics Centre, the Liberty Fund and FREE - the Foundation for Research on Economics and the Environment, which funded all-expenses-paid trips, some lasting as long as two weeks, to luxury venues, featuring golf and horse-riding for the justices.

As well as money from the ubiquitous Scaife family, both the FREE and the LEC trips for judges are bountifully funded by oil giants Shell and Exxon, and Philip Morris cigarettes.

Many of the judges who enjoyed them failed - by their own admission - to disclose these junkets on their annual financial reports, as required by their own federal ethics laws, according to the Washington-based watchdog group Community Rights Counsel.

The CRC found that judges' attendance at the junket seminars 'increased significantly between 1992 and 1998' with a record 88 judges taking trips in 1998. With 800 active judges at any time, this means that about 10 per cent of the federal judiciary takes a trip each year.

An exhaustive study by the CRC of seminars and subsequent verdicts by judges who attended them finds 'doctrinal shifts' and 'considerable evidence that the education judges receive' has led to 'a strand of judicial activism that is distinctly pro-market, clearly hostile to federal environmental regulations and decidedly in keeping with the curriculum of FREE seminars'.

Wednesday, April 25, 2001

"THE WLF GOES INSIDE"

The WLF might sound like another spin-off from the World Wrestling Federation, but it's really in a much bigger league - though it does engage in a kind of wrestling.

Instead of wearing wrestling tights and strutting around a ring, however, the performers in the WLF wear pinstripe suits and strut around courthouses. They are lawyers for the Washington Legal Foundation, a

corporate front group that specializes in clogging the courts and administrative agencies with tons of legal filings that are anti-consumer, anti-worker, and anti-environment.

For example, WLF lawyers have recently intervened in auto-safety lawsuits on behalf of Honda and Goodyear, it tried to prevent financial punishment of Exxon for its catastrophic Valdez oil spill, and it stood up for Brown & Williamson Tobacco Company in a case against the FDA. In addition, the foundation produces articles and "educational" programs spouting corporate propaganda on such issues as the public's right-to-know laws and patients-rights laws. It is also a major proponent of corporate "civil liberties" and corporate "free speech." It just might be that WLF's fervor for all-things-corporate stems from the fact that the bulk of its funding flows from corporate interests.

Now, this anti-government outsider has quietly moved inside, as George W. Bush—who also embraces all-things-corporate—has placed many WLFers into key positions. For example cabinet members John Ashcroft, Gale Norton, Tommie Thompson, and Spencer Abraham serve on WLF advisory boards, and Energy Secretary Abraham and Interior Secretary Norton also are listed as "educational program speakers" for this cozy corporate club. Attorney General Ashcroft also is staffing the justice department with WLF alums, including his deputy AG, and his assistant AG for anti-trust

This is Jim Hightower saying...WLF's infiltration of the Bush presidency represents the continuing corporatization of our government.

Official Position of WLF from their website.

The Washington Legal Foundation (WLF) has one goal: to defend and promote the principles of free enterprise and individual rights.

Since it was founded 24 years ago, WLF has developed into the nation's preeminent center for public interest law—advocating free-enterprise principles, limited government, property rights, and reform of the civil and criminal justice system.

WLF is a unique institution with three essential cornerstone programs:
 • shaping public policy through aggressive litigation and advocacy;
 • publishing timely legal studies; and
 • educating policy-makers and the public through extensive communications outreach.
<http://www.wlf.org/>

Thanks, Al Smith, Executive Director, Montana Trial Lawyers Association

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00126134

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/1/2001 3:01:42 PM
Subject: : whoever is Kansas...Sen. Brownback will call ARG at 10:00 tomorrow..

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-MAY-2001 19:01:42.00

SUBJECT:: whoever is Kansas...Sen. Brownback will call ARG at 10:00 tomorrow..

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

to talk to the Judge re: judicial selection

If this is your deal please let me know.

If this isn't you - no reply necessary.

REV_00126137

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;ziad s. ojakli/who/eop@eop [WHO] <ziad s. ojakli>;townsend l. mcnitt/who/eop@eop [WHO] <townsend l. mcnitt>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;jan e. williams/who/eop@eop [WHO] <jan e. williams>;alison jones/who/eop@eop [WHO] <alison jones>;heather larrison/who/eop@eop [WHO] <heather larrison>
Sent: 5/2/2001 4:02:37 AM
Subject: : Re: 10:15 mtg on Wednesday morning with Judge re: judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-MAY-2001 08:02:37.00

SUBJECT:: Re: 10:15 mtg on Wednesday morning with Judge re: judges

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:ziad s. ojakli (CN=ziad s. ojakli/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:townsend l. mcnitt (CN=townsend l. mcnitt/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jan e. williams (CN=jan e. williams/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alison jones (CN=alison jones/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Another possibility is to debate these issues at the WHJSC meeting where we would also have the benefit of DOJ and Karl's views.

Elizabeth N. Camp
05/01/2001 09:33:36 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jan E. Williams/WHO/EOP@EOP, Alison Jones/WHO/EOP@EOP, Heather Larrison/WHO/EOP@EOP
Subject: 10:15 mtg on Wednesday morning with Judge re: judges

Judge Gonzales would like to gather the following people at 10:15 am on Wednesday morning in his office to have a decision meeting re: Maryland, North Carolina, Pennsylvania and California.

Participants:
Tim
Brett
Brad
Chris B.

REV_00126138

Kyle
Z and/or Townsend

Reply necessary only if you cannot attend.

Thanks!

Libby

Message Sent

To:

Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Townsend L. McNitt/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP

From: CN=John P. McConnell/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/2/2001 8:43:24 AM
Subject: : Re: Coffey

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP [OVP])

CREATION DATE/TIME: 2-MAY-2001 12:43:24.00

SUBJECT:: Re: Coffey

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Great! I'll stop by sometime.

Brett M. Kavanaugh
05/02/2001 12:16:03 PM
Record Type: Record

To: John P. McConnell/OVP/EOP@EOP
cc:
Subject: Coffey

FYI: I just had a good conversation with Judge Coffey.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/2/2001 12:58:00 PM
Subject: : revising list of calls the judge needs to make

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-MAY-2001 16:58:00.00

SUBJECT:: revising list of calls the judge needs to make

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I need each of you to email me with a list of calls you need the Judge to make. He has made many but I need to put together a new list so we can see where we are.

Please provide me with the following information so I can plug everything into a spreadsheet for him:

Name of Senator

State

Names of potential nominees and seat

Any other notes

I can easliiy plug in phone numbers and names of chief of staff or other contact - but if you want to provide this info that is OK by me.

REV_00126148

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/2/2001 12:58:00 PM
Subject: : revising list of calls the judge needs to make

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-MAY-2001 16:58:00.00

SUBJECT:: revising list of calls the judge needs to make

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I need each of you to email me with a list of calls you need the Judge to make. He has made many but I need to put together a new list so we can see where we are.

Please provide me with the following information so I can plug everything into a spreadsheet for him:

Name of Senator

State

Names of potential nominees and seat

Any other notes

I can easliiy plug in phone numbers and names of chief of staff or other contact - but if you want to provide this info that is OK by me.

REV_00126149

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 5/3/2001 6:54:51 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-MAY-2001 10:54:51.00

SUBJECT::

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Can someone help me out with 2 Alabama District court interviews next Tuesday -- at 5:30 and 6:00?

RLB

REV_00126188

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/3/2001 10:11:26 AM
Subject: : Meeting with NARA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 3-MAY-2001 14:11:26.00
SUBJECT:: Meeting with NARA
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brad--Phil's assistant just called to let me know that he would definitely like to have the meeting with NARA tomorrow. I had mentioned to her that next week was much better for you. She proposed 1pm--I mentioned that morning was better for you, but apparently Phil's morning is full. Is 1 pm tomorrow a possibility for you and Brett?

In the mean time, I will call NARA and see how this works for them.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/3/2001 10:11:26 AM
Subject: : Meeting with NARA

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 3-MAY-2001 14:11:26.00
SUBJECT:: Meeting with NARA
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brad--Phil's assistant just called to let me know that he would definitely like to have the meeting with NARA tomorrow. I had mentioned to her that next week was much better for you. She proposed 1pm--I mentioned that morning was better for you, but apparently Phil's morning is full. Is 1 pm tomorrow a possibility for you and Brett?

In the mean time, I will call NARA and see how this works for them.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;james carroll/who/eop@eop [WHO] <james carroll>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;melinda j. loftin/who/eop@eop [WHO] <melinda j. loftin>;raymond sheehan/who/eop@eop [WHO] <raymond sheehan>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;joan m. work/who/eop@eop [WHO] <joan m. work>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>
Sent: 5/3/2001 1:29:55 PM
Subject: : Re: WAVES

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-MAY-2001 17:29:55.00
SUBJECT:: Re: WAVES
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:melinda j. loftin (CN=melinda j. loftin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:raymond sheehan (CN=raymond sheehan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Did someone take care of those two requests I sent in earlier? Please confirm, as these are important appointments.

Allison L. Riepenhoff
05/03/2001 04:42:56 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Lori L. Lorenzi/WHO/EOP@EOP
Subject: WAVES

REV_00126191

Lori does not have WAVES access yet, so you can WAVE your guests in yourself, or Brent G. or I can do it. Thanks.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

James Carroll/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Melinda J. Loftin/WHO/EOP@EOP

Raymond Sheehan/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Joan M. Work/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/3/2001 4:41:51 PM
Subject: : Tim & Judge mtg w/ Sen. Specter at 10:30 on Friday morning

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-MAY-2001 20:41:51.00
SUBJECT:: Tim & Judge mtg w/ Sen. Specter at 10:30 on Friday morning
TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

10:15 am Depart WW en route Hart

10:30- Meeting w/ Sen. Specter (Hart 711)
11:00

11:00 Depart Hart en route WW

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>
Sent: 5/4/2001 3:55:55 AM
Subject: : Reminder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAY-2001 07:55:55.00
SUBJECT:: Reminder
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

on the ethical manner to contact political appointees to help with various political causes including special elections. Time is of the essence on this one. Would like to hit WH staff and sched c and the Hill. Need to know who should send the communication and what can be said, and does the message need to be different for each group or all the guidelines the same. Obviously email is the most practical method.

Any changes to the circuit candidate list? We are ready to go to war.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/4/2001 4:12:22 AM
Subject: : Re: Meeting with NARA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAY-2001 08:12:22.00
SUBJECT:: Re: Meeting with NARA
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Adam, I'm very sorry, but Brett and I are in charge of rolling out the President's first judicial nominations next week. We're totally frantic until that happens. I don't see us being able to do this until Thursday or Friday next week. If we were any less jammed up, we would, but the heat is really intense on us right now. Please apologize to NARA for us and ask them to bear with us a few more days. Thanks.

Adam F. Greenstone
05/03/2001 02:10:38 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Meeting with NARA

Brad--Phil's assistant just called to let me know that he would definitely like to have the meeting with NARA tomorrow. I had mentioned to her that next week was much better for you. She proposed 1pm--I mentioned that morning was better for you, but apparently Phil's morning is full. Is 1 pm tomorrow a possibility for you and Brett?

In the mean time, I will call NARA and see how this works for them.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/4/2001 4:12:22 AM
Subject: : Re: Meeting with NARA

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAY-2001 08:12:22.00
SUBJECT:: Re: Meeting with NARA
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Adam, I'm very sorry, but Brett and I are in charge of rolling out the President's first judicial nominations next week. We're totally frantic until that happens. I don't see us being able to do this until Thursday or Friday next week. If we were any less jammed up, we would, but the heat is really intense on us right now. Please apologize to NARA for us and ask them to bear with us a few more days. Thanks.

Adam F. Greenstone
05/03/2001 02:10:38 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Meeting with NARA

Brad--Phil's assistant just called to let me know that he would definitely like to have the meeting with NARA tomorrow. I had mentioned to her that next week was much better for you. She proposed 1pm--I mentioned that morning was better for you, but apparently Phil's morning is full. Is 1 pm tomorrow a possibility for you and Brett?

In the mean time, I will call NARA and see how this works for them.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/4/2001 6:21:32 AM
Subject: : Re: Meeting with NARA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 4-MAY-2001 10:21:32.00
SUBJECT:: Re: Meeting with NARA
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brad/Brett--Thanks, I've passed this on to Phil. As of last night, he wanted to proceed today anyway. If that's still the case, I'll make note of the points where I think you and Brett may have a perspective or should weigh in. I think a large part of this for Phil is to begin a face to face dialogue with NARA, so we may not get to some of the more technical aspects yet anyway.
Good luck with squaring away the nominations. Adam

Bradford A. Berenson
05/04/2001 08:12:14 AM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Meeting with NARA

Adam, I'm very sorry, but Brett and I are in charge of rolling out the President's first judicial nominations next week. We're totally frantic until that happens. I don't see us being able to do this until Thursday or Friday next week. If we were any less jammed up, we would, but the heat is really intense on us right now. Please apologize to NARA for us and ask them to bear with us a few more days. Thanks.

Adam F. Greenstone
05/03/2001 02:10:38 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Meeting with NARA

Brad--Phil's assistant just called to let me know that he would definitely like to have the meeting with NARA tomorrow. I had mentioned to her that next week was much better for you. She proposed 1pm--I mentioned that morning was better for you, but apparently Phil's morning is full. Is 1 pm tomorrow a possibility for you and Brett?

REV_00126199

In the mean time, I will call NARA and see how this works for them.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;anita k. abbott/who/eop@eop [WHO] <anita k. abbott>;katherine a. ashton/who/eop@eop [WHO] <katherine a. ashton>;james carroll/who/eop@eop [WHO] <james carroll>;eric hagans/who/eop@eop [WHO] <eric hagans>;melinda j. loftin/who/eop@eop [WHO] <melinda j. loftin>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;raymond sheehan/who/eop@eop [WHO] <raymond sheehan>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 5/4/2001 6:40:03 AM
Subject: : Photos are here!

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-MAY-2001 10:40:03.00

SUBJECT:: Photos are here!

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00126201

CC:anita k. abbott (CN=anita k. abbott/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:katherine a. ashton (CN=katherine a. ashton/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:melinda j. loftin (CN=melinda j. loftin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:raymond sheehan (CN=raymond sheehan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Come on over.

Elizabeth N. Camp
04/23/2001 05:54:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
bcc: Records Management@EOP
Subject: Re: Staff Photo-NEW TIME - 9:30 AM

Please meet in West Basement Lobby at 9:30 am instead of 9:15 am.

Elizabeth N. Camp
04/19/2001 03:54:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Staff Photo

We will gather the troops for a Counsel's Office staff photo on Tuesday,
April 24th at 9:15 am.

The setting is the South Lawn just outside of the East Wing.

Laura/Moose - please make sure I got all of the detailees.

Thanks!

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP

REV_00126202

Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Anita K. Abbott/WHO/EOP@EOP
Katherine A. Ashton/WHO/EOP@EOP
James Carroll/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP
Melinda J. Loftin/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Raymond Sheehan/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

Message Sent

To:

david s. addington/ovp/eop@eop
h. christopher bartolomucci/who/eop@eop
john b. bellinger/nsc/eop@eop
bradford a. berenson/who/eop@eop
stuart w. bowen/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
timothy e. flanigan/who/eop@eop
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noel j. francisco/who/eop@eop
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helgard c. walker/who/eop@eop
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brent d. greenfield/who/eop@eop
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anita k. abbott/who/eop@eop
katherine a. ashton/who/eop@eop
james carroll/who/eop@eop
eric hagans/who/eop@eop
melinda j. loftin/who/eop@eop
anita t. purcell/who/eop@eop
raymond sheehan/who/eop@eop
joan m. work/who/eop@eop

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;anita k. abbott/who/eop@eop [WHO] <anita k. abbott>;katherine a. ashton/who/eop@eop [WHO] <katherine a. ashton>;james carroll/who/eop@eop [WHO] <james carroll>;eric hagans/who/eop@eop [WHO] <eric hagans>;melinda j. loftin/who/eop@eop [WHO] <melinda j. loftin>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;raymond sheehan/who/eop@eop [WHO] <raymond sheehan>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 5/4/2001 6:40:03 AM
Subject: : Photos are here!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-MAY-2001 10:40:03.00

SUBJECT:: Photos are here!

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00126204

CC:anita k. abbott (CN=anita k. abbott/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:katherine a. ashton (CN=katherine a. ashton/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:melinda j. loftin (CN=melinda j. loftin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:raymond sheehan (CN=raymond sheehan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Come on over.

Elizabeth N. Camp
04/23/2001 05:54:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
bcc: Records Management@EOP
Subject: Re: Staff Photo-NEW TIME - 9:30 AM

Please meet in West Basement Lobby at 9:30 am instead of 9:15 am.

Elizabeth N. Camp
04/19/2001 03:54:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Staff Photo

We will gather the troops for a Counsel's Office staff photo on Tuesday,
April 24th at 9:15 am.

The setting is the South Lawn just outside of the East Wing.

Laura/Moose - please make sure I got all of the detailees.

Thanks!

Message Sent

To:
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP

REV_00126205

Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Anita K. Abbott/WHO/EOP@EOP
Katherine A. Ashton/WHO/EOP@EOP
James Carroll/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP
Melinda J. Loftin/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Raymond Sheehan/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

Message Sent

To:

david s. addington/ovp/eop@eop
h. christopher bartolomucci/who/eop@eop
john b. bellinger/nsc/eop@eop
bradford a. berenson/who/eop@eop
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melinda j. loftin/who/eop@eop
anita t. purcell/who/eop@eop
raymond sheehan/who/eop@eop
joan m. work/who/eop@eop

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/4/2001 7:14:33 AM
Subject: : Re: Meeting with NARA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAY-2001 11:14:33.00
SUBJECT:: Re: Meeting with NARA
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

OK thx.

Adam F. Greenstone
05/04/2001 10:21:26 AM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Meeting with NARA

Brad/Brett--Thanks, I've passed this on to Phil. As of last night, he wanted to proceed today anyway. If that's still the case, I'll make note of the points where I think you and Brett may have a perspective or should weigh in. I think a large part of this for Phil is to begin a face to face dialogue with NARA, so we may not get to some of the more technical aspects yet anyway.
Good luck with squaring away the nominations. Adam

Bradford A. Berenson
05/04/2001 08:12:14 AM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Meeting with NARA

Adam, I'm very sorry, but Brett and I are in charge of rolling out the President's first judicial nominations next week. We're totally frantic until that happens. I don't see us being able to do this until Thursday or Friday next week. If we were any less jammed up, we would, but the heat is really intense on us right now. Please apologize to NARA for us and ask them to bear with us a few more days. Thanks.

REV_00126207

Adam F. Greenstone
05/03/2001 02:10:38 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Meeting with NARA

Brad--Phil's assistant just called to let me know that he would definitely like to have the meeting with NARA tomorrow. I had mentioned to her that next week was much better for you. She proposed 1pm--I mentioned that morning was better for you, but apparently Phil's morning is full. Is 1 pm tomorrow a possibility for you and Brett?

In the mean time, I will call NARA and see how this works for them.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/4/2001 7:14:33 AM
Subject: : Re: Meeting with NARA

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAY-2001 11:14:33.00
SUBJECT:: Re: Meeting with NARA
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

OK thx.

Adam F. Greenstone
05/04/2001 10:21:26 AM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Meeting with NARA

Brad/Brett--Thanks, I've passed this on to Phil. As of last night, he wanted to proceed today anyway. If that's still the case, I'll make note of the points where I think you and Brett may have a perspective or should weigh in. I think a large part of this for Phil is to begin a face to face dialogue with NARA, so we may not get to some of the more technical aspects yet anyway.
Good luck with squaring away the nominations. Adam

Bradford A. Berenson
05/04/2001 08:12:14 AM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Meeting with NARA

Adam, I'm very sorry, but Brett and I are in charge of rolling out the President's first judicial nominations next week. We're totally frantic until that happens. I don't see us being able to do this until Thursday or Friday next week. If we were any less jammed up, we would, but the heat is really intense on us right now. Please apologize to NARA for us and ask them to bear with us a few more days. Thanks.

REV_00126209

Adam F. Greenstone
05/03/2001 02:10:38 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Meeting with NARA

Brad--Phil's assistant just called to let me know that he would definitely like to have the meeting with NARA tomorrow. I had mentioned to her that next week was much better for you. She proposed 1pm--I mentioned that morning was better for you, but apparently Phil's morning is full. Is 1 pm tomorrow a possibility for you and Brett?

In the mean time, I will call NARA and see how this works for them.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/4/2001 7:15:21 AM
Subject: : Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 4-MAY-2001 11:15:21.00

SUBJECT:: Meeting

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Phil did decide to put off the meeting. I'll give you some times shortly. Offhand, would Monday May 14th also be okay?

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/4/2001 8:22:07 AM
Subject: : Re: President's speech last night

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 4-MAY-2001 12:22:07.00
SUBJECT:: Re: President's speech last night
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett:

Your e-mail was interesting on the President's speech that said "I believe that our government should support the works of charity that are motivated by faith -- but our government should never fund the teaching of faith, itself." When I saw the draft speech, I viewed the quoted sentence as simply reflecting that we're for "non-discrimination," not "establishment."

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/4/2001 10:12:59 AM
Subject: : Re: Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 4-MAY-2001 14:12:59.00

SUBJECT:: Re: Meeting

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Here are few times from Phil's Office for the NARA meeting: Thursday (5/10), 3 to 4, or 4 to 5; and Friday (5/11) 11-12. Okay for you?

Bradford A. Berenson
05/04/2001 01:16:22 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

That day looks totally clear as of now.

Adam F. Greenstone
05/04/2001 11:15:16 AM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting

Phil did decide to put off the meeting. I'll give you some times shortly. Offhand, would Monday May 14th also be okay?

REV_00126214

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 5/4/2001 2:24:45 PM
Subject: : AP Wire on judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-MAY-2001 18:24:45.00

SUBJECT:: AP Wire on judges

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

<http://www.newsday.com/ap/text/washington/ap328.htm>

REV_00126215

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>
CC: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>;Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/6/2001 10:27:58 AM
Subject: : moving Judicial Selection Committee on May 16th

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-MAY-2001 14:27:58.00

SUBJECT:: moving Judicial Selection Committee on May 16th

TO:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00126218

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Because of the 4:00 cabinet meeting on May 16 we need to move the meeting time for the JSC meeting.

Stacey - Is there a time earlier in the day that the Roosevelt Room is available?

Melissa - FYI that we are moving this. Please let me know if there is a time that works best for Sec. Card.

Will send notice re: new time once we have it.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>
CC: Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/6/2001 12:52:10 PM
Subject: : A couple important things

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-MAY-2001 16:52:10.00

SUBJECT:: A couple important things

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

1. We need to get a working group together asap to design the Wednesday event. My schedule is getting pretty jammed in the next couple days, as you might imagine. Please let me know how we're going to go about getting this accomplished.

2. When we have our final communications package, we need to send 3 copies to David James at DOJ (514-5322) and 3 copies to Tim Goeglin in Public Liaison. That's in addition to the others inside the WH and up in the Senate that we've discussed. (Z will know who up in the Senate besides Hatch's staff needs it. I think John Mashburn in Lott's office needs it, plus Ed Haddon in Sessions' office and Steve Higgins in Kyl's.)

From: CN=Heather Larrison/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 5/6/2001 1:39:54 PM
Subject: : Monday May 7th

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-MAY-2001 17:39:54.00

SUBJECT:: Monday May 7th

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are free, the Judge would like you to attend the Federal Judges Assn reception in the White House East Room on Monday evening May 7th from 6:00 p.m. to 8:00 p.m.

REV_00126221

From: CN=Heather Larrison/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 5/6/2001 1:39:54 PM
Subject: : Monday May 7th

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-MAY-2001 17:39:54.00

SUBJECT:: Monday May 7th

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are free, the Judge would like you to attend the Federal Judges Assn reception in the White House East Room on Monday evening May 7th from 6:00 p.m. to 8:00 p.m.

REV_00126222

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/7/2001 6:33:40 AM
Subject: : If you have a pager...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAY-2001 10:33:40.00

SUBJECT:: If you have a pager...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

WEAR IT!

The last staff directory I sent around had the 800 # and the pin #.

Please email me if the information listed for you is not correct.

Thanks!

REV_00126224

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/7/2001 5:38:28 AM
Subject: : Federal Judges Association talking points

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAY-2001 09:38:28.00

SUBJECT:: Federal Judges Association talking points

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Attached are the comments for this evenings event.

Below are the details for the event. The start time of the reception is 6:30 pm - please arrive The State Floor at that time.

Where to go: As you come in on ground floor (from the Rose Garden) into the residence take the staircase up to the State Floor.

RECEPTION WITH FEDERAL JUDGES ASSOCIATION

REV_00126226

MONDAY, MAY 7, 2001
6:45 P.M.) 7:30 P.M.
THE STATE FLOOR

ALBERTO R. GONZALES

I. PURPOSE

A reception with all of the Federal judges and their spouses who are in Washington, D.C. for the annual Federal Judges Association conference.

II. BACKGROUND

This is an annual reception that has been held at the White House for several administrations.

III. PARTICIPANTS

President George W. Bush
Justice Sandra Day O'Connor and spouse
Justice Anthony Kennedy and spouse
Justice Ruth Bader Ginsburg and spouse
Sen. and Mrs. Orrin Hatch
Sen. and Mrs. Patrick Leahy
Rep. Judy Biggert
Sec. and Mrs. Andy Card
Karen Hughes and spouse
Karl Rove
Judge Al Gonzales
Tim Flanigan

Invited Guests: 475 people

IV. PRESS PLAN

Closed Press

V. SEQUENCE OF EVENTS

6:45 p.m. Arrive East Room for the FJA reception. Judge Ann Williams, the FJA President, will briefly introduce you.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/7/2001 5:38:28 AM
Subject: : Federal Judges Association talking points

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAY-2001 09:38:28.00

SUBJECT:: Federal Judges Association talking points

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Attached are the comments for this evenings event.

Below are the details for the event. The start time of the reception is 6:30 pm - please arrive The State Floor at that time.

Where to go: As you come in on ground floor (from the Rose Garden) into the residence take the staircase up to the State Floor.

RECEPTION WITH FEDERAL JUDGES ASSOCIATION

REV_00126228

MONDAY, MAY 7, 2001
6:45 P.M.) 7:30 P.M.
THE STATE FLOOR

ALBERTO R. GONZALES

I. PURPOSE

A reception with all of the Federal judges and their spouses who are in Washington, D.C. for the annual Federal Judges Association conference.

II. BACKGROUND

This is an annual reception that has been held at the White House for several administrations.

III. PARTICIPANTS

President George W. Bush
Justice Sandra Day O'Connor and spouse
Justice Anthony Kennedy and spouse
Justice Ruth Bader Ginsburg and spouse
Sen. and Mrs. Orrin Hatch
Sen. and Mrs. Patrick Leahy
Rep. Judy Biggert
Sec. and Mrs. Andy Card
Karen Hughes and spouse
Karl Rove
Judge Al Gonzales
Tim Flanigan

Invited Guests: 475 people

IV. PRESS PLAN

Closed Press

V. SEQUENCE OF EVENTS

6:45 p.m. Arrive East Room for the FJA reception. Judge Ann Williams, the FJA President, will briefly introduce you.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Christa Moyle/OA/EOP@EOP [OA] <Christa Moyle>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 5/7/2001 5:56:27 AM
Subject: : Re: Meeting

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 7-MAY-2001 09:56:27.00
SUBJECT:: Re: Meeting
TO:Christa Moyle (CN=Christa Moyle/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Christa--I have proposed the Friday 11 am time to NARA and will advise once they confirm. Any chance we can get the conference room in 145 again?

Brett--I'm hoping that Friday is better than Thursday for you as well. Let us know if this is a problem.
----- Forwarded by Adam F. Greenstone/OA/EOP on
05/07/2001 09:45 AM -----

Bradford A. Berenson
05/04/2001 06:53:14 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

Ok for me. Friday much much better, though.

Adam F. Greenstone
05/04/2001 02:11:16 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

Here are few times from Phil's Office for the NARA meeting: Thursday (5/10), 3 to 4, or 4 to 5; and Friday (5/11) 11-12. Okay for you?

Bradford A. Berenson

REV_00126232

05/04/2001 01:16:22 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP

cc:

bcc:

Subject: Re: Meeting

That day looks totally clear as of now.

Adam F. Greenstone

05/04/2001 11:15:16 AM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Meeting

Phil did decide to put off the meeting. I'll give you some times shortly. Offhand, would Monday May 14th also be okay?

REV_00126233

From: CN=James R. Wilkinson/OU=WHO/O=EOP [WHO]
To: Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Erin E. Healy/WHO/EOP@EOP [WHO] <Erin E. Healy>; Tracey L. Schmitt/WHO/EOP@EOP [WHO] <Tracey L. Schmitt>; Tracy Young/WHO/EOP@EOP [WHO] <Tracy Young>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; Gordon D. Johndroe/WHO/EOP@EOP [WHO] <Gordon D. Johndroe>
Sent: 5/7/2001 7:16:49 AM
Subject: : Judges and Wednesday Event

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAY-2001 11:16:49.00

SUBJECT:: Judges and Wednesday Event

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

After the 10 a.m. meeting this morning we huddled with Gordon, the Counsel's office, Public Liaison and others to hammer out Wednesday's event and action items. We used Bartlett's guidance and other input on the event. The President's briefing is due at 3 p.m. today so please let me know ASAP if there are serious problems with any of this. Here are details and action items:

REV_00126234

Event:

East Room -- open press
Crowd is families and guests of nominees
Judges preset on front row (to the President's left from the podium)
Blue Goose
President enters East Room, proceeds to podium
President makes remarks (roughly 10 minutes)
After remarks President shakes hands with nominees and departs room for post-event reception.

Action Items:

1. Event logistics will be handled by Communications
2. Counsel's office will work on reception, inviting and clearing of guests with Social office, etc.
3. There will be a 1 p.m. meeting today in 196 OEOB to finalize the paper, binders, etc. It is imperative that everyone be there for this meeting.
4. DEADLINE ON ALL TALKING POINTS AND PAPERS IS COB TODAY
5. Rollout strategy needs to be set. Question is do we get binders, all our information, etc to our allies tomorrow or wait until 6. Wednesday? Do we have Counsel's office do backgrounders tomorrow for running in Wed papers?
7. Communications will craft press packet (in consultation with Counsel's office)

Let me know if I have missed anything.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/7/2001 9:29:57 AM
Subject: : REVISED arrival time for tonight's reception

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAY-2001 13:29:57.00

SUBJECT:: REVISED arrival time for tonight's reception

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

OK - here is what I found out.

The judges were asked to arrive around 5:00 pm b/c all 300-400 of them have to be cleared in.

The reception itself starts at 6:00 - please arrive at this time.

The President will arrive the reception around 6:30/6:45.

Thanks!

REV_00126253

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/7/2001 9:29:57 AM
Subject: : REVISED arrival time for tonight's reception

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAY-2001 13:29:57.00

SUBJECT:: REVISED arrival time for tonight's reception

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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Thanks!

REV_00126254

From: CN=James R. Wilkinson/OU=WHO/O=EOP [WHO]
To: Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>;Tracey L. Schmitt/WHO/EOP@EOP [WHO] <Tracey L. Schmitt>
Sent: 5/7/2001 9:48:31 AM
Subject: : Judges Paper

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAY-2001 13:48:31.00
SUBJECT:: Judges Paper
TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ok, we had a great 1 p.m. "paper" meeting. Here's the schedule:

1. In the next hour I will send Counsel's office the final draft of the binder. They will edit and return to my ASAP.
2. By COB today (6 p.m.) the binder will be done by counsel and by Communications.
3. Tonight Fleischer, Bartlett and others will be able to take home paper on the nominations to begin to read up.
4. Tomorrow morning at 9 a.m. printing begins on the binders.
5. There will be 2 sets of information produced today -- 1 set for the press as a press packet and 1 set for private use.
6. Counsel is putting together by COB today a 1-pager with (1) the DOJ vetter's contact information for each judge, (2) the White House counsel contact for each judge, and (3) the contact information for each nominee. We will be able to reach all these folks 24 hours a day for rapid responses to inquiries, etc.

Let me know if you have any questions.

Jim

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/7/2001 9:53:51 AM
Subject: : Leahy quote

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAY-2001 13:53:51.00
SUBJECT:: Leahy quote
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

"A President should be given a great deal of latitude on who he nominates to the federal court. If we disagree with a nomination, then we can vote against it." Sen. Leahy, Cong. Rec. 6/16/97.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/7/2001 5:40:11 PM
Subject: : Judicial Selection Comm. Mtg. for May 9 is CANCELLED

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAY-2001 21:40:11.00

SUBJECT:: Judicial Selection Comm. Mtg. for May 9 is CANCELLED

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

REV_00126259

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>
Sent: 5/7/2001 6:48:52 PM
Subject: : LRM LJM 11: Treasury Report on HR 1408

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAY-2001 22:48:52.00
SUBJECT:: LRM LJM 11: Treasury Report on HR 1408
TO: Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

White House Counsel has no objection.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/7/2001 5:40:41 PM
Subject: : do keep 9:00-9:30 on Wed. for general mtg. re: judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAY-2001 21:40:41.00

SUBJECT:: do keep 9:00-9:30 on Wed. for general mtg. re: judges

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

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TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/7/2001 5:40:41 PM
Subject: : do keep 9:00-9:30 on Wed. for general mtg. re: judges

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAY-2001 21:40:41.00

SUBJECT:: do keep 9:00-9:30 on Wed. for general mtg. re: judges

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

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READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kathryn C. Thompson/OMB/EOP@EOP [OMB] <Kathryn C. Thompson>
Sent: 5/7/2001 6:53:23 PM
Subject: : LRM KCT 29: Veterans Affairs Report on S546

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-MAY-2001 22:53:23.00

SUBJECT:: LRM KCT 29: Veterans Affairs Report on S546

TO: Kathryn C. Thompson (CN=Kathryn C. Thompson/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

White House Counsel's Office has no objection.

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 5/8/2001 5:26:58 AM
Subject: : Calls/meetings this week

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2001 09:26:58.00
SUBJECT:: Calls/meetings this week
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tim will attend both the 10am Norquist meeting, and the 12 pm Weyrich lunch. For both of these meeting, he needs to be early in the agenda. Heather is out of the office, so please direct questions/confirm details through me. Thank you.

----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
05/08/2001 09:19 AM -----

Heather Larrison
05/08/2001 09:13:50 AM
Record Type: Record

To: Allison L. Riepenhoff/WHO/EOP@EOP
cc:
Subject: Calls/meetings this week

----- Forwarded by Heather Larrison/WHO/EOP on 05/08/2001
09:13 AM -----

Douglas L. Hoelscher
05/07/2001 03:05:03 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
cc: Heather Larrison/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP
Subject: Calls/meetings this week

Brett & Tim,
Matt Schlapp wanted me to forward you the details on some of the calls/meetings this week where WH Counsel's presence would be appreciated. He would like to know if it is ok to give these groups a heads-up before the Wed.'s announcements and if so, when it is ok to let them know -- can one of you contact Matt at your convenience before tonight's 5:00 Social Conservatives Call? He would also be interested in

REV_00126276

knowing if someone from WH Counsel's office could participate in the events.

Here are the details for the events and I am trying to track down remaining details on some of the events and will forward them ASAP.

Monday (today 5/7)

5:00 PM Social Conservatives Conf. Call 888-769-8759

Wednesday

10:00 AM -- Norquist Meeting -- (probably could get on agenda anytime between 10:00 and 12:00) -- will get location to you later on.

Wednesday

12:00 PM Weyrich Lunch

Free Congress Foundation (717 2nd St. N.E.) -- on first floor proceed to the Kriebble Center

Thursday

11:00 AM Catholics Conf. Call -- number not set yet will forward ASAP.

Santorum Meeting -- TBD

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>
CC: Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
BCC: Allison L. Riepenhoff (Allison L. Riepenhoff/WHO/EOP [WHO])
Sent: 5/8/2001 6:38:16 AM
Subject: : Gonzales press interviews

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2001 10:38:16.00
SUBJECT:: Gonzales press interviews
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The list continues to grow but this is where we are right now...

TUESDAY
12:00 pm David Broder
2:15 pm Ron Fournier - AP

Am working on bringing in the following people late tonight if possible -
it would be after 7:00 pm as ARG is back to back all day.
Robert Greenberger - WSJ
Ron Brownstein - LA Times
May move Walter Shapiro to tonight (USA Today)

WEDNESDAY
11:00 am Walter Shapiro - USA Today
11:30 am Ken Walsh - US News

TBD: Mort Kondracke of Roll Call/Fox News - may do him by phone today or
in the morning.

Scott McClellan
05/08/2001 10:24:32 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: press interviews

REV_00126283

what interviews does he have scheduled today?

From: CN=Scott McClellan/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: daniel j. bartlett/who/eop@eop [WHO] <daniel j. bartlett>;tucker a. eskew/who/eop@eop [WHO] <tucker a. eskew>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>
Sent: 5/8/2001 6:50:49 AM
Subject: : Re: Gonzales press interviews

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2001 10:50:49.00
SUBJECT:: Re: Gonzales press interviews
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:daniel j. bartlett (CN=daniel j. bartlett/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:tucker a. eskew (CN=tucker a. eskew/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

we may want to work amy goldstein with wp in later today. haven't talked to her yet, but she is supposedly working on a piece for tomorrow.

Elizabeth N. Camp
05/08/2001 10:38:14 AM
Record Type: Record

To: Scott McClellan/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Gonzales press interviews

The list continues to grow but this is where we are right now...

TUESDAY
12:00 pm David Broder
2:15 pm Ron Fournier - AP

Am working on bringing in the following people late tonight if possible -
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WEDNESDAY
11:00 am Walter Shapiro - USA Today
11:30 am Ken Walsh - US News

TBD: Mort Kondracke of Roll Call/Fox News - may do him by phone today or in the morning.

Scott McClellan
05/08/2001 10:24:32 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: press interviews

what interviews does he have scheduled today?

Message Copied

To:

Daniel J. Bartlett/WHO/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>;Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2001 7:39:53 AM
Subject: : one more...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAY-2001 11:39:53.00

SUBJECT:: one more...

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Amy Goldstein from W. Post is coming is at 3:45 to talk with ARG.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>;Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2001 7:39:53 AM
Subject: : one more...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAY-2001 11:39:53.00

SUBJECT:: one more...

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Amy Goldstein from W. Post is coming is at 3:45 to talk with ARG.

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: tim goeglein/who/eop@eop [WHO] <tim goeglein>;matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>;matthew e. smith/who/eop@eop [WHO] <matthew e. smith>;lezlee j. westine/who/eop@eop [WHO] <lezlee j. westine>;kenneth b. mehlman/who/eop@eop [WHO] <kenneth b. mehlman>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/8/2001 8:06:46 AM
Subject: : Re: 100 day Cath call

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAY-2001 12:06:46.00
SUBJECT:: Re: 100 day Cath call
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:tim goeglein (CN=tim goeglein/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lezlee j. westine (CN=lezlee j. westine/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kenneth b. mehlman (CN=kenneth b. mehlman/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett will be on.

Timothy E. Flanigan
05/08/2001 11:57:40 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: 100 day Cath call

I would suggest that we have Brett Kavanaugh (also of our office) do the Catholic conference call.

Tim Goeglein
05/08/2001 11:43:24 AM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP
cc: Lezlee J. Westine/WHO/EOP@EOP, Kenneth B. Mehlman/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP

REV_00126291

Subject: Re: 100 day Cath call

Matthew2:

Wednesday morning at 9 am is the new time for the weekly Catholic teleconference: we want to move on this before the judicial announcement is made tomorrow afternoon. Brad Berenson, of counsel, will fill in all the details on the call to our Catholic supporters.

Also, want to remind everyone that in addition to the 1. CSE meeting yesterday, 2. the weekly conservative teleconference last night, and the 3. 4pm coalition meeting today at CSE, Tim Flannigan will speak at Norquist and Weyrich tomorrow.

One other note: there will be two special teleconferences today at 2pm and 5pm that are being arranged off campus to update key folks about the announcement.

It has shaped up to be a very good coalition week.

Warmly

tsg

Message Copied

To:

matthew a. schlapp/who/eop@eop
matthew e. smith/who/eop@eop
lezlee j. westine/who/eop@eop
kenneth b. mehlman/who/eop@eop
bradford a. berenson/who/eop@eop
Brett M. Kavanaugh/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/8/2001 12:16:13 PM
Subject: : press interviews

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAY-2001 16:16:13.00

SUBJECT:: press interviews

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you have had a conversation with the press you need to email me asap with the following:

Name of publication, who you spoke with, date and topic(s)

This is a request from press.

Thank you.

REV_00126293

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Anita K. Abbott/WHO/EOP@EOP [WHO] <Anita K. Abbott>;Katherine A. Ashton/WHO/EOP@EOP [WHO] <Katherine A. Ashton>;James Carroll/WHO/EOP@EOP [WHO] <James Carroll>;Eric Hagans/WHO/EOP@EOP [WHO] <Eric Hagans>;Melinda J. Loftin/WHO/EOP@EOP [WHO] <Melinda J. Loftin>;Anita T. Purcell/WHO/EOP@EOP [WHO] <Anita T. Purcell>;Raymond Sheehan/WHO/EOP@EOP [WHO] <Raymond Sheehan>;Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>;Amy M. Bilyeau/OA/EOP@EOP [OA] <Amy M. Bilyeau>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <jennifer.newstead@usdoj.gov>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
Sent: 5/8/2001 11:04:22 AM
Subject: : Event tomorrow

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAY-2001 15:04:22.00

SUBJECT:: Event tomorrow

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anita K. Abbott (CN=Anita K. Abbott/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katherine A. Ashton (CN=Katherine A. Ashton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric Hagans (CN=Eric Hagans/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melinda J. Loftin (CN=Melinda J. Loftin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anita T. Purcell (CN=Anita T. Purcell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond Sheehan (CN=Raymond Sheehan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You are all invited to attend the President's announcement of his first judicial nominations. The event will be tomorrow (May 9, 2001) in the East Room of the White House. Please plan to be at the East Wing by 1:45pm. The President will make remarks at 2:30pm and the event should be concluded by approximately 2:45 or 2:50pm. Because this is a public event with open press, please make sure that your passes are not visible once you enter the East Room.

If you are coming from DOJ, you should plan to be at the East Gate Visitors Entrance of the White House at 1:45pm with a photo ID.

The Social Office has asked that we remind everyone that this event is for the nominees and their families. They asked that we remind staff not to crowd the President and to request that staff not linger too long after the event.

If you have any questions, please contact Jason Torchinsky at 202-456-5049.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/8/2001 12:16:13 PM
Subject: : press interviews

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAY-2001 16:16:13.00

SUBJECT:: press interviews

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you have had a conversation with the press you need to email me asap with the following:

Name of publication, who you spoke with, date and topic(s)

This is a request from press.

Thank you.

REV_00126299

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>;Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2001 12:34:49 PM
Subject: : 5:00 p.m. today ARG meeting with Steve Holland of Rueters

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAY-2001 16:34:49.00

SUBJECT:: 5:00 p.m. today ARG meeting with Steve Holland of Rueters

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>;Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>;Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2001 12:44:47 PM
Subject: : Brad Berenson and Brett Kavanaughs press contacts

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAY-2001 16:44:47.00

SUBJECT:: Brad Berenson and Brett Kavanaughs press contacts

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you were looking for something more let me know.

Brad Berenson

Wall Street Journal, ABC, NBC, CBS, Fox, Novak, and Will

Brett Kavanaugh

Newsweek. Michael Isikoff. Judges. Saturday (he called me) and today.
Background.

Washington Post. Amy Goldstein (reporter). Judges. Today. Background.
Judge talked to her as well.

Washington Post. Ben Wittes (editorial page). Judges. Last week and
today. Background.
Judge talked to him as well.

USA Today. Left message for Joan Biskupic today (but she's on jury duty
today).

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/8/2001 2:43:51 PM
Subject: : May 9 East Room Announcement of Federal Judicial Appointments

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAY-2001 18:43:51.00

SUBJECT:: May 9 East Room Announcement of Federal Judicial Appointments

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett - has the Judge/Karen or anyone on up expressed a preference on this issue?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
05/08/2001 06:43 PM -----

Catherine S. Fenton
05/08/2001 06:20:16 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: Jeanie L. Figg/WHO/EOP@EOP
Subject: May 9 East Room Announcement of Federal Judicial Appointments

We just received the line by line for tomorrow's announcement. Just want to confirm that the Judge and senior staff do not want to have the nominees seated on the dais with the President. It seems somewhat anticlimatic to not have them surrounding him during such a significant announcement. Thank you for sharing your thoughts.

From: CN=Scott Jeffcoat/OU=WHO/O=EOP [WHO]
To: Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jeanie L. Figg/WHO/EOP@EOP [WHO] <Jeanie L. Figg>; Michelle N. Brawer/WHO/EOP@EOP [WHO] <Michelle N. Brawer>
CC: Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>
Sent: 5/8/2001 3:02:51 PM
Subject: : Senator Landrieu is a YES for 5/9 Judicial event
Attachments: P_ND8V1004_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAY-2001 19:02:51.00

SUBJECT:: Senator Landrieu is a YES for 5/9 Judicial event

TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_ND8V1004_WHO.TXT_1>

YES

Strom Thurmond (R-SC)
Orrin Hatch (R-UT)
Patrick Leahy (D-VT)
John Warner (R-VA)
John Beaux (D-LA)
George Voinovich (R-OH)
Mary Landrieu (D-LA)
George Allen (R-VA)

MAYBE

Phil Gramm (R-TX)

NO

Kay Bailey Hutchison (R-TX)
Joseph Lieberman (D-CT)
John Edwards (D-NC)
Mike DeWine (R-OH)
Robert Bennett (R-UT)
Fritz Hollings (D-SC)
Jesse Helms (R-NC)
Christopher Dodd (D-CT)

From: CN=Jill L. Angelo/OU=WHO/O=EOP [WHO]
To: Scott Jeffcoat/WHO/EOP@EOP [WHO] <Scott Jeffcoat>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;jeanie l. figg/who/eop@eop [WHO] <jeanie l. figg>;michelle n. brawer/who/eop@eop [WHO] <michelle n. brawer>;alison jones/who/eop@eop [WHO] <alison jones>;virginia t. gregory/who/eop@eop [WHO] <virginia t. gregory>
Sent: 5/9/2001 3:42:40 AM
Subject: : Re: Senator Landrieu is a YES for 5/9 Judicial event
Attachments: P_RMBV1004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-MAY-2001 07:42:40.00
SUBJECT:: Re: Senator Landrieu is a YES for 5/9 Judicial event
TO:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jeanie l. figg (CN=jeanie l. figg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:michelle n. brawer (CN=michelle n. brawer/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alison jones (CN=alison jones/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:virginia t. gregory (CN=virginia t. gregory/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Scott-
Please send any additions to the Staff Secretary's Office. The briefing had already gone to the President, but they can do a revised version today once Gramm replies.

Thanks!

Scott Jeffcoat
05/08/2001 07:02:48 PM
Record Type: Record

To: Jill L. Angelo/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Jeanie L. Figg/WHO/EOP@EOP, Michelle N. Brawer/WHO/EOP@EOP
cc: Alison Jones/WHO/EOP@EOP, Virginia T. Gregory/WHO/EOP@EOP
Subject: Senator Landrieu is a YES for 5/9 Judicial event

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RMBV1004_WHO.TXT_1>

YES

Strom Thurmond (R-SC)
Orrin Hatch (R-UT)
Patrick Leahy (D-VT)
John Warner (R-VA)
John Beaux (D-LA)
George Voinovich (R-OH)
Mary Landrieu (D-LA)
George Allen (R-VA)

MAYBE

Phil Gramm (R-TX)

NO

Kay Bailey Hutchison (R-TX)
Joseph Lieberman (D-CT)
John Edwards (D-NC)
Mike DeWine (R-OH)
Robert Bennett (R-UT)
Fritz Hollings (D-SC)
Jesse Helms (R-NC)
Christopher Dodd (D-CT)

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: melissa s. bennett/who/eop@eop [WHO] <melissa s. bennett>;carol j. thompson/who/eop@eop [WHO] <carol j. thompson>;susan b. ralston/who/eop@eop [WHO] <susan b. ralston>;carrie c. pauska/who/eop@eop [WHO] <carrie c. pauska>;jan e. williams/who/eop@eop [WHO] <jan e. williams>;heather larrison/who/eop@eop [WHO] <heather larrison>;alison jones/who/eop@eop [WHO] <alison jones>;michael j. conway/who/eop@eop [WHO] <michael j. conway>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 5/9/2001 8:06:32 AM
Subject: : Reminder - Judicial Selection Comm. Mtg. today is CANCELLED

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAY-2001 12:06:32.00

SUBJECT:: Reminder - Judicial Selection Comm. Mtg. today is CANCELLED

TO:melissa s. bennett (CN=melissa s. bennett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:carol j. thompson (CN=carol j. thompson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:carrie c. pauska (CN=carrie c. pauska/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:jan e. williams (CN=jan e. williams/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:alison jones (CN=alison jones/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:michael j. conway (CN=michael j. conway/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00126314

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Also - next Wed - May 16 is from 3:00-4:00 instead of 4-5pm.

Thanks!

Elizabeth N. Camp
05/07/2001 09:40:08 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Judicial Selection Comm. Mtg. for May 9 is CANCELLED

Thanks!

Message Sent

To:

Melissa S. Bennett/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Carrie C. Pauska/WHO/EOP@EOP
Jan E. Williams/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

REV_00126315

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Carol E. Ehrlich/OA/EOP@EOP [OA] <Carol E. Ehrlich>; Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>; Joyce A. Larkin/OA/EOP@EOP [OA] <Joyce A. Larkin>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 5/9/2001 6:06:34 AM
Subject: : BNA on Privacy Bill; issue of Privacy Act/FOIA coverage of White House/Congress

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 9-MAY-2001 10:06:34.00

SUBJECT:: BNA on Privacy Bill; issue of Privacy Act/FOIA coverage of White House/Congress

TO:Carol E. Ehrlich (CN=Carol E. Ehrlich/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Joyce A. Larkin (CN=Joyce A. Larkin/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

fyi

----- Forwarded by Adam F. Greenstone/OA/EOP on
05/09/2001 09:56 AM -----

Steven D. Aitken
05/09/2001 09:22:14 AM
Record Type: Non-Record

To: Daniel J. Chenok/OMB/EOP@EOP, Adam F. Greenstone/OA/EOP@EOP
cc:
Subject: BNA on Privacy Bill; issue of Privacy Act/FOIA coverage of
White House/Congress

FYI

----- Forwarded by Steven D. Aitken/OMB/EOP on 05/09/2001
09:22 AM -----

No. 90
Wednesday May 9, 2001 Page A-25
ISSN 1523-567X
Regulation, Law & Economics

Privacy
House Subcommittee OKs Bill
To Establish Privacy Commission
The House Subcommittee on Government Efficiency, Financial Management and
Intergovernmental Relations approved a bill May 8 that would establish a

REV_00126318

commission to make recommendations to Congress on privacy legislation. Four members of the subcommittee, chaired by Rep. Stephen Horn (R-Calif.), voted in favor of sending the bill, H.R. 583, to the full Committee on Government Reform. Rep. Janice D. Schakowsky (D-Ill.) cast the sole dissenting vote.

At issue was an amendment offered by Rep. Carolyn B. Maloney (D-N.Y.) that would have changed the balance on the commission by requiring a super majority, rather than a simple majority, of its 17 members to approve a recommendation. In addition, the amendment would have required the commission to examine whether Congress and the Office of the President should be subject to the Freedom of Information and Privacy acts, as are federal agencies.

Maloney withdrew her amendment after one of the bill's sponsors, Rep. Asa Hutchinson (R-Ark.), assured her during the markup that he would work to resolve her concerns before the full committee takes it up.

Hutchinson later told reporters he was confident he could resolve differences with Maloney and others concerned about what is not expressly stated in the bill, saying he did not want "a narrow issue" to sink the measure.

Hutchinson and Rep. James P. Moran (D-Va.) introduced the bill Feb. 13 (32 DER A-22, 2/15/01). An identical measure failed on the House's suspension calendar last year.

H.R. 583 would set up a bipartisan Privacy Protection Commission, which would have a maximum of 18 months to study privacy issues and report to Congress on its findings, including any recommendations for legislation.

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From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Carol E. Ehrlich/OA/EOP@EOP [OA] <Carol E. Ehrlich>; Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>; Joyce A. Larkin/OA/EOP@EOP [OA] <Joyce A. Larkin>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 5/9/2001 6:06:34 AM
Subject: : BNA on Privacy Bill; issue of Privacy Act/FOIA coverage of White House/Congress

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 9-MAY-2001 10:06:34.00

SUBJECT:: BNA on Privacy Bill; issue of Privacy Act/FOIA coverage of White House/Congress

TO:Carol E. Ehrlich (CN=Carol E. Ehrlich/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Joyce A. Larkin (CN=Joyce A. Larkin/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

fyi

----- Forwarded by Adam F. Greenstone/OA/EOP on
05/09/2001 09:56 AM -----

Steven D. Aitken
05/09/2001 09:22:14 AM
Record Type: Non-Record

To: Daniel J. Chenok/OMB/EOP@EOP, Adam F. Greenstone/OA/EOP@EOP
cc:
Subject: BNA on Privacy Bill; issue of Privacy Act/FOIA coverage of
White House/Congress

FYI

----- Forwarded by Steven D. Aitken/OMB/EOP on 05/09/2001
09:22 AM -----

No. 90
Wednesday May 9, 2001 Page A-25
ISSN 1523-567X
Regulation, Law & Economics

Privacy
House Subcommittee OKs Bill
To Establish Privacy Commission
The House Subcommittee on Government Efficiency, Financial Management and
Intergovernmental Relations approved a bill May 8 that would establish a
commission to make recommendations to Congress on privacy legislation.
Four members of the subcommittee, chaired by Rep. Stephen Horn (R-Calif.),
voted in favor of sending the bill, H.R. 583, to the full Committee on
Government Reform. Rep. Janice D. Schakowsky (D-Ill.) cast the sole
dissenting vote.

REV_00126320

At issue was an amendment offered by Rep. Carolyn B. Maloney (D-N.Y.) that would have changed the balance on the commission by requiring a super majority, rather than a simple majority, of its 17 members to approve a recommendation. In addition, the amendment would have required the commission to examine whether Congress and the Office of the President should be subject to the Freedom of Information and Privacy acts, as are federal agencies.

Maloney withdrew her amendment after one of the bill's sponsors, Rep. Asa Hutchinson (R-Ark.), assured her during the markup that he would work to resolve her concerns before the full committee takes it up.

Hutchinson later told reporters he was confident he could resolve differences with Maloney and others concerned about what is not expressly stated in the bill, saying he did not want "a narrow issue" to sink the measure.

Hutchinson and Rep. James P. Moran (D-Va.) introduced the bill Feb. 13 (32 DER A-22, 2/15/01). An identical measure failed on the House's suspension calendar last year.

H.R. 583 would set up a bipartisan Privacy Protection Commission, which would have a maximum of 18 months to study privacy issues and report to Congress on its findings, including any recommendations for legislation.

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From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: melissa s. bennett/who/eop@eop [WHO] <melissa s. bennett>;carol j. thompson/who/eop@eop [WHO] <carol j. thompson>;susan b. ralston/who/eop@eop [WHO] <susan b. ralston>;carrie c. pauska/who/eop@eop [WHO] <carrie c. pauska>;jan e. williams/who/eop@eop [WHO] <jan e. williams>;heather larrison/who/eop@eop [WHO] <heather larrison>;alison jones/who/eop@eop [WHO] <alison jones>;michael j. conway/who/eop@eop [WHO] <michael j. conway>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 5/9/2001 8:06:32 AM
Subject: : Reminder - Judicial Selection Comm. Mtg. today is CANCELLED

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAY-2001 12:06:32.00

SUBJECT:: Reminder - Judicial Selection Comm. Mtg. today is CANCELLED

TO:melissa s. bennett (CN=melissa s. bennett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:carol j. thompson (CN=carol j. thompson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:carrie c. pauska (CN=carrie c. pauska/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:jan e. williams (CN=jan e. williams/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:alison jones (CN=alison jones/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:michael j. conway (CN=michael j. conway/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00126323

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Also - next Wed - May 16 is from 3:00-4:00 instead of 4-5pm.

Thanks!

Elizabeth N. Camp
05/07/2001 09:40:08 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Judicial Selection Comm. Mtg. for May 9 is CANCELLED

Thanks!

Message Sent

To:

Melissa S. Bennett/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Carrie C. Pauska/WHO/EOP@EOP
Jan E. Williams/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

REV_00126324

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/9/2001 11:18:29 AM
Subject: : Thursday - May 17 Counsel Staff Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAY-2001 15:18:29.00

SUBJECT:: Thursday - May 17 Counsel Staff Meeting

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI - on Thursday, May 17 the Counsel staff meeting will start at 9:15 am instead of 8:30.

This is necessary in order to accomodate a meeting with senators from Michigan.

Thank you.

REV_00126333

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;heather larrison/who/eop@eop [WHO] <heather larrison>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jeanie l. figg/who/eop@eop [WHO] <jeanie l. figg>;erin e. healy/who/eop@eop [WHO] <erin e. healy>;tracy young/who/eop@eop [WHO] <tracy young>
Sent: 5/9/2001 12:21:37 PM
Subject: : Re: Wire Service Photo

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAY-2001 16:21:37.00

SUBJECT:: Re: Wire Service Photo

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jeanie l. figg (CN=jeanie l. figg/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00126339

CC:erin e. healy (CN=erin e. healy/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:tracy young (CN=tracy young/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Parker was actually saying things to his daughter-- I couldn't tell if he was telling her to behave or telling her how to use her camera.

Helgard C. Walker
05/09/2001 03:55:14 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Wire Service Photo

Fabulous! I noticed that Parker kept looking towards his family -- I think he was watching his daughter to make sure she was behaving.

Bradford A. Berenson
05/09/2001 03:51:08 PM
Record Type: Record

To: Jason B. Torchinsky/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Wire Service Photo

Exactly what we were hoping for. Beautiful. What's Parker looking at?

Jason B. Torchinsky
05/09/2001 03:47:45 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Wire Service Photo

Message Sent

To:
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

REV_00126340

Elizabeth N. Camp/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jeanie L. Figg/WHO/EOP@EOP
Erin E. Healy/WHO/EOP@EOP
Tracy Young/WHO/EOP@EOP

Message Copied

To:

h. christopher bartolomucci/who/eop@eop
stuart w. bowen/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
rachel l. brand/who/eop@eop
helgard c. walker/who/eop@eop
laura l. flippin/who/eop@eop
timothy e. flanigan/who/eop@eop
alberto r. gonzales/who/eop@eop
heather larrison/who/eop@eop
elizabeth n. camp/who/eop@eop
allison l. riepenhoff/who/eop@eop
brent d. greenfield/who/eop@eop
lori l. lorenzi/who/eop@eop
jeanie l. figg/who/eop@eop
erin e. healy/who/eop@eop
tracy young/who/eop@eop

Message Copied

To:

jason b. torchinsky/who/eop@eop
h. christopher bartolomucci/who/eop@eop
stuart w. bowen/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
rachel l. brand/who/eop@eop
helgard c. walker/who/eop@eop
laura l. flippin/who/eop@eop
timothy e. flanigan/who/eop@eop
alberto r. gonzales/who/eop@eop
heather larrison/who/eop@eop
elizabeth n. camp/who/eop@eop
allison l. riepenhoff/who/eop@eop
brent d. greenfield/who/eop@eop
lori l. lorenzi/who/eop@eop
jeanie l. figg/who/eop@eop
erin e. healy/who/eop@eop
tracy young/who/eop@eop

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 5/9/2001 2:18:54 PM
Subject: : Judge Gonzales out of the office....

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAY-2001 18:18:54.00

SUBJECT:: Judge Gonzales out of the office....

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

ARG is leaving the WH tomorrow morning around 9am to go to Austin. He will return to DC on Sunday evening.

Thanks!

REV_00126344

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 5/9/2001 2:18:54 PM
Subject: : Judge Gonzales out of the office....

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAY-2001 18:18:54.00

SUBJECT:: Judge Gonzales out of the office....

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

ARG is leaving the WH tomorrow morning around 9am to go to Austin. He will return to DC on Sunday evening.

Thanks!

REV_00126345

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/10/2001 5:46:51 AM
Subject: : Re: Edwards letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-MAY-2001 09:46:51.00
SUBJECT:: Re: Edwards letter
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I dug this off of the Judge's desk. I am faxing it to you now.

Bradford A. Berenson
05/10/2001 09:36:30 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Edwards letter

Brett, do you have Sen. Edwards' letter to POTUS? I need to draft a response today, and Libby says she hasn't seen this.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;anita k. abbott/who/eop@eop [WHO] <anita k. abbott>;katherine a. ashton/who/eop@eop [WHO] <katherine a. ashton>;james carroll/who/eop@eop [WHO] <james carroll>;eric hagans/who/eop@eop [WHO] <eric hagans>;melinda j. loftin/who/eop@eop [WHO] <melinda j. loftin>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;latour r. lafferty/who/eop@eop [WHO] <latour r. lafferty>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 5/10/2001 8:22:12 AM
Subject: : Re: Meeting on Monday at 2:00 pm in the Judge's Office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-MAY-2001 12:22:12.00

SUBJECT:: Re: Meeting on Monday at 2:00 pm in the Judge's Office

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN
TO:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:anita k. abbott (CN=anita k. abbott/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:katherine a. ashton (CN=katherine a. ashton/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:melinda j. loftin (CN=melinda j. loftin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:latour r. lafferty (CN=latour r. lafferty/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

UNCLE! You guys are so paranoid -this is not a big deal.

Secretary Card is taking some time to visit with staff from the various offices.

See you Monday.

Elizabeth N. Camp
05/10/2001 12:12:39 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting on Monday at 2:00 pm in the Judge's Office

All Counsel's Office staff will meet in the Judge's office at 2:00 pm - we should be done by 2:20.

You don't need to bring anything with you.

Thanks!

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP

REV_00126356

Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Anita K. Abbott/WHO/EOP@EOP
Katherine A. Ashton/WHO/EOP@EOP
James Carroll/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP
Melinda J. Loftin/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Latour R. Lafferty/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Anita K. Abbott/WHO/EOP@EOP [WHO] <Anita K. Abbott>;Katherine A. Ashton/WHO/EOP@EOP [WHO] <Katherine A. Ashton>;James Carroll/WHO/EOP@EOP [WHO] <James Carroll>;Eric Hagans/WHO/EOP@EOP [WHO] <Eric Hagans>;Melinda J. Loftin/WHO/EOP@EOP [WHO] <Melinda J. Loftin>;Anita T. Purcell/WHO/EOP@EOP [WHO] <Anita T. Purcell>;Latour R. Lafferty/WHO/EOP@EOP [WHO] <Latour R. Lafferty>;Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>
Sent: 5/10/2001 8:12:50 AM
Subject: : Meeting on Monday at 2:00 pm in the Judge's Office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-MAY-2001 12:12:50.00

SUBJECT:: Meeting on Monday at 2:00 pm in the Judge's Office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00126374

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anita K. Abbott (CN=Anita K. Abbott/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katherine A. Ashton (CN=Katherine A. Ashton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric Hagans (CN=Eric Hagans/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melinda J. Loftin (CN=Melinda J. Loftin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anita T. Purcell (CN=Anita T. Purcell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Latour R. Lafferty (CN=Latour R. Lafferty/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

All Counsel's Office staff will meet in the Judge's office at 2:00 pm - we should be done by 2:20.

You don't need to bring anything with you.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;anita k. abbott/who/eop@eop [WHO] <anita k. abbott>;katherine a. ashton/who/eop@eop [WHO] <katherine a. ashton>;james carroll/who/eop@eop [WHO] <james carroll>;eric hagans/who/eop@eop [WHO] <eric hagans>;melinda j. loftin/who/eop@eop [WHO] <melinda j. loftin>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;latour r. lafferty/who/eop@eop [WHO] <latour r. lafferty>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 5/10/2001 8:22:12 AM
Subject: : Re: Meeting on Monday at 2:00 pm in the Judge's Office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-MAY-2001 12:22:12.00

SUBJECT:: Re: Meeting on Monday at 2:00 pm in the Judge's Office

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:anita k. abbott (CN=anita k. abbott/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00126376

TO:katherine a. ashton (CN=katherine a. ashton/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:melinda j. loftin (CN=melinda j. loftin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:latour r. lafferty (CN=latour r. lafferty/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

UNCLE! You guys are so paranoid -this is not a big deal.

Secretary Card is taking some time to visit with staff from the various offices.

See you Monday.

Elizabeth N. Camp
05/10/2001 12:12:39 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting on Monday at 2:00 pm in the Judge's Office

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Message Sent

To:
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Anita K. Abbott/WHO/EOP@EOP

REV_00126377

Katherine A. Ashton/WHO/EOP@EOP
James Carroll/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP
Melinda J. Loftin/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Latour R. Lafferty/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 5/10/2001 9:57:17 AM
Subject: : Re: Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])

CREATION DATE/TIME:10-MAY-2001 13:57:17.00

SUBJECT:: Re: Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett--Since I hadn't heard back from you, I wanted to make sure everything was square with tomorrow's meeting. the NARA people are scheduled to be here at 11 a, in Room 145. Adam

----- Forwarded by Adam F. Greenstone/OA/EOP on
05/10/2001 11:15 AM -----

Adam F. Greenstone
05/07/2001 09:56:21 AM

Record Type: Record

To: Christa Moyle/OA/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
Subject: Re: Meeting

Christa--I have proposed the Friday 11 am time to NARA and will advise once they confirm. Any chance we can get the conference room in 145 again?

Brett--I'm hoping that Friday is better than Thursday for you as well. Let us know if this is a problem.

----- Forwarded by Adam F. Greenstone/OA/EOP on
05/07/2001 09:45 AM -----

Bradford A. Berenson
05/04/2001 06:53:14 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

Ok for me. Friday much much better, though.

Adam F. Greenstone
05/04/2001 02:11:16 PM

REV_00126380

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

Here are few times from Phil's Office for the NARA meeting: Thursday (5/10), 3 to 4, or 4 to 5; and Friday (5/11) 11-12. Okay for you?

Bradford A. Berenson
05/04/2001 01:16:22 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

That day looks totally clear as of now.

Adam F. Greenstone
05/04/2001 11:15:16 AM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting

Phil did decide to put off the meeting. I'll give you some times shortly. Offhand, would Monday May 14th also be okay?

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 5/10/2001 9:57:17 AM
Subject: : Re: Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])

CREATION DATE/TIME:10-MAY-2001 13:57:17.00

SUBJECT:: Re: Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett--Since I hadn't heard back from you, I wanted to make sure everything was square with tomorrow's meeting. the NARA people are scheduled to be here at 11 a, in Room 145. Adam

----- Forwarded by Adam F. Greenstone/OA/EOP on
05/10/2001 11:15 AM -----

Adam F. Greenstone
05/07/2001 09:56:21 AM

Record Type: Record

To: Christa Moyle/OA/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
Subject: Re: Meeting

Christa--I have proposed the Friday 11 am time to NARA and will advise once they confirm. Any chance we can get the conference room in 145 again?

Brett--I'm hoping that Friday is better than Thursday for you as well. Let us know if this is a problem.

----- Forwarded by Adam F. Greenstone/OA/EOP on
05/07/2001 09:45 AM -----

Bradford A. Berenson
05/04/2001 06:53:14 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

Ok for me. Friday much much better, though.

Adam F. Greenstone
05/04/2001 02:11:16 PM

REV_00126382

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

Here are few times from Phil's Office for the NARA meeting: Thursday (5/10), 3 to 4, or 4 to 5; and Friday (5/11) 11-12. Okay for you?

Bradford A. Berenson
05/04/2001 01:16:22 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

That day looks totally clear as of now.

Adam F. Greenstone
05/04/2001 11:15:16 AM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting

Phil did decide to put off the meeting. I'll give you some times shortly. Offhand, would Monday May 14th also be okay?

From: CN=Anne Heiligenstein/OU=WHO/O=EOP [WHO]
To: mmiller@nfrw.org @ inet [OA] <mmiller@nfrw.org>;coster@nfrw.org @ inet [UNKNOWN]
<coster@nfrw.org>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Robert W. Cobb/WHO
/EOP@EOP [WHO] <Robert W. Cobb>
BCC: Andrea G. Ball (Andrea G. Ball/WHO/EOP [WHO]), Noelia Rodriguez (Noelia
Rodriguez/WHO/EOP [WHO]), Jeanie L. Figg (Jeanie L. Figg/WHO/EOP [WHO])
Sent: 5/11/2001 8:27:01 AM
Subject: : NFRW Event today

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAY-2001 12:27:01.00
SUBJECT:: NFRW Event today
TO:mmiller@nfrw.org (mmiller@nfrw.org @ inet [OA])
READ:UNKNOWN
TO:coster@nfrw.org (coster@nfrw.org @ inet [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Marian, per our conversation this morning, please see below the letter from the White House Counsel's Office. Since you have agreed to the conditions stipulated in this letter, the event can proceed. Please forward to me copies of all correspondence related to the reimbursement of members.

A formal letter from the White House Counsel to you will follow by mail.

Thank you for your cooperation.

----- Forwarded by Anne Heiligenstein/WHO/EOP on
05/11/2001 12:14 PM -----

Robert W. Cobb
05/11/2001 11:54:56 AM
Record Type: Record

To: Anne Heiligenstein/WHO/EOP@EOP
cc:
Subject: NFRW Event today

----- Forwarded by Robert W. Cobb/WHO/EOP on 05/11/2001
11:53 AM -----

Brett M. Kavanaugh
05/11/2001 11:02:02 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP

REV_00126389

cc:
Subject: NFRW Event today

This is to document Counsel's advice with respect to the National Federation of Republican Women (NFRW) event that is scheduled for today and that you just discussed with me.

The NFRW's Regents group is coming to the White House Residence today to meet with Mrs. Bush. The NFRW's invitation to the event required the members of the Regents to contribute \$300 simply to come to this event. The invitations also indicated that one could join the Regents for \$1000, pay the extra \$300 as well, and thereby attend the event. As such, the event is in the nature of a fundraiser. A political group's fundraiser cannot occur on government office property, and any sort of fundraiser (political or otherwise) on any kind of federal government property (office or otherwise) triggers a host of appearance concerns.

Because today's event is in the Residence, there are no legal problems with today's event, but there are serious appearance problems. We therefore request that you follow one of two options.

First, the event may be held in the Residence so long as (i) each person who paid the \$300 for the event is promptly reimbursed the \$300 by NFRW and (ii) each person in attendance today who joined the Regents after the time this invitation was sent out is reimbursed an additional \$1000 by NFRW. We should ensure that NFRW agree to these requirements in advance and documents its future compliance with these requirements. If it agrees, then this event will be in the nature of a typical meeting or party where an outside group comes to the White House Residence. As such, the event should pose no particular legal or appearance concerns.

Second, and alternatively, the event as currently structured may be held at a site off government property and outside the White House.

If you have further questions, please contact me or Moose Cobb.

From: CN=Anne Heiligenstein/OU=WHO/O=EOP [WHO]
To: mmiller@nfrw.org @ inet [OA] <mmiller@nfrw.org>; coster@nfrw.org @ inet [UNKNOWN]
<coster@nfrw.org>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Robert W. Cobb/WHO
/EOP@EOP [WHO] <Robert W. Cobb>
BCC: Andrea G. Ball (Andrea G. Ball/WHO/EOP [WHO]), Noelia Rodriguez (Noelia
Rodriguez/WHO/EOP [WHO]), Jeanie L. Figg (Jeanie L. Figg/WHO/EOP [WHO])
Sent: 5/11/2001 8:27:01 AM
Subject: : NFRW Event today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAY-2001 12:27:01.00
SUBJECT: : NFRW Event today
TO: mmiller@nfrw.org (mmiller@nfrw.org @ inet [OA])
READ: UNKNOWN
TO: coster@nfrw.org (coster@nfrw.org @ inet [UNKNOWN])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
BCC: Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Marian, per our conversation this morning, please see below the letter from the White House Counsel's Office. Since you have agreed to the conditions stipulated in this letter, the event can proceed. Please forward to me copies of all correspondence related to the reimbursement of members.

A formal letter from the White House Counsel to you will follow by mail.

Thank you for your cooperation.

----- Forwarded by Anne Heiligenstein/WHO/EOP on
05/11/2001 12:14 PM -----

Robert W. Cobb
05/11/2001 11:54:56 AM
Record Type: Record

To: Anne Heiligenstein/WHO/EOP@EOP
cc:
Subject: NFRW Event today

----- Forwarded by Robert W. Cobb/WHO/EOP on 05/11/2001
11:53 AM -----

Brett M. Kavanaugh
05/11/2001 11:02:02 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP

REV_00126397

cc:
Subject: NFRW Event today

This is to document Counsel's advice with respect to the National Federation of Republican Women (NFRW) event that is scheduled for today and that you just discussed with me.

The NFRW's Regents group is coming to the White House Residence today to meet with Mrs. Bush. The NFRW's invitation to the event required the members of the Regents to contribute \$300 simply to come to this event. The invitations also indicated that one could join the Regents for \$1000, pay the extra \$300 as well, and thereby attend the event. As such, the event is in the nature of a fundraiser. A political group's fundraiser cannot occur on government office property, and any sort of fundraiser (political or otherwise) on any kind of federal government property (office or otherwise) triggers a host of appearance concerns.

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Second, and alternatively, the event as currently structured may be held at a site off government property and outside the White House.

If you have further questions, please contact me or Moose Cobb.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/11/2001 8:48:32 AM
Subject: : contact numbers for senators and chiefs of staff

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-MAY-2001 12:48:32.00

SUBJECT:: contact numbers for senators and chiefs of staff

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I am putting together a spreadsheet for the senate judiciary comm and need all the contact numbers you have for the senators, committee staff or their chief of staff.

Thanks!

REV_00126399

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/11/2001 8:48:32 AM
Subject: : contact numbers for senators and chiefs of staff

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-MAY-2001 12:48:32.00

SUBJECT:: contact numbers for senators and chiefs of staff

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I am putting together a spreadsheet for the senate judiciary comm and need all the contact numbers you have for the senators, committee staff or their chief of staff.

Thanks!

REV_00126400

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
CC: matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>;matthew e. smith/who/eop@eop [WHO] <matthew e. smith>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/14/2001 4:13:51 AM
Subject: : Re: More Judges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-MAY-2001 08:13:51.00
SUBJECT:: Re: More Judges
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

That works fine for me. I'll meet you in your office. By copy of this e-mail, I'll also invite Brett to join us.

Brad

Tim Goeglein
05/14/2001 08:11:59 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: More Judges

B and M2:

Might the four of us sit down today for a few minutes to go over a) the high/low points of this week vis a vis the judges?, b) the calendar for the next two weeks, and c) any coalition activity we want to pursue in the course of the next few days?

I will happily adjust my calendar to everyone else's.

I propose we meet for a half hour or less at 11 am today? Okay?

Warmly,

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 05/14/2001
08:09 AM -----

Courtney S. Elwood
05/11/2001 06:43:59 PM
Record Type: Record

REV_00126407

To: See the distribution list at the bottom of this message
cc:
Subject: More Judges

On behalf of the Counsel's Office, I will be sheparding the next 11 (plus or minus) judicial nominees through the final stages of the nomination process. We have tentatively scheduled to have the President nominate this group during the week of May 21 -- with three on the 21st, three on the 22nd, two on the 23rd, and three on the 24th. Obviously all of this can -- and likely will -- change many times between now and then, so please keep it close to the vest.

We plan to have talking points prepared for each, along with names of individuals who are prepared to speak to the press on each candidate's behalf. But since this group will not go out with the pomp and circumstance of the last group, I was wondering if you'd provide me with some guidance on what you might need from me and when in order to address all the communications, outreach, and leg affairs issues. Also, please advise if you think sending up these nomination in a stream, as opposed to a slate, is a bad idea. Thanks for your help.

Message Sent

To:

Daniel J. Bartlett/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Scott McClellan/WHO/EOP@EOP
Townsend L. McNitt/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/14/2001 4:42:10 AM
Subject: : Re: Citizen correspondence

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:14-MAY-2001 08:42:10.00

SUBJECT:: Re: Citizen correspondence

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Can't wait.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 5/15/2001 6:10:50 AM
Subject: : Noel is on the Hill for a bit -call cell if needed

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-MAY-2001 10:10:50.00

SUBJECT:: Noel is on the Hill for a bit -call cell if needed

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 5/15/2001 10:57:22 AM
Subject: : Re: Next week's nominees

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-MAY-2001 14:57:22.00

SUBJECT:: Re: Next week's nominees

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I'm referring to the sheet they prepared for the first slate which showed 24-hour contact info for (1) the nominee, (2) the WHC attorney responsible for that nominee, and (3) the DOJ vetter who reviewed the nominee's full record.

Courtney S. Elwood
05/15/2001 02:53:05 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Next week's nominees

If by "contact info" you are referring to either 3d party supporters or contact info for the nominee himself or herself, that is covered on the spreadsheet I sent around, and Brent and Jason are aware that they need to collect it. If you mean something else, please explain, because I am not sure what you would be referring to.

REV_00126476

Bradford A. Berenson
05/15/2001 02:37:38 PM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP, Jason B.
Torchinsky/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Next week's nominees

For next week's nominees, in addition to the talking points I know you guys are already collating, we're also going to need the contact list for the press office and DOJ. Please add to your to-do list compiling the same type of contact info for WHC, DOJ, and nominees that you compiled for the last group. Thanks.

Message Copied

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

Message Copied

To: _____
brent d. greenfield/who/eop@eop
jason b. torchinsky/who/eop@eop
helgard c. walker/who/eop@eop
h. christopher bartolomucci/who/eop@eop
stuart w. bowen/who/eop@eop
brett m. kavanaugh/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 5/15/2001 3:19:52 PM
Subject: : ARG & Tim just called- should be back around 7:30/7:40

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-MAY-2001 19:19:52.00

SUBJECT:: ARG & Tim just called- should be back around 7:30/7:40

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 5/15/2001 3:19:52 PM
Subject: : ARG & Tim just called- should be back around 7:30/7:40

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-MAY-2001 19:19:52.00

SUBJECT:: ARG & Tim just called- should be back around 7:30/7:40

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

End Original ARMS Header

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 5/16/2001 4:28:47 AM
Subject: : Re: Quick stupid question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAY-2001 08:28:47.00
SUBJECT:: Re: Quick stupid question
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

That's plenty to allow me to argue the point w/ Norwood's guy -- no more needed. Many thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/16/2001 2:23:04 PM
Subject: : reminder - Thursday morning staff meeting....

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-MAY-2001 18:23:04.00

SUBJECT:: reminder - Thursday morning staff meeting....

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

is going to start at 9:00 am instead of 8:30.

ARG and Tim have a meeting w/ Senators Levin and Stabenow at 8:30 (Judge's Office). Two staffers will be with them - Alexander Lurie and Richard Arenberg.

REV_00126540

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 5/16/2001 10:45:09 AM
Subject: RECEIVED: For your files- cleared version of H.R. 1836 SAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAY-2001 14:45:09.00
SUBJECT:RECEIVED: For your files- cleared version of H.R. 1836 SAP
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
For your files- cleared version of H.R. 1836 SAP
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
05/16/2001 02:44:35 PM

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/16/2001 2:23:04 PM
Subject: : reminder - Thursday morning staff meeting....

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-MAY-2001 18:23:04.00

SUBJECT:: reminder - Thursday morning staff meeting....

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

is going to start at 9:00 am instead of 8:30.

ARG and Tim have a meeting w/ Senators Levin and Stabenow at 8:30 (Judge's Office). Two staffers will be with them - Alexander Lurie and Richard Arenberg.

REV_00126573

From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Benjamin F. Cobb/OA/EOP@EOP [OA] <Benjamin F. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/17/2001 7:13:23 AM
Subject: : Review of Formation of White House Commissions

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-2001 11:13:23.00

SUBJECT:: Review of Formation of White House Commissions

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Benjamin F. Cobb (CN=Benjamin F. Cobb/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Would you please let me know if you are handling formation of White House Commissions (such as the recent Social Security one announced by the president)? Marissa Munoz (6-0358) in Domestic Policy would like Counsel's Office input on a commission Domestic Policy is contemplating to address health care issues for military personnel and veterans.

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/17/2001 4:55:20 AM
Subject: : fcfnnn051701 Inside: John Nowacki's Commentary: Edwards Seekin g Legislation from the Bench
Attachments: P_5QQZ1004_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-2001 08:55:20.00

SUBJECT:: fcfnnn051701 Inside: John Nowacki's Commentary: Edwards Seekin g Legislation from the Bench

TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

J and M2 and B2:

fyi

warmly,

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 05/17/2001
08:52 AM -----

Angie Wheeler <awheeler@freecongress.org>

05/16/2001 09:27:07 PM

Record Type: Record

To: Tim Goeglein/WHO/EOP

cc:

Subject: fcfnnn051701 Inside: John Nowacki's Commentary: Edwards Seekin g Legislation from the Bench

<<fcfnnn051701.doc>>

Free Congress Foundation's

Notable News Now

Excerpts from FCF Programming and Other FCF Projects

May 17, 2001

The Free Congress Commentary

Edwards Seeking Legislation from the Bench

by John Nowacki

"We should be nominating judges. Whether it is a Democratic or a

REV_00126577

Republican

administration, it shouldn't make any difference in nominating well-qualified judges. This body should act on the qualification of those men and women to serve on the court, not based upon the Republican or Democratic composition of the court. It is just that simple. This should be totally nonpartisan." So said Senator John Edwards (D-NC) in October of last year, when there were 34 fewer vacancies in the federal courts than there are today. And, assuming that he meant to say "confirming" instead of

"nominating," he was absolutely right.

When the President -- any President -- nominates someone for a federal judgeship, that nominee's party affiliation should not be a consideration. Presidents and the Senators who must confirm the nominees should look to whether the candidate for a judgeship is fair, impartial, and of the right temperament. They should also make certain that those confirmed to the federal bench are dedicated to upholding the law, and not to legislating their partisan political agenda from the bench. A qualified judge -- the kind Senator Edwards was talking about -- is one who takes his oath of office seriously and understands that judges are to apply and interpret the law, leaving the re-writing of law to the legislature.

Unfortunately, Edwards seems to have forgotten everything he said about the need for non-partisan confirmations in the months since Election Day.

When President Bush announced 11 nominations to the U.S. Courts of Appeals last week, Edwards announced that he would hold up Terrence Boyle, the nominee from North Carolina, unless the President nominated the Senator's choice for a circuit judgeship. Why? Pure partisanship.

"Until we find some constructive process that allows for balance, then I would not support any nominee, including Judge Boyle," Edwards said.

According to the Associated Press, Edwards suggested his cooperation could be gained by the re-nomination of state judge James Wynn -- a Clinton nominee whom Edwards apparently believes would "balance" Judge Boyle's elevation to the Court of Appeals.

President Bush has been very clear about his standard for judicial selection. When he presented his nominees on May 9, Bush said: "Every judge

I appoint will be a person who clearly understands the role of a judge is to

interpret the law, not to legislate from the bench. To paraphrase . . .

James Madison, the courts exist to exercise not the will of men, but the judgment of law. My judicial nominees will know the difference."

So . . . Bush says that his nominees will be men and women who will exercise

restraint and respect the constitutional separation of powers. What is it that needs balancing here? The partisan interests that Edwards condemned on

the Senate floor just seven months ago?

Of course, that's precisely what Edwards is worried about. He wants judges who have the Democrats' stamp of approval and who are perfectly willing to legislate from the bench. Just take a look at the man whom he would nominate if he were President (and whom he's trying to nominate, even though

he's not).

As a judge on the North Carolina Court of Appeals, James Wynn wrote that the

state supreme court should revoke a municipality's sovereign immunity from tort liability, even though that would be a clear usurpation of the legislature's role.

During a brief stint on the North Carolina Supreme Court, Wynn held that when determining the duty of care a homeowner owes to licensees and invitees

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a

century of existing law."

Wynn's nomination went nowhere in the last Congress because of his clear record as a judicial activist -- not because he was a Clinton nominee (the Republican Senate confirmed nearly two-thirds of Clinton's judicial nominees, allowing him to nearly match Ronald Reagan's record for judicial appointments). That record of judicial activism -- ruling according to what he thought the law should be, rather than what it actually is -- is what prevented his confirmation and what should prevent his re-nomination today. As Senators proceed to give their advice and consent, they should remember that we need judges who meet the standard Bush set forth. If Senator Edwards can demonstrate that Boyle is someone who does and will legislate from the bench, then he is right to block that nomination. But if he can't, then he is engaging in the same behavior that he condemned in that speech last year. According to Senator Edwards, ideological litmus tests for judges were wrong last October. Edwards should recall his own words and recognize that if he wants to remain credible at all, they should still be wrong today.

John Nowacki is deputy director of the Free Congress Foundation's Center for Law and Democracy.
For media inquiries, contact Notra Trulock 202.546.3000 /
ntrulock@freecongress.org
For other questions or comments, contact Angie Wheeler
awheeler@freecongress.org

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File attachment <P_5QQZ1004_WHO.TXT_1>

REV_00126579

Washington DC May 17, 2001

The Free Congress Commentary

Edwards Seeking Legislation from the Bench

by John Nowacki

"We should be nominating judges. Whether it is a Democratic or a Republican administration, it shouldn't make any difference in nominating well-qualified judges. This body should act on the qualification of those men and women to serve on the court, not based upon the Republican or Democratic composition of the court. It is just that simple. This should be totally nonpartisan." So said **Senator John Edwards** (D-NC) in October of last year, when there were 34 fewer vacancies in the federal courts than there are today. And, assuming that he meant to say "confirming" instead of "nominating," he was absolutely right.

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John Nowacki is deputy director of the Free Congress Foundation's Center for Law and Democracy.

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For other questions or comments, contact Angie Wheeler awheeler@freecongress.org

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From: CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/17/2001 7:00:51 AM
Subject: : Re: FINAL CLEARANCE- SAP- SENATE TAX BILL- S.____- Restoring Earnings to Lift Individuals and Empower Families (RELIEF Act)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:17-MAY-2001 11:00:51.00

SUBJECT:: Re: FINAL CLEARANCE- SAP- SENATE TAX BILL- S.____- Restoring Earnings to Lift Individuals and Empower Families (RELIEF Act)

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thank you.

From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Benjamin F. Cobb/OA/EOP@EOP [OA] <Benjamin F. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/17/2001 7:13:23 AM
Subject: : Review of Formation of White House Commissions

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-2001 11:13:23.00

SUBJECT:: Review of Formation of White House Commissions

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Benjamin F. Cobb (CN=Benjamin F. Cobb/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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Would you please let me know if you are handling formation of White House Commissions (such as the recent Social Security one announced by the president)? Marissa Munoz (6-0358) in Domestic Policy would like Counsel's Office input on a commission Domestic Policy is contemplating to address health care issues for military personnel and veterans.

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO]
To: Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; John J. Dilulio/WHO/EOP@EOP [WHO] <John J. Dilulio>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Margaret Tutwiler/WHO/EOP@EOP [WHO] <Margaret Tutwiler>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; John Gardner/WHO/EOP@EOP [WHO] <John Gardner>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>; Mary O. McCarthy/NSC/EOP@EOP [NSC]

<Mary O. McCarthy>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>;Vickers B. Meadows/WHO/EOP@EOP [WHO] <Vickers B. Meadows>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Patrick J. Rhode/WHO/EOP@EOP [WHO] <Patrick J. Rhode>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Aquilaes F. Suarez/OPD/EOP@EOP [OPD] <Aquilaes F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>

CC:

Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>;Michele H. Tennery/WHO/EOP@EOP [WHO] <Michele H. Tennery>;Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>;Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;Sarah Pfeifer/OPD/EOP@EOP [OPD] <Sarah Pfeifer>;Jennifer H. Mayfield/OVP/EOP@EOP [OVP] <Jennifer H. Mayfield>;Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>;Megan D. Moran/OVP/EOP@EOP [OVP] <Megan D. Moran>;Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Julianne H. Thomas/WHO/EOP@EOP [WHO] <Julianne H. Thomas>;Christina D. Roberts/WHO/EOP@EOP [WHO] <Christina D. Roberts>;Kara G. Figg/WHO/EOP@EOP [WHO] <Kara G. Figg>;Melissa McKnight/OPD/EOP@EOP [OPD] <Melissa McKnight>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>;Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>;Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>;Heather L. West/WHO/EOP@EOP [WHO] <Heather L. West>;Diana C. Donnelly/WHO/EOP@EOP [WHO] <Diana C. Donnelly>;Kathryn J. Hayes/WHO/EOP@EOP [WHO] <Kathryn J. Hayes>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Wendy L. Nipper/WHO/EOP@EOP [WHO] <Wendy L. Nipper>;Christal R. West/WHO/EOP@EOP [WHO] <Christal R. West>;Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>;Debra D. Bird/WHO/EOP@EOP [WHO] <Debra D. Bird>;Anne M. Hughes/WHO/EOP@EOP [WHO] <Anne M. Hughes>;Christa Moyle/OA/EOP@EOP [OA] <Christa Moyle>

Sent:

5/17/2001 12:11:44 PM

Subject:

: TRANSPORTATION FOR THE EVENING PARADE AT THE MARINE BARRACKS ON MAY 18, 2001

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-2001 16:11:44.00

SUBJECT:: TRANSPORTATION FOR THE EVENING PARADE AT THE MARINE BARRACKS ON MAY 18, 2001

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John J. DiIulio (CN=John J. DiIulio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00126671

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret Tutwiler (CN=Margaret Tutwiler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ronald G. Bellamy (CN=Ronald G. Bellamy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
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TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
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TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Mary O. McCarthy (CN=Mary O. McCarthy/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Patrick J. Rhode (CN=Patrick J. Rhode/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
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TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
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TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
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CC:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
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CC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Melissa McKnight (CN=Melissa McKnight/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather L. West (CN=Heather L. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Diana C. Donnelly (CN=Diana C. Donnelly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC:Anne M. Hughes (CN=Anne M. Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Christa Moyle (CN=Christa Moyle/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

End Original ARMS Header

TRANSPORTATION FOR THE EVENING PARADE AT THE MARINE BARRACKS ON MAY 18,
2001

Transportation will be provided for White House Staff attending the Marine Barracks Parade on Friday evening, May 18th. All guests attending the Garden Party at the Commandant's House must be there by 7:00PM

Departure Location: East Executive Avenue (near Liberty Bell by the Treasury Department)

Departure Time: Two 50 passenger buses will pre-stage at 5:45PM. The first bus will depart the White House at 6PM. The seats are first come first serve.

Return Trip: The buses will depart Marine Barracks around 10:45PM for the return trip.

Parking: Parking will be provided. If you choose to drive, please call 703-614-4694/1872.

As a reminder, you must respond to you invitation as soon as possible....

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO]
To: Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; John J. Dilulio/WHO/EOP@EOP [WHO] <John J. Dilulio>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Margaret Tutwiler/WHO/EOP@EOP [WHO] <Margaret Tutwiler>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; John Gardner/WHO/EOP@EOP [WHO] <John Gardner>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>; Mary O. McCarthy/NSC/EOP@EOP [NSC]

<Mary O. McCarthy>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>;Vickers B. Meadows/WHO/EOP@EOP [WHO] <Vickers B. Meadows>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Patrick J. Rhode/WHO/EOP@EOP [WHO] <Patrick J. Rhode>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Aquilaes F. Suarez/OPD/EOP@EOP [OPD] <Aquilaes F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>

CC:

Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>;Michele H. Tennery/WHO/EOP@EOP [WHO] <Michele H. Tennery>;Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>;Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;Sarah Pfeifer/OPD/EOP@EOP [OPD] <Sarah Pfeifer>;Jennifer H. Mayfield/OVP/EOP@EOP [OVP] <Jennifer H. Mayfield>;Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>;Megan D. Moran/OVP/EOP@EOP [OVP] <Megan D. Moran>;Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Julieanne H. Thomas/WHO/EOP@EOP [WHO] <Julieanne H. Thomas>;Christina D. Roberts/WHO/EOP@EOP [WHO] <Christina D. Roberts>;Kara G. Figg/WHO/EOP@EOP [WHO] <Kara G. Figg>;Melissa McKnight/OPD/EOP@EOP [OPD] <Melissa McKnight>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>;Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>;Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>;Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>;Heather L. West/WHO/EOP@EOP [WHO] <Heather L. West>;Diana C. Donnelly/WHO/EOP@EOP [WHO] <Diana C. Donnelly>;Kathryn J. Hayes/WHO/EOP@EOP [WHO] <Kathryn J. Hayes>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Wendy L. Nipper/WHO/EOP@EOP [WHO] <Wendy L. Nipper>;Christal R. West/WHO/EOP@EOP [WHO] <Christal R. West>;Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>;Debra D. Bird/WHO/EOP@EOP [WHO] <Debra D. Bird>;Anne M. Hughes/WHO/EOP@EOP [WHO] <Anne M. Hughes>;Christa Moyle/OA/EOP@EOP [OA] <Christa Moyle>

Sent:

5/17/2001 12:11:44 PM

Subject:

: TRANSPORTATION FOR THE EVENING PARADE AT THE MARINE BARRACKS ON MAY 18, 2001

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-2001 16:11:44.00

SUBJECT:: TRANSPORTATION FOR THE EVENING PARADE AT THE MARINE BARRACKS ON MAY 18, 2001

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John J. DiIulio (CN=John J. DiIulio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00126678

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret Tutwiler (CN=Margaret Tutwiler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ronald G. Bellamy (CN=Ronald G. Bellamy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
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TO:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
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TO:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP@EOP [NSC])
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TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
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TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
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TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
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TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
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TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
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TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
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TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
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TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])
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TO:Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP@EOP [WHO])
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TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
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TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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CC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
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CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
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CC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])
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CC:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
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CC:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])
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CC:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])
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CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
CC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
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CC:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])
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CC:Diana C. Donnelly (CN=Diana C. Donnelly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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CC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
CC:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC:Anne M. Hughes (CN=Anne M. Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Christa Moyle (CN=Christa Moyle/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

End Original ARMS Header

TRANSPORTATION FOR THE EVENING PARADE AT THE MARINE BARRACKS ON MAY 18,
2001

Transportation will be provided for White House Staff attending the Marine Barracks Parade on Friday evening, May 18th. All guests attending the Garden Party at the Commandant's House must be there by 7:00PM

Departure Location: East Executive Avenue (near Liberty Bell by the Treasury Department)

Departure Time: Two 50 passenger buses will pre-stage at 5:45PM. The first bus will depart the White House at 6PM. The seats are first come first serve.

Return Trip: The buses will depart Marine Barracks around 10:45PM for the return trip.

Parking: Parking will be provided. If you choose to drive, please call 703-614-4694/1872.

As a reminder, you must respond to you invitation as soon as possible....

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 5/18/2001 8:10:01 AM
Subject: : Re: May 23 schedule and JSC prep meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-MAY-2001 12:10:01.00

SUBJECT:: Re: May 23 schedule and JSC prep meeting

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

and the regular 4:00-5:00 JSC meeting will be held in the Roosevelt Room...

Elizabeth N. Camp
05/18/2001 11:45:30 AM
Record Type: Record

REV_00126692

To: See the distribution list at the bottom of this message
cc: Allison L. Riepenhoff/WHO/EOP@EOP
Subject: May 23 schedule and JSC prep meeting

Wednesday, May 23
8:30-9:00 Counsel Staff meeting
9:00-9:30 JSC Prep meeting
10:00-10:30 Senator Feinstein - per Brett
2:30-3:00 Senator Harkin - per Rachel
3:15-3:45 Senator Boxer - per Brett
5:30-6:00 Senator Leahy (FBI)

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
Sent: 5/18/2001 6:27:26 AM
Subject: : Resumes/Bios

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-MAY-2001 10:27:26.00

SUBJECT:: Resumes/Bios

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are interested in providing your resume/bio to Douglas McCollam please email this to me by 12:00 noon on Monday.

I'll also send to him a copy of the press release(s) issued announcing the hiring of counsel staff.

Thanks!

REV_00126694

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/18/2001 7:45:38 AM
Subject: : May 23 schedule and JSC prep meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-MAY-2001 11:45:38.00

SUBJECT:: May 23 schedule and JSC prep meeting

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Wednesday, May 23

8:30-9:00 Counsel Staff meeting

9:00-9:30 JSC Prep meeting

10:00-10:30 Senator Feinstein - per Brett

2:30-3:00 Senator Harkin - per Rachel

3:15-3:45 Senator Boxer - per Brett

5:30-6:00 Senator Leahy (FBI)

REV_00126714

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 5/18/2001 8:10:01 AM
Subject: : Re: May 23 schedule and JSC prep meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-MAY-2001 12:10:01.00

SUBJECT:: Re: May 23 schedule and JSC prep meeting

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

and the regular 4:00-5:00 JSC meeting will be held in the Roosevelt Room...

Elizabeth N. Camp
05/18/2001 11:45:30 AM
Record Type: Record

REV_00126715

To: See the distribution list at the bottom of this message
cc: Allison L. Riepenhoff/WHO/EOP@EOP
Subject: May 23 schedule and JSC prep meeting

Wednesday, May 23
8:30-9:00 Counsel Staff meeting
9:00-9:30 JSC Prep meeting
10:00-10:30 Senator Feinstein - per Brett
2:30-3:00 Senator Harkin - per Rachel
3:15-3:45 Senator Boxer - per Brett
5:30-6:00 Senator Leahy (FBI)

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 5/18/2001 12:23:08 PM
Subject: : Attempting new POTUS mtg. time

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-MAY-2001 16:23:08.00

SUBJECT:: Attempting new POTUS mtg. time

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We are shooting for 5:00-5:40 on Tuesday, May 22nd.

If this 5:00 Tuesday time works out the binder needs to be in Staff Secretary's office absolutely no later than 2:00 pm on Monday.

REV_00126717

If Judge is supposed to review/approve this then he needs the binder early on Monday as he is out of the office from 11:15am until 2:00 pm.

As soon as I get confirmation from scheduling I'll let you know.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;heather larrison/who/eop@eop [WHO] <heather larrison>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>
CC: Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>
Sent: 5/18/2001 2:03:47 PM
Subject: : NEW POTUS MEETING TIME

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-MAY-2001 18:03:47.00

SUBJECT:: NEW POTUS MEETING TIME

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:heather larrison (CN=heather larrison/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tuesday - 5:00 pm

Stacey - Can we use the Roosevelt Room?

REV_00126728

Elizabeth N. Camp
05/18/2001 04:22:56 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Allison L. Riepenhoff/WHO/EOP@EOP, Jason B.
Torchinsky/WHO/EOP@EOP, Brent D. Greenfield/WHO/EOP@EOP
Subject: Attempting new POTUS mtg. time

We are shooting for 5:00-5:40 on Tuesday, May 22nd.

If this 5:00 Tuesday time works out the binder needs to be in Staff Secretary's office absolutely no later than 2:00 pm on Monday.

If Judge is supposed to review/approve this then he needs the binder early on Monday as he is out of the office from 11:15am until 2:00 pm.

As soon as I get confirmation from scheduling I'll let you know.

Thanks!

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 5/21/2001 3:58:57 AM
Subject: : Re: First Lady meals while in travel status

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-MAY-2001 07:58:57.00
SUBJECT:: Re: First Lady meals while in travel status
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

purpose of trip dictates

Courtney S. Elwood
05/21/2001 07:58:00 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: First Lady meals while in travel status

Brett -- I can't recall whether you specifically looked into the question below. Unless you disagree, I am going to advise that the purpose of the trip dictates.

Vickers B. Meadows
05/18/2001 04:19:28 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: First Lady meals while in travel status

Here's another one - I have several bills from Airlift Ops for the First Lady's meals on an airplane when she is traveling separately from the POTUS. Is this considered personal - or does the purpose of the trip determine the paying entity? vbm

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/21/2001 6:53:40 AM
Subject: : Additional research memos

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAY-2001 10:53:40.00
SUBJECT:: Additional research memos
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Judge and Tim have requested three additional long-form memoranda of the kind we all prepared a few weeks back. They have asked me and Brett to search for volunteers to do another round. Anyone not overwhelmed in the next few weeks and willing to take this on?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 5/21/2001 3:58:57 AM
Subject: : Re: First Lady meals while in travel status

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-MAY-2001 07:58:57.00
SUBJECT:: Re: First Lady meals while in travel status
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

purpose of trip dictates

Courtney S. Elwood
05/21/2001 07:58:00 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: First Lady meals while in travel status

Brett -- I can't recall whether you specifically looked into the question below. Unless you disagree, I am going to advise that the purpose of the trip dictates.

Vickers B. Meadows
05/18/2001 04:19:28 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: First Lady meals while in travel status

Here's another one - I have several bills from Airlift Ops for the First Lady's meals on an airplane when she is traveling separately from the POTUS. Is this considered personal - or does the purpose of the trip determine the paying entity? vbm

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 5/21/2001 7:14:40 AM
Subject: : Memorial Day Weekend tours

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-MAY-2001 11:14:40.00

SUBJECT:: Memorial Day Weekend tours

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The WH/WW tour schedule is the same for Memorial Day weekend (no tours on Monday - as usual).

Thanks!

REV_00126737

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 5/21/2001 7:14:40 AM
Subject: : Memorial Day Weekend tours

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-MAY-2001 11:14:40.00

SUBJECT:: Memorial Day Weekend tours

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The WH/WW tour schedule is the same for Memorial Day weekend (no tours on Monday - as usual).

Thanks!

REV_00126738

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/21/2001 7:54:07 AM
Subject: : Re: Additional research memos

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAY-2001 11:54:07.00
SUBJECT:: Re: Additional research memos
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Probably a month from now -- around June 15, with some flexibility.

H. Christopher Bartolomucci
05/21/2001 11:13:07 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Additional research memos

When would the deadline be?

Bradford A. Berenson
05/21/2001 10:53:37 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Additional research memos

The Judge and Tim have requested three additional long-form memoranda of the kind we all prepared a few weeks back. They have asked me and Brett to search for volunteers to do another round. Anyone not overwhelmed in the next few weeks and willing to take this on?

Message Sent

To: _____
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

REV_00126739

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/21/2001 2:42:41 PM
Subject: : Re: CA District Court

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAY-2001 18:42:41.00
SUBJECT:: Re: CA District Court
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I believe he needs a status report as to where we are in the process of deciding the California District Court Judges. If this does not make sense given the timeline you are working on, I will ask TEF to be more specific, but I believe this is what he wants.

Bradford A. Berenson
05/21/2001 06:21:15 PM
Record Type: Record

To: Allison L. Riepenhoff/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: CA District Court

I don't understand the request. What California district court decisions? Does he mean the committee members?

Allison L. Riepenhoff
05/21/2001 02:18:07 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: CA District Court

Tim has requested some basic info on the California District Court decisions. He does not want anything to have to be put together, but was wondering if there was something that you already had that he could look at. Thx.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/21/2001 10:58:45 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-MAY-2001 14:58:45.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.newsday.com/ap/text/washington/>

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [WHO] <Heather Larrison>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 5/21/2001 2:17:15 PM
Subject: : Meeting time w/ POTUS moved!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-MAY-2001 18:17:15.00

SUBJECT:: Meeting time w/ POTUS moved!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

New time is 4:20-5:00 on Tuesday (instead of 5:00-5:40).

REV_00126745

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/21/2001 2:21:16 PM
Subject: : Re: CA District Court

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAY-2001 18:21:16.00
SUBJECT:: Re: CA District Court
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I don't understand the request. What California district court decisions? Does he mean the committee members?

Allison L. Riepenhoff
05/21/2001 02:18:07 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: CA District Court

Tim has requested some basic info on the California District Court decisions. He does not want anything to have to be put together, but was wondering if there was something that you already had that he could look at. Thx.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 5/22/2001 10:24:38 AM
Subject: : Pager for Brett

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAY-2001 14:24:38.00
SUBJECT:: Pager for Brett
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Allison - please work with Lori to get Brett a pager ASAP. Please make sure it is one that we can send him text messages on via email.

Thanks!

Brett - congratulations! You are the proud owner of new pager.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [UNKNOWN] <Heather Larrison>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/22/2001 1:43:22 PM
Subject: : Jud. Selection Comm. Mtg. TOMORROW

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAY-2001 17:43:22.00

SUBJECT:: Jud. Selection Comm. Mtg. TOMORROW

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

REV_00126757

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI - this meeting will start at 4:30 pm and conclude by approx. 5:00 pm.
Same location - Roosevelt Room.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 5/22/2001 2:56:14 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-MAY-2001 18:56:14.00
SUBJECT: : Re:
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

probably should have invited him to that teacher of the year event

Rachel L. Brand 05/22/2001 06:54:26 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

CNN just reported that JEffords has called a press conference for tomorrow morning and that Sen. Reid has offered to give his chairmanship up to Jeffords and that Jeffords accepted. Official line from Jeffords still that he hasn't made up his mind.

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [UNKNOWN] <Heather Larrison>
CC: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/22/2001 11:40:11 AM
Subject: : meeting with President still on for 4:20 pm today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAY-2001 15:40:11.00

SUBJECT:: meeting with President still on for 4:20 pm today

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!

REV_00126760

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Heather Larrison/WHO/EOP@EOP [UNKNOWN] <Heather Larrison>
CC: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/22/2001 11:40:11 AM
Subject: : meeting with President still on for 4:20 pm today

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAY-2001 15:40:11.00

SUBJECT:: meeting with President still on for 4:20 pm today

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!

REV_00126761

From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: Eric Hagans/WHO/EOP@EOP [WHO] <Eric Hagans>
Sent: 5/22/2001 12:17:30 PM
Subject: : Files to Hill tomorrow 9:10 a.m.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAY-2001 16:17:30.00

SUBJECT:: Files to Hill tomorrow 9:10 a.m.

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Eric Hagans (CN=Eric Hagans/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let Eric know if you can take these to the Hill.

May 23rd @ 9:10 a.m.

Senator Levin

Contact: Peter Levine, 224-8631

Files: Jessie Roberson (Energy); J.D. Crouch (Asst Sec Defense for International Security Policy); Susan Livingston (Asst Secretary of the Navy), Peter Rodman (Under Secretary of Defense)

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Eric Hagans/WHO/EOP@EOP

Subject: Files to Hill on Tuesday 5/22

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

REV_00126763

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>
CC: Mark A. Phelan/WHO/EOP@EOP [WHO] <Mark A. Phelan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/23/2001 6:16:10 AM
Subject: : political speech

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2001 10:16:10.00
SUBJECT:: political speech
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Mark A. Phelan (CN=Mark A. Phelan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You may attend a political event and speak at the event. A political entity such as a campaign committee may pay for your travel to the event, but an authorization form must be filled out in connection with such payment. (Rachel Brand of Counsel's office oversees implementation of the travel approval process. Jason Torchinsky is the point of contact for the forms.) The two primary "don'ts" in connection with these activities: 1) You may not engage in the solicitation of funds, and 2) Because this is not an official Government activity, you may not permit the use of your Gov't title in connection with the event. Therefore, it would be inappropriate for the political entity to state on the invitation: Brian Conklin, Spec Asst

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 5/23/2001 3:57:31 AM
Subject: : Re: Nomination Process

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2001 07:57:31.00
SUBJECT:: Re: Nomination Process
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Rachel -- do you just want to approach someone -- whoever you'd like to work with?

Rachel L. Brand 05/22/2001 08:35:46 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: courtney s. elwood/who/eop@eop
bcc:
Subject: Re: Nomination Process

That is also fine with me.

Brett M. Kavanaugh
05/22/2001 08:25:30 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: Rachel L. Brand/WHO/EOP@EOP
Subject: Re: Nomination Process

Courtney, given the amount of work involved, I would encourage that we have 2 people do the next slate, particularly since that slate has so many names. I leave that decision to you all, but doing so would make life easier on Rachel, lessen the chance of any mistakes, and involve another lawyer in our office in this rather interesting part of our job.

From: CN=Hector F. Irastorza/OU=WHO/O=EOP [WHO]
To: Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Stephen Goldsmith/WHO/EOP@EOP [WHO] <Stephen Goldsmith>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Margaret Tutwiler/WHO/EOP@EOP [WHO] <Margaret Tutwiler>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; John Gardner/WHO/EOP@EOP [WHO] <John Gardner>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Robert A. Bradtke/NSC/EOP@EOP [NSC] <Robert A. Bradtke>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; Mary O. McCarthy/NSC/EOP@EOP [NSC] <Mary O. McCarthy>; Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>; Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>; Eric P. Schwartz/NSC/EOP@EOP [NSC] <Eric P. Schwartz>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Mary Ellen Countryman/NSC/EOP@EOP [NSC] <Mary Ellen Countryman>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>; Vickers B. Meadows/WHO/EOP@EOP [WHO] <Vickers B. Meadows>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Patrick J. Rhode/WHO/EOP@EOP [WHO] <Patrick J. Rhode>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; John B. Bellinger/NSC/EOP@EOP [

TO:Colby J. Cooper (CN=Colby J. Cooper/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dean J. Haas (CN=Dean J. Haas/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine L. Hirsch (CN=Josephine L. Hirsch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel M. McCarthy (CN=Daniel M. McCarthy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elizabeth A. Selva (CN=Elizabeth A. Selva/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Susan L. Sterner (CN=Susan L. Sterner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Suzanne Primoff (CN=Suzanne Primoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David R. Bohrer (CN=David R. Bohrer/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Travis C. Good (CN=Travis C. Good/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew M. Kaver (CN=Andrew M. Kaver/OU=NSC/O=EOP@EOP [NSC])
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TO:Sherry J. Kuntz (CN=Sherry J. Kuntz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary I. Metzger (CN=Mary I. Metzger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bonnie S. Broadwick (CN=Bonnie S. Broadwick/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcia J. Caler (CN=Marcia J. Caler/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:William D. Mathews (CN=William D. Mathews/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

The White House Mess will be closed Monday, May 28, 2001, in observance of Memorial Day.

Thank you.

NSC] <John B. Bellinger>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Cesar Conda/OVP/EOP@EOP [OVP] <Cesar Conda>;John J. Dilulio/WHO/EOP@EOP [WHO] <John J. Dilulio>;Nancy P. Dorn/WHO /EOP@EOP [WHO] <Nancy P. Dorn>;Debra R. Dunn/OVP/EOP@EOP [WHO] <Debra R. Dunn>;Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>;Eric S. Edelman/OVP /EOP@EOP [OVP] <Eric S. Edelman>;Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>;Brian V. McCormack/OVP/EOP@EOP [OVP] <Brian V. McCormack>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Deborah K. Hair/WHO /EOP@EOP [WHO] <Deborah K. Hair>;Debra Heiden/OVP/EOP@EOP [OVP] <Debra Heiden>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Stuart Holliday/WHO /EOP@EOP [WHO] <Stuart Holliday>;Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>;Elizabeth W. Kleppe/OVP/EOP@EOP [OVP] <Elizabeth W. Kleppe>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>;Claire M. O'Donnell/OVP/EOP@EOP [OVP] <Claire M. O'Donnell>;Neil S. Patel/OVP/EOP@EOP [OVP] <Neil S. Patel>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Andrew D. Lundquist/OVP/EOP@EOP [OVP] <Andrew D. Lundquist>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD /EOP@EOP [OPD] <K. Philippa Malmgren>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;James C. Capretta/OMB/EOP@EOP [OMB] <James C. Capretta>;Mitchell Daniels/OMB/EOP@EOP [OMB] <Mitchell Daniels>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>;Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>;Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>;Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>;June Bartlett/NSC /EOP@EOP [NSC] <June Bartlett>;Brooks L. Bash/NSC/EOP@EOP [NSC] <Brooks L. Bash>;Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>;Debra D. Bird/WHO /EOP@EOP [WHO] <Debra D. Bird>;John M. Blackburn/NSC/EOP@EOP [NSC] <John M. Blackburn>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>;Gary E. Bresnahan/NSC /EOP@EOP [NSC] <Gary E. Bresnahan>;Don E. Cheramie/NSC/EOP@EOP [NSC] <Don E. Cheramie>;Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>;Ashley E. Davis/WHO/EOP@EOP [WHO] <Ashley E. Davis>;Eric A. Draper/WHO/EOP@EOP [WHO] <Eric A. Draper>;Joel C. Ehrendreich/NSC/EOP@EOP [NSC] <Joel C. Ehrendreich>;Kara G. Figg/WHO/EOP@EOP [WHO] <Kara G. Figg>;Jeanie L. Figg/WHO/EOP@EOP [WHO] <Jeanie L. Figg>;Joachim D. Fuchs/NSC/EOP@EOP [NSC] <Joachim D. Fuchs>;Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Theresa F. Granger/WHO/EOP@EOP [WHO] <Theresa F. Granger>;Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>;Janan Grissom/WHO /EOP@EOP [WHO] <Janan Grissom>;Alison M. Harden/WHO/EOP@EOP [WHO] <Alison M. Harden>;Robert C. Hargis/NSC/EOP@EOP [NSC] <Robert C. Hargis>;Anne Heiligenstein/WHO /EOP@EOP [WHO] <Anne Heiligenstein>;Quincy Hicks/WHO/EOP@EOP [WHO] <Quincy Hicks>;Brenda I. Hilliard/NSC/EOP@EOP [NSC] <Brenda I. Hilliard>;Marilyn R. Jacanin/WHO /EOP@EOP [WHO] <Marilyn R. Jacanin>;Melanie A. Jackson/WHO/EOP@EOP [WHO] <Melanie A. Jackson>;Gordon D. Johndroe/WHO/EOP@EOP [WHO] <Gordon D. Johndroe>;Angela A. Jones/WHO/EOP@EOP [WHO] <Angela A. Jones>;M. Kay Joshi/NSC /EOP@EOP [NSC] <M. Kay Joshi>;Dora Kale/NSC/EOP@EOP [NSC] <Dora Kale>;Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>;Clark R. Lystra/NSC/EOP@EOP [NSC] <Clark R. Lystra>;Michael T. Manning/NSC/EOP@EOP [NSC] <Michael T. Manning>;Katherine G. Marinis/WHO /EOP@EOP [WHO] <Katherine G. Marinis>;Thomas S. Marsh/NSC/EOP@EOP [NSC] <Thomas S. Marsh>;Jenny McGee/NSC/EOP@EOP [NSC] <Jenny McGee>;Melissa McKnight/OPD/EOP@EOP [OPD] <Melissa McKnight>;Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>;Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>;Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>;Cathy L. Millison/NSC /EOP@EOP [NSC] <Cathy L. Millison>;Jennifer K. Millerwise/WHO/EOP@EOP [WHO] <Jennifer K. Millerwise>;Marcus J. Mollmann/WHO/EOP@EOP [WHO] <Marcus J. Mollmann>;Kevin S. Moran/NSC/EOP@EOP [NSC] <Kevin S. Moran>;Paul L. Morse/WHO /EOP@EOP [WHO] <Paul L. Morse>;Lee B. Mynatt/NSC/EOP@EOP [NSC] <Lee B.

Mynatt>;Richard S. Paulus/WHO/EOP@EOP [WHO] <Richard S. Paulus>;Raymond H. Payne/NSC/EOP@EOP [NSC] <Raymond H. Payne>;Sarah Pfeifer/OPD/EOP@EOP [OPD] <Sarah Pfeifer>;Gidell P. Porter/NSC/EOP@EOP [NSC] <Gidell P. Porter>;David Reyes/NSC/EOP@EOP [NSC] <David Reyes>;Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Christina D. Roberts/WHO/EOP@EOP [WHO] <Christina D. Roberts>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>;Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>;Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Daniel R. Sanborn/NSC/EOP@EOP [NSC] <Daniel R. Sanborn>;John B. Sherman/NSC/EOP@EOP [NSC] <John B. Sherman>;Ashley M. Snee/OVP/EOP@EOP [OVP] <Ashley M. Snee>;Rachael L. Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>;Deana R. Sutliff/NSC/EOP@EOP [NSC] <Deana R. Sutliff>;Barbara E. Swann/OA/EOP@EOP [OA] <Barbara E. Swann>;Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Julieanne H. Thomas/WHO/EOP@EOP [WHO] <Julieanne H. Thomas>;Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>;Sibyl M. Turner/WHO/EOP@EOP [WHO] <Sibyl M. Turner>;Kurt F. Van der Walde/NSC/EOP@EOP [NSC] <Kurt F. Van der Walde>;Elaine P. Wasserman/NSC/EOP@EOP [NSC] <Elaine P. Wasserman>;Robert L. Wilbon/OA/EOP@EOP [OA] <Robert L. Wilbon>;Robert S. Williams/NSC/EOP@EOP [NSC] <Robert S. Williams>;Harry W. Wolff/WHO/EOP@EOP [WHO] <Harry W. Wolff>;Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>;Christina H. Yarmchuk/NSC/EOP@EOP [NSC] <Christina H. Yarmchuk>;Ashleigh A. Adams/WHO/EOP@EOP [WHO] <Ashleigh A. Adams>;Amy Barrera/WHO/EOP@EOP [WHO] <Amy Barrera>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Colby J. Cooper/NSC/EOP@EOP [NSC] <Colby J. Cooper>;Dean J. Haas/NSC/EOP@EOP [NSC] <Dean J. Haas>;Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>;Josephine L. Hirsch/WHO/EOP@EOP [WHO] <Josephine L. Hirsch>;Scott Jeffcoat/WHO/EOP@EOP [WHO] <Scott Jeffcoat>;Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>;Daniel M. McCarthy/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>;Alexian T. Wines/NSC/EOP@EOP [NSC] <Alexian T. Wines>;Elizabeth A. Selva/NSC/EOP@EOP [NSC] <Elizabeth A. Selva>;Susan L. Sterner/WHO/EOP@EOP [WHO] <Susan L. Sterner>;Suzanne Primoff/WHO/EOP@EOP [WHO] <Suzanne Primoff>;David R. Bohrer/OVP/EOP@EOP [OVP] <David R. Bohrer>;Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Travis C. Good/NSC/EOP@EOP [NSC] <Travis C. Good>;Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>;Andrew M. Kaver/NSC/EOP@EOP [NSC] <Andrew M. Kaver>;Sherry J. Kuntz/WHO/EOP@EOP [WHO] <Sherry J. Kuntz>;Sang W. Lee/NSC/EOP@EOP [NSC] <Sang W. Lee>;Laura E. Lineberry/NSC/EOP@EOP [NSC] <Laura E. Lineberry>;Mary I. Metzger/NSC/EOP@EOP [NSC] <Mary I. Metzger>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Bonnie S. Broadwick/NSC/EOP@EOP [NSC] <Bonnie S. Broadwick>;Marcia J. Caler/NSC/EOP@EOP [NSC] <Marcia J. Caler>;Douglas M. Erdahl/NSC/EOP@EOP [NSC] <Douglas M. Erdahl>;William D. Mathews/NSC/EOP@EOP [NSC] <William D. Mathews>;Edward J. Padinske/NSC/EOP@EOP [NSC] <Edward J. Padinske>;Robert E. Schubert/NSC/EOP@EOP [NSC] <Robert E. Schubert>

Sent: 5/23/2001 12:00:50 PM
Subject: : White House Mess Closing

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-MAY-2001 16:00:50.00

SUBJECT:: White House Mess Closing

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00126786

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen Goldsmith (CN=Stephen Goldsmith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
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TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
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TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret Tutwiler (CN=Margaret Tutwiler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
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TO:Ronald G. Bellamy (CN=Ronald G. Bellamy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
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TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
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TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
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TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
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TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
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TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
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TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
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TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
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TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
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 TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
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 TO:Robert A. Bradtke (CN=Robert A. Bradtke/OU=NSC/O=EOP@EOP [NSC])
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 TO:Eric P. Schwartz (CN=Eric P. Schwartz/OU=NSC/O=EOP@EOP [NSC])
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 TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
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 TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
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 TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
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 TO:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [WHO])
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 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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 TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
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 TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
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 TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
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 TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
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 TO:Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP@EOP [WHO])
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 TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John J. DiIulio (CN=John J. DiIulio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian V. McCormack (CN=Brian V. McCormack/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Claire M. O'Donnell (CN=Claire M. O'Donnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Peter F. Allgeier (CN=Peter F. Allgeier/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Andrew D. Lundquist (CN=Andrew D. Lundquist/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:James C. Capretta (CN=James C. Capretta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:June Bartlett (CN=June Bartlett/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Blackburn (CN=John M. Blackburn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gary E. Bresnahan (CN=Gary E. Bresnahan/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Don E. Cheramie (CN=Don E. Cheramie/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley E. Davis (CN=Ashley E. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric A. Draper (CN=Eric A. Draper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel C. Ehrendreich (CN=Joel C. Ehrendreich/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Theresa F. Granger (CN=Theresa F. Granger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Janan Grissom (CN=Janan Grissom/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brenda I. Hilliard (CN=Brenda I. Hilliard/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marilyn R. Jacanin (CN=Marilyn R. Jacanin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela A. Jones (CN=Angela A. Jones/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dora Kale (CN=Dora Kale/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clark R. Lystra (CN=Clark R. Lystra/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jenny McGee (CN=Jenny McGee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Melissa McKnight (CN=Melissa McKnight/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cathy L. Millison (CN=Cathy L. Millison/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kevin S. Moran (CN=Kevin S. Moran/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Paul L. Morse (CN=Paul L. Morse/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Richard S. Paulus (CN=Richard S. Paulus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Gidell P. Porter (CN=Gidell P. Porter/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Reyes (CN=David Reyes/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Daniel R. Sanborn (CN=Daniel R. Sanborn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John B. Sherman (CN=John B. Sherman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deana R. Sutliff (CN=Deana R. Sutliff/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Barbara E. Swann (CN=Barbara E. Swann/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sibyl M. Turner (CN=Sibyl M. Turner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kurt F. Van der Walde (CN=Kurt F. Van der Walde/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert L. Wilbon (CN=Robert L. Wilbon/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Robert S. Williams (CN=Robert S. Williams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina H. Yarmchuk (CN=Christina H. Yarmchuk/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy Barrera (CN=Amy Barrera/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

From: CN=Hector F. Irastorza/OU=WHO/O=EOP [WHO]
To: Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Stephen Goldsmith/WHO/EOP@EOP [WHO] <Stephen Goldsmith>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Margaret Tutwiler/WHO/EOP@EOP [WHO] <Margaret Tutwiler>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; John Gardner/WHO/EOP@EOP [WHO] <John Gardner>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Robert A. Bradtke/NSC/EOP@EOP [NSC] <Robert A. Bradtke>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; Mary O. McCarthy/NSC/EOP@EOP [NSC] <Mary O. McCarthy>; Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>; Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>; Eric P. Schwartz/NSC/EOP@EOP [NSC] <Eric P. Schwartz>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Mary Ellen Countryman/NSC/EOP@EOP [NSC] <Mary Ellen Countryman>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>; Vickers B. Meadows/WHO/EOP@EOP [WHO] <Vickers B. Meadows>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Patrick J. Rhode/WHO/EOP@EOP [WHO] <Patrick J. Rhode>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; John B. Bellinger/NSC/EOP@EOP [

TO:Colby J. Cooper (CN=Colby J. Cooper/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dean J. Haas (CN=Dean J. Haas/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine L. Hirsch (CN=Josephine L. Hirsch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel M. McCarthy (CN=Daniel M. McCarthy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elizabeth A. Selva (CN=Elizabeth A. Selva/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Susan L. Sterner (CN=Susan L. Sterner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Suzanne Primoff (CN=Suzanne Primoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David R. Bohrer (CN=David R. Bohrer/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Travis C. Good (CN=Travis C. Good/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew M. Kaver (CN=Andrew M. Kaver/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sherry J. Kuntz (CN=Sherry J. Kuntz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary I. Metzger (CN=Mary I. Metzger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bonnie S. Broadwick (CN=Bonnie S. Broadwick/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcia J. Caler (CN=Marcia J. Caler/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:William D. Mathews (CN=William D. Mathews/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

The White House Mess will be closed Monday, May 28, 2001, in observance of Memorial Day.

Thank you.

NSC] <John B. Bellinger>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Cesar Conda/OVP/EOP@EOP [OVP] <Cesar Conda>;John J. Dilulio/WHO/EOP@EOP [WHO] <John J. Dilulio>;Nancy P. Dorn/WHO /EOP@EOP [WHO] <Nancy P. Dorn>;Debra R. Dunn/OVP/EOP@EOP [WHO] <Debra R. Dunn>;Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>;Eric S. Edelman/OVP /EOP@EOP [OVP] <Eric S. Edelman>;Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>;Brian V. McCormack/OVP/EOP@EOP [OVP] <Brian V. McCormack>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Deborah K. Hair/WHO /EOP@EOP [WHO] <Deborah K. Hair>;Debra Heiden/OVP/EOP@EOP [OVP] <Debra Heiden>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Stuart Holliday/WHO /EOP@EOP [WHO] <Stuart Holliday>;Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>;Elizabeth W. Kleppe/OVP/EOP@EOP [OVP] <Elizabeth W. Kleppe>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>;Claire M. O'Donnell/OVP/EOP@EOP [OVP] <Claire M. O'Donnell>;Neil S. Patel/OVP/EOP@EOP [OVP] <Neil S. Patel>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Andrew D. Lundquist/OVP/EOP@EOP [OVP] <Andrew D. Lundquist>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD /EOP@EOP [OPD] <K. Philippa Malmgren>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;James C. Capretta/OMB/EOP@EOP [OMB] <James C. Capretta>;Mitchell Daniels/OMB/EOP@EOP [OMB] <Mitchell Daniels>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>;Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>;Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>;Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>;June Bartlett/NSC /EOP@EOP [NSC] <June Bartlett>;Brooks L. Bash/NSC/EOP@EOP [NSC] <Brooks L. Bash>;Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>;Debra D. Bird/WHO /EOP@EOP [WHO] <Debra D. Bird>;John M. Blackburn/NSC/EOP@EOP [NSC] <John M. Blackburn>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>;Gary E. Bresnahan/NSC /EOP@EOP [NSC] <Gary E. Bresnahan>;Don E. Cheramie/NSC/EOP@EOP [NSC] <Don E. Cheramie>;Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>;Ashley E. Davis/WHO/EOP@EOP [WHO] <Ashley E. Davis>;Eric A. Draper/WHO/EOP@EOP [WHO] <Eric A. Draper>;Joel C. Ehrendreich/NSC/EOP@EOP [NSC] <Joel C. Ehrendreich>;Kara G. Figg/WHO/EOP@EOP [WHO] <Kara G. Figg>;Jeanie L. Figg/WHO/EOP@EOP [WHO] <Jeanie L. Figg>;Joachim D. Fuchs/NSC/EOP@EOP [NSC] <Joachim D. Fuchs>;Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Theresa F. Granger/WHO/EOP@EOP [WHO] <Theresa F. Granger>;Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>;Janan Grissom/WHO /EOP@EOP [WHO] <Janan Grissom>;Alison M. Harden/WHO/EOP@EOP [WHO] <Alison M. Harden>;Robert C. Hargis/NSC/EOP@EOP [NSC] <Robert C. Hargis>;Anne Heiligenstein/WHO /EOP@EOP [WHO] <Anne Heiligenstein>;Quincy Hicks/WHO/EOP@EOP [WHO] <Quincy Hicks>;Brenda I. Hilliard/NSC/EOP@EOP [NSC] <Brenda I. Hilliard>;Marilyn R. Jacanin/WHO /EOP@EOP [WHO] <Marilyn R. Jacanin>;Melanie A. Jackson/WHO/EOP@EOP [WHO] <Melanie A. Jackson>;Gordon D. Johndroe/WHO/EOP@EOP [WHO] <Gordon D. Johndroe>;Angela A. Jones/WHO/EOP@EOP [WHO] <Angela A. Jones>;M. Kay Joshi/NSC /EOP@EOP [NSC] <M. Kay Joshi>;Dora Kale/NSC/EOP@EOP [NSC] <Dora Kale>;Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>;Clark R. Lystra/NSC/EOP@EOP [NSC] <Clark R. Lystra>;Michael T. Manning/NSC/EOP@EOP [NSC] <Michael T. Manning>;Katherine G. Marinis/WHO /EOP@EOP [WHO] <Katherine G. Marinis>;Thomas S. Marsh/NSC/EOP@EOP [NSC] <Thomas S. Marsh>;Jenny McGee/NSC/EOP@EOP [NSC] <Jenny McGee>;Melissa McKnight/OPD/EOP@EOP [OPD] <Melissa McKnight>;Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>;Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>;Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>;Cathy L. Millison/NSC /EOP@EOP [NSC] <Cathy L. Millison>;Jennifer K. Millerwise/WHO/EOP@EOP [WHO] <Jennifer K. Millerwise>;Marcus J. Mollmann/WHO/EOP@EOP [WHO] <Marcus J. Mollmann>;Kevin S. Moran/NSC/EOP@EOP [NSC] <Kevin S. Moran>;Paul L. Morse/WHO /EOP@EOP [WHO] <Paul L. Morse>;Lee B. Mynatt/NSC/EOP@EOP [NSC] <Lee B.

Mynatt>;Richard S. Paulus/WHO/EOP@EOP [WHO] <Richard S. Paulus>;Raymond H. Payne/NSC/EOP@EOP [NSC] <Raymond H. Payne>;Sarah Pfeifer/OPD/EOP@EOP [OPD] <Sarah Pfeifer>;Gidell P. Porter/NSC/EOP@EOP [NSC] <Gidell P. Porter>;David Reyes/NSC/EOP@EOP [NSC] <David Reyes>;Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Christina D. Roberts/WHO/EOP@EOP [WHO] <Christina D. Roberts>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>;Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>;Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Daniel R. Sanborn/NSC/EOP@EOP [NSC] <Daniel R. Sanborn>;John B. Sherman/NSC/EOP@EOP [NSC] <John B. Sherman>;Ashley M. Snee/OVP/EOP@EOP [OVP] <Ashley M. Snee>;Rachael L. Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>;Deana R. Sutliff/NSC/EOP@EOP [NSC] <Deana R. Sutliff>;Barbara E. Swann/OA/EOP@EOP [OA] <Barbara E. Swann>;Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Julieanne H. Thomas/WHO/EOP@EOP [WHO] <Julieanne H. Thomas>;Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>;Sibyl M. Turner/WHO/EOP@EOP [WHO] <Sibyl M. Turner>;Kurt F. Van der Walde/NSC/EOP@EOP [NSC] <Kurt F. Van der Walde>;Elaine P. Wasserman/NSC/EOP@EOP [NSC] <Elaine P. Wasserman>;Robert L. Wilbon/OA/EOP@EOP [OA] <Robert L. Wilbon>;Robert S. Williams/NSC/EOP@EOP [NSC] <Robert S. Williams>;Harry W. Wolff/WHO/EOP@EOP [WHO] <Harry W. Wolff>;Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>;Christina H. Yarmchuk/NSC/EOP@EOP [NSC] <Christina H. Yarmchuk>;Ashleigh A. Adams/WHO/EOP@EOP [WHO] <Ashleigh A. Adams>;Amy Barrera/WHO/EOP@EOP [WHO] <Amy Barrera>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Colby J. Cooper/NSC/EOP@EOP [NSC] <Colby J. Cooper>;Dean J. Haas/NSC/EOP@EOP [NSC] <Dean J. Haas>;Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>;Josephine L. Hirsch/WHO/EOP@EOP [WHO] <Josephine L. Hirsch>;Scott Jeffcoat/WHO/EOP@EOP [WHO] <Scott Jeffcoat>;Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>;Daniel M. McCarthy/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>;Alexian T. Wines/NSC/EOP@EOP [NSC] <Alexian T. Wines>;Elizabeth A. Selva/NSC/EOP@EOP [NSC] <Elizabeth A. Selva>;Susan L. Sterner/WHO/EOP@EOP [WHO] <Susan L. Sterner>;Suzanne Primoff/WHO/EOP@EOP [WHO] <Suzanne Primoff>;David R. Bohrer/OVP/EOP@EOP [OVP] <David R. Bohrer>;Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Travis C. Good/NSC/EOP@EOP [NSC] <Travis C. Good>;Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>;Andrew M. Kaver/NSC/EOP@EOP [NSC] <Andrew M. Kaver>;Sherry J. Kuntz/WHO/EOP@EOP [WHO] <Sherry J. Kuntz>;Sang W. Lee/NSC/EOP@EOP [NSC] <Sang W. Lee>;Laura E. Lineberry/NSC/EOP@EOP [NSC] <Laura E. Lineberry>;Mary I. Metzger/NSC/EOP@EOP [NSC] <Mary I. Metzger>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Bonnie S. Broadwick/NSC/EOP@EOP [NSC] <Bonnie S. Broadwick>;Marcia J. Caler/NSC/EOP@EOP [NSC] <Marcia J. Caler>;Douglas M. Erdahl/NSC/EOP@EOP [NSC] <Douglas M. Erdahl>;William D. Mathews/NSC/EOP@EOP [NSC] <William D. Mathews>;Edward J. Padinske/NSC/EOP@EOP [NSC] <Edward J. Padinske>;Robert E. Schubert/NSC/EOP@EOP [NSC] <Robert E. Schubert>

Sent: 5/23/2001 12:00:50 PM
Subject: : White House Mess Closing

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-MAY-2001 16:00:50.00
SUBJECT:: White House Mess Closing
TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

REV_00126802

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen Goldsmith (CN=Stephen Goldsmith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
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TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret Tutwiler (CN=Margaret Tutwiler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ronald G. Bellamy (CN=Ronald G. Bellamy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
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TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
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TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
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TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
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TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
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TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
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TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
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TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert A. Bradtke (CN=Robert A. Bradtke/OU=NSC/O=EOP@EOP [NSC])
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TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
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TO:Mary O. McCarthy (CN=Mary O. McCarthy/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
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TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
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TO:Eric P. Schwartz (CN=Eric P. Schwartz/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
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TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
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TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
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TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
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TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
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TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
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TO:Mary Ellen Countryman (CN=Mary Ellen Countryman/OU=NSC/O=EOP@EOP [NSC])
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TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
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TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
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TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
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TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
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TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
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TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
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TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
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TO:Vickers B. Meadows (CN=Vickers B. Meadows/OU=WHO/O=EOP@EOP [WHO])
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TO:Patrick J. Rhode (CN=Patrick J. Rhode/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
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TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
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TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
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TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
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TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
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TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
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TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
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TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
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TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John J. DiIulio (CN=John J. DiIulio/OU=WHO/O=EOP@EOP [WHO])
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TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
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TO:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Brian V. McCormack (CN=Brian V. McCormack/OU=OVP/O=EOP@EOP [OVP])
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TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
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TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
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TO:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Claire M. O'Donnell (CN=Claire M. O'Donnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Peter F. Allgeier (CN=Peter F. Allgeier/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Andrew D. Lundquist (CN=Andrew D. Lundquist/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:James C. Capretta (CN=James C. Capretta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:June Bartlett (CN=June Bartlett/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Blackburn (CN=John M. Blackburn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gary E. Bresnahan (CN=Gary E. Bresnahan/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Don E. Cheramie (CN=Don E. Cheramie/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley E. Davis (CN=Ashley E. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric A. Draper (CN=Eric A. Draper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel C. Ehrendreich (CN=Joel C. Ehrendreich/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Theresa F. Granger (CN=Theresa F. Granger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Janan Grissom (CN=Janan Grissom/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brenda I. Hilliard (CN=Brenda I. Hilliard/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marilyn R. Jacanin (CN=Marilyn R. Jacanin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela A. Jones (CN=Angela A. Jones/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dora Kale (CN=Dora Kale/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clark R. Lystra (CN=Clark R. Lystra/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jenny McGee (CN=Jenny McGee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Melissa McKnight (CN=Melissa McKnight/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cathy L. Millison (CN=Cathy L. Millison/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kevin S. Moran (CN=Kevin S. Moran/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Paul L. Morse (CN=Paul L. Morse/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Richard S. Paulus (CN=Richard S. Paulus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Gidell P. Porter (CN=Gidell P. Porter/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Reyes (CN=David Reyes/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Daniel R. Sanborn (CN=Daniel R. Sanborn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John B. Sherman (CN=John B. Sherman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deana R. Sutliff (CN=Deana R. Sutliff/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Barbara E. Swann (CN=Barbara E. Swann/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sibyl M. Turner (CN=Sibyl M. Turner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kurt F. Van der Walde (CN=Kurt F. Van der Walde/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert L. Wilbon (CN=Robert L. Wilbon/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Robert S. Williams (CN=Robert S. Williams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina H. Yarmchuk (CN=Christina H. Yarmchuk/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy Barrera (CN=Amy Barrera/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/23/2001 2:54:54 PM
Subject: : reminder - no Counsel's Office staff meeting tomorrow

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-MAY-2001 18:54:54.00

SUBJECT:: reminder - no Counsel's Office staff meeting tomorrow

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/23/2001 2:54:54 PM
Subject: : reminder - no Counsel's Office staff meeting tomorrow

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-MAY-2001 18:54:54.00

SUBJECT:: reminder - no Counsel's Office staff meeting tomorrow

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/24/2001 3:53:22 AM
Subject: : reminder - no staff meeting today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-MAY-2001 07:53:22.00

SUBJECT:: reminder - no staff meeting today

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/24/2001 3:53:22 AM
Subject: : reminder - no staff meeting today

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-MAY-2001 07:53:22.00

SUBJECT:: reminder - no staff meeting today

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/24/2001 12:00:07 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-MAY-2001 16:00:07.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

no problem

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/24/2001 12:49:53 PM
Subject: : reminder -ARG leaving at 9:00 am on Friday for TX

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-MAY-2001 16:49:53.00

SUBJECT:: reminder -ARG leaving at 9:00 am on Friday for TX

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

He will be back late Monday.

We will have staff meeting at 8:30.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 5/24/2001 9:08:02 AM
Subject: : Any reports of representatives of the Chinese gov't calling to find out information about our judicial nominees?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 24-MAY-2001 13:08:02.00

SUBJECT:: Any reports of representatives of the Chinese gov't calling to find out information about our judicial nominees?

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

End Original ARMS Header

Bill Riley just called to say that a woman at Creighton University (where Riley is an adjunct) had been contacted by a man claiming to represent an information agency advising the Chinese government. The man asked a series of vague questions about materials from Creighton's general counsel; the Creighton woman responded that she didn't know what he was talking about. The man left his name, phone number, and the Chinese agency he claimed to represent. I suspect that this is some nut; but out of an abundance of caution I told Brad Wiegmann at the NSC who is going to see if the Chinese entity exists. Anyway, please let me or Brad know if any of the other nominees learn of similar phone calls.

REV_00126840

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 5/24/2001 9:08:02 AM
Subject: : Any reports of representatives of the Chinese gov't calling to find out information about our judicial nominees?

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 24-MAY-2001 13:08:02.00

SUBJECT:: Any reports of representatives of the Chinese gov't calling to find out information about our judicial nominees?

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

End Original ARMS Header

Bill Riley just called to say that a woman at Creighton University (where Riley is an adjunct) had been contacted by a man claiming to represent an information agency advising the Chinese government. The man asked a series of vague questions about materials from Creighton's general counsel; the Creighton woman responded that she didn't know what he was talking about. The man left his name, phone number, and the Chinese agency he claimed to represent. I suspect that this is some nut; but out of an abundance of caution I told Brad Wiegmann at the NSC who is going to see if the Chinese entity exists. Anyway, please let me or Brad know if any of the other nominees learn of similar phone calls.

REV_00126841

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Holten, Patrick <pholten@bork.com>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/24/2001 1:44:42 PM
Subject: : RE: Pictures Needed

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-MAY-2001 17:44:42.00
SUBJECT:: RE: Pictures Needed
TO: "Holten, Patrick" <pholten@bork.com> ("Holten, Patrick" <pholten@bork.com> [UNKNOWN])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Patrick,

Can you send a request on letterhead to Wendy Nipper (fax 202-456-5684) in the WH Media Affairs Office explaining how you want to use the photos, the manner in which you want to receive the photos (e-mail, print, etc) and your contact information? Wendy will handle getting you the photos you need. Sorry this took so long to figure out. We're still getting used to all of the processes over here.

Thanks,
Jason

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 5/25/2001 6:45:48 AM
Subject: : WHJSC meeting for 05/30/01

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 25-MAY-2001 10:45:48.00

SUBJECT:: WHJSC meeting for 05/30/01

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

In preparation for next week's meeting, please email me when you know what you will be presenting.

(I'm sending this out early because of the holiday on Monday)

Thanks!

REV_00126845

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/25/2001 7:26:57 AM
Subject: : Executive Privilege

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:25-MAY-2001 11:26:57.00
SUBJECT:: Executive Privilege
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Helgi--Thanks for your message. Any chance we can meet mid-afternoon today, say around 3? Adam

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/25/2001 8:21:29 AM
Subject: : Re: Executive Privilege

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAY-2001 12:21:29.00
SUBJECT:: Re: Executive Privilege
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I can do that. Brett?

Adam F. Greenstone
05/25/2001 11:26:52 AM

Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Executive Privilege

Helgi--Thanks for your message. Any chance we can meet mid-afternoon today, say around 3? Adam

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 5/25/2001 8:21:29 AM
Subject: : Re: Executive Privilege

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAY-2001 12:21:29.00
SUBJECT:: Re: Executive Privilege
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I can do that. Brett?

Adam F. Greenstone
05/25/2001 11:26:52 AM

Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Executive Privilege

Helgi--Thanks for your message. Any chance we can meet mid-afternoon today, say around 3? Adam

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/29/2001 5:13:18 AM
Subject: : Friday, June 1

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 09:13:18.00

SUBJECT:: Friday, June 1

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Judge is out of the office from 8:00 am until 4:30 pm on Friday. He is traveling to NY to give a speech.

We will have staff meeting at 8:30 am as usual.

Thanks!

REV_00126867

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 5/29/2001 4:59:14 AM
Subject: : WHJSC meeting for 05/30/01

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 29-MAY-2001 08:59:14.00

SUBJECT:: WHJSC meeting for 05/30/01

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please let me know what items you will have for this week by noon today.
(for the draft binders)

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/29/2001 5:13:18 AM
Subject: : Friday, June 1

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 09:13:18.00

SUBJECT:: Friday, June 1

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Judge is out of the office from 8:00 am until 4:30 pm on Friday. He is traveling to NY to give a speech.

We will have staff meeting at 8:30 am as usual.

Thanks!

REV_00126869

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>
Sent: 5/29/2001 7:51:47 AM
Subject: : New Recommended Telephone Call Format
Attachments: F_ZK452004_NSC.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 11:51:47.00

SUBJECT:: New Recommended Telephone Call Format

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI - please save this new form for future use and remember to cc the Staff Secretary people listed in the email. If you don't send this to them in electronic form they will hunt you down.

Thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
05/29/2001 11:49 AM -----

REV_00126870

Carolyn E. Cleveland
05/24/2001 01:55:12 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Harriet Miers/WHO/EOP@EOP, John Gardner/WHO/EOP@EOP
Subject: New Recommended Telephone Call Format

The format for the recommended telephone call has changed slightly since we are now getting the Chief of Staff's approval on all telephone call requests. Attached is a template for the new format. Also, would it be possible for you to e-mail the recommended telephone call to Harriet Miers, John Gardner, Barbara Barclay, Debra Bird, Sherry Kuntz, and Carol Cleveland in addition to submitting the original with 5 copies. If you have any questions, please don't hesitate to call our office. We would appreciate your sharing this new format with the staff in your area. Thank you.

Message Sent

To: _____
Virginia T. Gregory/WHO/EOP@EOP
Cathy L. Millison/NSC/EOP@EOP
M. Kay Joshi/NSC/EOP@EOP
Wendy E. Gray/NSC/EOP@EOP
Josephine B. Robinson/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Sarah Pfeifer/OPD/EOP@EOP
Janet P. Walker/OPD/EOP@EOP
Katherine G. Marinis/WHO/EOP@EOP
Carrie C. Pauska/WHO/EOP@EOP
Kara G. Figg/WHO/EOP@EOP
Israel Hernandez/WHO/EOP@EOP
Krista L. Ritacco/WHO/EOP@EOP
Barbara A. Barclay/WHO/EOP@EOP
Debra D. Bird/WHO/EOP@EOP
Sherry J. Kuntz/WHO/EOP@EOP
Cynthia R. Mendl/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Jill L. Angelo/WHO/EOP@EOP
Christina D. Roberts/WHO/EOP@EOP
Vickie A. McQuade/WHO/EOP@EOP
Kathryn J. Hayes/WHO/EOP@EOP
Diana C. Donnelly/WHO/EOP@EOP
Christa Moyle/OA/EOP@EOP
Carrie W. Click/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_ZK452004_NSC.TXT_1>

DATE (centered)

RECOMMENDED TELEPHONE CALL

TO: Name and telephone number of person you recommend be called with brief identifying information only when you suspect name will be unfamiliar to the President.

DATE: Date and time the President should make the call.

RECOMMENDED BY: Your name and if recommendation has concurrence of another staff member, so state.

PURPOSE: Preferably one sentence; two at most.

BACKGROUND: Whatever background information you feel will be helpful to the President. Usually 3-4 short sentences will suffice to set the stage and give substance to talking points. Also, make sure that no letter has been sent by Correspondence for the same purpose as the call.

TOPICS OF DISCUSSION: 1. (The specific points that you recommend be made during the conversation)
2.
3.
4.

CONTACT PERSON AND
TELEPHONE NUMBER(S):

DATE OF SUBMISSION:

ACTION: _____

APPROVED BY COS YES _____

NO _____

COMMENT BY COS: _____

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/29/2001 1:01:37 PM
Subject: : schedule for judicial interviews

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 17:01:37.00

SUBJECT:: schedule for judicial interviews

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI - the Judge's family is moving to DC the first week in June so starting then I will be making every attempt to get him out the door at 6:30 or 7:00 pm so he can be with his family.

That means judicial interviews need to happen between around 4:00 and 6:00 or 6:30.

Thanks!

REV_00126876

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/29/2001 1:01:37 PM
Subject: : schedule for judicial interviews

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 17:01:37.00

SUBJECT:: schedule for judicial interviews

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI - the Judge's family is moving to DC the first week in June so starting then I will be making every attempt to get him out the door at 6:30 or 7:00 pm so he can be with his family.

That means judicial interviews need to happen between around 4:00 and 6:00 or 6:30.

Thanks!

REV_00126877

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 5/29/2001 2:38:05 PM
Subject: : requests for resumes/bio info.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 18:38:05.00

SUBJECT:: requests for resumes/bio info.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Ok - here is the deal.

We have discussed the request from Doug McCollum from American Lawyer/The NY Times. Another request is expected shortly from Elizabeth Frater at National Journal.

Some of you don't want to give resumes/bios to reporters - some of you don't care. The Judge does not have an opinion one way or the other - we send his resume to anyone who asks for it.

I am sending to Doug the Jan. 18 release that has very limited

REV_00126880

information (name, most recent job/firm, undergrad school and law school). I am faxing a copy over to Lori so you can get a copy of this from her if you want to see it. Included in this release is information on Tim, Chris, Brad, Stuart, Brett, Helgi, Courtney, Noel and Rachel.

Addington, Bellinger, Cobb and Flippin - your names are not in this release. If you want them to have this info on you please let me know so we can forward it.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
Sent: 5/29/2001 3:37:11 PM
Subject: : Presidential directive re: NAFTA

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 19:37:11.00

SUBJECT:: Presidential directive re: NAFTA

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

End Original ARMS Header

Is anyone working on or know anything about a Presidential directive to rescind (sp) a President Clinton Order involving implementation of a NAFTA provision on trucking?

If so please call Joel Kaplan - 456-1987.

Thanks!

REV_00126882

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [UNKNOWN] <Heather Larrison>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 5/29/2001 4:00:53 PM
Subject: : Judicial Selection Committee - May 30th

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 20:00:53.00

SUBJECT:: Judicial Selection Committee - May 30th

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

REV_00126883

READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Just a reminder!

Day: Wednesday (May 30th)
Time: 4:00-5:00 pm
Location: Roosevelt Room

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 5/29/2001 4:01:50 PM
Subject: : JSC Prep meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 20:01:50.00

SUBJECT:: JSC Prep meeting

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Prep for the May 30th JSC meeting is 3:30-4:00 pm.

Thanks!

REV_00126886

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [UNKNOWN] <Heather Larrison>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 5/29/2001 4:19:04 PM
Subject: : Only 1/2 hour - 4:00-4:30 pm- Judicial Selection Committee - May 30th

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 20:19:04.00

SUBJECT:: Only 1/2 hour - 4:00-4:30 pm- Judicial Selection Committee - May 30th

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

REV_00126887

READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The meeting tomorrow will last only 30 minutes.

Thanks!

Brett M. Kavanaugh
05/29/2001 08:03:17 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Judicial Selection Committee - May 30th

Please inform the others who ordinarily attend that the meeting
will be 4:00 to 4:30.

Elizabeth N. Camp
05/29/2001 08:00:50 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Judicial Selection Committee - May 30th

Just a reminder!

Day: Wednesday (May 30th)
Time: 4:00-5:00 pm
Location: Roosevelt Room

Message Sent

To:
Melissa S. Bennett/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Carrie C. Pauska/WHO/EOP@EOP
Jan E. Williams/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP

REV_00126888

Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
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Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Dee Dee Benkie/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [UNKNOWN] <Heather Larrison>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 5/29/2001 4:19:04 PM
Subject: : Only 1/2 hour - 4:00-4:30 pm- Judicial Selection Committee - May 30th

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-2001 20:19:04.00

SUBJECT:: Only 1/2 hour - 4:00-4:30 pm- Judicial Selection Committee - May 30th

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The meeting tomorrow will last only 30 minutes.

Thanks!

Brett M. Kavanaugh
05/29/2001 08:03:17 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Judicial Selection Committee - May 30th

Please inform the others who ordinarily attend that the meeting
will be 4:00 to 4:30.

Elizabeth N. Camp
05/29/2001 08:00:50 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Judicial Selection Committee - May 30th

Just a reminder!

Day: Wednesday (May 30th)
Time: 4:00-5:00 pm
Location: Roosevelt Room

Message Sent

To:
Melissa S. Bennett/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Carrie C. Pauska/WHO/EOP@EOP
Jan E. Williams/WHO/EOP@EOP
Heather Larrison/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP

REV_00126891

Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Dee Dee Benkie/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 5/30/2001 7:54:40 AM
Subject: : Next judges meeting with President

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-MAY-2001 11:54:40.00

SUBJECT:: Next judges meeting with President

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

If we were to have a judges meeting with the President on June 7 or June 11, which judges of yours likely will have been approved by the WHJSC and thus ready for Presidential approval?

REV_00126893

From: Ed Gillespie <EdGillespie@QuinnGillespie.com>
To: James R. Wilkinson/WHO/EOP [WHO] <James R. Wilkinson>; Daniel J. Bartlett/WHO/EOP [WHO] <Daniel J. Bartlett>; Karen Hughes/WHO/EOP [WHO] <Karen Hughes>; Margaret Tutwiler/WHO/EOP [WHO] <Margaret Tutwiler>; Noelia Rodriguez/WHO/EOP [WHO] <Noelia Rodriguez>; Erin E. Healy/WHO/EOP [WHO] <Erin E. Healy>; Tracey L. Schmitt/WHO/EOP [WHO] <Tracey L. Schmitt>; Gail Randall/WHO/EOP [WHO] <Gail Randall>; Gregory Goss/WHO/EOP [WHO] <Gregory Goss>; Tracy Young/WHO/EOP [WHO] <Tracy Young>; Tucker A. Eskew/WHO/EOP [WHO] <Tucker A. Eskew>; Jeanie S. Mamo/WHO/EOP [WHO] <Jeanie S. Mamo>; Kenneth A. Lisaius/WHO/EOP [WHO] <Kenneth A. Lisaius>; Nicolle Devenish/WHO/EOP [WHO] <Nicolle Devenish>; Andrew H. Card/WHO/EOP [WHO] <Andrew H. Card>; Joshua B. Bolten/WHO/EOP [WHO] <Joshua B. Bolten>; Joel D. Kaplan/WHO/EOP [WHO] <Joel D. Kaplan>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Joseph W. Hagin/WHO/EOP [WHO] <Joseph W. Hagin>; Marcus J. Mollmann/WHO/EOP [WHO] <Marcus J. Mollmann>; Katie Hong/WHO/EOP [WHO] <Katie Hong>; Logan M. Walters/WHO/EOP [WHO] <Logan M. Walters>; Christina D. Roberts/WHO/EOP [WHO] <Christina D. Roberts>; Jill L. Angelo/WHO/EOP [WHO] <Jill L. Angelo>; Scott N. Sforza/WHO/EOP [WHO] <Scott N. Sforza>; Michael J. Gerson/WHO/EOP [WHO] <Michael J. Gerson>; Krista L. Ritacco/WHO/EOP [WHO] <Krista L. Ritacco>; Peter H. Wehner/WHO/EOP [WHO] <Peter H. Wehner>; Matthew O. Scully/WHO/EOP [WHO] <Matthew O. Scully>; David Frum/WHO/EOP [WHO] <David Frum>; Anthony J. Gibson/OSTP/EOP [OSTP] <Anthony J. Gibson>; John D. Gibson/NSC/EOP [NSC] <John D. Gibson>; Edmund A. Walsh/WHO/EOP [WHO] <Edmund A. Walsh>; Karl_Doenges@oa.eop.gov [UNKNOWN] <Karl_Doenges@oa.eop.gov>; William T. Griffin/WHO/EOP [WHO] <William T. Griffin>; Taylor S. Gross/WHO/EOP [WHO] <Taylor S. Gross>; Wendy L. Nipper/WHO/EOP [WHO] <Wendy L. Nipper>; Christopher J. Orr/WHO/EOP [WHO] <Christopher J. Orr>; Scott Stanzel/WHO/EOP [WHO] <Scott Stanzel>; Lawrence A. Fleischer/WHO/EOP [WHO] <Lawrence A. Fleischer>; Vickie A. McQuade/WHO/EOP [WHO] <Vickie A. McQuade>; Jennifer K. Millerwise/WHO/EOP [WHO] <Jennifer K. Millerwise>; Anne Womack/WHO/EOP [WHO] <Anne Womack>; Brian Bravo/WHO/EOP [WHO] <Brian Bravo>; Candida P. Wolff/OVP/EOP [OVP] <Candida P. Wolff>; Harry W. Wolff/WHO/EOP [WHO] <Harry W. Wolff>; Scott McClellan/WHO/EOP [WHO] <Scott McClellan>; Claire E. Buchan/WHO/EOP [WHO] <Claire E. Buchan>; Gordon D. Johndroe/WHO/EOP [WHO] <Gordon D. Johndroe>; Rachael L. Sunbarger/WHO/EOP [WHO] <Rachael L. Sunbarger>; Sam Dickens/WHO/EOP [WHO] <Sam Dickens>; Nicholas E. Calio/WHO/EOP [WHO] <Nicholas E. Calio>; John W. Howard/WHO/EOP [WHO] <John W. Howard>; Virginia T. Gregory/WHO/EOP [WHO] <Virginia T. Gregory>; David W. Hobbs/WHO/EOP [WHO] <David W. Hobbs>; Christal R. West/WHO/EOP [WHO] <Christal R. West>; Roland N. Litterst/WHO/EOP [WHO] <Roland N. Litterst>; Kirsten A. Chadwick/WHO/EOP [WHO] <Kirsten A. Chadwick>; Daniel J. Keniry/WHO/EOP [WHO] <Daniel J. Keniry>; Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>; Peter M. Rowan/WHO/EOP [WHO] <Peter M. Rowan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Christine Ciccone/WHO/EOP [WHO] <Christine Ciccone>; Townsend L. McNitt/WHO/EOP [WHO] <Townsend L. McNitt>; Scott Jeffcoat/WHO/EOP [WHO] <Scott Jeffcoat>; Albert Hawkins/WHO/EOP [WHO] <Albert Hawkins>; Cynthia R. Mendl/WHO/EOP [WHO] <Cynthia R. Mendl>; Edward Ingle/WHO/EOP [WHO] <Edward Ingle>; L. Camille Welborn/WHO/EOP [WHO] <L. Camille Welborn>; Karl C. Rove/WHO/EOP [WHO] <Karl C. Rove>; Susan B. Ralston/WHO/EOP [WHO] <Susan B. Ralston>; Chris Henick/WHO/EOP [WHO] <Chris Henick>; Dee Dee Benkie/WHO/EOP [WHO] <Dee Dee Benkie>; Israel Hernandez/WHO/EOP [WHO] <Israel Hernandez>; Thomas_V_McMahan@oa.eop.gov [UNKNOWN] <Thomas_V_McMahan@oa.eop.gov>; Alicia P. Clark/WHO/EOP [WHO] <Alicia P. Clark>; William_S_Clark@oa.eop.gov [UNKNOWN] <William_S_Clark@oa.eop.gov>; Kasey S. Pipes/WHO/EOP [WHO] <Kasey S. Pipes>; Kenneth B. Mehlman/WHO/EOP [WHO] <Kenneth B. Mehlman>; Matthew A. Schlapp/WHO/EOP [WHO] <Matthew A. Schlapp>; Collister W. Johnson/WHO/EOP [WHO] <Collister W. Johnson>; Sara M. Taylor/WHO/EOP [WHO] <Sara M. Taylor>; Kelley J. McCullough/WHO/EOP [WHO] <Kelley J. McCullough>; David M. Thomas/WHO/EOP [WHO] <David M. Thomas>; Alicia W. Davis/WHO/EOP [WHO] <Alicia W. Davis>; Lezlee J. Westine/WHO/EOP [WHO] <Lezlee J. Westine>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Kirk Blalock/WHO/EOP [WHO] <Kirk Blalock>; Adam B. Goldman/WHO/EOP [WHO] <Adam B. Goldman>; Gian-Carlo A. Peressutti/WHO/EOP [WHO] <Gian-Carlo A. Peressutti>; Abel Guerra/WHO/EOP [WHO] <Abel Guerra>; Kathryn J. Hayes/WHO/EOP [WHO] <Kathryn J. Hayes>; John Gardner/WHO/EOP [WHO] <John Gardner>; Harriet Miers/WHO/EOP [WHO] <Harriet Miers>; Dina Powell/WHO/EOP [WHO] <Dina Powell>; Brian D. Montgomery/WHO/EOP [WHO] <Brian D. Montgomery>; Heather L.

READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Ponnuru@ix.netcom.com (Ponnuru@ix.netcom.com [UNKNOWN])
READ:UNKNOWN
TO:dtrigg@doc.gov (dtrigg@doc.gov [UNKNOWN])
READ:UNKNOWN
TO:dorrance.smith@fema.gov (dorrance.smith@fema.gov [UNKNOWN])
READ:UNKNOWN
TO:oliver.north@msnbc.com (oliver.north@msnbc.com [UNKNOWN])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:kmclane@pstrategies.com (kmclane@pstrategies.com [UNKNOWN])
READ:UNKNOWN
TO:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:brusbolt@iiaa.net (brusbolt@iiaa.net [UNKNOWN])
READ:UNKNOWN
TO:blewis@rnchq.org (blewis@rnchq.org [OVP])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov [UNKNOWN])
READ:UNKNOWN
TO:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Chris B. Nagel (CN=Chris B. Nagel/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP [WHO])
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TO:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP [WHO])
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TO:Beverly J. Ward (CN=Beverly J. Ward/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov [UNKNOWN])

READ:UNKNOWN
TO:john.feehery@mail.house.gov (john.feehery@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:TDuffy@rnchq.org (TDuffy@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:dallen@nrsc.org (dallen@nrsc.org [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:David W. Thomas (CN=David W. Thomas/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Helen R. Mobley (CN=Helen R. Mobley/OU=WHO/O=EOP [WHO])
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TO:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Sydney R. Johnson (CN=Sydney R. Johnson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Joan R. Doty (CN=Joan R. Doty/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

attached find a media advisory regarding today's 1 pm press conference launching the 21st Century Energy Project, of which I am executive director.
the groups at today's event at the nat'l press club include ATR, CSE, ACU, 60+, Frontiers of Freedom and others. if you plan on attending, skip the red meat at lunch.

we have a full page ad in the fresno bee today to support the president's

visit, a fax copy of which is attached. john peschong helpfully got copies to the filing center. it will also be in roll call tomorrow, and we'll start more ads when congress returns.

my draft opening statement is also attached. it's a good example of the tone we've been trying to change!

best, ed g.

-----Original Message-----

From: James_R._Wilkinson@who.eop.gov
[mailto:James_R._Wilkinson@who.eop.gov]
Sent: Wednesday, May 30, 2001 9:14 AM
To: Daniel_J._Bartlett@who.eop.gov; Karen_Hughes@who.eop.gov;
Margaret_Tutwiler@who.eop.gov; Noelia_Rodriguez@who.eop.gov;
Erin_E._Healy@who.eop.gov; Tracey_L._Schmitt@who.eop.gov;
Gail_Randall@who.eop.gov; Gregory_Goss@who.eop.gov;
Tracy_Young@who.eop.gov; Tucker_A._Eskew@who.eop.gov;
Jeanie_S._Mamo@who.eop.gov; Kenneth_A._Lisaius@who.eop.gov;
Nicolle_Devenish@who.eop.gov; Andrew_H._Card@who.eop.gov;
Joshua_B._Bolten@who.eop.gov; Joel_D._Kaplan@who.eop.gov;
Kristen_Silverberg@who.eop.gov; Joseph_W._Hagin@who.eop.gov;
Marcus_J._Mollmann@who.eop.gov; Katie_Hong@who.eop.gov;
Logan_M._Walters@who.eop.gov; Christina_D._Roberts@who.eop.gov;
Jill_L._Angelo@who.eop.gov; Scott_N._Sforza@who.eop.gov;
Michael_J._Gerson@who.eop.gov; Krista_L._Ritacco@who.eop.gov;
Peter_H._Wehner@who.eop.gov; Matthew_O._Scully@who.eop.gov;
David_Frum@who.eop.gov; agibson@ostp.eop.gov;
John_D._Gibson@nsc.eop.gov; Edmund_A._Walsh@who.eop.gov;
Karl_Doenges@oa.eop.gov; William_T._Griffin@who.eop.gov;
Taylor_S._Gross@who.eop.gov; Kenneth_A._Lisaius@who.eop.gov;
Jeanie_S._Mamo@who.eop.gov; Wendy_L._Nipper@who.eop.gov;
Christopher_J._Orr@who.eop.gov; Scott_Stanzel@who.eop.gov;
Lawrence_A._Fleischer@who.eop.gov; Vickie_A._McQuade@who.eop.gov;
Jennifer_K._Millerwise@who.eop.gov; Anne_Womack@who.eop.gov;
Brian_Bravo@who.eop.gov; Candida_P._Wolff@ovp.eop.gov;
Harry_W._Wolff@who.eop.gov; Scott_McClellan@who.eop.gov;
Claire_E._Buchan@who.eop.gov; Gordon_D._Johndroe@who.eop.gov;
Rachael_L._Sunbarger@who.eop.gov; Sam_Dickens@who.eop.gov;
Nicholas_E._Calio@who.eop.gov; John_W._Howard@who.eop.gov;
Virginia_T._Gregory@who.eop.gov; David_W._Hobbs@who.eop.gov;
Christal_R._West@who.eop.gov; rlitterst@who.eop.gov;
Kirsten_A._Chadwick@who.eop.gov; Daniel_J._Keniry@who.eop.gov;
Brian_C._Conklin@who.eop.gov; Peter_M._Rowan@who.eop.gov;
Ziad_S._Ojakli@who.eop.gov; Christine_Ciccone@who.eop.gov;
Townsend_L._McNitt@who.eop.gov; Scott_Jeffcoat@who.eop.gov;
Albert_Hawkins@who.eop.gov; Cynthia_R._Mendl@who.eop.gov;
Edward_Ingle@who.eop.gov; L._Camille_Welborn@who.eop.gov;
Karl_C._Rove@who.eop.gov; Susan_B._Ralston@who.eop.gov;
Chris_Henick@who.eop.gov; Dee_Dee_Benkie@who.eop.gov;
Israel_Hernandez@who.eop.gov; Thomas_V._McMahan@oa.eop.gov;
Alicia_P._Clark@who.eop.gov; William_S._Clark@oa.eop.gov;
Kasey_S._Pipes@who.eop.gov; Kenneth_B._Mehlman@who.eop.gov;
Matthew_A._Schlapp@who.eop.gov; Collister_W._Johnson@who.eop.gov;
Sara_M._Taylor@who.eop.gov; Kelley_J._McCullough@who.eop.gov;
David_M._Thomas@who.eop.gov; Alicia_W._Davis@who.eop.gov;
Lezlee_J._Westine@who.eop.gov; Tim_Goeglein@who.eop.gov;
Kirk_Blalock@who.eop.gov; Adam_B._Goldman@who.eop.gov;
Gian-Carlo_A._Peressutti@who.eop.gov; Abel_Guerra@who.eop.gov;
Kathryn_J._Hayes@who.eop.gov; John_Gardner@who.eop.gov;
Harriet_Miers@who.eop.gov; Collister_W._Johnson@who.eop.gov;
Dina_Powell@who.eop.gov; Brian_D._Montgomery@who.eop.gov;
Heather_L._West@who.eop.gov; Patrick_J._Rhode@who.eop.gov;
Gregory_J._Jenkins@who.eop.gov; Tobin_K._Harvey@who.eop.gov;
Brooks_D._Altshuler@who.eop.gov; Bradley_A._Blakeman@who.eop.gov;

REV_00126959

Kara_G._Figg@who.eop.gov; Amanda_L._Moore@who.eop.gov;
Danner_R._Bethel@who.eop.gov; Mary_Elizabeth_Farr@who.eop.gov;
Andrea_G._Ball@who.eop.gov; Alison_M._Harden@who.eop.gov;
Anne_Heiligenstein@who.eop.gov; Quincy_Hicks@who.eop.gov;
Melanie_A._Jackson@who.eop.gov; Ashley_M._Snee@ovp.eop.gov;
Debra_Heiden@ovp.eop.gov; Douglas_D._McCormick@omb.eop.gov;
Mary_J._Matalin@ovp.eop.gov; I._Lewis_Libby@oa.eop.gov;
Charles_D._McGrath_Jr@ovp.eop.gov; Jennifer_H._Mayfield@ovp.eop.gov;
Ethan_A._Hastert@ovp.eop.gov; Juleanna_R._Glover@ovp.eop.gov;
John_P._McConnell@ovp.eop.gov; Megan_D._Moran@ovp.eop.gov;
Michael_J._Sullivan@who.eop.gov; David_S._Addington@ovp.eop.gov;
Cesar_Conda@ovp.eop.gov; Ronald_I._Christie@ovp.eop.gov;
Nina_Rees@ovp.eop.gov; Margita_N._Thompson@ovp.eop.gov;
Nancy_P._Dorn@who.eop.gov; Stephen_S._Ruhlen@ovp.eop.gov;
Lauren_K._Allgood@ovp.eop.gov; Elizabeth_W._Kleppe@ovp.eop.gov;
Debra_R._Dunn@ovp.eop.gov; Jona_M._Turner@ovp.eop.gov;
Dylan_C._Glenn@opd.eop.gov; Donald_M._Sumerlin@oa.eop.gov;
Eric_C._Pelletier@omb.eop.gov; Augustine_T._Smythe@omb.eop.gov;
Lawrence_B._Lindsey@opd.eop.gov; John_M._Bridgeland@opd.eop.gov;
Margaret_M._LaMontagne@opd.eop.gov; Stephen_M._Garrison@opd.eop.gov;
Melissa_McKnight@opd.eop.gov; Eric_H._Otto@opd.eop.gov;
edgillespie@quinnigillespie.com; christine.iverson@mail.house.gov;
Josephine_B._Robinson@who.eop.gov; Melissa_S._Bennett@who.eop.gov;
Carol_J._Thompson@who.eop.gov; Joel_D._Kaplan@who.eop.gov;
Colleen_Litkenhaus@who.eop.gov; Katherine_G._Marinis@who.eop.gov;
Blake_Gottesman@who.eop.gov; charles.yoder@mail.va.gov;
lindsey_kozberg@ed.gov; mindy.tucker@usdoj.gov; terrell.halaska@hhs.gov;
nancy_i._segerdahl@hud.gov; kreisher.tina@epa.gov;
cooper.mildred@epa.gov; roy-stuart@dol.gov; cliff_may@ios.doi.gov;
Neil_H._Zimmerman@who.eop.gov; Melissa_sabatine@hotmail.com;
christine.iverson@mail.house.gov; brian.gunderson@mail.house.gov;
terry.holt@mail.house.gov; kevin.schweers@mail.house.gov;
paul.morrell@mail.house.gov; Sara_M._Taylor@who.eop.gov;
Michael_Shannon@who.eop.gov; Don_E._Eberly@who.eop.gov;
Don_R._Willett@who.eop.gov; Stanley_W._Carlson-Thies@who.eop.gov;
Lisa_T._Cummins@who.eop.gov; Mark_V._Scott@who.eop.gov;
Michele_H._Tennery@who.eop.gov; Carrie_W._Click@who.eop.gov;
Catharine_A._Ryun@who.eop.gov; sschmidt@nrcc.org;
Matthew_E._Smith@who.eop.gov; Brian_R._Besanceney@opd.eop.gov;
mmckinnon@pstrategies.com; MMiner@rnchq.org; BComstock@rnchq.org;
james_r._wilkinson@who.eop.gov; jcram@rnchq.org; dmishoe@rnchq.org;
John_M._Ackerly@oa.eop.gov; Kevin_J._Martin@opd.eop.gov;
Adrian_G._Gray@who.eop.gov; mcrawford@doc.gov; maryanne.lyle@fema.gov;
Nancy_L._segerdahl@hud.gov; chet.lunner@ost.dot.gov;
m.kicklighter@mail.va.com; roy_stuart@dol.gov; mark_pfeifle@ios.doi.gov;
kreisher.tina@epa.gov; kevin.keane@hhs.gov; mindy.tucker@usdoj.gov;
moridanis@state.gov; Jeanne.lopatto@hq.doe; craig.quigley@osd.mil;
Michele.davis@do.treas.gov; lindsey_kozberg@ed.gov;
Anne_Trenolone@who.eop.gov; Barry_S._Jackson@who.eop.gov;
POnnuru@ix.netcom.com; dtrigg@doc.gov; dorrance.smith@fema.gov;
oliver.north@msnbc.com; Lewis_Libby@ovp.eop.gov;
John_M._Ackerly@opd.eop.gov; Brian_R._Besanceney@opd.eop.gov;
kmclane@pstrategies.com; John_D._Estes@who.eop.gov;
Ashley_Estes@who.eop.gov; Angela_R._Sailor@who.eop.gov;
Meredith_A._Terpeluk@who.eop.gov; K._Philippa_Malmgren@opd.eop.gov;
Ruben_S._Barrales@who.eop.gov; Terry_C._Miller@who.eop.gov;
Deborah_A._Spagnoli@who.eop.gov; Alison_Jones@who.eop.gov;
Laura_S._Lawlor@who.eop.gov; brusbolt@iiaa.net;
John_M._Ackerly@opd.eop.gov; Lewis_Libby@ovp.eop.gov;
James_R._Wilkinson@who.eop.gov; blewis@rnchq.org;
Charles_P._Blahous@opd.eop.gov; Maria.Cino@mail.doc.gov;
Matthew_W._Lindley@who.eop.gov; Chris_B._Nagel@who.eop.gov;
Melissa_L._McAdoo@who.eop.gov; Kristen_L._Hughes@who.eop.gov;
Robert_T._Pratt_Jr@who.eop.gov; Beverly_J._Ward@who.eop.gov;
Deborah_K._Hair@who.eop.gov; Elizabeth_N._Camp@who.eop.gov;
Brett_M._Kavanaugh@who.eop.gov; Bradford_A._Berenson@who.eop.gov;
Timothy_E._Flanigan@who.eop.gov; Mark.Corallo@mail.house.gov;
susan_irby@lott.senate.gov; john.feehery@mail.house.gov;

terry.holt@mail.house.gov; TDuffy@rnchq.org;
Mercedes_M._Viana@who.eop.gov; dallen@nrsc.org;
D._Marcus_Sumerlin@opd.eop.gov; John_M._Ackerly@opd.eop.gov;
Lewis_Libby@ovp.eop.gov; Blake_Gottesman@who.eop.gov;
Ashley_Estes@who.eop.gov; Linda_M._Gambatesa@who.eop.gov;
Gary_R._Edson@nsc.eop.gov; Robert_W._Cobb@who.eop.gov;
Jean_M._Russell@opd.eop.gov; Traci_R._Campbell@who.eop.gov;
James_E._Carter@opd.eop.gov; Courtney_S._Elwood@who.eop.gov;
Robert_W._Cobb@who.eop.gov; Neil_H._Zimmerman@who.eop.gov;
Dee_Dee_Benkie@who.eop.gov; Paul_B._Dyck@who.eop.gov;
David_W._Thomas@who.eop.gov; Debra_D._Bird@who.eop.gov;
Dina_Powell@who.eop.gov; Mark_V._Rosenker@who.eop.gov;
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Joan_R._Doty@who.eop.gov; Anne_Heiligenstein@who.eop.gov;
Sonya_E._Medina@who.eop.gov; Catherine_S._Fenton@who.eop.gov;
Melanie_A._Jackson@who.eop.gov; Anne_E._Phelps@opd.eop.gov;
Eleanor_L._Gillmor@opd.eop.gov; Tiffany_L._Barfield@opd.eop.gov;
David_F._Lussier@opd.eop.gov
Subject: The President's National Parks Legacy Project

Domestic Policy has drafted the attached document outlining the President's
National Parks Legacy Project that he will discuss today in California.

(See attached file: National Parks Legacy Project.doc)

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 <Matthew E. Smith>;Brian R. Besanceney/OPD/EOP [OPD] <Brian R.
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<jcram@rnchq.org>;dmishoe@rnchq.org [UNKNOWN] <dmishoe@rnchq.org>;John M. Ackerly/OPD/EOP [OPD] <John M. Ackerly>;Kevin J. Martin/OPD/EOP [OPD] <Kevin J. Martin>;Adrian G. Gray/WHO/EOP [WHO] <Adrian G. Gray>;mcrawford@doc.gov [UNKNOWN] <mcrawford@doc.gov>;maryanne.lyle@fema.gov [UNKNOWN] <maryanne.lyle@fema.gov>;Nancy_L._segerdahl@hud.gov [UNKNOWN] <Nancy_L._segerdahl@hud.gov>;chet.lunner@ost.dot.gov [UNKNOWN] <chet.lunner@ost.dot.gov>;m.kicklighter@mail.va.com [UNKNOWN] <m.kicklighter@mail.va.com>;roy_stuart@dol.gov [UNKNOWN] <roy_stuart@dol.gov>;mark_pfeifle@ios.doi.gov [UNKNOWN] <mark_pfeifle@ios.doi.gov>;kevin.keane@hhs.gov [UNKNOWN] <kevin.keane@hhs.gov>;moridanis@state.gov [UNKNOWN] <moridanis@state.gov>;Jeanne.lopatto@hq.doe [UNKNOWN] <Jeanne.lopatto@hq.doe>;craig.quigley@osd.mil [UNKNOWN] <craig.quigley@osd.mil>;Michele.davis@do.treas.gov [UNKNOWN] <Michele.davis@do.treas.gov>;Anne Trenolone/WHO/EOP [WHO] <Anne Trenolone>;Barry S. Jackson/WHO/EOP [WHO] <Barry S. Jackson>;PONnuru@ix.netcom.com [UNKNOWN] <PONnuru@ix.netcom.com>;dtrigg@doc.gov [UNKNOWN] <dtrigg@doc.gov>;dorrance.smith@fema.gov [UNKNOWN] <dorrance.smith@fema.gov>;oliver.north@msnbc.com [UNKNOWN] <oliver.north@msnbc.com>;Lewis Libby/OVP/EOP [OVP] <Lewis Libby>;kmclane@pstrategies.com [UNKNOWN] <kmclane@pstrategies.com>;John D. Estes/WHO/EOP [WHO] <John D. Estes>;Ashley Estes/WHO/EOP [WHO] <Ashley Estes>;Angela R. Sailor/WHO/EOP [WHO] <Angela R. Sailor>;Meredith A. Terpeluk/WHO/EOP [WHO] <Meredith A. Terpeluk>;K. Philippa Malmgren/OPD/EOP [OPD] <K. Philippa Malmgren>;Ruben S. Barrales/WHO/EOP [WHO] <Ruben S. Barrales>;Terry C. Miller/WHO/EOP [WHO] <Terry C. Miller>;Deborah A. Spagnoli/WHO/EOP [WHO] <Deborah A. Spagnoli>;Alison Jones/WHO/EOP [WHO] <Alison Jones>;Laura S. Lawlor/WHO/EOP [WHO] <Laura S. Lawlor>;brusbolt@iiaa.net [UNKNOWN] <brusbolt@iiaa.net>;blewis@rnchq.org [OVP] <blewis@rnchq.org>;Charles P. Blahous/OPD/EOP [OPD] <Charles P. Blahous>;Maria.Cino@mail.doc.gov [UNKNOWN] <Maria.Cino@mail.doc.gov>;Matthew W. Lindley/WHO/EOP [WHO] <Matthew W. Lindley>;Chris B. Nagel/WHO/EOP [WHO] <Chris B. Nagel>;Melissa L. McAdoo/WHO/EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP [WHO] <Kristen L. Hughes>;Robert T. Pratt Jr/WHO/EOP [WHO] <Robert T. Pratt Jr>;Beverly J. Ward/WHO/EOP [WHO] <Beverly J. Ward>;Deborah K. Hair/WHO/EOP [WHO] <Deborah K. Hair>;Elizabeth N. Camp/WHO/EOP [WHO] <Elizabeth N. Camp>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>;Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>;Mark.Corallo@mail.house.gov [UNKNOWN] <Mark.Corallo@mail.house.gov>;susan_irby@lott.senate.gov [UNKNOWN] <susan_irby@lott.senate.gov>;john.feehery@mail.house.gov [UNKNOWN] <john.feehery@mail.house.gov>;TDuffy@rnchq.org [UNKNOWN] <TDuffy@rnchq.org>;Mercedes M. Viana/WHO/EOP [WHO] <Mercedes M. Viana>;dallen@nrsc.org [UNKNOWN] <dallen@nrsc.org>;D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>;Linda M. Gambatesa/WHO/EOP [WHO] <Linda M. Gambatesa>;Gary R. Edson/NSC/EOP [NSC] <Gary R. Edson>;Robert W. Cobb/WHO/EOP [WHO] <Robert W. Cobb>;Jean M. Russell/OPD/EOP [OPD] <Jean M. Russell>;Traci R. Campbell/WHO/EOP [WHO] <Traci R. Campbell>;James E. Carter/OPD/EOP [OPD] <James E. Carter>;Courtney S. Elwood/WHO/EOP [WHO] <Courtney S. Elwood>;Paul B. Dyck/WHO/EOP [WHO] <Paul B. Dyck>;David W. Thomas/WHO/EOP [WHO] <David W. Thomas>;Debra D. Bird/WHO/EOP [WHO] <Debra D. Bird>;Mark V. Rosenker/WHO/EOP [WHO] <Mark V. Rosenker>;Helen R. Mobley/WHO/EOP [WHO] <Helen R. Mobley>;Julianne H. Thomas/WHO/EOP [WHO] <Julianne H. Thomas>;Desiree T. Sayle/WHO/EOP [WHO] <Desiree T. Sayle>;Sydney R. Johnson/WHO/EOP [WHO] <Sydney R. Johnson>;Sara B. McIntosh/WHO/EOP [WHO] <Sara B. McIntosh>;Joan R. Doty/WHO/EOP [WHO] <Joan R. Doty>;Sonya E. Medina/WHO/EOP [WHO] <Sonya E. Medina>;Catherine S. Fenton/WHO/EOP [WHO] <Catherine S. Fenton>;Anne E. Phelps/OPD/EOP [OPD] <Anne E. Phelps>;Eleanor L. Gillmor/OPD/EOP [OPD] <Eleanor L. Gillmor>;Tiffany L. Barfield/OPD/EOP [OPD] <Tiffany L. Barfield>;David F. Lussier/OPD/EOP [OPD] <David F. Lussier>

Sent: 5/30/2001 5:51:16 AM

Subject: : RE: The President's National Parks Legacy Project

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TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
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TO:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP [WHO])
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TO:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP [WHO])
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TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP [WHO])
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TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP [WHO])
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TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP [WHO])
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TO:Heather L. West (CN=Heather L. West/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Patrick J. Rhode (CN=Patrick J. Rhode/OU=WHO/O=EOP [UNKNOWN])
READ:UNKNOWN

TO:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP [WHO])
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TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP [WHO])
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TO:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Amanda L. Moore (CN=Amanda L. Moore/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Mary Elizabeth Farr (CN=Mary Elizabeth Farr/OU=WHO/O=EOP [WHO])
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TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP [WHO])
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TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP [WHO])
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TO:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP [WHO])
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TO:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP [WHO])
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TO:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP [OVP])
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TO:Douglas D. McCormick (CN=Douglas D. McCormick/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:I._Lewis_Libby@oa.eop.gov (I._Lewis_Libby@oa.eop.gov [UNKNOWN])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP [OVP])
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TO:Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP [OVP])
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TO:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP [OVP])
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READ:UNKNOWN
TO:Michael J. Sullivan (CN=Michael J. Sullivan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:Nina Rees (CN=Nina Rees/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:Margita N. Thompson (CN=Margita N. Thompson/OU=OVP/O=EOP [OVP])
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TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP [WHO])
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TO:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP [OVP])
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TO:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP [OVP])
READ:UNKNOWN

TO:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP [WHO])
READ:UNKNOWN
TO:Jona M. Turner (CN=Jona M. Turner/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Donald_M._Sumerlin@oa.eop.gov (Donald_M._Sumerlin@oa.eop.gov [UNKNOWN])
READ:UNKNOWN
TO:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP [OMB])
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TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP [OPD])
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TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP [OPD])
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TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP [OPD])
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READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Ed Gillespie <EdGillespie@QuinnGillespie.com> (Ed Gillespie
<EdGillespie@QuinnGillespie.com> [UNKNOWN])
READ:UNKNOWN
TO:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov [UNKNOWN])
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TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
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TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov [UNKNOWN])
READ:UNKNOWN
TO:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov [UNKNOWN])
READ:UNKNOWN
TO:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:terrell.halaska@hhs.gov (terrell.halaska@hhs.gov [UNKNOWN])
READ:UNKNOWN
TO:nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov [UNKNOWN])
READ:UNKNOWN
TO:kreisher.tina@epa.gov (kreisher.tina@epa.gov [UNKNOWN])
READ:UNKNOWN
TO:cooper.mildred@epa.gov (cooper.mildred@epa.gov [UNKNOWN])
READ:UNKNOWN
TO:roy-stuart@dol.gov (roy-stuart@dol.gov [UNKNOWN])
READ:UNKNOWN
TO:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov [UNKNOWN])
READ:UNKNOWN
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com [UNKNOWN])
READ:UNKNOWN
TO:brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:terry.holt@mail.house.gov (terry.holt@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov [UNKNOWN])

READ:UNKNOWN
TO:paul.morrell@mail.house.gov (paul.morrell@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP [WHO])
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TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP [WHO])
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TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP [WHO])
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TO:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:sschmidt@nrcc.org (sschmidt@nrcc.org [UNKNOWN])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com [UNKNOWN])
READ:UNKNOWN
TO:MMiner@rnchq.org (MMiner@rnchq.org [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
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TO:dmishoe@rnchq.org (dmishoe@rnchq.org [UNKNOWN])
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TO:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:mcrawford@doc.gov (mcrawford@doc.gov [UNKNOWN])
READ:UNKNOWN
TO:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov [UNKNOWN])
READ:UNKNOWN
TO:Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov [UNKNOWN])
READ:UNKNOWN
TO:chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:m.kicklighter@mail.va.com (m.kicklighter@mail.va.com [UNKNOWN])
READ:UNKNOWN
TO:roy_stuart@dol.gov (roy_stuart@dol.gov [UNKNOWN])
READ:UNKNOWN
TO:mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov [UNKNOWN])
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TO:moridanis@state.gov (moridanis@state.gov [UNKNOWN])
READ:UNKNOWN
TO:Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe [UNKNOWN])
READ:UNKNOWN
TO:craig.quigley@osd.mil (craig.quigley@osd.mil [UNKNOWN])
READ:UNKNOWN
TO:Michele.davis@do.treas.gov (Michele.davis@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP [WHO])

Thank you for coming.

The organizations assembled here today have agreed to work together on the 21st Century Energy Project to provide a counterbalance to the scathing, misleading assault on the first effort we have seen in this country in 20 years to enact a balanced energy policy.

Often flying under the false banner of environmental protection or conservation, groups like the Sierra Club and the National Resources Defense Council--not to mention Greenpeace--have become little more than outside resources for the Democratic National Committee. They were poised to echo the attacks of the DNC and congressional Democrats they supported in the last campaign weeks before the Bush Administration even unveiled its energy initiative. Ultimately, 40 of the plan's 105 recommendations ended up focusing on increasing conservation, but they did not let that fact change their plan.

They reflexively oppose any plan that would increase traditional forms of energy production as a means by which to restore the imbalance between our nation's demand for energy and its supply. They do so in the most cynical political fashion, branding every abundant and affordable source of energy as a threat to clean air or clean water in order to frighten policy makers by frightening suburban women swing voters.

Rarely do these groups acknowledge--nor are they asked--how they would meet the demand necessary for Americans to maintain higher standards of living over the next 20 years in the absence of greater domestic production. The answer is that they would not. They would instead reduce demand by government fiat.

Their agenda includes:

higher energy prices (which former Vice President Al Gore touted in his book and which the Democratic congress voted for in the form of a BTU tax),

excessive regulations that have prohibited construction of an oil refinery in the United States for nearly 25 years and no major new generating plant in California in a decade,

government control of existing power lines and energy plants,

and artificial price caps that can only result in government rationing of energy usage--just as it did in the '70s under Jimmy Carter.

These liberal elites chide us on the need to mandate people into smaller, less safe "more fuel-efficient cars" as Dick Gephardt railed at a press conference earlier this month--a press conference at which he arrived in his Chevy Suburban.

They believe oil, gas, coal and nuclear energy are inherently bad, and that working Americans are the problem here because we use too much of it. Theirs is a world view of scarcity, where innovations in clean coal technology, precision drilling and advancements in nuclear energy and safety simply never happened. They are stuck in a time warp, waiting with baited breath for Jackson Brown and Bonnie Raitt to hold their next No Nukes rally.

"That '70s Show" is entertaining on television every Tuesday night, but a little tired on the floor of the House of Representatives every weekday morning.

We believe in conservation. It makes a lot of sense. It's good economics. But conservation alone won't keep the lights on. California ranks second in the nation in energy conservation, but its consumption has risen 11.3% over the past decade while its production has declined 1.7%. Without a balanced approach, supply will drop and prices will rise. Seniors on fixed incomes will be forced to limit their energy use. Blackouts will continue to roll. And all of us will feel the decline in a quality of life that is directly tied to our quantity of energy.

In the coming months, the 21st Century Energy Project will serve as a clearinghouse for information on energy policy from a market-oriented approach and an understanding that higher levels of domestic production and environmental sensitivity are not mutually exclusive in the 21st Century.

REMEMBER THE '70s?



Gas Lines were long, rationing was in, Jimmy Carter was President and he told us to wear a sweater.

Liberal elites think that's still the answer.

The last time we faced an energy crisis Jimmy Carter was President. Two decades ago, over-dependence on foreign oil created a shortage and drove prices up. The solution was rationing. It was a bad idea.

Today, we are again becoming too dependent on foreign oil when demand for oil and electricity consumption is increasing. This is simple Economics 101: when demand increases faster than supply, prices go up.

Liberal groups and some politicians believe rationing, price caps, higher taxes and excessive regulations will solve the problem. We disagree.

Their policies will only decrease supply and further increase prices. That hurts lower and middle class families the most. In fact, if some on the left have their way, "soccer moms" will be forced to sell their mini-vans - they'll become a luxury only the elite can afford.

Conservation alone won't keep the lights on.

California ranks as the second best state in energy conservation. If conservation alone could solve the problem, California wouldn't be facing high rates and rolling blackouts.

The 21st Century Energy Project rejects the premise that we can conserve our way out of this energy shortage.

A balance between conservation and increased supply is the only solution. We support an energy policy based on sound science and a rational, balanced, market-oriented approach that will ensure affordable energy for all Americans.

That's why we applaud President Bush's approach - a balanced, comprehensive 105-point plan that includes over 40 recommendations that increase conservation, as well as a diversified proposal to reduce dependence on foreign oil while using 21st Century technology to produce clean, abundant and affordable energy.



21st Century Energy Project
Quantity of Energy = Quality of Life

80 Plus Association
American Conservative Union
Americans for Tax Reform

Citizens for a Sound Economy
Frontiers of Freedom
National Center for Policy Analysis

National Center for Public Policy Research
United Seniors Association
The Seniors Coalition

Attention: Energy Reporters

EMBARGOED UNTIL EVENT

Contact: Ashley Meece
(202) 429-4009

Monday, May 28, 2001

Media Advisory

21st Century Energy Project to Launch Wednesday
New Project Will Educate Public on Domestic Energy Proposals

WASHINGTON, D.C. – In response to the national energy policy debate, a new coalition will be launched Wednesday. The 21st Century Energy Project (21CEP) will educate the public on the impact various energy policies will have on Americans' quality of life.

The 21st Century Energy Project seeks to coordinate the resources of organizations committed to striking a balance between our nation's energy supply and demand. Member organizations are devoted to finding a sensible approach to the energy policy debate that protects America's future and security, and exposing the negative impact of the liberal energy agenda.

The 21CEP will serve as a counterbalance to the liberal groups who oppose increased energy production and seek government-mandated reductions in energy consumption.

At the launch event, an ad campaign will be unveiled.

WHO: 21st Century Energy Project Founders
Ed Gillespie (Director, 21CEP)
60 Plus Association
American Conservative Union
Americans for Tax Reform
Citizens for a Sound Economy
Frontiers of Freedom
National Center for Policy Analysis
National Center for Public Policy Research
The Seniors Coalition
United Seniors Association

WHAT: **Launch event (and unveiling of new ad)**

WHEN: 1:00 – 2:00 pm, Wednesday, May 30, 2001

WHERE: Murrow Room, National Press Club
Corner of 14th and F Streets, NW

CONTACT: Kate Cyrul (202) 429-4014 or Ashley Meece (202) 429-4009

From: Ed Gillespie <EdGillespie@QuinnGillespie.com>
To: James R. Wilkinson/WHO/EOP [WHO] <James R. Wilkinson>; Daniel J. Bartlett/WHO/EOP [WHO] <Daniel J. Bartlett>; Karen Hughes/WHO/EOP [WHO] <Karen Hughes>; Margaret Tutwiler/WHO/EOP [WHO] <Margaret Tutwiler>; Noelia Rodriguez/WHO/EOP [WHO] <Noelia Rodriguez>; Erin E. Healy/WHO/EOP [WHO] <Erin E. Healy>; Tracey L. Schmitt/WHO/EOP [WHO] <Tracey L. Schmitt>; Gail Randall/WHO/EOP [WHO] <Gail Randall>; Gregory Goss/WHO/EOP [WHO] <Gregory Goss>; Tracy Young/WHO/EOP [WHO] <Tracy Young>; Tucker A. Eskew/WHO/EOP [WHO] <Tucker A. Eskew>; Jeanie S. Mamo/WHO/EOP [WHO] <Jeanie S. Mamo>; Kenneth A. Lisaius/WHO/EOP [WHO] <Kenneth A. Lisaius>; Nicolle Devenish/WHO/EOP [WHO] <Nicolle Devenish>; Andrew H. Card/WHO/EOP [WHO] <Andrew H. Card>; Joshua B. Bolten/WHO/EOP [WHO] <Joshua B. Bolten>; Joel D. Kaplan/WHO/EOP [WHO] <Joel D. Kaplan>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Joseph W. Hagin/WHO/EOP [WHO] <Joseph W. Hagin>; Marcus J. Mollmann/WHO/EOP [WHO] <Marcus J. Mollmann>; Katie Hong/WHO/EOP [WHO] <Katie Hong>; Logan M. Walters/WHO/EOP [WHO] <Logan M. Walters>; Christina D. Roberts/WHO/EOP [WHO] <Christina D. Roberts>; Jill L. Angelo/WHO/EOP [WHO] <Jill L. Angelo>; Scott N. Sforza/WHO/EOP [WHO] <Scott N. Sforza>; Michael J. Gerson/WHO/EOP [WHO] <Michael J. Gerson>; Krista L. Ritacco/WHO/EOP [WHO] <Krista L. Ritacco>; Peter H. Wehner/WHO/EOP [WHO] <Peter H. Wehner>; Matthew O. Scully/WHO/EOP [WHO] <Matthew O. Scully>; David Frum/WHO/EOP [WHO] <David Frum>; Anthony J. Gibson/OSTP/EOP [OSTP] <Anthony J. Gibson>; John D. Gibson/NSC/EOP [NSC] <John D. Gibson>; Edmund A. Walsh/WHO/EOP [WHO] <Edmund A. Walsh>; Karl_Doenges@oa.eop.gov [UNKNOWN] <Karl_Doenges@oa.eop.gov>; William T. Griffin/WHO/EOP [WHO] <William T. Griffin>; Taylor S. Gross/WHO/EOP [WHO] <Taylor S. Gross>; Wendy L. Nipper/WHO/EOP [WHO] <Wendy L. Nipper>; Christopher J. Orr/WHO/EOP [WHO] <Christopher J. Orr>; Scott Stanzel/WHO/EOP [WHO] <Scott Stanzel>; Lawrence A. Fleischer/WHO/EOP [WHO] <Lawrence A. Fleischer>; Vickie A. McQuade/WHO/EOP [WHO] <Vickie A. McQuade>; Jennifer K. Millerwise/WHO/EOP [WHO] <Jennifer K. Millerwise>; Anne Womack/WHO/EOP [WHO] <Anne Womack>; Brian Bravo/WHO/EOP [WHO] <Brian Bravo>; Candida P. Wolff/OVP/EOP [OVP] <Candida P. Wolff>; Harry W. Wolff/WHO/EOP [WHO] <Harry W. Wolff>; Scott McClellan/WHO/EOP [WHO] <Scott McClellan>; Claire E. Buchan/WHO/EOP [WHO] <Claire E. Buchan>; Gordon D. Johndroe/WHO/EOP [WHO] <Gordon D. Johndroe>; Rachael L. Sunbarger/WHO/EOP [WHO] <Rachael L. Sunbarger>; Sam Dickens/WHO/EOP [WHO] <Sam Dickens>; Nicholas E. Calio/WHO/EOP [WHO] <Nicholas E. Calio>; John W. Howard/WHO/EOP [WHO] <John W. Howard>; Virginia T. Gregory/WHO/EOP [WHO] <Virginia T. Gregory>; David W. Hobbs/WHO/EOP [WHO] <David W. Hobbs>; Christal R. West/WHO/EOP [WHO] <Christal R. West>; Roland N. Litterst/WHO/EOP [WHO] <Roland N. Litterst>; Kirsten A. Chadwick/WHO/EOP [WHO] <Kirsten A. Chadwick>; Daniel J. Keniry/WHO/EOP [WHO] <Daniel J. Keniry>; Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>; Peter M. Rowan/WHO/EOP [WHO] <Peter M. Rowan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Christine Ciccone/WHO/EOP [WHO] <Christine Ciccone>; Townsend L. McNitt/WHO/EOP [WHO] <Townsend L. McNitt>; Scott Jeffcoat/WHO/EOP [WHO] <Scott Jeffcoat>; Albert Hawkins/WHO/EOP [WHO] <Albert Hawkins>; Cynthia R. Mendl/WHO/EOP [WHO] <Cynthia R. Mendl>; Edward Ingle/WHO/EOP [WHO] <Edward Ingle>; L. Camille Welborn/WHO/EOP [WHO] <L. Camille Welborn>; Karl C. Rove/WHO/EOP [WHO] <Karl C. Rove>; Susan B. Ralston/WHO/EOP [WHO] <Susan B. Ralston>; Chris Henick/WHO/EOP [WHO] <Chris Henick>; Dee Dee Benkie/WHO/EOP [WHO] <Dee Dee Benkie>; Israel Hernandez/WHO/EOP [WHO] <Israel Hernandez>; Thomas_V_McMahan@oa.eop.gov [UNKNOWN] <Thomas_V_McMahan@oa.eop.gov>; Alicia P. Clark/WHO/EOP [WHO] <Alicia P. Clark>; William_S_Clark@oa.eop.gov [UNKNOWN] <William_S_Clark@oa.eop.gov>; Kasey S. Pipes/WHO/EOP [WHO] <Kasey S. Pipes>; Kenneth B. Mehlman/WHO/EOP [WHO] <Kenneth B. Mehlman>; Matthew A. Schlapp/WHO/EOP [WHO] <Matthew A. Schlapp>; Collister W. Johnson/WHO/EOP [WHO] <Collister W. Johnson>; Sara M. Taylor/WHO/EOP [WHO] <Sara M. Taylor>; Kelley J. McCullough/WHO/EOP [WHO] <Kelley J. McCullough>; David M. Thomas/WHO/EOP [WHO] <David M. Thomas>; Alicia W. Davis/WHO/EOP [WHO] <Alicia W. Davis>; Lezlee J. Westine/WHO/EOP [WHO] <Lezlee J. Westine>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Kirk Blalock/WHO/EOP [WHO] <Kirk Blalock>; Adam B. Goldman/WHO/EOP [WHO] <Adam B. Goldman>; Gian-Carlo A. Peressutti/WHO/EOP [WHO] <Gian-Carlo A. Peressutti>; Abel Guerra/WHO/EOP [WHO] <Abel Guerra>; Kathryn J. Hayes/WHO/EOP [WHO] <Kathryn J. Hayes>; John Gardner/WHO/EOP [WHO] <John Gardner>; Harriet Miers/WHO/EOP [WHO] <Harriet Miers>; Dina Powell/WHO/EOP [WHO] <Dina Powell>; Brian D. Montgomery/WHO/EOP [WHO] <Brian D. Montgomery>; Heather L.

READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Ponnuru@ix.netcom.com (Ponnuru@ix.netcom.com [UNKNOWN])
READ:UNKNOWN
TO:dtrigg@doc.gov (dtrigg@doc.gov [UNKNOWN])
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TO:dorrance.smith@fema.gov (dorrance.smith@fema.gov [UNKNOWN])
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TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:kmclane@pstrategies.com (kmclane@pstrategies.com [UNKNOWN])
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TO:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:brusbolt@iiaa.net (brusbolt@iiaa.net [UNKNOWN])
READ:UNKNOWN
TO:blewis@rnchq.org (blewis@rnchq.org [OVP])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov [UNKNOWN])
READ:UNKNOWN
TO:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Chris B. Nagel (CN=Chris B. Nagel/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP [WHO])
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TO:Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP [WHO])
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TO:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP [WHO])
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TO:Beverly J. Ward (CN=Beverly J. Ward/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP [WHO])
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TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov [UNKNOWN])

READ:UNKNOWN
TO:john.feehery@mail.house.gov (john.feehery@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:TDuffy@rnchq.org (TDuffy@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:dallen@nrsc.org (dallen@nrsc.org [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:David W. Thomas (CN=David W. Thomas/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Helen R. Mobley (CN=Helen R. Mobley/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Sydney R. Johnson (CN=Sydney R. Johnson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Joan R. Doty (CN=Joan R. Doty/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

attached find a media advisory regarding today's 1 pm press conference
launching the 21st Century Energy Project, of which I am executive
director.
the groups at today's event at the nat'l press club include ATR, CSE, ACU,
60+, Frontiers of Freedom and others. if you plan on attending, skip the
red
meat at lunch.

we have a full page ad in the fresno bee today to support the president's

visit, a fax copy of which is attached. john peschong helpfully got copies to the filing center. it will also be in roll call tomorrow, and we'll start more ads when congress returns.

my draft opening statement is also attached. it's a good example of the tone we've been trying to change!

best, ed g.

-----Original Message-----

From: James_R._Wilkinson@who.eop.gov
[mailto:James_R._Wilkinson@who.eop.gov]
Sent: Wednesday, May 30, 2001 9:14 AM
To: Daniel_J._Bartlett@who.eop.gov; Karen_Hughes@who.eop.gov;
Margaret_Tutwiler@who.eop.gov; Noelia_Rodriguez@who.eop.gov;
Erin_E._Healy@who.eop.gov; Tracey_L._Schmitt@who.eop.gov;
Gail_Randall@who.eop.gov; Gregory_Goss@who.eop.gov;
Tracy_Young@who.eop.gov; Tucker_A._Eskew@who.eop.gov;
Jeanie_S._Mamo@who.eop.gov; Kenneth_A._Lisaius@who.eop.gov;
Nicolle_Devenish@who.eop.gov; Andrew_H._Card@who.eop.gov;
Joshua_B._Bolten@who.eop.gov; Joel_D._Kaplan@who.eop.gov;
Kristen_Silverberg@who.eop.gov; Joseph_W._Hagin@who.eop.gov;
Marcus_J._Mollmann@who.eop.gov; Katie_Hong@who.eop.gov;
Logan_M._Walters@who.eop.gov; Christina_D._Roberts@who.eop.gov;
Jill_L._Angelo@who.eop.gov; Scott_N._Sforza@who.eop.gov;
Michael_J._Gerson@who.eop.gov; Krista_L._Ritacco@who.eop.gov;
Peter_H._Wehner@who.eop.gov; Matthew_O._Scully@who.eop.gov;
David_Frum@who.eop.gov; agibson@ostp.eop.gov;
John_D._Gibson@nsc.eop.gov; Edmund_A._Walsh@who.eop.gov;
Karl_Doenges@oa.eop.gov; William_T._Griffin@who.eop.gov;
Taylor_S._Gross@who.eop.gov; Kenneth_A._Lisaius@who.eop.gov;
Jeanie_S._Mamo@who.eop.gov; Wendy_L._Nipper@who.eop.gov;
Christopher_J._Orr@who.eop.gov; Scott_Stanzel@who.eop.gov;
Lawrence_A._Fleischer@who.eop.gov; Vickie_A._McQuade@who.eop.gov;
Jennifer_K._Millerwise@who.eop.gov; Anne_Womack@who.eop.gov;
Brian_Bravo@who.eop.gov; Candida_P._Wolff@ovp.eop.gov;
Harry_W._Wolff@who.eop.gov; Scott_McClellan@who.eop.gov;
Claire_E._Buchan@who.eop.gov; Gordon_D._Johndroe@who.eop.gov;
Rachael_L._Sunbarger@who.eop.gov; Sam_Dickens@who.eop.gov;
Nicholas_E._Calio@who.eop.gov; John_W._Howard@who.eop.gov;
Virginia_T._Gregory@who.eop.gov; David_W._Hobbs@who.eop.gov;
Christal_R._West@who.eop.gov; rlitterst@who.eop.gov;
Kirsten_A._Chadwick@who.eop.gov; Daniel_J._Keniry@who.eop.gov;
Brian_C._Conklin@who.eop.gov; Peter_M._Rowan@who.eop.gov;
Ziad_S._Ojakli@who.eop.gov; Christine_Ciccone@who.eop.gov;
Townsend_L._McNitt@who.eop.gov; Scott_Jeffcoat@who.eop.gov;
Albert_Hawkins@who.eop.gov; Cynthia_R._Mendl@who.eop.gov;
Edward_Ingle@who.eop.gov; L._Camille_Welborn@who.eop.gov;
Karl_C._Rove@who.eop.gov; Susan_B._Ralston@who.eop.gov;
Chris_Henick@who.eop.gov; Dee_Dee_Benkie@who.eop.gov;
Israel_Hernandez@who.eop.gov; Thomas_V._McMahan@oa.eop.gov;
Alicia_P._Clark@who.eop.gov; William_S._Clark@oa.eop.gov;
Kasey_S._Pipes@who.eop.gov; Kenneth_B._Mehlman@who.eop.gov;
Matthew_A._Schlapp@who.eop.gov; Collister_W._Johnson@who.eop.gov;
Sara_M._Taylor@who.eop.gov; Kelley_J._McCullough@who.eop.gov;
David_M._Thomas@who.eop.gov; Alicia_W._Davis@who.eop.gov;
Lezlee_J._Westine@who.eop.gov; Tim_Goeglein@who.eop.gov;
Kirk_Blalock@who.eop.gov; Adam_B._Goldman@who.eop.gov;
Gian-Carlo_A._Peressutti@who.eop.gov; Abel_Guerra@who.eop.gov;
Kathryn_J._Hayes@who.eop.gov; John_Gardner@who.eop.gov;
Harriet_Miers@who.eop.gov; Collister_W._Johnson@who.eop.gov;
Dina_Powell@who.eop.gov; Brian_D._Montgomery@who.eop.gov;
Heather_L._West@who.eop.gov; Patrick_J._Rhode@who.eop.gov;
Gregory_J._Jenkins@who.eop.gov; Tobin_K._Harvey@who.eop.gov;
Brooks_D._Altshuler@who.eop.gov; Bradley_A._Blakeman@who.eop.gov;

Kara_G._Figg@who.eop.gov; Amanda_L._Moore@who.eop.gov;
Danner_R._Bethel@who.eop.gov; Mary_Elizabeth_Farr@who.eop.gov;
Andrea_G._Ball@who.eop.gov; Alison_M._Harden@who.eop.gov;
Anne_Heiligenstein@who.eop.gov; Quincy_Hicks@who.eop.gov;
Melanie_A._Jackson@who.eop.gov; Ashley_M._Snee@ovp.eop.gov;
Debra_Heiden@ovp.eop.gov; Douglas_D._McCormick@omb.eop.gov;
Mary_J._Matalin@ovp.eop.gov; I._Lewis_Libby@oa.eop.gov;
Charles_D._McGrath_Jr@ovp.eop.gov; Jennifer_H._Mayfield@ovp.eop.gov;
Ethan_A._Hastert@ovp.eop.gov; Juleanna_R._Glover@ovp.eop.gov;
John_P._McConnell@ovp.eop.gov; Megan_D._Moran@ovp.eop.gov;
Michael_J._Sullivan@who.eop.gov; David_S._Addington@ovp.eop.gov;
Cesar_Conda@ovp.eop.gov; Ronald_I._Christie@ovp.eop.gov;
Nina_Rees@ovp.eop.gov; Margita_N._Thompson@ovp.eop.gov;
Nancy_P._Dorn@who.eop.gov; Stephen_S._Ruhlen@ovp.eop.gov;
Lauren_K._Allgood@ovp.eop.gov; Elizabeth_W._Kleppe@ovp.eop.gov;
Debra_R._Dunn@ovp.eop.gov; Jona_M._Turner@ovp.eop.gov;
Dylan_C._Glenn@opd.eop.gov; Donald_M._Sumerlin@oa.eop.gov;
Eric_C._Pelletier@omb.eop.gov; Augustine_T._Smythe@omb.eop.gov;
Lawrence_B._Lindsey@opd.eop.gov; John_M._Bridgeland@opd.eop.gov;
Margaret_M._LaMontagne@opd.eop.gov; Stephen_M._Garrison@opd.eop.gov;
Melissa_McKnight@opd.eop.gov; Eric_H._Otto@opd.eop.gov;
edgillespie@quinnigillespie.com; christine.iverson@mail.house.gov;
Josephine_B._Robinson@who.eop.gov; Melissa_S._Bennett@who.eop.gov;
Carol_J._Thompson@who.eop.gov; Joel_D._Kaplan@who.eop.gov;
Colleen_Litkenhaus@who.eop.gov; Katherine_G._Marinis@who.eop.gov;
Blake_Gottesman@who.eop.gov; charles.yoder@mail.va.gov;
lindsey_kozberg@ed.gov; mindy.tucker@usdoj.gov; terrell.halaska@hhs.gov;
nancy_i._segerdahl@hud.gov; kreisher.tina@epa.gov;
cooper.mildred@epa.gov; roy-stuart@dol.gov; cliff_may@ios.doi.gov;
Neil_H._Zimmerman@who.eop.gov; Melissa_sabatine@hotmail.com;
christine.iverson@mail.house.gov; brian.gunderson@mail.house.gov;
terry.holt@mail.house.gov; kevin.schweers@mail.house.gov;
paul.morrell@mail.house.gov; Sara_M._Taylor@who.eop.gov;
Michael_Shannon@who.eop.gov; Don_E._Eberly@who.eop.gov;
Don_R._Willett@who.eop.gov; Stanley_W._Carlson-Thies@who.eop.gov;
Lisa_T._Cummins@who.eop.gov; Mark_V._Scott@who.eop.gov;
Michele_H._Tennery@who.eop.gov; Carrie_W._Click@who.eop.gov;
Catharine_A._Ryun@who.eop.gov; sschmidt@nrcc.org;
Matthew_E._Smith@who.eop.gov; Brian_R._Besanceney@opd.eop.gov;
mmckinnon@pstrategies.com; MMiner@rnchq.org; BComstock@rnchq.org;
james_r._wilkinson@who.eop.gov; jcram@rnchq.org; dmishoe@rnchq.org;
John_M._Ackerly@oa.eop.gov; Kevin_J._Martin@opd.eop.gov;
Adrian_G._Gray@who.eop.gov; mcrawford@doc.gov; maryanne.lyle@fema.gov;
Nancy_L._segerdahl@hud.gov; chet.lunner@ost.dot.gov;
m.kicklighter@mail.va.com; roy_stuart@dol.gov; mark_pfeifle@ios.doi.gov;
kreisher.tina@epa.gov; kevin.keane@hhs.gov; mindy.tucker@usdoj.gov;
moridanis@state.gov; Jeanne.lopatto@hq.doe; craig.quivley@osd.mil;
Michele.davis@do.treas.gov; lindsey_kozberg@ed.gov;
Anne_Trenolone@who.eop.gov; Barry_S._Jackson@who.eop.gov;
POnnuru@ix.netcom.com; dtrigg@doc.gov; dorrance.smith@fema.gov;
oliver.north@msnbc.com; Lewis_Libby@ovp.eop.gov;
John_M._Ackerly@opd.eop.gov; Brian_R._Besanceney@opd.eop.gov;
kmclane@pstrategies.com; John_D._Estes@who.eop.gov;
Ashley_Estes@who.eop.gov; Angela_R._Sailor@who.eop.gov;
Meredith_A._Terpeluk@who.eop.gov; K._Philippa_Malmgren@opd.eop.gov;
Ruben_S._Barrales@who.eop.gov; Terry_C._Miller@who.eop.gov;
Deborah_A._Spagnoli@who.eop.gov; Alison_Jones@who.eop.gov;
Laura_S._Lawlor@who.eop.gov; brusbolt@iiaa.net;
John_M._Ackerly@opd.eop.gov; Lewis_Libby@ovp.eop.gov;
James_R._Wilkinson@who.eop.gov; blewis@rnchq.org;
Charles_P._Blahous@opd.eop.gov; Maria.Cino@mail.doc.gov;
Matthew_W._Lindley@who.eop.gov; Chris_B._Nagel@who.eop.gov;
Melissa_L._McAdoo@who.eop.gov; Kristen_L._Hughes@who.eop.gov;
Robert_T._Pratt_Jr@who.eop.gov; Beverly_J._Ward@who.eop.gov;
Deborah_K._Hair@who.eop.gov; Elizabeth_N._Camp@who.eop.gov;
Brett_M._Kavanaugh@who.eop.gov; Bradford_A._Berenson@who.eop.gov;
Timothy_E._Flanigan@who.eop.gov; Mark.Corallo@mail.house.gov;
susan_irby@lott.senate.gov; john.feehery@mail.house.gov;

terry.holt@mail.house.gov; TDuffy@rnchq.org;
Mercedes_M._Viana@who.eop.gov; dallen@nrsc.org;
D._Marcus_Sumerlin@opd.eop.gov; John_M._Ackerly@opd.eop.gov;
Lewis_Libby@ovp.eop.gov; Blake_Gottesman@who.eop.gov;
Ashley_Estes@who.eop.gov; Linda_M._Gambatesa@who.eop.gov;
Gary_R._Edson@nsc.eop.gov; Robert_W._Cobb@who.eop.gov;
Jean_M._Russell@opd.eop.gov; Traci_R._Campbell@who.eop.gov;
James_E._Carter@opd.eop.gov; Courtney_S._Elwood@who.eop.gov;
Robert_W._Cobb@who.eop.gov; Neil_H._Zimmerman@who.eop.gov;
Dee_Dee_Benkie@who.eop.gov; Paul_B._Dyck@who.eop.gov;
David_W._Thomas@who.eop.gov; Debra_D._Bird@who.eop.gov;
Dina_Powell@who.eop.gov; Mark_V._Rosenker@who.eop.gov;
Helen_R._Mobley@who.eop.gov; Julieanne_H._Thomas@who.eop.gov;
Alison_M._Harden@who.eop.gov; Desiree_T._Sayle@who.eop.gov;
Sydney_R._Johnson@who.eop.gov; Sara_B._McIntosh@who.eop.gov;
Joan_R._Doty@who.eop.gov; Anne_Heiligenstein@who.eop.gov;
Sonya_E._Medina@who.eop.gov; Catherine_S._Fenton@who.eop.gov;
Melanie_A._Jackson@who.eop.gov; Anne_E._Phelps@opd.eop.gov;
Eleanor_L._Gillmor@opd.eop.gov; Tiffany_L._Barfield@opd.eop.gov;
David_F._Lussier@opd.eop.gov
Subject: The President's National Parks Legacy Project

Domestic Policy has drafted the attached document outlining the President's
National Parks Legacy Project that he will discuss today in California.

(See attached file: National Parks Legacy Project.doc)

- Thank you for coming.doc - 21CEP print ad tiff.tif - 21CEP Advisory Rev 052801.doc
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File attachment <01187_p_obo52004_who.txt_3>

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 D. Altshuler>;Bradley A. Blakeman/WHO/EOP [WHO] <Bradley A. Blakeman>;Kara G.
 Figg/WHO/EOP [WHO] <Kara G. Figg>;Amanda L. Moore/WHO/EOP [WHO] <Amanda L.
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 Farr/WHO/EOP [WHO] <Mary Elizabeth Farr>;Andrea G. Ball/WHO/EOP [WHO] <Andrea G.
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 Jackson/WHO/EOP [WHO] <Melanie A. Jackson>;Ashley M. Snee/OVP/EOP [OVP] <Ashley
 M. Snee>;Debra Heiden/OVP/EOP [OVP] <Debra Heiden>;Douglas D. McCormick/OMB/EOP [OMB] <Douglas D. McCormick>;Mary J. Matalin/OVP/EOP [OVP] <Mary J.
 Matalin>;I._Lewis_Libby@oa.eop.gov [UNKNOWN] <I._Lewis_Libby@oa.eop.gov>;Charles D.
 McGrath Jr/OVP/EOP [OVP] <Charles D. McGrath Jr>;Jennifer H. Mayfield/OVP/EOP [OVP]
 <Jennifer H. Mayfield>;Ethan A. Hastert/OVP/EOP [OVP] <Ethan A. Hastert>;Juleanna R.
 Glover/OVP/EOP [OVP] <Juleanna R. Glover>;John P. McConnell/OVP/EOP [OVP] <John P.
 McConnell>;Megan D. Moran/OVP/EOP [OVP] <Megan D. Moran>;Michael J.
 Sullivan/WHO/EOP [WHO] <Michael J. Sullivan>;David S. Addington/OVP/EOP [OVP] <David
 S. Addington>;Cesar Conda/OVP/EOP [OVP] <Cesar Conda>;Ronald I. Christie/OVP/EOP [OVP] <Ronald I. Christie>;Nina Rees/OVP/EOP [OVP] <Nina Rees>;Margita N.
 Thompson/OVP/EOP [OVP] <Margita N. Thompson>;Nancy P. Dorn/WHO/EOP [WHO]
 <Nancy P. Dorn>;Stephen S. Ruhlen/OVP/EOP [OVP] <Stephen S. Ruhlen>;Lauren K.
 Allgood/OVP/EOP [OVP] <Lauren K. Allgood>;Elizabeth W. Kleppe/OVP/EOP [OVP]
 <Elizabeth W. Kleppe>;Debra R. Dunn/OVP/EOP [WHO] <Debra R. Dunn>;Jona M.
 Turner/OVP/EOP [OVP] <Jona M. Turner>;Dylan C. Glenn/OPD/EOP [OPD] <Dylan C.
 Glenn>;Donald_M._Sumerlin@oa.eop.gov [UNKNOWN]
 <Donald_M._Sumerlin@oa.eop.gov>;Eric C. Pelletier/OMB/EOP [OMB] <Eric C.
 Pelletier>;Augustine T. Smythe/OMB/EOP [OMB] <Augustine T. Smythe>;Lawrence B.
 Lindsey/OPD/EOP [OPD] <Lawrence B. Lindsey>;John M. Bridgeland/OPD/EOP [OPD] <John
 M. Bridgeland>;Margaret M. LaMontagne/OPD/EOP [OPD] <Margaret M.
 LaMontagne>;Stephen M. Garrison/OPD/EOP [OPD] <Stephen M. Garrison>;Melissa
 McKnight/OPD/EOP [OPD] <Melissa McKnight>;Eric H. Otto/OPD/EOP [OPD] <Eric H.
 Otto>;Ed Gillespie <EdGillespie@QuinnGillespie.com>;christine.iverson@mail.house.gov [UNKNOWN]
 <christine.iverson@mail.house.gov>;Josephine B. Robinson/WHO/EOP [WHO]
 <Josephine B. Robinson>;Melissa S. Bennett/WHO/EOP [WHO] <Melissa S. Bennett>;Carol J.
 Thompson/WHO/EOP [WHO] <Carol J. Thompson>;Colleen Litkenhaus/WHO/EOP [WHO]
 <Colleen Litkenhaus>;Katherine G. Marinis/WHO/EOP [WHO] <Katherine G. Marinis>;Blake
 Gottesman/WHO/EOP [WHO] <Blake Gottesman>;charles.yoder@mail.va.gov [UNKNOWN]
 <charles.yoder@mail.va.gov>;lindsey_kozberg@ed.gov [UNKNOWN]
 <lindsey_kozberg@ed.gov>;mindy.tucker@usdoj.gov [UNKNOWN]
 <mindy.tucker@usdoj.gov>;terrell.halaska@hhs.gov [UNKNOWN]
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Sent: 5/30/2001 5:52:56 AM

Subject: : RE: The President's National Parks Legacy Project

Attachments: 01187_p_obo52004_who.txt_1.doc; 01187_p_obo52004_who.txt_2.tiff; 01187_p_obo52004_who.txt_3.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ed Gillespie <EdGillespie@QuinnGillespie.com> (Ed Gillespie
<EdGillespie@QuinnGillespie.com> [UNKNOWN])
CREATION DATE/TIME:30-MAY-2001 09:52:56.00
SUBJECT:: RE: The President's National Parks Legacy Project
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP [WHO])
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TO:I._Lewis_Libby@oa.eop.gov (I._Lewis_Libby@oa.eop.gov [UNKNOWN])
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 TO:Donald_M._Sumerlin@oa.eop.gov (Donald_M._Sumerlin@oa.eop.gov [UNKNOWN])
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 TO:Ed Gillespie <EdGillespie@QuinnGillespie.com> (Ed Gillespie
 <EdGillespie@QuinnGillespie.com> [UNKNOWN])
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 TO:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov [UNKNOWN])
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 TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov [UNKNOWN])
 READ:UNKNOWN
 TO:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov [UNKNOWN])
 READ:UNKNOWN
 TO:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov [UNKNOWN])
 READ:UNKNOWN
 TO:terrell.halaska@hhs.gov (terrell.halaska@hhs.gov [UNKNOWN])
 READ:UNKNOWN
 TO:nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov [UNKNOWN])
 READ:UNKNOWN
 TO:kreisher.tina@epa.gov (kreisher.tina@epa.gov [UNKNOWN])
 READ:UNKNOWN
 TO:cooper.mildred@epa.gov (cooper.mildred@epa.gov [UNKNOWN])
 READ:UNKNOWN
 TO:roy-stuart@dol.gov (roy-stuart@dol.gov [UNKNOWN])
 READ:UNKNOWN
 TO:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov [UNKNOWN])
 READ:UNKNOWN
 TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com [UNKNOWN])
 READ:UNKNOWN
 TO:brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov [UNKNOWN])
 READ:UNKNOWN
 TO:terry.holt@mail.house.gov (terry.holt@mail.house.gov [UNKNOWN])
 READ:UNKNOWN
 TO:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov [UNKNOWN])

READ:UNKNOWN
TO:paul.morrell@mail.house.gov (paul.morrell@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Mark V. Scott (CN=Mark V. Scott/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:sschmidt@nrcc.org (sschmidt@nrcc.org [UNKNOWN])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com [UNKNOWN])
READ:UNKNOWN
TO:MMiner@rnchq.org (MMiner@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:BComstock@rnchq.org (BComstock@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:jcram@rnchq.org (jcram@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:dmishoe@rnchq.org (dmishoe@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:mcrawford@doc.gov (mcrawford@doc.gov [UNKNOWN])
READ:UNKNOWN
TO:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov [UNKNOWN])
READ:UNKNOWN
TO:Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov [UNKNOWN])
READ:UNKNOWN
TO:chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:m.kicklighter@mail.va.com (m.kicklighter@mail.va.com [UNKNOWN])
READ:UNKNOWN
TO:roy_stuart@dol.gov (roy_stuart@dol.gov [UNKNOWN])
READ:UNKNOWN
TO:mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov [UNKNOWN])
READ:UNKNOWN
TO:kevin.keane@hhs.gov (kevin.keane@hhs.gov [UNKNOWN])
READ:UNKNOWN
TO:moridanis@state.gov (moridanis@state.gov [UNKNOWN])
READ:UNKNOWN
TO:Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe [UNKNOWN])
READ:UNKNOWN
TO:craig.quigley@osd.mil (craig.quigley@osd.mil [UNKNOWN])
READ:UNKNOWN
TO:Michele.davis@do.treas.gov (Michele.davis@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP [WHO])

Thank you for coming.

The organizations assembled here today have agreed to work together on the 21st Century Energy Project to provide a counterbalance to the scathing, misleading assault on the first effort we have seen in this country in 20 years to enact a balanced energy policy.

Often flying under the false banner of environmental protection or conservation, groups like the Sierra Club and the National Resources Defense Council--not to mention Greenpeace--have become little more than outside resources for the Democratic National Committee. They were poised to echo the attacks of the DNC and congressional Democrats they supported in the last campaign weeks before the Bush Administration even unveiled its energy initiative. Ultimately, 40 of the plan's 105 recommendations ended up focusing on increasing conservation, but they did not let that fact change their plan.

They reflexively oppose any plan that would increase traditional forms of energy production as a means by which to restore the imbalance between our nation's demand for energy and its supply. They do so in the most cynical political fashion, branding every abundant and affordable source of energy as a threat to clean air or clean water in order to frighten policy makers by frightening suburban women swing voters.

Rarely do these groups acknowledge--nor are they asked--how they would meet the demand necessary for Americans to maintain higher standards of living over the next 20 years in the absence of greater domestic production. The answer is that they would not. They would instead reduce demand by government fiat.

Their agenda includes:

higher energy prices (which former Vice President Al Gore touted in his book and which the Democratic congress voted for in the form of a BTU tax),

excessive regulations that have prohibited construction of an oil refinery in the United States for nearly 25 years and no major new generating plant in California in a decade,

government control of existing power lines and energy plants,

and artificial price caps that can only result in government rationing of energy usage--just as it did in the '70s under Jimmy Carter.

These liberal elites chide us on the need to mandate people into smaller, less safe "more fuel-efficient cars" as Dick Gephardt railed at a press conference earlier this month--a press conference at which he arrived in his Chevy Suburban.

They believe oil, gas, coal and nuclear energy are inherently bad, and that working Americans are the problem here because we use too much of it. Theirs is a world view of scarcity, where innovations in clean coal technology, precision drilling and advancements in nuclear energy and safety simply never happened. They are stuck in a time warp, waiting with baited breath for Jackson Brown and Bonnie Raitt to hold their next No Nukes rally.

"That '70s Show" is entertaining on television every Tuesday night, but a little tired on the floor of the House of Representatives every weekday morning.

We believe in conservation. It makes a lot of sense. It's good economics. But conservation alone won't keep the lights on. California ranks second in the nation in energy conservation, but its consumption has risen 11.3% over the past decade while its production has declined 1.7%. Without a balanced approach, supply will drop and prices will rise. Seniors on fixed incomes will be forced to limit their energy use. Blackouts will continue to roll. And all of us will feel the decline in a quality of life that is directly tied to our quantity of energy.

In the coming months, the 21st Century Energy Project will serve as a clearinghouse for information on energy policy from a market-oriented approach and an understanding that higher levels of domestic production and environmental sensitivity are not mutually exclusive in the 21st Century.

REMEMBER THE '70s?



Gas Lines were long, rationing was in, Jimmy Carter was President and he told us to wear a sweater.

Liberal elites think that's still the answer.

The last time we faced an energy crisis Jimmy Carter was President. Two decades ago, over-dependence on foreign oil created a shortage and drove prices up. The solution was rationing. It was a bad idea.

Today, we are again becoming too dependent on foreign oil when demand for oil and electricity consumption is increasing. This is simple Economics 101: when demand increases faster than supply, prices go up.

Liberal groups and some politicians believe rationing, price caps, higher taxes and excessive regulations will solve the problem. We disagree.

Their policies will only decrease supply and further increase prices. That hurts lower and middle class families the most. In fact, if some on the left have their way, "soccer moms" will be forced to sell their mini-vans - they'll become a luxury only the elite can afford.

Conservation alone won't keep the lights on.

California ranks as the second best state in energy conservation. If conservation alone could solve the problem, California wouldn't be facing high rates and rolling blackouts.

The 21st Century Energy Project rejects the premise that we can conserve our way out of this energy shortage.

A balance between conservation and increased supply is the only solution. We support an energy policy based on sound science and a rational, balanced, market-oriented approach that will ensure affordable energy for all Americans.

That's why we applaud President Bush's approach - a balanced, comprehensive 105-point plan that includes over 40 recommendations that increase conservation, as well as a diversified proposal to reduce dependence on foreign oil while using 21st Century technology to produce clean, abundant and affordable energy.



21st Century Energy Project
Quantity of Energy = Quality of Life

80 Plus Association
American Conservative Union
Americans for Tax Reform

Citizens for a Sound Economy
Frontiers of Freedom
National Center for Policy Analysis

National Center for Public Policy Research
United Seniors Association
The Seniors Coalition

Attention: Energy Reporters

EMBARGOED UNTIL EVENT

Contact: Ashley Meece
(202) 429-4009

Monday, May 28, 2001

Media Advisory

21st Century Energy Project to Launch Wednesday
New Project Will Educate Public on Domestic Energy Proposals

WASHINGTON, D.C. – In response to the national energy policy debate, a new coalition will be launched Wednesday. The 21st Century Energy Project (21CEP) will educate the public on the impact various energy policies will have on Americans' quality of life.

The 21st Century Energy Project seeks to coordinate the resources of organizations committed to striking a balance between our nation's energy supply and demand. Member organizations are devoted to finding a sensible approach to the energy policy debate that protects America's future and security, and exposing the negative impact of the liberal energy agenda.

The 21CEP will serve as a counterbalance to the liberal groups who oppose increased energy production and seek government-mandated reductions in energy consumption.

At the launch event, an ad campaign will be unveiled.

WHO: 21st Century Energy Project Founders
Ed Gillespie (Director, 21CEP)
60 Plus Association
American Conservative Union
Americans for Tax Reform
Citizens for a Sound Economy
Frontiers of Freedom
National Center for Policy Analysis
National Center for Public Policy Research
The Seniors Coalition
United Seniors Association

WHAT: **Launch event (and unveiling of new ad)**

WHEN: 1:00 – 2:00 pm, Wednesday, May 30, 2001

WHERE: Murrow Room, National Press Club
Corner of 14th and F Streets, NW

CONTACT: Kate Cyrul (202) 429-4014 or Ashley Meece (202) 429-4009

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 5/30/2001 10:22:41 AM
Subject: : Re: National Journal

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-MAY-2001 14:22:41.00

SUBJECT:: Re: National Journal

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

She just called me too. I told her that I personally wasn't interested in talking, although I confirmed for her on background where I went to school and for whom I clerked.

H. Christopher Bartolomucci

05/30/2001 02:16:02 PM

Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: National Journal

She called me. What is the consensus about talking to her?

Helgard C. Walker

05/30/2001 02:13:46 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: National Journal

REV_00127165

Have you all gotten the call from Elizabeth Frater (??)? Does anybody plan to talk with her?

Message Sent

To:

Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

Message Copied

To:

courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 5/30/2001 11:18:46 AM
Subject: : Re: National Journal

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-MAY-2001 15:18:46.00

SUBJECT:: Re: National Journal

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

ditto

Stuart W. Bowen
05/30/2001 03:00:56 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

i will do the same.

Brett M. Kavanaugh
05/30/2001 02:36:38 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message

REV_00127189

bcc:
Subject: Re: National Journal

I followed same approach.

Courtney S. Elwood
05/30/2001 02:22:38 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

She just called me too. I told her that I personally wasn't interested in talking, although I confirmed for her on background where I went to school and for whom I clerked.

H. Christopher Bartolomucci
05/30/2001 02:16:02 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

She called me. What is the consensus about talking to her?

Helgard C. Walker
05/30/2001 02:13:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: National Journal

Have you all gotten the call from Elizabeth Frater (??)? Does anybody plan to talk with her?

Message Sent

To:

Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

Message Copied

To:

courtney s. elwood/who/eop@eop

REV_00127190

brett m. kavanaugh/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

Message Copied

To:

helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

Message Copied

To:

h. christopher bartolomucci/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

Message Copied

To:

courtney s. elwood/who/eop@eop
h. christopher bartolomucci/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 5/30/2001 11:20:07 AM
Subject: : Re: National Journal

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-MAY-2001 15:20:07.00
SUBJECT:: Re: National Journal
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I shall follow suit.

Helgard C. Walker
05/30/2001 03:18:43 PM
Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

ditto

Stuart W. Bowen
05/30/2001 03:00:56 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

i will do the same.

Brett M. Kavanaugh
05/30/2001 02:36:38 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

I followed same approach.

Courtney S. Elwood
05/30/2001 02:22:38 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

She just called me too. I told her that I personally wasn't interested in talking, although I confirmed for her on background where I went to school and for whom I clerked.

H. Christopher Bartolomucci
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Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

She called me. What is the consensus about talking to her?

Helgard C. Walker
05/30/2001 02:13:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: National Journal

Have you all gotten the call from Elizabeth Frater (??) Does anybody plan to talk with her?

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00127193

Message Copied

To:

courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

Message Copied

To:

helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

Message Copied

To:

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stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

Message Copied

To:

courtney s. elwood/who/eop@eop
h. christopher bartolomucci/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

Message Copied

To:

brett m. kavanaugh/who/eop@eop
courtney s. elwood/who/eop@eop
h. christopher bartolomucci/who/eop@eop
helgard c. walker/who/eop@eop
brett m. kavanaugh/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 5/30/2001 1:18:59 PM
Subject: : Re: National Journal

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-MAY-2001 17:18:59.00

SUBJECT:: Re: National Journal

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Yes, I basically confirmed on background the basics of my resume: school, clerkships, job at FCC, job at GD&C.

Stuart W. Bowen
05/30/2001 05:03:09 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

I also told her where I previously worked.

H. Christopher Bartolomucci
05/30/2001 03:20:04 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP

REV_00127195

cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

I shall follow suit.

Helgard C. Walker
05/30/2001 03:18:43 PM
Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

ditto

Stuart W. Bowen
05/30/2001 03:00:56 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

i will do the same.

Brett M. Kavanaugh
05/30/2001 02:36:38 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

I followed same approach.

Courtney S. Elwood
05/30/2001 02:22:38 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

She just called me too. I told her that I personally wasn't interested in talking, although I confirmed for her on background where I went to school and for whom I clerked.

H. Christopher Bartolomucci
05/30/2001 02:16:02 PM
Record Type: Record

REV_00127196

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: National Journal

She called me. What is the consensus about talking to her?

Helgard C. Walker
05/30/2001 02:13:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: National Journal

Have you all gotten the call from Elizabeth Frater (??) Does anybody plan to talk with her?

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
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noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 5/31/2001 5:07:09 AM
Subject: : two articles from today's news
Attachments: P_IQB62004_WHO.TXT_1.htm

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-MAY-2001 09:07:09.00
SUBJECT:: two articles from today's news
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by Matthew E. Smith/WHO/EOP on 05/31/2001
09:06 AM -----

Danielle Doane <DDoane@CSE.org>
05/31/2001 08:41:43 AM
Record Type: Record

To: Danielle Doane <DDoane@CSE.org>
cc:
Subject: two articles from today's news

Please see the following articles. The first is by Tom Jipping of the Free Congress Foundation and the second from today's New York Times.

To view the entire article, visit
http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=23040
<http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=23040>

Thursday, May 31, 2001

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By Thomas L. Jipping

When Democrats take control of the Senate next week, they will shut down the judicial confirmation process.

REV_00127199

While majority status - and with it control of the Senate's agenda and process - provides them new weapons, the Democrats' unprecedented campaign to block President Bush's judicial appointments began months ago. What they had begun to do defensively, however, they now can do offensively. The Democratic obstruction campaign includes a series of tactics and misleading rhetoric.

According to the New York Times, for example, incoming Judiciary Committee Chairman Patrick Leahy plans to "block any judicial nominees ... [who] would tip the balance of the federal courts." That's the tactic. Here's the rhetoric: Tipping whatever balance Democrats wish to preserve would be, in Senator Leahy's words, "ideological court-packing."

This argument is not new. Democrats took control of the Senate with a Republican in the White House in 1987. They used the book "God Save This Honorable Court" by Harvard law professor Laurence Tribe to change the rules confirmation engagement. Focusing on the Supreme Court, he urged the Senate to reject even eminently qualified nominees who would change the Court's "balance" in either a liberal or conservative direction. The Senate, he wrote, was "a ballast" needed to correct "the drift of the Supreme Court as represented by a given appointment."

Well, here we go again. Professor Tribe met with 42 Senate Democrats in April to again plot confirmation strategy. With their majority windfall, Senator Leahy is again singing from the Tribe script but this time applying its radical tune to all judicial appointments.

Senate Democrats don't care that the Constitution gives the power to appoint judges to the president, not to them. And they don't care about any sort of "balance" in general. Rather, dressed in Professor Tribe's misleading rhetoric for public relations consumption only, they care about preserving a particular "balance" because they like the decisions that balance produces.

When they sang Professor Tribe's tune in 1987, Senate Democrats sought to preserve a Supreme Court balance that had produced decisions on abortion and other subjects generally to their liking. Suiting up again as Professor Tribe's loyal confirmation soldiers, they want to preserve an overall balance produced by President Clinton's 374 judicial appointments. With 55 percent of all full-time judges Democrat appointees, it's no wonder they are now playing the "balance" game.

As in 1987, it's a tough sell to claim that President Bush may not appoint qualified men and women who will interpret rather than make law. Lots of junior high kids still learn in civics class that judges aren't supposed to make law. Coached by Professor Tribe, Senate Democrats instead want to change the subject altogether and use the rhetoric of maintaining some sort of balance, of preventing that "ideological court-packing" thing.

There's a certain weird consistency here. The activist judges whose power these Democrats now want to preserve, change and morph the Constitution and statutes, tweaking the meaning here and adding a few provisions there, rearranging the law as they go along to suit their political taste. Then, when judges have reworked everything to the liberals' liking, we hear the call to respect judicial precedents and honor the "rule of law." Whether

it's this fake, politically-driven devotion to the rule of the law or the present call for preserving the "balance of the federal courts," Senate Democrats simply want a judiciary imposing liberal results the people have rejected.

How will Senate Democrats implement this "balance" rule, especially now that it apparently applies to the entire judiciary? Of the 101 vacancies on the federal district and appeals courts today, 61 had been filled by Republican appointees, 27 by Democrat appointees, and 13 resulted from creation of new positions. Will they demand that President Bush appoint only Democrats to replace vacating Democrats? This approach will, of course, require some regulations guiding President Bush's appointments to those 13 new positions that have never been filled.

President Bush's recent nomination of Democrat Roger Gregory to a previously unfilled appeals court position apparently does not balance his nomination of Republican Terrence Boyle to a seat formerly held by a Carter appointee. Trained in confirmation politics by Professor Tribe, Senator John Edwards (D-NC), is using the "balance" argument to oppose the Boyle nomination until President Bush nominates liberal state court judge James Wynn to another appeals court vacancy.

Senator Leahy's "balance of the federal courts" rule might refer to ideology rather than simply to party affiliation. This, of course, lacks even a claim of objectivity and would require the very ideological litmus tests that Democrats once condemned.

The wild card in all this is the position of incoming Majority Leader Tom Daschle. On May 6, before Senator James Jeffords' party defection made him majority leader, he insisted "we don't want right-wingers" on the bench. On May 26, after the defection, he said he does not support Senator Charles Schumer's vow that "no more of these right-wing judges [will] be getting through." Senator Daschle is simply playing the good cop to Senator Schumer's bad cop. Senator Schumer, who serves on Senator Leahy's Judiciary Committee, is already the de facto leader of the confirmation wrecking crew. The bad cop will win.

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New York Times

Conservatives Remain Bullish Despite Senate Setback

By ROBIN TONER

REV_00127201

W <<http://graphics.nytimes.com/images/dropcap/w.gif>> ASHINGTON, May 30 - Confronting the loss of the first all-Republican government in nearly 50 years, after a scant four months in power, many conservatives profess to be undaunted.

Angry, yes. Senator James M. Jeffords's decision to leave the party and become an independent, which threw the Senate to the Democrats, was denounced today by Senator Trent Lott, the outgoing majority leader, as "a coup of one," on a radio show popular with conservative listeners.

Conservatives have concluded that it is Mr. Jeffords who is to blame for the sudden Senate power shift, not them - an argument that Mr. Lott was more than happy to embrace on his own behalf.

"There is only one person to blame for all this, and that's Jim Jeffords," said Mr. Lott, who appeared to be trying to shore up his base after a week of criticism from all sides, including some from the right. "He was often very liberal in his views and quite often agreed more with Ted Kennedy" than other Republicans, Mr. Lott added.

In defiance of the newly Democratic Senate, many conservative leaders are urging President Bush to hang tough and keep pushing for conservative principles, particularly, some say, on judicial nominations. Not surprisingly, they reject the idea that the Republicans lost Mr. Jeffords and the Senate because the Bush administration tacked too far to the right. In fact, some conservatives say the Jeffords defection shows the folly of trying too hard to mollify the party's moderates.

That tough tone was reflected in a Jeffords headline in the conservative journal Human Events: "Extremist Senator Quits G.O.P." Phyllis Schlafly, president of the Eagle Forum, described the Jeffords move as "kind of a stab in the back to all his friends in the Senate." In a column for National Review, Stephen Moore, president of the Club for Growth, a conservative political action committee, declared dismissively, "Jeffords was a political dinosaur, a throwback to an era long gone."

David Keene, chairman of the American Conservative Union, said, "The other moderates say the lesson in this is that George Bush and the Congressional leadership ought to let them steer the ship. But they are, after all, the tail and not the dog."

Mr. Keene, in a sentiment echoed by other conservatives, argued that giving too much power and cutting too many deals with Mr. Jeffords and other moderates over the years had helped blur the image of Senate Republicans and ultimately weaken their majority.

The conservatives' reaction is complicated - and tempered - by the remarkable victory they won, almost simultaneously, on the \$1.35 trillion tax cut that was the centerpiece of the Bush and the conservative agenda. At the regular Wednesday meeting today of his influential "center-right coalition," the conservative strategist Grover Norquist argued that the tax cut essentially tied the hands of the new Democratic majority.

"Nothing that Daschle wants or Ted Kennedy wants is for free," Mr. Norquist said. Senator Tom Daschle of South Dakota is expected to become the majority leader and Senator Edward M. Kennedy of Massachusetts is in line to be chairman of the Health, Education, Labor and Pensions Committee.

"We're going to spend the next two years talking about how the Democrats in the Senate want to spend your money," Mr. Norquist said later. "This is not a loser position; this is a winning position."

Mr. Norquist was bullish about the prospects of more tax cuts, in defiance of conventional wisdom, including a cut in the capital gains tax.

Under the glass-half-full analysis, many conservatives argued that the Democrats will now be clearly held accountable for spending, for obstructing presidential initiatives, for blocking nominations. Asked if the party was, in fact, better off without Mr. Jeffords, Mr. Norquist said, "For the purposes of the 2002 election, the answer is yes."

If the party cannot have a true, governing majority in the Senate, the argument goes, better a sharp contrast to help win a majority in the next election.

Mr. Lott advanced a similar argument today, in back-to-back interviews with the Oliver L. North and Sean Hannity radio programs. While he would rather remain in the majority, Mr. Lott said, there was "something liberating about being in the minority" and being freer to push the proposals "you really think should be adopted."

He seemed to look forward to devising his party's new, minority strategy, now that talk of a challenge to his leadership from other Republican senators had quieted down.

Others, however, are more openly worried about the loss of the Senate. Paul Weyrich, a longtime conservative activist, said, "Some are glad that Jeffords is gone; they think it's good riddance. Others, like me, while I didn't particularly care for him in the Republican Party, the change he brought about is a very, very unfortunate development for the Bush agenda, which is largely the conservative agenda. It's going to make it very difficult for the president, very difficult to advance anything at all for the next 18 months."

William Kristol, editor of the conservative Weekly Standard, said he believed that many conservatives were simply in denial. He also noted that the conservative establishment retained a striking amount of faith in the Bush administration and its commitment to the conservative agenda.

"And maybe they're right to do so," Mr. Kristol added. "He delivered the tax cut. But when you ask them, Won't he now deliver a moderate for the Supreme Court, they say, Oh, no, he'll figure out a way" to get around the difficult politics.

In fact, there is widespread agreement that judicial nominations are where the loss of the Senate will be felt most acutely. But Richard Lessner, executive director of American Renewal, the lobbying arm of the conservative Family Research Council, argues that Mr. Bush will get a fight from liberal Democrats almost regardless of whom he nominates.

"We would like the president to stick to his oft-repeated promise from the campaign that he will nominate strict constructionists and his model will be Justices Thomas and Scalia. If he sticks to that, we'll be very happy," Mr. Lessner said - and Mr. Bush will be able to count on an energized conservative base.

In the end, many conservatives seemed unconvinced by the conventional wisdom that Mr. Bush must now, fundamentally, shift his agenda.

"Punditry analysis is like water off a duck's back to conservatives," said Ed Gillespie, a conservative lobbyist and strategist. "There aren't many of us in the punditocracy. From our perspective, we can still govern in a

center-right capacity, which is how Mr. Bush has governed, and be successful doing so."

And as for the accusation that conservatives lack tolerance for the party's moderates and liberals, Mr. Keene said, "While I think in most cases these are folks who ought to be welcomed to the party, and we ought to work with them on issues when you agree, I can tell you that when Jim Jeffords and his friends were in charge, they didn't give a lot of time to conservatives."

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IQB62004_WHO.TXT_1>

Please see the following articles. The first is by Tom Jipping of the Free Congress Foundation and the second from today's New York Times.

To view the entire article, visit http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=23040

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David Keene, chairman of the American Conservative Union, said, "The other moderates say the lesson in this is that George Bush and the Congressional leadership ought to let them steer the ship. But they are, after all, the tail and not the dog."

Mr. Keene, in a sentiment echoed by other conservatives, argued that giving too much power and cutting too many deals with Mr. Jeffords and other moderates over the years had helped blur the image of Senate Republicans and ultimately weaken their majority.

The conservatives' reaction is complicated and tempered — by the remarkable victory they won, almost simultaneously, on the \$1.35 trillion tax cut that was the centerpiece of the Bush and the conservative agenda. At the regular Wednesday meeting today of his influential "center-right coalition," the conservative strategist Grover Norquist argued that the tax cut essentially tied the hands of the new Democratic majority.

"Nothing that Daschle wants or Ted Kennedy wants is for free," Mr. Norquist said. Senator Tom Daschle of South Dakota is expected to become the majority leader and Senator Edward M. Kennedy of Massachusetts is in line to be chairman of the Health, Education, Labor and Pensions Committee.

"We're going to spend the next two years talking about how the Democrats in the Senate want to spend your money," Mr. Norquist said later. "This is not a loser position; this is a winning position."

Mr. Norquist was bullish about the prospects of more tax cuts, in defiance of conventional wisdom, including a cut in the capital gains tax.

Under the glass-half-full analysis, many conservatives argued that the Democrats will now be clearly held accountable for spending, for obstructing presidential initiatives, for blocking nominations. Asked if the party was, in fact, better off without Mr. Jeffords, Mr. Norquist said, "For the purposes of the 2002 election, the answer is yes."

If the party cannot have a true, governing majority in the Senate, the argument goes, better a sharp contrast to help win a majority in the next election.

Mr. Lott advanced a similar argument today, in back-to-back interviews with the Oliver L. North and Sean Hannity radio programs. While he would rather remain in the majority, Mr. Lott said, there was "something liberating about being in the minority" and being freer to push the proposals "you really think should be adopted."

He seemed to look forward to devising his party's new, minority strategy, now that talk of a challenge to his leadership from other Republican senators had quieted down.

Others, however, are more openly worried about the loss of the Senate. Paul Weyrich, a longtime conservative activist, said, "Some are glad that Jeffords is gone; they think it's good riddance. Others, like me, while I didn't particularly care for him in the Republican Party, the change he brought about is a very, very unfortunate development for the Bush agenda, which is largely the conservative agenda. It's going to make it very difficult for the president, very difficult to advance anything at all for the next 18 months."

William Kristol, editor of the conservative Weekly Standard, said he believed that many conservatives were simply in denial. He also noted that the conservative establishment retained a striking amount of faith in the Bush administration and its commitment to the conservative agenda.

"And maybe they're right to do so," Mr. Kristol added. "He delivered the tax cut. But when you ask them, Won't he now deliver a moderate for the Supreme Court, they say, Oh, no, he'll figure out a way" to get around the difficult politics.

In fact, there is widespread agreement that judicial nominations are where the loss of the Senate will be felt most acutely . But Richard Lessner, executive director of American Renewal, the lobbying arm o f the conservative Family Research Council, argues that Mr. Bush will get a fight from liberal Democrats almost regardless of whom he nominates.

"We would like the president to stick to his oft-repeated promise from the campaign that he will nominate strict constructionists and his model will be Justices Thomas and Scalia. If he sticks to that, we'll be very happy," Mr. Lessner said — and Mr. Bush will be ab le to count on an energized conservative base.

In the end, many conservatives seemed unconvinced by the conventional wisdom that Mr. Bush must now, fundamentally, shift his agenda.

"Punditry analysis is like water off a duck's back to conservatives," said Ed Gillespie, a conservative lobbyist and strategist. "There aren't many of us in the punditocracy. From our perspective, we can still govern in a center-right capacity, which is how Mr. Bush has governed, and be successful doing so."

And as for the accusation that conservatives lack tolerance for the party's moderates and liberals, Mr. Keene said, "While I think in most cases these are folks who ought to be welcomed to the party, and we ought to work with them on issues when you agree, I can tell you that when Jim Jeffords and his friends were in charge, they didn't give a lot of time to conservatives."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 5/31/2001 8:49:34 AM
Subject: : Re: Bulk E-mail

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-MAY-2001 12:49:34.00
SUBJECT: Re: Bulk E-mail
TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

I assume I need not respond to this?

Adam F. Greenstone
05/30/2001 02:25:17 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: David S. Addington/OVP/EOP@EOP
Subject: Bulk E-mail

Brett--Per the attached e-mail, we are prepared to have future bulk e-mail to the President (and First Lady) sent only to the WHO bucket, as opposed to both the WHO and OA buckets, since these are not OA records. Of course we can make more changes in the future (such as a system that would allow disposal of bulk e-mail akin to its paper counterpart) if the White House would like to take that course at some later date.

Since this solution could also be applied to bulk e-mail to the Vice President and Mrs. Cheney, I thought it would be a good idea to mention this to David so we can do this at this same time (understanding that it's possible that there may be some differences). David, it would be great if you can also indicate if you would like us to proceed along the same course as the White House. Adam, 5-1268

----- Forwarded by Adam F. Greenstone/OA/EOP on
05/30/2001 09:49 AM -----

DANIEL A.
BARRY
05/30/2001 07:42:50 AM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: leanna f. terrell/oa/eop@eop
Subject: Re: BULK E-MAIL

Adam;

We can change the designation of the sending account in NOTES so that NOTES will indicate to ARMS that the account has no agency designation. This will then cause ARMS to place the POTUS bulk mail in the WHO bucket only and the Vpotus mail in the VPO bucket only.

REV_00127209

Let me know when you want me to make that happen.

Later... Tony

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 5/31/2001 8:49:34 AM
Subject: : Re: Bulk E-mail

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-MAY-2001 12:49:34.00
SUBJECT: Re: Bulk E-mail
TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

I assume I need not respond to this?

Adam F. Greenstone
05/30/2001 02:25:17 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: David S. Addington/OVP/EOP@EOP
Subject: Bulk E-mail

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----- Forwarded by Adam F. Greenstone/OA/EOP on
05/30/2001 09:49 AM -----

DANIEL A.
BARRY
05/30/2001 07:42:50 AM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: leanna f. terrell/oa/eop@eop
Subject: Re: BULK E-MAIL

Adam;

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REV_00127211

Let me know when you want me to make that happen.

Later... Tony

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Research@nrcc.org @ inet [UNKNOWN] <Research@nrcc.org>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>
CC: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Michael J. Napolitano/WHO/EOP@EOP [WHO] <Michael J. Napolitano>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 5/31/2001 9:30:18 AM
Subject: : COUNSEL APPROVED: Emails for volunteering in election in VA-04

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-MAY-2001 13:30:18.00

SUBJECT:: COUNSEL APPROVED: Emails for volunteering in election in VA-04

TO:Research@nrcc.org (Research@nrcc.org @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The two emails below have been approved for sending by WH Counsel.

Kris (NRCC) - please email Ken and I after you have sent the first.

Ken - you must send the second one FROM YOUR RNC ACCOUNT.

thanks -
CJ

[EMAIL #1:

From the NRCC to Schedule C's:]

The Republican Party is looking for volunteers...

As you know, the special election in Virginia's 4th Congressional District is an excellent opportunity to add to our majority -- it is a highly competitive swing district. Leading up to Election Day, one of the most important resources will be a broad volunteer grassroots organization for canvassing in key precincts.

To carry through on this, the Republican Party is organizing weekly bus trips for volunteers to the greater Richmond area of the district. Each Saturday until Election Day (June 19th), we will be sending buses down into the district. The buses will be leaving from 310 First Street, SE (Eisenhower Building) at 8:00 AM on these Saturdays.

If you are interested in participating and increasing our majority, please RSVP to research@nrcc.org <mailto:research@nrcc.org> . If you have any questions or comments, you can email the address as well or call Kris Skrzycki at (202) 479-7048. Any time that you can provide will go a long way to ensuring victory.

VA-04 Bus Trip (June 2nd, 9th, & 16th)

Lv: 310 First Street, SE

Washington, DC

8:00 AM -- it is recommended that you arrive around 7:30 AM

REV_00127213

To: 3233 Boulevard
Colonial Heights, VA 23834
(804) 526-0332

*

NOTICE TO EXECUTIVE BRANCH EMPLOYEES:
PER COUNSEL, YOUR ARE LEGALLY PERMITTED TO RECEIVE AND RESPOND TO THIS
EMAIL ON YOUR GOVERNMENT EMAIL ACCOUNT. HOWEVER, YOU MAY NOT FORWARD THIS
EMAIL.
YOU ARE ALSO LEGALLY PERMITTED TO ENGAGE IN POLITICAL ACTIVITY SUCH AS
CANVASSING WHILE OFF-DUTY. SEE 5 CFR 734.201-208.

*

*

EMAIL #2: From Ken Mehlman

Earlier today you received an email from the RNC about helping out in the
special election in the 4th District of Virginia. This request has been
approved by Counsel. You are legally permitted to help while off-duty. I
encourage you to join the Republican volunteers this weekend who are going
down to the Richmond area to help out.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>; timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 5/31/2001 11:19:01 AM
Subject: : Re: Frader/National Journal

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 31-MAY-2001 15:19:01.00

SUBJECT:: Re: Frader/National Journal

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

Frader has called Judge Luttig, too. The lengths to which this reporter is going suggests to me that she is doing more than a story that will run in the local L.A. legal rag. But I hope I am wrong.

Helgard C. Walker
05/31/2001 12:51:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Frader/National Journal

REV_00127215

If this is contrary to the Judge's position (and it sounds to me as if it is), then she needs to be corrected pronto.

Brett M. Kavanaugh
05/31/2001 12:47:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Frader/National Journal

Clarification: She has been saying this to people outside the office whom she calls.

Brett M. Kavanaugh
05/31/2001 12:45:59 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Frader/National Journal

This National Journal reporter is apparently calling around to people and saying "Judge Gonzales knows of and approves this article, so you can talk to me." Needless to say, this has caught some people who have been called by her quite off guard. Should someone rein her in? [My vote: YES.] Soon? [Yes.]

Message Sent

To:
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

Message Copied

To:
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
stuart w. bowen/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
robert w. cobb/who/eop@eop

REV_00127216

elizabeth n. camp/who/eop@eop

Message Copied

To:

brett m. kavanaugh/who/eop@eop
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
stuart w. bowen/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
robert w. cobb/who/eop@eop
elizabeth n. camp/who/eop@eop

From: CN=Oscar Gonzalez/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>;Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Steven D. Aitken/OMB/EOP@EOP [OMB] <Steven D. Aitken>;Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>;Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>;Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>;Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>;Kimberley S. Luczynski/OMB/EOP@EOP [OMB] <Kimberley S. Luczynski>
CC: Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>;James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>;Amiee L. Albertson/OMB/EOP@EOP [OMB] <Amiee L. Albertson>
BCC: LRM JUSTICE (LRM JUSTICE [UNKNOWN]), Adrien SILAS (Adrien SILAS [UNKNOWN]), LRM National Archives and Records Administration (LRM National Archives and Records Administration [UNKNOWN]), John CONSTANCE (John CONSTANCE [UNKNOWN]), LRM Office of Government Ethics (LRM Office of Government Ethics [UNKNOWN]), Melissa COOK (Melissa COOK [UNKNOWN])
Sent: 5/31/2001 1:00:41 PM
Subject: : HR 577 amendments
Attachments: P_VLT62004_WHO.TXT_1

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Oscar Gonzalez (CN=Oscar Gonzalez/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:31-MAY-2001 17:00:41.00

SUBJECT:: HR 577 amendments

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Brett S. Loper (CN=Brett S. Loper/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kimberley S. Luczynski (CN=Kimberley S. Luczynski/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Amiee L. Albertson (CN=Amiee L. Albertson/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

BCC:LRM JUSTICE (LRM JUSTICE [UNKNOWN])

READ:UNKNOWN

BCC:Adrien SILAS (Adrien SILAS [UNKNOWN])

READ:UNKNOWN

REV_00127218

BCC:LRM National Archives and Records Administration (LRM National Archives and Records Administration [UNKNOWN])
READ:UNKNOWN
BCC:John CONSTANCE (John CONSTANCE [UNKNOWN])
READ:UNKNOWN
BCC:LRM Office of Government Ethics (LRM Office of Government Ethics [UNKNOWN])
READ:UNKNOWN
BCC:Melissa COOK (Melissa COOK [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FYI,

Attached below is a copy of the amendments that the House Government Reform Committee adopted in its mark-up of HR 577 on May 17th. The reported text is not yet available on THOMAS. As I've said in earlier e-mails, this bill could go to the floor as early as next week.

Thanks

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VLT62004_WHO.TXT_1>

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 577**

OFFERED BY M. Burton

Strike all after the enacting clause and insert the following:

1 **SECTION 1. REQUIREMENT TO DISCLOSE SOURCES AND**
2 **AMOUNTS OF FUNDS RAISED FOR PRESI-**
3 **DENTIAL ARCHIVAL DEPOSITORY.**

4 (a) IN GENERAL.—Section 2112 of title 44, United
5 States Code, is amended by adding at the end the fol-
6 lowing new subsection:

7 “(h)(1) Any organization that is established for the
8 purpose of raising funds for creating, maintaining, ex-
9 panding, or conducting activities at a Presidential archival
10 depository or any facilities relating to a Presidential archi-
11 val depository, shall submit to the Administration, the
12 Committee on Government Reform of the House of Rep-
13 resentatives, and the Committee on Governmental Affairs
14 of the Senate on an annual basis information with respect
15 to every contributor who, during the year—

16 “(A) with respect to a Presidential archival de-
17 pository of a President who currently holds the Of-
18 fice of President or for which the Archivist has not
19 accepted, taken title to, or entered into an agree-
20 ment to use any land or facility, gave the organiza-



F:\JAJ\GR107\PRESLIB.005

H.L.C.

2

1 tion a contribution or contributions (whether mone-
2 tary or in-kind) totaling \$200 or more for the year;
3 or

4 “(B) with respect to a Presidential archival de-
5 pository of a President who no longer holds the Of-
6 fice of President and for which the Archivist has ac-
7 cepted, taken title to, or entered into an agreement
8 to use any land or facility, gave the organization a
9 contribution or contributions (whether monetary or
10 in-kind) totaling \$5000 or more for the year.

11 “(2) As used in this subsection, the term ‘informa-
12 tion’ means, with respect to a contribution described in
13 paragraph (1), the following:

14 “(A) The amount or value of the contribution.

15 “(B) The source of the contribution, and the
16 address of the entity or individual that is the source
17 of the contribution.

18 “(C) If the source of the contribution is an in-
19 dividual, the occupation of the individual.

20 “(3) The Archivist shall make available to the public
21 through the Internet (or a successor technology readily
22 available to the public) any information that is submitted
23 in accordance with paragraph (1).

24 “(4) It shall be unlawful for any person who makes
25 a contribution described in paragraph (1) to knowingly



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H.L.C.

3

1 and willfully submit false material information or omit
2 material information with respect to the contribution to
3 an organization described in such paragraph, and the pen-
4 alties described in section 1001 of title 18, United States
5 Code, shall apply with respect to such a false submission
6 or omission in the same manner as a violation described
7 in such section.

8 “(5) It shall be unlawful for any organization de-
9 scribed in paragraph (1) to knowingly and willfully submit
10 false material information or omit material information
11 under such paragraph, and the penalties described in sec-
12 tion 1001 of title 18, United States Code, shall apply with
13 respect to such a false submission or omission in the same
14 manner as a violation described in such section.

15 “(6) No person shall make a contribution described
16 in paragraph (1) in the name of another person or know-
17 ingly permit his name to be used to effect such a contribu-
18 tion, and no person shall knowingly accept a contribution
19 described in such paragraph made by one person in the
20 name of another person. In the case of a knowing and
21 willful violation of the preceding sentence, the penalties
22 set forth in section 309(d) of the Federal Election Cam-
23 paign Act of 1971 (2 U.S.C. 437g(d)) shall apply to such
24 violation in the same manner as if such violation were a
25 violation of section 316(b)(3) of such Act.



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H.L.C.

4

1 “(7) The Archivist shall promulgate regulations for
2 the purpose of carrying out this subsection.”.

3 (b) APPLICABILITY.—Section 2112(h) of title 44,
4 United States Code (as added by subsection (a))—

5 (1) shall apply to an organization established
6 for the purpose of raising funds for creating, main-
7 taining, expanding, or conducting activities at a
8 Presidential archival depository or any facilities re-
9 lating to a Presidential archival depository before,
10 on, or after the date of the enactment of this Act;
11 and

12 (2) shall only apply with respect to contribu-
13 tions (whether monetary or in-kind) made after the
14 date of the enactment of this Act.



Amend the title so as to read: "To amend title 44, United States Code, to require any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository to disclose the sources and amounts of any funds raised, and for other purposes."



**AMENDMENT OFFERED BY MS. SCHAKOWSKY TO
THE AMENDMENT IN THE NATURE OF A SUB-
STITUTE TO H.R. 577**

Page 1, line 11, after "depository" insert "; or any organization operating under section 501(c) of the Internal Revenue Code of 1986, if such organization is named after or controlled by a Federal elected official currently holding office,".

Page 2, line 3, strike "or".

Page 2, line 10, strike the period and insert "; or".

Page 2, beginning on line 11, insert the following:

1 "(C) with respect to any organization operating
2 under section 501(c) of the Internal Revenue Code
3 of 1986, if such organization is named after or con-
4 trolled by a Federal elected official currently holding
5 office, gave the organization a contribution or con-
6 tributions (whether monetary or in-kind) totaling
7 \$200 or more for the year".

Page 4, line 9, after "depository" insert "; or any organization operating under section 501(c) of the Internal Revenue Code of 1986, if such organization is named after or controlled by a Federal elected official currently holding office,".

From: CN=Oscar Gonzalez/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Steven D. Aitken/OMB/EOP@EOP [OMB] <Steven D. Aitken>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; Kimberley S. Luczynski/OMB/EOP@EOP [OMB] <Kimberley S. Luczynski>
CC: James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Amiee L. Albertson/OMB/EOP@EOP [OMB] <Amiee L. Albertson>
Sent: 6/1/2001 6:20:01 AM
Subject: : Re: HR 577 amendments

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Oscar Gonzalez (CN=Oscar Gonzalez/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 1-JUN-2001 10:20:01.00

SUBJECT:: Re: HR 577 amendments

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kimberley S. Luczynski (CN=Kimberley S. Luczynski/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Amiee L. Albertson (CN=Amiee L. Albertson/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

From OMB/LA:

----- Forwarded by Oscar Gonzalez/OMB/EOP on 06/01/2001

10:16 AM -----

Brett S. Loper
06/01/2001 10:10:01 AM
Record Type: Record

To: Oscar Gonzalez/OMB/EOP@EOP
cc: Kirsten A. Chadwick/WHO/EOP@EOP
Subject: Re: HR 577 amendments

No SAP.

REV_00127243

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO])
Sent: 6/1/2001 12:49:16 PM
Subject: : OLC

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CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-JUN-2001 16:49:16.00
SUBJECT:: OLC
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI, and OLC probably advised you of this already, but Rosemary Hart recently gave me a call to say there are looking to hire some (2-3) young line attorneys. She was looking for recommendations of "clerk types" 1-2 years out of law school, but I did not really know of any people in that age/experience range.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/1/2001 1:43:23 PM
Subject: :

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-JUN-2001 17:43:23.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.newsday.com/ap/text/washington/ap625.htm>

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/3/2001 4:52:48 PM
Subject: : Northwest Florida Daily News (6/3/01) re: Top attorney working for state, but eyeing old job

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JUN-2001 20:52:48.00

SUBJECT:: Northwest Florida Daily News (6/3/01) re: Top attorney working for state, but eyeing old job

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Top attorney working for state, but eyeing old job

By MICHAEL STEWART, Daily News Staff Writer

Former U. S. Attorney Michael Patterson is working at the Florida State Attorney's Office for now, but he's hoping he won't be much longer.

Patterson, appointed by former President Bill Clinton as the U. S. attorney for the Northern District of Florida in 1993, stepped down from the federal post Thursday, but he still has an eye on his old job.

"Whether I will be able to keep my position, though, is up for grabs," Patterson said.

Patterson has said he hopes President Bush will reappoint him as the lead federal attorney in the Northern District, which covers 23 counties from Pensacola to Gainesville.

The former Demo-crat abandoned his party ties last February and switched to Re-publican prior to submitting his application to keep his position.

A call to the State Attorney's Office in Pensacola Friday confirmed that Patterson is now working for the state. He was unavailable for comment.

"Basically, he is just helping out with some projects at the State Attorney's Office until the appointment process is over," U. S. Attorney spokesperson Gayle Kinsley said.

U. S. Attorney General John Ashcroft appointed the number two man in the Northern District, Tom Kirwin, to fill in until a new attorney is appointed. Kirwin is not seeking the position.

Speculation about Patterson's prospects has loomed since his decision to seek reappointment. The chances of a former Democrat retaining the position under the Bush administration are slim, many say.

Patterson, who has long maintained an apolitical stance, has won the backing of some influential Republicans who would like to see the power base remain in Pensacola.

U. S. Rep. Joe Scarborough, R-Fla., has been one of Patterson's strongest allies. Scarborough's decision to leave the House has some people wondering if Patterson still has the clout to reclaim his former job.

"I don't know what is going to happen," Santa Rosa County Republican Party

Chairman Rodney Rollo said.

"It is all speculation at this point."

Patterson's Thursday resignation coincided with the deadline for applicants to apply for the post.

The chairman for the Florida Federal Judicial Nominating Commission, Roberto "Bobby" Martinez, said several applicants have sent in resumes, but the list will not be made available until Wednesday.

"I have not even looked at them yet, and more applications postmarked by Thursday could come in," he said.

Tampa prosecutor Kenneth Lawson, an assistant U. S. attorney for the Middle District of Florida, is the only other candidate to publicly state he is seeking the Northern District position.

Members of the nominating commission will meet in Tallahassee on June 18 to review the applications.

The commission will interview the applications on June 29 and could decide on three candidates for the position that day. If approved by U. S. Reps. Bill Young and Clay Shaw, both Republicans, and by Gov. Jeb Bush, the names will be sent to President Bush, who will choose his nominee.

The final confirmation falls to the U. S. Senate.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/4/2001 5:09:36 AM
Subject: : Legal Times article

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JUN-2001 09:09:36.00

SUBJECT:: Legal Times article

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

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TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

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TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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<http://www5.law.com/lawcom/displayid.cfm?statename=DC&docnum=66125&table=news&flag=full>

June 4, 2001

A Crucial Shift at the Judiciary Committee

Democratic control will end the blue slip debate,
revive the ABA,
and put some nominees at risk

REV_00127255

By Jonathan Ringel
Legal Times

In what turned out to be his last hearing as chairman of the Senate Judiciary Committee, Utah Republican Orrin Hatch noted on May 23 that a Justice Department nominee sitting before him had the glowing endorsement of Sen. Edward Kennedy. That's high praise, Hatch added, considering that the Massachusetts Democrat had chaired the panel himself, "in the good old days."

"Soon to return," quipped Kennedy.

The very next day, Vermont Sen. James Jeffords' defection from the GOP set a new course for the committee-and for President George W. Bush's judicial candidates.

"This changes every little thing," said Sen. Charles Schumer (D-N.Y.), a member of the committee and a vocal opponent of many of Bush's conservative picks. "In fact, it changes the little things more than the big things."

It's the little things that count in the committee, the gateway to Senate confirmation for judicial and Justice Department nominees.

From "blue slips" that can block a nominee from getting a confirmation vote to the role of the American Bar Association-and from the membership of the committee itself to the future composition of the federal district and circuit courts-most everything was promised a new look after Jeffords' stunning move.

One major matter that may not change much is what will happen if and when President Bush gets to nominate someone for the U.S. Supreme Court.

To be sure, Bush's judge-pickers will have to consider the Democrats' control of the Senate if and when the time comes to choose a new justice. But it's doubtful the Democrats would use procedural gimmicks to keep a Supreme Court nominee from getting an up-or-down vote.

When it comes to judges for the trial and appellate courts, though, it's likely the dynamics will shift noticeably.

As a result of the switch, Democrats will have a one-member majority on the committee. The new committee chairman, expected to be Sen. Patrick Leahy (D-Vt.), will be the arbiter of the

committee's blue slip policy. The blue slip is the form senators from a judicial nominee's home state sign to register their approval-and more controversially, their disapproval-of a nominee.

Leahy would undoubtedly enforce his interpretation of the rule, one he argues Republicans used for the past six years to hold up some of President Bill Clinton's choices: No judicial nominee may move forward without positive blue slips from both home-state senators.

Hatch says he's always given "great weight" to negative blue slips, but argued that Leahy's hard-and-fast policy would abuse senatorial courtesy and give too much power to individual senators.

With Jeffords' defection, however, the blue slip debate is effectively over, and Democrats could use the threat of negative blue slips to convince the White House not to nominate conservatives.

Among those in jeopardy are Rep. Christopher Cox (R-Calif.) and Sidley, Austin, Brown & Wood litigator Peter Keisler. Both have been prominently mentioned, though not nominated for spots on appeals courts.

California Democratic Sen. Barbara Boxer has said Cox is too conservative to have her support for a spot on the U.S. Court of Appeals for the 9th Circuit.

Maryland Democrats Paul Sarbanes and Barbara Mikulski have urged the White House not to nominate Keisler. They oppose the former law clerk to then-D.C. Circuit Judge Robert Bork and Supreme Court Justice Anthony Kennedy on the grounds that he is not a member of the bar in Maryland, where a seat on the 4th Circuit sits vacant.

Sen. Jeff Sessions (R-Ala.) expects some Bush nominees to get hostile hearings, similar to the one Attorney General John Ashcroft endured in January.

But considering that a Senate largely controlled by Republicans confirmed 374 of Clinton's judicial nominees, Sessions adds, "I have to believe the Democrats are not going to use this one-seat advantage to block wholesale nominations.

"They know, just as the Republicans knew, you have to bring those judges up and vote on them sooner or later," he says.

One Bush administration source finds a silver lining in the loss of GOP control. In a 50-50 Senate, the source says, "Everything was a muscle-flexing exercise," adding that now Democrats will be held more accountable and won't be able to be completely obstructionist.

The Democrats say they plan to revive the role of the American Bar Association's Standing Committee on the Federal Judiciary, which since 1953 advised presidents on judicial picks before the nomination was made public.

Bush removed the ABA from its role in March, theoretically speeding up the confirmation process and satisfying conservatives who objected to the group's perceived liberal bias. But Leahy is expected not to call a hearing until the ABA committee has a chance to review a nominee's qualifications, a process that usually takes about one month.

As another result of Jeffords' move, the Judiciary Committee's makeup will have to be renegotiated. Currently split 9-9, the committee may drop Republican Sen. Mitch McConnell of Kentucky or add a new Democrat in order to fashion the new majority.

Before Jeffords left the GOP, Bush added five more judicial nominees to the list before the committee, making a total of 14 circuit court nominations and two district court nominations.

The new nominees are:

Sharon Prost, Republican chief counsel to the Senate Judiciary Committee, for the U.S. Court of Appeals for the Federal Circuit;
Lavenski Smith, former Arkansas Supreme Court justice, for a seat on the 8th Circuit; William Riley, a litigator in Lincoln, Neb.'s Fitzgerald, Schorr, Barmettler & Brennan, for a Nebraska seat on the 8th Circuit;
Boone, Karlberg & Haddon partner Sam Haddon and U.S. Magistrate Judge Richard Cebull, for U.S. District Court seats in Montana.

Date Received: May 29, 2001

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/4/2001 4:59:16 AM
Subject: : senate/house break

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JUN-2001 08:59:16.00

SUBJECT:: senate/house break

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

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End Original ARMS Header

The House and Senate will be out of session from August 4th to September 3rd (Senate) and September 4th (House).

REV_00127263

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/4/2001 4:59:16 AM
Subject: : senate/house break

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JUN-2001 08:59:16.00

SUBJECT:: senate/house break

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TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

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TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

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End Original ARMS Header

The House and Senate will be out of session from August 4th to September 3rd (Senate) and September 4th (House).

REV_00127264

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/4/2001 5:02:39 AM
Subject: : Chris B. will not be in today - he'll be back tomorrow.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JUN-2001 09:02:39.00

SUBJECT:: Chris B. will not be in today - he'll be back tomorrow.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/4/2001 5:02:39 AM
Subject: : Chris B. will not be in today - he'll be back tomorrow.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JUN-2001 09:02:39.00

SUBJECT:: Chris B. will not be in today - he'll be back tomorrow.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/4/2001 5:09:36 AM
Subject: : Legal Times article

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JUN-2001 09:09:36.00

SUBJECT:: Legal Times article

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www5.law.com/lawcom/displayid.cfm?statename=DC&docnum=66125&table=news&flag=full>

June 4, 2001

A Crucial Shift at the Judiciary Committee

Democratic control will end the blue slip debate,
revive the ABA,
and put some nominees at risk

REV_00127267

By Jonathan Ringel
Legal Times

In what turned out to be his last hearing as chairman of the Senate Judiciary Committee, Utah Republican Orrin Hatch noted on May 23 that a Justice Department nominee sitting before him had the glowing endorsement of Sen. Edward Kennedy. That's high praise, Hatch added, considering that the Massachusetts Democrat had chaired the panel himself, "in the good old days."

"Soon to return," quipped Kennedy.

The very next day, Vermont Sen. James Jeffords' defection from the GOP set a new course for the committee-and for President George W. Bush's judicial candidates.

"This changes every little thing," said Sen. Charles Schumer (D-N.Y.), a member of the committee and a vocal opponent of many of Bush's conservative picks. "In fact, it changes the little things more than the big things."

It's the little things that count in the committee, the gateway to Senate confirmation for judicial and Justice Department nominees.

From "blue slips" that can block a nominee from getting a confirmation vote to the role of the American Bar Association-and from the membership of the committee itself to the future composition of the federal district and circuit courts-most everything was promised a new look after Jeffords' stunning move.

One major matter that may not change much is what will happen if and when President Bush gets to nominate someone for the U.S. Supreme Court.

To be sure, Bush's judge-pickers will have to consider the Democrats' control of the Senate if and when the time comes to choose a new justice. But it's doubtful the Democrats would use procedural gimmicks to keep a Supreme Court nominee from getting an up-or-down vote.

When it comes to judges for the trial and appellate courts, though, it's likely the dynamics will shift noticeably.

As a result of the switch, Democrats will have a one-member majority on the committee. The new committee chairman, expected to be Sen. Patrick Leahy (D-Vt.), will be the arbiter of the

committee's blue slip policy. The blue slip is the form senators from a judicial nominee's home state sign to register their approval-and more controversially, their disapproval-of a nominee.

Leahy would undoubtedly enforce his interpretation of the rule, one he argues Republicans used for the past six years to hold up some of President Bill Clinton's choices: No judicial nominee may move forward without positive blue slips from both home-state senators.

Hatch says he's always given "great weight" to negative blue slips, but argued that Leahy's hard-and-fast policy would abuse senatorial courtesy and give too much power to individual senators.

With Jeffords' defection, however, the blue slip debate is effectively over, and Democrats could use the threat of negative blue slips to convince the White House not to nominate conservatives.

Among those in jeopardy are Rep. Christopher Cox (R-Calif.) and Sidley, Austin, Brown & Wood litigator Peter Keisler. Both have been prominently mentioned, though not nominated for spots on appeals courts.

California Democratic Sen. Barbara Boxer has said Cox is too conservative to have her support for a spot on the U.S. Court of Appeals for the 9th Circuit.

Maryland Democrats Paul Sarbanes and Barbara Mikulski have urged the White House not to nominate Keisler. They oppose the former law clerk to then-D.C. Circuit Judge Robert Bork and Supreme Court Justice Anthony Kennedy on the grounds that he is not a member of the bar in Maryland, where a seat on the 4th Circuit sits vacant.

Sen. Jeff Sessions (R-Ala.) expects some Bush nominees to get hostile hearings, similar to the one Attorney General John Ashcroft endured in January.

But considering that a Senate largely controlled by Republicans confirmed 374 of Clinton's judicial nominees, Sessions adds, "I have to believe the Democrats are not going to use this one-seat advantage to block wholesale nominations.

"They know, just as the Republicans knew, you have to bring those judges up and vote on them sooner or later," he says.

One Bush administration source finds a silver lining in the loss of GOP control. In a 50-50 Senate, the source says, "Everything was a muscle-flexing exercise," adding that now Democrats will be held more accountable and won't be able to be completely obstructionist.

The Democrats say they plan to revive the role of the American Bar Association's Standing Committee on the Federal Judiciary, which since 1953 advised presidents on judicial picks before the nomination was made public.

Bush removed the ABA from its role in March, theoretically speeding up the confirmation process and satisfying conservatives who objected to the group's perceived liberal bias. But Leahy is expected not to call a hearing until the ABA committee has a chance to review a nominee's qualifications, a process that usually takes about one month.

As another result of Jeffords' move, the Judiciary Committee's makeup will have to be renegotiated. Currently split 9-9, the committee may drop Republican Sen. Mitch McConnell of Kentucky or add a new Democrat in order to fashion the new majority.

Before Jeffords left the GOP, Bush added five more judicial nominees to the list before the committee, making a total of 14 circuit court nominations and two district court nominations.

The new nominees are:

Sharon Prost, Republican chief counsel to the Senate Judiciary Committee, for the U.S. Court of Appeals for the Federal Circuit;
Lavenski Smith, former Arkansas Supreme Court justice, for a seat on the 8th Circuit; William Riley, a litigator in Lincoln, Neb.'s Fitzgerald, Schorr, Barmettler & Brennan, for a Nebraska seat on the 8th Circuit;
Boone, Karlberg & Haddon partner Sam Haddon and U.S. Magistrate Judge Richard Cebull, for U.S. District Court seats in Montana.

Date Received: May 29, 2001

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 6/4/2001 5:37:52 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JUN-2001 09:37:52.00

SUBJECT:: Re:

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I didn't. First time out, the Judge spoke to both Senators directly. Ask Courtney.

Rachel L. Brand 06/04/2001 09:34:23 AM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP
Subject:

What staffers did you contact to notify Hatch and Leahy of upcoming nominations?

RLB

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 6/4/2001 9:40:52 AM
Subject: : Re: WHJSC agenda

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JUN-2001 13:40:52.00
SUBJECT:: Re: WHJSC agenda
TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Arizona again

Brent D. Greenfield
06/04/2001 12:14:34 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: WHJSC agenda

Please email me with any items you have for this week.

Thanks!

Message Sent

To: _____
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

REV_00127272

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 6/4/2001 5:58:32 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JUN-2001 09:58:32.00
SUBJECT:: Re:
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Tim called Leahy's staff -- probably Cohen. I did not call Hatch's staff personally, either.

Bradford A. Berenson
06/04/2001 09:37:50 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, courtney s. elwood/who/eop@eop,
helgard c. walker/who/eop@eop
bcc:
Subject: Re:

I didn't. First time out, the Judge spoke to both Senators directly. Ask Courtney.

Rachel L. Brand 06/04/2001 09:34:23 AM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP
Subject:

What staffers did you contact to notify Hatch and Leahy of upcoming nominations?

RLB

REV_00127275

From: CN=Terry W. Good/OU=WHO/O=EOP [WHO]
To: Elizabeth.mitchell@usdoj.gov @ inet [UNKNOWN] <Elizabeth.mitchell@usdoj.gov>
CC: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lee R. Johnson/WHO/EOP@EOP [WHO] <Lee R. Johnson>
Sent: 6/4/2001 6:33:32 AM
Subject: : Tobacco Litigation Records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JUN-2001 10:33:32.00
SUBJECT:: Tobacco Litigation Records
TO:Elizabeth.mitchell@usdoj.gov (Elizabeth.mitchell@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Lee R. Johnson (CN=Lee R. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Elizabeth:

At the request of Helgard Walker and with the approval of Brett Kavanaugh, I am providing you with the following information regarding files of Jerold Mande who, I understand, was detailed to OPD during the Clinton Administration but worked out of an office assigned to OSTP.

The six boxes that we received from him in December 1998 were assigned the following box numbers in our data base:
13,033, 13,034, 13,035, 13,036, 13,037, and 13,038.
We subsequently assigned them shelf location numbers when we sent them to NARA for courtesy storage. Those sequential numbers ran from 10,455 through 10,460.

This should be more than sufficient information for the archivists at the Clinton project to locate these boxes.

Terry

From: Records Management [UNKNOWN]
To: Helgard C. Walker/WHO/EOP [WHO] <Helgard C. Walker>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 6/4/2001 6:33:33 AM
Subject: : Message from Duke Short

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Records Management (Records Management [UNKNOWN])
CREATION DATE/TIME: 4-JUN-2001 10:33:33.00
SUBJECT:: Message from Duke Short
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Duke asked me to pass on to you, as a follow-up to your conversation with him re judicial appointments, that he's learned that Edwards' opposition to Boyle is not just a business/political/ideological matter but is based on personal animosity. He suggests that the next time we talk to Edwards we probe this -- perhaps Edwards had a case before Boyle? etc.

According to Duke, Edwards is trying to make inroads into South Carolina (for future Presidential run, presumably) and so the SC people are working him through this back channel.

Finally, Daschle asked Duke to tell the White House that he does not want to be obstructionist on judicial nominees. Duke passed this on to me, but editorialized that of course Daschle does want to obstruct our nominees, just doesn't want to be seen that way.

From: Mitchell, Elizabeth <Elizabeth.Mitchell@usdoj.gov>
To: Terry W. Good/WHO/EOP [WHO] <Terry W. Good>
CC: Helgard C. Walker/WHO/EOP [WHO] <Helgard C. Walker>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Lee R. Johnson/WHO/EOP [WHO] <Lee R. Johnson>
Sent: 6/4/2001 6:42:13 AM
Subject: : RE: Tobacco Litigation Records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: "Mitchell, Elizabeth" <Elizabeth.Mitchell@usdoj.gov> ("Mitchell, Elizabeth" <Elizabeth.Mitchell@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-JUN-2001 10:42:13.00
SUBJECT:: RE: Tobacco Litigation Records
TO: Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
CC: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
CC: Lee R. Johnson (CN=Lee R. Johnson/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Thank you.

Elizabeth

-----Original Message-----

From: Terry_W._Good@who.eop.gov@inetgw
[mailto:Terry_W._Good@who.eop.gov]
Sent: Monday, June 04, 2001 10:26 AM
To: Mitchell, Elizabeth
Cc: Helgard_C._Walker@who.eop.gov@inetgw;
Brett_M._Kavanaugh@who.eop.gov@inetgw; Lee_R._Johnson@who.eop.gov@inetgw
Subject: Tobacco Litigation Records

Elizabeth:

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Terry

From: Mitchell, Elizabeth <Elizabeth.Mitchell@usdoj.gov>
To: Terry W. Good/WHO/EOP [WHO] <Terry W. Good>
CC: Helgard C. Walker/WHO/EOP [WHO] <Helgard C. Walker>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Lee R. Johnson/WHO/EOP [WHO] <Lee R. Johnson>
Sent: 6/4/2001 6:47:24 AM
Subject: : RE: Tobacco Litigation Records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Mitchell, Elizabeth" <Elizabeth.Mitchell@usdoj.gov> ("Mitchell, Elizabeth"
<Elizabeth.Mitchell@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-JUN-2001 10:47:24.00
SUBJECT:: RE: Tobacco Litigation Records
TO:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Lee R. Johnson (CN=Lee R. Johnson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you.

Elizabeth

-----Original Message-----

From: Terry_W._Good@who.eop.gov@inetgw
[mailto:Terry_W._Good@who.eop.gov]
Sent: Monday, June 04, 2001 10:26 AM
To: Mitchell, Elizabeth
Cc: Helgard_C._Walker@who.eop.gov@inetgw;
Brett_M._Kavanaugh@who.eop.gov@inetgw; Lee_R._Johnson@who.eop.gov@inetgw
Subject: Tobacco Litigation Records

Elizabeth:

At the request of Helgard Walker and with the approval of Brett Kavanaugh, I am providing you with the following information regarding files of Jerold Mande who, I understand, was detailed to OPD during the Clinton Administration but worked out of an office assigned to OSTP.

The six boxes that we received from him in December 1998 were assigned the following box numbers in our data base:
13,033, 13,034, 13,035, 13,036, 13,037, and 13,038.
We subsequently assigned them shelf location numbers when we sent them to NARA for courtesy storage. Those sequential numbers ran from 10,455 through 10,460.

This should be more than sufficient information for the archivists at the Clinton project to locate these boxes.

Terry

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 6/4/2001 8:14:35 AM
Subject: : WHJSC agenda

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JUN-2001 12:14:35.00

SUBJECT:: WHJSC agenda

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please email me with any items you have for this week.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 6/4/2001 9:40:52 AM
Subject: : Re: WHJSC agenda

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JUN-2001 13:40:52.00
SUBJECT:: Re: WHJSC agenda
TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Arizona again

Brent D. Greenfield
06/04/2001 12:14:34 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: WHJSC agenda

Please email me with any items you have for this week.

Thanks!

Message Sent

To: _____
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

REV_00127283

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/4/2001 2:54:25 PM
Subject: : meetings with President

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JUN-2001 18:54:25.00

SUBJECT:: meetings with President

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

No times are set for any of the various meetings we have requested...

June 7 US Attorneys

June 7 McVeigh

June 11 Judges

June 18 Garza

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/4/2001 2:54:25 PM
Subject: : meetings with President

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JUN-2001 18:54:25.00

SUBJECT:: meetings with President

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

No times are set for any of the various meetings we have requested...

June 7 US Attorneys

June 7 McVeigh

June 11 Judges

June 18 Garza

REV_00127285

From: CN=Scott H. Evertz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2001 6:30:08 AM
Subject: : Testifying before Congress

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Scott H. Evertz (CN=Scott H. Evertz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 5-JUN-2001 10:30:08.00

SUBJECT:: Testifying before Congress

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett - Just a follow up to my voice mail. I've been invited to testify before the House International Relations Committee which Congressman Henry Hyde chairs. I haven't had a conversation yet with WH Leg Affairs but Margaret LaMontagne actually wondered if I'm "allowed" to do such a thing. She indicated that she isn't. If you know the answer to this, I'd appreciate knowing as soon as possible. If you don't, please forward. Thanks much.

Scott H. Evertz
Director, Office of National AIDS Policy
OPD

REV_00127287

From: CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher
bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel l. brand/who/eop@eop
[WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c.
walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO]
<courtney s. elwood>
Sent: 6/5/2001 6:57:52 AM
Subject: : Re: Texas LSC restructuring

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2001 10:57:52.00
SUBJECT:: Re: Texas LSC restructuring
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I am working on the LSC/Texas issue. I have talked with Senators Gramm
and Hutichison's people about it and have a meeting tentatively scheduled
with LSC President John McKay to addresss the matter.

Bradford A. Berenson
06/05/2001 10:38:47 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Texas LSC restructuring

Anybody working on this? I've got a piece of correspondence from the
Texas Senators relating to it.

Message Sent

To: _____
Brett M. Kavanaugh/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

REV_00127288

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 6/5/2001 7:26:04 AM
Subject: : Re: 30 minute JSC meetings

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2001 11:26:04.00
SUBJECT:: Re: 30 minute JSC meetings
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Inquiry came from Bolten's office - they noticed the binders have been significantly thinner for a while now.

It isn't the room in that is in question - we schedulers are always looking for a way to free up as much time as possible.

Bradford A. Berenson
06/05/2001 11:05:43 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: 30 minute JSC meetings

It totally depends upon the agenda for the week in question. In general, I would say that agendas (and therefore meetings) have been getting shorter and that 30-45 minutes has been proving sufficient more often than not, but it's hard to lay down a clear rule. Given the variability, I think we're safer staying with 1 hour -- far better to have some extra time on your hands than to get kicked out of your meeting room before the meeting is over. Who is looking to formally shorten the allotted time?

Elizabeth N. Camp
06/05/2001 11:03:29 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: 30 minute JSC meetings

The question has been posed as to whether or not these weekly meetings can

REV_00127293

be trimmed down to 30 minutes instead of an hour.

Thoughts or objections?

From: CN=Scott H. Evertz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2001 6:30:08 AM
Subject: : Testifying before Congress

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Scott H. Evertz (CN=Scott H. Evertz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 5-JUN-2001 10:30:08.00

SUBJECT:: Testifying before Congress

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett - Just a follow up to my voice mail. I've been invited to testify before the House International Relations Committee which Congressman Henry Hyde chairs. I haven't had a conversation yet with WH Leg Affairs but Margaret LaMontagne actually wondered if I'm "allowed" to do such a thing. She indicated that she isn't. If you know the answer to this, I'd appreciate knowing as soon as possible. If you don't, please forward. Thanks much.

Scott H. Evertz
Director, Office of National AIDS Policy
OPD

From: CN=Marvin Miller/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: Jennifer L. Jones/OU=OA/EOP@EOP [OA] <Jennifer L. Jones>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/5/2001 6:37:56 AM
Subject: : WH Counsel's Address Book

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Marvin Miller (CN=Marvin Miller/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 5-JUN-2001 10:37:56.00

SUBJECT:: WH Counsel's Address Book

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jennifer L. Jones (CN=Jennifer L. Jones/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Select "F5" and then click on the following link to open and add the WH Counsel's address book to your desktop.-->.

Send me and email if you have any problems.

Marvin

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Marvin Miller/OA/EOP@EOP [OA] <Marvin Miller>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;jennifer l. jones/oa/eop@eop [OA] <jennifer l. jones>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 6/5/2001 6:40:06 AM
Subject: : Re: WH Counsel's Address Book

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2001 10:40:06.00
SUBJECT:: Re: WH Counsel's Address Book
TO:Marvin Miller (CN=Marvin Miller/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jennifer l. jones (CN=jennifer l. jones/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I don't know what this is, but hitting F5 did not do anything.

Marvin Miller
06/05/2001 10:37:54 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jennifer L. Jones/OA/EOP@EOP, Allison L. Riepenhoff/WHO/EOP@EOP
Subject: WH Counsel's Address Book

Select "F5" and then click on the following link to open and add the WH Counsel's address book to your desktop.-->.

Send me and email if you have any problems.
Marvin

Message Sent

To:
Brett M. Kavanaugh/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP

REV_00127298

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Marvin Miller/OA/EOP@EOP [OA] <Marvin Miller>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;jennifer l. jones/oa/eop@eop [OA] <jennifer l. jones>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 6/5/2001 6:40:06 AM
Subject: : Re: WH Counsel's Address Book

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-JUN-2001 10:40:06.00

SUBJECT:: Re: WH Counsel's Address Book

TO:Marvin Miller (CN=Marvin Miller/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jennifer l. jones (CN=jennifer l. jones/OU=oa/O=eop@eop [OA])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I don't know what this is, but hitting F5 did not do anything.

Marvin Miller
06/05/2001 10:37:54 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jennifer L. Jones/OA/EOP@EOP, Allison L. Riepenhoff/WHO/EOP@EOP
Subject: WH Counsel's Address Book

Select "F5" and then click on the following link to open and add the WH Counsel's address book to your desktop.-->.

Send me and email if you have any problems.
Marvin

Message Sent

To:
Brett M. Kavanaugh/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP

REV_00127300

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 6/5/2001 7:05:45 AM
Subject: : Re: 30 minute JSC meetings

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2001 11:05:45.00
SUBJECT:: Re: 30 minute JSC meetings
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

It totally depends upon the agenda for the week in question. In general, I would say that agendas (and therefore meetings) have been getting shorter and that 30-45 minutes has been proving sufficient more often than not, but it's hard to lay down a clear rule. Given the variability, I think we're safer staying with 1 hour -- far better to have some extra time on your hands than to get kicked out of your meeting room before the meeting is over. Who is looking to formally shorten the allotted time?

Elizabeth N. Camp
06/05/2001 11:03:29 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: 30 minute JSC meetings

The question has been posed as to whether or not these weekly meetings can be trimmed down to 30 minutes instead of an hour.

Thoughts or objections?

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 6/5/2001 12:57:30 PM
Subject: : Re: inquiry from Media Affairs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2001 16:57:30.00
SUBJECT:: Re: inquiry from Media Affairs
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Sen. Grassley has been pushing this for years. I'm not familiar with the particulars of any current legislation, but I'll call Scott.

RLB

Elizabeth N. Camp
06/05/2001 04:56:00 PM
Record Type: Record

REV_00127304

To: See the distribution list at the bottom of this message
cc:
Subject: inquiry from Media Affairs

Do any of you have any knowledge about Senator Grassley legislation to allow camera into federal courtrooms?

Scott Stanzel from Media Affairs could use some insight on this - 456-5688.

Please let me know if you are going to respond to this....

If not no reply necessary.

Thank you.

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2001 1:23:44 PM
Subject: : Parsky lunch w/ California Repub CODEL next Thursday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-JUN-2001 17:23:44.00

SUBJECT:: Parsky lunch w/ California Repub CODEL next Thursday

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Gerry Parsky will attend the California Republican caucus lunch next Thursday to discuss, among other things, the judicial selection committees and how the congressmen can participate effectively in that process. Given my responsibility for California district courts going forward, we decided it would be a good idea for me to join him at that session. He has also asked me to see if someone from Leg Affairs would like to join us, which I will do shortly. I wanted to make you all aware of this session so that you could come to represent our office in addition to or instead of me if you thought it advisable.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 6/5/2001 9:34:01 AM
Subject: : Re: Put on your thinking caps

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2001 13:34:01.00
SUBJECT:: Re: Put on your thinking caps
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

There must be a million and one ADA accommodation cases lost.
E.g., stadiums having to put in handicapped seating, etc.

Bradford A. Berenson
06/05/2001 01:21:37 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Put on your thinking caps

Anybody know of any important cases lost by the business community in the lower federal courts that at least arguably cost business a lot of money? If not, any bright ideas on how to identify a few such cases?

Message Sent

To:
Brett M. Kavanaugh/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

REV_00127307

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 6/5/2001 9:42:59 AM
Subject: : Re: Put on your thinking caps

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2001 13:42:59.00
SUBJECT:: Re: Put on your thinking caps
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

A few major cases from the telecom world that fit your description: (1) Nextwave lost a case in CA2 involving wireless licenses worth hundreds of millions of dollars; (2) GTE and other local phone companies lost in CA5 in their challenge to universal service subsidies, which amount to huge sums; (3) cable companies lost in CAD9 in their challenge to govt limits on subscribers; and (4) electric utilities lost in CA11 in their attack on laws mandating pole attachments at regulated rates. If you need more examples, let me know -- these are off the top of my head.

Bradford A. Berenson
06/05/2001 01:21:37 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Put on your thinking caps

Anybody know of any important cases lost by the business community in the lower federal courts that at least arguably cost business a lot of money? If not, any bright ideas on how to identify a few such cases?

Message Sent

To: _____
Brett M. Kavanaugh/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP

REV_00127309

Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Kyle Sampson [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/5/2001 10:17:30 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-JUN-2001 14:17:30.00

SUBJECT::

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

US Attorneys Thursday, June 7 is packed solid - we are still trying
Judges Monday, June 11th at 3:30 pm for 25 minutes
Garza Monday, June 18th at 5:00 for 30 minutes

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Kyle Sampson [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/5/2001 10:17:30 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-JUN-2001 14:17:30.00

SUBJECT::

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

US Attorneys Thursday, June 7 is packed solid - we are still trying
Judges Monday, June 11th at 3:30 pm for 25 minutes
Garza Monday, June 18th at 5:00 for 30 minutes

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/5/2001 3:16:03 PM
Subject: : meetings and calls with senators

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-JUN-2001 19:16:03.00

SUBJECT:: meetings and calls with senators

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I know we are holding off for a bit on judicial nominees but if there are any calls that ARG needs to be making or meetings that I need to be setting up please let me know.

Helgi - I did call Sen. Inouye's office today and left a message again re: a meeting with ARG.

REV_00127318

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>
Sent: 6/5/2001 11:22:09 AM
Subject: : Re: Reminder on call sheets

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2001 15:22:09.00
SUBJECT:: Re: Reminder on call sheets
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I don't see how it is possible to complete the call sheets if we don't know when these people will be nominated.

Jason B. Torchinsky
06/05/2001 02:45:43 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Reminder on call sheets

Even though calls are hold, we're trying to have the call sheets for the next group of judicial nominees completed by tomorrow. Please send them to Brent when you finish them.

Jason

Message Sent

REV_00127319

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Laura L. Flippin/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/5/2001 12:56:02 PM
Subject: : inquiry from Media Affairs

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-JUN-2001 16:56:02.00

SUBJECT:: inquiry from Media Affairs

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Do any of you have any knowledge about Senator Grassley legislation to allow camera into federal courtrooms?

Scott Stanzel from Media Affairs could use some insight on this - 456-5688.

Please let me know if you are going to respond to this....

If not no reply necessary.

Thank you.

REV_00127323

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/5/2001 12:56:02 PM
Subject: : inquiry from Media Affairs

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-JUN-2001 16:56:02.00

SUBJECT:: inquiry from Media Affairs

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Do any of you have any knowledge about Senator Grassley legislation to allow camera into federal courtrooms?

Scott Stanzel from Media Affairs could use some insight on this - 456-5688.

Please let me know if you are going to respond to this....

If not no reply necessary.

Thank you.

REV_00127324

From: CN=Townsend L. McNitt/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2001 2:52:31 PM
Subject: : Re: Amendment to Presidential Records Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2001 18:52:31.00
SUBJECT:: Re: Amendment to Presidential Records Act
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I guess that would be me.

Brett M. Kavanaugh
06/05/2001 11:35:29 AM
Record Type: Record

To: Townsend L. McNitt/WHO/EOP@EOP
cc:
Subject: Amendment to Presidential Records Act

I need to talk to someone in your shop about exploring a possible change (rather minor in language but important in practice) to the Presidential Records Act. To whom should I talk?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/5/2001 3:16:03 PM
Subject: : meetings and calls with senators

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-JUN-2001 19:16:03.00

SUBJECT:: meetings and calls with senators

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I know we are holding off for a bit on judicial nominees but if there are any calls that ARG needs to be making or meetings that I need to be setting up please let me know.

Helgi - I did call Sen. Inouye's office today and left a message again re: a meeting with ARG.

REV_00127331

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 6/6/2001 4:27:14 AM
Subject: : Re: Parsky lunch w/ California Repub CODEL next Thursday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-JUN-2001 08:27:14.00

SUBJECT:: Re: Parsky lunch w/ California Repub CODEL next Thursday

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Can one of you confirm the details for me so I can add it to Tim's calendar? Thanks.

----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
06/06/2001 08:26 AM -----

Timothy E. Flanigan
06/06/2001 07:52:27 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc: bradford a. berenson/who/eop@eop, alberto r. gonzales/who/eop@eop, timothy e. flanigan/who/eop@eop
bcc: Allison L. Riepenhoff/WHO/EOP
Subject: Re: Parsky lunch w/ California Repub CODEL next Thursday

I'll be there.

Brett M. Kavanaugh
06/05/2001 05:34:10 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: alberto r. gonzales/who/eop@eop, timothy e. flanigan/who/eop@eop
bcc:
Subject: Re: Parsky lunch w/ California Repub CODEL next Thursday

My 2 cents: Given the degree of angst from the Calif Republicans that we have heard and read, I tend to think the Judge or Tim also should go with Brad to really show the flag.

Bradford A. Berenson
06/05/2001 05:23:42 PM
Record Type: Record

REV_00127332

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Parsky lunch w/ California Repub CODEL next Thursday

Gerry Parsky will attend the California Republican caucus lunch next Thursday to discuss, among other things, the judicial selection committees and how the congressmen can participate effectively in that process. Given my responsibility for California district courts going forward, we decided it would be a good idea for me to join him at that session. He has also asked me to see if someone from Leg Affairs would like to join us, which I will do shortly. I wanted to make you all aware of this session so that you could come to represent our office in addition to or instead of me if you thought it advisable.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 6/6/2001 3:56:43 AM
Subject: : Re: Help

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JUN-2001 07:56:43.00
SUBJECT:: Re: Help
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I can do it, unless Brett has already volunteered. Just tell me where and when to meet you to go over.

Matthew A. Schlapp
06/05/2001 06:43:29 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: Help

Tomorrow at Weyrich's lunch they would like a WH update on judges. Can one of you go to it?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/6/2001 9:04:30 AM
Subject: : Senate Judiciary Committee - revised roster

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-JUN-2001 13:04:30.00

SUBJECT:: Senate Judiciary Committee - revised roster

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Judiciary Committee

Democrats-Patrick Leahy, VT Chairman

REV_00127335

Edward Kennedy, MA
Joseph Biden, DE
Herb Kohl, WI
Dianne Feinstein, CA
Russell Feingold, WI
Robert Torricelli, NJ
Charles Schumer, NY

Republicans - Orrin Hatch, UT Ranking Member
Strom Thurmond, SC
Chuck Grassley, IA
Arlen Specter, PA
Jon Kyl, AZ
Mike DeWine, OH
Jeff Sessions, AL
Bob Smith, NH

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/6/2001 9:06:18 AM
Subject: : AIDS epidemic testimony

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-JUN-2001 13:06:18.00

SUBJECT:: AIDS epidemic testimony

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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Has anyone in this office been involved in advising that Scott Evertz (sp?) should not testify on the Hill concerning the AIDS epidemic? Calio's shop was told that Counsel's office advised against this. He wants answers -- please call Allison asap if you know anything about this.

REV_00127337

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/6/2001 5:07:10 AM
Subject: : Re: Parsky lunch w/ California Repub CODEL next Thursday

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JUN-2001 09:07:10.00
SUBJECT:: Re: Parsky lunch w/ California Repub CODEL next Thursday
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tim will not be able to do it re: his daughters' graduation.
----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
06/06/2001 09:06 AM -----

Timothy E. Flanigan
06/06/2001 07:52:27 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc: bradford a. berenson/who/eop@eop, alberto r. gonzales/who/eop@eop, timothy e. flanigan/who/eop@eop
bcc: Allison L. Riepenhoff/WHO/EOP
Subject: Re: Parsky lunch w/ California Repub CODEL next Thursday

I'll be there.

Brett M. Kavanaugh
06/05/2001 05:34:10 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: alberto r. gonzales/who/eop@eop, timothy e. flanigan/who/eop@eop
bcc:
Subject: Re: Parsky lunch w/ California Repub CODEL next Thursday

My 2 cents: Given the degree of angst from the Calif Republicans that we have heard and read, I tend to think the Judge or Tim also should go with Brad to really show the flag.

Bradford A. Berenson
06/05/2001 05:23:42 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.

Flanigan/WHO/EOP@EOP

cc: Brett M. Kavanaugh/WHO/EOP@EOP

Subject: Parsky lunch w/ California Repub CODEL next Thursday

Gerry Parsky will attend the California Republican caucus lunch next Thursday to discuss, among other things, the judicial selection committees and how the congressmen can participate effectively in that process. Given my responsibility for California district courts going forward, we decided it would be a good idea for me to join him at that session. He has also asked me to see if someone from Leg Affairs would like to join us, which I will do shortly. I wanted to make you all aware of this session so that you could come to represent our office in addition to or instead of me if you thought it advisable.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/6/2001 9:08:41 AM
Subject: : AIDS testimony -- Time Sensitive

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-JUN-2001 13:08:41.00

SUBJECT:: AIDS testimony -- Time Sensitive

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Rachel L. Brand/WHO/EOP on 06/06/2001
01:07 PM -----

Allison L. Riepenhoff
06/06/2001 01:07:19 PM
Record Type: Record

To: Rachel Brand
cc:
Subject: Time Sensitive

REV_00127340

Re: our phone conversation. Calio is looking for answers regarding Counse's decision to tell WH Staff (Scott Everitz) not to testify on the Hill tomorrow re: global AIDS crisis. Please call (in this order until you reach someone): Nick Calio, Jack Howard, and Dan Kennery (on the Hill, cell: 321-7945. Calio needs to call Mr. Hyde with an answer asap. Thanks.

ALR

From: CN=Jayne H. Chambers/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>
Sent: 6/6/2001 10:12:36 AM
Subject: : Autographed photographs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jayne H. Chambers (CN=Jayne H. Chambers/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 6-JUN-2001 14:12:36.00
SUBJECT:: Autographed photographs
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Brett, I'm following up on an e-mail I sent two weeks ago concerning the propriety of sending autographed photos when one knows they will be used for commercial purposes. Janet Walker suggested that I contact you. Are there any restrictions on using autographed photos? Dr. Llindsey has received several requests for photos and one stated they would be using it in a museum in Germany.

Please get back to me so that I can send a timely response to the requester.

Thanks.
Jayne

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/6/2001 7:01:04 AM
Subject: : Overall picture on nominations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-JUN-2001 11:01:04.00

SUBJECT:: Overall picture on nominations

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I'm curious what you found out about the overall picture on nominations.
When are we likely to have nominees up for all or substantially all of the
circuit courts? How are we doing on the districts? Is someone keeping
track of the overall pipeline?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/6/2001 9:04:30 AM
Subject: : Senate Judiciary Committee - revised roster

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-JUN-2001 13:04:30.00

SUBJECT:: Senate Judiciary Committee - revised roster

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Judiciary Committee

Democrats-Patrick Leahy, VT Chairman

REV_00127344

Edward Kennedy, MA
Joseph Biden, DE
Herb Kohl, WI
Dianne Feinstein, CA
Russell Feingold, WI
Robert Torricelli, NJ
Charles Schumer, NY

Republicans - Orrin Hatch, UT Ranking Member
Strom Thurmond, SC
Chuck Grassley, IA
Arlen Specter, PA
Jon Kyl, AZ
Mike DeWine, OH
Jeff Sessions, AL
Bob Smith, NH

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
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Sent: 6/6/2001 9:06:18 AM
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CREATION DATE/TIME: 6-JUN-2001 13:06:18.00

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READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
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CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
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CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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----- Forwarded by Rachel L. Brand/WHO/EOP on 06/06/2001
01:07 PM -----

Allison L. Riepenhoff
06/06/2001 01:07:19 PM
Record Type: Record

To: Rachel Brand
cc:
Subject: Time Sensitive

REV_00127347

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Counse's decision to tell WH Staff (Scott Everitz) not to testify on the
Hill tomorrow re: global AIDS crisis. Please call (in this order until
you reach someone): Nick Calio, Jack Howard, and Dan Kennery (on the Hill,
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Thanks.

ALR

From: CN=Jayne H. Chambers/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>
Sent: 6/6/2001 10:12:36 AM
Subject: : Autographed photographs

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CREATOR:Jayne H. Chambers (CN=Jayne H. Chambers/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 6-JUN-2001 14:12:36.00
SUBJECT:: Autographed photographs
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Jayne

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/6/2001 2:46:20 PM
Subject: : Monday, June 11 POTUS Judges meeting time CHANGE

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-JUN-2001 18:46:20.00

SUBJECT:: Monday, June 11 POTUS Judges meeting time CHANGE

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Meeting is now schedule for 3:00-3:30 pm (instead of 3:30-4:00).

REV_00127350

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <jennifer.newstead@usdoj.gov>;viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>;dan.bryant@usdoj.gov @ inet [UNKNOWN] <dan.bryant@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
BCC: Bradford A. Berenson (Bradford A. Berenson/WHO/EOP [WHO])
Sent: 6/6/2001 11:24:48 AM
Subject: : Candidate support materials to conservative interest groups

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JUN-2001 15:24:48.00
SUBJECT:: Candidate support materials to conservative interest groups
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tom Jipping complained to me today that he had received no materials at all relating to our judicial nominees. He said he had never received any talking points -- positive or negative -- and no information beyond basic resumes. I'm not sure how this happened, as I felt sure we had circulated virtually everything we had relating to our nominees to the interest group community, but it is obviously a situation that should be rectified going forward. Indeed, we should get out to these folks without further delay, through Tom Jipping or otherwise, the talking points we have currently.

In my view, the actual dissemination of this material on an ongoing basis should be the responsibility of the White House Public Liaison folks. The responsibility for generating it is in the process of shifting from the White House Counsel's Office to the Department of Justice. While the WHCO will continue to generate basic initial talking points, DOJ will take over as of the date of nomination responsibility for refining the basics, monitoring public criticisms of our nominees, and developing responses to

likely lines of attack.

I would suggest that we do three things:

1. Have Tim or Matt send out to Tom (or whoever else Tim thinks appropriate) the materials we have currently on our candidates, including the individual talkers and the point-counterpoint. I will ask by copy of this e-mail to have Jason and Brent gather the necessary materials.
2. Have Tim or Matt send out a similar package each time a nomination is made going forward. The package will be provided by the attorney shepherding the nominations at the same time it is forwarded to DOJ, Communications, and the Hill.
3. As charges and countercharges arise in individual confirmation battles, have DOJ furnish the information and materials generated to Tim and Matt. They will then forward to the interest group community.

What do you all think?

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: tim goeglein/who/eop@eop [WHO] <tim goeglein>;matthew e. smith/who/eop@eop [WHO]
<matthew e. smith>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN]
<jennifer.newstead@usdoj.gov>;viet.dinh@usdoj.gov @ inet [UNKNOWN]
<viet.dinh@usdoj.gov>;dan.bryant@usdoj.gov @ inet [UNKNOWN]
<dan.bryant@usdoj.gov>;brett m. kavanaugh/who/eop@eop [WHO] <brett m.
kavanaugh>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;courtney s.
elwood/who/eop@eop [WHO] <courtney s. elwood>;rachel l. brand/who/eop@eop [WHO]
<rachel l. brand>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;brent d.
greenfield/who/eop@eop [WHO] <brent d. greenfield>
Sent: 6/6/2001 11:27:20 AM
Subject: : Re: Candidate support materials to conservative interest groups

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JUN-2001 15:27:20.00
SUBJECT:: Re: Candidate support materials to conservative interest groups
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:tim goeglein (CN=tim goeglein/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Tom is not an easy character, and Tim has done a good job keeping him on the reservation. I imagine Tim can fix this with one phone call. We need to work this issue regularly, so we might continue to call on WH Counsel to keep our groups informed. Thanks for going today.

Bradford A. Berenson
06/06/2001 03:24:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Candidate support materials to conservative interest groups

REV_00127353

Tom Jipping complained to me today that he had received no materials at all relating to our judicial nominees. He said he had never received any talking points -- positive or negative -- and no information beyond basic resumes. I'm not sure how this happened, as I felt sure we had circulated virtually everything we had relating to our nominees to the interest group community, but it is obviously a situation that should be rectified going forward. Indeed, we should get out to these folks without further delay, through Tom Jipping or otherwise, the talking points we have currently.

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I would suggest that we do three things:

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2. Have Tim or Matt send out a similar package each time a nomination is made going forward. The package will be provided by the attorney shepherding the nominations at the same time it is forwarded to DOJ, Communications, and the Hill.
3. As charges and countercharges arise in individual confirmation battles, have DOJ furnish the information and materials generated to Tim and Matt. They will then forward to the interest group community.

What do you all think?

Message Sent

To:

Tim Goeglein/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP
jennifer.newstead@usdoj.gov @ inet
viet.dinh@usdoj.gov @ inet
dan.bryant@usdoj.gov @ inet

Message Copied

To:

Brett M. Kavanaugh/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Dinh, Viet <Viet.Dinh@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/6/2001 2:46:01 PM
Subject: : RE: Candidate support materials to conservative interest groups

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JUN-2001 18:46:01.00
SUBJECT:: RE: Candidate support materials to conservative interest groups
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm happy to leave this issue in your capable hands.
By the way, who are the members of the Confirmation Project?

RLB

"Dinh, Viet" <Viet.Dinh@usdoj.gov>
06/06/2001 06:41:34 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP, Rachel L. Brand/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: RE: Candidate support materials to conservative interest groups

It seems to me that this is exactly a matter for the recently authorized (and soon to be established) Confirmation Project. Tim Goeglein and Dan Bryant: I will call you tomorrow to speak about the project and ask for your help, but please keep Monday 4:00 free if possible.

For the time being, I agree with Brad that Tom and all outside friends should receive (through Tim) biographical materials and the affirmative talking points (collectively, what I would call the rollout package) for all nominees. However, anticipatory point-counterpoints, as Brett points out, are different and raise a host of countervailing concerns that I hope the Project will take up when it meets on Monday.

Many thanks,

Viet

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov@inetgw
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, June 06, 2001 3:39 PM
To: Rachel_L._Brand@who.eop.gov@inetgw
Cc: Bryant, Dan; Newstead, Jennifer; Dinh, Viet;
Bradford_A._Berenson@who.eop.gov@inetgw;
Tim_Goeglein@who.eop.gov@inetgw; Matthew_E._Smith@who.eop.gov@inetgw;
Matthew_A._Schlapp@who.eop.gov@inetgw;
Brett_M._Kavanaugh@who.eop.gov@inetgw;

REV_00127359

Timothy_E._Flanigan@who.eop.gov@inetgw;
Courtney_S._Elwood@who.eop.gov@inetgw;
Jason_B._Torchinsky@who.eop.gov@inetgw;
Brent_D._Greenfield@who.eop.gov@inetgw
Subject: Re: Candidate support materials to conservative interest groups

such as . . .?

Rachel L. Brand 06/06/2001 03:38:00 PM
(Embedded image moved to file: PIC27490.PCX)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Candidate support materials to conservative interest groups
(Document link not converted)

It may turn out that the potential damage from releasing the
attack-response document outweighs whatever assistance these people could
provide us.

But merely giving them positive talking points isn't sufficient to allow
them to respond to attacks focused on very specific facts or specific
incidents that aren't covered in our talking points.

Brett M. Kavanaugh
06/06/2001 03:35:15 PM

Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Candidate support materials to conservative interest groups
(Document link not converted)

Not to put too fine a point on it, but these people are not as swift
as I thought (or they certainly think of themselves) if they cannot manage
the relatively simple task of using the positive White House points --
which for the most part have been wide-ranging and answer the likely
attacks -- to respond to direct negative attacks. In addition, a White
House document that we circulate outside the White House and that contains
"likely attacks" on the nominees is a very dangerous document, it seems to
me, unless very carefully managed. A leak of it could be quite
devastating, at least a leak of some of the "likely attack documents" we
have created so far for internal purposes. That is why I had hoped and
thought we could count on these folks to use the comprehensive and
positively phrased talking points to respond to negative attacks. Guess I
had too much confidence in them . . .

REV_00127360

Rachel L. Brand 06/06/2001 03:27:36 PM
(Embedded image moved to file: PIC00823.PCX)

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Candidate support materials to conservative interest groups
(Document link not converted)

I think it's a good idea.
As I said in my e-mail last week, I received the same complaint from the Institute for Justice.
I think they may have received the basic talking points, but they really wanted the point-counterpoint.

RLB

Bradford A. Berenson
06/06/2001 03:24:46 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Candidate support materials to conservative interest groups

Tom Jipping complained to me today that he had received no materials at all relating to our judicial nominees. He said he had never received any talking points -- positive or negative -- and no information beyond basic resumes. I'm not sure how this happened, as I felt sure we had circulated virtually everything we had relating to our nominees to the interest group community, but it is obviously a situation that should be rectified going forward. Indeed, we should get out to these folks without further delay, through Tom Jipping or otherwise, the talking points we have currently.

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REV_00127361

this e-mail to have Jason and Brent gather the necessary materials.

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What do you all think?

Message Sent

To: _____

Tim Goeglein/WHO/EOP@EOP
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Matthew A. Schlapp/WHO/EOP@EOP
jennifer.newstead@usdoj.gov @ inet
viet.dinh@usdoj.gov @ inet
dan.bryant@usdoj.gov @ inet

Message Copied

To: _____

Brett M. Kavanaugh/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP

Message Copied

To: _____

tim goeglein/who/eop@eop
matthew e. smith/who/eop@eop
matthew a. schlapp/who/eop@eop
jennifer.newstead@usdoj.gov @ inet
viet.dinh@usdoj.gov @ inet
dan.bryant@usdoj.gov @ inet
brett m. kavanaugh/who/eop@eop
timothy e. flanigan/who/eop@eop
courtney s. elwood/who/eop@eop
jason b. torchinsky/who/eop@eop
brent d. greenfield/who/eop@eop

Message Copied

To: _____

bradford a. berenson/who/eop@eop
tim goeglein/who/eop@eop
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jason b. torchinsky/who/eop@eop
brent d. greenfield/who/eop@eop

Message Copied

To: _____

bradford a. berenson/who/eop@eop
tim goeglein/who/eop@eop
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matthew a. schlapp/who/eop@eop
jennifer.newstead@usdoj.gov @ inet
viet.dinh@usdoj.gov @ inet
dan.bryant@usdoj.gov @ inet
brett m. kavanaugh/who/eop@eop
timothy e. flanigan/who/eop@eop
courtney s. elwood/who/eop@eop
jason b. torchinsky/who/eop@eop
brent d. greenfield/who/eop@eop

Message Copied

To: _____

"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested)
"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested)
Bradford A. Berenson/WHO/EOP
Tim Goeglein/WHO/EOP
Matthew E. Smith/WHO/EOP
Matthew A. Schlapp/WHO/EOP
Timothy E. Flanigan/WHO/EOP
Courtney S. Elwood/WHO/EOP
Jason B. Torchinsky/WHO/EOP
Brent D. Greenfield/WHO/EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/6/2001 2:46:20 PM
Subject: : Monday, June 11 POTUS Judges meeting time CHANGE

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-JUN-2001 18:46:20.00

SUBJECT:: Monday, June 11 POTUS Judges meeting time CHANGE

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Meeting is now schedule for 3:00-3:30 pm (instead of 3:30-4:00).

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 6/6/2001 3:07:53 PM
Subject: : READ IMMEDIATELY!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-JUN-2001 19:07:53.00

SUBJECT:: READ IMMEDIATELY!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you received from the Judge a memo from Karl asking Counsel's opinion on the Medora Musical (in North Dakota) please contact Jared at 456-2369 ASAP!

They need any comments TONIGHT!

REV_00127365

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 6/6/2001 3:07:53 PM
Subject: : READ IMMEDIATELY!

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-JUN-2001 19:07:53.00

SUBJECT:: READ IMMEDIATELY!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you received from the Judge a memo from Karl asking Counsel's opinion on the Medora Musical (in North Dakota) please contact Jared at 456-2369 ASAP!

They need any comments TONIGHT!

REV_00127366

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/7/2001 5:29:30 AM
Subject: : if you are the recess appointments person please call me

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-JUN-2001 09:29:30.00

SUBJECT:: if you are the recess appointments person please call me

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/7/2001 5:29:30 AM
Subject: : if you are the recess appointments person please call me

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-JUN-2001 09:29:30.00

SUBJECT:: if you are the recess appointments person please call me

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Jayne H. Chambers/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/7/2001 5:56:25 AM
Subject: : Re: Autographed photographs

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jayne H. Chambers (CN=Jayne H. Chambers/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-JUN-2001 09:56:25.00

SUBJECT:: Re: Autographed photographs

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett, thanks. That's the most direct answer I've received to any question. Thanks.

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
CC: Courtney S. Elwood/WHO/EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP [WHO] <Noel J. Francisco>
Sent: 6/7/2001 6:37:51 AM
Subject: : RE: Garner on "while"

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-JUN-2001 10:37:51.00

SUBJECT:: RE: Garner on "while"

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I am definitely a purist. Perhaps it is because English is my second language (did I mention that I came over on a boat?!?), but the biggest drag-out fights I have had on degradation of language have been with Eugene Volokh. But then again, maybe Eugene is just confused.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov@inetgw

[mailto:Brett M. Kavanaugh@who.eop.gov]

Sent: Thursday, June 07, 2001 10:06 AM

To: Dinh, Viet

Cc: Courtney S. Elwood@who.eop.gov@inetgw;

Noel J. Francisco@who.eop.gov@inetgw

Subject: Garner on "while"

Garner says that the "purists" insist on using "although," but he claims that "while" is permissible usage. We are "purists," I gather.

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
CC: Courtney S. Elwood/WHO/EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP [WHO] <Noel J. Francisco>
Sent: 6/7/2001 6:39:25 AM
Subject: : RE: Garner on "while"

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-JUN-2001 10:39:25.00

SUBJECT:: RE: Garner on "while"

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I am definitely a purist. Perhaps it is because English is my second language (did I mention that I came over on a boat?!?), but the biggest drag-out fights I have had on degradation of language have been with Eugene Volokh. But then again, maybe Eugene is just confused.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov@inetgw

[mailto:Brett M. Kavanaugh@who.eop.gov]

Sent: Thursday, June 07, 2001 10:06 AM

To: Dinh, Viet

Cc: Courtney S. Elwood@who.eop.gov@inetgw;

Noel J. Francisco@who.eop.gov@inetgw

Subject: Garner on "while"

Garner says that the "purists" insist on using "although," but he claims that "while" is permissible usage. We are "purists," I gather.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/7/2001 9:10:22 AM
Subject: : Laurel Pressler

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JUN-2001 13:10:22.00
SUBJECT:: Laurel Pressler
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett and I just had lunch with Laurel Pressler, Mike Dewine's Chief of Staff. She is a person who may be quite helpful to us going forward with confirmation issues. She's eager to make your acquaintance and plans to call you soon. Brett and I recommend you take her call and make a little time to establish a relationship.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/7/2001 2:37:57 PM
Subject: : Friday and Monday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-JUN-2001 18:37:57.00

SUBJECT:: Friday and Monday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Judge is out all day on Friday, June 8. Call me or email me with any message you need to get to him.

REV_00127397

Monday's staff meeting will be start at 9:00 instead of 8:30.

Thanks!

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: SharpeDay, Lori <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>
Sent: 6/7/2001 4:36:33 PM
Subject: : Confirmation working group meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-JUN-2001 20:36:33.00

SUBJECT:: Confirmation working group meeting

TO:"SharpeDay, Lori" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("SharpeDay, Lori" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

All --

At Viet Dinh's request, I am writing to propose that we hold the first meeting of the confirmation working group on Monday, June 11 at 4:00 pm. The meeting will be at DOJ in room 4627 (Associate AG's conference room).

Please let me know if this time does not work for you. Also, please let us know if we have inadvertently omitted anyone from this list who should be invited to the meeting.

Best regards,

REV_00127399

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/7/2001 1:51:23 PM
Subject: : DOJ Weekly Report
Attachments: P_05OA2004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-JUN-2001 17:51:23.00

SUBJECT:: DOJ Weekly Report

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
06/07/2001 05:50 PM -----

Ali H. Tulbah
06/07/2001 05:49:56 PM
Record Type: Record

To: Diana L. Schacht/OPD/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP
cc:

REV_00127401

Subject: DOJ Weekly Report

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_05OA2004_WHO.TXT_1>

DEPARTMENT OF JUSTICE

For the week of

June 11, 2001

I. Key Agency News

Office of the Deputy Attorney General (DAG)

- **McVeigh Execution:** The execution of convicted Oklahoma City bomber Timothy McVeigh is scheduled for Monday, June 11th at 7am (CST) in Terre Haute, IN. On Wednesday, June 6th, in Denver, CO, Judge Richard Matsch denied McVeigh's petition for a stay of execution. The McVeigh execution is the first federal execution in 38 years.
- **Garza Execution:** Convicted drug kingpin Juan Raul Garza is scheduled to be executed on Tuesday, June 19th. Former President Clinton delayed Garza's execution, originally scheduled for the fall of 2000.

Office of the Solicitor General (OSG)

- **Solicitor to Respond to Terry Nichols Request for New Trial:** By July 4, per the Supreme Court's June 4th invitation, the Solicitor will file a response to the petition for rehearing of the order denying a writ of certiorari in *Nichols v. United States*. Petitioner, currently serving a life sentence for his involvement in the Oklahoma City bombing, seeks a new trial alleging that he was prejudiced by the government's improper withholding of potentially exculpatory evidence in FBI files. His original petition for a writ of certiorari was denied, and he now seeks rehearing in light of the recent discovery of several thousand documents related to the bombing investigation that were not turned over to defense counsel during discovery.
- **Supreme Court Grants Cert in Challenge to Chicago Permit Requirement:** The Department is determining whether participation in the case of *Thomas v. Chicago Park District* is warranted at this stage. The Department has not participated in the case to date. On May 29, the Court granted a petition for a writ of certiorari in this case, which involves a First Amendment challenge to a Chicago Park District ordinance that requires a permit for any event in a city park that involves more than 50 people or utilizes amplified sound.
- **Supreme Court to Review Ninth Circuit's Application of Test for Reasonable Suspicion:** On June 4, the Court granted the United States' petition for a writ of certiorari in *United States v. Arvizu*, No. 00-1519. The questions presented: (1) whether the court of appeals erroneously departed from the totality of the circumstances test that governs reasonable suspicion determinations under the Fourth Amendment by holding that particular facts observed by a law enforcement officer were entitled to no weight and could not be considered as a matter of law; and (2) whether, under the totality of the circumstances test, the Border Patrol agent in this case

had reasonable suspicion that justified a stop of a vehicle near the Mexican border. In the petition for a writ of certiorari, the Department contended that the Ninth Circuit's decision in this case departed fundamentally from the Supreme Court's totality-of-the-circumstances test for determining whether reasonable suspicion exists. By declaring as a matter of law that law enforcement officers may not consider certain facts when forming a suspicion of illegal activity, the court of appeals created a direct conflict with decisions of the Supreme Court and other courts of appeals and incorrectly excluded critical evidence in this case.

Office of Legislative Affairs (OLA)

- **Ira Einhorn Extradition:** The House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources has scheduled a hearing on "Justice Delayed: Extradition and the Ira Einhorn Case" on June 7. The Department met with Subcommittee staff on May 22, and met with the family of the victim on June 6. Criminal Division Deputy Assistant Attorney General Bruce Swartz will testify.

Civil Rights Division (CRT)

- **Update on Pattern or Practice Investigation of Cincinnati Police Department:** The Division is continuing its pattern or practice investigation of the Cincinnati Police Division's use of deadly and non-deadly force by conducting additional meetings with City and police officials, as well as members of the community, and reviewing relevant documents. On May 7, the Attorney General announced that the Civil Rights division would be conducting a pattern or practice investigation of the CPD's use of deadly and non-deadly force. The Attorney General also committed to provide the City and the Police Division with expert technical assistance on how to best reform their policing practices if needed. On May 23-25, the Division conducted the initial rounds of interviews in its use of force investigation of the CPD.

Civil Division (CIV)

- **Ninth Circuit To Hear Oral Argument On June 11 In Tort Case Arising Out Of The Transborder Apprehension Of Plaintiff By The DEA:** On June 11, the Ninth Circuit will hear oral argument on whether the transborder apprehension of Humberto Alvarez-Machain supports a false arrest/false imprisonment tort claim and whether it was an actionable violation of international law under the Alien Tort Statute. Plaintiff is a Mexican doctor that U.S. officials believe was involved in the murder of Drug Enforcement Administration (DEA) Agent Enrique Camarena-Salazar. Plaintiff was abducted from Mexico by DEA-paid Mexican nationals and brought to the United States so that he could be charged with the murder. At trial, plaintiff was acquitted. He then commenced this suit against the United States, five DEA officials and one member of the Mexican abduction team. The District Court held the agents and the United States immune from plaintiff's claims. Plaintiff appealed. The issues presented on appeal include: whether plaintiff's claim that his apprehension violated international law supports a claim under the Alien Tort Statute; whether the apprehension was authorized by federal law and or CA law; and whether plaintiff's tort claims fall within the foreign country exception of the Federal Tort Claims Act.

Criminal Division (CRM)

- **U.S. Files Plea Agreement in Bush Videotape Case:** It is anticipated that a plea will be scheduled for June 8 in Austin, TX, in the case of a former office manager and receptionist for the Bush 2000 campaign's chief media consultant. On May 25, in the W.D. TX, a plea agreement was reached with the defendant, who was indicted in March on charges stemming from her release from the Bush-Cheney 2000 presidential campaign of a video tape and documents relating to then-Governor Bush's preparations for the presidential debates. The defendant has agreed to plead guilty to mail fraud and perjury counts in the pending indictments.
- **Denaturalization Trial of Accused Nazi:** The trial in the N.D. OH of the Government's denaturalization case against John Demjanjuk is expected to go into its third and final week the week of June 11th. The trial commenced on May 29th. Demjanjuk's 1988 conviction in Israel on charges of murders committed while serving as a brutal guard at the Nazis' Treblinka Death Camp known to inmates as "Ivan the Terrible" was reversed by the Israeli Supreme Court in 1993. Demjanjuk's naturalized U.S. citizenship, which had been revoked in 1981 following a denaturalization trial in federal district court in Cleveland, was restored by N.D. OH in February 1998 in the wake of judicial findings that federal prosecutors had committed fraud on the court by withholding exculpatory information from the defendant during the original denaturalization proceedings. A new denaturalization action was filed against Demjanjuk in May 1999 by the Office of Special Investigations (OSI) and the U.S. Attorney's Office in Cleveland, based on Demjanjuk's service as an armed guard at the Sobibor death camp and other Nazi camps in wartime Poland and Germany.

Executive Office for United States Attorneys (EOUSA)

- **Interim United States Attorneys to Attend Seminar:** Training will be held for interim United States Attorneys June 7-8, in Columbia, SC. The purpose of the training is to discuss their new leadership roles. Topics will include an overview of the Department's initiatives; media and legislative trends; budget and resources; and leadership and coordination as United States Attorneys. The Attorney General is expected to address the group.

Office of Justice Programs (OJP)

- From June 11-15 in Aurora, CO, the Office of Juvenile Justice and Delinquency Prevention is sponsoring, together with Fox Valley Technical College and the National Center for Missing and Exploited Children, a conference regarding "Protecting Children Online."

II. Press Activity

- Multiple media outlets will run stories on the expected execution of Timothy McVeigh, scheduled for Monday, June 11th.

- Several media outlets will run stories on the judicial nominations as the hearings start.
- The *NY Times* will run a story on National Instant Criminal (background check) System (NICS) record retention by Fox Butterfield (weekend of June 9th). They will suggest that the Justice Department is bending to the political whims of the NRA by striking down a rule implemented in the last days of the Reno administration relating to the retention of records for Brady background checks. DOJ is currently "conducting a comprehensive review" of the program and may make substantial changes to it following that review.
- *48 Hours/CBS* may be breaking a story based out of Seattle that alleges that the FBI failed to disclose documents in the case of *US v. Nickell* (No. CR87-276WD, W.D. Washington). Nickell was convicted in 1987 for murdering her husband and is serving a life sentence. All appeals have expired.
- *USA Today* is working on a story about settlement talks that are underway between the United States and the National Ass'n. of Homebuilders. The NAHB filed suit over federal wetlands protection regulations.
- *Wall Street Journal* is working on story about a legal challenge to environmental regulation of coal mining in WV, and the relationship of mining to energy supply issues.
- *NBC Nightly News* is doing a piece on border smuggling that will air on Saturday, June 9th.
- *WA Post* is working on a comprehensive story on Prince George's County police misconduct and the lack of prosecution by the United States Attorney's Office in Maryland. The story will run the week of June 11th or 18th.

III. Attorney General's Schedule

June 8 - 10. (Springfield, MO) AG personal residence.

June 12. Attend National Center for Neighborhood Enterprise Event.

June 13. Attend Justice Management Division Awards Ceremony.

June 14. Meeting with Cal Thomas, LA Times Columnist; (b) (Bristow, VA) Youth for Tomorrow Event.

June 18. (Falls Church, VA) Tour of Executive Office of Immigration Review.

June 19 - June 21. (Ottawa, CAN) TBD: Trip to Canada.

June 25. (Ft. Lauderdale, FL) Address National Sheriffs' Association Annual Conference.

IV. Grant Awards

- Nothing to report.

V. Freedom of Information Act (FOIA) Inquiries

- DOJ has received the following significant FOIA request:

An individual has requested correspondence between Attorney General John Ashcroft or any member of the Office of the Attorney General and the National Rifle Association.

From: CN=Scott H. Evertz/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: anne e. phelps/opd/eop@eop [OPD] <anne e. phelps>;margaret m. lamontagne/opd/eop@eop [OPD] <margaret m. lamontagne>;daniel j. keniry/who/eop@eop [WHO] <daniel j. keniry>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/7/2001 2:19:06 PM
Subject: : Re: Scott's testimony

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Scott H. Evertz (CN=Scott H. Evertz/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 7-JUN-2001 18:19:06.00
SUBJECT:: Re: Scott's testimony
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:anne e. phelps (CN=anne e. phelps/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:margaret m. lamontagne (CN=margaret m. lamontagne/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:daniel j. keniry (CN=daniel j. keniry/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I guess I have no objection to a letter. Although we told Hyde's staff we'd submit written testimony, I'm not sure that they'll be upset if we do not submit it in that form. Bigger issue, however, is that WH Counsel did sign off on my testifying citing the precedent of my predecessor having done so and the fact that I am not a commissioned officer.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/7/2001 4:08:31 PM
Subject: : PRA

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-JUN-2001 20:08:31.00

SUBJECT:: PRA

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.newsday.com/ap/text/washington/ap302.htm>

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: SharpeDay, Lori <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy
<Mindy.Tucker@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam
<Adam.Ciongoli@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A.
Berenson>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E.
Flanigan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>
Sent: 6/7/2001 4:37:20 PM
Subject: : Confirmation working group meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer"
<Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-JUN-2001 20:37:20.00

SUBJECT:: Confirmation working group meeting

TO:"SharpeDay, Lori" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("SharpeDay, Lori" <Lori.SharpeDay@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

All --

At Viet Dinh's request, I am writing to propose that we hold the first
meeting of the confirmation working group on Monday, June 11 at 4:00 pm.
The meeting will be at DOJ in room 4627 (Associate AG's conference room).

Please let me know if this time does not work for you. Also, please let us
know if we have inadvertently omitted anyone from this list who should be
invited to the meeting.

Best regards,

REV_00127419

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>
Sent: 6/8/2001 6:35:44 AM
Subject: : Today's event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JUN-2001 10:35:44.00
SUBJECT:: Today's event
TO: Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I have confirmed with the Office of Special Counsel that today's event is an official event for Karen. I also independently reached that same conclusion. Therefore, Karen may use an official vehicle for transportation to and from the event.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/8/2001 8:02:19 AM
Subject: : executive privilege

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JUN-2001 12:02:19.00

SUBJECT:: executive privilege

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I need to talk to you about a potential executive privilege issue when you have a minute.

RLB

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 6/8/2001 1:14:19 PM
Subject: : Re: Schedule

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JUN-2001 17:14:19.00

SUBJECT:: Re: Schedule

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Do we have other nominations backed up behind these?

Rachel L. Brand 06/08/2001 04:58:36 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Elizabeth N. Camp/WHO/EOP@EOP

Subject: Schedule

Helgi and I just discussed the schedule for the third slate again, and we are both strongly in favor of leaving the schedule the way it is, i.e., sending all the nominations up the week of June 18-22. Adding even one or two more days of nominations will make the process even more complicated than it already is, and we risk provoking Leahy by giving him inadequate notice.

REV_00127424

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/8/2001 1:55:50 PM
Subject: : Tours

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JUN-2001 17:55:50.00

SUBJECT:: Tours

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

There have been some changes made to the various tour schedules.

Front of the line for self guided tours -

REV_00127426

Tu-Sat 10:30am-12N;
Sat 1:30-2:45

Guided tours-tickets required-contact Libby
Tu-Sat 8:00-9:00 am

West Wing- - appt required-contact Ashley/Dan in Admin.-6-2861
Tu-Fri 8:00pm-10:00 pm;
Sat 3:00-5:30 pm;
Sunday 9:00-7:30 pm

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/8/2001 1:55:50 PM
Subject: : Tours

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JUN-2001 17:55:50.00

SUBJECT:: Tours

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

There have been some changes made to the various tour schedules.

Front of the line for self guided tours -

REV_00127428

Tu-Sat 10:30am-12N;
Sat 1:30-2:45

Guided tours-tickets required-contact Libby
Tu-Sat 8:00-9:00 am

West Wing- - appt required-contact Ashley/Dan in Admin.-6-2861
Tu-Fri 8:00pm-10:00 pm;
Sat 3:00-5:30 pm;
Sunday 9:00-7:30 pm

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: Dinh; Viet <Viet.Dinh@usdoj.gov>; Townsend L. McNitt/WHO/EOP [WHO] <Townsend L. McNitt>; Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN] <Stewart_Verdery@aml.senate.gov>; Christopher Rosche) (Christopher_Rosche@hatch.senate.gov (Christopher Rosche) [UNKNOWN] <Christopher_Rosche@hatch.senate.gov>; Neomi Rao) (Neomi_Rao@judiciary.senate.gov (Neomi Rao) [UNKNOWN] <Neomi_Rao@judiciary.senate.gov>; Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN] <Sharon_Prost@judiciary.senate.gov>; mark_rodgers@src.senate.gov [UNKNOWN] <mark_rodgers@src.senate.gov>; lincoln_oliphant@rpc.senate.gov [UNKNOWN] <lincoln_oliphant@rpc.senate.gov>; Lincoln Oliphant) (Lincoln_Oliphant@rpc.senate.gov (Lincoln Oliphant) [UNKNOWN] <Lincoln_Oliphant@rpc.senate.gov>; Kyle Sampson/WHO/EOP [WHO] <Kyle Sampson>; Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN] <Rena_Johnson@judiciary.senate.gov>; John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN] <John_Mashburn@lott.senate.gov>; Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>; Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>; Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>; Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>; Kent Cook) (Kent_Cook@judiciary.senate.gov (Kent Cook) [UNKNOWN] <Kent_Cook@judiciary.senate.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; barbara_ledeen@src.senate.gov [UNKNOWN] <barbara_ledeen@src.senate.gov>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>; dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>; Kristen.A.Ullman@usdoj.gov [UNKNOWN] <Kristen.A.Ullman@usdoj.gov>
Sent: 6/11/2001 7:27:09 AM
Subject: : Meeting Tuesday 2:30

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

CREATION DATE/TIME:11-JUN-2001 11:27:09.00

SUBJECT:: Meeting Tuesday 2:30

TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> ("Dinh; Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN])

READ:UNKNOWN

TO:Christopher_Rosche@hatch.senate.gov (Christopher Rosche) (Christopher_Rosche@hatch.senate.gov (Christopher Rosche) [UNKNOWN])

READ:UNKNOWN

TO:Neomi_Rao@judiciary.senate.gov (Neomi Rao) (Neomi_Rao@judiciary.senate.gov (Neomi Rao) [UNKNOWN])

READ:UNKNOWN

TO:Sharon_Prost@judiciary.senate.gov (Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN])

READ:UNKNOWN

TO:mark_rodgers@src.senate.gov (mark_rodgers@src.senate.gov [UNKNOWN])

READ:UNKNOWN

TO:lincoln_oliphant@rpc.senate.gov (lincoln_oliphant@rpc.senate.gov [UNKNOWN])

READ:UNKNOWN

TO:Lincoln_Oliphant@rpc.senate.gov (Lincoln Oliphant) (Lincoln_Oliphant@rpc.senate.gov (Lincoln Oliphant) [UNKNOWN])

READ:UNKNOWN

REV_00127430

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov
(Rena Johnson) [UNKNOWN])
READ:UNKNOWN
TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John
Mashburn) [UNKNOWN])
READ:UNKNOWN
TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])
READ:UNKNOWN
TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [
UNKNOWN])
READ:UNKNOWN
TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [
UNKNOWN])
READ:UNKNOWN
TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl)
[UNKNOWN])
READ:UNKNOWN
TO:Kent_Cook@judiciary.senate.gov (Kent Cook) (Kent_Cook@judiciary.senate.gov (Kent Cook)
[UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:barbara_ledeen@src.senate.gov (barbara_ledeen@src.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (
Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
READ:UNKNOWN
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

We would like to meet tuesday to discuss message and strategy on judicial
nominees and to update you on some of what we have learned how Democrats
may
proceed. This will be a short meeting, no longer than 1 hour and will be
at
2:30 pm in S. Dirksen 240. I know this is short notice, but given the
turn of
events, it would be good to do this sooner than later. If you can not
make it,
please let me know via email. Thanks. Makan

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: Dinh; Viet <Viet.Dinh@usdoj.gov>; Townsend L. McNitt/WHO/EOP [WHO] <Townsend L. McNitt>; Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN] <Stewart_Verdery@aml.senate.gov>; Christopher Rosche) (Christopher_Rosche@hatch.senate.gov (Christopher Rosche) [UNKNOWN] <Christopher_Rosche@hatch.senate.gov>; Neomi Rao) (Neomi_Rao@judiciary.senate.gov (Neomi Rao) [UNKNOWN] <Neomi_Rao@judiciary.senate.gov>; Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN] <Sharon_Prost@judiciary.senate.gov>; mark_rodgers@src.senate.gov [UNKNOWN] <mark_rodgers@src.senate.gov>; lincoln_oliphant@rpc.senate.gov [UNKNOWN] <lincoln_oliphant@rpc.senate.gov>; Lincoln Oliphant) (Lincoln_Oliphant@rpc.senate.gov (Lincoln Oliphant) [UNKNOWN] <Lincoln_Oliphant@rpc.senate.gov>; Kyle Sampson/WHO/EOP [WHO] <Kyle Sampson>; Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN] <Rena_Johnson@judiciary.senate.gov>; John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN] <John_Mashburn@lott.senate.gov>; Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>; Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>; Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>; Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>; Kent Cook) (Kent_Cook@judiciary.senate.gov (Kent Cook) [UNKNOWN] <Kent_Cook@judiciary.senate.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; barbara_ledeen@src.senate.gov [UNKNOWN] <barbara_ledeen@src.senate.gov>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>; dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>; Kristen.A.Ullman@usdoj.gov [UNKNOWN] <Kristen.A.Ullman@usdoj.gov>
Sent: 6/11/2001 7:27:33 AM
Subject: : Meeting Tuesday 2:30

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

CREATION DATE/TIME:11-JUN-2001 11:27:33.00

SUBJECT:: Meeting Tuesday 2:30

TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> ("Dinh; Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN])

READ:UNKNOWN

TO:Christopher_Rosche@hatch.senate.gov (Christopher Rosche) (Christopher_Rosche@hatch.senate.gov (Christopher Rosche) [UNKNOWN])

READ:UNKNOWN

TO:Neomi_Rao@judiciary.senate.gov (Neomi Rao) (Neomi_Rao@judiciary.senate.gov (Neomi Rao) [UNKNOWN])

READ:UNKNOWN

TO:Sharon_Prost@judiciary.senate.gov (Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN])

READ:UNKNOWN

TO:mark_rodgers@src.senate.gov (mark_rodgers@src.senate.gov [UNKNOWN])

READ:UNKNOWN

TO:lincoln_oliphant@rpc.senate.gov (lincoln_oliphant@rpc.senate.gov [UNKNOWN])

READ:UNKNOWN

TO:Lincoln_Oliphant@rpc.senate.gov (Lincoln Oliphant) (Lincoln_Oliphant@rpc.senate.gov (Lincoln Oliphant) [UNKNOWN])

READ:UNKNOWN

REV_00127432

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov
 (Rena Johnson) [UNKNOWN])
 READ:UNKNOWN
 TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John
 Mashburn) [UNKNOWN])
 READ:UNKNOWN
 TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])
 READ:UNKNOWN
 TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])
 READ:UNKNOWN
 TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN])
 READ:UNKNOWN
 TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN])
 READ:UNKNOWN
 TO:Kent_Cook@judiciary.senate.gov (Kent Cook) (Kent_Cook@judiciary.senate.gov (Kent Cook) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:barbara_ledeen@src.senate.gov (barbara_ledeen@src.senate.gov [UNKNOWN])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
 READ:UNKNOWN
 TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])
 READ:UNKNOWN
 TO:Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

We would like to meet tuesday to discuss message and strategy on judicial nominees and to update you on some of what we have learned how Democrats may proceed. This will be a short meeting, no longer than 1 hour and will be at 2:30 pm in S. Dirksen 240. I know this is short notice, but given the turn of events, it would be good to do this sooner than later. If you can not make it, please let me know via email. Thanks. Makan

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>
Sent: 6/11/2001 7:57:21 AM
Subject: : Re: Vacation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUN-2001 11:57:21.00

SUBJECT:: Re: Vacation

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Relatedly, this is to inform everyone (I advised Libby earlier) that I will be out of the office beginning Friday afternoon and returning on Tuesday morning. Libby has my contact information and I will also have my cell phone with me.

REV_00127434

Noel J. Francisco
06/11/2001 10:52:50 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Vacation

This is to inform everyone that I have a precariously scheduled vacation to Italy for the first week of July. I will leave late afternoon on Friday June 29 and return to the office on Tuesday, July 10. Of course, depending upon how events unfold, I may change the location of my vacation to EEOB 129.

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

Message Copied

To: _____
Elizabeth N. Camp/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 6/11/2001 9:37:58 AM
Subject: : Post-Garza Executions

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUN-2001 13:37:58.00

SUBJECT:: Post-Garza Executions

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Johnny Sutton advises me that, other than Garza, none of the other inmates on federal death row have scheduled execution dates. There are no other dates because these inmates have not exhausted their appellate and habeas rights. Johnny said that he does not expect any other executions to be scheduled for this year.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/11/2001 1:40:31 PM
Subject: : interesting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUN-2001 17:40:31.00

SUBJECT:: interesting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.newsday.com/ap/text/washington/ap921.htm>

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/12/2001 6:30:17 AM
Subject: : Database

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-JUN-2001 10:30:17.00
SUBJECT:: Database
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Barry:
In response to your questions from yesterday:
Yes, our office would like to be involved in determining how the database
will be used. We probably will provide you with a guidance memo on dos
and dnts.
Brett Kavanaugh will be your point person on this. He'll contact you.

Rachel Brand

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 6/12/2001 9:36:12 AM
Subject: : Re: the rest of the story

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-JUN-2001 13:36:12.00
SUBJECT:: Re: the rest of the story
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Although I emphatically agree with the general message, especially the last two lines, of the Dorothea Day version, I have to stick with my position that Henley has the upper hand in cadence and pictorial and evocative force.

Stuart W. Bowen
06/12/2001 12:27:38 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Helgard C. Walker/WHO/EOP@EOP,
Rachel L. Brand/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: the rest of the story

s

INVICTUS

Out of the night that covers me,
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance,
I have not winced nor cried aloud:
Under the bludgeonings of chance
My head is bloody, but unbowed.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of fate:

REV_00127448

I am the captain of my soul.

William Ernest Henley

1849-1903

My Captain

Out of the light that dazzles me,
Bright as the sun from pole to pole,
I Thank the God I know to be
For Christ the conqueror of my soul.

Since His the sway of circumstance,
I would not wince nor cry aloud.
Under that rule which men call chance
My head with joy is humbly bowed.

Beyond this place of sin and tears
That life with Him! And His the aid,
Despite the menace of the years,
Keeps, and shall keep me, unafraid.

I have no fear, though strait the gate,
He cleared the punishment from the scroll.
Christ is the Master of my fate,
Christ is the Captain of my soul.

Dorothea Day,
Best Loved Poems of the American People,
Hazel Felleman,
Garden City Books,
Doubelday, New York, 1936

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 6/12/2001 9:41:26 AM
Subject: : Re: the rest of the story

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-JUN-2001 13:41:26.00
SUBJECT:: Re: the rest of the story
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I like how they rhyme.

Rachel L. Brand 06/12/2001 01:35:58 PM

Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, helgard c. walker/who/eop@eop,
noel j. francisco/who/eop@eop
bcc:
Subject: Re: the rest of the story

Although I emphatically agree with the general message, especially the last two lines, of the Dorothea Day version, I have to stick with my position that Henley has the upper hand in cadence and pictorial and evocative force.

Stuart W. Bowen
06/12/2001 12:27:38 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Helgard C. Walker/WHO/EOP@EOP,
Rachel L. Brand/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: the rest of the story

INVICTUS

Out of the night that covers me,
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance,
I have not winced nor cried aloud:
Under the bludgeonings of chance
My head is bloody, but unbowed.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of fate:
I am the captain of my soul.

William Ernest Henley
1849-1903

My Captain

Out of the light that dazzles me,
Bright as the sun from pole to pole,
I Thank the God I know to be
For Christ the conqueror of my soul.

Since His the sway of circumstance,
I would not wince nor cry aloud.
Under that rule which men call chance
My head with joy is humbly bowed.

Beyond this place of sin and tears
That life with Him! And His the aid,
Despite the menace of the years,
Keeps, and shall keep me, unafraid.

I have no fear, though strait the gate,
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Christ is the Captain of my soul.
Dorothea Day,
Best Loved Poems of the American People,
Hazel Felleman,
Garden City Books,
Doubelday, New York, 1936

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 6/12/2001 9:58:40 AM
Subject: : Re: the rest of the story

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-JUN-2001 13:58:40.00
SUBJECT:: Re: the rest of the story
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

You would.

Noel J. Francisco
06/12/2001 01:41:11 PM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc: stuart w. bowen/who/eop@eop, brett m. kavanaugh/who/eop@eop,
helgard c. walker/who/eop@eop, noel j. francisco/who/eop@eop
bcc:
Subject: Re: the rest of the story

I like how they rhyme.

Rachel L. Brand 06/12/2001 01:35:58 PM

Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, helgard c. walker/who/eop@eop,
noel j. francisco/who/eop@eop
bcc:
Subject: Re: the rest of the story

Although I emphatically agree with the general message, especially the last two lines, of the Dorothea Day version, I have to stick with my position that Henley has the upper hand in cadence and pictorial and evocative force.

Stuart W. Bowen
06/12/2001 12:27:38 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Helgard C. Walker/WHO/EOP@EOP,
Rachel L. Brand/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: the rest of the story

s

INVICTUS

Out of the night that covers me,
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

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I have not winced nor cried aloud:
Under the bludgeonings of chance
My head is bloody, but unbowed.

It matters not how strait the gate,
How charged with punishments the scroll,
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I am the captain of my soul.

William Ernest Henley
1849-1903

My Captain

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Bright as the sun from pole to pole,
I Thank the God I know to be
For Christ the conqueror of my soul.

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I would not wince nor cry aloud.
Under that rule which men call chance
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That life with Him! And His the aid,
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I have no fear, though strait the gate,
He cleared the punishment from the scroll.
Christ is the Master of my fate,
Christ is the Captain of my soul.
Dorothea Day,
Best Loved Poems of the American People,
Hazel Felleman,
Garden City Books,
Doubelday, New York, 1936

From: Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Ullman, Kristen <Kristen.A.Ullman@usdoj.gov>; Alex Dahl <Alex_Dahl@judiciary.senate.gov>; Brad Beronson <Bradford_A._Beronson@who.eop.gov>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Christopher Rosche <Christopher_rosche@hatch.senate.gov>; Ed Haden <Ed_Haden@judiciary.senate.gov>; Kyle Sampson/WHO/EOP [WHO] <Kyle Sampson>; Lincoln Oliphant <Lincoln_Oliphant@rpc.senate.gov>; Makan Delrahim <Makan_Delrahim@judiciary.senate.gov>; Rena Johnson <Rena_Johnson@judiciary.senate.gov>; Sharon Prost <Sharon_prost@judiciary.senate.gov>; Stephen Higgins <Stephen_Higgins@judiciary.senate.gov>; Stewart Verdery <Stewart_Verdery@aml.senate.gov>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 6/12/2001 2:28:26 PM
Subject: : List from today's meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> ("Ullman, Kristen A"

<Kristen.A.Ullman@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:12-JUN-2001 18:28:26.00

SUBJECT:: List from today's meeting

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> ("Bryant, Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer"

<Jennifer.Newstead@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen" <Kristen.A.Ullman@usdoj.gov> ("Ullman, Kristen"

<Kristen.A.Ullman@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Alex Dahl <Alex_Dahl@judiciary.senate.gov> (Alex Dahl <Alex_Dahl@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Brad Beronson <Bradford_A._Beronson@who.eop.gov> (Brad Beronson

<Bradford_A._Beronson@who.eop.gov> [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Christopher Rosche <Christopher_rosche@hatch.senate.gov> (Christopher Rosche

<Christopher_rosche@hatch.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Ed Haden <Ed_Haden@judiciary.senate.gov> (Ed Haden <Ed_Haden@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Lincoln Oliphant <Lincoln_Oliphant@rpc.senate.gov> (Lincoln Oliphant

<Lincoln_Oliphant@rpc.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Makan Delrahim <Makan_Delrahim@judiciary.senate.gov> (Makan Delrahim

<Makan_Delrahim@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Rena Johnson <Rena_Johnson@judiciary.senate.gov> (Rena Johnson

<Rena_Johnson@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Sharon Prost <Sharon_prost@judiciary.senate.gov> (Sharon Prost

<Sharon_prost@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

REV_00127505

TO:Stephen Higgins <Stephen_Higgins@judiciary.senate.gov> (Stephen Higgins
<Stephen_Higgins@judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Stewart Verdery <Stewart_Verdery@aml.senate.gov> (Stewart Verdery
<Stewart_Verdery@aml.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Note: Some recipients have been dropped due to syntax errors.Please refer to the
"\$AdditionalHeaders" item for the complete headers.

Alex_Dahl@judiciary.senate.gov
Bradford_A._Beronson@who.eop.gov
Brett_M._Kavanaugh@who.eop.gov
Dan.Bryant@usdoj.gov Phone: 202-514-2141
Christopher_rosche@hatch.senate.gov
Viet.Dinh@usdoj.gov Phone: 202-514-4601
Ed_Haden@judiciary.senate.gov
Kyle_Sampson@who.eop.gov
Lincoln_Oliphant@rpc.senate.gov
Makan_Delrahim@judiciary.senate.gov
Jennifer.Newstead@usdoj.gov Phone: 616-0038
Rena_Johnson@judiciary.senate.gov
Sharon_Prost@judiciary.senate.gov
Stephen_Higgins@judiciary.senate.gov
Stewart_Verdery@aml.senate.gov
Kristen.A.Ullman@usdoj.gov Phone: 514-7473
Carl.Thorsen@usdoj.gov Phone: 202-514-3951
Ziad_Ojakli@who.eop.gov

Kris Ardizzone Ullman
Office of Legal Policy
U.S. Department of Justice
Phone: 202-514-7473
Fax: 202-305-7397

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Kevin S. Moran/NSC/EOP@EOP [NSC] <Kevin S. Moran>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2001 5:05:58 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:13-JUN-2001 09:05:58.00
SUBJECT::
TO:Kevin S. Moran (CN=Kevin S. Moran/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Megan:

Although the Vice President is one of the speakers at the St. Louis Regional Chamber Event this morning in Room 450 of the Old EOB, it is a White House event. Thus, you should refer Mr. Carlo of the White House staff to the Office of Counsel to the President for legal advice on how to properly structure the event. He should immediately contact Brett Kavanaugh (x6-7984), who is that Office's expert on "political vs. official" issues.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2001 4:13:10 AM
Subject: : Re: T-pts re ABA and Commissions

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JUN-2001 08:13:10.00
SUBJECT:: Re: T-pts re ABA and Commissions
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes. Let's get together after the staff meeting. Brett, who already has material on the ABA issue, should join us, and we can quickly reel off the commission talkers.

Rachel L. Brand 06/12/2001 07:47:50 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: T-pts re ABA and Commissions

Do you have a few minutes tomorrow to meet re talking points re ousting the ABA and re why we shouldn't have commissions in each state? I assume we already have something like this on the ABA?

RLB

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 6/13/2001 4:15:07 AM
Subject: : Re: Judicial Nominee binders

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JUN-2001 08:15:07.00
SUBJECT:: Re: Judicial Nominee binders
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Copies of the binders were provided to (1) public liaison, (2) communications and media affairs, (3) the Senate Republican leadership and SJC Republican leadership, and (4) DOJ.

Rachel L. Brand 06/12/2001 07:06:10 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP
Subject: Judicial Nominee binders

What did you do with those binders you prepared for the 1st slate of nominees? Were those just for the use of the supporter groups, or did they go to the Hill with the nomination?

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Kevin S. Moran/NSC/EOP@EOP [NSC] <Kevin S. Moran>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2001 5:05:58 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:13-JUN-2001 09:05:58.00
SUBJECT::
TO:Kevin S. Moran (CN=Kevin S. Moran/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Megan:

Although the Vice President is one of the speakers at the St. Louis Regional Chamber Event this morning in Room 450 of the Old EOB, it is a White House event. Thus, you should refer Mr. Carlo of the White House staff to the Office of Counsel to the President for legal advice on how to properly structure the event. He should immediately contact Brett Kavanaugh (x6-7984), who is that Office's expert on "political vs. official" issues.

From: Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Ullman, Kristen <Kristen.A.Ullman@usdoj.gov>; Alex Dahl <Alex_Dahl@judiciary.senate.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Christopher Rosche <Christopher_rosche@hatch.senate.gov>; Ed Haden <Ed_Haden@judiciary.senate.gov>; Kyle Sampson/WHO/EOP [WHO] <Kyle Sampson>; Lincoln Oliphant <Lincoln_Oliphant@rpc.senate.gov>; Makan Delrahim <Makan_Delrahim@judiciary.senate.gov>; Rena Johnson <Rena_Johnson@judiciary.senate.gov>; Sharon Prost <Sharon_prost@judiciary.senate.gov>; Stephen Higgins <Stephen_Higgins@judiciary.senate.gov>; Stewart Verdery <Stewart_Verdery@aml.senate.gov>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 6/13/2001 5:22:31 AM
Subject: : Correction -- FW: List from today's meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> ("Ullman, Kristen A"

<Kristen.A.Ullman@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:13-JUN-2001 09:22:31.00

SUBJECT:: Correction -- FW: List from today's meeting

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> ("Bryant, Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer"

<Jennifer.Newstead@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen" <Kristen.A.Ullman@usdoj.gov> ("Ullman, Kristen"

<Kristen.A.Ullman@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Alex Dahl <Alex_Dahl@judiciary.senate.gov> (Alex Dahl <Alex_Dahl@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Christopher Rosche <Christopher_rosche@hatch.senate.gov> (Christopher Rosche

<Christopher_rosche@hatch.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Ed Haden <Ed_Haden@judiciary.senate.gov> (Ed Haden <Ed_Haden@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Lincoln Oliphant <Lincoln_Oliphant@rpc.senate.gov> (Lincoln Oliphant

<Lincoln_Oliphant@rpc.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Makan Delrahim <Makan_Delrahim@judiciary.senate.gov> (Makan Delrahim

<Makan_Delrahim@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Rena Johnson <Rena_Johnson@judiciary.senate.gov> (Rena Johnson

<Rena_Johnson@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Sharon Prost <Sharon_prost@judiciary.senate.gov> (Sharon Prost

<Sharon_prost@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:Stephen Higgins <Stephen_Higgins@judiciary.senate.gov> (Stephen Higgins

REV_00127515

<Stephen_Higgins@judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Stewart Verdery <Stewart_Verdery@aml.senate.gov> (Stewart Verdery
<Stewart_Verdery@aml.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Correction - Brad Berenson's name was spelled wrong. It is now corrected
"BERENSON". Please make change in your own list.

-----Original Message-----

From: Ullman, Kristen A
Sent: Tuesday, June 12, 2001 6:24 PM
To: Alex Dahl; Brad Berenson; Brett Kavanaugh; Bryant, Dan;
Christopher Rosche; Dinh, Viet; Ed Haden; Kyle Sampson; Lincoln Oliphant;
Makan Delrahim; Newstead, Jennifer; Rena Johnson; Sharon Prost; Stephen
Higgins; Stewart Verdery; Thorsen, Carl; Ullman, Kristen; Ziad Ojakli
Subject: List from today's meeting

Alex_Dahl@judiciary.senate.gov
Bradford_A._Berenson@who.eop.gov
Brett_M._Kavanaugh@who.eop.gov
Dan.Bryant@usdoj.gov Phone: 202-514-2141
Christopher_rosche@hatch.senate.gov
Viet.Dinh@usdoj.gov Phone: 202-514-4601
Ed_Haden@judiciary.senate.gov
Kyle_Sampson@who.eop.gov
Lincoln_Oliphant@rpc.senate.gov
Makan_Delrahim@judiciary.senate.gov
Jennifer.Newstead@usdoj.gov Phone: 616-0038
Rena_Johnson@judiciary.senate.gov
Sharon_Prost@judiciary.senate.gov
Stephen_Higgins@judiciary.senate.gov
Stewart_Verdery@aml.senate.gov
Kristen.A.Ullman@usdoj.gov Phone: 514-7473
Carl.Thorsen@usdoj.gov Phone: 202-514-3951
Ziad_Ojakli@who.eop.gov

Kris Ardizzone Ullman
Office of Legal Policy
U.S. Department of Justice
Phone: 202-514-7473
Fax: 202-305-7397

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [UNKNOWN] <Heather Larrison>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>
Sent: 6/13/2001 9:27:15 AM
Subject: : Judicial Selection Comm. Mtg. reminder

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUN-2001 13:27:15.00

SUBJECT:: Judicial Selection Comm. Mtg. reminder

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00127517

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

4:00 today - Roosevelt Room

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 6/13/2001 9:32:40 AM
Subject: : Re: DOJ contacts on litigation-related matters

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JUN-2001 13:32:40.00
SUBJECT:: Re: DOJ contacts on litigation-related matters
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

In general, I have been using Phil Perry (in the Deputy AG's office) as my point of contact, as Phil covers the Civil Division. However, I have also had direct contact with Alex Acosta and Paul Clement on a case-by-case basis. The standard format, moreover, is for them to advise of the course of action they intend to undertake on a particular matter, and for us to in essence say nothing if we agree with that proposed course of action.

Bradford A. Berenson
06/13/2001 01:15:56 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP,
Helgard C. Walker/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: DOJ contacts on litigation-related matters

Who are the principal points of contact we have been using when we have discussions between our office and DOJ on litigation-related issues? Is there a central intake point at DOJ or do we speak with individual offices? What are the sensitivities that we need to keep in mind as we try to design a better system for information flow? I'd appreciate your advice on any of these questions.

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2001 10:20:15 AM
Subject: : LRM IKK57 - - TREASURY Testimony on the Role of Tax Incentives in Our National Energy Policy
Attachments: P_0YGD2004_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUN-2001 14:20:15.00

SUBJECT:: LRM IKK57 - - TREASURY Testimony on the Role of Tax Incentives in Our National Energy Policy

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
06/13/2001 02:20 PM -----

Irene Kho
06/13/2001 01:05:34 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: LRM IKK57 - - TREASURY Testimony on the Role of Tax Incentives in Our National Energy Policy

FRIENDLY REMINDER: comments are due today at 3:00 PM.

----- Forwarded by Irene Kho/OMB/EOP on 06/13/2001 01:04 PM -----

From: Irene Kho on 06/12/2001 12:21:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: LRM IKK57 - - TREASURY Testimony on the Role of Tax Incentives in Our National Energy Policy

Attached is Treasury testimony on tax incentives to increase domestic production of oil and gas and promote energy conservation before the House Ways and Means Committee's Select Revenue Measures Subcommittee hearing on Thursday, June 14th, at 10:00 AM. This testimony, up to page 16, is similar to the one that was cleared on May 2nd under IKK45. Please note "NEPD Group Proposals" on the last two pages of the statement. Please review and provide comments by 3:00 PM tomorrow, June 13th.

AGENCIES: You will receive a fax copy of this material.
EOP: You will NOT receive a fax copy of this material.

REV_00127520

LRM ID: IKK57
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, June 12, 2001

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Richard E. Green (for) Assistant Director for
Legislative Reference
OMB CONTACT: Irene Kho
PHONE: (202)395-5858 FAX: (202)395-3109
SUBJECT: TREASURY Testimony on the Role of Tax Incentives in Our
National Energy Policy

DEADLINE: 3:00 PM Wednesday, June 13, 2001

In accordance with OMB Circular A-19, OMB requests the views of your
agency on the above subject before advising on its relationship to the
program of the President. Please advise us if this item will affect
direct spending or receipts for purposes of the "Pay-As-You-Go" provisions
of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Attached is Treasury testimony on tax incentives to increase
domestic production of oil and gas and promote energy conservation before
the House Ways and Means Committee's Select Revenue Measures Subcommittee
hearing on Thursday, June 14th, at 10:00 AM. This testimony, up to page
16, is similar to the one that was cleared on May 2nd under IKK45.
Please note "NEPD Group Proposals" on the last two pages of the
statement. Please review and provide comments by 3:00 PM tomorrow, June
13th.

DISTRIBUTION LIST

AGENCIES:

076-National Economic Council - John Ackerly - (202) 456-2884
032-ENERGY - Bob Rabben - (202) 586-6718
033-Environmental Protection Agency - John Reeder - (202) 564-5200
025-COMMERCE - Michael A. Levitt - (202) 482-3151
059-INTERIOR - Jane Lyder - (202) 208-4371

EOP:

Lori A. Krauss
Gary L. Bennethum
Diana E. Furchtgott-Roth
Carlos E. Bonilla
Mary C. Barth
Nancy P. Dorn
Cesar Conda
Neil S. Patel
Stephen S. Ruhlen
John M. Bridgeland
Melissa McKnight
Stephen M. Garrison
Robert F. Mahaffie

Ursula S. Gillis
Mark J. Schwartz
Amy C. Smith
Eric C. Pelletier
Danielle M. Simonetta
Allison L. Riepenhoff
David W. Hobbs
Steven D. Aitken
Richard E. Green
James J. Jukes
John M. Ackerly
Brett S. Loper
Mark A. Weatherly
Andrew D. Lundquist
Karen Y. Knutson
Jeffrey A. Weinberg
LRM ID: IKK57 SUBJECT: TREASURY Testimony on the Role of Tax
Incentives in Our National Energy Policy
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Irene Kho Phone: 395-5858 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-3454

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Sent

To: _____

NEC LRM
energy.gc71@hq.doe.gov @ inet
epalrm@epamail.epa.gov @ inet
CLRM@doc.gov @ inet
ocl@ios.doi.gov @ inet

Message Copied

To:

Lori A. Krauss/OMB/EOP@EOP
Gary L. Bennethum/OMB/EOP@EOP
Diana E. Furchtgott-Roth/CEA/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
Mary C. Barth/OMB/EOP@EOP
Nancy P. Dorn/WHO/EOP@EOP
Cesar Conda/OVP/EOP@EOP
Neil S. Patel/OVP/EOP@EOP
Stephen S. Ruhlen/OVP/EOP@EOP
John M. Bridgeland/OPD/EOP@EOP
Melissa McKnight/OPD/EOP@EOP
Stephen M. Garrison/OPD/EOP@EOP
Robert F. Mahaffie/OMB/EOP@EOP
Ursula S. Gillis/OMB/EOP@EOP
Mark J. Schwartz/OMB/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Eric C. Pelletier/OMB/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
Steven D. Aitken/OMB/EOP@EOP
Richard E. Green/OMB/EOP@EOP
James J. Jukes/OMB/EOP@EOP
John M. Ackerly/OPD/EOP@EOP
Brett S. Loper/OMB/EOP@EOP
Mark A. Weatherly/OMB/EOP@EOP
Andrew D. Lundquist/OVP/EOP@EOP
Karen Y. Knutson/OVP/EOP@EOP
Jeffrey A. Weinberg/OMB/EOP@EOP

Message Sent

To:

NEC LRM
energy.gc71@hq.doe.gov @ inet
epalrm@epamail.epa.gov @ inet
CLRM@doc.gov @ inet
ocl@ios.doi.gov @ inet

Message Copied

To:

Lori A. Krauss/OMB/EOP@EOP
Gary L. Bennethum/OMB/EOP@EOP
Diana E. Furchtgott-Roth/CEA/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
Mary C. Barth/OMB/EOP@EOP
Nancy P. Dorn/WHO/EOP@EOP
Cesar Conda/OVP/EOP@EOP
Neil S. Patel/OVP/EOP@EOP
Stephen S. Ruhlen/OVP/EOP@EOP
John M. Bridgeland/OPD/EOP@EOP
Melissa McKnight/OPD/EOP@EOP
Stephen M. Garrison/OPD/EOP@EOP
Robert F. Mahaffie/OMB/EOP@EOP
Ursula S. Gillis/OMB/EOP@EOP
Mark J. Schwartz/OMB/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Eric C. Pelletier/OMB/EOP@EOP

Danielle M. Simonetta/OMB/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
Steven D. Aitken/OMB/EOP@EOP
John M. Ackerly/OPD/EOP@EOP
Brett S. Loper/OMB/EOP@EOP
Mark A. Weatherly/OMB/EOP@EOP
Andrew D. Lundquist/OVP/EOP@EOP
Karen Y. Knutson/OVP/EOP@EOP
Jeffrey A. Weinberg/OMB/EOP@EOP
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OYGD2004_WHO.TXT_1>

For Release Upon Delivery
Expected at 10:00 a.m.
June 14, 2001

STATEMENT OF
THE OFFICE OF TAX POLICY
DEPARTMENT OF THE TREASURY
BEFORE THE SUBCOMMITTEE ON SELECT REVENUE MEASURES
COMMITTEE ON WAYS AND MEANS

Mr Chairman, Mr. McNulty, and Members of the Subcommittee:

The Office of Tax Policy appreciates the opportunity to present testimony on tax incentives to increase domestic production of oil and gas and promote energy conservation. There has been renewed interest in the role of tax incentives in our national energy policy.

The fundamental principle underlying a sound energy policy is that markets should be allowed to function freely and market interventions should be avoided unless justified by compelling energy security, economic, environmental, or other concerns. For example, returns on investments that increase domestic oil and gas reserves may not reflect the contribution of those investments to ensuring stability in supply and thereby reducing our vulnerability to oil supply disruptions. It is the goal of this Administration to pursue an energy policy that protects America=s economic, security, and environmental interests.

Beyond the fundamental issue of whether a tax incentive is justified at all, a number of other, often contradictory, considerations must be taken into account in the design of any particular incentive. For example, incentives should be appropriately targeted to induce desired activities in a cost-effective manner. Thus, incentives should be designed to not reward investments that would have been made in the absence of an incentive. At the same time, however, incentives that are targeted too narrowly may reduce the cost of only some technologies and discourage investment in other promising approaches. This can result in economic inefficiency and will contribute to perceptions that the tax system is being used inappropriately to pick winners and losers among competing technologies.

In addition, incentives should also be designed to minimize complexity and avoid unnecessary increases in taxpayer compliance burdens and IRS administrative costs.

Increasing Domestic Oil and Gas Production

Before turning to a discussion of the present tax treatment of oil and gas activities, we would like to provide a brief overview of this sector.

Overview

business credit generally may be carried back one taxable year and carried forward 20 taxable years.

The enhanced oil recovery credit for a taxable year is equal to 15 percent of certain costs attributable to qualified enhanced oil recovery (AEOR \cong) projects undertaken by the taxpayer in the United States during the taxable year. To the extent that a credit is allowed for such costs, the taxpayer must reduce the amount otherwise deductible or required to be capitalized and recovered through depreciation, depletion, or amortization, as appropriate, with respect to the costs. A taxpayer may elect not to have the enhanced oil recovery credit apply for a taxable year.

The amount of the enhanced oil recovery credit is reduced in a taxable year following a calendar year during which the annual average unregulated wellhead price per barrel of domestic crude oil exceeds \$28 (adjusted for inflation since 1990).¹⁶ In such a case, the credit would be reduced ratably over a \$6 phaseout range.

For purposes of the credit, qualified enhanced oil recovery costs include the following costs which are paid or incurred with respect to a qualified EOR project: (1) the cost of tangible property which is an integral part of the project and with respect to which depreciation or amortization is allowable; (2) IDCs that the taxpayer may elect to deduct;¹⁷ and (3) the cost of tertiary injectants with respect to which a deduction is allowable, whether or not chargeable to capital account.

A qualified EOR project means any project that is located within the United States and involves the application (in accordance with sound engineering principles) of one or more qualifying tertiary recovery methods which can reasonably be expected to result in more than an insignificant increase in the amount of crude oil which ultimately will be recovered. The qualifying tertiary recovery methods generally include the following nine methods: miscible fluid displacement, steam-drive injection, microemulsion flooding, in situ combustion, polymer-augmented water flooding, cyclic-steam injection, alkaline flooding, carbonated water flooding, and immiscible non-hydrocarbon gas displacement, or any other method approved by the IRS. In addition, for purposes of the enhanced oil recovery credit, immiscible non-hydrocarbon gas displacement generally is considered a qualifying tertiary recovery method, even if the gas injected is not carbon dioxide.

A project is not considered a qualified EOR project unless the project's operator submits to the IRS a certification from a petroleum engineer that the project meets the requirements set

¹⁶ The average per-barrel price of crude oil for this purpose is determined in the same manner as for purposes of the section 29 credit.

¹⁷ In the case of an integrated oil company, the credit base includes those IDCs which the taxpayer is required to capitalize.

forth in the preceding paragraph.

The enhanced oil recovery credit is effective for taxable years beginning after December 31, 1990, with respect to costs paid or incurred in EOR projects begun or significantly expanded after that date.

Conventional oil recovery methods do not recover all of a well=s oil. Some of the remaining oil can be extracted by unconventional methods, but these methods are generally more costly. At current world oil prices, a large part of the remaining oil in place is uneconomic to recover by unconventional methods. In this environment, the EOR credit can increase recoverable reserves. Although recovering oil using EOR methods is more expensive than recovering it using conventional methods, it may be less expensive than producing oil from new reservoirs. Although the credit could phase out at higher oil prices, it is fully effective at present world oil prices.

Alternative minimum tax

A taxpayer is subject to an alternative minimum tax (AAMT \cong) to the extent that its tentative minimum tax exceeds its regular income tax liability. A corporate taxpayer=s tentative minimum tax generally equals 20 percent of its alternative minimum taxable income in excess of an exemption amount. (The marginal AMT rate for a noncorporate taxpayer is 26 or 28 percent, depending on the amount of its alternative minimum taxable income above an exemption amount.)

Alternative minimum taxable income (AAMTI \cong) is the taxpayer=s taxable income increased by certain tax preferences and adjusted by determining the tax treatment of certain items in a manner which negates the deferral of income resulting from the regular tax treatment of those items.

As a general rule, percentage depletion deductions claimed in excess of the basis of the depletable property constitute an item of tax preference in determining the AMT. In addition, the AMTI of a corporation is increased by an amount equal to 75 percent of the amount by which adjusted current earnings (ACE \cong) of the corporation exceed AMTI (as determined before this adjustment). In general, ACE means AMTI with additional adjustments that generally follow the rules presently applicable to corporations in computing their earnings and profits. As a general rule a corporation must use the cost depletion method in computing its ACE adjustment. Thus, the difference between a corporation=s percentage depletion deduction (if any) claimed for regular tax purposes and its allowable deduction determined under the cost depletion method is factored into its overall ACE adjustment.

Excess percentage depletion deductions related to crude oil and natural gas production are not items of tax preference for AMT purposes. In addition, corporations that are independent oil and gas producers and royalty owners may determine depletion deductions using the percentage depletion method in computing their ACE adjustments.

The difference between the amount of a taxpayer's IDC deductions and the amount which would have been currently deductible had IDCs been capitalized and recovered over a 10-year period may constitute an item of tax preference for the AMT to the extent that this amount exceeds 65 percent of the taxpayer's net income from oil and gas properties for the taxable year (the Aexcess IDC preference). In addition, for purposes of computing a corporation's ACE adjustment to the AMT, IDCs are capitalized and amortized over the 60-month period beginning with the month in which they are paid or incurred. The preference does not apply if the taxpayer elects to capitalize and amortize IDCs over a 60-month period for regular tax purposes.

IDCs related to oil and gas wells are generally not taken into account in computing the excess IDC preference of taxpayers that are not integrated oil companies. This treatment does not apply, however, to the extent it would reduce the amount of the taxpayer's AMTI by more than 40 percent of the amount that the taxpayer's AMTI would have been if those IDCs had been taken into account.

In addition, for corporations other than integrated oil companies, there is no ACE adjustment for IDCs with respect to oil and gas wells. That is, such a taxpayer is permitted to use its regular tax method of writing off those IDCs for purposes of computing its adjusted current earnings.

Absent these rules, the incentive effect of the special provisions for oil and gas would be reduced for firms subject to the AMT. These rules, however, effectively eliminate AMT concerns for independent producers.

Passive activity loss and credit rules

A taxpayer's deductions from passive trade or business activities, to the extent they exceed income from all such passive activities of the taxpayer (exclusive of portfolio income), generally may not be deducted against other income.¹⁸ Thus, for example, an individual taxpayer may not deduct losses from a passive activity against income from wages. Losses suspended under this Apassive activity loss limitation are carried forward and treated as deductions from passive activities in the following year, and thus may offset any income from passive activities generated in that later year. Losses from a passive activity may be deducted in full when the taxpayer disposes of its entire interest in that activity to an unrelated party in a transaction in which all realized gain or loss is recognized.

An activity generally is treated as passive if the taxpayer does not materially participate in it. A taxpayer is treated as materially participating in an activity only if the taxpayer is involved in

¹⁸ This provision applies to individuals, estates, trusts, personal service corporations, and closely held C corporations.

the operations of the activity on a basis which is regular, continuous, and substantial.

A working interest in an oil or gas property generally is not treated as a passive activity, whether or not the taxpayer materially participates in the activities related to that property. This exception from the passive activity rules does not apply if the taxpayer holds the working interest through an entity which limits the liability of the taxpayer with respect to the interest. In addition, if a taxpayer has any loss for any taxable year from a working interest in an oil or gas property which is treated pursuant to this working interest exception as a loss which is not from a passive activity, then any net income from such property (or any property the basis of which is determined in whole or in part by reference to the basis of such property) for any succeeding taxable year is treated as income of the taxpayer which is not from a passive activity.

Similar limitations apply to the utilization of tax credits attributable to passive activities. Thus, for example, the passive activity rules (and, consequently, the oil and gas working interest exception to those rules) apply to the nonconventional fuels production credit and the enhanced oil recovery credit. However, if a taxpayer has net income from a working interest in an oil and gas property which is treated as not arising from a passive activity, then any tax credits attributable to the interest in that property would be treated as credits not from a passive activity (and, thus, not subject to the passive activity credit limitation) to the extent that the amount of the credits does not exceed the regular tax liability which is allocable to such net income.

As a result of this exception from the passive loss limitations, owners of working interests in oil and gas properties may use losses from such interests to offset income from other sources.

Tertiary injectants

Taxpayers are allowed to deduct the cost of qualified tertiary injectant expenses for the taxable year. Qualified tertiary injectant expenses are amounts paid or incurred for any tertiary injectant (other than recoverable hydrocarbon injectants) which is used as a part of a tertiary recovery method.

The provision allowing the deduction for qualified tertiary injectant expenses resolves a disagreement between taxpayers (who considered such costs to be IDCs or operating expenses) and the IRS (which considered such costs to be subject to capitalization).

Energy Efficiency and Alternative Energy Sources

Incentives for energy efficiency and alternative energy sources are also essential elements of national energy policy. The continuing strength of our economy over the past two years, despite oil price rises, underscores the dramatic improvements in energy efficiency we have achieved over the past quarter century, as well as the changing economy. While past oil shortages have taken a significant toll on the U.S. economy, the recent increases in oil prices have not

affected the economy much. Increased energy efficiency in cars, homes, and manufacturing has helped insulate the economy from these short-term market fluctuations. In 1974, we consumed 15 barrels of oil for every \$10,000 of gross domestic product. Today we consume only 8 barrels of oil for the same amount (in constant dollars) of economic output.

Current law tax incentives for energy efficiency and alternative fuels

Tax incentives currently provide an important element of support for energy-efficiency improvements and increased use of renewable and alternative fuels. Current incentives in the form of tax expenditures are estimated to total \$1.2 billion for fiscal years 2002 through 2006. They include a tax credit for electric vehicles and expensing for clean-fuel vehicles (\$20 million), a tax credit for the production of electricity from wind or biomass and a tax credit for certain solar energy property (\$590 million), and an exclusion from gross income for certain energy conservation subsidies provided by public utilities to their customers (\$580 million).¹⁹

Electric and clean-fuel vehicles and clean-fuel vehicle refueling property

A 10-percent tax credit is provided for the cost of a qualified electric vehicle, up to a maximum credit of \$4,000. A qualified electric vehicle is a motor vehicle that is powered primarily by an electric motor drawing current from rechargeable batteries, fuel cells, or other portable sources of electric current, the original use of which commences with the taxpayer, and that is acquired for use by the taxpayer and not for resale. The full amount of the credit is available for purchases prior to 2002. The credit begins to phase down in 2002 and does not apply to vehicles placed in service after 2004.

Certain costs of qualified clean-fuel vehicles and clean-fuel vehicle refueling property may be deducted when such property is placed in service. Qualified electric vehicles do not qualify for the clean-fuel vehicle deduction. The deduction begins to phase down in 2002 and does not apply to property placed in service after 2004.

Energy from wind or biomass

A 1.5-cent-per-kilowatt-hour tax credit is provided for electricity produced from wind, Aclosed-loop≡ biomass (organic material from a plant that is planted exclusively for purposes of being used at a qualified facility to produce electricity), and poultry waste. The electricity must be sold to an unrelated person and the credit is limited to the first 10 years of production. The credit applies only to facilities placed in service before January 1, 2002. The credit amount is indexed for inflation after 1992.

¹⁹ *Analytical Perspectives, Budget of the United States Government, Fiscal Year 2002*, U.S. Government Printing Office, Washington, DC, 2001, p. 63.

Solar energy

A 10-percent investment tax credit is provided to businesses for qualifying equipment that uses solar energy to generate electricity, to heat or cool or provide hot water for use in a structure, or to provide solar process heat.

Ethanol and renewable source methanol

An income tax credit and an excise tax exemption are provided for ethanol and renewable source methanol used as a fuel. In general, the income tax credit is 53 cents per gallon for ethanol and 60 cents per gallon for renewable source methanol. As an alternative to the income tax credit, gasohol blenders may claim an equivalent gasoline tax exemption for each ethanol and renewable source methanol that is blended into qualifying gasohol.

The income tax credit expires on December 31, 2007, and the excise tax exemption expires on September 30, 2007. In addition, the ethanol credit and exemption are each reduced by 1 cent per gallon in 2003 and by an additional 1 cent per gallon in 2005. Neither the credit nor the exemption apply during any period in which motor fuel taxes dedicated to the Highway Trust Fund are limited to 4.3 cents per gallon. Under current law, the motor fuel tax dedicated to the Highway Trust Fund will be limited to 4.3 cents per gallon beginning on October 1, 2005.

Energy conservation subsidies

Subsidies provided by public utilities to their customers for the purchase or installation of energy conservation measures are excluded from the customers' gross income. An energy conservation measure is any installation or modification primarily designed to reduce consumption of electricity or natural gas or to improve the management of energy demand with respect to a dwelling unit.

Administration budget proposals

The Administration's budget proposals for fiscal year 2002 include tax incentives for renewable energy resources. The budget also contains proposals to modify the tax treatment of nuclear decommissioning funds related to electricity production and to extend the suspension of the net income limitation applicable to certain oil and gas production. The Administration's proposals are described below.²⁰

Electricity from wind and biomass

²⁰ For a more detailed description, see *General Explanations of the Administration's Fiscal Year 2002 Tax Relief Proposals*, Department of the Treasury, April 2001.

The Administration proposes to extend the credit for electricity produced from wind and biomass for three years to facilities placed in service before January 1, 2005. In addition, eligible biomass sources would be expanded to include certain biomass from forest-related resources, agricultural sources, and other specified sources. Special rules would apply to biomass facilities placed in service before January 1, 2002. Electricity produced at such facilities from newly eligible sources would be eligible for the credit only from January 1, 2002, through December 31, 2004. The credit for such electricity would be computed at a rate equal to 60 percent of the generally applicable rate. Electricity produced from newly eligible biomass co-fired in coal plants would also be eligible for the credit only from January 1, 2002, through December 31, 2004. The credit for such electricity would be computed at a rate equal to 30 percent of the generally applicable rate.

Residential solar energy systems

The Administration proposes a new tax credit for individuals that purchase solar energy equipment used to generate electricity (photovoltaic equipment) or heat water (solar water heating equipment) for use in a dwelling unit that the individual uses as a residence. The credit would be available only for equipment used exclusively for purposes other than heating swimming pools. The proposed credit would be equal to 15 percent of the cost of the equipment and its installation. The credit would be nonrefundable and an individual would be allowed a lifetime maximum credit of \$2,000 per residence for photovoltaic equipment and \$2,000 per residence for solar water heating equipment. The credit would apply only to solar water heating equipment placed in service after December 31, 2001, and before January 1, 2006, and to photovoltaic systems placed in service after December 31, 2001, and before January 1, 2008.

Nuclear decommissioning funds

The Administration proposes to repeal the current law provision that limits deductible contributions to a nuclear decommissioning fund to the amount included in the taxpayer=s cost of service for ratemaking purposes. Thus, unregulated taxpayers would be allowed a deduction for amounts contributed to a qualified nuclear decommissioning fund. The Administration also proposes to permit funding of all decommissioning costs (including pre-1984 costs) through qualified nuclear decommissioning funds. Contributions to fund pre-1984 costs would be deductible except to the extent a deduction (other than under the qualified fund rules) or an exclusion from income has been previously allowed with respect to those costs. The Administration=s proposal would clarify that any transfer of a qualified nuclear decommissioning fund in connection with the transfer of the power plant with which it is associated would be nontaxable and no gain or loss will be recognized by the transferor or transferee as a result of the transfer. In addition, the proposal would permit taxpayers to make deductible contributions to a qualified fund after the end of the nuclear power plant=s estimated useful life and would provide that nuclear decommissioning costs are deductible when paid.

Net income limitation on percentage depletion from marginal wells

The Administration proposes a one-year extension of the provision suspending the 100-percent-of-net-income limitation for marginal oil and gas wells. Under the Administration proposal, marginal wells would continue to be exempt from the limitation during taxable years beginning in 2002.

NEPD Group proposals

The Report of the National Energy Policy Development (NEPD) Group issued in May also included tax incentives for renewable energy resources and for more efficient energy use. The NEPD Group proposals are described below.²¹

Fuel from landfill methane

The NEPD Group proposes to extend the section 29 credit for fuel produced from landfill methane produced at a facility (or portion of a facility) that is placed in service after December 31, 2001. Fuel produced at such facilities would be eligible for the credit through December 31, 2010. The proposal would also expand the credit by permitting the credit for fuel used by the taxpayer to produce electricity. The credit for fuel produced at landfills subject to EPA's 1996 New Source Performance Standards/Emissions Guidelines would be limited to two-thirds of the otherwise applicable amount. In the case of landfills with facilities that currently qualify for the section 29 credit, this limitation would not apply until after 2007.

Ethanol and renewable source methanol

The NEPD Group proposes to extend the income tax credit and excise tax exemption for ethanol and renewable source methanol through December 31, 2010. The current law rule providing that neither the credit nor the exemption apply during any period in which motor fuel taxes dedicated to the Highway Trust Fund are limited to 4.3 cents per gallon would be retained.

Hybrid and fuel cell vehicles

The NEPD Group proposes to provide temporary tax credits for certain hybrid and fuel cell vehicles.

A credit of \$250 to \$4,000 would be available for purchases of qualifying hybrid vehicles after December 31, 2001, and before January 1, 2008. A hybrid vehicle is a vehicle that draws propulsion from both an on-board internal combustion or heat engine using combustible fuel and an on-board rechargeable energy storage system. To qualify for the minimum credit, a hybrid

²¹ For a more detailed description, see the attachments to this testimony.

vehicle would be required to derive at least 5 percent of its maximum available power from the rechargeable energy storage system. Larger credits would be available for vehicles that derive larger percentages of power from the rechargeable energy storage system and for vehicles that meet specified fuel economy standards.

A credit of \$1,000 to \$8,000 would be available for the purchase of qualifying fuel cell vehicles after December 31, 2001, and before January 1, 2008. A fuel cell vehicle is a motor vehicle propelled by power derived from one or more cells that convert chemical energy directly into electricity by combining oxygen with on-board hydrogen (including hydrogen produced from on-board fuel that requires reformation before use). To qualify for the minimum credit, a fuel cell vehicle would be required to meet a minimum fuel economy standard for its weight class. Larger credits would be available for vehicles that achieve higher fuel economy standards.

Combined heat and power systems

To encourage more efficient energy usage, the NEPD Group proposes to provide a 10-percent investment credit for qualifying combined heat and power (CHP) systems. CHP systems are used to produce electricity (and/or mechanical power) and usable heat from the same primary energy source. To qualify for the credit, a system would be required to produce at least 20 percent of its total useful energy in the form of thermal energy and at least 20 percent in the form of electrical and/or mechanical power and would also be required to satisfy an energy efficiency standard. The credit would apply to CHP equipment placed in service after December 31, 2001, and before January 1, 2007.

This concludes our testimony. We would be pleased to answer any questions the Subcommittee may have.

NEPD GROUP PROPOSALS

Extend and Modify Credit for Fuel Produced from Landfill Methane

Current Law

Taxpayers that produce gas from biomass (including landfill methane) are eligible for a tax credit (the section 29 credit) equal to \$3 per barrel-of-oil equivalent. For this purpose, a barrel-of-oil equivalent is the amount of gas that has a Btu (British thermal unit) content of 5.8 million. To qualify for the credit, the gas must be produced domestically from a facility placed in service by the taxpayer before July 1, 1998, pursuant to a written binding contract in effect before January 1, 1997. In addition, the gas must be sold to an unrelated person before January 1, 2008.

The amount of the section 29 credit generally is adjusted by an inflation adjustment factor for the calendar year in which the sale occurs. The inflation adjustment factor for the 2000 taxable year was 2.0454, and the inflation-adjusted amount of the credit for that year was \$6.14 per barrel or barrel equivalent. The credit begins to phase out if the annual average unregulated wellhead price per barrel of domestic crude oil exceeds \$23.50 multiplied by the inflation adjustment factor. For 2000, the inflation adjusted threshold for onset of the phaseout was \$48.07 (\$23.50 x 2.0454) and the average wellhead price for that year was \$26.73.

The amount of the section 29 credit allowable with respect to a project is reduced by any unrecaptured business energy tax credit or enhanced oil recovery credit claimed with respect to such project.

The section 29 credit may not be used to offset alternative minimum tax liability. Any unused section 29 credit generally may not be carried back or forward to another taxable year; however, a taxpayer receives a credit for prior year minimum tax liability to the extent that a section 29 credit is disallowed as a result of the operation of the alternative minimum tax. The credit is limited to what would have been the regular tax liability but for the alternative minimum tax.

Reasons for Change

The tax credit helps make fuel produced from landfill methane competitive with other fuels. Extending the credit would continue the important contribution of this renewable energy source to the Nation's long-term energy supply.

Proposal

The credit would be allowed for fuel produced from landfill methane if the fuel is produced from a facility (or portion of a facility) placed in service after December 31, 2001, and before January 1, 2011, and is sold (or used to produce electricity that is sold) before January 1,

Oil is an internationally traded commodity with its domestic price set by world supply and demand. Domestic exploration and production activity is affected by the world price of crude oil. Historically, world oil prices have fluctuated substantially. From 1970 to the early 1980s, there was a fivefold increase in real oil prices. World oil prices fell sharply in 1986 and were relatively more stable from 1986 through 1997. During that period, average refiner acquisition costs ranged from \$14.91 to \$23.59 in real 1992 dollars. In 1998, however, oil costs to the refiner declined to \$12.52 per barrel in nominal dollars (\$11.14 per barrel in 1992 dollars), their lowest level in 25 years in real terms. Since 1998, the decline has reversed with refiner acquisition costs (in nominal dollars) rising to \$17.51 per barrel in 1999 and \$27.69 per barrel in 2000 (the price has since dropped to \$24.11 per barrel in March 2001, the latest month for which composite figures are available). The equivalent prices in 1992 dollars are \$15.31 per barrel in 1999, \$24.28 per barrel in 2000, and \$20.39 per barrel in March 2001.

Domestic oil production has been on the decline since the mid-1980s. From 1978 to 1983 oil consumption in the United States also declined, but increasing consumption since 1983 has more than offset this decline. In 2000, domestic oil consumption was 28 percent higher than in 1970. The decline in oil production and increase in consumption have led to an increase in oil imports. Net petroleum (crude and product) imports have risen from approximately 38 percent of consumption in 1988 to 52 percent in 2000.

A similar pattern of large recent price increases and increasing dependence on imports has occurred in the natural gas market. During the second half of the 1990s, spot prices for natural gas exceeded \$4.00 per million Btu (MMBtu) in only one month (February 1996). The spot price again exceeded \$4.00 per MMBtu in May 2000, rose above \$5.00 per MMBtu in September 2000, and exceeded \$10.00 per MMBtu for several days last winter. The current spot price is approximately \$3.71 per MMBtu.¹

The United States has large natural gas reserves and was essentially self-sufficient in natural gas until the late 1980s. Since 1986, natural gas consumption has increased by more than 30 percent but natural gas production has increased by only 17 percent. Net imports as a share of consumption nearly quadrupled from 1986 to 2000, rising from 4.2 percent to 15.6 percent. Natural gas from Canada makes up nearly all of the imports into the United States.

Current law tax incentives for oil and gas production

The importance of maintaining a strong domestic energy industry has been long recognized and the Internal Revenue Code includes a variety of measures to stimulate domestic exploration and production. They are generally justified on the ground that they reduce vulnerability to an oil supply disruption through increases in domestic production, reserves,

¹ All price references are to the spot price at the Henry Hub and are in nominal dollars.

2011. The credit for fuel produced at landfills subject to EPA's 1996 New Source Performance Standards/Emissions Guidelines would be limited to two-thirds of the otherwise applicable amount beginning on January 1, 2008, if any portion of the facility for producing fuel at the landfill was placed in service before July 1, 1998, and on January 1, 2002, in all other cases. The proposal would clarify, for purposes of determining the extent to which a facility is placed in service after December 31, 2001, that the facility includes the wells, pipes, and related components used to collect landfill methane and that only production attributable to wells, pipes, and related components placed in service after December 31, 2001, is treated as produced from the portion of the facility placed in service after that date.

Extension of Tax Incentives for Ethanol

Current Law

Current law provides an income tax credit and an excise tax exemption for ethanol and renewable source methanol used as a fuel. In general, the income tax credit for ethanol is 53 cents per gallon, but small ethanol producers (i.e., those producing less than 30 million gallons of ethanol per year) qualify for a credit of 63 cents per gallon on the first 15 million gallons of ethanol produced in a year. A credit of 60 cents per gallon is allowed for renewable source methanol.

As an alternative to the income tax credit, gasoline blenders may claim a gasoline tax exemption of 53 cents for each gallon of ethanol and 60 cents for each gallon of renewable source methanol that is blended into qualifying gasoline.

The income tax credit expires on December 31, 2007, and the excise tax exemption expires on September 30, 2007. In addition, the ethanol credit and exemption are each reduced by 1 cent per gallon in 2003 and by an additional 1 cent per gallon in 2005. Neither the credit nor the exemption apply during any period in which motor fuel taxes dedicated to the Highway Trust Fund are limited to 4.3 cents per gallon. Under current law, the motor fuel tax dedicated to the Highway Trust Fund will be limited to 4.3 cents per gallon beginning on October 1, 2005.

Reasons for Change

The tax credit and excise tax exemption help make ethanol and renewable source methanol competitive with other fuels. Extending the credit and exemption at their current levels would continue the important contribution of these renewable energy sources to the Nation's long-term energy supply.

Proposal

The income tax credit and the excise tax exemption would be extended through December 31, 2010. The current law rule providing that neither the credit nor the exemption apply during

any period in which motor fuel taxes dedicated to the Highway Trust Fund are limited to 4.3 cents per gallon would be retained.

Provide Tax Credit for Certain Hybrid and Fuel Cell Vehicles

Current Law

No generally available income tax credit for purchases of hybrid vehicles is available currently. A 10-percent tax credit is provided for the cost of a qualified electric vehicle, up to a maximum credit of \$4,000. A qualified electric vehicle is a motor vehicle that is powered primarily by an electric motor drawing current from rechargeable batteries, fuel cells, or other portable sources of electric current, the original use of which commences with the taxpayer, and that is acquired for use by the taxpayer and not for resale. The full amount of the credit is available for purchases prior to 2002. The credit begins to phase down in 2002 and does not apply to vehicles placed in service after 2004.

Certain costs of qualified clean-fuel property, including clean-fuel vehicles, may be deducted when such property is placed in service. Qualified electric vehicles do not qualify for the clean-fuel vehicle deduction. The deduction begins to phase down in 2002 and does not apply to property placed in service after 2004.

Reasons for Change

The transportation sector now accounts for 67 percent of US oil consumption. Cars, sport utility vehicles, light trucks and minivans alone account for 40 percent of US oil consumption, about 20 to 40 percent of all urban smog-forming emissions and 20 percent of greenhouse gas emissions. Almost all of these vehicles use a single gasoline-fueled engine.

Hybrid vehicles, which have more than one source of power on board the vehicle, and electric vehicles have the potential to reduce petroleum consumption, air pollution and greenhouse gas emissions. The proposed credits will encourage the purchase of highly fuel efficient vehicles that incorporate advanced automotive technologies and will help to move hybrid and fuel cell vehicles from the laboratory to the highway. These vehicles can significantly reduce oil consumption, emissions of air pollutants and carbon dioxide, the most prevalent greenhouse gas.

Proposal

The proposal would provide temporary tax credits for certain hybrid and fuel cell vehicles:

(1) Credit for qualified hybrid vehicles. A credit, of up to \$4,000, would be available for purchases of qualified hybrid vehicles after December 31, 2001, and before January 1, 2008. The credit would be:

- (a) \$250 if the rechargeable energy storage system provides at least 5 percent but less than 10 percent of the maximum available power;
- (b) \$500 if the rechargeable energy storage system provides at least 10 percent and less than 20 percent of the maximum available power;
- (c) \$750 if the rechargeable energy storage system provides at least 20 percent and less than 30 percent of the maximum available power; and
- (d) \$1,000 if the rechargeable energy storage system provides 30 percent or more of the maximum available power.

If the vehicle's fuel economy exceeds the 2000 model year city fuel economy, the amount of credit shown in (a) through (d) above would be increased by the following amounts:

- (i) \$500 if the vehicle achieves at least 125 percent but less than 150 percent of the 2000 model year city fuel economy;
- (ii) \$1,000 if the vehicle achieves at least 150 percent but less than 175 percent of the 2000 model year city fuel economy;
- (iii) \$1,500 if the vehicle achieves at least 175 percent but less than 200 percent of the 2000 model year city fuel economy;
- (iv) \$2,000 if the vehicle achieves at least 200 percent but less than 225 percent of the 2000 model year city fuel economy;
- (v) \$2,500 if the vehicle achieves at least 225 percent but less than 250 percent of the 2000 model year city fuel economy; and
- (vi) \$3,000 if the vehicle achieves at least 250 percent of the 2000 model year city fuel economy.

(2) Credit for qualified fuel cell vehicles. A credit of up to \$8,000 would be available for the purchase of new qualified fuel cell vehicles after December 31, 2001 and before January 1, 2008. The credit would be \$4,000, but, if the vehicle's fuel economy exceeds the 2000 model year city fuel economy, the credit would increase by the following amounts:

- (i) \$1,000 if the vehicle achieves at least 150 percent but less than 175 percent of the 2000 model year city fuel economy;
- (ii) \$1,500 if the vehicle achieves at least 175 percent but less than 200 percent of the 2000 model year city fuel economy;
- (iii) \$2,000 if the vehicle achieves at least 200 percent but less than 225 percent of the 2000 model year city fuel economy;
- (iv) \$2,500 if the vehicle achieves at least 225 percent but less than 250 percent of the 2000 model year city fuel economy;
- (v) \$3,000 if the vehicle achieves at least 250 percent but less than 275 percent of the 2000 model year city fuel economy;
- (vi) \$3,500 if the vehicle achieves at least 275 percent but less than 300 percent of the

- 2000 model year city fuel economy; and
- (vii) \$4,000 if the vehicle achieves at least 300 percent of the 2000 model year city fuel economy.

The 2000 model year city fuel economy would be the following:

If the vehicle inertia weight class is:	The 2000 model year city fuel economy is:	
	For a passenger automobile:	For a light truck:
1,500 or 1,750 lbs	43.7 mpg	37.6 mpg
2,000 lbs	38.3 mpg	33.7 mpg
2,250 lbs	34.1 mpg	30.6 mpg
2,500 lbs	30.7 mpg	28.0 mpg
2,750 lbs	27.9 mpg	25.9 mpg
3,000 lbs	25.6 mpg	24.1 mpg
3,500 lbs	22.0 mpg	21.3 mpg
4,000 lbs	19.3 mpg	19.0 mpg
4,500 lbs	17.2 mpg	17.3 mpg
5,000 lbs	15.5 mpg	15.8 mpg
5,500 lbs	14.1 mpg	14.6 mpg
6,000 lbs	12.9 mpg	13.6 mpg
6,500 lbs	11.9 mpg	12.8 mpg
7,000 or 8,500 lbs	11.1 mpg	12.0 mpg

The Avehicle inertia weight class≡ is defined in regulations prescribed by the Environmental Protection Agency for purposes of title II of the Clean Air Act.

A qualifying hybrid vehicle is a motor vehicle that draws propulsion energy from on-board sources of stored energy which are both: (1) an internal combustion engine or heat engine using combustible fuel, and (2) a rechargeable energy storage system. A qualifying fuel cell vehicle is a motor vehicle that is propelled by power derived from one or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle and may or may not require reformation prior to use. A qualifying vehicle must meet all applicable regulatory requirements.

Maximum available power means the maximum value available from the battery or other energy storage device, during a standard power test, divided by the sum of the battery or other energy storage device and the SAE net power of the heat engine.

These credits would be available for all qualifying light vehicles including cars, minivans, sport utility vehicles, and light trucks. Taxpayers would be able to claim only one of the credits for one vehicle and taxpayers who claim either credit would not be able to claim the qualified electric vehicle credit or the deduction for clean-fuel vehicle property for the same vehicle. Business taxpayers claiming either credit would be subject to the limitations on the general business credit and would be required to reduce the basis of the vehicle by the amount of the credit.

Investment Credit for Combined Heat and Power (CHP) Systems

Current law

Combined heat and power (CHP) systems are used to produce electricity (and/or mechanical power) and usable thermal energy from a single primary energy source. Depreciation allowances for CHP property vary by asset use and capacity. Assets employed in the production of electricity used by the taxpayer in an industrial manufacturing process or plant activity (and not ordinarily available for sale to others) have a general cost recovery period of 15 years if rated with total capacity in excess of 500 kilowatts. Electricity production assets of lesser-rated capacity generally are classified with other manufacturing assets and have cost recovery periods of five to ten years. Assets used in the production of electricity for sale have either a 15-year or 20-year recovery period. For assets that are structural components of buildings, however, the recovery period is either 39 years (if nonresidential) or 27.5 years (if residential), and the straight-line method for computing depreciation allowances must be used. For assets with recovery periods of 10 years or less, the 200 percent declining balance method may be used to compute depreciation allowances. The 150 percent declining balance method may be used for assets with recovery periods of 15 or 20 years. No income tax credit is provided currently for investment in combined heat and power property.

Reasons for change

{tc \11 "Reasons for change}

Combined heat and power systems utilize thermal energy that is otherwise wasted in producing electricity by more conventional methods. CHP systems achieve a greater level of overall energy efficiency, and thereby lessen the consumption of primary fossil fuels, lower total energy costs, and reduce carbon emissions. An investment tax credit for CHP assets is expected to encourage increased energy efficiency by accelerating planned investments and inducing additional investments in such systems. The increased demand for CHP equipment should, in turn, reduce CHP production costs and spur additional technological innovation in improved CHP systems.

Proposal

{tc \11 "Proposal }

The proposal would establish a 10-percent investment credit for qualified CHP systems with an electrical capacity in excess of 50 kilowatts or with a capacity to produce mechanical power in excess of 67 horsepower (or an equivalent combination of electrical and mechanical energy capacities). CHP property would be defined as property comprising a system that uses the same energy source for the simultaneous or sequential generation of (1) electricity or mechanical shaft power (or both) and (2) steam or other forms of useful thermal energy (including heating and cooling applications). A qualified CHP system would be required to produce at least 20 percent of its total useful energy in the form of thermal energy and at least 20 percent of its total useful energy in the form of electrical or mechanical power (or a combination thereof) and would also be required to satisfy an energy-efficiency standard. For CHP systems with an electrical

capacity in excess of 50 megawatts (or a mechanical energy capacity in excess of 67,000 horsepower), the total energy efficiency of the system would have to exceed 70 percent. For smaller systems, the total energy efficiency would have to exceed 60 percent. For this purpose, total energy efficiency would be calculated as the sum of the useful electrical, thermal, and mechanical power produced by the system at normal operating rates, measured on a Btu basis, divided by the lower heating value of the primary fuel source for the system supplied. The credit would be allowed with respect to qualified CHP property only if its eligibility is verified under regulations prescribed by the Secretary of the Treasury.

Investments in qualified CHP assets that are otherwise assigned cost recovery periods of less than 15 years would be eligible for the credit, provided that the taxpayer elected to treat such property as having a 22-year class life. Thus, regular tax depreciation allowances would be calculated using a 15-year recovery period and the 150 percent declining balance method.

The credit would be treated as energy property under the investment credit component of the section 38 general business credit, and would be subject to the rules and limitations governing such property. Taxpayers using the credit for CHP equipment would not be entitled to any other tax credit for the same equipment.

The credit would apply to investments in CHP equipment placed in service after December 31, 2001, but before January 1, 2007.

exploration activity, and production capacity. The tax incentives contained in present law address the drop in domestic exploratory drilling that has occurred since the mid-1950s and the continuing loss of production from mature fields and marginal properties.

Incentives for oil and gas production in the form of tax expenditures are estimated to total \$9.8 billion for fiscal years 2002 through 2006.² They include the nonconventional fuels (i.e., oil produced from shale and tar sands, gas produced from geopressured brine, Devonian shale, coal seams, tight formations, or biomass, and synthetic fuel produced from coal) production credit (\$2.4 billion), the enhanced oil recovery credit (\$4.4 billion), the allowance of percentage depletion for independent producers and royalty owners, including increased percentage depletion for stripper wells (\$2.3 billion), the exception from the passive loss limitation for working interests in oil and gas properties (\$100 million), and the expensing of intangible drilling and development costs (\$640 million). In addition to those tax expenditures, oil and gas activities have largely been eliminated from the alternative minimum tax. These provisions are described in detail below.

Percentage depletion

Certain costs incurred prior to drilling an oil- or gas-producing property are recovered through the depletion deduction. These include costs of acquiring the lease or other interest in the property, and geological and geophysical costs (in advance of actual drilling). Any taxpayer having an economic interest in a producing property may use the cost depletion method. Under this method, the basis recovery for a taxable year is proportional to the exhaustion of the property during the year. The cost depletion method does not permit cost recovery deductions that exceed the taxpayer's basis in the property or that are allowable on an accelerated basis. Thus, the deduction for cost depletion is not generally viewed as a tax incentive.

² *Analytical Perspectives, Budget of the United States Government, Fiscal Year 2002*, U.S. Government Printing Office, Washington, DC, 2001, p. 63. These estimates are measured on an Outlay equivalent basis. They show the amount of outlay that would be required to provide the taxpayer the same after-tax income as would be received through the tax preference. This outlay equivalent measure allows a comparison of the cost of the tax expenditure with that of a direct Federal outlay.

Independent producers and royalty owners (as contrasted to integrated oil companies)³ may qualify for percentage depletion. A qualifying taxpayer determines the depletion deduction for each oil or gas property under both the percentage depletion method and the cost depletion method and deducts the larger of the two amounts. Under the percentage depletion method, generally 15 percent of the taxpayer=s gross income from an oil- or gas-producing property is allowed as a deduction in each taxable year. The amount deducted may not exceed 100 percent of the net income from that property in any year (the Anet-income limitation=).⁴ Additionally, the percentage depletion deduction for all oil and gas properties may not exceed 65 percent of the taxpayer=s overall taxable income (determined before such deduction and adjusted for certain loss carrybacks and trust distributions).⁵

A taxpayer may claim percentage depletion with respect to up to 1,000 barrels of average daily production of domestic crude oil or an equivalent amount of domestic natural gas. For producers of both oil and natural gas, this limitation applies on a combined basis. All production owned by businesses under common control and members of the same family must be aggregated; each group is then treated as one producer for application of the 1,000-barrel limitation.

Special percentage depletion provisions apply to oil and gas production from marginal properties. The statutory percentage depletion rate is increased (from the general rate of 15 percent) by one percentage point for each whole dollar that the average price of crude oil (as determined under the provisions of the nonconventional fuels production credit of section 29) for

³ An independent producer is any producer who is not a Aretailer= or Arefiner.= A retailer is any person who directly, or through a related person, sells oil or natural gas or any product derived therefrom (1) through any retail outlet operated by the taxpayer or related person, or (2) to any person that is obligated to market or distribute such oil or natural gas (or product derived therefrom) under the name of the taxpayer or the related person, or that has the authority to occupy any retail outlet owned by the taxpayer or a related person. Bulk sales of crude oil and natural gas to commercial or industrial users, and bulk sales of aviation fuel to the Department of Defense, are not treated as retail sales for this purpose. Further, a person is not a retailer within the meaning of this provision if the combined gross receipts of that person and all related persons from the retail sale of oil, natural gas, or any product derived therefrom do not exceed \$5 million for the taxable year. A refiner is any person who directly or through a related person engages in the refining of crude oil, but only if such person or related person has a refinery run in excess of 50,000 barrels per day on any day during the taxable year.

⁴ By contrast, for any other mineral qualifying for the percentage depletion deduction, the deduction may not exceed 50 percent of the taxpayer=s taxable income from the depletable property.

⁵ Amounts disallowed as a result of this rule may be carried forward and deducted in subsequent taxable years, subject to the 65-percent-of-taxable-income limitation for those years.

the immediately preceding calendar year is less than \$20 per barrel. In no event may the rate of percentage depletion under this provision exceed 25 percent for any taxable year. The increased rate applies for the taxpayer=s taxable year which immediately follows a calendar year for which the average crude oil price falls below the \$20 floor. To illustrate the application of this provision, the average price of a barrel of crude oil for calendar year 1999 was \$15.56; thus, the percentage depletion rate for production from marginal wells was increased by four percent (to 19 percent) for taxable years beginning in 2000. The 100-percent-of-net-income limitation has been suspended for marginal wells for taxable years beginning after December 31, 1997, and before January 1, 2002.

Marginal production is defined for this purpose as domestic crude oil or domestic natural gas which is produced during any taxable year from a property which (1) is a stripper well property for the calendar year in which the taxable year begins, or (2) is a property substantially all of the production from which during such calendar year is heavy oil (i.e., oil that has a weighted average gravity of 20 degrees API or less corrected to 60 degrees Fahrenheit). A stripper well property is any oil or gas property for which daily average production per producing oil or gas well is not more than 15 barrel equivalents in the calendar year during which the taxpayer=s taxable year begins.⁶ A property qualifies as a stripper well property for a calendar year only if the wells on such property were producing during that period at their maximum efficient rate of flow.

If a taxpayer=s property consists of a partial interest in one or more oil- or gas-producing wells, the determination of whether the property is a stripper well property or a heavy oil property is made with respect to total production from such wells, including the portion of total production attributable to ownership interests other than the taxpayer=s. If the property satisfies the requirements of a stripper well property, then each owner receives the benefits of this provision with respect to its allocable share of the production from the property for its taxable year that begins during the calendar year in which the property so qualifies.

The allowance for percentage depletion on production from marginal oil and gas properties is subject to the 1,000-barrel-per-day limitation discussed above. Unless a taxpayer elects otherwise, marginal production is given priority over other production for purposes of utilization of that limitation.

Because percentage depletion, unlike cost depletion, is computed without regard to the taxpayer=s basis in the depletable property, cumulative depletion deductions may be far greater

⁶ Equivalent barrels is computed as the sum of (1) the number of barrels of crude oil produced, and (2) the number of cubic feet of natural gas produced divided by 6,000. If a well produced 10 barrels of crude oil and 12,000 cubic feet of natural gas, its equivalent barrels produced would equal 12 (i.e., $10 + (12,000 / 6,000)$).

than the amount expended by the taxpayer to acquire or develop the property. The excess of the percentage depletion deduction over the deduction for cost depletion is generally viewed as a tax expenditure.

Intangible drilling and development costs

In general, costs that benefit future periods must be capitalized and recovered over such periods for income tax purposes, rather than being expensed in the period the costs are incurred. In addition, the uniform capitalization rules require certain direct and indirect costs allocable to property to be included in inventory or capitalized as part of the basis of such property. In general, the uniform capitalization rules apply to real and tangible personal property produced by the taxpayer or acquired for resale.

Special rules apply to intangible drilling and development costs (AIDCs⁷). Under these special rules, an operator (i.e., a person who holds a working or operating interest in any tract or parcel of land either as a fee owner or under a lease or any other form of contract granting working or operating rights) who pays or incurs IDCs in the development of an oil or gas property located in the United States may elect either to expense or capitalize those costs. The uniform capitalization rules do not apply to otherwise deductible IDCs.

If a taxpayer elects to expense IDCs, the amount of the IDCs is deductible as an expense in the taxable year the cost is paid or incurred. Generally, IDCs that a taxpayer elects to capitalize may be recovered through depletion or depreciation, as appropriate; or in the case of a nonproductive well (Adry hole⁸), the operator may elect to deduct the costs. In the case of an integrated oil company (i.e., a company that engages, either directly or through a related enterprise, in substantial retailing or refining activities) that has elected to expense IDCs, 30 percent of the IDCs on productive wells must be capitalized and amortized over a 60-month

⁷ IDCs include all expenditures made by an operator for wages, fuel, repairs, hauling, supplies, etc., incident to and necessary for the drilling of wells and the preparation of wells for the production of oil and gas. In addition, IDCs include the cost to operators of any drilling or development work (excluding amounts payable only out of production or gross or net proceeds from production, if the amounts are depletable income to the recipient, and amounts properly allocable to the cost of depreciable property) done by contractors under any form of contract (including a turnkey contract). Such work includes labor, fuel, repairs, hauling, and supplies which are used in the drilling, shooting, and cleaning of wells; in such clearing of ground, draining, road making, surveying, and geological works as are necessary in preparation for the drilling of wells; and in the construction of such derricks, tanks, pipelines, and other physical structures as are necessary for the drilling of wells and the preparation of wells for the production of oil and gas. Generally, IDCs do not include expenses for items which have a salvage value (such as pipes and casings) or items which are part of the acquisition price of an interest in the property.

period.⁸

A taxpayer that has elected to deduct IDCs may, nevertheless, elect to capitalize and amortize certain IDCs over a 60-month period beginning with the month the expenditure was paid or incurred. This rule applies on an expenditure-by-expenditure basis; that is, for any particular taxable year, a taxpayer may deduct some portion of its IDCs and capitalize the rest under this provision. This allows the taxpayer to reduce or eliminate IDC adjustments or preferences under the alternative minimum tax.

⁸ The IRS has ruled that if an integrated oil company ceases to be an integrated oil company, it may not immediately write off the unamortized portion of the IDCs capitalized under this rule, but instead must continue to amortize those IDCs over the 60-month amortization period.

The election to deduct IDCs applies only to those IDCs associated with domestic properties.⁹ For this purpose, the United States includes certain wells drilled offshore.¹⁰

Intangible drilling costs are a major portion of the costs necessary to locate and develop oil and gas reserves. Because the benefits obtained from these expenditures are of value throughout the life of the project, these costs would be capitalized and recovered over the period of production under generally applicable accounting principles. The acceleration of the deduction for IDCs is viewed as a tax expenditure.

Nonconventional fuels production credit

Taxpayers that produce certain qualifying fuels from nonconventional sources are eligible for a tax credit (Athe section 29 credit≡) equal to \$3 per barrel or barrel-of-oil equivalent.¹¹ Fuels qualifying for the credit must be produced domestically from a well drilled, or a facility treated as placed in service before January 1, 1993.¹² The section 29 credit generally is available for qualified fuels sold to unrelated persons before January 1, 2003.¹³

⁹ In the case of IDCs paid or incurred with respect to an oil or gas well located outside of the United States, the costs, at the election of the taxpayer, are either (1) included in adjusted basis for purposes of computing the amount of any deduction allowable for cost depletion or (2) capitalized and amortized ratably over a 10-year period beginning with the taxable year such costs were paid or incurred.

¹⁰ The term AUnited States≡ for this purpose includes the seabed and subsoil of those submerged lands that are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources (i.e., the Continental Shelf area).

¹¹ A barrel-of-oil equivalent generally means that amount of the qualifying fuel which has a Btu (British thermal unit) content of 5.8 million.

¹² A facility that produces gas from biomass or produces liquid, gaseous, or solid synthetic fuels from coal (including lignite) generally will be treated as being placed in service before January 1, 1993, if it is placed in service by the taxpayer before July 1, 1998, pursuant to a written binding contract in effect before January 1, 1997. In the case of a facility that produces coke or coke gas, however, this provision applies only if the original use of the facility commences with the taxpayer. Also, the IRS has ruled that production from certain post-1992 Arecompletions≡ of wells that were originally drilled prior to the expiration date of the credit would qualify for the section 29 credit.

¹³ If a facility that qualifies for the binding contract rule is originally placed in service after December 31, 1992, production from the facility may qualify for the credit if sold to an unrelated person before January 1, 2008.

For purposes of the credit, qualified fuels include: (1) oil produced from shale and tar sands; (2) gas produced from geopressured brine, Devonian shale, coal seams, a tight formation, or biomass (i.e., any organic material other than oil, natural gas, or coal (or any product thereof); and (3) liquid, gaseous, or solid synthetic fuels produced from coal (including lignite), including such fuels when used as feedstocks. The amount of the credit is determined without regard to any production attributable to a property from which gas from Devonian shale, coal seams, geopressured brine, or a tight formation was produced in marketable quantities before 1980.

The amount of the section 29 credit generally is adjusted by an inflation adjustment factor for the calendar year in which the sale occurs.¹⁴ There is no adjustment for inflation in the case of the credit for sales of natural gas produced from a tight formation. The credit begins to phase out if the annual average unregulated wellhead price per barrel of domestic crude oil exceeds \$23.50 multiplied by the inflation adjustment factor.¹⁵

The amount of the section 29 credit allowable with respect to a project is reduced by any unrecaptured business energy tax credit or enhanced oil recovery credit claimed with respect to such project.

As with most other credits, the section 29 credit may not be used to offset alternative minimum tax liability. Any unused section 29 credit generally may not be carried back or forward to another taxable year; however, a taxpayer receives a credit for prior year minimum tax liability to the extent that a section 29 credit is disallowed as a result of the operation of the alternative minimum tax. The credit is limited to what would have been the regular tax liability but for the alternative minimum tax.

The provision provides a significant tax incentive (currently about \$6 per barrel of oil equivalent or \$1 per thousand cubic feet of natural gas). Coalbed methane and gas from tight formations currently account for most of the credit.

Enhanced oil recovery credit

Taxpayers are permitted to claim a general business credit, which consists of several different components. One component of the general business credit is the enhanced oil recovery credit. The general business credit for a taxable year may not exceed the excess (if any) of the taxpayer's net income tax over the greater of (1) the tentative minimum tax, or (2) 25 percent of so much of the taxpayer's net regular tax liability as exceeds \$25,000. Any unused general

¹⁴ The inflation adjustment factor for the 2000 taxable year was 2.0454. Therefore, the inflation-adjusted amount of the credit for that year was \$6.14 per barrel or barrel equivalent.

¹⁵ For 2000, the inflation adjusted threshold for onset of the phaseout was \$48.07 (\$23.50 x 2.0454) and the average wellhead price for that year was \$26.73.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 6/13/2001 11:08:46 AM
Subject: : Invite for 7/28

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 13-JUN-2001 15:08:46.00

SUBJECT:: Invite for 7/28

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Although it does not say so (probably on purpose), the invite we received for a "Summer Soiree" on 7/28 is really from the lobbying group American Continental Group, which sells itself as specializing in access to the Executive Branch. Beware.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 6/13/2001 9:22:41 AM
Subject: : Re: DOJ contacts on litigation-related matters

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JUN-2001 13:22:41.00
SUBJECT:: Re: DOJ contacts on litigation-related matters
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

My DOJ contacts depend on the issue.

For the Garza clemency issue and anything death-penalty-related, I talk to either Johnny Sutton or David Laufman (COS) in the Deputy Attorney General's office.

For the stem-cell litigation and anything else HHS-related, I talk to Brian Miller in the Deputy AG's office.

For race-based admissions issues, I talked to Adam, Alex Acosta and Jim Ho, and Paul Clement.

For the ERISA/Patients' Bill of Rights issue that we discussed at our mtg this a.m., I've talked to Paul Clement.

When I have a random civil-litigation-related issues and I don't know whom to call, I talk to Phil Perry.

I also talk to various people in the commercial litigation branch (career lawyers) about energy issues.

There are probably things I'm forgetting too.

RLB

Bradford A. Berenson
06/13/2001 01:15:56 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP,
Helgard C. Walker/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: DOJ contacts on litigation-related matters

Who are the principal points of contact we have been using when we have discussions between our office and DOJ on litigation-related issues? Is

REV_00127552

there a central intake point at DOJ or do we speak with individual offices? What are the sensitivities that we need to keep in mind as we try to design a better system for information flow? I'd appreciate your advice on any of these questions.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [UNKNOWN] <Heather Larrison>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>
Sent: 6/13/2001 9:27:15 AM
Subject: : Judicial Selection Comm. Mtg. reminder

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUN-2001 13:27:15.00

SUBJECT:: Judicial Selection Comm. Mtg. reminder

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

4:00 today - Roosevelt Room

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 6/13/2001 9:38:01 AM
Subject: : Re: DOJ contacts on litigation-related matters

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-JUN-2001 13:38:01.00
SUBJECT:: Re: DOJ contacts on litigation-related matters
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Like Rachel, my contacts depend upon the particular issue. For the tobacco litigation, I call Dan Levin. On the labor litigation, I talk with the career litigator at Civil Programs, Neil Koslowe, who is counsel of record.

I think we should be very careful, however, not to start creating programmatic systems simply at the behest of Diana Schacht/DPC. If information flow is a problem, I think it should be handled primarily through Cabinet Affairs, with any necessary additional communication from DOJ to WHCO.

Noel J. Francisco
06/13/2001 01:32:26 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: rachel l. brand/who/eop@eop, helgard c. walker/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: DOJ contacts on litigation-related matters

In general, I have been using Phil Perry (in the Deputy AG's office) as my point of contact, as Phil covers the Civil Division. However, I have also had direct contact with Alex Acosta and Paul Clement on a case-by-case basis. The standard format, moreover, is for them to advise of the course of action they intend to undertake on a particular matter, and for us to in essence say nothing if we agree with that proposed course of action.

Bradford A. Berenson

REV_00127556

06/13/2001 01:15:56 PM

Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP,
Helgard C. Walker/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: DOJ contacts on litigation-related matters

Who are the principal points of contact we have been using when we have discussions between our office and DOJ on litigation-related issues? Is there a central intake point at DOJ or do we speak with individual offices? What are the sensitivities that we need to keep in mind as we try to design a better system for information flow? I'd appreciate your advice on any of these questions.

REV_00127557

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 6/13/2001 9:40:17 AM
Subject: : Re: DOJ contacts on litigation-related matters

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 13-JUN-2001 13:40:17.00

SUBJECT:: Re: DOJ contacts on litigation-related matters

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

P.S. As Noel suggested, the Judge has already worked through the larger issue of the format of communications between DOJ and WHCO. That framework is that DOJ provides us with oral, informal descriptions of their proposed course of action in a particular matter. Depending on how we feel about that information, we say little to nothing (if we like it) or express concerns (if we don't). Let's not reinvent this wheel either.

Noel J. Francisco
06/13/2001 01:32:26 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: rachel l. brand/who/eop@eop, helgard c. walker/who/eop@eop,
brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: DOJ contacts on litigation-related matters

In general, I have been using Phil Perry (in the Deputy AG's office) as my point of contact, as Phil covers the Civil Division. However, I have also had direct contact with Alex Acosta and Paul Clement on a case-by-case basis. The standard format, moreover, is for them to advise of the course of action they intend to undertake on a particular matter, and for us to in essence say nothing if we agree with that proposed course of action.

Bradford A. Berenson
06/13/2001 01:15:56 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP,
Helgard C. Walker/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

REV_00127558

cc:

Subject: DOJ contacts on litigation-related matters

Who are the principal points of contact we have been using when we have discussions between our office and DOJ on litigation-related issues? Is there a central intake point at DOJ or do we speak with individual offices? What are the sensitivities that we need to keep in mind as we try to design a better system for information flow? I'd appreciate your advice on any of these questions.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/13/2001 10:51:41 AM
Subject: : Pre-JSC prep meeting at 3:45 - not 3:30

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUN-2001 14:51:41.00

SUBJECT:: Pre-JSC prep meeting at 3:45 - not 3:30

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;eric hagans/who/eop@eop [WHO] <eric hagans>
Sent: 6/13/2001 2:40:42 PM
Subject: : Re: Files to Hill on Friday @ 1 p.m. -- please let Eric or me know if you can take these

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUN-2001 18:40:42.00

SUBJECT:: Re: Files to Hill on Friday @ 1 p.m. -- please let Eric or me know if you can take these

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Unfortunately I have a GAO interview at 1:30 that day.

Laura L. Flippin
06/13/2001 10:12:42 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Eric Hagans/WHO/EOP@EOP
Subject: Files to Hill on Friday @ 1 p.m. -- please let Eric or me know if you can take these

Friday, June 15th @ 1pm
Senator Baucus
Hart 511
Contact: Pat Head, 224-7325
Files: Wade Horn (Asst Sec, HHS), Kevin Keane (Asst Sec, HHS), Bill Lash (Asst Sec, Commerce), Brian Roseboro (Asst Sec, Treasury), and Allan Johnson (USTR)

Message Sent

REV_00127561

To:

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 6/14/2001 7:25:56 AM
Subject: : anyone want to go to the staff table today for lunch?

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-JUN-2001 11:25:56.00

SUBJECT:: anyone want to go to the staff table today for lunch?

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 6/14/2001 7:25:56 AM
Subject: : anyone want to go to the staff table today for lunch?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-JUN-2001 11:25:56.00

SUBJECT:: anyone want to go to the staff table today for lunch?

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Eric Hagans/WHO/EOP@EOP [WHO] <Eric Hagans>
Sent: 6/14/2001 9:06:35 AM
Subject: : Files to Hill, Wednesday, June 20th @ 2:30 p.m. -- please let Eric or me know if you can take these

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-JUN-2001 13:06:35.00

SUBJECT:: Files to Hill, Wednesday, June 20th @ 2:30 p.m. -- please let Eric or me know if you can take these

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Eric Hagans (CN=Eric Hagans/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Wednesday, June 20th @ 2:30 p.m.

Senator Cochran

326 Russell

Files: Kay James (Director, OPM), Othoniel "Tony" Armendariz (Member, FLRA)

Contact: Doris Waggelly 224-6417

REV_00127566

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 6/15/2001 7:22:12 AM
Subject: : Olmstead executive order

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-JUN-2001 11:22:12.00

SUBJECT:: Olmstead executive order

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Has anybody seen a copy of this? I'm doing a red tag relating to it, and I need to review it. If you have a draft, would you please shoot me a copy? Thanks.

From: CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/15/2001 12:07:23 PM
Subject: : Re: A true outrage.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-JUN-2001 16:07:23.00
SUBJECT:: Re: A true outrage.
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I share your outrage, Courtney, at this (sadly unsurprising) sloughing off of the sacred.

It is a true California power outage.

The good news is at least they can still meet in Milford, New York (for now!).

Courtney S. Elwood
06/15/2001 03:38:25 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Stuart W. Bowen/WHO/EOP@EOP
cc:
Subject: A true outrage.

The All Or Nothing Approach
School District Bans Student Clubs Rather Than Allow Christian Club
Associated Press

An Orange County high school district banned non-curriculum clubs from its campuses rather than allow the establishment of a Christian club. The action resulted from a lawsuit settlement by Saddleback Valley Unified School District, which agreed to exclude student clubs rather than allow a chapter of Fellowship of Christian Athletes on one of its campuses. The clubs will have to meet before or after school, and can no longer use campus bulletin boards or other school outlets to solicit members or publicize meetings, Bill Manahan, the school district superintendent, said Thursday.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;tim goeglein/who/eop@eop [WHO] <tim goeglein>
Sent: 6/18/2001 4:08:09 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2001 08:08:09.00
SUBJECT:: Re:
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:tim goeglein (CN=tim goeglein/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

They used to list last year's salary and home address, too. We had a sanitized version prepared for us. If they still list ethnicity and marital status, we might want to see if Sheila Joy can e-mail us the files so we can edit them.

Rachel L. Brand 06/17/2001 11:03:13 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP, Tim Goeglein/WHO/EOP@EOP
cc:
Subject:

Re the binders for distribution to the supporter groups on Monday:

What are your thoughts on including the DOJ-created resume for each candidate? The only thing that gives me pause is that these documents list marital status and ethnicity. Do we want to distribute that information?

RLB

REV_00127575

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Dryden, Susan <Susan.Dryden@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Receipt Notification Requested) (IPM Return Requested) ('Bradford_A_Berenson@who.eop.gov' (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN] <'Bradford_A_Berenson@who.eop.gov'>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; 'Matt_Smith@who.eop.gov' <Matt_Smith@who.eop.gov>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Martinson, Wanda S <Wanda.S.Martinson@usdoj.gov>; Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
Sent: 6/18/2001 5:39:14 AM
Subject: : Working Group Meeting Today at 4 pm

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:18-JUN-2001 09:39:14.00

SUBJECT:: Working Group Meeting Today at 4 pm

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Dryden, Susan" <Susan.Dryden@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dryden, Susan" <Susan.Dryden@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:'Bradford_A_Berenson@who.eop.gov' (Receipt Notification Requested) (IPM Return Requested) ('Bradford_A_Berenson@who.eop.gov' (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

REV_00127576

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:"'Matt_Smith@who.eop.gov'" <Matt_Smith@who.eop.gov> (Receipt Notification Requested)
(IPM Return Requested) ("'Matt_Smith@who.eop.gov'" <Matt_Smith@who.eop.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Note: Some recipients have been dropped due to syntax errors.Please refer to the
"\$AdditionalHeaders" item for the complete headers.
All --

This is a reminder that our weekly Confirmation Working Group meeting will
be this afternoon at 4 pm in the Associate Attorney General's conference
room at DOJ (Room 4627).

See you then.

Jennifer

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Dryden, Susan <Susan.Dryden@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Receipt Notification Requested) (IPM Return Requested) ('Bradford_A_Berenson@who.eop.gov' (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN] <'Bradford_A_Berenson@who.eop.gov'>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; 'Matt_Smith@who.eop.gov' <Matt_Smith@who.eop.gov>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Martinson, Wanda S <Wanda.S.Martinson@usdoj.gov>; Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
Sent: 6/18/2001 5:39:44 AM
Subject: : Working Group Meeting Today at 4 pm

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:18-JUN-2001 09:39:44.00

SUBJECT:: Working Group Meeting Today at 4 pm

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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READ:UNKNOWN

TO:"Dryden, Susan" <Susan.Dryden@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dryden, Susan" <Susan.Dryden@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

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TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

REV_00127578

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:"'Matt_Smith@who.eop.gov'" <Matt_Smith@who.eop.gov> (Receipt Notification Requested)
(IPM Return Requested) ("'Matt_Smith@who.eop.gov'" <Matt_Smith@who.eop.gov> (Receipt
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CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
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READ:UNKNOWN
End Original ARMS Header

Note: Some recipients have been dropped due to syntax errors.Please refer to the
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All --

This is a reminder that our weekly Confirmation Working Group meeting will
be this afternoon at 4 pm in the Associate Attorney General's conference
room at DOJ (Room 4627).

See you then.

Jennifer

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2001 6:41:29 AM
Subject: : Bates call sheet

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-JUN-2001 10:41:29.00

SUBJECT:: Bates call sheet

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Just a reminder that I'll need the Bates call sheet some time this afternoon to turn in to the Staff Sec's. office.

Thanks!

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 6/18/2001 8:43:54 AM
Subject: : 06-20-01 WHJSC agenda

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-JUN-2001 12:43:54.00

SUBJECT:: 06-20-01 WHJSC agenda

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please let me know what items you have for this week's meeting.

Thanks!

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 6/18/2001 2:57:16 PM
Subject: : WHJSC meeting this week

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-JUN-2001 18:57:16.00

SUBJECT:: WHJSC meeting this week

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Are we still proceeding with the meeting on Wednesday? I haven't yet received any agenda items to be included in the book for this week.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/19/2001 6:41:45 AM
Subject: : Executive Clerk's Office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-JUN-2001 10:41:45.00

SUBJECT:: Executive Clerk's Office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that Tim Saunders will be out for about two weeks starting tomorrow. All direction and messages involving the Clerk's Office, including judicial nominations, should be directed to the individuals mentioned in

REV_00127746

the below email. Thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
06/19/2001 10:36 AM -----

G. Timothy Saunders

06/19/2001 10:32:14 AM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: David E. Kalbaugh/WHO/EOP@EOP, William W. McCathran/WHO/EOP@EOP
Subject: re

LIBBY,

I will be out of the office from June 20 until July 9.

For assistance, please contact David Kalbaugh or William McCathran in the
Executive Clerk's Office.

Thank you.

TIM SAUNDERS
EXECUTIVE CLERK

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
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Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-JUN-2001 10:41:45.00

SUBJECT:: Executive Clerk's Office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that Tim Saunders will be out for about two weeks starting tomorrow. All direction and messages involving the Clerk's Office, including judicial nominations, should be directed to the individuals mentioned in

REV_00127748

the below email. Thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
06/19/2001 10:36 AM -----

G. Timothy Saunders

06/19/2001 10:32:14 AM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: David E. Kalbaugh/WHO/EOP@EOP, William W. McCathran/WHO/EOP@EOP
Subject: re

LIBBY,

I will be out of the office from June 20 until July 9.

For assistance, please contact David Kalbaugh or William McCathran in the
Executive Clerk's Office.

Thank you.

TIM SAUNDERS
EXECUTIVE CLERK

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Heather Larrison/WHO/EOP@EOP [UNKNOWN] <Heather Larrison>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>
CC: Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>
Sent: 6/19/2001 6:53:33 AM
Subject: : Judicial Selection Meeting Schedule

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-JUN-2001 10:53:33.00

SUBJECT:: Judicial Selection Meeting Schedule

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Larrison (CN=Heather Larrison/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00127752

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We will not have a meeting on Wednesday, June 20th (tomorrow).

We will have the meeting next Wednesday, June 27th.

We will postpone the Wednesday, July 4 (Independence Day) meeting to
Thursday, July 5. Same drill - 4-5pm in the Roosevelt.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/19/2001 11:16:00 AM
Subject: : Addendum

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-JUN-2001 15:16:00.00

SUBJECT:: Addendum

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The talking points re the WI US Attorneys are going only to the AG, not to the Senate.

RLB

REV_00127754

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/20/2001 8:22:34 AM
Subject: : national instant criminal background check system (NICS)

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-JUN-2001 12:22:34.00

SUBJECT:: national instant criminal background check system (NICS)

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

There is a meeting tomorrow at 1:45 in Jay's office (OEOB 254) with Jay L., Diana S. and Viet Den.

If you are the NICS person please call me asap so we can discuss.

Thanks!

REV_00127757

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 6/20/2001 10:11:42 AM
Subject: : More on FBI

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 20-JUN-2001 14:11:42.00

SUBJECT:: More on FBI

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

<http://www.newsday.com/ap/text/washington/ap795.htm>

REV_00127759

From: CN=Susan B. Ralston/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: anne m. hughes/who/eop@eop [WHO] <anne m. hughes>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 6/20/2001 11:17:04 AM
Subject: : Re: Karl Rove's Fri, June 22 trip to Hot Springs, VA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-JUN-2001 15:17:04.00
SUBJECT:: Re: Karl Rove's Fri, June 22 trip to Hot Springs, VA
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:anne m. hughes (CN=anne m. hughes/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Talked w/ Moose who denied the request. No problem. PAC has agreed to pay for the charter.

Rachel L. Brand 06/20/2001 10:52:13 AM

Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP
cc: anne m. hughes/who/eop@eop, robert w. cobb/who/eop@eop, Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: Karl Rove's Fri, June 22 trip to Hot Springs, VA

Susan:
I don't know whether an individual (as opposed to the PAC) can pay for the plane. You'll have to get sign-off from Moose on that.

The regulation that we normally use for political travel allows for payment to be made by PACs and campaign committees only. Moose will know if there is some other rule that allows for this.

RLB

Susan B. Ralston
06/20/2001 10:45:17 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP, Anne M. Hughes/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Karl Rove's Fri, June 22 trip to Hot Springs, VA

I had submitted the paperwork for this Friday's trip thinking that Gilmore's PAC was going to be paying for the charter. Was just advised that they have secured an individual donor for the plane.

REV_00127766

Here's what I know:

The King Air plane is privately owned by Cliff Harrup.

Cliff owns and operates a company called Central Virginia Aviation which is a charter plane company.

The company does not own the plane. Cliff owns the plane personally.

Cliff will be one of the two pilots flying Karl to Hot Springs.

When I get the fax confirming this information, I will send it to you. Do you want me to complete REVISED forms, or can you just change the info?

Sorry for the late scramble on this.

Susan

x 62369

From: CN=Adrian G. Gray/OU=WHO/O=EOP [WHO]
To: Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>
CC: melissa s. bennett/who/eop@eop [WHO] <melissa s. bennett>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/20/2001 11:47:29 AM
Subject: : Re: NJ

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-JUN-2001 15:47:29.00
SUBJECT:: Re: NJ
TO:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:melissa s. bennett (CN=melissa s. bennett/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If Secretary Card flies on a private plane to the NJ GOP Fundraiser, I would run it by counsel's office first.

AG

Alicia W. Davis
06/20/2001 03:44:08 PM
Record Type: Record

To: Melissa S. Bennett/WHO/EOP@EOP
cc: Adrian G. Gray/WHO/EOP@EOP
Subject: NJ

Cliff Sobel wants to fly him in on his plane and have him land at the Mercer County airport which is 15 minutes away from the event site.

Does that work?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 6/21/2001 5:13:33 AM
Subject: : Re: Kuhl talking points

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-JUN-2001 09:13:33.00
SUBJECT:: Re: Kuhl talking points
TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Please follow up with him again today. Thanks.

Brent D. Greenfield
06/21/2001 08:19:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Rachel L. Brand/WHO/EOP@EOP
bcc:
Subject: Re: Kuhl talking points

I hand delivered the revised talking points to our people here and switched them out...I had already given the binders to Public Liaison, but Matt Smith has assured me that he will get the revised TP's to anyone that has the old version.

Brett M. Kavanaugh
06/20/2001 09:00:20 PM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP, Brent D. Greenfield/WHO/EOP@EOP
cc:
Subject: Kuhl talking points

Can you confirm for me that these were changed in the tp's that will be made public? Thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Kyle Sampson [WHO] <Kyle Sampson>
CC: Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
Sent: 6/21/2001 5:18:54 AM
Subject: : June 29 mtg. w/ POTUS re: judges & US Attorneys

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-JUN-2001 09:18:54.00

SUBJECT:: June 29 mtg. w/ POTUS re: judges & US Attorneys

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

CC:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that I am submitting a request for 45 minutes on June 29 to dicuss w/
POTUS judges & US Attorneys.

Will advise of time once we are notified.

Thanks!

REV_00127778

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Kyle Sampson [WHO] <Kyle Sampson>
CC: Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
Sent: 6/21/2001 5:18:54 AM
Subject: : June 29 mtg. w/ POTUS re: judges & US Attorneys

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-JUN-2001 09:18:54.00

SUBJECT:: June 29 mtg. w/ POTUS re: judges & US Attorneys

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

CC:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that I am submitting a request for 45 minutes on June 29 to dicuss w/
POTUS judges & US Attorneys.

Will advise of time once we are notified.

Thanks!

REV_00127779

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Kyle Sampson [WHO] <Kyle Sampson>
CC: Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Elizabeth W. Kleppe/OVP/EOP@EOP [OVP] <Elizabeth W. Kleppe>;Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>
Sent: 6/21/2001 1:15:10 PM
Subject: : Mtg. with POTUS on 6/29 - 1:35-2:05 in the Oval

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-JUN-2001 17:15:10.00

SUBJECT:: Mtg. with POTUS on 6/29 - 1:35-2:05 in the Oval

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

CC:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Topic: Judges and US Attorneys

Participants include: Vice President Cheney, Andy Card, Al Gonzales, Karl Rove, Tim Flanigan, H. Christopher Bartolomucci, Brad Berenson, Brett Kavanaugh, Helgi Walker, Noel Francisco and Kyle Sampson.

Please let me know if I am missing anyone.

Thanks!

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/21/2001 2:54:11 PM
Subject: : Waxman letter edit

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-JUN-2001 18:54:11.00

SUBJECT:: Waxman letter edit

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

You suggested that we add references to our guidance memos and to the Staff Manual in our explanation of the ethics training. After examining those sources, I am of the opinion we should not add them. The first is quite general and the second, because it is designed to scare staffers away from the legal line, contains a good bit of loose language. I would not want to encourage Waxman to refer to these sources instead of the actual regulations that governed Karl's conduct. The issue must be whether there was any violation of law, not whether there was any arguable or apparent violation of broadly-worded or extra-cautious internal policies. Let me know if you disagree.

REV_00127787

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;albert hawkins/who/eop@eop [WHO] <albert hawkins>
BCC: Courtney S. Elwood (Courtney S. Elwood/WHO/EOP [WHO])
Sent: 6/22/2001 6:21:10 AM
Subject: : Re: Quick question from Dept of Ed

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JUN-2001 10:21:10.00
SUBJECT:: Re: Quick question from Dept of Ed
TO:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:albert hawkins (CN=albert hawkins/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We have recommended against this type of activity for our employees.
There can be an appearance of or - depending on the circumstances - an
actual use of public office for private gain. I want to emphasize that
the decision is up to DOE.

Laura S. Lawlor
06/21/2001 06:42:15 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Albert Hawkins/WHO/EOP@EOP
Subject: Quick question from Dept of Ed

Do you have any thoughts with regard to this? thanks

The Secretary received a request from the College Republicans National
Committee asking him to donate something for the College Republicans
Silent Auction. DOEd sent the request to their lawyers/ethics office, who
recommended that it was probably not a good idea and suggested declining
the request. Terry would like to know if we have any ethical guidance, if
other Cabinet Members have received similar requests, and if so, how have
they responded?

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;eric hagans/who/eop@eop [WHO] <eric hagans>
Sent: 6/22/2001 3:54:22 AM
Subject: : Re: Files to the Hill, Wednesday June 27th @ 10:30 a.m. -- please let Eric or me know if you can take these

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JUN-2001 07:54:22.00
SUBJECT:: Re: Files to the Hill, Wednesday June 27th @ 10:30 a.m. -- please let Eric or me know if you can take these
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I can try to do this one.

Laura L. Flippin
06/22/2001 07:34:48 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Eric Hagans/WHO/EOP@EOP
Subject: Files to the Hill, Wednesday June 27th @ 10:30 a.m. -- please let Eric or me know if you can take these

Wednesday, June 27th
Senator Boxer
Files: Prosper (Amb at Large for War Crimes), Francis Taylor (Coordinator for Counterterrorism), Tutwiler (Amb to Morocco)
Will get contact and room information

Message Sent

REV_00127905

To: _____

Bradford A. Berenson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/22/2001 7:00:14 AM
Subject: : Cool White House stuff

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-JUN-2001 11:00:14.00

SUBJECT:: Cool White House stuff

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.whitehousegiftshop.com/>

REV_00127908

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/22/2001 1:38:38 PM
Subject: : Political Events

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-JUN-2001 17:38:38.00

SUBJECT:: Political Events

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hi Brett! Just wanted to touch base (I think one of our volunteers, Lisa Vogt, called you) to see if we can get a memo on the dos and don'ts of Larry Lindsey appearing at political events. We know that he cannot use (and neither can the group) his official title. Nor can he fundraise. But we're trying to put together some clear guidance for him on a variety of events.

Your guidance, as always, is tremendously appreciated.

Regards,
Janet

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
Sent: 6/22/2001 1:44:44 PM
Subject: : Re: Military Death Penalty

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:22-JUN-2001 17:44:44.00

SUBJECT:: Re: Military Death Penalty

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

I think we've been doing these. Let me check with Jock Scharfen.

REV_00127918

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>
Sent: 6/22/2001 10:17:02 AM
Subject: : Re: Military Death Penalty

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JUN-2001 14:17:02.00
SUBJECT:: Re: Military Death Penalty
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Probably me, although we haven't dealt yet with the military in particular.

REV_00127921

A. Morgan Middlemas
06/22/2001 01:15:25 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Military Death Penalty

Who is responsible for this issue?

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/22/2001 1:38:38 PM
Subject: : Political Events

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:22-JUN-2001 17:38:38.00

SUBJECT:: Political Events

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hi Brett! Just wanted to touch base (I think one of our volunteers, Lisa Vogt, called you) to see if we can get a memo on the dos and don'ts of Larry Lindsey appearing at political events. We know that he cannot use (and neither can the group) his official title. Nor can he fundraise. But we're trying to put together some clear guidance for him on a variety of events.

Your guidance, as always, is tremendously appreciated.

Regards,
Janet

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
Sent: 6/22/2001 1:44:44 PM
Subject: : Re: Military Death Penalty

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:22-JUN-2001 17:44:44.00

SUBJECT:: Re: Military Death Penalty

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

I think we've been doing these. Let me check with Jock Scharfen.

REV_00127924

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/23/2001 7:11:46 AM
Subject: : Judicial Consultations with Senators

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-JUN-2001 11:11:46.00

SUBJECT:: Judicial Consultations with Senators

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Are there any meetings that need to be scheduled?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/23/2001 7:11:46 AM
Subject: : Judicial Consultations with Senators

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-JUN-2001 11:11:46.00

SUBJECT:: Judicial Consultations with Senators

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Are there any meetings that need to be scheduled?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 6/25/2001 5:41:50 AM
Subject: : Re: 06-27-01 WHJSC meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-JUN-2001 09:41:50.00
SUBJECT:: Re: 06-27-01 WHJSC meeting
TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

new

Brent D. Greenfield
06/25/2001 09:36:51 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
CC:
Subject: Re: 06-27-01 WHJSC meeting

new or old business?

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 6/25/2001 6:40:57 AM
Subject: : Re: Larry Lindsey

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JUN-2001 10:40:57.00
SUBJECT:: Re: Larry Lindsey
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I will handle it.

A. Morgan Middlemas
06/25/2001 09:23:27 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Larry Lindsey

Larry Lindsey has a speech in NYC tomorrow afternoon. He is speaking to a group of Lehman Brothers clients. They want an ethics check/clearance on the event. Will one of you please call their office, thanks:

Edwina Rogers
456-5566

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Laura L. Flippin/WHO/EOP [WHO] <Laura L. Flippin>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;eric hagans/who/eop@eop [WHO] <eric hagans>
Sent: 6/25/2001 11:19:12 AM
Subject: : Re: Files to Hill, Tuesday, June 26th @ 11 a.m. -- please let Eric or me know if you can take these

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JUN-2001 15:19:12.00
SUBJECT:: Re: Files to Hill, Tuesday, June 26th @ 11 a.m. -- please let Eric or me know if you can take these
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I can take these.

Laura L. Flippin
06/25/2001 03:18:12 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Eric Hagans/WHO/EOP@EOP
Subject: Files to Hill, Tuesday, June 26th @ 11 a.m. -- please let Eric or me know if you can take these

Tuesday, June 26th, 11 a.m.
Senator Wellstone
Hart 136
Files: Tutwiler (Amb to Morocco) and Blackwill (Amb to India)
Contact: Jennifer O'Keefe 224-2159

Message Sent
To: _____

REV_00127949

Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 6/25/2001 7:57:48 AM
Subject: : Re: 2d Circuit New York vacancy

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JUN-2001 11:57:48.00
SUBJECT:: Re: 2d Circuit New York vacancy
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

New York is assigned to me, and I have developed something of a relationship with the Pataki and Schumer folks. So it may make sense for me to continue in this role . . . although I don't feel really strongly about it.

Bradford A. Berenson
06/25/2001 11:21:33 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 2d Circuit New York vacancy

Contrary to my representation at the staff meeting this morning, there will be a vacancy in the Second Circuit from New York this year. Judge Pierre Leval is eligible for senior status on 9/4/01 and has indicated to close associates that he intends to take it. I recommend that we begin working this vacancy immediately so that we are in a position to make a

REV_00127951

nomination shortly after the seat comes open. I will be happy to work the vacancy unless others are interested, in which case the Judge and Tim can make an assignment.

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/25/2001 1:18:36 PM
Subject: : LRM LJM22 - - TREASURY Report on HR1408 Financial Services Antifraud Network Act of 2001
Attachments: P_CFMJ2004_WHO.TXT_1.doc; P_CFMJ2004_WHO.TXT_2

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-JUN-2001 17:18:36.00

SUBJECT:: LRM LJM22 - - TREASURY Report on HR1408 Financial Services Antifraud Network Act of 2001

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
06/25/2001 05:17 PM -----

From: Lisa J. Macecevic on 06/25/2001 05:12:38 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: LRM LJM22 - - TREASURY Report on HR1408 Financial Services
Antifraud Network Act of 2001

H.R. 1408 is scheduled to be marked up by the full Judiciary Committee on
Wednesday, June 27th.
Please return all comments on the attached letter by noon tomorrow,
Tuesday, June 26th.
Thank you. (The bill text as marked up by subcommittee is 72 pages;
therefore, it will only be emailed.)

Letter ---> - hrl408c.doc
Bill Text --->

LRM ID: LJM22
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, June 25, 2001

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Richard E. Green (for) Assistant Director for
Legislative Reference
OMB CONTACT: Lisa J. Macecevic
PHONE: (202)395-1092 FAX: (202)395-3109
SUBJECT: TREASURY Report on HR1408 Financial Services Antifraud
Network Act of 2001

DEADLINE: 12:00 NOON Tuesday, June 26, 2001

In accordance with OMB Circular A-19, OMB requests the views of your
agency on the above subject before advising on its relationship to the
program of the President. Please advise us if this item will affect
direct spending or receipts for purposes of the "Pay-As-You-Go" provisions
of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: H.R. 1408 is scheduled to be marked up by the full Judiciary

REV_00127953

Committee on Wednesday, June 27th. Please return all comments on the attached letter by noon tomorrow, Tuesday, June 26th. Thank you. (The bill text as marked up by subcommittee is 72 pages; therefore, it will only be emailed.)

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K. Philippa Malmgren
James J. Jukes
Richard E. Green
Irene Kho
LRM ID: LJM22 SUBJECT: TREASURY Report on HR1408 Financial
Services Antifraud Network Act of 2001
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this

response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Lisa J. Macecevic Phone: 395-1092 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-3454

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Sent

To: _____
justice.lrm@usdoj.gov @ znet
HUD_LRM@hud.gov @ znet
CLRM@doc.gov @ znet
usdaocrleg@obpa.usda.gov @ znet
usdaobpaleg@obpa.usda.gov @ znet
statelrm@state.gov @ znet

Message Copied

To: _____
Andrew Abrams/OMB/EOP@EOP
Hitesh Vyas/OMB/EOP@EOP
James Boden/OMB/EOP@EOP
Lauren Larson/OMB/EOP@EOP
Alan B. Rhinesmith/OMB/EOP@EOP
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Cesar Conda/OVP/EOP@EOP
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K. Philippa Malmgren/OPD/EOP@EOP
James J. Jukes/OMB/EOP@EOP
Richard E. Green/OMB/EOP@EOP
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CFMJ2004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CFMJ2004_WHO.TXT_2>

June 26, 2001

The Honorable Michael G. Oxley
Chairman
Committee on Financial Services
Washington, D.C. 20515

Dear Mr. Chairman:

I understand that your Committee is scheduled to mark up H.R. 1408, the Financial Services Antifraud Network Act of 2001, which the Subcommittee on Financial Institutions and Consumer Credit reported on June 13. The Treasury Department supports the unquestioned goal of sharing information between Federal and State financial regulators to combat fraud.

The Treasury Department would appreciate your consideration of the following changes to the bill prior to the Committee markup:

- (1) Locate the authority to develop, implement, and maintain the network with the Secretary of the Treasury or his designee. We are concerned that the President's Working Group on Financial Markets is not the best location for the antifraud network. As the major policy adviser to the President on economic and financial issues, and in light of the fact that the Financial Crimes Enforcement Network (FinCEN) and the United States Secret Service both have significant antifraud responsibilities and experience, the Treasury Department should have a coordinating role in combating fraudulent practices which undermine the economy.
- (2) Require that access to the information available on the network be limited to those regulators that participate. We believe that the ability to participate in the network should be conditioned on an entity's willingness to supply information to other network participants. We also believe that, subject to appropriate privacy and other protections, participants should be able to receive the quality of data that they provide, *e.g.*, they should not be able to receive information if they withhold such data from other network participants.
- (3) Provide adequate appropriations. While we strongly support the goals of this legislation, we believe that implementing this bill will require resources adequate to the important task envisioned in the legislation.
- (4) Provide parallel privacy safeguards for information under the bill. We believe that the privacy protections contained elsewhere in the bill also should apply to any information that is shared under Subtitle A of Title I.

Thank you for your consideration of these issues. We stand ready to work with you and the Committee to advance the important goal of combating financial fraud.

The Office of Management and Budget advised that there is no objection to the presentation of this report from the standpoint of the Administration's legislative program.

Sincerely,

David D. Aufhauser
General Counsel

cc: Honorable John J. LaFalce

06/15/01 FRI 10:35 FAX 202 225 5272

BANKING COMMITTEE

2002

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[Managers substitute]

H.L.C.

**Amendment in the Nature of a Substitute
to H.R. 1408**

Offered by Mr. Rogers of Michigan

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- 2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Financial Services Antifraud Network Act of 2001”.

- 4 (b) **TABLE OF CONTENTS.**—The table of contents of

5 this Act is as follows:

- Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

TITLE I—ANTI-FRAUD NETWORK

Subtitle A—Direction to Financial Regulators

Sec. 100. Creation and operation of the network.

Subtitle B—Potential Establishment of Antifraud Subcommittee

- Sec. 101. Establishment.
Sec. 102. Purposes of the Subcommittee.
Sec. 103. Chairperson; term of chairperson; meetings; officers and staff.
Sec. 104. Notagency status.
Sec. 105. Powers of the Subcommittee.
Sec. 106. Agreement on cost structure.

Subtitle C—Regulatory Provisions

- Sec. 111. Agency supervisory privilege.
Sec. 112. Confidentiality of information.
Sec. 113. Liability provisions.
Sec. 114. Authorization for identification and criminal background checks.
Sec. 115. Definitions.

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[Managers substitute]

H.L.C.

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1 (d) VACANCY.—If, for any reason, the position of any
2 member of or liaison to the Subcommittee is not filled
3 within a reasonable period of time after being created or
4 becoming vacant, the President shall appoint an individual
5 to fill the position after consulting the agency or entity
6 to be represented by such member or liaison, and to the
7 extent possible, shall appoint such individual from a list
8 of possible representatives submitted by such agency or
9 entity.

10 (e) REORGANIZATION AUTHORITY.—

11 (1) IN GENERAL.—If the President disbands or
12 otherwise significantly modifies the Working Group
13 referred to in subsection (a), the President shall pro-
14 vide for the continuation of the Subcommittee's co-
15 ordination functions.

16 (2) MEMBER AND LIAISON WITHDRAWAL.—If
17 the President materially alters the structure or du-
18 ties of the Subcommittee, any member of or liaison
19 to the Subcommittee may withdraw from the Sub-
20 committee.

21 SEC. 102. PURPOSES OF THE SUBCOMMITTEE.

22 (a) IN GENERAL.—The purposes of the Sub-
23 committee are as follows:

24 (1) Coordinate access by the participants to
25 antifraud databases of various regulators, by facili-



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[Managers substitute]

H.L.C.

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1 tating the establishment, maintenance, and use of a
2 computer network of existing antifraud information
3 maintained by such regulators with respect to per-
4 sons engaged in the business of conducting financial
5 activities.

6 (2) Coordinate access by each participant to
7 such computer network in a manner that allows the
8 participant to review, at a minimal cost, existing in-
9 formation in the databases of other regulators, as a
10 part of licensure, change of control, or investigation,
11 concerning any person engaged in the business of
12 conducting financial activities.

13 (3) Coordinate information sharing, where ap-
14 propriate, among State, Federal, and foreign finan-
15 cial regulators, and law enforcement agencies, where
16 sufficient privacy and confidentiality safeguards
17 exist.

18 (4) Consider coordinating development of a
19 networked name-relationship index for persons en-
20 gaged in the business of conducting financial activi-
21 ties using information from the databases of regu-
22 lators, to the extent such information is available.

23 (5) Advise participants on coordinating their
24 antifraud databases with the computer network.



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[Managers substitute]

H.L.C.

12

1 (6) Coordinate development of guidelines by
2 participants for ensuring appropriate privacy, con-
3 fidentiality, and security of shared information, in-
4 cluding tracking systems or testing audits, as appro-
5 priate.

6 (b) CRITERIA FOR NETWORK WITH RESPECT TO
7 ANY PERSON ENGAGED IN THE BUSINESS OF CON-
8 DUCTING FINANCIAL ACTIVITIES.—

9 (1) FINAL DISCIPLINARY AND FORMAL EN-
10 FORCEMENT ACTIONS.—Each financial regulator
11 that is represented by a member of the Sub-
12 committee under section 101(a) or by a financial li-
13 aison to the Subcommittee under section 101(b)
14 shall allow any participant access, through the net-
15 work, to any public final disciplinary or formal en-
16 forcement action by such regulator which is acces-
17 sible electronically relating to the conduct of persons
18 engaged in the business of conducting financial ac-
19 tivities that is fraudulent or dishonest, involves a
20 breach of trust, or relates to the failure to register
21 with the appropriate financial regulator as required
22 by law.

23 (2) SENSE OF THE CONGRESS ON OTHER IN-
24 FORMATION.—



June 13, 2001

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[Managers substitute]

H.L.C.

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1 (A) IN GENERAL.—It is the sense of the
2 Congress that the participants, to the extent
3 they consider practicable and appropriate,
4 should consider sharing through the network
5 other antifraud information relating to compa-
6 nies and other persons engaged in the business
7 of conducting financial activities, but only
8 where the participant determines that there will
9 be adequate privacy and confidentiality safe-
10 guards governing access to and use of such in-
11 formation.

12 (B) INFORMATION WHICH SHOULD BE IN-
13 CLUDED.—It is the sense of the Congress that
14 the types of information to be shared by the
15 participants under paragraph (A) through the
16 network should include—

17 (i) information that is accessible by
18 the public relating to companies and other
19 persons engaged in conducting financial
20 activities;

21 (ii) information relating to companies
22 and other persons engaged in conducting
23 financial activities that a participant deter-
24 mines to be factual and substantiated and
25 does not include personally identifiable in-



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[Managers substitute]

H.L.C.

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1 formation on consumers, such as approved
2 licenses and applications, financial affili-
3 ations and name-relationships, aggregate
4 trend data, and financial reports generated
5 by or filed with a participant; and

6 (iii) information to be shared on a bi-
7 lateral or multilateral basis pursuant to a
8 memorandum of understanding negotiated
9 by the involved participants, except that
10 this title does not create any new author-
11 ization for such sharing.

12 (3) NOTIFICATION AND RESPONSE.—If a finan-
13 cial regulator takes an action against a person en-
14 gaged in the business of conducting financial activi-
15 ties on the basis of information described in para-
16 graph (1) or (2) that was received from another par-
17 ticipant through the network, such regulator shall
18 notify the person of—

19 (A) the identity of the participant from
20 whom such information was received;

21 (B) the type of information that was re-
22 ceived from the other participant through the
23 network and would be relied on in taking the
24 adverse action; and



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[Managers substitute]

H.L.C.

15

1 (C) the right to a reasonable opportunity
2 to respond to such information.

3 (4) USE OF CENTRALIZED DATABASES.—

4 (A) IN GENERAL.—A member or financial
5 liaison shall be deemed to have met the require-
6 ments of paragraph (1) if the Subcommittee de-
7 termines that the participants have access to a
8 centralized database that contains information
9 on public final disciplinary or formal enforce-
10 ment actions similar to that described in para-
11 graph (1) or if the member or liaison makes the
12 information described in paragraph (1) avail-
13 able to the public over the Internet.

14 (B) FACTORS FOR DETERMINATION.—The
15 Subcommittee shall make the determination
16 under subparagraph (A) on an ongoing basis,
17 considering both short-term costs and techno-
18 logical limitations, as well as the need for long-
19 term comprehensive coverage, and other appro-
20 priate factors.

21 (C) STATE SUPERVISORS.—It is the sense
22 of the Congress that the National Association
23 of Insurance Commissioners, the Conference of
24 State Bank Supervisors, the National Associa-
25 tion of State Credit Union Supervisors, and the



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[Managers substitute]

H.L.C.

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1 North American Securities Administrators As-
2 sociation should develop model guidelines for
3 their respective regulated financial industries,
4 where appropriate, to promote uniform stand-
5 ards for sharing information with the network
6 under this section.

7 (c) FINANCIAL REGULATOR CONTROL OF ACCESS.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (4), each participant that allows access to its
10 databases or information by other participants
11 through the network may establish parameters for
12 controlling or limiting such access, including the reg-
13 ulation of—

14 (A) the type or category of information
15 that may be accessed by other participants and
16 the extent to which any such type or category
17 of information may be accessed;

18 (B) the participants that may have access
19 to the database or any specific type or category
20 of information in the database (whether for rea-
21 sons of cost reimbursement, data security, effi-
22 ciency, or otherwise); and

23 (C) the disclosure by any other participant
24 of any type or category of information that may
25 be accessed by the participant.



June 13, 2001

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[Managers substitute]

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17

1 (2) PROCEDURES.—Any action by a participant
2 under paragraph (1) may be established by regula-
3 tions, orders, or guidelines or on a case-by-case
4 basis.

5 (3) DISCLAIMER.—

6 (A) IN GENERAL.—Each participant shall
7 ensure that any transfer of information under
8 this section, other than information described in
9 subsection (b)(1), from such participant to an-
10 other participant be subject to a disclaimer that
11 the information accessed may be unsubstan-
12 tiated and may not be relied on as the basis for
13 denying any application or license.

14 (B) SUBCOMMITTEE FLEXIBILITY.—The
15 Subcommittee may prescribe such guidelines as
16 the Subcommittee determines to be appropriate
17 governing the location, wording, and frequency
18 of disclaimers under this paragraph and the
19 manner in which any such disclaimer shall be
20 made.

21 (4) FINAL DISCIPLINARY AND FORMAL EN-
22 FORCEMENT ACTIONS NOT SUBJECT TO LIMITA-
23 TION.—This subsection, and standards or proce-
24 dures adopted by any participant under this sub-



June 13, 2001

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[Managers substitute]

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18

1 section, shall not apply with respect to information
2 described in subsection (b)(1).

3 (5) NO EFFECT ON PUBLIC OR COMPANY AC-
4 CESS.—No provision of this section shall replace, su-
5 persede, or otherwise affect access to any databases
6 maintained by any Federal or State regulator, or
7 any entity representing any such regulator, which
8 are accessible by the public or persons engaged in
9 the business of conducting financial activities.

10 (d) ELIGIBILITY REQUIREMENTS FOR STATE SECU-
11 RITIES ADMINISTRATORS.—

12 (1) IN GENERAL.—No State securities adminis-
13 trator shall be eligible to be a participant and access
14 the network unless—

15 (A) such State securities administrator
16 participates in a centralized database for
17 broker-dealers, broker-dealer agents, investment
18 advisers, and investment advisor representa-
19 tives, registered or required to be registered, as
20 designated by the North American Securities
21 Administrators Association; and

22 (B) such State securities administrator re-
23 quires the broker-dealer, broker-dealer agent,
24 investment adviser, or investment adviser rep-
25 resentative, currently registered or required to



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[Managers substitute]

H.L.C.

19

1 be registered, to file any application, amend-
2 ment to an application, or a renewal of an ap-
3 plication through the centralized registration
4 database.

5 (2) TIME DELAY FOR PARTICIPATION IN DATA-
6 BASES.—The provisions of paragraph (1) shall not
7 become effective until 3 years after the date of en-
8 actment of this Act.

9 (e) ELIGIBILITY REQUIREMENTS FOR STATE INSUR-
10 ANCE COMMISSIONERS.—

11 (1) PARTICIPATION IN DATABASES.—No State
12 insurance commissioner shall be eligible to access
13 the network unless such commissioner participates
14 with other State insurance commissioners—

15 (A) in a centralized database addressing
16 disciplinary or enforcement actions taken
17 against persons engaged in the business of in-
18 surance, such as the Regulatory Information
19 Retrieval System maintained by the National
20 Association of Insurance Commissioners or any
21 network or database designated by such Asso-
22 ciation as a successor to such System; and

23 (B) in centralized databases addressing,
24 with respect to persons engaged in the business
25 of insurance—



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BANKING COMMITTEE

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Sec. 116. Technical and conforming amendments to other acts.
 Sec. 117. Audit of State insurance regulators.

TITLE II—SECURITIES INDUSTRY COORDINATION

Subtitle A—Disciplinary Information

Sec. 201. Investment Advisers Act of 1940.
 Sec. 202. Securities Exchange Act of 1934.

Subtitle B—Preventing Migration of Rogue Financial Professionals to the Securities Industry

Sec. 211. Securities Exchange Act of 1934.
 Sec. 212. Investment Advisers Act of 1940.

1 SEC. 2. PURPOSES.

2 The purposes of this Act are—

3 (1) to safeguard the public from fraud in the fi-
 4 nancial services industry;

5 (2) to streamline the antifraud coordination ef-
 6 forts of Federal and State regulators and prevent
 7 failure to communicate essential information;

8 (3) to reduce duplicative information requests
 9 by, and other inefficiencies of, financial services reg-
 10 ulation;

11 (4) to assist financial regulators in detecting
 12 patterns of fraud, particularly patterns that only be-
 13 come apparent when viewed across the full spectrum
 14 of the financial services industry; and

15 (5) to take advantage of Internet technology
 16 and other advanced data-sharing technology to mod-
 17 ernize the fight against fraud in all of its evolving
 18 manifestations and permutations.



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1 (i) corporate and other business affili-
2 ations or relationships, such as the Pro-
3 ducer Database maintained by the Na-
4 tional Association of Insurance Commis-
5 sioners or any network or database des-
6 ignated by such Association as a successor
7 to such Database; and

8 (ii) consumer complaints, such as the
9 Complaints Database maintained by the
10 National Association of Insurance Commis-
11 sioners or any network or database des-
12 ignated by such Association as a successor
13 to such Database.

14 (2) TIME DELAY FOR PARTICIPATION IN DATA-
15 BASES.—The provisions of subparagraph (1)(B) of
16 this section shall not become effective until 3 years
17 after the date of enactment of this Act.

18 (3) ACCREDITATION.—No State insurance com-
19 missioner shall be eligible to access the network un-
20 less the State insurance department which such
21 commissioner represents meets 1 of the following ac-
22 creditation requirements at the time of access to the
23 network:

24 (A) Is accredited by the National Associa-
25 tion of Insurance Commissioners.



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1 (B) Has an application for accredited sta-
2 tus pending with the National Association of
3 Insurance Commissioners.

4 (C) Has a determination by the Sub-
5 committee in effect that such State insurance
6 department meets or exceeds the standards es-
7 tablished by the National Association of Insur-
8 ance Commissioners for accreditation.

9 (f) SUBCOMMITTEE STANDARDS.—The Sub-
10 committee shall consider developing guidelines for partici-
11 pants on—

12 (1) how to denote which types of information
13 are to receive different levels of confidentiality pro-
14 tection; and

15 (2) how entities or associations that act as
16 agents for financial regulators should denote such
17 agency status when acting in that capacity.

18 (g) REPORTING AND FEASIBILITY REQUIREMENTS
19 AND REVIEW OF OPTIMAL NETWORKING METHODS.—

20 (1) REPORT.—Before the end of the 180-day
21 period beginning on the date this subtitle takes ef-
22 fect in accordance with section 101(a), and again be-
23 fore the end of the 2-year period beginning on such
24 date, the Subcommittee shall submit a report to the
25 Congress regarding the methods the regulators plan



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1 to use to network information, and a description of
2 any impediments to (or recommended additional leg-
3 islation for) facilitating the appropriate sharing of
4 such information.

5 (2) TIMEFRAME FOR NETWORKING.—

6 (A) IN GENERAL.—The networking of in-
7 formation required under subsection (a)(1) shall
8 be established before the end of the 2-year pe-
9 riod referred to in paragraph (1), unless the
10 Subcommittee determines, in conjunction with
11 the liaisons, that such a network cannot be es-
12 tablished within such time in a practicable and
13 cost-effective manner.

14 (B) REPORTS ON EFFORTS IF TIMEFRAME IS
15 NOT MET.—If the Subcommittee makes such a de-
16 termination, the Subcommittee shall report annually
17 to the Congress on its efforts to coordinate the shar-
18 ing of appropriate information among the regulators
19 until the networking requirements are fulfilled.

20 (h) OTHER SHARING ARRANGEMENTS NOT AF-
21 FECTED.—No provision of this section shall be construed
22 as limiting or otherwise affecting the authority of a finan-
23 cial regulator or other member or liaison of the Sub-
24 committee to provide any person, including another partic-



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1 ipant, access to any information in accordance with any
2 provision of law other than this Act.

3 (i) NO NEW DATABASES OR EXPENDITURES MAN-
4 DATED.—In implementing this Act, the Subcommittee
5 shall not have any authority to require a member or liaison
6 to create a new database or otherwise incur significant
7 costs in modifying existing databases for the networking
8 of information.

9 SEC. 103. CHAIRPERSON; TERM OF CHAIRPERSON; MEET-
10 INGS; OFFICERS AND STAFF.

11 (a) CHAIRPERSON.—

12 (1) SELECTION.—The members of the Sub-
13 committee shall select the Chairperson from among
14 the members of the Subcommittee.

15 (2) TERM.—The term of the Chairperson shall
16 be 2 years.

17 (b) MEETINGS.—The Subcommittee shall meet at the
18 call of the Chairperson or a majority of the members when
19 there is business to be conducted.

20 (c) QUORUM.—A majority of members of the Sub-
21 committee shall constitute a quorum.

22 (d) MAJORITY VOTE.—Decisions of the Sub-
23 committee shall be made by the vote of a majority of the
24 members of the Subcommittee.



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1 (d) ADMINISTRATIVE AND TECHNICAL SUPPORT.—

2 The Subcommittee may request that any agency or entity
3 represented by a member or liaison provide the Sub-
4 committee with any administrative, technical, or other
5 support service that the Subcommittee determines is nec-
6 essary or appropriate for it to carry out the purposes de-
7 scribed in section 102(a).

8 **SEC. 106. AGREEMENT ON COST STRUCTURE.**

9 (a) IN GENERAL.—The Subcommittee shall deter-
10 mine, after consultation with the affected participants or
11 their representatives, the means for providing for any
12 costs the Subcommittee may incur in carrying out the pur-
13 poses of this title.

14 (b) CONSULTATION AND AGREEMENT ON FEES AND
15 CONTRIBUTIONS.—Notwithstanding any other provision
16 of this title, the Subcommittee may not impose any fee
17 or assessment on, or apportion any contribution against,
18 any member or liaison under this section unless—

19 (1) the Subcommittee consults with such mem-
20 ber or liaison; and

21 (2) the member or liaison consents to the
22 amounts, or on a schedule, of such fees, assess-
23 ments, or contributions.

24 (c) REIMBURSEMENT OF PARTICIPANT COSTS.—Be-
25 fore allowing access by the Subcommittee or a participant



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1 to any information described in section 102, other than
2 access described in subsection (b)(1) of such section, a
3 member or liaison may request the reimbursement of rea-
4 sonable costs for providing such access.

5 **Subtitle C—Regulatory Provisions**

6 **SEC. 111. AGENCY SUPERVISORY PRIVILEGE.**

7 (a) **DEFINITIONS.**—For purposes of this section, the
8 following definitions shall apply:

9 (1) **SUPERVISORY PROCESS.**—The term “super-
10 visory process” means any activity engaged in by a
11 financial regulator to carry out the official respon-
12 sibilities of the financial regulator with regard to the
13 regulation or supervision of persons engaged in the
14 business of conducting financial activities, including
15 examinations, inspections, visitations, investigations,
16 consumer complaints, or any other regulatory or su-
17 pervisory activities.

18 (2) **CONFIDENTIAL SUPERVISORY INFORMA-**
19 **TION.**—Subject to paragraph (3), the term “con-
20 fidential supervisory information” means any of the
21 following information which is treated as, or consid-
22 ered to be, confidential information by a financial
23 regulator, regardless of the form or format in which
24 the information is created, conveyed, or maintained:



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1 (A) Any report of examination, inspection,
2 visitation, or investigation, and information pre-
3 pared or collected by the financial regulator in
4 connection with the supervisory process,
5 including—

6 (i) any file, work paper, or similar in-
7 formation;

8 (ii) any correspondence, communica-
9 tion, or information exchanged, between a
10 financial regulator and a person engaged
11 in the business of conducting financial ac-
12 tivities in connection with the supervisory
13 process; and

14 (iii) any information, including any
15 report, created by or on behalf of a person
16 engaged in the business of conducting fi-
17 nancial activities that is required by, or is
18 prepared at the request of, a financial reg-
19 ulator in connection with the supervisory
20 process.

21 (B) Any record to the extent it contains in-
22 formation derived from any report, correspond-
23 ence, communication or other information de-
24 scribed in subparagraph (A).



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1 (C) Any consumer complaints filed with
2 the financial regulator by a consumer with re-
3 spect to a person engaged in the business of
4 conducting financial activities that have been
5 identified by the financial regulator as requiring
6 confidential treatment to protect the integrity
7 of an investigation or the safety of an indi-
8 vidual.

9 (3) EXCLUSIONS.—The term “confidential su-
10 pervisory information” shall not include—

(A) any book, record, or other information,
in the possession of, or maintained on behalf of,
the person engaged in the business of con-
ducting financial activities that—

15 (i) is not a report required by, or pre-
16 pared at the request of, a financial regu-
17 lator; and

18 (ii) is not, and is not derived from,
19 confidential supervisory information that
20 was created or prepared by a financial reg-
21 ulator; or

22 (B) any information required to be made
23 publicly available by—

24 (i) any applicable Federal law or regu-
25 lation; or



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(ii) in the case of confidential supervisory information created by a State financial regulator or requested from a person engaged in the business of conducting financial activities by a State financial regulator, any applicable State law or regulation that specifically refers to such type of information.

9 (b) FINANCIAL REGULATOR SUPERVISORY PRIVI-
10 LEGE.—

11 (1) PRIVILEGE ESTABLISHED.—

12 (A) IN GENERAL.—All confidential super-
13 visory information shall be privileged from dis-
14 closure to any person except as provided in this
15 section.

(B) PROHIBITION ON UNAUTHORIZED DISCLOSURES.—No person in possession of confidential supervisory information may disclose such information, in whole or in part, without the prior authorization of the financial regulator that created the information, or requested the information from a person engaged in the business of conducting financial activities, except for a disclosure made in published statistical material that does not disclose, either di-

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1 **TITLE I—ANTIFRAUD NETWORK**
2 **Subtitle A—Direction to Financial**
3 **Regulators**

4 **SEC. 100. CREATION AND OPERATION OF THE NETWORK.**

5 (a) **SHARING OF PUBLIC INFORMATION.**—The finan-
6 cial regulators shall, to the extent practicable and appro-
7 priate and in consultation with other relevant and appro-
8 priate agencies and parties—

9 (1) develop procedures to provide for a network
10 for the sharing of antifraud information; and

11 (2) include an ongoing mechanism or process
12 for coordinating discussion to further improve upon
13 the regulators' antifraud efforts over time as such
14 regulators deem appropriate.

15 (b) **MINIMUM REQUIREMENTS.**—The procedures de-
16 scribed in subsection (a) shall—

17 (1) provide for the sharing of public final dis-
18 ciplinary and formal enforcement actions taken by
19 the regulators that are accessible electronically relat-
20 ing to the conduct of persons engaged in the busi-
21 ness of conducting financial activities that is fraudu-
22 lent, dishonest, or involves a breach of trust or re-
23 lates to the failure to register with the appropriate
24 financial regulator as required by law;



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1 rectly or when used in conjunction with publicly
2 available information, the affairs of any person
3 or other personally identifiable information.

4 (C) AGENCY WAIVER.—The financial regu-
5 lator that created confidential supervisory infor-
6 mation, or requested confidential supervisory
7 information from a person engaged in the busi-
8 ness of conducting financial activities may
9 waive, in whole or in part, in the discretion of
10 the regulator, any privilege established under
11 this paragraph with respect to such informa-
12 tion.

13 (2) EXCEPTIONS.—

14 (A) ACCESS BY GOVERNMENTAL BODIES.—

15 (i) CONGRESS AND GENERAL AC-
16 COUNTING OFFICE.—No provision of para-
17 graph (1) shall be construed as preventing
18 access to confidential supervisory informa-
19 tion by duly authorized committees of the
20 Congress or the Comptroller General of the
21 United States.

22 (ii) FINANCIAL REGULATOR OVER-
23 SIGHT.—No financial regulator which is
24 described in subparagraph (N), (O), or (P)
25 of section 115(3) and is subject to the



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1 oversight of a Federal financial regulator
2 may assert the privilege described in para-
3 graph (1) to prevent access to confidential
4 supervisory information by such Federal fi-
5 nancial regulator.

6 (B) PRIVILEGE NOT WAIVED.—If a finan-
7 cial regulator provides access to confidential su-
8 pervisory information to the Congress, the
9 Comptroller General, or another financial regu-
10 lator, such action shall not affect the ability of
11 the financial regulator to assert any privilege
12 associated with such information against any
13 other person.

14 (c) TREATMENT OF FOREIGN SUPERVISORY INFOR-
15 MATION.—In any proceeding before a Federal or State
16 court of the United States, in which a person seeks to
17 compel production or disclosure by a financial regulator
18 of information or a document prepared or collected by a
19 foreign financial regulator that would, had the information
20 or document been prepared or collected by a financial reg-
21 ulator, be confidential supervisory information for pur-
22 poses of this section, the information or document shall
23 be privileged to the same extent that the information and
24 documents of financial regulators are privileged under this
25 title.



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1 (d) OTHER PRIVILEGES NOT WAIVED BY DISCLO-
2 SURE TO FINANCIAL REGULATOR.—The submission by a
3 person engaged in the business of conducting financial ac-
4 tivities of any information to a financial regulator or a
5 foreign financial regulator in connection with the super-
6 visory process of such financial regulator or foreign finan-
7 cial regulator shall not waive, destroy, or otherwise affect
8 any privilege such person may claim with respect to such
9 information under Federal or State law as to a party other
10 than such financial regulator or foreign financial regu-
11 lator.

12 (e) DISCOVERY AND DISCLOSURE OF INFORMA-
13 TION.—

14 (1) INFORMATION AVAILABLE ONLY FROM FI-
15 NANCIAL REGULATOR.—

16 (A) IN GENERAL.—No person (other than
17 the financial regulator that created the informa-
18 tion or requested the information from a person
19 engaged in the business of conducting financial
20 activities) may disclose, in whole or in part, any
21 confidential supervisory information to any per-
22 son who seeks such information through sub-
23 poena, discovery procedures, or otherwise.

24 (B) PROCEDURE FOR REQUESTS SUB-
25 MITTED TO FINANCIAL REGULATOR.—Any re-



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1 quest for discovery or disclosure of confidential
2 supervisory information shall be made to the fi-
3 nancial regulator that created the information,
4 or requested the information from a person en-
5 gaged in the business of conducting financial
6 activities, which shall determine within a rea-
7 sonable time period whether to disclose such in-
8 formation pursuant to procedures and criteria
9 established by the financial regulator.

10 (C) NOTIFICATION.—

11 (i) IN GENERAL.—Before any finan-
12 cial regulator releases information that was
13 requested from a person engaged in the
14 business of conducting financial activities
15 to a person under subparagraph (B), no-
16 tice and a reasonable time for comment
17 shall be provided to the person from whom
18 such information was requested unless
19 such information—

20 (I) is being provided to another
21 financial regulator, an agency or enti-
22 ty represented by a liaison to the Sub-
23 committee, or a Federal, State, or for-
24 eign government (or any agency or in-



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1 strumentality of any such government
2 acting in any such capacity);

3 (II) is being sought for use in a
4 criminal proceeding or investigation,
5 or a regulatory, supervisory, enforce-
6 ment, or disciplinary administrative
7 proceeding, civil action, or investiga-
8 tion; or

9 (III) was originally created, or
10 included in information created, by
11 the financial regulator.

12 (ii) PROCEDURES AND REQUIRE-
13 MENTS.—A financial regulator may pre-
14 scribe regulations, or issue orders, guide-
15 lines, or procedures, governing the notice
16 and time period required by clause (i).

17 (2) FEDERAL COURT JURISDICTION OVER DIS-
18 PUTES.—

19 (A) REMOVAL AUTHORITY.—In any action
20 or proceeding in which a party seeks to compel
21 disclosure of confidential supervisory informa-
22 tion, a financial regulator may, in its sole dis-
23 cretion, elect to remove the matter relating to
24 the disclosure issue to Federal court, and, if the
25 action is so removed, the appropriate Federal



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1 court shall have exclusive jurisdiction over such
2 matter.

3 (B) JUDICIAL REVIEW.—Judicial review of
4 the final action of a financial regulator with re-
5 gard to the disposition of a request for con-
6 fidential supervisory information shall be before
7 a district court of the United States of com-
8 petent jurisdiction, subject to chapter 7 of part
9 I of title 5, United States Code.

10 (f) AUTHORITY TO INTERVENE.—In the case of any
11 action or proceeding to compel compliance with a sub-
12 poena, order, discovery request, or other judicial or admin-
13 istrative process with respect to any confidential super-
14 visory information of a financial regulator concerning any
15 person engaged in the business of conducting financial ac-
16 tivities, the financial regulator may intervene in such ac-
17 tion or proceeding, and such person may intervene with
18 such regulator, for the purpose of—

19 (1) enforcing the limitations established in
20 paragraph (1) of subsections (b) and (e);

21 (2) seeking the withdrawal of any compulsory
22 process with respect to such information; and

23 (3) registering appropriate objections with re-
24 spect to the action or proceeding to the extent the



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1 action or proceeding relates to or involves such infor-
2 mation.

3 (g) RIGHT TO APPEAL.—Any court order that com-
4 pels production of confidential supervisory information
5 may be immediately appealed by the financial regulator
6 and the order compelling production shall be automatically
7 stayed, pending the outcome of such appeal.

8 (h) REGULATIONS.—

9 (1) AUTHORITY TO PRESCRIBE.—Each financial
10 regulator may prescribe such regulations as the reg-
11 ulator considers to be appropriate, after consultation
12 with the other financial regulators (to the extent the
13 prescribing financial regulator considers appropriate
14 and feasible), to carry out the purposes of this sec-
15 tion.

16 (2) AUTHORITY TO REQUIRE NOTICE.—Any
17 regulations prescribed by a financial regulator under
18 paragraph (1) may require any person in possession
19 of confidential supervisory information to notify the
20 financial regulator whenever the person is served
21 with a subpoena, order, discovery request, or other
22 judicial or administrative process requiring the per-
23 sonal attendance of such person as a witness or re-
24 quiring the production of such information in any
25 proceeding.



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1 (i) ABILITY TO PARTIALLY WAIVE PRIVILEGE
2 WHERE NO OTHER PRIVILEGE APPLIES.—A financial
3 regulator may, to the extent permitted by applicable law
4 governing the disclosure of information by the regulator,
5 authorize a waiver of a privilege under this section to allow
6 access by a person to confidential supervisory information
7 created by such regulator (or requested by such regulator
8 from any person engaged in the business of conducting
9 financial activities), except that—

10 (1) the regulator may place appropriate limits
11 on the use and disclosure of the information shared,
12 and may continue to assert the privilege with respect
13 to any other person that seeks access to the infor-
14 mation; and

15 (2) such waiver shall not affect any other privi-
16 lege or confidentiality protection that any party may
17 assert against any party other than such financial
18 regulator.

19 (j) SHARING OF REPORTS.—

20 (1) IN GENERAL.—No provision of this section
21 shall be construed as preventing a person engaged in
22 the business of conducting financial activities from
23 providing a report (other than anything described in
24 paragraph (3)) that is required by, or prepared at
25 the request of, a financial regulator (the originating



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1 financial regulator) to another financial regulator
2 that has the authority to obtain the information
3 from the person under any other provision of law, to
4 the extent the report does not include confidential
5 supervisory information created by the originating fi-
6 nancial regulator.

7 (2) PRIVILEGE PRESERVED.—If a person pro-
8 vides a report referred to in paragraph (1) to a fi-
9 nancial regulator other than the originating financial
10 regulator, such action shall not affect the ability of
11 the originating financial regulator to assert any
12 privilege that such financial regulator may claim
13 with respect to the report against any person that
14 is not a financial regulator.

15 (3) INFORMATION EXCLUDED.—Paragraph (1)
16 shall not apply to any confidential supervisory infor-
17 mation contained in a report that was created by the
18 originating financial regulator or that was derived
19 from confidential supervisory information that was
20 created by the originating financial regulator.

21 (k) NO WAIVER OF ANY PRIVILEGE OF ANY OTHER
22 PARTY.—No provision of this Act shall provide a financial
23 regulator with any new authority to disclose information
24 in contravention of applicable law governing disclosure of



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1 information or waiver of privilege by the financial regu-
2 lator.

3 SEC. 112. CONFIDENTIALITY OF INFORMATION.

4 (a) IN GENERAL.—

5 (1) FINANCIAL REGULATORS.—Except as other-
6 wise provided in this section or section 111, any re-
7 quirement under Federal or State law regarding the
8 privacy or confidentiality of any information or ma-
9 terial in the possession of any participant to the
10 Subcommittee, and any privilege arising under Fed-
11 eral or State law (including the rules of any Federal
12 or State court) with respect to such information or
13 material, shall continue to apply to such information
14 or material after the information or material has
15 been disclosed to another participant or the Sub-
16 committee through the network.

17 (2) CERTAIN INSURANCE INFORMATION.—Ex-
18 cept as otherwise provided in this section or section
19 111, any requirement under Federal or State law re-
20 garding the privacy or confidentiality of any infor-
21 mation or material in the possession of the National
22 Association of Insurance Commissioners, or any
23 member or affiliate of the Association, and any
24 privilege arising under Federal or State law (includ-
25 ing the rules of any Federal or State court) with re-



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1 (2) include a plan for effecting the sharing
2 among the regulators of relevant and useful anti-
3 fraud information relating to companies and other
4 persons engaged in conducting financial activities
5 that either—

6 (A) is accessible by the public; or

7 (B) pertains to such information as li-
8 censes and applications, financial affiliations
9 and name-relationships, aggregate trend data,
10 or reports generated by or for a regulator or
11 filed by a regulated entity with the regulator,
12 where the regulator determines such
13 information—

14 (i) is factual and substantiated; and

15 (ii) does not include personally identi-
16 fiable information on consumers; and

17 (3) provide that, if a financial regulator takes
18 an action against a person engaged in the business
19 of conducting financial activities on the basis of in-
20 formation described in paragraph (1) or (2) that was
21 received from another participant through the net-
22 work, the regulator shall notify the person of—

23 (A) the identity of the participant from
24 whom such information was received;



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1 spect to such information or material, shall continue
2 to apply to such information or material after the in-
3 formation has been disclosed to the Association, or
4 any other member or affiliate of the Association,
5 through the computer databases maintained by the
6 Association.

7 (3) NONAPPLICABILITY OF CERTAIN REQUIRE-
8 MENTS.—Information or material that is subject to
9 a privilege or confidentiality under any other para-
10 graph of this subsection shall not be subject to—

11 (A) disclosure under any Federal or State
12 law governing the disclosure to the public of in-
13 formation held by an officer or an agency of the
14 Federal Government or the respective State; or

15 (B) subpoena or discovery, or admission
16 into evidence, in any private civil action or ad-
17 ministrative process,

18 unless with respect to any privilege held by a partici-
19 pant with respect to such information or material,
20 the participant waives, in whole or in part, in the
21 discretion of the participant, such privilege.

22 (b) PREEMPTION OF STATE LAW.—Any State law,
23 including any State open record law, relating to the disclo-
24 sure of confidential supervisory information or any infor-
25 mation or material to which subsection (a) applies that



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1 is inconsistent with any provision of section 111 or sub-
2 section (a) of this section shall be superseded by the re-
3 quirements of such provision to the extent State law pro-
4 vides less confidentiality or a weaker privilege.

5 (c) DUTY OF FINANCIAL REGULATOR TO MAINTAIN
6 CONFIDENTIALITY.—A participant may not receive,
7 download, copy, or otherwise maintain any information or
8 material from any other member of or liaison to the Sub-
9 committee through the network unless—

10 (1) the participant maintains a system that en-
11 ables the participant to maintain full compliance
12 with the requirements of sections 102 and 111 and
13 this section, with respect to such information and
14 material; and

15 (2) if and to the extent required by the guide-
16 lines established under section 102(a), a record is
17 maintained of each attempt to access such informa-
18 tion and material, and the identity of the person
19 making the attempt, in order to prevent evasions of
20 such requirements.

21 **SEC. 113. LIABILITY PROVISIONS.**

22 (a) NO LIABILITY FOR GOOD FAITH DISCLO-
23 SURES.—The Subcommittee and any financial regulator,
24 and any officer or employee of the Subcommittee or any
25 financial regulator, shall not be subject to any civil action



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1 or proceeding for monetary damages by reason of the good
2 faith action or omission of any officer or employee, while
3 acting within the scope of office or employment, relating
4 to collecting, furnishing, or disseminating regulatory infor-
5 mation concerning persons engaged in the business of con-
6 ducting financial activities, to or from the Subcommittee
7 or another financial regulator, whether directly or through
8 the network.

9 (b) CRIMINAL LIABILITY FOR INTENTIONAL UNLAW-
10 FUL DISCLOSURES.—Whoever willfully discloses to any
11 person any information or material maintained by a par-
12 ticipant concerning any person engaged in the business of
13 conducting financial activities knowing the disclosure to
14 be in violation of any provision of this title requiring the
15 confidentiality of such information or material, or estab-
16 lishing a privilege from disclosure for any participant
17 which has not been waived by the participant, shall be
18 fined in accordance with title 18, United States Code, or
19 imprisoned not more than 5 years, or both.

20 (c) FULL, CONTINUED PROTECTION UNDER THE SO-
21 CALLED "FEDERAL TORT CLAIMS ACT".—No provision
22 of this Act shall be construed as reducing or limiting any
23 protection provided for any Federal agency, or any officer
24 or employee of any Federal agency, under section 2679
25 of title 28, United States Code.



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1 SEC. 114. AUTHORIZATION FOR IDENTIFICATION AND
2 CRIMINAL BACKGROUND CHECK.

3 (a) SHARING OF CRIMINAL RECORDS.—

4 (1) ATTORNEY GENERAL AUTHORIZATION.—

5 Upon receiving a request from a financial regulator,
6 or the Subcommittee acting on behalf of any such
7 regulator, the Attorney General shall—

8 (A) search the records of the Criminal Jus-
9 tice Information Services Division of the Fed-
10 eral Bureau of Investigation, and any other
11 similar database over which the Attorney Gen-
12 eral has authority and deems appropriate, for
13 any criminal background records (including
14 wanted persons information) corresponding to
15 the identification information provided under
16 subsection (b); and

17 (B) either—

18 (i) shall provide any such records to
19 any authorized agent of the financial regu-
20 lator, which shall provide the relevant in-
21 formation to such regulator; or

22 (ii) may provide such records directly
23 to the financial regulator if the Attorney
24 General limits such provision of records to
25 relevant information.



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1 (2) AUTHORIZED AGENT DEFINED.—For pur-
2 poses of this section, the term “authorized agent”
3 means—

4 (A) any agent which has been recognized
5 by the Attorney General for such purpose and
6 authorized by at least 3 other financial regu-
7 lators to receive such records and perform the
8 information sharing requirements of paragraph
9 (3); and

10 (B) the State attorney general for the
11 State in which the regulator resides.

12 (3) INFORMATION SHARED.—

13 (A) IN GENERAL.—The authorized agent
14 shall provide to the requesting financial regu-
15 lator only any records that are relevant infor-
16 mation.

17 (B) RELEVANT INFORMATION DEFINED.—
18 For purposes of this section, the term “relevant
19 information” means any of the following
20 records:

21 (i) All felony convictions.

22 (ii) All misdemeanor convictions
23 involving—

24 (I) violation of a law involving fi-
25 nancial activities;



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1 (II) dishonesty or breach of
2 trust, within the meaning of section
3 1033 of title 18, United States Code,
4 including taking, withholding, mis-
5 appropriating, or converting money or
6 property;

7 (III) failure to comply with child
8 support obligations;

9 (IV) failure to pay taxes; and

10 (V) domestic violence, child
11 abuse, or a crime of violence.

12 (C) CRIME OF VIOLENCE DEFINED.—For
13 purposes of subparagraph (B)(ii)(V), the term
14 “crime of violence” means a burglary of a
15 dwelling and a criminal offense that has as an
16 element, the use or attempted use of physical
17 force, or threat of great bodily harm, or the
18 use, attempted use, or threatened use of a
19 deadly weapon, against an individual, including
20 committing or attempting to commit murder,
21 manslaughter, kidnapping, aggravated assault,
22 forcible sex offenses, robbery, arson, extortion,
23 and extortionate extension of credit.

24 (4) STATE UNIFORM LAWS OR RECIPROCITY RE-
25 QUIREMENT.—The Attorney General may not pro-



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1 vide any records under this subsection to a State in-
2 surance regulator, or agent of such regulator, if such
3 regulator does not have in effect uniform or reci-
4 procity laws and regulations governing the licensure
5 of individuals and entities authorized to sell and so-
6 licit the purchase of insurance within the State as
7 set forth in section 321 of P.L. 106-102, as deter-
8 mined by the Attorney General, with the advice and
9 counsel of the National Association of Insurance
10 Commissioners.

11 (b) FORM OF REQUEST.—A request under subsection
12 (a) shall include a copy of any necessary identification in-
13 formation required by the Attorney General, such as the
14 name and fingerprints of the person about whom the
15 record is requested and a statement signed by the person
16 acknowledging that the regulator (or such regulator's des-
17 ignated representative under subsection (i)(1)) may re-
18 quest the search.

19 (c) LIMITATION ON PERMISSIBLE USES OF INFORMA-
20 TION.—Information obtained under this section may—

21 (1) be used only for regulatory or law enforce-
22 ment purposes; and

23 (2) be disclosed—

24 (A) only to other financial regulators or
25 Federal or State government agencies; and



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- 1 (B) only if the recipient agrees to—
2 (i) maintain the confidentiality of
3 such information; and
4 (ii) limit the use of such information
5 to appropriate regulatory and law enforce-
6 ment purposes.

7 (d) PENALTY FOR IMPROPER USE.—

8 (1) IN GENERAL.—Whoever uses any informa-
9 tion obtained under this section knowingly and will-
10 fully for an unauthorized purpose shall be fined
11 under title 18, United States Code, imprisoned for
12 not more than 2 years, or both.

13 (2) ADDITIONAL PENALTIES AND WAIVERS.—

14 (A) IN GENERAL.—Any authorized agent
15 who violates paragraph (1), or any regulator
16 who directs such agent to violate such para-
17 graph, shall be barred from engaging in or reg-
18 ulating any activities related to the business of
19 insurance.

20 (B) WAIVER AUTHORIZED.—The Attorney
21 General, in the discretion of the Attorney Gen-
22 eral, may waive the bar in subparagraph (A), as
23 appropriate.

24 (e) RELIANCE ON INFORMATION.—A financial regu-
25 lator (or such regulator's designated agent under sub-



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1 section (g)(1)) who reasonably relies on information pro-
2 vided under this section shall not be liable in any action
3 for using information as permitted under this section in
4 good faith.

5 (f) CLARIFICATION OF SECTION 1033.—With respect
6 to any action brought under section 1033(e)(1)(B) of title
7 18, United States Code, no person engaged in the business
8 of conducting financial activities shall be subject to any
9 penalty resulting from such section if the individual who
10 the person permitted to engage in the business of insur-
11 ance is licensed, or approved (as part of an application
12 or otherwise), by a financial regulator that performs crimi-
13 nal background checks under this section, unless such per-
14 son knows, or has reason to know, at any time, that the
15 individual is in violation of section 1033(e)(1)(A) of such
16 title.

17 (g) DESIGNATION OF AGENT.—

18 (1) IN GENERAL.—A financial regulator may
19 designate an agent for facilitating requests and ex-
20 changes of information under this section between
21 the financial regulator and the Subcommittee.

22 (2) SENSE OF CONGRESS REGARDING AGENTS
23 OF INSURANCE REGULATORS.—It is the sense of the
24 Congress that—



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1 (A) each State insurance commissioner
2 should designate the National Association of In-
3 surance Commissioners as an agent under para-
4 graph (1);

5 (B) persons engaged in the business of in-
6 surance should be able to use the National As-
7 sociation of Insurance Commissioners to facili-
8 tate obtaining fingerprints and supplying identi-
9 fication information for use in background
10 checks under this section on a multijuris-
11 dictional basis;

12 (C) the National Association of Insurance
13 Commissioners should maintain a database to
14 obtain records under this section for use by
15 State insurance commissioners to reduce mul-
16 tiple or duplicative fingerprinting requirements
17 and criminal background checks; and

18 (D) other financial regulators that require
19 fingerprints and criminal background checks
20 should similarly coordinate efforts to reduce du-
21 plication for persons engaged in the business of
22 conducting multiple types of financial activities.

23 (h) FEES.—The Attorney General and the Antifraud
24 Subcommittee may charge a reasonable fee for the provi-
25 sion of information under this section.



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1 (B) the type of information that was re-
2 ceived from the other participant through the
3 network and would be relied on in taking the
4 adverse action; and

5 (C) the right to a reasonable opportunity
6 to respond to such information.

7 (c) IMPLEMENTATION.—

8 (1) SUBMISSION OF PLAN.—Within 6 months
9 from the date of the enactment of this Act, the fi-
10 nancial regulators shall submit to Congress their
11 plan for meeting the requirements of subsections (a)
12 and (b).

13 (2) DEADLINE FOR IMPLEMENTATION.—Within
14 2 years from the date of the enactment of this Act,
15 the financial regulators shall establish the network
16 described in subsections (a) and (b).

17 (d) FINANCIAL REGULATORS DEFINED.—For the
18 purposes of this section, the term “financial regulators”
19 means the financial regulators described in subparagraphs
20 (A) through (N) of section 115(3).

21 (e) EFFECT OF IMPLEMENTATION ON SUBTITLE
22 B.—The provisions of Subtitle B shall not take effect if
23 the President, or a designee of the President, determines
24 that financial regulators meet the requirements of this sec-



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1 (i) RULE OF CONSTRUCTION.—This section shall
2 not—

3 (1) provide independent authorization for a fi-
4 nancial regulator to require fingerprinting as a part
5 of a licensure or other application;

6 (2) require a financial regulator to perform
7 criminal background checks under this section; or

8 (3) supersede or otherwise limit any other au-
9 thority that allows access to criminal background
10 records.

11 (j) REGULATIONS.—The Attorney General may pre-
12 scribe regulations to carry out this section.

13 SEC. 115. DEFINITIONS.

14 For purposes of this title, the following definitions
15 shall apply:

16 (1) FEDERAL BANKING AGENCY.—The term
17 “Federal banking agency” has the same meaning as
18 given in section 3(z) of the Federal Deposit Insur-
19 ance Act.

20 (2) FINANCIAL ACTIVITIES.—

21 (A) IN GENERAL.—The term “financial
22 activities”—

23 (i) means banking activities (including
24 the ownership of a bank), securities activi-



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1 ties, insurance activities, or commodities
2 activities; and

3 (ii) includes all activities that are fi-
4 nancial in nature or are incidental to a fi-
5 nancial activity (as defined under section
6 4(k) of the Bank Holding Company Act of
7 1956).

8 (B) RULE OF CONSTRUCTION.—Subpara-
9 graph (A) shall not be construed as creating
10 any inference, including any negative inference,
11 concerning the types or extent of activities that
12 are appropriately recognized as activities that
13 are financial in nature, or are incidental to a fi-
14 nancial activity, for purposes of section 4 of the
15 Bank Holding Company Act of 1956.

16 (3) FINANCIAL REGULATOR.—The term “finan-
17 cial regulator” means—

18 (A) each Federal banking agency;

19 (B) the Securities and Exchange Commis-
20 sion;

21 (C) the Commodity Futures Trading Com-
22 mission;

23 (D) the National Credit Union Administra-
24 tion;

25 (E) the Farm Credit Administration;



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1 (F) the Federal Housing Finance Board;
2 (G) the Federal Trade Commission, to the
3 extent the Commission has jurisdiction over fi-
4 nancial activities being conducted by a person
5 engaged in the business of conducting financial
6 activities;

7 (H) the Office of Federal Housing Enter-
8 prise Oversight of the Department of Housing
9 and Urban Development;

10 (I) any State bank supervisor (as defined
11 in section 3(r) of the Federal Deposit Insurance
12 Act), including the Conference of State Bank
13 Supervisors only to the extent such conference
14 is acting as an agent of, and is subject to the
15 oversight of, any such State bank supervisor;

16 (J) any State savings association super-
17 visor, including the American Council of State
18 Savings Supervisors only to the extent such
19 conference is acting as an agent of, and is sub-
20 ject to the oversight of, any such State savings
21 association supervisor;

22 (K) any State insurance commissioner, in-
23 cluding the National Association of Insurance
24 Commissioners only to the extent such associa-
25 tion is acting as the agent of, and is subject to



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1 the oversight of, any such insurance commis-
2 sioner;

3 (L) any State securities administrator, in-
4 cluding the North American Securities Adminis-
5 trators Association only to the extent such asso-
6 ciation is acting as the agent of, and is subject
7 to the oversight of, any such securities adminis-
8 trator;

9 (M) any State credit union supervisor, in-
10 cluding the National Association of State Credit
11 Union Supervisors only to the extent such asso-
12 ciation is acting as the agent of, and is subject
13 to the oversight of, any such credit union super-
14 visor;

15 (N) the National Association of Securities
16 Dealers, only to the extent that—

17 (i) such association is acting in con-
18 nection with the financial services industry;
19 and

20 (ii) the association and the relevant
21 actions are subject to the oversight of the
22 Securities and Exchange Commission;

23 (O) the National Futures Association, only
24 to the extent that—



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1 (i) such association is acting in con-
2 nection with the financial services industry;
3 and

4 (ii) the association and the relevant
5 actions are subject to the oversight of the
6 Commodity Futures Trading Commission
7 or the Securities and Exchange Commis-
8 sion; and

9 (P) any other self-regulatory organization
10 that engages in or coordinates regulatory and
11 supervisory activities, with respect to any per-
12 son engaged in the business of conducting fi-
13 nancial activities, and is subject to the oversight
14 of the Securities and Exchange Commission or
15 the Commodity Futures Trading Commission,
16 but only to the extent that the organization en-
17 gages in such activities and is subject to such
18 oversight.

19 (4) FOREIGN FINANCIAL REGULATOR.—The
20 term "foreign financial regulator" means any agen-
21 cy, entity, or body (including a self-regulatory orga-
22 nization) that is empowered by the laws of a foreign
23 country to supervise and regulate persons engaged
24 in the business of conducting financial activities, but



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1 only to the extent of such supervisory and regulatory
2 activities.

3 (5) PARTICIPANT.—The term “participant”
4 means any regulator which is represented by a mem-
5 ber of, or a liaison to, the Subcommittee but only to
6 the extent the regulator provides or obtains access to
7 information through the network.

8 (6) PERSON.—The term “person” includes any
9 financial regulator”.

10 (7) PERSON ENGAGED IN THE BUSINESS OF
11 CONDUCTING FINANCIAL ACTIVITIES.—The term
12 “person engaged in the business of conducting finan-
13 cial activities” includes, to the extent appropriate
14 under the laws applicable to the jurisdiction of a fi-
15 nancial regulator over such person—

16 (A) any director, officer, employee, or con-
17 trolling stockholder of, or agent for, any such
18 person;

19 (B) any other person who has filed or is
20 required to file a change-in-control notice with
21 the appropriate financial regulator before ac-
22 quiring control of such person; and

23 (C) any person who has sought approval
24 from a financial regulator to engage in the
25 business of conducting financial activities, or



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1 that was engaged in such business and subject
2 to the jurisdiction of a financial regulator; and
3 (D) any shareholder, consultant, joint ven-
4 ture partner, and any other person, including
5 an independent contractor, as determined by
6 the appropriate financial regulator (by regula-
7 tion or case-by-case) who participates in the
8 conduct of the affairs of such person.

9 (8) STATE INSURANCE COMMISSIONER.—The
10 term "State insurance commissioner" means any of-
11 ficer, agency, or other entity of any State which has
12 primary regulatory authority over the business of in-
13 surance and over any person engaged in the business
14 of insurance to the extent of such activities, in such
15 State.

16 (9) STATE SECURITIES ADMINISTRATOR.—The
17 term "State securities administrator" means the se-
18 curities commission (or any agency or office per-
19 forming like functions) of any State.

20 SEC. 116. TECHNICAL AND CONFORMING AMENDMENTS TO
21 OTHER ACTS.

22 (a) Subsection (b) of section 552a of title 5, United
23 States Code, is amended—

24 (1) by striking "or" at the end of paragraph
25 (11);



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1 (2) by striking the period at the end of para-
2 graph (12) and inserting “; or”; and

3 (3) by inserting after paragraph (12) the fol-
4 lowing new paragraph:

5 “(13) for recordkeeping, licensing, and other
6 regulatory and law enforcement purposes in accord-
7 ance with title I of the Financial Services Antifraud
8 Network Act of 2001—

9 “(A) through a computer network or
10 name-relationship index maintained under such
11 title; or

12 “(B) to a multistate database maintained
13 by the National Association of Insurance Com-
14 missioners and any subsidiary or affiliate of
15 such association, subject to the requirements of
16 such title.”.

17 (b) Section 1113 of the Financial Institutions Regu-
18 latory and Interest Rate Control Act of 1978 (12 U.S.C.
19 3413) is amended by adding at the end the following new
20 subsection:

21 “(r) This title shall not apply to disclosure by a finan-
22 cial regulator represented by a member of or liaison to
23 the Antifraud Subcommittee of information which is sub-
24 ject to section 111 or 112 of the Financial Services Anti-
25 fraud Network Act of 2001 to the extent the disclosure



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1 is made in accordance with the requirements of such
2 Act.”.

3 (e) Section 602 of the Consumer Credit Protection
4 Act (15 U.S.C. 1681) is amended by adding at the end
5 the following new subsection:

6 “(e) This title shall not apply to a communication by
7 a participant of the Antifraud Subcommittee to another
8 such participant, as set forth in the Financial Services
9 Antifraud Network Act of 2001, to the extent the commu-
10 nication is made in accordance with such Act.”.

11 **SEC. 117. AUDIT OF STATE INSURANCE REGULATORS.**

12 (a) IN GENERAL.—At the request of the Congress,
13 the Comptroller General shall audit a State insurance reg-
14 ulator or any person who maintains information on behalf
15 of such regulator, but may carry out an onsite examina-
16 tion of an insurance company only if the State insurance
17 regulator of the State of domicile of the insurance com-
18 pany has consented in writing.

19 (b) LIMITATIONS ON DISCLOSURE OF INFORMA-
20 TION.—Except as provided in this subsection, an officer
21 or employee of the General Accounting Office may not dis-
22 close information identifying an open insurance company
23 or a customer of an open or closed insurance company.
24 The Comptroller General may disclose information related
25 to the affairs of a closed insurance company only if the



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1 Comptroller General believes the customer had a control-
2 ling influence in the management of the closed insurance
3 company or was related to or affiliated with a person or
4 group having a controlling influence.

5 (c) COORDINATION WITH STATE REGULATOR.—An
6 officer or employee of the Office may discuss a customer
7 or insurance company with an official of a State insurance
8 regulator and may report an apparent criminal violation
9 to an appropriate law enforcement authority of the United
10 States Government or a State.

11 (d) CONGRESSIONAL OVERSIGHT.—This subsection
12 shall not be construed as authorizing an officer or em-
13 ployee of a State insurance regulator to withhold informa-
14 tion from a committee of the Congress authorized to have
15 the information.

16 (e) ADMINISTRATIVE ASPECTS OF AUDIT.—

17 (1) IN GENERAL.—To carry out this section, all
18 records and property of or used by a State insurance
19 regulator, including samples of reports of examina-
20 tions of an insurance company the Comptroller Gen-
21 eral considers statistically meaningful and
22 workpapers and correspondence related to the re-
23 ports shall be made available to the Comptroller
24 General. The Comptroller General shall give a State
25 insurance regulator a current list of officers and em-



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tion with regard to substantially all of the financial regu-
lators.

(f) OTHER SHARING ARRANGEMENTS NOT AF-
FECTED.—No provision of this section shall be construed
as limiting or otherwise affecting the authority of a finan-
cial regulator to provide any person, including another
participant, access to any information in accordance with
any provision of law other than this Act.

**Subtitle B—Potential Establish-
ment of Antifraud Sub-
committee**

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—Unless the President makes the
determination described in section 100(e), there shall be
within the President's Working Group on Financial Mar-
kets (as established by Executive Order No. 12631) a sub-
committee to be known as the "Antifraud Subcommittee"
(hereafter in this title referred to as the "Subcommittee")
which shall consist of the following members:

- (1) The Secretary of the Treasury, or a des-
ignee of the Secretary.
- (2) The Chairman of the Securities and Ex-
change Commission or a designee of the Chairman.



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1 ployees to whom, with proper identification, records
2 and property may be made available, and who may
3 make notes or copies necessary to carry out an
4 audit.

5 (2) PREVENTION OF UNAUTHORIZED ACCESS.—

6 The Comptroller General shall prevent unauthorized
7 access to records or property of or used by a State
8 insurance regulator that the Comptroller General ob-
9 tains during an audit.

10 (f) CONFIDENTIALITY.—

11 (1) IN GENERAL.—The Comptroller General
12 shall maintain the same level of confidentiality for a
13 record made available under this section as is re-
14 quired of the head of the State insurance regulator
15 from which it is obtained.

16 (2) PREVENTION OF INVASION OF PERSONAL
17 PRIVACY.—The Comptroller General shall keep in-
18 formation described in section 552(b)(6) of title 5,
19 United States Code, that the Comptroller General
20 obtains in a way that prevents unwarranted inva-
21 sions of personal privacy.

22 (g) AVAILABILITY OF INFORMATION AND INSPEC-
23 TION OF RECORDS.—Section 716 of title 31, United
24 States Code, shall apply with respect to the Comptroller
25 General, a State insurance regulator or any person who



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1 maintains information on behalf of such regulator, for
2 purposes of carrying out this section.

3 (h) DEFINITIONS.—For purposes of this section, the
4 following definitions shall apply:

5 (1) STATE INSURANCE REGULATOR DEFINED.—

6 The term “State insurance regulator” means the
7 principal insurance regulatory authority of a State,
8 the District of Columbia, any territory of the United
9 States, Puerto Rico, Guam, American Samoa, the
10 Trust Territory of the Pacific Islands, the Virgin Is-
11 lands, and the Northern Mariana Islands.

12 (2) INSURANCE COMPANY.—The term “insur-
13 ance company” includes any person engaged in the
14 business of insurance to the extent of such activities.

15 **TITLE II—SECURITIES**
16 **INDUSTRY COORDINATION**
17 **Subtitle A—Disciplinary**
18 **Information**

19 SEC. 201. INVESTMENT ADVISERS ACT OF 1940.

20 Section 204 of the Investment Advisers Act of 1940
21 (15 U.S.C. 80b-4) is amended—

22 (1) by striking “Every investment” and insert-
23 ing the following:

24 “(a) IN GENERAL.—Every investment”; and

25 (2) by adding at the end the following:



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1 “(b) FILING DEPOSITORIES.—The Commission, by
2 rule, may require an investment adviser—

3 “(1) to file with the Commission any fee, appli-
4 cation, report, or notice required to be filed by this
5 title or the rules issued under this title through any
6 entity designated by the Commission for that pur-
7 pose; and

8 “(2) to pay the reasonable costs associated with
9 such filing and the establishment and maintenance
10 of the systems required by subsection (c).

11 “(c) ACCESS TO DISCIPLINARY AND OTHER INFOR-
12 MATION.—

13 “(1) MAINTENANCE OF SYSTEM TO RESPOND
14 TO INQUIRIES.—The Commission shall require the
15 entity designated by the Commission under sub-
16 section (b)(1)—

17 “(A) to establish and maintain a toll-free
18 telephone listing or other readily accessible elec-
19 tronic process to receive inquiries regarding dis-
20 ciplinary actions and proceedings and other in-
21 formation involving investment advisers and
22 persons associated with investment advisers;
23 and

24 “(B) to respond promptly to such inquir-
25 ies.



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[Managers substitute]

H.L.C.

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1 “(2) RECOVERY OF COSTS.—An entity des-
2 ignated by the Commission under subsection (b)(1)
3 may charge persons, other than individual investors,
4 reasonable fees for responses to inquiries made
5 under paragraph (1).

6 “(3) LIMITATION ON LIABILITY.—An entity
7 designated by the Commission under subsection
8 (b)(1) shall not have any liability to any person for
9 any actions taken or omitted in good faith under
10 this subsection.”.

11 SEC. 202. SECURITIES EXCHANGE ACT OF 1934.

12 Subsection (i) of section 15A of the Securities Ex-
13 change Act of 1934 (15 U.S.C. 78o-3) is amended to read
14 as follows:

15 “(i) OBLIGATION TO MAINTAIN DISCIPLINARY AND
16 OTHER DATA.—

17 “(1) MAINTENANCE OF SYSTEM TO RESPOND
18 TO INQUIRIES.—A registered securities association
19 shall—

20 “(A) establish and maintain a toll-free tele-
21 phone listing or other readily accessible elec-
22 tronic process to receive inquiries regarding dis-
23 ciplinary actions and proceedings and other in-
24 formation involving its members and their asso-
25 ciated persons and regarding disciplinary ac-



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[Managers substitute]

H.L.C.

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1 tions and proceedings and other information
2 that has been reported to the Central Registra-
3 tion Depository by any registered national secu-
4 rities exchange involving its members and their
5 associated persons; and

6 "(B) promptly respond to such inquiries.

7 "(2) RECOVERY OF COSTS.—Such association
8 may charge persons, other than individual investors,
9 reasonable fees for responses to such inquiries.

10 "(3) LIMITATION ON LIABILITY.—Such an asso-
11 ciation or exchange shall not have any liability to
12 any person for any actions taken or omitted in good
13 faith under this subsection."

14 **Subtitle B—Preventing Migration**
15 **of Rogue Financial Profes-**
16 **sionals to the Securities Indus-**
17 **try**

18 **SEC. 211. SECURITIES EXCHANGE ACT OF 1934.**

19 (a) BROKERS AND DEALERS.—Section 15(b) of the
20 Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is
21 amended—

22 (1) in paragraph (4), by striking subparagraphs
23 (F) and (G) and inserting the following:



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[Managers substitute]

H.L.C.

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1 “(F) is subject to any order of the Commission
2 barring or suspending the right of the person to be
3 associated with a broker or dealer.

4 “(G) has been found by a foreign financial reg-
5 ulatory authority to have—

6 “(i) made or caused to be made in any ap-
7 plication for registration or report required to
8 be filed with a foreign financial regulatory au-
9 thority, or in any proceeding before a foreign fi-
10 nancial regulatory authority with respect to reg-
11 istration, any statement that was at the time
12 and in the light of the circumstances under
13 which it was made false or misleading with re-
14 spect to any material fact, or omitted to state
15 in any such application, report, or proceeding
16 any material fact that is required to be stated
17 therein;

18 “(ii) violated any foreign statute or regula-
19 tion regarding securities, banking, thrift activi-
20 ties, credit union activities, insurance, or con-
21 tracts of sale of a commodity for future deliv-
22 ery, traded on or subject to the rules of a con-
23 tract market or any board of trade; or

24 “(iii) aided, abetted, counseled, com-
25 manded, induced, or procured the violation by



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[Managers substitute]

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1 any other person of any provision of any statu-
2 tory provisions enacted by a foreign govern-
3 ment, or rules or regulations thereunder, re-
4 garding securities, banking, thrift activities,
5 credit union activities, insurance, or contracts
6 of sale of a commodity for future delivery trad-
7 ed on or subject to the rules of a contract mar-
8 ket or any board of trade, or to have failed rea-
9 sonably to supervise, with a view to preventing
10 violations of such statutory provisions, rules,
11 and regulations, another person who commits
12 such a violation, if such other person is subject
13 to his supervision.

14 "(H) is subject to any final order of a State se-
15 curities commission (or any agency or officer per-
16 forming like functions), State authority that super-
17 vises or examines banks, thrifts, or credit unions,
18 State insurance commission (or any agency or office
19 performing like functions), an appropriate Federal
20 banking agency (as defined in section 3 of the Fed-
21 eral Deposit Insurance Act (12 U.S.C. 1813(q)), or
22 the National Credit Union Administration, that—

23 "(i) bars such person from association with
24 an entity regulated by such commission, author-
25 ity, agency, or officer, or from engaging in the



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[Managers substitute]

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1 business of securities, insurance, banking, thrift
2 activities, or credit union activities; or

3 “(ii) constitutes a final order based on vio-
4 lations of any laws or regulations that prohibit
5 fraudulent, manipulative, or deceptive con-
6 duct.”; and

7 (2) in paragraph (6)(A)(i), by striking “or
8 omission enumerated in subparagraph (A), (D), (E),
9 or (G)” and inserting “, or is subject to an order or
10 finding, enumerated in subparagraph (A), (D), (E),
11 (G), or (H)”.

12 (b) MUNICIPAL SECURITIES BROKERS AND DEAL-
13 ERS.—Section 15B(c) of the Securities Exchange Act of
14 1934 (15 U.S.C. 78o-4(c)) is amended—

15 (1) in paragraph (2)—

16 (A) by striking “or omission enumerated in
17 subparagraph (A), (D), (E), or (G)” and insert-
18 ing “, or is subject to an order or finding, enu-
19 merated in subparagraph (A), (D), (E), (G), or
20 (H)”; and

21 (B) by striking “ten” and inserting “10”;

22 (2) in paragraph (4)—

23 (A) by striking “or omission enumerated in
24 subparagraph (A), (D), (E), or (G)” and insert-
25 ing “, or is subject to an order or finding, enu-



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[Managers substitute]

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1 merated in subparagraph (A), (D), (E), (G), or
2 (H)” and

3 (B) by striking “ten” and inserting “10”;

4 (c) GOVERNMENT SECURITIES BROKERS AND DEAL-
5 ERS.—Section 15C(c)(1) of the Securities Exchange Act
6 of 1934 (15 U.S.C. 78o-5(c)(1)) is amended—

7 (1) in subparagraph (A), by striking “or omis-
8 sion enumerated in subparagraph (A), (D), (E), or
9 (G)” and inserting “, or is subject to an order or
10 finding, enumerated in subparagraph (A), (D), (E),
11 (G), or (H)”;

12 (2) in subparagraph (C), by striking “or omis-
13 sion enumerated in subparagraph (A), (D), (E), or
14 (G)” and inserting “, or is subject to an order or
15 finding, enumerated in subparagraph (A), (D), (E),
16 (G), or (H)”.

17 (d) CLEARANCE AND SETTLEMENT.—Section 17A(c)
18 of the Securities Exchange Act of 1934 (15 U.S.C. 78q-
19 1(c)) is amended—

20 (1) in paragraph (3)(A), by striking “enumer-
21 ated in subparagraph (A), (D), (E), or (G)” and in-
22 serting “, or is subject to an order or finding, enu-
23 merated in subparagraph (A), (D), (E), (G), or
24 (H)”;

25 (2) in paragraph (4)(C)—



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[Managers substitute]

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1 (A) by striking "enumerated in subpara-
2 graph (A), (D), (E), or (G)" and inserting "
3 or is subject to an order or finding, enumerated
4 in subparagraph (A), (D), (E), (G), or (H)";
5 and

6 (B) by striking "ten years" and inserting
7 "10 years".

8 (e) DEFINITION OF STATUTORY DISQUALIFICA-
9 TION.—Section 3(a)(39)(F) of the Securities Exchange
10 Act of 1934 (15 U.S.C. 78c(a)(39)(F)) is amended by
11 striking "has committed or omitted any act enumerated
12 in subparagraph (D), (E), or (G)" and inserting "has
13 committed or omitted any act, or is subject to an order
14 or finding, enumerated in subparagraph (D), (E), (G), or
15 (H)".

16 SEC. 212. INVESTMENT ADVISERS ACT OF 1940.

17 (a) AUTHORITY TO DENY OR REVOKE REGISTRA-
18 TION BASED ON STATE (AND OTHER GOVERNMENTAL)
19 ADMINISTRATIVE ACTIONS.—Section 203(e) of the Invest-
20 ment Advisers Act of 1940 (15 U.S.C. 80b-3(e)) is
21 amended by striking paragraphs (7) and (8) and inserting
22 the following:

23 "(7) is subject to any order of the Commission
24 barring or suspending the right of the person to be
25 associated with an investment adviser.



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1 (3) A State insurance commissioner designated
2 by the National Association of Insurance Commis-
3 sioners, or a designee of such commissioner.

4 (4) The Chairman of the Commodities Futures
5 Trading Commission or a designee of such Chair-
6 man.

7 (5) A designee of the Federal Financial Institu-
8 tions Examination Council.

9 (b) FINANCIAL LIAISONS.—The following shall serve
10 as liaisons between the Subcommittee and the agencies
11 represented by each such liaison:

12 (1) A representative of each Federal banking
13 agency appointed by the head of each such agency.

14 (2) A representative of the Commodity Futures
15 Trading Commission appointed by the Commodity
16 Futures Trading Commission.

17 (3) A representative of the National Credit
18 Union Administration appointed by the National
19 Credit Union Administration Board.

20 (4) A representative of the Farm Credit Admin-
21 istration, appointed by the Farm Credit Administra-
22 tion Board.

23 (5) A representative of the Federal Housing Fi-
24 nance Board, appointed by such Board.



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[Managers substitute]

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1 “(8) has been found by a foreign financial regu-
2 latory authority to have—

3 “(A) made or caused to be made in any
4 application for registration or report required to
5 be filed with a foreign securities authority, or in
6 any proceeding before a foreign securities au-
7 thority with respect to registration, any state-
8 ment that was at the time and in light of the
9 circumstances under which it was made false or
10 misleading with respect to any material fact, or
11 has omitted to state in any such application, re-
12 port, or proceeding any material fact that is re-
13 quired to be stated therein;

14 “(B) violated any foreign statute or regula-
15 tion regarding securities, banking, thrift activi-
16 ties, credit union activities, insurance, or con-
17 tracts of sale of a commodity for future delivery
18 traded on or subject to the rules of a contract
19 market or any board of trade;

20 “(C) aided, abetted, counseled, com-
21 manded, induced, or procured the violation by
22 any other person of any foreign statute or regu-
23 lation regarding securities, banking, thrift ac-
24 tivities, credit union activities, insurance, or
25 contracts of sale of a commodity for future de-



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[Managers substitute]

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1 livery traded on or subject to the rules of a con-
2 tract market or any board of trade, or to have
3 failed reasonably to supervise, with a view to
4 preventing violations of statutory provisions,
5 and rules and regulations promulgated there-
6 under, another person who commits such a vio-
7 lation, if such other person is subject to his su-
8 pervision.

9 "(9) is subject to any final order of a State se-
10 curities commission (or any agency or officer per-
11 forming like functions), State authority that super-
12 vises or examines banks, thrifts, or credit unions,
13 State insurance commission (or any agency or office
14 performing like functions), an appropriate Federal
15 banking agency (as defined in section 3 of the Fed-
16 eral Deposit Insurance Act (12 U.S.C. 1813(q)), or
17 the National Credit Union Administration, that—

18 "(A) bars such person from association
19 with an entity regulated by such commission,
20 authority, agency, or officer, or from engaging
21 in the business of securities, insurance, bank-
22 ing, thrift activities, or credit union activities;
23 or

24 "(B) constitutes a final order based on vio-
25 lations of any laws or regulations that prohibit



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[Managers substitute]

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1 fraudulent, manipulative, or deceptive con-
2 duct.”.

3 (b) BARS ON FELONS ASSOCIATED WITH INVEST-
4 MENT ADVISERS.—Section 203(f) of the Investment Ad-
5 visers Act of 1940 (15 U.S.C. 80b-3(f)) is amended—

6 (A) by striking “or (8)” and inserting
7 “(8), or (9)”; and

8 (B) by inserting “or (3)” after “paragraph
9 (2)”.



June 13, 2001

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1 (6) A representative of the Office of Federal
2 Housing Enterprise Oversight of the Department of
3 Housing and Urban Development appointed by the
4 Director of such Office.

5 (7) A representative of State bank supervisors
6 designated by the Conference of State Bank Super-
7 visors.

8 (8) A representative of State savings associa-
9 tion supervisors designated by the American Council
10 of State Savings Supervisors.

11 (9) A representative of State credit union su-
12 pervisors designated by the National Association of
13 State Credit Union Supervisors.

14 (10) A representative of State securities admin-
15 istrators designated by the North American Securi-
16 ties Administrators Association.

17 (11) A representative of the National Associa-
18 tion of Securities Dealers appointed by the National
19 Association of Securities Dealers.

20 (12) A representative of the National Futures
21 Association appointed by the National Futures Asso-
22 ciation.

23 (13) Any other financial liaison as the Sub-
24 committee may provide to represent any other finan-
25 cial regulator or foreign financial regulator, includ-



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1 ing self-regulatory agencies or organizations that
2 maintain significant databases on persons engaged
3 in the business of conducting financial activities,
4 designated in the manner provided by the Sub-
5 committee.

6 (c) OTHER LIAISONS.—

7 (1) LAW ENFORCEMENT LIAISONS.—The fol-
8 lowing shall serve as liaisons between the Sub-
9 committee and the agencies represented by each
10 such liaison:

11 (A) A representative of the Department of
12 Justice appointed by the Attorney General.

13 (B) A representative of the Federal Bu-
14 reau of Investigation appointed by the Director
15 of such Bureau.

16 (C) A representative of the United States
17 Secret Service appointed by the Director of
18 such Service.

19 (2) SUBCOMMITTEE APPOINTED LIAISONS.—
20 The Subcommittee may provide any other liaison to
21 represent any other regulator, including self-regu-
22 latory agencies or organizations that maintain sig-
23 nificant databases on persons engaged in the busi-
24 ness of conducting financial activities, designated in
25 the manner provided by the Subcommittee.



From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/25/2001 11:08:46 AM
Subject: : FYI re: tours on July 4

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-JUN-2001 15:08:46.00

SUBJECT:: FYI re: tours on July 4

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We have tours on 7/4 from 9am-1pm, but they are all self-guided public. People do not need to get a ticket ahead of time, and as long as they are in line by 1:00, they will get in. As far as front of lines tours go,

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staff can do those during the normal time period, 10:30am-12:00pm.

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Edwina C. Rogers/OPD/EOP@EOP [OPD] <Edwina C. Rogers>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 6/26/2001 5:15:06 AM
Subject: : Re: Political Events

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:26-JUN-2001 09:15:06.00
SUBJECT:: Re: Political Events
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hi Brett! Edwina had a conversation with Moose yesterday and they worked out some general guidance. However, if we could get a memo explaining the procedures for Larry's attendance at political events, that would be great.

Thanks!
Janet

Brett M. Kavanaugh
06/26/2001 08:03:13 AM
Record Type: Record

To: Janet P. Walker/OPD/EOP@EOP
cc:
bcc:
Subject: Re: Political Events

I am working on this this morning. Thanks for the patience.

Janet P. Walker
06/22/2001 05:38:28 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Political Events

Hi Brett! Just wanted to touch base (I think one of our volunteers, Lisa Vogt, called you) to see if we can get a memo on the dos and don'ts of Larry Lindsey appearing at political events. We know that he cannot use (and neither can the group) his official title. Nor can he fundraise. But we're trying to put together some clear guidance for him on a variety of events.

Your guidance, as always, is tremendously appreciated.

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Regards,
Janet

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>
Sent: 6/26/2001 5:37:39 AM
Subject: : if you paged Brad - no - he isn't still here

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-JUN-2001 09:37:39.00

SUBJECT:: if you paged Brad - no - he isn't still here

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Edwina C. Rogers/OPD/EOP@EOP [OPD] <Edwina C. Rogers>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 6/26/2001 5:15:06 AM
Subject: : Re: Political Events

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:26-JUN-2001 09:15:06.00
SUBJECT:: Re: Political Events
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hi Brett! Edwina had a conversation with Moose yesterday and they worked out some general guidance. However, if we could get a memo explaining the procedures for Larry's attendance at political events, that would be great.

Thanks!
Janet

Brett M. Kavanaugh
06/26/2001 08:03:13 AM
Record Type: Record

To: Janet P. Walker/OPD/EOP@EOP
cc:
bcc:
Subject: Re: Political Events

I am working on this this morning. Thanks for the patience.

Janet P. Walker
06/22/2001 05:38:28 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Political Events

Hi Brett! Just wanted to touch base (I think one of our volunteers, Lisa Vogt, called you) to see if we can get a memo on the dos and don'ts of Larry Lindsey appearing at political events. We know that he cannot use (and neither can the group) his official title. Nor can he fundraise. But we're trying to put together some clear guidance for him on a variety of events.

Your guidance, as always, is tremendously appreciated.

REV_00128048

Regards,
Janet

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>
Sent: 6/26/2001 5:37:39 AM
Subject: : if you paged Brad - no - he isn't still here

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-JUN-2001 09:37:39.00

SUBJECT:: if you paged Brad - no - he isn't still here

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/26/2001 11:21:44 AM
Subject: : LRM KCT52 - - VETERANS AFFAIRS Testimony on S1090, S1089, S1063, S1091, S1088, S1093, S131, S228, S409, S457, S662, S781, S912, and S937
Attachments: P_269K2004_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-JUN-2001 15:21:44.00

SUBJECT:: LRM KCT52 - - VETERANS AFFAIRS Testimony on S1090, S1089, S1063, S1091, S1088, S1093, S131, S228, S409, S457, S662, S781, S912, and S937

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
06/26/2001 03:21 PM -----

From: Kathryn C. Thompson on 06/26/2001 03:19:16 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: LRM KCT52 - - VETERANS AFFAIRS Testimony on S1090, S1089, S1063, S1091, S1088, S1093, S131, S228, S409, S457, S662, S781, S912, and S937

The following is LRM ID: KCT52 -- Veterans Affairs Testimony on S1090, S1089, S1063, S1091, S1088, S1093, S131, S228, S409, S457, S662, S781, S912, and S937. The VA testimony is attached below in Word format and it consists of 39 pages.

Please comment on the VA testimony by Noon, Tomorrow, Wednesday, June 27th . If I do not hear from you by the deadline, I will assume that you have no objection to the testimony.

Agencies: This e-mail follows the faxed version of the LRM.

LRM ID: KCT52
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, June 26, 2001

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Ingrid M. Schroeder (for) Assistant Director for Legislative Reference
OMB CONTACT: Kathryn C. Thompson
PHONE: (202)395-7596 FAX: (202)395-6148

SUBJECT: VETERANS AFFAIRS Testimony on S1090, S1089, S1063, S1091, S1088, S1093, S131, S228, S409, S457, S662, S781, S912, and S937

DEADLINE: Noon Wednesday, June 27, 2001

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the

REV_00128051

program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: This VA testimony was prepared for a June 28th hearing before the Senate Veterans' Affairs Committee. The testimony discusses a number of veterans' bills -- S1090, S1089, S1063, S1091, S1088, S1093, S131, S228, S409, S457, S662, S781, S912, and S937.

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LRM ID: KCT52 SUBJECT: VETERANS AFFAIRS Testimony on S1090, S1089, S1063, S1091, S1088, S1093, S131, S228, S409, S457, S662, S781, S912, and

S937
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

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The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

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Statement of
Dr. Leo S. Mackay, Jr.
Deputy Secretary of Veterans Affairs
Before the
Senate Committee on Veterans' Affairs
June 28, 2001

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify today on several legislative items of great interest to veterans. Accompanying me today is Joseph Thompson, Under Secretary for Benefits, and John Thompson, Deputy General Counsel.

COMPENSATION COLA

The "Veterans' Compensation Cost-of-Living Adjustment Act of 2001," S. 1090, would authorize a cost-of-living adjustment (COLA) for fiscal year (FY) 2002 in the rates of disability compensation and dependency and indemnity compensation (DIC). Section 2 of the draft bill would direct the Secretary of Veterans Affairs to increase administratively the rates of compensation for service-disabled veterans and of DIC for the survivors of veterans whose deaths are service related, effective December 1, 2001. As provided in the President's FY 2002 budget request, the rate of increase would be the same as the COLA that will be provided under current law to veterans' pension and Social Security recipients, which is currently estimated to be 2.5 percent. We estimate that enactment of this section would cost \$376 million during FY 2002, \$7.1 billion

of this provision. Section 5313 of title 38, United States Code, currently provides for the reduction of service-connected disability compensation for veterans confined in a Federal, State, or local penal institution as a result of conviction of a felony. The law was enacted on October 7, 1980, and applies to those veterans who were convicted and incarcerated for a felony committed after the date of enactment, as well as those who were incarcerated on or after October 1, 1980, and are awarded compensation after that date. VA recently became aware of approximately 230 veterans who were incarcerated prior to enactment of the 1980 law, who remain incarcerated, and who were drawing compensation as of 1980. These veterans, who are not within the scope of the current benefit-reduction provision, are receiving some \$2.5 million per year in compensation benefits. These 230 veterans also do not have in effect an apportionment of their award for support of their dependents. Payment of benefits to these veterans, in our view, is contrary to the purpose for which service-connected disability benefits are awarded, since these veterans are being supported in prison by the government and are not capable of gainful employment by reason of their incarceration.

We estimate annual cost savings of approximately \$2.2 million would be achieved after the one-time administrative cost for the reduction of the benefits to the approximately 230 incarcerated veterans who would be affected by this provision. An estimated \$42 million in compensation payments would be avoided for the projected lifetime of these incarcerated persons.

Section 6 of this bill would prohibit the payment of certain benefits for veterans who are fugitive felons. Under current law, a fugitive is generally not subject to reduction of compensation, pension, education, or vocational rehabilitation benefits under 38 U.S.C. §§ 1505, 3034, 3108, 3482, or 5313, as is the case with many incarcerated veterans. A prohibition on payment of benefits for fugitive felons would be a logical extension of the current limits on payments to incarcerated felons. VA supports this provision.

We note, however, as a technical matter, that the draft bill would not appear to authorize payment of benefits to a veteran's dependent by apportionment, as is the case with veterans whose benefits are subject to reduction by reason of incarceration. We note also that the draft bill would bar the provision of life insurance benefits and benefits under the home loan guaranty program under title 38, chapters 19 and 37, to fugitive felons, although incarcerated felons are not barred from receipt of such benefits under current law. We recommend that reference to chapter 19 and 37 benefits be deleted from section 6 of the draft bill.

Because this proposal would raise unique information-development issues, no data are available to establish cost-savings estimates. In FY 1999, VA, working with the Bureau of Prisons, identified fewer than 1,000 cases where VA beneficiaries were incarcerated and subject to an administrative reduction in their benefit payments. This translates to less than one percent of the total Federal prison population. Based on this experience, we expect that the number of fugitive felons who might be identified as VA beneficiaries will be small.

CLAIMS ASSISTANCE ACT AMENDMENTS

The Veterans Claims Assistance Act of 2000 (VCAA), Pub. L. No. 106-475, struck out sections 5102 and 5103 of title 38, United States Code, added new sections 5100, 5102, 5103, and 5103A, and amended section 5107, relating to VA's duty to assist claimants in presenting claims for benefits. Certain of the provisions, as enacted, raise questions regarding congressional intent with respect to the handling of incomplete applications and the applicability of the new provisions to undecided claims filed prior to November 9, 2000, the date of enactment of the VCAA, and claims not finally decided prior to November 9, 2000. The issue regarding undecided claims was addressed in a precedent opinion of the VA General Counsel, VAOPGCPREC 11-2000.

With respect to incomplete applications, prior section 5103(a) provided that, if a claimant's application for benefits under the laws administered by the Secretary of Veterans Affairs was incomplete, the Secretary was required to notify the claimant of the evidence necessary to complete the application. In addition, section 5103(a) provided, in its second sentence, that, if the evidence requested was not received within one year from the date of the notification, no benefits could be paid or furnished by reason of the application. As added by section 3 of the VCAA, new section 5102(b) states that, if a claimant's application for a benefit is incomplete, the Secretary shall notify the claimant and the claimant's representative, if any, of the information necessary to complete the application. However, no provision comparable to the second sentence of former section 5103(a), regarding the effect of a failure to provide evidence to complete

an incomplete application, was included in new section 5102 or elsewhere in chapter 51 as amended. Thus, if a claimant were to submit an application for benefits and receive notification from VA that the application is incomplete, it does not appear that VA would be authorized to close or deny the claim based on an applicant's failure to respond. Further, if the claimant submits the requested information at any time in the future, and if a benefit were granted, VA would be required to establish an effective date for an award of benefits based on the date the incomplete application was filed without regard to whether the applicant responded to VA's request for further information to "complete" the application in a timely fashion. We do not believe this result was intended by Congress.

Section 4 of the "Veterans' Benefits Programs Modification Act of 2001" would remove the one-year period for the submission of information from new section 5103 and restore it to new section 5102. In other words, this provision has the effect of establishing a one-year period for the submission of information necessary to complete an application, while eliminating the one-year period for the submission of information and evidence necessary to substantiate a claim. Establishing a one-year period for the completion of applications, rather than for the substantiation of claims, will allow VA to decide a claim based on a claimant's failure to respond to a request for information or evidence. This decision would be based on evidence VA has obtained on behalf of the claimant. Essentially, this provision restores the statute to its former status. This will enhance our ability to process claims in a timely manner. VA supports this modification. (We

note as a technical matter that the new section 5102(c)(1), proposed to be added by section 4, contains an apparently erroneous reference to “section 5103(a)” that should be changed to “section 5102(a)”.)

Section 5 of the “Veterans’ Benefits Programs Modification Act of 2001” would amend section 7 of the VCAA to require VA, upon the request of a claimant or on the Secretary’s own motion, to readjudicate in accordance with the VCAA claims that did not become final prior to November 9, 2000. Claimants whose claims did not become final prior to November 9, 2000, would have two years from that date to request readjudication, just as those claimants covered by current section 7(b) whose claims were finally denied as not well grounded prior to November 9, 2000.

In addition, section 7(a) of the VCAA may be construed to create an unlimited duty on VA to locate and readjudicate claims filed before November 9, 2000, that were not finally decided by VA as of that date. Section 7(b)(4), by contrast, specifically states that VA is not obligated to locate and readjudicate claims found to be not well grounded in which VA’s decision became final prior to November 9, 2000. Because section 7(a) does not contain such a limitation, this provision may be interpreted as requiring VA to locate and readjudicate all claims in which VA issued a decision that was not final prior to November 9, 2000. Because of the onerous consequences of such an interpretation, we do not believe that Congress intended to impose a duty on VA to undertake an unlimited review of these cases.

In FY 2000, VA adjudicated approximately 601,000 claims for service connection, claims to reopen based upon new and material evidence, increased rating claims, and claims alleging clear and unmistakable error. In addition, VA rendered decisions regarding issues such as dependency status, income adjustments, and eligibility for hospital care in an additional 1 million claims in FY 2000. Also, in FY 2000, VA processed 246,000 cases for purposes of appellate review, adjusting VA benefits based upon a beneficiary's receipt of Social Security benefits, review required by recently-enacted legislation, matching VA records with Social Security records on deaths of beneficiaries, and reviewing ongoing benefit awards to determine if they are correct.

To handle its caseload, the Veterans Benefits Administration (VBA) currently employs 1,398 rating specialists, each of whom issues on average 430 decisions annually, and 4,100 non-rating specialists, each of whom issues on average 467 decisions annually. In view of the generous appellate opportunities available to VA claimants, virtually all the cases adjudicated in FY 2000 were pending on the date of enactment of the VCAA. In addition, section 7(b) mandates readjudication of certain finally-decided claims that were denied because they were not well grounded. As a result, VA claims adjudication would grind to a halt if section 7(a) of the VCAA were interpreted as requiring VBA's workforce of 5,498 employees to physically review approximately 1.8 million cases in which VA decisions did not become final prior to November 9, 2000, for purposes of applying the provisions of chapter 51 as amended by the Act. If such a massive review of previously-decided claims were required, VA would be

unable to adjudicate claims in which a decision has not yet been issued. The ultimate consequence of such an interpretation of section 7(a) would be delayed payment of benefits to veterans and their dependents. We therefore believe that a technical amendment to section 7 to clarify Congress' intent in this regard, as included in section 5 of the draft bill, is appropriate.

Also, section 7(a) of the VCAA currently specifies that section 5107 as amended applies to any claim filed on or after the date of enactment of the VCAA or filed before that date but not finally decided as of that date. However, the VCAA does not address the applicability to newly filed or pending claims of the other provisions of title 38, United States Code, created by that statute. The General Counsel has concluded in a precedent opinion, VAOPGCPREC 11-2000, that all of the provisions added by the VCAA apply to claims filed on or after November 9, 2000, and to claims filed before that date but not finally decided as of that date. Nonetheless, we believe a technical amendment to section 7 to clarify Congress' intent in this regard is appropriate.

VOCATIONAL REHABILITATION

Section 9 of S. 1093 would remove the cap on the number of vocational rehabilitation participants in the "independent living services" program under chapter 31 of title 38, United States Code. The limitation of 500 veteran participants was set when the program was being evaluated as a pilot. When the merit of the program subsequently was established, Congress made it permanent. However, the limit on the number of participants was not changed.

The program has proved its worth over time and we are proud of the successful independent living outcomes achieved by participants who represent some of our neediest, most deserving veterans. Consequently, we strongly support eliminating the cap so that more qualifying veterans may receive this assistance.

If the cap is lifted, we project that, even though the number of independent living cases will rise, net savings will accrue to VA and other federally funded service providers effectively achieving cost avoidance. Many of the veterans who completed programs of independent living are able to move from institutionalization back to family life or group homes. These individuals are able to maintain themselves in the community with significantly less reliance on others and community service providers.

VA estimates that, if enacted, this section would result in benefit costs of about \$7.4 million in FY 2002, with a 5-year benefit cost of about \$15.6 million for FYs 2002-2006.

HOUSING LOANS

Section 10 of the "Veterans' Benefits Program Modification Act of 2001" would increase the maximum VA housing loan guaranty from \$50,750 to \$63,175. VA believes such an increase is justified and favors its enactment.

Neither the law nor regulations set a maximum principal amount for a VA guaranteed home loan, so long as the total loan amount does not exceed the reasonable value of the property securing the loan, and the veteran's present and anticipated income is sufficient to afford the loan payments. As a practical

matter, requirements set by secondary market institutions limit the maximum VA loan to four times the guaranty. The guaranty increase proposed by section 10 of the bill would have the effect of increasing the maximum amount lenders are willing to finance from the current \$203,000 to \$252,700.

The VA guaranty has not been increased since October 1994. Housing prices have increased significantly during the past six-and-a-half years. Today, in a number of higher-cost areas, such as Atlanta, Anaheim/Santa Ana, Boston, Denver, Honolulu, Los Angeles, New York City, San Diego, San Francisco, and Seattle, the median home purchase price exceeds the effective VA maximum loan.

Increasing the effective maximum VA home loan to \$252,700 is consistent with recent increases in the loan limits for other housing programs. For example, the limit for a loan insured by the Federal Housing Administration of the Department of Housing and Urban Development was increased this year to \$239,250. The conventional conforming loan limit for the Federal National Mortgage Association ("Fannie Mae") and the Federal Home Loan Mortgage Corporation ("Freddie Mac") was increased effective January 1, 2001, to \$275,000.

VA estimates that, under the provisions of current law, increasing the guaranty to \$63,175 would increase the loan subsidy costs to the Veterans Housing Benefit Program Fund by \$4.3 million in FY 2002, and have a 10-year subsidy cost of approximately \$140.9 million. It is important to note that our cost estimate is based, in part, on the fact that certain cost-saving provisions originally

enacted as part of the OBRA will expire on September 30, 2008. We fully expect that these provisions will be extended prior to their scheduled expiration.

Assuming that those OBRA provisions are extended until at least September 30, 2011, the 10-year subsidy cost of the guaranty increase would be \$83.5 million.

PENSION

Section 2 of the “Veterans’ Benefits Programs Modification Act of 2001” would add to 38 U.S.C. § 1503(a) a new paragraph (11), which would exclude proceeds of a veteran’s life insurance policy, and a new paragraph (12), which would exclude “any other non-recurring income from any source,” from determinations of annual income for pension purposes. Section 3(b) of this draft bill would amend subparagraph (A) of 38 U.S.C. § 5112(b)(4) to provide that the effective date of a reduction or discontinuance of pension by reason of a change in recurring income will be the last day of the calendar year in which the change occurred, with the pension rate for the following year to be based on all anticipated countable income. Section 3(a) of this draft bill would repeal the provision of 38 U.S.C. § 5110(d)(2) that provides that the effective date of an award of death pension for which application is received within 45 days from the date of the veteran’s death is the first day of the month in which the death occurred.

VA disability pension is payable to low-income wartime veterans who cannot work due to permanent and total disability. Death pension is payable to low-income surviving spouses and dependent children of wartime veterans. Both programs are based on need, and VA improved pension is offset dollar-for-dollar

over the period FYs 2002-2006 and \$27.6 billion over the period FYs 2002-2011. Although this section is subject to the pay-as-you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA), the PAYGO effect would be zero because OBRA requires that the full compensation COLA be assumed in the baseline. We believe this proposed COLA is necessary and appropriate in order to protect the benefits of affected veterans and their survivors from the eroding effects of inflation. These worthy beneficiaries deserve no less.

VETERANS COURT LEGISLATION

A bill under consideration by this Committee, S. 1089, would expand temporarily the U.S. Court of Appeals for Veterans Claims (CAVC) so as to facilitate staggered terms for judges on that court. VA defers to the CAVC with respect to the merits of this change.

The bill would also eliminate the current jurisdictional limitation on appeals to the CAVC based on the date of filing of a notice of disagreement. Currently, for the CAVC to have jurisdiction over a case, the administrative appeal underlying the action must have been initiated by a notice of disagreement filed on or after November 18, 1988. *See Veterans' Judicial Review Act of 1988*, Pub. L. No. 100-687, Div. A, § 402, 102 Stat. 4105, 4122. We believe that, because the number of benefit decisions appealed to the court in which the operative notice of disagreement was filed prior to November 18, 1988, has greatly diminished, and there are currently alternate avenues available for contesting a decision in which a notice of disagreement was filed before that date

by income from other sources (unless specifically excluded by statute). The current statute, 38 USC § 5112(b)(4)(A), requires improved pension to be reduced or discontinued effective the last day of the month in which the beneficiary's income increased. In addition, under current 38 U.S.C. § 5110(d)(2), an award based on a claim for death pension received within 45 days of the veteran's death is effective the date of death. An award based on a death pension claim received more than 45 days after the veteran's death is effective the date of claim. This effective date provision was added by the *Deficit Reduction Act of 1984*, Pub. L. No. 98-369, Title V, 98 Stat. 494, 854-901, as a cost-saving measure.

The practical effect of Public Law No. 98-369 in many cases has been to exclude insurance proceeds from countable income for pension claimants who file more than 45 days after the date of the veteran's death. By waiting to file claims until after receipt of insurance proceeds, those claimants can receive pension effective from the date of claim, without regard to the recently received insurance proceeds. However, claimants who receive insurance proceeds and then file pension claims within 45 days of the veteran's death have those proceeds counted as income for the following 12 months. We understand that section 3(a) of the draft bill is intended to address this issue. We understand that section 3(b) of the draft bill is intended to address the concern that the existing end-of-the-month adjustment requirements complicate beneficiary income and effective-date calculations and often result in adjudication errors. Such errors occur most often in cases involving frequent income changes and overlapping

income counting periods. We further understand that section 2 of the bill is intended to reflect the principle that life insurance proceeds and other similar types of non-recurring income are most appropriately addressed by application of net worth limitations.

Certain aspects of the proposed amendments raise technical issues with respect to income determinations. We would be pleased to work with Committee staff on the technical aspects of these provisions to develop mutually acceptable language.

S. 131

S. 131, the “Veterans’ Higher Education Opportunities Act of 2001,” would provide for an increase in the education assistance benefit rate under the MGIB to take effect on October 1, 2001. This measure would provide that an MGIB participant whose obligated period of service is three or more years would receive an education benefit under that program equal to the average monthly costs of tuition and expenses for a commuter student at a public college that awards baccalaureate degrees. Service members with an obligated period of less than three years would receive 75 percent of that amount.

VA would determine not later than September 30th each year the average monthly costs of tuition and expenses for the succeeding fiscal year based upon information obtained from the College Board provided in its annual survey of institutions of higher education.

The President strongly supports the MGIB benefits program and acknowledges its great importance to veterans and the Nation. The President’s

FY 2002 Budget includes the annual cost-of-living increase for education benefits for veterans and service members, but does not include an additional MGIB benefit rate increase. However, the President would support MGIB program improvements, to include a reasonable increase in rates, if those improvements can be accommodated within the overall budget limits agreed to by the President and Congress. In this regard, the Secretary recently testified before the House Veterans Affairs Subcommittee on Benefits that VA supports, within the framework of those spending limits, the stepped increases contained in H. R. 1291.

Our preliminary cost estimate indicates that S. 131, if enacted, would result in benefit costs of about \$777 million in FY 2002, with a 5-year benefit cost of about \$4.6 billion for FYs 2002-2006 and a 10-year projection of \$12.4 billion.

S. 228

S. 228 would make permanent the direct loan program for Native American veterans living on trust lands. VA strongly supports this program, which currently has a sunset of December 31, 2001. We would recommend, however, that the current program be extended until September 30, 2005, rather than being made permanent.

The Native American veteran direct loan program, which was enacted in October 1992, has enjoyed limited success. VA has made over 200 loans under this program to Native American veterans. The majority of these loans have been to Native Hawaiians.

VA recently participated in the Executive Branch's One-Stop Mortgage Initiative, which was an effort to develop a more consistent approach to delivering home ownership opportunities to Native Americans. VA is hopeful that this initiative will increase opportunities and remove barriers to participation in the VA loan program for Native American veterans living on trust lands. VA is also aware of efforts by the Federal National Mortgage Association to increase private-sector lender willingness to make loans on tribal lands.

VA believes a four-year extension of the Native American veteran direct loan program would give both the Executive Branch and the Congress an opportunity to see how various initiatives regarding Native American housing loans affect the ability of these veterans to obtain VA financing, and whether further program modifications are indicated.

In addition, we urge the Committee to amend S. 228 to make the following three changes to current law.

First, we recommend modifying the law to permit VA to make loans to members of a Native American tribe that has entered into a memorandum of understanding (MOU) with another Federal agency if that MOU contemplates loans made by VA and the MOU conforms to the requirements of the law governing the VA program. Current law requires a tribe to enter into an MOU with VA before we can make loans to members of that tribe.

We also suggest modifying the current requirement that all VA loan and security instruments contain, on the first page of each such document, in letters two-and-a-half times the size of the regular type face used in the document, a

statement that the loan is not assumable without the approval of VA. We recommend that the law require that this notice appear conspicuously on at least one instrument (such as a VA rider) under guidelines established by VA in regulations.

Those two amendments would implement recommendations by the One-Stop Initiative. These changes would reduce the administrative burden on Indian housing authorities and bring more uniformity in federal loan program processing procedures. Eliminating the requirement for a separate MOU between each tribe and VA should expand the number of Native American veterans eligible for VA financing. The extremely strict loan assumption notice requirement in the current law has prevented VA from approving the use of uniform loan instruments now used in FHA, "Fannie Mae," and "Freddie Mac" transactions.

Finally, we recommend repealing the requirement that VA outstation, on a part-time basis, Loan Guaranty specialists at tribal facilities if requested to do so by a tribe. We have consolidated loan processing and servicing operations from 46 regional offices to nine Regional Loan Centers, and do not have the resources to outstation loan personnel at various tribal locations. VA continues to make periodic outreach visits to all tribes, and provides training to tribal housing authorities. We believe that we can provide all necessary services to Native American veterans seeking VA housing loans without outstationing employees in remote tribal locations.

We would be pleased to work with your staff in drafting language to implement our suggested amendments.

We estimate that enactment of S. 228 would not require any additional appropriation of loan subsidy. Public Law No. 102-389 appropriated \$4.5 million “to remain available until expended” to subsidize gross obligations for direct loans to Native American veterans of up to \$58.4 million. We estimate that sufficient funds would be available to cover projected Native American veteran loan volume until at least FY 2011.

S. 409

S. 409, or the “Persian Gulf War Illness Compensation Act of 2001,” would modify provisions in 38 U.S.C. §§ 1117 and 1118 governing compensation for certain Gulf War veterans. We oppose the enactment of this bill.

Currently, 38 U.S.C. § 1117 provides that the Secretary of Veterans Affairs may pay compensation to any Gulf War veteran suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that became manifest during active service in the Southwest Asia theater of operations during the Gulf War or became manifest to a compensable degree within a presumptive period (currently ending on December 31, 2001) as determined by regulation. Section 1118 of title 38 provides for the establishment of presumptive service connection for diagnosed and undiagnosed illnesses associated with Gulf War service.

Section 3(a) of the bill would establish a statutory presumptive period under 38 U.S.C. § 1117 extending to December 31, 2011. The Secretary of

Veterans Affairs would be authorized to extend that date by regulation.

Section 3(b) would amend 38 U.S.C. § 1117 by adding a new subsection to clarify that the term “undiagnosed illness” for purposes of presumption of service connection includes “poorly defined” illnesses such as fibromyalgia, chronic fatigue syndrome, autoimmune disorder, and multiple chemical sensitivity.

Section 3(c) would amend 38 U.S.C. § 1118 to reflect the modification of the meaning of the term “undiagnosed illness.”

In our view, the current provision of 38 U.S.C. § 1117(b) authorizing the Secretary to prescribe by regulation the presumptive period for undiagnosed illnesses associated with Gulf War service is appropriate and should be retained. The Secretary’s determinations regarding the presumptive period are made following a review of any available credible medical or scientific evidence and the historical treatment afforded disabilities for which manifestation periods have been established and take into account other pertinent circumstances regarding the experiences of veterans of the Gulf War. We plan to consider whether the current presumptive period should be extended administratively based on these factors.

With regard to fibromyalgia, chronic fatigue syndrome, and autoimmune disorder, as referenced in section 3(b) of this bill, under current law, service connection may be established on a direct basis for disability resulting from one of these conditions. With regard to multiple chemical sensitivity, this condition is not recognized under VA’s schedule for rating disabilities. VA has adequate authority under existing law to establish presumptions for these conditions should

we conclude that scientific and medical evidence support such action. Under current 38 U.S.C. § 1118, the Secretary may determine and prescribe in regulations which diagnosed and undiagnosed illnesses warrant such a presumption of service connection. Accordingly, we do not support the inclusion of reference to these conditions in 38 U.S.C. §§ 1117 and 1118.

S. 457

S. 457 would amend 38 U.S.C. § 1112 to establish a presumption of service connection for certain veterans suffering from hepatitis C. We oppose the enactment of this bill.

S. 457 would add a new subsection (d) to 38 U.S.C. § 1112, providing a presumption of service connection for certain veterans who suffer from hepatitis C to a degree of disability of 10 percent or more, notwithstanding that there is no record of such disease during the period of active military, naval, or air service. The presumption would apply where a veteran experienced one of the following during service: (1) transfusion of blood or blood products before December 31, 1992; (2) blood exposure on or through the skin or a mucous membrane; (3) hemodialysis; (4) needle-stick accident or medical event involving a needle, not due to the veteran's own willful misconduct; (5) unexplained liver disease; (6) unexplained liver dysfunction value or test; or (7) service in a health-care position or specialty.

We recognize that, because there is such a prolonged period between acute hepatitis C virus infection, which is typically asymptomatic or results in mild illness, and the development of symptomatic liver disease, it is difficult, in the

absence of a medical history, to determine the source of infection for hepatitis C. However, epidemiologic research establishes that the highest incidence of hepatitis C infection occurs in persons who placed themselves at risk through destructive lifestyle choices. A May 1999 Centers for Disease Control and Prevention (CDC) fact sheet, "Hepatitis C Virus and Disease," reports that injecting drug use accounts for about 60 percent of hepatitis C cases. According to an October 16, 1998, CDC report, "Recommendations for Prevention and Control of Hepatitis C Virus (HCV) Infection and HCV-Related Chronic Disease," 47 Morbidity and Mortality Weekly Report 5 (Oct. 16, 1998) (hereinafter "CDC Report"), injection of drugs currently accounts for a substantial number of hepatitis C transmissions and may have accounted for a substantial proportion of hepatitis C infections in the past. According to the CDC report, after 5 years of injecting drugs, as many as 90 percent of users are infected with hepatitis C. Although the contemplated presumptions would be rebuttable, in practice it would be unlikely in most cases that reliable evidence of past intravenous drug abuse would be readily available.

We feel strongly that veterans' disability compensation should not be paid to individuals who incurred hepatitis C infection through drug abuse. Yet creation of presumptions as contemplated by S. 457 would certainly result in payment of compensation to persons who most likely incurred hepatitis C infection in that manner.

The CDC report indicates that there is a very low risk of infection associated with certain of the risk factors included in proposed new

subsection (d)(2) of 38 U.S.C. § 1112. New subsection (d)(2)(B) would provide a presumption of service connection if a veteran who has hepatitis C was “exposed to blood on or through the skin or a mucous membrane.” New subsection (d)(2)(G) would establish a presumption based on service in a health-care position or specialty. The CDC report indicates that hepatitis C is transmitted primarily through large or repeated direct percutaneous, i.e., through the skin, exposures to blood. According to the CDC, the prevalence of hepatitis C infection among health-care workers, including orthopedic, general, and oral surgeons, who are at risk for being infected as a result of exposure to blood, is no greater than the general population. In addition, the CDC reports that there are no incidence studies documenting transmission associated with mucous membrane or nonintact skin exposures, although transmission of hepatitis C from blood splashes to the conjunctiva (membrane lining the eyelid) have been described. Thus, it appears likely that hepatitis C infection would only occur if blood permeated a veteran’s skin, such as through an open wound or skin puncture. Based upon this CDC data, we believe that the risk of hepatitis C infection for veterans based upon exposure to blood on or through the skin or a mucous membrane is so small as to make a presumption on this basis unnecessary.

New subsections (d)(2)(E) and (d)(2)(F) would provide a presumption of service connection for hepatitis C based on unexplained liver disease or unexplained liver dysfunction value or test. We are unaware of any evidence showing that, since testing became available for hepatitis C, unexplained liver

in any event, this amendment would not have a significant impact on the appeals process. Accordingly, VA does not oppose this amendment.

Another bill, S. 1063, the “United States Court of Appeals for Veterans Claims Administration Improvement Act of 2001,” is designed to improve the administration of the CAVC by allowing the CAVC to impose a registration fee on active participants at judicial conferences convened pursuant to 38 U.S.C. § 7286 and by adding new administrative authority. VA defers to the CAVC with respect to the merits of this bill.

AGENT ORANGE

A bill under consideration by this Committee, S. 1091, would remove the 30-year limitation on the period during which respiratory cancers must become manifest to a degree of 10-percent or more in Vietnam veterans exposed to herbicides during service in the Republic of Vietnam in order for service connection to be granted on a presumptive basis. At this time, the Department of Veterans Affairs (VA) is reviewing the findings of the recent Institute of Medicine report, *Veterans and Agent Orange: Update 2000*, on the issue of respiratory cancer. We are considering the scientific merits of the 30-year period. We will inform the Committee of our position on removal of the 30-year limitation once our consideration of the scientific evidence is completed.

In addition, this bill would extend the presumption of exposure to herbicides provided by 38 U.S.C. § 1116 to any veteran who served in the Republic of Vietnam during the Vietnam era. Currently, there is no general presumption of exposure for all Vietnam veterans, either for purposes of

disease diagnosed during service or unexplained liver dysfunction value or test performed during service would indicate a veteran had an hepatitis C infection which was not diagnosed while the veteran was on active service. We believe that serology testing is routinely performed when a service member is diagnosed with unexplained liver disease or has an unexplained liver dysfunction value or test and that that testing would reveal at the time whether the service member was infected with hepatitis C. As a result, a presumption of service connection for unexplained liver disease or liver dysfunction value or test is not warranted.

We acknowledge that accurate serologic testing was not available until 1992. However, many causes of liver dysfunction value or test in patients whose serologic tests are negative for hepatitis A and hepatitis B are non-viral. These non-viral causes include liver toxins (e.g., alcohol, prescription and non-prescription drugs), non-viral infections (e.g., malaria, rickettsia), environmental factors (e.g., heatstroke), and malignancies.

The Seattle VA Epidemiologic Research Institute has initiated a study involving 4000 veterans who receive care at 20 VA medical centers that will allow a better understanding of the risk factors associated with hepatitis C. Results of this study are expected in the summer of 2002.

We oppose S. 457 because it is overbroad and would undoubtedly result in the payment of compensation to many individuals whose hepatitis C infection resulted from drug abuse. Moreover, establishment of a presumption of service connection for hepatitis C infection based on certain risk factors identified in S. 457 cannot currently be supported by medical or epidemiologic data. VA is

committed to the careful and compassionate adjudication of these claims, to include assistance in the development of evidence to establish benefit eligibility. Case-by-case determinations of entitlement based on the merits of individual claims continue to be, with respect to hepatitis C cases, preferable to adopting the broad presumptions called for by S. 457.

We do not currently have a cost estimate for S. 457, but would be pleased to provide one to the Committee for the record.

S. 662

S. 662 would authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of certain individuals and to allow placement at a location other than a gravesite. We oppose the enactment of S. 662.

Section 1(a) of the bill would amend 38 U.S.C. § 2306, to require the Secretary of Veterans Affairs to furnish, upon request, a Government headstone or grave marker for placement at the grave of a veteran or other eligible individual, or at another area appropriate for the purpose of commemorating the individual, regardless of whether the individual's grave is currently marked with a privately purchased headstone or marker. Under current law, Government headstones or markers are furnished only for the unmarked graves of veterans and certain other eligible individuals. Pursuant to section 1(b) of the bill, the new requirement would be made applicable to burials occurring "on or after November 1, 1990."

We are particularly concerned with the concept of placing a marker at an “area appropriate for the purpose of commemorating” an individual. This provision represents an unwarranted departure from the longstanding policy of providing headstones and markers for the “graves” of veterans. This purpose is reflected in 38 U.S.C. § 2306(a), which requires VA to furnish, upon request, appropriate headstones or markers at Government expense for the unmarked “graves” of various classes of individuals. An exception to this policy is reflected in 38 U.S.C. § 2306(b)(1), which authorizes the provision of a headstone or marker in a case in which the remains of an individual are unavailable for interment. Pursuant to this authority, if the remains of an individual are unavailable, an appropriate memorial headstone or marker will be furnished for placement in a national cemetery area reserved for that purpose, in a veterans’ cemetery owned by a State, or, for veterans only, in a State, local, or private cemetery. In the context of this bill, we believe the requirement that a marker be provided for placement in an “area appropriate for the purpose of commemorating the individual” could be interpreted to include areas not located at grave sites, or even within cemeteries, which would be inconsistent with the current longstanding policy regarding the provision of headstones and markers. We believe that an individual’s grave site is the appropriate area in which to memorialize an individual by placement of a headstone or marker and that a cemetery is the appropriate place to memorialize an individual whose remains are unavailable.

We estimate the cost of enactment of S. 662, which includes removing the "unmarked" restriction and is retroactive to November 1990, to be \$6.6 million in FY 2002 and \$20.7 million during the period FY 2002-2006. Because this bill would affect direct spending and receipts, it is subject to PAYGO requirements.

S. 781

S. 781 would extend the sunset for housing loan entitlement currently granted to persons whose only qualifying service was in the Selected Reserve, including the National Guard. Currently, housing loan entitlement for reservists expires on September 30, 2007. This bill would extend the expiration date until September 30, 2015. We favor the enactment of this bill.

In 1992, VA housing loan benefits were extended to persons who served at least six years in the Selected Reserve. For most loans, Reservists pay a VA loan fee that is 75 basis points (or $\frac{3}{4}$ of 1 percent of the loan amount) higher than the fee paid by veterans whose entitlement is based on active duty service.

Extending home loan benefits to reservists recognized the important role the Reserves play in our National Defense. Reservists are often called upon to perform vital and dangerous missions all around the world. The availability of these benefits serves as an important recruiting incentive for the National Guard and Reserves.

Because reserve entitlement is now set to sunset in six years, persons entering reserve service today have no assurance these benefits will still be available once they have fulfilled their six years of qualifying service. Therefore, an extension of the sunset at this time is justified.

Providing housing loan entitlement to Reservists not only benefits these service members, but also stabilizes the financial viability of the program since this group pays a higher fee and has had a lower default rate than most other program participants.

Enactment of S. 781 would have no cost-impact until FY 2008. In that year, we estimate the bill would produce a cost-savings of approximately \$7 million. The total cost-savings for FY 2008 through 2011 would be approximately \$20 million.

S. 912

S. 912, the “Veterans Burial Benefits Improvement Act of 2001,” would increase the amount payable for several burial benefits for veterans.

Section 2(a) of the bill would amend 38 U.S.C. §§ 2302(a) and 2303(a)(1)(A) by increasing the burial and funeral-expense allowance for nonservice-connected deaths from \$300 to \$1,135, and amend 38 U.S.C. § 2307 by increasing the burial and funeral-expense allowance for service-connected deaths from \$1,500 to \$3,713. Section 2(b) would amend 38 U.S.C. § 2303(b) by increasing the plot allowance payable for veterans buried in State or private cemeteries from \$150 to \$670. Section 2(c) would add a new section 2309, which would index these amounts based on the percentage increases of the Consumer Price Index. The initial increases in the various rates would be applicable to deaths occurring on or after the date of enactment of this legislation.

The adequacy of the current rates must be judged in the context of the overall package of burial benefits available to veterans, and with reference to

other competing needs for finite budget dollars. The Government has responded to veterans' burial needs in recent years by establishing several new National Cemeteries and by significantly enhancing the grant program under which State veterans cemeteries are established. The State Cemetery Grants Program now provides up to 100 percent of the costs of construction associated with the establishment, expansion, or improvement of state veterans cemeteries. This partnership between VA and the states helps to support the Department's strategic goal of providing veterans with reasonable access to burial in a veterans cemetery. Since the 1998 enactment of Public Law No. 105-368, which in effect increased the permissible grant amount from 50 to 100 percent of construction costs, there has been an increased interest from the states in the program, as reflected in the increased number of pre-applications received.

Given the expanding availability of burial options within both National and State veterans cemeteries, and the competing demands for scarce VA resources, we can at this time support only an increase to \$2,000 in the burial and funeral-expense allowance for service-connected deaths. The last increase (from \$1,000 to \$1,500) occurred in 1988. The greatest obligation is owed to the families of those who have paid the ultimate price for their service, and we believe such an increase is warranted in their case. We will provide an estimate of the cost of such an increase for the record, along with an estimate of the cost of S. 912 as introduced.

S. 937

S. 937, the “Helping Our Professionals Educationally (HOPE) Act of 2001,” provides for several significant improvements to the MGIB. This bill would permit service members to transfer MGIB entitlement to their spouse and/or children, allow for accelerated payment of MGIB benefits, make MGIB benefits available for technological occupations, and permit certain members of the Selected Reserve to use MGIB benefits after separation from the Reserve.

Section 2 of S. 937 would amend the MGIB to permit certain service members to elect to transfer up to one-half of their entitlement to their dependent spouse and/or children. The implementation of this provision would be at the discretion of the Secretary of the military department concerned.

Service members who have a critical military skill, or are in specialties requiring critical military skills and who agree to serve four or more years could make an election to transfer no more than 18 months of entitlement. Individuals selected to use this option would designate to whom and how much of the entitlement would be transferred.

Subject to the applicable delimiting date, a transfer of entitlement could be made while the service member is on active duty or after the individual’s release from that duty. The terms of the transfer could be modified or revoked by the service member at any time. The spouse could use the transfer after the service member completes six years of active duty. In the case of a child, the transfer could be used after the service member completes ten years of service and the child completes the requirements for a secondary school diploma or equivalency

certificate, or the child attains age 18. A transfer to a child would end upon that child attaining the age of 26.

Further, under section 2 of S. 937, the dependent would receive the same MGIB basic benefit as the veteran and the death of that veteran would not interfere with the use of the transfer. The dependent and the individual making the transfer would be jointly liable for overpayments. If the individual failed to complete the terms of the agreement, the amount of transferred entitlement used by the dependent would be treated as an overpayment, unless the individual died or was released from active duty for medical reasons.

Section 2 further would require that the Secretary of the military department concerned approve transfers of entitlement only to the extent that appropriations are available in a fiscal year and would furnish an annual report on the use of such transfers to Congress. The Department of Defense (DOD) would fund MGIB payments made to dependents under this section and prescribe regulations for this purpose.

Since this provision involves matters within DOD's jurisdiction and would be funded by that Department, VA defers to DOD's views on this section.

Section 3 of S. 937 would permit the election of an accelerated MGIB payment in a lump-sum amount equal to the lesser of the initial month plus the allowance for the succeeding four months; or the amount payable for the entire quarter, semester, or term; or where applicable for the entire course.

VA favors accelerated payment of MGIB benefits. However, as previously mentioned, we prefer a broader provision covering high-cost, short-term courses.

VA estimates section 3 of S. 937, if enacted, would result in benefits costs of approximately \$307 million in the first year with no additional costs in the out years.

Section 4 would amend section 3452(c) of title 38, United States Code, to include in the term “educational institution” any entity that provides directly or under an agreement with another entity, a course to fulfill the requirements for the attainment of a required license or certificate. This provision would become effective October 1, 2001.

This provision is similar to section 2 of the draft bill which VA supports. However, we suggest that the definition of “educational institution” found in section 3501(a)(6) be included in this amendment, as it is in section 2, so that the new definition could work to the advantage of individuals receiving Dependents’ Educational Assistance under chapter 35.

Our preliminary estimate is that section 4 of S. 937 would result in benefit costs of about \$3.4 million in FY 2002, with a 5-year benefit cost of about \$17.6 million for FYs 2002-2006.

Section 5 of the bill contains an amendment to the chapter 1606 MGIB-Selected Reserve program that would extend the amount of MGIB entitlement an individual who continues to serve in the Selected Reserve would receive. Under current law, MGIB entitlement for an individual in the Selected Reserve commences on the date the individual makes a commitment to serve 6 years and expires at the end of a ten-year period following the date of that commitment or the date the individual is separated from the Reserve, whichever first occurs.

This section provides that the individual's entitlement would expire 5 years after the individual is honorably separated from the Selected Reserve. Since this provision involves matters within DOD's jurisdiction and would be funded by that Department, VA defers to DOD's views on this section.

~~The Veterans Benefits Administration estimates that enactment of H.R. 3256 would result in an annual cost of \$2.1 million during fiscal year (FY) 2001 and \$10.5 million over the period FYs 2001-2005.~~

Mr. Chairman, this concludes my statement.

compensation or health-care eligibility. Pursuant to the Agent Orange Act of 1991, VA has established presumptions of service connection for ten categories of disease. See 38 C.F.R. § 3.309(e). A veteran who was exposed to herbicides in service and who develops one of these diseases within the applicable presumption period, if any, is presumed to have incurred the disease in service, without the necessity of submitting proof of causation. In addition, 38 U.S.C. § 1116(a)(3) provides that, if a veteran served in the Republic of Vietnam during the Vietnam era and has a disease that VA recognizes as being associated with herbicide exposure, the veteran is presumed to have been exposed to an herbicide agent during service. The presumption of herbicide exposure is a reasonable means of dealing with uncertainties concerning the extent of herbicide spraying and troop movements in a combat zone. These uncertainties pertain equally to Vietnam veterans regardless of the disease from which they may suffer. We see no basis for distinguishing for purposes of the presumption of exposure between Vietnam veterans who have diseases on VA's presumptive list and those who are claiming compensation for other diseases. Insofar as this provision extends the presumption of herbicide exposure to any veteran who served in the Republic of Vietnam during the Vietnam era, VA supports it.

This bill would also extend for ten more years the period over which the National Academy of Sciences will transmit to VA reviews and evaluations of the available scientific evidence regarding possible associations between diseases and exposure to dioxin and other chemical compounds in herbicides. As

additional scientific and medical evidence continues to be developed concerning the health effects of herbicide exposure, such reviews may shed light on the effects of exposure on the health of veterans. Accordingly, VA supports this provision.

EDUCATION

Section 1 of S. 1088 would authorize an individual to elect an accelerated payment of Montgomery GI Bill (MGIB) benefits for pursuit of certain high-technology courses. The tuition and fees for the course would have to exceed twice the aggregate basic MGIB education benefit otherwise payable for the enrollment period in order for the individual to qualify. The amount of the accelerated payment would be the lesser of 60 percent of the established charges for the course or the aggregate amount of basic MGIB educational assistance for which the individual has remaining entitlement.

VA supports the accelerated-payment concept and we believe the provisions of this section are a step in the right direction. For example, many educational and training programs, including technical certification programs such as those offered by Microsoft, Cisco, and others, are of extremely high cost, but short duration. Under the current benefit payment method, an individual may receive \$650 to \$1300 in monthly MGIB benefits for a program of a few months' duration that costs \$5000 to \$10,000, or more. Plainly, in such a case, the benefit pay-out is not structured in relation to course length, cost or value. Thus, the individual's educational needs when pursuing such short-term, high-cost courses frequently may not be met. The accelerated provision contained in this

bill would cover a substantially greater proportion of the actual course cost to the veteran.

Nevertheless, we believe the accelerated-benefit provision should be broader. Pursuit of a short-term, high-cost course may be essential to secure the individual's employment in his or her chosen vocation or occupation. It also may be the only training he or she intends to pursue. Nevertheless, benefit payment on a monthly basis for such training, or even in a lump sum for 60 percent of the course cost, as here proposed, may deny that individual the full value of his or her earned 36 months of MGIB entitlement for such purpose. This result is inconsistent with the readjustment purposes of the MGIB.

We propose providing an accelerated payment for certain high-cost, short-term courses based on the established course charges for the enrollment period (or the entire course when not operated on a term, quarter, or semester basis) not to exceed the dollar value of the individual's remaining MGIB entitlement. Such payment under our proposal would not be provided for correspondence, flight, apprenticeship, or other on-job training. Moreover, no accelerated payment would be allowed for pursuit of a course at less than half-time, at a school not located in a state, during the same enrollment period for which an advance payment or tuition assistance is paid, or while the individual is incarcerated for conviction of a felony.

We estimate the 10-year costs of our proposal to be \$6.95 billion. We have not yet estimated costs of the education-benefit enhancements in S. 1088 or certain other bills on today's agenda, but will gladly supply them for the record.

Section 2 of S. 1088 would amend the definition of “educational institution” to include any entity that provides, directly or under agreement, training required for a license or certificate in a vocation or profession in a technological field. It would become effective the date of enactment.

The law defines a “program of education” as a curriculum or combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary for the attainment of a predetermined and identified educational, professional, or vocational objective. A program of education may be offered at either an institution of higher learning or a non-college degree school. Presently, the law does not permit VA to award benefits for courses offered by commercial enterprises whose primary purposes are other than providing educational instruction. Certified Network Administrator (CNA) and Certified Network Engineer (CNE) courses offered by Novell, Microsoft, and other companies, for example, are offered either through educational institutions or by designated business centers. Although the courses are identical regardless of where offered, only those veterans pursuing the courses at an educational institution may receive educational assistance.

This bill would allow VA to award benefits to those veterans taking these courses at a business site. This would permit approval of courses offered by businesses only when the courses are needed to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a technological occupation. We believe providing educational benefits for pursuit

of these courses is fully consonant with MGIB purposes, and, given the bill's conditions on VA's approving the courses, adequate safeguards would exist against potential abuse. Consequently, we would support this provision of the bill.

Section 8 of S. 1093, the "Veterans' Benefits Programs Modification Act of 2001," would respond to the recent decision of the United States Court of Appeals for Veterans Claims (Ozer v. Principi) which held that the relevant statute placed no limit on the length of time an eligible spouse had to use Survivors' and Dependents' Educational Assistance under chapter 35 of title 38, United States Code. First, this section would clarify the spouse's opportunity to select the date from which his or her eligibility period for using chapter 35 benefits would commence. Such date could be any date between the effective date from which VA rated the veteran as having a total service-connected disability permanent in nature and the date VA notified the veteran of that rating. Second, the section would expressly provide that the spouse would have a fixed ten-year period, beginning on the selected date or otherwise applicable date, to use the available chapter 35 benefits.

The stated intent of Congress in establishing the chapter 35 program was to assist eligible spouses and surviving spouses in preparing to support themselves and their families at a standard of living which the veteran, but for his or her service-connected death or the total and permanent disablement from a disease or injury incurred or aggravated in the Armed Forces, could have expected to provide for his or her family. In view of the need for many spouses

and surviving spouses to train for a productive place in society, Congress provided financial assistance for spouses and surviving spouses in training programs above the secondary level.

The law contemplates providing such assistance to the spouse or surviving spouse during the period following onset of the veteran's disability or death in order to timely assist the eligible spouse in adjusting to the loss of aid and support from the veteran. It is appropriate, therefore, to direct and limit the availability of this educational assistance to a period reasonably needed to achieve the statutory purposes. We note that provisions applicable to other eligible persons under chapter 35, as well as all veterans under the GI Bill and vocational rehabilitation benefit programs administered by VA limit benefit eligibility to a circumscribed period. We believe it is fair and reasonable to do so here, particularly with the flexibility that also would be afforded for the spouse to select, within an appropriate range, the date when the eligibility period would begin. Consequently, we support this section of the draft bill which would apply a ten-year period for spouses to use their Dependents' Educational Assistance benefits.

INCARCERATED PERSONS & FUGITIVE FELONS

The "Veterans' Benefits Programs Modification Act of 2001," S. 1093, would limit the provision of benefits for fugitive and incarcerated veterans. Section 7 of this bill would place a limit on compensation payments for veterans incarcerated on October 7, 1980, for felonies committed before that date who remain incarcerated for conviction of that felony after the date of the enactment

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/27/2001 7:52:34 AM
Subject: : Re: Phone # for Michael Toner at RNC

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JUN-2001 11:52:34.00
SUBJECT:: Re: Phone # for Michael Toner at RNC
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Courtney needs to talk to him re: transition business he conducted and I thought since you deal with political issues that having this number available to you might be helpful, Mr. Grumpy. Thus the "FYI."

Brett M. Kavanaugh
06/27/2001 11:47:03 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Phone # for Michael Toner at RNC

why did you send that?

Elizabeth N. Camp
06/27/2001 11:37:58 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Phone # for Michael Toner at RNC

FYI

PRA 6

REV_00128101

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 6/27/2001 10:15:16 AM
Subject: : Useless S Ct gossip

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-JUN-2001 14:15:16.00

SUBJECT:: Useless S Ct gossip

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

My husband told me last night that Rehnquist recently had a bust made of himself. Hmm...

Bradford A. Berenson
06/27/2001 02:08:10 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Re: Tick-tock on Supreme Court retirements

Here's some research I asked Brent to do on the circumstances of past retirements. It strongly suggests that if any retirement is to take place this year, we will learn of it tomorrow at the latest.

----- Forwarded by Bradford A. Berenson/WHO/EOP on
06/27/2001 02:07 PM -----

Brent D. Greenfield
06/27/2001 12:21:04 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Tick-tock on Supreme Court retirements

REV_00128131

BLACKMUN RETIREMENT:

Official retirement announcement (effective at the end of the term) at the White House with President Clinton on April 6, 1994, 85 days before the Court's last session on June 30, 1994. (Blackmun also held a news conference later that day at the Supreme Court.)

According to White House officials, Blackmun telephoned Deputy White House Counsel Joel Klein on April 4, 1994 to say he was ready to make an announcement.

Washington Post reported that Blackmun disclosed that he told the President and Chief Justice Rehnquist "some months ago" that the 1993-1994 term would be his last.

WHITE RETIREMENT:

Announced his intention to retire in a letter to President Clinton delivered on March 19, 1993, 101 days before the Court's last session on June 28, 1993. (White also spoke to the President by telephone on March 19, 1993.)

According to the Washington Post, the White House got a heads-up on the announcement on March 17, 1993, when White telephoned Associate White House Counsel Ronald Klain, a former clerk to Justice White, to ask him to stop by White's chambers on March 19, 1993. Klain, who reported to White House Counsel Bernard Nussbaum that something might be happening, stopped by White's office and served as the messenger of White's letter announcing his resignation.

MARSHALL RETIREMENT:

Announced his retirement (contingent on confirmation of his successor) in a letter delivered shortly after the Supreme Court issued his last opinions of the term, on June 27, 1991.

According to the Los Angeles Times, Marshall had given no hint that a retirement announcement was near as the Court wrapped up its final day of the session.

BRENNAN RETIREMENT:

Announced his retirement in a letter to President Bush, delivered on July 20, 1990, 23 days after the end of the 1989-1990 term, June 27, 1990.

(*Brennan suffered a stroke after returning from a trip shortly before this announcement; his doctor told him he needed to rest)

POWELL RETIREMENT:

Chief Justice Rehnquist read the retirement announcement on June 26, 1987, the last day of the Court's 1986-1987 term.

According to the Washington Post, Powell told Rehnquist on June 24, 1987 that was strongly considering retirement. On June 25, 1987, he told his wife and Rehnquist that he would be retiring. Powell informed his colleagues shortly before they assumed the bench on June 26, 1987.

BURGER RETIREMENT:

President Reagan announced Burger's retirement (effective at the end of the term) at a news conference on June 17, 1986, 20 days before the last session of the Court's term, July 7, 1986. Reagan also announced Burger's replacement (Rehnquist) and Rehnquist's replacement (Scalia).

Burger informed Reagan of his decision to retire on May 27, 1986, 41 days before the last day of the Court's term, July 7, 1986.

According to the Washington Post, a court messenger delivered copies of Burger's resignation letter approx. 15 min. before the news conference. According to news accounts, the other justices had no warning of the announcement.

Burger held a news conference later that evening.

STEWART RETIREMENT:

Announced his retirement effective July 3, 1981, in a letter released on June 18, 1981, 15 days before the end of the Court's 1980-1981 term.

Stewart informed President Reagan of his decision in person and in the above-referenced letter on May 18, 1981, 45 days before the last day of the Court's term.

Stewart informed law clerks he had hired for the 1981-1982 term on June 18, 1981.

Bradford A. Berenson
06/27/2001 08:12:34 AM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc:
Subject: Tick-tock on Supreme Court retirements

Brent, would you dig around in the press coverage of the last two Supreme Court retirements (Blackmun and White) and see exactly when and how they announced their retirements in relation to the end of the Supreme Court's Term? For example, did they announce from the bench or issue a written statement? Did they announce on the day the court rose or on some day thereafter? If thereafter, how many days thereafter?

If this research proves easy to do, you might extend it to the two retirements before that (Brennan and Marshall).

I'll need to know the answer by c.o.b. today, as tomorrow is the last day of the Supreme Court Term. Thanks for your help, and let me know if you have any questions.

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

REV_00128133

From: CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 6/27/2001 10:28:54 AM
Subject: : Is it Fair Game for the Senate to Weigh Ideology when Confirming Federal Judges?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-JUN-2001 14:28:54.00

SUBJECT:: Is it Fair Game for the Senate to Weigh Ideology when Confirming Federal Judges?

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brit Hume Special Report Last Night:

Is it Fair Game for the Senate to Weigh Ideology when Confirming Federal Judges?

REV_00128134

Click on the URL below for the rest of this story:
<http://www.foxnews.com/story/0,2933,28245,00.html>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Irene Kho/OMB/EOP@EOP [OMB] <Irene Kho>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 6/27/2001 11:15:14 AM
Subject: : Re: LRM IKK60 - - Office of National Drug Control Policy Testimony on HR2291 Reauthorization of the Drug-Free Communities Act

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-JUN-2001 15:15:14.00

SUBJECT:: Re: LRM IKK60 - - Office of National Drug Control Policy Testimony on HR2291 Reauthorization of the Drug-Free Communities Act

TO: Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

That one was never sent to me. Allison?

Irene Kho

06/27/2001 02:54:20 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: LRM IKK60 - - Office of National Drug Control Policy Testimony on HR2291 Reauthorization of the Drug-Free Communities Act

Thank you. Could I also get your comment on IKK62.

From: CN=Irene Kho/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 6/27/2001 11:17:06 AM
Subject: : Re: LRM IKK60 - - Office of National Drug Control Policy Testimony on HR2291 Reauthorization of the Drug-Free Communities Act

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Irene Kho (CN=Irene Kho/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:27-JUN-2001 15:17:06.00

SUBJECT:: Re: LRM IKK60 - - Office of National Drug Control Policy Testimony on HR2291 Reauthorization of the Drug-Free Communities Act

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I just heard from Brad Berenson. Thank you. Sorry for the confusion.

Brett M. Kavanaugh
06/27/2001 03:15:05 PM
Record Type: Record

To: Irene Kho/OMB/EOP@EOP
cc: Allison L. Riepenhoff/WHO/EOP@EOP
bcc:
Subject: Re: LRM IKK60 - - Office of National Drug Control Policy
Testimony on HR2291 Reauthorization of the Drug-Free Communities Act

That one was never sent to me. Allison?

Irene Kho
06/27/2001 02:54:20 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: LRM IKK60 - - Office of National Drug Control Policy
Testimony on HR2291 Reauthorization of the Drug-Free Communities Act

Thank you. Could I also get your comment on IKK62.

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 6/27/2001 12:56:26 PM
Subject: : 06-29-01 POTUS meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-JUN-2001 16:56:26.00

SUBJECT:: 06-29-01 POTUS meeting

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know asap if there are any last-minute changes as a result of the WHJSC meeting.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: Kyle Sampson [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
Sent: 6/28/2001 7:29:37 AM
Subject: : new POTUS time on Friday for judges/US attorneys is 2:15-2:45

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-JUN-2001 11:29:37.00

SUBJECT:: new POTUS time on Friday for judges/US attorneys is 2:15-2:45

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

CC:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: Kyle Sampson [WHO] <Kyle Sampson>;Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
Sent: 6/28/2001 7:29:37 AM
Subject: : new POTUS time on Friday for judges/US attorneys is 2:15-2:45

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-JUN-2001 11:29:37.00

SUBJECT:: new POTUS time on Friday for judges/US attorneys is 2:15-2:45

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

CC:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/28/2001 12:44:52 PM
Subject: : Washington Post Ed Board

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JUN-2001 16:44:52.00
SUBJECT:: Washington Post Ed Board
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Greetings!

I was asked to set up a time for Judge Gonzales to meet with Ben Wittes and members of the W. Post Ed Board to discuss Judges. This meeting was approved by Bartlett.

This meeting is scheduled for next Thursday, July 5th at 12:00 pm.

Please let me know if you have any questions or comments.

Thanks!

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 6/28/2001 9:21:23 AM
Subject: : Re: Who was working on the proposal

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JUN-2001 13:21:23.00
SUBJECT:: Re: Who was working on the proposal
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

It was me.

Bradford A. Berenson
06/28/2001 01:20:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Who was working on the proposal

to make agencies and departments reimburse the judgment fund when they lose certain categories of litigation? (I vaguely recall it may have been Noel.) Whoever it was , please call me. Thanks.

Message Sent

To: _____
Stuart W. Bowen/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

REV_00128462

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 6/28/2001 10:04:16 AM
Subject: : final list of Friday-2:15 POTUS mtg participants

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-JUN-2001 14:04:16.00

SUBJECT:: final list of Friday-2:15 POTUS mtg participants

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know if I am missing anyone...

Vice President Dick Cheney
Andrew Card, Chief of Staff
Alberto R. Gonzales, Counsel to the President
Karl Rove, Senior Advisor to the President
Timothy Flanigan, Deputy Counsel to the President
Brett Kavanaugh, Associate Counsel to the President
Chris Bartolomucci, Associate Counsel to the President
Brad Berenson, Associate Counsel to the President
Stuart Bowen, Associate Counsel to the President

REV_00128463

Helgi Walker, Associate Counsel to the President
Kyle Sampson, Associate Director, Presidential Personnel

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>
Sent: 6/29/2001 5:20:27 AM
Subject: : Re: Vacation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 29-JUN-2001 09:20:27.00

SUBJECT:: Re: Vacation

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

I'm out Saturday August 18 through Sunday August 26.

Rachel L. Brand 06/28/2001 07:57:54 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Vacation

I don't know whether we need to coordinate our summer vacation plans to avoid too much overlap, but ...

REV_00128467

I'm planning to be out of town from evening Thurs., Aug 16 to Sun., Aug 26.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Elizabeth N. Camp/WHO/EOP@EOP

Allison L. Riepenhoff/WHO/EOP@EOP

A. Morgan Middlemas/WHO/EOP@EOP

Lori L. Lorenzi/WHO/EOP@EOP

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>
Sent: 6/29/2001 5:14:35 AM
Subject: : Re: Vacation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-JUN-2001 09:14:35.00

SUBJECT:: Re: Vacation

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

And I'll be out of town from Saturday, Aug. 18 until Saturday, Aug. 25,

Rachel L. Brand 06/28/2001 07:57:54 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Vacation

I don't know whether we need to coordinate our summer vacation plans to avoid too much overlap, but ...

I'm planning to be out of town from evening Thurs., Aug 16 to Sun., Aug

REV_00128469

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Elizabeth N. Camp/WHO/EOP@EOP

Allison L. Riepenhoff/WHO/EOP@EOP

A. Morgan Middlemas/WHO/EOP@EOP

Lori L. Lorenzi/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>
Sent: 6/29/2001 5:20:27 AM
Subject: : Re: Vacation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 29-JUN-2001 09:20:27.00

SUBJECT:: Re: Vacation

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

I'm out Saturday August 18 through Sunday August 26.

Rachel L. Brand 06/28/2001 07:57:54 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

REV_00128471

Subject: Vacation

I don't know whether we need to coordinate our summer vacation plans to avoid too much overlap, but ...

I'm planning to be out of town from evening Thurs., Aug 16 to Sun., Aug 26.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Elizabeth N. Camp/WHO/EOP@EOP

Allison L. Riepenhoff/WHO/EOP@EOP

A. Morgan Middlemas/WHO/EOP@EOP

Lori L. Lorenzi/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 6/29/2001 9:02:44 AM
Subject: : Pre-POTUS Prep Mtg.-Judge's office-1:50 pm today!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-JUN-2001 13:02:44.00

SUBJECT:: Pre-POTUS Prep Mtg.-Judge's office-1:50 pm today!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Jean M. Russell/OU=OPD/O=EOP [OPD]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Eric W. Terrell/WHO/EOP@EOP [WHO] <Eric W. Terrell>
Sent: 6/29/2001 1:19:00 PM
Subject: : travel and ethics

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 29-JUN-2001 17:19:00.00

SUBJECT:: travel and ethics

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Eric W. Terrell (CN=Eric W. Terrell/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Hypothetical Sitaution--, Larry Lindsey agrees to particpate in a business related conference. The sponsor does not pay for tickets, lodgings and there is a conference fee. According to White House Travel office (and stop me if I am mistaken) government rated/issued tickets cannot be upgraded from coach. If Mr. Lindsey would like to travel first class can he purchase the tickets using his own frequent flyer miles?

Will the government still pay for the Conference Fee and lodging? Or does LL paying for the tickets on his own with miles take away from this trip being business?

PLEASE let me know!

jeannie

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;eric w. terrell/who/eop@eop [WHO] <eric w. terrell>
Sent: 7/2/2001 9:29:39 AM
Subject: : Re: travel and ethics

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JUL-2001 13:29:39.00
SUBJECT:: Re: travel and ethics
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:eric w. terrell (CN=eric w. terrell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

In a nutshell, Larry could use his personal frequent flier miles or cash to upgrade his Government paid for ticket to first class. It would not be appropriate for Larry to accumulate frequent flier miles in his personal account in connection with his Government travel.

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 7/2/2001 9:26:01 AM
Subject: : 07-05-01 WHJSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JUL-2001 13:26:01.00

SUBJECT:: 07-05-01 WHJSC meeting

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please let me know what agenda items you will have for this week.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/2/2001 9:28:02 AM
Subject: : Washington Post Ed Board and WH Press Prep

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JUL-2001 13:28:02.00
SUBJECT:: Washington Post Ed Board and WH Press Prep
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Anne -

Just wanted to confirm the various times...

Tuesday, July 3 - 10:30-11:00 am Ed Board Prep Mtg. in Judge's
Office
(Judge, Anne, Ari, Scott, Brett
Kavanaugh & maybe Dan)

Thursday, July 5 - 12:00-1:00/1:30 Washington Post Ed Board
(contact: Ben Wittes)

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/2/2001 9:28:35 AM
Subject: : Re: Next judges/USA's meeting with President

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JUL-2001 13:28:35.00

SUBJECT:: Re: Next judges/USA's meeting with President

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

30 minutes?

Brett M. Kavanaugh
07/02/2001 11:42:23 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: H. Christopher Bartolomucci/WHO/EOP@EOP, Alberto R.
Gonzales/WHO/EOP@EOP
Subject: Next judges/USA's meeting with President

Libby: Please try to reserve time with the President for a judges
and US Attorneys meeting on Monday July 16 or Tuesday July 17. Thanks.

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 7/2/2001 9:28:45 AM
Subject: : next POTUS meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JUL-2001 13:28:45.00

SUBJECT:: next POTUS meeting

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

For scheduling request purposes, please let me know if you will be presenting judicial and/or US Atty candidates at the next meeting (July 16/17).

Thanks!

REV_00128482

From: CN=Christine C. McCarlie/OU=OMB/O=EOP [OMB]
To: Robert J. Tuccillo/OMB/EOP@EOP [OMB] <Robert J. Tuccillo>
CC: Elizabeth L. Rossman/OMB/EOP [OMB] <Elizabeth L. Rossman>; Eric C. Pelletier/OMB/EOP [OMB] <Eric C. Pelletier>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/2/2001 9:29:37 AM
Subject: : Re: Climate Report to Congress

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Christine C. McCarlie (CN=Christine C. McCarlie/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 2-JUL-2001 13:29:37.00
SUBJECT:: Re: Climate Report to Congress
TO: Robert J. Tuccillo (CN=Robert J. Tuccillo/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: Elizabeth L. Rossman (CN=Elizabeth L. Rossman/OU=OMB/O=EOP [OMB])
READ: UNKNOWN
CC: Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP [OMB])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

thanks so much!

Robert J. Tuccillo
07/02/2001 10:10:03 AM
Record Type: Record

To: Christine C. McCarlie/OMB/EOP@EOP
cc:
Subject: Re: Climate Report to Congress

Christine --

I am having copies made today and will get you several copies.

Bob

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 7/2/2001 11:58:26 AM
Subject: : profile on Stevens and Rehnquist toninght-8pm-CSPAN

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JUL-2001 15:58:26.00

SUBJECT:: profile on Stevens and Rehnquist toninght-8pm-CSPAN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 7/2/2001 11:58:26 AM
Subject: : profile on Stevens and Rehnquist toninght-8pm-CSPAN

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JUL-2001 15:58:26.00

SUBJECT:: profile on Stevens and Rehnquist toninght-8pm-CSPAN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 7/2/2001 12:12:50 PM
Subject: : Re: Kennedy center update

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JUL-2001 16:12:50.00

SUBJECT:: Re: Kennedy center update

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

FYI - unless you already have Kennedy Center tickets there isn't anything between now and sometime in September.

REV_00128487

Thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
07/02/2001 04:09 PM -----

Stacey B. Silva
07/02/2001 04:07:26 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Re: Kennedy center update

As of now all is spoken for in July. August doesn't have any shows and the calendar for Sept. isn't in print form - you can look at the website. When I get back from my vacation I'll type out Sept & Oct. So if you have someone who wants to go in July they have to have enough clout to "bump" someone else. Next time you're down I'll give you a KC News.

S-

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/3/2001 6:03:32 AM
Subject: : No Judicial Sel. Comm. Mtg. this week

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JUL-2001 10:03:32.00

SUBJECT:: No Judicial Sel. Comm. Mtg. this week

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00128489

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Initially we had rescheduled this from Wednesday, July 4th to Thursday,
July 5th. We have now canceled this week's meeting completely.

The next JSC meeting will be next Wed., July 11 at the normal
time/location - 4:00 pm in the Roosevelt.

Kyle/Counsels: JSC Prep mtg. will be at 3:30 pm on July 11 in the Judges
office.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Kyle Sampson [WHO] <Kyle Sampson>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
Sent: 7/3/2001 7:11:55 AM
Subject: : POTUS Judges/US Atty. Mtg. set for Tuesday, July 17, 3:30-4:00

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JUL-2001 11:11:55.00

SUBJECT:: POTUS Judges/US Atty. Mtg. set for Tuesday, July 17, 3:30-4:00

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (Kyle Sampson [WHO])

READ: UNKNOWN

TO: Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please let Brent and I know if you are presenting so we can add you to the briefing memo.

REV_00128491

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/3/2001 6:03:32 AM
Subject: : No Judicial Sel. Comm. Mtg. this week

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JUL-2001 10:03:32.00

SUBJECT:: No Judicial Sel. Comm. Mtg. this week

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

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TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00128492

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Initially we had rescheduled this from Wednesday, July 4th to Thursday, July 5th. We have now canceled this week's meeting completely.

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Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 7/3/2001 2:09:38 PM
Subject: : counsel office staff meetings

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JUL-2001 18:09:38.00

SUBJECT:: counsel office staff meetings

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We will not meet on Wednesday morning.

We will meet on both Thursday and Friday morning.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 7/3/2001 2:09:38 PM
Subject: : counsel office staff meetings

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JUL-2001 18:09:38.00

SUBJECT:: counsel office staff meetings

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We will not meet on Wednesday morning.

We will meet on both Thursday and Friday morning.

From: CN=Adrian G. Gray/OU=WHO/O=EOP [WHO]
To: Michael J. Napolitano/WHO/EOP@EOP [WHO] <Michael J. Napolitano>
CC: kathryn.j.hayes/who/eop@eop [WHO] <kathryn.j.hayes>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/3/2001 4:00:05 PM
Subject: : Re: Women's Conference

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JUL-2001 20:00:05.00
SUBJECT:: Re: Women's Conference
TO: Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: kathryn.j.hayes (CN=kathryn.j.hayes/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I wouldn't think so. I would check with Brett Kavanaugh in the counsels office - he is wise in such matters.

Michael J. Napolitano
07/03/2001 02:49:11 PM
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP
cc: adrian.g.gray/who/eop@eop
bcc:
Subject: Re: Women's Conference

Gray: Do you think the RNC can pay?

From: Kathryn J. Hayes on 07/03/2001 02:47:15 PM
Record Type: Record

To: Michael J. Napolitano/WHO/EOP@EOP, Adrian G. Gray/WHO/EOP@EOP
cc:
Subject: Women's Conference

Hi guys - I've never done any travel for Lezlee and don't know who is paying, etc. etc.

Any thoughts?

----- Forwarded by Kathryn J. Hayes/WHO/EOP on 07/03/2001
02:45 PM -----

Linda West <linda@charlestonwvchamber.org>
07/03/2001 02:51:22 PM
Please respond to linda@charlestonwvchamber.org
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP

REV_00128502

cc:
Subject: Women's Conference

Hi. There are some things I need to know:

1. Flight times, airline and numbers (both arrival and departure)
2. Does Ms. Westine need ground transportation or is it provided ?
3. Are there any special needs ?
4. Is she willing to take questions after she speaks ? (I am figuring about 20 mns to 1/2 hour for her address and 10-15 minutes for questions, if there are any). She will likely begin speaking between 12:30 to 12:45 PM.

Please let me know ASAP, especially if I need to make provisions. Thanks

Linda West

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 7/5/2001 9:52:11 AM
Subject: : Re: Who is working on...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUL-2001 13:52:11.00
SUBJECT:: Re: Who is working on...
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

This is "Ms. Illinois," not "Miss Illinois"?

Allison L. Riepenhoff
07/05/2001 01:44:27 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Who is working on...

Fran Skinner called (for Ms. Illinois) wanting to know if there is a Counsel member working on 'Teens against Violence' issues. Apparently, in the previous administration, there was a Counsel member who worked on this issue, and she is wondering if that was carried over by our administration.... Can anyone help me on this? Thanks.

REV_00128504

Message Sent

To:

Rachel Brand

Noel J. Francisco/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/5/2001 10:06:05 AM
Subject: : LRM KCT55 - - VETERANS AFFAIRS Testimony on HR862, HR1406, HR1435, HR1746, HR2359, HR1929, and HR2361
Attachments: P_4AJ02004_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-JUL-2001 14:06:05.00

SUBJECT:: LRM KCT55 - - VETERANS AFFAIRS Testimony on HR862, HR1406, HR1435, HR1746, HR2359, HR1929, and HR2361

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
07/05/2001 02:05 PM -----

From: Amiee L. Albertson on 07/05/2001 01:54:58 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: LRM KCT55 - - VETERANS AFFAIRS Testimony on HR862, HR1406, HR1435, HR1746, HR2359, HR1929, and HR2361

Attached please find VA testimony for a July 10 House Veterans Affairs Committee Subcommittee hearing on pending legislation. The deadline is 4pm Friday, July 6.

AGENCIES: Hard copy to follow.

LRM ID: KCT55
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, July 5, 2001

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below

FROM: Ingrid M. Schroeder (for) Assistant Director for
Legislative Reference

OMB CONTACT: Amiee L. Albertson

PHONE: (202)395-3265 FAX: (202)395-6148

SUBJECT: VETERANS AFFAIRS Testimony on HR862, HR1406, HR1435, HR1746, HR2359, HR1929, and HR2361

DEADLINE: 4 p.m. Friday, July 6, 2001

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: This VA testimony was prepared for a July 10th hearing before a House Veterans' Affairs subcommittee. The testimony discusses pending veterans' benefits legislation, including H.R. 862, H.R. 1406, H.R. 1435, H.R. 1746, H.R. 2359, H.R. 1929, and H.R. 2361.

REV_00128506

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OVP LRM
Kathryn C. Thompson
Ingrid M. Schroeder
James J. Jukes
LRM ID: KCT55 SUBJECT: VETERANS AFFAIRS Testimony on HR862,
HR1406, HR1435, HR1746, HR2359, HR1929, and HR2361
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Amiee L. Albertson Phone: 395-3265 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-4864

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

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James J. Jukes/OMB/EOP@EOP
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4AJ02004_WHO.TXT_1>

REV_00128509



**STATEMENT OF
JOSEPH THOMPSON
UNDER SECRETARY FOR BENEFITS
DEPARTMENT OF VETERANS AFFAIRS
BEFORE THE
SUBCOMMITTEE ON BENEFITS
HOUSE COMMITTEE ON VETERANS' AFFAIRS
JULY 10, 2001**

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify today on several legislative items of great interest to veterans. Accompanying me today is Dr. John Feussner, Chief Research and Development Officer, and *{anyone else??}*.

H.R. 862

The first measure I will discuss, Mr. Chairman, is H.R. 862. This bill would amend section 1116 of title 38, United States Code, by adding diabetes mellitus (Type 2) to the list of diseases presumed to be service connected in veterans exposed to certain herbicide agents. In view of final rules recently issued by VA concerning this subject, we believe this bill is not necessary.

Section 1116(b)(1) of title 38, United States Code, directs VA to establish presumptions of service connection for diseases shown to have a "positive association" with exposure to herbicide agents. On May 8, 2001, VA published in

DRAFT

VA recently participated in the Executive Branch's One-Stop Mortgage Initiative, which was an effort to develop a more consistent approach to delivering home ownership opportunities to Native Americans. VA is hopeful that this initiative will increase opportunities and remove barriers to participation in the VA loan program for Native American veterans living on trust lands. VA is also aware of efforts by the Federal National Mortgage Association to increase private-sector lender willingness to make loans on tribal lands.

VA believes a four-year extension of the Native American veteran direct loan program would give both the Executive Branch and the Congress an opportunity to see how various initiatives regarding Native American housing loans affect the ability of these veterans to obtain VA financing, and whether further program modifications are indicated.

H.R. 2359 would also make two changes to the current law.

First, the bill would permit VA to make loans to members of a Native American tribe that has entered into a memorandum of understanding (MOU) with another Federal agency if that MOU contemplates loans made by VA and the MOU generally conforms to the requirements of the law governing the VA program. Current law requires a tribe to enter into an MOU with VA before we can make loans to members of that tribe.

The bill would also modify the current requirement that all VA loan and security instruments contain, on the first page of each such document, in letters two-and-a-half times the size of the regular type face used in the document, a statement that the loan is not assumable without the approval of VA. H.R. 2359 would require that this notice appear conspicuously on at least one instrument (such as a VA rider) under guidelines established by VA in regulations.

DRAFT

Those two amendments would implement recommendations by the One-Stop Initiative. These changes would reduce the administrative burden on Indian housing authorities and bring more uniformity in federal loan program processing procedures. Eliminating the requirement for a separate MOU between each tribe and VA should expand the number of Native American veterans eligible for VA financing. The extremely strict loan assumption notice requirement in the current law has prevented VA from approving the use of uniform loan instruments now used in FHA, “Fannie Mae,” and “Freddie Mac” transactions.

We recommend that section 2 of H.R. 2359 be further amended to repeal the requirement that VA outstation, on a part-time basis, Loan Guaranty specialists at tribal facilities if requested to do so by a tribe. We have consolidated loan processing and servicing operations from 46 regional offices to nine Regional Loan Centers, and do not have the resources to outstation loan personnel at various tribal locations. VA continues to make periodic outreach visits to all tribes, and provides training to tribal housing authorities. We believe that we can provide all necessary services to Native American veterans seeking VA housing loans without outstationing employees in remote tribal locations.

We estimate that enactment of section 2 of H.R. 2359 would not require any additional appropriation of loan subsidy. Public Law No. 102-389 appropriated \$4.5 million “to remain available until expended” to subsidize gross obligations for direct loans to Native American veterans of up to \$58.4 million. We estimate that sufficient funds would be available to cover projected Native American veteran loan volume until at least FY 2005.

Section 3 of H.R. 2359 would eliminate the requirement for appellants to furnish the Secretary of Veterans Affairs with a copy of the notice of appeal filed with the United States Court of Appeals for Veterans Claims (CAVC). VA supports the enactment of section 3 of this bill.

DRAFT

Section 7266(a) of title 38, United States Code, provides that a claimant adversely affected by a decision of the Board of Veterans' Appeals (Board) must file a notice of appeal with the CAVC within 120 days after the date on which the Board mailed notice of the decision to the appellant, in order to obtain review of the Board's decision. Subsection (b) of section 7266 requires such a claimant to furnish VA with a copy of the notice of appeal that he or she files with the CAVC.

Failure to comply with the requirement to file a notice of appeal with the CAVC within 120 days of receiving notice of an adverse Board decision ordinarily will result in a dismissal of the appeal for lack of jurisdiction. Unfortunately, in a number of instances, appellants have mailed their notices of appeal to VA, but not to the CAVC, thinking that they have complied with the statute. Some such appeals have been dismissed because the notices of appeal were not received by the CAVC within the required 120 days. We believe that removal of the requirement that an appellant furnish the Secretary with a copy of his or her notice of appeal will clarify to which entity the notice must be provided, thereby resulting in fewer cases in which appellants, through inadvertence, lose their opportunity to appeal. Removal of this notice requirement will not impair VA's ability to respond to those appeals that are properly filed with the CAVC.

There would be no costs associated with the enactment of this bill.

H.R. 1929

Mr. Chairman, H.R. 1929 would also extend the sunset for the Native American veteran housing loan program and amend the requirements concerning MOUs. Unlike section 2 of H.R. 2359, it does not address the loan assumption notice. Accordingly, Mr. Chairman, we prefer the language of H.R. 2359, with the additional amendment we have recommended.

DRAFT

H.R. 2361

The “Veterans’ Compensation Cost-of-Living Adjustment Act of 2001,” H.R. 2361, would authorize a cost-of-living adjustment (COLA) for Fiscal Year 2002 in the rates of disability compensation and dependency and indemnity compensation (DIC). Section 2 of this bill would direct the Secretary of Veterans Affairs to increase administratively the rates of compensation for service-disabled veterans and of DIC for the survivors of veterans whose deaths are service related, effective December 1, 2001. As provided in the President’s FY 2002 budget request, the rate of increase would be the same as the COLA that will be provided under current law to veterans’ pension and Social Security recipients, which is currently estimated to be 2.5 percent.

We estimate that enactment of this section would cost \$376 million during FY 2002, \$7.1 billion over the period FYs 2002-2006 and \$28.5 billion over the period FYs 2002-2011. Although this section is subject to the PAYGO requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA), the PAYGO effect would be zero because OBRA requires that the full compensation COLA be assumed in the baseline. We believe this proposed COLA is necessary and appropriate in order to protect the benefits of affected veterans and their survivors from the eroding effects of inflation. These worthy beneficiaries deserve no less.

Mr. Chairman, this concludes my statement. I will be pleased to respond to any questions you or the members of the Subcommittee may have.

DRAFT

the Federal Register a final rule which adds Type 2 diabetes to the regulatory list, contained in 38 C.F.R. § 3.309(e), of diseases VA presumes to be service connected in veterans exposed to certain herbicide agents in service. This final rule effectuates the purpose of H.R. 862.

Section 1116(a)(1)(B) of title 38, United States Code, expressly establishes a presumption of service connection for each disease that “the Secretary determines in regulations prescribed under this section warrants a presumption of service-connection by reason of having a positive association with exposure to an herbicide agent.” Inasmuch as the statute already incorporates by reference the diseases identified in VA regulations issued pursuant to section 1116, and VA has included diabetes mellitus, Type 2 in those regulations, we believe it is unnecessary to amend section 1116 to specifically mention diabetes mellitus, Type 2.

Congress has not amended section 1116 to include specific reference to each disease for which VA has previously established a presumption of service connection by regulation. For example, in 1996, VA issued a final rule establishing presumptions of service connection for prostate cancer and acute and subacute peripheral neuropathy in veterans exposed to certain herbicide agents. We see no need for legislative action ratifying these regulatory determinations.

Because H.R. 862 would merely reiterate requirements of existing statute and regulation, its enactment would result in no additional costs to VA.

H.R. 1406

The “Gulf War Undiagnosed Illness Act of 2001,” H.R. 1406, would amend section 1117 of title 38, United States Code, which governs compensation for

DRAFT

certain Gulf War veterans. We cannot support the enactment of section 2 of this bill, but we support the enactment of section 3.

Section 2 of H.R. 1406 would amend section 1117 to include “fibromyalgia, chronic fatigue syndrome, a chronic multisymptom illness, or any other ill-defined illness (or combination of ill-defined illnesses)” among the illnesses for which a presumption of service connection may be established for resulting chronic disability suffered by Gulf War veterans. Currently, section 1117 provides that the Secretary may pay compensation to any Gulf War veteran suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that became manifest during active service in the Southwest Asia theater of operations during the Gulf War or became manifest to a compensable degree within a presumptive period (currently ending on December 31, 2001) as determined by regulation.

With regard to fibromyalgia and chronic fatigue syndrome, under current law service connection may be established on a direct basis for disability resulting from either of these conditions. Each is recognized as diagnosable under VA’s schedule for rating disabilities. Accordingly, we cannot support the inclusion of either condition in section 1117. With regard to other “conditions” that would be added by section 2, the descriptions of those conditions (“chronic multisymptom illness” and “any other ill-defined illness”) are very vague and would result in great uncertainty regarding proper implementation. The Department is pursuing multiple research initiatives intended to identify diseases or conditions that may be associated with service in the Gulf. The results of this research will provide a scientific foundation for decisions on possible presumptive service-connection of diseases or conditions found in veterans of the Persian Gulf War.

Section 3 of the bill would authorize the Secretary, with respect to medical research projects sponsored by VA, to render a determination that medical

DRAFT

information derived directly or indirectly from the participation in such a project by a Gulf War veteran who is in receipt of disability compensation under either section 1117 or 1118 of title 38, United States Code, may not be used in adjudicating such veteran's entitlement to such compensation. Such determination would be based on a finding that it is necessary for the conduct of the project that Gulf War veterans participate without fear of loss of compensation. The Secretary would be required to publish in the Federal Register a notice of each determination made under this authority with respect to each medical research project concerned. This authority would be available for the Secretary's use with respect to any VA medical research project whether commenced before, on, or after the date of enactment of the bill.

Veterans who suffer from undiagnosed illnesses should not be discouraged from participation in significant research projects that may result in a better understanding of illnesses associated with Gulf War service or in beneficial treatment of their disabling conditions. In addition, if significant numbers of Gulf War veterans who suffer from undiagnosed illnesses refuse to participate in such research projects out of fear that their entitlement to compensation may be adversely affected, the results of such studies may be rendered unreliable. Accordingly, Mr. Chairman, we support this provision.

H.R. 1406 is subject to the PAYGO requirements of the Omnibus Budget Reconciliation Act of 1990, and, if enacted, it would increase direct spending. We estimate that enactment of H.R. 1406 would result in benefit costs of \$15.3 million in Fiscal Year 2002 and a total benefit cost of \$87.4 million for the five-year period from FY 2002 through FY 2006. In addition, we estimate that administrative costs associated with enactment of this provision would total \$819,000 during that five-year period. Because undiagnosed illnesses of Gulf War veterans are already subject to a presumption of service connection under 38 U.S.C. § 1117 and it is not clear whether any additional illness would be service connected as an "ill-defined illness," the estimates reflected above relate

DRAFT

only to the addition of fibromyalgia and chronic fatigue syndrome as new presumptive conditions under that section.

H.R. 1435 & H.R. 1746

H.R. 1435 and H.R. 1746 address the same basic issue, Mr. Chairman, so I will discuss these two measures together. Both bills deal with VA having a centralized toll-free telephone number that enables veterans Nationwide to receive complete and accurate information regarding benefits for veterans from not only VA but also from a variety of Federal and state agencies.

Although we fully support this goal, we are unable to favor H.R. 1435 and believe we are already in substantial compliance with the implied mandate of H.R. 1746.

H.R. 1435 would authorize the Secretary to award a grant to a private, nonprofit entity to develop and operate a national, toll-free telephone hotline to provide information and assistance to veterans and their families. This hotline would provide general information about VA benefits, and also provide crisis intervention counseling, information regarding emergency shelter and food, substance-abuse rehabilitation, employment training and opportunities, and small business assistance programs.

H.R. 1746 would require VA to provide a single toll-free phone number to enable the public to have access to veterans benefits counselors. The Secretary must ensure that these counselors are have information about veterans benefits provided by all Federal and state agencies.

We would first note, Mr. Chairman, that the Veterans Benefits Administration has had a national toll-free number, 1-800-827-1000, since 1993. This number is listed in the blue pages of telephone books under the heading

DRAFT

“benefits information.” Veterans call this number every day and receive information not only about VBA benefits, but also benefits administered by the Veterans Health Administration and the National Cemetery Administration as well as benefits offered by other Federal and State agencies.

VBA’s telecommunications concept is based on three customer service objectives:

- Accessibility (the call gets through);
- Responsiveness (get call to the right place); and
- Reliability (VA gives the correct answer).

Our goals for our telephone system include:

- Reduce blocked calls to 1 percent;
- Reduce abandoned calls to 2 percent;
- Reduce the volume of calls and misdirected calls; and
- Direct calls to program experts based on business rules.

While VA believes our efforts substantially comply with the intent of H.R. 1746, we recognize that there is more we can do. For this reason, we continue to monitor and modify our telephone service to ensure veterans receive the highest quality service from VA consistent with these goals and objectives. In May, the Secretary directed the Department to explore establishing a cost-effective centralized call center available on a 24/7 basis which would be able to respond to general inquiries about the full range of veterans benefits and health care services. That study is ongoing and will be completed shortly. VBA is also currently implementing initiatives, such as Virtual Information Center and Case Call Routing, that will improve telephone service and utilize our Veterans Service Representatives more efficiently. Case Call Routing will allow callers to call their case management team. Virtual Information Centers (VIC) allows us to adopt a Service Delivery Network (SDN) strategy to handle general calls.

DRAFT

We also developed the State Benefit Reference System in FY 2001. This system provides VA employees computer-based information about veterans benefits offered by State agencies. We are investigating the development of a similar system for VA and non-VA federal benefits for use by VA counselors and veterans self-service on the internet.

VA should have the flexibility to use the latest technologies in a way that will be of the greatest assistance to our veterans and other customers. Certain types of benefit issues may require a separate toll-free number to direct calls to subject-matter experts. In addition, the issue as to whether a private entity, as envisioned by H.R. 1435, rather than VA personnel should operate such a system requires further study.

We would be pleased to meet with your staff and discuss VA telecommunications concerns and initiatives.

H.R. 2359

Section 1 of H.R. 2359 would authorize the payment of unclaimed National Service Life Insurance (NSLI) and United States Government Life Insurance (USGLI) proceeds to an alternate beneficiary. VA supports the enactment of section 1 of this bill.

Under current law, there is no time limitation under which a named beneficiary of an NSLI or USGLI policy is required to file a claim for proceeds. Consequently, when the insured dies and the beneficiary does not file a claim for the proceeds, VA is required to hold the unclaimed funds indefinitely in order to honor any possible future claims by the beneficiary. VA holds the proceeds as a liability. While extensive efforts are made to locate and pay these individuals, there are cases where the beneficiary simply cannot be found. Under current law, we are not permitted to pay the proceeds to a contingent or alternate

DRAFT

beneficiary unless we can determine that the principal beneficiary predeceased the policyholder. Consequently, payment of the proceeds to other beneficiaries is withheld.

A majority of the existing liabilities of unclaimed proceeds were established over ten years ago. As time passes, the likelihood of locating and paying the principal beneficiary becomes more remote. In fact, the older the liability becomes, the more unlikely it is that it will ever be paid even though other legitimate heirs of the insured have been located.

This bill would grant the Secretary authority to authorize payment of NSLI and USGLI proceeds to an alternate beneficiary when the proceeds have not been claimed by the named beneficiary within two years following the death of the policyholder or within two years of this bill's enactment, whichever is later. The principal beneficiary would have two years following the death of the insured to file a claim. Afterwards, a contingent beneficiary would then have two years to file a claim. Payment would be made as if the principal beneficiary had predeceased the insured. If there is no contingent beneficiary to receive the proceeds, payment would be made to those equitably entitled, as determined by the Secretary. No payment would be made if payment would escheat to a State. Such payment would be a bar to recovery of the proceeds by any other individual.

Section 1 of H.R. 2359 would apply retroactively as well as prospectively, and is consistent with the time-limitation provisions of the Servicemembers' and Veterans' Group Life Insurance programs and the Federal Employees Group Life Insurance program.

Insofar as payment to beneficiaries is made from the insurance trust funds, there are no appropriated benefit costs associated with this bill. There would be very limited, if any, PAYGO impact as the liabilities are already set

DRAFT

aside and would eventually be paid, either as payment to beneficiaries that eventually claim the proceeds, or released from liability reserves and paid as dividends.

There are approximately 4,000 existing policies in which payment has not been made due to the fact that we cannot locate the primary beneficiary, despite extensive efforts. On a yearly basis, about 200 policies (with an average face value of \$9600) are placed into this liability because the law prohibits payment to a contingent beneficiary or to the veteran's heirs. Over the years, the sum of moneys held has aggregated to approximately \$23 million.

Adjudication of these 4,000 policies would entail administrative costs of approximately \$154,000, representing two full-time employee equivalence (FTE) in claims processing and support. Approximately 94 percent of this cost would be reimbursed to the Veterans Benefits Administration's General Operating Expense (GOE) account from the surplus of the trust funds, leaving about \$9,000 in government costs (which assumes that about six percent of the policies are Service-Disabled Veterans Insurance, which has no surplus and for which appropriated funds are used to cover administrative costs).

Section 2 of H.R. 2359 would extend, by 4 years, the sunset for the VA's direct loan program for Native American veterans living on trust lands. VA strongly supports this program, and favors enactment of this provision.

The Native American veteran direct loan program, which was enacted in October 1992, has enjoyed limited success. VA has made over 200 loans under this program to Native American veterans. The majority of these loans have been to Native Hawaiians. This program is currently set to expire December 31, 2001. This provision extends the program until December 31, 2005.

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 7/5/2001 10:08:45 AM
Subject: : Re: Who is working on...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUL-2001 14:08:45.00
SUBJECT:: Re: Who is working on...
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Clearly, I know absolutely nothing about beauty pageants!

Rachel L. Brand 07/05/2001 01:52:01 PM

Record Type: Record

To: Allison L. Riepenhoff/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Who is working on...

This is "Ms. Illinois," not "Miss Illinois"?

Allison L. Riepenhoff
07/05/2001 01:44:27 PM

REV_00128523

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Who is working on...

Fran Skinner called (for Ms. Illinois) wanting to know if there is a Counsel member working on 'Teens against Violence' issues. Apparently, in the previous administration, there was a Counsel member who worked on this issue, and she is wondering if that was carried over by our administration.... Can anyone help me on this? Thanks.

Message Sent

To:

Rachel Brand
Noel J. Francisco/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

Message Copied

To:

Rachel L. Brand/WHO/EOP@EOP
noel j. francisco/who/eop@eop
stuart w. bowen/who/eop@eop
robert w. cobb/who/eop@eop
brett m. kavanaugh/who/eop@eop
h. christopher bartolomucci/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/5/2001 3:59:20 PM
Subject: : Re: OFL staff travel

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUL-2001 19:59:20.00
SUBJECT:: Re: OFL staff travel
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

That's good to hear. All the old memos that I have from Clinton and Bush (41) don't seem to list the FL's COS, only her personal aide. And, in the case of one 1994 memo, the policy was apparently that all staff members "accompanying the First Lady to assist in carrying out official functions travel on a non-reimbursable basis."

Did you prepare a memo on this? The only memo I have from you (dated March 22, 2001) doesn't really address employees travelling with the FL on personal travel; it mentions only "guests" who must reimburse. If another memo exists, can I get a copy for my file? Also, do I assume that, if an employee is non-reimbursable, it necessarily follows that his/her food is paid for from federal travel funds? Or should those be separate inquiries -- i.e. just because you don't have to reimburse for your flight does not mean that the gov't pays your expenses or pays you a per diem.

Sorry for having so many questions, but I'd like to get this stuff clear in my own mind.

Brett M. Kavanaugh
07/05/2001 07:47:26 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OFL staff travel

No, COS is official as well.

Courtney S. Elwood
07/05/2001 07:46:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OFL staff travel

I think you are the expert on this one, although I'd be interested in hearing your response. Do I recall correctly that only the First Lady's personal aide is "always official"? Does that mean that if Andi Ball goes, she needs to reimburse for her air travel?

Brett M. Kavanaugh
07/05/2001 07:30:28 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Re: OFL staff travel

your bailiwick or mine?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
07/05/2001 07:30 PM -----

From: Anne M. Hughes on 07/05/2001 05:24:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: OFL staff travel

When staff travel with Mrs. Bush on her personal trips, I assume the Staff Travel Subsistence Fund covers Airlift Ops bills, but please confirm.
Thanks--AMH

----- Forwarded by Anne M. Hughes/WHO/EOP on 07/05/2001
05:23 PM -----

Andrea G. Ball
07/05/2001 05:18:26 PM
Record Type: Record

To: Anne M. Hughes/WHO/EOP@EOP
cc:
Subject: Re: OFL staff travel

what about travel with Mrs. Bush on her plane (not Air Force One) on official business. And what about travel when it is not necessarily official business, but she is travelling to the ranch or elsewhere.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 7/8/2001 12:05:25 PM
Subject: : Re: PILG Lunch - July 11th

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JUL-2001 16:05:25.00
SUBJECT:: Re: PILG Lunch - July 11th
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I can't do it on the 11th.

Matthew E. Smith

07/02/2001 02:34:27 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP
cc: Tim Goeglein/WHO/EOP
Subject: PILG Lunch - July 11th

Would either of you like to go? Might be a good opportunity to give an update.

----- Forwarded by Matthew E. Smith/WHO/EOP on 07/02/2001
02:33 PM -----

"Corzine, Rob" <rob.corzine@heritage.org>
07/02/2001 02:30:26 PM
Record Type: Record

To: "Gaziano, Todd" <todd.gaziano@heritage.org>
cc:
Subject: PILG Lunch - July 11th

You are cordially invited to attend the July Public
Interest Legal Group Meeting.

Noon, Wednesday, 11 July 2000
Van Andel Center (1st Floor)
The Heritage Foundation

Agenda Suggestions Welcome

Reservations requested by noon, Tuesday, 10 July.
Please send RSVP's to Rob Corzine and include Name,

REV_00128534

Title and Organization.

Upcoming PILG Meetings:

8 August

12 September

2 October

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>
CC: Bevan A. Brooks/WHO/EOP@EOP [WHO] <Bevan A. Brooks>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;bevan a. brooks/who/eop@eop [WHO] <bevan a. brooks>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;james carroll/who/eop@eop [WHO] <james carroll>;robert j. fagan/who/eop@eop [WHO] <robert j. fagan>;michael d. graham/who/eop@eop [WHO] <michael d. graham>;eric hagans/who/eop@eop [WHO] <eric hagans>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;latour r. lafferty/who/eop@eop [WHO] <latour r. lafferty>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 7/9/2001 7:30:03 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 11:30:03.00

SUBJECT:: Re:

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bevan A. Brooks (CN=Bevan A. Brooks/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bevan a. brooks (CN=bevan a. brooks/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00128539

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert j. fagan (CN=robert j. fagan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:michael d. graham (CN=michael d. graham/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:latour r. lafferty (CN=latour r. lafferty/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brad and I went last time, and there was no problem with that.

RLB

Laura L. Flippin
07/09/2001 11:27:18 AM
Record Type: Record

To: Bevan A. Brooks/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re:

I'm not sure it's a good idea for a lot of people to be going from our office -- you might want to check with Tim on this.

Bevan A. Brooks
07/09/2001 11:25:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

Please let me know if you are interested in attending the Senate Judiciary Committee's confirmation hearing on Wednesday at 2 PM on the hill. I am arranging car service for Brad and myself and I wanted to see if anyone else was interested in going over there with us. The hearing shouldn't last much more than an hour. Please let me know when you get a chance so that I can get a head count. Thank you.

Message Sent

REV_00128540

To:

H. Christopher Bartolomucci/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
James Carroll/WHO/EOP@EOP
Robert J. Fagan/WHO/EOP@EOP
Michael D. Graham/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Latour R. Lafferty/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

Message Copied

To:

h. christopher bartolomucci/who/eop@eop
david s. addington/ovp/eop@eop
john b. bellinger/nsc/eop@eop
bradford a. berenson/who/eop@eop
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michael d. graham/who/eop@eop
eric hagans/who/eop@eop
anita t. purcell/who/eop@eop
latour r. lafferty/who/eop@eop
joan m. work/who/eop@eop

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Bevan A. Brooks/WHO/EOP@EOP [WHO] <Bevan A. Brooks>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;james carroll/who/eop@eop [WHO] <james carroll>;robert j. fagan/who/eop@eop [WHO] <robert j. fagan>;michael d. graham/who/eop@eop [WHO] <michael d. graham>;eric hagans/who/eop@eop [WHO] <eric hagans>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;latour r. lafferty/who/eop@eop [WHO] <latour r. lafferty>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 7/9/2001 7:36:20 AM
Subject: : Interns

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 11:36:20.00

SUBJECT:: Interns

TO:Bevan A. Brooks (CN=Bevan A. Brooks/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00128547

CC:robert j. fagan (CN=robert j. fagan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:michael d. graham (CN=michael d. graham/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:latour r. lafferty (CN=latour r. lafferty/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

As of today, we have a new Intern, Scott Gast. He is located next to Brent Greenfield, should you want to reach him. Thanks.

Bevan A. Brooks
07/09/2001 11:25:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

Please let me know if you are interested in attending the Senate Judiciary Committee's confirmation hearing on Wednesday at 2 PM on the hill. I am arranging car service for Brad and myself and I wanted to see if anyone else was interested in going over there with us. The hearing shouldn't last much more than an hour. Please let me know when you get a chance so that I can get a head count. Thank you.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
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Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
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Michael D. Graham/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Latour R. Lafferty/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

REV_00128548

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Bevan A. Brooks/WHO/EOP@EOP [WHO] <Bevan A. Brooks>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;james carroll/who/eop@eop [WHO] <james carroll>;robert j. fagan/who/eop@eop [WHO] <robert j. fagan>;michael d. graham/who/eop@eop [WHO] <michael d. graham>;eric hagans/who/eop@eop [WHO] <eric hagans>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;latour r. lafferty/who/eop@eop [WHO] <latour r. lafferty>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 7/9/2001 7:36:20 AM
Subject: : Interns

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 11:36:20.00

SUBJECT:: Interns

TO:Bevan A. Brooks (CN=Bevan A. Brooks/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

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CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00128550

CC:robert j. fagan (CN=robert j. fagan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:michael d. graham (CN=michael d. graham/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:latour r. lafferty (CN=latour r. lafferty/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

As of today, we have a new Intern, Scott Gast. He is located next to Brent Greenfield, should you want to reach him. Thanks.

Bevan A. Brooks
07/09/2001 11:25:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

Please let me know if you are interested in attending the Senate Judiciary Committee's confirmation hearing on Wednesday at 2 PM on the hill. I am arranging car service for Brad and myself and I wanted to see if anyone else was interested in going over there with us. The hearing shouldn't last much more than an hour. Please let me know when you get a chance so that I can get a head count. Thank you.

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Bradford A. Berenson/WHO/EOP@EOP
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Eric Hagans/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Latour R. Lafferty/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

REV_00128551

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; bevan a. brooks/who/eop@eop [WHO] <bevan a. brooks>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; david s. addington/ovp/eop@eop [OVP] <david s. addington>; john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>; stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>; elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>; a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>; allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>; jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; james carroll/who/eop@eop [WHO] <james carroll>; robert j. fagan/who/eop@eop [WHO] <robert j. fagan>; michael d. graham/who/eop@eop [WHO] <michael d. graham>; eric hagans/who/eop@eop [WHO] <eric hagans>; anita t. purcell/who/eop@eop [WHO] <anita t. purcell>; latour r. lafferty/who/eop@eop [WHO] <latour r. lafferty>; joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 7/9/2001 7:52:24 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 11:52:24.00

SUBJECT:: Re:

TO: Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: bevan a. brooks (CN=bevan a. brooks/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ: UNKNOWN

CC: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

REV_00128553

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert j. fagan (CN=robert j. fagan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:michael d. graham (CN=michael d. graham/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:latour r. lafferty (CN=latour r. lafferty/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I agree that we should not have more than 2-3 people go at one time.

Laura L. Flippin
07/09/2001 11:35:35 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re:

I don't think there is a problem with a couple of people going, but I think it does not look good for us to be packing the hearing room.

Rachel L. Brand 07/09/2001 11:30:01 AM

Record Type: Record

To: Laura L. Flippin/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re:

Brad and I went last time, and there was no problem with that.

RLB

Laura L. Flippin
07/09/2001 11:27:18 AM
Record Type: Record

To: Bevan A. Brooks/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re:

I'm not sure it's a good idea for a lot of people to be going from our office -- you might want to check with Tim on this.

REV_00128554

Bevan A. Brooks
07/09/2001 11:25:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

Please let me know if you are interested in attending the Senate Judiciary Committee's confirmation hearing on Wednesday at 2 PM on the hill. I am arranging car service for Brad and myself and I wanted to see if anyone else was interested in going over there with us. The hearing shouldn't last much more than an hour. Please let me know when you get a chance so that I can get a head count. Thank you.

Message Sent

To:
H. Christopher Bartolomucci/WHO/EOP@EOP
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John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
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Jason B. Torchinsky/WHO/EOP@EOP
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Michael D. Graham/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Latour R. Lafferty/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

Message Copied

To:
h. christopher bartolomucci/who/eop@eop
david s. addington/ovp/eop@eop
john b. bellinger/nsc/eop@eop
bradford a. berenson/who/eop@eop
stuart w. bowen/who/eop@eop
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jason b. torchinsky/who/eop@eop
helgard c. walker/who/eop@eop
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anita t. purcell/who/eop@eop
latour r. lafferty/who/eop@eop
joan m. work/who/eop@eop

Message Copied

To:

Bevan A. Brooks/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
bevan a. brooks/who/eop@eop
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helgard c. walker/who/eop@eop
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anita t. purcell/who/eop@eop
latour r. lafferty/who/eop@eop
joan m. work/who/eop@eop

Message Copied

To:

bevan a. brooks/who/eop@eop
bradford a. berenson/who/eop@eop
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eric hagans/who/eop@eop

anita t. purcell/who/eop@eop
latour r. lafferty/who/eop@eop
joan m. work/who/eop@eop

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
CC: ciongoli, adam <adam.ciongoli@usdoj.gov>; dinh, viet <viet.dinh@usdoj.gov>; bryant, dan <dan.bryant@usdoj.gov>; day, lori sharpe <lori.sharpeday@usdoj.gov>; tucker, mindy <mindy.tucker@usdoj.gov>; rabjohns, lori <lori.rabjohns@usdoj.gov>; ullman, kristen a <kristen.a.ullman@usdoj.gov>; joy, sheila <sheila.joy@usdoj.gov>; suit, neal <neal.suit@usdoj.gov>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; 'matthew_e.smith@who.eop.gov' <matthew_e.smith@who.eop.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; newstead, jennifer <jennifer.newstead@usdoj.gov>
Sent: 7/9/2001 8:34:49 AM
Subject: : Re: Judicial Confirmation Working Group Meeting Scheduled for Today Has Been Cancelled

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 12:34:49.00

SUBJECT:: Re: Judicial Confirmation Working Group Meeting Scheduled for Today Has Been Cancelled

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:"ciongoli, adam" <adam.ciongoli@usdoj.gov> (receipt notification requested) (ipm return requested) ("ciongoli, adam" <adam.ciongoli@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"dinh, viet" <viet.dinh@usdoj.gov> (receipt notification requested) (ipm return requested) ("dinh, viet" <viet.dinh@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"bryant, dan" <dan.bryant@usdoj.gov> (receipt notification requested) (ipm return requested) ("bryant, dan" <dan.bryant@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"day, lori sharpe" <lori.sharpeday@usdoj.gov> (receipt notification requested) (ipm return requested) ("day, lori sharpe" <lori.sharpeday@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"tucker, mindy" <mindy.tucker@usdoj.gov> (receipt notification requested) (ipm return requested) ("tucker, mindy" <mindy.tucker@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"rabjohns, lori" <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested) ("rabjohns, lori" <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"ullman, kristen a" <kristen.a.ullman@usdoj.gov> (receipt notification requested) (ipm return requested) ("ullman, kristen a" <kristen.a.ullman@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"joy, sheila" <sheila.joy@usdoj.gov> (receipt notification requested) (ipm return requested) ("joy, sheila" <sheila.joy@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"suit, neal" <neal.suit@usdoj.gov> (receipt notification requested) (ipm return requested) ("suit, neal" <neal.suit@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

REV_00128559

READ:UNKNOWN

CC:"'matthew_e.smith@who.eop.gov'" <matthew_e.smith@who.eop.gov> (receipt notification requested) (ipm return requested) ("'matthew_e.smith@who.eop.gov'" <matthew_e.smith@who.eop.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"newstead, jennifer" <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested) ("newstead, jennifer" <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Why is there none today? I think we need to talk about some issues relating to the upcoming hearings but outside the presence of the nominees. Should we convene a small group or have a conference call?

"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov>

07/09/2001 11:25:28 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Subject: Judicial Confirmation Working Group Meeting Scheduled for Today Has Been Cancelled

Note: Some recipients have been dropped due to syntax errors.
Please refer to the "\$AdditionalHeaders" item for the complete headers.

Per Jennifer Newstead, there is no meeting of the Confirmation Working Group today. The next meeting will be Monday, July 16 at 4pm.

. . . . Winnie

Message Sent

To:

"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Bradford A. Berenson/WHO/EOP

Timothy E. Flanigan/WHO/EOP

REV_00128560

Ziad S. Ojakli/WHO/EOP

Tim Goeglein/WHO/EOP

"'Matthew_E.Smith@who.eop.gov'" <Matthew_E.Smith@who.eop.gov> (Receipt
Notification Requested) (IPM Return Requested)

Brett M. Kavanaugh/WHO/EOP

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 7/9/2001 9:35:37 AM
Subject: : 07-11-01 WHJSC agenda

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 13:35:37.00

SUBJECT:: 07-11-01 WHJSC agenda

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please let me know if you have any items for this week's meeting.

Thanks!

REV_00128562

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/9/2001 9:43:36 AM
Subject: : Re: 07-11-01 WHJSC agenda

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JUL-2001 13:43:36.00
SUBJECT:: Re: 07-11-01 WHJSC agenda
TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

WD Pa and ED Pa

Brent D. Greenfield
07/09/2001 01:35:35 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 07-11-01 WHJSC agenda

Please let me know if you have any items for this week's meeting.

Thanks!

Message Sent

To: _____
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

REV_00128563

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 7/9/2001 6:03:15 AM
Subject: : Re: Stem Cell

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JUL-2001 10:03:15.00
SUBJECT:: Re: Stem Cell
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Robert Bartley of the Wall Street Journal. It's in today's Journal. He's former head of editorial page, I believe, of the Journal.

Rachel L. Brand 07/09/2001 09:49:53 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Stem Cell

Who's the author?

Brett M. Kavanaugh
07/09/2001 09:37:33 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP,
Timothy E. Flanigan/WHO/EOP@EOP
cc:
Subject: Stem Cell

Below is an excerpt from an editorial commentary today by someone who supports stem cell research, but does not believe current law permits it.

"Consider how the issue arrives on Mr. Bush's desk. Congress has annually attached a rider to medical research funding prohibiting 'research in which a human embryo or embryos are destroyed, discarded, or knowingly subject to risk or injury.' During the Clinton administration, however, the general counsel of the Department of Health and Human Services opened the way for funding by ruling that the congressional language did not prohibit experiments on the stem cells so long as the embryo that provided them was destroyed by someone else without federal funds. Research funding was about to proceed on this basis when the Bush

administration called for a moratorium to review the matter. Moral issues should not be decided by Clintonesque legal sleight-of-hand, whatever we think of the outcome. . . . President Bush should say that he refuses to finance stem-cell research on the basis of the Clinton legalisms, but that he will sign legislation sanctioning such research. Let the debate begin. "

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 7/9/2001 7:13:25 AM
Subject: : Re: Thompson/Olson investiture at DOJ

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 11:13:25.00

SUBJECT:: Re: Thompson/Olson investiture at DOJ

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Doesn't start until 2pm, does it?

Bradford A. Berenson
07/09/2001 10:59:24 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Thompson/Olson investiture at DOJ

I'm thinking of going over to DOJ for the investiture at 11:00 a.m. on Wednesday. Is anybody else interested? If so, I'll see about getting us added to the invite list and cleared in. Try to let me know by around 2:00 today. Thanks.

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00128566

Noel J. Francisco/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

From: CN=Bevan A. Brooks/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;James Carroll/WHO/EOP@EOP [WHO] <James Carroll>;Robert J. Fagan/WHO/EOP@EOP [WHO] <Robert J. Fagan>;Michael D. Graham/WHO/EOP@EOP [WHO] <Michael D. Graham>;Eric Hagans/WHO/EOP@EOP [WHO] <Eric Hagans>;Anita T. Purcell/WHO/EOP@EOP [WHO] <Anita T. Purcell>;Latour R. Lafferty/WHO/EOP@EOP [WHO] <Latour R. Lafferty>;Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>
Sent: 7/9/2001 7:25:32 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Bevan A. Brooks (CN=Bevan A. Brooks/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 11:25:32.00

SUBJECT::

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

REV_00128568

READ:UNKNOWN
TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert J. Fagan (CN=Robert J. Fagan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael D. Graham (CN=Michael D. Graham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric Hagans (CN=Eric Hagans/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anita T. Purcell (CN=Anita T. Purcell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Latour R. Lafferty (CN=Latour R. Lafferty/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please let me know if you are interested in attending the Senate Judiciary Committee's confirmation hearing on Wednesday at 2 PM on the hill. I am arranging car service for Brad and myself and I wanted to see if anyone else was interested in going over there with us. The hearing shouldn't last much more than an hour. Please let me know when you get a chance so that I can get a head count. Thank you.

From: CN=Bevan A. Brooks/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;James Carroll/WHO/EOP@EOP [WHO] <James Carroll>;Robert J. Fagan/WHO/EOP@EOP [WHO] <Robert J. Fagan>;Michael D. Graham/WHO/EOP@EOP [WHO] <Michael D. Graham>;Eric Hagans/WHO/EOP@EOP [WHO] <Eric Hagans>;Anita T. Purcell/WHO/EOP@EOP [WHO] <Anita T. Purcell>;Latour R. Lafferty/WHO/EOP@EOP [WHO] <Latour R. Lafferty>;Joan M. Work/WHO/EOP@EOP [WHO] <Joan M. Work>
Sent: 7/9/2001 7:25:32 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bevan A. Brooks (CN=Bevan A. Brooks/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 11:25:32.00

SUBJECT::

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

REV_00128570

READ:UNKNOWN
TO:James Carroll (CN=James Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert J. Fagan (CN=Robert J. Fagan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael D. Graham (CN=Michael D. Graham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric Hagans (CN=Eric Hagans/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anita T. Purcell (CN=Anita T. Purcell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Latour R. Lafferty (CN=Latour R. Lafferty/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joan M. Work (CN=Joan M. Work/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please let me know if you are interested in attending the Senate Judiciary Committee's confirmation hearing on Wednesday at 2 PM on the hill. I am arranging car service for Brad and myself and I wanted to see if anyone else was interested in going over there with us. The hearing shouldn't last much more than an hour. Please let me know when you get a chance so that I can get a head count. Thank you.

From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: bevan a. brooks/who/eop@eop [WHO] <bevan a. brooks>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;james carroll/who/eop@eop [WHO] <james carroll>;robert j. fagan/who/eop@eop [WHO] <robert j. fagan>;michael d. graham/who/eop@eop [WHO] <michael d. graham>;eric hagans/who/eop@eop [WHO] <eric hagans>;anita t. purcell/who/eop@eop [WHO] <anita t. purcell>;latour r. lafferty/who/eop@eop [WHO] <latour r. lafferty>;joan m. work/who/eop@eop [WHO] <joan m. work>
Sent: 7/9/2001 7:35:37 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 11:35:37.00

SUBJECT:: Re:

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bevan a. brooks (CN=bevan a. brooks/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00128578

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james carroll (CN=james carroll/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert j. fagan (CN=robert j. fagan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:michael d. graham (CN=michael d. graham/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:eric hagans (CN=eric hagans/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anita t. purcell (CN=anita t. purcell/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:latour r. lafferty (CN=latour r. lafferty/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joan m. work (CN=joan m. work/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I don't think there is a problem with a couple of people going, but I think it does not look good for us to be packing the hearing room.

Rachel L. Brand 07/09/2001 11:30:01 AM

Record Type: Record

To: Laura L. Flippin/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re:

Brad and I went last time, and there was no problem with that.

RLB

Laura L. Flippin
07/09/2001 11:27:18 AM
Record Type: Record

To: Bevan A. Brooks/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re:

I'm not sure it's a good idea for a lot of people to be going from our office -- you might want to check with Tim on this.

Bevan A. Brooks
07/09/2001 11:25:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

Please let me know if you are interested in attending the Senate Judiciary Committee's confirmation hearing on Wednesday at 2 PM on the hill. I am arranging car service for Brad and myself and I wanted to see if anyone

REV_00128579

else was interested in going over there with us. The hearing shouldn't last much more than an hour. Please let me know when you get a chance so that I can get a head count. Thank you.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
James Carroll/WHO/EOP@EOP
Robert J. Fagan/WHO/EOP@EOP
Michael D. Graham/WHO/EOP@EOP
Eric Hagans/WHO/EOP@EOP
Anita T. Purcell/WHO/EOP@EOP
Latour R. Lafferty/WHO/EOP@EOP
Joan M. Work/WHO/EOP@EOP

Message Copied

To:

h. christopher bartolomucci/who/eop@eop
david s. addington/ovp/eop@eop
john b. bellinger/nsc/eop@eop
bradford a. berenson/who/eop@eop
stuart w. bowen/who/eop@eop
rachel l. brand/who/eop@eop
elizabeth n. camp/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
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lori l. lorenzi/who/eop@eop
a. morgan middlemas/who/eop@eop
allison l. riepenhoff/who/eop@eop
jason b. torchinsky/who/eop@eop
helgard c. walker/who/eop@eop
james carroll/who/eop@eop
robert j. fagan/who/eop@eop
michael d. graham/who/eop@eop
eric hagans/who/eop@eop
anita t. purcell/who/eop@eop
latour r. lafferty/who/eop@eop
joan m. work/who/eop@eop

Message Copied

To:

Bevan A. Brooks/WHO/EOP@EOP

REV_00128580

Bradford A. Berenson/WHO/EOP@EOP
bevan a. brooks/who/eop@eop
h. christopher bartolomucci/who/eop@eop
david s. addington/ovp/eop@eop
john b. bellinger/nsc/eop@eop
bradford a. berenson/who/eop@eop
stuart w. bowen/who/eop@eop
rachel l. brand/who/eop@eop
elizabeth n. camp/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brent d. greenfield/who/eop@eop
brett m. kavanaugh/who/eop@eop
lori l. lorenzi/who/eop@eop
a. morgan middlemas/who/eop@eop
allison l. riepenhoff/who/eop@eop
jason b. torchinsky/who/eop@eop
helgard c. walker/who/eop@eop
james carroll/who/eop@eop
robert j. fagan/who/eop@eop
michael d. graham/who/eop@eop
eric hagans/who/eop@eop
anita t. purcell/who/eop@eop
latour r. lafferty/who/eop@eop
joan m. work/who/eop@eop

From: CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 7/9/2001 8:15:13 AM
Subject: : Stuart's Projects

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 12:15:13.00

SUBJECT:: Stuart's Projects

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Who will be taking over Stuart's responsibilities?

From: CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 7/9/2001 8:15:13 AM
Subject: : Stuart's Projects

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 12:15:13.00

SUBJECT:: Stuart's Projects

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Who will be taking over Stuart's responsibilities?

REV_00128590

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/9/2001 9:43:36 AM
Subject: : Re: 07-11-01 WHJSC agenda

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JUL-2001 13:43:36.00
SUBJECT:: Re: 07-11-01 WHJSC agenda
TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

WD Pa and ED Pa

Brent D. Greenfield
07/09/2001 01:35:35 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 07-11-01 WHJSC agenda

Please let me know if you have any items for this week's meeting.

Thanks!

Message Sent

To: _____
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/9/2001 9:45:38 AM
Subject: : Re: 07-11-01 WHJSC agenda

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JUL-2001 13:45:38.00
SUBJECT:: Re: 07-11-01 WHJSC agenda
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Any names yet?

Brett M. Kavanaugh
07/09/2001 01:43:33 PM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 07-11-01 WHJSC agenda

WD Pa and ED Pa

Brent D. Greenfield
07/09/2001 01:35:35 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 07-11-01 WHJSC agenda

Please let me know if you have any items for this week's meeting.

Thanks!

Message Sent

To: _____
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

REV_00128592

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 7/9/2001 2:33:27 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 18:33:27.00

SUBJECT::

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Who handled the draft EO implementing the Olmstead decision?

RLB

REV_00128595

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 7/9/2001 10:38:22 AM
Subject: : USE THIS VERSION - Car memo
Attachments: P_JKYP2004_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 14:38:22.00

SUBJECT:: USE THIS VERSION - Car memo

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Found a typo or two. Please replace the version I sent 5 minutes ago,
with the attached.

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_JKYP2004_WHO.TXT_1>

[DRAFT 7/9/01, 2:30 p.m.]

July __, 2001

MEMORANDUM FOR ANDREW H. CARD, JR.
CONDOLEEZZA RICE
STEVE HADLEY

FROM: ALBERTO R. GONZALES
JOHN B. BELLINGER

SUBJECT: Use of Government Vehicles

Pursuant to 31 U.S.C. 1344(b)(1)(B), the President has authorized you to receive daily home-to-work transportation in a Government vehicle. In addition, Government cars are available to you during the workday and after hours "to provide transportation for official purposes." 31 U.S.C. 1344(a)(1). This memorandum provides some guidance on the appropriate use of these services.

This memorandum does not, however, attempt to canvass all possible circumstances where you might use a Government vehicle for a particular trip. The guidance is limited to the most likely or recurring scenarios. If you are unsure about the use a Government car in a particular case, we urge you to consult with either of us or a member of our staffs. Also, you should be conscious of public perception - in addition to the limits of the law - in deciding to use a Government car. Past experience has shown that there may be trips where you are legally justified in using a Government car, but the public will criticize you for doing so.

HOME-TO-WORK TRANSPORTATION

As noted, you have been authorized to receive "home-to-work transportation," which means "the use of a Government passenger carrier to transport [you] between [your] home and place of work." 41 C.F.R. 102-5.30. Under the applicable regulations,¹

¹ See 41 CFR 102-5.15 ("This part [Part 102-5] covers Federal agency employees in the executive . . . branch[] of Government. . . ."); 41 CFR 102-5.30 ("Federal agency means . . . (7) Any establishment in the executive branch of Government (including the Executive Office of the President)").

"home" is defined as the primary place where you reside and from which you commute to your place of work. Id. And your place of work is "any place within the accepted commuting area . . . where [you] perform[] [your] official duties." Id. (emphasis added).

Therefore, a Government car may drive you from home to a location within the D.C. metropolitan area other than the White House complex (e.g., to the State Department or the Hill), if you are going to that location as part of your official duties. Likewise, a Government car can take you from the White House to a local destination where you plan to perform official duties (e.g., an embassy or a hotel to give an official speech), and then from that destination to your home. The same rule applies on the weekends and after business hours.

TRANSPORTATION FOR OFFICIAL PURPOSES

You may also use a Government car to drive to locations other than home and work if such transportation is "for official purposes." 31 U.S.C. 1344(a)(1). The law provides little guidance, however, on what qualifies as an "official purpose." The applicable regulation defines "official use" simply as "using a motor vehicle to perform your agency's mission(s), as authorized by your agency." 41 C.F.R. 102-34.220 (emphasis added). The standard is thus quite broad. And GSA attorneys have confirmed during recent discussions that it provides the White House and the NSC with substantial discretion in determining when an employee is using a Government car to perform a White House or NSC mission.

In practice, the standard plainly allows you to use a Government car to travel to locations where you plan to perform your duties as a Government officer. You may also, under certain circumstances, use a Government car when the travel itself is unofficial. As the Chief of Staff, Assistant to the President for National Security Affairs, and Deputy Assistant to the President and Deputy National Security Advisor, you are routinely advising the President and consulting with your staffs on classified and highly sensitive matters. On some occasions, such advice and consultation will be needed while you are travelling on personal business and cannot wait until you reach a destination that has access to secure communications. In such cases it is permissible for you use a Government car.

You are in the best position to determine when you are likely to need access secure communications while running a personal

errand, on your way to a personal appointment, or otherwise attending to personal business. Obviously the likelihood that you would need access to secure communications increases during a national or international emergency or a period of crisis; during those periods, you plainly may - and indeed should - use a Government car to provide transportation regardless of whether your destination relates to your work. To do otherwise may impede the President's ability to effectively carry out his responsibilities as the Chief Executive and Commander in Chief.

INCIDENTAL USE FOR OTHER THAN OFFICIAL BUSINESS

The law also permits you to make "incidental use, for other than official business, of vehicles owned or leased by the Government" under appropriate conditions. See Section 503 of the Ethics Reform Act of 1989, P.L. 101-194, Title V, § 503, 103 Stat. 1755. In a memorandum to you dated July __, 2001, the President expressly limited such incidental, unofficial use to use that occurs during the course of and along the route of a day's official itinerary, is incidental to the day's official business, is *de minimis* in nature, frequency, and time consumed, and otherwise does not constitute a significant activity or event.

In practice, this allows you to make a personal stop while in transit to an official event or on your way home, if such a stop or detour would impose on the Government no material added cost. Similarly, the incidental-use authority would allow an employee who normally receives Government transportation from work to home to be dropped off at a child's school rather than taken home if car would not have to travel a substantially further distance.

While the law expressly contemplates such incidental use, and the President has prescribed appropriate conditions, use of a Government car for personal business should be rare.

TRAVEL BY SPOUSES AND OTHER INDIVIDUALS

Your spouse, friends, or other individual may accompany you in a Government car "provided that the [car] does not travel additional distances as a result." 41 C.F.R. 102-5.105. In other words, your accompanying passenger must "travel with [you] from the same point of departure to the same destination." Ibid.

This rule would allow you to stop at home to pick up your spouse on the way to an official event if, for example, you have some need to stop at home (e.g., to change clothes) or if there were some Government interest served by your spouse's attendance at the event.

TRANSPORTATION TO POLITICAL EVENTS

Absent security issues or the need for secure communications, (i) a Government car should not be used for transportation to purely political events or (ii) the political committee must reimburse the Government for the costs of the transportation. In most cases, it will be simpler and preferable for the Republican National Committee to provide transportation directly.

WILLFUL MISUSE

An officer or employee who willfully uses or authorizes the use of a Government vehicle for other than an official or incidental use must be suspended without pay. "The officer or employee [must] be suspended for at least one month, and when circumstances warrant, for a longer period or summarily removed from office." 31 U.S.C. 1349; see 41 C.F.R. 102-34.240. In addition, the matter may be reported to the Attorney General for prosecution for misuse of Government property, 18 U.S.C. 641.

MISCELLANEOUS

A federal employee travelling in a Government car "must use safety belts, when there is a safety belt." 41 C.F.R. 102-34.260.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 7/9/2001 12:33:45 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JUL-2001 16:33:45.00
SUBJECT:: Re:
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Hopefully Brett.

Rachel L. Brand 07/09/2001 03:51:57 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Which of you knows the rules about whether/when the RNC can pay for food expenses for WH meetings, dinners with pollsters, etc.?

From: CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO]
To: Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>;Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>;Anita B. McBride/WHO/EOP@EOP [WHO] <Anita B. McBride>;Mary O. McCarthy/NSC/EOP@EOP [NSC] <Mary O. McCarthy>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>
CC: Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 7/9/2001 12:50:29 PM
Subject: : Meeting with Secretary Card

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 16:50:29.00

SUBJECT:: Meeting with Secretary Card

TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

REV_00128607

TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
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TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
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CC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
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CC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Sec. Card would like to meet with all the Special Assistants to the President on Wednesday, July 11th at 6:30 p.m. in The Indian Treaty Room. The meeting will be about 45 minutes. He would like to talk about his expectations and find out from you how you think things are going. He'd also like to take some time to take questions. He will do a similar meeting with Deputies next week.

I apologize for the late notice.

Melissa Bennett
Office of the Chief of Staff

From: CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO]
To: Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>;Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>;Anita B. McBride/WHO/EOP@EOP [WHO] <Anita B. McBride>;Mary O. McCarthy/NSC/EOP@EOP [NSC] <Mary O. McCarthy>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>
CC: Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 7/9/2001 12:50:29 PM
Subject: : Meeting with Secretary Card

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JUL-2001 16:50:29.00

SUBJECT:: Meeting with Secretary Card

TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

REV_00128611

TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary O. McCarthy (CN=Mary O. McCarthy/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
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TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
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TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
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TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
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TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Sec. Card would like to meet with all the Special Assistants to the President on Wednesday, July 11th at 6:30 p.m. in The Indian Treaty Room. The meeting will be about 45 minutes. He would like to talk about his expectations and find out from you how you think things are going. He'd also like to take some time to take questions. He will do a similar meeting with Deputies next week.

I apologize for the late notice.

Melissa Bennett
Office of the Chief of Staff

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/10/2001 5:34:50 AM
Subject: : Re: 07-17-01 POTUS meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-JUL-2001 09:34:50.00
SUBJECT: : Re: 07-17-01 POTUS meeting
TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

What time is the meeting next week?

Brent D. Greenfield
07/10/2001 09:33:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 07-17-01 POTUS meeting

In preparation for next Tuesday's meeting, please let me know if you will be presenting candidates. As soon as I get the names, I'll begin drafting the memos and data sheets.

Thanks!

Message Sent

To: _____
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/10/2001 6:25:05 AM
Subject: DELIVERY FAILURE: Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Database is corrupt
-- Cannot allocate space

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT)
CREATOR:MailRouter (MailRouter [SYS])
CREATION DATE/TIME:10-JUL-2001 10:25:05.00
SUBJECT:DELIVERY FAILURE: Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Database is corrupt -- Cannot allocate space
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

DELIVERY FAILURE REPORT

Your Document:

Interns

could not be delivered to:

Records Management

because:

Error delivering to SREOP03/EOP ARMS\ARMS.NSF; Database is corrupt -- Cannot allocate space

Routing Path:

CN=Mail2/O=EOP;CN=SREOP03/O=EOP;CN=SREOP03/O=EOP;CN=Mail2/O=EOP

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Pamela Schwenke/OA/EOP@EOP [OA] <Pamela Schwenke>
CC: james f. daniel/oa/eop@eop [OA] <james f. daniel>;robert d. helms/oa/eop@eop [OA] <robert d. helms>;kenneth k. hembree/oa/eop@eop [OA] <kenneth k. hembree>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/10/2001 7:32:40 AM
Subject: : Re: Insurance and Truck Lease

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])

CREATION DATE/TIME:10-JUL-2001 11:32:40.00

SUBJECT:: Re: Insurance and Truck Lease

TO:Pamela Schwenke (CN=Pamela Schwenke/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

CC:james f. daniel (CN=james f. daniel/OU=oa/O=eop@eop [OA])

READ:UNKNOWN

CC:robert d. helms (CN=robert d. helms/OU=oa/O=eop@eop [OA])

READ:UNKNOWN

CC:kenneth k. hembree (CN=kenneth k. hembree/OU=oa/O=eop@eop [OA])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Pam: As I explained on the phone and advised Dale yesterday, you need to obtain a legal opinion from White House Counsel's Office on this issue. As I stated previously, Brett Kavanaugh is the point of contact on travel-related matters and I let him know that someone from OA would be calling him to discuss the issue further.

That said, in response to your first question, the government is only liable under the Federal Tort Claims Act (FTCA) for the acts of its employees committed within the scope of employment. Therefore, any driver who is not a government employee, or any driver acting outside the scope of employment, i.e., frolic, would be personally liable for any accidents causing damage to the truck and/or injuries to a third person. See, e.g., *Brandes v. US*, 783 F.2d 895 (1986) (government not liable for accident of fiance, even where she was authorized under the travel regulations to drive government rental car on househunting trip, because she was not a government employee).

The question is not solely one of liability. Pursuant to 31 U.S.C. § 1344(a), appropriated funds may be expended to maintain, operate and repair motor vehicles only to the extent that such vehicles are used for official purposes. It further states that an official purpose does not include transporting officers other than the President and a limited number of high level officials between their residence and place of employment. Therefore, if the truck is only going to be utilized to transport the President, then the use of appropriated funds is clearly appropriate. If, however, the truck is going to be driven by non-government employee(s), especially when the President isn't visiting, then the question becomes whether the vehicle is being used for an official purpose? And if the vehicle will not be utilized only for official purposes, is it appropriate to utilize appropriated funds?

In the notes of decisions accompanying 3 U.S.C. §103, there is an OLC decision which found that the Executive Office appropriations may be legally used to pay the expenses of a volunteer person, including a member of the President's family, travelling on official business on behalf of the Presidency when the person is not an officer or employee of the United States, to the extent that travel is for the official purposes of the Presidency and can be met from funds already appropriated. As you will note, the opinion clearly limits expenditures to those related to the official business of the Presidency.

REV_00128618

Without knowing the specifics of who the potential non-government drivers will be, by whom they are paid, in what capacity, if any, they serve the Presidency, or for what purposes they will use the truck and how often, it would not be prudent for me to make any specific recommendations at this time. There may be clear precedence for this, but since this expenditures from this account have previously been administered by the White House, you need to consult with them.

Kate

Pamela Schwenke
07/10/2001 09:02:48 AM
Record Type: Record

To: Catherine S. Anderson/OA/EOP@EOP
cc: James F. Daniel/OA/EOP@EOP, Robert D. Helms/OA/EOP@EOP, Kenneth K. Hembree/OA/EOP@EOP
bcc:
Subject: Re: Insurance and Truck Lease

Kate - thanks for your analysis. Jim is drafting a paper for Phil that lays out the options for a truck lease. Further discussions with Jim have raised two questions that we would like a legal opinion on:
What are the legal ramifications of a nongovernment employee driving a government owned, leased, or rented vehicle?
What is your recommendation to ensure the government's interests are protected given these legal ramifications?

Catherine S. Anderson
07/09/2001 03:00:11 PM
Record Type: Record

To: Robert D. Helms/OA/EOP@EOP
cc: Kenneth K. Hembree/OA/EOP@EOP, Pamela Schwenke/OA/EOP@EOP
bcc:
Subject: Re: Insurance and Truck Lease

Dale: As I mentioned previously, given that 3 U.S.C. 103 funds will be utilized for the lease, you should have White House Counsel's Office weigh in on this matter. Brett Kavanaugh is the point of contact for presidential travel-related issues. I gave him a brief "heads up" about this a month or so ago, but since I never heard anything more on the issue, I assumed it was OBE.

Some potential issues with the lease:

- Whether this is an appropriate use of the 3 U.S.C. 103 account.
- If 3 U.S.C. 103 funds are utilized, is the White House required to follow federal procurement and property management laws and regulations governing such things as competition and fuel efficiency?
- Can 3 U.S.C. 103 funds be utilized to purchase insurance? Generally, because the government is a self-insurer, in the absence of express statutory authority, appropriated funds are not available for the purchase of insurance to cover loss or damage to government property or the liability of government employees. The GAO has found the purchase of such

REV_00128619

commercial insurance to be neither necessary nor desirable.

- If under the terms of the commercial lease, title to the "truck" will pass to the government when total lease payments reach a stated value, or sooner if, upon termination, the government must pay the difference between total payments and the stated value, then price ceilings on the purchase of passenger vehicles mandated by 31 U.S.C. 1344(c) could apply. As set forth in Section 603 of the Treasury, Postal Service and General Government Appropriations Act for Fiscal Year 2001, the ceiling for passenger vehicles is \$8,100, for station wagons \$9,100, with additional allowances for other special types of vehicles. Generally, the GAO has found that pickup trucks were not passenger vehicles subject to the limitations, even if the pickup was used to transport personnel. If, however, this is a sport utility vehicle rather than a pickup truck, then the ceilings could apply. There is also an issue as to whether the requirements of 31 U.S.C. 1344 would even apply to expenses made pursuant to 3 U.S.C. 103.

- With regard to liability, under the Federal Tort Claims Act (FTCA) the government would only be responsible for personal and property damages resulting from the acts of government personnel acting within the scope of their official duties. Thus, if the truck were to be utilized by other than government employees, or by government employees acting outside the scope of their duties (i.e., frolic), then the FTCA would not provide coverage.

Kate

Robert D. Helms
07/06/2001 03:57:04 PM
Record Type: Record

To: Kenneth K. Hembree/OA/EOP@EOP
cc: Pamela Schwenke/OA/EOP@EOP, Kathleen E. Ohalloran/OA/EOP@EOP,
Mary A. Cochran Fox/OA/EOP@EOP, Catherine S. Anderson/OA/EOP@EOP
Subject: Insurance and Truck Lease

FYI and As we discussed, the proposed commercial lease was forwarded to FMD for processing, since the proposed fund source is for Presidential Travel. The major remaining issue is liability insurance. The vendor, Sinclair Leasing, agreed to provide property liability insurance and to include that in his lease payments, but this only covers damages to his property.

My understanding (as a lay person) is that the The tort claims act should apply to government personnel operating the truck, so insurance for the government should not be necessary. I do not believe we can provide liability insurance which would protect individuals beyond protections inherent in their positions as government employees. The individual employees may be able to add a rider to their personal auto insurance which will provide additional personal protection.

WHCA may be able to provide some additional insight from their experience on the road. OGC might have some suggestions as well.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/10/2001 5:34:50 AM
Subject: : Re: 07-17-01 POTUS meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-JUL-2001 09:34:50.00
SUBJECT: : Re: 07-17-01 POTUS meeting
TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

What time is the meeting next week?

Brent D. Greenfield
07/10/2001 09:33:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 07-17-01 POTUS meeting

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H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

REV_00128630

From: CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO]
To: Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>;Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>;Anita B. McBride/WHO/EOP@EOP [WHO] <Anita B. McBride>;Mary O. McCarthy/NSC/EOP@EOP [UNKNOWN] <Mary O. McCarthy>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>
CC: Colby J. Cooper/NSC/EOP@EOP [NSC] <Colby J. Cooper>
Sent: 7/10/2001 7:16:16 AM
Subject: : ROOM CHANGE to 450 EEOB

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JUL-2001 11:16:16.00
SUBJECT:: ROOM CHANGE to 450 EEOB
TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

REV_00128637

TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
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TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
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TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
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TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
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TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
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TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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 TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 TO:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Mary O. McCarthy (CN=Mary O. McCarthy/OU=NSC/O=EOP@EOP [UNKNOWN])
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 TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
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 READ:UNKNOWN
 TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
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 TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
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 TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
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 TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
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 TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
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 TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
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 TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
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 TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
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 TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
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 TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
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 TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 CC:Colby J. Cooper (CN=Colby J. Cooper/OU=NSC/O=EOP@EOP [NSC])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

The meeting with Secretary Card tomorrow, July 11th at 6:30 p.m. will be in room 450 EEOB instead of the Indian Treaty Room.

Thanks.

From: CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO]
To: Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>;Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>;Anita B. McBride/WHO/EOP@EOP [WHO] <Anita B. McBride>;Mary O. McCarthy/NSC/EOP@EOP [UNKNOWN] <Mary O. McCarthy>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>
CC: Colby J. Cooper/NSC/EOP@EOP [NSC] <Colby J. Cooper>
Sent: 7/10/2001 7:16:16 AM
Subject: : ROOM CHANGE to 450 EEOB

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JUL-2001 11:16:16.00
SUBJECT:: ROOM CHANGE to 450 EEOB
TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

REV_00128640

TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
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TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
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TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
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TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
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TO:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
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TO:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Colby J. Cooper (CN=Colby J. Cooper/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

The meeting with Secretary Card tomorrow, July 11th at 6:30 p.m. will be in room 450 EEOB instead of the Indian Treaty Room.

Thanks.

REV_00128642

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Pamela Schwenke/OA/EOP@EOP [OA] <Pamela Schwenke>
CC: james f. daniel/oa/eop@eop [OA] <james f. daniel>;robert d. helms/oa/eop@eop [OA] <robert d. helms>;kenneth k. hembree/oa/eop@eop [OA] <kenneth k. hembree>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/10/2001 7:32:40 AM
Subject: : Re: Insurance and Truck Lease

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])

CREATION DATE/TIME:10-JUL-2001 11:32:40.00

SUBJECT:: Re: Insurance and Truck Lease

TO:Pamela Schwenke (CN=Pamela Schwenke/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

CC:james f. daniel (CN=james f. daniel/OU=oa/O=eop@eop [OA])

READ:UNKNOWN

CC:robert d. helms (CN=robert d. helms/OU=oa/O=eop@eop [OA])

READ:UNKNOWN

CC:kenneth k. hembree (CN=kenneth k. hembree/OU=oa/O=eop@eop [OA])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Pam: As I explained on the phone and advised Dale yesterday, you need to obtain a legal opinion from White House Counsel's Office on this issue. As I stated previously, Brett Kavanaugh is the point of contact on travel-related matters and I let him know that someone from OA would be calling him to discuss the issue further.

That said, in response to your first question, the government is only liable under the Federal Tort Claims Act (FTCA) for the acts of its employees committed within the scope of employment. Therefore, any driver who is not a government employee, or any driver acting outside the scope of employment, i.e., frolic, would be personally liable for any accidents causing damage to the truck and/or injuries to a third person. See, e.g., *Brandes v. US*, 783 F.2d 895 (1986) (government not liable for accident of fiance, even where she was authorized under the travel regulations to drive government rental car on househunting trip, because she was not a government employee).

The question is not solely one of liability. Pursuant to 31 U.S.C. § 1344(a), appropriated funds may be expended to maintain, operate and repair motor vehicles only to the extent that such vehicles are used for official purposes. It further states that an official purpose does not include transporting officers other than the President and a limited number of high level officials between their residence and place of employment. Therefore, if the truck is only going to be utilized to transport the President, then the use of appropriated funds is clearly appropriate. If, however, the truck is going to be driven by non-government employee(s), especially when the President isn't visiting, then the question becomes whether the vehicle is being used for an official purpose? And if the vehicle will not be utilized only for official purposes, is it appropriate to utilize appropriated funds?

In the notes of decisions accompanying 3 U.S.C. §103, there is an OLC decision which found that the Executive Office appropriations may be legally used to pay the expenses of a volunteer person, including a member of the President's family, travelling on official business on behalf of the Presidency when the person is not an officer or employee of the United States, to the extent that travel is for the official purposes of the Presidency and can be met from funds already appropriated. As you will note, the opinion clearly limits expenditures to those related to the official business of the Presidency.

REV_00128643

Without knowing the specifics of who the potential non-government drivers will be, by whom they are paid, in what capacity, if any, they serve the Presidency, or for what purposes they will use the truck and how often, it would not be prudent for me to make any specific recommendations at this time. There may be clear precedence for this, but since this expenditures from this account have previously been administered by the White House, you need to consult with them.

Kate

Pamela Schwenke
07/10/2001 09:02:48 AM
Record Type: Record

To: Catherine S. Anderson/OA/EOP@EOP
cc: James F. Daniel/OA/EOP@EOP, Robert D. Helms/OA/EOP@EOP, Kenneth K. Hembree/OA/EOP@EOP
bcc:
Subject: Re: Insurance and Truck Lease

Kate - thanks for your analysis. Jim is drafting a paper for Phil that lays out the options for a truck lease. Further discussions with Jim have raised two questions that we would like a legal opinion on:
What are the legal ramifications of a nongovernment employee driving a government owned, leased, or rented vehicle?
What is your recommendation to ensure the government's interests are protected given these legal ramifications?

Catherine S. Anderson
07/09/2001 03:00:11 PM
Record Type: Record

To: Robert D. Helms/OA/EOP@EOP
cc: Kenneth K. Hembree/OA/EOP@EOP, Pamela Schwenke/OA/EOP@EOP
bcc:
Subject: Re: Insurance and Truck Lease

Dale: As I mentioned previously, given that 3 U.S.C. 103 funds will be utilized for the lease, you should have White House Counsel's Office weigh in on this matter. Brett Kavanaugh is the point of contact for presidential travel-related issues. I gave him a brief "heads up" about this a month or so ago, but since I never heard anything more on the issue, I assumed it was OBE.

Some potential issues with the lease:

- Whether this is an appropriate use of the 3 U.S.C. 103 account.
- If 3 U.S.C. 103 funds are utilized, is the White House required to follow federal procurement and property management laws and regulations governing such things as competition and fuel efficiency?
- Can 3 U.S.C. 103 funds be utilized to purchase insurance? Generally, because the government is a self-insurer, in the absence of express statutory authority, appropriated funds are not available for the purchase of insurance to cover loss or damage to government property or the liability of government employees. The GAO has found the purchase of such

REV_00128644

commercial insurance to be neither necessary nor desirable.

- If under the terms of the commercial lease, title to the "truck" will pass to the government when total lease payments reach a stated value, or sooner if, upon termination, the government must pay the difference between total payments and the stated value, then price ceilings on the purchase of passenger vehicles mandated by 31 U.S.C. 1344(c) could apply. As set forth in Section 603 of the Treasury, Postal Service and General Government Appropriations Act for Fiscal Year 2001, the ceiling for passenger vehicles is \$8,100, for station wagons \$9,100, with additional allowances for other special types of vehicles. Generally, the GAO has found that pickup trucks were not passenger vehicles subject to the limitations, even if the pickup was used to transport personnel. If, however, this is a sport utility vehicle rather than a pickup truck, then the ceilings could apply. There is also an issue as to whether the requirements of 31 U.S.C. 1344 would even apply to expenses made pursuant to 3 U.S.C. 103.

- With regard to liability, under the Federal Tort Claims Act (FTCA) the government would only be responsible for personal and property damages resulting from the acts of government personnel acting within the scope of their official duties. Thus, if the truck were to be utilized by other than government employees, or by government employees acting outside the scope of their duties (i.e., frolic), then the FTCA would not provide coverage.

Kate

Robert D. Helms
07/06/2001 03:57:04 PM
Record Type: Record

To: Kenneth K. Hembree/OA/EOP@EOP
cc: Pamela Schwenke/OA/EOP@EOP, Kathleen E. Ohalloran/OA/EOP@EOP,
Mary A. Cochran Fox/OA/EOP@EOP, Catherine S. Anderson/OA/EOP@EOP
Subject: Insurance and Truck Lease

FYI and As we discussed, the proposed commercial lease was forwarded to FMD for processing, since the proposed fund source is for Presidential Travel. The major remaining issue is liability insurance. The vendor, Sinclair Leasing, agreed to provide property liability insurance and to include that in his lease payments, but this only covers damages to his property.

My understanding (as a lay person) is that the The tort claims act should apply to government personnel operating the truck, so insurance for the government should not be necessary. I do not believe we can provide liability insurance which would protect individuals beyond protections inherent in their positions as government employees. The individual employees may be able to add a rider to their personal auto insurance which will provide additional personal protection.

WHCA may be able to provide some additional insight from their experience on the road. OGC might have some suggestions as well.

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/10/2001 12:38:34 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 10-JUL-2001 16:38:34.00

SUBJECT: :

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Brett, would you please look into this?

----- Forwarded by Timothy E. Flanigan/WHO/EOP on
07/10/2001 03:58 PM -----

David S. Addington
07/10/2001 01:24:12 PM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc:
Subject:

Tim:

Here's one to put in your when-I-have-time-to-think-about-it pile.

I have a dim recollection that one of the entities in the "Complex" that often generates access-to-information issues is the Assistant to the President for Science and Technology, because that Assistant to the President is usually dual-hatted as the Director of the Office of Science and Technology Policy which, if I recall correctly, is a statutory creation. I seem to recall that White Houses have greatly resisted granted access to information generated by that person wearing his first hat (Assistant to the President) but have treated as agency-like that same person wearing his second hat (OSTP). It would not surprise me if there were judicial or at least OLC opinions (and White House memos) addressing this subject.

If you are not already familiar with this issue, you might want to ask one of your Associate Counsels to pull together the basics on this dual-hatted status sometime, just so it is familiar territory when/if an issue arises with OSTP. (What made me think of this was the draft Executive Order on the President's Council on Science and Technology Policy that is in staffing.)

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;matthew e. smith/who/eop@eop [WHO] <matthew e. smith>
Sent: 7/10/2001 12:48:13 PM
Subject: : Re: meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JUL-2001 16:48:13.00
SUBJECT:: Re: meeting
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Answers to your questions are still unknown. We're hoping for 5 more next week, but whether and when those 5 (or some subset thereof) are nominated is still up in the air.

Tim Goeglein
07/10/2001 04:18:54 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Matthew E. Smith/WHO/EOP@EOP
Subject: meeting

B2 and BK:

how many judges next week, my friends?

what day?

also, matt is working with Viet to find a time for a thursday meeting.

PROPOSED AGENDA:

x Judges next week

x Organization between WH and DOJ from here on out in re: nominees and proactivity

x Jipping LATIMES article

x EDWARDS/Boyle

warmly

tsg

REV_00128663

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 7/11/2001 5:33:24 AM
Subject: : Re: FDA assertion of jurisdiction over medical practices

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUL-2001 09:33:24.00

SUBJECT:: Re: FDA assertion of jurisdiction over medical practices

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I'd call Alex Azar at HHS and have his shop take the lead in investigating this.

Helgard C. Walker
07/11/2001 09:27:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Timothy E. Flanigan/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP
Subject: FDA assertion of jurisdiction over medical practices

Today's Post contains a story about the FDA's recent assertion of jurisdiction over medical practices at fertility clinics. Apparently, the FDA will require physicians at such clinics to fill out "Investigational New Drug applications" in order to perform certain fertility procedures. Whatever one might think about some of these procedures, it seems, at first blush, a huge stretch FDA's regulatory authority over drugs and devices to sweep in these practices, which do not involve the use of any new or experimental drugs, at least according to the story.

Having been sensitized to agency overreaching at the FCC, I wonder if this is something that we should look into. I have a feeling that the FDA is

REV_00128670

on very thin legal ice in terms of its statutory authority, not unlike its recent attempt to regulate tobacco.

Message Sent

To:

Courtney S. Elwood/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>
Sent: 7/11/2001 11:06:54 AM
Subject: : Reminder of Judicial Selection Comm. Mtg. today

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUL-2001 15:06:54.00

SUBJECT:: Reminder of Judicial Selection Comm. Mtg. today

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

REV_00128672

READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Meeting will begin at 4:00 today in the Roosevelt Room. Probably won't last full hour.

Counsel staff & Kyle: JSC prep will begin at 3:30 in the Judge's Office.

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/11/2001 8:30:04 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:11-JUL-2001 12:30:04.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Condi, Steve, and Gary Edson, but let me confirm with our Admin office to make sure they do not count differently.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>
Sent: 7/11/2001 11:06:54 AM
Subject: : Reminder of Judicial Selection Comm. Mtg. today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUL-2001 15:06:54.00

SUBJECT:: Reminder of Judicial Selection Comm. Mtg. today

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

REV_00128679

READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Meeting will begin at 4:00 today in the Roosevelt Room. Probably won't last full hour.

Counsel staff & Kyle: JSC prep will begin at 3:30 in the Judge's Office.

From: CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/11/2001 1:12:41 PM
Subject: : Re: Didn't take long -- the incoming from Conyers

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:11-JUL-2001 17:12:41.00

SUBJECT:: Re: Didn't take long -- the incoming from Conyers

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

fine with me

Should I calendar it?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 7/12/2001 7:35:24 AM
Subject: RECEIVED: FINAL CLEARANCE- SAP, H.J.Res. 36- Constitutional Amendment Prohibiting the Desecration of the Flag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-JUL-2001 11:35:24.00
SUBJECT:RECEIVED: FINAL CLEARANCE- SAP, H.J.Res. 36- Constitutional Amendment Prohibiting the Desecration of the Flag
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
FINAL CLEARANCE- SAP, H.J.Res. 36- Constitutional Amendment Prohibiting the Desecration of the Flag
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
07/12/2001 11:34:53 AM

REV_00128686

From: CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Dean J. Haas/NSC/EOP@EOP [NSC] <Dean J. Haas>;Marsha L. Dimel/NSC/EOP@EOP [NSC] <Marsha L. Dimel>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 7/12/2001 5:55:46 AM
Subject: : Rice, Hadley, Edson only Title III employees

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:12-JUL-2001 09:55:46.00

SUBJECT:: Rice, Hadley, Edson only Title III employees

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Dean J. Haas (CN=Dean J. Haas/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Marsha L. Dimel (CN=Marsha L. Dimel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Brett,
Our Admin confirmed what John had told you -- that Rice, Hadley
and Edson are the only WH employees w/ the NSC who are employed under 3
U.S.C. 105. The NSC staff is either detailed from other agencies or
employed under Title V.

Jock

----- Forwarded by Jonathan R. Scharfen/NSC/EOP on
07/12/2001 09:35 AM -----

John B. Bellinger
07/11/2001 12:34:33 PM
Record Type: Record

To: Jonathan R. Scharfen/NSC/EOP@EOP
cc:
Subject:

Jock: I told Brett that Condi, Steve, and Gary at a minimum, but can you
check with Admin to see what authority other NSC direct hires are employed
under, and then get back to Brett. Thanks. John

----- Forwarded by John B. Bellinger/NSC/EOP on
07/11/2001 01:35 PM -----

Brett M. Kavanaugh
07/10/2001 10:01:02 PM
Record Type: Record

To: John B. Bellinger/NSC/EOP@EOP
cc:
Subject:

Who in the office of National Security Advisor is employed under 3 USC
105?

REV_00128687

From: CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Dean J. Haas/NSC/EOP@EOP [NSC] <Dean J. Haas>;Marsha L. Dimel/NSC/EOP@EOP [NSC] <Marsha L. Dimel>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 7/12/2001 5:55:46 AM
Subject: : Rice, Hadley, Edson only Title III employees

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:12-JUL-2001 09:55:46.00

SUBJECT:: Rice, Hadley, Edson only Title III employees

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Dean J. Haas (CN=Dean J. Haas/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Marsha L. Dimel (CN=Marsha L. Dimel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Brett,

Our Admin confirmed what John had told you -- that Rice, Hadley and Edson are the only WH employees w/ the NSC who are employed under 3 U.S.C. 105. The NSC staff is either detailed from other agencies or employed under Title V.

Jock

----- Forwarded by Jonathan R. Scharfen/NSC/EOP on
07/12/2001 09:35 AM -----

John B. Bellinger
07/11/2001 12:34:33 PM
Record Type: Record

To: Jonathan R. Scharfen/NSC/EOP@EOP
cc:
Subject:

Jock: I told Brett that Condi, Steve, and Gary at a minimum, but can you check with Admin to see what authority other NSC direct hires are employed under, and then get back to Brett. Thanks. John

----- Forwarded by John B. Bellinger/NSC/EOP on
07/11/2001 01:35 PM -----

Brett M. Kavanaugh
07/10/2001 10:01:02 PM
Record Type: Record

To: John B. Bellinger/NSC/EOP@EOP
cc:
Subject:

Who in the office of National Security Advisor is employed under 3 USC 105?

REV_00128689

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 7/12/2001 7:35:24 AM
Subject: RECEIVED: FINAL CLEARANCE- SAP, H.J.Res. 36- Constitutional Amendment Prohibiting the Desecration of the Flag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-JUL-2001 11:35:24.00
SUBJECT:RECEIVED: FINAL CLEARANCE- SAP, H.J.Res. 36- Constitutional Amendment Prohibiting the Desecration of the Flag
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
FINAL CLEARANCE- SAP, H.J.Res. 36- Constitutional Amendment Prohibiting the Desecration of the Flag
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
07/12/2001 11:34:53 AM

REV_00128691

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/12/2001 1:29:54 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-JUL-2001 17:29:54.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.newsday.com/ap/text/washington/ap134.htm>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 7/12/2001 2:35:09 PM
Subject: : First draft of letter to Conyers and Nadler
Attachments: P_QOLS2004_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-JUL-2001 18:35:09.00

SUBJECT:: First draft of letter to Conyers and Nadler

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Libby, please print for Judge.

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_QOLS2004_WHO.TXT_1>

DRAFT

July 13, 2001

Dear Congressman Conyers and Congressman Nadler:

We have received your letters of July 10 and July 12 regarding the White House Office of Faith-Based and Community Initiatives. As a matter of comity and respect for your role as members of the House Judiciary Committee, we wanted to respond as promptly as possible.

At the outset, we appreciate your statement in the July 10 letter that “religious organizations can and should have a strong and active role in dealing with our nation’s social ills.” Your letter expresses concern, however, about “press reports” indicating that the Administration “may have agreed” to issue a regulation regarding preemption of state and local anti-discrimination laws affecting faith-based organizations. In fact, the Administration did not agree to issue any such regulation, as both the White House and the Salvation Army stated publicly on July 10. It also bears mention that this kind of regulation could not have been issued without extensive and *public* notice-and-comment rulemaking proceedings involving over 20 federal agencies. As you know, such rulemaking proceedings were never initiated. What is more, the Administration has publicly stated that it does not plan to seek a regulation of the kind referenced in your letter. In sum, the fundamental premise of your letter is inaccurate, and we therefore presume your inquiry is moot.

Your letter also indicates your apparent concern that White House officials may have met with members of the Salvation Army to discuss the Salvation Army’s policy concerns and objectives. We do not understand the basis for this concern. As I am sure you agree, it is entirely appropriate for the President and his assistants, just as it is for Members of Congress, to meet with citizens and groups who have an interest in particular issues and potential legislation. Hundreds of such meetings occur every day on Capitol Hill and within the Executive Branch, and these meetings help to ensure that the federal government is responsive to the people. In that regard, it also is common for citizens and groups to express their views about particular policies or bills. This can take many forms; for example, some citizens or groups may seek new statutes or regulations; others may say that they cannot support a particular bill or proposal in its present form, at least without additional statutory or regulatory changes. For that matter, as part of the give and take of the legislative process, Members of Congress regularly engage in similar discussions with each other, with citizens and interest groups, and with the Administration. Finally, it also is proper for the Administration and the Congress to seek public support for or against particular bills, programs, or proposals; again, such activity is an everyday occurrence as part of the legislative process.

As to H.R. 7 and the President’s program for faith-based and community initiatives, members of the Administration have met with and listened to the views of innumerable groups and individuals over the past several months. Those meetings have been entirely appropriate and, indeed, necessary for the Office of Faith-Based and Community Initiatives to perform its duties. Executive Order 13199, which was issued on January 29, 2001, specifically

contemplated such activity, directing the Office of Faith-Based and Community Initiatives “to bring concerns, ideas, and policy options to the President for assisting, strengthening, and replicating successful faith-based and other community programs” and “to eliminate unnecessary legislative, regulatory, and other bureaucratic barriers that impede effective faith-based and other community efforts to solve social problems.”

As to your suggestion of a “quid pro quo” involving the Salvation Army and the Administration, it bears mention that (i) the Salvation Army has publicly supported H.R.7 and (ii) the kind of regulation your letter references was not issued. This fact flatly refutes any suggestion of a quid pro quo. In any event, it is quite common for citizens and groups to indicate that they would support a particular bill or proposal only if there were certain changes to the bill or proposal (or changes to other statutes or regulations). Thus, the negative connotation to the term “quid pro quo” is generally inapt in situations in which legislators or policymakers bargain over matters of public policy.

Although we have chosen on this occasion to address the concerns expressed in your letter, we also wish to reiterate that the Administration generally will consider providing Congress access to non-public information only in response to an authorized request of either House of Congress or of one of either House’s authorized committees. Individual Members generally receive the same access that members of the public are afforded under the Freedom of Information Act.

Thank you very much for your letter and for providing us with an opportunity to respond to your inquiries.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable John Conyers
The Honorable Jerrold Nadler
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515-6216

cc: The Honorable James Sensenbrenner

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 7/12/2001 2:35:09 PM
Subject: : First draft of letter to Conyers and Nadler
Attachments: P_QOLS2004_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-JUL-2001 18:35:09.00

SUBJECT:: First draft of letter to Conyers and Nadler

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Libby, please print for Judge.

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_QOLS2004_WHO.TXT_1>

DRAFT

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contemplated such activity, directing the Office of Faith-Based and Community Initiatives “to bring concerns, ideas, and policy options to the President for assisting, strengthening, and replicating successful faith-based and other community programs” and “to eliminate unnecessary legislative, regulatory, and other bureaucratic barriers that impede effective faith-based and other community efforts to solve social problems.”

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Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable John Conyers
The Honorable Jerrold Nadler
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515-6216

cc: The Honorable James Sensenbrenner

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>; sramp@houston.rr.com [UNKNOWN] <sramp@houston.rr.com>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; Megan D. Moran/OVP/EOP@EOP [OVP] <Megan D. Moran>; Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>; Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>; Karen E. Keller/OMB/EOP@EOP [OMB] <Karen E. Keller>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/13/2001 5:10:40 AM
Subject: : Meeting re: Executive Privilege

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUL-2001 09:10:40.00

SUBJECT:: Meeting re: Executive Privilege

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sramp@houston.rr.com (sramp@houston.rr.com [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen E. Keller (CN=Karen E. Keller/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

You are invited to attend a internal meeting re: executive privilege.
Obviously a meeting with this many senior staff members is difficult to
schedule. Please know that the following time does work for Card, Rove,
Calio, Hughes and Gonzales.

Date: Thursday, July 26th

Time: 2:15-3:00 pm

Location: Roosevelt Room

Attendees:

Andy Card

Al Gonzales

Timothy Flanigan

Karen Hughes

Karl Rove

Josh Bolten

Paul Colborn

Nick Calio

REV_00128712

David Addington
Mary Matalin
John Bellinger
Albert Hawkins
Mitch Daniels
Brad Berenson
Brett Kavanaugh

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/13/2001 11:00:52 AM
Subject: : mtg w/ POTUS on Tuesday only 15 minutes now (instead of 30)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUL-2001 15:00:52.00

SUBJECT:: mtg w/ POTUS on Tuesday only 15 minutes now (instead of 30)

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 7/13/2001 12:38:16 PM
Subject: : Re: Flag SAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JUL-2001 16:38:16.00
SUBJECT:: Re: Flag SAP
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

To try and answer Brett's question, here is what I can reconstruct: Since it was Addington's memo that the Judge gave to Courtney, which Courtney then brought to me per the Judge's request, I assume that it was indeed that memo that triggered the current discussions in WHCO on the issue. I am not aware of debate on the topic in any other quarters.

Courtney S. Elwood
07/13/2001 04:04:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Flag SAP

Don't read too much in my attempt at lively prose. I don't know anything more than what I've already said. I.e., I think Joel and Josh had some discussion on the issue yesterday. I don't think they feel particularly strongly one way or the other on the issue. In other words, in the policy shop, there is not a firm commitment behind issuing the SAP, nor a firm movement against it. Leg Affairs wants it to issue. Addington does not. And that's all I know.

Brett M. Kavanaugh
07/13/2001 03:55:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Flag SAP

I guess I would love to know about debate swirling. I, too, had talked to Joel yesterday because he called me about our Office's approval of the SAP, and it all seemed good and done. So what happened? Is it simply Addington stirring this up with his quote-unquote "alternative"?

REV_00128720

Are there other people stirring it up? What and where is the debate?
Just you two and Addington?

Courtney S. Elwood
07/13/2001 03:47:54 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Flag SAP

Not sure. I think the vote on the bill was postponed, which then meant postponing the issuance of the SAP while debate continued to swirl. But I could be mistaken on this.

Brett M. Kavanaugh
07/13/2001 03:43:42 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Flag SAP

And what, then, is the game plan?

Courtney S. Elwood
07/13/2001 03:34:32 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Flag SAP

I believe, based on my conversation with Joel this afternoon, that it has not yet issued. It certainly had not been issued as of late yesterday.

Helgard C. Walker
07/13/2001 03:27:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Courtney S. Elwood/WHO/EOP@EOP
Subject: Flag SAP

I know you reviewed it, but has it actually issued, as far as you know?

From: CN=Karen N. Blank/OU=OMB/O=EOP [OMB]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>;James C. Capretta/OMB/EOP@EOP [OMB] <James C. Capretta>;Larry R. Matlack/OMB/EOP@EOP [OMB] <Larry R. Matlack>;Jack A. Smalligan/OMB/EOP@EOP [OMB] <Jack A. Smalligan>;Matthew D. McKearn/OMB/EOP@EOP [OMB] <Matthew D. McKearn>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Eric C. Pelletier/OMB/EOP@EOP [OMB] <Eric C. Pelletier>;Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>;Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Mary C. Barth/OMB/EOP@EOP [OMB] <Mary C. Barth>;Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>;Richard B. Bavier/OMB/EOP@EOP [OMB] <Richard B. Bavier>;Kenneth S. Kelly/OMB/EOP@EOP [OMB] <Kenneth S. Kelly>;Alejandra O. Ceja/OMB/EOP@EOP [OMB] <Alejandra O. Ceja>;Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>;Fredrick J. Charney/OMB/EOP@EOP [OMB] <Fredrick J. Charney>;Wendy A. Taylor/OMB/EOP@EOP [OMB] <Wendy A. Taylor>;Brenda Aguilar/OMB/EOP@EOP [OMB] <Brenda Aguilar>;David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>;Douglas Pitkin/OMB/EOP@EOP [OMB] <Douglas Pitkin>;Alan B. Rhinesmith/OMB/EOP@EOP [OMB] <Alan B. Rhinesmith>;Francis S. Redburn/OMB/EOP@EOP [OMB] <Francis S. Redburn>;Reid B Cramer/OMB/EOP@EOP [OMB] <Reid B Cramer>;James Boden/OMB/EOP@EOP [OMB] <James Boden>;Yvette M. Dennis/OMB/EOP@EOP [OMB] <Yvette M. Dennis>;Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>;Lauren Larson/OMB/EOP@EOP [OMB] <Lauren Larson>;Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>;Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>;Michael C. Falkenheim/OMB/EOP@EOP [OMB] <Michael C. Falkenheim>;Joanne Cianci/OMB/EOP@EOP [OMB] <Joanne Cianci>;OFBCI-LRM [UNKNOWN] <OFBCI-LRM>
CC: James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>;Ingrid M. Schroeder/OMB/EOP [OMB] <Ingrid M. Schroeder>;Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>;Irene Kho/OMB/EOP@EOP [OMB] <Irene Kho>
Sent: 7/15/2001 5:16:50 AM
Subject: : FYI, (1) Judiciary Ctte Report on HR 7 (H.Rpt 107-138 Part I) and (2) three CQ stories on HR 7
Attachments: P_PXFT2004_OPD.TXT_1

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Karen N. Blank (CN=Karen N. Blank/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:15-JUL-2001 09:16:50.00

SUBJECT:: FYI, (1) Judiciary Ctte Report on HR 7 (H.Rpt 107-138 Part I) and (2) three CQ stories on HR 7

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:James C. Capretta (CN=James C. Capretta/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Larry R. Matlack (CN=Larry R. Matlack/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jack A. Smalligan (CN=Jack A. Smalligan/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Matthew D. McKearn (CN=Matthew D. McKearn/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

REV_00128723

TO:Brett S. Loper (CN=Brett S. Loper/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Mary C. Barth (CN=Mary C. Barth/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ellen J. Balis (CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Richard B. Bavier (CN=Richard B. Bavier/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Kenneth S. Kelly (CN=Kenneth S. Kelly/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Alejandra O. Ceja (CN=Alejandra O. Ceja/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Fredrick J. Charney (CN=Fredrick J. Charney/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Wendy A. Taylor (CN=Wendy A. Taylor/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brenda Aguilar (CN=Brenda Aguilar/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])
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TO:Douglas Pitkin (CN=Douglas Pitkin/OU=OMB/O=EOP@EOP [OMB])
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TO:Alan B. Rhinesmith (CN=Alan B. Rhinesmith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Francis S. Redburn (CN=Francis S. Redburn/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Reid B Cramer (CN=Reid B Cramer/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:James Boden (CN=James Boden/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Yvette M. Dennis (CN=Yvette M. Dennis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Lauren Larson (CN=Lauren Larson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael C. Falkenheim (CN=Michael C. Falkenheim/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Joanne Cianci (CN=Joanne Cianci/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:OFBCI-LRM (OFBCI-LRM [UNKNOWN])
READ:UNKNOWN
CC:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Ingrid M. Schroeder (CN=Ingrid M. Schroeder/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
CC:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
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(pdf view-only format)

CHARITABLE CHOICE PLAN FACES UNFORGIVING
DEMOCRAT FOES

REV_00128724

By Bill Swindell, CQ Staff Writer

July 13, 2001 - Supporters are confident President Bush's faith-based initiative, which has been plagued by controversy since its unveiling, will pass the House floor on Wednesday.

The bill (HR 7) allows churches, religious organizations and faith-based groups to compete for federal money in eight new social service areas that include housing, child care and aid to the elderly. The organizations still would be allowed to promote their beliefs.

Bush contends his initiative, more commonly referred to as "charitable choice," would provide better and more efficient help to those in need.

Opponents, mostly Democrats, have raised objections that it could violate church and state separation.

Last week, their fears were further heightened after the White House backed off a proposal by the Salvation Army to heavily lobby for the bill in exchange for an administration ruling that would weaken state and local laws against discrimination in hiring gays and lesbians. Opponents of the bill maintain it already allows religious groups to discriminate against gays in providing such services.

"The only thing this bill does is allow federal contractors to discriminate on religion for the first time in 35 years," said Rep. Robert C. Scott, D-Va., a bill opponent.

House Democrats are further upset by what they claim is a last-minute provision added to the bill before a House Judiciary Committee markup on June 28. The provision would allow Cabinet secretaries to convert more than \$47 billion in social service program funds into vouchers for religious groups.

John Conyers Jr. of Michigan, the ranking Democrat on the House Judiciary Committee, wrote to Chairman F. James Sensenbrenner Jr., R-Wis., last week asking that the provision be taken out because it "represents sweeping and controversial changes to federal law." Conyers said the vouchers would allow religious groups to use federal funds to proselytize.

A Republican aide said the criticism is more a delaying tactic. "I can't believe it is of any surprise to anyone," the aide said about the voucher complaints.

Though no vote counts have been done, the aide said, Republican leaders are optimistic the vast majority of the GOP caucus would support it.

Lobbyists opposing the bill said the vote likely will break down along party lines.

"We've seen an intensification of [Republican] solidarity. I would argue it's not necessarily motivated by a commitment to the underlying bill as much as it is a partisan commitment to helping to pass the president's legislative agenda," said Terri Schroeder, a legislative Counsel for the American Civil Liberties Union.

Many members haven't given the bill much consideration as the House has been focused on other issues, including appropriations and campaign finance.

"There's still a lot of Democrats that don't understand it. They haven't focused on the bill," said Tony P. Hall, D-Ohio. Hall is a cosponsor with J.C. Watts Jr., R-Okla.

The bill also aims to help those who do not itemize their taxes by permitting deductions on charitable contributions. Bush had originally proposed that by 2006 non-itemizers would be allowed to deduct charitable donations equal to their standard deduction. That proposal was not included in the president's \$1.35 trillion tax cut (HR 1836 -- PL 107-16).

House Republicans proposed a much smaller \$13 billion initiative in the bill that would allow for single filers to deduct up to \$25 in charitable donations next year, with a maximum of \$50 deduction for those filing jointly.

Democrats have derided the tax break, noting it would give the average family a tax break of just 92 cents a week, while threatening the Social Security and Medicare surpluses.

Source: CQ Monitor News

Ways and Means Scales Back Bush Plan For Forestering Charitable Donations
By Lori Nitschke, CQ Staff

When it became clear last month that Congress would significantly revise President Bush's proposal to give faith-based charities easier access to federal funds, supporters consoled themselves by focusing on the plan's substantial tax incentives for giving to charities.

But faced with budgetary constraints and new concerns about the stability of the surplus, the House Ways and Means Committee approved just a fraction of the tax cuts Bush had wanted when it took up the legislation (HR 7) July 11. The provisions, adopted 23-16 along party lines, would cost an estimated \$13.3 billion over 10 years, just 15 percent of the \$91.7 billion Bush proposal. (Budget, p. 1679)

"This is a good first step," said Rep. Rob Portman, R-Ohio, adding that "there is room for this much."

The bill had already been rewritten by the House Judiciary Committee to prevent religious charities from proselytizing to recipients during treatment programs. Given the changes to both the tax and social policy provisions, the administration and the bill's chief sponsors -- J.C. Watts Jr., R-Okla., and Tony P. Hall, D-Ohio -- expressed hope that House passage would generate interest in the Democratic-controlled Senate.

That seems increasingly unlikely, however, as the measure's main Democratic supporter in the Senate, Joseph I. Lieberman of Connecticut, has expressed concern at the administration's insistence that charitable groups be allowed to hire only people who follow the same religious practices as those in the group. At the Ways and Means markup, attempts by Democrats to address those

concerns
were ruled out of the committee's jurisdiction. (Story, p. 1687)

Some Ways and Means members said the House was wasting its time on the measure. "This is obviously just a press release bill. It's going over to the Senate and into the ash can," said Jim McDermott, D-Wash.

By voice vote, the panel adopted an amendment by Chairman Bill Thomas, R-Calif., that cut Bush's proposal to the bone:

ú It abandoned his \$84.4 billion plan to allow non-itemizers to deduct 100 percent of their charitable contributions by 2006, replacing it with a \$6.4 billion plan to allow a maximum deduction of \$100 for individuals and \$200 for married couples filing jointly by 2010. That limit would start at \$25 for individuals and \$50 for couples in 2002. Bush would have phased in his proposal, but more quickly and at different levels.

In addition, only monetary contributions could be deducted. Because deductions reduce the amount of income that is subject to tax, not the tax itself, the typical single non-itemizer would only see \$3.75 in actual tax savings in 2002 under the Thomas plan.

ú It dropped language that would have created new tax credits for financial institutions that set up accounts for low-income people. Instead, the committee authorized doubling, to \$50 million annually, spending for a three-year-old program (PL 105-285) that directs federal funds to tribes, community groups, credit unions and other organizations that set up savings accounts for low-income people. (1998 Almanac, p. 9-19)

ú It modified a Bush plan to allow older people to give their Individual Retirement Accounts to charities tax-free, setting the age for eligibility at 70½ instead of Bush's proposed 59½. The provision would cost \$2.8 billion.

ú It included Bush's plan to boost from 10 percent to 15 percent the amount of charitable contributions that corporations could deduct, although the increase would be phased in between 2002-10. The cost would be \$917 million.

ú It added a number of other provisions designed to streamline the tax treatment of certain charitable contributions, at a cost of \$3.3 billion.

Democrats said they would oppose the bill unless its cost was offset, and they argued that additional tax cuts are sure to force the federal surplus below the level set aside to pay the hospital bills of Medicare beneficiaries. The panel rejected, by a 16-23, party-line vote, an amendment by ranking Democrat Charles B. Rangel of New York to offset the bill's cost by increasing the top tax rates, which have been cut under this year's tax law (PL 107-16). (CQ Weekly, p. 1304)

An amendment by Karen L. Thurman, D-Fla., to only allow the charity-oriented tax cuts in years with budget surpluses was rejected 17-23. All Democrats present and Amo Houghton, R-N.Y., voted for it.

By voice vote, the panel rejected a proposal by Benjamin L. Cardin, D-Md., to authorize increased funding for the federal social programs that faith-based charities and other groups could access under the bill.

Source: CQ Weekly

Diminished 'Faith-Based Initiative' Heads Toward House Floor
By David Nather, CQ Staff

Battered by weeks of bad press, legislative compromises and mind-numbing constitutional questions, President Bush's "faith-based initiative" is about to have its day on the House floor -- but with so many bites taken out of it that some lawmakers wonder if there is any point left.

The bill (HR 7) the House is likely to take up the week of July 16 has been scaled back to walk a thin constitutional line. Faith-based groups could use federal aid for religious activities if they get it indirectly -- through vouchers, for example -- but not if they get it directly. That approach would set up hurdles for the kinds of groups religious conservatives believe are effective precisely because they use religion to change people's lives.

The tax incentives for private donations to charities, another major piece of the Bush initiative, have been gutted because of lower projected surpluses and because so much money was used for the tax cut package (PL 107-16). (CQ Weekly, p. 1304)

As approved by the House Ways and Means Committee on July 11, Bush's \$84.4 billion plan to allow non-itemizers to deduct all charitable contributions by 2006 was whittled down to a deduction that would start with \$25 for individuals and \$50 for married couples in 2002. (Story, p. 1688)

The one area that remains undiluted, according to critics in Congress and civil rights groups, is a proposal that would allow religious groups to discriminate in their hiring practices and still receive federal funds.

That issue surfaced in an embarrassing way the week of July 9. The Washington Post reported that an internal Salvation Army document claimed that the White House -- in an effort to win the charity's support for the faith-based initiative -- had promised to issue a regulation exempting religious groups from state and local laws that ban discrimination against gay people in hiring and domestic-partner benefits.

Within hours, the White House announced it would not pursue the regulation, but the damage had been done. Democrats said the document proved that the true motive of "charitable choice" -- which is supposed to allow faith-based groups to receive funds without abandoning their religious character -- is to make discrimination legal.

"The only real purpose of this bill is to allow religious groups to discriminate on the basis of religion or sexual orientation or whatever else," Rep. Jerrold Nadler of New York, ranking Democrat on the Judiciary Subcommittee on the Constitution, said at a July 11 news conference.

"Any program that can get funded under this bill can get funded

now, except sponsors that refuse to follow federal civil rights laws," said Rep. Robert C. Scott, D-Va.

The Salvation Army acknowledged that it proposed the regulation, but said the issue was never employment discrimination and insisted it does not discriminate against gays and lesbians in its hiring. The real issue was the state and local laws requiring domestic partner benefits, which are "a direct contradiction of the Salvation Army's theology, which holds that marriage is a sacred union," said spokesman David Fuscus.

The bill's supporters dismissed the episode, saying the point of the faith-based initiative is to ensure that religious groups are not denied federal funds that are available to secular groups.

Despite the attacks, they said the initiative is very much alive. That was Bush's message when he went to the Capitol on July 11 to rally House Republican support for the measure. Republicans who attended the closed-door talk said Bush made his case with much the same fervor he used to win their support for annual testing in his education overhaul plan. (Story, p. 1710)

"I can go back over the last two months and point to stories where everybody said it was dead for one reason or another," said House Republican Conference Chairman J.C. Watts Jr. of Oklahoma, the bill's sponsor.

That does not mean the initiative is safe in the House. Republicans are nervously trying to recruit Democratic support in case they lose moderate Republican votes. With members' attention focused on managed-care and appropriations bills, many votes appear to be up for grabs; several moderate Republicans said they have not paid enough attention to the faith-based initiative to make up their minds.

Bigger Obstacles in Senate

Even if the faith-based measure passes the House, there is little guarantee it has a future in the Democratic Senate.

Majority Leader Tom Daschle, D-S.D., appears willing to give it a shot on the floor. After meeting with Bush at the White House on July 12, Daschle said he "gave the president my commitment that at some point we would have that debate in the Senate."

But Daschle's pledge goes only that far. Joseph I. Lieberman of Connecticut, the main Democratic advocate of funding for faith-based groups, has raised concerns about whether the Bush plan could lead to greater employment discrimination -- concerns he said were heightened by the Salvation Army episode.

Still, Watts' assertion that the faith-based initiative "has more lives than a cat" may prove true in the long run.

Between Bush's insistence on promoting the initiative and the die-hard commitment of supporters such as Watts and Sen. Rick Santorum, R-Pa., the bill seems likely to resurface in various forms over the next two years even if it fails at any one step. Senate Minority Leader Trent Lott, R-Miss., said Republicans can always propose it as an amendment to other bills if Democrats do not schedule it as

stand-alone legislation.

"It's going to come up," probably sometime in the fall, Lott said. "We're not going to rush it. We're going to take the time to make sure it's done right."

The discrimination charges have become a serious problem for Republicans. While none would ever use the word "discrimination" to describe the benefits of charitable choice, they do not deny that one of the main purposes of charitable choice is to make sure faith-based organizations can hire people who share their beliefs and live their lives accordingly.

The Discrimination Debate

As Bush pitched it in January, the idea of the initiative was to make sure faith-based charities could "compete for [federal] funding on an equal basis, and in a manner that does not cause them to sacrifice their mission."

To other supporters of charitable choice, the main point -- besides letting faith-based groups keep religious art and scripture on display -- is to make sure they do not have to hire people from other religions and can impose rules consistent with the teachings of their faith.

"One of the most important guarantees of institutional autonomy is a faith-based organization's ability to select its own staff in a manner that takes into account its faith," according to a House Republican document prepared by aides to explain the charitable choice provisions of HR 7.

"Many faith-based organizations believe that they cannot maintain their religious vision over a sustained time period without the ability to replenish their staff with individuals who share the tenets and doctrines of the association. This guarantee is central to each organization's freedom to define its own mission according to the dictates of its faith," the document states.

That is why the Salvation Army episode struck such a nerve with critics. Some said the Bush administration's announcement that it would cancel the regulation made no difference. They argued that the faith-based bill would allow the same kind of discrimination against gays and lesbians, and the same freedom from state and local anti-discrimination laws, that was the point of the proposed regulation.

"The fact that the regulation has been canceled is irrelevant, because the bill already does everything the regulation was supposed to do," said Rep. Barney Frank, D-Mass.

"This so-called reversal on the part of the Bush administration isn't really a reversal at all," said David Elliot, communications director for the National Gay and Lesbian Task Force.

The Salvation Army argued that its proposed regulation was not redundant because it was aimed at domestic partner benefits, not employment rules.

For supporters of the faith-based bill, the larger issue is steering it clear of constitutional challenges involving the separation of church and state. That is why the House Judiciary Committee changed the bill to create stricter tests for the use of direct aid than indirect aid. But it also means the kinds of groups that were cited as models for the

initiative would no longer qualify for direct funds.

Supporters of charitable choice have cited religious organizations, such as Teen Challenge and Victory Fellowship, which use Christian teachings to motivate drug addicts to reform, as the kinds of groups that have more success than traditional programs.

In reality, some Democratic aides say, Teen Challenge and Victory Fellowship might qualify for federal funds already. Last year's community renewal legislation (PL 106-554) included a charitable choice provision that allows federal funding of faith-based drug treatment programs. (2000 CQ Weekly, p. 2919)

This faith-based bill would extend charitable choice to nine new kinds of social services, including juvenile delinquency prevention, crime prevention and after-school programs.

But the Bush administration decided that any direct funding of religious activities could run afoul of the Supreme Court, based on previous rulings. So it recommended a change, approved by the House Judiciary Committee on June 28, that would require any new groups receiving direct aid to keep religious activities separate from social services. (CQ Weekly, p. 1586)

Groups that receive vouchers, however, could keep religion at the core of their services. Republicans believe that distinction would survive a court challenge, because if an individual takes a government-funded voucher to a faith-based organization, he or she cannot claim government coercion.

"We know we're on the edges, but it appears to be within the court definition," said Rep. Mark Souder, R-Ind., a longtime supporter of aid to faith-based groups.

Source: CQ Weekly

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COMMUNITY SOLUTIONS ACT OF 2001

JULY 12, 2001.—Ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 7]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 7) to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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shall retain all other rights of a religious organization under this section.

“(n) COMPLIANCE.—A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action for injunctive relief pursuant to section 1979 against the State official or local government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by the Federal Government may bring a civil action for injunctive relief in Federal district court against the official or government agency that has allegedly committed such violation.

“(o) TRAINING AND TECHNICAL ASSISTANCE FOR SMALL NONGOVERNMENTAL ORGANIZATIONS.—

“(1) IN GENERAL.—From amounts made available to carry out the purposes of the Office of Justice Programs (including any component or unit thereof, including the Office of Community Oriented Policing Services), funds are authorized to provide training and technical assistance, directly or through grants or other arrangements, in procedures relating to potential application and participation in programs identified in subsection (c)(4) to small nongovernmental organizations, as determined by the Attorney General, including religious organizations, in an amount not to exceed \$50 million annually.

“(2) TYPES OF ASSISTANCE.—Such assistance may include—

“(A) assistance and information relative to creating an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to operate identified programs;

“(B) granting writing assistance which may include workshops and reasonable guidance;

“(C) information and referrals to other nongovernmental organizations that provide expertise in accounting, legal issues, tax issues, program development, and a variety of other organizational areas; and

“(D) information and guidance on how to comply with Federal nondiscrimination provisions including, but not limited to, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Fair Housing Act, as amended (42 U.S.C. 3601 et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 694), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107).

“(3) RESERVATION OF FUNDS.—An amount of no less than \$5,000,000 shall be reserved under this section. Small nongovernmental organizations may apply for these funds to be used for assistance in providing

1 triet court against the official or government agency that
2 has allegedly committed such violation.”.

3 **TITLE III—INDIVIDUAL**
4 **DEVELOPMENT ACCOUNTS**

5 **SEC. 301. PURPOSES.**

6 The purposes of this title are to provide for the estab-
7 lishment of individual development account programs that
8 will—

- 9 (1) provide individuals and families with limited
10 means an opportunity to accumulate assets and to
11 enter the financial mainstream;
12 (2) promote education, homeownership, and the
13 development of small businesses;
14 (3) stabilize families and build communities;
15 and
16 (4) support United States economic expansion.

17 **SEC. 302. DEFINITIONS.**

18 As used in this title:

19 (1) **ELIGIBLE INDIVIDUAL.**—

20 (A) **IN GENERAL.**—The term “eligible indi-
21 vidual” means an individual who—

- 22 (i) has attained the age of 18 years
23 but not the age of 61;
24 (ii) is a citizen or legal resident of the
25 United States;

1 (iii) is not a student (as defined in
2 section 151(c)(4)); and

3 (iv) is a taxpayer the adjusted gross
4 income of whom for the preceding taxable
5 year does not exceed—

6 (I) \$20,000, in the case of a tax-
7 payer described in section 1(c) or 1(d)
8 of the Internal Revenue Code of 1986;

9 (II) \$25,000, in the case of a
10 taxpayer described in section 1(b) of
11 such Code; and

12 (III) \$40,000, in the case of a
13 taxpayer described in section 1(a) of
14 such Code.

15 (B) INFLATION ADJUSTMENT.—

16 (i) IN GENERAL.—In the case of any
17 taxable year beginning after 2002, each
18 dollar amount referred to in subparagraph
19 (A)(iv) shall be increased by an amount
20 equal to—

21 (I) such dollar amount, multi-
22 plied by

23 (II) the cost-of-living adjustment
24 determined under section (1)(f)(3) of
25 the Internal Revenue Code of 1986

1 for the calendar year in which the tax-
2 able year begins, by substituting
3 “2001” for “1992”.

4 (ii) ROUNDING.—If any amount as
5 adjusted under clause (i) is not a multiple
6 of \$50, such amount shall be rounded to
7 the nearest multiple of \$50.

8 (2) INDIVIDUAL DEVELOPMENT ACCOUNT.—
9 The term “Individual Development Account” means
10 an account established for an eligible individual as
11 part of a qualified individual development account
12 program, but only if the written governing instru-
13 ment creating the account meets the following re-
14 quirements:

15 (A) The sole owner of the account is the
16 individual for whom the account was estab-
17 lished.

18 (B) No contribution will be accepted unless
19 it is in cash.

20 (C) The holder of the account is a quali-
21 fied financial institution.

22 (D) The assets of the account will not be
23 commingled with other property except in a
24 common trust fund or common investment
25 fund.

1 (E) Except as provided in section 306(b),
2 any amount in the account may be paid out
3 only for the purpose of paying the qualified ex-
4 penses of the account owner.

5 (3) PARALLEL ACCOUNT.—The term “parallel
6 account” means a separate, parallel individual or
7 pooled account for all matching funds and earnings
8 dedicated to an Individual Development Account
9 owner as part of a qualified individual development
10 account program, the sole owner of which is a quali-
11 fied financial institution, a qualified nonprofit orga-
12 nization, or an Indian tribe.

13 (4) QUALIFIED FINANCIAL INSTITUTION.—

14 (A) IN GENERAL.—The term “qualified fi-
15 nancial institution” means any person author-
16 ized to be a trustee of any individual retirement
17 account under section 408(a)(2).

18 (B) RULE OF CONSTRUCTION.—Nothing in
19 this paragraph shall be construed as preventing
20 a person described in subparagraph (A) from
21 collaborating with 1 or more contractual affili-
22 ates, qualified nonprofit organizations, or In-
23 dian tribes to carry out an individual develop-
24 ment account program established under sec-
25 tion 303.

1 (5) QUALIFIED NONPROFIT ORGANIZATION.—

2 The term “qualified nonprofit organization”
3 means—

4 (A) any organization described in section
5 501(c)(3) of the Internal Revenue Code of 1986
6 and exempt from taxation under section 501(a)
7 of such Code;

8 (B) any community development financial
9 institution certified by the Community Develop-
10 ment Financial Institution Fund; or

11 (C) any credit union chartered under Fed-
12 eral or State law.

13 (6) INDIAN TRIBE.—The term “Indian tribe”
14 means any Indian tribe as defined in section 4(12)
15 of the Native American Housing Assistance and
16 Self-Determination Act of 1996 (25 U.S.C.
17 4103(12), and includes any tribal subsidiary, sub-
18 division, or other wholly owned tribal entity.

19 (7) QUALIFIED INDIVIDUAL DEVELOPMENT AC-
20 COUNT PROGRAM.—The term “qualified individual
21 development account program” means a program es-
22 tablished under section 303 under which—

23 (A) Individual Development Accounts and
24 parallel accounts are held by a qualified finan-
25 cial institution; and

1 (B) additional activities determined by the
2 Secretary as necessary to responsibly develop
3 and administer accounts, including recruiting,
4 providing financial education and other training
5 to account owners, and regular program moni-
6 toring, are carried out by the qualified financial
7 institution, a qualified nonprofit organization,
8 or an Indian tribe.

9 (8) QUALIFIED EXPENSE DISTRIBUTION.—

10 (A) IN GENERAL.—The term “qualified ex-
11 pense distribution” means any amount paid (in-
12 cluding through electronic payments) or distrib-
13 uted out of an Individual Development Account
14 and a parallel account established for an eligible
15 individual if such amount—

16 (i) is used exclusively to pay the quali-
17 fied expenses of the Individual Develop-
18 ment Account owner or such owner’s
19 spouse or dependents, as approved by the
20 qualified financial institution, qualified
21 nonprofit organization, or Indian tribe;

22 (ii) is paid by the qualified financial
23 institution, qualified nonprofit organiza-
24 tion, or Indian tribe—

1 (I) except as otherwise provided
2 in this clause, directly to the unre-
3 lated third party to whom the amount
4 is due;

5 (II) in the case of distributions
6 for working capital under a qualified
7 business plan (as defined in subpara-
8 graph (B)(iv)(IV)), directly to the ac-
9 count owner;

10 (III) in the case of any qualified
11 rollover, directly to another Individual
12 Development Account and parallel ac-
13 count; or

14 (IV) in the case of a qualified
15 final distribution, directly to the
16 spouse, dependent, or other named
17 beneficiary of the deceased account
18 owner; and

19 (iii) is paid after the account owner
20 has completed a financial education course
21 as required under section 304(b).

22 (B) QUALIFIED EXPENSES.—

23 (i) IN GENERAL.—The term “qualified
24 expenses” means any of the following:

1 (I) Qualified higher education ex-
2 penses.

3 (II) Qualified first-time home-
4 buyer costs.

5 (III) Qualified business capital-
6 ization or expansion costs.

7 (IV) Qualified rollovers.

8 (V) Qualified final distribution.

9 (ii) QUALIFIED HIGHER EDUCATION
10 EXPENSES.—

11 (I) IN GENERAL.—The term
12 “qualified higher education expenses”
13 has the meaning given such term by
14 section 72(t)(7) of the Internal Rev-
15 enue Code of 1986, determined by
16 treating postsecondary vocational edu-
17 cational schools as eligible educational
18 institutions.

19 (II) POSTSECONDARY VOCA-
20 TIONAL EDUCATION SCHOOL.—The
21 term “postsecondary vocational edu-
22 cational school” means an area voca-
23 tional education school (as defined in
24 subparagraph (C) or (D) of section
25 521(4) of the Carl D. Perkins Voca-

1 tional and Applied Technology Edu-
2 cation Act (20 U.S.C. 2471(4)))
3 which is in any State (as defined in
4 section 521(33) of such Act), as such
5 sections are in effect on the date of
6 the enactment of this Act.

7 (III) COORDINATION WITH
8 OTHER BENEFITS.—The amount of
9 qualified higher education expenses
10 for any taxable year shall be reduced
11 as provided in section 25A(g)(2) of
12 such Code and may not be taken into
13 account for purposes of determining
14 qualified higher education expenses
15 under section 135 or 530 of the Inter-
16 nal Revenue Code of 1986.

17 (iii) QUALIFIED FIRST-TIME HOME-
18 BUYER COSTS.—The term “qualified first-
19 time homebuyer costs” means qualified ac-
20 quisition costs (as defined in section
21 72(t)(8) of such Code without regard to
22 subparagraph (B) thereof) with respect to
23 a principal residence (within the meaning
24 of section 121 of such Code) for a qualified

1 first-time homebuyer (as defined in section
2 72(t)(8) of such Code).

3 (iv) QUALIFIED BUSINESS CAPITAL-
4 IZATION OR EXPANSION COSTS.—

5 (I) IN GENERAL.—The term
6 “qualified business capitalization or
7 expansion costs” means qualified ex-
8 penditures for the capitalization or ex-
9 pansion of a qualified business pursu-
10 ant to a qualified business plan.

11 (II) QUALIFIED EXPENDI-
12 TURES.—The term “qualified expendi-
13 tures” means expenditures included in
14 a qualified business plan, including
15 capital, plant, equipment, working
16 capital, inventory expenses, attorney
17 and accounting fees, and other costs
18 normally associated with starting or
19 expanding a business.

20 (III) QUALIFIED BUSINESS.—
21 The term “qualified business” means
22 any business that does not contravene
23 any law.

24 (IV) QUALIFIED BUSINESS
25 PLAN.—The term “qualified business

full and equal integrated access to individuals with disabilities in programs under this title.

“(4) PRIORITY.—In giving out the assistance described in this subsection, priority shall be given to small nongovernmental organizations serving urban and rural communities.”.

PURPOSE AND SUMMARY

While the First Amendment to the Constitution provides that the Government shall not “establish” religion, or any particular religion, by directing governmental support to a particular religion, or to adherents of religion to the exclusion of adherents to no religion, the First Amendment also provides that the Government shall not prohibit the “free exercise” of religion.¹ Consequently, Government must ensure that members of organizations seeking to take part in Government programs designed to meet basic and universal human needs are not discriminated against because of their religious views.

With such constitutional concerns in mind, the rules for participation in programs of Government funding through grants and cooperative agreements,² and through indirect forms of assistance, for the provision of social services must assess eligibility to participate without regard to the religious character of an organization, and any religious beliefs that organization might hold, or the intensity of those beliefs, should not be a basis for rejecting their participation out-of-hand. Indeed, faith-based organizations often allow their beneficiaries greater and more flexible access to the social services they offer.³

¹The First Amendment to the Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .”

²H.R. 7 refers to “grants and cooperative agreements” to avoid confusion with “Government contracts.” See 31 U.S.C. §§ 6304; 6305. Title 31 U.S.C. § 6305 states “Using cooperative agreements. An executive agency shall use a cooperative agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—(1) the principal purpose of the relationship is to transfer a thing of value to the State, local government, or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and (2) substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.” Title 31 U.S.C. § 6304 states: “Using grant agreements. An executive agency shall use a grant agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—(1) the principal purpose of the relationship is to transfer a thing of value to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and (2) substantial involvement is not expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.” Insofar as documents governing the provision of social services by religious organizations under the programs covered by title II of H.R. 7 are labeled contracts, when in fact they more closely resemble grants rather than procurement contracts, such documents should be considered grants under H.R. 7 and they should be subject to its provisions.

³For example, Charles Clingman, executive director of the Jireh Development Corporation in Cincinnati, Ohio, testifying before the House Subcommittee on the Constitution, stated that, “Unlike secular organizations, faith-based organizations develop immediate relationships with the clients and the people that they serve . . . They are neighborhood residents who we see on a daily basis at the grocery store, at the market and the bank, whatever . . . One thing we bring to the table is, at the grass roots level, we really do not close. If someone gets in trouble at midnight we allow them to call, based on the crisis they have. Other programs close at 5 o’clock. The Government closes at 5 o’clock. Faith-based organizations, i.e., churches, synagogues, mosques, they don’t close. They are available to serve clients 24/7.” Transcript of Hearings on “State and Local Implementation of Existing Charitable Choice Programs” before the House

Continued

1 plan” means a business plan which
2 has been approved by the qualified fi-
3 nancial institution, qualified nonprofit
4 organization, or Indian tribe and
5 which meets such requirements as the
6 Secretary may specify.

7 (v) QUALIFIED ROLLOVERS.—The
8 term “qualified rollover” means the com-
9 plete distribution of the amounts in an In-
10 dividual Development Account and parallel
11 account to another Individual Development
12 Account and parallel account established in
13 another qualified financial institution,
14 qualified nonprofit organization, or Indian
15 tribe for the benefit of the account owner.

16 (vi) QUALIFIED FINAL DISTRIBU-
17 TION.—The term “qualified final distribu-
18 tion” means, in the case of a deceased ac-
19 count owner, the complete distribution of
20 the amounts in an Individual Development
21 Account and parallel account directly to
22 the spouse, any dependent, or other named
23 beneficiary of the deceased.

24 (9) SECRETARY.—The term “Secretary” means
25 the Secretary of the Treasury.

1 **SEC. 303. STRUCTURE AND ADMINISTRATION OF QUALI-**
2 **FIED INDIVIDUAL DEVELOPMENT ACCOUNT**
3 **PROGRAMS.**

4 (a) ESTABLISHMENT OF QUALIFIED INDIVIDUAL DE-
5 VELOPMENT ACCOUNT PROGRAMS.—Any qualified finan-
6 cial institution, qualified nonprofit organization, or Indian
7 tribe may establish 1 or more qualified individual develop-
8 ment account programs which meet the requirements of
9 this title.

10 (b) BASIC PROGRAM STRUCTURE.—

11 (1) IN GENERAL.—All qualified individual de-
12 velopment account programs shall consist of the fol-
13 lowing 2 components:

14 (A) An Individual Development Account to
15 which an eligible individual may contribute cash
16 in accordance with section 304.

17 (B) A parallel account to which all match-
18 ing funds shall be deposited in accordance with
19 section 305.

20 (2) TAILORED IDA PROGRAMS.—A qualified fi-
21 nancial institution, a qualified nonprofit organiza-
22 tion, or an Indian tribe may tailor its qualified indi-
23 vidual development account program to allow match-
24 ing funds to be spent on 1 or more of the categories
25 of qualified expenses.

1 (c) TAX TREATMENT OF PARALLEL ACCOUNTS.—

2 Any account described in subparagraph (B) of subsection

3 (b)(1) is exempt from taxation under the Internal Revenue

4 Code of 1986.

5 **SEC. 304. PROCEDURES FOR OPENING AND MAINTAINING**

6 **AN INDIVIDUAL DEVELOPMENT ACCOUNT**

7 **AND QUALIFYING FOR MATCHING FUNDS.**

8 (a) OPENING AN ACCOUNT.—An eligible individual

9 may open an Individual Development Account with a

10 qualified financial institution, a qualified nonprofit organi-

11 zation, or an Indian tribe upon certification that such indi-

12 vidual maintains no other Individual Development Ac-

13 count (other than an Individual Development Account to

14 be terminated by a qualified rollover).

15 (b) REQUIRED COMPLETION OF FINANCIAL EDU-

16 CATION COURSE.—

17 (1) IN GENERAL.—Before becoming eligible to

18 withdraw matching funds to pay for qualified ex-

19 penses, owners of Individual Development Accounts

20 must complete a financial education course offered

21 by a qualified financial institution, a qualified non-

22 profit organization, an Indian tribe, or a government

23 entity.

24 (2) STANDARD AND APPLICABILITY OF

25 COURSE.—The Secretary, in consultation with rep-

1 representatives of qualified individual development ac-
2 count programs and financial educators, shall estab-
3 lish minimum quality standards for the contents of
4 financial education courses and providers of such
5 courses offered under paragraph (1) and a protocol
6 to exempt individuals from the requirement under
7 paragraph (1) because of hardship or lack of need.

8 (c) STATUS AS AN ELIGIBLE INDIVIDUAL.—Federal
9 income tax forms from the preceding taxable year (or in
10 the absence of such forms, such documentation as speci-
11 fied by the Secretary proving the eligible individual's ad-
12 justed gross income and the status of the individual as
13 an eligible individual) shall be presented to the qualified
14 financial institution, qualified nonprofit organization, or
15 Indian tribe at the time of the establishment of the Indi-
16 vidual Development Account and in any taxable year in
17 which contributions are made to the Account to qualify
18 for matching funds under section 305(b)(1)(A).

19 (d) DIRECT DEPOSITS.—The Secretary may, under
20 regulations, provide for the direct deposit of any portion
21 (not less than \$1) of any overpayment of Federal tax of
22 an individual as a contribution to the Individual Develop-
23 ment Account of such individual.

1 **SEC. 305. DEPOSITS BY QUALIFIED INDIVIDUAL DEVELOP-**
2 **MENT ACCOUNT PROGRAMS.**

3 (a) PARALLEL ACCOUNTS.—The qualified financial
4 institution, qualified nonprofit organization, or Indian
5 tribe shall deposit all matching funds for each Individual
6 Development Account into a parallel account at a qualified
7 financial institution, a qualified nonprofit organization, or
8 an Indian tribe.

9 (b) REGULAR DEPOSITS OF MATCHING FUNDS.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 the qualified financial institution, qualified nonprofit
12 organization, or Indian tribe shall not less than
13 quarterly (or upon a proper withdrawal request
14 under section 306, if necessary) deposit into the par-
15 allel account with respect to each eligible individual
16 the following:

17 (A) A dollar-for-dollar match for the first
18 \$500 contributed by the eligible individual into
19 an Individual Development Account with re-
20 spect to any taxable year.

21 (B) Any matching funds provided by State,
22 local, or private sources in accordance to the
23 matching ratio set by those sources.

24 (2) INFLATION ADJUSTMENT.—

25 (A) IN GENERAL.—In the case of any tax-
26 able year beginning after 2002, the dollar

1 amount referred to in paragraph (1)(A) shall be
2 increased by an amount equal to—

3 (i) such dollar amount, multiplied by

4 (ii) the cost-of-living adjustment de-
5 termined under section (1)(f)(3) of the In-
6 ternal Revenue Code of 1986 for the cal-
7 endar year in which the taxable year be-
8 gins, by substituting “2001” for “1992”.

9 (B) ROUNDING.—If any amount as ad-
10 justed under subparagraph (A) is not a multiple
11 of \$20, such amount shall be rounded to the
12 nearest multiple of \$20.

13 (3) CROSS REFERENCE.—

For allowance of tax credit for Individual Development Account subsidies, including matching funds, see section 30B of the Internal Revenue Code of 1986.

14 (c) DEPOSIT OF MATCHING FUNDS INTO INDIVIDUAL DEVELOPMENT ACCOUNT OF INDIVIDUAL WHO
15 HAS ATTAINED AGE 61.—In the case of an Individual Development Account owner who attains the age of 61, the
16 qualified financial institution, qualified nonprofit organization, or Indian tribe which holds the parallel account
17 for such individual shall deposit the funds in such parallel
18 account into the Individual Development Account of such
19 individual on the first day of the succeeding taxable year
20 of such individual.

1 (d) UNIFORM ACCOUNTING REGULATIONS.—To en-
2 sure proper recordkeeping and determination of the tax
3 credit under section 30B of the Internal Revenue Code
4 of 1986, the Secretary shall prescribe regulations with re-
5 spect to accounting for matching funds in the parallel ac-
6 counts.

7 (e) REGULAR REPORTING OF ACCOUNTS.—Any
8 qualified financial institution, qualified nonprofit organi-
9 zation, or Indian tribe shall report the balances in any
10 Individual Development Account and parallel account of
11 an individual on not less than an annual basis to such
12 individual.

13 **SEC. 306. WITHDRAWAL PROCEDURES.**

14 (a) WITHDRAWALS FOR QUALIFIED EXPENSES.—To
15 withdraw money from an individual's Individual Develop-
16 ment Account to pay qualified expenses of such individual
17 or such individual's spouse or dependents, the qualified
18 financial institution, qualified nonprofit organization, or
19 Indian tribe shall directly transfer such funds from the
20 Individual Development Account, and, if applicable, from
21 the parallel account electronically to the distributees de-
22 scribed in section 302(8)(A)(ii). If the distributee is not
23 equipped to receive funds electronically, the qualified fi-
24 nancial institution, qualified nonprofit organization, or In-

1 dian tribe may issue such funds by paper check to the
2 distributee.

3 (b) WITHDRAWALS FOR NONQUALIFIED EX-
4 PENSES.—An Individual Development Account owner may
5 unilaterally withdraw any amount of funds from the Indi-
6 vidual Development Account for purposes other than to
7 pay qualified expenses, but shall forfeit a proportionate
8 amount of matching funds from the individual's parallel
9 account by doing so, unless such withdrawn funds are re-
10 contributed to such Account by September 30 following
11 the withdrawal.

12 (c) WITHDRAWALS FROM ACCOUNTS OF NON-
13 ELIGIBLE INDIVIDUALS.—If the individual for whose ben-
14 efit an Individual Development Account is established
15 ceases to be an eligible individual, such account shall re-
16 main an Individual Development Account, but such indi-
17 vidual shall not be eligible for any further matching funds
18 under section 305(b)(1)(A) during the period—

19 (1) beginning on the first day of the taxable
20 year of such individual following the beginning of
21 such ineligibility, and

22 (2) ending on the last day of the taxable year
23 of such individual in which such ineligibility ceases.

1 (d) TAX TREATMENT OF MATCHING FUNDS.—Any
2 amount withdrawn from a parallel account shall not be
3 includible in an eligible individual's gross income.

4 (e) WITHDRAWAL LIABILITY RESTS ONLY WITH EL-
5 IGIBLE INDIVIDUALS.—Nothing in this title may be con-
6 strued to impose liability on a qualified financial institu-
7 tion, a qualified nonprofit organization, or an Indian tribe
8 for non-compliance with the requirements of this title re-
9 lated to withdrawals from Individual Development Ac-
10 counts.

11 **SEC. 307. CERTIFICATION AND TERMINATION OF QUALI-**
12 **FIED INDIVIDUAL DEVELOPMENT ACCOUNT**
13 **PROGRAMS.**

14 (a) CERTIFICATION PROCEDURES.—Upon estab-
15 lishing a qualified individual development account pro-
16 gram under section 303, a qualified financial institution,
17 a qualified nonprofit organization, or an Indian tribe shall
18 certify to the Secretary on forms prescribed by the Sec-
19 retary and accompanied by any documentation required
20 by the Secretary, that—

- 21 (1) the accounts described in subparagraphs
22 (A) and (B) of section 303(b)(1) are operating pur-
23 suant to all the provisions of this title; and
24 (2) the qualified financial institution, qualified
25 nonprofit organization, or Indian tribe agrees to im-

1 plement an information system necessary to monitor
2 the cost and outcomes of the qualified individual de-
3 velopment account program.

4 (b) **AUTHORITY TO TERMINATE QUALIFIED IDA**
5 **PROGRAM.**—If the Secretary determines that a qualified
6 financial institution, a qualified nonprofit organization, or
7 an Indian tribe under this title is not operating a qualified
8 individual development account program in accordance
9 with the requirements of this title (and has not imple-
10 mented any corrective recommendations directed by the
11 Secretary), the Secretary shall terminate such institu-
12 tion's, nonprofit organization's, or Indian tribe's authority
13 to conduct the program. If the Secretary is unable to iden-
14 tify a qualified financial institution, a qualified nonprofit
15 organization, or an Indian tribe to assume the authority
16 to conduct such program, then any funds in a parallel ac-
17 count established for the benefit of any individual under
18 such program shall be deposited into the Individual Devel-
19 opment Account of such individual as of the first day of
20 such termination.

21 **SEC. 308. REPORTING, MONITORING, AND EVALUATION.**

22 (a) **RESPONSIBILITIES OF QUALIFIED FINANCIAL IN-**
23 **STITUTIONS, QUALIFIED NONPROFIT ORGANIZATIONS,**
24 **AND INDIAN TRIBES.**—Each qualified financial institu-
25 tion, qualified nonprofit organization, or Indian tribe that

The so-called “charitable choice” principles, embodied in H.R. 7, allow for the public funding of faith-based organizations on the same basis as other nongovernmental organizations⁴ and permit them to maintain their religious character by choosing their staff, board members, and methods. The principles also protect the rights of conscience of their clients and ensure that alternative providers that are unobjectionable to them on religious grounds are available.⁵

“Charitable choice” is not new. Examples of existing laws that include “charitable choice” provisions are the Substance Abuse and Mental Health Services Administration, Pub. L. No. 106–310, 42 U.S.C. § 300x–65; the Community Services Block Grant Act of 1998, Pub. L. No. 105–285, 42 U.S.C. § 9920; the Welfare Reform Act of 1996, Pub. L. No. 104–193, 42 U.S.C. § 604a; and the Community Renewal Tax Relief Act of 2000, Pub. L. No. 106–554, 42 U.S.C. § 290kk-1. Each was signed into law by President Clinton.

H.R. 7 simply seeks to apply the tested principles of charitable choice, which in the case of welfare services have been Federal law for 5 years, to cover additional Federal programs, bringing greater clarity and constitutional adherence to a wider scope of Federal funding programs. The charitable choice language in H.R. 7 has been carefully tailored to respond to discussions of earlier versions of the provision. New language emphasizes that Government funding of a religious service provider is not intended to endorse religion but rather to purchase effective assistance; makes it clearer that beneficiaries may not be coerced into religious observance, but instead inherently religious activities such as worship and proselytization must be privately funded, voluntary, and offered separately from the Government-funded services; requires religious organizations to sign a certificate acknowledging this duty of non-coercion and separation; clearly obligates Government to inform clients of their religious liberty rights; emphasizes that the civil rights exemption that allows religious organizations to take religion into account in hiring decisions does not remove their obligation to respect the other non-discrimination requirements in Federal law from which they are not already exempt; requires religious organizations to keep direct Government funds separate from other funds to enable Government to audit the books of a religious orga-

Subcommittee on the Constitution (107th Cong. 1st Sess.) (April 24, 2001) at 38, 60. The Reverend Donna Jones of the Cookman United Methodist Church in north Philadelphia, who runs a charitable choice welfare-to-work program also testified that, “We also found that we were offering something that was unique to our community . . . We also found that we got greater information about family situations, about domestic violence, about other barriers to employment that were happening in the house than other agencies were receiving. We also were—because we were a church, there was an expectation that was different than what they would have expected to have seen in a local agency . . . People expected us to go the extra mile. Also, because we were a church, we were more flexible in our ability to deliver services.” *Id.* at 22–23.

⁴Subsection (c)(1) of the Charitable Choice Act of 2001 provides that “for any program described in paragraph (4) that is carried out by the Federal Government, or by a State or local government with Federal funds, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, and the program shall be implemented in a manner that is consistent with the establishment clause and the free exercise clause of the first amendment to the Constitution.” The requirement that religious organizations shall be considered “on the same basis as other nongovernmental organizations” does not impart to religious organizations any preferential treatment in the program application and administration process. Subsection (c)(1) further provides that, “Neither the Federal Government, nor a State or local government receiving funds under a program described in paragraph (4), shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program on the basis that the organization is religious or has a religious character.”

⁵See subsection (g) of the Charitable Choice Act of 2001.

1 operates a qualified individual development account pro-
2 gram under section 303 shall report annually to the Sec-
3 retary within 90 days after the end of each calendar year
4 on—

5 (1) the number of eligible individuals making
6 contributions into Individual Development Accounts;

7 (2) the amounts contributed into Individual De-
8 velopment Accounts and deposited into parallel ac-
9 counts for matching funds;

10 (3) the amounts withdrawn from Individual De-
11 velopment Accounts and parallel accounts, and the
12 purposes for which such amounts were withdrawn;

13 (4) the balances remaining in Individual Devel-
14 opment Accounts and parallel accounts; and

15 (5) such other information needed to help the
16 Secretary monitor the cost and outcomes of the
17 qualified individual development account program
18 (provided in a non-individually-identifiable manner).

19 (b) RESPONSIBILITIES OF THE SECRETARY.—

20 (1) MONITORING PROTOCOL.—Not later than
21 12 months after the date of the enactment of this
22 Act, the Secretary shall develop and implement a
23 protocol and process to monitor the cost and out-
24 comes of the qualified individual development ac-
25 count programs established under section 303.

1 (2) ANNUAL REPORTS.—In each year after the
2 date of the enactment of this Act, the Secretary
3 shall submit a progress report to Congress on the
4 status of such qualified individual development ac-
5 count programs. Such report shall include from a
6 representative sample of qualified individual develop-
7 ment account programs information on—

8 (A) the characteristics of participants, in-
9 cluding age, gender, race or ethnicity, marital
10 status, number of children, employment status,
11 and monthly income;

12 (B) deposits, withdrawals, balances, uses
13 of Individual Development Accounts, and par-
14 ticipant characteristics;

15 (C) the characteristics of qualified indi-
16 vidual development account programs, including
17 match rate, economic education requirements,
18 permissible uses of accounts, staffing of pro-
19 grams in full time employees, and the total
20 costs of programs; and

21 (D) information on program implementa-
22 tion and administration, especially on problems
23 encountered and how problems were solved.

1 **SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Sec-
3 retary \$1,000,000 for fiscal year 2002 and for each fiscal
4 year through 2008, for the purposes of implementing this
5 title, including the reporting, monitoring, and evaluation
6 required under section 308, to remain available until ex-
7 pended.

8 **SEC. 310. ACCOUNT FUNDS DISREGARDED FOR PURPOSES**
9 **OF CERTAIN MEANS-TESTED FEDERAL PRO-**
10 **GRAMS.**

11 Notwithstanding any other provision of Federal law
12 that requires consideration of 1 or more financial cir-
13 cumstances of an individual, for the purposes of deter-
14 mining eligibility to receive, or the amount of, any assist-
15 ance or benefit authorized by such provision to be provided
16 to or for the benefit of such individual, an amount equal
17 to the sum of—

- 18 (1) all amounts (including earnings thereon) in
19 any Individual Development Account; plus
20 (2) the matching deposits made on behalf of
21 such individual (including earnings thereon) in any
22 parallel account,
23 shall be disregarded for such purposes.

1 **SEC. 311. MATCHING FUNDS FOR INDIVIDUAL DEVELOP-**
2 **MENT ACCOUNTS PROVIDED THROUGH A TAX**
3 **CREDIT FOR QUALIFIED FINANCIAL INSTITU-**
4 **TIONS.**

5 (a) IN GENERAL.—Subpart B of part IV of sub-
6 chapter A of chapter 1 of the Internal Revenue Code of
7 1986 (relating to other credits) is amended by inserting
8 after section 30A the following new section:

9 **“SEC. 30B. INDIVIDUAL DEVELOPMENT ACCOUNT INVEST-**
10 **MENT CREDIT FOR QUALIFIED FINANCIAL IN-**
11 **STITUTIONS.**

12 “(a) DETERMINATION OF AMOUNT.—There shall be
13 allowed as a credit against the applicable tax for the tax-
14 able year an amount equal to the individual development
15 account investment provided by an eligible entity during
16 the taxable year under an individual development account
17 program established under section 303 of the Community
18 Solutions Act of 2001.

19 “(b) APPLICABLE TAX.—For the purposes of this
20 section, the term ‘applicable tax’ means the excess (if any)
21 of—

22 “(1) the tax imposed under this chapter (other
23 than the taxes imposed under the provisions de-
24 scribed in subparagraphs (C) through (Q) of section
25 26(b)(2)), over

1 “(2) the credits allowable under subpart B
2 (other than this section) and subpart D of this part.

3 “(c) INDIVIDUAL DEVELOPMENT ACCOUNT INVEST-
4 MENT.—

5 “(1) IN GENERAL.—For purposes of this sec-
6 tion, the term ‘individual development account in-
7 vestment’ means, with respect to an individual devel-
8 opment account program of a qualified financial in-
9 stitution in any taxable year, an amount equal to the
10 sum of—

11 “(A) the aggregate amount of dollar-for-
12 dollar matches under such program under sec-
13 tion 305(b)(1)(A) of the Community Solutions
14 Act of 2001 for such taxable year, plus

15 “(B) an amount equal to the sum of—

16 “(i) with respect to each Individual
17 Development Account opened during such
18 taxable year, \$100, plus

19 “(ii) with respect to each Individual
20 Development Account maintained during
21 such taxable year, \$30.

22 “(2) INFLATION ADJUSTMENT.—

23 “(A) IN GENERAL.—In the case of any
24 taxable year beginning after 2002, each dollar

1 amount referred to in paragraph (1)(B) shall be
2 increased by an amount equal to—

3 “(i) such dollar amount, multiplied by

4 “(ii) the cost-of-living adjustment de-
5 termined under section (1)(f)(3) for the
6 calendar year in which the taxable year be-
7 gins, by substituting ‘2001’ for ‘1992’.

8 “(B) ROUNDING.—If any amount as ad-
9 justed under subparagraph (A) is not a multiple
10 of \$5, such amount shall be rounded to the
11 nearest multiple of \$5.

12 “(d) ELIGIBLE ENTITY.—For purposes of this sec-
13 tion, the term ‘eligible entity’ means a qualified financial
14 institution, or 1 or more contractual affiliates of such an
15 institution as defined by the Secretary in regulations.

16 “(e) OTHER DEFINITIONS.—For purposes of this
17 section, any term used in this section and also in the Com-
18 munity Solutions Act shall have the meaning given such
19 term by such Act.

20 “(f) DENIAL OF DOUBLE BENEFIT.—No deduction
21 or credit (other than under this section) shall be allowed
22 under this chapter with respect to any expense which is
23 taken into account under subsection (c)(1)(A) in deter-
24 mining the credit under this section.

1 “(g) REGULATIONS.—The Secretary may prescribe
2 such regulations as may be necessary or appropriate to
3 carry out this section, including regulations providing for
4 a recapture of the credit allowed under this section (not-
5 withstanding any termination date described in subsection
6 (h)) in cases where there is a forfeiture under section
7 306(b) of the Community Solutions Act of 2001 in a sub-
8 sequent taxable year of any amount which was taken into
9 account in determining the amount of such credit.

10 “(h) APPLICATION OF SECTION.—This section shall
11 apply to any expenditure made in any taxable year begin-
12 ning after December 31, 2001, and before January 1,
13 2009, with respect to any Individual Development Account
14 opened before January 1, 2007.”.

15 (b) CONFORMING AMENDMENT.—The table of sec-
16 tions for subpart B of part IV of subchapter A of chapter
17 1 is amended by inserting after the item relating to section
18 30A the following new item:

“Sec. 30B. Individual development account investment credit for qualified finan-
cial institutions.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to taxable years beginning after
21 December 31, 2001.

Chairman SENSENBRENNER. The Chair recognizes the gentleman from Ohio, Mr. Chabot, the Chairman of the Subcommittee on the Constitution for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman.

While the First Amendment to the Constitution provides that the government shall not establish a particular religion or religion over non-religion, the First Amendment also provides that the government shall not prohibit the free exercise of religion. Consequently, government must ensure that members of organizations seeking to take part in government programs designed to meet basic and universal human needs are not discriminated against because of their religious views.

The simple principles of charitable choice, embedded in H.R. 7, the Community Solutions Act, which we're considering today, allow for the public funding of faith-based organizations that have demonstrated abilities to meet the basic needs of their neighbors in trouble, while also preserving the religious character of those organizations by allowing them to choose their staff, board members and methods. These principles also protect the rights of conscience of program beneficiaries by ensuring that alternative providers that are unobjectionable to them on religious grounds, are always available, and by prohibiting the use of Federal funds for sectarian worship, instruction of proselytizing. Charitable choice simply means equal access.

Four existing charitable choice programs have been passed by Congress and signed into law by President Clinton, the first which was part of the 1996 Welfare Reform Act. These programs have benefited thousands of persons in need without raising constitutional concerns in their implementation.

When the government takes so much from average citizens in taxes, little is left for those families to give to their local charities, including faith-based organizations. At the same time the government too often excludes out of hand faith-based organizations from the receipt of government funds, even when such organizations can help meet basic human needs most effectively, and in accordance with both the free exercise of religion and the establishment clause. Charitable choice programs seek to address this problem.

The charitable choice principles in H.R. 7 recognize that it is wrong to assume that religious people can't be trusted to follow rules against using Federal funds for proselytizing activities, and on that basis deny them equal opportunities. The Supreme Court has long recognized that, and now the Congress should too.

Charitable choice principles also recognize that people in need should have the benefit of the best social services available, whether the providers of those services are faith-based or otherwise. That is the goal, helping the tens of thousands of America's people in need. We're considering today whether the legions of faith-based organizations in the inner cities and local communities can compete for Federal funds to help pay the heating bills in shelters for women victims of domestic violence, to help them pay for training materials teaching basic work skills, to help them feed the hungry, and to provide other social service to those that are most desperate among us.

Some have tried to divert attention from the goal of helping people in need by raising the specter of federally-funded discrimina-

tion. As the argument goes, religious organizations should not be allowed to maintain the religious character through hiring decisions if they receive Federal funds for the purpose of helping others. But the right of religious organizations to take religion into account when hiring staff has long been settled. That right is enshrined in the Civil Rights Act of 1964, and that right was upheld by unanimous Supreme Court, including Justice Brennan and Justice Marshall.

As discussions of charitable choice programs have progressed, however, some opponents have objected that Federal funds should not be allowed to find their way to organizations that maintain their religious character through hiring decisions. That is truly a radical notion. It is not a recipe for maintaining the status quo, but rather, a recipe for withdrawing Federal funds from, among other things, religiously affiliated colleges and universities, religiously affiliated hospitals, and religiously affiliated day care centers, all of which already receive Federal funds through a variety of Federal programs, and all of which are essential parts of our education, health care and child care systems.

The Constitution does not require rolling back essential services. Indeed, the Constitution and the free exercise clause allow Congress to improve essential services by letting religious organizations compete on an equal basis for Federal social service funds, which they will use to help the poor and the helpless and not to proselytize.

H.R. 7 makes clear that you can't discriminate against faith-based organizations, and that what they believe should have no bearing on how they are evaluated regarding what they can do. The Supreme Court has made clear that religious people should be trusted to follow rules against using Federal funds to proselytize, and it's time that Congress did the same.

Yield back the balance of my time.

Mr. BERMAN. Would the gentleman yield?

Mr. CHABOT. I'm out of time.

Chairman SENSENBRENNER. The time of the gentleman has expired. Who wishes to give the statement for the minority in the absence of Mr. Conyers? The gentleman from New York, Mr. Nadler.

Mr. NADLER. Thank you, Mr. Chairman.

Today we wade into an area of the law which is, I think fair to say, in great flux. Certainly the split opinion by the Supreme Court in *Mitchell v. Helms* demonstrates just how closely divided the Justices are in the very difficult issues which surround entanglement between government and religion. While my sympathies are well known to my colleagues, the difficult issues with which the Court has been grappling, how much religious activity should be permitted in a publicly funded program? Which programs should be allowed to participate? What are the rights of program participants and employees vis-a-vis the publicly funded benefit? How much separation, if at all, should there be between the clearly sectarian and the clearly secular functions of an agency, are not trivial. We would do a disservice to the Nation if we simply wished these difficulties away and pretend that they did not exist.

I think Chairman Sensenbrenner is to be commended for standing up to what can only be described as tremendous pressure from the White House and from his own leadership, to lay aside his con-

cerns about these important questions and simply push the bill along.

While I have many reservations about the language we have before us, indeed I think some changes made in the substitute are changes for the worse, and the risks this legislation poses to religious liberty, I do not think our disagreement should obscure the Chairman's very real efforts to begin to get this right.

I hope today's markup will be a first step. I would note that Senator Sentorum and former Senator Wolford have assembled a group from many different viewpoints on this issue to try to find some common ground. I will be joining that effort, and I would invite the Chairman to view today's markup and his efforts leading up to today as a first step, and I would hope the Chairman would join that effort also, to find common ground.

Religion should not divide this Nation. If anything, our common commitment to the freedom of conscience should be the one fundamental principle which unites all of us. I recall that when I was first elected to the Congress, one of my first efforts was to work for passage of the Religious Freedom Restoration Act, and last year for the Religious Land Use and Institutionalized Persons Act. Those efforts united everyone from the ACLU to the National Association of Evangelicals, from the Religious Action Center of Reform Judaism to the Christian Legal Society. In fact, many of the players in that legislation have been before the Constitution Subcommittee to present very differing views on this proposal.

I think certain principles are applicable. Certainly Madison's view is expressed in his memorial in remonstrance, that it is a violation of individual religious liberty to compel one citizen to support another faith is still valid, whether it applies to the hiring of teachers of religious instruction in Madison's time, or to funding other pervasively sectarian activities as Justice Thomas and three other Justices would permit today.

Mr. Chairman, under current law, pervasively sectarian institutions are perfectly free to compete for Federal grants for social programs on the same basis as non-sectarian institutions. They simply have to form a 501(c)(3) not-for-profit affiliate in today's law. That provision that they must fund a 501(c)(3) is designed to protect the sectarian organization, to protect the church from government intrusion and government audits and government regulation. This bill, unfortunately and very unwisely, would repeal that requirement and would allow the funding directly into church funds, which would lead to government audits of those funds and of the church's funds with which they are commingled unavoidably. That is a very unfortunate step which will lead to government regulation of churches and other institutions and is the first step on a very bad road.

Secondly, Mr. Chairman, this bill would extend the exemptions from the Civil Rights Act to activities involving the use of government funds, and under this bill, there would be enabled to be discrimination on the basis of religion and some other bases in the use of Federal funding, and I do not believe that if a church is running a soup kitchen for poor people, that they should be permitted to discriminate on a religious or other basis, in who can serve out the soup or who can drink the soup.

nization without entangling itself in strictly religious matters; emphasizes that religious organizations that receive Federal funds are held to the same performance standards as well as the same accounting standards as other grantees; requires religious organizations to conduct an annual self audit to ensure compliance and corrective action; provides for \$50 million in new Federal funding for technical assistance to novice and small nongovernmental organizations to help ensure that they have the knowledge and administrative capacity to comply with these and other Federal requirements; and clarifies how charitable choice principles apply when an organization that receives Federal funds in turn subgrants funds to other organizations.

Title II of H.R. 7, the “Charitable Choice Act of 2001,” provides that its purposes are “(1) to enable assistance to be provided to individuals and families in need in the most effective and efficient manner; (2) to supplement the nation’s social service capacity by facilitating the entry of new, and the expansion of existing, efforts by religious and other community organizations in the administration and distribution of Government assistance under the Government programs described in subsection (c)(4); (3) to prohibit discrimination against religious organizations on the basis of religion in the administration and distribution of Government assistance under such programs; (4) to allow religious organizations to participate in the administration and distribution of such assistance without impairing the religious character and autonomy of such organizations; and (5) to protect the religious freedom of individuals and families in need who are eligible for Government assistance, including expanding the possibility of their being able to choose to receive services from a religious organization providing such assistance.”⁶

Under H.R. 7, religious organizations receiving grants under covered programs may not use the provided funds for “sectarian instruction, worship, or proselytization,”⁷ and a beneficiary’s taking

⁶H.R. 7 would expand Federal programs governed by charitable choice to include programs related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974; related to the prevention of crime and assistance to crime victims and offenders’ families, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968; related to the provision of assistance under Federal housing statutes, including the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974; under subtitle B or D of title I of the Workforce Investment Act of 1998; under the Older Americans Act of 1965; related to the intervention in and prevention of domestic violence, including programs under the Child Abuse and Prevention and Treatment Act or the Family Violence Prevention and Services Act; related to hunger relief activities; under the Job Access and Reverse Commute grant program established under section 3037 of the Federal Transit Act of 1998; or involving activities to assist students in obtaining the recognized equivalents of secondary school diplomas and activities relating to non-school hours programs, including programs under chapter 3 of subtitle A of title II of the Workforce Investment Act of 1998 or part I of title X of the Elementary and Secondary Education Act but not including activities carried out under Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965. The intent of H.R. 7 is to apply charitable choice principles to all Federal social service programs that further Federal goals in the listed subject areas, including, for example, programs to strengthen responsible fatherhood and to reduce youth risk behaviors.

⁷In addition to the sectarian practices listed in subsection (j), the Supreme Court has found the following practices to be inherently religious. The Supreme Court has found that prayer; see *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *School District of Abington Township v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); devotional Bible reading; see *School District of Abington Township*, 374 U.S. at 203; veneration of the Ten Commandments, see *Stone v. Graham*, 449 U.S. 39 (1980) (per curiam); classes in confessional religion; see *McCullum v. Board of Education of School District No. 71*, 333 U.S. 203 (1948); and teaching

Continued

Number three, this bill would permit the proselytization with government funds. It says the funds may not be used for proselytization, but it certainly does not preclude the church's funds from being commingled and used for proselytization in a program which is federally funded.

I think these are three fundamental breaches of the wall of separation of church and state.

Finally, on the subject of religious autonomy, religious institutions are being coaxed into a devil's bargain. There are precious few constitutional restrictions of the rules government may now apply to religious institutions. The day will come, when having permitted excessive entanglement between religious institutions and the government, there will be no protection for religion when government flexes its muscle. I do not understand why some of my conservative colleagues suddenly have so much trust in big government that they are willing to take such a phenomenal risk with freedom of religion.

I thank the Chairman and I yield back.

Chairman SENSENBRENNER. Without objection, all Members' opening statements will appear in the record at this point, and I have an amendment at the desk.

[The statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

I want to thank Chairman Sensenbrenner and Ranking Member Conyers for convening this important markup on H.R. 7, *"the Charitable Choice Act of 2001."* It is imperative that the Committee gives careful consideration to this legislation; we must evaluate its merits closely.

The basic elements of charitable choice, as found in 104 of the 1996 "welfare reform" law, provide that if a State administration Temporary Assistance for Needy Families (TANF) block granted programs, or Welfare-to-Work grants under TANF, the State may not, in the distribution of such funding or contracts discriminate against any religious organization. As a general matter, let me just say that we are confronting serious civil rights concerns with respect to government involvement in religion.

The legislation before this committee clearly raises some serious constitutional issues which must be addressed. The limited proposed changes put forward by the Bush administration do little to the constitutional and civil rights problems that exist within this proposal. The Charitable Choice provisions of this bill remain in conflict with the Establishment Clause of the First Amendment and would possibly undermine nearly sixty years of federal civil rights protections against most uses of federal money by persons engaged in employment discrimination based on religion.

Unfortunately, the changes incorporated into H.R. 7 are counterproductive or harmful and do little to change or address the issues even said he was committed to addressing. In short, the bill still allows federal funds to flow directly to religiously organizations and still in direct violation of the Establishment Clause. Although the U.S. Supreme Court has allowed religiously affiliated organizations to provide government-funded services in a secular manner, it has never allowed religious institutions to receive direct government aid. I am concerned that H.R. 7 would mandate that federal, State, and local governments award federally funded contracts to any religious organization, on the same basis as any other organization, without "impairing the religious character of the organizations." Given that no changes were proposed to this problem, H.R. 7 still limits the availability of a State to even question whether or not it will be funded a sectarian or secular program, Mr. Chairman.

Further, this bill attempts to address the employment discrimination problem in H.R. 7 by removing language that would allow religious organizations to require beneficiaries to "adhere to the religious beliefs and practices of the organization." However, the "religious practices" language does not change the fundamental civil rights problem with this provision. H.R. 7 would still put the government squarely in the business of funding discrimination. We must remember that the provision

provides that religious organizations may retain their right under Title VII of the Civil Rights Act of 1964 to discriminate in employment by preferring members of their own religion.

Allowing federal funds to go to persons who discriminate based on religion undermines core civil rights protections that date back to the time of President Franklin Delano Roosevelt. Although current law allows religious organizations to use their own private money to prefer members of their own religion, they generally cannot use federal funds to discriminate. Congress and the Executive Branch have further extended the prohibition on federally funded religious discrimination by adding statutes and regulations affecting a wide range of federal contracts and grants programs. For sixty years, the basic principle has been that the federal government should not be financing religious discrimination against others.

Finally, while the Manager's Amendment deleted language allowing religious organizations to safeguard their "religious practices" the manager's amendment added other equally problematic new language striking out any provision (such as discrimination requirements) in any other government program which may be "inconsistent with" or "would diminish" the religious organization's autonomy. This is all apparently quite confusing.

Mr. Chairman, we must proceed very carefully.

[The statement of Mr. Barr follows:]

PREPARED STATEMENT OF THE HONORABLE BOB BARR, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF GEORGIA

Mr. Chairman, the practice of engaging faith-based organizations in the delivery of social services using government funds is not new. This has been happening at the State and local level for years. Religious-oriented and faith-based programs are provided funds to do what local governments do not have the capacity to do—provide a full spectrum of successful community services. It is time the federal government follow the lead of our State legislatures and local governments, and put the best organizations to work for the betterment of our communities.

H.R. 7, the Charitable Choice Act of 2001, will significantly impact the degree to which prevention, treatment, and other social service programs reach and rehabilitate those most in need. The faith community has achieved results in ways in which other programs have not, mainly due to unique element of faith and how it impacts the structure and success of these programs. The Congress needs to support and encourage such programs that work, that is why I am pleased to be a co-sponsor of Congressman J.C. Watts' bill, H.R. 7.

Mr. Chairman, I'd like to address the concern being raised by opponents of the legislation who charge that, on enactment of H.R. 7, the federal government will begin discriminating against certain religions that aren't officially "approved" or "condoned" by government bureaucrats. Opponents also charge this legislation will result in the federal government being in a position of supporting, or even establishing, a religion or religious preference. These charges are completely unfounded.

Charitable Choice is not a set-aside program; it is merely an opportunity to open up the system of delivery of social services, so that all *groups meeting the prescribed performance requirements* are allowed to compete fairly. If anything, under current law and practice, the government is practicing a form of discrimination by not allowing sectarian organizations to compete for government funds available to non-sectarian groups. Under this bill, any organization—religious or otherwise—would be able to compete, with the sole focus being on which groups best deliver services to the most needy in our communities. The religious affiliation or nature of an organization should not preclude it from receiving government funds, if such organizations successfully deliver needed services and so long as they meet the objective criteria the law requires.

Recently, I participated in a panel discussion on Faith-Based Initiatives, as a part of the President's Faith-Based Summit. The on-going goal of the summit is to establish networks of mutual support as we work to revitalize communities across the nation through faith-based and locally controlled initiatives.

Government must begin to view faith-based and community organizations as partners, not competitors—or worse, as some would have it, adversaries—in the fight against drug usage, poverty, teen pregnancy, and other social ills. There are millions across the country who need help. Under President Bush's initiative, as reflected in this legislation, faith-based organizations can now play a vital and needed role in providing that help. H.R. 7 will make a significant and needed impact on improving the lives of all members of the community, and I strongly support its passage.

Chairman SENSENBRENNER. The clerk will report the——

Mr. CONYERS. Hold it, Mr. Chairman, hold it. You missed——

The CLERK. Amendment to H.R. 7, offered by Mr. Sensenbrenner—

Mr. CONYERS. Hold it, Mr. Chairman. You missed the Ranking Member.

Chairman SENSENBRENNER. I had thought that the gentleman from New York had given the minority statement, but if the gentleman from Michigan wishes to say something, he is recognized for 5 minutes.

Mr. CONYERS. Thank you, sir. While I support the gentleman from New York entirely, I had prepared my own set of opening remark statements.

And it will only take a moment or two, because we all agree at the outset that religious organizations play a positive role in our communities, and we all want them to play a large and positive role in the lives of our children. That's a good starting point.

Now, there are some, however, that believe we can accomplish this goal by government mandate. Some believe we can have the best of both worlds, better social services, and more religion, without intruding on religious prerogatives. But what they fail to grasp is that we pass new laws—if we pass new laws requiring that our government begin funding religious—pervasively religious programs, we'll be sacrificing two of our Nation's most fundamental principles of justice and liberty. We will be saying that it's okay to use taxpayer funds to fund employment discrimination.

Now at this stage and time in the development of our Nation toward improved policies of race, do we really want to say that? By taking the religious exemption to the civil rights laws and extending it to charitable choice, as the measure before us unfortunately does, we'll be saying it's acceptable to openly discriminate against gays, or divorced persons, or unmarried pregnant women, or women who have had an abortion, or persons who use birth control, or even persons who favor reproductive rights, and against individuals married to a member of another race, or any manner of unusual personal sentiments that one may be entitled to have, but that we don't want grafted into the law.

And so that's why all the civil rights groups strongly have reservations about the measure before us. It has nothing to do with anything against religion, but they believe we do nothing to help poor and needy individuals if we indeed tolerate more discrimination. By approving the expenditure of government funds for pervasively-sectarian programs, this measure wittingly opens a very large hole in the wall separating church and state, and I say this because the safeguards included in this legislation are frankly largely illusory. The non-sectarian alternative provided in the bill, for openers, is totally unfunded. The language specifying that the religious aspects of government funded programs ought to be voluntary and offered separately will be impossible to enforce. The audit requirements will be of little or no benefit since they are self imposed and not subject to government review or any other outside review. So because our First Amendment, we have the most carefully and strongly, a very diverse Nation, maybe in the world. Our country has more religious diversity than anywhere else on the planet. Dr. Martin Luther King, Jr. once said in America, that the church is not the master of the State, nor is it the servant of the State, but it is the conscience of the State. My fear is that under

this bill, religion may become the servant of the State rather than its conscience.

So if all of us gathered here really want to do something to help religion, you might try to include the proposed charitable tax deductions in their \$2 trillion tax bill, which was so heavily slanted toward the wealthy. If you want to do something to improve social services, then we might consider increasing funding for drug treatment, for literacy, for child welfare. If you want to help our kids and our urban areas, we might try to figure a better way to rebuild our crumbling schools. And so I urge that we carefully and soberly consider the alternatives that will be presented before us during this discussion.

And I thank the Chairman very much.

Chairman SENSENBRENNER. The gentleman's time has expired.

The Chair would like to announce what the schedule will be for today. We are told that at approximately noon there will be votes on several amendments and a recommittal and passage vote on the Energy and Water Appropriations Bill currently pending on the floor. At that point in time, it is the intention of the Chair to adjourn for lunch, and we will come back either at 1:30 or 2:00 o'clock, depending upon when these votes are called.

It is also the intention of the Chair not to adjourn this Committee until we have a final vote on the motion to report the bill favorably, so I would urge the Members to be prepared to stick around because we're going to get this done today, one way or the other.

The Chair has an amendment at the desk and the clerk will report the amendment.

The CLERK. Amendment to H.R. 7 offered by Mr. Sensenbrenner.

Chairman SENSENBRENNER. Will the clerk pull the microphone closer to her?

The CLERK. Amendment to H.R. 7 offered by Mr. Sensenbrenner. Strike section 104 and insert the following.

Chairman SENSENBRENNER. Without objection, the amendment will be considered as read and open for amendment at any point.

[The amendment follows:]

AMENDMENT TO H.R. 7
OFFERED BY MR. SENSENBRENNER

Strike section 104 and insert the following:

1 SEC. 104. CHARITABLE DONATIONS LIABILITY REFORM
2 FOR IN-KIND CORPORATE CONTRIBUTIONS.

3 (a) DEFINITIONS.—For purposes of this section:

4 (1) AIRCRAFT.—The term “aircraft” has the
5 meaning provided that term in section 40102(6) of
6 title 49, United States Code.

7 (2) BUSINESS ENTITY.—The term “business
8 entity” means a firm, corporation, association, part-
9 nership, consortium, joint venture, or other form of
10 enterprise.

11 (3) EQUIPMENT.—The term “equipment” in-
12 cludes mechanical equipment, electronic equipment,
13 and office equipment.

14 (4) FACILITY.—The term “facility” means any
15 real property, including any building, improvement,
16 or appurtenance.

17 (5) GROSS NEGLIGENCE.—The term “gross
18 negligence” means voluntary and conscious conduct
19 by a person with knowledge (at the time of the con-
20 duct) that the conduct is likely to be harmful to the
21 health or well-being of another person.

1 (6) INTENTIONAL MISCONDUCT.—The term
2 “intentional misconduct” means conduct by a person
3 with knowledge (at the time of the conduct) that the
4 conduct is harmful to the health or well-being of an-
5 other person.

6 (7) MOTOR VEHICLE.—The term “motor vehi-
7 cle” has the meaning provided that term in section
8 30102(6) of title 49, United States Code.

9 (8) NONPROFIT ORGANIZATION.—The term
10 “nonprofit organization” means—

11 (A) any organization described in section
12 501(c)(3) of the Internal Revenue Code of 1986
13 and exempt from tax under section 501(a) of
14 such Code; or

15 (B) any not-for-profit organization orga-
16 nized and conducted for public benefit and op-
17 erated primarily for charitable, civic, edu-
18 cational, religious, welfare, or health purposes.

19 (9) STATE.—The term “State” means each of
20 the several States, the District of Columbia, the
21 Commonwealth of Puerto Rico, the Virgin Islands,
22 Guam, American Samoa, the Northern Mariana Is-
23 lands, any other territory or possession of the
24 United States, or any political subdivision of any
25 such State, territory, or possession.

1 (b) LIABILITY.—

2 (1) LIABILITY OF BUSINESS ENTITIES THAT
3 DONATE EQUIPMENT TO NONPROFIT ORGANIZA-
4 TIONS.—

5 (A) IN GENERAL.—Subject to subsection
6 (c), a business entity shall not be subject to
7 civil liability relating to any injury or death that
8 results from the use of equipment donated by a
9 business entity to a nonprofit organization.

10 (B) APPLICATION.—This paragraph shall
11 apply with respect to civil liability under Fed-
12 eral and State law.

13 (2) LIABILITY OF BUSINESS ENTITIES PRO-
14 VIDING USE OF FACILITIES TO NONPROFIT ORGANI-
15 ZATIONS.—

16 (A) IN GENERAL.—Subject to subsection
17 (c), a business entity shall not be subject to
18 civil liability relating to any injury or death oc-
19 ccurring at a facility of the business entity in
20 connection with a use of such facility by a non-
21 profit organization, if—

22 (i) the use occurs outside of the scope
23 of business of the business entity;

1 (ii) such injury or death occurs during
2 a period that such facility is used by the
3 nonprofit organization; and

4 (iii) the business entity authorized the
5 use of such facility by the nonprofit orga-
6 nization.

7 (B) APPLICATION.—This paragraph shall
8 apply—

9 (i) with respect to civil liability under
10 Federal and State law; and

11 (ii) regardless of whether a nonprofit
12 organization pays for the use of a facility.

13 (3) LIABILITY OF BUSINESS ENTITIES PRO-
14 VIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.—

15 (A) IN GENERAL.—Subject to subsection
16 (c), a business entity shall not be subject to
17 civil liability relating to any injury or death oc-
18 curring as a result of the operation of aircraft
19 or a motor vehicle of a business entity loaned
20 to a nonprofit organization for use outside of
21 the scope of business of the business entity, if—

22 (i) such injury or death occurs during
23 a period that such motor vehicle or aircraft
24 is used by a nonprofit organization; and

1 (ii) the business entity authorized the
2 use by the nonprofit organization of motor
3 vehicle or aircraft that resulted in the in-
4 jury or death.

5 (B) APPLICATION.—This paragraph shall
6 apply—

7 (i) with respect to civil liability under
8 Federal and State law; and

9 (ii) regardless of whether a nonprofit
10 organization pays for the use of the air-
11 craft or motor vehicle.

12 (4) LIABILITY OF BUSINESS ENTITIES PRO-
13 VIDING TOURS OF FACILITIES.—

14 (A) IN GENERAL.—Subject to subsection
15 (c), a business entity shall not be subject to
16 civil liability relating to any injury to, or death
17 of an individual occurring at a facility of the
18 business entity, if—

19 (i) such injury or death occurs during
20 a tour of the facility in an area of the fa-
21 cility that is not otherwise accessible to the
22 general public; and

23 (ii) the business entity authorized the
24 tour.

1 (B) APPLICATION.—This paragraph shall
2 apply—

3 (i) with respect to civil liability under
4 Federal and State law; and

5 (ii) regardless of whether an indi-
6 vidual pays for the tour.

7 (c) EXCEPTIONS.—Subsection (b) shall not apply to
8 an injury or death that results from an act or omission
9 of a business entity that constitutes gross negligence or
10 intentional misconduct.

11 (d) SUPERSEDING PROVISION.—

12 (1) IN GENERAL.—Subject to paragraph (2)
13 and subsection (e), this title preempts the laws of
14 any State to the extent that such laws are incon-
15 sistent with this title, except that this title shall not
16 preempt any State law that provides additional pro-
17 tection for a business entity for an injury or death
18 described in a paragraph of subsection (b) with re-
19 spect to which the conditions specified in such para-
20 graph apply.

21 (2) LIMITATION.—Nothing in this title shall be
22 construed to supersede any Federal or State health
23 or safety law.

24 (e) ELECTION OF STATE REGARDING NONAPPLICA-
25 BILITY.—A provision of this title shall not apply to any

advantage of a social service program cannot be conditioned on taking part in such activities.⁸ Existing charitable choice law, part of the Welfare Reform Act of 1996, contains an explicit protection of a beneficiary's right to "refus[e] to actively participate in a religious practice," thereby insuring a beneficiary's right to avoid any unwanted religious practices,⁹ and a similar provision in H.R. 7 makes clear that participation, if any, in sectarian instruction, worship, or proselytization must be voluntary and noncompulsory.

Such a provision is consistent with Supreme Court precedent. Supreme Court Justices O'Connor and Breyer require that no Government funds be diverted to "religious indoctrination." Therefore, under H.R. 7, religious organizations receiving direct funding will have to separate their social service program from any sectarian instruction, worship, or indoctrination.¹⁰ If the Federal assistance is utilized for social service functions without attendant sectarian instruction, worship, or proselytization, then no constitutional problems are raised. If the aid flows into the entirety of a social service program and some "religious indoctrination [is] taking place therein," then the indoctrination "would be directly attributable to the Government."¹¹ The Supreme Court in *Bowen v. Kendrick*,¹² in upholding a Federal program allowing funds to be distributed to faith-based organizations for teen family counseling programs, also made clear when remanding the case to the District Court, that "[t]he District Court should . . . consider on remand whether in particular cases [the federal] aid has been used to fund specifically religious activities in an otherwise substantially secular setting . . . Here it would be relevant to determine, for example, whether the Secretary [of Health and Human Services] has permitted [federal] grantees to use materials that have an explicitly religious content or are designed to inculcate the views of a particular religious faith." Therefore, if any part of a faith-based organization's activities involve "religious indoctrination," such activities must be set apart from the Government-funded program and, hence, privately funded.¹³

the biblical creation story as science; see *Edwards v. Aguillard*, 482 U.S. 578 (1987); *Epperson v. Arkansas*, 393 U.S. 97 (1968); are all forms of inherently religious speech by the Government. These practices should not be part of a Government-funded program.

⁸ Subsection (j) of the Charitable Choice Act of 2001 also provides that, "No funds provided through a grant or cooperative agreement to a religious organization to provide assistance under any [covered] program . . . shall be expended for sectarian instruction, worship, or proselytization. If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (c)(4). A certificate shall be separately signed by religious organizations and filed with the Government agency that disburses the funds, certifying that the organization is aware of and will comply with this subsection."

⁹ 42 U.S.C. § 604a(g) (faith-based organizations may not discriminate or otherwise turn away a beneficiary from the organization's program because the beneficiary "refus[es] to actively participate in a religious practice").

¹⁰ *Mitchell v. Helms*, 120 S.Ct. 2530, 2568 (2000) (O'Connor, J., concurring in the judgment).

¹¹ *Id.*

¹² 487 U.S. 589, 621 (1988).

¹³ For example, a welfare-to-work program operated by a church in Philadelphia illustrates how this can be done. Teachers in the program conduct readiness-to-work classes in the church basement weekdays pursuant to a Government grant. During a free-time period the pastor of the church holds a voluntary Bible study in her office up on the ground floor. The sectarian instruction is privately funded and separated in both time and location from the welfare-to-work classes.

On October 17, 2000, President Clinton stated his constitutional concerns regarding the implementation of the charitable choice provisions in Substance Abuse and Mental Health Services Administration ("SAMHSA") programs as follows: "This bill includes a provision making clear that religious organizations may qualify for SAMHSA's substance abuse prevention and treatment grants on the same basis as other nonprofit organizations. The Department of Justice advises, however, that this provision would be unconstitutional to the extent that it were con-

1 civil action in a State court against a business entity in
2 which all parties are citizens of the State if such State
3 enacts a statute—

4 (1) citing the authority of this section;

5 (2) declaring the election of such State that
6 such provision shall not apply to such civil action in
7 the State; and

8 (3) containing no other provisions.

9 (f) EFFECTIVE DATE.—This section shall apply to in-
10 juries (and deaths resulting therefrom) occurring on or
11 after the date of the enactment of this Act.

Strike title II and insert the following:

12 **TITLE II—EXPANSION OF**
13 **CHARITABLE CHOICE**

14 **SEC. 201. PROVISION OF ASSISTANCE UNDER GOVERN-**
15 **MENT PROGRAMS BY RELIGIOUS AND COM-**
16 **MUNITY ORGANIZATIONS.**

17 Title XXIV of the Revised Statutes is amended by
18 inserting after section 1990 (42 U.S.C. 1994) the fol-
19 lowing:

20 **“SEC. 1994A. CHARITABLE CHOICE.**

21 “(a) SHORT TITLE.—This section may be cited as the
22 ‘Charitable Choice Act of 2001’.

23 “(b) PURPOSES.—The purposes of this section are—

1 “(1) to enable assistance to be provided to indi-
2 viduals and families in need in the most effective
3 and efficient manner;

4 “(2) to supplement the Nation’s social service
5 capacity by facilitating the entry of new, and the ex-
6 pansion of existing, efforts by religious and other
7 community organizations in the administration and
8 distribution of government assistance under the gov-
9 ernment programs described in subsection (c)(4);

10 “(3) to prohibit discrimination against religious
11 organizations on the basis of religion in the adminis-
12 tration and distribution of government assistance
13 under such programs;

14 “(4) to allow religious organizations to partici-
15 pate in the administration and distribution of such
16 assistance without impairing the religious character
17 and autonomy of such organizations; and

18 “(5) to protect the religious freedom of individ-
19 uals and families in need who are eligible for govern-
20 ment assistance, including expanding the possibility
21 of their being able to choose to receive services from
22 a religious organization providing such assistance.

23 “(e) RELIGIOUS ORGANIZATIONS INCLUDED AS PRO-
24 VIDERS; DISCLAIMERS.—

25 “(1) IN GENERAL.—

1 “(A) INCLUSION.—For any program de-
2 scribed in paragraph (4) that is carried out by
3 the Federal Government, or by a State or local
4 government with Federal funds, the government
5 shall consider, on the same basis as other non-
6 governmental organizations, religious organiza-
7 tions to provide the assistance under the pro-
8 gram, and the program shall be implemented in
9 a manner that is consistent with the establish-
10 ment clause and the free exercise clause of the
11 first amendment to the Constitution.

12 “(B) DISCRIMINATION PROHIBITED.—Nei-
13 ther the Federal Government, nor a State or
14 local government receiving funds under a pro-
15 gram described in paragraph (4) shall discrimi-
16 nate against an organization that provides as-
17 sistance under, or applies to provide assistance
18 under, such program on the basis that the orga-
19 nization is religious or has a religious character.

20 “(2) FUNDS NOT AID TO RELIGION.—Federal,
21 State, or local government funds or other assistance
22 that is received by a religious organization for the
23 provision of services under this section constitutes
24 aid to individuals and families in need, the ultimate
25 beneficiaries of such services, and not support for re-

1 ligion or the organization's religious beliefs or prac-
2 tices.

3 “(3) FUNDS NOT ENDORSEMENT OF RELI-
4 GION.—The receipt by a religious organization of
5 Federal, State, or local government funds or other
6 assistance under this section is not an endorsement
7 by the government of religion or of the organiza-
8 tion's religious beliefs or practices.

9 “(4) PROGRAMS.—For purposes of this section,
10 a program is described in this paragraph—

11 “(A) if it involves activities carried out
12 using Federal funds—

13 “(i) related to the prevention and
14 treatment of juvenile delinquency and the
15 improvement of the juvenile justice system,
16 including programs funded under the Juve-
17 nile Justice and Delinquency Prevention
18 Act of 1974 (42 U.S.C. 5601 et seq.);

19 “(ii) related to the prevention of crime
20 and assistance to crime victims and offend-
21 ers' families, including programs funded
22 under title I of the Omnibus Crime Control
23 and Safe Streets Act of 1968 (42 U.S.C.
24 3701 et seq.);

1 “(iii) related to the provision of assist-
2 ance under Federal housing statutes, in-
3 cluding the Community Development Block
4 Grant Program established under title I of
5 the Housing and Community Development
6 Act of 1974 (42 U.S.C. 5301 et seq.);

7 “(iv) under subtitle B or D of title I
8 of the Workforce Investment Act of 1998
9 (29 U.S.C. 2801 et seq.);

10 “(v) under the Older Americans Act
11 of 1965 (42 U.S.C. 3001 et seq.);

12 “(vi) related to the intervention in
13 and prevention of domestic violence, in-
14 cluding programs under the Child Abuse
15 Prevention and Treatment Act or the
16 Family Violence Prevention and Services
17 Act;

18 “(vii) related to hunger relief activi-
19 ties; or

20 “(viii) under the Job Access and Re-
21 verse Commute grant program established
22 under section 3037 of the Federal Transit
23 Act of 1998 (49 U.S.C. 5309 note); or

24 “(B)(i) if it involves activities to assist stu-
25 dents in obtaining the recognized equivalents of

1 secondary school diplomas and activities relat-
2 ing to nonschool hours programs, including pro-
3 grams under—

4 “(I) chapter 3 of subtitle A of title II
5 of the Workforce Investment Act of 1998;
6 or

7 “(II) part I of title X of the Elemen-
8 tary and Secondary Education Act; and

9 “(ii) except as provided in subparagraph
10 (A) and clause (i), does not include activities
11 carried out under Federal programs providing
12 education to children eligible to attend elemen-
13 tary schools or secondary schools, as defined in
14 section 14101 of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 8801).

16 “(d) ORGANIZATIONAL CHARACTER AND AUTON-
17 OMY.—

18 “(1) IN GENERAL.—A religious organization
19 that provides assistance under a program described
20 in subsection (c)(4) shall have the right to retain its
21 autonomy from Federal, State, and local govern-
22 ments, including such organization’s control over the
23 definition, development, practice, and expression of
24 its religious beliefs.

1 “(2) ADDITIONAL SAFEGUARDS.—Neither the
2 Federal Government, nor a State or local govern-
3 ment with Federal funds, shall require a religious
4 organization, in order to be eligible to provide assist-
5 ance under a program described in subsection (c)(4),
6 to—

7 “(A) alter its form of internal governance
8 or provisions in its charter documents; or

9 “(B) remove religious art, icons, scripture,
10 or other symbols, or to change its name, be-
11 cause such symbols or name is of a religious
12 character.

13 “(e) EMPLOYMENT PRACTICES.—

14 “(1) IN GENERAL.—A religious organization’s
15 exemption provided under section 702 of the Civil
16 Rights Act of 1964 (42 U.S.C. 2000e–1) regarding
17 employment practices shall not be affected by its
18 participation in, or receipt of funds from, programs
19 described in subsection (c)(4), and any provision in
20 such programs that is inconsistent with or would di-
21 minish the exercise of an organization’s autonomy
22 recognized in section 702 or in this section shall
23 have no effect.

24 “(2) EFFECT ON OTHER LAWS.—Nothing in
25 this section alters the duty of a religious organiza-

1 tion to comply with the nondiscrimination provisions
2 in title VI of the Civil Rights Act of 1964 (42
3 U.S.C. 2000d et seq.) (prohibiting discrimination on
4 the basis of race, color, and national origin), title IX
5 of the Education Amendments of 1972 (20 U.S.C.
6 1681–1688) (prohibiting discrimination in edu-
7 cational programs or activities on the basis of sex
8 and visual impairment), section 504 of the Rehabili-
9 tation Act of 1973 (29 U.S.C. 794) (prohibiting dis-
10 crimination against otherwise qualified disabled indi-
11 viduals), and the Age Discrimination Act of 1975
12 (42 U.S.C. 6101–6107) (prohibiting discrimination
13 on the basis of age).

14 “(f) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

15 “(1) IN GENERAL.—If an individual described
16 in paragraph (3) has an objection to the religious
17 character of the organization from which the indi-
18 vidual receives, or would receive assistance funded
19 under any program described in subsection (c)(4),
20 the appropriate Federal, State, or local govern-
21 mental entity shall provide to such individual (if oth-
22 erwise eligible for such assistance) within a reason-
23 able period of time after the date of such objection,
24 assistance that—

1 “(A) is an alternative that is accessible to
2 the individual and unobjectionable to the indi-
3 vidual on religious grounds; and

4 “(B) has a value that is not less than the
5 value of the assistance that the individual would
6 have received from such organization.

7 “(2) NOTICE.—The appropriate Federal, State,
8 or local governmental entity shall guarantee that no-
9 tice is provided to the individuals described in para-
10 graph (3) of the rights of such individuals under this
11 section.

12 “(3) INDIVIDUAL DESCRIBED.—An individual
13 described in this paragraph is an individual who re-
14 ceives or applies for assistance under a program de-
15 scribed in subsection (c)(4).

16 “(g) NONDISCRIMINATION AGAINST BENE-
17 FICIARIES.—

18 “(1) GRANTS AND COOPERATIVE AGREE-
19 MENTS.—A religious organization providing assist-
20 ance through a grant or cooperative agreement
21 under a program described in subsection (c)(4) shall
22 not discriminate in carrying out the program against
23 an individual described in subsection (f)(3) on the
24 basis of religion, a religious belief, or a refusal to
25 hold a religious belief.

1 “(2) INDIRECT FORMS OF ASSISTANCE.—A reli-
2 gious organization providing assistance through a
3 voucher, certificate, or other form of indirect assist-
4 ance under a program described in subsection (c)(4)
5 shall not deny an individual described in subsection
6 (f)(3) admission into such program on the basis of
7 religion, a religious belief, or a refusal to hold a reli-
8 gious belief.

9 “(h) ACCOUNTABILITY.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graphs (2) and (3), a religious organization pro-
12 viding assistance under any program described in
13 subsection (c)(4) shall be subject to the same regula-
14 tions as other nongovernmental organizations to ac-
15 count in accord with generally accepted accounting
16 principles for the use of such funds and the perform-
17 ance of such programs.

18 “(2) LIMITED AUDIT.—

19 “(A) GRANTS AND COOPERATIVE AGREE-
20 MENTS.—A religious organization providing as-
21 sistance through a grant or cooperative agree-
22 ment under a program described in subsection
23 (c)(4) shall segregate government funds pro-
24 vided under such program into a separate ac-
25 count or accounts. Only the separate accounts

H.R. 7 also requires a religious organization receiving funds under a covered program to sign a certificate of compliance that certifies that the organization is aware of and will comply with the provisions against the use of Government funds for inherently religious activities. This certificate, which has the purpose of impressing upon both the Government grantor and the faith-based organization the importance of both voluntariness and the need to separate sectarian instruction, worship, and proselytization, must be filed with the Government agency disbursing the funds.

Subsection (g) of the Charitable Choice Act of 2001 also protects beneficiaries of charitable choice programs by requiring the presence of an alternative that is unobjectionable to beneficiaries on religious grounds when a religious organization is providing social services.¹⁴ Such an alternative need not be secular.¹⁵ If, of course, a beneficiary objects to being served by any faith-based organization, such a beneficiary would be guaranteed a secular alternative. The alternative need not be a completely separate program. It also may be purchased on the open social services market. Subsection

strued to permit governmental funding of organizations that do not or cannot separate their religious activities from their substance abuse treatment and prevention activities that are supported by SAMHSA aid. Accordingly, I construe the act as forbidding the funding of such organizations and as permitting Federal, State, and local governments involved in disbursing SAMHSA funds to take into account the structure and operations of a religious organization in determining whether such an organization is constitutionally and statutorily eligible to receive funding.” *Weekly Compilation of Presidential Documents* (Oct. 23, 2000) (Statement on Signing the Children’s Health Act of 2000), p. 2504. He made an identical statement regarding the charitable choice provisions in the Community Renewal Tax Relief Act when he signed that measure into law on December 15, 2000. See White House Office of the Press Secretary, “Statement of the President Upon Signing H.R. 4577, the Consolidated Appropriations Act, FY 2001” (December 22, 2000), at 8. These concerns are the same as those addressed by the provision in subsection (j) of the Charitable Choice Act of 2001, which provides that, “No funds provided through a grant or cooperative agreement to a religious organization to provide assistance under any [covered] program . . . shall be expended for sectarian instruction, worship, or proselytization. If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (c)(4).” The required separation would not be met where the Government-funded program entails worship, sectarian instruction, or proselytizing. Under subsection (j), there are to be no practices constituting “religious indoctrination” performed by an employee while working in a Government-funded program. The same is true for volunteers. However, to say that the Government-funded program is to be devoid of sectarian practices is different from saying that the program must be entirely secular. Indeed, subsection (d) specifically guarantees that faith-based organizations may retain religious symbols, a religious name, specifically religious language in its chartering documents, and the selection of its governing board along religious lines. And, under subsection (e), the faith-based organization may staff on a religious basis and thereby retain its religious character. Most importantly, faith-based organization employees and volunteers can do their good works out of religious motive. While the task of helping the poor and needy is “secular” from the perspective of the Government, from the viewpoint of the faith-based organization and its workers it is a ministry of mercy driven by faith and guided by faith regarding how best to meet basic human needs.

¹⁴ Subsection (g)(1) provides that, “If an individual . . . has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c)(4), the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection, assistance that—(A) is an alternative that is accessible to the individual and unobjectionable to the individual on religious grounds; and (B) has a value that is not less than the value of the assistance that the individual would have received from such organization.” Subsection (g)(2) also provides that, “The appropriate Federal, State, or local governmental entity shall guarantee that notice is provided to the individuals [taking part in charitable choice programs] of the rights of such individuals under this section.”

¹⁵ 42 U.S.C. § 604a(e), part of the 1996 Welfare Reform Act, also does not require a secular alternative unless a secular alternative is the only alternative acceptable to the beneficiary: “If an individual . . . has an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded under any program described in subsection (a)(2) of this section, the State in which the individual resides shall provide such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection with assistance from an alternative provider that is accessible to the individual and the value of which is not less than the value of the assistance which the individual would have received from such organization.”

1 consisting of funds from the government shall
2 be subject to audit by the government.

3 “(B) INDIRECT FORMS OF ASSISTANCE.—

4 A religious organization providing assistance
5 through a voucher, certificate, or other form of
6 indirect assistance under a program described
7 in subsection (c)(4) may segregate government
8 funds provided under such program into a sepa-
9 rate account or accounts. If such funds are so
10 segregated, only the separate accounts con-
11 sisting of funds from the government shall be
12 subject to audit by the government.

13 “(3) SELF AUDIT.—An organization providing
14 services under any program described in subsection
15 (c)(4) shall conduct annually a self audit for compli-
16 ance with its duties under this section and submit
17 a copy of the self audit to the appropriate Federal,
18 State, or local government agency, along with a plan
19 to timely correct variances, if any, identified in the
20 self audit.

21 “(i) LIMITATIONS ON USE OF FUNDS; VOLUNTARI-
22 NESS.—No funds provided through a grant or cooperative
23 agreement to a religious organization to provide assistance
24 under any program described in subsection (c)(4) shall be
25 expended for sectarian instruction, worship, or proselytiza-

1 tion. If the religious organization offers such an activity,
2 it shall be voluntary for the individuals receiving services
3 and offered separate from the program funded under this
4 subpart. A certificate shall be separately signed by reli-
5 gious organizations, and filed with the government agency
6 that disburses the funds, certifying that the organization
7 is aware of and will comply with this subsection.

8 “(j) EFFECT ON STATE AND LOCAL FUNDS.—If a
9 State or local government contributes State or local funds
10 to carry out a program described in subsection (c)(4), the
11 State or local government may segregate the State or local
12 funds from the Federal funds provided to carry out the
13 program or may commingle the State or local funds with
14 the Federal funds. If the State or local government com-
15 mingles the State or local funds, the provisions of this sec-
16 tion shall apply to the commingled funds in the same man-
17 ner, and to the same extent, as the provisions apply to
18 the Federal funds.

19 “(k) INDIRECT ASSISTANCE.—When consistent with
20 the purpose of a program described in subsection (c)(4),
21 the Secretary of the department administering the pro-
22 gram may direct the disbursement of some or all of the
23 funds, if determined by the Secretary to be feasible and
24 efficient, in the form of indirect assistance. For purposes
25 of this section, “indirect assistance” constitutes assistance

1 in which an organization receiving funds through a vouch-
2 er, certificate, or other form of indirect disbursement
3 under this section receives such funding only as a result
4 of the private choices of individual beneficiaries and no
5 government endorsement of any particular religion, or of
6 religion generally, occurs.

7 “(l) TREATMENT OF INTERMEDIATE GRANTORS.—If
8 a nongovernmental organization (referred to in this sub-
9 section as an ‘intermediate grantor’), acting under a grant
10 or other agreement with the Federal Government, or a
11 State or local government with Federal funds, is given the
12 authority under the agreement to select nongovernmental
13 organizations to provide assistance under the programs
14 described in subsection (c)(4), the intermediate grantor
15 shall have the same duties under this section as the gov-
16 ernment when selecting or otherwise dealing with
17 subgrantors, but the intermediate grantor, if it is a reli-
18 gious organization, shall retain all other rights of a reli-
19 gious organization under this section.

20 “(m) COMPLIANCE.—A party alleging that the rights
21 of the party under this section have been violated by a
22 State or local government may bring a civil action for in-
23 junctive relief pursuant to section 1979 against the State
24 official or local government agency that has allegedly com-
25 mitted such violation. A party alleging that the rights of

1 the party under this section have been violated by the Fed-
2 eral Government may bring a civil action for injunctive
3 relief in Federal district court against the official or gov-
4 ernment agency that has allegedly committed such viola-
5 tion.

6 “(n) TRAINING AND TECHNICAL ASSISTANCE FOR
7 SMALL NONGOVERNMENTAL ORGANIZATIONS.—From
8 amounts made available to carry out the purposes of the
9 Office of Justice Programs (including any component or
10 unit thereof, including the Office of Community Oriented
11 Policing Services), funds are authorized to provide train-
12 ing and technical assistance, directly or through grants or
13 other arrangements, in procedures relating to potential
14 application and participation in programs identified in
15 subsection (c)(4) to small nongovernmental organizations,
16 as determined by the Attorney General, including religious
17 organizations, in an amount not to exceed \$25 million an-
18 nually.

Chairman SENSENBRENNER. And the Chair recognizes himself.

The proposed changes embodied in my amendment clarify current provisions and improve the legislation by refining the bill in ways that further protect it from constitutional challenge. I realize that some entered the room today intending to oppose reporting H.R. 7 favorably. However, I encourage all of you to consider the important changes made by this amendment, and to perhaps re-examine your position on the entire bill. I sincerely believe this amendment firms up the constitutionality of the bill and expands the options of individuals to receive government services from the type of organization they themselves are most comfortable with.

To begin with, this amendment would make it clear that when a beneficiary has an objection to the religious nature of a provider, an alternative provider is required that is unobjectionable to the beneficiary on religious grounds, that the alternative provider need not be non-religious in character. The same requirement appears charitable choice provisions of the 1996 Welfare Reform Act. If, of course, a beneficiary objects to being served by any faith-based organization, under this amendment, such a beneficiary would be guaranteed a secular alternative.

Existing charitable choice law contains an explicit protection of a beneficiary's right to refuse to actively participate in a religious practice, thereby ensuring the beneficiary's right to avoid any, and I mean any, unwanted sectarian practices. This protection is in 42 U.S.C. 204a(g), part of the Welfare Reform Act of 1996. Such a provision makes clear that participation, if any, in a sectarian practice is voluntary and noncompulsory. Further, Justices O'Connor and Breyer, in the Helms case, require that no government funds be diverted to religious indoctrination. Therefore, religious organizations receiving direct funding will have to separate their social service program from sectarian practices. If any part of a faith-based organization's activities involve religious indoctrination, such activities must be set apart from the government funded program, and hence, privately funded.

For example, a welfare-to-work program operated by a church in Philadelphia illustrates how this can be done successfully. Teachers in the program conduct readiness-to-work classes in the church basement weekdays pursuant to a government grant. During a free time period, the pastor of the church holds a voluntary Bible study in her office up on the ground floor, separate from where the social services activities take place. The sectarian instruction is privately funded and separated in both time and location from the welfare-to-work classes. And no one is required to participate in the Bible study in order to complete the readiness-to-work program.

The Department of Justice recommends that H.R. 7 be strengthened by amending Subsection (i) by including an even clearer statement of the voluntariness requirement, namely that, quote, "If the religious organization offers sectarian instruction, worship or proselytization, it shall be voluntary for the individuals receiving services and offered separate from the program funded under this subpart." Unquote. Also the amendment includes a requirement that a certificate shall be separately signed by religious organizations and filed with the government agency that disburses the funds, certifying that the organization is aware of and will take care to comply with this subsection.

The amendment makes clear that a failure to comply with the terms of the certification may result in the withholding of funds and the suspension or termination of the agreement. The amendment also makes clear that volunteers cannot come in to a federally-funded program and proselytize or otherwise engage in sectarian activity. The amendment also includes Subsection (h)(1), to permit the review of the performance of the program itself and not just its fiscal aspect. This amendment is needed to prevent an unconstitutional preference for faith-based organizations as secular programs are subject to both types of review, meaning performance review and fiscal review.

I ask unanimous consent for four additional minutes.

Also, nothing in H.R. 7 prevents officials from implementing reasonable and prudent procurement regulations, and it is not uncommon for program policies to require providers to conduct periodic compliance self audits. Any discrepancies uncovered in a self audit must be promptly reported to the government along with a plan to timely correct any deficiencies. This amendment, which is a good suggestion from the Department of Justice, would codify such a self-audit requirement for faith-based organizations receiving Federal funds, and it would be prudent to add this additional provision to H.R. 7.

One of the most important guarantees of institutional autonomy is a faith-based organization's ability to select its own staff in a manner that takes into account its faith. It was for this reason that Congress wrote an exemption from religious discrimination by religious employers into title VII of the Civil Rights Act of 1964. And charitable choice laws specifically provide that faith-based organizations retain this limited exemption from Federal employment nondiscrimination laws.

The amendment would replace existing language in H.R. 7 with the same language used in the 1996 Welfare Reform Act, which was signed into law by President Clinton, with an additional clause, making it clear that contrary provisions in Federal programs covered by H.R. 7 have no force in effect. This additional clause was not necessary in the '96 Welfare Reform Act because it codified charitable choice rules for a new program, whereas H.R. 7 covers already existing programs that may have conflicting provisions. This amendment is offered to avoid any confusion.

The language of the 1996 Welfare Reform Act did nothing, and I repeat, nothing to roll back existing civil rights laws, and that same language is used in this amendment. It is important for all of us to understand that this bill and the amendment do not change existing antidiscrimination laws one bit, either with respect to employers or beneficiaries. Faith-based organizations must comply with civil rights laws, prohibiting discrimination on the basis of race, color, national origin, gender, age and disability.

Since 1964 faith-based organizations have been entitled to the title VII exemption to hire staff that share religious beliefs. The courts, including the Supreme Court, have upheld this exemption. Do critics of these laws really want to revoke current public funding from thousands of child care centers, colleges and universities that receive Federal funds in the form of Pell grants, veteran's benefits, vocational training, et cetera, because these institutions hire faculty and staff that share religious beliefs?

My amendment would also limit parties alleging that their rights under this section have been violated to injunctive relief, just as the 1996 Welfare Reform Act charitable choice provisions limit liability for violations of its provisions to injunctive relief.

This amendment has been requested by the National League of Cities, the National Association of Counties and the Conference of Mayors.

Finally, my amendment further solidifies the constitutionality of H.R. 7 and will assist in the practical implementation of its terms. I urge my colleagues to support it, and my time has now expired. [The statement of Chairman Sensenbrenner follows:]

PREPARED STATEMENT OF THE HONORABLE F. JAMES SENSENBRENNER, JR., A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

The proposed changes embodied in my amendment clarify H.R. 7's current provisions and improve the legislation by refining the bill in ways that further protect it from constitutional challenge. I realize that some entered the room today intending to oppose reporting H.R. 7 favorably, however, I urge you to consider the important changes made by this amendment and perhaps reexamine your position on the entire bill. I sincerely believe that the amendment firms up the constitutionality of the bill and expands the options of individuals to receive government services from the type of organization they are most comfortable with.

To begin with, this amendment would make clear that, when a beneficiary has an objection to the religious nature of a provider, an alternative provider is required that is unobjectionable to the beneficiary on religious grounds, but that the alternative provider need not be nonreligious. This same requirement appears in the charitable choice provisions of the 1996 Welfare Reform Act. If, of course, a beneficiary objects to being served by any faith-based organization, under this amendment such a beneficiary would be guaranteed a secular alternative.

Existing charitable choice law contains an explicit protection of a beneficiary's right to "refus[e] to actively participate in a religious practice," thereby insuring a beneficiary's right to avoid any unwanted sectarian practices.

This protection is in 42 U.S.C. § 604a(g), part of the Welfare Reform Act of 1996. Such a provision makes clear that participation, if any, in a sectarian practice is voluntary or noncompulsory. Further, Justices O'Connor and Breyer require that no government funds be diverted to "religious indoctrination." Therefore, religious organizations receiving direct funding will have to separate their social service program from their sectarian practices. If any part of a faith-based organization's activities involve "religious indoctrination," such activities must be set apart from the government-funded program and, hence, privately funded.

For example, a welfare-to-work program operated by a church in Philadelphia illustrates how this can be done successfully. Teachers in the program conduct readiness-to-work classes in the church basement weekdays pursuant to a government grant. During a free-time period the pastor of the church holds a voluntary Bible study in her office up on the ground floor.

The sectarian instruction is privately funded and separated in both time and location from the welfare-to-work classes—and no one is required to participate in the bible study in order to complete the bible study in order to complete the readiness-to-work program.

The Department of Justice recommends that H.R. 7 be strengthened by amending subsection (i) by including an even clearer statement of the voluntariness requirement, namely that "If the religious organization offers [sectarian instruction, worship, or proselytization], it shall be voluntary for the individuals receiving services and offered separate from the program funded under this subpart." Also, the amendment includes a requirement that a certificate shall be separately signed by religious organizations, and filed with the government agency that disburses funds, certifying that the organization is aware of and will take care to comply with this subsection.

The amendment makes clear that a failure to comply with the terms of the certification may result in the withholding of the funds and the suspension or termination of the agreement. The amendment also makes clear that volunteers cannot come into a federally funded program and proselytize or otherwise engage in sectarian activity.

The amendment also includes subsection (h)(1) to permit review of the performance of the program itself, not just its fiscal aspects. This amendment is needed to

prevent an unconstitutional preference for faith-based organizations, as secular programs are subject to both types of review.

Also, nothing in H.R. 7 prevents officials from implementing reasonable and prudent procurement regulations, and it is not uncommon for program policies to require providers to conduct periodic compliance self-audits. Any discrepancies uncovered in a self-audit must be promptly reported to the government along with a plan to timely correct any deficiencies. This amendment, which is a good suggestion from the Department of Justice, would codify such a self-audit requirement for faith-based organizations receiving federal funds, and it would be prudent to add this additional provision to H.R. 7.

One of the most important guarantees of institutional autonomy is a faith-based organization's ability to select its own staff in a manner that takes into account its faith. It was for this reason that Congress wrote an exemption from religious discrimination by religious employers into Title VII of the Civil Rights Act of 1964, and charitable choice laws specifically provide that faith-based organizations retain this limited exemption from federal employment nondiscrimination laws.

The amendment would replace existing language in H.R. 7 with the *same language used in the 1996 Welfare Reform Act*, which was signed into law by President Clinton, with an additional clause making clear that contrary provisions in the federal programs covered by H.R. 7 have no force and effect. This additional clause was not necessary in the 1996 Welfare Reform Act because it codified charitable choice rules for a new program, whereas H.R. 7 covers already-existing programs that may have conflicting provisions. This amendment is offered to avoid any confusion. The language of the 1996 Welfare Reform Act did nothing to "roll back" existing civil rights laws, and that same language is used in this amendment.

It is important for all to understand that this bill does not change the anti-discrimination laws one bit—either with respect to employees or beneficiaries.

Faith-based organizations must comply with civil rights laws prohibiting discrimination on the basis of race, color, national origin, gender, age and disability. Since 1964, Faith-based organizations have been entitled to the Title VII exemption to hire staff that share religious beliefs—courts, including the Supreme Court, have upheld this exemption. Do the critics of these laws really want to revoke current public funding from the thousands of child care centers, colleges and universities that receive federal funds—in the form of Pell Grants, veterans benefits, vocational training, etc.—because these institutions hire faculty and staff that share religious beliefs?

My amendment would also limit parties alleging that their rights under this section have been violated to injunctive relief, just as the 1996 Welfare Reform Act's charitable choice limited liability for violations of its provisions to injunctive relief.

This amendment has been requested by the National League of Cities, the National Association of Counties, and the Conference of Mayors.

This amendment further solidifies the constitutionality of H.R. 7 and will assist in the practical implementation of its terms. I urge my colleagues to support it.

Mr. CONYERS. A friendly inquiry, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman will state his friendly inquiry.

Mr. CONYERS. This sounds like a substitute amendment. It has all the earmarks of it, but it's called an amendment. So what's your response to my friendly inquiry?

Chairman SENSENBRENNER. The answer is that it was not offered as a substitute, and the Chair will stipulate that the inquiry was friendly.

Mr. CONYERS. Okay. Thank you so much.

Mr. NADLER. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from New York, for what purpose do you seek recognition?

Mr. NADLER. I have two questions. I have a memo here from Americans United for Separation of Church and State, which make a couple of comments. I want to ask for your comment on their comments, whether—

Chairman SENSENBRENNER. I have not seen the memo, but go ahead.

Mr. NADLER. I'll read it. It's only a paragraph. It says: "The new version", meaning the substitute, "leaves language intact that would allow for employment discrimination based on religious practices, tenets or teachings. The new H.R. 7 extends the title VII exemption, allowing religious-based employment discrimination to taxpayer-funded programs under charitable choice. If this exemption is extended in this way, it will result in the religious practices discrimination that is supposedly being stricken. The courts have recognized that institutions eligible for this exemption may discriminate in employment based on religious tenets and teachings in addition to simply refusing to hire someone of a certain religion."

In other words, under this—even under this changed H.R. 7, a publicly-funded program could discriminate in employment against an applicant or employee if they are, for example, unmarried and pregnant, divorced, gay or lesbian, or engaged in any other activity that violates the tenets and teachings of the group's religion.

My question is the following. A, does this correctly state what—what the bill as amended does?

Chairman SENSENBRENNER. No.

Mr. NADLER. And second—okay. And second, my understanding of the current law is that a church or other sectarian institution quite properly can discriminate on the basis of religion in its own religious officials, ministers, deacons and so forth, but that if you want to have a publicly-funded program, you cannot discriminate on the basis of religion in who maintains the soup kitchen, for example, and that this bill would allow that to happen. Is that—well, first of all, you just said, in what way is this description incorrect, and second, is my second question correct?

Chairman SENSENBRENNER. The description that you have read to me—and again, I do not have it in writing in front of me and I have not seen it—seems to indicate that the amendment that I have offered to this bill somehow either reduces civil rights protections to people who are seeking employment, or expands the exemption that was contained in title VII from the time it was initially enacted by Congress. That is not what the amendment does. The amendment keeps title VII exactly the way it is as it is applied to the organizations that would be qualified for grants under this bill.

Mr. NADLER. But does the tenets and—doesn't the tenets and teachings provision extend the exemption in title VII beyond where it was?

Chairman SENSENBRENNER. Well, you know, that would depend upon how the courts, you know, interpreted religious discrimination. You know, it is obvious that the original purpose of title VII was to protect a religious institution from a suit if they refused to hire as a clergy person someone not of their denomination, but it has been—that exemption has been expanded in further enactments by the Congress. Most recently, the 1996 Welfare Reform Law, that provided a religious institution that type of exemption from the antidiscrimination laws in hiring and employment.

Mr. NADLER. Thank you. Let me just suggest that—let me just make one comment. A lot of comment on this bill has been saying that, well, this doesn't change in certain respects what was done in the charitable choice provisions or the faith-based provisions of the Welfare Reform Act of 1996, it simply extends it into other pro-

gram areas. I simply want to comment that at the time the Welfare Reform Bill was passed, there was a lot of debate about the Welfare Reform Bill, there was almost no debate about the charitable choice provision in the Welfare Reform Bill. It was just included, an omnibus bill, and some of us believe that that was a very wrong thing to do at that point, and it will be equally wrong to extend it. Yield back.

Mr. CHABOT. Mr. Chairman. Will you yield for a question, Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Ohio seek recognition?

Mr. CHABOT. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman.

I rise in strong support of this amendment, and I'd like to commend President Bush for his leadership on this critical issue, and I applaud the President and Chairman Sensenbrenner, and Representatives J.C. Watts and Tony Hall for their good work in moving this legislation forward today.

Charitable choice proposals have received bipartisan backing in the past. I offer the words of former Vice President Al Gore, who strongly supported expanding charitable choice during his presidential campaign. In a major address to the Salvation Army, Mr. Gore couldn't have summarized the purposes of H.R. 7 and its provisions under this amendment more succinctly. In that address he stated, and I quote: "The men and women who work in faith-based organizations are driven by their spiritual commitment. They have sustained the drug addicted, the mentally ill and the homeless. They have trained them, educated them, cared for them. Most of all, they have done what government can never do, they have loved them." Unquote.

After referring to the charitable choice provisions in the 1996 Welfare Reform Act, Mr. Gore continued, quote: "As long as there is always a secular alternative for anyone who wants one, and as long as no one is required to participate in religious observances as a condition for receiving services, faith-based organizations can provide jobs and job training, counseling and mentoring, food and basic medical care. They can do so with public funds, and without having to alter the religious character that is so often the key to their effectiveness." Unquote.

That is precisely what H.R. 7 does. Proposed Subsection (f) guarantees a beneficiary an alternative to which they have no religious objection. Proposed Subsection (i) states clearly that if a religious organization offers religious instruction or worship, a beneficiary must engage in it voluntarily and separate and apart from the federally-funded program. And proposed Subsection (e) does just what Mr. Gore correctly prescribes, it allows churches to remain churches, even when they apply for and administer social service programs. And it does so in the same words used in the 1996 Welfare Reform Act, which Mr. Gore referred to explicitly and approvingly in his speech. Indeed, it was President Clinton who signed those same words into law.

I also offer the words of civil rights leader Rosa Parks in support of the amendment's proposed section (e). In endorsing H.R. 7 she

(g) also requires the appropriate Federal, State, or local governmental agency to give notice to beneficiaries receiving services under the covered programs of their right to an alternative that is unobjectionable to them on religious grounds.

Further, charitable choice principles prohibit faith-based organizations taking part in programs covered by title II of H.R. 7 from discriminating on the basis of religion against those who seek to be beneficiaries of such programs.¹⁶ Subsection (m) of the Charitable Choice Act of 2001 also provides that intermediaries authorized to act under a grant or other agreement to select nongovernmental organizations to provide assistance under any program covered by title II of H.R. 7 have the same duties under title II as the Government when selecting or otherwise dealing with subgrantors, but the intermediary grantor, if it is a religious organization, shall retain all other rights of a religious organization under title II.

Misguided understandings of the Constitution have for too long deterred Federal, State, and local governments from even inviting religious organizations to participate in informational meetings designed for those willing to compete for social service funds. H.R. 7 simply makes clear to the Federal Government, states, and localities, that if they provide a grant, to or enter into a cooperative agreement with, religious organizations under charitable choice principles, they need not fear that their actions are unconstitutional.¹⁷

BACKGROUND AND NEED FOR THE LEGISLATION

The pervasive role of Government in providing social services, necessitating higher and higher taxes on its citizens, requires a fresh evaluation of the ways in which religious and other community organizations can best be made part of social welfare programs.

Today, because Government controls most of the resources available for the provision of social services, private funding for private sector welfare services is increasingly not a practical alternative. In 2000, for example, approximately 45 percent of the average American's income will go to pay federal, state, and local taxes, and the average American will have worked a full 167 days in order to pay

¹⁶Subsection (h) of the Charitable Choice Act of 2001, for example, prohibits discrimination against beneficiaries of charitable choice programs by providing that a religious organization providing assistance through a grant or cooperative agreement, "shall not discriminate, in carrying out the program, against an individual ... on the basis of religion, a religious belief, or a refusal to hold a religious belief." Beneficiaries of charitable choice programs funded through indirect forms of assistance "shall not deny an individual ... admission into [a covered] program on the basis of religion, a religious belief, or a refusal to hold a religious belief." H.R. 7 does not preempt any Federal, State, or local nondiscrimination laws pertaining to the serving of beneficiaries.

¹⁷H.R. 7, by prohibiting discrimination against organizations based on religion, is Congress' attempt to make clear to grant and program distributors what the rules are for allowing faith-based organizations to compete on an equal basis with nonreligious organizations for Federal social service funds. What a religious organization believes should have no bearing on its eligibility to receive a grant. Insofar as there are statutory rights in H.R. 7 that inure to the benefit of religious social service providers, and also statutory duties on the part of such religious organizations, in the rare case a definition of "religious organization" may be required. Such a definition should be articulated by the courts on a case-by-case basis, just as the courts have done under title VII and the applicability of its § 702 exempting religious organizations. See *Hall v. Baptist Memorial Health Care Corporation*, 215 F.3d 618, 624–25 (6th Cir. 2000) (hospital was religious organization); *Killinger v. Samford University*, 113 F.3d 196, 199 (11th Cir. 1997) (university was religious organization); *EEOC v. Presbyterian Ministries, Inc.* 788 F. Supp. 1154, 1156 (W.D. Wash. 1992) (retirement home was religious organization); *Fike v. United Methodist Children's Home*, 547 F. Supp. 286, 290 (E.D. Va. 1982) (residential care home for youth was no longer a religious organization).

stated it would reduce, quote, “discriminatory barriers currently suffered by the many grass roots churches who are unable to access funding for education and social welfare programs.” Unquote. Of course for a church to be protected from discriminatory barriers that lie between it and funds for social service programs, it must be free to remain a church when it applies for such funds, and retain its current exemption from title VII.

That is precisely what this amendment does. Under this proposed amendment, H.R. 7 is constitutionally airtight. We even have a statement to that effect from the Fourth Circuit Court of Appeals, which just yesterday held that the Constitution allows the government to provide direct aid to a religious organization without having to resort to an examination of whether that organization is pervasively sectarian or not. The court held that as long as there are protections in place prohibiting Federal funds from being used for proselytizing activities, a faith-based organization must not be presumed to be incapable of following the rules against using government funds for worship activities, and on that basis, redlined from government programs. H.R. 7 explicitly prohibits the use of Federal funds for sectarian worship, instruction or proselytizing activities, just as the program upheld by the Fourth Circuit did in that case just yesterday.

This amendment will make H.R. 7 even clearer on this point by adding language stating that if the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under this subpart.

To see how the provision operates, we need only to look at how it works in the charitable choice program run by the Reverend Donna Jones of North Philadelphia, whose church runs a welfare-to-work program there. She testified before the Subcommittee on the Constitution and described how teachers in the program conduct readiness-to-work classes in the church basement week days, pursuant to a government grant. During a free time period, the pastor of the church may hold a voluntary Bible study in her office up on the ground floor. The sectarian instruction is therefore privately funded and separated in both time and location from the welfare-to-work classes.

Summing up, the amendment stands solidly within the four corners of the Constitution, and it opens wide the door to faith-based organizations wanting to apply for Federal funds to help pay the heating bills in shelters for women victims of domestic violence, to help pay for training materials teaching basic work skills, and to help them feed the hungry in soup kitchens. I urge my colleagues to join in supporting this important amendment.

Chairman SENSENBRENNER. The gentleman's time has expired. For what purpose the gentleman from California seek recognition?

Mr. BERMAN. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. BERMAN. Mr. Chairman, as I struggle with this issue, I'd like to ask a question regarding your manager's amendment. Both Mr. Chabot and you have made reference to the protection for the recipient of assistance to, if he or she has an objection to the religious character of the referral, to obtain admission into a secular alter-

native. But the base bill on H.R. 7, on page 15, speaks of that as an alternative that is accessible to the individual, and—I'm sorry. The base bill, H.R. 7 says that it is an alternative, including a non-religious alternative that is accessible to the individual, with the words "including a non-religious alternative." The manager's amendment says, "In an alternative that is accessible to the individual and unobjectionable to the individual on religious grounds."

And I'm curious about why the wording was changed. It leaves at least an implication that a secular alternative, a non-religious alternative does not need to be available and——

Chairman SENSENBRENNER. Would the gentleman yield?

Mr. BERMAN. I'd be happy to.

Chairman SENSENBRENNER. The way this is worded is that if the beneficiary demands a secular alternative, they get it, you know, assuming there are no religious alternatives that are unobjectionable to the individual on religious grounds.

Mr. BERMAN. But, again, what's the purpose of deleting the phrase "including a non-religious alternative," a way of making clear that that is the case?

Chairman SENSENBRENNER. If the gentleman will further yield.

Mr. BERMAN. Yes.

Chairman SENSENBRENNER. It was tightening up the language with exactly the same effect. The determination on what type of a program is unobjectionable to the individual on religious grounds rests with the individual, and this was a tightening up of the language to further empower individuals to make their decision rather than having it being made by the government either as a matter of law or otherwise. The fact is, is that if there is no religious alternative that is unobjectionable on religious grounds, then a secular alternative must be provided.

Mr. GREEN. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from California has the time.

Mr. BERMAN. I'm sorry. I yield.

Chairman SENSENBRENNER. For what purpose the gentleman from Wisconsin, Mr. Green, seek recognition?

Mr. GREEN. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman.

I'd like to commend the authors of the underlying legislation, but I guess more to the point for where we are, commend the Chairman for his thoughtful amendment. As the Chairman knows, over the last number of days, I am one of many who have tried to look carefully at many of the issues that are raised by H.R. 7. These are sensitive and weighty issues that are before us. And those who are concerned about the larger implications of the legislation we take up today, should be. We should tread carefully. We should tread sensitively. But, Mr. Chairman, as I take a look at your amendment, and review it carefully, I believe that you have done just that. I believe that you have done a great service to this legislation by using accepted standards and constitutionally settled principles to make sure that religious freedom is protected, and that some of the concerns which have been already expressed, are addressed fairly, honestly, and again, in a settled manner.

I think that those of us who come from States like Wisconsin—and Wisconsin is known for its progressive tradition in the area of education reform and health care reform and welfare reform—we've seen what the community of faith can do in its delivery of services. We see the tremendous potential that is there when we utilize community leaders, when we turn to what is working, when we turn to those unsung heroes in neighborhoods all across this country. I believe that H.R. 7 will help us unleash the great potential of those community leaders, and I'm convinced that your amendment that you bring forward today will ensure that we do it in a way that is sensitive to the larger issues that have been raised. So—

Mr. GEKAS. Would the gentleman yield?

Mr. GREEN. Mr. Chairman, once again I commend you for your amendment, and encourage my colleagues to adopt the amendment.

Mr. GEKAS. Would the gentleman yield for a moment?

Mr. GREEN. Yes, I will yield.

Mr. GEKAS. The gentleman will recall that he and I had an extensive consultation on the contents of the present legislation, and the gentleman, I must say, went a long way in convincing me that some of my concerns about the accommodation to cults, which have no good purpose in most instances, and might be accommodated by this legislation. The gentleman, as I say, convinced me that the provisions here would prevent such an accommodation. Is he willing to confirm that?

Mr. GREEN. I certainly am. I believe we had that discussion as we were racing off to a vote. I believe that those who look carefully at this legislation and will look at the actual language and the protections that have been enshrined and the fact that this legislation is about opening up opportunities for groups to provide services that are currently being provided—we're not launching new services or programs here—will realize that these types of opportunities are probably not attractive to the vast majority of organizations that are out there because we have a number of accountability provisions in here, we have tough standards. Any organization which is applying here to provide services has to demonstrate that they can provide these services in a verifiable way. They have to agree to Generally Accepted Accounting Principles. I believe that there won't be that many organizations, especially early on, that will embrace these opportunities, but those that do, I think will go a long way towards shaping lives in communities and neighborhoods, so I am satisfied, particularly with the Chairman's mark, that we have addressed those concerns.

Ms. WATERS. Would the gentleman yield?

Mr. GREEN. I would be happy to yield what little time I have left.

Ms. WATERS. I was interested in the question that was raised by Mr. Gekas. He specifically asked you what would prevent cults, religious cults, from participating in this legislation. And I was listening very carefully to your answer, and your answer did not say that they could not. You suggested that maybe they won't want to do that because of accountability standards that you are alluding to that are in the bill that I don't see. Would you agree that any religious organization can participate because the bill specifically

does not allow discrimination against any religious organization. Would you agree?

Mr. CHABOT. Will the gentleman yield?

Mr. GREEN. The gentleman would be happy to yield.

Mr. CHABOT. Thank you for yielding. You don't have much time left, but the bottom line is, is that those agencies——

Chairman SENSENBRENNER. Without objection, the gentleman from Wisconsin will be given 2 additional minutes.

Mr. CHABOT. Thank the gentleman. If you'll continue to yield.

This is one of the items that's been brought up for many of the folks that are opposed to the whole faith-based initiative. The bottom line is any of these organizations or so-called cults are free to try to get contracts to serve the public. What will ultimately be the determinative factor is what group, what organization can best provide services to the people at the most efficient cost. And so that's the bottom line answer. So anybody can try to compete for the available dollars out there, but what's going to have to be looked at is who can provide the services best. And they can look at track records, for example, of some of the organizations, what they've done in the past.

Mr. GOODLATTE. Would the gentleman yield?

Ms. WATERS. Will the gentleman yield for a question?

Mr. GOODLATTE. Would the gentleman yield?

Ms. WATERS. Would the gentleman yield for a question?

Mr. GREEN. I would yield time to Mr. Goodlatte.

Mr. GOODLATTE. I thank you, and I'll be very brief, but I would ask the gentleman from Ohio, is it not true that the same complaint that the gentlewoman from California raises exists in the secular society as well, that there are today secular organizations that compete for funds that are of extreme natures or may be offensive to people. They simply aren't of a religious sort. And they're allowed to compete for these funds today. I don't know why we should draw a discriminatory line between religious and non-religious organizations.

Ms. WATERS. Will the gentleman yield? That does not speak to my question. Would the gentleman yield?

Mr. GREEN. No. Actually, I would like to reclaim my time and try to answer the question that was first posed. First off, let's remember, as my colleague from Virginia has pointed out, that in current law, such groups could compete for dollars right now under certain programs. And there's an interesting study out that's referred to I think in some of our materials, which shows that the legitimate fear that many have raised in the past about such organizations entering into these programs has been completely unfounded.

The reason why is charitable choice is not a set-aside, it is not a pot of money which is going to enrich any group.

Chairman SENSENBRENNER. The gentleman's time has once again expired.

Mr. FRANK. Mr. Chairman.

Chairman SENSENBRENNER. For what purpose the gentleman from Massachusetts seek recognition?

Mr. FRANK. To strike the last word, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. FRANK. First, the gentleman's question I think has not yet been answered. And I was struck by what seems to me an inconsistency. When the Nation of Islam was hired by many housing authorities some years ago to patrol the housing authorities—I think Baltimore was one and some others—to provide security, a number of people, some of whom are strong supporters—not necessarily on this Committee, but in the Congress—of this bill, were very upset, and indeed, political pressure was brought successfully I think on HUD to disallow the Nation of Islam from providing these services because some people thought it was a religious cult and they disagree very much with it. My guess it—I never went to any of the housing authorities to do an on-spot inspection—my guess is, judged by results, they probably did a very good job of keeping order in those housing authorities. And I think we ought to note to those who objected to the Nation of Islam being involved before, that this is the sort of legislation that will I think bring about their return, judged solely on results, and objections that people might have to various aspects of the way the Nation of Islam worships or what their theology is would be irrelevant. And I think that's just—

Mr. NADLER. Would the gentleman yield?

Mr. FRANK. Well, let me first—I want to ask—I'll yield briefly.

Mr. NADLER. Just one observation. The grounds for which the Nation of Islam was evicted, in effect, from those contracts, was that they discriminated on the basis of religion in who they hired as security guards.

Mr. FRANK. And that would now no longer be the case.

Mr. NADLER. That would no longer be—

Ms. WATERS. Will the gentleman yield?

Mr. FRANK. Let me just get to my other point here if I can, and then I'll get back to this. Because I wanted to ask the Chairman, and I appreciate his effort to try and make some improvements. On the bottom of page 17 there's a provision that may have been in the original one, that says, "No funds shall be expended for sectarian instruction, worship", or a word no one really has an easy time pronouncing—"proselytization." Now, I appreciate that, but here's my question. What if the organization that gets the money believes that a religious message is inherent in providing the service? What if people believe that you cannot get people to get off drugs or to stop violent behavior, or to stop imbibing alcohol excessively or doing other things? What if inherently in their message is, you do this by becoming a Christian, or a better Christian, or a better Muslim or a better Jew? Is that allowed under the bill?

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. FRANK. Yes.

Chairman SENSENBRENNER. The answer to the question is no it is not, and those organizations would not be eligible for funding under H.R. 7.

Mr. FRANK. Well, I appreciate that and I think that's a very important point to make. That is, you could not—and I'm told there are organizations that do this—so in addition to strictly trying to convert people, if in fact you sincerely believed that the way to cure the problem that had brought people to you, the way to inculcate in them better behavior, involved inherently a religious message,

that could not be funded under this program; it would have to be done entirely separately?

Chairman SENSENBRENNER. Would the gentleman yield further? The gentleman's conclusion is correct. It is up to the religious organization to make a determination, if they can separate out their religious mission from their social services mission. If they can do that, they're eligible under H.R. 7. But if they can't do that, then they're not.

Mr. FRANK. And I appreciate the gentleman saying that, because again I want to make it clear. What we're saying is if the fact that they may believe that the social service mission cannot be accomplished in a non-religious context, that would make that ineligible for Federal funding. They're free to do that in other ways, but they could not get Federal funding to do that; is that correct?

Chairman SENSENBRENNER. If the gentleman would yield further. That is what the language of the amendment prohibits doing, and that is, is that if the program, under H.R. 7, is funded, the Federal funds cannot be used in any manner whatsoever for sectarian instruction, worship or proselytization, and those functions must be privately funded and they are voluntary, and the clients or beneficiaries have the opportunity to opt out or to seek another alternative.

Mr. FRANK. Well, let me say, I assume this would mean though that you don't kind of enroll in the program, and then when it gets to the religious part, you get out; you are entitled to a totally separate program?

Chairman SENSENBRENNER. That is correct.

Mr. FRANK. And it's not an in and out kind of—

Chairman SENSENBRENNER. That is correct, and the gentleman's time has expired. And let me find out how many votes we're going to have.

There will be two votes on amendments, recommittal after 10 minutes debate, and final passage. The Committee is recess until 1:30. Please be prompt because we'll start in right away.

[Whereupon, at 11:51 a.m., the Committee recessed, to reconvene at 1:30 p.m., the same day.]

AFTERNOON SESSION

Chairman SENSENBRENNER. The Committee will be in order.

Pending at the time the Committee recessed was an amendment to the bill by the Chairman.

Mr. SCOTT. Mr. Chairman.

Chairman SENSENBRENNER. For what purpose the gentleman from Virginia seek recognition?

Mr. SCOTT. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. SCOTT. And before that, a parliamentary inquiry, Mr. Chairman.

Chairman SENSENBRENNER. State your inquiry.

Mr. SCOTT. When your amendment was introduced, was it introduced as an amendment or an amendment and unanimous consent to consider it as the original text for the purposes of amendment?

Chairman SENSENBRENNER. It was introduced as an amendment. The base bill is what is amendable.

Mr. SCOTT. And parliamentary inquiry?

Chairman SENSENBRENNER. State your inquiry.

Mr. SCOTT. So if there are amendments to the manager's amendment, they should be introduced before it's adopted?

Chairman SENSENBRENNER. That's correct.

And with that happy note, this is a vote on a rule. Is there a vote on the previous question? Okay. I would ask the Members to come back promptly after voting, and the Committee stands in recess. The gentleman from Virginia, Mr. Scott, will be first to be recognized, so he should come back first. [Laughter.]

Chairman SENSENBRENNER. The Committee stands recessed.

[Recess]

Chairman SENSENBRENNER. The Committee will be in order.

Pending at the time of the recess was an amendment to the bill offered by the Chairman. Before recognizing the gentleman from Virginia, let me reiterate my announcement of this morning, that the Chair intends not to adjourn the Committee until we vote to report the bill one way or the other, notwithstanding the announcement that the House will suspend its work on the Agriculture Appropriations Committee between 6:00 and 7:00 p.m.

For what purpose does the gentleman from Virginia seek recognition?

Mr. SCOTT. Mr. Chairman, move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, for several weeks I've been asking the question about various versions of charitable choice as to whether or not under the versions that we would finally get to vote on, whether or not you can proselytize during the program or not. We heard—we read reports that Mr. DeJulio, the Director of the Faith-Based Office in the White House—we heard quotes from him that said that pervasively sectarian programs could in fact be funded. We heard from the chief sponsor of the bill, that religion is a methodology, and therefore, obviously, that's what you were paying for. We've heard references to Democratic leaders as to what their position is on this. The Democratic platform that was adopted by the Democratic Convention last summer, supported faith-based funding with the provision that no proselytization should be funded, and no funds should be used in a discriminatory manner.

Mr. Chairman, your manager's amendment finally answers the question one way or another, and says that there shall be no proselytization during the program. It is consistent with the views expressed by the Department of Justice, where they said there should be no proselytization paid for by Federal money, nor volunteers or any other way during the government sponsored program. In fact, Mr. Chairman, the manager's amendment, in terms of proselytization is a restatement of present law without charitable choice. Any program that can get funded under the manager's amendment can also be funded now with one exception. And that is organizations that do not want to comply with civil rights laws. The requirements that symbols can be there, under the manager's amendment, is a question of constitutional implications. If the Supreme Court requires them to take—them to be taken down, then the statute we're adopting can't cure that. If the Supreme Court does not allow the symbols to be taken down, then of course, you can do it under present law.

What we have right now is a question of whether or not organizations can discriminate, and that's really all that's left in the bill. The main effect, the main effect, after we've gone through the constitutional process of which religion will get funded and which will not, the main effect is that organizations receiving Federal funds can discriminate. The sponsors of federally-funded programs under the bill can discriminate based on religion, and that's really what this debate is all about, nothing more. The extent to whether teachings and tenets are also covered by the right to discriminate is a technical question that we can consider, but after you've stripped it to its bare essentials, the only thing the bill allows not that's not allowed under present law, is the right to discriminate based on religion.

We will have amendments that will focus on this simple question as to whether the sponsor of a federally-funded program can discriminate based on religion for the first time in decades, so that we will consider that question as we consider amendments.

Thank you, Mr. Chairman. I yield back the balance of my time.

Ms. LOFGREN. Mr. Chairman.

Chairman SENSENBRENNER. Are there amendments?

Ms. LOFGREN. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentlewoman from California seek recognition?

Ms. LOFGREN. To strike the last word.

Chairman SENSENBRENNER. The gentlewoman's recognized for 5 minutes.

Ms. LOFGREN. I wanted to comment briefly on the discussion that was had before the lunch break, which has to do with whether or not cults could be funded under this act. And I guess in a way I'm a little bit reluctant to use the word "cult" because in some cases, one person's cult is another person's faith. But in looking at this, I think we are clearly going to be opening ourselves up to a situation that I think the proponents of this measure do not desire, and perhaps have not fully envisioned.

In thinking about religions that are not the majority religion in the United States, under this act and with the manager's—with the Chairman's amendment, we note that you cannot require a faith-based group to remove their religious scriptures, arts, icons and the like, and the only way a recipient of the services can get out of being served by the faith-based group is if they have objections to the religious character of the organization. It's not clear to me that—and maybe this is a question for the Chairman—let's say I'm receiving child care as part of the federally-funded welfare program, and in California, a large California county, it's the wickens who are providing the child care, which is actually not an improbable situation in some parts of the State. Can I require that a separate child care provider be established because I don't like the wickens? And if then I'm sent to the Catholics, can I require that still another child care be provided until I finally get to the Lutherans, which is what I am? Is that—would that be the impact of this amendment?

Chairman SENSENBRENNER. The answer to your question is no. Anybody who applies for—to receive funds under this program, either directly or indirectly, will have to adhere to all of the qualifications of the program, many of which already exist. We're not

creating new social services programs in this bill, but what we are doing is opening up the eligibility to faith-based organizations to provide those types of social services.

Ms. LOFGREN. Well, reclaiming—

Chairman SENSENBRENNER. The opt out and choice provisions that are contained in the manager's amendment, you know, make it clear that nobody will be forced to go into a faith-based program, and while it is not stated expressly, if someone objects to all faith-based programs, there has to be a secular alternative.

Now, you know, to answer your question, if you don't like denomination 1, you can object to that, and then go to 2 or 3 or 4, until you finally get a denomination that is of your choosing. There's nothing in this legislation that requires a local government to do that. If the Lutherans don't want to put on one of these programs because somebody insists upon going to a Lutheran program, the Lutherans don't have to put on one of these programs.

Ms. LOFGREN. No, that's—if I may, that is clear. But I guess what I'm—what I'm struggling with is there are a whole—I mean I probably have more Buddhists than Baptists in my district, and there are some people who don't believe in what the Buddhists believe, and they are a likely provider of services. And it's not clear to me that we will avoid a result where people who have one faith are required to—because there's a—

Chairman SENSENBRENNER. The gentlewoman yield?

Ms. LOFGREN. Yes, I will.

Chairman SENSENBRENNER. Under this bill there is no requirement that somebody who objects to receiving secular social services in a Buddhist-owned facility and sponsored by a Buddhist congregation or Buddhist faith-based organization, or however they are organized, to have to enroll in that social services program. There has to be, under H.R. 7 and the Chairman's amendment, an alternative that is non-objectionable to the individual seeking the social services.

Ms. LOFGREN. All right. So if I am understanding the Chairman correctly, every—I was in local government for a lot longer than I've been in Congress, and we actually funded a lot of social services with faith-based groups, I mean from the Catholic Charities, the Cathedral of Faith and many, many others. We also had secular programs that we funded for the same activities. So if you're a local government, you better make sure that you have a non-faith-based organization, or else any one person can throw chaos into your program by objecting, and then you would fail to have an alternative.

I have problems with this in many respects, but I guess one of the overlying things I fail to understand is why, in practically every county of this country we're already funding services through faith-based groups, we need to do this. I mean, but I see my time has expired. And I thank the Chairman for allowing me to strike the last word.

Mr. SCHIFF. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from California, Mr. Schiff. For what purpose do you seek recognition?

Mr. SCHIFF. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. SCHIFF. I'd like to speak briefly to the premise of direct government funding of churches and synagogues and other religious institutions.

The separation of church and state was designed out of a desire to avoid the excessive entanglement for two reasons. One, it was to protect the people from the government's use of its coercive power for religious purposes. And second, it was designed to protect people's free exercise of religion by guarding churches from unwarranted government intrusion. Direct funding of religious institutions, whether characterized under the beneficent sounding, wonderfully alliterative expression, charitable choice, does not serve either priority of the founders. In fact, I believe, although well meaning, it undermines both church and state, and in so doing, undermines our basic freedoms.

How does it do this? How does it undermine the State? Fundamentally, I believe it precludes real accountability in the delivery of services. The principle of greater funding with accountability that we all subscribe to is sacrificed. Would this Committee or any Committee call in the GAO to audit, investigate the performance of the Catholic Church in delivering services, or the Mormon Temple or a Jewish synagogue or any other religious institution, there would be the most natural sensitivity not to pry, a sensitivity that does not exist in the scrutiny we would so willingly permit of a doctor's billings under Medicare or a military contractor, or any other secular provision of services in exchange for Federal funds.

But how does it undermine the church? And I think this is the more serious concern. Fundamentally, I believe it would compromise the mission of a religious organization in an effort to get Federal dollars. Mr. Frank's earlier point that this would preclude a church, for example, from arguing that a belief in the Lord is essential to progress in a person's life that is being served, whereas the argument that these objectives can be met without a belief in God would be federally funded, basically tells a religious organization that as long as they do not espouse a belief in the Lord as a component of recovery, it will get Federal funding. Is this really what we wish to do? Do we wish to turn religious institutions into vendors of government programs? Do we want them competing with each other for grants and a politicalization of religious institutions that would accompany that? Would it be appropriate for Members of Congress to write in support of one church's grant application or against another? Which churches will qualify for funding? What litmus test will be given? Do they need to be conventional? Can they be unconventional?

I want to congratulate the administration and the Chair for the creative thinking in dealing with new ways of wrestling with old challenges, but sometimes, often in fact, the founders get it right. In the establishment clause it says "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." No law respecting an establishment of religion. We are talking about direct government funding of religion. Do we really believe that Jefferson or Madison would have countenanced direct government funding of churches and synagogues? Neither Jefferson nor Madison was hostile to religion. Both were protective of religion, and because protective, they would have believed this idea ill conceived. I urge a no vote.

those taxes (until June 16).¹⁸ The current situation leaves little left for citizens to contribute to non-governmental social service providers, as a family with two earners today pays more to the Government in taxes than the average family spends on their own food, clothing, and housing combined.¹⁹ In contrast, in 1957, a family with two earners only paid approximately a quarter of their budget in taxes.²⁰

Despite an increase in the total amount citizens give to charity, there has been a substantial decline in the percentage of both the citizenry and the portion of their income devoted to philanthropy and charity since the rise of dramatically expanded Government welfare programs in the 1960's and the Government's taking a greater share of the average American's income. This phenomenon is startling. As Robert D. Putnam reveals in his book, *Bowling Alone: The Collapse and Revival of American Community*:

Beginning in 1961, however, philanthropy's share of Americans' income has fallen steadily for nearly four decades ... This array of evidence on declining generosity is reinforced by what Americans from all walks of life have told Roper and Yankelovich pollsters in the two longest-running surveys on philanthropy. As recently as the first half of the 1980's [,] nearly half of all American adults reported that they had made a contribution to charity in the previous month, and more than half said that they contributed to religious groups at least "occasionally." However, both these barometers of self-reported generosity fell steadily over the next two decades. By the prosperous mid-1990's barely one American in three reported any charitable contribution in the previous month, and fewer than two in five claimed even occasional religious giving ... If we were giving, at century's end, the same fraction of our income as our parents gave in 1960 [,] U.S. religious congregations would have \$20 billion more annually [to invest in good works].²¹

The following chart compares total Federal outlays as a percentage of national income with total charitable giving by individuals as a percentage of national income between the years 1940 and 2000. The chart shows that, since the expansion of Federal welfare programs in the 1960's, total Federal outlays have increased approximately 20 percent as a percentage of national income, while charitable giving by individuals has decreased approximately 25 percent as a percentage of national income.

¹⁸ See Americans for Tax Reform Foundation, "Cost of Government Day Report: 2000" (8th ed. 2000) at 10.

¹⁹ See Amity Shlaes, *The Greedy Hand: How Taxes Drive Americans Crazy and What To Do About It* (Random House, 1999) at 14.

²⁰ *Id.*

²¹ Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (Simon & Schuster 2000) at 123, 126 (emphasis added).

Chairman SENSENBRENNER. Are there amendments? The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Mr. Chairman, I have an amendment at the desk, Scott No. 1.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to the amendment to H.R. 7, offered by Mr. Scott, Mr. Conyers, Mr. Nadler, Mr. Frank, Ms. Jackson Lee, Ms. Waters, Ms. Baldwin and Mr. Watt.

Page 13, strike line 13 and all that follows through line 23 on page 13. Redesignate accordingly.

[The amendment follows:]

Scott #1

Amendment to the Amendment to H.R. 7

Offered by Mr. Scott, Mr. Conyers, Mr. Nadler, Mr. Frank, Ms.

Jackson-Lee, Ms. Waters, Ms. Baldwin, and Mr. Watt

Page 13, strike line 13 and all that follows through line 23 on page 13.

Redesignate accordingly.

Chairman SENSENBRENNER. The gentleman from Virginia is recognized for 5 minutes in support of his amendment.

Mr. SCOTT. Mr. Chairman, it is ironic that we would consider H.R. 7 just 2 days after marking the 60th year anniversary of President Roosevelt's signing of Executive Order 8802. Mr. Chairman, that Executive Order provides in part, "whereas there is evidence that available or needed workers have been barred from employment in industries engaged in defense production solely because of considerations of race, creed, color or national origin, to the detriment of workers' morale and of national unity", and goes on to order, "all contracting agencies of the government of the United States shall include in all defense contracts hereafter, negotiated by them, a provision obligating the contractor not to discriminate against any worker because of race, creed, color or national origin."

Mr. Chairman, today we witnessed the erosion of 60 years of civil rights law. This amendment that I'm offering strikes a provision in the bill that allows sponsors of Federal programs to discriminate on the basis of religion, and specifically overrides any contradictory statutes. Religiously-affiliated organizations, including Catholic Charities, Lutheran Services, Jewish Federations, and a vast array of smaller faith-based organizations, now sponsor government programs, and contrary to President Bush's recent assertions, I am unaware of anyone who opposes these organizations operating public programs and providing services. They are funded like all other

private organizations are funded. They are prohibited from using taxpayer money to advance their religious beliefs, and they are subject to civil rights laws. In fact, the bill before us restates the present law with the exception of the application of civil rights laws. Any program that can get funds under the manager's amendment can get money now, except those who refuse to comply with civil rights laws.

Now, there was a time when some Americans, because of their religion, were not considered qualified for certain jobs. In fact, before 1960 it was thought that a Catholic could not be elected President. And before the civil rights laws of the 1960's, people of certain religions routinely suffered invidious discrimination when they sought employment. President Roosevelt's Executive Order 60 years ago, and the civil rights laws of the 1960's, outlawed schemes which allowed job applicants to be rejected solely because of their religious beliefs.

Now, some of us are frankly shocked that we would even have a debate as to whether sponsors of Federal programs can discriminate in hiring. But then we remember that the passage of the civil rights laws of the 1960's was not unanimous, and it is clear that we're using charitable choice to re-debate the passage of basic anti-discrimination laws. Now, I believe that publicly-funded employment discrimination was wrong in the 1940's and 1960's, and it is still wrong.

Now, some have suggested that organizations should be able to discriminate in employment, to select employees who share their vision and philosophy. Under current civil rights laws, you can discriminate against a person based on their views on the environment, views of abortion or gun control, you can select staff based on their commitment to serve the poor or whether you think they have compassion to help others kick drugs. You can discriminate based on a criminal record or credit record or educational achievement. But because of our sorry history of discrimination against certain Americans, we had to establish protected classes, and under present law you cannot discriminate against an individual based on race, sex, national origin or religion.

Now religious organizations were given an exemption to consider religion and hiring with church funds. We have not—but we have not allowed sponsors of federally-funded programs to reject applicants for jobs paid for with Federal money solely because of their religion.

Mr. Chairman, charitable choice represents an historic reversal of decades of progress and civil rights law enforcement. We established the policy years ago that we should not discriminate based on religion. The President and the supporters of charitable choice have promised to invest needed resources in our inner cities, and they can do so today under present law. But it is insulting to suggest that they will not make those investments unless we turn the clock back on our civil rights.

And I hope, Mr. Chairman, we'll adopt the amendment. Yield back the balance of my time, Mr. Chairman.

Chairman SENSENBRENNER. Gentleman from Ohio, Mr. Chabot. Mr. CHABOT. Thank you, Mr. Chairman.

Chairman SENSENBRENNER. You're recognized for 5 minutes.

Mr. CHABOT. Thank you. I rise in opposition to this amendment. This amendment strikes the same language used in the 1996 Welfare Reform Act. It's part of all existing charitable choice laws now. It would override the title VII exemption. All we want to do is preserve the status quo. This amendment proposed to change it. We agree with the unanimous Supreme Court that upheld the title VII exemption as written, not as is proposed under this amendment which would change it. This is a change in existing law that would upset the balance struck over the past 30 years.

One of the most important charitable choice principles is the guarantee of institutional autonomy that allows faith-based organizations to select staff on a religious basis. H.R. 7 preserves this guarantee, and it's supported by no less a civil rights leader than Rosa Parks. As I stated before, even Al Gore, during his campaign, said that, quote, "Faith-based organizations can provide jobs and job training, counseling and mentoring, food and basic medical care. They can do so with public funds and without having to alter the religious character that is so often the key to their effectiveness."

And therefore, I rise in opposition to this amendment. Yield back the balance of my time.

Mr. CONYERS. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose gentleman from Michigan seek recognition? 5 minutes.

Mr. CONYERS. Thank you, Mr. Chairman. I rise in support of the amendment, which I'm proud to add my name behind Mr. Scott's.

I'll only take a few minutes, Mr. Chairman. But I notice that our colleague, the gentleman from Texas, Chet Edwards, has been sitting in the audience for many an hour, and I wonder if we could allow him to come up and take the vacant seat next to Mr. Schiff for whatever time he may remain, if there's no problem with that.

Chairman SENSENBRENNER. Without objection, provided he does not exercise undue influence upon Mr. Schiff. [Laughter.]

Mr. CONYERS. Mr. Schiff may be a hopeless case from your point of view already, Mr. Chairman. I doubt if he'll be able to do much with Mr. Schiff one way or the other.

But at any rate, ladies and gentlemen, from my perspective, the his amendment is the key to whether we ought to have a bill or not. I think we've—I think that we could see our way through—I hate to use that term that starts with a "P" because it's been mispronounced so much, and I've taken exception to everyone that has mispronounced it, so I'm not going to even try to do it. But let me point out to you that if we were to follow the recommendations of the Scott amendment, I think we would—I think we could all work this out very quickly in the very short time that's left between now and the time we go into recess. And for that reason, if not on the great substantive reasons that I would offer, I ask the generous consideration of everyone in the Committee, because this—this is troublesome, and I think this Scott amendment cures it.

And I'd like everyone to know that I've been joined in support of this by Ms. Rosa Parks, whose name has been raised more times than anybody else not a Member of the Committee. So if everybody would think carefully about the words and the meaning of the Scott amendment, quickly glance at the short letter of Rosa Parks her-

self, which I ask unanimous consent to put in the record at this time.

Chairman SENSENBRENNER. Without objection.
[The letter of Ms. Parks follows:]



Rosa & Raymond Parks Institute for Self Development
65 Cadillac Square Suite 2200 Detroit, MI 48226 (313) 963-0606 Fax (313) 894-3566

June 26, 2001

The Honorable John Conyers, Jr.
Ranking Member
House Judiciary Committee
2142 Rayburn House Office Building
Washington, DC 20515

Dear John:

As you know, I support legislative efforts to enhance the ability of religious and other faith-based groups to receive government funding in order to respond to community problems.

I believe that helping grassroots churches access this funding can be fully consistent with our civil rights laws and the First Amendment. This is why I want to express my support for amendments you plan to offer when the House Judiciary Committee considers HR. 7 which would insure that government funds provided to religious organizations are not used to keep churches or other non-profits from working together for the betterment of us all. We do not want to change the 1964 Civil Rights Bill that we fought so hard to achieve.

Churches already know that they cannot use food or other services they may provide as an excuse to force people to accept their religious views, while using government funds. I am certainly in support of making sure that does not happen.

John, we have both spent our entire lives fighting against discrimination and in favor of the protections set forth in our Bill of Rights. The last thing we would want to do is permit H.R. 7 to be used to narrow the civil rights laws or to intrude on the First Amendment. It is my hope that adoption of these amendments will help broaden the bipartisan support for the bill and allow the measure to be quickly passed into law so that churches can increase their role in fighting poverty and other urban ills.

God bless you and your good work,

Peace and Prosperity

Rosa Parks
Rosa Parks

Mr. CONYERS. And I will return my time.

Mr. HUTCHINSON. Mr. Chairman, Mr. Chairman, Mr. Chairman.
Chairman SENSENBRENNER. For what purpose the gentleman from Arkansas seek recognition?

Mr. HUTCHINSON. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. HUTCHINSON. I want to thank the gentleman from Michigan for introducing the letter of Rosa Parks. I think that is very helpful. I read that, and I appreciate that introduction. I also appreciate the tone of this discussion today. I think this is one of the most important and fundamental issues that we can debate in terms of the Constitution and some very important principles. I have always believed that the government should not be directing the churches as to what to do, and religious organizations. And I think to accomplish that goal, you have to make sure that there's not too much entanglement, there's not a potential for overreach by the government in terms of what the churches or religious organizations do.

I look at the amendment that's been offered by the gentleman from Virginia, and that would delete the protection of the religious organizations from the exemption that's already provided in the civil rights law. The—Mr. Chabot, the Chairman of the Constitution Committee, has referred to the fact that this exemption was included in the charitable choice provisions of the Welfare Reform Law. It was also, obviously, originally provided in the 1964 adoption of the civil rights laws. And so I see that this is simply preserving the status quo that has been recognized in our civil rights laws.

It's important to note, in my judgment, that the paragraph that the amendment designs to remove, provides that the religious organization exemption regarding employment practices shall not be affected by its participation in these programs. It only applies to employment practices, which is the exemption that was already existing under the civil rights laws.

Mr. WEINER. Will the gentleman yield?

Mr. HUTCHINSON. Let me go ahead and finish here if I might, then I'd be happy to yield.

And then there is a very important section that follows, that nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions in title VI of the Civil Rights Act, which prohibits discrimination on the basis of race, color and national origin. I think what the Chairman has done in working very hard with the administration and others, is to craft a good balance in preserving the autonomy of the religious organization, but also assuring the preservation of a status quo in regard to our civil rights protections, and part of that protection is to allow the religious exemption in regard to employment practices. Otherwise, you'll be altering the nature of the religious organization itself.

And I think that the Supreme Court's review of this is important. It's my understanding that they did review this similar type of exemption from the Welfare Reform Law and upheld that, and that it's a good balance that has been maintained. I think it is a very tough question that we're addressing, but I think that what the Chairman has done and others have done is to maintain that balance. And so I would—I believe it's appropriate that the amendment that's being offered be rejected. I'd be happy to yield.

Mr. WEINER. Mr. Hutchinson, yeah, I am deeply divided on this bill, and one of the four things I made note of that I was interested in seeing if we could have corrected is something that is—I notice in your response, and Mr. Chabot's also, there's no addressing of

the merits of being able to discriminate based on religion. Later on in the bill it talks about—it talks about the fact that these people are not going to be doing sectarian instruction. They aren't going to be involved in worship. They aren't going to be proselytizing. A great deal of energy has been put in by the sponsors of this to say that those things will not be happening.

Can you give me a real-life example about why it would be desirable for a church to be able to run a soup kitchen, hire someone—discriminate against someone in hiring based on their religion or their race? Why would you want that? Why not take that exemption—nothing in this amendment strikes it from the law. It only strikes it from who would be the beneficiaries of the assistance.

Mr. HUTCHINSON. Reclaiming my time.

Mr. WEINER. Certainly.

Mr. HUTCHINSON. It's very important to note that what you just cited about discrimination based upon race, that is not allowed. Clearly, this provision, which is on page 13, says that nothing in this section alters the duty of a religious organization to comply with the non-discrimination provisions in title VI, which prohibits discrimination on the basis of race.

Mr. WEINER. Well, if you'll forgive me then, well, why don't you address the part about discriminating against based on their religion? Why is it desirable to allow them to do that in this context, since it's a non-religious function they're performing?

Chairman SENSENBRENNER. The gentleman's time has expired.

Mr. FRANK. Mr. Chairman.

Chairman SENSENBRENNER. For what purpose does the gentleman from Massachusetts seek recognition?

Mr. FRANK. To strike the requisite number of words.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. FRANK. I think the gentleman's amendment is a very important one. We are talking here, not about altering a religious organization's structure. We're not remotely suggesting that you will tell people who they can hire as members of the clergy or what conditions will be imposed there. What we are talking about is a religious organization, deciding voluntarily, in addition to its ongoing religious mission, to apply for Federal funds to provide a social service.

Now, the Chairman, in a very cogent and clear-cut way, said, that in doing that, the religious organization may not inculcate its religion. It can be motivated by its religion. Obviously, it will be. And that's to the benefit of our society, that there are people who are religiously motivated to help others. But the Chairman made it very clear, that insofar as their accepting the Federal funds—and this is what the gentleman from New York was alluding to—they will not be carrying out the religious functions. So then the question is why should they be able to discriminate, the gentleman from Arkansas says, and I think that's probably right, they won't be able to discriminate based on race, but he didn't answer the question of the gentleman from New York as to why they should be allowed to discriminate based on religion. So that's the fundamental question: why should you be allowed to take Federal money to provide a service which, as the Chairman has pointed out, will not be religious in its content, it will not be sectarian, it will not proselytize?

Why should you then be able to say, "We're not going to hire you if you are not of our religion?" That's the question that is unanswered.

There are further questions that we have. There is also this list, the non-discrimination statutes, that must be followed. They are the Federal statutes. Some States have decided to go beyond what the Federal Government has done in preventing discrimination, and I would ask, because it's not clear to me, is this preemptive of State employment discrimination laws other than those which might track the Federal one? I would yield to anyone who could give me the answer to that. By specifying the Federal anti-discrimination laws that apply, does this mean that State anti-discrimination laws which cover subjects not covered under the Federal law, would be preempted in effect, and the religious organizations would not have to apply—follow them? I would yield to anyone who would answer that.

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. FRANK. Yes, Mr. Chairman.

Chairman SENSENBRENNER. I'll answer the second part of your question and I'll seek my own time for the first part. The second part, relative to Federal preemption. Federal law applies where Federal funds go, and State law does not apply. If the religious organization accepted State funds, and by implication, local government funds, then State laws would apply to them as well.

Mr. FRANK. So it would preempt State laws or allow them to—

Chairman SENSENBRENNER. It would allow them to ignore State laws when Federal—only Federal funds are used, but would not allow them to ignore State laws when State funds are used.

Mr. FRANK. What if there was a mix of Federal funds and private funds?

Chairman SENSENBRENNER. Then they could ignore State laws.

Mr. FRANK. That seems to me to be a serious flaw and hardly consistent with the sporadic States' rights professions that we hear from the other side. The principle ought not to be that you can get out of following a State's enactment because you have accepted some Federal funds, and the Chairman has very straightforwardly made it clear. If you get some Federal funds and you have some of your own funds, you might—not might—you are then allowed to ignore a State law that would otherwise be binding on you. I do not think we ought to be embodying the principle that the acceptance of Federal funds somehow then cancels State law.

There are a number of things. For instance, the States get highway money from the Federal Government. Does that principal apply? Should we then say that a State highway department can ignore its State's own laws with regard—or contractors getting the State highway money? That, really, frankly, surprises me in the very radical nature of a repudiation of what the State can do. In other words, you are in the State and you have set a policy that there will not be discrimination based on this or that or the other, other than what the Federal Government does. And an organization in your State, which decides to do a program, and it's got 70 percent of its money, and it gets 30 percent of the Federal money, that Federal money now becomes a license to ignore State anti-discrimination law. If there's a conflict between the laws, then the Federal would apply, but I had not previously thought it would be

the case that accepting Federal funds allowed you to violate State law. And I think that is a very grievous flaw which the amendment would deal with.

Let me say there's one other question that I had.

Chairman SENSENBRENNER. The gentleman's time has expired. The Chair moves to strike the last word, and recognizes himself for 5 minutes.

The gentleman from Massachusetts knows that there is no substantive change in anti-discrimination laws that is proposed by this bill. The title VII, with its exemption for religious hiring by religious institutions, is no stronger and no weaker under H.R. 7 as amended, then it is under the present law.

What the Scott amendment proposes to do is to go beyond the current law, to go beyond the 1996 Welfare Reform Act similar provisions, and to apply a test which makes it illegal to discriminate by religion in hiring.

Now, I will answer the questions from the other side on why this exemption is necessary. In many cases, the same people that are hired by the church will perform the social services activities. There is a prohibition against commingling funds. I would imagine that they would receive two paychecks based upon the time they spend in the social services sector versus the time they spend in the religious sector. Many of the very effective faith-based religious programs in the social services area will not be hiring new people, and that is why it is important that this exemption be maintained as it has been in the law since 1964, and for that reason I would hope that the amendment by the gentleman from Virginia would be rejected.

Mr. FRANK. Would the gentleman yield?

Chairman SENSENBRENNER. And I yield.

Mr. FRANK. I thank the Chairman. I would disagree that this doesn't expand the title VII exemption on this basis. The title VII exemption, as I understand it, is for religious activities. But as the Chairman himself said, money can be accepted under this program for non-religious activities. In fact, the Chairman's own language says that money—

Chairman SENSENBRENNER. Well, reclaiming my time, that issue was debated and resolved in 1996 with the Welfare Reform Act, which was signed by President Clinton. And in the last campaign, the Democratic candidate for President, Al Gore, said faith-based organizations can provide jobs and job training, counseling and mentoring, food and basic medical care; they can do so with public funds and without having to alter the religious character that is so often the key to their effectiveness.

Mr. FRANK. The gentleman yield?

Chairman SENSENBRENNER. Now, part of that religious character is being able to hire people of one's own religious denomination. What my amendment to this bill does is very clearly saying that with the programs that are funded through H.R. 7, you cannot proselytize or have any type of sectarian worship or instruction involved in it, but it seems to me that we don't want to put ourselves in a position of forcing the Catholic Church to hire a militant atheist for its social services program, having a Jewish faith-based organization having to hire an evangelical fundamentalist Protestant,

or having a mainline Protestant denomination having to hire someone who worships the sun.

Mr. FRANK. Will the gentleman yield?

Mr. SCOTT. Would the gentleman yield?

Chairman SENSENBRENNER. I'm happy to yield to the gentleman from Massachusetts.

Mr. FRANK. First, I want to reject the notion of infallibility, whether it is presidential or vice presidential. Gore and Clinton can say what they want. It doesn't establish the merits. I think the gentleman—

Chairman SENSENBRENNER. If the gentleman will yield, we already established in this Committee that President Clinton was not infallible a couple of years ago.

Mr. FRANK. I said that. You've just— [Laughter.]

Mr. FRANK. You've just resurrected him. But the point I would make is this: the gentleman has been—he says, should a Jewish organization have to hire an evangelical Christian, for example? Yeah. I think if you're taking Federal money and you're doing a non-religious function, yes, it ought not to be the case that a Jewish organization can refuse to hire an evangelical Christian or vice versa.

Chairman SENSENBRENNER. Reclaiming my time, I believe that you and I have a philosophical disagreement on whether Federal law should require the Jewish organization to hire an evangelical Christian to perform its social services program, and I yield back the balance of my time.

Mr. NADLER. Would the gentleman yield?

Mr. SCOTT. Mr. Chairman?

Mr. NADLER. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from New York, Mr. Nadler.

Mr. NADLER. Thank you, Mr. Chairman. Just one comment. First of all—

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. NADLER. Thank you. It has been stated—the Chairman said a moment ago, it's been stated several times that this or that was debated and decided in the Welfare Act of 1996. My recollection is that the charitable choice provisions in the Welfare Act of 1996 were placed in that bill with no discussion whatsoever, no debate on the floor of the House as to anything to do with the charitable choice, and I don't remember this Committee debating it or having it in front of us either. Nor do I think that the Congress in 1996 was infallible, any more than I think that President Clinton or Vice President Gore were infallible.

And by the way, this Committee did not establish that the President was infallible in 1998. We made certain allegations. The Senate quite properly rejected those allegations.

But stepping that aside— [Laughter.]

Mr. GREEN. But putting that aside, the fact is that to establish in law—and I think it was a real mistake to do so in 1996; it ought to be repealed, and it ought to be not extended now—to have the notion that a Protestant church or a Catholic church or a Jewish synagogue can discriminate in employment on the basis of religion for who's going to ladle out the soup at the soup kitchen, or who's

going to be the doctor if they're running a medical program. Who's going to be the priest, yes, that makes sense. If the Catholic church doesn't want to have women as priests, or the Orthodox Jews don't want to have women as rabbis, that's their privilege, and certainly that was the point of the title VII exemption of the Civil Rights Act. But when it comes to non-religious functions with Federal money, if the Salvation Army wants to proselytize before you can have your soup at the soup kitchen, that's their privilege as long as they're not using Federal money. And if they want to discriminate, that's not their privilege, because it's against the Civil Rights laws, and we shouldn't be carving out an exception for churches or anybody else as long as it uses Federal money and as long as it's not for religious function.

Mr. FRANK. The gentleman yield?

Mr. NADLER. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman. I am really astounded that apparently one of the merits of this is that we're going to validate the right of one religion to refuse to hire adherence of another religion for non-religious purposes. I mean I had not realized that the model that we were using in this was the inter-religious relationships of the Ukraine, because that seems to be what we're doing. [Laughter.]

Mr. FRANK. We are promoting religious discrimination, that the Jews shouldn't hire the Catholics, and the Catholics shouldn't hire the Protestants, I find that an appalling thing for us to be doing, and the fact that it may have been done in the welfare bill, which I voted against, and now I learned there was another reason for my voting against that foolish bill. And the notion that once having done something, Congress can never again change it, comes strangely to my ears from people who I thought were elected in 1994 precisely to undo a lot of what had been done before. But what you're doing is embodying the principle, apparently, that in totally non-religious activities—religious activities—activities in fact, whereas we've made clear, "You are prohibited from dealing with religion. In those purely secular activities, you can take Federal money, discriminate based on religion and ignore State laws to the contrary." That's a terrible idea.

Chairman SENSENBRENNER. The question is on the amendment—

Mr. GREEN. Mr. Chairman.

Chairman SENSENBRENNER. What purpose does the gentleman from Wisconsin, Mr. Green, seek recognition?

Mr. GREEN. Move to strike the requisite number of words.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman.

By way of clarification of the discussion we just had, I think in reference made to how we're saying that Catholics shouldn't hire Protestants and vice versa, I think we're saying the opposite. I think we're saying they're not forced to under this law. There's been a lot of talk about freedom of religion and free exercise of religion and the autonomy of religious organizations. That is what the key issue is here. I think this amendment would destroy autonomy of religious organizations.

COMPARISON OF TOTAL FEDERAL OUTLAYS AND TOTAL CHARITABLE GIVING BY INDIVIDUALS
AS A PERCENTAGE OF NATIONAL INCOME (1940-2000)

Federal Outlays as a percentage of National Income	Charitable Giving as a percentage of National Income	1940	1950	1960	1970	1980	1990	2000
30	0.030							
29	0.029							
28	0.028							
27	0.027						○	
26	0.026					○		
25	0.025							○
24	0.024				○			
23	0.023							
22	0.022			○●				
21	0.021							
20	0.020				●			
19	0.019		●					
18	0.018					●	●	
17	0.017		○					
16	0.016	●						●
15	0.015							
14	0.014							
13	0.013							
12	0.012	○						
11	0.011							
10	0.010							

●—● = Charitable Giving by Individuals
○—○ = Federal Outlays

Sources for Federal Outlays Figures: Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970* (Washington: Government Printing Office, 1975), Series F-7, at 224; Office of Management and Budget, *Historical Tables, Budget of the United States Government, Fiscal Year 2001* (Washington, Government Printing Office, 2000), Table 1.1, at 19; Sources for Charitable Giving Figures: Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (Simon & Schuster, 2000), Chapter 7, at 123 and n.25 (listing various sources).

Starting around 1960, an ever-widening “charity gap” has developed as Federal outlays have increased and charitable giving by individuals has decreased. As reported in a recent article in the *American Sociological Review*, “In a society . . . in which the median congregation has only 75 regular participants and an annual budget of only \$55,000, the substantially increased delivery of social services by congregations can occur only via increases in Government funding to congregations.”²² While the Federal Government leaves, after taxes, so little for most average citizens to contribute to charity, it too often excludes faith-based organizations from the receipt of Government funds even when such organizations can meet basic human needs most effectively and when faith-based or-

²² Mark Chaves, “Religious Congregations and Welfare Reform: Who Will Take Advantage of ‘Charitable Choice’?” 64 *American Sociological Review* 836, 844 (1999).

Now, as the Chairman I think has put very eloquently, we are not changing law here. We are, instead, recognizing and reinforcing existing law, law that has been on the books for a number of years. We keep hearing how this wasn't really debated in 1996 as part of Welfare Reform. There's been a bit of time since 1996 and the present. It is interesting that it isn't brought up again until this point.

If this was a mistake, if this was something that the other side didn't intend to support, if they didn't know what they were voting on, they've had a few years to talk about this, instead of bringing it up at this point.

Mr. NADLER. Would the gentleman yield—

Mr. GREEN. No, not on my dime. Let me finish my comments here. I don't have much time.

Let me suggest here, at the very best, what this amendment seeks to do is to refight a fight that was already fought and settled some years ago. At the very least what it will do is threaten the autonomy and the religious freedom of religious organizations. And at the very worst, I think it's a broadside against these organizations. It seeks to punish any of these organizations which decide that they would like to toil in the fields and get involved in the war on poverty.

What we're saying here is if an organization, if a religious organization sees a problem in its neighborhoods, in its communities, if it wants to get involved, if it wishes to take up the fight, whether it be homelessness, whether it be poverty relief, whether it be hunger relief, if it chooses to do that, if it wants to get involved in the fight, it should surrender an exemption that it enjoys now. I don't think we want to do that. I think we want to encourage these organizations to get involved in the fight, not send them away.

Mr. WEINER. Would the gentleman yield?

Mr. GREEN. This amendment—this amendment would send them away. It would tell them that they should not, they dare not get involved in the fight against poverty. I think that's a terrible message. I think that's a message that is the opposite of what we should be trying to do here today, of what this Congress tried to do a few years ago, of what we should be doing in the future to finish the war on poverty.

Mr. WEINER. Will the gentleman yield on that point?

Mr. WATT. Will the gentleman yield?

Mr. GREEN. I will yield to Mr. Weiner.

Mr. WEINER. I ask this question as a supporter of title VII, and I think that so far the responses to this amendment have presupposed that someone who supports this amendment, supports eliminating title VII. The question is simply why is it necessary to fight to protect a right to discriminate based on religion when it's a nonreligious position?

I think that much of this debate misses people like me, who fundamentally believe that title VII is the right thing to do, who want to—

Mr. GREEN. I'd be happy to answer the question.

Mr. WEINER.—who want to support this initiative, but no one has yet told me why it's desirable.

Mr. GREEN. Reclaiming my time.

Mr. WEINER. Certainly.

Mr. GREEN. Reclaiming my time, the point is, instead, why should such an organization have to give something up just because it wants to get involved in the war on poverty?

Mr. WEINER. Would the gentleman permit me—

Mr. GREEN. What you're saying, what this amendment says is, if they dare to get involved, then they should surrender. Then they should surrender the ability to be religiously autonomous, to take control of their own organization. That's what this amendment is saying. So I don't view this as a benign amendment. I view this as an amendment that is a broadside on religious autonomy of these organizations.

I yield back the balance of my time.

Mr. WATT. Mr. Chairman?

Mr. WEINER. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from North Carolina seek recognition?

Mr. WATT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. Thank you, Mr. Chairman.

I, with all respect to the gentleman from Wisconsin, I think he is confusing the free exercise of religion with the free exercise of bigotry. I have absolutely no problem with the free exercise of religion, but when somebody asks me why should we not allow churches or religions to discriminate, that is the free exercise of bigotry. That is not the free exercise of religion.

Second, with all due respect to him, again, he is right. We did think we had fought this fight before. We thought we had fought it in 1964 and '65, not in 1996 or, you know. Some of us thought that we had outlawed all of this bigotry that we're talking about, and now we are here raising it again.

So I just think he's missed the point. I'll yield the balance of my time to Mr. Scott.

Mr. SCOTT. Thank you, and I thank the gentleman for yielding.

I think we've been subjected to a bizarre suggestion that, unless we pass a new bill, we cannot preserve present law. You preserve present law by not passing a bill.

We have a question from the gentleman from New York, why should you be able to discriminate? We haven't gotten an answer to that because the answer to that would be the same answer you'd give to someone running any other secular program. Under the manager's amendment, the program you're running cannot be advancing religion. You can't have worship service, you can't proselytize during the program.

And if you have a secular program offered by a secular organization that just doesn't want to hire people of certain religions, the question is why should they have to?

Mr. HUTCHINSON. Would the gentleman yield?

Mr. SCOTT. Let me finish this. The gentleman from North Carolina said that we argued that, and we thought we'd settled it in 1965, that whether you liked to hire people of those religions or not, as a matter of policy, you have to, particularly when you're receiving Federal funds.

I'll yield the rest of my time to the gentleman from North Carolina—

Mr. HUTCHINSON. Would the gentleman from North Carolina yield?

Mr. WATT. I'm happy to yield to the gentleman.

Mr. HUTCHINSON. I thank the gentleman.

And this is a very fair question. It gets to the heart of the issue, so I think it's fair to put us on the spot and ask us that, although I think the Chairman articulated a response. It might not be acceptable, but it is the answer. I would give another answer, that if you have a religious organization that——

Mr. WATT. Let me just respond to the Chairman quickly, though——

Mr. HUTCHINSON. It's your time.

Mr. WATT. It certainly is——

Mr. HUTCHINSON. I would like to answer.

Mr. WATT.—not as a matter of policy do I accept his explanation when it comes to the service of soup. I don't have any—nobody can justify to me why a church, a private group, anybody ought to be able to discriminate in the service of soup. We ought to be trying to find the most qualified person to serve that soup.

Mr. FRANK. Even chicken soup?

Mr. HUTCHINSON. May I respond?

Mr. WATT. We ought not be trying to find a Baptist or, you know——

Mr. HUTCHINSON. I have an answer, and I would like to provide an answer.

Mr. WATT. All right. I'll yield back to the gentleman.

Mr. HUTCHINSON. The question was originally asked to me, and I would look at this way, if you have a religious organization, even if they're engaging in the delivery of a secular service, there is certain expectation when an individual goes to that church property to receive a service; that is, what they receive and who they receive it from is consistent with the religion.

For example, if you have a Jewish soup kitchen, and they're required to hire a white supremacist, I think that when people go there to get the soup, they would be a little bit surprised to see tattoos——

Mr. WATT. White supremacy is not a protected class. It's a good cliché, but——

Mr. HUTCHINSON. I'm sorry, what?

Mr. WATT. It's not a protected class under title VII.

Mr. FRANK. Would the gentleman yield?

Mr. HUTCHINSON. I think the issue is discrimination on the basis of religion, and there is such a religion, and there is such a circumstance, and I think——

Mr. WATT. There's no—I'm not aware of any religion called white supremacy.

Mr. FRANK. Would the gentleman yield?

Mr. WATT. I'll yield to the gentleman from Massachusetts.

Mr. FRANK. The answer was backwards. We're not denying that they have a right to discriminate based on outrageous political views, but you're talking about religion. And what's interesting, this is reversed. You're now using religion as if it could be a proxy for bigotry, and if you're saying, "Well, there were these white supremacy religions," I suppose I would argue they shouldn't be al-

lowed to come into this program, but this bill goes much further than what you're arguing for.

This says, and the Chairman said, "Well, you know, the Protestant shouldn't have to hire the Jews." I don't know. Maybe what are we saying, the Jews don't have to hire a Catholic to serve chicken soup?

Mr. GRAHAM. Mr. Chairman?

Chairman SENSENBRENNER. The time of the gentleman from North Carolina has expired.

For what purpose does the gentleman from South Carolina, Mr. Graham, seek recognition?

Mr. GRAHAM. I'd like to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. GRAHAM. These are emotional, a lot of emotional things being said here that make us all wince a little bit when you talk about discrimination and religion, and is that really what we're trying to do here?

Someone suggested that the local government has been doing this for a long time. I think it was Ms. Lofgren said that local government has been engaging in using faith-based associations to help with local problems. I think that's probably true. I think that's probably a good idea. I think this is a good idea.

What motivates people to want to serve soup or take care of people with AIDS or folks that are just hurting in general? Some people are motivated to help their fellow man for a lot of reasons, and there's a group of those people who are motivated by belief in God, that their religious beliefs compel them to associate together to do good, to go out and help people who are hurting.

This bill says, "Come on in and help us, but you're going to check your proselytizing at the door. If you want to serve soup, if you want to help people who are downtrodden, we're not going to be biased against you because you want to associate together for religious reasons because that's your motivation to help. If you've got something to bring to the table and you can do it well, you're welcome. Come on in. No more bias against you."

It's funny that one of the first things that Congress did when we organized, with many of the Founding Fathers still alive, is we bought 16,000 Bibles with public funds. I'm not advocating doing that, but I am advocating that we kind of mimic what local government has done and use some good old common sense here. Nobody supporting this bill wants to take Federal money and prop up a religion. What I want to do is allow people who are motivated because of their religious beliefs to help somebody to have a shot at doing it, if they can do it well, and take the bias that exists today against those people and throw it in the trash bin where it belongs.

We've got strict guidelines that regulate your motivation, but if you're pure at heart and you want to help people who are downtrodden, whatever problems they have, and you're willing to check your religion at the door in terms of practicing it, but taking your heart and the motivation for wanting to help, you are welcome. It is no more or no less, and the Welfare Reform Bill has the exact same language. We're allowing people to employ folks who have been on Welfare for four/five generations, who are banded together, nuns—I guess I can't be a nun for a lot of reasons, but I don't want

to keep nuns from helping people who are motivated because of their religion to bring some caring, some comfort to people who are hurting—

Mr. WEINER. Would the gentleman yield on that point?

Mr. GRAHAM.—and not convert them to Catholicism.

Mr. WEINER. Would the gentleman yield on that point?

Mr. GRAHAM. Yes, I'll be glad to.

Mr. WEINER. You know, I think that the problem is, you know, you're talking to someone who agrees with everything you said, and someone who's predisposed—

Mr. GRAHAM. Let's vote for the bill then.

Mr. WEINER.—predisposed to be supportive of the bill, who now is asking a substantive question about an amendment, and I've yet to really get, and Mr. Hutchinson came the closest to doing it, but I hear the rhetoric in support of the bill, and I appreciate it. But for someone who's wrestling with the efficacy of the bill, when I hear such a fever pitch about defending a right that no one can really justify practicing, I agree with title VII. Sold. I'm with you 100 percent. Why would you want to, if it's purely a secular activity, if none of that is written into the law, you can't do anything sectarian at all, why is there such a fierce defense of the right to discriminate based on religion?

You know, it makes someone like me, who is sitting on the fence wavering back and forth, who's getting tugged by people on both sides, to say, "You know what, this makes me very nervous. What is it that I'm missing about this that makes it so—"

Mr. GRAHAM. I will try to answer that question.

Mr. WEINER. Thank you, sir.

Mr. GRAHAM. In the Welfare Reform Bill, we have the exact same language that we're proposing here. Here's what we're trying to say: that if you're motivated by your religious beliefs and that your association is formed around a denomination or religious belief, a set of principles, we, the Federal Government, are not asking you to change who you are to help your fellow man, we're requiring you to leave your religious practices at the door, but you, and others, are advocating to me that you can help only under our terms. This is not about fostering people who have a religious prejudice, this is about allowing people motivated, some because of their belief in God and associations—

Mr. WEINER. Would the gentleman yield?

Mr. GRAHAM. Please let me finish my thought.

You're wanting us to make these groups disband. We're wanting them to come into the—come into to—

Chairman SENSENBRENNER. The time of the gentleman has expired.

Mr. GRAHAM. Come in and help, that's all.

Mr. WEINER. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from New York, Mr. Weiner, rise?

Mr. WEINER. Wish to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WEINER. I have to say, you know, I came to this room, as some in the audience are aware, you know, seriously considering, and I still am, supporting this bill because I think that, on one

hand, there's a great deal of great work being done, and I don't understand where, in the amendment, that we're currently considering, it says you have to abandon your religion. I don't know where in this, in this amendment it says you have to disband your organization. I don't know where it says that someone with a good heart will be driven out of the program.

I think it's a fairly simple proposition, and I've asked it several different times, whenever anyone has yielded, I am asking what is a substantive question about why it is that it's necessary to have the protections of title VII included, when title VII, let's face the facts, title VII was written under the precept that we don't want to require people of one religion who are engaging in their religion, who are participating in religious activities, from being forced to embraced, through hiring, someone who disagrees with those religious precepts. So we carved out this exemption which, for some in this body, is controversial, I support it. I believe it's the right thing to do.

But now we have a nonreligious element to that organization. It's nonreligious not because I say it is, but because, Chairman Sensenbrenner, in his very sensible alternative that I think went a long way to assuaging people like me about the true intents of this bill, wrote it in, in so many words. In a colloquy between Mr. Frank and Mr. Sensenbrenner, they made it even clearer that you can't even say you've got to find—you've got to find a spirit, you've got to find God before you get off alcohol. You can't even say that, according to the colloquy.

And now here it is an amendment to simply say, look, if you're going to do these purely secular things, these nonreligious things that just happen to be under the umbrella of a religious organization, people who want to help, they want to do the right thing, simply don't, for the purposes of hiring for those jobs, don't discriminate based on religion.

And rather than have a debate about why it's necessary to have that, there is a—there is the straw man of we're trying to tear down the program. Well, I don't know if the sponsor is or isn't, but I really do believe that this is one of the two or three things that we can fix, make this a bill that will be widely acceptable in this body, and I just don't see—I just don't see the wisdom on a political level by—

Mr. ISSA. Would the gentleman yield?

Mr. WEINER. Certainly.

Mr. ISSA. Perhaps I can give you an example that might clarify why I think that, as the law is about to be written, it has merit.

In our own congressional offices, we have a charge to represent, fairly and equally, the people who voted for us and the people who will never vote for us, some 600,000 per district, and we take that charge seriously, and we execute it, I think, diligently to a Member. But in our own organizations, on both sides of the aisle, we staff with people who believe as we believe, and we would never consider putting together a paid staff of people who didn't vote for us, voted for our opponent and still don't agree with us.

Mr. WEINER. Okay. If you'll permit me to reclaim the time, that's not what title VII says. You're not covered under title VII. You've got to be a religious organization exercising a religious, a predominantly religious function in order to qualify for title VII. We're now

taking a nonreligious function, by the testimony of everyone, by the words of the bill, and we're extending—we're extending Federal dollars for this non-government program operating under religious umbrella. I'm with you, tentatively, for now, for the moment.

And all we're saying is, for those purposes, you can't discriminate based on religion. I'm not talking about based on your views on the world. You can probably discriminate based on that now. I'm not saying based on whether you think it's a good or bad thing to have a drug treatment program. You can discriminate on that based on now. Why do you want to discriminate based on religion? Answer that question.

Mr. FRANK. Would the gentleman yield?

Mr. WEINER. Certainly, sir, even though I'm not sure you're the best person to answer.

Mr. FRANK. No, I said—but you've the hit— [Laughter.]

Mr. FRANK. You've hit the point that I think is so disturbing about this. The assumption against this amendment is that there is somehow something unpleasant or debilitating about asking religious people to associate with someone of another religion. My friend from South Carolina said, "Well, they're motivated by their common religion, and you don't want to take that away." What is it about associating with someone of good faith of a different religion that so drains you of your motive to be helpful? It's that very notion that somehow forcing you—forcing a Jew to associate with a Protestant or a Protestant with a Muslim or a Muslim with a Catholic that somehow this is disorienting.

Mr. WEINER. Will the gentleman yield?

Mr. FRANK. You are promoting a sense of religious exclusivity and hostility. Yeah, I do not want Jews and Protestants to treat each other as I treat people who run against me in an election. [Laughter.]

Chairman SENSENBRENNER. The time of the gentleman from New York has expired.

Ms. WATERS. Mr. Chairman?

Mr. BACHUS. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Alabama, Mr. Bachus, seek recognition?

Mr. BACHUS. To strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. BACHUS. Earlier in this debate, the Nation of Islam was brought up by the gentleman from Massachusetts and the gentleman from North Carolina in that agreements they had to—with certain public housing communities. And it was said earlier in this hearing that the problem with the Nation of Islam that we objected to was that they were hiring people based on their religion.

Now, in fact, that wasn't, if it was raised, it was raised only incidentally, because the Baltimore Sun and several other—I conducted those hearings, as Chairman of the Oversight Committee, some of them that we participated in. I wanted to tell you my recollection. I've gone back and read during the break what some of the news coverage of the day was. What they were accused of doing was roughing up residents, of coercing the residents, of even the word "racketeering" was used, of people that had businesses, intimidating people that had businesses in the community—

Mr. WEINER. Would the gentleman yield—

Mr. BACHUS. And of violating people's civil rights by holding and—let me get this right, I don't want to—by strong-arming and holding people suspected of breaking laws—

Mr. WEINER. Would the gentleman yield on the point just—

Mr. BACHUS.—and interrogating them.

Mr. WEINER. Would the gentleman yield?

Ms. WATERS. Would the gentleman yield?

Mr. WEINER. I might be able to shed some light on that.

Mr. BACHUS. I will yield in—

Mr. WEINER. I was the—

Mr. BACHUS.—of disseminating anti-Semitic literature, which actually calls for—called for acts of violence and also anti—

Mr. WEINER. If the gentleman would yield, I might be able to shed some—I was, at the time, in the City Council, and I was the Subcommittee Chairman of Public Housing. The fact is that largely what got people's goat is the fact that it was the Nation of Islam and their core beliefs. That's what made it—now, there were other issues that were raised, but at the crux of the issue was because they were the Nation of Islam, a virulently anti-Semitic organization, and a lot of people were offended by that.

Ms. WATERS. Would the gentleman yield?

Mr. WEINER. I will gladly yield back.

Mr. BACHUS. But what I'm saying is what was—and the hearings were about things they were saying—they were actually advocating violence, and—

Ms. WATERS. Will the gentleman just for a moment?

Mr. BACHUS. I will yield.

Ms. WATERS. And since you bring it up, I just kind of want to set the record straight. For those of us who have the very, very serious problems in public housing of drugs and crime, et cetera, the Muslims were—were absolutely effective in helping to deal with those problems. Yes, there are other problems, and I was more interested in what people had to say about them proselytizing, but I want to tell you, they did not—there's never been any history of roughing up people, of creating harm. That's not what they were doing. They were taking very young men who didn't have a sense of themselves and helping them to stay out of jail and to go to school and keeping those projects safe for all of the residents.

Mr. BACHUS. And there was a—and there was a serious debate as to whether they were breaking the law or not, and—

Mr. FRANK. Mr. Chairman, a parliamentary inquiry.

Mr. BACHUS. But there were people with other organizations which said they were—

Chairman SENSENBRENNER. The time belongs to the gentleman from Alabama.

Mr. BACHUS. But what I'm saying, the discussion did not focus on the fact of them hiring—

Mr. FRANK. Will the gentleman yield for a parliamentary inquiry?

Mr. BACHUS. I never remember that being mentioned.

Mr. FRANK. Will the gentleman yield for a parliamentary inquiry?

Mr. BACHUS. I will yield, but I—

Mr. FRANK. I thank the gentleman. Does the fact that none of this discussion relates to the amendment under consideration bother anybody but me?

Mr. BACHUS. Well, it does in the——

Chairman SENSENBRENNER. The Chair does not make subjective evaluations of Members' debates.

Mr. BACHUS. It was brought up——

Chairman SENSENBRENNER. You wouldn't want me to do that, would you?

Mr. FRANK. On relevance, I definitely would.

Mr. BACHUS. It was brought up——

Mr. FRANK. I would just like to make a point of order this is not germane to the amendment under debate.

Mr. BACHUS. I'll take back my time. It was brought up that the objection to the Nation of Islam and their contracts with the public housing——

Mr. FRANK. If the gentleman will yield, but not in the context of this amendment.

Mr. BACHUS.—because they were hiring people of their own religion. That's not what the newspaper accounts say, and that's not why my recollection was.

Chairman SENSENBRENNER. The gentleman yields back.

The question is on——

Ms. WATERS. Mr. Chairman? Mr. Chairman?

Chairman SENSENBRENNER. The question is on the amendment——

Ms. WATERS. Mr. Chairman? Mr. Chairman? [Laughter.]

Chairman SENSENBRENNER. The gentlewoman from California, Ms. Waters, for what purpose do you seek recognition?

Ms. WATERS. Strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. WATERS. So much has been said here today. I think it's going to take us a while to be able to deal with the misinformation that is being disseminated here.

First of all, I keep hearing that there are—there is some bias against religious organizations seeking Federal funds. I do not believe that to be true. As a matter of fact, I think if we take a look at the Catholic charities, many of our Jewish organizations, we will find that they do very, very well in responding to requests for proposal, and they have child care centers, they have senior citizens operations, they have all kinds of operations. In my district, we have churches, even small churches who have done quite well in competing for Government money.

So I wish, unless there is some documentation or information that somebody can bring forward to show that there's some bias that religious organizations are not able to compete, I wish we would just get that off the table because that simply is not true.

Secondly, it was said earlier that many of the cults or more bizarre religious organizations that some people have some concerns about—Mr. Gekas, for one, who was trying to figure out would they be able to get Government funding. I think we tried to make it clear that all, all religious organizations, be it cult or not, will be eligible to compete for funding under this legislation.

Someone said, "Well, you don't have to worry about that because if they were interested, they would be doing it today, and many of those cults that you're worried about are not doing it." But I have to bring to your attention, they would not receive the kind of exemptions that we are promoting in this legislation if they competed today. If they compete, if this bill is passed, they will find it much easier, and they will want to be more involved because they will not be prohibited from discriminating in any shape, form or fashion that they would like to if they describe that as part of their religion.

What really worries me, I'm not so worried so much about even whether or not people are going to discriminate based on race. I mean, as much as we work at it, that happens today. But what I'm worried about is the expansion of the discriminations. If your religion says you do not accept women who are divorcees, you do not accept a person who's had a child out of wedlock, that it's against your religion to allow a gay person to be a part of your operation, we're just expanding the opportunities for discrimination. Where does it stop?

There are all kinds of religions. Someone just brought me this religion that is organized around Satanism and talking about what they believe in, and they would be free to exercise their beliefs under this bill. So I am supporting this amendment, and I'm hopeful that we can start to speak in ways that we can document, as we move forward, so that we can roll out the truth about what we're doing. The fact of the matter is, if we do not exclude from this legislation the ability to discriminate, we will be opening up Pandora's box to expand discrimination beyond what we know and understand about discrimination today.

So I would ask my colleagues to please support the amendment.

Mr. SCARBOROUGH. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Florida, Mr. Scarborough, seek recognition?

Mr. SCARBOROUGH. To strike the last word. There have been—

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. SCARBOROUGH. There have been a lot of sort of hysterics going on here, the free exercise of bigotry and other things, people talking about that, a lot of show-boating, but I do want to talk to Mr. Weiner.

And, Mr. Weiner, you've asked the question repeatedly, and I'm not speaking for the Chairman, I'm not speaking for anybody, but let me take a crack at this thing, and maybe we can have a little back and forth here to see if you—because I understand what the gentleman from California was starting to get at, where we've heard it said over and over again that Members' offices, the culture of Members' offices reflect the Member himself or herself. Likewise, we've, you know, we've heard about the culture of IBM, the culture of Microsoft. There, I mean, there is a culture to each organization which either makes that organization effective or makes it fail.

Now, I think it's safe to say, and there may be some people that disagree with me on this Committee, but the majority of Americans do believe that, by their inherent nature, faith-based organizations can effectively deliver a service to their communities in need in a way that the Department of HHS cannot. If that were not the case,

ganizations can carry on their programs in accordance with both the free exercise of religion and the Establishment Clause.

The lack of neutral Government funding of both nonreligious and religious social service providers hurts the needy by denying them the ability to choose the provider that will best meet their needs.

THE FIRST AMENDMENT'S RELIGION CLAUSES PROTECT INDIVIDUALS
FROM AN ESTABLISHMENT OF RELIGION WHILE ALSO PROTECTING
THEIR FREEDOM TO EXERCISE RELIGION

Commentators have described the First Amendment as erecting a “wall of separation between church and state.” However, the phrase “wall of separation” is taken from a reply Thomas Jefferson wrote a letter by a committee of the Danbury Baptist Association dated January 1, 1802, and the Supreme Court has made clear that the phrase “wall of separation between church and state” is only a metaphor and that “[t]he metaphor itself is not a wholly accurate description of the practical aspects of the relationship that in fact exists between church and state.”²³ It was James Madison, not Thomas Jefferson, who was the principal drafter of the First Amendment, and in the debates concerning the wording of the First Amendment, Madison stated that he “apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience.”²⁴ Madison further stated that he “believed that the people feared one sect might obtain a preeminence, or two combine together, and establish a religion to which they would compel others to conform.”²⁵ Charitable choice principles are in accordance with Madison’s understanding of the First Amendment: charitable choice principles do not prefer religion over non-religion, or any particular religion over any other particular religion, they protect beneficiaries’ rights of conscience by allowing them non-religious alternatives, and they prevent discrimination against beneficiaries on the basis of religion.

Unfortunately, too often faith-based organizations have been subject to blanket exclusionary rules applied by Government grant distributors. As described by the Congressional Research Service, “interpretations and applications of the establishment of religion clause of the First Amendment as well as of the sometimes more strict provisions of state constitutions have in the past generally required programs operated by religious organizations that receive public funding in the form of grants or contracts to be essentially secular in nature. Religious symbols and art have had to be removed from the premises ... Charitable choice attempts to move beyond these restrictions and allow faith-based organizations to participate in publicly funded social services programs while retaining their religious character.” CRS Report to Congress, RS20809: *Public Aid and Faith-Based Organizations (Charitable Choice): An Overview* (updated April 18, 2001) at 2.²⁶ The exclusion

²³ *Lynch v. Donnelly*, 465 U.S. 668, 673 (1984).

²⁴ 1 Annals of Congress 730 (1784) (August 15, 1789).

²⁵ *Id.* at 731.

²⁶ See, e.g., 24 C.F.R. § 570.200 (“Constitutional prohibition. In accordance with First Amendment Church/State Principles, as a general rule, CDBG [Community Development Block Grant] assistance may not be used for religious activities or provided to primarily religious entities for

Continued

then obviously Al Gore, and George W. Bush, and just about every other politician wouldn't be talking about how great faith-based organizations are in delivering services to the most needy.

I do believe, although it has not been articulated well, and I'm not trying to persuade you, I'm just merely saying that there are some of us that believe this that may not be able to articulate it very well, that there is a culture in, let's say, rural Protestant Church that is separate from a culture in, let's say, an urban synagogue or in a Catholic Church that is separate from another.

And I see Ms. Waters. She's about to explode, and I'm sure I'm going to be a bigot, and this, that, and the other, but I'm just saying there is——

Chairman SENSENBRENNER. The Chair is prepared to declare a 30-second recess.

Mr. SCARBOROUGH. Why is that?

Chairman SENSENBRENNER. So that nobody explodes. We don't want that to happen.

Mr. SCARBOROUGH. I love Ms. Waters—— [Laughter.]

Mr. SCARBOROUGH. I love Ms. Waters, and Ms. Waters loves me. She hugs me on the floor every chance she gets. That's why she got up. She couldn't resist herself. [Laughter.]

Mr. SCARBOROUGH. But there is a culture, seriously, there is an inherent culture in these organizations, like, for instance, and I'll talk about my church. I'm Southern Baptist. I disagree with a lot of things they believe about people who are divorced not being able to be deacons or, or women not being able to preach, all right? But I do know that there are Southern—and if that offends me, I can, I can take a hike. But there are, even though I disagree with some of the things that people in the Southern Baptist Church believe in, they can effectively deliver services because of the culture of whether it's First Baptist Church of Pensacola or——

Mr. WEINER. Will the gentleman yield on that point?

Mr. SCARBOROUGH. Yes, sir, I will.

Mr. WEINER. Would the gentleman yield on that? And I'm convinced the Southern Baptist Church can deliver those under this bill.

Perhaps you can enlighten me, and using the example of the Southern Baptist Church or whatever you referred to, someone coming in for a job interview to work in a job training program to teach typing to someone who had been laid off——

Mr. SCARBOROUGH. Right.

Mr. WEINER. Why is it, give me an example, just so I can fully get my mind around it, why is it necessary that they be Baptist and why is it not only necessary, why is it so important to this program that it means offending 35 or 40 Members around here who might be willing to make this a bill that 300 people can vote for?

Mr. SCARBOROUGH. Yeah, well, I don't think it's—reclaiming my time—I don't think it's necessary. And, obviously, I think most of us on this panel, I would hope, would agree that it would be extraordinarily bigoted for any, any organization, be it a faith-based or secular organization, to prevent people from being hired. But I think the biggest concern is compelling, for instance, a synagogue in a certain area to hire a fundamentalist, right wing, religious, whatever, that would, after all——

Mr. WEINER. Typing teacher?

Mr. SCARBOROUGH. Hold on a second. Hold on a second.

Mr. WEINER. What does a right-wing typing teacher do, only type with the right hand?

Mr. SCARBOROUGH. We're talking about, and again—— [Laughter.]

Mr. SCARBOROUGH. Again, if you want to get laughs, that's fine, but, for instance, delivering soup, let's say, for instance, in an area that's heavily served, let's say a synagogue in an urban part of the area, listen, they want to get their soup. They don't want to hear somebody with views that's completely different from their own views. And I understand, I understand what the bill says that they're not allowed to do that. But, again, if you compel these organizations, again, whose culture, many Americans believe, allow faith-based organizations to deliver services more effectively than, say, the Department of HHS——

Chairman SENSENBRENNER. The time of the gentleman has expired.

Mr. SCARBOROUGH.—there's a risk of changing the very culture of those organizations.

Ms. LOFGREN. Mr. Chairman?

Chairman SENSENBRENNER. The time of the gentleman has expired.

Mr. SCARBOROUGH. Thank you.

Chairman SENSENBRENNER. For what purpose does the gentlewoman from California, Ms. Lofgren, seek recognition?

Ms. LOFGREN. To strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. LOFGREN. I—I was fascinated by the last exchange because, apparently, even though there is a prohibition on proselytizing, the reality would be that there would be proselytizing, and therefore we need to make sure that religious institutions can discriminate against people who are not of their religion so that they can violate this statute, which I think is a very odd proposition.

But I would just, going back to my experience in local government, I would just like to say I think this bill is a, is a solution in search of a problem. I mean, we used all kinds of contracts with religious-based organizations. Catholic Charities ran the Immigration Counseling Center. The only instance in my 14 years on the Board of Supervisors that ever came to my attention that someone, a religious group felt that they might not be—having treated fairly, was an evangelical church who wondered were they being treated fairly, and I met with them, and we made sure that they were brought into the opportunity to provide food through the food service, the largest faith-based group in Santa Clara County, PAC, which has, I think now, 17 parishes and churches. They provide homework centers, the biggest homework centers for all the kids after school. They wouldn't even consider discriminating against a tutor based on their religion, and Catholic Charities wouldn't even consider discriminating against a psychologist in hiring for one of the programs, the mental health programs they run. It would be inconceivable.

So I really strongly believe that Mr. Scott's amendment is necessary and that this bill is probably not, but I would like to yield to Mr. Scott, at this point.

Mr. SCOTT. Thank you, and I thank the gentlelady for yielding.

I just want to make a couple of points. First of all, a lot has been said about Welfare Reform. What has not been said is that when President Clinton signed the bill, he indicated that he thought that portion of the Welfare Reform Bill was unconstitutional, rules were not implemented to promulgate that portion of the legislation.

It was also suggested that this is the same old language that we have in Welfare Reform—not true. The provision in Welfare Reform has the ability to discriminate, but it specifically said that nothing in this section shall be construed to preempt any provision of a State Constitution or State statute that prohibits or restricts the expenditure of State funds in and by religious organizations. So, if you have commingled funds, and it's illegal to discriminate under State law, you can't do that. But under this, under the manager's amendment, you waive all State laws.

The gentleman from New York really hasn't been given a good answer to his question. If you have a—if you have a person of faith running a secular program, the present law in America is that they are subject to civil rights laws, whether they like it or not.

Mr. GEKAS. Mr. Chairman?

Mr. SCOTT. That has been the policy for years. If they receive Federal money, if they're running a large organization and hire people, whether they like it not, we've set the policy that they cannot discriminate against people based on their religion.

What we're doing in this bill is saying, well, maybe that was a bad idea. I think that was a good idea, and we ought not change it.

I yield back the balance of her time.

Mr. GEKAS. Mr. Chairman?

Chairman SENSENBRENNER. Let me try to put the question. The question is on the Scott amendment to the Chairman's amendment. Those in—well, I recognize somebody on the Republican side next.

For what purpose does the gentleman from Pennsylvania, Mr. Gekas, seek recognition?

Mr. GEKAS. For the excellent reason of yielding to the gentleman from South Carolina.

Chairman SENSENBRENNER. Well, you can strike the last word. You're recognized for 5 minutes.

Mr. GEKAS. And I yield to the gentleman from South Carolina.

Mr. GRAHAM. I would like to—Mr. Scott maybe can help me with this. I think the law is pretty clear, as I understand it, and maybe my understanding is wrong.

Title VII that exists today in Federal law has an exemption, as I understand it, for religious organizations, that they're not required under title VII to change their hiring practices, but they are required not to discriminate on the basis of race, color, national origin, sex, age, and disability, and that there are several cases that maintain that you do not lose that ability to hire, based on your religious principles, if you receive Federal funds.

There are several schools that—St. Francis College in Brooklyn, Mary Grove College in Detroit, the Baptist Theological Seminary in Richmond—maintain the religious character of their schools through hiring practices. They offer child care services, Pell grants and other Federal aid is provided to students attending those schools, and there's a line of cases that say that if you're a religious

organization, you can, in fact, receive Federal support and funding and not change your religious hiring practices, but you can't discriminate otherwise.

I would argue that that logic applies here, that we're—that we're allowing people to participate in providing services in a secular way. We're requiring them to leave their religious practices at the door, but we're not going to require them to change their hiring practices because to do so would undermine the character of the organization, and there is many cases that seem to uphold that concept.

Mr. FRANK. Would the gentleman from Pennsylvania yield?

Mr. GEKAS. Yes, I will yield, but only to the gentleman of Illinois first, and then receive the rest of the time that I might yield to the gentleman from Massachusetts.

Mr. FRANK. Hope will spring eternal. [Laughter.]

Mr. HYDE. I have been listening to this with great attention all afternoon, and I—at the risk of oversimplifying, I would like to cut to the chase. What we're talking about in the, in the whole, is an army of people out there motivated by spiritual impulses who want to do good, who want to help solve poverty, disease, violence in the community, homelessness, hunger, and some of them are clergy, some of them are not. They are religiously motivated, and we've spent all afternoon finding ways to keep them out. We've got enough help. We don't need—there's too much God out there. We suffer from an excess of God, for some crazy reason.

Discrimination. If the First Baptist Church wants to do something as the First Baptist Church, take care of some homeless people, the fact that they want to retain their identity and not become another local United Fund operation, there's nothing wrong with that. There's nothing wrong with the Black Caucus saying, "You want to join us, you've got to be black."

Ms. WATERS. We don't say that.

Mr. HYDE. Oh, well, Pete Stark didn't get in, did he? Am I welcome?

Ms. WATERS. Yes.

Mr. HYDE. What are the dues?

Ms. WATERS. Huh?

Mr. HYDE. What are the dues? [Laughter.]

Ms. WATERS. Mr. Chairman—

Chairman SENSENBRENNER. Yes?

Ms. WATERS. I must correct the record. You do not have to be black to be a member of the Black Caucus.

Mr. HYDE. You mean an associate member.

Ms. WATERS. No, I do not mean an associate member.

Chairman SENSENBRENNER. The time belongs to the gentleman from Pennsylvania.

Mr. HYDE. All right. I'm sorry. Let me finish.

There is discrimination and there is invidious discrimination. I don't think it's discriminating for Baptists to want to hire Baptists to do something as the Baptist Church is going to do. I think that's fine. That's not invidious discrimination. So, as far as I'm concerned, we ought to figure out ways to facilitate the exploitation, the benign exploitation of these wonderful people who want to help us with our very human problems, instead of finding ways to say

no because, for fear, some God might sneak in under the, under the door.

Thank you.

Mr. FRANK. Will the gentleman yield?

Chairman SENSENBRENNER. The time of the gentleman is about to expire in 5 seconds——

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER. The question is on the amendment of the gentleman from Virginia, Mr. Scott, to the Chairman's amendment.

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER. Those in favor, will say aye.

Mr. WATT. Mr. Chairman, you are passing over a Member down here.

Chairman SENSENBRENNER. For what purpose does the gentleman from California seek recognition?

Mr. SCHIFF. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. SCHIFF. The very narrow question that's been presented by this amendment is simply whether religious institutions should be allowed to discriminate on religious grounds in providing secular services with Federal dollars.

Now, the point has been made that this is already the law, but the fact of the matter is this is not already the law. There is no provision of the law that allows direct Federal funding of religious institutions for secular services with a provision allowing religious discrimination and the provision of those services or in hiring decisions. So this is new law.

Now, the point is also made that why should we preclude religious institutions from entering the war on poverty.

Mr. GRAHAM. Would the gentleman yield?

Mr. SCHIFF. When I'm finished, I will be glad to yield. Why should we preclude religious institutions from entering the war on poverty? Well, of course, we're not. Religious institutions are involved in the war on poverty. They've been vital in the war on poverty for all of the reasons that the gentleman from Illinois has also mentioned, and that's a good thing. The question is whether they should be able to receive Federal funds and discriminate on religious grounds. That's a very different question than whether they should be involved in the war on poverty.

I would ask can a secular organization discriminate on religious grounds? Would we allow a secular organization that's providing soup or food or other services to discriminate on religious grounds? No, we would not. Aren't we then preferring religion by allowing religious organizations to discriminate when providing secular services, where we do not allow secular organizations to do the same thing?

Now, some of the Members have made the I find astounding point, as the gentleman from California did, that, well, in our congressional offices we can choose people of like political mind. But, plainly, we cannot in our political offices decide that we will only hire people of a certain religion. Indeed, it would be inappropriate for us to ask, in our congressional offices, what the religious views are of potential job applicants. That would be completely inappro-

priate, and I think it no more appropriate, when we're talking about the provision of purely secular services for religious organizations, to ask the same question.

The only, I believe, real objection to this amendment was made by the Chairman, and it's a very real concern and a practical one, and that is that many of these religious organizations are small, they have small staffs, and it is the same people who would be desired to provide the religious service and, in a separate context, the secular service, and that's a real problem.

But, ultimately, the question then becomes what is more important, that we allow, out of desire to accommodate those smaller institutions, that we allow the commingling of functions of that individual and the potential of commingling of dollars in support of that individual, that we allow the discrimination in the hiring of that individual as an accommodation, whether that ought to outweigh the issue of being able to discriminate on religious grounds and the use of Federal dollars.

And I must say that when you weigh the two, that very real and understandable practical concern, against the very strong desire not to discriminate on religious grounds, the practical concern must give way.

Mr. GRAHAM. Would the gentleman yield?

Mr. SCHIFF. I will in just one moment.

I think that the reasons this bill has been offered, most eloquently expressed by the gentleman from Illinois, are very well-founded and understandable, and the opposition has nothing to do with a desire to take God out of public life or charitable institutions. I think, rather, the concern is out of a desire to strengthen and keep strong those institutions, and at the same time recognize that, in circumstances where we're talking about purely secular services, there is no need, and every desire not to discriminate.

I would be happy to yield the balance of my time.

Mr. GRAHAM. Just to give you my interpretation of the law, I disagree with the gentleman's interpretation of current law. Section 702(a) of the Civil Rights Act of 1964 exempts nonprofit private religious organizations engaged in both religious and secular nonprofit activities from title VII's prohibition on discrimination of employment on the basis of religion.

The United States Supreme Court in *The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints versus Amos* held that no provision in 702(a) states, "By receiving Federal funds, that the prohibition—that the exemption is waived. Title VII's prohibition on discrimination in employment is not forfeited when a faith-based organization receives a Federal grant."

I believe that's the law, and this amendment would change the law.

Chairman SENSENBRENNER. The gentleman's time has expired.

The question is on the Scott amendment to the Chairman's amendment.

Those in favor will say aye.

Opposed, no.

The yeas appear to have it. Record vote is ordered. Those in favor of the Scott amendment to the Chairman's amendment will, as your names are called, answer aye, those opposed, no, and the clerk will call the roll.

The CLERK. Mr. Hyde?
 Mr. HYDE. No.
 The CLERK. Mr. Hyde, no. Mr. Gekas?
 Mr. GEKAS. No.
 The CLERK. Mr. Gekas, no. Mr. Coble?
 Mr. COBLE. No.
 The CLERK. Mr. Coble, no. Mr. Smith?
 [No response.]
 The CLERK. Mr. Gallegly?
 Mr. GALLEGLY. No.
 The CLERK. Mr. Gallegly, no. Mr. Goodlatte?
 [No response.]
 The CLERK. Mr. Chabot?
 Mr. CHABOT. No.
 The CLERK. Mr. Chabot, no. Mr. Barr?
 Mr. BARR. No.
 The CLERK. Mr. Barr, no. Mr. Jenkins?
 Mr. JENKINS. No.
 The CLERK. Mr. Jenkins, no. Mr. Hutchinson?
 Mr. HUTCHINSON. No.
 The CLERK. Mr. Hutchinson, no. Mr. Cannon?
 Mr. CANNON. No.
 The CLERK. Mr. Cannon, no. Mr. Graham?
 Mr. GRAHAM. No.
 The CLERK. Mr. Graham, no. Mr. Bachus?
 Mr. BACHUS. No.
 The CLERK. Mr. Bachus, no. Mr. Scarborough?
 Mr. SCARBOROUGH. No.
 The CLERK. Mr. Scarborough, no. Mr. Hostettler?
 Mr. HOSTETTLER. No.
 The CLERK. Mr. Hostettler, no. Mr. Green?
 Mr. GREEN. No.
 The CLERK. Mr. Green, no. Mr. Keller?
 Mr. KELLER. No.
 The CLERK. Mr. Keller, no. Mr. Issa?
 Mr. ISSA. No.
 The CLERK. Mr. Issa, no. Ms. Hart?
 Ms. HART. No.
 The CLERK. Ms. Hart, no. Mr. Flake?
 [No response.]
 The CLERK. Mr. Conyers?
 Mr. CONYERS. Aye.
 The CLERK. Mr. Conyers, aye. Mr. Frank?
 Mr. FRANK. Aye.
 The CLERK. Mr. Frank, aye. Mr. Berman?
 [No response.]
 The CLERK. Mr. Boucher?
 [No response.]
 The CLERK. Mr. Nadler?
 Mr. NADLER. Aye.
 The CLERK. Mr. Nadler, aye. Mr. Scott?
 Mr. SCOTT. Aye.
 The CLERK. Mr. Scott, aye. Mr. Watt?
 Mr. WATT. Aye.
 The CLERK. Mr. Watt, aye. Ms. Lofgren?

Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
[No response.]
The CLERK. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
[No response.]
The CLERK. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
Mr. WEXLER. Aye.
The CLERK. Mr. Wexler, aye. Ms. Baldwin?
Ms. BALDWIN. Aye.
The CLERK. Ms. Baldwin, aye. Mr. Weiner?
Mr. WEINER. Aye.
The CLERK. Mr. Weiner, aye. Mr. Schiff?
Mr. SCHIFF. Aye.
The CLERK. Mr. Schiff, aye. Mr. Chairman?
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman, no.
Chairman SENSENBRENNER. Are there additional Members in the room who desire to cast their vote or change their vote?
The gentleman from Arizona?
Mr. FLAKE. No.
The CLERK. Mr. Flake, no.
Chairman SENSENBRENNER. Further Members who wish to change or cast their votes?
If not, the clerk will report.
The CLERK. Mr. Chairman, there are 11 ayes and 19 nays.
Chairman SENSENBRENNER. The amendment is not agreed to.
Are there further amendments?
Mr. WATT. Mr. Chairman?
Chairman SENSENBRENNER. For what purpose does the gentleman from North Carolina seek recognition?
Mr. WATT. Mr. Chairman, I have an amendment at the desk.
Chairman SENSENBRENNER. The clerk will report the amendment.
Mr. WATT. It's the one that starts, "Page 13, line 19."
The CLERK. Amendment to the Sensenbrenner amendment to H.R. 7 offered by Mr. Watt.
Mr. WATT. Mr. Chairman, I ask unanimous consent the amendment be considered as read.
Chairman SENSENBRENNER. Without objection, so ordered.
[The amendment follows:]

Amendment to the Sensenbrenner Amendment to H.R. 7

Offered by Mr. Watt

strike
~~Page 13, line 19 strike "and any" and all that follows through line 23 and insert instead the following:~~
insert after line 23
N ~~provided, however, that~~ nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions of Title VII of the Civil Rights Act of 1964 in the receipt or use of funds from programs described in subsection (c)(4)."

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. Thank you, Mr. Chairman. I hope this doesn't set off a repeat of the same debate again that we just had on the Scott amendment.

The concerns, although I voted for the Scott amendment, that I thought were going to be raised about the Scott amendment was that his amendment was too broad, and basically wiped out the religious organizations' exemption under the Civil Rights Act of 1964, which I believe is, as Mr. Weiner has indicated, an important exemption to have for the religious activities of a church or religious organization.

Where I think we run into problems is the language on Page 13, starting on lines 19 through 23, which says, "and any provision in such programs that is inconsistent with or would diminish the exercise of an organization's autonomy, recognized in section 702 or in this section, shall have no effect."

I think the Chairman's language walks both sides of this. It says, on one hand, that religious organizations have an exemption. It says, on the other side, that basically they can do anything that they want to do, whether it's with their own funds or with Government funds, and this amendment would simply make it clear that the religious exemption for religious activities under title VII is protected, but that nothing in this section would alter the duty of a religious organization to comply with the nondiscrimination provisions of title VII of the Civil Rights Act of 1964 in the use of funds from programs described under this bill.

I think it's absolutely important to be clear that religious organizations are not required to hire members of other faiths to perform their core religious functions, but I also think it is absolutely imperative that we make it crystal clear that in the use of Federal funds we will not tolerate employment discrimination, and I am hopeful that my colleagues will agree with that proposition and will support this amendment, and I yield back the balance of my time.

Chairman SENSENBRENNER. For what purpose does the gentleman from Ohio seek recognition?

Mr. CHABOT. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman. I must oppose the amendment. The only reason the language of E(e) is in there is because when the 1996 Welfare Reform Act passed, it created an en-

tirely new Federal program. It replaced AFDC with TANF, so there was no need to make sure any inconsistent Federal provisions were preempted, but H.R. 7 applies the same title VII exemption to these existing Federal programs, so we have to make sure that preservation is consistently applied. The bottom line is, is the recommended insertion is redundant. Nothing in the bill does anything to prevent the enforcement of other Federal civil rights laws. These laws already apply of their own force.

I yield back the balance of my time.

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Massachusetts seek recognition?

Mr. FRANK. Mr. Chairman, I speak in—I ask to strike the requisite number of words for the purpose of—

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. FRANK.—speaking in favor of the amendment.

I must say, as a general principle, I rarely, I don't think ever, have found redundancy to be a good reason for rejecting something. If there is any ambiguity, we ought to clear it up.

I do not think there are professions in the world less opposed to redundancy than that of legislators and lawyers. And when any of us objects to something on the grounds of redundancy, I am inclined to think that it is not a full explanation. And I want to talk about the importance of the gentleman's amendment and respond to some of the things that were said before.

The gentleman from Illinois, the former Chairman, spoke with his usual eloquence, but I have to say not with his usual relevance. Of course, we welcome the religiously motivated people who want to help. I want to be very clear. I have, throughout my public career, benefitted enormously, and I'm proud of my work with them. The archdiocese of Boston has had a housing program for as long as I can remember that's extraordinarily successful, and I'm very pleased, now that I'm the ranking Democrat on the Housing Subcommittee, to be able to work with them even more. Of course, they do good work, but they have never felt that they had to discriminate in the hiring of architects. They never felt that they had to discriminate in the hiring of developers, nor did they think that having to hire architects without regard to the architect's religion somehow destroyed the cohesion of the Catholic Church, somehow undermined the ability of the archdiocese to be a faith community, and that's what I find troubling about this. There are two aspects of it.

First, this bill assumes, it seeks a significant expansion of the extent to which faith-based organizations are the vehicle for Federal funding. Let's be very clear. The notion is that they are an underutilized resource. The problem is that if you simultaneously substantially increase their role in the provision of the services and allow them to discriminate based on religion in hiring people to perform those services, you now have a significant impediment to people who may not be religious or who may be of a very minority religion to getting hired. You're no longer talking about some incidental thing. The goal of this is to make faith-based institutions a major source of service delivery, all the more reason than not to

The amendments are as follows:

Strike section 104 and insert the following:

SEC. 104. CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS.

(a) **DEFINITIONS.**—For purposes of this section:

(1) **AIRCRAFT.**—The term “aircraft” has the meaning provided that term in section 40102(6) of title 49, United States Code.

(2) **BUSINESS ENTITY.**—The term “business entity” means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(3) **EQUIPMENT.**—The term “equipment” includes mechanical equipment, electronic equipment, and office equipment.

(4) **FACILITY.**—The term “facility” means any real property, including any building, improvement, or appurtenance.

(5) **GROSS NEGLIGENCE.**—The term “gross negligence” means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(6) **INTENTIONAL MISCONDUCT.**—The term “intentional misconduct” means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(7) **MOTOR VEHICLE.**—The term “motor vehicle” has the meaning provided that term in section 30102(6) of title 49, United States Code.

(8) **NONPROFIT ORGANIZATION.**—The term “non-profit organization” means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(9) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) **LIABILITY.**—

(1) **LIABILITY OF BUSINESS ENTITIES THAT DONATE EQUIPMENT TO NONPROFIT ORGANIZATIONS.**—

(A) **IN GENERAL.**—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results

of certain faith-based social service providers from program eligibility simply because of what they believe, or because of how they practice and express what they believe, is discriminatory on the bases of religious speech and religious exercise. The charitable choice principles embodied in H.R. 7 eliminates restrictions on religious organizations that the Supreme Court no longer requires or considers constitutionally legitimate. Dr. Amy Sherman has written, “Charitable Choice’s most important effect thus far is that it has made collaboration plausible for those within Government and the faith community who had previously assumed such partnering was somehow outside the bounds of constitutionality under their (misguided) interpretation of the First Amendment.”²⁷

EMPIRICAL AND ATTITUDINAL SURVEYS SHOW THAT EXISTING CHARITABLE CHOICE PROGRAMS HAVE BEEN SUCCESSFUL AND POPULAR

Support for increased Government aid for faith-based organizations that can best meet social service needs is strong, and particularly strong among African-Americans. Perhaps the most comprehensive survey of public attitudes toward charitable choice programs was conducted by researcher Mark Chaves and reported in the *American Sociological Review*. The study used a nationally representative sample of 1,456 religious congregations and gathered data via a 60-minute interview with one key informant—a minister, priest, rabbi, or other leader—from 1,236 congregations.²⁸ According to Chaves’ survey, 30 percent of congregation attendees were aware of “charitable choice” legislation, and 45 percent would apply for Government funds to support social service projects.²⁹ Chaves concluded that

Apparently there is room for more public education about charitable-choice opportunities, [and there is only] a small subset of congregations that will not be interested in these opportunities ... 36 percent of congregations, representing 45 percent of religious-service attenders, would be interested in applying for Government money to support human services programs. Thus, the “market” for charitable-choice implementation in American religion apparently is fairly sizable.³⁰

Chaves also reported that “Informants from 64 percent of predominantly African American congregations expressed a willingness to apply for Government funds ... Controlling for other congregational features, predominantly black congregations are *five times* more likely than other congregations to seek public support for social service activities.” *Id.* at 841 (emphasis in original).

Anticipating increased involvement of faith-based organizations in Federal social service programs, and in order to facilitate small

any activities, including secular activities.”); 24 C.F.R. §92.257 (“HOME funds [Home Investment Partnership Funds] may not be provided to primarily religious organizations, such as churches, for any activity including secular activities.”). See also Carl H. Esbeck, *The Regulation of Religious Organizations as Recipients of Governmental Assistance* (Center for Public Justice 1996), at 12–19.

²⁷ Dr. Amy S. Sherman, “The Growing Impact of Charitable Choice: A Catalogue of New Collaborations Between Government and Faith-Based Organizations in Nine States” (“Growing Impact”), The Center for Public Justice Charitable Choice Tracking Project (March 2000) at 9 (emphasis in original).

²⁸ Mark Chaves, “Religious Congregations and Welfare Reform: Who Will Take Advantage of ‘Charitable Choice?’” 64 *American Sociological Review* 836, 838 (1999).

²⁹ *Id.* at 838.

³⁰ *Id.* at 839 (emphasis added).

tell them to discriminate in the hiring for the nonreligious aspects of this.

Secondly, I'm disturbed by the implications of what we've heard. The suggestion is—the statement is that somehow it is deleterious to the very purpose of a religious organization for its members to have to hire nonbelievers in their religion to do nonreligious things. I urge my colleagues to think about this. What we are doing is encouraging a kind of religious segregation that does not serve religion well.

Yes, people of common religion ought to be able to come together undisturbed in their worship services. They ought to be able to hire people to perform these religious services undeterred by any law. They ought to be, when motivated, coming together to provide this service. But the notion that somehow, when they come together, when they use their institution as the locus with Federal funding providing this service, if they are joined by people of different religions, that somehow is deleterious to them, is a very troubling thought.

Now, people have said, "Well, suppose it's someone who is hostile." That's a different story. If you came in with a tailored piece of language that said, "People need not put up with people who are going to be in total disagreement," that's a different set of circumstances. That's not this bill. This bill says, and we've heard justifications, well, you know, if you're a Baptist, you shouldn't have to associate with a Catholic or an Episcopalian in providing the social service. If you're a Jew, people have said, "Well, a Jew shouldn't have to have a right wing fundamentalist serving the soup." No, I think that's quite wrong.

Indeed, people talk about our congressional offices. Our congressional offices, of course, are different than religions, but even there I would think it wrong, when my office was hiring someone, to perform a service unrelated to my election, cleaning my office, doing these sorts of things, no, I don't believe I should be allowed to impose a political test.

Mr. HYDE. Would the gentleman yield?

Mr. FRANK. I'll yield to the gentleman.

Mr. HYDE. The gentleman is perfectly correct. In large-scale undertakings involving architects and other professional people, I certainly agree with the gentleman, but you have a small operation. The institution performing the service is entitled to its identity without being accused of being bigoted.

Mr. FRANK. No, I didn't use the word "bigoted." The gentleman from Florida did, at some point, he said he thought it would be bigoted. But this amendment, this language in the law does not say it only applies to small organizations. It applies to large ones, as well, and I do not think, and here's where I differ with my friend from Illinois, I do not think it destroys your identity—

Chairman SENSENBRENNER. The time of the gentleman—

Mr. FRANK.—to have to share your space with someone of a different religion.

Chairman SENSENBRENNER.—has expired.

Ms. HART. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Pennsylvania seek recognition?

Ms. HART. Move to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. HART. Thank you, Mr. Chairman. This amendment really does, in my opinion, attempt to do similar damage to the legislation that the prior amendment attempted to do, and when I call it damage, I do so for a reason.

The reason this bill is being advanced in the first place is to allow churches to continue to provide these services and get some help in providing those services as a contractor, not to change the character of the church, but to allow this church to participate in something they were heretofore forbidden from participating in.

If we accept these amendments, we do one thing that I think is completely wrong, and that is we don't allow them to retain the character which makes them so attractive as a service provider to begin with. There's a lot of assumptions being made by those who support these amendments that these churches are going to go out and hire a whole bunch of people to provide these services, when, in reality, anyone who's ever worked with any of the churches that provide these kinds of services are mostly very small, small groups of congregants, some who are paid, most who are volunteer, who are driven to provide this service from their hearts, from a spiritual desire to serve. Some of them will do it as a profession. These churches are not going to be spending money wildly, hiring a whole bunch of new people just to provide a separate service. That's my first point.

My second point is that the Supreme Court, as I know Mr. Graham mentioned earlier, upheld the opportunity or the decision of these churches to hire whom they please and to make the decision to hire people of their religion in *The Presiding Bishop versus Amos*. But the Supreme Court also stated, in *Rendell Baker versus Cohen*, that just because a faith-based organization is providing a service as a contractor to the State, they do not become State actors. They do not, therefore, lose the status that they enjoy as a private religious organization simply because they're getting Government money.

So those who support this amendment are asking that we completely change the law and, in two cases, and I'm sure many more, where it was upheld by the Supreme Court that we don't need to require that change because if we did require that change, there would be no reason to have this bill.

Mr. NADLER. Mr. Chairman?

Ms. HART. Is he asking me to yield? Is that a yes?

Mr. NADLER. No.

Ms. HART. Okay. And, finally—

Mr. NADLER. Will the gentlelady yield?

Ms. HART. I'm just going to finish because I'm almost done.

If a Catholic School hires a teacher, they have every right, I think most people would agree, to hire a Catholic teacher. Many of those Catholic Schools have been also given Government money to provide services that could be provided someplace else. That has also been upheld. They are not forced, then, to hire an additional teacher and not discriminate in their hiring, that they could use the same teacher that they have or hire another Catholic teacher. There is nothing wrong with that. It's been supported over and over again, and I stand by that the bill, as it's written, I think it

stands by the Constitution, it stands by decisions of the U.S. Supreme Court, and I would reject this amendment.

Thank you, Mr. Chairman.

Mr. NADLER. Would the gentlelady yield?

Chairman SENSENBRENNER. For what purpose does the gentleman from New York, Mr. Nadler—

Mr. NADLER. Strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. NADLER. Thank you.

I have listened very carefully to what Ms. Hart just said, and I'd like to make a comment on it. It really illustrates, the discussion really illustrates the basic problem with this bill.

As far as I can understand this bill, and I've been thinking about it and listening, through hearings and hearings, there are two problems, and only two problems the bill addresses. Both are perhaps valid problems. Both could be addressed by very narrow changes in the law, and the problem with the bill is that you take huge changes, way overbroad, which raise real problems, in order to deal with the narrow problem.

For example, let's take this question of religious discrimination in employment. If a church, small church, large church, whatever, gets a \$20-million grant, and they're going to hire a corps of people to administer the grant for secular purposes, then those people should not be subjected to religious discrimination, and you know it's for secular purpose to run a soup kitchen or whatever, et cetera.

But we are told, what about the small church? We don't want to change the character of the church. And what it really comes down to is let's say you have a small church, and you get a small grant, and the grant is going to be used for material things, but the existing employees of the church are going to administer the grant, are going to run the soup kitchen. The minister, his wife, the assistant minister are going to run it, and what they're really saying is you should not be required by the civil rights laws, under such a condition, to say, "Well, we can't automatically use the existing employees of the church. You have to conduct a job search in accordance with title VII." And to that I would agree.

And this whole problem could be dealt with by a simple amendment or a simple law that said that, if a faith-based institution was receiving funds for a secular purpose, and if they were not going to hire new people for that to administer that, they could use their existing people, and that that wouldn't constitute an exception to—that wouldn't constitute a title VII problem, but if they hired new people, they should have to follow whatever the requirements of nondiscrimination, if it's for the secular purpose, but if it's not for a secular purpose, you shouldn't be funding it in the first place.

And so I think that this whole question of employment discrimination is way overbroad, and to the extent that there's a real problem that's raised and that still could be addressed by this, it can be dealt with simply by saying, as I said, and I'm drafting such an amendment now or I hope my staff is busy doing so, that a faith-based institution that receives a Federal grant and that is not—can use its existing, preexisting employees and that that would not constitute religious discrimination because you didn't open it up for a

brand-new job search. But insofar as you do open it up to a new job search, you shouldn't discriminate in employment.

The second question, really, is not on this amendment, but is on the question of why we need this bill in the first place, and that is—and I'll address it more with an amendment I have coming up—but, basically, small churches don't have the resources, allegedly, or the expertise to organize 501(c)(3)s and so forth, provide the expertise, provide assistance for small searches—small churches, rather, and if you do those two things, I think you've really accomplished the entire purpose, the entire proper purpose of the bill. I don't think anybody would oppose it.

Now, if there is an improper purpose of the bill, if the real—if some people have a purpose of encouraging religious proselytization with Federal funds, that would not be served. But except for that—and it shouldn't be served—but except for that, all we need is two small changes in the law that takes care of two problems, that when you get down to it and you listen to everything, that's what they ultimately come down to: How do small churches participate with Federal grants—

Ms. LOFGREN. Would the gentleman yield?

Mr. NADLER.—and for the protection of the small church, require the 501(c)(3), but give them help in forming it, give them help in making it.

And, second of all, let the existing staff work on it without having to go through a job search. And you do those two things, you don't really need anything else.

Ms. LOFGREN. Would the gentleman yield?

Mr. NADLER. I think Mr. Hutchinson wanted—are you asking to yield?

Ms. LOFGREN. Actually—

Mr. NADLER. Maxine?

Ms. LOFGREN. I was.

Mr. NADLER. I yield to the gentlelady. I will yield to the gentlelady.

Ms. WATERS. I'm not on this one.

Chairman SENSENBRENNER. I believe that the gentlelady from California, other gentlelady from California, is trying to get your attention.

Ms. LOFGREN. I was. Just a quick point. I think that the suggestion you've made is a useful one and addresses an issue that we've not yet discussed here, at least so far as I can recall, which is where you have a small grant, and absent an ability to prevent discrimination on the basis of religion, you might have a small church that essentially is going to subsidize its religious mission with Government funds by hiring the person they could not afford to hire as pastor to run the soup kitchen to relieve the need to pay the pastor.

That is an important issue because behind all of this is our concern, I think, I hope that it's universal about not becoming involved in the establishment of religion. And if you think about the tremendous diversity of religious thought in the United States, I think it's important to all of us that we are very careful about that. For example, in my won district, I have many Hindus, Sikhs, Buddhists, Jane, the largest Jane temple in North America—

Chairman SENSENBRENNER. The time of the gentleman from New York has expired.

Mr. HUTCHINSON. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Arkansas seek recognition?

Mr. HUTCHINSON. To strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. HUTCHINSON. Thank you, Mr. Chairman. I was just reviewing the amendment that's offered by the gentleman from North Carolina, and the debate is being centered around the debate on the last amendment, which is the employment discrimination exemption under title VII. The amendment, it appears to me, goes to the use of funds from the programs which we acknowledge in the underlying bill is not exempted and should be offered on a non-discriminatory basis.

It appears to me, if I'm understanding this correctly, that the amendment is consistent with the underlying bill. The problem is that you're asking to strike a portion of Subsection E that is important, and if the amendment was offered, if the language was offered at the conclusion of that whole section, that it might be fit because I don't see it as inconsistent, and I just wanted to—

Mr. WATT. Would the gentleman yield?

Mr. HUTCHINSON. I would be happy to yield to the gentleman from North Carolina to see if I have the correct understanding.

Mr. WATT. I think you do not have the correct understanding. What I'm trying to do, and maybe I didn't do it artfully, but what I'm trying to do is retain the religious exemption for core religious purposes, but prohibit discrimination in employment, which is what title VII is, title VII, not title VI, retain the prohibition against discrimination in employment with Federal funds. That's the purpose.

Mr. HUTCHINSON. Reclaiming my time, I will be voting against this amendment for the reason that it strikes a portion of the bill that is important for consistency purposes in maintaining the exemption, but I do not see a particular problem in the language itself that you have provided in there because I do not believe there should be discrimination in the use of funds from the programs—

Mr. WATT. Would the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. WATT. The gentleman is indicating he would support the language if I put it at the end?

Mr. HUTCHINSON. If I have the correct understanding, that is, I would, yes.

Mr. WATT. So what, what does the gentleman understand that the language starting with the word "and" and ending with "effect" on lines 19 through 23, what purpose does the gentleman think that that language serves?

Mr. HUTCHINSON. Reclaiming my time. That language refers to any provision in such programs, and so this would be programs that would be subject to grant application by faith-based organizations and it's making it clear that, despite the language of those specific programs, the religious organization exemption, under the Civil Rights Act, is still applicable.

Mr. WATT. Would the gentleman say that one more time.

Mr. HUTCHINSON. When it says that any provision in such programs, those programs are the substantive programs that the faith-based organizations can make application to for grant money. And so it's, it's making it clear if there was an error in the language of those programs, that the religious organizations' exemption, under the Civil Rights law, still applies.

Mr. WATT. Okay. Would the gentleman yield further?

Mr. HUTCHINSON. I would be happy to yield further.

Mr. WATT. Would you yield to me for the purpose of a unanimous consent request?

Mr. HUTCHINSON. I would be happy to yield.

Mr. WATT. I ask unanimous consent that my amendment be revised to leave in the language on Page that it now provides be stricken and that this language, the additional language, be added at the end of line 23 instead.

Chairman SENSENBRENNER. Well, the Chair would like to have a clarification. If the language you are proposing to be added at the end of line 23, just to make sure that the bill is properly drafted and not inconsistent, wouldn't it be better to start with nothing in this section and then continue with the language; in other words, striking out "provided, however, that"?

Mr. WATT. I'm sorry. Say that again, Mr. Chairman.

Chairman SENSENBRENNER. To strike "provided, however, that," and begin—capitalize "N" for "Nothing," and then insert the rest after line 23.

There would be nothing stricken, and in addition, I would say nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions—

Mr. SCOTT. I accept the Chairman's friendly amendment.

Chairman SENSENBRENNER. Okay, without objection, the modification is agreed to. Without objection, the amendment as modified is agreed to.

Are there further amendments?

For what purpose does the gentleman from New York seek recognition?

Mr. NADLER. I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

Mr. NADLER. Madam Clerk, the amendment that I'm offering is the amendment by Mr. Conyers, Scott, and Nadler. I'm offering it on behalf of Mr. Conyers, who is not here.

The one that starts, "On page 20 at the end add the following."

The CLERK. Amendment by Mr. Conyers, Scott, and Mr. Nadler to the amendment offered by Mr. Sensenbrenner.

On page 20 at the end add the following (o) Enforcement of individual—

Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The amendment follows:]

Amendment by Mr. Conyers, Scott and Nadler to the Amendment
Offered by Mr. Sensenbrenner

On page 20, at the end, add the following:

(o) Enforcement of Individual Rights Under the First Amendment.--A party alleging that the rights of the party under subsection (f), (g), or (i) have been violated may bring a civil action seeking any form of legal or equitable relief, including a writ of mandamus, injunctive relief, or monetary damages, in a State court of general jurisdiction or in a District Court of the United States, against the responsible party, religious organization, official or government agency. In any action or proceeding to enforce the foregoing rights specified in subsection (f), (g), or (i), the court may allow a prevailing plaintiff reasonable attorneys' fees as part of the costs, and may include expert fees as part of the attorney's fees.

Chairman SENSENBRENNER. And the gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Thank you, Mr. Chairman.

This amendment is—this amendment is simple and straightforward. Where the bill offers—

Chairman SENSENBRENNER. Will the Democratic staff allow Mr. Nadler to be heard?

The gentleman is recognized.

Mr. NADLER. Thank you, Mr. Chairman.

This amendment is simple and straightforward. Where the bill offers language designed to protect individual rights and liberties, those persons whose rights and liberties are supposed to be protected should be given the ability to enforce those rights in a court.

I hope this will be noncontroversial and the majority will choose to accept it in the spirit in which it is offered.

For weeks and weeks, this bill has been hung up over the issues concerning separation of church and state. The Chairman, to his credit, identified the very difficult and complex problems that emerge when government funds religious organizations. To his credit, he has insisted on critical provisions protecting beneficiaries so they have the rights to a comparable secular alternative and the right to opt out of any religious activities.

The problem is, while the bill specifically authorizes religious organizations to seek redress in court if their rights under the bill are violated, there is no comparable provision protecting the religious rights of individual beneficiaries. So we are concerned that all of the protective language added at the behest of the Chairman could turn out to be an empty promise, existing in theory but not in practice.

As a result, this amendment gives individual beneficiaries the right to seek to enforce these rights in court.

We also add the right of harmed parties to obtain reimbursement of their attorneys fees. Obviously, most individuals will have little ability to bring an expensive lawsuit if they're not able to recover their legal fees. I know of few homeless people who can afford to

bring a lawsuit where there is no secular homeless shelter available.

Now, as will all legal rights, I'm hopeful it will not be necessary to resort to court action to obtain compliance. As the Members know, very often the knowledge that a right is legally enforceable itself guarantees its compliance.

There are few rights more important to this country than religious freedom. If the right is important enough to include in the bill, it should be important enough to be enforceable in court.

I urge my colleagues to support this common-sense amendment. And I yield back.

Chairman SENSENBRENNER. For what purpose does the gentleman from Ohio, Mr. Chabot, seek recognition?

Mr. CHABOT. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman. I won't use all the time.

But this amounts to a lawyers' full-employment bill. We want the funds to be used to improve the lives of people who need services, whether it's for homeless people or whether it's for domestic violence, whatever it might be that the faith-based organization is providing.

We prefer the money to go to help people in need rather than to line trial lawyers' pockets. For that reason, I oppose the amendment.

I yield back the balance of my time.

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER. Will the gentleman from Ohio yield to me?

Mr. CHABOT. I'd be happy to yield to the Chairman.

Chairman SENSENBRENNER. If you look at the amendment that has been offered by the gentleman from New York, the defendant in these cases would be the responsible party—religious organization official or government agency.

This would have a chilling effect on religious organizations signing up to provide the services that are intended to be funded in H.R. 7, because now some trial lawyer could file a lawsuit alleging a violation under the First Amendment and literally bankrupt the organization before the case even goes to trial.

I don't think we want to put in a liability section that has every faith-based organization running away from this program. The effect of this is extremely crippling, in terms of broadening the base of people who can provide social services.

And I agree with the gentleman from Ohio that this very pernicious amendment should be rejected.

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER. Will the gentleman yield back now?

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER. Will the gentleman from Ohio yield back now?

Mr. CHABOT. I yield back the balance of my time.

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Massachusetts, Mr. Frank.

Mr. FRANK. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. FRANK. I yield to the gentleman from New York.

Mr. NADLER. Thank you. Thank you. I thank the gentleman from Massachusetts.

Let me make two comments.

First of all, any trial lawyer recognizes who has the deep pockets. He's not going to sue the church; he's going to sue the local government.

They have the deep pockets in this situation, so I wouldn't worry terribly much about the churches being bankrupted, because they're not going bother suing the church. They're going to sue the local government or the government agency under whose aegis this was done.

Secondly, if, as Mr. Chabot says, we're worried about using the funds—the funds being used up on lawsuits and it being a trial lawyer's haven, why do we give the right to bring a lawsuit to the churches? The fact is that rights are only real if they're enforceable. And the churches, if their rights are violated, need the power to bring a lawsuit to enforce their rights.

But at the same, a beneficiary whose rights established in this bill—to an alternative, a nonreligious alternative, for example, or to various other things, not to be proselytized—if those rights are going to be enforced and not merely be worthless, needs the right to be able to go into court to enforce his rights.

So it's the same on both sides. Either the churches shouldn't have the right and neither should the beneficiaries, to bring a lawsuit. In which case, all the provisions of the bill would not be very important, because they would not enforceable in law, or the churches and the beneficiaries should have the rights to enforce their respective rights at law lest they be merely hortatory rights.

And, again, I wouldn't worry about the churches because—being defendants because the trial lawyers are going to sue the jurisdiction and the—either the Federal Government or the local government because they have the deep pockets, not the church.

Mr. CHABOT. Mr. Chairman?

Mr. NADLER. I yield back.

Mr. FRANK. Is the gentleman from New York finished?

Chairman SENSENBRENNER. The time belongs to the gentleman from Massachusetts.

Mr. FRANK. Did somebody want me to yield?

Mr. CHABOT. Will the gentleman yield?

Mr. FRANK. I'll yield to the gentleman from Ohio.

Mr. CHABOT. I thank the gentleman for yielding. The bill already provides—

Mr. NADLER. Can't hear you, sir.

Mr. CHABOT. The bill already provides for lawsuits against States and local governments for injunctive relief only. And if—and that's, in essence, if somebody is alleged to have violated the law. And that was on the request of county associations, the Conference of Mayors, and other local government entities.

And I thank the gentleman for yielding.

Mr. FRANK. Does the gentleman want to me yield further?

Mr. NADLER. Yes.

Mr. FRANK. I'll yield further to the gentleman from New York.

Mr. NADLER. Well, the fact of the matter is that that's—I think—reading that section, it says: when the rights of the party under this section have been violated by State or local government, may bring a civil action for injunctive relief.

That's fine as far as it goes. But, in effect, the rights may have been violated by the people administering the grants, and there, in that case, agents for the State or local government. And the purpose of this amendment is to make sure that you can sue the State and that you can get relief in that section, too.

And by the way, if a church breaks the law, they should be liable, although, as a practical matter, you are going to sue the State not the church because they don't have the money.

But no one should be able to break the law and not be subject to an enforcement action.

I yield back to the gentleman.

Mr. FRANK. Mr. Chairman, having addressed what I had to say on this subject, I yield back.

Ms. JACKSON LEE. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Wisconsin, Mr. Green, seek recognition?

Mr. GREEN. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. GREEN. Mr. Chairman, briefly, I wanted to commend you for your recent statement in opposition to this amendment. I think you put it very, very well.

This bill already provides for injunctive relief, which will protect the rights of the aggrieved.

I think that this amendment would lead merely to an operation of harassing faith-based organizations. This is an effort, I think, by some, who do not believe that they can defeat this bill, to make it as ineffective as possible by discouraging the very organizations that we hope will take this up.

This is to put fear into them, to make them cringe because of the potential wide-open liability of trial lawyers, of lawsuits. This is the last thing I think we need as we're trying to make—to reach out to community organizations and have them be partners with us and take on so many of these challenges that we all agree are affecting so many neighborhoods and communities all across the country.

And, Mr. Chairman, with that, I yield back my time.

Ms. JACKSON LEE. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Texas, Ms. Jackson Lee, seek recognition?

Ms. JACKSON LEE. To strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, I'm going to use this time to make some general observation and comment on the basis of Mr. Nadler's and Mr. Conyer's and Mr. Scott's amendment, as I understand it.

And it is—it is interesting that what we're doing here in this room is, in essence, codifying a relationship between the State and religion that we've never done in the time of our existence as a de-

nongovernmental organizations' participation in the programs covered by title II of H.R. 7 generally, subsection (o) of the bill authorizes, from amounts made available to carry out the purposes of the Office of Justice Programs, funds to provide training and technical assistance, in procedures relating to potential application and participation in programs covered by title II of H.R. 7 to small nongovernmental organizations, as including religious organizations, in an amount not to exceed \$50 million. Subsection (o) states that such aid may include assistance in creating a 501(c)(3) organization, grant writing workshops, and informational assistance regarding accounting, legal, and tax issues, informational assistance regarding how to comply with Federal nondiscrimination provisions. Subsection (o) also provides that, in providing such assistance, priority shall be given to small nongovernmental organizations serving rural and urban communities.

EXISTING CHARITABLE CHOICE PROGRAMS HAVE MET WITH MUCH
SUCCESS AND FEW LAWSUITS AND OTHER PROBLEMS

Existing charitable choice programs have had a significant impact on social welfare delivery. Dr. Amy Sherman of the Hudson Institute has conducted the most extensive survey of existing charitable choice programs. Dr. Sherman concluded that, currently, "All together, thousands of welfare recipients are benefitting from services now offered through FBOs [faith-based organizations] and congregations working in tandem with local and state welfare agencies."³¹

Dr. Sherman also found that fears of aggressive evangelism by publicly funded faith-based organizations have little basis in fact. According to Dr. Sherman:

[O]ut of the thousands of beneficiaries engaged in programs offered by FBOs [faith-based organizations] collaborating with Government, interviewees reported only two complaints by clients who felt uncomfortable with the religious organization from which they received help. In both cases—in accordance with Charitable Choice guidelines—the client simply opted out of the faith-based program and enrolled in a similar program operated by a secular provider. In summary, in nearly all the examples of collaboration studied, what Charitable Choice seeks to accomplish is in fact being accomplished: the religious integrity of the FBOs working with Government is being protected and the civil liberties of program beneficiaries enrolled in faith-based programs are being respected.³²

Religious groups in the nine states Dr. Sherman surveyed also registered few complaints about their Government partners. According to Dr. Sherman, "The vast majority reported that the church-state question was a 'non-issue,' and that they enjoyed the trust of their Government partners and that they had been straightforward about their religious identity."³³

The success of existing charitable choice programs has led the National Conference of State Legislatures ("NCSL") to support their expansion. According to Sheri Steisel, director of NCSL's

³¹ Sherman, "Growing Impact," at 8.

³² *Id.* at 11 (emphasis added).

³³ *Id.*

mocracy. And so the proliferation of amendments is simply to take us back to the purity of our origins, which is the separation of church and state, and not creating an established religion.

This is not to say that our religious entities have not been coddled and nurtured and respected in this country. That is why they have proliferated.

But what we're asking to have done here in this legislation is to be able to establish religious entities as substitutes for governmental social services responsibilities. All to the best, if you will.

But as they step into the shoes a governmental entity, they are then—and that is why you have these requests from the national League of Cities and National Association of Counties, because what they're suggesting is, if you're going to place religious so-and-so to do my welfare-to-work, to do my job training, then the question has to be, if they are substituting for these broad-based social services, which I welcome the concept of the good Samaritan, but then, as well, they will be responsible, as government is responsible, in protecting the rights of anyone who walks through their doors.

When you have a Catholic school doing the business that it traditionally does, teaching children in the way that they teach them and the religious beliefs that they teach them, they are not stepping into the shoes of a governmental entity, attempting to take the responsibilities away from the public school system.

So this amendment speaks to the question of the rights that anyone has in coming under the First Amendment in any aspect of this society.

And what we're suggesting here is, because you have codified religion, because you have put forward a legislative initiative that establishes the involvement of the religious community with Federal funding, the Federal Government, and government, you now have to be subjected to the protective rights that citizens have, be it that they are poor, that they are homeless, that they need welfare-to-work training, they are addicted, whatever they might be.

We have never extended the long arm of reach of the Federal Government to the hallowed halls of sanctuaries when we have either prayed or bowed or said our prayers on Friday night or Saturday or 12 noon on Wednesday or high noon on Sunday. The Federal Government has not done that.

But when you begin to codify—and I have the greatest admiration for the spiritual, the religious community, and have fought for their existence and their survival and welcome their interest in being the new good Samaritan, if you will, in the sector that deals with secular issues, such as welfare reform and such as the addicted and HIV/AIDS. I welcome that.

But my concern is, do we realize that in the rush to make good on campaign promises, that we're literally codifying?

I think what my dear friends on the other side of the aisle are saying to me is that, "No, we're not, because we're not establishing the Muslim faith as an established religion, or the Catholic faith." No, we're not, but we're giving governmental strength, if you will, to the religious body by its utilization of Federal tax dollars.

And, therefore, even though there is sensitivity to this, you're opening yourself up to the responsibilities of adhering to the Bill

of Rights, to the Civil Rights Act, and to the First Amendment and others, that governmental entities equally have the responsibility.

If we can understand that, maybe these amendments will bring forward the unity of purpose and we can get a resolution of H.R. 7 that would answer the concerns of those who want to be the good Samaritan, which I applaud and welcome.

But at the same time, there is a sense of acceptance that we're doing something extremely extraordinary and out of sync, if you will, with the historical and constitutional basis of this country. We have never sought to codify religion in this nation.

And I would argue—

Chairman SENSENBRENNER. The gentlewoman's time—

Ms. JACKSON LEE.—with those who say that we are not—

Chairman SENSENBRENNER.—has expired.

Ms. JACKSON LEE.—establishing religion.

Mr. WEINER. Mr. Chairman?

Ms. JACKSON LEE. I yield back.

Ms. LOFGREN. Mr. Chairman?

Mr. WEINER. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from New York, Mr. Weiner, seek recognition?

Mr. WEINER. To strike the last word.

And in particular—

Chairman SENSENBRENNER. Recognized for 5 minutes.

Mr. WEINER. And I would like to ask you, Mr. Chairman, as the author the bill—I'm inclined to vote against this amendment because I believe the compliance section is sufficient to ensure compliance.

But I believe the place where the compliance is going to be most handy is when enforcing a person's ability to opt out. And I just, for the purposes—so I can understand if I'm correct about that.

The way I read, on page 14, the rights of beneficiaries, it says that anyone who wishes to opt out, the appropriate Federal, State, or local government entity shall provide—it says “shall provide”—to such individual if otherwise eligible for such assistance, within reasonable period of time after the date of such objection, assistance that is accessible and is of the same value.

Am I correct in interpreting the compliance section as allowing an individual beneficiary, if they've been denied that right, to then sue the government agency or file a civil claim against the government agency, meaning the city or State, to enforce that right?

Chairman SENSENBRENNER. If the gentleman would yield?

Mr. WEINER. Certainly.

Chairman SENSENBRENNER. The answer to the question is yes, but the relief is limited to injunctive relief only, to obtain the same right pursuant to this section, and not for damages.

Mr. WEINER. Understood. And I think, frankly, that this is appropriate.

But it does raise the question, and just so I'm sure that I understand, if we have the following dynamic: Let's say in a corner of rural Idaho, a church sets up a job training program. Someone walks into that church, says, “I don't like this job training program because of my religious beliefs,” it then requires the State of Idaho, if that person is entitled to benefits, to then set up another job training program for that individual. Is that correct, sir?

Chairman SENSENBRENNER. If the gentleman would yield?

Mr. WEINER. Certainly.

Chairman SENSENBRENNER. The program does not have to be identical to the faith-based organization, but it is required to have a value that is not less than the value of the assistance that the individual would have received from such organization, meaning the faith-based organization. And this is page 15, lines 4 through 6.

Mr. WEINER. So if—and I appreciate that.

So if—if a State or a locality does chose to set up one of these programs, they better have allocated fundings to at least set up two, because they might be in the circumstance that—we've set up now an entitlement under this law for that person to then get a separate and distinct program at least of the same value.

Chairman SENSENBRENNER. Yes. If the gentleman would yield?

Mr. WEINER. Certainly.

Chairman SENSENBRENNER. The answer to that question is yes, but again emphasizing that it does not have to be the identical program—

Mr. WEINER. Understood.

Chairman SENSENBRENNER.—that is provided in the basement of the Baptist church in Idaho.

Mr. WEINER. Right. But it does have to be a separate and distinct program, meaning that when you agree to set up—or the State of Idaho agrees to set up one, they'd better have a few shekels in their pocket to get ready to set up the second in every case because all it takes is one objector to require the creation of a second program.

Chairman SENSENBRENNER. The answer to the gentleman's question is yes.

Mr. WEINER. Got it. Thank you very much. I yield back my time.

Ms. LOFGREN. Mr. Chairman? Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentlewoman from California—

Ms. LOFGREN. To strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. LOFGREN. I am interested in the compliance section as well, and understanding that probably all of the recipients—or at least the great majority of the recipients of services funded under this initiative will be poor people, how these poor people will gather the resources to bring the action to gain the rights that are theirs under this act—

Chairman SENSENBRENNER. Will the gentlewoman yield?

Ms. LOFGREN. Yes, I certainly will.

Chairman SENSENBRENNER. The Legal Services Corporation is ready and eager to enforce those rights.

Ms. LOFGREN. Well, what they're—

Chairman SENSENBRENNER. The Appropriations Committee has given them an increase in their appropriation.

Ms. LOFGREN. The—reclaiming my time, the Legal Aid Society is so poorly funded that they are swamped and unable to take hardly any new cases, at least in the area where I represent.

Without the ability of attorneys fees, I think that this is a—for most recipients—an illusory remedy.

And I think there are questions. If this bill becomes law, there will be questions that need testing.

I was thinking, who will apply in Santa Clara County for funds under this act? And I have no idea, but one of the churches—the Metropolitan Church in downtown San Jose is—it's a gay church, it's Protestant.

And if they do the daycare and a welfare mother objects, it won't be because they're Protestants; it's because the welfare mother may be biased against gay people.

Well, does that qualify for an exemption? I don't think so, because it's not about religion; it's about one's bias against gay people.

But that's going to have be tested——

Chairman SENSENBRENNER. Will the gentlewoman yield?

Ms. LOFGREN. Certainly.

Chairman SENSENBRENNER. The decision on where to go to get these social services rests with the individual seeking the social services, whether it is getting social services from a grant organization or one that accepts voucher funds.

So if the welfare mother that you're talking about doesn't want her kids at a daycare in the basement of a church that is predominantly gay, she just sends them someplace else.

Ms. LOFGREN. Reclaiming my time, that is certainly not the case in Santa Clara County. We have a dramatic shortage of daycare facilities and the Department of Social Services does provide a direction to the TANF program recipients on where to go and where to enroll their children.

There's a huge backlog——

Chairman SENSENBRENNER. Will the gentlewoman yield further?

I believe this bill would broaden the types of choices available to qualified people in Santa Clara County on where to go to receive social services because there would be more qualified organizations providing them.

Mr. FRANK. Would the gentlewoman yield?

Ms. LOFGREN. Certainly.

Mr. FRANK. Well, I think that points out what I think is a somewhat empty promise. Yes, if you took that part of the bill seriously, it would require a very significant expansion of Federal funding. That is true.

To make that work, anytime the Federal Government funded a faith-based program anywhere, it would have to fund equally in that same area a non-faith-based program.

In other words, we've got a new doctrine here. Instead of separate but equal, we're going to create the doctrine of secular but equal. And anytime the Federal Government funds—to make that work, what the gentleman just said, it promises a great expansion.

Anytime the Federal Government funds a faith-based program, it will, to comply with this bill, have to fund a secular and equal other program. And I am very skeptical that the money to do that is here.

But as one of the witnesses brought forward by the majority said, to make that work will require a very substantial increase in Federal funding, which I guess the biggest faith-based initiative is to think that that Federal money is coming. [Laughter.]

Ms. LOFGREN. Well, reclaiming my time, I do believe that we are—without an opportunity for the poor to assert their rights, with either this amendment or something like it, that we are going to end up with a series of very unfortunate circumstances that will arouse the American public and their ire.

And I see that my time is about to expire, so I yield back what remains of it, Mr. Chairman.

Chairman SENSENBRENNER. The question is on the Nadler amendment to the Chairman's amendment.

Those in favor will signify by saying aye.

Opposed, no.

The noes appear to have it. The noes have it, and the amendment is not agreed to.

For what purpose does the gentleman from New York seek recognition?

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

Mr. NADLER. Nadler No. 1.

The CLERK. Amendment to the amendment to H.R. 7 offered by Mr. Nadler. On page 16, strike line 9 and all that follows through line 12 on page 17 (h) Additional protection for organizational autonomy and accountability.

Mr. NADLER. Mr. Chairman, I ask unanimous consent to waive the reading.

Chairman SENSENBRENNER. Without objection.

[The amendment follows:]

**AMENDMENT TO THE AMENDMENT TO H.R. 7
OFFERED BY MR. NADLER
(Nadler #1)**

On page 16, strike line 9 and all that follows through line 12 on page 17

“(h) ADDITIONAL PROTECTION FOR ORGANIZATIONAL AUTONOMY AND

ACCOUNTABILITY. — A religious organization shall be eligible to provide assistance

under a program described in subsection (c)(4) only through an entity incorporated

separately from its pervasively sectarian parent or affiliate under section 501(c)(3) of the

Internal Revenue Code of 1986. Assistance provided under subsection (n) shall be

available to a religious organization to carry out the requirements of this subsection.”

Chairman SENSENBRENNER. And the gentleman is recognized for 5 minutes.

Mr. NADLER. Thank you, Mr. Chairman.

A great deal has been said about protecting the autonomy of religious organizations and about ensuring that these organizations can participate in the delivery of Federal programs without giving

up that autonomy and without undermining the delivery of those services.

The most simple way to do this and to ensure accountability in the use of the Federal funds is to do what religiously affiliated organizations have done for years: set up a separate 501(c)(3) corporation for the purposes of delivering those services.

Setting up such an organization prevents any danger that funds for distinctly religious purposes and taxpayer money that is to be used to provide needed service, needed secular services in the community, will be commingled and will be diverted to an inappropriate use.

It also ensures that the governmental agency administering the program can fully audit the activities of the grantee without the specter of government authorities combing through the church's books and quizzing the choir master or the minister over the use of funds.

I think that a committee dominated by attorneys should well understand why a separate entity is in the interest of both autonomy and accountability and certainly in the interest of the church.

Does anyone here think that an attorney who commingled trust accounts with firm accounts would stay in practice very long? We have rules against this sort of thing for very clear and understandable reasons.

Similarly, as every Member of this Committee knows, we are not allowed to use our office funds and any private funds in the same activity. This would include a community event that we may want to sponsor to promote local businesses. But once we have started using our office funds to pay for part it, we cannot use other funds to pick up the rest, even to pay for those items on which we cannot spend our office funds.

That's a very strict rule. We all live by it—at least I hope we all live by it—and for very good reason.

Does anyone here believe that setting up an additional church bank account and then forbidding government activities from looking beyond that account, as this bill does, could possibly fail to lead to mischief?

People of faith are good and honorable members of our community. But there have also been those who have abused their standing as religious leaders. And we have no right to play fast and loose with millions of dollars of the taxpayers' money by ignoring the fact that some people are tempted to abuse the trust when money is involved.

We need to legislate for the real, not the ideal, world. Already there's been a suit filed alleging that public money has been used to purchase Bibles for religious instruction. I do not think any Member of this Committee would condone that.

Separating out the publicly funded activities from the specifically religious activities has always served to protect against this sort of problem.

Religious organizations in my district and all over the country do this all time. We work with them to obtain public funds for them, and they do outstanding work for the communities that we represent.

I have heard only two arguments why we should not require a separate entity. The first came from a minister who testified before

the Constitution Subcommittee about her community activities. She told us that they had become the process of setting up a 501(c)(3), and had even obtained legal assistance to do so, but dropped the whole thing because they felt uncomfortable with the idea.

Let me stress, her testimony was not that doing so violated a sincerely held religious belief of her congregation.

Is that a reason to change the law and risk lack of accountability in the use of public money?

No one is telling this church to stop engaging in their religiously motivated efforts to do good works. No one is telling the church that they cannot receive public money to do so. But feeling uncomfortable with requirements of accountability in the administration of public money is no reason to waive those requirements.

The other reason that has been given for opposing this requirement is that it is just too darn hard to draw up the incorporation papers and file them with the Secretary of State. Mind you, I've never heard this argument made by an actual religious organization. Indeed, many of the religious organizations that support this legislation have been setting up 501(c)(3)s for many years.

We are told that there are small congregations out there that just cannot muster the resources to do what daycare centers and newsstands and other small businesses and charities do all the time. This may be true, but my experience is that they do just fine and usually receive volunteer legal services from their community, just as they might receive free electrical work from a member of the congregation.

It also raises a red flag in my mind. If an organization cannot do the simple paperwork to set up a separate 501(c)(3), why is the Federal Government so confident that they can administer large sums of public money? I would take that as a warning sign.

I do, however, agree with the Chairman, who has added a new subsection in his mark, providing for technical assistance to those small organizations that may have trouble complying with this or other requirements necessary to administer a public program.

For that reason, my amendment makes clear that they shall be entitled to receive that assistance specifically for the purpose of complying with this new subsection. We should be encouraging people to do things the right way and people who are able to deliver needed social service should not be prevented from doing so because they lack the administrative know-how to work their ways through the rules.

My amendment addresses that problem so that simple but important requirement will not become an obstacle to participation.

Chairman SENSENBRENNER. The gentleman's time has expired. And I yield myself 5 minutes in opposition to the amendment.

This amendment is not necessary. And I believe that it is important that the religious organization have the choice on whether or not to set up a separate 501(c)(3) organization to operate its faith-based initiative activities or not. There is no requirement in the Constitution.

And let me explain what the bill does.

First of all, the bill provides for limited audits by the government agency administering the grant covered by the bill, and these are the grant recipients under that part of the faith-based initiative.

Religious organizations receiving funds directly from the government must establish separate accounts for deposit of the government funds received pursuant to a program established by H.R. 7. Only the separate accounts consisting of funds from the government shall be subject to audit by the government.

And that addresses the gentleman from New York's concern that the IRS would be snooping around in the private funds that the church uses for its religious activities.

Secondly, religious organizations providing assistance through indirect assistance may establish a separate account for deposit of the Federal funds. If the funds are so segregated, only the separate accounts consisting of funds from the government shall be subject to audit or review by the government as a result of accepting the indirect funds.

Because indirect aid to a faith-based organization is, quote, "akin to the government issuing a paycheck to an employee who in turn donates a portion of that check to a religious institution," unquote, and that comes from Justice O'Connor's concurring opinion in *Mitchell v. Helms*. Such aid is permissible under the Establishment Clause and need not be segregated into a separate account.

These are the same types of audits that the government agency can conduct of nonreligious organizations receiving the funds from programs covered by H.R. 7. The purpose of the audit is to determine that the funds are being accounted for appropriately without subjecting the church accounts that do not contain Federal funds to government rummaging.

So the bill as drafted is consistent with the Constitution. It is consistent with the Supreme Court decision. There should not be a requirement that the church set up a separate 501(c)(3) in order to receive either the direct funds or the indirect funds. But if they should choose to do so, there's nothing in this legislation stopping them.

And I yield back the balance of my time.

For what purpose does the gentleman from North Carolina seek recognition?

Mr. WATT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. Thank you, Mr. Chairman.

I rise in support of Mr. Nadler's amendment, but I do want to applaud the Chairman for his effort to dramatically improve what was in the original bill, H.R. 7, and at least require, at a minimum, a separate account, because that was not in the original bill. And I think the Chairman certainly recognized the problems with that.

But I think we really need to go further for a couple reasons. Last week, about 50,000 Baptists descended on the city of Charlotte in my congressional district. And they had a discussion about the faith-based initiative, but unfortunately I was in Washington and not able to attend.

But I sent a letter, and this is one of the two points that I made in my letter to the ministers and other religious people who attended that conference, that commingling of taxpayer funds with church funds, instead of requiring a separate nonprofit, would be dangerous for two reasons. First of all—and I'm reading now from

my letter, which I will ask unanimous consent to submit for the record, so that you'll have the entirety of the letter in the file.
[The letter of Mr. Watt follows:]



HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

MELVIN L. WATT
12TH DISTRICT, NORTH CAROLINA

*An Important Message from Congressman Mel Watt
About President Bush's Proposed "Faith-Based Initiative"*

Dear Christian Friends:

With great pride I welcome you to the 12th Congressional District of North Carolina. As so many of you gather this week in my district, I thought this would be an ideal opportunity for me to clarify the concerns that I and the Congressional Black Caucus have expressed about President Bush's proposed faith-based initiative. As you carefully consider our concerns please be assured that, contrary to what some would like for you to believe, they have nothing to do with either religious bias or partisan politics.

Religious institutions have always been at the forefront of addressing our country's most pressing social problems. They provide food for the hungry and shelter for the homeless and they have a long history of fighting injustice, from slavery to racial and other forms of discrimination. Faith-based organizations continue to do these things today, not to get government grants but as part of their fundamental religious mission to help others.

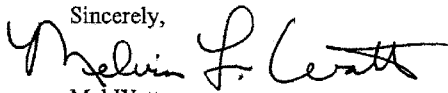
Many religious organizations already sponsor federally funded programs. Many of these organizations, such as Catholic Charities and Lutheran Services of America, receive substantial amounts of federal funding without any of the controversy associated with the President's proposal. They are funded like all other organizations and are subject to the same rules: 1) **they are prohibited from using taxpayer money to advance their religious beliefs because the Constitution requires the separation of church and state and 2) they must comply with civil rights laws that prohibit them from discriminating in employment.**

Unfortunately, President Bush has failed to inform the public that his proposed faith-based initiative includes new, controversial "charitable choice" provisions which would substantially change existing law. We strongly oppose two controversial features of his proposal:

- **The President's proposal would allow co-mingling of taxpayer funds with church funds instead of requiring a separate non-profit entity.** We believe this is dangerous for two reasons. First, it will make it more difficult, if not impossible, to separate the church's religious activities from the activities being undertaken with government funds and this will severely threaten the required separation of church and state. Second, we think this co-mingling of government and church funds will lead to serious legal (perhaps criminal) problems for some churches in the future and that the most likely victims of these legal problems will be small or minority churches or churches unwilling to support the President's political agenda.
- **The President's proposal would allow sponsors of federally funded programs to discriminate in employment on the basis of religion (and possibly even race) for the first time in 60 years.** Frankly, we are shocked to be engaged in a debate today about whether basic civil rights laws should apply to sponsors of federally funded programs. We recognize that support for anti-discrimination laws was not unanimous when these laws were passed in the 1960s. But we strongly believe that publicly funded employment discrimination was wrong in the 60s and it is still wrong today. While we are confident that most churches would not discriminate, we strongly object to churches being asked to sanction religious or racial discrimination in employment as the price for federal funds.

I fully support faith-based organizations, continuing to be involved in solving social problems. However, the two components of the President's faith based initiative described above are too high a price to pay for something you and your churches have been doing for years, with no government funding. I, therefore, hope you will join me, the Congressional Black Caucus and a growing list of religious organizations in telling the President to remove these controversial provisions from his faith-based proposal. If he refuses to do so, I hope you will join us in opposing the President's proposal.

Sincerely,



Mel Watt
Member of Congress
12th District of North Carolina

Mr. WATT. First, it makes it more difficult, if not impossible, to separate the church's religious activities from the activities being undertaken with government funds, and this will severely threaten the required separation of church and state.

Second—and really, this is more of a concern to me than even the first one. Second, we think this commingling of government and church funds will lead to serious legal, perhaps criminal problems for some churches in the future, and that the most likely victims of these legal problems will be small or minority churches, or churches unwilling to support a President's political agenda.

So basically, what I think we're on the verge of 5 years down the road if we allow funds to go directly into church coffers, either in

Human Services Committee, “In many communities, the only institutions that are in a position to provide human services are faith-based organizations. Providing grants to or entering into cooperative agreements with faith-based and other community organizations to provide Government services is something that has proven effective in the states over the past 5 years. As welfare reform continues to evolve, it is important that Government at all levels continues to explore innovative ways to provide services to its constituents. We are extremely pleased that the President is joining the states in exploring these new opportunities.”³⁴

Only two challenges to the constitutional application and implementation of charitable choice programs have been filed. Both suits are “as applied,” rather than “facial” challenges, to 42 U.S.C. § 604a. Each of these lawsuits was filed after Presidential candidate George W. Bush officially entered the race on June 12, 1999, and after then-Governor Bush delivered his first major policy address on faith-based organizations in Indianapolis, Indiana, on July 22, 1999.³⁵

Charitable choice provisions provide for a variety of safeguards to prevent their unconstitutional application. In order to obtain any Government funds, faith-based organizations must demonstrate that they can effectively deliver the services they are promising, respect clients’ civil liberties, and account for all public monies spent.

Subsection (i) of the Charitable Choice Act of 2001 also provides that a religious organization providing assistance under any covered program shall be subject to the same regulations as other non-governmental organizations to account in accord with generally accepted accounting principles for the use of such funds and its performance of the programs. Also, under subsection (i)(2)(A), religious organizations taking part in a covered program through a grant or cooperative agreement must segregate Government funds provided under such program into a separate account or accounts, and only the Government funds in the separate accounts will be subject to audit by the Government for purposes of monitoring their use in the covered Federal program. This is done, in part, to limit the scope of audits to funds from Government sources and thereby shield other accounts from Government monitoring.³⁶ Under subsection (i)(2)(B), religious organizations taking part in a covered program through indirect forms of assistance may, at their discretion, segregate Government funds provided under such program into a separate account or accounts. If they do so, only the Govern-

³⁴ News Release, “Faith Based Initiatives Nothing New to Nation’s State Lawmakers” (January 30, 2001).

³⁵ While litigation challenging elements of charitable choice programs has been minimal, H.R. 7, in subsection (n), contains a compliance provision that provides that a party alleging that their rights under section 1994A of H.R. 7 have been violated by a State or local government may bring a civil action for injunctive relief pursuant to 42 U.S.C. § 1983 (section 1979 of the Revised Statutes) against the State official or local government agency that has allegedly committed such violation. A party alleging that the rights of the party under section 1994A have been violated by the Federal Government may bring a civil action for injunctive relief in Federal district court against the official or Government agency that has allegedly committed such violation. This subsection limits parties alleging that their rights under section 1994A have been violated to injunctive relief, just as the 1996 Welfare Reform Act’s charitable choice limited liability for violations of its provisions to injunctive relief.

³⁶ The separate accounts are for purposes of segregating the funds used during the course of a Federal program described in subsection (c)(4), and isolating them in the event of a Government audit of their use in a covered program, and for no other purpose.

separate accounts or in commingled accounts, is a bunch of ministers and church people are going to run the risk of being indicted, and I've expressed this opinion in the hearings, and I think those indictments are more likely to be against people in smaller minority, probably churches that are not mainstream churches, because this will be used as a mechanism for—for kind of separating the good guys or the bad guys, possibly even separating the guys who support some political agenda from those who don't support a political agenda.

If we have these funds separated in a separate 501(c)(3) organization, I think we have minimized the prospect of that happening.

I'm the first to concede that there is not a legal constitutional requirement to do this, but I think the practical reasons for doing Mr. Nadler's amendment are just powerful, and I hope that my colleagues will support this amendment. I yield back, Mr. Chairman.

Chairman SENSENBRENNER. Okay. The question is on the amendment by Mr. Nadler to the Chairman's amendment. Those in favor will signify by saying aye.

Opposed, no.

The noes appear to have it. The noes have it, and the amendment is not agreed to.

For what purpose does the gentleman from New York seek recognition?

Mr. NADLER. I have another amendment at the desk.

Chairman SENSENBRENNER. The clerk will report another amendment.

Mr. NADLER. The undesignated amendment, the one without the number.

The CLERK. Amendment to the amendment to H.R. 7. Offered by Mr. Nadler, Mr. Conyers, Mr. Frank, Ms. Jackson Lee and Mr. Watt.

On page 18, line 1, insert before the period, "or shall such organization engage beneficiaries in such worship, instruction, or proselytization while they are receiving such assistance."

[The amendment follows:]

**Amendment to the Amendment to H.R. 7
Offered By Mr. Nadler, Mr. Conyers, Mr. Frank,
Ms. Jackson-Lee and Mr. Watt**

On page 18, line 1, insert before the period, ⁿor shall such organization engage beneficiaries in such worship, instruction, or proselytization while they are receiving such assistance."

Mr. NADLER. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman is recognized for 5—

Mr. NADLER. Can I ask unanimous consent that the first word in the quote should read "nor" not "or?"

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. NADLER. Thank you, Mr. Chairman. Mr. Chairman, this amendment makes clear that the program cannot seek to engage participants in proselytization while they're participating in a program. Obviously, religious organizations are free to engage in any

religious activity they wish, and participants are certainly free to participate in religious activities voluntarily. It is not enough to say that no funds may be used for this—for the proselytization. If this program will allow the program to be held in the religious institution, and allow the program to exist side by side with other religious activities, it would be easy to bring in someone to lead a prayer or proselytize who is not being paid for with the public money. We need to make clear that it simply cannot be a part of the publicly-funded activity.

We also need to make clear that voluntary participation means just that, voluntary. There can be no cajoling or other forms of coaxing or coercing of participants to come to the meeting, or participate in the religious activity. If they want to, that's fine, but I can tell you that the communities I represent are not pleased by the idea that someone who comes in out of the cold for help might become the target of someone who thinks they need to be spiritually completed. I, for one, am happy to remain incomplete and so are most of my constituents.

The idea of using government programs to convert people is repugnant, and we should be clear that it is not permitted. No one should have to run a gauntlet or experience the pressure of a so-called voluntary prayer or proselytization session when they go to receive a public service or a publicly-funded service. What should they do, leave the room, leave early? Let the church do its business. Let the program, the federally-funded program do its business, and leave the participants out of it. If they want to go to a church session, they're obviously free to do it.

This language should discourage subtle coercion, because, obviously, as I said before, it would be—the legislation now prohibits the use of the Federal funds for—itsself for proselytization, but it really doesn't prohibit other funds from being used to subject the subjects of the program to proselytization, and they ought to. I think it's saying that such organizations shall not engage beneficiaries in such worship, instruction or proselytization while they're receiving such assistance, is eminent common sense, and should be accepted, I hope, by the majority.

I thank you. I yield back.

Chairman SENSENBRENNER. For what purpose the gentleman from Ohio seek recognition?

Mr. CHABOT. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman, I'll be brief.

This is, again, it's an amendment which we consider to be unnecessary, and therefore I oppose it. The so-called opt-out provision allows a beneficiary to, in essence, take a pass on any parts of a social service that may include religious instruction, worship or proselytizing, and it's already clear. The opt-out language in the amendment reads, and I quote: "If the religious organization offers such an activity"—referring to religious instruction, worship or proselytizing—"it shall be voluntary for the individuals receiving services and offered separate from the program funded under Subsection (c)(4)." So it's been—

Mr. NADLER. Would the gentleman yield?

Mr. CHABOT.—I think crystal clear—

Chairman SENSENBRENNER. Would the gentleman yield to me?

Mr. CHABOT. I'd be happy to yield to the gentleman from Wisconsin.

Chairman SENSENBRENNER. This amendment goes even further than that, because if you read the text of the gentleman's amendment, a person who is a member of the church, who seeks social services that are funded through H.R. 7, can't go to church any more, because it said, "nor shall such organization engage beneficiaries in such worship, instruction or proselytization while they are receiving such assistance." So one could be an existing member of St. Anne's Catholic Church or the First Baptist Church, qualify for social services programs that are funded through H.R. 7 at their own church, and then the church can't engage the beneficiaries, even though they happen to be a pre-existing member of the church, in worship, instruction or proselytization.

Mr. NADLER. Would the gentleman yield?

Chairman SENSENBRENNER. I would hope that this amendment would be rejected for that reason as well.

Mr. NADLER. Would the gentleman yield?

Mr. CHABOT. Reclaiming my time, I'll yield to the gentleman from New York.

Mr. NADLER. Thank you. I think Mr. Chabot is correct in thinking that my amendment was incorrect and thinking that my amendment simply says the same thing as the bill. It does go further than the bill. I want to commend the ingenious legal mind of the Chairman for conjuring up an extreme interpretation of the amendment, way beyond what I intended or anybody else would ever conceive of, and so his interpretation goes way beyond the bill and the amendment.

All the amendment says, all the bill says, I should say, the bill says you can opt out, if they're engaging in a religious proselytization in the public service, you can opt out and go to a different public service which doesn't engage in that. You can leave the room. What the amendment says is that they may not engage in proselytization or worship during the provision of the social service. Whether or not that particular proselytization is paid for—in other words, the minister can't come into the room where they're doing the drug detox and lead a prayer.

It does not say—as the Chairman implies it says—that a member of the church who wants to go to the hot lunch program or the drug detox program can't do so or can't go to church again. All it does say—

Mr. CHABOT. Reclaiming my time.

Mr. NADLER. Can I say one more—

Mr. CHABOT. Reclaiming my time. All right, go ahead.

Mr. NADLER. All it says, a member of the church certainly could go to the hot lunch program or the detox program, and he can certainly continue to go to church. All this says is that at the hot lunch program, they cannot bring in someone to say—to lead the group in prayer. They can certainly lead the group in prayer upstairs in the church. I yield back.

Mr. CHABOT. Reclaiming my time, I'll yield to the other gentleman from Wisconsin, Mr. Green.

Mr. GREEN. I thank my colleague for yielding. I don't know who to believe here, my good friend from Ohio, or my good friend, the

Chairman, from Wisconsin. Why not just remove all shadow of doubt and defeat the amendment, and we won't have to deal with such problems.

Mr. CHABOT. Reclaiming my time, I continue to oppose the amendment for the reasons that I stated and the reason that the Chairman—and I'm going to go with my Chairman, and I yield back the balance of my time.

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Massachusetts seek recognition?

Mr. FRANK. Well, first, Mr. Chairman, I do want to note that while I—

Chairman SENSENBRENNER. Do you want to strike the last word?

Mr. FRANK. I want to strike the last 5 minutes, Mr. Chairman. [Laughter.]

Mr. FRANK. What I—

Chairman SENSENBRENNER. Without objection, the clock is turned back and the gentleman's recognized for the next 5 minutes.

Mr. FRANK. I am aware that in our profession we give ourselves in court the privilege of what is called pleading in the alternative, in which you can submit to a judge two entirely opposite theories and hope he'll pick one of them. I want to congratulate the majority for extending that, and in the previous amendment, arguing in the alternative, and opposing the gentleman from New York with two totally contradictory and opposing arguments. I guess anything that wins.

What bothers me is—and I think the language could use some tightening. I think the gentleman from Wisconsin made a point that wasn't intended, probably isn't the interpretation, but I agree that we could tighten it up a little.

And I want to get to that, to a procedural point, Mr. Chairman. It's been my understanding that it was the intention to complete this bill today. If that is the case, I want to object very strenuously, and this is an example. We have not been filibustering. We started on this very complicated subject early. We had a break for a vote. We came back again about a quarter to 2:00. No one thinks this bill is going to be on the floor as soon as we come back. Rushing through this extraordinarily complicated subject, on which a lot of people are sort of torn, and where there are a great number of difficult issues to deal with, in a couple of more hours on a day like today, when we're going to be further interrupted for votes, really does a disservice to this concept. I think people are trying seriously to work out how we can best tap the willingness of faith-based organizations to make an even greater contribution to the service of social problems.

And if you insist on using the majority to force the pace of this today, I think you will be making it harder rather than easier. And I'll show you why I am not fully ready. We didn't see this bill until late yesterday. It's a lot to try and deal with in a day. I think people are making a serious set of good-faith efforts to improve it. There are a whole lot of problems with beneficiary discrimination that we're going to get to. I have a problem with the opt out. I understand that. And certainly we don't want to say that if you are a member of the congregation and you're getting the service, you

can't participate. The Chairman has raised a point that I think has to be clarified. But I have problems with the opt out.

Again, I talked before about separate but equal. I mean we had a period in American history where we tried to maintain two separate sets of institutions, one for white people and one for black people. Now, nothing quite so invidious is being maintained here, but we are being told that we're going to have two separate sets of social programs. We're going to have the religious and the secular. And, again, it was a witness brought forward by the majority, Professor Laycock, who said this program will be a fraud unless we have two completely equal sets of institutions, and they have to be in each area. If you fund a program in one area, you're going to have to fund a secular program in that same area. And I think that, as I said, we learned before, separate is inherently unequal.

The opt out reminds me of what people tried to do in the cases in Oklahoma and Texas—McLoren and Sweatt are the cases—where they said, “Okay, we don't have a law school—we're not going to let black people into the white law school, but we'll send you out of State or let you go to law school in a separate place.” Again, we're not talking about anything as invidious as racial discrimination, but we're talking about something that still shouldn't be part of the policy of the United States Government. We're going to set up and fund with Federal tax dollars, to which you have contributed, religious organizations, and the intent is, of the current administration, obviously, to channel much of the social service programming through them. And then we'll say, “If you don't like this, if you have a constitutionally-protected objection to it, we'll let you opt out, we'll find you another way.” I am deeply skeptical that we will ever remotely approach equality. And the notion of an opt out is just offensive. It's, “Okay, well, you'll have to drop out. You'll have to go away here. You have to go there.” It puts a burden on the beneficiary that shouldn't be put, particularly since many of these intended beneficiaries are not the best organized, best integrated personalities in the world.

Now, these are very difficult issues. I raise them here because I think the Chairman made a point about the advisability of redrafting the gentleman from New York's amendment, but we can't do that in a couple of hours. We can't do that if that is the intention, to just rush this bill through today. For what? So that the majority can say, “Well, we got a bill out?” Because no one thinks it's going to the floor right away. We've been making a good-faith effort. I would hope that we would continue for a little while longer, and then recess this markup, and come back, give us a chance to look at things. I have found this useful. The gentleman from New York, my colleague from Brooklyn, has been trying very seriously to grapple with some of these issues.

So I have both a substantive point, which is I think that the amendment is better than the existing bill, but I think it could be further improved.

Of course, we have this other problem, by the way, because of the parliamentary footing that the majority chose to use. If in fact, we were dealing with an original text, the gentleman from New York's amendment would be further subject to amendment. The Chairman made a point, and I think it could have been done.

Chairman SENSENBRENNER. The gentleman's time has expired.

Mr. FRANK. That's now been preempted parliamentarily.

Mr. SCOTT. Mr. Chairman, Mr. Chairman?

Chairman SENSENBRENNER. For what purpose the gentleman from Virginia seek recognition?

Mr. SCOTT. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. SCOTT. And I'd like to inquire from the Chairman, whether or not the legislative intent of the language on page 17, line 24—or I guess beginning at line 20, says that no funds provided through a grant shall be expended for sectarian worship—sectarian instruction, worship or proselytization, and if the religious organization offers such activity, it should be voluntary for the individuals receiving the service, offered separate from the program. Whether that means that during the government-funded program there should be no worship, proselytization, sectarian instruction by volunteers or otherwise, and any religious activities would be totally separate and apart from—and voluntary—separate and apart from the government program? Is that—

Chairman SENSENBRENNER. The answer to the question is yes.

Mr. SCOTT. Thank you.

Chairman SENSENBRENNER. That's what it says. The question is on the Nadler amendment to the Chairman's amendment. Those in favor will signify by saying aye.

Opposed, no.

The noes appear to have it. The noes—

Mr. NADLER. rollcall, Mr. Chairman.

Chairman SENSENBRENNER. rollcall is ordered. The question is on agreeing to the amendment offered by the gentleman from New York, Mr. Nadler, to the amendment offered by the Chairman. Those in favor will, as your names are called, answer aye, those opposed no, and the clerk will call the role.

The CLERK. Mr. Hyde?

Mr. HYDE. No.

The CLERK. Mr. Hyde, no. Mr. Gekas?

[No response.]

The CLERK. Mr. Coble?

[No response.]

The CLERK. Mr. Smith?

[No response.]

The CLERK. Mr. Gallegly?

Mr. GALLEGLY. No.

The CLERK. Mr. Gallegly, no. Mr. Goodlatte?

[No response.]

The CLERK. Mr. Chabot?

Mr. CHABOT. No.

The CLERK. Mr. Chabot, no. Mr. Barr?

[No response.]

The CLERK. Mr. Jenkins?

[No response.]

The CLERK. Mr. Hutchinson?

Mr. HUTCHINSON. No.

The CLERK. Mr. Hutchinson, no. Mr. Cannon?

Mr. CANNON. No.

The CLERK. Mr. Cannon, no. Mr. Graham?

Mr. GRAHAM. No.
 The CLERK. Mr. Graham, no. Mr. Bachus?
 [No response.]
 The CLERK. Mr. Scarborough?
 Mr. SCARBOROUGH. No.
 The CLERK. Mr. Scarborough, no. Mr. Hostettler?
 Mr. HOSTETTLER. No.
 The CLERK. Mr. Hostettler, no. Mr. Green?
 Mr. GREEN. No.
 The CLERK. Mr. Green, no. Mr. Keller?
 [No response.]
 The CLERK. Mr. Issa?
 Mr. ISSA. No.
 The CLERK. Mr. Issa, no. Ms. Hart?
 Ms. HART. No.
 The CLERK. Ms. Hart, no. Mr. Flake?
 [No response.]
 The CLERK. Mr. Conyers?
 [No response.]
 The CLERK. Mr. Frank?
 Mr. FRANK. Aye.
 The CLERK. I'm sorry? Mr. Frank?
 Mr. FRANK. Aye.
 The CLERK. Mr. Frank, aye. Mr. Berman.
 [No response.]
 The CLERK. Mr. Boucher?
 [No response.]
 The CLERK. Mr. Nadler?
 Mr. NADLER. Aye.
 The CLERK. Mr. Nadler, aye. Mr. Scott?
 Mr. SCOTT. No.
 The CLERK. Mr. Scott, no. Mr. Watt?
 Mr. WATT. Aye.
 The CLERK. Mr. Watt, aye. Ms. Lofgren?
 [No response.]
 The CLERK. Ms. Jackson Lee?
 Ms. JACKSON LEE. Pass.
 The CLERK. Ms. Jackson Lee, pass. Ms. Waters?
 Ms. WATERS. Aye.
 The CLERK. Ms. Waters, aye. Mr. Meehan?
 [No response.]
 The CLERK. Mr. Delahunt?
 [No response.]
 The CLERK. Mr. Wexler?
 [No response.]
 The CLERK. Ms. Baldwin?
 Ms. BALDWIN. Aye.
 The CLERK. Ms. Baldwin, aye. Mr. Weiner?
 Mr. WEINER. No.
 The CLERK. Mr. Weiner, no. Mr. Schiff?
 Mr. SCHIFF. No.
 The CLERK. Mr. Schiff, no. Mr. Chairman?
 Chairman SENSENBRENNER. No.
 The CLERK. Mr. Chairman, no.

Chairman SENSENBRENNER. Are there additional Members in the room who desire to cast or change their vote? The gentleman from Pennsylvania?

Mr. GEKAS. No.

The CLERK. Mr. Gekas, no.

Chairman SENSENBRENNER. Gentleman from North Carolina?

Mr. COBLE. No.

The CLERK. Mr. Coble, no.

Chairman SENSENBRENNER. Gentleman from Georgia?

Mr. BARR. No.

The CLERK. Mr. Barr, no.

Chairman SENSENBRENNER. Gentleman from Tennessee?

Mr. JENKINS. No.

The CLERK. Mr. Jenkins, no.

Chairman SENSENBRENNER. Gentleman from Alabama?

Mr. BACHUS. No.

The CLERK. Mr. Bachus, no.

Chairman SENSENBRENNER. Gentleman from Florida?

Mr. KELLER. No.

The CLERK. Mr. Keller, no.

Chairman SENSENBRENNER. Gentleman from Arizona?

Mr. FLAKE. No.

The CLERK. Mr. Flake, no.

Chairman SENSENBRENNER. Gentleman from Florida?

Mr. WEXLER. Aye.

The CLERK. Mr. Wexler, aye.

Chairman SENSENBRENNER. Further Members who wish to cast—the gentlewoman from Texas.

Ms. JACKSON LEE. How am I recorded?

The CLERK. Ms. Jackson Lee, pass.

Ms. JACKSON LEE. Aye.

The CLERK. Ms. Jackson Lee, aye.

Chairman SENSENBRENNER. Further Members who wish to cast or to change their votes? If not, the clerk will report.

The CLERK. Mr. Chairman, there are 7 ayes and 22 nays.

Chairman SENSENBRENNER. And the amendment is not agreed to.

Are there further amendments to the amendment?

Mr. SCOTT. I have an amendment at the desk, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Mr. Chairman, I have an amendment at the desk, No. 6.

Chairman SENSENBRENNER. The clerk will report the Scott amendment No. 6.

The CLERK. Amendment to the amendment to H.R. 7, offered by Mr. Scott and Ms. Waters.

On page 10, line 10 strike “paragraph-” through—

Mr. SCOTT. Mr. Chairman—

Mr. CHABOT. Mr. Chairman, reserving a point or order.

Chairman SENSENBRENNER. A point of order is reserved. The gentleman from—

Mr. SCOTT. Move that reading be waived.

Chairman SENSENBRENNER. Without objection, the reading of the amendment will be waived and the gentleman from Virginia is recognized for 5 minutes.

[The amendment follows:]

Amendment to the Amendment to H.R. 7
Offered by Mr. Scott and Ms. Waters
Scott #6

On page 10, line 10 strike “paragraph-” through “(A) if” on line 11 and insert “paragraph if”.

On page 11, line 23 strike “; or” and insert and insert a period.

On page 11, strike line 24 and all that follows through page 12 line 15 and insert the following “(5) Nothing in this section shall affect any programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)”.

Mr. SCOTT. Mr. Chairman, this amendment that I'm offering with the gentlelady from California simply prevents charitable choice rules to applying to programs under the Elementary and Secondary Education Act. Both the Senate and House recently passed, by overwhelming majorities, bipartisan education bills. Charitable choice was not considered by either the House or the Senate authorizing Committees, nor was it debated on the House or Senate floors, because doing so would have jeopardized an otherwise bipartisan bill. As controversial as charitable choice is in the social service context, and even more so when applying it to elementary and secondary programs. For the first time ever, H.R. 7 would establish direct grants to pervasively sectarian institutions, including private religious schools, to run elementary and secondary programs. The courts have not even decided the constitutionality of vouchers in situations like this, an indirect aid scenario, and here we are immediately providing direct aid to these institutions.

Charitable choice is not needed for churches and other houses of worship to participate in these programs, so long as they comply with civil rights laws. But the meager protections that are in charitable choice for adults, are simply inadequate when running pro-

grams for children. The provisions prohibiting proselytization during government services does not go far enough when we deal with children. The law has consistently differentiated between children and adults, for example, when we talk about prayers. Children are more susceptible to coercion, and so we can have city council approved prayers at official ceremonies involving adults, but we can't have school-sponsored prayers dealing with children. Here children represent a truly captured audience, and even proselytization that occurs outside of a program may cross the line, particularly when parents are not consulted or informed.

Now, I would like to add that the language providing alternatives is particularly unrealistic in a school situation, given the huge demands for these programs and the current system's inability to meet that demand. The quote, "alternatives" available to children are particularly obnoxious because all of the normal children would go to one program, while the one or two children belonging to another religion would have to be separated and relegated to another room.

I'd like to note that the original charitable choice bill introduced by then Senator Ashcroft, covered just about everything except elementary and secondary education programs. This amendment is supported by the National Education Association, the American Federation of Teachers, the American Association of School Administrators, and I'd like to submit their letters of support for the record.

Chairman SENSENBRENNER. Without objection.

Mr. SCOTT. I yield back.

[The material referred to follows:]

ment funds in the separate accounts will be subject to audit by the Government.³⁷

Further, it is not uncommon for program policies to require of providers periodic compliance self-audits in which any discrepancies uncovered in such a self-audit must be promptly reported to the Government along with a plan to timely correct any deficiencies. H.R. 7, in subsection (i)(3), requires such a self-audit for faith-based organizations receiving Federal funds. This is done to further meet the monitoring requirements required by *Mitchell v. Helms* to prevent diversion of funds to religious indoctrination.³⁸

A CONSTITUTIONAL ANALYSIS OF CHARITABLE CHOICE PRINCIPLES BEGINS WITH AN ASSESSMENT OF THEIR NEUTRALITY TOWARD RELIGION

In order to minimize governmental influence over individual religious choices, governmental programs should be neutral regarding the individual choices, whether religious or nonreligious, of the needy who are served by these programs. Recently, a majority of the Justices of the Supreme Court emphasized the importance of this neutrality principle in deciding cases under the Establishment Clause in *Mitchell v. Helms*.³⁹ The plurality opinion stated that, “In distinguishing between indoctrination that is attributable to the State and indoctrination that is not, we have consistently turned to the principle of neutrality, upholding aid that is offered to a broad range of groups or persons without regard to their religion . . . [I]f the Government, seeking to further some legitimate secular purpose, offers aid on the same terms, without regard to religion, to all who adequately further that purpose [,] then it is fair to say that any aid going to a religious recipient only has the effect of furthering that secular purpose.”⁴⁰ Justice O’Connor, in her concurring opinion in *Helms*, in which she was joined by Justice Breyer, also acknowledged that “neutrality is an important reason for upholding Government-aid programs,” a reason which the Supreme Court’s recent cases have “emphasized . . . repeatedly.”⁴¹

From Justice O’Connor’s opinion, when combined with the numbers comprising the plurality, it can be said that: neutral, indirect aid to a religious organization does not violate the Establishment Clause,⁴² and neutral, direct aid to a religious organization does not, without more, violate the Establishment Clause.⁴³

Other cases decided by the Supreme Court also make clear that neutrally administered Government programs, open to all, are con-

³⁷ Because indirect aid to a faith-based organization is “akin to the Government issuing a paycheck to an employee who, in turn, donates a portion of that check to a religious institution,” *Mitchell v. Helms*, 530 U.S. 793, 841 (O’Connor, J., concurring in the judgment) (2000), such aid is permissible under the Establishment Clause and need not be segregated into a separate account for monitoring purposes.

³⁸ 120 S.Ct. 2530, 2541 (2000) (upholding constitutionality of school aid program known as chapter 2, in which the Federal Government distributes funds to State and local governmental agencies, which in turn lend educational materials and equipment to public and private schools, including religious schools, with the enrollment of each participating school determining the amount of aid that it receives).

³⁹ *Id.* at 2541 (2000).

⁴⁰ *Mitchell v. Helms*, 120 S.Ct. 2530, 2541 (2000) (plurality opinion).

⁴¹ *Mitchell v. Helms*, 120 S.Ct. 2530, 2557 (2000) (O’Connor, J., concurring in the judgment).

⁴² *Id.* at 2558–59 (concurring opinion).

⁴³ *Id.* at 2557 (concurring opinion).

nea
NATIONAL EDUCATION ASSOCIATION

*Robert F. Chase, President
Reg Weaver, Vice President
Dennis Van Roekel, Secretary-Treasurer*

*1201 16th Street, N.W.
Washington, D.C. 20036-3290*

John I. Wilson, Executive Director

*GOVERNMENT RELATIONS
Mary Elizabeth Teasley, Director
202-822-7321 FAX: 202-822-7741*

June 27, 2001

Judiciary Committee
U.S. House of Representatives
Washington, DC 20515

Dear Judiciary Committee Member:

On behalf of the National Education Association's (NEA) 2.6 million members, we would like to express our strong support for an amendment to be offered by Representative Scott (D-VA) that would strike charitable choice provisions for after-school and tutoring programs from the Community Solutions Act of 2001 (H.R. 7).

NEA believes that increasing the role of faith-based organizations in government programs raises serious issues – particularly in the areas of separation of church and state, religious discrimination, and accountability for the use of taxpayer dollars. First, constitutional provisions on the establishment and free exercise of religion prohibit the introduction of any sectarian practices into the public school system. An expanded charitable choice plan could violate this prohibition by subjecting beneficiaries of educational services to religious worship or instruction.

In addition, NEA is deeply concerned that expansion of charitable choice could open the door to federally-funded employment discrimination and the violation of the religious liberties of those receiving services. Charitable choice proposals contain no assurances against taxpayer funded religious employment discrimination. Indeed, by claiming that an employee has violated a religious tenet or doctrine of the group, a religious organization providing educational services could unfairly discriminate against an employee paid with federal funds.

Finally, charitable choice proposals undermine accountability for use of taxpayer dollars. Federal dollars flow directly to religious organizations, which could be free from reporting and monitoring requirements. In addition to academic standards, recipients of charitable choice funds could also be exempt from civil rights, certification and training, and health and safety standards. Any efforts to hold religious organizations accountable for their use of federal funds would likely result in unconstitutional excessive government entanglement.

Charitable choice is a controversial and divisive issue that will serve only to stall an important, bipartisan bill. We urge the Committee to drop charitable choice provisions from H.R. 7.

Sincerely,


Mary Elizabeth Teasley
Director of Government Relations



555 NEW JERSEY AVENUE, N.W.
WASHINGTON, DC 20001-2079
202-879-4401

SANDRA FELDMAN
PRESIDENT

EDWARD J. MACFARLEY
SECRETARY-TREASURER

NAT LACOUR
EXECUTIVE VICE PRESIDENT

June 27, 2001

Members
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative:

On behalf of the more than one million members of the American Federation of Teachers, I strongly urge you to support an amendment offered by Representative Scott that will strike the provisions applying charitable choice to afterschool education programs from H.R. 7, the "Community Solutions Act of 2001."

Allowing federal funds to flow directly to pervasively sectarian religious organizations to provide government services such as education through charitable choice raises serious constitutional issues regarding the separation of church and state. Under charitable choice beneficiaries of government programs could be subjected to proselytization, religious worship or instruction. Although the bill does not permit the use of federal funds for proselytization, organizations could use private funds for this purpose. This could force susceptible young children in education programs to listen to religious messages that make them uncomfortable and may be contrary to their family's religious orientation.

The AFT is also extremely concerned that charitable choice in H.R. 7 would allow government-funded employment discrimination. Under H.R. 7, religious organizations receiving federal funds would be allowed to refuse to hire individuals based on their religion. This represents a dangerous step backward for civil rights in this country.

In addition, H.R. 7 would undermine accountability for the use of public funds. Religious organization providing education services, for example, could not be subjected to the same oversight and accountability for student achievement as other providers without risking excessive government entanglement with religion.

I urge you to remove the badly flawed and divisive charitable choice provisions from H.R. 7.

Sincerely,

Charlotte J. Fraas
Director, Department of Legislation



American Association of School Administrators

June 26, 2001

The Honorable Bobby Scott
Attn: Theresa Tilling-Thompson
Senior Legislative Assistant
2464 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Scott:

The American Association of School Administrators, the professional organization of more than 14,000 local school leaders, wishes to express our support for your amendment to strike the provision in HR 7 that would apply "charitable choice" to after school and tutoring programs.

The section you would strike, should it remain in the bill, would establish the dangerous precedent of authorizing direct federal payments to religious institutions for elementary and secondary education programs. Congress has long held that poor children in religious schools will receive federal educational assistance provided by the local school district in a neutral setting, a program that continues to work well. Further, local schools already partner with churches in a range of after school activities, with the school district being the fiscal agent and responsible for ensuring program accountability.

In the name of "charitable choice," the bill would allow discrimination in hiring based on religion, a practice not tolerated in any public school; a practice that runs counter to the very premise of our establishment as a nation.

The Community Solutions Act, by granting churches—in the "Compliance" provisions—the right to sue local school authorities, if the church believe its "rights" to federal funding "have been violated," opens a Pandora's box that will only hurt children in local communities.

We envision a multitude of lawsuits being filed against local school districts, because any religious organization believing it has a right to federal after school funds can and likely will bring suit, at tremendous cost to local taxpayers.

We do not have sufficient resources, as it is, to educate our most disadvantaged children. Diverting scarce federal dollars to churches not only conjures constitutional issues, but also dilution of funds that would otherwise work to the benefit of all children, regardless of creed.

In closing, we thank you for moving to strike the education provisions of this misguided legislation. Congress must direct the nation's considerable resources toward education, not litigation.

Sincerely

Nicholas J. Penning
Nicholas J. Penning
Senior Legislative Analyst

01 North Moore Street ▲ Arlington, Virginia 22209-1813 ▲ 703.528.0700 ▲ Fax 703.841.1543 ▲ <http://www.aasa.org>

Chairman SENSENBRENNER. The gentleman from Ohio insist upon his point of order?

Mr. CHABOT. I'll withdraw my point of order, Mr. Chairman.

Chairman SENSENBRENNER. Does the gentleman seek recognition?

Mr. CHABOT. I do. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman. I'll be brief.

I oppose the amendment. The amendment in essence would eliminate adult GED and after-school programs from coverage, and these are very important programs that provide very important

services to significant people within our Nation, and should not be excluded. The Supreme Court has upheld direct government funding to elementary schools, provided that the proper monitoring procedures are in place. So for those and other reasons, we oppose this amendment.

Mr. WEINER. Would the gentleman yield for a question? Would the gentleman yield for a question?

Mr. CHABOT. I'd yield.

Mr. WEINER. I'm predisposed to oppose the amendment as well, but the gentleman, in his explanation, offers an interesting question. What if you have an after-school program, you have a student or say two students who opt out of it? According to the bill, they have to be provided with a program, an alternative that has a value that is not less than the value of the assistance that the individual would have received from such organizations. How—how do you, as the Chairman of the Subcommittee, see that working? Part of the value of an after-school program is you are hanging out with a bunch of other children, you have different rooms to travel in, you have a basketball court in one room and arts and crafts, a tutoring program. Do you envision an after-school program being constructed of the same value, meaning you have a gym with one kid running around, you have a tutoring program where the tutor waits to see if that kid wants to stop by, a wicker workshop in the next room, seeing if maybe that fellow wants to run in there. How do you conceive of the opt-out program working in a construct of the underlying bill?

Mr. CHABOT. Will the gentleman yield?

Mr. WEINER. Sure, it's your time.

Mr. CHABOT. I thank the gentleman for yielding. The recipient clearly has the option, if they object to a religious program providing that service, to go to either another religious program, or secular program—

Mr. WEINER. Right.

Mr. CHABOT. And that will be determined on a case-by-case basis as to whether it's been appropriate and whether it's of comparable funding, and they're entitled to that under this bill.

Mr. WEINER. Will the gentleman yield further? Will the gentleman yield further?

Mr. CHABOT. It's your time.

Mr. WEINER. Actually, it's not. It's your time, but I appreciate it.

Mr. CHABOT. I'll yield.

Mr. WEINER. In Cincinnati, in your district, in Brooklyn, in mine, you can't shake a stick without hitting an after-school program. Thank goodness there are plenty of alternatives around. But the explanation for why this is needed, we've also—we've always been pointed to the parts of our community that are served by churches that are sometimes not in big cities. Let's say it's a corner of rural Idaho that has an after-school program set up in the local Baptist church in the basement. They have an after-school program. Someone in rural Idaho who's not of that faith feels uncomfortable, or a child doesn't want to go to that after-school program. What do you envision—how is this actually going to work on the ground? You say it has to be something of equal value. How do you replicate that in a community that has no other after-school programs because it also has to be accessible? I'm curious. In the real world,

in that real world example, how would you envision the bill working?

Mr. CHABOT. Reclaiming my time.

Mr. WEINER. Certainly.

Mr. CHABOT. I think the gentleman raises a very important, very interesting point. This is something that he and I and Mr. Green had an opportunity to discuss on the floor a bit. I don't know that we're ever going to come to a conclusion which is satisfactory to the gentleman, but we're going to—you know, you have to look at it. You mentioned Idaho as an opportunity, a rural area. It may be a little bit more difficult there than it might be in a large city, to provide a comparable service, but that's something that's going to have to be worked out. And ultimately we may end up in the court in determining how this—injunctive relief—not for money damages, but for injunctive relief—but this is again something that we've had for some time.

Mr. WEINER. But what do you—

Mr. CHABOT. Under Welfare Reform—under Welfare Reform, we've had this, for example, since 1996, and this is not new law, it's an expansion of existing law, in essence, and I'd be happy to continue to yield to the gentleman.

Mr. WEINER. Well, certainly. But putting aside the litigation, what do you envision? I mean, you're a supporter of the bill. It was your Subcommittee and you're an expert in this. What do you envision in that case, and what's the dream Chabot scenario? How does it work out? Do we really—are going to have to create? Is that rural Idaho community going to have to create—I mean, what do you think is going to happen, I'm asking?

Mr. CHABOT. Reclaiming my time, I cannot, with great candor, determine exactly what the program in Idaho is going to do, nor should I be the one that should make that determination. As our former Chairman, Mr. Hyde, mentioned, there's an army of people out there that want to provide services for the right reasons. These are people of goodwill who really care about helping underprivileged children, about helping homeless children, about providing after-school care, a whole range of activities out there that our country needs in great amounts for all kinds of people for all kinds of reasons. And we're trying to provide the resources to many groups and organizations and faith-based organizations that have not, unfortunately, been able to take advantage of this and provide those services for some time. We're going to have to see in practice how this actually works, and they're going to have to work within the constraints and the confines of this law.

So again, I commend the President for putting this program forward, and I commend this body for debating this issue in an intelligent manner and trying to craft good legislation, but I can't tell you exactly what it's going to look like in Idaho, and I yield back the balance of my time.

Mr. WEINER. Would the gentleman yield?

Mr. FRANK. Mr. Chairman? Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Massachusetts seek recognition?

Mr. FRANK. To strike the last word, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. FRANK. I think we have gotten to one of the serious problems with this bill. The gentleman from Brooklyn was taking the argument seriously, and he's being told, well, we don't know how it's going to work out. I've asked to be distributed an excerpt from the transcript of the hearing that the gentleman from Ohio's Subcommittee had with Professor Laycock from the University of Texas, who was here at the request of the majority to be a strong witness in favor of this program. And Professor Laycock says, on page 48 in what's been given out, "We will not put religious conditions on the money to the provider and we will protect the beneficiary by really making available an alternate provider. You have got to really do that or this program is a fraud."

And on the next page, 64, actually my name is omitted, it begins with me. I ask him about this, and he says again—I say, "Do we have to have in place a complete alternative set of programs that meet the condition?" And Mr. Laycock says, at line 1510, "If you read my written testimony, you will see I said yes, this is where the real issue is. How do we make this happen? This is a religious liberty bill, it is not a funding bill. The higher the levels of funding the better this will work."

Well, he says you have to have a complete parallel set, but what bothers me is, I then turn to Mr. Esbeck, representing the administration, the Justice Department, and I asked him if he agreed with Mr. Laycock that you had to have the complete set of alternatives, and he said no. That's why I do not believe that this promise is going to be kept. Indeed it isn't even being made by the administration. I can't charge them with breaking a promise. They won't make it.

Here's Mr. Esbeck on page 66, lines 1527: "let's say it is a drug rehabilitation service, if they have one objector, they could simply employ a clinical psychologist to deliver the services to that one particular individual." We're now going to have the social service delivered by the one individual.

I said, well, what if there were 6 or 7 or 11? The administration has basically answered the gentleman from New York and said, no, we're not even going to try.

And I finally asked him—and this is at the bottom of page 67—"Do you agree with Professor Laycock's characterization that for this program to be fair and justifiable there needs to be a substantively equal secular alternative set of programs?"

Mr. Esbeck, representing the Justice Department, the administration witness here: "I think in my earlier answer I was showing you an example where that was not necessary. So I guess the answer is no."

The problem is that without a lot more work, given the administration's position, we are being asked to adopt a program that will work out, in the words of Professor Laycock, fraudulently.

Mr. WEINER. Will the gentleman yield?

Mr. FRANK. Yes.

Mr. WEINER. I just want to make a point. I mean, I think it's also important to know that a job training program teaching people to type, you can very easily send a typist over to a person's home or have them meet in someone's office and teach them to type. What troubles me about after-school programs is the very nature of after-

school programs. You can't just remove a child from that environment and then surround them with people——

Mr. FRANK. Well——

Mr. WEINER. I'm sorry.

Mr. FRANK. No, I agree with the guy, when he's saying this context—but by the way, that's true of job training programs. As everyone knows, job training programs don't simply teach you the physical skill. They teach you how to get up and get there on time. They teach you how to work with other people. Whenever you are dealing—we are dealing here with problems that are often behavioral, and the notion that it's equal if you just send a clinical psychologist there, to being part of this social setting, is wrong. And again, I am disturbed because Mr. Esbeck, on behalf of the Bush administration, denies what seems to many of us to be the central principle on which we've heard. He says, no, Professor Laycock is wrong. You don't have to do it equally.

Now, the relevance of that is this: the more you allow religious content in the program, the more you generate the possibility that people are going to want a separate program which is going to cost a lot of money, which will be very difficult with our current fiscal situation, and which Mr. Esbeck says won't be there. So while we cannot control in this the funding, this is an argument, it seems to me, for diminishing the likelihood that you're going to drive people to want that alternative. That's why some of us have supported some of these amendments that try to preserve this right. But fundamentally, what this transcript shows is the witness that the majority brought forward, the professor from the University of Texas, Mr. Laycock, says, here's what you need to make this fair, and the Justice Department says basically, no, we're not going to do that.

Chairman SENSENBRENNER. The gentleman's time has expired. For what purpose does the gentlewoman from California, Ms. Waters, seek recognition?

Ms. WATERS. To strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. WATERS. It was mentioned that within a few weeks ago the House and Senate passed bills reauthorizing the Elementary and Secondary Education Act programs. Provisions within each bill allow community groups to compete for after-school grants and to provide tutoring assistance to pupils attending low-performing schools. These measures are intended to improve our children's education.

However, neither bill included a charitable choice amendment to establish direct grants to private religious schools and other sectarian entities, to provide educational services to elementary and secondary students. Such an amendment was not even considered on the floor or in Committee, and yet that's exactly what this bill would do. It would sneak in direct grants to religious groups through the back door.

If this is an important aspect to educational services, then why wasn't it discussed when we dealt with the education reauthorization bill? I think I know why: because the authors of the bill knew that such a provision would be very objectionable to the Education and Workforce Committee and that it would undergo far too much scrutiny on the floor.

Well, we must not allow such underhanded tactics. Charitable choice is offensive and problematic enough without adding in provisions relating to after-school and tutoring. These provisions would again entangle the Government with religion. To allow our Government to dole out funding to private religious schools is to invite an inappropriate melding of church and state.

I would like to quote from a letter I received yesterday from the American Federation of Teachers in opposition to H.R. 7. It says in part, and I quote, "Allowing Federal funds to flow directly to pervasively sectarian religious organizations, to provide Government services such as education through charitable choice, raises serious constitutional issues regarding the separation of church and state."

The letter goes on to note that the bill could force susceptible young children in education programs to listen to religious messages that make them uncomfortable and may be contrary to their family's religious orientation.

We here on the Judiciary Committee are very consciously working within our jurisdictional guidelines. The authors of this bill should be held to the same standard. These provisions should not be in this bill, and I urge you to strike them.

Ms. LOFGREN. Would the gentlelady yield?

Ms. WATERS. I yield to the gentlelady from California.

Ms. LOFGREN. I think that your statement is wise, and I would like to make an additional observation about the amendment before us.

In the example raised by the gentleman from New York, he described an after-school program that might be located at a church or an institution, a faith-based institution. But oftentimes these after-school programs are actually located at the school, and there is very limited space, and you might have outside groups that come in and actually provide the services on the school site.

If the Wiccans actually had the lowest-cost program and they want to come on to the school site and provide the after-school care, they agree not to proselytize, but they're dressed as witches. The parents don't have another option. The kid is at school. The kid can't go anywhere else. The school can't accommodate an additional program. So you're going to end up with the Wiccans and no possibility of implementing the opt-out that is essential to even arguably making this bill constitutional. And I thank the gentlelady for yielding.

Chairman SENSENBRENNER. Would the gentlelady yield?

Ms. WATERS. Let me just—

Chairman SENSENBRENNER. Would the gentlelady yield further?

Ms. WATERS. Reclaiming my time, I would think that my friends on the opposite side of the aisle would really be afraid of what has been constructed in this bill that would allow their children to receive religious messages that do not comport or agree with where they stand religiously in the family. I think this is the greatest possible intrusion.

Let me just say, if you're an adult, you can tell somebody about what offends you, you don't like it. But what do children know? What do children know who are put in this position? We are sending them for tutoring, for after-school programs, and to have to encounter the possibility of being given religious messages by people

you don't know and you certainly don't agree with. I think this is not a liberal issue. This is really not a conservative issue. But I have heard conservatives more than anybody else talk about protecting the right of parents to be able to infuse the values that they care about in their children rather than having other people interfere with that.

Chairman SENSENBRENNER. The gentlewoman's—

Ms. WATERS. I think this is dangerous.

Chairman SENSENBRENNER.—time has expired. The question is on the amendment offered by the gentleman from Virginia, Mr. Scott, to the Chairman's amendment. Those in favor will say aye. Opposed, no? The noes appear to have it.

Ms. WATERS. rollcall.

Chairman SENSENBRENNER. A rollcall is requested and will be ordered. The question is on the adoption of the Scott amendment to the Chairman's amendment. Those in favor will, as your names are called, answer aye; those opposed, no; and the clerk will call the roll.

The CLERK. Mr. Hyde?

Mr. HYDE. No.

The CLERK. Mr. Hyde, no. Mr. Gekas?

Mr. GEKAS. No.

The CLERK. Mr. Gekas, no. Mr. Coble?

[No response.]

The CLERK. Mr. Smith?

[No response.]

The CLERK. Mr. Gallegly?

Mr. GALLEGLY. No.

The CLERK. Mr. Gallegly, no. Mr. Goodlatte?

[No response.]

The CLERK. Mr. Chabot?

[No response.]

The CLERK. Mr. Barr?

[No response.]

The CLERK. Mr. Jenkins?

[No response.]

The CLERK. Mr. Hutchinson?

Mr. HUTCHINSON. No.

The CLERK. Mr. Hutchinson, no. Mr. Cannon?

Mr. CANNON. No.

The CLERK. Mr. Cannon, no. Mr. Graham?

[No response.]

The CLERK. Mr. Bachus?

Mr. BACHUS. No.

The CLERK. Mr. Bachus, no. Mr. Scarborough?

[No response.]

The CLERK. Mr. Hostettler?

Mr. HOSTETTTLER. No.

The CLERK. Mr. Hostettler, no. Mr. Green?

Mr. GREEN. No.

The CLERK. Mr. Green, no. Mr. Keller?

Mr. KELLER. No.

The CLERK. Mr. Keller, no. Mr. Issa?

[No response.]

The CLERK. Ms. Hart?

Ms. HART. No.
 The CLERK. Ms. Hart, no. Mr. Flake?
 Mr. FLAKE. No.
 The CLERK. Mr. Flake, no. Mr. Conyers?
 [No response.]
 The CLERK. Mr. Frank?
 Mr. FRANK. Aye.
 The CLERK. Mr. Frank, aye. Mr. Berman?
 [No response.]
 The CLERK. Mr. Boucher?
 [No response.]
 The CLERK. Mr. Nadler?
 Mr. NADLER. Aye.
 The CLERK. Mr. Nadler, aye. Mr. Scott?
 Mr. SCOTT. Aye.
 The CLERK. Mr. Scott, aye. Mr. Watt?
 Mr. WATT. Aye.
 The CLERK. Mr. Watt, aye. Ms. Lofgren?
 Ms. LOFGREN. Aye.
 The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
 Ms. JACKSON LEE. Pass.
 The CLERK. Ms. Jackson Lee, pass. Ms. Waters?
 Ms. WATERS. Aye.
 The CLERK. Ms. Waters, aye. Mr. Meehan?
 [No response.]
 The CLERK. Mr. Delahunt?
 [No response.]
 The CLERK. Mr. Wexler?
 [No response.]
 The CLERK. Ms. Baldwin?
 Ms. BALDWIN. Aye.
 The CLERK. Ms. Baldwin, aye. Mr. Weiner?
 Mr. WEINER. Aye.
 The CLERK. Mr. Weiner, aye. Mr. Schiff?
 Mr. SCHIFF. Aye.
 The CLERK. Mr. Schiff, aye. Mr. Chairman?
 Chairman SENSENBRENNER. No.
 The CLERK. Mr. Chairman, no.
 Chairman SENSENBRENNER. Additional Members in the room
 who wish to cast or change their vote? The gentleman from North
 Carolina?
 Mr. COBLE. No.
 The CLERK. Mr. Coble, no.
 Chairman SENSENBRENNER. The gentleman from Ohio?
 Mr. CHABOT. No.
 The CLERK. Mr. Chabot, no.
 Chairman SENSENBRENNER. The gentleman from South Caro-
 lina?
 Mr. GRAHAM. No.
 The CLERK. Mr. Graham, no.
 Chairman SENSENBRENNER. The gentleman from Tennessee?
 Mr. JENKINS. No.
 The CLERK. Mr. Jenkins, no.
 Chairman SENSENBRENNER. The gentleman from Georgia?
 Mr. BARR. No.

stitutional.⁴⁴ The Committee also notes that the Supreme Court has never struck down a governmental funding program—state or Federal—as violative of the Establishment Clause where the program was directed to the needs of social services or health care.⁴⁵

DIRECT FUNDING OF FAITH-BASED ORGANIZATIONS TO HELP MEET
BASIC HUMAN NEEDS, THROUGH GRANTS AND COOPERATIVE AGREEMENTS,
IS CONSTITUTIONAL

Direct payments may be made to faith-based organizations for public purposes without violating the establishment clause. The Supreme Court has held that faith-based organizations providing services that meet social service needs may be federally funded. In *Bowen v. Kendrick*,⁴⁶ the Supreme Court upheld the direct Federal funding of faith-based counseling centers addressing teenage sexuality under the Adolescent Family Life Act (“AFLA”), which was passed by Congress in 1981 in response to the “severe adverse health, social, and economic consequences” that often follow pregnancy and childbirth among unmarried adolescents. The AFLA established a program for providing direct monetary grants to public or nonprofit private organizations or agencies “for services and research in the area of premarital adolescent sexual relations and pregnancy.”⁴⁷

In *Bowen*, the Court found that Congress had expressly recognized that Government alone could not solve the problems of adolescent premarital sexual relations, and that it intended through its legislation to encourage greater involvement from faith-based

⁴⁴ See *Agostini v. Felton*, 521 U.S. 203, 231–32 (1997) (“[I]t is clear that title I [educational] services are allocated on the basis of criteria that neither favor nor disfavor religion ... The services are available to all children who meet the act's eligibility requirements, no matter what their religious beliefs or where they go to school ... The Board's program does not, therefore, give aid recipients any incentive to modify their religious beliefs or practices in order to obtain those services.”); *Zobrest v. Catalina Foothills School District*, 509 U.S. 1, 8 (1993) (sustaining section of Federal statute providing all “disabled” children with necessary aid, stating “We have never said that religious institutions are disabled by the First Amendment from participating in publicly sponsored social welfare programs [f]or if the Establishment Clause did bar religious groups from receiving general Government benefits, then a church could not be protected by the police and fire departments, or have its public sidewalk kept in repair.”); *Witters v. Washington Department of Services for the Blind*, 474 U.S. 481, 487–88 (1986) (sustaining Washington law granting all eligible blind persons vocational assistance, including assistance at religious institutions); *Mueller v. Allen*, 463 U.S. 388, 398–99 (1983) (sustaining Minnesota statute allowing all parents to deduct actual costs of school, including religious school, tuition, textbooks, and transportation, from State tax returns); *Board of Ed. of Central School Dist. No. 1 v. Allen*, 392 U.S. 236, 243–244 (1968) (sustaining New York law loaning secular textbooks to all children, including those at religious schools); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 16–18 (1947) (sustaining local ordinance authorizing all parents to deduct from their State tax returns the costs of transporting their children to schools, including religious schools, on public buses).

⁴⁵ See *Bowen v. Kendrick*, 487 U.S. 589 (1988) (upholding the direct Federal funding of faith-based counseling centers addressing teenage sexuality under the Adolescent Family Life Act); *Bradfield v. Roberts*, 175 U.S. 291 (1899) (upholding an agreement between the Commissioners of the District of Columbia and a religiously affiliated hospital whereby the Federal Government would pay for the construction of a new building on the grounds of the hospital). *Bradfield v. Roberts* was cited by the Supreme Court in *Bowen*, 487 U.S. at 609 (“We note in addition that this Court has never held that religious institutions are disabled by the First Amendment from participating in publicly sponsored social welfare programs. To the contrary, in *Bradfield v. Roberts*, the Court upheld an agreement between the Commissioners of the District of Columbia and a religiously affiliated hospital whereby the Federal Government would pay for the construction of a new building on the grounds of the hospital. In effect, the Court refused to hold that the mere fact that the hospital was ‘conducted under the auspices of the Roman Catholic Church’ was sufficient to alter the purely secular legal character of the corporation, particularly in the absence of any allegation that the hospital discriminated on the basis of religion or operated in any way inconsistent with its secular charter. In the Court’s view, the giving of Federal aid to the hospital was entirely consistent with the Establishment Clause, and the fact that the hospital was religiously affiliated was ‘wholly immaterial.’”) (citations omitted).

⁴⁶ 487 U.S. 589 (1988).

⁴⁷ S.Rep. No. 97–161, at 1 (1981).

The CLERK. Mr. Barr, no.
 Chairman SENSENBRENNER. Additional Members in the room who wish to cast or——
 Ms. JACKSON LEE. How am I recorded, Mr. Chairman?
 The CLERK. Ms. Jackson Lee, pass.
 Chairman SENSENBRENNER. The gentlewoman from Texas?
 Ms. JACKSON LEE. Aye.
 Chairman SENSENBRENNER. Does the gentlewoman from Texas wish to change her vote?
 Ms. JACKSON LEE. I was—yes, I'd like to vote aye.
 The CLERK. Ms. Jackson Lee, aye.
 Chairman SENSENBRENNER. If there are no further Members who wish to cast or change their vote, the clerk will report.
 The CLERK. Mr. Chairman, there are 10 ayes and 17 nays.
 Chairman SENSENBRENNER. And the amendment is not agreed to.
 Are there further amendments?
 Ms. LOFGREN. Mr. Chairman, I have——
 Chairman SENSENBRENNER. The gentlewoman from California—I was instructed by the Democratic staff to recognize the gentlewoman from California next. For what purpose does the gentlewoman from California seek——
 Ms. LOFGREN. I have an amendment at the desk designated the Lofgren-Schiff amendment.
 Chairman SENSENBRENNER. The clerk will report the amendment.
 The CLERK. Amendment to the amendment to H.R. 7, offered by Representative Lofgren and Representative Schiff, strike section 104.
 [The amendment follows:]

Amendment to the Amendment to H.R. 7

Offered by Rep. Lofgren AND REP. SCHIFF

Strike Section 104.

Chairman SENSENBRENNER. The gentlewoman from California is recognized for 5 minutes.
 Ms. LOFGREN. Mr. Chairman, we have had a lengthy and I think useful discussion about the role of religious and the need to protect the free exercise of religion, but there's something else in this bill that also needs to be attended to that I don't think is really about charitable choice at all, and that is section 104 that this amendment would strike.
 It appears to me to be written for really no other purpose than to shield corporations from the responsibility they should continue to have for those items or services they may contribute or, if you look at the plain language, also rent or charge a fee for. This bill creates such a high standard, namely, either gross negligence or intentional misconduct, that it almost guarantees immunity from li-

ability for injuries or death that could result from furnishing materials, vehicles, real property to nonprofit agencies.

Let me just give a couple of examples. On page 3 of the Chairman's amendment, there is a liability relief for business entities that provide use of facilities to nonprofit organizations, specifically when the use occurs outside of the scope of the business or the business entity; it's limited also that the injury or death would occur when the facility is used by the nonprofit entity and that it's authorized by the business.

Section (b)(2) indicates that the facility doesn't even have to be donated to the nonprofit. It can be rented or a profit could be made by the business for furnishing space.

Well, think about some scenarios that could be covered by this. For example, you've got a store in a city and there's extra room in back of the store that is rented, because times are tough in the commercial world, to a baby-sitter, a nonprofit baby-sitter, perhaps even a church. Now, the store owner neglects to check the smoke detectors, and the store owner neglects to make sure that the emergency exits are cleared. When the facility catches fire and the 3-year-olds are injured, the store owner would be exempt from liability for the injuries sustained by the pre-schoolers because the conduct involved would be mere negligence, not gross misconduct or intentional misconduct.

Let me give another example in the motor vehicle section on page 4. Take a corporation—it's very common. The corporations have vans that they use for their own employees. Times are tough in the corporate world, especially in Silicon Valley. If a corporation decides to lease or rent that employee van to the Girl Scouts but fails to check on the bald tires, that van flips and incinerates the Girl Scout troop, the business that has made a profit by providing that van to the Girl Scouts is immune from liability for their negligence. And I can't imagine that that's what the proponents of charitable choice wish to do.

Finally, on page 5, there's a provision eliminating liability for business entities providing tours of facilities. Now, I must confess, I have thought long and hard about why this provision would be here because this is not even limited to nonprofits. It appears to be completely extraneous to the whole issue that we've been discussing all day, which is faith-based matters. It appears that if you were a factory owner and you did a tour for salesmen, and the salesmen in the bowels of the manufacturing facility ended up being beamed by a faulty line, that you would be exempt from liability under this section, although that has absolutely nothing to do with religion. So I am just bemused by that.

I also am astonished, frankly, that in the manager's amendment, the few sections that would carve out liability when misconduct is a sexual offense, when misconduct is a hate crime, when misconduct violates a Federal or State civil rights law, when misconduct——

Chairman SENSENBRENNER. The gentlewoman's time has expired.

Ms. LOFGREN. I'd ask unanimous consent for an additional minute.

Chairman SENSENBRENNER. Without objection.

Ms. LOFGREN. When misconduct is a crime of violence, those have been removed in the amendment. So if you had—I know a woman who is a psychologist who specializes in counseling child molesters for a profit, she's in business. If she rents out the first floor of her building to the day care and her clients molest the children in the day care, this bill is going to preclude any finding of liability for that negligence, and I cannot believe that that is something that proponents of faith-based programs would wish to do. And I yield back the balance of my time.

Chairman SENSENBRENNER. The Chair will recognize himself for 5 minutes in opposition to the amendment.

Section 104 provides that businesses that provide in-kind charitable contributions shall not be liable for death or injury arising from the use of those contributions unless there is gross negligence or intentional misconduct. The gentlewoman spotted the fact that the original bill had a number of instances contained in there, including hate crimes and sexual assaults. Those are all intentional misconduct, and there is no exemption from liability if any of the beneficiaries under charitable choice are victims of that kind of activity.

The liability protection in the manager's amendment applies in four instances: first, when a charity uses equipment donated by a business; second, when a charity uses the facilities of a business; third, when a charity uses motor vehicles or aircraft of a business; and, fourth, when a charity takes a tour of the facilities of a business.

This provision extends to those matters the same basic concept that this Committee embraced for volunteers in the Volunteer Protection Act of 1997. That bill passed this Committee by a vote of 20 to 7. It passed the House by a vote of 390 to 95. It passed the other body by a vote of 99 to 1 and was signed into law by former President Clinton.

I am hopeful that we can have the same type of bipartisan support for this provision that we had for the Volunteer Protection Act. The basic idea is that donating something to a charity should not be a high-risk venture. You should not have to endure unlimited liability for ordinary negligence to be a good corporate citizen. That type of litigation limits the good works that charities can do.

For example, potential liability for the use of donated motor vehicles can discourage businesses from helping kids go on a field trip or to get to summer camp. We do not want these kinds of good works hindered by the threat of lawsuits.

For those of you who don't like this type of protection, we've also taken care of your concerns. All the States under the manager's amendment are free to override the provisions of this section and to reinstate liability laws should they choose. I think it is unlikely that States would reject this type of provision, but they can do so if they choose.

I yield back the balance of my time and declare the Committee in recess—

Mr. FRANK. Mr. Chairman—

Chairman SENSENBRENNER.—and come back following the votes.
[Recess.]

Chairman SENSENBRENNER. The Committee will be in order. Pending at the time of the recess was the Lofgren amendment striking section 104—

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER.—of the Chairman's mark. For what purpose does the gentleman from Massachusetts seek recognition?

Mr. FRANK. To strike the last word, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. FRANK. Mr. Chairman, first, I am still puzzled as to why this bill decides that any tour of a business facility, including one for which people pay, is a matter of faith-based.

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. FRANK. Yes.

Chairman SENSENBRENNER. I would ask unanimous consent that the Sensenbrenner amendment be modified to delete that section.

Mr. FRANK. I object, Mr. Chairman—oh, delete the whole section?

Chairman SENSENBRENNER. No. To delete the section relating to tours.

Mr. FRANK. Tours. No objection.

Chairman SENSENBRENNER. Without objection, so ordered.

Mr. FRANK. Well, I thank the Chairman for that. I still—I'm a little frustrated because I am denied the explanation of how it got in here in the first place. I think that would be a more interesting tour than those for which you were going to give people liability. But the gentleman's point illustrates the absolute unreasonableness of the apparent decision by the House leadership that this Committee must finish this bill. I believe that the Chairman has played up until now a very constructive role in trying to improve this bill, and I appreciate what he did. I realize that matters of scheduling are not entirely autonomous ones for the Committee.

But precisely because the Chairman was working so hard to get some revisions, we on our side of the aisle did not see this bill until yesterday afternoon. This is a very complex bill. It has a lot of references to other statutes. It is a subject on which a number of Members feel favorably inclined in some ways, subject to some amendments. And because of the way things have turned out, we are going to be asked to pass this bill without it being given adequate consideration.

It is now a time when many Members have left on both sides. I have had Members on both sides say to me, gee, I got a plane to catch. No doubt that the majority will be able to muster a quorum, at least a working quorum, to shut down debate on the bill if they can't quite get it voted out. And those who are insisting that this be done—I don't impute this desire to the Chairman. Those who are insisting that this be done do this whole bill, this whole concept, a disservice.

Again, the Chairman just agreed, we needed an amendment here. The Chairman earlier pointed out what I thought was a flaw in the wording of the amendment offered by the gentleman from New York. I've got amendments to deal with other parts of this bill. The beneficiaries section has some serious problems.

One of the things that's clear to me, if you look at this bill, is that it is a license for people to discriminate against gay and lesbian people. Beneficiaries, for instance, are protected against dis-

crimination based on some laws, but they are explicitly not protected against discrimination based on State laws, and that is an invitation for people to discriminate based on sexual orientation.

I'd like to be able to explore these things, but what we're going to be dealing with now—members are barely here, even after they've been asked, some Members will be leaving, Members are under pressure to get out of town. A complicated bill involving important constitutional and policy questions is being rushed through, and why? It cannot come to the floor of the House for 10 days and, indeed, will not come to the floor of the House very soon. The rational thing to do would be to resume on this bill, even on the Tuesday. Members had originally been told there would be voted on Monday. We could come back on Tuesday in July and have the 4 or 5 hours left to consider this. Instead, consideration of this bill will be truncated. Important questions will not be dealt with fairly. It will be voted out under pressure. A bill that was substantially revised, to the good—and I appreciate the revisions—but revised so late given the timing of the markup that we did not have adequate chance to prepare.

Now, that's what you do if you were trying not to resolve an important public policy issue, but if you're trying to get some political points because you think you're in trouble. Obviously, things have not been going well for the administration in their mind, and so they felt that they needed before this recess to have a success to talk about. And the sole purpose of this rushed and truncated markup on a bill which we have not had adequate chance to study is so the administration can recoup a little of what it has lost. And it does this at the expense of the effort to build a consensus behind this bill.

We were prepared to be serious about this, to debate it. We were working our way through the issues. We got through the employment issue. We were going to get into the beneficiary issue. We've made also serious progress in dealing with the question of the proselytization. But that now gets—that plug gets pulled because no one thinks between now and whatever time the deadline will come you're going to get adequate consideration given all these constraints.

I really very much regret that this has happened.

Chairman SENSENBRENNER. The time of the gentleman has expired.

The gentleman from Virginia, Mr. Scott?

Mr. SCOTT. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I would hope that we would adopt this amendment so we could give coherent attention to the issue. This is a tort reform issue, not a charitable choice issue. As the Chairman has pointed out, we have good Samaritan laws that might achieve bipartisan consensus, but we can't do that in the middle of a charitable choice debate. There are some provisions that involve motor vehicles, for example, where we usually exempt motor vehicle liability because there's usually insurance. We don't have time to really do this, and I would hope we'd accept this amendment and try to deal with the issue on another day.

I yield back.

Ms. LOFGREN. Would the gentleman yield?

Mr. SCOTT. I yield to the gentlelady from California.

Ms. LOFGREN. I think your point in terms of the insurance issue is a good one, and I wanted to make just two additional comments about the amendment and also the deletion of the carve-outs in the underlying bill.

The Chairman is obviously correct that a sexual offense is an intentional act and, therefore, would not be—would be covered under the underlying bill. But the point is that liability can attach to someone other than the tortfeasor in the case of some sexual attacks, for example, the famous case where negligence in the lock that allowed the hotel guest to be—to have a room broken into and to be raped. And there was negligence found on the part of the hotel.

If, for example, you have—and I gave an earlier example of someone who I actually happen to know who is a psychologist, whose specialty is child molesters. If that person rents space in the bottom of her building and then hires as an attendant or a handyman a registered child molester, and the child molester molests the children in the downstairs basement, you can—sure, you can go ahead and sue the child molester, but chances are he is going to be judgment-proof. And it's the negligence of the owner of the building that really needs to be called into account, number one, so that there can be remedial funds made available to counsel the children who have been damaged; and, number two, there's a reason for tort law, which is to hold people to ordinary standards of care. And the idea isn't just to tag people once they've messed up, but to have people think and not do stupid things so that we live in a safer environment.

I think that the elimination of the sex provision and the crime of violence provision and the hate crime provision is a serious mistake. I object to the whole section, but at least we ought to have those carve-outs because I think they are serious issues.

I thank the gentleman for yielding to make those points.

Chairman SENSENBRENNER. The gentleman yields back.

The question is—the gentleman from New York, Mr. Nadler.

Mr. NADLER. Thank you, Mr. Chairman. I want to simply say that I agree with the amendment of the gentlelady from California. And having said that, I want to associate myself with the remarks of Mr. Frank. I am very disturbed by the rush job of this bill. As Mr. Frank said, we first saw this bill or the Chairman's mark late last—oh, 6, 7 o'clock yesterday, I think it was. And there's obviously not been a proper time—enough time to do a proper job of analyzing this and going through it.

Now, of course, given the way we rushed through the tax bill, that may be a pattern.

Let me say one other thing, though. There are rumors afloat today that there may be a move by the Chairman to move the previous question at some time tonight. I earnestly hope that's not the case. In the 9 years I've been on the Committee, I recall three occasions—I recall two occasions when the previous question was called. The previous question, of course, eliminating the right of the minority or, for that matter, perhaps majority Members to offer amendments. Once was during the Contract on America, I forget which bill it was, and the Chairman at that time was apologetic

and in effect said he had no choice, he had been instructed to get the bill out that day by the Speaker or whoever. But we had had 4 or 5 days on the bill.

Earlier this year, you, sir, called the previous question. And maybe there was a reason in that one Member of the Committee was being obstreperous in offering dilatory—using many dilatory tactics. Nobody's doing—nobody's doing that today. If we simply do not have enough time to go through all the amendments today, a second day of markup on a bill of this nature is not too much to ask. It would be a gross violation of comity between the parties and of the traditions, I think, at least in the years that I've been here, of the Committee to move the previous question. And I hope that the Chairman won't do it, and I hope that it will not be necessary for the minority, if he should do it, to engage in a lot of dilatory tactics for the rest of the session.

Thank you, Mr. Chairman.

Chairman SENSENBRENNER. The question is on the Lofgren amendment to the Chairman's amendment. Those in favor will signify by saying aye. Opposed, no? The noes appear to have it.

Ms. LOFGREN. rollcall, Mr. Chairman.

Chairman SENSENBRENNER. A rollcall is requested. The question is on agreeing to the Lofgren amendment to the Sensenbrenner amendment. Those in favor will, as your names are called, answer aye; those opposed, no; and the clerk will call the roll.

The CLERK. Mr. Hyde?

Mr. HYDE. No.

The CLERK. Mr. Hyde, no. Mr. Gekas?

Mr. GEKAS. No.

The CLERK. Mr. Gekas, no. Mr. Coble?

Mr. COBLE. No.

The CLERK. Mr. Coble, no. Mr. Smith?

[No response.]

The CLERK. Mr. Gallegly?

[No response.]

The CLERK. Mr. Goodlatte?

Mr. GOODLATTE. No.

The CLERK. Mr. Goodlatte, no. Mr. Chabot?

[No response.]

The CLERK. Mr. Barr?

Mr. BARR. No.

The CLERK. Mr. Barr, no. Mr. Jenkins?

[No response.]

The CLERK. Mr. Hutchinson?

Mr. HUTCHINSON. No.

The CLERK. Mr. Hutchinson, no. Mr. Cannon?

[No response.]

The CLERK. Mr. Graham?

Mr. GRAHAM. No.

The CLERK. Mr. Graham, no. Mr. Bachus?

[No response.]

The CLERK. Mr. Scarborough?

[No response.]

The CLERK. Mr. Hostettler?

Mr. HOSTETTLER. No.

The CLERK. Mr. Hostettler, no. Mr. Green?

Mr. GREEN. No.
The CLERK. Mr. Green, no. Mr. Keller?
Mr. KELLER. No.
The CLERK. Mr. Keller, no. Mr. Issa?
[No response.]
The CLERK. Ms. Hart?
Ms. HART. No.
The CLERK. Ms. Hart, no. Mr. Flake?
[No response.]
The CLERK. Mr. Conyers?
[No response.]
The CLERK. Mr. Frank?
Mr. FRANK. Aye.
The CLERK. Mr. Frank, aye. Mr. Berman?
[No response.]
The CLERK. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
Mr. NADLER. Aye.
The CLERK. Mr. Nadler, aye. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson Lee, aye. Ms. Waters?
[No response.]
The CLERK. Mr. Meehan?
[No response.]
The CLERK. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
[No response.]
The CLERK. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
Mr. SCHIFF. Aye.
The CLERK. Mr. Schiff, aye. Mr. Chairman?
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman, no.
Chairman SENSENBRENNER. Are there additional Members—the gentleman from California?
Mr. GALLEGLY. No.
The CLERK. Mr. Gallegly, no.
Chairman SENSENBRENNER. Are there additional Members who desire to cast their votes or to change their votes? If not, the clerk will report.
The CLERK. Mr. Chairman, there are 7 ayes and 13 nays.
Chairman SENSENBRENNER. And the amendment is not agreed to.
Are there further amendments?

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Massachusetts, Mr.——

Mr. FRANK. I offer an amendment. It's the one that's headed, "Offered by Mr. Frank and Ms. Baldwin."

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to the amendment to H.R. 7, offered by Mr. Frank and Ms. Baldwin. Page 15——

Mr. FRANK. I ask unanimous consent that it be considered as read.

Chairman SENSENBRENNER. Without objection.

[The amendment follows:]

AMENDMENT TO THE AMENDMENT TO H.R. 7

OFFERED BY MR. FRANK AND MS. BALDWIN

Page 15, line 23, after "subsection (f)(3)" insert "on any basis prohibited under applicable Federal, State, or local law or".

Page 16, strike line 1 and all that follows through line 8 and insert the following:

1 “(2) INDIRECT FORMS OF DISBURSEMENT.—A religious
2 organization providing assistance through a voucher,
3 certificate, or other form of indirect disbursement under a
4 program described in subsection (c)(4) shall not
5 discriminate, in carrying out the program, against an
6 individual described in subsection (f)(3) on any basis
7 prohibited under applicable Federal, State, or local law or
8 on the basis of religion, religious belief, or a refusal to hold
9 a religious belief.”

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. FRANK. This goes to a section we have not previously debated. We've dealt with employment discrimination. This deals with beneficiary discrimination.

Now, on page 15, we have non-discrimination against beneficiaries. Interesting, the very fact that we are dealing with this shows the controversial nature of some aspects of this program. Or-

organizations in addressing these issues.⁴⁸ The Court was satisfied that encouraging such involvement by faith-based organizations served a clear secular purpose.⁴⁹ The Court also found that there was nothing inherently religious about services funded under the AFLA.⁵⁰ The Court saw nothing troubling in the congressional recognition that religion and religious organizations play an important part in solving social ills.⁵¹ Finally, the Court refused to countenance the notion that a faith-based organization could not receive direct Federal funds for the provision of public welfare services without impermissibly lending the imprimatur of Government on religious activity.⁵²

Further, in *Committee for Public Education and Religious Liberty v. Regan*,⁵³ the Supreme Court explained that, “We decline to embrace a formalistic dichotomy that bears so little relationship either to common sense or the realities of school finance. None of our cases requires us to invalidate these reimbursements simply because they involve payments in cash. The Court ‘has not accepted the recurrent argument that all aid is forbidden because aid to one aspect of an institution frees it to spend its other resources on religious ends.’”).

THE SUPREME COURT HAS REJECTED OBJECTIONS TO FUNDING FAITH-BASED ORGANIZATIONS THAT ARE PREMISED ON THE DISCRIMINATORY NOTION THAT THEIR EMPLOYEES CANNOT BE TRUSTED TO FOLLOW GUIDELINES

Arguments that employees of faith-based organizations simply cannot be trusted to follow guidelines preventing the use of Government funds for proselytizing activities have been decisively rejected by the Supreme Court. Both the plurality opinion and the opinion of Justice O'Connor in *Mitchell v. Helms* stand for the prop-

⁴⁸ See *Bowen v. Kendrick*, 487 U.S. 589, 595–96 (1988) (“Indeed, Congress expressly recognized that legislative or governmental action alone would be insufficient ... Accordingly, the AFLA expressly states that federally provided services in this area should promote the involvement of parents, and should ‘emphasize the provision of support by other family members, religious and charitable organizations, voluntary associations, and other groups.’ [42 U.S.C. §300z(a)(10)(C)].”) (emphasis added).

⁴⁹ See *id.*, at 602 (“As we see it, it is clear from the face of the statute that the AFLA was motivated primarily, if not entirely, by a legitimate secular purpose—the elimination or reduction of social and economic problems caused by teenage sexuality, pregnancy, and parenthood. [42 U.S.C. §§300z(a), (b)].”).

⁵⁰ See *id.*, at 594, 605 (1988) (“[T]he statute contains a listing of ‘necessary services’ that may be funded. These services include pregnancy testing and maternity counseling, adoption counseling and referral services, prenatal and postnatal health care, nutritional information, counseling, child care, mental health services, and perhaps most importantly for present purposes, ‘educational services relating to family life and problems associated with adolescent premarital sexual relations’ ... Certainly it is true that a substantial part of the services listed as ‘necessary services’ under the act involve some sort of education or counseling, but there is nothing inherently religious about these activities and appellees do not contend that, by themselves, the AFLA’s ‘necessary services’ somehow have the primary effect of advancing religion.”).

⁵¹ See *id.*, at 606–07 (1988) (“Putting aside for the moment the possible role of religious organizations as grantees, these provisions of the statute reflect at most Congress’ considered judgment that religious organizations can help solve the problems to which the AFLA is addressed ... Nothing in our previous cases prevents Congress from making such a judgment or from recognizing the important part that religion or religious organizations may play in resolving certain secular problems.”).

⁵² See *id.*, at 613–14 (1988) (“The facially neutral projects authorized by the AFLA—including pregnancy testing, adoption counseling and referral services, prenatal and postnatal care, educational services, residential care, child care, consumer education, etc.—are not themselves ‘specifically religious activities,’ and they are not converted into such activities by the fact that they are carried out by organizations with religious affiliations.”).

⁵³ 444 U.S. 646, 658 (1980) (upholding reimbursements to religious K-12 schools for State-required testing and rejecting a rule that direct cash payment was never permitted). The Supreme Court has been especially sensitive to Establishment Clause issues in the context of K-12 schools.

dinarily, when the Federal Government is funding programs, we don't worry about discrimination against beneficiaries. But apparently there is the perception from people who know this best that some of the organizations receiving this money might be inclined to discriminate against beneficiaries. Obviously, that is impermissible with Federal funds.

But the problem is that it seems to me to be very incomplete. There is a provision on page 13—I think it's inappropriately placed, but I hope it's suppose to mean that. Under section (e), employment practices, there's subsection (1) and then subsection (2), and subsection (2) says, "Nothing in this section alters the duty of a religious organization to comply with certain laws."

Now, it's placed in the bill as if it only applied to employment. I am assuming we would clarify that it was meant to imply to beneficiaries as well as employment. If not, we'll have some problems. But even assuming that for the moment, here's what it says: You shall not, if you are a religious organization, discriminate based on title VI of the Civil Rights Act, race, color, or national origin, sex in education but not elsewhere under title IX, and then section 504 of the Rehab Act and the Age Discrimination Act.

It then says you shouldn't discriminate based on religion. Well, one of the things it clearly leaves out, I believe intended, was any State law that added to these protections. And, obviously, what we are talking about primarily here are State laws that ban discrimination against people based on their sexual orientation.

In other words, this bill licenses the recipients of these funds to discriminate against beneficiaries based on their sexual orientation, because by terms it says no discrimination based on race, on color, on national origin, on disability.

By the way, it also would allow some discrimination based on sex, because title IX deals with discrimination in educational programs or activities on the basis of sex, but other discrimination on the basis of sex would apparently be allowed.

My amendment—and it's cosponsored by the gentlewoman from Wisconsin, who had to leave—says you shall not, if you take these funds, discriminate based on any basis prohibited under Federal, State, or local law. In other words, I do not think the Federal Government ought to take this as a license—I do not think the Federal Government ought to license private organizations to violate State anti-discrimination law, but the bill does that. The bill says if you take Federal funds for this program—previously the gentlewoman from Wisconsin had said if you have both a mix of Federal and private funds, you could avoid State anti-discrimination laws in employment. Well, now that also happens with regard to the beneficiaries. And obviously it is intended to allow some organizations to say no to gay, lesbian, bisexual, or transgendered people who might otherwise be protected by State law and deny them these benefits.

Now, again, we have the mythical separate but equal alternative. Yes, if you're denied these benefits, theoretically there will be another existing set. But it is abhorrent to be told that you can't even have your choice of these.

We're not talking now about someone who says, oh, I don't want this religious instruction—or I don't want this religious organization giving me the service. We're talking about someone who wants

the service, who is protected against discrimination by State law, but who by virtue of this bill can be turned away from a federally funded program when the State law would protect him or her against discrimination because this law allows a discrimination against not the employment—the employees, but the beneficiaries.

I think that is significantly unworthy of something that comes in the guise of trying to alleviate our social distress, and I point it also would allow sex discrimination in non-educational activities. I do not understand how people can consider this to be a great social advance.

Chairman SENSENBRENNER. The gentleman's time has expired.

For what purpose does the gentleman from Ohio, Mr. Chabot, seek recognition?

Mr. CHABOT. Move to strike the last word, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman. I'll be very brief.

I oppose the amendment, rise to oppose it. There is no reason to believe that either gays or lesbians would be or should be discriminated by any of the programs here. There's absolutely no intention in that or any reason to believe that that's the case, and for that reason we oppose it.

Mr. FRANK. Would the gentleman yield?

Mr. CHABOT. I'd be happy to yield.

Mr. FRANK. Well, but I would assume you would also think there was no reason to believe that people would discriminate based on race or conditions of disability, yet you put into the bill that they can't. So if we're going to go on the good-faith assumption that it wouldn't happen, it wouldn't be in the bill. In fact, you put several categories in the bill and leave out State laws, which are the only protections that now exist for gays and lesbians.

Mr. CHABOT. Well, reclaiming my time, Congress has the opportunity—has had the opportunity to act in this area, thus far at the Federal level has chosen not to do so. There's no reason for this bill to be the vehicle for that occurring. It's a debate that it's a legitimate—

Mr. FRANK. Would the gentleman yield? Because the gentleman misstates me.

Mr. CHABOT. I'm not yielding yet. So there's no—there's no reason in this specific bill to have this be the bill that deals with that particular—

Mr. FRANK. Would the gentleman yield?

Mr. CHABOT. I'll yield.

Mr. FRANK. And neither does the amendment that we offer do that. The amendment does not name any categories. What the amendment says is we will respect State law. This is not an effort to include in Federal law any new protection.

I would also point out that the bill includes a protection that's not in Federal law, religious discrimination. So you don't confine yourself in this bill to banning only that discrimination currently banned under Federal law. You add, as you should, religious discrimination. So the question is: Why do we pre-empt State law here in this one area, or whatever area the States want to add?

Mr. CHABOT. Well, reclaiming my time, this is Federal dollars which the Federal Government has the right to essentially set the

rules on. And thus far Congress has chosen not to act with respect to discrimination relative to gays or lesbians. There's no reason for us to——

Mr. FRANK. Would the gentleman yield?

Mr. CHABOT. This particular—I'll be happy——

Mr. FRANK. Thank you. But neither has Congress done this with regard to religion. You added religion here. This is not simply saying only those which the Federal Government had done. And there might be State laws—State laws may offer more protection on the basis of sex discrimination, not sexual orientation but sex, than Federal law. You allow that to be overridden. You only protect sex discrimination in regard to education, and there is no general ban here on sex discrimination. Some States which have equal rights amendments, they would find these disregarded.

I understand that Congress has the power to do that. I simply don't understand why in the context of a bill that's supposed to be enhancing our sense of compassion we license people to discriminate against some categories that their States have tried to protect against discrimination.

Mr. CHABOT. Reclaiming my time, under existing law, other than based upon religion, you clearly cannot discriminate for race, color, national origin, or any other item, and this is just the determination that there's no reason to bring in sexual orientation under this particular bill. It's a legitimate debate for Congress to have at some point in time. This is not the bill to do that——

Mr. FRANK. If the gentleman would yield, that——

Mr. CHABOT. Essentially what we're trying to do here is we're trying to allow religious groups who can provide good services for people who really need the help, whether it's women who are being abused, whether it's children, whether it's—a whole range of very needy people. We want to allow religious groups to compete for those existing dollars because we realize that some of those groups can do a better job than others——

Mr. FRANK. Would the gentleman yield?

Mr. CHABOT.—and we want to provide the best service, the most efficient service to those needy people as we possibly can. And there are, as I mentioned, race and color and national origin. Those are all protected, as we already had the religious discussion and the discrimination relative to religion, all the way back to the 1964 civil rights law. It was determined not to include religion. It's just—it's the belief that this is not the law to deal with gays or lesbians, the sexual orientation issue. I'll be happy to yield.

Mr. FRANK. If the gentleman would yield, I am appalled by that. What you're saying is because we haven't done it before, this is a new program, it's expanding it. And, yes, if you're abused and, yes, if you're in trouble, you'll get help, but if a group getting Federal funds decides that because you're a lesbian, the fact that you've been abused as a wife, they can deny you, you say that's okay. That's appalling.

Mr. CHABOT. Well, reclaiming my time, again, it's been stated this is an expansion of existing programs. In essence, much of this is not new programs. We're already doing this. We were doing this under the welfare reform bill back in 1996, which was signed by President Clinton. To my knowledge, there's nothing in there rel-

ative to discrimination of gays and lesbians, and, again, this is not the bill to do that. And I yield back the balance of my time.

Chairman SENSENBRENNER. The question is on the Frank amendment to the Chairman's amendment. Those in favor will say aye. Those opposed, no? The noes appear to have it.

Mr. FRANK. rollcall.

Chairman SENSENBRENNER. A rollcall will be ordered. All those in favor of the Frank amendment to the Sensenbrenner amendment will, as your names are called, answer aye; those opposed, no; and the clerk will call the roll.

The CLERK. Mr. Hyde?

Mr. HYDE. No.

The CLERK. Mr. Hyde, no. Mr. Gekas?

Mr. GEKAS. No.

The CLERK. Mr. Gekas, no. Mr. Coble?

[No response.]

The CLERK. Mr. Smith?

[No response.]

The CLERK. Mr. Gallegly?

Mr. GALLEGLY. No.

The CLERK. Mr. Gallegly, no. Mr. Goodlatte?

Mr. GOODLATTE. No.

The CLERK. Mr. Goodlatte, no. Mr. Chabot?

Mr. CHABOT. No.

The CLERK. Mr. Chabot, no. Mr. Barr?

Mr. BARR. No.

The CLERK. Mr. Barr, no. Mr. Jenkins?

[No response.]

The CLERK. Mr. Hutchinson?

[No response.]

The CLERK. Mr. Cannon?

Mr. CANNON. No.

The CLERK. Mr. Cannon, no. Mr. Graham?

[No response.]

The CLERK. Mr. Bachus?

[No response.]

The CLERK. Mr. Scarborough?

[No response.]

The CLERK. Mr. Hostettler?

Mr. HOSTETTLER. No.

The CLERK. Mr. Hostettler, no. Mr. Green?

Mr. GREEN. No.

The CLERK. Mr. Green, no. Mr. Keller?

Mr. KELLER. No.

The CLERK. Mr. Keller, no. Mr. Issa?

[No response.]

The CLERK. Ms. Hart?

Ms. HART. No.

The CLERK. Ms. Hart, no. Mr. Flake?

[No response.]

The CLERK. Mr. Conyers?

[No response.]

The CLERK. Mr. Frank?

Mr. FRANK. Aye.

The CLERK. Mr. Frank, aye. Mr. Berman?

[No response.]
The CLERK. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
[No response.]
The CLERK. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson Lee, aye. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
[No response.]
The CLERK. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
[No response.]
The CLERK. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
Mr. SCHIFF. Aye.
The CLERK. Mr. Schiff, aye. Mr. Chairman?
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman, no.
Chairman SENSENBRENNER. Are there additional Members who wish to cast or to change their vote? The gentleman from North Carolina?
Mr. COBLE. No.
The CLERK. Mr. Coble, no.
Chairman SENSENBRENNER. The gentleman from South Carolina?
Mr. GRAHAM. No.
The CLERK. Mr.——
Chairman SENSENBRENNER. Graham.
The CLERK. Mr. Graham, no.
Chairman SENSENBRENNER. Further Members? The gentleman from Tennessee?
Mr. JENKINS. No.
The CLERK. Mr. Jenkins, no.
Chairman SENSENBRENNER. Further Members?
[No response.]
Chairman SENSENBRENNER. The clerk will report.
The CLERK. Mr. Chairman, there are 7 ayes and 15 nays.
Chairman SENSENBRENNER. And the amendment is not agreed to. Are there——
Mr. FRANK. Mr. Chairman?
Chairman SENSENBRENNER.—further amendments? The gentleman from Massachusetts, Mr. Frank.

Mr. FRANK. Mr. Chairman, I have a second amendment here. It says, "Offered by Mr. Frank and Mr. Scott."

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to the amendment to—

Mr. FRANK. I ask unanimous consent it be considered as read.

Chairman SENSENBRENNER. Well, if the amendment can be distributed, at least someone will be able to see if a point of order lies. The clerk will continue to report.

The CLERK. Amendment to the amendment to H.R. 7, offered by Mr. Frank and Mr. Scott. Page 3, line 24—page 13, line 24, Strike "(2) Effect on other laws"—

Chairman SENSENBRENNER. Without objection, the amendment will be considered as read.

[The amendment follows:]

AMENDMENT TO THE AMENDMENT TO H.R. 7

OFFERED BY MR. FRANK AND MR. SCOTT

Page 13, line 24,

Strike "(2) EFFECT ON OTHER LAWS. —Nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1688) (prohibiting discrimination in education programs or activities on the basis of sex and visual impairment), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) (prohibiting discrimination on the basis of age)."

and insert in place thereof:

"(f) EFFECT ON OTHER LAWS. —Nothing in Section 1994A shall alter the duty of a religious organization receiving assistance or providing services under any program described in subsection (c)(4) to comply with the nondiscrimination provisions in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1688) (prohibiting discrimination in education programs or activities on the basis of sex and visual impairment), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) (prohibiting discrimination on the basis of age)."

Page 14, line 14

Strike "(f)" and replace with (g)" and re-letter subsequent subsections accordingly.

Chairman SENSENBRENNER. The gentleman from Massachusetts will be recognized for 5 minutes.

Mr. FRANK. Mr. Chairman, unlike my previous amendment, which tried substantively to expand the protection, this one is aimed at clarifying what seemed to me possible ambiguities in the protections already included in there with 2.

On page 9 of the Chairman's mark, beginning at 20, line 20, it says, "Funds not aid to religion," and it says that the money that would, in effect, be given to the organizations, the faith-based orga-

nizations, for the purpose of this assistance shouldn't be construed as support for religion or the organization's religious belief.

As a statement of fact and constitutional principle, that is unexceptional. I just wanted to make sure that this was not interpreted as somehow avoiding the effect of the non-discrimination statutes that are in there, that is, the non-discrimination statutes applied to the entities, and one potential interpretation was that if you hold that the money being given is not being given to the organizations, that somehow that might mean that they were not as organizations subject to the anti-discrimination statutes. If I am assured that that was not the intention, maybe we could even work that out technically. But that's the purpose.

In other words, I wanted to make sure that the anti-discrimination statutes that are listed beginning on page 13, subsection (2), that those, in fact, do apply to the organizations even if it's interpreted as not being aid to them.

Secondly, there is just a question of the way the bill is constructed, and I hope it's not intended this way, but that's the other thing I would add. On page 13 it says, "(e) Employment Practices." The provision that I assume bans discrimination against beneficiaries is listed here as subsection (2) of (e) under Employment Practices. It seemed to me that it ought to be made a separate section, that is, I just wanted to make clear that if you read this, someone might think—would think that employment practices in general effect on other laws, that there is then nothing that covers beneficiaries.

If this is read literally to apply, subsection (2)(b) line 24 only to be employment practices, then there's no language about beneficiaries. It then goes on to talk about rights of beneficiaries about their rights to withdraw.

So what I was trying to do was to get clarification that subsection (2) on lines 24 and thereafter applies to beneficiaries as well as to employees, and also that when we say that this aid is not aid to the religious organization but aid to the individuals, that that does not work also to exempt them from the effects of the statute.

I would yield—

Chairman SENSENBRENNER. Would the gentleman yield? Is it the effect of the gentleman's amendment, which to me seems to consist solely of inserting the word "receiving assistance" or "providing services" under any program described under subsection (c)(4), and the rest is identical to what is—

Mr. FRANK. Except can I make one other point, Mr. Chairman? The other thing it does is simply re-letter so that it takes that section out from under being a subsection of employment practices. You're right. It adds providing services, and then it re—it re-designates so that the anti-discrimination section is a separate—is not subsumed under (e), which is employment practices.

I don't strike anything. All I do is to re-letter it. The way this is worded, on page 13, it says, "(e) Employment Practices," and then subsection (2) is "Effect on Other Laws." I just take that out from under employment practices and make that (f). It doesn't change it. It says—you have (e) and then you have—subsection (2) becomes (f), because I assume that is not intended to apply only to

employment practices, but to employment practices and beneficiaries.

The question is: Is subsection (2), beginning on page 24, intended to apply only to employment practices? If it does, then nothing provides anti-discrimination protection for beneficiaries.

The Chairman is right. Other than the indirect, that section is identical. But, again, it's a question of how it's placed in the bill.

Chairman SENSENBRENNER. If the gentleman would yield?

Mr. FRANK. Yes.

Chairman SENSENBRENNER. We're prepared to accept the amendment.

Mr. FRANK. I thank the Chairman.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentleman from Massachusetts, Mr. Frank. Those in favor will signify by saying aye. Opposed, no? The ayes appear to have it. The ayes have it and the amendment is agreed to.

Are there further amendments? The gentleman from—the gentlewoman from Texas, Ms. Jackson Lee?

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment. Which amendment does the gentlewoman prefer to have reported?

Ms. JACKSON LEE. The Jackson Lee-Waters amendment.

Chairman SENSENBRENNER. Is the clerk clear which amendment is the one that is being called up?

The CLERK. Amendment to the amendment to H.R. 7, offered by Ms. Jackson Lee and Ms. Waters. Page 12, beginning on line 21, strike "Federal, State and local governments" and insert "Federal government."

Page 13, beginning on line 1, strike "Neither" and all that follows through the word "shall" on line 3—

Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The amendment follows:]

Amendment to the Amendment to H.R. 7

Offered by Ms. Jackson-Lee and Ms. Waters

Page 12, beginning on line 21, strike “Federal, State and local governments” and insert “Federal government”.

Page 13, beginning on line 1, strike “Neither” and all that follows through the word “shall” on line 3, and insert “The Federal Government shall not”.

Page 18, strike lines 8-18.

Chairman SENSENBRENNER. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE. I thank the gentleman very much. I thank the Chairman.

Our understanding of H.R. 7 is that it pre-empts State and local contracting requirements related to religious organizations. Supporters of charitable choice argue that it would override State and local non-discrimination employment laws if those laws are contrary to sincerely held religious beliefs and have also argued it would override State and local contracting requirements with respect to contracting with diverse providers.

Now, we have indicated two things in this session today: one, that we are not doing anything extraordinary—some of us disagree with that—but that we are leaving intact basic laws of protection, whether they be civil rights, the First Amendment, and also laws of non-discrimination.

This is a simple amendment because it extends the protection of Federal, State, and local laws protecting individuals against discrimination on bases other than religion to this legislation. And, therefore, what it does is that it prohibits eliminating the protections that State and local governments provide. And that—I would say that it adds and enhances to this legislation by allowing the State laws and the local laws to stand. It doesn't change any laws.

It simply allows those certification requirements of local governments that may require non-discrimination to be applied and not have the Federal law pre-empt such laws.

I'd ask my colleagues to consider this in the light of the fact that all of the entities that I have had represent their concern to me or interest in this legislation clearly indicate that they do not want to discriminate, and they want to be able to adhere to the laws and, as well, practice their faith. For those who would be impacted, who might be discriminated against, this would add an extra measure of protection if State and local laws have non-discrimination laws within them. This would provide the protection for it.

With that, I yield back.

Mr. CHABOT. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman.

What we have in the bill right now in every single—is in every single previously passed charitable choice bill. The whole idea here is to allow new players into the game. A faith-based organization needs to be able to preserve its autonomy against infringements by any level of government, and these are Federal funds. We want a uniform rule throughout all 50 States for the use of Federal funds. There are State provisions that try to limit freedoms the U.S. Supreme Court has held are part of our religion clauses when it comes to Federal money.

If States or localities have different notions of church-state issues, all they have to do is keep their funds separate and their own provisions will apply to their own separated funds.

We don't want to overrule how States use their own State funds. We want to apply the same equal access rules when Federal funds are used. And, therefore, we respectfully oppose the amendment.

I yield back the balance of my time.

Chairman SENSENBRENNER. Would the gentleman yield?

Mr. CHABOT. I'd be happy to yield.

Chairman SENSENBRENNER. My reading of the section on page 18 that this amendment seeks to delete is that it leaves it up to the State or locality to make a determination on whether they want their laws to apply. If there are exclusively Federal funds going into the faith-based organization, then this is not a relevant issue. If the faith-based organization accepts Federal funds as well as either State or local funds, then the State or local government, if they wish their laws to apply, can require that their funds be segregated from the Federal funds.

So what the amendment of the gentlewoman from Texas attempts to do is to take away the choice of State or local governments to make that determination for themselves in their extension of the funds to the faith-based organization. I think that State and local governments should have that right and as a result would oppose the amendment and urge that the Committee vote it down.

Mr. FRANK. Mr. Chairman?

osition that members of religious organizations should be presumed to be acting in good faith.⁵⁴

Some critics claim that it is unconstitutional for direct grants to be awarded to “pervasively sectarian” organizations which would risk “an excessive entanglement [of Government] with religion.” The so-called “pervasively sectarian” test was first articulated in *Lemon v. Kurtzman*.⁵⁵ The last case in which the Court struck down governmental aid using the “pervasively sectarian” test was *Grand Rapids School District v. Ball*,⁵⁶ but *Ball* was recently discredited and partly overruled in *Agostini v. Felton*.⁵⁷ Even Justice Blackmun, in a dissenting opinion joined by Justices Brennan, Marshall, and Stevens, described the phrase “pervasively sectarian” as “a vaguely defined term of art.” *Bowen v. Kendrick*, 487 U.S. 589, 631 (1988) (Blackmun, J., dissenting). In *Mitchell v. Helms*,⁵⁸ the majority of Justices reversed an appeals court holding that providing educational materials and equipment to pervasively sectarian schools was unconstitutional. As the Congressional Research Service concluded in its December 27, 2000, Report to Congress on Charitable Choice, “In its most recent decisions [...] the Court appears to have abandoned the presumption that some religious institutions, such as sectarian elementary and secondary schools, are so pervasively sectarian that they are constitutionally ineligible to participate in direct public aid programs ... It also seems clear that for a different majority [of six] Justices (those joining in the Thomas and O’Connor opinions), the question of whether a recipient institution is pervasively sectarian is no longer a constitutionally determinative factor.” CRS Report, *Charitable Choice: Constitutional Issues and Developments Through the 106th Congress* (December 27, 2000) at 29, 32. Recently, the Fourth Circuit Court of Appeals in *Columbia Union College v. Oliver*, 2001 WL 716726 (4th Cir.) (June 26, 2001), held that the Constitution allows the Government to provide direct aid to a religious organiza-

⁵⁴ See *Mitchell v. Helms*, 120 S.Ct. 2530, 2547 (2000) (plurality opinion) (“So long as the governmental aid is not itself unsuitable for use in the public schools because of religious content, ... and eligibility for aid is determined in a constitutionally permissible manner, any use of that aid to indoctrinate cannot be attributed to the Government and is thus not of constitutional concern.”) (quotations omitted); *id.*, at 2570 (O’Connor, J., concurring in the judgment) (“[T]he Court’s willingness to assume that religious school instructors will inculcate religion has not caused us to presume also that such instructors will be unable to follow secular restrictions on the use of textbooks ... [I]t is entirely proper to presume that these school officials will act in good faith.”).

⁵⁵ 403 U.S. 602, 613 (1971). See also *Hunt v. McNair*, 413 U.S. 734, 743 (1973) (“Aid normally may be thought to have a primary effect of advancing religion when it flows to an institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission or when it funds a specifically religious activity in an otherwise substantially secular setting.”).

⁵⁶ 473 U.S. 373 (1985).

⁵⁷ 521 U.S. 203, 219–23 (1997) (“Our more recent cases have undermined the assumptions upon which *Ball* [] relied ... What has changed since we decided *Ball* ... is our understanding of the criteria used to assess whether aid to religion has an impermissible effect.”). That understanding today rejects the notion that members of faith-based organizations simply cannot be trusted to follow guidelines preventing the use of Government funds for proselytizing. Both the plurality opinion and the opinion of Justice O’Connor in *Mitchell v. Helms* stand for the proposition that members of religious organizations should always be presumed to be acting in good faith. See *Mitchell v. Helms*, 120 S.Ct. 2530, 2547 (2000) (plurality opinion) (“So long as the governmental aid is not itself unsuitable for use in the public schools because of religious content, ... and eligibility for aid is determined in a constitutionally permissible manner, any use of that aid to indoctrinate cannot be attributed to the Government and is thus not of constitutional concern.”) (quotations omitted); *id.*, at 2570 (O’Connor, J., concurring) (“[T]he Court’s willingness to assume that religious school instructors will inculcate religion has not caused us to presume also that such instructors will be unable to follow secular restrictions on the use of textbooks ... [I]t is entirely proper to presume that these school officials will act in good faith.”).

⁵⁸ 120 S.Ct. 2530 (2000).

Chairman SENSENBRENNER. The time belongs to the gentleman from Ohio.

Mr. CHABOT. I yield back.

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentlewoman from California, Ms. Waters, seek recognition?

Ms. WATERS. I would like to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman and Members, I am going to speak out in opposition to section 201(d) of H.R. 7, the organizational character and autonomy provision, and section 201(j), the effect on State and local funds. As a result of these sections, charitable choice would pre-empt State and local laws' contracting requirements.

Under section 201(d)(1), religious organizations are given the right to retain autonomy from Federal, State, and local governments. This provision extends to the organization's control over the definition, development practice, and expression of its religious beliefs. section 201(d)(2)(A) would enable religious organizations to avoid Federal, State, or local requirements that the organization alter its internal governance and character documents. section 201(j) applies charitable choice provisions to any State or local funds that are commingled with Federal funds.

These provisions create discrimination issues. For example, State and local contracting requirements apparently would not apply beyond the extent to which they exist under charitable choice. Even supporters of charitable choice acknowledge as much. Carl Esbeck, one of the drafters of charitable choice, stated the following in an article on charitable choice: "States and municipalities often have non-discrimination laws and procurement policies enacted pursuant to governmental spending power. When these spending power laws do not permit faith-based organizations to select staff on the basis of faith commitments, the laws are not enforceable against FBOs acting pursuant to charitable choice contracts or grants."

Supporters also tell us that charitable choice would override State and local non-discrimination employment laws if those laws are contrary to sincerely held religious beliefs. We don't even know what that encompasses. The phrase is not defined in the bill and would arguably be extended to cover almost anything a person believes. We know that the courts are already reluctant to delve into the politically sticky area of deciding the merits of a religious tenet. Even worse, this provision goes further than to allow sincerely held religious beliefs. It applies to any arbitrary practice, decision, or rule that the religious organization uses. In other words, if a religious group believes that all their employees must be bald-headed men over the age of 70, this provision would make it acceptable.

We're also told, again, by supporters of charitable choice that it would override State and local contracting requirements for culturally diverse providers. Specifically, supporters have stated that a State or locality would not be able to require that the governing board of a faith-based provider reflect the ethnic, gender, or cultural diversity of the community or beneficiaries. Their response is that such matters of internal governance are under the control of the faith-based organization. Under section 201(j), any State or

local funds that are commingled with Federal funds would be exempt from State or local laws and requirements. This is clear overreaching.

The first question we need to ask is: Why is Congress interfering with States' rights on this issue? Furthermore, how can we justify as constitutional a bill that allows religious organizations to blatantly ignore valid employment and contracting non-discrimination laws. These provisions, like many other provisions in H.R. 7, are unbalanced and unfair. Our amendment would revise them so as to prevent blatant discrimination.

I urge you to amend these problematic parts of H.R. 7 and take a step towards a bill we can truly support. It is very seldom that I witness this kind of pre-emption at the Federal Government level. To override States and their local laws is far, far reaching, and I would hope that in the interest of honoring what so many people on the opposite side of the aisle preach about, States' rights, that we would support this amendment.

I yield back the balance of my time.

Mr. FRANK. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Massachusetts, Mr. Frank?

Mr. FRANK. Mr. Chairman, I am disturbed by a couple of things about this bill. One is the institution of—institutionalization of the principle that it's perfectly reasonable for religious organizations not to want to hire people of other religions for non-religious purposes, as if it was somehow an imposition on them to do so.

Secondly, though, we have this principle now that says you can take Federal funds and use the fact that you have received Federal funds to exempt you from the existence of State laws, State anti-discrimination laws and some other laws.

This notion that the Federal Government can immunize you from following State laws that otherwise fairly apply to everybody is really very troubling, it's very radical, and wholly unnecessary.

Now, Members will tell us that it was in the welfare bill. I would say a couple of things about that. First of all, I voted against the welfare bill, so I do not feel concluded by it.

Secondly, I think it is fair to say that much of what was being done in the welfare bill, the focus was on the welfare part. I don't believe this got a lot of attention.

Finally, we are not the Supreme Court of the United States. The notion that having once legislated a certain way we are, therefore, precluded from unlegislating or doing it differently is, of course, a proposition to which no one holds any adherence. It's something that may be thrown in, but it's not an argument. It's an absence—it's a substitute for an argument.

The question is: Is it good or bad public policy? And I do—and I appreciate the gentleman from Ohio making it very explicit that this is not a bill where we are going to deal with the rights of gay men and lesbians. The point, though, is that many States have. This is not in my judgment—I'm not asking—my colleagues weren't asking that we make this a vehicle to give gay and lesbian Americans more protections than they already have. I agree that should be in another bill.

What this bill does, though, is to say to some organizations that are now governed by State laws protecting gays and lesbians that,

by the receipt of Federal funds, some entities can get an exemption from that. What this bill does is to reduce the protection that gay and lesbian citizens have. And that, it would seem to me, ought to be as inappropriate as using this as a vehicle for expansion.

The way you have this bill, you are using it as a license to cut back on rights that many States have seen fit to grant to gays and lesbians, perhaps to other categories, because right now if a religious organization or any other wants to give a purely secular service—they're not covered by the religious exemption—then they would be covered by this in some States, maybe not in others. New Jersey even has a public accommodations statute that's very broad.

So what this bill says is by taking Federal funds, a private entity previously subject to a legislated requirement not to discriminate based on sexual orientation can now do so. That seems to me terribly unfair to gay, lesbian, and bisexual Americans who will have less protection as a result of this law than before. And it's a terrible precedent and a terrible statement.

What you're saying, again, is take Federal funds and you can be exempted from some of these State laws. You know, I think back—I see my friend from California, and I think of her extraordinary distinguished predecessor, Gus Hawkins, whom so many of us revered. I remember when we did the Civil Rights Restoration Act back in the days when we thought the Federal Government should be expanding people's rights, not being an excuse to cut them back. And when people complained about the Civil Rights Restoration Act, which made it clear that if you took Federal funds you couldn't discriminate after the Supreme Court had somewhat shortchanged that statutory interpretation, he said, you know, if you dip your fingers in the Federal till, don't complain if a little democracy rubs off on them.

Well, you're absolutely reversing this. And so both specifically by reducing the protections that now exist for gay men and lesbians and in general by setting the precedent or reaffirming it and broadening it from the welfare bill that accepting Federal funds is a license not to follow existing State law, I think this bill does terrible damage.

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from North Carolina seek recognition?

Mr. WATT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognize for 5 minutes.

Mr. WATT. Thank you, Mr. Chairman.

I, in addition to the States' rights arguments that have been asserted, really have serious reservations about what we are doing—what we are saying to State and local governments, particularly on page 13 at lines 9 through 12, because the effect of what we are saying is that if a State or local government makes an effort or is making an effort to comply with the decisions of the United States Supreme Court about what is constitutionally permissible and what is not constitutionally permissible, we are in this bill prohibiting them from doing that. And that just seems extremely counterproductive to me.

I mean, here we are a Nation of laws. We may, as I quite often do, disagree with the decisions of the United States Supreme

Court, but they are the final arbiters of the Constitution in our structure. And for us to be saying to State and local governments, even though you are trying to comply with the constitutional mandates as they have been set out by the United States Supreme Court, we are directing you in this law that we are passing not to require a religious organization to remove religious icons or what have you.

And I think those are some of the cases where the Supreme Court has really said that in some cases that could be necessary to comply with the United States Constitution.

How do we look as a—I mean, I suppose we could go at it directly and try to amend the Constitution. We have. But this is an indirect way of saying to the States we can't—we can't—we don't have the votes to amend the Constitution. We've done as aggressive a job as we can do on changing the composition of the United States Supreme Court, and we've failed to revise the interpretation of the Constitution that they have come down with, even having had control of the Court for whatever period of time. Now we are going to direct you in a Federal statute not to comply with what the Supreme Court has said the law is. This is unprecedented.

And I just—it's unprecedented for us to be usurping State and local laws, first of all, those of us who give so much lip service to States' rights consistently, but then to go beyond that and say, All right, States, we are directing you not to follow the Supreme Court's decisions when we all know that that in our process is the final word on legal and constitutional issues is just—is just outrageous. I think we should support this amendment, and I yield back—I'm sorry. I was going to yield the balance of my time. I got carried away. I was going to yield to Ms. Jackson Lee.

Thank you.

Ms. JACKSON LEE. I may have to ask—thank you very much, Mr. Watt.

Mr. Chairman, let me answer the concern that you raised about the fact that this has not been done before, and to say, with Mr. Watt's commentary, this is a restatement of existing law. But in the evolution of charitable choice provisions, for example, the Community Renewal Tax Relief Act of 2000, which amended certain provisions and grant programs administered by the Substance Abuse and Mental Health Service—

Chairman SENSENBRENNER. The gentleman's time has expired.

Ms. JACKSON LEE. Can I have someone strike the last word so I can get some time to finish my point, please?

Chairman SENSENBRENNER. The gentlewoman has already been recognized in support of her amendment.

Ms. JACKSON LEE. Mr. Nadler, would you yield to me when you get through, please? Thank you.

Chairman SENSENBRENNER. The gentleman from New York, Mr. Nadler.

Mr. NADLER. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. NADLER. Thank you, Mr. Chairman.

I wish to commend the gentleladies, Ms. Jackson Lee and Ms. Waters, for their excellent amendment, and I yield to the gentlelady from Texas.

Ms. JACKSON LEE. I thank the distinguished gentleman very much.

I wanted to make a point that this has occurred in previous legislation, the Community Renewal Tax Relief Act of 2000, had language in the legislation, which we supported, many of us, that nothing in this section shall be construed to modify or affect the provisions of any other Federal or State law or regulation that relates to discrimination in employment.

I think we can come together on this simply by acknowledging that all we want to do is leave existing law in place and not undermine any existing rights or enhance any existing rights. We are not trying to write legislation that would cause us to give rights, we're just trying not to take rights away.

And I don't think any religious entity, willing to be the Good Samaritan, as I have indicated, would be opposed, Mr. Chairman, to just having the present laws that they are governed by, in their particular jurisdiction, remain in place. They've lived under those laws, and I think they would rightly be willing to do so.

This amendment that myself and Ms. Waters are offering clearly just asks that we not exempt from the obligation to adhere to, not exempt these entities participating under this legislation from existing nondiscriminatory State and local laws. And I would ask my colleagues to support this amendment, as it restates and is supported by previous legislation by the Act of 2000, the Community Renewal Tax Relief Act of 2000.

With that, I yield.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentleman from Texas, Ms. Jackson Lee, to the Chairman's amendment.

Those in favor, all say aye.

Opposed, no.

The noes appear to have it.

Ms. JACKSON LEE. rollcall.

Chairman SENSENBRENNER. A rollcall is ordered.

Those in favor of the Jackson Lee amendment to the Sensenbrenner amendment will, as your names are called, answer aye; those opposed, no, and the clerk will call the roll.

The CLERK. Mr. Hyde?

Mr. HYDE. No.

The CLERK. Mr. Hyde, no. Mr. Gekas?

Mr. GEKAS. No.

The CLERK. Mr. Gekas, no. Mr. Coble?

[No response.]

The CLERK. Mr. Smith?

[No response.]

The CLERK. Mr. Gallegly?

Mr. GALLEGLY. No.

The CLERK. Mr. Gallegly, no. Mr. Goodlatte?

Mr. GOODLATTE. No.

The CLERK. Mr. Goodlatte, no. Mr. Chabot?

Mr. CHABOT. No.

The CLERK. Mr. Chabot, no. Mr. Barr?

[No response.]

The CLERK. Mr. Jenkins?

[No response.]

The CLERK. Mr. Hutchinson?
 Mr. HUTCHINSON. No.
 The CLERK. Mr. Hutchinson, no. Mr. Cannon?
 Mr. CANNON. No.
 The CLERK. Mr. Cannon, no. Mr. Graham?
 Mr. GRAHAM. No.
 The CLERK. Mr. Graham, no. Mr. Bachus?
 Mr. BACHUS. No.
 The CLERK. Mr. Bachus, no. Mr. Scarborough?
 [No response.]
 The CLERK. Mr. Hostettler?
 Mr. HOSTETTLER. No.
 The CLERK. Mr. Hostettler, no. Mr. Green?
 Mr. GREEN. No.
 The CLERK. Mr. Green, no. Mr. Keller?
 Mr. KELLER. No.
 The CLERK. Mr. Keller, no. Mr. Issa?
 Mr. ISSA. No.
 The CLERK. Mr. Issa, no. Ms. Hart?
 Ms. HART. No.
 The CLERK. Ms. Hart, no. Mr. Flake?
 Mr. FLAKE. No.
 The CLERK. Mr. Flake, no. Mr. Conyers?
 [No response.]
 The CLERK. Mr. Frank?
 Mr. FRANK. Aye.
 The CLERK. Mr. Frank, aye. Mr. Berman?
 [No response.]
 The CLERK. Mr. Boucher?
 [No response.]
 The CLERK. Mr. Nadler?
 Mr. NADLER. Aye.
 The CLERK. Mr. Nadler, aye. Mr. Scott?
 Mr. SCOTT. Aye.
 The CLERK. Mr. Scott, aye. Mr. Watt?
 Mr. WATT. Aye.
 The CLERK. Mr. Watt, aye. Ms. Lofgren?
 Ms. LOFGREN. Aye.
 The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
 Ms. JACKSON LEE. Aye.
 The CLERK. Ms. Jackson Lee, aye. Ms. Waters?
 Ms. WATERS. Aye.
 The CLERK. Ms. Waters, aye. Mr. Meehan?
 [No response.]
 The CLERK. Mr. Delahunt?
 [No response.]
 The CLERK. Mr. Wexler?
 [No response.]
 The CLERK. Ms. Baldwin?
 [No response.]
 The CLERK. Mr. Weiner?
 [No response.]
 The CLERK. Mr. Schiff?
 [No response.]
 The CLERK. Mr. Chairman?

Chairman SENSENBRENNER. No.
 The CLERK. Mr. Chairman, no.
 Chairman SENSENBRENNER. Are there additional Members who wish or desire to cast or change their vote?
 The gentleman from North Carolina?
 Mr. COBLE. No.
 The CLERK. Mr. Coble, no.
 Chairman SENSENBRENNER. The gentleman from Georgia?
 Mr. BARR. No.
 The CLERK. Mr. Barr, no.
 Chairman SENSENBRENNER. The gentleman from Tennessee?
 Mr. JENKINS. No.
 The CLERK. Mr. Jenkins, no.
 Chairman SENSENBRENNER. If there are no further Members who desire to cast or change their vote, the clerk will report.
 The CLERK. Mr. Chairman, there are 9 ayes and 19 nays.
 Chairman SENSENBRENNER. And the amendment is not agreed to.
 Are there further amendments?
 The CLERK. Excuse me, Mr. Chairman. I'm sorry. There are 7 ayes and 19 nays.
 Chairman SENSENBRENNER. As corrected, the rollcall will stand.
 The gentleman from North Carolina, Mr. Watt?
 Mr. WATT. Thank you, Mr. Chairman. I have an amendment at the desk.
 Chairman SENSENBRENNER. The clerk will report the amendment.
 The CLERK. Amendment to the Sensenbrenner amendment to H.R. 7—
 Mr. WATT. I am going to ask unanimous consent the amendment be considered as read.
 Chairman SENSENBRENNER. Without objection, so ordered.
 [The amendment follows:]

Amendment to the Sensenbrenner Amendment to H.R. 7

Offered by Mr. Watt

Page 14, line 11, insert before "and the": "the Fair Housing Act (42 U.S.C. 3601-3631),"

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.
 Mr. WATT. Thank you, Mr. Chairman.
 I believe, Mr. Chairman, that this is an oversight that I am trying to correct. If you look at the bill starting on Page 10, the definition of programs includes the Federal housing statutes, including community development block grants. That's at the top of Page 11. Yet, when you get over to Page 14, and you start to itemize the impact on other laws, the Fair Housing Act is left out, and—
 Chairman SENSENBRENNER. Would the gentleman yield?
 Mr. WATT. Yes, I'm happy to yield.
 Chairman SENSENBRENNER. The subsection that the gentleman is attempting to amend deals with employment practices. The Fair

Housing Act, as amended, deals with the sale or rental of housing. It has nothing to do with employment, and consequently this was not an oversight because the Fair Housing Act is not relevant to employment practices.

Mr. WATT. Okay. I think the gentleman is right, and I withdraw the amendment.

Chairman SENSENBRENNER. Are there further amendments?

Mr. NADLER. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from New York, Mr. Nadler.

Mr. NADLER. Mr. Chairman, I have one more amendment at the desk. I think it's No. 2.

Chairman SENSENBRENNER. The clerk will report one more Nadler amendment. [Laughter.]

Chairman SENSENBRENNER. This is the final Nadler amendment?

Mr. NADLER. I believe so.

Chairman SENSENBRENNER. Can we count on it?

Mr. NADLER. Unless I have further inspiration.

Chairman SENSENBRENNER. The clerk will report the amendment, and those in the room will please be uninspiring. [Laughter.]

The CLERK. Amendment to the amendment to H.R. 7 offered by Mr. Nadler and Mr. Frank. Page 15, strike line 1 through line 3 and insert:

“(A) Is an alternative”——

Mr. NADLER. Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

Chairman SENSENBRENNER. Without objection.

[The amendment follows:]

**AMENDMENT TO THE AMENDMENT TO H.R. 7
OFFERED BY MR. NADLER & MR. FRANK
(NADLER #2)**

Page 15, strike line 1 through line 3 and insert:

“(A) Is an alternative, including a nonreligious alternative, that is
accessible and not objectionable to the individual; and”

Page 15, insert after line 15:

“(4) Section 1994A of this title shall not apply with respect to assistance provided
under a program described in subsection (c)(4) during a fiscal year by an
organization if the requirement of paragraph (1) is not met with respect to that
assistance.”

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. NADLER. Thank you, Mr. Chairman.

Mr. Chairman, this bill promises a nonreligious alternative to any eligible individual who does not wish to participate in a religious program or a program run by a particular religion. I think everyone believes that in order to prevent the religious coercion of the most vulnerable members of our society, those seeking help from the Government, with the burdens of poverty, drug addiction, homelessness, and the many other terrible social ills addressed by programs in this bill should not be subject to religious proselytization as the cost of getting the services they need.

I certainly agree with that view. If religious liberty has any meaning, it is that no one should have the right to use public money and the power of the State to coerce those living in the shadows of life into giving up their own religious autonomy. So profound a principle is this that even supporters of the bill have agreed that an alternative must always be made available.

In fact, Professor Douglas Laycock, a respected legal scholar who was called at the hearings before the Subcommittee as a witness by the majority went so far as to say in our hearing that the entire program would be a “fraud,” if such an alternative were not made available.

But a funny thing happened on the way to protecting the religious autonomy of the poor seeking help. The budget proposed by the President and passed by this House actually cuts funding from any of these social programs. These are programs that are not now

fully funded. Those of us who try to help our constituents obtain these services know that they are often not available in a reasonable period of time or in an accessible location or, in some cases, not at all. We all know that a young person who sincerely wants to kick drug addiction may be told, "Sorry. We don't have any room for you right now. Come back in 6 months." By that time, he could be dead or infected with HIV or no longer able to participate in the program.

So where is the alternative envisioned in the bill going to come from? The bill provides no new money. It pays for not one additional bed or home or bowl of soup or detox. It certainly does not pay for these alternatives. In fact, if no new money is available, those alternatives will likely lose their funding, in some cases, to religious organizations.

The alternative which everyone agrees is absolutely necessary to make this program work, to make it constitutional and certainly to make it something other than a way to foist the religious beliefs of some onto society's most vulnerable members is simply a hollow promise. This amendment is intended to give that promise meaning. If you are going to have charitable choice, you are going to have to provide an alternative choice. If you cannot or you will not, then there will be no charitable choice, and everyone has agreed that there should be no charitable choice without a real choice, without a secular choice. This amendment will require proponents of this program to put their money where their principles are.

I have also restored language from the original legislation making clear that among the alternatives that must be available are nonreligious alternatives. It does no good to tell a person to find a less objectionable religious program when all they need is a place to keep from freezing to death for the night. I have, however, obtained language from the Chairman's mark making clear that the alternative must be religiously not objectionable to the individual, in addition to being accessible and of equal value. I guess you could call this the secular, but equal amendment. I know there are weaknesses with this approach that have been discussed today, but it's better than not making real the alternative.

I strongly urge the adoption of this amendment. Without the adoption of this amendment, the entire project really is State-sponsored religious coercion. The very reason why the Framers of our Constitution were concerned that excessive entanglement between Government and religion would endanger religious liberty. Here is a clear illustration of why they are correct.

And I must say that this amendment is a time for the sponsors of the bill to show that they are sincere in their protestations that they mean for there to be a nonreligious alternative so that there's no religious coercion because this amendment says that the charitable choice provisions in a given program are eliminated if there is no charitable choice made avail—if there's no secular alternative made available in a reasonable time. This will force funding of reasonable alternatives.

Thank you, Mr. Chairman. I yield back.

Chairman SENSENBRENNER. The gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. Mr. Chairman, I move to strike the last word.

tion “without resort to [a court’s] examining” its “pervasively sectarian status,” as long as there are protections in place prohibiting Federal funds from being used for proselytizing activities. *Id.* at *7.⁵⁹

Despite the abandonment of the “pervasively sectarian” test by the courts, it continues to lead to the exclusion of faith-based organizations from equal participation in application processes for Federal social service funds.⁶⁰

INDIRECTLY FUNDED CHARITABLE CHOICE PROGRAMS ARE CONSTITUTIONAL

Subsection (l) of title II of H.R. 7 authorizes the Secretary of the department administering a covered program to direct the disbursement of some or all of the funds, if determined by the Secretary to be feasible and efficient, in the form of indirect assistance. H.R. 7 defines “indirect assistance” as that in which assistance funds find their way to an organization “only as a result of the private choices of individual beneficiaries,” in accordance with Supreme Court precedent, drawing on language from *Witters v. Washington Department of Services for the Blind*,⁶¹ and *Mueller v.*

⁵⁹ When President Clinton signed the re-authorization measure for the Community Services Block Grants Program (“CSBG”) into law on October 27, 1998, his accompanying statement regarding its charitable choice provisions relied on the “pervasively sectarian” standard that the courts have since abandoned. That statement stated that “The Department of Justice advises, however, that the provision that allows religiously affiliated organizations to be providers under CSBG would be unconstitutional if and to the extent it were construed to permit governmental funding of ‘pervasively sectarian’ organizations, as that term has been defined by the courts. Accordingly, I construe the act as forbidding the funding of pervasively sectarian organizations and as permitting Federal, State, and local governments involved in disbursing CSBG funds to take into account the structure and operations of a religious organization in determining whether such an organization is pervasively sectarian.” 134 Weekly Compilation of Presidential Documents 2148 (Nov. 2, 1998) (Statement on Signing the Community Opportunities, Accountability, and Training and Educational Services Act of 1998). President Clinton’s later statements on charitable choice provisions in October and December 2000, do not rely on the pervasively sectarian test. *See supra*, note 13.

⁶⁰ *See* CRS Report to Congress, RL30388, *Charitable Choice: Constitutional Issues and Developments Through the 106th Congress* (updated December 27, 2000) at 1 (“[T]he establishment clause has in the past generally been interpreted to bar Government from providing direct assistance to organizations that are ‘pervasively sectarian.’ As a consequence, Government funding agencies have often required religious social services providers, as conditions of receiving public funds, to be incorporated separately from their sponsoring religious institutions ... and to remove religious symbols from the premises in which the services are provided.”); *see also* Congressional Research Service, RS20809: *Public Aid and Faith-Based Organizations (Charitable Choice): An Overview* (updated April 18, 2001) at 2–3 (“[I]nterpretations and applications of the establishment of religion clause of the First Amendment as well as of the sometimes more strict provisions of State constitutions have in the past generally required programs operated by religious organizations that receive public funding in the form of grants or contracts to be essentially secular in nature ... Moreover, religious entities that have been found to be ‘pervasively sectarian,’ i.e., entities in which religion is a pervasive element of all that they do, have generally been constitutionally ineligible to participate in direct funding programs, because they have been deemed unable to separate their secular functions from their religious functions so that public aid can be confined to the former. Charitable choice attempts to move beyond these restrictions and allow faith-based organizations to participate in publicly funded social services programs while retaining their religious character.”). Although the courts have now abandoned the “pervasively sectarian” test, this rule to exclude certain religious organizations is still present in Federal statutes and regulations, and too often guides decisions by federal, State, and local grant managers.

⁶¹ 474 U.S. 481, 488 (1985) (opinion written by Justice Marshall) (“Certain aspects of Washington’s program are central to our inquiry. As far as the record shows, vocational assistance provided under the Washington program is paid directly to the student, who transmits it to the educational institution of his or her choice. Any aid provided under Washington’s program that ultimately flows to religious institutions does so only as a result of the genuinely independent and private choices of aid recipients.”).

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman. I rise to oppose the amendment.

The focus should be a case-by-case determination of what the individual beneficiary wants. The alternatives the bill currently provides for might be, for example, another faith-based organization, not objectionable to the beneficiary or an alternative purchased on the open market or provided by volunteers or a third one would be an alternative secular provider.

The bill, without the amendment, allows States and localities more flexibility in offering alternatives, and it allows beneficiaries greater choice, and for that reason, we oppose the amendment.

I yield back the balance of my time.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentleman from New York, Mr. Nadler.

Those in favor will say aye.

Opposed, no.

The noes appear to have it. The noes have it, and the amendment is not agreed to.

Are there further amendments?

The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Mr. Chairman, I have an amendment at the desk, Scott No. 9.

Chairman SENSENBRENNER. The clerk will report amendment No. 9.

The CLERK. Amendment to the amendment to H.R. 7 offered by Mr. Scott. Page 15, line 1 after "that is" insert "at least as."

[The amendment follows:]

Amendment to the Amendment to H.R. 7 Offered by Mr. Scott Scott #9

Page 15, line 1 after "that is" insert "at least as".

Chairman SENSENBRENNER. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, this amendment will ensure that program beneficiaries would have equal access to alternative programs. Under the current language of the manager's amendment, program beneficiaries who object to the religious character of a program must be provided with an alternative program, but an alternative program needs to be at least as accessible as the designated program in order to offer a real alternative. If the alternative is located much farther away, not on a public transportation line or has other accessibility issues, then it may be technically accessible, but it is not a reasonable alternative for the beneficiary.

If we're serious about offering alternative programs to those who are uncomfortable with the religious character of an organization, then we must make sure that the alternative programs are not just technically available, but at least as accessible as the original program. My amendment adds this clarifying language, and I ask that you support it.

Chairman SENSENBRENNER. The Chair recognizes himself in opposition to the amendment.

This amendment makes this safety valve unworkable. If somebody lives across the street from that Baptist Church in Idaho that we spent most of the afternoon talking about and doesn't want to go to the Baptist Church for an after-school program or social services provided under the bill, this requires that the alternative program be at least as close as the Baptist Church across the street. Now, that's unreasonable. I would hope the amendment would be voted down, as a result of that.

I yield back the balance of my time.

The question is on the adoption of the Scott amendment to the Sensenbrenner amendment.

Those in favor will signify by saying aye.

Opposed, no.

Noes appear to have it, the noes have it, and the amendment is not agreed to.

Are there further amendments?

Mr. SCOTT. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

Mr. SCOTT. No. 12.

Chairman SENSENBRENNER. No. 12.

The CLERK. Amendment to the amendment to H.R. 7 offered by Mr. Scott, Page 9, line 11 after the period add, "For the purposes of this section, a religious organization is an organization which is pervasively sectarian, and states in the application for funding that it is a pervasively sectarian organization."

[The amendment follows:]

Amendment to the Amendment to H.R. 7

Offered by Mr. Scott

Scott #12

Page 9, line 11 after the period add " For the purposes of this section, a religious organization is an organization which is pervasively sectarian, and states in the application for funding that it is a 'pervasively sectarian organization.' "

Chairman SENSENBRENNER. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. Chairman, we've waived significant laws for religious organizations. Civil rights may not apply, there's separate alternatives that are available if the organization making an application is a religious organization, but I couldn't find a definition of what religious organization meant.

If an organization is going to be entitled to benefits under the bill, we should know it before the problem occurs. So this amendment provides a description of what a religious organization is that says it's a pervasively sectarian organization and states that it ought to say so in the application, otherwise secular programs might try to benefit from the provisions of the bill by suggesting, when they get in trouble on discrimination, that they are religious because they began reading Bible versus around the programs, and they are now a religious organization and ought to qualify.

We ought to know that up front. This defines religion and says if you're going to be a religious organization for the purposes of this bill, then you ought to say so up front.

I'd hope you'd adopt the amendment.

Mr. HYDE. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Illinois, Mr. Hyde.

Mr. HYDE. I think the word "pervasive" is a little bit pejorative. I'm surprised that the gentleman looked through a dictionary and could only come up with this. Pervasively sectarian could be an atheist, pervasively atheist, agnostic, sectarian. Why not just say sectarian? Why the pervasive? It just seems to me that's pejorative.

Mr. SCOTT. Will the gentleman yield?

Mr. HYDE. Sure.

Mr. SCOTT. I used that term because that's what the Supreme Court has used when they look at religious organizations. They generally use the term "pervasively sectarian." So, if you want to strike it—if you'll adopt the amendment if I strike it. [Laughter.]

Mr. CHABOT. Would the gentleman from Illinois yield?

Mr. HYDE. Yes.

Mr. CHABOT. I thank the gentleman for yielding.

I, as well as the Chairman, or former Chairman, oppose this particular amendment. The pervasively sectarian standard in the law is dead. As the Congressional Research Service concluded in its December 27th, 2000, report to Congress on charitable choice, "In its most recent decisions, the Court appears to have abandoned the presumption that some religious institution, such as sectarian, elementary, and secondary schools, are so pervasively sectarian that they are constitutionally ineligible to participate in direct public aid programs."

"It also seems clear that for a majority, a different majority of six justices, those joining in the Thomas and O'Connor opinions, the question of whether a recipient institution is pervasively sectarian is no longer a constitutionally determinative factor."

So, therefore, the pervasively sectarian test is dead.

Another one of its obituaries was written just yesterday by the Fourth Circuit Court of Appeals, as I had mentioned earlier in that case this morning, which held that the Constitution allows the Government to provide direct aid to a religious organization, "without resort to a Court's examining its pervasively sectarian status,

as long as there are protections in place prohibiting Federal funds from being used for a proselytizing activities.”

The Supreme Court has decisively rejected the idea that religious people simply can’t be trusted to follow rules against using Federal funds for proselytizing activities. Both the plurality opinion and the opinion joined by Justices O’Connor and Breyer in *Mitchell v. Helms* stand for the proposition that members of religious organizations should always be presumed to be acting in good faith.

In *Mitchell v. Helms*, the controlling opinion of Justices O’Connor and Breyer states that, “The Court’s willingness to assume that religious school instructors will inculcate religion has not caused us to presume also that such instructors will be unable to follow secular restrictions on the use of textbooks. It is entirely proper to presume that these school officials will act in good faith.”

In *Mitchell v. Helms*, the majority reversed an appeals court holding that providing educational materials and equipment to pervasively sectarian schools was unconstitutional.

So, just to reiterate, the pervasively sectarian standard in the law is completely dead, and I thank the gentleman for yielding.

Chairman SENSENBRENNER. Does the gentleman from Illinois yield back?

Mr. HYDE. I yield back.

Chairman SENSENBRENNER. The question is on the Scott amendment to the Sensenbrenner amendment.

Those in favor will say aye.

Opposed, no.

The noes appear to have it. The noes have it. The amendment is not agreed to.

Are there further amendments?

Mr. SCOTT. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Scott?

Mr. SCOTT. I have an amendment at the desk, No. 14.

Chairman SENSENBRENNER. The clerk will report Scott No. 14.

The CLERK. Amendment to the amendment to H.R. 7 offered by Mr. Scott. Page 19, line 20, after “COMPLIANCE,” insert “Funding under this section shall be based on the objective merits of the applications submitted and shall not discriminate against an applicant based on the religious character of the organization.”

[The amendment follows:]

Amendment to the Amendment to H.R. 7

Offered by Mr. Scott

Scott #14

Page 19, line 20 after “COMPLIANCE --” insert “Funding under this section shall be based on the objective merits of the applications submitted and shall not discriminate against an applicant based on the religious character of the organization.”

Chairman SENSENBRENNER. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. Chairman, this amendment provides that decisions to fund one organization—a decision to fund one organization or another must be made on objective merits and not religious discrimination. We have heard all day that all religions will be treated fairly. This amendment protects minority religions which I think, frankly, will not be treated fairly. If a minority religion has the best program, it ought to get the contract. There should not be discrimination against a religion because it's not the religion favored by the Government officials making the decision.

So, Mr. Chairman, as we heard earlier, we're going to treat all religions fairly, well, let's put it in the bill.

I yield back the balance of my time.

Chairman SENSENBRENNER. The gentleman from Ohio, Mr. Chabot?

Mr. CHABOT. Move to strike the last word, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman. I oppose the amendment. This is already provided for in Subsection (c)(1)(b), no discrimination—

Mr. SCOTT. Can you say what pages that's on—

Mr. CHABOT.—on the basis of religion—

Mr. SCOTT. Excuse me. What page is that on?

Mr. CHABOT.—no discrimination on the basis of religion for or against faith-based providers. This is already the whole purpose of the bill. Let's not get judges involved in saying what is objective or what is not. The term "applicant" doesn't fit in the context of indirectly funded programs such as vouchers, and therefore we oppose the amendment.

Yield back the balance.

Chairman SENSENBRENNER. The question is on—

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER.—the adoption of the Scott amendment.

Mr. WATT. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from North Carolina seek recognition?

Mr. WATT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. We were just trying to find the provision that he—

Chairman SENSENBRENNER. Would the gentleman yield?

Mr. WATT. Yes.

Chairman SENSENBRENNER. It is on Page 9, (1)(b), lines 12 through 19, inclusive.

Mr. WATT. Page 9.

Mr. SCOTT. Will the gentleman yield?

Mr. WATT. Yes, I will yield to the gentleman.

Mr. SCOTT. Mr. Chairman, that says that you cannot discriminate against a religion because it has a religious character. It does not say that you can't discriminate against one religion because you don't like that religion. If you have picked one religious group over another because the Government officials prefer that religion, notwithstanding the fact that the other program had a better pro-

gram by any objective standard, you ought not discriminate against an organization because you don't like their religion.

Now, this is where I think we may have a disagreement. I don't believe—I believe that the minority religions aren't going to get any funds under this because Government officials will pick their favorite religion because of politics, the one, the religion that has the most votes, not the program that has the best merits. And this amendment says that you can't discriminate against one religion or another, just because it has religious character and you pick a religious group, if it is, by any objective standard, a minority religion has a better program, then it ought to get the contract.

Now, if this amendment isn't passed, then all that discussion we had about treating religions fairly was a waste of time because this says that you have to treat religions fairly. And either you're going to do it or you're not, and if you want to treat religions fairly, you ought to adopt this amendment.

Mr. WATT. Reclaiming my time, Mr. Chairman.

We've had a lot of discussion today about religion and not discriminating against religions and not disadvantaging religions, but in the final analysis, the delivery of services of the Government is about the delivery of services, and who can deliver those services the best. That's why, I take it, this bill, this whole idea is being advanced because some people, a number of us agree that religious institutions can deliver certain social services and Government services that have been delivered by the Government in the past more effectively than the Government.

But in the final analysis, this should never be about discriminating against one religion because it's got less members or less votes or—this should always be about providing a provider of service that will do the best job, which is what we all are about as the Government here.

And while I respect your reference to the language on Page 9, it simply does not do what Mr. Scott's amendment would do, and I think we have done ourselves, and the public and taxpayers a major disservice if we are not striving to get the most efficient and best provider of services out there to deliver whatever it is we're trying to deliver, whether it's drug counseling or education or whatever we're delivering through these organizations.

And I agree with Mr. Scott. I think quite often this language is going to be used to favor mainstream religions to the advantage of other religions that might be able to deliver the services substantially better and more effectively. It's going to be used in some section of town because that section of town votes and not in the other section of town because that other section of town doesn't vote, and that's the very thing that we should not be countenancing under this legislation, and I think if we are serious about this, we've got to adopt Mr. Scott's amendment.

Chairman SENSENBRENNER. The question is on the Scott amendment to the Sensenbrenner—

Ms. LOFGREN. Mr. Chairman?

Chairman SENSENBRENNER. The gentlewoman from California, Ms. Lofgren.

Ms. LOFGREN. I move to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. LOFGREN. I will not consume 5 minutes. I, just in favor of this amendment, I think it's important that there be a process put in place in the selection process so that we do not end up with favoring one religion over another. Frankly, if that patterns emerges, and it's quite possible it may, that's clearly violative of the First Amendment, and this whole thing is going to fall apart.

I think it is important to prevent that—that circumstance by providing a process to—where the first amendment can be sustained. And I think, you know, I don't know what is in the minds of all of the Members of the Committee, but there may be assumptions across America that it will be the predominant religion in America that is often selected. Well, I'll tell you, there are parts of the country, especially in the State I'm from, where the predominant religion of the citizens and voters is not the predominant religion of America.

And so unless there is a process for fairness, and I do not buy the argument that there cannot be objective standards. I mean, in my decades of service in local government, you have RFPs, you have standards, that is routine, and it is imposed, oftentimes, by the Federal Government, as well as State Government. So you can do objective standards, and if we don't do it, we're just going to end up with lawsuits all over the country, and I think the—

Mr. SCOTT. Would the gentlelady yield?

Ms. LOFGREN. I would yield to Mr. Scott.

Mr. SCOTT. I would also add, since you mentioned local officials having to evaluate, if you don't have objective standards by which an applicant got the contract, how does the agency that let the contract evaluate the program if it's not on objective criteria? Do we say it's a good religion—religious experience or what? You have to have some kind of objective standard to let the contract to begin with and then to follow up to see if they complied with the contract.

Ms. LOFGREN. Reclaiming my time. The lack of standards, also, will instigate, will be an incentive to litigation because people are very edgy about their religious beliefs and take those beliefs very seriously. And if you have a competition between the Sikhs, the Buddhists and the Janes in my district, and one of those is selected and the other two are not, and there is no objective criteria, the losers are going to maybe suspect that they were not selected because of their religious beliefs rather than the program they put forward. And I think that the lack of dealing with this up front is a severe problem.

I yield back the balance of my time and thank the Chairman for—

Chairman SENSENBRENNER. The question is on the Scott amendment to the Sensenbrenner amendment.

Those in favor will say aye.

Opposed, no.

Noes appear to have it. Noes have it, and the amendment is not agreed to.

Mr. SCOTT. Mr. Chairman, I'd like a recorded vote on that one.

Chairman SENSENBRENNER. A recorded vote will be ordered. Those in favor of the Scott amendment to the Sensenbrenner amendment will, as your names are called, answer aye; those opposed, no, and the clerk will call the roll.

The CLERK. Mr. Hyde?
 Mr. HYDE. No.
 The CLERK. Mr. Hyde, no. Mr. Gekas?
 Mr. GEKAS. No.
 The CLERK. Mr. Gekas, no. Mr. Coble?
 Mr. COBLE. No.
 The CLERK. Mr. Coble, no. Mr. Smith?
 [No response.]
 The CLERK. Mr. Gallegly?
 Mr. GALLEGLY. No.
 The CLERK. Mr. Gallegly, no. Mr. Goodlatte?
 Mr. GOODLATTE. No.
 The CLERK. Mr. Goodlatte, no. Mr. Chabot?
 Mr. CHABOT. No.
 The CLERK. Mr. Chabot, no. Mr. Barr?
 [No response.]
 The CLERK. Mr. Jenkins?
 Mr. JENKINS. No.
 The CLERK. Mr. Jenkins, no. Mr. Hutchinson?
 Mr. HUTCHINSON. No.
 The CLERK. Mr. Hutchinson, no. Mr. Cannon?
 Mr. CANNON. No.
 The CLERK. Mr. Cannon, no. Mr. Graham?
 Mr. GRAHAM. No.
 The CLERK. Mr. Graham, no. Mr. Bachus?
 Mr. BACHUS. No.
 The CLERK. Mr. Bachus, no. Mr. Scarborough?
 Mr. SCARBOROUGH. No.
 The CLERK. Mr. Scarborough, no. Mr. Hostettler?
 Mr. HOSTETTLER. No.
 The CLERK. Mr. Hostettler, no. Mr. Green?
 Mr. GREEN. No.
 The CLERK. Mr. Green, no. Mr. Keller?
 Mr. KELLER. No.
 The CLERK. Mr. Keller, no. Mr. Issa?
 Mr. ISSA. No.
 The CLERK. Mr. Issa, no. Ms. Hart?
 Ms. HART. No.
 The CLERK. Ms. Hart, no. Mr. Flake?
 Mr. FLAKE. No.
 The CLERK. Mr. Flake, no. Mr. Conyers?
 Mr. CONYERS. Aye.
 The CLERK. Mr. Conyers, aye. Mr. Frank?
 [No response.]
 The CLERK. Mr. Berman?
 [No response.]
 The CLERK. Mr. Boucher?
 [No response.]
 The CLERK. Mr. Nadler?
 Mr. NADLER. Aye.
 The CLERK. Mr. Nadler, aye. Mr. Scott?
 Mr. SCOTT. Aye.
 The CLERK. Mr. Scott, aye. Mr. Watt?
 Mr. WATT. Aye.
 The CLERK. Mr. Watt, aye. Ms. Lofgren?

Ms. LOFGREN. Aye.

The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?

Ms. JACKSON LEE. Aye.

The CLERK. Ms. Jackson Lee, aye. Ms. Waters?

Ms. WATERS. Aye.

The CLERK. Ms. Waters, aye. Mr. Meehan?

[No response.]

The CLERK. Mr. Delahunt?

[No response.]

The CLERK. Mr. Wexler?

[No response.]

The CLERK. Ms. Baldwin?

[No response.]

The CLERK. Mr. Weiner?

[No response.]

The CLERK. Mr. Schiff?

[No response.]

The CLERK. Mr. Chairman?

Chairman SENSENBRENNER. No.

The CLERK. Mr. Chairman, no.

Mr. BARR. Mr. Chairman?

Chairman SENSENBRENNER. Gentleman from Georgia, Mr. Barr?

Mr. BARR. No.

Chairman SENSENBRENNER. Are there any other Members in the chamber who wish to cast or change their votes?

The CLERK. Mr. Barr, no.

Chairman SENSENBRENNER. If not, the clerk will report.

The CLERK. Mr. Chairman, there are 7 ayes and 20 nays.

Chairman SENSENBRENNER. The amendment is not agreed to. Are there further amendments? The prolific gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I have an amendment at the desk, No. 8. And I just have two more amendments, Mr. Chairman, this one and one more.

Chairman SENSENBRENNER. Would you like to have them considered en bloc?

Mr. SCOTT. No, Mr. Chairman. [Laughter.]

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to the amendment to H.R. 7, Offered by Mr. Scott. Page 20, line 7 strike "From" and all that follows—

Mr. SCOTT. Mr. Chairman, I'd ask unanimous consent that the amendment be considered as read.

Chairman SENSENBRENNER. Without objection. The gentleman's recognized for 5 minutes.

[The amendment follows:]

Amendment to the Amendment to H.R. 7
Offered by Mr. Scott
Scott #8

~~Page 20, line 7 strike "From" and all that follows through "funds" and insert "(1) Funds".~~

Page 20, line 17 strike "\$25" and insert "\$50".

Page 20, line 18 after the period insert:

^{may}
"(2) Such assistance ~~shall~~ include:

(A) assistance and information relative to creating an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to operate identified programs;

(B) grant writing assistance which may include workshops and reasonable guidance;

(C) information and referrals to other nongovernmental organizations that provide expertise in accounting, legal issues, tax issues, program development and a variety of other organizational areas; and

(D) information and guidance on how to comply with federal nondiscrimination provisions including, but not limited to, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Fair Housing Act, as amended (42 U.S.C. 3601 et. seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1688), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107)."

(3) Reservation of Funds- An amount of no less than \$5 million shall be reserved under this section. Small nongovernmental organizations may apply for these funds, to be used for assistance in providing full and equal integrated access to individuals with disabilities in programs under this Title.

(4) Priority- In giving out such assistance described in this section, priority shall be given to small nongovernmental organizations serving urban and rural communities."

Mr. SCOTT. Mr. Chairman, this amendment doubles the technical assistance funds provided to small community and religious-based

Allen.⁶² “Indirect” means of funding are flexible, and include more than vouchers and certificates.

Charitable choice programs administered through the use of vouchers or certificates to individuals, who may then choose to give them to nonreligious or religious organizations in return for social services, enjoy the widest constitutional berth. When voucher programs are created, and individuals are allowed to redeem their vouchers at approved sites, the latitude for religious expression and practice at those sites can be far greater. Where the design of the charitable choice program has not predetermined where the Government funding should go but has given a free choice to the immediate beneficiaries of the programs—for example, the voucher recipients—the Supreme Court has held such programs constitutional even though institutions presumed to be pervasively religious have benefitted.⁶³ So long as the initial beneficiaries have a choice about where to redeem the vouchers or certificates, and a range of choices are available including religious and nonreligious social service organizations, such programs do not violate the First Amendment.

In *Mueller v. Allen*,⁶⁴ the Supreme Court upheld a Minnesota statute allowing state taxpayers, in computing their state income tax, to deduct expenses incurred in providing “tuition, textbooks and transportation” for their children attending elementary or secondary school, either nonreligious or religious. The Court stated that

by channeling whatever assistance it may provide to parochial schools through individual parents, Minnesota has reduced the Establishment Clause objections to which its action is subject ... It is true, of course, that financial assistance provided to parents ultimately has an economic effect comparable to that of aid given directly to the schools attended by their children. It is also true, however, that under Minnesota’s arrangement public funds become available only as a result of numerous, private choices of individual parents of school-age children ... Where, as here, aid to parochial schools is available only as a result of decisions of individual parents no imprimatur of State approval can be deemed to have been conferred on any particular religion, or on religion generally.⁶⁵

In *Witters v. Washington Department of Services for the Blind*,⁶⁶ the Supreme Court upheld a program allowing a student who was pursuing a biblical studies degree at a Christian college to receive financial vocational assistance. The Court stated

Certain aspects of Washington’s program are central to our inquiry. As far as the record shows, vocational assistance provided under the Washington program is paid directly to the student, who transmits it to the educational institution of his

⁶² 463 U.S. 388, 399 (1983) (“Where, as here, aid to parochial schools is available only as a result of decisions of individual parents no imprimatur of State approval can be deemed to have been conferred on any particular religion, or on religion generally.”).

⁶³ See *Mueller v. Allen*, 463 U.S. 388, 399 (1983); *Witters v. Washington Department of Services for the Blind*, 474 U.S. 481, 487 (1986); *Zobrest v. Catalina Foothills School District*, 509 U.S. 1, 10 (1993).

⁶⁴ 463 U.S. 388 (1983).

⁶⁵ *Id.* at 399.

⁶⁶ 474 U.S. 481 (1985).

organizations to operate programs. Because the Department of Justice will be providing technical assistance across the multitude of agencies and departments, in addition to the level of assistance it may be required to provide—that it may be required to provide, I believe that the proposed funding level of \$25 million is inadequate.

In addition to doubling the funding for technical assistance, the amendment lays out several specific kinds of technical assistance that should be provided by the Department of Justice, and these include: assistance in creating 501(c)(3)'s; grant-writing assistance, which may include workshops and reasonable guidance, information and referrals to other non-governmental organizations that provide expertise in accounting, legal issues, tax issues; information and guidance on how to comply with Federal nondiscrimination provisions. It also requires that priority be given to small non-governmental organizations serving urban and rural communities. In addition, it sets aside \$5 million for technical assistance to help small non-governmental agencies, organizations make their programs accessible to the disabled.

Mr. Chairman, the critics of charitable choice have been accused of not understanding the power or faith and accused of wanting to defund programs like Habitat for Humanity and Catholic Charities. That's wrong. The fact is that there is broad bipartisan support for involving faith- and community-based organizations to help our communities. We just shouldn't have to sell off our civil rights to get those investments. By providing technical assistance to community and religious organizations, particularly those that are small, we can actually increase their participation in Federal programs without sabotaging civil rights.

I hope we would adopt the amendment, and I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. Mr. Chairman, in conjunction with staff, we're trying to figure out exactly what this amendment means, and without a little more time, we just have to—have to oppose it, although Mr. Scott is a tremendously effective Member of Congress, so we would ask perhaps if we have a little more time.

Chairman SENSENBRENNER. Gentleman from Illinois, Mr. Hyde, recognized for 5 minutes.

Mr. HYDE. Mr. Chairman, the last paragraph says, "in giving out such assistance described in this section, priority shall be given to small, non-governmental organizations serving urban and rural communities."

Previous amendments were talking about who has the best program rather than discriminating against unpopular or minority religions. Now here we're supposed to give priority to small—

Mr. WATT. Will the gentleman yield?

Mr. HYDE. Yes.

Mr. WATT. This is assistance—this is assistance to access the funds and know how to technically comply with the law. That's why it's written that way.

Mr. HYDE. Well, I understand, but you're giving a preference to small, non-governmental organizations.

Ms. JACKSON LEE. Would the Chairman yield? Would Mr. Hyde yield?

Mr. HYDE. Yes, I'll yield.

Ms. JACKSON LEE. Mr. Hyde, I know that in the course of talking to a lot of religious groups in my community, one of the apprehensions they had was understanding the Federal system. I can't speak for Mr. Scott in terms of his provision on—the last provision, but I know the technical assistance to allow them or encourage them or provide a road map on how to access these funds to be the good samaritan, I think is very productive. It opens the doors to more applicants. It keeps them within the guidelines of the regulations that will be promulgated, and also, it will allow them to understand all aspects of receiving Federal funds, and yet being able to do the service. So I would hope that we would come to some agreement on this amendment about technical assistance. I yield back.

Mr. WATT. Will the former Chairman yield? Will Mr. Hyde yield?

Mr. HYDE. I'll yield back so the Chairman can get the time.

Chairman SENSENBRENNER. I move to strike the last word, and recognize myself for 5 minutes.

Mr. WATT. Would the Chairman yield just for—

Chairman SENSENBRENNER. Well, I'm going to make a deal you can't refuse. I'm willing to accept the amendment if on paren two you strike the word "shall" and replace it with "may." And that gives the Justice Department flexibility but not a mandate.

Mr. SCOTT. I'll agree to that. Ask unanimous consent that after paren 2, "Such assistance", "may" instead of "shall."

Chairman SENSENBRENNER. Without objection, so ordered. And—

Mr. WATT. Would the Chairman yield just briefly while he's thinking?

Chairman SENSENBRENNER. I just want to make sure that the Justice Department administers the funds. And page 20, you strike the word "from" on line 7 through "funds", which means that OJP does not have the mandate to administer this program. I would just as soon that you omit that so that the Office of Justice Programs does this, rather than something else in the Justice Department.

Mr. SCOTT. I'd ask unanimous consent that that amendment be adopted.

Chairman SENSENBRENNER. Without objection, the amendment is further modified, and without objection, the Scott amendment is agreed to.

Are there further amendments?

Mr. SCOTT. I have an amendment.

Chairman SENSENBRENNER. One more? You're not going to quit when you're ahead? [Laughter.]

Chairman SENSENBRENNER. The clerk will report the last Scott amendment.

Mr. SCOTT. No. 11.

The CLERK. Amendment to the amendment to H.R. 7, Offered by Mr. Scott. Page 10, line paren, period, end paren, add paren, "Notwithstanding the provisions of this paragraph, title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.)"—

Chairman SENSENBRENNER. Without objection, the amendment is considered as read. The gentleman will be recognized for 5 minutes.

[The amendment follows:]

Amendment to the Amendment to H.R. 7
Offered by Mr. Scott
Scott #11

Page 10, line “.” add “Notwithstanding the provisions in this paragraph,
title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) shall
apply to organizations receiving direct assistance funded under any
program described in subsection (c)(4).”

Mr. SCOTT. Thank you, Mr. Chairman. I'm not sure whether there's a—a problem with the bill or not, but it seems as though this is a clarifying amendment to make sure that title VI actually applies to direct grants. There is language in the bill that says that funds are not aid to religion. In the past that language has been used to specifically exempt the application of title VI. Without this amendment, the bill will say that title VI applies, but the provision of title VI only applies to organizations in receipt of Federal funds, and the bill seems to say that this is not direct aid to the organization, and therefore, title VI doesn't apply.

Small organizations getting Federal funds under this amendment would therefore be able to discriminate because they wouldn't be covered by title VI because they're not receiving Federal funds. In fact, they're not even covered by title VII, so they're not covered by any civil rights bills, unless this amendment is adopted saying that if you get money, notwithstanding the no-aid-to-religion language, you're still technically in receipt of Federal funds and title VI shall apply.

Yield back.

Mr. CHABOT. Mr. Chairman?

Chairman SENSENBRENNER. Gentleman from Ohio, Mr. Chabot, is recognized for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman. I'll be very brief. We opposed the amendment. It's already crystal clear, already covered. It's very unnecessary. It's already covered under section E(e), and we yield back the balance of the time.

Chairman SENSENBRENNER. The question is on——

Mr. SCOTT. Excuse me, Mr. Chairman, could you yield and say what section you're looking at again? On what page and line, if you could?

Mr. CHABOT. We'll get the page for you. It's the bottom of page 13, line 24.

Mr. SCOTT. 13, line 24.

Mr. WATT. Will the gentleman yield?

Mr. SCOTT. Will the gentleman yield?

Mr. CHABOT. It's my time. I'll yield.

Mr. SCOTT. I would ask on page 9, line 20, you say that Federal, State or local funds or other assistance received by a religious organization constitutes aid to an individual and families and not support for the religion or the organization's religious beliefs. If that's the case, title VI, although it applies, it only applies to organizations receiving funds. You just said that they don't receive funds. And so what this amendment says is whatever you meant by—in line 20, you really mean it on page 14, where title VI applies. Now, does title VI apply or not? And if you—because you said they're not receiving funds, title VI only applies to organizations receiving funds.

Mr. CHABOT. Reclaiming my time, our contention is it does apply, and it's clear, and there's really nothing else to discuss.

Mr. SCOTT. Is it the legislative—would the gentleman yield?

Mr. CHABOT. I'll continue to yield.

Mr. SCOTT. Is it the legislative intent that the non-discrimination provisions of title VI apply to everyone getting money under this bill, whether they're technically in receipt of funds by the organization or not? Is that the legislative intent?

Mr. CHABOT. Yeah. They must be receiving funds.

Mr. SCOTT. Well, you just said on page 9 that they're not receiving funds. That means that title VI doesn't apply, and they can discriminate at will, based on race, religion, everything else.

Mr. CHABOT. Title VI only applies to institutions receiving funds from the government.

Mr. SCOTT. That's right. And does the language on page 9, which says they don't receive funds, mean that title VI doesn't apply to organizations receiving funds under this bill?

Mr. CHABOT. I'm going to have to consult with staff here.

[Pause]

Chairman SENSENBRENNER. The gentleman from Ohio.

Mr. CHABOT. Relative to paragraph 2, it says, "Federal, State or local government funds or other assistance that is received by a religious organization for the provision of services under this section, constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not support for religion or the organization's religious beliefs or practices." So it seems.

Mr. SCOTT. As to title VI, title VI doesn't apply.

Mr. CHABOT. I'll yield back the balance of my time. We think—

Chairman SENSENBRENNER. The question is on the adoption of Scott amendment No. 11.

Mr. WATT. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman from North Carolina's recognized for 5 minutes.

Mr. WATT. I yield to Mr. Scott.

Mr. SCOTT. Well, Mr. Chairman, based on that reading, it is obvious that no civil rights laws apply. Title VI applies to organizations receiving Federal funds, and you've conveniently—and this isn't the first time this is done. I mean I've seen memos from some organizations, say if you can get a not-state aid amendment into a bill, you have essentially exempted the organization from title VI oversight. And that's what the purpose of the language on line—page 9, line

20. It is to say—make the fiction that the organization receiving funds really didn't receive funds. And that fiction blows away title VI of the civil rights laws and means that the organization can discriminate any kind of way it wants. It's not subject to title VII under religion, and if it's got less than 15 employees——

Mr. CHABOT. Will the gentleman yield?

Mr. SCOTT.—Title VII doesn't even kick in anyway.

Mr. CHABOT. Will the gentleman yield?

Mr. SCOTT. They can discriminate based on race, religion, any kind of thing they want to rely on with that language in there, and all my little amendment says is that title VI anti-discrimination provisions ought to apply.

Chairman SENSENBRENNER. The time belongs to the gentleman from North Carolina.

Mr. WATT. I yield to Mr. Chabot.

Mr. CHABOT. Thank you. It's clear—we've reviewed it again—it's clear that title VI, that it applies, and it's our contention—we disagree on it, but it seems to be very clear to us.

Mr. WATT. Reclaiming my time, I—for the life of me, it may be clear to you, but it certainly is not clear to us. If you've got a provision in the law that says this is not aid to the organization, this is not money that's going to the organization, it's going to individuals and families in need, the ultimate beneficiaries of such service, and not support for religion or the organization's religious beliefs or practices, then basically you've said that it doesn't apply. Unless you put some proviso at the end that says it does apply, which is what Mr. Scott is trying to do.

Mr. NADLER. Mr. Chairman?

Chairman SENSENBRENNER. The time belongs to the gentleman from North Carolina.

Mr. WATT. I yield to Mr. Nadler.

Mr. NADLER. Thank you. I've been listening to this discussion in some confusion, as I imagine some other people have. What I seem to come away from is that Mr. Scott says—and Mr. Watt—that without ameliorative language, title VI would not apply. Mr. Chabot says, "Oh, yes, title VI does apply." Everybody seems to agree that title VI should apply. The question is over the interpretation.

I'd ask Mr. Chabot, do you agree that title VI should apply in this situation?

Mr. CHABOT. I agree it should, and it does. It seems to be crystal clear.

Mr. NADLER. All right. And reclaiming my time, there's a real disagreement here as to whether it does or not. Everybody seems to agree that it should. So why not simply put in a statement that says it does? What possible harm is there to just clarify the point, Mr. Chabot?

Mr. CHABOT. You could amend anything and repeat the language redundancy upon redundancy. If it's clear already, there's no reason to——

Mr. NADLER. Well, in this case—reclaiming my time——

Mr. CHABOT.—amend something just for the purpose of amending it.

Mr. NADLER. In this case, I would suggest and I would urge that it would serve a great purpose—either you're right or wrong. If

you're right, the amendment's superfluous but harmless. If you're wrong, the amendment is necessary. And there would seem to be a lot of pretty good legal minds that think that maybe you're wrong. So why not accept the amendment? It seems to me that if we all agree that title VI should apply, then simply saying we must oppose the amendment because, although it doesn't do anything wrong, it doesn't do anything right either, is a little over rigid. Why not satisfy everybody? Get rid of an hour debate on the floor a couple weeks from now, and say, either this language or some other language that someone can draft if you don't like this language for some reason, and say title VI applies.

Mr. WATT. Reclaiming my time, I yield to Ms. Lofgren.

Ms. LOFGREN. I would just urge the same point made by Mr. Nadler. We've had a lot of disagreements today on the merits of what should be included, what shouldn't be included, but it seems to me foolish when we agree that we can't clarify it. And if we can have, you know, six lawyers arguing the point and not agreeing here for 20 minutes, it seems to me there will be lawyers across the country disagreeing. And to make it clear is a reasonable thing to do, and I would urge that we do so.

Mr. CHABOT. Would the gentlelady yield? I'm not sure whose time it is over there.

Ms. LOFGREN. It's Mr. Watt's time.

Mr. WATT. I yield to Mr. Chabot.

Mr. CHABOT. Okay. I thank the gentleman for yielding. We continue to believe that it's clear, that it's already covered, that the language is unnecessary and redundant, but since it's redundant, it's really not harmful, and so for that reason, we will withdraw our objection to the amendment.

Chairman SENSENBRENNER. The gentleman's time is expired. The question is on Scott amendment No. 11 to the Sensenbrenner amendment. Those in favor, will signify by saying aye.

Opposed, no.

The ayes have it, and the amendment is agreed to.

There being no further amendments, the question is on adoption of the Sensenbrenner amendment as amended. Those in favor will signify by saying aye.

Those opposed, no.

The ayes appear to have it.

Mr. NADLER. Mr. Chairman—

Chairman SENSENBRENNER. This is on the Sensenbrenner amendment. This is not on reporting the bill.

Mr. NADLER. Oh, sorry.

Chairman SENSENBRENNER. The ayes appear to have it. The ayes have it.

A reporting quorum is present.

Mr. SCOTT. Mr. Chairman?

Chairman SENSENBRENNER. The question occurs on the motion to report the bill, H.R. 7, favorably as amended.

Mr. SCOTT. Mr. Chairman?

Chairman SENSENBRENNER. All in favor will say aye.

Mr. SCOTT. Mr. Chairman?

Chairman SENSENBRENNER. Opposed, no.

The ayes appear to have it.

Mr. SCOTT. I was seeking recognition before the motion. Before the vote. I sought recognition before the vote.

Chairman SENSENBRENNER. The Chair will vitiate the voice vote. For what purpose the gentleman from Virginia seek—

Mr. SCOTT. Mr. Chairman, I was just looking at the amendment that was adopted, and there seems to be—there's a technical glitch to it. Page 10, it should read "line 2" after the period. I think—

Chairman SENSENBRENNER. Without objection, the amendment is so modified.

The question now again occurs on the motion to report the bill H.R. 7 favorably, as amended. All those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it. A rollcall is requested. Those in favor of the motion to favorably report will, as your names are called, answer aye; those opposed, no. And the clerk will call the roll.

Mr. NADLER. I thought it was requesting a rollcall on the Sensenbrenner amendment. I don't need a rollcall on this.

Chairman SENSENBRENNER. We want one. This is final passage. The clerk will call the roll.

The CLERK. Mr. Hyde?

Mr. HYDE. Yes.

The CLERK. Mr. Hyde, yes. Mr. Gekas?

Mr. GEKAS. Yes, aye.

The CLERK. Mr. Gekas, aye. Mr. Coble?

Mr. COBLE. Yes, aye.

The CLERK. Mr. Coble, aye. Mr. Smith?

[No response.]

The CLERK. Mr. Gallegly?

Mr. GALLEGLY. Aye.

The CLERK. Mr. Gallegly, aye. Mr. Goodlatte?

Mr. GOODLATTE. Aye.

The CLERK. Mr. Goodlatte, aye. Mr. Chabot?

Mr. CHABOT. Aye.

The CLERK. Mr. Chabot, aye. Mr. Barr?

Mr. BARR. Aye.

The CLERK. Mr. Barr, aye. Mr. Jenkins?

Mr. JENKINS. Aye.

The CLERK. Mr. Jenkins, aye. Mr. Hutchinson?

Mr. HUTCHINSON. Aye.

The CLERK. Mr. Hutchinson, aye. Mr. Cannon?

Mr. CANNON. Aye.

The CLERK. Mr. Cannon, aye. Mr. Graham?

Mr. GRAHAM. Aye.

The CLERK. Mr. Graham, aye. Mr. Bachus?

Mr. BACHUS. Aye.

The CLERK. Mr. Bachus, aye. Mr. Scarborough?

[No response.]

The CLERK. Mr. Hostettler?

Mr. HOSTETTTLER. Aye.

The CLERK. Mr. Hostettler, aye. Mr. Green?

Mr. GREEN. Aye.

The CLERK. Mr. Green, aye. Mr. Keller?

Mr. KELLER. Aye.

The CLERK. Mr. Keller, aye. Mr. Issa?

Mr. ISSA. Aye.
The CLERK. Mr. Issa, aye. Ms. Hart?
Ms. HART. Aye.
The CLERK. Ms. Hart, aye. Mr. Flake?
Mr. FLAKE. Aye.
The CLERK. Mr. Flake, aye. Mr. Conyers?
[No response.]
The CLERK. Mr. Frank?
[No response.]
The CLERK. Mr. Berman?
[No response.]
The CLERK. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
Mr. NADLER. No.
The CLERK. Mr. Nadler, no. Mr. Scott?
Mr. SCOTT. No.
The CLERK. Mr. Scott, no. Mr. Watt?
Mr. WATT. No.
The CLERK. Mr. Watt, no. Ms. Lofgren?
Ms. LOFGREN. No.
The CLERK. Ms. Lofgren, no. Ms. Jackson Lee?
[No response.]
The CLERK. Ms. Waters?
Ms. WATERS. No.
The CLERK. Ms. Waters, no. Mr. Meehan?
[No response.]
The CLERK. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
[No response.]
The CLERK. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
[No response.]
The CLERK. Mr. Chairman?
Chairman SENSENBRENNER. Aye.
The CLERK. Mr. Chairman, aye.
Chairman SENSENBRENNER. Are there additional Members in the chamber who desire to cast or change their vote? Gentleman from Florida?
Mr. SCARBOROUGH. Aye.
The CLERK. Mr. Scarborough, aye.
Chairman SENSENBRENNER. Are there additional Members who desire to cast or change their vote? If not, the clerk will report.
The CLERK. Mr. Chairman, there are 18 ayes and 5 nays.
Chairman SENSENBRENNER. And the motion to favorably report is agreed to. Without objection, the bill will be reported in the—
The CLERK. Excuse me. 20 ayes, and 5 nays.
Chairman SENSENBRENNER. The final rollcall is so modified. Without objection, the bill will be reported in the form of a single amendment in the nature of a—strike that.

Without objection, the Chairman is authorized to move to go to conference pursuant to House rules. Without objection, the staff is directed to make any technical and conforming changes. All Members will be given 2 days, as provided by House rules, in which to submit additional dissenting, supplemental, or minority views.

The Chair extends his heartfelt thanks to the patience of all Members, staff and audience for sticking us—with us through this ordeal, and without objection, the Committee is adjourned.

[Whereupon, at 8:00 p.m., the Committee was adjourned.]

DISSENTING VIEWS

We dissent from the provisions in H.R. 7 which fall within the Committee on the Judiciary's jurisdiction (sec. 201 and 104).

We strongly believe that religious organizations can and should play an important and positive role in meeting our nation's social welfare needs. However, we cannot support legislation which seeks to enlarge the role of religious institutions by sanctioning government-funded discrimination and by breaking down the historic separation between church and state. This is why the legislation is opposed by a broad range of groups, including civil rights organizations (the Leadership Conference on Civil Rights, the NAACP, the NAACP Legal Defense Fund, the ACLU, Americans United for Separation of Church and State, the National Abortion Rights Action League, People for the American Way, the National Gay and Lesbian Task Force, the National Organization for Women), religious organizations (the Interfaith Alliance, the Baptist Joint Committee, the American Jewish Committee, the Union of American Hebrew Congregations, the Unitarian Universalist Association of Congregations), education organizations (the National Education Association, the American Federation of Teachers), and organized labor (AFSCME, Service Employees International Union).¹

Summary of Legislation and Democratic Concerns

Section 201 of H.R. 7 adds a new section 1994A to title 42 of the U.S. Code designed to expand previously enacted "charitable choice" laws² to include eight new categories of Federal grant programs (relating to, among other things, juvenile justice, crime, housing, job training, domestic violence, hunger relief, seniors services, and education). Under the bill, the Federal Government—or a State or local government using covered Federal funds—is prohibited from discriminating in the award of grants against religious organizations on account of their religious character.³ This right is enforceable by a lawsuit brought by a religious organization against the local, State and/or Federal Government.⁴

The bill extends the current exemption in the civil rights law (section 702 of the Civil Rights Act of 1964) which permits religious organizations to discriminate in employment on account of religion

¹Letter from the Coalition Against Religious Discrimination to Members of the House of Representatives (June 25, 2001) (listing 51 national organizations that oppose charitable choice) (on file with the House Judiciary Committee).

²The Personal Work and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, title I § 104 (Aug. 22, 1996), 110 Stat. 2161, 42 U.S.C. 604a (hereinafter, the "Welfare Reform Act"); The Community Services Grant Program, P.L. 105-285, title II, § 201 (Oct. 27, 1998), 112 Stat. 2749, 42 U.S.C. 9920; The Substance Abuse and Mental Health Services Act, P.L. 106-310, 42 U.S.C. § 300x-65; and The Community Renewal Tax Relief Act of 2000 (H.R. 5662 included in Consolidated Appropriations Act of 2001, P.L. 106-554 (Dec. 12, 2000), 114 Stat. 2763).

³Manager's amendment to H.R. 7, section 201 adding proposed section 1994A(c)(1)(B), 107th Cong. (2001).

⁴Manager's amendment to H.R. 7, section 201 adding proposed section 1994A(n), 107th Cong. (2001).

or her choice. Any aid provided under Washington's program that ultimately flows to religious institutions does so only as a result of the genuinely independent and private choices of aid recipients. Washington's program is made available generally without regard to the sectarian-nonsectarian, or public-nonpublic nature of the institution benefitted, and is in no way skewed towards religion . . . It creates no financial incentive for students to undertake sectarian education. It does not tend to provide greater or broader benefits for recipients who apply their aid to religious education, nor are the full benefits of the program limited, in large part or in whole, to students at sectarian institutions. On the contrary, aid recipients have full opportunity to expend vocational rehabilitation aid on wholly secular education, and as a practical matter have rather greater prospects to do so . . . In this case, the fact that aid goes to individuals means that the decision to support religious education is made by the individual, not by the State . . . On the facts we have set out, it does not seem appropriate to view any aid ultimately flowing to the Inland Empire School of the Bible as resulting from a state action sponsoring or subsidizing religion."⁶⁷

In *Zobrest v. Catalina Foothills School District*,⁶⁸ the Supreme Court upheld a program allowing parents of a deaf student attending Catholic high school to require the public school district to provide interpreter for the student that would interpret classes that included religious instruction. The Court upheld the program, citing *Mueller*, as follows: "We also pointed out that under Minnesota's scheme, public funds become available to sectarian schools only as a result of numerous private choices of individual parents of school-age children, thus distinguishing *Mueller* from our other cases involving the direct transmission of assistance from the State to the schools themselves."⁶⁹

H.R. 7 CONTAINS CONSTITUTIONALLY ADEQUATE SAFEGUARDS

When Government appropriates tax monies, it has a duty to reasonably account for how such funds are utilized. Regulatory controls that keep track of funds appropriated under neutral social service programs via grants or in-kind services—such as those appropriately attaching to organizations receiving support under programs following charitable choice principles—are proper to help ensure that the monies actually benefit the poor and the needy as intended.

Such controls are incorporated in H.R. 7. Subsection (i) of the Charitable Choice Act of 2001 provides that, "a religious organization providing assistance under any [specified program] shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds and its performance of such program." H.R. 7 also makes the creation of separate accounts, con-

⁶⁷ *Id.* at 488 (emphasis added).

⁶⁸ 509 U.S. 1 (1993).

⁶⁹ *Id.* at 9.

to allow religious organizations to use public funds to discriminate on account of religion.⁵ Because the current section 702 exemption permits religious organizations to discriminate in employment on the basis of so-called “tenets and teachings,” the bill therefore would permit religious groups to use taxpayer money to discriminate not just on account of a prospective employee’s religion, but upon his or her failure to adhere to religious doctrine (e.g., being pregnant and unmarried, being gay or lesbian).⁶ Significantly, this ability to discriminate would supercede any Federal, State, or local civil rights law or contracting requirement or condition to the contrary.⁷

In an effort to prevent the legislation from being unconstitutional under the Establishment Clause, the bill includes several purported first amendment safeguards. Thus, the legislation states that if a beneficiary objects to the religious character of a provider, the governmental entity is required to provide an alternative service that is unobjectionable on religious grounds.⁸ The bill also specifies that religious organizations receiving grants may not discriminate against beneficiaries on the basis of their religion, and that religious organizations receiving indirect assistance (e.g., a voucher) may not deny admission on the basis of religion.⁹ In addition, the legislation states that government funds may not be used for sectarian instruction, worship, or proselytization, and that if the religious organization offers such activity, it is to be “voluntary” and “offered separate” from the government funded program.¹⁰

Enforcement of these strictures is largely left to the religious organization. Thus, the religious organization is expected to file a certificate that it is aware of and will comply with the limitations on the use of its funds and the voluntary and separate require-

⁵ Manager’s amendment to H.R. 7, section 201 adding proposed section 1994A(e), 107th Cong. (2001).

⁶ David M. Ackerman, *Scope of the title VII Exemption Contained in title II of H.R. 7, as Approved by the House Judiciary Committee*, CRS Report prepared for Rep. John Conyers, Jr. (July 3, 2001), at 2, 3 (on file with House Judiciary Committee).

⁷ Several features of H.R. 7 make it clear that the legislation will supercede State and local laws:

First, subsection (d) specifies that a religious organization receiving Federal funds “shall have the right to retain its autonomy from *Federal, State, and local governments*, including such organization’s control over the definition, development, practice and expression of its religious beliefs.” The same subsection operates to protect the organization’s internal governance against any governmental interference. Under the Constitution’s Supremacy Clause, this subsection would take precedence over a State law, for example, protecting gays and lesbians, unmarried, or pregnant individuals from employment discrimination.

Second, subsection (e) specifies that a provision in a program receiving Federal funds under a covered program—which would include State programs that receive and distribute Federal funds—that is “inconsistent with or would diminish the exercise of [a religious] organization’s autonomy” as recognized in section 702 of the Civil Rights Act or the bill generally “shall have no effect.” This broad language would serve to negate, for example, a condition in a State grant program specifying that entities that received funds would need to agree not to discriminate on the bases of specified protective categories in employment.

Third, H.R. 7 does not include language from the Welfare Reform Act’s charitable choice law specifying that nothing in that law is to “preempt any provision of a State constitution or State statute that prohibits or restricts the expenditure of State funds in or by religious organizations.” Given that Congress has previously opted to include language deferring to State law, we can only presume that H.R. 7 was specifically designed to supercede State law.

⁸ Manager’s amendment to H.R. 7, section 201 adding proposed section 1994A(g), 107th Cong. (2001).

⁹ See *infra* note 60.

¹⁰ Manager’s amendment to H.R. 7, section 201 adding proposed section 1994A(j), 107th Cong. (2001).

ment.¹¹ Religious organizations are also supposed to conduct an annual “self audit” of their duties under the legislation.¹²

Finally, Subsection (l) of the legislation would introduce a major change to our social service programs, granting agencies the discretion to take any or all of the funds in programs covered by the legislation (e.g., for housing, hunger relief and the like) and convert it into an indirect aid program by which beneficiaries could provide “vouchers” to the religious organization, which could in turn receive Federal funds. Such “voucherized” programs would be exempt from the requirement that the religious organization not discriminate against beneficiaries on religious grounds as well as the requirement that any sectarian instruction, worship, or proselytization be “voluntary” and “offered separate” from the government funded program.

Section 104 of H.R. 7 is a “tort reform” provision. It supersedes State law to limit businesses from civil liability for donated equipment, the provision of their facilities, and the provision of their motor vehicles or aircrafts to nonprofit organizations.¹³

We cannot support the Judiciary-reported provisions of the legislation because in an effort to increase the role of religion in meeting society’s needs, the legislation sacrifices two of our nation’s most fundamental principles—equal protection and the separation of church and state.

In terms of equal protection, the legislation runs counter to the long held principle that it is unacceptable for any group or entity to discriminate with taxpayer funds. Given that the bill’s proponents claim that government funds will only be used for wholly secular purposes, we cannot understand why it is necessary to sanction discrimination in employment on account of religion. Nor can we understand why the bill permits religious organizations to discriminate on the basis of “tenets and teachings,” which sweep in employment discrimination against gays and lesbians, unmarried pregnant women, women who have had an abortion, and persons who advocate reproductive choice. Equally disturbing is the fact that the bill sets aside not only Federal civil rights protections, but also State and local laws and contracting requirements designed to protect against discriminating in employment with government funds.

With regard to the separation of church and state, we are concerned that the supposed “safeguards” included in the manager’s amendment include several loopholes and are unlikely as a practical matter to insure that the Establishment Clause is respected. At the same time, the legislation is likely to serve to entangle government and religion, and in so doing, diminish the respect of our

¹¹ Manager’s amendment to H.R. 7, section 201 adding proposed section 1994A(j), 107th Cong. (2001).

¹² The only outside audit permitted under H.R. 7 is with regard to separate financial accounts set up to hold the government funds. Manager’s amendment to H.R. 7 section 201 adding proposed section 1994A(i)(2)(A). The legislation also includes an annual authorization of \$50 million (from the Office of Justice Programs and the COPS on the Beat program) to give small religious organizations training and technical assistance in seeking grants. Manager’s amendment to H.R. 7, section 201 adding proposed section 1994A(o)(1).

¹³ Section 104 would create an extremely high standard to prove corporate negligence, gross negligence or intentional misconduct. This means that unless the corporation knew at the time of donation that the equipment, motor vehicle or aircraft or facility would likely injure or kill the user, the corporation could not be held liable. As a result, a corporate donor would be virtually immune from responsibility for injuries it may have caused.

citizens for each. Recent press reports indicate that such inappropriate entanglement has already begun.¹⁴

We also believe it is somewhat inconsistent for the Administration to be advocating this legislation as a tool to respond to poverty and other social ills, when H.R. 7 does not authorize a single dollar in additional funds for any of the social service programs covered by the bill. Even more problematic is that cuts in the Administration's budget assure that even if H.R. 7 is enacted, it will only serve to pit religious organizations, secular non-profits, and government agencies against each other for an ever declining share of Federal funds. Finally, in terms of the State liability law limits included in the bill, we fear that unilateral changes of this nature undermine federalism and expose the most vulnerable members of society to greater risk of accident and harm from faulty equipment and dangerous facilities.

We support the notion that government can and should seek increased involvement of non-profits—including religious organizations—in meeting our nation's social welfare needs. At present, tax preferences provided to non-profits by the Federal Government total an estimated \$25.8 billion per year.¹⁵ Many of us are supportive of efforts to extend these tax benefits even further (although such extension was not sufficiently important for the Administration to include in their recently passed \$1.35 trillion tax legislation).

In addition, we would note that the Federal Government already provides billions upon billions of dollars of direct annual support to non-profit organizations, including religiously affiliated organizations who have set up 501(c)(3) entities and operate within constitutional boundaries not required by H.R. 7. President Bush admitted as much in a recent speech when he acknowledged that under current law, Federal funds already go to child care and Head Start programs housed in churches and pay for health care in Catholic, Baptist, or other denominational hospitals. Illustrative of this success are Catholic Charities USA—which receives \$600 million per year in government funds¹⁶ and is able to offer services through more than 1400 agencies, institutions, and organizations,¹⁷ and Lutheran Services in America, which serves over 3 million persons annually in over 3,000 communities.¹⁸

In fact, when President Bush visited Habitat for Humanity and proclaimed that it was an example of the need for charitable choice, the president and founder of Habitat for Humanity said he did not need new laws, and he insisted that he was “thriving” under present laws. Contrary to President Bush's recent assertions, we are unaware of anyone who opposes these organizations operating public programs and providing services. They are funded like all other private organizations are funded: they are prohibited from using taxpayer money to advance their religious beliefs and they are subject to the civil rights laws. Any program which can be

¹⁴ See discussion of alleged *quid pro quo* between Bush administration and Salvation Army, *supra*, p. 13.

¹⁵ Staff of Joint Economic Committee, 106th Cong., Tax Expenditures: A Review and Analysis 3 (Comm. Print 1999).

¹⁶ Catholic Charities USA, <http://www.catholiccharitiesusa.org/who/stats.html>.

¹⁷ Catholic Charities USA, <http://www.catholiccharitiesusa.org/who/history.html>.

¹⁸ Lutheran Services in America, <http://www.lutheranservices.org/whoweare.htm>.

funded under H.R. 7, as reported, can be funded now, except that under this bill the sponsoring organizations can refuse to comply with the civil rights laws.

Charitable Choice represents a false promise to struggling communities who desperately need resources. While it is described as a plan to help faith-based organizations receive and administer government grants, Charitable Choice in practice only represents an assault on our civil rights laws. It is also more clear than ever with the recent reports from the Washington Post that a sweeping roll back in civil rights protections at all levels is at the core of charitable choice.

Certainly, government can do more in collaboration with religious and non-profit organizations. We can expend funds to help religiously affiliated groups understand and comply with the law and seek Federal funding.¹⁹ Also, we can encourage religious leaders to serve on government task forces fighting social ills, and insure that government offices provide appropriate information on social services offered by houses of worship. Unfortunately, H.R. 7 does not focus on bipartisan common sense initiatives which would move our nation forward. Instead it divides us along lines of religion, sexual status, marital status, and race. For these and the reasons set forth herein, we dissent from the Judiciary-reported provisions in H.R. 7.

I. H.R. 7 ALLOWS RELIGIOUS ORGANIZATIONS RECEIVING TAXPAYER FUNDS TO DISCRIMINATE IN EMPLOYMENT ON ACCOUNT OF RELIGION

Our principal objection to the legislation is that it permits taxpayer funds to be used to discriminate in employment. This violates one of the most fundamental principles of civil rights, first enunciated by President Franklin D. Roosevelt by Executive Order 60 years ago that the government should not fund employers, religious or otherwise, who engaged in discrimination on account of race, religion, color or national origin.²⁰

We are perplexed why the Majority has so fervently sought to extend the right to discriminate on religious grounds given that they have separately argued that the funds referenced under the bill will be used for wholly secular purposes. They cannot have it both ways—either the Federal funds will be used for religious purposes, in which case there may be a justification for tolerating religious discrimination (but would render the legislation constitutionally suspect); or the funds will be used in a non-sectarian manner, in which case there is no reason to discriminate on the basis of religion. As Democratic Members made clear at the markup, cooking soup and giving it to the poor can be done equally well by persons of all religious beliefs.

Even more problematic is the bill's sanctioning of discrimination based on religious "tenets and teachings." Under this doctrine, religious institutions are permitted to discriminate in employment

¹⁹ "In this regard, President Bush did request that Congress place \$700 million in a 'Compassion Capital Fund' to support charitable organizations providing social services, claiming it was a 'noble mission' during his February 27, 2001 Address to a Joint Session of Congress. Yet, the President's budget proposal only included \$89 million for the fund. Even this reduced request was ignored in the budget resolution adopted by the Majority.

²⁰ Exec. Order 8802 (June 25, 1941). This fundamental principle of non-discrimination subsequently was reflected in other executive orders by every future President.

against anyone who disagrees with or conducts themselves in a manner at odds with any form of the religious institutions' doctrine or practices.²¹ Thus, under the bill, an organization could use taxpayer funds to discriminate against gays and lesbians,²² against divorced persons,²³ against unmarried pregnant women,²⁴ against women who have had an abortion, persons who use birth control, persons who favor reproductive rights,²⁵ or persons involved in interracial dating or marriage.²⁶ Again, while there may be some conceivable justification for this type of discrimination in the context of a religious organization employing persons associated with its religious function, there is no legitimate justification for extending such discrimination with regard to government-funded secular services for the poor and needy, as the bill does.

Notwithstanding the series of changes made to the employment discrimination language pursuant to the manager's amendment, there is no question that after all is said and done, the bill will sanction this form of tenets and teachings discrimination. In a Memorandum issued subsequent to the Committee Markup, the Congressional Research Service stated that the bill would authorize this type of discrimination, noting that "[j]udicial decisions have held the [religious] exemption to apply to discrimination based on tenets, teachings, beliefs, behavior and practices."²⁷ The CRS Memorandum then goes on to cite a long list of cases where persons were discriminated against by religious organizations because, among other things, they failed to have their first marriage properly annulled, they were gay, they had extramarital sex, they supported reproductive choice, or they were actively involved in a church which had gay and lesbian members.²⁸

We would further note that the protections against discrimination in H.R. 7 on the basis of race are not complete. The application of the "ministerial exception" to any publicly funded positions also should be given serious consideration and review. There is a question as to how enforceable title VII's protections against racial discrimination in employment will be once publicly funded religious discrimination is allowed. Given that the eleven o'clock hour is still one of the most segregated hours in America, an all white religious organization could simply tell otherwise qualified minority candidates of the same religion, we only hire those that belong to our church.

The non-discrimination language included in the bill not only sets aside Federal civil rights laws, it goes so far as to obviate State and local laws and Federal, State, and local contracting requirements intended to safeguard against religious discrimination in employment. Thus if a State had decided that as a matter of public policy it did not want to tolerate religious discrimination by

²¹ See *infra* note 6.

²² See *Hall v. Baptist Memorial Healthcare Corp.*, 215 F. 3d 618 (6th Cir. 2000).

²³ See *Little v. Wuerl*, 929 F. 2d 944 (3rd Cir. 1991).

²⁴ See *Cline v. Catholic Diocese of Toledo*, 206 F. 3d 651 (6th Cir. 2000).

²⁵ See *Maguire v. Marquette University*, 814 F. 2d 1213 (7th Cir. 1987).

²⁶ NAACP Legal Defense Fund Information Sheet. The report states, "under the language of [charitable choice], Bob Jones University could become a provider of services under one or more Federal programs and require that employees . . . subscribe to its religious tenets and not engage in interracial dating . . .". (On file with the House Judiciary Committee).

²⁷ See *infra* note 6.

²⁸ *Id.*

a non-profit engaged in secular affairs, or that religious organizations who utilized State provided funds should not be permitted to discriminate, or even that they should be able to discriminate on account of religion, but not on account of “tenets and teachings,” all of these laws and contracting requirements would be set aside under H.R. 7. To us, this turns the principle of federalism and respect for State prerogatives on its head.

The consequences of H.R. 7’s superceding State civil rights protections are quite extreme. Under the legislation, a national religious organization could choose to accept a single Federal grant and attempt to use that as a shield to avoid laws protecting gay and lesbian employment rights in all 50 States. For example, Maryland’s law on domestic partner benefits could be set aside under H.R. 7. This means that even if the Bush administration abandons its proposal to issue an administrative ruling setting such State and local civil rights protections aside,²⁹ opponents of such protections would be able to accomplish even greater immunity from such laws under H.R. 7.

At its core, the Majority and supporters of H.R. 7 challenge the fundamental notion of “protected class” as currently recognized by our civil rights laws. The Majority has suggested that organizations should be able to discriminate in employment to select employees who share their vision and philosophy. Under current civil rights laws, employers can discriminate against a person based on their views on the environment, abortion, gun control, or just about any other basis. Employers can also select staff based on their commitment to serve the poor or whether they think prospective applicants have compassion to help others kick drugs. But because of a sorry history of discrimination against certain Americans, we have had to establish “protected classes” and under present law employers, including religious organizations who sponsor Federal programs, cannot discriminate against an individual based on race, sex, national origin, or religion.

It is for these reasons that civil rights groups such as the NAACP, the NAACP Legal Defense Fund and the Leadership Conference on Civil Rights are so strongly opposed to the bill. They have nothing against religion, but they do believe we do nothing to help poor and needy individuals if we tolerate more discrimination. Thus, on July 8, 2001, Julian Bond, the Chairman of the NAACP, the nation’s oldest and largest civil rights organization declared that “[t]he Administration’s faith-based plan threatens to erase sixty years of civil rights protections.”³⁰ The NAACP Legal Defense Fund has written that the religious discrimination provisions in charitable choice legislation are “wholly inconsistent with long-standing principle that Federal moneys should not be used to discriminate in any form.”³¹ Wade Henderson, the Executive Director of the Leadership Conference on Civil Rights, the nation’s most broadly based civil rights organization, has testified that “charitable choice threatens to erode [the fundamental principle of non-

²⁹ Dana Milbank, *Bush Drops Rule On Hiring of Gays; Democrats: “Faith Based” Initiative at Risk*, WASHINGTON POST, July 11, 2001, at A10.

³⁰ Statement by Julian Bond, Chairman, NAACP at NAACP National Convention, July 8, 2001, at 16. (On file with House Judiciary Committee).

³¹ See *infra* note 26.

discrimination] by allowing Federal funds to go to persons who discriminate in employment based on religion.”³²

Given the obvious and real nature of our concerns regarding the bill’s sanctioning of employment discrimination, we are not surprised that the legislation’s supporters have resorted to a series of myths to justify H.R. 7. Of course, upon close scrutiny, none of these myths can be sustained:

Myth 1—Religious discrimination is needed so that small religious organizations can share religious employees between non-secular and secular functions

This claim suffers from several legal deficiencies. As a threshold matter, title VII only applies to organizations which employ 15 or more persons.³³ This means that extension of the section 702 exemption is not needed to permit small religious organizations to be able to hire persons of their own religion. Second, the courts have said that under the First Amendment Free Exercise Clause, religious institutions are entitled to a “ministerial exception” permitting them to bypass title VII’s prohibitions on discrimination with respect to race, gender, and national origin to hire their clergy and spiritual leaders.³⁴ Again, extending the reach of the section 702 employment discrimination exemption will do little to help religious groups share the costs of their clergy between their religious and secular accounts.

The 15 person threshold requirement and ministerial exception should therefore cover most of the needs of small religious organizations. To the extent there is any gap in coverage, we note that the Majority never proposed a tightening amendment. Instead, H.R. 7 appears to use the issue of small religious organization needs as an excuse to justify wide scale relief from our anti-discrimination laws.

Myth 2—We should extend the religious civil rights employment exemption because it is based on previous charitable choice laws signed by President Clinton and which have been implemented without controversy

This contention also fails for a variety of reasons. Most obvious is the notion that a previous act of Congress cannot and should not bind a future Congress, particularly with regard to a dubious legal principle. Beyond that it is important to note that there are numerous, major differences between H.R. 7 and other charitable choice laws. Among other things, H.R. 7 covers a far broader range of programs and includes a far larger pot of funds than previous charitable choice laws.³⁵ H.R. 7 also includes a variety of different safeguards and permits a broader range of religious discrimination with respect to beneficiaries than previous charitable choice laws.³⁶

³² Statement by Wade Henderson, Executive Director, Leadership Conference on Civil Rights before the Committee on the Judiciary, U.S. Senate, 107th Cong. (June 6, 2001) at 3.

³³ See *infra* note 6.

³⁴ *Id.*

³⁵ Based on the Bush Budget, the funds covered by the previous charitable choice laws total approximately \$21 billion (\$3 billion for SAMHSA; \$16 billion for TANF; \$2.4 billion for Community Development Block Grants). By contrast, the social service programs covered by H.R. 7 total at least \$47 billion (\$3 billion for juvenile justice; \$6.5 billion for crime control and domestic violence; \$28 billion for housing; \$7 billion for job training; \$1 billion for seniors services; \$4.1 billion for hunger; \$1.4 billion for GED and after school programs).

³⁶ See notes 10, 60, 61 and accompanying text.

In addition, the legislative history of the previous charitable choice laws makes clear that these laws were never carefully considered or debated. We begin with the fact that until this Congress there has never been a hearing on charitable choice legislation in the House or the Senate. The Judiciary Committee—which has jurisdiction over the issue—has never been involved in any previous charitable choice legislation. Moreover, when charitable choice has been added to legislation in the past, it has often been done at the very end of the process, with no opportunity for Democratic input or amendment.³⁷

It is also misleading to contend that prior charitable choice laws have been enacted with the endorsement of President Clinton. To the contrary, shortly after the Welfare Reform Act was enacted, the Clinton administration proposed amendments to clarify the charitable choice provisions to ensure that religiously affiliated organizations could not participate if they were “pervasively sectarian.”³⁸ Additionally, in connection with the signing of the Community Services Block Grant law in 1998 and the Substance Abuse Mental Services Act in 2000, President Clinton specifically noted that the Department of Justice believed charitable choice was potentially unconstitutional, and as a result construed the law as forbidding the funding of pervasively sectarian organizations.³⁹

Fourth, current charitable choice laws have barely been implemented, much less analyzed for effectiveness. As of September

³⁷ The charitable choice provision of the Welfare Reform Act was offered in conference. It was not included in the House bill. Democrats never had a chance to strike the provision because conferees were never given an opportunity to offer amendments. Charitable choice was also added to the re-authorization of Community Services Block Grant (CSBG) in the 105th Congress as part of a larger Human Services reauthorization that included Head Start, CSBG, and Low Income Heating Energy Assistance Program (LIHEAP). It was the last item to be considered by the conferees due to the controversy. This marked the first time that Charitable Choice was debated on the House floor. The debate occurred at 1 a.m. Charitable Choice language was signed into law twice in the 106th Congress on the SAMHSA programs—as part of H.R. 4365, the Children’s Health Act of 2000, P.L. 106–310, and as part of the omnibus end of year spending bill, H.R. 4577, P.L. 106–554. The language in H.R. 4577 replaced the language signed into law pursuant to H.R. 4365. In both cases, the charitable choice provisions were added without any opportunity to offer amendments.

³⁸ The Clinton administration filed the following comments in connection with the proposed amendments: “We recommend amending sec. 104 to clarify that it does not compel or allow States to provide TANF benefits through pervasively sectarian organizations, either directly or through vouchers redeemable with these organizations. . . . [P]rovisions of sec. 104 and its legislative history could be read inconsistent with the constitutional limits.” The Administration’s amendment to charitable choice failed to be included in a final package of technical amendments to the welfare laws adopted by Congress.

³⁹ *Statement on Signing the Children’s Health Act of 2000*, 36 Weekly Comp. Pres. Doc. 2504 (October 17, 2000):

The Department of Justice advises, however, that this provision would be unconstitutional to the extent that it were construed to permit governmental funding of organizations that do not or cannot separate their religious activities from their substance abuse treatment and prevention activities that are supported by SAMHSA aid. Accordingly, I construe the act as forbidding the funding of such organizations and as permitting Federal, State, and local governments involved in disbursing SAMHSA funds to take into account the structure and operations of a religious organization in determining whether such an organization is constitutionally and statutorily eligible to receive funding.

President Clinton stated similarly at the 1998 signing of The Community Services Grant Program:

The Department of Justice advises, however, that the provision that allows religiously affiliated organizations to be providers under CSBG would be unconstitutional if and to the extent it were construed to permit governmental funding of “pervasively sectarian” organizations, as that term has been defined by the courts. Accordingly, I construe the act as forbidding the funding of pervasively sectarian organizations and as permitting Federal, State, and local governments involved in disbursing CSBG funds to take into account the structure and operations of a religious organization in determining whether such an organization is pervasively sectarian.

2000, 50 States had not implemented policies to facilitate the participation of faith-based organizations in charitable choice programs.⁴⁰ It is also incorrect to assert, as proponents have done, that prior charitable choice laws have not been subject to legal challenge. Even on the very thin implementation record before us, the legal and constitutional issues raised by charitable choice have already engendered five legal challenges.⁴¹

Myth 3—Even outside of charitable choice, various religiously affiliated organizations—such as hospitals and colleges—receive Federal funds and regularly discriminate on account of religion

This argument was trotted out several times during our markup. It is somewhat difficult to respond to, because to our knowledge, the Majority has not cited any specific examples. As best we can ascertain, the Majority bases their argument on the fact that religious colleges are receiving Pell Grants, and religious hospitals are receiving Medicaid and Medicare payments, at the same time they utilize the section 702 religious exemption. The principal flaw in this contention is that funds received from Pell Grants, Medicare, and Medicaid are indirect. They flow from choices made by beneficiaries, not the government. As a result, to the extent any such religiously affiliated hospital or college is engaged in discrimination, it is not with direct government funds.⁴²

If a limited number of religious institutions are receiving Federal grants at the same time they are engaging in employment discrimination, it is possible the Majority does not realize the institutions may be doing so in violation of Federal law. Certainly, to the extent they are receiving Federal funds from grants concerning crime control, housing, job training, domestic violence, and education—all programs covered by H.R. 7—they would not be able to lawfully discriminate on account of religion, as those laws contain specific provisions preventing religious discrimination.⁴³

⁴⁰ Center for Public Justice, “States Fail Charitable Choice Check-Up,” Press Release (Oct. 5, 2000).

⁴¹ See *American Jewish Congress and Texas Civil Rights Project v. Bost* 00-A-CA-528-SS (W.D. Tex.) (challenging the Jobs Partnership of Washington County’s use of State funding to buy Bibles and give Bible instruction for its welfare-to-work training program); *AJCongress v. Bernik*, No. 317896 (Superior Court, County of San Francisco) (alleging that the California Employment Development Department solicited proposals for \$5 million to be earmarked solely for faith-based, but not secular, groups); *Freedom From Religion Foundation v. Thompson* 00-C-0617C (W.D. Wis.) (challenging the use of State funds by Faithworks, an alternative to Alcoholics Anonymous, which encourages belief in a higher power); *Lara v. Tarrant County* (Tex. Supreme Court) (challenging a prison chaplain’s clear preference for Christianity when approving volunteer teachers for a prison-funded education program); *Pedreira v. Kentucky Baptist Homes, C/ A 3:00CV-210-SKY* 2001 (W.D. Ky.) (challenging the firing of a lesbian worker from a State-funded residential child care run by ministries).

⁴² *Siegel v. Truett-McConnell College, Inc.* confirms the important distinction between direct and indirect Federal aid. The plaintiff in *Siegel* argued that the college received substantial funds from Federal and State sources, such as Pell grants, and therefore was not entitled to the title VII exemption. The Court ruled that the college was entitled to the title VII exemption because there was no “direct Federal or State subsidy . . .” and that “[t]he government does not directly pay for any one teacher’s salary, including Mr. Siegel’s.” The court went on to distinguish this case involving indirect benefit (where students choose their college) from a direct benefit (where government provides a direct contract for services). *Siegel v. Truett-McConnell College*, 13 F. Supp.2d 1335, 1343–45 (N.D. Ga. 1994), *aff’d*, 73 F.3d 1108 (11th Cir. 1995).

⁴³ See Omnibus Crime Control and Safe Streets Act of 1998, 42 U. S. C. § 3701 et seq. (includes a religious nondiscrimination provision at 42 U. S. C. § 3789d(c)); federally assisted housing programs, 42 U. S. C. § 13601 et seq. (includes a nondiscrimination provision requiring compliance with all civil rights laws at 42 U. S. C. § 13603(b)(2)); Workforce Investment Act of 1998, 29 U. S. C. § 2801 et seq. (includes a religious nondiscrimination provision at 29 U. S. C. § 2938); domestic violence programs, *see, e.g.*, 42 U. S. C. § 10603 (includes a religious nondiscrimination provision at 42 U. S. C. § 10604(e)); the Child Care Development Block Grant Act of 1990, 42

Myth 4—Using Federal funds to discriminate in employment has been upheld by the courts

This contention rests on the Majority's misreading of the Supreme Court's decision in *Corporation of the Presiding Bishop v. Amos*.⁴⁴ That case did uphold the religious exemption set forth in section 702 of the Civil Rights Act, however, it did not involve any use of Federal funds. As a matter of fact, the Court went out of its way to distinguish the title VII exemption from other government programs that might advance religion through financial support or active involvement of the sovereign religious activity. Specifically, the Court held the exemption was "rationally related to the legitimate purpose of alleviating significant governmental interference with the ability of the religious organizations to define and carry out their religious missions."⁴⁵ At most, permitting such discrimination was an "accommodation" required by the First Amendment's Free Exercise Clause that minimized the burden on religious organizations to predict which of their activities a secular court might consider religious.⁴⁶ Obviously, none of these factors or justifications are present in H.R. 7, which clearly involves the use of Federal funds for wholly secular purposes and activities.⁴⁷

Nor is it true, as proponents claim, that Justice Brennan's separate opinion in *Amos* would lend support to H.R. 7's extension of the religious exemption. He wrote, "the potential for coercion caused by such a provision is in serious tension with our commitment to individual freedom of conscience in matters of religious belief."⁴⁸

If anything, the case law on this point supports the contention that it is unconstitutional to use Federal funds to engage in discrimination. This was the holding of the district court in *Dodge v. Salvation Army*.⁴⁹ That case involved a religious organization—the Salvation Army—which used public funds to exclude members of the Wiccan faith from employment. The court found that such action was unconstitutional under the Establishment Clause because it treated religious non-profits preferably to non-religious non-profits.⁵⁰

U. S. C. 9858 *et seq.* (includes a modified religious nondiscrimination provision at 42 U. S. C. §9858L); the Community Development Block Grant Program of the Housing and Community Development Act of 1974, 42 U. S. C. §5301 *et seq.* (includes a nondiscrimination provision requiring compliance with all civil rights laws at 42 U. S. C. §5304 (b) (2)); and the Job Access and Reverse Commute grant program of the Federal Transit Act of 1998, 49 U. S. C. §5309 note (includes a religious nondiscrimination provision at 49 U. S. C. §53329(b)).

⁴⁴ *Corporation of Presiding Bishop v. Amos*, 483 U.S. 327 (1987).

⁴⁵ 483 U.S. at 339. As Justice Brennan noted in upholding the section 702 religious exemption for privately funded, religious non-profit activities: "What makes the application of a religious-secular distinction difficult is that the character of an activity is not self-evident. As a result, determining whether an activity is religious or secular requires a searching case-by-case analysis. This results in considerable ongoing government entanglement in religious affairs." 483 U.S. at 343.

⁴⁶ 483 U.S. at 334–35.

⁴⁷ Additionally, because H.R. 7 prohibits direct funds being used for sectarian instruction, worship, or proselytization, jobs used with taxpayer money would be beyond the scope of *Amos*. Therefore, none of the entanglement concerns raised by *Amos* would be applicable to an analysis of publicly funded secular positions.

⁴⁸ 483 U.S. 327, 340–41.

⁴⁹ *Dodge v. Salvation Army*, 1989 WL 53857 (S.D. Miss. 1989).

⁵⁰ The court concluded that such an arrangement was unconstitutional because:

The benefits received by the Salvation Army were not indirect or incidental. The grants constituted direct financial support in the form of a substantial subsidy, and therefore to allow the Salvation Army to discriminate on the basis of religion, concerning the em-

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from the use of equipment donated by a business entity to a nonprofit organization.

(B) APPLICATION.—This paragraph shall apply with respect to civil liability under Federal and State law.

(2) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF FACILITIES TO NONPROFIT ORGANIZATIONS.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring at a facility of the business entity in connection with a use of such facility by a nonprofit organization, if—

(i) the use occurs outside of the scope of business of the business entity;

(ii) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(iii) the business entity authorized the use of such facility by the nonprofit organization.

(B) APPLICATION.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether a nonprofit organization pays for the use of a facility.

(3) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of aircraft or a motor vehicle of a business entity loaned to a nonprofit organization for use outside of the scope of business of the business entity, if—

(i) such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization; and

(ii) the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.

(B) APPLICATION.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether a nonprofit organization pays for the use of the aircraft or motor vehicle.

(c) EXCEPTIONS.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct.

(d) SUPERSEDING PROVISION.—

taining only Federal funds received, mandatory for programs covered by title II of H.R. 7 that are directly funded.⁷⁰

The required accounting should be evenhanded for all providers, whether religious or nonreligious. In her concurring opinion in *Mitchell v. Helms*, Justice O'Connor made clear that as long as there are safeguards for preventing and detecting diversion of funds, it is not a constitutional problem if occasional mistakes are made.⁷¹

In the final part of her opinion, Justice O'Connor explained why safeguards in the Federal educational program at issue in *Mitchell* reassured her that the program, as applied, was not violative of the Establishment Clause. According to Justice O'Connor, a program of aid need not be failsafe, nor does every program require pervasive monitoring.⁷² The statute limited aid to "secular, neutral, and non-ideological" assistance, required that the aid supplement rather than supplant private-source funds, and expressly prohibited use of the aid for "religious worship or instruction."⁷³ State educational authorities required religious schools to sign assurances of compliance with the above-quoted statutory spending prohibition made a term of the contract.⁷⁴ The state conducted monitoring visits, however infrequently, and did a random review of Government-purchased library books for their religious content.⁷⁵ There was also monitoring of religious schools by local public school districts, including review of required project proposals submitted by the religious schools and annual program-review visits to each recipient school.⁷⁶ The monitoring did catch instances of actual diversion, although not a substantial number, and Justice O'Connor was encouraged that when problems were detected they were corrected.⁷⁷

The charitable choice principles embodied in H.R. 7 address Justice O'Connor's concerns. Subsection (i) of title II of H.R. 7 provides that a religious organization providing assistance under any covered program shall be subject to the same regulations as other non-governmental organizations to account in accord with generally accepted accounting principles for the use of such funds and its performance of such programs. In addition, a religious organization providing assistance through a grant or cooperative agreement under a covered program shall segregate Government funds provided under such program into a separate account or accounts, and the separate accounts consisting of funds from the Government, but

⁷⁰ Subsection (k) also provides that, "If a State or local government contributes State or local funds to carry out a [specified program], the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds."

⁷¹ See *Mitchell v. Helms*, 120 S.Ct. 2530, 2558 (2000) (O'Connor, J., concurring in the judgment). See also *Bowen v. Kendrick*, 487 U.S. 589, 615 (1988) (upholding program allowing Federal funds be given to faith-based organizations for family counseling) ("We note in addition that the [Adolescent Family Life Act] requires each grantee to undergo evaluations of the services it provides, and also requires grantees to 'make such reports concerning its use of Federal funds as the [Government] may require.' The application requirements of the act, as well, require potential grantees to disclose in detail exactly what services they intend to provide and how they will be provided. These provisions, taken together, create a mechanism whereby the [Government] can police the grants that are given out under the act to ensure that Federal funds are not used for impermissible purposes.").

⁷² *Id.*, 120 S.Ct. at 2569 (O'Connor, J., concurring in the judgment).

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.* at 2569–70.

⁷⁷ *Id.* at 2571–72.

II. H.R. 7 BREAKS DOWN THE HISTORIC SEPARATION BETWEEN CHURCH AND STATE

With regard to the separation between church and state, we are concerned that the safeguards included in the bill may be too weak, and that the bill will pave the way for excessive entanglement between government and religion. We are also concerned that the new voucher authorizations in the bill pose severe constitutional problems. These concerns demonstrate that the bill may be unconstitutional under the Establishment Clause.

Safeguards

We are particularly concerned that the most critical Establishment Clause safeguard included in the legislation—a beneficiary’s right to a secular alternative to a faith-based service—is an unfunded and unenforceable mandate. The principal problem is that there is not a single dollar appropriated to meet the requirement, which serves as the lynch pin for H.R. 7, nor has there been any indication from the Administration that they intend to fund this mandate. The Majority’s own witness, Professor Douglas Laycock acknowledged that the government must “really [make] available an alternate provider . . . you have got to really do that or this program is a fraud.”⁵¹ Yet at the same hearing, the Administration’s own witness would not commit to fully funding the alternative program. When asked point blank by Rep. Frank whether for the charitable choice program to be fair and justifiable there needs to be a substantively equal secular alternative set of programs, Carl H. Esbeck, Senior Counsel at the Department of Justice responded, “I think in [an] earlier answer I was showing you an example where that was not necessary. So I guess the answer is no.”⁵²

If the Federal Government will not find the resources to meet the requirement of a secular alternative, it is unlikely the financially strapped State and local governments will be able to make up the difference. In this regard, the National League of Cities has written: “Local governments are already hard-pressed to deliver much needed services, and they are especially vulnerable to the impact of budget cuts in social service programs. Without the financial support from the Federal Government, it will be impossible for cities to satisfy this provision of H.R. 7; thus leaving cities vulnerable to litigation.”⁵³

The other key religious protections included in the bill—the requirement that government funds may not be used for “sectarian instruction, worship, or proselytization,” and the requirement that if the religious organization offers such activity, it is to be “voluntary” and “offered separate” from the government funded pro-

ployment of the Victims’ Assistance Coordinator, would violate the Establishment Clause of the First Amendment in that it has a primary effect of advancing religion and creating excessive government entanglement.

⁵¹ *The Charitable Choice Act of 2001: Markup Before the House Judiciary Committee*, H. Doc. No. HJU179,000, p. 214 (June 28, 2001).

⁵² *Id.* at 67.

⁵³ Letter from Donald J. Borut, Exec. Dir., Nat’l League of Cities to Hon. John Conyers, Jr., p. 2 (June 27, 2001) (on file with the House Judiciary Committee).

gram—are largely left to self enforcement.⁵⁴ Of course, we do not question the good faith of our non-profit or religious organizations, but it does seem that the Majority could offer stronger safeguards for this core constitutional concern than self certifications and self audits.

Particularly questionable is whether a sectarian religious program offered in conjunction with a covered Federal program, such as after school programs for young children, can ever be truly “voluntary” to the children involved. We all know the tremendous peer pressure impressionable children can be under, and they can hardly be expected to be aware of their statutory rights to object under H.R. 7, let alone willing to assert such legal rights against a religious organization.⁵⁵ A similar concern exists for other categories of beneficiaries, such as drug addicts. As the Association for Addiction Professionals testified before the Senate Judiciary Committee, “[t]he patient presenting for addiction treatment is very vulnerable to subtle and implied coercion. As other treatment options may not exist in real time, the presenting patient may comply [with the religious coercion] in order to continue to receive services.”⁵⁶

The bill’s other purported protection—the specification that religious organizations receiving grants may not discriminate against beneficiaries on the basis of their religion—is also likely to be problematic in practice. One obvious problem is that this protection is limited to religious discrimination; it offers no protection against discrimination on account of sex, pregnancy status, marital status, or sexual orientation.⁵⁷ The fact that the legislation includes a savings clause stating that specified civil rights protections are unaffected by the bill is of little import, since none of the cited laws provide any protection with regard to these categories of beneficiaries.⁵⁸

Even the protection against religious discrimination against beneficiaries is incomplete with regard to indirect aid. The original version of the legislation required that for indirect forms of disbursement religious organizations were prohibited from discriminating based on religion in all respects.⁵⁹ The manager’s amend-

⁵⁴ It is worth noting that the bill still does not contain the most obvious safeguard with regard to separation of church and state—a simple statement that a religious organization may not proselytize at the same time and place as a government funded programs.

⁵⁵ “The bill would leave it up to the children in an after school program to ask for a non-religious alternative. But experience with ‘voluntary’ school prayer demonstrates that peer pressure or other factors may hinder children from exercising that right.” See Mr. Bush’s “Faith Based” Agenda, N. Y. TIMES, July 8, 2001, at A10.

⁵⁶ Statement by John L. Avery, Government Relations Director of The Association for Addiction Professionals (NAADAC) before the Committee on the Judiciary, U.S. Senate 107th Cong. (June 6, 2001).

⁵⁷ Reps. Frank and Baldwin attempted to offer an amendment to prevent discrimination on any basis prohibited under applicable Federal, State, or local laws, including sexual orientation.

⁵⁸ Letter from Laura W. Murphy, Director, ACLU and Terri Schroeder, Legislative Representative, ACLU, p. 11 (June 27, 2001) (on file with the House Judiciary Committee) (“At first glance, the paragraph may appear to provide significant protection to persons suffering employment discrimination caused by federally-funded religious organizations. However, a closer examination shows what protections are missing. Specifically, the paragraph saves absolutely no laws protecting persons against discrimination based on religion, sex, pregnancy status, marital status, or sexual orientation in any federally-funded program or activity.”). See also Statement by Wade Henderson, *supra* note 32, at 5. (“None of the cited laws provide any protection against employment discrimination based on religion, sex, pregnancy status, marital status, or sexual orientation.”).

⁵⁹ H.R. 7, section 201 adding proposed section 1994A(g)(2), 107th Cong. (2001), as introduced. “A religious organization providing assistance through a voucher, certificate, or other form of indirect disbursement under a program described in subsection (c)(4) shall not discriminate, in

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ment weakened the protection to merely require that a religious organization cannot deny admission based on religion.⁶⁰ This means, for example, pressure to convert can be applied once admission is granted. Also, the protections that proselytization must be voluntary and separately offered do not apply to indirect aid. Finally, like the other religious safeguards applicable to beneficiaries, this anti-discrimination protection is not enforceable in court. In contrast to the provisions protecting religious organizations against discrimination, which are enforceable in court and allow recovery of attorney's fees,⁶¹ beneficiaries facing discrimination are given no such right.

Entanglement

We are also concerned that by unleashing the process contemplated by H.R. 7, Congress will be inviting excessive entanglement between the church and state, particularly with regard to raw political calculations. The last several months have already unleashed a flurry of such activity, as the White House has used the full weight of its office to curry political support from impacted religious groups and elected representatives.

Perhaps the most telling instance of the dangers of such entanglement can be seen in the discussed *quid pro quo* between the Bush White House and the Salvation Army relating to H.R. 7.⁶² On July 10, 2001, the *Washington Post*, citing the text of a confidential Salvation Army document, stated that the Salvation Army had received a "firm commitment" from the White House to issue a regulation protecting such charities from State and city laws and regulations against discrimination in employment on the basis of sexual orientation, or requiring domestic partner benefits.

The Salvation Army document states: "We suggested the amendment to OMB Circular #A-102 to staff at the White House Office of Faith-Based and Community Initiatives as one potential solution." The document goes on to say that White House officials "first want to move the charitable choice provisions in the legislation and use the political momentum of this effort to push forward religious exemptions to domestic partnership benefit ordinances and municipal contract clauses that protect against any form of sexual orientation discrimination." The document goes on to observe, "The Salvation Army's role will be a surprise to many in the media" and urges efforts to "minimize the possibility of any 'leak' to the media."

Subsequently, on July 12, 2001, the *Washington Post* reported that senior White House officials, including Karl Rove, President Bush's senior advisor, were involved in discussions with the Salva-

carrying out the program, against an individual described in subsection (f)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief."

⁶⁰ Manager's amendment to H.R. 7, section 201 adding proposed section 1994A(h)(2), 107th Cong. (2001) provides, "A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) *shall not deny an individual described in subsection (f)(3) admission into such program* on the basis of religion, a religious belief, or refusal to hold a religious belief." (emphasis added).

⁶¹ The proposed section 1994A(n) authorizes the bringing of a civil action pursuant to title 43, section 1979 of the Revised Statutes of the United States, the codified version of what is commonly known as section 1983 of the United States Code. title 42, section 1988 allows for the awarding of attorney's fees in a 1979 action.

⁶² See *infra* note 29.

tion Army; contrary to the Bush Administration's earlier position that senior officials were not involved.

It is difficult to conceive of a more troubling fact pattern from the perspective of separation of church and state. We have a large religious organization—that receives more than \$300 million in Federal funds per year—allegedly entering into a secret deal by which the White House agrees to use taxpayer funds and resources to weaken civil rights laws if the religious organization supports the White House's legislative agenda.

Incidents such as this clearly raise the specter that religion may see its role as an independent voice of compassion in our society diminished. This was the very concern articulated by Rev. J. Brent Walker of the Baptist Joint Committee, when he stated, “[r]eligion has historically stood outside of government's control serving as a constant critic of government. Accepting government funding creates a dependency on government that will have the effect of silencing the prophetic witness. How can a religion raise a prophet's fist against government when it has the other hand open for a handout? It simply can't do both at the same time.”⁶³

An equally salient concern is that in the onslaught of lobbying for government grants by religious organizations, small and minority religions may be left underfunded and under appreciated. This of course would send a very dangerous message about which religions are worthy of government support and which are not. As Rabbi David Saperstein, the Director of the Religious Action Center of Reform Judaism testified: “The prospect of intense competition for limited funding; the politicizing of church affairs to obtain funds; the impact on those made to feel they are outsiders when they fail to obtain the funds—this leads to the very kind of sectarian competition and divisiveness that have plagued so many other nations and which we have been spared because of the separation of church and state.”⁶⁴

Early activities and statements by the Administration already provide cause for concern in this area. For example, when Stephen Goldsmith, a White House special adviser and a principal architect of the faith based plan, conducted a briefing in Augusta, Georgia in February, only “churches” were sent invitations.⁶⁵ Neither Jewish congregations nor secular nonprofits were invited. Similarly, when the White House hosted a meeting with Muslim groups last month, Muslim leaders walked out after an intern from David Bonior's office attending the meeting with the group was mistakenly removed by the Secret Service.⁶⁶

It is also noteworthy that in an interview on *Face the Nation*, when CBS correspondent Bob Schieffer asked Mr. Goldsmith whether the Nation of Islam, which runs successful inmate rehabilitation programs, would be eligible to apply for a grant under charitable choice, Mr. Goldsmith answered, “I would say, if [the

⁶³ Brent J. Walker, *What is Charitable Choice*, Baptist Joint Committee Information Sheet on Charitable Choice (Spring 2001) (on file with the House Judiciary Committee).

⁶⁴ Reform Action Center of Reform Judaism, “Rabbi Saperstein Testifies Before Congress in Opposition to Charitable Choice,” Press Release (June 7, 2001).

⁶⁵ OMB Watch, “Analysis of Bush administration's Charitable Choice Initiatives,” p. 4 (Apr. 23, 2001).

⁶⁶ Caryle Murphy, *Muslim Leaders Leave White House Briefing; Removal of Intern Leads to Walkout*, WASHINGTON POST, June 29, 2001, at A35.

Nation of Islam] preach[es] hate, if they can't perform the terms of the contract, they shouldn't be allowed to apply." Obviously, the last thing we want to do is put the Administration in a position of deciding which faiths are acceptable and which are not under their charitable choice plan. Yet when Rep. Scott offered an amendment to insure that discrimination between religions was not tolerated, and that any funding decisions were purely merit based, it was rejected by the Majority.

Voucher Expansion and Discrimination

Another serious concern with regard to the manager's amendment is that it provides an unprecedented new authorization of the use of vouchers and other indirect aid available for use by religious organizations. It also permits religious organizations to religiously discriminate in such voucherized programs, and to avoid the safeguards preventing the use of such funds for sectarian instruction, worship, or proselytization as well as the "voluntary and offered" separate requirement. These changes, effectuated in the fine print of the manager's amendment, and inserted without the benefit of any public hearings or discussion, constitute a massive expansion of the use of vouchers, and create major new loopholes in the bill's religious safeguards.

The authorization of the new voucher program appears in proposed new subsection (l). This language was not contained in the original version of H.R. 7, nor has it appeared in any previous charitable choice law. It would grant the Administration the ability to unilaterally convert more than \$47 billion in social service programs into vouchers. Amazingly, this wholesale conversion in the nature of these programs could occur without any action by Congress, or even any regulatory action subject to outside comment. The action would even include education programs, despite the fact that such measures have created considerable legal and policy controversy in other contexts. In one fell swoop, this change could dramatically alter the nature of the nation's efforts to fight hunger, homelessness, crime, juvenile delinquency, and job training in a manner never contemplated or considered by Congress. At a minimum, such a wholesale change deserves more consideration than comes from being added in the middle of the night to a manager's amendment primarily touted for its other changes.

Our concerns with the new voucher program extend beyond its authorization. Tucked away in the manager's amendment is another clause which permits religious organizations participating in these "voucherized" programs to discriminate against beneficiaries on account of their religion. This is because, as noted above, subsection (h) of the Committee-reported version of the bill deletes language from the original bill generally prohibiting religious discrimination against beneficiaries by religious organizations, and instead, merely states they "shall not deny . . . admission" on the basis of religion. Again, this language did not appear in the original version of H.R. 7 or any other charitable choice law.

This means that religious groups could use their social service programs in an effort to convert non-believers to their faith. Given the controversy which ensued when the "Teen Challenge" group admitted in a recent congressional hearing that they seek to convert

Jewish persons in their programs to make them “completed Jews,” we are surprised that language allowing such proselytization in these “voucherized programs” would be added to the manager’s amendment.

Equally objectionable is the fact that such proselytization could occur with Federal funds provided under the bill. This is because, as noted earlier, the bill’s safeguards do not apply to “voucherized programs.” A careful reading of subsection (j) indicates that the bill’s prohibitions on sectarian instruction, worship, or proselytization with Federal funds and the requirement that any religious activity be “voluntary” and “offered separate” only applies with programs receiving direct Federal funds, not indirect aid.

Constitutional Concerns

We also continue to be concerned that the Judiciary-reported version of the bill may be found unconstitutional. Contrary to the Majority’s assertions, we need to do far more than consider whether the legislation is “neutral,” as emphasized by the plurality opinion in *Mitchell v. Helms*.⁶⁷ The critical opinion was the concurring opinion written by Justice O’Connor and joined by Justice Breyer which represents the balance of power on the Court in terms of establishment clause doctrine.⁶⁸

A reading of Justice O’Connor’s concurrence makes clear that she specifically rejected the plurality’s single-minded and exclusive focus on neutrality and disputed the plurality’s contention that direct government aid to a pervasively sectarian institution is constitutionally acceptable: “we have never held that a government-aid program passes constitutional muster solely because of the neutral criteria it employs as a basis for distributing aid . . . I also disagree with the plurality’s conclusion that actual diversion of government aid to religious indoctrination is consistent with the Establishment Clause.”⁶⁹

In Justice O’Connor’s view, a statute raises sensitive establishment clause concerns when it involves direct funding of religion, as H.R. 7 clearly does: “In terms of public perception, a government program of direct aid to religious schools based on number of students attending each school differs meaningfully from the government distributing aid directly to individual students who, in turn, decide to use the aid at the same religious schools . . . This Court has recognized special Establishment Clause dangers where the government makes direct money grants to sectarian institutions.”⁷⁰

In cases such as this, Justice O’Connor will look at a range of factors, including, notably, the constitutional safeguards present, and the degree of entanglement between government and religion.

⁶⁷ *Mitchell v. Helms*, 530 US 793, 809 (2000).

⁶⁸ The Justices in *Mitchell v. Helms*, 530 US 793 (2000) joined in three different opinions. Justice Thomas wrote the plurality opinion, joined by Chief Justice Rehnquist and Justices Scalia and Kennedy. *Id.*, at 801. Justice Souter, joined by Justices Stevens and Ginsburg, wrote a dissent. *Id.* at 868. Justice O’Connor, joined by Justice Breyer, wrote the determinative opinion in the case and the one that provides the most authoritative guidance on the current meaning of the establishment clause. *Id.* at 836.

⁶⁹ *Mitchell v. Helms*, 530 US 793, 840 (O’Connor, J., concurring).

⁷⁰ *Id.* at 842, 843. Even Justice Thomas, writing for the four justice plurality admitted that: “Of course, we have seen ‘special Establishment Clause dangers’, when money is given to religious schools or entities directly rather than . . . indirectly. But direct payments of money are not at issue in this case. . . .” (*citations omitted*), 530 U.S. at 818–819 (Thomas, J., plurality opinion).

In Justice O'Connor's own words, "the program [should] include adequate safeguards"⁷¹ and the funds should not "create an excessive entanglement between government and religion."⁷²

Under these tests, there is a very real concern that H.R. 7 would fail to pass constitutional muster. As previously noted, the bill's so-called "safeguards" include numerous loopholes and are largely left to the religious organization to enforce. This is in stark contrast to the safeguards included in the school aid program upheld in *Mitchell*, where the State was given the power to cut off aid upon any violation, and conducted numerous monitoring visits and random reviews of the religious school to insure compliance. Also, as noted above, significant government entanglement with religion is not only inevitable, it has already begun to occur. We are also gravely concerned about the bill's new voucher provisions. The most serious problem is that these provisions allow pervasively sectarian organizations to use Federal money for sectarian purposes, including attempting to convert beneficiaries. Even if the funding is provided indirectly, it seems likely that any bill allowing religious organizations to proselytize in federally funded programs would be suspect. Collectively, these infirmities raise serious constitutional problems with regard to H.R. 7.

III. H.R. 7 DOES NOT AUTHORIZE A SINGLE ADDITIONAL DOLLAR TO FUND A COVERED SOCIAL WELFARE PROGRAM

It is difficult to support legislation which purports to provide an enhanced ability to fight poverty when the legislation itself does not authorize a single dollar in additional funds for charitable choice programs. This fact, when combined with the severe cuts in the Administration's budget for social services will place severe constraints on the ultimate viability of charitable choice programs.

It is indeed ironic that at the same time the Administration is touting the benefit of making the various programs set forth in H.R. 7 eligible for charitable choice, it has elected to slash the budgets of those very programs.⁷³ For example, with regard to local crime prevention, the Bush budget cuts funds by \$1 billion. This includes cutting funds for juvenile delinquency programs, such as gang-free schools and communities, incentive grants for local delinquency prevention, drug reduction program, and victims of child abuse.

The Bush budget treats public housing needs—also covered by H.R. 7—no better, cutting funds by more than \$1 billion. This includes the termination of the \$309 million Public Housing Drug Elimination Grant, and cutting the Public Housing Capital Fund by \$700 million. The Public Housing Drug Elimination Grant Program is used for anti-crime and anti-drug law enforcement and security activities in public housing. The Public Housing Capital Fund provides critical building repairs in public housing.

Job training is cut by more than \$500 million under the Administration's budget. This will translate into vastly reduced job training

⁷¹ *Id.* at 867.

⁷² *Id.* at 845.

⁷³ Staff of House Comm. On The Budget, 107th Cong., Bush Budget Cuts Priority Programs (April 30, 2001) (on file with House Judiciary Committee); Materials provided by Senate Budget Committee (on file with House Judiciary Committee).

through the Workforce Investment Act for low income workers, dislocated workers, and other unemployed or underemployed individuals. The Older Americans Act—also covered by H.R. 7—which provides funds for elderly nutrition programs, home care, and ombudsman services for residents of long-term care facilities would also be cut by more than \$5 million under the Bush budget.

We shouldn't be surprised that the Administration's budget treats the programs covered under H.R. 7 so uncharitably, when it also cuts the programs subject to previously enacted charitable choice laws. For example, with regard to Temporary Assistance for Needy Families (TANF), the subject of the 1996 Welfare legislation, the Bush budget eliminates \$319 million in supplemental grants as well as \$2 billion in contingency fund grants. The Administration would also reduce the Community Development Block Grant program, the subject of the Community Services Block Grant law, by more than \$500 million.

IV. H.R. 7 UNJUSTIFIABLY PROTECTS BUSINESS ENTITIES FROM NEGLIGENT ACTS AND UNNECESSARILY PREEMPTS TRADITIONAL STATE LAW

Finally, we object to the liability provisions included in sec. 104 of the bill. First, they were included without the benefit of support from a single witness, or any statement of justification or support. The provisions were so sloppily and hastily pasted together, that the original bill, and the manager's amendment, included provisions bearing no relationship whatsoever to non-profits.⁷⁴ The final version still contains very tenuous liability relief—for example, the exemption applies to the use of facilities and motor vehicles or aircrafts, regardless of whether a nonprofit pays for its use.⁷⁵

We are also concerned that under the bill even if donated equipment injures or kills, the corporation would be absolved of any duty it currently owes to the charity that received the items and to the injured person who suffered because of the business's negligent act. Despite the fact that the corporations are in the best position to determine if the donated equipment is properly maintained and reasonably safe, this bill shifts the costs away from the corporation and onto the charity. If the charity is also shielded from liability, under State law, or if it is without sufficient financial resources, the injured person would have to shoulder the loss completely.

To the extent there is any problem with corporate liability for charitable in-kind donations, we would suggest that the States are fully capable of passing their own laws protecting volunteers from personal civil liability. Moreover, by mandating these provisions on the States, we may invite legal challenges to Congressional authority to legislate in this area, particularly under the Supreme Court's decision in *United States v. Lopez* and its progeny.⁷⁶

⁷⁴ Section 104(B)(4) of H.R. 7, as introduced, and the manager's amendment exempted business entities from civil liability relating to any injury to or death of an individual occurring at a facility of the business entity, if the injury or death occurred during a tour of the facility in an area of the facility that was not otherwise accessible to the public.

⁷⁵ H.R. 7 sections 104(B)(2) and 104(B)(3), 107th Cong. (2001).

⁷⁶ 514 S.Ct. 549 (1995). In *Lopez*, The Court held that the Gun-Free School Zones Act of 1990, which made illegal the knowing possession of a gun in a school zone, was beyond Congress' Commerce Clause authority. Congress acted to remedy the constitutional infirmity in the Gun-

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Proponents' arguments that the legislation protects State prerogatives because it allows the States to opt-out⁷⁷ miss the mark. It is an odd formulation of federalism which grants all power to Congress unless the States affirmatively act to protect their interests. As proponents well know, it is no easy feat to obtain approval in a state house and senate and obtain the governor's signature. Moreover, many States meet on a biennial basis and could not even consider electing to opt-out for several years.

Conclusion

We believe that the government does nothing to respond to America's social problems by sanctioning government-funded discrimination. We also do nothing to strengthen our religious freedoms by breaking down the separation between church and state.

Rather than propose legislation which opens up even greater divisions in our society, as H.R. 7 does, we urge the Administration and the Majority to work with us in a bipartisan basis in expanding the role of religion in a manner which protects both equal protection and freedom of religion.

JOHN CONYERS, JR.
 BARNEY FRANK.
 JERROLD NADLER.
 ROBERT C. SCOTT.
 MELVIN L. WATT.
 ZOE LOFGREN.
 SHEILA JACKSON LEE.
 MAXINE WATERS.
 WILLIAM D. DELAHUNT.
 ROBERT WEXLER.
 TAMMY BALDWIN.
 ADAM B. SCHIFF.

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Free School Zones law by limiting it to firearms that "ha[ve] moved in or that otherwise affects interstate or foreign commerce." See 18 U.S.C. § 922q.

⁷⁷ Manager's amendment to H.R. 7, section 104(e), 107th Cong. (2001).

only such separate accounts, shall be subject to audit by the Government regarding the administration of the covered program. H.R. 7 further requires a religious organization providing services under any covered program to conduct annually a self audit for compliance with its duties under this subsection and to submit a copy of the self audit to the appropriate Federal, State, or local government agency, along with a plan to timely correct variances, if any, identified in the self audit. H.R. 7 also requires that such a religious organization sign a certificate of compliance that certifies it is aware of and will comply with its duties under H.R. 7.

H.R. 7 PRESERVES EXISTING GUARANTEES OF INSTITUTIONAL AUTONOMY FOR RELIGIOUS ORGANIZATIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

One of the most important charitable choice principles is the guarantee of institutional autonomy that allows faith-based organizations to select staff on a religious basis. Faith-based organizations cannot be expected to sustain their religious drive without the ability to employ individuals who share the tenets and practices of their faith.⁷⁸ In order to preserve the religious character of faith-based organizations, subsection (d) of the Charitable Choice Act of 2001 provides that

(1) IN GENERAL. A religious organization that provides assistance under [the specified programs] shall have the right to retain its autonomy from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

(2) ADDITIONAL SAFEGUARDS. Neither the Federal Government nor a State or local government with Federal funds shall require a religious organization in order to be eligible to provide assistance under [the specified programs] to—(A) alter its form of internal governance or provisions in its charter documents; or (B) remove religious art, icons, scripture, or other symbols, or to change its name, because such symbols or names are of a religious character.

Many faith-based organizations believe that they cannot maintain their religious vision over a sustained time period without the ability to replenish their staff with individuals who share the tenets and doctrines of the association. They prefer working with those of the same faith, not out of animus toward others, but out of a desire to surround themselves with those who reinforce their faith. This guaranteed ability is central to each organization's freedom to define its own mission according to the dictates of its faith. It was for this reason that Congress wrote an exemption from religious discrimination by religious employers into title VII of the

⁷⁸ Many faith-based organizations do not staff on a religious basis, nor do they desire to do so. However, many others do and believe it is essential to their continued vitality that they be able to continue to do so. Further, many faith-based organizations that staff on a religious basis do so with respect to some jobs but not others. Finally, many faith-based organizations do not staff on the basis of religion in any affirmative sense, but they do require that employees not be in open defiance of the organization's creed or teachings.

Civil Rights Act of 1964.⁷⁹ Charitable choice laws specifically provide that faith-based organizations receiving Government funds retain this limited exemption from Federal employment non-discrimination laws. H.R. 7 does this as well, using the same language from the 1996 Welfare Reform Act,⁸⁰ with an additional clause making clear that contrary provisions in the Federal programs covered by title II of H.R. 7 have no force and effect⁸¹ and that the duties of religious organizations not to discriminate based on race, color, sex, and national origin—from which religious organizations are not exempt under title VII—are retained.⁸² While it is essential that faith-based organizations be permitted to make employment decisions based on religious considerations, along with all other providers, faith-based organizations must obey Federal civil rights laws prohibiting discrimination on the basis of race, color, national origin, gender, age, and disability. Subsection (e) makes clear that religious organizations retain their duty to follow the title VII nondiscrimination provisions regarding race, color, sex, and national origin, from which religious organizations are not exempt under title VII.⁸³ H.R. 7 maintains the status quo regarding the § 702(a) exemption in title VII. Courts have held that a reli-

⁷⁹Section 702 of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-1(a)) states, “This subchapter shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.”

⁸⁰See 42 U.S.C. § 604a (“(f) Employment practices.—A religious organization’s exemption provided under section 2000e-1 of this title regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (a)(2) of this section.”).

⁸¹This additional clause was not necessary in the 1996 Welfare Reform Act because it codified charitable choice rules for a new program, whereas H.R. 7 covers already-existing programs that may have conflicting provisions. The 1996 Welfare Reform Act replaced the Aid to Families with Dependent Children program (“AFDC”) with the Temporary Assistance to Needy Families (“TANF”) program, shifting welfare responsibilities from the Federal Government to the states.

⁸²Subsection (e) of the Charitable Choice Act of 2001 states: “A religious organization’s exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (c)(4), and any provision in such programs that is inconsistent with or would diminish the exercise of an organization’s autonomy recognized in section 702 or in this section shall have no effect. Nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions of title VII of the Civil Rights Act of 1964 in the use of funds from programs described in subsection (c)(4).” The latter sentence, like the provisions in subsection (f), are simply truisms, but they are included to avoid doubt about the continued applicability of these civil rights laws.

⁸³Subsection (f) of the Charitable Choice Act of 2001 makes clear that, “Nothing in this section shall alter the duty of a religious organization receiving assistance or providing services under any [covered program] to comply with the nondiscrimination provisions in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1686) (prohibiting discrimination in educational institutions on the basis of sex and visual impairment), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) (prohibiting discrimination on the basis of age).” title VI of the Civil Rights Act of 1964 prohibits racial discrimination by those administering a social service program with Government aid. See 42 U.S.C. § 2000d (“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance ...”). Further, section 504 of the Rehabilitation Act provides that, “No otherwise qualified handicapped individual ... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance ...” 29 U.S.C. § 794. Section 504 affords disabled individuals the opportunity to participate in and benefit from programs offered by the recipient of Federal financial assistance by providing them “meaningful access to the benefit that the grantee offers.” *Alexander v. Choate*, 469 U.S. 287, 301, 304 (1985). Federal grantees need not make “fundamental” or “substantial” changes in their programs to accommodate the disabled, *id.* at 300, but “reasonable accommodations in the grantee’s program or benefit may have to be made,” to assure meaningful access by those with a disability. *Id.* at 301.

religious organization does not forfeit the § 702(a) exemption just because the organization is a recipient of Government funds.⁸⁴

Occasionally, the charge is made that charitable choice is Government-funded job discrimination. This is untrue. The purpose of charitable choice funding is not to create jobs, or to fill the coffers of faith-based organizations, but to fund social services for those in need. It is the faith-based organization, of course, that is making staffing decision on the basis of religion, not the Government.⁸⁵ Section 702(a) of the Civil Rights Act of 1964 has for decades exempted nonprofit private religious organizations, engaged in both religious and nonreligious nonprofit activities, from title VII's prohibition on discrimination in employment on the basis of religion.⁸⁶ As enacted in 1964, the section 702 exemption permitted religious employers to discriminate on religious grounds in employment only with regard to "religious activities."⁸⁷ The 1972 amendment to section 702 expanded the exemption to permit religious employment discrimination with regard to all activities conducted by the religious employer regardless of whether they were religious or non-religious in nature.⁸⁸ The Supreme Court, including Justices Brennan and Marshall, upheld this expanded exemption in *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints v. Amos*.⁸⁹

⁸⁴ See *Hall v. Baptist Memorial Health Care Corp.*, 215 F.3d 618, 625 (6th Cir. 2000) (dismissing religious discrimination claim filed by employee against religious organization because organization was exempt from title VII and the receipt of substantial Government funding did not bring about a waiver of the exemption); *Siegel v. Truett-McConnell College*, 13 F. Supp.2d 1335, 1343–45 (N.D. Ga. 1994), *aff'd*, 73 F.3d 1108 (11th Cir. 1995) (table) (dismissing religious discrimination claim filed by faculty member against religious college because college was exempt from title VII and the receipt of substantial Government funding did not bring about a waiver of the exemption or violate the Establishment Clause); *Young v. Shawnee Mission Medical Center*, 1988 U.S. Dist. LEXIS 12248 (D. Kan. Oct. 21, 1988) (holding that religious hospital did not lose title VII exemption merely because it received Federal Medicare payments); see *Little v. Wuerl*, 929 F.2d 944, 951 (3d Cir. 1991) (holding that exemption to title VII for religious staffing by a religious organization is not waivable); *Ward v. Hengle*, 706 N.E.2d 392, 395 (Ohio App.1997), *app'l denied*, 692 N.E.2d 617 (Ohio 1998) (holding that exemption to title VII for religious staffing by a religious organization is not waivable); *Arriaga v. Loma Linda University*, 13 Cal. Rptr.2d 619 (Cal. App. 1992) (holding that religious exemption in state employment non-discrimination law was not lost merely because religious college received state funding); *Saucier v. Employment Security Dept.*, 954 P.2d 285 (Wash. App. 1998) (holding that Salvation Army's religious exemption from state unemployment compensation tax does not violate Establishment Clause merely because the job of a former employee in question, a drug abuse counselor, was funded by Federal and state grants).

⁸⁵ See *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 337 n.15 (1987) ("Undoubtedly, [the complainant's] freedom of choice in religious matters was impinged upon, but it was the Church ..., and not the Government, who put him to the choice of changing his religious practices or losing his job.").

⁸⁶ Title VII exempts "a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities." 42 U.S.C. § 2000e-1(a).

⁸⁷ The original section 702 exemption, as enacted in 1964, read, in pertinent part: "This title shall not apply to ... a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution." Pub. L. No. 88-352, 78 Stat. 255, 42 U.S.C. § 2000e-1 (1964).

⁸⁸ See Pub. L. No. 92-261, 86 Stat. 103 (1972) (amending 42 U.S.C. 2000e (1964)).

⁸⁹ 483 U.S. 327 (1987). The section 702 exemption for religious organizations in title VII should not be confused with the so-called "ministerial exception," which is a legal doctrine developed by the courts, not Congress. The Free Exercise Clause, as interpreted by the courts, exempts hiring of clergy from title VII and other similar statutes and, as a consequence, precludes civil courts from adjudicating a broader range of employment discrimination suits by ministers against the church or religious institution employing them. See, e.g., *Equal Employment Opportunity Commission v. Catholic University of America*, 83 F.3d 455, 461 (D.C. Cir. 1996). However, persons are not covered by the so-called "ministerial exception" unless they perform ministerial functions. See *id.* at 464; see also *EEOC v. Southwestern Baptist Theological Seminary*, 651 F.2d 277, 283 (5th Cir. 1981) (for purposes of exception, "ministers" includes non-ordained faculty at

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Section 702(a) is not waived or forfeited when a religious organization receives Federal funding. When it enacted title VII in 1964, Congress was aware that religious institutions of higher education eligible for exemption in section 703(e)(2) of title VII were receiving funds under Federal programs in the form of grants and student aid. Under the GI Bill, established in 1944, military veterans were able to attend the college or university of their choice—public or private, sectarian or non-sectarian—and the tuition costs were either offset or covered in full through a voucher payment sent to the selected school.⁹⁰ When the title VII exemption for religious organizations allowing their hiring to be based on religion was expanded to include even non-ministerial positions in 1972, “Pell” grants for students enrolling in undergraduate studies, including studies at religiously affiliated colleges, were under active discussion and became law that same year.⁹¹ Not only does no provision in § 702(a) state that its exemption of nonprofit private religious organizations from title VII’s prohibition on discrimination in employment is forfeited when a faith-based organization receives a Federal grant, but the Federal circuits that have faced the issue have also held that the protections of § 702(a) cannot be waived.⁹² Further, private organizations, including faith-based organizations, do not become “state actors” and thereby lose the status they enjoy as private organizations simply because they receive Government funds.⁹³ This

Baptist seminary where no course has “a strictly secular purpose”). For example, in *Weissman v. Congregation Shaare Emeth*, 38 F.3d 1038 (8th Cir.1994), the court found that the plaintiff was able to bring an age discrimination action against his temple without violating the First Amendment because he “was responsible for logistical support of activities including supervision of administrative, clerical, building maintenance, and custodial personnel. He also managed property and equipment and maintained financial records. He was not a member of the clergy and played no role in decisions relating to spiritual matters.” *Id.* at 1040. See also *EEOC v. Roman Catholic Diocese of Raleigh*, 213 F.3d 795, 801 (4th Cir. 2000) (“Where no spiritual function is involved, the First Amendment does not stay the application of a generally applicable law such as title VII to the religious employer unless Congress so provides.”); *Geary v. Visitation of the Blessed Virgin Mary Parish School*, 7 F.3d 324, at 331 (3d Cir. 1993) (lay teacher in elementary parochial school not covered by ministerial exemption); *DeMarco v. Holy Cross High School*, 4 F.3d 166, 171–72 (2d Cir. 1993) (lay math teacher not covered by ministerial exemption). Consequently, volunteers and other personnel at faith-based organizations performing secular, clerical, custodial, or administrative functions would not be covered by the ministerial exception.

⁹⁰ See Servicemen’s Readjustment Act of 1944, Pub. L. No. 78–346, 58 Stat. 284, 288–89 (1944) (“[A qualifying veteran] shall be eligible for and entitled to such course of education or training as he may elect, and at any approved educational or training institution at which he chooses to enroll . . .”). The current program provides for payment to be made to the eligible serviceman directly. See 38 U.S.C. § 3014.

⁹¹ Pell Grants were established by the Education Amendments of 1972, 20 U.S.C. § 1070, for the purpose of subsidizing tuition, fees, and certain costs of attendance for people pursuing an undergraduate degree.

⁹² See *Hill v. Baptist Memorial Health Care Corp.*, 215 F.3d 618, 625 (6th Cir. 2000) (“[T]he statutory exemptions from religious discrimination claims under title VII cannot be waived . . . The exemptions reflect a decision by Congress that religious organizations have a constitutional right to be free from Government intervention.”); *Little v. Wuerl*, 929 F.2d 944, 951 (3d Cir. 1991) (holding argument that religious organization can waive title VII exemption “incorrectly views [the exemption] as a privilege or interest granted to those organizations. Instead, those exemptions reflect a decision by Congress that the Government interest in eliminating religious discrimination by religious organizations is outweighed by the rights of those organizations to be free from Government intervention.”); *Siegel v. Truett-McConnell College*, 13 F. Supp.2d 1335, 1343–45 (N.D. Ga. 1994), *aff’d*, 73 F.3d 1108 (11th Cir. 1995) (table) (dismissing religious discrimination claim filed by faculty member against religious college because college was exempt from title VII and the receipt of substantial Government funding did not bring about a waiver of the exemption or violate the Establishment Clause).

⁹³ See *Rendell-Baker v. Kohn*, 457 U.S. 830 (1982) (holding that nonprofit, privately operated school’s receipt of public funds did not make its discharge decisions “state actions” subject to suit under Federal statute authorizing suits for deprivations of constitutional rights, notwithstanding that virtually all of school’s income was derived from Government funding and that even though the private entity performed a function which served public such did not make its acts “state action”); *Blum v. Yaretsky*, 457 U.S. 991 (1982) (holding that even though the State subsidized the cost of private nursing home facilities, paid the expenses of the patients, and li-

means that the § 702(a) exemption does not violate any non-discrimination norms in the Constitution.

Nor is staffing on a religious basis invidious discrimination based on an immutable trait, or for a purpose other than preserving the religious character of an organization. Indeed, a religious organization favoring the employment of those of like-minded faith is comparable to an environmental organization favoring employees devoted to environmentalism or a teacher's union hiring only those opposed to school voucher initiatives.

Indeed, prohibiting religious organizations from maintaining their religious character through hiring practices would endanger Federal funding for child services and education. One survey found that 51 percent of nonprofit organizations delivering child services were religiously affiliated, and of those 82 percent received public funds. A majority of these religiously affiliated nonprofit organizations received over 40 percent of their budgets from Government sources. The survey also found that 70 percent of nonprofit colleges and universities were religiously affiliated, and of those 97 percent received public funds.⁹⁴ The same survey found that 44 percent of the religiously affiliated nonprofit organizations delivering child services only hired staff who agreed with their religious orientation, or gave preference to them, and that 56 percent of the religiously affiliated nonprofit colleges and universities only hired staff who agreed with their religious orientation, or gave preference to them.⁹⁵ In sum, roughly half of the religiously affiliated child care services and colleges and universities surveyed receive large amounts of public funds and maintain their religious character through hiring practices. A rule prohibiting Government funds from finding their way to religious organizations that make staffing decisions based on religion would pull public funding from these child care services and colleges and universities.⁹⁶

The Supreme Court has repeatedly held that the Establishment Clause is not violated when Government refrains from imposing a burden on religion, even though that same burden is imposed on the nonreligious who are otherwise similarly situated. In *Corporation of the Presiding Bishop v. Amos*,⁹⁷ the Supreme Court upheld an exemption permitting religious organizations to discriminate on a religious basis in matters concerning employment. Finding that the exemption did not violate the Establishment Clause, the Supreme Court has made clear that "it is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizations to define and carry out their religious missions."⁹⁸ Justice Brennan, in his concurring opinion in *Amos*, recognized that many religious organizations and associations engage in extensive social welfare and charitable activities, such as operating soup kitchens and day care centers or providing

censed the facilities, the action of the nursing homes is not thereby converted into "state action.").

⁹⁴ See Stephen V. Monsma, *When Sacred and Secular Mix: Religious Nonprofit Organizations and Public Money* (Rowman & Littlefield Publishers, Inc. 1996) at 68, Table 3.

⁹⁵ See *id.* at 74–75, Tables 6 and 7.

⁹⁶ Religiously motivated schools often consider religion in their hiring practices and remain viable because their students receive Federal funds. Students may use Federal veterans' benefits, Federal Pell Grants, and other Federal educational grants and loans at any accredited institution of higher learning, including religious schools and seminaries that discriminate in hiring faculty and staff based on religion.

⁹⁷ 483 U.S. 327 (1987).

⁹⁸ *Id.* at 335.

aid to the poor and the homeless. Even where the content of such activities is nonreligious, in the sense that it does not include sectarian teaching, proselytizing, prayer or ritual, Justice Brennan recognized that the religious organization's performance of such functions is likely to be "infused with a religious purpose."⁹⁹ He also recognized that churches and other religious entities "often regard the provision of such services as a means of fulfilling religious duty and of providing an example of the way of life a church seeks to foster."¹⁰⁰ Consequently, Justice Brennan concluded that the "substantial potential for chilling religious activity makes inappropriate a case-by-case determination of the character of a nonprofit organization, and justifies a categorical exemption for nonprofit activities ... While not every nonprofit activity may be operated for religious purposes, the likelihood that many are makes a categorical rule a suitable means to avoid chilling the exercise of religion."¹⁰¹

A religious organization may have good reason for preferring that individuals similarly committed to its religiously motivated mission operate such secular programs, for such collective activity can be "a means by which a religious community defines itself."¹⁰² Indeed, such collective activity not only can advance the organization's own religious objectives, but also can further the religious mission of the individuals that constitute the religious community:

For many individuals, religious activity derives meaning in large measure from participation in a larger religious community. Such a community represents an ongoing tradition of shared beliefs, an organic entity not reducible to a mere aggregation of individuals.¹⁰³

Accordingly, the selection of coreligionists in particular social service programs will ordinarily advance a religious organization's religious mission, facilitate the religiously motivated calling and conduct of the individuals who are the constituents of that organization, and fortify the organization's religious tradition. Where an organization makes such a showing, the title VII prohibition on religious discrimination would impose "significant governmental interference" with the ability of that organization "to define and carry out [its] religious mission[],"¹⁰⁴ even as applied to employees who are engaged in work that is secular in content. Where that is the case, the section 702(a) exemption would be a permissible religious accommodation that "alleviat[es] special burdens."¹⁰⁵ The title VII exemption, as applied to employees of faith-based organizations in programs that are direct recipients of Government funding, is constitutionally sound.

When the Court permits a legislature to exempt religion from regulatory burdens, it enables private religious choice. To establish a religion connotes that a Government must take some affirmative step to achieve the prohibited result. On the other hand, for Gov-

⁹⁹ *Id.* at 342 (Brennan, J., concurring).

¹⁰⁰ *Id.* at 344.

¹⁰¹ *Id.* at 345.

¹⁰² *Id.* at 342.

¹⁰³ *Id.*

¹⁰⁴ *Id.*, at 335.

¹⁰⁵ *Board of Education of Kiryas Joel Village School District v. Grumet*, 512 U.S. 687, 705 (1994).

ernment to passively leave religion where it found it cannot be an act establishing a religion. Pointing out that it had previously upheld laws that helped religious groups advance their purposes, the Supreme Court explained, “A law is not unconstitutional simply because it allows churches to advance religion, which is their very purpose ... [T]he Court ... has never indicated that statutes that give special consideration to religious groups are per se invalid.”¹⁰⁶ In other words, the state does not support or establish religion by leaving it alone.¹⁰⁷

Charitable choice principles simply allow religious groups to retain their religious character while allowing them to compete for more social service funds with which to help people in need. H.R. 7 preserves religious organizations’ exemption from the religion nondiscrimination provisions of title VII, and it also makes clear that religious organizations retain their duty to follow the title VII nondiscrimination provisions regarding race, color, sex, and national origin.¹⁰⁸

Because H.R. 7 expands charitable choice principles to cover many new Federal programs, one uniform rule should apply to all programs and allow religious organizations to retain their autonomy over the definition, development, practice, and expression of their religious beliefs, including through hiring staff. This is so even when State or local laws provide otherwise, but only when Federal funds are used and only when such religious beliefs are sincerely held. *See* subsections (d)(1) and (k) of the Charitable Choice Act of 2001; *see also United States v. Ballard*, 322 U.S. 78 (1944) (while truth of religious beliefs may not be subjected to examination by trier of fact, the sincerity of religious claimant may be tested). This statutory right is enforceable, if need be, by the Compliance subsection. Subsection (n) gives a faith-based organization a private right of action for injunctive relief. This statutory right is very narrow in scope, and the experience to date is encouraging. Such a right has been present in existing charitable choice laws for five years and there are no known or reported instances in which faith-based organizations have asserted this narrow statutory right. Wherever federal funds go, this statutory right of religious organizations to staff on a religious basis should follow, as should, of course, their duty of nondiscrimination under federal civil rights laws, including those applicable duties to which they

¹⁰⁶*Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 338 (1987).

¹⁰⁷*See Walz v. Tax Commission*, 397 U.S. 664, 673 (1970) (“We cannot read [a statute exempting religious organizations from taxes] as attempting to establish religion; it is simply sparing the exercise of religion from the burden of property taxation levied on private profit institutions.”).

¹⁰⁸Title VII applies to employers with “fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.” 42 U.S.C. §2000e(b). Under title VII, employees of certain small organizations are not protected by title VII, and their protections against discrimination are found in state or local antidiscrimination statutes, or section 1981. *See* 42 U.S.C. §1981 (“(a) Statement of equal rights. All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (b) ‘Make and enforce contracts’ defined. For purposes of this section, the term ‘make and enforce contracts’ includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship. (c) Protection against impairment. The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.”). INSERT E

are the subject under title VII and the civil rights statutes listed in subsection (f). And, of course, subsection (h) does not permit religious discrimination against social service beneficiaries.

There is considerable benefit in having one Federal rule for all Federal funds nationwide. However, where State or local governments do not use Federal funds, or where they segregate their own funds from Federal funds, these governments are not subject to the provisions of H.R. 7. Accordingly, they may apply their own civil rights laws to their own State or local funds.

THERE IS NO CONSTITUTIONAL REQUIREMENT THAT RELIGIOUS ORGANIZATIONS FORM SEPARATE 501(C)(3) ORGANIZATIONS IN ORDER TO COMPETE FOR AND ADMINISTER FUNDS UNDER H.R. 7

There are also those who have expressed the notion that religious organizations incorporated under § 501(c)(3) of the Internal Revenue Code cannot be intensely or significantly religious, and hence should be able to receive Federal funds, while a non-501(c)(3) religious organization should not be able to do so. The notion seems to be premised on an incorrect assumption that such an organization, being separate from the “pervasively sectarian” parent, must be secular and thus constitutionally authorized to accept Government funds. However, the constitution does not bar “pervasively sectarian” organizations from accepting Government funds, under appropriate conditions, as the Supreme Court has recently emphasized. There is also nothing inherent in 501(c)(3) status that requires an organization not to be pervasively sectarian, and intensely or significantly religious organizations, including churches, can be 501(c)(3) organizations if they so choose. Under § 508(c)(1)(A), “churches” and “their integrated auxiliaries” may take advantage of tax-exempt status without filing an application for tax-exemption under § 501(c)(3), but many elect to do so anyway in order to create a separately funded organization. In any case, nothing about § 501(c)(3) status means the organization has to, for example, take down religious symbols or refrain from staffing on a religious basis, just because it receives a Federal grant. Section 501(c)(3) only imposes two restrictions on nonprofit, tax-exempt public charities, including religious social service ministries: first, a blanket prohibition on the organization’s involvement in political campaigns; and second, a requirement that no substantial part of its activities be devoted to lobbying. *See* 26 U.S.C. § 501(c)(3). In sum, the provisions of § 501(c)(3) allow a church or other religious organization to create an entity that is organized, governed, and funded separately, but they do not restrict a 501(c)(3) organization’s involvement in religion. Charitable choice principles, not the provisions of § 501(c)(3), define what a religious organization can and cannot do in order to lawfully compete for and administer funds under a Federal social service program, and there is no constitutional reason why a religious organization should not be able to use its existing rooms and buildings for training centers and office space. To impose such a requirement of separate incorporation by a religious organization seeking to take part in a Federal social service program would impose an unnecessary barrier to entry on the smallest faith-based organizations when H.R. 7 seeks to remove such unnecessary barriers. Under subsection (i)(2)(A) of title II of H.R. 7, a religious organization receiving funds directly through a

grant or cooperative agreement need only create a separate account to receive the Government funds out of which charitable choice programs draw, rather than form a separate § 501(c)(3) organization. This is done, in part, to limit the scope of audits to funds from Government sources and thereby shield other accounts from Government monitoring.

H.R. 7 ALSO INCLUDES PROVISIONS TO ENCOURAGE BUSINESSES TO MAKE IN-KIND CHARITABLE DONATIONS BY PROTECTING THEM FROM LIABILITY, WITH CERTAIN EXCEPTIONS FOR GROSS NEGLIGENCE AND INTENTIONAL MISCONDUCT, WHEN DONATED ITEMS CAUSE INJURY OR DEATH

Section 104 of title I of H.R. 7 includes liability reform provisions covering charitable in-kind donations by businesses. Section 104 is intended to encourage businesses to make in-kind charitable contributions of equipment, motor vehicles, and aircraft by protecting them from liability, under Federal and state law with certain exceptions for gross negligence and intentional misconduct, in the event the donated items cause injury. Subsection (b) of section 104 provides that, subject to exceptions in subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by that business entity to a nonprofit organization. Businesses donating facilities to nonprofit organizations shall not be subject to civil liability relating to any injury or death occurring at the facility if the use occurs outside of the scope of business of the business entity, such injury or death occurs during a period that such facility is used by the nonprofit organization, and the business entity authorized the use of such facility by the nonprofit organization. Businesses shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of aircraft or a motor vehicle of a business entity loaned to a nonprofit organization for use outside the scope of business of the business entity, if such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization, and the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.

Subsection (c) provides that the protections of subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct.

Subsection (d) provides that, subject to subsection (e), the laws of any State are preempted to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection for a business entity for an injury or death described in a paragraph of subsection (b) with respect to which the conditions specified in such paragraph apply. Subsection (d) also provides that nothing in this title shall be construed to supersede any Federal or State health or safety law. Subsection (e) provides that a provision of this title shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute citing the authority of this section, declaring the election of such State that such provision shall not apply to such civil action in the State, and containing no other provisions.

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection for a business entity for an injury or death described in a paragraph of subsection (b) with respect to which the conditions specified in such paragraph apply.

(2) LIMITATION.—Nothing in this title shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—A provision of this title shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this section;

(2) declaring the election of such State that such provision shall not apply to such civil action in the State; and

(3) containing no other provisions.

(f) EFFECTIVE DATE.—This section shall apply to injuries (and deaths resulting therefrom) occurring on or after the date of the enactment of this Act.

Strike title II and insert the following:

TITLE II—EXPANSION OF CHARITABLE CHOICE

SEC. 201. PROVISION OF ASSISTANCE UNDER GOVERNMENT PROGRAMS BY RELIGIOUS AND COMMUNITY OR- GANIZATIONS.

Title XXIV of the Revised Statutes of the United States is amended by inserting after section 1990 (42 U.S.C. 1994) the following:

“SEC. 1991. CHARITABLE CHOICE.

“(a) SHORT TITLE.—This section may be cited as the ‘Charitable Choice Act of 2001’.

“(b) PURPOSES.—The purposes of this section are—

“(1) to enable assistance to be provided to individuals and families in need in the most effective and efficient manner;

“(2) to supplement the Nation’s social service capacity by facilitating the entry of new, and the expansion of existing, efforts by religious and other community organizations in the administration and distribution of government assistance under the government programs described in subsection (c)(4);

“(3) to prohibit discrimination against religious organizations on the basis of religion in the administration and distribution of government assistance under such programs;

SUMMARY

While the First Amendment to the Constitution provides that the Government shall not “establish” religion, or any particular religion by directing governmental support to a particular religion or to adherents of religion to the exclusion of adherents to no religion, the First Amendment also provides that the Government shall not prohibit the “free exercise” of religion. Consequently, Government must ensure that members of organizations seeking to take part in Government programs designed to meet basic and universal human needs are not discriminated against because of their religious views. These “charitable choice” principles, part of H.R. 7, allow for the public funding of faith-based organizations with demonstrated abilities to meet basic needs, and they allow such organizations to choose their staff, board members, and methods, thus preserving their religious character. These principles also protect the rights of conscience of their clients by prohibiting the use of Government funds for sectarian instruction, worship, or proselytization and by ensuring that alternatives, not objectionable for religious reasons are available.

Existing charitable choice programs have benefitted thousands of persons in need without raising significant constitutional concerns in their implementation. An expansion of such principles to cover even more Federal programs likewise raise no serious constitutional concerns, while preserving citizens’ rights to freely exercise their religion without being dismissed out-of-hand in their attempts to take part in cooperative efforts with the Federal Government designed to reduce poverty and fulfill basic human needs.

HEARINGS

The Committee’s Subcommittee on the Constitution held 2 days of oversight hearings on charitable choice, the first of which was held on April 24, 2001. That hearing explored how States and localities have successfully implemented existing “charitable choice” provisions, governing certain Federal programs, and benefitted those in need. Testimony was received from the following witnesses: Dr. Amy Sherman, Senior Fellow, Welfare Policy Center, Hudson Institute; Reverend Donna Lawrence Jones, Cookman United Methodist Church, Philadelphia, PA; Charles Clingman, Executive Director, Jireh Development Corporation, Cincinnati, OH; and Reverend J. Brent Walker, Executive Director, Baptist Joint Committee on Public Affairs.

The second oversight hearing was held on June 7, 2001. That hearing focused on the constitutional role of faith-based organizations in competing for Federal social service funds. Testimony was received from the following witnesses: Carl Esbeck, Senior Counsel to the Deputy Attorney General, United States Department of Justice; Douglas Laycock, Associate Dean for Research and Alice McKean Young Regents Chair in Law, The University of Texas School of Law; David N. Saperstein, Adjunct Professor of Law; Director, Religious Action, Center of Reform Judaism, Georgetown University Law Center; and Ira C. Lupu, Louis Harkey Mayo Research Professor of Law, The George Washington University School of Law.

COMMITTEE CONSIDERATION

On June 28, 2001, the Committee met in open session and ordered favorably reported the bill, H.R. 7, with amendment, by a recorded vote of 20 to 5, a quorum being present.

VOTE OF THE COMMITTEE

1. An amendment was offered by Mr. Scott (for himself, Mr. Conyers, Mr. Nadler, Mr. Frank, Ms. Jackson Lee, Ms. Waters, Ms. Baldwin, and Mr. Watt) to strike from the amendment offered by Mr. Sensenbrenner its provisions preserving religious organizations' exemption from the religion nondiscrimination provisions of title VII of the Civil Rights Act of 1964. The amendment was defeated by rollcall vote of 11 to 19.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Hyde		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (Texas)			
Mr. Gallegly		X	
Mr. Goodlatte			
Mr. Chabot		X	
Mr. Barr		X	
Mr. Jenkins		X	
Mr. Hutchinson		X	
Mr. Cannon		X	
Mr. Graham		X	
Mr. Bachus		X	
Mr. Scarborough		X	
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Mr. Issa		X	
Ms. Hart		X	
Mr. Flake		X	
Mr. Conyers	X		
Mr. Frank	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee			
Ms. Waters	X		
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler	X		
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Schiff	X		
Mr. Sensenbrenner, Chairman		X	
Total	11	19	

2. An amendment was offered by Mr. Watt to strike language in the amendment offered by Mr. Sensenbrenner overriding any provisions in programs covered under subsection (c)(4) of the Charitable Choice Act of 2001 that are inconsistent with or would diminish the exercise of an organization's autonomy recognized in section 702 of

the Civil Rights Act of 1964 or the Charitable Choice Act of 2001, and to add language to the end of subsection (e) of the Charitable Choice Act of 2001. The amendment was modified to omit its striking of language in the amendment of Mr. Sensenbrenner and to add the following language at the end of subsection (e): "Nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions of title VII of the Civil Rights Act of 1964 in the use of funds from programs described in subsection (c)(4)." As so modified, the amendment was agreed to by unanimous consent.

3. An amendment was offered by Mr. Nadler (for himself, Mr. Conyers, and Mr. Scott) that would perfect the amendment offered by Mr. Sensenbrenner a subsection providing that a party alleging that the rights of the party under subsection (f), (g), or (i) of the amendment offered by Mr. Sensenbrenner have been violated may bring a civil action seeking any form of legal or equitable relief, including a writ of mandamus, injunctive relief, or monetary damages, in a State court of general jurisdiction or in a District Court of the United States, against a religious organization, official, or Government agency, and that in any action or proceeding to enforce the foregoing rights, the court may allow a prevailing plaintiff reasonable attorneys' fees as part of the costs and may include expert fees as part of the attorneys' fees. The amendment was defeated by voice vote.

4. An amendment was offered by Mr. Nadler that would strike subsection (h) of the Charitable Choice Act of 2001 contained in the amendment offered by Mr. Sensenbrenner and replace it with a new subsection (h) providing that a religious organization shall be eligible for assistance under a program described in subsection (c)(4) only through an entity incorporated separately from its pervasively sectarian parent or affiliate under section 501(c)(3) of the Internal Revenue Code of 1986. The amendment was defeated by voice vote.

5. An amendment was offered by Mr. Nadler (for himself, Mr. Conyers, Mr. Frank, Ms. Jackson Lee and Mr. Watt) that would have added language to the amendment offered by Mr. Sensenbrenner prohibiting religious organization receiving funds under programs covered by subsection (c)(4) from engaging any beneficiaries of such programs in religious worship, instruction, or proselytization while they were receiving assistance under a covered program. The amendment was defeated by rollcall vote of 7 to 22.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Hyde		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (Texas)			
Mr. Gallegly		X	
Mr. Goodlatte			
Mr. Chabot		X	
Mr. Barr		X	
Mr. Jenkins		X	
Mr. Hutchinson		X	
Mr. Cannon		X	
Mr. Graham		X	
Mr. Bachus		X	

ROLLCALL NO. 2—Continued

	Ayes	Nays	Present
Mr. Scarborough		X	
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Mr. Issa		X	
Ms. Hart		X	
Mr. Flake		X	
Mr. Conyers			
Mr. Frank	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott		X	
Mr. Watt	X		
Ms. Lofgren			
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler	X		
Ms. Baldwin	X		
Mr. Weiner		X	
Mr. Schiff		X	
Mr. Sensenbrenner, Chairman		X	
Total	7	22	

6. An amendment was offered by Mr. Scott (for himself and Ms. Waters) that would have provided that nothing in the Charitable Choice Act of 2001 in the amendment offered by Mr. Sensenbrenner shall affect any programs under the Elementary and Secondary Education Act of 1965. The amendment was defeated by a rollcall vote of 10 to 17.

ROLLCALL NO. 3

	Ayes	Nays	Present
Mr. Hyde		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (Texas)			
Mr. Gallegly		X	
Mr. Goodlatte			
Mr. Chabot		X	
Mr. Barr		X	
Mr. Jenkins		X	
Mr. Hutchinson		X	
Mr. Cannon		X	
Mr. Graham		X	
Mr. Bachus		X	
Mr. Scarborough			
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Mr. Issa			
Ms. Hart		X	
Mr. Flake		X	
Mr. Conyers			
Mr. Frank	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		

ROLLCALL NO. 3—Continued

	Ayes	Nays	Present
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Schiff	X		
Mr. Sensenbrenner, Chairman		X	
Total	10	17	

7. An amendment was offered by Ms. Lofgren (for herself and Mr. Schiff) that would have stricken section 104 of title I of H.R. 7 in the amendment offered by Mr. Sensenbrenner, which extends liability protection to businesses making in-kind donations to charitable organizations. The amendment was defeated by a rollcall vote of 7 to 13.

ROLLCALL NO. 4

	Ayes	Nays	Present
Mr. Hyde		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (Texas)			
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot			
Mr. Barr		X	
Mr. Jenkins			
Mr. Hutchinson		X	
Mr. Cannon			
Mr. Graham		X	
Mr. Bachus			
Mr. Scarborough			
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Mr. Issa			
Ms. Hart		X	
Mr. Flake			
Mr. Conyers			
Mr. Frank	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin			
Mr. Weiner			
Mr. Schiff	X		
Mr. Sensenbrenner, Chairman		X	

ROLLCALL NO. 4—Continued

	Ayes	Nays	Present
Total	7	13	

8. An amendment was offered by Mr. Frank (for himself and Ms. Baldwin) that would have added language to subsection (g) of the Charitable Choice Act of 2001, in the amendment offered by Mr. Sensenbrenner, prohibiting a religious organization receiving indirect forms of assistance from discriminating, in carrying out a covered program, against an individual on the basis of a religious belief. The amendment was defeated by a rollcall vote of 7 to 15.

ROLLCALL NO. 5

	Ayes	Nays	Present
Mr. Hyde		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (Texas)			
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Barr		X	
Mr. Jenkins		X	
Mr. Hutchinson			
Mr. Cannon		X	
Mr. Graham		X	
Mr. Bachus			
Mr. Scarborough			
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Mr. Issa			
Ms. Hart		X	
Mr. Flake			
Mr. Conyers			
Mr. Frank	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin			
Mr. Weiner			
Mr. Schiff	X		
Mr. Sensenbrenner, Chairman		X	
Total	7	15	

9. An amendment was offered by Mr. Frank (for himself and Mr. Scott) that would strike subsection (e)(2) of the Charitable Choice Act of 2001 in the amendment offered by Mr. Sensenbrenner and insert a new subsection (f) listing the same anti-discrimination statutes listed in subsection (e)(2) and preceding them with the language “nothing in section 1994A shall alter the duty of a religious organization receiving assistance or providing services under

any program described in subsection (c)(4) to comply with the non-discrimination provisions in" the listed statutes. The amendment was agreed to by voice vote.

10. An amendment was offered by Ms. Jackson Lee (for herself and Ms. Waters) that would strike from the Charitable Choice Act of 2001, in the amendment offered by Mr. Sensenbrenner, its provisions protecting the rights of a religious organization that provides assistance under a program described in subsection (c)(4) to retain its autonomy, including its control over the definition, development, practice, and expression of its religious beliefs, from State and local governments. The amendment would also have allowed State and local governments to require a religious organization, in order to be eligible to provide assistance under a program described in subsection (c)(4), to alter its form of internal governance or provisions of its charter documents, or to remove religious art, icons, scripture or other symbols, or to change its name, because such symbols or name are of a religious character. The amendment also would have stricken subsection (j) of the Charitable Choice Act of 2001. The amendment was defeated by a rollcall vote of 7 to 19.

ROLLCALL NO. 6

	Ayes	Nays	Present
Mr. Hyde		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (Texas)			
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Barr		X	
Mr. Jenkins		X	
Mr. Hutchinson		X	
Mr. Cannon		X	
Mr. Graham		X	
Mr. Bachus		X	
Mr. Scarborough			
Mr. Hostettler		X	
Mr. Green		X	
Mr. Keller		X	
Mr. Issa		X	
Ms. Hart		X	
Mr. Flake		X	
Mr. Conyers			
Mr. Frank	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin			
Mr. Weiner			
Mr. Schiff			
Mr. Sensenbrenner, Chairman		X	
Total	7	19	

11. An amendment was offered by Mr. Watt that would have inserted into the subsection of the Charitable Choice Act of 2001 titled "Effect on Other Laws," in the amendment offered by Mr. Sensenbrenner, a reference to the Fair Housing Act. The amendment was withdrawn.

12. An amendment was offered by Mr. Nadler (for himself and Mr. Frank that would have stricken from subsection (f)(1)(A) of the Charitable Choice Act of 2001, in the amendment offered by Mr. Sensenbrenner, the phrase "is an alternative that is accessible to the individual and unobjectionable to the individual on religious grounds," and replaced it with "is an alternative, including a non-religious alternative, that is accessible and not objectionable to the individual." The amendment also would have added the following language at the end of that subsection: "section 1994A of this title shall not apply with respect to assistance provided under a program described in subsection (c)(4) during a fiscal year by an organization if the requirement of paragraph (1) is not met with respect to that assistance." The amendment was defeated by voice vote.

13. An amendment was offered by Mr. Scott that would have replaced the phrase "an alternative that is accessible" in subsection (f)(1)(A) of the Charitable Choice Act of 2001 in the amendment offered by Mr. Sensenbrenner, with the phrase "an alternative that is at least as accessible." The amendment was defeated by voice vote.

14. An amendment was offered by Mr. Scott that would have added at the end of subsection (c)(1)(A) of the Charitable Choice Act of 2001 in the amendment offered by Mr. Sensenbrenner the following language: "For purposes of this section, a religious organization is an organization which is pervasively sectarian, and states in the application for funding that it is a 'pervasively sectarian organization.'" The amendment was defeated by voice vote.

15. An amendment was offered by Mr. Scott that would have added the following language to subsection (m) of the amendment offered by Mr. Sensenbrenner to title II of H.R. 7: "Funding under this section shall be based on the objective merits of the applications submitted and shall not discriminate against an applicant based on the religious character of the organization." The amendment was defeated by a rollcall vote of 7 to 20.

ROLLCALL NO. 7

	Ayes	Nays	Present
Mr. Hyde		X	
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (Texas)			
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Barr		X	
Mr. Jenkins		X	
Mr. Hutchinson		X	
Mr. Cannon		X	
Mr. Graham		X	
Mr. Bachus		X	
Mr. Scarborough		X	
Mr. Hostettler		X	
Mr. Green		X	

ROLLCALL NO. 7—Continued

	Ayes	Nays	Present
Mr. Keller		X	
Mr. Issa		X	
Ms. Hart		X	
Mr. Flake		X	
Mr. Conyers	X		
Mr. Frank			
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin			
Mr. Weiner			
Mr. Schiff			
Mr. Sensenbrenner, Chairman		X	
Total	7	20	

16. An amendment was offered by Mr. Scott to the amendment offered by Mr. Sensenbrenner relating to training and technical assistance for small nongovernmental organizations that would have struck language referring to the Office of Justice Programs. The amendment also would have increased from \$25 million to \$50 million the amounts the Attorney General was authorized to spend to provide training and technical assistance regarding procedures relating to potential application and participation in programs identified in subsection (c)(4), to small nongovernmental organizations, including religious organizations. The amendment also provided that such assistance shall include assistance in creating a 501(c)(3) organization, grant writing workshops, informational assistance regarding accounting, legal, and tax issues, informational assistance regarding how to comply with Federal nondiscrimination provisions. The amendment also provided that, in providing such assistance, priority shall be given to small nongovernmental organizations serving rural and urban communities. By unanimous consent, the amendment was modified to omit the striking of language and to replace the phrase “Such assistance shall include” with “Such assistance may include.” The amendment, as modified, was agreed to.

17. An amendment was offered by Mr. Scott in the amendment offered by Mr. Sensenbrenner that would have added at the end of subsection (c)(3) the following language: “Notwithstanding the provisions in this paragraph, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) shall apply to organizations receiving direct assistance funded under any program described in subsection (c)(4).” The amendment was agreed to by voice vote.

18. Mr. Sensenbrenner offered an amendment that would replace existing language in the employment practices provisions of H.R. 7 preserving religious organizations’ current exemption from the religious nondiscrimination provisions of title VII with the same language used in the 1996 Welfare Reform Act, with an additional

clause making clear that contrary provisions in the Federal programs covered by H.R. 7 have no force and effect. The amendment also makes clear that, when a beneficiary has an objection to the religious nature of a provider, an alternative provider is required that is unobjectionable to the beneficiary on religious grounds, but that the alternative provider need not be nonreligious. The amendment also permits review of the performance of Federal programs funded through religious organizations and not just its fiscal aspects; requires self-audits by religious organizations; makes a clearer statement that if a religious organization offers sectarian instruction, worship, or proselytization, it shall be voluntary for the individuals receiving services and offered separate from the program funded under this subpart; limits parties alleging that their rights under this section have been violated to injunctive relief; and authorizes the Attorney General to provide training and technical assistance regarding procedures relating to potential applications and participation in programs identified in subsection (c)(4), to small nongovernmental organizations, including religious organizations. The amendment offered by Mr. Sensenbrenner, as amended, was agreed to by voice vote.

19. Final Passage. The motion to report favorably the bill H.R. 7, as amended, was adopted. The motion was agreed to by a rollcall vote of 20 to 5.

ROLLCALL NO. 8

	Ayes	Nays	Present
Mr. Hyde	X		
Mr. Gekas	X		
Mr. Coble	X		
Mr. Smith (Texas)			
Mr. Gallegly	X		
Mr. Goodlatte	X		
Mr. Chabot	X		
Mr. Barr	X		
Mr. Jenkins	X		
Mr. Hutchinson	X		
Mr. Cannon	X		
Mr. Graham	X		
Mr. Bachus	X		
Mr. Scarborough	X		
Mr. Hostettler	X		
Mr. Green	X		
Mr. Keller	X		
Mr. Issa	X		
Ms. Hart	X		
Mr. Flake	X		
Mr. Conyers			
Mr. Frank			
Mr. Berman			
Mr. Boucher			
Mr. Nadler		X	
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren		X	
Ms. Jackson Lee			
Ms. Waters		X	
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin			
Mr. Weiner			

“(4) to allow religious organizations to participate in the administration and distribution of such assistance without impairing the religious character and autonomy of such organizations; and

“(5) to protect the religious freedom of individuals and families in need who are eligible for government assistance, including expanding the possibility of their being able to choose to receive services from a religious organization providing such assistance.

“(c) RELIGIOUS ORGANIZATIONS INCLUDED AS PROVIDERS; DISCLAIMERS.—

“(1) IN GENERAL.—

“(A) INCLUSION.—For any program described in paragraph (4) that is carried out by the Federal Government, or by a State or local government with Federal funds, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, and the program shall be implemented in a manner that is consistent with the establishment clause and the free exercise clause of the first amendment to the Constitution.

“(B) DISCRIMINATION PROHIBITED.—Neither the Federal Government, nor a State or local government receiving funds under a program described in paragraph (4), shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program on the basis that the organization is religious or has a religious character.

“(2) FUNDS NOT AID TO RELIGION.—Federal, State, or local government funds or other assistance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not support for religion or the organization’s religious beliefs or practices. Notwithstanding the provisions in this paragraph, title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) shall apply to organizations receiving assistance funded under any program described in subsection (c)(4).

“(3) FUNDS NOT ENDORSEMENT OF RELIGION.—The receipt by a religious organization of Federal, State, or local government funds or other assistance under this section is not an endorsement by the government of religion or of the organization’s religious beliefs or practices.

“(4) PROGRAMS.—For purposes of this section, a program is described in this paragraph—

“(A) if it involves activities carried out using Federal funds—

“(i) related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including

ROLLCALL NO. 8—Continued

	Ayes	Nays	Present
Mr. Schiff			
Mr. Sensenbrenner, Chairman	X		
Total	20	5	

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

Subsection (o) of title II of H.R. 7, the Charitable Choice Act of 2001, provides that, from amounts made available to carry out the purposes of the Office of Justice Programs, funds are authorized to provide training and technical assistance, directly, or through grants or other arrangements, in procedures relating to potential application and participation in covered programs to small nongovernmental organizations, as determined by the Attorney General, including religious organizations, in an amount not to exceed \$50 million annually. An amount of no less than \$5,000,000 shall be reserved under this section, and small nongovernmental organizations may apply for these funds to be used for assistance in providing full and equal integrated access to individuals with disabilities in programs covered by the Charitable Choice Act of 2001.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because the portion of this legislation referred to the Committee does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 7, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 11, 2001.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 7, the Community Solutions Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Walker (for

Federal spending), who can be reached at 226–2860, Erin Whitaker (for revenues), who can be reached at 226–2720, and Shelley Finlayson (for the state and local impact), who can be reached at 225–3220.

Sincerely,

DAN L. CRIPPEN, *Director*.

Enclosure

cc: Honorable John Conyers Jr.
Ranking Member

H.R. 7—Community Solutions Act of 2001.

SUMMARY

H.R. 7 would establish certain guidelines for religious organizations or their affiliates to receive Federal funds for the provision of social services and would make several changes to tax law concerning deductions for charitable contributions. The Joint Committee on Taxation (JCT) estimates that the revenue loss associated with this legislation would be almost \$50 billion over the 2002–2006 period and more than \$120 billion over the 2002–2011 period. Because H.R. 7 would affect revenues, pay-as-you-go procedures would apply. The bill also would establish certain reporting requirements of the Secretary of the Treasury and authorize the appropriation of \$1 million each year for the Secretary to comply with those requirements. Assuming the appropriation of the specified amounts, CBO estimates that implementing H.R. 7 would cost \$5 million over the 2001–2006 period.

Section 104 of H.R. 7 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would preempt certain state liability laws. CBO estimates that complying with this mandate would result in no direct costs to state governments and thus would not exceed the threshold established in that act (\$56 million in 2001, adjusted annually for inflation). Title 2 of the bill also would establish new requirements and prohibitions on state and local governments as conditions of receiving Federal assistance under numerous Federal programs. This bill contains no new private-sector mandates as defined in UMRA.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 7 is shown in the following table. The cost of this legislation falls within budget function 800 (general government).

	By Fiscal Year, in Millions of Dollars					
	2001	2002	2003	2004	2005	2006
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	0	1	1	1	1	1
Estimated Outlays	0	1	1	1	1	1
CHANGES IN REVENUES^a						
Deductions for charitable contributions of individuals who do not itemize deductions	0	-1,278	-8,603	-9,159	-9,748	-10,401
Tax-free distributions from individual retirement accounts for charitable purposes	0	-118	-195	-215	-284	-368
Expand and increase the charitable deduction for contributions of food	0	-78	-146	-173	-194	-208
Individual Development Accounts	0	-891	-1,750	-1,767	-1,874	-2,028
Total Changes in Revenue	0	-2,365	-10,694	-11,314	-12,100	-13,005
a. All estimates of the revenue effects of H.R. 7 were provided by JCT.						

BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 7 will be enacted by the end of fiscal year 2001 and that the authorized amounts will be appropriated for each year.

Spending Subject to Appropriation

Title III would establish tax credits for certain financial institutions that provide individual development accounts and would set certain requirements for the administration of the accounts and for the withdrawals from those accounts by individual taxpayers. The bill would authorize the appropriation of \$1 million in each year over the 2002–2008 period for the Secretary of the Treasury to monitor the cost and performance of the individual development account programs and prepare an annual report to the Congress. Assuming the appropriation of the specified amounts, CBO estimates that implementing H.R. 7 would cost \$5 million over the 2002–2006 period.

H.R. 7 would establish certain guidelines for religious organizations or their affiliates to receive Federal funds for the provision of social services. It also would require that any governmental organization that contracts with a religious organization to provide social services guarantee that eligible individuals who object to a specific service provider on religious grounds be directed to a different provider of comparable services. Although in many areas the number of providers would be sufficient to ensure that alternative providers would be available, very small communities might find it difficult to comply with these requirements. Although the requirement to find an alternate provider could increase Federal costs in some cases by requiring the Federal Government to pay a portion of the costs of such alternate providers, CBO has been unable to

obtain data to estimate any such costs. However, CBO does not anticipate that any resulting costs to the Federal Government would be substantial.

Revenues

H.R. 7 would allow taxpayers who do not itemize their deductions to deduct their charitable contributions up to the amount of the standard deduction, and continue to allow such taxpayers to take the standard deduction. The bill would allow taxpayers to exclude from their gross income otherwise taxable withdrawals from individual retirement accounts if those withdrawals were made for certain charitable distributions. The bill also would amend charitable contribution rules to enhance deductions for donations of food for all taxpayers other than certain corporations, and would limit the liability of corporate entities for certain charitable contributions of equipment.

H.R. 7 would establish tax credits for certain financial institutions that provide a program for certain accounts in which eligible individuals receive matching contributions from those institutions (individual development account program). The tax credit for these financial institutions would be equal to the amount of matching contributions made under the program plus amounts for accounts opened or maintained during the taxable year. It would set certain requirements for the administration of individual development accounts and for withdrawals from those accounts by individual taxpayers.

The Joint Committee on Taxation estimates that the revenue loss associated with this legislation would be almost \$50 billion over the 2002–2006 period and more than \$120 billion over the 2002–2011 period.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding 4 years are counted.

	By Fiscal Year, in Millions of Dollars										
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays											
Changes in receipts ^a	0	-2,365	-10,694	-11,314	-12,100	-13,005	-13,534	-14,105	-14,212	-14,455	-15,432

a. Estimate was provided by JCT.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

CBO has reviewed section 104 and title 2 of H.R. 7 for intergovernmental mandates.

Mandates

Section 104 contains an intergovernmental mandate as defined in UMRA because it would preempt inconsistent or more stringent state liability laws that hold businesses civilly liable for injuries or death that result from the use of equipment, facilities, or vehicles donated or loaned to nonprofit organizations. This preemption would be an intergovernmental mandate as defined in UMRA, but because the preemption is narrow and state governments would not be required to take any action, CBO estimates complying with this mandate would result in no direct costs. Thus, the threshold established in UMRA (\$56 million in 2001, adjusted annually for inflation) would not be exceeded.

Other Impacts

Title 2 would establish new requirements and prohibitions on how state and local governments receive and use Federal funds under numerous Federal programs. Such programs include anything related to hunger relief activities, Federal housing under the Community Development Block Grant Program, prevention of domestic violence under the Child Abuse Prevention and Treatment Act, and services for the elderly under the Older Americans Act. Specifically, title 2 would require state and local governments to consider religious organizations on the same basis as other organizations to provide assistance under programs carried out using Federal funds.

The bill also would require that the appropriate government entity notify applicants and recipients about provider options and provide, in a timely manner, an equivalent alternative from a nonreligious provider if a recipient objects to receiving services from a religious provider. In addition, state and local governments that discriminate on the basis of religion in selecting service providers could be sued for injunctive relief. All of those requirements are conditions of Federal assistance, and therefore, are not mandates under UMRA. However, those requirements could increase state and local costs to administer numerous Federal programs. In particular, some small communities could find it difficult or costly to comply with the alternate provider requirements. CBO does not have sufficient information to estimate the aggregate costs nationwide.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

This bill contains no new private-sector mandates as defined in UMRA.

ESTIMATE PREPARED BY:

Federal Spending: Lanette J. Walker (226-2860)
 Federal Revenues: Erin Whitaker (226-2720)
 Impact on State, Local, and Tribal Governments: Shelley Finlayson
 (225-3220)
 Impact on the Private Sector: Paige Piper/Bach (226-2960)

ESTIMATE APPROVED BY:

Peter H. Fontaine
 Deputy Assistant Director for Budget Analysis

G. Thomas Woodward
Assistant Director for Tax Analysis Division

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clauses 1, 3 and 18 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

SECTION 104 OF TITLE I—CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS

Subsection (a)—Definitions

This subsection defines the terms aircraft, business entity, equipment, facility, gross negligence, intentional misconduct, motor vehicle, nonprofit organization, and State, as used in section 104 of title I of H.R. 7.

Subsection (b)—Liability

Subsection (b) applies with respect to civil liability under Federal and State law. Subsection (b) provides that, subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by that business entity to a nonprofit organization. Businesses donating facilities to nonprofit organizations shall not be subject to civil liability relating to any injury or death occurring at the facility if the use occurs outside of the scope of business of the business entity, such injury or death occurs during a period that such facility is used by the nonprofit organization, and the business entity authorized the use of such facility by the nonprofit organization. Businesses shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of aircraft or a motor vehicle of a business entity loaned to a nonprofit organization for use outside the scope of business of the business entity, if such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization, and the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.

Subsection (c)—Exceptions

Subsection (c) provides that subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct.

Subsection (d)—Superceding Provision

Subsection (d) provides that, subject to subsection (e), this title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection for a business entity for an injury or death described in a paragraph of subsection (b) with respect to which the conditions specified in such paragraph apply. Subsection (d) also provides that nothing in this title shall be construed to supersede any Federal or State health or safety law.

Subsection (e)—Election of State Regarding Nonapplicability

Subsection (e) provides that a provision of this title shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute citing the authority of this section, declaring the election of such State that such provision shall not apply to such civil action in the State, and containing no other provisions.

Subsection (f)—Effective Date

Subsection (f) provides that this section shall apply to injuries and deaths resulting therefrom and occurring on or after the date of the enactment of this act.

SECTION 201 OF TITLE II OF H.R. 7—EXPANSION OF CHARITABLE
CHOICE

Subsection (a)—Short Title

Subsection (a) provides that this section may be cited as the Charitable Choice Act of 2001.

Subsection (b)—Purposes

Subsection (b) provides that the purposes of the Charitable Choice Act of 2001 are to enable assistance to be provided to individuals and families in need in the most effective and efficient manner; to supplement the nation's social service capacity by facilitating the entry of new, and the expansion of existing, efforts by religious and other community organizations in the administration and distribution of Government assistance under the covered Government programs; to prohibit discrimination against religious organizations on the basis of religion in the administration and distribution of Government assistance under such programs; to allow religious organizations to participate in the administration and distribution of such assistance without impairing the religious character and autonomy of such organizations; and to protect the religious freedom of individuals and families in need who are eligible for Government assistance, including expanding the possibility of their being able to choose to receive services from a religious organization providing such assistance.

Subsection (c)—Religious Organizations Included as Providers, Disclaimers

Subsection (c) provides that for any covered program that is carried out by the Federal Government, or by a State or local government with Federal funds, the Government shall consider, on the same basis as other non-governmental organizations, religious organizations to provide the assistance under the program, and the program shall be implemented in a manner that is consistent with the Establishment Clause and the Free Exercise Clause of the First Amendment to the Constitution. It also provides that neither the Federal Government, nor a State or local government receiving funds under a covered program, shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program on the basis that the organization is religious or has a religious character. Subsection (c) also makes clear that Federal, State, or local government funds or other assist-

ance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not support for religion or the organization's religious beliefs or practices, and that the receipt by a religious organization of Federal, State, or local government funds or other assistance under this section is not an endorsement by the Government of religion or of the organization's religious beliefs or practices. Subsection (c) defines the covered programs as those that involve activities carried out using Federal funds and that are related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974; related to the prevention of crime and assistance to crime victims and offenders' families, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968; related to the provision of assistance under Federal housing statutes, including the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974; under subtitle B or D of title I of the Workforce Investment Act of 1998; under the Older Americans Act of 1965; related to the intervention in and prevention of domestic violence, including programs under the Child Abuse and Prevention and Treatment Act or the Family Violence Prevention and Services Act; related to hunger relief activities; under the Job Access and Reverse Commute grant program established under section 3037 of the Federal Transit Act of 1998; or that involve activities to assist students in obtaining the recognized equivalents of secondary school diplomas and activities relating to non-school hours programs, including programs under chapter 3 of subtitle A of title II of the Workforce Investment Act of 1998 or part I of title X of the Elementary and Secondary Education Act; but not if they include activities carried out under Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965.

Subsection (d)—Organizational Character and Autonomy

Subsection (d) provides that a religious organization that provides assistance under a covered program shall have the right to retain its autonomy from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs. Neither the Federal Government, nor a State or local government with Federal funds, shall require a religious organization, in order to be eligible to provide assistance under a covered program, to alter its form of internal governance or provisions in its charter documents or to remove religious art, icons, scripture, or other symbols, or to change its name, because such symbols or names are of a religious character.

Subsection (e)—Employment Practices

Subsection (e) provides that a religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 regarding employment practices shall not be affected by its participation in, or receipt of funds from, covered programs, and any provision

in such programs that is inconsistent with, or would diminish, the exercise of an organization's autonomy recognized in section 702 or in this section shall have no effect. The duties of religious organizations not to discriminate based on race, color, sex, and national origin, from which religious organizations are not exempt under title VII, are retained.

Subsection (f)—Effect on Other Laws

Subsection (f) provides that nothing in this section alters the duty of a religious organization receiving assistance or providing services under a covered program to comply with the non-discrimination provisions in title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

Subsection (g)—Rights of Beneficiaries of Assistance

Subsection (g) provides that if a beneficiary has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any covered program, the appropriate Federal, State, or local governmental entity shall provide to such individual within a reasonable period of time after the date of such objection, assistance that is an alternative that is accessible to the individual and unobjectionable to the individual on religious grounds and has a value that is not less than the value of the assistance that the individual would have received from such organization. The appropriate Federal, State, or local governmental entity shall guarantee that notice is provided to the beneficiaries of their rights under this section.

Subsection (h)—Nondiscrimination against Beneficiaries

Subsection (h) provides that a religious organization providing assistance through a grant or cooperative agreement under a covered program shall not discriminate, in carrying out the program, against a beneficiary on the basis of religion, a religious belief, or a refusal to hold a religious belief. A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a covered program shall not deny a beneficiary admission into such program on the basis of religion, a religious belief, or a refusal to hold a religious belief.

Subsection (i)—Accountability

Subsection (i) provides that a religious organization providing assistance under any covered program shall be subject to the same regulations as other non-governmental organizations to account, in accord with generally accepted accounting principles, for the use of such funds and its performance of such programs. A religious organization providing assistance through a grant or cooperative agreement under a covered program shall segregate Government funds provided under such program into a separate account or accounts, and only the separate accounts consisting of funds from the Government shall be subject to audit by the Government. A religious organization providing assistance through a form of indirect assistance under a covered program may segregate Government funds provided under such program into a separate account or accounts

and, if such funds are so segregated, only the separate accounts consisting of funds from the Government shall be subject to audit by the Government. Subsection (i) further requires a religious organization providing services under any covered program to conduct annually a self audit for compliance with its duties under this section and to submit a copy of the self audit to the appropriate Federal, State, or local government agency, along with a plan to timely correct variances, if any, identified in the self audit.

Subsection (j)—Limitations on Use of Funds; Voluntariness

Subsection (j) provides that no funds provided through a grant or cooperative agreement to a religious organization to provide assistance under any covered program shall be expended for sectarian instruction, worship, or proselytization. If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (c)(4). A certificate shall be separately signed by religious organizations, and filed with the Government agency that disburses the funds, certifying that the organization is aware of and will comply with this subsection. Noncompliance with the certificate is a violation of the grant or cooperative agreement and shall be enforced in the same manner as other breaches of a grant or cooperative agreement.

Subsection (k)—Effect on State and Local Funds

Subsection (k) provides that if a State or local government contributes State or local funds to carry out a covered program, the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

Subsection (l)—Indirect Assistance

Subsection (l) provides that, when consistent with the purpose of a covered program, the Secretary of the department administering the program may direct the disbursement of some or all of the funds, if determined by the Secretary to be feasible and efficient, in the form of indirect assistance. Subsection (l) defines indirect assistance as assistance in which an organization receiving funds receives such funds only as a result of the choices of individual beneficiaries.

Subsection (m)—Treatment of Intermediate Grantors

Subsection (m) provides that if a non-governmental organization, acting under a grant or other agreement with the Federal Government, or a State or local government with Federal funds, is given the authority under the agreement to select non-governmental organizations to provide assistance under a covered program, the intermediate grantor shall have the same duties under this section as the Government when selecting or otherwise dealing with subgrantors, but the intermediate grantor, if it is a religious orga-

programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.);

“(ii) related to the prevention of crime and assistance to crime victims and offenders’ families, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.);

“(iii) related to the provision of assistance under Federal housing statutes, including the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

“(iv) under subtitle B or D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(v) under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

“(vi) related to the intervention in and prevention of domestic violence, including programs under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

“(vii) related to hunger relief activities; or

“(viii) under the Job Access and Reverse Commute grant program established under section 3037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note); or

“(B)(i) if it involves activities to assist students in obtaining the recognized equivalents of secondary school diplomas and activities relating to nonschool hours programs, including programs under—

“(I) chapter 3 of subtitle A of title II of the Workforce Investment Act of 1998 (Public Law 105–220); or

“(II) part I of title X of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.); and

“(ii) except as provided in subparagraph (A) and clause (i), does not include activities carried out under Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(d) ORGANIZATIONAL CHARACTER AND AUTONOMY.—

“(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (c)(4) shall have the right to retain its autonomy from Federal, State, and local governments, including such organization’s control over the definition,

nization, shall retain all other rights of a religious organization under this section.

Subsection (n)—Compliance

Subsection (n) provides that a party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action for injunctive relief pursuant to section 1979 of the Revised Statutes against the State official or local government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by the Federal Government may bring a civil action for injunctive relief in Federal district court against the official or Government agency that has allegedly committed such violation.

Subsection (o)—Training and Technical Assistance for Small Nongovernmental Organizations

Subsection (o) provides that, from amounts made available to carry out the purposes of the Office of Justice Programs, funds are authorized to provide training and technical assistance, directly, or through grants or other arrangements, in procedures relating to potential application and participation in covered programs to small nongovernmental organizations, as determined by the Attorney General, including religious organizations, in an amount not to exceed \$50 million annually. An amount of no less than \$5,000,000 shall be reserved under this section, and small nongovernmental organizations may apply for these funds to be used for assistance in providing full and equal integrated access to individuals with disabilities in programs under this title. In giving out the assistance described in this subsection, priority shall be given to small nongovernmental organizations serving urban and rural communities.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by that portion of the bill within the jurisdiction of the Committee on the Judiciary, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

REVISED STATUTES OF THE UNITED STATES

* * * * *

TITLE XXIV.—CIVIL RIGHTS.

* * * * *

SEC. 1991. CHARITABLE CHOICE.

(a) *SHORT TITLE.*—This section may be cited as the “Charitable Choice Act of 2001”.

(b) *PURPOSES.*—The purposes of this section are—

(1) to enable assistance to be provided to individuals and families in need in the most effective and efficient manner;

(2) to supplement the Nation's social service capacity by facilitating the entry of new, and the expansion of existing, efforts by religious and other community organizations in the administration and distribution of government assistance under the government programs described in subsection (c)(4);

(3) to prohibit discrimination against religious organizations on the basis of religion in the administration and distribution of government assistance under such programs;

(4) to allow religious organizations to participate in the administration and distribution of such assistance without impairing the religious character and autonomy of such organizations; and

(5) to protect the religious freedom of individuals and families in need who are eligible for government assistance, including expanding the possibility of their being able to choose to receive services from a religious organization providing such assistance.

(c) RELIGIOUS ORGANIZATIONS INCLUDED AS PROVIDERS; DISCLAIMERS.—

(1) IN GENERAL.—

(A) INCLUSION.—For any program described in paragraph (4) that is carried out by the Federal Government, or by a State or local government with Federal funds, the government shall consider, on the same basis as other non-governmental organizations, religious organizations to provide the assistance under the program, and the program shall be implemented in a manner that is consistent with the establishment clause and the free exercise clause of the first amendment to the Constitution.

(B) DISCRIMINATION PROHIBITED.—Neither the Federal Government, nor a State or local government receiving funds under a program described in paragraph (4), shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program on the basis that the organization is religious or has a religious character.

(2) FUNDS NOT AID TO RELIGION.—Federal, State, or local government funds or other assistance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not support for religion or the organization's religious beliefs or practices. Notwithstanding the provisions in this paragraph, title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) shall apply to organizations receiving assistance funded under any program described in subsection (c)(4).

(3) FUNDS NOT ENDORSEMENT OF RELIGION.—The receipt by a religious organization of Federal, State, or local government funds or other assistance under this section is not an endorsement by the government of religion or of the organization's religious beliefs or practices.

(4) PROGRAMS.—For purposes of this section, a program is described in this paragraph—

(A) if it involves activities carried out using Federal funds—

(i) related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.);

(ii) related to the prevention of crime and assistance to crime victims and offenders' families, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.);

(iii) related to the provision of assistance under Federal housing statutes, including the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(iv) under subtitle B or D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(v) under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

(vi) related to the intervention in and prevention of domestic violence, including programs under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

(vii) related to hunger relief activities; or

(viii) under the Job Access and Reverse Commute grant program established under section 3037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note); or

(B)(i) if it involves activities to assist students in obtaining the recognized equivalents of secondary school diplomas and activities relating to nonschool hours programs, including programs under—

(I) chapter 3 of subtitle A of title II of the Workforce Investment Act of 1998 (Public Law 105–220); or

(II) part I of title X of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.); and

(ii) except as provided in subparagraph (A) and clause (i), does not include activities carried out under Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(d) ORGANIZATIONAL CHARACTER AND AUTONOMY.—

(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (c)(4) shall have the right to retain its autonomy from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government, nor a State or local government with Federal funds, shall require a religious organization, in order to be eligible to pro-

vide assistance under a program described in subsection (c)(4), to—

(A) alter its form of internal governance or provisions in its charter documents; or

(B) remove religious art, icons, scripture, or other symbols, or to change its name, because such symbols or names are of a religious character.

(e) **EMPLOYMENT PRACTICES.**—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (c)(4), and any provision in such programs that is inconsistent with or would diminish the exercise of an organization's autonomy recognized in section 702 or in this section shall have no effect. Nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions of title VII of the Civil Rights Act of 1964 in the use of funds from programs described in subsection (c)(4).

(f) **EFFECT ON OTHER LAWS.**—Nothing in this section shall alter the duty of a religious organization receiving assistance or providing services under any program described in subsection (c)(4) to comply with the nondiscrimination provisions in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1688) (prohibiting discrimination in education programs or activities on the basis of sex and visual impairment), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) (prohibiting discrimination on the basis of age).

(g) **RIGHTS OF BENEFICIARIES OF ASSISTANCE.**—

(1) **IN GENERAL.**—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c)(4), the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection, assistance that—

(A) is an alternative that is accessible to the individual and unobjectionable to the individual on religious grounds; and

(B) has a value that is not less than the value of the assistance that the individual would have received from such organization.

(2) **NOTICE.**—The appropriate Federal, State, or local governmental entity shall guarantee that notice is provided to the individuals described in paragraph (3) of the rights of such individuals under this section.

(3) **INDIVIDUAL DESCRIBED.**—An individual described in this paragraph is an individual who receives or applies for assistance under a program described in subsection (c)(4).

(h) **NONDISCRIMINATION AGAINST BENEFICIARIES.**—

(1) *GRANTS AND COOPERATIVE AGREEMENTS.*—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall not discriminate in carrying out the program against an individual described in subsection (g)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

(2) *INDIRECT FORMS OF ASSISTANCE.*—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) shall not deny an individual described in subsection (g)(3) admission into such program on the basis of religion, a religious belief, or a refusal to hold a religious belief.

(i) *ACCOUNTABILITY.*—

(1) *IN GENERAL.*—Except as provided in paragraphs (2) and (3), a religious organization providing assistance under any program described in subsection (c)(4) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds and its performance of such programs.

(2) *LIMITED AUDIT.*—

(A) *GRANTS AND COOPERATIVE AGREEMENTS.*—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall segregate government funds provided under such program into a separate account or accounts. Only the separate accounts consisting of funds from the government shall be subject to audit by the government.

(B) *INDIRECT FORMS OF ASSISTANCE.*—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) may segregate government funds provided under such program into a separate account or accounts. If such funds are so segregated, then only the separate accounts consisting of funds from the government shall be subject to audit by the government.

(3) *SELF AUDIT.*—A religious organization providing services under any program described in subsection (c)(4) shall conduct annually a self audit for compliance with its duties under this section and submit a copy of the self audit to the appropriate Federal, State, or local government agency, along with a plan to timely correct variances, if any, identified in the self audit.

(j) *LIMITATIONS ON USE OF FUNDS; VOLUNTARINESS.*—No funds provided through a grant or cooperative agreement to a religious organization to provide assistance under any program described in subsection (c)(4) shall be expended for sectarian instruction, worship, or proselytization. If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (c)(4). A certificate shall be separately signed by religious organizations, and filed with the government agency that disburses the funds, certifying that the organization is aware of and will comply with this subsection.

(k) *EFFECT ON STATE AND LOCAL FUNDS.*—If a State or local government contributes State or local funds to carry out a program

described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

(l) *INDIRECT ASSISTANCE.*—When consistent with the purpose of a program described in subsection (c)(4), the Secretary of the department administering the program may direct the disbursement of some or all of the funds, if determined by the Secretary to be feasible and efficient, in the form of indirect assistance. For purposes of this section, “indirect assistance” constitutes assistance in which an organization receiving funds through a voucher, certificate, or other form of disbursement under this section receives such funding only as a result of the private choices of individual beneficiaries and no government endorsement of any particular religion, or of religion generally, occurs.

(m) *TREATMENT OF INTERMEDIATE GRANTORS.*—If a nongovernmental organization (referred to in this subsection as an “intermediate grantor”), acting under a grant or other agreement with the Federal Government, or a State or local government with Federal funds, is given the authority under the agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (c)(4), the intermediate grantor shall have the same duties under this section as the government when selecting or otherwise dealing with subgrantors, but the intermediate grantor, if it is a religious organization, shall retain all other rights of a religious organization under this section.

(n) *COMPLIANCE.*—A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action for injunctive relief pursuant to section 1979 against the State official or local government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by the Federal Government may bring a civil action for injunctive relief in Federal district court against the official or government agency that has allegedly committed such violation.

(o) *TRAINING AND TECHNICAL ASSISTANCE FOR SMALL NON-GOVERNMENTAL ORGANIZATIONS.*—

(1) *IN GENERAL.*—From amounts made available to carry out the purposes of the Office of Justice Programs (including any component or unit thereof, including the Office of Community Oriented Policing Services), funds are authorized to provide training and technical assistance, directly or through grants or other arrangements, in procedures relating to potential application and participation in programs identified in subsection (c)(4) to small nongovernmental organizations, as determined by the Attorney General, including religious organizations, in an amount not to exceed \$50 million annually.

(2) *TYPES OF ASSISTANCE.*—Such assistance may include—

(A) assistance and information relative to creating an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to operate identified programs;

(B) *granting writing assistance which may include workshops and reasonable guidance;*

(C) *information and referrals to other nongovernmental organizations that provide expertise in accounting, legal issues, tax issues, program development, and a variety of other organizational areas; and*

(D) *information and guidance on how to comply with Federal nondiscrimination provisions including, but not limited to, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Fair Housing Act, as amended (42 U.S.C. 3601 et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 694), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107).*

(3) *RESERVATION OF FUNDS.—An amount of no less than \$5,000,000 shall be reserved under this section. Small nongovernmental organizations may apply for these funds to be used for assistance in providing full and equal integrated access to individuals with disabilities in programs under this title.*

(4) *PRIORITY.—In giving out the assistance described in this subsection, priority shall be given to small nongovernmental organizations serving urban and rural communities.*

COMMITTEE JURISDICTION LETTERS

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**COMMITTEE ON EDUCATION
 AND THE WORKFORCE**
 U.S. HOUSE OF REPRESENTATIVES
 2181 RAYBURN HOUSE OFFICE BUILDING
 WASHINGTON, DC 20515-6100

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 (TTY)—(202) 225-5972
 MINORITY—(202) 225-5725
 (TTY)—(202) 225-3175

July 11, 2001

The Honorable James Sensenbrenner, Jr.
 Chairman, Committee on the Judiciary
 2138 Rayburn HOB
 Washington, D.C. 20515
 Attn: Will Moschella

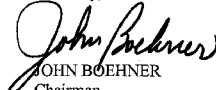
Dear Chairman Sensenbrenner:

Thank you for working with me regarding H.R. 7, the Community Solutions Act of 2001, which was referred to the Committee on Ways and Means and in addition the Committee on the Judiciary. As you know, the Committee on Education and the Workforce holds a jurisdictional interest in this legislation and I appreciate your acknowledgement of that jurisdictional interest. While the bill would be sequentially referred to the Education and the Workforce Committee, I understand the desire to have this legislation considered expeditiously by the House; hence, I do not intend to hold a hearing or markup on this legislation.

In agreeing to waive consideration by our Committee, I would expect you to agree that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on this or any similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. I would also expect your support in my request to the Speaker for the appointment of conferees from my Committee with respect to matters within the jurisdiction of my Committee should a conference with the Senate be convened on this or similar legislation.

Again, thank you for your letter. I would appreciate your including our exchange of letters in your Committee's report to accompany H.R. 7. Again, I thank you for working with me in developing this legislation and I look forward to working with you on these issues in the future.

Sincerely,


JOHN BOEHNER
Chairman

JAB/jms

cc: The Honorable J. Dennis Hastert
The Honorable Richard K. Armey
The Honorable Tom Delay
The Honorable David Dreier
Mr. Charles Johnson, Parliamentarian

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ONE HUNDRED SEVENTH CONGRESS
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House of Representatives
COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6216

(202) 225-3951
<http://www.house.gov/judiciary>

July 11, 2001

The Honorable John Boehner
Chairman
House Committee on Education and the Workforce
2181 Rayburn HOB
Washington, D.C. 20515

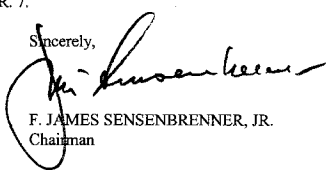
Dear John:

This letter responds to your letter dated July 11, 2001, concerning H.R. 7, the "Community Solutions Act" which was favorably reported by the House Committee on the Judiciary on June 28, 2001.

I agree that the bill contains matters within the Committee on Education and the Workforce's jurisdiction and appreciate your willingness to be discharged from further consideration of H.R. 7 so that we may proceed to the floor expeditiously. Your willingness to be discharged is not construed by the Committee on the Judiciary to prejudice the Committee on Education and the Workforce's jurisdictional interest under Rule X of the House of Representatives.

Pursuant to your request, a copy of your letter and this letter will be included in the report of the Committee on the Judiciary on H.R. 7.

Sincerely,


F. JAMES SENSENBRENNER, JR.
Chairman

cc: The Honorable J. Dennis Hastert
The Honorable John Conyers, Jr.
The Honorable George Miller
The Honorable Charles W. Johnson, III

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development, practice, and expression of its religious beliefs.

“(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government, nor a State or local government with Federal funds, shall require a religious organization, in order to be eligible to provide assistance under a program described in subsection (c)(4), to—

“(A) alter its form of internal governance or provisions in its charter documents; or

“(B) remove religious art, icons, scripture, or other symbols, or to change its name, because such symbols or names are of a religious character.

“(e) EMPLOYMENT PRACTICES.—A religious organization’s exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (c)(4), and any provision in such programs that is inconsistent with or would diminish the exercise of an organization’s autonomy recognized in section 702 or in this section shall have no effect. Nothing in this section alters the duty of a religious organization to comply with the non-discrimination provisions of title VII of the Civil Rights Act of 1964 in the use of funds from programs described in subsection (c)(4).

“(f) EFFECT ON OTHER LAWS.—Nothing in this section shall alter the duty of a religious organization receiving assistance or providing services under any program described in subsection (c)(4) to comply with the non-discrimination provisions in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688) (prohibiting discrimination in education programs or activities on the basis of sex and visual impairment), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) (prohibiting discrimination on the basis of age).

“(g) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

“(1) IN GENERAL.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c)(4), the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection, assistance that—

“(A) is an alternative that is accessible to the individual and unobjectionable to the individual on religious grounds; and

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U.S. House of Representatives
Committee on Financial Services
 2129 Rayburn House Office Building
 Washington, DC 20515

July 11, 2001

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The Honorable F. James Sensenbrenner, Jr.
 Chairman
 Committee on the Judiciary
 2138 Rayburn House Office Building
 Washington, D.C. 20515

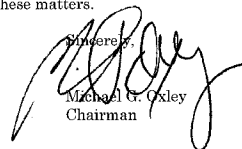
Dear Jim:

I understand that the Committee on the Judiciary recently ordered reported H.R. 7, the Community Solutions Act of 2001. As you know, the legislation contains provisions relating to community development block grants (CDBGs) and other programs under the Nation's housing laws which fall within the jurisdiction of the Committee on Financial Services pursuant to clause 1(g) of rule X of the Rules of the House of Representatives.

Because of your willingness to consult with the Committee on Financial Services regarding this matter and the need to move this legislation expeditiously, I will waive consideration of the bill by the Financial Services Committee. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over H.R. 7. In addition, the Committee on Financial Services reserves its authority to seek conferees on any provisions of the bill that are within the Financial Services Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conferees on H.R. 7 or related legislation.

I request that you include this letter and your response as part of your committee's report on the bill and the *Congressional Record* during consideration of the legislation on the House floor.

Thank you for your attention to these matters.


 Michael G. Oxley
 Chairman

MGO/hnh

cc: The Honorable J. Dennis Hastert, Speaker
 The Honorable John J. LaFalce
 The Honorable Marge Roukema
 The Honorable Barney Frank
 The Honorable Charles W. Johnson, III, Parliamentarian

F. JAMES SENSENBRENNER, JR., Wisconsin
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<http://www.house.gov/judiciary>

July 11, 2001

The Honorable Michael G. Oxley
 Chairman
 House Committee on Financial Services
 2129 Rayburn HOB
 Washington, D.C. 20515

Dear Mike:

This letter responds to your letter dated July 11, 2001, concerning H.R. 7, the "Community Solutions Act" which was favorably reported by the House Committee on the Judiciary on June 28, 2001.

I agree that the bill contains matters within the Committee on Financial Services' jurisdiction and appreciate your willingness to be discharged from further consideration of H.R. 7 so that we may proceed to the floor expeditiously. Your willingness to be discharged is not construed by the Committee on the Judiciary to prejudice the Committee on Financial Services' jurisdictional interest under Rule X of the House of Representatives.

Pursuant to your request, a copy of your letter and this letter will be included in the report of the Committee on the Judiciary on H.R. 7.

Sincerely,



F. JAMES SENSENBRENNER, JR.
 Chairman

cc: The Honorable J. Dennis Hastert
 The Honorable John Conyers, Jr.
 The Honorable John J. LaFalce
 The Honorable Charles W. Johnson, III

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MARKUP TRANSCRIPT
BUSINESS MEETING
THURSDAY, JUNE 28, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:35 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr., Chairman of the Committee, presiding.

Chairman SENSENBRENNER. The Committee will be in order. Without objection, the Chair has given the authority to grant or call recesses at any point in today's markup. A working quorum is present.

Pursuant to notice, I now call up the bill H.R. 7, the Charitable Choice Act of 2001 for purposes of markup, and move its favorable recommendation to the House.

Without objection, the bill will be considered as read and open to amendment at any point.

[The bill, H.R. 7, follows:]

107TH CONGRESS
1ST SESSION

H. R. 7

To provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2001

Mr. WATTS of Oklahoma (for himself, Mr. HALL of Ohio, and Mr. HASTERT) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Community Solutions Act of 2001”.

4 (b) **TABLE OF CONTENTS.**—The table of contents is
 5 as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHARITABLE GIVING INCENTIVES PACKAGE

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.

Sec. 102. Tax-free distributions from individual retirement accounts for charitable purposes.

Sec. 103. Charitable deduction for contributions of food inventory.

Sec. 104. Charitable donations liability reform for in-kind corporate contributions.

TITLE II—EXPANSION OF CHARITABLE CHOICE

Sec. 201. Provision of assistance under government programs by religious and community organizations.

TITLE III—INDIVIDUAL DEVELOPMENT ACCOUNTS

Sec. 301. Purposes.

Sec. 302. Definitions.

Sec. 303. Structure and administration of qualified individual development account programs.

Sec. 304. Procedures for opening and maintaining an individual development account and qualifying for matching funds.

Sec. 305. Deposits by qualified individual development account programs.

Sec. 306. Withdrawal procedures.

Sec. 307. Certification and termination of qualified individual development account programs.

Sec. 308. Reporting, monitoring, and evaluation.

Sec. 309. Authorization of appropriations.

Sec. 310. Account funds disregarded for purposes of certain means-tested Federal programs.

Sec. 311. Matching funds for individual development accounts provided through a tax credit for qualified financial institutions.

1 **TITLE I—CHARITABLE GIVING**
2 **INCENTIVES PACKAGE**

3 **SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CON-**
4 **TRIBUTIONS TO BE ALLOWED TO INDIVID-**
5 **UALS WHO DO NOT ITEMIZE DEDUCTIONS.**

6 (a) IN GENERAL.—Section 170 of the Internal Rev-
7 enue Code of 1986 (relating to charitable, etc., contribu-
8 tions and gifts) is amended by redesignating subsection
9 (m) as subsection (n) and by inserting after subsection
10 (l) the following new subsection:

11 “(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING
12 DEDUCTIONS.—In the case of an individual who does not
13 itemize his deductions for the taxable year, there shall be
14 taken into account as a direct charitable deduction under
15 section 63 an amount equal to the lesser of—

16 “(1) the amount allowable under subsection (a)
17 for the taxable year, or

18 “(2) the amount of the standard deduction.”

19 (b) DIRECT CHARITABLE DEDUCTION.—

20 (1) IN GENERAL.—Subsection (b) of section 63
21 of such Code is amended by striking “and” at the
22 end of paragraph (1), by striking the period at the
23 end of paragraph (2) and inserting “, and”, and by
24 adding at the end thereof the following new para-
25 graph:

1 “(3) the direct charitable deduction.”

2 (2) DEFINITION.—Section 63 of such Code is
3 amended by redesignating subsection (g) as sub-
4 section (h) and by inserting after subsection (f) the
5 following new subsection:

6 “(g) DIRECT CHARITABLE DEDUCTION.—For pur-
7 poses of this section, the term ‘direct charitable deduction’
8 means that portion of the amount allowable under section
9 170(a) which is taken as a direct charitable deduction for
10 the taxable year under section 170(m).”

11 (3) CONFORMING AMENDMENT.—Subsection (d)
12 of section 63 of such Code is amended by striking
13 “and” at the end of paragraph (1), by striking the
14 period at the end of paragraph (2) and inserting “,
15 and”, and by adding at the end thereof the following
16 new paragraph:

17 “(3) the direct charitable deduction.”

18 (e) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to taxable years beginning after
20 the date of the enactment of this Act.

21 **SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RE-**
22 **TIREMENT ACCOUNTS FOR CHARITABLE**
23 **PURPOSES.**

24 (a) IN GENERAL.—Subsection (d) of section 408 of
25 the Internal Revenue Code of 1986 (relating to individual

1 retirement accounts) is amended by adding at the end the
2 following new paragraph:

3 “(8) DISTRIBUTIONS FOR CHARITABLE PUR-
4 POSES.—

5 “(A) IN GENERAL.—No amount shall be
6 includible in gross income by reason of a quali-
7 fied charitable distribution from an individual
8 retirement account to an organization described
9 in section 170(c).

10 “(B) SPECIAL RULES RELATING TO CHARI-
11 TABLE REMAINDER TRUSTS, POOLED INCOME
12 FUNDS, AND CHARITABLE GIFT ANNUITIES.—

13 “(i) IN GENERAL.—No amount shall
14 be includible in gross income by reason of
15 a qualified charitable distribution from an
16 individual retirement account—

17 “(I) to a charitable remainder
18 annuity trust or a charitable remain-
19 der unitrust (as such terms are de-
20 fined in section 664(d)),

21 “(II) to a pooled income fund (as
22 defined in section 642(c)(5)), or

23 “(III) for the issuance of a chari-
24 table gift annuity (as defined in sec-
25 tion 501(m)(5)).

1 The preceding sentence shall apply only if
2 no person holds an income interest in the
3 amounts in the trust, fund, or annuity at-
4 tributable to such distribution other than
5 one or more of the following: the individual
6 for whose benefit such account is main-
7 tained, the spouse of such individual, or
8 any organization described in section
9 170(c).

10 “(ii) DETERMINATION OF INCLUSION
11 OF AMOUNTS DISTRIBUTED.—In deter-
12 mining the amount includible in the gross
13 income of any person by reason of a pay-
14 ment or distribution from a trust referred
15 to in clause (i)(I) or a charitable gift annu-
16 ity (as so defined), the portion of any
17 qualified charitable distribution to such
18 trust or for such annuity which would (but
19 for this subparagraph) have been includible
20 in gross income—

21 “(I) shall be treated as income
22 described in section 664(b)(1), and

23 “(II) shall not be treated as an
24 investment in the contract.

1 “(iii) NO INCLUSION FOR DISTRIBUTION TO POOLED INCOME FUND.—No
2 amount shall be includible in the gross income of a pooled income fund (as so defined) by reason of a qualified charitable
3 distribution to such fund.
4

5 “(C) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the
6 term ‘qualified charitable distribution’ means
7 any distribution from an individual retirement
8 account—
9

10 “(i) which is made on or after the
11 date that the individual for whose benefit
12 the account is maintained has attained age
13 59½, and
14

15 “(ii) which is made directly from the
16 account to—
17

18 “(I) an organization described in
19 section 170(c), or
20

21 “(II) a trust, fund, or annuity referred to in subparagraph (B).
22

23 “(D) DENIAL OF DEDUCTION.—The
24 amount allowable as a deduction under section
25 170 to the taxpayer for the taxable year shall
 be reduced (but not below zero) by the sum of

“(B) has a value that is not less than the value of the assistance that the individual would have received from such organization.

“(2) NOTICE.—The appropriate Federal, State, or local governmental entity shall guarantee that notice is provided to the individuals described in paragraph (3) of the rights of such individuals under this section.

“(3) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who receives or applies for assistance under a program described in subsection (c)(4).

“(h) NONDISCRIMINATION AGAINST BENEFICIARIES.—

“(1) GRANTS AND COOPERATIVE AGREEMENTS.—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall not discriminate in carrying out the program against an individual described in subsection (g)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

“(2) INDIRECT FORMS OF ASSISTANCE.—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) shall not deny an individual described in subsection (g)(3) admission into such program on the basis of religion, a religious belief, or a refusal to hold a religious belief.

“(i) ACCOUNTABILITY.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a religious organization providing assistance under any program described in subsection (c)(4) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds and its performance of such programs.

“(2) LIMITED AUDIT.—

“(A) GRANTS AND COOPERATIVE AGREEMENTS.—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall segregate government funds provided under such program into a separate account or accounts. Only the separate accounts consisting of funds from the government shall be subject to audit by the government.

“(B) INDIRECT FORMS OF ASSISTANCE.—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) may segregate government funds provided under such program into a separate account or accounts. If such funds are so segregated, then only the separate accounts consisting of funds from the government shall be subject to audit by the government.

1 the amounts of the qualified charitable distribu-
2 tions during such year which would be includ-
3 ible in the gross income of the taxpayer for
4 such year but for this paragraph.”

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply to taxable years beginning after
7 the date of the enactment of this Act.

8 **SEC. 103. CHARITABLE DEDUCTION FOR CONTRIBUTIONS**
9 **OF FOOD INVENTORY.**

10 (a) IN GENERAL.—Subsection (e) of section 170 of
11 the Internal Revenue Code of 1986 (relating to certain
12 contributions of ordinary income and capital gain prop-
13 erty) is amended by adding at the end the following new
14 paragraph:

15 “(7) SPECIAL RULE FOR CONTRIBUTIONS OF
16 FOOD INVENTORY.—For purposes of this section—

17 “(A) CONTRIBUTIONS BY NON-CORPORATE
18 TAXPAYERS.—In the case of a charitable con-
19 tribution of food by a taxpayer, paragraph
20 (3)(A) shall be applied without regard to wheth-
21 er or not the contribution is made by a corpora-
22 tion.

23 “(B) LIMIT ON REDUCTION.—In the case
24 of a charitable contribution of food which is a
25 qualified contribution (within the meaning of

1 paragraph (3)(A), as modified by subparagraph
2 (A) of this paragraph)—

3 “(i) paragraph (3)(B) shall not apply,

4 and

5 “(ii) the reduction under paragraph
6 (1)(A) for such contribution shall be no
7 greater than the amount (if any) by which
8 the amount of such contribution exceeds
9 twice the basis of such food.

10 “(C) DETERMINATION OF BASIS.—For
11 purposes of this paragraph, if a taxpayer uses
12 the cash method of accounting, the basis of any
13 qualified contribution of such taxpayer shall be
14 deemed to be 50 percent of the fair market
15 value of such contribution.

16 “(D) DETERMINATION OF FAIR MARKET
17 VALUE.—In the case of a charitable contribu-
18 tion of food which is a qualified contribution
19 (within the meaning of paragraph (3), as modi-
20 fied by subparagraphs (A) and (B) of this para-
21 graph) and which, solely by reason of internal
22 standards of the taxpayer, lack of market, or
23 similar circumstances, or which is produced by
24 the taxpayer exclusively for the purposes of
25 transferring the food to an organization de-

1 scribed in paragraph (3)(A), cannot or will not
2 be sold, the fair market value of such contribu-
3 tion shall be determined—

4 “(i) without regard to such internal
5 standards, such lack of market, such cir-
6 cumstances, or such exclusive purpose, and

7 “(ii) if applicable, by taking into ac-
8 count the price at which the same or simi-
9 lar food items are sold by the taxpayer at
10 the time of the contribution (or, if not so
11 sold at such time, in the recent past).”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 104. CHARITABLE DONATIONS LIABILITY REFORM**
16 **FOR IN-KIND CORPORATE CONTRIBUTIONS.**

17 (a) DEFINITIONS.—For purposes of this section:

18 (1) AIRCRAFT.—The term “aircraft” has the
19 meaning provided that term in section 40102(6) of
20 title 49, United States Code.

21 (2) BUSINESS ENTITY.—The term “business
22 entity” means a firm, corporation, association, part-
23 nership, consortium, joint venture, or other form of
24 enterprise.

1 (3) EQUIPMENT.—The term “equipment” in-
2 cludes mechanical equipment, electronic equipment,
3 and office equipment.

4 (4) FACILITY.—The term “facility” means any
5 real property, including any building, improvement,
6 or appurtenance.

7 (5) GROSS NEGLIGENCE.—The term “gross
8 negligence” means voluntary and conscious conduct
9 by a person with knowledge (at the time of the con-
10 duct) that the conduct is likely to be harmful to the
11 health or well-being of another person.

12 (6) INTENTIONAL MISCONDUCT.—The term
13 “intentional misconduct” means conduct by a person
14 with knowledge (at the time of the conduct) that the
15 conduct is harmful to the health or well-being of an-
16 other person.

17 (7) MOTOR VEHICLE.—The term “motor vehi-
18 cle” has the meaning provided that term in section
19 30102(6) of title 49, United States Code.

20 (8) NONPROFIT ORGANIZATION.—The term
21 “nonprofit organization” means—

22 (A) any organization described in section
23 501(c)(3) of the Internal Revenue Code of 1986
24 and exempt from tax under section 501(a) of
25 such Code; or

1 (B) any not-for-profit organization orga-
2 nized and conducted for public benefit and op-
3 erated primarily for charitable, civic, edu-
4 cational, religious, welfare, or health purposes.

5 (9) STATE.—The term “State” means each of
6 the several States, the District of Columbia, the
7 Commonwealth of Puerto Rico, the Virgin Islands,
8 Guam, American Samoa, the Northern Mariana Is-
9 lands, any other territory or possession of the
10 United States, or any political subdivision of any
11 such State, territory, or possession.

12 (b) LIABILITY.—

13 (1) LIABILITY OF BUSINESS ENTITIES THAT
14 DONATE EQUIPMENT TO NONPROFIT ORGANIZA-
15 TIONS.—

16 (A) IN GENERAL.—Subject to subsection
17 (c), a business entity shall not be subject to
18 civil liability relating to any injury or death that
19 results from the use of equipment donated by a
20 business entity to a nonprofit organization.

21 (B) APPLICATION.—This paragraph shall
22 apply with respect to civil liability under Fed-
23 eral and State law.

1 (2) LIABILITY OF BUSINESS ENTITIES PRO-
2 VIDING USE OF FACILITIES TO NONPROFIT ORGANI-
3 ZATIONS.—

4 (A) IN GENERAL.—Subject to subsection
5 (c), a business entity shall not be subject to
6 civil liability relating to any injury or death oc-
7 curring at a facility of the business entity in
8 connection with a use of such facility by a non-
9 profit organization, if—

10 (i) the use occurs outside of the scope
11 of business of the business entity;

12 (ii) such injury or death occurs during
13 a period that such facility is used by the
14 nonprofit organization; and

15 (iii) the business entity authorized the
16 use of such facility by the nonprofit orga-
17 nization.

18 (B) APPLICATION.—This paragraph shall
19 apply—

20 (i) with respect to civil liability under
21 Federal and State law; and

22 (ii) regardless of whether a nonprofit
23 organization pays for the use of a facility.

24 (3) LIABILITY OF BUSINESS ENTITIES PRO-
25 VIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.—

1 (A) IN GENERAL.—Subject to subsection
2 (c), a business entity shall not be subject to
3 civil liability relating to any injury or death oc-
4 ccurring as a result of the operation of aircraft
5 or a motor vehicle of a business entity loaned
6 to a nonprofit organization for use outside of
7 the scope of business of the business entity, if—

8 (i) such injury or death occurs during
9 a period that such motor vehicle or aircraft
10 is used by a nonprofit organization; and

11 (ii) the business entity authorized the
12 use by the nonprofit organization of motor
13 vehicle or aircraft that resulted in the in-
14 jury or death.

15 (B) APPLICATION.—This paragraph shall
16 apply—

17 (i) with respect to civil liability under
18 Federal and State law; and

19 (ii) regardless of whether a nonprofit
20 organization pays for the use of the air-
21 craft or motor vehicle.

22 (4) LIABILITY OF BUSINESS ENTITIES PRO-
23 VIDING TOURS OF FACILITIES.—

24 (A) IN GENERAL.—Subject to subsection
25 (c), a business entity shall not be subject to

1 civil liability relating to any injury to, or death
2 of an individual occurring at a facility of the
3 business entity, if—

4 (i) such injury or death occurs during
5 a tour of the facility in an area of the fa-
6 cility that is not otherwise accessible to the
7 general public; and

8 (ii) the business entity authorized the
9 tour.

10 (B) APPLICATION.—This paragraph shall
11 apply—

12 (i) with respect to civil liability under
13 Federal and State law; and

14 (ii) regardless of whether an indi-
15 vidual pays for the tour.

16 (c) EXCEPTIONS.—Subsection (b) shall not apply to
17 an injury or death that results from an act or omission
18 of a business entity that constitutes gross negligence or
19 intentional misconduct, including any misconduct that—

20 (1) constitutes a crime of violence (as that term
21 is defined in section 16 of title 18, United States
22 Code) or act of international terrorism (as that term
23 is defined in section 2331 of title 18, United States
24 Code) for which the defendant has been convicted in
25 any court;

1 (2) constitutes a hate crime (as that term is
2 used in the Hate Crime Statistics Act (28 U.S.C.
3 534 note));

4 (3) involves a sexual offense, as defined by ap-
5 plicable State law, for which the defendant has been
6 convicted in any court; or

7 (4) involves misconduct for which the defendant
8 has been found to have violated a Federal or State
9 civil rights law.

10 (d) SUPERSEDING PROVISION.—

11 (1) IN GENERAL.—Subject to paragraph (2)
12 and subsection (e), this title preempts the laws of
13 any State to the extent that such laws are incon-
14 sistent with this title, except that this title shall not
15 preempt any State law that provides additional pro-
16 tection for a business entity for an injury or death
17 described in a paragraph of subsection (b) with re-
18 spect to which the conditions specified in such para-
19 graph apply.

20 (2) LIMITATION.—Nothing in this title shall be
21 construed to supersede any Federal or State health
22 or safety law.

23 (e) ELECTION OF STATE REGARDING NONAPPLICA-
24 BILITY.—A provision of this title shall not apply to any
25 civil action in a State court against a business entity in

1 which all parties are citizens of the State if such State
2 enacts a statute—

3 (1) citing the authority of this section;

4 (2) declaring the election of such State that
5 such provision shall not apply to such civil action in
6 the State; and

7 (3) containing no other provisions.

8 (f) EFFECTIVE DATE.—This section shall apply to in-
9 juries (and deaths resulting therefrom) occurring on or
10 after the date of the enactment of this Act.

11 **TITLE II—EXPANSION OF** 12 **CHARITABLE CHOICE**

13 **SEC. 201. PROVISION OF ASSISTANCE UNDER GOVERN-** 14 **MENT PROGRAMS BY RELIGIOUS AND COM-** 15 **MUNITY ORGANIZATIONS.**

16 Title XXIV of the Revised Statutes is amended by
17 inserting after section 1990 (42 U.S.C. 1994) the fol-
18 lowing:

19 **“SEC. 1994A. CHARITABLE CHOICE.**

20 “(a) SHORT TITLE.—This section may be cited as the
21 ‘Charitable Choice Act of 2001’.

22 “(b) PURPOSES.—The purposes of this section are—

23 “(1) to provide assistance to individuals and
24 families in need in the most effective and efficient
25 manner;

“(3) SELF AUDIT.—A religious organization providing services under any program described in subsection (c)(4) shall conduct annually a self audit for compliance with its duties under this section and submit a copy of the self audit to the appropriate Federal, State, or local government agency, along with a plan to timely correct variances, if any, identified in the self audit.

“(j) LIMITATIONS ON USE OF FUNDS; VOLUNTARINESS.—No funds provided through a grant or cooperative agreement to a religious organization to provide assistance under any program described in subsection (c)(4) shall be expended for sectarian instruction, worship, or proselytization. If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (c)(4). A certificate shall be separately signed by religious organizations, and filed with the government agency that disburses the funds, certifying that the organization is aware of and will comply with this subsection.

“(k) EFFECT ON STATE AND LOCAL FUNDS.—If a State or local government contributes State or local funds to carry out a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

“(l) INDIRECT ASSISTANCE.—When consistent with the purpose of a program described in subsection (c)(4), the Secretary of the department administering the program may direct the disbursement of some or all of the funds, if determined by the Secretary to be feasible and efficient, in the form of indirect assistance. For purposes of this section, ‘indirect assistance’ constitutes assistance in which an organization receiving funds through a voucher, certificate, or other form of disbursement under this section receives such funding only as a result of the private choices of individual beneficiaries and no government endorsement of any particular religion, or of religion generally, occurs.

“(m) TREATMENT OF INTERMEDIATE GRANTORS.—If a nongovernmental organization (referred to in this subsection as an ‘intermediate grantor’), acting under a grant or other agreement with the Federal Government, or a State or local government with Federal funds, is given the authority under the agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (c)(4), the intermediate grantor shall have the same duties under this section as the government when selecting or otherwise dealing with subgrants, but the intermediate grantor, if it is a religious organization,

1 “(2) to prohibit discrimination against religious
2 organizations on the basis of religion in the adminis-
3 tration and distribution of government assistance
4 under the government programs described in sub-
5 section (c)(4);

6 “(3) to allow religious organizations to assist in
7 the administration and distribution of such assist-
8 ance without impairing the religious character of
9 such organizations; and

10 “(4) to protect the religious freedom of individ-
11 uals and families in need who are eligible for govern-
12 ment assistance, including expanding the possibility
13 of choosing to receive services from a religious orga-
14 nization providing such assistance.

15 “(c) RELIGIOUS ORGANIZATIONS INCLUDED AS NON-
16 GOVERNMENTAL PROVIDERS.—

17 “(1) IN GENERAL.—

18 “(A) INCLUSION.—For any program de-
19 scribed in paragraph (4) that is carried out by
20 the Federal Government, or by a State or local
21 government with Federal funds, the government
22 shall consider, on the same basis as other non-
23 governmental organizations, religious organiza-
24 tions to provide the assistance under the pro-
25 gram, if the program is implemented in a man-

1 ner that is consistent with the Establishment
2 Clause and the Free Exercise Clause of the
3 first amendment to the Constitution.

4 “(B) DISCRIMINATION PROHIBITED.—Nei-
5 ther the Federal Government nor a State or
6 local government receiving funds under a pro-
7 gram described in paragraph (4) shall discrimi-
8 nate against an organization that provides as-
9 sistance under, or applies to provide assistance
10 under, such program, on the basis that the or-
11 ganization has a religious character.

12 “(2) FUNDS NOT AID TO RELIGION.—Federal,
13 State, or local government funds or other assistance
14 that is received by a religious organization for the
15 provision of services under this section constitutes
16 aid to individuals and families in need, the ultimate
17 beneficiaries of such services, and not aid to the reli-
18 gious organization.

19 “(3) FUNDS NOT ENDORSEMENT OF RELI-
20 GION.—The receipt by a religious organization of
21 Federal, State, or local government funds or other
22 assistance under this section is not and should not
23 be perceived as an endorsement by the government
24 of religion or the organization’s religious beliefs or
25 practices.

1 “(4) PROGRAMS.—For purposes of this section,
2 a program is described in this paragraph—

3 “(A) if it involves activities carried out
4 using Federal funds—

5 “(i) related to the prevention and
6 treatment of juvenile delinquency and the
7 improvement of the juvenile justice system,
8 including programs funded under the Juve-
9 nile Justice and Delinquency Prevention
10 Act of 1974 (42 U.S.C. 5601 et seq.);

11 “(ii) related to the prevention of
12 crime, including programs funded under
13 title I of the Omnibus Crime Control and
14 Safe Streets Act of 1968 (42 U.S.C. 3701
15 et seq.);

16 “(iii) under the Federal housing laws;

17 “(iv) under title I of the Workforce
18 Investment Act of 1998 (29 U.S.C. 2801
19 et seq.)

20 “(v) under the Older Americans Act
21 of 1965 (42 U.S.C. 3001 et seq.);

22 “(vi) under the Child Care Develop-
23 ment Block Grant Act of 1990 (42 U.S.C.
24 9858 et seq.);

1 “(vii) under the Community Develop-
2 ment Block Grant Program established
3 under title I of the Housing and Commu-
4 nity Development Act of 1974 (42 U.S.C.
5 5301 et seq.);

6 “(viii) related to the intervention in
7 and prevention of domestic violence;

8 “(ix) related to hunger relief activi-
9 ties; or

10 “(x) under the Job Access and Re-
11 verse Commute grant program established
12 under section 3037 of the Federal Transit
13 Act of 1998 (49 U.S.C. 5309 note); or

14 “(B)(i) if it involves activities to assist stu-
15 dents in obtaining the recognized equivalents of
16 secondary school diplomas and activities relat-
17 ing to non-school-hours programs; and

18 “(ii) except as provided in subparagraph
19 (A) and clause (i), does not include activities
20 carried out under Federal programs providing
21 education to children eligible to attend elemen-
22 tary schools or secondary schools, as defined in
23 section 14101 of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C. 8801).

1 “(d) ORGANIZATIONAL CHARACTER AND AUTON-
2 OMY.—

3 “(1) IN GENERAL.—A religious organization
4 that provides assistance under a program described
5 in subsection (c)(4) shall retain its autonomy from
6 Federal, State, and local governments, including
7 such organization’s control over the definition, devel-
8 opment, practice, and expression of its religious be-
9 liefs.

10 “(2) ADDITIONAL SAFEGUARDS.—Neither the
11 Federal Government nor a State or local government
12 shall require a religious organization in order to be
13 eligible to provide assistance under a program de-
14 scribed in subsection (c)(4)—

15 “(A) to alter its form of internal govern-
16 ance; or

17 “(B) to remove religious art, icons, scrip-
18 ture, or other symbols because they are reli-
19 gious.

20 “(e) EMPLOYMENT PRACTICES.—

21 “(1) IN GENERAL.—In order to aid in the pres-
22 ervation of its religious character, a religious organi-
23 zation that provides assistance under a program de-
24 scribed in subsection (c)(4) may, notwithstanding
25 any other provision of law, require that its employ-

1 ees adhere to the religious practices of the organiza-
2 tion.

3 “(2) TITLE VII EXEMPTION.—The exemption of
4 a religious organization provided under section 702
5 or 703(e)(2) of the Civil Rights Act of 1964 (42
6 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employ-
7 ment practices shall not be affected by the religious
8 organization’s provision of assistance under, or re-
9 ceipt of funds from, a program described in sub-
10 section (c)(4).

11 “(3) EFFECT ON OTHER LAWS.—Nothing in
12 this section alters the duty of a religious organiza-
13 tion to comply with the nondiscrimination provisions
14 in title VI of the Civil Rights Act of 1964 (42
15 U.S.C. 2000d et seq.) (prohibiting discrimination on
16 the basis of race, color, and national origin), title IX
17 of the Education Amendments of 1972 (20 U.S.C.
18 1681–1686) (prohibiting discrimination in edu-
19 cational institutions on the basis of sex and visual
20 impairment), section 504 of the Rehabilitation Act
21 of 1973 (29 U.S.C. 794) (prohibiting discrimination
22 against otherwise qualified disabled individuals), and
23 the Age Discrimination Act of 1975 (42 U.S.C.
24 6101–6107) (prohibiting discrimination on the basis
25 of age).

1 “(f) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

2 “(1) IN GENERAL.—If an individual described
3 in paragraph (3) has an objection to the religious
4 character of the organization from which the indi-
5 vidual receives, or would receive, assistance funded
6 under any program described in subsection (c)(4),
7 the appropriate Federal, State, or local govern-
8 mental entity shall provide to such individual (if oth-
9 erwise eligible for such assistance) within a reason-
10 able period of time after the date of such objection,
11 assistance that—

12 “(A) is an alternative, including a nonreli-
13 gious alternative, that is accessible to the indi-
14 vidual; and

15 “(B) has a value that is not less than the
16 value of the assistance that the individual would
17 have received from such organization.

18 “(2) NOTICE.—The appropriate Federal, State,
19 or local governmental entity shall guarantee that no-
20 tice is provided to the individuals described in para-
21 graph (3) of the rights of such individuals under this
22 section.

23 “(3) INDIVIDUAL DESCRIBED.—An individual
24 described in this paragraph is an individual who re-

1 ceives or applies for assistance under a program de-
2 scribed in subsection (c)(4).

3 “(g) NONDISCRIMINATION AGAINST BENE-
4 FICIARIES.—

5 “(1) GRANTS AND CONTRACTS.—A religious or-
6 ganization providing assistance through a grant or
7 contract under a program described in subsection
8 (c)(4) shall not discriminate, in carrying out the pro-
9 gram, against an individual described in subsection
10 (f)(3) on the basis of religion, a religious belief, or a
11 refusal to hold a religious belief..

12 “(2) INDIRECT FORMS OF DISBURSEMENT.—A
13 religious organization providing assistance through a
14 voucher, certificate, or other form of indirect dis-
15 bursement under a program described in subsection
16 (c)(4) shall not discriminate, in carrying out the pro-
17 gram, against an individual described in subsection
18 (f)(3) on the basis of religion, a religious belief, or
19 a refusal to hold a religious belief.

20 “(h) ACCOUNTABILITY.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), a religious organization providing assist-
23 ance under any program described in subsection
24 (c)(4) shall be subject to the same regulations as
25 other nongovernmental organizations to account in

1 accord with generally accepted accounting principles
2 for the use of such funds provided under such pro-
3 gram.

4 “(2) LIMITED AUDIT.—Such organization shall
5 segregate government funds provided under such
6 program into a separate account or accounts. Only
7 the government funds shall be subject to audit by
8 the government.

9 “(i) LIMITATIONS ON USE OF FUNDS FOR CERTAIN
10 PURPOSES.—No funds provided through a grant or con-
11 tract to a religious organization to provide assistance
12 under any program described in subsection (c)(4) shall be
13 expended for sectarian worship, instruction, or proselytiza-
14 tion. A certificate shall be signed by such organizations
15 and filed with the government agency that disbursed the
16 funds that gives assurance the organization will comply
17 with this subsection.

18 “(j) EFFECT ON STATE AND LOCAL FUNDS.—If a
19 State or local government contributes State or local funds
20 to carry out a program described in subsection (c)(4), the
21 State or local government may segregate the State or local
22 funds from the Federal funds provided to carry out the
23 program or may commingle the State or local funds with
24 the Federal funds. If the State or local government com-
25 mingles the State or local funds, the provisions of this sec-

1 tion shall apply to the commingled funds in the same man-
2 ner, and to the same extent, as the provisions apply to
3 the Federal funds.

4 “(k) TREATMENT OF INTERMEDIATE CONTRAC-
5 TORS.—If a nongovernmental organization (referred to in
6 this subsection as an ‘intermediate contractor’), acting
7 under a contract or other agreement with the Federal Gov-
8 ernment or a State or local government, is given the au-
9 thority under the contract or agreement to select non-
10 governmental organizations to provide assistance under
11 the programs described in subsection (c)(4), the inter-
12 mediate contractor shall have the same duties under this
13 section as the government when selecting or otherwise
14 dealing with subcontractors, but the intermediate con-
15 tractor, if it is a religious organization, shall retain all
16 other rights of a religious organization under this section.

17 “(l) COMPLIANCE.—A party alleging that the rights
18 of the party under this section have been violated by a
19 State or local government may bring a civil action pursu-
20 ant to section 1979 against the official or government
21 agency that has allegedly committed such violation. A
22 party alleging that the rights of the party under this sec-
23 tion have been violated by the Federal Government may
24 bring a civil action for appropriate relief in Federal dis-

From: CN=Scott Gast/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
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Subject: :

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CREATION DATE/TIME:16-JUL-2001 10:00:06.00

SUBJECT::

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READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

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TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

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I've turned in my latest project and am available if anyone has any projects with which they would like help. Thanks -

Scott

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To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
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CREATION DATE/TIME:16-JUL-2001 10:00:06.00

SUBJECT::

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READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

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TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

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I've turned in my latest project and am available if anyone has any projects with which they would like help. Thanks -

Scott

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 7/16/2001 8:25:07 AM
Subject: : Re: Terry Lacey

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CREATION DATE/TIME:16-JUL-2001 12:25:07.00

SUBJECT:: Re: Terry Lacey

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

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CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

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CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

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CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

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Work: 713-220-4482

fax: 713-220-4285

I have her cell also if needed

Helgard C. Walker
07/16/2001 12:23:09 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Terry Lacey

Anybody have her phone #? (It's urgent).

Message Sent

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Brett M. Kavanaugh/WHO/EOP@EOP
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Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00129360

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 7/16/2001 2:03:56 PM
Subject: : Judicial Media Review 7-16
Attachments: P_XQ7U2004_WHO.TXT_1.wpd

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CREATION DATE/TIME:16-JUL-2001 18:03:56.00

SUBJECT:: Judicial Media Review 7-16

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TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

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CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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Here's the latest media review on judges.

- Judicial Media Review 7-16-01.wpd
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Media Review - Judicial Nominations

Monday, July 16, 2001

General Judicial Articles

NONE

Members of Congress/Transcripts

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Gara LaMarche, *The Los Angeles Times*, July 15, 2001

"Two-for-one Deal," _____ 6
The Chronicle (Duke University), July 15, 2001

"Bush Must Stand up to Liberal," _____ 7
Deroy Murdock, *Scripps Howard News Service*, July 15, 2001

Members of Congress/Transcripts

Fox News Sunday
July 15, 2001

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis **New York Times**
June 26, 2001

Road to Federal Bench Gets Bumpier in Senate
Neil Lewis _____ 1

Bush instructed Attorney General John Ashcroft to find a way to end racial profiling (without, one hopes, preventing cops from legitimately pursuing crooks of color).

Bush acceded to the demands of the Revs. Jesse Jackson and Al Sharpton that the Navy end live-ammunition training at Puerto Rico's Vieques Island. Pro-military Republicans angrily denounced this obvious pander to black and Hispanic liberals. They, in turn, screamed more loudly than ever to stop the bombing NOW! -- not in 2003, as Bush proposed.

To promote his faith-based initiative, Bush has visited black congregations across America. He spent the Fourth of July at a church-sponsored block party in downtown Philadelphia, where he hugged gospel singers and played touch football with black children.

These actions seem rather generous for an administration supposedly plotting to resurrect Jim Crow. Alas for Bush, the only way to appease the black left is to exile himself to his Texas ranch and play horseshoes in silence.

Bond's broadside highlights the yawning gap between Bush's snarling critics and a president with a touching, if futile, commitment to cooling Washington's political rhetoric.

"I've tried to speak in a tone that brings us together and unites us in purpose," Bush told the NAACP in taped remarks. "I believe that even when disagreements arise, we should treat each other with civility and with respect." Bush addressed the NAACP last summer. It later ran TV campaign ads tying Bush to James Byrd's 1998 truck-dragging death in Jasper, Texas.

Wouldn't it be lovely if American politics adopted the gentility of high tea at Harrods? Who wouldn't hold hands with Newsweek's Eleanor Clift to secure a century of freedom and prosperity?

But today's liberals are loathe to cooperate with Bush. They want him humiliated, paralyzed and vanquished.

Where was the decency among Senate and House Democrats, the vast majority of whom snubbed an April 30 White House unity luncheon to celebrate the Bush administration's 100-day relationship with the 107th Congress?

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

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Neil Lewis

Where was Robert Redford's courtesy when Interior Secretary Gale Norton last May invited him to join her in releasing several endangered California condors into the wild? "You have compiled an abysmal record of capitulation to big businesses at the expense of the nation's public health, public lands and wildlife," Redford rebuffed Norton in a public RSVP.

Where was California Gov. Gray Davis' civility when he met President Bush on May 29? Even before Bush left California, Davis announced he would sue him in federal court over electricity prices.

Where is the Democrats' bipartisanship in delaying confirmations of subcabinet officers, thus leaving Cabinet secretaries "home alone" to implement Bush's agenda with little, if any, top-level assistance?

President Bush can turn the other cheek until he develops whiplash. By pleading for politeness when he and his administration get clocked, Bush may purify his soul, but he shrinks as a leader. He must push his agenda -- constantly, energetically and ubiquitously -- with a toughness that subdues his opponents. He can do so with a smile, but also with a spine.

In short: Less Gandhi. More Reagan.

New York commentator Deroy Murdock is a columnist with the Scripps Howard News Service and a senior fellow with the Atlas Economic Research Foundation in Fairfax, Va.

York Times

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Neil Lewis **New York Times**

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Senator Trent Lott & Fred Barnes
Tony Snow

York Times
June 26, 2001oad to Federal Bench Gets Bumpier in Senate
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(EXCERPT)

BARNES: Will Republicans, led by you, impede Senate business if necessary to get Bush nominees on the Senate floor for a vote? Senator Kyl has already done this.

LOTT: Well, surely, Senator Kyl and Senator Larry Craig, both. Senator Craig was particularly focusing on Interior Department nominees. We had one person there.

BARNES: I'm referring to judicial nominees.

LOTT: For judicial nominations, yes, we'll do that. You know, the Democrats did that when they were in the minority during the Clinton administration. I hope it doesn't come to that.

Just this past week because of the efforts of John Kyl of Arizona and Larry Craig of Idaho, and the resulting cooperation from the Democrats when they saw that we were going to hold up the Interior appropriations bill or the energy and water appropriations bill, we confirmed 54 nominees last week. So that does work. That's fair. You know, to move forward on the bill, it takes unanimous consent.

SNOW: What about the case of Miguel Estrada, who's been nominated for judgeship here in Washington, D.C., in the First U.S. Circuit Court of Appeals?

SNOW: There seems to be some hesitancy about bringing his name forward.

LOTT: I don't know the specifics of that case, but I've looked at the nominees that President Bush has sent up and they look extraordinarily well qualified. They're young, they're well educated, they've got great experience. And I presume that one should -- is this the one from Maryland?

BARNES: He's from D.C. He's a Latino immigrant who is from Honduras, 39 years old, a conservative.

LOTT: I'd have to get into -- well, you know, he's conservative. I'm sure the Democrats won't like that, but he's sounds outstanding to me.

York Times

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Neil Lewis **New York Times**

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Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

SNOW: Well, let me ask you this. There was this long negotiation to get some sort deal with Patrick Leahy, who's chairman of the Senate Judiciary Committee. Are you satisfied that the president's nominees will make it through the Judiciary Committee and there won't have to be a fight?

LOTT: I'm concerned about it because of some of the comments from Senator Leahy and Senator Schumer and others. They're talking about a litmus test now based on ideology. That is a real concern. We didn't have that same kind of litmus test when we were in the majority. I mean, I voted for Justice Ginsburg even though I knew clearly she would be, you know, extremely liberal in Supreme Court. Lo and behold she has been, but she was qualified otherwise.

All right, Senate Minority Leader Trent Lott, thanks for joining us.

Op/Eds

How Should We Judge Judges?

By Gara LaMarche
Sunday, July 15, 2001
The Los Angeles Times

Gara LaMarche is director of U.S. programs for the Open Society, Institute

The confirmation process for federal judges could well become a free-for-all this year. Even before they gained control of the Senate, Democrats, empowered by the closeness of the election and fearing that the president would try to pack the courts with right-wing ideologues, had vowed to scrutinize each Bush nominee closely. And without the advance vetting of nominees traditionally done by the American Bar Assn. (ABA), no official, independent evaluation will have been performed in advance of the president announcing his selections.

The first 11 Bush judicial nominees, sent to the Senate last month, include both staunch

York Times

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It's remarkable, given the degree of contention over this issue during the last 15 years, that we still haven't come to a consensus about what qualities make a good judge and how to best assess those qualities. The Senate--and the country--would be immeasurably aided by some common, publicly articulated understanding of how prospective judges should be judged.

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There's virtually no possibility that this White House will restore the ABA to its previous role in judicial nominations, which leaves a gap. If the conservative Federalist Society has, in effect, stepped into the ABA's role with respect to the White House, there is nothing to stop the Senate from refusing to confirm any nominees who have not come through some kind of independent screening process. Meanwhile, the Senate majority has agreed to consult the ABA panel before taking action on any nominations.

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Bork was an easy case. Rarely does a nominee have such a pronounced history of opposition to the role of the court he or she seeks to join. But what is to be done when, as is increasingly the case, judicial nominees don't have that kind of well-documented philosophy? I suggest two criteria that can be explored by the Senate without a need for ideological litmus tests.

The first standard involves core values. A nominee should have a firm commitment to equal justice, and it should not be just a rhetorical one. Someone about to take a lifetime seat on the federal bench should have a demonstrated commitment to civil rights and the fair administration of justice. For some, this will have been demonstrated by involvement in a legal aid society or in providing pro bono representation for the appeal of an indigent death row inmate. For others, it

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Bush Must Stand Up To Liberals

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By Deroy Murdock
Sunday, July 15, 2001
Scripps Howard News Service

George W. Bush can do only one thing to satisfy the NAACP: Resign.

President Bush "has selected nominees from the Taliban wing of American politics," NAACP chairman Julian Bond told the civil rights group's New Orleans convention on July 8. "He has appeased the wretched appetites of the extreme right wing. And he has chosen Cabinet officials whose devotion to the Confederacy is nearly canine in its uncritical affection."

That's the thanks Bush gets for numerous decisions that should have pleased America's so-called black leaders:

He appointed America's first black secretary of state, Colin Powell.

Condoleezza Rice, also black, is national security adviser. Earth to Bond: Black people run U.S. foreign policy.

Bush's education secretary, Rod Paige, is black, too. While the president should have prevented Congress from transforming his education initiative into a spending bonanza, Bush's critics cannot realistically accuse him of defunding ghetto schools and defenestrating minority students.

Bush reappointed Roger Gregory -- a black, Democratic Clinton nominee -- to the federal appellate court. Conservatives complain that Bush should have embraced Gregory only after Democrats greenlighted several Bush candidates. Still, what kind of pro-Confederate president would give a black Democrat a federal judgeship?

Bush hosted the all-Democratic Congressional Black Caucus in the Cabinet Room on Jan. 31. "They had a warm meeting," White House assistant press secretary Anne Womack told me. "It was scheduled for 30 minutes and actually lasted nearly an hour."

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Media Review - Judicial Nominations

Monday, July 16, 2001

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Bush instructed Attorney General John Ashcroft to find a way to end racial profiling (without, one hopes, preventing cops from legitimately pursuing crooks of color).

Bush acceded to the demands of the Revs. Jesse Jackson and Al Sharpton that the Navy end live-ammunition training at Puerto Rico's Vieques Island. Pro-military Republicans angrily denounced this obvious pander to black and Hispanic liberals. They, in turn, screamed more loudly than ever to stop the bombing NOW! -- not in 2003, as Bush proposed.

To promote his faith-based initiative, Bush has visited black congregations across America. He spent the Fourth of July at a church-sponsored block party in downtown Philadelphia, where he hugged gospel singers and played touch football with black children.

These actions seem rather generous for an administration supposedly plotting to resurrect Jim Crow. Alas for Bush, the only way to appease the black left is to exile himself to his Texas ranch and play horseshoes in silence.

Bond's broadside highlights the yawning gap between Bush's snarling critics and a president with a touching, if futile, commitment to cooling Washington's political rhetoric.

"I've tried to speak in a tone that brings us together and unites us in purpose," Bush told the NAACP in taped remarks. "I believe that even when disagreements arise, we should treat each other with civility and with respect." Bush addressed the NAACP last summer. It later ran TV campaign ads tying Bush to James Byrd's 1998 truck-dragging death in Jasper, Texas.

Wouldn't it be lovely if American politics adopted the gentility of high tea at Harrods? Who wouldn't hold hands with Newsweek's Eleanor Clift to secure a century of freedom and prosperity?

But today's liberals are loathe to cooperate with Bush. They want him humiliated, paralyzed and vanquished.

Where was the decency among Senate and House Democrats, the vast majority of whom snubbed an April 30 White House unity luncheon to celebrate the Bush administration's 100-day relationship with the 107th Congress?

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Where was Robert Redford's courtesy when Interior Secretary Gale Norton last May invited him to join her in releasing several endangered California condors into the wild? "You have compiled an abysmal record of capitulation to big businesses at the expense of the nation's public health, public lands and wildlife," Redford rebuffed Norton in a public RSVP.

Where was California Gov. Gray Davis' civility when he met President Bush on May 29? Even before Bush left California, Davis announced he would sue him in federal court over electricity prices.

Where is the Democrats' bipartisanship in delaying confirmations of subcabinet officers, thus leaving Cabinet secretaries "home alone" to implement Bush's agenda with little, if any, top-level assistance?

President Bush can turn the other cheek until he develops whiplash. By pleading for politeness when he and his administration get clocked, Bush may purify his soul, but he shrinks as a leader. He must push his agenda -- constantly, energetically and ubiquitously -- with a toughness that subdues his opponents. He can do so with a smile, but also with a spine.

In short: Less Gandhi. More Reagan.

New York commentator Deroy Murdock is a columnist with the Scripps Howard News Service and a senior fellow with the Atlas Economic Research Foundation in Fairfax, Va.

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(EXCERPT)

BARNES: Will Republicans, led by you, impede Senate business if necessary to get Bush nominees on the Senate floor for a vote? Senator Kyl has already done this.

LOTT: Well, surely, Senator Kyl and Senator Larry Craig, both. Senator Craig was particularly focusing on Interior Department nominees. We had one person there.

BARNES: I'm referring to judicial nominees.

LOTT: For judicial nominations, yes, we'll do that. You know, the Democrats did that when they were in the minority during the Clinton administration. I hope it doesn't come to that.

Just this past week because of the efforts of John Kyl of Arizona and Larry Craig of Idaho, and the resulting cooperation from the Democrats when they saw that we were going to hold up the Interior appropriations bill or the energy and water appropriations bill, we confirmed 54 nominees last week. So that does work. That's fair. You know, to move forward on the bill, it takes unanimous consent.

SNOW: What about the case of Miguel Estrada, who's been nominated for judgeship here in Washington, D.C., in the First U.S. Circuit Court of Appeals?

SNOW: There seems to be some hesitancy about bringing his name forward.

LOTT: I don't know the specifics of that case, but I've looked at the nominees that President Bush has sent up and they look extraordinarily well qualified. They're young, they're well educated, they've got great experience. And I presume that one should -- is this the one from Maryland?

BARNES: He's from D.C. He's a Latino immigrant who is from Honduras, 39 years old, a conservative.

LOTT: I'd have to get into -- well, you know, he's conservative. I'm sure the Democrats won't like that, but he's sounds outstanding to me.

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SNOW: Well, let me ask you this. There was this long negotiation to get some sort deal with Patrick Leahy, who's chairman of the Senate Judiciary Committee. Are you satisfied that the president's nominees will make it through the Judiciary Committee and there won't have to be a fight?

LOTT: I'm concerned about it because of some of the comments from Senator Leahy and Senator Schumer and others. They're talking about a litmus test now based on ideology. That is a real concern. We didn't have that same kind of litmus test when we were in the majority. I mean, I voted for Justice Ginsburg even though I knew clearly she would be, you know, extremely liberal in Supreme Court. Lo and behold she has been, but she was qualified otherwise.

All right, Senate Minority Leader Trent Lott, thanks for joining us.

Op/Eds

How Should We Judge Judges?

By Gara LaMarche
Sunday, July 15, 2001
The Los Angeles Times

Gara LaMarche is director of U.S. programs for the Open Society, Institute

The confirmation process for federal judges could well become a free-for-all this year. Even before they gained control of the Senate, Democrats, empowered by the closeness of the election and fearing that the president would try to pack the courts with right-wing ideologues, had vowed to scrutinize each Bush nominee closely. And without the advance vetting of nominees traditionally done by the American Bar Assn. (ABA), no official, independent evaluation will have been performed in advance of the president announcing his selections.

The first 11 Bush judicial nominees, sent to the Senate last month, include both staunch

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It's remarkable, given the degree of contention over this issue during the last 15 years, that we still haven't come to a consensus about what qualities make a good judge and how to best assess those qualities. The Senate--and the country--would be immeasurably aided by some common, publicly articulated understanding of how prospective judges should be judged.

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Media Review - Judicial Nominations

Monday, July 16, 2001

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Neil Lewis **New York Times**
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Bush instructed Attorney General John Ashcroft to find a way to end racial profiling (without, one hopes, preventing cops from legitimately pursuing crooks of color).

Bush acceded to the demands of the Revs. Jesse Jackson and Al Sharpton that the Navy end live-ammunition training at Puerto Rico's Vieques Island. Pro-military Republicans angrily denounced this obvious pander to black and Hispanic liberals. They, in turn, screamed more loudly than ever to stop the bombing NOW! -- not in 2003, as Bush proposed.

To promote his faith-based initiative, Bush has visited black congregations across America. He spent the Fourth of July at a church-sponsored block party in downtown Philadelphia, where he hugged gospel singers and played touch football with black children.

These actions seem rather generous for an administration supposedly plotting to resurrect Jim Crow. Alas for Bush, the only way to appease the black left is to exile himself to his Texas ranch and play horseshoes in silence.

Bond's broadside highlights the yawning gap between Bush's snarling critics and a president with a touching, if futile, commitment to cooling Washington's political rhetoric.

"I've tried to speak in a tone that brings us together and unites us in purpose," Bush told the NAACP in taped remarks. "I believe that even when disagreements arise, we should treat each other with civility and with respect." Bush addressed the NAACP last summer. It later ran TV campaign ads tying Bush to James Byrd's 1998 truck-dragging death in Jasper, Texas.

Wouldn't it be lovely if American politics adopted the gentility of high tea at Harrods? Who wouldn't hold hands with Newsweek's Eleanor Clift to secure a century of freedom and prosperity?

But today's liberals are loathe to cooperate with Bush. They want him humiliated, paralyzed and vanquished.

Where was the decency among Senate and House Democrats, the vast majority of whom snubbed an April 30 White House unity luncheon to celebrate the Bush administration's 100-day relationship with the 107th Congress?

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Where was Robert Redford's courtesy when Interior Secretary Gale Norton last May invited him to join her in releasing several endangered California condors into the wild? "You have compiled an abysmal record of capitulation to big businesses at the expense of the nation's public health, public lands and wildlife," Redford rebuffed Norton in a public RSVP.

Where was California Gov. Gray Davis' civility when he met President Bush on May 29? Even before Bush left California, Davis announced he would sue him in federal court over electricity prices.

Where is the Democrats' bipartisanship in delaying confirmations of subcabinet officers, thus leaving Cabinet secretaries "home alone" to implement Bush's agenda with little, if any, top-level assistance?

President Bush can turn the other cheek until he develops whiplash. By pleading for politeness when he and his administration get clocked, Bush may purify his soul, but he shrinks as a leader. He must push his agenda -- constantly, energetically and ubiquitously -- with a toughness that subdues his opponents. He can do so with a smile, but also with a spine.

In short: Less Gandhi. More Reagan.

New York commentator Deroy Murdock is a columnist with the Scripps Howard News Service and a senior fellow with the Atlas Economic Research Foundation in Fairfax, Va.

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(EXCERPT)

BARNES: Will Republicans, led by you, impede Senate business if necessary to get Bush nominees on the Senate floor for a vote? Senator Kyl has already done this.

LOTT: Well, surely, Senator Kyl and Senator Larry Craig, both. Senator Craig was particularly focusing on Interior Department nominees. We had one person there.

BARNES: I'm referring to judicial nominees.

LOTT: For judicial nominations, yes, we'll do that. You know, the Democrats did that when they were in the minority during the Clinton administration. I hope it doesn't come to that.

Just this past week because of the efforts of John Kyl of Arizona and Larry Craig of Idaho, and the resulting cooperation from the Democrats when they saw that we were going to hold up the Interior appropriations bill or the energy and water appropriations bill, we confirmed 54 nominees last week. So that does work. That's fair. You know, to move forward on the bill, it takes unanimous consent.

SNOW: What about the case of Miguel Estrada, who's been nominated for judgeship here in Washington, D.C., in the First U.S. Circuit Court of Appeals?

SNOW: There seems to be some hesitancy about bringing his name forward.

LOTT: I don't know the specifics of that case, but I've looked at the nominees that President Bush has sent up and they look extraordinarily well qualified. They're young, they're well educated, they've got great experience. And I presume that one should -- is this the one from Maryland?

BARNES: He's from D.C. He's a Latino immigrant who is from Honduras, 39 years old, a conservative.

LOTT: I'd have to get into -- well, you know, he's conservative. I'm sure the Democrats won't like that, but he's sounds outstanding to me.

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SNOW: Well, let me ask you this. There was this long negotiation to get some sort deal with Patrick Leahy, who's chairman of the Senate Judiciary Committee. Are you satisfied that the president's nominees will make it through the Judiciary Committee and there won't have to be a fight?

LOTT: I'm concerned about it because of some of the comments from Senator Leahy and Senator Schumer and others. They're talking about a litmus test now based on ideology. That is a real concern. We didn't have that same kind of litmus test when we were in the majority. I mean, I voted for Justice Ginsburg even though I knew clearly she would be, you know, extremely liberal in Supreme Court. Lo and behold she has been, but she was qualified otherwise.

All right, Senate Minority Leader Trent Lott, thanks for joining us.

Op/Eds

How Should We Judge Judges?

By Gara LaMarche
Sunday, July 15, 2001
The Los Angeles Times

Gara LaMarche is director of U.S. programs for the Open Society, Institute

The confirmation process for federal judges could well become a free-for-all this year. Even before they gained control of the Senate, Democrats, empowered by the closeness of the election and fearing that the president would try to pack the courts with right-wing ideologues, had vowed to scrutinize each Bush nominee closely. And without the advance vetting of nominees traditionally done by the American Bar Assn. (ABA), no official, independent evaluation will have been performed in advance of the president announcing his selections.

The first 11 Bush judicial nominees, sent to the Senate last month, include both staunch

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conservatives and an African American judge first picked by former President Clinton. They do not as a group lend themselves to easy caricature as right-wing zealots bent on imposing their moral agenda on the nation. Still, the Senate needs to carefully consider a question that has been debated since the Robert H. Bork Supreme Court nomination battle: What is the proper standard by which senators should measure prospective judges?

It's remarkable, given the degree of contention over this issue during the last 15 years, that we still haven't come to a consensus about what qualities make a good judge and how to best assess those qualities. The Senate--and the country--would be immeasurably aided by some common, publicly articulated understanding of how prospective judges should be judged.

One question is whether independent assessment of a judicial nominee's qualifications should be an intrinsic part of the process. Since the Eisenhower administration, this has been provided by the ABA. The last eight presidents supplied the names of prospective nominees to a special bipartisan ABA committee before reaching a final decision. The committee then conducted reviews leading to a rating of "well qualified," "qualified" or "not qualified." It was only after reviewing the ABA findings that the president finalized nominations and sent them to the Senate. The Bush administration put a stop to this longstanding arrangement.

In recent years, the ABA's policymaking arm, the House of Delegates, has become more outspoken on a number of public issues, including the adequacy of representation in death penalty cases and legal services for the poor. Many on the right, led by the Federalist Society, have argued that this compromises the ABA's ability to carry out its screening role impartially, that the ABA has itself become an ideological partisan. There's no evidence that the positions of the ABA's House of Delegates would have any impact on its screening panel, but eliminating the panel's role in judicial nominations presented Bush with an excellent opportunity to shore up his conservative base.

There's virtually no possibility that this White House will restore the ABA to its previous role in judicial nominations, which leaves a gap. If the conservative Federalist Society has, in effect, stepped into the ABA's role with respect to the White House, there is nothing to stop the Senate from refusing to confirm any nominees who have not come through some kind of independent screening process. Meanwhile, the Senate majority has agreed to consult the ABA panel before taking action on any nominations.

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Even so, the ABA doesn't assess a number of critical issues pertaining to a nominee's values and judicial philosophy. A critical question remains: What is fair game to consider in these areas when assessing the suitability of a nominee for a lifetime appointment to the federal bench? Legal competence and personal integrity are prerequisites, of course, and the most-likely capacities and qualities to be examined by a screening panel. Judicial philosophy and temperament are much more subjective and therefore tougher to measure.

It's important here to revisit the debate over President Reagan's 1987 nomination of Bork to the Supreme Court, particularly since Bush, in introducing his first batch of judicial nominees, made a plea for "civility," a thinly veiled effort to preempt opposition to his choices. A split ABA panel ultimately gave Bork it's highest ranking of "well qualified." But he was rejected by the Senate over concerns about his ideological convictions and their potential impact on his judicial rulings.

Bork's personal character was never in question (unlike in the cases of later nominees who were "borked" after reports of smoking marijuana or hiring illegal nannies). Rather, the Bork fight was waged entirely on the grounds of his judicial philosophy. Bork's lifetime of writings provided ample evidence of his basic hostility to the role of the Supreme Court as a guardian of fundamental rights and a check on the excesses of temporary political majorities. His writings in the years since have reinforced the wisdom of the Senate's vote rejecting his nomination. (Bork, writing in The Wall Street Journal in May, urged President Bush to hold firm on his judicial appointments, lest a Democratic successor "complete the liberal politicization of the courts.")

Bork was an easy case. Rarely does a nominee have such a pronounced history of opposition to the role of the court he or she seeks to join. But what is to be done when, as is increasingly the case, judicial nominees don't have that kind of well-documented philosophy? I suggest two criteria that can be explored by the Senate without a need for ideological litmus tests.

The first standard involves core values. A nominee should have a firm commitment to equal justice, and it should not be just a rhetorical one. Someone about to take a lifetime seat on the federal bench should have a demonstrated commitment to civil rights and the fair administration of justice. For some, this will have been demonstrated by involvement in a legal aid society or in providing pro bono representation for the appeal of an indigent death row inmate. For others, it

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may be evident from the past provision of free legal advice to a faith-based social service organization.

The second criterion is independence of mind. The best judges are those whose decisions cannot be entirely predicted by their previous political commitments, as with the courageous Eisenhower-appointed federal judges from the South who played a critical role during the 1960s in ending racial segregation throughout the region. Many judges don't demonstrate such independence until they reach the federal bench--that's what life tenure was meant to foster. But whatever signs can be found of a propensity for independent thinking--for having disappointed a political patron or having been willing to state an unpopular but reasoned view--may indicate the kind of quality we need most on the federal bench.

The criteria I suggest will strike some as too unrestrictive--even some Federalist Society members might be considered well qualified. But I think they are the best bet for getting judges that, like the best in our history, will surprise their patrons by exercising the independence the Constitution provides.

Two-for-one-Deal

Editorial
Sunday, July 15, 2001
The Chronicle

From The Chronicle, the student newspaper at Duke University, an editorial says Sen. John Edwards' proposal on federal judges makes sense.

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President Bush nominated U.S. District Court Judge Terrence Boyle to the U.S. 4th Circuit of the Court of Appeals in May. Supported by Republican Sen. Jesse Helms but opposed by Democratic Sen. John Edwards, Boyle awaits Senate confirmation. Although Edwards has no formal power to block the nomination single-handedly, Senate tradition would allow the practice.

But Edwards has proposed a compromise that would benefit North Carolina and the 4th Circuit - pairing Boyle for approval with black N.C. Judge James Wynn.

No lifetime appointee among the 13 appellate court members has been black, a stunning fact given that the court's jurisdiction has the largest black population among the appellate circuits. Furthermore, the court, which covers Maryland, North Carolina, South Carolina, Virginia and West Virginia, does not include any North Carolinians. Although all judges should certainly remain impartial, diverse backgrounds can offer unique and needed perspectives.

Both senators would favor judges with views similar to their own, but fighting to the bitter end would be self-defeating when a mutual compromise can be made. Wynn, who was nominated by President Clinton only to be rejected by the Republican-controlled Senate, is that compromise. Pairing Boyle with Wynn would allow the state to have two qualified judges on the court. Both senators would have successfully pushed through a judge he supported, and the 4th Circuit would finally have a black person as a permanent member.

Still, even after the proposed pairing, two judicial vacancies from the appellate court would remain. Historically, the court has never seated the full 15 judges allotted, but reappointing Roger Gregory and pairing him with a conservative as well may provide another mutually beneficial compromise. Last December, Clinton gave Gregory, the first black man ever to sit on the 4th Circuit, a non-permanent, recess appointment to the court.

With an ever-aging court, judicial vacancies must be filled so that justice can be served in a timely manner. Pairing two judges from North Carolina is something the state's senators can and should agree upon.

Bush Must Stand Up To Liberals

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Here's the latest media review on judges.

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Media Review - Judicial Nominations

Monday, July 16, 2001

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Members of Congress/Transcripts

Fox News Sunday
July 15, 2001

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis **New York Times**
June 26, 2001

Road to Federal Bench Gets Bumpier in Senate
Neil Lewis _____ 1

Bush instructed Attorney General John Ashcroft to find a way to end racial profiling (without, one hopes, preventing cops from legitimately pursuing crooks of color).

Bush acceded to the demands of the Revs. Jesse Jackson and Al Sharpton that the Navy end live-ammunition training at Puerto Rico's Vieques Island. Pro-military Republicans angrily denounced this obvious pander to black and Hispanic liberals. They, in turn, screamed more loudly than ever to stop the bombing NOW! -- not in 2003, as Bush proposed.

To promote his faith-based initiative, Bush has visited black congregations across America. He spent the Fourth of July at a church-sponsored block party in downtown Philadelphia, where he hugged gospel singers and played touch football with black children.

These actions seem rather generous for an administration supposedly plotting to resurrect Jim Crow. Alas for Bush, the only way to appease the black left is to exile himself to his Texas ranch and play horseshoes in silence.

Bond's broadside highlights the yawning gap between Bush's snarling critics and a president with a touching, if futile, commitment to cooling Washington's political rhetoric.

"I've tried to speak in a tone that brings us together and unites us in purpose," Bush told the NAACP in taped remarks. "I believe that even when disagreements arise, we should treat each other with civility and with respect." Bush addressed the NAACP last summer. It later ran TV campaign ads tying Bush to James Byrd's 1998 truck-dragging death in Jasper, Texas.

Wouldn't it be lovely if American politics adopted the gentility of high tea at Harrods? Who wouldn't hold hands with Newsweek's Eleanor Clift to secure a century of freedom and prosperity?

But today's liberals are loathe to cooperate with Bush. They want him humiliated, paralyzed and vanquished.

Where was the decency among Senate and House Democrats, the vast majority of whom snubbed an April 30 White House unity luncheon to celebrate the Bush administration's 100-day relationship with the 107th Congress?

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Where was Robert Redford's courtesy when Interior Secretary Gale Norton last May invited him to join her in releasing several endangered California condors into the wild? "You have compiled an abysmal record of capitulation to big businesses at the expense of the nation's public health, public lands and wildlife," Redford rebuffed Norton in a public RSVP.

Where was California Gov. Gray Davis' civility when he met President Bush on May 29? Even before Bush left California, Davis announced he would sue him in federal court over electricity prices.

Where is the Democrats' bipartisanship in delaying confirmations of subcabinet officers, thus leaving Cabinet secretaries "home alone" to implement Bush's agenda with little, if any, top-level assistance?

President Bush can turn the other cheek until he develops whiplash. By pleading for politeness when he and his administration get clocked, Bush may purify his soul, but he shrinks as a leader. He must push his agenda -- constantly, energetically and ubiquitously -- with a toughness that subdues his opponents. He can do so with a smile, but also with a spine.

In short: Less Gandhi. More Reagan.

New York commentator Deroy Murdock is a columnist with the Scripps Howard News Service and a senior fellow with the Atlas Economic Research Foundation in Fairfax, Va.

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(EXCERPT)

BARNES: Will Republicans, led by you, impede Senate business if necessary to get Bush nominees on the Senate floor for a vote? Senator Kyl has already done this.

LOTT: Well, surely, Senator Kyl and Senator Larry Craig, both. Senator Craig was particularly focusing on Interior Department nominees. We had one person there.

BARNES: I'm referring to judicial nominees.

LOTT: For judicial nominations, yes, we'll do that. You know, the Democrats did that when they were in the minority during the Clinton administration. I hope it doesn't come to that.

Just this past week because of the efforts of John Kyl of Arizona and Larry Craig of Idaho, and the resulting cooperation from the Democrats when they saw that we were going to hold up the Interior appropriations bill or the energy and water appropriations bill, we confirmed 54 nominees last week. So that does work. That's fair. You know, to move forward on the bill, it takes unanimous consent.

SNOW: What about the case of Miguel Estrada, who's been nominated for judgeship here in Washington, D.C., in the First U.S. Circuit Court of Appeals?

SNOW: There seems to be some hesitancy about bringing his name forward.

LOTT: I don't know the specifics of that case, but I've looked at the nominees that President Bush has sent up and they look extraordinarily well qualified. They're young, they're well educated, they've got great experience. And I presume that one should -- is this the one from Maryland?

BARNES: He's from D.C. He's a Latino immigrant who is from Honduras, 39 years old, a conservative.

LOTT: I'd have to get into -- well, you know, he's conservative. I'm sure the Democrats won't like that, but he's sounds outstanding to me.

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SNOW: Well, let me ask you this. There was this long negotiation to get some sort deal with Patrick Leahy, who's chairman of the Senate Judiciary Committee. Are you satisfied that the president's nominees will make it through the Judiciary Committee and there won't have to be a fight?

LOTT: I'm concerned about it because of some of the comments from Senator Leahy and Senator Schumer and others. They're talking about a litmus test now based on ideology. That is a real concern. We didn't have that same kind of litmus test when we were in the majority. I mean, I voted for Justice Ginsburg even though I knew clearly she would be, you know, extremely liberal in Supreme Court. Lo and behold she has been, but she was qualified otherwise.

All right, Senate Minority Leader Trent Lott, thanks for joining us.

Op/Eds

How Should We Judge Judges?

By Gara LaMarche
Sunday, July 15, 2001
The Los Angeles Times

Gara LaMarche is director of U.S. programs for the Open Society, Institute

The confirmation process for federal judges could well become a free-for-all this year. Even before they gained control of the Senate, Democrats, empowered by the closeness of the election and fearing that the president would try to pack the courts with right-wing ideologues, had vowed to scrutinize each Bush nominee closely. And without the advance vetting of nominees traditionally done by the American Bar Assn. (ABA), no official, independent evaluation will have been performed in advance of the president announcing his selections.

The first 11 Bush judicial nominees, sent to the Senate last month, include both staunch

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conservatives and an African American judge first picked by former President Clinton. They do not as a group lend themselves to easy caricature as right-wing zealots bent on imposing their moral agenda on the nation. Still, the Senate needs to carefully consider a question that has been debated since the Robert H. Bork Supreme Court nomination battle: What is the proper standard by which senators should measure prospective judges?

It's remarkable, given the degree of contention over this issue during the last 15 years, that we still haven't come to a consensus about what qualities make a good judge and how to best assess those qualities. The Senate--and the country--would be immeasurably aided by some common, publicly articulated understanding of how prospective judges should be judged.

One question is whether independent assessment of a judicial nominee's qualifications should be an intrinsic part of the process. Since the Eisenhower administration, this has been provided by the ABA. The last eight presidents supplied the names of prospective nominees to a special bipartisan ABA committee before reaching a final decision. The committee then conducted reviews leading to a rating of "well qualified," "qualified" or "not qualified." It was only after reviewing the ABA findings that the president finalized nominations and sent them to the Senate. The Bush administration put a stop to this longstanding arrangement.

In recent years, the ABA's policymaking arm, the House of Delegates, has become more outspoken on a number of public issues, including the adequacy of representation in death penalty cases and legal services for the poor. Many on the right, led by the Federalist Society, have argued that this compromises the ABA's ability to carry out its screening role impartially, that the ABA has itself become an ideological partisan. There's no evidence that the positions of the ABA's House of Delegates would have any impact on its screening panel, but eliminating the panel's role in judicial nominations presented Bush with an excellent opportunity to shore up his conservative base.

There's virtually no possibility that this White House will restore the ABA to its previous role in judicial nominations, which leaves a gap. If the conservative Federalist Society has, in effect, stepped into the ABA's role with respect to the White House, there is nothing to stop the Senate from refusing to confirm any nominees who have not come through some kind of independent screening process. Meanwhile, the Senate majority has agreed to consult the ABA panel before taking action on any nominations.

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Even so, the ABA doesn't assess a number of critical issues pertaining to a nominee's values and judicial philosophy. A critical question remains: What is fair game to consider in these areas when assessing the suitability of a nominee for a lifetime appointment to the federal bench? Legal competence and personal integrity are prerequisites, of course, and the most-likely capacities and qualities to be examined by a screening panel. Judicial philosophy and temperament are much more subjective and therefore tougher to measure.

It's important here to revisit the debate over President Reagan's 1987 nomination of Bork to the Supreme Court, particularly since Bush, in introducing his first batch of judicial nominees, made a plea for "civility," a thinly veiled effort to preempt opposition to his choices. A split ABA panel ultimately gave Bork it's highest ranking of "well qualified." But he was rejected by the Senate over concerns about his ideological convictions and their potential impact on his judicial rulings.

Bork's personal character was never in question (unlike in the cases of later nominees who were "borked" after reports of smoking marijuana or hiring illegal nannies). Rather, the Bork fight was waged entirely on the grounds of his judicial philosophy. Bork's lifetime of writings provided ample evidence of his basic hostility to the role of the Supreme Court as a guardian of fundamental rights and a check on the excesses of temporary political majorities. His writings in the years since have reinforced the wisdom of the Senate's vote rejecting his nomination. (Bork, writing in The Wall Street Journal in May, urged President Bush to hold firm on his judicial appointments, lest a Democratic successor "complete the liberal politicization of the courts.")

Bork was an easy case. Rarely does a nominee have such a pronounced history of opposition to the role of the court he or she seeks to join. But what is to be done when, as is increasingly the case, judicial nominees don't have that kind of well-documented philosophy? I suggest two criteria that can be explored by the Senate without a need for ideological litmus tests.

The first standard involves core values. A nominee should have a firm commitment to equal justice, and it should not be just a rhetorical one. Someone about to take a lifetime seat on the federal bench should have a demonstrated commitment to civil rights and the fair administration of justice. For some, this will have been demonstrated by involvement in a legal aid society or in providing pro bono representation for the appeal of an indigent death row inmate. For others, it

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may be evident from the past provision of free legal advice to a faith-based social service organization.

The second criterion is independence of mind. The best judges are those whose decisions cannot be entirely predicted by their previous political commitments, as with the courageous Eisenhower-appointed federal judges from the South who played a critical role during the 1960s in ending racial segregation throughout the region. Many judges don't demonstrate such independence until they reach the federal bench--that's what life tenure was meant to foster. But whatever signs can be found of a propensity for independent thinking--for having disappointed a political patron or having been willing to state an unpopular but reasoned view--may indicate the kind of quality we need most on the federal bench.

The criteria I suggest will strike some as too unrestrictive--even some Federalist Society members might be considered well qualified. But I think they are the best bet for getting judges that, like the best in our history, will surprise their patrons by exercising the independence the Constitution provides.

Two-for-one-Deal

Editorial
Sunday, July 15, 2001
The Chronicle

From The Chronicle, the student newspaper at Duke University, an editorial says Sen. John Edwards' proposal on federal judges makes sense.

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President Bush nominated U.S. District Court Judge Terrence Boyle to the U.S. 4th Circuit of the Court of Appeals in May. Supported by Republican Sen. Jesse Helms but opposed by Democratic Sen. John Edwards, Boyle awaits Senate confirmation. Although Edwards has no formal power to block the nomination single-handedly, Senate tradition would allow the practice.

But Edwards has proposed a compromise that would benefit North Carolina and the 4th Circuit - pairing Boyle for approval with black N.C. Judge James Wynn.

No lifetime appointee among the 13 appellate court members has been black, a stunning fact given that the court's jurisdiction has the largest black population among the appellate circuits. Furthermore, the court, which covers Maryland, North Carolina, South Carolina, Virginia and West Virginia, does not include any North Carolinians. Although all judges should certainly remain impartial, diverse backgrounds can offer unique and needed perspectives.

Both senators would favor judges with views similar to their own, but fighting to the bitter end would be self-defeating when a mutual compromise can be made. Wynn, who was nominated by President Clinton only to be rejected by the Republican-controlled Senate, is that compromise. Pairing Boyle with Wynn would allow the state to have two qualified judges on the court. Both senators would have successfully pushed through a judge he supported, and the 4th Circuit would finally have a black person as a permanent member.

Still, even after the proposed pairing, two judicial vacancies from the appellate court would remain. Historically, the court has never seated the full 15 judges allotted, but reappointing Roger Gregory and pairing him with a conservative as well may provide another mutually beneficial compromise. Last December, Clinton gave Gregory, the first black man ever to sit on the 4th Circuit, a non-permanent, recess appointment to the court.

With an ever-aging court, judicial vacancies must be filled so that justice can be served in a timely manner. Pairing two judges from North Carolina is something the state's senators can and should agree upon.

Bush Must Stand Up To Liberals

York Times

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Neil Lewis **New York Times**

June 26, 2001

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Neil Lewis

By Deroy Murdock
Sunday, July 15, 2001
Scripps Howard News Service

George W. Bush can do only one thing to satisfy the NAACP: Resign.

President Bush "has selected nominees from the Taliban wing of American politics," NAACP chairman Julian Bond told the civil rights group's New Orleans convention on July 8. "He has appeased the wretched appetites of the extreme right wing. And he has chosen Cabinet officials whose devotion to the Confederacy is nearly canine in its uncritical affection."

That's the thanks Bush gets for numerous decisions that should have pleased America's so-called black leaders:

He appointed America's first black secretary of state, Colin Powell.

Condoleezza Rice, also black, is national security adviser. Earth to Bond: Black people run U.S. foreign policy.

Bush's education secretary, Rod Paige, is black, too. While the president should have prevented Congress from transforming his education initiative into a spending bonanza, Bush's critics cannot realistically accuse him of defunding ghetto schools and defenestrating minority students.

Bush reappointed Roger Gregory -- a black, Democratic Clinton nominee -- to the federal appellate court. Conservatives complain that Bush should have embraced Gregory only after Democrats greenlighted several Bush candidates. Still, what kind of pro-Confederate president would give a black Democrat a federal judgeship?

Bush hosted the all-Democratic Congressional Black Caucus in the Cabinet Room on Jan. 31. "They had a warm meeting," White House assistant press secretary Anne Womack told me. "It was scheduled for 30 minutes and actually lasted nearly an hour."

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Neil Lewis

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 7/17/2001 4:12:48 AM
Subject: : Executive Privilege

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CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-JUL-2001 08:12:48.00

SUBJECT:: Executive Privilege

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

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Do you have a memo on the Senate's procedures and requirements for subpoenas, whether committee-by-committee or a generic overview?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 7/17/2001 5:18:00 AM
Subject: : 2 issues

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CREATION DATE/TIME: 17-JUL-2001 09:18:00.00

SUBJECT:: 2 issues

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

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1. The London "Republicans Abroad" meeting question is obviously quite pressing.

2. I had talked with Brad W. about NARA providing the Burton Committee an opportunity to review the redacted Clinton-Barak transcripts (in response to the committee's request). NARA would not actually produce the transcripts or show them the unredacted version, but rather would just show Burton Committee staff the redacted version. Please advise whether that is ok by you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
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TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael C. Falkenheim (CN=Michael C. Falkenheim/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:jhanley@ofheo.gov (jhanley@ofheo.gov @ znet [UNKNOWN])
READ:UNKNOWN
TO:OFBCI-LRM (OFBCI-LRM [UNKNOWN])
READ:UNKNOWN
TO:Shalini M. Benson (CN=Shalini M. Benson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Patrick Aylward (CN=Patrick Aylward/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Ingrid M. Schroeder (CN=Ingrid M. Schroeder/OU=OMB/O=EOP [OMB])

READ:UNKNOWN
CC:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])
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COMMUNITY SOLUTIONS ACT OF 2001

JULY 16, 2001.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMAS, from the Committee on Ways and Means,
submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 7]

[Including cost estimate of the Congressional Budget Office]

The Committee on Ways and Means, to whom was referred the bill (H.R. 7) to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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“(B) to remove religious art, icons, scripture, or other symbols because they are religious.

“(e) EMPLOYMENT PRACTICES.—

“(1) IN GENERAL.—In order to aid in the preservation of its religious character, a religious organization that provides assistance under a program described in subsection (c)(4) may, notwithstanding any other provision of law, require that its employees adhere to the religious practices of the organization.

“(2) TITLE VII EXEMPTION.—The exemption of a religious organization provided under section 702 or 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employment practices shall not be affected by the religious organization’s provision of assistance under, or receipt of funds from, a program described in subsection (c)(4).

“(3) EFFECT ON OTHER LAWS.—Nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1686) (prohibiting discrimination in educational institutions on the basis of sex and visual impairment), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) (prohibiting discrimination on the basis of age).

“(f) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

“(1) IN GENERAL.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c)(4), the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection, assistance that—

“(A) is an alternative, including a nonreligious alternative, that is accessible to the individual; and

“(B) has a value that is not less than the value of the assistance that the individual would have received from such organization.

“(2) NOTICE.—The appropriate Federal, State, or local governmental entity shall guarantee that notice is provided to the individuals described in paragraph (3) of the rights of such individuals under this section.

“(3) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who receives or applies for assistance under a program described in subsection (c)(4).

“(g) NONDISCRIMINATION AGAINST BENEFICIARIES.—

“(1) GRANTS AND CONTRACTS.—A religious organization providing assistance through a grant or contract under a program described in subsection (c)(4) shall not discriminate, in carrying out the program, against an individual described in subsection (f)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

“(2) INDIRECT FORMS OF DISBURSEMENT.—A religious organization providing assistance through a voucher, certificate, or other form of indirect disbursement under a program described in subsection (c)(4) shall not discriminate, in carrying out the program, against an individual described in subsection (f)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

“(h) ACCOUNTABILITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a religious organization providing assistance under any program described in subsection (c)(4) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

“(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account or accounts. Only the government funds shall be subject to audit by the government.

“(i) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided through a grant or contract to a religious organization to provide assistance under any program described in subsection (c)(4) shall be expended for sectarian worship, instruction, or proselytization. A certificate shall be signed by such organizations and filed with the government agency that disbursed the funds that gives assurance the organization will comply with this subsection.

“(j) EFFECT ON STATE AND LOCAL FUNDS.—If a State or local government contributes State or local funds to carry out a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds

with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

“(k) TREATMENT OF INTERMEDIATE CONTRACTORS.—If a nongovernmental organization (referred to in this subsection as an ‘intermediate contractor’), acting under a contract or other agreement with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (c)(4), the intermediate contractor shall have the same duties under this section as the government when selecting or otherwise dealing with subcontractors, but the intermediate contractor, if it is a religious organization, shall retain all other rights of a religious organization under this section.

“(l) COMPLIANCE.—A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action pursuant to section 1979 against the official or government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by the Federal Government may bring a civil action for appropriate relief in Federal district court against the official or government agency that has allegedly committed such violation.”.

TITLE III—INDIVIDUAL DEVELOPMENT ACCOUNTS

SEC. 301. ADDITIONAL QUALIFIED ENTITIES ELIGIBLE TO CONDUCT PROJECTS UNDER THE ASSETS FOR INDEPENDENCE ACT.

Section 404(7)(A)(iii)(I)(aa) of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

“(aa) a federally insured credit union; or”.

SEC. 302. INCREASE IN LIMITATION ON NET WORTH.

Section 408(a)(2)(A) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “\$10,000” and inserting “\$20,000”.

SEC. 303. CHANGE IN LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.

Section 410(b) of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

“(b) LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.—Not more than \$500 from a grant made under section 406(b) shall be provided per year to any one individual during the project.”.

SEC. 304. ELIMINATION OF LIMITATION ON DEPOSITS FOR A HOUSEHOLD.

Section 410 of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 305. EXTENSION OF PROGRAM.

Section 416 of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “2001, 2002, and 2003” and inserting “and 2001, and \$50,000,000 for each of fiscal years 2002 through 2008”.

SEC. 306. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TEXT.—The text of each of the following provisions of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “demonstration” each place it appears:

- (1) Section 403.
- (2) Section 404(2).
- (3) Section 405(a).
- (4) Section 405(b).
- (5) Section 405(c).
- (6) Section 405(d).
- (7) Section 405(e).
- (8) Section 405(g).
- (9) Section 406(a).
- (10) Section 406(b).
- (11) Section 407(b)(1)(A).
- (12) Section 407(c)(1)(A).
- (13) Section 407(c)(1)(B).
- (14) Section 407(c)(1)(C).

- (15) Section 407(c)(1)(D).
- (16) Section 407(d).
- (17) Section 408(a).
- (18) Section 408(b).
- (19) Section 409.
- (20) Section 410(e).
- (21) Section 411.
- (22) Section 412(a).
- (23) Section 412(b)(2).
- (24) Section 412(c).
- (25) Section 413(a).
- (26) Section 413(b).
- (27) Section 414(a).
- (28) Section 414(b).
- (29) Section 414(c).
- (30) Section 414(d)(1).
- (31) Section 414(d)(2).

(b) **AMENDMENTS TO SUBSECTION HEADINGS.**—The heading of each of the following provisions of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “**DEMONSTRATION**”:

- (1) Section 405(a).
- (2) Section 406(a).
- (3) Section 413(a).

(c) **AMENDMENTS TO SECTION HEADINGS.**—The headings of sections 406 and 411 of the Assets for Independence Act (42 U.S.C. 604 note) are amended by striking “**DEMONSTRATION**”.

SEC. 307. APPLICABILITY.

(a) **IN GENERAL.**—The amendments made by this title shall apply to funds provided before, on or after the date of the enactment of this Act.

(b) **PRIOR AMENDMENTS.**—The amendments made by title VI of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) shall apply to funds provided before, on or after the date of the enactment of such Act.

I. SUMMARY AND BACKGROUND

A. PURPOSE AND SUMMARY

The tax and individual development account provisions of the bill, H.R. 7, as amended (the “Community Solutions Act of 2001”), facilitate charitable giving and charitable activity.

The bill provides net tax reductions of over \$4.4 billion over fiscal years 2002–2006. This will bolster the nonprofit sector of the economy.

The bill provides a charitable contribution deduction for individuals taking the standard deduction, facilitates transfers to charity from individual retirement arrangements, increases the percentage limitation on corporate charitable contributions, and reforms the excise tax based on the investment income of private foundations leaving such foundations with more funds to spend on charitable activities. The bill also encourages charitable contributions of food inventory, scientific property used for research, and computer technology and equipment used for educational purposes. In addition, the bill makes charitable contributions by S corporations more attractive and provides a more appropriate remedy on charitable remainder trusts that have unrelated business income. Finally, the bill strengthens the creation and maintenance of individual development accounts.

B. BACKGROUND AND NEED FOR LEGISLATION

The provisions approved by the Committee will stimulate charitable giving and therefore provide more funds to charitable organi-

zations, many of which will perform activities that otherwise would have to be performed by the Federal government. The estimated revenue effects of the provisions comply with the most recent Congressional Budget Office revisions of budget surplus projections.

C. LEGISLATIVE HISTORY

COMMITTEE ACTION

The Committee on Ways and Means marked up the provisions of the bill on July 11, 2001, and reported the provisions, as amended, on July 11, 2001, by a roll call vote of 23 yeas and 16 nays, with a quorum present.

COMMITTEE HEARING

A joint hearing was held on June 14, 2001, before the Subcommittees on Select Revenue Measures and Human Resources of the Committee on Ways and Means on the provisions of H.R. 7.

II. EXPLANATION OF THE BILL

A. CHARITABLE DEDUCTION FOR NONITEMIZERS

(Sec. 101 of the Bill and Secs. 63 and 170 of the Code)

PRESENT LAW

In computing taxable income, a taxpayer who itemizes deductions generally is allowed to deduct the amount of cash and the fair market value of property contributed to a charity described in section 501(c)(3) or a Federal, State, or local governmental entity. The deduction also is allowed for purposes of calculating alternative minimum taxable income.

The amount of the deduction allowable for a taxable year with respect to a charitable contribution of property may be reduced depending on the type of property contributed, the type of charitable organization to which the property is contributed, and the income of the taxpayer.¹

A taxpayer who takes the standard deduction (i.e., who does not itemize deductions) may not take a separate deduction for charitable contributions.²

A payment to a charity (regardless of whether it is termed a "contribution") in exchange for which the donor receives an economic benefit is not deductible, except to the extent that the donor can demonstrate that the payment exceeds the fair market value of the benefit received from the charity. To facilitate distinguishing charitable contributions from purchases of goods or services from charities, present law provides that no charitable contribution deduction is allowed for a separate contribution of \$250 or more unless the donor obtains a contemporaneous written acknowledgment of the contribution from the charity indicating whether the

¹ Secs. 170(b) and (e).

² Sec. 170(a). The Economic Recovery Tax Act of 1981 adopted a temporary provision that permitted individual taxpayers who did not itemize income tax deductions to claim a deduction from gross income for a specified percentage of their charitable contributions. The maximum deduction was \$25 for 1982 and 1983, \$75 for 1984, 50 percent of the amount of the contribution for 1985, and 100 percent of the amount of the contribution for 1986. The nonitemizer deduction terminated after 1986.

charity provided any good or service (and an estimate of the value of any such good or service) to the taxpayer in consideration for the contribution.³ In addition, present law requires that any charity that receives a contribution exceeding \$75 made partly as a gift and partly as consideration for goods or services furnished by the charity (a “quid pro quo” contribution) is required to inform the contributor in writing of an estimate of the value of the goods or services furnished by the charity and that only the portion exceeding the value of the goods or services is deductible as a charitable contribution.⁴

Under present law, total deductible contributions of an individual taxpayer to public charities, private operating foundations, and certain types of private nonoperating foundations may not exceed 50 percent of the taxpayer’s contribution base, which is the taxpayer’s adjusted gross income for a taxable year (disregarding any net operating loss carryback). To the extent a taxpayer has not exceeded the 50-percent limitation, (1) contributions of capital gain property to public charities generally may be deducted up to 30 percent of the taxpayer’s contribution base, (2) contributions of cash to private foundations and certain other charitable organizations generally may be deducted up to 30 percent of the taxpayer’s contribution base, and (3) contributions of capital gain property to private foundations and certain other charitable organizations generally may be deducted up to 20 percent of the taxpayer’s contribution base.

Contributions by individuals in excess of the 50-percent, 30-percent, and 20-percent limit may be carried over and deducted over the next five taxable years, subject to the relevant percentage limitations on the deduction in each of those years.

In addition to the percentage limitations imposed specifically on charitable contributions, present law imposes a reduction on most itemized deductions, including charitable contribution deductions, for taxpayers with adjusted gross income in excess of a threshold amount, which is indexed annually for inflation. The threshold amount for 2001 is \$132,950 (\$66,475 for married individuals filing separate returns). For those deductions that are subject to the limit, the total amount of itemized deductions is reduced by 3 percent of adjusted gross income over the threshold amount, but not by more than 80 percent of itemized deductions subject to the limit. Beginning in 2006, the Economic Growth and Tax Relief Reconciliation Act of 2001 phases-out the overall limitation on itemized deductions for all taxpayers. The overall limitation on itemized deductions is reduced by one-third in taxable years beginning in 2006 and 2007, and by two-thirds in taxable years beginning in 2008 and 2009. The overall limitation on itemized deductions is eliminated for taxable years beginning after December 31, 2009; however this elimination of the limitation sunsets on December 31, 2010.

REASONS FOR CHANGE

The Committee believes that allowing a charitable deduction to nonitemizers will stimulate charitable giving, thereby providing more funds for worthwhile nonprofit organizations, many of which

³Sec. 170(f)(8).

⁴Sec. 6115.

provide services that otherwise might have to be provided by the Federal government.

EXPLANATION OF PROVISION

In the case of an individual taxpayer who does not itemize deductions, the provision allows a deduction from adjusted gross income for charitable contributions paid in cash. This deduction is allowed in addition to the standard deduction and is calculated as the lesser of (1) the amount allowable to itemizers as a charitable deduction for cash contributions and (2) an applicable amount. The new deduction generally is subject to the tax rules normally governing charitable deductions, such as the substantiation requirements and carryforward rules. For taxpayers taking a deduction of the applicable amount, the portion of contributions in excess of the applicable amount may not be carried forward. The deduction is allowed in computing alternative minimum taxable income.

The applicable amount is \$25 (\$50 in the case of a joint return) in 2002 and 2003, \$50 (\$100 in the case of a joint return) in 2004 through 2006, \$75 (\$150 in the case of a joint return) in 2007 through 2009, and \$100 (\$200 in the case of a joint return) in 2010 and thereafter.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2001.

B. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ARRANGEMENTS FOR CHARITABLE PURPOSES

(Sec. 102 of the Bill and Secs. 408 and 6034 of the Code)

PRESENT LAW

In general

If an amount withdrawn from a traditional individual retirement arrangement ("IRA") or a Roth IRA is donated to a charitable organization, the rules relating to the tax treatment of withdrawals from IRAs apply and the charitable contribution is subject to the normally applicable limitations on deductibility of such contributions.

Charitable contributions

In computing taxable income, a taxpayer who itemizes deductions generally is allowed to deduct the amount of cash and the fair market value of property contributed to an organization described in section 170(c), including charities and Federal, State, and local governmental entities. The deduction also is allowed for purposes of calculating alternative minimum taxable income.

The amount of the deduction allowable for a taxable year with respect to a charitable contribution of property may be reduced depending on the type of property contributed, the type of charitable organization to which the property is contributed, and the income of the taxpayer.⁵

⁵ Secs. 170(b) and (e).

A payment to a charity (regardless of whether it is termed a “contribution”) in exchange for which the donor receives an economic benefit is not deductible, except to the extent that the donor can demonstrate that the payment exceeds the fair market value of the benefit received from the charity. To facilitate distinguishing charitable contributions from purchases of goods or services from charities, present law provides that no charitable contribution deduction is allowed for a separate contribution of \$250 or more unless the donor obtains a contemporaneous written acknowledgment of the contribution from the charity indicating whether the charity provided any good or service (and an estimate of the value of any such good or service) to the taxpayer in consideration for the contribution.⁶ In addition, present law requires that any charity that receives a contribution exceeding \$75 made partly as a gift and partly as consideration for goods or services furnished by the charity (a “quid pro quo” contribution) is required to inform the contributor in writing of an estimate of the value of the goods or services furnished by the charity and that only the portion exceeding the value of the goods or services is deductible as a charitable contribution.⁷

Under present law, total deductible contributions of an individual taxpayer to public charities, private operating foundations, and certain types of private nonoperating foundations may not exceed 50 percent of the taxpayer’s contribution base, which is the taxpayer’s adjusted gross income for a taxable year (disregarding any net operating loss carryback). To the extent a taxpayer has not exceeded the 50-percent limitation, (1) contributions of capital gain property to public charities generally may be deducted up to 30 percent of the taxpayer’s contribution base, (2) contributions of cash to private foundations and certain other charitable organizations generally may be deducted up to 30 percent of the taxpayer’s contribution base, and (3) contributions of capital gain property to private foundations and certain other charitable organizations generally may be deducted up to 20 percent of the taxpayer’s contribution base.

Contributions by individuals in excess of the 50-percent, 30-percent, and 20-percent limit may be carried over and deducted over the next five taxable years, subject to the relevant percentage limitations on the deduction in each of those years.

In addition to the percentage limitations imposed specifically on charitable contributions, present law imposes a reduction on most itemized deductions, including charitable contribution deductions, for taxpayers with adjusted gross income in excess of a threshold amount, which is indexed annually for inflation. The threshold amount for 2001 is \$132,950 (\$66,475 for married individuals filing separate returns). For those deductions that are subject to the limit, the total amount of itemized deductions is reduced by 3 percent of adjusted gross income over the threshold amount, but not by more than 80 percent of itemized deductions subject to the limit. Beginning in 2006, the Economic Growth and Tax Relief Reconciliation Act of 2001 phases-out the overall limitation on itemized deductions for all taxpayers. The overall limitation on itemized deductions is reduced by one-third in taxable years beginning in 2006

⁶Sec. 170(f)(8).

⁷Sec. 6115.

and 2007, and by two-thirds in taxable years beginning in 2008 and 2009. The overall limitation on itemized deductions is eliminated for taxable years beginning after December 31, 2009; however this elimination of the limitation sunsets on December 31, 2010.

In general, a charitable deduction is not allowed for income, estate, or gift tax purposes if the donor transfers an interest in property to a charity (e.g., a remainder) while also either retaining an interest in that property (e.g., an income interest) or transferring an interest in that property to a noncharity for less than full and adequate consideration.⁸ Exceptions to this general rule are provided for, among other interests, remainder interests in charitable remainder annuity trusts, charitable remainder unitrusts, and pooled income funds, and present interests in the form of a guaranteed annuity or a fixed percentage of the annual value of the property.⁹ For such interests, a charitable deduction is allowed to the extent of the present value of the interest designated for a charitable organization.

IRA rules

Within limits, individuals may make deductible and nondeductible contributions to a traditional IRA. Amounts in a traditional IRA are includible in income when withdrawn (except to the extent the withdrawal represents a return of nondeductible contributions). Individuals also may make nondeductible contributions to a Roth IRA. Qualified withdrawals from a Roth IRA are excludable from gross income. Withdrawals from a Roth IRA that are not qualified withdrawals are includible in gross income to the extent attributable to earnings. Includible amounts withdrawn from a traditional IRA or a Roth IRA before attainment of age 59½ are subject to an additional 10-percent early withdrawal tax, unless an exception applies.

If an individual has made nondeductible contributions to a traditional IRA, a portion of each distribution from an IRA is nontaxable, until the total amount of nondeductible contributions has been received. In general, the amount of a distribution that is nontaxable is determined by multiplying the amount of the distribution by the ratio of the remaining nondeductible contributions to the account balance. In making the calculation, all traditional IRAs of an individual are treated as a single IRA, all distributions during any taxable year are treated as a single distribution, and the value of the contract, income on the contract, and investment in the contract are computed as of the close of the calendar year.

In the case of a distribution from a Roth IRA that is not a qualified distribution, in determining the portion of the distribution attributable to earnings, contributions and distributions are deemed to be distributed in the following order: (1) regular Roth IRA contributions; (2) taxable conversion contributions;¹⁰ (3) nontaxable conversion contributions; and (4) earnings. In determining the amount of taxable distributions from a Roth IRA, all Roth IRA distributions in the same taxable year are treated as a single distribution, all regular Roth IRA contributions for a year are treated as

⁸ Secs. 170(f), 2055(e)(2), and 2522(c)(2).

⁹ Sec. 170(f)(2).

¹⁰ Conversion contributions refer to conversions of amounts in a traditional IRA to a Roth IRA.

a single contribution, and all conversion contributions during the year are treated as a single contribution.

Split-interest trust filing requirements

Split-interest trusts described in section 4947(a)(2), including charitable remainder annuity trusts, charitable remainder unitrusts, and pooled income funds are required to file an annual information return under section 6034 (Form 1041A). Trusts that are not split-interest trusts but that claim a charitable deduction for amounts permanently set aside for a charitable purpose¹¹ also are required to file Form 1041A. The returns are required to be made publicly available by section 6104(b). A trust that is required to distribute all trust net income currently to trust beneficiaries in a taxable year is exempt from this return requirement for such taxable year. A trust's failure to file a return required by section 6034 results in a penalty on the trust of \$10 a day for as long as the failure continues, up to a maximum of \$5,000 per return.

In addition, split-interest trusts are required under section 6011 to file annually Form 5227.¹² Form 5227 requires disclosure of information regarding the trusts' noncharitable beneficiaries. The penalty for failure to file a return under section 6011 is calculated based on the amount of tax owed. A split-interest trust generally is not subject to tax and therefore, in general, a penalty may not be imposed for the failure to file Form 5227. Form 5227 is not required to be made publicly available.

REASONS FOR CHANGE

The Committee believes it appropriate to facilitate the making of charitable contributions from IRAs.

EXPLANATION OF PROVISION

The provision provides an exclusion from gross income for otherwise taxable IRA withdrawals from a traditional or a Roth IRA for qualified charitable distributions. The present-law rules continue to apply to distributions from an IRA that are not qualified charitable distributions. A qualified charitable distribution is defined as any distribution from an IRA that is (1) otherwise includible in gross income, (2) made on or after the date the IRA owner attains age 70½, and (3) is made directly by the IRA trustee (a) to a charitable organization to which deductible contributions can be made or (b) to a split-interest entity in which no person holds an income interest in the amounts in the split-interest entity attributable to the charitable distribution other than the IRA owner, his or her spouse, or a charitable organization. A split-interest entity means a charitable remainder annuity trust or charitable remainder unitrust, a pooled income fund, or a charitable gift annuity. Qualified charitable distributions count toward the minimum distribution requirements applicable to IRAs.

The exclusion applies to distributions made directly to a charitable organization to which deductible contributions can be made only if a charitable contribution deduction for the entire distribution otherwise is allowable, determined without regard to the per-

¹¹ Sec. 642(c).

¹² Treas. Reg. sec. 53.6011-1(d).

centage limitations. Thus, for example, if the deductible amount is reduced because of a benefit received in exchange, or if a deduction is not allowable because the donor did not obtain sufficient substantiation, the exclusion is not available with respect to any part of the distribution. The exclusion applies in the case of a distribution directly to a split-interest entity only if a charitable contribution deduction for the entire present value of the charitable interest (for example, a remainder interest) is allowable, determined without regard to the percentage limitations.

In determining the extent to which a distribution from an IRA is a qualified charitable distribution, the distribution is treated as consisting of income first, up to the aggregate amount that would be includible in gross income but for the proposal if all amounts were distributed from all IRAs otherwise taken into account in determining the amount includible in income under section 72.

A qualified charitable distribution to a pooled income fund is not includible in the fund's gross income.

In determining the amount includible in gross income by reason of a payment from a charitable remainder annuity trust or charitable remainder unitrust to which a qualified charitable distribution from an IRA was made, the taxpayer is required to treat as ordinary income (as described in sec. 664(b)(1)) the total amount distributed directly from the IRA to the trust, except to the extent the taxpayer notifies the trust that a portion of the direct distribution was allocable to investment in the contract. This could occur, for example, if the entire interest in all an individual's traditional IRAs is distributed directly to a charitable remainder trust, and the IRA included nondeductible contributions. Similarly, in determining the amount includible in gross income by reason of a payment from a charitable gift annuity purchased with a qualified charitable distribution from an IRA, the portion of the distribution from the IRA used to purchase the annuity is not investment in the annuity contract.

Any amount excluded from gross income by reason of the proposal is not taken into account in determining the deduction for charitable contributions under section 170.

The provision increases the penalty on split-interest trusts described in section 4947(a)(2) for failure to file a return and for failure to include any of the information required to be shown on such return and to show the correct information. The penalty is \$20 for each day the failure continues up to \$10,000 for any one return. In the case of a split-interest trust with gross income in excess of \$250,000, the penalty is \$100 for each day the failure continues up to a maximum of \$50,000. If a person (meaning any officer, director, trustee, employee, or other individual who is under a duty to file the return or include required information)¹³ knowingly failed to file the return or include required information, then the person personally is liable for the penalty. Information regarding beneficiaries that are not charitable organizations as described in section 170(c) are exempt from the requirement to make information publicly available. In addition, the provision repeals the present law exception to the filing requirement for split-interest trusts that are required in a taxable year to distribute all net income currently

¹³ Sec. 6652(c)(4)(C).

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Community Solutions Act of 2001”.

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHARITABLE GIVING INCENTIVES PACKAGE

- Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
- Sec. 102. Tax-free distributions from individual retirement accounts for charitable purposes.
- Sec. 103. Increase in cap on corporate charitable contributions.
- Sec. 104. Charitable donations liability reform for in-kind corporate contributions.
- Sec. 105. Charitable deduction for contributions of food inventory.
- Sec. 106. Reform of excise tax on net investment income of private foundations.
- Sec. 107. Excise tax on unrelated business taxable income of charitable remainder trusts.
- Sec. 108. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
- Sec. 109. Adjustment to basis of S corporation stock for certain charitable contributions.

TITLE II—EXPANSION OF CHARITABLE CHOICE

- Sec. 201. Provision of assistance under government programs by religious and community organizations.

TITLE III—INDIVIDUAL DEVELOPMENT ACCOUNTS

- Sec. 301. Additional qualified entities eligible to conduct projects under the Assets for Independence Act.
- Sec. 302. Increase in limitation on net worth.
- Sec. 303. Change in limitation on deposits for an individual.
- Sec. 304. Elimination of limitation on deposits for a household.
- Sec. 305. Extension of program.
- Sec. 306. Conforming amendments.
- Sec. 307. Applicability.

TITLE I—CHARITABLE GIVING INCENTIVES PACKAGE

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) **IN GENERAL.**—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) **DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.**—

“(1) **IN GENERAL.**—In the case of an individual who does not itemize his deductions for the taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the lesser of—

to beneficiaries. Such exception remains available to nonsplit-interest trusts that are otherwise subject to the filing requirement. The Committee anticipates that the Secretary of the Treasury shall exercise authority under section 6034 to require that Form 5227 be filed pursuant to section 6034.

EFFECTIVE DATE

The provision generally is effective for taxable years beginning after December 31, 2001. The provision relating to information returns of split-interest trusts is effective for returns for taxable years beginning after December 31, 2001.

C. INCREASE PERCENTAGE LIMITATION FOR CORPORATE CHARITABLE CONTRIBUTIONS

(Sec. 103 of the Bill and Sec. 170 of the Code)

PRESENT LAW

Under present law, a corporation is allowed to deduct charitable contributions up to 10 percent of the corporation's modified taxable income for the year. For this purpose, taxable income is determined without regard to (1) the charitable contributions deduction, (2) any net operating loss carryback, (3) deductions for dividends received, (4) deductions for dividends paid on certain preferred stock of public utilities, and (5) any capital loss carryback for the taxable year.¹⁴ Any charitable contribution by a corporation that is not currently deductible because of the percentage limitation may be carried forward for up to five taxable years.

A transfer of property by a business to a charity might qualify as either a charitable contribution or a deductible business expense, but not both. No deduction is allowed as a business expense under section 162 for any contribution that would be deductible as a charitable gift were it not for the percentage limitations on the charitable contributions deduction.¹⁵ Likewise, a business transfer made with a reasonable expectation of financial return commensurate with the amount of the transfer is not deductible as a charitable contribution, but may be deductible under section 162.

REASONS FOR CHANGE

The Committee believes that increasing the annual limitation on the allowable corporate charitable contribution deduction will encourage more charitable giving by corporations.

EXPLANATION OF PROVISION

The provision increases the percentage limitation on corporate charitable deductions from 10 percent to 15 percent. The provision is phased-in over nine years, beginning in taxable years beginning after December 31, 2001. The percentage limitation on corporate charitable deductions is 11 percent in 2002 through 2007, 12 percent in 2008, 13 percent in 2009, and 15 percent in 2010 and thereafter.

¹⁴ Sec. 170(b)(2).

¹⁵ Sec. 162(b).

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2001.

D. ENHANCED DEDUCTION FOR CHARITABLE CONTRIBUTIONS OF FOOD INVENTORY

(Sec. 105 of the Bill and Sec. 170 of the Code)

PRESENT LAW

Under present law, a taxpayer's deduction for charitable contributions of inventory generally is limited to the taxpayer's basis (typically, cost) in the inventory. However, for certain contributions of inventory, C corporations may claim an enhanced deduction equal to the lesser of (1) basis plus one-half of the item's appreciated value (i.e., basis plus one half of fair market value in excess of basis) or (2) two times basis.¹⁶

To be eligible for the enhanced deduction, the contributed property generally must be inventory of the taxpayer, contributed to a charitable organization described in section 501(c) (except for private nonoperating foundations), and the donee must (1) use the property consistent with the donee's exempt purpose solely for the care of the ill, the needy, or infants, (2) not transfer the property in exchange for money, other property, or services, and (3) provide the taxpayer a written statement that the donee's use of the property will be consistent with such requirements. In the case of contributed property subject to the Federal Food, Drug, and Cosmetic Act, the property must satisfy the applicable requirements of such Act on the date of transfer and for 180 days prior to the transfer.

To use the enhanced deduction, the taxpayer must establish that the fair market value of the donated item exceeds basis. The valuation of food inventory has been the subject of ongoing disputes between taxpayers and the IRS. In one case, the Tax Court held that the value of surplus bread inventory donated to charity was the full retail price of the bread rather than half the retail price, as the IRS asserted.¹⁷

REASONS FOR CHANGE

The Committee believes that more should be done to encourage contributions of food inventory to charitable organizations that provide food for the hungry. Extending the availability of an enhanced deduction for contributions of food inventory to any taxpayer engaged in a trade or business and clarifying the determination of the value of the donated food will increase donations of food inventory and thereby help nourish more of our nation's underprivileged.

EXPLANATION OF PROVISION

Under the provision, any taxpayer engaged in a trade or business is eligible under section 170(e) to claim an enhanced deduction for donations of food inventory. The enhanced deduction is available only for food that qualifies as "apparently wholesome food," as defined by the Bill Emerson Good Samaritan Food Donation Act. "Ap-

¹⁶ Sec. 170(e)(3).

¹⁷ *Lucky Stores Inc. v. Commissioner*, 105 T.C. 420 (1995).

parently wholesome food” is food intended for human consumption that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.

In addition, the provision provides that the fair market value of donated apparently wholesome food that cannot or will not be sold solely due to internal standards of the taxpayer or lack of market, is determined by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution or, if not so sold at such time, in the recent past.

Consistent with present law, taxpayers who donate food inventory and receive consideration in exchange, whether such consideration is for food processing costs, including the costs of processing raw food to meet the nutritional specifications of the donee, or otherwise, shall apply the bargain sale rules¹⁸ to determine the amount of gain from the sale and the value of the enhanced deduction.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2001.

E. REFORM EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE FOUNDATIONS

(Sec. 106 of the Bill and Sec. 4940 of the Code)

PRESENT LAW

In general

In general, a private foundation is an organization organized and operated exclusively for charitable purposes.¹⁹ Under section 4940(a) of the Code, private foundations that are recognized as exempt from Federal income tax under section 501(a) of the Code are subject to a two-percent excise tax on their net investment income. Private foundations that are not exempt from tax, such as certain charitable trusts,²⁰ also are subject to an excise tax under section 4940(b).

Net investment income is determined under the principles of Subtitle A of the Code, except to the extent those principles are inconsistent with section 4940. Net investment income is defined as the amount by which the sum of gross investment income and capital gain net income exceeds the deductions relating to the production of gross investment income.²¹ Net investment income also is determined by applying section 103 (generally providing an exclusion for interest on certain State and local bonds) and section 265 (generally disallowing the deduction for interest and certain other expenses with respect to tax-exempt income).²² Special definitions

¹⁸ Sec. 1011(b); Treas. Reg. sec. 170A-4(c)(2).

¹⁹ Secs. 509(a) and 501(c)(3).

²⁰ Sec. 4947.

²¹ Sec. 4940(c)(1).

²² Sec. 4940(c)(5).

of gross investment income and capital gain net income are provided for purposes of the excise tax.²³

The two-percent rate of tax is reduced to one-percent if certain requirements are met in a taxable year.²⁴ The requirements are that the foundation's qualifying distributions (generally, amounts paid to accomplish exempt purposes)²⁵ must be at least a certain amount and the foundation cannot have been subject to tax for failure to distribute a certain amount of income²⁶ for any of the five years preceding the taxable year (the "base period"). The required amount of qualifying distributions is the sum of two elements: (1) the amount of the foundation's assets for the taxable year multiplied by the average over the base period of the percentage of assets distributed as qualifying distributions in a year divided by the assets of the foundation for the year (the "average percentage payout for the base period") plus (2) one percent of the net investment income of the foundation for the taxable year.²⁷

The tax on taxable private foundations under section 4940(b) is equal to the excess of the sum of the excise tax that would have been imposed under section 4940(a) if the foundation were tax exempt and the amount of the unrelated business income tax that would have been imposed if the foundation were tax exempt, over the income tax imposed on the foundation under subtitle A of the Code.

Private foundations (taxable and tax exempt) are required to pay estimated taxes of the section 4940 tax in quarterly installments in the same manner as corporate estimated tax payments.²⁸ "Exempt operating foundations" are exempt from the section 4940 tax.²⁹

The amount of tax paid under section 4940 reduces a foundation's "distributable amount" under section 4942.³⁰ Accordingly, the minimum amount of qualified distributions a foundation has to make to avoid tax under section 4942 is reduced by the amount of section 4940 excise taxes paid.

REASONS FOR CHANGE

The Committee believes that reforming the excise tax based on the investment income of private foundations will result in increased charitable activity and simplify the tax laws. The reduction in the rate of tax will increase the required minimum charitable distributions for many private foundations, leading private foundations to increase the amount of their charitable activity. In addition, elimination of the two-tiered nature of the tax will simplify the Code and make compliance easier for private foundations.

²³ Secs. 4940(c)(2) and 4940(c)(4).

²⁴ Sec. 4940(e).

²⁵ Sec. 4942(g).

²⁶ Sec. 4942.

²⁷ Sec. 4940(e).

²⁸ Treas. Reg. sec. 1.6302-1.

²⁹ Sec. 4940(d)(1). To be an exempt operating foundation, an organization must (1) be an operating foundation (as defined in section 4942(j)(3)), (2) be publicly supported for at least 10 taxable years, (3) have a governing body no more than 25 percent of whom are disqualified persons and that is broadly representative of the general public, and (4) have no officers who are disqualified persons. Sec. 4940(d)(2). Exempt operating foundations generally include organizations such as museums or libraries that devote their assets to operating charitable programs but have difficulty meeting the "public support" tests necessary not to be classified as a private foundation. For an organization to qualify as an exempt operating foundation it must obtain a ruling letter from the IRS. IRS Announcement 85-88.

³⁰ Sec. 4942(d)(2).

EXPLANATION OF PROVISION

The provision replaces the two rates of tax under present law with a single rate of tax based on net investment income and sets such rate of tax at one percent. Thus, a tax-exempt private foundation is subject to tax on one percent of net investment income and does not have to calculate its average percentage payout for the base period to determine eligibility for a different rate of tax. A taxable private foundation is subject to tax on the excess of the sum of one percent of net investment income and the amount of the unrelated business income tax (both calculated as if the foundation were tax-exempt) over the income tax imposed on the foundation under subtitle A of the Code.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2001.

F. MODIFY TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS

(Sec. 107 of the Bill and Sec. 664 of the Code)

PRESENT LAW

Sections 170(f), 2055(e)(2), and 2522(c)(2) disallow a charitable deduction for income, estate or gift tax purposes, respectively, if the donor transfers an interest in property to a charity (e.g., a remainder interest) while also either retaining an interest in that property (e.g., an income interest) or transferring an interest in that property to a noncharity for less than full and adequate consideration. One of several exceptions to this general rule is provided for remainder interests in charitable remainder annuity trusts and charitable remainder unitrusts.

A charitable remainder annuity trust is a trust that is required to pay, at least annually, a fixed dollar amount of at least five percent of the initial value of the trust to a noncharity for the life of an individual or for a period of less than 20 years, with the remainder passing to charity. A charitable remainder unitrust is a trust that generally is required to pay, at least annually, a fixed percentage of at least five percent of the fair market value of the trust's assets determined at least annually to a non-charity for the life of an individual or for a period less than 20 years, with the remainder passing to charity.³¹

A trust does not qualify as charitable remainder annuity trust if the annuity for a year is greater than 50 percent of the initial fair market value of the trust's assets. A trust does not qualify as a charitable remainder unitrust if the percentage of assets that are required to be distributed at least annually is greater than 50 percent. A trust does not qualify as a charitable remainder annuity trust or a charitable remainder unitrust unless the value of the remainder interest in the trust is at least 10 percent of the value of the assets contributed to the trust.

Distributions from a charitable remainder annuity trust or charitable remainder unitrust are treated in the following order as: (1)

³¹ Sec. 664(d).

ordinary income to the extent of the trust's current and previously undistributed ordinary income for the trust's year in which the distribution occurred, (2) capital gains to the extent of the trust's current capital gain and previously undistributed capital gain for the trust's year in which the distribution occurred, (3) other income (e.g., tax-exempt income) to the extent of the trust's current and previously undistributed other income for the trust's year in which the distribution occurred, and (4) corpus.³²

Distributions are includible in the income of the beneficiary for the year that the annuity or unitrust amount is required to be distributed even though the annuity or unitrust amount is not distributed until after the close of the trust's taxable year.³³

Under section 664(c), charitable remainder annuity trusts and charitable remainder unitrusts are exempt from Federal income tax unless the trust has any unrelated business taxable income. Under section 514, unrelated business taxable income includes certain debt financed income.

REASONS FOR CHANGE

The Committee believes that in years that a charitable remainder trust has unrelated business income, an excise tax of 100 percent on such income is a more appropriate remedy than loss of tax exemption for the year.

EXPLANATION OF PROVISION

In lieu of removing the income tax exemption of a charitable remainder trust for any year in which the trust has any unrelated business taxable income, the provision imposes a 100 percent excise tax on the unrelated business taxable income of the trust. Because the effect of the excise tax is the same as if the unrelated business taxable income were not incurred by the charitable remainder annuity trust or charitable remainder unitrust, the provision excludes such income from the determination of (1) the value of a charitable remainder unitrust's assets,³⁴ (2) the amount of charitable remainder unitrust income for purposes of determining the unitrust's required distributions, and (3) the effect on the income character of any distributions to beneficiaries by a charitable remainder annuity trust or charitable remainder unitrust.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2001, regardless of when the trust was created.

³² Sec. 664(b).

³³ Treas. Reg. sec. 1.664-1(d)(4).

³⁴ See Treas. Reg. sec. 1.664-3(a)(iv), which requires that all assets and liabilities of the trust are taken into account in determining their net fair market value.

G. EXTEND “CONSTRUCTED BY” REQUIREMENT FOR CONTRIBUTIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT

(Sec. 108 of the Bill and Sec. 170 of the Code)

PRESENT LAW

In the case of a charitable contribution of inventory or other ordinary-income or short-term capital gain property, the amount of the deduction is limited to the taxpayer’s basis in the property. In the case of a charitable contribution of tangible personal property, the deduction is limited to the taxpayer’s basis in such property if the use by the recipient charitable organization is unrelated to the organization’s tax-exempt purpose. In cases involving contributions to a private foundation (other than certain private operating foundations), the amount of the deduction is limited to the taxpayer’s basis in the property.³⁵

Under present law, a taxpayer’s deduction for charitable contributions of scientific property used for research and for contributions of computer technology and equipment generally is limited to the taxpayer’s basis (typically, cost) in the property. However, certain corporations may claim a deduction in excess of basis for a “qualified research contribution” or a “qualified computer contribution.”³⁶ This enhanced deduction is equal to the lesser of (1) basis plus one-half of the item’s appreciated value (i.e., basis plus one half of fair market value minus basis) or (2) two times basis.

A qualified research contribution means a charitable contribution of inventory that is tangible personal property. The contribution must be to a qualified educational or scientific organization and be made not later than two years after construction of the property is substantially completed. The original use of the property must be by the donee, and be used substantially for research or experimentation, or for research training in the U.S. in the physical or biological sciences. The property must be scientific equipment or apparatus, constructed by the taxpayer, and may not be transferred by the donee in exchange for money, other property, or services. The donee must provide the taxpayer with a written statement representing that it will use the property in accordance with the conditions for the deduction. For purposes of the enhanced deduction, property is considered constructed by the taxpayer only if the cost of the parts used in the construction of the property (other than parts manufactured by the taxpayer or a related person) do not exceed 50 percent of the taxpayer’s basis in the property.

A qualified computer contribution means a charitable contribution of any computer technology or equipment, which meets standards of functionality and suitability as established by the Secretary of the Treasury. The contribution must be to certain educational organizations or public libraries and made not later than three years after the taxpayer acquired the property or, if the taxpayer constructed the property, not later than the date construction of the

³⁵ Sec. 170(e)(1).

³⁶ Secs. 170(e)(4) and 170(e)(6).

property is substantially completed.³⁷ The original use of the property must be by the donor or the donee,³⁸ and in the case of the donee, must be used substantially for educational purposes related to the function or purpose of the donee. The property must fit productively into the donee's education plan. The donee may not transfer the property in exchange for money, other property, or services, except for shipping, installation, and transfer costs. To determine whether property is constructed by the taxpayer, the rules applicable to qualified research contributions apply. Contributions may be made to private foundations under certain conditions.³⁹

REASONS FOR CHANGE

The Committee believes that extension of the enhanced deduction to include property assembled by the taxpayer will lead to increased charitable contributions of scientific property used for research and of computer technology and equipment.

EXPLANATION OF PROVISION

Under the provision, property assembled by the taxpayer, in addition to property constructed by the taxpayer, is eligible for either enhanced deduction. The Committee does not intend that old or used components assembled by the taxpayer into scientific property or computer technology or equipment are eligible for the enhanced deduction.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2001.

H. BASIS ADJUSTMENT TO STOCK OF S CORPORATION CONTRIBUTING APPRECIATED PROPERTY

(Sec. 109 of the Bill and Sec. 1367 of the Code)

PRESENT LAW

Under present law, if an S corporation contributes money or other property to a charity, each shareholder takes into account the shareholder's pro rata share of the contribution in determining its own income tax liability.⁴⁰ A shareholder of an S corporation reduces the basis in the stock of the S corporation by the amount of the charitable contribution that flows through to the shareholder.⁴¹

REASONS FOR CHANGE

The Committee wishes to preserve the benefit of providing a charitable contribution deduction for contributions of property by an S corporation with a fair market value in excess of its adjusted basis. Thus, the bill provides for a basis adjustment to the stock of the S corporation to prevent the later recognition of gain attrib-

³⁷ If the taxpayer constructed the property and reacquired such property, the contribution must be within three years of the date the original construction was substantially completed. Sec. 170(e)(6)(D)(i).

³⁸ This requirement does not apply if the property was reacquired by the manufacturer and contributed. Sec. 170(e)(6)(D)(ii).

³⁹ Sec. 170(e)(6)(C).

⁴⁰ Sec. 1366(a)(1)(A).

⁴¹ Sec. 1367(a)(2)(B).

utable to the contributed property on the disposition of the S corporation stock.

EXPLANATION OF PROVISION

The provision allows a shareholder in an S corporation to increase the basis of the S corporation stock by an amount equal to the excess of the charitable contribution deduction that flows through to the shareholder⁴² over the shareholder's pro rata share of the adjusted basis of the property contributed.⁴³

EFFECTIVE DATE

The provision applies to taxable years beginning after December 31, 2001.

I. INDIVIDUAL DEVELOPMENT ACCOUNTS

(Secs. 301–307 of the Bill)

PRESENT LAW

The Assets for Independence Act⁴⁴ authorizes \$25 million annually for a five-year demonstration Individual Development Account (“IDA”) program to evaluate the effects of savings incentives on persons of limited means. Means tested programs must disregard all funds in an IDA, including accruing interest, in determining an individual's eligibility. The demonstration program provides direct Federal funds to nonprofit organizations, States and localities, tribal governments, community-development financial institutions, and certain credit unions to match the amount of earnings deposited by eligible individuals. Grantees must provide nonFederal matching funds (one dollar per Federal grant dollar), and the maximum Federal grant is \$1 million for each project year. Eligible persons are those (1) who are eligible under the Temporary Assistance for Needy Families program, or (2) whose household net worth is below \$10,000 (“net worth test”), and who meet the greater of (a) the income limits of the earned income credit (taking into account the size of the household)⁴⁵ or (b) 200 percent of the poverty guideline (“income test”).

Each participant is eligible to receive up to \$2,000 in Federal funds plus accrued interest while they participate over the course of the project. Households may receive no more than \$4,000 in Federal grant funds over the course of the project. The projects must create trust or custodial accounts that permit withdrawals of account balances only for three designated purposes: (1) first home purchase, (2) business capitalization, and (3) postsecondary education. Emergency withdrawals (from the account holder's own deposits only) are allowed for three conditions—medical expenses, prevention of eviction or mortgage foreclosure, and living expenses after job losses.

⁴² The amount of the deduction flowing through to a shareholder is to be determined after the application of any provision of section 170 limiting the amount of the deduction to less than the fair market value of the property, but without regard to any percentage limitation that may be applicable to a shareholder under section 170(b).

⁴³ See Rev. Rul. 96–11, 1996–1 C.B. 140, for a similar rule applicable to contributions made by a partnership.

⁴⁴ Title IV of Pub. L. No. 105–285 (1998).

⁴⁵ Sec. 32(b)(2).

Each grantee is required to prepare an annual report on the progress of its project. These reports must be submitted to the Secretary of Health and Human Services, and if a tribe, State or local government committed funds to the project, to the Treasurer (or equivalent official) of the State in which the project is conducted. The Secretary of Health and Human Services is required to provide the results of these reports to Congress every 12 months until all of the demonstration projects are completed, and to submit a final report, setting forth the results and findings of all reports and evaluations, not later than 12 months after the conclusion of all demonstration projects. The Assets for Independence Act directs the Secretary of Health and Human Services to enter into a contract with an independent research organization to evaluate the projects, individually, and as a group. The Secretary of Health and Human Services may spend up to \$500,000 each fiscal year for evaluation expenses.

The demonstration program expires at the end of fiscal year 2003.

REASONS FOR CHANGE

The Committee seeks to expand the availability and use of IDAs, which promote work and asset-building among low-income families, rather than dependence on cash welfare and other benefits. These goals are consistent with the Committee's extensive activities in recent years to reform welfare by promoting work and independence from government benefits, as well as the Committee's recent activities to promote savings and investment through tax policy changes.

EXPLANATION OF PROVISION

The provision eliminates references to "demonstration" projects. The provision expands the category of qualified entities that could apply for IDA projects to include any federally-insured credit union.

The provision repeals the current household cap on receipt of Federal funds. The individual lifetime cap on receipt of Federal funds is replaced with an annual cap of \$500.

The provision increases the net worth test for eligible individuals from \$10,000 to \$20,000.

The provision extends the program for an additional five years, through fiscal year 2008. Under the provision, the annual program authorization would be doubled from \$25 million to \$50 million, beginning in fiscal year 2002.

The program modifications made under the provision and the "Assets for Independence Act Amendments of 2000"⁴⁶ apply to existing grants, as well as grants made on or after the date of enactment.

⁴⁶Title IV of H.R. 5656 as enacted by Pub. L. No. 106-554 (2000). The "Assets for Independence Act Amendments of 2000" (1) made matching contributions unavailable for emergency withdrawals, (2) added low income credit unions and community financial development institutions as qualified entities; (3) modified home purchase costs; (4) increased set-aside for economic literacy training and administrative costs; (5) added the 200 percent of poverty alternative to the income test; (6) revised the annual and interim progress report deadlines; (7) increased appropriations for evaluation expenses; and (8) provided that means tested programs must disregard all funds in an IDA, including accruing interest, in determining an individual's eligibility. *Id.* at secs. 602-610.

“(A) the amount allowable under subsection (a) for the taxable year for cash contributions, or

“(B) the applicable amount.

“(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount shall be determined as follows:

For taxable years beginning in:	The applicable amount is:
2002 and 2003	\$25
2004, 2005, 2006	\$50
2007, 2008, 2009	\$75
2010 and thereafter	\$100.

In the case of a joint return, the applicable amount is twice the applicable amount determined under the preceding table.”.

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 of such Code is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end thereof the following new paragraph:

“(3) the direct charitable deduction.”.

(2) DEFINITION.—Section 63 of such Code is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term ‘direct charitable deduction’ means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).”.

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 of such Code is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end thereof the following new paragraph:

“(3) the direct charitable deduction.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

“(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

“(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

“(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term ‘qualified charitable distribution’ means any distribution from an individual retirement account—

“(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 70½, and

“(ii) which is made directly by the trustee—

“(I) to an organization described in section 170(c), or

“(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

“(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

“(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

“(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under

EFFECTIVE DATE

The provision is effective on the date of enactment.

III. VOTES OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following statements are made concerning the votes of the Committee on Ways and Means in its consideration of the bill, H.R. 7.

MOTION TO REPORT THE BILL

The bill, H.R. 7, as amended, was ordered favorably reported by a rollcall vote of 23 yeas to 16 nays (with a quorum being present). The vote was as follows:

Representatives	Yea	Nay	Present	Representatives	Yea	Nay	Present
Mr. Thomas	X	.....	.....	Mr. Rangel .....	.....	X	.....
Mr. Crane	X	.....	.....	Mr. Stark .....	.....	X	.....
Mr. Shaw	X	.....	.....	Mr. Matsui .....	.....	X	.....
Mrs. Johnson	X	.....	.....	Mr. Coyne .....	.....	.....	.....
Mr. Houghton .....	.....	.....	.....	Mr. Levin .....	.....	X	.....
Mr. Herger	X	.....	.....	Mr. Cardin .....	.....	X	.....
Mr. McCrery	X	.....	.....	Mr. McDermott .....	.....	X	.....
Mr. Camp	X	.....	.....	Mr. Kleczka .....	.....	X	.....
Mr. Ramstad	X	.....	.....	Mr. Lewis (GA) .....	.....	X	.....
Mr. Nussle	X	.....	.....	Mr. Neal .....	.....	X	.....
Mr. Johnson	X	.....	.....	Mr. McNulty .....	.....	X	.....
Ms. Dunn	X	.....	.....	Mr. Jefferson .....	.....	X	.....
Mr. Collins	X	.....	.....	Mr. Tanner .....	.....	X	.....
Mr. Portman	X	.....	.....	Mr. Becerra .....	.....	X	.....
Mr. English	X	.....	.....	Mrs. Thurman .....	.....	X	.....
Mr. Watkins	X	.....	.....	Mr. Doggett .....	.....	X	.....
Mr. Hayworth	X	.....	.....	Mr. Pomeroy .....	.....	X	.....
Mr. Weller	X	.....	.....		
Mr. Hulshof	X	.....	.....		
Mr. McInnis	X	.....	.....		
Mr. Lewis (KY)	X	.....	.....		
Mr. Foley	X	.....	.....		
Mr. Brady	X	.....	.....		
Mr. Ryan	X	.....	.....		

VOTES ON AMENDMENTS

A rollcall vote was conducted on the following amendments to the amendment in the nature of a substitute.

An amendment by Mrs. Thurman, which would make the provisions in the bill contingent upon sufficient non-Social Security, non-Medicare surpluses, was defeated by a rollcall vote of 17 yeas to 23 nays. The vote was as follows:

Representatives	Yea	Nay	Present	Representatives	Yea	Nay	Present
Mr. Thomas	X	.....	Mr. Rangel	X	.....	.....
Mr. Crane	X	.....	Mr. Stark	X	.....	.....
Mr. Shaw	X	.....	Mr. Matsui	X	.....	.....
Mrs. Johnson	X	.....	Mr. Coyne .....	.....	.....	.....
Mr. Houghton	X	.....	.....	Mr. Levin	X	.....	.....
Mr. Herger	X	.....	Mr. Cardin	X	.....	.....
Mr. McCrery	X	.....	Mr. McDermott	X	.....	.....
Mr. Camp	X	.....	Mr. Kleczka	X	.....	.....
Mr. Ramstad	X	.....	Mr. Lewis (GA)	X	.....	.....
Mr. Nussle	X	.....	Mr. Neal	X	.....	.....
Mr. Johnson	X	.....	Mr. McNulty	X	.....	.....

Representatives	Yea	Nay	Present	Representatives	Yea	Nay	Present
Ms. Dunn		X		Mr. Jefferson	X		
Mr. Collins		X		Mr. Tanner	X		
Mr. Portman		X		Mr. Becerra	X		
Mr. English		X		Mrs. Thurman	X		
Mr. Watkins		X		Mr. Doggett	X		
Mr. Hayworth		X		Mr. Pomeroy	X		
Mr. Weller		X					
Mr. Hulshof		X					
Mr. McInnis		X					
Mr. Lewis (KY)		X					
Mr. Foley		X					
Mr. Brady		X					
Mr. Ryan		X					

An amendment by Mr. McDermott, which would add a new section relating to credits to holders of residential solar energy bonds, was defeated by a rollcall vote of 15 yeas to 24 nays, and 1 voting present. The vote was as follows:

Representatives	Yea	Nay	Present	Representatives	Yea	Nay	Present
Mr. Thomas		X		Mr. Rangel	X		
Mr. Crane		X		Mr. Stark	X		
Mr. Shaw		X		Mr. Matsui	X		
Mrs. Johnson		X		Mr. Coyne			
Mr. Houghton		X		Mr. Levin	X		
Mr. Herger		X		Mr. Cardin	X		
Mr. McCrery		X		Mr. McDermott	X		
Mr. Camp		X		Mr. Kleczka	X		
Mr. Ramstad		X		Mr. Lewis (GA)	X		
Mr. Nussle		X		Mr. Neal	X		
Mr. Johnson		X		Mr. McNulty	X		
Ms. Dunn		X		Mr. Jefferson	X		
Mr. Collins		X		Mr. Tanner			X
Mr. Portman		X		Mr. Becerra	X		
Mr. English		X		Mrs. Thurman	X		
Mr. Watkins		X		Mr. Doggett	X		
Mr. Hayworth		X		Mr. Pomeroy	X		
Mr. Weller		X					
Mr. Hulshof		X					
Mr. McInnis		X					
Mr. Lewis (KY)		X					
Mr. Foley		X					
Mr. Brady		X					
Mr. Ryan		X					

An amendment by Mr. Rangel, which would increase the top individual income tax rate by 0.2 percentage points for taxable years 2002 through 2005, and by 0.5 percentage points for taxable years 2006 through 2010, was defeated by a rollcall vote of 16 yeas to 23 nays. The vote was as follows:

Representatives	Yea	Nay	Present	Representatives	Yea	Nay	Present
Mr. Thomas		X		Mr. Rangel	X		
Mr. Crane		X		Mr. Stark	X		
Mr. Shaw		X		Mr. Matsui	X		
Mrs. Johnson		X		Mr. Coyne			
Mr. Houghton				Mr. Levin	X		
Mr. Herger		X		Mr. Cardin	X		
Mr. McCrery		X		Mr. McDermott	X		
Mr. Camp		X		Mr. Kleczka	X		
Mr. Ramstad		X		Mr. Lewis (GA)	X		
Mr. Nussle		X		Mr. Neal	X		
Mr. Johnson		X		Mr. McNulty	X		

Representatives	Yea	Nay	Present	Representatives	Yea	Nay	Present
Ms. Dunn		X	.....	Mr. Jefferson	X	.....	.....
Mr. Collins		X	.....	Mr. Tanner	X	.....	.....
Mr. Portman		X	.....	Mr. Becerra	X	.....	.....
Mr. English		X	.....	Mrs. Thurman	X	.....	.....
Mr. Watkins		X	.....	Mr. Doggett	X	.....	.....
Mr. Hayworth		X	.....	Mr. Pomeroy	X	.....	.....
Mr. Weller		X	.....			
Mr. Hulshof		X	.....			
Mr. McClinnis		X	.....			
Mr. Lewis (KY)		X	.....			
Mr. Foley		X	.....			
Mr. Brady		X	.....			
Mr. Ryan		X	.....			

IV. BUDGET EFFECTS OF THE BILL

A. COMMITTEE ESTIMATE OF BUDGETARY EFFECTS

In compliance with clause 3(d)(2) of the rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effects on the budget of the revenue provisions of the bill, H.R. 7 as reported.

The bill is estimated to have the following effects on budget receipts for fiscal years 2002–2006:

ESTIMATED BUDGET EFFECTS OF H.R. 7, THE “COMMUNITY SOLUTIONS ACT OF 2001,” AS
REPORTED BY THE COMMITTEE ON WAYS AND MEANS
[Fiscal years 2002–2006, in millions of dollars]

Provision	Effective	2002	2003	2004	2005	2006	2002–06
Charitable Giving Incentive Provisions							
1. Deduction for cash charitable contributions of individuals who do not itemize deductions in addition to their standard deduction; maximum deduction of \$25 single/\$50 joint for 2002 and 2003, \$50 single/\$100 joint for 2004 through 2006, \$75 single/\$150 joint for 2007 through 2009, and \$100 single/\$200 joint for 2010 and thereafter	tyba 12/31/01	–40	–269	–316	–561	–573	–1,759
2. Tax-free distributions from individual retirement accounts for charitable purposes for individuals age 70½ and above	tyba 12/31/01	–143	–233	–245	–259	–253	–1,133
3. Raise the cap on corporate charitable contributions from 10% to: 11% in 2002 through 2007, 12% in 2008, 13% in 2009, and 15% in 2010 and thereafter	cmi tyba 12/31/01	–28	–50	–52	–55	–41	–226
4. Extend present-law section 170(e)(3) deduction for food inventory to all businesses	tyba 12/31/01	–27	–46	–55	–61	–66	–255
5. Modify the section 4940(a) 2% excise tax to eliminate the 2-tier regime and impose 1% excise tax on net investment income	tyba 12/31/01	–118	–186	–195	–205	–215	–920
6. Modify the unrelated business income tax for charitable remainder trusts	tyba 12/31/01	.....	–5	–5	–5	–6	–21
7. Modify the self-constructed property rule for certain charitable contributions	cm a DOE	–1	–1	–1	–1	–1	–4

ESTIMATED BUDGET EFFECTS OF H.R. 7, THE "COMMUNITY SOLUTIONS ACT OF 2001," AS
REPORTED BY THE COMMITTEE ON WAYS AND MEANS—Continued
[Fiscal years 2002–2006, in millions of dollars]

Provision	Effective	2002	2003	2004	2005	2006	2002–06
8. Modify the basis of S corporation stock for certain charitable contributions	tyba 12/31/01	– 11	– 26	– 31	– 35	– 38	– 141
Net Total		– 368	– 816	– 900	– 1,182	– 1,193	– 4,459

Legend for "Effective" column: cma = contributions made after; cmi = contributions made in; DOE = date of payment; tyba = taxable years beginning after.

Note.—Details may not add to totals due to rounding.

Source: Joint Committee on Taxation.

**B. STATEMENT REGARDING NEW BUDGET AUTHORITY AND TAX
EXPENDITURES BUDGET AUTHORITY**

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee states that the bill involves new or increased budget authority (as detailed in the statement by the Congressional Budget Office ("CBO"); see Part IV.C., below). The Committee further states that the revenue reducing income tax provisions involve increased tax expenditures. (See amounts in table in Part IV.A., above.)

**C. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET
OFFICE**

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, requiring a cost estimate prepared by the CBO, the following statement by CBO is provided.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 16, 2001.

Hon. WILLIAM "BILL" M. THOMAS,
*Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 7, the Community Solutions Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Sheila Dacey (for federal spending), Erin Whitaker (for revenues), and Shelley Finlayson (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 7—Community Solutions Act of 2001

Summary: H.R. 7 would establish certain guidelines for religious organizations or their affiliates to receive federal funds for the provision of social services and would make several changes to tax law concerning deductions for charitable contributions. The Joint Committee on Taxation (JCT) estimates that the revenue loss associ-

ated with this legislation would be \$4.5 billion over the 2002–2006 period and more than \$13 billion over the 2002–2011 period. Because H.R. 7 would affect revenues, pay-as-you-go procedures would apply. The bill also would extend and expand the Assets for Independence Program that provides federal funds to encourage saving by low-income individuals. Assuming the appropriation of the specified amounts, CBO estimates that expansion would cost \$119 million over the 2002–2006 period.

The Joint Committee on Taxation has reviewed the tax provisions (parts of title I) of H.R. 7 and determined that they contain no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO reviewed the remaining provisions of the bill and found that section 104 contains an intergovernmental mandate as defined in UMRA because it would preempt certain state liability laws. CBO estimates that complying with this mandate would result in no direct costs to state governments and thus, would not exceed the threshold established in that act (\$56 million in 2001, adjusted annually for inflation). Title III of the bill also would establish new requirements and prohibitions on state and local governments as conditions of receiving federal assistance under numerous federal programs.

Estimated budgetary impact of H.R. 7 is shown in the following table. The cost of this legislation falls within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending for Individual Development Accounts Under Current Law:						
Authorization Level ¹	25	25	25	0	0	0
Outlays	9	17	23	24	13	4
Total Proposed Changes:						
Authorization Level	0	25	25	50	50	50
Outlays	0	1	12	23	37	46
Spending for Individual Development Accounts Under the Bill:						
Authorization Level ¹	25	50	50	50	50	50
Outlays	9	19	35	46	50	50
CHANGES IN REVENUES ²						
Deduct some charitable contributions of individuals who do not itemize deductions	0	–40	–269	–316	–561	–573
Allow tax-free distributions from individual retirement accounts for charitable purposes	0	–143	–233	–245	–259	–253
Raise the cap on corporate charitable contributions	0	–28	–50	–52	–55	–41
Expand and increase the charitable deduction for contributions of food	0	–27	–46	–55	–61	–66
Modify excise tax to eliminate the 2-tier regime and impose 1% excise tax on net investment income	0	–118	–186	–195	–205	–215
Modify the unrelated business income tax for charitable remainder trusts	0	0	–5	–5	–5	–6
Modify the self-constructed property rule for certain charitable contributions	0	1	–1	–1	–1	–1
Modify the basis of S corporation stock for certain charitable contributions	0	–11	–26	–31	–35	–38
Total Changes in Revenues	0	–368	–816	–900	–1,182	–1,193

¹The 2001 level is the amount appropriated for that year.

²All estimates of the revenue effects of H.R. 7 were provided to JCT.

Basis of estimate: For this estimate, CBO assumes that H.R. 7 will be enacted by the end of fiscal year 2001 and that the authorized amounts will be appropriated for each year.

Spending subject to appropriations

Title II—Expansion of Charitable Choice. H.R. 7 would establish certain guidelines for religious organizations or their affiliates to receive federal funds for the provision of social services. It also would require that any governmental organization that contracts with a religious organization to provide social services guarantee that eligible individuals who object to a specific service provider on religious grounds be directed to a different provider of comparable services. Although in many areas the number of provisions would be sufficient to ensure that alternative providers would be available, very small communities might find it difficult to comply with these requirements. Although the requirement to find an alternate provider could increase federal costs in some cases by requiring the federal government to pay a portion of the costs of such alternate providers, CBO has been unable to obtain data to estimate any such costs. However, CBO does not anticipate that any resulting costs to the federal government would be substantial.

Title III—Individual Development Accounts. Title III would reauthorize the Individual Development Accounts (IDA) program, currently authorized at \$25 million through 2003 under the Assets for Independence Act (Public Law 106–554). The IDA program provides matching funds to qualified low income individuals who save in order to encourage more savings. All deposits made by individuals and matching organizations in IDAs do not count toward the asset limits for federal means-tested benefits.

The bill would authorize \$50 million for 2002 and extend the authorization through 2008. The program is funded at \$25 million in 2001. Based on historical spending patterns, CBO estimates implementing this title would cost \$119 million over the 2002–2006 period.

The bill also would increase the net worth test for an eligible household from a maximum of \$10,000 to \$20,000, and replace the \$4,000 lifetime grant deposit limit for a household with an individual annual grant limit of \$500.

It is possible that expanding the IDA program could allow certain people with assets to participate in means-tested programs who would otherwise be ineligible, but CBO estimates that would have an insignificant effect (less than \$500,000 a year) on federal spending. While there are limited data on IDA participants, the available information indicates most participants would not deposit enough into their accounts to disqualify themselves from any federal means-tested program.

Revenues

H.R. 7 would allow taxpayers who do not itemize their deductions to deduct a limited amount of charitable contributions paid in cash. The deduction would phase in over time, and would be allowed in computing alternative minimum taxable income. In 2002 and 2003, a single taxpayer could deduct up to \$25 and married taxpayers filing jointly could deduct up to \$50, with the allowable deduction increasing to \$100 for a single taxpayer or \$200 for mar-

ried taxpayers in 2010 and thereafter. The bill would allow taxpayers to exclude from their gross income otherwise-taxable withdrawals from individual retirement accounts (IRAs) if those withdrawals were made for certain charitable distributions, were made after the IRA owner attained the age 70½, and were made directly by the IRA trustee to certain entities. The bill also would increase the penalty on certain trusts for failure to file a return.

H.R. 7 would increase the percentage limitation on modified taxable income for corporate charitable deductions from 10 percent to 15 percent, and phase in that increase over time. The bill would allow all taxpayers to claim enhanced deductions for donations of food that meets certain quality standards. The bill also would replace two rates of tax based on net investment income for private foundations not exempt from tax with a single rate of tax of one percent. It also would apply a 100-percent excise tax to any unrelated business taxable income of a trust that is required to pay a certain percentage of the value of the trust to a noncharity (charitable remainder trust), make donated scientific property or computer technology and equipment that is assembled by a taxpayer eligible for either of two enhanced charitable deductions in excess of the cost of the property, and allow shareholders of certain corporations to update the basis they hold in stock to a present value amount in order to take into account the shareholders' portion of charitable contributions made by those corporations.

The Joint Committee on Taxation estimates that the revenue loss associated with this legislation would be \$4.5 billion over the 2002–2006 period and more than \$13 billion over the 2002–2011 period.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars—										
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays						Not applicable					
Changes in receipts ¹	0	–368	–816	–900	–1,182	–1,193	–1,281	–1,583	–1,705	–1,901	–2,367

¹ Estimate was provided by JCT.

Estimated impact on state, local, and tribal governments: The Joint Committee on Taxation (JCT) has reviewed the tax provisions of H.R. 7 and CBO has reviewed the remaining provisions of the bill for intergovernmental mandates.

MANDATES

JCT determined that the tax provisions of H.R. 7 (part of title I) contain no intergovernmental mandates as defined in UMRA. CBO has reviewed the remaining provisions of the bill and has determined that section 104 contains an intergovernmental mandate as defined in UMRA because it would preempt inconsistent or more stringent state liability laws that hold businesses civilly liable for injuries or death that result from the use of equipment, facilities, or vehicles donated or lent to nonprofit organizations or for tours of business facilities. This preemption would be an intergovern-

mental mandate as defined in UMRA, but because the preemption is narrow and state governments could enact legislation to opt out, CBO estimates complying with this mandate would result in no direct costs. Thus, the threshold established in that act (\$56 million in 2001, adjusted annually for inflation) would not be exceeded.

OTHER IMPACTS

Title II would establish new requirements and prohibitions on how state and local governments receive and use federal funds under numerous federal programs. Such programs include anything related to hunger relief activities, federal housing under the Community Development Block Grant Program, prevention of domestic violence under the Child Abuse Prevention and Treatment Act, and services for the elderly under the Older Americans Act. Specifically, title II would require state and local governments to consider religious organizations on the same basis as other organizations to provide assistance under programs carried out using federal funds.

The bill also would require that the appropriate government entity notify applicants and recipients about provider options and provide, in a timely manner, an equivalent alternative from a nonreligious provider if a recipient objects to receiving services from a religious provider. In addition, state and local governments that discriminate on the basis of religion in selecting service providers could be sued for injunctive relief. All of those requirements are conditions of federal assistance, and therefore, are not mandates under UMRA. However, those requirements could increase state and local costs to administer numerous federal programs. In particular, some small communities could find it difficult or costly to comply with the alternate provider requirements. CBO does not have sufficient information to estimate for aggregate costs nationwide.

Estimated impact on the private sector: This bill contains no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On July 11, 2001, CBO transmitted a cost estimate for H.R. 7, the Community Solutions Act of 2001, as ordered reported by the House Committee on the Judiciary on June 28, 2001. That bill included somewhat different provisions related to tax changes and individual development accounts.

The House Judiciary Committee's version of H.R. 7 would allow taxpayers to deduct charitable contributions up to the amount of the standard deduction. The bill included slightly different provisions relating to tax-free distributions from individual retirement accounts and charitable deductions for contributions on food. In addition, it included a tax credit for financial institutions running individual development account programs, rather than a grant program to encourage such accounts. The Joint Committee on Taxation estimates that the revenue loss associated with those changes would be almost \$50 billion over the 2002–2006 period and more than \$120 billion over the 2002–2011 period.

While this version of H.R. 7 differs from the version ordered reported by the House Judiciary Committee, CBO's estimate of the costs to state and local governments is the same for both versions.

Estimate prepared by: Federal Spending: Sheila Dacey, Donna Wong, and Geoff Gerhardt; Federal Revenues: Erin Whitaker; Im-

pact on State, Local, and Tribal Governments: Shelly Finlayson; and Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis. G. Thomas Woodward, Assistant Director for Tax Analysis Division.

V. OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE

A. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives (relating to oversight findings), the Committee advises that it was a result of the Committee's oversight review concerning the tax burden on individual taxpayers and the tax rules relating to charitable giving and the impact of these rules on charitable organizations that the Committee concluded that it is appropriate and timely to enact the revenue provisions included in the bill as reported.

B. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of that part of this legislation that authorizes funding (i.e., individual development accounts) are to encourage savings of certain lower-income individuals.

C. CONSTITUTIONAL AUTHORITY STATEMENT

With respect to clause 3(d)(1) of the rule XIII of the Rules of the House of Representatives (relating to Constitutional Authority), the Committee states that the Committee's action in reporting this bill is derived from Article I of the Constitution, Section 8 ("The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises * * *"), and from the 16th Amendment to the Constitution.

D. INFORMATION RELATING TO UNFUNDED MANDATES

This information is provided in accordance with section 423 of the Unfunded Mandates Act of 1995 (P.L. 104-4).

The Committee has determined that the bill does not contain Federal mandates on the private sector. The Committee has determined that the bill does not impose a Federal intergovernmental mandate on State, local, or tribal governments.

E. APPLICABILITY OF HOUSE RULE XXI 5(b)

Rule XXI 5(b) of the Rules of the House of Representatives provides, in part, that "A bill or joint resolution, amendment, or conference report carrying a Federal income tax rate increase may not be considered as passed or agreed to unless so determined by a vote of not less than three-fifths of the Members voting, a quorum being present." The Committee has carefully reviewed the provisions of the bill, and states that the provisions of the bill do not involve any Federal income tax rate increases within the meaning of the rule.

F. TAX COMPLEXITY ANALYSIS

The following tax complexity analysis is provided pursuant to section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998, which requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service (“IRS”) and the Treasury Department) to provide a complexity analysis of tax legislation reported by the House Committee on Ways and Means, the Senate Committee on Finance, or a Conference Report containing tax provisions. The complexity analysis is required to report on the complexity and administrative issues raised by provisions that directly or indirectly amend the Internal Revenue Code and that have widespread applicability to individuals or small businesses. For each such provision identified by the staff of the Joint Committee on Taxation, a summary description of the provision is provided along with an estimate of the number and type of affected taxpayers, and a discussion regarding the relevant complexity and administrative issues.

Following the analysis of the staff of the Joint Committee on Taxation are the comments of the IRS and the Treasury Department regarding each of the provisions included in the complexity analysis, including a discussion of the likely effect on IRS forms and any expected impact on the IRS.

Charitable deduction for nonitemizers (sec. 101 of the bill)

Summary description of provision

The provision permits an individual taxpayer who does not itemize deductions to take a deduction for charitable contributions paid in cash. The deduction is allowed in addition to the standard deduction and is calculated as the lesser of (1) the amount allowable to itemizers as a charitable deduction for cash contributions and (2) an applicable amount. The applicable amount is \$25 (\$50 in the case of a joint return) in 2002 and 2003, \$50 (\$100 in the case of a joint return) in 2004 through 2006, \$75 (\$150 in the case of a joint return) in 2007 through 2009, and \$100 (\$200 in the case of a joint return) in 2010 and thereafter.

Number of affected taxpayers

It is estimated that the provision will affect approximately 43 million individual tax returns.

Discussion

Individuals who do not itemize their deductions will need to keep additional records (e.g., canceled checks, a receipt from the donee organization, or other reliable written records) in order to substantiate that a contribution was made to a qualified charitable organization. The information necessary to implement the provision should be readily available to taxpayers (in the form of new tax return forms and instructions). The nonitemizer charitable contribution deduction is expected to require an additional line on the individual income tax return forms. The provision might result in an increase in disputes with the IRS for taxpayers who are unable to substantiate a claimed deduction. Additional regulatory guidance will not be necessary to implement this provision. Any increase in tax preparation costs is expected to be negligible.

section 170 (determined without regard to subsection (b) thereof and this paragraph).

“(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would be so includible if all amounts were distributed from all individual retirement accounts otherwise taken into account in determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

“(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

“(i) CHARITABLE REMAINDER TRUSTS.—Distributions made from an individual retirement account to a trust described in subparagraph (G)(ii)(I) shall be treated as income described in section 664(b)(1) except to the extent that the beneficiary of the individual retirement account notifies the trustee of the trust of the amount which is not allocable to income under subparagraph (D).

“(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)(II)) by reason of a qualified charitable distribution to such fund.

“(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

“(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

“(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term ‘split-interest entity’ means—

“(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

“(ii) a pooled income fund (as defined in section 642(c)(5)), and

“(iii) a charitable gift annuity (as defined in section 501(m)(5)).”

(b) MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.—

(1) RETURNS.—Section 6034 of such Code (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

“SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).—

“(a) TRUSTS DESCRIBED IN SECTION 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

“(b) TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).—

“(1) IN GENERAL.—Every trust not required to file a return under subsection (a) but claiming a charitable, etc., deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including:

“(A) the amount of the charitable, etc., deduction taken under section 642(c) within such year,

“(B) the amount paid out within such year which represents amounts for which charitable, etc., deductions under section 642(c) have been taken in prior years,

“(C) the amount for which charitable, etc., deductions have been taken in prior years but which has not been paid out at the beginning of such year,

“(D) the amount paid out of principal in the current and prior years for charitable, etc., purposes,

“(E) the total income of the trust within such year and the expenses attributable thereto, and

“(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries. Paragraph (1) shall not apply in the case of a trust described in section 4947(a)(1).”

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) of such Code (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, July 13, 2001.

Ms. LINDY L. PAULL,
Chief of Staff, Joint Committee on Taxation,
Washington, DC

DEAR MS. PAULL: Enclosed are the combined comments of the Internal Revenue Service and the Treasury Department on the provisions from the House Committee on Ways and Means markup of the "Community Solutions Act of 2001" that you identified for complexity analysis in your letter of July 10, 2001. Our comments are based on the description of those provisions in JCX-58-01, Joint Committee on Taxation, description of an Amendment in the Nature of a Substitute to H.R. 7, July 10, 2001, and the statutory language for the substitute published in the Daily Tax Report on July 12, 2001.

Due to the short turnaround time, our comments are provisional and subject to change upon a more complete and in-depth analysis of the provisions.

Sincerely,

CHARLES O. ROSSOTTI.

Enclosure.

COMPLEXITY ANALYSIS OF COMMUNITY SOLUTIONS ACT OF 2001

CHARITABLE DEDUCTION FOR NON-ITEMIZERS

Provision: Individuals who do not itemize deductions would be allowed a deduction from adjusted gross income for charitable contributions paid in cash. This deduction would be in addition to the standard deduction and would be calculated as the lesser of (i) the amount allowable to itemizers as a charitable deduction for cash contributions and (ii) an applicable amount. The applicable amount would be \$25 (\$50 in the case of a joint return) in 2002 and 2003, \$50 (\$100 in the case of a joint return) in 2004 through 2006, \$75 (\$150 in the case of a joint return) in 2007 through 2009, and \$100 (\$200 in the case of a joint return) in 2010 and thereafter. The deduction would be allowed in computing alternative minimum taxable income. The provision would be effective for taxable years beginning after December 31, 2001.

IRS and Treasury Comments

- Two lines would have to be added to Forms 1040, 1040A, 1040EZ, 1040NR, and 1040NR-EZ and to the TeleFile tax Record beginning in 2002—one for entering the new deduction, the second for subtracting the new deduction to derive the subtotal. All taxpayers, including those who itemize and those who have no charitable deductions for the year, would need to make an entry on the subtotal line. No new forms would be required.
- The deduction would have to be reflected on Forms 1040-ES and 6251 for 2002. The Form 1040-ES instruc-

tions for 2004, 2007, and 2010 would have to be modified to reflect the phase-in of the deduction amount.

- Information necessary for taxpayers to determine their eligibility for the deduction would have to be reflected in the instructions for Forms 1040, 1040A, 1040EZ, 1040NR, and 1040NR-EZ and for TeleFile beginning in 2002. The Instructions for 2004, 2007, and 2010 forms would have to be revised to reflect the phase-in of the deduction.

- Programming changes would be required to reflect the new deduction and the phase-in of the amount of the deduction. Currently, IRS tax computation programs are updated annually to incorporate mandated inflation adjustments. Programming changes necessitated by this provision would be included during that process.

- The TeleFile script would have to be expanded to accommodate the deduction, thereby increasing the time needed to file by TeleFile.

- Ensuring compliance with the direct charitable deduction would be difficult. The only means of verifying amounts deducted would be through examination, which is not practical because of the small amounts involved.

G. COMMITTEE CORRESPONDENCE

COMMITTEE ON EDUCATION AND THE WORKFORCE,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2001.

Hon. WILLIAM M. THOMAS,
*Chairman, Committee on Ways and Means, Longworth House Office
Building, Washington, DC.*

DEAR CHAIRMAN THOMAS: Thank you for working with me regarding H.R. 7, the Community Solutions Act of 2001, which was referred to the Committee on Ways and Means and in addition the Committee on the Judiciary. As you know, the Committee on Education and the Workforce holds a jurisdictional interest in this legislation and I appreciate your acknowledgement of that jurisdictional interest. While the bill would be sequentially referred to the Education and the Workforce Committee, I understand the desire to have this legislation considered expeditiously by the House; hence, I do not intend to hold a hearing or markup on this legislation.

In agreeing to waive consideration by our Committee, I would expect you to agree that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on this or any similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. I would also expect your support in my request to the Speaker for the appointment of conferees from my Committee with respect to matters within the jurisdiction of my Committee should a conference with the Senate be convened on this or similar legislation.

Again, thank you for your letter. I would appreciate your including our exchange of letters in your Committee's report to accompany H.R. 7. Again, I thank you for working with me in developing

this legislation and I look forward to working with you on these issues in the future.

Sincerely,

JOHN BOEHNER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 12, 2001.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your letter regarding H.R. 7, the "Community Solutions Act of 2001."

As you have noted, the Committee on Ways and Means has ordered favorably reported H.R. 7, the "Community Solutions Act of 2001." I appreciate your agreement to expedite the passage of this legislation despite affecting programs within the jurisdiction of the Committee on Financial Services. I acknowledge your decision to forego further action on the bill was based on our mutual understanding that it will not prejudice the Committee on Financial Services with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Finally, I will include in the Congressional Record a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Sincerely,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 11, 2001.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN, THOMAS: I understand that the Committee on Ways of Means recently ordered reported H.R. 7, the Community Solutions Act of 2001. As you know, the legislation contains provisions relating to community development block grants (CDBGs) and other programs under the Nation's housing laws which fall within the jurisdiction of the Committee on Financial Services pursuant to clause 1(g) of rule X of the Rules of the House of Representatives.

Because of your willingness to consult with the Committee on Financial Services regarding this matter and the need to move this legislation expeditiously, I will waive consideration of the bill by the Financial Services Committee. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over H.R. 7. In addition, the Committee on Financial Services reserves its authority to seek conferees on any provisions of the bill that are within the Financial Services Committee's

jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conferees on H.R. 7 or related legislation.

I request that you include this letter and your response as part of your committee's report on the bill and the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 16, 2001.

Hon. JOHN A. BOEHNER,
*Chairman, Committee on Education and the Workforce,
Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN BOEHNER: Thank you for your letter regarding H.R. 7, the "Community Solutions Act of 2001."

As you have noted, the Committee on Ways and Means has ordered favorably reported H.R. 7, the "Community Solutions Act of 2001." I appreciate your agreement to expedite the passage of this legislation despite affecting programs within the jurisdiction of Committee on Education and the Workforce. I acknowledge your decision to forego further action on the bill was based on the understanding that it will not prejudice the Committee on Education and the Workforce with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Finally, I will include in the Congressional Record a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The bill was referred to this committee, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by that portion of the bill within the jurisdiction of the Committee on the Judiciary, as reported, are shown in part 1 of this report and changes in existing law made by that portion of the bill within the jurisdiction of the Committee on Ways and Means, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

INTERNAL REVENUE CODE OF 1986

* * * * *

Subtitle A—Income Taxes

* * * * *

CHAPTER 1—NORMAL TAXES AND SURTAXES

* * * * *

Subchapter B—Computation of Taxable Income

* * * * *

PART I—DEFINITION OF GROSS INCOME, ADJUSTED
GROSS INCOME, TAXABLE INCOME, ETC.

* * * * *

SEC. 63. TAXABLE INCOME DEFINED.

(a) * * *

(b) INDIVIDUALS WHO DO NOT ITEMIZE THEIR DEDUCTIONS.—In the case of an individual who does not elect to itemize his deductions for the taxable year, for purposes of this subtitle, the term “taxable income” means adjusted gross income, minus—

(1) the standard deduction, [and]

(2) the deduction for personal exemptions provided in section 151[.], and

(3) the direct charitable deduction.

* * * * *

(d) ITEMIZED DEDUCTIONS.—For purposes of this subtitle, the term “itemized deductions” means the deductions allowable under this chapter other than—

(1) the deductions allowable in arriving at adjusted gross income, [and]

(2) the deduction for personal exemptions provided by section 151[.], and

(3) the direct charitable deduction.

* * * * *

(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term “direct charitable deduction” means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).

[(g)] (h) MARITAL STATUS.—For purposes of this section, marital status shall be determined under section 7703.

* * * * *

PART VI—ITEMIZED DEDUCTIONS FOR INDIVIDUALS
AND CORPORATIONS

* * * * *

SEC. 170. CHARITABLE, ETC., CONTRIBUTIONS AND GIFTS.

(a) * * *

(b) PERCENTAGE LIMITATIONS.—

(1) * * *

(2) CORPORATIONS.—In the case of a corporation, the total deductions under subsection (a) for any taxable year shall not exceed **10 percent** *the applicable percentage* of the taxpayer's taxable income computed without regard to—

(A) * * *

* * * * *

(3) *APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:*

<i>For taxable years beginning in calendar year—</i>	<i>The applicable percentage is—</i>
2002 through 2007	11
2008	12
2009	13
2010 and thereafter	15.

* * * * *

(e) CERTAIN CONTRIBUTIONS OF ORDINARY INCOME AND CAPITAL GAIN PROPERTY.—

(1) * * *

* * * * *

(3) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF INVENTORY AND OTHER PROPERTY.—

(A) * * *

* * * * *

(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

(i) GENERAL RULE.—*In the case of a charitable contribution of food, this paragraph shall be applied—*

(I) *without regard to whether the contribution is made by a C corporation, and*

(II) *only for food that is apparently wholesome food.*

(ii) DETERMINATION OF FAIR MARKET VALUE.—*In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).*

(iii) APPARENTLY WHOLESOME FOOD.—*For purposes of this subparagraph, the term “apparently wholesome food” shall have the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.*

[(C)] (D) This paragraph shall not apply to so much of the amount of the gain described in paragraph (1)(A) which would be long-term capital gain but for the application of sections 617, 1245, 1250, or 1252.

(4) SPECIAL RULE FOR CONTRIBUTIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(A) * * *

(B) QUALIFIED RESEARCH CONTRIBUTIONS.—For purposes of this paragraph, the term “qualified research contribution” means a charitable contribution by a corporation of tangible personal property described in paragraph (1) of section 1221(a), but only if—

(i) * * *

(ii) the property is constructed *or assembled* by the taxpayer,

* * * * *

(6) SPECIAL RULE FOR CONTRIBUTIONS OF COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(A) * * *

(B) QUALIFIED COMPUTER CONTRIBUTION.—For purposes of this paragraph, the term “qualified computer contribution” means a charitable contribution by a corporation of any computer technology or equipment, but only if—

(i) * * *

(ii) the contribution is made not later than 3 years after the date the taxpayer acquired the property (or in the case of property constructed *or assembled* by the taxpayer, the date the construction *or assembling* of the property is substantially completed),

* * * * *

(D) DONATIONS OF PROPERTY REACQUIRED BY MANUFACTURER.—In the case of property which is reacquired by the person who constructed *or assembled* the property—

(i) subparagraph (B)(ii) shall be applied to a contribution of such property by such person by taking into account the date that the original construction *or assembling* of the property was substantially completed, and

(ii) subparagraph (B)(iii) shall not apply to such contribution.

* * * * *

(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

(1) IN GENERAL.—In the case of an individual who does not itemize his deductions for the taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the lesser of—

(A) the amount allowable under subsection (a) for the taxable year for cash contributions, or

(B) the applicable amount.

(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount shall be determined as follows:

<i>For taxable years beginning in:</i>	<i>The applicable amount is:</i>
2002 and 2003	\$25
2004, 2005, 2006	\$50
2007, 2008, 2009	\$75
2010 and thereafter	\$100.

In the case of a joint return, the applicable amount is twice the applicable amount determined under the preceding table.

[(m)] (n) OTHER CROSS REFERENCES.—

(1) * * *

* * * * *

Subchapter D—Deferred Compensation, Etc.

* * * * *

PART I—PENSION, PROFIT-SHARING, STOCK BONUS PLANS, ETC.

* * * * *

Subpart A—General Rule

* * * * *

SEC. 408. INDIVIDUAL RETIREMENT ACCOUNTS.

(a) * * *

* * * * *

(d) TAX TREATMENT OF DISTRIBUTIONS.—

(1) * * *

* * * * *

(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term “qualified charitable distribution” means any distribution from an individual retirement account—

(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 70½, and

(ii) which is made directly by the trustee—

(I) to an organization described in section 170(c),

or

(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable

under section 170 (determined without regard to subsection (b) thereof and this paragraph).

(ii) *SPLIT-INTEREST GIFTS.*—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

(D) *APPLICATION OF SECTION 72.*—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would be so includible if all amounts were distributed from all individual retirement accounts otherwise taken into account in determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

(E) *SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.*—

(i) *CHARITABLE REMAINDER TRUSTS.*—Distributions made from an individual retirement account to a trust described in subparagraph (G)(ii)(I) shall be treated as income described in section 664(b)(1) except to the extent that the beneficiary of the individual retirement account notifies the trustee of the trust of the amount which is not allocable to income under subparagraph (D).

(ii) *POOLED INCOME FUNDS.*—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)(II)) by reason of a qualified charitable distribution to such fund.

(iii) *CHARITABLE GIFT ANNUITIES.*—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

(F) *DENIAL OF DEDUCTION.*—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

(G) *SPLIT-INTEREST ENTITY DEFINED.*—For purposes of this paragraph, the term “split-interest entity” means—

(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

(ii) a pooled income fund (as defined in section 642(c)(5)), and

(iii) a charitable gift annuity (as defined in section 501(m)(5)).

* * * * *

Subchapter F—Exempt Organizations

* * * * *

**PART III—TAXATION OF BUSINESS INCOME OF CERTAIN
EXEMPT ORGANIZATIONS**

* * * * *

SEC. 512. UNRELATED BUSINESS TAXABLE INCOME.

(a) * * *

(b) MODIFICATIONS.—The modifications referred to in subsection (a) are the following:

(1) * * *

* * * * *

(10) In the case of any organization described in section 511(a), the deduction allowed by section 170 (relating to charitable etc. contributions and gifts) shall be allowed (whether or not directly connected with the carrying on of the trade or business), but shall not exceed **10 percent** *the applicable percentage (determined under section 170(b)(3))* of the unrelated business taxable income computed without the benefit of this paragraph.

* * * * *

**Subchapter G—Corporations Used to Avoid
Income Tax on Shareholders**

* * * * *

PART II—PERSONAL HOLDING COMPANIES

* * * * *

SEC. 545. UNDISTRIBUTED PERSONAL HOLDING COMPANY INCOME.

(a) * * *

(b) ADJUSTMENTS TO TAXABLE INCOME.—For the purposes of subsection (a), the taxable income shall be adjusted as follows:

(1) * * *

(2) CHARITABLE CONTRIBUTIONS.—The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b)(1)(A), (B), and (D) shall apply, and section 170(b)(2) and (d)(1) shall not apply. For purposes of this paragraph, the term “contribution base” when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the **10-percent limitation** *applicable percentage limitation*) provided in section 170(b)(2) and (d)(1) and without deduction of the amount disallowed under paragraph (6) of this subsection.

* * * * *

PART III—FOREIGN PERSONAL HOLDING COMPANIES

* * * * *

SEC. 556. UNDISTRIBUTED FOREIGN PERSONAL HOLDING COMPANY INCOME.

(a) * * *

(b) ADJUSTMENTS TO TAXABLE INCOME.—For the purposes of subsection (a), the taxable income shall be adjusted as follows:

“(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

“(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

“(ii) in the case of any trust with gross income in excess of \$250,000, the first sentence of paragraph (1)(A) shall be applied by substituting ‘\$100’ for ‘\$20’, and the second sentence thereof shall be applied by substituting ‘\$50,000’ for ‘\$10,000’, and

“(iii) the third sentence of paragraph (1)(A) shall be disregarded.

If the person required to file such return knowingly fails to file the return, such person shall be personally liable for the penalty imposed pursuant to this subparagraph.”.

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 of such Code (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: “In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).”.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2001.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 (relating to corporations) is amended by striking “10 percent” and inserting “the applicable percentage”.

(b) APPLICABLE PERCENTAGE.—Subsection (b) of section 170 of such Code is amended by adding at the end the following new paragraph:

“(3) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

“For taxable years beginning in calendar year—	The applicable percentage is—
2002 through 2007	11
2008	12
2009	13
2010 and thereafter	15.”.

(c) CONFORMING AMENDMENTS.—

(1) Sections 512(b)(10) and 805(b)(2)(A) of such Code are each amended by striking “10 percent” each place it occurs and inserting “the applicable percentage (determined under section 170(b)(3))”.

(2) Sections 545(b)(2) and 556(b)(2) of such Code are each amended by striking “10-percent limitation” and inserting “applicable percentage limitation”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 104. CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS.

(a) DEFINITIONS.—For purposes of this section:

(1) AIRCRAFT.—The term “aircraft” has the meaning provided that term in section 40102(6) of title 49, United States Code.

(2) BUSINESS ENTITY.—The term “business entity” means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(3) EQUIPMENT.—The term “equipment” includes mechanical equipment, electronic equipment, and office equipment.

(4) FACILITY.—The term “facility” means any real property, including any building, improvement, or appurtenance.

(5) GROSS NEGLIGENCE.—The term “gross negligence” means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(6) INTENTIONAL MISCONDUCT.—The term “intentional misconduct” means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(7) MOTOR VEHICLE.—The term “motor vehicle” has the meaning provided that term in section 30102(6) of title 49, United States Code.

(8) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means—

(1) * * *

(2) CHARITABLE CONTRIBUTIONS.—The deduction for charitable contributions provided under section 170 shall be allowed, but in computing such deduction the limitations in section 170(b)(1)(A), (B), and (D) shall apply, and section 170(b)(2) and (d)(1) shall not apply. For purposes of this paragraph, the term “contribution base” when used in section 170(b)(1) means the taxable income computed with the adjustments (other than the **[10-percent limitation]** *applicable percentage limitation*) provided in section 170(b)(2) and (d)(1) and without the deduction of the amounts disallowed under paragraphs (5) and (6) of this subsection or the inclusion in gross income of the amounts includible therein as dividends by reason of the application of the provisions of section 555(b) (relating to the inclusion in gross income of a foreign personal holding company of its distributive share of the undistributed foreign personal holding company income of another company in which it is a shareholder).

* * * * *

Subchapter J—Estates, Trusts, Beneficiaries, and Decedents

* * * * *

PART I—ESTATES, TRUSTS, AND BENEFICIARIES

* * * * *

Subpart C—Estates and Trusts Which May Accumulate Income or Which Distribute Corpus

* * * * *

SEC. 664. CHARITABLE REMAINDER TRUSTS.

(a) * * *

* * * * *

[(c) EXEMPTION FROM INCOME TAXES.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle, unless such trust, for such year, has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust).]

(c) TAXATION OF TRUSTS.—

(1) INCOME TAX.—*A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.*

(2) EXCISE TAX.—

(A) IN GENERAL.—*In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.*

(B) *CERTAIN RULES TO APPLY.*—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

(C) *CHARACTER OF DISTRIBUTIONS AND COORDINATION WITH DISTRIBUTION REQUIREMENTS.*—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

(i) subsection (b),

(ii) determining the value of trust assets under subsection (d)(2), and

(iii) determining income under subsection (d)(3).

(D) *TAX COURT PROCEEDINGS.*—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.

* * * * *

Subchapter L—Insurance Companies

* * * * *

PART I—LIFE INSURANCE COMPANIES

* * * * *

Subpart C—Life Insurance Deductions

* * * * *

SEC. 805. GENERAL DEDUCTIONS.

(a) * * *

(b) *MODIFICATIONS.*—The modifications referred to in subsection (a)(8) are as follows:

(1) * * *

(2) *CHARITABLE, ETC., CONTRIBUTIONS AND GIFTS.*—In applying section 170—

(A) the limit on the total deductions under such section provided by section 170(b)(2) shall be **[10 percent]** *the applicable percentage (determined under section 170(b)(3))* of the life insurance company taxable income computed without regard to—

(i) * * *

* * * * *

Subchapter S—Tax Treatment of S Corporations and Their Shareholders

* * * * *

PART II—TAX TREATMENT OF SHAREHOLDERS

* * * * *

SEC. 1367. ADJUSTMENTS TO BASIS OF STOCK OF SHAREHOLDERS, ETC.

(a) *GENERAL RULE.*—

(1) INCREASES IN BASIS.—The basis of each shareholder's stock in an S corporation shall be increased for any period by the sum of the following items determined with respect to that shareholder for such period:

(A) the items of income described in subparagraph (A) of section 1366(a)(1),

(B) any nonseparately computed income determined under subparagraph (B) of section 1366(a)(1), **[and]**

(C) the excess of the deductions for depletion over the basis of the property subject to depletion**[.]**, and

(D) the excess of the amount of the shareholder's deduction for any charitable contribution made by the S corporation over the shareholder's proportionate share of the adjusted basis of the property contributed.

* * * * *

Subtitle D—Miscellaneous Excise Taxes

* * * * *

CHAPTER 42—PRIVATE FOUNDATIONS AND CERTAIN OTHER TAX-EXEMPT ORGANIZATIONS

* * * * *

Subchapter A—Private Foundations

* * * * *

SEC. 4940. EXCISE TAX BASED ON INVESTMENT INCOME.

(a) TAX-EXEMPT FOUNDATIONS.—There is hereby imposed on each private foundation which is exempt from taxation under section 501(a) for the taxable year, with respect to the carrying on of its activities, a tax equal to **[2]** 1 percent of the net investment income of such foundation for the taxable year.

* * * * *

[(e) REDUCTION IN TAX WHERE PRIVATE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—

[(1) IN GENERAL.—In the case of any private foundation which meets the requirements of paragraph (2) for any taxable year, subsection (a) shall be applied with respect to such taxable year by substituting “1 percent” for “2 percent”.

[(2) REQUIREMENTS.—A private foundation meets the requirements of this paragraph for any taxable year if—

[(A) the amount of the qualifying distributions made by the private foundation during such taxable year equals or exceeds the sum of—

[(i) an amount equal to the assets of such foundation for such taxable year multiplied by the average percentage payout for the base period, plus

[(ii) 1 percent of the net investment income of such foundation for such taxable year, and

[(B) such private foundation was not liable for tax under section 4942 with respect to any year in the base period.]

[(3) AVERAGE PERCENTAGE PAYOUT FOR BASE PERIOD.—For purposes of this subsection—

[(A) IN GENERAL.—The average percentage payout for the base period is the average of the percentage payouts for taxable years in the base period.]

[(B) PERCENTAGE PAYOUT.—The term “percentage payout” means, with respect to any taxable year, the percentage determined by dividing—

[(i) the amount of the qualifying distributions made by the private foundation during the taxable year, by

[(ii) the assets of the private foundation for the taxable year.]

[(C) SPECIAL RULE WHERE TAX REDUCED UNDER THIS SUBSECTION.—For purposes of this paragraph, if the amount of the tax imposed by this section for any taxable year in the base period is reduced by reason of this subsection, the amount of the qualifying distributions made by the private foundation during such year shall be reduced by the amount of such reduction in tax.]

[(4) BASE PERIOD.—For purposes of this subsection—

[(A) IN GENERAL.—The term “base period” means, with respect to any taxable year, the 5 taxable years preceding such taxable year.]

[(B) NEW PRIVATE FOUNDATIONS, ETC.—If an organization has not been a private foundation throughout the base period referred to in subparagraph (A), the base period shall consist of the taxable years during which such foundation has been in existence.]

[(5) OTHER DEFINITIONS.—For purposes of this subsection—

[(A) QUALIFYING DISTRIBUTION.—The term “qualifying distribution” has the meaning given such term by section 4942(g).]

[(B) ASSETS.—The assets of a private foundation for any taxable year shall be treated as equal to the excess determined under section 4942(e)(1).]

[(6) TREATMENT OF SUCCESSOR ORGANIZATIONS, ETC.—In the case of—

[(A) a private foundation which is a successor to another private foundation, this subsection shall be applied with respect to such successor by taking into account the experience of such other foundation, and

[(B) a merger, reorganization, or division of a private foundation, this subsection shall be applied under regulations prescribed by the Secretary.]]

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Subtitle F—Procedures and Administration

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CHAPTER 61—INFORMATION AND RETURNS

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Subchapter A—Returns and Records

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PART III—INFORMATION RETURNS

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Subpart A—Information Concerning Persons Subject to Special Provisions

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[SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(A)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(C).

[(a) **GENERAL RULE.**—Every trust described in section 4947(a)(2) or claiming a charitable, etc., deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

[(1) the amount of the charitable, etc., deduction taken under section 642(c) within such year,

[(2) the amount paid out within such year which represents amounts for which charitable, etc., deductions under section 642(c) have been taken in prior years,

[(3) the amount for which charitable, etc., deductions have been taken in prior years but which has not been paid out at the beginning of such year,

[(4) the amount paid out of principal in the current and prior years for charitable, etc., purposes,

[(5) the total income of the trust within such year and the expenses attributable thereto, and

[(6) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

[(b) **EXCEPTIONS.**—This section shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries. This section shall not apply in the case of a trust described in section 4947(a)(1).

[(c) **CROSS REFERENCE.**—

[For provisions relating to penalties for failure to file a return required by this section, see section 6652(c).]

SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

(a) *TRUSTS DESCRIBED IN SECTION 4947(a)(2).*—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

(b) *TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).*—

(1) *IN GENERAL.*—Every trust not required to file a return under subsection (a) but claiming a charitable, etc., deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including:

(A) *the amount of the charitable, etc., deduction taken under section 642(c) within such year,*

(B) *the amount paid out within such year which represents amounts for which charitable, etc., deductions under section 642(c) have been taken in prior years,*

(C) *the amount for which charitable, etc., deductions have been taken in prior years but which has not been paid out at the beginning of such year,*

(D) *the amount paid out of principal in the current and prior years for charitable, etc., purposes,*

(E) *the total income of the trust within such year and the expenses attributable thereto, and*

(F) *a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.*

(2) *EXCEPTIONS.*—Paragraph (1) shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries. Paragraph (1) shall not apply in the case of a trust described in section 4947(a)(1).

* * * * *

Subchapter B—Miscellaneous Provisions

* * * * *

SEC. 6104. PUBLICITY OF INFORMATION REQUIRED FROM CERTAIN EXEMPT ORGANIZATIONS AND CERTAIN TRUSTS.

(a) * * *

(b) *INSPECTION OF ANNUAL INFORMATION RETURNS.*—The information required to be furnished by sections 6012(a)(6), 6033, 6034, and 6058, together with the names and addresses of such organizations and trusts, shall be made available to the public at such times and in such places as the Secretary may prescribe. Nothing in this subsection shall authorize the Secretary to disclose the name or address of any contributor to any organization or trust (other than a private foundation, as defined in section 509(a) or a political organization exempt from taxation under section 527) which is required to furnish such information. In the case of an organization described in section 501(d), this subsection shall not apply to copies referred to in section 6031(b) with respect to such organization. *In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).*

* * * * *

CHAPTER 68—ADDITIONS TO THE TAX, ADDITIONAL AMOUNTS, AND ASSESSABLE PENALTIES

* * * * *

Subchapter A—Additions to the Tax and Additional Amounts

* * * * *

PART I—GENERAL PROVISIONS

* * * * *

SEC. 6652. FAILURE TO FILE CERTAIN INFORMATION RETURNS, REGISTRATION STATEMENTS, ETC.

(a) * * *

* * * * *

(c) RETURNS BY EXEMPT ORGANIZATIONS AND BY CERTAIN TRUSTS.—

(1) * * *

(2) RETURNS UNDER SECTION 6034 OR 6043(b).—

(A) * * *

* * * * *

(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

(ii) in the case of any trust with gross income in excess of \$250,000, the first sentence of paragraph (1)(A) shall be applied by substituting “\$100” for “\$20”, and the second sentence thereof shall be applied by substituting “\$50,000” for “\$10,000”, and

(iii) the third sentence of paragraph (1)(A) shall be disregarded.

If the person required to file such return knowingly fails to file the return, such person shall be personally liable for the penalty imposed pursuant to this subparagraph.

* * * * *

ASSETS FOR INDEPENDENCE ACT

* * * * *

SEC. 403. PURPOSES.

The purposes of this title are to provide for the establishment of [demonstration] projects designed to determine—

(1) the social, civic, psychological, and economic effects of providing to individuals and families with limited means an in-

centive to accumulate assets by saving a portion of their earned income;

(2) the extent to which an asset-based policy that promotes saving for postsecondary education, homeownership, and microenterprise development may be used to enable individuals and families with limited means to increase their economic self-sufficiency; and

(3) the extent to which an asset-based policy stabilizes and improves families and the community in which the families live.

SEC. 404. DEFINITIONS.

In this title:

(1) * * *

* * * * *

(2) **ELIGIBLE INDIVIDUAL.**—The term “eligible individual” means an individual who is selected to participate in a **[demonstration]** project by a qualified entity under section 409.

* * * * *

(7) **QUALIFIED ENTITY.**—

(A) **IN GENERAL.**—The term “qualified entity” means—

(i) * * *

* * * * *

(iii) an entity that—

(I) is—

[(aa) a credit union designated as a low-income credit union by the National Credit Union Administration (NCUA); or**]**

(aa) a federally insured credit union; or

* * * * *

SEC. 405. APPLICATIONS.

(a) **ANNOUNCEMENT OF **[DEMONSTRATION]** PROJECTS.**—Not later than 3 months after the date of enactment of this title, the Secretary shall publicly announce the availability of funding under this title for **[demonstration]** projects and shall ensure that applications to conduct the **[demonstration]** projects are widely available to qualified entities.

(b) **SUBMISSION.**—Not later than 6 months after the date of enactment of this title, a qualified entity may submit to the Secretary an application to conduct a **[demonstration]** project under this title.

(c) **CRITERIA.**—In considering whether to approve an application to conduct a **[demonstration]** project under this title, the Secretary shall assess the following:

(1) * * *

* * * * *

(d) **PREFERENCES.**—In considering an application to conduct a **[demonstration]** project under this title, the Secretary shall give preference to an application that—

(1) * * *

* * * * *

(e) APPROVAL.—Not later than 9 months after the date of enactment of this title, the Secretary shall, on a competitive basis, approve such applications to conduct [demonstration] projects under this title as the Secretary considers to be appropriate, taking into account the assessments required by subsections (c) and (d). The Secretary shall ensure, to the maximum extent practicable, that the applications that are approved involve a range of communities (both rural and urban) and diverse populations.

* * * * *

(g) GRANDFATHERING OF EXISTING STATEWIDE PROGRAMS.—Any statewide individual asset-building program that is carried out in a manner consistent with the purposes of this title, that is established under State law as of the date of enactment of this Act, and that as of such date is operating with an annual State appropriation of not less than \$1,000,000 in non-Federal funds, shall be deemed to meet the eligibility requirements of this subtitle, and the entity carrying out the program shall be deemed to be a qualified entity. The Secretary shall consider funding the statewide program as a [demonstration] project described in this subtitle. In considering the statewide program for funding, the Secretary shall review an application submitted by the entity carrying out such statewide program under this section, notwithstanding the preference requirements listed in subsection (d). Any program requirements under sections 407 through 411 that are inconsistent with State statutory requirements in effect on the date of enactment of this Act, governing such statewide program, shall not apply to the program.

SEC. 406. [DEMONSTRATION] AUTHORITY; ANNUAL GRANTS.

(a) [DEMONSTRATION] AUTHORITY.—If the Secretary approves an application to conduct a [demonstration] project under this title, the Secretary shall, not later than 10 months after the date of enactment of this title, authorize the applicant to conduct the project for 5 project years in accordance with the approved application and the requirements of this title.

(b) GRANT AUTHORITY.—For each project year of a [demonstration] project conducted under this title, the Secretary may make a grant to the qualified entity authorized to conduct the project. In making such a grant, the Secretary shall make the grant on the first day of the project year in an amount not to exceed the lesser of—

(1) * * *

* * * * *

SEC. 407. RESERVE FUND.

(a) * * *

(b) AMOUNTS IN RESERVE FUND.—

(1) IN GENERAL.—As soon after receipt as is practicable, a qualified entity shall deposit in the Reserve Fund established under subsection (a)—

(A) all funds provided to the qualified entity from any public or private source in connection with the [demonstration] project; and

* * * * *

(c) USE OF AMOUNTS IN THE RESERVE FUND.—

(1) **IN GENERAL.**—A qualified entity shall use the amounts in the Reserve Fund established under subsection (a) to—

(A) assist participants in the [demonstration] project in obtaining the skills (including economic literacy, budgeting, credit, and counseling skills) and information necessary to achieve economic self-sufficiency through activities requiring qualified expenses;

(B) provide deposits in accordance with section 410 for individuals selected by the qualified entity to participate in the [demonstration] project;

(C) administer the [demonstration] project; and

(D) provide the research organization evaluating the [demonstration] project under section 414 with such information with respect to the [demonstration] project as may be required for the evaluation.

* * * * *

(d) **UNUSED FEDERAL GRANT FUNDS TRANSFERRED TO THE SECRETARY WHEN PROJECT TERMINATES.**—Notwithstanding subsection (c), upon the termination of any [demonstration] project authorized under this section, the qualified entity conducting the project shall transfer to the Secretary an amount equal to—

(1) * * *

* * * * *

SEC. 408. ELIGIBILITY FOR PARTICIPATION.

(a) **IN GENERAL.**—Any individual who is a member of a household that is eligible for assistance under the State temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or that meets each of the following requirements shall be eligible to participate in a [demonstration] project conducted under this title:

(1) * * *

(2) **NET WORTH TEST.**—

(A) **IN GENERAL.**—The net worth of the household, as of the end of the calendar year preceding the determination of eligibility, does not exceed [\$10,000] \$20,000.

* * * * *

(b) **INDIVIDUALS UNABLE TO COMPLETE THE PROJECT.**—The Secretary shall establish such regulations as are necessary to ensure compliance with this title if an individual participating in the [demonstration] project moves from the community in which the project is conducted or is otherwise unable to continue participating in that project, including regulations prohibiting future eligibility to participate in any other [demonstration] project conducted under this title.

SEC. 409. SELECTION OF INDIVIDUALS TO PARTICIPATE.

From among the individuals eligible to participate in a [demonstration] project conducted under this title, each qualified entity shall select the individuals—

(1) that the qualified entity determines to be best suited to participate; and

(2) to whom the qualified entity will provide deposits in accordance with section 410.

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(9) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIABILITY.—

(1) LIABILITY OF BUSINESS ENTITIES THAT DONATE EQUIPMENT TO NONPROFIT ORGANIZATIONS.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by a business entity to a nonprofit organization.

(B) APPLICATION.—This paragraph shall apply with respect to civil liability under Federal and State law.

(2) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF FACILITIES TO NON-PROFIT ORGANIZATIONS.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring at a facility of the business entity in connection with a use of such facility by a nonprofit organization, if—

(i) the use occurs outside of the scope of business of the business entity;

(ii) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(iii) the business entity authorized the use of such facility by the nonprofit organization.

(B) APPLICATION.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether a nonprofit organization pays for the use of a facility.

(3) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of aircraft or a motor vehicle of a business entity loaned to a nonprofit organization for use outside of the scope of business of the business entity, if—

(i) such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization; and

(ii) the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.

(B) APPLICATION.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether a nonprofit organization pays for the use of the aircraft or motor vehicle.

(4) LIABILITY OF BUSINESS ENTITIES PROVIDING TOURS OF FACILITIES.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury to, or death of an individual occurring at a facility of the business entity, if—

(i) such injury or death occurs during a tour of the facility in an area of the facility that is not otherwise accessible to the general public; and

(ii) the business entity authorized the tour.

(B) APPLICATION.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether an individual pays for the tour.

(c) EXCEPTIONS.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

SEC. 410. DEPOSITS BY QUALIFIED ENTITIES.

(a) * * *

* * * * *

[(b) **LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.**—Not more than \$2,000 from a grant made under section 406(b) shall be provided to any one individual over the course of the demonstration project.

[(c) **LIMITATION ON DEPOSITS FOR A HOUSEHOLD.**—Not more than \$4,000 from a grant made under section 406(b) shall be provided to any one household over the course of the demonstration project.]

(b) *LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.*—*Not more than \$500 from a grant made under section 406(b) shall be provided per year to any one individual during the project.*

[(d)] (c) **WITHDRAWAL OF FUNDS.**—The Secretary shall establish such guidelines as may be necessary to ensure that funds held in an individual development account are not withdrawn, except for one or more qualified expenses, or for an emergency withdrawal. Such guidelines shall include a requirement that a responsible official of the qualified entity conducting a project approve a withdrawal from such an account in writing. The guidelines shall provide that no individual may withdraw funds from an individual development account earlier than 6 months after the date on which the individual first deposits funds in the account.

[(e)] (d) **REIMBURSEMENT.**—An individual shall reimburse an individual development account for any funds withdrawn from the account for an emergency withdrawal, not later than 12 months after the date of the withdrawal. If the individual fails to make the reimbursement, the qualified entity administering the account shall transfer the funds deposited into the account or a parallel account under this section to the Reserve Fund of the qualified entity, and use the funds to benefit other individuals participating in the [demonstration] project involved.

SEC. 411. LOCAL CONTROL OVER [DEMONSTRATION] PROJECTS.

A qualified entity under this title, other than a State or local government agency or a tribal government, shall, subject to the provisions of section 413, have sole authority over the administration of the project. The Secretary may prescribe only such regulations or guidelines with respect to [demonstration] projects conducted under this title as are necessary to ensure compliance with the approved applications and the requirements of this title.

SEC. 412. ANNUAL PROGRESS REPORTS.

(a) **IN GENERAL.**—Each qualified entity under this title shall prepare an annual report on the progress of the [demonstration] project. Each report shall include both program and participant information and shall specify for the period covered by the report the following information:

(1) * * *

* * * * *

(6) The savings account characteristics (such as threshold amounts and match rates) required to stimulate participation in the [demonstration] project, and how such characteristics vary among different populations or communities.

(7) What service configurations of the qualified entity (such as configurations relating to peer support, structured planning exercises, mentoring, and case management) increased the rate and consistency of participation in the [demonstration] project and how such configurations varied among different populations or communities.

(8) Such other information as the Secretary may require to evaluate the [demonstration] project.

(b) **SUBMISSION OF REPORTS.**—The qualified entity shall submit each report required to be prepared under subsection (a) to—

(1) the Secretary; and

(2) the Treasurer (or equivalent official) of the State in which the project is conducted, if the State or a local government or a tribal government committed funds to the [demonstration] project.

(c) **TIMING.**—The first report required by subsection (a) shall be submitted not later than 60 days after the end of the project year in which the Secretary authorized the qualified entity to conduct the [demonstration] project, and subsequent reports shall be submitted every 12 months thereafter, until the conclusion of the project.

SEC. 413. SANCTIONS.

(a) **AUTHORITY TO TERMINATE [DEMONSTRATION] PROJECT.**—If the Secretary determines that a qualified entity under this title is not operating a [demonstration] project in accordance with the entity's approved application under section 405 or the requirements of this title (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such entity's authority to conduct the [demonstration] project.

(b) **ACTIONS REQUIRED UPON TERMINATION.**—If the Secretary terminates the authority to conduct a [demonstration] project, the Secretary—

(1) shall suspend the [demonstration] project;

(2) shall take control of the Reserve Fund established pursuant to section 407;

(3) shall make every effort to identify another qualified entity (or entities) willing and able to conduct the project in accordance with the approved application (or, if modification is necessary to incorporate the recommendations, the application as modified) and the requirements of this title;

(4) shall, if the Secretary identifies an entity (or entities) described in paragraph (3)—

(A) * * *

* * * * *

(C) consider, for purposes of this title—

(i) such other entity (or entities) to be the qualified entity (or entities) originally authorized to conduct the [demonstration] project; and

* * * * *

SEC. 414. EVALUATIONS.

(a) **IN GENERAL.**—Not later than 10 months after the date of enactment of this title, the Secretary shall enter into a contract with an independent research organization to evaluate the [demonstra-

tion】 projects conducted under this title, individually and as a group, including evaluating all qualified entities participating in and sources providing funds for the 【demonstration】 projects conducted under this title.

(b) **FACTORS TO EVALUATE.**—In evaluating any 【demonstration】 project conducted under this title, the research organization shall address the following factors:

(1) The effects of incentives and organizational or institutional support on savings behavior in the 【demonstration】 project.

(2) The savings rates of individuals in the 【demonstration】 project based on demographic characteristics including gender, age, family size, race or ethnic background, and income.

* * * * *

(6) The lessons to be learned from the 【demonstration】 projects conducted under this title and if a permanent program of individual development accounts should be established.

* * * * *

(c) **METHODOLOGICAL REQUIREMENTS.**—In evaluating any 【demonstration】 project conducted under this title, the research organization shall—

* * * * *

(d) **REPORTS BY THE SECRETARY.**—

(1) **INTERIM REPORTS.**—Not later than 90 days after the end of the project year in which the Secretary first authorizes a qualified entity to conduct a 【demonstration】 project under this title, and every 12 months thereafter until all 【demonstration】 projects conducted under this title are completed, the Secretary shall submit to Congress an interim report setting forth the results of the reports submitted pursuant to section 412(b).

(2) **FINAL REPORTS.**—Not later than 12 months after the conclusion of all 【demonstration】 projects conducted under this title, the Secretary shall submit to Congress a final report setting forth the results and findings of all reports and evaluations conducted pursuant to this title.

* * * * *

SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title, \$25,000,000 for each of fiscal years 1999, 2000, 【2001, 2002, and 2003】 and 2001, and \$50,000,000 for each of fiscal years 2002 through 2008, to remain available until expended.

* * * * *

VII. DISSENTING VIEWS

We support appropriate and meaningful tax incentives for charitable giving. We regret that earlier this year the Congressional Republican Leadership and the Bush Administration decided to enact a large tax reduction that reserved no resources for bipartisan tax priorities such as charitable giving incentives, energy tax provisions, extensions of expiring provisions, minimum tax relief and other priorities of the American people. The priorities of the Congressional Republican Leadership and the Bush Administration were different. They insisted on enacting tax legislation that puts the Medicare and Social Security surpluses at risk and that disproportionately benefits the wealthiest in our society.

As a result of the Bush tax cut, Congressional supporters of provisions such as charitable giving tax incentives face a difficult choice. They can choose to offset the cost of those incentives with other provisions, or they can place the Medicare and Social Security surpluses at risk to fund those benefits.

Congressman Rangel offered an amendment during the markup that would have offset the cost of the charitable giving tax incentives contained in the Committee's bill. The amendment would have reduced slightly the recently enacted reduction in the top marginal income tax rate, a rate that applies only to the wealthiest seven-tenths of one percent of individuals. Even with that amendment, those individuals still would receive a 4.1 percentage point reduction in their marginal rate, a larger marginal rate reduction than provided to most other individuals. Committee Republican rejected the amendment because, like earlier this year, they have different priorities.

Without Congressman Rangel's amendment, we believe that there is a substantial certainty that the tax reductions contained in the Committee bill will be funded, in part by raiding the Medicare and possibly the Social Security Trust Funds. As a result, we can not support the Committee bill.

Reflecting the Republican skittishness over the issue of raiding the Medicare Trust Fund, during the markup Chairman Thomas released a letter written by Congressman Nussle, the Chairman of the Budget Committee. The letter attempts to give comfort to the Republican members of the Committee. It states "on the basis of estimates released in May on the state of the economy, I am pleased to advise you that this bill, in its present form, will not effect the Medicare Hospital Trust Fund in fiscal year 2002." It goes on to state that there will be a surplus of \$12.3 billion in fiscal 2002 outside the Medicare and Social Security Trust Funds.

We would suggest that Congressman Nussle's letter should give no comfort to his Republican colleagues for the following reasons.

1. Congressman Nussle only was willing to claim that the Medicare Trust Fund would not be raided in fiscal year 2002. The fact

that he failed to make that assertion for any other fiscal year speaks for itself.

2. Congressman Nussle's assertion that there will be a \$12.3 billion surplus in fiscal year 2002 after protecting the Medicare Trust Fund is dubious for reasons discussed below. However, there would be absolutely no basis for that assertion if the Bush tax cut had not raided the Medicare Trust Fund in the current fiscal year (FY 2001) in an attempt to avoid a raid in fiscal year 2002.

The Bush tax cut contained a gimmick that shifted \$32 billion in corporate estimated tax receipts from fiscal year 2001 to 2002. Without that shift in receipts, even under Congressman Nussle's analysis, there would have been a \$20 billion raid on Medicare next year.

As a result of that gimmick, there will be at least a \$20 billion raid on Medicare in the current fiscal year according to recent testimony of Mitchell Daniels, Director of the Office of Management and Budget. Indeed, according to his testimony, a raid on the Social Security Trust Fund in fiscal year 2001 will be avoided by only a very small amount.

Raiding Medicare in 2001 in a desperate attempt to avoid a raid in 2002 may give comfort to the Republicans, but it gives on comfort to us.

3. The assertion that there will be a \$12 billion surplus next fiscal year outside of the Medicare system ignores the recent Administration request for \$18.4 billion in additional defense spending for that year. Secretary Rumsfeld testified before the Senate Armed Services Committee that the extra \$18.4 billion for fiscal 2002 would not be a one time request. He said that another \$18 billion would be "needed" for fiscal year 2003 on top of continuing the \$18.4 billion increase in fiscal 2002 just to stay even. None of those amounts would advance the defense modernization effort the Administration has promised.

4. The economic projections have deteriorated dramatically since the CBO May analysis relied on by Congressman Nussle in his letter. Lawrence B. Lindsey, the Director of the White House National Economic Council, and OMB Director Daniels both recently have indicated that there will be shortfall in tax receipts. They are not alone in suggesting the potential for unpleasant budget surprises from the current economic slowdown. William Dudley, Goldman-Sachs Research Director, has been quoted as stating that revenues would be as much as \$75 billion below expectations, forcing a raid on the Medicare Trust Fund to balance this year's budget and putting next year's budget in the red if the downturn persists.

The economy has not weakened significantly since the May CBO projection, but the budget projections have. One has the impression that the tax bill was enacted with reckless haste in order to take advantage of the temporarily favorable budget projections.

Congresswoman Karen Thurman offered an amendment in Committee that would have made the Committee bill contingent on the availability of surpluses outside the Medicare and social Security systems. If the Republican members of the Committee believed Congressman Nussle's letter, they could have supported Mrs. Thurman's amendment without endangering the tax incentives for char-

itable giving. They voted no, an action that speaks louder than Congressman Nussle's letter.

We would have opposed the Committee bill because of the potential for raiding the Medicare Trust Fund even it had provided significant and meaningful tax incentives for charitable giving. However, the Committee bill does not accomplish its intended goal increasing charitable giving. Therefore, it is very easy for us to oppose it.

The Committee contains two provisions designed to encourage charitable giving by individuals, an above-the-line charitable deduction for nonitemizers and a provision permitting individual retirement account assets to be used for charitable purposes. The second provision will provide incentives only to a very narrow class of individuals, namely individuals who are over age 70 and have accumulations in individual retirement accounts not needed for retirement income.

The bill pretends to provide incentives for charitable giving by individuals who do not itemize their deductions. It does so by providing a deduction for charitable contributions in addition to the standard deduction. However, the size of the new deduction is so small (initially \$25 for single individuals, \$50 for married couples) that the provision will create no significant incentive for additional charitable contributions. During the markup the staff of the Joint Committee on Taxation made it clear that the new deduction would complicate the individual tax return and that there was little prospect that the Internal Revenue Service could effectively audit the new provision. One has the strong impression that the Committee bill is equivalent to a small increase in the standard deduction and it will result in little, if any, additional charitable contributions.

During markup, Democrats asked how this new tax cut—following last month's \$1.35 trillion tax cut—would fit into a budget that would protect Social Security and Medicare, accommodate the policies in the Budget Resolution, and accommodate the President's new June defense spending request. Chairman Thomas explained that the ways and Means Committee should press ahead with a new tax cut because the Congressional budget process was a race. If other Committees weren't as quickly reporting legislation to use up budget surpluses, that was their problem.

Democrats do not agree with Chairman Thomas, nor we expect, do his Republican colleagues on the Appropriations and other Committees who do not agree that their priorities should be crowded out by Mr. Thomas's rush to report more tax cuts.

The purpose of the Congressional Budget is to have a sensible plan, not a race among Committees to use up budget surpluses. Formally, the Congressional Budget makes allocations among Committees and sets targets for revenues that are separate from spending limits. However, Chairman Thomas may be correct about how the Republican majority actually will administer the congressional Budget process. If so, his remarks validate earlier criticism from Democrats that Republican Congressional budgets have been publicity documents that are not enforced. In recent years, this Committee has been used to pump out one tax-cut bill after another no matter how large the cumulative total, and the Majority has voted overwhelmingly appropriations bills that busted their own budgets.

CHARLES B. RANGEL.
PETE STARK.
KAREN L. THURMAN.
WILLIAM J. COYNE.
RICHARD E. NEAL.
JIM McDERMOTT.
XAVIER BECERRA.
WM. J. JEFFERSON.
JOHN LEWIS.
JERRY KLECZKA.
BEN CARDIN.
JOHN TANNER.
ROBERT T. MATSUI.
LLOYD DOGGETT.
MICHAEL R. McNULTY.
SANDER M. LEVIN.
EARL POMEROY.



(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) **IN GENERAL.**—Subject to paragraph (2) and subsection (e), this title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection for a business entity for an injury or death described in a paragraph of subsection (b) with respect to which the conditions specified in such paragraph apply.

(2) **LIMITATION.**—Nothing in this title shall be construed to supersede any Federal or State health or safety law.

(e) **ELECTION OF STATE REGARDING NONAPPLICABILITY.**—A provision of this title shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this section;

(2) declaring the election of such State that such provision shall not apply to such civil action in the State; and

(3) containing no other provisions.

(f) **EFFECTIVE DATE.**—This section shall apply to injuries (and deaths resulting therefrom) occurring on or after the date of the enactment of this Act.

SEC. 105. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) **IN GENERAL.**—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) **SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.**—

“(i) **GENERAL RULE.**—In the case of a charitable contribution of food, this paragraph shall be applied—

“(I) without regard to whether the contribution is made by a C corporation, and

“(II) only for food that is apparently wholesome food.

“(ii) **DETERMINATION OF FAIR MARKET VALUE.**—In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

“(iii) **APPARENTLY WHOLESOME FOOD.**—For purposes of this subparagraph, the term ‘apparently wholesome food’ shall have the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 106. REFORM OF EXCISE TAX ON NET INVESTMENT INCOME OF PRIVATE FOUNDATIONS.

(a) **IN GENERAL.**—Subsection (a) of section 4940 of the Internal Revenue Code of 1986 (relating to excise tax based on investment income) is amended by striking “2 percent” and inserting “1 percent”.

(b) **REPEAL OF REDUCTION IN TAX WHERE PRIVATE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.**—Section 4940 of such Code is amended by striking subsection (e).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 107. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) **IN GENERAL.**—Subsection (c) of section 664 of the Internal Revenue Code of 1986 (relating to exemption from income taxes) is amended to read as follows:

“(c) **TAXATION OF TRUSTS.**—

“(1) **INCOME TAX.**—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

“(2) **EXCISE TAX.**—

“(A) IN GENERAL.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

“(B) CERTAIN RULES TO APPLY.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

“(C) CHARACTER OF DISTRIBUTIONS AND COORDINATION WITH DISTRIBUTION REQUIREMENTS.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

“(i) subsection (b),

“(ii) determining the value of trust assets under subsection (d)(2), and

“(iii) determining income under subsection (d)(3).

“(D) TAX COURT PROCEEDINGS.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 108. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) SCIENTIFIC PROPERTY USED FOR RESEARCH.—Clause (ii) of section 170(e)(4)(B) of the Internal Revenue Code of 1986 (defining qualified research contributions) is amended by inserting “or assembled” after “constructed”.

(b) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—Clause (ii) of section 170(e)(6)(B) of such Code is amended by inserting “or assembled” after “constructed” and “or assembling” after “construction”.

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 170(e)(6) of such Code is amended by inserting “or assembled” after “constructed” and “or assembling” after “construction”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 109. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (1) of section 1367(a) of such Code (relating to adjustments to basis of stock of shareholders, etc.) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following new subparagraph:

“(D) the excess of the amount of the shareholder’s deduction for any charitable contribution made by the S corporation over the shareholder’s proportionate share of the adjusted basis of the property contributed.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE II—EXPANSION OF CHARITABLE CHOICE

SEC. 201. PROVISION OF ASSISTANCE UNDER GOVERNMENT PROGRAMS BY RELIGIOUS AND COMMUNITY ORGANIZATIONS.

Title XXIV of the Revised Statutes is amended by inserting after section 1990 (42 U.S.C. 1994) the following:

“SEC. 1994A. CHARITABLE CHOICE.

“(a) SHORT TITLE.—This section may be cited as the ‘Charitable Choice Act of 2001’.

“(b) PURPOSES.—The purposes of this section are—

“(1) to provide assistance to individuals and families in need in the most effective and efficient manner;

“(2) to prohibit discrimination against religious organizations on the basis of religion in the administration and distribution of government assistance under the government programs described in subsection (c)(4);

“(3) to allow religious organizations to assist in the administration and distribution of such assistance without impairing the religious character of such organizations; and

“(4) to protect the religious freedom of individuals and families in need who are eligible for government assistance, including expanding the possibility of choosing to receive services from a religious organization providing such assistance.

“(c) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—

“(1) IN GENERAL.—

“(A) INCLUSION.—For any program described in paragraph (4) that is carried out by the Federal Government, or by a State or local government with Federal funds, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, if the program is implemented in a manner that is consistent with the Establishment Clause and the Free Exercise Clause of the first amendment to the Constitution.

“(B) DISCRIMINATION PROHIBITED.—Neither the Federal Government nor a State or local government receiving funds under a program described in paragraph (4) shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program, on the basis that the organization has a religious character.

“(2) FUNDS NOT AID TO RELIGION.—Federal, State, or local government funds or other assistance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not aid to the religious organization.

“(3) FUNDS NOT ENDORSEMENT OF RELIGION.—The receipt by a religious organization of Federal, State, or local government funds or other assistance under this section is not and should not be perceived as an endorsement by the government of religion or the organization’s religious beliefs or practices.

“(4) PROGRAMS.—For purposes of this section, a program is described in this paragraph—

“(A) if it involves activities carried out using Federal funds—

“(i) related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.);

“(ii) related to the prevention of crime, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.);

“(iii) under the Federal housing laws;

“(iv) under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)

“(v) under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

“(vi) under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

“(vii) under the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

“(viii) related to the intervention in and prevention of domestic violence;

“(ix) related to hunger relief activities; or

“(x) under the Job Access and Reverse Commute grant program established under section 3037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note); or

“(B)(i) if it involves activities to assist students in obtaining the recognized equivalents of secondary school diplomas and activities relating to non-school-hours programs; and

“(ii) except as provided in subparagraph (A) and clause (i), does not include activities carried out under Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(d) ORGANIZATIONAL CHARACTER AND AUTONOMY.—

“(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (c)(4) shall retain its autonomy from Federal, State, and local governments, including such organization’s control over the definition, development, practice, and expression of its religious beliefs.

“(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization in order to be eligible to provide assistance under a program described in subsection (c)(4)—

“(A) to alter its form of internal governance; or

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/17/2001 6:43:10 AM
Subject: : Re: 2 issues

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:17-JUL-2001 10:43:10.00

SUBJECT:: Re: 2 issues

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

1. Still trading calls.

2. Redacted versions of transcripts are fine to show (but not to give)
to the Committee. I assume you have no problem with this approach either.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/17/2001 7:33:57 AM
Subject: : POTUS mtg. today -NEW TIME

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-JUL-2001 11:33:57.00

SUBJECT:: POTUS mtg. today -NEW TIME

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

2:10-2:25 PM POTUS (OVAL)

1:45-2:05 PM POTUS PREP (JUDGES OFFICE)

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/17/2001 7:33:57 AM
Subject: : POTUS mtg. today -NEW TIME

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-JUL-2001 11:33:57.00

SUBJECT:: POTUS mtg. today -NEW TIME

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

2:10-2:25 PM POTUS (OVAL)

1:45-2:05 PM POTUS PREP (JUDGES OFFICE)

From: CN=Karen N. Blank/OU=OMB/O=EOP [OMB]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>;James C. Capretta/OMB/EOP@EOP [OMB] <James C. Capretta>;Larry R. Matlack/OMB/EOP@EOP [OMB] <Larry R. Matlack>;Jack A. Smalligan/OMB/EOP@EOP [OMB] <Jack A. Smalligan>;Matthew D. McKearn/OMB/EOP@EOP [OMB] <Matthew D. McKearn>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Eric C. Pelletier/OMB/EOP@EOP [OMB] <Eric C. Pelletier>;Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>;Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Mary C. Barth/OMB/EOP@EOP [OMB] <Mary C. Barth>;Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>;Richard B. Bavier/OMB/EOP@EOP [OMB] <Richard B. Bavier>;Kenneth S. Kelly/OMB/EOP@EOP [OMB] <Kenneth S. Kelly>;Alejandra O. Ceja/OMB/EOP@EOP [OMB] <Alejandra O. Ceja>;Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>;Fredrick J. Charney/OMB/EOP@EOP [OMB] <Fredrick J. Charney>;Wendy A. Taylor/OMB/EOP@EOP [OMB] <Wendy A. Taylor>;Brenda Aguilar/OMB/EOP@EOP [OMB] <Brenda Aguilar>;David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>;Douglas Pitkin/OMB/EOP@EOP [OMB] <Douglas Pitkin>;Alan B. Rhinesmith/OMB/EOP@EOP [OMB] <Alan B. Rhinesmith>;Francis S. Redburn/OMB/EOP@EOP [OMB] <Francis S. Redburn>;Reid B Cramer/OMB/EOP@EOP [OMB] <Reid B Cramer>;James Boden/OMB/EOP@EOP [OMB] <James Boden>;Yvette M. Dennis/OMB/EOP@EOP [OMB] <Yvette M. Dennis>;Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>;Lauren Larson/OMB/EOP@EOP [OMB] <Lauren Larson>;Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>;Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>;Michael C. Falkenheim/OMB/EOP@EOP [OMB] <Michael C. Falkenheim>;OFBCI-LRM [UNKNOWN] <OFBCI-LRM>;Shalini M. Benson/OMB/EOP@EOP [OMB] <Shalini M. Benson>;Patrick Aylward/OMB/EOP@EOP [OMB] <Patrick Aylward>;Norris W. Cochran/OMB/EOP@EOP [OMB] <Norris W. Cochran>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>;Ingrid M. Schroeder/OMB/EOP [OMB] <Ingrid M. Schroeder>;Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>;Irene Kho/OMB/EOP@EOP [OMB] <Irene Kho>
Sent: 7/17/2001 10:42:37 AM
Subject: : FYI, HR 7 text - version full House is expected to consider
Attachments: P_0MTU2004_OPD.TXT_1.txt

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Karen N. Blank (CN=Karen N. Blank/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:17-JUL-2001 14:42:37.00

SUBJECT:: FYI, HR 7 text - version full House is expected to consider

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:James C. Capretta (CN=James C. Capretta/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Larry R. Matlack (CN=Larry R. Matlack/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jack A. Smalligan (CN=Jack A. Smalligan/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Matthew D. McKearn (CN=Matthew D. McKearn/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])

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READ:UNKNOWN
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett S. Loper (CN=Brett S. Loper/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Mary C. Barth (CN=Mary C. Barth/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ellen J. Balis (CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Richard B. Bavier (CN=Richard B. Bavier/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Kenneth S. Kelly (CN=Kenneth S. Kelly/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Alejandra O. Ceja (CN=Alejandra O. Ceja/OU=OMB/O=EOP@EOP [OMB])
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TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Fredrick J. Charney (CN=Fredrick J. Charney/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Wendy A. Taylor (CN=Wendy A. Taylor/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brenda Aguilar (CN=Brenda Aguilar/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Douglas Pitkin (CN=Douglas Pitkin/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Alan B. Rhinesmith (CN=Alan B. Rhinesmith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Francis S. Redburn (CN=Francis S. Redburn/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Reid B Cramer (CN=Reid B Cramer/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:James Boden (CN=James Boden/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Yvette M. Dennis (CN=Yvette M. Dennis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Lauren Larson (CN=Lauren Larson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael C. Falkenheim (CN=Michael C. Falkenheim/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:OFBCI-LRM (OFBCI-LRM [UNKNOWN])
READ:UNKNOWN
TO:Shalini M. Benson (CN=Shalini M. Benson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Patrick Aylward (CN=Patrick Aylward/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Norris W. Cochran (CN=Norris W. Cochran/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Ingrid M. Schroeder (CN=Ingrid M. Schroeder/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

CC:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

Attached, from the Cong. Record at pp. H4014 - 4019 (July 16, 2001) (pls disregard discussion of HR 2500 included at the end of the attachment), is the version of HR 7 that the full House is expected to consider.

ATT CREATION TIME/DATE: 0 00:00:00.00

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AMENDMENTS -- (House of Representatives - July 16, 2001)

[Page: H4014]

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 7

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**--This Act may be cited as the ``Community Solutions Act of 2001".

(b) **TABLE OF CONTENTS.**--The table of contents is as follows:

Sec..1..Short title; table of contents.

&nbs p;TITLE I--CHARITABLE GIVING INCENTIVES PACKAGE

Sec..101..Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.

&nb sp;Sec..102..Tax-free distributions from individual retirement accounts for charitable purposes.

Sec..103..Increase in cap on corporate charitable contributions.

Sec..104..Charitable deduction for contributions of food inventory.

Sec..105..Reform of excise tax on net investment income of private foundations.

Sec.. 106..Excise tax on unrelated business taxable income of charitable remainder trusts.

Sec..107..Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.

& nbs p; SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) IN GENERAL.--Subsection (c) of section 664 of the Internal Revenue Code of 1986 (relating to exemption from income taxes) is amended to read as follows:

“(c) TAXATION OF TRUSTS.--

“(1) INCOME TAX.--A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.< p> **“(2) EXCISE TAX.--**

“(A) IN GENERAL.--In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income. < p> **“(B) CERTAIN RULES TO APPLY.**--The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

“(C) CHARACTER OF DISTRIBUTIONS AND COORDINATION WITH DISTRIBUTION REQUIREMENTS.--The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of --

“(i) subsection (b),

“(ii) determining the value of trust assets under subsection (d)(2), and

& nbs p; “(iii) determining income under subsection (d)(3).

“(D) TAX COURT PROCEEDINGS.--For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.”.

(b) EFFECTIVE DATE.--The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) < b>SCIENTIFIC PROPERTY USED FOR RESEARCH.--Clause (ii) of section 170(e)(4)(B) of the Internal Revenue Code of 1986 (defining qualified research contributions) is amended by inserting “or assembled” after “constructed”.

& nbs p; (b) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.--Clause (ii) of section 170(e)(6)(B) of such Code is amended by inserting “or assembled” after “constructed” and “or assembling” after “construction”.

(c) **CONFORMING AMENDMENT.**--Subparagraph (D) of section 170(e)(6) of such Code is amended by inserting ``or assembled" after ``constructed" and ``or assembling" after ``construction".

&nbs p; (d) **EFFECTIVE DATE.**--The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIB UTIONS.

(a) **IN GENERAL.**--Paragraph (1) of secti on 1367(a) of such Code (relating to adjustments to basis of stock of sharehold ers, etc.) is amended by striking ``and" at the end of subparagraph (B), by st riking the period at the end of subparagraph (C) and inserting `` , and", and b y adding at the end the following new subparagraph:

``(D) the excess of the amount of the shareholder's deduction for any charitable cont ribution made by the S corporation over the shareholder's proportionate share o f the adjusted basis of the property contributed.".

(b) < b>**EFFECTIVE DATE.**--The amendment made by this section shall apply to taxabl e years beginning after December 31, 2001.

TITLE II --EXPANSION OF CHARITABLE CHOICE

SEC. 201. PROVISION OF ASSISTANCE UNDER GOVERNMENT PROG RAMS BY RELIGIOUS AND COMMUNITY ORGANIZATIONS.

Title X XIV of the Revised Statutes of the United States is amended by inserting after section 1990 (42 U.S.C. 1994) the following:

``SEC. 1991 . CHARITABLE CHOICE.

``(a) **SHORT TITLE.**--This s ection may be cited as the `Charitable Choice Act of 2001'.

; ``(b) **PURPOSES.**--The purposes of this section are--

&nbs p; ``(1) to enable assistance to be provided to individuals and families in nee d in the most effective and efficient manner;

``(2) to sup plement the Nation's social service capacity by facilitating the entry of new, and the expansion of existing, efforts by religious and other community organiz ations in the administration and distribution of government assistance under th e government programs described in subsection (c)(4);

``(3) to prohibit discrimination against religious organizations on the basis of re ligion in the administration and distribution of government assistance under su ch programs;

“(4) to allow religious organizations to participate in the administration and distribution of such assistance without impairing the religious character and autonomy of such organizations; and

“(5) to protect the religious freedom of individuals and families in need who are eligible for government assistance, including expanding the possibility of their being able to choose to receive services from a religious organization providing such assistance.

“(c) **RELIGIOUS ORGANIZATIONS INCLUDED AS PROVIDERS; DISCLAIMERS.**--

“(1) **IN GENERAL.**--

“(A) **INCLUSION.**--For any program described in paragraph (4) that is carried out by the Federal Government, or by a State or local government with Federal funds, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, and the program shall be implemented in a manner that is consistent with the establishment clause and the free exercise clause of the first amendment to the Constitution.

“(B) **DISCRIMINATION PROHIBITED.**--Neither the Federal Government, nor a State or local government receiving funds under a program described in paragraph (4), shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program on the basis that the organization is religious or has a religious character.

“(2) **FUNDS NOT AID TO RELIGION.**--Federal, State, or local government funds or other assistance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not support for religion or the organization's religious beliefs or practices. Notwithstanding the provisions in this paragraph, title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) shall apply to organizations receiving assistance funded under any program described in subsection (c)(4).

“(3) **FUNDS NOT ENDORSEMENT OF RELIGION.**--The receipt by a religious organization of Federal, State, or local government funds or other assistance under this section is not an endorsement by the government of religion or of the organization's religious beliefs or practices.

“(4) **PROGRAMS.**--For purposes of this section, a program is described in this paragraph--

“(A) if it involves activities carried out using Federal funds--

“(i) related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.);

“(ii) related to the prevention of crime and assistance to crime victims and offenders' families, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.);

“(iii) related to the provision of assistance under Federal housing statutes, including the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

“(iv) under subtitle B or D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(v) under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

“(vi) related to the intervention in and prevention of domestic violence, including programs under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

“(vii) related to hunger relief activities; or

“(viii) under the Job Access and Reverse Commute grant program established under section 3037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note); or

“(B)(i) if it involves activities to assist students in obtaining the recognized equivalents of secondary school diplomas and activities relating to nonschool hours programs, including programs under--

“(I) chapter 3 of subtitle A of title II of the Workforce Investment Act of 1998 (Public Law 105-220); or

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“(II) part I of title X of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.); and

“(ii) except as provided in subparagraph (A) and clause (i), does not include activities carried out under Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

; “(d) **ORGANIZATIONAL CHARACTER AND AUTONOMY.**--

“ (1) **IN GENERAL.**--A religious organization that provides assistance under a program described in subsection (c)(4) shall have the right to retain its autonomy from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

“ (2) **ADDITIONAL SAFEGUARDS.**--Neither the Federal Government, nor a State or local government with Federal funds, shall require a religious organization, in order to be eligible to provide assistance under a program described in subsection (c)(4), to--

; “(A) alter its form of internal governance or provisions in its charter documents; or

“(B) remove religious art, icons, scripture, or other symbols, or to change its name, because such symbols or names are of a religious character.

“(e) **EMPLOYMENT PRACTICES.**--A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (c)(4), and any provision in such programs that is inconsistent with or would diminish the exercise of an organization's autonomy recognized in section 702 or in this section shall have no effect. Nothing in this section alters the duty of a religious organization to comply with the non discrimination provisions of title VII of the Civil Rights Act of 1964 in the use of funds from programs described in subsection (c)(4).

“(f) **EFFECT ON OTHER LAWS.**--Nothing in this section shall alter the duty of a religious organization receiving assistance or providing services under any program described in subsection (c)(4) to comply with the nondiscrimination provisions in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1688) (prohibiting discrimination in education programs or activities on the basis of sex and visual impairment), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) (prohibiting discrimination on the basis of age).

“(g) **RIGHTS OF BENEFICIARIES OF ASSISTANCE.**--

“(1) **IN GENERAL.**--If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c)(4), the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection, assistance that--

“(A) is an alternative that is accessible to the individual and unobjectionable to the individual on religious grounds; and

“(B) has a value that is not less than the value of the assistance that the individual would have received from such organization.

“(2) **NOTICE.**--The appropriate Federal, State, or local governmental entity shall guarantee that notice is provided to the individuals described in paragraph (3) of the rights of such individuals under this section.

“(3) **INDIVIDUAL DESCRIBED.**--An individual described in this paragraph is an individual who receives or applies for assistance under a program described in subsection (c)(4).

; “(h) **NONDISCRIMINATION AGAINST BENEFICIARIES.**--

“(1) **GRANTS AND COOPERATIVE AGREEMENTS.**--A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall not discriminate in carrying out the program against an individual described in subsection (g)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

 `` (2) **INDIRECT FORMS OF ASSISTANCE.**--A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) shall not deny an individual described in subsection (g)(3) admission into such program on the basis of religion, a religious belief, or a refusal to hold a religious belief.

`` (i) **ACCOUNTABILITY.**--

`` (1) **IN GENERAL.**--Except as provided in paragraphs (2) and (3), a religious organization providing assistance under any program described in subsection (c)(4) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds and its performance of such programs.

`` (2) **LIMITED AUDIT.**--

`` (A) **GRANTS AND COOPERATIVE AGREEMENTS.**--A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall segregate government funds provided under such program into a separate account or accounts. Only the separate accounts consisting of funds from the government shall be subject to audit by the government.

`` (B) **INDIRECT FORMS OF ASSISTANCE.**--A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) may segregate government funds provided under such program into a separate account or accounts. If such funds are so segregated, then only the separate accounts consisting of funds from the government shall be subject to audit by the government.

`` (3) **SELF AUDIT.**--A religious organization providing services under any program described in subsection (c)(4) shall conduct annually a self audit for compliance with its duties under this section and submit a copy of the self audit to the appropriate Federal, State, or local government agency, along with a plan to timely correct variances, if any, identified in the self audit.

`` (j) **LIMITATIONS ON USE OF FUNDS; VOLUNTARINESS.**--No funds provided through a grant or cooperative agreement to a religious organization to provide assistance under any program described in subsection (c)(4) shall be expended for sectarian instruction, worship, or proselytization. If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (c)(4). A certificate shall be separately signed by religious organizations, and filed with the government agency that disburses the funds, certifying that the organization is aware of and will comply with this subsection.

`` (k) **EFFECT ON STATE AND LOCAL FUNDS.**--If a State or local government contributes State or local funds to carry out a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

“(l) INDIRECT ASSISTANCE.--When consistent with the purpose of a program described in subsection (c)(4), the Secretary of the department administering the program may direct the disbursement of some or all of the funds, if determined by the Secretary to be feasible and efficient, in the form of indirect assistance. For purposes of this section, ‘indirect assistance’ constitutes assistance in which an organization receiving funds through a voucher, certificate, or other form of disbursement under this section receives such funding only as a result of the private choices of individual beneficiaries and no government endorsement of any particular religion, or of religion generally, occurs.

“(m) TREATMENT OF INTERMEDIATE GRANTORS.--If a nongovernmental organization (referred to in this subsection as an ‘intermediate grantor’), acting under a grant or other agreement with the Federal Government, or a State or local government with Federal funds, is given the authority under the agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (c)(4), the intermediate grantor shall have the same duties under this section as the government when selecting or otherwise dealing with subgrants, but the intermediate grantor, if it is a religious organization, shall retain all other rights of a religious organization under this section.

“(n) COMPLIANCE.--A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action for injunctive relief pursuant to section 1979 against the State official or local government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by the Federal Government may bring a civil action for injunctive relief in Federal district court against the official or government agency that has allegedly committed such violation.

“(o) TRAINING AND TECHNICAL ASSISTANCE FOR SMALL NONGOVERNMENTAL ORGANIZATIONS.--

“(1) IN GENERAL.--From amounts made available to carry out the purposes of the Office of Justice Programs (including any component or unit thereof, including the Office of Community Oriented Policing Services), funds are authorized to provide training and technical assistance, directly or through grants or other arrangements, in procedures relating to potential application and participation in programs identified in subsection (c)(4) to small nongovernmental organizations, as determined by the Attorney General, including religious organizations, in an amount not to exceed \$50 million annually.

“(2) TYPES OF ASSISTANCE .--Such assistance may include--

“(A) assistance and information relative to creating an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to operate identified programs;

 “(B) granting writing assistance which may include workshops and reasonable guidance;

“(C) information and referrals to other nongovernmental organizations that provide

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expertise in accounting, legal issues, tax issues, program development, and a variety of other organizational areas; and

“(D) information and guidance on how to comply with Federal nondiscrimination provisions including, but not limited to, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Fair Housing Act, as amended (42 U.S.C. 3601 et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1688), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 694), and the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107).

“(3) RESERVATION OF FUNDS.--An amount of no less than \$5,000,000 shall be reserved under this section. Small nongovernmental organizations may apply for these funds to be used for assistance in providing full and equal integrated access to individuals with disabilities in programs under this title.

“(4) PRIORITY.--In giving out the assistance described in this subsection, priority shall be given to small nongovernmental organizations serving urban and rural communities.”.

&nb sp;

TITLE III--INDIVIDUAL DEVELOPMENT ACCOUNTS

SEC. 301. ADDITIONAL QUALIFIED ENTITIES ELIGIBLE TO CONDUCT PROJECTS UNDER THE ASSETS FOR INDEPENDENCE ACT.

Section 404(7)(A)(iii)(I)(aa) of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

“(aa) a federally insured credit union; or”.

SEC. 302. INCREASE IN LIMITATION ON NET WORTH.

Section 408(a)(2)(A) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “\$10,000” and inserting “\$20,000”.

SEC. 303. CHANGE IN LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.

Section 410(b) of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

“(b) LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.--Not more than \$500 from a grant made under section 406(b) shall be provided per year to any one individual during the project.”.

SEC. 304. ELIMINATION OF LIMITATION ON DEPOSITS FOR A HOUSEHOLD.

; Section 410 of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 305. EXTENSION OF PROGRAM.

Section 416 of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking ``2001, 2002, and 2003'' and inserting ``and 2001, and \$50,000,000 for each of fiscal years 2002 through 2008'' .

SEC. 306. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TEXT.--The text of each of the following provisions of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking ``demonstration'' each place it appears:

(1) Section 403 .

(2) Section 404(2).

(3) Section 405 (a).

(4) Section 405(b).

(5) Section 405(c).

(6) Section 405(d).

(7) Section 405(e).

(8) Section 405(g).

(9) Section 406(a).

(10) Section 406(b).

(11) Section 407(b)(1)(A).

(12) Section 407(c)(1)(A).

(13) Section 407(c)(1)(B).

(14) Section 407 (c)(1)(C).

(15) Section 407(c)(1)(D).

(16) Section 407(d).

(17) Section 408(a).

** (18) Section 408(b).**

(19) Section 409.

; (20) Section 410(e).

(21) Section 411.

&nb sp; (22) Section 412(a).

(23) Section 412(b)(2).

** (24) Section 412(c).**

(25) Section 413(a) .

(26) Section 413(b).

(27) Section 4 14(a).

(28) Section 414(b).

(29) Sect ion 414(c).

(30) Section 414(d)(1).

(31) Section 414(d)(2).

(b) AMENDMENTS TO SUBSECTION HEADINGS.--The heading of each of the following provisions of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking ``DEMONSTRATION< /b>":

(1) Section 405(a).

Sec..108..Adjustment to basis of S corporation stock for certain charitable contributions.

 TITLE II--EXPANSION OF CHARITABLE CHOICE

Sec..201..Provision of assistance under government program s by religious and community organizations.

TITLE III--INDI VIDUAL DEVELOPMENT ACCOUNTS

Sec..301..Additional qualified entities eligible to conduc t projects under the Assets for Independence Act.

Sec..302. .Increase in limitation on net worth.

Sec..303..Change in l imitation on deposits for an individual.

Sec..304..Eliminat ion of limitation on deposits for a household.

Sec..305..Ex tension of program.

Sec..306..Conforming amendments.

&nbs p; Sec..307..Applicability.

TITLE IV--CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS

Sec..401..Charitable donations liability reform for in-kin d corporate contributions.

TITLE I--CHARITABLE GIVI NG INCENTIVES PACKAGE

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUT IONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

&n bsp; (a) **IN GENERAL.**--Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by rede signing subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

``(m) **DEDUCTION FOR IND IVIDUALS NOT ITEMIZING DEDUCTIONS.**--

(2) Section 406(a).

(3) Section 413(a).

(c) AMENDMENTS TO SECTION HEADINGS.--The headings of sections 406 and 411 of the Assets for Independence Act (42 U.S.C. 604 note) are amended by striking ``

DEMONSTRATION''.

SEC. 307. APPLICABILITY.

(a) IN GENERAL.--The amendments made by this title shall apply to funds provided before, on or after the date of the enactment of this Act.

(b) PRIOR AMENDMENTS.--The amendments made by title VI of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106-554) shall apply to funds provided before, on or after the date of the enactment of such Act.

TITLE IV --CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS

SEC. 401. CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS.

(a) DEFINITIONS.--For purposes of this section:

(1) AIRCRAFT.--The term ``aircraft'' has the meaning provided that term in section 40102(6) of title 49, United States Code.

(2) BUSINESS ENTITY.--The term ``business entity'' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(3) EQUIPMENT.--The term ``equipment'' includes mechanical equipment, electronic equipment, and office equipment.

(4) FACILITY.--The term ``facility'' means any real property, including any building, improvement, or appurtenance.

(5) GROSS NEGLIGENCE.--The term ``gross negligence'' means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(6) INTENTIONAL MISCONDUCT.--The term ``intentional misconduct'' means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(7) < b>MOTOR VEHICLE.--The term ``motor vehicle" has the meaning provided that term in section 30102(6) of title 49, United States Code.

(8) NONPROFIT ORGANIZATION.--The term ``nonprofit organization" means--

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(9) STATE.--The term ``State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIABILITY.--

(1) LIABILITY OF BUSINESS ENTITIES THAT DONATE EQUIPMENT TO NONPROFIT ORGANIZATIONS.--

(A) IN GENERAL.--Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by a business entity to a nonprofit organization.

(B) APPLICATION. --This paragraph shall apply with respect to civil liability under Federal and State law.

(2) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF FACILITIES TO NONPROFIT ORGANIZATIONS.--

(A) < b>IN GENERAL.--Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring at a facility of the business entity in connection with a use of such facility by a nonprofit organization, if--

(i) the use occurs outside of the scope of business of the business entity;

(ii) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(iii) the business entity authorized the use of such facility by the nonprofit organization.

(B) APPLICATION.--This paragraph shall apply--

(i) with respect to civil liability under Federal and State law; and

(i) regardless of whether a nonprofit organization pays for the use of a facility.

(3) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.--

(A) IN GENERAL.--Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of aircraft or a motor vehicle of a business entity loaned to a nonprofit organization for use outside of the scope of business of the business entity, if--

(i) such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization; and

(ii) the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.

 (B) **APPLICATION.**--This paragraph shall apply--

(i) with respect to civil liability under Federal and State law; and

 (ii) regardless of whether a nonprofit organization pays for the use of the aircraft or motor vehicle.

(c) EXCEPTION S.--Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct.

(d) SUPERSEDING PROVISION.--< p> (1) **IN GENERAL.**--Subject to paragraph (2) and subsection (e), this title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection for a business entity for an injury or death described in a paragraph of subsection (b) with respect to which the conditions specified in such paragraph apply.

(2) **LIMITATION.**--Nothing in this title shall be construed to supersede any Federal or State health or safety law.

[Page: H4019]

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.--A provision of this title shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute--

(1) citing the authority of this section;

(2) declaring the election of such State that such provision shall not apply to such civil action in the State; and

 (3) containing no other provisions.

(f) **EFF ECTIVE DATE.**--This section shall apply to injuries (and deaths resulting th erefrom) occurring on or after the date of the enactment of this Act.

H. R. 2500

OFFERED BY: MR. HERGER

AMENDMENT NO. 1: Page 63, after line 9, insert the following:

TITLE IIA--DEPARTMENT OF JUSTICE

Klamath Project Water Rights Compensation

For just compensation for private property taken for publ ic use, as required by the 5th Amendment to the Constitution of the United Stat es, for payment by the Attorney General to the water users of the Klamath Proje ct for the Federal taking of water rights pursuant to the Klamath Reclamation P roject 2001 Annual Operations Plan, which provides for the delivery of no water to most of the lands served by the Klamath Reclamation Project, and instead im plements an alternative plan developed pursuant to the Endangered Species Act of 1973; and the amount otherwise provided in thi s Act for ``National Oceanic And Atmospheric Administration--Operations, Resear ch, and Facilities" (and the amounts specified under such heading for direct o bligations, appropriation from the General Fund, and the National Marine Fisher ies Service) are hereby reduced by; \$200,000,000.

H.R. 2500

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 2: In title I, in the item relating t o ``**FEDERAL PRISON SYSTEM--BUILDINGS AND FACILITIES**", after the aggrega te dollar amount, insert the following: ``(reduced by \$73,000,000)".

In title II, in the item relating to ``**ECONOMIC DEVELO PMENT ADMINISTRATION--ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS**", after the aggregate dollar amount, insert the following: ``(increased by \$73,000,000)".

H.R. 2500

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

TITLE VIII--ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

H.R. 2500

OFFERED BY: MR. KERNS

AMENDMENT NO. 4: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII--ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in connection with any system to conduct background checks on persons purchasing a firearm that does not provide for the immediate destruction of all information submitted under the system by, or on behalf of, each person determined under such system not to be prohibited from receiving a firearm. < center>H.R. 2500

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 5: Page 96, line 10, strike ``\$4,100, 000,000" and insert the following:

the levels established by section 20(h)(1)(C) of the Small Business Act (15 U.S.C. 631 note)

H.R. 2500

OFFERED BY: MR. PAUL

AMENDMENT NO. 6: Page 108, after line 22, insert the following:

TITLE VIII--ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used for any United States contribution to the United Nations or any affiliated agency of the United Nations.

H.R. 2500

OFFERED BY: MR. PAUL

AMENDMENT NO. 7: Page 108, after line 22, insert the following:

TITLE VIII--ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used for any United States contribution for United Nations peacekeeping operations.

H.R. 2500

OFFERED BY: MR. ROEMER

AMENDMENT NO. 8: Page 70, after line 7, insert the following:

SEC. 305. (a) The Federal building located at 10th Street and Constitution Avenue, NW, in Washington, DC, and known as the Department of Justice Building, shall be designated and known as the ``Robert F. Kennedy Department of Justice Building".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the ``Robert F. Kennedy Department of Justice Building".

H. R. 2500

OFFERED BY: MR. WALDEN OF OREGON

AMENDMENT NO. 9: Page 108, after line 22, insert the following new title:

TITLE VIII--LIMITATION ON USE OF FUNDS

SEC. 801. None of the funds made available in this Act may be used to implement or to plan to implement any of the recommendations in the Phase I Report or the Phase II Report on the study that was commissioned by the United States and led by Dr. Thomas Hardy on the relationship between the Klamath River flow levels and the health of salmon and steelhead in that river.

H.R. 2500

OFFERED BY: MS. WATERS

AMENDMENT NO. 10: Page 108, after line 22, insert the following:

TITLE VIII--ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading ``**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE--SALARIES AND EXPENSES**'' may be used to initiate a proceeding in the World Trade Organization (WTO) challenging any law or policy of a developing country that promotes access to HIV/AIDS pharmaceuticals or medical technologies to the population of the country.

(b) In this section, the term ``developing country'' means a country that has a per capita income which does not exceed that of an upper middle income country, as defined in the World Development Report published by the International Bank for Reconstruction and Development.

H.R. 2500

OFFERED BY: MS. WATERS

AMENDMENT NO. 11: Page 108, after line 22, insert the following:

TITLE VIII--ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading ``**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE--SALARIES AND EXPENSES**'' may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))) challenging any law of a country that is not a member of the Organization for Economic Cooperation and Development (OECD) relating to HIV/AIDS pharmaceuticals.

H.R. 2500

OFFERED BY: MS. WATERS

AMENDMENT NO. 12: Page 108, after line 22, insert the following:

TITLE VIII--ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading ``**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE--SALARIES AND EXPENSES**'' may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))) challenging any law of a country that is not a member of the Organization for Economic Cooperation and Development (OECD).

H.R. 2500

OFFERED BY: MS. WATERS

AMENDMENT NO. 13: Page 108, after line 22, insert the following:

TITLE VIII--ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading ``**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE--SALARIES AND EXPENSES**'' may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))).

END

“(1) **IN GENERAL.**--In the case of an individual who does not itemize his deductions for the taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the lesser of--

“(A) the amount allowable under subsection (a) for the taxable year for cash contributions, or

“(B) the applicable amount.

; “(2) **APPLICABLE AMOUNT.**--For purposes of paragraph (1), the applicable amount shall be determined as follows:

“**For taxable years**

&n bsp;

The applicable

&n bsp; **beginning in:**

amount is:

2002 and 2003

\$25

2004, 2005, 2006

\$50

2007, 2008, 2009

\$75

2010 and thereafter

\$100.

In the case of a joint return, the applicable amount is twice the applicable amount determined under the preceding table."

&nbs p; (b) **DIRECT CHARITABLE DEDUCTION.--**

(1) **IN GENERAL.--**Subsection (b) of section 63 of such Code is amended by striking ``and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ``, and", and by adding at the end thereof the following new paragraph:

``(3) the direct charitable deduction. ".

(2) **DEFINITION.--**Section 63 of such Code is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

``(g) **DIRECT CHARITABLE DEDUCTION.--**For purposes of this section, the term `direct charitable deduction' means that portion of the amount allowable under section 170 (a) which is taken as a direct charitable deduction for the taxable year under section 170(m)".

(3) **CONFORMING AMENDMENT.--**Subsection (d) of section 63 of such Code is amended by striking ``and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ``, and", and by adding at the end thereof the following new paragraph:

``(3) the direct charitable deduction."

&nbs p; (c) **EFFECTIVE DATE.--**The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

[Page: H4015]<
/pre>

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) **IN GENERAL.--**Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

``(8) **DISTRIBUTIONS FOR CHARITABLE PURPOSES.--**

``(A) **IN GENERAL.--**No amount shall be includible in gross income by reason of a qualified charitable distribution.

``(B) **QUALIFIED CHARITABLE DISTRIBUTION.--**For purposes of this paragraph, the term `qualified charitable distribution' means any distribution from an individual retirement account--

“(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 70 1/2 , and

“(ii) which is made directly by the trustee--

“(I) to an organization described in section 170(c), or

“(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

“(C) **CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.**--For purposes of this paragraph --

“(i) **DIRECT CONTRIBUTIONS.**--A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

“(ii) **SPLIT-INTEREST GIFTS.**-- A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

“(D) **APPLICATION OF SECTION 72.**--Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would be so includible if all amounts were distributed from all individual retirement accounts otherwise taken into account in determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

“(E) **SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.**--

“(i) **CHARITABLE REMAINDER TRUSTS.**--Distributions made from an individual retirement account to a trust described in subparagraph (G)(ii)(I) shall be treated as income described in section 664(b)(1) except to the extent that the beneficiary of the individual retirement account notifies the trustee of the trust of the amount which is not allocable to income under subparagraph (D).

“(ii) **POOLED INCOME FUNDS.**--No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)(II)) by reason of a qualified charitable distribution to such fund.

“(iii) CHARITABLE GIFT ANNUITIES.--Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

; “(F) DENIAL OF DEDUCTION.--Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.< p> “(G) SPLIT-INTEREST ENTITY DEFINED.--For purposes of this paragraph, the term ‘split-interest entity’ means--

; “(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

“(ii) a pooled income fund (as defined in section 642(c)(5)), and

“(iii) a charitable gift annuity (as defined in section 501(m)(5)).”.

(b) MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.--

(1) RETURNS.--Section 6034 of such Code (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

; “SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

; “(a) TRUSTS DESCRIBED IN SECTION 4947(a)(2).--Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

; “(b) TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).--

“(1) IN GENERAL.--Every trust not required to file a return under subsection (a) but claiming a charitable, etc., deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including:

“(A) the amount of the charitable, etc., deduction taken under section 642(c) within such year,

“(B) the amount paid out within such year which represents amounts for which charitable, etc., deductions under section 642(c) have been taken in prior years,

; “(C) the amount for which charitable, etc., deductions have been taken in prior years but which has not been paid out at the beginning of such year,

“(D) the amount paid out of principal in the current and prior years for charitable, etc., purposes,

“(E) the total income of the trust within such year and the expenses attributable thereto, and

“(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

“(2) EXCEPTIONS.--Paragraph (1) shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries. Paragraph (1) shall not apply in the case of a trust described in section 4947(a)(1).”.

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.--Paragraph (2) of section 6652(c) of such Code (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

“(C) SPLIT-INTEREST TRUSTS.--In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that--

“(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

“(ii) in the case of any trust with gross income in excess of \$250,000, the first sentence of paragraph (1)(A) shall be applied by substituting ‘\$100’ for ‘\$20’, and the second sentence thereof shall be applied by substituting ‘\$50,000’ for ‘\$10,000’, and

“(iii) the third sentence of paragraph (1)(A) shall be disregarded.

If the person required to file such return knowingly fails to file the return, such person shall be personally liable for the penalty imposed pursuant to this subparagraph.”.

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.--Subsection (b) of section 6104 of such Code (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: “In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).”.

(c) EFFECTIVE DATES.--

(1) SUBSECTION (a).--The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

“(2) SUBSECTION (b).

--The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2001.

&nb sp; SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.--Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 (relating to corporations) is amended by s triking ``10 percent" and inserting ``the applicable percentage".

&nb sp; (b) APPLICABLE PERCENTAGE.--Subsection (b) of section 170 of s uch Code is amended by adding at the end the following new paragraph:

** sp; ``(3) APPLICABLE PERCENTAGE DEFINED.--**For purposes of paragr aph (2), the applicable percentage shall be determined in accordance with the f ollowing table:

``For taxable years beginning in calendar year--

The applicable percentage is--

20 02 through 2007

11

2008

&nbs p; 12

2009

13

&nbs p; 2010 and thereafter

15."

(c) CONFORMING AMENDMENTS.--

(1) Sections 512(b)(10) and 805(b)(2)(A) of such Code are each amended by strik ing ``10 percent" each place it occurs and inserting ``the applicable percenta ge (determined under section 170(b)(3))".

(2) Sections 54 5(b)(2) and 556(b)(2) of such Code are each amended by striking ``10-percent li mitation" and inserting ``applicable percentage limitation".

 (d) **EFFECTIVE DATE.**--The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

 (a) **IN GENERAL.**--Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) **SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.**--

“(i) **GENERAL RULE.**--In the case of a charitable contribution of food, this paragraph shall be applied--

; “(I) without regard to whether the contribution is made by a Corporation, and

“(II) only for food that is apparently wholesome food.

[Page: H4016]

“(ii) **DETERMINATION OF FAIR MARKET VALUE.**--In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

“(iii) **APPARENTLY WHOLESOME FOOD.**--For purposes of this subparagraph, the term ‘apparently wholesome food’ shall have the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.”.

(b) **EFFECTIVE DATE.**--The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 105. REFORM OF EXCISE TAX ON NET INVESTMENT INCOME OF PRIVATE FOUNDATIONS.

(a) **IN GENERAL.**--Subsection (a) of section 4940 of the Internal Revenue Code of 1986 (relating to excise tax based on investment income) is amended by striking “2 percent” and inserting “1 percent”.

(b) **REPEAL OF REDUCTION IN TAX WHERE PRIVATE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.**--Section 4940 of such Code is amended by striking subsection (e).

(c) **EFFECTIVE DATE.**--The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 7/17/2001 2:44:00 PM
Subject: : accommodation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-JUL-2001 18:44:00.00
SUBJECT:: accommodation
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Kennedy concurrence in Kiryas Joel (also look at Smith and Amos):

"Government policies of accommodation, acknowledgment, and support for religion are an accepted part of our political and cultural heritage." *Allegheny County v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U.S. 573, 657, 106 L. Ed. 2d 472, 109 S. Ct. 3086 (1989) (KENNEDY, J., concurring in judgment in part and dissenting in part). Before the Revolution, colonial governments made a frequent practice of exempting religious objectors from general laws. See McConnell, *The Origins and Historical Understanding of Free Exercise of Religion*, 103 Harv. L. Rev. 1409, 1466-1473 (1990) (recounting colonial exemptions from oath requirements, compulsory military service, religious assessments, and other general legislation). As early as 1691, for instance, New York allowed Quakers to testify by affirmation rather than oath in civil court cases. T. Curry, *The First Freedoms: Church and State in America to the Passage of the First Amendment* 64 (1986). Later, during the American Revolution, the Continental Congress exempted religious objectors from military conscription. Resolution of July 18, 1775, reprinted in 2 *Journals of the Continental Congress* 187, 189 (Library of Congress ed. 1905) ("As there are some people, who, from religious principles, cannot bear [**574] arms in any case, this Congress intend no violence to their consciences . . ."). And since the framing of the Constitution, this Court has approved legislative accommodations for a variety of religious practices. See, e. g., *Selective Draft Law Cases*, 245 U.S. 366, 389-390, 62 L. Ed. 349, 38 S. Ct. 159 (1918) (military draft exemption for religious objectors); *Zorach v. Clauson*, 343 U.S. 306, 96 L. Ed. 954, 72 S. Ct. 679 (1952) (New York City program permitting public school children to leave school for one hour a week for religious observance and instruction); *Gillette v. United States*, 401 U.S. 437, 28 L. Ed. 2d 168, 91 S. Ct. 828 (1971) (military draft exemption for religious objectors); *Corporation of Presiding Bishop of [**724] Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 97 L. Ed. 2d 273, 107 S. Ct. 2862 (1987) (exemption of religious organizations from Title VII's prohibition of religious discrimination); *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U.S. 872, 890, 108 L. Ed. 2d 876, [**2502] 110 S.

Ct. 1595 (1990)

(exemption from drug laws for sacramental peyote use) (dicta).

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Eric A. Draper/WHO/EOP@EOP [WHO] <Eric A. Draper>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/17/2001 11:21:19 AM
Subject: : Photo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JUL-2001 15:21:19.00
SUBJECT:: Photo
TO:Eric A. Draper (CN=Eric A. Draper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Eric-
Sorry to bother you on this again, but what is the best way to get this picture for Brett Kavanaugh? He is in the OEOB, Room 128. Thanks.

-Allison
----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
07/17/2001 03:15 PM -----

Allison L. Riepenhoff
06/20/2001 06:06:55 PM
Record Type: Record

To: Eric A. Draper/WHO/EOP@EOP
cc:
Subject: Photo

Eric-
Sorry to bother you again. Can I get the same picture for an Associate Counsel? Also, I was told it is possible to get these pictures in 8.5x11 size. How do I go about getting them in this size? Thanks.

-Allison
----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
06/20/2001 06:05 PM -----

Allison L. Riepenhoff
05/30/2001 06:27:55 PM
Record Type: Record

To: Eric A. Draper/WHO/EOP@EOP
cc:
Subject: Photo

Eric-

Judge Gonzales gave me your number to call regarding the photograph of POTUS in the Oval Office seated at his desk, with his father standing beside him. Tim Flanigan (Deputy Counsel to the Pres.) would also like one of these. How can I go about arranging this? Also, are smaller copies of this picture available? Thank you for your help!

Allison x66627

REV_00129675

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 7/17/2001 2:44:00 PM
Subject: : accommodation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-JUL-2001 18:44:00.00
SUBJECT:: accommodation
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Kennedy concurrence in Kiryas Joel (also look at Smith and Amos):

"Government policies of accommodation, acknowledgment, and support for religion are an accepted part of our political and cultural heritage." *Allegheny County v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U.S. 573, 657, 106 L. Ed. 2d 472, 109 S. Ct. 3086 (1989) (KENNEDY, J., concurring in judgment in part and dissenting in part). Before the Revolution, colonial governments made a frequent practice of exempting religious objectors from general laws. See McConnell, *The Origins and Historical Understanding of Free Exercise of Religion*, 103 Harv. L. Rev. 1409, 1466-1473 (1990) (recounting colonial exemptions from oath requirements, compulsory military service, religious assessments, and other general legislation). As early as 1691, for instance, New York allowed Quakers to testify by affirmation rather than oath in civil court cases. T. Curry, *The First Freedoms: Church and State in America to the Passage of the First Amendment* 64 (1986). Later, during the American Revolution, the Continental Congress exempted religious objectors from military conscription. Resolution of July 18, 1775, reprinted in 2 *Journals of the Continental Congress* 187, 189 (Library of Congress ed. 1905) ("As there are some people, who, from religious principles, cannot bear [**574] arms in any case, this Congress intend no violence to their consciences . . ."). And since the framing of the Constitution, this Court has approved legislative accommodations for a variety of religious practices. See, e. g., *Selective Draft Law Cases*, 245 U.S. 366, 389-390, 62 L. Ed. 349, 38 S. Ct. 159 (1918) (military draft exemption for religious objectors); *Zorach v. Clauson*, 343 U.S. 306, 96 L. Ed. 954, 72 S. Ct. 679 (1952) (New York City program permitting public school children to leave school for one hour a week for religious observance and instruction); *Gillette v. United States*, 401 U.S. 437, 28 L. Ed. 2d 168, 91 S. Ct. 828 (1971) (military draft exemption for religious objectors); *Corporation of Presiding Bishop of [**724] Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 97 L. Ed. 2d 273, 107 S. Ct. 2862 (1987) (exemption of religious organizations from Title VII's prohibition of religious discrimination); *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U.S. 872, 890, 108 L. Ed. 2d 876, [**2502] 110 S.

Ct. 1595 (1990)

(exemption from drug laws for sacramental peyote use) (dicta).

From: CN=Cathy Alix/OU=WHO/O=EOP [WHO]
To: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>; Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>; June Bartlett/NSC/EOP@EOP [NSC] <June Bartlett>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Brooks L. Bash/NSC/EOP@EOP [NSC] <Brooks L. Bash>; Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Debra D. Bird/WHO/EOP@EOP [WHO] <Debra D. Bird>; John M. Blackburn/NSC/EOP@EOP [NSC] <John M. Blackburn>; Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>; Gary E. Bresnahan/NSC/EOP@EOP [NSC] <Gary E. Bresnahan>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Don E. Cheramie/NSC/EOP@EOP [NSC] <Don E. Cheramie>; Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Ashley E. Davis/WHO/EOP@EOP [WHO] <Ashley E. Davis>; Eric A. Draper/WHO/EOP@EOP [WHO] <Eric A. Draper>; Joel C. Ehrendreich/NSC/EOP@EOP [NSC] <Joel C. Ehrendreich>; Kara G. Figg/WHO/EOP@EOP [WHO] <Kara G. Figg>; Jeanie L. Figg/WHO/EOP@EOP [WHO] <Jeanie L. Figg>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Joachim D. Fuchs/NSC/EOP@EOP [NSC] <Joachim D. Fuchs>; Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>; Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>; Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>; Janan Grissom/WHO/EOP@EOP [WHO] <Janan Grissom>; Alison M. Harden/WHO/EOP@EOP [WHO] <Alison M. Harden>; Robert C. Hargis/NSC/EOP@EOP [NSC] <Robert C. Hargis>; Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne Heiligenstein>; Quincy Hicks/WHO/EOP@EOP [WHO] <Quincy Hicks>; Brenda I. Hilliard/NSC/EOP@EOP [NSC] <Brenda I. Hilliard>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Marilyn R. Jacanin/WHO/EOP@EOP [WHO] <Marilyn R. Jacanin>; Melanie A. Jackson/WHO/EOP@EOP [WHO] <Melanie A. Jackson>; Gordon D. Johndroe/WHO/EOP@EOP [WHO] <Gordon D. Johndroe>; Angela A. Jones/WHO/EOP@EOP [WHO] <Angela A. Jones>; M. Kay Joshi/NSC/EOP@EOP [NSC] <M. Kay Joshi>; Dora Kale/NSC/EOP@EOP [NSC] <Dora Kale>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>; Clark R. Lystra/NSC/EOP@EOP [NSC] <Clark R. Lystra>; Michael T. Manning/NSC/EOP@EOP [NSC] <Michael T. Manning>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Thomas S. Marsh/NSC/EOP@EOP [NSC] <Thomas S. Marsh>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Jenny McGee/NSC/EOP@EOP [NSC] <Jenny McGee>; Melissa McKnight/OPD/EOP@EOP [OPD] <Melissa McKnight>; Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>; Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>; Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>; Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>; Cathy L. Millison/NSC/EOP@EOP [NSC] <Cathy L. Millison>; Jennifer K. Millerwise/WHO/EOP@EOP [WHO] <Jennifer K. Millerwise>; Marcus J. Mollmann/WHO/EOP@EOP [WHO] <Marcus J. Mollmann>; Kevin S. Moran/NSC/EOP@EOP [NSC] <Kevin S. Moran>; Paul L. Morse/WHO/EOP@EOP [WHO] <Paul L. Morse>; Lee B. Mynatt/NSC/EOP@EOP [NSC] <Lee B. Mynatt>; Richard S. Paulus/WHO/EOP@EOP [WHO] <Richard S. Paulus>; Raymond H. Payne/NSC/EOP@EOP [NSC] <Raymond H. Payne>; Sarah Pfeifer/OPD/EOP@EOP [OPD] <Sarah Pfeifer>; David Reyes/NSC/EOP@EOP [NSC] <David Reyes>; Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>; Christina D. Roberts/WHO/EOP@EOP [WHO] <Christina D. Roberts>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>; Daniel R. Sanborn/NSC/EOP@EOP [NSC] <Daniel R. Sanborn>; John B. Sherman/NSC/EOP@EOP [NSC] <John B. Sherman>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Ashley M. Snee/OVP/EOP@EOP [OVP] <Ashley M. Snee>; Rachael L. Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>; Deana R. Sutliff/NSC/EOP@EOP [NSC] <Deana R. Sutliff>; Barbara E. Swann/OA/EOP@EOP [OA] <Barbara E. Swann>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Julianne H. Thomas/WHO/EOP@EOP [WHO] <Julianne H. Thomas>; Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>; Sibyl M. Turner/WHO/EOP@EOP [WHO] <Sibyl M. Turner>; Kurt F. Van der Walde/NSC/EOP@EOP [NSC] <Kurt F. Van der Walde>; Elaine P. Wasserman/NSC/EOP@EOP [NSC] <Elaine P. Wasserman>; Robert L. Wilbon/OA/EOP@EOP [OA] <Robert L. Wilbon>; Robert S. Williams/NSC/EOP@EOP [NSC] <Robert S. Williams>; Harry W. Wolff/WHO/EOP@EOP [WHO] <Harry W. Wolff>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Christina H. Yarmchuk/NSC/EOP@EOP [

TO:Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Peter F. Allgeier (CN=Peter F. Allgeier/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Andrew D. Lundquist (CN=Andrew D. Lundquist/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:James C. Capretta (CN=James C. Capretta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

The White House Presidential Food Service Staff plays a critical role in the President,s overseas trips. Due to the overseas trip, July 18 - 24th, 2001, the White House Mess will be closed for business on Saturday, July 21st. No other changes to the standard operating hours are necessary. We apologize for any inconvenience.

Thank you.

NSC] <Christina H. Yarmchuk>;Ashleigh A. Adams/WHO/EOP@EOP [WHO] <Ashleigh A. Adams>;Amy Barrera/WHO/EOP@EOP [WHO] <Amy Barrera>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Colby J. Cooper/NSC/EOP@EOP [NSC] <Colby J. Cooper>;Dean J. Haas/NSC/EOP@EOP [NSC] <Dean J. Haas>;Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>;Josephine L. Hirsch/WHO/EOP@EOP [WHO] <Josephine L. Hirsch>;Scott Jeffcoat/WHO/EOP@EOP [WHO] <Scott Jeffcoat>;Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>;Daniel M. McCarthy/WHO/EOP@EOP [WHO] <Daniel M. McCarthy>;Sarah M. Moss/WHO/EOP@EOP [WHO] <Sarah M. Moss>;Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>;Alexian T. Wines/NSC/EOP@EOP [NSC] <Alexian T. Wines>;Elizabeth A. Selva/NSC/EOP@EOP [NSC] <Elizabeth A. Selva>;Susan L. Sterner/WHO/EOP@EOP [WHO] <Susan L. Sterner>;Suzanne Primoff/WHO/EOP@EOP [WHO] <Suzanne Primoff>;David R. Bohrer/OVP/EOP@EOP [OVP] <David R. Bohrer>;Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Travis C. Good/NSC/EOP@EOP [NSC] <Travis C. Good>;Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>;Andrew M. Kaver/NSC/EOP@EOP [NSC] <Andrew M. Kaver>;Sherry J. Kuntz/WHO/EOP@EOP [WHO] <Sherry J. Kuntz>;Sang W. Lee/NSC/EOP@EOP [NSC] <Sang W. Lee>;Laura E. Lineberry/NSC/EOP@EOP [NSC] <Laura E. Lineberry>;Mary I. Metzger/NSC/EOP@EOP [NSC] <Mary I. Metzger>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Bonnie S. Broadwick/NSC/EOP@EOP [NSC] <Bonnie S. Broadwick>;Marcia J. Caler/NSC/EOP@EOP [NSC] <Marcia J. Caler>;Douglas M. Erdahl/NSC/EOP@EOP [NSC] <Douglas M. Erdahl>;William D. Mathews/NSC/EOP@EOP [NSC] <William D. Mathews>;Edward J. Padinske/NSC/EOP@EOP [NSC] <Edward J. Padinske>;Robert E. Schubert/NSC/EOP@EOP [NSC] <Robert E. Schubert>;Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>;Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>;Stephen Goldsmith/WHO/EOP@EOP [WHO] <Stephen Goldsmith>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>;Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>;Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>;Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>;Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>;Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>;Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>;Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>;Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>;John Gardner/WHO/EOP@EOP [WHO] <John Gardner>;Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>;Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>;Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>;Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Eric P. Schwartz/NSC/EOP@EOP [NSC] <Eric P. Schwartz>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Mary Ellen Countryman/NSC/EOP@EOP [NSC] <Mary Ellen Countryman>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Dylan C. Glenn/OPD/EOP@EOP [

OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Cesar Conda/OVP/EOP@EOP [OVP] <Cesar Conda>;John J. Dilulio/WHO/EOP@EOP [WHO] <John J. Dilulio>;Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>;Debra R. Dunn/OVP/EOP@EOP [WHO] <Debra R. Dunn>;Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>;Eric S. Edelman/OVP/EOP@EOP [OVP] <Eric S. Edelman>;Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>;Brian V. McCormack/OVP/EOP@EOP [OVP] <Brian V. McCormack>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>;Debra Heiden/OVP/EOP@EOP [OVP] <Debra Heiden>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>;Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>;Elizabeth W. Kleppe/OVP/EOP@EOP [OVP] <Elizabeth W. Kleppe>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>;Claire M. O'Donnell/OVP/EOP@EOP [OVP] <Claire M. O'Donnell>;Neil S. Patel/OVP/EOP@EOP [OVP] <Neil S. Patel>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Andrew D. Lundquist/OVP/EOP@EOP [OVP] <Andrew D. Lundquist>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;James C. Capretta/OMB/EOP@EOP [OMB] <James C. Capretta>;Mitchell Daniels/OMB/EOP@EOP [OMB] <Mitchell Daniels>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>;Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>

Sent: 7/18/2001 10:41:32 AM

Subject: : Saturday Mess Hours

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-JUL-2001 14:41:32.00

SUBJECT:: Saturday Mess Hours

TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:June Bartlett (CN=June Bartlett/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00129718

TO:John M. Blackburn (CN=John M. Blackburn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gary E. Bresnahan (CN=Gary E. Bresnahan/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don E. Cheramie (CN=Don E. Cheramie/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley E. Davis (CN=Ashley E. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric A. Draper (CN=Eric A. Draper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel C. Ehrendreich (CN=Joel C. Ehrendreich/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Janan Grissom (CN=Janan Grissom/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brenda I. Hilliard (CN=Brenda I. Hilliard/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marilyn R. Jacanin (CN=Marilyn R. Jacanin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela A. Jones (CN=Angela A. Jones/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dora Kale (CN=Dora Kale/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Clark R. Lystra (CN=Clark R. Lystra/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jenny McGee (CN=Jenny McGee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Melissa McKnight (CN=Melissa McKnight/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cathy L. Millison (CN=Cathy L. Millison/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kevin S. Moran (CN=Kevin S. Moran/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Paul L. Morse (CN=Paul L. Morse/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Richard S. Paulus (CN=Richard S. Paulus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:David Reyes (CN=David Reyes/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Daniel R. Sanborn (CN=Daniel R. Sanborn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John B. Sherman (CN=John B. Sherman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deana R. Sutliff (CN=Deana R. Sutliff/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Barbara E. Swann (CN=Barbara E. Swann/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sibyl M. Turner (CN=Sibyl M. Turner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kurt F. Van der Walde (CN=Kurt F. Van der Walde/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert L. Wilbon (CN=Robert L. Wilbon/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Robert S. Williams (CN=Robert S. Williams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina H. Yarmchuk (CN=Christina H. Yarmchuk/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy Barrera (CN=Amy Barrera/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colby J. Cooper (CN=Colby J. Cooper/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dean J. Haas (CN=Dean J. Haas/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine L. Hirsch (CN=Josephine L. Hirsch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel M. McCarthy (CN=Daniel M. McCarthy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah M. Moss (CN=Sarah M. Moss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elizabeth A. Selva (CN=Elizabeth A. Selva/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Susan L. Sterner (CN=Susan L. Sterner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Suzanne Primoff (CN=Suzanne Primoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David R. Bohrer (CN=David R. Bohrer/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Travis C. Good (CN=Travis C. Good/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew M. Kaver (CN=Andrew M. Kaver/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sherry J. Kuntz (CN=Sherry J. Kuntz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary I. Metzger (CN=Mary I. Metzger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bonnie S. Broadwick (CN=Bonnie S. Broadwick/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcia J. Caler (CN=Marcia J. Caler/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:William D. Mathews (CN=William D. Mathews/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen Goldsmith (CN=Stephen Goldsmith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ronald G. Bellamy (CN=Ronald G. Bellamy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Eric P. Schwartz (CN=Eric P. Schwartz/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary Ellen Countryman (CN=Mary Ellen Countryman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John J. DiIulio (CN=John J. DiIulio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian V. McCormack (CN=Brian V. McCormack/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Claire M. O'Donnell (CN=Claire M. O'Donnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 7/18/2001 10:33:05 AM
Subject: : Gerry Parsky meeting next week

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-JUL-2001 14:33:05.00

SUBJECT:: Gerry Parsky meeting next week

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Gerry Parsky is in town next Tuesday and would like to meet for a half-hour beginning at 4:30, if possible, to discuss district courts and U.S. Attorneys in California. I told him we would try to set up such a meeting in the Judge's office. Would you please let me (and the other addressees on this e-mail) know if the Judge can do this meeting? If so, the folks on this e-mail are the ones who should attend.

From: CN=Cathy Alix/OU=WHO/O=EOP [WHO]
To: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>; Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>; June Bartlett/NSC/EOP@EOP [NSC] <June Bartlett>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Brooks L. Bash/NSC/EOP@EOP [NSC] <Brooks L. Bash>; Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Debra D. Bird/WHO/EOP@EOP [WHO] <Debra D. Bird>; John M. Blackburn/NSC/EOP@EOP [NSC] <John M. Blackburn>; Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>; Gary E. Bresnahan/NSC/EOP@EOP [NSC] <Gary E. Bresnahan>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Don E. Cheramie/NSC/EOP@EOP [NSC] <Don E. Cheramie>; Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Ashley E. Davis/WHO/EOP@EOP [WHO] <Ashley E. Davis>; Eric A. Draper/WHO/EOP@EOP [WHO] <Eric A. Draper>; Joel C. Ehrendreich/NSC/EOP@EOP [NSC] <Joel C. Ehrendreich>; Kara G. Figg/WHO/EOP@EOP [WHO] <Kara G. Figg>; Jeanie L. Figg/WHO/EOP@EOP [WHO] <Jeanie L. Figg>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Joachim D. Fuchs/NSC/EOP@EOP [NSC] <Joachim D. Fuchs>; Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>; Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>; Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>; Janan Grissom/WHO/EOP@EOP [WHO] <Janan Grissom>; Alison M. Harden/WHO/EOP@EOP [WHO] <Alison M. Harden>; Robert C. Hargis/NSC/EOP@EOP [NSC] <Robert C. Hargis>; Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne Heiligenstein>; Quincy Hicks/WHO/EOP@EOP [WHO] <Quincy Hicks>; Brenda I. Hilliard/NSC/EOP@EOP [NSC] <Brenda I. Hilliard>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Marilyn R. Jacanin/WHO/EOP@EOP [WHO] <Marilyn R. Jacanin>; Melanie A. Jackson/WHO/EOP@EOP [WHO] <Melanie A. Jackson>; Gordon D. Johndroe/WHO/EOP@EOP [WHO] <Gordon D. Johndroe>; Angela A. Jones/WHO/EOP@EOP [WHO] <Angela A. Jones>; M. Kay Joshi/NSC/EOP@EOP [NSC] <M. Kay Joshi>; Dora Kale/NSC/EOP@EOP [NSC] <Dora Kale>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>; Clark R. Lystra/NSC/EOP@EOP [NSC] <Clark R. Lystra>; Michael T. Manning/NSC/EOP@EOP [NSC] <Michael T. Manning>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Thomas S. Marsh/NSC/EOP@EOP [NSC] <Thomas S. Marsh>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Jenny McGee/NSC/EOP@EOP [NSC] <Jenny McGee>; Melissa McKnight/OPD/EOP@EOP [OPD] <Melissa McKnight>; Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>; Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>; Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>; Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>; Cathy L. Millison/NSC/EOP@EOP [NSC] <Cathy L. Millison>; Jennifer K. Millerwise/WHO/EOP@EOP [WHO] <Jennifer K. Millerwise>; Marcus J. Mollmann/WHO/EOP@EOP [WHO] <Marcus J. Mollmann>; Kevin S. Moran/NSC/EOP@EOP [NSC] <Kevin S. Moran>; Paul L. Morse/WHO/EOP@EOP [WHO] <Paul L. Morse>; Lee B. Mynatt/NSC/EOP@EOP [NSC] <Lee B. Mynatt>; Richard S. Paulus/WHO/EOP@EOP [WHO] <Richard S. Paulus>; Raymond H. Payne/NSC/EOP@EOP [NSC] <Raymond H. Payne>; Sarah Pfeifer/OPD/EOP@EOP [OPD] <Sarah Pfeifer>; David Reyes/NSC/EOP@EOP [NSC] <David Reyes>; Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>; Christina D. Roberts/WHO/EOP@EOP [WHO] <Christina D. Roberts>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>; Daniel R. Sanborn/NSC/EOP@EOP [NSC] <Daniel R. Sanborn>; John B. Sherman/NSC/EOP@EOP [NSC] <John B. Sherman>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Ashley M. Snee/OVP/EOP@EOP [OVP] <Ashley M. Snee>; Rachael L. Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>; Deana R. Sutliff/NSC/EOP@EOP [NSC] <Deana R. Sutliff>; Barbara E. Swann/OA/EOP@EOP [OA] <Barbara E. Swann>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Julianne H. Thomas/WHO/EOP@EOP [WHO] <Julianne H. Thomas>; Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>; Sibyl M. Turner/WHO/EOP@EOP [WHO] <Sibyl M. Turner>; Kurt F. Van der Walde/NSC/EOP@EOP [NSC] <Kurt F. Van der Walde>; Elaine P. Wasserman/NSC/EOP@EOP [NSC] <Elaine P. Wasserman>; Robert L. Wilbon/OA/EOP@EOP [OA] <Robert L. Wilbon>; Robert S. Williams/NSC/EOP@EOP [NSC] <Robert S. Williams>; Harry W. Wolff/WHO/EOP@EOP [WHO] <Harry W. Wolff>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Christina H. Yarmchuk/NSC/EOP@EOP [

TO:Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Peter F. Allgeier (CN=Peter F. Allgeier/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Andrew D. Lundquist (CN=Andrew D. Lundquist/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
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TO:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

The White House Presidential Food Service Staff plays a critical role in the President,s overseas trips. Due to the overseas trip, July 18 - 24th, 2001, the White House Mess will be closed for business on Saturday, July 21st. No other changes to the standard operating hours are necessary. We apologize for any inconvenience.

Thank you.

NSC] <Christina H. Yarmchuk>;Ashleigh A. Adams/WHO/EOP@EOP [WHO] <Ashleigh A. Adams>;Amy Barrera/WHO/EOP@EOP [WHO] <Amy Barrera>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Colby J. Cooper/NSC/EOP@EOP [NSC] <Colby J. Cooper>;Dean J. Haas/NSC/EOP@EOP [NSC] <Dean J. Haas>;Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>;Josephine L. Hirsch/WHO/EOP@EOP [WHO] <Josephine L. Hirsch>;Scott Jeffcoat/WHO/EOP@EOP [WHO] <Scott Jeffcoat>;Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>;Daniel M. McCarthy/WHO/EOP@EOP [WHO] <Daniel M. McCarthy>;Sarah M. Moss/WHO/EOP@EOP [WHO] <Sarah M. Moss>;Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>;Alexian T. Wines/NSC/EOP@EOP [NSC] <Alexian T. Wines>;Elizabeth A. Selva/NSC/EOP@EOP [NSC] <Elizabeth A. Selva>;Susan L. Sterner/WHO/EOP@EOP [WHO] <Susan L. Sterner>;Suzanne Primoff/WHO/EOP@EOP [WHO] <Suzanne Primoff>;David R. Bohrer/OVP/EOP@EOP [OVP] <David R. Bohrer>;Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Travis C. Good/NSC/EOP@EOP [NSC] <Travis C. Good>;Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>;Andrew M. Kaver/NSC/EOP@EOP [NSC] <Andrew M. Kaver>;Sherry J. Kuntz/WHO/EOP@EOP [WHO] <Sherry J. Kuntz>;Sang W. Lee/NSC/EOP@EOP [NSC] <Sang W. Lee>;Laura E. Lineberry/NSC/EOP@EOP [NSC] <Laura E. Lineberry>;Mary I. Metzger/NSC/EOP@EOP [NSC] <Mary I. Metzger>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Bonnie S. Broadwick/NSC/EOP@EOP [NSC] <Bonnie S. Broadwick>;Marcia J. Caler/NSC/EOP@EOP [NSC] <Marcia J. Caler>;Douglas M. Erdahl/NSC/EOP@EOP [NSC] <Douglas M. Erdahl>;William D. Mathews/NSC/EOP@EOP [NSC] <William D. Mathews>;Edward J. Padinske/NSC/EOP@EOP [NSC] <Edward J. Padinske>;Robert E. Schubert/NSC/EOP@EOP [NSC] <Robert E. Schubert>;Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>;Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>;Stephen Goldsmith/WHO/EOP@EOP [WHO] <Stephen Goldsmith>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>;Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>;Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>;Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>;Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>;Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>;Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>;Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>;Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>;John Gardner/WHO/EOP@EOP [WHO] <John Gardner>;Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>;Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>;Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>;Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Eric P. Schwartz/NSC/EOP@EOP [NSC] <Eric P. Schwartz>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Mary Ellen Countryman/NSC/EOP@EOP [NSC] <Mary Ellen Countryman>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Dylan C. Glenn/OPD/EOP@EOP [

OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Cesar Conda/OVP/EOP@EOP [OVP] <Cesar Conda>;John J. Dilulio/WHO/EOP@EOP [WHO] <John J. Dilulio>;Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>;Debra R. Dunn/OVP/EOP@EOP [WHO] <Debra R. Dunn>;Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>;Eric S. Edelman/OVP/EOP@EOP [OVP] <Eric S. Edelman>;Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>;Brian V. McCormack/OVP/EOP@EOP [OVP] <Brian V. McCormack>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>;Debra Heiden/OVP/EOP@EOP [OVP] <Debra Heiden>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>;Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>;Elizabeth W. Kleppe/OVP/EOP@EOP [OVP] <Elizabeth W. Kleppe>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>;Claire M. O'Donnell/OVP/EOP@EOP [OVP] <Claire M. O'Donnell>;Neil S. Patel/OVP/EOP@EOP [OVP] <Neil S. Patel>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Andrew D. Lundquist/OVP/EOP@EOP [OVP] <Andrew D. Lundquist>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;James C. Capretta/OMB/EOP@EOP [OMB] <James C. Capretta>;Mitchell Daniels/OMB/EOP@EOP [OMB] <Mitchell Daniels>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>;Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>

Sent: 7/18/2001 10:41:32 AM

Subject: : Saturday Mess Hours

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-JUL-2001 14:41:32.00

SUBJECT:: Saturday Mess Hours

TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:June Bartlett (CN=June Bartlett/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00129778

TO:John M. Blackburn (CN=John M. Blackburn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gary E. Bresnahan (CN=Gary E. Bresnahan/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don E. Cheramie (CN=Don E. Cheramie/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley E. Davis (CN=Ashley E. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric A. Draper (CN=Eric A. Draper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel C. Ehrendreich (CN=Joel C. Ehrendreich/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Janan Grissom (CN=Janan Grissom/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brenda I. Hilliard (CN=Brenda I. Hilliard/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marilyn R. Jacanin (CN=Marilyn R. Jacanin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela A. Jones (CN=Angela A. Jones/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dora Kale (CN=Dora Kale/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Clark R. Lystra (CN=Clark R. Lystra/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jenny McGee (CN=Jenny McGee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Melissa McKnight (CN=Melissa McKnight/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cathy L. Millison (CN=Cathy L. Millison/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kevin S. Moran (CN=Kevin S. Moran/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Paul L. Morse (CN=Paul L. Morse/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Richard S. Paulus (CN=Richard S. Paulus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:David Reyes (CN=David Reyes/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Daniel R. Sanborn (CN=Daniel R. Sanborn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John B. Sherman (CN=John B. Sherman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deana R. Sutliff (CN=Deana R. Sutliff/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Barbara E. Swann (CN=Barbara E. Swann/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sibyl M. Turner (CN=Sibyl M. Turner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kurt F. Van der Walde (CN=Kurt F. Van der Walde/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert L. Wilbon (CN=Robert L. Wilbon/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Robert S. Williams (CN=Robert S. Williams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina H. Yarmchuk (CN=Christina H. Yarmchuk/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy Barrera (CN=Amy Barrera/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colby J. Cooper (CN=Colby J. Cooper/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dean J. Haas (CN=Dean J. Haas/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine L. Hirsch (CN=Josephine L. Hirsch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel M. McCarthy (CN=Daniel M. McCarthy/OU=WHO/O=EOP@EOP [WHO])
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TO:Sarah M. Moss (CN=Sarah M. Moss/OU=WHO/O=EOP@EOP [WHO])
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TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])
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TO:Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
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TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
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TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
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TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elizabeth A. Selva (CN=Elizabeth A. Selva/OU=NSC/O=EOP@EOP [NSC])
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TO:Susan L. Sterner (CN=Susan L. Sterner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Suzanne Primoff (CN=Suzanne Primoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David R. Bohrer (CN=David R. Bohrer/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Travis C. Good (CN=Travis C. Good/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew M. Kaver (CN=Andrew M. Kaver/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sherry J. Kuntz (CN=Sherry J. Kuntz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary I. Metzger (CN=Mary I. Metzger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bonnie S. Broadwick (CN=Bonnie S. Broadwick/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcia J. Caler (CN=Marcia J. Caler/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:William D. Mathews (CN=William D. Mathews/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen Goldsmith (CN=Stephen Goldsmith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ronald G. Bellamy (CN=Ronald G. Bellamy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Eric P. Schwartz (CN=Eric P. Schwartz/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary Ellen Countryman (CN=Mary Ellen Countryman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
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TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John J. DiIulio (CN=John J. DiIulio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian V. McCormack (CN=Brian V. McCormack/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Claire M. O'Donnell (CN=Claire M. O'Donnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

From: CN=Cathy Alix/OU=WHO/O=EOP [WHO]
To: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>; Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>; June Bartlett/NSC/EOP@EOP [NSC] <June Bartlett>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Brooks L. Bash/NSC/EOP@EOP [NSC] <Brooks L. Bash>; Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Debra D. Bird/WHO/EOP@EOP [WHO] <Debra D. Bird>; John M. Blackburn/NSC/EOP@EOP [NSC] <John M. Blackburn>; Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>; Gary E. Bresnahan/NSC/EOP@EOP [NSC] <Gary E. Bresnahan>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Don E. Cheramie/NSC/EOP@EOP [NSC] <Don E. Cheramie>; Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Ashley E. Davis/WHO/EOP@EOP [WHO] <Ashley E. Davis>; Eric A. Draper/WHO/EOP@EOP [WHO] <Eric A. Draper>; Joel C. Ehrendreich/NSC/EOP@EOP [NSC] <Joel C. Ehrendreich>; Kara G. Figg/WHO/EOP@EOP [WHO] <Kara G. Figg>; Jeanie L. Figg/WHO/EOP@EOP [WHO] <Jeanie L. Figg>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Joachim D. Fuchs/NSC/EOP@EOP [NSC] <Joachim D. Fuchs>; Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>; Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>; Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>; Janan Grissom/WHO/EOP@EOP [WHO] <Janan Grissom>; Alison M. Harden/WHO/EOP@EOP [WHO] <Alison M. Harden>; Robert C. Hargis/NSC/EOP@EOP [NSC] <Robert C. Hargis>; Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne Heiligenstein>; Quincy Hicks/WHO/EOP@EOP [WHO] <Quincy Hicks>; Brenda I. Hilliard/NSC/EOP@EOP [NSC] <Brenda I. Hilliard>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Marilyn R. Jacanin/WHO/EOP@EOP [WHO] <Marilyn R. Jacanin>; Melanie A. Jackson/WHO/EOP@EOP [WHO] <Melanie A. Jackson>; Gordon D. Johndroe/WHO/EOP@EOP [WHO] <Gordon D. Johndroe>; Angela A. Jones/WHO/EOP@EOP [WHO] <Angela A. Jones>; M. Kay Joshi/NSC/EOP@EOP [NSC] <M. Kay Joshi>; Dora Kale/NSC/EOP@EOP [NSC] <Dora Kale>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>; Clark R. Lystra/NSC/EOP@EOP [NSC] <Clark R. Lystra>; Michael T. Manning/NSC/EOP@EOP [NSC] <Michael T. Manning>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Thomas S. Marsh/NSC/EOP@EOP [NSC] <Thomas S. Marsh>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Jenny McGee/NSC/EOP@EOP [NSC] <Jenny McGee>; Melissa McKnight/OPD/EOP@EOP [OPD] <Melissa McKnight>; Townsend L. McNitt/WHO/EOP@EOP [WHO] <Townsend L. McNitt>; Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>; Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>; Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>; Cathy L. Millison/NSC/EOP@EOP [NSC] <Cathy L. Millison>; Jennifer K. Millerwise/WHO/EOP@EOP [WHO] <Jennifer K. Millerwise>; Marcus J. Mollmann/WHO/EOP@EOP [WHO] <Marcus J. Mollmann>; Kevin S. Moran/NSC/EOP@EOP [NSC] <Kevin S. Moran>; Paul L. Morse/WHO/EOP@EOP [WHO] <Paul L. Morse>; Lee B. Mynatt/NSC/EOP@EOP [NSC] <Lee B. Mynatt>; Richard S. Paulus/WHO/EOP@EOP [WHO] <Richard S. Paulus>; Raymond H. Payne/NSC/EOP@EOP [NSC] <Raymond H. Payne>; Sarah Pfeifer/OPD/EOP@EOP [OPD] <Sarah Pfeifer>; David Reyes/NSC/EOP@EOP [NSC] <David Reyes>; Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>; Christina D. Roberts/WHO/EOP@EOP [WHO] <Christina D. Roberts>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>; Daniel R. Sanborn/NSC/EOP@EOP [NSC] <Daniel R. Sanborn>; John B. Sherman/NSC/EOP@EOP [NSC] <John B. Sherman>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Ashley M. Snee/OVP/EOP@EOP [OVP] <Ashley M. Snee>; Rachael L. Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>; Deana R. Sutliff/NSC/EOP@EOP [NSC] <Deana R. Sutliff>; Barbara E. Swann/OA/EOP@EOP [OA] <Barbara E. Swann>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Julianne H. Thomas/WHO/EOP@EOP [WHO] <Julianne H. Thomas>; Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>; Sibyl M. Turner/WHO/EOP@EOP [WHO] <Sibyl M. Turner>; Kurt F. Van der Walde/NSC/EOP@EOP [NSC] <Kurt F. Van der Walde>; Elaine P. Wasserman/NSC/EOP@EOP [NSC] <Elaine P. Wasserman>; Robert L. Wilbon/OA/EOP@EOP [OA] <Robert L. Wilbon>; Robert S. Williams/NSC/EOP@EOP [NSC] <Robert S. Williams>; Harry W. Wolff/WHO/EOP@EOP [WHO] <Harry W. Wolff>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Christina H. Yarmchuk/NSC/EOP@EOP [

TO:Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Peter F. Allgeier (CN=Peter F. Allgeier/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Andrew D. Lundquist (CN=Andrew D. Lundquist/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:James C. Capretta (CN=James C. Capretta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

The White House Presidential Food Service Staff plays a critical role in the President,s overseas trips. Due to the overseas trip, July 18 - 24th, 2001, the White House Mess will be closed for business on Saturday, July 21st. No other changes to the standard operating hours are necessary. We apologize for any inconvenience.

Thank you.

NSC] <Christina H. Yarmchuk>;Ashleigh A. Adams/WHO/EOP@EOP [WHO] <Ashleigh A. Adams>;Amy Barrera/WHO/EOP@EOP [WHO] <Amy Barrera>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Colby J. Cooper/NSC/EOP@EOP [NSC] <Colby J. Cooper>;Dean J. Haas/NSC/EOP@EOP [NSC] <Dean J. Haas>;Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>;Josephine L. Hirsch/WHO/EOP@EOP [WHO] <Josephine L. Hirsch>;Scott Jeffcoat/WHO/EOP@EOP [WHO] <Scott Jeffcoat>;Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>;Daniel M. McCarthy/WHO/EOP@EOP [WHO] <Daniel M. McCarthy>;Sarah M. Moss/WHO/EOP@EOP [WHO] <Sarah M. Moss>;Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>;Alexian T. Wines/NSC/EOP@EOP [NSC] <Alexian T. Wines>;Elizabeth A. Selva/NSC/EOP@EOP [NSC] <Elizabeth A. Selva>;Susan L. Sterner/WHO/EOP@EOP [WHO] <Susan L. Sterner>;Suzanne Primoff/WHO/EOP@EOP [WHO] <Suzanne Primoff>;David R. Bohrer/OVP/EOP@EOP [OVP] <David R. Bohrer>;Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Travis C. Good/NSC/EOP@EOP [NSC] <Travis C. Good>;Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>;Andrew M. Kaver/NSC/EOP@EOP [NSC] <Andrew M. Kaver>;Sherry J. Kuntz/WHO/EOP@EOP [WHO] <Sherry J. Kuntz>;Sang W. Lee/NSC/EOP@EOP [NSC] <Sang W. Lee>;Laura E. Lineberry/NSC/EOP@EOP [NSC] <Laura E. Lineberry>;Mary I. Metzger/NSC/EOP@EOP [NSC] <Mary I. Metzger>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Bonnie S. Broadwick/NSC/EOP@EOP [NSC] <Bonnie S. Broadwick>;Marcia J. Caler/NSC/EOP@EOP [NSC] <Marcia J. Caler>;Douglas M. Erdahl/NSC/EOP@EOP [NSC] <Douglas M. Erdahl>;William D. Mathews/NSC/EOP@EOP [NSC] <William D. Mathews>;Edward J. Padinske/NSC/EOP@EOP [NSC] <Edward J. Padinske>;Robert E. Schubert/NSC/EOP@EOP [NSC] <Robert E. Schubert>;Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>;Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>;Stephen Goldsmith/WHO/EOP@EOP [WHO] <Stephen Goldsmith>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>;Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>;Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>;Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>;Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>;Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>;Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>;Ronald G. Bellamy/WHO/EOP@EOP [WHO] <Ronald G. Bellamy>;Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>;John Gardner/WHO/EOP@EOP [WHO] <John Gardner>;Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>;Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>;Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>;Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Eric P. Schwartz/NSC/EOP@EOP [NSC] <Eric P. Schwartz>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Mary Ellen Countryman/NSC/EOP@EOP [NSC] <Mary Ellen Countryman>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Dylan C. Glenn/OPD/EOP@EOP [

OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Kevin J. Martin/OPD/EOP@EOP [OPD] <Kevin J. Martin>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Anne E. Phelps/OPD /EOP@EOP [OPD] <Anne E. Phelps>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Ruben S. Barrales/WHO /EOP@EOP [WHO] <Ruben S. Barrales>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Robert W. Cobb/WHO /EOP@EOP [WHO] <Robert W. Cobb>;Cesar Conda/OVP/EOP@EOP [OVP] <Cesar Conda>;John J. Dilulio/WHO/EOP@EOP [WHO] <John J. Dilulio>;Nancy P. Dorn/WHO /EOP@EOP [WHO] <Nancy P. Dorn>;Debra R. Dunn/OVP/EOP@EOP [WHO] <Debra R. Dunn>;Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>;Eric S. Edelman/OVP /EOP@EOP [OVP] <Eric S. Edelman>;Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>;Brian V. McCormack/OVP/EOP@EOP [OVP] <Brian V. McCormack>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Deborah K. Hair/WHO /EOP@EOP [WHO] <Deborah K. Hair>;Debra Heiden/OVP/EOP@EOP [OVP] <Debra Heiden>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Stuart Holliday/WHO /EOP@EOP [WHO] <Stuart Holliday>;Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>;Elizabeth W. Kleppe/OVP/EOP@EOP [OVP] <Elizabeth W. Kleppe>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>;Claire M. O'Donnell/OVP/EOP@EOP [OVP] <Claire M. O'Donnell>;Neil S. Patel/OVP/EOP@EOP [OVP] <Neil S. Patel>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Andrew D. Lundquist/OVP/EOP@EOP [OVP] <Andrew D. Lundquist>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD /EOP@EOP [OPD] <K. Philippa Malmgren>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;James C. Capretta/OMB/EOP@EOP [OMB] <James C. Capretta>;Mitchell Daniels/OMB/EOP@EOP [OMB] <Mitchell Daniels>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>;Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>

Sent: 7/18/2001 10:41:32 AM
Subject: : Saturday Mess Hours

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-JUL-2001 14:41:32.00

SUBJECT:: Saturday Mess Hours

TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:June Bartlett (CN=June Bartlett/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00129788

TO:John M. Blackburn (CN=John M. Blackburn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gary E. Bresnahan (CN=Gary E. Bresnahan/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don E. Cheramie (CN=Don E. Cheramie/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley E. Davis (CN=Ashley E. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric A. Draper (CN=Eric A. Draper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel C. Ehrendreich (CN=Joel C. Ehrendreich/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
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TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
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TO:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Janan Grissom (CN=Janan Grissom/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
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TO:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP@EOP [NSC])
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TO:Brenda I. Hilliard (CN=Brenda I. Hilliard/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
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TO:Marilyn R. Jacanin (CN=Marilyn R. Jacanin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela A. Jones (CN=Angela A. Jones/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dora Kale (CN=Dora Kale/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Clark R. Lystra (CN=Clark R. Lystra/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jenny McGee (CN=Jenny McGee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Melissa McKnight (CN=Melissa McKnight/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cathy L. Millison (CN=Cathy L. Millison/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kevin S. Moran (CN=Kevin S. Moran/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Paul L. Morse (CN=Paul L. Morse/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Richard S. Paulus (CN=Richard S. Paulus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:David Reyes (CN=David Reyes/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Daniel R. Sanborn (CN=Daniel R. Sanborn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John B. Sherman (CN=John B. Sherman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deana R. Sutliff (CN=Deana R. Sutliff/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Barbara E. Swann (CN=Barbara E. Swann/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sibyl M. Turner (CN=Sibyl M. Turner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kurt F. Van der Walde (CN=Kurt F. Van der Walde/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert L. Wilbon (CN=Robert L. Wilbon/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Robert S. Williams (CN=Robert S. Williams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina H. Yarmchuk (CN=Christina H. Yarmchuk/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy Barrera (CN=Amy Barrera/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colby J. Cooper (CN=Colby J. Cooper/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dean J. Haas (CN=Dean J. Haas/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine L. Hirsch (CN=Josephine L. Hirsch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel M. McCarthy (CN=Daniel M. McCarthy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah M. Moss (CN=Sarah M. Moss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elizabeth A. Selva (CN=Elizabeth A. Selva/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Susan L. Sterner (CN=Susan L. Sterner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Suzanne Primoff (CN=Suzanne Primoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David R. Bohrer (CN=David R. Bohrer/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Travis C. Good (CN=Travis C. Good/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew M. Kaver (CN=Andrew M. Kaver/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sherry J. Kuntz (CN=Sherry J. Kuntz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary I. Metzger (CN=Mary I. Metzger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bonnie S. Broadwick (CN=Bonnie S. Broadwick/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcia J. Caler (CN=Marcia J. Caler/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:William D. Mathews (CN=William D. Mathews/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen Goldsmith (CN=Stephen Goldsmith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ronald G. Bellamy (CN=Ronald G. Bellamy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Eric P. Schwartz (CN=Eric P. Schwartz/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary Ellen Countryman (CN=Mary Ellen Countryman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John J. DiIulio (CN=John J. DiIulio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian V. McCormack (CN=Brian V. McCormack/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Claire M. O'Donnell (CN=Claire M. O'Donnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>
Sent: 7/18/2001 11:56:32 AM
Subject: : Reminder - 4:00 JSC Mtg. today in the Roosevelt-TODAY

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-JUL-2001 15:56:32.00

SUBJECT:: Reminder - 4:00 JSC Mtg. today in the Roosevelt-TODAY

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

REV_00129797

READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>
Sent: 7/18/2001 11:56:32 AM
Subject: : Reminder - 4:00 JSC Mtg. today in the Roosevelt-TODAY

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-JUL-2001 15:56:32.00

SUBJECT:: Reminder - 4:00 JSC Mtg. today in the Roosevelt-TODAY

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Thanks!

From: Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>
To: Dinh, Viet <Viet.Dinh@usdoj.gov>;Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>;Joy, Sheila <Sheila.Joy@usdoj.gov>;Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>;Bryant, Dan <Dan.Bryant@usdoj.gov>;Tucker, Mindy <Mindy.Tucker@usdoj.gov>;Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>;Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>;Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>;Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>;Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>
Sent: 7/18/2001 12:18:00 PM
Subject: : Nomination Stats

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:18-JUL-2001 16:18:00.00

SUBJECT:: Nomination Stats

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

These numbers were calculated based on a list given to us by a staffer on the Senate Judiciary Committee. The list included only those nominees that actually received a hearing (400) and listed the number of days that elapsed between nomination and hearing.

* Number of Nominees that received a hearing during Clinton's 1st term = 236

* 106 received a hearing within 60 days

* Average number of days between nomination and hearing for Clinton's 1st term was 81.25 days.

* Number of nominees that received a hearing during Clinton's 2nd term = 164

* 56 received a hearing within 60 days.

* Average number of days between nomination and hearing for Clinton's 2nd term was 106.18 days.

Lizette D. Benedi
Counsel
United States Department of Justice
Office of Legal Policy
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 514-3824

From: CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/19/2001 7:55:38 AM
Subject: : Conference call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-JUL-2001 11:55:38.00

SUBJECT:: Conference call

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I sent you a note asking for guidance on whether it is appropriate for Ken to do a conference call with Tom Cole of the US Chamber of Commerce and Jim Wooten. It would be regarding the California energy crisis. They sent over a sheet that gives background on a California order that FERC is preparing to issue a major refund order to sellers and marketers of power in CA. Does it ring a bell? If not, then I can bring it back down.
thanks

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN]
<Stewart_Verdery@aml.senate.gov>; Christopher Rosche) (Christopher_Rosche@hatch.senate.gov (Christopher Rosche) [UNKNOWN]
<Christopher_Rosche@hatch.senate.gov>; Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN]
<Sharon_Prost@judiciary.senate.gov>; mark_rodgers@src.senate.gov [UNKNOWN]
<mark_rodgers@src.senate.gov>; lincoln_oliphant@rpc.senate.gov [UNKNOWN]
<lincoln_oliphant@rpc.senate.gov>; Lincoln Oliphant) (Lincoln_Oliphant@rpc.senate.gov (Lincoln Oliphant) [UNKNOWN] <Lincoln_Oliphant@rpc.senate.gov>; Kyle Sampson/WHO/EOP [WHO]
<Kyle Sampson>; Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN] <Rena_Johnson@judiciary.senate.gov>; John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN]
<John_Mashburn@lott.senate.gov>; Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>; Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN]
<Ed_Haden@judiciary.senate.gov>; Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>; Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>; chris_myers@src.senate.gov [UNKNOWN] <chris_myers@src.senate.gov>; Bradford A. Berenson/WHO/EOP [WHO]
<Bradford A. Berenson>; barbara_ledeen@src.senate.gov [UNKNOWN]
<barbara_ledeen@src.senate.gov>; bcomstock@rnchq.org [UNKNOWN]
<bcomstock@rnchq.org>; Bill Hoagland) (Bill_Hoagland@budget.senate.gov (Bill Hoagland) [UNKNOWN] <Bill_Hoagland@budget.senate.gov>; BOLson@bgrdc.com [UNKNOWN]
<BOLson@bgrdc.com>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Cesar Conda/OVP/EOP [OVP] <Cesar Conda>; Christine C. McCarlie/OMB/EOP [OMB] <Christine C. McCarlie>; Candida P. Wolff/OVP/EOP [OVP] <Candida P. Wolff>; dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>; David Urban) (David_Urban@specter.senate.gov (David Urban) [UNKNOWN] <David_Urban@specter.senate.gov>; david.ayres@usdoj.gov [UNKNOWN] <david.ayres@usdoj.gov>; Doug Farry) (Doug_Farry_at_HOUSE@IMAEXC2.senate.gov (Doug Farry) [UNKNOWN]
<Doug_Farry_at_HOUSE@IMAEXC2.senate.gov>; egeorge@brownewoods.com [UNKNOWN]
<egeorge@brownewoods.com>; Hunter Bates) (Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) [UNKNOWN] <Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov>; Jade West) (Jade_West@rpc.senate.gov (Jade West) [UNKNOWN] <Jade_West@rpc.senate.gov>; jSchmitz@pattonboggs.com [UNKNOWN]
<jSchmitz@pattonboggs.com>; Julie Dammann) (Julie_Dammann_at_BOND-DC@IMAEXC2.senate.gov (Julie Dammann) [UNKNOWN] <Julie_Dammann_at_BOND-DC@IMAEXC2.senate.gov>; Kristen.A.Ullman@usdoj.gov [UNKNOWN]
<Kristen.A.Ullman@usdoj.gov>; mark_disler@bm.com [UNKNOWN]
<mark_disler@bm.com>; rbork@aei.org [UNKNOWN] <rbork@aei.org>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 7/19/2001 5:57:11 AM
Subject: : Judicial Nominee Questionnaire Controversy

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

CREATION DATE/TIME:19-JUL-2001 09:57:11.00

SUBJECT:: Judicial Nominee Questionnaire Controversy

TO:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN])

READ:UNKNOWN

TO:Christopher_Rosche@hatch.senate.gov (Christopher Rosche) (Christopher_Rosche@hatch.senate.gov (Christopher Rosche) [UNKNOWN])

READ:UNKNOWN

TO:Sharon_Prost@judiciary.senate.gov (Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN])

READ:UNKNOWN

REV_00129851

TO:mark_rodgers@src.senate.gov (mark_rodgers@src.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:lincoln_oliphant@rpc.senate.gov (lincoln_oliphant@rpc.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Lincoln_Oliphant@rpc.senate.gov (Lincoln Oliphant) (Lincoln_Oliphant@rpc.senate.gov
(Lincoln Oliphant) [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov
(Rena Johnson) [UNKNOWN])
READ:UNKNOWN
TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John
Mashburn) [UNKNOWN])
READ:UNKNOWN
TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])
READ:UNKNOWN
TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])
READ:UNKNOWN
TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN])
READ:UNKNOWN
TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN])
READ:UNKNOWN
TO:chris_myers@src.senate.gov (chris_myers@src.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:barbara_ledeen@src.senate.gov (barbara_ledeen@src.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:bcomstock@rnchq.org (bcomstock@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:Bill_Hoagland@budget.senate.gov (Bill Hoagland) (Bill_Hoagland@budget.senate.gov (Bill
Hoagland) [UNKNOWN])
READ:UNKNOWN
TO:Bolson@bgrdc.com (BOLson@bgrdc.com [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:Christine C. McCarlie (CN=Christine C. McCarlie/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
TO:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:David_Urban@specter.senate.gov (David Urban) (David_Urban@specter.senate.gov (David
Urban) [UNKNOWN])
READ:UNKNOWN
TO:david.ayres@usdoj.gov (david.ayres@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Doug_Farry_at_HOUSE@IMAEXC2.senate.gov (Doug Farry) (Doug_Farry_at_HOUSE@IMAEXC2.senate.gov (Doug Farry) [UNKNOWN])
READ:UNKNOWN
TO:egeorge@brownwoods.com (egeorge@brownwoods.com [UNKNOWN])
READ:UNKNOWN
TO:Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) (Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) [UNKNOWN])
READ:UNKNOWN
TO:Jade_West@rpc.senate.gov (Jade West) (Jade_West@rpc.senate.gov (Jade West) [UNKNOWN])
READ:UNKNOWN
TO:jSchmitz@pattonboggs.com (jSchmitz@pattonboggs.com [UNKNOWN])
READ:UNKNOWN

TO:Julie_Dammann_at_BOND-DC@IMAEXC2.senate.gov (Julie Dammann) (Julie_Dammann_at_BOND-DC@IMAEXC2.senate.gov (Julie Dammann) [UNKNOWN])
READ:UNKNOWN
TO:Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:mark_disler@bm.com (mark_disler@bm.com [UNKNOWN])
READ:UNKNOWN
TO:rbork@aei.org (rbork@aei.org [UNKNOWN])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From Today's Roll Call

July 19, 2001
Leahy Move Sparks Fight

By Mark Preston and Paul Kane

Marking a potentially dramatic change in how nominees' backgrounds are handled, Senate Democrats are trying to make the criminal histories and campaign contributions of President Bush's choices for the federal bench and Justice Department part of the public record.

In addition to the new public questions on political activities and criminal convictions, Democrats also want to ask all nominees about past illegal drug use in a portion of the questionnaire that would remain private.

For years the FBI has done complete background checks on nominees, including criminal matters. That information has remained sealed, though, and only a handful of staffers on the Judiciary Committee has had access to it.

Now, however, Judiciary Democrats are pushing for a comprehensive edit of the eight-page public questionnaire that all nominees must fill out - a rewrite that would require nominees to spell out every crime they had been convicted of and list almost every political contribution they have ever made.

"We should have a somewhat different questionnaire," said Judiciary Chairman Patrick Leahy (D-Vt.), who is spearheading the questionnaire overhaul effort. "I don't want to make it more intrusive. I want to make it more simple."

Republicans charge that Leahy and Senate Democrats are trying to make it more difficult for Bush to persuade qualified applicants to leave lucrative private-sector jobs to serve in the federal government. By making arrest records public, nominees could be embarrassed over somewhat minor infractions they committed decades ago, Republicans said.

"He wants to make it more stringent," griped Sen. Orrin Hatch (R-Utah), the ranking Republican on the Judiciary Committee. "It is far too inclusive and far too voluminous."

"You'll have people afraid to serve," added Sen. Jeff Sessions (R-Ala.), ranking member on Judiciary's administrative oversight and the courts subcommittee. "If it's going to be blasted all over the world, good people may decide not to serve."

The move by Democrats comes just weeks after Sen. Charles Schumer (D-N.Y.), chairman of the courts subcommittee, said the full committee should openly consider nominees' political and ideological backgrounds. This prompted the GOP to denounce the "politicization" of the judiciary.

It also comes less than two months after the panel's bruising battle over the nomination of Solicitor General Theodore Olson, who was confirmed, but only after a tight 51-47 vote. Democrats claimed Olson wasn't completely forthcoming in detailing the legal and political work he did for conservative groups, such as the right-wing American Spectator magazine.

Republicans are not particularly worried about the proposed changes to the questionnaire dealing with financial contributions to political candidates, since donations of more than \$200 are already public record. But the criminal records should remain sealed, they say, hinting that many Clinton administration nominees - plenty of whom were eventually confirmed - would be completely humiliated if their crimes were now revealed.

"This is a changing of the ground rules," one senior GOP aide said. "Want to go back [to the Clinton administration]? Let's expose them all."

But Schumer, who indicated the Democrats have had trouble with similar information in the past, said any nominee for higher office or the federal bench should have his or her criminal record exposed to the public.

"I think those are legitimate questions that we should get to the bottom of," he said. "I think that the public should know."

The Senator declined to specify which nominees have troubling criminal backgrounds. "All I will say is, I think it's legitimate for public knowledge."

Without this change, criminal matters would remain part of the FBI file on a nominee. It is illegal for Senators or staff to leak information from a confidential FBI file.

Sessions said there is still an easy way for Senators to express their dismay with a nominee's personal background without publicly exposing his or her past. "If somebody comes up with a problem in their personal background check, you can vote against them," he said.

Leahy and Hatch agree that the current questionnaire is outdated, but arriving at a final draft is proving to be difficult. So far Democratic and Republican Judiciary staffers have failed to reach an agreement on whether to include these questions, and there does not appear to be a solution in sight.

While this disagreement is not likely to put the skids on Bush's nominees in the short term, it exposes yet another rift in the already strained relationship that exists between Democrats and Republicans who serve on the committee. Now that they have been relegated to the minority, Hatch and other Republicans are openly complaining that Democrats are taking their time walking Bush's nominees through the confirmation process.

Unless the Senate starts to expeditiously approve Bush's judicial nominees, Hatch said, "It is going to be the biggest mess we have ever seen ... a plethora of injustice. Every week there is a delay, it is going to make it very difficult for the administration to do its job."

Hatch suggested that Democrats should have held nomination hearings during the Senate reorganization after they were vaulted into power early last month.

However, Leahy contends that once the reorganization was finalized, he announced a nomination hearing "10 minutes" after the agreement between Democrats and Republicans was inked.

David Carle, a spokesman for Leahy, defended the pace the Judiciary

Committee has taken to address the pending nomination hearings.

"Few if any committees have scheduled or maintained as brisk a confirmation schedule as has the Judiciary Committee," Carle said.

"Republicans know that without the committee being formed and members knowing their committee assignments confirmation hearings were going to have to wait for the Senate organizing resolution and that process was unfortunately strung out for four long weeks."

As for the questionnaire, Leahy said he is not asking anything more than what other committees, such as Governmental Affairs, seek from nominees who must be approved by their panels and that the information can be ascertained by combing through public records.

For example, the committee would not be privy to a nominee's criminal history if charges had been dismissed, expunged from the record or sealed by the court, according to Democrats.

As for revealing past political activity, the Judiciary questionnaire already asks nominees to explain what positions they have held or roles they played in political campaigns. But Leahy wants to take this one step further by asking nominees to list their financial contributions to political candidates - another piece of information that can be obtained through public-record searches.

"A number of Republicans have been asking these questions for six years," the Vermont Senator said of the Clinton years. "If they felt it was important then, I don't want to deny them the opportunity to continue asking."

But one question where Leahy said he draws the line is how a particular nominee votes.

Commenting on the illegal drug usage question, Carle said he believes the current one is ambiguously worded. The final question on the questionnaire reads, "Please advise the Committee of any unfavorable information that may affect your nomination."

"It is vague and problematic both to nominees and to members of the committee," Carle said. "It makes sense to seek clarity, and this would be in the confidential part of the questionnaire."

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>;Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>;Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>;Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 7/19/2001 9:58:20 AM
Subject: : talking points for Press re: judges
Attachments: P_ZUBW2004_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-JUL-2001 13:58:20.00

SUBJECT:: talking points for Press re: judges

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

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CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

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CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00129856

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Please see the attached. If you have any questions please call Brett
Kavanaugh at 456-7984.

Thanks!

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ZUBW2004_WHO.TXT_1>

180 Days into the Presidency: Timing and Number of Judicial Nominations (July 18, 2001)

Timing

- The President made his initial 11 circuit court nominations on May 9, 2001.
 - President Reagan's initial nominations did not occur until July 9, 1981.
 - President George H.W. Bush's initial nominations did not occur until August 4, 1989.
 - President Clinton's initial nominations did not occur until August 6, 1993.

Number of Nominations Before August Recess

- The President has already made 29 circuit and district court nominations, and the Administration anticipates that the President will make over 40 circuit and district court nominations before the Senate's August recess.
 - President Reagan made 13 circuit and district nominations before that recess.
 - President George H.W. Bush made 8 circuit and district nominations before the recess.
 - President Clinton made 13 circuit and district nominations before the recess.

Number of Nominations During First Year

- The Administration anticipates that the President will make over 100 circuit and district court nominations during his first year in office.
 - President Reagan made a total of 44 circuit and district court nominations during his first year in office.
 - President George H.W. Bush made a total of 23 circuit and district court nominations during his first year in office.
 - President Clinton made a total of 47 circuit and district court nominations during his first year in office.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 7/19/2001 12:28:32 PM
Subject: : Re: Who is the "over"/"more than" guru?

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-JUL-2001 16:28:32.00

SUBJECT:: Re: Who is the "over"/"more than" guru?

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

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I think that guru is you, Brett.

Noel J. Francisco
07/19/2001 03:38:19 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Who is the "over"/"more than" guru?

What the #?! are you talking about?

Brett M. Kavanaugh
07/19/2001 03:25:19 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Who is the "over"/"more than" guru?

REV_00129863

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
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Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

Message Copied

To:

bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 7/19/2001 3:41:08 PM
Subject: : FW: Judicial Media Review 7-19-01
Attachments: P_2VMW2004_WHO.TXT_1.wpd

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CREATION DATE/TIME:19-JUL-2001 19:41:08.00

SUBJECT:: FW: Judicial Media Review 7-19-01

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TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification

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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
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TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
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TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return
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READ:UNKNOWN
CC:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM
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Here is today's judicial media review.

Best regards.

- Judicial Media Review 7-19-01.wpd
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File attachment <P_2VMW2004_WHO.TXT_1>

Media Review - Judicial Nominations

Thursday, July 19, 2001

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Byron York, *National Review*, July 19, 2001

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis **New York Times**
June 26, 2001

Road to Federal Bench Gets Bumpier in Senate
Neil Lewis 1

Others nominated include: John W. Keys III to head the U.S. Bureau of Reclamation; John Price as ambassador to Mauritius; Jon Huntsman Jr. as deputy U.S. trade representative; Jimmy Gurule as undersecretary of the Treasury for enforcement; David D. Lauriski as assistant labor secretary for mine safety and health; and Randal Quarles as U.S. executive director at the International Monetary Fund.

Bush has also nominated University of Utah law professor Michael W. McConnell as a judge on the 10th Circuit Court of Appeals, and fellow U. law professor Paul G. Cassell to be a judge on the U.S. District Court for Utah.

Bush Aide Offers Views On Nominations

By Jason Hoppin

The Recorder

Tuesday, July 17, 2001

Assistant Attorney General Viet Dinh said the confirmation of Robert Mueller III is the top priority in Washington, D.C., and may be completed by the time Congress takes a holiday in a little more than two weeks. That's the number one priority, Dinh said after speaking at the Ninth Circuit U.S. Court of Appeals annual meeting here. On Friday, the Senate Judiciary Committee released 30-plus pages of questions for Mueller, President Bush's choice to be the next FBI director. Included was the disclosure that Mueller has localized prostate cancer, which is treatable and not expected to affect his nomination. David Carle, press secretary to Sen. Patrick Leahy,

D-Vt., chairman of the Judiciary Committee, said a second hearing on oversight of the FBI will be held Wednesday. Mueller's nomination has still not technically been forwarded to the committee. Last week, a handful of FBI agents fanned out across San Francisco and interviewed several of Mueller's associates as part of an exhaustive background check. Dinh was on hand to offer the Bush administration's views on the judiciary and to report on the progress of judicial nominees, repeating the oft-cited preference for judges who won't legislate from the bench. Calling the 110 federal judicial vacancies nationwide a vacancy crisis, Dinh pledged that Bush would nominate a dozen or more additional nominees by the time the Senate recesses in early

York Times

June 26, 2001**oad to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

August. The Judiciary Committee recently held its first confirmation hearings since Bush was elected, and one more round of hearings is expected by the recess. Most of Bush's nominees have been to circuit courts of appeals. They've front-loaded the circuit court nominees, Carle said. No hearings have been set for either Los Angeles Superior Court Judge Carolyn Kuhl or Hawaii lawyer Richard Clifton, both nominated to the Ninth Circuit. Dinh said organizations such as the American Bar Association are being given a chance to offer their views on the selections. Sen. Barbara Boxer, D-Calif., has already said she has concerns about Kuhl's nomination, but has not declared whether she will oppose it. As for the confirmation process in general, Dinh said: I fully expect there will be controversy.

Op/Eds

Attack on Federalist Society is Attack on Free Speech

By Timothy Morella; Baniak, Pine & Gannon LLC
Chicago Daily Law Bulletin
Tuesday, July 17, 2001

To the editor:

Recently, Sen. Richard J. Durbin, D-Ill., composed a response (printed on May 24) attempting to defend his earlier assertion (printed on May 7) that the views of the Federalist Society are "antithetical to most Americans."

In an effort to decry the Federalist Society as permitting only unbalanced debate, Sen. Durbin highlights the fact that Sen. Orrin Hatch, R-Utah, and Justice Clarence Thomas have both given speeches at Federalist Society functions in which they criticized the American Bar Association for engaging in political activities. Therefore, Sen. Durbin appears to imply, the entire Federalist Society must be against the ABA.

Tellingly, the senator fails to mention other speakers at Federalist Society events. These people contradict Sen. Durbin's implication that the Federalist Society is the exclusive bastion of ultra-

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June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis New York Times
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Neil Lewis

conservatives. A sampling:

- ABA President Martha Barnett.
- Past ABA presidents Jerome Shestack, Bill Paul and George Bushnell.
- ACLU chief Nadine Strossen, who spoke at last year's Federalist Society national convention.

Perhaps the reason for the senator's failure to mention such speakers is that their disclosure would not advance the goal of setting the Federalist Society up as an ultra-right wing organization. Sen. Durbin's apparent strategy is that, once people believe the Federalist Society is "bad," the credibility of members of the Federalist Society would be drastically diminished.

Sen. Durbin has, in fact, already started this "guilt by association" attack. His first victim was Professor Viet Dinh, the Bush administration's nominee for assistant attorney general in charge of the Department of Justice's Office of Policy Development.

During Professor Dinh's confirmation hearings on May 9, Sen. Durbin noted that Professor Dinh was a member of the Federalist Society, and then complained about the ABA's ouster by the Bush administration from the official nomination process of judges. The transcript of the hearing reads as follows:

"You are a member of the Federalist Society. We find it curious on our side of the aisle that President Bush has said that he no longer wants to rely on the American Bar Association to do a background check on prospective judges."

Sen. Durbin did not explain why, or how, Professor Dinh's membership in the Federalist Society was related to the ABA's role in judicial nominations. Nor did Sen. Durbin give Professor Dinh a chance to respond. Durbin demanded instead that Dinh "describe for us your involvement in the Federalist Society and what you believe this group stands for."

If Sen. Durbin holds all Federalist Society members responsible for speeches made by Sen. Hatch and Justice Thomas, inter alia, where will Durbin stop? Will he attack all Catholics because the church has an anti-abortion stance? Will he attack political appointees who read the

York Times

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Neil Lewis **New York Times**

June 26, 2001

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Neil Lewis

Chicago Tribune (which once compared Sen. Durbin to "warm tapioca pudding")?

We are beginning to see a McCarthy-esque pattern to Sen. Durbin's tactics. Broadly speaking, this pattern consists of three elements:

- First, create a suspect organization. Foment the impression that the Federalist Society is an extreme right-wing group.
- Second, impugn individuals using "guilt by association" attacks. Attack persons who are members of the Federalist Society based on their membership in it.
- Third, use congressional hearings to force people to testify about the organization. Examine witnesses under oath about their affiliation and knowledge of the Federalist Society.

Sen. Durbin's tactics discourage people from being members of the Federalist Society and from listening to and participating in Federalist Society events. While this may help the senator's liberal political allies, it nevertheless hinders progress and communication. As a forum for public debate, the Federalist Society exemplifies the American principles of freedom of speech and freedom of association, more so than the vaunted and apparently untouchable ABA.

Moreover, Sen. Durbin's use of his official position to attack the Federalist Society strikes at the heart of American democracy.

Despite his liberal political base, Sen. Durbin appears to be fearful and intolerant of free speech. He is not liberal. He is anti-liberal.

Timothy M. Morella

Baniak, Pine & Gannon LLC

Interest Groups/Press Releases

Schumer's Next Show; Democrats Play Catch-22.

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June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

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Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

By Byron York
National Review
Thursday, July 19, 2001

Fresh from efforts to justify the rejection of Republican judicial nominees on ideological grounds, New York Democrat Charles Schumer, chairman of the Senate Judiciary Committee's subcommittee on the courts, plans a new hearing to explore other strategies for defeating President Bush's choices for the federal bench.

Schumer will hold a session next Tuesday titled, "The Senate's Role in the Nomination and Confirmation Process: Whose Burden?" The title refers to the question of who bears the burden of proof in a judicial confirmation: Do senators have to come up with a compelling reason to reject a nominee, or do nominees have to come up with a compelling reason to convince senators they should be confirmed?

Although general practice has favored the former, Democrats, facing a slew of nominations from the Bush White House, are now building a case for the latter. They say nominees, to prove they are worthy of confirmation, should be required to answer questions about issues and cases on which they might be called to rule once they reach the bench — something that prospective judges have been traditionally reluctant to do.

The implications are potentially devastating for Bush nominees. In hearings last month, Schumer stressed the idea that qualified candidates might be rejected on ideological grounds — that is, if they expressed opinions Democrats consider "out of the mainstream." Now, Schumer is proposing that nominees who decline to express opinions on controversial subjects like abortion and racial preferences might also be rejected.

"The first hearing said that if your answers show you're not PC enough, we [Democrats] can vote against you," says one Republican staffer. "Now, this hearing is saying it's the nominee's burden to answer all the questions, which puts conservative nominees in a catch-22. If you answer the questions honestly, they'll vote you down. If you don't answer the questions, they'll vote you down."

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The intellectual foundation of the new approach was unveiled at last month's ideology hearing in written testimony from Harvard law professor Laurence Tribe, who is virtually writing the blueprint for Democrats' approach to confirmation hearings. "To say that the burden is on those who hold the power of advice and consent to show that there is something disqualifying about the nominee, that there is a smoking gun in the record or a wildly intemperate publication in the bibliography or some other fatal flaw that can justify a rallying cry of opposition, is to guarantee that the President will have the Court of his dreams without the Senate playing any meaningful role whatsoever," Tribe wrote. "Therefore, if the Senate's role is to be what the Framers contemplated, what history confirms, and what a sound appreciation for the realities of American politics demands, the burden must instead be on the nominee and, indeed, on the President. That burden must be to persuade each Senator...that the nominee's experience, writings, speeches, decisions, and actions affirmatively demonstrate not only the exceptional intellect and wisdom and integrity that greatness as a judge demands but also the understanding of and commitment to those constitutional rights and values and ideals that the Senator regards as important for the republic to uphold." Tribe concluded: "On this standard, stealth nominees should have a particularly hard time winning confirmation."

At the ideology hearing, Schumer announced he will hold "at least three" more hearings on the issue of judicial confirmation. A Schumer spokesman did not return calls for comment.

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General Judicial Articles

Leahy Move Sparks Fight

By Mark Preston & Paul Kane

Roll Call

Thursday, July 19, 2001

Marking a potentially dramatic change in how nominees' backgrounds are handled, Senate Democrats are trying to make the criminal histories and campaign contributions of President Bush's choices for the federal bench and Justice Department part of the public record.

In addition to the new public questions on political activities and criminal convictions, Democrats also want to ask all nominees about past illegal drug use in a portion of the questionnaire that would remain private.

For years the FBI has done complete background checks on nominees, including criminal matters. That information has remained sealed, though, and only a handful of staffers on the Judiciary Committee has had access to it.

Now, however, Judiciary Democrats are pushing for a comprehensive edit of the eight-page public questionnaire that all nominees must fill out - a rewrite that would require nominees to spell out every crime they had been convicted of and list almost every political contribution they have ever made.

"We should have a somewhat different questionnaire," said Judiciary Chairman Patrick Leahy (D-Vt.), who is spearheading the questionnaire overhaul effort. "I don't want to make it more intrusive. I want to make it more simple."

Republicans charge that Leahy and Senate Democrats are trying to make it more difficult for Bush to persuade qualified applicants to leave lucrative private-sector jobs to serve in the federal

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government. By making arrest records public, nominees could be embarrassed over somewhat minor infractions they committed decades ago, Republicans said.

"He wants to make it more stringent," griped Sen. Orrin Hatch (R-Utah), the ranking Republican on the Judiciary Committee. "It is far too inclusive and far too voluminous."

"You'll have people afraid to serve," added Sen. Jeff Sessions (R-Ala.), ranking member on Judiciary's administrative oversight and the courts subcommittee. "If it's going to be blasted all over the world, good people may decide not to serve."

The move by Democrats comes just weeks after Sen. Charles Schumer (D-N.Y.), chairman of the courts subcommittee, said the full committee should openly consider nominees' political and ideological backgrounds. This prompted the GOP to denounce the "politicization" of the judiciary.

It also comes less than two months after the panel's bruising battle over the nomination of Solicitor General Theodore Olson, who was confirmed, but only after a tight 51-47 vote. Democrats claimed Olson wasn't completely forthcoming in detailing the legal and political work he did for conservative groups, such as the right-wing American Spectator magazine.

Republicans are not particularly worried about the proposed changes to the questionnaire dealing with financial contributions to political candidates, since donations of more than \$200 are already public record. But the criminal records should remain sealed, they say, hinting that many Clinton administration nominees - plenty of whom were eventually confirmed - would be completely humiliated if their crimes were now revealed.

"This is a changing of the ground rules," one senior GOP aide said. "Want to go back [to the Clinton administration]? Let's expose them all."

But Schumer, who indicated the Democrats have had trouble with similar information in the past, said any nominee for higher office or the federal bench should have his or her criminal record exposed to the public.

"I think those are legitimate questions that we should get to the bottom of," he said. "I think that

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the public should know."

The Senator declined to specify which nominees have troubling criminal backgrounds. "All I will say is, I think it's legitimate for public knowledge."

Without this change, criminal matters would remain part of the FBI file on a nominee. It is illegal for Senators or staff to leak information from a confidential FBI file.

Sessions said there is still an easy way for Senators to express their dismay with a nominee's personal background without publicly exposing his or her past. "If somebody comes up with a problem in their personal background check, you can vote against them," he said.

Leahy and Hatch agree that the current questionnaire is outdated, but arriving at a final draft is proving to be difficult. So far Democratic and Republican Judiciary staffers have failed to reach an agreement on whether to include these questions, and there does not appear to be a solution in sight.

While this disagreement is not likely to put the skids on Bush's nominees in the short term, it exposes yet another rift in the already strained relationship that exists between Democrats and Republicans who serve on the committee. Now that they have been relegated to the minority, Hatch and other Republicans are openly complaining that Democrats are taking their time walking Bush's nominees through the confirmation process.

Unless the Senate starts to expeditiously approve Bush's judicial nominees, Hatch said, "It is going to be the biggest mess we have ever seen ... a plethora of injustice. Every week there is a delay, it is going to make it very difficult for the administration to do its job."

Hatch suggested that Democrats should have held nomination hearings during the Senate reorganization after they were vaulted into power early last month.

However, Leahy contends that once the reorganization was finalized, he announced a nomination hearing "10 minutes" after the agreement between Democrats and Republicans was inked.

David Carle, a spokesman for Leahy, defended the pace the Judiciary Committee has taken to

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address the pending nomination hearings.

"Few if any committees have scheduled or maintained as brisk a confirmation schedule as has the Judiciary Committee," Carle said.

"Republicans know that without the committee being formed and members knowing their committee assignments confirmation hearings were going to have to wait for the Senate organizing resolution and that process was unfortunately strung out for four long weeks."

As for the questionnaire, Leahy said he is not asking anything more than what other committees, such as Governmental Affairs, seek from nominees who must be approved by their panels and that the information can be ascertained by combing through public records.

For example, the committee would not be privy to a nominee's criminal history if charges had been dismissed, expunged from the record or sealed by the court, according to Democrats.

As for revealing past political activity, the Judiciary questionnaire already asks nominees to explain what positions they have held or roles they played in political campaigns. But Leahy wants to take this one step further by asking nominees to list their financial contributions to political candidates - another piece of information that can be obtained through public-record searches.

"A number of Republicans have been asking these questions for six years," the Vermont Senator said of the Clinton years. "If they felt it was important then, I don't want to deny them the opportunity to continue asking."

But one question where Leahy said he draws the line is how a particular nominee votes.

Commenting on the illegal drug usage question, Carle said he believes the current one is ambiguously worded. The final question on the questionnaire reads, "Please advise the Committee of any unfavorable information that may affect your nomination."

"It is vague and problematic both to nominees and to members of the committee," Carle said. "It makes sense to seek clarity, and this would be in the confidential part of the questionnaire."

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ABA Is Liking Conservative Nominees

By Jonathan Ringel
American Lawyer Media
Thursday, July 19, 2001

When George W. Bush ended the American Bar Association's traditional pre-screening of judicial candidates, one liberal critic said the president was "afraid that a poor ABA rating might come between some of his far-right candidates and a seat on the federal judiciary."

Yet, so far the president has had nothing to fear. With a batch of new reports issued this week, the ABA's judicial committee -- its role revived by the now Democratic-controlled Senate -- has given its highest ratings to some of Bush's most conservative nominees.

The 15-member ABA panel voted unanimously to give "well qualified" ratings to Michael McConnell, picked for the 10th U.S. Circuit Court of Appeals, and Miguel Estrada, nominated for the Washington, D.C., Circuit.

McConnell, a University of Utah law professor, has drawn fire for his Supreme Court arguments on behalf of religious groups seeking access to government funds. He has also been targeted by abortion rights supporters because he has criticized the landmark Supreme Court decision of *Roe v. Wade*, although he has also written that the right to an abortion "remains secure."

Estrada, despite being the first Hispanic nominee to the D.C. Circuit, has received more criticism than support from Latino legal groups, who say they're concerned how his conservative leanings would affect civil rights laws.

The ABA panel bases its ratings on "integrity, professional competence and judicial temperament," and rates nominees as "well qualified," "qualified" or "not qualified."

The ABA's take on McConnell, Estrada, and North Carolina federal trial Judge Terrence Boyle, a 4th Circuit nominee rated "qualified," completed the panel's review of Bush's first 11 circuit court nominees. Bush introduced the 11 in May at a White House ceremony.

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None received a "not qualified" vote, while five were unanimously voted "well qualified."

One Bush administration official said he had been confident the nominees would get "the Good Housekeeping seal of approval" from the ABA.

That's not necessarily so, says Marcia Kuntz of the liberal Alliance for Justice, which has expressed "grave concerns" about the nominations of McConnell, Estrada, Roberts and Jeffrey Sutton, a 6th Circuit nominee.

Enviros Call for Tighter Scrutiny With Bush's Judge Selections

By Darren Samuelsohn
The Green Wire
Thursday, July 19, 2001

A green group coalition announced a new campaign Wednesday to monitor President Bush's judicial nominees based on their environmental and public health records. Citing past court rulings and what they call a "growing number of anti-environmental judges," the groups say they are collecting information that will help lawmakers heighten their scrutiny of potential federal judges.

There are currently 112 vacancies on the federal bench; Bush so far has announced 29 nominations. Doug Kendall, executive director of the Community Rights Counsel, said there is a "backlog of research that needs to be done" regarding those Bush nominees and their environmental backgrounds. He added that joint research teams are already working together to provide lawmakers and other interest groups with the information. He added that each environmental group has the final say in determining its position on individual candidates.

One of the most contested courtrooms for environmental issues is the District of Columbia Court of Appeals. So far, Bush has nominated two people to that court, Miguel Estrada and John Roberts. While environmental groups have not taken an official stance on either man, Buck Parker, executive director of the Earthjustice Legal Defense Fund, said there is concern over Roberts' previous statements on the issue of private property "takings."

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In fact, takings is one of several issues the environmental groups ticked off as a sort of laundry list they'd like to see considered by lawmakers during the nomination process. In their recently released report *Hostile Environment: How Activist Federal Judges Threaten Our Air, Water and Land*, the green groups wrote that some judges have recently "abandoned any pretense of restraint and instead embrace a virulent strain of judicial activism that has weakened our environmental protections." With regards to the takings provision, they said recent rulings have amounted to "paying polluters not to pollute."

Among the other issues they say judges should be quizzed on: whether they think the 11th Amendment should be interpreted to prevent citizens who want to sue their own state for environmental violations; whether environmental issues have equal status with an industry's compliance costs; and whether green groups should be granted "standing" in such cases where the applicable statute contains a provision allowing citizens to sue.

Charli Coon, a senior policy analyst for energy and environmental issues at the Heritage Foundation, took issue with the environmental groups' nomination campaign, calling it a "sour grapes" effort based on court cases they have recently lost. She said a judge should be judged on his or her background, education and experience, and whether laws will be interpreted consistent with the Constitution. A judge should not have to meet a "list of criteria for a special interest group before that person is qualified to serve," she added.

Asked if environmental groups are concerned they might oppose a judge who someday will preside over one of their cases, Kendall said the environmental community will "pick its shots wisely." Parker added that the length of time a judge will sit on the bench "outweighs by far the damage we might do to ourselves and to our cases."

Sen. Russ Feingold, a Wisconsin Democrat who sits on the Judiciary Committee, joined the Natural Resources Defense Council, Endangered Species Coalition, Friends of the Earth, National Audubon Society and others in support of the campaign. He said he would continue his practice of questioning nominees on their environmental views. "Federal judges need to be prepared to deal with complicated natural resource and environmental quality issues, particularly those arising under federal law," he said, adding that "the opinions of federal judges carry weight, not only in the third branch of government, but in this branch as well, and we

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should thoroughly understand nominees' views on these issues."

President Selects BYU Grad For Post

By Lee Davidson

The Deseret News

Wednesday, July 18, 2001

President Bush has announced he intends to nominate former Utahn Jay Scott Bybee to head the Justice Department's Office of Legal Counsel.

Bybee, 47, is a law professor at the University of Nevada, where he has taught the past two years.

He was born in Oakland, Calif., but received a bachelor's degree from Brigham Young University in 1977. He graduated cum laude from BYU's law school in 1980.

From 1989 to 1991, Bybee was an associate counsel to the senior President Bush. From 1984 to 1989 he worked at the Justice Department, first in the Office of Legal Policy and later at the Civil Division.

From 1991 to 1998, he taught constitutional and administrative law at Louisiana State University. From 1981 to 1984, he was an associate at the Washington law firm of Sidley & Associates. Bybee also served as a clerk to Judge Donald Russell of the 4th Circuit Court of Appeals.

Presidents routinely announce plans to nominate someone before actually doing it to allow people with objections to raise them early while final background checks proceed.

Bybee is among numerous Utahns and former Utahns nominated or appointed by Bush to serve in his administration. They include Karl Rove, Bush's top White House political advisor and new U.S. Forest Service Chief Dale Bosworth.

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To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>
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Others nominated include: John W. Keys III to head the U.S. Bureau of Reclamation; John Price as ambassador to Mauritius; Jon Huntsman Jr. as deputy U.S. trade representative; Jimmy Gurule as undersecretary of the Treasury for enforcement; David D. Lauriski as assistant labor secretary for mine safety and health; and Randal Quarles as U.S. executive director at the International Monetary Fund.

Bush has also nominated University of Utah law professor Michael W. McConnell as a judge on the 10th Circuit Court of Appeals, and fellow U. law professor Paul G. Cassell to be a judge on the U.S. District Court for Utah.

Bush Aide Offers Views On Nominations

By Jason Hoppin

The Recorder

Tuesday, July 17, 2001

Assistant Attorney General Viet Dinh said the confirmation of Robert Mueller III is the top priority in Washington, D.C., and may be completed by the time Congress takes a holiday in a little more than two weeks. That's the number one priority, Dinh said after speaking at the Ninth Circuit U.S. Court of Appeals annual meeting here. On Friday, the Senate Judiciary Committee released 30-plus pages of questions for Mueller, President Bush's choice to be the next FBI director. Included was the disclosure that Mueller has localized prostate cancer, which is treatable and not expected to affect his nomination. David Carle, press secretary to Sen. Patrick Leahy,

D-Vt., chairman of the Judiciary Committee, said a second hearing on oversight of the FBI will be held Wednesday. Mueller's nomination has still not technically been forwarded to the committee. Last week, a handful of FBI agents fanned out across San Francisco and interviewed several of Mueller's associates as part of an exhaustive background check. Dinh was on hand to offer the Bush administration's views on the judiciary and to report on the progress of judicial nominees, repeating the oft-cited preference for judges who won't legislate from the bench. Calling the 110 federal judicial vacancies nationwide a vacancy crisis, Dinh pledged that Bush would nominate a dozen or more additional nominees by the time the Senate recesses in early

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August. The Judiciary Committee recently held its first confirmation hearings since Bush was elected, and one more round of hearings is expected by the recess. Most of Bush's nominees have been to circuit courts of appeals. They've front-loaded the circuit court nominees, Carle said. No hearings have been set for either Los Angeles Superior Court Judge Carolyn Kuhl or Hawaii lawyer Richard Clifton, both nominated to the Ninth Circuit. Dinh said organizations such as the American Bar Association are being given a chance to offer their views on the selections. Sen. Barbara Boxer, D-Calif., has already said she has concerns about Kuhl's nomination, but has not declared whether she will oppose it. As for the confirmation process in general, Dinh said: I fully expect there will be controversy.

Op/Eds

Attack on Federalist Society is Attack on Free Speech

By Timothy Morella; Baniak, Pine & Gannon LLC
Chicago Daily Law Bulletin
Tuesday, July 17, 2001

To the editor:

Recently, Sen. Richard J. Durbin, D-Ill., composed a response (printed on May 24) attempting to defend his earlier assertion (printed on May 7) that the views of the Federalist Society are "antithetical to most Americans."

In an effort to decry the Federalist Society as permitting only unbalanced debate, Sen. Durbin highlights the fact that Sen. Orrin Hatch, R-Utah, and Justice Clarence Thomas have both given speeches at Federalist Society functions in which they criticized the American Bar Association for engaging in political activities. Therefore, Sen. Durbin appears to imply, the entire Federalist Society must be against the ABA.

Tellingly, the senator fails to mention other speakers at Federalist Society events. These people contradict Sen. Durbin's implication that the Federalist Society is the exclusive bastion of ultra-

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Neil Lewis New York Times
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conservatives. A sampling:

- ABA President Martha Barnett.
- Past ABA presidents Jerome Shestack, Bill Paul and George Bushnell.
- ACLU chief Nadine Strossen, who spoke at last year's Federalist Society national convention.

Perhaps the reason for the senator's failure to mention such speakers is that their disclosure would not advance the goal of setting the Federalist Society up as an ultra-right wing organization. Sen. Durbin's apparent strategy is that, once people believe the Federalist Society is "bad," the credibility of members of the Federalist Society would be drastically diminished.

Sen. Durbin has, in fact, already started this "guilt by association" attack. His first victim was Professor Viet Dinh, the Bush administration's nominee for assistant attorney general in charge of the Department of Justice's Office of Policy Development.

During Professor Dinh's confirmation hearings on May 9, Sen. Durbin noted that Professor Dinh was a member of the Federalist Society, and then complained about the ABA's ouster by the Bush administration from the official nomination process of judges. The transcript of the hearing reads as follows:

"You are a member of the Federalist Society. We find it curious on our side of the aisle that President Bush has said that he no longer wants to rely on the American Bar Association to do a background check on prospective judges."

Sen. Durbin did not explain why, or how, Professor Dinh's membership in the Federalist Society was related to the ABA's role in judicial nominations. Nor did Sen. Durbin give Professor Dinh a chance to respond. Durbin demanded instead that Dinh "describe for us your involvement in the Federalist Society and what you believe this group stands for."

If Sen. Durbin holds all Federalist Society members responsible for speeches made by Sen. Hatch and Justice Thomas, inter alia, where will Durbin stop? Will he attack all Catholics because the church has an anti-abortion stance? Will he attack political appointees who read the

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Chicago Tribune (which once compared Sen. Durbin to "warm tapioca pudding")?

We are beginning to see a McCarthy-esque pattern to Sen. Durbin's tactics. Broadly speaking, this pattern consists of three elements:

- First, create a suspect organization. Foment the impression that the Federalist Society is an extreme right-wing group.
- Second, impugn individuals using "guilt by association" attacks. Attack persons who are members of the Federalist Society based on their membership in it.
- Third, use congressional hearings to force people to testify about the organization. Examine witnesses under oath about their affiliation and knowledge of the Federalist Society.

Sen. Durbin's tactics discourage people from being members of the Federalist Society and from listening to and participating in Federalist Society events. While this may help the senator's liberal political allies, it nevertheless hinders progress and communication. As a forum for public debate, the Federalist Society exemplifies the American principles of freedom of speech and freedom of association, more so than the vaunted and apparently untouchable ABA.

Moreover, Sen. Durbin's use of his official position to attack the Federalist Society strikes at the heart of American democracy.

Despite his liberal political base, Sen. Durbin appears to be fearful and intolerant of free speech. He is not liberal. He is anti-liberal.

Timothy M. Morella

Baniak, Pine & Gannon LLC

Interest Groups/Press Releases

Schumer's Next Show; Democrats Play Catch-22.

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Neil Lewis **New York Times**

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By Byron York
National Review
Thursday, July 19, 2001

Fresh from efforts to justify the rejection of Republican judicial nominees on ideological grounds, New York Democrat Charles Schumer, chairman of the Senate Judiciary Committee's subcommittee on the courts, plans a new hearing to explore other strategies for defeating President Bush's choices for the federal bench.

Schumer will hold a session next Tuesday titled, "The Senate's Role in the Nomination and Confirmation Process: Whose Burden?" The title refers to the question of who bears the burden of proof in a judicial confirmation: Do senators have to come up with a compelling reason to reject a nominee, or do nominees have to come up with a compelling reason to convince senators they should be confirmed?

Although general practice has favored the former, Democrats, facing a slew of nominations from the Bush White House, are now building a case for the latter. They say nominees, to prove they are worthy of confirmation, should be required to answer questions about issues and cases on which they might be called to rule once they reach the bench — something that prospective judges have been traditionally reluctant to do.

The implications are potentially devastating for Bush nominees. In hearings last month, Schumer stressed the idea that qualified candidates might be rejected on ideological grounds — that is, if they expressed opinions Democrats consider "out of the mainstream." Now, Schumer is proposing that nominees who decline to express opinions on controversial subjects like abortion and racial preferences might also be rejected.

"The first hearing said that if your answers show you're not PC enough, we [Democrats] can vote against you," says one Republican staffer. "Now, this hearing is saying it's the nominee's burden to answer all the questions, which puts conservative nominees in a catch-22. If you answer the questions honestly, they'll vote you down. If you don't answer the questions, they'll vote you down."

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The intellectual foundation of the new approach was unveiled at last month's ideology hearing in written testimony from Harvard law professor Laurence Tribe, who is virtually writing the blueprint for Democrats' approach to confirmation hearings. "To say that the burden is on those who hold the power of advice and consent to show that there is something disqualifying about the nominee, that there is a smoking gun in the record or a wildly intemperate publication in the bibliography or some other fatal flaw that can justify a rallying cry of opposition, is to guarantee that the President will have the Court of his dreams without the Senate playing any meaningful role whatsoever," Tribe wrote. "Therefore, if the Senate's role is to be what the Framers contemplated, what history confirms, and what a sound appreciation for the realities of American politics demands, the burden must instead be on the nominee and, indeed, on the President. That burden must be to persuade each Senator...that the nominee's experience, writings, speeches, decisions, and actions affirmatively demonstrate not only the exceptional intellect and wisdom and integrity that greatness as a judge demands but also the understanding of and commitment to those constitutional rights and values and ideals that the Senator regards as important for the republic to uphold." Tribe concluded: "On this standard, stealth nominees should have a particularly hard time winning confirmation."

At the ideology hearing, Schumer announced he will hold "at least three" more hearings on the issue of judicial confirmation. A Schumer spokesman did not return calls for comment.

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General Judicial Articles

Leahy Move Sparks Fight

By Mark Preston & Paul Kane

Roll Call

Thursday, July 19, 2001

Marking a potentially dramatic change in how nominees' backgrounds are handled, Senate Democrats are trying to make the criminal histories and campaign contributions of President Bush's choices for the federal bench and Justice Department part of the public record.

In addition to the new public questions on political activities and criminal convictions, Democrats also want to ask all nominees about past illegal drug use in a portion of the questionnaire that would remain private.

For years the FBI has done complete background checks on nominees, including criminal matters. That information has remained sealed, though, and only a handful of staffers on the Judiciary Committee has had access to it.

Now, however, Judiciary Democrats are pushing for a comprehensive edit of the eight-page public questionnaire that all nominees must fill out - a rewrite that would require nominees to spell out every crime they had been convicted of and list almost every political contribution they have ever made.

"We should have a somewhat different questionnaire," said Judiciary Chairman Patrick Leahy (D-Vt.), who is spearheading the questionnaire overhaul effort. "I don't want to make it more intrusive. I want to make it more simple."

Republicans charge that Leahy and Senate Democrats are trying to make it more difficult for Bush to persuade qualified applicants to leave lucrative private-sector jobs to serve in the federal

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government. By making arrest records public, nominees could be embarrassed over somewhat minor infractions they committed decades ago, Republicans said.

"He wants to make it more stringent," griped Sen. Orrin Hatch (R-Utah), the ranking Republican on the Judiciary Committee. "It is far too inclusive and far too voluminous."

"You'll have people afraid to serve," added Sen. Jeff Sessions (R-Ala.), ranking member on Judiciary's administrative oversight and the courts subcommittee. "If it's going to be blasted all over the world, good people may decide not to serve."

The move by Democrats comes just weeks after Sen. Charles Schumer (D-N.Y.), chairman of the courts subcommittee, said the full committee should openly consider nominees' political and ideological backgrounds. This prompted the GOP to denounce the "politicization" of the judiciary.

It also comes less than two months after the panel's bruising battle over the nomination of Solicitor General Theodore Olson, who was confirmed, but only after a tight 51-47 vote. Democrats claimed Olson wasn't completely forthcoming in detailing the legal and political work he did for conservative groups, such as the right-wing American Spectator magazine.

Republicans are not particularly worried about the proposed changes to the questionnaire dealing with financial contributions to political candidates, since donations of more than \$200 are already public record. But the criminal records should remain sealed, they say, hinting that many Clinton administration nominees - plenty of whom were eventually confirmed - would be completely humiliated if their crimes were now revealed.

"This is a changing of the ground rules," one senior GOP aide said. "Want to go back [to the Clinton administration]? Let's expose them all."

But Schumer, who indicated the Democrats have had trouble with similar information in the past, said any nominee for higher office or the federal bench should have his or her criminal record exposed to the public.

"I think those are legitimate questions that we should get to the bottom of," he said. "I think that

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the public should know."

The Senator declined to specify which nominees have troubling criminal backgrounds. "All I will say is, I think it's legitimate for public knowledge."

Without this change, criminal matters would remain part of the FBI file on a nominee. It is illegal for Senators or staff to leak information from a confidential FBI file.

Sessions said there is still an easy way for Senators to express their dismay with a nominee's personal background without publicly exposing his or her past. "If somebody comes up with a problem in their personal background check, you can vote against them," he said.

Leahy and Hatch agree that the current questionnaire is outdated, but arriving at a final draft is proving to be difficult. So far Democratic and Republican Judiciary staffers have failed to reach an agreement on whether to include these questions, and there does not appear to be a solution in sight.

While this disagreement is not likely to put the skids on Bush's nominees in the short term, it exposes yet another rift in the already strained relationship that exists between Democrats and Republicans who serve on the committee. Now that they have been relegated to the minority, Hatch and other Republicans are openly complaining that Democrats are taking their time walking Bush's nominees through the confirmation process.

Unless the Senate starts to expeditiously approve Bush's judicial nominees, Hatch said, "It is going to be the biggest mess we have ever seen ... a plethora of injustice. Every week there is a delay, it is going to make it very difficult for the administration to do its job."

Hatch suggested that Democrats should have held nomination hearings during the Senate reorganization after they were vaulted into power early last month.

However, Leahy contends that once the reorganization was finalized, he announced a nomination hearing "10 minutes" after the agreement between Democrats and Republicans was inked.

David Carle, a spokesman for Leahy, defended the pace the Judiciary Committee has taken to

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address the pending nomination hearings.

"Few if any committees have scheduled or maintained as brisk a confirmation schedule as has the Judiciary Committee," Carle said.

"Republicans know that without the committee being formed and members knowing their committee assignments confirmation hearings were going to have to wait for the Senate organizing resolution and that process was unfortunately strung out for four long weeks."

As for the questionnaire, Leahy said he is not asking anything more than what other committees, such as Governmental Affairs, seek from nominees who must be approved by their panels and that the information can be ascertained by combing through public records.

For example, the committee would not be privy to a nominee's criminal history if charges had been dismissed, expunged from the record or sealed by the court, according to Democrats.

As for revealing past political activity, the Judiciary questionnaire already asks nominees to explain what positions they have held or roles they played in political campaigns. But Leahy wants to take this one step further by asking nominees to list their financial contributions to political candidates - another piece of information that can be obtained through public-record searches.

"A number of Republicans have been asking these questions for six years," the Vermont Senator said of the Clinton years. "If they felt it was important then, I don't want to deny them the opportunity to continue asking."

But one question where Leahy said he draws the line is how a particular nominee votes.

Commenting on the illegal drug usage question, Carle said he believes the current one is ambiguously worded. The final question on the questionnaire reads, "Please advise the Committee of any unfavorable information that may affect your nomination."

"It is vague and problematic both to nominees and to members of the committee," Carle said. "It makes sense to seek clarity, and this would be in the confidential part of the questionnaire."

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ABA Is Liking Conservative Nominees

By Jonathan Ringel
American Lawyer Media
Thursday, July 19, 2001

When George W. Bush ended the American Bar Association's traditional pre-screening of judicial candidates, one liberal critic said the president was "afraid that a poor ABA rating might come between some of his far-right candidates and a seat on the federal judiciary."

Yet, so far the president has had nothing to fear. With a batch of new reports issued this week, the ABA's judicial committee -- its role revived by the now Democratic-controlled Senate -- has given its highest ratings to some of Bush's most conservative nominees.

The 15-member ABA panel voted unanimously to give "well qualified" ratings to Michael McConnell, picked for the 10th U.S. Circuit Court of Appeals, and Miguel Estrada, nominated for the Washington, D.C., Circuit.

McConnell, a University of Utah law professor, has drawn fire for his Supreme Court arguments on behalf of religious groups seeking access to government funds. He has also been targeted by abortion rights supporters because he has criticized the landmark Supreme Court decision of *Roe v. Wade*, although he has also written that the right to an abortion "remains secure."

Estrada, despite being the first Hispanic nominee to the D.C. Circuit, has received more criticism than support from Latino legal groups, who say they're concerned how his conservative leanings would affect civil rights laws.

The ABA panel bases its ratings on "integrity, professional competence and judicial temperament," and rates nominees as "well qualified," "qualified" or "not qualified."

The ABA's take on McConnell, Estrada, and North Carolina federal trial Judge Terrence Boyle, a 4th Circuit nominee rated "qualified," completed the panel's review of Bush's first 11 circuit court nominees. Bush introduced the 11 in May at a White House ceremony.

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None received a "not qualified" vote, while five were unanimously voted "well qualified."

One Bush administration official said he had been confident the nominees would get "the Good Housekeeping seal of approval" from the ABA.

That's not necessarily so, says Marcia Kuntz of the liberal Alliance for Justice, which has expressed "grave concerns" about the nominations of McConnell, Estrada, Roberts and Jeffrey Sutton, a 6th Circuit nominee.

Enviros Call for Tighter Scrutiny With Bush's Judge Selections

By Darren Samuelsohn
The Green Wire
Thursday, July 19, 2001

A green group coalition announced a new campaign Wednesday to monitor President Bush's judicial nominees based on their environmental and public health records. Citing past court rulings and what they call a "growing number of anti-environmental judges," the groups say they are collecting information that will help lawmakers heighten their scrutiny of potential federal judges.

There are currently 112 vacancies on the federal bench; Bush so far has announced 29 nominations. Doug Kendall, executive director of the Community Rights Counsel, said there is a "backlog of research that needs to be done" regarding those Bush nominees and their environmental backgrounds. He added that joint research teams are already working together to provide lawmakers and other interest groups with the information. He added that each environmental group has the final say in determining its position on individual candidates.

One of the most contested courtrooms for environmental issues is the District of Columbia Court of Appeals. So far, Bush has nominated two people to that court, Miguel Estrada and John Roberts. While environmental groups have not taken an official stance on either man, Buck Parker, executive director of the Earthjustice Legal Defense Fund, said there is concern over Roberts' previous statements on the issue of private property "takings."

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In fact, takings is one of several issues the environmental groups ticked off as a sort of laundry list they'd like to see considered by lawmakers during the nomination process. In their recently released report *Hostile Environment: How Activist Federal Judges Threaten Our Air, Water and Land*, the green groups wrote that some judges have recently "abandoned any pretense of restraint and instead embrace a virulent strain of judicial activism that has weakened our environmental protections." With regards to the takings provision, they said recent rulings have amounted to "paying polluters not to pollute."

Among the other issues they say judges should be quizzed on: whether they think the 11th Amendment should be interpreted to prevent citizens who want to sue their own state for environmental violations; whether environmental issues have equal status with an industry's compliance costs; and whether green groups should be granted "standing" in such cases where the applicable statute contains a provision allowing citizens to sue.

Charli Coon, a senior policy analyst for energy and environmental issues at the Heritage Foundation, took issue with the environmental groups' nomination campaign, calling it a "sour grapes" effort based on court cases they have recently lost. She said a judge should be judged on his or her background, education and experience, and whether laws will be interpreted consistent with the Constitution. A judge should not have to meet a "list of criteria for a special interest group before that person is qualified to serve," she added.

Asked if environmental groups are concerned they might oppose a judge who someday will preside over one of their cases, Kendall said the environmental community will "pick its shots wisely." Parker added that the length of time a judge will sit on the bench "outweighs by far the damage we might do to ourselves and to our cases."

Sen. Russ Feingold, a Wisconsin Democrat who sits on the Judiciary Committee, joined the Natural Resources Defense Council, Endangered Species Coalition, Friends of the Earth, National Audubon Society and others in support of the campaign. He said he would continue his practice of questioning nominees on their environmental views. "Federal judges need to be prepared to deal with complicated natural resource and environmental quality issues, particularly those arising under federal law," he said, adding that "the opinions of federal judges carry weight, not only in the third branch of government, but in this branch as well, and we

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should thoroughly understand nominees' views on these issues."

President Selects BYU Grad For Post

By Lee Davidson

The Deseret News

Wednesday, July 18, 2001

President Bush has announced he intends to nominate former Utahn Jay Scott Bybee to head the Justice Department's Office of Legal Counsel.

Bybee, 47, is a law professor at the University of Nevada, where he has taught the past two years.

He was born in Oakland, Calif., but received a bachelor's degree from Brigham Young University in 1977. He graduated cum laude from BYU's law school in 1980.

From 1989 to 1991, Bybee was an associate counsel to the senior President Bush. From 1984 to 1989 he worked at the Justice Department, first in the Office of Legal Policy and later at the Civil Division.

From 1991 to 1998, he taught constitutional and administrative law at Louisiana State University. From 1981 to 1984, he was an associate at the Washington law firm of Sidley & Associates. Bybee also served as a clerk to Judge Donald Russell of the 4th Circuit Court of Appeals.

Presidents routinely announce plans to nominate someone before actually doing it to allow people with objections to raise them early while final background checks proceed.

Bybee is among numerous Utahns and former Utahns nominated or appointed by Bush to serve in his administration. They include Karl Rove, Bush's top White House political advisor and new U.S. Forest Service Chief Dale Bosworth.

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From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>
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Media Review - Judicial Nominations

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Others nominated include: John W. Keys III to head the U.S. Bureau of Reclamation; John Price as ambassador to Mauritius; Jon Huntsman Jr. as deputy U.S. trade representative; Jimmy Gurule as undersecretary of the Treasury for enforcement; David D. Lauriski as assistant labor secretary for mine safety and health; and Randal Quarles as U.S. executive director at the International Monetary Fund.

Bush has also nominated University of Utah law professor Michael W. McConnell as a judge on the 10th Circuit Court of Appeals, and fellow U. law professor Paul G. Cassell to be a judge on the U.S. District Court for Utah.

Bush Aide Offers Views On Nominations

By Jason Hoppin

The Recorder

Tuesday, July 17, 2001

Assistant Attorney General Viet Dinh said the confirmation of Robert Mueller III is the top priority in Washington, D.C., and may be completed by the time Congress takes a holiday in a little more than two weeks. That's the number one priority, Dinh said after speaking at the Ninth Circuit U.S. Court of Appeals annual meeting here. On Friday, the Senate Judiciary Committee released 30-plus pages of questions for Mueller, President Bush's choice to be the next FBI director. Included was the disclosure that Mueller has localized prostate cancer, which is treatable and not expected to affect his nomination. David Carle, press secretary to Sen. Patrick Leahy,

D-Vt., chairman of the Judiciary Committee, said a second hearing on oversight of the FBI will be held Wednesday. Mueller's nomination has still not technically been forwarded to the committee. Last week, a handful of FBI agents fanned out across San Francisco and interviewed several of Mueller's associates as part of an exhaustive background check. Dinh was on hand to offer the Bush administration's views on the judiciary and to report on the progress of judicial nominees, repeating the oft-cited preference for judges who won't legislate from the bench. Calling the 110 federal judicial vacancies nationwide a vacancy crisis, Dinh pledged that Bush would nominate a dozen or more additional nominees by the time the Senate recesses in early

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August. The Judiciary Committee recently held its first confirmation hearings since Bush was elected, and one more round of hearings is expected by the recess. Most of Bush's nominees have been to circuit courts of appeals. They've front-loaded the circuit court nominees, Carle said. No hearings have been set for either Los Angeles Superior Court Judge Carolyn Kuhl or Hawaii lawyer Richard Clifton, both nominated to the Ninth Circuit. Dinh said organizations such as the American Bar Association are being given a chance to offer their views on the selections. Sen. Barbara Boxer, D-Calif., has already said she has concerns about Kuhl's nomination, but has not declared whether she will oppose it. As for the confirmation process in general, Dinh said: I fully expect there will be controversy.

Op/Eds

Attack on Federalist Society is Attack on Free Speech

By Timothy Morella; Baniak, Pine & Gannon LLC
Chicago Daily Law Bulletin
Tuesday, July 17, 2001

To the editor:

Recently, Sen. Richard J. Durbin, D-Ill., composed a response (printed on May 24) attempting to defend his earlier assertion (printed on May 7) that the views of the Federalist Society are "antithetical to most Americans."

In an effort to decry the Federalist Society as permitting only unbalanced debate, Sen. Durbin highlights the fact that Sen. Orrin Hatch, R-Utah, and Justice Clarence Thomas have both given speeches at Federalist Society functions in which they criticized the American Bar Association for engaging in political activities. Therefore, Sen. Durbin appears to imply, the entire Federalist Society must be against the ABA.

Tellingly, the senator fails to mention other speakers at Federalist Society events. These people contradict Sen. Durbin's implication that the Federalist Society is the exclusive bastion of ultra-

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conservatives. A sampling:

- ABA President Martha Barnett.
- Past ABA presidents Jerome Shestack, Bill Paul and George Bushnell.
- ACLU chief Nadine Strossen, who spoke at last year's Federalist Society national convention.

Perhaps the reason for the senator's failure to mention such speakers is that their disclosure would not advance the goal of setting the Federalist Society up as an ultra-right wing organization. Sen. Durbin's apparent strategy is that, once people believe the Federalist Society is "bad," the credibility of members of the Federalist Society would be drastically diminished.

Sen. Durbin has, in fact, already started this "guilt by association" attack. His first victim was Professor Viet Dinh, the Bush administration's nominee for assistant attorney general in charge of the Department of Justice's Office of Policy Development.

During Professor Dinh's confirmation hearings on May 9, Sen. Durbin noted that Professor Dinh was a member of the Federalist Society, and then complained about the ABA's ouster by the Bush administration from the official nomination process of judges. The transcript of the hearing reads as follows:

"You are a member of the Federalist Society. We find it curious on our side of the aisle that President Bush has said that he no longer wants to rely on the American Bar Association to do a background check on prospective judges."

Sen. Durbin did not explain why, or how, Professor Dinh's membership in the Federalist Society was related to the ABA's role in judicial nominations. Nor did Sen. Durbin give Professor Dinh a chance to respond. Durbin demanded instead that Dinh "describe for us your involvement in the Federalist Society and what you believe this group stands for."

If Sen. Durbin holds all Federalist Society members responsible for speeches made by Sen. Hatch and Justice Thomas, inter alia, where will Durbin stop? Will he attack all Catholics because the church has an anti-abortion stance? Will he attack political appointees who read the

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Chicago Tribune (which once compared Sen. Durbin to "warm tapioca pudding")?

We are beginning to see a McCarthy-esque pattern to Sen. Durbin's tactics. Broadly speaking, this pattern consists of three elements:

- First, create a suspect organization. Foment the impression that the Federalist Society is an extreme right-wing group.
- Second, impugn individuals using "guilt by association" attacks. Attack persons who are members of the Federalist Society based on their membership in it.
- Third, use congressional hearings to force people to testify about the organization. Examine witnesses under oath about their affiliation and knowledge of the Federalist Society.

Sen. Durbin's tactics discourage people from being members of the Federalist Society and from listening to and participating in Federalist Society events. While this may help the senator's liberal political allies, it nevertheless hinders progress and communication. As a forum for public debate, the Federalist Society exemplifies the American principles of freedom of speech and freedom of association, more so than the vaunted and apparently untouchable ABA.

Moreover, Sen. Durbin's use of his official position to attack the Federalist Society strikes at the heart of American democracy.

Despite his liberal political base, Sen. Durbin appears to be fearful and intolerant of free speech. He is not liberal. He is anti-liberal.

Timothy M. Morella

Baniak, Pine & Gannon LLC

Interest Groups/Press Releases

Schumer's Next Show; Democrats Play Catch-22.

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By Byron York
National Review
Thursday, July 19, 2001

Fresh from efforts to justify the rejection of Republican judicial nominees on ideological grounds, New York Democrat Charles Schumer, chairman of the Senate Judiciary Committee's subcommittee on the courts, plans a new hearing to explore other strategies for defeating President Bush's choices for the federal bench.

Schumer will hold a session next Tuesday titled, "The Senate's Role in the Nomination and Confirmation Process: Whose Burden?" The title refers to the question of who bears the burden of proof in a judicial confirmation: Do senators have to come up with a compelling reason to reject a nominee, or do nominees have to come up with a compelling reason to convince senators they should be confirmed?

Although general practice has favored the former, Democrats, facing a slew of nominations from the Bush White House, are now building a case for the latter. They say nominees, to prove they are worthy of confirmation, should be required to answer questions about issues and cases on which they might be called to rule once they reach the bench — something that prospective judges have been traditionally reluctant to do.

The implications are potentially devastating for Bush nominees. In hearings last month, Schumer stressed the idea that qualified candidates might be rejected on ideological grounds — that is, if they expressed opinions Democrats consider "out of the mainstream." Now, Schumer is proposing that nominees who decline to express opinions on controversial subjects like abortion and racial preferences might also be rejected.

"The first hearing said that if your answers show you're not PC enough, we [Democrats] can vote against you," says one Republican staffer. "Now, this hearing is saying it's the nominee's burden to answer all the questions, which puts conservative nominees in a catch-22. If you answer the questions honestly, they'll vote you down. If you don't answer the questions, they'll vote you down."

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The intellectual foundation of the new approach was unveiled at last month's ideology hearing in written testimony from Harvard law professor Laurence Tribe, who is virtually writing the blueprint for Democrats' approach to confirmation hearings. "To say that the burden is on those who hold the power of advice and consent to show that there is something disqualifying about the nominee, that there is a smoking gun in the record or a wildly intemperate publication in the bibliography or some other fatal flaw that can justify a rallying cry of opposition, is to guarantee that the President will have the Court of his dreams without the Senate playing any meaningful role whatsoever," Tribe wrote. "Therefore, if the Senate's role is to be what the Framers contemplated, what history confirms, and what a sound appreciation for the realities of American politics demands, the burden must instead be on the nominee and, indeed, on the President. That burden must be to persuade each Senator...that the nominee's experience, writings, speeches, decisions, and actions affirmatively demonstrate not only the exceptional intellect and wisdom and integrity that greatness as a judge demands but also the understanding of and commitment to those constitutional rights and values and ideals that the Senator regards as important for the republic to uphold." Tribe concluded: "On this standard, stealth nominees should have a particularly hard time winning confirmation."

At the ideology hearing, Schumer announced he will hold "at least three" more hearings on the issue of judicial confirmation. A Schumer spokesman did not return calls for comment.

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General Judicial Articles

Leahy Move Sparks Fight

By Mark Preston & Paul Kane

Roll Call

Thursday, July 19, 2001

Marking a potentially dramatic change in how nominees' backgrounds are handled, Senate Democrats are trying to make the criminal histories and campaign contributions of President Bush's choices for the federal bench and Justice Department part of the public record.

In addition to the new public questions on political activities and criminal convictions, Democrats also want to ask all nominees about past illegal drug use in a portion of the questionnaire that would remain private.

For years the FBI has done complete background checks on nominees, including criminal matters. That information has remained sealed, though, and only a handful of staffers on the Judiciary Committee has had access to it.

Now, however, Judiciary Democrats are pushing for a comprehensive edit of the eight-page public questionnaire that all nominees must fill out - a rewrite that would require nominees to spell out every crime they had been convicted of and list almost every political contribution they have ever made.

"We should have a somewhat different questionnaire," said Judiciary Chairman Patrick Leahy (D-Vt.), who is spearheading the questionnaire overhaul effort. "I don't want to make it more intrusive. I want to make it more simple."

Republicans charge that Leahy and Senate Democrats are trying to make it more difficult for Bush to persuade qualified applicants to leave lucrative private-sector jobs to serve in the federal

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government. By making arrest records public, nominees could be embarrassed over somewhat minor infractions they committed decades ago, Republicans said.

"He wants to make it more stringent," griped Sen. Orrin Hatch (R-Utah), the ranking Republican on the Judiciary Committee. "It is far too inclusive and far too voluminous."

"You'll have people afraid to serve," added Sen. Jeff Sessions (R-Ala.), ranking member on Judiciary's administrative oversight and the courts subcommittee. "If it's going to be blasted all over the world, good people may decide not to serve."

The move by Democrats comes just weeks after Sen. Charles Schumer (D-N.Y.), chairman of the courts subcommittee, said the full committee should openly consider nominees' political and ideological backgrounds. This prompted the GOP to denounce the "politicization" of the judiciary.

It also comes less than two months after the panel's bruising battle over the nomination of Solicitor General Theodore Olson, who was confirmed, but only after a tight 51-47 vote. Democrats claimed Olson wasn't completely forthcoming in detailing the legal and political work he did for conservative groups, such as the right-wing American Spectator magazine.

Republicans are not particularly worried about the proposed changes to the questionnaire dealing with financial contributions to political candidates, since donations of more than \$200 are already public record. But the criminal records should remain sealed, they say, hinting that many Clinton administration nominees - plenty of whom were eventually confirmed - would be completely humiliated if their crimes were now revealed.

"This is a changing of the ground rules," one senior GOP aide said. "Want to go back [to the Clinton administration]? Let's expose them all."

But Schumer, who indicated the Democrats have had trouble with similar information in the past, said any nominee for higher office or the federal bench should have his or her criminal record exposed to the public.

"I think those are legitimate questions that we should get to the bottom of," he said. "I think that

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the public should know."

The Senator declined to specify which nominees have troubling criminal backgrounds. "All I will say is, I think it's legitimate for public knowledge."

Without this change, criminal matters would remain part of the FBI file on a nominee. It is illegal for Senators or staff to leak information from a confidential FBI file.

Sessions said there is still an easy way for Senators to express their dismay with a nominee's personal background without publicly exposing his or her past. "If somebody comes up with a problem in their personal background check, you can vote against them," he said.

Leahy and Hatch agree that the current questionnaire is outdated, but arriving at a final draft is proving to be difficult. So far Democratic and Republican Judiciary staffers have failed to reach an agreement on whether to include these questions, and there does not appear to be a solution in sight.

While this disagreement is not likely to put the skids on Bush's nominees in the short term, it exposes yet another rift in the already strained relationship that exists between Democrats and Republicans who serve on the committee. Now that they have been relegated to the minority, Hatch and other Republicans are openly complaining that Democrats are taking their time walking Bush's nominees through the confirmation process.

Unless the Senate starts to expeditiously approve Bush's judicial nominees, Hatch said, "It is going to be the biggest mess we have ever seen ... a plethora of injustice. Every week there is a delay, it is going to make it very difficult for the administration to do its job."

Hatch suggested that Democrats should have held nomination hearings during the Senate reorganization after they were vaulted into power early last month.

However, Leahy contends that once the reorganization was finalized, he announced a nomination hearing "10 minutes" after the agreement between Democrats and Republicans was inked.

David Carle, a spokesman for Leahy, defended the pace the Judiciary Committee has taken to

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address the pending nomination hearings.

"Few if any committees have scheduled or maintained as brisk a confirmation schedule as has the Judiciary Committee," Carle said.

"Republicans know that without the committee being formed and members knowing their committee assignments confirmation hearings were going to have to wait for the Senate organizing resolution and that process was unfortunately strung out for four long weeks."

As for the questionnaire, Leahy said he is not asking anything more than what other committees, such as Governmental Affairs, seek from nominees who must be approved by their panels and that the information can be ascertained by combing through public records.

For example, the committee would not be privy to a nominee's criminal history if charges had been dismissed, expunged from the record or sealed by the court, according to Democrats.

As for revealing past political activity, the Judiciary questionnaire already asks nominees to explain what positions they have held or roles they played in political campaigns. But Leahy wants to take this one step further by asking nominees to list their financial contributions to political candidates - another piece of information that can be obtained through public-record searches.

"A number of Republicans have been asking these questions for six years," the Vermont Senator said of the Clinton years. "If they felt it was important then, I don't want to deny them the opportunity to continue asking."

But one question where Leahy said he draws the line is how a particular nominee votes.

Commenting on the illegal drug usage question, Carle said he believes the current one is ambiguously worded. The final question on the questionnaire reads, "Please advise the Committee of any unfavorable information that may affect your nomination."

"It is vague and problematic both to nominees and to members of the committee," Carle said. "It makes sense to seek clarity, and this would be in the confidential part of the questionnaire."

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ABA Is Liking Conservative Nominees

By Jonathan Ringel
American Lawyer Media
Thursday, July 19, 2001

When George W. Bush ended the American Bar Association's traditional pre-screening of judicial candidates, one liberal critic said the president was "afraid that a poor ABA rating might come between some of his far-right candidates and a seat on the federal judiciary."

Yet, so far the president has had nothing to fear. With a batch of new reports issued this week, the ABA's judicial committee -- its role revived by the now Democratic-controlled Senate -- has given its highest ratings to some of Bush's most conservative nominees.

The 15-member ABA panel voted unanimously to give "well qualified" ratings to Michael McConnell, picked for the 10th U.S. Circuit Court of Appeals, and Miguel Estrada, nominated for the Washington, D.C., Circuit.

McConnell, a University of Utah law professor, has drawn fire for his Supreme Court arguments on behalf of religious groups seeking access to government funds. He has also been targeted by abortion rights supporters because he has criticized the landmark Supreme Court decision of *Roe v. Wade*, although he has also written that the right to an abortion "remains secure."

Estrada, despite being the first Hispanic nominee to the D.C. Circuit, has received more criticism than support from Latino legal groups, who say they're concerned how his conservative leanings would affect civil rights laws.

The ABA panel bases its ratings on "integrity, professional competence and judicial temperament," and rates nominees as "well qualified," "qualified" or "not qualified."

The ABA's take on McConnell, Estrada, and North Carolina federal trial Judge Terrence Boyle, a 4th Circuit nominee rated "qualified," completed the panel's review of Bush's first 11 circuit court nominees. Bush introduced the 11 in May at a White House ceremony.

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None received a "not qualified" vote, while five were unanimously voted "well qualified."

One Bush administration official said he had been confident the nominees would get "the Good Housekeeping seal of approval" from the ABA.

That's not necessarily so, says Marcia Kuntz of the liberal Alliance for Justice, which has expressed "grave concerns" about the nominations of McConnell, Estrada, Roberts and Jeffrey Sutton, a 6th Circuit nominee.

Enviros Call for Tighter Scrutiny With Bush's Judge Selections

By Darren Samuelsohn
The Green Wire
Thursday, July 19, 2001

A green group coalition announced a new campaign Wednesday to monitor President Bush's judicial nominees based on their environmental and public health records. Citing past court rulings and what they call a "growing number of anti-environmental judges," the groups say they are collecting information that will help lawmakers heighten their scrutiny of potential federal judges.

There are currently 112 vacancies on the federal bench; Bush so far has announced 29 nominations. Doug Kendall, executive director of the Community Rights Counsel, said there is a "backlog of research that needs to be done" regarding those Bush nominees and their environmental backgrounds. He added that joint research teams are already working together to provide lawmakers and other interest groups with the information. He added that each environmental group has the final say in determining its position on individual candidates.

One of the most contested courtrooms for environmental issues is the District of Columbia Court of Appeals. So far, Bush has nominated two people to that court, Miguel Estrada and John Roberts. While environmental groups have not taken an official stance on either man, Buck Parker, executive director of the Earthjustice Legal Defense Fund, said there is concern over Roberts' previous statements on the issue of private property "takings."

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In fact, takings is one of several issues the environmental groups ticked off as a sort of laundry list they'd like to see considered by lawmakers during the nomination process. In their recently released report *Hostile Environment: How Activist Federal Judges Threaten Our Air, Water and Land*, the green groups wrote that some judges have recently "abandoned any pretense of restraint and instead embrace a virulent strain of judicial activism that has weakened our environmental protections." With regards to the takings provision, they said recent rulings have amounted to "paying polluters not to pollute."

Among the other issues they say judges should be quizzed on: whether they think the 11th Amendment should be interpreted to prevent citizens who want to sue their own state for environmental violations; whether environmental issues have equal status with an industry's compliance costs; and whether green groups should be granted "standing" in such cases where the applicable statute contains a provision allowing citizens to sue.

Charli Coon, a senior policy analyst for energy and environmental issues at the Heritage Foundation, took issue with the environmental groups' nomination campaign, calling it a "sour grapes" effort based on court cases they have recently lost. She said a judge should be judged on his or her background, education and experience, and whether laws will be interpreted consistent with the Constitution. A judge should not have to meet a "list of criteria for a special interest group before that person is qualified to serve," she added.

Asked if environmental groups are concerned they might oppose a judge who someday will preside over one of their cases, Kendall said the environmental community will "pick its shots wisely." Parker added that the length of time a judge will sit on the bench "outweighs by far the damage we might do to ourselves and to our cases."

Sen. Russ Feingold, a Wisconsin Democrat who sits on the Judiciary Committee, joined the Natural Resources Defense Council, Endangered Species Coalition, Friends of the Earth, National Audubon Society and others in support of the campaign. He said he would continue his practice of questioning nominees on their environmental views. "Federal judges need to be prepared to deal with complicated natural resource and environmental quality issues, particularly those arising under federal law," he said, adding that "the opinions of federal judges carry weight, not only in the third branch of government, but in this branch as well, and we

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should thoroughly understand nominees' views on these issues."

President Selects BYU Grad For Post

By Lee Davidson

The Deseret News

Wednesday, July 18, 2001

President Bush has announced he intends to nominate former Utahn Jay Scott Bybee to head the Justice Department's Office of Legal Counsel.

Bybee, 47, is a law professor at the University of Nevada, where he has taught the past two years.

He was born in Oakland, Calif., but received a bachelor's degree from Brigham Young University in 1977. He graduated cum laude from BYU's law school in 1980.

From 1989 to 1991, Bybee was an associate counsel to the senior President Bush. From 1984 to 1989 he worked at the Justice Department, first in the Office of Legal Policy and later at the Civil Division.

From 1991 to 1998, he taught constitutional and administrative law at Louisiana State University. From 1981 to 1984, he was an associate at the Washington law firm of Sidley & Associates. Bybee also served as a clerk to Judge Donald Russell of the 4th Circuit Court of Appeals.

Presidents routinely announce plans to nominate someone before actually doing it to allow people with objections to raise them early while final background checks proceed.

Bybee is among numerous Utahns and former Utahns nominated or appointed by Bush to serve in his administration. They include Karl Rove, Bush's top White House political advisor and new U.S. Forest Service Chief Dale Bosworth.

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From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 7/20/2001 5:34:10 AM
Subject: : Re: Who is the "over"/"more than" guru?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-JUL-2001 09:34:10.00

SUBJECT:: Re: Who is the "over"/"more than" guru?

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

And, worse, some people say they have "no life outside grammar and law"
when they really should say "no life other than grammar and law". . .

Noel J. Francisco
07/19/2001 06:01:45 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Who is the "over"/"more than" guru?

Others also improperly use "greater than" when they should say "morer."

H. Christopher Bartolomucci
07/19/2001 05:55:32 PM
Record Type: Record

REV_00130010

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Who is the "over"/"more than" guru?

On a related note, I'd like to point out that many people improperly use "less than" when they should say "fewer."

Brett M. Kavanaugh
07/19/2001 04:39:38 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Who is the "over"/"more than" guru?

For inquiring minds, I had used "over" instead of "more than" in a set of talking points and this usage was questioned by a then-anonymous guru, who turned out to be Courtney. My independent, post hoc examination of Garner's manuals reveals that Mrs. Elwood, as always, has a good point. The Manual states that the use of "over" for "more than" is "to be avoided in formal writing." The Manual (a different edition) does also state, however, that "over" for "more than" is "acceptable as a casualism e.g., 'Reagan won the election by over a million votes.'"

So the question comes down to whether a set of talking points is a "casualism" or "formal writing"? [No need to answer!!!]

Helgard C. Walker
07/19/2001 03:44:35 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Who is the "over"/"more than" guru?

I think that guru is you, Brett.

Noel J. Francisco
07/19/2001 03:38:19 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Who is the "over"/"more than" guru?

What the #?! are you talking about?

Brett M. Kavanaugh
07/19/2001 03:25:19 PM
Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Who is the "over"/"more than" guru?

Message Sent

To: _____
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

Message Copied

To: _____
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h. christopher bartolomucci/who/eop@eop
rachel l. brand/who/eop@eop
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rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop

From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 7/20/2001 5:49:47 AM
Subject: : Re: Stars on Your Permanent Pass

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-JUL-2001 09:49:47.00

SUBJECT:: Re: Stars on Your Permanent Pass

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

No problem -- the stars should make it more convenient for you to participate in briefings or other meetings where classified information is discussed.

Courtney S. Elwood
07/20/2001 09:44:41 AM
Record Type: Record

To: Laura L. Flippin/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Stars on Your Permanent Pass

I just want everyone to know that I don't really care about having stars. While participating in a meeting that discussed classified material, my lack of stars was mentioned, and I was expressly instructed to talk to Laura.

Laura L. Flippin
07/20/2001 09:35:52 AM
Record Type: Record

To: See the distribution list at the bottom of this message

REV_00130026

cc:
Subject: Stars on Your Permanent Pass

Courtney mentioned to me this morning that she does not have stars/asterisks on her permanent pass that denote her clearance levels. When permanent passes were originally issued to many WH staffers in January and February, there was some confusion about whether the "stars on the pass" system was being discontinued, and thus passes were issued without stars. It has been determined now that stars should be put on passes again. If you do not have any stars on your pass, please let me know -- I think all counsels should have TS and SCI level clearances but I will confirm this and make sure new passes are issued.

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

Message Copied

To: _____
bradford a. berenson/who/eop@eop
brett m. kavanaugh/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
robert w. cobb/who/eop@eop
h. christopher bartolomucci/who/eop@eop
helgard c. walker/who/eop@eop

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 7/20/2001 6:43:56 AM
Subject: : Re: Senate Votes

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-JUL-2001 10:43:56.00
SUBJECT:: Re: Senate Votes
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Who was the 1 against Gregory?

Brent D. Greenfield
07/20/2001 10:41:31 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Senate Votes

Roger Gregory: 93-1
Sam Haddon: 95-0
Richard Cebull: 93-0

Message Sent

To:
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP

REV_00130028

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>
Sent: 7/20/2001 6:45:19 AM
Subject: : Re: Senate Votes

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-JUL-2001 10:45:19.00
SUBJECT:: Re: Senate Votes
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Who was the one? Helms?

Brent D. Greenfield
07/20/2001 10:41:31 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Senate Votes

Roger Gregory: 93-1
Sam Haddon: 95-0
Richard Cebull: 93-0

Message Sent

To:
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP

REV_00130030

Bradford A. Berenson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 7/20/2001 7:15:26 AM
Subject: : Re: Stars on Your Permanent Pass

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-JUL-2001 11:15:26.00

SUBJECT:: Re: Stars on Your Permanent Pass

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Its good to have clearances. One thing you don't want to have happen is being prevented from responding to an emergency because of an absence of clearances. At the agency I came from, many times people with the most knowledge about an area of law were excluded from a matter because they didn't have the requisite clearance. There is a cost-benefit element to it because obtaining clearances can be costly; for my part, I would like to have it, because when I'm talking to NSC folks about ethics matters (or anybody else for that matter) I do not want to have to put the brakes on the conversation because of my clearance level.

From: CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/20/2001 9:39:46 AM
Subject: : Re: Conference call

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-JUL-2001 13:39:46.00
SUBJECT:: Re: Conference call
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I brought over again this morning. thanks

Brett M. Kavanaugh
07/19/2001 07:18:36 PM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Conference call

need again. sorry. Friday morning . . .

Katherine G. Marinis
07/19/2001 11:55:31 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Conference call

I sent you a note asking for guidance on whether it is appropriate for Ken to do a conference call with Tom Cole of the US Chamber of Commerce and Jim Wooten. It would be regarding the California energy crisis. They sent over a sheet that gives background on a California order that FERC is preparing to issue a major refund order to sellers and marketers of power in CA. Does it ring a bell? If not, then I can bring it back down.
thanks

From: CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO]
BCC: Senate Committee Press (Senate Committee Press [UNKNOWN]), House Committee Press (House Committee Press [UNKNOWN]), House (House/senate leadership [UNKNOWN]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Margaret Tutwiler (Margaret Tutwiler/WHO/EOP@EOP [UNKNOWN]), Noelia Rodriguez (Noelia Rodriguez/WHO/EOP@EOP [WHO]), Erin E. Healy (Erin E. Healy/WHO/EOP@EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP@EOP [WHO]), Gail Randall (Gail Randall/WHO/EOP@EOP [WHO]), Gregory Goss (Gregory Goss/WHO/EOP@EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Katie Hong (Katie Hong/WHO/EOP@EOP [WHO]), Logan M. Walters (Logan M. Walters/WHO/EOP@EOP [WHO]), Christina D. Roberts (Christina D. Roberts/WHO/EOP@EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), Anthony J. Gibson (Anthony J. Gibson/OSTP/EOP@EOP [OSTP]), John D. Gibson (John D. Gibson/NSC/EOP@EOP [NSC]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP@EOP [WHO]), Karl Doenges (Karl Doenges/WHO/EOP@EOP [UNKNOWN]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP@EOP [WHO]), Jennifer K. Millerwise (Jennifer K. Millerwise/WHO/EOP@EOP [WHO]), Anne Womack (Anne Womack/WHO/EOP@EOP [WHO]), Brian Bravo (Brian Bravo/WHO/EOP@EOP [WHO]), Candida P. Wolff (Candida P. Wolff/OVP/EOP@EOP [OVP]), Harry W. Wolff (Harry W. Wolff/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Rachael L. Sunbarger (Rachael L. Sunbarger/WHO/EOP@EOP [WHO]), Sam Dickens (Sam Dickens/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), John W. Howard (John W. Howard/WHO/EOP@EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Townsend L. McNitt (Townsend L. McNitt/WHO/EOP@EOP [UNKNOWN]), Scott Jeffcoat (Scott Jeffcoat/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Laura C. Welborn (Laura C. Welborn/WHO/EOP@EOP [WHO]), Karl C. Rove (Karl C. Rove/WHO/EOP@EOP [WHO]), Susan B. Ralston (Susan B. Ralston/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Thomas V. McMahan (Thomas V. McMahan/WHO/EOP@EOP [UNKNOWN]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), William S. Clark (William S. Clark/WHO/EOP@EOP [UNKNOWN]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara

BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark V. Scott (CN=Mark V. Scott/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:james_r._wilkinson@who.eop.gov (james_r._wilkinson@who.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:jcram@rnchq.org (jcram@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN
BCC:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:mcrawford@doc.gov (mcrawford@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN])
READ:UNKNOWN
BCC:craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:POnnuru@ix.netcom.com (POnnuru@ix.netcom.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:oliver.north@msnbc.com (oliver.north@msnbc.com @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
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READ:UNKNOWN
BCC:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])

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BCC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:blewis@rnchq.org (blewis@rnchq.org @ inet [OVP])
READ:UNKNOWN
BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris B. Nagel (CN=Chris B. Nagel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Nathaniel C. Ryun (CN=Nathaniel C. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])

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BCC:gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN])
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BCC:john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Joshua L. Ginsberg (CN=Joshua L. Ginsberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN])
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BCC:cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN])
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The Domestic Policy Council has prepared the attached talking points and
Questions & Answers regarding Cross-Border Trucking.

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M. Taylor/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), John Gardner (John Gardner/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Heather L. West (Heather L. West/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [UNKNOWN]), Tobin K. Harvey (Tobin K. Harvey/WHO/EOP@EOP [WHO]), Brooks D. Altshuler (Brooks D. Altshuler/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP@EOP [WHO]), Amanda L. Moore (Amanda L. Moore/WHO/EOP@EOP [WHO]), Danner R. Bethel (Danner R. Bethel/WHO/EOP@EOP [WHO]), Mary Elizabeth Farr (Mary Elizabeth Farr/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Quincy Hicks (Quincy Hicks/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Ashley M. Snee (Ashley M. Snee/OVP/EOP@EOP [OVP]), Debra Heiden (Debra Heiden/OVP/EOP@EOP [OVP]), Douglas D. McCormick (Douglas D. McCormick/OMB/EOP@EOP [UNKNOWN]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), I. Lewis Libby (I. Lewis Libby/OVP/EOP@EOP [UNKNOWN]), Charles D. McGrath Jr (Charles D. McGrath Jr/OVP/EOP@EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP/EOP@EOP [OVP]), Ethan A. Hastert (Ethan A. Hastert/OVP/EOP@EOP [OVP]), Juleanna R. Glover (Juleanna R. Glover/OVP/EOP@EOP [OVP]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Megan D. Moran (Megan D. Moran/OVP/EOP@EOP [OVP]), Michael J. Sullivan (Michael J. Sullivan/WHO/EOP@EOP [WHO]), David S. Addington (David S. Addington/OVP/EOP@EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP@EOP [OVP]), Ronald I. Christie (Ronald I. Christie/OVP/EOP@EOP [OVP]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Margita N. Thompson (Margita N. Thompson/OVP/EOP@EOP [OVP]), Nancy P. Dorn (Nancy P. Dorn/WHO/EOP@EOP [WHO]), Stephen S. Ruhlen (Stephen S. Ruhlen/OVP/EOP@EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OVP/EOP@EOP [OVP]), Elizabeth W. Kleppe (Elizabeth W. Kleppe/OVP/EOP@EOP [OVP]), Debra R. Dunn (Debra R. Dunn/OVP/EOP@EOP [WHO]), Jona M. Turner (Jona M. Turner/OVP/EOP@EOP [OVP]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Donald M. Sumerlin (Donald M. Sumerlin/OPD/EOP@EOP [UNKNOWN]), Eric C. Pelletier (Eric C. Pelletier/OMB/EOP@EOP [OMB]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP@EOP [OMB]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Margaret M. LaMontagne (Margaret M. LaMontagne/OPD/EOP@EOP [OPD]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), Melissa McKnight (Melissa McKnight/OPD/EOP@EOP [OPD]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), Josephine B. Robinson (Josephine B. Robinson/WHO/EOP@EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP@EOP [WHO]), Carol J. Thompson (Carol J. Thompson/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Colleen Litkenhaus (Colleen Litkenhaus/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN]), nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN]), roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN]), cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]),

brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN]),
 terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]),
 kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]),
 paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), Sara M.
 Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO
 /EOP@EOP [WHO]), Don E. Eberly (Don E. Eberly/WHO/EOP@EOP [WHO]), Don R.
 Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Stanley W. Carlson-Thies (Stanley W.
 Carlson-Thies/WHO/EOP@EOP [WHO]), Lisa T. Cummins (Lisa T. Cummins/WHO
 /EOP@EOP [WHO]), Mark V. Scott (Mark V. Scott/WHO/EOP@EOP [WHO]), Michele H.
 Tennerly (Michele H. Tennerly/WHO/EOP@EOP [WHO]), Carrie W. Click (Carrie W.
 Click/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]),
 sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Brian R. Besanceney (Brian R.
 Besanceney/OPD/EOP@EOP [OPD]), mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN]), james_r_wilkinson@who.eop.gov (james_r_wilkinson@who.eop.gov @ inet [UNKNOWN]), jrcram@rnchq.org (jrcram@rnchq.org @ inet [UNKNOWN]), dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/WHO/EOP@EOP [UNKNOWN]), Kevin J. Martin (Kevin J. Martin/OPD/EOP@EOP [OPD]), Adrian G. Gray (Adrian G. Gray/WHO/EOP@EOP [WHO]), mc Crawford@doc.gov (mc Crawford@doc.gov @ inet [UNKNOWN]), maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN]), Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN]), chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN]), m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN]), roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN]), mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN]), Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN]), craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN]), Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), Anne Trenolone (Anne Trenolone/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), POnnuru@ix.netcom.com (POnnuru@ix.netcom.com @ inet [UNKNOWN]), dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN]), dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN]), oliver.north@msnbc.com (oliver.north@msnbc.com @ inet [UNKNOWN]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP@EOP [OPD]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP@EOP [WHO]), Terry C. Miller (Terry C. Miller/WHO/EOP@EOP [WHO]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP@EOP [WHO]), Laura S. Lawlor (Laura S. Lawlor/WHO/EOP@EOP [WHO]), brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), blewis@rnchq.org (blewis@rnchq.org @ inet [OVP]), Charles P. Blahous (Charles P. Blahous/OPD/EOP@EOP [OPD]), Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN]), Matthew W. Lindley (Matthew W. Lindley/WHO/EOP@EOP [WHO]), Chris B. Nagel (Chris B. Nagel/WHO/EOP@EOP [WHO]), Melissa L. McAdoo (Melissa L. McAdoo/WHO/EOP@EOP [WHO]), Kristen L. Hughes (Kristen L. Hughes/WHO/EOP@EOP [WHO]), Robert T. Pratt Jr (Robert T. Pratt Jr/WHO/EOP@EOP [WHO]), Beverly J. Ward (Beverly J. Ward/WHO/EOP@EOP [WHO]), Deborah K. Hair (Deborah K. Hair/WHO/EOP@EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), john.feehery@mail.house.gov (

john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP@EOP [NSC]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Jean M. Russell (Jean M. Russell/OPD/EOP@EOP [OPD]), Traci R. Campbell (Traci R. Campbell/WHO/EOP@EOP [WHO]), James E. Carter (James E. Carter/OPD/EOP@EOP [OPD]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), David W. Thomas (David W. Thomas/WHO/EOP@EOP [WHO]), Debra D. Bird (Debra D. Bird/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Helen R. Mobley (Helen R. Mobley/WHO/EOP@EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Desiree T. Sayle (Desiree T. Sayle/WHO/EOP@EOP [WHO]), Sydney R. Johnson (Sydney R. Johnson/WHO/EOP@EOP [WHO]), Sara B. McIntosh (Sara B. McIntosh/WHO/EOP@EOP [WHO]), Joan R. Doty (Joan R. Doty/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Sonya E. Medina (Sonya E. Medina/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Eleanor L. Gillmor (Eleanor L. Gillmor/OPD/EOP@EOP [OPD]), Tiffany L. Barfield (Tiffany L. Barfield/OPD/EOP@EOP [OPD]), David F. Lussier (David F. Lussier/OPD/EOP@EOP [OPD]), Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN]), rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN]), Neil S. Patel (Neil S. Patel/OVP/EOP@EOP [OVP]), Nathaniel C. Ryun (Nathaniel C. Ryun/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @ inet [UNKNOWN]), gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN]), margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN]), lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN]), Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN]), melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN]), ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN]), paige.ralston@mail.house.gov (paige.ralston@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), cforti@nrcc.org (cforti@nrcc.org @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Karen Y. Knutson (Karen Y. Knutson/OVP/EOP@EOP [OVP]), Leslie A. Mooney (Leslie A. Mooney/OPD/EOP@EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN]), greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN]), Joshua L. Ginsberg (Joshua L. Ginsberg/WHO/EOP@EOP [WHO]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Mark McClellan (Mark McClellan/CEA/EOP@EOP [CEA]), Dirksen Lehman (Dirksen Lehman/WHO/EOP@EOP [WHO]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP@EOP [OPD]),

Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Anita B. McBride (Anita B. McBride/WHO/EOP@EOP [WHO]), dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN]), Rachel L. Brand (Rachel L. Brand/WHO /EOP@EOP [WHO]), Heather Wingate (Heather Wingate/WHO/EOP@EOP [WHO]), ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN]), jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN]), melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN]), cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN])

Sent: 7/20/2001 1:27:12 PM
Subject: : Talking Points -- Cross-Border Trucking
Attachments: P_U99X2004_CEA.TXT_1.doc; P_U99X2004_CEA.TXT_2.doc

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CREATION DATE/TIME:20-JUL-2001 17:27:12.00
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BCC:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])
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BCC:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Katie Hong (CN=Katie Hong/OU=WHO/O=EOP@EOP [WHO])
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BCC:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
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READ:UNKNOWN
BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karl Doenges (CN=Karl Doenges/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sam Dickens (CN=Sam Dickens/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [UNKNOWN])
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READ:UNKNOWN
BCC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Laura C. Welborn (CN=Laura C. Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Thomas V. McMahan (CN=Thomas V. McMahan/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:William S. Clark (CN=William S. Clark/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heather L. West (CN=Heather L. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Tobin K. Harvey (CN=Tobin K. Harvey/OU=WHO/O=EOP@EOP [WHO])
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BCC:Brooks D. Altshuler (CN=Brooks D. Altshuler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Amanda L. Moore (CN=Amanda L. Moore/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mary Elizabeth Farr (CN=Mary Elizabeth Farr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Douglas D. McCormick (CN=Douglas D. McCormick/OU=OMB/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
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READ:UNKNOWN
BCC:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])

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 BCC:Michael J. Sullivan (CN=Michael J. Sullivan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 BCC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
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 BCC:Jona M. Turner (CN=Jona M. Turner/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:Donald M. Sumerlin (CN=Donald M. Sumerlin/OU=OPD/O=EOP@EOP [UNKNOWN])
 READ:UNKNOWN
 BCC:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 BCC:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
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 BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
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 BCC:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:Melissa McKnight (CN=Melissa McKnight/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN])
 READ:UNKNOWN
 BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
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 BCC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 BCC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 BCC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
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 BCC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
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 READ:UNKNOWN
 BCC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 BCC:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN])
 READ:UNKNOWN
 BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
 READ:UNKNOWN

Questions & Answers

What must the United States do to comply with the NAFTA panel ruling on trucks?

The United States is obligated to consider applications from Mexican carriers on a case-by-case basis. The United States has every right to require that Mexican trucks and drivers abide by U.S. safety standards, and that the United States may take reasonable steps to enforce such standards. Moreover, due to differences in safety regimes, the United States may impose different inspection requirements on Mexican firms than on U.S. and Canadian firms, so long as such differences are no greater than needed to address legitimate safety concerns.

Is the Sabo amendment passed by the House consistent with our NAFTA obligations?

The Sabo amendment would impose a total prohibition on considering applications from Mexican motor carriers. This would be a clear violation of our NAFTA obligations.

Is the Senate Appropriations Committee bill provision consistent with the NAFTA?

The Senate provision represents an improvement on the House language; however, for the following reasons, the provision in its current form could keep the U.S.-Mexico border closed indefinitely. First, the provision forbids DOT to begin processing any Mexican applications until DOT complies with twenty-two (22) separate requirements. Under the NAFTA, however, we may not simply bar Mexican carriers, but must allow them the opportunity to show that they can meet our safety standards. Second, although we are entitled to impose different inspection requirements on Mexican trucks to compensate for Mexico's less rigorous safety regime, any differences must be no greater than needed to address legitimate safety issues. We are concerned that some of the inspection requirements in the Senate provision may be more burdensome than necessary, and in fact may be unadministrable by DOT. Moreover, the cumulative effect of all of the different requirements may result in a disproportionate and discriminatory burden on Mexican carriers.

Even the Administration's proposal would keep the border closed for 11 months after the panel ruling. What is wrong with taking an additional 1 to 2 years to ensure that DOT is totally prepared to open the border?

Under the NAFTA, the United States was obligated to begin allowing access to Mexican carriers by December 1995 - more than 5 years ago. Nonetheless, the Administration will not allow access until it completes certain steps needed to ensure highway safety – such as the adoption of revised application and inspection procedures – and Mexico understands this. But the Senate bill includes requirements that are not necessary preconditions for the safe operation of Mexican trucks on U.S. highways. For example, DOT could not begin examining Mexican applications under its current standards prior to completing several complex new rulemakings.

What happens if the United States does not comply with NAFTA?

If the United States and Mexico cannot reach an agreement on an appropriate means for compliance, Mexico (the “prevailing party” under the NAFTA in this instance) has the option of retaliating by suspending trade concessions (i.e. raising tariffs or other restrictions on U.S. goods or services).

What is the retaliation process?

Under the NAFTA, the prevailing party is entitled to suspend trade concessions on an amount of trade equivalent to the amount affected by the NAFTA-inconsistent measure. The prevailing party initially selects the level of retaliation. The defending party can challenge that level, but the retaliation remains in effect during the challenge.

Mexico has stated publicly that it might restrict imports of U.S. high fructose corn syrup if the United States does not fulfill its NAFTA obligations. As a general matter, a prevailing party can be expected to select highly sensitive products or services for retaliation.

Can the U.S. challenge Mexico retaliation?

Yes. We can request that a new dispute settlement panel determine whether Mexico must lift its retaliation on the basis that the United States has complied with its obligations, or whether the level of any retaliation by Mexico is “manifestly excessive.” However, Mexican can keep any retaliation in place while the matter is considered.

Must the U.S. comply with the NAFTA Panel report by January 1, 2002?

The NAFTA does not provide a compliance timeline. It allows the country being denied benefits to take compensation after thirty days, which Mexico is now permitted to do. The Administration presented an implementation plan to Mexico in March that included a substantial enhancement of our safety and inspection efforts, and committed to implementing this plan by the end of this year. While the government of Mexico would prefer a much shorter timeline, Mexico understands that the Administration is proceeding in good faith and is not seeking compensation at this time.

NAFTA Cross-Border Trucking

- **Safety on America's highways is the Administration's top priority in opening the border to Mexican-domiciled motor carriers.**
 - ✓ The Administration is committed to ensuring that all motor carriers seeking to operate in the United States – whether they are based in the United States, Mexico, or Canada – will be subject to the same rigorous safety standards.
- **Banning Mexican-domiciled motor carriers that meet our rigorous safety standards discriminates against Mexico and violates our obligations under the North American Free Trade Agreement (NAFTA).**
 - ✓ The Administration is committed to fulfilling our NAFTA obligations and treating our NAFTA partners fairly. We oppose any legislative actions that keep the U.S.-Mexico border closed -- either explicitly or implicitly.
 - ✓ Discrimination against Mexico and failure to meet our NAFTA obligations could result in retaliation by Mexico, including restriction of our ability to operate U.S. motor-carriers in Mexico.
- **Legislation proposed by the Senate Transportation Appropriations Committee could keep the border closed indefinitely.**
 - ✓ The Senate provision keeps the border closed until 22 separate conditions have been met. Many of these conditions are unworkable, impractical, prohibitively expensive and not directly related to safety. All of the conditions, taken together, could ban all Mexico-domiciled carriers from this country indefinitely.
- **The Administration supports a strong safety enforcement regime similar to the very successful California inspection program for Mexican long-haul carriers.**
 - ✓ The President has requested funding for additional resources at the U.S. Mexico border.
 - ✓ Such a program would ensure our rigorous safety requirements are met without discriminating against Mexican carriers.
- **NAFTA has been part of the American economic success story of the 1990's and is an important part of America's economic future.**
 - ✓ Since NAFTA took effect, employment has risen in all three NAFTA countries. In the U.S., employment grew by 11%, generating 13 million new jobs. Real U.S. industrial production increased by 43 percent.
 - ✓ In 2000, U.S. jobs supported by merchandise exports to our NAFTA partners totaled an estimated 2.9 million jobs, up over 900,000 since before NAFTA started.
 - ✓ Mexico and Canada alone accounted for 47% of total U.S. export growth over the period NAFTA has been in place.
 - ✓ The tariff rate cuts from the Canada FTA and NAFTA when applied to 1999 U.S. imports, were similar to a \$210 tax cut for an average household of four.
- **Mexican carriers meeting our safety requirements must be granted the same high standards of fairness and protection that we offer U.S. and Canadian carriers.**

From: CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO]
BCC: Senate Committee Press (Senate Committee Press [UNKNOWN]), House Committee Press (House Committee Press [UNKNOWN]), House (House/senate leadership [UNKNOWN]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Margaret Tutwiler (Margaret Tutwiler/WHO/EOP@EOP [UNKNOWN]), Noelia Rodriguez (Noelia Rodriguez/WHO/EOP@EOP [WHO]), Erin E. Healy (Erin E. Healy/WHO/EOP@EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP@EOP [WHO]), Gail Randall (Gail Randall/WHO/EOP@EOP [WHO]), Gregory Goss (Gregory Goss/WHO/EOP@EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Katie Hong (Katie Hong/WHO/EOP@EOP [WHO]), Logan M. Walters (Logan M. Walters/WHO/EOP@EOP [WHO]), Christina D. Roberts (Christina D. Roberts/WHO/EOP@EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), Anthony J. Gibson (Anthony J. Gibson/OSTP/EOP@EOP [OSTP]), John D. Gibson (John D. Gibson/NSC/EOP@EOP [NSC]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP@EOP [WHO]), Karl Doenges (Karl Doenges/WHO/EOP@EOP [UNKNOWN]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP@EOP [WHO]), Jennifer K. Millerwise (Jennifer K. Millerwise/WHO/EOP@EOP [WHO]), Anne Womack (Anne Womack/WHO/EOP@EOP [WHO]), Brian Bravo (Brian Bravo/WHO/EOP@EOP [WHO]), Candida P. Wolff (Candida P. Wolff/OVP/EOP@EOP [OVP]), Harry W. Wolff (Harry W. Wolff/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Rachael L. Sunbarger (Rachael L. Sunbarger/WHO/EOP@EOP [WHO]), Sam Dickens (Sam Dickens/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), John W. Howard (John W. Howard/WHO/EOP@EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Townsend L. McNitt (Townsend L. McNitt/WHO/EOP@EOP [UNKNOWN]), Scott Jeffcoat (Scott Jeffcoat/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Laura C. Welborn (Laura C. Welborn/WHO/EOP@EOP [WHO]), Karl C. Rove (Karl C. Rove/WHO/EOP@EOP [WHO]), Susan B. Ralston (Susan B. Ralston/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Thomas V. McMahan (Thomas V. McMahan/WHO/EOP@EOP [UNKNOWN]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), William S. Clark (William S. Clark/WHO/EOP@EOP [UNKNOWN]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara

BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
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BCC:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
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BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:james_r._wilkinson@who.eop.gov (james_r._wilkinson@who.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:jcram@rnchq.org (jcram@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN])
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BCC:John M. Ackerly (CN=John M. Ackerly/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN
BCC:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:mcrawford@doc.gov (mcrawford@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN])
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BCC:m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN])
READ:UNKNOWN
BCC:craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN])
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BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
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BCC:Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
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READ:UNKNOWN
BCC:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
BCC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN])
READ:UNKNOWN
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BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:blewis@rnchq.org (blewis@rnchq.org @ inet [OVP])
READ:UNKNOWN
BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris B. Nagel (CN=Chris B. Nagel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Beverly J. Ward (CN=Beverly J. Ward/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Nathaniel C. Ryun (CN=Nathaniel C. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
BCC:gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:paige.ralston@mail.house.gov (paige.ralston@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
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BCC:cforti@nrcc.org (cforti@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Joshua L. Ginsberg (CN=Joshua L. Ginsberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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READ:UNKNOWN
BCC:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN])
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The Domestic Policy Council has prepared the attached talking points and
Questions & Answers regarding Cross-Border Trucking.

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M. Taylor/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), John Gardner (John Gardner/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Heather L. West (Heather L. West/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [UNKNOWN]), Tobin K. Harvey (Tobin K. Harvey/WHO/EOP@EOP [WHO]), Brooks D. Altshuler (Brooks D. Altshuler/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP@EOP [WHO]), Amanda L. Moore (Amanda L. Moore/WHO/EOP@EOP [WHO]), Danner R. Bethel (Danner R. Bethel/WHO/EOP@EOP [WHO]), Mary Elizabeth Farr (Mary Elizabeth Farr/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Quincy Hicks (Quincy Hicks/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Ashley M. Snee (Ashley M. Snee/OVP/EOP@EOP [OVP]), Debra Heiden (Debra Heiden/OVP/EOP@EOP [OVP]), Douglas D. McCormick (Douglas D. McCormick/OMB/EOP@EOP [UNKNOWN]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), I. Lewis Libby (I. Lewis Libby/OVP/EOP@EOP [UNKNOWN]), Charles D. McGrath Jr (Charles D. McGrath Jr/OVP/EOP@EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP/EOP@EOP [OVP]), Ethan A. Hastert (Ethan A. Hastert/OVP/EOP@EOP [OVP]), Juleanna R. Glover (Juleanna R. Glover/OVP/EOP@EOP [OVP]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Megan D. Moran (Megan D. Moran/OVP/EOP@EOP [OVP]), Michael J. Sullivan (Michael J. Sullivan/WHO/EOP@EOP [WHO]), David S. Addington (David S. Addington/OVP/EOP@EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP@EOP [OVP]), Ronald I. Christie (Ronald I. Christie/OVP/EOP@EOP [OVP]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Margita N. Thompson (Margita N. Thompson/OVP/EOP@EOP [OVP]), Nancy P. Dorn (Nancy P. Dorn/WHO/EOP@EOP [WHO]), Stephen S. Ruhlen (Stephen S. Ruhlen/OVP/EOP@EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OVP/EOP@EOP [OVP]), Elizabeth W. Kleppe (Elizabeth W. Kleppe/OVP/EOP@EOP [OVP]), Debra R. Dunn (Debra R. Dunn/OVP/EOP@EOP [WHO]), Jona M. Turner (Jona M. Turner/OVP/EOP@EOP [OVP]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Donald M. Sumerlin (Donald M. Sumerlin/OPD/EOP@EOP [UNKNOWN]), Eric C. Pelletier (Eric C. Pelletier/OMB/EOP@EOP [OMB]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP@EOP [OMB]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Margaret M. LaMontagne (Margaret M. LaMontagne/OPD/EOP@EOP [OPD]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), Melissa McKnight (Melissa McKnight/OPD/EOP@EOP [OPD]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN]), christine.iversen@mail.house.gov (christine.iversen@mail.house.gov @ inet [UNKNOWN]), Josephine B. Robinson (Josephine B. Robinson/WHO/EOP@EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP@EOP [WHO]), Carol J. Thompson (Carol J. Thompson/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Colleen Litkenhaus (Colleen Litkenhaus/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN]), nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN]), roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN]), cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN]), christine.iversen@mail.house.gov (christine.iversen@mail.house.gov @ inet [UNKNOWN]),

brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN]),
 terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]),
 kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]),
 paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), Sara M.
 Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO
 /EOP@EOP [WHO]), Don E. Eberly (Don E. Eberly/WHO/EOP@EOP [WHO]), Don R.
 Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Stanley W. Carlson-Thies (Stanley W.
 Carlson-Thies/WHO/EOP@EOP [WHO]), Lisa T. Cummins (Lisa T. Cummins/WHO
 /EOP@EOP [WHO]), Mark V. Scott (Mark V. Scott/WHO/EOP@EOP [WHO]), Michele H.
 Tennerly (Michele H. Tennerly/WHO/EOP@EOP [WHO]), Carrie W. Click (Carrie W.
 Click/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]),
 sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Brian R. Besanceney (Brian R.
 Besanceney/OPD/EOP@EOP [OPD]), mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN]), james_r_wilkinson@who.eop.gov (james_r_wilkinson@who.eop.gov @ inet [UNKNOWN]), jcrum@rnchq.org (jcrum@rnchq.org @ inet [UNKNOWN]), dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/WHO/EOP@EOP [UNKNOWN]), Kevin J. Martin (Kevin J. Martin/OPD/EOP@EOP [OPD]), Adrian G. Gray (Adrian G. Gray/WHO/EOP@EOP [WHO]), mc Crawford@doc.gov (mc Crawford@doc.gov @ inet [UNKNOWN]), maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN]), Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN]), chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN]), m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN]), roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN]), mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN]), Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN]), craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN]), Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), Anne.Trenolone (Anne.Trenolone/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Ponnuru@ix.netcom.com (Ponnuru@ix.netcom.com @ inet [UNKNOWN]), dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN]), dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN]), oliver.north@msnbc.com (oliver.north@msnbc.com @ inet [UNKNOWN]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP@EOP [OPD]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP@EOP [WHO]), Terry C. Miller (Terry C. Miller/WHO/EOP@EOP [WHO]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP@EOP [WHO]), Laura S. Lawlor (Laura S. Lawlor/WHO/EOP@EOP [WHO]), brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), blewis@rnchq.org (blewis@rnchq.org @ inet [OVP]), Charles P. Blahous (Charles P. Blahous/OPD/EOP@EOP [OPD]), Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN]), Matthew W. Lindley (Matthew W. Lindley/WHO/EOP@EOP [WHO]), Chris B. Nagel (Chris B. Nagel/WHO/EOP@EOP [WHO]), Melissa L. McAdoo (Melissa L. McAdoo/WHO/EOP@EOP [WHO]), Kristen L. Hughes (Kristen L. Hughes/WHO/EOP@EOP [WHO]), Robert T. Pratt Jr (Robert T. Pratt Jr/WHO/EOP@EOP [WHO]), Beverly J. Ward (Beverly J. Ward/WHO/EOP@EOP [WHO]), Deborah K. Hair (Deborah K. Hair/WHO/EOP@EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), john.feehery@mail.house.gov (

john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP@EOP [NSC]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Jean M. Russell (Jean M. Russell/OPD/EOP@EOP [OPD]), Traci R. Campbell (Traci R. Campbell/WHO/EOP@EOP [WHO]), James E. Carter (James E. Carter/OPD/EOP@EOP [OPD]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), David W. Thomas (David W. Thomas/WHO/EOP@EOP [WHO]), Debra D. Bird (Debra D. Bird/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Helen R. Mobley (Helen R. Mobley/WHO/EOP@EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Desiree T. Sayle (Desiree T. Sayle/WHO/EOP@EOP [WHO]), Sydney R. Johnson (Sydney R. Johnson/WHO/EOP@EOP [WHO]), Sara B. McIntosh (Sara B. McIntosh/WHO/EOP@EOP [WHO]), Joan R. Doty (Joan R. Doty/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Sonya E. Medina (Sonya E. Medina/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Eleanor L. Gillmor (Eleanor L. Gillmor/OPD/EOP@EOP [OPD]), Tiffany L. Barfield (Tiffany L. Barfield/OPD/EOP@EOP [OPD]), David F. Lussier (David F. Lussier/OPD/EOP@EOP [OPD]), Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN]), rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN]), Neil S. Patel (Neil S. Patel/OVP/EOP@EOP [OVP]), Nathaniel C. Ryun (Nathaniel C. Ryun/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @ inet [UNKNOWN]), gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN]), margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN]), lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN]), Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN]), melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN]), ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN]), paige.ralston@mail.house.gov (paige.ralston@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), cforti@nrcc.org (cforti@nrcc.org @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Karen Y. Knutson (Karen Y. Knutson/OVP/EOP@EOP [OVP]), Leslie A. Mooney (Leslie A. Mooney/OPD/EOP@EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN]), greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN]), Joshua L. Ginsberg (Joshua L. Ginsberg/WHO/EOP@EOP [WHO]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Mark McClellan (Mark McClellan/CEA/EOP@EOP [CEA]), Dirksen Lehman (Dirksen Lehman/WHO/EOP@EOP [WHO]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP@EOP [OPD]),

Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Anita B. McBride (Anita B. McBride/WHO/EOP@EOP [WHO]), dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN]), Rachel L. Brand (Rachel L. Brand/WHO /EOP@EOP [WHO]), Heather Wingate (Heather Wingate/WHO/EOP@EOP [WHO]), ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN]), jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN]), melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN]), cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN])

Sent: 7/20/2001 1:27:12 PM
Subject: : Talking Points -- Cross-Border Trucking
Attachments: P_U99X2004_OPD.TXT_1.doc; P_U99X2004_OPD.TXT_2.doc

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CREATION DATE/TIME:20-JUL-2001 17:27:12.00
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Katie Hong (CN=Katie Hong/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karl Doenges (CN=Karl Doenges/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sam Dickens (CN=Sam Dickens/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Laura C. Welborn (CN=Laura C. Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Thomas V. McMahan (CN=Thomas V. McMahan/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:William S. Clark (CN=William S. Clark/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heather L. West (CN=Heather L. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [UNKNOWN])
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BCC:Tobin K. Harvey (CN=Tobin K. Harvey/OU=WHO/O=EOP@EOP [WHO])
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BCC:Brooks D. Altshuler (CN=Brooks D. Altshuler/OU=WHO/O=EOP@EOP [WHO])
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BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Amanda L. Moore (CN=Amanda L. Moore/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mary Elizabeth Farr (CN=Mary Elizabeth Farr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
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BCC:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Douglas D. McCormick (CN=Douglas D. McCormick/OU=OMB/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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READ:UNKNOWN
BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])

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BCC:Michael J. Sullivan (CN=Michael J. Sullivan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
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BCC:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
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BCC:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
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BCC:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jona M. Turner (CN=Jona M. Turner/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Donald M. Sumerlin (CN=Donald M. Sumerlin/OU=OPD/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Melissa McKnight (CN=Melissa McKnight/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
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BCC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN

Questions & Answers

What must the United States do to comply with the NAFTA panel ruling on trucks?

The United States is obligated to consider applications from Mexican carriers on a case-by-case basis. The United States has every right to require that Mexican trucks and drivers abide by U.S. safety standards, and that the United States may take reasonable steps to enforce such standards. Moreover, due to differences in safety regimes, the United States may impose different inspection requirements on Mexican firms than on U.S. and Canadian firms, so long as such differences are no greater than needed to address legitimate safety concerns.

Is the Sabo amendment passed by the House consistent with our NAFTA obligations?

The Sabo amendment would impose a total prohibition on considering applications from Mexican motor carriers. This would be a clear violation of our NAFTA obligations.

Is the Senate Appropriations Committee bill provision consistent with the NAFTA?

The Senate provision represents an improvement on the House language; however, for the following reasons, the provision in its current form could keep the U.S.-Mexico border closed indefinitely. First, the provision forbids DOT to begin processing any Mexican applications until DOT complies with twenty-two (22) separate requirements. Under the NAFTA, however, we may not simply bar Mexican carriers, but must allow them the opportunity to show that they can meet our safety standards. Second, although we are entitled to impose different inspection requirements on Mexican trucks to compensate for Mexico's less rigorous safety regime, any differences must be no greater than needed to address legitimate safety issues. We are concerned that some of the inspection requirements in the Senate provision may be more burdensome than necessary, and in fact may be unadministrable by DOT. Moreover, the cumulative effect of all of the different requirements may result in a disproportionate and discriminatory burden on Mexican carriers.

Even the Administration's proposal would keep the border closed for 11 months after the panel ruling. What is wrong with taking an additional 1 to 2 years to ensure that DOT is totally prepared to open the border?

Under the NAFTA, the United States was obligated to begin allowing access to Mexican carriers by December 1995 - more than 5 years ago. Nonetheless, the Administration will not allow access until it completes certain steps needed to ensure highway safety – such as the adoption of revised application and inspection procedures – and Mexico understands this. But the Senate bill includes requirements that are not necessary preconditions for the safe operation of Mexican trucks on U.S. highways. For example, DOT could not begin examining Mexican applications under its current standards prior to completing several complex new rulemakings.

What happens if the United States does not comply with NAFTA?

If the United States and Mexico cannot reach an agreement on an appropriate means for compliance, Mexico (the "prevailing party" under the NAFTA in this instance) has the option of retaliating by suspending trade concessions (i.e. raising tariffs or other restrictions on U.S. goods or services).

What is the retaliation process?

Under the NAFTA, the prevailing party is entitled to suspend trade concessions on an amount of trade equivalent to the amount affected by the NAFTA-inconsistent measure. The prevailing party initially selects the level of retaliation. The defending party can challenge that level, but the retaliation remains in effect during the challenge.

Mexico has stated publicly that it might restrict imports of U.S. high fructose corn syrup if the United States does not fulfill its NAFTA obligations. As a general matter, a prevailing party can be expected to select highly sensitive products or services for retaliation.

Can the U.S. challenge Mexico retaliation?

Yes. We can request that a new dispute settlement panel determine whether Mexico must lift its retaliation on the basis that the United States has complied with its obligations, or whether the level of any retaliation by Mexico is "manifestly excessive." However, Mexican can keep any retaliation in place while the matter is considered.

Must the U.S. comply with the NAFTA Panel report by January 1, 2002?

The NAFTA does not provide a compliance timeline. It allows the country being denied benefits to take compensation after thirty days, which Mexico is now permitted to do. The Administration presented an implementation plan to Mexico in March that included a substantial enhancement of our safety and inspection efforts, and committed to implementing this plan by the end of this year. While the government of Mexico would prefer a much shorter timeline, Mexico understands that the Administration is proceeding in good faith and is not seeking compensation at this time.

NAFTA Cross-Border Trucking

- **Safety on America's highways is the Administration's top priority in opening the border to Mexican-domiciled motor carriers.**
 - ✓ The Administration is committed to ensuring that all motor carriers seeking to operate in the United States – whether they are based in the United States, Mexico, or Canada – will be subject to the same rigorous safety standards.
- **Banning Mexican-domiciled motor carriers that meet our rigorous safety standards discriminates against Mexico and violates our obligations under the North American Free Trade Agreement (NAFTA).**
 - ✓ The Administration is committed to fulfilling our NAFTA obligations and treating our NAFTA partners fairly. We oppose any legislative actions that keep the U.S.-Mexico border closed -- either explicitly or implicitly.
 - ✓ Discrimination against Mexico and failure to meet our NAFTA obligations could result in retaliation by Mexico, including restriction of our ability to operate U.S. motor-carriers in Mexico.
- **Legislation proposed by the Senate Transportation Appropriations Committee could keep the border closed indefinitely.**
 - ✓ The Senate provision keeps the border closed until 22 separate conditions have been met. Many of these conditions are unworkable, impractical, prohibitively expensive and not directly related to safety. All of the conditions, taken together, could ban all Mexico-domiciled carriers from this country indefinitely.
- **The Administration supports a strong safety enforcement regime similar to the very successful California inspection program for Mexican long-haul carriers.**
 - ✓ The President has requested funding for additional resources at the U.S. Mexico border.
 - ✓ Such a program would ensure our rigorous safety requirements are met without discriminating against Mexican carriers.
- **NAFTA has been part of the American economic success story of the 1990's and is an important part of America's economic future.**
 - ✓ Since NAFTA took effect, employment has risen in all three NAFTA countries. In the U.S., employment grew by 11%, generating 13 million new jobs. Real U.S. industrial production increased by 43 percent.
 - ✓ In 2000, U.S. jobs supported by merchandise exports to our NAFTA partners totaled an estimated 2.9 million jobs, up over 900,000 since before NAFTA started.
 - ✓ Mexico and Canada alone accounted for 47% of total U.S. export growth over the period NAFTA has been in place.
 - ✓ The tariff rate cuts from the Canada FTA and NAFTA when applied to 1999 U.S. imports, were similar to a \$210 tax cut for an average household of four.
- **Mexican carriers meeting our safety requirements must be granted the same high standards of fairness and protection that we offer U.S. and Canadian carriers.**

From: CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO]
BCC: Senate Committee Press (Senate Committee Press [UNKNOWN]), House Committee Press (House Committee Press [UNKNOWN]), House (House/senate leadership [UNKNOWN]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Margaret Tutwiler (Margaret Tutwiler/WHO/EOP@EOP [UNKNOWN]), Noelia Rodriguez (Noelia Rodriguez/WHO/EOP@EOP [WHO]), Erin E. Healy (Erin E. Healy/WHO/EOP@EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP@EOP [WHO]), Gail Randall (Gail Randall/WHO/EOP@EOP [WHO]), Gregory Goss (Gregory Goss/WHO/EOP@EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Katie Hong (Katie Hong/WHO/EOP@EOP [WHO]), Logan M. Walters (Logan M. Walters/WHO/EOP@EOP [WHO]), Christina D. Roberts (Christina D. Roberts/WHO/EOP@EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), Anthony J. Gibson (Anthony J. Gibson/OSTP/EOP@EOP [OSTP]), John D. Gibson (John D. Gibson/NSC/EOP@EOP [NSC]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP@EOP [WHO]), Karl Doenges (Karl Doenges/WHO/EOP@EOP [UNKNOWN]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP@EOP [WHO]), Jennifer K. Millerwise (Jennifer K. Millerwise/WHO/EOP@EOP [WHO]), Anne Womack (Anne Womack/WHO/EOP@EOP [WHO]), Brian Bravo (Brian Bravo/WHO/EOP@EOP [WHO]), Candida P. Wolff (Candida P. Wolff/OVP/EOP@EOP [OVP]), Harry W. Wolff (Harry W. Wolff/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Rachael L. Sunbarger (Rachael L. Sunbarger/WHO/EOP@EOP [WHO]), Sam Dickens (Sam Dickens/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), John W. Howard (John W. Howard/WHO/EOP@EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Townsend L. McNitt (Townsend L. McNitt/WHO/EOP@EOP [UNKNOWN]), Scott Jeffcoat (Scott Jeffcoat/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Laura C. Welborn (Laura C. Welborn/WHO/EOP@EOP [WHO]), Karl C. Rove (Karl C. Rove/WHO/EOP@EOP [WHO]), Susan B. Ralston (Susan B. Ralston/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Thomas V. McMahan (Thomas V. McMahan/WHO/EOP@EOP [UNKNOWN]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), William S. Clark (William S. Clark/WHO/EOP@EOP [UNKNOWN]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara

BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN])
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BCC:paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN])
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BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
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BCC:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
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BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:james_r._wilkinson@who.eop.gov (james_r._wilkinson@who.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:jcram@rnchq.org (jcram@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN])
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BCC:John M. Ackerly (CN=John M. Ackerly/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN
BCC:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:mcrawford@doc.gov (mcrawford@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN])
READ:UNKNOWN
BCC:craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN])
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BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
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BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])

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BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
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BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:blewis@rnchq.org (blewis@rnchq.org @ inet [OVP])
READ:UNKNOWN
BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris B. Nagel (CN=Chris B. Nagel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Beverly J. Ward (CN=Beverly J. Ward/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Nathaniel C. Ryun (CN=Nathaniel C. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
BCC:gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN])
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BCC:lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:paige.ralston@mail.house.gov (paige.ralston@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:cforti@nrcc.org (cforti@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Karen Y. Knutson (CN=Karen Y. Knutson/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Joshua L. Ginsberg (CN=Joshua L. Ginsberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
BCC:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN])
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BCC:cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN])
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The Domestic Policy Council has prepared the attached talking points and
Questions & Answers regarding Cross-Border Trucking.

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M. Taylor/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), John Gardner (John Gardner/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Heather L. West (Heather L. West/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [UNKNOWN]), Tobin K. Harvey (Tobin K. Harvey/WHO/EOP@EOP [WHO]), Brooks D. Altshuler (Brooks D. Altshuler/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP@EOP [WHO]), Amanda L. Moore (Amanda L. Moore/WHO/EOP@EOP [WHO]), Danner R. Bethel (Danner R. Bethel/WHO/EOP@EOP [WHO]), Mary Elizabeth Farr (Mary Elizabeth Farr/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Quincy Hicks (Quincy Hicks/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Ashley M. Snee (Ashley M. Snee/OVP/EOP@EOP [OVP]), Debra Heiden (Debra Heiden/OVP/EOP@EOP [OVP]), Douglas D. McCormick (Douglas D. McCormick/OMB/EOP@EOP [UNKNOWN]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), I. Lewis Libby (I. Lewis Libby/OVP/EOP@EOP [UNKNOWN]), Charles D. McGrath Jr (Charles D. McGrath Jr/OVP/EOP@EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP/EOP@EOP [OVP]), Ethan A. Hastert (Ethan A. Hastert/OVP/EOP@EOP [OVP]), Juleanna R. Glover (Juleanna R. Glover/OVP/EOP@EOP [OVP]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Megan D. Moran (Megan D. Moran/OVP/EOP@EOP [OVP]), Michael J. Sullivan (Michael J. Sullivan/WHO/EOP@EOP [WHO]), David S. Addington (David S. Addington/OVP/EOP@EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP@EOP [OVP]), Ronald I. Christie (Ronald I. Christie/OVP/EOP@EOP [OVP]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Margita N. Thompson (Margita N. Thompson/OVP/EOP@EOP [OVP]), Nancy P. Dorn (Nancy P. Dorn/WHO/EOP@EOP [WHO]), Stephen S. Ruhlen (Stephen S. Ruhlen/OVP/EOP@EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OVP/EOP@EOP [OVP]), Elizabeth W. Kleppe (Elizabeth W. Kleppe/OVP/EOP@EOP [OVP]), Debra R. Dunn (Debra R. Dunn/OVP/EOP@EOP [WHO]), Jona M. Turner (Jona M. Turner/OVP/EOP@EOP [OVP]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Donald M. Sumerlin (Donald M. Sumerlin/OPD/EOP@EOP [UNKNOWN]), Eric C. Pelletier (Eric C. Pelletier/OMB/EOP@EOP [OMB]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP@EOP [OMB]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Margaret M. LaMontagne (Margaret M. LaMontagne/OPD/EOP@EOP [OPD]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), Melissa McKnight (Melissa McKnight/OPD/EOP@EOP [OPD]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), Josephine B. Robinson (Josephine B. Robinson/WHO/EOP@EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP@EOP [WHO]), Carol J. Thompson (Carol J. Thompson/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Colleen Litkenhaus (Colleen Litkenhaus/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN]), nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN]), roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN]), cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]),

brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN]),
 terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]),
 kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]),
 paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), Sara M.
 Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO
 /EOP@EOP [WHO]), Don E. Eberly (Don E. Eberly/WHO/EOP@EOP [WHO]), Don R.
 Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Stanley W. Carlson-Thies (Stanley W.
 Carlson-Thies/WHO/EOP@EOP [WHO]), Lisa T. Cummins (Lisa T. Cummins/WHO
 /EOP@EOP [WHO]), Mark V. Scott (Mark V. Scott/WHO/EOP@EOP [WHO]), Michele H.
 Tennerly (Michele H. Tennerly/WHO/EOP@EOP [WHO]), Carrie W. Click (Carrie W.
 Click/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]),
 sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Brian R. Besanceney (Brian R.
 Besanceney/OPD/EOP@EOP [OPD]), mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN]), james_r_wilkinson@who.eop.gov (james_r_wilkinson@who.eop.gov @ inet [UNKNOWN]), jcrum@rnchq.org (jcrum@rnchq.org @ inet [UNKNOWN]), dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/WHO/EOP@EOP [UNKNOWN]), Kevin J. Martin (Kevin J. Martin/OPD/EOP@EOP [OPD]), Adrian G. Gray (Adrian G. Gray/WHO/EOP@EOP [WHO]), mc Crawford@doc.gov (mc Crawford@doc.gov @ inet [UNKNOWN]), maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN]), Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN]), chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN]), m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN]), roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN]), mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN]), Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN]), craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN]), Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), Anne Trenolone (Anne Trenolone/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), POnnuru@ix.netcom.com (POnnuru@ix.netcom.com @ inet [UNKNOWN]), dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN]), dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN]), oliver.north@msnbc.com (oliver.north@msnbc.com @ inet [UNKNOWN]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP@EOP [OPD]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP@EOP [WHO]), Terry C. Miller (Terry C. Miller/WHO/EOP@EOP [WHO]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP@EOP [WHO]), Laura S. Lawlor (Laura S. Lawlor/WHO/EOP@EOP [WHO]), brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), blewis@rnchq.org (blewis@rnchq.org @ inet [OVP]), Charles P. Blahous (Charles P. Blahous/OPD/EOP@EOP [OPD]), Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN]), Matthew W. Lindley (Matthew W. Lindley/WHO/EOP@EOP [WHO]), Chris B. Nagel (Chris B. Nagel/WHO/EOP@EOP [WHO]), Melissa L. McAdoo (Melissa L. McAdoo/WHO/EOP@EOP [WHO]), Kristen L. Hughes (Kristen L. Hughes/WHO/EOP@EOP [WHO]), Robert T. Pratt Jr (Robert T. Pratt Jr/WHO/EOP@EOP [WHO]), Beverly J. Ward (Beverly J. Ward/WHO/EOP@EOP [WHO]), Deborah K. Hair (Deborah K. Hair/WHO/EOP@EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), john.feehery@mail.house.gov (

john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP@EOP [NSC]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Jean M. Russell (Jean M. Russell/OPD/EOP@EOP [OPD]), Traci R. Campbell (Traci R. Campbell/WHO/EOP@EOP [WHO]), James E. Carter (James E. Carter/OPD/EOP@EOP [OPD]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), David W. Thomas (David W. Thomas/WHO/EOP@EOP [WHO]), Debra D. Bird (Debra D. Bird/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Helen R. Mobley (Helen R. Mobley/WHO/EOP@EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Desiree T. Sayle (Desiree T. Sayle/WHO/EOP@EOP [WHO]), Sydney R. Johnson (Sydney R. Johnson/WHO/EOP@EOP [WHO]), Sara B. McIntosh (Sara B. McIntosh/WHO/EOP@EOP [WHO]), Joan R. Doty (Joan R. Doty/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Sonya E. Medina (Sonya E. Medina/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Eleanor L. Gillmor (Eleanor L. Gillmor/OPD/EOP@EOP [OPD]), Tiffany L. Barfield (Tiffany L. Barfield/OPD/EOP@EOP [OPD]), David F. Lussier (David F. Lussier/OPD/EOP@EOP [OPD]), Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN]), rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN]), Neil S. Patel (Neil S. Patel/OVP/EOP@EOP [OVP]), Nathaniel C. Ryun (Nathaniel C. Ryun/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @ inet [UNKNOWN]), gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN]), margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN]), lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN]), Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN]), melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN]), ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN]), paige.ralston@mail.house.gov (paige.ralston@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), cforti@nrcc.org (cforti@nrcc.org @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Karen Y. Knutson (Karen Y. Knutson/OVP/EOP@EOP [OVP]), Leslie A. Mooney (Leslie A. Mooney/OPD/EOP@EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN]), greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN]), Joshua L. Ginsberg (Joshua L. Ginsberg/WHO/EOP@EOP [WHO]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Mark McClellan (Mark McClellan/CEA/EOP@EOP [CEA]), Dirksen Lehman (Dirksen Lehman/WHO/EOP@EOP [WHO]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP@EOP [OPD]),

Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Anita B. McBride (Anita B. McBride/WHO/EOP@EOP [WHO]), dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN]), Rachel L. Brand (Rachel L. Brand/WHO /EOP@EOP [WHO]), Heather Wingate (Heather Wingate/WHO/EOP@EOP [WHO]), ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN]), jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN]), melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN]), cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN])

Sent: 7/20/2001 1:27:12 PM
Subject: : Talking Points -- Cross-Border Trucking
Attachments: F_U99X2004_NSC.TXT_1.doc; F_U99X2004_NSC.TXT_2.doc

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RECORD TYPE: FEDERAL (NOTES MAIL)

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SUBJECT:: Talking Points -- Cross-Border Trucking

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READ:UNKNOWN

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READ:UNKNOWN

BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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READ:UNKNOWN

BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Katie Hong (CN=Katie Hong/OU=WHO/O=EOP@EOP [WHO])

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BCC:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
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READ:UNKNOWN
BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karl Doenges (CN=Karl Doenges/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sam Dickens (CN=Sam Dickens/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Laura C. Welborn (CN=Laura C. Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Thomas V. McMahan (CN=Thomas V. McMahan/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:William S. Clark (CN=William S. Clark/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heather L. West (CN=Heather L. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Tobin K. Harvey (CN=Tobin K. Harvey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brooks D. Altshuler (CN=Brooks D. Altshuler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
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BCC:Amanda L. Moore (CN=Amanda L. Moore/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [WHO])
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BCC:Mary Elizabeth Farr (CN=Mary Elizabeth Farr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
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BCC:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
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BCC:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
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BCC:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Douglas D. McCormick (CN=Douglas D. McCormick/OU=OMB/O=EOP@EOP [UNKNOWN])
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BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:I. Lewis Libby (CN=I. Lewis Libby/OU=OVP/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN
BCC:Michael J. Sullivan (CN=Michael J. Sullivan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Margita N. Thompson (CN=Margita N. Thompson/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jona M. Turner (CN=Jona M. Turner/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
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READ:UNKNOWN
BCC:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
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BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Melissa McKnight (CN=Melissa McKnight/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
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BCC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN

Questions & Answers

What must the United States do to comply with the NAFTA panel ruling on trucks?

The United States is obligated to consider applications from Mexican carriers on a case-by-case basis. The United States has every right to require that Mexican trucks and drivers abide by U.S. safety standards, and that the United States may take reasonable steps to enforce such standards. Moreover, due to differences in safety regimes, the United States may impose different inspection requirements on Mexican firms than on U.S. and Canadian firms, so long as such differences are no greater than needed to address legitimate safety concerns.

Is the Sabo amendment passed by the House consistent with our NAFTA obligations?

The Sabo amendment would impose a total prohibition on considering applications from Mexican motor carriers. This would be a clear violation of our NAFTA obligations.

Is the Senate Appropriations Committee bill provision consistent with the NAFTA?

The Senate provision represents an improvement on the House language; however, for the following reasons, the provision in its current form could keep the U.S.-Mexico border closed indefinitely. First, the provision forbids DOT to begin processing any Mexican applications until DOT complies with twenty-two (22) separate requirements. Under the NAFTA, however, we may not simply bar Mexican carriers, but must allow them the opportunity to show that they can meet our safety standards. Second, although we are entitled to impose different inspection requirements on Mexican trucks to compensate for Mexico's less rigorous safety regime, any differences must be no greater than needed to address legitimate safety issues. We are concerned that some of the inspection requirements in the Senate provision may be more burdensome than necessary, and in fact may be unadministrable by DOT. Moreover, the cumulative effect of all of the different requirements may result in a disproportionate and discriminatory burden on Mexican carriers.

Even the Administration's proposal would keep the border closed for 11 months after the panel ruling. What is wrong with taking an additional 1 to 2 years to ensure that DOT is totally prepared to open the border?

Under the NAFTA, the United States was obligated to begin allowing access to Mexican carriers by December 1995 - more than 5 years ago. Nonetheless, the Administration will not allow access until it completes certain steps needed to ensure highway safety – such as the adoption of revised application and inspection procedures – and Mexico understands this. But the Senate bill includes requirements that are not necessary preconditions for the safe operation of Mexican trucks on U.S. highways. For example, DOT could not begin examining Mexican applications under its current standards prior to completing several complex new rulemakings.

What happens if the United States does not comply with NAFTA?

If the United States and Mexico cannot reach an agreement on an appropriate means for compliance, Mexico (the “prevailing party” under the NAFTA in this instance) has the option of retaliating by suspending trade concessions (i.e. raising tariffs or other restrictions on U.S. goods or services).

What is the retaliation process?

Under the NAFTA, the prevailing party is entitled to suspend trade concessions on an amount of trade equivalent to the amount affected by the NAFTA-inconsistent measure. The prevailing party initially selects the level of retaliation. The defending party can challenge that level, but the retaliation remains in effect during the challenge.

Mexico has stated publicly that it might restrict imports of U.S. high fructose corn syrup if the United States does not fulfill its NAFTA obligations. As a general matter, a prevailing party can be expected to select highly sensitive products or services for retaliation.

Can the U.S. challenge Mexico retaliation?

Yes. We can request that a new dispute settlement panel determine whether Mexico must lift its retaliation on the basis that the United States has complied with its obligations, or whether the level of any retaliation by Mexico is “manifestly excessive.” However, Mexican can keep any retaliation in place while the matter is considered.

Must the U.S. comply with the NAFTA Panel report by January 1, 2002?

The NAFTA does not provide a compliance timeline. It allows the country being denied benefits to take compensation after thirty days, which Mexico is now permitted to do. The Administration presented an implementation plan to Mexico in March that included a substantial enhancement of our safety and inspection efforts, and committed to implementing this plan by the end of this year. While the government of Mexico would prefer a much shorter timeline, Mexico understands that the Administration is proceeding in good faith and is not seeking compensation at this time.

NAFTA Cross-Border Trucking

- **Safety on America's highways is the Administration's top priority in opening the border to Mexican-domiciled motor carriers.**
 - ✓ The Administration is committed to ensuring that all motor carriers seeking to operate in the United States – whether they are based in the United States, Mexico, or Canada – will be subject to the same rigorous safety standards.
- **Banning Mexican-domiciled motor carriers that meet our rigorous safety standards discriminates against Mexico and violates our obligations under the North American Free Trade Agreement (NAFTA).**
 - ✓ The Administration is committed to fulfilling our NAFTA obligations and treating our NAFTA partners fairly. We oppose any legislative actions that keep the U.S.-Mexico border closed -- either explicitly or implicitly.
 - ✓ Discrimination against Mexico and failure to meet our NAFTA obligations could result in retaliation by Mexico, including restriction of our ability to operate U.S. motor-carriers in Mexico.
- **Legislation proposed by the Senate Transportation Appropriations Committee could keep the border closed indefinitely.**
 - ✓ The Senate provision keeps the border closed until 22 separate conditions have been met. Many of these conditions are unworkable, impractical, prohibitively expensive and not directly related to safety. All of the conditions, taken together, could ban all Mexico-domiciled carriers from this country indefinitely.
- **The Administration supports a strong safety enforcement regime similar to the very successful California inspection program for Mexican long-haul carriers.**
 - ✓ The President has requested funding for additional resources at the U.S. Mexico border.
 - ✓ Such a program would ensure our rigorous safety requirements are met without discriminating against Mexican carriers.
- **NAFTA has been part of the American economic success story of the 1990's and is an important part of America's economic future.**
 - ✓ Since NAFTA took effect, employment has risen in all three NAFTA countries. In the U.S., employment grew by 11%, generating 13 million new jobs. Real U.S. industrial production increased by 43 percent.
 - ✓ In 2000, U.S. jobs supported by merchandise exports to our NAFTA partners totaled an estimated 2.9 million jobs, up over 900,000 since before NAFTA started.
 - ✓ Mexico and Canada alone accounted for 47% of total U.S. export growth over the period NAFTA has been in place.
 - ✓ The tariff rate cuts from the Canada FTA and NAFTA when applied to 1999 U.S. imports, were similar to a \$210 tax cut for an average household of four.
- **Mexican carriers meeting our safety requirements must be granted the same high standards of fairness and protection that we offer U.S. and Canadian carriers.**

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 7/23/2001 5:31:15 AM
Subject: : Press

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 23-JUL-2001 09:31:15.00

SUBJECT:: Press

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Has Anne Womack been clearing some of her press statements on the congressional inquiries with you or anyone in this office?

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
BCC: Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 7/23/2001 5:52:19 AM
Subject: : Coordination of press comments on congressional requests/investigations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-JUL-2001 09:52:19.00

SUBJECT:: Coordination of press comments on congressional requests/investigations

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

A friendly reminder:

Please make sure as we go forward that you vet with our office any statements the Press Office intends to make with respect to allegations of impropriety that are being made in the back and forth with GAO, individual congressmen, congressional committees etc. It would be easy to get drawn into making public statements that the facts as they are developed later do not support. This would be embarrassing and hurt WH credibility a great deal.

I offer this observation not because anyone has necessarily said anything wrong or because I am aware of a problem, because an ounce of prevention in this area is worth a pound of cure.

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 7/23/2001 9:17:12 AM
Subject: : 07-25-01 WHJSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 23-JUL-2001 13:17:12.00

SUBJECT:: 07-25-01 WHJSC meeting

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please let me know if you will have any items for this week.

Thanks!

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 7/23/2001 5:02:35 PM
Subject: : FW: judicial media review
Attachments: P_KQ9Y2004_WHO.TXT_1.wpd

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:23-JUL-2001 21:02:35.00

SUBJECT:: FW: judicial media review

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

REV_00130095

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The judicial media review for today is attached.

Regards

Jennifer

-----Original Message-----

From: Schauder, Andrew

Sent: Monday, July 23, 2001 4:38 PM

To: Newstead, Jennifer

Subject: judicial media review

- Judicial Media Review 7-23-01.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_KQ9Y2004_WHO.TXT_1>

Media Review - Judicial Nominations

Monday, July 23, 2001

General Judicial Articles

- "Senate Approves Federal Judges," 1
Jesse Holland, *AP*, July 20, 2001
- "Senators Confirm 3 Judges, Including Once-Stalled Black," 4
Alison Mitchell, *The New York Times*, July 21, 2001
- "Senate Confirms 3 Bush Judges; GOP Procedural Tactics Clear
Way For Spending Bill Votes," 5
Audrey Hudson, *The Washington Times*, July 21, 2001
- "Senate Confirms 3 Of Bush's Judicial Nominees; Courts: Choice For
4th Circuit–Named To The Post Temporarily By Clinton–Is The
Bench's First Black Member," 7
David Savage, *The Los Angeles Times*, July 21, 2001

Op/Eds

- "Bush Shows His Arrogance," 10
P.K. Cranford, *The Arkansas Democrat-Gazette*, July 20, 2001
- "The Hill Hearing That Didn't Bark," 10
Terry Eastland, *The Washington Times*, July 22, 2001
- "The Choice Is Theirs" 12
Laura Flanders, *Institute for Public Affairs; In These Times*, July 23, 2001

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis New York Times
June 26, 2001

Road to Federal Bench Gets Bumpier in Senate
Neil Lewis 1

concerns of average Americans, they will be confirmed," said Marcia Kuntz, who heads the alliance's judicial selection project.

Gregory won confirmation on a 94-1 vote, with only Trent Lott of Mississippi, the Republican leader, voting no.

But the lopsided approval of Gregory as the first Bush judge masks an ongoing political struggle and makes for a strange twist in the political battles over the courts.

Throughout Clinton's term, he tried to add the first black jurist to the 15-member 4th Circuit Court. Its region, which extends from Maryland to South Carolina, has the highest percentage of African Americans of any federal circuit, yet it was the only appeals court that had never had a minority judge.

Four of its judgeships were authorized to be filled by North Carolinians, but Sen. Jesse Helms (R-N.C.) vetoed three of Clinton's black nominees. They were denied hearings in the Senate Judiciary Committee, leaving North Carolina with no representation on the appeals court.

With his time in the White House running out, Clinton last year looked to Virginia. Gregory had been a protege of former Virginia Gov. L. Douglas Wilder, and he was supported by the state's two U.S. senators, including Republican John W. Warner.

Despite that support, the Republican-controlled Senate took no action on Gregory's nomination last year.

Undaunted, Clinton, while the Senate was in recess, appointed Gregory to the appeals court for a one-year term.

When Bush moved into the White House, he decided in a bipartisan gesture to renominate Gregory in his first batch of court picks. And when the Democrats retook control the Senate in May, they decided to move first on Gregory.

Sen. Patrick J. Leahy (D-Vt.), who became chairman of the Judiciary Committee, said the Bush White House and the Senate Republicans deserve much of the blame for the slow start on

York Times

June 26, 2001**oad to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

approving judges.

Bush's lawyers changed the long-standing practice of having the American Bar Assn. conduct a semiofficial review of judicial candidates before they were nominated. But Senate Democrats insisted on those reviews, which were done after the nominations were announced.

In June, after losing control of the Senate, the Republicans sought new rules that would clear the way for a full Senate vote on all nominations. The Democrats refused, saying they would follow the same rules the Republicans used when they were in the majority.

Leahy said again Friday that he has no intention of blocking Bush's judicial nominees but that those with bipartisan support will move first.

"The Senate can act promptly on consensus nominees," Leahy said. If presidential nominees are supported by home-state Democrats as well as by Republicans, they are likely to win quick approval, he said.

Typically, new administrations get off to a slow start in filling court vacancies, but Bush's aides say the Democrats are stalling for no good reason.

"This is totally unprecedented, and there is a high level of irritation over it," said one administration official who asked not to be named.

Bush's advisors say Clinton judges won Senate confirmation, on average, 81 days after they were nominated. This was so, they said, despite yearlong delays for several nominees.

They say the Senate is behind schedule on their nominees already, as only three judges have been approved in the 72 days since Bush sent his first nominees to Capitol Hill.

But David Carle, a spokesman for Leahy, said those numbers ignore that the first year of an administration is always slow going.

"Clinton had only four appeals court judges confirmed in his first year, and Bush senior had only five," he said.

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Next week, the Judiciary Committee will hold a hearing on an appeals court nominee from Nebraska, but the Senate is expected to recess in the first week of August.

Op/Eds

Bush Shows His Arrogance

By P.K. Cranford
The Arkansas Democrat-Gazette
Friday, July 20, 2001

I find it so disingenuous of letter writer Ronald Stanley to claim that George W. Bush has reached across party lines in a show of bipartisanship and to complain that the Democrats are holding up Bush's judicial nominees in a display of partisanship. Since taking office, Bush has demonstrated an arrogant "my way or the highway" attitude. He has shown no effort toward being bipartisan--at least, not before the James Jeffords defection. After nine years of the vicious partisanship displayed by the Republican Party, what does Stanley expect? For years, Bill Clinton's judicial nominees were held up in committee and not even allowed to come to the floor for a vote. That is the reason for the vacancies in federal judgeships our nation is now experiencing. Had the Republicans been more inclined to allow Clinton's nominees a vote, the Democrats would probably be more inclined to give Bush the same consideration. I have a feeling judicial nominations not getting to the floor for a vote won't be the only brick wall Dubya crashes into during the next loooong three years. Remember, what goes around comes around and usually picks up speed along the way. And to letter writer H.D. Flanders of Hot Springs, bravo. I couldn't agree more.

The Hill Hearing That Didn't Bark

By Terry Eastland
The Washington Times
Sunday, July 22, 2001

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Neil Lewis **New York Times**
June 26, 2001

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Neil Lewis

For some months now, the basic story line on President Bush's effort to choose judges for the federal bench has been that it will meet resistance from Senate Democrats - so much that fights, perhaps even ones approaching Borkean intensity, are inevitable.

Indeed, in seeming preparation for such battles, a Judiciary Committee subcommittee led by New York Sen. Charles Schumer recently commenced a series of hearings on such questions as the role of ideology in judicial selection. Earlier this month, however, Mr. Schumer and his Democratic colleagues on the Judiciary Committee decided to conduct their first hearing for Bush judicial nominees, three in all. Let the record show that, though the hearing room was packed with partisans from both sides of the judicial divide, a fight didn't break out.

The reason one didn't was apparent, for Senate Democrats had decided to open with entirely noncontroversial nominees. Two are nominees for district judgeships (choices for district courts almost never are contested) in a state, Montana, where there is a palpable need for such judges. (Montana is entitled to three district judges, and only one currently is sitting, no doubt exhausted.)

The other nominee is Judge Roger Gregory, whom Bill Clinton named a year ago to the 4th U.S. Circuit Court of Appeals. With Republicans refusing to hold a hearing on Mr. Gregory, Mr. Clinton appointed him in December when the Senate was in recess. Judge Gregory, whose temporary appointment will expire at year's end, was the Democrats' leading example of a nominee wrongly blocked by Senate Republicans. In a move designed to placate Democrats and improve confirmation prospects for subsequent nominees, President Bush included the judge among his first selections, thus making him one of the few people ever to have been chosen for the same bench by presidents of different political parties.

More was said in praise of the three nominees than questions were asked of them by the few senators who bothered to show up. Yet some exchanges - particularly ones between Vermont Sen. Patrick Leahy, the committee chairman, and Judge Gregory - bear noting.

Mr. Leahy asked Judge Gregory whether he would feel bound by Supreme Court precedents. The judge said he would feel so bound - by not only Supreme Court decisions but also those of his own court. That answer was unexceptional. But, surely, it must give Democrats pause, since it suggests that a judge originally chosen by Mr. Clinton isn't likely to shift the balance of

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power on one of the more conservative appeals courts.

Mr. Leahy also inquired about statutory interpretation, asking whether the judge would consult "legislative history." Judge Gregory proceeded to say nothing about legislative history but emphasized that he would follow "the plain English" of the law - the text as written.

Sen. Leahy didn't attempt to pursue the issue, even though he couldn't have missed that Judge Gregory had just given an answer that could have been supplied by, well, Justice Antonin Scalia.

Justice Scalia disdains resorting to legislative history, because doing so encourages judges to expand their power and effectively write new laws. He insists, more strongly than any judge anywhere, on a textual approach to statutory interpretation. Justice Scalia, whom Mr. Bush held up during the campaign as a prime example of the kind of judge he would nominate, is precisely the kind of jurist Democrats like Sen. Leahy wish most fervently not to see appointed to any court.

It is a mistake, of course, to make too much of such exchanges. But the ones between Judge Gregory and Mr. Leahy were amusing at the least, and you can bet that if a genuine Bush nominee were to give the answers the judge gave, particularly on statutory interpretation, there would be more than a few follow-up questions asked by the Democrats.

All of which is to say no one should be fooled by the placid (and short) hearing. Last Thursday, all three nominees won committee approval by a 19-0 vote. But there will be hearings for plainly conservative judicial nominees, and fights over some of them remain quite likely.

Terry Eastland is publisher of the Weekly Standard.

The Choice Is Theirs

By Laura Flanders
Institute for Public Affairs; In These Times
Monday, July 23, 2001

When he announced his switch from Republican to independent, Vermont Sen. James Jeffords

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said choice was one of the "fundamental issues" about which he and the Bush team disagreed. With Jeffords' switch, Democrats took control of Senate committees -- a change that the Feminist Majority Foundation says "will be crucial to reproductive rights, as pro-choice Democrats will replace anti-choice Republicans." So, choice is safer today, right?

In some critical ways, yes. The Bush team's biggest fear is that Democrats will hold up key appointments -- especially confirmations to the judiciary. The Democratic leadership could do to the Republicans what Sen. Trent Lott did to the Clinton administration for eight years: simply refuse to bring nominations up for a vote. But there's reason to believe they won't. For all their fighting words, the Democrats confirmed Ted Olson -- a conservative attorney who has fought aggressively against women's rights and affirmative action -- as solicitor general. The Democrats had the power to filibuster Olson's confirmation (the vote was tight: 51 to 47), but the party leadership decided not to act. Conciliation was the better part of valor, they explained.

And that's how choice could fall victim to Capitol Hill brinkmanship. Focused on the Supreme Court, Senate Majority Leader Tom Daschle likely will let lesser appointments slide by. But talk to abortion providers, and you find that those appointments are often where the real action is. It's at the local level that anti-Roe folks can pull the plug on women's rights -- to little fanfare but maximum effect.

Consider the case of Denise O'Donnell. For the past two and a half years, O'Donnell, as U.S. attorney for the Western District of New York, pursued the killer of Buffalo obstetrician Barnett Slepian. After a complicated international investigation, police in France finally arrested James Charles Kopp, the alleged assassin. On May 4, O'Donnell's office filed papers seeking Kopp's extradition to New York to stand trial. Since France does not extradite suspects who face capital punishment, Attorney General John Ashcroft had to assure French government officials that prosecutors would not seek to execute Kopp, who faces a state murder charge and the additional charge of violating the Freedom of Access to Clinic Entrances Act (FACE). A decision on extradition is due June 28.

In New York, federal prosecutors picked up Loretta Claire Marra and Dennis John Malvasi of Brooklyn, and charged them with aiding the fugitive Kopp. Eleanor Smeal of the Feminist Majority Foundation told Women's Enews that if O'Donnell hadn't spearheaded the case, Kopp might never have been caught. In her investigation of Slepian's murder, O'Donnell made crucial,

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political choices to cast a wide net in the belief that Kopp didn't act alone. In doing so, she trailed Kopp and his associates across the Atlantic and brought what Smeal calls an "international anti-choice conspiracy" to light.

But O'Donnell won't be on hand to prosecute, if and when the Kopp case finally makes it to court. On March 15, George W. Bush demanded her resignation in the middle of her four-year term. She vacated her office on May 31.

U.S. attorneys, appointed by the president, generally tender their resignations when a new administration takes office. But there have been exceptions. In O'Donnell's case, both New York Sens. Hillary Clinton and Chuck Schumer asked the White House to permit O'Donnell to complete her term. No dice. Although no new nominee has been named yet, the most likely replacement is a conservative Republican judge currently on the state family court. Kathleen M. Mehlretter, the district's former deputy attorney, is temporarily filling the post.

If the Democrats are out for "conciliation," it's unlikely that they will deem the U.S. attorney post serious enough to merit a grand fight. But for beleaguered abortion providers, the U.S. attorney is all-important. By enforcing clinic protection laws like FACE, O'Donnell made it possible for people like Marilyn Buckham, the administrator of the clinic where Slepian worked, to concentrate on providing health care, instead of having to focus on raising millions of dollars for clinic repairs, staff protection and lawsuits simply to get criminals into court. As Buckham told Women's Enews in May: "For what we went through, thank God it was under the [Clinton] administration."

National pro-choice groups usually confine their work to electing pro-choice candidates and lobbying against abortion restrictions and anti-choice Supreme Court justices. As critical as Washington is, the spotlight on federal judicial nominations obscures another crucial area in the fight for choice -- one much closer to home.

Schumer sits on the Senate Judiciary Committee. Maybe he and his colleagues will be able to block the incoming U.S. attorney candidate and demand O'Donnell's reinstatement. That will depend on whether Democratic leaders consider the post important enough -- and how much heat they get from their constituents.

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General Judicial Articles

Senate Approves Federal Judges

By Jesse Holland
Associated Press
Friday, July 20, 2001

After a yearlong battle, the Senate confirmed Roger Gregory on Friday as the first black federal appeals court judge in the district that represents a higher percentage of minorities than any other in the nation.

It took two presidents, three senators and several deals to permanently integrate the 4th Circuit Court of Appeals, a southern circuit serving Virginia, South Carolina, North Carolina, West Virginia and Maryland.

Gregory's district has 22 percent minorities, the highest percentage in the nation.

"It always speaks well when the courts are reflective of all that America has, but the most important thing is that judges serve with integrity and competence in every regard," he said after the Senate confirmed him to a lifetime appointment, 93-1.

Gregory watched the action from his home in Richmond, Va., more than a year after Sen. John Warner, R-Va., and then-Sen. Charles Robb, D-Va., said they would submit his name for the federal appeals court. "It feels good to finally have it over," Gregory said.

Senate Republican Leader Trent Lott, R-Miss., voted against Gregory because then-President Clinton appointed him to the court on a temporary basis last December while the GOP-controlled Senate was in recess, said spokesman Ron Bonjean.

The Senate unanimously approved two U.S. District Court judges, Sam Haddon and Richard Cebull, both of Montana.

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The federal judiciary has been a flash point between Republicans and Democrats, and Gregory's confirmation illustrated the machinations that have gone on in the Capitol.

Last year, Democrats accused Republicans of blocking Clinton's judicial nominees out of hope that a GOP president would win the November election. Sen. Jesse Helms, R-N.C., for example, stopped several North Carolina nominees for Gregory's seat by using a senatorial prerogative that lets senators bar nominees from their state.

Helms was retaliating for Democrats blocking his nominee, U.S. District Judge Terrance Boyle, from that seat when the first President Bush was in office. "For more than 15 months, he was never accorded the courtesy of a hearing," Helms wrote in June. "Thus, North Carolina continues the distinction of never having had a Republican judge on the Fourth Circuit since the honorable John J. Parker was nominated by President Coolidge."

To get around Helms, Clinton tapped Gregory of Virginia in June 2000 after getting support from Robb and Warner. However, the GOP-controlled Senate refused to give Gregory a hearing last year, leading Clinton to give him the temporary appointment.

Bush won the presidency and withdrew all of Clinton's still unconfirmed nominees, including Gregory. But with the Senate split 50-50 giving Democrats enough members to filibuster any nominee _ Bush renominated Gregory as one of his first 11 judicial nominees.

GOP Sen. George Allen of Virginia, who defeated Robb in that election, immediately backed Gregory.

"I asked my colleagues, and indeed the president, to not view Roger Gregory based upon the former president's political manipulations," Allen said.

Bush also renominated Boyle, and Republicans linked the nominations of Boyle and Gregory to prevent Democrats from sinking Boyle again. But then the Senate was taken over by the Democrats, who separated the two and made Gregory their first order of business.

"Mr. Gregory and many, many others have languished not only for months, but in some cases for years," said Senate Majority Leader Thomas Daschle, D-S.D. "And so in order to rectify that we

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put a very high priority on Mr. Gregory's confirmation."

Republicans now complain that Democrats are delaying Bush's other nominees and have threatened to hold bills hostage unless executive and judicial nominations get faster action. The GOP says their tactics have forced Democrats to move more than 70 executive and departmental nominees through in the last two weeks.

However, the judicial war isn't over. Three other Appeals Court nominees Jeff Sutton, Miguel Estrada and Michael McConnell have organized resistance against them.

The federal court system has 107 vacancies, and 25 Bush nominees have yet to receive hearings by the Senate Judiciary Committee.

The battle over the 15-seat 4th Circuit isn't over either. Sen. John Edwards, D-N.C., has threatened to block Boyle's nomination unless Bush renominates one of the judges Helms blocked earlier.

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Senators Confirm 3 Judges, Including Once-Stalled Black

By Alison Mitchell
The New York Times
Saturday, July 21, 2001

The Senate confirmed federal judges today for the first time since the Democrats took control in May, including Roger Gregory, who was initially named to the bench by President Bill Clinton in a recess appointment after the Republican-run Senate stalled his nomination.

Mr. Gregory, who was approved 94 to 1, is the first black judge to serve on the United States Court of Appeals for the Fourth Circuit, which covers Maryland, North Carolina, South Carolina, Virginia and West Virginia. Senator Trent Lott of Mississippi, the Republican leader, cast the lone vote against him.

Blacks make up 22 percent of the circuit's population, a figure higher than in any other federal jurisdiction. Mr. Clinton nominated four black judges to the Fourth Circuit but not one was granted a hearing. Mr. Gregory, a corporate lawyer in Richmond, Va., was nominated in June 2000.

Before leaving office, Mr. Clinton angered some Republicans by giving Mr. Gregory a temporary appointment to the court after the Senate adjourned for the year. Such a recess appointee is allowed to serve just one year. President Bush -- whose attorney general, John Ashcroft, came under fire in his nominations hearings for blocking a black nominee for the federal court -- renominated Mr. Gregory for a lifetime appointment in May.

"This makes a statement, I think, that is very important," Senator Tom Daschle of South Dakota, the majority leader, said today in praising both Mr. Clinton and Mr. Bush.

Virginia's two senators, John W. Warner and George F. Allen, both Republicans, called for Mr. Gregory's approval today, with Mr. Warner saying, "We are at a historic moment here with Judge Gregory."

Mr. Allen said Mr. Gregory, who had been the first person in his family to finish high school,

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had an "inspirational story" and a "proper judicial philosophy." He asked fellow Republicans not to view the nominee "based upon the former president's political manipulations."

Ronald D. Bonjean Jr., a spokesman for Mr. Lott, said Mr. Lott's opposition to Mr. Gregory was "an institutional decision" designed to protect Senate prerogatives and underscore his stance that "any appointment of federal judges during a recess should be opposed."

The Senate today also confirmed two other Bush nominees, Sam Haddon and Richard Cebull, as federal district judges in Montana.

The confirmation of federal judges and the ideological makeup of the courts has been a flash point between the two parties, and some of Mr. Bush's more conservative nominees are expected to have a rough time before a Democratic-led Senate.

Protesting that Democrats planned to block judges because of ideology, Republicans held up the full reorganization of the Senate under Democratic control for about a month late this spring in an effort to win a promise that all nominees for the Supreme Court would get a Senate floor vote, no matter how the Senate Judiciary Committee ruled on them.

Senate Confirms 3 Bush Judges; GOP Procedural Tactics Clear Way For Spending Bill Votes

By Audrey Hudson
The Washington Times
Saturday, July 21, 2001

The Senate yesterday approved President Bush's first batch of judicial nominees, and Majority Leader Tom Daschle pledged to speed up executive nominees stalled in the Democrat-controlled body.

Roger Gregory was approved 93-1 to a permanent seat on the U.S. Appeals Court, with Minority Leader Trent Lott, Mississippi Republican, as the lone dissenter. Sam Haddon was approved 95-0 to the U.S. District Court in Montana, and Richard Cebull was approved 93-0 to the same

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bench.

Both Republicans and Democrats praised the confirmation of Judge Gregory, who was first nominated by President Clinton last year, but blocked by Republicans. Mr. Clinton bypassed the Senate and installed Judge Gregory to the bench during a December congressional recess.

Judge Gregory was appointed to the 4th U.S. Circuit Court of Appeals. The panel hears cases from Maryland, Virginia, West Virginia, North Carolina and South Carolina.

Sen. Patrick J. Leahy, Vermont Democrat and chairman of the Judiciary Committee, said Judge Gregory is "one of the few nominees ever nominated by presidents of different parties."

"President Bush deserves credit for renominating Judge Gregory and allowing the Senate a third chance to consider and confirm this outstanding nominee," Mr. Leahy said.

"We are at a historic moment here with Judge Gregory," said Sen. John W. Warner, Virginia Republican.

Sen. George F. Allen, Virginia Republican, asked his colleagues not to view Judge Gregory based upon the former president's "political manipulations."

In his first Senate floor speech earlier this year, Mr. Allen asked that Judge Gregory be judged "on the basis of his qualifications."

Mr. Lott opposed Judge Gregory's nomination because he opposes all recess appointments, said Ron Bonjean, Mr. Lott's spokesman.

Senate Republicans have employed procedural stalling tactics on spending bills to force Democratic leaders to speed up the confirmation process.

Republicans were successful in getting 74 nominees confirmed in seven legislative days but have lists of more than 100 names still awaiting hearings and votes.

In exchange for the judicial nominee votes and 18 executive nominees approved late Thursday,

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Republicans allowed the Senate to proceed with three spending bills.

One Republican aide compared the tactic to a pace car allowing a race to begin.

Republicans stalled Senate business all day Thursday while negotiations continued over the nominees - frustrating Democrats in the process.

The strategy to link spending bills to nominees is necessary to get the process moving, Republicans said, and is endorsed by Mr. Lott.

"All I say to Democrats is: Welcome to the majority. This is what the minority does to the majority," Mr. Lott told reporters Thursday.

Despite the "tremendous amount of unfairness associated with the consideration of Clinton nominees" under Republican rule, Mr. Daschle said Democrats will be "fair" with Mr. Bush's nominees.

"The nomination process is going to be the subject, of course, of a great deal of debate," said Mr. Daschle of South Dakota.

"And I don't know what the total number will be, but over the course of the next week or so, we will have dozens more. And we'll continue to press to try to complete our work," Mr. Daschle said.

However, Mr. Daschle said senators have a right to "express themselves and use whatever parliamentary devices if they feel there is justifiable need for opposition."

Mr. Leahy said the delay in confirming judicial nominees was due to the reorganization of the Senate from Republican to Democratic control when Sen. James M. Jeffords of Vermont switched from the Republican Party to become an independent.

"I am sorry that we lost the month of June to the process of reorganizing the Senate, but I am proud of the very quick start that the committee has gotten on holding hearings and reporting nominees," Mr. Leahy said.

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Senate Confirms 3 Of Bush's Judicial Nominees; Courts: Choice For 4th Circuit - - Named To The Post Temporarily By Clinton - -Is The Bench's First Black Member

By David Savage
The Los Angeles Times
Saturday, July 21, 2001

President Bush won Senate confirmation of his first judges Friday, but the victory was celebrated more by liberal activists and Democrats than by the administration's conservative supporters.

Judge Roger Gregory, an African American lawyer from Richmond, Va., won Senate approval to a permanent judgeship on the U.S. 4th Circuit Court of Appeals, a year after President Clinton nominated him to the same post.

The Senate also confirmed two trial court judges from Montana: Sam Haddon and Richard Cebull.

Despite Friday's vote, 109 vacancies remain on the federal bench, and the Senate is not expected to vote on more of Bush's court nominees until the fall.

Administration officials say they are frustrated at the slow pace of confirmations, and conservative activist Tom Jipping accused the Democrats of following "an aggressive obstructionist strategy."

"I hope the Democrats don't think they are fooling anyone with this [vote]. It shows only that they will not fight a Clinton nominee who is black," said Jipping, a lawyer for the Free Congress Foundation.

Meanwhile, the liberal Alliance for Justice said it was pleased with Gregory's confirmation to the conservative appeals court, which had been all white.

"This sends the right signal, that if you nominate judges who are not out of step with the

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From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 7/23/2001 5:02:10 PM
Subject: : FW: judicial media review
Attachments: P_HQ9Y2004_WHO.TXT_1.wpd

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CREATION DATE/TIME:23-JUL-2001 21:02:10.00

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TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

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TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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The judicial media review for today is attached.

Regards

Jennifer

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From: Schauder, Andrew

Sent: Monday, July 23, 2001 4:38 PM

To: Newstead, Jennifer

Subject: judicial media review

- Judicial Media Review 7-23-01.wpd

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Media Review - Judicial Nominations

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concerns of average Americans, they will be confirmed," said Marcia Kuntz, who heads the alliance's judicial selection project.

Gregory won confirmation on a 94-1 vote, with only Trent Lott of Mississippi, the Republican leader, voting no.

But the lopsided approval of Gregory as the first Bush judge masks an ongoing political struggle and makes for a strange twist in the political battles over the courts.

Throughout Clinton's term, he tried to add the first black jurist to the 15-member 4th Circuit Court. Its region, which extends from Maryland to South Carolina, has the highest percentage of African Americans of any federal circuit, yet it was the only appeals court that had never had a minority judge.

Four of its judgeships were authorized to be filled by North Carolinians, but Sen. Jesse Helms (R-N.C.) vetoed three of Clinton's black nominees. They were denied hearings in the Senate Judiciary Committee, leaving North Carolina with no representation on the appeals court.

With his time in the White House running out, Clinton last year looked to Virginia. Gregory had been a protege of former Virginia Gov. L. Douglas Wilder, and he was supported by the state's two U.S. senators, including Republican John W. Warner.

Despite that support, the Republican-controlled Senate took no action on Gregory's nomination last year.

Undaunted, Clinton, while the Senate was in recess, appointed Gregory to the appeals court for a one-year term.

When Bush moved into the White House, he decided in a bipartisan gesture to renominate Gregory in his first batch of court picks. And when the Democrats retook control the Senate in May, they decided to move first on Gregory.

Sen. Patrick J. Leahy (D-Vt.), who became chairman of the Judiciary Committee, said the Bush White House and the Senate Republicans deserve much of the blame for the slow start on

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approving judges.

Bush's lawyers changed the long-standing practice of having the American Bar Assn. conduct a semiofficial review of judicial candidates before they were nominated. But Senate Democrats insisted on those reviews, which were done after the nominations were announced.

In June, after losing control of the Senate, the Republicans sought new rules that would clear the way for a full Senate vote on all nominations. The Democrats refused, saying they would follow the same rules the Republicans used when they were in the majority.

Leahy said again Friday that he has no intention of blocking Bush's judicial nominees but that those with bipartisan support will move first.

"The Senate can act promptly on consensus nominees," Leahy said. If presidential nominees are supported by home-state Democrats as well as by Republicans, they are likely to win quick approval, he said.

Typically, new administrations get off to a slow start in filling court vacancies, but Bush's aides say the Democrats are stalling for no good reason.

"This is totally unprecedented, and there is a high level of irritation over it," said one administration official who asked not to be named.

Bush's advisors say Clinton judges won Senate confirmation, on average, 81 days after they were nominated. This was so, they said, despite yearlong delays for several nominees.

They say the Senate is behind schedule on their nominees already, as only three judges have been approved in the 72 days since Bush sent his first nominees to Capitol Hill.

But David Carle, a spokesman for Leahy, said those numbers ignore that the first year of an administration is always slow going.

"Clinton had only four appeals court judges confirmed in his first year, and Bush senior had only five," he said.

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Next week, the Judiciary Committee will hold a hearing on an appeals court nominee from Nebraska, but the Senate is expected to recess in the first week of August.

Op/Eds

Bush Shows His Arrogance

By P.K. Cranford
The Arkansas Democrat-Gazette
Friday, July 20, 2001

I find it so disingenuous of letter writer Ronald Stanley to claim that George W. Bush has reached across party lines in a show of bipartisanship and to complain that the Democrats are holding up Bush's judicial nominees in a display of partisanship. Since taking office, Bush has demonstrated an arrogant "my way or the highway" attitude. He has shown no effort toward being bipartisan--at least, not before the James Jeffords defection. After nine years of the vicious partisanship displayed by the Republican Party, what does Stanley expect? For years, Bill Clinton's judicial nominees were held up in committee and not even allowed to come to the floor for a vote. That is the reason for the vacancies in federal judgeships our nation is now experiencing. Had the Republicans been more inclined to allow Clinton's nominees a vote, the Democrats would probably be more inclined to give Bush the same consideration. I have a feeling judicial nominations not getting to the floor for a vote won't be the only brick wall Dubya crashes into during the next loooong three years. Remember, what goes around comes around and usually picks up speed along the way. And to letter writer H.D. Flanders of Hot Springs, bravo. I couldn't agree more.

The Hill Hearing That Didn't Bark

By Terry Eastland
The Washington Times
Sunday, July 22, 2001

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Neil Lewis **New York Times**
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For some months now, the basic story line on President Bush's effort to choose judges for the federal bench has been that it will meet resistance from Senate Democrats - so much that fights, perhaps even ones approaching Borkean intensity, are inevitable.

Indeed, in seeming preparation for such battles, a Judiciary Committee subcommittee led by New York Sen. Charles Schumer recently commenced a series of hearings on such questions as the role of ideology in judicial selection. Earlier this month, however, Mr. Schumer and his Democratic colleagues on the Judiciary Committee decided to conduct their first hearing for Bush judicial nominees, three in all. Let the record show that, though the hearing room was packed with partisans from both sides of the judicial divide, a fight didn't break out.

The reason one didn't was apparent, for Senate Democrats had decided to open with entirely noncontroversial nominees. Two are nominees for district judgeships (choices for district courts almost never are contested) in a state, Montana, where there is a palpable need for such judges. (Montana is entitled to three district judges, and only one currently is sitting, no doubt exhausted.)

The other nominee is Judge Roger Gregory, whom Bill Clinton named a year ago to the 4th U.S. Circuit Court of Appeals. With Republicans refusing to hold a hearing on Mr. Gregory, Mr. Clinton appointed him in December when the Senate was in recess. Judge Gregory, whose temporary appointment will expire at year's end, was the Democrats' leading example of a nominee wrongly blocked by Senate Republicans. In a move designed to placate Democrats and improve confirmation prospects for subsequent nominees, President Bush included the judge among his first selections, thus making him one of the few people ever to have been chosen for the same bench by presidents of different political parties.

More was said in praise of the three nominees than questions were asked of them by the few senators who bothered to show up. Yet some exchanges - particularly ones between Vermont Sen. Patrick Leahy, the committee chairman, and Judge Gregory - bear noting.

Mr. Leahy asked Judge Gregory whether he would feel bound by Supreme Court precedents. The judge said he would feel so bound - by not only Supreme Court decisions but also those of his own court. That answer was unexceptional. But, surely, it must give Democrats pause, since it suggests that a judge originally chosen by Mr. Clinton isn't likely to shift the balance of

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power on one of the more conservative appeals courts.

Mr. Leahy also inquired about statutory interpretation, asking whether the judge would consult "legislative history." Judge Gregory proceeded to say nothing about legislative history but emphasized that he would follow "the plain English" of the law - the text as written.

Sen. Leahy didn't attempt to pursue the issue, even though he couldn't have missed that Judge Gregory had just given an answer that could have been supplied by, well, Justice Antonin Scalia.

Justice Scalia disdains resorting to legislative history, because doing so encourages judges to expand their power and effectively write new laws. He insists, more strongly than any judge anywhere, on a textual approach to statutory interpretation. Justice Scalia, whom Mr. Bush held up during the campaign as a prime example of the kind of judge he would nominate, is precisely the kind of jurist Democrats like Sen. Leahy wish most fervently not to see appointed to any court.

It is a mistake, of course, to make too much of such exchanges. But the ones between Judge Gregory and Mr. Leahy were amusing at the least, and you can bet that if a genuine Bush nominee were to give the answers the judge gave, particularly on statutory interpretation, there would be more than a few follow-up questions asked by the Democrats.

All of which is to say no one should be fooled by the placid (and short) hearing. Last Thursday, all three nominees won committee approval by a 19-0 vote. But there will be hearings for plainly conservative judicial nominees, and fights over some of them remain quite likely.

Terry Eastland is publisher of the Weekly Standard.

The Choice Is Theirs

By Laura Flanders
Institute for Public Affairs; In These Times
Monday, July 23, 2001

When he announced his switch from Republican to independent, Vermont Sen. James Jeffords

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said choice was one of the "fundamental issues" about which he and the Bush team disagreed. With Jeffords' switch, Democrats took control of Senate committees -- a change that the Feminist Majority Foundation says "will be crucial to reproductive rights, as pro-choice Democrats will replace anti-choice Republicans." So, choice is safer today, right?

In some critical ways, yes. The Bush team's biggest fear is that Democrats will hold up key appointments -- especially confirmations to the judiciary. The Democratic leadership could do to the Republicans what Sen. Trent Lott did to the Clinton administration for eight years: simply refuse to bring nominations up for a vote. But there's reason to believe they won't. For all their fighting words, the Democrats confirmed Ted Olson -- a conservative attorney who has fought aggressively against women's rights and affirmative action -- as solicitor general. The Democrats had the power to filibuster Olson's confirmation (the vote was tight: 51 to 47), but the party leadership decided not to act. Conciliation was the better part of valor, they explained.

And that's how choice could fall victim to Capitol Hill brinkmanship. Focused on the Supreme Court, Senate Majority Leader Tom Daschle likely will let lesser appointments slide by. But talk to abortion providers, and you find that those appointments are often where the real action is. It's at the local level that anti-Roe folks can pull the plug on women's rights -- to little fanfare but maximum effect.

Consider the case of Denise O'Donnell. For the past two and a half years, O'Donnell, as U.S. attorney for the Western District of New York, pursued the killer of Buffalo obstetrician Barnett Slepian. After a complicated international investigation, police in France finally arrested James Charles Kopp, the alleged assassin. On May 4, O'Donnell's office filed papers seeking Kopp's extradition to New York to stand trial. Since France does not extradite suspects who face capital punishment, Attorney General John Ashcroft had to assure French government officials that prosecutors would not seek to execute Kopp, who faces a state murder charge and the additional charge of violating the Freedom of Access to Clinic Entrances Act (FACE). A decision on extradition is due June 28.

In New York, federal prosecutors picked up Loretta Claire Marra and Dennis John Malvasi of Brooklyn, and charged them with aiding the fugitive Kopp. Eleanor Smeal of the Feminist Majority Foundation told Women's Enews that if O'Donnell hadn't spearheaded the case, Kopp might never have been caught. In her investigation of Slepian's murder, O'Donnell made crucial,

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political choices to cast a wide net in the belief that Kopp didn't act alone. In doing so, she trailed Kopp and his associates across the Atlantic and brought what Smeal calls an "international anti-choice conspiracy" to light.

But O'Donnell won't be on hand to prosecute, if and when the Kopp case finally makes it to court. On March 15, George W. Bush demanded her resignation in the middle of her four-year term. She vacated her office on May 31.

U.S. attorneys, appointed by the president, generally tender their resignations when a new administration takes office. But there have been exceptions. In O'Donnell's case, both New York Sens. Hillary Clinton and Chuck Schumer asked the White House to permit O'Donnell to complete her term. No dice. Although no new nominee has been named yet, the most likely replacement is a conservative Republican judge currently on the state family court. Kathleen M. Mehlretter, the district's former deputy attorney, is temporarily filling the post.

If the Democrats are out for "conciliation," it's unlikely that they will deem the U.S. attorney post serious enough to merit a grand fight. But for beleaguered abortion providers, the U.S. attorney is all-important. By enforcing clinic protection laws like FACE, O'Donnell made it possible for people like Marilyn Buckham, the administrator of the clinic where Slepian worked, to concentrate on providing health care, instead of having to focus on raising millions of dollars for clinic repairs, staff protection and lawsuits simply to get criminals into court. As Buckham told Women's Enews in May: "For what we went through, thank God it was under the [Clinton] administration."

National pro-choice groups usually confine their work to electing pro-choice candidates and lobbying against abortion restrictions and anti-choice Supreme Court justices. As critical as Washington is, the spotlight on federal judicial nominations obscures another crucial area in the fight for choice -- one much closer to home.

Schumer sits on the Senate Judiciary Committee. Maybe he and his colleagues will be able to block the incoming U.S. attorney candidate and demand O'Donnell's reinstatement. That will depend on whether Democratic leaders consider the post important enough -- and how much heat they get from their constituents.

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General Judicial Articles

Senate Approves Federal Judges

By Jesse Holland
Associated Press
Friday, July 20, 2001

After a yearlong battle, the Senate confirmed Roger Gregory on Friday as the first black federal appeals court judge in the district that represents a higher percentage of minorities than any other in the nation.

It took two presidents, three senators and several deals to permanently integrate the 4th Circuit Court of Appeals, a southern circuit serving Virginia, South Carolina, North Carolina, West Virginia and Maryland.

Gregory's district has 22 percent minorities, the highest percentage in the nation.

"It always speaks well when the courts are reflective of all that America has, but the most important thing is that judges serve with integrity and competence in every regard," he said after the Senate confirmed him to a lifetime appointment, 93-1.

Gregory watched the action from his home in Richmond, Va., more than a year after Sen. John Warner, R-Va., and then-Sen. Charles Robb, D-Va., said they would submit his name for the federal appeals court. "It feels good to finally have it over," Gregory said.

Senate Republican Leader Trent Lott, R-Miss., voted against Gregory because then-President Clinton appointed him to the court on a temporary basis last December while the GOP-controlled Senate was in recess, said spokesman Ron Bonjean.

The Senate unanimously approved two U.S. District Court judges, Sam Haddon and Richard Cebull, both of Montana.

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The federal judiciary has been a flash point between Republicans and Democrats, and Gregory's confirmation illustrated the machinations that have gone on in the Capitol.

Last year, Democrats accused Republicans of blocking Clinton's judicial nominees out of hope that a GOP president would win the November election. Sen. Jesse Helms, R-N.C., for example, stopped several North Carolina nominees for Gregory's seat by using a senatorial prerogative that lets senators bar nominees from their state.

Helms was retaliating for Democrats blocking his nominee, U.S. District Judge Terrance Boyle, from that seat when the first President Bush was in office. "For more than 15 months, he was never accorded the courtesy of a hearing," Helms wrote in June. "Thus, North Carolina continues the distinction of never having had a Republican judge on the Fourth Circuit since the honorable John J. Parker was nominated by President Coolidge."

To get around Helms, Clinton tapped Gregory of Virginia in June 2000 after getting support from Robb and Warner. However, the GOP-controlled Senate refused to give Gregory a hearing last year, leading Clinton to give him the temporary appointment.

Bush won the presidency and withdrew all of Clinton's still unconfirmed nominees, including Gregory. But with the Senate split 50-50 giving Democrats enough members to filibuster any nominee _ Bush renominated Gregory as one of his first 11 judicial nominees.

GOP Sen. George Allen of Virginia, who defeated Robb in that election, immediately backed Gregory.

"I asked my colleagues, and indeed the president, to not view Roger Gregory based upon the former president's political manipulations," Allen said.

Bush also renominated Boyle, and Republicans linked the nominations of Boyle and Gregory to prevent Democrats from sinking Boyle again. But then the Senate was taken over by the Democrats, who separated the two and made Gregory their first order of business.

"Mr. Gregory and many, many others have languished not only for months, but in some cases for years," said Senate Majority Leader Thomas Daschle, D-S.D. "And so in order to rectify that we

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put a very high priority on Mr. Gregory's confirmation."

Republicans now complain that Democrats are delaying Bush's other nominees and have threatened to hold bills hostage unless executive and judicial nominations get faster action. The GOP says their tactics have forced Democrats to move more than 70 executive and departmental nominees through in the last two weeks.

However, the judicial war isn't over. Three other Appeals Court nominees Jeff Sutton, Miguel Estrada and Michael McConnell have organized resistance against them.

The federal court system has 107 vacancies, and 25 Bush nominees have yet to receive hearings by the Senate Judiciary Committee.

The battle over the 15-seat 4th Circuit isn't over either. Sen. John Edwards, D-N.C., has threatened to block Boyle's nomination unless Bush renominates one of the judges Helms blocked earlier.

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Senators Confirm 3 Judges, Including Once-Stalled Black

By Alison Mitchell

The New York Times

Saturday, July 21, 2001

The Senate confirmed federal judges today for the first time since the Democrats took control in May, including Roger Gregory, who was initially named to the bench by President Bill Clinton in a recess appointment after the Republican-run Senate stalled his nomination.

Mr. Gregory, who was approved 94 to 1, is the first black judge to serve on the United States Court of Appeals for the Fourth Circuit, which covers Maryland, North Carolina, South Carolina, Virginia and West Virginia. Senator Trent Lott of Mississippi, the Republican leader, cast the lone vote against him.

Blacks make up 22 percent of the circuit's population, a figure higher than in any other federal jurisdiction. Mr. Clinton nominated four black judges to the Fourth Circuit but not one was granted a hearing. Mr. Gregory, a corporate lawyer in Richmond, Va., was nominated in June 2000.

Before leaving office, Mr. Clinton angered some Republicans by giving Mr. Gregory a temporary appointment to the court after the Senate adjourned for the year. Such a recess appointee is allowed to serve just one year. President Bush -- whose attorney general, John Ashcroft, came under fire in his nominations hearings for blocking a black nominee for the federal court -- renominated Mr. Gregory for a lifetime appointment in May.

"This makes a statement, I think, that is very important," Senator Tom Daschle of South Dakota, the majority leader, said today in praising both Mr. Clinton and Mr. Bush.

Virginia's two senators, John W. Warner and George F. Allen, both Republicans, called for Mr. Gregory's approval today, with Mr. Warner saying, "We are at a historic moment here with Judge Gregory."

Mr. Allen said Mr. Gregory, who had been the first person in his family to finish high school,

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had an "inspirational story" and a "proper judicial philosophy." He asked fellow Republicans not to view the nominee "based upon the former president's political manipulations."

Ronald D. Bonjean Jr., a spokesman for Mr. Lott, said Mr. Lott's opposition to Mr. Gregory was "an institutional decision" designed to protect Senate prerogatives and underscore his stance that "any appointment of federal judges during a recess should be opposed."

The Senate today also confirmed two other Bush nominees, Sam Haddon and Richard Cebull, as federal district judges in Montana.

The confirmation of federal judges and the ideological makeup of the courts has been a flash point between the two parties, and some of Mr. Bush's more conservative nominees are expected to have a rough time before a Democratic-led Senate.

Protesting that Democrats planned to block judges because of ideology, Republicans held up the full reorganization of the Senate under Democratic control for about a month late this spring in an effort to win a promise that all nominees for the Supreme Court would get a Senate floor vote, no matter how the Senate Judiciary Committee ruled on them.

Senate Confirms 3 Bush Judges; GOP Procedural Tactics Clear Way For Spending Bill Votes

By Audrey Hudson
The Washington Times
Saturday, July 21, 2001

The Senate yesterday approved President Bush's first batch of judicial nominees, and Majority Leader Tom Daschle pledged to speed up executive nominees stalled in the Democrat-controlled body.

Roger Gregory was approved 93-1 to a permanent seat on the U.S. Appeals Court, with Minority Leader Trent Lott, Mississippi Republican, as the lone dissenter. Sam Haddon was approved 95-0 to the U.S. District Court in Montana, and Richard Cebull was approved 93-0 to the same

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bench.

Both Republicans and Democrats praised the confirmation of Judge Gregory, who was first nominated by President Clinton last year, but blocked by Republicans. Mr. Clinton bypassed the Senate and installed Judge Gregory to the bench during a December congressional recess.

Judge Gregory was appointed to the 4th U.S. Circuit Court of Appeals. The panel hears cases from Maryland, Virginia, West Virginia, North Carolina and South Carolina.

Sen. Patrick J. Leahy, Vermont Democrat and chairman of the Judiciary Committee, said Judge Gregory is "one of the few nominees ever nominated by presidents of different parties."

"President Bush deserves credit for renominating Judge Gregory and allowing the Senate a third chance to consider and confirm this outstanding nominee," Mr. Leahy said.

"We are at a historic moment here with Judge Gregory," said Sen. John W. Warner, Virginia Republican.

Sen. George F. Allen, Virginia Republican, asked his colleagues not to view Judge Gregory based upon the former president's "political manipulations."

In his first Senate floor speech earlier this year, Mr. Allen asked that Judge Gregory be judged "on the basis of his qualifications."

Mr. Lott opposed Judge Gregory's nomination because he opposes all recess appointments, said Ron Bonjean, Mr. Lott's spokesman.

Senate Republicans have employed procedural stalling tactics on spending bills to force Democratic leaders to speed up the confirmation process.

Republicans were successful in getting 74 nominees confirmed in seven legislative days but have lists of more than 100 names still awaiting hearings and votes.

In exchange for the judicial nominee votes and 18 executive nominees approved late Thursday,

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Republicans allowed the Senate to proceed with three spending bills.

One Republican aide compared the tactic to a pace car allowing a race to begin.

Republicans stalled Senate business all day Thursday while negotiations continued over the nominees - frustrating Democrats in the process.

The strategy to link spending bills to nominees is necessary to get the process moving, Republicans said, and is endorsed by Mr. Lott.

"All I say to Democrats is: Welcome to the majority. This is what the minority does to the majority," Mr. Lott told reporters Thursday.

Despite the "tremendous amount of unfairness associated with the consideration of Clinton nominees" under Republican rule, Mr. Daschle said Democrats will be "fair" with Mr. Bush's nominees.

"The nomination process is going to be the subject, of course, of a great deal of debate," said Mr. Daschle of South Dakota.

"And I don't know what the total number will be, but over the course of the next week or so, we will have dozens more. And we'll continue to press to try to complete our work," Mr. Daschle said.

However, Mr. Daschle said senators have a right to "express themselves and use whatever parliamentary devices if they feel there is justifiable need for opposition."

Mr. Leahy said the delay in confirming judicial nominees was due to the reorganization of the Senate from Republican to Democratic control when Sen. James M. Jeffords of Vermont switched from the Republican Party to become an independent.

"I am sorry that we lost the month of June to the process of reorganizing the Senate, but I am proud of the very quick start that the committee has gotten on holding hearings and reporting nominees," Mr. Leahy said.

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Senate Confirms 3 Of Bush's Judicial Nominees; Courts: Choice For 4th Circuit - - Named To The Post Temporarily By Clinton - -Is The Bench's First Black Member

By David Savage
The Los Angeles Times
Saturday, July 21, 2001

President Bush won Senate confirmation of his first judges Friday, but the victory was celebrated more by liberal activists and Democrats than by the administration's conservative supporters.

Judge Roger Gregory, an African American lawyer from Richmond, Va., won Senate approval to a permanent judgeship on the U.S. 4th Circuit Court of Appeals, a year after President Clinton nominated him to the same post.

The Senate also confirmed two trial court judges from Montana: Sam Haddon and Richard Cebull.

Despite Friday's vote, 109 vacancies remain on the federal bench, and the Senate is not expected to vote on more of Bush's court nominees until the fall.

Administration officials say they are frustrated at the slow pace of confirmations, and conservative activist Tom Jipping accused the Democrats of following "an aggressive obstructionist strategy."

"I hope the Democrats don't think they are fooling anyone with this [vote]. It shows only that they will not fight a Clinton nominee who is black," said Jipping, a lawyer for the Free Congress Foundation.

Meanwhile, the liberal Alliance for Justice said it was pleased with Gregory's confirmation to the conservative appeals court, which had been all white.

"This sends the right signal, that if you nominate judges who are not out of step with the

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From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>
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The judicial media review for today is attached.

Regards

Jennifer

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From: Schauder, Andrew

Sent: Monday, July 23, 2001 4:38 PM

To: Newstead, Jennifer

Subject: judicial media review

- Judicial Media Review 7-23-01.wpd

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Media Review - Judicial Nominations

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concerns of average Americans, they will be confirmed," said Marcia Kuntz, who heads the alliance's judicial selection project.

Gregory won confirmation on a 94-1 vote, with only Trent Lott of Mississippi, the Republican leader, voting no.

But the lopsided approval of Gregory as the first Bush judge masks an ongoing political struggle and makes for a strange twist in the political battles over the courts.

Throughout Clinton's term, he tried to add the first black jurist to the 15-member 4th Circuit Court. Its region, which extends from Maryland to South Carolina, has the highest percentage of African Americans of any federal circuit, yet it was the only appeals court that had never had a minority judge.

Four of its judgeships were authorized to be filled by North Carolinians, but Sen. Jesse Helms (R-N.C.) vetoed three of Clinton's black nominees. They were denied hearings in the Senate Judiciary Committee, leaving North Carolina with no representation on the appeals court.

With his time in the White House running out, Clinton last year looked to Virginia. Gregory had been a protege of former Virginia Gov. L. Douglas Wilder, and he was supported by the state's two U.S. senators, including Republican John W. Warner.

Despite that support, the Republican-controlled Senate took no action on Gregory's nomination last year.

Undaunted, Clinton, while the Senate was in recess, appointed Gregory to the appeals court for a one-year term.

When Bush moved into the White House, he decided in a bipartisan gesture to renominate Gregory in his first batch of court picks. And when the Democrats retook control the Senate in May, they decided to move first on Gregory.

Sen. Patrick J. Leahy (D-Vt.), who became chairman of the Judiciary Committee, said the Bush White House and the Senate Republicans deserve much of the blame for the slow start on

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approving judges.

Bush's lawyers changed the long-standing practice of having the American Bar Assn. conduct a semiofficial review of judicial candidates before they were nominated. But Senate Democrats insisted on those reviews, which were done after the nominations were announced.

In June, after losing control of the Senate, the Republicans sought new rules that would clear the way for a full Senate vote on all nominations. The Democrats refused, saying they would follow the same rules the Republicans used when they were in the majority.

Leahy said again Friday that he has no intention of blocking Bush's judicial nominees but that those with bipartisan support will move first.

"The Senate can act promptly on consensus nominees," Leahy said. If presidential nominees are supported by home-state Democrats as well as by Republicans, they are likely to win quick approval, he said.

Typically, new administrations get off to a slow start in filling court vacancies, but Bush's aides say the Democrats are stalling for no good reason.

"This is totally unprecedented, and there is a high level of irritation over it," said one administration official who asked not to be named.

Bush's advisors say Clinton judges won Senate confirmation, on average, 81 days after they were nominated. This was so, they said, despite yearlong delays for several nominees.

They say the Senate is behind schedule on their nominees already, as only three judges have been approved in the 72 days since Bush sent his first nominees to Capitol Hill.

But David Carle, a spokesman for Leahy, said those numbers ignore that the first year of an administration is always slow going.

"Clinton had only four appeals court judges confirmed in his first year, and Bush senior had only five," he said.

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Next week, the Judiciary Committee will hold a hearing on an appeals court nominee from Nebraska, but the Senate is expected to recess in the first week of August.

Op/Eds

Bush Shows His Arrogance

By P.K. Cranford
The Arkansas Democrat-Gazette
Friday, July 20, 2001

I find it so disingenuous of letter writer Ronald Stanley to claim that George W. Bush has reached across party lines in a show of bipartisanship and to complain that the Democrats are holding up Bush's judicial nominees in a display of partisanship. Since taking office, Bush has demonstrated an arrogant "my way or the highway" attitude. He has shown no effort toward being bipartisan--at least, not before the James Jeffords defection. After nine years of the vicious partisanship displayed by the Republican Party, what does Stanley expect? For years, Bill Clinton's judicial nominees were held up in committee and not even allowed to come to the floor for a vote. That is the reason for the vacancies in federal judgeships our nation is now experiencing. Had the Republicans been more inclined to allow Clinton's nominees a vote, the Democrats would probably be more inclined to give Bush the same consideration. I have a feeling judicial nominations not getting to the floor for a vote won't be the only brick wall Dubya crashes into during the next loooong three years. Remember, what goes around comes around and usually picks up speed along the way. And to letter writer H.D. Flanders of Hot Springs, bravo. I couldn't agree more.

The Hill Hearing That Didn't Bark

By Terry Eastland
The Washington Times
Sunday, July 22, 2001

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Neil Lewis **New York Times**
June 26, 2001

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For some months now, the basic story line on President Bush's effort to choose judges for the federal bench has been that it will meet resistance from Senate Democrats - so much that fights, perhaps even ones approaching Borkean intensity, are inevitable.

Indeed, in seeming preparation for such battles, a Judiciary Committee subcommittee led by New York Sen. Charles Schumer recently commenced a series of hearings on such questions as the role of ideology in judicial selection. Earlier this month, however, Mr. Schumer and his Democratic colleagues on the Judiciary Committee decided to conduct their first hearing for Bush judicial nominees, three in all. Let the record show that, though the hearing room was packed with partisans from both sides of the judicial divide, a fight didn't break out.

The reason one didn't was apparent, for Senate Democrats had decided to open with entirely noncontroversial nominees. Two are nominees for district judgeships (choices for district courts almost never are contested) in a state, Montana, where there is a palpable need for such judges. (Montana is entitled to three district judges, and only one currently is sitting, no doubt exhausted.)

The other nominee is Judge Roger Gregory, whom Bill Clinton named a year ago to the 4th U.S. Circuit Court of Appeals. With Republicans refusing to hold a hearing on Mr. Gregory, Mr. Clinton appointed him in December when the Senate was in recess. Judge Gregory, whose temporary appointment will expire at year's end, was the Democrats' leading example of a nominee wrongly blocked by Senate Republicans. In a move designed to placate Democrats and improve confirmation prospects for subsequent nominees, President Bush included the judge among his first selections, thus making him one of the few people ever to have been chosen for the same bench by presidents of different political parties.

More was said in praise of the three nominees than questions were asked of them by the few senators who bothered to show up. Yet some exchanges - particularly ones between Vermont Sen. Patrick Leahy, the committee chairman, and Judge Gregory - bear noting.

Mr. Leahy asked Judge Gregory whether he would feel bound by Supreme Court precedents. The judge said he would feel so bound - by not only Supreme Court decisions but also those of his own court. That answer was unexceptional. But, surely, it must give Democrats pause, since it suggests that a judge originally chosen by Mr. Clinton isn't likely to shift the balance of

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power on one of the more conservative appeals courts.

Mr. Leahy also inquired about statutory interpretation, asking whether the judge would consult "legislative history." Judge Gregory proceeded to say nothing about legislative history but emphasized that he would follow "the plain English" of the law - the text as written.

Sen. Leahy didn't attempt to pursue the issue, even though he couldn't have missed that Judge Gregory had just given an answer that could have been supplied by, well, Justice Antonin Scalia.

Justice Scalia disdains resorting to legislative history, because doing so encourages judges to expand their power and effectively write new laws. He insists, more strongly than any judge anywhere, on a textual approach to statutory interpretation. Justice Scalia, whom Mr. Bush held up during the campaign as a prime example of the kind of judge he would nominate, is precisely the kind of jurist Democrats like Sen. Leahy wish most fervently not to see appointed to any court.

It is a mistake, of course, to make too much of such exchanges. But the ones between Judge Gregory and Mr. Leahy were amusing at the least, and you can bet that if a genuine Bush nominee were to give the answers the judge gave, particularly on statutory interpretation, there would be more than a few follow-up questions asked by the Democrats.

All of which is to say no one should be fooled by the placid (and short) hearing. Last Thursday, all three nominees won committee approval by a 19-0 vote. But there will be hearings for plainly conservative judicial nominees, and fights over some of them remain quite likely.

Terry Eastland is publisher of the Weekly Standard.

The Choice Is Theirs

By Laura Flanders
Institute for Public Affairs; In These Times
Monday, July 23, 2001

When he announced his switch from Republican to independent, Vermont Sen. James Jeffords

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said choice was one of the "fundamental issues" about which he and the Bush team disagreed. With Jeffords' switch, Democrats took control of Senate committees -- a change that the Feminist Majority Foundation says "will be crucial to reproductive rights, as pro-choice Democrats will replace anti-choice Republicans." So, choice is safer today, right?

In some critical ways, yes. The Bush team's biggest fear is that Democrats will hold up key appointments -- especially confirmations to the judiciary. The Democratic leadership could do to the Republicans what Sen. Trent Lott did to the Clinton administration for eight years: simply refuse to bring nominations up for a vote. But there's reason to believe they won't. For all their fighting words, the Democrats confirmed Ted Olson -- a conservative attorney who has fought aggressively against women's rights and affirmative action -- as solicitor general. The Democrats had the power to filibuster Olson's confirmation (the vote was tight: 51 to 47), but the party leadership decided not to act. Conciliation was the better part of valor, they explained.

And that's how choice could fall victim to Capitol Hill brinkmanship. Focused on the Supreme Court, Senate Majority Leader Tom Daschle likely will let lesser appointments slide by. But talk to abortion providers, and you find that those appointments are often where the real action is. It's at the local level that anti-Roe folks can pull the plug on women's rights -- to little fanfare but maximum effect.

Consider the case of Denise O'Donnell. For the past two and a half years, O'Donnell, as U.S. attorney for the Western District of New York, pursued the killer of Buffalo obstetrician Barnett Slepian. After a complicated international investigation, police in France finally arrested James Charles Kopp, the alleged assassin. On May 4, O'Donnell's office filed papers seeking Kopp's extradition to New York to stand trial. Since France does not extradite suspects who face capital punishment, Attorney General John Ashcroft had to assure French government officials that prosecutors would not seek to execute Kopp, who faces a state murder charge and the additional charge of violating the Freedom of Access to Clinic Entrances Act (FACE). A decision on extradition is due June 28.

In New York, federal prosecutors picked up Loretta Claire Marra and Dennis John Malvasi of Brooklyn, and charged them with aiding the fugitive Kopp. Eleanor Smeal of the Feminist Majority Foundation told Women's Enews that if O'Donnell hadn't spearheaded the case, Kopp might never have been caught. In her investigation of Slepian's murder, O'Donnell made crucial,

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political choices to cast a wide net in the belief that Kopp didn't act alone. In doing so, she trailed Kopp and his associates across the Atlantic and brought what Smeal calls an "international anti-choice conspiracy" to light.

But O'Donnell won't be on hand to prosecute, if and when the Kopp case finally makes it to court. On March 15, George W. Bush demanded her resignation in the middle of her four-year term. She vacated her office on May 31.

U.S. attorneys, appointed by the president, generally tender their resignations when a new administration takes office. But there have been exceptions. In O'Donnell's case, both New York Sens. Hillary Clinton and Chuck Schumer asked the White House to permit O'Donnell to complete her term. No dice. Although no new nominee has been named yet, the most likely replacement is a conservative Republican judge currently on the state family court. Kathleen M. Mehlretter, the district's former deputy attorney, is temporarily filling the post.

If the Democrats are out for "conciliation," it's unlikely that they will deem the U.S. attorney post serious enough to merit a grand fight. But for beleaguered abortion providers, the U.S. attorney is all-important. By enforcing clinic protection laws like FACE, O'Donnell made it possible for people like Marilyn Buckham, the administrator of the clinic where Slepian worked, to concentrate on providing health care, instead of having to focus on raising millions of dollars for clinic repairs, staff protection and lawsuits simply to get criminals into court. As Buckham told Women's Enews in May: "For what we went through, thank God it was under the [Clinton] administration."

National pro-choice groups usually confine their work to electing pro-choice candidates and lobbying against abortion restrictions and anti-choice Supreme Court justices. As critical as Washington is, the spotlight on federal judicial nominations obscures another crucial area in the fight for choice -- one much closer to home.

Schumer sits on the Senate Judiciary Committee. Maybe he and his colleagues will be able to block the incoming U.S. attorney candidate and demand O'Donnell's reinstatement. That will depend on whether Democratic leaders consider the post important enough -- and how much heat they get from their constituents.

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General Judicial Articles

Senate Approves Federal Judges

By Jesse Holland
Associated Press
Friday, July 20, 2001

After a yearlong battle, the Senate confirmed Roger Gregory on Friday as the first black federal appeals court judge in the district that represents a higher percentage of minorities than any other in the nation.

It took two presidents, three senators and several deals to permanently integrate the 4th Circuit Court of Appeals, a southern circuit serving Virginia, South Carolina, North Carolina, West Virginia and Maryland.

Gregory's district has 22 percent minorities, the highest percentage in the nation.

"It always speaks well when the courts are reflective of all that America has, but the most important thing is that judges serve with integrity and competence in every regard," he said after the Senate confirmed him to a lifetime appointment, 93-1.

Gregory watched the action from his home in Richmond, Va., more than a year after Sen. John Warner, R-Va., and then-Sen. Charles Robb, D-Va., said they would submit his name for the federal appeals court. "It feels good to finally have it over," Gregory said.

Senate Republican Leader Trent Lott, R-Miss., voted against Gregory because then-President Clinton appointed him to the court on a temporary basis last December while the GOP-controlled Senate was in recess, said spokesman Ron Bonjean.

The Senate unanimously approved two U.S. District Court judges, Sam Haddon and Richard Cebull, both of Montana.

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The federal judiciary has been a flash point between Republicans and Democrats, and Gregory's confirmation illustrated the machinations that have gone on in the Capitol.

Last year, Democrats accused Republicans of blocking Clinton's judicial nominees out of hope that a GOP president would win the November election. Sen. Jesse Helms, R-N.C., for example, stopped several North Carolina nominees for Gregory's seat by using a senatorial prerogative that lets senators bar nominees from their state.

Helms was retaliating for Democrats blocking his nominee, U.S. District Judge Terrance Boyle, from that seat when the first President Bush was in office. "For more than 15 months, he was never accorded the courtesy of a hearing," Helms wrote in June. "Thus, North Carolina continues the distinction of never having had a Republican judge on the Fourth Circuit since the honorable John J. Parker was nominated by President Coolidge."

To get around Helms, Clinton tapped Gregory of Virginia in June 2000 after getting support from Robb and Warner. However, the GOP-controlled Senate refused to give Gregory a hearing last year, leading Clinton to give him the temporary appointment.

Bush won the presidency and withdrew all of Clinton's still unconfirmed nominees, including Gregory. But with the Senate split 50-50 giving Democrats enough members to filibuster any nominee _ Bush renominated Gregory as one of his first 11 judicial nominees.

GOP Sen. George Allen of Virginia, who defeated Robb in that election, immediately backed Gregory.

"I asked my colleagues, and indeed the president, to not view Roger Gregory based upon the former president's political manipulations," Allen said.

Bush also renominated Boyle, and Republicans linked the nominations of Boyle and Gregory to prevent Democrats from sinking Boyle again. But then the Senate was taken over by the Democrats, who separated the two and made Gregory their first order of business.

"Mr. Gregory and many, many others have languished not only for months, but in some cases for years," said Senate Majority Leader Thomas Daschle, D-S.D. "And so in order to rectify that we

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put a very high priority on Mr. Gregory's confirmation."

Republicans now complain that Democrats are delaying Bush's other nominees and have threatened to hold bills hostage unless executive and judicial nominations get faster action. The GOP says their tactics have forced Democrats to move more than 70 executive and departmental nominees through in the last two weeks.

However, the judicial war isn't over. Three other Appeals Court nominees Jeff Sutton, Miguel Estrada and Michael McConnell have organized resistance against them.

The federal court system has 107 vacancies, and 25 Bush nominees have yet to receive hearings by the Senate Judiciary Committee.

The battle over the 15-seat 4th Circuit isn't over either. Sen. John Edwards, D-N.C., has threatened to block Boyle's nomination unless Bush renominates one of the judges Helms blocked earlier.

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Senators Confirm 3 Judges, Including Once-Stalled Black

By Alison Mitchell

The New York Times

Saturday, July 21, 2001

The Senate confirmed federal judges today for the first time since the Democrats took control in May, including Roger Gregory, who was initially named to the bench by President Bill Clinton in a recess appointment after the Republican-run Senate stalled his nomination.

Mr. Gregory, who was approved 94 to 1, is the first black judge to serve on the United States Court of Appeals for the Fourth Circuit, which covers Maryland, North Carolina, South Carolina, Virginia and West Virginia. Senator Trent Lott of Mississippi, the Republican leader, cast the lone vote against him.

Blacks make up 22 percent of the circuit's population, a figure higher than in any other federal jurisdiction. Mr. Clinton nominated four black judges to the Fourth Circuit but not one was granted a hearing. Mr. Gregory, a corporate lawyer in Richmond, Va., was nominated in June 2000.

Before leaving office, Mr. Clinton angered some Republicans by giving Mr. Gregory a temporary appointment to the court after the Senate adjourned for the year. Such a recess appointee is allowed to serve just one year. President Bush -- whose attorney general, John Ashcroft, came under fire in his nominations hearings for blocking a black nominee for the federal court -- renominated Mr. Gregory for a lifetime appointment in May.

"This makes a statement, I think, that is very important," Senator Tom Daschle of South Dakota, the majority leader, said today in praising both Mr. Clinton and Mr. Bush.

Virginia's two senators, John W. Warner and George F. Allen, both Republicans, called for Mr. Gregory's approval today, with Mr. Warner saying, "We are at a historic moment here with Judge Gregory."

Mr. Allen said Mr. Gregory, who had been the first person in his family to finish high school,

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had an "inspirational story" and a "proper judicial philosophy." He asked fellow Republicans not to view the nominee "based upon the former president's political manipulations."

Ronald D. Bonjean Jr., a spokesman for Mr. Lott, said Mr. Lott's opposition to Mr. Gregory was "an institutional decision" designed to protect Senate prerogatives and underscore his stance that "any appointment of federal judges during a recess should be opposed."

The Senate today also confirmed two other Bush nominees, Sam Haddon and Richard Cebull, as federal district judges in Montana.

The confirmation of federal judges and the ideological makeup of the courts has been a flash point between the two parties, and some of Mr. Bush's more conservative nominees are expected to have a rough time before a Democratic-led Senate.

Protesting that Democrats planned to block judges because of ideology, Republicans held up the full reorganization of the Senate under Democratic control for about a month late this spring in an effort to win a promise that all nominees for the Supreme Court would get a Senate floor vote, no matter how the Senate Judiciary Committee ruled on them.

Senate Confirms 3 Bush Judges; GOP Procedural Tactics Clear Way For Spending Bill Votes

By Audrey Hudson
The Washington Times
Saturday, July 21, 2001

The Senate yesterday approved President Bush's first batch of judicial nominees, and Majority Leader Tom Daschle pledged to speed up executive nominees stalled in the Democrat-controlled body.

Roger Gregory was approved 93-1 to a permanent seat on the U.S. Appeals Court, with Minority Leader Trent Lott, Mississippi Republican, as the lone dissenter. Sam Haddon was approved 95-0 to the U.S. District Court in Montana, and Richard Cebull was approved 93-0 to the same

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bench.

Both Republicans and Democrats praised the confirmation of Judge Gregory, who was first nominated by President Clinton last year, but blocked by Republicans. Mr. Clinton bypassed the Senate and installed Judge Gregory to the bench during a December congressional recess.

Judge Gregory was appointed to the 4th U.S. Circuit Court of Appeals. The panel hears cases from Maryland, Virginia, West Virginia, North Carolina and South Carolina.

Sen. Patrick J. Leahy, Vermont Democrat and chairman of the Judiciary Committee, said Judge Gregory is "one of the few nominees ever nominated by presidents of different parties."

"President Bush deserves credit for renominating Judge Gregory and allowing the Senate a third chance to consider and confirm this outstanding nominee," Mr. Leahy said.

"We are at a historic moment here with Judge Gregory," said Sen. John W. Warner, Virginia Republican.

Sen. George F. Allen, Virginia Republican, asked his colleagues not to view Judge Gregory based upon the former president's "political manipulations."

In his first Senate floor speech earlier this year, Mr. Allen asked that Judge Gregory be judged "on the basis of his qualifications."

Mr. Lott opposed Judge Gregory's nomination because he opposes all recess appointments, said Ron Bonjean, Mr. Lott's spokesman.

Senate Republicans have employed procedural stalling tactics on spending bills to force Democratic leaders to speed up the confirmation process.

Republicans were successful in getting 74 nominees confirmed in seven legislative days but have lists of more than 100 names still awaiting hearings and votes.

In exchange for the judicial nominee votes and 18 executive nominees approved late Thursday,

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Republicans allowed the Senate to proceed with three spending bills.

One Republican aide compared the tactic to a pace car allowing a race to begin.

Republicans stalled Senate business all day Thursday while negotiations continued over the nominees - frustrating Democrats in the process.

The strategy to link spending bills to nominees is necessary to get the process moving, Republicans said, and is endorsed by Mr. Lott.

"All I say to Democrats is: Welcome to the majority. This is what the minority does to the majority," Mr. Lott told reporters Thursday.

Despite the "tremendous amount of unfairness associated with the consideration of Clinton nominees" under Republican rule, Mr. Daschle said Democrats will be "fair" with Mr. Bush's nominees.

"The nomination process is going to be the subject, of course, of a great deal of debate," said Mr. Daschle of South Dakota.

"And I don't know what the total number will be, but over the course of the next week or so, we will have dozens more. And we'll continue to press to try to complete our work," Mr. Daschle said.

However, Mr. Daschle said senators have a right to "express themselves and use whatever parliamentary devices if they feel there is justifiable need for opposition."

Mr. Leahy said the delay in confirming judicial nominees was due to the reorganization of the Senate from Republican to Democratic control when Sen. James M. Jeffords of Vermont switched from the Republican Party to become an independent.

"I am sorry that we lost the month of June to the process of reorganizing the Senate, but I am proud of the very quick start that the committee has gotten on holding hearings and reporting nominees," Mr. Leahy said.

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Senate Confirms 3 Of Bush's Judicial Nominees; Courts: Choice For 4th Circuit - - Named To The Post Temporarily By Clinton - -Is The Bench's First Black Member

By David Savage
The Los Angeles Times
Saturday, July 21, 2001

President Bush won Senate confirmation of his first judges Friday, but the victory was celebrated more by liberal activists and Democrats than by the administration's conservative supporters.

Judge Roger Gregory, an African American lawyer from Richmond, Va., won Senate approval to a permanent judgeship on the U.S. 4th Circuit Court of Appeals, a year after President Clinton nominated him to the same post.

The Senate also confirmed two trial court judges from Montana: Sam Haddon and Richard Cebull.

Despite Friday's vote, 109 vacancies remain on the federal bench, and the Senate is not expected to vote on more of Bush's court nominees until the fall.

Administration officials say they are frustrated at the slow pace of confirmations, and conservative activist Tom Jipping accused the Democrats of following "an aggressive obstructionist strategy."

"I hope the Democrats don't think they are fooling anyone with this [vote]. It shows only that they will not fight a Clinton nominee who is black," said Jipping, a lawyer for the Free Congress Foundation.

Meanwhile, the liberal Alliance for Justice said it was pleased with Gregory's confirmation to the conservative appeals court, which had been all white.

"This sends the right signal, that if you nominate judges who are not out of step with the

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Neil Lewis

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 7/23/2001 5:02:39 PM
Subject: : FW: judicial media review
Attachments: P_LQ9Y2004_WHO.TXT_1.wpd

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:23-JUL-2001 21:02:39.00

SUBJECT:: FW: judicial media review

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TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
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TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The judicial media review for today is attached.

Regards

Jennifer

-----Original Message-----

From: Schauder, Andrew

Sent: Monday, July 23, 2001 4:38 PM

To: Newstead, Jennifer

Subject: judicial media review

- Judicial Media Review 7-23-01.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

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Media Review - Judicial Nominations

Monday, July 23, 2001

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- "Senate Approves Federal Judges," 1
Jesse Holland, *AP*, July 20, 2001
- "Senators Confirm 3 Judges, Including Once-Stalled Black," 4
Alison Mitchell, *The New York Times*, July 21, 2001
- "Senate Confirms 3 Bush Judges; GOP Procedural Tactics Clear
Way For Spending Bill Votes," 5
Audrey Hudson, *The Washington Times*, July 21, 2001
- "Senate Confirms 3 Of Bush's Judicial Nominees; Courts: Choice For
4th Circuit–Named To The Post Temporarily By Clinton–Is The
Bench's First Black Member," 7
David Savage, *The Los Angeles Times*, July 21, 2001

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June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis New York Times
June 26, 2001

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concerns of average Americans, they will be confirmed," said Marcia Kuntz, who heads the alliance's judicial selection project.

Gregory won confirmation on a 94-1 vote, with only Trent Lott of Mississippi, the Republican leader, voting no.

But the lopsided approval of Gregory as the first Bush judge masks an ongoing political struggle and makes for a strange twist in the political battles over the courts.

Throughout Clinton's term, he tried to add the first black jurist to the 15-member 4th Circuit Court. Its region, which extends from Maryland to South Carolina, has the highest percentage of African Americans of any federal circuit, yet it was the only appeals court that had never had a minority judge.

Four of its judgeships were authorized to be filled by North Carolinians, but Sen. Jesse Helms (R-N.C.) vetoed three of Clinton's black nominees. They were denied hearings in the Senate Judiciary Committee, leaving North Carolina with no representation on the appeals court.

With his time in the White House running out, Clinton last year looked to Virginia. Gregory had been a protege of former Virginia Gov. L. Douglas Wilder, and he was supported by the state's two U.S. senators, including Republican John W. Warner.

Despite that support, the Republican-controlled Senate took no action on Gregory's nomination last year.

Undaunted, Clinton, while the Senate was in recess, appointed Gregory to the appeals court for a one-year term.

When Bush moved into the White House, he decided in a bipartisan gesture to renominate Gregory in his first batch of court picks. And when the Democrats retook control the Senate in May, they decided to move first on Gregory.

Sen. Patrick J. Leahy (D-Vt.), who became chairman of the Judiciary Committee, said the Bush White House and the Senate Republicans deserve much of the blame for the slow start on

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approving judges.

Bush's lawyers changed the long-standing practice of having the American Bar Assn. conduct a semiofficial review of judicial candidates before they were nominated. But Senate Democrats insisted on those reviews, which were done after the nominations were announced.

In June, after losing control of the Senate, the Republicans sought new rules that would clear the way for a full Senate vote on all nominations. The Democrats refused, saying they would follow the same rules the Republicans used when they were in the majority.

Leahy said again Friday that he has no intention of blocking Bush's judicial nominees but that those with bipartisan support will move first.

"The Senate can act promptly on consensus nominees," Leahy said. If presidential nominees are supported by home-state Democrats as well as by Republicans, they are likely to win quick approval, he said.

Typically, new administrations get off to a slow start in filling court vacancies, but Bush's aides say the Democrats are stalling for no good reason.

"This is totally unprecedented, and there is a high level of irritation over it," said one administration official who asked not to be named.

Bush's advisors say Clinton judges won Senate confirmation, on average, 81 days after they were nominated. This was so, they said, despite yearlong delays for several nominees.

They say the Senate is behind schedule on their nominees already, as only three judges have been approved in the 72 days since Bush sent his first nominees to Capitol Hill.

But David Carle, a spokesman for Leahy, said those numbers ignore that the first year of an administration is always slow going.

"Clinton had only four appeals court judges confirmed in his first year, and Bush senior had only five," he said.

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Next week, the Judiciary Committee will hold a hearing on an appeals court nominee from Nebraska, but the Senate is expected to recess in the first week of August.

Op/Eds

Bush Shows His Arrogance

By P.K. Cranford
The Arkansas Democrat-Gazette
Friday, July 20, 2001

I find it so disingenuous of letter writer Ronald Stanley to claim that George W. Bush has reached across party lines in a show of bipartisanship and to complain that the Democrats are holding up Bush's judicial nominees in a display of partisanship. Since taking office, Bush has demonstrated an arrogant "my way or the highway" attitude. He has shown no effort toward being bipartisan--at least, not before the James Jeffords defection. After nine years of the vicious partisanship displayed by the Republican Party, what does Stanley expect? For years, Bill Clinton's judicial nominees were held up in committee and not even allowed to come to the floor for a vote. That is the reason for the vacancies in federal judgeships our nation is now experiencing. Had the Republicans been more inclined to allow Clinton's nominees a vote, the Democrats would probably be more inclined to give Bush the same consideration. I have a feeling judicial nominations not getting to the floor for a vote won't be the only brick wall Dubya crashes into during the next loooong three years. Remember, what goes around comes around and usually picks up speed along the way. And to letter writer H.D. Flanders of Hot Springs, bravo. I couldn't agree more.

The Hill Hearing That Didn't Bark

By Terry Eastland
The Washington Times
Sunday, July 22, 2001

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June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis **New York Times**
June 26, 2001

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Neil Lewis

For some months now, the basic story line on President Bush's effort to choose judges for the federal bench has been that it will meet resistance from Senate Democrats - so much that fights, perhaps even ones approaching Borkean intensity, are inevitable.

Indeed, in seeming preparation for such battles, a Judiciary Committee subcommittee led by New York Sen. Charles Schumer recently commenced a series of hearings on such questions as the role of ideology in judicial selection. Earlier this month, however, Mr. Schumer and his Democratic colleagues on the Judiciary Committee decided to conduct their first hearing for Bush judicial nominees, three in all. Let the record show that, though the hearing room was packed with partisans from both sides of the judicial divide, a fight didn't break out.

The reason one didn't was apparent, for Senate Democrats had decided to open with entirely noncontroversial nominees. Two are nominees for district judgeships (choices for district courts almost never are contested) in a state, Montana, where there is a palpable need for such judges. (Montana is entitled to three district judges, and only one currently is sitting, no doubt exhausted.)

The other nominee is Judge Roger Gregory, whom Bill Clinton named a year ago to the 4th U.S. Circuit Court of Appeals. With Republicans refusing to hold a hearing on Mr. Gregory, Mr. Clinton appointed him in December when the Senate was in recess. Judge Gregory, whose temporary appointment will expire at year's end, was the Democrats' leading example of a nominee wrongly blocked by Senate Republicans. In a move designed to placate Democrats and improve confirmation prospects for subsequent nominees, President Bush included the judge among his first selections, thus making him one of the few people ever to have been chosen for the same bench by presidents of different political parties.

More was said in praise of the three nominees than questions were asked of them by the few senators who bothered to show up. Yet some exchanges - particularly ones between Vermont Sen. Patrick Leahy, the committee chairman, and Judge Gregory - bear noting.

Mr. Leahy asked Judge Gregory whether he would feel bound by Supreme Court precedents. The judge said he would feel so bound - by not only Supreme Court decisions but also those of his own court. That answer was unexceptional. But, surely, it must give Democrats pause, since it suggests that a judge originally chosen by Mr. Clinton isn't likely to shift the balance of

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power on one of the more conservative appeals courts.

Mr. Leahy also inquired about statutory interpretation, asking whether the judge would consult "legislative history." Judge Gregory proceeded to say nothing about legislative history but emphasized that he would follow "the plain English" of the law - the text as written.

Sen. Leahy didn't attempt to pursue the issue, even though he couldn't have missed that Judge Gregory had just given an answer that could have been supplied by, well, Justice Antonin Scalia.

Justice Scalia disdains resorting to legislative history, because doing so encourages judges to expand their power and effectively write new laws. He insists, more strongly than any judge anywhere, on a textual approach to statutory interpretation. Justice Scalia, whom Mr. Bush held up during the campaign as a prime example of the kind of judge he would nominate, is precisely the kind of jurist Democrats like Sen. Leahy wish most fervently not to see appointed to any court.

It is a mistake, of course, to make too much of such exchanges. But the ones between Judge Gregory and Mr. Leahy were amusing at the least, and you can bet that if a genuine Bush nominee were to give the answers the judge gave, particularly on statutory interpretation, there would be more than a few follow-up questions asked by the Democrats.

All of which is to say no one should be fooled by the placid (and short) hearing. Last Thursday, all three nominees won committee approval by a 19-0 vote. But there will be hearings for plainly conservative judicial nominees, and fights over some of them remain quite likely.

Terry Eastland is publisher of the Weekly Standard.

The Choice Is Theirs

By Laura Flanders
Institute for Public Affairs; In These Times
Monday, July 23, 2001

When he announced his switch from Republican to independent, Vermont Sen. James Jeffords

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Neil Lewis **New York Times**
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said choice was one of the "fundamental issues" about which he and the Bush team disagreed. With Jeffords' switch, Democrats took control of Senate committees -- a change that the Feminist Majority Foundation says "will be crucial to reproductive rights, as pro-choice Democrats will replace anti-choice Republicans." So, choice is safer today, right?

In some critical ways, yes. The Bush team's biggest fear is that Democrats will hold up key appointments -- especially confirmations to the judiciary. The Democratic leadership could do to the Republicans what Sen. Trent Lott did to the Clinton administration for eight years: simply refuse to bring nominations up for a vote. But there's reason to believe they won't. For all their fighting words, the Democrats confirmed Ted Olson -- a conservative attorney who has fought aggressively against women's rights and affirmative action -- as solicitor general. The Democrats had the power to filibuster Olson's confirmation (the vote was tight: 51 to 47), but the party leadership decided not to act. Conciliation was the better part of valor, they explained.

And that's how choice could fall victim to Capitol Hill brinkmanship. Focused on the Supreme Court, Senate Majority Leader Tom Daschle likely will let lesser appointments slide by. But talk to abortion providers, and you find that those appointments are often where the real action is. It's at the local level that anti-Roe folks can pull the plug on women's rights -- to little fanfare but maximum effect.

Consider the case of Denise O'Donnell. For the past two and a half years, O'Donnell, as U.S. attorney for the Western District of New York, pursued the killer of Buffalo obstetrician Barnett Slepian. After a complicated international investigation, police in France finally arrested James Charles Kopp, the alleged assassin. On May 4, O'Donnell's office filed papers seeking Kopp's extradition to New York to stand trial. Since France does not extradite suspects who face capital punishment, Attorney General John Ashcroft had to assure French government officials that prosecutors would not seek to execute Kopp, who faces a state murder charge and the additional charge of violating the Freedom of Access to Clinic Entrances Act (FACE). A decision on extradition is due June 28.

In New York, federal prosecutors picked up Loretta Claire Marra and Dennis John Malvasi of Brooklyn, and charged them with aiding the fugitive Kopp. Eleanor Smeal of the Feminist Majority Foundation told Women's Enews that if O'Donnell hadn't spearheaded the case, Kopp might never have been caught. In her investigation of Slepian's murder, O'Donnell made crucial,

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political choices to cast a wide net in the belief that Kopp didn't act alone. In doing so, she trailed Kopp and his associates across the Atlantic and brought what Smeal calls an "international anti-choice conspiracy" to light.

But O'Donnell won't be on hand to prosecute, if and when the Kopp case finally makes it to court. On March 15, George W. Bush demanded her resignation in the middle of her four-year term. She vacated her office on May 31.

U.S. attorneys, appointed by the president, generally tender their resignations when a new administration takes office. But there have been exceptions. In O'Donnell's case, both New York Sens. Hillary Clinton and Chuck Schumer asked the White House to permit O'Donnell to complete her term. No dice. Although no new nominee has been named yet, the most likely replacement is a conservative Republican judge currently on the state family court. Kathleen M. Mehlretter, the district's former deputy attorney, is temporarily filling the post.

If the Democrats are out for "conciliation," it's unlikely that they will deem the U.S. attorney post serious enough to merit a grand fight. But for beleaguered abortion providers, the U.S. attorney is all-important. By enforcing clinic protection laws like FACE, O'Donnell made it possible for people like Marilyn Buckham, the administrator of the clinic where Slepian worked, to concentrate on providing health care, instead of having to focus on raising millions of dollars for clinic repairs, staff protection and lawsuits simply to get criminals into court. As Buckham told Women's Enews in May: "For what we went through, thank God it was under the [Clinton] administration."

National pro-choice groups usually confine their work to electing pro-choice candidates and lobbying against abortion restrictions and anti-choice Supreme Court justices. As critical as Washington is, the spotlight on federal judicial nominations obscures another crucial area in the fight for choice -- one much closer to home.

Schumer sits on the Senate Judiciary Committee. Maybe he and his colleagues will be able to block the incoming U.S. attorney candidate and demand O'Donnell's reinstatement. That will depend on whether Democratic leaders consider the post important enough -- and how much heat they get from their constituents.

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General Judicial Articles

Senate Approves Federal Judges

By Jesse Holland
Associated Press
Friday, July 20, 2001

After a yearlong battle, the Senate confirmed Roger Gregory on Friday as the first black federal appeals court judge in the district that represents a higher percentage of minorities than any other in the nation.

It took two presidents, three senators and several deals to permanently integrate the 4th Circuit Court of Appeals, a southern circuit serving Virginia, South Carolina, North Carolina, West Virginia and Maryland.

Gregory's district has 22 percent minorities, the highest percentage in the nation.

"It always speaks well when the courts are reflective of all that America has, but the most important thing is that judges serve with integrity and competence in every regard," he said after the Senate confirmed him to a lifetime appointment, 93-1.

Gregory watched the action from his home in Richmond, Va., more than a year after Sen. John Warner, R-Va., and then-Sen. Charles Robb, D-Va., said they would submit his name for the federal appeals court. "It feels good to finally have it over," Gregory said.

Senate Republican Leader Trent Lott, R-Miss., voted against Gregory because then-President Clinton appointed him to the court on a temporary basis last December while the GOP-controlled Senate was in recess, said spokesman Ron Bonjean.

The Senate unanimously approved two U.S. District Court judges, Sam Haddon and Richard Cebull, both of Montana.

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The federal judiciary has been a flash point between Republicans and Democrats, and Gregory's confirmation illustrated the machinations that have gone on in the Capitol.

Last year, Democrats accused Republicans of blocking Clinton's judicial nominees out of hope that a GOP president would win the November election. Sen. Jesse Helms, R-N.C., for example, stopped several North Carolina nominees for Gregory's seat by using a senatorial prerogative that lets senators bar nominees from their state.

Helms was retaliating for Democrats blocking his nominee, U.S. District Judge Terrance Boyle, from that seat when the first President Bush was in office. "For more than 15 months, he was never accorded the courtesy of a hearing," Helms wrote in June. "Thus, North Carolina continues the distinction of never having had a Republican judge on the Fourth Circuit since the honorable John J. Parker was nominated by President Coolidge."

To get around Helms, Clinton tapped Gregory of Virginia in June 2000 after getting support from Robb and Warner. However, the GOP-controlled Senate refused to give Gregory a hearing last year, leading Clinton to give him the temporary appointment.

Bush won the presidency and withdrew all of Clinton's still unconfirmed nominees, including Gregory. But with the Senate split 50-50 giving Democrats enough members to filibuster any nominee _ Bush renominated Gregory as one of his first 11 judicial nominees.

GOP Sen. George Allen of Virginia, who defeated Robb in that election, immediately backed Gregory.

"I asked my colleagues, and indeed the president, to not view Roger Gregory based upon the former president's political manipulations," Allen said.

Bush also renominated Boyle, and Republicans linked the nominations of Boyle and Gregory to prevent Democrats from sinking Boyle again. But then the Senate was taken over by the Democrats, who separated the two and made Gregory their first order of business.

"Mr. Gregory and many, many others have languished not only for months, but in some cases for years," said Senate Majority Leader Thomas Daschle, D-S.D. "And so in order to rectify that we

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put a very high priority on Mr. Gregory's confirmation."

Republicans now complain that Democrats are delaying Bush's other nominees and have threatened to hold bills hostage unless executive and judicial nominations get faster action. The GOP says their tactics have forced Democrats to move more than 70 executive and departmental nominees through in the last two weeks.

However, the judicial war isn't over. Three other Appeals Court nominees Jeff Sutton, Miguel Estrada and Michael McConnell have organized resistance against them.

The federal court system has 107 vacancies, and 25 Bush nominees have yet to receive hearings by the Senate Judiciary Committee.

The battle over the 15-seat 4th Circuit isn't over either. Sen. John Edwards, D-N.C., has threatened to block Boyle's nomination unless Bush renominates one of the judges Helms blocked earlier.

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Senators Confirm 3 Judges, Including Once-Stalled Black

By Alison Mitchell
The New York Times
Saturday, July 21, 2001

The Senate confirmed federal judges today for the first time since the Democrats took control in May, including Roger Gregory, who was initially named to the bench by President Bill Clinton in a recess appointment after the Republican-run Senate stalled his nomination.

Mr. Gregory, who was approved 94 to 1, is the first black judge to serve on the United States Court of Appeals for the Fourth Circuit, which covers Maryland, North Carolina, South Carolina, Virginia and West Virginia. Senator Trent Lott of Mississippi, the Republican leader, cast the lone vote against him.

Blacks make up 22 percent of the circuit's population, a figure higher than in any other federal jurisdiction. Mr. Clinton nominated four black judges to the Fourth Circuit but not one was granted a hearing. Mr. Gregory, a corporate lawyer in Richmond, Va., was nominated in June 2000.

Before leaving office, Mr. Clinton angered some Republicans by giving Mr. Gregory a temporary appointment to the court after the Senate adjourned for the year. Such a recess appointee is allowed to serve just one year. President Bush -- whose attorney general, John Ashcroft, came under fire in his nominations hearings for blocking a black nominee for the federal court -- renominated Mr. Gregory for a lifetime appointment in May.

"This makes a statement, I think, that is very important," Senator Tom Daschle of South Dakota, the majority leader, said today in praising both Mr. Clinton and Mr. Bush.

Virginia's two senators, John W. Warner and George F. Allen, both Republicans, called for Mr. Gregory's approval today, with Mr. Warner saying, "We are at a historic moment here with Judge Gregory."

Mr. Allen said Mr. Gregory, who had been the first person in his family to finish high school,

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had an "inspirational story" and a "proper judicial philosophy." He asked fellow Republicans not to view the nominee "based upon the former president's political manipulations."

Ronald D. Bonjean Jr., a spokesman for Mr. Lott, said Mr. Lott's opposition to Mr. Gregory was "an institutional decision" designed to protect Senate prerogatives and underscore his stance that "any appointment of federal judges during a recess should be opposed."

The Senate today also confirmed two other Bush nominees, Sam Haddon and Richard Cebull, as federal district judges in Montana.

The confirmation of federal judges and the ideological makeup of the courts has been a flash point between the two parties, and some of Mr. Bush's more conservative nominees are expected to have a rough time before a Democratic-led Senate.

Protesting that Democrats planned to block judges because of ideology, Republicans held up the full reorganization of the Senate under Democratic control for about a month late this spring in an effort to win a promise that all nominees for the Supreme Court would get a Senate floor vote, no matter how the Senate Judiciary Committee ruled on them.

Senate Confirms 3 Bush Judges; GOP Procedural Tactics Clear Way For Spending Bill Votes

By Audrey Hudson
The Washington Times
Saturday, July 21, 2001

The Senate yesterday approved President Bush's first batch of judicial nominees, and Majority Leader Tom Daschle pledged to speed up executive nominees stalled in the Democrat-controlled body.

Roger Gregory was approved 93-1 to a permanent seat on the U.S. Appeals Court, with Minority Leader Trent Lott, Mississippi Republican, as the lone dissenter. Sam Haddon was approved 95-0 to the U.S. District Court in Montana, and Richard Cebull was approved 93-0 to the same

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bench.

Both Republicans and Democrats praised the confirmation of Judge Gregory, who was first nominated by President Clinton last year, but blocked by Republicans. Mr. Clinton bypassed the Senate and installed Judge Gregory to the bench during a December congressional recess.

Judge Gregory was appointed to the 4th U.S. Circuit Court of Appeals. The panel hears cases from Maryland, Virginia, West Virginia, North Carolina and South Carolina.

Sen. Patrick J. Leahy, Vermont Democrat and chairman of the Judiciary Committee, said Judge Gregory is "one of the few nominees ever nominated by presidents of different parties."

"President Bush deserves credit for renominating Judge Gregory and allowing the Senate a third chance to consider and confirm this outstanding nominee," Mr. Leahy said.

"We are at a historic moment here with Judge Gregory," said Sen. John W. Warner, Virginia Republican.

Sen. George F. Allen, Virginia Republican, asked his colleagues not to view Judge Gregory based upon the former president's "political manipulations."

In his first Senate floor speech earlier this year, Mr. Allen asked that Judge Gregory be judged "on the basis of his qualifications."

Mr. Lott opposed Judge Gregory's nomination because he opposes all recess appointments, said Ron Bonjean, Mr. Lott's spokesman.

Senate Republicans have employed procedural stalling tactics on spending bills to force Democratic leaders to speed up the confirmation process.

Republicans were successful in getting 74 nominees confirmed in seven legislative days but have lists of more than 100 names still awaiting hearings and votes.

In exchange for the judicial nominee votes and 18 executive nominees approved late Thursday,

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Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

Republicans allowed the Senate to proceed with three spending bills.

One Republican aide compared the tactic to a pace car allowing a race to begin.

Republicans stalled Senate business all day Thursday while negotiations continued over the nominees - frustrating Democrats in the process.

The strategy to link spending bills to nominees is necessary to get the process moving, Republicans said, and is endorsed by Mr. Lott.

"All I say to Democrats is: Welcome to the majority. This is what the minority does to the majority," Mr. Lott told reporters Thursday.

Despite the "tremendous amount of unfairness associated with the consideration of Clinton nominees" under Republican rule, Mr. Daschle said Democrats will be "fair" with Mr. Bush's nominees.

"The nomination process is going to be the subject, of course, of a great deal of debate," said Mr. Daschle of South Dakota.

"And I don't know what the total number will be, but over the course of the next week or so, we will have dozens more. And we'll continue to press to try to complete our work," Mr. Daschle said.

However, Mr. Daschle said senators have a right to "express themselves and use whatever parliamentary devices if they feel there is justifiable need for opposition."

Mr. Leahy said the delay in confirming judicial nominees was due to the reorganization of the Senate from Republican to Democratic control when Sen. James M. Jeffords of Vermont switched from the Republican Party to become an independent.

"I am sorry that we lost the month of June to the process of reorganizing the Senate, but I am proud of the very quick start that the committee has gotten on holding hearings and reporting nominees," Mr. Leahy said.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

Senate Confirms 3 Of Bush's Judicial Nominees; Courts: Choice For 4th Circuit - - Named To The Post Temporarily By Clinton - -Is The Bench's First Black Member

By David Savage
The Los Angeles Times
Saturday, July 21, 2001

President Bush won Senate confirmation of his first judges Friday, but the victory was celebrated more by liberal activists and Democrats than by the administration's conservative supporters.

Judge Roger Gregory, an African American lawyer from Richmond, Va., won Senate approval to a permanent judgeship on the U.S. 4th Circuit Court of Appeals, a year after President Clinton nominated him to the same post.

The Senate also confirmed two trial court judges from Montana: Sam Haddon and Richard Cebull.

Despite Friday's vote, 109 vacancies remain on the federal bench, and the Senate is not expected to vote on more of Bush's court nominees until the fall.

Administration officials say they are frustrated at the slow pace of confirmations, and conservative activist Tom Jipping accused the Democrats of following "an aggressive obstructionist strategy."

"I hope the Democrats don't think they are fooling anyone with this [vote]. It shows only that they will not fight a Clinton nominee who is black," said Jipping, a lawyer for the Free Congress Foundation.

Meanwhile, the liberal Alliance for Justice said it was pleased with Gregory's confirmation to the conservative appeals court, which had been all white.

"This sends the right signal, that if you nominate judges who are not out of step with the

York Times

June 26, 2001**oad to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Scott Stanzel/WHO/EOP@EOP [WHO] <Scott Stanzel>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/24/2001 10:13:52 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JUL-2001 14:13:52.00
SUBJECT:: Re:
TO:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Actually, I think there are 10 -- Brett, can you answer this?

Scott Stanzel

07/24/2001 02:13:02 PM

Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

Thanks.

Can you tell me how many district court vacancies there are in PA? three?

Rachel L. Brand 07/24/2001 02:04:35 PM

Record Type: Record

To: Scott Stanzel/WHO/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP
bcc:
Subject: Re:

No, we don't yet have a nominee for the Third Circuit vacancy in New Jersey.
I don't know about the US Marshalls -- Helgi Walker is handling that.

Scott Stanzel

07/24/2001 01:46:57 PM

Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP

cc:

bcc:

Subject: Re:

The question I thought I had (have we selected a person for the 3rd district court of appeals? - no, I assume?) actually turned out to not be the question the reporter was asking (what about U.S. Marshalls? - no announcements yet?).

Rachel L. Brand 07/24/2001 01:43:51 PM

Record Type: Record

To: Scott Stanzel/WHO/EOP@EOP

cc:

Subject:

I saw you calling earlier when I was on a conference call -- let me know if you still have a question.

RLB

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>
Sent: 7/24/2001 12:45:34 PM
Subject: : Judicial Selection Comm. for Wed., 7/25 is CANCELLED!

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-JUL-2001 16:45:34.00

SUBJECT:: Judicial Selection Comm. for Wed., 7/25 is CANCELLED!

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

We will pick up again next week - Aug. 1st.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>
Sent: 7/24/2001 12:45:34 PM
Subject: : Judicial Selection Comm. for Wed., 7/25 is CANCELLED!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-JUL-2001 16:45:34.00

SUBJECT:: Judicial Selection Comm. for Wed., 7/25 is CANCELLED!

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

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TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

REV_00130197

READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

We will pick up again next week - Aug. 1st.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 7/25/2001 9:08:37 AM
Subject: : Reminder

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-JUL-2001 13:08:37.00

SUBJECT:: Reminder

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tim, today you should call Bruce Cohen and Sharon Prost about next week's potential judicial nominees.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 7/25/2001 2:50:36 PM
Subject: : Re: NEW TIME for Meeting re: Executive Privilege

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-JUL-2001 18:50:36.00
SUBJECT:: Re: NEW TIME for Meeting re: Executive Privilege
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Note: The old time was July 26, not August 26. But everyone should pick up on that, so no real need to correct.

Elizabeth N. Camp
07/25/2001 06:48:59 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Stacey B. Silva/WHO/EOP@EOP
bcc:
Subject: NEW TIME for Meeting re: Executive Privilege

NEW TIME: Wednesday, Aug. 1st - 5:00-6:00 pm - The Roosevelt.

Old time: Thurs., Aug. 26th at 2:15 pm

Attendees:
Andy Card
Al Gonzales
Timothy Flanigan
Karen Hughes
Karl Rove
Josh Bolten
Nick Calio
David Addington
Mary Matalin
John Bellinger
Albert Hawkins
Mitch Daniels
Brad Berenson
Brett Kavanaugh

Please let me know if you can't make it.

Thanks!

Elizabeth N. Camp
07/13/2001 09:10:36 AM
Record Type: Record

REV_00130222

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting re: Executive Privilege

You are invited to attend a internal meeting re: executive privilege.
Obviously a meeting with this many senior staff members is difficult to
schedule. Please know that the following time does work for Card, Rove,
Calio, Hughes and Gonzales.

Date: Thursday, July 26th
Time: 2:15-3:00 pm
Location: Roosevelt Room
Attendees:
Andy Card
Al Gonzales
Timothy Flanigan
Karen Hughes
Karl Rove
Josh Bolten
Nick Calio
David Addington
Mary Matalin
John Bellinger
Albert Hawkins
Mitch Daniels
Brad Berenson
Brett Kavanaugh

Message Sent

To:
Melissa S. Bennett/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Jill L. Angelo/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
Megan D. Moran/OVP/EOP@EOP
Joan Hunerwadel/NSC/EOP@EOP
Cynthia R. Mendl/WHO/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

Message Sent

To:
melissa s. bennett/who/eop@eop
allison l. riepenhoff/who/eop@eop
jill l. angelo/who/eop@eop
carol j. thompson/who/eop@eop
michael j. conway/who/eop@eop
david s. addington/ovp/eop@eop
megan d. moran/ovp/eop@eop
joan hunerwadel/nsc/eop@eop
cynthia r. mendl/who/eop@eop
karen e. keller/omb/eop@eop
bradford a. berenson/who/eop@eop
brett m. kavanaugh/who/eop@eop
Susan B. Ralston/WHO/EOP@EOP

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/25/2001 12:39:20 PM
Subject: : Mark Earley event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JUL-2001 16:39:20.00
SUBJECT:: Mark Earley event
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

There is no legal prohibition on the campaign cameras coming into the Oval Office to record the meeting of the President and Mark Earley. On the otherhand, there is a risk of negative press attention focusing on the use of the Oval Office for a campaign commercial. You and I discussed earlier the possibility of limiting the campaign camera to the same access that would be given the press pool. After further consideration here in counsel's office, our recommendation would be to avoid the risk associated with having the campaign camera in the Oval, that the better course would be to ask the campaign to obtain footage from the press pool that will be attending.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: melissa s. bennett/who/eop@eop [WHO] <melissa s. bennett>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;jill l. angelo/who/eop@eop [WHO] <jill l. angelo>;carol j. thompson/who/eop@eop [WHO] <carol j. thompson>;michael j. conway/who/eop@eop [WHO] <michael j. conway>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;megan d. moran/ovp/eop@eop [OVP] <megan d. moran>;joan hunerwadel/nsc/eop@eop [NSC] <joan hunerwadel>;cynthia r. mendl/who/eop@eop [WHO] <cynthia r. mendl>;karen e. keller/omb/eop@eop [OMB] <karen e. keller>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
CC: Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>
Sent: 7/25/2001 2:49:05 PM
Subject: : NEW TIME for Meeting re: Executive Privilege

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-JUL-2001 18:49:05.00

SUBJECT:: NEW TIME for Meeting re: Executive Privilege

TO:melissa s. bennett (CN=melissa s. bennett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:jill l. angelo (CN=jill l. angelo/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:carol j. thompson (CN=carol j. thompson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:michael j. conway (CN=michael j. conway/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:megan d. moran (CN=megan d. moran/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:joan hunerwadel (CN=joan hunerwadel/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:cynthia r. mendl (CN=cynthia r. mendl/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:karen e. keller (CN=karen e. keller/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

NEW TIME: Wednesday, Aug. 1st - 5:00-6:00 pm - The Roosevelt.

Old time: Thurs., Aug. 26th at 2:15 pm

Attendees:

Andy Card

Al Gonzales

Timothy Flanigan

Karen Hughes

Karl Rove

Josh Bolten

Nick Calio

David Addington

Mary Matalin

John Bellinger

REV_00130225

Albert Hawkins
Mitch Daniels
Brad Berenson
Brett Kavanaugh

Please let me know if you can't make it.

Thanks!

Elizabeth N. Camp
07/13/2001 09:10:36 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting re: Executive Privilege

You are invited to attend a internal meeting re: executive privilege.
Obviously a meeting with this many senior staff members is difficult to
schedule. Please know that the following time does work for Card, Rove,
Calio, Hughes and Gonzales.

Date: Thursday, July 26th
Time: 2:15-3:00 pm
Location: Roosevelt Room
Attendees:
Andy Card
Al Gonzales
Timothy Flanigan
Karen Hughes
Karl Rove
Josh Bolten
Nick Calio
David Addington
Mary Matalin
John Bellinger
Albert Hawkins
Mitch Daniels
Brad Berenson
Brett Kavanaugh

Message Sent

To: _____
Melissa S. Bennett/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Jill L. Angelo/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
Megan D. Moran/OVP/EOP@EOP
Joan Hunerwadel/NSC/EOP@EOP
Cynthia R. Mendl/WHO/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

REV_00130226

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: melissa s. bennett/who/eop@eop [WHO] <melissa s. bennett>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;jill l. angelo/who/eop@eop [WHO] <jill l. angelo>;carol j. thompson/who/eop@eop [WHO] <carol j. thompson>;michael j. conway/who/eop@eop [WHO] <michael j. conway>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;megan d. moran/ovp/eop@eop [OVP] <megan d. moran>;joan hunerwadel/nsc/eop@eop [NSC] <joan hunerwadel>;cynthia r. mendl/who/eop@eop [WHO] <cynthia r. mendl>;karen e. keller/omb/eop@eop [OMB] <karen e. keller>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
CC: Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>
Sent: 7/25/2001 2:49:05 PM
Subject: : NEW TIME for Meeting re: Executive Privilege

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-JUL-2001 18:49:05.00

SUBJECT:: NEW TIME for Meeting re: Executive Privilege

TO:melissa s. bennett (CN=melissa s. bennett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:jill l. angelo (CN=jill l. angelo/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:carol j. thompson (CN=carol j. thompson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:michael j. conway (CN=michael j. conway/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:megan d. moran (CN=megan d. moran/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

TO:joan hunerwadel (CN=joan hunerwadel/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:cynthia r. mendl (CN=cynthia r. mendl/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:karen e. keller (CN=karen e. keller/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

NEW TIME: Wednesday, Aug. 1st - 5:00-6:00 pm - The Roosevelt.

Old time: Thurs., Aug. 26th at 2:15 pm

Attendees:

Andy Card

Al Gonzales

Timothy Flanigan

Karen Hughes

Karl Rove

Josh Bolten

Nick Calio

David Addington

Mary Matalin

John Bellinger

REV_00130227

Albert Hawkins
Mitch Daniels
Brad Berenson
Brett Kavanaugh

Please let me know if you can't make it.

Thanks!

Elizabeth N. Camp
07/13/2001 09:10:36 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting re: Executive Privilege

You are invited to attend a internal meeting re: executive privilege.
Obviously a meeting with this many senior staff members is difficult to
schedule. Please know that the following time does work for Card, Rove,
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Karen Hughes
Karl Rove
Josh Bolten
Nick Calio
David Addington
Mary Matalin
John Bellinger
Albert Hawkins
Mitch Daniels
Brad Berenson
Brett Kavanaugh

Message Sent

To: _____
Melissa S. Bennett/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Jill L. Angelo/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
Megan D. Moran/OVP/EOP@EOP
Joan Hunerwadel/NSC/EOP@EOP
Cynthia R. Mendl/WHO/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

REV_00130228

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 7/25/2001 2:50:36 PM
Subject: : Re: NEW TIME for Meeting re: Executive Privilege

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-JUL-2001 18:50:36.00
SUBJECT:: Re: NEW TIME for Meeting re: Executive Privilege
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Note: The old time was July 26, not August 26. But everyone should pick up on that, so no real need to correct.

Elizabeth N. Camp
07/25/2001 06:48:59 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Stacey B. Silva/WHO/EOP@EOP
bcc:
Subject: NEW TIME for Meeting re: Executive Privilege

NEW TIME: Wednesday, Aug. 1st - 5:00-6:00 pm - The Roosevelt.

Old time: Thurs., Aug. 26th at 2:15 pm

Attendees:
Andy Card
Al Gonzales
Timothy Flanigan
Karen Hughes
Karl Rove
Josh Bolten
Nick Calio
David Addington
Mary Matalin
John Bellinger
Albert Hawkins
Mitch Daniels
Brad Berenson
Brett Kavanaugh

Please let me know if you can't make it.

Thanks!

Elizabeth N. Camp
07/13/2001 09:10:36 AM
Record Type: Record

REV_00130229

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting re: Executive Privilege

You are invited to attend a internal meeting re: executive privilege.
Obviously a meeting with this many senior staff members is difficult to
schedule. Please know that the following time does work for Card, Rove,
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Karen Hughes
Karl Rove
Josh Bolten
Nick Calio
David Addington
Mary Matalin
John Bellinger
Albert Hawkins
Mitch Daniels
Brad Berenson
Brett Kavanaugh

Message Sent

To:
Melissa S. Bennett/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Jill L. Angelo/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
Megan D. Moran/OVP/EOP@EOP
Joan Hunerwadel/NSC/EOP@EOP
Cynthia R. Mendl/WHO/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

Message Sent

To:
melissa s. bennett/who/eop@eop
allison l. riepenhoff/who/eop@eop
jill l. angelo/who/eop@eop
carol j. thompson/who/eop@eop
michael j. conway/who/eop@eop
david s. addington/ovp/eop@eop
megan d. moran/ovp/eop@eop
joan hunerwadel/nsc/eop@eop
cynthia r. mendl/who/eop@eop
karen e. keller/omb/eop@eop
bradford a. berenson/who/eop@eop
brett m. kavanaugh/who/eop@eop
Susan B. Ralston/WHO/EOP@EOP

From: CN=Kenneth B. Mehlman/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; kenneth b. mehlman/who/eop@eop [WHO] <kenneth b. mehlman>
Sent: 7/25/2001 4:15:08 PM
Subject: : Re: equipment usage

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-JUL-2001 20:15:08.00
SUBJECT:: Re: equipment usage
TO: Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: kenneth b. mehlman (CN=kenneth b. mehlman/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

does this mean that moose will wash my car?

Matthew A. Schlapp
07/25/2001 07:42:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: kenneth b. mehlman/who/eop@eop
bcc:
Subject: Re: equipment usage

please. How can we set up?

Brett M. Kavanaugh
07/25/2001 07:19:51 PM
Record Type: Record

To: Kenneth B. Mehlman/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP
cc:
Subject: equipment usage

Over last few months, I have been in discussions with various entities re the law governing use of government equipment for political purposes. I believe the upshot is a result that could make your lives (and those of your staff) much easier than they currently are. We should discuss this at your convenience.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 7/26/2001 12:09:36 PM
Subject: : Re: DC Cir

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-JUL-2001 16:09:36.00

SUBJECT:: Re: DC Cir

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I had heard about this letter from Judge Williams but have never seen a copy. We should get one to have in our arsenal.

H. Christopher Bartolomucci

07/26/2001 03:17:46 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A.

Berenson/WHO/EOP@EOP

cc:

Subject: DC Cir

Are you guys aware of a letter DH Ginsburg sent to Leahy regarding the need for more judges on DC Cir? I was just meeting with DH -- last stop on the Roscoe tour -- and he thought Leahy had never made his letter public.

REV_00130234

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;Amy M. Bilyeau/OA/EOP@EOP [OA] <Amy M. Bilyeau>
Sent: 7/27/2001 6:00:27 AM
Subject: : Re: US Code

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JUL-2001 10:00:27.00
SUBJECT:: Re: US Code
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

I believe that was ordered for the Judge's office in the West Wing. You can confirm this with Amy in the Law Library.

Lori L. Lorenzi
07/27/2001 09:58:38 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: US Code

Did anyone order a complete set of the US Code? We received an annotated set yesterday and I am trying to track down the owner.

Lori

REV_00130235

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Laura L. Flippin/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne M. Hughes/WHO/EOP@EOP [WHO] <Anne M. Hughes>
CC: jacquelyn d hayes-byrd/who/eop@eop [WHO] <jacquelyn d hayes-byrd>
Sent: 7/27/2001 7:38:11 AM
Subject: : Re: Blackberries

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-JUL-2001 11:38:11.00
SUBJECT:: Re: Blackberries
TO: Anne M. Hughes (CN=Anne M. Hughes/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: jacquelyn d hayes-byrd (CN=jacquelyn d hayes-byrd/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

The use of blackberries is perfectly acceptable.

From: Anne M. Hughes on 07/26/2001 07:39:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jacquelyn D Hayes-Byrd/WHO/EOP@EOP
Subject: Blackberries

Brett-- Looks like we're moving forward with "blackberries" full speed ahead. At your earliest convenience, please provide a memo which states that Counsel approves the use of two way pagers. Thanks--AMH

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
BCC: Rebecca Gonzales (Rebecca Gonzales [UNKNOWN])
Sent: 7/27/2001 5:03:16 AM
Subject: : fyi - Judge is out of town....

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-JUL-2001 09:03:16.00

SUBJECT:: fyi - Judge is out of town....

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Rebecca Gonzales (Rebecca Gonzales [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

He leaves the office around 1:00 pm on Monday and returns very late on Tuesday night.

He is flying to Seattle to give a speech to the Chief Justices Conference on Tuesday.

REV_00130238

From: CN=Michele H. Tennery/OU=WHO/O=EOP [WHO]
To: John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; John J. DiIulio/WHO/EOP@EOP [WHO] <John J. DiIulio>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; eseale@osaspe.dhhs.gov @ inet [UNKNOWN] <eseale@osaspe.dhhs.gov>; Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>
Sent: 7/27/2001 5:12:28 AM
Subject: : GAO Inquiry re:Cabinet Center Audit Reports

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JUL-2001 09:12:28.00
SUBJECT:: GAO Inquiry re:Cabinet Center Audit Reports
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:John J. DiIulio (CN=John J. DiIulio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:eseale@osaspe.dhhs.gov (eseale@osaspe.dhhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We received a call this morning from Katie Somers of the GAO regarding the Cabinet Center audit/implementation reports. She says that she is looking to obtain the reports as she is submitting a report to the Congress. She specifically wants to obtain the HHS report as soon as it has been issued. She says that the request from the Congress was generated by Senator Joe Lieberman and Congressman Elijah Cummings.

Can you please let me know how you would like us to repond to the GAO inquiry? Ms. Somers can be reached at 202.512.6578.

Many thanks,
Michele
x6-6701

From: CN=Karen N. Blank/OU=OMB/O=EOP [OMB]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; James C. Capretta/OMB/EOP@EOP [OMB] <James C. Capretta>; Larry R. Matlack/OMB/EOP@EOP [OMB] <Larry R. Matlack>; Jack A. Smalligan/OMB/EOP@EOP [OMB] <Jack A. Smalligan>; Matthew D. McKearn/OMB/EOP@EOP [OMB] <Matthew D. McKearn>; Joanne Cianci/OMB/EOP@EOP [OMB] <Joanne Cianci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Eric C. Pelletier/OMB/EOP@EOP [OMB] <Eric C. Pelletier>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Mary C. Barth/OMB/EOP@EOP [OMB] <Mary C. Barth>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Richard B. Bavier/OMB/EOP@EOP [OMB] <Richard B. Bavier>; Kenneth S. Kelly/OMB/EOP@EOP [OMB] <Kenneth S. Kelly>; Alejandra O. Ceja/OMB/EOP@EOP [OMB] <Alejandra O. Ceja>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Fredrick J. Charney/OMB/EOP@EOP [OMB] <Fredrick J. Charney>; Wendy A. Taylor/OMB/EOP@EOP [OMB] <Wendy A. Taylor>; Brenda Aguilar/OMB/EOP@EOP [OMB] <Brenda Aguilar>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Douglas Pitkin/OMB/EOP@EOP [OMB] <Douglas Pitkin>; Alan B. Rhinesmith/OMB/EOP@EOP [OMB] <Alan B. Rhinesmith>; Francis S. Redburn/OMB/EOP@EOP [OMB] <Francis S. Redburn>; Reid B Cramer/OMB/EOP@EOP [OMB] <Reid B Cramer>; James Boden/OMB/EOP@EOP [OMB] <James Boden>; Yvette M. Dennis/OMB/EOP@EOP [OMB] <Yvette M. Dennis>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; Lauren Larson/OMB/EOP@EOP [OMB] <Lauren Larson>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Michael C. Falkenheim/OMB/EOP@EOP [OMB] <Michael C. Falkenheim>; OFBCI-LRM [UNKNOWN] <OFBCI-LRM>; Shalini M. Benson/OMB/EOP@EOP [OMB] <Shalini M. Benson>; Patrick Aylward/OMB/EOP@EOP [OMB] <Patrick Aylward>; Norris W. Cochran/OMB/EOP@EOP [OMB] <Norris W. Cochran>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; OVP LRM [UNKNOWN] <OVP LRM>
CC: James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Ingrid M. Schroeder/OMB/EOP [OMB] <Ingrid M. Schroeder>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Irene Kho/OMB/EOP@EOP [OMB] <Irene Kho>
Sent: 7/27/2001 5:52:26 AM
Subject: : FYI, CQ on House-passed HR 7 and Senate outlook

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Karen N. Blank (CN=Karen N. Blank/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:27-JUL-2001 09:52:26.00

SUBJECT:: FYI, CQ on House-passed HR 7 and Senate outlook

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READ:UNKNOWN

TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:James C. Capretta (CN=James C. Capretta/OU=OMB/O=EOP@EOP [OMB])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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REV_00130240

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TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
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TO:Lauren Larson (CN=Lauren Larson/OU=OMB/O=EOP@EOP [OMB])
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READ:UNKNOWN
TO:OFBCI-LRM (OFBCI-LRM [UNKNOWN])
READ:UNKNOWN
TO:Shalini M. Benson (CN=Shalini M. Benson/OU=OMB/O=EOP@EOP [OMB])

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TO:OVP LRM (OVP LRM [UNKNOWN])
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READ:UNKNOWN
CC:Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

By Rich Daly, CQ Staff

Updated to reflect House passage on July 19, 2001.

Synopsis

HR7 would authorize tax incentives to increase charitable contributions and allow religious groups to compete for federal money to provide social services.

Highlights

Intended to increase contributions to charities, the bill includes part of President Bush's so-called faith-based initiative to expand the number of federal programs religious groups could administer using federal grants and expand tax incentives for charitable contributions.

Delivery of services.

The House Judiciary Committee adopted a manager's amendment to emphasize that money authorized by the bill could not be used by organizations that proselytize while delivering services. If religious charities would be unable or unwilling to separate their religious activities from their social work, said Chairman F. James Sensenbrenner Jr., R-Wis., they "shouldn't apply for grant money." The amendment stemmed from Sensenbrenner's review of the bill to determine if it would violate constitutional provisions on separation of church and state.

Bush wants to expand the initiative to let religious groups run programs in several areas off limits to them under existing law, including crime and juvenile delinquency prevention, housing, child care and aid to senior citizens. The groups could continue to be able to hire based upon religious affiliation, an exemption from federal non-discrimination laws.

Another amendment adopted by the Judiciary Committee removed a section of the bill that would have protected businesses from civil liability stemming from any injuries or deaths of those touring facilities owned by the charities.

The bill would specify that direct government money could not be used for sectarian worship, instruction

or proselytizing, and that if a participating religious organization offered such activity, it would have to be voluntary or offered separately from the government funded program. However, if a religious organization received government money indirectly, the organization could use such aid for religious purposes. The measure would define indirect assistance as funding through a voucher, certificate or other form of disbursement -- which Democratic opponents say could amount to \$47 billion over the next 10 years.

The bill would authorize \$50 million annually to provide training and technical assistance for organizations, including religious organizations, that want to participate in the programs identified in the bill.

The House rejected a Democratic amendment that would have prohibited religious-based programs receiving government money from discriminating against employees. But in response to centrist Republicans' concerns, HR7 sponsor J.C. Watts Jr., R-Okla., chairman of the House Republican Conference, said conferees would address the issue of religious charities complying with state and local civil rights laws.

Tax provisions.

The House Ways and Means Committee amended the core tax provisions of the bill to provide just a fraction of the tax cuts Bush requested. The provisions would cost an estimated \$13.3 billion over 10 years, about 15 percent of the \$91.7 billion Bush proposal.

The committee replaced the bill's \$84.4 billion plan to allow non-itemizers to deduct 100 percent of their charitable contributions by 2006 with a \$6.4 billion plan to allow a maximum deduction of \$100 for individuals and \$200 for married couples filing jointly by 2010.

Another amendment adopted by the Ways and Means panel would make several changes to the bill, such as:

- dropping an expansion of charitable deductions that would have included the donation of food products by non-corporate taxpayers in favor of allowing only monetary contributions to be deducted;

- replacing Individual Development Accounts, tax-free savings accounts for low-income individuals, with a doubling, to \$50 million annually, of spending for a 3-year-old program (PL 105-285) that directs federal money to tribes, community groups, credit unions and other organizations that set up savings accounts for low-income people;

- modifying a Bush plan with a \$2.8 billion provision that would allow older people to give their Individual Retirement Accounts to charities tax-free, setting the age for eligibility at 70.5 years old instead of Bush's proposed 59.5 years old;

- including a \$917 million provision that would alter the phase-in of Bush's plan to boost from 10 percent to 15 percent the amount of charitable contributions that corporations could deduct; and

-- adding, at a cost of \$3.3 billion, provisions designed to streamline the tax treatment of certain charitable contributions.

Background

Charitable choice has been the law since then-President Bill Clinton signed the welfare overhaul bill (PL 104-193) in 1996. The law allows faith-based organizations to compete for federal money to run some social services programs, including drug treatment and community service.

The program has drawn mixed reactions from the religious groups it was meant to assist, with many liberal and some conservative religious organizations coming out against it. Some religious leaders worry that their independence could be compromised by having to comply with federal guidelines before receiving money.

Critics also worry about quotas or set-asides for religious groups and fear that religious schisms could develop if churches compete for limited funds. They also argue that the proposal is a clear violation of the principle of separation of church and state. Civil liberties and other rights groups oppose the provision that allows organizations to retain the ability to discriminate in hiring based upon religion, the same right afforded churches.

Related Bills

S592 mirrors the original version of HR7, except for language that would expand the charitable choice provisions in existing laws. The Senate bill would limit the federal assistance to religious programs that provide the types of services outlined by the 1996 welfare overhaul measure.

It is the charitable choice provisions of HR7 that have drawn all of the scrutiny. Because of the controversy, the Senate bill's sponsors have left charitable choice out of their bill and have agreed to wait a few months until the idea's pros and cons have been tested more thoroughly in congressional hearings, as well as at the White House Office of Faith-Based and Community Initiatives.

Outlook

HR7 has become embroiled in the question of whether charities receiving federal funds should be able to consider sexual orientation when hiring. The House rejected a Democratic amendment that would have made religious groups receiving money under the bill subject to all state and local civil rights laws, but similar language likely would feature prominently in any Senate version.

Supporters say they are confident the tax measures will pass because even the most vocal opponents of the House measure support those provisions, even though the fate of the rest of the bill is less certain. But Senate leaders have said the charitable tax breaks face long odds in their chamber. Senate Finance Chairman Max Baucus, D-Mont., has not considered them a priority and said that any future tax cuts must

have a revenue offset, a tough political hurdle to clear.

Given the changes to both the tax and social policy provisions by House committees, the administration and the bill's chief supporters -- Watts and Tony P. Hall, D-Ohio -- expressed hope that House passage would generate interest in the Senate. But Democrats rejected expected Senate consideration as wildly optimistic. "This is obviously just a press release bill. It's going over to the Senate and into the ash can," said Jim McDermott, D-Wash.

It remains unclear if the Democratic-controlled Senate will take up the measure. But if it does, most observers expect senators to water it down further.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;Amy M. Bilyeau/OA/EOP@EOP [OA] <Amy M. Bilyeau>
Sent: 7/27/2001 6:00:27 AM
Subject: : Re: US Code

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JUL-2001 10:00:27.00
SUBJECT:: Re: US Code
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
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CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
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READ:UNKNOWN
CC:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

I believe that was ordered for the Judge's office in the West Wing. You can confirm this with Amy in the Law Library.

Lori L. Lorenzi
07/27/2001 09:58:38 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: US Code

Did anyone order a complete set of the US Code? We received an annotated set yesterday and I am trying to track down the owner.

Lori

REV_00130246

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Laura L. Flippin/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Kyle Sampson [WHO] <Kyle Sampson>
CC: Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
Sent: 7/27/2001 12:36:41 PM
Subject: : POTUS US Atty/Judges Mtg.

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-JUL-2001 16:36:41.00

SUBJECT:: POTUS US Atty/Judges Mtg.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

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TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

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TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

CC:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thursday, 4:15-4:30 pm

Oval Office

Participants: Cheney, Card, Gonzales, Rove, Flanigan, Bartolomucci, Kavanaugh, Sampson

REV_00130250

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Kyle Sampson [WHO] <Kyle Sampson>
CC: Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
Sent: 7/27/2001 12:36:41 PM
Subject: : POTUS US Atty/Judges Mtg.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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CREATION DATE/TIME:27-JUL-2001 16:36:41.00

SUBJECT:: POTUS US Atty/Judges Mtg.

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READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

CC:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thursday, 4:15-4:30 pm

Oval Office

Participants: Cheney, Card, Gonzales, Rove, Flanigan, Bartolomucci, Kavanaugh, Sampson

REV_00130251

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 7/27/2001 12:39:55 PM
Subject: : Re: Commercial and other endorsements

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-JUL-2001 16:39:55.00
SUBJECT:: Re: Commercial and other endorsements
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I've dealt with the issue of whether to send presidential greetings to commercial entities, which is similar -- is that helpful?

Helgard C. Walker
07/27/2001 03:22:28 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Commercial and other endorsements

Anybody dealt with this issue? If we have a stock reponse, I'd love to use it -- I have a request for a book blurb from the President or First Lady.

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00130252

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 7/27/2001 12:54:41 PM
Subject: : Re: POTUS US Atty/Judges Mtg.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-JUL-2001 16:54:41.00
SUBJECT: : Re: POTUS US Atty/Judges Mtg.
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Am I a no-go for the Executive privilege meeting?

Elizabeth N. Camp
07/27/2001 04:36:31 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jan E. Williams/WHO/EOP@EOP
Subject: POTUS US Atty/Judges Mtg.

Thursday, 4:15-4:30 pm
Oval Office
Participants: Cheney, Card, Gonzales, Rove, Flanigan, Bartolomucci,
Kavanaugh, Sampson

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Kyle Sampson

REV_00130253

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Amy M. Bilyeau/OA/EOP@EOP [OA] <Amy M. Bilyeau>
Sent: 7/30/2001 4:13:56 AM
Subject: : I'm back in the office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-JUL-2001 08:13:56.00

SUBJECT:: I'm back in the office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

End Original ARMS Header

I just wanted to let everyone know that I'm finally back (and the bar exam is out of the way!). Please let me know if there's anything any of you need me to work on.

From: CN=Janet P. Walker/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/30/2001 4:28:55 AM
Subject: : Meeting request

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-JUL-2001 08:28:55.00

SUBJECT:: Meeting request

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Good morning! Larry Lindsey is working on a partnership project with HUD and some outside groups on community development. Because of the complexity of the effort, certain legal issues are undoubtedly going to arise. To that end, I'd like to stop by and chat with you at your earliest convenience to make sure we all understand the proper lay of the land.

Could you drop me a line with a convenient time for you?

Many thanks!

Janet

6-5368

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>;Bradford A. Berenson/WHO/EOP [WHO]
<Bradford A. Berenson>
CC: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan <Dan.Bryant@usdoj.gov>;Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>;Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>;Long, Linda E <Linda.E.Long@usdoj.gov>;Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>;Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>;Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>;Tucker, Mindy <Mindy.Tucker@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>;Joy, Sheila <Sheila.Joy@usdoj.gov>;Martinson, Wanda S <Wanda.S.Martinson@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>;Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>;Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>;Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 7/30/2001 8:36:33 AM
Subject: : RE: Judicial Confirmation Working Group Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 12:36:33.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130287

CC:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I agree, but I am working on some thing that is critical to the Pres, so ask your indulgence if we need to cancel.

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Monday, July 30, 2001 9:46 AM
To: Brinkley, Winnie
Cc: Ciongoli, Adam; Bryant, Dan; Newstead, Jennifer; Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day, Lori Sharpe; Tucker, Mindy; Suit, Neal; Coniglio, Peter J; Joy, Sheila; Dinh, Viet; Martinson, Wanda S; Brett_M._Kavanaugh@who.eop.gov; Matthew_E._Smith@who.eop.gov; Tim_Goeglein@who.eop.gov; Timothy_E._Flanigan@who.eop.gov; Ziad_S._Ojakli@who.eop.gov
Subject: Re: Judicial Confirmation Working Group Meeting

I will be there. I think we should try hard not to postpone -- it's been a couple weeks since we have gotten together on this.

(Embedded
image moved "Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov>
to file: 07/30/2001 08:56:15 AM
PIC25108.PCX)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Judicial Confirmation Working Group Meeting

REV_00130288

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks

Jennifer Newstead

Message Sent

To: _____

Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Bradford A. Berenson/WHO/EOP
Brett M. Kavanaugh/WHO/EOP
Matthew E. Smith/WHO/EOP
Tim Goeglein/WHO/EOP
Timothy E. Flanigan/WHO/EOP
Ziad S. Ojakli/WHO/EOP

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>;Bradford A. Berenson/WHO/EOP [WHO]
<Bradford A. Berenson>
CC: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan <Dan.Bryant@usdoj.gov>;Newstead,
Jennifer <Jennifer.Newstead@usdoj.gov>;Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>;Long,
Linda E <Linda.E.Long@usdoj.gov>;Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>;Rabjohns,
Lori <Lori.Rabjohns@usdoj.gov>;Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>;Tucker, Mindy
<Mindy.Tucker@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Coniglio, Peter J
<Peter.J.Coniglio@usdoj.gov>;Joy, Sheila <Sheila.Joy@usdoj.gov>;Martinson, Wanda S
<Wanda.S.Martinson@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M.
Kavanaugh>;Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>;Tim
Goeglein/WHO/EOP [WHO] <Tim Goeglein>;Timothy E. Flanigan/WHO/EOP [WHO] <Timothy
E. Flanigan>;Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 7/30/2001 8:37:22 AM
Subject: : RE: Judicial Confirmation Working Group Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 12:37:22.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130290

CC:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I agree, but I am working on some thing that is critical to the Pres, so ask your indulgence if we need to cancel.

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Monday, July 30, 2001 9:46 AM
To: Brinkley, Winnie
Cc: Ciongoli, Adam; Bryant, Dan; Newstead, Jennifer; Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day, Lori Sharpe; Tucker, Mindy; Suit, Neal; Coniglio, Peter J; Joy, Sheila; Dinh, Viet; Martinson, Wanda S; Brett_M._Kavanaugh@who.eop.gov; Matthew_E._Smith@who.eop.gov; Tim_Goeglein@who.eop.gov; Timothy_E._Flanigan@who.eop.gov; Ziad_S._Ojakli@who.eop.gov
Subject: Re: Judicial Confirmation Working Group Meeting

I will be there. I think we should try hard not to postpone -- it's been a couple weeks since we have gotten together on this.

(Embedded
image moved "Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov>
to file: 07/30/2001 08:56:15 AM
PIC25108.PCX)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Judicial Confirmation Working Group Meeting

REV_00130291

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks

Jennifer Newstead

Message Sent

To: _____

Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Bradford A. Berenson/WHO/EOP
Brett M. Kavanaugh/WHO/EOP
Matthew E. Smith/WHO/EOP
Tim Goeglein/WHO/EOP
Timothy E. Flanigan/WHO/EOP
Ziad S. Ojakli/WHO/EOP

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;matthew e. smith/who/eop@eop [WHO] <matthew e. smith>
Sent: 7/30/2001 5:43:11 AM
Subject: : Re: Judicial Confirmation Working Group Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JUL-2001 09:43:11.00
SUBJECT:: Re: Judicial Confirmation Working Group Meeting
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett is at the switch this week, so he will probably be your man for these meetings. Are you going to the 4:00 o'clock today?

Tim Goeglein
07/30/2001 09:36:48 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Matthew E. Smith/WHO/EOP@EOP
Subject: Judicial Confirmation Working Group Meeting

Guys

When will we know the new judges for sure?

I would like to arrange a) a judicial coalition meeting on Tuesday and b) a judicial teleconference of legal elites (Sekulow, Meese, state legal societies, Federalist society, etc) Tuesday afternoon to focus not just on new judges but also a macro-wrap up on where we stand.

Warmly

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 07/30/2001
09:35 AM -----

"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov>
07/30/2001 08:56:15 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Judicial Confirmation Working Group Meeting

REV_00130293

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks

Jennifer Newstead

Message Sent

To:

Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)

Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)

Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)

Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)

Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Bradford A. Berenson/WHO/EOP

Brett M. Kavanaugh/WHO/EOP

Matthew E. Smith/WHO/EOP

Tim Goeglein/WHO/EOP

Timothy E. Flanigan/WHO/EOP

Ziad S. Ojakli/WHO/EOP

REV_00130294

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
CC: adam ciongoli <adam.ciongoli@usdoj.gov>; dan bryant <dan.bryant@usdoj.gov>; jennifer newstead <jennifer.newstead@usdoj.gov>; kristen ullman <kristen.a.ullman@usdoj.gov>; linda long <linda.e.long@usdoj.gov>; lizette benedi <lizette.d.benedi@usdoj.gov>; lori rabjohns <lori.rabjohns@usdoj.gov>; lori sharpeday <lori.sharpeday@usdoj.gov>; mindy tucker <mindy.tucker@usdoj.gov>; neal suit <neal.suit@usdoj.gov>; peter coniglio <peter.j.coniglio@usdoj.gov>; sheila joy <sheila.joy@usdoj.gov>; viet dinh <viet.dinh@usdoj.gov>; wanda martinson <wanda.s.martinson@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 7/30/2001 5:44:38 AM
Subject: : Re: Judicial Confirmation Working Group Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-JUL-2001 09:44:38.00

SUBJECT:: Re: Judicial Confirmation Working Group Meeting

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie"

<Winnie.Brinkley@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:adam ciongoli <adam.ciongoli@usdoj.gov> (receipt notification requested) (ipm return requested) (adam ciongoli <adam.ciongoli@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:dan bryant <dan.bryant@usdoj.gov> (receipt notification requested) (ipm return requested) (dan bryant <dan.bryant@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:jennifer newstead <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested) (jennifer newstead <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:kristen ullman <kristen.a.ullman@usdoj.gov> (receipt notification requested) (ipm return requested) (kristen ullman <kristen.a.ullman@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:linda long <linda.e.long@usdoj.gov> (receipt notification requested) (ipm return requested) (linda long <linda.e.long@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:lizette benedi <lizette.d.benedi@usdoj.gov> (receipt notification requested) (ipm return requested) (lizette benedi <lizette.d.benedi@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:lori rabjohns <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested) (lori rabjohns <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:lori sharpeday <lori.sharpeday@usdoj.gov> (receipt notification requested) (ipm return requested) (lori sharpeday <lori.sharpeday@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:mindy tucker <mindy.tucker@usdoj.gov> (receipt notification requested) (ipm return requested) (mindy tucker <mindy.tucker@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:neal suit <neal.suit@usdoj.gov> (receipt notification requested) (ipm return requested) (neal suit <neal.suit@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

REV_00130295

CC:peter coniglio <peter.j.coniglio@usdoj.gov> (receipt notification requested) (ipm return requested) (peter coniglio <peter.j.coniglio@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])
READ:UNKNOWN
CC:sheila joy <sheila.joy@usdoj.gov> (receipt notification requested) (ipm return requested) (sheila joy <sheila.joy@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])
READ:UNKNOWN
CC:viet dinh <viet.dinh@usdoj.gov> (receipt notification requested) (ipm return requested) (viet dinh <viet.dinh@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])
READ:UNKNOWN
CC:wanda martinson <wanda.s.martinson@usdoj.gov> (receipt notification requested) (ipm return requested) (wanda martinson <wanda.s.martinson@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I will be there. I think we should try hard not to postpone -- it's been a couple weeks since we have gotten together on this.

"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov>
07/30/2001 08:56:15 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Judicial Confirmation Working Group Meeting

All -
We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.
Thanks
Jennifer Newstead

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To:
Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM

REV_00130296

Return Requested)
Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)
Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)
Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)
Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested)
Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested)
Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested)
Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
Bradford A. Berenson/WHO/EOP
Brett M. Kavanaugh/WHO/EOP
Matthew E. Smith/WHO/EOP
Tim Goeglein/WHO/EOP
Timothy E. Flanigan/WHO/EOP
Ziad S. Ojakli/WHO/EOP

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 7/30/2001 6:07:43 AM
Subject: : 08-01-01 WHJSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-JUL-2001 10:07:43.00

SUBJECT:: 08-01-01 WHJSC meeting

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please let me know by this afternoon if you will have any items for this week's meeting.

Thanks!

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Ciongoli, Adam
<Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E
<Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori
<Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy
<Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Coniglio, Peter J
<Peter.J.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet
<Viet.Dinh@usdoj.gov>; Martinson, Wanda S <Wanda.S.Martinson@usdoj.gov>; O'Brien, Patrick
<Patrick.O'Brien2@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A.
Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew E.
Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim
Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S.
Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Heather Wingate/WHO/EOP [WHO] <Heather
Wingate>
Sent: 7/30/2001 11:11:36 AM
Subject: : RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie"

<Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 15:11:36.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130299

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

Due to an urgent matter within the office, the Judicial Confirmation Working Group Meeting has been cancelled for today and rescheduled for Tuesday, July 31 at 4pm in the OLP Conference Room 4260. The proposed agenda will be emailed to you prior to the meeting.

-----Original Message-----

From: Brinkley, Winnie
 Sent: Monday, July 30, 2001 8:56 AM
 To: Adam Ciongoli; Bradford_A.Berenson@who.eop.gov%inetgw;
 Brett_M.Kavanaugh@who.eop.gov%inetgw; Bryant, Dan; Newstead, Jennifer;
 Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day,
 Lori Sharpe; Matthew_E.Smith@who.eop.gov%inetgw; Tucker, Mindy; Suit,
 Neal; Coniglio, Peter J; Sheila Joy; Tim_Goeglein@who.eop.gov%inetgw;
 Timothy_E.Flanigan@who.eop.gov%inetgw; Viet Dinh; Martinson, Wanda S;
 Ziad_S.Ojakli@who.eop.gov%inetgw
 Subject: Judicial Confirmation Working Group Meeting
 Importance: High

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks
 Jennifer Newstead

REV_00130300

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Ciongoli, Adam
<Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E
<Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori
<Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy
<Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Coniglio, Peter J
<Peter.J.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet
<Viet.Dinh@usdoj.gov>; Martinson, Wanda S <Wanda.S.Martinson@usdoj.gov>; O'Brien, Patrick
<Patrick.O'Brien2@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A.
Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew E.
Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim
Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S.
Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Heather Wingate/WHO/EOP [WHO] <Heather
Wingate>
Sent: 7/30/2001 11:12:20 AM
Subject: : RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie"
<Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 15:12:20.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130302

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

Due to an urgent matter within the office, the Judicial Confirmation Working Group Meeting has been cancelled for today and rescheduled for Tuesday, July 31 at 4pm in the OLP Conference Room 4260. The proposed agenda will be emailed to you prior to the meeting.

-----Original Message-----

From: Brinkley, Winnie
 Sent: Monday, July 30, 2001 8:56 AM
 To: Adam Ciongoli; Bradford_A.Berenson@who.eop.gov%inetgw;
 Brett_M.Kavanaugh@who.eop.gov%inetgw; Bryant, Dan; Newstead, Jennifer;
 Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day,
 Lori Sharpe; Matthew_E.Smith@who.eop.gov%inetgw; Tucker, Mindy; Suit,
 Neal; Coniglio, Peter J; Sheila Joy; Tim_Goeglein@who.eop.gov%inetgw;
 Timothy_E.Flanigan@who.eop.gov%inetgw; Viet Dinh; Martinson, Wanda S;
 Ziad_S.Ojakli@who.eop.gov%inetgw
 Subject: Judicial Confirmation Working Group Meeting
 Importance: High

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks
 Jennifer Newstead

REV_00130303

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>;Bradford A. Berenson/WHO/EOP [WHO]
<Bradford A. Berenson>
CC: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan <Dan.Bryant@usdoj.gov>;Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>;Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>;Long, Linda E <Linda.E.Long@usdoj.gov>;Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>;Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>;Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>;Tucker, Mindy <Mindy.Tucker@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>;Joy, Sheila <Sheila.Joy@usdoj.gov>;Martinson, Wanda S <Wanda.S.Martinson@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>;Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>;Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>;Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 7/30/2001 8:30:21 AM
Subject: : RE: Judicial Confirmation Working Group Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 12:30:21.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130306

CC:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I agree, but I am working on some thing that is critical to the Pres, so ask your indulgence if we need to cancel.

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Monday, July 30, 2001 9:46 AM
To: Brinkley, Winnie
Cc: Ciongoli, Adam; Bryant, Dan; Newstead, Jennifer; Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day, Lori Sharpe; Tucker, Mindy; Suit, Neal; Coniglio, Peter J; Joy, Sheila; Dinh, Viet; Martinson, Wanda S; Brett_M._Kavanaugh@who.eop.gov; Matthew_E._Smith@who.eop.gov; Tim_Goeglein@who.eop.gov; Timothy_E._Flanigan@who.eop.gov; Ziad_S._Ojakli@who.eop.gov
Subject: Re: Judicial Confirmation Working Group Meeting

I will be there. I think we should try hard not to postpone -- it's been a couple weeks since we have gotten together on this.

(Embedded
image moved "Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov>
to file: 07/30/2001 08:56:15 AM
PIC25108.PCX)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Judicial Confirmation Working Group Meeting

REV_00130307

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks

Jennifer Newstead

Message Sent

To: _____

Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Bradford A. Berenson/WHO/EOP
Brett M. Kavanaugh/WHO/EOP
Matthew E. Smith/WHO/EOP
Tim Goeglein/WHO/EOP
Timothy E. Flanigan/WHO/EOP
Ziad S. Ojakli/WHO/EOP

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>;Bradford A. Berenson/WHO/EOP [WHO]
<Bradford A. Berenson>
CC: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan <Dan.Bryant@usdoj.gov>;Newstead,
Jennifer <Jennifer.Newstead@usdoj.gov>;Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>;Long,
Linda E <Linda.E.Long@usdoj.gov>;Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>;Rabjohns,
Lori <Lori.Rabjohns@usdoj.gov>;Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>;Tucker, Mindy
<Mindy.Tucker@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Coniglio, Peter J
<Peter.J.Coniglio@usdoj.gov>;Joy, Sheila <Sheila.Joy@usdoj.gov>;Martinson, Wanda S
<Wanda.S.Martinson@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M.
Kavanaugh>;Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>;Tim
Goeglein/WHO/EOP [WHO] <Tim Goeglein>;Timothy E. Flanigan/WHO/EOP [WHO] <Timothy
E. Flanigan>;Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 7/30/2001 8:34:38 AM
Subject: : RE: Judicial Confirmation Working Group Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 12:34:38.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (

"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130310

CC:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I agree, but I am working on some thing that is critical to the Pres, so ask your indulgence if we need to cancel.

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Monday, July 30, 2001 9:46 AM
To: Brinkley, Winnie
Cc: Ciongoli, Adam; Bryant, Dan; Newstead, Jennifer; Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day, Lori Sharpe; Tucker, Mindy; Suit, Neal; Coniglio, Peter J; Joy, Sheila; Dinh, Viet; Martinson, Wanda S; Brett_M._Kavanaugh@who.eop.gov; Matthew_E._Smith@who.eop.gov; Tim_Goeglein@who.eop.gov; Timothy_E._Flanigan@who.eop.gov; Ziad_S._Ojakli@who.eop.gov
Subject: Re: Judicial Confirmation Working Group Meeting

I will be there. I think we should try hard not to postpone -- it's been a couple weeks since we have gotten together on this.

(Embedded
image moved "Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov>
to file: 07/30/2001 08:56:15 AM
PIC25108.PCX)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Judicial Confirmation Working Group Meeting

REV_00130311

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks

Jennifer Newstead

Message Sent

To: _____

Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Bradford A. Berenson/WHO/EOP
Brett M. Kavanaugh/WHO/EOP
Matthew E. Smith/WHO/EOP
Tim Goeglein/WHO/EOP
Timothy E. Flanigan/WHO/EOP
Ziad S. Ojakli/WHO/EOP

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>;Bradford A. Berenson/WHO/EOP [WHO]
<Bradford A. Berenson>
CC: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan <Dan.Bryant@usdoj.gov>;Newstead,
Jennifer <Jennifer.Newstead@usdoj.gov>;Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>;Long,
Linda E <Linda.E.Long@usdoj.gov>;Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>;Rabjohns,
Lori <Lori.Rabjohns@usdoj.gov>;Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>;Tucker, Mindy
<Mindy.Tucker@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Coniglio, Peter J
<Peter.J.Coniglio@usdoj.gov>;Joy, Sheila <Sheila.Joy@usdoj.gov>;Martinson, Wanda S
<Wanda.S.Martinson@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M.
Kavanaugh>;Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>;Tim
Goeglein/WHO/EOP [WHO] <Tim Goeglein>;Timothy E. Flanigan/WHO/EOP [WHO] <Timothy
E. Flanigan>;Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 7/30/2001 8:36:16 AM
Subject: : RE: Judicial Confirmation Working Group Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 12:36:16.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130313

CC:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I agree, but I am working on some thing that is critical to the Pres, so ask your indulgence if we need to cancel.

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Monday, July 30, 2001 9:46 AM
To: Brinkley, Winnie
Cc: Ciongoli, Adam; Bryant, Dan; Newstead, Jennifer; Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day, Lori Sharpe; Tucker, Mindy; Suit, Neal; Coniglio, Peter J; Joy, Sheila; Dinh, Viet; Martinson, Wanda S; Brett_M._Kavanaugh@who.eop.gov; Matthew_E._Smith@who.eop.gov; Tim_Goeglein@who.eop.gov; Timothy_E._Flanigan@who.eop.gov; Ziad_S._Ojakli@who.eop.gov
Subject: Re: Judicial Confirmation Working Group Meeting

I will be there. I think we should try hard not to postpone -- it's been a couple weeks since we have gotten together on this.

(Embedded
image moved "Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov>
to file: 07/30/2001 08:56:15 AM
PIC25108.PCX)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Judicial Confirmation Working Group Meeting

REV_00130314

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks

Jennifer Newstead

Message Sent

To: _____

Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Bradford A. Berenson/WHO/EOP
Brett M. Kavanaugh/WHO/EOP
Matthew E. Smith/WHO/EOP
Tim Goeglein/WHO/EOP
Timothy E. Flanigan/WHO/EOP
Ziad S. Ojakli/WHO/EOP

REV_00130315

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>;Bradford A. Berenson/WHO/EOP [WHO]
<Bradford A. Berenson>
CC: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan <Dan.Bryant@usdoj.gov>;Newstead,
Jennifer <Jennifer.Newstead@usdoj.gov>;Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>;Long,
Linda E <Linda.E.Long@usdoj.gov>;Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>;Rabjohns,
Lori <Lori.Rabjohns@usdoj.gov>;Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>;Tucker, Mindy
<Mindy.Tucker@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Coniglio, Peter J
<Peter.J.Coniglio@usdoj.gov>;Joy, Sheila <Sheila.Joy@usdoj.gov>;Martinson, Wanda S
<Wanda.S.Martinson@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M.
Kavanaugh>;Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>;Tim
Goeglein/WHO/EOP [WHO] <Tim Goeglein>;Timothy E. Flanigan/WHO/EOP [WHO] <Timothy
E. Flanigan>;Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 7/30/2001 8:36:19 AM
Subject: : RE: Judicial Confirmation Working Group Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 12:36:19.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00130316

READ:UNKNOWN

CC:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I agree, but I am working on some thing that is critical to the Pres, so ask your indulgence if we need to cancel.

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov

[mailto:Bradford_A._Berenson@who.eop.gov]

Sent: Monday, July 30, 2001 9:46 AM

To: Brinkley, Winnie

Cc: Ciongoli, Adam; Bryant, Dan; Newstead, Jennifer; Ullman, Kristen A;

Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day, Lori Sharpe;

Tucker, Mindy; Suit, Neal; Coniglio, Peter J; Joy, Sheila; Dinh, Viet;

Martinson, Wanda S; Brett_M._Kavanaugh@who.eop.gov;

Matthew_E._Smith@who.eop.gov; Tim_Goeglein@who.eop.gov;

Timothy_E._Flanigan@who.eop.gov; Ziad_S._Ojakli@who.eop.gov

Subject: Re: Judicial Confirmation Working Group Meeting

I will be there. I think we should try hard not to postpone -- it's been a couple weeks since we have gotten together on this.

(Embedded

image moved "Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov>

to file: 07/30/2001 08:56:15 AM

PIC25108.PCX)

REV_00130317

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Judicial Confirmation Working Group Meeting

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks

Jennifer Newstead

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Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Bradford A. Berenson/WHO/EOP
Brett M. Kavanaugh/WHO/EOP
Matthew E. Smith/WHO/EOP
Tim Goeglein/WHO/EOP
Timothy E. Flanigan/WHO/EOP

REV_00130318

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 7/30/2001 1:54:23 PM
Subject: : Re: Court of Military Appeals

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JUL-2001 17:54:23.00
SUBJECT:: Re: Court of Military Appeals
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I believe it is Kyle Sampson.

Helgard C. Walker
07/30/2001 05:51:22 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Court of Military Appeals

Who out there is handling nominations to this court?

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00130319

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Ciongoli, Adam
<Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E
<Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori
<Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy
<Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Coniglio, Peter J
<Peter.J.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet
<Viet.Dinh@usdoj.gov>; Martinson, Wanda S <Wanda.S.Martinson@usdoj.gov>; O'Brien, Patrick
<Patrick.O'Brien2@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A.
Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew E.
Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim
Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S.
Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Heather Wingate/WHO/EOP [WHO] <Heather
Wingate>
Sent: 7/30/2001 11:08:45 AM
Subject: : RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie"

<Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 15:08:45.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130323

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

Due to an urgent matter within the office, the Judicial Confirmation Working Group Meeting has been cancelled for today and rescheduled for Tuesday, July 31 at 4pm in the OLP Conference Room 4260. The proposed agenda will be emailed to you prior to the meeting.

-----Original Message-----

From: Brinkley, Winnie
 Sent: Monday, July 30, 2001 8:56 AM
 To: Adam Ciongoli; Bradford_A_Berenson@who.eop.gov%inetgw;
 Brett_M_Kavanaugh@who.eop.gov%inetgw; Bryant, Dan; Newstead, Jennifer;
 Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day,
 Lori Sharpe; Matthew_E_Smith@who.eop.gov%inetgw; Tucker, Mindy; Suit,
 Neal; Coniglio, Peter J; Sheila Joy; Tim_Goeglein@who.eop.gov%inetgw;
 Timothy_E_Flanigan@who.eop.gov%inetgw; Viet Dinh; Martinson, Wanda S;
 Ziad_S_Ojakli@who.eop.gov%inetgw
 Subject: Judicial Confirmation Working Group Meeting
 Importance: High

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks
 Jennifer Newstead

REV_00130324

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Ciongoli, Adam
<Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E
<Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori
<Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy
<Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Coniglio, Peter J
<Peter.J.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet
<Viet.Dinh@usdoj.gov>; Martinson, Wanda S <Wanda.S.Martinson@usdoj.gov>; O'Brien, Patrick
<Patrick.O'Brien2@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A.
Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew E.
Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim
Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S.
Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Heather Wingate/WHO/EOP [WHO] <Heather
Wingate>
Sent: 7/30/2001 11:11:16 AM
Subject: : RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie"
<Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 15:11:16.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130325

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

Due to an urgent matter within the office, the Judicial Confirmation Working Group Meeting has been cancelled for today and rescheduled for Tuesday, July 31 at 4pm in the OLP Conference Room 4260. The proposed agenda will be emailed to you prior to the meeting.

-----Original Message-----

From: Brinkley, Winnie
 Sent: Monday, July 30, 2001 8:56 AM
 To: Adam Ciongoli; Bradford_A.Berenson@who.eop.gov%inetgw;
 Brett_M.Kavanaugh@who.eop.gov%inetgw; Bryant, Dan; Newstead, Jennifer;
 Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day,
 Lori Sharpe; Matthew_E.Smith@who.eop.gov%inetgw; Tucker, Mindy; Suit,
 Neal; Coniglio, Peter J; Sheila Joy; Tim_Goeglein@who.eop.gov%inetgw;
 Timothy_E.Flanigan@who.eop.gov%inetgw; Viet Dinh; Martinson, Wanda S;
 Ziad_S.Ojakli@who.eop.gov%inetgw
 Subject: Judicial Confirmation Working Group Meeting
 Importance: High

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks
 Jennifer Newstead

REV_00130326

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Ciongoli, Adam
<Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E
<Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori
<Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy
<Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Coniglio, Peter J
<Peter.J.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet
<Viet.Dinh@usdoj.gov>; Martinson, Wanda S <Wanda.S.Martinson@usdoj.gov>; O'Brien, Patrick
<Patrick.O'Brien2@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A.
Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew E.
Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim
Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S.
Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Heather Wingate/WHO/EOP [WHO] <Heather
Wingate>
Sent: 7/30/2001 11:12:28 AM
Subject: : RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie"

<Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 15:12:28.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130327

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

Due to an urgent matter within the office, the Judicial Confirmation Working Group Meeting has been cancelled for today and rescheduled for Tuesday, July 31 at 4pm in the OLP Conference Room 4260. The proposed agenda will be emailed to you prior to the meeting.

-----Original Message-----

From: Brinkley, Winnie
 Sent: Monday, July 30, 2001 8:56 AM
 To: Adam Ciongoli; Bradford_A_Berenson@who.eop.gov%inetgw;
 Brett_M_Kavanaugh@who.eop.gov%inetgw; Bryant, Dan; Newstead, Jennifer;
 Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day,
 Lori Sharpe; Matthew_E_Smith@who.eop.gov%inetgw; Tucker, Mindy; Suit,
 Neal; Coniglio, Peter J; Sheila Joy; Tim_Goeglein@who.eop.gov%inetgw;
 Timothy_E_Flanigan@who.eop.gov%inetgw; Viet Dinh; Martinson, Wanda S;
 Ziad_S_Ojakli@who.eop.gov%inetgw
 Subject: Judicial Confirmation Working Group Meeting
 Importance: High

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks
 Jennifer Newstead

REV_00130328

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Ciongoli, Adam
<Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E
<Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori
<Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy
<Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Coniglio, Peter J
<Peter.J.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet
<Viet.Dinh@usdoj.gov>; Martinson, Wanda S <Wanda.S.Martinson@usdoj.gov>; O'Brien, Patrick
<Patrick.O'Brien2@usdoj.gov>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A.
Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew E.
Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim
Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S.
Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>; Heather Wingate/WHO/EOP [WHO] <Heather
Wingate>
Sent: 7/30/2001 11:14:53 AM
Subject: : RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie"

<Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JUL-2001 15:14:53.00

SUBJECT:: RE: Judicial Confirmation Working Group Meeting -- Has Been Rescheduled

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130329

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martinson, Wanda S" <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

Due to an urgent matter within the office, the Judicial Confirmation Working Group Meeting has been cancelled for today and rescheduled for Tuesday, July 31 at 4pm in the OLP Conference Room 4260. The proposed agenda will be emailed to you prior to the meeting.

-----Original Message-----

From: Brinkley, Winnie
 Sent: Monday, July 30, 2001 8:56 AM
 To: Adam Ciongoli; Bradford_A.Berenson@who.eop.gov%inetgw;
 Brett_M.Kavanaugh@who.eop.gov%inetgw; Bryant, Dan; Newstead, Jennifer;
 Ullman, Kristen A; Long, Linda E; Benedi, Lizette D; Rabjohns, Lori; Day,
 Lori Sharpe; Matthew_E.Smith@who.eop.gov%inetgw; Tucker, Mindy; Suit,
 Neal; Coniglio, Peter J; Sheila Joy; Tim_Goeglein@who.eop.gov%inetgw;
 Timothy_E.Flanigan@who.eop.gov%inetgw; Viet Dinh; Martinson, Wanda S;
 Ziad_S.Ojakli@who.eop.gov%inetgw
 Subject: Judicial Confirmation Working Group Meeting
 Importance: High

All -

We are planning to hold the next meeting of the Confirmation Working Group this afternoon at 4 pm at DOJ, Room 4637 (Associate AG's conference room). Please note that due to another urgent matter it may be necessary for us to postpone the meeting until later this week. If so we will send a further email at the earliest possible opportunity today.

Thanks
 Jennifer Newstead

REV_00130330

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 7/30/2001 1:53:12 PM
Subject: : Re: Court of Military Appeals

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JUL-2001 17:53:12.00
SUBJECT:: Re: Court of Military Appeals
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

That's me. DOD is playing a leading role in screening nominees initially. Paul Koffsky is our contact over there.

Helgard C. Walker
07/30/2001 05:51:22 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Court of Military Appeals

Who out there is handling nominations to this court?

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00130331

From: CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 7/30/2001 3:31:32 PM
Subject: : Pro Bono need

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-JUL-2001 19:31:32.00

SUBJECT:: Pro Bono need

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

A staff member needs pro bono assistance on a will and on a related power of attorney/visitation issue. The staff member lives in the District. This is somewhat urgent.

Any takers among you or can you refer me to any of your friends in your former firms who would be willing to aid?

Thanks.

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
BCC: Lizette.D.Benedi@usdoj.gov (Lizette.D.Benedi@usdoj.gov [UNKNOWN]),
Dan.Bryant@usdoj.gov (Dan.Bryant@usdoj.gov [UNKNOWN]), Adam.Ciongoli@usdoj.gov (Adam.Ciongoli@usdoj.gov [UNKNOWN]), Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN]), Sheila.Joy@usdoj.gov (Sheila.Joy@usdoj.gov [UNKNOWN]),
Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN]),
Lori.Rabjohns@usdoj.gov (Lori.Rabjohns@usdoj.gov [UNKNOWN]),
Lori.SharpeDay@usdoj.gov (Lori.SharpeDay@usdoj.gov [UNKNOWN]), Neal.Suit@usdoj.gov (Neal.Suit@usdoj.gov [UNKNOWN]), Mindy.Tucker@usdoj.gov (Mindy.Tucker@usdoj.gov [UNKNOWN]),
Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN]),
Bradford A. Berenson (Bradford A. Berenson [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP [WHO]), Heather Wingate (Heather Wingate/WHO/EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP [WHO])
Sent: 7/31/2001 4:32:48 AM
Subject: : Coalition Website

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-JUL-2001 08:32:48.00

SUBJECT:: Coalition Website

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Lizette.D.Benedi@usdoj.gov (Lizette.D.Benedi@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Dan.Bryant@usdoj.gov (Dan.Bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Adam.Ciongoli@usdoj.gov (Adam.Ciongoli@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Sheila.Joy@usdoj.gov (Sheila.Joy@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Lori.Rabjohns@usdoj.gov (Lori.Rabjohns@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Lori.SharpeDay@usdoj.gov (Lori.SharpeDay@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Neal.Suit@usdoj.gov (Neal.Suit@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Mindy.Tucker@usdoj.gov (Mindy.Tucker@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])

READ:UNKNOWN

BCC:Bradford A. Berenson (Bradford A. Berenson [WHO])

READ:UNKNOWN

BCC:Brett M. Kavanaugh (Brett M. Kavanaugh [WHO])

READ:UNKNOWN

BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

REV_00130333

End Original ARMS Header

The Coalition has a website up about the Judicial Nominations. While not fully up and running yet, it is a good start.

They plan to make more progress during the August recess.

Take a look.

<http://www.fairjudiciary.com/>

We'll see everyone at 4:00 p.m. today.

Matt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/31/2001 10:39:45 AM
Subject: : checking on

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 31-JUL-2001 14:39:45.00

SUBJECT:: checking on

TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

(i) call sheets and (ii) executive clerk's office coordination.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; Megan D. Moran/OVP/EOP@EOP [OVP] <Megan D. Moran>; Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>; Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>; Karen E. Keller/OMB/EOP@EOP [OMB] <Karen E. Keller>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Catherine J. Martin/OVP/EOP@EOP [OVP] <Catherine J. Martin>
CC: Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>
Sent: 7/31/2001 6:49:44 AM
Subject: : Wed., August 1st 5-6pm Exec. Priv. Mtg. is CANCELLED

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-JUL-2001 10:49:44.00

SUBJECT:: Wed., August 1st 5-6pm Exec. Priv. Mtg. is CANCELLED

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen E. Keller (CN=Karen E. Keller/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

No need to reschedule at this time.

REV_00130337

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 7/31/2001 11:27:40 AM
Subject: : Location change for tomorrows JSC meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-JUL-2001 15:27:40.00

SUBJECT:: Location change for tomorrows JSC meeting

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00130338

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The 4-5pm meeting on Wednesday (tomorrow) will be in the Judge's office instead of the Roosevelt Room.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>
Sent: 7/31/2001 11:30:02 AM
Subject: : Re: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-JUL-2001 15:30:02.00
SUBJECT:: Re: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...
TO: Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

yes, please.

From: Lisa J. Macecevic on 07/31/2001 03:06:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

Do you want me to get you a phone number for this person?

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
07/31/2001 03:07 PM -----

From: Lisa J. Macecevic on 07/31/2001 02:50:00 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

DoJ contact appears to be Dyone Mitchell.

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
07/31/2001 02:51 PM -----

"Silas, Adrien" <Adrien.Silas@usdoj.gov>
07/31/2001 02:47:41 PM
Record Type: Record

To: "Mitchell, Dyone" <Dyone.Mitchell@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
cc: Lisa J. Macecevic/OMB/EOP
Subject: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

The message we discussed.

REV_00130340

-----Original Message-----

From: Lisa_J._Macecevic@omb.eop.gov
[mailto:Lisa_J._Macecevic@omb.eop.gov]
Sent: Tuesday, July 31, 2001 2:41 PM
To: Brett_M._Kavanaugh@who.eop.gov
Cc: Silas, Adrien
Subject: Re: Bringing More Information Re: LRM LJM32 - - TREASURY
(Customs); US Postal Service Study on the Handling and Inspection o...

My contact is Adrien Silas...

Adrien - do you have a name for someone at OLC or anyone else at DoJ who is handling this issue to give to WH Counsel's Office?

From: Silas, Adrien <Adrien.Silas@usdoj.gov>
To: Lisa J. Macecevic/OMB/EOP [OMB] <Lisa J. Macecevic>
CC: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/31/2001 12:19:17 PM
Subject: : RE: FW: Bringing More Information Re: LRM LJM32 - - TREASURY(Customs); US Postal Service Study on the Handling and Inspecti...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Silas, Adrien" <Adrien.Silas@usdoj.gov> ("Silas, Adrien" <Adrien.Silas@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME:31-JUL-2001 16:19:17.00
SUBJECT:: RE: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US
Postal Service Study on the Handling and Inspecti...
TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The appropriate contact is Sheldon Bradshaw in OLC (514-3694). My understanding is that this is not on the usual legislative comment track because OLC is attempting to resolve a dispute between two agencies on this matter.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 7/31/2001 10:39:45 AM
Subject: : checking on

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 31-JUL-2001 14:39:45.00

SUBJECT:: checking on

TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

(i) call sheets and (ii) executive clerk's office coordination.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 7/31/2001 11:27:40 AM
Subject: : Location change for tomorrows JSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-JUL-2001 15:27:40.00

SUBJECT:: Location change for tomorrows JSC meeting

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00130347

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The 4-5pm meeting on Wednesday (tomorrow) will be in the Judge's office instead of the Roosevelt Room.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>
Sent: 7/31/2001 11:30:02 AM
Subject: : Re: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-JUL-2001 15:30:02.00
SUBJECT:: Re: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...
TO: Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

yes, please.

From: Lisa J. Macecevic on 07/31/2001 03:06:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

Do you want me to get you a phone number for this person?

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
07/31/2001 03:07 PM -----

From: Lisa J. Macecevic on 07/31/2001 02:50:00 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

DoJ contact appears to be Dyone Mitchell.

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
07/31/2001 02:51 PM -----

"Silas, Adrien" <Adrien.Silas@usdoj.gov>
07/31/2001 02:47:41 PM
Record Type: Record

To: "Mitchell, Dyone" <Dyone.Mitchell@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
cc: Lisa J. Macecevic/OMB/EOP
Subject: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

The message we discussed.

REV_00130349

-----Original Message-----

From: Lisa_J._Macecevic@omb.eop.gov
[mailto:Lisa_J._Macecevic@omb.eop.gov]
Sent: Tuesday, July 31, 2001 2:41 PM
To: Brett_M._Kavanaugh@who.eop.gov
Cc: Silas, Adrien
Subject: Re: Bringing More Information Re: LRM LJM32 - - TREASURY
(Customs); US Postal Service Study on the Handling and Inspection o...

My contact is Adrien Silas...

Adrien - do you have a name for someone at OLC or anyone else at DoJ who is handling this issue to give to WH Counsel's Office?

From: CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB]
To: adrien.silas@usdoj.gov @ znet [UNKNOWN] <adrien.silas@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/31/2001 11:37:00 AM
Subject: : Re: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:31-JUL-2001 15:37:00.00
SUBJECT:: Re: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...
TO:adrien.silas@usdoj.gov (adrien.silas@usdoj.gov @ znet [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

And could you send it to me and Brett; I need to step out of the office for a few minutes and I don't want to hold anyone up. Thanks!

From: Lisa J. Macecevic on 07/31/2001 03:34:05 PM
Record Type: Record

To: adrien.silas@usdoj.gov @ znet
cc:
Subject: Re: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

Adrien -- could you please get me a number for Dyone Mitchell? Thank you.

----- Forwarded by Lisa J. Macecevic/OMB/EOP on 07/31/2001 03:34 PM -----

Brett M. Kavanaugh
07/31/2001 03:29:55 PM
Record Type: Record

To: Lisa J. Macecevic/OMB/EOP@EOP
cc:
bcc:
Subject: Re: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection o...

yes, please.

From: Lisa J. Macecevic on 07/31/2001 03:06:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US Postal Service Study on the Handling and Inspection

REV_00130351

o...

Do you want me to get you a phone number for this person?

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
07/31/2001 03:07 PM -----

From: Lisa J. Macecevic on 07/31/2001 02:50:00 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Bringing More Information Re: LRM LJM32 - - TREASURY
(Customs); US Postal Service Study on the Handling and Inspection
o...

DoJ contact appears to be Dyone Mitchell.
----- Forwarded by Lisa J. Macecevic/OMB/EOP on
07/31/2001 02:51 PM -----

"Silas, Adrien" <Adrien.Silas@usdoj.gov>
07/31/2001 02:47:41 PM
Record Type: Record

To: "Mitchell, Dyone" <Dyone.Mitchell@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
cc: Lisa J. Macecevic/OMB/EOP
Subject: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs
); US Postal Service Study on the Handling and Inspection o...

The message we discussed.

-----Original Message-----
From: Lisa_J._Macecevic@omb.eop.gov
[mailto:Lisa_J._Macecevic@omb.eop.gov]
Sent: Tuesday, July 31, 2001 2:41 PM
To: Brett_M._Kavanaugh@who.eop.gov
Cc: Silas, Adrien
Subject: Re: Bringing More Information Re: LRM LJM32 - - TREASURY
(Customs); US Postal Service Study on the Handling and Inspection o...

My contact is Adrien Silas...
Adrien - do you have a name for someone at OLC or anyone else at DoJ who is
handling this issue to give to WH Counsel's Office?

From: Silas, Adrien <Adrien.Silas@usdoj.gov>
To: Lisa J. Macecevic/OMB/EOP [OMB] <Lisa J. Macecevic>
CC: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/31/2001 12:20:11 PM
Subject: : RE: FW: Bringing More Information Re: LRM LJM32 - - TREASURY(Customs); US Postal Service Study on the Handling and Inspecti...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Silas, Adrien" <Adrien.Silas@usdoj.gov> ("Silas, Adrien" <Adrien.Silas@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME:31-JUL-2001 16:20:11.00
SUBJECT:: RE: FW: Bringing More Information Re: LRM LJM32 - - TREASURY (Customs); US
Postal Service Study on the Handling and Inspecti...
TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The appropriate contact is Sheldon Bradshaw in OLC (514-3694). My understanding is that this is not on the usual legislative comment track because OLC is attempting to resolve a dispute between two agencies on this matter.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 8/1/2001 9:41:11 AM
Subject: : Re: Law Clerks' Speakers Program

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-AUG-2001 13:41:11.00
SUBJECT:: Re: Law Clerks' Speakers Program
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

What law clerks? Probably not.

Robert W. Cobb
08/01/2001 01:24:21 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Law Clerks' Speakers Program

The President has been asked to be a guest speaker for the Law Clerks' Speakers Program. Does anyone think that this is something the President should do? If so, let me know today.

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

REV_00130369

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 8/1/2001 9:52:20 AM
Subject: : Re: Law Clerks' Speakers Program

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-AUG-2001 13:52:20.00

SUBJECT:: Re: Law Clerks' Speakers Program

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

He has bigger things to do than speak to a group of law clerks . .

.

Robert W. Cobb
08/01/2001 01:24:21 PM
Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Law Clerks' Speakers Program

The President has been asked to be a guest speaker for the Law Clerks' Speakers Program. Does anyone think that this is something the President should do? If so, let me know today.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

REV_00130370

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Dinh, Viet <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/1/2001 10:09:37 AM
Subject: : RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 1-AUG-2001 14:09:37.00

SUBJECT:: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

TO: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Unfortunately I can't make the meeting at 3 tomorrow as I have a conflicting meeting on the hill. I'd be happy to come next time.

-----Original Message-----

From: Dinh, Viet
Sent: Wednesday, August 01, 2001 1:39 PM
To: 'Heather_Wingate@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Newstead, Jennifer
Subject: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Yes to all questions.

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]
Sent: Wednesday, August 01, 2001 12:54 PM
To: Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Subject: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Viet, this is just to follow-up on our conversation yesterday re: meeting with a small group of Republican Senate staff on Judicial Nominations. I spoke with John Mashburn and Makan this morning (and your scheduler). And 3:00 tomorrow (Thurs.) works for everyone. Makan would like to host it in his office. 242 Dirksen.

Makan, as you know, would like to keep this meeting separate from the Tues. morning meetings that hopefully we will get underway next week. He would prefer that we not raise the Tues morning meetings at the meeting tomorrow, as he'd

REV_00130372

like to keep those small, as you know. For tomorrow, Brett, can you make it?

Also, Makan mentioned that it might be helpful to have Jennifer Newstead and

Kyle Sampson at the meeting as well. Viet would you like to include Jennifer?

Also, can we bring a list of all the judicial noms that we've sent up to the

Hill? I think we should use this meeting to simply cover where we are right now

with sending Judicial noms up, and where we hope to be following the Aug recess.

Viet, do you think we're ready to talk to them about a couple of the key communications points that we discussed yesterday?

Thanks, Heather

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 8/1/2001 9:49:04 AM
Subject: : Re: Law Clerks' Speakers Program

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-AUG-2001 13:49:04.00

SUBJECT:: Re: Law Clerks' Speakers Program

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I am dubious. What is it? Is it the D.C. Circuit's series? Or the Supreme Court's series? Has any President done it before?

Robert W. Cobb
08/01/2001 01:24:21 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Law Clerks' Speakers Program

The President has been asked to be a guest speaker for the Law Clerks' Speakers Program. Does anyone think that this is something the President should do? If so, let me know today.

Message Sent

To:
H. Christopher Bartolomucci/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

REV_00130374

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Dinh, Viet <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/1/2001 10:12:24 AM
Subject: : RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 1-AUG-2001 14:12:24.00
SUBJECT:: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Unfortunately I can't make the meeting at 3 tomorrow as I have a conflicting meeting on the hill. I'd be happy to come next time.

-----Original Message-----

From: Dinh, Viet
Sent: Wednesday, August 01, 2001 1:39 PM
To: 'Heather_Wingate@who.eop.gov'; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Newstead, Jennifer
Subject: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Yes to all questions.

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]
Sent: Wednesday, August 01, 2001 12:54 PM
To: Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Subject: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Viet, this is just to follow-up on our conversation yesterday re: meeting with a small group of Republican Senate staff on Judicial Nominations. I spoke with John Mashburn and Makan this morning (and your scheduler). And 3:00 tomorrow (Thurs.) works for everyone. Makan would like to host it in his office. 242 Dirksen.

Makan, as you know, would like to keep this meeting separate from the Tues. morning meetings that hopefully we will get underway next week. He would prefer that we not raise the Tues morning meetings at the meeting tomorrow, as he'd like to keep those small, as you know. For tomorrow, Brett, can you make it? Also, Makan mentioned that it might be helpful to have Jennifer Newstead and Kyle Sampson at the meeting as well. Viet would you like to include

REV_00130375

Jennifer?

Also, can we bring a list of all the judicial noms that we've sent up to the

Hill? I think we should use this meeting to simply cover where we are right now

with sending Judicial noms up, and where we hope to be following the Aug recess.

Viet, do you think we're ready to talk to them about a couple of the key communications points that we discussed yesterday?

Thanks, Heather

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 8/1/2001 10:37:43 AM
Subject: : reminder - JSC prep at 3:30 in Judge's office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-AUG-2001 14:37:43.00

SUBJECT:: reminder - JSC prep at 3:30 in Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 8/1/2001 11:25:36 AM
Subject: : Re: strom thurmond jr

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-AUG-2001 15:25:36.00

SUBJECT:: Re: strom thurmond jr

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

PS Only in South Carolina could that really be true.

Rachel L. Brand 08/01/2001 03:18:18 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: strom thurmond jr

The Rachael Sunbarger e-mail re STrom Thurmond Jr. says "he was a Partner with Strom, Young and Thurmond."

Is that a typo? I don't think you could fabricate a firm name that more aptly describes him if you tried.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

REV_00130380

Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Dinh, Viet <Viet.Dinh@usdoj.gov>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rabjohns, lori <lori.rabjohns@usdoj.gov>;newstead, jennifer <jennifer.newstead@usdoj.gov>
Sent: 8/1/2001 5:19:35 PM
Subject: : RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-AUG-2001 21:19:35.00

SUBJECT:: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:"rabjohns, lori" <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested) ("rabjohns, lori" <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"newstead, jennifer" <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested) ("newstead, jennifer" <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Brett, would you confirm with me that you'll be there tomorrow? We really need some one from your office at this. Thanks, HW

"Dinh, Viet" <Viet.Dinh@usdoj.gov>

08/01/2001 06:31:41 PM

Record Type: Record

To: Heather Wingate/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc: "Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Newstead, Jennifer"

<Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Subject: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Heather,

Would it be moving mountains to change the meeting time to either 2:00 or 4:30 tomorrow? The reason is that I want to schedule a press backgrounder with me and Brett here at DoJ at 3:00, right after Ari's press conference, and Jennifer has a conflicting meeting on Hill. If that would put out our friends terribly, then perhaps we can have the press backgrounder at 4:00, but then we are pressing close to filing deadline time. One other alternative is to do the press backgrounder on Friday morning, but that would not link it to the slew of nominations stories for tomorrow. Collective thoughts, everyone? Thanks,

Viet

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]

REV_00130382

Sent: Wednesday, August 01, 2001 12:54 PM
To: Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Subject: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican
Leadership staff on Judicial Noms

Viet, this is just to follow-up on our conversation yesterday re: meeting with a small group of Republican Senate staff on Judicial Nominations. I spoke with John Mashburn and Makan this morning (and your scheduler). And 3:00 tomorrow (Thurs.) works for everyone. Makan would like to host it in his office. 242 Dirksen.

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Also, can we bring a list of all the judicial noms that we've sent up to the Hill? I think we should use this meeting to simply cover where we are right now with sending Judicial noms up, and where we hope to be following the Aug recess. Viet, do you think we're ready to talk to them about a couple of the key communications points that we discussed yesterday?

Thanks, Heather

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: dinh, viet <viet.dinh@usdoj.gov>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rabjohns, lori <lori.rabjohns@usdoj.gov>;newstead, jennifer <jennifer.newstead@usdoj.gov>
Sent: 8/2/2001 4:18:28 AM
Subject: : RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-AUG-2001 08:18:28.00

SUBJECT:: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"dinh, viet" <viet.dinh@usdoj.gov> ("dinh, viet" <viet.dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:"rabjohns, lori" <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested) ("rabjohns, lori" <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"newstead, jennifer" <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested) ("newstead, jennifer" <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

I'm there

Heather Wingate
08/01/2001 09:19:28 PM
Record Type: Record

To: "Dinh, Viet" <Viet.Dinh@usdoj.gov>
cc: brett m. kavanaugh/who/eop@eop, "rabjohns, lori" <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested), "newstead, jennifer" <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested)
bcc:
Subject: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Brett, would you confirm with me that you'll be there tomorrow? We really need some one from your office at this. Thanks, HW

"Dinh, Viet" <Viet.Dinh@usdoj.gov>
08/01/2001 06:31:41 PM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: "Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Newstead, Jennifer"

REV_00130387

<Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Subject: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Heather,

Would it be moving mountains to change the meeting time to either 2:00 or 4:30 tomorrow? The reason is that I want to schedule a press backgrounder with me and Brett here at DoJ at 3:00, right after Ari's press conference, and Jennifer has a conflicting meeting on Hill. If that would put out our friends terribly, then perhaps we can have the press backgrounder at 4:00, but then we are pressing close to filing deadline time. One other alternative is to do the press backgrounder on Friday morning, but that would not link it to the slew of nominations stories for tomorrow. Collective thoughts, everyone? Thanks,

Viet

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]
Sent: Wednesday, August 01, 2001 12:54 PM
To: Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Subject: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Viet, this is just to follow-up on our conversation yesterday re: meeting with a small group of Republican Senate staff on Judicial Nominations. I spoke with John Mashburn and Makan this morning (and your scheduler). And 3:00 tomorrow (Thurs.) works for everyone. Makan would like to host it in his office. 242 Dirksen.

Makan, as you know, would like to keep this meeting separate from the Tues. morning meetings that hopefully we will get underway next week. He would prefer that we not raise the Tues morning meetings at the meeting tomorrow, as he'd like to keep those small, as you know. For tomorrow, Brett, can you make it? Also, Makan mentioned that it might be helpful to have Jennifer Newstead and Kyle Sampson at the meeting as well. Viet would you like to include Jennifer?

Also, can we bring a list of all the judicial noms that we've sent up to the Hill? I think we should use this meeting to simply cover where we are right now with sending Judicial noms up, and where we hope to be following the Aug recess. Viet, do you think we're ready to talk to them about a couple of the key communications points that we discussed yesterday?

Thanks, Heather

REV_00130388

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
Sent: 8/2/2001 5:23:38 AM
Subject: : letters to and from the Hill

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-AUG-2001 09:23:38.00

SUBJECT:: letters to and from the Hill

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Anne Womack from Press came by just now and said she needs a copy of any and all letters to/from members of Congress written or received this week.

Brad - she specifically mentioned another Waxman letter re: World Health Org and tobacco.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
Sent: 8/2/2001 5:23:38 AM
Subject: : letters to and from the Hill

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-AUG-2001 09:23:38.00

SUBJECT:: letters to and from the Hill

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Anne Womack from Press came by just now and said she needs a copy of any and all letters to/from members of Congress written or received this week.

Brad - she specifically mentioned another Waxman letter re: World Health Org and tobacco.

REV_00130391

From: CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/2/2001 11:18:12 AM
Subject: : NSC PARTISAN POLITICAL ACTIVITY MEMO

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 2-AUG-2001 15:18:12.00

SUBJECT:: NSC PARTISAN POLITICAL ACTIVITY MEMO

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett,

I just noticed that I did not provide you with a copy of the previous administration's NSC memo on political activity. If you think it would be of any use in your review I can provide you a copy of the old memo, which I copied almost verbatim. I made minor changes to such things as references to political parties (republican/democrat), an example of a non-partisan group, and deleted references to political campaigns by the First Lady. Substance remained unchanged except for the one passage highlighted w/ a note/comment to you.

Please let me know if you'd like to see the earlier memo.

Thanks. Jock

REV_00130395

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 8/2/2001 9:22:50 AM
Subject: : 3:50 POTUS prep meeting-Judge's office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-AUG-2001 13:22:50.00

SUBJECT:: 3:50 POTUS prep meeting-Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;david s. addington/ovp/eop@eop [OVP] <david s. addington>
Sent: 8/2/2001 1:40:12 PM
Subject: : Re: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-AUG-2001 17:40:12.00

SUBJECT:: Re: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

End Original ARMS Header

You might check with the OA lawyers -- Adam Greenstone and Kate Anderson.

Helgard C. Walker
08/02/2001 05:31:22 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

Not I.

REV_00130397

H. Christopher Bartolomucci
08/02/2001 05:18:01 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

DOJ has faxed me a copy of two subpoenas they received in the above-captioned case addressed to the White House and EOP. DOJ wants to know if anyone at the White House Office or EOP accepted service of these subpoenas. Anyone do so?

Message Sent

To:
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
David S. Addington/OVP/EOP@EOP

Message Copied

To:
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
john b. bellinger/nsc/eop@eop
david s. addington/ovp/eop@eop

From: CN=Annabelle J. Romero/OU=WHO/O=EOP [WHO]
To: Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Tim E. Braue/WHO/EOP@EOP [WHO] <Tim E. Braue>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>; Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Gregory M. Walters/WHO/EOP@EOP [WHO] <Gregory M. Walters>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Angela R. Sailor/WHO/EOP@EOP [WHO] <Angela R. Sailor>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; John P. Hannah/OVP/EOP@EOP [OVP] <John P. Hannah>
CC: Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>
Sent: 8/2/2001 2:40:40 PM
Subject: : Martindale-Hubbell: Extension for WHO/OVP/OPD

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Annabelle J. Romero (CN=Annabelle J. Romero/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-AUG-2001 18:40:40.00

SUBJECT:: Martindale-Hubbell: Extension for WHO/OVP/OPD

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Tim E. Braue (CN=Tim E. Braue/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Gregory M. Walters (CN=Gregory M. Walters/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: John P. Hannah (CN=John P. Hannah/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

CC: Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Martindale-Hubbell has extended their deadline for submitting your

REV_00130399

"Personal Report Form" to be included in the Government Section of its 2002 Law Directory.

If you wish to be included in the directory, please return your completed form to me in White House Personnel, Room 147 EEOB, by COB Tuesday, 8/7/01. The deadline is final with no further extensions permitted by Martindale-Hubbell. If you have any questions, please call me at 6-2859.

Thank you.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 8/2/2001 1:18:18 PM
Subject: : Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-AUG-2001 17:18:18.00

SUBJECT:: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

End Original ARMS Header

DOJ has faxed me a copy of two subpoenas they received in the above-captioned case addressed to the White House and EOP. DOJ wants to know if anyone at the White House Office or EOP accepted service of these subpoenas. Anyone do so?

REV_00130401

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 8/2/2001 1:18:18 PM
Subject: : Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-AUG-2001 17:18:18.00

SUBJECT:: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

End Original ARMS Header

DOJ has faxed me a copy of two subpoenas they received in the above-captioned case addressed to the White House and EOP. DOJ wants to know if anyone at the White House Office or EOP accepted service of these subpoenas. Anyone do so?

REV_00130402

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;david s. addington/ovp/eop@eop [OVP] <david s. addington>
Sent: 8/2/2001 1:31:30 PM
Subject: : Re: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-AUG-2001 17:31:30.00
SUBJECT:: Re: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

Not I.

H. Christopher Bartolomucci
08/02/2001 05:18:01 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

DOJ has faxed me a copy of two subpoenas they received in the above-captioned case addressed to the White House and EOP. DOJ wants to know if anyone at the White House Office or EOP accepted service of these subpoenas. Anyone do so?

Message Sent

To:
Alberto R. Gonzales/WHO/EOP@EOP

REV_00130405

Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
David S. Addington/OVP/EOP@EOP

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;david s. addington/ovp/eop@eop [OVP] <david s. addington>
Sent: 8/2/2001 1:40:12 PM
Subject: : Re: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-AUG-2001 17:40:12.00

SUBJECT:: Re: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

End Original ARMS Header

You might check with the OA lawyers -- Adam Greenstone and Kate Anderson.

Helgard C. Walker
08/02/2001 05:31:22 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

Not I.

REV_00130407

H. Christopher Bartolomucci
08/02/2001 05:18:01 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Linda Tripp v. EOP, et al., No. 99-2554 (D.D.C.)

DOJ has faxed me a copy of two subpoenas they received in the above-captioned case addressed to the White House and EOP. DOJ wants to know if anyone at the White House Office or EOP accepted service of these subpoenas. Anyone do so?

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
David S. Addington/OVP/EOP@EOP

Message Copied

To:

alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
john b. bellinger/nsc/eop@eop
david s. addington/ovp/eop@eop

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Wanda Martinson <Wanda.S.Martinson@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 8/2/2001 1:58:26 PM
Subject: : FW: judicial media review
Attachments: P_0KM43004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 2-AUG-2001 17:58:26.00

SUBJECT:: FW: judicial media review

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130409

TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Today's judge media review is attached.

-----Original Message-----

From: Schauder, Andrew
Sent: Thursday, August 02, 2001 5:36 PM
To: Newstead, Jennifer
Subject: judicial media review

- Judicial Media Review 8-02-01.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0KM43004_WHO.TXT_1>

REV_00130410

Media Review - Judicial Nominations

Thursday, August 2, 2001

General Judicial Articles

- "Del Rio Magistrate, Dallas Judge Recommended For Federal Bench," 1
The Associated Press, August 1, 2001
- "President Bush To Nominate Six Individuals To Serve As U.S. Attorneys
And Two Individuals To Serve In Federal Judiciary," 2
U.S. Newswire, August 1, 2001

Op/Eds

- "Mischievous Makers Lazy Senate Holds Up Bush Nominees," 4
The Daily Oklahoman, August 1, 2001

Interest Groups/Press Releases

- "'Thomasing' Bush's Judges; Democrats Move Beyond Borking" 5
Byron York, *The National Review*, July 27, 2001

General Judicial Articles

Del Rio Magistrate, Dallas Judge Recommended For Federal Bench

The Associated Press
Wednesday, August 1, 2001

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis New York Times
June 26, 2001

Road to Federal Bench Gets Bumpier in Senate
Neil Lewis 1

A federal magistrate from Southwest Texas and a Dallas state district judge have been recommended to President Bush to fill federal judicial vacancies in Texas.

Recommended for the western district was U.S. Magistrate Alia Moses Ludlum of Del Rio. In the northern district, 160th State District Court Judge David C. Godbey of Dallas was recommended.

The nominations, announced by Republican Sens. Phil Gramm and Kay Bailey Hutchison, were sent to the White House Wednesday.

Ludlum and Godbey join a pool of candidates recommended by the senators from which Bush will nominate federal judges. The Senate then must approve the nominations.

Ludlum, 39, has been the U.S. Magistrate in Del Rio for about a year and worked in the position part-time between 1997 and 2000.

She served as an assistant U.S. attorney in Del Rio from 1990 until 1997, and as a prosecutor in the Travis County Attorney's office. She earned her bachelor's degree from Texas Woman's University in 1983 and her law degree from University of Texas School of Law in 1986.

Godbey, 43, has served as the 106th district's judge since 1995. He earned his bachelor's degree in electrical engineering and mathematics from Southern Methodist University in 1978 and his law degree from Harvard Law School in 1982.

He also has been a partner in the Dallas law firm Hughes & Luce.

President Bush To Nominate Six Individuals To Serve As U.S. Attorneys And Two Individuals To Serve In Federal Judiciary

U.S. Newswire

Wednesday, August 1, 2001

President George W. Bush today announced his intention to nominate six individuals to serve as

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

United States Attorneys and his intention to nominate two individuals to serve as members of the federal judiciary.

The President intends to nominate Timothy M. Burgess to be United States Attorney for the District of Alaska. He has served as an Assistant United States Attorney in the District of Alaska since 1989, and was an Associate with Gilmore and Franklin in Anchorage, from 1987 to 1989. Burgess received his undergraduate degree and M. B. A. from the University of Alaska and his J. D. from Northeastern University.

The President intends to nominate Harry S. Mattice, Jr. to be United States Attorney for the Eastern District of Tennessee. He is presently Of Counsel to Baker, Donelson, Bearman and Caldwell in Chattanooga. In 1997, he served as Senior Counsel to the United States Senate Committee on Government Affairs. From 1981 to 1997, and then again from 1998 to 2000, Mattice was with Miller and Martin in Chattanooga, first as an Associate and then as a Partner. He received both his undergraduate and law degrees from the University of Tennessee.

The President intends to nominate Robert G. McCampbell to be United States Attorney for the Western District of Oklahoma. He is currently a Partner with Crowe and Dunlevy in Oklahoma City, and from 1987 to 1994, he was an Assistant U.S. Attorney for the Western District of Oklahoma. Before joining the U.S. Attorneys office, he was an Associate with Crowe and Dunlevy. He is a graduate of Vanderbilt University and Yale Law School.

The President intends to nominate Paul J. McNulty to be United States Attorney for the Eastern District of Virginia. He presently serves as Principal Associate Deputy Attorney General at the U.S. Department of Justice and from 1999 to 2001, he was Chief Counsel and Director of Legislative Operations in the Office of Majority Leader of the House of Representatives. From 1995 to 1999, he served with the House of Representatives Judiciary Committee, first as Chief Counsel to the Subcommittee on Crime and then as Director of Communications and Chief Counsel to the Committee. McNulty was Counsel to Shaw, Pittman, Potts and Trowbridge from 1993 to 1995, and he served with the Department of Justice from 1990 to 1993 as Deputy Director of the Office of Policy Development and then as Director and Chief Spokesman for the Office of Policy and Communications. He was Minority Counsel to the House Judiciary Subcommittee on Crime from 1987 to 1990, and from 1985 to 1987 he was Director of Legal Services at the Legal Services Corporation. From 1983 to 1985, he served as Counsel to the U.S.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

House Committee on Standards of Official Conduct. He is a graduate of Grove City College and Capital University School of Law.

The President intends to nominate Michael W. Mosman to be United States Attorney for the District of Oregon. He has served as Assistant U.S. Attorney for the District of Oregon since 1988. From 1986 to 1988, Mosman was an Associate with Miller, Nash in Portland. He is a graduate of Utah State University and Brigham Young University Law School.

The President intends to nominate Strom Thurmond, Jr. to be United States Attorney for the District of South Carolina. He has served as Assistant Solicitor for the Second Judicial Circuit for South Carolina since 1999. From 1998 to 1999, he was a Partner with Strom, Young and Thurmond. He received both his undergraduate and Law degrees from the University of South Carolina.

The President intends to nominate Marian B. Horn to be a Judge of the United States Court of Federal Claims.

The President intends to nominate Charles F. Lettow to be a Judge of the United States Court of Federal Claims.

Op/Eds

Mischief Makers Lazy Senate Holds Up Bush Nominees

The Daily Oklahoman

Wednesday, August 1, 2001

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We say "lazy" because we hesitate to assign more sinister motives to the Democratic-controlled chamber. The bottom line is the Bush administration is being hamstrung because of a lack of action on nominations to the judiciary and dozens of executive branch posts.

York Times

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Neil Lewis **New York Times**

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That compares to 249 nominated by Bill Clinton (188 or 75.5 percent of them confirmed), 222 by the first President Bush (147 or 66.2 percent confirmed) and 301 by Ronald Reagan (225 or 74.7 confirmed) at the same time period during their first terms.

Those in limbo include United Nations Ambassador-designate John Negroponte. For all the Democrats' bluster about the importance of the U.N., you'd think Negroponte's May nomination would've been voted on by now.

Instead, some Democrats on the Foreign Relations Committee are holding things up while they dig into Negroponte's work as ambassador to Honduras in the 1980s, questions that were asked and answered when he was nominated to be ambassador to Mexico in 1989.

On the judicial front, things also are slow moving.

Judiciary Chairman Patrick Leahy of Vermont was full of alarm in 1998 when there were 83 vacancies. Today there are more than 100 openings, yet only three of Bush's 29 judicial nominations have been confirmed by the Senate - and one of those was a judge previously nominated by Clinton.

Finally, there's the sad case - a bushwhacking, really - of Mary Sheila Gall, nominated to be chairman of the Consumer Product Safety Commission. Gall has been on the three-member commission since 1991, including her renomination by Clinton in 1999. Yet Commerce Committee Democrats, prompted by Sen. Hillary Rodham Clinton of New York, say she is unqualified to lead the panel.

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It's shameless politics and a microcosm of a Senate, now under Democratic control, that is making mischief with Bush's nominees and hurting the country in the process.

Interest Groups/Press Releases

"Thomasing" Bush's Judges; Democrats Move Beyond Borking

By Byron York
The National Review
Friday, July 27, 2001

There's a new word going around among Republicans on the Senate Judiciary Committee: "Thomasing."

Named after the confirmation ordeal of Supreme Court Justice Clarence Thomas, it's not as catchy as the more widely used "Borking," but it better describes a new battle that's going on over how the committee deals with potentially embarrassing information in the backgrounds of Bush White House judicial nominees.

In the past, when candidates for the federal bench filled out extensive personal history reports for the committee and the FBI, they were asked, among other things, about drug use and any arrests or convictions in their past. Their answers were confidential; the information was on forms that only senators, as well as a small number staff members from each party — each with a top-secret clearance — were allowed to see. Keeping that information secret allowed the committee to determine whether it was relevant to the nomination in a way that did not embarrass the nominee.

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It's a situation guaranteed to produce leaks — which, should they occur, might well damage some of the president's nominees. "This is Thomasing, not Borking," says one Republican aide, referring to the difference between the mostly ideological arguments used in 1987 to sink the Supreme Court nomination of Robert Bork and the barrage of allegations — pornography consumption, sexual harassment — used against Thomas. "Every single nominee has allegations in their record that the committee investigates on a bipartisan basis. To throw that out in the open would become a real problem."

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For his part, Leahy maintains that he is simply trying to update the 10-year-old questionnaire and make it simpler. "He isn't asking for anything outrageous," says a Democratic aide. "The confidential material will stay confidential."

Both sides have been engaged in intensive negotiations for the past several days, but so far there has been no progress on the hot-button issues. Will Leahy ultimately win? The short answer is yes. Although there has been a history of compromises between the majority and minority on the committee, in the end, says one staffer, "Leahy can do whatever he wants as chairman."

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To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Wanda Martinson <Wanda.S.Martinson@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 8/2/2001 1:58:32 PM
Subject: : FW: judicial media review
Attachments: P_EKM43004_WHO.TXT_1.wpd

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CREATION DATE/TIME: 2-AUG-2001 17:58:32.00

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READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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Today's judge media review is attached.

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From: Schauder, Andrew
Sent: Thursday, August 02, 2001 5:36 PM
To: Newstead, Jennifer
Subject: judicial media review

- Judicial Media Review 8-02-01.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_EKM43004_WHO.TXT_1>

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Media Review - Judicial Nominations

Thursday, August 2, 2001

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- "Del Rio Magistrate, Dallas Judge Recommended For Federal Bench," 1
The Associated Press, August 1, 2001
- "President Bush To Nominate Six Individuals To Serve As U.S. Attorneys
And Two Individuals To Serve In Federal Judiciary," 2
U.S. Newswire, August 1, 2001

Op/Eds

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Byron York, *The National Review*, July 27, 2001

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A federal magistrate from Southwest Texas and a Dallas state district judge have been recommended to President Bush to fill federal judicial vacancies in Texas.

Recommended for the western district was U.S. Magistrate Alia Moses Ludlum of Del Rio. In the northern district, 160th State District Court Judge David C. Godbey of Dallas was recommended.

The nominations, announced by Republican Sens. Phil Gramm and Kay Bailey Hutchison, were sent to the White House Wednesday.

Ludlum and Godbey join a pool of candidates recommended by the senators from which Bush will nominate federal judges. The Senate then must approve the nominations.

Ludlum, 39, has been the U.S. Magistrate in Del Rio for about a year and worked in the position part-time between 1997 and 2000.

She served as an assistant U.S. attorney in Del Rio from 1990 until 1997, and as a prosecutor in the Travis County Attorney's office. She earned her bachelor's degree from Texas Woman's University in 1983 and her law degree from University of Texas School of Law in 1986.

Godbey, 43, has served as the 106th district's judge since 1995. He earned his bachelor's degree in electrical engineering and mathematics from Southern Methodist University in 1978 and his law degree from Harvard Law School in 1982.

He also has been a partner in the Dallas law firm Hughes & Luce.

President Bush To Nominate Six Individuals To Serve As U.S. Attorneys And Two Individuals To Serve In Federal Judiciary

U.S. Newswire

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United States Attorneys and his intention to nominate two individuals to serve as members of the federal judiciary.

The President intends to nominate Timothy M. Burgess to be United States Attorney for the District of Alaska. He has served as an Assistant United States Attorney in the District of Alaska since 1989, and was an Associate with Gilmore and Franklin in Anchorage, from 1987 to 1989. Burgess received his undergraduate degree and M. B. A. from the University of Alaska and his J. D. from Northeastern University.

The President intends to nominate Harry S. Mattice, Jr. to be United States Attorney for the Eastern District of Tennessee. He is presently Of Counsel to Baker, Donelson, Bearman and Caldwell in Chattanooga. In 1997, he served as Senior Counsel to the United States Senate Committee on Government Affairs. From 1981 to 1997, and then again from 1998 to 2000, Mattice was with Miller and Martin in Chattanooga, first as an Associate and then as a Partner. He received both his undergraduate and law degrees from the University of Tennessee.

The President intends to nominate Robert G. McCampbell to be United States Attorney for the Western District of Oklahoma. He is currently a Partner with Crowe and Dunlevy in Oklahoma City, and from 1987 to 1994, he was an Assistant U.S. Attorney for the Western District of Oklahoma. Before joining the U.S. Attorneys office, he was an Associate with Crowe and Dunlevy. He is a graduate of Vanderbilt University and Yale Law School.

The President intends to nominate Paul J. McNulty to be United States Attorney for the Eastern District of Virginia. He presently serves as Principal Associate Deputy Attorney General at the U.S. Department of Justice and from 1999 to 2001, he was Chief Counsel and Director of Legislative Operations in the Office of Majority Leader of the House of Representatives. From 1995 to 1999, he served with the House of Representatives Judiciary Committee, first as Chief Counsel to the Subcommittee on Crime and then as Director of Communications and Chief Counsel to the Committee. McNulty was Counsel to Shaw, Pittman, Potts and Trowbridge from 1993 to 1995, and he served with the Department of Justice from 1990 to 1993 as Deputy Director of the Office of Policy Development and then as Director and Chief Spokesman for the Office of Policy and Communications. He was Minority Counsel to the House Judiciary Subcommittee on Crime from 1987 to 1990, and from 1985 to 1987 he was Director of Legal Services at the Legal Services Corporation. From 1983 to 1985, he served as Counsel to the U.S.

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House Committee on Standards of Official Conduct. He is a graduate of Grove City College and Capital University School of Law.

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The President intends to nominate Strom Thurmond, Jr. to be United States Attorney for the District of South Carolina. He has served as Assistant Solicitor for the Second Judicial Circuit for South Carolina since 1999. From 1998 to 1999, he was a Partner with Strom, Young and Thurmond. He received both his undergraduate and Law degrees from the University of South Carolina.

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- Judicial Media Review 8-02-01.wpd
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REV_00130430

Media Review - Judicial Nominations

Thursday, August 2, 2001

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- "President Bush To Nominate Six Individuals To Serve As U.S. Attorneys
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Op/Eds

- "Mischief Makers Lazy Senate Holds Up Bush Nominees," 4
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- "'Thomasing' Bush's Judges; Democrats Move Beyond Borking" 5
Byron York, *The National Review*, July 27, 2001

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York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis New York Times
June 26, 2001

Road to Federal Bench Gets Bumpier in Senate
Neil Lewis 1

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U.S. Newswire

Wednesday, August 1, 2001

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Op/Eds

Mischief Makers Lazy Senate Holds Up Bush Nominees

The Daily Oklahoman

Wednesday, August 1, 2001

Being president is hard enough as it is, but the Senate continues to complicate matters for George W. Bush with its lazy approach toward confirming his nominees for federal positions.

We say "lazy" because we hesitate to assign more sinister motives to the Democratic-controlled chamber. The bottom line is the Bush administration is being hamstrung because of a lack of action on nominations to the judiciary and dozens of executive branch posts.

York Times

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Neil Lewis **New York Times**

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Majority Leader Tom Daschle of South Dakota should quit talking about bipartisan cooperation and demonstrate it by getting the Senate to move on Bush's nominees.

The White House reports that as of June 30, Bush had nominated 315 people to positions requiring Senate confirmation, but that only 132 or 41.9 percent had been acted upon.

That compares to 249 nominated by Bill Clinton (188 or 75.5 percent of them confirmed), 222 by the first President Bush (147 or 66.2 percent confirmed) and 301 by Ronald Reagan (225 or 74.7 confirmed) at the same time period during their first terms.

Those in limbo include United Nations Ambassador-designate John Negroponte. For all the Democrats' bluster about the importance of the U.N., you'd think Negroponte's May nomination would've been voted on by now.

Instead, some Democrats on the Foreign Relations Committee are holding things up while they dig into Negroponte's work as ambassador to Honduras in the 1980s, questions that were asked and answered when he was nominated to be ambassador to Mexico in 1989.

On the judicial front, things also are slow moving.

Judiciary Chairman Patrick Leahy of Vermont was full of alarm in 1998 when there were 83 vacancies. Today there are more than 100 openings, yet only three of Bush's 29 judicial nominations have been confirmed by the Senate - and one of those was a judge previously nominated by Clinton.

Finally, there's the sad case - a bushwhacking, really - of Mary Sheila Gall, nominated to be chairman of the Consumer Product Safety Commission. Gall has been on the three-member commission since 1991, including her renomination by Clinton in 1999. Yet Commerce Committee Democrats, prompted by Sen. Hillary Rodham Clinton of New York, say she is unqualified to lead the panel.

Clinton opposes the nomination because Gall has tried to work with manufacturers to fix defective products rather than impose fines and penalties. Clinton's colleagues listen because the

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former first lady is a hefty fund-raiser, accumulating \$ 660,000 in her first six months as senator.

Thus, during a hearing last week Democrats poured on the rhetoric, accusing Gall of siding with manufacturers against children.

It's shameless politics and a microcosm of a Senate, now under Democratic control, that is making mischief with Bush's nominees and hurting the country in the process.

Interest Groups/Press Releases

"Thomasing" Bush's Judges; Democrats Move Beyond Borking

By Byron York
The National Review
Friday, July 27, 2001

There's a new word going around among Republicans on the Senate Judiciary Committee: "Thomasing."

Named after the confirmation ordeal of Supreme Court Justice Clarence Thomas, it's not as catchy as the more widely used "Borking," but it better describes a new battle that's going on over how the committee deals with potentially embarrassing information in the backgrounds of Bush White House judicial nominees.

In the past, when candidates for the federal bench filled out extensive personal history reports for the committee and the FBI, they were asked, among other things, about drug use and any arrests or convictions in their past. Their answers were confidential; the information was on forms that only senators, as well as a small number staff members from each party — each with a top-secret clearance — were allowed to see. Keeping that information secret allowed the committee to determine whether it was relevant to the nomination in a way that did not embarrass the nominee.

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Neil Lewis **New York Times**
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Now, committee chairman Patrick Leahy and fellow Democrats want to change the rules. Under their proposal, drug use and arrest/conviction information — along with information about any political contributions or political volunteer work the nominee might have done — will be contained in forms that would be available to a far greater number of committee staff members.

It's a situation guaranteed to produce leaks — which, should they occur, might well damage some of the president's nominees. "This is Thomasing, not Borking," says one Republican aide, referring to the difference between the mostly ideological arguments used in 1987 to sink the Supreme Court nomination of Robert Bork and the barrage of allegations — pornography consumption, sexual harassment — used against Thomas. "Every single nominee has allegations in their record that the committee investigates on a bipartisan basis. To throw that out in the open would become a real problem."

Privately, some in the GOP suggest that Bill Clinton's judicial nominees might have had a few embarrassing issues in their past, things that Judiciary Committee chairman Orrin Hatch and his fellow Republicans kept private. But it's too late to kvetch about that now; Republicans didn't think to change the confirmation ground rules when they had the chance.

For his part, Leahy maintains that he is simply trying to update the 10-year-old questionnaire and make it simpler. "He isn't asking for anything outrageous," says a Democratic aide. "The confidential material will stay confidential."

Both sides have been engaged in intensive negotiations for the past several days, but so far there has been no progress on the hot-button issues. Will Leahy ultimately win? The short answer is yes. Although there has been a history of compromises between the majority and minority on the committee, in the end, says one staffer, "Leahy can do whatever he wants as chairman."

Meanwhile, the number of vacancies on the federal courts remains unchanged. On Tuesday, the committee held a confirmation hearing for another Bush nominee, William Riley, nominated to the 8th Circuit Court of Appeals. If, as expected, Riley is approved by the full committee before the August recess, he will be the fourth Bush judge — two circuit court, two district court — to pass muster so far. Which means that when September arrives, it is likely that 107 vacancies will remain on the federal bench.

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Republicans compare that record to Leahy's statements in July of last year, when he said he was concerned about what was widely known as a "vacancy crisis" on the federal courts. "We should be considering 20 to 30 more judges this year, including at least another half dozen for the Court of Appeals," Leahy said in mid-July 2000. "We cannot afford to...stop acting on these nominees now in anticipation of the presidential election in November. We must use all the time until adjournment to remedy the vacancies that have been perpetuated on the courts to the detriment of the American people and the administration of justice." At the time Leahy spoke, there were 63 vacancies on the federal bench.

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From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Wanda Martinson <Wanda.S.Martinson@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
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Sent: 8/2/2001 2:08:19 PM
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CREATION DATE/TIME: 2-AUG-2001 18:08:19.00

SUBJECT:: FW: judicial media review

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The President intends to nominate Charles F. Lettow to be a Judge of the United States Court of Federal Claims.

Op/Eds

Mischief Makers Lazy Senate Holds Up Bush Nominees

The Daily Oklahoman

Wednesday, August 1, 2001

Being president is hard enough as it is, but the Senate continues to complicate matters for George W. Bush with its lazy approach toward confirming his nominees for federal positions.

We say "lazy" because we hesitate to assign more sinister motives to the Democratic-controlled chamber. The bottom line is the Bush administration is being hamstrung because of a lack of action on nominations to the judiciary and dozens of executive branch posts.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

Majority Leader Tom Daschle of South Dakota should quit talking about bipartisan cooperation and demonstrate it by getting the Senate to move on Bush's nominees.

The White House reports that as of June 30, Bush had nominated 315 people to positions requiring Senate confirmation, but that only 132 or 41.9 percent had been acted upon.

That compares to 249 nominated by Bill Clinton (188 or 75.5 percent of them confirmed), 222 by the first President Bush (147 or 66.2 percent confirmed) and 301 by Ronald Reagan (225 or 74.7 confirmed) at the same time period during their first terms.

Those in limbo include United Nations Ambassador-designate John Negroponte. For all the Democrats' bluster about the importance of the U.N., you'd think Negroponte's May nomination would've been voted on by now.

Instead, some Democrats on the Foreign Relations Committee are holding things up while they dig into Negroponte's work as ambassador to Honduras in the 1980s, questions that were asked and answered when he was nominated to be ambassador to Mexico in 1989.

On the judicial front, things also are slow moving.

Judiciary Chairman Patrick Leahy of Vermont was full of alarm in 1998 when there were 83 vacancies. Today there are more than 100 openings, yet only three of Bush's 29 judicial nominations have been confirmed by the Senate - and one of those was a judge previously nominated by Clinton.

Finally, there's the sad case - a bushwhacking, really - of Mary Sheila Gall, nominated to be chairman of the Consumer Product Safety Commission. Gall has been on the three-member commission since 1991, including her renomination by Clinton in 1999. Yet Commerce Committee Democrats, prompted by Sen. Hillary Rodham Clinton of New York, say she is unqualified to lead the panel.

Clinton opposes the nomination because Gall has tried to work with manufacturers to fix defective products rather than impose fines and penalties. Clinton's colleagues listen because the

York Times

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former first lady is a hefty fund-raiser, accumulating \$ 660,000 in her first six months as senator.

Thus, during a hearing last week Democrats poured on the rhetoric, accusing Gall of siding with manufacturers against children.

It's shameless politics and a microcosm of a Senate, now under Democratic control, that is making mischief with Bush's nominees and hurting the country in the process.

Interest Groups/Press Releases

"Thomasing" Bush's Judges; Democrats Move Beyond Borking

By Byron York
The National Review
Friday, July 27, 2001

There's a new word going around among Republicans on the Senate Judiciary Committee: "Thomasing."

Named after the confirmation ordeal of Supreme Court Justice Clarence Thomas, it's not as catchy as the more widely used "Borking," but it better describes a new battle that's going on over how the committee deals with potentially embarrassing information in the backgrounds of Bush White House judicial nominees.

In the past, when candidates for the federal bench filled out extensive personal history reports for the committee and the FBI, they were asked, among other things, about drug use and any arrests or convictions in their past. Their answers were confidential; the information was on forms that only senators, as well as a small number staff members from each party — each with a top-secret clearance — were allowed to see. Keeping that information secret allowed the committee to determine whether it was relevant to the nomination in a way that did not embarrass the nominee.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis **New York Times**
June 26, 2001

Road to Federal Bench Gets Bumpier in Senate
Neil Lewis

Now, committee chairman Patrick Leahy and fellow Democrats want to change the rules. Under their proposal, drug use and arrest/conviction information — along with information about any political contributions or political volunteer work the nominee might have done — will be contained in forms that would be available to a far greater number of committee staff members.

It's a situation guaranteed to produce leaks — which, should they occur, might well damage some of the president's nominees. "This is Thomasing, not Borking," says one Republican aide, referring to the difference between the mostly ideological arguments used in 1987 to sink the Supreme Court nomination of Robert Bork and the barrage of allegations — pornography consumption, sexual harassment — used against Thomas. "Every single nominee has allegations in their record that the committee investigates on a bipartisan basis. To throw that out in the open would become a real problem."

Privately, some in the GOP suggest that Bill Clinton's judicial nominees might have had a few embarrassing issues in their past, things that Judiciary Committee chairman Orrin Hatch and his fellow Republicans kept private. But it's too late to kvetch about that now; Republicans didn't think to change the confirmation ground rules when they had the chance.

For his part, Leahy maintains that he is simply trying to update the 10-year-old questionnaire and make it simpler. "He isn't asking for anything outrageous," says a Democratic aide. "The confidential material will stay confidential."

Both sides have been engaged in intensive negotiations for the past several days, but so far there has been no progress on the hot-button issues. Will Leahy ultimately win? The short answer is yes. Although there has been a history of compromises between the majority and minority on the committee, in the end, says one staffer, "Leahy can do whatever he wants as chairman."

Meanwhile, the number of vacancies on the federal courts remains unchanged. On Tuesday, the committee held a confirmation hearing for another Bush nominee, William Riley, nominated to the 8th Circuit Court of Appeals. If, as expected, Riley is approved by the full committee before the August recess, he will be the fourth Bush judge — two circuit court, two district court — to pass muster so far. Which means that when September arrives, it is likely that 107 vacancies will remain on the federal bench.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

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June 26, 2001

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Neil Lewis

Republicans compare that record to Leahy's statements in July of last year, when he said he was concerned about what was widely known as a "vacancy crisis" on the federal courts. "We should be considering 20 to 30 more judges this year, including at least another half dozen for the Court of Appeals," Leahy said in mid-July 2000. "We cannot afford to...stop acting on these nominees now in anticipation of the presidential election in November. We must use all the time until adjournment to remedy the vacancies that have been perpetuated on the courts to the detriment of the American people and the administration of justice." At the time Leahy spoke, there were 63 vacancies on the federal bench.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

From: CN=Annabelle J. Romero/OU=WHO/O=EOP [WHO]
To: Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Tim E. Braue/WHO/EOP@EOP [WHO] <Tim E. Braue>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>; Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Gregory M. Walters/WHO/EOP@EOP [WHO] <Gregory M. Walters>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Angela R. Sailor/WHO/EOP@EOP [WHO] <Angela R. Sailor>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; John P. Hannah/OVP/EOP@EOP [OVP] <John P. Hannah>
CC: Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>
Sent: 8/2/2001 2:40:40 PM
Subject: : Martindale-Hubbell: Extension for WHO/OVP/OPD

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Annabelle J. Romero (CN=Annabelle J. Romero/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-AUG-2001 18:40:40.00
SUBJECT:: Martindale-Hubbell: Extension for WHO/OVP/OPD
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim E. Braue (CN=Tim E. Braue/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gregory M. Walters (CN=Gregory M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John P. Hannah (CN=John P. Hannah/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Martindale-Hubbell has extended their deadline for submitting your

REV_00130449

"Personal Report Form" to be included in the Government Section of its 2002 Law Directory.

If you wish to be included in the directory, please return your completed form to me in White House Personnel, Room 147 EEOB, by COB Tuesday, 8/7/01. The deadline is final with no further extensions permitted by Martindale-Hubbell. If you have any questions, please call me at 6-2859.

Thank you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 8/2/2001 2:40:51 PM
Subject: : RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-AUG-2001 18:40:51.00

SUBJECT:: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please call me with your impressions on how the meeting went (and how it ended). Thanks

Heather Wingate
08/02/2001 10:16:53 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "dinh, viet" <viet.dinh@usdoj.gov>, brett m. kavanaugh/who/eop@eop, "rabjohns, lori" <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested), "newstead, jennifer" <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested)
bcc:
Subject: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

Thank you, Brett.
Viet is confirmed to be there, as well.

See you both at 3:00 today in 242 Dirksen.

Brett M. Kavanaugh
08/02/2001 08:18:22 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc: "dinh, viet" <viet.dinh@usdoj.gov>, brett m. kavanaugh/who/eop@eop, "rabjohns, lori" <lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return requested), "newstead, jennifer" <jennifer.newstead@usdoj.gov> (receipt notification requested) (ipm return requested)
bcc:
Subject: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

I'm there

REV_00130451

Heather Wingate
08/01/2001 09:19:28 PM
Record Type: Record

To: "Dinh, Viet" <Viet.Dinh@usdoj.gov>
cc: brett m. kavanaugh/who/eop@eop, "rabjohns, lori"
<lori.rabjohns@usdoj.gov> (receipt notification requested) (ipm return
requested), "newstead, jennifer" <jennifer.newstead@usdoj.gov> (receipt
notification requested) (ipm return requested)
bcc:
Subject: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen.
Republican Leadership staff on Judicial Noms

Brett, would you confirm with me that you'll be there tomorrow? We really
need some one from your office at this. Thanks, HW

"Dinh, Viet" <Viet.Dinh@usdoj.gov>
08/01/2001 06:31:41 PM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: "Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested), "Newstead, Jennifer"
<Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested)
Subject: RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican
Leadership staff on Judicial Noms

Heather,

Would it be moving mountains to change the meeting time to either 2:00 or
4:30 tomorrow? The reason is that I want to schedule a press backgrounder
with me and Brett here at DoJ at 3:00, right after Ari's press conference,
and Jennifer has a conflicting meeting on Hill. If that would put out our
friends terribly, then perhaps we can have the press backgrounder at 4:00,
but then we are pressing close to filing deadline time. One other
alternative is to do the press backgrounder on Friday morning, but that
would not link it to the slew of nominations stories for tomorrow.
Collective thoughts, everyone? Thanks,

Viet

-----Original Message-----

From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]
Sent: Wednesday, August 01, 2001 12:54 PM
To: Dinh, Viet; Brett M. Kavanaugh@who.eop.gov
Subject: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican
Leadership staff on Judicial Noms

Viet, this is just to follow-up on our conversation yesterday re: meeting
with a
small group of Republican Senate staff on Judicial Nominations. I spoke
with
John Mashburn and Makan this morning (and your scheduler). And 3:00
tomorrow
(Thurs.) works for everyone. Makan would like to host it in his office. 242
Dirksen.

Makan, as you know, would like to keep this meeting separate from the Tues.

REV_00130452

morning meetings that hopefully we will get underway next week. He would prefer that we not raise the Tues morning meetings at the meeting tomorrow, as he'd like to keep those small, as you know. For tomorrow, Brett, can you make it? Also, Makan mentioned that it might be helpful to have Jennifer Newstead and Kyle Sampson at the meeting as well. Viet would you like to include Jennifer?

Also, can we bring a list of all the judicial noms that we've sent up to the Hill? I think we should use this meeting to simply cover where we are right now with sending Judicial noms up, and where we hope to be following the Aug recess. Viet, do you think we're ready to talk to them about a couple of the key communications points that we discussed yesterday?

Thanks, Heather

From: CN=David M. Thomas/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/3/2001 9:24:51 AM
Subject: : Re: Hawaii Trip

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-AUG-2001 13:24:51.00

SUBJECT:: Re: Hawaii Trip

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This looks great. I have a couple of questions. Is the round-trip
airfare considered to be from Washington DC to Hawaii? The only
individual involved with this event will be the President, however if
staff attends the event that have been traveling with the POTUS , who is
responsible? POTUS security detail and the Local police, who is
responsible?

Thanks

DT

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David M. Thomas/WHO/EOP@EOP [WHO] <David M. Thomas>
Sent: 8/3/2001 6:36:21 AM
Subject: : Re: Hawaii Trip

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-AUG-2001 10:36:21.00
SUBJECT:: Re: Hawaii Trip
TO: David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I am working on it now; a few questions. Is he doing political events in both Alaska and Hawaii, or just in Hawaii? Also, is the President doing any official activity in Hawaii or is it solely a political stop? Finally, what is his last stop before Hawaii and his next destination after Hawaii?

David M. Thomas
08/03/2001 09:16:02 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Hawaii Trip

Brett, have you had a chance to complete the letter?

Thanks

DT

As you know we are having a meeting today at 3pm.
----- Forwarded by David M. Thomas/WHO/EOP on 08/03/2001
09:03 AM -----

David M. Thomas
07/30/2001 01:33:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Hawaii Trip

Brett, as per our conversation, Joe Hagin would like a letter from you outlining your guidelines on the POTUS Political event in Hawaii. (Costs, Who pays for what, ethic guidelines, etc...)

As you know the plan is to do a Fund-raiser for the Hawaii Republican Party on October 25(TBD)

Please call me if you have any questions. I would like to hand my proposal in by Thursday if possible. Please let me know if that is OK with you.

REV_00130456

Thanks

David Thomas
67944

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Rachel Brand [WHO] <Rachel Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 8/3/2001 8:01:25 AM
Subject: : Who was...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-AUG-2001 12:01:25.00

SUBJECT:: Who was...

TO:Rachel Brand (Rachel Brand [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

the Iran/Libya Sanctions Act memo staffed to?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David M. Thomas/WHO/EOP@EOP [WHO] <David M. Thomas>
Sent: 8/3/2001 9:33:56 AM
Subject: : Re: Hawaii Trip

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-AUG-2001 13:33:56.00
SUBJECT:: Re: Hawaii Trip
TO: David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

1. I am double-checking on the calculation-of-roundtrip-airfare question with the Office of Special Counsel, which is the independent federal agency that administers these political travel regulations.
2. If people simply attend and watch, but do not engage in political activity (e.g., do not sit on the platform), that would not affect their official-traveler status.
3. The government (federal or local) picks up all security-related costs.

David M. Thomas
08/03/2001 01:24:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Hawaii Trip

This looks great. I have a couple of questions. Is the round-trip airfare considered to be from Washington DC to Hawaii? The only individual involved with this event will be the President, however if staff attends the event that have been traveling with the POTUS , who is responsible? POTUS security detail and the Local police, who is responsible?

Thanks

DT

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 8/3/2001 10:08:10 AM
Subject: : POTUS remarks at 2:15 from Rose Garden - Ch. 9

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-AUG-2001 14:08:10.00

SUBJECT:: POTUS remarks at 2:15 from Rose Garden - Ch. 9

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 8/3/2001 10:08:10 AM
Subject: : POTUS remarks at 2:15 from Rose Garden - Ch. 9

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-AUG-2001 14:08:10.00

SUBJECT:: POTUS remarks at 2:15 from Rose Garden - Ch. 9

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 8/6/2001 6:13:27 AM
Subject: : Re: WHJSC Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-AUG-2001 10:13:27.00
SUBJECT:: Re: WHJSC Meeting
TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

New business; I will do sheets

Jason B. Torchinsky
08/06/2001 09:11:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: WHJSC Meeting

Does Brent have the resumes for these guys (I took a look and didn't see them in the file)?

Also, is this old or new business?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 8/6/2001 11:30:19 AM
Subject: : JSC meeting will happen this week

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-AUG-2001 15:30:19.00

SUBJECT:: JSC meeting will happen this week

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00130471

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We may cancel some of the others later this month but for this week we are on.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 8/6/2001 7:35:21 AM
Subject: : the need for JSC meeting(s)

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-AUG-2001 11:35:21.00

SUBJECT:: the need for JSC meeting(s)

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

To the Counsel member in charge of the JSC meetings right now -

Do we need have a meeting this week? Do we need to have meetings this month?

REV_00130473

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 8/6/2001 7:35:21 AM
Subject: : the need for JSC meeting(s)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-AUG-2001 11:35:21.00

SUBJECT:: the need for JSC meeting(s)

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

To the Counsel member in charge of the JSC meetings right now -

Do we need have a meeting this week? Do we need to have meetings this month?

REV_00130474

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 8/6/2001 7:44:34 AM
Subject: : Re: the need for JSC meeting(s)

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-AUG-2001 11:44:34.00

SUBJECT:: Re: the need for JSC meeting(s)

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

We also need a meeting to discuss two Missouri candidates.

Brett M. Kavanaugh
08/06/2001 11:42:58 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP

REV_00130475

cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: the need for JSC meeting(s)

Based on our meeting with PA Sens' chiefs of staff last Friday, we need a meeting this week to discuss at least 2 judges in PA.

Elizabeth N. Camp
08/06/2001 11:35:18 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: the need for JSC meeting(s)

To the Counsel member in charge of the JSC meetings right now -

Do we need have a meeting this week? Do we need to have meetings this month?

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

Message Copied

To: _____
david s. addington/ovp/eop@eop
h. christopher bartolomucci/who/eop@eop
john b. bellinger/nsc/eop@eop
bradford a. berenson/who/eop@eop
stuart w. bowen/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
timothy e. flanigan/who/eop@eop
laura l. flippin/who/eop@eop
noel j. francisco/who/eop@eop
helgard c. walker/who/eop@eop
allison l. riepenhoff/who/eop@eop

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Patrick.O'Brien2@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>
Sent: 8/6/2001 8:29:08 AM
Subject: : Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-AUG-2001 12:29:08.00

SUBJECT:: Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130477

TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

Per Jennifer Newstead,

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We will schedule another meeting sometime in the next week or so and will send an email to confirm.

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
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CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>
Sent: 8/6/2001 8:29:10 AM
Subject: : Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-AUG-2001 12:29:10.00

SUBJECT:: Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

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READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130479

TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Per Jennifer Newstead,

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From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Patrick.O'Brien2@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>
Sent: 8/6/2001 8:29:16 AM
Subject: : Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-AUG-2001 12:29:16.00

SUBJECT:: Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00130481

READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
(Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
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CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>
Sent: 8/6/2001 8:29:36 AM
Subject: : Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-AUG-2001 12:29:36.00

SUBJECT:: Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

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READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130483

TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Per Jennifer Newstead,

The Judicial Confirmation Working Group Meeting for this week is cancelled. We will be coordinating efforts to reinforce the message and to pursue the strategy discussed last week over the next few weeks.

We will schedule another meeting sometime in the next week or so and will send an email to confirm.

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Patrick.O'Brien2@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>
Sent: 8/6/2001 8:29:39 AM
Subject: : Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-AUG-2001 12:29:39.00

SUBJECT:: Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130485

TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Per Jennifer Newstead,

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From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Patrick.O'Brien2@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>
Sent: 8/6/2001 8:31:15 AM
Subject: : Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-AUG-2001 12:31:15.00

SUBJECT:: Judicial Confirmation Working Group Meeting Cancelled for 8/6/01

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130487

TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

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From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/6/2001 1:47:37 PM
Subject: : WHJSC reminder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-AUG-2001 17:47:37.00
SUBJECT:: WHJSC reminder
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

I'm going to need your WHJSC entries tomorrow morning so I get the draft book to the Judge and Tim early tomorrow afternoon.

Jason

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 8/6/2001 11:30:19 AM
Subject: : JSC meeting will happen this week

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-AUG-2001 15:30:19.00

SUBJECT:: JSC meeting will happen this week

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00130499

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We may cancel some of the others later this month but for this week we are on.

Thanks!

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Wanda Martinson <Wanda.S.Martinson@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
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READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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READ:UNKNOWN
CC:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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Monday, August 6, 2001

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for confirmation hearings is uncertain.

The other nominees were two Lexington lawyers: Karen Caldwell, 45, a former U.S. attorney who helped oversee the federal investigation of public corruption known as Operation BOPTR0T; and Danny Reeves, 44, who has represented Ashland Oil and the Kentucky High School Athletic Association.

Appointments to federal judgeships are for life and are viewed as prize political plums. Traditionally, presidents closely follow the recommendations of the U.S. senators from their party in making appointments for a particular state.

The elder Bunning and fellow Republican Sen. Mitch McConnell announced the nominations in a statement that did not take note of the relationship between the Bunnings. It described the three as "talented and experienced Kentuckians. . . . We strongly support the president's choices, and are going to do all we can to push their speedy confirmation by the Senate."

Spokesmen for the senators said they had no immediate comment beyond the statement.

The Kentucky Democratic Party criticized Bush for the Bunning nomination.

"By appointing a U.S. senator's son to the federal bench, Bush seems to be polarizing and politicizing a position that should remain completely nonpartisan," party spokeswoman Susan Dixen said.

David Bunning did not return messages left at his office. Caldwell and Reeves said they were honored by the nominations and declined further comment.

One prominent Eastern Kentucky lawyer criticized all three choices.

"Not one of the three nominees is from Eastern Kentucky. These judgeships are for Ashland, Pikeville and London," said Ned Pillersdorf of Prestonsburg.

But Pillersdorf praised Caldwell's work as an attorney and a federal prosecutor. He said he did not know the younger Bunning, and he objected to the nomination of Reeves, with whom he

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Neil Lewis **New York Times**

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Neil Lewis

clashed when Reeves represented Ashland Oil in litigation over environmental damage in an Eastern Kentucky oilfield.

The senators' statement described David Bunning as "a dedicated public servant" who as an assistant U.S. attorney has "accumulated significant courtroom litigation experience."

It said the younger Bunning is responsible for a "wide range of criminal litigation and appeals, and in 1998 he successfully prosecuted one of the first Internet fraud and harassment cases in the nation."

ABA guidelines recommend a minimum of 12 years of experience as a lawyer before someone is considered a qualified candidate for the U.S. District Court bench. Bunning has a decade of experience as an attorney.

It's unclear if the difference will pose a difficulty for confirmation.

Mimi Devlin, spokeswoman for Sen. Patrick Leahy, the Vermont Democrat who chairs the Senate Judiciary Committee, said the committee believes experience is important but that lacking some experience would not disqualify Bunning.

"Senator Leahy values the ABA's opinions on these matters, but this is only a guideline," Devlin said.

Joe Savage, a Lexington attorney and former president of the Kentucky Bar Association, said that although experience is important, "I know lawyers who have practiced five years who have gained a lot more experience than some who have practiced 15 years."

Savage, who said he does not know David Bunning, said he expected the experience issue would not be so serious as to block confirmation.

Edward Drennen, president of the Northern Kentucky Bar Association, said he expected Bunning would be conservative on the bench but also open-minded and fair. "He's always demonstrated in our dealings with him a willingness to listen to both sides," said Drennen, a Florence attorney.

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Neil Lewis **New York Times**

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He also said it was unfair to attach nepotism to the nomination.

"His father doesn't try these federal cases, David does," Drennen said. "David writes these briefs to the Court of Appeals."

Mark Guilfoyle, a leading Northern Kentucky Democrat, Covington lawyer and former gubernatorial aide, called Bunning an outstanding pick.

Guilfoyle said too much has been made of Bunning's relative lack of experience. "He has lived in federal court for the last 10 years" trying a wide variety of cases, Guilfoyle said.

Although Guilfoyle said he disagrees with the nominee's father on most issues, he described the younger Bunning as a conservative who is in step with the values of most Kentuckians and "in no way, shape or form an ideologue."

Reno Lawyer Hicks Nominated For U.S. Judge Position

By Jane Ann Morrison
Las Vegas Review-Journal
Friday, August 3, 2001

Reno attorney Larry Hicks, a nominee for a federal judgeship under the first President Bush, lost his opportunity when Bush was defeated in the 1992 election. Now Hicks is a nominee again -- this time by the second President Bush. The White House announced the nomination Thursday and forwarded Hicks' name to the U.S. Senate for confirmation as a U.S. District Court judge.

Hicks, 57, was recommended for the lifetime post in May by U.S. Sen. John Ensign, R-Nev. Ensign submitted four names for two judicial vacancies but declined to say how he ranked them. Sources said Hicks and District Judge Jim Mahan were first in line, followed by Las Vegas attorney Walt Cannon and District Judge Mark Gibbons. Hicks' background investigation moved quickly because he already had undergone such a check nine years ago. Mahan's

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Neil Lewis **New York Times**
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background investigation isn't complete, but one source said he might gain a presidential nomination in September. The two judgeships are based in Las Vegas.

Although federal judgeships are the top patronage appointment any senator makes, Ensign said he didn't base his decision on political cronyism or payback. Ensign said he didn't know Hicks or his other nominees when he selected them, but he used an informal committee of bipartisan advisers to make his choices. He described Hicks as having 'impeccable character' as well as being a distinguished attorney.

Hicks, a sportsman who enjoys duck hunting, was on a previously planned fishing trip in British Columbia but issued a statement saying he 'couldn't be more excited about the opportunity to serve my country' as a federal judge. A partner in the Reno law firm McDonald Carano Wilson McCune Bergin Frankovich & Hicks, he is a trial attorney with extensive courtroom experience, both prosecutor and as a civil attorney.

He started his legal career in 1971 as the chief criminal deputy district attorney in Washoe County, and was elected district attorney of Washoe County in 1973.

In 1979, he began his career as a partner in his current law firm, where he heads the firm's litigation section. For 16 years, he also has worked as a settlement judge for the Nevada Supreme Court. In an interview in May, Hicks said he represented Dow Chemical in a breast implant case, and as district attorney he investigated brothel owner Joe Conforte and his corrupt influence on elected officials in Northern Nevada. His law partner Thomas 'Spike' Wilson, a Democrat, said Hicks is 'known and respected by his peers' and has wide support in the legal community. When FBI officials interviewed Wilson, he said, he guessed they hadn't received any negative comments about Hicks.

'He works hard, he's diligent, detailed, careful, prepared and he knows the law. He considers factual and legal issues carefully,' said Wilson, a former state senator and former chairman of the Nevada Ethics Commission. Wilson predicted Hicks would win confirmation easily. Wilson described Hicks' politics as 'pretty moderate. I don't see him on either extreme. I think he'll be a mainstream judge who follows legal precedent.'

U.S. Sen. Harry Reid, D-Nev., issued a news release calling Ensign's pick 'a wise choice' and

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Neil Lewis **New York Times**

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promised to do 'everything in my power as the majority whip' to get Hicks confirmed quickly. The two senators have agreed to share the judicial appointments no matter which party controls the White House, Ensign said.

He will nominate three judges and then give Reid the fourth choice. If the White House goes Democratic in 2004, Reid agreed to do the same with Ensign.

Bush Nominates Four As Judges, U.S. Attorney

By Christ Casteel
The Daily Oklahoman
Friday, August 3, 2001

Five months after receiving recommendations from Oklahoma's senators, the White House on Thursday nominated four people for federal judgeships in the state.

Also nominated was Robert G. McCampbell to be U.S. attorney for the Western District of Oklahoma, based in Oklahoma City.

President Bush sent to the Senate the following nominations:

- Joe L. Heaton, a former Republican leader in the state House of Representatives, to be a judge in the western district. Heaton is an assistant U.S. attorney and spent nine months as the U.S. attorney. He served seven years in the state House and practiced law with Fuller, Tubb & Pomeroy.
- Stephen P. Friot, an Oklahoma City attorney, to fill another vacancy in the western district. He has been in private practice since 1972. He is a partner in the firm of Spradling, Alpern, Friot & Gum. A 1987 book that ranked the top legal guns in the country included Friot among the Oklahomans.
- Claire V. Eagan to be a judge in the northern district, based in Tulsa. She has been a U.S. magistrate judge for three years in the northern district; for 20 years, she was a litigation attorney with Hall, Estill. During her time as magistrate, she has supervised the court's

York Times

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Neil Lewis **New York Times**
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settlement program.

- James H. Payne to be a judge sharing time in the northern district and eastern district, based in Muskogee. Payne has been a U.S. magistrate judge in the eastern district for 12 years. He spent 15 years in private practice, handling civil matters, and also served three years as an assistant U.S. attorney.

- McCampbell to be U.S. attorney. He is a partner with the law firm Crowe and Dunlevy in Oklahoma City. He served as an assistant U.S. attorney in the western district from 1987 to 1994. He is a graduate of Vanderbilt University and Yale Law School.

Oklahoma's senators applauded the nominations, which will be considered first by the Senate Judiciary Committee.

In regard to the judicial nominations, Sen. Jim Inhofe, R-Tulsa, said, "Senator Nickles and I recommended these individuals based on their superb professional experience and sound judicial philosophy. I am confident they will faithfully uphold the Constitution and serve our state and nation well."

Nickles, R-Ponca City, said McCampbell "is an outstanding individual who will serve the state and the country well."

Bush Is Ahead of Clinton Pace on Nominees

The New York Times

Monday, August 6, 2001

After half a year in office, President Bush has 52 nominees for executive branch positions awaiting Senate confirmation and 211 positions in his administration yet to be named, according to a running count by the Brookings Institution.

With Congress and the White House on vacation for a month, Brookings, a research group, projects that some appointees will not be in place until after Mr. Bush has been in office for a year.

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Neil Lewis **New York Times**

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Even March 2002 would be optimistic, said Paul C. Light, vice president and director of governmental studies at Brookings. "At this point, people in the administration are going to be arriving as others in it are departing," Mr. Light said.

The White House puts a somewhat better face on the facts. "I think it's fair to say that even given the shortened transition that this administration has worked from, the personnel and the nomination process have worked exceedingly well from the White House end of Pennsylvania Avenue," said Ari Fleischer, the White House spokesman.

Mr. Fleischer said on Friday that Mr. Bush had nominated 443 people for Senate confirmation, counting not only the nominees for 360 cabinet and subcabinet posts, but also judges, top military officers and ambassadors, whom Brookings does not count in its survey. Brookings says the White House has made nominations for 321 out of 499 positions; 227 of the nominees have been confirmed. Only Mary Sheila Gall, the appointee for the Consumer Product Safety Commission, has been rejected. Since the Democrats took control of the Senate about six weeks ago, 128 nominees have been confirmed. In the Republican-controlled Senate, 99 were confirmed. On Friday the Senate confirmed 38 nominees before adjourning until September.

Compared with two previous presidents who took over the White House from the other party, Bill Clinton and Ronald Reagan, Mr. Bush is ahead of Mr. Clinton's pace but behind Mr. Reagan by 43 confirmations, according to Brookings.

In recent weeks, the new majority leader, Senator Tom Daschle of South Dakota, after meeting with Republican leaders and senior senators, has bypassed hearings for lower-level nominees, sending them directly to the floor for confirmation.

Op/Eds

Senate Says Vacation More Important Than Judicial Vacancies According To People For Common Sense Courts

PR Newswire

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

Friday, August 3, 2001

With one of every eight federal judgeships vacant and 40 judicial nominations pending, the United States Senate today took bold action -- and began a month-long vacation.

"Senate leaders showed their true colors today," said Oklahoma Gov. Frank A. Keating, national chairman of People for Common Sense Courts. "By abandoning Washington for a month, they abandoned any hope of resolving the growing judicial crisis any time soon. Obviously, their vacation is more important to them than maintaining a functioning legal system."

There are now 108 vacancies on the federal district and appeals courts, including 39 designated as emergencies because of the enormous number of cases pending. President Bush has nominated 44 individuals to fill these posts; the Senate has confirmed 4. "If the Oklahoma state courts were in this type of crisis and my response was to take a month-long vacation, the voters and the news media would never let me hear the end of it," Keating said.

"In the first years of the past three Administrations, all but one of the judges nominated before the Senate's August recess were confirmed that year," said Andrew R. Stephens, president of People for Common Sense Courts. "That looks increasingly unlikely this year. The Senate is scheduled to be in session for only another 22 days, and it has 40 nominations pending."

"When Democrats controlled the White House and Republicans controlled the Senate, Senate Democrats complained that 67 judicial vacancies was too many," Stephens noted. "Now that party control has changed, their response to 108 vacancies is to drag their feet." During the transition this spring from Republican to Democratic control of the Senate, incoming Judiciary Committee Chairman Patrick Leahy (D-Vt.) refused to schedule any judicial confirmation hearings -- even though other Senate committees were holding confirmation hearings.

Before the Senate returns from its August recess, at least one more federal appeals court judge is scheduled to retire -- from the 6th Circuit Court of Appeals, already suffering an emergency because of 6 vacancies. Another four federal judges have announced plans to retire by the end of the year -- in addition to any unexpected retirements, resignations, or deaths.

Yes, the ABA Rankings on Judicial Nominees Are Biased

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Neil Lewis **New York Times**

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Neil Lewis

By James Lindgren
The Wall Street Journal
Monday, August 6, 2001

With the American Bar Association meeting in Chicago today, it is an apt moment to look at the ABA's controversial judicial-evaluation process and consider whether it provides an objective, nonpartisan measure of a judicial nominee's qualifications.

That's what it says it does, a claim echoed by the Democrats on the Senate Judiciary Committee, who vow not to schedule a nominee's hearing until they have reviewed the ABA's rating. This faith persists despite the White House's decision not to call upon the ABA to pre-screen its judicial nominees, a system that had been used by presidents since the 1950s.

What does the evidence show? I've just completed a statistical study of the ABA's ratings of appointees to the U.S. Courts of Appeals during the Clinton and first Bush administrations and can report that the facts don't support the ABA's claim of objectivity. The ABA may once have been objective, but it's not anymore.

I analyzed the credentials of the 108 nominees who were ultimately appointed to the federal appeals courts during the Clinton and Bush-1 administrations. The results? The ABA applied measurably different and harsher standards during President George H. W. Bush's administration than it applied during President Bill Clinton's tenure. In short, the Bush appointees got lower ABA ratings than the Clinton appointees.

First a word on how the process works. The ABA's 15-member Standing Committee on the Federal Judiciary rates judges as "Well Qualified," "Qualified" or "Not Qualified."

George W. Bush's Nominees to the U.S. Courts of Appeals

NOMINEE	CIRCUIT	ABA RATING
Terrence Boyle	4th	Qualified

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Edith Brown Clement	5th	Well Qualified (majority) / Qualified (minority)
Deborah Cook	6th	Qualified
Miguel Estrada	D.C.	Well Qualified
Roger Gregory	4th	Qualified
Michael McConnell	10th	Well Qualified
Priscilla Owen	5th	Well Qualified
Barrington Parker	2nd	Well Qualified
John Roberts	D.C.	Well Qualified
Dennis Shedd	4th	Well Qualified (majority) / Qualified (minority)
Jeffrey Sutton	6th	Qualified (majority) / Qualified (minority)
Jeffrey Howard	1st	Not Yet Rated
Terrence O'Brien	10th	Not Yet Rated

Judicial temperament and integrity, two criteria that the ABA considers, are hard to measure. But many credentials can be measured empirically. My study considered six: judicial experience, an elite law school education, law review, a federal court clerkship, private-practice experience, and government-practice experience. The data on the professional qualifications of the 108 judges were collected by the Federalist Society from publicly available sources or directly from the judges. While my study found strong evidence of different treatment of nominees, this isn't a simple story of ABA bias in favor of Clinton nominees. Among nominees with the most important credential -- prior judicial experience -- Clinton and Bush-1 nominees both fared roughly equally.

Instead, the problem arose for nominees without prior judicial experience. Because these candidates lacked the most obvious credential for the job, the ABA evaluations could be more subjective. Here Clinton nominees fared strikingly better than Bush-1 nominees. Some 65% of Clinton appointees without judicial experience were unanimously rated "Well Qualified" compared with only 17% of the Bush-1 appointees. Controlling for credentials, my study found that Clinton nominees had more than 10 times better odds of getting the ABA's highest rating than similarly credentialed Bush appointees. In short, being nominated by Bill Clinton was a stronger positive variable than any other credential or than all other credentials put together.

A Clinton nominee with few of the six credentials I measured had a much better chance of getting the highest ABA rating than a Bush nominee with most of these credentials. For

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Neil Lewis

Federal News Service, August 3, 2001

EXCERPT

General Judicial Articles

Rebuffed By White House, ABA Finds It Still Has Role In Judicial Nominations Before Democratic-led Senate

By Anne Gearan

The Associated Press

Saturday, August 4, 2001

Three months into George W. Bush's presidency, the White House fired the American Bar Association from its job doing secret background checks on potential federal judges.

Losing that prestigious role after 50 years left many in the organization of 400,000 lawyers smarting and convinced still that the White House made a rash and largely political decision.

But lawyers gathered for the group's annual meeting said that for now, surprisingly little has changed.

The ABA continues to vet judges, and the newly Democratic-controlled Senate still relies on the ABA's recommendations. The difference is that the ABA does its work after the White House announces the name of a potential judge, instead of beforehand.

"The dynamic has changed, but we're still doing our work," said Bob Hirshon, who will become the ABA president during the six-day meeting.

Actually, the dynamic changed twice: in March when the White House gave the ABA the boot and then in May, when Vermont Sen. James Jeffords' defection from the Republicans gave Democrats control of the Senate.

In one sense, the Senate switch meant the ABA role was just as influential as before, Senate aides said. Democrats had said they would not confirm any Bush judge without an ABA rating, and after the switch they had the muscle to make the warning stick.

York Times

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Neil Lewis **New York Times**

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example: A nominee with an elite law school education, law review, a federal clerkship, and experience in both government and private practice would have only a 32% chance of getting the highest ABA rating if he were a Bush appointee, but a 77% chance if he were a Clinton appointee. A Clinton nominee with none or just one of these five credentials would still have at least a 45% chance of getting the highest rating.

The differences in how the ABA treated Bush-1 and Clinton nominees reached even to the internal decision making of the ABA committee. The ratings committee split its vote between two ratings 33% of the time when evaluating Bush-1 appointees, but it split only 17% of the time when evaluating Clinton appointees.

If Clinton nominees had been subjected to the same credentials-driven approach as Bush-1 candidates, only 46% of Clinton's confirmed nominees would have been unanimously rated as "Well Qualified." Instead, 62% actually received that top rating. On average Bush-1 and Clinton nominees had almost identically strong measured qualifications, yet they were not rated similarly.

The data suggest that when Bill Clinton took office, the ABA softened its standards, possibly emphasizing credentials such as temperament and philosophy that are harder to measure than experience and educational success. Now the ABA is back to rating Republican nominees -- and apparently is also back to its old harsh ways. The ABA ratings of George W. Bush's first 11 appellate nominees were released this summer. While it is much too soon to reach any firm conclusions about Bush-2, the pattern so far is not encouraging.

Although 62% of Clinton's 66 confirmed appellate nominees got the ABA's highest rating of unanimously "Well Qualified," only five of the first 11 new Bush nominees -- 45% -- have received the highest ABA rating, the same percentage that confirmed nominees received under the administration of the elder Bush.

At the end of the day, one nagging question remains: Why hasn't the ABA itself noticed the large political differences in its evaluative processes and worked harder to understand, explain or eliminate them? Now that there are hard data that support the claims of its critics, it would be good to see fewer denials and more introspection and reform.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

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Transcripts/Members of Congress

Stakeout with Senate Minority Leader Trent Lott (R-MS), and Senators Don Nickles (R-OK), Larry Craig (R-ID), and Pat Roberts (R-KS) Following Senate Republican Conference Meeting

Federal News Service

Friday, August 3, 2001

EXCERPT

You go ahead, and then we'll come back over here.

Q Okay. Can you talk about the upcoming fight over judicial nominations in the fall and what strategy you guys are going to use to get those through the Senate?

SEN. NICKLES: Well, let me just make a couple of comments. One, the leader gave me a little responsibility on trying to help shepherd some of the nominees through. And I will compliment Senator Reid and Senator Daschle; they have been cooperative. We've encouraged them to let's work together, see if we can't get some through. In the last couple of three weeks we've had some pretty good progress, and we want to continue that. It's not fair for this administration -- they're already --

Q But I'm talking specifically about judicial nominations.

SEN. NICKLES: I understand. I understand. It's not fair for this administration, they still have assistant secretaries that haven't been confirmed, and Cabinet secretaries are entitled to have their nominees confirmed.

Judges. The administration has just now sent -- they sent up the Circuit Court judges and they haven't been considered totally through the Judiciary Committee. Hopefully they will be. The

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administration is right now in the process of sending District Court judges through, and we're encouraging them to hurry up and get those, and they've been held up because of the FBI background checks and so on. But we hope and expect that the Judiciary Committee will work with all senators to get these judges in. We've got a lot of judges that are waiting, a lot of U.S. Attorneys, a lot of Marshals that have not been confirmed, that need to be confirmed. They should have been confirmed, frankly, in many cases by now, but we haven't got the nominations yet from the administration. So I'm not just faulting the Judiciary Committee, except for some of the Circuit Courts, they've been kind of slow on Circuit Court.

SEN. LOTT: Let me just give you some numbers, and be honest. First of all, I think that we should have had the U.S. Attorneys and U.S. Marshal nominees already pending before the Senate. They're not here, so you can't be critical of the Democrats for not moving that.

With regard to judges, I believe it's right that there have only been four federal marshals confirmed --

SEN. NICKLES: Judges.

SEN. LOTT: -- federal judges confirmed by the Senate.

SEN. NICKLES: Five.

SEN. LOTT: Did we do two yesterday?

SEN. NICKLES: Five. We did two yesterday.

SEN. LOTT: Okay, five. And we still have pending in the Judiciary Committee 26 maybe?

SEN. NICKLES: Twenty-something. Yeah.

SEN. LOTT: And several of them, about 10 or so, have been here since I believe May.

SEN. NICKLES: April, May, yeah.

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SEN. LOTT: I mean, so there could have been hearings. And I don't believe they've even had hearings on most of them.

Now, the administration I believe will be sending a block of probably 50 or 60 nominations here momentarily, in the next few days, and those will be pending. So we really need to start moving aggressively on having hearings and reporting out judicial nominees, both judges and U.S. attorneys when we come back in September.

SEN. NICKLES: And the great majority of these will not even be controversial.

SEN. LOTT: That's right.

SEN. NICKLES: The great majority of these will be supported by both senator from their home states, and we expect those can go through pretty quickly.

Q Senator Lott.

Q Senator Lott, you know, last week, President Bush has backed the sons of Senator Jim Bunning and also the son of Strom Thurmond for judicial nominations for judgeships. Is he trying to win influence with the Senate through appointing people's relatives?

SEN. LOTT: I can't believe a president would be trying to win influence with the Senate! Every president does that. But also, he is prepared to select good men and women for federal positions, even if they are the sons and daughters of senators or judges for that matter. I know Strom Thurmond Jr. This is a 28-year-old, extremely sharp, very intelligent young lawyers with prosecutory (sic) experience. I'd pick him. And there are others. You know, Justice Rehnquist's daughter has been selected for a position in the administration. She is, from all accounts, a brilliant person who will do an excellent job. I don't think that ought to guarantee you'll be nominated or confirmed, but neither should it be prohibitive.

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"It has been the committee's practice to (rely) on ABA ratings, and that has not changed," said David Carle, spokesman for Judiciary Chairman Sen. Patrick Leahy, a Democrat.

"There would have been a change if the Republicans were still in control. At least some Republicans were apparently willing to proceed without ABA ratings," Carle said.

In another sense, the ABA's role is fundamentally different. Before, most presidents quietly killed a nomination if the ABA found the candidate unqualified, and the name never became public.

That gave the ABA unparalleled veto power over White House decisions, said Leonard Leo, a vice president of the conservative Federalist Society.

Conservatives long have viewed the ABA with suspicion. Congressional Republicans, in particular, tend to perceive the organization as liberal-leaning, and blame a mixed ABA review of Robert Bork for defeat of the conservative nominated for the Supreme Court.

The ABA rejects the liberal label. The organization's leaders say there is a high wall between policy positions and its work evaluating judges. The ABA has lobbied for abortion rights and gun control.

"The decision by the White House cast a lot of light on the process, and caused people to think about the ABA's role," Leo said. "I think the jury is still out as to whether the role they play is valuable or not."

Many Federalist Society members are now advising Bush on judicial nominees, and several of its members were among Bush's initial crop of judicial picks.

The society's skeptical review of ABA activities, called "ABA Watch," this month includes a comparison of ABA ratings for Clinton administration appeals court nominees and those nominated by the first President George Bush.

The Federalist Society study found that when it came to nominees with similar legal experience,

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the Clinton choices were at least seven times more likely to win the highest "well-qualified" ABA rating.

Northwestern University law professor James Lindgren, who did the analysis, also looked at some of the first nominees from the current Bush administration, Leo said.

"We are seeing some of the same patterns, although the patterns are not as stark," Leo said.

The ABA has finished its investigations of 17 of Bush's first 44 nominees for federal trial and appeals courts, and has taken about the same time to prepare the reports as it did before, ABA leaders and Senate aides said.

So far, the ABA has rated each candidate "qualified" or "well-qualified."

"We may not know the answer to this question for awhile _ whether the information we receive when a name is in the public domain is the same versus the information we received the last 50 years," the ABA's Hirshon said.

The ABA maintains that so long as the potential nominee's name was not yet public, friends or co-workers can speak without risk of retribution and without publicly sully a nominee's reputation.

Although she was blindsided by the White House decision in March, current ABA president Martha Barnett now sounds sanguine about the change.

"This is one of those issues that created angst in the beginning, but has now worked out well and is a non-issue," she said.

United Senate Confirms Mueller To Head FBI; Selection: Unanimous Vote Cements Bush's Nomination. Bickering Over Nominees For Other Posts Gets Worse

By Eric Lichtblau
The Los Angeles Times
Friday, August 3, 2001

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis **New York Times**
June 26, 2001

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Despite partisan wrangling over a new batch of White House nominations, the Senate on Thursday gave quick and unanimous approval to one of President Bush's most closely watched picks as it confirmed San Francisco prosecutor Robert S. Mueller to lead the besieged FBI.

Mueller, 56, will take over an agency that has seen its reputation as the nation's premier law enforcement agency badly tarnished by recent episodes of espionage, witness intimidation, lost documents, missing weapons and other embarrassments within its ranks.

"We know he has a difficult job ahead of him," said Sen. Patrick J. Leahy (D-Vt.), chairman of the Senate Judiciary Committee, as he ticked off a list of recent blunders at the FBI.

But Leahy said Mueller, a veteran prosecutor credited with turning around the U.S. attorney's office in San Francisco after his appointment there in 1998, is the right man for the job. "I applaud President Bush for his appointment," the senator said.

Leahy's committee gave Mueller a unanimous vote of approval Thursday after two days of hearings earlier in the week that were marked by unstinting praise for Mueller and widespread condemnation of the FBI. Hours after the committee vote, the full Senate approved Mueller for the job on a 98-0 vote.

Mueller soon will undergo surgery for prostate cancer, and no date has been set for his takeover at the FBI, although Justice Department aides indicated it might not happen for several weeks.

Atty. Gen. John Ashcroft, who lobbied hard for the former Marine, said that Mueller "will serve with fidelity, bravery and integrity" and that his background in criminal law brings "an invaluable perspective to the Department of Justice."

Mueller's confirmation followed the Senate's approval earlier this week of Rep. Asa Hutchinson (R-Ark.) as head of the Drug Enforcement Administration and former Senate Sergeant-at-Arms James Ziglar as head of the Immigration and Naturalization Service.

But the votes came amid stepped-up political bickering Thursday over some of Bush's other nominations.

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Democrats on the Senate Commerce Committee voted down Bush's pick of Mary Sheila Gall as head of the Consumer Product Safety Commission. And a new round of judicial nominations by the White House set off a round of political accusations.

The White House nominated 18 federal judges Thursday, including 15 for seats on district courts and three for the federal claims court.

The selections were concentrated in states that have two Republican senators, with four judges nominated in Oklahoma and three in Kentucky. In states such as California and New York, where both senators are Democrats and the effort to find acceptable candidates may prove more protracted, the White House does not expect to nominate judicial candidates until the fall.

Bush administration officials immediately warned Senate Democrats that they have become frustrated with what they consider unnecessary delays in considering the White House's judicial nominations, which now total 44.

Administration officials complained that, while they have been quick to nominate judges at a rate outpacing those of past presidencies, the Democratic-controlled Senate has approved only four judges so far and has not even scheduled hearings for many candidates. Many districts remain short of judges as a result, Bush advisors said.

"There's really in the administration's view no legitimate justification--given the vacancy crisis--for all these weeks to have passed without hearings," said a senior administration official who asked not to be identified. Bush "expects and is entitled to the same fair treatment for his nominees" as past presidents have received, the official said.

But Leahy said the Judiciary Committee has pushed through the nominations of Mueller and other candidates at a very quick pace, and his aides said the White House has slowed the process by limiting the American Bar Assn.'s traditional role in reviewing nominees.

One of Thursday's judicial nominations who could prove controversial is David Bunning, a 35-year-old assistant U.S. attorney in Kentucky tapped for the federal bench there. Bunning is the son of Sen. Jim Bunning (R-Ky.), and his nomination came a day after Bush nominated Strom

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Thurmond Jr., the 28-year-old son of the Senate's senior member, to be the U.S. attorney in South Carolina.

Bunning has been a lawyer for 10 years, two years less than the ABA generally recommends for a lifetime appointment to the federal bench.

Ralph Neas, head of People for the American Way, a liberal public-interest group that has criticized Bush for allegedly trying to pack the courts with "right-wing ideologues," said he wants the Bunning nomination to get a close look.

"Thirty-five years old is very young, and I think it's a legitimate issue to question whether this nominee has the qualifications needed to be a federal judge," he said.

But Bush administration officials said Bunning has a proven record as a prosecutor and is well qualified for the job.

Pitch Made For Approval Of Judicial Nominees

By Tom Brune

Newsday

Friday, August 3, 2001

President George W. Bush is "entitled" to have all of the judicial candidates he has nominated so far confirmed by the Democratic-controlled Senate by the end of the year, an administration official said yesterday.

The Bush administration official made that claim in announcing 16 new judicial nominations while blasting the Senate Judiciary Committee for failing to act more quickly on judicial candidates Bush has nominated in the past three months.

Administration officials also said they expect to nominate candidates to fill the more than 100 vacancies on the federal bench by the end of the year, which would put a distinctly Republican stamp on the federal judiciary.

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Included among yesterday's nominees is the 35-year-old son of Sen. Jim Bunning (R-Ky.) to be a federal judge in Kentucky. On Wednesday, Bush tapped the 29-year-old son of Sen. Strom Thurmond (R-S.C.) to be U.S. attorney of South Carolina.

Since May, Bush has nominated 44 candidates for the federal bench, and the Senate has confirmed three nominees and appeared likely to confirm a fourth before going on a monthlong recess after today.

An aide to Senate Judiciary Chairman Patrick Leahy (D-Vt.) rejected criticism of the pace of the committee's confirmation hearings. "Any fair look at this committee's schedule for the past month shows how brisk it has been," said Leahy spokesman David Carle, noting that it had expedited hearings of the nominees for directors of the FBI and Drug Enforcement Agency.

Carle also refrained from making any promises that all of the Bush judicial nominees would be confirmed by year's end. "It depends on what nominees the president sends," he said.

Bush officials stepped up pressure on Senate Democrats to approve more judicial candidates yesterday after the Senate Commerce Committee, in a separate action, handed Bush his first defeat of a nominee - rejecting his choice for Consumer Product Safety Commission chairman.

"In the past three administrations, there has been a very long-standing bipartisan tradition of [judicial] nominees who were named prior to the August recess being confirmed in the first year of their presidency," said White House spokesman Ari Fleischer.

"Consistent with that bipartisan history, the president hopes and urges that the Senate will move forward and act on all 44 of his [judicial] nominations this year," he said.

Another administration official, speaking on the condition he not be named, however, went further, saying, "We expect and we are entitled to and we would be satisfied if the . . . judges were confirmed."

Most of those nominated yesterday were from states represented by two Republican senators.

Nominated for the First Circuit of Appeals was Jeffrey R. Howard, who came in third in the

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Republican primary for governor of New Hampshire last year and whose campaign consultant was cited by state officials for improper campaign activities. Howard is a former U.S. attorney and New Hampshire attorney general.

Nominated for the 10th Circuit of Appeals was Terrence L. O'Brien, who after retiring as a Wyoming state court judge won the Republican nomination for a congressional seat as a write-in candidate, but then withdrew before the general election last year.

Nominated for the Eastern District of Kentucky was David Bunning, who since 1991 has been a federal prosecutor.

Meanwhile, Sen. Charles Schumer (D-N.Y.) used a procedural maneuver to delay the nomination of Deborah Daniels as assistant attorney general for the Justice Department's Office of Justice Programs because he said she has not sufficiently answered questions about how she would manage the agency's gun programs. The committee may take up the Daniels nomination in September, when Congress returns from its August recess.

Three Nominees Likely To Win U.S. Judgeships, Lawyers Say Bunning's Son May Face Scrutiny On His Experience

By Tom Loftus
The Courier-Journal (KY)
Friday, August 3, 2001

President Bush's three federal judgeship nominees for Kentucky, including the son of U.S. Sen. Jim Bunning, are likely to win Senate confirmation, several prominent Kentucky attorneys said yesterday.

But the experience of David Bunning may get close scrutiny at Senate Judiciary Committee confirmation hearings. The 35-year-old son of the junior senator from Kentucky is a federal prosecutor in Covington.

If confirmed, David Bunning would be the youngest lawyer appointed a federal judge in Kentucky since the American Bar Association began evaluating nominees in 1948. The timetable

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Media Review - Judicial Nominations

Monday, August 6, 2001

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- "Bush Nominates Four As Judges, U.S. Attorney,"
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- "Bush Is Ahead of Clinton Pace on Nominees,"
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- "Senate Says Vacation More Important Than Judicial Vacancies According To People For Common Sense Courts,"
PR Newswire, August 3, 2001 14
- "Yes, The ABA Rankings on Judicial Nominees Are Biased,"
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for confirmation hearings is uncertain.

The other nominees were two Lexington lawyers: Karen Caldwell, 45, a former U.S. attorney who helped oversee the federal investigation of public corruption known as Operation BOPTR0T; and Danny Reeves, 44, who has represented Ashland Oil and the Kentucky High School Athletic Association.

Appointments to federal judgeships are for life and are viewed as prize political plums. Traditionally, presidents closely follow the recommendations of the U.S. senators from their party in making appointments for a particular state.

The elder Bunning and fellow Republican Sen. Mitch McConnell announced the nominations in a statement that did not take note of the relationship between the Bunnings. It described the three as "talented and experienced Kentuckians. . . . We strongly support the president's choices, and are going to do all we can to push their speedy confirmation by the Senate."

Spokesmen for the senators said they had no immediate comment beyond the statement.

The Kentucky Democratic Party criticized Bush for the Bunning nomination.

"By appointing a U.S. senator's son to the federal bench, Bush seems to be polarizing and politicizing a position that should remain completely nonpartisan," party spokeswoman Susan Dixen said.

David Bunning did not return messages left at his office. Caldwell and Reeves said they were honored by the nominations and declined further comment.

One prominent Eastern Kentucky lawyer criticized all three choices.

"Not one of the three nominees is from Eastern Kentucky. These judgeships are for Ashland, Pikeville and London," said Ned Pillersdorf of Prestonsburg.

But Pillersdorf praised Caldwell's work as an attorney and a federal prosecutor. He said he did not know the younger Bunning, and he objected to the nomination of Reeves, with whom he

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Neil Lewis **New York Times**

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clashed when Reeves represented Ashland Oil in litigation over environmental damage in an Eastern Kentucky oilfield.

The senators' statement described David Bunning as "a dedicated public servant" who as an assistant U.S. attorney has "accumulated significant courtroom litigation experience."

It said the younger Bunning is responsible for a "wide range of criminal litigation and appeals, and in 1998 he successfully prosecuted one of the first Internet fraud and harassment cases in the nation."

ABA guidelines recommend a minimum of 12 years of experience as a lawyer before someone is considered a qualified candidate for the U.S. District Court bench. Bunning has a decade of experience as an attorney.

It's unclear if the difference will pose a difficulty for confirmation.

Mimi Devlin, spokeswoman for Sen. Patrick Leahy, the Vermont Democrat who chairs the Senate Judiciary Committee, said the committee believes experience is important but that lacking some experience would not disqualify Bunning.

"Senator Leahy values the ABA's opinions on these matters, but this is only a guideline," Devlin said.

Joe Savage, a Lexington attorney and former president of the Kentucky Bar Association, said that although experience is important, "I know lawyers who have practiced five years who have gained a lot more experience than some who have practiced 15 years."

Savage, who said he does not know David Bunning, said he expected the experience issue would not be so serious as to block confirmation.

Edward Drennen, president of the Northern Kentucky Bar Association, said he expected Bunning would be conservative on the bench but also open-minded and fair. "He's always demonstrated in our dealings with him a willingness to listen to both sides," said Drennen, a Florence attorney.

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He also said it was unfair to attach nepotism to the nomination.

"His father doesn't try these federal cases, David does," Drennen said. "David writes these briefs to the Court of Appeals."

Mark Guilfoyle, a leading Northern Kentucky Democrat, Covington lawyer and former gubernatorial aide, called Bunning an outstanding pick.

Guilfoyle said too much has been made of Bunning's relative lack of experience. "He has lived in federal court for the last 10 years" trying a wide variety of cases, Guilfoyle said.

Although Guilfoyle said he disagrees with the nominee's father on most issues, he described the younger Bunning as a conservative who is in step with the values of most Kentuckians and "in no way, shape or form an ideologue."

Reno Lawyer Hicks Nominated For U.S. Judge Position

By Jane Ann Morrison
Las Vegas Review-Journal
Friday, August 3, 2001

Reno attorney Larry Hicks, a nominee for a federal judgeship under the first President Bush, lost his opportunity when Bush was defeated in the 1992 election. Now Hicks is a nominee again -- this time by the second President Bush. The White House announced the nomination Thursday and forwarded Hicks' name to the U.S. Senate for confirmation as a U.S. District Court judge.

Hicks, 57, was recommended for the lifetime post in May by U.S. Sen. John Ensign, R-Nev. Ensign submitted four names for two judicial vacancies but declined to say how he ranked them. Sources said Hicks and District Judge Jim Mahan were first in line, followed by Las Vegas attorney Walt Cannon and District Judge Mark Gibbons. Hicks' background investigation moved quickly because he already had undergone such a check nine years ago. Mahan's

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background investigation isn't complete, but one source said he might gain a presidential nomination in September. The two judgeships are based in Las Vegas.

Although federal judgeships are the top patronage appointment any senator makes, Ensign said he didn't base his decision on political cronyism or payback. Ensign said he didn't know Hicks or his other nominees when he selected them, but he used an informal committee of bipartisan advisers to make his choices. He described Hicks as having 'impeccable character' as well as being a distinguished attorney.

Hicks, a sportsman who enjoys duck hunting, was on a previously planned fishing trip in British Columbia but issued a statement saying he 'couldn't be more excited about the opportunity to serve my country' as a federal judge. A partner in the Reno law firm McDonald Carano Wilson McCune Bergin Frankovich & Hicks, he is a trial attorney with extensive courtroom experience, both prosecutor and as a civil attorney.

He started his legal career in 1971 as the chief criminal deputy district attorney in Washoe County, and was elected district attorney of Washoe County in 1973.

In 1979, he began his career as a partner in his current law firm, where he heads the firm's litigation section. For 16 years, he also has worked as a settlement judge for the Nevada Supreme Court. In an interview in May, Hicks said he represented Dow Chemical in a breast implant case, and as district attorney he investigated brothel owner Joe Conforte and his corrupt influence on elected officials in Northern Nevada. His law partner Thomas 'Spike' Wilson, a Democrat, said Hicks is 'known and respected by his peers' and has wide support in the legal community. When FBI officials interviewed Wilson, he said, he guessed they hadn't received any negative comments about Hicks.

'He works hard, he's diligent, detailed, careful, prepared and he knows the law. He considers factual and legal issues carefully,' said Wilson, a former state senator and former chairman of the Nevada Ethics Commission. Wilson predicted Hicks would win confirmation easily. Wilson described Hicks' politics as 'pretty moderate. I don't see him on either extreme. I think he'll be a mainstream judge who follows legal precedent.'

U.S. Sen. Harry Reid, D-Nev., issued a news release calling Ensign's pick 'a wise choice' and

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promised to do 'everything in my power as the majority whip' to get Hicks confirmed quickly. The two senators have agreed to share the judicial appointments no matter which party controls the White House, Ensign said.

He will nominate three judges and then give Reid the fourth choice. If the White House goes Democratic in 2004, Reid agreed to do the same with Ensign.

Bush Nominates Four As Judges, U.S. Attorney

By Christ Casteel
The Daily Oklahoman
Friday, August 3, 2001

Five months after receiving recommendations from Oklahoma's senators, the White House on Thursday nominated four people for federal judgeships in the state.

Also nominated was Robert G. McCampbell to be U.S. attorney for the Western District of Oklahoma, based in Oklahoma City.

President Bush sent to the Senate the following nominations:

- Joe L. Heaton, a former Republican leader in the state House of Representatives, to be a judge in the western district. Heaton is an assistant U.S. attorney and spent nine months as the U.S. attorney. He served seven years in the state House and practiced law with Fuller, Tubb & Pomeroy.
- Stephen P. Friot, an Oklahoma City attorney, to fill another vacancy in the western district. He has been in private practice since 1972. He is a partner in the firm of Spradling, Alpern, Friot & Gum. A 1987 book that ranked the top legal guns in the country included Friot among the Oklahomans.
- Claire V. Eagan to be a judge in the northern district, based in Tulsa. She has been a U.S. magistrate judge for three years in the northern district; for 20 years, she was a litigation attorney with Hall, Estill. During her time as magistrate, she has supervised the court's

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settlement program.

- James H. Payne to be a judge sharing time in the northern district and eastern district, based in Muskogee. Payne has been a U.S. magistrate judge in the eastern district for 12 years. He spent 15 years in private practice, handling civil matters, and also served three years as an assistant U.S. attorney.

- McCampbell to be U.S. attorney. He is a partner with the law firm Crowe and Dunlevy in Oklahoma City. He served as an assistant U.S. attorney in the western district from 1987 to 1994. He is a graduate of Vanderbilt University and Yale Law School.

Oklahoma's senators applauded the nominations, which will be considered first by the Senate Judiciary Committee.

In regard to the judicial nominations, Sen. Jim Inhofe, R-Tulsa, said, "Senator Nickles and I recommended these individuals based on their superb professional experience and sound judicial philosophy. I am confident they will faithfully uphold the Constitution and serve our state and nation well."

Nickles, R-Ponca City, said McCampbell "is an outstanding individual who will serve the state and the country well."

Bush Is Ahead of Clinton Pace on Nominees

The New York Times

Monday, August 6, 2001

After half a year in office, President Bush has 52 nominees for executive branch positions awaiting Senate confirmation and 211 positions in his administration yet to be named, according to a running count by the Brookings Institution.

With Congress and the White House on vacation for a month, Brookings, a research group, projects that some appointees will not be in place until after Mr. Bush has been in office for a year.

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Even March 2002 would be optimistic, said Paul C. Light, vice president and director of governmental studies at Brookings. "At this point, people in the administration are going to be arriving as others in it are departing," Mr. Light said.

The White House puts a somewhat better face on the facts. "I think it's fair to say that even given the shortened transition that this administration has worked from, the personnel and the nomination process have worked exceedingly well from the White House end of Pennsylvania Avenue," said Ari Fleischer, the White House spokesman.

Mr. Fleischer said on Friday that Mr. Bush had nominated 443 people for Senate confirmation, counting not only the nominees for 360 cabinet and subcabinet posts, but also judges, top military officers and ambassadors, whom Brookings does not count in its survey. Brookings says the White House has made nominations for 321 out of 499 positions; 227 of the nominees have been confirmed. Only Mary Sheila Gall, the appointee for the Consumer Product Safety Commission, has been rejected. Since the Democrats took control of the Senate about six weeks ago, 128 nominees have been confirmed. In the Republican-controlled Senate, 99 were confirmed. On Friday the Senate confirmed 38 nominees before adjourning until September.

Compared with two previous presidents who took over the White House from the other party, Bill Clinton and Ronald Reagan, Mr. Bush is ahead of Mr. Clinton's pace but behind Mr. Reagan by 43 confirmations, according to Brookings.

In recent weeks, the new majority leader, Senator Tom Daschle of South Dakota, after meeting with Republican leaders and senior senators, has bypassed hearings for lower-level nominees, sending them directly to the floor for confirmation.

Op/Eds

Senate Says Vacation More Important Than Judicial Vacancies According To People For Common Sense Courts

PR Newswire

York Times

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Neil Lewis **New York Times**

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Friday, August 3, 2001

With one of every eight federal judgeships vacant and 40 judicial nominations pending, the United States Senate today took bold action -- and began a month-long vacation.

"Senate leaders showed their true colors today," said Oklahoma Gov. Frank A. Keating, national chairman of People for Common Sense Courts. "By abandoning Washington for a month, they abandoned any hope of resolving the growing judicial crisis any time soon. Obviously, their vacation is more important to them than maintaining a functioning legal system."

There are now 108 vacancies on the federal district and appeals courts, including 39 designated as emergencies because of the enormous number of cases pending. President Bush has nominated 44 individuals to fill these posts; the Senate has confirmed 4. "If the Oklahoma state courts were in this type of crisis and my response was to take a month-long vacation, the voters and the news media would never let me hear the end of it," Keating said.

"In the first years of the past three Administrations, all but one of the judges nominated before the Senate's August recess were confirmed that year," said Andrew R. Stephens, president of People for Common Sense Courts. "That looks increasingly unlikely this year. The Senate is scheduled to be in session for only another 22 days, and it has 40 nominations pending."

"When Democrats controlled the White House and Republicans controlled the Senate, Senate Democrats complained that 67 judicial vacancies was too many," Stephens noted. "Now that party control has changed, their response to 108 vacancies is to drag their feet." During the transition this spring from Republican to Democratic control of the Senate, incoming Judiciary Committee Chairman Patrick Leahy (D-Vt.) refused to schedule any judicial confirmation hearings -- even though other Senate committees were holding confirmation hearings.

Before the Senate returns from its August recess, at least one more federal appeals court judge is scheduled to retire -- from the 6th Circuit Court of Appeals, already suffering an emergency because of 6 vacancies. Another four federal judges have announced plans to retire by the end of the year -- in addition to any unexpected retirements, resignations, or deaths.

Yes, the ABA Rankings on Judicial Nominees Are Biased

York Times

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Neil Lewis **New York Times**

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By James Lindgren
The Wall Street Journal
Monday, August 6, 2001

With the American Bar Association meeting in Chicago today, it is an apt moment to look at the ABA's controversial judicial-evaluation process and consider whether it provides an objective, nonpartisan measure of a judicial nominee's qualifications.

That's what it says it does, a claim echoed by the Democrats on the Senate Judiciary Committee, who vow not to schedule a nominee's hearing until they have reviewed the ABA's rating. This faith persists despite the White House's decision not to call upon the ABA to pre-screen its judicial nominees, a system that had been used by presidents since the 1950s.

What does the evidence show? I've just completed a statistical study of the ABA's ratings of appointees to the U.S. Courts of Appeals during the Clinton and first Bush administrations and can report that the facts don't support the ABA's claim of objectivity. The ABA may once have been objective, but it's not anymore.

I analyzed the credentials of the 108 nominees who were ultimately appointed to the federal appeals courts during the Clinton and Bush-1 administrations. The results? The ABA applied measurably different and harsher standards during President George H. W. Bush's administration than it applied during President Bill Clinton's tenure. In short, the Bush appointees got lower ABA ratings than the Clinton appointees.

First a word on how the process works. The ABA's 15-member Standing Committee on the Federal Judiciary rates judges as "Well Qualified," "Qualified" or "Not Qualified."

George W. Bush's Nominees to the U.S. Courts of Appeals

NOMINEE	CIRCUIT	ABA RATING
Terrence Boyle	4th	Qualified

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Edith Brown Clement	5th	Well Qualified (majority) / Qualified (minority)
Deborah Cook	6th	Qualified
Miguel Estrada	D.C.	Well Qualified
Roger Gregory	4th	Qualified
Michael McConnell	10th	Well Qualified
Priscilla Owen	5th	Well Qualified
Barrington Parker	2nd	Well Qualified
John Roberts	D.C.	Well Qualified
Dennis Shedd	4th	Well Qualified (majority) / Qualified (minority)
Jeffrey Sutton	6th	Qualified (majority) / Qualified (minority)
Jeffrey Howard	1st	Not Yet Rated
Terrence O'Brien	10th	Not Yet Rated

Judicial temperament and integrity, two criteria that the ABA considers, are hard to measure. But many credentials can be measured empirically. My study considered six: judicial experience, an elite law school education, law review, a federal court clerkship, private-practice experience, and government-practice experience. The data on the professional qualifications of the 108 judges were collected by the Federalist Society from publicly available sources or directly from the judges. While my study found strong evidence of different treatment of nominees, this isn't a simple story of ABA bias in favor of Clinton nominees. Among nominees with the most important credential -- prior judicial experience -- Clinton and Bush-1 nominees both fared roughly equally.

Instead, the problem arose for nominees without prior judicial experience. Because these candidates lacked the most obvious credential for the job, the ABA evaluations could be more subjective. Here Clinton nominees fared strikingly better than Bush-1 nominees. Some 65% of Clinton appointees without judicial experience were unanimously rated "Well Qualified" compared with only 17% of the Bush-1 appointees. Controlling for credentials, my study found that Clinton nominees had more than 10 times better odds of getting the ABA's highest rating than similarly credentialed Bush appointees. In short, being nominated by Bill Clinton was a stronger positive variable than any other credential or than all other credentials put together.

A Clinton nominee with few of the six credentials I measured had a much better chance of getting the highest ABA rating than a Bush nominee with most of these credentials. For

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Federal News Service, August 3, 2001

EXCERPT

General Judicial Articles

Rebuffed By White House, ABA Finds It Still Has Role In Judicial Nominations Before Democratic-led Senate

By Anne Gearan

The Associated Press

Saturday, August 4, 2001

Three months into George W. Bush's presidency, the White House fired the American Bar Association from its job doing secret background checks on potential federal judges.

Losing that prestigious role after 50 years left many in the organization of 400,000 lawyers smarting and convinced still that the White House made a rash and largely political decision.

But lawyers gathered for the group's annual meeting said that for now, surprisingly little has changed.

The ABA continues to vet judges, and the newly Democratic-controlled Senate still relies on the ABA's recommendations. The difference is that the ABA does its work after the White House announces the name of a potential judge, instead of beforehand.

"The dynamic has changed, but we're still doing our work," said Bob Hirshon, who will become the ABA president during the six-day meeting.

Actually, the dynamic changed twice: in March when the White House gave the ABA the boot and then in May, when Vermont Sen. James Jeffords' defection from the Republicans gave Democrats control of the Senate.

In one sense, the Senate switch meant the ABA role was just as influential as before, Senate aides said. Democrats had said they would not confirm any Bush judge without an ABA rating, and after the switch they had the muscle to make the warning stick.

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example: A nominee with an elite law school education, law review, a federal clerkship, and experience in both government and private practice would have only a 32% chance of getting the highest ABA rating if he were a Bush appointee, but a 77% chance if he were a Clinton appointee. A Clinton nominee with none or just one of these five credentials would still have at least a 45% chance of getting the highest rating.

The differences in how the ABA treated Bush-1 and Clinton nominees reached even to the internal decision making of the ABA committee. The ratings committee split its vote between two ratings 33% of the time when evaluating Bush-1 appointees, but it split only 17% of the time when evaluating Clinton appointees.

If Clinton nominees had been subjected to the same credentials-driven approach as Bush-1 candidates, only 46% of Clinton's confirmed nominees would have been unanimously rated as "Well Qualified." Instead, 62% actually received that top rating. On average Bush-1 and Clinton nominees had almost identically strong measured qualifications, yet they were not rated similarly.

The data suggest that when Bill Clinton took office, the ABA softened its standards, possibly emphasizing credentials such as temperament and philosophy that are harder to measure than experience and educational success. Now the ABA is back to rating Republican nominees -- and apparently is also back to its old harsh ways. The ABA ratings of George W. Bush's first 11 appellate nominees were released this summer. While it is much too soon to reach any firm conclusions about Bush-2, the pattern so far is not encouraging.

Although 62% of Clinton's 66 confirmed appellate nominees got the ABA's highest rating of unanimously "Well Qualified," only five of the first 11 new Bush nominees -- 45% -- have received the highest ABA rating, the same percentage that confirmed nominees received under the administration of the elder Bush.

At the end of the day, one nagging question remains: Why hasn't the ABA itself noticed the large political differences in its evaluative processes and worked harder to understand, explain or eliminate them? Now that there are hard data that support the claims of its critics, it would be good to see fewer denials and more introspection and reform.

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Transcripts/Members of Congress

Stakeout with Senate Minority Leader Trent Lott (R-MS), and Senators Don Nickles (R-OK), Larry Craig (R-ID), and Pat Roberts (R-KS) Following Senate Republican Conference Meeting

Federal News Service

Friday, August 3, 2001

EXCERPT

You go ahead, and then we'll come back over here.

Q Okay. Can you talk about the upcoming fight over judicial nominations in the fall and what strategy you guys are going to use to get those through the Senate?

SEN. NICKLES: Well, let me just make a couple of comments. One, the leader gave me a little responsibility on trying to help shepherd some of the nominees through. And I will compliment Senator Reid and Senator Daschle; they have been cooperative. We've encouraged them to let's work together, see if we can't get some through. In the last couple of three weeks we've had some pretty good progress, and we want to continue that. It's not fair for this administration -- they're already --

Q But I'm talking specifically about judicial nominations.

SEN. NICKLES: I understand. I understand. It's not fair for this administration, they still have assistant secretaries that haven't been confirmed, and Cabinet secretaries are entitled to have their nominees confirmed.

Judges. The administration has just now sent -- they sent up the Circuit Court judges and they haven't been considered totally through the Judiciary Committee. Hopefully they will be. The

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administration is right now in the process of sending District Court judges through, and we're encouraging them to hurry up and get those, and they've been held up because of the FBI background checks and so on. But we hope and expect that the Judiciary Committee will work with all senators to get these judges in. We've got a lot of judges that are waiting, a lot of U.S. Attorneys, a lot of Marshals that have not been confirmed, that need to be confirmed. They should have been confirmed, frankly, in many cases by now, but we haven't got the nominations yet from the administration. So I'm not just faulting the Judiciary Committee, except for some of the Circuit Courts, they've been kind of slow on Circuit Court.

SEN. LOTT: Let me just give you some numbers, and be honest. First of all, I think that we should have had the U.S. Attorneys and U.S. Marshal nominees already pending before the Senate. They're not here, so you can't be critical of the Democrats for not moving that.

With regard to judges, I believe it's right that there have only been four federal marshals confirmed --

SEN. NICKLES: Judges.

SEN. LOTT: -- federal judges confirmed by the Senate.

SEN. NICKLES: Five.

SEN. LOTT: Did we do two yesterday?

SEN. NICKLES: Five. We did two yesterday.

SEN. LOTT: Okay, five. And we still have pending in the Judiciary Committee 26 maybe?

SEN. NICKLES: Twenty-something. Yeah.

SEN. LOTT: And several of them, about 10 or so, have been here since I believe May.

SEN. NICKLES: April, May, yeah.

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SEN. LOTT: I mean, so there could have been hearings. And I don't believe they've even had hearings on most of them.

Now, the administration I believe will be sending a block of probably 50 or 60 nominations here momentarily, in the next few days, and those will be pending. So we really need to start moving aggressively on having hearings and reporting out judicial nominees, both judges and U.S. attorneys when we come back in September.

SEN. NICKLES: And the great majority of these will not even be controversial.

SEN. LOTT: That's right.

SEN. NICKLES: The great majority of these will be supported by both senator from their home states, and we expect those can go through pretty quickly.

Q Senator Lott.

Q Senator Lott, you know, last week, President Bush has backed the sons of Senator Jim Bunning and also the son of Strom Thurmond for judicial nominations for judgeships. Is he trying to win influence with the Senate through appointing people's relatives?

SEN. LOTT: I can't believe a president would be trying to win influence with the Senate! Every president does that. But also, he is prepared to select good men and women for federal positions, even if they are the sons and daughters of senators or judges for that matter. I know Strom Thurmond Jr. This is a 28-year-old, extremely sharp, very intelligent young lawyers with prosecutory (sic) experience. I'd pick him. And there are others. You know, Justice Rehnquist's daughter has been selected for a position in the administration. She is, from all accounts, a brilliant person who will do an excellent job. I don't think that ought to guarantee you'll be nominated or confirmed, but neither should it be prohibitive.

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"It has been the committee's practice to (rely) on ABA ratings, and that has not changed," said David Carle, spokesman for Judiciary Chairman Sen. Patrick Leahy, a Democrat.

"There would have been a change if the Republicans were still in control. At least some Republicans were apparently willing to proceed without ABA ratings," Carle said.

In another sense, the ABA's role is fundamentally different. Before, most presidents quietly killed a nomination if the ABA found the candidate unqualified, and the name never became public.

That gave the ABA unparalleled veto power over White House decisions, said Leonard Leo, a vice president of the conservative Federalist Society.

Conservatives long have viewed the ABA with suspicion. Congressional Republicans, in particular, tend to perceive the organization as liberal-leaning, and blame a mixed ABA review of Robert Bork for defeat of the conservative nominated for the Supreme Court.

The ABA rejects the liberal label. The organization's leaders say there is a high wall between policy positions and its work evaluating judges. The ABA has lobbied for abortion rights and gun control.

"The decision by the White House cast a lot of light on the process, and caused people to think about the ABA's role," Leo said. "I think the jury is still out as to whether the role they play is valuable or not."

Many Federalist Society members are now advising Bush on judicial nominees, and several of its members were among Bush's initial crop of judicial picks.

The society's skeptical review of ABA activities, called "ABA Watch," this month includes a comparison of ABA ratings for Clinton administration appeals court nominees and those nominated by the first President George Bush.

The Federalist Society study found that when it came to nominees with similar legal experience,

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the Clinton choices were at least seven times more likely to win the highest "well-qualified" ABA rating.

Northwestern University law professor James Lindgren, who did the analysis, also looked at some of the first nominees from the current Bush administration, Leo said.

"We are seeing some of the same patterns, although the patterns are not as stark," Leo said.

The ABA has finished its investigations of 17 of Bush's first 44 nominees for federal trial and appeals courts, and has taken about the same time to prepare the reports as it did before, ABA leaders and Senate aides said.

So far, the ABA has rated each candidate "qualified" or "well-qualified."

"We may not know the answer to this question for awhile _ whether the information we receive when a name is in the public domain is the same versus the information we received the last 50 years," the ABA's Hirshon said.

The ABA maintains that so long as the potential nominee's name was not yet public, friends or co-workers can speak without risk of retribution and without publicly sully a nominee's reputation.

Although she was blindsided by the White House decision in March, current ABA president Martha Barnett now sounds sanguine about the change.

"This is one of those issues that created angst in the beginning, but has now worked out well and is a non-issue," she said.

United Senate Confirms Mueller To Head FBI; Selection: Unanimous Vote Cements Bush's Nomination. Bickering Over Nominees For Other Posts Gets Worse

By Eric Lichtblau
The Los Angeles Times
Friday, August 3, 2001

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Neil Lewis **New York Times**
June 26, 2001

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Despite partisan wrangling over a new batch of White House nominations, the Senate on Thursday gave quick and unanimous approval to one of President Bush's most closely watched picks as it confirmed San Francisco prosecutor Robert S. Mueller to lead the besieged FBI.

Mueller, 56, will take over an agency that has seen its reputation as the nation's premier law enforcement agency badly tarnished by recent episodes of espionage, witness intimidation, lost documents, missing weapons and other embarrassments within its ranks.

"We know he has a difficult job ahead of him," said Sen. Patrick J. Leahy (D-Vt.), chairman of the Senate Judiciary Committee, as he ticked off a list of recent blunders at the FBI.

But Leahy said Mueller, a veteran prosecutor credited with turning around the U.S. attorney's office in San Francisco after his appointment there in 1998, is the right man for the job. "I applaud President Bush for his appointment," the senator said.

Leahy's committee gave Mueller a unanimous vote of approval Thursday after two days of hearings earlier in the week that were marked by unstinting praise for Mueller and widespread condemnation of the FBI. Hours after the committee vote, the full Senate approved Mueller for the job on a 98-0 vote.

Mueller soon will undergo surgery for prostate cancer, and no date has been set for his takeover at the FBI, although Justice Department aides indicated it might not happen for several weeks.

Atty. Gen. John Ashcroft, who lobbied hard for the former Marine, said that Mueller "will serve with fidelity, bravery and integrity" and that his background in criminal law brings "an invaluable perspective to the Department of Justice."

Mueller's confirmation followed the Senate's approval earlier this week of Rep. Asa Hutchinson (R-Ark.) as head of the Drug Enforcement Administration and former Senate Sergeant-at-Arms James Ziglar as head of the Immigration and Naturalization Service.

But the votes came amid stepped-up political bickering Thursday over some of Bush's other nominations.

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Democrats on the Senate Commerce Committee voted down Bush's pick of Mary Sheila Gall as head of the Consumer Product Safety Commission. And a new round of judicial nominations by the White House set off a round of political accusations.

The White House nominated 18 federal judges Thursday, including 15 for seats on district courts and three for the federal claims court.

The selections were concentrated in states that have two Republican senators, with four judges nominated in Oklahoma and three in Kentucky. In states such as California and New York, where both senators are Democrats and the effort to find acceptable candidates may prove more protracted, the White House does not expect to nominate judicial candidates until the fall.

Bush administration officials immediately warned Senate Democrats that they have become frustrated with what they consider unnecessary delays in considering the White House's judicial nominations, which now total 44.

Administration officials complained that, while they have been quick to nominate judges at a rate outpacing those of past presidencies, the Democratic-controlled Senate has approved only four judges so far and has not even scheduled hearings for many candidates. Many districts remain short of judges as a result, Bush advisors said.

"There's really in the administration's view no legitimate justification--given the vacancy crisis--for all these weeks to have passed without hearings," said a senior administration official who asked not to be identified. Bush "expects and is entitled to the same fair treatment for his nominees" as past presidents have received, the official said.

But Leahy said the Judiciary Committee has pushed through the nominations of Mueller and other candidates at a very quick pace, and his aides said the White House has slowed the process by limiting the American Bar Assn.'s traditional role in reviewing nominees.

One of Thursday's judicial nominations who could prove controversial is David Bunning, a 35-year-old assistant U.S. attorney in Kentucky tapped for the federal bench there. Bunning is the son of Sen. Jim Bunning (R-Ky.), and his nomination came a day after Bush nominated Strom

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Thurmond Jr., the 28-year-old son of the Senate's senior member, to be the U.S. attorney in South Carolina.

Bunning has been a lawyer for 10 years, two years less than the ABA generally recommends for a lifetime appointment to the federal bench.

Ralph Neas, head of People for the American Way, a liberal public-interest group that has criticized Bush for allegedly trying to pack the courts with "right-wing ideologues," said he wants the Bunning nomination to get a close look.

"Thirty-five years old is very young, and I think it's a legitimate issue to question whether this nominee has the qualifications needed to be a federal judge," he said.

But Bush administration officials said Bunning has a proven record as a prosecutor and is well qualified for the job.

Pitch Made For Approval Of Judicial Nominees

By Tom Brune

Newsday

Friday, August 3, 2001

President George W. Bush is "entitled" to have all of the judicial candidates he has nominated so far confirmed by the Democratic-controlled Senate by the end of the year, an administration official said yesterday.

The Bush administration official made that claim in announcing 16 new judicial nominations while blasting the Senate Judiciary Committee for failing to act more quickly on judicial candidates Bush has nominated in the past three months.

Administration officials also said they expect to nominate candidates to fill the more than 100 vacancies on the federal bench by the end of the year, which would put a distinctly Republican stamp on the federal judiciary.

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Included among yesterday's nominees is the 35-year-old son of Sen. Jim Bunning (R-Ky.) to be a federal judge in Kentucky. On Wednesday, Bush tapped the 29-year-old son of Sen. Strom Thurmond (R-S.C.) to be U.S. attorney of South Carolina.

Since May, Bush has nominated 44 candidates for the federal bench, and the Senate has confirmed three nominees and appeared likely to confirm a fourth before going on a monthlong recess after today.

An aide to Senate Judiciary Chairman Patrick Leahy (D-Vt.) rejected criticism of the pace of the committee's confirmation hearings. "Any fair look at this committee's schedule for the past month shows how brisk it has been," said Leahy spokesman David Carle, noting that it had expedited hearings of the nominees for directors of the FBI and Drug Enforcement Agency.

Carle also refrained from making any promises that all of the Bush judicial nominees would be confirmed by year's end. "It depends on what nominees the president sends," he said.

Bush officials stepped up pressure on Senate Democrats to approve more judicial candidates yesterday after the Senate Commerce Committee, in a separate action, handed Bush his first defeat of a nominee - rejecting his choice for Consumer Product Safety Commission chairman.

"In the past three administrations, there has been a very long-standing bipartisan tradition of [judicial] nominees who were named prior to the August recess being confirmed in the first year of their presidency," said White House spokesman Ari Fleischer.

"Consistent with that bipartisan history, the president hopes and urges that the Senate will move forward and act on all 44 of his [judicial] nominations this year," he said.

Another administration official, speaking on the condition he not be named, however, went further, saying, "We expect and we are entitled to and we would be satisfied if the . . . judges were confirmed."

Most of those nominated yesterday were from states represented by two Republican senators.

Nominated for the First Circuit of Appeals was Jeffrey R. Howard, who came in third in the

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Neil Lewis **New York Times**

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Neil Lewis

Republican primary for governor of New Hampshire last year and whose campaign consultant was cited by state officials for improper campaign activities. Howard is a former U.S. attorney and New Hampshire attorney general.

Nominated for the 10th Circuit of Appeals was Terrence L. O'Brien, who after retiring as a Wyoming state court judge won the Republican nomination for a congressional seat as a write-in candidate, but then withdrew before the general election last year.

Nominated for the Eastern District of Kentucky was David Bunning, who since 1991 has been a federal prosecutor.

Meanwhile, Sen. Charles Schumer (D-N.Y.) used a procedural maneuver to delay the nomination of Deborah Daniels as assistant attorney general for the Justice Department's Office of Justice Programs because he said she has not sufficiently answered questions about how she would manage the agency's gun programs. The committee may take up the Daniels nomination in September, when Congress returns from its August recess.

Three Nominees Likely To Win U.S. Judgeships, Lawyers Say Bunning's Son May Face Scrutiny On His Experience

By Tom Loftus
The Courier-Journal (KY)
Friday, August 3, 2001

President Bush's three federal judgeship nominees for Kentucky, including the son of U.S. Sen. Jim Bunning, are likely to win Senate confirmation, several prominent Kentucky attorneys said yesterday.

But the experience of David Bunning may get close scrutiny at Senate Judiciary Committee confirmation hearings. The 35-year-old son of the junior senator from Kentucky is a federal prosecutor in Covington.

If confirmed, David Bunning would be the youngest lawyer appointed a federal judge in Kentucky since the American Bar Association began evaluating nominees in 1948. The timetable

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Media Review - Judicial Nominations

Monday, August 6, 2001

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- "United Senate Confirms Mueller To Head FBI; Selection: Unanimous Vote Cements Bush's Nomination. Bickering Over Nominees For Other Posts Gets Worse,"
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- "Pitch Made For Approval Of Judicial Nominees,"
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for confirmation hearings is uncertain.

The other nominees were two Lexington lawyers: Karen Caldwell, 45, a former U.S. attorney who helped oversee the federal investigation of public corruption known as Operation BOPTR0T; and Danny Reeves, 44, who has represented Ashland Oil and the Kentucky High School Athletic Association.

Appointments to federal judgeships are for life and are viewed as prize political plums. Traditionally, presidents closely follow the recommendations of the U.S. senators from their party in making appointments for a particular state.

The elder Bunning and fellow Republican Sen. Mitch McConnell announced the nominations in a statement that did not take note of the relationship between the Bunnings. It described the three as "talented and experienced Kentuckians. . . . We strongly support the president's choices, and are going to do all we can to push their speedy confirmation by the Senate."

Spokesmen for the senators said they had no immediate comment beyond the statement.

The Kentucky Democratic Party criticized Bush for the Bunning nomination.

"By appointing a U.S. senator's son to the federal bench, Bush seems to be polarizing and politicizing a position that should remain completely nonpartisan," party spokeswoman Susan Dixen said.

David Bunning did not return messages left at his office. Caldwell and Reeves said they were honored by the nominations and declined further comment.

One prominent Eastern Kentucky lawyer criticized all three choices.

"Not one of the three nominees is from Eastern Kentucky. These judgeships are for Ashland, Pikeville and London," said Ned Pillersdorf of Prestonsburg.

But Pillersdorf praised Caldwell's work as an attorney and a federal prosecutor. He said he did not know the younger Bunning, and he objected to the nomination of Reeves, with whom he

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Neil Lewis **New York Times**

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clashed when Reeves represented Ashland Oil in litigation over environmental damage in an Eastern Kentucky oilfield.

The senators' statement described David Bunning as "a dedicated public servant" who as an assistant U.S. attorney has "accumulated significant courtroom litigation experience."

It said the younger Bunning is responsible for a "wide range of criminal litigation and appeals, and in 1998 he successfully prosecuted one of the first Internet fraud and harassment cases in the nation."

ABA guidelines recommend a minimum of 12 years of experience as a lawyer before someone is considered a qualified candidate for the U.S. District Court bench. Bunning has a decade of experience as an attorney.

It's unclear if the difference will pose a difficulty for confirmation.

Mimi Devlin, spokeswoman for Sen. Patrick Leahy, the Vermont Democrat who chairs the Senate Judiciary Committee, said the committee believes experience is important but that lacking some experience would not disqualify Bunning.

"Senator Leahy values the ABA's opinions on these matters, but this is only a guideline," Devlin said.

Joe Savage, a Lexington attorney and former president of the Kentucky Bar Association, said that although experience is important, "I know lawyers who have practiced five years who have gained a lot more experience than some who have practiced 15 years."

Savage, who said he does not know David Bunning, said he expected the experience issue would not be so serious as to block confirmation.

Edward Drennen, president of the Northern Kentucky Bar Association, said he expected Bunning would be conservative on the bench but also open-minded and fair. "He's always demonstrated in our dealings with him a willingness to listen to both sides," said Drennen, a Florence attorney.

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He also said it was unfair to attach nepotism to the nomination.

"His father doesn't try these federal cases, David does," Drennen said. "David writes these briefs to the Court of Appeals."

Mark Guilfoyle, a leading Northern Kentucky Democrat, Covington lawyer and former gubernatorial aide, called Bunning an outstanding pick.

Guilfoyle said too much has been made of Bunning's relative lack of experience. "He has lived in federal court for the last 10 years" trying a wide variety of cases, Guilfoyle said.

Although Guilfoyle said he disagrees with the nominee's father on most issues, he described the younger Bunning as a conservative who is in step with the values of most Kentuckians and "in no way, shape or form an ideologue."

Reno Lawyer Hicks Nominated For U.S. Judge Position

By Jane Ann Morrison
Las Vegas Review-Journal
Friday, August 3, 2001

Reno attorney Larry Hicks, a nominee for a federal judgeship under the first President Bush, lost his opportunity when Bush was defeated in the 1992 election. Now Hicks is a nominee again -- this time by the second President Bush. The White House announced the nomination Thursday and forwarded Hicks' name to the U.S. Senate for confirmation as a U.S. District Court judge.

Hicks, 57, was recommended for the lifetime post in May by U.S. Sen. John Ensign, R-Nev. Ensign submitted four names for two judicial vacancies but declined to say how he ranked them. Sources said Hicks and District Judge Jim Mahan were first in line, followed by Las Vegas attorney Walt Cannon and District Judge Mark Gibbons. Hicks' background investigation moved quickly because he already had undergone such a check nine years ago. Mahan's

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background investigation isn't complete, but one source said he might gain a presidential nomination in September. The two judgeships are based in Las Vegas.

Although federal judgeships are the top patronage appointment any senator makes, Ensign said he didn't base his decision on political cronyism or payback. Ensign said he didn't know Hicks or his other nominees when he selected them, but he used an informal committee of bipartisan advisers to make his choices. He described Hicks as having 'impeccable character' as well as being a distinguished attorney.

Hicks, a sportsman who enjoys duck hunting, was on a previously planned fishing trip in British Columbia but issued a statement saying he 'couldn't be more excited about the opportunity to serve my country' as a federal judge. A partner in the Reno law firm McDonald Carano Wilson McCune Bergin Frankovich & Hicks, he is a trial attorney with extensive courtroom experience, both prosecutor and as a civil attorney.

He started his legal career in 1971 as the chief criminal deputy district attorney in Washoe County, and was elected district attorney of Washoe County in 1973.

In 1979, he began his career as a partner in his current law firm, where he heads the firm's litigation section. For 16 years, he also has worked as a settlement judge for the Nevada Supreme Court. In an interview in May, Hicks said he represented Dow Chemical in a breast implant case, and as district attorney he investigated brothel owner Joe Conforte and his corrupt influence on elected officials in Northern Nevada. His law partner Thomas 'Spike' Wilson, a Democrat, said Hicks is 'known and respected by his peers' and has wide support in the legal community. When FBI officials interviewed Wilson, he said, he guessed they hadn't received any negative comments about Hicks.

'He works hard, he's diligent, detailed, careful, prepared and he knows the law. He considers factual and legal issues carefully,' said Wilson, a former state senator and former chairman of the Nevada Ethics Commission. Wilson predicted Hicks would win confirmation easily. Wilson described Hicks' politics as 'pretty moderate. I don't see him on either extreme. I think he'll be a mainstream judge who follows legal precedent.'

U.S. Sen. Harry Reid, D-Nev., issued a news release calling Ensign's pick 'a wise choice' and

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promised to do 'everything in my power as the majority whip' to get Hicks confirmed quickly. The two senators have agreed to share the judicial appointments no matter which party controls the White House, Ensign said.

He will nominate three judges and then give Reid the fourth choice. If the White House goes Democratic in 2004, Reid agreed to do the same with Ensign.

Bush Nominates Four As Judges, U.S. Attorney

By Christ Casteel
The Daily Oklahoman
Friday, August 3, 2001

Five months after receiving recommendations from Oklahoma's senators, the White House on Thursday nominated four people for federal judgeships in the state.

Also nominated was Robert G. McCampbell to be U.S. attorney for the Western District of Oklahoma, based in Oklahoma City.

President Bush sent to the Senate the following nominations:

- Joe L. Heaton, a former Republican leader in the state House of Representatives, to be a judge in the western district. Heaton is an assistant U.S. attorney and spent nine months as the U.S. attorney. He served seven years in the state House and practiced law with Fuller, Tubb & Pomeroy.
- Stephen P. Friot, an Oklahoma City attorney, to fill another vacancy in the western district. He has been in private practice since 1972. He is a partner in the firm of Spradling, Alpern, Friot & Gum. A 1987 book that ranked the top legal guns in the country included Friot among the Oklahomans.
- Claire V. Eagan to be a judge in the northern district, based in Tulsa. She has been a U.S. magistrate judge for three years in the northern district; for 20 years, she was a litigation attorney with Hall, Estill. During her time as magistrate, she has supervised the court's

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settlement program.

- James H. Payne to be a judge sharing time in the northern district and eastern district, based in Muskogee. Payne has been a U.S. magistrate judge in the eastern district for 12 years. He spent 15 years in private practice, handling civil matters, and also served three years as an assistant U.S. attorney.

- McCampbell to be U.S. attorney. He is a partner with the law firm Crowe and Dunlevy in Oklahoma City. He served as an assistant U.S. attorney in the western district from 1987 to 1994. He is a graduate of Vanderbilt University and Yale Law School.

Oklahoma's senators applauded the nominations, which will be considered first by the Senate Judiciary Committee.

In regard to the judicial nominations, Sen. Jim Inhofe, R-Tulsa, said, "Senator Nickles and I recommended these individuals based on their superb professional experience and sound judicial philosophy. I am confident they will faithfully uphold the Constitution and serve our state and nation well."

Nickles, R-Ponca City, said McCampbell "is an outstanding individual who will serve the state and the country well."

Bush Is Ahead of Clinton Pace on Nominees

The New York Times

Monday, August 6, 2001

After half a year in office, President Bush has 52 nominees for executive branch positions awaiting Senate confirmation and 211 positions in his administration yet to be named, according to a running count by the Brookings Institution.

With Congress and the White House on vacation for a month, Brookings, a research group, projects that some appointees will not be in place until after Mr. Bush has been in office for a year.

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Even March 2002 would be optimistic, said Paul C. Light, vice president and director of governmental studies at Brookings. "At this point, people in the administration are going to be arriving as others in it are departing," Mr. Light said.

The White House puts a somewhat better face on the facts. "I think it's fair to say that even given the shortened transition that this administration has worked from, the personnel and the nomination process have worked exceedingly well from the White House end of Pennsylvania Avenue," said Ari Fleischer, the White House spokesman.

Mr. Fleischer said on Friday that Mr. Bush had nominated 443 people for Senate confirmation, counting not only the nominees for 360 cabinet and subcabinet posts, but also judges, top military officers and ambassadors, whom Brookings does not count in its survey. Brookings says the White House has made nominations for 321 out of 499 positions; 227 of the nominees have been confirmed. Only Mary Sheila Gall, the appointee for the Consumer Product Safety Commission, has been rejected. Since the Democrats took control of the Senate about six weeks ago, 128 nominees have been confirmed. In the Republican-controlled Senate, 99 were confirmed. On Friday the Senate confirmed 38 nominees before adjourning until September.

Compared with two previous presidents who took over the White House from the other party, Bill Clinton and Ronald Reagan, Mr. Bush is ahead of Mr. Clinton's pace but behind Mr. Reagan by 43 confirmations, according to Brookings.

In recent weeks, the new majority leader, Senator Tom Daschle of South Dakota, after meeting with Republican leaders and senior senators, has bypassed hearings for lower-level nominees, sending them directly to the floor for confirmation.

Op/Eds

Senate Says Vacation More Important Than Judicial Vacancies According To People For Common Sense Courts

PR Newswire

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

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Neil Lewis

Friday, August 3, 2001

With one of every eight federal judgeships vacant and 40 judicial nominations pending, the United States Senate today took bold action -- and began a month-long vacation.

"Senate leaders showed their true colors today," said Oklahoma Gov. Frank A. Keating, national chairman of People for Common Sense Courts. "By abandoning Washington for a month, they abandoned any hope of resolving the growing judicial crisis any time soon. Obviously, their vacation is more important to them than maintaining a functioning legal system."

There are now 108 vacancies on the federal district and appeals courts, including 39 designated as emergencies because of the enormous number of cases pending. President Bush has nominated 44 individuals to fill these posts; the Senate has confirmed 4. "If the Oklahoma state courts were in this type of crisis and my response was to take a month-long vacation, the voters and the news media would never let me hear the end of it," Keating said.

"In the first years of the past three Administrations, all but one of the judges nominated before the Senate's August recess were confirmed that year," said Andrew R. Stephens, president of People for Common Sense Courts. "That looks increasingly unlikely this year. The Senate is scheduled to be in session for only another 22 days, and it has 40 nominations pending."

"When Democrats controlled the White House and Republicans controlled the Senate, Senate Democrats complained that 67 judicial vacancies was too many," Stephens noted. "Now that party control has changed, their response to 108 vacancies is to drag their feet." During the transition this spring from Republican to Democratic control of the Senate, incoming Judiciary Committee Chairman Patrick Leahy (D-Vt.) refused to schedule any judicial confirmation hearings -- even though other Senate committees were holding confirmation hearings.

Before the Senate returns from its August recess, at least one more federal appeals court judge is scheduled to retire -- from the 6th Circuit Court of Appeals, already suffering an emergency because of 6 vacancies. Another four federal judges have announced plans to retire by the end of the year -- in addition to any unexpected retirements, resignations, or deaths.

Yes, the ABA Rankings on Judicial Nominees Are Biased

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Neil Lewis **New York Times**

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By James Lindgren
The Wall Street Journal
Monday, August 6, 2001

With the American Bar Association meeting in Chicago today, it is an apt moment to look at the ABA's controversial judicial-evaluation process and consider whether it provides an objective, nonpartisan measure of a judicial nominee's qualifications.

That's what it says it does, a claim echoed by the Democrats on the Senate Judiciary Committee, who vow not to schedule a nominee's hearing until they have reviewed the ABA's rating. This faith persists despite the White House's decision not to call upon the ABA to pre-screen its judicial nominees, a system that had been used by presidents since the 1950s.

What does the evidence show? I've just completed a statistical study of the ABA's ratings of appointees to the U.S. Courts of Appeals during the Clinton and first Bush administrations and can report that the facts don't support the ABA's claim of objectivity. The ABA may once have been objective, but it's not anymore.

I analyzed the credentials of the 108 nominees who were ultimately appointed to the federal appeals courts during the Clinton and Bush-1 administrations. The results? The ABA applied measurably different and harsher standards during President George H. W. Bush's administration than it applied during President Bill Clinton's tenure. In short, the Bush appointees got lower ABA ratings than the Clinton appointees.

First a word on how the process works. The ABA's 15-member Standing Committee on the Federal Judiciary rates judges as "Well Qualified," "Qualified" or "Not Qualified."

George W. Bush's Nominees to the U.S. Courts of Appeals

NOMINEE	CIRCUIT	ABA RATING
Terrence Boyle	4th	Qualified

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Edith Brown Clement	5th	Well Qualified (majority) / Qualified (minority)
Deborah Cook	6th	Qualified
Miguel Estrada	D.C.	Well Qualified
Roger Gregory	4th	Qualified
Michael McConnell	10th	Well Qualified
Priscilla Owen	5th	Well Qualified
Barrington Parker	2nd	Well Qualified
John Roberts	D.C.	Well Qualified
Dennis Shedd	4th	Well Qualified (majority) / Qualified (minority)
Jeffrey Sutton	6th	Qualified (majority) / Qualified (minority)
Jeffrey Howard	1st	Not Yet Rated
Terrence O'Brien	10th	Not Yet Rated

Judicial temperament and integrity, two criteria that the ABA considers, are hard to measure. But many credentials can be measured empirically. My study considered six: judicial experience, an elite law school education, law review, a federal court clerkship, private-practice experience, and government-practice experience. The data on the professional qualifications of the 108 judges were collected by the Federalist Society from publicly available sources or directly from the judges. While my study found strong evidence of different treatment of nominees, this isn't a simple story of ABA bias in favor of Clinton nominees. Among nominees with the most important credential -- prior judicial experience -- Clinton and Bush-1 nominees both fared roughly equally.

Instead, the problem arose for nominees without prior judicial experience. Because these candidates lacked the most obvious credential for the job, the ABA evaluations could be more subjective. Here Clinton nominees fared strikingly better than Bush-1 nominees. Some 65% of Clinton appointees without judicial experience were unanimously rated "Well Qualified" compared with only 17% of the Bush-1 appointees. Controlling for credentials, my study found that Clinton nominees had more than 10 times better odds of getting the ABA's highest rating than similarly credentialed Bush appointees. In short, being nominated by Bill Clinton was a stronger positive variable than any other credential or than all other credentials put together.

A Clinton nominee with few of the six credentials I measured had a much better chance of getting the highest ABA rating than a Bush nominee with most of these credentials. For

York Times

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Neil Lewis **New York Times**

June 26, 2001

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Neil Lewis

Federal News Service, August 3, 2001

EXCERPT

General Judicial Articles

Rebuffed By White House, ABA Finds It Still Has Role In Judicial Nominations Before Democratic-led Senate

By Anne Gearan

The Associated Press

Saturday, August 4, 2001

Three months into George W. Bush's presidency, the White House fired the American Bar Association from its job doing secret background checks on potential federal judges.

Losing that prestigious role after 50 years left many in the organization of 400,000 lawyers smarting and convinced still that the White House made a rash and largely political decision.

But lawyers gathered for the group's annual meeting said that for now, surprisingly little has changed.

The ABA continues to vet judges, and the newly Democratic-controlled Senate still relies on the ABA's recommendations. The difference is that the ABA does its work after the White House announces the name of a potential judge, instead of beforehand.

"The dynamic has changed, but we're still doing our work," said Bob Hirshon, who will become the ABA president during the six-day meeting.

Actually, the dynamic changed twice: in March when the White House gave the ABA the boot and then in May, when Vermont Sen. James Jeffords' defection from the Republicans gave Democrats control of the Senate.

In one sense, the Senate switch meant the ABA role was just as influential as before, Senate aides said. Democrats had said they would not confirm any Bush judge without an ABA rating, and after the switch they had the muscle to make the warning stick.

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example: A nominee with an elite law school education, law review, a federal clerkship, and experience in both government and private practice would have only a 32% chance of getting the highest ABA

rating if he were a Bush appointee, but a 77% chance if he were a Clinton appointee. A Clinton nominee with none or just one of these five credentials would still have at least a 45% chance of getting the highest rating.

The differences in how the ABA treated Bush-1 and Clinton nominees reached even to the internal decision making of the ABA committee. The ratings committee split its vote between two ratings 33% of the time when evaluating Bush-1 appointees, but it split only 17% of the time when evaluating Clinton appointees.

If Clinton nominees had been subjected to the same credentials-driven approach as Bush-1 candidates, only 46% of Clinton's confirmed nominees would have been unanimously rated as "Well Qualified." Instead, 62% actually received that top rating. On average Bush-1 and Clinton nominees had almost identically strong measured qualifications, yet they were not rated similarly.

The data suggest that when Bill Clinton took office, the ABA softened its standards, possibly emphasizing credentials such as temperament and philosophy that are harder to measure than experience and educational success. Now the ABA is back to rating Republican nominees -- and apparently is also back to its old harsh ways. The ABA ratings of George W. Bush's first 11 appellate nominees were released this summer. While it is much too soon to reach any firm conclusions about Bush-2, the pattern so far is not encouraging.

Although 62% of Clinton's 66 confirmed appellate nominees got the ABA's highest rating of unanimously "Well Qualified," only five of the first 11 new Bush nominees -- 45% -- have received the highest ABA rating, the same percentage that confirmed nominees received under the administration of the elder Bush.

At the end of the day, one nagging question remains: Why hasn't the ABA itself noticed the large political differences in its evaluative processes and worked harder to understand, explain or eliminate them? Now that there are hard data that support the claims of its critics, it would be good to see fewer denials and more introspection and reform.

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Stakeout with Senate Minority Leader Trent Lott (R-MS), and Senators Don Nickles (R-OK), Larry Craig (R-ID), and Pat Roberts (R-KS) Following Senate Republican Conference Meeting

Federal News Service

Friday, August 3, 2001

EXCERPT

You go ahead, and then we'll come back over here.

Q Okay. Can you talk about the upcoming fight over judicial nominations in the fall and what strategy you guys are going to use to get those through the Senate?

SEN. NICKLES: Well, let me just make a couple of comments. One, the leader gave me a little responsibility on trying to help shepherd some of the nominees through. And I will compliment Senator Reid and Senator Daschle; they have been cooperative. We've encouraged them to let's work together, see if we can't get some through. In the last couple of three weeks we've had some pretty good progress, and we want to continue that. It's not fair for this administration -- they're already --

Q But I'm talking specifically about judicial nominations.

SEN. NICKLES: I understand. I understand. It's not fair for this administration, they still have assistant secretaries that haven't been confirmed, and Cabinet secretaries are entitled to have their nominees confirmed.

Judges. The administration has just now sent -- they sent up the Circuit Court judges and they haven't been considered totally through the Judiciary Committee. Hopefully they will be. The

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administration is right now in the process of sending District Court judges through, and we're encouraging them to hurry up and get those, and they've been held up because of the FBI background checks and so on. But we hope and expect that the Judiciary Committee will work with all senators to get these judges in. We've got a lot of judges that are waiting, a lot of U.S. Attorneys, a lot of Marshals that have not been confirmed, that need to be confirmed. They should have been confirmed, frankly, in many cases by now, but we haven't got the nominations yet from the administration. So I'm not just faulting the Judiciary Committee, except for some of the Circuit Courts, they've been kind of slow on Circuit Court.

SEN. LOTT: Let me just give you some numbers, and be honest. First of all, I think that we should have had the U.S. Attorneys and U.S. Marshal nominees already pending before the Senate. They're not here, so you can't be critical of the Democrats for not moving that.

With regard to judges, I believe it's right that there have only been four federal marshals confirmed --

SEN. NICKLES: Judges.

SEN. LOTT: -- federal judges confirmed by the Senate.

SEN. NICKLES: Five.

SEN. LOTT: Did we do two yesterday?

SEN. NICKLES: Five. We did two yesterday.

SEN. LOTT: Okay, five. And we still have pending in the Judiciary Committee 26 maybe?

SEN. NICKLES: Twenty-something. Yeah.

SEN. LOTT: And several of them, about 10 or so, have been here since I believe May.

SEN. NICKLES: April, May, yeah.

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SEN. LOTT: I mean, so there could have been hearings. And I don't believe they've even had hearings on most of them.

Now, the administration I believe will be sending a block of probably 50 or 60 nominations here momentarily, in the next few days, and those will be pending. So we really need to start moving aggressively on having hearings and reporting out judicial nominees, both judges and U.S. attorneys when we come back in September.

SEN. NICKLES: And the great majority of these will not even be controversial.

SEN. LOTT: That's right.

SEN. NICKLES: The great majority of these will be supported by both senator from their home states, and we expect those can go through pretty quickly.

Q Senator Lott.

Q Senator Lott, you know, last week, President Bush has backed the sons of Senator Jim Bunning and also the son of Strom Thurmond for judicial nominations for judgeships. Is he trying to win influence with the Senate through appointing people's relatives?

SEN. LOTT: I can't believe a president would be trying to win influence with the Senate! Every president does that. But also, he is prepared to select good men and women for federal positions, even if they are the sons and daughters of senators or judges for that matter. I know Strom Thurmond Jr. This is a 28-year-old, extremely sharp, very intelligent young lawyers with prosecutory (sic) experience. I'd pick him. And there are others. You know, Justice Rehnquist's daughter has been selected for a position in the administration. She is, from all accounts, a brilliant person who will do an excellent job. I don't think that ought to guarantee you'll be nominated or confirmed, but neither should it be prohibitive.

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"It has been the committee's practice to (rely) on ABA ratings, and that has not changed," said David Carle, spokesman for Judiciary Chairman Sen. Patrick Leahy, a Democrat.

"There would have been a change if the Republicans were still in control. At least some Republicans were apparently willing to proceed without ABA ratings," Carle said.

In another sense, the ABA's role is fundamentally different. Before, most presidents quietly killed a nomination if the ABA found the candidate unqualified, and the name never became public.

That gave the ABA unparalleled veto power over White House decisions, said Leonard Leo, a vice president of the conservative Federalist Society.

Conservatives long have viewed the ABA with suspicion. Congressional Republicans, in particular, tend to perceive the organization as liberal-leaning, and blame a mixed ABA review of Robert Bork for defeat of the conservative nominated for the Supreme Court.

The ABA rejects the liberal label. The organization's leaders say there is a high wall between policy positions and its work evaluating judges. The ABA has lobbied for abortion rights and gun control.

"The decision by the White House cast a lot of light on the process, and caused people to think about the ABA's role," Leo said. "I think the jury is still out as to whether the role they play is valuable or not."

Many Federalist Society members are now advising Bush on judicial nominees, and several of its members were among Bush's initial crop of judicial picks.

The society's skeptical review of ABA activities, called "ABA Watch," this month includes a comparison of ABA ratings for Clinton administration appeals court nominees and those nominated by the first President George Bush.

The Federalist Society study found that when it came to nominees with similar legal experience,

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the Clinton choices were at least seven times more likely to win the highest "well-qualified" ABA rating.

Northwestern University law professor James Lindgren, who did the analysis, also looked at some of the first nominees from the current Bush administration, Leo said.

"We are seeing some of the same patterns, although the patterns are not as stark," Leo said.

The ABA has finished its investigations of 17 of Bush's first 44 nominees for federal trial and appeals courts, and has taken about the same time to prepare the reports as it did before, ABA leaders and Senate aides said.

So far, the ABA has rated each candidate "qualified" or "well-qualified."

"We may not know the answer to this question for awhile _ whether the information we receive when a name is in the public domain is the same versus the information we received the last 50 years," the ABA's Hirshon said.

The ABA maintains that so long as the potential nominee's name was not yet public, friends or co-workers can speak without risk of retribution and without publicly sully a nominee's reputation.

Although she was blindsided by the White House decision in March, current ABA president Martha Barnett now sounds sanguine about the change.

"This is one of those issues that created angst in the beginning, but has now worked out well and is a non-issue," she said.

United Senate Confirms Mueller To Head FBI; Selection: Unanimous Vote Cements Bush's Nomination. Bickering Over Nominees For Other Posts Gets Worse

By Eric Lichtblau
The Los Angeles Times
Friday, August 3, 2001

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Neil Lewis **New York Times**
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Despite partisan wrangling over a new batch of White House nominations, the Senate on Thursday gave quick and unanimous approval to one of President Bush's most closely watched picks as it confirmed San Francisco prosecutor Robert S. Mueller to lead the besieged FBI.

Mueller, 56, will take over an agency that has seen its reputation as the nation's premier law enforcement agency badly tarnished by recent episodes of espionage, witness intimidation, lost documents, missing weapons and other embarrassments within its ranks.

"We know he has a difficult job ahead of him," said Sen. Patrick J. Leahy (D-Vt.), chairman of the Senate Judiciary Committee, as he ticked off a list of recent blunders at the FBI.

But Leahy said Mueller, a veteran prosecutor credited with turning around the U.S. attorney's office in San Francisco after his appointment there in 1998, is the right man for the job. "I applaud President Bush for his appointment," the senator said.

Leahy's committee gave Mueller a unanimous vote of approval Thursday after two days of hearings earlier in the week that were marked by unstinting praise for Mueller and widespread condemnation of the FBI. Hours after the committee vote, the full Senate approved Mueller for the job on a 98-0 vote.

Mueller soon will undergo surgery for prostate cancer, and no date has been set for his takeover at the FBI, although Justice Department aides indicated it might not happen for several weeks.

Atty. Gen. John Ashcroft, who lobbied hard for the former Marine, said that Mueller "will serve with fidelity, bravery and integrity" and that his background in criminal law brings "an invaluable perspective to the Department of Justice."

Mueller's confirmation followed the Senate's approval earlier this week of Rep. Asa Hutchinson (R-Ark.) as head of the Drug Enforcement Administration and former Senate Sergeant-at-Arms James Ziglar as head of the Immigration and Naturalization Service.

But the votes came amid stepped-up political bickering Thursday over some of Bush's other nominations.

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Democrats on the Senate Commerce Committee voted down Bush's pick of Mary Sheila Gall as head of the Consumer Product Safety Commission. And a new round of judicial nominations by the White House set off a round of political accusations.

The White House nominated 18 federal judges Thursday, including 15 for seats on district courts and three for the federal claims court.

The selections were concentrated in states that have two Republican senators, with four judges nominated in Oklahoma and three in Kentucky. In states such as California and New York, where both senators are Democrats and the effort to find acceptable candidates may prove more protracted, the White House does not expect to nominate judicial candidates until the fall.

Bush administration officials immediately warned Senate Democrats that they have become frustrated with what they consider unnecessary delays in considering the White House's judicial nominations, which now total 44.

Administration officials complained that, while they have been quick to nominate judges at a rate outpacing those of past presidencies, the Democratic-controlled Senate has approved only four judges so far and has not even scheduled hearings for many candidates. Many districts remain short of judges as a result, Bush advisors said.

"There's really in the administration's view no legitimate justification--given the vacancy crisis--for all these weeks to have passed without hearings," said a senior administration official who asked not to be identified. Bush "expects and is entitled to the same fair treatment for his nominees" as past presidents have received, the official said.

But Leahy said the Judiciary Committee has pushed through the nominations of Mueller and other candidates at a very quick pace, and his aides said the White House has slowed the process by limiting the American Bar Assn.'s traditional role in reviewing nominees.

One of Thursday's judicial nominations who could prove controversial is David Bunning, a 35-year-old assistant U.S. attorney in Kentucky tapped for the federal bench there. Bunning is the son of Sen. Jim Bunning (R-Ky.), and his nomination came a day after Bush nominated Strom

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Thurmond Jr., the 28-year-old son of the Senate's senior member, to be the U.S. attorney in South Carolina.

Bunning has been a lawyer for 10 years, two years less than the ABA generally recommends for a lifetime appointment to the federal bench.

Ralph Neas, head of People for the American Way, a liberal public-interest group that has criticized Bush for allegedly trying to pack the courts with "right-wing ideologues," said he wants the Bunning nomination to get a close look.

"Thirty-five years old is very young, and I think it's a legitimate issue to question whether this nominee has the qualifications needed to be a federal judge," he said.

But Bush administration officials said Bunning has a proven record as a prosecutor and is well qualified for the job.

Pitch Made For Approval Of Judicial Nominees

By Tom Brune

Newsday

Friday, August 3, 2001

President George W. Bush is "entitled" to have all of the judicial candidates he has nominated so far confirmed by the Democratic-controlled Senate by the end of the year, an administration official said yesterday.

The Bush administration official made that claim in announcing 16 new judicial nominations while blasting the Senate Judiciary Committee for failing to act more quickly on judicial candidates Bush has nominated in the past three months.

Administration officials also said they expect to nominate candidates to fill the more than 100 vacancies on the federal bench by the end of the year, which would put a distinctly Republican stamp on the federal judiciary.

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Included among yesterday's nominees is the 35-year-old son of Sen. Jim Bunning (R-Ky.) to be a federal judge in Kentucky. On Wednesday, Bush tapped the 29-year-old son of Sen. Strom Thurmond (R-S.C.) to be U.S. attorney of South Carolina.

Since May, Bush has nominated 44 candidates for the federal bench, and the Senate has confirmed three nominees and appeared likely to confirm a fourth before going on a monthlong recess after today.

An aide to Senate Judiciary Chairman Patrick Leahy (D-Vt.) rejected criticism of the pace of the committee's confirmation hearings. "Any fair look at this committee's schedule for the past month shows how brisk it has been," said Leahy spokesman David Carle, noting that it had expedited hearings of the nominees for directors of the FBI and Drug Enforcement Agency.

Carle also refrained from making any promises that all of the Bush judicial nominees would be confirmed by year's end. "It depends on what nominees the president sends," he said.

Bush officials stepped up pressure on Senate Democrats to approve more judicial candidates yesterday after the Senate Commerce Committee, in a separate action, handed Bush his first defeat of a nominee - rejecting his choice for Consumer Product Safety Commission chairman.

"In the past three administrations, there has been a very long-standing bipartisan tradition of [judicial] nominees who were named prior to the August recess being confirmed in the first year of their presidency," said White House spokesman Ari Fleischer.

"Consistent with that bipartisan history, the president hopes and urges that the Senate will move forward and act on all 44 of his [judicial] nominations this year," he said.

Another administration official, speaking on the condition he not be named, however, went further, saying, "We expect and we are entitled to and we would be satisfied if the . . . judges were confirmed."

Most of those nominated yesterday were from states represented by two Republican senators.

Nominated for the First Circuit of Appeals was Jeffrey R. Howard, who came in third in the

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Republican primary for governor of New Hampshire last year and whose campaign consultant was cited by state officials for improper campaign activities. Howard is a former U.S. attorney and New Hampshire attorney general.

Nominated for the 10th Circuit of Appeals was Terrence L. O'Brien, who after retiring as a Wyoming state court judge won the Republican nomination for a congressional seat as a write-in candidate, but then withdrew before the general election last year.

Nominated for the Eastern District of Kentucky was David Bunning, who since 1991 has been a federal prosecutor.

Meanwhile, Sen. Charles Schumer (D-N.Y.) used a procedural maneuver to delay the nomination of Deborah Daniels as assistant attorney general for the Justice Department's Office of Justice Programs because he said she has not sufficiently answered questions about how she would manage the agency's gun programs. The committee may take up the Daniels nomination in September, when Congress returns from its August recess.

Three Nominees Likely To Win U.S. Judgeships, Lawyers Say Bunning's Son May Face Scrutiny On His Experience

By Tom Loftus
The Courier-Journal (KY)
Friday, August 3, 2001

President Bush's three federal judgeship nominees for Kentucky, including the son of U.S. Sen. Jim Bunning, are likely to win Senate confirmation, several prominent Kentucky attorneys said yesterday.

But the experience of David Bunning may get close scrutiny at Senate Judiciary Committee confirmation hearings. The 35-year-old son of the junior senator from Kentucky is a federal prosecutor in Covington.

If confirmed, David Bunning would be the youngest lawyer appointed a federal judge in Kentucky since the American Bar Association began evaluating nominees in 1948. The timetable

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Media Review - Judicial Nominations

Monday, August 6, 2001

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- "Senate Says Vacation More Important Than Judicial Vacancies According To People For Common Sense Courts,"
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for confirmation hearings is uncertain.

The other nominees were two Lexington lawyers: Karen Caldwell, 45, a former U.S. attorney who helped oversee the federal investigation of public corruption known as Operation BOPTR0T; and Danny Reeves, 44, who has represented Ashland Oil and the Kentucky High School Athletic Association.

Appointments to federal judgeships are for life and are viewed as prize political plums. Traditionally, presidents closely follow the recommendations of the U.S. senators from their party in making appointments for a particular state.

The elder Bunning and fellow Republican Sen. Mitch McConnell announced the nominations in a statement that did not take note of the relationship between the Bunnings. It described the three as "talented and experienced Kentuckians. . . . We strongly support the president's choices, and are going to do all we can to push their speedy confirmation by the Senate."

Spokesmen for the senators said they had no immediate comment beyond the statement.

The Kentucky Democratic Party criticized Bush for the Bunning nomination.

"By appointing a U.S. senator's son to the federal bench, Bush seems to be polarizing and politicizing a position that should remain completely nonpartisan," party spokeswoman Susan Dixen said.

David Bunning did not return messages left at his office. Caldwell and Reeves said they were honored by the nominations and declined further comment.

One prominent Eastern Kentucky lawyer criticized all three choices.

"Not one of the three nominees is from Eastern Kentucky. These judgeships are for Ashland, Pikeville and London," said Ned Pillersdorf of Prestonsburg.

But Pillersdorf praised Caldwell's work as an attorney and a federal prosecutor. He said he did not know the younger Bunning, and he objected to the nomination of Reeves, with whom he

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clashed when Reeves represented Ashland Oil in litigation over environmental damage in an Eastern Kentucky oilfield.

The senators' statement described David Bunning as "a dedicated public servant" who as an assistant U.S. attorney has "accumulated significant courtroom litigation experience."

It said the younger Bunning is responsible for a "wide range of criminal litigation and appeals, and in 1998 he successfully prosecuted one of the first Internet fraud and harassment cases in the nation."

ABA guidelines recommend a minimum of 12 years of experience as a lawyer before someone is considered a qualified candidate for the U.S. District Court bench. Bunning has a decade of experience as an attorney.

It's unclear if the difference will pose a difficulty for confirmation.

Mimi Devlin, spokeswoman for Sen. Patrick Leahy, the Vermont Democrat who chairs the Senate Judiciary Committee, said the committee believes experience is important but that lacking some experience would not disqualify Bunning.

"Senator Leahy values the ABA's opinions on these matters, but this is only a guideline," Devlin said.

Joe Savage, a Lexington attorney and former president of the Kentucky Bar Association, said that although experience is important, "I know lawyers who have practiced five years who have gained a lot more experience than some who have practiced 15 years."

Savage, who said he does not know David Bunning, said he expected the experience issue would not be so serious as to block confirmation.

Edward Drennen, president of the Northern Kentucky Bar Association, said he expected Bunning would be conservative on the bench but also open-minded and fair. "He's always demonstrated in our dealings with him a willingness to listen to both sides," said Drennen, a Florence attorney.

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He also said it was unfair to attach nepotism to the nomination.

"His father doesn't try these federal cases, David does," Drennen said. "David writes these briefs to the Court of Appeals."

Mark Guilfoyle, a leading Northern Kentucky Democrat, Covington lawyer and former gubernatorial aide, called Bunning an outstanding pick.

Guilfoyle said too much has been made of Bunning's relative lack of experience. "He has lived in federal court for the last 10 years" trying a wide variety of cases, Guilfoyle said.

Although Guilfoyle said he disagrees with the nominee's father on most issues, he described the younger Bunning as a conservative who is in step with the values of most Kentuckians and "in no way, shape or form an ideologue."

Reno Lawyer Hicks Nominated For U.S. Judge Position

By Jane Ann Morrison
Las Vegas Review-Journal
Friday, August 3, 2001

Reno attorney Larry Hicks, a nominee for a federal judgeship under the first President Bush, lost his opportunity when Bush was defeated in the 1992 election. Now Hicks is a nominee again -- this time by the second President Bush. The White House announced the nomination Thursday and forwarded Hicks' name to the U.S. Senate for confirmation as a U.S. District Court judge.

Hicks, 57, was recommended for the lifetime post in May by U.S. Sen. John Ensign, R-Nev. Ensign submitted four names for two judicial vacancies but declined to say how he ranked them. Sources said Hicks and District Judge Jim Mahan were first in line, followed by Las Vegas attorney Walt Cannon and District Judge Mark Gibbons. Hicks' background investigation moved quickly because he already had undergone such a check nine years ago. Mahan's

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background investigation isn't complete, but one source said he might gain a presidential nomination in September. The two judgeships are based in Las Vegas.

Although federal judgeships are the top patronage appointment any senator makes, Ensign said he didn't base his decision on political cronyism or payback. Ensign said he didn't know Hicks or his other nominees when he selected them, but he used an informal committee of bipartisan advisers to make his choices. He described Hicks as having 'impeccable character' as well as being a distinguished attorney.

Hicks, a sportsman who enjoys duck hunting, was on a previously planned fishing trip in British Columbia but issued a statement saying he 'couldn't be more excited about the opportunity to serve my country' as a federal judge. A partner in the Reno law firm McDonald Carano Wilson McCune Bergin Frankovich & Hicks, he is a trial attorney with extensive courtroom experience, both prosecutor and as a civil attorney.

He started his legal career in 1971 as the chief criminal deputy district attorney in Washoe County, and was elected district attorney of Washoe County in 1973.

In 1979, he began his career as a partner in his current law firm, where he heads the firm's litigation section. For 16 years, he also has worked as a settlement judge for the Nevada Supreme Court. In an interview in May, Hicks said he represented Dow Chemical in a breast implant case, and as district attorney he investigated brothel owner Joe Conforte and his corrupt influence on elected officials in Northern Nevada. His law partner Thomas 'Spike' Wilson, a Democrat, said Hicks is 'known and respected by his peers' and has wide support in the legal community. When FBI officials interviewed Wilson, he said, he guessed they hadn't received any negative comments about Hicks.

'He works hard, he's diligent, detailed, careful, prepared and he knows the law. He considers factual and legal issues carefully,' said Wilson, a former state senator and former chairman of the Nevada Ethics Commission. Wilson predicted Hicks would win confirmation easily. Wilson described Hicks' politics as 'pretty moderate. I don't see him on either extreme. I think he'll be a mainstream judge who follows legal precedent.'

U.S. Sen. Harry Reid, D-Nev., issued a news release calling Ensign's pick 'a wise choice' and

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promised to do 'everything in my power as the majority whip' to get Hicks confirmed quickly. The two senators have agreed to share the judicial appointments no matter which party controls the White House, Ensign said.

He will nominate three judges and then give Reid the fourth choice. If the White House goes Democratic in 2004, Reid agreed to do the same with Ensign.

Bush Nominates Four As Judges, U.S. Attorney

By Christ Casteel
The Daily Oklahoman
Friday, August 3, 2001

Five months after receiving recommendations from Oklahoma's senators, the White House on Thursday nominated four people for federal judgeships in the state.

Also nominated was Robert G. McCampbell to be U.S. attorney for the Western District of Oklahoma, based in Oklahoma City.

President Bush sent to the Senate the following nominations:

- Joe L. Heaton, a former Republican leader in the state House of Representatives, to be a judge in the western district. Heaton is an assistant U.S. attorney and spent nine months as the U.S. attorney. He served seven years in the state House and practiced law with Fuller, Tubb & Pomeroy.
- Stephen P. Friot, an Oklahoma City attorney, to fill another vacancy in the western district. He has been in private practice since 1972. He is a partner in the firm of Spradling, Alpern, Friot & Gum. A 1987 book that ranked the top legal guns in the country included Friot among the Oklahomans.
- Claire V. Eagan to be a judge in the northern district, based in Tulsa. She has been a U.S. magistrate judge for three years in the northern district; for 20 years, she was a litigation attorney with Hall, Estill. During her time as magistrate, she has supervised the court's

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settlement program.

- James H. Payne to be a judge sharing time in the northern district and eastern district, based in Muskogee. Payne has been a U.S. magistrate judge in the eastern district for 12 years. He spent 15 years in private practice, handling civil matters, and also served three years as an assistant U.S. attorney.

- McCampbell to be U.S. attorney. He is a partner with the law firm Crowe and Dunlevy in Oklahoma City. He served as an assistant U.S. attorney in the western district from 1987 to 1994. He is a graduate of Vanderbilt University and Yale Law School.

Oklahoma's senators applauded the nominations, which will be considered first by the Senate Judiciary Committee.

In regard to the judicial nominations, Sen. Jim Inhofe, R-Tulsa, said, "Senator Nickles and I recommended these individuals based on their superb professional experience and sound judicial philosophy. I am confident they will faithfully uphold the Constitution and serve our state and nation well."

Nickles, R-Ponca City, said McCampbell "is an outstanding individual who will serve the state and the country well."

Bush Is Ahead of Clinton Pace on Nominees

The New York Times

Monday, August 6, 2001

After half a year in office, President Bush has 52 nominees for executive branch positions awaiting Senate confirmation and 211 positions in his administration yet to be named, according to a running count by the Brookings Institution.

With Congress and the White House on vacation for a month, Brookings, a research group, projects that some appointees will not be in place until after Mr. Bush has been in office for a year.

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Even March 2002 would be optimistic, said Paul C. Light, vice president and director of governmental studies at Brookings. "At this point, people in the administration are going to be arriving as others in it are departing," Mr. Light said.

The White House puts a somewhat better face on the facts. "I think it's fair to say that even given the shortened transition that this administration has worked from, the personnel and the nomination process have worked exceedingly well from the White House end of Pennsylvania Avenue," said Ari Fleischer, the White House spokesman.

Mr. Fleischer said on Friday that Mr. Bush had nominated 443 people for Senate confirmation, counting not only the nominees for 360 cabinet and subcabinet posts, but also judges, top military officers and ambassadors, whom Brookings does not count in its survey. Brookings says the White House has made nominations for 321 out of 499 positions; 227 of the nominees have been confirmed. Only Mary Sheila Gall, the appointee for the Consumer Product Safety Commission, has been rejected. Since the Democrats took control of the Senate about six weeks ago, 128 nominees have been confirmed. In the Republican-controlled Senate, 99 were confirmed. On Friday the Senate confirmed 38 nominees before adjourning until September.

Compared with two previous presidents who took over the White House from the other party, Bill Clinton and Ronald Reagan, Mr. Bush is ahead of Mr. Clinton's pace but behind Mr. Reagan by 43 confirmations, according to Brookings.

In recent weeks, the new majority leader, Senator Tom Daschle of South Dakota, after meeting with Republican leaders and senior senators, has bypassed hearings for lower-level nominees, sending them directly to the floor for confirmation.

Op/Eds

Senate Says Vacation More Important Than Judicial Vacancies According To People For Common Sense Courts

PR Newswire

York Times

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Neil Lewis **New York Times**

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Friday, August 3, 2001

With one of every eight federal judgeships vacant and 40 judicial nominations pending, the United States Senate today took bold action -- and began a month-long vacation.

"Senate leaders showed their true colors today," said Oklahoma Gov. Frank A. Keating, national chairman of People for Common Sense Courts. "By abandoning Washington for a month, they abandoned any hope of resolving the growing judicial crisis any time soon. Obviously, their vacation is more important to them than maintaining a functioning legal system."

There are now 108 vacancies on the federal district and appeals courts, including 39 designated as emergencies because of the enormous number of cases pending. President Bush has nominated 44 individuals to fill these posts; the Senate has confirmed 4. "If the Oklahoma state courts were in this type of crisis and my response was to take a month-long vacation, the voters and the news media would never let me hear the end of it," Keating said.

"In the first years of the past three Administrations, all but one of the judges nominated before the Senate's August recess were confirmed that year," said Andrew R. Stephens, president of People for Common Sense Courts. "That looks increasingly unlikely this year. The Senate is scheduled to be in session for only another 22 days, and it has 40 nominations pending."

"When Democrats controlled the White House and Republicans controlled the Senate, Senate Democrats complained that 67 judicial vacancies was too many," Stephens noted. "Now that party control has changed, their response to 108 vacancies is to drag their feet." During the transition this spring from Republican to Democratic control of the Senate, incoming Judiciary Committee Chairman Patrick Leahy (D-Vt.) refused to schedule any judicial confirmation hearings -- even though other Senate committees were holding confirmation hearings.

Before the Senate returns from its August recess, at least one more federal appeals court judge is scheduled to retire -- from the 6th Circuit Court of Appeals, already suffering an emergency because of 6 vacancies. Another four federal judges have announced plans to retire by the end of the year -- in addition to any unexpected retirements, resignations, or deaths.

Yes, the ABA Rankings on Judicial Nominees Are Biased

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By James Lindgren
The Wall Street Journal
Monday, August 6, 2001

With the American Bar Association meeting in Chicago today, it is an apt moment to look at the ABA's controversial judicial-evaluation process and consider whether it provides an objective, nonpartisan measure of a judicial nominee's qualifications.

That's what it says it does, a claim echoed by the Democrats on the Senate Judiciary Committee, who vow not to schedule a nominee's hearing until they have reviewed the ABA's rating. This faith persists despite the White House's decision not to call upon the ABA to pre-screen its judicial nominees, a system that had been used by presidents since the 1950s.

What does the evidence show? I've just completed a statistical study of the ABA's ratings of appointees to the U.S. Courts of Appeals during the Clinton and first Bush administrations and can report that the facts don't support the ABA's claim of objectivity. The ABA may once have been objective, but it's not anymore.

I analyzed the credentials of the 108 nominees who were ultimately appointed to the federal appeals courts during the Clinton and Bush-1 administrations. The results? The ABA applied measurably different and harsher standards during President George H. W. Bush's administration than it applied during President Bill Clinton's tenure. In short, the Bush appointees got lower ABA ratings than the Clinton appointees.

First a word on how the process works. The ABA's 15-member Standing Committee on the Federal Judiciary rates judges as "Well Qualified," "Qualified" or "Not Qualified."

George W. Bush's Nominees to the U.S. Courts of Appeals

NOMINEE	CIRCUIT	ABA RATING
Terrence Boyle	4th	Qualified

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Edith Brown Clement	5th	Well Qualified (majority) / Qualified (minority)
Deborah Cook	6th	Qualified
Miguel Estrada	D.C.	Well Qualified
Roger Gregory	4th	Qualified
Michael McConnell	10th	Well Qualified
Priscilla Owen	5th	Well Qualified
Barrington Parker	2nd	Well Qualified
John Roberts	D.C.	Well Qualified
Dennis Shedd	4th	Well Qualified (majority) / Qualified (minority)
Jeffrey Sutton	6th	Qualified (majority) / Qualified (minority)
Jeffrey Howard	1st	Not Yet Rated
Terrence O'Brien	10th	Not Yet Rated

Judicial temperament and integrity, two criteria that the ABA considers, are hard to measure. But many credentials can be measured empirically. My study considered six: judicial experience, an elite law school education, law review, a federal court clerkship, private-practice experience, and government-practice experience. The data on the professional qualifications of the 108 judges were collected by the Federalist Society from publicly available sources or directly from the judges. While my study found strong evidence of different treatment of nominees, this isn't a simple story of ABA bias in favor of Clinton nominees. Among nominees with the most important credential -- prior judicial experience -- Clinton and Bush-1 nominees both fared roughly equally.

Instead, the problem arose for nominees without prior judicial experience. Because these candidates lacked the most obvious credential for the job, the ABA evaluations could be more subjective. Here Clinton nominees fared strikingly better than Bush-1 nominees. Some 65% of Clinton appointees without judicial experience were unanimously rated "Well Qualified" compared with only 17% of the Bush-1 appointees. Controlling for credentials, my study found that Clinton nominees had more than 10 times better odds of getting the ABA's highest rating than similarly credentialed Bush appointees. In short, being nominated by Bill Clinton was a stronger positive variable than any other credential or than all other credentials put together.

A Clinton nominee with few of the six credentials I measured had a much better chance of getting the highest ABA rating than a Bush nominee with most of these credentials. For

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Federal News Service, August 3, 2001

EXCERPT

General Judicial Articles

Rebuffed By White House, ABA Finds It Still Has Role In Judicial Nominations Before Democratic-led Senate

By Anne Gearan

The Associated Press

Saturday, August 4, 2001

Three months into George W. Bush's presidency, the White House fired the American Bar Association from its job doing secret background checks on potential federal judges.

Losing that prestigious role after 50 years left many in the organization of 400,000 lawyers smarting and convinced still that the White House made a rash and largely political decision.

But lawyers gathered for the group's annual meeting said that for now, surprisingly little has changed.

The ABA continues to vet judges, and the newly Democratic-controlled Senate still relies on the ABA's recommendations. The difference is that the ABA does its work after the White House announces the name of a potential judge, instead of beforehand.

"The dynamic has changed, but we're still doing our work," said Bob Hirshon, who will become the ABA president during the six-day meeting.

Actually, the dynamic changed twice: in March when the White House gave the ABA the boot and then in May, when Vermont Sen. James Jeffords' defection from the Republicans gave Democrats control of the Senate.

In one sense, the Senate switch meant the ABA role was just as influential as before, Senate aides said. Democrats had said they would not confirm any Bush judge without an ABA rating, and after the switch they had the muscle to make the warning stick.

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example: A nominee with an elite law school education, law review, a federal clerkship, and experience in both government and private practice would have only a 32% chance of getting the highest ABA rating if he were a Bush appointee, but a 77% chance if he were a Clinton appointee. A Clinton nominee with none or just one of these five credentials would still have at least a 45% chance of getting the highest rating.

The differences in how the ABA treated Bush-1 and Clinton nominees reached even to the internal decision making of the ABA committee. The ratings committee split its vote between two ratings 33% of the time when evaluating Bush-1 appointees, but it split only 17% of the time when evaluating Clinton appointees.

If Clinton nominees had been subjected to the same credentials-driven approach as Bush-1 candidates, only 46% of Clinton's confirmed nominees would have been unanimously rated as "Well Qualified." Instead, 62% actually received that top rating. On average Bush-1 and Clinton nominees had almost identically strong measured qualifications, yet they were not rated similarly.

The data suggest that when Bill Clinton took office, the ABA softened its standards, possibly emphasizing credentials such as temperament and philosophy that are harder to measure than experience and educational success. Now the ABA is back to rating Republican nominees -- and apparently is also back to its old harsh ways. The ABA ratings of George W. Bush's first 11 appellate nominees were released this summer. While it is much too soon to reach any firm conclusions about Bush-2, the pattern so far is not encouraging.

Although 62% of Clinton's 66 confirmed appellate nominees got the ABA's highest rating of unanimously "Well Qualified," only five of the first 11 new Bush nominees -- 45% -- have received the highest ABA rating, the same percentage that confirmed nominees received under the administration of the elder Bush.

At the end of the day, one nagging question remains: Why hasn't the ABA itself noticed the large political differences in its evaluative processes and worked harder to understand, explain or eliminate them? Now that there are hard data that support the claims of its critics, it would be good to see fewer denials and more introspection and reform.

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Transcripts/Members of Congress

Stakeout with Senate Minority Leader Trent Lott (R-MS), and Senators Don Nickles (R-OK), Larry Craig (R-ID), and Pat Roberts (R-KS) Following Senate Republican Conference Meeting

Federal News Service

Friday, August 3, 2001

EXCERPT

You go ahead, and then we'll come back over here.

Q Okay. Can you talk about the upcoming fight over judicial nominations in the fall and what strategy you guys are going to use to get those through the Senate?

SEN. NICKLES: Well, let me just make a couple of comments. One, the leader gave me a little responsibility on trying to help shepherd some of the nominees through. And I will compliment Senator Reid and Senator Daschle; they have been cooperative. We've encouraged them to let's work together, see if we can't get some through. In the last couple of three weeks we've had some pretty good progress, and we want to continue that. It's not fair for this administration -- they're already --

Q But I'm talking specifically about judicial nominations.

SEN. NICKLES: I understand. I understand. It's not fair for this administration, they still have assistant secretaries that haven't been confirmed, and Cabinet secretaries are entitled to have their nominees confirmed.

Judges. The administration has just now sent -- they sent up the Circuit Court judges and they haven't been considered totally through the Judiciary Committee. Hopefully they will be. The

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administration is right now in the process of sending District Court judges through, and we're encouraging them to hurry up and get those, and they've been held up because of the FBI background checks and so on. But we hope and expect that the Judiciary Committee will work with all senators to get these judges in. We've got a lot of judges that are waiting, a lot of U.S. Attorneys, a lot of Marshals that have not been confirmed, that need to be confirmed. They should have been confirmed, frankly, in many cases by now, but we haven't got the nominations yet from the administration. So I'm not just faulting the Judiciary Committee, except for some of the Circuit Courts, they've been kind of slow on Circuit Court.

SEN. LOTT: Let me just give you some numbers, and be honest. First of all, I think that we should have had the U.S. Attorneys and U.S. Marshal nominees already pending before the Senate. They're not here, so you can't be critical of the Democrats for not moving that.

With regard to judges, I believe it's right that there have only been four federal marshals confirmed --

SEN. NICKLES: Judges.

SEN. LOTT: -- federal judges confirmed by the Senate.

SEN. NICKLES: Five.

SEN. LOTT: Did we do two yesterday?

SEN. NICKLES: Five. We did two yesterday.

SEN. LOTT: Okay, five. And we still have pending in the Judiciary Committee 26 maybe?

SEN. NICKLES: Twenty-something. Yeah.

SEN. LOTT: And several of them, about 10 or so, have been here since I believe May.

SEN. NICKLES: April, May, yeah.

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SEN. LOTT: I mean, so there could have been hearings. And I don't believe they've even had hearings on most of them.

Now, the administration I believe will be sending a block of probably 50 or 60 nominations here momentarily, in the next few days, and those will be pending. So we really need to start moving aggressively on having hearings and reporting out judicial nominees, both judges and U.S. attorneys when we come back in September.

SEN. NICKLES: And the great majority of these will not even be controversial.

SEN. LOTT: That's right.

SEN. NICKLES: The great majority of these will be supported by both senator from their home states, and we expect those can go through pretty quickly.

Q Senator Lott.

Q Senator Lott, you know, last week, President Bush has backed the sons of Senator Jim Bunning and also the son of Strom Thurmond for judicial nominations for judgeships. Is he trying to win influence with the Senate through appointing people's relatives?

SEN. LOTT: I can't believe a president would be trying to win influence with the Senate! Every president does that. But also, he is prepared to select good men and women for federal positions, even if they are the sons and daughters of senators or judges for that matter. I know Strom Thurmond Jr. This is a 28-year-old, extremely sharp, very intelligent young lawyers with prosecutory (sic) experience. I'd pick him. And there are others. You know, Justice Rehnquist's daughter has been selected for a position in the administration. She is, from all accounts, a brilliant person who will do an excellent job. I don't think that ought to guarantee you'll be nominated or confirmed, but neither should it be prohibitive.

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"It has been the committee's practice to (rely) on ABA ratings, and that has not changed," said David Carle, spokesman for Judiciary Chairman Sen. Patrick Leahy, a Democrat.

"There would have been a change if the Republicans were still in control. At least some Republicans were apparently willing to proceed without ABA ratings," Carle said.

In another sense, the ABA's role is fundamentally different. Before, most presidents quietly killed a nomination if the ABA found the candidate unqualified, and the name never became public.

That gave the ABA unparalleled veto power over White House decisions, said Leonard Leo, a vice president of the conservative Federalist Society.

Conservatives long have viewed the ABA with suspicion. Congressional Republicans, in particular, tend to perceive the organization as liberal-leaning, and blame a mixed ABA review of Robert Bork for defeat of the conservative nominated for the Supreme Court.

The ABA rejects the liberal label. The organization's leaders say there is a high wall between policy positions and its work evaluating judges. The ABA has lobbied for abortion rights and gun control.

"The decision by the White House cast a lot of light on the process, and caused people to think about the ABA's role," Leo said. "I think the jury is still out as to whether the role they play is valuable or not."

Many Federalist Society members are now advising Bush on judicial nominees, and several of its members were among Bush's initial crop of judicial picks.

The society's skeptical review of ABA activities, called "ABA Watch," this month includes a comparison of ABA ratings for Clinton administration appeals court nominees and those nominated by the first President George Bush.

The Federalist Society study found that when it came to nominees with similar legal experience,

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the Clinton choices were at least seven times more likely to win the highest "well-qualified" ABA rating.

Northwestern University law professor James Lindgren, who did the analysis, also looked at some of the first nominees from the current Bush administration, Leo said.

"We are seeing some of the same patterns, although the patterns are not as stark," Leo said.

The ABA has finished its investigations of 17 of Bush's first 44 nominees for federal trial and appeals courts, and has taken about the same time to prepare the reports as it did before, ABA leaders and Senate aides said.

So far, the ABA has rated each candidate "qualified" or "well-qualified."

"We may not know the answer to this question for awhile _ whether the information we receive when a name is in the public domain is the same versus the information we received the last 50 years," the ABA's Hirshon said.

The ABA maintains that so long as the potential nominee's name was not yet public, friends or co-workers can speak without risk of retribution and without publicly sully a nominee's reputation.

Although she was blindsided by the White House decision in March, current ABA president Martha Barnett now sounds sanguine about the change.

"This is one of those issues that created angst in the beginning, but has now worked out well and is a non-issue," she said.

United Senate Confirms Mueller To Head FBI; Selection: Unanimous Vote Cements Bush's Nomination. Bickering Over Nominees For Other Posts Gets Worse

By Eric Lichtblau
The Los Angeles Times
Friday, August 3, 2001

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Neil Lewis **New York Times**
June 26, 2001

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Despite partisan wrangling over a new batch of White House nominations, the Senate on Thursday gave quick and unanimous approval to one of President Bush's most closely watched picks as it confirmed San Francisco prosecutor Robert S. Mueller to lead the besieged FBI.

Mueller, 56, will take over an agency that has seen its reputation as the nation's premier law enforcement agency badly tarnished by recent episodes of espionage, witness intimidation, lost documents, missing weapons and other embarrassments within its ranks.

"We know he has a difficult job ahead of him," said Sen. Patrick J. Leahy (D-Vt.), chairman of the Senate Judiciary Committee, as he ticked off a list of recent blunders at the FBI.

But Leahy said Mueller, a veteran prosecutor credited with turning around the U.S. attorney's office in San Francisco after his appointment there in 1998, is the right man for the job. "I applaud President Bush for his appointment," the senator said.

Leahy's committee gave Mueller a unanimous vote of approval Thursday after two days of hearings earlier in the week that were marked by unstinting praise for Mueller and widespread condemnation of the FBI. Hours after the committee vote, the full Senate approved Mueller for the job on a 98-0 vote.

Mueller soon will undergo surgery for prostate cancer, and no date has been set for his takeover at the FBI, although Justice Department aides indicated it might not happen for several weeks.

Atty. Gen. John Ashcroft, who lobbied hard for the former Marine, said that Mueller "will serve with fidelity, bravery and integrity" and that his background in criminal law brings "an invaluable perspective to the Department of Justice."

Mueller's confirmation followed the Senate's approval earlier this week of Rep. Asa Hutchinson (R-Ark.) as head of the Drug Enforcement Administration and former Senate Sergeant-at-Arms James Ziglar as head of the Immigration and Naturalization Service.

But the votes came amid stepped-up political bickering Thursday over some of Bush's other nominations.

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Democrats on the Senate Commerce Committee voted down Bush's pick of Mary Sheila Gall as head of the Consumer Product Safety Commission. And a new round of judicial nominations by the White House set off a round of political accusations.

The White House nominated 18 federal judges Thursday, including 15 for seats on district courts and three for the federal claims court.

The selections were concentrated in states that have two Republican senators, with four judges nominated in Oklahoma and three in Kentucky. In states such as California and New York, where both senators are Democrats and the effort to find acceptable candidates may prove more protracted, the White House does not expect to nominate judicial candidates until the fall.

Bush administration officials immediately warned Senate Democrats that they have become frustrated with what they consider unnecessary delays in considering the White House's judicial nominations, which now total 44.

Administration officials complained that, while they have been quick to nominate judges at a rate outpacing those of past presidencies, the Democratic-controlled Senate has approved only four judges so far and has not even scheduled hearings for many candidates. Many districts remain short of judges as a result, Bush advisors said.

"There's really in the administration's view no legitimate justification--given the vacancy crisis--for all these weeks to have passed without hearings," said a senior administration official who asked not to be identified. Bush "expects and is entitled to the same fair treatment for his nominees" as past presidents have received, the official said.

But Leahy said the Judiciary Committee has pushed through the nominations of Mueller and other candidates at a very quick pace, and his aides said the White House has slowed the process by limiting the American Bar Assn.'s traditional role in reviewing nominees.

One of Thursday's judicial nominations who could prove controversial is David Bunning, a 35-year-old assistant U.S. attorney in Kentucky tapped for the federal bench there. Bunning is the son of Sen. Jim Bunning (R-Ky.), and his nomination came a day after Bush nominated Strom

York Times

June 26, 2001**oad to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

Thurmond Jr., the 28-year-old son of the Senate's senior member, to be the U.S. attorney in South Carolina.

Bunning has been a lawyer for 10 years, two years less than the ABA generally recommends for a lifetime appointment to the federal bench.

Ralph Neas, head of People for the American Way, a liberal public-interest group that has criticized Bush for allegedly trying to pack the courts with "right-wing ideologues," said he wants the Bunning nomination to get a close look.

"Thirty-five years old is very young, and I think it's a legitimate issue to question whether this nominee has the qualifications needed to be a federal judge," he said.

But Bush administration officials said Bunning has a proven record as a prosecutor and is well qualified for the job.

Pitch Made For Approval Of Judicial Nominees

By Tom Brune

Newsday

Friday, August 3, 2001

President George W. Bush is "entitled" to have all of the judicial candidates he has nominated so far confirmed by the Democratic-controlled Senate by the end of the year, an administration official said yesterday.

The Bush administration official made that claim in announcing 16 new judicial nominations while blasting the Senate Judiciary Committee for failing to act more quickly on judicial candidates Bush has nominated in the past three months.

Administration officials also said they expect to nominate candidates to fill the more than 100 vacancies on the federal bench by the end of the year, which would put a distinctly Republican stamp on the federal judiciary.

York Times

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Neil Lewis **New York Times**

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Included among yesterday's nominees is the 35-year-old son of Sen. Jim Bunning (R-Ky.) to be a federal judge in Kentucky. On Wednesday, Bush tapped the 29-year-old son of Sen. Strom Thurmond (R-S.C.) to be U.S. attorney of South Carolina.

Since May, Bush has nominated 44 candidates for the federal bench, and the Senate has confirmed three nominees and appeared likely to confirm a fourth before going on a monthlong recess after today.

An aide to Senate Judiciary Chairman Patrick Leahy (D-Vt.) rejected criticism of the pace of the committee's confirmation hearings. "Any fair look at this committee's schedule for the past month shows how brisk it has been," said Leahy spokesman David Carle, noting that it had expedited hearings of the nominees for directors of the FBI and Drug Enforcement Agency.

Carle also refrained from making any promises that all of the Bush judicial nominees would be confirmed by year's end. "It depends on what nominees the president sends," he said.

Bush officials stepped up pressure on Senate Democrats to approve more judicial candidates yesterday after the Senate Commerce Committee, in a separate action, handed Bush his first defeat of a nominee - rejecting his choice for Consumer Product Safety Commission chairman.

"In the past three administrations, there has been a very long-standing bipartisan tradition of [judicial] nominees who were named prior to the August recess being confirmed in the first year of their presidency," said White House spokesman Ari Fleischer.

"Consistent with that bipartisan history, the president hopes and urges that the Senate will move forward and act on all 44 of his [judicial] nominations this year," he said.

Another administration official, speaking on the condition he not be named, however, went further, saying, "We expect and we are entitled to and we would be satisfied if the . . . judges were confirmed."

Most of those nominated yesterday were from states represented by two Republican senators.

Nominated for the First Circuit of Appeals was Jeffrey R. Howard, who came in third in the

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Republican primary for governor of New Hampshire last year and whose campaign consultant was cited by state officials for improper campaign activities. Howard is a former U.S. attorney and New Hampshire attorney general.

Nominated for the 10th Circuit of Appeals was Terrence L. O'Brien, who after retiring as a Wyoming state court judge won the Republican nomination for a congressional seat as a write-in candidate, but then withdrew before the general election last year.

Nominated for the Eastern District of Kentucky was David Bunning, who since 1991 has been a federal prosecutor.

Meanwhile, Sen. Charles Schumer (D-N.Y.) used a procedural maneuver to delay the nomination of Deborah Daniels as assistant attorney general for the Justice Department's Office of Justice Programs because he said she has not sufficiently answered questions about how she would manage the agency's gun programs. The committee may take up the Daniels nomination in September, when Congress returns from its August recess.

Three Nominees Likely To Win U.S. Judgeships, Lawyers Say Bunning's Son May Face Scrutiny On His Experience

By Tom Loftus
The Courier-Journal (KY)
Friday, August 3, 2001

President Bush's three federal judgeship nominees for Kentucky, including the son of U.S. Sen. Jim Bunning, are likely to win Senate confirmation, several prominent Kentucky attorneys said yesterday.

But the experience of David Bunning may get close scrutiny at Senate Judiciary Committee confirmation hearings. The 35-year-old son of the junior senator from Kentucky is a federal prosecutor in Covington.

If confirmed, David Bunning would be the youngest lawyer appointed a federal judge in Kentucky since the American Bar Association began evaluating nominees in 1948. The timetable

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Neil Lewis **New York Times**
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CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>; Coehins, Bridget C <Bridget.C.Coehins@usdoj.gov>
Sent: 8/7/2001 4:57:50 AM
Subject: : Judicial Confirmation Working Group Chart Update -- James W. Carroll has been added to the list.
Attachments: P_ZH963004_WHO.TXT_1.wpd

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CREATION DATE/TIME: 7-AUG-2001 08:57:50.00

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 ATT CREATION TIME/DATE: 0 00:00:00.00
 File attachment <P_ZH963004_WHO.TXT_1>

Judicial Confirmation Working Group

<u>OFFICE</u>	<u>NAME</u>	<u>TITLE</u>	<u>OFFICE PHONE</u>	<u>OFFICE FAX</u>	<u>ROOM</u>	<u>EMAIL</u>
DOJ/Legal Policy	Viet D. Dinh	Assistant Attorney General	(202) 514-4601	(202) 514-2424	4640, Main Bldg.	Viet.Dinh@usdoj.gov
DOJ/Legal Policy	Jennifer Newstead	Deputy Assistant Attorney General	(202) 616-0038	(202) 353-9163	4639, Main Bldg.	Jennifer.Newstead@usdoj.gov
DOJ/Legal Policy	Kristen A. Ullman	Deputy Assistant Attorney General	(202) 514-7473	(202) 305-7397	4636, Main Bldg.	Kristen.A.Ullman@usdoj.gov
DOJ/Legal Policy	Sheila C. Joy	Policy Analyst	(202) 514-1607	(202) 616-3180	4641, Main Bldg.	Sheila.Joy@usdoj.gov
DOJ/Legal Policy	Neal Suit	Policy Advisor	(202) 514-6131	(202) 353-9164	4513, Main Bldg.	Neal.Suit@usdoj.gov
DOJ/Legal Policy	Lizette D. Benedi	Counselor	(202) 514-3824	(202) 514-5715	4529, Main Bldg.	Lizette.D.Benedi@usdoj.gov
DOJ/Legal Policy	Peter J. Coniglio	Attorney Advisor	(202) 514-0110	(202) 514-2424	4409, Main Bldg.	Peter.J.Coniglio@usdoj.gov
DOJ/Legal Policy	James W. Carroll		(202) 305-0180	(202) 514-1685	4533, Main Bldg.	James.W.Carroll@usdoj.gov
DOJ/Intergovernmental Affairs	Lori Sharpe Day	Director and Advisor to the Attorney General	(202) 514-3465	(202) 514-2504	1629, Main Bldg.	Lori.SharpeDay@usdoj.gov
DOJ/Legislative Affairs	Daniel J. Bryant	Assistant Attorney General	(202) 514-2141	(202) 514-4482	1607, Main Bldg.	Dan.Bryant@usdoj.gov
DOJ/Legislative Affairs	Patrick O'Brien	Deputy Assistant Attorney General	(202) 616-6186	(202) 514-4482	1607, Main Bldg.	Patrick.O'Brien2@usdoj.gov
DOJ/Public Affairs	Mindy Tucker	Director	(202) 616-2777	(202) 514-5331	1248, Main Bldg.	Mindy.Tucker@usdoj.gov
DOJ/Public Affairs	Lori Rabjohns	Public Affairs Specialist / Spokesperson	(202) 616-2777	(202) 514-5331	1248, Main Bldg.	Lori.Rabjohns@usdoj.gov
White House Counsel	Tim Flanigan	Deputy Counsel to the President	(202) 456-6611	(202) 456-6279	WW-2nd Fl.	Timothy_E_Flanigan@who.eop.gov
White House Counsel	Brad Berenson	Associate Counsel	(202) 456-2318	(202) 456-5813	OEOB 134	Bradford_A_Berenson@who.eop.gov
White House Counsel	Brett Kavanaugh	Associate Counsel	(202) 456-7984	(202) 456-1647	OEOB 128E	Brett_M_Kavanaugh@who.eop.gov
White House Office of Legislative Affairs	Ziad Ojakli	Deputy Assistant to the President	(202) 456-7557	(202) 456-6468	EW 107	Ziad_S_Ojakli@who.eop.gov
White House Office of Legislative Affairs	Heather Wingate	Special Assistant to the President	(202) 456-0895	(202) 456-6468	EW 107	Heather_Wingate@who.eop.gov
White House Office of Public Liaison	Tim Goeglein	Special Assistant to the President and Deputy Director	(202) 456-2617	(202) 456-2130	OEOB 122	Tim_Goeglein@who.eop.gov
White House Office of Public Liaison	Matt Smith	Assistant to the Deputy Director	(202) 456-7702	(202) 456-2130	OEOB 122	Matthew_E_Smith@who.eop.gov

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
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CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>; Coehins, Bridget C <Bridget.C.Coehins@usdoj.gov>
Sent: 8/7/2001 4:58:12 AM
Subject: : Judicial Confirmation Working Group Chart Update -- James W. Carroll has been added to the list.
Attachments: P_FI963004_WHO.TXT_1.wpd

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CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-AUG-2001 08:58:12.00

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<u>OFFICE</u>	<u>NAME</u>	<u>TITLE</u>	<u>OFFICE PHONE</u>	<u>OFFICE FAX</u>	<u>ROOM</u>	<u>EMAIL</u>
DOJ/Legal Policy	Viet D. Dinh	Assistant Attorney General	(202) 514-4601	(202) 514-2424	4640, Main Bldg.	Viet.Dinh@usdoj.gov
DOJ/Legal Policy	Jennifer Newstead	Deputy Assistant Attorney General	(202) 616-0038	(202) 353-9163	4639, Main Bldg.	Jennifer.Newstead@usdoj.gov
DOJ/Legal Policy	Kristen A. Ullman	Deputy Assistant Attorney General	(202) 514-7473	(202) 305-7397	4636, Main Bldg.	Kristen.A.Ullman@usdoj.gov
DOJ/Legal Policy	Sheila C. Joy	Policy Analyst	(202) 514-1607	(202) 616-3180	4641, Main Bldg.	Sheila.Joy@usdoj.gov
DOJ/Legal Policy	Neal Suit	Policy Advisor	(202) 514-6131	(202) 353-9164	4513, Main Bldg.	Neal.Suit@usdoj.gov
DOJ/Legal Policy	Lizette D. Benedi	Counselor	(202) 514-3824	(202) 514-5715	4529, Main Bldg.	Lizette.D.Benedi@usdoj.gov
DOJ/Legal Policy	Peter J. Coniglio	Attorney Advisor	(202) 514-0110	(202) 514-2424	4409, Main Bldg.	Peter.J.Coniglio@usdoj.gov
DOJ/Legal Policy	James W. Carroll		(202) 305-0180	(202) 514-1685	4533, Main Bldg.	James.W.Carroll@usdoj.gov
DOJ/Intergovernmental Affairs	Lori Sharpe Day	Director and Advisor to the Attorney General	(202) 514-3465	(202) 514-2504	1629, Main Bldg.	Lori.SharpeDay@usdoj.gov
DOJ/Legislative Affairs	Daniel J. Bryant	Assistant Attorney General	(202) 514-2141	(202) 514-4482	1607, Main Bldg.	Dan.Bryant@usdoj.gov
DOJ/Legislative Affairs	Patrick O'Brien	Deputy Assistant Attorney General	(202) 616-6186	(202) 514-4482	1607, Main Bldg.	Patrick.O'Brien2@usdoj.gov
DOJ/Public Affairs	Mindy Tucker	Director	(202) 616-2777	(202) 514-5331	1248, Main Bldg.	Mindy.Tucker@usdoj.gov
DOJ/Public Affairs	Lori Rabjohns	Public Affairs Specialist / Spokesperson	(202) 616-2777	(202) 514-5331	1248, Main Bldg.	Lori.Rabjohns@usdoj.gov
White House Counsel	Tim Flanigan	Deputy Counsel to the President	(202) 456-6611	(202) 456-6279	WW-2nd Fl.	Timothy_E_Flanigan@who.eop.gov
White House Counsel	Brad Berenson	Associate Counsel	(202) 456-2318	(202) 456-5813	OEOB 134	Bradford_A_Berenson@who.eop.gov
White House Counsel	Brett Kavanaugh	Associate Counsel	(202) 456-7984	(202) 456-1647	OEOB 128E	Brett_M_Kavanaugh@who.eop.gov
White House Office of Legislative Affairs	Ziad Ojakli	Deputy Assistant to the President	(202) 456-7557	(202) 456-6468	EW 107	Ziad_S_Ojakli@who.eop.gov
White House Office of Legislative Affairs	Heather Wingate	Special Assistant to the President	(202) 456-0895	(202) 456-6468	EW 107	Heather_Wingate@who.eop.gov
White House Office of Public Liaison	Tim Goeglein	Special Assistant to the President and Deputy Director	(202) 456-2617	(202) 456-2130	OEOB 122	Tim_Goeglein@who.eop.gov
White House Office of Public Liaison	Matt Smith	Assistant to the Deputy Director	(202) 456-7702	(202) 456-2130	OEOB 122	Matthew_E_Smith@who.eop.gov

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Patrick.O'Brien2@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>; Coehins, Bridget C <Bridget.C.Coehins@usdoj.gov>
Sent: 8/7/2001 4:59:06 AM
Subject: : Judicial Confirmation Working Group Chart Update -- James W. Carroll has been added to the list.
Attachments: P_AJ963004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-AUG-2001 08:59:06.00

SUBJECT:: Judicial Confirmation Working Group Chart Update -- James W. Carroll has been added to the list.

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130607

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Coehins, Bridget C" <Bridget.C.Coehins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coehins, Bridget C" <Bridget.C.Coehins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header #####

- JudicialConfirmationWorkingGroup.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AJ963004_WHO.TXT_1>

Judicial Confirmation Working Group

<u>OFFICE</u>	<u>NAME</u>	<u>TITLE</u>	<u>OFFICE PHONE</u>	<u>OFFICE FAX</u>	<u>ROOM</u>	<u>EMAIL</u>
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DOJ/Legal Policy	Peter J. Coniglio	Attorney Advisor	(202) 514-0110	(202) 514-2424	4409, Main Bldg.	Peter.J.Coniglio@usdoj.gov
DOJ/Legal Policy	James W. Carroll		(202) 305-0180	(202) 514-1685	4533, Main Bldg.	James.W.Carroll@usdoj.gov
DOJ/Intergovernmental Affairs	Lori Sharpe Day	Director and Advisor to the Attorney General	(202) 514-3465	(202) 514-2504	1629, Main Bldg.	Lori.SharpeDay@usdoj.gov
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DOJ/Legislative Affairs	Patrick O'Brien	Deputy Assistant Attorney General	(202) 616-6186	(202) 514-4482	1607, Main Bldg.	Patrick.O'Brien2@usdoj.gov
DOJ/Public Affairs	Mindy Tucker	Director	(202) 616-2777	(202) 514-5331	1248, Main Bldg.	Mindy.Tucker@usdoj.gov
DOJ/Public Affairs	Lori Rabjohns	Public Affairs Specialist / Spokesperson	(202) 616-2777	(202) 514-5331	1248, Main Bldg.	Lori.Rabjohns@usdoj.gov
White House Counsel	Tim Flanigan	Deputy Counsel to the President	(202) 456-6611	(202) 456-6279	WW-2nd Fl.	Timothy_E_Flanigan@who.eop.gov
White House Counsel	Brad Berenson	Associate Counsel	(202) 456-2318	(202) 456-5813	OEOB 134	Bradford_A_Berenson@who.eop.gov
White House Counsel	Brett Kavanaugh	Associate Counsel	(202) 456-7984	(202) 456-1647	OEOB 128E	Brett_M_Kavanaugh@who.eop.gov
White House Office of Legislative Affairs	Ziad Ojakli	Deputy Assistant to the President	(202) 456-7557	(202) 456-6468	EW 107	Ziad_S_Ojakli@who.eop.gov
White House Office of Legislative Affairs	Heather Wingate	Special Assistant to the President	(202) 456-0895	(202) 456-6468	EW 107	Heather_Wingate@who.eop.gov
White House Office of Public Liaison	Tim Goeglein	Special Assistant to the President and Deputy Director	(202) 456-2617	(202) 456-2130	OEOB 122	Tim_Goeglein@who.eop.gov
White House Office of Public Liaison	Matt Smith	Assistant to the Deputy Director	(202) 456-7702	(202) 456-2130	OEOB 122	Matthew_E_Smith@who.eop.gov

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Patrick.O'Brien2@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>; Coehins, Bridget C <Bridget.C.Coehins@usdoj.gov>
Sent: 8/7/2001 5:00:45 AM
Subject: : Judicial Confirmation Working Group Chart Update -- James W. Carroll has been added to the list.
Attachments: P_9L963004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-AUG-2001 09:00:45.00

SUBJECT:: Judicial Confirmation Working Group Chart Update -- James W. Carroll has been added to the list.

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130610

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Coehins, Bridget C" <Bridget.C.Coehins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coehins, Bridget C" <Bridget.C.Coehins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header #####

- JudicialConfirmationWorkingGroup.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9L963004_WHO.TXT_1>

Judicial Confirmation Working Group

<u>OFFICE</u>	<u>NAME</u>	<u>TITLE</u>	<u>OFFICE PHONE</u>	<u>OFFICE FAX</u>	<u>ROOM</u>	<u>EMAIL</u>
DOJ/Legal Policy	Viet D. Dinh	Assistant Attorney General	(202) 514-4601	(202) 514-2424	4640, Main Bldg.	Viet.Dinh@usdoj.gov
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DOJ/Legal Policy	James W. Carroll		(202) 305-0180	(202) 514-1685	4533, Main Bldg.	James.W.Carroll@usdoj.gov
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DOJ/Legislative Affairs	Patrick O'Brien	Deputy Assistant Attorney General	(202) 616-6186	(202) 514-4482	1607, Main Bldg.	Patrick.O'Brien2@usdoj.gov
DOJ/Public Affairs	Mindy Tucker	Director	(202) 616-2777	(202) 514-5331	1248, Main Bldg.	Mindy.Tucker@usdoj.gov
DOJ/Public Affairs	Lori Rabjohns	Public Affairs Specialist / Spokesperson	(202) 616-2777	(202) 514-5331	1248, Main Bldg.	Lori.Rabjohns@usdoj.gov
White House Counsel	Tim Flanigan	Deputy Counsel to the President	(202) 456-6611	(202) 456-6279	WW-2nd Fl.	Timothy_E_Flanigan@who.eop.gov
White House Counsel	Brad Berenson	Associate Counsel	(202) 456-2318	(202) 456-5813	OEOB 134	Bradford_A_Berenson@who.eop.gov
White House Counsel	Brett Kavanaugh	Associate Counsel	(202) 456-7984	(202) 456-1647	OEOB 128E	Brett_M_Kavanaugh@who.eop.gov
White House Office of Legislative Affairs	Ziad Ojakli	Deputy Assistant to the President	(202) 456-7557	(202) 456-6468	EW 107	Ziad_S_Ojakli@who.eop.gov
White House Office of Legislative Affairs	Heather Wingate	Special Assistant to the President	(202) 456-0895	(202) 456-6468	EW 107	Heather_Wingate@who.eop.gov
White House Office of Public Liaison	Tim Goeglein	Special Assistant to the President and Deputy Director	(202) 456-2617	(202) 456-2130	OEOB 122	Tim_Goeglein@who.eop.gov
White House Office of Public Liaison	Matt Smith	Assistant to the Deputy Director	(202) 456-7702	(202) 456-2130	OEOB 122	Matthew_E_Smith@who.eop.gov

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 8/7/2001 11:01:01 AM
Subject: : room change for JSC tomorrow

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-AUG-2001 15:01:01.00

SUBJECT:: room change for JSC tomorrow

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00130623

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This meeting will be in the Judge's office instead of the Roosevelt.

Time is the same - 4:00-5:00 pm.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>;Kyle Sampson [WHO] <Kyle Sampson>
Sent: 8/7/2001 1:25:00 PM
Subject: : Re: room change for JSC tomorrow

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-AUG-2001 17:25:00.00

SUBJECT:: Re: room change for JSC tomorrow

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

End Original ARMS Header

Our normal pre-brief will occur from 3:30-4:00 pm on Wednesday afternoon in the Judges office.

Thanks!

REV_00130625

Helgard C. Walker
08/07/2001 04:07:14 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: room change for JSC tomorrow

prep or no prep?

Elizabeth N. Camp
08/07/2001 03:00:57 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: room change for JSC tomorrow

This meeting will be in the Judge's office instead of the Roosevelt.

Time is the same - 4:00-5:00 pm.

Thanks!

Message Sent

To:

Melissa S. Bennett/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Carrie C. Pauska/WHO/EOP@EOP
Jan E. Williams/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Dee Dee Benkie/WHO/EOP@EOP
andrew.beach@usdoj.gov
russell.coleman@usdoj.gov
adam.ciongoli@usdoj.gov @ inet
Brent D. Greenfield/WHO/EOP@EOP
evelyn.v.long@usdoj.gov
Jennifer.Newstead@usdoj.gov
Viet.Dinh@usdoj.gov
Heather Wingate/WHO/EOP@EOP

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; O'Brien, Patrick <Patrick.O'Brien2@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 8/7/2001 6:34:30 PM
Subject: : FW: Initial Coverage of AG's Speech

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-AUG-2001 22:34:30.00

SUBJECT:: FW: Initial Coverage of AG's Speech

TO: "Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00130628

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
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TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----

From: Elston, Michael
Sent: Tuesday, August 07, 2001 4:58 PM
To: Dinh, Viet
Cc: Newstead, Jennifer
Subject: Initial Coverage of AG's Speech

Ashcroft tells lawyers Bush has no litmus tests for judges
[from Chicago Tribune website]
By Anne Gearan
Associated Press Writer
Published August 7, 2001, 2:59 PM CDT

President Bush has no litmus tests for picking federal judges, Attorney General John Ashcroft assured the American Bar Association in a speech in Chicago today.

Ashcroft did not discuss the White House decision to end the lawyers' traditional role in vetting candidates for the bench. He strongly endorsed several core conservative themes, including the premise that judges should judge narrowly and not read rights into laws or the Constitution that are not written there.

"The president has unequivocally rejected any notion of an issue-specific or political litmus test," Ashcroft said, "insisting only that the only value his candidates share is a dedication to the rule of law and an understanding of the

proper role of a federal judge - a role that leaves policy-making to the American people and their elected representatives."

Many conservatives have long viewed the ABA as liberal-leaning and biased in favor of judges who do not follow that model of judicial restraint. Congressional Republicans, in particular, have blamed a mixed ABA review of conservative Supreme Court nominee Robert Bork for his 1987 Senate defeat.

Since the Eisenhower administration, the ABA has conducted private background checks on people the president was considering for judgeships. Poor reports from the ABA scuttled some selections and damaged the Senate chances of others.

The Bush White House did not cite politics or ideology in booting the ABA in March, saying no outside group should have special control over a president's picks for lifetime judicial posts.

"As you may know, there are some who have called into doubt the impartiality of the ABA's judicial ratings," Ashcroft said.

He cited a recent study by Northwestern University law professor James Lindgren, which claimed that the ABA was as much as 10 times more likely to give its highest ratings to Clinton administration choices than to nominees of President Bush's father.

"Professor Lindgren attributes this disparity to a political bias in favor of liberal judges," Ashcroft said, without offering his own view. "Undoubtedly, there are others who argue that no such bias exists. In any event, I think we can agree that no political bias should exist."

The ABA has continued to rate judicial picks, but the investigations are now done after a nominee's name is public instead of beforehand. Senate Democrats, who took control of the body after Bush's decision, say they will not hold a hearing on a judge candidate until they get an ABA report.

Ashcroft said he is "heartened" by the ABA's high ratings for the first round of White House judicial nominees, and said he is confident that, "judged by the same standards used to rate the last administration, the vast majority of President Bush's nominees will continue to receive" high ABA marks.

Incoming ABA president Bob Hirshon, asked to comment on the Lindgren report, cited the 26 judicial candidates whose names have gone to the Senate with "not-qualified" ratings from the ABA. Twenty-three were nominated by Democratic presidents, Hirshon said. "I just don't see the bias," he said.

Earlier today, Ashcroft said Congress should strengthen laws against money laundering. In a speech to a Chicago police conference on organized crime, Ashcroft said current laws are full of loopholes that make it difficult to combat organized crime groups smuggling dirty money in and out of the country. "Our money laundering laws have not changed significantly since they were enacted" in the 1970s, Ashcroft said in remarks prepared for a conference on organized crime.

New laws should target bulk cash smuggling, transporting cash proceeds from drug deals on highways or airplanes, and foreign criminals who smuggle money into the United States,

Ashcroft said.

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; O'Brien, Patrick <Patrick.O'Brien2@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 8/7/2001 6:33:59 PM
Subject: : FW: Initial Coverage of AG's Speech

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-AUG-2001 22:33:59.00

SUBJECT:: FW: Initial Coverage of AG's Speech

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REV_00130632

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READ:UNKNOWN
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-----Original Message-----

From: Elston, Michael
Sent: Tuesday, August 07, 2001 4:58 PM
To: Dinh, Viet
Cc: Newstead, Jennifer
Subject: Initial Coverage of AG's Speech

Ashcroft tells lawyers Bush has no litmus tests for judges
[from Chicago Tribune website]
By Anne Gearan
Associated Press Writer
Published August 7, 2001, 2:59 PM CDT

President Bush has no litmus tests for picking federal judges, Attorney General John Ashcroft assured the American Bar Association in a speech in Chicago today.

Ashcroft did not discuss the White House decision to end the lawyers' traditional role in vetting candidates for the bench. He strongly endorsed several core conservative themes, including the premise that judges should judge narrowly and not read rights into laws or the Constitution that are not written there.

"The president has unequivocally rejected any notion of an issue-specific or political litmus test," Ashcroft said, "insisting only that the only value his candidates share is a dedication to the rule of law and an understanding of the

proper role of a federal judge - a role that leaves policy-making to the American people and their elected representatives."

Many conservatives have long viewed the ABA as liberal-leaning and biased in favor of judges who do not follow that model of judicial restraint. Congressional Republicans, in particular, have blamed a mixed ABA review of conservative Supreme Court nominee Robert Bork for his 1987 Senate defeat.

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The Bush White House did not cite politics or ideology in booting the ABA in March, saying no outside group should have special control over a president's picks for lifetime judicial posts.

"As you may know, there are some who have called into doubt the impartiality of the ABA's judicial ratings," Ashcroft said.

He cited a recent study by Northwestern University law professor James Lindgren, which claimed that the ABA was as much as 10 times more likely to give its highest ratings to Clinton administration choices than to nominees of President Bush's father.

"Professor Lindgren attributes this disparity to a political bias in favor of liberal judges," Ashcroft said, without offering his own view. "Undoubtedly, there are others who argue that no such bias exists. In any event, I think we can agree that no political bias should exist."

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New laws should target bulk cash smuggling, transporting cash proceeds from drug deals on highways or airplanes, and foreign criminals who smuggle money into the United States,

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Sent: 8/7/2001 6:34:33 PM
Subject: : FW: Initial Coverage of AG's Speech

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Associated Press Writer
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Sent: 8/7/2001 6:34:53 PM
Subject: : FW: Initial Coverage of AG's Speech

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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READ: UNKNOWN

TO: "Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

REV_00130652

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

-----Original Message-----

From: Elston, Michael
 Sent: Tuesday, August 07, 2001 4:58 PM
 To: Dinh, Viet
 Cc: Newstead, Jennifer
 Subject: Initial Coverage of AG's Speech

Ashcroft tells lawyers Bush has no litmus tests for judges
 [from Chicago Tribune website]
 By Anne Gearan
 Associated Press Writer
 Published August 7, 2001, 2:59 PM CDT

President Bush has no litmus tests for picking federal judges, Attorney General John Ashcroft assured the American Bar Association in a speech in Chicago today.

Ashcroft did not discuss the White House decision to end the lawyers' traditional role in vetting candidates for the bench. He strongly endorsed several core conservative themes, including the premise that judges should judge narrowly and not read rights into laws or the Constitution that are not written there.

"The president has unequivocally rejected any notion of an issue-specific or political litmus test," Ashcroft said, "insisting only that the only value his candidates share is a dedication to the rule of law and an understanding of the

proper role of a federal judge - a role that leaves policy-making to the American people and their elected representatives."

Many conservatives have long viewed the ABA as liberal-leaning and biased in favor of judges who do not follow that model of judicial restraint. Congressional Republicans, in particular, have blamed a mixed ABA review of conservative Supreme Court nominee Robert Bork for his 1987 Senate defeat.

Since the Eisenhower administration, the ABA has conducted private background checks on people the president was considering for judgeships. Poor reports from the ABA scuttled some selections and damaged the Senate chances of others.

The Bush White House did not cite politics or ideology in booting the ABA in March, saying no outside group should have special control over a president's picks for lifetime judicial posts.

"As you may know, there are some who have called into doubt the impartiality of the ABA's judicial ratings," Ashcroft said.

He cited a recent study by Northwestern University law professor James Lindgren, which claimed that the ABA was as much as 10 times more likely to give its highest ratings to Clinton administration choices than to nominees of President Bush's father.

"Professor Lindgren attributes this disparity to a political bias in favor of liberal judges," Ashcroft said, without offering his own view. "Undoubtedly, there are others who argue that no such bias exists. In any event, I think we can agree that no political bias should exist."

The ABA has continued to rate judicial picks, but the investigations are now done after a nominee's name is public instead of beforehand. Senate Democrats, who took control of the body after Bush's decision, say they will not hold a hearing on a judge candidate until they get an ABA report.

Ashcroft said he is "heartened" by the ABA's high ratings for the first round of White House judicial nominees, and said he is confident that, "judged by the same standards used to rate the last administration, the vast majority of President Bush's nominees will continue to receive" high ABA marks.

Incoming ABA president Bob Hirshon, asked to comment on the Lindgren report, cited the 26 judicial candidates whose names have gone to the Senate with "not-qualified" ratings from the ABA. Twenty-three were nominated by Democratic presidents, Hirshon said. "I just don't see the bias," he said.

Earlier today, Ashcroft said Congress should strengthen laws against money laundering. In a speech to a Chicago police conference on organized crime, Ashcroft said current laws are full of loopholes that make it difficult to combat organized crime groups smuggling dirty money in and out of the country. "Our money laundering laws have not changed significantly since they were enacted" in the 1970s, Ashcroft said in remarks prepared for a conference on organized crime.

New laws should target bulk cash smuggling, transporting cash proceeds from drug deals on highways or airplanes, and foreign criminals who smuggle money into the United States,

Ashcroft said.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 8/8/2001 6:53:21 AM
Subject: : Re: Airplane
Attachments: P_OG473004_WHO.TXT_1.htm

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-AUG-2001 10:53:21.00
SUBJECT:: Re: Airplane
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

As soon as Moose says it's ok, you need to fill out the usual TEFOS form and submit to me.

RLB

Katherine G. Marinis
08/08/2001 10:36:27 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Rachel L. Brand/WHO/EOP@EOP
Subject: Re: Airplane

What are the steps that I need to take in order for Ken to ride on a corporate plane? He has been invited to speak at a conference on Monday 8/13 and they have offered a plane. He would not be the only one on it. It is \$3800 and EIA would pay the cost.

----- Forwarded by Katherine G. Marinis/WHO/EOP on
08/08/2001 10:34 AM -----

Susan B. Ralston
08/07/2001 09:08:25 AM
Record Type: Record

To: Brian Kelly <Briank@eia.org>
cc: Kathryn J. Hayes/WHO/EOP@EOP, Katherine G. Marinis/WHO/EOP@EOP
bcc:
Subject: Re: Airplane

We need to wait to determine who the speaker will be before we submit this to Counsel's office. The rules will apply differently depending on the speaker and their position. When Adrian finds someone, we'll let you know.

REV_00130662

Susan

Brian Kelly <Briank@eia.org>
08/06/2001 06:17:43 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP
cc:
Subject: Airplane

I wanted to follow up with you about the use of the plane for a WH staff to use to attend the EIA conference at Homestead.

EIA has purchased the use of a plane to take people down to Homstead on Monday 13th returning that evening and on Tuesday 14th. The cost of the plane to EIA is \$3,500. Could you please check with Council that it is ok for WH staff to use the plane.

Thanks

Brian Kelly
Sr. Vice President
Electronic Industries Alliance
703/907-7525

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OG473004_WHO.TXT_1>

I wanted to follow up with you about the use of the plane for a WH staff to use to attend the EIA conference at Homestead.

EIA has purchased the use of a plane to take people down to Homstead on Monday 13th returning that evening and on Tuesday 14th. The cost of the plane to EIA is \$3,500. Could you please check with Council that it is ok for WH staff to use the plane.

Thanks

Brian Kelly
Sr. Vice President
Electronic Industries Alliance
703/907-7525

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
Sent: 8/8/2001 10:15:06 AM
Subject: : Prof. Van Alstyne letter to AG re Adarand
Attachments: P_8CB73004_OPD.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-AUG-2001 14:15:06.00

SUBJECT:: Prof. Van Alstyne letter to AG re Adarand

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Rachel L. Brand/WHO/EOP on 08/08/2001
02:15 PM -----

"King, Erika" <eking@cov.com>

08/08/2001 02:09:56 PM

Record Type: Record

To: "Burchfield, Bobby" <bburchfield@cov.com>

cc: See the distribution list at the bottom of this message

Subject: Adarand

The attached letter (sent yesterday) from Professor Van Alstyne at Duke Law School to Attorney General Ashcroft may be of interest.
Erika

REV_00130665

<<adarand.doc>>

- adarand.doc

Message Copied

To:

"'englec@arentfox.com'" <englec@arentfox.com>

Rachel L. Brand/WHO/EOP@EOP

"Moss, Nicole" <nmoss@cov.com>

"Barnett, Thomas" <tbarnett@cov.com>

"Noreika, Keith" <knoreika@cov.com>

"Levine, Jason" <jlevine@cov.com>

"Egan, Kimberly" <kegan@cov.com>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_8CB73004_OPD.TXT_1>

DUKE UNIVERSITY
SCHOOL OF LAW
Box 90360
Durham, North Carolina
27708-0360

William W. Van Alstyne
William R. and Thomas C. Perkins Professor of Law

Telephone (919) 613-7048
Facsimile (919) 684-7231
WVA@FACULTY.LAW.DUKE.EDU

August 7, 2001

Mr. John Ashcroft, Attorney General
United States Department of Justice
521 Twelfth Street, N.W.
Washington, D.C. 20530-0006

Dear Mr. Attorney General:

The New York Times reports that your office has decided to appear in the *Adarand* case to be heard this next term in the Supreme Court. The report suggests that you will appear in support of the proposition that it is no violation of the Fifth Amendment for the United States to encourage and, indeed, to pay a bonus to contractors when they engage in specific, knowing acts of racial discrimination in subcontracting. I am genuinely startled to hear that this may be the position you mean to take and would urge you seriously to reconsider.

Under the act of Congress, as currently applied and defended, a contractor who will *not* engage in acts of racial discrimination is treated less well by the government than one who will. In brief, a contractor who will not knowingly participate in any arrangement pursuant to which he discards a bid because of the race of the bidder, in order to accept a different (even if higher) bid from another person distinguishable solely by race, is treated less well by the government than a contractor who will, and who does, practice racial discrimination against subcontractors by passing them by solely because of their race, enabling him thereby to award the contract to another to be racially favored.

That this act was (unsuccessfully) defended during the Clinton administration in the Supreme Court, while disappointing to many, was nonetheless no surprise. *That* administration candidly and consistently declared itself committed to the maintenance and use of racial classifications to employ in varieties of programs involving specific acts of racial discrimination (namely such acts as it felt comfortable to describe and to defend as "affirmative" forms of racial discrimination). The most ordinary kind of program of that sort is merely that which "disprefers" some persons by race when there are felt to be too many of them vis-a-vis those of other races, such that "plus" points should be assigned to some by race in order that, with the advantage of these racially-assigned plus points, they will be jumped ahead of others given no plus points of their own.

Though the Supreme Court itself has found no warrant for these racially discriminatory practices in *any* of its recent decisions, Mr. Clinton found it attractive to endorse them even so. But one had thought one of the vital distinctions between Mr. Bush and Mr. Gore was that Mr. Gore was committed to a continuing regime of racial discrimination of the kind Mr. Clinton consistently promoted (i.e., whenever it could be given color of approval with the label of "affirmative" action), but that Mr. Bush would present a very different face to this country. Many believed it would be a new face: a face that would assure *all* that *none* need ever fear that "their" race (*whatever* it might be) would *ever* be used against them, again, by the government of the United States. Is this not to be the case?

It was an assurance I believe that millions of people in this country have desired and many have waited a lifetime to hope to see fulfilled. It was, moreover, a hope that many of your own statements of position seemed strongly to echo as well. But now, what is to become of it? Now, are we left to see it unfulfilled, "set aside" as

it were, even as various subcontractors are themselves *racially* set aside by the racial-discrimination bonus-paying act it is reported you mean to sustain before the Supreme Court of the United States? I trust this is not so.

It is said that your office may seek to defend the case on the basis that the government's formula for paying bonuses for deliberate acts of racial discrimination by contractors is meant merely to match unidentified acts of racial discrimination by other private contractors--thus, in some sense, it will serve merely to offset those wrongful acts. The reasoning appears to be that this arrangement merely puts things in fair balance, i.e., roughly as they would be with no discrimination. The thesis, however, is dismaying: thus that one wrong deserves a corresponding wrong. That if some contractors covertly discriminate against some subcontractors by race, it is merely affirmative action for the government to encourage other contractors to "even" the playing field by discriminating against an equivalent number of other subcontractors by race.

I very much hope the Supreme Court does not agree. Nor do I think it should. This is just one more unworthy rationale to sustain the indefensible. The government's position should be steadfastly to oppose racial discrimination in any form, not to perpetuate it, rather, to bring it to an utter end.

I began my professional career in the Civil Rights Division decades ago, in the Voting Rights Section. We--those of us who worked there--were committed to assure conditions of no racial discrimination in respect to voting. From that past into academic life, even to today, I have never given up the expectation that, eventually, no government in this country would be tolerated that seeks to classify, divide, allocate, and discriminate by race. I cannot tell you of my disappointment if your office begins in this, the very first year of the twenty-first century, by finding "reason" to continue to feature racial classifications, and policies of discrimination, in our laws.

I cannot say it is a betrayal of many citizens who gave their vote to Mr. Bush, on a different hope and different understanding, for I do not know whether that is true. I can say, however, that it is assuredly a profound disappointment: one which may cut from his office and from yours what I and many others frankly believed was a worthy commitment to a better principle. It appeared to be a commitment to a better vision pursuant to which *no one* in this country would any longer be made to worry, to consume themselves with anxiety, and to ask: "Will my race be used to judge me? Will it be used to affect me? Will it be used to hurt me in some way? *Will I be made to stand in a different line, a separate racial queue?*"

I and others hoped that this administration would be able to answer those questions, and to say the answer to each is "No," and so to put them all to rest. Indeed, I had hoped this administration would declare something of the following sort, even if not in these particular words: "There is never to be a time that the policies or practices of this administration will provide reason for any to fear, or for any to harbor these questions, or for any among us to suffer these worries. We would support no program, no policy, no act of government, pursuant to which any basis for such a fear, or practice, or anxiety could arise. It is, rather, our intention to eliminate all foundations for just such humiliating and debasing practices, so far as it is within our capacity altogether to do. It is the commitment we make to this country and to all its people. It is how we want to be judged." I wish there were someone in this administration who could declare utterances such as these.

I have written elsewhere what I believe can be called "*Affirmative*" actions in a proper sense. None embrace any of the discriminatory practices reflected in the government's current policies. A reprint copy is enclosed. In the meantime, I very much hope that the New York Times report was in error. If not, then I hope that your office might even now reconsider what principle it wants to carry into the Supreme Court, and how it wants to be seen to the people of the United States.

Sincerely,

William Van Alstyne

From: CN=McGavock D. Reed/OU=OMB/O=EOP [OMB]
To: Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>; John Graham/OMB/EOP@EOP [OMB] <John Graham>; Angela B. Styles/OMB/EOP@EOP [OMB] <Angela B. Styles>; Donald R. Arbuckle/OMB/EOP@EOP [OMB] <Donald R. Arbuckle>; Jefferson B. Hill/OMB/EOP@EOP [OMB] <Jefferson B. Hill>; Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>; James Connaughton/CEQ/EOP@EOP [CEQ] <James Connaughton>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Saikrishna B. Prakash/OMB/EOP@EOP [OMB] <Saikrishna B. Prakash>; rosemary.hart@usdoj.gov @ inet [UNKNOWN] <rosemary.hart@usdoj.gov>
CC: Jonathan P. Womer/OMB/EOP@EOP [OMB] <Jonathan P. Womer>; Mark D. Menchik/OMB/EOP@EOP [OMB] <Mark D. Menchik>
Sent: 8/8/2001 1:21:29 PM
Subject: : Federalism Executive Order

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 8-AUG-2001 17:21:29.00

SUBJECT:: Federalism Executive Order

TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Angela B. Styles (CN=Angela B. Styles/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Donald R. Arbuckle (CN=Donald R. Arbuckle/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jefferson B. Hill (CN=Jefferson B. Hill/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:James Connaughton (CN=James Connaughton/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Saikrishna B. Prakash (CN=Saikrishna B. Prakash/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:rosemary.hart@usdoj.gov (rosemary.hart@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

CC:Jonathan P. Womer (CN=Jonathan P. Womer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Mark D. Menchik (CN=Mark D. Menchik/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

FYI, You, or someone on your staff, are cordially invited to a meeting this Friday, August 10, 2001, at 10:00 a.m. in room 248 of the Old Executive Office Building to review the agencies' comments on the Federalism executive order. If someone from your office would like to attend, please call me (395-3563) or e-mail me with the person's name and room number so that I can get a copy of the comments to the person. There are many comments so I would expect the meeting to run about 1 1/2 hours. Thank you very much, Mac

REV_00130669

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 8/8/2001 2:33:37 PM
Subject: : Re: EIA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-AUG-2001 18:33:37.00
SUBJECT:: Re: EIA
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks for your response; its okay. You can process the travel expense from outside source request form through Rachel.

Katherine G. Marinis
08/08/2001 06:05:05 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Re: EIA

Moose- Lezlee offered the following info. The plane is a charter plane. Please let me know what you think and if it is okay for Ken to go.
----- Forwarded by Katherine G. Marinis/WHO/EOP on
08/08/2001 05:58 PM -----

From: Kathryn J. Hayes on 08/08/2001 05:27:51 PM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: EIA

I did talk to Lezlee and she said that EIA has been very supportive of the President's energy plan and that there are no pending issues w/EIA before the Administration policy-wise or otherwise. Does this help at all?

Katherine G. Marinis
08/08/2001 05:24:10 PM
Record Type: Record

To: Kathryn J. Hayes/WHO/EOP@EOP
cc:
Subject: EIA

REV_00130670

have you had a chance to ask Lezlee yet? I can't get Moose's signoff
without a little more detail on the group...

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Wanda Martinson <Wanda.S.Martinson@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 8/9/2001 1:52:17 PM
Subject: : Judicial Media Review
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TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

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READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Wanda Martinson <Wanda.S.Martinson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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Media Review - Judicial Nominations

Thursday, August 9, 2001

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"I am considering holding another judicial confirmation hearing in August, during the Senate recess. No such hearing was held during any of the last six years. If we proceed, it may be the first time a judicial confirmation hearing was held during the August recess."

Leahy is expected to hold the hearing on Aug. 27, his press secretary, David Carle, said Tuesday.

According to Carle, no such recess hearings had been held in the Judiciary Committee at least since 1989.

Leahy had consulted with ranking member Orrin Hatch (R-Utah), before going ahead with his plans, Carle said.

According to Senate Historian Richard Baker, only one member of the Judiciary Committee needs be present to conduct a hearing, although 10 senators are required to report a nomination.

Spokesmen for half-a-dozen Judiciary Committee members contacted Tuesday said they had not yet been informed of the Aug. 27 hearing and could not say whether their members would attend.

Leahy has been considering the unusual move for several reasons, Carle said, including the length of time it took for the Senate to approve an organizing resolution after Sen. Jim Jeffords' (I.-Vt.) defection gave Democrats control of the Senate.

"This is a highly unusual year," Carle said. "The Senate has changed hands three times. The Senate and the committee were only permitted to organize five weeks ago. So the confirmation process for judicial nominees has only been under way since mid-year."

Carle said the committee has already pursued "a brisk confirmation hearing schedule," including prompt consideration of Bush's nominees for the heads of the Federal Bureau of Investigation, Drug Enforcement Administration and Immigration and Naturalization Service.

Bush sent another batch of judicial nominees to the Senate for consideration last week. Carle said the administration has now submitted 20 nominees for the U.S. Circuit Court of Appeals and 20 for various district courts.

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Neil Lewis **New York Times**

June 26, 2001

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Carle said it has yet to be determined which of these nominees will be included in the hearing this month.

The pace of nominations has proved to be a subject of contention between Democrats and Republicans.

After Sen. Larry Craig (R-Idaho) last week complained on the Senate floor about a nominee awaiting a Judiciary hearing, urging Leahy to act faster, Majority Leader Tom Daschle (D-S.D.) immediately fired back.

"I feel I may need to call an ambulance. I think I just bit off my tongue," Daschle said. "I will say in all sincerity that I think he just gave the speech that I have repeated probably 25 or 30 times over the last six years, verbatim. I can't tell you how many people languished for not days or weeks but years. But I have said on this floor repeatedly that we will not engage in payback."

On July 30, Minority Leader Trent Lott (R-Miss.) complained to reporters that the Senate at that time had only confirmed three federal judges. (Two more have since been confirmed.)

"And that's all," he said. "So I would hope that we could make some progress this week on the floor of the Senate on nominations and can get some commitments to make even a lot more progress when we come back in September."

But Leahy said some vacancies should have been filled in the past several years but were left open by the Republican-controlled Senate. He also said this year's pace of confirmations compares "most favorably" with the last six years.

On Friday, Assistant Minority Leader Don Nickles (R-Okla.) admitted the White House was partly to blame for delays in the confirmation of judges. "We've got a lot of judges that are waiting, a lot of U.S. attorneys, a lot of marshals that have not been confirmed, that need to be confirmed," Nickles said. "They should have been confirmed, frankly, in many cases by now, but we haven't got the nominations yet from the administration. So I'm not just faulting the Judiciary Committee, except for some of the circuit courts, they've been kind of slow on [the] circuit court."

York Times

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Neil Lewis **New York Times**

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Neil Lewis

Ashcroft Asks ABA For Help

By Al Swanson

United Press International

Tuesday, August 7, 2001

U.S. Attorney General John Ashcroft Tuesday asked the American Bar Association for help to pressure the Senate to move forward and act on President Bush's 44 pending nominees for federal judgeships.

Ashcroft told the ABA House of Delegates "the American people deserve a federal judiciary operating at full strength and peak efficiency, providing equal access to speedy justice."

Ashcroft chided the Senate Judiciary Committee for holding just one hearing on 11 nominees for federal court vacancies made on May 9. Eight of them were nominated to vacancies that had been classified "judicial emergencies" by the Administrative Court of the United States.

"The administration is doing its part," he said. "Now the Senate and those organizations involved in the process, including the ABA, must join us in working for the prompt confirmation of the outstanding men and women the president has nominated to be federal judges."

The ABA has completed rating the qualifications of 17 of 44 Bush nominees to federal courts, finding them all either "qualified" or "well-qualified."

In March, Bush stopped using the ABA ratings of judicial nominees but the Senate, under Democratic leadership, has continued to use the evaluations.

He said delays in the Senate hearings had raised the specter of the old adage: "Justice delayed is justice denied."

Ashcroft called the Bush nominees models of judicial restraint.

"Judicial restraint means if the Constitution says you have a right to compensation when the

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government takes your property, then a judge cannot create exceptions for property that the government really doesn't want to pay for, by letting the government so heavily regulate the property as to make it worthless."

The nation's chief law enforcement officer said an independent federal judiciary, insulated from the whims of electoral politics, was essential to settling disputes between the legislative and the executive and maintaining respect for the law.

"Judges who exercise judicial restraint understand the limit of their power," he told the audience of lawyers.

"Judicial restraint means judges refusing to create on their own a criminal justice system that lets clearly guilty criminals off on a technicality."

Ashcroft, a lawyer and former Republican governor from Missouri, was a member of the Judiciary Committee and chairman of the Constitution subcommittee during his years in the Senate.

"Academic discussions of judicial activism and restraint have done little to enlighten the American public," he said. "The decisions we will ask our federal judges to make -- the issues we will expect them to weigh -- will affect each and every one of us in ways large and small."

Earlier, Ashcroft told law enforcement officers at a conference on organized crime in Chicago that Congress should close loopholes in the law to make it more difficult for drug dealers, terrorists and other criminals to launder money.

The Justice Department may recommend tightening federal laws to halt smuggling of large amounts of cash by making transporting more than \$10,000 in cash proceeds from criminal acts across U.S. borders a federal offense. The money would be subject to confiscation.

Ashcroft Prods ABA To Quickly Vet Judge Nominees

By Jerry Crimmins
Chicago Daily Law Bulletin

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

Tuesday, August 7, 2001

U.S. Attorney General John D. Ashcroft Tuesday called for prompt Senate action on President Bush's judicial nominees and urged the American Bar Association to quickly and thoroughly review the nominees.

"So far the confirmation process has moved slowly," Ashcroft told the ABA's House of Delegates in the Grand Ballroom of the Hyatt Regency Hotel.

"The administration is doing its part. Now the Senate and those organizations involved in the process, including the ABA, must join us in working for the prompt confirmation of the outstanding men and women the president has nominated to the federal bench."

He said the Senate should approve all 44 of Bush's nominees by the end of the year.

Ashcroft made no mention of the Bush administration's decision only five months ago to end the ABA's half-century role of advance vetting of prospective federal judges before the president makes the nominations public.

Since Bush took that action, Democratic senators have asked the ABA to evaluate judicial nominees before the U.S. Senate acts on them.

In his speech, Ashcroft also spoke out against judicial activism and against judges who release "clearly guilty criminals" on technicalities. This, he said, leads to increased crime.

The House of Delegates applauded one remark, when Ashcroft said "I think we can agree that no political bias should exist" in the nomination and confirmation of judges.

"As you know," Ashcroft told the delegates, "there are some who have called into doubt the impartiality of the ABA's judicial ratings."

The attorney general quoted a study by Northwestern University law Professor James Lindgren, who found that President Bill Clinton's judicial nominees "had more than 10 times better odds of getting the ABA's highest rating than similar credentialed former-President Bush's appointees."

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Lindgren's analysis appeared Monday in The Wall Street Journal.

"Professor Lindgren attributes this disparity to a political bias in favor of liberal judges," Ashcroft told the ABA delegates.

"Undoubtedly," Ashcroft added, "there are others who argue that no such bias exists. In any event, I think we can agree that no political bias should exist."

He said he was "heartened by the ABA's ratings thus far" of Bush's nominees and was "confident that, judged by the same standards used to rate the last administration, the vast majority of President Bush's nominees will continue to receive 'well qualified' ratings."

The ABA has reviewed 17 of Bush's judicial nominees and "rated every one of them qualified.... In fact, you have rated 70 per cent of these candidates 'well qualified,' the ABA's highest rating," the attorney general said.

"Currently, there is a serious number of vacancies on the federal courts, 108 vacancies out of 862 positions," Ashcroft said. "More than 12 per cent of the court is vacant. President Bush has recognized the urgency of this problem and has made it one of his top priorities. He has nominated judges at a record pace, 44 judicial candidates so far this year."

By comparison, Ashcroft said, President Ronald Reagan had made 13 judicial nominations before the end of August 1981; George H.W. Bush had made eight such nominations by the end of August 1989; and Clinton had made 13 before the end of August 1993.

Ashcroft said that in the first year of each of the past three presidential administrations, "all but one of the judicial nominees who were nominated before the end of the August recess were confirmed in the first year of the presidency.

"The one nominee who was not confirmed was rated 'not qualified' by the ABA. Consistent with that history, the Senate should move forward and act on all 44 of President Bush's nominations ... this year."

Ashcroft noted that the Senate has a long way to go. He said Bush announced 11 judicial

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Neil Lewis **New York Times**

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nominations on May 9, "two months before Presidents Reagan or Clinton made their first nominations." Eight of those 11 were nominated to judicial vacancies classified as "judicial emergencies" by the Administrative Office of the U.S. Courts, Ashcroft said.

The ABA found all of the first 11 nominations "to be either qualified or well qualified for judicial office ... yet only one of those 11 nominees has received a hearing in the Senate Judiciary Committee," the attorney general said.

He commended the Senate for acting promptly on non-judicial appointments, including in the last two weeks a new commissioner of the U.S. Immigration and Naturalization Service, a new head of the Drug Enforcement Administration, and a new FBI director.

Sen. Patrick Leahy, D-Vermont, chairman of the Senate Judiciary Committee, understands the urgency of acting on Bush's judicial nominees, said Ashcroft. He told the delegates, "I ask you to help him in ensuring that the rest of the Senate places as high a priority on these nominations as does the president."

Back in March, White House Counsel Al Gonzales pointed out that the ABA has done advocacy work on certain public policies such as support for abortion and a call for a death penalty moratorium. Gonzales said that, in that light, the ABA should not have "a preferential arrangement" whereby it got first crack at examining potential judicial nominees.

On the issue of judicial activism, Ashcroft quoted Supreme Court Justice Felix Frankfurter as saying, "The highest exercise of judicial duty is to subordinate one's personal will and one's private views to the law."

Judicial activism, said Ashcroft, deprives the voters of recourse to their legislature for policy decisions.

McConnell Says East Kentucky Judges Will Prove Capable

By Mark Chellgren

Associated Press

Wednesday, August 8, 2001

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

The three nominees for federal judgeships in eastern Kentucky will prove capable jurists over the years, Sen. Mitch McConnell said Wednesday, though he acknowledged he does not know one of the nominees.

McConnell also dismissed any notion that personal relationships influenced the choices of any of the nominees. "That happens sometimes," McConnell said.

David Bunning, the son of U.S. Sen. Jim Bunning, is one of the nominees. Another is Karen Caldwell, a former U.S. Attorney for the eastern district who once dated McConnell. The third nominee is Danny Reeves, a Lexington lawyer.

McConnell said he personally knows only two of the nominees and Bunning knows only two. He refused to elaborate.

"You've got to pick people somehow," McConnell told the Louisville Forum. "I think we did a good job and I think the people in eastern Kentucky will discover that over the years."

If confirmed, federal judges hold lifetime jobs and can be removed only by impeachment in the Congress.

There has been some muted criticism of the nominees because they lack eastern Kentucky connections. The nominations by President Bush, which have yet to be considered by the Senate are to fill two vacancies and a new judgeship, including seats in London and Pikeville.

Bunning's qualifications have been questioned because he has been practicing law for only 10 years, all as an assistant prosecutor in the U.S. Attorney's office. The American Bar Association guidelines generally suggest a minimum of 12 years experience for a federal judge.

McConnell, who has been in the Senate for 17 years and will be running for re-election in 2002, fielded questions from forum members on a range of topics, from missile defense to a separate state for Palestinians.

He answered pointedly on a couple of inquiries, especially one about his own legislative record.

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Neil Lewis **New York Times**

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McConnell said a question posed about what bills he has sponsored in three terms sounded like it came from an opponent, though the forum is officially neutral and nonpartisan.

McConnell said he has been primary sponsor on numerous important items, mostly appropriations initiatives in the area of foreign aid. McConnell said he would answer the question more fully during his campaign.

On the topic of drilling for oil in the Alaskan wilderness, McConnell said in some respects the issue boiled down to driving habits. McConnell said more people would be killed if fewer people drove large sport utility vehicles.

"Who's going to be willing to sacrifice a member of their family by getting into a smaller car?" McConnell wondered.

Transcripts/Members of Congress

Fox Special Report with Brit Hume

Tony Snow

Fox News

Tuesday, August 7, 2001

****EXCERPT****

SNOW: And we're back with Fred, Mort, and Mara.

Mort, an interesting speech John Ashcroft gave to the American Bar Association, in part because it was just taking it right to them in the sense of saying, "OK. We're going to try not to use litmus tests. Why don't you try to do the same?" Is he right?

KONDRACK: Well, you know, in this case, I -- I think that he -- this is a case of it all depends

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Neil Lewis **New York Times**

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on what the meaning of the word "litmus" is because, clearly, George Bush and John Ashcroft have an idea.

He says, "We're not going to make any -- we're not going to have any political litmus tests," and I even think he said ideological litmus tests. On the other hand, they do have a judicial litmus test, and that is restraint...

LIASSON: Right.

KONDRACK: ... you know, that you should not -- that a judge should not make law, should leave the process to the legislature and all that. Now he did -- what he did not say -- he did not point at the ABA and accuse them of -- of having a political bias, which this Northwestern University professor who he cited actually found, that the ABA was 10 times more likely to approve a judge nominated by Bill Clinton than George Bush's father.

BARNES: Yeah. You know, look, there is -- the -- this idea of a litmus test -- when they say there isn't one, they're really talking about Roe v. Wade, and -- and they do not ask these judicial nominees "Would you vote to overturn Roe v. Wade?" I mean, that's just a question that's not asked.

That's the -- that's the main litmus test they're talking about, to have a judicial conservative. They did not -- I mean, Bush has not appointed all judicial conservatives. As a matter of fact, he's appointed some Democrats and some more liberal judges.

Now the ones at issue, of course, with this Democratic Senate are the judicial conservatives, and he spoke out very strongly in favor of them, particularly, as you might guess in this administration that wants to win Latino votes, in favor of a man named Miguel Estrada, who's actually from - - born in Honduras, and has been nominated the -- to the...

SNOW: The U.S. Circuit Court of Appeals.

BARNES: ... Court of Appeals for the district and has gotten a well-qualified rating by the ABA. I mean, that's going to be a real test, and - - and he is a conservative.

York Times

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Neil Lewis **New York Times**

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Neil Lewis

General Judicial Articles

Ashcroft Pushes Senate On Judicial Nominees; Speech Fuels Battle Over Confirmations

By Dan Eggen

The Washington Post

Wednesday, August 8, 2001

Attorney General John D. Ashcroft urged the Senate yesterday to speed up confirmation of the Bush administration's nominees for the federal bench, complaining that the "process has moved slowly" and is contributing to backlogs in the federal courts.

In a speech to the American Bar Association in Chicago, Ashcroft said that only one of 11 judges nominated to U.S. circuit courts this year has had a hearing before the Senate Judiciary Committee. Eight of those positions have been classified as "judicial emergencies" because they have stood vacant for so long, he said.

"I know I don't need to tell you that judicial vacancies mean delays in the time it takes to have one's case heard," Ashcroft said at the ABA's annual conference. "Justice delayed is justice denied."

Ashcroft's statements marked another escalation in the war of words between the Republican administration and the Democratic-controlled Senate over judicial nominations, which are shaping up as a key battleground for the two parties.

Sen. Patrick J. Leahy (D-Vt.) and other leading Democrats, still smarting from Ashcroft's contentious confirmation in February, have vowed to block any judicial nominees seen as too ideologically extreme and accuse Republicans of hypocrisy for complaining about judicial nominations.

Leahy spokesman David Carle said that more than half of President Bill Clinton's nominees for circuit courts were not confirmed in the last two years of Republican control.

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Neil Lewis **New York Times**

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LIASSON: Right. And he might have the shortest stint, if he's -- if he's confirmed, on that Court of Appeals of anybody because he'll be on the top of the list to be elevated to the Supreme Court.

BARNES: He'd be a hard guy to block on any grounds other than the fact that he is a conservative.

SNOW: Let me ask you. This is a dumb question perhaps, but what's wrong with having that litmus test? I thought that's why you had presidents picking judges.

LIASSON: I think that's a good question, and that certainly is what Charles Schumer has suggested from the other point of view, is why not. Why shouldn't the Senate judge nominees on ideology? And if they don't like it, they should go vote against...

KONDRACK: Well, you can be sure that there would be -- that this judicial restraint litmus test would apply to a Supreme Court justice nominated by -- by George Bush. He -- it might not apply to a...

SNOW: Why? It didn't apply to his father.

LIASSON: Well -- well, wait a minute. He...

BARNES: No, no. This is wrong, though. Look, advise and consent does not mean we have -- we in the Senate have a right to appoint and decide whoever we want. If something...

LIASSON: Well, they have a right to vote against the judge if they want.

BARNES: It doesn't mean -- it does not give the Senate the power to reject all judges whose philosophy is not Tom Daschle's and Pat Leahy's. That's just not the way our system works, has ever worked, and to -- if you say no conservatives can be nominated...

LIASSON: Well, I don't think that's what they're saying. Look, they -- they're going to confirm conservatives.

York Times

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Neil Lewis **New York Times**

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SNOW: OK. We've got to go on that note. Thanks, panel.

But stay tuned, folks, for some titles you won't be seeing on the bestseller list.

(COMMERCIAL BREAK)

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Neil Lewis **New York Times**

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"He knows about the delaying tactics of the past from his side of the aisle," Carle said of Ashcroft, a former Senate Republican. "Some Republican critics seem to be struggling mightily to keep straight faces while wrongly charging the Senate with delays."

Democrats also accuse the White House of causing its own delays by limiting the role of the ABA, which for half a century had secretly checked the backgrounds of potential federal judges before they were nominated. Bush officials stopped the practice, saying the group had a liberal bias in its grading system, but Democrats still rely on ABA grades issued after nominations.

In his first speech to the organization as attorney general, Ashcroft sidestepped the controversial move to end the ABA role. But, he said, "there are those who have called into doubt the impartiality of the ABA's judicial ratings." He cited a study alleging that Clinton nominees were 10 times more likely to get the group's highest rating than those in the first Bush administration.

In a separate speech yesterday in Chicago, Ashcroft urged Congress to close loopholes in laws that limit prosecutors' power to target money laundering and organized crime.

Ashcroft told an audience at a conference on organized crime that current laws severely limit the Justice Department's ability to confiscate large quantities of cash smuggled out of the country as part of the drug trade. The Justice Department is also considering asking Congress to expand the list of overseas crimes that can be prosecuted domestically if they involve bringing proceeds into the United States, he said.

Ashcroft Defends Bush To Lawyers

By Anne Gearan

Associated Press

Wednesday, August 8, 2001

Attorney General John Ashcroft said he is confident the American Bar Association will apply the same standards to its reviews of Bush administration nominees as it did when vetting Clinton nominees, and rate the Bush judges highly.

"I am heartened by the ABA's ratings thus far, and am confident that, judged by the same

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

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Neil Lewis

standards used to rate the last administration, the vast majority of President Bush's nominees will continue to receive" the ABA's highest "well-qualified" rating for judges, Ashcroft said Tuesday.

So far, the ABA has reviewed 17 of Bush's initial 44 choices for federal trial and appeals courts and found all either qualified or well-qualified.

Those reviews were done after the nominees' names were public, instead of beforehand as was done during the Democratic Clinton administration and for eight administrations before that.

Ashcroft addressed the first gathering of the American Bar Association since the Bush administration ended the 50-year policy of using the lawyer group to do behind-the-scenes investigations on White House choices for the federal bench.

Ashcroft did not discuss the White House decision, but did allude to a conservative suspicion that the ABA has a liberal bias and treats Republican judicial nominees more harshly.

"As you may know, there are some who have called into doubt the impartiality of the ABA's judicial ratings," Ashcroft said.

He cited a recent study by Northwestern University law professor James Lindgren, which claimed that the ABA was as much as 10 times more likely to give its highest ratings to Clinton administration choices than to nominees of President Bush's father.

"Professor Lindgren attributes this disparity to a political bias in favor of liberal judges," Ashcroft said, without offering his own view. "Undoubtedly, there are others who argue that no such bias exists. In any event, I think we can agree that no political bias should exist."

The Bush White House did not cite politics or ideology in booting the ABA in March, saying no outside group should have special control over a president's picks for lifetime judicial posts.

Ashcroft also used the speech to urge the Senate to speed up confirmation of judicial nominees. He noted that only one of 11 judges nominated to the U.S. circuit court this year has had a hearing before the Senate Judiciary Committee.

York Times

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Neil Lewis **New York Times**

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"I know I don't need to tell you that judicial nominees mean delays in the time it takes to have one's case heard," Ashcroft said. "Justice delayed is justice denied."

Democrats have vowed to block any nominees seen as too extreme and point out that Republicans routinely blocked nominations when they controlled the Senate.

The ABA's weeklong annual meeting, which ends Wednesday, was dominated by discussion of a proposed overhaul to the 400,000-lawyer group's code of ethics.

The overhaul effort faltered Tuesday, as opponents argued to the ABA's governing body that it risked violating the trust between lawyers and clients.

Facing likely defeat in the ABA's policy-making House of Delegates, lawyers who backed the proposed changes withdrew the most contentious issue. The proposed change would have given lawyers more latitude to report wrongdoing by their clients, including fraudulent business deals and financial crimes.

The ABA was not expected to cast a final vote on the ethics rules until next year, but Tuesday's unexpectedly swift and decisive votes against key provisions may mean there is little left to fight about.

The ABA defeated another contested change that would have eliminated the veto power a client now holds over lawyers who want to switch sides in the middle of a dispute. The change would have allowed lawyers to join an opposing firm so long as the lawyer had nothing further to do with the case.

The delegates did back a proposed prohibition on lawyers having sex with their clients. Until now, lawyers and dentists were the only major professions without a strong policy against the practice, said Boston University law professor Nancy Moore, also a member of the panel that drew up the proposed changes.

The ABA's ethics recommendations are not law, but are used to write state laws governing lawyers.

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Ashcroft Says Bush Judicial Picks Will Show 'Respect For The Law'

By Jess Bravin

The Wall Street Journal

Wednesday, August 8, 2001

Attorney General John Ashcroft told the American Bar Association that President Bush's judicial nominees would display a "respect for the law," unlike judges he didn't name, who he said "manufactured 'rights' " for criminals and issued other decisions "usurping the legislative function."

Separately, the ABA, meeting here for its annual convention, rejected further changes to its ethics guidelines that would allow lawyers to reveal clients they believe are intent on committing financial fraud.

The Bush administration's nominations, 44 of which are pending, are the first selected without the confidential screenings the ABA has provided presidents since Dwight D. Eisenhower. The administration ended the ABA screenings in March, after years of conservative complaints that the 400,000-member lawyers' organization preferred liberal judges.

The ABA nevertheless has continued to rate nominees by having a 15-member committee interview and gather information about them, before adopting a rating of "well-qualified," "qualified" or "not qualified." Senate Democrats, who control the fate of the nominees, have said they won't consider any Bush appointments that haven't been evaluated by the ABA.

In his speech Tuesday, Mr. Ashcroft said the group has screened 17 Bush nominations already. Most have been rated well-qualified and none less than qualified. "I am heartened by the ABA's ratings thus far, and am confident that, judged by the same standards used to rate the last administration, the vast majority of President Bush's nominees will continue to receive 'well qualified' ratings," he said. He asked the ABA to urge the Senate to quickly confirm the nominees.

Mr. Ashcroft also cited critics of the ABA screenings, referring to an opinion article in Monday's Wall Street Journal, which contended the group was harsher on federal appeals-court nominees

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of former President George H.W. Bush than they were on those of former President Clinton. In the piece, Northwestern University law professor James Lindgren said "Clinton nominees had more than 10 times better odds of getting the ABA's highest rating than similarly credentialed Bush appointees" and suggested the group isn't objective.

Mr. Ashcroft neither embraced nor rejected that view, but said, "I think we can agree that no political bias should exist." He said President Bush "has unequivocally rejected any notion of an issue-specific or political litmus test" for his nominees.

The ABA's incoming president, Robert E. Hirshon of Portland, Maine, said it was "absolutely wrong" to suggest that the lawyers' group played political favorites. He said of more than 2,000 judicial nominees evaluated since 1960, only 26 were rated not qualified -- and only three of those had been named by Republican presidents.

Martha W. Barnett of Tallahassee, Fla., the ABA's outgoing president, said that, during previous administrations, "in the rare situations where there were problems with a candidate, we came up with information that may have been valuable for the president in deciding whether to go forward" with a nomination.

On Monday, the ABA's governing House of Delegates endorsed a proposal to let lawyers reveal privileged information about a client "to prevent reasonably certain death or substantial bodily harm." Tuesday, delegates turned down a similar provision involving financial fraud.

Disheartened proponents withdrew a related change in ethics rules that would have permitted disclosures to prevent, mitigate or rectify financial injuries, saying they may try again at an ABA meeting in February.

Delegates did approve a new guideline barring lawyers from having sexual relations with a client, except those sexual relationships that "predate the client-lawyer relationship." The ABA's guidelines are nonbinding, but often are followed by courts and legislatures.

Earlier in the day, Mr. Ashcroft proposed tightening money-laundering laws, such as allowing the government to seize shipments of "bulk cash" -- more than \$10,000 -- without having to prove the smuggler derived the funds from a crime.

At Lawyers' Gathering, Ashcroft Defends Vetting Decision

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Neil Lewis **New York Times**

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Neil Lewis

By Debbie Howlett
USA Today
Wednesday, August 8, 2001

President Bush angered the American Bar Association in March when he put an end to its 50-year role in screening potential nominees to the federal bench.

On Tuesday, Attorney General John Ashcroft appeared at the bar association's annual convention here to spell out what Bush wants from nominees -- namely "judicial restraint."

Ashcroft's appearance "was his effort -- and ours -- to extend a hand across the political divide," said Martha Barnett, outgoing president of the group.

When Bush ended the quasi-official role of an ABA standing committee in vetting those being considered for judicial posts, he broke a tradition dating to 1950. Every president since then had considered the ABA's evaluations before announcing nominees.

But Bush was persuaded by conservatives who see a liberal bias in the bar association, especially after its evaluating panel split on ill-fated Supreme Court nominee Robert Bork in 1987.

Ashcroft, in his speech, broached the criticism by calling attention to a study underwritten by the Federalist Society, a conservative group concerned with legal issues. The study found that among nominees with similar legal experience, President Clinton's were seven times more likely to get the top rating of "well qualified" than those of the first President Bush.

"There are others who would argue that no such bias exists," Ashcroft told the lawyers. "In any event, I think we can agree that no political bias should exist."

Barnett pointed out after the speech that of the 2,000 potential nominees vetted by the ABA since the early 1960s, only 26 have received "not qualified" ratings, and 23 of them were chosen by Democratic presidents.

The ABA still evaluates nominees but only after their names are made public. Leaders in the

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Democrat-controlled Senate say they will not confirm a nominee without the ABA's input.

Ashcroft's appearance before the ABA seemed to be a sign of improving relations with the group, which represents 400,000 of the nation's lawyers. Even so, he was clear about the administration's policy on appointees.

"The president has unequivocally rejected any notion of an issue-specific or political litmus test and insists that the only value that his nominees share is a dedication to the rule of law and an understanding of the proper role of a federal judiciary," he said.

Meanwhile, the ABA on Tuesday set aside a discussion of how to handle attorney-client privilege. A faction of the group wanted to loosen guidelines on when an attorney can reveal a client's intent to commit a crime.

Lawyers are expected to report an imminent danger of death or serious injury. Some here hoped to allow lawyers to step forward when there's less clear-cut potential for danger, economic damage or other harm.

The group will likely revisit the issue at its meeting in Philadelphia in six months.

Leahy Plans Recess Hearing On Judicial Nominees

By Noelle Straub

The Hill

Wednesday, August 8, 2001

In a rare move, Senate Judiciary Chairman Patrick Leahy (D-Vt.) will hold a confirmation hearing during the August recess for Bush administration judicial nominees.

Leahy's move is likely to hasten the process of confirming judges nominated by President Bush at a time when Republicans have questioned the slow pace of the confirmation process. Leahy signaled the move in an Aug. 2nd speech on the Senate floor in which he said:

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To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Wanda Martinson <Wanda.S.Martinson@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
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Media Review - Judicial Nominations

Thursday, August 9, 2001

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"I am considering holding another judicial confirmation hearing in August, during the Senate recess. No such hearing was held during any of the last six years. If we proceed, it may be the first time a judicial confirmation hearing was held during the August recess."

Leahy is expected to hold the hearing on Aug. 27, his press secretary, David Carle, said Tuesday.

According to Carle, no such recess hearings had been held in the Judiciary Committee at least since 1989.

Leahy had consulted with ranking member Orrin Hatch (R-Utah), before going ahead with his plans, Carle said.

According to Senate Historian Richard Baker, only one member of the Judiciary Committee needs be present to conduct a hearing, although 10 senators are required to report a nomination.

Spokesmen for half-a-dozen Judiciary Committee members contacted Tuesday said they had not yet been informed of the Aug. 27 hearing and could not say whether their members would attend.

Leahy has been considering the unusual move for several reasons, Carle said, including the length of time it took for the Senate to approve an organizing resolution after Sen. Jim Jeffords' (I.-Vt.) defection gave Democrats control of the Senate.

"This is a highly unusual year," Carle said. "The Senate has changed hands three times. The Senate and the committee were only permitted to organize five weeks ago. So the confirmation process for judicial nominees has only been under way since mid-year."

Carle said the committee has already pursued "a brisk confirmation hearing schedule," including prompt consideration of Bush's nominees for the heads of the Federal Bureau of Investigation, Drug Enforcement Administration and Immigration and Naturalization Service.

Bush sent another batch of judicial nominees to the Senate for consideration last week. Carle said the administration has now submitted 20 nominees for the U.S. Circuit Court of Appeals and 20 for various district courts.

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Carle said it has yet to be determined which of these nominees will be included in the hearing this month.

The pace of nominations has proved to be a subject of contention between Democrats and Republicans.

After Sen. Larry Craig (R-Idaho) last week complained on the Senate floor about a nominee awaiting a Judiciary hearing, urging Leahy to act faster, Majority Leader Tom Daschle (D-S.D.) immediately fired back.

"I feel I may need to call an ambulance. I think I just bit off my tongue," Daschle said. "I will say in all sincerity that I think he just gave the speech that I have repeated probably 25 or 30 times over the last six years, verbatim. I can't tell you how many people languished for not days or weeks but years. But I have said on this floor repeatedly that we will not engage in payback."

On July 30, Minority Leader Trent Lott (R-Miss.) complained to reporters that the Senate at that time had only confirmed three federal judges. (Two more have since been confirmed.)

"And that's all," he said. "So I would hope that we could make some progress this week on the floor of the Senate on nominations and can get some commitments to make even a lot more progress when we come back in September."

But Leahy said some vacancies should have been filled in the past several years but were left open by the Republican-controlled Senate. He also said this year's pace of confirmations compares "most favorably" with the last six years.

On Friday, Assistant Minority Leader Don Nickles (R-Okla.) admitted the White House was partly to blame for delays in the confirmation of judges. "We've got a lot of judges that are waiting, a lot of U.S. attorneys, a lot of marshals that have not been confirmed, that need to be confirmed," Nickles said. "They should have been confirmed, frankly, in many cases by now, but we haven't got the nominations yet from the administration. So I'm not just faulting the Judiciary Committee, except for some of the circuit courts, they've been kind of slow on [the] circuit court."

York Times

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Neil Lewis **New York Times**

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Ashcroft Asks ABA For Help

By Al Swanson

United Press International

Tuesday, August 7, 2001

U.S. Attorney General John Ashcroft Tuesday asked the American Bar Association for help to pressure the Senate to move forward and act on President Bush's 44 pending nominees for federal judgeships.

Ashcroft told the ABA House of Delegates "the American people deserve a federal judiciary operating at full strength and peak efficiency, providing equal access to speedy justice."

Ashcroft chided the Senate Judiciary Committee for holding just one hearing on 11 nominees for federal court vacancies made on May 9. Eight of them were nominated to vacancies that had been classified "judicial emergencies" by the Administrative Court of the United States.

"The administration is doing its part," he said. "Now the Senate and those organizations involved in the process, including the ABA, must join us in working for the prompt confirmation of the outstanding men and women the president has nominated to be federal judges."

The ABA has completed rating the qualifications of 17 of 44 Bush nominees to federal courts, finding them all either "qualified" or "well-qualified."

In March, Bush stopped using the ABA ratings of judicial nominees but the Senate, under Democratic leadership, has continued to use the evaluations.

He said delays in the Senate hearings had raised the specter of the old adage: "Justice delayed is justice denied."

Ashcroft called the Bush nominees models of judicial restraint.

"Judicial restraint means if the Constitution says you have a right to compensation when the

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government takes your property, then a judge cannot create exceptions for property that the government really doesn't want to pay for, by letting the government so heavily regulate the property as to make it worthless."

The nation's chief law enforcement officer said an independent federal judiciary, insulated from the whims of electoral politics, was essential to settling disputes between the legislative and the executive and maintaining respect for the law.

"Judges who exercise judicial restraint understand the limit of their power," he told the audience of lawyers.

"Judicial restraint means judges refusing to create on their own a criminal justice system that lets clearly guilty criminals off on a technicality."

Ashcroft, a lawyer and former Republican governor from Missouri, was a member of the Judiciary Committee and chairman of the Constitution subcommittee during his years in the Senate.

"Academic discussions of judicial activism and restraint have done little to enlighten the American public," he said. "The decisions we will ask our federal judges to make -- the issues we will expect them to weigh -- will affect each and every one of us in ways large and small."

Earlier, Ashcroft told law enforcement officers at a conference on organized crime in Chicago that Congress should close loopholes in the law to make it more difficult for drug dealers, terrorists and other criminals to launder money.

The Justice Department may recommend tightening federal laws to halt smuggling of large amounts of cash by making transporting more than \$10,000 in cash proceeds from criminal acts across U.S. borders a federal offense. The money would be subject to confiscation.

Ashcroft Prods ABA To Quickly Vet Judge Nominees

By Jerry Crimmins
Chicago Daily Law Bulletin

York Times

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Neil Lewis **New York Times**

June 26, 2001

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Neil Lewis

Tuesday, August 7, 2001

U.S. Attorney General John D. Ashcroft Tuesday called for prompt Senate action on President Bush's judicial nominees and urged the American Bar Association to quickly and thoroughly review the nominees.

"So far the confirmation process has moved slowly," Ashcroft told the ABA's House of Delegates in the Grand Ballroom of the Hyatt Regency Hotel.

"The administration is doing its part. Now the Senate and those organizations involved in the process, including the ABA, must join us in working for the prompt confirmation of the outstanding men and women the president has nominated to the federal bench."

He said the Senate should approve all 44 of Bush's nominees by the end of the year.

Ashcroft made no mention of the Bush administration's decision only five months ago to end the ABA's half-century role of advance vetting of prospective federal judges before the president makes the nominations public.

Since Bush took that action, Democratic senators have asked the ABA to evaluate judicial nominees before the U.S. Senate acts on them.

In his speech, Ashcroft also spoke out against judicial activism and against judges who release "clearly guilty criminals" on technicalities. This, he said, leads to increased crime.

The House of Delegates applauded one remark, when Ashcroft said "I think we can agree that no political bias should exist" in the nomination and confirmation of judges.

"As you know," Ashcroft told the delegates, "there are some who have called into doubt the impartiality of the ABA's judicial ratings."

The attorney general quoted a study by Northwestern University law Professor James Lindgren, who found that President Bill Clinton's judicial nominees "had more than 10 times better odds of getting the ABA's highest rating than similar credentialed former-President Bush's appointees."

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Lindgren's analysis appeared Monday in The Wall Street Journal.

"Professor Lindgren attributes this disparity to a political bias in favor of liberal judges," Ashcroft told the ABA delegates.

"Undoubtedly," Ashcroft added, "there are others who argue that no such bias exists. In any event, I think we can agree that no political bias should exist."

He said he was "heartened by the ABA's ratings thus far" of Bush's nominees and was "confident that, judged by the same standards used to rate the last administration, the vast majority of President Bush's nominees will continue to receive 'well qualified' ratings."

The ABA has reviewed 17 of Bush's judicial nominees and "rated every one of them qualified.... In fact, you have rated 70 per cent of these candidates 'well qualified,' the ABA's highest rating," the attorney general said.

"Currently, there is a serious number of vacancies on the federal courts, 108 vacancies out of 862 positions," Ashcroft said. "More than 12 per cent of the court is vacant. President Bush has recognized the urgency of this problem and has made it one of his top priorities. He has nominated judges at a record pace, 44 judicial candidates so far this year."

By comparison, Ashcroft said, President Ronald Reagan had made 13 judicial nominations before the end of August 1981; George H.W. Bush had made eight such nominations by the end of August 1989; and Clinton had made 13 before the end of August 1993.

Ashcroft said that in the first year of each of the past three presidential administrations, "all but one of the judicial nominees who were nominated before the end of the August recess were confirmed in the first year of the presidency.

"The one nominee who was not confirmed was rated 'not qualified' by the ABA. Consistent with that history, the Senate should move forward and act on all 44 of President Bush's nominations ... this year."

Ashcroft noted that the Senate has a long way to go. He said Bush announced 11 judicial

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nominations on May 9, "two months before Presidents Reagan or Clinton made their first nominations." Eight of those 11 were nominated to judicial vacancies classified as "judicial emergencies" by the Administrative Office of the U.S. Courts, Ashcroft said.

The ABA found all of the first 11 nominations "to be either qualified or well qualified for judicial office ... yet only one of those 11 nominees has received a hearing in the Senate Judiciary Committee," the attorney general said.

He commended the Senate for acting promptly on non-judicial appointments, including in the last two weeks a new commissioner of the U.S. Immigration and Naturalization Service, a new head of the Drug Enforcement Administration, and a new FBI director.

Sen. Patrick Leahy, D-Vermont, chairman of the Senate Judiciary Committee, understands the urgency of acting on Bush's judicial nominees, said Ashcroft. He told the delegates, "I ask you to help him in ensuring that the rest of the Senate places as high a priority on these nominations as does the president."

Back in March, White House Counsel Al Gonzales pointed out that the ABA has done advocacy work on certain public policies such as support for abortion and a call for a death penalty moratorium. Gonzales said that, in that light, the ABA should not have "a preferential arrangement" whereby it got first crack at examining potential judicial nominees.

On the issue of judicial activism, Ashcroft quoted Supreme Court Justice Felix Frankfurter as saying, "The highest exercise of judicial duty is to subordinate one's personal will and one's private views to the law."

Judicial activism, said Ashcroft, deprives the voters of recourse to their legislature for policy decisions.

McConnell Says East Kentucky Judges Will Prove Capable

By Mark Chellgren

Associated Press

Wednesday, August 8, 2001

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The three nominees for federal judgeships in eastern Kentucky will prove capable jurists over the years, Sen. Mitch McConnell said Wednesday, though he acknowledged he does not know one of the nominees.

McConnell also dismissed any notion that personal relationships influenced the choices of any of the nominees. "That happens sometimes," McConnell said.

David Bunning, the son of U.S. Sen. Jim Bunning, is one of the nominees. Another is Karen Caldwell, a former U.S. Attorney for the eastern district who once dated McConnell. The third nominee is Danny Reeves, a Lexington lawyer.

McConnell said he personally knows only two of the nominees and Bunning knows only two. He refused to elaborate.

"You've got to pick people somehow," McConnell told the Louisville Forum. "I think we did a good job and I think the people in eastern Kentucky will discover that over the years."

If confirmed, federal judges hold lifetime jobs and can be removed only by impeachment in the Congress.

There has been some muted criticism of the nominees because they lack eastern Kentucky connections. The nominations by President Bush, which have yet to be considered by the Senate are to fill two vacancies and a new judgeship, including seats in London and Pikeville.

Bunning's qualifications have been questioned because he has been practicing law for only 10 years, all as an assistant prosecutor in the U.S. Attorney's office. The American Bar Association guidelines generally suggest a minimum of 12 years experience for a federal judge.

McConnell, who has been in the Senate for 17 years and will be running for re-election in 2002, fielded questions from forum members on a range of topics, from missile defense to a separate state for Palestinians.

He answered pointedly on a couple of inquiries, especially one about his own legislative record.

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McConnell said a question posed about what bills he has sponsored in three terms sounded like it came from an opponent, though the forum is officially neutral and nonpartisan.

McConnell said he has been primary sponsor on numerous important items, mostly appropriations initiatives in the area of foreign aid. McConnell said he would answer the question more fully during his campaign.

On the topic of drilling for oil in the Alaskan wilderness, McConnell said in some respects the issue boiled down to driving habits. McConnell said more people would be killed if fewer people drove large sport utility vehicles.

"Who's going to be willing to sacrifice a member of their family by getting into a smaller car?" McConnell wondered.

Transcripts/Members of Congress

Fox Special Report with Brit Hume

Tony Snow

Fox News

Tuesday, August 7, 2001

****EXCERPT****

SNOW: And we're back with Fred, Mort, and Mara.

Mort, an interesting speech John Ashcroft gave to the American Bar Association, in part because it was just taking it right to them in the sense of saying, "OK. We're going to try not to use litmus tests. Why don't you try to do the same?" Is he right?

KONDRACK: Well, you know, in this case, I -- I think that he -- this is a case of it all depends

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on what the meaning of the word "litmus" is because, clearly, George Bush and John Ashcroft have an idea.

He says, "We're not going to make any -- we're not going to have any political litmus tests," and I even think he said ideological litmus tests. On the other hand, they do have a judicial litmus test, and that is restraint...

LIASSON: Right.

KONDRACK: ... you know, that you should not -- that a judge should not make law, should leave the process to the legislature and all that. Now he did -- what he did not say -- he did not point at the ABA and accuse them of -- of having a political bias, which this Northwestern University professor who he cited actually found, that the ABA was 10 times more likely to approve a judge nominated by Bill Clinton than George Bush's father.

BARNES: Yeah. You know, look, there is -- the -- this idea of a litmus test -- when they say there isn't one, they're really talking about *Roe v. Wade*, and -- and they do not ask these judicial nominees "Would you vote to overturn *Roe v. Wade*?" I mean, that's just a question that's not asked.

That's the -- that's the main litmus test they're talking about, to have a judicial conservative. They did not -- I mean, Bush has not appointed all judicial conservatives. As a matter of fact, he's appointed some Democrats and some more liberal judges.

Now the ones at issue, of course, with this Democratic Senate are the judicial conservatives, and he spoke out very strongly in favor of them, particularly, as you might guess in this administration that wants to win Latino votes, in favor of a man named Miguel Estrada, who's actually from -- born in Honduras, and has been nominated the -- to the...

SNOW: The U.S. Circuit Court of Appeals.

BARNES: ... Court of Appeals for the district and has gotten a well-qualified rating by the ABA. I mean, that's going to be a real test, and -- and he is a conservative.

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General Judicial Articles

Ashcroft Pushes Senate On Judicial Nominees; Speech Fuels Battle Over Confirmations

By Dan Eggen

The Washington Post

Wednesday, August 8, 2001

Attorney General John D. Ashcroft urged the Senate yesterday to speed up confirmation of the Bush administration's nominees for the federal bench, complaining that the "process has moved slowly" and is contributing to backlogs in the federal courts.

In a speech to the American Bar Association in Chicago, Ashcroft said that only one of 11 judges nominated to U.S. circuit courts this year has had a hearing before the Senate Judiciary Committee. Eight of those positions have been classified as "judicial emergencies" because they have stood vacant for so long, he said.

"I know I don't need to tell you that judicial vacancies mean delays in the time it takes to have one's case heard," Ashcroft said at the ABA's annual conference. "Justice delayed is justice denied."

Ashcroft's statements marked another escalation in the war of words between the Republican administration and the Democratic-controlled Senate over judicial nominations, which are shaping up as a key battleground for the two parties.

Sen. Patrick J. Leahy (D-Vt.) and other leading Democrats, still smarting from Ashcroft's contentious confirmation in February, have vowed to block any judicial nominees seen as too ideologically extreme and accuse Republicans of hypocrisy for complaining about judicial nominations.

Leahy spokesman David Carle said that more than half of President Bill Clinton's nominees for circuit courts were not confirmed in the last two years of Republican control.

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LIASSON: Right. And he might have the shortest stint, if he's -- if he's confirmed, on that Court of Appeals of anybody because he'll be on the top of the list to be elevated to the Supreme Court.

BARNES: He'd be a hard guy to block on any grounds other than the fact that he is a conservative.

SNOW: Let me ask you. This is a dumb question perhaps, but what's wrong with having that litmus test? I thought that's why you had presidents picking judges.

LIASSON: I think that's a good question, and that certainly is what Charles Schumer has suggested from the other point of view, is why not. Why shouldn't the Senate judge nominees on ideology? And if they don't like it, they should go vote against...

KONDRACK: Well, you can be sure that there would be -- that this judicial restraint litmus test would apply to a Supreme Court justice nominated by -- by George Bush. He -- it might not apply to a...

SNOW: Why? It didn't apply to his father.

LIASSON: Well -- well, wait a minute. He...

BARNES: No, no. This is wrong, though. Look, advise and consent does not mean we have -- we in the Senate have a right to appoint and decide whoever we want. If something...

LIASSON: Well, they have a right to vote against the judge if they want.

BARNES: It doesn't mean -- it does not give the Senate the power to reject all judges whose philosophy is not Tom Daschle's and Pat Leahy's. That's just not the way our system works, has ever worked, and to -- if you say no conservatives can be nominated...

LIASSON: Well, I don't think that's what they're saying. Look, they -- they're going to confirm conservatives.

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SNOW: OK. We've got to go on that note. Thanks, panel.

But stay tuned, folks, for some titles you won't be seeing on the bestseller list.

(COMMERCIAL BREAK)

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"He knows about the delaying tactics of the past from his side of the aisle," Carle said of Ashcroft, a former Senate Republican. "Some Republican critics seem to be struggling mightily to keep straight faces while wrongly charging the Senate with delays."

Democrats also accuse the White House of causing its own delays by limiting the role of the ABA, which for half a century had secretly checked the backgrounds of potential federal judges before they were nominated. Bush officials stopped the practice, saying the group had a liberal bias in its grading system, but Democrats still rely on ABA grades issued after nominations.

In his first speech to the organization as attorney general, Ashcroft sidestepped the controversial move to end the ABA role. But, he said, "there are those who have called into doubt the impartiality of the ABA's judicial ratings." He cited a study alleging that Clinton nominees were 10 times more likely to get the group's highest rating than those in the first Bush administration.

In a separate speech yesterday in Chicago, Ashcroft urged Congress to close loopholes in laws that limit prosecutors' power to target money laundering and organized crime.

Ashcroft told an audience at a conference on organized crime that current laws severely limit the Justice Department's ability to confiscate large quantities of cash smuggled out of the country as part of the drug trade. The Justice Department is also considering asking Congress to expand the list of overseas crimes that can be prosecuted domestically if they involve bringing proceeds into the United States, he said.

Ashcroft Defends Bush To Lawyers

By Anne Gearan

Associated Press

Wednesday, August 8, 2001

Attorney General John Ashcroft said he is confident the American Bar Association will apply the same standards to its reviews of Bush administration nominees as it did when vetting Clinton nominees, and rate the Bush judges highly.

"I am heartened by the ABA's ratings thus far, and am confident that, judged by the same

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standards used to rate the last administration, the vast majority of President Bush's nominees will continue to receive" the ABA's highest "well-qualified" rating for judges, Ashcroft said Tuesday.

So far, the ABA has reviewed 17 of Bush's initial 44 choices for federal trial and appeals courts and found all either qualified or well-qualified.

Those reviews were done after the nominees' names were public, instead of beforehand as was done during the Democratic Clinton administration and for eight administrations before that.

Ashcroft addressed the first gathering of the American Bar Association since the Bush administration ended the 50-year policy of using the lawyer group to do behind-the-scenes investigations on White House choices for the federal bench.

Ashcroft did not discuss the White House decision, but did allude to a conservative suspicion that the ABA has a liberal bias and treats Republican judicial nominees more harshly.

"As you may know, there are some who have called into doubt the impartiality of the ABA's judicial ratings," Ashcroft said.

He cited a recent study by Northwestern University law professor James Lindgren, which claimed that the ABA was as much as 10 times more likely to give its highest ratings to Clinton administration choices than to nominees of President Bush's father.

"Professor Lindgren attributes this disparity to a political bias in favor of liberal judges," Ashcroft said, without offering his own view. "Undoubtedly, there are others who argue that no such bias exists. In any event, I think we can agree that no political bias should exist."

The Bush White House did not cite politics or ideology in booting the ABA in March, saying no outside group should have special control over a president's picks for lifetime judicial posts.

Ashcroft also used the speech to urge the Senate to speed up confirmation of judicial nominees. He noted that only one of 11 judges nominated to the U.S. circuit court this year has had a hearing before the Senate Judiciary Committee.

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"I know I don't need to tell you that judicial nominees mean delays in the time it takes to have one's case heard," Ashcroft said. "Justice delayed is justice denied."

Democrats have vowed to block any nominees seen as too extreme and point out that Republicans routinely blocked nominations when they controlled the Senate.

The ABA's weeklong annual meeting, which ends Wednesday, was dominated by discussion of a proposed overhaul to the 400,000-lawyer group's code of ethics.

The overhaul effort faltered Tuesday, as opponents argued to the ABA's governing body that it risked violating the trust between lawyers and clients.

Facing likely defeat in the ABA's policy-making House of Delegates, lawyers who backed the proposed changes withdrew the most contentious issue. The proposed change would have given lawyers more latitude to report wrongdoing by their clients, including fraudulent business deals and financial crimes.

The ABA was not expected to cast a final vote on the ethics rules until next year, but Tuesday's unexpectedly swift and decisive votes against key provisions may mean there is little left to fight about.

The ABA defeated another contested change that would have eliminated the veto power a client now holds over lawyers who want to switch sides in the middle of a dispute. The change would have allowed lawyers to join an opposing firm so long as the lawyer had nothing further to do with the case.

The delegates did back a proposed prohibition on lawyers having sex with their clients. Until now, lawyers and dentists were the only major professions without a strong policy against the practice, said Boston University law professor Nancy Moore, also a member of the panel that drew up the proposed changes.

The ABA's ethics recommendations are not law, but are used to write state laws governing lawyers.

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Ashcroft Says Bush Judicial Picks Will Show 'Respect For The Law'

By Jess Bravin
The Wall Street Journal
Wednesday, August 8, 2001

Attorney General John Ashcroft told the American Bar Association that President Bush's judicial nominees would display a "respect for the law," unlike judges he didn't name, who he said "manufactured 'rights' " for criminals and issued other decisions "usurping the legislative function."

Separately, the ABA, meeting here for its annual convention, rejected further changes to its ethics guidelines that would allow lawyers to reveal clients they believe are intent on committing financial fraud.

The Bush administration's nominations, 44 of which are pending, are the first selected without the confidential screenings the ABA has provided presidents since Dwight D. Eisenhower. The administration ended the ABA screenings in March, after years of conservative complaints that the 400,000-member lawyers' organization preferred liberal judges.

The ABA nevertheless has continued to rate nominees by having a 15-member committee interview and gather information about them, before adopting a rating of "well-qualified," "qualified" or "not qualified." Senate Democrats, who control the fate of the nominees, have said they won't consider any Bush appointments that haven't been evaluated by the ABA.

In his speech Tuesday, Mr. Ashcroft said the group has screened 17 Bush nominations already. Most have been rated well-qualified and none less than qualified. "I am heartened by the ABA's ratings thus far, and am confident that, judged by the same standards used to rate the last administration, the vast majority of President Bush's nominees will continue to receive 'well qualified' ratings," he said. He asked the ABA to urge the Senate to quickly confirm the nominees.

Mr. Ashcroft also cited critics of the ABA screenings, referring to an opinion article in Monday's Wall Street Journal, which contended the group was harsher on federal appeals-court nominees

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of former President George H.W. Bush than they were on those of former President Clinton. In the piece, Northwestern University law professor James Lindgren said "Clinton nominees had more than 10 times better odds of getting the ABA's highest rating than similarly credentialed Bush appointees" and suggested the group isn't objective.

Mr. Ashcroft neither embraced nor rejected that view, but said, "I think we can agree that no political bias should exist." He said President Bush "has unequivocally rejected any notion of an issue-specific or political litmus test" for his nominees.

The ABA's incoming president, Robert E. Hirshon of Portland, Maine, said it was "absolutely wrong" to suggest that the lawyers' group played political favorites. He said of more than 2,000 judicial nominees evaluated since 1960, only 26 were rated not qualified -- and only three of those had been named by Republican presidents.

Martha W. Barnett of Tallahassee, Fla., the ABA's outgoing president, said that, during previous administrations, "in the rare situations where there were problems with a candidate, we came up with information that may have been valuable for the president in deciding whether to go forward" with a nomination.

On Monday, the ABA's governing House of Delegates endorsed a proposal to let lawyers reveal privileged information about a client "to prevent reasonably certain death or substantial bodily harm." Tuesday, delegates turned down a similar provision involving financial fraud.

Disheartened proponents withdrew a related change in ethics rules that would have permitted disclosures to prevent, mitigate or rectify financial injuries, saying they may try again at an ABA meeting in February.

Delegates did approve a new guideline barring lawyers from having sexual relations with a client, except those sexual relationships that "predate the client-lawyer relationship." The ABA's guidelines are nonbinding, but often are followed by courts and legislatures.

Earlier in the day, Mr. Ashcroft proposed tightening money-laundering laws, such as allowing the government to seize shipments of "bulk cash" -- more than \$10,000 -- without having to prove the smuggler derived the funds from a crime.

At Lawyers' Gathering, Ashcroft Defends Vetting Decision

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By Debbie Howlett
USA Today
Wednesday, August 8, 2001

President Bush angered the American Bar Association in March when he put an end to its 50-year role in screening potential nominees to the federal bench.

On Tuesday, Attorney General John Ashcroft appeared at the bar association's annual convention here to spell out what Bush wants from nominees -- namely "judicial restraint."

Ashcroft's appearance "was his effort -- and ours -- to extend a hand across the political divide," said Martha Barnett, outgoing president of the group.

When Bush ended the quasi-official role of an ABA standing committee in vetting those being considered for judicial posts, he broke a tradition dating to 1950. Every president since then had considered the ABA's evaluations before announcing nominees.

But Bush was persuaded by conservatives who see a liberal bias in the bar association, especially after its evaluating panel split on ill-fated Supreme Court nominee Robert Bork in 1987.

Ashcroft, in his speech, broached the criticism by calling attention to a study underwritten by the Federalist Society, a conservative group concerned with legal issues. The study found that among nominees with similar legal experience, President Clinton's were seven times more likely to get the top rating of "well qualified" than those of the first President Bush.

"There are others who would argue that no such bias exists," Ashcroft told the lawyers. "In any event, I think we can agree that no political bias should exist."

Barnett pointed out after the speech that of the 2,000 potential nominees vetted by the ABA since the early 1960s, only 26 have received "not qualified" ratings, and 23 of them were chosen by Democratic presidents.

The ABA still evaluates nominees but only after their names are made public. Leaders in the

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Democrat-controlled Senate say they will not confirm a nominee without the ABA's input.

Ashcroft's appearance before the ABA seemed to be a sign of improving relations with the group, which represents 400,000 of the nation's lawyers. Even so, he was clear about the administration's policy on appointees.

"The president has unequivocally rejected any notion of an issue-specific or political litmus test and insists that the only value that his nominees share is a dedication to the rule of law and an understanding of the proper role of a federal judiciary," he said.

Meanwhile, the ABA on Tuesday set aside a discussion of how to handle attorney-client privilege. A faction of the group wanted to loosen guidelines on when an attorney can reveal a client's intent to commit a crime.

Lawyers are expected to report an imminent danger of death or serious injury. Some here hoped to allow lawyers to step forward when there's less clear-cut potential for danger, economic damage or other harm.

The group will likely revisit the issue at its meeting in Philadelphia in six months.

Leahy Plans Recess Hearing On Judicial Nominees

By Noelle Straub

The Hill

Wednesday, August 8, 2001

In a rare move, Senate Judiciary Chairman Patrick Leahy (D-Vt.) will hold a confirmation hearing during the August recess for Bush administration judicial nominees.

Leahy's move is likely to hasten the process of confirming judges nominated by President Bush at a time when Republicans have questioned the slow pace of the confirmation process. Leahy signaled the move in an Aug. 2nd speech on the Senate floor in which he said:

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Neil Lewis

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>
Sent: 8/10/2001 5:24:07 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-AUG-2001 09:24:07.00
SUBJECT:: Re:
TO: Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Is this political appointee staff?

Kenneth B. Mehlman
08/09/2001 11:13:56 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Andrew H. Card/WHO/EOP@EOP, Daniel J. Bartlett/WHO/EOP@EOP,
Karl C. Rove/WHO/EOP@EOP
Subject:

We are doing an office retreat and have asked staff from the Census Bureau to brief us on demographic trends. Just wanted to make sure you were ok with this.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/10/2001 7:25:07 AM
Subject: : particular matter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-AUG-2001 11:25:07.00
SUBJECT:: particular matter
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We have to be very careful on this point. Our question must be in the context of OGE's additional questions and how the "process" should be utilized to assure ourselves that there is no problem; it cannot appear that we have a problem with their definition as it applies to reported on facts or even facts that we would be likely to obtain, because to do so would mean that a violation could hang in the balance -- this alone would warrant a referral.

From: CN=Brian D. Montgomery/OU=WHO/O=EOP [WHO]
To: A. Merrill Hughes/WHO/EOP@EOP [WHO] <A. Merrill Hughes>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; anita b. mcbride/who/eop@eop [WHO] <anita b. mcbride>; cathy alix/who/eop@eop [WHO] <cathy alix>
Sent: 8/10/2001 4:33:14 AM
Subject: : Re: Political Travel

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-AUG-2001 08:33:14.00
SUBJECT:: Re: Political Travel
TO: A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: anita b. mcbride (CN=anita b. mcbride/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: cathy alix (CN=cathy alix/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

While I recognize times and circumstances have changed since the previous Bush Administration, the policy back then was that since the President is "president" 24/7 (irrespective of the type of event - political or official), his staff were treated the same. Schedule C ("Hatched") were/are a different story.

Obviously at some point when the political travel increases we'll move some of our fulltime advance staff to a political payroll.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 8/10/2001 5:48:15 AM
Subject: : room closures/tour info - fyi

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-AUG-2001 09:48:15.00

SUBJECT:: room closures/tour info - fyi

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

the rose garden is closed this weekend, oval next week, and the roosevelt this saturday.

REV_00130793

From: CN=Phillip Larsen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Leanna F. Terrell/OA/EOP@EOP [OA] <Leanna F. Terrell>; Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
Sent: 8/10/2001 5:55:14 AM
Subject: : Karl Rove Request

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 10-AUG-2001 09:55:14.00
SUBJECT: : Karl Rove Request
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Leanna F. Terrell (CN=Leanna F. Terrell/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
CC: Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

Brett -- Do you see any potential problems re: records management if we were to fulfill Karl's request?

----- Forwarded by Phillip Larsen/OA/EOP on 08/10/2001 09:25 AM -----

Leanna F. Terrell
08/09/2001 06:26:42 PM

Record Type: Record

To: Phillip Larsen/OA/EOP@EOP
cc: Christopher Capilongo/OA/EOP@EOP, Jennifer L. Jones/OA/EOP@EOP
Subject: Karl Rove Request

This is at your level. This will be out of scope for our contractors. If you want us to do it, we can get Mack to make it happen.

----- Forwarded by Leanna F. Terrell/OA/EOP on 08/09/2001 06:24 PM -----

Dorothy Crumling 08/09/2001 05:36:12 PM

Record Type: Record

To: Christopher Capilongo/OA/EOP@EOP, Leanna F. Terrell/OA/EOP@EOP
cc: Jennifer L. Jones/OA/EOP@EOP
Subject: Karl Rove Request

We received an OA65 from Karl Rove's assistant on Tuesday requesting that his contacts be exported from a Lotus Notes database that either Scott Bussey or Marvin Miller set up. They asked that it be exported to a spreadsheet or tabular text file. NG came back and said it would take 3 days to write a script to do that and asked for more information about the data format desired.

I just received a phone call from a Scott Sciarrino (SSciarrino@USTR.GOV), who works at USTR and has been assisting Karl Rove for whatever reason. He said that the data should be in comma separated text format and that the data was to be imported into Mr. Rove's Outlook on his personally owned Macintosh and also imported onto his personally owned PalmPilot. He said it would be a one-time export.

REV_00130794

This is totally out of scope for tasks that NG does, but knowing who requested it, someone above me needs to rule on this one and decide if we should assist him.

I'll be out of the office until next Wednesday, but Jennifer's familiar with the request and the Magic ticket is #8639.

Thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>
Sent: 8/10/2001 12:29:12 PM
Subject: : Weekly Cabinet Reports

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-AUG-2001 16:29:12.00

SUBJECT:: Weekly Cabinet Reports

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From now on you will be receiving these directly from Cynthia Mendl in Cabinet Affairs.

Please know that these are confidential and are not for distribution to anyone!

REV_00130824

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>
Sent: 8/10/2001 12:29:12 PM
Subject: : Weekly Cabinet Reports

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-AUG-2001 16:29:12.00

SUBJECT:: Weekly Cabinet Reports

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From now on you will be receiving these directly from Cynthia Mendl in Cabinet Affairs.

Please know that these are confidential and are not for distribution to anyone!

REV_00130827

From: CN=Kristopher N. Purcell/OU=WHO/O=EOP [WHO]
BCC: Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP [WHO]), Noelia Rodriguez (Noelia Rodriguez/WHO/EOP [WHO]), Erin E. Healy (Erin E. Healy/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Gail Randall (Gail Randall/WHO/EOP [WHO]), Gregory Goss (Gregory Goss/WHO/EOP [WHO]), Kristopher N. Purcell (Kristopher N. Purcell/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP [WHO]), Andrew H. Card (Andrew H. Card/WHO/EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP [WHO]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP [WHO]), Katie Hong (Katie Hong/WHO/EOP [WHO]), Logan M. Walters (Logan M. Walters/WHO/EOP [WHO]), Christina D. Roberts (Christina D. Roberts/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP [WHO]), David Frum (David Frum/WHO/EOP [WHO]), Anthony J. Gibson (Anthony J. Gibson/OSTP/EOP [OSTP]), John D. Gibson (John D. Gibson/NSC/EOP [NSC]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP [WHO]), Jennifer K. Millerwise (Jennifer K. Millerwise/WHO/EOP [WHO]), Anne Womack (Anne Womack/WHO/EOP [WHO]), Brian Bravo (Brian Bravo/WHO/EOP [WHO]), Candida P. Wolff (Candida P. Wolff/OVP/EOP [OVP]), Harry W. Wolff (Harry W. Wolff/WHO/EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP [WHO]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP [WHO]), Rachael L. Sunbarger (Rachael L. Sunbarger/WHO/EOP [WHO]), Reed Dickens (Reed Dickens/WHO/EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP [WHO]), John W. Howard (John W. Howard/WHO/EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP [WHO]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP [WHO]), Scott Jeffcoat (Scott Jeffcoat/WHO/EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP [WHO]), L. Camille Welborn (L. Camille Welborn/WHO/EOP [WHO]), Karl C. Rove (Karl C. Rove/WHO/EOP [WHO]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP [WHO]), Heather L. West (Heather L. West/WHO/EOP [WHO]), Tobin K. Harvey (Tobin K. Harvey/WHO/EOP [WHO]), Craig Ray (Craig Ray/WHO/EOP [WHO]), Kelley Gannon (

Kelley Gannon/WHO/EOP [WHO]), Brooks D. Altshuler (Brooks D. Altshuler/WHO/EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Amanda L. Moore (Amanda L. Moore/WHO/EOP [WHO]), Danner R. Bethel (Danner R. Bethel/WHO/EOP [WHO]), Mary Elizabeth Farr (Mary Elizabeth Farr/WHO/EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP [WHO]), Quincy Hicks (Quincy Hicks/WHO/EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP [WHO]), Ashley M. Snee (Ashley M. Snee/OVP/EOP [OVP]), Debra Heiden (Debra Heiden/OVP/EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP [OVP]), Lewis Libby (Lewis Libby/OVP/EOP [OVP]), Charles D. McGrath Jr (Charles D. McGrath Jr/OVP/EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP/EOP [OVP]), Ethan A. Hastert (Ethan A. Hastert/OVP/EOP [OVP]), Juleanna R. Glover (Juleanna R. Glover/OVP/EOP [OVP]), John P. McConnell (John P. McConnell/OVP/EOP [OVP]), Megan D. Moran (Megan D. Moran/OVP/EOP [OVP]), Mark J. Sullivan (Mark J. Sullivan/OVP/EOP [OVP]), David S. Addington (David S. Addington/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Nina Rees (Nina Rees/OVP/EOP [OVP]), Margita N. Thompson (Margita N. Thompson/OVP/EOP [OVP]), Nancy P. Dorn (Nancy P. Dorn/WHO/EOP [WHO]), Stephen S. Ruhlen (Stephen S. Ruhlen/OVP/EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OVP/EOP [OVP]), Elizabeth W. Kleppe (Elizabeth W. Kleppe/OVP/EOP [OVP]), Debra R. Dunn (Debra R. Dunn/OVP/EOP [WHO]), Jona M. Turner (Jona M. Turner/OVP/EOP [OVP]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP [OPD]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP [OPD]), Eric C. Pelletier (Eric C. Pelletier/OMB/EOP [OMB]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP [OMB]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP [OPD]), Margaret M. LaMontagne (Margaret M. LaMontagne/OPD/EOP [OPD]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP [OPD]), Eric H. Otto (Eric H. Otto/OPD/EOP [OPD]), Josephine B. Robinson (Josephine B. Robinson/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Carol J. Thompson (Carol J. Thompson/WHO/EOP [WHO]), Colleen Litkenhaus (Colleen Litkenhaus/WHO/EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP [WHO]), Blake Gottesman (Blake Gottesman/WHO/EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP [WHO]), Don E. Eberly (Don E. Eberly/WHO/EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP [WHO]), Stanley W. Carlson-Thies (Stanley W. Carlson-Thies/WHO/EOP [WHO]), Mark V. Scott (Mark V. Scott/WHO/EOP [WHO]), Michele H. Tennery (Michele H. Tennery/WHO/EOP [WHO]), Carrie W. Click (Carrie W. Click/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP [WHO]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP [OPD]), Catherine J. Martin (Catherine J. Martin/OVP/EOP [OVP]), Adrian G. Gray (Adrian G. Gray/WHO/EOP [WHO]), Anne Trenolone (Anne Trenolone/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP [OPD]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP [WHO]), Terry C. Miller (Terry C. Miller/WHO/EOP [WHO]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP [WHO]), Laura S. Lawlor (Laura S. Lawlor/WHO/EOP [WHO]), Charles P. Blahous (Charles P. Blahous/OPD/EOP [OPD]), Chris B. Nagel (Chris B. Nagel/WHO/EOP [WHO]), Matthew W. Lindley (Matthew W. 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R. Mobley/WHO/EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP [WHO]), Desiree T. Sayle (Desiree T. Sayle/WHO/EOP [WHO]), Sydney R. Johnson (Sydney R. Johnson/WHO/EOP [WHO]), Sara B. McIntosh (Sara B. McIntosh/WHO/EOP [WHO]), Joan R. Doty (Joan R. Doty/WHO/EOP [WHO]), Sonya E. Medina (Sonya E. Medina/WHO/EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP [WHO]), Anne E. Phelps (Anne E. Phelps/OPD/EOP [OPD]), Eleanor L. Gillmor (Eleanor L. Gillmor/OPD/EOP [OPD]), Tiffany L. Barfield (Tiffany L. Barfield/OPD/EOP [OPD]), David F. Lussier (David F. Lussier/OPD/EOP [OPD]), Neil S. Patel (Neil S. Patel/OVP/EOP [OVP])

Sent: 8/10/2001 1:44:25 PM
Subject: : Stem Cell Reactions
Attachments: P_DKR83004_WHO.TXT_1.doc

Begin Original ARMS Header #####
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CREATOR:Kristopher N. Purcell (CN=Kristopher N. Purcell/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-AUG-2001 17:44:25.00
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Praise For President Bush's Thoughtful, Principled Solution On Embryonic Stem Cell Research Funding

National Institutes Of Health, Acting Director Dr. Ruth Kirschstein: "We are pleased with the President's decision to allow the use of Federal funds for important basic research on human embryonic stem cells. The approach he has outlined is sound, and we understand the President's clear desire to move forward with care. Using the more than 60 existing cell lines from around the world, many more researchers will now be able to explore the potential of human embryonic stem cells, in addition to the extensive work already sponsored by NIH using human adult stem cells. We believe this combined research has high potential both for opening new doors in basic scientific understanding and for discovery of new treatments for some of our most devastating diseases." (National Institutes Of Health, Press Release, August 9, 2001)

American Cancer Society: "The Society believes that such research holds extraordinary potential in the fight against a variety of life-threatening diseases currently afflicting an estimated 140 million Americans. . . . The American Cancer Society commends the Administration for allowing this vital scientific research to proceed - even in a limited way." (American Cancer Society Website, www2.cancer.org, August 10, 2001)

Juvenile Diabetes Research Foundation International, Peter Van Etten, President And Chief Operating Officer: "We applaud the president for supporting embryonic stem cell research and for recognizing the importance this research holds to cure millions of Americans suffering from life-threatening illnesses." *The Washington Post*, August 10, 2001; Katharine Q. Seelye, "Bush Approves Limited Stem Cell Test Funding," *The New York Times*, August 9, 2001)

Biotechnology Industry Organization, President Carl B. Feldbaum: "We appreciate the difficult decision President Bush faced regarding federal funding of stem cell research, and we are pleased that the President determined the need for this research to continue. This was a good, clear, balanced outcome. As the President pointed out, advances in stem cell research could impact the lives of millions of desperately ill Americans who suffer from conditions for which there are no treatments, including Alzheimer's and Parkinson's diseases, various cancers, diabetes and spinal cord injuries. The President's decision is a major step forward for patients and the biotechnology industry. Among all the conditions that President Bush placed on this research with which we wholeheartedly agree, we have one reservation, which we believe will be worked out in time. Placing a limit on the number of cell lines available for this research may place roadblocks to medical progress, some of which may take years to overcome. . . . Again, we are very pleased with President Bush's concern for both the need for this critical research to continue, and for the ethical questions involved to be continuously and thoughtfully considered." (Biotechnology Industry Organization, Press Release, August 9, 2001)

Timothy McCaffrey, Associate Professor of Biochemistry and Molecular Biology, George Washington University Medical Center: "Considering the difficult positions he had to weigh, it appears to be quite a fair decision. Obviously, as a scientist, you want as few restrictions on your work as possible. But this doesn't disable the field at all. Compared with being unable to use federal funds, period, for stem cell research, this is a big step forward." (Carl T. Hall, "Scientists Worry How Policy Affects Them," *The San Francisco Chronicle*, August 10, 2001)

LeRoy Walters, Bioethicist, Georgetown University: "I think there will be a momentum effect. The pace of discovery will be accelerated and there may be the side benefit that some discoveries may be more available to researchers nationwide." (Sheryl Gay Stolberg, "The President's Decision: A Question Of Research," *The New York Times*, August 10, 2001)

Robert Lanza, Vice President of Medical and Scientific Development, Advanced Cell Technology in Worcester, Massachusetts: “. . . An important milestone in medical history. Up until now there was this black cloud that lingered over one of the most promising areas of biomedical research this century. This decision is going to spur a medical revolution as important as antibiotics and vaccines.” (Anne E. Kornblut, and Mary Leonard, “A Limited OK On Stem-Cell Funds Bush Cites ‘Promise’ And ‘Peril,’ Allows Existing-Embryo Research,” *The Boston Globe*, August 10, 2001)

Jeffrey T. Kahn, Director, Center for Bioethics at the University of Minnesota: “Had he banned this, all the research would have gone on at the private level, away from any oversight. If people take the federal money, they have to follow the federal rules.” (David M. Shribman, “A Limited OK On Stem-Cell Funds Cautious Step Taken Toward A New World,” *The Boston Globe*, August 10, 2001)

Doug Melton, Stem Cell Researcher, Harvard University: “If there are 60 lines that are robust, grow well and have the properties of human embryonic cell lines, that’s news to me and it is good news.” (Sheryl Gay Stolberg, “The President’s Decision: A Question Of Research,” *The New York Times*, August 10, 2001)

Dr. John Mendelsohn, President, University of Texas M. D. Anderson Cancer Center: “It’s hard to crystal-ball this. I believe President Bush made the important decision, which is to go forward.” (Sheryl Gay Stolberg, “The President’s Decision: A Question Of Research,” *The New York Times*, August 10, 2001)

Dr. John McDonald, Neuroscientist, Washington University (St. Louis): “He said he intends to apply soon for funds for research on human embryonic stem cells. McDonald is trying to find a way to heal injured spinal cords with stem cells. He said that he is pleased that some research will go forward. ‘I’m very optimistic, and I think it’s a good first step,’ McDonald said.” (Tina Hesman, “Stem Cell Decision Brings Support And Criticism,” *St. Louis Post-Dispatch*, August 10, 2001)

Massachusetts Catholic Conference: “The Announcement by President Bush rejecting the use of federal funds for research using stem cells obtained through the destruction of human embryos deserves the highest praise. The President demonstrated the utmost in courage by refusing to compel millions of taxpayers against their conscience to promote the killing of human life for utilitarian purposes.

“President Bush had an opportunity to stand up for the dignity and inviolability of innocent human life and came through on the critical issues of cloning and embryo-destroying research. Now we as a country can focus on positive solutions to the problems of disease and illness that involve the use of adult stem cells and not the cannibalism of human life itself.

“While the President’s decision to permit research funding on sixty cell lines established from the previous destruction of embryos is disturbing, this does not diminish the significance of the President’s refusal to fund research involving the future destruction of embryos.

“The President’s announcement was clear, understandable, and well-reasoned. The public debate over this issue has been ably advanced as a result of his efforts tonight.”

The Massachusetts Catholic Conference is the public policy office of the Roman Catholic Church in the Commonwealth, representing the Archdiocese of Boston and the Dioceses of Springfield, Worcester, and Fall River.

Reverend Jerry Falwell: “Fully believing President Bush and his commitment to the sanctity of life, I anticipated a statement that would maintain his integrity in this matter, however, only Solomon could have improved on the what the President did and said. He clearly maintained his integrity regarding the

protection of unborn life. He also manifested his concern for the health and welfare of all Americans by allowing science to proceed unfettered but within reasonable moral boundaries. This was George W. Bush's finest hour thus far." (Dr. Jerry Falwell, Statement, August 9, 2001)

Reverend Jerry Falwell: "I've never been prouder of George W. Bush than I am right now. ... When I heard his words carefully and sincerely and with anguish spoken, when he finished, I said, the guy has not violated one tenet of his convictions in the pro-life position. . . . When I saw George Bush tonight and listened to him, I thought for a moment I was watching and listening [to] **Ronald Reagan**, and I cheered and said, 'God bless you, George Bush. Stay with it'" (Fox's "The Edge," August 9, 2001)

Focus On The Family, Dr. James Dobson: "Pro-life leaders were surprised - and largely pleased - with the thrust of Bush's announcement. Dr. James Dobson, president of Focus on the Family, told CNN's Larry King that the decision is a defining moment for Bush's presidency. 'From our perspective he didn't call for federal funds to be expended to take human life to kill those little embryos. (Bob Ditmer, Pete Winn and Karla Dial, "President Approves Limited Stem Cell Funding," *In Focus*, August 9, 2001)

Focus On The Family, Dr. James Dobson: "...I give the president's decision generally a thumbs-up. There are still some aspects to it that we want to look at, but I think he found a good solution for this stage." (CNN's "Larry King Live," August 9, 2001)

Christian Medical Society, Executive Director David Stevens: "Like many who heard the president's decision last night, I came away both encouraged and very concerned. I was encouraged to see our president drawing from the wisdom from a wide range of society, from the scientific and religious communities, as well as from everyday people. I was also encouraged to hear him commit to funding the tremendous promise of adult stem cell research, an alternative that may enable us to solve the problems of diabetes, Parkinson's disease, and a host of other chronic diseases. I was also encouraged to hear the formation of an advisory board that will continue to examine the important ethical aspects, as well as scientific progress, of stem cell research." (Christian Medical Society, Press Conference, August 10, 2001)

Pat Robertson's American Center for Law and Justice, Chief Counsel Jay Sekulow: "The American Center for Law and Justice, an international public interest law firm and educational organization, said President Bush's decision to prohibit the use of federal funds to destroy human embryos to obtain stem cells for research is the 'correct' decision on this critical issue. 'We are extremely pleased that the President has refused to permit the use of federal funds to be used to destroy human embryos and therefore human life,' said Jay Sekulow, Chief Counsel of the ACLJ. 'It is clear the President has given this issue very serious thought and consideration. And while all Americans hope that medical and scientific research result in new discoveries that provide cures for numerous maladies, the President also made it clear that he considers human embryos to be human life - sacred life - that must be protected. The President said 'no' to the most troubling aspect of this issue - the use of federal funds to destroy human embryos - to destroy human life. The President has reached the correct decision concerning one of the most serious ethical and moral issues of our day.'" (American Center For Law And Justice, Press Release, August 9, 2001)

National Right To Life Applauds President's Decision On Embryo-Destructive Stem Cell Research: "In an address to the nation this evening, President Bush announced that he would not allow federal funding of stem cell research that involves the killing of any more human embryos. 'We are delighted that President Bush's decision prevents the federal government from becoming a party to any further killing of human embryos for medical experimentation,' stated Laura Echevarria, director of Media Relations for the National Right to Life Committee. 'While National Right to Life mourns the loss of life for those embryos from whom stem cell lines have already been derived, nothing the National Right to Life Committee or President Bush can do can restore the lives of those embryos who have already died,'

stated Ms. Echevarria. President Bush's decision will have no negative impact on ethical research involving stem cells derived from sources such as adult fat, blood, and bone marrow, as well as placentas and umbilical cord blood. Adult stem cells have been shown to be dramatically more effective, and have already been used to help patients. 'More and more people with disabling and chronic conditions are being helped by adult stem cell research,' stated Ms. Echevarria. According to a June (June 1-5, 2001) International Communications Research poll, 67 percent of those polled prefer having their tax dollars used for stem cell research 'using adult stem cells and other alternatives . . .' Only 18 percent favored federal support of research that included experiments which 'require destroying human embryos.' Moreover, instead of destroying human embryos through medical research, they may be adopted by parents. Indeed the demand for their adoption exceeds the number of embryos who could be adopted. 'We strongly commend the President's strong opposition to all human cloning and to the special creation of human embryos for research,' said NRLC Legislative Director Douglas Johnson. Last month a Massachusetts firm, Advanced Cell Technology, announced that it will soon begin attempting to create cloned human embryos for the purpose of harvesting their stem cells or using them in other lethal research (a practice referred to by the bio-tech industry as 'therapeutic cloning'). On July 31, the House of Representatives voted to ban all human cloning, including the creation of cloned embryos, 265-162. The legislation is now awaiting action in the Senate. President Bush has endorsed the bill. 'The Senate must act immediately to prevent the start-up of cloned human embryo farms in the United States,' Johnson said." (National Right To Life Committee, Press Release, August 9, 2001)

EDITORIALS:

The Dallas Morning News: "Mr. Bush supports scientific research. He has called for almost a 14 percent increase in the budget of the National Institutes of Health, to bring its fiscal 2002 budget to \$23 billion. And the institutes' support for research on adult stem cells has been significant. What the president's decision means is that federal efforts will be able to be focused on more areas of promising stem cell research, including embryonic cells as well as those harvested from umbilical cord blood, placental tissue, adult and even newly engineered cells. Federal supervision and bio-ethical safeguards will be part of this revolutionary new area of science. The president should be commended for taking a conscientious, careful approach to the issue." (Editorial, "Stem Cells," *Dallas Morning News*, August 10, 2001)

St. Louis Post-Dispatch: "After months of deliberation, President George W. Bush made a landmark decision on embryonic stem cell research that reflected the conscience of a moral nation. Drawing the difficult distinction between ethics and religion, Mr. Bush announced that the government would fund promising research on stem cells derived from frozen human embryos earmarked for destruction in fertility clinics. It was an incomprehensibly far-reaching verdict for any one person to undertake, especially a pro-life, Republican president leery of offending Catholics -- a swing voting bloc that may hold the key to his re-election. . . . For so many who are ailing and holding out hope, it does not matter why Mr. Bush made his decision. But if the president wants to be more responsive to the needs and genuine suffering of everyday citizens, he has made an excellent start." (Editorial, "Stem Cell Research," *St. Louis Post-Dispatch*, August 10, 2001)

The Boston Herald: "With his announcement last night President Bush has laid the groundwork for enormous advances in medical research and given real meaning to his campaign pledge to govern as a 'compassionate conservative.' . . . In approving the use of federal funds for stem cell research and on setting reasonable limits for the use of embryos in that research, Bush has found that middle ground with which most Americans will feel comfortable and comforted. Comfortable because few people see anything terribly wrong in the scientific use of portions of embryos (created in clinics for in vitro fertilization) that would be destroyed anyway. And comforted because if it is in the power of modern medicine to help those with Parkinson's disease, diabetes, Alzheimer's or spinal cord injuries, then we have

a responsibility to do so. . . . George W. Bush last night committed this nation to just such a policy. It's the right one." (Editorial, "Bush Course Best On Stem Cell Work," *The Boston Herald*, August 10, 2001)

The Chicago Tribune: "The Tribune has advocated funding for research on stem cells extracted from a limited number of embryos created for the purpose of in vitro fertilization, and destined to be discarded. The decision Bush announced Wednesday night would fund research on some 60 existing cell lines, though not on new lines from additional embryos. . . . Bush's decision, and his admonition that "we must proceed with great care," reflect a similar uneasiness. But while his limits may be too strict, the president has in fact moved in the correct direction. If federally funded research begins to yield promising results, the limits Bush articulated could change." (Editorial, "Stem Cells And Caution," *The Chicago Tribune*, August 10, 2001)

USA Today: "Bush, in a televised address, did not go as far as many scientists would like, or as far as eventually will be necessary for effective research and treatment. He limited research to just 60 lines of stem cells from embryos that have already been destroyed. But he nevertheless went far enough to fuel Wasson's hopes and those of millions of others. It also is a reasonable way, at least for now, to set limits on a fast-moving field in which scientists' abilities have outpaced the public's ethical consensus. . . . Regardless, his change of heart should not be seen as a sign of weakness or opportunism, but as a difficult balance between personal beliefs and the national interest. . . . Bush's stem cell decision is a thoughtful first step toward resolving the ethical conundrums posed by the rapid advance of science. But how far is far enough? New rules are just a start." (Editorial, "Bush's Tough Choice Moves Critical Research Forward," *USA Today*, August 10, 2001)

ELECTED OFFICIALS AND POLITICAL FIGURES:

Senator Olympia Snowe: "The President made a thoughtful and responsible decision that gives scientists the tools they need to begin the exploration of this exciting frontier of medical research, which brings hope to millions of Americans suffering the effects of disease and illness. His decision, bolstered by a Presidential commission that will monitor research and establish guidelines, begins the process of opening the door to further progress. I know the President wrestled and struggled with this decision, reaching his conclusion only after discussing and meeting with advocates on both sides of this issue. . . . I believe his decision is right for our nation, and reflects the views of the vast majority of Americans with family members who have suffered from these illnesses. The President's decision tonight gives America's best and brightest researchers federal support, complimented by the work of the National Institutes of Health and the National Science Foundation, to explore to potential of these amazing cells, and ensure maintenance of the highest scientific and ethical standards." (Senator Snowe, Press Release, August 9, 2001)

Senator Tom Harkin: "I'm glad that the President has decided to permit and encourage our medical scientists to do stem cell research. As the Chairman of the Senate subcommittee that funds all medical research, I want to work with the President and Members of Congress to move this research forward in a robust, but ethical manner. We must also consult with our top scientists to make sure we have an adequate number of stem cell lines to allow this research to reach its fullest potential. Stem cells hold so much promise for curing illnesses like diabetes, Alzheimer's, Parkinson's and spinal cord injuries that we cannot afford to wait any longer." (Senator Tom Harkin, Press Release, August 9, 2001)

Senator Bill Frist: "I believe the president has done the nation a great service by allowing promising embryonic stem-cell research to proceed while maintaining strong restrictions on the extent of the research and ensuring comprehensive oversight." ("Reactions To Bush Decision On Stem-Cell Research," *Reuters*, August 9, 2001)

Senator Orrin Hatch: “I believe that the President’s announcement is a major step in the right direction. This was a victory for biomedical research and the promise it holds for all Americans. I think what he did was positive. President Bush’s decision allows very promising research to go forward, research that will potentially help up to 100 million Americans. The decision showed real presidential leadership. It was a thoughtful, deliberative decision made after prayer and the most careful consultation with ethicists, families, scientists, doctors and religious leaders.” (Senator Orrin Hatch, Press Release, August 9, 2001)

Senator Sam Brownback: “I think the President really took a thoughtful line. I am concerned about some of the lines that he breeched through. But he also put clear limitations on things. And as we’re going into this brand-new field, as we’re looking at these possibilities, and we all want to cure these terrible diseases, I think he really tried to make a straight and narrow path as much as he could.” (CBS’ “The Early Show,” August 10, 2001)

Senator Kay Bailey Hutchison: “I think he is going in the right direction, and I know he gave this issue the careful consideration and weight it deserves,” she said.” (Bennett Roth, “Headaches Ahead For Bush,” *The Houston Chronicle*, August 9, 2001)

Senator Jean Carnahan: “I support continuing federal funding of stem-cell research within the current ethical guidelines. I will need to review the specifics of the president’s proposal to ensure that it allows the most promising avenues of research to continue, but his declaration of support for federal funding of stem-cell research is a positive development.” (Steven Thomma, “Bush Supports Limited Embryonic Stem-Cell Research,” *Knight Ridder*, August 10, 2001)

Representative Benjamin A. Gilman: “I am pleased that President Bush, after fully examining this issue, has decided to support federal funding for limited embryonic stem cell research. Scientists have stated that embryonic stem cells may provide the key to developing cures for a variety of diseases including Parkinson’s, Alzheimer’s, juvenile diabetes and spinal cord injuries. By allowing federally funded research we are providing scientists with all the tools they need to proceed with this important research and, hopefully, will be able to achieve a number of cures at an early date.” (Congressman Gilman, Press Release, August 10, 2001)

Representative Mike Pence: “I was pleased that President Bush tonight refused to fund research that would destroy human embryos,” Pence said. “The President drew a moral line earlier this year when he promised to ‘oppose federal funding for stem cell research that involved destroying living human embryos.’ I commend him for keeping his promise with tonight’s decision. At its core, President Bush’s statement reveals a continued commitment to his belief in the fundamental value and sanctity of human life. . . . For the President, tonight’s decision was a pragmatic one. It satisfied supporters of stem cell research with limited funding, and it pleased opponents with a ban on further destruction of human embryos. I also truly believe President Bush searched his heart in arriving at this conclusion. In his statement this evening, the President revealed that he had wrestled with his conscience and with God over his decision.” (Congressman Pence, Press Release, August 9, 2001)

The Republican Leadership Council: “The fact that President Bush approached this important issue in such a deliberative manner ought to be commended,” stated Mark Miller, executive director of the RLC. “The President considered all viewpoints and delivered a well thought out opinion based on his belief that this research will advance the greater good of society. . . . President Bush deserves credit for his thoughtful decision on an issue with tremendous implications for science and public health for years to come.” (Republican Leadership Council, Press Release, August 10, 2001)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
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FYI: Secretary O'Neill and OMB Director Daniels are meeting with CG Walker on Monday, according to the weekly Cabinet Report. This obviously must be on a different topic, but I wanted to alert you in any event.

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To: See the distribution list at the bottom of this message
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Subject: LRM OGG111 - - General Services Administration Report on Lafayette Building Renovation Plan and Financial Options

This GSA report to Congress contains recommendations for renovating the Lafayette Federal Building in Washington, D.C. Please provide comments by no later than 1:00 P.M. Monday, August 20th.

LRM ID: OGG111
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Friday, August 10, 2001

LEGISLATIVE REFERRAL MEMORANDUM

REV_00130855

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Legislative Reference
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PHONE: (202)395-3923 FAX: (202)395-3109
SUBJECT: General Services Administration Report on Lafayette
Building Renovation Plan and Financial Options

DEADLINE: 1:00 P.M. Monday, August 20, 2001

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: This GSA report to Congress contains recommendations for renovating the Lafayette Federal Building in Washington, D.C. Please provide comments by no later than 1:00 P.M. Monday, August 20th.

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LRM ID: OGG111 SUBJECT: General Services Administration Report on
Lafayette Building Renovation Plan and Financial Options

RESPONSE TO
LEGISLATIVE REFERRAL

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Lloyd A. Blanchard/OMB/EOP@EOP
Kenneth L. Schwartz/OMB/EOP@EOP
David J. Haun/OMB/EOP@EOP
Lisa A. Harris/OMB/EOP@EOP
Sylvie Volel/OMB/EOP@EOP
Robert B. Anderson/OMB/EOP@EOP
Gail S. Zimmerman/OMB/EOP@EOP
Arthur W. Stigile/OMB/EOP@EOP
Harry E. Moran/OMB/EOP@EOP
Robert W. Kilpatrick/OMB/EOP@EOP
Toni S. Hustead/OMB/EOP@EOP
Winifred Y. Chang/OMB/EOP@EOP
Kelli A. Hagen/OMB/EOP@EOP

REV_00130857

Michael Casella/OMB/EOP@EOP
Allan Villabroza/OMB/EOP@EOP
Steven J. Isakowitz/OMB/EOP@EOP
David P. Radzanowski/OMB/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
Steven D. Aitken/OMB/EOP@EOP
Elizabeth L. Rossman/OMB/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
NEC LRM
Kirsten A. Chadwick/WHO/EOP@EOP
Kristine Simmons/OPD/EOP@EOP
Heather Wingate/WHO/EOP@EOP
WHGC LRM
Jeffrey A. Weinberg/OMB/EOP@EOP
Richard E. Green/OMB/EOP@EOP
James J. Jukes/OMB/EOP@EOP

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JOINT AGENCY REPORT TO CONGRESS

**LAFAYETTE BUILDING RENOVATION PLAN
AND FINANCIAL OPTIONS**

JUNE 1, 2001

Revised August 6, 2001

SUMMARY OF OWNER'S FINANCIAL RETURNS

The following tables present the projected internal rates of return (IRR) for the building renovation of the Lafayette building under the two capital funding options. The Prospectus-level funding models are presented in two scenarios: one includes swing space expenses and the other model omits swing space expenses. Excluding swing space costs most accurately reflects a private sector equity partner deal and thus provides a more accurate comparison to a true market deal. The privately financed models are for both 30 and 50 years.

Return (IRR) Summary – Traditional Funding and Public/Private*

Partner	Traditional with Swing Space Expense	Traditional – No Swing Space Expense	Public / Private 30 Year	Public / Private 50 Year
Government	13.95%	19.81%	19.61%	19.92%
Private Partner	N/A	N/A	23.37%	23.50%

* Prospectus-level funding models assume no leverage.

The following tables present the projected net present values for the government and private equity partner over a 30 and 50-year master property lease assumption:

Net Present Value (NPV) Summary – Traditional Funding and Public/Private*

Partner	Traditional with Swing Space Expense	Traditional – No Swing Space Expense	Public / Private 30 Year	Public / Private 50 Year
Government @ 6.3%	\$127,200,479	\$168,035,353	\$50,817,192	\$68,975,447
Private Partner @ 6.3%	N/A	N/A	\$56,698,479	\$69,157,435
Private Partner @ 12.0%	N/A	N/A	\$22,586,216	\$24,716,755

* Prospectus-level funding models assume no leverage.

The overall returns and net present value to the government vary between the two funding scenarios, due to varying equity contributions and a debt provider in the private scenario that receives annual payments. Both the traditional and private scenarios offer benefits and drawbacks. In the traditional funding method, the government will be responsible for the entire renovation cash outlay and will assume all development and construction risk. Positive benefits to this scenario include the government having total control over all decisions affecting the building, along with GSA receiving 100% of the net cash flow generated and any upside associated with the operation of the building. A private equity partner focused solely on real estate management could potentially offer an additional financial benefit to the government by way of efficient management and thorough real estate operating knowledge. However, as GSA also has experience, our benefit from utilizing a private partner in this area would be marginal.

The Public/Private Partnership alternative can be constructed for the Lafayette Building so as to respond to scoring rules under capital lease or lease-purchase definitions. Should GSA be given congressional authority to enter into Public/Private Partnerships, the authority would specify how the scoring issue is resolved. A Public/Private Partnership would be the higher cost alternative in Present Value terms compared to the direct funding model. The higher cost is attributable to the lower costs of federal funds for construction. Nonetheless, a Public/Private Partnership alternative can be a valuable resource to leverage scarce capital investment dollars to allow more renovations of federal buildings in strong real estate markets.

GSA also considers total overall cost to the government according to three different scenarios: leasing, building and renovation. The results differ from the models in this analysis because they are totally expense driven and not return driven. The following table summarizes the results from the cost analysis, and indicates that renovation would be the least costly alternative to the government when compared to building new or leasing. Total present value cost represents the total overall cost to the government over a 30-year period, including operating expenses.

Total Present Value Cost Analysis

Scenario	Total Present Value Cost *
Lease	\$261,801,000
Build	\$206,661,000
Renovate	\$196,462,000

* Assumes a government discount rate of 5.3%

Joint venture private financing also provides benefits and drawbacks for the government. Benefits include no initial cash outlay, only an imputed value of the government's partnership capital is contributed. Additionally, the government bears none of the risk associated with the renovation. The developer partner will obtain construction financing and will be responsible for payment of the loan upon stabilization. Lastly, the government will retain 100% ownership of the Lafayette Building upon expiration of the master property lease. Drawbacks include a possible disproportionate share of net cash flows based upon the ultimate structure of the transaction, along with the lack of total control over renovation, construction and ultimate operation of the building.

Prior models assumed that a market rental rate will be paid by the tenants of the building. For comparison purposes, the following analysis considers the rent levels needed to reflect the cost of modernizing the space under direct federal funding and Public/Private Partnership. The imputed land and building values were removed from the analysis. Under the Private/Public Partnership option the private entity is limited to a maximum 20% return. The analysis seeks the rent needed to be in equilibrium to attain the desired hurdle rate and where the Net Present Value equals 0. The imputed federal rate is 6.3% for the analysis.

Stripped Comparison Rent Cost w/o Imputed Land And Building Values

	Base Rent (RSF)	Operating Expenses	Total
Direct Federal Funding	\$11.19	\$8.79	\$19.98
Public/Private Partnership	\$26.60	\$8.79	\$35.39

The direct federal funding method requires a full service rent of \$19.33 to cover the expenses of renovating the Lafayette building. The Public/Private Partnership option requires a full service rent of \$35.39 per RSF to provide a 20% IRR to the private sector partner.

The following analysis considers only the present value of the modernization costs for the two options. There are no imputed land or building values or operating expenses used in the analysis. It shows that Direct Federal Funding is the low cost alternative to acquire modernized space for the tenants.

Stripped PV cost w/o operating expense costs.

	Present Value ¹
Direct Federal Funding	\$83,291,000
Public/Private Partnership	\$91,833,430

¹ Present Value based on 6.3%.

The following table summarizes benefits and drawbacks to the government under both scenarios:

Capital Funding Options Benefits and Drawbacks – Owner/Equity Partner

	Traditional Funding	Public/Private Partnership
Development/Construction Risk	Neutral ²	Benefit
Capital Investment	Neutral ³	Benefit
Operating Control	Benefit	Drawback
Ownership	—	—
Cost of Financing	Benefit	Drawback
Total Capital Investment (Budget Authority) ¹	\$69 million	\$0

¹Excludes move and relocation costs of \$12.2 million.

²Depending on the construction contracting method, the government can reduce risk. For example, construction risk can be minimized by the design-bid-build method.

³The Public/Private Partnership would allow GSA to leverage its limited capital investment dollars to modernize a larger number of federal buildings.

SUMMARY OF TENANT EXPENSES

The two primary tenants of the Lafayette Building [the Department of Veterans Affairs and the Export-Import Bank] will face increased occupancy costs following renovation of the building that will bring it up to Class A-/B+ standards. Whether GSA or a private equity partner renovates the building, the rents will be marked-to-market.

The following table presents the current rent, net of expenses, paid by the Department of Veterans Affairs and the Export-Import Bank, and what they can expect to pay in market rent (2001 dollars) after renovation is complete.

Tenant Occupancy Cost Analysis

Tenant	Current Rent per Useable Square Foot¹	Rent per Useable Square Foot after Renovation²	Difference
VA	\$30.00	\$57.40	\$27.40
Ex-Im Bank	\$30.00	\$57.40	\$27.40

¹Equivalent rate per RSF = \$20.98

²Equivalent rate per RSF = \$46.38

Total rental payments over a five-year period are presented in the table below. The figures are presented as a status quo scenario, in which the current tenants remain in the building, and as a renovation scenario in which the tenants return to the building after renovation is complete. During the three years the Lafayette Building is being renovated, the tenants will move into comparable office space in a different building, known as swing space. Swing space rent will be more expensive than current rent paid today, as the tenants will be charged market rent plus a premium for the short lease duration.

The following table presents total occupancy costs over a five-year period. The costs are presented in two scenarios: (1) assuming no renovation is undertaken and (2) assuming the renovation is completed. For comparison purposes, the occupancy costs for the renovation scenario are presented with 2001 rental rates and with the same square footage assumptions as the status quo scenario.

Total Five Year Occupancy Cost Analysis

Tenant	5-Year Rent Expense under Status Quo Scenario (1)	5-Year Rent Expense under Concept Two Scenario (2)	Difference (In dollars and percent)	
VA	\$27,078,811	\$50,217,289	\$23,138,478	85.4%
Ex-Im Bank	\$18,782,952	\$34,832,731	\$16,049,779	85.4%

Note: Useable square footage is based on Lafayette Renovation feasibility report (dated 5/17/01) of approximately 169,000 usf for VA and 117,000 usf for Ex-Im Bank. Rental rates are based on the Bolan Smart financial analysis (see MAP feasibility report, dated 5/17/01). For comparison

purposes, we have assumed the same square footage and rental rates in 2001 dollars.

The average annual difference is \$4.6 million for the VA and \$3.2 million for the Ex-Im Bank, with average annual percentage increases of 17.1%. The market rate presented in this report is indicative of current Class A-/B+ rates for a building with a location similar to the Lafayette Building. Current economic conditions are affecting the real estate market, causing increased vacancies in some submarkets and easing upward pressure on rents. Thus, the rental rates presented may not be indicative of market rates at the time of occupancy, but are best estimates given recent market performance.

The renovation of the Lafayette Building will have a direct impact on certain relocation and moving expenses. The following table presents all move and relocation costs associated with the renovation and the party, or parties, responsible for these costs under the scenario presented in this report.

Move and Relocation Costs¹

Expense	Amount ¹	Date Incurred	Responsibility
Initial Move Cost	\$4,795,916	2005	Agency ²
Swing Space Costs	\$46.20 per sf	2005-2007	Agency –
Move Back Costs	\$7,516,453	2008	Agency
Tenant Improvements	\$13,528,218	2007	GSA/Private Partner

¹Costs are based on Concept Two scenario (from MAP feasibility study dated 5/17/01).

²See Appendix A - General Modeling Assumptions, move costs.

Under GSA pricing policy, the tenant is responsible for move and swing space costs. GSA provides a base general allowance of \$31.92 per useable square foot for tenant improvements and assigns each agency a “tier” level for additional tenant improvements. The VA and Export-Import are both assigned a Level 2 tier for improvements, representing a 20% premium above base levels. Upon returning to the Lafayette Building, the tenants will face higher occupancy costs, but will benefit from vastly improved space. The following table presents benefits and drawbacks to the tenants given a renovation of the Lafayette Building.

Tenant Benefits and Drawbacks of Renovation

Improved space	Benefit
More efficient space	Benefit
More overall space	Benefit
Complete systems upgrades	Benefit
Less expensive than permanently relocating to comparable building	Benefit
Short term move	Drawback

Note: The increase in leasing costs is not included as a benefit or drawback for the tenant, as it is a function of receiving higher quality space.

Both funding options present benefits and drawbacks to the government. As the owner, the best financial return from a net present value standpoint is to fund the renovation through direct federal funding. However, this requires a substantial capital outlay that must compete with other urgent federal modernization projects. The Public/Private Partnership program would allow the government to leverage its capital dollars to renovate its buildings. The Public/Private Partnership program is not necessarily a benefit to the government since it is a more expensive option than direct federal funding. However, PBS has so many buildings in dire need of modernization that the Public/Private Partnership program could at times be worth the additional cost to get and prevent further deterioration or solve an emergency problem. Both methods result in similar overall investment (IRR) returns of 19.8% for the federally funded project and 19.6% for the Public/Private Partnership.

From a tenant's standpoint, the benefits and drawbacks remain the same under either funding option. The tenants' occupancy costs (rent) will be marked to market for both direct and public/private funding so there is no net gain or loss to the tenants under either scenario.

IV. APPENDIX C - PARTNERSHIP FINANCIAL MODELS

CONSIDERATIONS TO PUBLIC/PRIVATE PARTNERSHIP

The privately financed transaction presented in this report assumes the following capital structure, in order of priority:

- The government contributes an imputed capital account, equal to 49% of the overall equity required for renovation. The government then receives a 5% return on its imputed value. This return is most senior in the capital structure.
- Construction financing is obtained for 60% of the total cost of renovation. The loan is assumed to accrue interest at 7.5% annually, and will provide for full interest deferral and no amortization. Payoff of the loan is subordinate only to the government's return.

- A private equity partner is assumed to contribute the equity required to complete the renovation after construction debt is placed, which in this model is 40% of the total cost of renovation. The private partner will be due a preferred return of 11%, which is subordinate to payment of the debt and payment to the government.
- In the event of a capital event such as a refinancing, excess proceeds will be used to first pay any unpaid returns due to the above capital sources. After that, excess proceeds will be used to pay off the private equity partner's equity contribution. Assuming refinancing proceeds will fully retire the equity partner's contribution, the remaining excess proceeds will be split in accordance with the partners' overall interest.
- When the equity partner's contribution is fully retired, the preferred return will stop being paid.
- Any excess cash flow remaining after all of the above distributions are paid will be split in accordance with the corresponding equity contribution percentages.

This public/private analysis is similar to previous analysis prepared under a separate study for the GAO. The partnership analysis presented in this report also solves for the projected IRR and NPV for both the government and the private equity interests over the prescribed hold period.

If a public/private project were to be considered for the Lafayette Building, we believe the following conclusions represent an accurate indication of how the private sector would react:

- The private sector will base return thresholds on the probability of the current tenancy to execute commitments that they will sign a lease of at least 10 years and return to the Lafayette Building as soon as renovation is complete. We have assumed this scenario for the models in this report. If a commitment is obtained, the private sector will partner for returns in the upper teens. If a commitment is not obtained, private sector partners will require a higher return.
- A 30-year scenario for the private financing scenario is shorter than the private sector at large is accustomed to underwriting. Many private ground lease transactions involve terms of 75 to 99 years. However, the Lafayette Building's prominent location in the heart of Washington's central business district along with the implied safety of partnering with the government (and guaranteed return of current tenancy) will attract interest from the private sector. The structure of the transaction could be executed in a multitude of ways, and a shorter master property lease may be mitigated through increased private sector returns, for example. We believe the ability to flexibly structure a Public/Private Partnership will serve to attract interest from the private sector, though even higher interest could be generated with a longer term.
- A longer master property lease term enables a private equity partner to refinance the permanent debt multiple times, allowing them to recapture significant additional proceeds that boost overall returns. Longer terms would also serve to lower the private sector's focus on exit strategies, since typical private equity deals usually are for a maximum of ten years. Again, the overall deal could be structured in many ways that would alleviate much of the

concern over master lease term since there are private equity participants that could underwrite a ‘redevelop and hold’ scenario.

- The recent slowdown in the national economy is affecting commercial real estate transactions. High yield equity participants have raised capital for investment, but are very selectively investing due to the economic uncertainty. The reduced amount of private equity participants could have an impact on the demand for this type of project. The high profile nature of the project and the attraction of partnering with the government will draw interest, although possibly at a somewhat lower level if current economic conditions persist.
- Favorable conditions in the debt market serve to enhance the return structure, and the private sector will attempt to obtain maximum leverage on the property. However, more conservative underwriting due to the economy has led many commercial banks and insurance companies to lend approximately 60-70% on a loan to value basis. We believe the quality of the tenancy within the Lafayette Building and premier location should help to secure permanent financing of approximately 75% loan to value.
- The private financing models presented in this report may not accurately reflect a true private equity market scenario. We believe that under real market conditions, a developer would renovate the property, stabilize and then sell its partnership interest. A private equity source would most likely take the developer out, hold for a period of five to ten years, and then sell its partnership interest. Again, with numerous structuring scenarios, the ultimate outcome could be done in a way that is favorable to both the government and private sector.
- In typical private sector transactions where there is a shorter master property lease term than is desirable, a “put right” or some other extension instrument would likely be structured. The government will likely not option a put right, thus the private sector will price this into the deal, which could be done through higher return requirements, lower master property lease payments or disproportionate splits in excess cash flow.

THE PUBLIC/PRIVATE PARTNERSHIP PROGRAM

Public/Private Partnerships are not normally used in the renovation of buildings. In government real estate transactions, they primarily have been used in trades in kind. This is where the government receives a benefit in exchange for land. Public/Private Partnerships for this renovation would have the private entity fund the renovation and the government leases back the asset to compensate for the private funds expended. Because private financing is more expensive to the Federal taxpayer than Government-finance, public-private partnerships as a vehicle for obtaining private financing for major federal construction and repair projects are only recommended when direct federal funding is not available, nor likely to be available in a timely manner. The use of an outlease with a leaseback should only be used when such a transaction is less expensive than simple renovation or construction.

The General Accounting Office (GAO) supported the use of partnerships with the private sector only when they reflect the best economic value available for the federal government in its April 2001 report, “Funding Repairs and Alterations Has Been a Challenge – Expanded Financing Tools Needed” (GAO-01-452).

If they were used for a renovation project, the partnership would be structured in the following manner:

- the government contributes a leasehold interest to the partnership as its equity contribution;
- the private sector provides equity in the form of contributed funds and expertise in the financial and strategic aspects of property improvement.

Partnerships with the private sector have the greatest potential for success in situations where properties are located in markets with a healthy demand; there exists corresponding private sector investment potential; and there is a continued need for agency space that is not adequately satisfied with existing government facilities.

Leases for agency tenants would be subject to the same budgetary scoring procedures currently used for leasing space in privately owned buildings. The government will benefit by retaining the long-term ownership interest in the improved property, receiving a preferential option to lease the modernized space, and sharing in cash flow generated.

GENERAL ASSUMPTIONS:

- Two models are considered: direct congressional funding and a Public/Private Partnership. Within the public/private scenario we have assumed that the government will enter into a master property lease to a new partnership for two terms – 30 and 50 years.
- The overall return to the private sector would likely be higher in a true market analysis, in which the developer would likely renovate and then sell its partnership interest upon stabilization, or nearly full occupancy, of the property.
- The developer/equity partner is assumed to take a disproportionate share of excess proceeds from retiring the construction debt and obtaining permanent financing, because of the construction risk the developer is undertaking. The split is assumed to be 80% to the private partner and 20% to the government. Any excess proceeds from additional refinancing are split according to contribution percentages.
- Swing space and moving cost expenses in this report are assumed to be the responsibility of the tenants, except for the traditional funding model showing the government paying for swing space costs for return comparison purposes. A true market deal may have different characteristics as to the responsibility of moving and swing space costs, since responsibility for these expenses can be negotiated.
- Financial information for all models was obtained from the Lafayette Bldg. feasibility study submitted by Metropolitan Architects & Planners and Bolan Smart Associates (dated 5/17/01). That study presented three scenarios – (1) do nothing, (2) complete renovation with no additional space added and (3) a complete renovation with additional space added as a result of some corridor demolition. To be consistent with what the private market will demand, we have used the financial information only from concept two - full renovation with additional space added through demolition of some corridors.

- Three construction methods are considered in the feasibility study: design/bid/build, which is the most conventional method; design/build, where the control of the design is given to the contractor; and fast track, where the time of construction is not reduced and design is developed alongside actual construction. Both design/build and fast track offer faster renovation schedules but are much more risky. The feasibility study assumes a design/bid/build schedule, as do the models in this report.
- In the private sector-financing model, the government will hold a 49% equity share in the new partnership based on a portion of the value of the property.
- In the privately financed model, the private sector partner will contribute equity based on the total cost of the renovation less a construction loan of 60% loan-to-cost, and will receive a preferred return on its investment. The government will not guarantee the construction loan, or any subsequent loan. The construction loan is assumed to accrue interest at 7.5% annually, which equates to 325 basis points over 6-month LIBOR rates, and will provide for full interest deferral and no amortization. The private partner will pay off the entire construction loan along with interest accrued before securing permanent financing and will keep 80% of any additional proceeds for bearing the risk of development.
- Once the construction loan is paid, permanent debt will be obtained with leverage of approximately 75% loan to value. Debt is assumed to be for a 10-year term with a 25-year amortization and at a cost of 7.0% annually, which equates to 175 basis points over the then-current 10-year Treasury rate. In cases where the 10-year term expires and 10 or less years remain in the analysis, it is assumed the entity will seek to extend the debt for the remaining length of the hold period, as financing will be difficult to obtain. In scenarios where there is greater than 10 years remaining in the analysis, it is assumed the entity will refinance. Refinancing proceeds will be determined by capping that year's income with leverage at 65% of the value. Proceeds will be used to pay off the existing loan, with additional proceeds split between the government and the private partner based on share of equity.
- The private sector will be due a preferred return of 11.0%. This disbursement will be due before any excess cash flow is split and will accrue annually at the preferred rate if there is not enough cash flow to cover the entire preference in a given year.
- In the privately financed model, the government will receive income through preferential master property lease payments as well as a share of cash flow from the operations of the building. The master lease payment will be paid before the preferred return due the private equity partner and before any excess cash flow is split. The annual lease payment is calculated at 5% of the imputed value of the government's capital account in the venture. The 5% annual payment provides for a reasonable return to the government and risk-adjusted rate of return to the private sector partner.
- The building will be leased to current tenants at market rates existing at time of delivery. Return requirements to the private sector will escalate if the current tenants do not occupy the building upon completion of renovation.

JOINT AGENCY REPORT TO CONGRESS REGARDING THE PROSPECTIVE RENOVATION OF THE LAFAYETTE BUILDING, WASHINGTON D.C.

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- The 50-year model is an extension of the 30-year model. All financial information from year 30 was extended to year 50, with no escalation in revenue or expenses, as corresponding increases in both categories would end up canceling out any gains.
- The first year of this analysis is when renovation is projected to commence on the Lafayette Building, in this case 2005. The government's return is calculated for the period from the commencement of the property development through 2035 for the 30-year scenario and 2055 for the 50-year scenario. The government will receive cash flow and will retain 100% unencumbered ownership of the property at the end of the master property lease term.
- The internal rate of return (IRR) for the private partner is the rate of return for the series of cash flows starting with the initial cash contribution (the year redevelopment starts) through the end of the master lease term. For the government, the initial cash "outlay" is the implied value of the master property lease.

SUMMARY OF PARTNERSHIP INVESTMENT MODEL:

Due to its excellent location in the Central Business District (CBD) and the significant planned improvements of the building's space, the property is expected to reach stabilization within two years of completion at market lease rates.

As noted in the general assumptions, the government will contribute a leasehold interest to the partnership and will retain a 49% equity interest in the partnership. Its equity interest in the partnership will be appraised at \$26.6 million. The private partner will obtain a construction loan of 60% loan-to-cost and will contribute an equal amount of equity to the project.

The government will receive income through annual lease payments of \$1,329,378 (5% of the contributed value of its leasehold interest) as well as a 49% share of cash flow profit from the operations of the building. The government is projected to receive a 19.61% internal rate of return over the 30-year period, and a 19.92% internal rate of return over the 50-year period. Projected net present values for the government over the 30 and 50-year scenarios are \$50,817,192 and \$68,975,447, respectively.

The private partner will receive an 11% preferred return on its cash investment, prior to division of the remaining available cash flow, and will receive a projected internal rate of 23.37% over the 30-year period, and a 23.50% IRR over the 50-year period. Projected net present values for the private partner over the 30 and 50-year scenarios at the government discount rate are \$56,698,479 and \$69,157,435, respectively. At a 12.0% discount rate, the projected NPVs over the same time periods are \$22,586,216 and \$24,716,755.

V. APPENDIX D - MARKET ANALYSIS

Note: The following market analysis is included only as informational support for the market rental rates previously mentioned. The overall health of the Washington, D.C. metropolitan real estate market will support rental rates in the range of those mentioned throughout the report.

BOTTOM LINE

A long-running constraint on the Washington, DC economy, federal employment and spending cutbacks, is diminishing in light of the improved fiscal health of the federal government. Meanwhile, the growing high-tech industries are reducing Washington, DC's reliance on the government. A turnaround in the District's economy, brought about by the new mayor and the federal commitment toward revitalization, represents an upside risk for the metro area. Washington, DC will be an above-average performer over the long term.

The Washington, DC market for office space finished 2000 in strong to booming condition. The market will end 2001 in somewhat weaker condition, though still very stable. Between 2001 and 2003, demand will rise an average of 3.2% per year, a decline from the 4.4% pace seen from 1995 through 1999.

ECONOMIC OVERVIEW

The Washington, D.C. metropolitan area consists of the nation's capital as well as 18 counties and six independent cities in Maryland, Virginia, and West Virginia. These counties and cities are often aggregated into three larger submarkets: Northern Virginia, Suburban Maryland, and the District of Columbia itself. With more than one million jobs, Northern Virginia represents 42% of the metropolitan area's employment base, while Suburban Maryland represents 34% and the District the remaining 24%.

The Washington metropolitan area is the healthiest it has been in a number of years due to the improved financial condition of the federal government and strength in high tech, construction, tourism and business services. Income and consumption growth remains solid; office markets are booming, and home prices are appreciating rapidly. Northern Virginia continues to be the fastest-growing portion of the metro area, followed by Suburban Maryland and the District.

High-tech hub. The Washington, DC metro area continues to solidify its position as a high-tech hub. The area's high-tech presence earned it a third place national ranking in software employment density by the Software Information and Industry Association and in absolute numbers by Economy.com. The metro area supports three times the national average of programming, engineering, systems analyst and tech support jobs. A significant portion of the high-tech employment is directly within federal government agencies. Moreover, several area universities with large high-tech research activities rely heavily on federal government grants and contracts. The high-tech agglomeration continues to attract new firms, such as U.S. Dataport's two million square foot data warehouse campus in Northern Virginia. Such expansions will result in more spillover effects for the area as tech firms choose to locate close to Washington, DC's Internet infrastructure.

Affirming Washington, DC's status as a high-tech hub and boding well for future growth is the amount of venture capital funding that is pouring into the area. According to PricewaterhouseCoopers, during the second quarter the District received \$188 million in funding. Virginia received an astounding \$560 million, with the majority of this going into Northern Virginia, and Maryland received a record-breaking \$398 million. Three-quarters of all the venture capital is going toward telecommunications, software, and business services.

House prices. The diminishing supply of available homes is fueling strong growth in single-family existing home prices. After experiencing sub-national appreciation rates of around 2% in 1999, home prices are now 7% higher than one year ago, according to the Freddie Mac/Fannie Mae repeat-purchase index. House price appreciation in Washington, DC is expected to exceed the national pace throughout the forecast horizon. Despite median house prices that are more than 20% above the national average, the high incomes of Washington, DC households have also maintained above-average housing affordability.

Construction. The tremendous expansion of the metro area is driving up construction costs, while the tight labor market and work backlogs for contractors are making it more difficult to complete projects. Earlier this construction season, the Department of Public Works was forced to couple road resurfacing projects with other bigger, construction projects due to the lack of bids for resurfacing work.. Construction costs are rising more rapidly in the Maryland suburbs, where hourly wages are increasing at a rate of 5.3% while all private-sector wages are increasing at a rate of 3.6%.

ECONOMIC OUTLOOK

Indicators	2000	2001	2002	2003	2004
Gross Metro Product, C\$B	221.5	229.4	238.6	248.2	257.9
% Change	5.1	3.5	4.0	4.0	3.9
Total Employment (000)	2,702.4	2,754.6	2,811.3	2,868.9	2,928.8
% Change	2.8	1.9	2.1	2.1	2.1
Unemployment Rate	2.3	2.4	2.6	2.6	2.7
Personal Income Growth	6.4	6.5	6.4	5.9	5.6
Population (000)	4,815.0	4,872.1	4,927.0	4,985.7	5,039.9
Single-Family Permits	26,221	20,825	20,078	19,522	19,837
Existing Home Price (\$Ths)	174.1	177.9	187.0	195.5	204.2
Mortgage Originations (\$Mil)	30,392	29,542	31,031	30,346	30,011
Net Migration (000)	34.6	16.9	15.0	18.8	14.2
Personal Bankruptcies	20,711	20,120	22,107	22,766	23,054

Source: Economy.com

As in many US cities, labor markets in Washington D.C. continue to tighten, suggesting slower job creation in the coming years. Over the next four years, job growth will slip to an average of 2% per year from 2.7% over the past four years. Even with this slowdown, however, job growth in Washington will continue to outpace growth in the U.S. as a whole.

The tremendous expansion of the metro area is driving up construction costs, while the tight labor market and work backlogs for contractors are making it more difficult to complete projects. Bid escalation has not been severe yet, but continued strong demand for new construction projects will increase this likelihood.

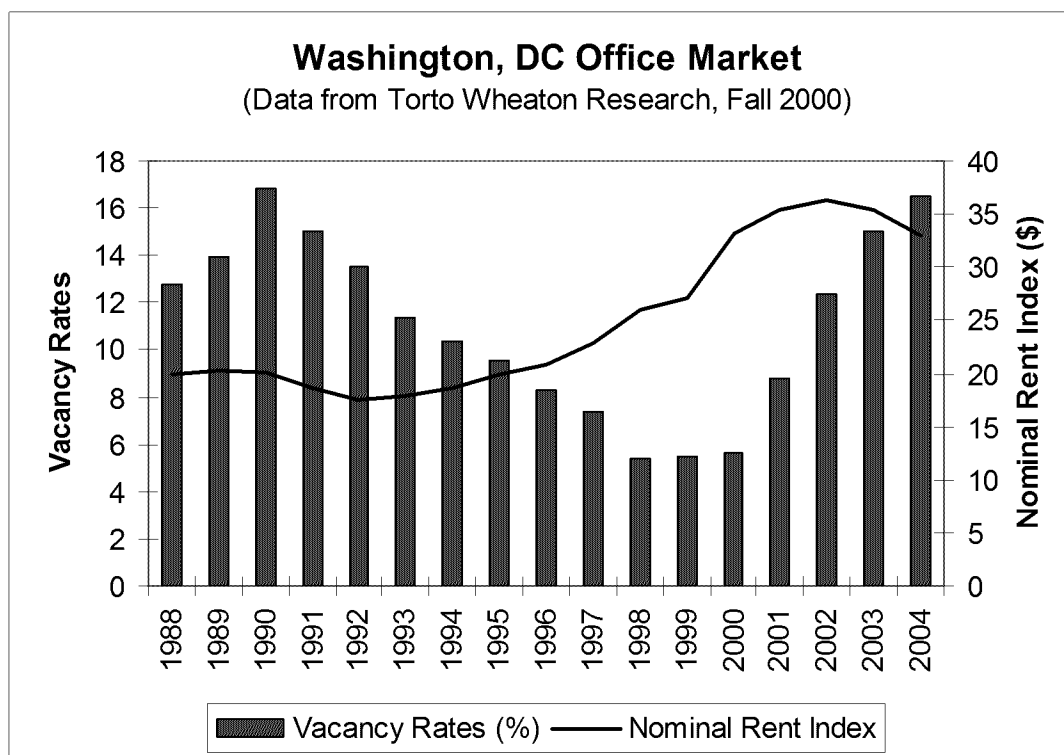
THE WASHINGTON METROPOLITAN AREA OFFICE MARKET

The Washington, D.C. office market is one of the hottest in the nation. The area ranks as one of the top office investment spots in the nation during 2001, according to a study by PricewaterhouseCoopers and the Lend Lease Real Estate. Moreover, according to Delta Associates, strong investment and development opportunities will continue over the next few years. While the metro economy is home to many struggling telecom firms, it also supports tech industries that will benefit from increased military expenditures and government business services. Additionally, expected federal surpluses will provide the economic stimulus to maintain strong real estate markets even as the national economy slows.

At 3.6%, the office vacancy rate in Washington, D.C. is among the lowest on record. Northern Virginia had the tightest market with a vacancy rate of only 2.8%, while Suburban Maryland recorded a higher vacancy rate of 5.5%, and the District itself had a rate of only 3.3%.

Meanwhile, net absorption through year-end 2000 was more than in any full year since the 1980s. Nearly two-thirds of the absorption occurred in Northern Virginia, reflecting this region's emergence as one of the top US "New Economy" locations. In the District, revitalization and a more proactive government have fueled increased office demand, making the District one of the top-performing center cities in the nation, while Suburban Maryland has benefited from strong demand from high tech and biotech companies.

That strong demand, in turn, pushed rents up by an estimated 20% in 2000 to their highest level on record. Top rents in the District are above \$50 per square foot, while rents are reaching \$43 per square foot in some of Northern Virginia's hottest submarkets such as Reston/Herndon, Tysons Corner and Loudoun County.



More than 3 million square feet of space was delivered in the third quarter 2000, 50% more than in the second quarter and a trend indicative of the large volume of new construction soon to be delivered into the market. Indeed, at the end of the third quarter, 22 million square feet of space was under construction. Of this space, however, more than half was pre-leased, suggesting some discipline in the market. Nevertheless, we expect vacancy rates to move toward 9% this year before climbing to 12.4% in 2002 as supply outpaces demand. As the market loosens, rent pressures will gradually begin to ease.

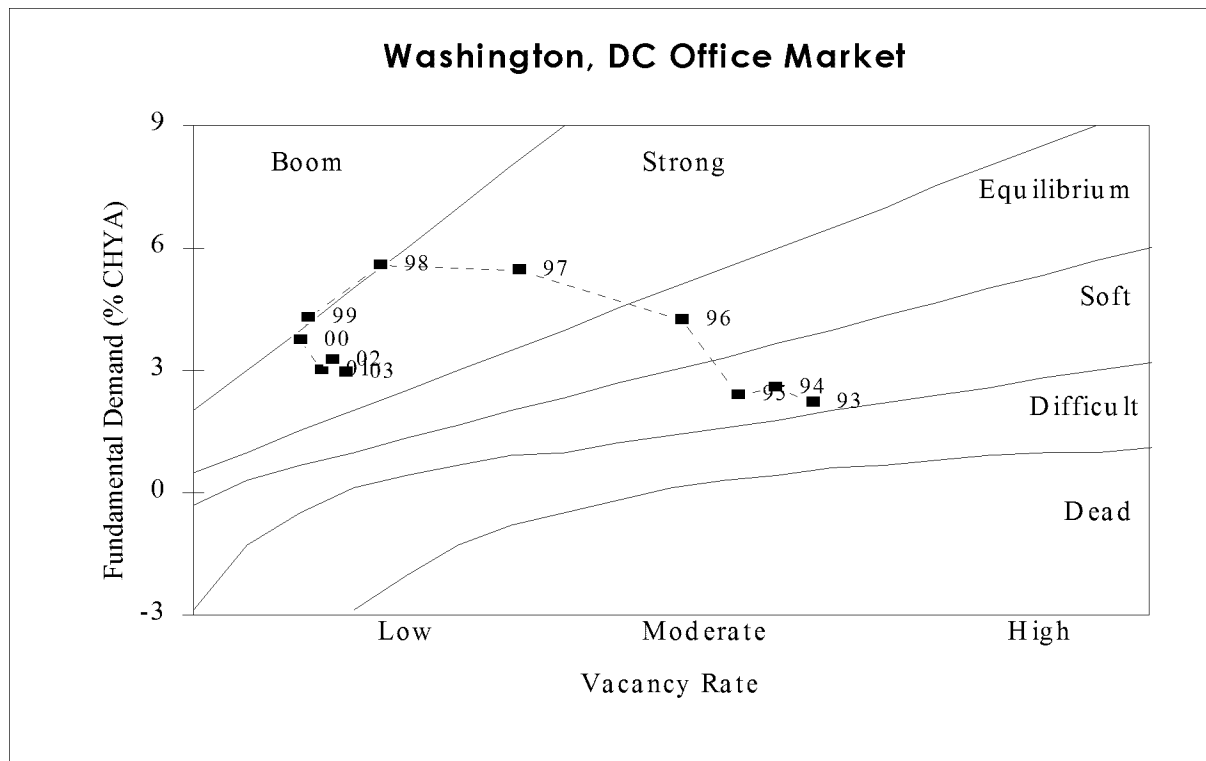
WASHINGTON, DC OFFICE MARKET CONDITIONS

Through year-end 2000, the Washington, DC office market had seen contract awards of approximately 17.0 million square feet, an increase of 6% over the 1999 total of 16.2 million square feet. Awards will average approximately 16.0 million square feet annually from 2001 through 2003, a 73% gain over the 9.3 million square feet averaged from 1995 through 1999. During the last 18 years, office construction reached its peak in 1987, when 23.3 million square feet were awarded. Awards bottomed out at 3.8 million square feet in 1992.

Between 2000 and 2003, office demand will rise an average of 3.2% per year, a decline from the 4.4% pace seen from 1995 through 1999, however still above national averages.

The Washington, DC market for office space finished 2000 in a strong to booming condition. The market will end 2001 in a slightly weaker condition, although still very stable. Conditions should remain strong through the end of 2003.

Office Market Contour for Winter 2001



VI. APPENDIX E - REPORT DEVELOPMENT AND PARTICIPANTS

A Joint Task Force was created to respond to the Conference Report request. In response to the Conference Report request, a joint task force including GSA, VA and Export-Import Bank, met regularly to develop a report outlining the need to renovate the Lafayette Building. The joint task force was initiated in January, 2001 and jointly developed the agency program requirements and identified the project parameters. All joint task force participants reviewed all stages of the report up to the final draft.

GSA hired Metropolitan Architects and Planners in February to develop the feasibility study to renovate the Lafayette Building. Concurrently, GSA hired AEW Capital Management Inc in March to aid in the preparation of the analysis for the joint report. The following personnel and consultants were instrumental in developing this report.

The following personnel and consultants were instrumental in developing this report.

U.S. General Services Administration

Paul R. Gosselin
Thomas E. James
Diane Stolz
Randy Zalis

Department of Veterans Affairs

Carolyn Boswell
Brian McDaniels
Deno Verenes

Export-Import Bank of the United States

George J. Sabo
Michael J. Discenza, Jr.
Deborah A. Willig

Consultants

AEW Capital Management, L.P.
Metropolitan Architects & Planners, Inc
Bolan Smart Associates
Charron Construction Consulting, Inc
META Engineers

I. EXECUTIVE SUMMARY

BACKGROUND

The following report to Congress incorporates and synthesizes the findings of a separately commissioned Building Evaluation Report and Feasibility study for the renovation of the Lafayette Building. Congress has directed the General Services Administration (GSA) to work with the Department of Veterans Affairs (VA) and the Export-Import Bank of the United States (Export-Import Bank) to develop a renovation plan considering all alternatives authorized by law for the Lafayette Building.

The 12-story, 559,875 gross square foot Lafayette Building was constructed in 1940 in a unique, angled shape that creates irregular and inefficient areas. A top-tier location in the heart of Washington's vibrant central business district makes the building a premier federally owned facility. The building is under the control and jurisdiction of GSA. The VA Occupies 60% of the building and the Export-Import Bank occupies 40%. After 60 years in use, the building needs a complete renovation to provide modern, efficient office space for the federal workforce and to maintain the building's competitive position within the marketplace. A recent study by an outside consultant recommends a single-phase renovation project, estimated to cost \$70 million (in 2001 dollars). The renovation study states that the building exhibits a pressing need of general upgrading and refurbishment, including more efficient heating, ventilating, and air conditioning systems, new lighting, an up-to-date system of power and telecommunications distribution, energy-efficient fenestration, and restoration and/or replacement of interior finishes.

FUNDING OPTIONS

This report considers three methods of funding the proposed renovation of the building. The first funding option is through traditional congressional appropriation. The second funding option is through the use of a Public/Private Partnership between the government and a private entity. GSA does not have this authority at this time, so the Public/Private analysis is modeled in accordance with what GSA believes would be required to induce private sector participation in this venture under current market conditions. The third funding alternative is enhanced-use leasing, authorized for the Department of Veterans Affairs to use for its own properties.

RECOMMENDATION

After completing an analysis of the three funding alternatives, GSA recommends proceeding with the Lafayette Building renovation through direct congressional appropriation. This funding option returns the highest Net Present Value (NPV) to the Government among all the alternatives studied. Net Present Value is defined as the cumulative present value of all future cash inflows and outflows. The NPV, excluding costs associated with swing space,¹ is \$168 million for traditional funding compared to a 30-year Public/Private Partnership NPV of \$51 million. One

¹ Swing space is interim tenant housing utilized during renovation.

of the primary reasons that congressional funding provides the highest NPV to the government is that in a Public/Private Partnership, GSA would be required to share the cash flow with a private partner, while in direct congressional appropriation GSA retains all excess cash flow. However, since GSA renovation projects must compete for scarce funding and the so many of GSA's buildings need extensive renovations, alternative funding via some kind of Public/Private Partnership presents the next best alternative.

PUBLIC/PRIVATE PARTNERSHIP OPTION

Public/Private Partnerships for this renovation are defined by having a private entity fund the renovation and the government leasing back the asset to compensate for the private funds expended. After a negotiated period or set rate of return, GSA shares in the revenue. Public/Private Partnerships can be structured in many forms. For analysis purposes, GSA has selected a generic partnership form with the following elements:

- (1) GSA retains ownership,
- (2) the partner brings all the money necessary to modernize the building,
- (3) GSA has 49% equity in the project,
- (4) GSA occupies the building in entirety and
- (5) the developer receives a market rate of return on its investment.

We have selected this form because it is appropriate for the situation and GSA receives a return on its 49% equity position.

The Public/Private Partnership will yield the government a lower overall NPV, but reduces the overall risk the government has towards the renovation. In this case, the economics show that a Public/Private Partnership is more expensive than direct federal funding, but cheaper than leasing space for the tenants. The private partner would bear all risk associated with completing and financing the renovation and would then share in the profits over the period of the master property lease. The master property lease would typically last from 30 to 75 years. At the end of the master property lease, the government would retain 100% ownership of the land and building. Public/Private Partnership legislation has yet to be approved; thus this option was modeled based on assumptions and not actual guidelines.

Generally, Public/Private Partnerships as a vehicle for obtaining private financing of Federal construction and repair projects are not recommended because private financing is more expensive to the Federal taxpayer than Government-finance. Still, with so many federal buildings in need of modernization, Public/Private Partnerships can make business sense when PBS is unable to get timely funding for a federal building modernization project. Although PBS has no authority now to do a Public/Private Partnership, a Public/Private Partnership would be useful if money continues to be scarce.

ADDITIONAL FUNDING OPTION – ENHANCED-USE LEASING

This option is not authorized, as VA does not own the building. Also, the VA authority is for underutilized facilities (an example is excess land adjoining a VA facility), so the renovation of the Lafayette building does not meet this criterion. Finally, the scope of this renovation is much larger than all previous projects the VA has completed with its enhanced-use leasing authority. As a footnote to enhanced-use leasing, the size and scale of the renovation requires an experienced entity with the expertise to deal with the complexity of the project, such as GSA's Public Buildings Service.

APPENDICES

The appendices to this report present key findings including: financial results for direct congressional appropriation and private equity joint venture scenarios, benefits and drawbacks to each method, occupancy costs to the tenants, and an analysis to determine the least costly alternative to the government over a 30-year period among leasing, building and renovation.

II. APPENDIX A - DISCUSSION OF BUILDING DEVELOPMENT PLAN, MARKET, AND MODELING ASSUMPTIONS:

EXISTING BUILDING AND PROPOSED REDEVELOPMENT PLAN:

The Lafayette Building was completed in 1940 and enjoys a premier location in Washington's central business district. It is listed on the National Register of Historic Places. The building has primary northwest frontage along Vermont Avenue. Eye Street borders to the north, 15th Street to the east and H Street to the south. The Department of Veterans Affairs and the Export-Import Bank currently occupy the building, along with a small GSA-PBS field office. Many of the original systems and construction remain, making the building obsolete by today's standards.

The building consists of basement and ground floors, as well as floors one through twelve. The building is 559,875 gross square feet and approximately 313,112 rentable square feet. The proposed renovation assumes two concepts:

- The first renovation concept maintains the building in its current configuration and preserving all of the historically significant interior corridors and other interior spaces. There is no gain in square footage, with both tenants maintaining the same space allocation.
- The second renovation concept will add substantial useable square footage (47,500 square feet) due to removal of historic corridors in some areas. The rentable to useable ratio will improve to a level of 1.24. The total renovation cost is estimated at \$69.2 million (2001 dollars) or \$124 per gross square foot for concept one and \$69.1 million (2001 dollars) or \$123 per gross square foot for concept two. The improvements will bring the building up to modern office building standards.

DESIGN OF THE BUILDING:

The Lafayette Building is of a unique shape and features massive walls and partitions. Its bay sizes are narrow and the overall configuration has sharply angled floors that create irregular, inefficient areas.

The Lafayette Building requires substantial renovation to bring the building up to current modern office building standards. New and efficient mechanical systems should be installed, along with replacing the current electrical system. The building also needs to be brought into compliance with disability access requirements, asbestos needs to be removed, and finishes require refurbishment. Replacement of the single-glazed windows will improve the building's energy efficiency. Because of its historical significance, the renovation will preserve the original design to the maximum extent feasible.²

² Note – some GSA initiatives, such as Sustainability ("Building Green"), Design Excellence and Construction Excellence measures, and level-4 security measures such as Blast-proofing and Glass Fragmentation were not included in the MAP feasibility report.

The first renovation concept will maintain the building in its current configuration and preserve all of the historically significant interior corridors and spaces. Restrooms and stairs would be rehabilitated, and only areas designated as renovation zones would be altered in more substantial ways to meet the needs of the two tenants. The second concept allows greater flexibility with respect to space planning within the office interiors by removing corridors in some areas even though they are considered historically significant. This will create more efficient layouts of workspace and offices. This concept also proposes some changes to the existing interiors to recapture space to use for mechanical equipment, utility closets and office space.

The models assume concept two and that zoning and historic preservation approval enabling the renovation of space noted above is obtained.

SUBMARKET OVERVIEW:

According to AEW Research, the Washington, D.C. metropolitan area is in its tenth year of a real estate cycle upswing. The regional market encompasses approximately 275 million square feet of space, making it the second largest office market in the country. The metro area's direct vacancy rate at the end of 2000 was 3.6%. The only other major U.S. markets that rival Washington's vacancy rate are Boston and San Francisco. Over 100 million square feet of office space is located within the District of Columbia, and demand for both Class A and Class B/C space has been strong, causing rental rates to increase significantly. Over the next five years, office employment is predicted to increase at close to 1.7% per year, which should support continued (albeit slower) absorption.

The Lafayette Building is located in the Central Business District (CBD) submarket, the largest of the seven submarkets within the District of Columbia. The area includes 36 million square feet of space, 85% of which is considered Class B/C space. Strong demand and moderate new construction in the area led to a sharp decline in vacancy rates, which fell from 10.6% in 1995 to 2.6% at the end of 2000. Rents rose 10% in 2000 to \$42.50 per square foot for Class A space and \$31.75 per square foot for Class B space, reflecting the tightening market conditions.

New supply is continuing to enter the market, prompted by a lack of large contiguous blocks of available space, robust absorption, rising rental rates and relatively low vacancy rates. Construction in the submarket is occurring at a fairly robust pace, although at considerably lower levels than one year ago. As of year-end 2000, there was 1.2 million square feet of space under construction or renovation according to Delta Associates. The recent economic slowdown is causing some planned developments to remain on hold.

Still, absorption has been equally strong. In 2000, 1.4 million square feet of space was absorbed. Anticipated absorption is expected to slow, but will continue to outpace deliveries of new space to the market, providing continued rate pressure through the next year. Beyond 2001, steady absorption and low vacancy rate should draw further new construction into the market, but not at levels that will push the market below strong/equilibrium conditions.

The factors affecting the District's ability to absorb space are expected to support continued positive market conditions. These factors include: the consistent performance of the business services sector; the continuation of a general turnaround and related ebb in the loss of population

and increase in optimism in the city; and demand for office space supported by a plethora of policy organizations, trade associations and lobbying firms. The Lafayette Building is well located to benefit from these factors.

SPECIFIC PROPERTY MODELING ASSUMPTIONS:

Construction Costs:	\$69,181,936 – concept one; \$69,121,367 – concept two
Government Equity:	\$26,587,568
Private Partner Equity:	\$27,672,775
Anticipated Construction Loan:	\$41,500,000, 7.5%, interest deferral, no amortization
Permanent Loan:	75% LTV, 7.0% interest, 25 year amortization
Refinanced Loans:	65% LTV, 7.0% interest, 25 year amortization
Annual Ground Rent:	\$1,329,378
Government Share:	49%, based on imputed value of capital account
Private Partner Share:	51%
Capital Improvements:	In the 50-year model, we assume a standard charge of \$50 per gross square foot is applied to the buildings for the purpose of additional building renovation in the sixth month of year 31. Another \$50 per square foot is applied to complete the renovation at the beginning of year 32. The amounts for capital improvements are in 2001 dollars.

KEY GENERAL MODELING ASSUMPTIONS:

The Lafayette Building has been modeled by Bolan Smart Associates according to the following general real estate assumptions.

Renovation Method:	Design/Bid/Build – the most lengthy of all renovation scenarios, but substantially reduces risk with respect to construction and cost overruns.
Construction Start Date:	2005
Construction Completion:	36 months
Tenancy:	It is assumed the Department of Veterans Affairs and the Export-Import Bank will relocate to swing space until the

	renovation is complete and will return immediately thereafter.
Swing Space Rent:	\$46.20 per rentable square foot
Moving Costs:	\$15.00 per useable square foot
Re-occupancy Rent:	\$41.07 per rentable square foot under concept one and \$46.38 per rentable square foot under concept two.
Rental Growth Rate:	1.75% per year
Operating Expense Growth:	2.0% per year
Tenant Improvements:	During renovation, tenant improvement allowances are assumed at \$37.50 per square foot.
Parking Income:	129 spaces at \$200 per month per space.

III. APPENDIX B - DISCUSSION AND SUPPORTING ANALYSIS

OWNER AND TENANT RESULTS UNDER THE CAPITAL FUNDING OPTIONS

The Lafayette Building benefits from its excellent location on Lafayette Square with views of the White House. The property's premier location and strength of the local real estate market should serve to make the renovation financially successful through direct funding, and would attract significant interest from the private sector if a Public/Private Partnership funding option were to be considered. A complete renovation would substantially increase the appeal and long-term viability of the Lafayette Building.

The financial models included in this report analyze the following scenarios: (1) the government as sole holder under traditional prospectus funding and (2) the government as minority partner to a private sector developer/partner. This analysis assumes that a separate scenario modeled under enhanced-use lease authority will result in no difference from the Public/Private model results. All discussion about the Public/Private scenario applies to the enhanced-use scenario as well.

The identical results are due to the fact that enhanced-use leasing shares many of the same characteristics with public/private financing in that both scenarios involve accessing private sector equity capital, either equity or bond financing. Neither alternative will have an economic advantage over the other for purposes of renovating the Lafayette Building. Risk levels and required rates of return in the private capital markets are similar under both scenarios, consequently, no other scenario will be able to obtain a lower capital cost structure in the private capital markets.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
BCC: Bradford A. Berenson (Bradford A. Berenson/WHO/EOP [WHO])
Sent: 8/13/2001 6:48:38 AM
Subject: : Re: adtl guidance for agencies re: executive privilege

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-AUG-2001 10:48:38.00

SUBJECT:: Re: adtl guidance for agencies re: executive privilege

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I left a message for Ms. McDonald informing her that we had not completed any further written guidance and advising her that if she had an issue that she thought might implicate privilege, she should call us directly for oral guidance.

Elizabeth N. Camp
08/12/2001 07:12:21 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: adtl guidance for agencies re: executive privilege

Erin McDonald from Office of Special Counsel called on Thursday to find out if additional guidance memos were issued to agencies re: executive privilege. All she has is the Jan. 25 memo that indicated more info is coming.

Would one of you call her back at 202-653-8971 or fax to her the additional info at 202-653-5761.

If additional guidance is not yet available please let me know.

Thanks!

REV_00130893

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kathryn C. Thompson/OMB/EOP@EOP [OMB] <Kathryn C. Thompson>
Sent: 8/13/2001 8:53:58 AM
Subject: : LRM KCT62 - - VETERANS AFFAIRS Report on S1114 Increase Amount of Educational Benefits for V Veterans Under Montgomery GI Bill
Attachments: P_IV893004_WHO.TXT_1.wpd; P_IV893004_WHO.TXT_2.txt

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 13-AUG-2001 12:53:58.00

SUBJECT:: LRM KCT62 - - VETERANS AFFAIRS Report on S1114 Increase Amount of Educational Benefits for V

Veterans Under Montgomery GI Bill

TO: Kathryn C. Thompson (CN=Kathryn C. Thompson/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

White House Counsel's Office has no objection.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
08/13/2001 12:53 PM -----

Allison L. Riepenhoff
08/13/2001 12:46:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: LRM KCT62 - - VETERANS AFFAIRS Report on S1114 Increase Amount of Educational Benefits for Veterans Under Montgomery GI Bill

----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
08/13/2001 12:46 PM -----

From: Kathryn C. Thompson on 08/13/2001 12:42:12 PM
Record Type: Record

To: dodlrs@osdgc.osd.mil , ogc_legislation@ed.gov , dot.legislation@ost.dot.gov
cc: See the distribution list at the bottom of this message
Subject: LRM KCT62 - - VETERANS AFFAIRS Report on S1114 Increase Amount of Educational Benefits for Veterans Under Montgomery GI Bill

The following is LRM ID: KCT62 -- Veterans Affairs Report on S. 1114, Increase Amount of Educational Benefits for Veterans Under Montgomery GI Bill. The VA report is attached below in Wordperfect format and it consists of four pages. The bill text of S. 1114 is attached below in html format and it consists of two pages.

Please comment on the VA report by 3 p.m., Friday, August 17th. If I do not hear from you by the deadline, I will assume that you have no objection to the VA report.

Agencies: This e-mail follows the faxed version of the LRM.

LRM ID: KCT62
EXECUTIVE OFFICE OF THE PRESIDENT

REV_00130894

Monday, August 13, 2001

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below

FROM: Ingrid M. Schroeder (for) Assistant Director for
Legislative Reference

OMB CONTACT: Kathryn C. Thompson

PHONE: (202)395-7596 FAX: (202)395-6148

SUBJECT: VETERANS AFFAIRS Report on S1114 Increase Amount of
Educational Benefits for Veterans Under Montgomery GI Bill

DEADLINE: 3 p.m. Friday, August 17, 2001

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: This report states VA's views on S. 1114, which would incrementally increase the basic Montgomery GI Bill (MGIB) benefit from its current amount of \$650/month to \$1100/month in FY 2004. S. 1114 would also suspend the annual CPI-based adjustment in MGIB rates beginning in FY 2002, and would reinstate the adjustment in FY 2005. VA states that the President would support MGIB program improvements if they can be accommodated within the overall budget limits agreed to by the President and Congress. S. 1114 is substantively identical to H.R. 1291, which passed the House on June 19th.

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Robert Marsh

WHGC LRM

OVP LRM

Ingrid M. Schroeder
LRM ID: KCT62 SUBJECT: VETERANS AFFAIRS Report on S1114 Increase
Amount of Educational Benefits for Veterans Under Montgomery GI Bill

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Kathryn C. Thompson Phone: 395-7596 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-7362

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Copied

To: _____
Robin Cleveland/OMB/EOP@EOP
Kathleen Peroff/OMB/EOP@EOP
Toni S. Hustead/OMB/EOP@EOP
Winifred Y. Chang/OMB/EOP@EOP
Kelli A. Hagen/OMB/EOP@EOP
Mary L. Hildreth/OMB/EOP@EOP
Cameron M. Leuthy/OMB/EOP@EOP
Wendell H. Waites/OMB/EOP@EOP
Eugene J. Devine/OMB/EOP@EOP
Mary Jo Siclari/OMB/EOP@EOP
Lorenzo Rasetti/OMB/EOP@EOP
Jennifer S. Kron/OMB/EOP@EOP
Michael J. Cassidy/OMB/EOP@EOP
Sarah S. Lee/OMB/EOP@EOP
Karyn T. Carson/OMB/EOP@EOP

Christine C. McCarlie/OMB/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
Robert Marsh/WHO/EOP@EOP
WHGC LRM
OVP LRM
Ingrid M. Schroeder/OMB/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IV893004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IV893004_WHO.TXT_2>

The Honorable Arlen Specter
Ranking Member
Committee on Veterans' Affairs
United States Senate
Washington, D.C. 20510

Dear Senator Specter:

Pursuant to your letter of June 28, 2001, I am pleased to provide the Committee the views of the Department of Veterans Affairs (VA) and our cost estimate on S.1114, 107th Congress, which would "increase the amount of education benefits for veterans under the Montgomery GI Bill." VA's answers to your questions for the record will be sent to you under separate cover, as will our views on S. 1113.

S. 1114 would provide for stepped education assistance benefit increases under the Montgomery GI Bill (MGIB) for Fiscal Years 2002 through 2004. Individuals whose obligated period of active duty is three or more years would receive full-time monthly benefits of \$800 for 2002, \$950 for 2003, and \$1,100 for 2004. Individuals whose obligated period of service is less than three years would receive monthly benefits of \$650 for 2002, \$772 for 2003, and \$894 for 2004. Proportionately lesser amounts would be payable for less than full-time training.

This measure, further, would suspend the statutory annual CPI-based adjustment in MGIB rates beginning in Fiscal Year 2002 and would reinstate that adjustment beginning in Fiscal Year 2005.

The President's FY 2002 Budget includes the annual cost-of-living increase for education benefits for veterans and servicemembers, but does not include an additional MGIB benefit increase. However, the President would support MGIB program improvements, to include a reasonable increase in rates, if they can be accommodated within the overall budget limits agreed to by the President and Congress. In this regard, as mentioned in my June 7, 2001, testimony before the House Committee on Veterans' Affairs Subcommittee on Benefits, VA does support, within the framework of those spending limits, the stepped MGIB rate increases contained in H.R. 1291, a bill similar to S. 1114.

2.

The Honorable Arlen Specter

Enactment of S. 1114, as drafted, would result in an increase in benefits cost subject to the pay-as-you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act of 1990. VA estimates the benefits cost increase at approximately \$250 million in FY 2002, a 5-year total of \$3.2 billion over the period FYs 2002 – 2006, and a projected 10-year total of \$8.3 billion over the period FYs 2002 – 2011. We are enclosing a detailed 10-year cost estimate, together with the assumptions and methodology used in arriving at this estimate.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Anthony J. Principi

Methodology

a) Identification – S. 1114.

b) Highlights - This proposal provides for increases to the Montgomery GI Bill monthly benefit payments in Fiscal Years 2002, 2003, and 2004. The full-time rates for a participant whose obligated period of service is three or more years would increase from \$650 to \$800 in 2002, to \$950 in 2003, and finally to \$1,100 in 2004. For participants with an obligated period of service of less than three years, the full-time rate would increase from \$528 to \$650 for 2002, to \$772 for 2003, and \$894 for 2004. Proportionally lesser amounts would be payable for less than full-time training.

c) Estimated Benefit Costs and Trainee Estimate –

	Trainees (suction)	Obligations (\$'s in 000)
2002	800	\$ 250,000
2003	1,700	510,000
2004	4,200	779,000
2005	7,700	807,000
2006	11,700	833,000
2007	17,200	872,000
2008	24,100	946,000
2009	31,000	1,020,000
2010	38,200	1,105,000
2011	45,300	1,162,000
Five-Year Obligations		\$3,179,000
Ten-Year Obligations		\$8,284,000

d) Administrative Costs – We assume that any additional employment

requirements or administrative costs will be absorbed with current resources.

e) Benefits Methodology – In costing this proposal, we increased the 2001 annual average rate shown in the 2002 Congressional Budget submission by the proposed 23.1 percent rate increase (rounded to the nearest dollar) to compute the revised annual average benefit payment in 2002, by 18.8 percent in 2003, and 15.8 percent in 2004, in lieu of automatic CPI adjustments. Commencing in fiscal year 2005, educational rate increases would once again be tied to the CPI. To compute the cost, we multiplied the revised annual average benefit payments by the number of chapter 30 trainees included in the 2002 Congressional Budget submission. The costs generated from this calculation were subtracted from the costs that were already included in the 2002 budget submission for the annual CPI increase to arrive at the additional monthly benefit payments. To compute the additional trainees from suction (i.e., the effect of new individuals being drawn into the program as a result of the proposed increased benefits), we assumed that the trainees from the 2002 Congressional Budget submission would gradually increase as the monthly benefit rose to make attending a four-year in-state public institution of higher learning more affordable. In the first year, we estimate that trainees would increase by .002 percent, with incremental increases reaching 13 percent by 2011.

f) Other Assumptions – Enactment date October 1, 2001.

107th CONGRESS

1st Session

S. 1114

To amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill.

IN THE SENATE OF THE UNITED STATES

June 27, 2001

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL- (1) Section 3015(a)(1) of title 38, United States Code , is amended to read as follows:

 “(1) for an approved program of education pursued on a full-time basis, at the monthly rate of--

 “(A) for months occurring during fiscal year 2002, \$800,

 “(B) for months occurring during fiscal year 2003, \$950,

 “(C) for months occurring during fiscal year 2004, \$1,100, and

 “(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or’.

(2) Section 3015(b)(1) of such title is amended to read as follows:

 “(1) for an approved program of education pursued on a full-time basis, at the monthly rate of--

`(A) for months occurring during fiscal year 2002, \$650,

`(B) for months occurring during fiscal year 2003, \$772,
< /ul>

`(C) for months occurring during fiscal year 2004, \$894, and

`(D) for months occurring during a subsequent fiscal year,
the amount for months occurring during the previous fiscal
year increased under subsection (h); or'.

(b) CPI ADJUSTMENT- No adjustment in rates of educational
assistance shall be made under section 3015(h) of title 38, United States
Code, for fiscal years 2002, 2003, and 2004.

END

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/13/2001 6:18:54 AM
Subject: : My phone's been ringin' off the hook on this one...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-AUG-2001 10:18:54.00

SUBJECT:: My phone's been ringin' off the hook on this one...

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

As this is an SG matter, do you want to follow up with Paul and Diana, or would you like me to do it as our disability dude?

----- Forwarded by Bradford A. Berenson/WHO/EOP on
08/13/2001 10:18 AM -----

Diana L. Schacht
08/13/2001 09:51:27 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: My phone's been ringin' off the hook on this one...

can we find out more about this case? It sounds as though DOJ filed an amicus brief -- did you know about it by any chance?
----- Forwarded by Diana L. Schacht/OPD/EOP on 08/13/2001
09:50 AM -----

Gian-Carlo A. Peressutti
08/08/2001 10:00 AM
Record Type: Record

To: Diana L. Schacht/OPD/EOP@EOP, John M. Ackerly/OPD/EOP@EOP, Daniel W. Sutherland/WHO/EOP@EOP, Katie Hong/WHO/EOP@EOP
cc: Jennifer C. Sheehy/OPD/EOP@EOP
Subject: My phone's been ringin' off the hook on this one...

Case Leaves Disabilities Activists Wary Of Bush Policy

By Sarah Schafer
Washington Post Staff Writer
Wednesday, August 8, 2001; Page E01

The Justice Department has filed a Supreme Court brief supporting a company that is being sued for allegedly discriminating against a woman with a disability, worrying some activists about the Bush administration's willingness to defend the rights of the disabled.

REV_00130906

In the brief, the solicitor general argues that a lower court used flawed reasoning to classify the woman as disabled. The brief further argues that the high court should send the case back to the lower court so it can reconsider its ruling.

Advocates for the disabled said that the Justice Department made good legal points. But they question why the administration took sides, filing a brief that favors the employer, Toyota Motor Manufacturing Kentucky Inc.

"They could have done it because they were being hyper-technical, or they could have done it because they were trying to pander in some way to the business community," said Chai Feldblum, a professor at the Georgetown University Law Center who helped draft the Americans With Disabilities Act of 1990.

Many activists said they fear the latter. They are watching closely for how the Justice Department behaves in several upcoming cases. "This is one step in the wrong direction," Feldblum said.

Dan Nelson, a Justice Department spokesman, said that "the brief speaks for itself" and would not comment further.

The White House said it is committed to supporting the rights of disabled Americans.

"As you know, President Bush is a strong supporter of the Americans With Disabilities Act," said White House spokesman Scott Stanzel, adding that the president introduced an initiative early in his presidency to fund transportation for disabled workers and encourage companies to create technology to assist them at work, among other things. "President Bush will remain vigilant in protecting the rights of individuals with disabilities, and he is proud to support the ADA. His father signed that act into law."

But groups of advocates for the disabled, seniors, labor and others are closely watching the Bush administration for signs of how supportive it will be of their various causes. And many of the more liberal groups do not like what they see so far.

As a result, they are bracing for battle. They are recruiting more people to work at the grass-roots level, creating or beefing up lobbying arms, and -- like the disability rights groups -- becoming involved in lawsuits that could set precedents.

"I think you'll see battles royale in court," said one former Clinton Justice Department lawyer who is now in private practice and asked that his name not be used. "When the advocacy group and the administration basically agree, all of the fighting is within the family. . . . When [they disagree], all of the real action is in court."

For example, earlier this year, the AARP Foundation Litigation, an affiliate of AARP, a nonprofit advocacy group for people over 50, joined the legal battle against companies that force employees to sign agreements waiving their right to sue for employment discrimination. The group worried that these agreements would hurt older workers in particular. Until a recent Supreme Court ruling, the lower courts had not been consistent in deciding the legality of these agreements.

The liberal Alliance for Justice, a national association of environmental, civil rights, mental health, women's and other advocacy organizations, is trying to boost its grass-roots efforts. It's also creating a spinoff organization "that will give us a lot more leverage to lobby and really bring our issues full force to [Capitol] Hill," said Julie Bernstein, spokeswoman for the Alliance.

Already, several groups -- including the AFL-CIO, an umbrella group for more than 60 unions -- are preparing briefs to submit in favor of the worker in the Toyota case.

That case, which the Supreme Court will address this fall, deals with the scope of the Americans With Disabilities Act, which protects people with disabilities from various forms of discrimination, including on the job. Ella Williams, an assembly-line worker at a Toyota plant in Kentucky, claims in the lawsuit that she developed carpal tunnel syndrome from her job. She alleged that the company fired her in violation of the ADA when she refused a different job that would still require her to perform some manual labor.

Toyota claimed that it tried to accommodate Williams and that she should not be considered legally disabled anyway because she was unable to perform only some tasks. An appeals court sided with Williams, and the company appealed to the Supreme Court. The brief filed by the Justice Department does not address whether Williams is disabled. It simply contends that the lower court erred in the way it decided that she was.

Andrew Imparato of the American Association of People With Disabilities said his organization does not dispute the facts of the brief. But he called the administration's overt support of Toyota "unusual" and a departure from the Clinton era. "We want to make sure they go to bat for the ADA in the same way that the Clinton administration . . . went to bat for the ADA," he said, adding that Clinton had a far-from-perfect record on supporting the law.

To that end, the association has stepped up its activism efforts and become more litigious. Two months ago, it launched a project to protect the voting rights of the disabled. It has since sued several jurisdictions that have purchased voting equipment that is ill-equipped to handle, for example, the needs of blind voters.

"If the Justice Department were more active on that issue, we wouldn't have to do that," Imparato said.

Imparato's group has also been active in opposing several of Bush's federal court nominees who they claim take too narrow a view of who should receive protection under federal disability laws.

Imparato said he hasn't lost hope, however. He and others point out that the Justice Department has filed at least one other brief that supported the disabled party in a lawsuit. In addition, a few people were recently surprised to be invited into the White House to talk about their concerns with administration officials during a march on the White House by several hundred activists.

"There's a mixed message. . . . This administration has demonstrated support," said Marcie Roth, director of advocacy and public policy for the National Council on Independent Living, an Arlington-based organization for the disabled. "We remain ever vigilant."

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Ed_Haden@judiciary.senate.gov @ inet [UNKNOWN] <Ed_Haden@judiciary.senate.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/13/2001 2:07:14 PM
Subject: : Huff

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-AUG-2001 18:07:14.00
SUBJECT:: Huff
TO:Ed_Haden@judiciary.senate.gov (Ed_Haden@judiciary.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ed:
Per your request, Brett Kavanaugh called Judge Huff about the need for more judges in the S.D. Cal.

RLB

----- Forwarded by Rachel L. Brand/WHO/EOP on 08/13/2001
06:07 PM -----

Brett M. Kavanaugh
08/13/2001 05:31:55 PM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc:
Subject: Huff

You can report back to Senator Sessions that I have talked to Judge Huff (or, more accurately, she talked to me).

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 8/14/2001 6:06:12 AM
Subject: : No JSC meeting this week!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-AUG-2001 10:06:12.00

SUBJECT:: No JSC meeting this week!

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

REV_00130922

READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We'll let you know about next week later.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
Sent: 8/14/2001 10:30:48 AM
Subject: : Re: Draft EO

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 14-AUG-2001 14:30:48.00

SUBJECT:: Re: Draft EO

TO: GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

4:00 would be great, and we can discuss the other matters as well
then

GaryM Stern <garym.stern@nara.gov>

08/14/2001 02:21:21 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Draft EO

I am reviewing the draft; will you be available to discuss later this
afternoon, say around 4:00?

>>> <Brett_M._Kavanaugh@who.eop.gov> 8/14/01 11:59:11 AM >>>

I would appreciate your confidential comments on the attached draft EO
as soon as possible. Please be aware that we consider this draft highly
confidential and therefore request that you take appropriate measures to
ensure that it remains that way. Thanks very much. (See attached file:
Reagan records EO August 13.doc)

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Jennifer C. Sheehy/OPD/EOP@EOP [OPD] <Jennifer C. Sheehy>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;alex.acosta@usdoj.gov @inet [UNKNOWN] <alex.acosta@usdoj.gov>;gian-carlo a. peressutti/who/eop@eop [WHO] <gian-carlo a. peressutti>
Sent: 8/15/2001 4:34:16 AM
Subject: : Re: White House counsel meeting with disability leaders

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-AUG-2001 08:34:16.00
SUBJECT:: Re: White House counsel meeting with disability leaders
TO:Jennifer C. Sheehy (CN=Jennifer C. Sheehy/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alex.acosta@usdoj.gov (alex.acosta@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:gian-carlo a. peressutti (CN=gian-carlo a. peressutti/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

That plan sounds fine with me. The Counsel's Office folks will plan to attend from 3 to 4.

Jennifer C. Sheehy
08/14/2001 07:36:04 PM
Record Type: Record

To: alex.acosta@usdoj.Gov @ inet, Bradford A. Berenson/WHO/EOP@EOP,
Gian-Carlo A. Peressutti/WHO/EOP@EOP
cc:
Subject: White House counsel meeting with disability leaders

Alan Reich and Andy Imparato are available on Thursday, Aug. 23rd from 3 PM to 5 PM. (Michael Deland is on vacation) As we discussed, the first hour will be spent discussing President Bush's judicial nominees and the second hour Gian-Carlo and I will be available to discuss other issues. Unless I hear of any conflicts from you guys, I will proceed with inviting other disability leaders.

Thanks!
Jennifer

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 8/15/2001 4:36:15 AM
Subject: : Re: revised
Attachments: P_YZAA3004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-AUG-2001 08:36:15.00
SUBJECT:: Re: revised
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Great. I will try this morning to add my thoughts directly to the document, and then I'll recirculate to you and Brett to see if Brett has any others. After that, we should be ready to share it with the Judge.

Robert W. Cobb
08/14/2001 07:14:31 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: revised

I agree with Brett that the version with the legal text in the outline was impossible to follow. Here it is with the text after.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YZAA3004_WHO.TXT_1>

I. No statutory authority for retroactive look for violations of conflict of interest law in certification process

A. Statutes and Regulations

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The statute and the implementing regulations contemplate a procedure for obtaining information where there are questions about the information supplied on the report. In connection with bringing an individual into compliance with conflicts laws and regulations, specific remedies are provided. These are all forward-looking.

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1. What protection does OGE have from Congressional subpoenas?

II. Process in the White House

A. Ethics Program

1. Ethics training and briefings.
2. Staff manual and issuance of other relevant policies, such as the contacts memo (limiting the scope of WH employee involvement in particular matters pending at agencies.)
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2. 5 C.F.R 2634, Executive Branch Financial Disclosure5
Subpart F—Procedure: Sec. 2634.605 Review of reports.
3. 5 U.S.C. app. 402. Authority and functions7

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(2) Each congressional ethics committee and the Judicial Conference shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.

(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

(2) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, after reviewing any report under subsection (a) –

(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

(3) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the Judicial Conference, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate –

(A) divestiture,

(B) restitution,

(C) the establishment of a blind trust,

(D) request for an exemption under section 208(b) of title 18, United States Code, or

(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position in the executive branch (other than in the Foreign Service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction.

Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

Subpart F--Procedure

Sec. 2634.605 Review of reports.

(a) In general. The designated agency ethics official shall normally serve as the reviewing official for reports submitted to his agency. That responsibility may be delegated, except in the case of certification of nominee reports required by paragraph (c) of this section. See also Sec. 2634.105(q). He shall note on any report or supplemental report the date on which it is received. Except as indicated in paragraph (c) of this section, all reports shall be reviewed within 60 days after the date of filing. **Reports reviewed by the Director of the Office of Government Ethics shall be reviewed within 60 days from the date on which they are received by that Office.** Final certification in accordance with paragraph (b)(2) of this section may, of necessity, occur later, where additional information is being sought or remedial action is being taken under this section.

(b) Responsibilities of reviewing officials—

(1) Initial review. The reviewing official may request an intermediate review by the filer's supervisor. In the case of a filer who is detailed to another agency for more than 60 days during the reporting period, the reviewing official shall obtain an intermediate review by the agency where the filer served as a detailee. After obtaining any intermediate review or determining that such review is not required, **the reviewing official shall examine the report to determine, to his satisfaction that:**

(i) Each required item is completed; and

(ii) No interest or position disclosed on the form violates or appears to violate:

(A) Any applicable provision of chapter 11 of title 18, United States Code;

(B) The Act, as amended, and the implementing regulations;

(C) Executive Order 12674, as modified by Executive Order 12731, and the implementing regulations; or

(D) Any other agency-specific statute or regulation which governs the filer.

(2) **Signature by reviewing official.** If the reviewing official determines that the report meets the requirements of paragraph (b)(1) of this section, he shall certify it by signature and date. The reviewing official need not audit the report to ascertain whether the disclosures are correct. Disclosures shall be taken at "face value" as correct, unless there is a patent omission or ambiguity or the official has independent knowledge of matters outside the report. However, a report which is signed by a reviewing official certifies that the filer's agency has reviewed the report, and that the reviewing official has concluded that each required item has been completed and that on the basis of information contained in such report the filer is in compliance with applicable laws and regulations noted in paragraph (b)(1)(ii) of this section.

(3) Requests for, and review based on, additional information. **If the reviewing official believes that additional information is required, he shall request that it be submitted by a specified date. This additional information shall be made a part of the report.** If the reviewing official concludes, on the basis of the information disclosed in the report and any additional information submitted, that the report fulfills the requirements of paragraph (b)(1) of this section, the reviewing official shall sign and date the report.

(4) **Compliance with applicable laws and regulations.** If the reviewing official concludes that information disclosed in the report may reveal a violation of applicable laws and regulations as specified in paragraph (b)(1)(ii) of this section, the official shall:

(i) Notify the filer of that conclusion;
(ii) Afford the filer a reasonable opportunity for an oral or written response; and
(iii) Determine, after considering any response, whether or not the filer is then in compliance with applicable laws and regulations specified in paragraph (b)(1)(ii) of this section. If the reviewing official concludes that the report does fulfill the requirements, he shall sign and date the report. If he determines that it does not, he shall:

(A) Notify the filer of the conclusion;
(B) Afford the filer an opportunity for personal consultation if practicable;
(C) **Determine what remedial action under paragraph (b)(5) of this section should be taken to bring the report into compliance with the requirements of paragraph (b)(1)(ii) of this section;** and
(D) Notify the filer in writing of the remedial action which is needed, and the date by which such action should be taken.

(5) Remedial action.

(i) Except in unusual circumstances, which must be fully documented to the satisfaction of the reviewing official, remedial action shall be completed not later than three months from the date on which the filer received notice that the action is required.

(ii) Remedial action may include, as appropriate:

(A) Divestiture of a conflicting interest (see subpart J of this part);
(B) Resignation from a position with a non-Federal business or other entity;
(C) Restitution;
(D) Establishment of a qualified blind or diversified trust under the Act and subpart D of this part;
(E) Procurement of a waiver under 18 U.S.C. 208(b)(1) or (b)(3);
(F) Preparation of a written instrument of recusal (disqualification); or
(G) Voluntary request by the filer for transfer, reassignment, limitation of duties, or resignation.

(6) Compliance or referral.

(i) If the filer complies with a written request for remedial action under paragraph (b)(4) of this section, the reviewing official shall indicate, in the comment section of the report, what remedial action has been taken. The official shall also sign and date the report.

(ii) If the filer does not comply by the designated date with the written request for remedial action transmitted under paragraph (b)(4) of this section, the reviewing official shall, in the case of a public filer under subpart B of this part, notify the head of the agency and the Office of Government Ethics, for appropriate action. Where the filer is in a position in the executive branch (other than in the uniformed services or the Foreign Service), appointment to which requires the advice and consent of the Senate, the Director of the Office of Government Ethics shall refer the matter to the President. In the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken. For confidential filers, the reviewing official will follow agency procedures.

Sec. 402. Authority and functions

(a) **The Director shall provide**, in consultation with the Office of Personnel Management, **overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency, as defined in section 105 of title 5, United States Code.**

(b) The responsibilities of the Director shall include -

(1) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to conflicts of interest and ethics in the executive branch, including rules and regulations establishing procedures for the filing, review, and public availability of financial statements filed by officers and employees in the executive branch as required by title II of this Act;

(2) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to the identification and resolution of conflicts of interest;

(3) monitoring and investigating compliance with the public financial disclosure requirements of title II of this Act by officers and employees of the executive branch and executive agency officials responsible for receiving, reviewing, and making available financial statements filed pursuant to such title;

(4) **conducting a review of financial statements to determine whether such statements reveal possible violations of applicable conflict of interest laws or regulations and recommending appropriate action to correct any conflict of interest or ethical problems revealed by such review;**

(5) monitoring and investigating individual and agency compliance with any additional financial reporting and internal review requirements established by law for the executive branch;

(6) interpreting rules and regulations issued by the President or the Director governing conflict of interest and ethical problems and the filing of financial statements;

(7) consulting, when requested, with agency ethics counselors and other responsible officials regarding the resolution of conflict of interest problems in individual cases;

(8) establishing a formal advisory opinion service whereby advisory opinions are rendered on matters of general applicability or on important matters of first impression after, to the extent practicable, providing interested parties with an opportunity to transmit written comments with respect to the request for such advisory opinion, and whereby such advisory opinions are compiled, published, and made available to agency ethics counselors and the public;

(9) **ordering corrective action on the part of agencies and employees which the Director deems necessary;**

(10) requiring such reports from executive agencies as the Director deems necessary;

(11) assisting the Attorney General in evaluating the effectiveness of the conflict of interest laws and in recommending appropriate amendments;

(12) evaluating, with the assistance of the Attorney General and the Office of Personnel Management, the need for changes in rules and regulations issued by the Director and the agencies regarding conflict of interest and ethical problems, with a view toward making such rules and regulations consistent with and an effective supplement to the conflict of interest laws;

(13) cooperating with the Attorney General in developing an effective system for reporting allegations of violations of the conflict of interest laws to the Attorney General, as required by section 535 of title 28, United States Code;

(14) providing information on and promoting understanding of ethical standards in executive agencies; and

(15) developing, in consultation with the Office of Personnel Management, and promulgating such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.

(c) In the development of policies, rules, regulations, procedures, and forms to be recommended, authorized, or prescribed by him, the Director shall consult when appropriate with the executive agencies affected and with the Attorney General.

(d)(1) The Director shall, by the exercise of any authority otherwise available to the Director under this title, ensure that each executive agency has established written procedures relating to how the agency is to collect, review, evaluate, and, if applicable, make publicly available, financial disclosure statements filed by any of its officers or employees.

(2) In carrying out paragraph (1), the Director shall ensure that each agency's procedures are in conformance with all applicable requirements, whether established by law, rule, regulation, or Executive order.

(e) In carrying out subsection (b)(10), the Director shall prescribe regulations under which -

(1) each executive agency shall be required to submit to the Office an annual report containing -

(A) a description and evaluation of the agency's ethics program, including any educational, counseling, or other services provided to officers and employees, in effect during the period covered by the report; and

(B) the position title and duties of -

(i) each official who was designated by the agency head to have primary responsibility for the administration, coordination, and management of the agency's ethics program during any portion of the period covered by the report; and

(ii) each officer or employee who was designated to serve as an alternate to the official having primary responsibility during any portion of such period; and

(C) any other information that the Director may require in order to carry out the responsibilities of the Director under this title; and

(2) each executive agency shall be required to inform the Director upon referral of any alleged violation of Federal conflict of interest law to the Attorney General pursuant to section 535 of title 28, United States Code, except that nothing under this paragraph shall require any notification or disclosure which would otherwise be prohibited by law.

(f)(1) In carrying out subsection (b)(9) with respect to executive agencies, the Director -

(A) may -

(i) order specific corrective action on the part of an agency based on the failure of such agency to establish a system for the collection, filing, review, and, when applicable, public inspection of financial disclosure statements, in accordance with applicable requirements, or to modify an existing system in order to meet applicable requirements; or

(ii) order specific corrective action involving the establishment or modification of an agency ethics program (other than with respect to any matter under clause (i)) in accordance with applicable requirements; and

(B) shall, if an agency has not complied with an order under subparagraph (A) within a reasonable period of time, notify the President and the Congress of the agency's noncompliance in writing (including, with the notification, any written comments which the agency may provide).

(2)(A) In carrying out subsection (b)(9) with respect to individual officers and employees -

(i) the Director may make such recommendations and provide such advice to such officers and employees as the Director considers necessary to ensure compliance with rules, regulations, and Executive orders relating to conflicts of interest or standards of conduct;

(ii) if the Director has reason to believe that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director -

(I) may recommend to the head of the officer's or employee's agency that such agency head investigate the possible violation and, if the agency head finds such a violation, that such agency head take any appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) against the officer or employee, except that, if the officer or employee involved is the agency head, any such recommendation shall instead be submitted to the President; and

(II) shall notify the President in writing if the Director determines that the head of an agency has not conducted an investigation pursuant to subclause (I) within a reasonable time after the Director recommends such action;

(iii) if the Director finds that an officer or employee is violating any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director -

(I) may order the officer or employee to take specific action (such as divestiture, recusal, or the establishment of a blind trust) to end such violation; and

(II) shall, if the officer or employee has not complied with the order under subclause (I) within a reasonable period of time, notify, in writing, the head of the officer's or employee's agency of the officer's or employee's noncompliance, except that, if the officer or employee involved is the agency head, the notification shall instead be submitted to the President; and

(iv) if the Director finds that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director

(I) may recommend to the head of the officer's or employee's agency that appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) be brought against the officer or employee, except that if the officer or employee involved is the agency head, any such recommendations shall instead be submitted to the President; and

(II) may notify the President in writing if the Director determines that the head of an agency has not taken appropriate disciplinary action within a reasonable period of time after the Director recommends such action.

(B)(i) In order to carry out the Director's duties and responsibilities under subparagraph (A)(iii) or (iv) with respect to individual officers and employees, the Director may conduct investigations and make findings concerning possible violations of any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct applicable to officers and employees of the executive branch.

(ii)(I) Subject to clause (iv) of this subparagraph, before any finding is made under subparagraphs (A)(iii) or (iv), the officer or employee involved shall be afforded notification of the alleged violation, and an opportunity to comment, either orally or in writing, on the alleged violation.

(II) The Director shall, in accordance with section 553 of title 5, United States Code, establish procedures for such notification and comment.

(iii) Subject to clause (iv) of this subparagraph, before any action is ordered under subparagraph (A)(iii), the officer or employee involved shall be afforded an opportunity for a hearing, if requested by such officer or employee, except that any such hearing shall be conducted on the record.

(iv) The procedures described in clauses (ii) and (iii) of this subparagraph do not apply to findings or orders for action made to obtain compliance with the financial disclosure requirements in title 2 (FOOTNOTE 1) of this Act. For those findings and orders, the procedures in section 206 of this Act shall apply.

(FOOTNOTE 1) So in original. Probably should be title "II".

(3) The Director shall send a copy of any order under paragraph (2)(A)(iii) to -

(A) the officer or employee who is the subject of such order; and

(B) the head of officer's or employee's agency or, if such officer or employee is the agency head, to the President.

(4) For purposes of paragraphs (2)(A)(ii), (iii), (iv), and (3)(B), in the case of an officer or employee within an agency which is headed by a board, committee, or other group of individuals (rather than by a single individual), any notification, recommendation, or other matter which would otherwise be sent to an agency head shall instead be sent to the officer's or employee's appointing authority.

(5) Nothing in this title shall be considered to allow the Director (or any designee) to make any finding that a provision of title 18, United States Code, or any criminal law of the United States outside of such title, has been or is being violated.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/15/2001 6:17:48 AM
Subject: : OGE conversation
Attachments: P_JRDA3004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-AUG-2001 10:17:48.00
SUBJECT:: OGE conversation
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here the same thing with a couple of minor changes made to it. If you are going to make changes to it, be nice to have it done by 2 p.m. meeting. I'll also have a binder ready with relevant authorities.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JRDA3004_WHO.TXT_1>

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(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

(3) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the Judicial Conference, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate –

(A) divestiture,

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The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position in the executive branch (other than in the Foreign Service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction.

Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

Subpart F--Procedure

Sec. 2634.605 Review of reports.

(a) In general. The designated agency ethics official shall normally serve as the reviewing official for reports submitted to his agency. That responsibility may be delegated, except in the case of certification of nominee reports required by paragraph (c) of this section. See also Sec. 2634.105(q). He shall note on any report or supplemental report the date on which it is received. Except as indicated in paragraph (c) of this section, all reports shall be reviewed within 60 days after the date of filing. **Reports reviewed by the Director of the Office of Government Ethics shall be reviewed within 60 days from the date on which they are received by that Office.** Final certification in accordance with paragraph (b)(2) of this section may, of necessity, occur later, where additional information is being sought or remedial action is being taken under this section.

(b) Responsibilities of reviewing officials—

(1) Initial review. The reviewing official may request an intermediate review by the filer's supervisor. In the case of a filer who is detailed to another agency for more than 60 days during the reporting period, the reviewing official shall obtain an intermediate review by the agency where the filer served as a detailee. After obtaining any intermediate review or determining that such review is not required, **the reviewing official shall examine the report to determine, to his satisfaction that:**

(i) Each required item is completed; and

(ii) No interest or position disclosed on the form violates or appears to violate:

(A) Any applicable provision of chapter 11 of title 18, United States Code;

(B) The Act, as amended, and the implementing regulations;

(C) Executive Order 12674, as modified by Executive Order 12731, and the implementing regulations; or

(D) Any other agency-specific statute or regulation which governs the filer.

(2) **Signature by reviewing official.** If the reviewing official determines that the report meets the requirements of paragraph (b)(1) of this section, he shall certify it by signature and date. The reviewing official need not audit the report to ascertain whether the disclosures are correct. Disclosures shall be taken at "face value" as correct, unless there is a patent omission or ambiguity or the official has independent knowledge of matters outside the report. However, a report which is signed by a reviewing official certifies that the filer's agency has reviewed the report, and that the reviewing official has concluded that each required item has been completed and that on the basis of information contained in such report the filer is in compliance with applicable laws and regulations noted in paragraph (b)(1)(ii) of this section.

(3) Requests for, and review based on, additional information. **If the reviewing official believes that additional information is required, he shall request that it be submitted by a specified date. This additional information shall be made a part of the report.** If the reviewing official concludes, on the basis of the information disclosed in the report and any additional information submitted, that the report fulfills the requirements of paragraph (b)(1) of this section, the reviewing official shall sign and date the report.

(4) **Compliance with applicable laws and regulations.** If the reviewing official concludes that information disclosed in the report may reveal a violation of applicable laws and regulations as specified in paragraph (b)(1)(ii) of this section, the official shall:

(i) Notify the filer of that conclusion;
(ii) Afford the filer a reasonable opportunity for an oral or written response; and
(iii) Determine, after considering any response, whether or not the filer is then in compliance with applicable laws and regulations specified in paragraph (b)(1)(ii) of this section. If the reviewing official concludes that the report does fulfill the requirements, he shall sign and date the report. If he determines that it does not, he shall:

(A) Notify the filer of the conclusion;
(B) Afford the filer an opportunity for personal consultation if practicable;
(C) **Determine what remedial action under paragraph (b)(5) of this section should be taken to bring the report into compliance with the requirements of paragraph (b)(1)(ii) of this section;** and
(D) Notify the filer in writing of the remedial action which is needed, and the date by which such action should be taken.

(5) Remedial action.

(i) Except in unusual circumstances, which must be fully documented to the satisfaction of the reviewing official, remedial action shall be completed not later than three months from the date on which the filer received notice that the action is required.

(ii) Remedial action may include, as appropriate:

(A) Divestiture of a conflicting interest (see subpart J of this part);
(B) Resignation from a position with a non-Federal business or other entity;
(C) Restitution;
(D) Establishment of a qualified blind or diversified trust under the Act and subpart D of this part;
(E) Procurement of a waiver under 18 U.S.C. 208(b)(1) or (b)(3);
(F) Preparation of a written instrument of recusal (disqualification); or
(G) Voluntary request by the filer for transfer, reassignment, limitation of duties, or resignation.

(6) Compliance or referral.

(i) If the filer complies with a written request for remedial action under paragraph (b)(4) of this section, the reviewing official shall indicate, in the comment section of the report, what remedial action has been taken. The official shall also sign and date the report.

(ii) If the filer does not comply by the designated date with the written request for remedial action transmitted under paragraph (b)(4) of this section, the reviewing official shall, in the case of a public filer under subpart B of this part, notify the head of the agency and the Office of Government Ethics, for appropriate action. Where the filer is in a position in the executive branch (other than in the uniformed services or the Foreign Service), appointment to which requires the advice and consent of the Senate, the Director of the Office of Government Ethics shall refer the matter to the President. In the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken. For confidential filers, the reviewing official will follow agency procedures.

Sec. 402. Authority and functions

(a) **The Director shall provide**, in consultation with the Office of Personnel Management, **overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency, as defined in section 105 of title 5, United States Code.**

(b) The responsibilities of the Director shall include -

(1) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to conflicts of interest and ethics in the executive branch, including rules and regulations establishing procedures for the filing, review, and public availability of financial statements filed by officers and employees in the executive branch as required by title II of this Act;

(2) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to the identification and resolution of conflicts of interest;

(3) monitoring and investigating compliance with the public financial disclosure requirements of title II of this Act by officers and employees of the executive branch and executive agency officials responsible for receiving, reviewing, and making available financial statements filed pursuant to such title;

(4) **conducting a review of financial statements to determine whether such statements reveal possible violations of applicable conflict of interest laws or regulations and recommending appropriate action to correct any conflict of interest or ethical problems revealed by such review;**

(5) monitoring and investigating individual and agency compliance with any additional financial reporting and internal review requirements established by law for the executive branch;

(6) interpreting rules and regulations issued by the President or the Director governing conflict of interest and ethical problems and the filing of financial statements;

(7) consulting, when requested, with agency ethics counselors and other responsible officials regarding the resolution of conflict of interest problems in individual cases;

(8) establishing a formal advisory opinion service whereby advisory opinions are rendered on matters of general applicability or on important matters of first impression after, to the extent practicable, providing interested parties with an opportunity to transmit written comments with respect to the request for such advisory opinion, and whereby such advisory opinions are compiled, published, and made available to agency ethics counselors and the public;

(9) **ordering corrective action on the part of agencies and employees which the Director deems necessary;**

(10) requiring such reports from executive agencies as the Director deems necessary;

(11) assisting the Attorney General in evaluating the effectiveness of the conflict of interest laws and in recommending appropriate amendments;

(12) evaluating, with the assistance of the Attorney General and the Office of Personnel Management, the need for changes in rules and regulations issued by the Director and the agencies regarding conflict of interest and ethical problems, with a view toward making such rules and regulations consistent with and an effective supplement to the conflict of interest laws;

(13) cooperating with the Attorney General in developing an effective system for reporting allegations of violations of the conflict of interest laws to the Attorney General, as required by section 535 of title 28, United States Code;

(14) providing information on and promoting understanding of ethical standards in executive agencies; and

(15) developing, in consultation with the Office of Personnel Management, and promulgating such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.

(c) In the development of policies, rules, regulations, procedures, and forms to be recommended, authorized, or prescribed by him, the Director shall consult when appropriate with the executive agencies affected and with the Attorney General.

(d)(1) The Director shall, by the exercise of any authority otherwise available to the Director under this title, ensure that each executive agency has established written procedures relating to how the agency is to collect, review, evaluate, and, if applicable, make publicly available, financial disclosure statements filed by any of its officers or employees.

(2) In carrying out paragraph (1), the Director shall ensure that each agency's procedures are in conformance with all applicable requirements, whether established by law, rule, regulation, or Executive order.

(e) In carrying out subsection (b)(10), the Director shall prescribe regulations under which -

(1) each executive agency shall be required to submit to the Office an annual report containing -

(A) a description and evaluation of the agency's ethics program, including any educational, counseling, or other services provided to officers and employees, in effect during the period covered by the report; and

(B) the position title and duties of -

(i) each official who was designated by the agency head to have primary responsibility for the administration, coordination, and management of the agency's ethics program during any portion of the period covered by the report; and

(ii) each officer or employee who was designated to serve as an alternate to the official having primary responsibility during any portion of such period; and

(C) any other information that the Director may require in order to carry out the responsibilities of the Director under this title; and

(2) each executive agency shall be required to inform the Director upon referral of any alleged violation of Federal conflict of interest law to the Attorney General pursuant to section 535 of title 28, United States Code, except that nothing under this paragraph shall require any notification or disclosure which would otherwise be prohibited by law.

(f)(1) In carrying out subsection (b)(9) with respect to executive agencies, the Director -

(A) may -

(i) order specific corrective action on the part of an agency based on the failure of such agency to establish a system for the collection, filing, review, and, when applicable, public inspection of financial disclosure statements, in accordance with applicable requirements, or to modify an existing system in order to meet applicable requirements; or

(ii) order specific corrective action involving the establishment or modification of an agency ethics program (other than with respect to any matter under clause (i)) in accordance with applicable requirements; and

(B) shall, if an agency has not complied with an order under subparagraph (A) within a reasonable period of time, notify the President and the Congress of the agency's noncompliance in writing (including, with the notification, any written comments which the agency may provide).

(2)(A) In carrying out subsection (b)(9) with respect to individual officers and employees -

(i) the Director may make such recommendations and provide such advice to such officers and employees as the Director considers necessary to ensure compliance with rules, regulations, and Executive orders relating to conflicts of interest or standards of conduct;

(ii) if the Director has reason to believe that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director -

(I) may recommend to the head of the officer's or employee's agency that such agency head investigate the possible violation and, if the agency head finds such a violation, that such agency head take any appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) against the officer or employee, except that, if the officer or employee involved is the agency head, any such recommendation shall instead be submitted to the President; and

(II) shall notify the President in writing if the Director determines that the head of an agency has not conducted an investigation pursuant to subclause (I) within a reasonable time after the Director recommends such action;

(iii) if the Director finds that an officer or employee is violating any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director -

(I) may order the officer or employee to take specific action (such as divestiture, recusal, or the establishment of a blind trust) to end such violation; and

(II) shall, if the officer or employee has not complied with the order under subclause (I) within a reasonable period of time, notify, in writing, the head of the officer's or employee's agency of the officer's or employee's noncompliance, except that, if the officer or employee involved is the agency head, the notification shall instead be submitted to the President; and

(iv) if the Director finds that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director

(I) may recommend to the head of the officer's or employee's agency that appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) be brought against the officer or employee, except that if the officer or employee involved is the agency head, any such recommendations shall instead be submitted to the President; and

(II) may notify the President in writing if the Director determines that the head of an agency has not taken appropriate disciplinary action within a reasonable period of time after the Director recommends such action.

(B)(i) In order to carry out the Director's duties and responsibilities under subparagraph (A)(iii) or (iv) with respect to individual officers and employees, the Director may conduct investigations and make findings concerning possible violations of any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct applicable to officers and employees of the executive branch.

(ii)(I) Subject to clause (iv) of this subparagraph, before any finding is made under subparagraphs (A)(iii) or (iv), the officer or employee involved shall be afforded notification of the alleged violation, and an opportunity to comment, either orally or in writing, on the alleged violation.

(II) The Director shall, in accordance with section 553 of title 5, United States Code, establish procedures for such notification and comment.

(iii) Subject to clause (iv) of this subparagraph, before any action is ordered under subparagraph (A)(iii), the officer or employee involved shall be afforded an opportunity for a hearing, if requested by such officer or employee, except that any such hearing shall be conducted on the record.

(iv) The procedures described in clauses (ii) and (iii) of this subparagraph do not apply to findings or orders for action made to obtain compliance with the financial disclosure requirements in title 2 (FOOTNOTE 1) of this Act. For those findings and orders, the procedures in section 206 of this Act shall apply.

(FOOTNOTE 1) So in original. Probably should be title "II".

(3) The Director shall send a copy of any order under paragraph (2)(A)(iii) to -

(A) the officer or employee who is the subject of such order; and

(B) the head of officer's or employee's agency or, if such officer or employee is the agency head, to the President.

(4) For purposes of paragraphs (2)(A)(ii), (iii), (iv), and (3)(B), in the case of an officer or employee within an agency which is headed by a board, committee, or other group of individuals (rather than by a single individual), any notification, recommendation, or other matter which would otherwise be sent to an agency head shall instead be sent to the officer's or employee's appointing authority.

(5) Nothing in this title shall be considered to allow the Director (or any designee) to make any finding that a provision of title 18, United States Code, or any criminal law of the United States outside of such title, has been or is being violated.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 8/15/2001 1:19:00 PM
Subject: : Texas Ct. of Crim. Appeals Stages Beazley Execution

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-AUG-2001 17:19:00.00

SUBJECT:: Texas Ct. of Crim. Appeals Stages Beazley Execution

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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See CNN.com

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/15/2001 11:01:20 AM
Subject: : Re:

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-AUG-2001 15:01:20.00
SUBJECT:: Re:
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett Kavanagh is the presidential records guy -- he would know about this.

RLB

Kristen Silverberg
08/15/2001 02:53:14 PM
Record Type: Record

To: Rebecca A. Beynon/OMB/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP,
Noel J. Francisco/WHO/EOP@EOP
cc:
Subject:

Do you know anything about this?
----- Forwarded by Kristen Silverberg/WHO/EOP on
08/15/2001 02:52 PM -----

Kenneth B. Mehlman
08/15/2001 11:47:17 AM
Record Type: Record

To: John M. Bridgeland/OPD/EOP@EOP, Joel D. Kaplan/WHO/EOP@EOP,
Kristen Silverberg/WHO/EOP@EOP
cc:
Subject:

Do y'all know anything about a forthcoming Executive Order where we will delay the release of Ronald Reagan's White House papers?

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 8/15/2001 1:19:27 PM
Subject: : Re: Texas Ct. of Crim. Appeals Stayes Beazley Execution

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-AUG-2001 17:19:27.00
SUBJECT:: Re: Texas Ct. of Crim. Appeals Stayes Beazley Execution
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
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READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
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CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

The story's not even accurate.

Noel J. Francisco
08/15/2001 04:10:12 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Texas Ct. of Crim. Appeals Stayes Beazley Execution

See CNN.com

Message Sent
To:
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP

REV_00130975

Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/15/2001 1:59:48 PM
Subject: : OGE meeting 10:00 on Friday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-AUG-2001 17:59:48.00

SUBJECT:: OGE meeting 10:00 on Friday

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
BCC: Lizette.D.Benedi@usdoj.gov (Lizette.D.Benedi@usdoj.gov [UNKNOWN]),
Dan.Bryant@usdoj.gov (Dan.Bryant@usdoj.gov [UNKNOWN]), Adam.Ciongoli@usdoj.gov (Adam.Ciongoli@usdoj.gov [UNKNOWN]), Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN]), Sheila.Joy@usdoj.gov (Sheila.Joy@usdoj.gov [UNKNOWN]),
Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN]),
Lori.Rabjohns@usdoj.gov (Lori.Rabjohns@usdoj.gov [UNKNOWN]),
Lori.SharpeDay@usdoj.gov (Lori.SharpeDay@usdoj.gov [UNKNOWN]), Neal.Suit@usdoj.gov (Neal.Suit@usdoj.gov [UNKNOWN]), Mindy.Tucker@usdoj.gov (Mindy.Tucker@usdoj.gov [UNKNOWN]), Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN]),
Bradford A. Berenson (Bradford A. Berenson [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh [WHO]), Matthew E. Smith (Matthew E. Smith [WHO]), Ziad S. Ojakli (Ziad S. Ojakli [WHO]), Heather Wingate (Heather Wingate [WHO])
Sent: 8/16/2001 5:55:55 AM
Subject: : Excellent article by Tom Jipping
Attachments: P_G50B3004_WHO.TXT_1.txt

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-AUG-2001 09:55:55.00
SUBJECT:: Excellent article by Tom Jipping
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lizette.D.Benedi@usdoj.gov (Lizette.D.Benedi@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Dan.Bryant@usdoj.gov (Dan.Bryant@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Adam.Ciongoli@usdoj.gov (Adam.Ciongoli@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Sheila.Joy@usdoj.gov (Sheila.Joy@usdoj.gov [UNKNOWN])
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BCC:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Lori.Rabjohns@usdoj.gov (Lori.Rabjohns@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Lori.SharpeDay@usdoj.gov (Lori.SharpeDay@usdoj.gov [UNKNOWN])
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BCC:Neal.Suit@usdoj.gov (Neal.Suit@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Mindy.Tucker@usdoj.gov (Mindy.Tucker@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Bradford A. Berenson (Bradford A. Berenson [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (Brett M. Kavanaugh [WHO])
READ:UNKNOWN
BCC:Matthew E. Smith (Matthew E. Smith [WHO])
READ:UNKNOWN
BCC:Ziad S. Ojakli (Ziad S. Ojakli [WHO])
READ:UNKNOWN
BCC:Heather Wingate (Heather Wingate [WHO])
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Thursday, August 16, 2001

Post
bats for Bush?

REV_00130979

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2001 WorldNetDaily.com

Recent research has exposed the liberal bias of the American Bar Association in evaluating candidates for nomination to the federal bench. The media establishment is just as biased. Standing today at 107, judicial vacancies have not been higher since March 1994. The Administrative Office of the U.S. Courts considers 40 of these vacancies "judicial emergencies" because they have been open so long or because the workload on those courts is so high. President Bush is doing his part, sending his first judicial nominees to the Senate months earlier than previous new presidents. They are highly qualified; even that liberal, biased ABA has given them all good ratings. Even so, the Democrat Senate has confirmed just four of his 44 nominees so far this year. So at least the title of the liberal Washington Post's Aug. 12

editorial ??? "Time for Some Judges" ??? seemed welcome indeed. After all, the Post had aggressively dogged the Republican Senate in recent years for supposedly blocking Clinton nominees. On Sept. 8, 1998, with just 72 judicial vacancies, for example, the Post said the Senate "should not shirk its constitutional obligation either to consent to the president's nominees or reject them." On Sept. 1, 1999, the Post again said, "While the Senate is entitled to reject a nomination, it is highly improper for it either to refuse or to neglect to perform its constitutional obligation to consider them." The Post blasted the Republican Senate's confirmation record, noting there had been just 11 confirmations so far that year and that 68 judicial positions were then vacant. And just three weeks later, the Post editorialized that "the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote." With vacancies more than 50 percent higher and confirmations so far this year nearly 70 percent lower, the Post was now saying it is "time for some judges." Maybe, just maybe, here was some fairness and non-partisanship. Not so fast. The editorial's opening sentence said nothing about judicial vacancies, nothing about the Senate's

constitutional obligation to process nominees, nothing about the burgeoning caseloads in courts around the country. In fact, it said nothing about Senate

Democrats at all but, as if this were still 1998 or 1999, attacked Senate Republicans. Old habits die hard. Though Republicans no longer run the judicial confirmation process (they really didn't run it while in the majority either, but that's another column), still the Post attacks them:

"The position of Senate Republicans on judicial nominations is steeped in sanctimony. ??? [T]hey have spent the months since President Bush's election howling with rage that Democrats might do as they did." It's tough to imagine Republicans howling with rage about anything, but this nonsense just isn't true. Democrats have always been more aggressive than Republicans in the confirmation process. Democrats have denied more nominees Judiciary Committee hearings, defeated more nominees in committee, filibustered more nominees and refused full Senate votes on more nominees. Last year, the Republican Senate closed the Clinton presidency by sending back 42 judicial nominees they did not or could not consider. In 1992, the Democrat Senate closed the Bush presidency by sending back 55 nominees. When Democrats run the Senate, they confirm an average of 65 Democrat nominees and 47 Republican nominees per year, a partisan differential of 18. When Republicans run the Senate, they confirm an average of 49 Republican nominees and 41 Democrat nominees per year, a partisan differential of just eight. But I digress with the facts. In that Sept. 1, 1999, editorial quoted above, the Post said that 11 confirmations and 68 vacancies was "a record Senators would do well to alter." Now, with only four confirmations and 107 vacancies, the Post says these "apparently ominous numbers are somewhat deceptive." While the first paragraph attacked Republicans for their slow confirmation pace in the past, the second paragraph makes excuses for Democrats' slower confirmation pace in the present. Poor Sen. Leahy, the Post coos and clucks, he's had a lot of other things to do. He's doing his best. The Post never mentions this is the same Sen. Leahy who supported filibusters against Republican nominees in the 1980s. The Post never mentions Leahy's vow to hold only one nominee hearing per month with no more than three nominees per hearing. The Post never mentions that Republicans included an average of nearly six nominees per hearing during the last few years of their majority. The Post does set out a "rough test" for Leahy and the Democrat majority: "whether a year from now,

any of the nominees before his committee are still waiting to be considered
and whether ??? in that time ??? the number of vacancies has dropped
substantially." Don't bet on it. The last time a Democrat Senate faced a
first-year Bush presidency, it set the modern record for the fewest judicial
confirmations, approving just 15 in 1989. Democrats are on track for breaking
that record this year. Here's a "rough test" for the Post in its begrudging,
teeth-grinding effort to at least appear balanced. In May 1998, the Post
called the 38 percent vacancy rate on the U.S. Court of Appeals for the
Second Circuit a "crisis." It editorialized that "one might expect the Senate
leadership to act speedily to confirm the ??? nominees ??? already named" to
fill some of them. Well, the U.S. Court of Appeals for the Sixth Circuit has
the same vacancy rate today and President Bush has made nominations to fill
some of the empty positions. Will the Post call upon the Senate leadership
"speedily to confirm" them? Don't hold your breath.

Thomas L. Jipping is vice president
for Legal Policy at the Free
Congress
Research & Education Foundation in Washington, D.C.

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File attachment <P_G50B3004_WHO.TXT_1>

Thursday, August 16, 2001

Post bats for Bush?

By Thomas L. Jipping

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Thomas L. Jipping is vice president for Legal Policy at the Free Congress Research & Education Foundation in Washington, D.C.

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From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/16/2001 7:19:16 AM
Subject: : Re:

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CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-AUG-2001 11:19:16.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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August 16, 2001

MEMORANDUM FOR HARRIET MIERS

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT:

Attached is _____

Please staff this to the appropriate individuals with a deadline for
comments to be returned to _____ (staff member & phone
extension) by _____ (time/date).

Thank you.

Brett M. Kavanaugh
08/16/2001 11:15:37 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject:

Do you have a sample memo sending a document to Staff Secretary
for staffing? Thanks.

REV_00130985

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 8/16/2001 12:30:35 PM
Subject: : Re: 29th is good

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 16-AUG-2001 16:30:35.00

SUBJECT:: Re: 29th is good

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

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H. Christopher Bartolomucci

08/16/2001 03:34:23 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: 29th is good

Good. MAE is in. Invite extended to JGR.

From: CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO]
BCC: Brian R. Besanceney (Brian R. Besanceney/OPD/EOP [OPD]), Senate Committee Press (Senate Committee Press [UNKNOWN]), House Committee Press (House Committee Press [UNKNOWN]), House (House/senate leadership [UNKNOWN]), kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov [UNKNOWN]), drew_cantor@src.gov (drew_cantor@src.gov @ inet [UNKNOWN]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Margaret Tutwiler (Margaret Tutwiler/WHO/EOP@EOP [UNKNOWN]), Noelia Rodriguez (Noelia Rodriguez/WHO/EOP@EOP [WHO]), Erin E. Healy (Erin E. Healy/WHO/EOP@EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP@EOP [WHO]), Gail Randall (Gail Randall/WHO/EOP@EOP [WHO]), Gregory Goss (Gregory Goss/WHO/EOP@EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Katie Hong (Katie Hong/WHO/EOP@EOP [WHO]), Logan M. Walters (Logan M. Walters/WHO/EOP@EOP [WHO]), Christina D. Roberts (Christina D. Roberts/WHO/EOP@EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), Anthony J. Gibson (Anthony J. Gibson/OSTP/EOP@EOP [OSTP]), John D. Gibson (John D. Gibson/NSC/EOP@EOP [NSC]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP@EOP [WHO]), Karl Doenges (Karl Doenges/WHO/EOP@EOP [UNKNOWN]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP@EOP [WHO]), Jennifer K. Millerwise (Jennifer K. Millerwise/WHO/EOP@EOP [WHO]), Anne Womack (Anne Womack/WHO/EOP@EOP [WHO]), Brian Bravo (Brian Bravo/WHO/EOP@EOP [WHO]), Candida P. Wolff (Candida P. Wolff/OVP/EOP@EOP [OVP]), Harry W. Wolff (Harry W. Wolff/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Rachael L. Sunbarger (Rachael L. Sunbarger/WHO/EOP@EOP [WHO]), Sam Dickens (Sam Dickens/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), John W. Howard (John W. Howard/WHO/EOP@EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Townsend L. McNitt (Townsend L. McNitt/WHO/EOP@EOP [UNKNOWN]), Scott Jeffcoat (Scott Jeffcoat/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Laura C. Welborn (Laura C. Welborn/WHO/EOP@EOP [WHO]), Karl C. Rove (Karl C. Rove/WHO/EOP@EOP [WHO]), Susan B. Ralston (Susan B. Ralston/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Thomas V. McMahan (Thomas V. McMahan/WHO/EOP@EOP [UNKNOWN]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), William S. Clark (William S. Clark/WHO/EOP@EOP [UNKNOWN]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]),

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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])

READ:UNKNOWN
BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=WHO/O=EOP@EOP [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])
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BCC:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:blewis@rnchq.org (blewis@rnchq.org @ inet [OVP])
READ:UNKNOWN
BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
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BCC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])

READ:UNKNOWN
BCC:TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
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BCC:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN])
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BCC:Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN])
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BCC:melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN])
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READ:UNKNOWN
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BCC:greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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READ:UNKNOWN
BCC:dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:RGustafson@rnchq.org (RGustafson@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Anthony K. Crawford (CN=Anthony K. Crawford/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sspicer@nrcc.org (sspicer@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:cmay@bsmg.com (cmay@bsmg.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:tnelson@dmnmedia.com (tnelson@dmnmedia.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kyle.downey@mail.house.gov (kyle.downey@mail.house.gov @ inet [UNKNOWN])
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Attached are talking points about The President's commitment to protect Social Security and the Economy.

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Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), John Gardner (John Gardner/WHO/EOP@EOP [UNKNOWN]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Heather L. West (Heather L. West/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [UNKNOWN]), Tobin K. Harvey (Tobin K. Harvey/WHO/EOP@EOP [WHO]), Brooks D. Altshuler (Brooks D. Altshuler/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP@EOP [WHO]), Amanda L. Moore (Amanda L. Moore/WHO/EOP@EOP [WHO]), Danner R. Bethel (Danner R. Bethel/WHO/EOP@EOP [WHO]), Mary Elizabeth Farr (Mary Elizabeth Farr/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Quincy Hicks (Quincy Hicks/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Ashley M. Snee (Ashley M. Snee/OVP/EOP@EOP [OVP]), Debra Heiden (Debra Heiden/OVP/EOP@EOP [OVP]), Douglas D. McCormick (Douglas D. McCormick/OMB/EOP@EOP [UNKNOWN]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), I. Lewis Libby (I. Lewis Libby/OVP/EOP@EOP [UNKNOWN]), Charles D. McGrath Jr (Charles D. McGrath Jr/OVP/EOP@EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP/EOP@EOP [OVP]), Ethan A. Hastert (Ethan A. Hastert/OVP/EOP@EOP [OVP]), Juleanna R. Glover (Juleanna R. Glover/OVP/EOP@EOP [OVP]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Megan D. Moran (Megan D. Moran/OVP/EOP@EOP [OVP]), Michael J. Sullivan (Michael J. Sullivan/WHO/EOP@EOP [WHO]), David S. Addington (David S. Addington/OVP/EOP@EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP@EOP [OVP]), Ronald I. Christie (Ronald I. Christie/OVP/EOP@EOP [OVP]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Margita N. Thompson (Margita N. Thompson/OVP/EOP@EOP [OVP]), Nancy P. Dorn (Nancy P. Dorn/WHO/EOP@EOP [WHO]), Stephen S. Ruhlen (Stephen S. Ruhlen/OVP/EOP@EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OVP/EOP@EOP [OVP]), Elizabeth W. Kleppe (Elizabeth W. Kleppe/OVP/EOP@EOP [OVP]), Debra R. Dunn (Debra R. Dunn/OVP/EOP@EOP [WHO]), Jona M. Turner (Jona M. Turner/OVP/EOP@EOP [OVP]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Donald M. Sumerlin (Donald M. Sumerlin/OPD/EOP@EOP [UNKNOWN]), Eric C. Pelletier (Eric C. Pelletier/OMB/EOP@EOP [OMB]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP@EOP [OMB]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Margaret M. LaMontagne (Margaret M. LaMontagne/OPD/EOP@EOP [OPD]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), Melissa McKnight (Melissa McKnight/OPD/EOP@EOP [UNKNOWN]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN]), christine.iversen@mail.house.gov (christine.iversen@mail.house.gov @ inet [UNKNOWN]), Josephine B. Robinson (Josephine B. Robinson/WHO/EOP@EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP@EOP [WHO]), Carol J. Thompson (Carol J. Thompson/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Colleen Litkenhaus (Colleen Litkenhaus/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN]), nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN]), roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN]), cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN]), Neil

H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]),
 Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN]),
 christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]),
 brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN]),
 terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]),
 kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]),
 paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), Sara M.
 Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO
 /EOP@EOP [WHO]), Don E. Eberly (Don E. Eberly/WHO/EOP@EOP [WHO]), Don R.
 Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Stanley W. Carlson-Thies (Stanley W.
 Carlson-Thies/WHO/EOP@EOP [WHO]), Lisa T. Cummins (Lisa T. Cummins/WHO
 /EOP@EOP [WHO]), Mark V. Scott (Mark V. Scott/WHO/EOP@EOP [WHO]), Michele H.
 Tennerly (Michele H. Tennerly/WHO/EOP@EOP [WHO]), Carrie W. Click (Carrie W.
 Click/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]),
 sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Brian R. Besanceney (Brian R.
 Besanceney/OPD/EOP@EOP [OPD]), mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN]), james_r_wilkinson@who.eop.gov (james_r_wilkinson@who.eop.gov @ inet [UNKNOWN]), jcrum@rnchq.org (jcrum@rnchq.org @ inet [UNKNOWN]), dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/WHO/EOP@EOP [UNKNOWN]), Kevin J. Martin (Kevin J. Martin/OPD/EOP@EOP [UNKNOWN]), Adrian G. Gray (Adrian G. Gray/WHO/EOP@EOP [WHO]), mc Crawford@doc.gov (mc Crawford@doc.gov @ inet [UNKNOWN]), maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN]), Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN]), chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN]), m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN]), roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN]), mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN]), Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN]), craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN]), Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), Anne Trenolone (Anne Trenolone/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Ponnuru@ix.netcom.com (Ponnuru@ix.netcom.com @ inet [UNKNOWN]), dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN]), dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN]), oliver.north@msnbc.com (oliver.north@msnbc.com @ inet [UNKNOWN]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP@EOP [OPD]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP@EOP [WHO]), Terry C. Miller (Terry C. Miller/WHO/EOP@EOP [WHO]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP@EOP [WHO]), Laura S. Lawlor (Laura S. Lawlor/WHO/EOP@EOP [WHO]), brusbolt@iaa.net (brusbolt@iaa.net @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), blewis@rnchq.org (blewis@rnchq.org @ inet [OVP]), Charles P. Blahous (Charles P. Blahous/OPD/EOP@EOP [OPD]), Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN]), Matthew W. Lindley (Matthew W. Lindley/WHO/EOP@EOP [WHO]), Chris B. Nagel (Chris B. Nagel/WHO/EOP@EOP [WHO]), Melissa L. McAdoo (Melissa L. McAdoo/WHO/EOP@EOP [WHO]), Kristen L. Hughes (Kristen L. Hughes/WHO/EOP@EOP [WHO]), Robert T. Pratt Jr (Robert T. Pratt Jr/WHO/EOP@EOP [WHO]), Beverly J. Ward (Beverly J. Ward/WHO/EOP@EOP [WHO]), Deborah K. Hair (Deborah K. Hair/WHO/EOP@EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), Timothy

E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP@EOP [NSC]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Jean M. Russell (Jean M. Russell/OPD/EOP@EOP [OPD]), Traci R. Campbell (Traci R. Campbell/WHO/EOP@EOP [WHO]), James E. Carter (James E. Carter/OPD/EOP@EOP [OPD]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Debra D. Bird (Debra D. Bird/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Helen R. Mobley (Helen R. Mobley/WHO/EOP@EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Desiree T. Sayle (Desiree T. Sayle/WHO/EOP@EOP [WHO]), Sydney R. Johnson (Sydney R. Johnson/WHO/EOP@EOP [WHO]), Sara B. McIntosh (Sara B. McIntosh/WHO/EOP@EOP [WHO]), Joan R. Doty (Joan R. Doty/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Sonya E. Medina (Sonya E. Medina/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Eleanor L. Gillmor (Eleanor L. Gillmor/OPD/EOP@EOP [OPD]), Tiffany L. Barfield (Tiffany L. Barfield/OPD/EOP@EOP [OPD]), David F. Lussier (David F. Lussier/OPD/EOP@EOP [OPD]), Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN]), rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN]), Neil S. Patel (Neil S. Patel/OVP/EOP@EOP [OVP]), Nathaniel C. Ryun (Nathaniel C. Ryun/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @ inet [UNKNOWN]), gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN]), margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN]), lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN]), Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN]), melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN]), ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN]), paige.ralston@mail.house.gov (paige.ralston@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), cforti@nrcc.org (cforti@nrcc.org @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Karen Y. Knutson (Karen Y. Knutson/OVP/EOP@EOP [OVP]), Leslie A. Mooney (Leslie A. Mooney/OPD/EOP@EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN]), greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN]), Joshua L. Ginsberg (Joshua L. Ginsberg/WHO/EOP@EOP [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Mark

McClellan (Mark McClellan/CEA/EOP@EOP [CEA]), Dirksen Lehman (Dirksen Lehman/WHO /EOP@EOP [WHO]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP@EOP [OPD]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Anita B. McBride (Anita B. McBride/WHO/EOP@EOP [WHO]), dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN]), Rachel L. Brand (Rachel L. Brand/WHO /EOP@EOP [WHO]), Heather Wingate (Heather Wingate/WHO/EOP@EOP [WHO]), ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN]), jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN]), melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN]), cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN]), Gary R. Edson (Gary R. Edson/NSC /EOP@EOP [NSC]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), RGustafson@rnchq.org (RGustafson@rnchq.org @ inet [UNKNOWN]), Anthony K. Crawford (Anthony K. Crawford/NSC/EOP@EOP [NSC]), Ashleigh A. Adams (Ashleigh A. Adams/WHO /EOP@EOP [WHO]), sspicer@nrcc.org (sspicer@nrcc.org @ inet [UNKNOWN]), Michelle N. Brawer (Michelle N. Brawer/WHO/EOP@EOP [WHO]), cmay@bsmg.com (cmay@bsmg.com @ inet [UNKNOWN]), tnelson@dmnmedia.com (tnelson@dmnmedia.com @ inet [UNKNOWN]), kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]), kyle.downey@mail.house.gov (kyle.downey@mail.house.gov @ inet [UNKNOWN])

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READ:UNKNOWN

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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karl Doenges (CN=Karl Doenges/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN
BCC:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
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BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Laura C. Welborn (CN=Laura C. Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Thomas V. McMahan (CN=Thomas V. McMahan/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:William S. Clark (CN=William S. Clark/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [UNKNOWN])
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BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
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BCC:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Tobin K. Harvey (CN=Tobin K. Harvey/OU=WHO/O=EOP@EOP [WHO])
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BCC:Brooks D. Altshuler (CN=Brooks D. Altshuler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Amanda L. Moore (CN=Amanda L. Moore/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mary Elizabeth Farr (CN=Mary Elizabeth Farr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN
BCC:Douglas D. McCormick (CN=Douglas D. McCormick/OU=OMB/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:I. Lewis Libby (CN=I. Lewis Libby/OU=OVP/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Michael J. Sullivan (CN=Michael J. Sullivan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Margita N. Thompson (CN=Margita N. Thompson/OU=OVP/O=EOP@EOP [OVP])
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BCC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
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BCC:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
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BCC:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [OVP])
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BCC:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
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READ:UNKNOWN
BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN

President Protects Social Security and U.S. Economy

Tax and Spending Increases Would Threaten Both

➤ **The Big Picture**

- ✓ Our government fiscal condition is strong and sound.
- ✓ We have our second largest surplus in history, despite the economic slowdown that started last year.
- ✓ We are paying down historic levels of debt – about \$2 trillion over 10 years.
- ✓ President Bush will continue to ensure that every penny collected for Social Security and Medicare will be spent on Social Security and Medicare.
- ✓ Economists see encouraging signs of economic recovery, crediting tax relief and interest rate cuts.

➤ **Scare Tactics Won't Work**

- ✓ Unfortunately, some Democrats are trying to scare the American people about the budget. They opposed tax relief, and now want to raise taxes so they can spend more. Last year alone, Congress overspent its own budget to the tune of \$34.5 billion.
- ✓ Raising taxes is the wrong thing to do in this economic environment. The right things for a weak economy are tax relief and restrained spending. The President took the first and best step to help the economy with tax relief that leading economists say is already providing relief for the ailing economy.
- ✓ Congressional Democrats now say the tax cut harms Social Security. Yet in March – just five months ago -- the Senate Majority Leader proposed a tax cut that would have had an even bigger impact on 2002 revenues than the President's final package.

➤ **Accounting for Accuracy**

Looking Back

- This Administration is reporting Social Security surpluses accurately. Accounting methods that report revenues for the budget year in which they actually were collected is responsible. American companies are required to accurately report revenues to their shareholders, and the federal government should report accurate figures for taxpayers, too.
- ✓ The accounting change is an accurate reflection of Social Security receipts in 1998, 1999, and 2000.
- ✓ This change will properly credit \$5.6 billion to the Social Security Trust Fund. The former accounting practice used up to this point short-changed the Social Security Trust Fund of deserved interest. The change the Administration is making will correct this in the future.

Looking Ahead

- The economic growth projections used by the Administration are conservative and in line with respected Wall Street economists.
- ✓ For example, the Administration projects 3.2 percent economic growth in 2002 – and The Conference Board -- the group that won the Blue Chip Award last year for most accurate forecasting – mirrors that projection exactly with a 3.2 percent growth prediction. Another respected forecaster -- Merrill Lynch -- predicts 3.5 percent growth in 2002, and core Blue Chip panelist projections range from 2 to 3.7 percent growth.
- **Future surpluses depend on future economic growth. The biggest threat to the economy, the surplus, paying down debt, and important programs like Social Security and Medicare is reckless spending.**

For more information call White House Communications at (202) 456-2777

From: CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO]
BCC: Brian R. Besanceney (Brian R. Besanceney/OPD/EOP [OPD]), Senate Committee Press (Senate Committee Press [UNKNOWN]), House Committee Press (House Committee Press [UNKNOWN]), House (House/senate leadership [UNKNOWN]), kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov [UNKNOWN]), drew_cantor@src.gov (drew_cantor@src.gov @ inet [UNKNOWN]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Margaret Tutwiler (Margaret Tutwiler/WHO/EOP@EOP [UNKNOWN]), Noelia Rodriguez (Noelia Rodriguez/WHO/EOP@EOP [WHO]), Erin E. Healy (Erin E. Healy/WHO/EOP@EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP@EOP [WHO]), Gail Randall (Gail Randall/WHO/EOP@EOP [WHO]), Gregory Goss (Gregory Goss/WHO/EOP@EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Katie Hong (Katie Hong/WHO/EOP@EOP [WHO]), Logan M. Walters (Logan M. Walters/WHO/EOP@EOP [WHO]), Christina D. Roberts (Christina D. Roberts/WHO/EOP@EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), Anthony J. Gibson (Anthony J. Gibson/OSTP/EOP@EOP [OSTP]), John D. Gibson (John D. Gibson/NSC/EOP@EOP [NSC]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP@EOP [WHO]), Karl Doenges (Karl Doenges/WHO/EOP@EOP [UNKNOWN]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP@EOP [WHO]), Jennifer K. Millerwise (Jennifer K. Millerwise/WHO/EOP@EOP [WHO]), Anne Womack (Anne Womack/WHO/EOP@EOP [WHO]), Brian Bravo (Brian Bravo/WHO/EOP@EOP [WHO]), Candida P. Wolff (Candida P. Wolff/OVP/EOP@EOP [OVP]), Harry W. Wolff (Harry W. Wolff/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Rachael L. Sunbarger (Rachael L. Sunbarger/WHO/EOP@EOP [WHO]), Sam Dickens (Sam Dickens/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), John W. Howard (John W. Howard/WHO/EOP@EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Townsend L. McNitt (Townsend L. McNitt/WHO/EOP@EOP [UNKNOWN]), Scott Jeffcoat (Scott Jeffcoat/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Laura C. Welborn (Laura C. Welborn/WHO/EOP@EOP [WHO]), Karl C. Rove (Karl C. Rove/WHO/EOP@EOP [WHO]), Susan B. Ralston (Susan B. Ralston/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Thomas V. McMahan (Thomas V. McMahan/WHO/EOP@EOP [UNKNOWN]), Alicia

BCC:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [OVP])
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BCC:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
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BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN

BCC:roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN])
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BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
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BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [WHO])
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BCC:Mark V. Scott (CN=Mark V. Scott/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:james_r._wilkinson@who.eop.gov (james_r._wilkinson@who.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:jcram@rnchq.org (jcram@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Kevin J. Martin (CN=Kevin J. Martin/OU=OPD/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:mcrawford@doc.gov (mcrawford@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN])
READ:UNKNOWN
BCC:craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ponnuru@ix.netcom.com (Ponnuru@ix.netcom.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
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BCC:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
BCC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN])
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BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
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BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:blewis@rnchq.org (blewis@rnchq.org @ inet [OVP])
READ:UNKNOWN
BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN])
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BCC:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN])

READ:UNKNOWN
BCC:rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN])
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READ:UNKNOWN
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BCC:Joshua L. Ginsberg (CN=Joshua L. Ginsberg/OU=WHO/O=EOP@EOP [UNKNOWN])
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BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:RGustafson@rnchq.org (RGustafson@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Anthony K. Crawford (CN=Anthony K. Crawford/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sspicer@nrcc.org (sspicer@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:cmay@bsmg.com (cmay@bsmg.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:tnelson@dmnmedia.com (tnelson@dmnmedia.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kyle.downey@mail.house.gov (kyle.downey@mail.house.gov @ inet [UNKNOWN])
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Attached are talking points about The President's commitment to protect Social Security and the Economy.

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P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), William S. Clark (William S. Clark/WHO/EOP@EOP [UNKNOWN]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), John Gardner (John Gardner/WHO/EOP@EOP [UNKNOWN]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Heather L. West (Heather L. West/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [UNKNOWN]), Tobin K. Harvey (Tobin K. Harvey/WHO/EOP@EOP [WHO]), Brooks D. Altshuler (Brooks D. Altshuler/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP@EOP [WHO]), Amanda L. Moore (Amanda L. Moore/WHO/EOP@EOP [WHO]), Danner R. Bethel (Danner R. Bethel/WHO/EOP@EOP [WHO]), Mary Elizabeth Farr (Mary Elizabeth Farr/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Quincy Hicks (Quincy Hicks/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Ashley M. Snee (Ashley M. Snee/OVP/EOP@EOP [OVP]), Debra Heiden (Debra Heiden/OVP/EOP@EOP [OVP]), Douglas D. McCormick (Douglas D. McCormick/OMB/EOP@EOP [UNKNOWN]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), I. Lewis Libby (I. Lewis Libby/OVP/EOP@EOP [UNKNOWN]), Charles D. McGrath Jr (Charles D. McGrath Jr/OVP/EOP@EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP/EOP@EOP [OVP]), Ethan A. Hastert (Ethan A. Hastert/OVP/EOP@EOP [OVP]), Juleanna R. Glover (Juleanna R. Glover/OVP/EOP@EOP [OVP]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Megan D. Moran (Megan D. Moran/OVP/EOP@EOP [OVP]), Michael J. Sullivan (Michael J. Sullivan/WHO/EOP@EOP [WHO]), David S. Addington (David S. Addington/OVP/EOP@EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP@EOP [OVP]), Ronald I. Christie (Ronald I. Christie/OVP/EOP@EOP [OVP]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Margita N. Thompson (Margita N. Thompson/OVP/EOP@EOP [OVP]), Nancy P. Dorn (Nancy P. Dorn/WHO/EOP@EOP [WHO]), Stephen S. Ruhlen (Stephen S. Ruhlen/OVP/EOP@EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OVP/EOP@EOP [OVP]), Elizabeth W. Kleppe (Elizabeth W. Kleppe/OVP/EOP@EOP [OVP]), Debra R. Dunn (Debra R. Dunn/OVP/EOP@EOP [WHO]), Jona M. Turner (Jona M. Turner/OVP/EOP@EOP [OVP]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Donald M. Sumerlin (Donald M. Sumerlin/OPD/EOP@EOP [UNKNOWN]), Eric C. Pelletier (Eric C. Pelletier/OMB/EOP@EOP [OMB]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP@EOP [OMB]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Margaret M. LaMontagne (Margaret M. LaMontagne/OPD/EOP@EOP [OPD]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), Melissa McKnight (Melissa McKnight/OPD/EOP@EOP [UNKNOWN]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN]), christine.iverison@mail.house.gov (christine.iverison@mail.house.gov @ inet [UNKNOWN]), Josephine B. Robinson (Josephine B. Robinson/WHO/EOP@EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP@EOP [WHO]), Carol J. Thompson (Carol J. Thompson/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Colleen Litkenhaus (Colleen Litkenhaus/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]),

terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN]),
 nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN]),
 kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), cooper.mildred@epa.gov
 (cooper.mildred@epa.gov @ inet [UNKNOWN]), roy-stuart@dol.gov (roy-stuart@dol.gov @
 inet [UNKNOWN]), cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN]), Neil
 H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]),
 Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN]),
 christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]),
 brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN]),
 terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]),
 kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]),
 paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), Sara M.
 Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO
 /EOP@EOP [WHO]), Don E. Eberly (Don E. Eberly/WHO/EOP@EOP [WHO]), Don R.
 Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Stanley W. Carlson-Thies (Stanley W.
 Carlson-Thies/WHO/EOP@EOP [WHO]), Lisa T. Cummins (Lisa T. Cummins/WHO
 /EOP@EOP [WHO]), Mark V. Scott (Mark V. Scott/WHO/EOP@EOP [WHO]), Michele H.
 Tennery (Michele H. Tennery/WHO/EOP@EOP [WHO]), Carrie W. Click (Carrie W.
 Click/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]),
 sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Brian R. Besanceney (Brian R.
 Besanceney/OPD/EOP@EOP [OPD]), mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN]), james_r._wilkinson@who.eop.gov (james_r._wilkinson@who.eop.gov @ inet [UNKNOWN]), jcrum@rnchq.org (jcrum@rnchq.org @ inet [UNKNOWN]), dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/WHO /EOP@EOP [UNKNOWN]), Kevin J. Martin (Kevin J. Martin/OPD/EOP@EOP [UNKNOWN]), Adrian G. Gray (Adrian G. Gray/WHO/EOP@EOP [WHO]), mcrawford@doc.gov (mcrawford@doc.gov @ inet [UNKNOWN]), maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN]), Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN]), chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN]), m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN]), roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN]), mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN]), Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN]), craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN]), Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), Anne Trenolone (Anne Trenolone/WHO /EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), POnnuru@ix.netcom.com (POnnuru@ix.netcom.com @ inet [UNKNOWN]), dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN]), dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN]), oliver.north@msnbc.com (oliver.north@msnbc.com @ inet [UNKNOWN]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), John M. Ackerly (John M. Ackerly/OPD /EOP@EOP [OPD]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP@EOP [OPD]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP@EOP [WHO]), Terry C. Miller (Terry C. Miller/WHO/EOP@EOP [WHO]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP@EOP [WHO]), Laura S. Lawlor (Laura S. Lawlor/WHO/EOP@EOP [WHO]), brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), blewis@rnchq.org (blewis@rnchq.org @ inet [OVP]), Charles P. Blahous (Charles P. Blahous/OPD/EOP@EOP [OPD]), Maria.Cino@mail.doc.gov (

Maria.Cino@mail.doc.gov @ inet [UNKNOWN]), Matthew W. Lindley (Matthew W. Lindley/WHO/EOP@EOP [WHO]), Chris B. Nagel (Chris B. Nagel/WHO/EOP@EOP [WHO]), Melissa L. McAdoo (Melissa L. McAdoo/WHO/EOP@EOP [WHO]), Kristen L. Hughes (Kristen L. Hughes/WHO/EOP@EOP [WHO]), Robert T. Pratt Jr (Robert T. Pratt Jr/WHO/EOP@EOP [WHO]), Beverly J. Ward (Beverly J. Ward/WHO/EOP@EOP [WHO]), Deborah K. Hair (Deborah K. Hair/WHO/EOP@EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP@EOP [NSC]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Jean M. Russell (Jean M. Russell/OPD/EOP@EOP [OPD]), Traci R. Campbell (Traci R. Campbell/WHO/EOP@EOP [WHO]), James E. Carter (James E. Carter/OPD/EOP@EOP [OPD]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Debra D. Bird (Debra D. Bird/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Helen R. Mobley (Helen R. Mobley/WHO/EOP@EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Desiree T. Sayle (Desiree T. Sayle/WHO/EOP@EOP [WHO]), Sydney R. Johnson (Sydney R. Johnson/WHO/EOP@EOP [WHO]), Sara B. McIntosh (Sara B. McIntosh/WHO/EOP@EOP [WHO]), Joan R. Doty (Joan R. Doty/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Sonya E. Medina (Sonya E. Medina/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Eleanor L. Gillmor (Eleanor L. Gillmor/OPD/EOP@EOP [OPD]), Tiffany L. Barfield (Tiffany L. Barfield/OPD/EOP@EOP [OPD]), David F. Lussier (David F. Lussier/OPD/EOP@EOP [OPD]), Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN]), rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN]), Neil S. Patel (Neil S. Patel/OVP/EOP@EOP [OVP]), Nathaniel C. Ryun (Nathaniel C. Ryun/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @ inet [UNKNOWN]), gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN]), margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN]), lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN]), Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN]), melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN]), ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN]), paige.ralston@mail.house.gov (paige.ralston@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), cforti@nrcc.org (cforti@nrcc.org @ inet [UNKNOWN]),

TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Karen Y. Knutson (Karen Y. Knutson/OVP/EOP@EOP [OVP]), Leslie A. Mooney (Leslie A. Mooney/OPD/EOP@EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN]), greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN]), Joshua L. Ginsberg (Joshua L. Ginsberg/WHO/EOP@EOP [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Mark McClellan (Mark McClellan/CEA/EOP@EOP [CEA]), Dirksen Lehman (Dirksen Lehman/WHO/EOP@EOP [WHO]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP@EOP [OPD]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Anita B. McBride (Anita B. McBride/WHO/EOP@EOP [WHO]), dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Heather Wingate (Heather Wingate/WHO/EOP@EOP [WHO]), ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN]), jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN]), mellriott@doc.gov (mellriott@doc.gov @ inet [UNKNOWN]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN]), cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN]), Gary R. Edson (Gary R. Edson/NSC/EOP@EOP [NSC]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), RGustafson@rnchq.org (RGustafson@rnchq.org @ inet [UNKNOWN]), Anthony K. Crawford (Anthony K. Crawford/NSC/EOP@EOP [NSC]), Ashleigh A. Adams (Ashleigh A. Adams/WHO/EOP@EOP [WHO]), sspicer@nrcc.org (sspicer@nrcc.org @ inet [UNKNOWN]), Michelle N. Brawer (Michelle N. Brawer/WHO/EOP@EOP [WHO]), cmay@bsmg.com (cmay@bsmg.com @ inet [UNKNOWN]), tnelson@dmnmedia.com (tnelson@dmnmedia.com @ inet [UNKNOWN]), kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]), kyle.downey@mail.house.gov (kyle.downey@mail.house.gov @ inet [UNKNOWN])

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BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov [UNKNOWN])

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BCC:drew_cantor@src.gov (drew_cantor@src.gov @ inet [UNKNOWN])

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BCC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN

BCC:Margaret Tutwiler (CN=Margaret Tutwiler/OU=WHO/O=EOP@EOP [UNKNOWN])

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READ:UNKNOWN
BCC:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Katie Hong (CN=Katie Hong/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karl Doenges (CN=Karl Doenges/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sam Dickens (CN=Sam Dickens/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
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BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Laura C. Welborn (CN=Laura C. Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Thomas V. McMahan (CN=Thomas V. McMahan/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:William S. Clark (CN=William S. Clark/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John Gardner (CN=John Gardner/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heather L. West (CN=Heather L. West/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Tobin K. Harvey (CN=Tobin K. Harvey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brooks D. Altshuler (CN=Brooks D. Altshuler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Amanda L. Moore (CN=Amanda L. Moore/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mary Elizabeth Farr (CN=Mary Elizabeth Farr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Douglas D. McCormick (CN=Douglas D. McCormick/OU=OMB/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:I. Lewis Libby (CN=I. Lewis Libby/OU=OVP/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Michael J. Sullivan (CN=Michael J. Sullivan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Margita N. Thompson (CN=Margita N. Thompson/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

President Protects Social Security and U.S. Economy

Tax and Spending Increases Would Threaten Both

➤ **The Big Picture**

- ✓ Our government fiscal condition is strong and sound.
- ✓ We have our second largest surplus in history, despite the economic slowdown that started last year.
- ✓ We are paying down historic levels of debt – about \$2 trillion over 10 years.
- ✓ President Bush will continue to ensure that every penny collected for Social Security and Medicare will be spent on Social Security and Medicare.
- ✓ Economists see encouraging signs of economic recovery, crediting tax relief and interest rate cuts.

➤ **Scare Tactics Won't Work**

- ✓ Unfortunately, some Democrats are trying to scare the American people about the budget. They opposed tax relief, and now want to raise taxes so they can spend more. Last year alone, Congress overspent its own budget to the tune of \$34.5 billion.
- ✓ Raising taxes is the wrong thing to do in this economic environment. The right things for a weak economy are tax relief and restrained spending. The President took the first and best step to help the economy with tax relief that leading economists say is already providing relief for the ailing economy.
- ✓ Congressional Democrats now say the tax cut harms Social Security. Yet in March – just five months ago -- the Senate Majority Leader proposed a tax cut that would have had an even bigger impact on 2002 revenues than the President's final package.

➤ **Accounting for Accuracy**

Looking Back

- This Administration is reporting Social Security surpluses accurately. Accounting methods that report revenues for the budget year in which they actually were collected is responsible. American companies are required to accurately report revenues to their shareholders, and the federal government should report accurate figures for taxpayers, too.
- ✓ The accounting change is an accurate reflection of Social Security receipts in 1998, 1999, and 2000.
- ✓ This change will properly credit \$5.6 billion to the Social Security Trust Fund. The former accounting practice used up to this point short-changed the Social Security Trust Fund of deserved interest. The change the Administration is making will correct this in the future.

Looking Ahead

- The economic growth projections used by the Administration are conservative and in line with respected Wall Street economists.
- ✓ For example, the Administration projects 3.2 percent economic growth in 2002 – and The Conference Board -- the group that won the Blue Chip Award last year for most accurate forecasting – mirrors that projection exactly with a 3.2 percent growth prediction. Another respected forecaster -- Merrill Lynch -- predicts 3.5 percent growth in 2002, and core Blue Chip panelist projections range from 2 to 3.7 percent growth.
- **Future surpluses depend on future economic growth. The biggest threat to the economy, the surplus, paying down debt, and important programs like Social Security and Medicare is reckless spending.**

For more information call White House Communications at (202) 456-2777

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 8/17/2001 5:01:25 AM
Subject: : Teamsters and ANWR

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-AUG-2001 09:01:25.00
SUBJECT:: Teamsters and ANWR
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Comments?

----- Forwarded by Timothy E. Flanigan/WHO/EOP on
08/17/2001 09:01 AM -----

Kenneth B. Mehlman
08/16/2001 06:09:22 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Teamsters and ANWR

The Teamsters are willing to do recorded Hoffa messages urging Teamsters to call their targeted Senators in support of ANWR. They are also willing to do Hoffa/Bush calls (with POTUS on the message as well). I kind of like this, and think it makes a good story. What are your thoughts?

Message Sent

To: _____
kr@georgewbush.com @ inet
Nancy P. Dorn/WHO/EOP@EOP
Mary J. Matalin/OVP/EOP@EOP
Nicholas E. Calio/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Andrew H. Card/WHO/EOP@EOP
Daniel J. Bartlett/WHO/EOP@EOP
Sara M. Taylor/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 8/17/2001 12:58:39 PM
Subject: : DOI water management issue

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-AUG-2001 16:58:39.00

SUBJECT:: DOI water management issue

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

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Apparently, DOI plans next week to turn off the water at a headgate in Oregon, pursuant to the Endangered Species Act and an effort to save the "sucker fish" and downstream wildlife. Local farmers adamantly oppose this action because it adversely affects their irrigation. DOI's plan coincides with a Farm Aid type of event to be held next week in Oregon, where many of the people who oppose DOI's action, including militia and other anti-federal government organizations, are likely to gather, and demonstrations by these people are likely.

The FBI and the local sheriff called Perry to advise of the great potential, in their view, for violence at the site of the headgate (together with significant media coverage) if the water is turned off next week. DOI, in turn, tells Perry that they have no choice but to do so, but Perry and his DOJ lawyers believe there is discretion under the statute at least to defer the action. Phil has reason to think that Secretary Norton approves of its current position.

DOJ thus felt that the White House should be made aware of this issue so that we can take any necessary action. My view is that, regardless of the ultimate necessity/legality of turning off the water, the administration would be well advised to defer such action until after the farmers' rally is concluded. With your approval, I suggest that a call be placed by WHCO (either by me or by one of you) to DOI to gather their views on this

REV_00131075

matter.

HCW

HCW

We

Next week in OR a farm aid type gathering, Perry will have report from
FBI on Monday, Sheriff and US ATTY warn that

DOI apparently plans to

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 8/17/2001 1:07:18 PM
Subject: : Re: DOI water management issue

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-AUG-2001 17:07:18.00

SUBJECT:: Re: DOI water management issue

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I've handled this issue previously, and this is a recurring pattern. I, too, favor a solution that finesses the immediate difficulty. We have to make sure that DOI does in fact have legal discretion, but if it's there, it should be used. I'm happy to handle this next week if you wish. One option may be to slow the ongoing release so that the same amount of water is released over two weeks that would currently be released over one.

Helgard C. Walker
08/17/2001 04:58:29 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: DOI water management issue

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REV_00131077

this action because it adversely affects their irrigation. DOI's plan coincides with a Farm Aid type of event to be held next week in Oregon, where many of the people who oppose DOI's action, including militia and other anti-federal government organizations, are likely to gather, and demonstrations by these people are likely.

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DOI apparently plans to

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To: _____

Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 8/17/2001 10:30:15 AM
Subject: : Reagan records

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-AUG-2001 14:30:15.00

SUBJECT:: Reagan records

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

FYI: After the Judge's and my meeting today with the Archives officials and at their request, we will not circulate any proposed EO today.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Saikrishna B. Prakash/OMB/EOP@EOP [OMB] <Saikrishna B. Prakash>
Sent: 8/18/2001 10:05:26 AM
Subject: : EO

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-AUG-2001 14:05:26.00

SUBJECT:: EO

TO:Saikrishna B. Prakash (CN=Saikrishna B. Prakash/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

After discussions with the Archives, we will not be circulating a draft EO any time real soon. Just wanted to keep you posted.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 8/20/2001 6:07:33 AM
Subject: : Re: DOI water management issue

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-AUG-2001 10:07:33.00
SUBJECT:: Re: DOI water management issue
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
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CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
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CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
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CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Since you started on this, perhaps you'd like to finish it. If so, that's fine by me.

Bradford A. Berenson
08/17/2001 05:07:09 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: DOI water management issue

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REV_00131084

Helgard C. Walker
08/17/2001 04:58:29 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: DOI water management issue

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DOI apparently plans to

Message Copied

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

Message Copied

To: _____
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
courtney s. elwood/who/eop@eop

REV_00131085

brett m. kavanaugh/who/eop@eop
h. christopher bartolomucci/who/eop@eop
robert w. cobb/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Patrick.O'Brien2@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>; Coehins, Bridget C <Bridget.C.Coehins@usdoj.gov>
Sent: 8/20/2001 6:46:52 AM
Subject: : Judicial Confirmation Working Group Mtg.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:20-AUG-2001 10:46:52.00

SUBJECT:: Judicial Confirmation Working Group Mtg.

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00131087

READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
(Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Coehins, Bridget C" <Bridget.C.Coehins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coehins, Bridget C" <Bridget.C.Coehins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The Judicial Confirmation Working Group will be meeting today at 4pm in the Associate's Conference room 4627.

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Patrick.O'Brien2@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>; Coehins, Bridget C <Bridget.C.Coehins@usdoj.gov>
Sent: 8/20/2001 6:47:28 AM
Subject: : Judicial Confirmation Working Group Mtg.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:20-AUG-2001 10:47:28.00

SUBJECT:: Judicial Confirmation Working Group Mtg.

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00131089

READ:UNKNOWN
 TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested)
 (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Coehins, Bridget C" <Bridget.C.Coehins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 ("Coehins, Bridget C" <Bridget.C.Coehins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

The Judicial Confirmation Working Group will be meeting today at 4pm in the Associate's Conference room 4627.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
Sent: 8/20/2001 11:19:27 AM
Subject: : Judge is out all week

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-AUG-2001 15:19:27.00

SUBJECT:: Judge is out all week

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please date all of his outgoing correspondence for next Monday, Aug. 27th and hold it until then.

REV_00131251

Lori & Morgan - please discuss the correspondence the Judge will need to sign upon his return so Lori can facilitate this in Morgan's absence.

Morgan - please make sure Lori knows who will get what while you are out of town re: issues/assignments for correspondence and red tags. Please keep in mind that Brett and Rachel are both out this week.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
Sent: 8/20/2001 11:19:27 AM
Subject: : Judge is out all week

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-AUG-2001 15:19:27.00

SUBJECT:: Judge is out all week

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please date all of his outgoing correspondence for next Monday, Aug. 27th and hold it until then.

REV_00131253

Lori & Morgan - please discuss the correspondence the Judge will need to sign upon his return so Lori can facilitate this in Morgan's absence.

Morgan - please make sure Lori knows who will get what while you are out of town re: issues/assignments for correspondence and red tags. Please keep in mind that Brett and Rachel are both out this week.

Thanks!

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; James Carroll <James.Carroll@usdoj.gov>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Patrick O'Brien <Patrick.Obrien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 8/20/2001 4:07:52 PM
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Media Review - Judicial Nominations

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York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis **New York Times**
June 26, 2001

Road to Federal Bench Gets Bumpier in Senate
Neil Lewis 1

circumstances?

We've all seen more than enough instances in which even self-inflicted human error is converted into a multimillion-dollar liability via the courts. Think McDonald's hot coffee. Or a Coke machine falling over on vandals trying to steal money from it. The lure of "big money," once only a cheesy game show phrase, has now achieved esquire status. If you're human, basically, you're potentially guilty--and liable. And you don't have to just worry about Big Brother watching. The sue-happy predator could be as close as the person riding next to you in your car.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

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Business As Usual

The New Republic

Monday, August 20, 2001

"Justice delayed is justice denied," Attorney General John Ashcroft told the American Bar Association's annual convention this week. The motivation for this pronouncement was Ashcroft's pique that the Senate "has moved slowly" in its consideration of President Bush's judicial nominees, resulting in a spate of vacancies that constitute "judicial emergencies." There are a few problems with Ashcroft's complaint. First, it's not true that the Senate has moved slowly: In less than eight months, it has approved about as many federal appeals court judges as it did in both Poppy's and Bill Clinton's entire first year in office, according to the Senate Judiciary Committee. But the greater problem with Ashcroft's indignation is its staggering hypocrisy: for almost no one in America bears greater responsibility for the current "judicial emergencies" than he does. When President Clinton nominated Ronnie White to become a district court judge in 1997, then-Senator Ashcroft blocked his nomination for two years before leading the campaign to kill it on the Senate floor. A year earlier, he placed a "hold" on Margaret Morrow's nomination to a California federal district court and opposed the confirmations of Merrick B. Garland, Frederica Massiah-Jackson, and Clarence Sundram. (Massiah-Jackson and Sundram, like White, never made it to the bench.) As one Ashcroft aide bragged to the St. Louis Post-Dispatch in 1997, "We're making business as usual impossible." Before Ashcroft chastises the Senate, he might want to consider his own record. Responsibility delayed is responsibility denied.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

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Clashes Expected Over Bush Nominees

By Jesse Holland

Associated Press

Friday, August 17, 2001

All of President Bush's 164 unconfirmed nominees for executive and judicial positions must return to "Go" when the Senate reconvenes in September because of a political tiff over two of them.

Rather than let the Senate tell Bush to submit new candidates to head the Consumer Product Safety Commission and the State Department's Western Hemisphere affairs bureau, Republicans forced Democrats to send back all nominations awaiting approval.

The move was strictly procedural and senators in both parties expect Bush to renominate all of his candidates. However, it foreshadows more confirmation battles when Congress reconvenes after Labor Day. Republicans made it clear they will try to portray Democrats as obstructionists if they don't allow votes by the full Senate on some of Bush's more controversial choices.

"To isolate it down to one or two this early in the session, we believe, is a problem," said Senate Minority Leader Trent Lott. "We realize it is a ministerial process now. They will all be sent down and all will be bundled up and sent back, but it does highlight our concern about the way these two nominees are being treated."

The events unfolded when the Senate Commerce Committee rejected Mary Sheila Gall's nomination to head the consumer agency on a 12-11, party-line vote. Looking to peel off a Democrat or two in the full Senate, Republicans demanded she get a vote there, despite the committee's action. Not likely, responded Tom Daschle, D-S.D., who as majority leader controls the Senate agenda

Then just before recessing, Senate Democratic Whip Harry Reid of Nevada told GOP leaders his party wanted to return to the White House the nominations of Gall and Otto Reich for the State Department's top position for Western Hemisphere affairs.

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Senior Democrats say Reich, who has yet to get a hearing, is too divisive for his position. His supporters claim he is being targeted for his strident antipathy toward Cuban leader Fidel Castro. From 1983 to 1986, Reich headed a State Department office that was accused of running a prohibited covert propaganda campaign against Nicaragua's then communist-backed government.

Lott rejected Reid's ploy, saying Democrats would have to return all of Bush's nominations.

Beyond the contentious confirmation of Attorney General John Ashcroft and the rejection of Gall, Bush's choices for administration jobs have won Senate approval with little or no controversy.

Senators have confirmed 227 of Bush's nonjudicial appointees with only 57 nominations not acted upon, according to the Brookings Institution's Presidential Appointee Initiative, a nonpartisan research organization.

During similar time spans, the Senate confirmed 270 of President Reagan's 304 nominees in 1981, and 199 of President Clinton's 228 nominees in 1993, Brookings data shows.

Only four of Bush's judicial nominees have won confirmation - two to fill Appeals Court vacancies and two district judges. And several judicial nominees have drawn fire from several Democratic-dominated constituency groups because of their conservative credentials.

While the Senate's Foreign Relations committee weighs Reich's nomination, its Judiciary committee will tackle Bush's choices of Jeff Sutton, Michael McConnell and Miguel Estrada for Appeals Court vacancies.

"The ones they've done so far have been non-controversial," said Sheldon Goldman, a University of Massachusetts professor and author of the book, "Picking Federal Judges: Lower Court Selection From Roosevelt Through Reagan."

"Now we'll have to see what they do with Estrada, Sutton, with the whole slew of them like McConnell," Goldman said.

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Disability groups have organized against Sutton, who argued and won a case in which the Supreme Court ruled that state government employees cannot sue for discrimination under the Americans With Disabilities Act.

Groups like Americans United for Separation of Church and State oppose McConnell, who is recognized as a critic of abortion rights and church-state separation. Estrada is a partner in the Washington firm that represented Bush before the Supreme Court during his Florida recount fight with Al Gore.

Op/Eds

Segregation Of Power; Gloves Are Off In Judicial Nomination War

The Columbus Dispatch
Sunday, August 19, 2001

The recent bald declaration by Sen. Charles Schumer, D-N.Y., that President Bush's nominees for federal judiciary posts would be subjected to outright ideological screening by the Democrat-controlled Senate ripped away the last shred of pretense about what has been going on for 20 years: Both parties use the confirmation process to block each other's nominees in the hope of creating a judiciary that reflects their concept of the proper role of the courts.

This fight has gotten more vicious and shrill for several reasons.

In the past 50 years, the power of state and federal courts has grown immensely, seriously altering the relative power of each of the three branches of government.

While the Founders intended that policy-making would be vested in the Congress and state legislatures elected by the people, courts increasingly have horned in on the legislative function, issuing rulings that make policy, rather than simply interpreting or judging the constitutionality of laws passed by legislatures. The U.S. Supreme Court's 1973 finding that there is a constitutional privacy right to abortion, for example, instantly overturned the legislatively enacted abortion bans then in place in most of the states. Federal courts also have taken over urban school districts in the name of ending segregation.

York Times

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Neil Lewis **New York Times**
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This change in the relationship of courts and legislatures has come about because there have been in the United States, for at least the past half century, two very different conceptions of government's role. The traditional viewpoint, based on the Founders' recognition of government's tendency to despotism, sees a system of checks and balances designed to limit the power of government.

Besides dividing power between different branches and levels of government, the Founders also vested policymaking power in a two- chamber legislature, in order to make the process slow and deliberate.

As a result, changes in the exercise of government power would be evolutionary rather than revolutionary, an impediment to demagogues and a buffer against the surges of sometimes irrational or liberty-threatening public opinion. The sheer ponderosity of the governing machinery would make it difficult for government to crush freedom quickly or easily.

But political activists chafe at the slow grinding of the democratic machinery, whose inertia not only protects liberty but also can be exploited to preserve and prolong unfair privilege and injustice.

The Founders' sound idea that states should retain rights and powers as a counterbalance to the federal government was dragged into disrepute when Southern states used this autonomy to first defend slavery and then government-sanctioned racial discrimination in the Jim Crow era.

Well-intentioned people determined to overcome such legislatively sanctioned impediments to racial equality sought a remedy in the expansion of federal power, including that of federal courts, to overcome state resistance.

Thus, in the name of a good cause, courts became a way to make an end run around the slow-moving or recalcitrant legislatures.

Today, many political activists prefer court briefs to ballots when seeking political change. They know that a ruling by one or a handful of unelected, unaccountable federal judges can can overrule or bypass Congress, 50 state legislatures and the nation's voters.

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In a trice, the Founders' carefully crafted checks against concentration of power in a few hands are rendered null and void.

While this may seem acceptable when that power clearly is used for a good cause, such as freeing citizens from racial discrimination, it is far less acceptable when the issues are less clear-cut and the electorate is deeply divided, for example, with issues such as abortion, capital punishment and education. It is precisely these most troubling issues that should be ground slowly through the democratic process rather than being "settled" by judicial fiat.

The struggle for the soul of the federal courts pits those who believe democratic processes cannot be trusted to do the "right" thing against those who believe that allowing unelected, unaccountable judges to make public policy is an invitation to despotism and a subversion of democracy.

The place where these mutually exclusive views collide is the U.S. Senate. In the past, when there was less division over the role of the courts, it was Senate practice to confirm a president's judicial nominees without much fuss, providing the candidates were qualified and competent.

But Schumer's declaration of ideological warfare shows that that era is over. The problem is, his declaration also could be a recipe for disaster. If each party refuses to confirm the other's judicial nominees, the result could be paralysis of the federal courts, with devastating effects on millions of people affected by the decisions made -- or delayed -- in those courts.

At present, about 100 federal judgeships are unfilled; that's about one in eight. If the Senate cannot agree on the candidates needed to fill them, the shortage will grow worse.

The Dispatch long has argued that presidents are entitled to nominate people who share their governing philosophy, provided the nominees meet necessary standards of character and competence. The underlying assumption is that the voters who elected the president did so with the understanding and expectation that he would nominate like-minded people to federal posts.

Agreement on such an approach may be the only way a Senate divided so deeply by judicial philosophy can ever hope to keep the federal bench fully staffed so that the wheels of justice

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keep turning.

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Misleading Impression

By Sheldon Goldman
The Courier-Journal
Friday, August 17, 2001

In the otherwise excellent and balanced news story appearing on Aug. 12 about the federal judicial nomination of David Bunning, I am quoted in a way that gives a misleading impression. As I told your reporter, I have no personal knowledge of David Bunning or his qualifications for office. I was merely responding in only a very general way to the questions posed to me. Bunning may well be among the most qualified persons available for the judgeship. My comments published in your story should not be taken to mean that I believe him either qualified or not qualified for office.

Sheldon Goldman

Professor of Political Science, University of Massachusetts at Amherst

Government By Court Order

By Dana D. Kelley
The Arkansas Democrat-Gazette
Friday, August 17, 2001

Sue has become Lady Liberty's first name. It's the new American Way for governing. Forget the old saying, "It takes an act of Congress." The adage for the new millennium is "It takes a Supreme Court ruling."

If America seems to be more polar today on many social issues, it's because our law is often

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being made not by our elected representatives, but by unelected court justices. The former builds consensus, the latter resentment.

Back in the fall presidential election, Democratic candidate Al Gore warned women and pro-abortion supporters that a vote for Republican candidate George W. Bush was a vote to overturn Roe vs. Wade. As powerful as the leader of the world's sole superpower may be, however, not even he can single-handedly accomplish that feat. (It's noteworthy that Gore didn't propose actually putting the abortion question to a true popular vote.)

The implication, rather, was that the election of Bush was also the election, by privilege of political appointment, of conservative and presumably anti-abortion Supreme Court justices. It was thus tacitly acknowledged, with remarkably little protest, that the judiciary was more connected with abortion lawmaking than the legislative branch.

This problem--government by court order rather than by consent of the governed--is getting worse, not better. Currently, the U.S. Senate has confirmed only three of President Bush's 44 nominations for federal court judgeships, and some senators are openly promising an ideological fight for bench seats. New York's Charles Schumer said Democrats will deny nominees of "a particular ideological cast" so as not to "reorient the direction of the federal judiciary."

So now it appears that the job of senators is not to make the laws, but to make sure we get the right sort of judges to make the laws. Schumer and his colleagues understand all too well that it's a lot easier to get re-elected if the courts tackle all the really divisive issues.

The direction he refers to is increasingly activist, and nothing thwarts democracy like judicial activism. Even if the entire population of a town unanimously supported putting a Nativity scene on its courthouse lawn, the Supreme Court would order otherwise--not to protect any local citizens in the minority opinion, but to avoid the figurative "oppression" of any minority anywhere.

Activists call that liberty. A better name is tyranny. Rather than require petitioners whose cause is beyond the scope of the explicit constitutional language to utilize the amendment process, activist justices have literally taken the law into their own hands. Not since the grand age of monarchs have the opinions of so few outweighed the wishes of so many. Overwhelming

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majorities of Americans (1) support the death penalty, (2) oppose unregulated abortion on demand and (3) support public school prayer, and yet the Supreme Court has ruled contrary to public sentiment on each point. Worse yet, it's done so by playing "Twister" with legal precedents and history. That's what frustrates fair-minded folks so much.

Capital punishment is mentioned in the Constitution, and yet the court once ruled it unconstitutional. (Even today its constitutionality is micromanaged by the court.) Abortion, conversely, cannot be found in the document, but like the emperor's clothes, so many serious and important people pretend it's there that the simplistic lay-person is shouted down for even querying. And wherever the line separating church and state may fall today, there's no denying that at the time the Bill of Rights was drafted, nobody, including the authors, saw prayer in public school as a breach.

It's little wonder that there is a contentious attitude today toward lawyers and lawsuits. The nation's judiciary, originally intended to be the final arbiter when all else failed, has become the venue of first resort. Why undertake lobbying hundreds of legislators to pass a new law when convincing a handful of justices will get the existing law struck down? If the will of the people is wilted by the decree of the court, well, then, the people are wrong. Special-interest activists may have started us on the slippery slope to government by court order, but sly American spectators catch on quickly. One can ably argue that trial lawyers are in fact a special-interest group, but it's no longer just the lawyers who keep sharp eyes open for jackpot tort opportunities.

USA Today ran a story this week describing Wal-Mart's volume of lawsuits: The retailer was sued a staggering 4,851 times last year, about once every two hours.

Slip and fall in your house and you're just clumsy; do it in a Wal-Mart store and you're a victim of "neglect," which in the modern legal vernacular means you get to spin the judicial wheel of fortune.

There was also a small article in the Jonesboro Sun about a \$ 2 million judgment against a student and a small college after the student, who was driving the plaintiff to a concert, had an automobile accident in which the plaintiff was seriously injured. Certainly, neither the college nor the driver had any intention of causing a car wreck. Fate is fickle. The plaintiff could easily have been driving and, being human, had the accident. Would he want to be sued under reverse

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Media Review - Judicial Nominations

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York Times

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Neil Lewis **New York Times**

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Business As Usual

The New Republic

Monday, August 20, 2001

"Justice delayed is justice denied," Attorney General John Ashcroft told the American Bar Association's annual convention this week. The motivation for this pronouncement was Ashcroft's pique that the Senate "has moved slowly" in its consideration of President Bush's judicial nominees, resulting in a spate of vacancies that constitute "judicial emergencies." There are a few problems with Ashcroft's complaint. First, it's not true that the Senate has moved slowly: In less than eight months, it has approved about as many federal appeals court judges as it did in both Poppy's and Bill Clinton's entire first year in office, according to the Senate Judiciary Committee. But the greater problem with Ashcroft's indignation is its staggering hypocrisy: for almost no one in America bears greater responsibility for the current "judicial emergencies" than he does. When President Clinton nominated Ronnie White to become a district court judge in 1997, then-Senator Ashcroft blocked his nomination for two years before leading the campaign to kill it on the Senate floor. A year earlier, he placed a "hold" on Margaret Morrow's nomination to a California federal district court and opposed the confirmations of Merrick B. Garland, Frederica Massiah-Jackson, and Clarence Sundram. (Massiah-Jackson and Sundram, like White, never made it to the bench.) As one Ashcroft aide bragged to the St. Louis Post-Dispatch in 1997, "We're making business as usual impossible." Before Ashcroft chastises the Senate, he might want to consider his own record. Responsibility delayed is responsibility denied.

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Clashes Expected Over Bush Nominees

By Jesse Holland

Associated Press

Friday, August 17, 2001

All of President Bush's 164 unconfirmed nominees for executive and judicial positions must return to "Go" when the Senate reconvenes in September because of a political tiff over two of them.

Rather than let the Senate tell Bush to submit new candidates to head the Consumer Product Safety Commission and the State Department's Western Hemisphere affairs bureau, Republicans forced Democrats to send back all nominations awaiting approval.

The move was strictly procedural and senators in both parties expect Bush to renominate all of his candidates. However, it foreshadows more confirmation battles when Congress reconvenes after Labor Day. Republicans made it clear they will try to portray Democrats as obstructionists if they don't allow votes by the full Senate on some of Bush's more controversial choices.

"To isolate it down to one or two this early in the session, we believe, is a problem," said Senate Minority Leader Trent Lott. "We realize it is a ministerial process now. They will all be sent down and all will be bundled up and sent back, but it does highlight our concern about the way these two nominees are being treated."

The events unfolded when the Senate Commerce Committee rejected Mary Sheila Gall's nomination to head the consumer agency on a 12-11, party-line vote. Looking to peel off a Democrat or two in the full Senate, Republicans demanded she get a vote there, despite the committee's action. Not likely, responded Tom Daschle, D-S.D., who as majority leader controls the Senate agenda

Then just before recessing, Senate Democratic Whip Harry Reid of Nevada told GOP leaders his party wanted to return to the White House the nominations of Gall and Otto Reich for the State Department's top position for Western Hemisphere affairs.

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Senior Democrats say Reich, who has yet to get a hearing, is too divisive for his position. His supporters claim he is being targeted for his strident antipathy toward Cuban leader Fidel Castro. From 1983 to 1986, Reich headed a State Department office that was accused of running a prohibited covert propaganda campaign against Nicaragua's then communist-backed government.

Lott rejected Reid's ploy, saying Democrats would have to return all of Bush's nominations.

Beyond the contentious confirmation of Attorney General John Ashcroft and the rejection of Gall, Bush's choices for administration jobs have won Senate approval with little or no controversy.

Senators have confirmed 227 of Bush's nonjudicial appointees with only 57 nominations not acted upon, according to the Brookings Institution's Presidential Appointee Initiative, a nonpartisan research organization.

During similar time spans, the Senate confirmed 270 of President Reagan's 304 nominees in 1981, and 199 of President Clinton's 228 nominees in 1993, Brookings data shows.

Only four of Bush's judicial nominees have won confirmation - two to fill Appeals Court vacancies and two district judges. And several judicial nominees have drawn fire from several Democratic-dominated constituency groups because of their conservative credentials.

While the Senate's Foreign Relations committee weighs Reich's nomination, its Judiciary committee will tackle Bush's choices of Jeff Sutton, Michael McConnell and Miguel Estrada for Appeals Court vacancies.

"The ones they've done so far have been non-controversial," said Sheldon Goldman, a University of Massachusetts professor and author of the book, "Picking Federal Judges: Lower Court Selection From Roosevelt Through Reagan."

"Now we'll have to see what they do with Estrada, Sutton, with the whole slew of them like McConnell," Goldman said.

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Disability groups have organized against Sutton, who argued and won a case in which the Supreme Court ruled that state government employees cannot sue for discrimination under the Americans With Disabilities Act.

Groups like Americans United for Separation of Church and State oppose McConnell, who is recognized as a critic of abortion rights and church-state separation. Estrada is a partner in the Washington firm that represented Bush before the Supreme Court during his Florida recount fight with Al Gore.

Op/Eds

Segregation Of Power; Gloves Are Off In Judicial Nomination War

The Columbus Dispatch
Sunday, August 19, 2001

The recent bald declaration by Sen. Charles Schumer, D-N.Y., that President Bush's nominees for federal judiciary posts would be subjected to outright ideological screening by the Democrat-controlled Senate ripped away the last shred of pretense about what has been going on for 20 years: Both parties use the confirmation process to block each other's nominees in the hope of creating a judiciary that reflects their concept of the proper role of the courts.

This fight has gotten more vicious and shrill for several reasons.

In the past 50 years, the power of state and federal courts has grown immensely, seriously altering the relative power of each of the three branches of government.

While the Founders intended that policy-making would be vested in the Congress and state legislatures elected by the people, courts increasingly have horned in on the legislative function, issuing rulings that make policy, rather than simply interpreting or judging the constitutionality of laws passed by legislatures. The U.S. Supreme Court's 1973 finding that there is a constitutional privacy right to abortion, for example, instantly overturned the legislatively enacted abortion bans then in place in most of the states. Federal courts also have taken over urban school districts in the name of ending segregation.

York Times

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This change in the relationship of courts and legislatures has come about because there have been in the United States, for at least the past half century, two very different conceptions of government's role. The traditional viewpoint, based on the Founders' recognition of government's tendency to despotism, sees a system of checks and balances designed to limit the power of government.

Besides dividing power between different branches and levels of government, the Founders also vested policymaking power in a two- chamber legislature, in order to make the process slow and deliberate.

As a result, changes in the exercise of government power would be evolutionary rather than revolutionary, an impediment to demagogues and a buffer against the surges of sometimes irrational or liberty-threatening public opinion. The sheer ponderosity of the governing machinery would make it difficult for government to crush freedom quickly or easily.

But political activists chafe at the slow grinding of the democratic machinery, whose inertia not only protects liberty but also can be exploited to preserve and prolong unfair privilege and injustice.

The Founders' sound idea that states should retain rights and powers as a counterbalance to the federal government was dragged into disrepute when Southern states used this autonomy to first defend slavery and then government-sanctioned racial discrimination in the Jim Crow era.

Well-intentioned people determined to overcome such legislatively sanctioned impediments to racial equality sought a remedy in the expansion of federal power, including that of federal courts, to overcome state resistance.

Thus, in the name of a good cause, courts became a way to make an end run around the slow-moving or recalcitrant legislatures.

Today, many political activists prefer court briefs to ballots when seeking political change. They know that a ruling by one or a handful of unelected, unaccountable federal judges can can overrule or bypass Congress, 50 state legislatures and the nation's voters.

York Times

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In a trice, the Founders' carefully crafted checks against concentration of power in a few hands are rendered null and void.

While this may seem acceptable when that power clearly is used for a good cause, such as freeing citizens from racial discrimination, it is far less acceptable when the issues are less clear-cut and the electorate is deeply divided, for example, with issues such as abortion, capital punishment and education. It is precisely these most troubling issues that should be ground slowly through the democratic process rather than being "settled" by judicial fiat.

The struggle for the soul of the federal courts pits those who believe democratic processes cannot be trusted to do the "right" thing against those who believe that allowing unelected, unaccountable judges to make public policy is an invitation to despotism and a subversion of democracy.

The place where these mutually exclusive views collide is the U.S. Senate. In the past, when there was less division over the role of the courts, it was Senate practice to confirm a president's judicial nominees without much fuss, providing the candidates were qualified and competent.

But Schumer's declaration of ideological warfare shows that that era is over. The problem is, his declaration also could be a recipe for disaster. If each party refuses to confirm the other's judicial nominees, the result could be paralysis of the federal courts, with devastating effects on millions of people affected by the decisions made -- or delayed -- in those courts.

At present, about 100 federal judgeships are unfilled; that's about one in eight. If the Senate cannot agree on the candidates needed to fill them, the shortage will grow worse.

The Dispatch long has argued that presidents are entitled to nominate people who share their governing philosophy, provided the nominees meet necessary standards of character and competence. The underlying assumption is that the voters who elected the president did so with the understanding and expectation that he would nominate like-minded people to federal posts.

Agreement on such an approach may be the only way a Senate divided so deeply by judicial philosophy can ever hope to keep the federal bench fully staffed so that the wheels of justice

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keep turning.

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Misleading Impression

By Sheldon Goldman
The Courier-Journal
Friday, August 17, 2001

In the otherwise excellent and balanced news story appearing on Aug. 12 about the federal judicial nomination of David Bunning, I am quoted in a way that gives a misleading impression. As I told your reporter, I have no personal knowledge of David Bunning or his qualifications for office. I was merely responding in only a very general way to the questions posed to me. Bunning may well be among the most qualified persons available for the judgeship. My comments published in your story should not be taken to mean that I believe him either qualified or not qualified for office.

Sheldon Goldman

Professor of Political Science, University of Massachusetts at Amherst

Government By Court Order

By Dana D. Kelley
The Arkansas Democrat-Gazette
Friday, August 17, 2001

Sue has become Lady Liberty's first name. It's the new American Way for governing. Forget the old saying, "It takes an act of Congress." The adage for the new millennium is "It takes a Supreme Court ruling."

If America seems to be more polar today on many social issues, it's because our law is often

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being made not by our elected representatives, but by unelected court justices. The former builds consensus, the latter resentment.

Back in the fall presidential election, Democratic candidate Al Gore warned women and pro-abortion supporters that a vote for Republican candidate George W. Bush was a vote to overturn Roe vs. Wade. As powerful as the leader of the world's sole superpower may be, however, not even he can single-handedly accomplish that feat. (It's noteworthy that Gore didn't propose actually putting the abortion question to a true popular vote.)

The implication, rather, was that the election of Bush was also the election, by privilege of political appointment, of conservative and presumably anti-abortion Supreme Court justices. It was thus tacitly acknowledged, with remarkably little protest, that the judiciary was more connected with abortion lawmaking than the legislative branch.

This problem--government by court order rather than by consent of the governed--is getting worse, not better. Currently, the U.S. Senate has confirmed only three of President Bush's 44 nominations for federal court judgeships, and some senators are openly promising an ideological fight for bench seats. New York's Charles Schumer said Democrats will deny nominees of "a particular ideological cast" so as not to "reorient the direction of the federal judiciary."

So now it appears that the job of senators is not to make the laws, but to make sure we get the right sort of judges to make the laws. Schumer and his colleagues understand all too well that it's a lot easier to get re-elected if the courts tackle all the really divisive issues.

The direction he refers to is increasingly activist, and nothing thwarts democracy like judicial activism. Even if the entire population of a town unanimously supported putting a Nativity scene on its courthouse lawn, the Supreme Court would order otherwise--not to protect any local citizens in the minority opinion, but to avoid the figurative "oppression" of any minority anywhere.

Activists call that liberty. A better name is tyranny. Rather than require petitioners whose cause is beyond the scope of the explicit constitutional language to utilize the amendment process, activist justices have literally taken the law into their own hands. Not since the grand age of monarchs have the opinions of so few outweighed the wishes of so many. Overwhelming

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majorities of Americans (1) support the death penalty, (2) oppose unregulated abortion on demand and (3) support public school prayer, and yet the Supreme Court has ruled contrary to public sentiment on each point. Worse yet, it's done so by playing "Twister" with legal precedents and history. That's what frustrates fair-minded folks so much.

Capital punishment is mentioned in the Constitution, and yet the court once ruled it unconstitutional. (Even today its constitutionality is micromanaged by the court.) Abortion, conversely, cannot be found in the document, but like the emperor's clothes, so many serious and important people pretend it's there that the simplistic lay-person is shouted down for even querying. And wherever the line separating church and state may fall today, there's no denying that at the time the Bill of Rights was drafted, nobody, including the authors, saw prayer in public school as a breach.

It's little wonder that there is a contentious attitude today toward lawyers and lawsuits. The nation's judiciary, originally intended to be the final arbiter when all else failed, has become the venue of first resort. Why undertake lobbying hundreds of legislators to pass a new law when convincing a handful of justices will get the existing law struck down? If the will of the people is wilted by the decree of the court, well, then, the people are wrong. Special-interest activists may have started us on the slippery slope to government by court order, but sly American spectators catch on quickly. One can ably argue that trial lawyers are in fact a special-interest group, but it's no longer just the lawyers who keep sharp eyes open for jackpot tort opportunities.

USA Today ran a story this week describing Wal-Mart's volume of lawsuits: The retailer was sued a staggering 4,851 times last year, about once every two hours.

Slip and fall in your house and you're just clumsy; do it in a Wal-Mart store and you're a victim of "neglect," which in the modern legal vernacular means you get to spin the judicial wheel of fortune.

There was also a small article in the Jonesboro Sun about a \$ 2 million judgment against a student and a small college after the student, who was driving the plaintiff to a concert, had an automobile accident in which the plaintiff was seriously injured. Certainly, neither the college nor the driver had any intention of causing a car wreck. Fate is fickle. The plaintiff could easily have been driving and, being human, had the accident. Would he want to be sued under reverse

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To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; James Carroll <James.Carroll@usdoj.gov>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Patrick O'Brien <Patrick.Obrien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
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The New Republic

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"Justice delayed is justice denied," Attorney General John Ashcroft told the American Bar Association's annual convention this week. The motivation for this pronouncement was Ashcroft's pique that the Senate "has moved slowly" in its consideration of President Bush's judicial nominees, resulting in a spate of vacancies that constitute "judicial emergencies." There are a few problems with Ashcroft's complaint. First, it's not true that the Senate has moved slowly: In less than eight months, it has approved about as many federal appeals court judges as it did in both Poppy's and Bill Clinton's entire first year in office, according to the Senate Judiciary Committee. But the greater problem with Ashcroft's indignation is its staggering hypocrisy: for almost no one in America bears greater responsibility for the current "judicial emergencies" than he does. When President Clinton nominated Ronnie White to become a district court judge in 1997, then-Senator Ashcroft blocked his nomination for two years before leading the campaign to kill it on the Senate floor. A year earlier, he placed a "hold" on Margaret Morrow's nomination to a California federal district court and opposed the confirmations of Merrick B. Garland, Frederica Massiah-Jackson, and Clarence Sundram. (Massiah-Jackson and Sundram, like White, never made it to the bench.) As one Ashcroft aide bragged to the St. Louis Post-Dispatch in 1997, "We're making business as usual impossible." Before Ashcroft chastises the Senate, he might want to consider his own record. Responsibility delayed is responsibility denied.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**

Neil Lewis **New York Times**

June 26, 2001

Road to Federal Bench Gets Bumpier in Senate

Neil Lewis

Clashes Expected Over Bush Nominees

By Jesse Holland

Associated Press

Friday, August 17, 2001

All of President Bush's 164 unconfirmed nominees for executive and judicial positions must return to "Go" when the Senate reconvenes in September because of a political tiff over two of them.

Rather than let the Senate tell Bush to submit new candidates to head the Consumer Product Safety Commission and the State Department's Western Hemisphere affairs bureau, Republicans forced Democrats to send back all nominations awaiting approval.

The move was strictly procedural and senators in both parties expect Bush to renominate all of his candidates. However, it foreshadows more confirmation battles when Congress reconvenes after Labor Day. Republicans made it clear they will try to portray Democrats as obstructionists if they don't allow votes by the full Senate on some of Bush's more controversial choices.

"To isolate it down to one or two this early in the session, we believe, is a problem," said Senate Minority Leader Trent Lott. "We realize it is a ministerial process now. They will all be sent down and all will be bundled up and sent back, but it does highlight our concern about the way these two nominees are being treated."

The events unfolded when the Senate Commerce Committee rejected Mary Sheila Gall's nomination to head the consumer agency on a 12-11, party-line vote. Looking to peel off a Democrat or two in the full Senate, Republicans demanded she get a vote there, despite the committee's action. Not likely, responded Tom Daschle, D-S.D., who as majority leader controls the Senate agenda

Then just before recessing, Senate Democratic Whip Harry Reid of Nevada told GOP leaders his party wanted to return to the White House the nominations of Gall and Otto Reich for the State Department's top position for Western Hemisphere affairs.

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Lott rejected Reid's ploy, saying Democrats would have to return all of Bush's nominations.

Beyond the contentious confirmation of Attorney General John Ashcroft and the rejection of Gall, Bush's choices for administration jobs have won Senate approval with little or no controversy.

Senators have confirmed 227 of Bush's nonjudicial appointees with only 57 nominations not acted upon, according to the Brookings Institution's Presidential Appointee Initiative, a nonpartisan research organization.

During similar time spans, the Senate confirmed 270 of President Reagan's 304 nominees in 1981, and 199 of President Clinton's 228 nominees in 1993, Brookings data shows.

Only four of Bush's judicial nominees have won confirmation - two to fill Appeals Court vacancies and two district judges. And several judicial nominees have drawn fire from several Democratic-dominated constituency groups because of their conservative credentials.

While the Senate's Foreign Relations committee weighs Reich's nomination, its Judiciary committee will tackle Bush's choices of Jeff Sutton, Michael McConnell and Miguel Estrada for Appeals Court vacancies.

"The ones they've done so far have been non-controversial," said Sheldon Goldman, a University of Massachusetts professor and author of the book, "Picking Federal Judges: Lower Court Selection From Roosevelt Through Reagan."

"Now we'll have to see what they do with Estrada, Sutton, with the whole slew of them like McConnell," Goldman said.

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Op/Eds

Segregation Of Power; Gloves Are Off In Judicial Nomination War

The Columbus Dispatch
Sunday, August 19, 2001

The recent bald declaration by Sen. Charles Schumer, D-N.Y., that President Bush's nominees for federal judiciary posts would be subjected to outright ideological screening by the Democrat-controlled Senate ripped away the last shred of pretense about what has been going on for 20 years: Both parties use the confirmation process to block each other's nominees in the hope of creating a judiciary that reflects their concept of the proper role of the courts.

This fight has gotten more vicious and shrill for several reasons.

In the past 50 years, the power of state and federal courts has grown immensely, seriously altering the relative power of each of the three branches of government.

While the Founders intended that policy-making would be vested in the Congress and state legislatures elected by the people, courts increasingly have horned in on the legislative function, issuing rulings that make policy, rather than simply interpreting or judging the constitutionality of laws passed by legislatures. The U.S. Supreme Court's 1973 finding that there is a constitutional privacy right to abortion, for example, instantly overturned the legislatively enacted abortion bans then in place in most of the states. Federal courts also have taken over urban school districts in the name of ending segregation.

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This change in the relationship of courts and legislatures has come about because there have been in the United States, for at least the past half century, two very different conceptions of government's role. The traditional viewpoint, based on the Founders' recognition of government's tendency to despotism, sees a system of checks and balances designed to limit the power of government.

Besides dividing power between different branches and levels of government, the Founders also vested policymaking power in a two- chamber legislature, in order to make the process slow and deliberate.

As a result, changes in the exercise of government power would be evolutionary rather than revolutionary, an impediment to demagogues and a buffer against the surges of sometimes irrational or liberty-threatening public opinion. The sheer ponderosity of the governing machinery would make it difficult for government to crush freedom quickly or easily.

But political activists chafe at the slow grinding of the democratic machinery, whose inertia not only protects liberty but also can be exploited to preserve and prolong unfair privilege and injustice.

The Founders' sound idea that states should retain rights and powers as a counterbalance to the federal government was dragged into disrepute when Southern states used this autonomy to first defend slavery and then government-sanctioned racial discrimination in the Jim Crow era.

Well-intentioned people determined to overcome such legislatively sanctioned impediments to racial equality sought a remedy in the expansion of federal power, including that of federal courts, to overcome state resistance.

Thus, in the name of a good cause, courts became a way to make an end run around the slow-moving or recalcitrant legislatures.

Today, many political activists prefer court briefs to ballots when seeking political change. They know that a ruling by one or a handful of unelected, unaccountable federal judges can can overrule or bypass Congress, 50 state legislatures and the nation's voters.

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In a trice, the Founders' carefully crafted checks against concentration of power in a few hands are rendered null and void.

While this may seem acceptable when that power clearly is used for a good cause, such as freeing citizens from racial discrimination, it is far less acceptable when the issues are less clear-cut and the electorate is deeply divided, for example, with issues such as abortion, capital punishment and education. It is precisely these most troubling issues that should be ground slowly through the democratic process rather than being "settled" by judicial fiat.

The struggle for the soul of the federal courts pits those who believe democratic processes cannot be trusted to do the "right" thing against those who believe that allowing unelected, unaccountable judges to make public policy is an invitation to despotism and a subversion of democracy.

The place where these mutually exclusive views collide is the U.S. Senate. In the past, when there was less division over the role of the courts, it was Senate practice to confirm a president's judicial nominees without much fuss, providing the candidates were qualified and competent.

But Schumer's declaration of ideological warfare shows that that era is over. The problem is, his declaration also could be a recipe for disaster. If each party refuses to confirm the other's judicial nominees, the result could be paralysis of the federal courts, with devastating effects on millions of people affected by the decisions made -- or delayed -- in those courts.

At present, about 100 federal judgeships are unfilled; that's about one in eight. If the Senate cannot agree on the candidates needed to fill them, the shortage will grow worse.

The Dispatch long has argued that presidents are entitled to nominate people who share their governing philosophy, provided the nominees meet necessary standards of character and competence. The underlying assumption is that the voters who elected the president did so with the understanding and expectation that he would nominate like-minded people to federal posts.

Agreement on such an approach may be the only way a Senate divided so deeply by judicial philosophy can ever hope to keep the federal bench fully staffed so that the wheels of justice

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keep turning.

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Misleading Impression

By Sheldon Goldman
The Courier-Journal
Friday, August 17, 2001

In the otherwise excellent and balanced news story appearing on Aug. 12 about the federal judicial nomination of David Bunning, I am quoted in a way that gives a misleading impression. As I told your reporter, I have no personal knowledge of David Bunning or his qualifications for office. I was merely responding in only a very general way to the questions posed to me. Bunning may well be among the most qualified persons available for the judgeship. My comments published in your story should not be taken to mean that I believe him either qualified or not qualified for office.

Sheldon Goldman

Professor of Political Science, University of Massachusetts at Amherst

Government By Court Order

By Dana D. Kelley
The Arkansas Democrat-Gazette
Friday, August 17, 2001

Sue has become Lady Liberty's first name. It's the new American Way for governing. Forget the old saying, "It takes an act of Congress." The adage for the new millennium is "It takes a Supreme Court ruling."

If America seems to be more polar today on many social issues, it's because our law is often

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being made not by our elected representatives, but by unelected court justices. The former builds consensus, the latter resentment.

Back in the fall presidential election, Democratic candidate Al Gore warned women and pro-abortion supporters that a vote for Republican candidate George W. Bush was a vote to overturn Roe vs. Wade. As powerful as the leader of the world's sole superpower may be, however, not even he can single-handedly accomplish that feat. (It's noteworthy that Gore didn't propose actually putting the abortion question to a true popular vote.)

The implication, rather, was that the election of Bush was also the election, by privilege of political appointment, of conservative and presumably anti-abortion Supreme Court justices. It was thus tacitly acknowledged, with remarkably little protest, that the judiciary was more connected with abortion lawmaking than the legislative branch.

This problem--government by court order rather than by consent of the governed--is getting worse, not better. Currently, the U.S. Senate has confirmed only three of President Bush's 44 nominations for federal court judgeships, and some senators are openly promising an ideological fight for bench seats. New York's Charles Schumer said Democrats will deny nominees of "a particular ideological cast" so as not to "reorient the direction of the federal judiciary."

So now it appears that the job of senators is not to make the laws, but to make sure we get the right sort of judges to make the laws. Schumer and his colleagues understand all too well that it's a lot easier to get re-elected if the courts tackle all the really divisive issues.

The direction he refers to is increasingly activist, and nothing thwarts democracy like judicial activism. Even if the entire population of a town unanimously supported putting a Nativity scene on its courthouse lawn, the Supreme Court would order otherwise--not to protect any local citizens in the minority opinion, but to avoid the figurative "oppression" of any minority anywhere.

Activists call that liberty. A better name is tyranny. Rather than require petitioners whose cause is beyond the scope of the explicit constitutional language to utilize the amendment process, activist justices have literally taken the law into their own hands. Not since the grand age of monarchs have the opinions of so few outweighed the wishes of so many. Overwhelming

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majorities of Americans (1) support the death penalty, (2) oppose unregulated abortion on demand and (3) support public school prayer, and yet the Supreme Court has ruled contrary to public sentiment on each point. Worse yet, it's done so by playing "Twister" with legal precedents and history. That's what frustrates fair-minded folks so much.

Capital punishment is mentioned in the Constitution, and yet the court once ruled it unconstitutional. (Even today its constitutionality is micromanaged by the court.) Abortion, conversely, cannot be found in the document, but like the emperor's clothes, so many serious and important people pretend it's there that the simplistic lay-person is shouted down for even querying. And wherever the line separating church and state may fall today, there's no denying that at the time the Bill of Rights was drafted, nobody, including the authors, saw prayer in public school as a breach.

It's little wonder that there is a contentious attitude today toward lawyers and lawsuits. The nation's judiciary, originally intended to be the final arbiter when all else failed, has become the venue of first resort. Why undertake lobbying hundreds of legislators to pass a new law when convincing a handful of justices will get the existing law struck down? If the will of the people is wilted by the decree of the court, well, then, the people are wrong. Special-interest activists may have started us on the slippery slope to government by court order, but sly American spectators catch on quickly. One can ably argue that trial lawyers are in fact a special-interest group, but it's no longer just the lawyers who keep sharp eyes open for jackpot tort opportunities.

USA Today ran a story this week describing Wal-Mart's volume of lawsuits: The retailer was sued a staggering 4,851 times last year, about once every two hours.

Slip and fall in your house and you're just clumsy; do it in a Wal-Mart store and you're a victim of "neglect," which in the modern legal vernacular means you get to spin the judicial wheel of fortune.

There was also a small article in the Jonesboro Sun about a \$ 2 million judgment against a student and a small college after the student, who was driving the plaintiff to a concert, had an automobile accident in which the plaintiff was seriously injured. Certainly, neither the college nor the driver had any intention of causing a car wreck. Fate is fickle. The plaintiff could easily have been driving and, being human, had the accident. Would he want to be sued under reverse

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From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; James Carroll <James.Carroll@usdoj.gov>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Patrick O'Brien <Patrick.Obrien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
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READ:UNKNOWN
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READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James Carroll <James.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
TO:Patrick O'Brien <Patrick.Obrien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.Obrien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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Media Review - Judicial Nominations

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circumstances?

We've all seen more than enough instances in which even self-inflicted human error is converted into a multimillion-dollar liability via the courts. Think McDonald's hot coffee. Or a Coke machine falling over on vandals trying to steal money from it. The lure of "big money," once only a cheesy game show phrase, has now achieved esquire status. If you're human, basically, you're potentially guilty--and liable. And you don't have to just worry about Big Brother watching. The sue-happy predator could be as close as the person riding next to you in your car.

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The Columbus Dispatch
Sunday, August 19, 2001

The recent bald declaration by Sen. Charles Schumer, D-N.Y., that President Bush's nominees for federal judiciary posts would be subjected to outright ideological screening by the Democrat-controlled Senate ripped away the last shred of pretense about what has been going on for 20 years: Both parties use the confirmation process to block each other's nominees in the hope of creating a judiciary that reflects their concept of the proper role of the courts.

This fight has gotten more vicious and shrill for several reasons.

In the past 50 years, the power of state and federal courts has grown immensely, seriously altering the relative power of each of the three branches of government.

While the Founders intended that policy-making would be vested in the Congress and state legislatures elected by the people, courts increasingly have horned in on the legislative function, issuing rulings that make policy, rather than simply interpreting or judging the constitutionality of laws passed by legislatures. The U.S. Supreme Court's 1973 finding that there is a constitutional privacy right to abortion, for example, instantly overturned the legislatively enacted abortion bans then in place in most of the states. Federal courts also have taken over urban school districts in the name of ending segregation.

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis **New York Times**
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Road to Federal Bench Gets Bumpier in Senate
Neil Lewis

This change in the relationship of courts and legislatures has come about because there have been in the United States, for at least the past half century, two very different conceptions of government's role. The traditional viewpoint, based on the Founders' recognition of government's tendency to despotism, sees a system of checks and balances designed to limit the power of government.

Besides dividing power between different branches and levels of government, the Founders also vested policymaking power in a two- chamber legislature, in order to make the process slow and deliberate.

As a result, changes in the exercise of government power would be evolutionary rather than revolutionary, an impediment to demagogues and a buffer against the surges of sometimes irrational or liberty-threatening public opinion. The sheer ponderosity of the governing machinery would make it difficult for government to crush freedom quickly or easily.

But political activists chafe at the slow grinding of the democratic machinery, whose inertia not only protects liberty but also can be exploited to preserve and prolong unfair privilege and injustice.

The Founders' sound idea that states should retain rights and powers as a counterbalance to the federal government was dragged into disrepute when Southern states used this autonomy to first defend slavery and then government-sanctioned racial discrimination in the Jim Crow era.

Well-intentioned people determined to overcome such legislatively sanctioned impediments to racial equality sought a remedy in the expansion of federal power, including that of federal courts, to overcome state resistance.

Thus, in the name of a good cause, courts became a way to make an end run around the slow-moving or recalcitrant legislatures.

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While this may seem acceptable when that power clearly is used for a good cause, such as freeing citizens from racial discrimination, it is far less acceptable when the issues are less clear-cut and the electorate is deeply divided, for example, with issues such as abortion, capital punishment and education. It is precisely these most troubling issues that should be ground slowly through the democratic process rather than being "settled" by judicial fiat.

The struggle for the soul of the federal courts pits those who believe democratic processes cannot be trusted to do the "right" thing against those who believe that allowing unelected, unaccountable judges to make public policy is an invitation to despotism and a subversion of democracy.

The place where these mutually exclusive views collide is the U.S. Senate. In the past, when there was less division over the role of the courts, it was Senate practice to confirm a president's judicial nominees without much fuss, providing the candidates were qualified and competent.

But Schumer's declaration of ideological warfare shows that that era is over. The problem is, his declaration also could be a recipe for disaster. If each party refuses to confirm the other's judicial nominees, the result could be paralysis of the federal courts, with devastating effects on millions of people affected by the decisions made -- or delayed -- in those courts.

At present, about 100 federal judgeships are unfilled; that's about one in eight. If the Senate cannot agree on the candidates needed to fill them, the shortage will grow worse.

The Dispatch long has argued that presidents are entitled to nominate people who share their governing philosophy, provided the nominees meet necessary standards of character and competence. The underlying assumption is that the voters who elected the president did so with the understanding and expectation that he would nominate like-minded people to federal posts.

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Misleading Impression

By Sheldon Goldman
The Courier-Journal
Friday, August 17, 2001

In the otherwise excellent and balanced news story appearing on Aug. 12 about the federal judicial nomination of David Bunning, I am quoted in a way that gives a misleading impression. As I told your reporter, I have no personal knowledge of David Bunning or his qualifications for office. I was merely responding in only a very general way to the questions posed to me. Bunning may well be among the most qualified persons available for the judgeship. My comments published in your story should not be taken to mean that I believe him either qualified or not qualified for office.

Sheldon Goldman

Professor of Political Science, University of Massachusetts at Amherst

Government By Court Order

By Dana D. Kelley
The Arkansas Democrat-Gazette
Friday, August 17, 2001

Sue has become Lady Liberty's first name. It's the new American Way for governing. Forget the old saying, "It takes an act of Congress." The adage for the new millennium is "It takes a Supreme Court ruling."

If America seems to be more polar today on many social issues, it's because our law is often

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being made not by our elected representatives, but by unelected court justices. The former builds consensus, the latter resentment.

Back in the fall presidential election, Democratic candidate Al Gore warned women and pro-abortion supporters that a vote for Republican candidate George W. Bush was a vote to overturn Roe vs. Wade. As powerful as the leader of the world's sole superpower may be, however, not even he can single-handedly accomplish that feat. (It's noteworthy that Gore didn't propose actually putting the abortion question to a true popular vote.)

The implication, rather, was that the election of Bush was also the election, by privilege of political appointment, of conservative and presumably anti-abortion Supreme Court justices. It was thus tacitly acknowledged, with remarkably little protest, that the judiciary was more connected with abortion lawmaking than the legislative branch.

This problem--government by court order rather than by consent of the governed--is getting worse, not better. Currently, the U.S. Senate has confirmed only three of President Bush's 44 nominations for federal court judgeships, and some senators are openly promising an ideological fight for bench seats. New York's Charles Schumer said Democrats will deny nominees of "a particular ideological cast" so as not to "reorient the direction of the federal judiciary."

So now it appears that the job of senators is not to make the laws, but to make sure we get the right sort of judges to make the laws. Schumer and his colleagues understand all too well that it's a lot easier to get re-elected if the courts tackle all the really divisive issues.

The direction he refers to is increasingly activist, and nothing thwarts democracy like judicial activism. Even if the entire population of a town unanimously supported putting a Nativity scene on its courthouse lawn, the Supreme Court would order otherwise--not to protect any local citizens in the minority opinion, but to avoid the figurative "oppression" of any minority anywhere.

Activists call that liberty. A better name is tyranny. Rather than require petitioners whose cause is beyond the scope of the explicit constitutional language to utilize the amendment process, activist justices have literally taken the law into their own hands. Not since the grand age of monarchs have the opinions of so few outweighed the wishes of so many. Overwhelming

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majorities of Americans (1) support the death penalty, (2) oppose unregulated abortion on demand and (3) support public school prayer, and yet the Supreme Court has ruled contrary to public sentiment on each point. Worse yet, it's done so by playing "Twister" with legal precedents and history. That's what frustrates fair-minded folks so much.

Capital punishment is mentioned in the Constitution, and yet the court once ruled it unconstitutional. (Even today its constitutionality is micromanaged by the court.) Abortion, conversely, cannot be found in the document, but like the emperor's clothes, so many serious and important people pretend it's there that the simplistic lay-person is shouted down for even querying. And wherever the line separating church and state may fall today, there's no denying that at the time the Bill of Rights was drafted, nobody, including the authors, saw prayer in public school as a breach.

It's little wonder that there is a contentious attitude today toward lawyers and lawsuits. The nation's judiciary, originally intended to be the final arbiter when all else failed, has become the venue of first resort. Why undertake lobbying hundreds of legislators to pass a new law when convincing a handful of justices will get the existing law struck down? If the will of the people is wilted by the decree of the court, well, then, the people are wrong. Special-interest activists may have started us on the slippery slope to government by court order, but sly American spectators catch on quickly. One can ably argue that trial lawyers are in fact a special-interest group, but it's no longer just the lawyers who keep sharp eyes open for jackpot tort opportunities.

USA Today ran a story this week describing Wal-Mart's volume of lawsuits: The retailer was sued a staggering 4,851 times last year, about once every two hours.

Slip and fall in your house and you're just clumsy; do it in a Wal-Mart store and you're a victim of "neglect," which in the modern legal vernacular means you get to spin the judicial wheel of fortune.

There was also a small article in the Jonesboro Sun about a \$ 2 million judgment against a student and a small college after the student, who was driving the plaintiff to a concert, had an automobile accident in which the plaintiff was seriously injured. Certainly, neither the college nor the driver had any intention of causing a car wreck. Fate is fickle. The plaintiff could easily have been driving and, being human, had the accident. Would he want to be sued under reverse

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From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; James Carroll <James.Carroll@usdoj.gov>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Patrick O'Brien <Patrick.Obrien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
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TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
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TO:James Carroll <James.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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Media Review - Judicial Nominations

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York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
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circumstances?

We've all seen more than enough instances in which even self-inflicted human error is converted into a multimillion-dollar liability via the courts. Think McDonald's hot coffee. Or a Coke machine falling over on vandals trying to steal money from it. The lure of "big money," once only a cheesy game show phrase, has now achieved esquire status. If you're human, basically, you're potentially guilty--and liable. And you don't have to just worry about Big Brother watching. The sue-happy predator could be as close as the person riding next to you in your car.

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Business As Usual

The New Republic

Monday, August 20, 2001

"Justice delayed is justice denied," Attorney General John Ashcroft told the American Bar Association's annual convention this week. The motivation for this pronouncement was Ashcroft's pique that the Senate "has moved slowly" in its consideration of President Bush's judicial nominees, resulting in a spate of vacancies that constitute "judicial emergencies." There are a few problems with Ashcroft's complaint. First, it's not true that the Senate has moved slowly: In less than eight months, it has approved about as many federal appeals court judges as it did in both Poppy's and Bill Clinton's entire first year in office, according to the Senate Judiciary Committee. But the greater problem with Ashcroft's indignation is its staggering hypocrisy: for almost no one in America bears greater responsibility for the current "judicial emergencies" than he does. When President Clinton nominated Ronnie White to become a district court judge in 1997, then-Senator Ashcroft blocked his nomination for two years before leading the campaign to kill it on the Senate floor. A year earlier, he placed a "hold" on Margaret Morrow's nomination to a California federal district court and opposed the confirmations of Merrick B. Garland, Frederica Massiah-Jackson, and Clarence Sundram. (Massiah-Jackson and Sundram, like White, never made it to the bench.) As one Ashcroft aide bragged to the St. Louis Post-Dispatch in 1997, "We're making business as usual impossible." Before Ashcroft chastises the Senate, he might want to consider his own record. Responsibility delayed is responsibility denied.

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Clashes Expected Over Bush Nominees

By Jesse Holland

Associated Press

Friday, August 17, 2001

All of President Bush's 164 unconfirmed nominees for executive and judicial positions must return to "Go" when the Senate reconvenes in September because of a political tiff over two of them.

Rather than let the Senate tell Bush to submit new candidates to head the Consumer Product Safety Commission and the State Department's Western Hemisphere affairs bureau, Republicans forced Democrats to send back all nominations awaiting approval.

The move was strictly procedural and senators in both parties expect Bush to renominate all of his candidates. However, it foreshadows more confirmation battles when Congress reconvenes after Labor Day. Republicans made it clear they will try to portray Democrats as obstructionists if they don't allow votes by the full Senate on some of Bush's more controversial choices.

"To isolate it down to one or two this early in the session, we believe, is a problem," said Senate Minority Leader Trent Lott. "We realize it is a ministerial process now. They will all be sent down and all will be bundled up and sent back, but it does highlight our concern about the way these two nominees are being treated."

The events unfolded when the Senate Commerce Committee rejected Mary Sheila Gall's nomination to head the consumer agency on a 12-11, party-line vote. Looking to peel off a Democrat or two in the full Senate, Republicans demanded she get a vote there, despite the committee's action. Not likely, responded Tom Daschle, D-S.D., who as majority leader controls the Senate agenda

Then just before recessing, Senate Democratic Whip Harry Reid of Nevada told GOP leaders his party wanted to return to the White House the nominations of Gall and Otto Reich for the State Department's top position for Western Hemisphere affairs.

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Senior Democrats say Reich, who has yet to get a hearing, is too divisive for his position. His supporters claim he is being targeted for his strident antipathy toward Cuban leader Fidel Castro. From 1983 to 1986, Reich headed a State Department office that was accused of running a prohibited covert propaganda campaign against Nicaragua's then communist-backed government.

Lott rejected Reid's ploy, saying Democrats would have to return all of Bush's nominations.

Beyond the contentious confirmation of Attorney General John Ashcroft and the rejection of Gall, Bush's choices for administration jobs have won Senate approval with little or no controversy.

Senators have confirmed 227 of Bush's nonjudicial appointees with only 57 nominations not acted upon, according to the Brookings Institution's Presidential Appointee Initiative, a nonpartisan research organization.

During similar time spans, the Senate confirmed 270 of President Reagan's 304 nominees in 1981, and 199 of President Clinton's 228 nominees in 1993, Brookings data shows.

Only four of Bush's judicial nominees have won confirmation - two to fill Appeals Court vacancies and two district judges. And several judicial nominees have drawn fire from several Democratic-dominated constituency groups because of their conservative credentials.

While the Senate's Foreign Relations committee weighs Reich's nomination, its Judiciary committee will tackle Bush's choices of Jeff Sutton, Michael McConnell and Miguel Estrada for Appeals Court vacancies.

"The ones they've done so far have been non-controversial," said Sheldon Goldman, a University of Massachusetts professor and author of the book, "Picking Federal Judges: Lower Court Selection From Roosevelt Through Reagan."

"Now we'll have to see what they do with Estrada, Sutton, with the whole slew of them like McConnell," Goldman said.

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Disability groups have organized against Sutton, who argued and won a case in which the Supreme Court ruled that state government employees cannot sue for discrimination under the Americans With Disabilities Act.

Groups like Americans United for Separation of Church and State oppose McConnell, who is recognized as a critic of abortion rights and church-state separation. Estrada is a partner in the Washington firm that represented Bush before the Supreme Court during his Florida recount fight with Al Gore.

Op/Eds

Segregation Of Power; Gloves Are Off In Judicial Nomination War

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This fight has gotten more vicious and shrill for several reasons.

In the past 50 years, the power of state and federal courts has grown immensely, seriously altering the relative power of each of the three branches of government.

While the Founders intended that policy-making would be vested in the Congress and state legislatures elected by the people, courts increasingly have horned in on the legislative function, issuing rulings that make policy, rather than simply interpreting or judging the constitutionality of laws passed by legislatures. The U.S. Supreme Court's 1973 finding that there is a constitutional privacy right to abortion, for example, instantly overturned the legislatively enacted abortion bans then in place in most of the states. Federal courts also have taken over urban school districts in the name of ending segregation.

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Besides dividing power between different branches and levels of government, the Founders also vested policymaking power in a two- chamber legislature, in order to make the process slow and deliberate.

As a result, changes in the exercise of government power would be evolutionary rather than revolutionary, an impediment to demagogues and a buffer against the surges of sometimes irrational or liberty-threatening public opinion. The sheer ponderosity of the governing machinery would make it difficult for government to crush freedom quickly or easily.

But political activists chafe at the slow grinding of the democratic machinery, whose inertia not only protects liberty but also can be exploited to preserve and prolong unfair privilege and injustice.

The Founders' sound idea that states should retain rights and powers as a counterbalance to the federal government was dragged into disrepute when Southern states used this autonomy to first defend slavery and then government-sanctioned racial discrimination in the Jim Crow era.

Well-intentioned people determined to overcome such legislatively sanctioned impediments to racial equality sought a remedy in the expansion of federal power, including that of federal courts, to overcome state resistance.

Thus, in the name of a good cause, courts became a way to make an end run around the slow-moving or recalcitrant legislatures.

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The struggle for the soul of the federal courts pits those who believe democratic processes cannot be trusted to do the "right" thing against those who believe that allowing unelected, unaccountable judges to make public policy is an invitation to despotism and a subversion of democracy.

The place where these mutually exclusive views collide is the U.S. Senate. In the past, when there was less division over the role of the courts, it was Senate practice to confirm a president's judicial nominees without much fuss, providing the candidates were qualified and competent.

But Schumer's declaration of ideological warfare shows that that era is over. The problem is, his declaration also could be a recipe for disaster. If each party refuses to confirm the other's judicial nominees, the result could be paralysis of the federal courts, with devastating effects on millions of people affected by the decisions made -- or delayed -- in those courts.

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The Courier-Journal
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In the otherwise excellent and balanced news story appearing on Aug. 12 about the federal judicial nomination of David Bunning, I am quoted in a way that gives a misleading impression. As I told your reporter, I have no personal knowledge of David Bunning or his qualifications for office. I was merely responding in only a very general way to the questions posed to me. Bunning may well be among the most qualified persons available for the judgeship. My comments published in your story should not be taken to mean that I believe him either qualified or not qualified for office.

Sheldon Goldman

Professor of Political Science, University of Massachusetts at Amherst

Government By Court Order

By Dana D. Kelley
The Arkansas Democrat-Gazette
Friday, August 17, 2001

Sue has become Lady Liberty's first name. It's the new American Way for governing. Forget the old saying, "It takes an act of Congress." The adage for the new millennium is "It takes a Supreme Court ruling."

If America seems to be more polar today on many social issues, it's because our law is often

York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis **New York Times**
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being made not by our elected representatives, but by unelected court justices. The former builds consensus, the latter resentment.

Back in the fall presidential election, Democratic candidate Al Gore warned women and pro-abortion supporters that a vote for Republican candidate George W. Bush was a vote to overturn Roe vs. Wade. As powerful as the leader of the world's sole superpower may be, however, not even he can single-handedly accomplish that feat. (It's noteworthy that Gore didn't propose actually putting the abortion question to a true popular vote.)

The implication, rather, was that the election of Bush was also the election, by privilege of political appointment, of conservative and presumably anti-abortion Supreme Court justices. It was thus tacitly acknowledged, with remarkably little protest, that the judiciary was more connected with abortion lawmaking than the legislative branch.

This problem--government by court order rather than by consent of the governed--is getting worse, not better. Currently, the U.S. Senate has confirmed only three of President Bush's 44 nominations for federal court judgeships, and some senators are openly promising an ideological fight for bench seats. New York's Charles Schumer said Democrats will deny nominees of "a particular ideological cast" so as not to "reorient the direction of the federal judiciary."

So now it appears that the job of senators is not to make the laws, but to make sure we get the right sort of judges to make the laws. Schumer and his colleagues understand all too well that it's a lot easier to get re-elected if the courts tackle all the really divisive issues.

The direction he refers to is increasingly activist, and nothing thwarts democracy like judicial activism. Even if the entire population of a town unanimously supported putting a Nativity scene on its courthouse lawn, the Supreme Court would order otherwise--not to protect any local citizens in the minority opinion, but to avoid the figurative "oppression" of any minority anywhere.

Activists call that liberty. A better name is tyranny. Rather than require petitioners whose cause is beyond the scope of the explicit constitutional language to utilize the amendment process, activist justices have literally taken the law into their own hands. Not since the grand age of monarchs have the opinions of so few outweighed the wishes of so many. Overwhelming

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majorities of Americans (1) support the death penalty, (2) oppose unregulated abortion on demand and (3) support public school prayer, and yet the Supreme Court has ruled contrary to public sentiment on each point. Worse yet, it's done so by playing "Twister" with legal precedents and history. That's what frustrates fair-minded folks so much.

Capital punishment is mentioned in the Constitution, and yet the court once ruled it unconstitutional. (Even today its constitutionality is micromanaged by the court.) Abortion, conversely, cannot be found in the document, but like the emperor's clothes, so many serious and important people pretend it's there that the simplistic lay-person is shouted down for even querying. And wherever the line separating church and state may fall today, there's no denying that at the time the Bill of Rights was drafted, nobody, including the authors, saw prayer in public school as a breach.

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From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; James Carroll <James.Carroll@usdoj.gov>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Patrick O'Brien <Patrick.Obrien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
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Media Review - Judicial Nominations

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York Times

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Neil Lewis **New York Times**
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circumstances?

We've all seen more than enough instances in which even self-inflicted human error is converted into a multimillion-dollar liability via the courts. Think McDonald's hot coffee. Or a Coke machine falling over on vandals trying to steal money from it. The lure of "big money," once only a cheesy game show phrase, has now achieved esquire status. If you're human, basically, you're potentially guilty--and liable. And you don't have to just worry about Big Brother watching. The sue-happy predator could be as close as the person riding next to you in your car.

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Business As Usual

The New Republic

Monday, August 20, 2001

"Justice delayed is justice denied," Attorney General John Ashcroft told the American Bar Association's annual convention this week. The motivation for this pronouncement was Ashcroft's pique that the Senate "has moved slowly" in its consideration of President Bush's judicial nominees, resulting in a spate of vacancies that constitute "judicial emergencies." There are a few problems with Ashcroft's complaint. First, it's not true that the Senate has moved slowly: In less than eight months, it has approved about as many federal appeals court judges as it did in both Poppy's and Bill Clinton's entire first year in office, according to the Senate Judiciary Committee. But the greater problem with Ashcroft's indignation is its staggering hypocrisy: for almost no one in America bears greater responsibility for the current "judicial emergencies" than he does. When President Clinton nominated Ronnie White to become a district court judge in 1997, then-Senator Ashcroft blocked his nomination for two years before leading the campaign to kill it on the Senate floor. A year earlier, he placed a "hold" on Margaret Morrow's nomination to a California federal district court and opposed the confirmations of Merrick B. Garland, Frederica Massiah-Jackson, and Clarence Sundram. (Massiah-Jackson and Sundram, like White, never made it to the bench.) As one Ashcroft aide bragged to the St. Louis Post-Dispatch in 1997, "We're making business as usual impossible." Before Ashcroft chastises the Senate, he might want to consider his own record. Responsibility delayed is responsibility denied.

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Clashes Expected Over Bush Nominees

By Jesse Holland

Associated Press

Friday, August 17, 2001

All of President Bush's 164 unconfirmed nominees for executive and judicial positions must return to "Go" when the Senate reconvenes in September because of a political tiff over two of them.

Rather than let the Senate tell Bush to submit new candidates to head the Consumer Product Safety Commission and the State Department's Western Hemisphere affairs bureau, Republicans forced Democrats to send back all nominations awaiting approval.

The move was strictly procedural and senators in both parties expect Bush to renominate all of his candidates. However, it foreshadows more confirmation battles when Congress reconvenes after Labor Day. Republicans made it clear they will try to portray Democrats as obstructionists if they don't allow votes by the full Senate on some of Bush's more controversial choices.

"To isolate it down to one or two this early in the session, we believe, is a problem," said Senate Minority Leader Trent Lott. "We realize it is a ministerial process now. They will all be sent down and all will be bundled up and sent back, but it does highlight our concern about the way these two nominees are being treated."

The events unfolded when the Senate Commerce Committee rejected Mary Sheila Gall's nomination to head the consumer agency on a 12-11, party-line vote. Looking to peel off a Democrat or two in the full Senate, Republicans demanded she get a vote there, despite the committee's action. Not likely, responded Tom Daschle, D-S.D., who as majority leader controls the Senate agenda

Then just before recessing, Senate Democratic Whip Harry Reid of Nevada told GOP leaders his party wanted to return to the White House the nominations of Gall and Otto Reich for the State Department's top position for Western Hemisphere affairs.

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Senior Democrats say Reich, who has yet to get a hearing, is too divisive for his position. His supporters claim he is being targeted for his strident antipathy toward Cuban leader Fidel Castro. From 1983 to 1986, Reich headed a State Department office that was accused of running a prohibited covert propaganda campaign against Nicaragua's then communist-backed government.

Lott rejected Reid's ploy, saying Democrats would have to return all of Bush's nominations.

Beyond the contentious confirmation of Attorney General John Ashcroft and the rejection of Gall, Bush's choices for administration jobs have won Senate approval with little or no controversy.

Senators have confirmed 227 of Bush's nonjudicial appointees with only 57 nominations not acted upon, according to the Brookings Institution's Presidential Appointee Initiative, a nonpartisan research organization.

During similar time spans, the Senate confirmed 270 of President Reagan's 304 nominees in 1981, and 199 of President Clinton's 228 nominees in 1993, Brookings data shows.

Only four of Bush's judicial nominees have won confirmation - two to fill Appeals Court vacancies and two district judges. And several judicial nominees have drawn fire from several Democratic-dominated constituency groups because of their conservative credentials.

While the Senate's Foreign Relations committee weighs Reich's nomination, its Judiciary committee will tackle Bush's choices of Jeff Sutton, Michael McConnell and Miguel Estrada for Appeals Court vacancies.

"The ones they've done so far have been non-controversial," said Sheldon Goldman, a University of Massachusetts professor and author of the book, "Picking Federal Judges: Lower Court Selection From Roosevelt Through Reagan."

"Now we'll have to see what they do with Estrada, Sutton, with the whole slew of them like McConnell," Goldman said.

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Disability groups have organized against Sutton, who argued and won a case in which the Supreme Court ruled that state government employees cannot sue for discrimination under the Americans With Disabilities Act.

Groups like Americans United for Separation of Church and State oppose McConnell, who is recognized as a critic of abortion rights and church-state separation. Estrada is a partner in the Washington firm that represented Bush before the Supreme Court during his Florida recount fight with Al Gore.

Op/Eds

Segregation Of Power; Gloves Are Off In Judicial Nomination War

The Columbus Dispatch
Sunday, August 19, 2001

The recent bald declaration by Sen. Charles Schumer, D-N.Y., that President Bush's nominees for federal judiciary posts would be subjected to outright ideological screening by the Democrat-controlled Senate ripped away the last shred of pretense about what has been going on for 20 years: Both parties use the confirmation process to block each other's nominees in the hope of creating a judiciary that reflects their concept of the proper role of the courts.

This fight has gotten more vicious and shrill for several reasons.

In the past 50 years, the power of state and federal courts has grown immensely, seriously altering the relative power of each of the three branches of government.

While the Founders intended that policy-making would be vested in the Congress and state legislatures elected by the people, courts increasingly have horned in on the legislative function, issuing rulings that make policy, rather than simply interpreting or judging the constitutionality of laws passed by legislatures. The U.S. Supreme Court's 1973 finding that there is a constitutional privacy right to abortion, for example, instantly overturned the legislatively enacted abortion bans then in place in most of the states. Federal courts also have taken over urban school districts in the name of ending segregation.

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This change in the relationship of courts and legislatures has come about because there have been in the United States, for at least the past half century, two very different conceptions of government's role. The traditional viewpoint, based on the Founders' recognition of government's tendency to despotism, sees a system of checks and balances designed to limit the power of government.

Besides dividing power between different branches and levels of government, the Founders also vested policymaking power in a two- chamber legislature, in order to make the process slow and deliberate.

As a result, changes in the exercise of government power would be evolutionary rather than revolutionary, an impediment to demagogues and a buffer against the surges of sometimes irrational or liberty-threatening public opinion. The sheer ponderosity of the governing machinery would make it difficult for government to crush freedom quickly or easily.

But political activists chafe at the slow grinding of the democratic machinery, whose inertia not only protects liberty but also can be exploited to preserve and prolong unfair privilege and injustice.

The Founders' sound idea that states should retain rights and powers as a counterbalance to the federal government was dragged into disrepute when Southern states used this autonomy to first defend slavery and then government-sanctioned racial discrimination in the Jim Crow era.

Well-intentioned people determined to overcome such legislatively sanctioned impediments to racial equality sought a remedy in the expansion of federal power, including that of federal courts, to overcome state resistance.

Thus, in the name of a good cause, courts became a way to make an end run around the slow-moving or recalcitrant legislatures.

Today, many political activists prefer court briefs to ballots when seeking political change. They know that a ruling by one or a handful of unelected, unaccountable federal judges can can overrule or bypass Congress, 50 state legislatures and the nation's voters.

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In a trice, the Founders' carefully crafted checks against concentration of power in a few hands are rendered null and void.

While this may seem acceptable when that power clearly is used for a good cause, such as freeing citizens from racial discrimination, it is far less acceptable when the issues are less clear-cut and the electorate is deeply divided, for example, with issues such as abortion, capital punishment and education. It is precisely these most troubling issues that should be ground slowly through the democratic process rather than being "settled" by judicial fiat.

The struggle for the soul of the federal courts pits those who believe democratic processes cannot be trusted to do the "right" thing against those who believe that allowing unelected, unaccountable judges to make public policy is an invitation to despotism and a subversion of democracy.

The place where these mutually exclusive views collide is the U.S. Senate. In the past, when there was less division over the role of the courts, it was Senate practice to confirm a president's judicial nominees without much fuss, providing the candidates were qualified and competent.

But Schumer's declaration of ideological warfare shows that that era is over. The problem is, his declaration also could be a recipe for disaster. If each party refuses to confirm the other's judicial nominees, the result could be paralysis of the federal courts, with devastating effects on millions of people affected by the decisions made -- or delayed -- in those courts.

At present, about 100 federal judgeships are unfilled; that's about one in eight. If the Senate cannot agree on the candidates needed to fill them, the shortage will grow worse.

The Dispatch long has argued that presidents are entitled to nominate people who share their governing philosophy, provided the nominees meet necessary standards of character and competence. The underlying assumption is that the voters who elected the president did so with the understanding and expectation that he would nominate like-minded people to federal posts.

Agreement on such an approach may be the only way a Senate divided so deeply by judicial philosophy can ever hope to keep the federal bench fully staffed so that the wheels of justice

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This problem--government by court order rather than by consent of the governed--is getting worse, not better. Currently, the U.S. Senate has confirmed only three of President Bush's 44 nominations for federal court judgeships, and some senators are openly promising an ideological fight for bench seats. New York's Charles Schumer said Democrats will deny nominees of "a particular ideological cast" so as not to "reorient the direction of the federal judiciary."

So now it appears that the job of senators is not to make the laws, but to make sure we get the right sort of judges to make the laws. Schumer and his colleagues understand all too well that it's a lot easier to get re-elected if the courts tackle all the really divisive issues.

The direction he refers to is increasingly activist, and nothing thwarts democracy like judicial activism. Even if the entire population of a town unanimously supported putting a Nativity scene on its courthouse lawn, the Supreme Court would order otherwise--not to protect any local citizens in the minority opinion, but to avoid the figurative "oppression" of any minority anywhere.

Activists call that liberty. A better name is tyranny. Rather than require petitioners whose cause is beyond the scope of the explicit constitutional language to utilize the amendment process, activist justices have literally taken the law into their own hands. Not since the grand age of monarchs have the opinions of so few outweighed the wishes of so many. Overwhelming

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From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Rachel Brand [WHO] <Rachel Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 8/21/2001 11:14:25 AM
Subject: : Next week...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-AUG-2001 15:14:25.00

SUBJECT:: Next week...

TO:Rachel Brand (Rachel Brand [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Beginning Friday, and continuing through all of next week, Libby, Morgan and I will all be out of town. While we are gone, Brent, Lori, and Jason will be filling in for us in the following ways:

Jason will be taking care of you guys. He will be doing OEOB mail, and helping with correspondence for you.

Lori will be filling in for Morgan (Red Tags, WW Correspondence) and me (Tim, LRM's). FYI Tim will also be out of town all of next week.

Brent will be taking care of the Judge.

REV_00131477

Office hours will be 8:00am-6:00pm, and longer as needed.

During that week, Tim (494-2451) and Libby (494-6925) will both have their cell phones, and I will leave numbers with Lori as to where you can reach Morgan, Laura, and myself.

Thanks,
ALR

From: CN=Terry W. Good/OU=WHO/O=EOP [WHO]
To: Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>; Sharon Whitt/OA/EOP@EOP [OA] <Sharon Whitt>; Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>; Michael P. Lingenfelter/OA/EOP@EOP [OA] <Michael P. Lingenfelter>; Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>; Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Markus Most/WHO/EOP@EOP [WHO] <Markus Most>
Sent: 8/22/2001 8:19:42 AM
Subject: : Re: Listserv

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-AUG-2001 12:19:42.00
SUBJECT:: Re: Listserv
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Sharon Whitt (CN=Sharon Whitt/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Michael P. Lingenfelter (CN=Michael P. Lingenfelter/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Markus Most (CN=Markus Most/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Dear Interested Parties:

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Have at it.

Terry

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At a meeting August 21, 2001, representatives of IS&T, OA's Counsel Office, the Chief Of Staff, and the Office of Records Management, discussed how best to manage the records created when this system becomes operational. All parties were agreed that the daily process requires little documentation. What is released and who receives it is of little

REV_00131479

interest to the government administratively or historically. Such information has never been kept permanently by the White House Press Office. Even a review of the Federal Records Schedules, while not applicable to Presidential Records, do provide further confirmation that such information possesses no permanent value. GRS-14, Information Service Records, contains two items that are consistent with the group's position. Item 1 provides that "Requests for information and copies of replies therefore, involving no administrative actions, no policy decisions, and no special compilations or research and requests for and transmittals of publications, photographs, and other information literature," may be destroyed when 3 months old. Item 3 provides that "Press Service teletype news and similar materials" may similarly be destroyed when 3 months old. Kathryn Anderson, Deputy General Counsel for OA, in citing the GRS guidelines, pointed out that the White House is already keeping a record of the underlying document that will be requested/distributed via the new listserv program. As further insurance in the event of inquiries by government or public entities, she also noted that IS&T intends to capture via ARMS an e-mail of what was sent to which listserv subscriber on any given date. She offered the suggestion, in keeping with the intent of the GRS, that this could be destroyed when 3 months old if technologically feasible. Since the White House Office of Records Management and the IS&T staff are discussing the larger question of deleting electronic mail, this category of electronic communications could no doubt be included in these meetings. Being Presidential Records, the White House Counsel would, of course, provide the final legal guidance. Until such an agreement is reached, IS&T can retain this information without great difficulty or cost.

From: CN=Terry W. Good/OU=WHO/O=EOP [WHO]
To: Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>; Sharon Whitt/OA/EOP@EOP [OA] <Sharon Whitt>; Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>; Michael P. Lingenfelter/OA/EOP@EOP [OA] <Michael P. Lingenfelter>; Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>; Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Markus Most/WHO/EOP@EOP [WHO] <Markus Most>
Sent: 8/22/2001 8:19:42 AM
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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-AUG-2001 12:19:42.00

SUBJECT:: Re: Listserv

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Sharon Whitt (CN=Sharon Whitt/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Michael P. Lingenfelter (CN=Michael P. Lingenfelter/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Markus Most (CN=Markus Most/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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REV_00131481

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From: CN=Don R. Willett/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/22/2001 11:09:24 AM
Subject: : civil rts.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-AUG-2001 15:09:24.00

SUBJECT:: civil rts.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hey, Brett --

Carl Esbeck @ DOJ mentioned today a letter you recently sent OLC re. various civil rights issues involved in the faith-based initiative. (OLC, I guess, contacted Carl for whatever prior research he'd done on these issues.)

Do you mind e-mailing me a copy of your letter to OLC?

Gracias!

DRW

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>
CC: sharon whitt/oa/eop@eop [OA] <sharon whitt>;daniel a. barry/oa/eop@eop [OA] <daniel a. barry>;michael p. lingenfelter/oa/eop@eop [OA] <michael p. lingenfelter>;neil h. zimmerman/who/eop@eop [WHO] <neil h. zimmerman>;jane m. cook/who/eop@eop [WHO] <jane m. cook>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;markus most/who/eop@eop [WHO] <markus most>
Sent: 8/23/2001 7:38:53 AM
Subject: : Re: Listserv

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-AUG-2001 11:38:53.00
SUBJECT:: Re: Listserv
TO:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:sharon whitt (CN=sharon whitt/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:daniel a. barry (CN=daniel a. barry/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:michael p. lingenfelter (CN=michael p. lingenfelter/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:neil h. zimmerman (CN=neil h. zimmerman/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jane m. cook (CN=jane m. cook/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:markus most (CN=markus most/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

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REV_00131485

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Terry W. Good 08/22/2001 12:19:41 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Markus Most/WHO/EOP@EOP
Subject: Re: Listserv

Dear Interested Parties:

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REV_00131486

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Message Sent

To:

Catherine S. Anderson/OA/EOP@EOP
Sharon Whitt/OA/EOP@EOP
Daniel A. Barry/OA/EOP@EOP
Michael P. Lingenfelter/OA/EOP@EOP
Neil H. Zimmerman/WHO/EOP@EOP
Jane M. Cook/WHO/EOP@EOP

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>
CC: sharon whitt/oa/eop@eop [OA] <sharon whitt>;daniel a. barry/oa/eop@eop [OA] <daniel a. barry>;michael p. lingenfelter/oa/eop@eop [OA] <michael p. lingenfelter>;neil h. zimmerman/who/eop@eop [WHO] <neil h. zimmerman>;jane m. cook/who/eop@eop [WHO] <jane m. cook>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;markus most/who/eop@eop [WHO] <markus most>
Sent: 8/23/2001 7:38:53 AM
Subject: : Re: Listserv

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-AUG-2001 11:38:53.00
SUBJECT:: Re: Listserv
TO:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:sharon whitt (CN=sharon whitt/OU=oa/O=eop@eop [OA])
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READ:UNKNOWN
CC:jane m. cook (CN=jane m. cook/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:markus most (CN=markus most/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
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REV_00131489

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Terry W. Good 08/22/2001 12:19:41 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Markus Most/WHO/EOP@EOP
Subject: Re: Listserv

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information has never been kept permanently by the White House Press Office. Even a review of the Federal Records Schedules, while not applicable to Presidential Records, do provide further confirmation that such information possesses no permanent value. GRS-14, Information Service Records, contains two items that are consistent with the group's position. Item 1 provides that "Requests for information and copies of replies therefore, involving no administrative actions, no policy decisions, and no special compilations or research and requests for and transmittals of publications, photographs, and other information literature," may be destroyed when 3 months old. Item 3 provides that "Press Service teletype news and similar materials" may similarly be destroyed when 3 months old. Kathryn Anderson, Deputy General Counsel for OA, in citing the GRS guidelines, pointed out that the White House is already keeping a record of the underlying document that will be requested/distributed via the new listserv program. As further insurance in the event of inquiries by government or public entities, she also noted that IS&T intends to capture via ARMS an e-mail of what was sent to which listserv subscriber on any given date. She offered the suggestion, in keeping with the intent of the GRS, that this could be destroyed when 3 months old if technologically feasible. Since the White House Office of Records Management and the IS&T staff are discussing the larger question of deleting electronic mail, this category of electronic communications could no doubt be included in these meetings. Being Presidential Records, the White House Counsel would, of course, provide the final legal guidance. Until such an agreement is reached, IS&T can retain this information without great difficulty or cost.

Message Sent

To:

Catherine S. Anderson/OA/EOP@EOP
Sharon Whitt/OA/EOP@EOP
Daniel A. Barry/OA/EOP@EOP
Michael P. Lingenfelter/OA/EOP@EOP
Neil H. Zimmerman/WHO/EOP@EOP
Jane M. Cook/WHO/EOP@EOP

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; James Carroll <James.Carroll@usdoj.gov>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Patrick O'Brien <Patrick.Obrien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 8/23/2001 3:04:53 PM
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Media Review - Judicial Nominations

Thursday, August 23, 2001

General Judicial Articles

"At Senate Hearing, Two Nominees, One Senator, Many Empty Chairs," 1
Brook Donald, *The Associated Press*, August 22, 2001

Op/Eds

"Avoiding A Political Deadend On Judges," 3
Lloyd Cutler and Mickey Edwards, *Scripps Howard News Service*,
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Transcripts/Members of Congress

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FDCH Political Transcripts, August 22, 2001

Interest Groups/Press Releases

NONE

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York Times

June 26, 2001 **Road to Federal Bench Gets Bumpier in Senate**
Neil Lewis **New York Times**
June 26, 2001

Road to Federal Bench Gets Bumpier in Senate
Neil Lewis 1

Wednesday, August 22, 2001

The Democratic chairman of the Senate Judiciary Committee held a one-man hearing Wednesday on two of President Bush's judicial nominees. The session during Congress' August vacation came amid Republicans complaints that Democrats are delaying action on President Bush's appointments.

"I want to get the process moving," said Sen. Patrick Leahy, D-Vt. "I'm trying to go the extra mile by coming back for hearings today." He looked at the empty chairs next to him and said: "I hope that at least some of the Republicans who complained why don't we have more hearings will also get on an airplane and join us."

The rare midvacation hearing did not impress Republicans.

"While we welcome any efforts to finally move the process along, we're far behind where we should be at this point in President Bush's term," said Matt Latimer, spokesman for one GOP committee member, Arizona's Jon Kyl.

Under consideration Wednesday were Reggie Walton, a District of Columbia judge nominated for the federal bench, and Richard Nedelkoff, Bush's pick to be director of the Bureau of Justice Assistance at the Justice Department.

Only four of Bush's 44 judicial nominees have been confirmed.

"A lot of us are trying to restore dignity and regularity to the nominations process. ... We're trying to make the process move smoothly," Leahy said.

The White House said it would work with Leahy to move the nominations along.

"There really is a national interest in filling the vacancies that are in the judiciary, and the administration is hopeful that the Senate will take that interest seriously," Bush's spokesman Ari Fleischer said.

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York Times

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White House by Senate Democrats because of a political tiff over two contentious nominees.

The move was procedural and senators in both parties expect Bush to renominate all of his candidates.

Senators not present Wednesday can submit questions to Walton and Nedelkoff until Aug. 31. Following the Senate's return after Labor Day, the committee will decide if the nominations will be sent to the full Senate for a vote.

Leahy has scheduled a hearing Aug. 27 to consider two more nominees.

York Times

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Op/Eds

Avoiding A Political Deadend On Judges

By Lloyd Cutler and Mickey Edwards

Scripps Howard News Service

Wednesday, August 22, 2001

Long before the President's first list of nominees to the federal courts arrived in the Senate, Senate Republicans and Democrats, and liberal and conservative organizations, were already at their battle stations. And it appears they remain there for the foreseeable future.

What used to be a fairly straightforward process - the nomination and confirmation of federal judges - has become more contested, acrimonious and time-consuming in recent years. According to research by the Constitution Project, the length of time from vacancy to confirmation has increased in every administration since President Ford's. It took the 105th Congress (1997-98) an average of 201 days to act on Clinton nominees. Consider that in 1922, when President Harding nominated George Sutherland, the Senate confirmed him within hours. In 1953, the Senate confirmed Earl Warren as Chief Justice without even questioning him.

The reasons for the change are not that complex. The number of federal judges has increased. The federal courts have been called upon to decide controversial social issues in such areas as school prayer, abortion, and affirmative action. This has, in turn, brought about increasing political pressure from interest groups that have proliferated dramatically in the last 20 years.

Two recent developments have further roiled partisan waters swirling around nominations. The first is the feeling of Democrats that Senate Republicans kept Clinton's court nominees bottled up in committee, sometimes for years, for ideological reasons. Republicans reply that Clinton was slow in getting nominations to the Senate. Both are right. It is also true that when a Republican holds the White House and the Democrats hold the Senate majority, the Democrats hold up judicial confirmations in presidential election years.

If Democratic senators hold to the principle of "an eye for an eye" and the Republicans hold to

York Times

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Neil Lewis **New York Times**

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an absolute and exclusive presidential right to choose federal judges, the result will be an accelerating cycle of stalemate and polarization. In this scenario, the courts themselves cannot avoid being painted with accusations of partisanship. That would corrode popular belief in impartial justice and hence respect for the law.

Options are open to both sides to defuse the situation. First, they could agree upon a few principles based upon the recommendations of the Constitution Project:

One, candidates for judgeships should be committed to deciding cases based upon law and the facts of the case and should renounce ideological commitments.

Two, candidates should be nominated and confirmed based upon experience, qualifications, temperament, character and general views of the law and the judicial role.

Three, the president and the Senate must not ask for, and the candidate not offer or consent to give, any pre-commitments about unresolved cases or issues that may come before them as judges.

Four, all parties to the nomination and confirmation process should conduct themselves only in ways that reinforce the principle of judicial independence.

Fifth, diversity on the federal bench is consistent with judicial independence and should be a goal of the appointment process.

Sixth, the country is entitled to a viable and efficient federal court system. Candidates therefore should move through nomination, Senate hearings and floor vote expeditiously and fairly.

For the good of the country and the integrity of the courts, the president should seek the meaningful counsel of all parties before deciding on nominees. This he can certainly do without relinquishing his exclusive constitutional authority to nominate judicial candidates. For their part, Democrats should participate in such consultations with the sole condition that the nominee satisfy the broad judicial criteria enumerated above.

Finally, we would call upon various interest groups not to decide in advance that they will

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oppose or support all nominees that come from the White House. We should not demand pro-life or pro-choice judges but independent judges. We should not demand judges who are friendly to labor or business, but judges who are manifestly unbiased in either direction. We should not demand pro-environment or pro-development judges, but those who will look at the facts of the case, and decide in favor of the law, the Constitution and thus all the people of the United States.

Above all, we should seek agreement on nominees who can win confirmation under the existing political conditions. Unwavering dedication to the principle of judicial independence should be the legacy of the Bush administration and the 107th Congress. The public interest demands no less.

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Transcripts/Members of Congress

Ari Fleischer Holds White House Briefing

By Lloyd Cutler and Mickey Edwards

FDCH Political Transcripts

Wednesday, August 22, 2001

QUESTION: Senator Leahy today held a hearing attended only by himself, I think, on...

FLEISCHER: Then I'm sure there were no debates.

QUESTION: ... one of the president's judicial nominees. What does the White House feel about the pace of the Judicial Committee hearings on the president's nominees? And why did the president not request a holdover before the August break occurred, which would have then made it unnecessary for Senator Leahy to hold this hearing today?

FLEISCHER: Well, as far as the pace of the nominees go, this administration, even with a shortened transition, is way ahead of the pace of previous presidents in their first years -- President Clinton, President Bush or President Reagan -- in making nominations, including that to the federal courts.

The administration is going to work very hard and diligently with Senator Leahy to move forward on Senate confirmation of those nominees.

You know, that's really not a partisan issue, that's an issue about how to serve people who have a legitimate claim and need to go to court and don't want to wait in line for courtrooms to open up because there are no judges sitting in judgment. And that's why, whether you're a Democrat or you're a Republican, there really is a national interest in filling the vacancies that are in the judiciary, and the administration is hopeful that the Senate will take that interest seriously and will serve the public.

QUESTION: I mean you're comfortable with the pace, then, that the Senate has maintained?

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FLEISCHER: I think we'll know more by the end of the year. In fairness, many of the nominations the administration made came in late July, and so the Senate's just taking a look at those now, and the Senate has every right for advice and consent, they're going to exercise their prerogatives.

I think it will be an interesting question to take a look at come October and November when Congress is ready to recess for the year. At that point, there'll be a serious burden on the Congress and on the United States Senate particularly to have taken action and passed the nominees so that the judiciary is not clogged and so there aren't vacancies when people expect to have their fair day in court.

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To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; James Carroll <James.Carroll@usdoj.gov>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Patrick O'Brien <Patrick.Obrien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 8/23/2001 3:05:28 PM
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Attachments: P_9NNE3004_WHO.TXT_1.wpd

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CREATION DATE/TIME:23-AUG-2001 19:05:28.00

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Neil Lewis **New York Times**

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Op/Eds

Avoiding A Political Deadend On Judges

By Lloyd Cutler and Mickey Edwards

Scripps Howard News Service

Wednesday, August 22, 2001

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What used to be a fairly straightforward process - the nomination and confirmation of federal judges - has become more contested, acrimonious and time-consuming in recent years. According to research by the Constitution Project, the length of time from vacancy to confirmation has increased in every administration since President Ford's. It took the 105th Congress (1997-98) an average of 201 days to act on Clinton nominees. Consider that in 1922, when President Harding nominated George Sutherland, the Senate confirmed him within hours. In 1953, the Senate confirmed Earl Warren as Chief Justice without even questioning him.

The reasons for the change are not that complex. The number of federal judges has increased. The federal courts have been called upon to decide controversial social issues in such areas as school prayer, abortion, and affirmative action. This has, in turn, brought about increasing political pressure from interest groups that have proliferated dramatically in the last 20 years.

Two recent developments have further roiled partisan waters swirling around nominations. The first is the feeling of Democrats that Senate Republicans kept Clinton's court nominees bottled up in committee, sometimes for years, for ideological reasons. Republicans reply that Clinton was slow in getting nominations to the Senate. Both are right. It is also true that when a Republican holds the White House and the Democrats hold the Senate majority, the Democrats hold up judicial confirmations in presidential election years.

If Democratic senators hold to the principle of "an eye for an eye" and the Republicans hold to

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Options are open to both sides to defuse the situation. First, they could agree upon a few principles based upon the recommendations of the Constitution Project:

One, candidates for judgeships should be committed to deciding cases based upon law and the facts of the case and should renounce ideological commitments.

Two, candidates should be nominated and confirmed based upon experience, qualifications, temperament, character and general views of the law and the judicial role.

Three, the president and the Senate must not ask for, and the candidate not offer or consent to give, any pre-commitments about unresolved cases or issues that may come before them as judges.

Four, all parties to the nomination and confirmation process should conduct themselves only in ways that reinforce the principle of judicial independence.

Fifth, diversity on the federal bench is consistent with judicial independence and should be a goal of the appointment process.

Sixth, the country is entitled to a viable and efficient federal court system. Candidates therefore should move through nomination, Senate hearings and floor vote expeditiously and fairly.

For the good of the country and the integrity of the courts, the president should seek the meaningful counsel of all parties before deciding on nominees. This he can certainly do without relinquishing his exclusive constitutional authority to nominate judicial candidates. For their part, Democrats should participate in such consultations with the sole condition that the nominee satisfy the broad judicial criteria enumerated above.

Finally, we would call upon various interest groups not to decide in advance that they will

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Above all, we should seek agreement on nominees who can win confirmation under the existing political conditions. Unwavering dedication to the principle of judicial independence should be the legacy of the Bush administration and the 107th Congress. The public interest demands no less.

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The administration is going to work very hard and diligently with Senator Leahy to move forward on Senate confirmation of those nominees.

You know, that's really not a partisan issue, that's an issue about how to serve people who have a legitimate claim and need to go to court and don't want to wait in line for courtrooms to open up because there are no judges sitting in judgment. And that's why, whether you're a Democrat or you're a Republican, there really is a national interest in filling the vacancies that are in the judiciary, and the administration is hopeful that the Senate will take that interest seriously and will serve the public.

QUESTION: I mean you're comfortable with the pace, then, that the Senate has maintained?

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I think it will be an interesting question to take a look at come October and November when Congress is ready to recess for the year. At that point, there'll be a serious burden on the Congress and on the United States Senate particularly to have taken action and passed the nominees so that the judiciary is not clogged and so there aren't vacancies when people expect to have their fair day in court.

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From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; James Carroll <James.Carroll@usdoj.gov>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Patrick O'Brien <Patrick.Obrien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
Sent: 8/23/2001 3:05:32 PM
Subject: : Judicial media review
Attachments: P_ANNE3004_WHO.TXT_1.wpd

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CREATION DATE/TIME:23-AUG-2001 19:05:32.00

SUBJECT:: Judicial media review

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TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
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TO:James Carroll <James.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
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TO:Patrick O'Brien <Patrick.Obrien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.Obrien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
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CC:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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Today's media review is attached.

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Media Review - Judicial Nominations

Thursday, August 23, 2001

General Judicial Articles

"At Senate Hearing, Two Nominees, One Senator, Many Empty Chairs," 1
Brook Donald, *The Associated Press*, August 22, 2001

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"Avoiding A Political Deadend On Judges," 3
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Interest Groups/Press Releases

NONE

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The Democratic chairman of the Senate Judiciary Committee held a one-man hearing Wednesday on two of President Bush's judicial nominees. The session during Congress' August vacation came amid Republicans complaints that Democrats are delaying action on President Bush's appointments.

"I want to get the process moving," said Sen. Patrick Leahy, D-Vt. "I'm trying to go the extra mile by coming back for hearings today." He looked at the empty chairs next to him and said: "I hope that at least some of the Republicans who complained why don't we have more hearings will also get on an airplane and join us."

The rare midvacation hearing did not impress Republicans.

"While we welcome any efforts to finally move the process along, we're far behind where we should be at this point in President Bush's term," said Matt Latimer, spokesman for one GOP committee member, Arizona's Jon Kyl.

Under consideration Wednesday were Reggie Walton, a District of Columbia judge nominated for the federal bench, and Richard Nedelkoff, Bush's pick to be director of the Bureau of Justice Assistance at the Justice Department.

Only four of Bush's 44 judicial nominees have been confirmed.

"A lot of us are trying to restore dignity and regularity to the nominations process. ... We're trying to make the process move smoothly," Leahy said.

The White House said it would work with Leahy to move the nominations along.

"There really is a national interest in filling the vacancies that are in the judiciary, and the administration is hopeful that the Senate will take that interest seriously," Bush's spokesman Ari Fleischer said.

Just before the August recess all of president's 164 unconfirmed nominees were sent back to the

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From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 8/27/2001 11:37:23 AM
Subject: : Re: judicial interviews

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SUBJECT:: Re: judicial interviews
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
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They do take place at the White House.

Anne Womack
08/27/2001 03:34:02 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
Subject: judicial interviews

I'm sorry for the group interview, but I'm not completely sure which one of you is the right person. Ellen Nakashima with the Washington Post has called the justice department to ask about where judicial interviews are conducted. She has heard that the interviews take place at the White House now rather than the Justice Department where they used to take place.

Is this true, can we confirm, and what are we possibly walking into?

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Edward A. Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/27/2001 9:01:27 AM
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CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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We would not have access to records from the previous Administration. I'm ccing Brett Kavanaugh on this message - he's our resident expert on the Presidential Records Act.

RLB

Edward A. Boling
08/27/2001 12:03:32 PM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc:
Subject: Search for 1999 documents index

We're looking for an index of documents that were sent, pursuant to 10/18/99 and 10/28/99 requests by the House Resource Committee, in November or December of 1999. Are there any records from then in the White House Counsel's office, or would we have to go to NARA or the Clinton Library?

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>
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SUBJECT:: WHJSC Meeting?

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READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know if you have any candidates for a WHJSC meeting this week or if you think we should have one. The Judge is going to decide later today whether there will be a meeting this week.

From: CN=David Kuo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/27/2001 1:24:29 PM
Subject: : olc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David Kuo (CN=David Kuo/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-AUG-2001 17:24:29.00

SUBJECT:: olc

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

any word on olc? many thanks. dk

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN]
<Ed_Haden@judiciary.senate.gov>;Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov
(Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>;John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN]
<John_Mashburn@lott.senate.gov>;Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>;Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN]
<Stewart_Verdery@aml.senate.gov>;Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN] <Eric_Ueland@aml.senate.gov>;Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN]
<Sharon_Prost@judiciary.senate.gov>;lincoln_oliphant@rpc.senate.gov [UNKNOWN]
<lincoln_oliphant@rpc.senate.gov>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN]
<Rena_Johnson@judiciary.senate.gov>;Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;dan.bryant@usdoj.gov [UNKNOWN]
<dan.bryant@usdoj.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;viet.dinh@usdoj.gov [UNKNOWN]
<viet.dinh@usdoj.gov>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>
Sent: 8/28/2001 9:40:38 AM
Subject: : Reminder: Mtg today at 2:30 on

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (

Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

CREATION DATE/TIME:28-AUG-2001 13:40:38.00

SUBJECT:: Reminder: Mtg today at 2:30 on

TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (

Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])

READ:UNKNOWN

TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN])

READ:UNKNOWN

TO:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN])

READ:UNKNOWN

TO:Eric_Ueland@aml.senate.gov (Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN])

READ:UNKNOWN

TO:Sharon_Prost@judiciary.senate.gov (Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN])

READ:UNKNOWN

TO:lincoln_oliphant@rpc.senate.gov (lincoln_oliphant@rpc.senate.gov [UNKNOWN])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN])

READ:UNKNOWN

TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

REV_00131578

READ:UNKNOWN
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

nominations. A follow up to our meeting earlier this month to compare
notes and
get ready for the fall judicial nominee agenda and strategy. Mtg will take
place in SD-240. Makan

P.S. note the next one will be next Tuesday at 8:00 am.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 8/28/2001 7:50:36 AM
Subject: : WHJSC prep

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-AUG-2001 11:50:36.00

SUBJECT:: WHJSC prep

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Will be in the Judge's office tomorrow from 3:30-4:00 pm...

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 8/28/2001 12:25:03 PM
Subject: : Re: I was right

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-AUG-2001 16:25:03.00
SUBJECT:: Re: I was right
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Sounds like Jerry's answer was pretty non-responsive to me.

Rachel L. Brand 08/28/2001 03:55:50 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: I was right

For those of you who didn't believe me at lunch yesterday.....

I talked to Jerry Weeks in the security office about whether I needed to report foreign travel for security clearance purposes.

He told me to send him an e-mail stating where I had gone, for what reason, and for how long.

So there.

Message Sent

To:
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

REV_00131581

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;h. christopher
bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who
/eop@eopNoel J. Francisco/WHO/EOP [WHO] <brett m. kavanaugh>
Sent: 8/28/2001 12:49:34 PM
Subject: : Re: I was right

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-AUG-2001 16:49:34.00
SUBJECT:: Re: I was right
TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eopNoel J. Francisco/WHO/EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do we have to notify security if we plan to meet with foreigners in or out
of the building?

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/28/2001 12:52:30 PM
Subject: : Re: Hatch Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-AUG-2001 16:52:30.00
SUBJECT:: Re: Hatch Act
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You may engage in limited political activity, just like other WH office employees. Of course there are a number of things that you may not do, like fundraise. Brett is the specialist.

Susan B. Ralston
08/28/2001 02:30:50 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Hatch Act

Am I covered under the Hatch Act in terms of being able to engage in political activities and accepting meals, lodgings and travel?

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eopnoel j. francisco/who/eop [WHO] <brett m. kavanaugh>
Sent: 8/28/2001 12:55:38 PM
Subject: : Re: I was right

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-AUG-2001 16:55:38.00
SUBJECT:: Re: I was right
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eopnoel j. francisco/who/eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Didn't ask that.

Robert W. Cobb
08/28/2001 04:49:32 PM
Record Type: Record

To: rachel l. brand/who/eop@eop
cc: courtney s. elwood/who/eop@eop, h. christopher
bartolomucci/who/eop@eop, brett m. kavanaugh/who/eop@eopNoel J.
Francisco/WHO/EOP
Subject: Re: I was right

Do we have to notify security if we plan to meet with foreigners in or out
of the building?

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov @ inet [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov @ inet [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 8/28/2001 1:48:24 PM
Subject: : WHJSC tomorrow

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 28-AUG-2001 17:48:24.00

SUBJECT: : WHJSC tomorrow

TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

REV_00131585

READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:russell.coleman@usdoj.gov (russell.coleman@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Roosevelt Room is no longer available for Wednesday...I'll send you an update in the morning with a new location for the meeting.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 8/28/2001 3:05:51 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 28-AUG-2001 19:05:51.00

SUBJECT::

TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

let's talk Wed morning; we are near conclusion with Archives

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov @ inet [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov @ inet [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 8/29/2001 5:27:08 AM
Subject: : WHJSC room change

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 29-AUG-2001 09:27:08.00

SUBJECT: : WHJSC room change

TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

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TO: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

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READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

REV_00131588

READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
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Today's meeting will be held in the Indian Treaty Room (Room 474) in the
EEOB...

Thanks!

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To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov @ inet [UNKNOWN] <andrew.beach@usdoj.gov>; russell.coleman@usdoj.gov @ inet [UNKNOWN] <russell.coleman@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov @ inet [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
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SUBJECT: : WHJSC room change

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REV_00131590

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End Original ARMS Header

Today's meeting will be held in the Indian Treaty Room (Room 474) in the
EEOB...

Thanks!

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/29/2001 5:06:41 PM
Subject: : Reagan Records

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:29-AUG-2001 21:06:41.00

SUBJECT:: Reagan Records

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

My NSC Records colleagues have asked me whether we will also be delaying release of NSC records from the Reagan Administration. I haven't had a chance to talk to you about this. What's the rationale?

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 8/30/2001 5:55:38 AM
Subject: : Re: call sheets

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-AUG-2001 09:55:38.00
SUBJECT:: Re: call sheets
TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Did you send me drafts with their work numbers included? I do not see an e-mail from you with that stuff. (Then, I can just fill in the few lines.)

Jason B. Torchinsky
08/30/2001 09:50:48 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: call sheets

Do you have the call sheets ready for the AZ candidates?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 8/30/2001 5:55:38 AM
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To: Brett M. Kavanaugh/WHO/EOP@EOP
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Subject: call sheets

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>
Sent: 8/30/2001 10:22:41 AM
Subject: : Re: quick question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-AUG-2001 14:22:41.00
SUBJECT:: Re: quick question
TO: Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Many OLC opinions are in fact public. He should just be sure that he is quoting from public opinions.

Don R. Willett
08/30/2001 02:21:00 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: quick question

Carl Esbeck @ DOJ is putting final touches on some testimony to Senate Judiciary re. charitable choice, and in one response he quotes liberally from an OLC opinion.

These opinions aren't generally public documents, are they?

Should Esbeck instead delete the specific reference to the OLC opinion while rephrasing the rationale?

Thanks.

DRW

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/30/2001 11:18:10 AM
Subject: : LRM KCT70 - - Office of Personnel Management Testimony on Telework in the Federal Government
Attachments: P_6FLH3004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-AUG-2001 15:18:10.00

SUBJECT:: LRM KCT70 - - Office of Personnel Management Testimony on Telework in the Federal Government

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
08/30/2001 03:18 PM -----

From: Kathryn C. Thompson on 08/30/2001 02:56:07 PM
Record Type: Record

To: dodlrs@osdgc.osd.mil , ca.legislation@gsa.gov,
dot.legislation@ost.dot.gov
cc: See the distribution list at the bottom of this message
Subject: LRM KCT70 - - Office of Personnel Management Testimony on
Telework in the Federal Government

The following is LRM ID: KCT70 -- Office of Personnel Management Testimony
on Telework in the Federal Government. The OPM testimony is attached
below in Wordperfect format and it consists of nine pages.

Please comment on the OPM testimony by Close of Business, Tomorrow,
Friday, August 31st. If you do not respond by the deadline, I will assume
that you have no objection to the testimony.

LRM ID: KCT70
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, August 30, 2001

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Ingrid M. Schroeder (for) Assistant Director for
Legislative Reference
OMB CONTACT: Kathryn C. Thompson
PHONE: (202)395-7596 FAX: (202)395-6148

SUBJECT: Office of Personnel Management Testimony on Telework in
the Federal Government

DEADLINE: COB Friday, August 31, 2001

In accordance with OMB Circular A-19, OMB requests the views of your
agency on the above subject before advising on its relationship to the
program of the President. Please advise us if this item will affect
direct spending or receipts for purposes of the "Pay-As-You-Go" provisions
of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

REV_00131622

COMMENTS: The OPM testimony was prepared for a September 6th hearing before a House Government Reform subcommittee. GSA's testimony for this hearing was circulated under LRM ID: KCT67. OPM, GSA, and the Federal Railroad Administration testified on telework issues before the same subcommittee on March 22nd.

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EOP:

Robert J. O'Neill
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Jonathan D. Breul
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Daniel J. Chenok
Jasmeet K. Sehra
Steven D. Aitken
Brett S. Loper
Danielle M. Simonetta
Kristine Simmons
Kirsten A. Chadwick
Helgard C. Walker
WHGC LRM
OVP LRM
Oscar Gonzalez

Ingrid M. Schroeder
LRM ID: KCT70 SUBJECT: Office of Personnel Management Testimony on
Telework in the Federal Government

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Kathryn C. Thompson Phone: 395-7596 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):

The following is the response of our agency to your request for views on the above-captioned subject:

Message Copied

REV 00131624

STATEMENT OF 1
TERESA M. JENKINS
DIRECTOR, OF WORKFORCE RELATIONS
OFFICE OF PERSONNEL MANAGEMENT

before the

SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

On

TELEWORK IN THE FEDERAL GOVERNMENT

SEPTEMBER 6, 2001

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I APPRECIATE YOUR INVITATION TO COME HERE TODAY TO DISCUSS THE PROGRESS OPM HAS MADE SINCE MARCH IN PROMOTING TELEWORK WITHIN THE FEDERAL GOVERNMENT. SECTION 359 OF PUBLIC LAW 106-346 GAVE OPM THE RESPONSIBILITY FOR LEADING AND MONITORING AGENCY TELEWORK EFFORTS, AND FOR HELPING AGENCIES TO INCREASE THEIR NUMBERS OF TELEWORKERS. WE TAKE OUR ROLE VERY SERIOUSLY AND ARE INTENSELY FOCUSED ON FULFILLING OUR RESPONSIBILITIES UNDER THE LAW.

ON MARCH 22, THEN-ACTING OPM DIRECTOR STEVE COHEN SHARED WITH YOU OUR INITIAL EFFORTS TO PROVIDE GUIDANCE AND ENCOURAGEMENT TO FEDERAL AGENCIES IN LIGHT OF THE ENACTMENT OF PUBLIC LAW 106-346. HE ALSO DISCUSSED PLANS FOR ASSESSING THE STATUS OF

TELEWORK IN THE FEDERAL

2

GOVERNMENT AND IDENTIFYING THE

BARRIERS AGENCIES ARE CONFRONTING AS THEY MOVE TO INCREASE TELEWORK PARTICIPATION. TODAY, I WILL DESCRIBE OUR ACTIVITIES SINCE THE MARCH HEARING, AS WELL AS UPCOMING INITIATIVES. I ALSO WILL DISCUSS STEPS OPM HAS TAKEN INTERNALLY TO INCREASE ITS OWN NUMBER OF TELEWORKERS TO BECOME THE MODEL TELEWORK AGENCY.

AGENCIES WERE SURVEYED IN APRIL. THE RESULTS OF THE SURVEY WERE INCLUDED IN THE "INTERIM REPORT ON THE STATUS OF TELEWORK IN THE FEDERAL GOVERNMENT," WHICH OPM PROVIDED TO REPRESENTATIVE WOLF ON JULY 6TH, AT HIS REQUEST. AS WAS INDICATED IN OUR INTERIM REPORT, SUBSTANTIAL ADVANCES IN TELECOMMUTING REQUIRE VERY SIGNIFICANT CULTURE CHANGES WITHIN ORGANIZATIONS. THIS IS A LONG-TERM ENDEAVOR, WITH THE POTENTIAL TO SIGNIFICANTLY CHANGE THE WAY THE FEDERAL GOVERNMENT CONDUCTS AND CARRIES OUT ITS BUSINESS. I BELIEVE FEDERAL AGENCIES ARE MAKING MORE PROGRESS THAN IS YET REFLECTED IN THE NUMBERS OF TELEWORKERS REPORTED TO US.

OUR APRIL SURVEY IDENTIFIED 76 AGENCIES THAT HAVE TELEWORK POLICIES IN PLACE THAT COVER THE MAJORITY OF THEIR EMPLOYEES. ONLY 18 AGENCIES REPORTED HAVING NO TELEWORK POLICIES IN PLACE AT THAT TIME. AGENCY POLICIES COVER MORE THAN 1.5 MILLION EMPLOYEES – NEARLY 90 PERCENT OF ALL EMPLOYEES WORKING IN THOSE 76 AGENCIES WITH TELEWORK POLICIES IN PLACE.

WE BELIEVE THAT THE DATA REPORTED IN OUR APRIL SURVEY REFLECT AN

UNDERCOUNT OF ACTUAL
TELECOMMUTING PRACTICES
WITHIN AGENCIES.

3

SOME AGENCIES ARE HAVING DIFFICULTY IDENTIFYING AND TRACKING THE NUMBER OF TELEWORKERS. AS A RESULT, WE HOPE TO CREATE AN ELECTRONIC MEANS BY WHICH ALL AGENCIES CAN TRACK THE NUMBER OF TELEWORKERS VIA THEIR PERSONNEL OR PAYROLL SYSTEMS.

MEANWHILE, AGENCIES ARE DESIGNING THEIR OWN SOLUTIONS TO THE TRACKING CHALLENGE. SOME AGENCIES INCORPORATE DATA ELEMENTS FOR TRACKING TELEWORKERS IN THEIR PERSONNEL OR PAYROLL SYSTEMS. OTHER AGENCIES ARE FOLLOWING OPM GUIDANCE TO ENTER INTO FORMAL WRITTEN AGREEMENTS WITH ALL TELEWORKERS. THIS PRACTICE OFFERS A STRAIGHTFORWARD TOOL FOR TRACKING TELEWORKERS. OUR SURVEY TO BE CONDUCTED LATER THIS YEAR WILL NO DOUBT PROVIDE BETTER DATA AND HELP REFINE CALCULATIONS OF TELEWORK UTILIZATION.

THE APRIL SURVEY INDICATES THAT THE PERCENTAGE OF FEDERAL EMPLOYEES WHO TELECOMMUTE AT LEAST ONE DAY PER WEEK, ON AVERAGE, HAS NEARLY DOUBLED SINCE 1998. BUT, THE PERCENTAGE IS STILL SMALL – 2.6 PERCENT TODAY, COMPARED TO 1.4 PERCENT IN 1998. GENERALLY, THE HIGHEST USE OF TELEWORK OCCURS IN THE SMALLEST AGENCIES – THAT IS, THOSE WITH FEWER THAN 300 EMPLOYEES.

I WOULD NOW LIKE TO TAKE A MOMENT TO DISCUSS OPM'S INTERNAL TELEWORK EFFORTS. IN APRIL, 207 EMPLOYEES WERE TELEWORKING AT LEAST 52 DAYS PER YEAR, WITH MOST DOING SO ON A REGULARLY

SCHEDULED BASIS OF AT LEAST ONE ⁴

DAY PER WEEK. OUR AGENCY

IMPLEMENTED ITS TELEWORK POLICY ON FEBRUARY 1ST OF THIS YEAR, COVERING ALL EMPLOYEES. OPM EMPLOYEES AND THEIR MANAGERS AND SUPERVISORS HAVE ATTENDED TELEWORK TRAINING. TODAY, WE HAVE 240 EMPLOYEES TELEWORKING AT LEAST 52 DAYS PER YEAR, A 16 PERCENT INCREASE. OVERALL, THESE 240 TELEWORKERS REPRESENT 6.9 PERCENT OF OUR WORKFORCE. WE SHOULD NOTE THAT OPM SUPERVISORS AND MANAGERS REPORT A SIGNIFICANT NUMBER OF INTERMITTENT TELEWORKERS—915. THESE EMPLOYEES TELEWORK LESS THAN 52 DAYS A YEAR, IN MANY CASES SCHEDULED AROUND SPECIFIC PROJECTS. TAKEN TOGETHER OPM HAS 1,155 TELEWORKERS, OR 30 PERCENT OF ITS WORKFORCE TELECOMMUTING.

OPM HAS ENGAGED IN A NUMBER OF SPECIFIC ACTIVITIES THAT HAVE ASSISTED AGENCIES IN MOVING FORWARD TO INCREASE THEIR TELEWORK PARTICIPATION.

- WE ARE **SHARING BEST PRACTICES AND AGGRESSIVELY MARKETING TELEWORK** TO FEDERAL AGENCIES. WE PROVIDED AGENCIES WITH OUR RECENT STUDY ON TELEWORK—A COMPENDIUM OF SUCCESSFUL TELEWORK STORIES THAT ILLUSTRATES HOW FEDERAL AGENCIES HAVE OVERCOME COMMON TELEWORK BARRIERS. WE ALSO ARE ADVERTISING OPM’S CAPACITY TO MAKE PRESENTATIONS ON TELEWORK, AND WE ARE IN HIGH DEMAND TO GIVE PRESENTATIONS TO AGENCY PERSONNEL.
- IN LATE JUNE, OPM AND GSA LAUNCHED A **JOINT WEBSITE** TO MAKE IT SIMPLER FOR AGENCIES TO FIND ALL THE INFORMATION THEY NEED ABOUT TELECOMMUTING AT ONE LOCATION. A WIDE ARRAY OF RESOURCES CAN BE ACCESSED FOR EFFECTIVE TELEWORK MANAGEMENT INCLUDING: SAMPLE TELEWORK POLICIES, GUIDELINES FOR DESIGNING AND IMPLEMENTING TELEWORK PROGRAMS, RESEARCH FINDINGS AND SUCCESS STORIES, ANSWERS TO FREQUENTLY ASKED QUESTIONS, LINKS TO FEDERAL TELEWORK

CENTERS, AND CURRENT NEWS⁵
RELATING TO FEDERAL
TELEWORK INITIATIVES.

- **OUR GUIDANCE TO AGENCIES TAKES A PROACTIVE APPROACH** THAT SEEKS TO EXTEND TELEWORK TO THE WIDEST RANGE OF EMPLOYEES POSSIBLE. WE ADVISE AGENCIES TO **BEGIN WITH A PRESUMPTION THAT ALL POSITIONS ARE APPROPRIATE** FOR TELEWORK. THIS POSITIVE ANALYTICAL APPROACH FOCUSES MANAGERS' ATTENTION ON THE NATURE OF THE WORK AND JOB CHARACTERISTICS FOR DETERMINING WHETHER A POSITION IS SUITABLE FOR TELEWORK. IN MANY CASES, NOT ALL ASPECTS OF A POSITION WILL BE SUITABLE FOR TELEWORK. HOWEVER, THE FOCUS ON DISCRETE JOB TASKS WORKS TO IDENTIFY THOSE TASKS THAT CAN BE PERFORMED AWAY FROM THE OFFICE AND SERVES TO INCREASE ACTUAL TELEWORK PARTICIPATION.
- **AN INTER-AGENCY TRAINING CONSORTIUM** WILL DEVELOP AN **INTERNET-BASED TRAINING MODULE** BY NOVEMBER OF THIS YEAR. THIS TRAINING MODULE WILL HELP BREAK DOWN THE MAJOR BARRIERS TO TELEWORK—MANAGER RESISTENCE AND EMPLOYEE FEARS.
- ALONG WITH GSA, OPM PROVIDES LEADERSHIP TO THE **INTERAGENCY TELEWORK ISSUES WORKING GROUP**, WHICH WAS FORMED IN SEPTEMBER 2000. THE GROUP, WHICH INCLUDES REPRESENTATIVES FROM 17 FEDERAL AGENCIES, IS CURRENTLY FINALIZING TELEWORK POLICY AND GUIDANCE RECOMMENDATIONS IN THE AREAS OF: DATA SECURITY AND PROTECTION; COMPUTER EQUIPMENT AND TELECOMMUNICATIONS; LEGAL AND PROCUREMENT ISSUES; HUMAN RESOURCES MANAGEMENT ISSUES; CONTINUITY OF OPERATIONS; HEALTH AND SAFETY ISSUES; TAXES; AND TRAINING. THE WORK GROUP WILL PRESENT ITS RECOMMENDATIONS TO OPM AND GSA THIS FALL.
- WE HAVE CONTACTED THOSE AGENCIES THAT REPORTED HAVING NO OR ONLY DRAFT POLICIES IN PLACE AT THE TIME OF OUR APRIL SURVEY. I AM PLEASED TO REPORT THAT WE WERE TOLD THAT CONSIDERABLE PROGRESS IS BEING MADE TOWARD FORMALIZING AND FULLY IMPLEMENTING TELEWORK POLICIES WHERE NONE PREVIOUSLY EXISTED.

ALTHOUGH I BELIEVE FEDERAL AGENCY PROGRESS HAS BEEN SIGNIFICANT,

I AM NOT SATISFIED WITH WHERE

THE AGENCIES ARE TODAY.

MANAGEMENT RELUCTANCE AND EMPLOYEE FEARS ARE TWO MAJOR BARRIERS TO TELEWORK IMPLEMENTATION. OUR NEXT STEPS FOCUS ON THESE BARRIERS AND INCLUDE THE FOLLOWING ACTIVITIES:

- **A TELEWORK LEADERSHIP SEMINAR FOR TOP LEVEL AGENCY OFFICIALS IS SCHEDULED FOR OCTOBER.** MAXIMUM TELEWORK PARTICIPATION WILL REQUIRE A CULTURAL CHANGE AND TOP AGENCY MANAGEMENT LEADERSHIP IS THE CRUCIAL INGREDIENT FOR SUCCESS. THE LEADERSHIP SEMINAR WILL HELP FOCUS ON THE BENEFITS OF TELEWORK TO THE EMPLOYER, THE EMPLOYEE, AND THE ENVIRONMENT.
- FOLLOWING THE LEADERSHIP SEMINAR, A **SATELLITE EDUCATIONAL BROADCAST** TO FEDERAL FACILITIES NATIONWIDE WILL REACH THOUSANDS OF FEDERAL EMPLOYEES IN NOVEMBER. IT WILL PROVIDE EXAMPLES OF FEDERAL TELEWORK SUCCESS STORIES.
- WE WILL FOLLOW-UP WITH A **CONFERENCE IN JANUARY AIMED AT AGENCY SUPERVISORS AND MANAGERS.**
- A **"GUIDE FOR MANAGERS AND SUPERVISORS"** WILL BE PUBLISHED IN THE FALL.
- FINALLY, WE ARE HELPING AGENCIES **EVALUATE PROGRESS** IN IMPLEMENTING TELEWORK. OUR OBJECTIVE IS TO ASSIST AGENCIES WITH THE ASSESSMENT OF THE IMPACT OF TELEWORK ON PRODUCTIVITY, RECRUITMENT, WORKFORCE STABILITY AND MORALE. DEMONSTRATED BENEFITS WILL HELP CHANGE THE PERSPECTIVES OF MANAGERS WHO REMAIN UNCONVINCED THAT TELEWORK PROGRAMS CAN ASSIST THEM WITH THEIR HUMAN CAPITAL CHALLENGES.

MR. CHAIRMAN, I BELIEVE THAT TELEWORK IS GOOD FOR BUSINESS, EMPLOYEES AND THE ENVIRONMENT. IT CAN IMPROVE PRODUCTIVITY, FOCUS ORGANIZATIONAL ATTENTION ON OUTCOMES AND RESULTS VERSUS PROCESS, AND SERVE AS A POTENT RECRUITMENT AND RETENTION TOOL

FOR TODAY'S WORKFORCE.

7

TELEWORK HELPS EMPLOYEES

BALANCE WORK AND FAMILY RESPONSIBILITIES AND EXPANDS WORK OPPORTUNITIES FOR THE DISABLED. AND, TELEWORK ADDRESSES LOCAL TRANSPORTATION AND ENVIRONMENTAL ISSUES BY DECREASING TRAFFIC CONGESTION AND ENERGY USE, THUS IMPROVING AIR QUALITY. I COMMIT TO YOU OUR CONTINUED SUPPORT FOR THIS IMPORTANT INITIATIVE.

THANK YOU AGAIN FOR INVITING ME, MR. CHAIRMAN. I WOULD BE HAPPY TO RESPOND TO ANY QUESTIONS.

From: Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 8/30/2001 8:18:19 AM
Subject: : Clarification on practice with ABA

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN])

CREATION DATE/TIME:30-AUG-2001 12:18:19.00

SUBJECT:: Clarification on practice with ABA

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hi guys -- I am looking for some clarification of the WH's interaction with the

ABA. As best as I can tell from the attachment to the 8/23 letter that Judge

Gonzalez sent to Sen. Leahy, the WH (or perhaps DOJ?) faxes to the ABA a nominee's Senate questionnaire on a date subsequent to his or her nomination.

This is what the 4th column on the chart appears to indicate for nominees for

whom the ABA has not submitted ratings yet. Is my understanding accurate?

From: Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 8/30/2001 8:18:23 AM
Subject: : Clarification on practice with ABA

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN])

CREATION DATE/TIME:30-AUG-2001 12:18:23.00

SUBJECT:: Clarification on practice with ABA

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hi guys -- I am looking for some clarification of the WH's interaction with the

ABA. As best as I can tell from the attachment to the 8/23 letter that Judge

Gonzalez sent to Sen. Leahy, the WH (or perhaps DOJ?) faxes to the ABA a nominee's Senate questionnaire on a date subsequent to his or her nomination.

This is what the 4th column on the chart appears to indicate for nominees for

whom the ABA has not submitted ratings yet. Is my understanding accurate?

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/30/2001 10:41:19 AM
Subject: : H. Christopher Bartolomucci/WHO/EOP is out of the office.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-AUG-2001 14:41:19.00

SUBJECT:: H. Christopher Bartolomucci/WHO/EOP is out of the office.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I will be out of the office from 08/30/2001 until 09/05/2001.

I will be out of the office until Wednesday, September 5.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Quincy Hicks/WHO/EOP@EOP [WHO] <Quincy Hicks>
CC: melanie a. jackson/who/eop@eop [WHO] <melanie a. jackson>; andrea g. ball/who/eop@eop [WHO] <andrea g. ball>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/30/2001 3:26:27 PM
Subject: : Re: Political Events

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-AUG-2001 19:26:27.00
SUBJECT:: Re: Political Events
TO:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:melanie a. jackson (CN=melanie a. jackson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:andrea g. ball (CN=andrea g. ball/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Quincy,
I am forwarding your message to Brett Kavanaugh who knows all things political and works daily with Political Affairs on such matters. I'm sure Brett would be happy to brief you on the general do's and don't's, as well as answer any questions that might arise on a case-by-case basis.

Quincy Hicks
08/30/2001 06:26:47 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: Melanie A. Jackson/WHO/EOP@EOP, Andrea G. Ball/WHO/EOP@EOP
Subject: Political Events

Courtney --

Mrs. Bush is going to be doing some RNC-sponsored political events in September and October (election events). I just want to be sure I understand what we can and can't do from this office. For the most part, political is setting everything up -- and RNC is hiring a team to do the events -- the only thing we are doing is OKing the invitation and sending her Aide with her. Can we use an AF plane and bill them for it or do they need to find transportation for us? Anything else we should know?

From: Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN]
To: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
<Makan_Delrahim@judiciary.senate.gov>;Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed
Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>;Stephen Higgins) (
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN]
<Stephen_Higgins@judiciary.senate.gov>;John Mashburn) (John_Mashburn@lott.senate.gov
(John Mashburn) [UNKNOWN] <John_Mashburn@lott.senate.gov>;Dave Hoppe) (
Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>;Eric
Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN]
<Eric_Ueland@aml.senate.gov>;Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon
Prost) [UNKNOWN] <Sharon_Prost@judiciary.senate.gov>;lincoln_oliphant@rpc.senate.gov [
UNKNOWN] <lincoln_oliphant@rpc.senate.gov>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle
Sampson>;Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN]
<Rena_Johnson@judiciary.senate.gov>;Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [
UNKNOWN] <Alex_Dahl@judiciary.senate.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO
] <Bradford A. Berenson>;dan.bryant@usdoj.gov [UNKNOWN]
<dan.bryant@usdoj.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Ziad
S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;viet.dinh@usdoj.gov [UNKNOWN]
<viet.dinh@usdoj.gov>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E.
Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>;Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>
Sent: 8/30/2001 6:13:38 PM
Subject: : Letters to Leahy

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov
(Stewart Verdery) [UNKNOWN])

CREATION DATE/TIME:30-AUG-2001 22:13:38.00

SUBJECT:: Letters to Leahy

TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (
Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

READ:UNKNOWN

TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [
UNKNOWN])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John
Mashburn) [UNKNOWN])

READ:UNKNOWN

TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [
UNKNOWN])

READ:UNKNOWN

TO:Eric_Ueland@aml.senate.gov (Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [
UNKNOWN])

READ:UNKNOWN

TO:Sharon_Prost@judiciary.senate.gov (Sharon Prost) (Sharon_Prost@judiciary.senate.gov
(Sharon Prost) [UNKNOWN])

READ:UNKNOWN

TO:lincoln_oliphant@rpc.senate.gov (lincoln_oliphant@rpc.senate.gov [UNKNOWN])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov
(Rena Johnson) [UNKNOWN])

READ:UNKNOWN

TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl)
[UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00131638

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Brad and team,

great work on the various letters to leahy - the only time he and his
staff will
back down is when challenged on each and every specific piece of nonsense
they
dream up.

stewart

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>
CC: jennifer.newstead@usdoj.gov [UNKNOWN] <jennifer.newstead@usdoj.gov>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;makan_delrahim@judiciary.senate.gov @ inet [UNKNOWN] <makan_delrahim@judiciary.senate.gov>;ed_haden@judiciary.senate.gov @ inet [UNKNOWN] <ed_haden@judiciary.senate.gov>;stephen_higgins@judiciary.senate.gov @ inet [UNKNOWN] <stephen_higgins@judiciary.senate.gov>
Sent: 8/31/2001 6:26:49 AM
Subject: : Op-ed

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-AUG-2001 10:26:49.00

SUBJECT:: Op-ed

TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

CC:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:makan_delrahim@judiciary.senate.gov (makan_delrahim@judiciary.senate.gov @ inet [UNKNOWN])

READ:UNKNOWN

CC:ed_haden@judiciary.senate.gov (ed_haden@judiciary.senate.gov @ inet [UNKNOWN])

READ:UNKNOWN

CC:stephen_higgins@judiciary.senate.gov (stephen_higgins@judiciary.senate.gov @ inet [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Califano's outrageous op-ed in this morning's Washington Post needs a strong response. This is the second op-ed the Post has run on the Dem side of this issue (the first was Sheldon Goldman's which, although nominally on our side, suggested that there was equivalence between current Dem obstructionism and past Repub obstructionism) and, apart from a short editorial, there's been no answering fire. Califano's basic pitch is that because there is so much activism in the federal courts, the judiciary has become a de facto policymaker and appointments should therefore be politicized up and down the line. This is like the old definition of chutzpah that Judge Silberman likes: the boy who murders his parents and then seeks mercy on the ground that he is an orphan.

I strongly recommend that you pen such a response. You will automatically get published given your job title, and our efforts to organize others to do these things (Senators, third parties) have so far been unsuccessful. Schumer will undoubtedly have another op-ed or two appearing on Tuesday in conjunction with his "burden" hearing just as he did with his "ideology" hearing, and we cannot afford to cede the field of the editorial pages to the other side.

The Senate folks should also think about crafting our communications strategy for the Tuesday hearing. In addition to Senator's statements at the hearing, it may make sense to background some reporters and editorial writers on our perspective about the hidden agenda animating the Tuesday hearing.

REV_00131673

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David Kuo/WHO/EOP@EOP [WHO] <David Kuo>
Sent: 8/31/2001 6:29:23 AM
Subject: : OLC

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-AUG-2001 10:29:23.00
SUBJECT:: OLC
TO: David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I am told that it should be ready next week.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>
Sent: 8/31/2001 8:10:58 AM
Subject: : Re: holding statement
Attachments: P_ET5I3004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-AUG-2001 12:10:58.00
SUBJECT:: Re: holding statement
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good

Claire E. Buchan
08/31/2001 11:51:23 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: holding statement

how's this if ari is asked in the briefing?
cb

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ET5I3004_WHO.TXT_1>

Presidential Record Act

The deadline for releasing the Reagan records is today. When should we expect that?

- A. Under the Presidential Records Act of 1978, certain presidential records will be authorized for release. Because this is the first time this portion of the Act will be in effect, the Administration has carefully studied and analyzed the procedural questions related to the release of documents. We want to ensure that a proper procedure is established for this and all future release of presidential records.

Later today, we'll have more information about the next steps for the Administration and the Archivist related to the releasing presidential records.

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
<Makan_Delrahim@judiciary.senate.gov>;Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>;Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>;John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN] <John_Mashburn@lott.senate.gov>;Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>;Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN] <Stewart_Verdery@aml.senate.gov>;Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN] <Eric_Ueland@aml.senate.gov>;Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN] <Sharon_Prost@judiciary.senate.gov>;lincoln_oliphant@rpc.senate.gov [UNKNOWN] <lincoln_oliphant@rpc.senate.gov>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN] <Rena_Johnson@judiciary.senate.gov>;Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;Hunter Bates) (Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) [UNKNOWN] <Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov>
Sent: 9/4/2001 2:38:37 AM
Subject: : :Reminder: Mtg tuesday at 8:00 am re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

CREATION DATE/TIME: 4-SEP-2001 06:38:37.00

SUBJECT:: :Reminder: Mtg tuesday at 8:00 am re:

TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

READ:UNKNOWN

TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])

READ:UNKNOWN

TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN])

READ:UNKNOWN

TO:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN])

READ:UNKNOWN

TO:Eric_Ueland@aml.senate.gov (Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN])

READ:UNKNOWN

TO:Sharon_Prost@judiciary.senate.gov (Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN])

READ:UNKNOWN

REV_00131682

TO:lincoln_oliphant@rpc.senate.gov (lincoln_oliphant@rpc.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov
(Rena Johnson) [UNKNOWN])
READ:UNKNOWN
TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl)
[UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) (
Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

nominations. Mtg will take place at La Coline, reservations under
Delrahim.
Please don't go to SD 240, as we no longer occupy it and is now Dem space.
Makan

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
<Makan_Delrahim@judiciary.senate.gov>;Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>;Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>;John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN] <John_Mashburn@lott.senate.gov>;Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>;Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN] <Stewart_Verdery@aml.senate.gov>;Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN] <Eric_Ueland@aml.senate.gov>;Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN] <Sharon_Prost@judiciary.senate.gov>;lincoln_oliphant@rpc.senate.gov [UNKNOWN] <lincoln_oliphant@rpc.senate.gov>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN] <Rena_Johnson@judiciary.senate.gov>;Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;Hunter Bates) (Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) [UNKNOWN] <Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov>
Sent: 9/4/2001 2:39:59 AM
Subject: : :Reminder: Mtg tuesday at 8:00 am re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

CREATION DATE/TIME: 4-SEP-2001 06:39:59.00

SUBJECT:: :Reminder: Mtg tuesday at 8:00 am re:

TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

READ:UNKNOWN

TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])

READ:UNKNOWN

TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN])

READ:UNKNOWN

TO:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN])

READ:UNKNOWN

TO:Eric_Ueland@aml.senate.gov (Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN])

READ:UNKNOWN

TO:Sharon_Prost@judiciary.senate.gov (Sharon Prost) (Sharon_Prost@judiciary.senate.gov (Sharon Prost) [UNKNOWN])

READ:UNKNOWN

TO:lincoln_oliphant@rpc.senate.gov (lincoln_oliphant@rpc.senate.gov [UNKNOWN])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00131684

TO:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov
(Rena Johnson) [UNKNOWN])
READ:UNKNOWN
TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl)
[UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) (
Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

nominations. Mtg will take place at La Coline, reservations under
Delrahim.
Please don't go to SD 240, as we no longer occupy it and is now Dem space.
Makan

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 9/4/2001 4:14:21 AM
Subject: : Re: FOIAs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-SEP-2001 08:14:21.00
SUBJECT:: Re: FOIAs
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I think it is useful for us to keep tabs on. It provides a kind of early warning system on issues the press is examining. I recommend asking for such a report.

Elizabeth N. Camp
09/04/2001 07:58:53 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: FOIAs

Thoughts?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
09/04/2001 07:58 AM -----

Laura S. Lawlor
08/23/2001 04:00:56 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: FOIAs

As part of Cabinet report submissions, we are receiving information on key or significant FOIA requests received by the agencies. The staff secretary does not want to include these in the official cabinet report to the President - but is this information that you all would find useful? We could cut this into a separate FOIA report and send it to your shop - if there is an interest. Please let me know - thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 9/4/2001 6:04:07 AM
Subject: : Re: Sept 16 mexican Independence Day at the White House

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-SEP-2001 10:04:07.00
SUBJECT:: Re: Sept 16 mexican Independence Day at the White House
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

yes

Timothy E. Flanigan
09/04/2001 10:03:07 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: Sept 16 mexican Independence Day at the White House

Brett,

Would you handle this?

Tim
----- Forwarded by Timothy E. Flanigan/WHO/EOP on
09/04/2001 10:02 AM -----

Leonard B. Rodriguez
08/29/2001 10:56:23 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc: Kenneth B. Mehlman/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP,
Abel Guerra/WHO/EOP@EOP
Subject: Sept 16 mexican Independence Day at the White House

Karl is suggesting we hold our Mexican Independence Day celebration at the White House similar to the one we held for Cinco de Mayo. We will need to fund 10K for stage, entertainment and lighting. What are the legalities involved in either raising this money by donations or asking the RNC?

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Eric S. Edelman/OVP/EOP@EOP [OVP] <Eric S. Edelman>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Anthony N. Banbury/NSC/EOP@EOP [NSC] <Anthony N. Banbury>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; Mitchell Daniels/OMB/EOP@EOP [OMB] <Mitchell Daniels>; Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Carlos E. Bonilla/OPD/EOP@EOP [

OPD] <Carlos E. Bonilla>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>

Sent: 9/4/2001 10:06:47 AM
Subject: : Sunday Show Monitor
Attachments: F_7L3J3004_OA.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-SEP-2001 14:06:47.00

SUBJECT:: Sunday Show Monitor

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00131690

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
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TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
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TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
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TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
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TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
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TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
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TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
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TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
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TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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File attachment <F_7L3J3004_OA.TXT_1>

REV_00131692



BY THE NUMBERS

From the Office of Strategic Initiatives
456-2108

September 4, 2001

Sunday Show Monitor

January 1 – September 2, 2001

Summary

	NBC Meet the Press	ABC This Week	CBS Face the Nation	FOX News Sunday	CNN Late Edition	Total
Administration	17	20	16	23	21	97
Republican Members of Congress	34	19	30	28	49	158
Democratic Members of Congress	26	23	27	25	35	136

Sen. McCain	AZ	19	5	5	4	2	3
Sen. Specter	PA	13	1	1	4	4	3
Sen. McConnell	KY	23	3	2	7	2	35
Sen. Lott	MS	11	2	1	2	4	2
Sen. Chuck Hagel	NE	11	1	1	4	0	5
Sen. Orrin Hatch	UT	8	1	2	1	2	2
Sen. Don Nickles	OK	8	1	3	1	2	1
Rep. Dan Burton	IN	6	2	1	1	1	1
Sen. Richard Shelby	AL	5	1	0	1	1	2
Sen. Jon Kyl	AZ	5	1	0	1	0	3
Sen. Fred Thompson	TN	4	1	0	0	0	3
Rep. Chris Shays	CT	4	1	0	2	0	1
Rep. J. C. Watts	OK	4	2	0	0	0	2
Sen. George Allen	VA	4	2	0	0	0	2
Sen. Pete Domenici	NM	4	1	0	1	1	1
Rep. David Dreier	CA	4	0	0	0	0	4
Rep. Tom Delay	TX	3	1	1	0	1	0
Sen. Dick Durbin	IL	3	1	0	0	0	2
Sen. Phil Gramm	TX	3	1	0	1	0	1
Sen. Olympia Snowe	ME	3	0	1	1	0	1
Rep. Dennis Hastert	IL	3	1	0	1	1	0
Rep. Dick Armey	TX	3	0	1	0	0	2
Sen. Tim Hutchinson	AR	2	0	0	1	1	0
Sen. Kay B. Hutchinson	TX	2	0	0	0	1	2
Sen. Dick Lugar	IN	2	0	0	2	0	0
Sen. Rick Santorum	PA	2	0	0	0	2	0
Sen. Sam Brownback	KS	2	1	0	1	0	0
Sen. Jeff Sessions	AL	2	2	0	0	0	1
Rep. Chris Smith	NJ	1	1	0	0	0	0
Rep. Charlie Norwood	GA	1	1	0	0	0	0
Rep. Dave Weldon	FL	1	0	0	1	0	0
Rep. Scott McInnis	CO	1	0	0	0	0	1
Rep. Bob Barr	GA	1	0	0	0	0	1
Rep. Jim Nussle	IA	1	0	0	0	1	0
Total		158	34	19	30	28	49

Administration

	Total	NBC	ABC	CBS	FOX	CNN
Andrew Card	11	2	2	3	2	2
VP Cheney	10	3	2	2	2	1
Mitch Daniels	8	1	2	0	2	3
Secretary Powell	7	1	1	2	1	2
Secretary O'Neil	7	1	1	1	3	1
Condoleezza Rice	7	1	1	1	1	3
Larry Lindsey	7	2	1	1	2	1
Secretary Abraham	6	0	2	0	2	2
Karl Rove	6	2	1	1	1	1
Admin. Whitman	6	1	1	1	1	2
Secretary Thompson	5	1	1	1	1	1
Secretary Rumsfeld	4	1	1	1	1	0
Secretary Ashcroft	3	1	1	0	1	0
Secretary Paige	3	0	1	1	0	1
Paul Wolfowitz	2	0	0	0	1	1
Secretary Norton	2	0	1	0	1	0
Secretary Evans	1	0	0	0	1	0

Democratic Members of Congress

	Total	NBC	ABC	CBS	FOX	CNN
Sen. Joe Lieberman	CT	15	3	3	3	3
Sen. Thomas Daschle	SD	14	3	3	4	3
Sen. John Edwards	NC	11	3	3	1	1
Sen. John Kerry	MA	11	4	3	1	1
Sen. John Breaux	LA	9	0	2	3	3
Sen. Joseph Biden	DE	8	2	1	2	2
Rep. Charlie Rangel	NY	8	1	0	1	2
Sen. Chris Dodd	CT	7	2	0	1	1
Sen. Patrick Leahy	VT	6	1	0	2	1
Sen. Harry Reid	NV	5	0	0	1	3
Sen. Carl Levin	MI	5	0	1	1	0
Rep. Richard Gephardt	MO	5	1	1	1	0
Sen. Barbara Boxer	CA	4	0	1	1	0
Sen. Bob Graham	FL	4	0	1	0	2
Sen. Charles Schumer	NY	4	1	1	2	0
Sen. Kent Conrad	ND	4	0	2	1	1
Sen. Russ Feingold	WI	3	1	0	1	0
Sen. Edward Kennedy	MA	3	1	1	1	0
Sen. Evan Bayh	IN	2	1	0	0	0
Sen. Tom Harkin	IA	2	1	0	0	0
Rep. James Langevin	RI	1	1	0	0	0
Sen. Dick Durbin	IL	1	0	0	0	0
Rep. John Spratt	SC	1	0	0	0	1
Sen. Byron Dorgan	ND	1	0	0	0	0
Rep. Harold Ford, Jr.	TN	1	0	0	0	0
Rep. Charlie Stenholm	TX	1	0	0	0	1
Total		136	26	23	27	25

REV_00131694

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Eric S. Edelman/OVP/EOP@EOP [OVP] <Eric S. Edelman>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Anthony N. Banbury/NSC/EOP@EOP [NSC] <Anthony N. Banbury>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; Mitchell Daniels/OMB/EOP@EOP [OMB] <Mitchell Daniels>; Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Carlos E. Bonilla/OPD/EOP@EOP [

OPD] <Carlos E. Bonilla>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>

Sent: 9/4/2001 10:06:47 AM
Subject: : Sunday Show Monitor
Attachments: P_7L3J3004_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-SEP-2001 14:06:47.00

SUBJECT:: Sunday Show Monitor

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

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TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

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TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

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TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
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TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
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TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
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TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
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REV_00131698



BY THE NUMBERS

From the Office of Strategic Initiatives
456-2108

September 4, 2001

Sunday Show Monitor

January 1 – September 2, 2001

Summary							
	NBC Meet the Press	ABC This Week	CBS Face the Nation	FOX News Sunday	CNN Late Edition	Total	
Administration	17	20	16	23	21	97	
Republican Members of Congress							
Republican Members of Congress	34	19	30	28	49	158	
Sen. John McCain	AZ	19	5	5	4	2	3
Sen. Arlen Specter	PA	13	1	1	4	4	3
Sen. Mitch McConnell	KY	23	3	2	7	2	5
Sen. Trent Lott	MS	11	2	1	2	4	2
Sen. Chuck Hagel	NE	11	1	1	4	0	5
Sen. Orrin Hatch	UT	8	1	2	1	2	2
Sen. Don Nickles	OK	8	1	3	1	2	1
Rep. Dan Burton	IN	6	2	1	1	1	1
Sen. Richard Shelby	AL	5	1	0	1	1	2
Sen. Jon Kyl	AZ	5	1	0	1	0	3
Sen. Fred Thompson	TN	4	1	0	0	0	3
Rep. Chris Shays	CT	4	1	0	2	0	1
Rep. J. C. Watts	OK	4	2	0	0	0	2
Sen. George Allen	VA	4	2	0	0	0	2
Sen. Pete Domenici	NM	4	1	0	1	1	1
Rep. David Dreier	CA	4	0	0	0	0	4
Rep. Tom Delay	TX	3	1	1	0	1	0
Sen. Dick Durbin	IL	3	1	0	0	0	2
Sen. Phil Gramm	TX	3	1	0	1	0	1
Sen. Olympia Snowe	ME	3	0	1	1	0	1
Rep. Dennis Hastert	IL	3	1	0	1	1	0
Rep. Dick Armey	TX	3	0	1	0	0	2
Sen. Tim Hutchinson	AR	2	0	0	1	1	0
Sen. Kay B. Hutchinson	TX	2	0	0	0	1	2
Sen. Dick Lugar	IN	2	0	0	2	0	0
Sen. Rick Santorum	PA	2	0	0	0	2	0
Sen. Sam Brownback	KS	2	1	0	1	0	0
Sen. Jeff Sessions	AL	2	2	0	0	0	1
Rep. Chris Smith	NJ	1	1	0	0	0	0
Rep. Charlie Norwood	GA	1	1	0	0	0	0
Rep. Dave Weldon	FL	1	0	0	1	0	0
Rep. Scott McInnis	CO	1	0	0	0	0	1
Rep. Bob Barr	GA	1	0	0	0	0	1
Rep. Jim Nussle	IA	1	0	0	0	1	0
Total		158	34	19	30	28	49

Administration						
	Total	NBC	ABC	CBS	FOX	CNN
Andrew Card	11	2	2	3	2	2
VP Cheney	10	3	2	2	2	1
Mitch Daniels	8	1	2	0	2	3
Secretary Powell	7	1	1	2	1	2
Secretary O'Neil	7	1	1	1	3	1
Condoleezza Rice	7	1	1	1	1	3
Larry Lindsey	7	2	1	1	2	1
Secretary Abraham	6	0	2	0	2	2
Karl Rove	6	2	1	1	1	1
Admin. Whitman	6	1	1	1	1	2
Secretary Thompson	5	1	1	1	1	1
Secretary Rumsfeld	4	1	1	1	1	0
Secretary Ashcroft	3	1	1	0	1	0
Secretary Paige	3	0	1	1	0	1
Paul Wolfowitz	2	0	0	0	1	1
Secretary Norton	2	0	1	0	1	0
Secretary Evans	1	0	0	0	1	0
First Lady	1	0	1	0	0	0

Democratic Members of Congress							
	Total	97	17	20	16	23	21
Sen. Joe Lieberman	CT	15	3	3	3	3	3
Sen. Thomas Daschle	SD	14	3	3	4	3	1
Sen. John Edwards	NC	11	3	3	1	1	3
Sen. John Kerry	MA	11	4	3	1	1	2
Sen. John Breaux	LA	9	0	2	3	3	1
Sen. Joseph Biden	DE	8	2	1	2	2	1
Rep. Charlie Rangel	NY	8	1	0	1	2	4
Sen. Chris Dodd	CT	7	2	0	1	1	3
Sen. Patrick Leahy	VT	6	1	0	2	1	2
Sen. Harry Reid	NV	5	0	0	1	3	1
Sen. Carl Levin	MI	5	0	1	1	0	3
Rep. Richard Gephardt	MO	5	1	1	1	0	2
Sen. Barbara Boxer	CA	4	0	1	1	0	2
Sen. Bob Graham	FL	4	0	1	0	2	1
Sen. Charles Schumer	NY	4	1	1	2	0	0
Sen. Kent Conrad	ND	4	0	2	1	1	0
Sen. Russ Feingold	WI	3	1	0	1	0	1
Sen. Edward Kennedy	MA	3	1	1	1	0	0
Sen. Evan Bayh	IN	2	1	0	0	0	1
Sen. Tom Harkin	IA	2	1	0	0	0	1
Rep. James Langevin	RI	1	1	0	0	0	0
Sen. Dick Durbin	IL	1	0	0	0	0	1
Rep. John Spratt	SC	1	0	0	0	1	0
Sen. Byron Dorgan	ND	1	0	0	0	0	1
Rep. Harold Ford, Jr.	TN	1	0	0	0	0	1
Rep. Charlie Stenholm	TX	1	0	0	0	1	0
Total		136	26	23	27	25	35

REV_00131700

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Eric S. Edelman/OVP/EOP@EOP [OVP] <Eric S. Edelman>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Anthony N. Banbury/NSC/EOP@EOP [NSC] <Anthony N. Banbury>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; Mitchell Daniels/OMB/EOP@EOP [OMB] <Mitchell Daniels>; Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Carlos E. Bonilla/OPD/EOP@EOP [

OPD] <Carlos E. Bonilla>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Neil H. Zimmerman/WHO /EOP@EOP [WHO] <Neil H. Zimmerman>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Kasey S. Pipes/WHO /EOP@EOP [WHO] <Kasey S. Pipes>

Sent: 9/4/2001 10:06:47 AM
Subject: : Sunday Show Monitor
Attachments: F_7L3J3004_NSC.TXT_1.doc

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CREATION DATE/TIME: 4-SEP-2001 14:06:47.00

SUBJECT:: Sunday Show Monitor

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

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TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

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TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

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TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

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TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
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TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
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TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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BY THE NUMBERS

From the Office of Strategic Initiatives
456-2108

September 4, 2001

Sunday Show Monitor

January 1 – September 2, 2001

Summary							
	NBC Meet the Press	ABC This Week	CBS Face the Nation	FOX News Sunday	CNN Late Edition	Total	
Administration	17	20	16	23	21	97	
Republican Members of Congress							
Republican Members of Congress	34	19	30	28	49	158	
Sen. John McCain	AZ	19	5	5	4	2	3
Sen. Arlen Specter	PA	13	1	1	4	4	3
Sen. Mitch McConnell	KY	23	3	2	7	2	5
Sen. Trent Lott	MS	11	2	1	2	4	2
Sen. Chuck Hagel	NE	11	1	1	4	0	5
Sen. Orrin Hatch	UT	8	1	2	1	2	2
Sen. Don Nickles	OK	8	1	3	1	2	1
Rep. Dan Burton	IN	6	2	1	1	1	1
Sen. Richard Shelby	AL	5	1	0	1	1	2
Sen. Jon Kyl	AZ	5	1	0	1	0	3
Sen. Fred Thompson	TN	4	1	0	0	0	3
Rep. Chris Shays	CT	4	1	0	2	0	1
Rep. J. C. Watts	OK	4	2	0	0	0	2
Sen. George Allen	VA	4	2	0	0	0	2
Sen. Pete Domenici	NM	4	1	0	1	1	1
Rep. David Dreier	CA	4	0	0	0	0	4
Rep. Tom Delay	TX	3	1	1	0	1	0
Sen. Dick Durbin	IL	3	1	0	0	0	2
Sen. Phil Gramm	TX	3	1	0	1	0	1
Sen. Olympia Snowe	ME	3	0	1	1	0	1
Rep. Dennis Hastert	IL	3	1	0	1	1	0
Rep. Dick Armey	TX	3	0	1	0	0	2
Sen. Tim Hutchinson	AR	2	0	0	1	1	0
Sen. Kay B.Hutchinson	TX	2	0	0	0	1	2
Sen. Dick Lugar	IN	2	0	0	2	0	0
Sen. Rick Santorum	PA	2	0	0	0	2	0
Sen. Sam Brownback	KS	2	1	0	1	0	0
Sen. Jeff Sessions	AL	2	2	0	0	0	1
Rep. Chris Smith	NJ	1	1	0	0	0	0
Rep. Charlie Norwood	GA	1	1	0	0	0	0
Rep. Dave Weldon	FL	1	0	0	1	0	0
Rep. Scott McInnis	CO	1	0	0	0	0	1
Rep. Bob Barr	GA	1	0	0	0	0	1
Rep. Jim Nussle	IA	1	0	0	0	1	0
Total		158	34	19	30	28	49

Administration						
	Total	NBC	ABC	CBS	FOX	CNN
Andrew Card	11	2	2	3	2	2
VP Cheney	10	3	2	2	2	1
Mitch Daniels	8	1	2	0	2	3
Secretary Powell	7	1	1	2	1	2
Secretary O'Neil	7	1	1	1	3	1
Condoleezza Rice	7	1	1	1	1	3
Larry Lindsey	7	2	1	1	2	1
Secretary Abraham	6	0	2	0	2	2
Karl Rove	6	2	1	1	1	1
Admin. Whitman	6	1	1	1	1	2
Secretary Thompson	5	1	1	1	1	1
Secretary Rumsfeld	4	1	1	1	1	0
Secretary Ashcroft	3	1	1	0	1	0
Secretary Paige	3	0	1	1	0	1
Paul Wolfowitz	2	0	0	0	1	1
Secretary Norton	2	0	1	0	1	0
Secretary Evans	1	0	0	0	1	0
First Lady	1	0	1	0	0	0

Democratic Members of Congress							
	Total	97	17	20	16	23	21
		Total	NBC	ABC	CBS	FOX	CNN
Sen. Joe Lieberman	CT	15	3	3	3	3	3
Sen. Thomas Daschle	SD	14	3	3	4	3	1
Sen. John Edwards	NC	11	3	3	1	1	3
Sen. John Kerry	MA	11	4	3	1	1	2
Sen. John Breaux	LA	9	0	2	3	3	1
Sen. Joseph Biden	DE	8	2	1	2	2	1
Rep. Charlie Rangel	NY	8	1	0	1	2	4
Sen. Chris Dodd	CT	7	2	0	1	1	3
Sen. Patrick Leahy	VT	6	1	0	2	1	2
Sen. Harry Reid	NV	5	0	0	1	3	1
Sen. Carl Levin	MI	5	0	1	1	0	3
Rep. Richard Gephardt	MO	5	1	1	1	0	2
Sen. Barbara Boxer	CA	4	0	1	1	0	2
Sen. Bob Graham	FL	4	0	1	0	2	1
Sen. Charles Schumer	NY	4	1	1	2	0	0
Sen. Kent Conrad	ND	4	0	2	1	1	0
Sen. Russ Feingold	WI	3	1	0	1	0	1
Sen. Edward Kennedy	MA	3	1	1	1	0	0
Sen. Evan Bayh	IN	2	1	0	0	0	1
Sen. Tom Harkin	IA	2	1	0	0	0	1
Rep. James Langevin	RI	1	1	0	0	0	0
Sen. Dick Durbin	IL	1	0	0	0	0	1
Rep. John Spratt	SC	1	0	0	0	1	0
Sen. Byron Dorgan	ND	1	0	0	0	0	1
Rep. Harold Ford, Jr.	TN	1	0	0	0	0	1
Rep. Charlie Stenholm	TX	1	0	0	0	1	0
Total		136	26	23	27	25	35

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Deborah K. Hair/WHO/EOP@EOP [WHO] <Deborah K. Hair>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Eric S. Edelman/OVP/EOP@EOP [OVP] <Eric S. Edelman>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Anthony N. Banbury/NSC/EOP@EOP [NSC] <Anthony N. Banbury>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; Peter F. Allgeier/NSC/EOP@EOP [NSC] <Peter F. Allgeier>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; Mitchell Daniels/OMB/EOP@EOP [OMB] <Mitchell Daniels>; Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Carlos E. Bonilla/OPD/EOP@EOP [

OPD] <Carlos E. Bonilla>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>;Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>

Sent: 9/4/2001 10:06:47 AM
Subject: : Sunday Show Monitor
Attachments: P_7L3J3004_OPD.TXT_1.doc

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CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-SEP-2001 14:06:47.00

SUBJECT:: Sunday Show Monitor

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READ:UNKNOWN

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

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TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

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TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

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TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anthony N. Banbury (CN=Anthony N. Banbury/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Peter F. Allgeier (CN=Peter F. Allgeier/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7L3J3004_OPD.TXT_1>

REV_00131710



BY THE NUMBERS

From the Office of Strategic Initiatives
456-2108

September 4, 2001

Sunday Show Monitor

January 1 – September 2, 2001

Summary							
	NBC Meet the Press	ABC This Week	CBS Face the Nation	FOX News Sunday	CNN Late Edition	Total	
Administration	17	20	16	23	21	97	
Republican Members of Congress							
Republican Members of Congress	34	19	30	28	49	158	
Sen. John McCain	AZ	19	5	5	4	2	3
Sen. Arlen Specter	PA	13	1	1	4	4	3
Sen. Mitch McConnell	KY	23	3	2	7	2	35
Sen. Trent Lott	MS	11	2	1	2	4	2
Sen. Chuck Hagel	NE	11	1	1	4	0	5
Sen. Orrin Hatch	UT	8	1	2	1	2	2
Sen. Don Nickles	OK	8	1	3	1	2	1
Rep. Dan Burton	IN	6	2	1	1	1	1
Sen. Richard Shelby	AL	5	1	0	1	1	2
Sen. Jon Kyl	AZ	5	1	0	1	0	3
Sen. Fred Thompson	TN	4	1	0	0	0	3
Rep. Chris Shays	CT	4	1	0	2	0	1
Rep. J. C. Watts	OK	4	2	0	0	0	2
Sen. George Allen	VA	4	2	0	0	0	2
Sen. Pete Domenici	NM	4	1	0	1	1	1
Rep. David Dreier	CA	4	0	0	0	0	4
Rep. Tom Delay	TX	3	1	1	0	1	0
Sen. Dick Durbin	IL	3	1	0	0	0	2
Sen. Phil Gramm	TX	3	1	0	1	0	1
Sen. Olympia Snowe	ME	3	0	1	1	0	1
Rep. Dennis Hastert	IL	3	1	0	1	1	0
Rep. Dick Armey	TX	3	0	1	0	0	2
Sen. Tim Hutchinson	AR	2	0	0	1	1	0
Sen. Kay B. Hutchinson	TX	2	0	0	0	1	2
Sen. Dick Lugar	IN	2	0	0	2	0	0
Sen. Rick Santorum	PA	2	0	0	0	2	0
Sen. Sam Brownback	KS	2	1	0	1	0	0
Sen. Jeff Sessions	AL	2	2	0	0	0	1
Rep. Chris Smith	NJ	1	1	0	0	0	0
Rep. Charlie Norwood	GA	1	1	0	0	0	0
Rep. Dave Weldon	FL	1	0	0	1	0	0
Rep. Scott McInnis	CO	1	0	0	0	0	1
Rep. Bob Barr	GA	1	0	0	0	0	1
Rep. Jim Nussle	IA	1	0	0	0	1	0
Total		158	34	19	30	28	49

Administration						
	Total	NBC	ABC	CBS	FOX	CNN
Andrew Card	11	2	2	3	2	2
VP Cheney	10	3	2	2	2	1
Mitch Daniels	8	1	2	0	2	3
Secretary Powell	7	1	1	2	1	2
Secretary O'Neil	7	1	1	1	3	1
Condoleezza Rice	7	1	1	1	1	3
Larry Lindsey	7	2	1	1	2	1
Secretary Abraham	6	0	2	0	2	2
Karl Rove	6	2	1	1	1	1
Admin. Whitman	6	1	1	1	1	2
Secretary Thompson	5	1	1	1	1	1
Secretary Rumsfeld	4	1	1	1	1	0
Secretary Ashcroft	3	1	1	0	1	0
Secretary Paige	3	0	1	1	0	1
Paul Wolfowitz	2	0	0	0	1	1
Secretary Norton	2	0	1	0	1	0
Secretary Evans	1	0	0	0	1	0
First Lady	1	0	1	0	0	0

Democratic Members of Congress							
	Total	97	17	20	16	23	21
		Total	NBC	ABC	CBS	FOX	CNN
Sen. Joe Lieberman	CT	15	3	3	3	3	3
Sen. Thomas Daschle	SD	14	3	3	4	3	1
Sen. John Edwards	NC	11	3	3	1	1	3
Sen. John Kerry	MA	11	4	3	1	1	2
Sen. John Breaux	LA	9	0	2	3	3	1
Sen. Joseph Biden	DE	8	2	1	2	2	1
Rep. Charlie Rangel	NY	8	1	0	1	2	4
Sen. Chris Dodd	CT	7	2	0	1	1	3
Sen. Patrick Leahy	VT	6	1	0	2	1	2
Sen. Harry Reid	NV	5	0	0	1	3	1
Sen. Carl Levin	MI	5	0	1	1	0	3
Rep. Richard Gephardt	MO	5	1	1	1	0	2
Sen. Barbara Boxer	CA	4	0	1	1	0	2
Sen. Bob Graham	FL	4	0	1	0	2	1
Sen. Charles Schumer	NY	4	1	1	2	0	0
Sen. Kent Conrad	ND	4	0	2	1	1	0
Sen. Russ Feingold	WI	3	1	0	1	0	1
Sen. Edward Kennedy	MA	3	1	1	1	0	0
Sen. Evan Bayh	IN	2	1	0	0	0	1
Sen. Tom Harkin	IA	2	1	0	0	0	1
Rep. James Langevin	RI	1	1	0	0	0	0
Sen. Dick Durbin	IL	1	0	0	0	0	1
Rep. John Spratt	SC	1	0	0	0	1	0
Sen. Byron Dorgan	ND	1	0	0	0	0	1
Rep. Harold Ford, Jr.	TN	1	0	0	0	0	1
Rep. Charlie Stenholm	TX	1	0	0	0	1	0
Total		136	26	23	27	25	35

REV_00131712

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
Sent: 9/4/2001 3:22:41 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-SEP-2001 19:22:41.00
SUBJECT:: Re:
TO: Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I am consulting with Bartolomucci (who's out until Thursday) on that; he's our clemency guy.

Ashley Estes
09/04/2001 02:52:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

PRA 6

Did you happen to get the weird executive clemency plea i sent over inneroffice? what is our policy on that?

Brett M. Kavanaugh
09/04/2001 02:47:24 PM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

PRA 6

Ashley Estes
09/04/2001 01:00:32 PM
Record Type: Non-Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

REV_00131713

PRA 6

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 9/4/2001 12:18:15 PM
Subject: : There is no JSC meeting this week!

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-SEP-2001 16:18:15.00

SUBJECT:: There is no JSC meeting this week!

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00131717

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 9/4/2001 12:18:15 PM
Subject: : There is no JSC meeting this week!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-SEP-2001 16:18:15.00

SUBJECT:: There is no JSC meeting this week!

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00131719

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; James Carroll <James.Carroll@usdoj.gov>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Patrick O'Brien <Patrick.Obrien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>
Sent: 9/4/2001 12:37:07 PM
Subject: : Rescheduled to Wednesday 9/5 at 4:00 pm

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 4-SEP-2001 16:37:07.00

SUBJECT:: Rescheduled to Wednesday 9/5 at 4:00 pm

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM

REV_00131723

Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:James Carroll <James.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (James Carroll <James.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Patrick O'Brien <Patrick.Obrien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Patrick O'Brien <Patrick.Obrien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 CC:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

All -- we would like to reschedule the judicial confirmation working group meeting for this week to tomorrow, Wednesday, at 4 pm in Viet Dinh's conference room, 4646.

See you then.

Jennifer

REV_00131724

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>
Sent: 9/4/2001 5:03:00 PM
Subject: : Re: Archived Materials

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-SEP-2001 21:03:00.00
SUBJECT:: Re: Archived Materials
TO: Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

The same rules apply to NEC and White House Office. I would recommend that you abide by those rules. Please call with any questions at 6-7984.

Marty P. Smith
08/31/2001 02:27:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Archived Materials

I just left you a voice message regarding retaining stuff for eventual transfer to Records Mgt. The question was do the same standards apply to NEC (OPD) as to the WH? Now I realize it's a bit more complicated. I work for Chuck Blahous who is both SA to POTUS for Econ Policy (NEC) and Exec Dir of the Commission to Strengthen Social Security. Do different standards apply to the two positions, and if so, what are they? Thanks for any light you can shed.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>
Sent: 9/4/2001 5:03:00 PM
Subject: : Re: Archived Materials

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-SEP-2001 21:03:00.00
SUBJECT:: Re: Archived Materials
TO: Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

The same rules apply to NEC and White House Office. I would recommend that you abide by those rules. Please call with any questions at 6-7984.

Marty P. Smith
08/31/2001 02:27:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Archived Materials

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From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Yoo, John C <John.C.Yoo@usdoj.gov>; Burton, Faith <Faith.Burton@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; McNulty, Paul <Paul.McNulty@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Israelite, David <David.Israelite@usdoj.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>
CC: Madison, Joyce L <Joyce.L.Madison@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/5/2001 7:12:14 AM
Subject: : RE: Status -- HGRC Oversight Hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 5-SEP-2001 11:12:14.00

SUBJECT:: RE: Status -- HGRC Oversight Hearing

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Yoo, John C" <John.C.Yoo@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Yoo, John C" <John.C.Yoo@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"McNulty, Paul" <Paul.McNulty@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("McNulty, Paul" <Paul.McNulty@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Israelite, David" <David.Israelite@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Israelite, David" <David.Israelite@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Madison, Joyce L" <Joyce.L.Madison@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Madison, Joyce L" <Joyce.L.Madison@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We are tentatively scheduled to pre-meet with Brett at 5:30 PM at 128 OEOB tomorrow. Jim Wilson and David Kass from HGRC will join us there @ 6 pm. Those attending should have clearance info. forwarded to Joyce Madison in

REV_00131731

OLA.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, September 04, 2001 8:57 PM
To: Thorsen, Carl
Subject: RE: Status -- HGRC Oversight Hearing

Thursday late afternoon here is best.

(Embedded
image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
to file: 09/04/2001 04:13:16 PM
PIC13557.PCX)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message
Subject: RE: Status -- HGRC Oversight Hearing

Brett,
Per my voicemail, are you available to meet with Burton's staff tomorrow or Thursday late afternoon (or evening) to walk them through arguments supporting claiming exec privilege? We can do it here at DOJ or at your office.

Paul C., John - Brett will want OLC there.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, September 04, 2001 10:31 AM
To: Thorsen, Carl
Subject: RE: Status -- HGRC Oversight Hearing

briefed after

(Embedded
image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
to file: 09/04/2001 10:20:32 AM
PIC29253.PCX)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: Status -- HGRC Oversight Hearing

REV_00131732

It looks like we are going to meet internally at 5:30 pm today to develop our plan. Included in our discussion will be OLC drafting a memo from the AG to POTUS re. claiming privilege. Would you prefer being patched in via speaker phone or briefed after?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, September 04, 2001 10:11 AM
To: Thorsen, Carl
Subject: Re: Status -- HGRC Oversight Hearing
What is status of a meeting?

(Embedded
image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
to file: 08/31/2001 03:51:39 PM
PIC19369.PCX)

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Status -- HGRC Oversight Hearing

Burton staff plans to send the AG a letter by cob today inviting him to testify before the Committee on Thursday, September 13 re. the DOJ/Administration position re. requested documents. OLA will circulate the letter when it arrives and coordinate a meeting on Tuesday if possible to discuss.

Message Sent

To: _____
"Israelite, David" <David.Israelite@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
"Yoo, John C" <John.C.Yoo@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
"Dryden, Susan" <Susan.Dryden@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
Brett M. Kavanaugh/WHO/EOP@EOP
"timothy_a._flanigan@who.eop.gov"
<timothy_a._flanigan@who.eop.gov> (Receipt Notification
Requested) (IPM Return Requested)
"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)

Message Copied

To: _____
"Madison, Joyce L" <Joyce.L.Madison@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
"O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
"McNulty, Paul" <Paul.McNulty@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)

REV_00131733

Message Copied

To: _____

"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Yoo, John C" <John.C.Yoo@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"McNulty, Paul" <Paul.McNulty@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>
Sent: 9/5/2001 7:47:03 AM
Subject: : Re: Clearance Forms

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-SEP-2001 11:47:03.00
SUBJECT:: Re: Clearance Forms
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sheila Joy is normally the person, but for the Tax Court, Laura Flippin, our Clearance Counsel, has been handling the forms. Tax Court goes through the Finance Committee and is an Article I appointment, so those have been handled differently. Give Laura a call at 6-6750.

Kyle Sampson
09/05/2001 09:09:06 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Clearance Forms

I am told that DOJ sends the clearance forms to our judicial candidates that POTUS has approved. Who can verify that forms have been sent to Francis Cramer, the guy approved for the U.S. Tax Court? The President approved him last Friday -- Cramer was in that book that went to Texas but didn't get POTUS approval until it made its way back here.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>;Michelle N. Brawer/WHO/EOP@EOP [WHO] <Michelle N. Brawer>;Gail Randall/WHO/EOP@EOP [WHO] <Gail Randall>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Nicole E. Grodner/WHO/EOP@EOP [WHO] <Nicole E. Grodner>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Nicole Petrosino/WHO/EOP@EOP [WHO] <Nicole Petrosino>;Mark A. Phelan/WHO/EOP@EOP [WHO] <Mark A. Phelan>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Rachael L. Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>;Sherry J. Kuntz/WHO/EOP@EOP [WHO] <Sherry J. Kuntz>;G. Timothy Saunders/WHO/EOP@EOP [WHO] <G. Timothy Saunders>;Shane P. Chambers/WHO/EOP@EOP [WHO] <Shane P. Chambers>;Kimberly L. Kuczynski/WHO/EOP@EOP [WHO] <Kimberly L. Kuczynski>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Holly M. Miller/WHO/EOP@EOP [WHO] <Holly M. Miller>;Sarah Penny/WHO/EOP@EOP [WHO] <Sarah Penny>;Carolyn F. Atkinson/WHO/EOP@EOP [WHO] <Carolyn F. Atkinson>;Nancy G. Hansen/WHO/EOP@EOP [WHO] <Nancy G. Hansen>;Matthew W. Lindley/WHO/EOP@EOP [WHO] <Matthew W. Lindley>;Misty C. Marshall/WHO/EOP@EOP [WHO] <Misty C. Marshall>;Nathaniel C. Ryun/WHO/EOP@EOP [WHO] <Nathaniel C. Ryun>;Estelle M. Stolz/WHO/EOP@EOP [WHO] <Estelle M. Stolz>;Steven Myers/WHO/EOP@EOP [WHO] <Steven Myers>;Distie Carstensen/WHO/EOP@EOP [WHO] <Distie Carstensen>;Brooks D. Altshuler/WHO/EOP@EOP [WHO] <Brooks D. Altshuler>;Steven A. Atkiss/WHO/EOP@EOP [WHO] <Steven A. Atkiss>;Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>;Michael Heath/WHO/EOP@EOP [WHO] <Michael Heath>;Stephanie E. Linder/WHO/EOP@EOP [WHO] <Stephanie E. Linder>;David H. McArthur/WHO/EOP@EOP [WHO] <David H. McArthur>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Leslie A. Shockley/WHO/EOP@EOP [WHO] <Leslie A. Shockley>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Angela R. Sailor/WHO/EOP@EOP [WHO] <Angela R. Sailor>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Traci R. Campbell/WHO/EOP@EOP [WHO] <Traci R. Campbell>;Terry C. Miller/WHO/EOP@EOP [WHO] <Terry C. Miller>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Chad M. Kolton/WHO/EOP@EOP [WHO] <Chad M. Kolton>;Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>;Annabelle J. Romero/WHO/EOP@EOP [WHO] <Annabelle J. Romero>;Michael A. Sanders/WHO/EOP@EOP [WHO] <Michael A. Sanders>;David M. Mark/WHO/EOP@EOP [WHO] <David M. Mark>;Eric W. Terrell/WHO/EOP@EOP [WHO] <Eric W. Terrell>;Matthew L. Wendel/WHO/EOP@EOP [WHO] <Matthew L. Wendel>;Ashleigh A. Adams/WHO/EOP@EOP [WHO] <Ashleigh A. Adams>;Josephine L. Hirsch/WHO/EOP@EOP [WHO] <Josephine L. Hirsch>;James A. Barnett/WHO/EOP@EOP [WHO] <James A. Barnett>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>;Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>;Elizabeth Hogan/WHO/EOP@EOP [WHO] <Elizabeth Hogan>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Mary M. Rose/WHO/EOP@EOP [WHO] <Mary M. Rose>;Timothy C. Stout/WHO/EOP@EOP [WHO] <Timothy C. Stout>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;James E. Carter/OPD/EOP@EOP [OPD] <James E. Carter>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Edwina C. Rogers/OPD/EOP@EOP [OPD] <Edwina C. Rogers>;Lisa T. Cummins/WHO/EOP@EOP [WHO] <Lisa T. Cummins>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Scott H. Evertz/OPD/EOP@EOP [OPD] <Scott H. Evertz>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Sandy Kress/OPD/EOP@EOP [OPD] <Sandy Kress>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>
Sent: 9/5/2001 1:31:05 PM
Subject: : Ethics training

Begin Original ARMS Header

REV_00131736

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-SEP-2001 17:31:05.00
SUBJECT:: Ethics training
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Nicole E. Grodner (CN=Nicole E. Grodner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicole Petrosino (CN=Nicole Petrosino/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark A. Phelan (CN=Mark A. Phelan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sherry J. Kuntz (CN=Sherry J. Kuntz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:G. Timothy Saunders (CN=G. Timothy Saunders/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Shane P. Chambers (CN=Shane P. Chambers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kimberly L. Kuczynski (CN=Kimberly L. Kuczynski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Holly M. Miller (CN=Holly M. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Penny (CN=Sarah Penny/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carolyn F. Atkinson (CN=Carolyn F. Atkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nancy G. Hansen (CN=Nancy G. Hansen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Misty C. Marshall (CN=Misty C. Marshall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nathaniel C. Ryun (CN=Nathaniel C. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Estelle M. Stolz (CN=Estelle M. Stolz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Steven Myers (CN=Steven Myers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Distie Carstensen (CN=Distie Carstensen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brooks D. Altshuler (CN=Brooks D. Altshuler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Steven A. Atkiss (CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Heath (CN=Michael Heath/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephanie E. Linder (CN=Stephanie E. Linder/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David H. McArthur (CN=David H. McArthur/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leslie A. Shockley (CN=Leslie A. Shockley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chad M. Kolton (CN=Chad M. Kolton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Annabelle J. Romero (CN=Annabelle J. Romero/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael A. Sanders (CN=Michael A. Sanders/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David M. Mark (CN=David M. Mark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric W. Terrell (CN=Eric W. Terrell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew L. Wendel (CN=Matthew L. Wendel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine L. Hirsch (CN=Josephine L. Hirsch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James A. Barnett (CN=James A. Barnett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Bell (CN=Michael J. Bell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
TO:Elizabeth Hogan (CN=Elizabeth Hogan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary M. Rose (CN=Mary M. Rose/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy C. Stout (CN=Timothy C. Stout/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Scott H. Evertz (CN=Scott H. Evertz/OU=OPD/O=EOP@EOP [OPD])
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TO:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Sandy Kress (CN=Sandy Kress/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

A number of new employees have entered service in the White House Office since the last time ethics training for White House Office employees was offered, which was in April. Therefore, I have scheduled ethics training in Room 450 in the Old Executive Office Building on the following dates:

Wednesday, September 12 from 10-11 am
Wednesday, September 19 from 10-11 am
Wednesday, September 26 from 10-11 am

All White House Office employees are required to attend ethics training. If you receive this message but previously attended ethics training in Room 450, I do not have a record of your attendance. If you think you have previously attended ethics training in Room 450, please let me know. (Please do not confuse ethics training with the security briefing you would have received upon entering service.) You are requested to attend even if you have received individualized counseling on ethics matters.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 9/5/2001 9:44:28 AM
Subject: : lists

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-SEP-2001 13:44:28.00

SUBJECT:: lists

TO: Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I am promised an answer from OLC by Friday. Sorry for the delay,
but OLC has just fully staffed up.

From: CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/5/2001 12:10:53 PM
Subject: : Re: lists

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-SEP-2001 16:10:53.00

SUBJECT:: Re: lists

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

ok -- thanks

Brett M. Kavanaugh
09/05/2001 01:44:21 PM
Record Type: Record

To: Douglas L. Hoelscher/WHO/EOP@EOP
cc:
Subject: lists

I am promised an answer from OLC by Friday. Sorry for the delay,
but OLC has just fully staffed up.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>;Michelle N. Brawer/WHO/EOP@EOP [WHO] <Michelle N. Brawer>;Gail Randall/WHO/EOP@EOP [WHO] <Gail Randall>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Nicole E. Grodner/WHO/EOP@EOP [WHO] <Nicole E. Grodner>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Nicole Petrosino/WHO/EOP@EOP [WHO] <Nicole Petrosino>;Mark A. Phelan/WHO/EOP@EOP [WHO] <Mark A. Phelan>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Rachael L. Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>;Sherry J. Kuntz/WHO/EOP@EOP [WHO] <Sherry J. Kuntz>;G. Timothy Saunders/WHO/EOP@EOP [WHO] <G. Timothy Saunders>;Shane P. Chambers/WHO/EOP@EOP [WHO] <Shane P. Chambers>;Kimberly L. Kuczynski/WHO/EOP@EOP [WHO] <Kimberly L. Kuczynski>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Holly M. Miller/WHO/EOP@EOP [WHO] <Holly M. Miller>;Sarah Penny/WHO/EOP@EOP [WHO] <Sarah Penny>;Carolyn F. Atkinson/WHO/EOP@EOP [WHO] <Carolyn F. Atkinson>;Nancy G. Hansen/WHO/EOP@EOP [WHO] <Nancy G. Hansen>;Matthew W. Lindley/WHO/EOP@EOP [WHO] <Matthew W. Lindley>;Misty C. Marshall/WHO/EOP@EOP [WHO] <Misty C. Marshall>;Nathaniel C. Ryun/WHO/EOP@EOP [WHO] <Nathaniel C. Ryun>;Estelle M. Stolz/WHO/EOP@EOP [WHO] <Estelle M. Stolz>;Steven Myers/WHO/EOP@EOP [WHO] <Steven Myers>;Distie Carstensen/WHO/EOP@EOP [WHO] <Distie Carstensen>;Brooks D. Altshuler/WHO/EOP@EOP [WHO] <Brooks D. Altshuler>;Steven A. Atkiss/WHO/EOP@EOP [WHO] <Steven A. Atkiss>;Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>;Michael Heath/WHO/EOP@EOP [WHO] <Michael Heath>;Stephanie E. Linder/WHO/EOP@EOP [WHO] <Stephanie E. Linder>;David H. McArthur/WHO/EOP@EOP [WHO] <David H. McArthur>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Leslie A. Shockley/WHO/EOP@EOP [WHO] <Leslie A. Shockley>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Angela R. Sailor/WHO/EOP@EOP [WHO] <Angela R. Sailor>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Traci R. Campbell/WHO/EOP@EOP [WHO] <Traci R. Campbell>;Terry C. Miller/WHO/EOP@EOP [WHO] <Terry C. Miller>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Chad M. Kolton/WHO/EOP@EOP [WHO] <Chad M. Kolton>;Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>;Annabelle J. Romero/WHO/EOP@EOP [WHO] <Annabelle J. Romero>;Michael A. Sanders/WHO/EOP@EOP [WHO] <Michael A. Sanders>;David M. Mark/WHO/EOP@EOP [WHO] <David M. Mark>;Eric W. Terrell/WHO/EOP@EOP [WHO] <Eric W. Terrell>;Matthew L. Wendel/WHO/EOP@EOP [WHO] <Matthew L. Wendel>;Ashleigh A. Adams/WHO/EOP@EOP [WHO] <Ashleigh A. Adams>;Josephine L. Hirsch/WHO/EOP@EOP [WHO] <Josephine L. Hirsch>;James A. Barnett/WHO/EOP@EOP [WHO] <James A. Barnett>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>;Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>;Elizabeth Hogan/WHO/EOP@EOP [WHO] <Elizabeth Hogan>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Mary M. Rose/WHO/EOP@EOP [WHO] <Mary M. Rose>;Timothy C. Stout/WHO/EOP@EOP [WHO] <Timothy C. Stout>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;James E. Carter/OPD/EOP@EOP [OPD] <James E. Carter>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Edwina C. Rogers/OPD/EOP@EOP [OPD] <Edwina C. Rogers>;Lisa T. Cummins/WHO/EOP@EOP [WHO] <Lisa T. Cummins>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Scott H. Evertz/OPD/EOP@EOP [OPD] <Scott H. Evertz>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Sandy Kress/OPD/EOP@EOP [OPD] <Sandy Kress>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>
Sent: 9/5/2001 1:31:05 PM
Subject: : Ethics training

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-SEP-2001 17:31:05.00
SUBJECT:: Ethics training
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
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TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicole Petrosino (CN=Nicole Petrosino/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark A. Phelan (CN=Mark A. Phelan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sherry J. Kuntz (CN=Sherry J. Kuntz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:G. Timothy Saunders (CN=G. Timothy Saunders/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Shane P. Chambers (CN=Shane P. Chambers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kimberly L. Kuczynski (CN=Kimberly L. Kuczynski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Holly M. Miller (CN=Holly M. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Penny (CN=Sarah Penny/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carolyn F. Atkinson (CN=Carolyn F. Atkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nancy G. Hansen (CN=Nancy G. Hansen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Misty C. Marshall (CN=Misty C. Marshall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nathaniel C. Ryun (CN=Nathaniel C. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Estelle M. Stolz (CN=Estelle M. Stolz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Steven Myers (CN=Steven Myers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Distie Carstensen (CN=Distie Carstensen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Brooks D. Altshuler (CN=Brooks D. Altshuler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Steven A. Atkiss (CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Michael Heath (CN=Michael Heath/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Stephanie E. Linder (CN=Stephanie E. Linder/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:David H. McArthur (CN=David H. McArthur/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Leslie A. Shockley (CN=Leslie A. Shockley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Chad M. Kolton (CN=Chad M. Kolton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Annabelle J. Romero (CN=Annabelle J. Romero/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Michael A. Sanders (CN=Michael A. Sanders/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:David M. Mark (CN=David M. Mark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Eric W. Terrell (CN=Eric W. Terrell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Matthew L. Wendel (CN=Matthew L. Wendel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Josephine L. Hirsch (CN=Josephine L. Hirsch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:James A. Barnett (CN=James A. Barnett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Michael J. Bell (CN=Michael J. Bell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Dorothy C. Garvin (CN=Dorothy C. Garvin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Elizabeth Hogan (CN=Elizabeth Hogan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Mary M. Rose (CN=Mary M. Rose/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy C. Stout (CN=Timothy C. Stout/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Scott H. Evertz (CN=Scott H. Evertz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Sandy Kress (CN=Sandy Kress/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

A number of new employees have entered service in the White House Office since the last time ethics training for White House Office employees was offered, which was in April. Therefore, I have scheduled ethics training in Room 450 in the Old Executive Office Building on the following dates:

Wednesday, September 12 from 10-11 am
Wednesday, September 19 from 10-11 am
Wednesday, September 26 from 10-11 am

All White House Office employees are required to attend ethics training. If you receive this message but previously attended ethics training in Room 450, I do not have a record of your attendance. If you think you have previously attended ethics training in Room 450, please let me know. (Please do not confuse ethics training with the security briefing you would have received upon entering service.) You are requested to attend even if you have received individualized counseling on ethics matters.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 9/6/2001 7:37:37 AM
Subject: : Re: Tax court question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-SEP-2001 11:37:37.00
SUBJECT:: Re: Tax court question
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Should recs go here or there?

Kyle Sampson
09/06/2001 11:31:55 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Tax court question

Brad and I have met with David Aufhauser and have a process in place.

Brett M. Kavanaugh
09/06/2001 11:20:30 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Tax court question

who handles tax court in our office?

Message Sent

To: _____
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

REV_00131747

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 9/6/2001 4:15:28 AM
Subject: : Re: The forest and the leaves

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-SEP-2001 08:15:28.00
SUBJECT:: Re: The forest and the leaves
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes.

Courtney S. Elwood
09/06/2001 08:13:11 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: The forest and the leaves

In light of today's Washington Post front-page story on the Bush Administration's new contracting preferences for minority firms, I am really glad we managed to kill that one paragraph from the minority-businesses proclamation. Do you ever get the sense that we're working on the leaves, while the forest blooms.

From: CN=Sara M. Taylor/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 9/6/2001 12:37:24 PM
Subject: : Re: Mackinaw conference

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-SEP-2001 16:37:24.00
SUBJECT:: Re: Mackinaw conference
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

My understanding is that they are going to reimburse CMS for the use of their plane, which CMS charters. I agree this sounds a little fishy. It may be worthwhile for one of you to call the Michigan Party to determine exactly what they are paying for and how it's being reported. Thanks. I would be happy to facilitate the call.

Sara

Robert W. Cobb
09/06/2001 04:32:05 PM
Record Type: Record

To: Sara M. Taylor/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: Mackinaw conference

This does not sound right to me. CMS Energy has an air charter business? Why doesn't the Michigan GOP charter a plane from an air charter business instead?

Sara M. Taylor
09/06/2001 04:14:50 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Mackinaw conference

The Michigan GOP will charter a plane from CMS Energy in Michigan. They will pay for the charter outright, but they were planning on having Norm Saari, Director of Govt. Affairs ride along (how convenient and nice of them to ask first??).

Moose, can you give us direction on this one? Thanks.

REV_00131754

From: CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO]
To: Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
CC: Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>; Anita B. McBride/WHO/EOP@EOP [WHO] <Anita B. McBride>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/6/2001 8:43:26 AM
Subject: : Memo re: Official travelers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-SEP-2001 12:43:26.00
SUBJECT:: Memo re: Official travelers
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Kate--

Per Brett Kavanaugh, I understand that you would like to add a couple of positions to the policy memo we are preparing which outlines official travelers. I assume this would be the Business Manager and IS rep on each trip, but please confirm.

Thank you,
Merrill

From: CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO]
To: Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
CC: Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>; Anita B. McBride/WHO/EOP@EOP [WHO] <Anita B. McBride>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/6/2001 8:43:26 AM
Subject: : Memo re: Official travelers

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-SEP-2001 12:43:26.00
SUBJECT:: Memo re: Official travelers
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Anita B. McBride (CN=Anita B. McBride/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Kate--

Per Brett Kavanaugh, I understand that you would like to add a couple of positions to the policy memo we are preparing which outlines official travelers. I assume this would be the Business Manager and IS rep on each trip, but please confirm.

Thank you,
Merrill

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/6/2001 12:32:13 PM
Subject: : Re: Mackinaw conference

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-SEP-2001 16:32:13.00
SUBJECT:: Re: Mackinaw conference
TO:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This does not sound right to me. CMS Energy has an air charter business? Why doesn't the Michigan GOP charter a plane from an air charter business instead?

Sara M. Taylor
09/06/2001 04:14:50 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Mackinaw conference

The Michigan GOP will charter a plane from CMS Energy in Michigan. They will pay for the charter outright, but they were planning on having Norm Saari, Director of Govt. Affairs ride along (how convenient and nice of them to ask first??).

Moose, can you give us direction on this one? Thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/7/2001 5:44:57 AM
Subject: : ABA Meeting on Monday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-SEP-2001 09:44:57.00

SUBJECT:: ABA Meeting on Monday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that the Judge and Tim will be meeting with the new Pres of ABA on Monday at 2:00 pm. Participants from ABA are: ABA Pres. Robert Hirshon, Federal Judiciary Committee Chair Roscoe Trimmier & Dir. of Govt. Rel. Robert Evans

ABA indicated their topics of discussion will include their role in judicial selection and Legal Services Corp.

Courtney - can you provide some talking points for Judge and Tim on issue(s) you think the ABA may raise re: LSC? Reminder that our LSC Meeting is set for 9/26 at 3:00 pm.

Thanks!

REV_00131761

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: kyle sampson/who/eop@eop [WHO] <kyle sampson>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;anne womack/who/eop@eop [WHO] <anne womack>;lawrence a. fleischer/who/eop@eop [WHO] <lawrence a. fleischer>;scott mcclellan/who/eop@eop [WHO] <scott mcclellan>;heather wingate/who/eop@eop [WHO] <heather wingate>;james r. wilkinson/who/eop@eop [WHO] <james r. wilkinson>;matthew e. smith/who/eop@eop [WHO] <matthew e. smith>;tim goeglein/who/eop@eop [WHO] <tim goeglein>
Sent: 9/7/2001 5:49:27 AM
Subject: : Re: Judicial Nominations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-SEP-2001 09:49:27.00

SUBJECT:: Re: Judicial Nominations

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:anne womack (CN=anne womack/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lawrence a. fleischer (CN=lawrence a. fleischer/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00131763

CC:scott mcclellan (CN=scott mcclellan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james r. wilkinson (CN=james r. wilkinson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:tim goeglein (CN=tim goeglein/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Will we be announcing intent to nominate today?

Jason B. Torchinsky
09/07/2001 09:48:08 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Judicial Nominations

Because the Senate is out of session until Monday, the judicial nominations intended to go up today (9/7) will go up on Monday (9/10) instead.

Message Sent

To:

Kyle Sampson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Anne Womack/WHO/EOP@EOP
Lawrence A. Fleischer/WHO/EOP@EOP
Scott McClellan/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Tim Goeglein/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/7/2001 5:59:08 AM
Subject: : nominations and calls

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-SEP-2001 09:59:08.00

SUBJECT:: nominations and calls

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Session is out today so nominations are not going today.

Calls by POTUS won't be made today or Monday (traveling) - hopefully these will happen on Tuesday.

REV_00131765

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/7/2001 5:59:08 AM
Subject: : nominations and calls

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-SEP-2001 09:59:08.00

SUBJECT:: nominations and calls

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Session is out today so nominations are not going today.

Calls by POTUS won't be made today or Monday (traveling) - hopefully these will happen on Tuesday.

REV_00131766

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/7/2001 6:37:11 AM
Subject: : If you are the person handling Hate Crimes please call me.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-SEP-2001 10:37:11.00

SUBJECT:: If you are the person handling Hate Crimes please call me.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/7/2001 6:37:11 AM
Subject: : If you are the person handling Hate Crimes please call me.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-SEP-2001 10:37:11.00

SUBJECT:: If you are the person handling Hate Crimes please call me.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/7/2001 9:39:54 AM
Subject: : announcement of intent to nominate

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-SEP-2001 13:39:54.00

SUBJECT:: announcement of intent to nominate

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Judge said that he would rather not have the intent to nominate announced today. Waiting until Monday is his preference.

Brad - you will confirm this with press and let me know if the horse is already out of the gate on this, please?

REV_00131774

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/7/2001 9:39:54 AM
Subject: : announcement of intent to nominate

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-SEP-2001 13:39:54.00

SUBJECT:: announcement of intent to nominate

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Judge said that he would rather not have the intent to nominate announced today. Waiting until Monday is his preference.

Brad - you will confirm this with press and let me know if the horse is already out of the gate on this, please?

REV_00131775

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/7/2001 2:54:50 PM
Subject: : catch Judge's speech tonight...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-SEP-2001 18:54:50.00

SUBJECT:: catch Judge's speech tonight...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Baker Institute www site is <http://www.bakerinstitute.org/>

REV_00131782

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/7/2001 2:54:50 PM
Subject: : catch Judge's speech tonight...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-SEP-2001 18:54:50.00

SUBJECT:: catch Judge's speech tonight...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Baker Institute www site is <http://www.bakerinstitute.org/>

REV_00131783

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 9/10/2001 5:36:05 AM
Subject: : WHJSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-SEP-2001 09:36:05.00

SUBJECT:: WHJSC meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know what items you will have for this week's agenda.

Thanks!

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Patrick.O'Brien2@usdoj.gov>; Peter Coniglio <Peter.J.Coniglio@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Muhammad, Raushanah Q <Raushanah.Q.Muhammad@usdoj.gov>
Sent: 9/10/2001 5:42:23 AM
Subject: : Judicial Confirmation Working Group - Change in Meeting Time for Monday, September 10, 2001

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:10-SEP-2001 09:42:23.00

SUBJECT:: Judicial Confirmation Working Group - Change in Meeting Time for Monday, September 10, 2001

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM

REV_00131787

Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
(Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Peter Coniglio <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Muhammad, Raushanah Q" <Raushanah.Q.Muhammad@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

We apologize for the short notice; however, due to a scheduling conflict we need to move the Judicial Confirmation Working Group meeting up to 3pm today. The meeting will be held in room 4646, Main Justice Bldg.

If you are unable to attend please let me know or send a designee. Again, sorry for the short notice.

Winnie

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 9/10/2001 12:05:30 PM
Subject: : Re: Who's got DE?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-SEP-2001 16:05:30.00
SUBJECT: : Re: Who's got DE?
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

for Washington, Doug Badger, who is COS in Dunn's office; he's 225-7761

for DE, ask Kyle/Bart as there have been no judges yet so I don't know

Helgard C. Walker
09/10/2001 04:03:51 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Who's got DE?

contact names and # for DE and WA?

Brett M. Kavanaugh
09/10/2001 04:01:50 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Who's got DE?

Castle

Helgard C. Walker
09/10/2001 02:38:54 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Who's got DE?

If it's you, can you tell me who our contacts for federal recommendations are, please? I need to talk with them re marshals. Thanks!

Message Sent

To:

Courtney S. Elwood/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/10/2001 10:15:24 AM
Subject: : RE: Karl's trip

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-SEP-2001 14:15:24.00

SUBJECT:: RE: Karl's trip

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

what do you think about this one. This looks like an individual.
Assuming he is retired (with no business before the Government) and owns
the plane himself, I am inclined to go along with it. This is a different
trip than the Mich. trip.

----- Forwarded by Robert W. Cobb/WHO/EOP on 09/10/2001
02:13 PM -----

Sara M. Taylor
09/10/2001 11:59:31 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: Susan B. Ralston/WHO/EOP@EOP
Subject: RE: Karl's trip

Wisconsin Trip - Is this person's plane ok to use? This is for Karl's
trip on from Wisconsin on Sat. night to DC. This will be in-kind to the
WI party and reported as income from the Party.

Susan if this doesn't work, we'll have to have the party pay for a
charter or fly him commercially out Sunday morning - The charter will cost
them \$6800, which is causing heartache, but we can make them do it.

----- Forwarded by Sara M. Taylor/WHO/EOP on 09/10/2001
11:55 AM -----

Darrin Schmitz <dschmitz@wisgop.org>
09/10/2001 11:50:57 AM
Record Type: Record

To: Sara M. Taylor/WHO/EOP@EOP
cc:
Subject: RE: Karl's trip

Mike Cudahy. He formally owned Marquette Electronics which produced
medical
equipment. He sold the company to GE. We're checking to see if he's
involved in anything else.

|-----Original Message-----

|From: Sara_M._Taylor@who.eop.gov [mailto:Sara_M._Taylor@who.eop.gov]

|Sent: Monday, September 10, 2001 8:52 AM

|To: Darrin Schmitz

|Subject: RE: Karl's trip

|

REV_00131791

|
|Great - Can you give me the name of the person/company and I will run by
|counsel to see if it can work.

|Sara

|
|
|
|
| (Embedded
| image moved Darrin Schmitz <dschmitz@wisgop.org>
| to file: 09/10/2001 09:27:03 AM
| PIC25603.PCX)

|
|Record Type: Record

|To: Sara M. Taylor/WHO/EOP@EOP

|cc:

|Subject: RE: Karl's trip

|
|Here's we stand this morning - RPW has one last option for a private plane
|which we'll follow up on first thing. After that we have the charter
|option.

||-----Original Message-----

||From: Sara_M._Taylor@who.eop.gov [mailto:Sara_M._Taylor@who.eop.gov]

||Sent: Sunday, September 09, 2001 1:19 PM

||To: dschmitz@wisgop.org

||Subject: Karl's trip

||
||Hi Darrin - I'm trying to get Karl's flight itinerary pinned down

||- so I can

||also pin mine down. Karl still wants to fly back Saturday night.

|| We both have

||an event here in DC at 3 that we need to be back for on Sunday.

||Ideally, I can

||fly back with him on Sat. If that is going to add significant

||cost, I will fly

||back Sun morning, but I need to get a very early flight. I know

||ticket prices

||are climbing, so let's get this figured out first thing Monday morning.

||
||Thanks.

||Sara

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/10/2001 4:05:01 PM
Subject: : Re: Media contact

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-SEP-2001 20:05:01.00
SUBJECT:: Re: Media contact
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do we know these people will speak on Gene's behalf? Is Brett coordinating with Gene? (I just want to make sure we don't have too many cooks in the WHCO kitchen).

Anne Womack
09/10/2001 05:37:44 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject: Re: Media contact

I mentioned it in passing to Brett as well and he sent me the names of two individuals who are former Solicitors at Labor.
The more names and numbers the better - I'm sure there will be additional stories coming.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 9/11/2001 5:01:40 AM
Subject: : answer is negative on appropriations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 11-SEP-2001 09:01:40.00

SUBJECT:: answer is negative on appropriations

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 9/11/2001 7:09:39 PM
Subject: : CANCELLATION!! No JSC Meeting on Wednesday - Sept. 12th

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-SEP-2001 23:09:39.00

SUBJECT:: CANCELLATION!! No JSC Meeting on Wednesday - Sept. 12th

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00131795

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If we reschedule for a time before next Wednesday, Sept. 19th I'll let you know.

Otherwise the next meeting will be on Sept. 19.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 9/11/2001 7:09:39 PM
Subject: : CANCELLATION!! No JSC Meeting on Wednesday - Sept. 12th

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-SEP-2001 23:09:39.00

SUBJECT:: CANCELLATION!! No JSC Meeting on Wednesday - Sept. 12th

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00131797

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If we reschedule for a time before next Wednesday, Sept. 19th I'll let you know.

Otherwise the next meeting will be on Sept. 19.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
Sent: 9/12/2001 5:39:36 AM
Subject: : All hands on deck.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-SEP-2001 09:39:36.00

SUBJECT:: All hands on deck.

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brent, Jason and Lori -

REV_00131799

- õ You need to be near your phones/at your desk as much as possible for the rest of the week- this includes lunch time. Call over and let us know before you leave for the day.
- õ If we can't locate one of the attorneys we will be calling one of you to track them down so try and keep up with their schedules and locations.
- õ Make sure fax machines are all operable and that supplies are adequately stocked.
- õ You need to be in by 7:30 a.m. and leave no earlier than 6:30 p.m.
- õ Traffic to the West Wing should be kept to a minimum
- õ Communication to non-White House staff about fellow staff members whereabouts and activities should be made in cases of necessity only.

Attorneys- let the staff know your whereabouts as much as possible.

Thanks!

From: Yoo, John C <John.C.Yoo@usdoj.gov>
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/12/2001 11:40:15 AM
Subject: : RE:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Yoo, John C" <John.C.Yoo@usdoj.gov> ("Yoo, John C" <John.C.Yoo@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:12-SEP-2001 15:40:15.00

SUBJECT:: RE:

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

But you will note that the part of the NATO treaty that they are going to act under is the collective self-defense.

-----Original Message-----

From: Helgard_C._Walker@who.eop.gov

[mailto:Helgard_C._Walker@who.eop.gov]

Sent: Wednesday, September 12, 2001 3:13 PM

To: Yoo, John C; Brett_M._Kavanaugh@who.eop.gov

Subject:

<http://www.cnn.com/2001/WORLD/europe/09/12/nato.us/index.html>

Looks like the possibility of retaliatory action, as opposed to preemptive measures, are being discussed at the international level.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 9/12/2001 8:22:19 AM
Subject: : other reward provision

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-SEP-2001 12:22:19.00

SUBJECT:: other reward provision

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Pub. L. 106-553, Dec. 21, 2000, 114 Stat. 2762 provided that
"Notwithstanding any other provision of law, not to exceed \$10,000,000 of
the funds made available in this Act . . . may be used to establish and
publicize a program under which publicly advertised, extraordinary rewards
may be paid, which shall not be subject to spending limitations contained
in sections 3059 and 3072 of title 18" but any reward of \$100,000
up to a max of \$2 million may not be made w/o personal approval of AG or
POTUS (non- delegable).

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/12/2001 10:14:54 AM
Subject: : Prayer at 12:00 Noon on Friday

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-SEP-2001 14:14:54.00

SUBJECT:: Prayer at 12:00 Noon on Friday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

On Friday at 12:00 Noon there will be a moment for prayer for our nation.

If there is a gathering of White House Staff we will let you know.

REV_00131804

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/12/2001 10:14:54 AM
Subject: : Prayer at 12:00 Noon on Friday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-SEP-2001 14:14:54.00

SUBJECT:: Prayer at 12:00 Noon on Friday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

On Friday at 12:00 Noon there will be a moment for prayer for our nation.

If there is a gathering of White House Staff we will let you know.

REV_00131806

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>
Sent: 9/12/2001 3:03:41 PM
Subject: : Re: Faith-Based Memo from DOL

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-SEP-2001 19:03:41.00

SUBJECT:: Re: Faith-Based Memo from DOL

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I just left a message for him. I have been dealing with OLC on this (as has Noel), although I know and knew nothing about this DOL memo. I will check with Willett as well.

Rachel L. Brand 09/12/2001 06:53:20 PM

Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: Faith-Based Memo from DOL

I have a feeling that this issue wasn't assigned to anyone over here, because I got the same inquiry from Howard a couple weeks ago and sent out a similar e-mail to everyone in this office, and obviously no one has called Howard about it yet.

RLB

REV_00131807

Helgard C. Walker
09/12/2001 06:41:37 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Stuart W. Bowen/WHO/EOP@EOP
Subject: Faith-Based Memo from DOL

The Solicitor's Office at DOL called to see what ever happened with the memo they sent over on the constitutionality of certain faith-based programs. They said Stuart was the original recipient. Could whoever is handling this now call Howard Radzley's assistant 202-693-5271. Thanks.

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

Message Copied

To: _____
courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
robert w. cobb/who/eop@eop
noel j. francisco/who/eop@eop
stuart w. bowen/who/eop@eop

From: Yoo, John C <John.C.Yoo@usdoj.gov>
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/12/2001 11:37:35 AM
Subject: : RE:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Yoo, John C" <John.C.Yoo@usdoj.gov> ("Yoo, John C" <John.C.Yoo@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:12-SEP-2001 15:37:35.00

SUBJECT:: RE:

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

But you will note that the part of the NATO treaty that they are going to act under is the collective self-defense.

-----Original Message-----

From: Helgard_C._Walker@who.eop.gov

[mailto:Helgard_C._Walker@who.eop.gov]

Sent: Wednesday, September 12, 2001 3:13 PM

To: Yoo, John C; Brett_M._Kavanaugh@who.eop.gov

Subject:

<http://www.cnn.com/2001/WORLD/europe/09/12/nato.us/index.html>

Looks like the possibility of retaliatory action, as opposed to preemptive measures, are being discussed at the international level.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 9/12/2001 3:48:55 PM
Subject: : Natural Gas Tankers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-SEP-2001 19:48:55.00
SUBJECT:: Natural Gas Tankers
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You asked me to look into the "energy consequences" that would be caused by excluding liquid natural gas tankers from delivering to our ports. A source at the DOE tells me that the effect would be "inconsequential"; the gas supplied by the tankers represent less than 1% of the country's natural gas supply.

You also asked whether we could legally exclude the gas. I am still looking into that, and will get back to you on it.

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>;Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>;david.ayres@usdoj.gov [UNKNOWN] <david.ayres@usdoj.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>;Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN] <John_Mashburn@lott.senate.gov>;Kristen.A.Ullman@usdoj.gov [UNKNOWN] <Kristen.A.Ullman@usdoj.gov>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 9/12/2001 12:11:08 PM
Subject: : Fwd:Twelve U.S. Attorneys to be on tomorrow's agenda

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
CREATION DATE/TIME:12-SEP-2001 16:11:08.00

SUBJECT:: Fwd:Twelve U.S. Attorneys to be on tomorrow's agenda

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN])

READ:UNKNOWN

TO:david.ayres@usdoj.gov (david.ayres@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])

READ:UNKNOWN

TO:Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI

Forward Header

Subject: Twelve U.S. Attorneys to be on tomorrow's agenda

Author: Rena Johnson

Date: 9/12/01 1:20 PM

REV_00131811

They are:

Heavican -- Nebraska
McNulty -- E.D. Va.
Connelly -- Delaware
Howard -- D.C.
Sullivan -- Mass.
Van Bokkelen -- N.D. Ind.
Pence -- W.D. Ky.
Van Tatenhove -- E.D. Ky.
Heffelfinger -- Minn.
Meehan -- E.D. Pa.
Buchanan -- W.D. Pa. (I think)
Hall -- D. Vt.

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>;Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>;david.ayres@usdoj.gov [UNKNOWN] <david.ayres@usdoj.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>;Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN] <John_Mashburn@lott.senate.gov>;Kristen.A.Ullman@usdoj.gov [UNKNOWN] <Kristen.A.Ullman@usdoj.gov>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 9/12/2001 12:12:52 PM
Subject: : Fwd:Twelve U.S. Attorneys to be on tomorrow's agenda

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
CREATION DATE/TIME:12-SEP-2001 16:12:52.00

SUBJECT:: Fwd:Twelve U.S. Attorneys to be on tomorrow's agenda

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN])

READ:UNKNOWN

TO:david.ayres@usdoj.gov (david.ayres@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])

READ:UNKNOWN

TO:Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI

Forward Header

Subject: Twelve U.S. Attorneys to be on tomorrow's agenda

Author: Rena Johnson

Date: 9/12/01 1:20 PM

REV_00131813

They are:

Heavican -- Nebraska
McNulty -- E.D. Va.
Connelly -- Delaware
Howard -- D.C.
Sullivan -- Mass.
Van Bokkelen -- N.D. Ind.
Pence -- W.D. Ky.
Van Tatenhove -- E.D. Ky.
Heffelfinger -- Minn.
Meehan -- E.D. Pa.
Buchanan -- W.D. Pa. (I think)
Hall -- D. Vt.

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/12/2001 12:48:54 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-SEP-2001 16:48:54.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

okay. thanks.

From: Hungar, Thomas G. <THUNGAR@gibsondunn.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/12/2001 1:19:41 PM
Subject: : RE:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Hungar, Thomas G." <THUNGAR@gibsondunn.com> ("Hungar, Thomas G."
<THUNGAR@gibsondunn.com> [UNKNOWN])
CREATION DATE/TIME:12-SEP-2001 17:19:41.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Makes sense. Thanks.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, September 12, 2001 5:00 PM
To: thungar@gibsondunn.com
Subject:

Our party for Alex Azar scheduled for Friday night has been postponed.

=====
===

This message may contain confidential and privileged information. If it
has been sent to you in error, please reply to advise the sender of the
error and then immediately delete this message.
"PLEASE NOTE: Our e-mail and web site address has changed to
gibsondunn.com"

=====
===

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 9/12/2001 2:32:42 PM
Subject: : gasoline price gouging

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-SEP-2001 18:32:42.00
SUBJECT:: gasoline price gouging
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Bob:

In response to your question about what the DOJ and/or FTC is doing to address the gasoline price gouging since yesterday:

As I mentioned earlier, when I contacted DOJ Antitrust Division, they informed that this is an FTC issue if it's an antitrust issue at all.

The FTC tells me that they will probably not be doing much to respond to the price gouging reports because these isolated incidents of price gouging don't appear to involve collusive behavior. As you know, a unilateral price increase by one gasoline station is not a violation of antitrust law.

This is what the FTC has been doing:

They have been consulting with their regional offices to collect information about price gouging. There have been sporadic reports of price spikes from several Midwestern states, Kentucky, Texas, and maybe other states. The price increases appear to have occurred when independent gasoline retailers were looking to make a quick buck. There was only a

REV_00131819

brief blip upward in barrel prices, and refiners didn't raise prices. It appears that many of the retailers who increased prices have already lowered them as a result of consumer complaints and governmental inquiries into the issue.

The FTC plans to issue a press release tomorrow which basically will reiterate what the Dep't of Energy has already said; that the DOE has found no justification for price increases, that consumers should shop around, and that consumers can call the DOE's consumer complaint hotline. They will also say that the FTC will consult with DOE as complaints are received and that matters more appropriately dealt with at the state and local levels will be referred to the appropriate officials.

In addition, state and local officials have been responding to complaints. Several states, such as Florida, have anti-price-gouging laws designed to prevent retailers from price-gouging during natural disasters, and these laws might be construed to prevent gasoline retailers from price gouging during this disaster.

Let me know if you need more information.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/12/2001 3:11:42 PM
Subject: : Anyone interested in order City Lights of China?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-SEP-2001 19:11:42.00

SUBJECT:: Anyone interested in order City Lights of China?

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/12/2001 3:57:03 PM
Subject: : Attorneys - come on over now for staff meeting, please.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-SEP-2001 19:57:03.00

SUBJECT:: Attorneys - come on over now for staff meeting, please.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Debra D. Bird/WHO/EOP@EOP [WHO] <Debra D. Bird>; Barbara A. Barclay/WHO/EOP@EOP [WHO] <Barbara A. Barclay>; Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/13/2001 9:17:38 AM
Subject: : Counsel review of statements, memos, red tags, etc.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-SEP-2001 13:17:38.00

SUBJECT:: Counsel review of statements, memos, red tags, etc.

TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Barbara A. Barclay (CN=Barbara A. Barclay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please know that a lawyer will come to you if you or other staff members need anything reviewed - just let us know.

REV_00131825

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Debra D. Bird/WHO/EOP@EOP [WHO] <Debra D. Bird>; Barbara A. Barclay/WHO/EOP@EOP [WHO] <Barbara A. Barclay>; Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/13/2001 9:17:38 AM
Subject: : Counsel review of statements, memos, red tags, etc.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-SEP-2001 13:17:38.00

SUBJECT:: Counsel review of statements, memos, red tags, etc.

TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Barbara A. Barclay (CN=Barbara A. Barclay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please know that a lawyer will come to you if you or other staff members need anything reviewed - just let us know.

REV_00131826

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; carlos e. bonilla/opd/eop@eop [OPD] <carlos e. bonilla>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 9/13/2001 12:48:38 PM
Subject: : Re: liability

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-SEP-2001 16:48:38.00
SUBJECT:: Re: liability
TO: Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: carlos e. bonilla (CN=carlos e. bonilla/OU=opd/O=eop@eop [OPD])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ: UNKNOWN
CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I think Rachel may be handling this issue. If so, perhaps she should join us at the 5pm meeting today in Brett's office.

Elizabeth S. Dougherty
09/13/2001 04:46:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: carlos e. bonilla/opd/eop@eop, noel j. francisco/who/eop@eop, courtney s. elwood/who/eop@eop, Diana L. Schacht/OPD/EOP@EOP
Subject: Re: liability

Carlos and I have another issue and I am wondering if you can help us with this too:

The airlines generally are going to have serious solvency issues and they are going to have to change their schedules drastically because of the increased security. They are estimating a 10-15%. They have asked for is temporary anti-trust immunity (for 6 months) so they can coordinate schedules to ensure continued service to all markets. This obviously implicates DOJ/Antitrust issues and we need some help looking at this. Are you guys the ones to ask, or is there a designated DOJ or antitrust person -- or should I funnel this through Tim. Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/13/2001 10:03:25 AM
Subject: : Counsel Meeting this afternoon - exact time TBD - around 5 or 6pm - will advise

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-SEP-2001 14:03:25.00

SUBJECT:: Counsel Meeting this afternoon - exact time TBD - around 5 or 6pm - will advise

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
CC: carlos e. bonilla/opd/eop@eop [OPD] <carlos e. bonilla>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 9/13/2001 10:58:12 AM
Subject: : Re: liability

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-SEP-2001 14:58:12.00
SUBJECT:: Re: liability
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:carlos e. bonilla (CN=carlos e. bonilla/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I am. If you want to discuss insurance issues, you should also invite Courtney.

Elizabeth S. Dougherty
09/13/2001 02:57:13 PM
Record Type: Record

To: Carlos E. Bonilla/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: liability

Hi Gentlemen

Are you all available to meet in Brett's office (128??) at 3:15 to discuss airline liability issues?

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/13/2001 3:00:52 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-SEP-2001 19:00:52.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

that's what I figured.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/13/2001 11:10:46 AM
Subject: : 3:30 lawyers only staff mtg-Judge's office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-SEP-2001 15:10:46.00

SUBJECT:: 3:30 lawyers only staff mtg-Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/13/2001 11:10:46 AM
Subject: : 3:30 lawyers only staff mtg-Judge's office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-SEP-2001 15:10:46.00

SUBJECT:: 3:30 lawyers only staff mtg-Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: elizabeth s. dougherty/opd/eop@eop [OPD] <elizabeth s. dougherty>;carlos e. bonilla/opd/eop@eop [OPD] <carlos e. bonilla>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 9/13/2001 11:14:06 AM
Subject: : Re: liability

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-SEP-2001 15:14:06.00
SUBJECT:: Re: liability
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:elizabeth s. dougherty (CN=elizabeth s. dougherty/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:carlos e. bonilla (CN=carlos e. bonilla/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Counsel's Office has a 3:30 staff meeting, so why don't we reschedule this for 4:30 in Brett's office?

Noel J. Francisco
09/13/2001 02:58:10 PM
Record Type: Record

To: Elizabeth S. Dougherty/OPD/EOP@EOP
cc: carlos e. bonilla/opd/eop@eop, brett m. kavanaugh/who/eop@eop,
Courtney S. Elwood/WHO/EOP@EOP
bcc: Records Management@EOP
Subject: Re: liability

I am. If you want to discuss insurance issues, you should also invite Courtney.

Elizabeth S. Dougherty
09/13/2001 02:57:13 PM
Record Type: Record

To: Carlos E. Bonilla/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: liability

Hi Gentlemen

Are you all available to meet in Brett's office (128??) at 3:15 to discuss airline liability issues?

REV_00131840

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/13/2001 4:27:24 PM
Subject: : Presidential Relief Fund

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-SEP-2001 20:27:24.00

SUBJECT:: Presidential Relief Fund

TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

REV_00131842

Here are some thoughts on a Presidential relief fund:

Many individuals and organizations have contacted the White House about making donations or in assisting fundraising efforts. Potential donors are currently being referred to private charities and relief funds. This follows the traditional manner of dealing with disaster relief efforts. However, by virtue of broad gift acceptance authority in the Stafford Act, there are other options.

Below are three options, each of which is legally feasible. Any fund would involve a separate account at the U.S. Treasury. Options one and two would require significant consultation with Congress because of the concern that private money would be used to pay obligations properly paid for by appropriated funds. Option three is a simplified model of a fund that FEMA already has in place. FEMA does not promote or use their existing fund in a significant way because of limitations on the use of the fund and administrative complexities. There would be no bar to solicitation with respect to the use of any of these options. Themes and variations can be developed on any option in terms of who sets a fund up and who administers it.

1. The President sets up a disaster relief fund for the purpose of funding any expense associated with the disaster relief effort (including reimbursement of Federal agencies, State and local governments, and private entities). Disbursements would be made by the OMB Director (after consultation with FEMA Director and other agency heads).
2. The President sets up a disaster relief fund to act as a collection point for disbursement to certain identified organizations: such as the American Red Cross; the Salvation Army; and the World Trade Center Relief Fund. Disbursements would be made either by formula or by the exercise of discretion of (a) the FEMA Director or (b) the OMB Director (after consultation with the FEMA Director and other agency heads).
3. The President sets up a disaster relief fund to be used for the very limited purpose of providing for disaster-related needs that have not been or will not be met by Governmental agencies or any other organizations receiving Government funds. Disbursements would be handled by either the FEMA Director or the OMB Director.

Reasons for: the President can use his office to inspire and unify Americans; can provide a Governmental outlet for the American people to show support; and can assist in raising substantial amounts of money for relief efforts.

Reasons against: the concern that private money would be used to pay obligations properly paid for by appropriated funds; that taxpayers would feel that they are being double-billed; and that a perception might be created that the Government does not have the money to pay for the effort.

In my view, there is an opportunity for positive action here.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; carlos e. bonilla/opd/eop@eop [OPD] <carlos e. bonilla>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 9/13/2001 12:48:38 PM
Subject: : Re: liability

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-SEP-2001 16:48:38.00
SUBJECT:: Re: liability
TO: Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: carlos e. bonilla (CN=carlos e. bonilla/OU=opd/O=eop@eop [OPD])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ: UNKNOWN
CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I think Rachel may be handling this issue. If so, perhaps she should join us at the 5pm meeting today in Brett's office.

Elizabeth S. Dougherty
09/13/2001 04:46:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: carlos e. bonilla/opd/eop@eop, noel j. francisco/who/eop@eop, courtney s. elwood/who/eop@eop, Diana L. Schacht/OPD/EOP@EOP
Subject: Re: liability

Carlos and I have another issue and I am wondering if you can help us with this too:

The airlines generally are going to have serious solvency issues and they are going to have to change their schedules drastically because of the increased security. They are estimating a 10-15%. They have asked for is temporary anti-trust immunity (for 6 months) so they can coordinate schedules to ensure continued service to all markets. This obviously implicates DOJ/Antitrust issues and we need some help looking at this. Are you guys the ones to ask, or is there a designated DOJ or antitrust person -- or should I funnel this through Tim. Thanks!

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Margaret M. LaMontagne/OPD/EOP@EOP [OPD] <Margaret M. LaMontagne>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/13/2001 4:27:24 PM
Subject: : Presidential Relief Fund

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-SEP-2001 20:27:24.00

SUBJECT:: Presidential Relief Fund

TO:Margaret M. LaMontagne (CN=Margaret M. LaMontagne/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

REV_00131846

Here are some thoughts on a Presidential relief fund:

Many individuals and organizations have contacted the White House about making donations or in assisting fundraising efforts. Potential donors are currently being referred to private charities and relief funds. This follows the traditional manner of dealing with disaster relief efforts. However, by virtue of broad gift acceptance authority in the Stafford Act, there are other options.

Below are three options, each of which is legally feasible. Any fund would involve a separate account at the U.S. Treasury. Options one and two would require significant consultation with Congress because of the concern that private money would be used to pay obligations properly paid for by appropriated funds. Option three is a simplified model of a fund that FEMA already has in place. FEMA does not promote or use their existing fund in a significant way because of limitations on the use of the fund and administrative complexities. There would be no bar to solicitation with respect to the use of any of these options. Themes and variations can be developed on any option in terms of who sets a fund up and who administers it.

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3. The President sets up a disaster relief fund to be used for the very limited purpose of providing for disaster-related needs that have not been or will not be met by Governmental agencies or any other organizations receiving Government funds. Disbursements would be handled by either the FEMA Director or the OMB Director.

Reasons for: the President can use his office to inspire and unify Americans; can provide a Governmental outlet for the American people to show support; and can assist in raising substantial amounts of money for relief efforts.

Reasons against: the concern that private money would be used to pay obligations properly paid for by appropriated funds; that taxpayers would feel that they are being double-billed; and that a perception might be created that the Government does not have the money to pay for the effort.

In my view, there is an opportunity for positive action here.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 9/14/2001 11:53:26 AM
Subject: : Auto-pen question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-SEP-2001 15:53:26.00
SUBJECT:: Auto-pen question
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

There is no need for an auto-pen for the President's signature, as opposed to Harriet's signing for him, in light of principles articulated in long-standing OLC opinions. As such, the auto-pen operator is not essential personnel.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 9/14/2001 10:16:27 AM
Subject: : OLC Assignments

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-SEP-2001 14:16:27.00

SUBJECT:: OLC Assignments

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tim,

I understand that you asked OLC (John Yoo) to look at the two issues that you asked me to address: insurance coverage and forbearance on payments. I coincidentally called John to discuss one of the two issues, and he said that you had already spoken with him. We are coordinating our efforts.

John mentioned that it is useful for him to know who in the Counsel's Office is working on a matter, so that he knows to whom to talk for further information and to whom to send any final product.

So if anyone is working on a legal question, you might touch base with John Yoo to see who at OLC is addressing the question.

--Courtney

REV_00131849

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 9/15/2001 6:16:17 AM
Subject: : Re: Red Tag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-SEP-2001 10:16:17.00
SUBJECT:: Re: Red Tag
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Red tag deals with public safety officers benefits. Who was looking at this, Brad? 12:00 noon deadline.

Allison L. Riepenhoff
09/15/2001 10:03:19 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Red Tag

There is a red tag on the fax machine in 128. Could one of you please read it asap? It is due at noon. Thank you.

-ALR

Message Sent

To:
Rachel Brand
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

REV_00131853

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>
BCC: Carlos E. Bonilla (Carlos E. Bonilla/OPD/EOP@EOP [OPD])
Sent: 9/15/2001 12:46:44 PM
Subject: : Re: Issue briefing memo for Andy Card

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-SEP-2001 16:46:44.00

SUBJECT:: Re: Issue briefing memo for Andy Card

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

BCC:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Please let me know if anybody needs help.

Also, for those with primary responsibility on airline issues, Carlos Bonilla needs to talk with you about a meeting on 5pm re airlines economic situation.

Bradford A. Berenson
09/15/2001 04:35:13 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP, Jason B. Torchinsky/WHO/EOP@EOP
Subject: Issue briefing memo for Andy Card

Per our meeting last night, I will coordinate the preparation of an issue briefing memo from the Judge to Andy Card. The issues to be covered, and those with primary responsibility for delivering the memo contents on those issues, are as follows:

1. Airline liability issues (Brett and Noel);
2. Insurance coverage issues (Courtney);
3. Antitrust exemption for airlines (Courtney);
4. Terrorist asset blocking and/or seizure (Brad).

REV_00131859

Each subject should obviously be treated in as much depth as you believe it would be appropriate for the Judge to provide Andy; however, my own opinion is that we should try to have each section be no longer (and preferably shorter) than one single-spaced page of text. The sections should explain the issue, what we've found out, and what, if any, ideas we have about actions we can take. Essentially the memo sections should be like executive summaries of the longer briefing memos some of us are preparing for the Judge on these subjects.

If folks would e-mail me their sections by 4:30 p.m. tomorrow, I'll stitch them together and transmit the finished product to the Judge. Jason, we may need you to do some citechecking on the document in the late afternoon tomorrow. Thanks.

From: CN=James J. Jukes/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/15/2001 1:00:05 PM
Subject: : Re: Signing statement draft

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:15-SEP-2001 17:00:05.00

SUBJECT:: Re: Signing statement draft

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI -- I have informed the Staff Secretary, Harriet Miers, that I have sent this to the concerned agencies for review.

I have also sent her a copy at her request.

I have connected with reviewers at Defense, Justice, and NSC, and expect that they will comply with the noon deadline. Have left voicemail for my State counterpart and will keep trying him.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 9/16/2001 9:00:32 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 16-SEP-2001 13:00:32.00

SUBJECT::

TO: Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

<http://www.washingtonpost.com/wp-dyn/articles/A38092-2001Sep15.html>

This story is a roadmap for plaintiffs' suits. I would expect plaintiffs' lawyers to focus on the security of the cockpit doors, the failure to do sufficient background checks on passengers, and the failure to screen knives, among other theories. I think the cockpit doors' issue, like the variety of suits against car manufacturers re safety issues over the last 3 decades, could prove quite troublesome for the airlines in court and before juries.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/16/2001 10:50:42 AM
Subject: : Re: draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-SEP-2001 14:50:42.00
SUBJECT:: Re: draft
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Obviously this creates some odd formatting errors. But otherwise it's fine. (My e-mail attachment function seems to be working, if that matters.)

Brett M. Kavanaugh
09/16/2001 02:41:48 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: draft

the e-mail attachment function is not working, so this is in text;
please give me any comments

Airline Tort Liability -- Background

The airline industry has submitted proposed legislation that would limit the liability of airlines and airports from lawsuits arising out of the terrorist attack on the World Trade Center. In particular, the legislation would foreclose any federal or state lawsuit brought by or on behalf of any individuals other than the passengers or crews on the airplanes involved in the recent terrorist attack. The net effect of this would be to foreclose all lawsuits brought by or on behalf of the individuals who were on the ground at the time of the attack.

Under applicable law, the airlines and airports are potentially liable for any harm caused to those in the World Trade Center arising out of the airlines, and/or airports, negligence. Any lawsuit brought in connection with the World Trade Center attack would likely be brought under the laws of either New York or Massachusetts, because any security breach that might have occurred would have taken place in Massachusetts (where both flights originated), and the actual harm took place in New York. New York, like all but a small handful of states, applies the negligence standard to damages caused on the ground as a result of an airplane crash. See *Faby v. Air France*, 449 N.Y.S.2d 1018, 1021 (Civil Ct. 1982); *Crist v. Civil Air Patrol*, 278 N.Y.S.2d 430, 433-435 (Sup. Ct. 1967); *Wood v. United Airlines*, 223 N.Y.S.2d 692, 695-698, aff.d., 226 N.Y.S.2d 1022 (App. Div. 2d Dept. 1962). The same appears to be true of Massachusetts according to two federal district court decisions, see *Brown v. United States*, 230 F. Supp. 774, 776 (1964); *Lund v. United States*, 104 F. Supp. 756 (1952), though no Massachusetts state court has addressed the issue.

In practice, this means that liability can be established if two steps are met. First, a potential plaintiff would have to demonstrate

that the airlines, and/or airports, negligence in maintaining airport security allowed the hijackers to board and hijack the airplanes. For example, the plaintiffs may allege inadequate security in background checks of passengers or the failure to ensure that cockpit doors were secure, as they are in other countries such as Israel. Second, the plaintiff would have to demonstrate that the harm to the individuals in the World Trade Center was a foreseeable consequence of that negligence) that it was foreseeable that, as a result of lax security, hijackers would take control of an airplane and crash it, causing damage to those on the ground. Whether such lawsuits would be successful would turn on the evidence of negligence that could be adduced in a given case, as well as the court,s or jury,s assessment of foreseeability.

There has been some concern expressed that under New Jersey law, airlines and airports would face much higher liability exposure. Were New Jersey law applicable to any lawsuits related to the World Trade Center, this concern would be well founded, for New Jersey is one of a handful of states that holds airlines &absolutely liable8 for damages caused on the ground as a result of an airplane crash. See N.J. Stat. § 6:2-7. This is true, moreover, even if the airplane causing the damage was stolen from its owner) a circumstance analogous to damage resulting from a hijacking. See *Torchia v. Fisher*, 95 N.J. 43, 47 (Sup. Ct. 1983). However, it is very unlikely that New Jersey law would apply to any World Trade Center lawsuits, for, as discussed above, any wrongful conduct related to the World Trade Center took place in New York and/or Massachusetts, not New Jersey. (New Jersey law could, however, apply to lawsuits brought by individuals injured as a result of the attack on the Pentagon, for that flight originated in Newark).

Tort Liability -- Options

Possible federal legislation regarding tort liability for airline accidents

Elimination of certain tort causes of action by federal legislation by, for example, enacting a &compliance with federal safety and security standards8 defense to tort liability; such legislation would ensure that airlines are immune from state tort suits alleging safety and security failures if they comply with federal safety and security standards

as applied retroactively to suits arising out of events of September 11, such legislation would trigger constitutional challenges under the Taking and Due Process Clauses that could well be successful under current Supreme Court doctrine

Damages caps on tort suits, such as eliminating punitive damages or imposing a maximum damages cap for all damages

as applied retroactively to events of September 11, such caps would raise constitutional challenges, although less likely to succeed than the wholesale elimination of state tort causes of action

Procedural changes so that that suits arising out of airline crashes are consolidated in a single federal court or at least can be removed to federal court, notwithstanding extant venue and diversity jurisdiction limitations; this change would help to prevent plaintiffs from forum shopping for favorable state court judges and juries

as applied retroactively, this is likely to survive a challenge as it would be a procedural change

Given the constitutional concerns with the retroactive effect of any legislation, any new legislation should have a severability clause.

Antitrust Law Options

ú Airlines are seeking a broadly worded waiver of the antitrust

laws that would allow competing airlines to coordinate and allocate among themselves scheduled flight arrivals and departures. It would allow any & U.S. air carrier [to] file with the Secretary of Transportation a request for approval of discussions, agreements, or coordinated arrangements with one or more other U.S. air carriers relating to limiting flights.⁸

ú DOJ strongly opposes this legislation in its current form. While they would support a variety of alternatives (including loan guarantees and financial awards), they are concerned that it provides the air carriers with extremely broad authority to engage in anti-competitive conduct without having to make a sufficiently rigorous showing that there is a market failure that needs to be addressed.

ú If there is undeterred support to enact some sort of antitrust immunity, DOJ recommends that the following modifications to the proposal be made:

ú In their request to the Secretary for permission to engage in discussion, the airlines must provide specific and credible information regarding a market failure or emergency circumstance that they hope to address through their coordination. Permission would not be granted merely upon a request that the airlines need to operate more efficiently to ensure their financial success.

ú Requests should be limited to narrow and specific subjects and purposes set forth in advance, rather than for broad and open-ended discussion of any matters that might advance vague goals of & rationalization⁸ and & stability.⁸

ú Department of Transportation and Department of Justice officials should be present for any discussions

ú After the Secretary grants permission for the air carriers to engage in discussions, and after such discussions occur, the air carriers must submit to the Secretary any agreements or arrangements that the air carriers wish to implement, along with detailed information supporting the need for such agreements. The Secretary, in consultation with the Department of Justice, must approve such agreements or arrangements, before the air carriers may implement them.

ú Any proposed agreement must have a clear sunset provision limited to the duration of the emergency (which can be terminated as circumstances change), rather than the current proposal which allows all agreements reached under the grant of immunity to continue in existence without any time limit.

ú A distinction must be made between what the proposed legislation would allow and discussions and agreements among the carriers that may be necessary to address security issues. DOJ supports cooperation among airlines to address all elements affecting the security of air travel.

War Risk Insurance Act

ú Insurance analysts predict that, as a result of Tuesday,s events, airline carriers will no longer be able to obtain liability coverage for acts of terrorism and will see dramatic increases in the cost of other coverage.

ú Two airlines have informed us that their insurance provider has imposed an immediate 900% increase in terrorism coverage; for each airline, this amounts to an additional cost of approximately \$100 million.

ú The War Risk Insurance Act provides the President and Secretary of Transportation with the authority to step in and provide airlines with insurance, but only for foreign flights.

ú The Act (codified at 49 USC 44301 et seq.) authorizes &the

Secretary of Transportation [to] provide insurance and reinsurance against loss or damage arising out of any risk from the operation of an American aircraft or foreign-flag aircraft⁸ in &foreign air commerce⁸ or &between at least 2 places, all of which are outside the United States.⁸ 49 USC 44302(a)(1).

ú &Insurance or reinsurance may be provided only when the Secretary decides that the insurance cannot be obtained on reasonable terms from an insurance carrier.⁸ Id. 44302(a)(2).

ú The Secretary may provide this insurance only with the approval of the President. The President may approve the insurance &only after deciding that the continued operation⁸ of the aircraft to be insured is necessary to carry out the foreign policy of the United States Government.⁸ Id. 44302(b).

ú The Secretary of Transportation has offered this coverage at least four times in history: during the Vietnam War, the Gulf War, the period close to the TWA hijacking, and in conjunction with the humanitarian relief air services to Haiti.

ú Proposal: The President may wish to propose legislation that would extend the Secretary of Transportation's authority under the War Risk Insurance Act to domestic flights. It may also be advisable to expand the circumstances under which the President can provide his approval for the issuance of insurance. The President should be permitted to approve the insurance if he determines it is necessary to ensure the continued operation of the air carriers. His authority should not be limited only where he deems the insurance &necessary to carry out the foreign policy.⁸

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>
CC: Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>
Sent: 9/16/2001 3:12:08 PM
Subject: : Re: Third Circulation -- Draft signing statement for S.J.Res. 23 - Use of Force Authorization

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 16-SEP-2001 19:12:08.00

SUBJECT:: Re: Third Circulation -- Draft signing statement for S.J.Res. 23 - Use of Force Authorization

TO: Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

We should be ready shortly; waiting for Defense.

Harriet Miers

09/16/2001 06:12:03 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Re: Third Circulation -- Draft signing statement for S.J.Res. 23 - Use of Force Authorization

No more comments. I would recirculate and go final. Thanks.

From: CN=Harriet Miers/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/16/2001 2:12:07 PM
Subject: : Re: Third Circulation -- Draft signing statement for S.J.Res. 23 - Use of Force Authorization

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-SEP-2001 18:12:07.00

SUBJECT:: Re: Third Circulation -- Draft signing statement for S.J.Res. 23 - Use of Force Authorization

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

No more comments. I would recirculate and go final. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>
CC: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 9/16/2001 6:39:57 PM
Subject: : proposed rewrite of section on liability
Attachments: P_QBKP3004_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 16-SEP-2001 22:39:57.00

SUBJECT:: proposed rewrite of section on liability

TO: Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

CC: Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_QBKP3004_WHO.TXT_1>

Under the laws of the State of New York and most other states, negligence is the legal standard of care by which the airlines' security practices would be assessed in any tort suit against the airlines arising out of the September 11 hijackings. A class action suit alleging that the airlines were negligent -- for example, by failing to ensure sufficient screening of passengers or to provide secure cockpit doors -- has a real chance of success, or at least of inducing a massive settlement before jury verdict, depending on what facts emerge in discovery about the airlines' security practices and procedures. The amount required to settle or the amount of damages, including punitive damages, awarded by a jury could exceed any reasonable amount that the airlines could earn. In addition, suits may be brought not only against the two airlines -- United and American -- but also against other firms, notably Boeing, that may be alleged to have designed aircraft without sufficiently secure cockpit doors.

There are two possible options to reduce the airlines' exposure: (i) legislation eliminating any recovery by plaintiffs for the airlines' alleged negligence in these accidents or (ii) legislation under which the federal government would assume the risk and cost of any damages awards against the airlines.

According to Counsel's Office, the first option is constitutionally problematic: Courts have held that a tort cause of action is a property right that the government cannot take away after the right has vested -- that is, after the injury giving rise to the cause of action has occurred -- without just compensation to the plaintiff.

The second option, whereby the federal government would become responsible for plaintiffs' compensatory damages, likely would survive constitutional challenge. In cases involving accidents arising out of private companies' weapons testing programs, for example, courts have upheld substitute federal government remedial schemes that retroactively displaced state tort suits. This option would require congressional action in the form of federal legislation that substitutes the Federal Tort Claims Act for state tort suits against the airlines and thereby makes the federal government responsible for any compensatory damages to which the plaintiffs otherwise would be entitled. (Punitive damages are not available under the FTCA and thus would not be available to plaintiffs if this option were pursued.)

All airlines also fear the consequences of state tort liability for future accidents. There are several options that would help to ensure that a future accident does not threaten an airline's continued financial viability. One option is legislation overriding state tort law in cases where a hijacking, terrorism, or war causes an injury. A second option is legislation precluding state tort suits in cases where the airlines have complied with all applicable federal security standards. A third option is legislation imposing damages caps in suits against the airlines arising out of accidents.

We ask your concurrence for the principle that, given the facts now available, that the federal government, not the airline industry, should assume liability for tort actions brought as a result of last Tuesday's events.

_____ Agree with principle that the government, not the airline industry should assume liability.

_____ Disagree with this principle.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 9/17/2001 4:00:29 AM
Subject: : act of war defense

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-SEP-2001 08:00:29.00

SUBJECT:: act of war defense

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Noel is checking again. He doesn't think so based on research and airlines have not suggested as much, but he is looking again now.

From: Sutton, Jason <Jason.J.Sutton@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A
<Kristen.A.Ullman@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Suit, Neal
<Neal.Suit@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Coniglio, Peter
<Peter.Coniglio@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Bryant,
Dan <Dan.Bryant@usdoj.gov>; O'Brien, Patrick <Patrick.O'Brien2@usdoj.gov>; Tucker, Mindy
<Mindy.Tucker@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe
<Lori.SharpeDay@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Timothy E.
Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO
/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Heather
Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Tim Goeglein/WHO/EOP@EOP [WHO]
<Tim Goeglein>; 'Matthew_E_Smith@who.gov' <Matthew_E_Smith@who.gov>; Allison L.
Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/17/2001 5:02:14 AM
Subject: : 9/17 4:00 pm Jud. Conf. Working Group cancelled

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Sutton, Jason" <Jason.J.Sutton@usdoj.gov> ("Sutton, Jason"

<Jason.J.Sutton@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 17-SEP-2001 09:02:14.00

SUBJECT: : 9/17 4:00 pm Jud. Conf. Working Group cancelled

TO: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Coniglio, Peter" <Peter.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Coniglio, Peter" <Peter.Coniglio@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien2@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return

Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"'Matthew_E._Smith@who.gov'" <Matthew_E._Smith@who.gov> (Receipt Notification Requested)
(IPM Return Requested) ("'Matthew_E._Smith@who.gov'" <Matthew_E._Smith@who.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN]
To: Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Viet.Dinh@usdoj.gov [UNKNOWN]
<Viet.Dinh@usdoj.gov>; Stewart_Verdery@aml.senate.gov [UNKNOWN]
<Stewart_Verdery@aml.senate.gov>; Lincoln_Oliphant@rpc.senate.gov [UNKNOWN]
<Lincoln_Oliphant@rpc.senate.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle
Sampson>; Kristen.A.Ullman@usdoj.gov [UNKNOWN]
<Kristen.A.Ullman@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN]
<Jennifer.Newstead@usdoj.gov>; Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov
(Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>; Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN]
<Ed_Haden@judiciary.senate.gov>; Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov
(Makan Delrahim) [UNKNOWN]
<Makan_Delrahim@judiciary.senate.gov>; Dan.Bryant@usdoj.gov [UNKNOWN]
<Dan.Bryant@usdoj.gov>; Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN]
<Alex_Dahl@judiciary.senate.gov>; Christopher_rosche@hatch.senate.gov [UNKNOWN]
<Christopher_rosche@hatch.senate.gov>; Carl.Thorsen@usdoj.gov [UNKNOWN]
<Carl.Thorsen@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A.
Berenson>; mgoodling@rnchq.org [UNKNOWN]
<mgoodling@rnchq.org>; patrick.o'brien2@usdoj.gov [UNKNOWN]
<patrick.o'brien2@usdoj.gov>; Amy Haywood) (Amy_Haywood@judiciary.senate.gov (Amy
Haywood) [UNKNOWN] <Amy_Haywood@judiciary.senate.gov>; John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN]
<John_Mashburn@lott.senate.gov>
Sent: 9/17/2001 6:54:13 AM
Subject: : Breakfast meeting tomorrow CANCELLED

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN])

CREATION DATE/TIME: 17-SEP-2001 10:54:13.00

SUBJECT:: Breakfast meeting tomorrow CANCELLED

TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Stewart_Verdery@aml.senate.gov (Stewart_Verdery@aml.senate.gov [UNKNOWN])

READ: UNKNOWN

TO: Lincoln_Oliphant@rpc.senate.gov (Lincoln_Oliphant@rpc.senate.gov [UNKNOWN])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ: UNKNOWN

TO: Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

READ: UNKNOWN

TO: Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

READ: UNKNOWN

TO: Dan.Bryant@usdoj.gov (Dan.Bryant@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl)

REV_00131882

[UNKNOWN])
READ:UNKNOWN
TO:Christopher_rosche@hatch.senate.gov (Christopher_rosche@hatch.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Carl.Thorsen@usdoj.gov (Carl.Thorsen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:mgoodling@rnchq.org (mgoodling@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:patrick.o'brien2@usdoj.gov (patrick.o'brien2@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Amy_Haywood@judiciary.senate.gov (Amy Haywood) (Amy_Haywood@judiciary.senate.gov (Amy Haywood) [UNKNOWN])
READ:UNKNOWN
TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

In light of the numerous staff absences due to the holiday and other circumstances, tomorrow's meeting of the nominations working group, scheduled for 8:00 a.m. at La Colline, is cancelled. Please forward this message to anyone else who usually attends but whose name does not appear on the distribution list. Thanks.

From: Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN]
To: Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Viet.Dinh@usdoj.gov [UNKNOWN]
<Viet.Dinh@usdoj.gov>; Stewart_Verdery@aml.senate.gov [UNKNOWN]
<Stewart_Verdery@aml.senate.gov>; Lincoln_Oliphant@rpc.senate.gov [UNKNOWN]
<Lincoln_Oliphant@rpc.senate.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle
Sampson>; Kristen.A.Ullman@usdoj.gov [UNKNOWN]
<Kristen.A.Ullman@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN]
<Jennifer.Newstead@usdoj.gov>; Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov
(Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>; Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN]
<Ed_Haden@judiciary.senate.gov>; Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov
(Makan Delrahim) [UNKNOWN]
<Makan_Delrahim@judiciary.senate.gov>; Dan.Bryant@usdoj.gov [UNKNOWN]
<Dan.Bryant@usdoj.gov>; Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN]
<Alex_Dahl@judiciary.senate.gov>; Christopher_rosche@hatch.senate.gov [UNKNOWN]
<Christopher_rosche@hatch.senate.gov>; Carl.Thorsen@usdoj.gov [UNKNOWN]
<Carl.Thorsen@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A.
Berenson>; mgoodling@rnchq.org [UNKNOWN]
<mgoodling@rnchq.org>; patrick.o'brien2@usdoj.gov [UNKNOWN]
<patrick.o'brien2@usdoj.gov>; Amy Haywood) (Amy_Haywood@judiciary.senate.gov (Amy
Haywood) [UNKNOWN] <Amy_Haywood@judiciary.senate.gov>; John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN]
<John_Mashburn@lott.senate.gov>
Sent: 9/17/2001 6:55:13 AM
Subject: : Breakfast meeting tomorrow CANCELLED

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN])

CREATION DATE/TIME: 17-SEP-2001 10:55:13.00

SUBJECT: : Breakfast meeting tomorrow CANCELLED

TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Stewart_Verdery@aml.senate.gov (Stewart_Verdery@aml.senate.gov [UNKNOWN])

READ: UNKNOWN

TO: Lincoln_Oliphant@rpc.senate.gov (Lincoln_Oliphant@rpc.senate.gov [UNKNOWN])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ: UNKNOWN

TO: Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

READ: UNKNOWN

TO: Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

READ: UNKNOWN

TO: Dan.Bryant@usdoj.gov (Dan.Bryant@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN])

READ: UNKNOWN

TO: Christopher_rosche@hatch.senate.gov (Christopher_rosche@hatch.senate.gov [UNKNOWN])

READ: UNKNOWN

REV_00131884

TO:Carl.Thorsen@usdoj.gov (Carl.Thorsen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:mgoodling@rnchq.org (mgoodling@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:patrick.o'brien2@usdoj.gov (patrick.o'brien2@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Amy_Haywood@judiciary.senate.gov (Amy Haywood) (Amy_Haywood@judiciary.senate.gov (Amy Haywood) [UNKNOWN])
READ:UNKNOWN
TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

In light of the numerous staff absences due to the holiday and other circumstances, tomorrow's meeting of the nominations working group, scheduled for 8:00 a.m. at La Colline, is cancelled. Please forward this message to anyone else who usually attends but whose name does not appear on the distribution list. Thanks.

From: CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO]
To: Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine Nisbet>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/17/2001 11:19:31 AM
Subject: : Counsel's Office on A-List e-mails

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-SEP-2001 15:19:31.00
SUBJECT:: Counsel's Office on A-List e-mails
TO:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Lorraine,

Here are some more notes for OSI's master record of legal advice.

Brett Kavanaugh met with me and Barry about 2 weeks ago to go over A-List e-mail issues. Below are the notes I took over the phone when Brett and I went over his advice last Wednesday. Brett is working on sending the notes below in a more formal fashion. I'll pass a copy on to you when I receive them.

Begin notes:

Brett had a chance to go over OSI's questions with the Department of Justice, and they agree with Brett's advice.

Linking to new information on non-White House Web sites, either in White House e-mails or on the White House Web site, is not a problem. Posting or e-mailing news articles in full will need case-by-case analysis. Avoid Web sites that charge money. Excerpts are permissible to use both in e-mail or on the White House Web site. Use reason when excerpting. The whole article should not be used

End notes.

I'll let you know more when I get more information.

Thanks,
NEIL

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;heather wingate/who/eop@eop [WHO] <heather wingate>;joel d. kaplan/who/eop@eop [WHO] <joel d. kaplan>
Sent: 9/17/2001 4:01:11 PM
Subject: : Re: DOJ package

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-SEP-2001 20:01:11.00

SUBJECT:: Re: DOJ package

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:joel d. kaplan (CN=joel d. kaplan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Diana, Courtney, and I are still on DOJ call and likely will be until 7:30 or so . . . will keep you posted

Kristen Silverberg
09/17/2001 04:38:50 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: DOJ package

Are you available to meet at 7:00pm in Room 211 to discuss the DOJ draft legislation? Judge Gonzales will chair a DCPC discussion on the legislation tomorrow morning at 10:30am. Can we try to reach internal consensus on a recommended approach tonight so that we can advise our principals before tomorrow's discussion?

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
Heather Wingate/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP

REV_00131961

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/17/2001 4:01:28 PM
Subject: : Re: Airline litigation legislation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-SEP-2001 20:01:28.00

SUBJECT:: Re: Airline litigation legislation

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

yes

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;elizabeth s. dougherty/opd/eop@eop [OPD] <elizabeth s. dougherty>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>
Sent: 9/17/2001 12:13:13 PM
Subject: : Re: Legal authority relating to airlines

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-SEP-2001 16:13:13.00
SUBJECT:: Re: Legal authority relating to airlines
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:elizabeth s. dougherty (CN=elizabeth s. dougherty/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks. We stumbled upon that -- it's called the War Risk Insurance Act, and there's a section on it in the memo from the Judge to Josh. We've also provided a short description of it to Carlos.

Helgard C. Walker
09/17/2001 04:09:56 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP,
Noel J. Francisco/WHO/EOP@EOP
cc: Elizabeth S. Dougherty/OPD/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
Subject: Legal authority relating to airlines

In my talks with DOD counsel, I've learned of some legal authority that might be relevant to your work on airline economics. Section 49 USC 44302 allows the Secretary of Transportation to offer low-cost insurance to air carriers and appears to apply in non-war conditions. (Insurance companies recently gave certain air carriers 7-day notice of a rate increase.)

HCW

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;joel d. kaplan/who/eop@eop [WHO] <joel d. kaplan>
Sent: 9/17/2001 12:49:03 PM
Subject: : Re: DOJ package

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-SEP-2001 16:49:03.00
SUBJECT:: Re: DOJ package
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:joel d. kaplan (CN=joel d. kaplan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm available. HW

Kristen Silverberg
09/17/2001 04:38:50 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: DOJ package

Are you available to meet at 7:00pm in Room 211 to discuss the DOJ draft legislation? Judge Gonzales will chair a DCPC discussion on the legislation tomorrow morning at 10:30am. Can we try to reach internal consensus on a recommended approach tonight so that we can advise our principals before tomorrow's discussion?

Message Sent

To:
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
Heather Wingate/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP

REV_00131964

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;heather wingate/who/eop@eop [WHO] <heather wingate>;joel d. kaplan/who/eop@eop [WHO] <joel d. kaplan>
Sent: 9/17/2001 1:54:02 PM
Subject: : Re: DOJ package

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-SEP-2001 17:54:02.00
SUBJECT:: Re: DOJ package
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joel d. kaplan (CN=joel d. kaplan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Jay would like Sai to attend this meeting tonight on Jay's behalf. Let me know if you think that's a problem.

Kristen Silverberg
09/17/2001 04:38:50 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: DOJ package

Are you available to meet at 7:00pm in Room 211 to discuss the DOJ draft legislation? Judge Gonzales will chair a DCPC discussion on the legislation tomorrow morning at 10:30am. Can we try to reach internal consensus on a recommended approach tonight so that we can advise our principals before tomorrow's discussion?

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
Heather Wingate/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP

REV_00131965

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;heather wingate/who/eop@eop [WHO] <heather wingate>;joel d. kaplan/who/eop@eop [WHO] <joel d. kaplan>
Sent: 9/17/2001 4:01:11 PM
Subject: : Re: DOJ package

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-SEP-2001 20:01:11.00
SUBJECT:: Re: DOJ package
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joel d. kaplan (CN=joel d. kaplan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Diana, Courtney, and I are still on DOJ call and likely will be
until 7:30 or so . . . will keep you posted

Kristen Silverberg
09/17/2001 04:38:50 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: DOJ package

Are you available to meet at 7:00pm in Room 211 to discuss the DOJ draft
legislation? Judge Gonzales will chair a DCPC discussion on the
legislation tomorrow morning at 10:30am. Can we try to reach internal
consensus on a recommended approach tonight so that we can advise our
principals before tomorrow's discussion?

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
Heather Wingate/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP

REV_00131966

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 9/17/2001 4:01:21 PM
Subject: : Re: Room Assignments

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-SEP-2001 20:01:21.00
SUBJECT:: Re: Room Assignments
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I say we proceed based on visuals. Moose, do you want to start the bidding?

Brent D. Greenfield
09/17/2001 06:21:44 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Room Assignments

Tim wants to make sure that rooms are chosen according to seniority based on when you graduated from law school. Kyle is to be included using the same formula.

Also, OA is refusing to release the floor plan tonight for copying, so I will check with them first thing in the morning. In the meantime, if you want to proceed with assignments, Counsel's Office will be occupying rooms 173, 171, 169, 167, 165, 163, 161, 160.5, 160A, 158, 157, 156, 155, 154, 152, 153, 151, 151A, and 149.

Message Sent

To:

Robert W. Cobb/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/17/2001 4:12:20 PM
Subject: : Re: DOJ package

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-SEP-2001 20:12:20.00
SUBJECT:: Re: DOJ package
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We will be there at 8:30 come hell or high water

Kristen Silverberg
09/17/2001 08:11:23 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Re: DOJ package

any idea on timing?

From: CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB]
To: Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/17/2001 7:57:11 PM
Subject: : Airline litigation legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:17-SEP-2001 23:57:11.00
SUBJECT:: Airline litigation legislation
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Rebecca:

Since I will be out tomorrow for the New Years holiday, I would appreciate it if you could go to this meeting with Brett -- thanks
----- Forwarded by Jay P. Lefkowitz/OMB/EOP on 09/18/2001 12:02 AM -----

Brett M. Kavanaugh
09/17/2001 06:52:44 PM
Record Type: Record

To: M.Edward.Whelan@usdoj.gov, Jay P. Lefkowitz/OMB/EOP@EOP, Joel D. Kaplan/WHO/EOP@EOP
cc: Noel J. Francisco/WHO/EOP@EOP
Subject: Airline litigation legislation

Can you all meet tomorrow at 10:00 to go over the issues re potential legislation w/r/t/ airline litigation?

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/18/2001 3:46:13 AM
Subject: : Re: Airline litigation legislation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-SEP-2001 07:46:13.00

SUBJECT:: Re: Airline litigation legislation

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

i'll try

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 9/18/2001 9:56:51 AM
Subject: : A little bit of inspiration

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-SEP-2001 13:56:51.00

SUBJECT:: A little bit of inspiration

TO: Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Lord, take me where you want me to go;
Let me meet those you want me to meet;
Tell me what you want me to say;
And keep "me" out of the way.

-- Prayer kept in pocket of New York City Fire Department Chaplain, the late Reverend Mychal Judge, who died in the World Trade Center while giving last rites to others.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>;Michelle N. Brawer/WHO/EOP@EOP [WHO] <Michelle N. Brawer>;Gail Randall/WHO/EOP@EOP [WHO] <Gail Randall>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Nicole E. Grodner/WHO/EOP@EOP [WHO] <Nicole E. Grodner>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Nicole Petrosino/WHO/EOP@EOP [WHO] <Nicole Petrosino>;Mark A. Phelan/WHO/EOP@EOP [WHO] <Mark A. Phelan>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Rachael L. Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>;Sherry J. Kuntz/WHO/EOP@EOP [WHO] <Sherry J. Kuntz>;G. Timothy Saunders/WHO/EOP@EOP [WHO] <G. Timothy Saunders>;Shane P. Chambers/WHO/EOP@EOP [WHO] <Shane P. Chambers>;Kimberly L. Kuczynski/WHO/EOP@EOP [WHO] <Kimberly L. Kuczynski>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Holly M. Miller/WHO/EOP@EOP [WHO] <Holly M. Miller>;Sarah Penny/WHO/EOP@EOP [WHO] <Sarah Penny>;Carolyn F. Atkinson/WHO/EOP@EOP [WHO] <Carolyn F. Atkinson>;Nancy G. Hansen/WHO/EOP@EOP [WHO] <Nancy G. Hansen>;Matthew W. Lindley/WHO/EOP@EOP [WHO] <Matthew W. Lindley>;Misty C. Marshall/WHO/EOP@EOP [WHO] <Misty C. Marshall>;Nathaniel C. Ryun/WHO/EOP@EOP [WHO] <Nathaniel C. Ryun>;Estelle M. Stolz/WHO/EOP@EOP [WHO] <Estelle M. Stolz>;Steven Myers/WHO/EOP@EOP [WHO] <Steven Myers>;Distie Carstensen/WHO/EOP@EOP [WHO] <Distie Carstensen>;Brooks D. Altshuler/WHO/EOP@EOP [WHO] <Brooks D. Altshuler>;Steven A. Atkiss/WHO/EOP@EOP [WHO] <Steven A. Atkiss>;Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>;Michael Heath/WHO/EOP@EOP [WHO] <Michael Heath>;Stephanie E. Linder/WHO/EOP@EOP [WHO] <Stephanie E. Linder>;David H. McArthur/WHO/EOP@EOP [WHO] <David H. McArthur>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Leslie A. Shockley/WHO/EOP@EOP [WHO] <Leslie A. Shockley>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Angela R. Sailor/WHO/EOP@EOP [WHO] <Angela R. Sailor>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Traci R. Campbell/WHO/EOP@EOP [WHO] <Traci R. Campbell>;Terry C. Miller/WHO/EOP@EOP [WHO] <Terry C. Miller>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Chad M. Kolton/WHO/EOP@EOP [WHO] <Chad M. Kolton>;Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>;Annabelle J. Romero/WHO/EOP@EOP [WHO] <Annabelle J. Romero>;Michael A. Sanders/WHO/EOP@EOP [WHO] <Michael A. Sanders>;David M. Mark/WHO/EOP@EOP [WHO] <David M. Mark>;Eric W. Terrell/WHO/EOP@EOP [WHO] <Eric W. Terrell>;Matthew L. Wendel/WHO/EOP@EOP [WHO] <Matthew L. Wendel>;Ashleigh A. Adams/WHO/EOP@EOP [WHO] <Ashleigh A. Adams>;Josephine L. Hirsch/WHO/EOP@EOP [WHO] <Josephine L. Hirsch>;James A. Barnett/WHO/EOP@EOP [WHO] <James A. Barnett>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>;Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>;Elizabeth Hogan/WHO/EOP@EOP [WHO] <Elizabeth Hogan>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Mary M. Rose/WHO/EOP@EOP [WHO] <Mary M. Rose>;Timothy C. Stout/WHO/EOP@EOP [WHO] <Timothy C. Stout>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;James E. Carter/OPD/EOP@EOP [OPD] <James E. Carter>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Edwina C. Rogers/OPD/EOP@EOP [OPD] <Edwina C. Rogers>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Scott H. Evertz/OPD/EOP@EOP [OPD] <Scott H. Evertz>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Sandy Kress/OPD/EOP@EOP [OPD] <Sandy Kress>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>
Sent: 9/18/2001 10:29:03 AM
Subject: : rescheduled training

Begin Original ARMS Header

REV_00131975

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-SEP-2001 14:29:03.00
SUBJECT:: rescheduled training
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Nicole E. Grodner (CN=Nicole E. Grodner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicole Petrosino (CN=Nicole Petrosino/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark A. Phelan (CN=Mark A. Phelan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sherry J. Kuntz (CN=Sherry J. Kuntz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:G. Timothy Saunders (CN=G. Timothy Saunders/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Shane P. Chambers (CN=Shane P. Chambers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kimberly L. Kuczynski (CN=Kimberly L. Kuczynski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Holly M. Miller (CN=Holly M. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Penny (CN=Sarah Penny/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carolyn F. Atkinson (CN=Carolyn F. Atkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nancy G. Hansen (CN=Nancy G. Hansen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Misty C. Marshall (CN=Misty C. Marshall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nathaniel C. Ryun (CN=Nathaniel C. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Estelle M. Stolz (CN=Estelle M. Stolz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Steven Myers (CN=Steven Myers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Distie Carstensen (CN=Distie Carstensen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brooks D. Altshuler (CN=Brooks D. Altshuler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Steven A. Atkiss (CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Heath (CN=Michael Heath/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephanie E. Linder (CN=Stephanie E. Linder/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David H. McArthur (CN=David H. McArthur/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leslie A. Shockley (CN=Leslie A. Shockley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chad M. Kolton (CN=Chad M. Kolton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Annabelle J. Romero (CN=Annabelle J. Romero/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael A. Sanders (CN=Michael A. Sanders/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David M. Mark (CN=David M. Mark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric W. Terrell (CN=Eric W. Terrell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew L. Wendel (CN=Matthew L. Wendel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine L. Hirsch (CN=Josephine L. Hirsch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James A. Barnett (CN=James A. Barnett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Bell (CN=Michael J. Bell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dorothy C. Garvin (CN=Dorothy C. Garvin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth Hogan (CN=Elizabeth Hogan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary M. Rose (CN=Mary M. Rose/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy C. Stout (CN=Timothy C. Stout/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Scott H. Evertz (CN=Scott H. Evertz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Sandy Kress (CN=Sandy Kress/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

The ethics training session scheduled for tomorrow is cancelled. New dates and times will be forthcoming. Sorry for any inconvenience.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 9/18/2001 7:09:14 AM
Subject: : Re: Box Labels

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-SEP-2001 11:09:14.00
SUBJECT:: Re: Box Labels
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Do we have actual labels, or do you mean whatever we write/tape on the boxes ourselves? If actual labels, I'd love to get some down here in our suite.

Brent D. Greenfield
09/18/2001 10:04:57 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Box Labels

Please put the labels on the side of the box, rather than the top, as they will be stacked one on top of the other.

Thanks.

REV_00131979

Message Sent

To:

Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 9/18/2001 7:09:21 AM
Subject: : Re: Box Labels

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-SEP-2001 11:09:21.00
SUBJECT:: Re: Box Labels
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

The ones I'm passing around. I'll bring some over to you.

Helgard C. Walker
09/18/2001 10:06:11 AM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Box Labels

Do we have actual labels, or do you mean whatever we write/tape on the boxes ourselves? If actual labels, I'd love to get some down here in our suite.

REV_00131981

Brent D. Greenfield
09/18/2001 10:04:57 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Box Labels

Please put the labels on the side of the box, rather than the top, as they will be stacked one on top of the other.

Thanks.

Message Sent

To: _____
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

Message Copied

To: _____
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
lori l. lorenzi/who/eop@eop
jason b. torchinsky/who/eop@eop
h. christopher bartolomucci/who/eop@eop
brett m. kavanaugh/who/eop@eop
bradford a. berenson/who/eop@eop
courtney s. elwood/who/eop@eop
laura l. flippin/who/eop@eop
robert w. cobb/who/eop@eop

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 9/18/2001 7:12:13 AM
Subject: : Re: Room Assignments

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-SEP-2001 11:12:13.00

SUBJECT:: Re: Room Assignments

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Tim will be coming over to check out the space. The one big question is what to do with the large room (Northeast corner of the building, room 160A). My suggestion is to put the five current detailees in that room. If Tim thinks that is a good idea, then room 158 (the room through which the large room is accessed) could be used for Lori and Jason or Brent or for files. If all this makes sense, then I would want to be in Room 157. I want to see what Tim thinks.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: saikrishna b. prakash/omb/eop@eop [OMB] <saikrishna b. prakash>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 9/18/2001 12:27:43 PM
Subject: : Re: FYI: LRD demands comments by 5:00 p.m. today. See below

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-SEP-2001 16:27:43.00
SUBJECT:: Re: FYI: LRD demands comments by 5:00 p.m. today. See below
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:saikrishna b. prakash (CN=saikrishna b. prakash/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brad -- I thought Brett had asked you to take a look at the financial provisions contained in the DOJ package. If he didn't, will you do so?

Bradford A. Berenson
09/18/2001 03:49:37 PM
Record Type: Record

To: Saikrishna B. Prakash/OMB/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
bcc:
Subject: Re: FYI: LRD demands comments by 5:00 p.m. today. See below

I haven't heard about either a 7:00 p.m. meeting or about a division of Titles for review.

Saikrishna B. Prakash
09/18/2001 03:41:13 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Re: FYI: LRD demands comments by 5:00 p.m. today. See below

Sorry Brad. I was referring to Justice's ATA package.

Sai

REV_00131985

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/18/2001 9:29:14 AM
Subject: : personal family information

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-SEP-2001 13:29:14.00

SUBJECT:: personal family information

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Mrs. Gonzales would like to contact the spouses of Counsel Office staff members to see about getting families together for dinner one night next week.

REV_00131986

Will you please email to me the names and contact number(s) for your spouse? I think children may also be included in the evening so if you will tell me how many kids you have, and provide names if you wish, that would be helpful.

Also - I do not have home addresses/zip for most of you. If you want to send this to me as well I'll make a spread sheet of "personal info" that can be used by Counsel Office staff only for other purposes like Christmas cards, party invites, etc.

Staff Secretaries Office has only a few staff members so they may also be included in the evening.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/18/2001 9:29:14 AM
Subject: : personal family information

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-SEP-2001 13:29:14.00

SUBJECT:: personal family information

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Mrs. Gonzales would like to contact the spouses of Counsel Office staff members to see about getting families together for dinner one night next week.

REV_00131988

Will you please email to me the names and contact number(s) for your spouse? I think children may also be included in the evening so if you will tell me how many kids you have, and provide names if you wish, that would be helpful.

Also - I do not have home addresses/zip codes for most of you. If you want to send this to me as well I'll make a spread sheet of "personal info" that can be used by Counsel Office staff only for other purposes like Christmas cards, party invites, etc.

Staff Secretaries Office has only a few staff members so they may also be included in the evening.

Thanks!

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>;Michelle N. Brawer/WHO/EOP@EOP [WHO] <Michelle N. Brawer>;Gail Randall/WHO/EOP@EOP [WHO] <Gail Randall>;Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Nicole E. Grodner/WHO/EOP@EOP [WHO] <Nicole E. Grodner>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Nicole Petrosino/WHO/EOP@EOP [WHO] <Nicole Petrosino>;Mark A. Phelan/WHO/EOP@EOP [WHO] <Mark A. Phelan>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Rachael L. Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>;Sherry J. Kuntz/WHO/EOP@EOP [WHO] <Sherry J. Kuntz>;G. Timothy Saunders/WHO/EOP@EOP [WHO] <G. Timothy Saunders>;Shane P. Chambers/WHO/EOP@EOP [WHO] <Shane P. Chambers>;Kimberly L. Kuczynski/WHO/EOP@EOP [WHO] <Kimberly L. Kuczynski>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Holly M. Miller/WHO/EOP@EOP [WHO] <Holly M. Miller>;Sarah Penny/WHO/EOP@EOP [WHO] <Sarah Penny>;Carolyn F. Atkinson/WHO/EOP@EOP [WHO] <Carolyn F. Atkinson>;Nancy G. Hansen/WHO/EOP@EOP [WHO] <Nancy G. Hansen>;Matthew W. Lindley/WHO/EOP@EOP [WHO] <Matthew W. Lindley>;Misty C. Marshall/WHO/EOP@EOP [WHO] <Misty C. Marshall>;Nathaniel C. Ryun/WHO/EOP@EOP [WHO] <Nathaniel C. Ryun>;Estelle M. Stolz/WHO/EOP@EOP [WHO] <Estelle M. Stolz>;Steven Myers/WHO/EOP@EOP [WHO] <Steven Myers>;Distie Carstensen/WHO/EOP@EOP [WHO] <Distie Carstensen>;Brooks D. Altshuler/WHO/EOP@EOP [WHO] <Brooks D. Altshuler>;Steven A. Atkiss/WHO/EOP@EOP [WHO] <Steven A. Atkiss>;Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>;Michael Heath/WHO/EOP@EOP [WHO] <Michael Heath>;Stephanie E. Linder/WHO/EOP@EOP [WHO] <Stephanie E. Linder>;David H. McArthur/WHO/EOP@EOP [WHO] <David H. McArthur>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Leslie A. Shockley/WHO/EOP@EOP [WHO] <Leslie A. Shockley>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Angela R. Sailor/WHO/EOP@EOP [WHO] <Angela R. Sailor>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;Traci R. Campbell/WHO/EOP@EOP [WHO] <Traci R. Campbell>;Terry C. Miller/WHO/EOP@EOP [WHO] <Terry C. Miller>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Chad M. Kolton/WHO/EOP@EOP [WHO] <Chad M. Kolton>;Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>;Annabelle J. Romero/WHO/EOP@EOP [WHO] <Annabelle J. Romero>;Michael A. Sanders/WHO/EOP@EOP [WHO] <Michael A. Sanders>;David M. Mark/WHO/EOP@EOP [WHO] <David M. Mark>;Eric W. Terrell/WHO/EOP@EOP [WHO] <Eric W. Terrell>;Matthew L. Wendel/WHO/EOP@EOP [WHO] <Matthew L. Wendel>;Ashleigh A. Adams/WHO/EOP@EOP [WHO] <Ashleigh A. Adams>;Josephine L. Hirsch/WHO/EOP@EOP [WHO] <Josephine L. Hirsch>;James A. Barnett/WHO/EOP@EOP [WHO] <James A. Barnett>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>;Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>;Elizabeth Hogan/WHO/EOP@EOP [WHO] <Elizabeth Hogan>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Mary M. Rose/WHO/EOP@EOP [WHO] <Mary M. Rose>;Timothy C. Stout/WHO/EOP@EOP [WHO] <Timothy C. Stout>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;James E. Carter/OPD/EOP@EOP [OPD] <James E. Carter>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Edwina C. Rogers/OPD/EOP@EOP [OPD] <Edwina C. Rogers>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Scott H. Evertz/OPD/EOP@EOP [OPD] <Scott H. Evertz>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Sandy Kress/OPD/EOP@EOP [OPD] <Sandy Kress>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>
Sent: 9/18/2001 10:29:03 AM
Subject: : rescheduled training

Begin Original ARMS Header

REV_00131990

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-SEP-2001 14:29:03.00
SUBJECT:: rescheduled training
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Nicole E. Grodner (CN=Nicole E. Grodner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicole Petrosino (CN=Nicole Petrosino/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark A. Phelan (CN=Mark A. Phelan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sherry J. Kuntz (CN=Sherry J. Kuntz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:G. Timothy Saunders (CN=G. Timothy Saunders/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Shane P. Chambers (CN=Shane P. Chambers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kimberly L. Kuczynski (CN=Kimberly L. Kuczynski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Holly M. Miller (CN=Holly M. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Penny (CN=Sarah Penny/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carolyn F. Atkinson (CN=Carolyn F. Atkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nancy G. Hansen (CN=Nancy G. Hansen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Misty C. Marshall (CN=Misty C. Marshall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nathaniel C. Ryun (CN=Nathaniel C. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Estelle M. Stolz (CN=Estelle M. Stolz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Steven Myers (CN=Steven Myers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Distie Carstensen (CN=Distie Carstensen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brooks D. Altshuler (CN=Brooks D. Altshuler/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Steven A. Atkiss (CN=Steven A. Atkiss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Heath (CN=Michael Heath/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephanie E. Linder (CN=Stephanie E. Linder/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David H. McArthur (CN=David H. McArthur/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leslie A. Shockley (CN=Leslie A. Shockley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chad M. Kolton (CN=Chad M. Kolton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Annabelle J. Romero (CN=Annabelle J. Romero/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael A. Sanders (CN=Michael A. Sanders/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David M. Mark (CN=David M. Mark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric W. Terrell (CN=Eric W. Terrell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew L. Wendel (CN=Matthew L. Wendel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine L. Hirsch (CN=Josephine L. Hirsch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James A. Barnett (CN=James A. Barnett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Bell (CN=Michael J. Bell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dorothy C. Garvin (CN=Dorothy C. Garvin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth Hogan (CN=Elizabeth Hogan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary M. Rose (CN=Mary M. Rose/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy C. Stout (CN=Timothy C. Stout/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Scott H. Evertz (CN=Scott H. Evertz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Sandy Kress (CN=Sandy Kress/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

The ethics training session scheduled for tomorrow is cancelled. New dates and times will be forthcoming. Sorry for any inconvenience.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/18/2001 10:57:42 AM
Subject: : Ashcroft is on CNN now in case you are interested

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-SEP-2001 14:57:42.00

SUBJECT:: Ashcroft is on CNN now in case you are interested

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/18/2001 10:57:42 AM
Subject: : Ashcroft is on CNN now in case you are interested

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-SEP-2001 14:57:42.00

SUBJECT:: Ashcroft is on CNN now in case you are interested

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Saikrishna B. Prakash/OMB/EOP@EOP [OMB] <Saikrishna B. Prakash>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 9/18/2001 11:24:55 AM
Subject: : Re: FYI: LRD demands comments by 5:00 p.m. today. See below

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-SEP-2001 15:24:55.00
SUBJECT:: Re: FYI: LRD demands comments by 5:00 p.m. today. See below
TO:Saikrishna B. Prakash (CN=Saikrishna B. Prakash/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I don't know what this message is in reference to. Am I missing something?

Saikrishna B. Prakash
09/18/2001 01:42:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Re: FYI: LRD demands comments by 5:00 p.m. today. See below

I'll be there at the 7 p.m meeting.

I understand that you, Courtney, and Brad have divided up the titles. I am going through the titles as well. I am going to try to go through all of them. So what I'll be doing is duplicative.

If, for some reason, one of you cannot complete the tasks assigned to you by the Judge, please give me a call and I can switch from what I am doing to fill in for one of you folks.

Sai

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Saikrishna B. Prakash/OMB/EOP@EOP [OMB] <Saikrishna B. Prakash>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 9/18/2001 11:49:50 AM
Subject: : Re: FYI: LRD demands comments by 5:00 p.m. today. See below

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-SEP-2001 15:49:50.00
SUBJECT:: Re: FYI: LRD demands comments by 5:00 p.m. today. See below
TO:Saikrishna B. Prakash (CN=Saikrishna B. Prakash/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I haven't heard about either a 7:00 p.m. meeting or about a division of
Titles for review.

Saikrishna B. Prakash
09/18/2001 03:41:13 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Re: FYI: LRD demands comments by 5:00 p.m. today. See
below

Sorry Brad. I was referring to Justice's ATA package.

Sai

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 9/18/2001 1:17:55 PM
Subject: : FW: Thank you for Your Thoughts/ Edward Lozzi
Attachments: F_YCZQ3004_NSC.TXT_1.html

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-SEP-2001 17:17:55.00

SUBJECT:: FW: Thank you for Your Thoughts/ Edward Lozzi

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

End Original ARMS Header

Any suggestions for a response to this one?

----- Forwarded by Robert W. Cobb/WHO/EOP on 09/18/2001

05:16 PM -----

Kirk Blalock

09/18/2001 05:08:51 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP

CC:

Subject: FW: Thank you for Your Thoughts/ Edward Lozzi

This email is being sent around the country, thought it warranted your attention....the guy (Ed Lozzi) was a volunteer under Bush 1 and takes many liberties here, besides being illegal. thanks.

REV_00132000

----- Original Message -----

From: "Edward Lozzi" <epl@lozzi.com>

To: <epl@lozzi.com>

Sent: Friday, September 14, 2001 6:04 PM

Subject: Thank you for Your Thoughts/ Edward Lozzi

> Thank you for your kind thoughts and messages for the loss of my friend
> in the World Trade Center Disaster. . She was a good person for all of
> her 37 years.
>
> Take this opportunity now.. to hold and cherish your loved ones.
>
> And now it's time to wipe out the wasp nests of terrorism. Many of you
> know that I was a White House staffer.. and during the Gulf War. Believe
> me when I tell you.....we are going in. Finally.
>
> This disaster should not have happened !! We should have seen it
> coming!!!
>
> We have been contacted by a group of extremely wealthy Americans who are
> now putting together a way for all Americans to get involved with their
> money for a "bounty" to kill Osama and or any government officials in
> countries who harbored these terrorists. An idea to pay mercenaries or
> anyone or group to go in or who are already with these bastards. A
> logical idea. Millions are being raised right now privately ..and a web
> site for pledges is about to go up for average Americans to pledge any
> amount from \$1.00 to 1 million. Stay tuned.
>
> Edward Lozzi
> Edward Lozzi & Associates Public Relations, Media Consultants
> <http://www.lozzi.com>
>

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_YCZQ3004_NSC.TXT_1>

Kirk: Per our phone conversation, Lozzi was never a White House staffer, let alone during Deasert Storm. at best he drove a press car in a motorcade once. This letter and his web bio with photos of him at the White House and

AF #1 is ridiculous. I just hope he isn't dumb enough to try something stupid.

-----Original Message-----

From: betty [<mailto:Betty1@erols.com>]

Sent: Tuesday, September 18, 2001 11:53 AM

To: bill sittmann

Subject: Fw: Thank you for Your Thoughts/ Edward Lozzi

----- Original Message -----

From: "Edward Lozzi" <epl@lozzipr.com>

To: <epl@lozzipr.com>

Sent: Friday, September 14, 2001 6:04 PM

Subject: Thank you for Your Thoughts/ Edward Lozzi

> Thank you for your kind thoughts and messages for the loss of my friend
> in the World Trade Center Disaster. . She was a good person for all of
> her 37 years.
>
> Take this opportunity now.. to hold and cherish your loved ones.
>
> And now it's time to wipe out the wasp nests of terrorism . Many of you
> know that I was a White House staffer.. and during the Gulf War. Believe
> me when I tell you.....we are going in. Finally.
>
> This disaster should not have happened !! We should have seen it
> coming!!!
>
> We have been contacted by a group of extremely wealthy Americans who are
> now putting together a way for all Americans to get involved with their
> money for a "bounty" to kill Osama and or any government officials in
> countries who harbored these terrorists. An idea to pay mercenaries or
> anyone or group to go in or who are already with these bastards. A
> logical idea. Millions are being raised right now privately ..and a web
> site for pledges is about to go up for average Americans to pledge any
> amount from \$1.00 to 1 million. Stay tuned.
>
> Edward Lozzi
> Edward Lozzi & Associates Public Relations, Media Consultants
> <http://www.lozzipr.com>
>

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/18/2001 2:56:35 PM
Subject: : DOI LA Times FOIA request

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-SEP-2001 18:56:35.00

SUBJECT:: DOI LA Times FOIA request

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
09/18/2001 06:56 PM -----

Craig Felner
09/18/2001 06:54 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: DOI LA Times FOIA request

see below please

----- Forwarded by Craig Felner/WHO/EOP on 09/18/2001
06:54 PM -----

Brian R. Besanceney
09/18/2001 06:30:07 PM
Record Type: Record

To: Albert Hawkins/WHO/EOP@EOP, Edward Ingle/WHO/EOP@EOP, Craig Felner/WHO/EOP@EOP
cc:
Subject: DOI LA Times FOIA request

FYI -- this might be something to give WH Counsel's office a heads-up about.

----- Forwarded by Brian R. Besanceney/OPD/EOP on
09/18/2001 06:29 PM -----

Samuel A. Thernstrom
09/18/2001 06:12:30 PM
Record Type: Record

To: Brian R. Besanceney/OPD/EOP@EOP, Anne Womack/WHO/EOP@EOP, Claire E. Buchan/WHO/EOP@EOP
cc:
Subject: DOI LA Times FOIA request

REV_00132003

I sent this to NSC as an FYI

----- Forwarded by Samuel A. Thernstrom/CEQ/EOP on
09/18/2001 06:13 PM -----

Eric_Ruff@ios.doi.gov
09/18/2001 03:36:52 PM
Record Type: Record

To: Samuel A. Thernstrom/CEQ/EOP@EOP, Scott McClellan/WHO/EOP@EOP
cc:
Subject: LA Times FOIA request

la times reporter deborah nelson has filed a foia request for "all paper
and electronic records, including email, concerning a national homeland
defense task force."

as you know, these are words used regarding the use of national guard
troops or the reserves to defend and protect u.s. soil. it's likely all
departments are getting this request and, not to state the obvious, we'll
need to be consistent in our response.

thanks, eric

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/18/2001 3:18:41 PM
Subject: : coverage for OEOB staff

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-SEP-2001 19:18:41.00

SUBJECT:: coverage for OEOB staff

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The OEOB needs to have support staff from 7:30 am to 7:30 pm until further notice.

Figure out a schedule between the three of you and discuss it with me tomorrow morning.

REV_00132005

This schedule will need to be shared with the lawyers once it is finalized so they know who to call when they need something.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/18/2001 3:18:41 PM
Subject: : coverage for OEOB staff

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-SEP-2001 19:18:41.00

SUBJECT:: coverage for OEOB staff

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The OEOB needs to have support staff from 7:30 am to 7:30 pm until further notice.

Figure out a schedule between the three of you and discuss it with me tomorrow morning.

REV_00132007

This schedule will need to be shared with the lawyers once it is finalized so they know who to call when they need something.

Thanks!

From: CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 9/19/2001 6:13:40 AM
Subject: : MEETING TODAY

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-SEP-2001 10:13:40.00

SUBJECT:: MEETING TODAY

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

All Special and Deputy Assistants to the President are asked to attend a meeting at 3:00 pm today in room 450 OEOb. Secretary Card and Joe Hagin will lead. Please make every effort to attend.

*Meeting topic has not been revealed.

From: CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
CC: Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>; Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>; Marcus J. Mollmann/WHO/EOP@EOP [WHO] <Marcus J. Mollmann>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/19/2001 6:58:53 AM
Subject: : White House Internet Content Management
Attachments: P_3QCR3004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-SEP-2001 10:58:53.00
SUBJECT:: White House Internet Content Management
TO: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
CC: Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Tim,

Attached is the document outlining requirements for an Internet system allowing people to sign-up for e-mail updates via the White House Web site. Please let me know if you have any questions. I stand ready to help in any way to see this project to completion.

Many thanks,
NEIL
x6-7465

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_3QCR3004_WHO.TXT_1>

OFFICE OF STRATEGIC INITIATIVES

September 19, 2001

MEMORANDUM FOR TIM CAMPEN

THROUGH: BARRY JACKSON AND TUCKER ESKEW

FROM: NEIL ZIMMERMAN, JIMMY ORR, AND JANE COOK

CC: BRETT KAVANAUGH AND MARCUS MOLLMANN

RE: WHITE HOUSE INTERNET CONTENT MANAGEMENT

The Office Media Affairs (OMA) will be responsible for the content management of the White House Web site. All posts to the Web site will need to be approved by OMA.

The Office of Strategic Initiatives (OSI) will be responsible for the content and database design for the White House Web site e-mail distribution system. All e-mail sends and database manipulation will need to be approved by OSI.

OMA and OSI will work closely on e-mail and Web site message coordination. The White House Counsel's office will be an integral part of all OMA and OSI Internet processes and planning to ensure White House Internet components (Web site and e-mail) receive continual ethical, legal, and privacy review.

The e-mail system should capture e-mail addresses, first name, last name, zip codes and issue categories. The database should be scalable so that additional personalization information can be collected.

Sign-up process attached.

The e-mail system will need to send general updates to the entire list (up to millions of addresses) as well as specialized updates based on user personalization (name, zip code, issue categories, etc.). The e-mail content will be original material, not the automatic generation of documents available on the White House Web site.

While it may not be possible now, the Web site and the E-mail system will need to interact with each other. They should operate from the same database and content management system. The goal: to have a personalization system allowing the Web site experience to mirror preferences indicated via e-mail (link usage, questionnaire responses, etc.) and vice-versa.

E-mail Sign-up Process

Sign-Up Box in Web site Header or Sidebar

- I. Insert E-mail address and click submit
- II. Pop-up confirmation box
 - A. Thank you for submitting (show address submitted)
 - B. Want Personalized updates?
 - 1. Click here to find out how to:
 - a. Get localized information
 - b. Be addressed by name
 - c. Choose your own issue categories
- III. End of process OR click through to personalization page (Item II,B below)

WH News Sign-Up Page

- I. Insert E-mail address and click submit
- II. Go to Confirmation page:
 - A. Thank you for submitting (show address submitted)
 - B. Want to personalize your updates?
 - 1. Zip Code
 - a. Get information that is relevant to your area.
 - 2. First and Last Name
 - a. Allow e-mails to be addressed to you by name.
 - 3. Issue Categories
 - a. Get special updates based on the topics you choose.
- III. End of process if no personalization
- IV. Click through to personalization confirmation if personalization selected
 - A. Show what personalization has been selected and the information that's been submitted
 - B. Click OK to submit or GO BACK to correct
- V. End of process once OK selected

Note: Whichever method is used to sign-up, a double opt-in process is required.

Mass Outbound E-mail

Phases:

- I. Limited system
 - A. Limited changes
 - 1. Current staff structure
 - 2. Current Web site and e-mail Listserv
 - B. Basic Format
 - 1. Plain text
 - 2. E-mail content will be written specifically for e-mail delivery
 - 3. No automatic content generated based on Web site content
 - C. Limited issue categories
 - 1. General agenda updates
 - 2. Only top issues available for specified issue updates
 - 3. Scheduled updates only, no real time content generation
 - D. Little information collection, simple personalization
 - 1. E-mail address
 - 2. Personalization info: name, zip code and/or issue category
- II. Comprehensive system
 - A. Significant changes
 - 1. Structured Internet content and design teams (at least OSI and Media Affairs)
 - 2. Integrated Content Management system for Website and E-mail
 - B. Dynamic Format
 - 1. Plain text
 - 2. HTML Web based
 - 3. AOL friendly HTML
 - C. Multiple subject categories
 - 1. General agenda updates
 - 2. Specified issue updates, including a more comprehensive list of issues
 - 3. Automatic "filler" content generated based on personalization information, i.e. general information is replaced if specialized information is available either on the Web site or in original e-mail content
 - D. Full Personalization
 - 1. Basic information collection (email, name, zip code, issue category)
 - 2. Format of e-mail (plain, html, etc.)
 - 3. Frequency of updates (scheduled, real time)
 - 4. Relationship Marketing Option to receive targeted information
 - 5. Ability for subscribers to view/alter their subscription (myWhiteHouse.gov)
 - 6. Ability to measure click through rate of each e-mail
 - 7. Ability to measure click through rate of individual accounts for message targeting

From: CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP [WHO]
To: mccarthy-juliet@dol.gov [UNKNOWN] <mccarthy-juliet@dol.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;orrell-brent@dol.gov [UNKNOWN] <orrell-brent@dol.gov>
Sent: 9/19/2001 12:35:16 PM
Subject: : STOP DOL FOIA response

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-SEP-2001 16:35:16.00

SUBJECT:: STOP DOL FOIA response

TO:mccarthy-juliet@dol.gov (mccarthy-juliet@dol.gov [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:orrell-brent@dol.gov (orrell-brent@dol.gov [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Juliet, the WH Counsel's office is also physically in transition (I think to just other spaces within EEOB), which is probably why I have not heard back from Brett Kavanaugh, the WH lawyer who will handle the FOIA issues for us. Just in case he can't deal with this for a few days because of the office move, can you ask your DOL lawyer to hold off on sending anything out UNTIL he's heard from Brett? It should be only a short additional delay, and I would imagine ACLU is busy at the moment with concerns other than the audit reports. Thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
Sent: 9/19/2001 2:29:49 PM
Subject: : re Draft Proclamation for POW/MIA Recognition Day, Friday September 21, 2001
Attachments: F_AXSR3004_NSC.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-SEP-2001 18:29:49.00

SUBJECT:: re Draft Proclamation for POW/MIA Recognition Day, Friday September 21, 2001

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Who gets this one?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
09/19/2001 05:25 PM -----

G. Timothy Saunders

09/19/2001 05:13:25 PM

REV_00132016

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Harriet Miers/WHO/EOP@EOP, Lana Dickey/WHO/EOP@EOP, Stuart W.
Bowen/WHO/EOP@EOP, Bradley A. Blakeman/WHO/EOP@EOP
Subject: re Draft Proclamation for POW/MIA Recognition Day, Friday
September 21, 2001

Attached for your review is a draft proclamation designating this Friday
as POW/MIA Recognition Day.

Response to Lana Dickey is requested by Noon, Thursday, 9/20/2001.

Many thanks,
TIM SAUNDERS
EXECUTIVE CLERK

Message Sent

To:

Jill L. Angelo/WHO/EOP@EOP
Sarah Pfeifer/OPD/EOP@EOP
Kathryn J. Hayes/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Albert Hawkins/WHO/EOP@EOP
Cynthia R. Mendl/WHO/EOP@EOP
Brooks L. Bash/NSC/EOP@EOP
Virginia T. Gregory/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_AXSR3004_NSC.TXT_1>

REV_00132017

NATIONAL POW/MIA RECOGNITION DAY, 2001

- - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The noble ideals that became the foundation of this young Nation sprang from the hearts and minds of patriots who risked their lives in the name of liberty. Throughout our history, patriots of these United States of America have risen to answer the call when liberty was in jeopardy. Our military history is replete with stories of heroism in which individuals put love of country ahead of all else. Many brave Americans left their homes and families to defend this great Nation and its ideals, some never to return home.

National POW/MIA Recognition Day has special meaning to many American families. It brings alive each year the anguish they suffer from the loss of their loved ones still among the missing. These families, and the brave men they sent to war, would never call themselves heroes. However, those who answer the call of duty stand as a beacon of inspiration to all Americans for generations to come.

Throughout our history, Americans, both military and civilian, have been held captive and subjected to many unspeakable horrors. Some 50,000 former POWs are living among us, including those held captive during World War II, the Korean War, the Vietnam War, throughout the Cold War era, and in Operation Desert Storm. We owe a profound debt of gratitude to these quiet heroes who displayed honor and indomitable wills and who sacrificed so much for this Nation.

To the families of those who are still missing, we renew our unwavering commitment and determination to account as fully as possible for their loved ones, including their recovering or repatriation, and the identification of the remains of those who have died.

On September 21, 2001, the flag of the National League of Families of American Prisoners and Missing in Southeast Asia, a black and white banner symbolizing America's POWS and MIAs and our unshakable resolve to ascertain their fate, will be flown over the White House, the U.S. Capitol, the Departments of State, Defense, and Veterans Affairs, the Selective Service System Headquarters, the National Vietnam Veterans Memorial, the Korean War Veterans Memorial, U.S. Military installations, national cemeteries, and other locations across our country. This will serve as a powerful reminder to the world that we will keep faith with those who so served America with such honor and dignity.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 21, 2001, as National POW/MIA Recognition Day. I call upon all Americans to join me in honoring former American prisoners of war who suffered the hardships of enemy captivity and in renewing our commitment to those still missing in action. I call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this day of _____, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-sixth.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/20/2001 4:26:24 AM
Subject: : Kyle's phone number is 456-5257 - pls add to your spreadsheet

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-SEP-2001 08:26:24.00

SUBJECT:: Kyle's phone number is 456-5257 - pls add to your spreadsheet

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: Tom.McGivern@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/20/2001 9:34:31 AM
Subject: : RE: Don't have yet; please send; thanks
Attachments: P_TQAS3004_WHO.TXT_1.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tom.McGivern@do.treas.gov (Tom.McGivern@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:20-SEP-2001 13:34:31.00
SUBJECT:: RE: Don't have yet; please send; thanks
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, September 20, 2001 1:22 PM
To: Tom.McGivern@do.treas.gov
Subject: Don't have yet; please send; thanks

- airline bill 4.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TQAS3004_WHO.TXT_1>

9/20/01 - 1:15 pm draft

A BILL

To provide for the stability and security of the United States air transportation system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Air Transportation Stability and Security Act of 2001".

SEC. 2. FINDINGS.

The Congress finds that:

(1) The September 11, 2001, terrorist attacks on American Airlines flights 11 and 77 and United Airlines flights 93 and 175 have inflicted massive loss of life, personal injury, suffering, property damage, economic loss, and other harms on tens of thousands of victims.

(2) There is a compelling public interest in ensuring that victims be compensated equitably, uniformly, and expeditiously, and in avoiding duplicative, and potentially inconsistent, resolution of identical issues in different courts.

(3) There is a compelling and overwhelming public interest in ensuring the stability and security of this Nation's air carriers.

(4) The President has declared a national

subject to this title.

SEC. 407. ATTORNEY FEES.

No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 10 per centum of any judgment rendered or settlement reached in any action under this section.

SEC. 408. PREJUDGMENT INTEREST.

Any defendant in an action brought pursuant to this Act shall not be liable for interest prior to judgment.

**TITLE VI—LIABILITY OF AIR CARRIERS FOR
INJURIES CAUSED BY FUTURE ACTS OF
TERRORISM COMMITTED ON OR TO AIR
CARRIERS**

SEC. 601. LIMITATION ON LIABILITY.

Any air carrier certified as a victim of an act of terrorism under this section shall not be liable in any civil action or proceeding, state or federal, for injury, loss of property, personal injury or death resulting from that act of terrorism, except in actions brought by passengers or employees on the airplane, or their survivors.

SEC. 602. DISCRETION OF THE SECRETARY.

For acts of terrorism committed on or to air carriers for 180 days after enactment of this Act, the Secretary of Transportation, in his discretion, may certify that the air carrier was a victim of an act of terrorism and in the Secretary's judgment, based on his analysis and conclusions regarding the facts and circumstances of each case, should not be responsible for losses suffered by parties other than the passengers and employees on the airplane.

emergency as a result of the terrorist attacks on September 11, 2001.

(5) Application of existing State and Federal tort law procedures to the exceptional circumstances arising from the terrorist attacks would threaten to overwhelm the State and Federal courts, impose massive litigation costs and delayed recovery, produce uncoordinated, disparate, and grossly inequitable results, and jeopardize the stability and security of the Nation's air carriers.

SEC. 3. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 4. SECRETARY OF TRANSPORTATION.

As used in this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—SECURITY ENHANCEMENT PROGRAM

SEC. 101. SECURITY ENHANCEMENT PROGRAM.

There is hereby **[authorized to be]** appropriated, out of any money in the Treasury not otherwise appropriated, \$3,000,000,000 to remain available until expended, for expenditure by the Secretary of Transportation, as the Secretary may determine, for costs relating to or arising from aviation security enhancements. Expenditures by the Secretary under this title may include, without limitation, payments to air carriers, as defined in 49 U.S.C. 40102, to be used for costs relating to or arising from aviation security enhancement.

TITLE II—AIRLINE EMERGENCY RECOVERY PROGRAM

SEC. 201. AIRLINE EMERGENCY RECOVERY PROGRAM.

(a) GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation is authorized to make emergency payments to air carriers, as defined in 49 U.S.C. 40102, as a result of the September 11, 2001, terrorist attack.

(b) FORMULA.—The Secretary shall allocate from the total amount made available under this title an emergency payment to each air carrier as follows:

(1) With respect to 80 percent of the total made available under this title, an air carrier payment shall be that percentage of the 80 percent that is equal to the percent of available seat miles the air carrier provided from January 1, 2001, through June 30, 2001, out of all the available seat miles provided in that time period by all of the air carriers qualifying for payment from the 80-percent portion.

(2) With respect to 20 percent of the total made available under this title, the air carrier payment shall be that percentage of the 20 percent that is equal to the percent of revenue ton miles the air carrier provided from January 1, 2001, through June 30, 2001, out of all the revenue ton miles provided in that time period by all of the air carriers qualifying for payment from the 20-percent portion.

(c) PAYMENTS.—The Secretary is authorized to make such terms and conditions the Secretary determines appropriate on the timing and manner of payment. A decision of the Secretary about making an emergency

payment under this title or about a term or condition for making an emergency payment shall be final and unappealable.

(d) TAX TREATMENT.—Section 118 of title 26, United States Code, is amended by inserting at the end the following new subsection:

"(c) For purposes of subsection (a) and section 362(c)(2), amounts received pursuant to section 201(b) of the United States Air Transportation Stabilization Act of 2001 shall be treated as a contribution to the capital of the taxpayer by a person who is not a shareholder of the taxpayer."

(e) APPROPRIATIONS.—There is hereby **[authorized to be]** appropriated, out of money in the Treasury not otherwise appropriated, \$5,000,000,000 to remain available until expended to carry out the provisions of subsections (a) through (c) of this title.

[(e) ESSENTIAL AIR SERVICE.—Section 41742(a)(2) is amended by deleting "\$15,000,000" and inserting "\$75,000,000."]

TITLE III—INSURANCE FOR DOMESTIC AIR TRANSPORTATION

SEC. 301. DOMESTIC INSURANCE AND REIMBURSEMENT OF INSURANCE COST INCREASES.

(a) GENERAL AUTHORITY.—Section 44302 is amended—

(1) in the caption of section 44302(a), by inserting the phrase "provision of" before the phrase "insurance and reinsurance";

(2) in subsection (a)(1) by deleting all that appears after "foreign flag aircraft" and inserting a

period;

(3) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection (b):

"(b) Reimbursement of insurance cost increases.—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001 and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section, and to section 44303 of this title. Such reimbursement shall be paid from the revolving fund established by section 44307 of this title. The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this section as the Secretary may deem appropriate in the interest of air commerce. This authority shall expire ninety days after enactment of this title.";

(4) by amending subsection (c), as redesignated by this section, to read as follows:

"(c) Presidential approval. The Secretary may provide insurance or reinsurance under subsection (a) of this section or reimburse an air carrier under subsection (b) of this section only with the approval

of the President. The President may approve the insurance or reinsurance or the reimbursement only after deciding that the continued operation of the American aircraft or foreign-flag aircraft to be insured or reinsured is necessary in the interest of air commerce or the national security, or to carry out the foreign policy of the United States Government."; and

(5) in section 44302(d), as redesignated by this section, by inserting the phrase "or reimbursing an air carrier" after the phrase "insurance or reinsurance".

(b) COVERAGE.—Section 44303 is amended by—

(1) inserting the phrase ", or reimburse insurance costs, as" after the phrase "insurance and reinsurance" in the first sentence; and

(2) in paragraph (1), inserting the phrase "in the interest of air commerce or the national security, or" before the phrase "to carry out the foreign policy".

(c) REINSURANCE.—Section 44304 is amended by—

(1) deleting subsection (b); and

(2) redesignating section 44304(a) as section 44304.

(d) PREMIUMS AND LIMITATIONS ON COVERAGE AND CLAIMS.—Section 44306 is amended—

(1) by redesignating sections 44306(b) and (c) as sections 44306(c) and (d);

(2) in section 44306(c), as redesignated, by inserting the phrase "in the interest of air commerce or the national security, or" before the phrase "to carry out the foreign policy"; and

(3) by inserting a new section 44306(b) to read

as follows:

"(b) Premium Rates for Reinsurance.—In setting premium rates for reinsurance, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practices, except for payments by the carrier for the stimulation or solicitation of insurance business.".

(e) LIMITATION OF LIABILITY.—Notwithstanding any other provision of law, for a period of 180 days from the date of enactment of this Act, no air carrier, or its officers, directors, employees or agents, shall be liable for damages of any kind or amount in connection with any claim of injury to property other than the aircraft involved or death or injury of persons other than aircraft passengers or crew that arises from an act of war or terrorism. Nothing in the foregoing sentence limits in any way the liability of air carriers for loss of or injury to the aircraft involved or injury or death of aircraft passengers or crew.

**TITLE IV—LIABILITY OF AIR CARRIERS FOR
INJURIES CAUSED BY ACTS OF TERRORISM
COMMITTED ON SEPTEMBER 11, 2001**

SEC. 401. SUBJECT MATTER JURISDICTION.

The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction to the full extent permissible under the Constitution of all civil actions against an air carrier for any claim, including injury, loss of property, personal injury, or death resulting from or related to the September 11, 2001, terrorist attacks. The United States shall be a necessary party-defendant in any such action.

**SEC. 402. JURISDICTION OF CLAIMS AGAINST PARTIES
OTHER THAN AIR CARRIERS.**

Notwithstanding any other statute, the United States District Court for the Southern District of New York also shall have original jurisdiction to the full extent permissible under the Constitution of a civil action against a defendant other than an air carrier for any claim, including for injury, loss of property, personal injury, or death, resulting from or related to the September 11, 2001, terrorist attacks. For purposes of this title, a corporation named as a defendant in any such action may elect to be deemed a citizen of the State in which it is incorporated, the State in which it has its principal place of business, or a State in which it engages in business. The United States District Court for the Southern District of New York shall have supplemental jurisdiction over claims by parties joined under Rules 14, 19, 20, 23, or 24 of the Federal Rules of Civil Procedure, and over parties seeking to intervene under Rule 24.

SEC. 403. REMOVAL.

Any civil action against an air carrier for injury, loss of property, personal injury, or death resulting from the September 11, 2001, terrorist attacks that is filed in state court shall be removable to the United States District Court for the Southern District of New York.

SEC. 404. CONSOLIDATION.

Any civil action against an air carrier filed in any federal court other than the United States District Court for the Southern District of New York for injury, loss of property, personal injury, or death resulting from the September 11, 2001, terrorist attacks shall be dismissed.

The United States District Court for the Southern District of New York shall consolidate all civil actions against air carriers subject to this title.

SEC. 405. RESPONSIBILITY OF UNITED STATES.

(a) GENERAL.—Consistent with and limited to the extent specified in subsection (b) below, the United States shall be responsible for payment of money damages awarded against an air carrier found liable in a civil action subject to this title if the combined sum of money damages awarded against the air carrier exceeds or has already exceeded the air carrier's applicable insurance coverage.

(b) AMOUNT OF DAMAGES.—In determining the amount of money damages for which the United States shall be responsible, the court shall calculate the plaintiff's damages, offset by:

(1) the amount, if any, covered by any policy of insurance maintained by or for the benefit of the air carrier or any amount to which the air carrier is entitled;

(2) any amount received by the plaintiff from the United States or any federal agency pursuant to any emergency or disaster relief program as a result of the September 11, 2001, terrorist attacks; and

(3) any amount received by or owed to the plaintiffs under any policy of insurance maintained by or for the benefit of the plaintiffs or any amount to which the plaintiffs are entitled.

SEC. 406. LIMITATION ON PUNITIVE DAMAGES.

Punitive damages, exemplary damages, and other damages not intended to compensate the plaintiff for actual losses shall not be available in any civil action

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/20/2001 7:55:09 AM
Subject: : Fwd:airline legislation.DOC
Attachments: P_7Y6S3004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])
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SUBJECT:: Fwd:airline legislation.DOC
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Kristen Silverberg
09/20/2001 11:48:26 AM
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cc:
Subject: Fwd:airline legislation.DOC

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Mark Behrens <MBEHRENS@shb.com>
09/20/2001 12:30:03 PM
Record Type: Record

To: Diana L. Schacht/OPD/EOP@EOP, Kirk Blalock/WHO/EOP@EOP, Kristen
Silverberg/WHO/EOP@EOP
cc: sjoyce@atra.org, Leah Lorber <LLORBER@shb.com>
Subject: Fwd:airline legislation.DOC

Yesterday, we were asked by the House Judiciary Committee counsel (Steve Pinkos and Paul Taylor) and Rep. DeLay's office (Drew Maloney) to provide some thoughts on liability legislative dealing with the tragedies of last week. We have also been keeping Sen. Hatch's Judiciary staff in the loop. Based on instructions from the House staff, Leah Lorber and I developed the attached draft. ATRA's Tiger Joyce provided useful input. We thought you might want to see the draft. If you have any questions, please call.--Mark.

Mark A. Behrens, Esq.
Shook, Hardy & Bacon, L.L.P.
Hamilton Square
600 14th Street, N.W., Suite 800
Washington, D.C. 20005-2004
Dir.: (202) 639-5621
Fax: (202) 783-4211
mbehrens@shb.com

REV_00132035

Date: Wed, 19 Sep 2001 17:14:46 -0500
From: "Leah Lorber" <LLORBER@shb.com>
Subject: airline legislation.DOC
To: drew.maloney@mail.house.gov, paul.taylor@mail.house.gov,
steve.pinkos@mail.house.gov
Cc: sjoyce@atra.org, "Mark Behrens" <MBEHRENS@shb.com>, "Victor Schwartz"
<VSCHWARTZ@shb.com>
MIME-version: 1.0
Content-type: multipart/mixed;
boundary="Boundary_(ID_k5TuGHLb+gdjgv2ePqUK1Q)"

Per your request, we have attached draft legislation regarding compensation for claims arising out of the September 11, 2001 terrorist activity. This draft legislation address the points we discussed today.

As we discussed, it provides an exclusive federal law cause of action (with substantive rules for decision based on state law). While drafted to address the 9/11 tragedy, the legislation is also drafted to address lawsuits arising out of any future aircraft terrorist activity.

The legislation places original jurisdiction over such claims in the federal district courts. Because the legislation addresses claims arising out of future terrorist acts as well, we thought it would be best either to give all federal courts jurisdiction and let the MDL panel determine which court will hear the cases, or give the U.S. District Court for the District of Columbia jurisdiction. We have drafted but have not attached language on the latter point; please let us know if you want it.

As we discussed, the draft legislation caps damages and injunctive relief costs to be awarded against defendants at their aggregate insurance policy limits, minus other recovery. As you requested, we also included a provision that Congress would investigate and pay damages in excess of the aggregate where such an action is merited. As you know, the Price Anderson Act amendments set up a procedure for similar payments in the event of lawsuits arising out of a nuclear disaster.

Please give me (202) 639-5638 or Mark (202) 639-5621 a call if you have any questions or comments. Thanks - Leah

- airlinel.DOC

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7Y6S3004_WHO.TXT_1>

REV_00132036

THE VICTIMS OF AIRCRAFT TERRORISM COMPENSATION ACT

Sec. 1. EXCLUSIVE REMEDY.

The exclusive remedy for injury or loss arising out of an aircraft terrorist incident shall be a claim for relief brought pursuant to the provisions of this Act. The jurisdiction conferred by this Act includes jurisdiction of any set-off, counterclaim, or other claim or demand whatever against any claimant commencing an action under this section. The laws of the States are expressly preempted to the extent they conflict with this Act.

Sec. 2. ORIGINAL JURISDICTION.

The United States district courts shall have exclusive original jurisdiction over any claim for relief brought pursuant to this Act, without regard to the citizenship of any party or the amount in controversy. Upon motion of any party, any such action pending in any State court (including any such action pending on ENACTMENT DATE) shall be removed to the United States district court.

Sec. 3. SUBSTANTIVE LAW.

The substantive rules for decision in any action for any claim for relief brought pursuant to this Act shall be derived from the law of the State in which the injury or loss occurred.

Sec. 4. RECOVERY.

(a) The total amount of all damages awarded and costs of injunctive relief imposed upon a defendant through judgment or settlement for all claims for relief brought against it under this Act, regardless of whether such claims are joined in one lawsuit, shall not exceed the aggregate limits of the defendant's applicable primary and excess insurance policies (as determined by the court) in effect on the date of the incident, minus any other recovery previously awarded.

(b) In the event of an aircraft terrorist incident involving damages in excess of the amount of aggregate insurance coverage described under subsection (a), the Congress will thoroughly review the particular incident and take whatever action is determined to be necessary (including approval of appropriate compensation plans and appropriation of funds) to provide full and prompt compensation to claimants for all claims for relief arising out of the subject incident.

Sec. 5. LIABILITY FOR NONECONOMIC LOSS.

Each defendant in a tort claim brought pursuant to this Act shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount

determined pursuant to the preceding sentence. [For purposes of determining the amount of noneconomic loss allocated to a defendant, the trier of fact shall determine the percentage of responsibility of each person for the claimant's harm, whether or not such person is a party to the action.]

Sec. 6. LIABILITY FOR PREJUDGMENT INTEREST.

Any defendant in an action brought pursuant to this Act shall not be liable for interest prior to judgment.

Sec. 7. PUNITIVE DAMAGES.

Any defendant in an action brought pursuant to this Act shall not be liable for punitive damages, exemplary damages, or any other damages awarded against any person or entity to punish or deter that person or entity, or others, from engaging in similar behavior in the future.

Sec. 8. ATTORNEY'S FEES.

In any action commenced pursuant to this Act, the amount of attorney's fees shall be reasonable and shall be subject to the discretion of the court. Notwithstanding the foregoing, no attorney shall charge, demand, receive, or collect for services rendered, contingency fees in excess of 20 per centum of any judgment rendered in or 15 per centum of any settlement of a claim brought under this Act. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery shall be had, shall be fined no more than \$2,000 or imprisoned not more than one year, or both.

Sec. 9. DEFINITIONS

For purposes of this title:

(1) **AIRCRAFT TERRORIST INCIDENT.**--The term "aircraft terrorist incident" means any incident involving the hijacking of any domestic aircraft or the hijacking of any aircraft in United States airspace, including but not limited to the hijacking and subsequent crashes involving American Airlines flights 11 or 77 or United Airlines flights 93 or 175 on September, 11, 2001.

(2) **CLAIM FOR RELIEF.**—The term "claim for relief" means claims for wrongful death, bodily harm, emotional distress accompanied by actual physical injury, property damage, noneconomic loss, direct economic loss, and consequential economic loss, the recovery of which is governed by the Uniform Commercial Code or analogous state commercial or contract law.

(3) **CLAIMANT.**—The term "claimant" means any person who brings an action covered by this Act and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's

decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(4) **ECONOMIC LOSS.**--The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(5) **NONECONOMIC LOSS.**—The term "noneconomic loss" means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(6) **STATE.**—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the foregoing.

Sec. 10. APPLICATION.

This Act applies to all claims for injury or loss arising out of an aircraft terrorist incident, regardless of whether the aircraft terrorist incident occurred before, on, or after the date of enactment of this Act.

Sec. 11. FEDERAL TORT CLAIMS ACT.

Nothing in this Act shall affect the application of the Federal Tort Claims Act.

From: CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO]
BCC: Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Noelia Rodriguez (Noelia Rodriguez/WHO/EOP@EOP [WHO]), Erin E. Healy (Erin E. Healy/WHO/EOP@EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP@EOP [WHO]), Gail Randall (Gail Randall/WHO/EOP@EOP [WHO]), Gregory Goss (Gregory Goss/WHO/EOP@EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Logan M. Walters (Logan M. Walters/WHO/EOP@EOP [WHO]), Christina D. Roberts (Christina D. Roberts/WHO/EOP@EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), Anthony J. Gibson (Anthony J. Gibson/OSTP/EOP@EOP [OSTP]), John D. Gibson (John D. Gibson/NSC/EOP@EOP [NSC]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP@EOP [WHO]), Jennifer K. Millerwise (Jennifer K. Millerwise/WHO/EOP@EOP [WHO]), Anne Womack (Anne Womack/WHO/EOP@EOP [WHO]), Brian Bravo (Brian Bravo/WHO/EOP@EOP [WHO]), Candida P. Wolff (Candida P. Wolff/OVP/EOP@EOP [OVP]), Harry W. Wolff (Harry W. Wolff/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Rachael L. Sunbarger (Rachael L. Sunbarger/WHO/EOP@EOP [WHO]), Reed Dickens (Reed Dickens/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), John W. Howard (John W. Howard/WHO/EOP@EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Townsend_L._McNitt@oa.eop.gov (Townsend_L._McNitt@oa.eop.gov @ inet [UNKNOWN]), Scott Jeffcoat (Scott Jeffcoat/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), L. Camille Welborn (L. Camille Welborn/WHO/EOP@EOP [WHO]), Karl C. Rove (Karl C. Rove/WHO/EOP@EOP [WHO]), Susan B. Ralston (Susan B. Ralston/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), William_S._Clark@oa.eop.gov (William_S._Clark@oa.eop.gov @ inet [UNKNOWN]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), John_Gardner@oa.eop.gov (John_Gardner@oa.eop.gov @ inet [UNKNOWN]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D.

BCC:jcram@rnchq.org (jcram@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Kevin_J._Martin@oa.eop.gov (Kevin_J._Martin@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:mcrawford@doc.gov (mcrawford@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN])
READ:UNKNOWN
BCC:craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:POnnuru@ix.netcom.com (POnnuru@ix.netcom.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:oliver.north@msnbc.com (oliver.north@msnbc.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN])
READ:UNKNOWN
BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:blewis@rnchq.org (blewis@rnchq.org @ inet [OVP])
READ:UNKNOWN
BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris B. Nagel (CN=Chris B. Nagel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Beverly J. Ward (CN=Beverly J. Ward/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Helen R. Mobley (CN=Helen R. Mobley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sydney R. Johnson (CN=Sydney R. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])

READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Karen Y. Knutson (CN=Karen Y. Knutson/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
BCC:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:RGustafson@rnchq.org (RGustafson@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Anthony K. Crawford (CN=Anthony K. Crawford/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sspicer@nrcc.org (sspicer@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:cmay@bsmg.com (cmay@bsmg.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:tnelson@dmnmedia.com (tnelson@dmnmedia.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kyle.downey@mail.house.gov (kyle.downey@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Anne C. Guilsher (CN=Anne C. Guilsher/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Michael Davis (CN=Michael Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:joliver@rnchq.org (joliver@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:bhazelwood@rnchq.org (bhazelwood@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:ekutler@cwdc.com (ekutler@cwdc.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.mcmanus@mail.phrma.org (john.mcmanus@mail.phrma.org [UNKNOWN])
READ:UNKNOWN
BCC:ssstyles@bbchb.com (sstyles@bbchb.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.herglotz@usda.gov (kevin.herglotz@usda.gov [UNKNOWN])
READ:UNKNOWN
BCC:ksheridan@rnchq.org (ksheridan@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:byronyork@att.net (byronyork@att.net @ inet [UNKNOWN])
READ:UNKNOWN
BCC:bishopn@state.gov (bishopn@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:englandMP@state.gov (englandMP@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:rncresearch@rnchq.org (rncresearch@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
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Attached are talking points for tonight's speech.

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Montgomery/WHO/EOP@EOP [WHO]), Heather L. West (Heather L. West/WHO/EOP@EOP [WHO]), Gregory_J._Jenkins@oa.eop.gov (Gregory_J._Jenkins@oa.eop.gov @ inet [UNKNOWN]), Tobin_K._Harvey@oa.eop.gov (Tobin_K._Harvey@oa.eop.gov @ inet [UNKNOWN]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP@EOP [WHO]), Amanda L. Moore (Amanda L. Moore/WHO/EOP@EOP [WHO]), Danner R. Bethel (Danner R. Bethel/WHO/EOP@EOP [WHO]), Mary Elizabeth Farr (Mary Elizabeth Farr/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Ashley M. Snee (Ashley M. Snee/OVP/EOP@EOP [OVP]), Debra Heiden (Debra Heiden/OVP/EOP@EOP [OVP]), Douglas_D._McCormick@oa.eop.gov (Douglas_D._McCormick@oa.eop.gov @ inet [UNKNOWN]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), I._Lewis_Libby@oa.eop.gov (I._Lewis_Libby@oa.eop.gov @ inet [UNKNOWN]), Charles D. McGrath Jr (Charles D. McGrath Jr/OVP/EOP@EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP/EOP@EOP [OVP]), Ethan A. Hastert (Ethan A. Hastert/OVP/EOP@EOP [OVP]), Juleanna R. Glover (Juleanna R. Glover/OVP/EOP@EOP [OVP]), Megan D. Moran (Megan D. Moran/OVP/EOP@EOP [OVP]), David S. Addington (David S. Addington/OVP/EOP@EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP@EOP [OVP]), Ronald I. Christie (Ronald I. Christie/OVP/EOP@EOP [OVP]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Margita N. Thompson (Margita N. Thompson/OVP/EOP@EOP [OVP]), Nancy P. Dorn (Nancy P. Dorn/WHO/EOP@EOP [WHO]), Stephen S. Ruhlen (Stephen S. Ruhlen/OVP/EOP@EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OVP/EOP@EOP [OVP]), Elizabeth W. Kleppe (Elizabeth W. Kleppe/OVP/EOP@EOP [OVP]), Debra R. Dunn (Debra R. Dunn/OVP/EOP@EOP [WHO]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Donald_M._Sumerlin@oa.eop.gov (Donald_M._Sumerlin@oa.eop.gov @ inet [UNKNOWN]), Eric C. Pelletier (Eric C. Pelletier/OMB/EOP@EOP [OMB]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP@EOP [OMB]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), Josephine B. Robinson (Josephine B. Robinson/WHO/EOP@EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Colleen Litkenhaus (Colleen Litkenhaus/WHO/EOP@EOP [WHO]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN]), nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN]), roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN]), cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Don E. Eberly (Don E. Eberly/WHO/EOP@EOP [WHO]), Lisa T. Cummins (Lisa T. Cummins/WHO/EOP@EOP [UNKNOWN]), Mark_V._Scott@oa.eop.gov (Mark_V._Scott@oa.eop.gov @ inet [UNKNOWN]), Michele H. Tennery (Michele H. Tennery/WHO/EOP@EOP [WHO]), Carrie W. Click (Carrie W. Click/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), jcram@rnchq.org (jcram@rnchq.org @ inet [UNKNOWN]),

dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Kevin_J._Martin@oa.eop.gov (Kevin_J._Martin@oa.eop.gov @ inet [UNKNOWN]), Adrian G. Gray (Adrian G. Gray/WHO/EOP@EOP [WHO]), mc Crawford@doc.gov (mc Crawford@doc.gov @ inet [UNKNOWN]), maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN]), Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN]), chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN]), m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN]), roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN]), mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN]), Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN]), craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN]), Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), Anne Trenolone (Anne Trenolone/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Ponnuru@ix.netcom.com (Ponnuru@ix.netcom.com @ inet [UNKNOWN]), dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN]), dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN]), oliver.north@msnbc.com (oliver.north@msnbc.com @ inet [UNKNOWN]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP@EOP [OPD]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP@EOP [WHO]), Terry C. Miller (Terry C. Miller/WHO/EOP@EOP [WHO]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), Laura S. Lawlor (Laura S. Lawlor/WHO/EOP@EOP [WHO]), brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), blewis@rnchq.org (blewis@rnchq.org @ inet [OVP]), Charles P. Blahous (Charles P. Blahous/OPD/EOP@EOP [OPD]), Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN]), Matthew W. Lindley (Matthew W. Lindley/WHO/EOP@EOP [WHO]), Chris B. Nagel (Chris B. Nagel/WHO/EOP@EOP [WHO]), Melissa L. McAdoo (Melissa L. McAdoo/WHO/EOP@EOP [WHO]), Kristen L. Hughes (Kristen L. Hughes/WHO/EOP@EOP [WHO]), Robert T. Pratt Jr (Robert T. Pratt Jr/WHO/EOP@EOP [WHO]), Beverly J. Ward (Beverly J. Ward/WHO/EOP@EOP [WHO]), Deborah K. Hair (Deborah K. Hair/WHO/EOP@EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP@EOP [OPD]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Traci R. Campbell (Traci R. Campbell/WHO/EOP@EOP [WHO]), James E. Carter (James E. Carter/OPD/EOP@EOP [OPD]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Debra D. Bird (Debra D. Bird/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Helen R. Mobley (Helen R. Mobley/WHO/EOP@EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Desiree T. Sayle (Desiree T. Sayle/WHO/EOP@EOP [WHO]), Sydney R. Johnson (Sydney R. Johnson/WHO/EOP@EOP [WHO]), Sara B. McIntosh (Sara B. McIntosh/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Sonya E. Medina (Sonya E. Medina/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Eleanor L. Gillmor (Eleanor L.

Gillmor/OPD/EOP@EOP [OPD]), Tiffany L. Barfield (Tiffany L. Barfield/OPD/EOP@EOP [OPD]), David F. Lussier (David F. Lussier/OPD/EOP@EOP [OPD]), Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN]), rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN]), Neil S. Patel (Neil S. Patel/OVP/EOP@EOP [OVP]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @ inet [UNKNOWN]), gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN]), margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN]), lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN]), Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN]), melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN]), ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN]), paige.ralston@mail.house.gov (paige.ralston@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), cforti@nrcc.org (cforti@nrcc.org @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Karen Y. Knutson (Karen Y. Knutson/OVP/EOP@EOP [OVP]), Leslie A. Mooney (Leslie A. Mooney/OPD/EOP@EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN]), greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Mark McClellan (Mark McClellan/CEA/EOP@EOP [CEA]), Dirksen Lehman (Dirksen Lehman/WHO/EOP@EOP [WHO]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP@EOP [OPD]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Heather Wingate (Heather Wingate/WHO/EOP@EOP [WHO]), ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN]), jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN]), melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN]), cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), RGustafson@rnchq.org (RGustafson@rnchq.org @ inet [UNKNOWN]), Anthony K. Crawford (Anthony K. Crawford/NSC/EOP@EOP [NSC]), Ashleigh A. Adams (Ashleigh A. Adams/WHO/EOP@EOP [WHO]), sspicer@nrcc.org (sspicer@nrcc.org @ inet [UNKNOWN]), Michelle N. Brawer (Michelle N. Brawer/WHO/EOP@EOP [WHO]), cmay@bsmg.com (cmay@bsmg.com @ inet [UNKNOWN]), tnelson@dmnmedia.com (tnelson@dmnmedia.com @ inet [UNKNOWN]), kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]), kyle.downey@mail.house.gov (kyle.downey@mail.house.gov @ inet [UNKNOWN]), Anne C. Guilsher (Anne C. Guilsher/NSC/EOP@EOP [NSC]), Michael Davis (Michael Davis/WHO/EOP@EOP [WHO]), joliver@rnchq.org (joliver@rnchq.org @ inet [UNKNOWN]), bhazelwood@rnchq.org (bhazelwood@rnchq.org @ inet [UNKNOWN]), ekutler@cwdc.com (ekutler@cwdc.com @ inet [UNKNOWN]), john.mcmanus@mail.phrma.org (john.mcmanus@mail.phrma.org [UNKNOWN]), sstyles@bbchb.com (sstyles@bbchb.com @ inet [UNKNOWN]), kevin.herglotz@usda.gov (kevin.herglotz@usda.gov [UNKNOWN]), ksheridan@rnchq.org (ksheridan@rnchq.org @ inet [UNKNOWN]), byronyork@att.net (byronyork@att.net @ inet [UNKNOWN]), bishopn@state.gov (bishopn@state.gov @ inet [UNKNOWN]), englandMP@state.gov (englandMP@state.gov @ inet [UNKNOWN]), rncresearch@rnchq.org (rncresearch@rnchq.org @ inet [UNKNOWN])

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CREATION DATE/TIME:20-SEP-2001 20:53:19.00

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BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])

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BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

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BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

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BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

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BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP@EOP [OSTP])

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BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

BCC:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Reed Dickens (CN=Reed Dickens/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
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BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
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BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
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BCC:Townsend_L_McNitt@oa.eop.gov (Townsend_L_McNitt@oa.eop.gov @ inet [UNKNOWN])
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BCC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
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BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
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BCC:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
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BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:William_S._Clark@oa.eop.gov (William_S._Clark@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
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BCC:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
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BCC:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John_Gardner@oa.eop.gov (John_Gardner@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
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BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
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BCC:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heather L. West (CN=Heather L. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gregory_J._Jenkins@oa.eop.gov (Gregory_J._Jenkins@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Tobin_K._Harvey@oa.eop.gov (Tobin_K._Harvey@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Amanda L. Moore (CN=Amanda L. Moore/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [WHO])
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BCC:Mary Elizabeth Farr (CN=Mary Elizabeth Farr/OU=WHO/O=EOP@EOP [WHO])
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BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
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BCC:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:Douglas_D._McCormick@oa.eop.gov (Douglas_D._McCormick@oa.eop.gov @ inet [UNKNOWN])
 READ:UNKNOWN
 BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:I._Lewis_Libby@oa.eop.gov (I._Lewis_Libby@oa.eop.gov @ inet [UNKNOWN])
 READ:UNKNOWN
 BCC:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])
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 BCC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Margita N. Thompson (CN=Margita N. Thompson/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
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 BCC:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
 READ:UNKNOWN
 BCC:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:Donald_M._Sumerlin@oa.eop.gov (Donald_M._Sumerlin@oa.eop.gov @ inet [UNKNOWN])
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 BCC:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 BCC:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
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 BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
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 BCC:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN])
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 BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
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 BCC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
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 BCC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
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 BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

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BCC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN])
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BCC:nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN])
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BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Mark_V._Scott@oa.eop.gov (Mark_V._Scott@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

The President's Address to Congress

- America is a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. **Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done.**
- The President thanks Congress for its patriotic spirit of bipartisanship and efforts to deliver \$40 billion in relief to help rebuild America's communities and meet the needs of our military. The President also is grateful to many world leaders and nations who have joined the war against terrorism.
- On September 11 enemies of freedom committed an act of war against our country. Americans have known wars – but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941.

Who attacked our country?

- The evidence we have gathered all points to a collection of loosely affiliated terrorist organizations known as al-Qaida. They are the same murderers indicted for bombing American embassies in Tanzania and Kenya, and responsible for the bombing of the *U.S.S. Cole*. **Al-Qaida is to terror what the mafia is to crime.** The leadership of al-Qaida has great influence in Afghanistan, and supports the Taliban regime in controlling most of that country.
- **The United States respects the people of Afghanistan but we condemn the Taliban regime.** By aiding and abetting murder, the Taliban regime is committing murder. **The United States of America makes the following demands on the Taliban:**
 - ✓ Deliver to United States authorities all the leaders of al-Qaida who hide in your land.
 - ✓ Release all foreign nationals – including American citizens – you have unjustly imprisoned, and protect foreign journalists, diplomats, and aid workers in your country.
 - ✓ Close immediately and permanently every terrorist training camp in Afghanistan and hand over every terrorist, and every person in their support structure, to appropriate authorities.
 - ✓ Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.
- **These demands are not open to negotiation or discussion. The Taliban must act and act immediately. They will hand over the terrorists, or they will share in their fate.**
- Our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.
- The President wants Muslims throughout the world to know that America respects their faith. It is practiced freely by many millions of Americans, and by millions more in countries that America counts as friends. Its teachings are good and peaceful, and those who commit evil in the name of Allah blaspheme the name of Allah.
- **These terrorists kill not merely to end lives, but to disrupt and end a way of life. By sacrificing human life to serve their radical visions – by abandoning every value except the will to power – they follow in the path of fascism, and Nazism, and totalitarianism. And they will follow that path all the way, to where it ends: in history's unmarked grave of discarded lies.**

How Will America Win this war?

- We will direct every resource at our command – every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war – to the disruption and defeat of the global terror network.
- This war will not be like the war against Iraq a decade ago, with its decisive liberation of territory and its swift conclusion. It will not look like the air war above Kosovo two years ago, where no ground troops were used and not a single American was lost in combat. Americans should not expect one battle, but a lengthy campaign, unlike any other we have seen.
- We will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.
- The President will create a Cabinet-level Office of Homeland Security. This office will oversee a national strategy to safeguard our country against terrorism, and respond to any attacks that may come.

What the President is asking from Americans:

- Uphold the values of America, and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them. No one should be singled out for unfair treatment or unkind words because of their ethnic background or religious faith.
- Continue to support the victims of this tragedy with your contributions. Those who want to give can go to a central source of information, libertyunites.org, to find the names of groups providing direct help in New York, Pennsylvania, and Virginia.
- Continue to be patient and have confidence in the American economy.

The President will work with Congress to:

- Improve air safety, to dramatically expand the number of air marshals on domestic flights, and take new measures to prevent hijacking. We will come together to promote stability and keep our airlines flying with direct assistance during this emergency.
- Give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities to know the plans of terrorists before they act, and find them before they strike.
- Show the world that we will rebuild New York City.

From: CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO]
BCC: Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Noelia Rodriguez (Noelia Rodriguez/WHO/EOP@EOP [WHO]), Erin E. Healy (Erin E. Healy/WHO/EOP@EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP@EOP [WHO]), Gail Randall (Gail Randall/WHO/EOP@EOP [WHO]), Gregory Goss (Gregory Goss/WHO/EOP@EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Logan M. Walters (Logan M. Walters/WHO/EOP@EOP [WHO]), Christina D. Roberts (Christina D. Roberts/WHO/EOP@EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), Anthony J. Gibson (Anthony J. Gibson/OSTP/EOP@EOP [OSTP]), John D. Gibson (John D. Gibson/NSC/EOP@EOP [NSC]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP@EOP [WHO]), Jennifer K. Millerwise (Jennifer K. Millerwise/WHO/EOP@EOP [WHO]), Anne Womack (Anne Womack/WHO/EOP@EOP [WHO]), Brian Bravo (Brian Bravo/WHO/EOP@EOP [WHO]), Candida P. Wolff (Candida P. Wolff/OVP/EOP@EOP [OVP]), Harry W. Wolff (Harry W. Wolff/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Rachael L. Sunbarger (Rachael L. Sunbarger/WHO/EOP@EOP [WHO]), Reed Dickens (Reed Dickens/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), John W. Howard (John W. Howard/WHO/EOP@EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Townsend_L._McNitt@oa.eop.gov (Townsend_L._McNitt@oa.eop.gov @ inet [UNKNOWN]), Scott Jeffcoat (Scott Jeffcoat/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), L. Camille Welborn (L. Camille Welborn/WHO/EOP@EOP [WHO]), Karl C. Rove (Karl C. Rove/WHO/EOP@EOP [WHO]), Susan B. Ralston (Susan B. Ralston/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), William_S._Clark@oa.eop.gov (William_S._Clark@oa.eop.gov @ inet [UNKNOWN]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), John_Gardner@oa.eop.gov (John_Gardner@oa.eop.gov @ inet [UNKNOWN]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D.

BCC:jcram@rnchq.org (jcram@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Kevin_J._Martin@oa.eop.gov (Kevin_J._Martin@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:mcrawford@doc.gov (mcrawford@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN])
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BCC:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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READ:UNKNOWN
BCC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN])
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BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:blewis@rnchq.org (blewis@rnchq.org @ inet [OVP])
READ:UNKNOWN
BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
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BCC:Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN])
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BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

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BCC:RGustafson@rnchq.org (RGustafson@rnchq.org @ inet [UNKNOWN])
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BCC:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sspicer@nrcc.org (sspicer@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:cmay@bsmg.com (cmay@bsmg.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:tnelson@dmnmedia.com (tnelson@dmnmedia.com @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:kyle.downey@mail.house.gov (kyle.downey@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Anne C. Guilsher (CN=Anne C. Guilsher/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Michael Davis (CN=Michael Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:joliver@rnchq.org (joliver@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:bhazelwood@rnchq.org (bhazelwood@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:ekutler@cwdc.com (ekutler@cwdc.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.mcmanus@mail.phrma.org (john.mcmanus@mail.phrma.org [UNKNOWN])
READ:UNKNOWN
BCC:ssstyles@bbchb.com (sstyles@bbchb.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.herglotz@usda.gov (kevin.herglotz@usda.gov [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
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Attached are talking points for tonight's speech.

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Montgomery/WHO/EOP@EOP [WHO]), Heather L. West (Heather L. West/WHO/EOP@EOP [WHO]), Gregory_J._Jenkins@oa.eop.gov (Gregory_J._Jenkins@oa.eop.gov @ inet [UNKNOWN]), Tobin_K._Harvey@oa.eop.gov (Tobin_K._Harvey@oa.eop.gov @ inet [UNKNOWN]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP@EOP [WHO]), Amanda L. Moore (Amanda L. Moore/WHO/EOP@EOP [WHO]), Danner R. Bethel (Danner R. Bethel/WHO/EOP@EOP [WHO]), Mary Elizabeth Farr (Mary Elizabeth Farr/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Ashley M. Snee (Ashley M. Snee/OVP/EOP@EOP [OVP]), Debra Heiden (Debra Heiden/OVP/EOP@EOP [OVP]), Douglas_D._McCormick@oa.eop.gov (Douglas_D._McCormick@oa.eop.gov @ inet [UNKNOWN]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), I._Lewis_Libby@oa.eop.gov (I._Lewis_Libby@oa.eop.gov @ inet [UNKNOWN]), Charles D. McGrath Jr (Charles D. McGrath Jr/OVP/EOP@EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP/EOP@EOP [OVP]), Ethan A. Hastert (Ethan A. Hastert/OVP/EOP@EOP [OVP]), Juleanna R. Glover (Juleanna R. Glover/OVP/EOP@EOP [OVP]), Megan D. Moran (Megan D. Moran/OVP/EOP@EOP [OVP]), David S. Addington (David S. Addington/OVP/EOP@EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP@EOP [OVP]), Ronald I. Christie (Ronald I. Christie/OVP/EOP@EOP [OVP]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Margita N. Thompson (Margita N. Thompson/OVP/EOP@EOP [OVP]), Nancy P. Dorn (Nancy P. Dorn/WHO/EOP@EOP [WHO]), Stephen S. Ruhlen (Stephen S. Ruhlen/OVP/EOP@EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OVP/EOP@EOP [OVP]), Elizabeth W. Kleppe (Elizabeth W. Kleppe/OVP/EOP@EOP [OVP]), Debra R. Dunn (Debra R. Dunn/OVP/EOP@EOP [WHO]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Donald_M._Sumerlin@oa.eop.gov (Donald_M._Sumerlin@oa.eop.gov @ inet [UNKNOWN]), Eric C. Pelletier (Eric C. Pelletier/OMB/EOP@EOP [OMB]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP@EOP [OMB]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), Josephine B. Robinson (Josephine B. Robinson/WHO/EOP@EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Colleen Litkenhaus (Colleen Litkenhaus/WHO/EOP@EOP [WHO]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN]), nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN]), roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN]), cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Don E. Eberly (Don E. Eberly/WHO/EOP@EOP [WHO]), Lisa T. Cummins (Lisa T. Cummins/WHO/EOP@EOP [UNKNOWN]), Mark_V._Scott@oa.eop.gov (Mark_V._Scott@oa.eop.gov @ inet [UNKNOWN]), Michele H. Tennery (Michele H. Tennery/WHO/EOP@EOP [WHO]), Carrie W. Click (Carrie W. Click/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), jcram@rnchq.org (jcram@rnchq.org @ inet [UNKNOWN]),

dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Kevin_J._Martin@oa.eop.gov (Kevin_J._Martin@oa.eop.gov @ inet [UNKNOWN]), Adrian G. Gray (Adrian G. Gray/WHO/EOP@EOP [WHO]), mc Crawford@doc.gov (mc Crawford@doc.gov @ inet [UNKNOWN]), maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN]), Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN]), chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN]), m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN]), roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN]), mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN]), Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN]), craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN]), Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), Anne Trenolone (Anne Trenolone/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Ponnuru@ix.netcom.com (Ponnuru@ix.netcom.com @ inet [UNKNOWN]), dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN]), dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN]), oliver.north@msnbc.com (oliver.north@msnbc.com @ inet [UNKNOWN]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP@EOP [OPD]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP@EOP [WHO]), Terry C. Miller (Terry C. Miller/WHO/EOP@EOP [WHO]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), Laura S. Lawlor (Laura S. Lawlor/WHO/EOP@EOP [WHO]), brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), blewis@rnchq.org (blewis@rnchq.org @ inet [OVP]), Charles P. Blahous (Charles P. Blahous/OPD/EOP@EOP [OPD]), Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN]), Matthew W. Lindley (Matthew W. Lindley/WHO/EOP@EOP [WHO]), Chris B. Nagel (Chris B. Nagel/WHO/EOP@EOP [WHO]), Melissa L. McAdoo (Melissa L. McAdoo/WHO/EOP@EOP [WHO]), Kristen L. Hughes (Kristen L. Hughes/WHO/EOP@EOP [WHO]), Robert T. Pratt Jr (Robert T. Pratt Jr/WHO/EOP@EOP [WHO]), Beverly J. Ward (Beverly J. Ward/WHO/EOP@EOP [WHO]), Deborah K. Hair (Deborah K. Hair/WHO/EOP@EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP@EOP [OPD]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Traci R. Campbell (Traci R. Campbell/WHO/EOP@EOP [WHO]), James E. Carter (James E. Carter/OPD/EOP@EOP [OPD]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Debra D. Bird (Debra D. Bird/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Helen R. Mobley (Helen R. Mobley/WHO/EOP@EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Desiree T. Sayle (Desiree T. Sayle/WHO/EOP@EOP [WHO]), Sydney R. Johnson (Sydney R. Johnson/WHO/EOP@EOP [WHO]), Sara B. McIntosh (Sara B. McIntosh/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Sonya E. Medina (Sonya E. Medina/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Eleanor L. Gillmor (Eleanor L.

Gillmor/OPD/EOP@EOP [OPD]), Tiffany L. Barfield (Tiffany L. Barfield/OPD/EOP@EOP [OPD]), David F. Lussier (David F. Lussier/OPD/EOP@EOP [OPD]), Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN]), rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN]), Neil S. Patel (Neil S. Patel/OVP/EOP@EOP [OVP]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @ inet [UNKNOWN]), gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN]), margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN]), lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN]), Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN]), melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN]), ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN]), paige.ralston@mail.house.gov (paige.ralston@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), cforti@nrcc.org (cforti@nrcc.org @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Karen Y. Knutson (Karen Y. Knutson/OVP/EOP@EOP [OVP]), Leslie A. Mooney (Leslie A. Mooney/OPD/EOP@EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN]), greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Mark McClellan (Mark McClellan/CEA/EOP@EOP [CEA]), Dirksen Lehman (Dirksen Lehman/WHO/EOP@EOP [WHO]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP@EOP [OPD]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Heather Wingate (Heather Wingate/WHO/EOP@EOP [WHO]), ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN]), jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN]), melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN]), cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), RGustafson@rnchq.org (RGustafson@rnchq.org @ inet [UNKNOWN]), Anthony K. Crawford (Anthony K. Crawford/NSC/EOP@EOP [NSC]), Ashleigh A. Adams (Ashleigh A. Adams/WHO/EOP@EOP [WHO]), sspicer@nrcc.org (sspicer@nrcc.org @ inet [UNKNOWN]), Michelle N. Brawer (Michelle N. Brawer/WHO/EOP@EOP [WHO]), cmay@bsmg.com (cmay@bsmg.com @ inet [UNKNOWN]), tnelson@dmnmedia.com (tnelson@dmnmedia.com @ inet [UNKNOWN]), kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]), kyle.downey@mail.house.gov (kyle.downey@mail.house.gov @ inet [UNKNOWN]), Anne C. Guilsher (Anne C. Guilsher/NSC/EOP@EOP [NSC]), Michael Davis (Michael Davis/WHO/EOP@EOP [WHO]), joliver@rnchq.org (joliver@rnchq.org @ inet [UNKNOWN]), bhazelwood@rnchq.org (bhazelwood@rnchq.org @ inet [UNKNOWN]), ekutler@cwdc.com (ekutler@cwdc.com @ inet [UNKNOWN]), john.mcmanus@mail.phrma.org (john.mcmanus@mail.phrma.org [UNKNOWN]), sstyles@bbchb.com (sstyles@bbchb.com @ inet [UNKNOWN]), kevin.herglotz@usda.gov (kevin.herglotz@usda.gov [UNKNOWN]), ksheridan@rnchq.org (ksheridan@rnchq.org @ inet [UNKNOWN]), byronyork@att.net (byronyork@att.net @ inet [UNKNOWN]), bishopn@state.gov (bishopn@state.gov @ inet [UNKNOWN]), englandMP@state.gov (englandMP@state.gov @ inet [UNKNOWN]), rncresearch@rnchq.org (rncresearch@rnchq.org @ inet [UNKNOWN])

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REV_00132064

Subject: : The President's Address to Congress
Attachments: P_1NOS3004_OPD.TXT_1.doc

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CREATOR:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-SEP-2001 20:53:19.00

SUBJECT:: The President's Address to Congress

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BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

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BCC:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN

BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])

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BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

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BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

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BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

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BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

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BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP@EOP [OSTP])

READ:UNKNOWN

BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

BCC:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
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BCC:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
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BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
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BCC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
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BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
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BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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BCC:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
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BCC:Heather L. West (CN=Heather L. West/OU=WHO/O=EOP@EOP [WHO])
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BCC:Gregory_J._Jenkins@oa.eop.gov (Gregory_J._Jenkins@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Tobin_K._Harvey@oa.eop.gov (Tobin_K._Harvey@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Amanda L. Moore (CN=Amanda L. Moore/OU=WHO/O=EOP@EOP [WHO])
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BCC:Mary Elizabeth Farr (CN=Mary Elizabeth Farr/OU=WHO/O=EOP@EOP [WHO])
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BCC:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
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BCC:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
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BCC:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
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BCC:Douglas_D._McCormick@oa.eop.gov (Douglas_D._McCormick@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:I._Lewis_Libby@oa.eop.gov (I._Lewis_Libby@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [OVP])
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BCC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
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BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
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BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP [OVP])
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BCC:Margita N. Thompson (CN=Margita N. Thompson/OU=OVP/O=EOP@EOP [OVP])
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BCC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
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BCC:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
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BCC:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Donald_M._Sumerlin@oa.eop.gov (Donald_M._Sumerlin@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

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BCC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN])
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BCC:cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Mark_V._Scott@oa.eop.gov (Mark_V._Scott@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

The President's Address to Congress

- America is a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. **Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done.**
- The President thanks Congress for its patriotic spirit of bipartisanship and efforts to deliver \$40 billion in relief to help rebuild America's communities and meet the needs of our military. The President also is grateful to many world leaders and nations who have joined the war against terrorism.
- On September 11 enemies of freedom committed an act of war against our country. Americans have known wars – but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941.

Who attacked our country?

- The evidence we have gathered all points to a collection of loosely affiliated terrorist organizations known as al-Qaida. They are the same murderers indicted for bombing American embassies in Tanzania and Kenya, and responsible for the bombing of the *U.S.S. Cole*. **Al-Qaida is to terror what the mafia is to crime.** The leadership of al-Qaida has great influence in Afghanistan, and supports the Taliban regime in controlling most of that country.
- **The United States respects the people of Afghanistan but we condemn the Taliban regime.** By aiding and abetting murder, the Taliban regime is committing murder. **The United States of America makes the following demands on the Taliban:**
 - ✓ Deliver to United States authorities all the leaders of al-Qaida who hide in your land.
 - ✓ Release all foreign nationals – including American citizens – you have unjustly imprisoned, and protect foreign journalists, diplomats, and aid workers in your country.
 - ✓ Close immediately and permanently every terrorist training camp in Afghanistan and hand over every terrorist, and every person in their support structure, to appropriate authorities.
 - ✓ Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.
- **These demands are not open to negotiation or discussion. The Taliban must act and act immediately. They will hand over the terrorists, or they will share in their fate.**
- Our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.
- The President wants Muslims throughout the world to know that America respects their faith. It is practiced freely by many millions of Americans, and by millions more in countries that America counts as friends. Its teachings are good and peaceful, and those who commit evil in the name of Allah blaspheme the name of Allah.
- **These terrorists kill not merely to end lives, but to disrupt and end a way of life. By sacrificing human life to serve their radical visions – by abandoning every value except the will to power – they follow in the path of fascism, and Nazism, and totalitarianism. And they will follow that path all the way, to where it ends: in history's unmarked grave of discarded lies.**

How Will America Win this war?

- We will direct every resource at our command – every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war – to the disruption and defeat of the global terror network.
- This war will not be like the war against Iraq a decade ago, with its decisive liberation of territory and its swift conclusion. It will not look like the air war above Kosovo two years ago, where no ground troops were used and not a single American was lost in combat. Americans should not expect one battle, but a lengthy campaign, unlike any other we have seen.
- We will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.
- The President will create a Cabinet-level Office of Homeland Security. This office will oversee a national strategy to safeguard our country against terrorism, and respond to any attacks that may come.

What the President is asking from Americans:

- Uphold the values of America, and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them. No one should be singled out for unfair treatment or unkind words because of their ethnic background or religious faith.
- Continue to support the victims of this tragedy with your contributions. Those who want to give can go to a central source of information, libertyunites.org, to find the names of groups providing direct help in New York, Pennsylvania, and Virginia.
- Continue to be patient and have confidence in the American economy.

The President will work with Congress to:

- Improve air safety, to dramatically expand the number of air marshals on domestic flights, and take new measures to prevent hijacking. We will come together to promote stability and keep our airlines flying with direct assistance during this emergency.
- Give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities to know the plans of terrorists before they act, and find them before they strike.
- Show the world that we will rebuild New York City.

From: CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO]
BCC: Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Noelia Rodriguez (Noelia Rodriguez/WHO/EOP@EOP [WHO]), Erin E. Healy (Erin E. Healy/WHO/EOP@EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP@EOP [WHO]), Gail Randall (Gail Randall/WHO/EOP@EOP [WHO]), Gregory Goss (Gregory Goss/WHO/EOP@EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Logan M. Walters (Logan M. Walters/WHO/EOP@EOP [WHO]), Christina D. Roberts (Christina D. Roberts/WHO/EOP@EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), Anthony J. Gibson (Anthony J. Gibson/OSTP/EOP@EOP [OSTP]), John D. Gibson (John D. Gibson/NSC/EOP@EOP [NSC]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP@EOP [WHO]), Jennifer K. Millerwise (Jennifer K. Millerwise/WHO/EOP@EOP [WHO]), Anne Womack (Anne Womack/WHO/EOP@EOP [WHO]), Brian Bravo (Brian Bravo/WHO/EOP@EOP [WHO]), Candida P. Wolff (Candida P. Wolff/OVP/EOP@EOP [OVP]), Harry W. Wolff (Harry W. Wolff/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Rachael L. Sunbarger (Rachael L. Sunbarger/WHO/EOP@EOP [WHO]), Reed Dickens (Reed Dickens/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), John W. Howard (John W. Howard/WHO/EOP@EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Townsend_L._McNitt@oa.eop.gov (Townsend_L._McNitt@oa.eop.gov @ inet [UNKNOWN]), Scott Jeffcoat (Scott Jeffcoat/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), L. Camille Welborn (L. Camille Welborn/WHO/EOP@EOP [WHO]), Karl C. Rove (Karl C. Rove/WHO/EOP@EOP [WHO]), Susan B. Ralston (Susan B. Ralston/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), William_S._Clark@oa.eop.gov (William_S._Clark@oa.eop.gov @ inet [UNKNOWN]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), John_Gardner@oa.eop.gov (John_Gardner@oa.eop.gov @ inet [UNKNOWN]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D.

BCC:jcram@rnchq.org (jcram@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Kevin_J._Martin@oa.eop.gov (Kevin_J._Martin@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:mcrawford@doc.gov (mcrawford@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN])
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BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
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READ:UNKNOWN
BCC:Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])
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BCC:brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN])
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BCC:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sspicer@nrcc.org (sspicer@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:cmay@bsmg.com (cmay@bsmg.com @ inet [UNKNOWN])
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BCC:tnelson@dmnmedia.com (tnelson@dmnmedia.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kyle.downey@mail.house.gov (kyle.downey@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Anne C. Guilsher (CN=Anne C. Guilsher/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
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READ:UNKNOWN
BCC:joliver@rnchq.org (joliver@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:bhazelwood@rnchq.org (bhazelwood@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:ekutler@cwdc.com (ekutler@cwdc.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:john.mcmanus@mail.phrma.org (john.mcmanus@mail.phrma.org [UNKNOWN])
READ:UNKNOWN
BCC:ssstyles@bbchb.com (sstyles@bbchb.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:kevin.herglotz@usda.gov (kevin.herglotz@usda.gov [UNKNOWN])
READ:UNKNOWN
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Attached are talking points for tonight's speech.

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Montgomery/WHO/EOP@EOP [WHO]), Heather L. West (Heather L. West/WHO/EOP@EOP [WHO]), Gregory_J._Jenkins@oa.eop.gov (Gregory_J._Jenkins@oa.eop.gov @ inet [UNKNOWN]), Tobin_K._Harvey@oa.eop.gov (Tobin_K._Harvey@oa.eop.gov @ inet [UNKNOWN]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP@EOP [WHO]), Amanda L. Moore (Amanda L. Moore/WHO/EOP@EOP [WHO]), Danner R. Bethel (Danner R. Bethel/WHO/EOP@EOP [WHO]), Mary Elizabeth Farr (Mary Elizabeth Farr/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Ashley M. Snee (Ashley M. Snee/OVP/EOP@EOP [OVP]), Debra Heiden (Debra Heiden/OVP/EOP@EOP [OVP]), Douglas_D._McCormick@oa.eop.gov (Douglas_D._McCormick@oa.eop.gov @ inet [UNKNOWN]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), I._Lewis_Libby@oa.eop.gov (I._Lewis_Libby@oa.eop.gov @ inet [UNKNOWN]), Charles D. McGrath Jr (Charles D. McGrath Jr/OVP/EOP@EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP/EOP@EOP [OVP]), Ethan A. Hastert (Ethan A. Hastert/OVP/EOP@EOP [OVP]), Juleanna R. Glover (Juleanna R. Glover/OVP/EOP@EOP [OVP]), Megan D. Moran (Megan D. Moran/OVP/EOP@EOP [OVP]), David S. Addington (David S. Addington/OVP/EOP@EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP@EOP [OVP]), Ronald I. Christie (Ronald I. Christie/OVP/EOP@EOP [OVP]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Margita N. Thompson (Margita N. Thompson/OVP/EOP@EOP [OVP]), Nancy P. Dorn (Nancy P. Dorn/WHO/EOP@EOP [WHO]), Stephen S. Ruhlen (Stephen S. Ruhlen/OVP/EOP@EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OVP/EOP@EOP [OVP]), Elizabeth W. Kleppe (Elizabeth W. Kleppe/OVP/EOP@EOP [OVP]), Debra R. Dunn (Debra R. Dunn/OVP/EOP@EOP [WHO]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Donald_M._Sumerlin@oa.eop.gov (Donald_M._Sumerlin@oa.eop.gov @ inet [UNKNOWN]), Eric C. Pelletier (Eric C. Pelletier/OMB/EOP@EOP [OMB]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP@EOP [OMB]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), edgillespie@quinnigillespie.com (edgillespie@quinnigillespie.com @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), Josephine B. Robinson (Josephine B. Robinson/WHO/EOP@EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP@EOP [WHO]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Colleen Litkenhaus (Colleen Litkenhaus/WHO/EOP@EOP [WHO]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN]), nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN]), roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN]), cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Don E. Eberly (Don E. Eberly/WHO/EOP@EOP [WHO]), Lisa T. Cummins (Lisa T. Cummins/WHO/EOP@EOP [UNKNOWN]), Mark_V._Scott@oa.eop.gov (Mark_V._Scott@oa.eop.gov @ inet [UNKNOWN]), Michele H. Tennery (Michele H. Tennery/WHO/EOP@EOP [WHO]), Carrie W. Click (Carrie W. Click/WHO/EOP@EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), jcram@rnchq.org (jcram@rnchq.org @ inet [UNKNOWN]),

dmishoe@rnchq.org (dmishoe@rnchq.org @ inet [UNKNOWN]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Kevin_J._Martin@oa.eop.gov (Kevin_J._Martin@oa.eop.gov @ inet [UNKNOWN]), Adrian G. Gray (Adrian G. Gray/WHO/EOP@EOP [WHO]), mc Crawford@doc.gov (mc Crawford@doc.gov @ inet [UNKNOWN]), maryanne.lyle@fema.gov (maryanne.lyle@fema.gov @ inet [UNKNOWN]), Nancy_L._segerdahl@hud.gov (Nancy_L._segerdahl@hud.gov @ inet [UNKNOWN]), chet.lunner@ost.dot.gov (chet.lunner@ost.dot.gov @ inet [UNKNOWN]), m.kicklighter@mail.va.com (m.kicklighter@mail.va.com @ inet [UNKNOWN]), roy_stuart@dol.gov (roy_stuart@dol.gov @ inet [UNKNOWN]), mark_pfeifle@ios.doi.gov (mark_pfeifle@ios.doi.gov @ inet [UNKNOWN]), kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN]), kevin.keane@hhs.gov (kevin.keane@hhs.gov @ inet [UNKNOWN]), mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN]), moridanis@state.gov (moridanis@state.gov @ inet [UNKNOWN]), Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe @ inet [UNKNOWN]), craig.quigley@osd.mil (craig.quigley@osd.mil @ inet [UNKNOWN]), Michele.davis@do.treas.gov (Michele.davis@do.treas.gov @ inet [UNKNOWN]), lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN]), Anne Trenolone (Anne Trenolone/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Ponnuru@ix.netcom.com (Ponnuru@ix.netcom.com @ inet [UNKNOWN]), dtrigg@doc.gov (dtrigg@doc.gov @ inet [UNKNOWN]), dorrance.smith@fema.gov (dorrance.smith@fema.gov @ inet [UNKNOWN]), oliver.north@msnbc.com (oliver.north@msnbc.com @ inet [UNKNOWN]), Brian R. Besanceney (Brian R. Besanceney/OPD/EOP@EOP [OPD]), kmclane@pstrategies.com (kmclane@pstrategies.com @ inet [UNKNOWN]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP@EOP [OPD]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP@EOP [WHO]), Terry C. Miller (Terry C. Miller/WHO/EOP@EOP [WHO]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), Laura S. Lawlor (Laura S. Lawlor/WHO/EOP@EOP [WHO]), brusbolt@iiaa.net (brusbolt@iiaa.net @ inet [UNKNOWN]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), blewis@rnchq.org (blewis@rnchq.org @ inet [OVP]), Charles P. Blahous (Charles P. Blahous/OPD/EOP@EOP [OPD]), Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @ inet [UNKNOWN]), Matthew W. Lindley (Matthew W. Lindley/WHO/EOP@EOP [WHO]), Chris B. Nagel (Chris B. Nagel/WHO/EOP@EOP [WHO]), Melissa L. McAdoo (Melissa L. McAdoo/WHO/EOP@EOP [WHO]), Kristen L. Hughes (Kristen L. Hughes/WHO/EOP@EOP [WHO]), Robert T. Pratt Jr (Robert T. Pratt Jr/WHO/EOP@EOP [WHO]), Beverly J. Ward (Beverly J. Ward/WHO/EOP@EOP [WHO]), Deborah K. Hair (Deborah K. Hair/WHO/EOP@EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @ inet [UNKNOWN]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP@EOP [OPD]), Blake Gottesman (Blake Gottesman/WHO/EOP@EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Traci R. Campbell (Traci R. Campbell/WHO/EOP@EOP [WHO]), James E. Carter (James E. Carter/OPD/EOP@EOP [OPD]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Debra D. Bird (Debra D. Bird/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Helen R. Mobley (Helen R. Mobley/WHO/EOP@EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP@EOP [WHO]), Alison M. Harden (Alison M. Harden/WHO/EOP@EOP [WHO]), Desiree T. Sayle (Desiree T. Sayle/WHO/EOP@EOP [WHO]), Sydney R. Johnson (Sydney R. Johnson/WHO/EOP@EOP [WHO]), Sara B. McIntosh (Sara B. McIntosh/WHO/EOP@EOP [WHO]), Anne Heiligenstein (Anne Heiligenstein/WHO/EOP@EOP [WHO]), Sonya E. Medina (Sonya E. Medina/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Melanie A. Jackson (Melanie A. Jackson/WHO/EOP@EOP [WHO]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Eleanor L. Gillmor (Eleanor L.

Gillmor/OPD/EOP@EOP [OPD]), Tiffany L. Barfield (Tiffany L. Barfield/OPD/EOP@EOP [OPD]), David F. Lussier (David F. Lussier/OPD/EOP@EOP [OPD]), Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN]), rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN]), Neil S. Patel (Neil S. Patel/OVP/EOP@EOP [OVP]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP@EOP [WHO]), susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @ inet [UNKNOWN]), brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @ inet [UNKNOWN]), gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @ inet [UNKNOWN]), margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @ inet [UNKNOWN]), lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @ inet [UNKNOWN]), Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN]), melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN]), john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN]), terry.holt@mail.house.gov (terry.holt@mail.house.gov @ inet [UNKNOWN]), christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), emily.miller@mail.house.gov (emily.miller@mail.house.gov @ inet [UNKNOWN]), ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov @ inet [UNKNOWN]), paige.ralston@mail.house.gov (paige.ralston@mail.house.gov @ inet [UNKNOWN]), paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN]), sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN]), cforti@nrcc.org (cforti@nrcc.org @ inet [UNKNOWN]), TDuffy@rnchq.org (TDuffy@rnchq.org @ inet [UNKNOWN]), dallen@nrsc.org (dallen@nrsc.org @ inet [UNKNOWN]), MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN]), Peter.jeffries@mail.house.gov (Peter.jeffries@mail.house.gov @ inet [UNKNOWN]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Karen Y. Knutson (Karen Y. Knutson/OVP/EOP@EOP [OVP]), Leslie A. Mooney (Leslie A. Mooney/OPD/EOP@EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP@EOP [WHO]), kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN]), greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Mark McClellan (Mark McClellan/CEA/EOP@EOP [CEA]), Dirksen Lehman (Dirksen Lehman/WHO/EOP@EOP [WHO]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP@EOP [OPD]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), dean.clancy@mail.house.gov (dean.clancy@mail.house.gov @ inet [UNKNOWN]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Heather Wingate (Heather Wingate/WHO/EOP@EOP [WHO]), ekertz@doc.gov (ekertz@doc.gov @ inet [UNKNOWN]), jdyke@doc.gov (jdyke@doc.gov @ inet [UNKNOWN]), melliott@doc.gov (melliott@doc.gov @ inet [UNKNOWN]), Jennifer D. Field (Jennifer D. Field/OVP/EOP@EOP [OVP]), Chesenterp@aol.com (Chesenterp@aol.com @ inet [UNKNOWN]), cz@greenerandhook.com (cz@greenerandhook.com @ inet [UNKNOWN]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), RGustafson@rnchq.org (RGustafson@rnchq.org @ inet [UNKNOWN]), Anthony K. Crawford (Anthony K. Crawford/NSC/EOP@EOP [NSC]), Ashleigh A. Adams (Ashleigh A. Adams/WHO/EOP@EOP [WHO]), sspicer@nrcc.org (sspicer@nrcc.org @ inet [UNKNOWN]), Michelle N. Brawer (Michelle N. Brawer/WHO/EOP@EOP [WHO]), cmay@bsmg.com (cmay@bsmg.com @ inet [UNKNOWN]), tnelson@dmnmedia.com (tnelson@dmnmedia.com @ inet [UNKNOWN]), kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN]), kyle.downey@mail.house.gov (kyle.downey@mail.house.gov @ inet [UNKNOWN]), Anne C. Guilsher (Anne C. Guilsher/NSC/EOP@EOP [NSC]), Michael Davis (Michael Davis/WHO/EOP@EOP [WHO]), joliver@rnchq.org (joliver@rnchq.org @ inet [UNKNOWN]), bhazelwood@rnchq.org (bhazelwood@rnchq.org @ inet [UNKNOWN]), ekutler@cwdc.com (ekutler@cwdc.com @ inet [UNKNOWN]), john.mcmanus@mail.phrma.org (john.mcmanus@mail.phrma.org [UNKNOWN]), sstyles@bbchb.com (sstyles@bbchb.com @ inet [UNKNOWN]), kevin.herglotz@usda.gov (kevin.herglotz@usda.gov [UNKNOWN]), ksheridan@rnchq.org (ksheridan@rnchq.org @ inet [UNKNOWN]), byronyork@att.net (byronyork@att.net @ inet [UNKNOWN]), bishopn@state.gov (bishopn@state.gov @ inet [UNKNOWN]), englandMP@state.gov (englandMP@state.gov @ inet [UNKNOWN]), rncresearch@rnchq.org (rncresearch@rnchq.org @ inet [UNKNOWN])

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Subject: : The President's Address to Congress
Attachments: P_1NOS3004_CEA.TXT_1.doc

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CREATOR:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-SEP-2001 20:53:19.00

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BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

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BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])

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BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])

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BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

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BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

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BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

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BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

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BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

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BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP@EOP [OSTP])

READ:UNKNOWN

BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

BCC:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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BCC:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])
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BCC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
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BCC:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Townsend_L_McNitt@oa.eop.gov (Townsend_L_McNitt@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
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BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
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BCC:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:William_S._Clark@oa.eop.gov (William_S._Clark@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John_Gardner@oa.eop.gov (John_Gardner@oa.eop.gov @ inet [UNKNOWN])
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BCC:Gregory_J._Jenkins@oa.eop.gov (Gregory_J._Jenkins@oa.eop.gov @ inet [UNKNOWN])
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BCC:Tobin_K._Harvey@oa.eop.gov (Tobin_K._Harvey@oa.eop.gov @ inet [UNKNOWN])
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BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])
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 BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Douglas_D._McCormick@oa.eop.gov (Douglas_D._McCormick@oa.eop.gov @ inet [UNKNOWN])
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 READ:UNKNOWN
 BCC:I._Lewis_Libby@oa.eop.gov (I._Lewis_Libby@oa.eop.gov @ inet [UNKNOWN])
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 BCC:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
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 BCC:Margita N. Thompson (CN=Margita N. Thompson/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 BCC:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 BCC:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
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 READ:UNKNOWN
 BCC:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:Donald_M._Sumerlin@oa.eop.gov (Donald_M._Sumerlin@oa.eop.gov @ inet [UNKNOWN])
 READ:UNKNOWN
 BCC:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 BCC:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 BCC:edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN])
 READ:UNKNOWN
 BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
)
 READ:UNKNOWN
 BCC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 BCC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
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BCC:nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet [UNKNOWN])
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BCC:cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN])
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BCC:roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet [UNKNOWN])
)
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BCC:brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN])
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BCC:kevin.schweers@mail.house.gov (kevin.schweers@mail.house.gov @ inet [UNKNOWN])
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BCC:paul.morrell@mail.house.gov (paul.morrell@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Mark_V._Scott@oa.eop.gov (Mark_V._Scott@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:sschmidt@nrcc.org (sschmidt@nrcc.org @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
BCC:MMiner@rnchq.org (MMiner@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

The President's Address to Congress

- America is a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. **Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done.**
- The President thanks Congress for its patriotic spirit of bipartisanship and efforts to deliver \$40 billion in relief to help rebuild America's communities and meet the needs of our military. The President also is grateful to many world leaders and nations who have joined the war against terrorism.
- On September 11 enemies of freedom committed an act of war against our country. Americans have known wars – but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941.

Who attacked our country?

- The evidence we have gathered all points to a collection of loosely affiliated terrorist organizations known as al-Qaida. They are the same murderers indicted for bombing American embassies in Tanzania and Kenya, and responsible for the bombing of the *U.S.S. Cole*. **Al-Qaida is to terror what the mafia is to crime.** The leadership of al-Qaida has great influence in Afghanistan, and supports the Taliban regime in controlling most of that country.
- **The United States respects the people of Afghanistan but we condemn the Taliban regime.** By aiding and abetting murder, the Taliban regime is committing murder. **The United States of America makes the following demands on the Taliban:**
 - ✓ Deliver to United States authorities all the leaders of al-Qaida who hide in your land.
 - ✓ Release all foreign nationals – including American citizens – you have unjustly imprisoned, and protect foreign journalists, diplomats, and aid workers in your country.
 - ✓ Close immediately and permanently every terrorist training camp in Afghanistan and hand over every terrorist, and every person in their support structure, to appropriate authorities.
 - ✓ Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.
- **These demands are not open to negotiation or discussion. The Taliban must act and act immediately. They will hand over the terrorists, or they will share in their fate.**
- Our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.
- The President wants Muslims throughout the world to know that America respects their faith. It is practiced freely by many millions of Americans, and by millions more in countries that America counts as friends. Its teachings are good and peaceful, and those who commit evil in the name of Allah blaspheme the name of Allah.
- **These terrorists kill not merely to end lives, but to disrupt and end a way of life.** By sacrificing human life to serve their radical visions – by abandoning every value except the will to power – they follow in the path of fascism, and Nazism, and totalitarianism. **And they will follow that path all the way, to where it ends: in history's unmarked grave of discarded lies.**

How Will America Win this war?

- We will direct every resource at our command – every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war – to the disruption and defeat of the global terror network.
- This war will not be like the war against Iraq a decade ago, with its decisive liberation of territory and its swift conclusion. It will not look like the air war above Kosovo two years ago, where no ground troops were used and not a single American was lost in combat. Americans should not expect one battle, but a lengthy campaign, unlike any other we have seen.
- We will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.
- The President will create a Cabinet-level Office of Homeland Security. This office will oversee a national strategy to safeguard our country against terrorism, and respond to any attacks that may come.

What the President is asking from Americans:

- Uphold the values of America, and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them. No one should be singled out for unfair treatment or unkind words because of their ethnic background or religious faith.
- Continue to support the victims of this tragedy with your contributions. Those who want to give can go to a central source of information, libertyunites.org, to find the names of groups providing direct help in New York, Pennsylvania, and Virginia.
- Continue to be patient and have confidence in the American economy.

The President will work with Congress to:

- Improve air safety, to dramatically expand the number of air marshals on domestic flights, and take new measures to prevent hijacking. We will come together to promote stability and keep our airlines flying with direct assistance during this emergency.
- Give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities to know the plans of terrorists before they act, and find them before they strike.
- Show the world that we will rebuild New York City.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 9/20/2001 5:58:48 PM
Subject: : Re: Call Mike Horowitz

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-SEP-2001 21:58:48.00
SUBJECT:: Re: Call Mike Horowitz
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -- I assume you addressed this.

Bradford A. Berenson
09/20/2001 05:54:20 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Call Mike Horowitz

at 223-9200 re contingency fee provisions in airline bailout

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 9/21/2001 1:59:50 AM
Subject: : Re: Call Mike Horowitz

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-SEP-2001 05:59:50.00
SUBJECT:: Re: Call Mike Horowitz
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

We got rolled.

Courtney S. Elwood
09/20/2001 09:58:35 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Call Mike Horowitz

Brett -- I assume you addressed this.

Bradford A. Berenson
09/20/2001 05:54:20 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Call Mike Horowitz

at 223-9200 re contingency fee provisions in airline bailout

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/21/2001 9:49:58 AM
Subject: : Judge-Specter Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-SEP-2001 13:49:58.00

SUBJECT:: Judge-Specter Meeting

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Judge has agreed to meet with Specter. You should get a call from Specter's scheduler. The Judge would like the meeting to occur in the afternoon. He doesn't care what day. Brett and I should probably go.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/21/2001 6:46:21 AM
Subject: : use of personal cell phones

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-SEP-2001 10:46:21.00

SUBJECT:: use of personal cell phones

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Some of you have been using your personal cell phones quite a bit over the last week for business related calls.

REV_00132096

If you are interested in pursuing reimbursement for these calls you may want to check with the Admin office for the procedure(s) on this.

Lib

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/21/2001 6:46:21 AM
Subject: : use of personal cell phones

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-SEP-2001 10:46:21.00

SUBJECT:: use of personal cell phones

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Some of you have been using your personal cell phones quite a bit over the last week for business related calls.

REV_00132098

If you are interested in pursuing reimbursement for these calls you may want to check with the Admin office for the procedure(s) on this.

Lib

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 9/21/2001 6:49:28 AM
Subject: : use of personal cell phones

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-SEP-2001 10:49:28.00

SUBJECT:: use of personal cell phones

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Lori: Could you find out how to do this and let us all know? thanks

----- Forwarded by Rachel L. Brand/WHO/EOP on 09/21/2001
10:48 AM -----

Elizabeth N. Camp
09/21/2001 10:46:07 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: use of personal cell phones

Some of you have been using your personal cell phones quite a bit over the last week for business related calls.

REV_00132100

If you are interested in pursuing reimbursement for these calls you may want to check with the Admin office for the procedure(s) on this.

Lib

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP

From: CN=John A. Cloud/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/21/2001 9:04:33 AM
Subject: : aviation issues

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:21-SEP-2001 13:04:33.00

SUBJECT:: aviation issues

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

understand that DOT/FAA are drafting a draft Presidential Directive that would allow the President to authorize Sec Transport to issue insurance/reinsurance. this will have to be approved by Monday. are you in the loop?

From: CN=John A. Cloud/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/21/2001 9:04:33 AM
Subject: : aviation issues

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:21-SEP-2001 13:04:33.00

SUBJECT:: aviation issues

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

understand that DOT/FAA are drafting a draft Presidential Directive that would allow the President to authorize Sec Transport to issue insurance/reinsurance. this will have to be approved by Monday. are you in the loop?

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 9/21/2001 1:20:14 PM
Subject: : chartered aircraft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-SEP-2001 17:20:14.00
SUBJECT:: chartered aircraft
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Chartered aircraft are considered Government aircraft for purposes of regulations on use of Government aircraft. There are a number of limitations on use of Government Aircraft. We might be able to be of assistance to agencies that are concerned about the limitations, but I would need to know what the problems are. Please let me know who is asking about it and why they are asking, or if you wish, I'd be happy to make any calls to follow up with the agencies.

From: CN=Richard E. Green/OU=OMB/O=EOP [OMB]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Stephen W. Devine/NSC/EOP@EOP [NSC] <Stephen W. Devine>
CC: James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Irene Kho/OMB/EOP@EOP [OMB] <Irene Kho>
Sent: 9/21/2001 3:53:06 PM
Subject: : FYI -- The Attorney General

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 21-SEP-2001 19:53:06.00

SUBJECT:: FYI -- The Attorney General

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Stephen W. Devine (CN=Stephen W. Devine/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

is scheduled to testify before the House and Senate Judiciary Committees on Monday, September 24th, and Tuesday, September 25th, respectively. The hearings reportedly will be on legislative proposals designed to combat terrorism. We have not received the Attorney General's testimony for clearance for either the hearing on Monday afternoon or the hearing on Tuesday. Our contact in Justice's Office of Legislative Affairs tells us that he hasn't seen any testimony either and does not know if he will. He says that "if it shows up he will pass it along." He guesses that it will explain what is in the legislative package that has been given to the Hill. The House Judiciary Committee is tentatively scheduled to mark up legislative proposals on Tuesday.

From: CN=Richard E. Green/OU=OMB/O=EOP [OMB]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Stephen W. Devine/NSC/EOP@EOP [NSC] <Stephen W. Devine>
CC: James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Irene Kho/OMB/EOP@EOP [OMB] <Irene Kho>
Sent: 9/21/2001 3:53:06 PM
Subject: : FYI -- The Attorney General

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 21-SEP-2001 19:53:06.00

SUBJECT:: FYI -- The Attorney General

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Stephen W. Devine (CN=Stephen W. Devine/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

is scheduled to testify before the House and Senate Judiciary Committees on Monday, September 24th, and Tuesday, September 25th, respectively. The hearings reportedly will be on legislative proposals designed to combat terrorism. We have not received the Attorney General's testimony for clearance for either the hearing on Monday afternoon or the hearing on Tuesday. Our contact in Justice's Office of Legislative Affairs tells us that he hasn't seen any testimony either and does not know if he will. He says that "if it shows up he will pass it along." He guesses that it will explain what is in the legislative package that has been given to the Hill. The House Judiciary Committee is tentatively scheduled to mark up legislative proposals on Tuesday.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;k. philippa malmgren/opd/eop@eop [OPD] <k. philippa malmgren>;diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;stephen w. devine/nsc/eop@eop [NSC] <stephen w. devine>;james j. jukes/omb/eop@eop [OMB] <james j. jukes>;irene kho/omb/eop@eop [OMB] <irene kho>
Sent: 9/21/2001 6:26:21 PM
Subject: : Re: FYI -- The Attorney General

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-SEP-2001 22:26:21.00
SUBJECT:: Re: FYI -- The Attorney General
TO:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:k. philippa malmgren (CN=k. philippa malmgren/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:stephen w. devine (CN=stephen w. devine/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:james j. jukes (CN=james j. jukes/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:irene kho (CN=irene kho/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
End Original ARMS Header

I'll speak to Dan Bryant about this.

Richard E. Green
09/21/2001 07:51:51 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: James J. Jukes/OMB/EOP@EOP, Irene Kho/OMB/EOP@EOP
Subject: FYI -- The Attorney General

is scheduled to testify before the House and Senate Judiciary Committees on Monday, September 24th, and Tuesday, September 25th, respectively. The hearings reportedly will be on legislative proposals designed to combat terrorism. We have not received the Attorney General's testimony for clearance for either the hearing on Monday afternoon or the hearing on Tuesday. Our contact in Justice's Office of Legislative Affairs tells us that he hasn't seen any testimony either and does not know if he will. He says that "if it shows up he will pass it along." He guesses that it will explain what is in the legislative package that has been given to the Hill. The House Judiciary Committee is tentatively scheduled to mark up legislative proposals on Tuesday.

Message Sent

To:
Courtney S. Elwood/WHO/EOP@EOP

REV_00132109

Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
Stephen W. Devine/NSC/EOP@EOP

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 9/22/2001 11:40:44 AM
Subject: : Re: Red Tag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-SEP-2001 15:40:44.00
SUBJECT:: Re: Red Tag
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brad needs to look at this, I think.

A. Morgan Middlemas
09/22/2001 10:03:58 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Red Tag

I faxed a red tag to 6-1647 - I believe that is in Lori's office. Would one of you take a look at it?

Subject: Executive Order blocking property and prohibiting transactions with persons who support terrorism.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
Sent: 9/22/2001 11:54:36 AM
Subject: : draft letter
Attachments: P_YCJT3004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-SEP-2001 15:54:36.00
SUBJECT:: draft letter
TO: Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YCJT3004_WHO.TXT_1>

September __, 2001

Dear Senator Daschle:

Thank you very much for your support and efforts in ensuring swift Senate passage of the Air Transportation Safety and System Stabilization Act. The Act will greatly assist victims of the September 11 terrorist attacks and will provide needed stability and security for our Nation's air travelers and airlines.

I write because of the need for a minor technical correction to the Act. The title of Section 408 -- "Limitation on Air Carrier Liability" -- conforms to subsection (a) of Section 408, but not to subsections (b) and (c). We therefore suggest a technical correction either to amend the title of Section 408 so that it encompasses the subject matters of subsections (b) and (c) or to place subsections (b) and (c) into new sections with appropriate new titles.

Thank you very much for your attention to this matter.

Sincerely yours,

The Honorable Thomas Daschle
Majority Leader
United States Senate
Washington, DC 20510

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Koebele, Steve <Steve.Koebele@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Carroll III, James <James.CarrollIII2@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/23/2001 10:47:48 AM
Subject: : Letter to ABA

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:23-SEP-2001 14:47:48.00

SUBJECT:: Letter to ABA

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Carroll III, James" <James.CarrollIII2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll III, James" <James.CarrollIII2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

REV_00132114

READ:UNKNOWN

End Original ARMS Header

Please see attached a draft letter to the ABA on Paul Cassell. Comments and suggestions greatly appreciated.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/23/2001 3:09:04 PM
Subject: : finding you...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-SEP-2001 19:09:04.00

SUBJECT:: finding you...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please remember to keep cell phones and pagers with you, and turned on, when you are out of the office and/or away from your homes. This applies to all staff members - not just the lawyers.

REV_00132115

Thanks!

PS - this is a reminder from Tim - not me:-)

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/24/2001 3:53:08 AM
Subject: : Re: finding you...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-SEP-2001 07:53:08.00
SUBJECT:: Re: finding you...
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Lori - please get Brett a pager today. Thank you.

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
09/24/2001 07:52 AM -----

Brett M. Kavanaugh
09/23/2001 09:20:24 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: Lori L. Lorenzi/WHO/EOP@EOP
bcc:
Subject: Re: finding you...

Much as I hate it, I guess I should get a pager

Elizabeth N. Camp
09/23/2001 07:08:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: finding you...

Please remember to keep cell phones and pagers with you, and turned on,
when you are out of the office and/or away from your homes. This applies
to all staff members - not just the lawyers.

Thanks!

PS - this is a reminder from Tim - not me:-)

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP

REV_00132117

Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: heather wingate/who/eop@eop [WHO] <heather wingate>;diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/24/2001 5:12:44 AM
Subject: : Re: doj leg.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-SEP-2001 09:12:44.00
SUBJECT:: Re: doj leg.
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Nancy Dorn is trying to get the House concensus language as we speak. We do believe that the House will go to mark up tomorrow.

Kristen Silverberg
09/24/2001 08:52:24 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP,
Diana L. Schacht/OPD/EOP@EOP
cc:
Subject: doj leg.

When are we expecting to see the House language? Are they still scheduling mark-up for tomorrow?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>;Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>;Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>;Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>
Sent: 9/24/2001 5:11:21 AM
Subject: : reminder re: press inquiries

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-SEP-2001 09:11:21.00

SUBJECT:: reminder re: press inquiries

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tim has asked me to remind everyone that we are not to respond to any press inquiries.

This was prompted by a call from Elizabeth Frater at National Journal this morning re: lawyers who are advising the President as we go to war.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: heather wingate/who/eop@eop [WHO] <heather wingate>;diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/24/2001 5:15:56 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-SEP-2001 09:15:56.00
SUBJECT:: Re:
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

153 and 157.

Kristen Silverberg
09/24/2001 08:55:48 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP,
Diana L. Schacht/OPD/EOP@EOP
cc:
Subject:

Also, Viet mentioned that the House negotiators called late last night to ask whether they could drop a couple provisions at Conyers' request. Viet said no. Do you know which provisions were at issue?

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>; robert marsh/who/eop@eop [WHO] <robert marsh>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>
Sent: 9/24/2001 5:22:03 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-SEP-2001 09:22:03.00
SUBJECT:: Re:
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: robert marsh (CN=robert marsh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I've asked Brett Kavanaugh to assist on the House side where he can be useful. I feared that I could not cover both sides adequately today, since the Leahy meeting might overlap with the House hearing. Brett's already very familiar with these provisions.

Heather Wingate
09/24/2001 09:03:26 AM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Robert Marsh/WHO/EOP@EOP
cc: courtney s. elwood/who/eop@eop, diana l. schacht/opd/eop@eop
bcc:
Subject: Re:

I don't know. We need to know, though. Bob, would you see what this is all about? Kristen, Bob is running the House end of this. HW

Kristen Silverberg
09/24/2001 08:55:48 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP, Diana L. Schacht/OPD/EOP@EOP
cc:
Subject:

REV_00132127

Also, Viet mentioned that the House negotiators called late last night to ask whether they could drop a couple provisions at Conyers' request. Viet said no. Do you know which provisions were at issue?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
Sent: 9/24/2001 5:38:42 AM
Subject: : Re: Update

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 24-SEP-2001 09:38:42.00

SUBJECT:: Re: Update

TO: GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

We still hope to stay at least somewhat close to the decision schedule I outlined to you before Sept 11, and I hope to be in touch this week with you about where we are. That said, it seems quite unlikely that we will be closed before October 5, and I would suggest to George that he think about postponing for a few weeks. Let me know if that creates any problems.

GaryM Stern <garym.stern@nara.gov>

09/19/2001 01:12:05 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Update

I realize that you must be overwhelmed with far more urgent and important matters, and will be for some time to come, and hope you are able to cope with it all.

However, I did want to check on whether you are likely to get back to the PRA EO issue any time soon, particularly in light of Chairman Horn's hearing currently scheduled for Oct. 5. If you think the issue will now be delayed for some time, then should you, or we, recommend that Horn postpone the hearing? (Otherwise, we will begin to work on draft testimony for the Archivist.)

We will do our best to minimize our burden on your time for the near future, but we will still need to clear special access openings through you in response to SDNY, Chairman Burton, and some DOJ litigation. (Brad and I have exchanged calls on a separate case.)

Please let me know if we can be of assistance on any matters. Thanks and good luck.

REV_00132129

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Irene Kho/OMB/EOP [OMB] <Irene Kho>
Sent: 9/24/2001 6:22:44 AM
Subject: RECEIVED: LRM IKK105 - - JUSTICE Testimony on U.S. Response to the Terrorist Attacks on September 11, 2001.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-SEP-2001 10:22:44.00
SUBJECT: RECEIVED: LRM IKK105 - - JUSTICE Testimony on U.S. Response to the Terrorist Attacks on September 11, 2001.
TO: Irene Kho (CN=Irene Kho/OU=OMB/O=EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
LRM IKK105 - - JUSTICE Testimony on U.S. Response to the Terrorist Attacks on September 11, 2001.
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
09/24/2001 10:22:03 AM

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 9/24/2001 6:50:01 AM
Subject: : Re: storage of classified documents

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-SEP-2001 10:50:01.00
SUBJECT:: Re: storage of classified documents
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, if someone needs a document to be classified, they must go to someone with original classification authority. Original classification authority cannot be delegated except by certain people, I can give more details if necessary, and the delegation has to be written.

Elizabeth N. Camp
09/24/2001 10:01:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Courtney S. Elwood/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP
Subject: storage of classified documents

Brett - my meeting notes indicate you were going to put together the guidelines for this. Folks are asking for this guidance so I am checking in on the status.

FYI that I talked to Mark Frownfelter in EOP security this morning and he said he would get for me the EO on this but I don't know if this is going to provide the guidance that staff members need to know how to store classified info including notes taken at meetings, etc.

Also - only certain people (Harriet, Tim, Judge, Blakeman) have original classification authority. If someone needs something classified in connection with the work they are doing should they go to one of these people? Courtney was asking about this...

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 9/25/2001 4:53:32 AM
Subject: : Judicial Selection Committee Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-2001 08:53:32.00

SUBJECT:: Judicial Selection Committee Meeting

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

REV_00132140

READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This weeks meeting will be held from 2:15-3:00 pm in the Roosevelt.

JSC Prep for Counsel staff will be held from 9:00-9:30 in the Judge's office.

DOJ Staff - please confirm that we have your DOB and SS for clearance into the WH Complex.

Thanks!

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 9/25/2001 4:58:14 AM
Subject: : WHJSC

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 25-SEP-2001 08:58:14.00

SUBJECT:: WHJSC

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please let me know by noon if you have any candidates to present tomorrow...

Thanks!

REV_00132142

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 9/25/2001 5:31:50 AM
Subject: : The JSC mtg. is for tomorrow-Wed., Sept. 26th

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-2001 09:31:50.00

SUBJECT:: The JSC mtg. is for tomorrow-Wed., Sept. 26th

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

REV_00132143

READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>
Sent: 9/25/2001 7:16:10 AM
Subject: : Re: Stabilization Board

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:25-SEP-2001 11:16:10.00
SUBJECT:: Re: Stabilization Board
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett's input and output is always welcome.

Helgard C. Walker
09/25/2001 10:56:28 AM
Record Type: Record

To: Jay P. Lefkowitz/OMB/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, timothy e. flanigan/who/eop@eop
bcc:
Subject: Re: Stabilization Board

I'd like to get Brett's input on this.

Jay P. Lefkowitz
09/25/2001 10:36:12 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: timothy e. flanigan/who/eop@eop
bcc:
Subject: Re: Stabilization Board

I think on the loan gurantee side, the only real question in terms of drafters' intent is whether the loans should be short term relief accross the board, or short term relief directed to those who can survive and sustain the industry longer term. And Mitch feels strongly it should lean in the latter direction.

We are reaching out to all the key members on this question as well.

The meeting today will focus more on the various types of terms and conditions for the loans and the process for applications.

Helgard C. Walker
09/25/2001 09:47:27 AM
Record Type: Record

To: Jay P. Lefkowitz/OMB/EOP@EOP
cc: timothy e. flanigan/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Stabilization Board

I'll be there. Tim has tasked me with handling the regulatory side of this, and that's what I will do. Would it also be a good idea to have the lawyers who worked on the substance of the bill and who understand the drafters' intent (Kavanaugh/Elwood) there?

Jay P. Lefkowitz
09/25/2001 09:14:37 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop
bcc:
Subject: Re: Stabilization Board

Thanks, Tim:

Helgi, as you probably know, OMB has 14 days from the signing of the airline bill to issue regulations for the airline stabilization board, which is comprised of the Fed, DOT and Treasury (and GAO as a non-voting member).

We're having a meeting at 3:00 PM today with all relevant parties in room 9104 of the NEOB and you are invited to attend and participate. If you are unavailable, I'll keep you informed and let you know of future meetings and share drafts of the regs with you as they are developed. Because we're on such a tight schedule, we will probably be working on this and having meetings almost every day this week.

Timothy E. Flanigan
09/25/2001 09:09:23 AM
Record Type: Record

To: Jay P. Lefkowitz/OMB/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP
Subject: Stabilization Board

Helgi is available to work with you on this matter.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/25/2001 8:51:49 AM
Subject: : Homeland Security

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-2001 12:51:49.00

SUBJECT:: Homeland Security

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

fyi

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
09/25/2001 12:51 PM -----

CARRIE C.

PAUSKA

09/25/2001 11:33:13 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Homeland Security

REV_00132150

FYI
----- Forwarded by Carrie C. Pauska/WHO/EOP on 09/25/2001
11:28 AM -----

Jennifer Foley
09/25/2001 11:27:08 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Stuart Holliday/WHO/EOP@EOP
Subject: Homeland Security

As you may know, Stuart Holliday is now handling the Office of Homeland Security. We will be happy to take any calls, questions and or faxes that you may receive on this. If possible, please do not forward calls directly to Stuart - rather forward the candidates calls to 456-5276 and have them speak to either Jeff or myself.

We will keep you updated on the staff structure of Homeland Security, until then, thanks for your patience on this matter.

Jennifer

FYI - our temporary fax number is 456-1121. I'll let you know when we have our normal fax back.

Message Sent

To: _____
Clay Johnson III/WHO/EOP@EOP
Carrie C. Pauska/WHO/EOP@EOP
Kim E. Nickles/WHO/EOP@EOP
Jan E. Williams/WHO/EOP@EOP
Dorothy C. Garvin/WHO/EOP@EOP
Marissa A. Munoz/WHO/EOP@EOP
Jodey Arrington/WHO/EOP@EOP
Dina Powell/WHO/EOP@EOP
Edmund C. Moy/WHO/EOP@EOP
Rebecca Contreras/WHO/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP
Katja Bullock/WHO/EOP@EOP
Ashley Cannatti/WHO/EOP@EOP
Timothy C. Stout/WHO/EOP@EOP
Monica V. Kladakis/WHO/EOP@EOP
Darren W. Bearson/WHO/EOP@EOP
Julie A. Lapeyre/WHO/EOP@EOP
David T. Redlin/WHO/EOP@EOP
Victoria Soberinsky/WHO/EOP@EOP
Michael J. Bell/WHO/EOP@EOP
Heidi K. Marquez/WHO/EOP@EOP
Karen A. Yeager/WHO/EOP@EOP
Eric L. Motley/WHO/EOP@EOP
Cheryl A. Oldham/WHO/EOP@EOP
Mary M. Rose/WHO/EOP@EOP
Matthew C. Rhoades/WHO/EOP@EOP
James A. Barnett/WHO/EOP@EOP
Jeffrey T. Jezierski/WHO/EOP@EOP

Message Sent

To:

Melissa S. Bennett/WHO/EOP@EOP
Ali H. Tulbah/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Cynthia R. Mendl/WHO/EOP@EOP
Jill L. Angelo/WHO/EOP@EOP
Ashley E. Plaxico/WHO/EOP@EOP
Jill Davie/WHO/EOP@EOP
Virginia T. Gregory/WHO/EOP@EOP
A. Merrill Hughes/WHO/EOP@EOP
Christa Moyle/OA/EOP@EOP
Anne Womack/WHO/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP
Barbara A. Barclay/WHO/EOP@EOP
Debra D. Bird/WHO/EOP@EOP
Desiree T. Sayle/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Katherine G. Marinis/WHO/EOP@EOP
Kathryn J. Hayes/WHO/EOP@EOP

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;michael d. graham/who/eop@eop [WHO] <michael d. graham>;hale w. hawbecker/who/eop@eop [WHO] <hale w. hawbecker>;julius rothstein/who/eop@eop [WHO] <julius rothstein>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;ann l. loughlin/who/eop@eop [WHO] <ann l. loughlin>
Sent: 9/25/2001 9:31:33 AM
Subject: : Re: Admin Mtg.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-2001 13:31:33.00

SUBJECT:: Re: Admin Mtg.

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:michael d. graham (CN=michael d. graham/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:hale w. hawbecker (CN=hale w. hawbecker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:julius rothstein (CN=julius rothstein/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:ann l. loughlin (CN=ann l. loughlin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Lori, when it comes time, I would love to have all these extra wires in my office removed, and I know others would as well.

REV_00132153

Lori L. Lorenzi
09/25/2001 01:12:07 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Admin Mtg.

In today's admin meeting we discussed the recent move. Our team leader, Brent will be contacted to do a walk through of all of the offices and figure out what needs still have not been met. We are to remember to be patient about trash, burn bag and newspaper services. In the next few weeks we will be receiving a draft of the updated telephone directories.

Everyone should have received the Admin Alert that went out today regarding the use of Signal and the White House Operator. All boards have been very busy lately and we are encouraged to use our division staff directories as well as the telephone directory to help out. Unless you are a commissioned officer or calling on behalf of one, you should use the White House Operator (456-1414) for assistance instead of Signal. Some of the individuals that Signal was designed to assist have not been able to get through. Thanks in advance for your cooperation.

Message Sent

To:

A. Morgan Middlemas/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Michael D. Graham/WHO/EOP@EOP
Hale W. Hawbecker/WHO/EOP@EOP
Julius Rothstein/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Ann L. Loughlin/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 9/25/2001 6:00:30 AM
Subject: : Re: Stabilization Board

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-SEP-2001 10:00:30.00
SUBJECT: : Re: Stabilization Board
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

no, like most things that get multiple staffing, this only needs
one person

Helgard C. Walker
09/25/2001 09:58:33 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Stabilization Board

Tim brought it up with me this morning, on his own motion, because it
presumably raises regulatory issues in the implemenation process, and I am
regulatory gal. But I think you all should work on it too, because you
have the substantive expertise, and I have no desire to tread on that
ground of yours. That makes the most sense, don't you think?

Brett M. Kavanaugh
09/25/2001 09:56:18 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Stabilization Board

. . . did not realize this had been assigned to you. Anyway, I'll
skip it unless it's necessary, which I doubt. (FYI: Courtney was not
involved in this.)

Helgard C. Walker
09/25/2001 09:47:47 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:

REV_00132160

Subject: Re: Stabilization Board

Meant to cc you all.

----- Forwarded by Helgard C. Walker/WHO/EOP on
09/25/2001 09:47 AM -----

Helgard C. Walker
09/25/2001 09:47:27 AM
Record Type: Record

To: Jay P. Lefkowitz/OMB/EOP@EOP
cc: timothy e. flanigan/who/eop@eop, helgard c. walker/who/eop@eop
bcc: Records Management@EOP
Subject: Re: Stabilization Board

I'll be there. Tim has tasked me with handling the regulatory side of this, and that's what I will do. Would it also be a good idea to have the lawyers who worked on the substance of the bill and who understand the drafters' intent (Kavanaugh/Elwood) there?

Jay P. Lefkowitz
09/25/2001 09:14:37 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop
bcc:
Subject: Re: Stabilization Board

Thanks, Tim:

Helgi, as you probably know, OMB has 14 days from the signing of the airline bill to issue regulations for the airline stabilization board, which is comprised of the Fed, DOT and Treasury (and GAO as a non-voting member).

We're having a meeting at 3:00 PM today with all relevant parties in room 9104 of the NEOB and you are invited to attend and participate. If you are unavailable, I'll keep you informed and let you know of future meetings and share drafts of the regs with you as they are developed. Because we're on such a tight schedule, we will probably be working on this and having meetings almost every day this week.

Timothy E. Flanigan
09/25/2001 09:09:23 AM
Record Type: Record

To: Jay P. Lefkowitz/OMB/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP
Subject: Stabilization Board

Helgi is available to work with you on this matter.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/25/2001 12:22:46 PM
Subject: : New time for Counsel staff meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-2001 16:22:46.00

SUBJECT:: New time for Counsel staff meeting

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Starting tomorrow we will have staff meeting at 8:15 every day.

This actual start time of this meeting will be 8:15 - yes - real time!

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/25/2001 10:06:22 AM
Subject: : ABA Ratings

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-2001 14:06:22.00

SUBJECT:: ABA Ratings

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

James Payne (E-OK) - well qualified

Claire Eagan (N-OK) - well qualified

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 9/25/2001 12:06:31 PM
Subject: : School Vouchers

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-2001 16:06:31.00

SUBJECT:: School Vouchers

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Supreme Court has granted cert. in the Ohio school vouchers case.

REV_00132220

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/25/2001 12:22:46 PM
Subject: : New time for Counsel staff meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-2001 16:22:46.00

SUBJECT:: New time for Counsel staff meeting

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Starting tomorrow we will have staff meeting at 8:15 every day.

This actual start time of this meeting will be 8:15 - yes - real time!

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>
Sent: 9/25/2001 2:03:41 PM
Subject: : JSC meeting will be in the Judge's office tomorrow - not the Roosevelt.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-2001 18:03:41.00

SUBJECT:: JSC meeting will be in the Judge's office tomorrow - not the Roosevelt.

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00132222

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>
Sent: 9/25/2001 2:03:41 PM
Subject: : JSC meeting will be in the Judge's office tomorrow - not the Roosevelt.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-2001 18:03:41.00

SUBJECT:: JSC meeting will be in the Judge's office tomorrow - not the Roosevelt.

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00132224

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Thanks!

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: dan.bryant@usdoj.gov @ inet [UNKNOWN]
<dan.bryant@usdoj.gov>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN]
<jennifer.newstead@usdoj.gov>;jeff_taylor@judiciary.senate.gov @ inet [UNKNOWN]
<jeff_taylor@judiciary.senate.gov>
CC: makan_delrahim@judiciary.senate.gov @ inet [UNKNOWN]
<makan_delrahim@judiciary.senate.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>;Candida P. Wolff/OVP /EOP@EOP [OVP] <Candida P. Wolff>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/25/2001 5:47:37 PM
Subject: : Status Table
Attachments: P_LL BV3004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-SEP-2001 21:47:37.00
SUBJECT:: Status Table
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:jeff_taylor@judiciary.senate.gov (jeff_taylor@judiciary.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:makan_delrahim@judiciary.senate.gov (makan_delrahim@judiciary.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

For your review and approval in preparation for the 11 a.m. with Leahy staff. Please review carefully and provide your corrections/comments by 9:30 a.m. Thanks.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LL BV3004_WHO.TXT_1>

STATUS OF ADMINISTRATION'S BILL (9/26/01)

SETTLED PROVISIONS	PROVISIONS STILL OUTSTANDING/STATUS
	101 – Administration firm
102 (as amended)	
	103 – Administration reviewing Leahy proposal
104	
	105 – case law provided to Leahy
	106 – Leahy/DOJ coordinating on definition of “computer tresp.”
107	
108	
109 (as amended)	
110	
151	
	152 – Administration firm
	153 – Administration reviewing Leahy proposal
	154 – Administration reviewing Leahy proposal
	155 – Administration firm
	156 – Administration reviewing Leahy proposal
	157 – Administration reviewing Leahy proposal
	158 – Leahy/Kennedy to propose language
159	
201 (as amended)	
	202 – under Administration review
203	
	204 – Leahy views contingent on definition of terrorist org.
205 (as amended)	
	206 – Administration concerned about penalty provisions
	207 – Administration accepts in part
301	
302	
303	
304	
	305 – Administration firm
	306 – Leahy to propose language
	307 -- Administration reviewing Leahy proposal
308	
	309 -- Administration reviewing Leahy proposal
	351 – Need feedback from Leahy
	352 – Leahy to propose language
	353 – Hatch and Leahy working on language
	354 – Administration reviewing Leahy proposal
	355 – under Administration review
356	
401	
402	
403	

STATUS OF ADMINISTRATION'S BILL (9/26/01)

404	
405	
	406 – under Administration review
407	
408	
409	
501	
502	
503	
504	
505 (dropped)	

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: dan.bryant@usdoj.gov @ inet [UNKNOWN]
<dan.bryant@usdoj.gov>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN]
<jennifer.newstead@usdoj.gov>;jeff_taylor@judiciary.senate.gov @ inet [UNKNOWN]
<jeff_taylor@judiciary.senate.gov>
CC: makan_delrahim@judiciary.senate.gov @ inet [UNKNOWN]
<makan_delrahim@judiciary.senate.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>;Candida P. Wolff/OVP /EOP@EOP [OVP] <Candida P. Wolff>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 9/26/2001 4:04:31 AM
Subject: : Revised STATUS TABLE
Attachments: P_F4EV3004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-SEP-2001 08:04:31.00
SUBJECT:: Revised STATUS TABLE
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:jeff_taylor@judiciary.senate.gov (jeff_taylor@judiciary.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:makan_delrahim@judiciary.senate.gov (makan_delrahim@judiciary.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Slightly revised version.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F4EV3004_WHO.TXT_1>

**STATUS OF LEAHY NEGOTIATIONS ON ADMINISTRATION'S BILL
(9/26/01)**

SETTLED PROVISIONS	PROVISIONS STILL OUTSTANDING/STATUS
	101 – Administration firm, with “no content” amendment
102 (as amended)	
	103 – Administration reviewing Leahy proposal
104	
	105 – case law provided to Leahy
	106 – Leahy/DOJ coordinating on definition of “computer tresp.”
107	
108	
109 (as amended)	
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112	
110	
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	152 – Administration firm
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	154 – Administration reviewing Leahy proposal
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	157 – Administration reviewing Leahy proposal
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	309 -- Administration reviewing Leahy proposal
	351 – Need feedback from Leahy
	352 – Leahy to propose language
	353 – Hatch and Leahy working on language
	354 – Administration reviewing Leahy proposal
	355 – under Administration review
356	
357	

**STATUS OF LEAHY NEGOTIATIONS ON ADMINISTRATION'S BILL
(9/26/01)**

401	
402	
403	
404	
405	
	406 – under Administration review
407	
	408 – under Administration review
409	
501	
502	
503	
504	
505 (dropped)	
506	

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 9/26/2001 8:31:08 AM
Subject: : Re: Meetings

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-SEP-2001 12:31:08.00

SUBJECT:: Re: Meetings

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Aye.

Brett M. Kavanaugh
09/26/2001 12:08:20 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Meetings

I tried general regulations. A bill of attainder appears necessary after today's outcry and allegations of sandbagging. Please vote if you so desire on the following bill: "Absent emergency or peculiar circumstances, Courtney S. Elwood is hereby prohibited from entering the second floor West Wing Counsel's Office before 8:13:50 each morning."

Message Sent

To: _____
Bradford A. Berenson/WHO/EOP@EOP

REV_00132232

H. Christopher Bartolomucci/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: dan.bryant@usdoj.gov @ inet [UNKNOWN]
<dan.bryant@usdoj.gov>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN]
<jennifer.newstead@usdoj.gov>;jeff_taylor@judiciary.senate.gov @ inet [UNKNOWN]
<jeff_taylor@judiciary.senate.gov>
CC: makan_delrahim@judiciary.senate.gov @ inet [UNKNOWN]
<makan_delrahim@judiciary.senate.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>;Candida P. Wolff/OVP /EOP@EOP [OVP] <Candida P. Wolff>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;John.Elwood@usdoj.gov [UNKNOWN] <John.Elwood@usdoj.gov>
Sent: 9/26/2001 5:05:31 AM
Subject: : Another Revised Status Table
Attachments: P_KZFV3004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-SEP-2001 09:05:31.00
SUBJECT:: Another Revised Status Table
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:jeff_taylor@judiciary.senate.gov (jeff_taylor@judiciary.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:makan_delrahim@judiciary.senate.gov (makan_delrahim@judiciary.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John.Elwood@usdoj.gov (John.Elwood@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

including some DOJ input
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_KZFV3004_WHO.TXT_1>

**STATUS OF LEAHY NEGOTIATIONS ON ADMINISTRATION'S BILL
(9/26/01)**

SETTLED PROVISIONS	PROVISIONS STILL OUTSTANDING/STATUS
	101 – Administration firm, with “no content” amendment
102 (as amended)	
	103 – Administration firm
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	353 – Hatch and Leahy working on language
	354 – Administration firm
	355 – under Administration review
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357	

**STATUS OF LEAHY NEGOTIATIONS ON ADMINISTRATION'S BILL
(9/26/01)**

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404	
405	
	406 – under Administration review
407	
	408 – under Administration review
409	
501	
502	
503	
504	
505 (dropped)	
506	

From: Neil MacBride) (Neil_MacBride@judiciary.senate.gov (Neil MacBride) [UNKNOWN]
To: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
<Makan_Delrahim@judiciary.senate.gov>; Courtney S. Elwood/WHO/EOP@EOP [WHO]
<Courtney S. Elwood>; Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN]
<Jeff_Taylor@judiciary.senate.gov>; dan.bryant@usdoj.gov [UNKNOWN]
<dan.bryant@usdoj.gov>; jennifer.newstead@usdoj.gov [UNKNOWN]
<jennifer.newstead@usdoj.gov>; Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN]
<Stuart_Nash@judiciary.senate.gov>; Jeff Berman) (Jeff_Berman@judiciary.senate.gov (Jeff Berman) [UNKNOWN]
<Jeff_Berman@judiciary.senate.gov>; David Hantman) (David_Hantman@judiciary.senate.gov (David Hantman) [UNKNOWN]
<David_Hantman@judiciary.senate.gov>; Leah Belaire) (Leah_Belaire@judiciary.senate.gov (Leah Belaire) [UNKNOWN]
<Leah_Belaire@judiciary.senate.gov>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Nancy P. Dorn/WHO /EOP@EOP [WHO] <Nancy P. Dorn>; Candida P. Wolff/OVP/EOP@EOP [OVP] <Candida P. Wolff>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/26/2001 9:41:18 AM
Subject: : Re:Emails from mtg
Attachments: P_4DSV3004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Neil_MacBride@judiciary.senate.gov (Neil MacBride) (Neil_MacBride@judiciary.senate.gov (Neil MacBride) [UNKNOWN])

CREATION DATE/TIME:26-SEP-2001 13:41:18.00

SUBJECT:: Re:Emails from mtg

TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN])

READ:UNKNOWN

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Stuart_Nash@judiciary.senate.gov (Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN])

READ:UNKNOWN

TO:Jeff_Berman@judiciary.senate.gov (Jeff Berman) (Jeff_Berman@judiciary.senate.gov (Jeff Berman) [UNKNOWN])

READ:UNKNOWN

TO:David_Hantman@judiciary.senate.gov (David Hantman) (David_Hantman@judiciary.senate.gov (David Hantman) [UNKNOWN])

READ:UNKNOWN

TO:Leah_Belaire@judiciary.senate.gov (Leah Belaire) (Leah_Belaire@judiciary.senate.gov (Leah Belaire) [UNKNOWN])

READ:UNKNOWN

CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

- achcroft terrorism legislation.wpdfyi, the release i mentioned.

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_4DSV3004_WHO.TXT_1>

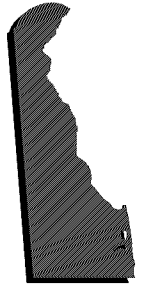
REV_00132238



Joseph R. Biden, Jr.

UNITED STATES SENATOR - DELAWARE

<http://www.senate.gov/~biden>



FOR RELEASE: September 25, 2001

CONTACT: Norm Kurz, 202-224-8895

Biden Urges New Tools For Law Enforcement, Stresses Practical Measure to Combat Bioterrorism Threat

Emphasizing the importance of the threat of bioterrorism and our need to take practical measures to combat such concerns, U.S. Senator Joseph R. Biden, Jr. today indicated his support for strengthening counter-terrorism measures to enhance the safety and national security interests of the nation.

"The September 11 attacks have focused our collective minds and energies on the need to take steps to prevent such atrocities from ever occurring again," Biden said. "I'm pleased the President has submitted proposed legislation to enact many of the needed measures I first offered in the 1995 terrorism bill, though I think we ought to consider some further steps as well. We've also got to get ahead of the curve on taking practical steps to reduce the risk of biological weapons."

Quoting from a letter he received in his capacity as Chairman of the Senate Foreign Relations Committee, Biden shared the views of Nobel Laureate and noted expert on infectious diseases Dr. Joshua Lederberg, who wrote that biological warfare constitutes a serious and complex threat to national security because it is available even to "rank amateurs."

Dr. Lederberg said at least a dozen countries are thought to be developing biological weapons. "In the current world where major states sustain some equilibrium through mutual deterrence," he wrote, biological warfare "offers opportunity for grave harm on the part of lesser actors," making it "probably the most perplexing and gravest security challenge we face." Lederberg's letter was entered into the record during a Foreign Relations Committee hearing Biden chaired September 5 on the Homeland Threat and Biological Weapons.

Following today's Judiciary Committee hearing with Attorney General John Ashcroft, Biden spoke of his backing for the Administration's efforts to enact a terrorism bill while pointing out measures he has long supported and that ought to be included to strengthen the legislation.

In 1995, Biden authored the Omnibus Counter-Terrorism Bill that would have enabled law enforcement to pursue leads pursuant to credible terrorist threats.

"My standard has long been 'what's good for the mafia is good for the terrorists'," Biden said. "There is no sensible reason why we should treat terrorists more leniently. It's been obvious to me for many years that we need to give law enforcement authorities investigating and prosecuting international terrorists the same tools they have to fight drug kingpins and organized crime."

The President's bill, like the Biden proposal several years ago, would extend current wiretap authority to include terrorist crimes, thereby giving law enforcement the same tools to pursue terrorists they have long had

REV_00132240

in narcotics and racketeering cases. However, two other Biden proposals have not been included in the Administration's bill.

"I think most Americans would agree an identical standard should apply to terrorists and the mob. We should provide emergency 48 hour wiretap authority without prior judicial authorization," Biden said. "This is exactly what law enforcement can do today in cases involving organized crime, so long as the court makes an after-the-fact determination that there was probable cause to get the emergency wiretap in the first place.

"I also think the 'good faith' standard the Supreme Court has long recognized in the criminal law field should be applied to wiretaps," Biden added. Terrorists and other criminals should not go free when the police make an honest mistake, if they were otherwise acting reasonably and in 'good faith.' The Court already has held that this sensible policy is constitutional.

"Finally, we need to use roving wiretaps to follow a suspect anywhere and everywhere rather than just on a telephone," Biden argued. I strongly supported this tool in 1995 and am pleased Congress has since enacted into law a roving wiretap provision. However, while law enforcement gained the right to use this technique in 1998, cops continue to be hobbled by a higher burden than that required to obtain a 'bug.' This disparity should be corrected. "

Biden also indicated his concern regarding two potential provisions - concerning the Foreign Intelligence Surveillance Act (FISA) and measures relating to immigration - included in the Administration's terrorism bill.

"I agree the fight against international terrorism requires us to rethink whether the high wall we've erected separating the intelligence and law enforcement communities should be lowered," Biden said. "But historically we've been well-served by the bright line that divides our cops and spies. I have real concerns about ensuring that whatever we do in this area strikes the right balance between fighting terrorism and maintaining our civil liberties. There are genuine constitutional questions we must review.

"Similarly, tightening restrictions on non-citizens is one thing, but efforts to expand detentions should not cross the line and violate the rights of due process," Biden argued. "Legitimate and justified detentions, on a limited basis, will gain the approval of Americans. But law enforcement officials have the responsibility to act quickly to charge suspects with a crime, deport them, or release them.

"And all us must be vigilant in guarding the rights of fellow Americans who are in danger of discrimination on the basis of their name or skin color. Especially in a time of crisis, we cannot jettison our fundamental values and beliefs," Biden concluded.

###

From: Neil MacBride) (Neil_MacBride@judiciary.senate.gov (Neil MacBride) [UNKNOWN]
To: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
<Makan_Delrahim@judiciary.senate.gov>; Courtney S. Elwood/WHO/EOP@EOP [WHO]
<Courtney S. Elwood>; Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN]
<Jeff_Taylor@judiciary.senate.gov>; dan.bryant@usdoj.gov [UNKNOWN]
<dan.bryant@usdoj.gov>; jennifer.newstead@usdoj.gov [UNKNOWN]
<jennifer.newstead@usdoj.gov>; Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN]
<Stuart_Nash@judiciary.senate.gov>; Jeff Berman) (Jeff_Berman@judiciary.senate.gov (Jeff Berman) [UNKNOWN]
<Jeff_Berman@judiciary.senate.gov>; David Hantman) (David_Hantman@judiciary.senate.gov (David Hantman) [UNKNOWN]
<David_Hantman@judiciary.senate.gov>; Leah Belaire) (Leah_Belaire@judiciary.senate.gov (Leah Belaire) [UNKNOWN]
<Leah_Belaire@judiciary.senate.gov>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Nancy P. Dorn/WHO /EOP@EOP [WHO] <Nancy P. Dorn>; Candida P. Wolff/OVP/EOP@EOP [OVP] <Candida P. Wolff>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/26/2001 9:52:01 AM
Subject: : Re:Emails from mtg
Attachments: P_GRSV3004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Neil_MacBride@judiciary.senate.gov (Neil MacBride) (Neil_MacBride@judiciary.senate.gov (Neil MacBride) [UNKNOWN])

CREATION DATE/TIME:26-SEP-2001 13:52:01.00

SUBJECT:: Re:Emails from mtg

TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN])

READ:UNKNOWN

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Stuart_Nash@judiciary.senate.gov (Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN])

READ:UNKNOWN

TO:Jeff_Berman@judiciary.senate.gov (Jeff Berman) (Jeff_Berman@judiciary.senate.gov (Jeff Berman) [UNKNOWN])

READ:UNKNOWN

TO:David_Hantman@judiciary.senate.gov (David Hantman) (David_Hantman@judiciary.senate.gov (David Hantman) [UNKNOWN])

READ:UNKNOWN

TO:Leah_Belaire@judiciary.senate.gov (Leah Belaire) (Leah_Belaire@judiciary.senate.gov (Leah Belaire) [UNKNOWN])

READ:UNKNOWN

CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

- achcroft terrorism legislation.wpdfyi, the release i mentioned.

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_GRSV3004_WHO.TXT_1>

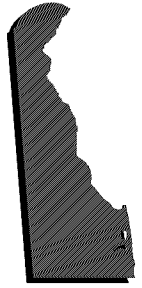
REV_00132245



Joseph R. Biden, Jr.

UNITED STATES SENATOR - DELAWARE

<http://www.senate.gov/~biden>



FOR RELEASE: September 25, 2001

CONTACT: Norm Kurz, 202-224-8895

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"My standard has long been 'what's good for the mafia is good for the terrorists'," Biden said. "There is no sensible reason why we should treat terrorists more leniently. It's been obvious to me for many years that we need to give law enforcement authorities investigating and prosecuting international terrorists the same tools they have to fight drug kingpins and organized crime."

The President's bill, like the Biden proposal several years ago, would extend current wiretap authority to include terrorist crimes, thereby giving law enforcement the same tools to pursue terrorists they have long had

REV_00132246

in narcotics and racketeering cases. However, two other Biden proposals have not been included in the Administration's bill.

"I think most Americans would agree an identical standard should apply to terrorists and the mob. We should provide emergency 48 hour wiretap authority without prior judicial authorization," Biden said. "This is exactly what law enforcement can do today in cases involving organized crime, so long as the court makes an after-the-fact determination that there was probable cause to get the emergency wiretap in the first place.

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###

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 9/26/2001 6:18:45 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-SEP-2001 10:18:45.00

SUBJECT::

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

relax

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/26/2001 7:30:10 AM
Subject: : Re: JSC meeting will be in the Judge's office tomorrow - not the Roosevelt.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-SEP-2001 11:30:10.00

SUBJECT:: Re: JSC meeting will be in the Judge's office tomorrow - not the Roosevelt.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI in case you were hoping for dialogue with Henick or Rove this afternoon.

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
09/26/2001 11:29 AM -----

Dee Dee Benkie
09/26/2001 11:28:52 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP

REV_00132251

cc:
bcc:
Subject: Re: JSC meeting will be in the Judge's office tomorrow -
not the Roosevelt.

Libby
Karl and Chris can't attend. Chris had to be in New York
Matt Schlapp will go in their absence
thank you !

Elizabeth N. Camp
09/25/2001 06:02:10 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: JSC meeting will be in the Judge's office tomorrow - not
the Roosevelt.

Thanks!

Message Sent

To:

Melissa S. Bennett/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Carrie C. Pauska/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Dee Dee Benkie/WHO/EOP@EOP
andrew.beach@usdoj.gov
amy.petersen@usdoj.gov
adam.ciongoli@usdoj.gov @ inet
Brent D. Greenfield/WHO/EOP@EOP
evelyn.v.long@usdoj.gov
Jennifer.Newstead@usdoj.gov
Viet.Dinh@usdoj.gov
Heather Wingate/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason.J.Sutton@usdoj.gov

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 9/26/2001 8:15:21 AM
Subject: : Re: Meetings

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-SEP-2001 12:15:21.00

SUBJECT:: Re: Meetings

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I vote that we stop picking on Courtney.

Brett M. Kavanaugh
09/26/2001 12:08:20 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Meetings

I tried general regulations. A bill of attainder appears necessary after today's outcry and allegations of sandbagging. Please vote if you so desire on the following bill: "Absent emergency or peculiar circumstances, Courtney S. Elwood is hereby prohibited from entering the second floor West Wing Counsel's Office before 8:13:50 each morning."

Message Sent

REV_00132253

To: _____

Bradford A. Berenson/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 9/26/2001 9:34:54 AM
Subject: : Re: Meetings

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-SEP-2001 13:34:54.00
SUBJECT:: Re: Meetings
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

This is a new regime. We were told 8:15 means 8:15. I showed up at 8:14. Everything else is in the past, when everyone knew the rule was 8:30 means 8:20 although it could be 8:15. I play by the rules.

Helgard C. Walker
09/26/2001 01:27:12 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Meetings

That's just today. We are using an aggregation test.

H. Christopher Bartolomucci

REV_00132258

09/26/2001 12:58:17 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Meetings

Let the record reflect that everyone except Brad was in the room before me.

Helgard C. Walker
09/26/2001 12:51:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Meetings

I second the motion.

Brett M. Kavanaugh
09/26/2001 12:51:01 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Meetings

As to those who are getting a little soft on me (Rachel), this is tough business, so I vote that we identify those who need some mild "encouragement," as the State Dept might phrase it. In that vein, there has been a secret motion to add one "H. Christopher Bartolomucci" to the bill.

Noel J. Francisco
09/26/2001 12:30:58 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Meetings

Aye.

Brett M. Kavanaugh
09/26/2001 12:08:20 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Meetings

I tried general regulations. A bill of attainder appears

REV_00132259

necessary after today's outcry and allegations of sandbagging. Please vote if you so desire on the following bill: "Absent emergency or peculiar circumstances, Courtney S. Elwood is hereby prohibited from entering the second floor West Wing Counsel's Office before 8:13:50 each morning."

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

Message Copied

To:

bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
courtney s. elwood/who/eop@eop
helgard c. walker/who/eop@eop
robert w. cobb/who/eop@eop
kyle sampson/who/eop@eop
rachel l. brand/who/eop@eop
elizabeth n. camp/who/eop@eop

Message Copied

To:

bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
courtney s. elwood/who/eop@eop
helgard c. walker/who/eop@eop
robert w. cobb/who/eop@eop
kyle sampson/who/eop@eop
rachel l. brand/who/eop@eop
elizabeth n. camp/who/eop@eop

Message Copied

To:

noel j. francisco/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
courtney s. elwood/who/eop@eop
helgard c. walker/who/eop@eop
robert w. cobb/who/eop@eop
kyle sampson/who/eop@eop
rachel l. brand/who/eop@eop
elizabeth n. camp/who/eop@eop

Message Copied

To:

brett m. kavanaugh/who/eop@eop
noel j. francisco/who/eop@eop
bradford a. berenson/who/eop@eop
courtney s. elwood/who/eop@eop
helgard c. walker/who/eop@eop
robert w. cobb/who/eop@eop

kyle sampson/who/eop@eop
rachel l. brand/who/eop@eop
elizabeth n. camp/who/eop@eop

Message Copied

To:

brett m. kavanaugh/who/eop@eop
noel j. francisco/who/eop@eop
bradford a. berenson/who/eop@eop
courtney s. elwood/who/eop@eop
helgard c. walker/who/eop@eop
robert w. cobb/who/eop@eop
kyle sampson/who/eop@eop
rachel l. brand/who/eop@eop
elizabeth n. camp/who/eop@eop

From: Neil MacBride) (Neil_MacBride@judiciary.senate.gov (Neil MacBride) [UNKNOWN]
To: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
<Makan_Delrahim@judiciary.senate.gov>; Courtney S. Elwood/WHO/EOP@EOP [WHO]
<Courtney S. Elwood>; Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN]
<Jeff_Taylor@judiciary.senate.gov>; dan.bryant@usdoj.gov [UNKNOWN]
<dan.bryant@usdoj.gov>; jennifer.newstead@usdoj.gov [UNKNOWN]
<jennifer.newstead@usdoj.gov>; Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN]
<Stuart_Nash@judiciary.senate.gov>; Jeff Berman) (Jeff_Berman@judiciary.senate.gov (Jeff Berman) [UNKNOWN]
<Jeff_Berman@judiciary.senate.gov>; David Hantman) (David_Hantman@judiciary.senate.gov (David Hantman) [UNKNOWN]
<David_Hantman@judiciary.senate.gov>; Leah Belaire) (Leah_Belaire@judiciary.senate.gov (Leah Belaire) [UNKNOWN]
<Leah_Belaire@judiciary.senate.gov>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Nancy P. Dorn/WHO /EOP@EOP [WHO] <Nancy P. Dorn>; Candida P. Wolff/OVP/EOP@EOP [OVP] <Candida P. Wolff>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/26/2001 9:51:36 AM
Subject: : Re:Emails from mtg
Attachments: P_XQSV3004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Neil_MacBride@judiciary.senate.gov (Neil MacBride) (Neil_MacBride@judiciary.senate.gov (Neil MacBride) [UNKNOWN])

CREATION DATE/TIME:26-SEP-2001 13:51:36.00

SUBJECT:: Re:Emails from mtg

TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN])

READ:UNKNOWN

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Stuart_Nash@judiciary.senate.gov (Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN])

READ:UNKNOWN

TO:Jeff_Berman@judiciary.senate.gov (Jeff Berman) (Jeff_Berman@judiciary.senate.gov (Jeff Berman) [UNKNOWN])

READ:UNKNOWN

TO:David_Hantman@judiciary.senate.gov (David Hantman) (David_Hantman@judiciary.senate.gov (David Hantman) [UNKNOWN])

READ:UNKNOWN

TO:Leah_Belaire@judiciary.senate.gov (Leah Belaire) (Leah_Belaire@judiciary.senate.gov (Leah Belaire) [UNKNOWN])

READ:UNKNOWN

CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

- achcroft terrorism legislation.wpdfyi, the release i mentioned.

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_XQSV3004_WHO.TXT_1>

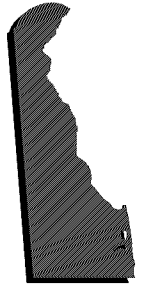
REV_00132262



Joseph R. Biden, Jr.

UNITED STATES SENATOR - DELAWARE

<http://www.senate.gov/~biden>



FOR RELEASE: September 25, 2001

CONTACT: Norm Kurz, 202-224-8895

Biden Urges New Tools For Law Enforcement, Stresses Practical Measure to Combat Bioterrorism Threat

Emphasizing the importance of the threat of bioterrorism and our need to take practical measures to combat such concerns, U.S. Senator Joseph R. Biden, Jr. today indicated his support for strengthening counter-terrorism measures to enhance the safety and national security interests of the nation.

"The September 11 attacks have focused our collective minds and energies on the need to take steps to prevent such atrocities from ever occurring again," Biden said. "I'm pleased the President has submitted proposed legislation to enact many of the needed measures I first offered in the 1995 terrorism bill, though I think we ought to consider some further steps as well. We've also got to get ahead of the curve on taking practical steps to reduce the risk of biological weapons."

Quoting from a letter he received in his capacity as Chairman of the Senate Foreign Relations Committee, Biden shared the views of Nobel Laureate and noted expert on infectious diseases Dr. Joshua Lederberg, who wrote that biological warfare constitutes a serious and complex threat to national security because it is available even to "rank amateurs."

Dr. Lederberg said at least a dozen countries are thought to be developing biological weapons. "In the current world where major states sustain some equilibrium through mutual deterrence," he wrote, biological warfare "offers opportunity for grave harm on the part of lesser actors," making it "probably the most perplexing and gravest security challenge we face." Lederberg's letter was entered into the record during a Foreign Relations Committee hearing Biden chaired September 5 on the Homeland Threat and Biological Weapons.

Following today's Judiciary Committee hearing with Attorney General John Ashcroft, Biden spoke of his backing for the Administration's efforts to enact a terrorism bill while pointing out measures he has long supported and that ought to be included to strengthen the legislation.

In 1995, Biden authored the Omnibus Counter-Terrorism Bill that would have enabled law enforcement to pursue leads pursuant to credible terrorist threats.

"My standard has long been 'what's good for the mafia is good for the terrorists'," Biden said. "There is no sensible reason why we should treat terrorists more leniently. It's been obvious to me for many years that we need to give law enforcement authorities investigating and prosecuting international terrorists the same tools they have to fight drug kingpins and organized crime."

The President's bill, like the Biden proposal several years ago, would extend current wiretap authority to include terrorist crimes, thereby giving law enforcement the same tools to pursue terrorists they have long had

REV_00132264

in narcotics and racketeering cases. However, two other Biden proposals have not been included in the Administration's bill.

"I think most Americans would agree an identical standard should apply to terrorists and the mob. We should provide emergency 48 hour wiretap authority without prior judicial authorization," Biden said. "This is exactly what law enforcement can do today in cases involving organized crime, so long as the court makes an after-the-fact determination that there was probable cause to get the emergency wiretap in the first place.

"I also think the 'good faith' standard the Supreme Court has long recognized in the criminal law field should be applied to wiretaps," Biden added. Terrorists and other criminals should not go free when the police make an honest mistake, if they were otherwise acting reasonably and in 'good faith.' The Court already has held that this sensible policy is constitutional.

"Finally, we need to use roving wiretaps to follow a suspect anywhere and everywhere rather than just on a telephone," Biden argued. I strongly supported this tool in 1995 and am pleased Congress has since enacted into law a roving wiretap provision. However, while law enforcement gained the right to use this technique in 1998, cops continue to be hobbled by a higher burden than that required to obtain a 'bug.' This disparity should be corrected. "

Biden also indicated his concern regarding two potential provisions - concerning the Foreign Intelligence Surveillance Act (FISA) and measures relating to immigration - included in the Administration's terrorism bill.

"I agree the fight against international terrorism requires us to rethink whether the high wall we've erected separating the intelligence and law enforcement communities should be lowered," Biden said. "But historically we've been well-served by the bright line that divides our cops and spies. I have real concerns about ensuring that whatever we do in this area strikes the right balance between fighting terrorism and maintaining our civil liberties. There are genuine constitutional questions we must review.

"Similarly, tightening restrictions on non-citizens is one thing, but efforts to expand detentions should not cross the line and violate the rights of due process," Biden argued. "Legitimate and justified detentions, on a limited basis, will gain the approval of Americans. But law enforcement officials have the responsibility to act quickly to charge suspects with a crime, deport them, or release them.

"And all us must be vigilant in guarding the rights of fellow Americans who are in danger of discrimination on the basis of their name or skin color. Especially in a time of crisis, we cannot jettison our fundamental values and beliefs," Biden concluded.

###

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: dan.bryant@usdoj.gov @ inet [UNKNOWN]
<dan.bryant@usdoj.gov>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN]
<jennifer.newstead@usdoj.gov>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Nancy P. Dorn/WHO
/EOP@EOP [WHO] <Nancy P. Dorn>;Candida P. Wolff/OVP/EOP@EOP [OVP] <Candida P.
Wolff>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen
Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;John.Elwood@usdoj.gov [UNKNOWN
] <John.Elwood@usdoj.gov>
Sent: 9/26/2001 12:26:45 PM
Subject: : REVISED STATUS TABLE
Attachments: P_JEZV3004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-SEP-2001 16:26:45.00
SUBJECT:: REVISED STATUS TABLE
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John.Elwood@usdoj.gov (John.Elwood@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Please make sure this is consistent with your notes (if you attended
today's Leahy meeting). Don't forward it on to Hatch and/or Leahy staff
until I have heard from everyone.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JEZV3004_WHO.TXT_1>

**STATUS OF LEAHY NEGOTIATIONS ON ADMINISTRATION'S BILL
(9/26/01, 5 p.m.)**

SETTLED PROVISIONS	PROVISIONS STILL OUTSTANDING/STATUS
	101 – Administration firm, with “no content” amendment
102 (as amended)	
	103 – Leahy to propose language
104	
	105 – case law provided to Leahy
	106 – Leahy/DOJ coordinating on definition of “computer tresp.”
107	
108	
	109 (as amended) – Leahy to propose language
111	
112	
110	
	151 – Administration reviewing Leahy proposal
	152 – Administration reviewing Leahy § 207
	153 – Administration firm
	154 – Administration firm
	155 – Administration reviewing Leahy proposal
	156 – Leahy reviewing Administration proposed amendment
	157 – Administration reviewing Leahy proposal
	158 – Leahy/Kennedy to propose language
	159 – Need Leahy feedback
	201 – Administration owes Leahy definition of terrorism
	202 – under Administration review
	203 – Administration owes Leahy view on whether AG’s certification will be reviewable
	204 – Leahy views contingent on definition of terrorist org.
205 (as amended)	
	206 – Administration concerned about penalty provisions
	207 – Administration accepts in part
	301 – contingent on definition of terrorism offense
	302 – contingent on definition of terrorism offense
	303 – contingent on definition of terrorism offense
304	
305 – w/ possible addt’ns from Biden bill	
	306 – contingent on definition of terrorism offense
	307 – Administration reviewing Leahy proposal (new harboring provision modeled on § 792, but omitting “suspects”), and checking with State on extraterritoriality clause
	308 – contingent on definition of terrorism offense
	309 – Administration and Leahy each to propose new language
	351 – Need feedback from Leahy
	352 – Administration reviewing Leahy proposal
	353 – Hatch and Leahy working on language; and subject to

**STATUS OF LEAHY NEGOTIATIONS ON ADMINISTRATION'S BILL
(9/26/01, 5 p.m.)**

	definition of terrorist organization
	354 – Leahy to propose alternative language
	355 – under Administration review
356	
357	
401	
402	
403	
404	
	405 – Leahy to propose language
	406 – under Administration review
	407 – Need feedback from Leahy
	408 – under Administration review
409	
501	
	502 – Administration reviewing Leahy language
503	
	504 – Administration reviewing Leahy language
505 (dropped)	
506	

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 9/26/2001 2:09:02 PM
Subject: : Re: Urgent need for detailees to DOJ

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 26-SEP-2001 18:09:02.00
SUBJECT:: Re: Urgent need for detailees to DOJ
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

and lest there be any doubt, I obviously did not intend the last e-mail as critical of the messenger (you), but only of the message from DOJ

Bradford A. Berenson
09/26/2001 05:49:08 PM
Record Type: Record

To: Albert Hawkins/WHO/EOP@EOP
cc: Ali H. Tulbah/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP, Jay P. Lefkowitz/OMB/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Urgent need for detailees to DOJ

The Department of Justice urgently needs two detailees from another department or agency to help with a fast-track process of preparing a public record to support regulations DOJ must promulgate within 90 days to administer financial assistance under the airline bailout bill. Because DOJ does not promulgate many regulations within the Civil Division, they do not have the necessary personnel to do this right. This would be a strictly temporary assignment, probably running 2-3 months.

According to Phil Perry, the detailees would be tasked with developing the action plan for running the regulatory process: soliciting public input, building and organizing an evidentiary record, drafting the regs. They would have support from other DOJ personnel, but they would be the administrative process experts. Phil thinks the Department of Labor is likely to have people who have specialized expertise in record relating to making financial disbursements of this kind, but any department or agency with the requisite personnel who are not too busy and willing to take this on would work. The key is that they should have substantial experience running the regulatory process.

Would you please put out an APB to the other departments or agencies and see who has a person or two who might be available and willing to help DOJ? Because of the compressed timetable, they need people very very soon. If you don't get volunteers, we may need to ask you to do a little arm-twisting.

Thanks very much. Please let me know if you have any questions.

From: CN=Carlos E. Bonilla/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/27/2001 4:20:23 AM
Subject: : Re: airlines

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 27-SEP-2001 08:20:23.00
SUBJECT:: Re: airlines
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I got it, thanks. I think a lot of us are running around a lot.

Brett M. Kavanaugh
09/26/2001 09:56:51 PM
Record Type: Record

To: Carlos E. Bonilla/OPD/EOP@EOP
cc:
Subject: airlines

I sent you the OMB summary of the Act, which I think does a pretty fair job of explanation. Please let me know any questions you have. Sorry to be somewhat difficult to track down; have been working anti-terrorism quite a bit.

From: CN=Carlos E. Bonilla/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/27/2001 4:20:23 AM
Subject: : Re: airlines

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 27-SEP-2001 08:20:23.00
SUBJECT:: Re: airlines
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I got it, thanks. I think a lot of us are running around a lot.

Brett M. Kavanaugh
09/26/2001 09:56:51 PM
Record Type: Record

To: Carlos E. Bonilla/OPD/EOP@EOP
cc:
Subject: airlines

I sent you the OMB summary of the Act, which I think does a pretty fair job of explanation. Please let me know any questions you have. Sorry to be somewhat difficult to track down; have been working anti-terrorism quite a bit.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 9/27/2001 5:10:47 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-SEP-2001 09:10:47.00
SUBJECT::
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

do you have Dan Bryant's work and cell numbers?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/27/2001 5:10:56 AM
Subject: : Tours, etc.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-SEP-2001 09:10:56.00

SUBJECT:: Tours, etc.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Just wanted to make sure everyone knows that all tours have been cancelled until further notice - this includes the ticketed/congressional tours, public tours and WW tours.

REV_00132278

Marine One departures and arrivals are also closed until further notice.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/27/2001 5:10:56 AM
Subject: : Tours, etc.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-SEP-2001 09:10:56.00

SUBJECT:: Tours, etc.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

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READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

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REV_00132280

Marine One departures and arrivals are also closed until further notice.

From: Garry Malphrus) (Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) [UNKNOWN]
To: adam.ciongoli@usdoj.gov [UNKNOWN] <adam.ciongoli@usdoj.gov>; alex.acosta@usdoj.gov [UNKNOWN] <alex.acosta@usdoj.gov>; carl.thorsen@usdoj.gov [UNKNOWN] <carl.thorsen@usdoj.gov>; pat.obrien@usdoj.gov [UNKNOWN] <pat.obrien@usdoj.gov>; dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>; johnny.k.sutton@usdoj.gov [UNKNOWN] <johnny.k.sutton@usdoj.gov>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; lleo@fed-soc.org [UNKNOWN] <lleo@fed-soc.org>; Lee.Otis@hq.doe.gov [UNKNOWN] <Lee.Otis@hq.doe.gov>; paul.d.clement@usdoj.gov [UNKNOWN] <paul.d.clement@usdoj.gov>; Rhett.DeHart@usdoj.gov [UNKNOWN] <Rhett.DeHart@usdoj.gov>; stewart_verdery@aml.senate.gov [UNKNOWN] <stewart_verdery@aml.senate.gov>; john_mashburn@lott.senate.gov [UNKNOWN] <john_mashburn@lott.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; John Abegg) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (John Abegg) [UNKNOWN] <John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov>; jennifer_newstead@usdoj.gov [UNKNOWN] <jennifer_newstead@usdoj.gov>; Peter Levitas) (Peter_Levitas@judiciary.senate.gov (Peter Levitas) [UNKNOWN] <Peter_Levitas@judiciary.senate.gov>; Jim Rowland) (Jim_Rowland@judiciary.senate.gov (Jim Rowland) [UNKNOWN] <Jim_Rowland@judiciary.senate.gov>; Christine Morden) (Christine_Morden@judiciary.senate.gov (Christine Morden) [UNKNOWN] <Christine_Morden@judiciary.senate.gov>; Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>
CC: Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN] <Jeff_Taylor@judiciary.senate.gov>; Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN] <Stuart_Nash@judiciary.senate.gov>; Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>; Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>
Sent: 9/27/2001 5:24:23 AM
Subject: : Judiciary Comm. hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) (Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) [UNKNOWN])

CREATION DATE/TIME:27-SEP-2001 09:24:23.00

SUBJECT:: Judiciary Comm. hearing

TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:alex.acosta@usdoj.gov (alex.acosta@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:carl.thorsen@usdoj.gov (carl.thorsen@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:pat.obrien@usdoj.gov (pat.obrien@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:johnny.k.sutton@usdoj.gov (johnny.k.sutton@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:lleo@fed-soc.org (lleo@fed-soc.org [UNKNOWN])

READ:UNKNOWN

TO:Lee.Otis@hq.doe.gov (Lee.Otis@hq.doe.gov [UNKNOWN])

READ:UNKNOWN

TO:paul.d.clement@usdoj.gov (paul.d.clement@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Rhett.DeHart@usdoj.gov (Rhett.DeHart@usdoj.gov [UNKNOWN])

REV_00132282

READ:UNKNOWN
TO:stewart_verdery@aml.senate.gov (stewart_verdery@aml.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:john_mashburn@lott.senate.gov (john_mashburn@lott.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (John Abegg) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (John Abegg) [UNKNOWN])
READ:UNKNOWN
TO:jennifer_newstead@usdoj.gov (jennifer_newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Peter_Levitas@judiciary.senate.gov (Peter Levitas) (Peter_Levitas@judiciary.senate.gov (Peter Levitas) [UNKNOWN])
READ:UNKNOWN
TO:Jim_Rowland@judiciary.senate.gov (Jim Rowland) (Jim_Rowland@judiciary.senate.gov (Jim Rowland) [UNKNOWN])
READ:UNKNOWN
TO:Christine_Morden@judiciary.senate.gov (Christine Morden) (Christine_Morden@judiciary.senate.gov (Christine Morden) [UNKNOWN])
READ:UNKNOWN
TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])
READ:UNKNOWN
CC:Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN])
READ:UNKNOWN
CC:Stuart_Nash@judiciary.senate.gov (Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN])
READ:UNKNOWN
CC:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
READ:UNKNOWN
CC:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The Constitution Subcommittee, chaired by Senator Feingold, announced last night that it will hold a hearing next Wednesday, October 3, at 10:00 am entitled "Protecting Constitutional Freedoms in the Face of Terrorism." They have given us as Ranking Member very few details yet, but we can expect the focus to be on the constitutional and privacy issues surrounding the Administration's legislation to fight terrorism.

For witnesses, I am contacting possible professors, such as John Manning. Also, we need to decide if we want to have someone other than a legal expert to appear, such as a victim or broader terrorism expert. If you have any suggestions for witnesses we should call to defend the Administration or other thoughts about the hearing, please contact me. Thanks.

From: Garry Malphrus) (Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) [UNKNOWN]
To: adam.ciongoli@usdoj.gov [UNKNOWN] <adam.ciongoli@usdoj.gov>; alex.acosta@usdoj.gov [UNKNOWN] <alex.acosta@usdoj.gov>; carl.thorsen@usdoj.gov [UNKNOWN] <carl.thorsen@usdoj.gov>; pat.obrien@usdoj.gov [UNKNOWN] <pat.obrien@usdoj.gov>; dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>; johnny.k.sutton@usdoj.gov [UNKNOWN] <johnny.k.sutton@usdoj.gov>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; lleo@fed-soc.org [UNKNOWN] <lleo@fed-soc.org>; Lee.Otis@hq.doe.gov [UNKNOWN] <Lee.Otis@hq.doe.gov>; paul.d.clement@usdoj.gov [UNKNOWN] <paul.d.clement@usdoj.gov>; Rhett.DeHart@usdoj.gov [UNKNOWN] <Rhett.DeHart@usdoj.gov>; stewart_verdery@aml.senate.gov [UNKNOWN] <stewart_verdery@aml.senate.gov>; john_mashburn@lott.senate.gov [UNKNOWN] <john_mashburn@lott.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; John Abegg) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (John Abegg) [UNKNOWN] <John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov>; jennifer_newstead@usdoj.gov [UNKNOWN] <jennifer_newstead@usdoj.gov>; Peter Levitas) (Peter_Levitas@judiciary.senate.gov (Peter Levitas) [UNKNOWN] <Peter_Levitas@judiciary.senate.gov>; Jim Rowland) (Jim_Rowland@judiciary.senate.gov (Jim Rowland) [UNKNOWN] <Jim_Rowland@judiciary.senate.gov>; Christine Morden) (Christine_Morden@judiciary.senate.gov (Christine Morden) [UNKNOWN] <Christine_Morden@judiciary.senate.gov>; Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>
CC: Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN] <Jeff_Taylor@judiciary.senate.gov>; Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN] <Stuart_Nash@judiciary.senate.gov>; Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>; Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>
Sent: 9/27/2001 5:43:47 AM
Subject: : Judiciary Comm. hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) (Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) [UNKNOWN])

CREATION DATE/TIME:27-SEP-2001 09:43:47.00

SUBJECT:: Judiciary Comm. hearing

TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:alex.acosta@usdoj.gov (alex.acosta@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:carl.thorsen@usdoj.gov (carl.thorsen@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:pat.obrien@usdoj.gov (pat.obrien@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:johnny.k.sutton@usdoj.gov (johnny.k.sutton@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:lleo@fed-soc.org (lleo@fed-soc.org [UNKNOWN])

READ:UNKNOWN

TO:Lee.Otis@hq.doe.gov (Lee.Otis@hq.doe.gov [UNKNOWN])

READ:UNKNOWN

TO:paul.d.clement@usdoj.gov (paul.d.clement@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Rhett.DeHart@usdoj.gov (Rhett.DeHart@usdoj.gov [UNKNOWN])

REV_00132284

READ:UNKNOWN
TO:stewart_verdery@aml.senate.gov (stewart_verdery@aml.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:john_mashburn@lott.senate.gov (john_mashburn@lott.senate.gov [UNKNOWN])
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TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:jennifer_newstead@usdoj.gov (jennifer_newstead@usdoj.gov [UNKNOWN])
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TO:Peter_Levitas@judiciary.senate.gov (Peter Levitas) (Peter_Levitas@judiciary.senate.gov (Peter Levitas) [UNKNOWN])
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CC:Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN])
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CC:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
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CC:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])
READ:UNKNOWN
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Sent: 9/27/2001 10:08:06 AM
Subject: : ABA Ratings

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-SEP-2001 14:08:06.00

SUBJECT:: ABA Ratings

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Danny Reeves - Qualified w/ minority of Well Qualified

Karen Caldwell - Qualified

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Miller, Brian D <Brian.D.Miller@usdoj.gov>
CC: dinh, viet <viet.dinh@usdoj.gov>; colborn, paul p <paul.p.colborn@usdoj.gov>; wood, john f <john.f.wood@usdoj.gov>
Sent: 9/27/2001 9:21:26 AM
Subject: : Re: FOIA
Attachments: P_1FLW3004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-SEP-2001 13:21:26.00

SUBJECT:: Re: FOIA

TO: "Miller, Brian D" <Brian.D.Miller@usdoj.gov> ("Miller, Brian D" <Brian.D.Miller@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

CC: "dinh, viet" <viet.dinh@usdoj.gov> (receipt notification requested) (ipm return requested) ("dinh, viet" <viet.dinh@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ: UNKNOWN

CC: "colborn, paul p" <paul.p.colborn@usdoj.gov> (receipt notification requested) (ipm return requested) ("colborn, paul p" <paul.p.colborn@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ: UNKNOWN

CC: "wood, john f" <john.f.wood@usdoj.gov> (receipt notification requested) (ipm return requested) ("wood, john f" <john.f.wood@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

Looks good to me. I would delete "policy" in "FOIA policy issues" in the second line of the 5th paragraph. Otherwise, WH Counsel has signed off. Still waiting for WH DPC. Will check with them again today.

"Miller, Brian D" <Brian.D.Miller@usdoj.gov>

09/27/2001 12:32:20 PM

Record Type: Record

To: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Wood, John F" <John.F.Wood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FOIA

Attached is a revised version of DOJ's final draft. I think that all of the offending language has been removed, and it also includes some of the new language re discretionary disclosures. However, it still has "fluff" or "happy talk," which softens the impact.

- foialetter.fin2.fin.f.wpd

REV_00132291

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1FLW3004_WHO.TXT_1>

Office of the Attorney General
Washington, D.C. 20530

MEMORANDUM FOR HEADS OF ALL FEDERAL DEPARTMENTS AND AGENCIES

FROM: John Ashcroft
Attorney General

SUBJECT: The Freedom of Information Act

As you know, the Department of Justice and this Administration are committed to full compliance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (2000). It is only through a well-informed citizenry that the leaders of our nation remain accountable to the governed and the American people can be assured that neither fraud nor government waste is concealed.

The Department of Justice and this Administration are equally committed to protecting other fundamental values that are held by our society. Among them are safeguarding our national security, enhancing the effectiveness of our law enforcement agencies, protecting sensitive business information and, not least, preserving personal privacy.

Our citizens have a strong interest as well in a government that is fully functional and efficient. Congress and the courts have long recognized that certain legal privileges ensure candid and complete agency deliberations without fear that they will be made public. Other privileges ensure that lawyers' deliberations and communications are kept private. No leader can operate effectively without confidential advice and counsel. Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), incorporates these privileges and the sound policies underlying them.

I encourage your agency to carefully consider the protection of all such values and interests when making disclosure determinations under the FOIA. Any discretionary decision by your agency to disclose information protected under the FOIA should be made only after full and deliberate consideration of the institutional, commercial, and personal privacy interests that could be implicated by disclosure of the information.

In making these decisions, you should consult with the Department of Justice's Office of Information and Privacy when significant FOIA policy issues arise, as well as with our Civil Division on FOIA litigation matters. When you carefully consider FOIA requests and decide to withhold records, in whole or in part, you can be assured that the Department of Justice will defend your decisions unless they lack a sound legal basis or present an unwarranted risk of adverse impact on the ability of other agencies to protect other important records.

This memorandum supersedes the Department of Justice's FOIA Memorandum of October 4, 1993, and it likewise creates no substantive or procedural right enforceable at law.

From: Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN]
To: Bryant; Dan <Dan.Bryant@usdoj.gov>; Ciongoli; Adam <Adam.Ciongoli@usdoj.gov>; Acosta; Alex <Alex.Acosta@usdoj.gov>; Thorsen; Carl <Carl.Thorsen@usdoj.gov>; Sutton; Johnny K <Johnny.K.Sutton@usdoj.gov>; Clement; Paul D <Paul.D.Clement@usdoj.gov>; DeHart; Rhett <Rhett.DeHart@usdoj.gov>; Dinh; Viet <Viet.Dinh@usdoj.gov>; 'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; 'leo@fed-soc.org' <leo@fed-soc.org>; 'Lee.Otis@hq.doe.gov' <Lee.Otis@hq.doe.gov>; 'stewart_verdery@aml.senate.gov' <stewart_verdery@aml.senate.gov>; 'john_mashburn@lott.senate.gov' <john_mashburn@lott.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN] <John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov>; 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>; 'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>; Receipt Notification Requested) (Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN] <Christine_Morden@judiciary.senate.gov>; 'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
CC: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>; 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>; 'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
Sent: 9/27/2001 1:25:42 PM
Subject: : Re:RE: Judiciary Comm. hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

CREATION DATE/TIME:27-SEP-2001 17:25:42.00

SUBJECT:: Re:RE: Judiciary Comm. hearing

TO:"Bryant; Dan" <Dan.Bryant@usdoj.gov> ("Bryant; Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) ("Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) ("Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) ("Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) ("Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) ("Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) ("DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) ("Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return Requested) ('Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:''leo@fed-soc.org'' <leo@fed-soc.org> (Receipt Notification Requested) (''leo@fed-soc.org'' <leo@fed-soc.org> (Receipt Notification Requested) [UNKNOWN])

REV_00132294

READ:UNKNOWN
 TO: "'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) ("'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO: "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) ("'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO: "'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) ("'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO: John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO: 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov> (Receipt Notification Requested) ('Peter Levitas' <Peter_Levitas@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO: 'Jim Rowland' <Jim_Rowland@judiciary.senate.gov> (Receipt Notification Requested) ('Jim Rowland' <Jim_Rowland@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO: Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) (Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO: 'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) ('Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 CC: Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
 READ:UNKNOWN
 CC: 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov> (Receipt Notification Requested) ('Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 CC: 'Stuart Nash' <Stuart_Nash@judiciary.senate.gov> (Receipt Notification Requested) ('Stuart Nash' <Stuart_Nash@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

Ted would be the greatest witness we could get if he is willing. He is the man!

Reply Separator

Subject: RE: Judiciary Comm. hearing
 Author: "Bryant; Dan" <Dan.Bryant@usdoj.gov>
 Date: 9/27/01 4:48 PM

How about Ted Olson? He knows the bill, supports it enthusiastically, and knows it to be constitutional from top to bottom. He's also got a unique perspective on September 11, 2001.

-----Original Message-----

From: Garry Malphrus [mailto:Garry_Malphrus@judiciary.senate.gov]
 Sent: Thursday, September 27, 2001 9:17 AM
 To: Ciongoli, Adam; Acosta, Alex; Thorsen, Carl; Bryant, Dan; Sutton,

REV_00132295

Johnny K; Clement, Paul D; DeHart, Rhett; Dinh, Viet;
Diana_L._Schacht@opd.eop.gov; lleo@fed-soc.org; Lee.Otis@hq.doe.gov;
stewart_verdery@aml.senate.gov; john_mashburn@lott.senate.gov;
bradford_a._berenson@who.eop.gov; brett_m._kavanaugh@who.eop.gov;
ksampson@who.eop.gov; John Abegg; Peter Levitas; Jim Rowland; Christine
Morden; Stephen Higgins
Cc: Jeff Taylor; Stuart Nash; Makan Delrahim; Ed Haden
Subject: Judiciary Comm. hearing

The Constitution Subcommittee, chaired by Senator Feingold, announced last night that it will hold a hearing next Wednesday, October 3, at 10:00 am entitled "Protecting Constitutional Freedoms in the Face of Terrorism." They have given us as Ranking Member very few details yet, but we can expect the focus to be on the constitutional and privacy issues surrounding the Administration's legislation to fight terrorism.

For witnesses, I am contacting possible professors, such as John Manning. Also, we need to decide if we want to have someone other than a legal expert to appear, such as a victim or broader terrorism expert. If you have any suggestions for witnesses we should call to defend the Administration or other

thoughts about the hearing, please contact me. Thanks.

Received: from mailsims1.senate.gov ([156.33.203.10]) by IMAEXC2.senate.gov with SMTP

(IMA Internet Exchange 3.13) id 003E7034; Thu, 27 Sep 2001 16:54:51 -0400

Received: from wdcsun022.usdoj.gov (wdcsun2.usdoj.gov)

by mailsims1.senate.gov (Sun Internet Mail Server

sims.3.5.1999.07.30.00.05.p8) with SMTP id

<OGKC00D029UOKS@mailsims1.senate.gov>; Thu, 27 Sep 2001 16:49:50 -0400

(EDT)

Received: from wt4.usdoj.gov (localhost [127.0.0.1])

by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)

with ESMTP id GKC9UI01.P5L; Thu, 27 Sep 2001 16:49:30 -0400

Received: (from x400@localhost) by wt4.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)

id QAA02489; Thu, 27 Sep 2001 16:49:28 -0400 (EDT)

Received: by TELEMAIL; Thu, 27 Sep 2001 16:48:39 -0400

Date: Thu, 27 Sep 2001 16:48:40 -0400

From: "Bryant, Dan" <Dan.Bryant@usdoj.gov>

Subject: RE: Judiciary Comm. hearing

To: "Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)

, "Acosta, Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested),

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested),

"Sutton, Johnny K" <Johnny.K.Sutton@usdoj.gov>

(Receipt Notification Requested), "Clement, Paul D"

<Paul.D.Clement@usdoj.gov>

(Receipt Notification Requested), "DeHart, Rhett" <Rhett.DeHart@usdoj.gov>

(Receipt Notification Requested),

"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),

'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov>

(Receipt Notification Requested) (IPM Return Requested),

"Diana_L._Schacht@opd.eop.gov" <Diana_L._Schacht@opd.eop.gov>

(Receipt Notification Requested), "'lleo@fed-soc.org'" <lleo@fed-soc.org>

(Receipt Notification Requested),

"Lee.Otis@hq.doe.gov" <Lee.Otis@hq.doe.gov> (Receipt Notification

Requested)

, "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov>

(Receipt Notification Requested),

"john_mashburn@lott.senate.gov" <john_mashburn@lott.senate.gov>

(Receipt Notification Requested),

"bradford_a._berenson@who.eop.gov" <bradford_a._berenson@who.eop.gov>

(Receipt Notification Requested),
"brett_m._kavanaugh@who.eop.gov" <brett_m._kavanaugh@who.eop.gov>
(Receipt Notification Requested),
"ksampson@who.eop.gov" <ksampson@who.eop.gov>
(Receipt Notification Requested),
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification
Requested)
, 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>
(Receipt Notification Requested),
'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>
(Receipt Notification Requested),
Christine_Morden@judiciary.senate.gov (Receipt Notification Requested),
'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
(Receipt Notification Requested)
Cc: 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>
(Receipt Notification Requested),
'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
(Receipt Notification Requested),
'Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov>
(Receipt Notification Requested), 'Ed Haden'
<Ed_Haden@judiciary.senate.gov>
(Receipt Notification Requested)
Message-id: <"JMD0081-010927204839Z-32603*/PRMD=USDOJ-JCON/ADMD=
/C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: RE: Judiciary Co
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-g5)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
UA-content-id: RE: Judiciary Co
X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US/;JMD0081-010927204839Z-32603]
X-Priority: 3 (Normal)

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/27/2001 10:08:06 AM
Subject: : ABA Ratings

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-SEP-2001 14:08:06.00

SUBJECT:: ABA Ratings

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Danny Reeves - Qualified w/ minority of Well Qualified

Karen Caldwell - Qualified

From: Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN]
To: Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN]
<Ed_Haden@judiciary.senate.gov>;Christine Morden) (Christine_Morden@judiciary.senate.gov
(Christine Morden) [UNKNOWN] <Christine_Morden@judiciary.senate.gov>;Garry Malphrus) (Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) [UNKNOWN]
<Garry_Malphrus@judiciary.senate.gov>;Jim Rowland) (Jim_Rowland@judiciary.senate.gov (Jim Rowland) [UNKNOWN] <Jim_Rowland@judiciary.senate.gov>;Peter Levitas) (Peter_Levitas@judiciary.senate.gov (Peter Levitas) [UNKNOWN]
<Peter_Levitas@judiciary.senate.gov>;Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>;Bryant; Dan
<Dan.Bryant@usdoj.gov>;Ciongoli; Adam <Adam.Ciongoli@usdoj.gov>;Acosta; Alex
<Alex.Acosta@usdoj.gov>;Thorsen; Carl <Carl.Thorsen@usdoj.gov>;Sutton; Johnny K
<Johnny.K.Sutton@usdoj.gov>;Clement; Paul D <Paul.D.Clement@usdoj.gov>;DeHart; Rhett
<Rhett.DeHart@usdoj.gov>;Dinh; Viet <Viet.Dinh@usdoj.gov>;Diana L. Schacht/OPD
/EOP@EOP [OPD] <Diana L. Schacht>;'leo@fed-soc.org' <leo@fed-soc.org>;'Lee.Otis@hq.doe.gov' <Lee.Otis@hq.doe.gov>;'stewart_verdery@aml.senate.gov'
<stewart_verdery@aml.senate.gov>;'john_mashburn@lott.senate.gov' <john_mashburn@lott.senate.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN] <John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov>
CC: Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN] <Stuart_Nash@judiciary.senate.gov>;Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>
Sent: 9/27/2001 4:14:21 PM
Subject: : Re[2]:RE: Judiciary Comm. hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN])

CREATION DATE/TIME:27-SEP-2001 20:14:21.00

SUBJECT:: Re[2]:RE: Judiciary Comm. hearing

TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

READ:UNKNOWN

TO:Christine_Morden@judiciary.senate.gov (Christine Morden) (Christine_Morden@judiciary.senate.gov (Christine Morden) [UNKNOWN])

READ:UNKNOWN

TO:Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) (Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) [UNKNOWN])

READ:UNKNOWN

TO:Jim_Rowland@judiciary.senate.gov (Jim Rowland) (Jim_Rowland@judiciary.senate.gov (Jim Rowland) [UNKNOWN])

READ:UNKNOWN

TO:Peter_Levitas@judiciary.senate.gov (Peter Levitas) (Peter_Levitas@judiciary.senate.gov (Peter Levitas) [UNKNOWN])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant; Dan" <Dan.Bryant@usdoj.gov> ("Bryant; Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) ("Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) ("Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) ("Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

REV_00132299

READ:UNKNOWN
TO:"Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) ("Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) ("Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) ("DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) ("Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:"'lleo@fed-soc.org'" <lleo@fed-soc.org> (Receipt Notification Requested) ("'lleo@fed-soc.org'" <lleo@fed-soc.org> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) ("'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) ("'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) ("'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:Stuart_Nash@judiciary.senate.gov (Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN])
READ:UNKNOWN
CC:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I concur.

Subject: Re:RE: Judiciary Comm. hearing
Author: Ed Haden@judiciary.senate.gov (Ed Haden)
Date: 9/27/2001 5:03 PM

Ted would be the greatest witness we could get if he is willing. He is the man!

Subject: RE: Judiciary Comm. hearing
Author: "Bryant; Dan" <Dan.Bryant@usdoj.gov>
Date: 9/27/01 4:48 PM

How about Ted Olson? He knows the bill, supports it enthusiastically, and knows it to be constitutional from top to bottom. He's also got a unique perspective

on September 11, 2001.

-----Original Message-----

From: Garry Malphrus [mailto:Garry_Malphrus@judiciary.senate.gov]
Sent: Thursday, September 27, 2001 9:17 AM
To: Ciongoli, Adam; Acosta, Alex; Thorsen, Carl; Bryant, Dan; Sutton, Johnny K; Clement, Paul D; DeHart, Rhett; Dinh, Viet; Diana_L._Schacht@opd.eop.gov; lleo@fed-soc.org; Lee.Otis@hq.doe.gov; stewart_verdery@aml.senate.gov; john_mashburn@lott.senate.gov; bradford_a._berenson@who.eop.gov; brett_m._kavanaugh@who.eop.gov; ksampson@who.eop.gov; John Abegg; Peter Levitas; Jim Rowland; Christine Morden; Stephen Higgins
Cc: Jeff Taylor; Stuart Nash; Makan Delrahim; Ed Haden
Subject: Judiciary Comm. hearing

The Constitution Subcommittee, chaired by Senator Feingold, announced last night that it will hold a hearing next Wednesday, October 3, at 10:00 am entitled "Protecting Constitutional Freedoms in the Face of Terrorism." They have given us as Ranking Member very few details yet, but we can expect the focus to be on the constitutional and privacy issues surrounding the Administration's legislation to fight terrorism.

For witnesses, I am contacting possible professors, such as John Manning. Also, we need to decide if we want to have someone other than a legal expert to appear, such as a victim or broader terrorism expert. If you have any suggestions for witnesses we should call to defend the Administration or other thoughts about the hearing, please contact me. Thanks.

Received: from mailsims1.senate.gov ([156.33.203.10]) by IMAEXC2.senate.gov with SMTP

(IMA Internet Exchange 3.13) id 003E7034; Thu, 27 Sep 2001 16:54:51 -0400

Received: from wdcsun022.usdoj.gov (wdcsun2.usdoj.gov)

by mailsims1.senate.gov (Sun Internet Mail Server

sims.3.5.1999.07.30.00.05.p8) with SMTP id

<OGKC00D029UOKS@mailsims1.senate.gov>; Thu, 27 Sep 2001 16:49:50 -0400

(EDT)

Received: from wt4.usdoj.gov (localhost [127.0.0.1])

by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)

with ESMTP id GKC9UI01.P5L; Thu, 27 Sep 2001 16:49:30 -0400

Received: (from x400@localhost) by wt4.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)

id QAA02489; Thu, 27 Sep 2001 16:49:28 -0400 (EDT)

Received: by TELEMAIL; Thu, 27 Sep 2001 16:48:39 -0400

Date: Thu, 27 Sep 2001 16:48:40 -0400

From: "Bryant, Dan" <Dan.Bryant@usdoj.gov>

Subject: RE: Judiciary Comm. hearing

To: "Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)

, "Acosta, Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested),

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested),

"Sutton, Johnny K" <Johnny.K.Sutton@usdoj.gov>

(Receipt Notification Requested), "Clement, Paul D"

<Paul.D.Clement@usdoj.gov>

(Receipt Notification Requested), "DeHart, Rhett" <Rhett.DeHart@usdoj.gov>

(Receipt Notification Requested),

"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),

'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov>

(Receipt Notification Requested) (IPM Return Requested),

"Diana_L._Schacht@opd.eop.gov" <Diana_L._Schacht@opd.eop.gov>

(Receipt Notification Requested), "'lleo@fed-soc.org'" <lleo@fed-soc.org>

(Receipt Notification Requested),

"Lee.Otis@hq.doe.gov" <Lee.Otis@hq.doe.gov> (Receipt Notification

REV_00132301

Requested)
 , "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov>
 (Receipt Notification Requested),
 "'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov>
 (Receipt Notification Requested),
 "'bradford_a._berenson@who.eop.gov'" <bradford_a._berenson@who.eop.gov>
 (Receipt Notification Requested),
 "'brett_m._kavanaugh@who.eop.gov'" <brett_m._kavanaugh@who.eop.gov>
 (Receipt Notification Requested),
 "'ksampson@who.eop.gov'" <ksampson@who.eop.gov>
 (Receipt Notification Requested),
 John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification
 Requested)
 , 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>
 (Receipt Notification Requested),
 'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>
 (Receipt Notification Requested),
 Christine_Morden@judiciary.senate.gov (Receipt Notification Requested),
 'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
 (Receipt Notification Requested)
 Cc: 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>
 (Receipt Notification Requested),
 'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
 (Receipt Notification Requested),
 'Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov>
 (Receipt Notification Requested), 'Ed Haden'
 <Ed_Haden@judiciary.senate.gov>
 (Receipt Notification Requested)
 Message-id: <"JMD0081-010927204839Z-32603*/PRMD=USDOJ-JCON/ADMD=
 /C=US/"@MHS>
 Autoforwarded: FALSE
 Content-identifier: RE: Judiciary Co
 MIME-version: 1.0
 X-Mailer: NetJunction (NetJunction 5.1.1-g5)/MIME
 Content-type: TEXT/PLAIN; CHARSET=US-ASCII
 Importance: Normal
 Original-encoded-information-types: IA5-Text
 Priority: Normal
 Precedence: first-class
 UA-content-id: RE: Judiciary Co
 X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US/;JMD0081-010927204839Z-32603]
 X-Priority: 3 (Normal)
 Received: from mailsims1.senate.gov ([156.33.203.10]) by
 IMAEXC2.senate.gov with
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 (IMA Internet Exchange 3.13) id 003E76D5; Thu, 27 Sep 2001 17:16:04 -0400
 Received: from IMAEXC2.senate.gov ([156.33.203.15])
 by mailsims1.senate.gov (Sun Internet Mail Server
 sims.3.5.1999.07.30.00.05.p8) with ESMTP id
 <0GKC00D0JATVKS@mailsim1.senate.gov>; Thu, 27 Sep 2001 17:11:22 -0400
 (EDT)
 Received: from ccMail by IMAEXC2.senate.gov (IMA Internet Exchange 3.13)
 id 003E7530; Thu, 27 Sep 2001 17:08:38 -0400
 Date: Thu, 27 Sep 2001 17:03:36 -0400
 From: Ed_Haden@judiciary.senate.gov (Ed Haden)
 Subject: Re:RE: Judiciary Comm. hearing
 To: "Bryant; Dan" <Dan.Bryant@usdoj.gov>,
 "Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification
 Requested),
 "Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested),
 "Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested),
 "Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov>
 (Receipt Notification Requested), "Clement; Paul D"
 <Paul.D.Clement@usdoj.gov>
 (Receipt Notification Requested), "DeHart; Rhett" <Rhett.DeHart@usdoj.gov>
 (Receipt Notification Requested),
 "Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),
 'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return

Requested),
"'"Diana_L._Schacht@opd.eop.gov'" <Diana_L._Schacht@opd.eop.gov>
(Receipt Notification Requested), "'lleo@fed-soc.org'" <lleo@fed-soc.org>
(Receipt Notification Requested),
"'"Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification
Requested)
, "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov>
(Receipt Notification Requested),
"'"john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov>
(Receipt Notification Requested),
"'"bradford_a._berenson@who.eop.gov'" <bradford_a._berenson@who.eop.gov>
(Receipt Notification Requested),
"'"brett_m._kavanaugh@who.eop.gov'" <brett_m._kavanaugh@who.eop.gov>
(Receipt Notification Requested),
"'"ksampson@who.eop.gov'" <ksampson@who.eop.gov>
(Receipt Notification Requested),
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification
Requested)
, 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>
(Receipt Notification Requested),
'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>
(Receipt Notification Requested),
Christine_Morden@judiciary.senate.gov (Receipt Notification Requested),
'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
(Receipt Notification Requested)
Cc: Makan_Delrahim@judiciary.senate.gov (Makan Delrahim),
'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>
(Receipt Notification Requested),
'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
(Receipt Notification Requested)
Message-id: <003E7530.C22124@judiciary.senate.gov>
MIME-version: 1.0
Content-type: text/plain; charset=US-ASCII
Content-description: cc:Mail note part
Content-transfer-encoding: 7bit

From: Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN]
To: Bryant; Dan <Dan.Bryant@usdoj.gov>; Ciongoli; Adam <Adam.Ciongoli@usdoj.gov>; Acosta; Alex <Alex.Acosta@usdoj.gov>; Thorsen; Carl <Carl.Thorsen@usdoj.gov>; Sutton; Johnny K <Johnny.K.Sutton@usdoj.gov>; Clement; Paul D <Paul.D.Clement@usdoj.gov>; DeHart; Rhett <Rhett.DeHart@usdoj.gov>; Dinh; Viet <Viet.Dinh@usdoj.gov>; 'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; 'leo@fed-soc.org' <leo@fed-soc.org>; 'Lee.Otis@hq.doe.gov' <Lee.Otis@hq.doe.gov>; 'stewart_verdery@aml.senate.gov' <stewart_verdery@aml.senate.gov>; 'john_mashburn@lott.senate.gov' <john_mashburn@lott.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN] <John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov>; 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>; 'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>; Receipt Notification Requested) (Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN] <Christine_Morden@judiciary.senate.gov>; 'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
CC: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>; 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>; 'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
Sent: 9/27/2001 1:25:32 PM
Subject: : Re:RE: Judiciary Comm. hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

CREATION DATE/TIME:27-SEP-2001 17:25:32.00

SUBJECT:: Re:RE: Judiciary Comm. hearing

TO:"Bryant; Dan" <Dan.Bryant@usdoj.gov> ("Bryant; Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) ("Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) ("Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) ("Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) ("Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) ("Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) ("DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) ("Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return Requested) ('Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:''leo@fed-soc.org'' <leo@fed-soc.org> (Receipt Notification Requested) (''leo@fed-soc.org'' <leo@fed-soc.org> (Receipt Notification Requested) [UNKNOWN])

REV_00132305

READ:UNKNOWN
 TO: "'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) ("'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO: "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) ("'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO: "'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) ("'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:'Peter Levitas' <Peter_Levitas@judiciary.senate.gov> (Receipt Notification Requested) ('Peter Levitas' <Peter_Levitas@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:'Jim Rowland' <Jim_Rowland@judiciary.senate.gov> (Receipt Notification Requested) ('Jim Rowland' <Jim_Rowland@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) (Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) ('Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
 READ:UNKNOWN
 CC:'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov> (Receipt Notification Requested) ('Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:'Stuart Nash' <Stuart_Nash@judiciary.senate.gov> (Receipt Notification Requested) ('Stuart Nash' <Stuart_Nash@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

Ted would be the greatest witness we could get if he is willing. He is the man!

Reply Separator

Subject: RE: Judiciary Comm. hearing
 Author: "Bryant; Dan" <Dan.Bryant@usdoj.gov>
 Date: 9/27/01 4:48 PM

How about Ted Olson? He knows the bill, supports it enthusiastically, and knows it to be constitutional from top to bottom. He's also got a unique perspective on September 11, 2001.

-----Original Message-----

From: Garry Malphrus [mailto:Garry_Malphrus@judiciary.senate.gov]
 Sent: Thursday, September 27, 2001 9:17 AM
 To: Ciongoli, Adam; Acosta, Alex; Thorsen, Carl; Bryant, Dan; Sutton,

REV_00132306

Johnny K; Clement, Paul D; DeHart, Rhett; Dinh, Viet;
Diana_L._Schacht@opd.eop.gov; lleo@fed-soc.org; Lee.Otis@hq.doe.gov;
stewart_verdery@aml.senate.gov; john_mashburn@lott.senate.gov;
bradford_a._berenson@who.eop.gov; brett_m._kavanaugh@who.eop.gov;
ksampson@who.eop.gov; John Abegg; Peter Levitas; Jim Rowland; Christine
Morden; Stephen Higgins
Cc: Jeff Taylor; Stuart Nash; Makan Delrahim; Ed Haden
Subject: Judiciary Comm. hearing

The Constitution Subcommittee, chaired by Senator Feingold, announced last night that it will hold a hearing next Wednesday, October 3, at 10:00 am entitled "Protecting Constitutional Freedoms in the Face of Terrorism." They have given us as Ranking Member very few details yet, but we can expect the focus to be on the constitutional and privacy issues surrounding the Administration's legislation to fight terrorism.

For witnesses, I am contacting possible professors, such as John Manning. Also, we need to decide if we want to have someone other than a legal expert to appear, such as a victim or broader terrorism expert. If you have any suggestions for witnesses we should call to defend the Administration or other

thoughts about the hearing, please contact me. Thanks.

Received: from mailsims1.senate.gov ([156.33.203.10]) by IMAEXC2.senate.gov with SMTP

(IMA Internet Exchange 3.13) id 003E7034; Thu, 27 Sep 2001 16:54:51 -0400

Received: from wdcsun022.usdoj.gov (wdcsun2.usdoj.gov)

by mailsims1.senate.gov (Sun Internet Mail Server

sims.3.5.1999.07.30.00.05.p8) with SMTP id

<OGKC00D029UOKS@mailsims1.senate.gov>; Thu, 27 Sep 2001 16:49:50 -0400

(EDT)

Received: from wt4.usdoj.gov (localhost [127.0.0.1])

by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)

with ESMTP id GKC9UI01.P5L; Thu, 27 Sep 2001 16:49:30 -0400

Received: (from x400@localhost) by wt4.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)

id QAA02489; Thu, 27 Sep 2001 16:49:28 -0400 (EDT)

Received: by TELEMAIL; Thu, 27 Sep 2001 16:48:39 -0400

Date: Thu, 27 Sep 2001 16:48:40 -0400

From: "Bryant, Dan" <Dan.Bryant@usdoj.gov>

Subject: RE: Judiciary Comm. hearing

To: "Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)

, "Acosta, Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested),

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested),

"Sutton, Johnny K" <Johnny.K.Sutton@usdoj.gov>

(Receipt Notification Requested), "Clement, Paul D"

<Paul.D.Clement@usdoj.gov>

(Receipt Notification Requested), "DeHart, Rhett" <Rhett.DeHart@usdoj.gov>

(Receipt Notification Requested),

"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),

'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov>

(Receipt Notification Requested) (IPM Return Requested),

"Diana_L._Schacht@opd.eop.gov" <Diana_L._Schacht@opd.eop.gov>

(Receipt Notification Requested), "'lleo@fed-soc.org'" <lleo@fed-soc.org>

(Receipt Notification Requested),

"Lee.Otis@hq.doe.gov" <Lee.Otis@hq.doe.gov> (Receipt Notification

Requested)

, "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov>

(Receipt Notification Requested),

"john_mashburn@lott.senate.gov" <john_mashburn@lott.senate.gov>

(Receipt Notification Requested),

"bradford_a._berenson@who.eop.gov" <bradford_a._berenson@who.eop.gov>

(Receipt Notification Requested),
"brett_m._kavanaugh@who.eop.gov" <brett_m._kavanaugh@who.eop.gov>
(Receipt Notification Requested),
"ksampson@who.eop.gov" <ksampson@who.eop.gov>
(Receipt Notification Requested),
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification
Requested)
, 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>
(Receipt Notification Requested),
'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>
(Receipt Notification Requested),
Christine_Morden@judiciary.senate.gov (Receipt Notification Requested),
'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
(Receipt Notification Requested)
Cc: 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>
(Receipt Notification Requested),
'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
(Receipt Notification Requested),
'Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov>
(Receipt Notification Requested), 'Ed Haden'
<Ed_Haden@judiciary.senate.gov>
(Receipt Notification Requested)
Message-id: <"JMD0081-010927204839Z-32603*/PRMD=USDOJ-JCON/ADMD=
/C=US/"@MHS>
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Content-identifier: RE: Judiciary Co
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-g5)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
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X-Priority: 3 (Normal)

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/27/2001 1:43:33 PM
Subject: : RE: FISA letter

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:27-SEP-2001 17:43:33.00

SUBJECT:: RE: FISA letter

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: FISA letter

Was Read By : Viet.Dinh@usdoj.gov

On : Thu, 27 Sep 2001 17:37:10 -0400

From: Edward_Ingle@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>;Craig Felner/WHO/EOP@EOP [WHO] <Craig Felner>;Nicole E. Grodner/WHO/EOP@EOP [WHO] <Nicole E. Grodner>
Sent: 9/27/2001 4:05:39 PM
Subject: : Agency FOIA requests....
Attachments: P_AJYW3004_WHO.TXT_1.doc

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CREATOR:Edward_Ingle@who.eop.gov (Edward_Ingle@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:27-SEP-2001 20:05:39.00
SUBJECT:: Agency FOIA requests....
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nicole E. Grodner (CN=Nicole E. Grodner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

...from this week's cabinet report submissions.

(See attached file: foia9-27-01.doc)
- foia9-27-01.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AJYW3004_WHO.TXT_1>

SIGNIFICANT AGENCY FOIA REQUESTS

DOT

DOT Evaluated FOIA Impact on Security Vulnerability Assessments. In coordination with the DOJ, DOT has determined that the vulnerability assessments and emergency response plans received by DOT from state and local governments or from private industry are exempt from FOIA release.

LABOR

FAITH-BASED AND OTHER COMMUNITY ORGANIZATIONS

Judith Schaeffer, Deputy Legal Director, People for the American Way Foundation, is seeking:

all reports and other documents generated by the Department in response to, or otherwise containing the information sought by, the directive of Executive Order 13198 (Jan. 29, 2001) that the Department conduct “a department wide-audit to identify all existing barriers to the participation of faith-based and other community organizations in the delivery of social services by the department . . . “

This request was forwarded to the Office of the Assistant Secretary for Administration and Management for processing. Date request received: September 7, 2001.

ANDREW M. CUOMO

Christina Gross, is seeking:

copies of any and all correspondence to or from Andrew Cuomo (1992 to present).

This request was forwarded to all the components of the Department for processing. Date request received: September 19, 2001.

WORLD TRADE CENTER DISASTER REQUESTS

Jane Houlihan, Research Director, Environmental Working Group, is seeking:

test results from environmental monitoring conducted as a result of the World Trade Center disaster. This information should include, but not limited to, the names of the chemical or physical parameters tested, numerical test results and units of quantification, test methods and test detection limits, media sampled, sampling locations, sampling dates and times, sampling methods and equipment, and documented interpretation of the test results, and any other sampling information necessary for interpretation of the test results.

Ms. Houlihan is also seeking copies of sampling plans that describe past or planned environmental sampling efforts associated with the World Trade Center disaster.

This request is currently being processed by the Occupational Safety and Health Administration in Region II (New York). Date request received: September 24, 2001.

Nora Rosenberg, Researcher, The Center for the Biology of Natural Systems, Flushing, New York, is seeking:

copies of all information and records pertaining to:

- the dusts, chemicals, and other substances being monitored, especially, but not limited to:
 - Asbestos
 - Other dusts and particulates
 - Fiberglass
 - Plastics
 - Synthetic chemicals
 - Chlorinated hydrocarbons, including polychlorinated biphenyls
 - Polyvinyl Chloride (PVC)
 - Polyurethane and polystyrene
 - Benzene
 - Formaldehyde
 - Polycyclic Aromatic Hydrocarbons
- a description of the techniques used to measure samples, especially the types of equipment employed and the detection limits.
- all the air quality data and wipe sampling data that you have collected both at Ground Zero and in the surrounding areas, for each of the substances you are monitoring for. This will include the date, time, and place of measurement.
- any documents that you have produced analyzing the dust or chemical concentrations resulting from the blast.

This request is currently being processed by the Occupational Safety and Health Admin. in Region II (Flushing, New York). Date request received: Sept. 20, 2001.

Greg W. Richey, CIH, CSP, Principal, Colden Corporation, Occupational Health, Safety & Environmental Consultants, Philadelphia, Pennsylvania, is seeking:

all results of samples taken by personnel working for OSHA for the purpose of evaluating exposures to all airborne contaminants at the World Trade Center

Site including:

- Personal exposures to rescue workers
- Personal samples on OSHA personnel both working at “ground zero” and in the financial district itself.
- All area air sample results; and
- All bulk sample results.

Mr. Richey is only interested in the results of samples collected between September 12 and September 18, 2001.

This request is currently being processed by the Occupational Safety and Health Administration in Region II (New York). Date request received: September 19, 2001.

COMMERCE

The News & Observer, requested all correspondence between DOC officials and Senator John Edwards and members of his staff.

Pacific Rivers Council, requested a copy of all correspondence with Oregon Department of Forestry since 5/23/01 relating to non-federal logging in the state of Oregon and its impact on aquatic ecosystems, etc.

The Oregonian, requested a copy of all documents in the custody of National Marine Fisheries Service (NMFS), Northwest Region (NWR) on the potential costs of environmental restoration, mitigation, and monitoring measures required by NMFS biological opinion and conference report for the Columbia River Federal Navigation Channel Deepening; the withdrawal of the biological opinion in August 2000; NWR FOIA log since 1999; and congressional correspondence and biological opinion on the channel deepening.

HHS

- **CDC**

The *Associated Press*, New York, New York, has requested that CDC provide to them all documents involving potential transmission of AIDS by various types of insects.

- **CMS**

On August 30, Frank Bass, Director of Computer-Assisted Reporting for the Associated Press (NY), requested copies of Freedom of Information Act logs for the past 3 calendar years.

ONDCP

Andrew Cuomo—Christina Gross requests all correspondence with Andrew Cuomo.

Industrial Hemp—Sandler, Reiff & Young, P.C. requests all communications on industrial hemp between DEA, US Customs Service, Agriculture, and White House offices.

From: Carrie Bittman <BITTMANC@asco.org>
To: MurrayJM@3FSSG.USMC.MIL [UNKNOWN]
<MurrayJM@3FSSG.USMC.MIL>;ffulton@aafp.org [UNKNOWN]
<ffulton@aafp.org>;MBrown@aerie.com [UNKNOWN]
<MBrown@aerie.com>;Afsantucci@aol.com [UNKNOWN]
<Afsantucci@aol.com>;AHLloughlin@aol.com [UNKNOWN]
<AHLloughlin@aol.com>;EthelDailey@aol.com [UNKNOWN]
<EthelDailey@aol.com>;etreacy3@aol.com [UNKNOWN]
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<Janettimmo@aol.com>;Mmmee@aol.com [UNKNOWN] <Mmmee@aol.com>;Tjtuttle@aol.com
[UNKNOWN] <Tjtuttle@aol.com>;sgray@axiscomm.com [UNKNOWN]
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<MLizas@comsys.com>;DOOLANJ@dc-radio.com [UNKNOWN] <DOOLANJ@dc-
radio.com>;Anne_Gordon@discovery.com [UNKNOWN]
<Anne_Gordon@discovery.com>;kwilks@drcmail.com [UNKNOWN]
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<jreyda@gonzaga.org>;myerst@gtlaw.com [UNKNOWN]
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nexis.com>;manderson@morganlewis.com [UNKNOWN]
<manderson@morganlewis.com>;paul.demetris@msdw.com [UNKNOWN]
<paul.demetris@msdw.com>;Lara.Chamberlain@NFIB.ORG [UNKNOWN]
<Lara.Chamberlain@NFIB.ORG>;andy.crouch@oldcastleapg.com [UNKNOWN]
<andy.crouch@oldcastleapg.com>;Julia D. Cross/ONDCP/EOP@EOP [ONDCP] <Julia D.
Cross>;Alan_Cull@pgatourhq.com [UNKNOWN]
<Alan_Cull@pgatourhq.com>;john_geotcheus@slc.senate.gov [UNKNOWN]
<john_geotcheus@slc.senate.gov>;carriaga@us.ibm.com [UNKNOWN]
<carriaga@us.ibm.com>;mwestern@us.ibm.com [UNKNOWN]
<mwestern@us.ibm.com>;Maureen.Delaney@usdoj.gov [UNKNOWN]
<Maureen.Delaney@usdoj.gov>;cooney@ventures4sale.com [CEQ]
<cooney@ventures4sale.com>;Joe.mcgregal@verizon.net [UNKNOWN]
<Joe.mcgregal@verizon.net>;jobrien@wcanmiller.com [UNKNOWN]
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<carrie.mcgregal@wcom.com>;l.brown@wcom.com [UNKNOWN]
<l.brown@wcom.com>;sbeller@weberggroup.com [UNKNOWN]
<sbeller@weberggroup.com>;bbittman@whitecase.com [UNKNOWN]
<bbittman@whitecase.com>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>;sandra_awdz@yahoo.com [UNKNOWN] <sandra_awdz@yahoo.com>
Sent: 9/27/2001 4:14:45 PM
Subject: : New email

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carrie Bittman <BITTMANC@asco.org> (Carrie Bittman <BITTMANC@asco.org> [UNKNOWN])

CREATION DATE/TIME:27-SEP-2001 20:14:45.00

SUBJECT:: New email

TO:MurrayJM@3FSSG.USMC.MIL (MurrayJM@3FSSG.USMC.MIL [UNKNOWN])

READ:UNKNOWN

TO:ffulton@aafp.org (ffulton@aafp.org [UNKNOWN])

REV_00132319

READ:UNKNOWN
TO:MBrown@aerie.com (MBrown@aerie.com [UNKNOWN])
READ:UNKNOWN
TO:Afsantucci@aol.com (Afsantucci@aol.com [UNKNOWN])
READ:UNKNOWN
TO:AHLLoughlin@aol.com (AHLLoughlin@aol.com [UNKNOWN])
READ:UNKNOWN
TO:EthelDailey@aol.com (EthelDailey@aol.com [UNKNOWN])
READ:UNKNOWN
TO:etreacy3@aol.com (etreacy3@aol.com [UNKNOWN])
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TO:Gpostula@aol.com (Gpostula@aol.com [UNKNOWN])
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TO:Janettimmo@aol.com (Janettimmo@aol.com [UNKNOWN])
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TO:paul.kara@btinternet.com (paul.kara@btinternet.com [UNKNOWN])
READ:UNKNOWN
TO:MLizas@comsys.com (MLizas@comsys.com [UNKNOWN])
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TO:DOOLANJ@dc-radio.com (DOOLANJ@dc-radio.com [UNKNOWN])
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TO:Anne_Gordon@discovery.com (Anne_Gordon@discovery.com [UNKNOWN])
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TO:kwilks@drcmail.com (kwilks@drcmail.com [UNKNOWN])
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TO:bbastian@earthlink.net (bbastian@earthlink.net [UNKNOWN])
READ:UNKNOWN
TO:thedog@erols.com (thedog@erols.com [UNKNOWN])
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TO:echarbonnet@gdlaw.com (echarbonnet@gdlaw.com [UNKNOWN])
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TO:mhartwig@geoserve.net (mhartwig@geoserve.net [UNKNOWN])
READ:UNKNOWN
TO:jreyda@gonzaga.org (jreyda@gonzaga.org [UNKNOWN])
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TO:myerst@gtlaw.com (myerst@gtlaw.com [UNKNOWN])
READ:UNKNOWN
TO:kgray@GYHLLC.com (kgray@GYHLLC.com [UNKNOWN])
READ:UNKNOWN
TO:hardiehome@home.com (hardiehome@home.com [UNKNOWN])
READ:UNKNOWN
TO:ngiblinl@home.com (ngiblinl@home.com [UNKNOWN])
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TO:kellyfordon@hotmail.com (kellyfordon@hotmail.com [UNKNOWN])
READ:UNKNOWN
TO:kkarp@humana.com (kkarp@humana.com [UNKNOWN])
READ:UNKNOWN
TO:kathleen.oshea@lexis-nexis.com (kathleen.oshea@lexis-nexis.com [UNKNOWN])
READ:UNKNOWN
TO:manderson@morganlewis.com (manderson@morganlewis.com [UNKNOWN])
READ:UNKNOWN
TO:paul.demetris@msdw.com (paul.demetris@msdw.com [UNKNOWN])
READ:UNKNOWN
TO:Lara.Chamberlain@NFIB.ORG (Lara.Chamberlain@NFIB.ORG [UNKNOWN])
READ:UNKNOWN
TO:andy.crouch@oldcastleapg.com (andy.crouch@oldcastleapg.com [UNKNOWN])
READ:UNKNOWN
TO:Julia D. Cross (CN=Julia D. Cross/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Alan_Cull@pgatourhq.com (Alan_Cull@pgatourhq.com [UNKNOWN])

READ:UNKNOWN
TO:john_geotcheus@slc.senate.gov (john_geotcheus@slc.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:carriaga@us.ibm.com (carriaga@us.ibm.com [UNKNOWN])
READ:UNKNOWN
TO:mwestern@us.ibm.com (mwestern@us.ibm.com [UNKNOWN])
READ:UNKNOWN
TO:Maureen.Delaney@usdoj.gov (Maureen.Delaney@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:cooney@ventures4sale.com (cooney@ventures4sale.com [CEO])
READ:UNKNOWN
TO:Joe.mcgreale@verizon.net (Joe.mcgreale@verizon.net [UNKNOWN])
READ:UNKNOWN
TO:jobrien@wcanmiller.com (jobrien@wcanmiller.com [UNKNOWN])
READ:UNKNOWN
TO:carrie.mcgreale@wcom.com (carrie.mcgreale@wcom.com [UNKNOWN])
READ:UNKNOWN
TO:l.brown@wcom.com (l.brown@wcom.com [UNKNOWN])
READ:UNKNOWN
TO:sbeller@webergroup.com (sbeller@webergroup.com [UNKNOWN])
READ:UNKNOWN
TO:bbittman@whitecase.com (bbittman@whitecase.com [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sandra_awdz@yahoo.com (sandra_awdz@yahoo.com [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Hi there,

Effective Friday, September 28th, this email address will not be working.
Please forward any future email correspondence to carriebittman@aol.com.

Thank you,
Carrie

From: Garry Malphrus) (Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) [UNKNOWN]
To: Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN]
<Ed_Haden@judiciary.senate.gov>;Christine Morden) (Christine_Morden@judiciary.senate.gov
(Christine Morden) [UNKNOWN] <Christine_Morden@judiciary.senate.gov>;Jim Rowland) (Jim_Rowland@judiciary.senate.gov (Jim Rowland) [UNKNOWN]
<Jim_Rowland@judiciary.senate.gov>;Peter Levitas) (Peter_Levitas@judiciary.senate.gov (Peter Levitas) [UNKNOWN] <Peter_Levitas@judiciary.senate.gov>;Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN]
<Stephen_Higgins@judiciary.senate.gov>;Bryant; Dan <Dan.Bryant@usdoj.gov>;Ciongoli; Adam <Adam.Ciongoli@usdoj.gov>;Acosta; Alex <Alex.Acosta@usdoj.gov>;Thorsen; Carl <Carl.Thorsen@usdoj.gov>;Sutton; Johnny K <Johnny.K.Sutton@usdoj.gov>;Clement; Paul D <Paul.D.Clement@usdoj.gov>;DeHart; Rhett <Rhett.DeHart@usdoj.gov>;Dinh; Viet <Viet.Dinh@usdoj.gov>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;'leo@fed-soc.org' <leo@fed-soc.org>;'Lee.Otis@hq.doe.gov' <Lee.Otis@hq.doe.gov>;'stewart_verdery@aml.senate.gov' <stewart_verdery@aml.senate.gov>;'john_mashburn@lott.senate.gov' <john_mashburn@lott.senate.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN] <John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov>
CC: Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN] <Jeff_Taylor@judiciary.senate.gov>;Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN] <Stuart_Nash@judiciary.senate.gov>;Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>
Sent: 9/27/2001 4:20:40 PM
Subject: : Re[2]:RE: Judiciary Comm. hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) (Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) [UNKNOWN])

CREATION DATE/TIME:27-SEP-2001 20:20:40.00

SUBJECT:: Re[2]:RE: Judiciary Comm. hearing

TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

READ:UNKNOWN

TO:Christine_Morden@judiciary.senate.gov (Christine Morden) (Christine_Morden@judiciary.senate.gov (Christine Morden) [UNKNOWN])

READ:UNKNOWN

TO:Jim_Rowland@judiciary.senate.gov (Jim Rowland) (Jim_Rowland@judiciary.senate.gov (Jim Rowland) [UNKNOWN])

READ:UNKNOWN

TO:Peter_Levitas@judiciary.senate.gov (Peter Levitas) (Peter_Levitas@judiciary.senate.gov (Peter Levitas) [UNKNOWN])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant; Dan" <Dan.Bryant@usdoj.gov> ("Bryant; Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) ("Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) ("Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) ("Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) (

REV_00132322

"Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) [UNKNOWN]
)
READ:UNKNOWN
TO:"Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (
"Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) ("DeHart;
Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) ("Dinh; Viet"
<Viet.Dinh@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:"'lleo@fed-soc.org'" <lleo@fed-soc.org> (Receipt Notification Requested) ("'lleo@fed-
soc.org'" <lleo@fed-soc.org> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) (
"'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) [UNKNOWN]
)
READ:UNKNOWN
TO:"'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt
Notification Requested) ("'stewart_verdery@aml.senate.gov'"
<stewart_verdery@aml.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification
Requested) ("'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt
Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) (
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN]
)
READ:UNKNOWN
CC:Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff
Taylor) [UNKNOWN])
READ:UNKNOWN
CC:Stuart_Nash@judiciary.senate.gov (Stuart Nash) (Stuart_Nash@judiciary.senate.gov
(Stuart Nash) [UNKNOWN])
READ:UNKNOWN
CC:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (
Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I am certain he would be excellent. I recommended that to DoJ first thing
this
morning, and I hope we can work it out.

Reply Separator

Subject: Re:RE: Judiciary Comm. hearing
Author: Ed_Haden@judiciary.senate.gov (Ed Haden)
Date: 9/27/01 5:03 PM

Ted would be the greatest witness we could get if he is willing. He is
the man!

Reply Separator

Subject: RE: Judiciary Comm. hearing
Author: "Bryant; Dan" <Dan.Bryant@usdoj.gov>
Date: 9/27/01 4:48 PM

How about Ted Olson? He knows the bill, supports it enthusiastically, and

REV_00132323

knows
it to be constitutional from top to bottom. He's also got a unique
perspective
on September 11, 2001.

-----Original Message-----

From: Garry Malphrus [mailto:Garry_Malphrus@judiciary.senate.gov]
Sent: Thursday, September 27, 2001 9:17 AM
To: Ciongoli, Adam; Acosta, Alex; Thorsen, Carl; Bryant, Dan; Sutton,
Johnny K; Clement, Paul D; DeHart, Rhett; Dinh, Viet;
Diana_L._Schacht@opd.eop.gov; lleo@fed-soc.org; Lee.Otis@hq.doe.gov;
stewart_verdery@aml.senate.gov; john_mashburn@lott.senate.gov;
bradford_a._berenson@who.eop.gov; brett_m._kavanaugh@who.eop.gov;
ksampson@who.eop.gov; John Abegg; Peter Levitas; Jim Rowland; Christine
Morden; Stephen Higgins
Cc: Jeff Taylor; Stuart Nash; Makan Delrahim; Ed Haden
Subject: Judiciary Comm. hearing

The Constitution Subcommittee, chaired by Senator Feingold, announced last
night
that it will hold a hearing next Wednesday, October 3, at 10:00 am entitled
"Protecting Constitutional Freedoms in the Face of Terrorism." They have
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us as Ranking Member very few details yet, but we can expect the focus to
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the constitutional and privacy issues surrounding the Administration's
legislation to fight terrorism.

For witnesses, I am contacting possible professors, such as John Manning.
Also,
we need to decide if we want to have someone other than a legal expert to
appear, such as a victim or broader terrorism expert. If you have any
suggestions for witnesses we should call to defend the Administration or
other

thoughts about the hearing, please contact me. Thanks.

Received: from mailsims1.senate.gov ([156.33.203.10]) by
IMAEXC2.senate.gov with
SMTP

(IMA Internet Exchange 3.13) id 003E7034; Thu, 27 Sep 2001 16:54:51 -0400

Received: from wdcsun022.usdoj.gov (wdcsun2.usdoj.gov)

by mailsims1.senate.gov (Sun Internet Mail Server

sims.3.5.1999.07.30.00.05.p8) with SMTP id

<OGKC00D029UOKS@mailsims1.senate.gov>; Thu, 27 Sep 2001 16:49:50 -0400

(EDT)

Received: from wt4.usdoj.gov (localhost [127.0.0.1])

by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)

with ESMTP id GKC9UI01.P5L; Thu, 27 Sep 2001 16:49:30 -0400

Received: (from x400@localhost) by wt4.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)

id QAA02489; Thu, 27 Sep 2001 16:49:28 -0400 (EDT)

Received: by TELEMAIL; Thu, 27 Sep 2001 16:48:39 -0400

Date: Thu, 27 Sep 2001 16:48:40 -0400

From: "Bryant, Dan" <Dan.Bryant@usdoj.gov>

Subject: RE: Judiciary Comm. hearing

To: "Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification
Requested)

, "Acosta, Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested),

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested),

"Sutton, Johnny K" <Johnny.K.Sutton@usdoj.gov>

(Receipt Notification Requested), "Clement, Paul D"

<Paul.D.Clement@usdoj.gov>

(Receipt Notification Requested), "DeHart, Rhett" <Rhett.DeHart@usdoj.gov>

(Receipt Notification Requested),

"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),

'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov>

(Receipt Notification Requested) (IPM Return Requested),

"Diana_L._Schacht@opd.eop.gov" <Diana_L._Schacht@opd.eop.gov>

REV_00132324

(Receipt Notification Requested), "'lleo@fed-soc.org'" <lleo@fed-soc.org>
(Receipt Notification Requested),
"Lee.Otis@hq.doe.gov" <Lee.Otis@hq.doe.gov> (Receipt Notification
Requested)
, "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov>
(Receipt Notification Requested),
"john_mashburn@lott.senate.gov" <john_mashburn@lott.senate.gov>
(Receipt Notification Requested),
"bradford_a._berenson@who.eop.gov" <bradford_a._berenson@who.eop.gov>
(Receipt Notification Requested),
"brett_m._kavanaugh@who.eop.gov" <brett_m._kavanaugh@who.eop.gov>
(Receipt Notification Requested),
"ksampson@who.eop.gov" <ksampson@who.eop.gov>
(Receipt Notification Requested),
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification
Requested)
, 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>
(Receipt Notification Requested),
'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>
(Receipt Notification Requested),
Christine_Morden@judiciary.senate.gov (Receipt Notification Requested),
'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
(Receipt Notification Requested)
Cc: 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>
(Receipt Notification Requested),
'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
(Receipt Notification Requested),
'Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov>
(Receipt Notification Requested), 'Ed Haden'
<Ed_Haden@judiciary.senate.gov>
(Receipt Notification Requested)
Message-id: <"JMD0081-010927204839Z-32603*/PRMD=USDOJ-JCON/ADMD=
/C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: RE: Judiciary Co
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-g5)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
UA-content-id: RE: Judiciary Co
X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US/;JMD0081-010927204839Z-32603]
X-Priority: 3 (Normal)
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IMAEXC2.senate.gov with
SMTP
(IMA Internet Exchange 3.13) id 003E76D5; Thu, 27 Sep 2001 17:16:04 -0400
Received: from IMAEXC2.senate.gov ([156.33.203.15])
by mailsims1.senate.gov (Sun Internet Mail Server
sims.3.5.1999.07.30.00.05.p8) with ESMTP id
<OGKC00D0JATVKS@mailsim1.senate.gov>; Thu, 27 Sep 2001 17:11:22 -0400
(EDT)
Received: from ccMail by IMAEXC2.senate.gov (IMA Internet Exchange 3.13)
id 003E7530; Thu, 27 Sep 2001 17:08:38 -0400
Date: Thu, 27 Sep 2001 17:03:36 -0400
From: Ed_Haden@judiciary.senate.gov (Ed Haden)
Subject: Re:RE: Judiciary Comm. hearing
To: "Bryant; Dan" <Dan.Bryant@usdoj.gov>,
"Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification
Requested),
"Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested),
"Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested),
"Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov>
(Receipt Notification Requested), "Clement; Paul D"
<Paul.D.Clement@usdoj.gov>
(Receipt Notification Requested), "DeHart; Rhett" <Rhett.DeHart@usdoj.gov>

(Receipt Notification Requested),
"Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),
'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return
Requested),
"'Diana_L._Schacht@opd.eop.gov'" <Diana_L._Schacht@opd.eop.gov>
(Receipt Notification Requested), "'lleo@fed-soc.org'" <lleo@fed-soc.org>
(Receipt Notification Requested),
"'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification
Requested)
, "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov>
(Receipt Notification Requested),
"'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov>
(Receipt Notification Requested),
"'bradford_a._berenson@who.eop.gov'" <bradford_a._berenson@who.eop.gov>
(Receipt Notification Requested),
"'brett_m._kavanaugh@who.eop.gov'" <brett_m._kavanaugh@who.eop.gov>
(Receipt Notification Requested),
"'ksampson@who.eop.gov'" <ksampson@who.eop.gov>
(Receipt Notification Requested),
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification
Requested)
, 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>
(Receipt Notification Requested),
'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>
(Receipt Notification Requested),
Christine_Morden@judiciary.senate.gov (Receipt Notification Requested),
'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
(Receipt Notification Requested)
Cc: Makan_Delrahim@judiciary.senate.gov (Makan Delrahim),
'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>
(Receipt Notification Requested),
'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
(Receipt Notification Requested)
Message-id: <003E7530.C22124@judiciary.senate.gov>
MIME-version: 1.0
Content-type: text/plain; charset=US-ASCII
Content-description: cc:Mail note part
Content-transfer-encoding: 7bit

From: Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN]
To: Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN]
<Ed_Haden@judiciary.senate.gov>;Christine Morden) (Christine_Morden@judiciary.senate.gov
(Christine Morden) [UNKNOWN] <Christine_Morden@judiciary.senate.gov>;Garry Malphrus) (Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) [UNKNOWN]
<Garry_Malphrus@judiciary.senate.gov>;Jim Rowland) (Jim_Rowland@judiciary.senate.gov (Jim Rowland) [UNKNOWN] <Jim_Rowland@judiciary.senate.gov>;Peter Levitas) (Peter_Levitas@judiciary.senate.gov (Peter Levitas) [UNKNOWN]
<Peter_Levitas@judiciary.senate.gov>;Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>;Bryant; Dan
<Dan.Bryant@usdoj.gov>;Ciongoli; Adam <Adam.Ciongoli@usdoj.gov>;Acosta; Alex
<Alex.Acosta@usdoj.gov>;Thorsen; Carl <Carl.Thorsen@usdoj.gov>;Sutton; Johnny K
<Johnny.K.Sutton@usdoj.gov>;Clement; Paul D <Paul.D.Clement@usdoj.gov>;DeHart; Rhett
<Rhett.DeHart@usdoj.gov>;Dinh; Viet <Viet.Dinh@usdoj.gov>;Diana L. Schacht/OPD
/EOP@EOP [OPD] <Diana L. Schacht>;'leo@fed-soc.org' <leo@fed-soc.org>;'Lee.Otis@hq.doe.gov' <Lee.Otis@hq.doe.gov>;'stewart_verdery@aml.senate.gov'
<stewart_verdery@aml.senate.gov>;'john_mashburn@lott.senate.gov' <john_mashburn@lott.senate.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN] <John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov>
CC: Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN] <Stuart_Nash@judiciary.senate.gov>;Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>
Sent: 9/27/2001 4:20:42 PM
Subject: : Re[2]:RE: Judiciary Comm. hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) (Jeff_Taylor@judiciary.senate.gov (Jeff Taylor) [UNKNOWN])

CREATION DATE/TIME:27-SEP-2001 20:20:42.00

SUBJECT:: Re[2]:RE: Judiciary Comm. hearing

TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

READ:UNKNOWN

TO:Christine_Morden@judiciary.senate.gov (Christine Morden) (Christine_Morden@judiciary.senate.gov (Christine Morden) [UNKNOWN])

READ:UNKNOWN

TO:Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) (Garry_Malphrus@judiciary.senate.gov (Garry Malphrus) [UNKNOWN])

READ:UNKNOWN

TO:Jim_Rowland@judiciary.senate.gov (Jim Rowland) (Jim_Rowland@judiciary.senate.gov (Jim Rowland) [UNKNOWN])

READ:UNKNOWN

TO:Peter_Levitas@judiciary.senate.gov (Peter Levitas) (Peter_Levitas@judiciary.senate.gov (Peter Levitas) [UNKNOWN])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant; Dan" <Dan.Bryant@usdoj.gov> ("Bryant; Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) ("Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) ("Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) ("Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

REV_00132327

READ:UNKNOWN
TO:"Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) ("Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) ("Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) ("DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) ("Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:"'lleo@fed-soc.org'" <lleo@fed-soc.org> (Receipt Notification Requested) ("'lleo@fed-soc.org'" <lleo@fed-soc.org> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) ("'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) ("'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) ("'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:Stuart_Nash@judiciary.senate.gov (Stuart Nash) (Stuart_Nash@judiciary.senate.gov (Stuart Nash) [UNKNOWN])
READ:UNKNOWN
CC:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I concur.

Subject: Re:RE: Judiciary Comm. hearing
Author: Ed Haden@judiciary.senate.gov (Ed Haden)
Date: 9/27/2001 5:03 PM

Ted would be the greatest witness we could get if he is willing. He is the man!

Subject: RE: Judiciary Comm. hearing
Author: "Bryant; Dan" <Dan.Bryant@usdoj.gov>
Date: 9/27/01 4:48 PM

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on September 11, 2001.

-----Original Message-----

From: Garry Malphrus [mailto:Garry_Malphrus@judiciary.senate.gov]
Sent: Thursday, September 27, 2001 9:17 AM
To: Ciongoli, Adam; Acosta, Alex; Thorsen, Carl; Bryant, Dan; Sutton, Johnny K; Clement, Paul D; DeHart, Rhett; Dinh, Viet; Diana_L._Schacht@opd.eop.gov; lleo@fed-soc.org; Lee.Otis@hq.doe.gov; stewart_verdery@aml.senate.gov; john_mashburn@lott.senate.gov; bradford_a._berenson@who.eop.gov; brett_m._kavanaugh@who.eop.gov; ksampson@who.eop.gov; John Abegg; Peter Levitas; Jim Rowland; Christine Morden; Stephen Higgins
Cc: Jeff Taylor; Stuart Nash; Makan Delrahim; Ed Haden
Subject: Judiciary Comm. hearing

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For witnesses, I am contacting possible professors, such as John Manning. Also, we need to decide if we want to have someone other than a legal expert to appear, such as a victim or broader terrorism expert. If you have any suggestions for witnesses we should call to defend the Administration or other thoughts about the hearing, please contact me. Thanks.

Received: from mailsims1.senate.gov ([156.33.203.10]) by IMAEXC2.senate.gov with SMTP

(IMA Internet Exchange 3.13) id 003E7034; Thu, 27 Sep 2001 16:54:51 -0400

Received: from wdcsun022.usdoj.gov (wdcsun2.usdoj.gov)

by mailsims1.senate.gov (Sun Internet Mail Server

sims.3.5.1999.07.30.00.05.p8) with SMTP id

<OGKC00D029UOKS@mailsims1.senate.gov>; Thu, 27 Sep 2001 16:49:50 -0400

(EDT)

Received: from wt4.usdoj.gov (localhost [127.0.0.1])

by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)

with ESMTP id GKC9UI01.P5L; Thu, 27 Sep 2001 16:49:30 -0400

Received: (from x400@localhost) by wt4.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)

id QAA02489; Thu, 27 Sep 2001 16:49:28 -0400 (EDT)

Received: by TELEMAIL; Thu, 27 Sep 2001 16:48:39 -0400

Date: Thu, 27 Sep 2001 16:48:40 -0400

From: "Bryant, Dan" <Dan.Bryant@usdoj.gov>

Subject: RE: Judiciary Comm. hearing

To: "Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)

, "Acosta, Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested),

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested),

"Sutton, Johnny K" <Johnny.K.Sutton@usdoj.gov>

(Receipt Notification Requested), "Clement, Paul D"

<Paul.D.Clement@usdoj.gov>

(Receipt Notification Requested), "DeHart, Rhett" <Rhett.DeHart@usdoj.gov>

(Receipt Notification Requested),

"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),

'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov>

(Receipt Notification Requested) (IPM Return Requested),

"Diana_L._Schacht@opd.eop.gov" <Diana_L._Schacht@opd.eop.gov>

(Receipt Notification Requested), "'lleo@fed-soc.org'" <lleo@fed-soc.org>

(Receipt Notification Requested),

"'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification

REV_00132329

Requested)
 , "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov>
 (Receipt Notification Requested),
 "'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov>
 (Receipt Notification Requested),
 "'bradford_a._berenson@who.eop.gov'" <bradford_a._berenson@who.eop.gov>
 (Receipt Notification Requested),
 "'brett_m._kavanaugh@who.eop.gov'" <brett_m._kavanaugh@who.eop.gov>
 (Receipt Notification Requested),
 "'ksampson@who.eop.gov'" <ksampson@who.eop.gov>
 (Receipt Notification Requested),
 John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification
 Requested)
 , 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>
 (Receipt Notification Requested),
 'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>
 (Receipt Notification Requested),
 Christine_Morden@judiciary.senate.gov (Receipt Notification Requested),
 'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
 (Receipt Notification Requested)
 Cc: 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>
 (Receipt Notification Requested),
 'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
 (Receipt Notification Requested),
 'Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov>
 (Receipt Notification Requested), 'Ed Haden'
 <Ed_Haden@judiciary.senate.gov>
 (Receipt Notification Requested)
 Message-id: <"JMD0081-010927204839Z-32603*/PRMD=USDOJ-JCON/ADMD=
 /C=US/"@MHS>
 Autoforwarded: FALSE
 Content-identifier: RE: Judiciary Co
 MIME-version: 1.0
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 Content-type: TEXT/PLAIN; CHARSET=US-ASCII
 Importance: Normal
 Original-encoded-information-types: IA5-Text
 Priority: Normal
 Precedence: first-class
 UA-content-id: RE: Judiciary Co
 X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US/;JMD0081-010927204839Z-32603]
 X-Priority: 3 (Normal)
 Received: from mailsims1.senate.gov ([156.33.203.10]) by
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 (IMA Internet Exchange 3.13) id 003E76D5; Thu, 27 Sep 2001 17:16:04 -0400
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 by mailsims1.senate.gov (Sun Internet Mail Server
 sims.3.5.1999.07.30.00.05.p8) with ESMTP id
 <0GKC00D0JATVKS@mailsim1.senate.gov>; Thu, 27 Sep 2001 17:11:22 -0400
 (EDT)
 Received: from ccMail by IMAEXC2.senate.gov (IMA Internet Exchange 3.13)
 id 003E7530; Thu, 27 Sep 2001 17:08:38 -0400
 Date: Thu, 27 Sep 2001 17:03:36 -0400
 From: Ed_Haden@judiciary.senate.gov (Ed Haden)
 Subject: Re:RE: Judiciary Comm. hearing
 To: "Bryant; Dan" <Dan.Bryant@usdoj.gov>,
 "Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification
 Requested),
 "Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested),
 "Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested),
 "Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov>
 (Receipt Notification Requested), "Clement; Paul D"
 <Paul.D.Clement@usdoj.gov>
 (Receipt Notification Requested), "DeHart; Rhett" <Rhett.DeHart@usdoj.gov>
 (Receipt Notification Requested),
 "Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),
 'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return

Requested),
"'"Diana_L._Schacht@opd.eop.gov'" <Diana_L._Schacht@opd.eop.gov>
(Receipt Notification Requested), "'lleo@fed-soc.org'" <lleo@fed-soc.org>
(Receipt Notification Requested),
"'"Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification
Requested)
, "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov>
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"'"john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov>
(Receipt Notification Requested),
"'"bradford_a._berenson@who.eop.gov'" <bradford_a._berenson@who.eop.gov>
(Receipt Notification Requested),
"'"brett_m._kavanaugh@who.eop.gov'" <brett_m._kavanaugh@who.eop.gov>
(Receipt Notification Requested),
"'"ksampson@who.eop.gov'" <ksampson@who.eop.gov>
(Receipt Notification Requested),
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification
Requested)
, 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>
(Receipt Notification Requested),
'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>
(Receipt Notification Requested),
Christine_Morden@judiciary.senate.gov (Receipt Notification Requested),
'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
(Receipt Notification Requested)
Cc: Makan_Delrahim@judiciary.senate.gov (Makan Delrahim),
'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>
(Receipt Notification Requested),
'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
(Receipt Notification Requested)
Message-id: <003E7530.C22124@judiciary.senate.gov>
MIME-version: 1.0
Content-type: text/plain; charset=US-ASCII
Content-description: cc:Mail note part
Content-transfer-encoding: 7bit

From: CN=Diana L. Schacht/OU=OPD/O=EOP [OPD]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/28/2001 5:32:47 AM
Subject: : Judiciary Comm. hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-SEP-2001 09:32:47.00

SUBJECT:: Judiciary Comm. hearing

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

fyi

----- Forwarded by Diana L. Schacht/OPD/EOP on 09/28/2001
09:32 AM -----

Garry_Malphrus@judiciary.senate.gov (Garry Malphrus)

09/27/2001 09:11:50 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Jeff_Taylor@judiciary.senate.gov (Jeff Taylor),

Stuart_Nash@judiciary.senate.gov (Stuart Nash),

Makan_Delrahim@judiciary.senate.gov (Makan Delrahim),

Ed_Haden@judiciary.senate.gov (Ed Haden)

Subject: Judiciary Comm. hearing

The Constitution Subcommittee, chaired by Senator Feingold, announced last night that it will hold a hearing next Wednesday, October 3, at 10:00 am entitled "Protecting Constitutional Freedoms in the Face of Terrorism." They have given us as Ranking Member very few details yet, but we can expect the focus to be on the constitutional and privacy issues surrounding the Administration's legislation to fight terrorism.

For witnesses, I am contacting possible professors, such as John Manning. Also, we need to decide if we want to have someone other than a legal expert to appear, such as a victim or broader terrorism expert. If you have any suggestions for witnesses we should call to defend the Administration or other thoughts about the hearing, please contact me. Thanks.

Message Sent

To:

adam.ciongoli@usdoj.gov

alex.acosta@usdoj.gov

carl.thorsen@usdoj.gov

pat.obrien@usdoj.gov

dan.bryant@usdoj.gov

johnny.k.sutton@usdoj.gov

REV_00132332

Diana L. Schacht/OPD/EOP@EOP
lleo@fed-soc.org
Lee.Otis@hq.doe.gov
paul.d.clement@usdoj.gov
Rhett.DeHart@usdoj.gov
stewart_verdery@aml.senate.gov
john_mashburn@lott.senate.gov
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
viet.dinh@usdoj.gov
Kyle Sampson/WHO/EOP@EOP
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (John Abegg)
jennifer_newstead@usdoj.gov
Peter_Levitas@judiciary.senate.gov (Peter Levitas)
Jim_Rowland@judiciary.senate.gov (Jim Rowland)
Christine_Morden@judiciary.senate.gov (Christine Morden)
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins)

From: CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO]
To: Michael P. Lingenfelter/OA/EOP@EOP [OA] <Michael P. Lingenfelter>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/28/2001 6:16:09 AM
Subject: : 10:30 Mtg with Barry Rm 176

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RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-SEP-2001 10:16:09.00
SUBJECT:: 10:30 Mtg with Barry Rm 176
TO:Michael P. Lingenfelter (CN=Michael P. Lingenfelter/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We're on for a meeting with Barry Jackson at 10:30 this morning in his room (enter through 176). We'll discuss:
E-mail signup options and language
Data collection and potential methods of using that data
Privacy policy and how it effects potential signup and opt-out options

Thanks for your help. See you there.

NEIL
x6-7465

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; kathleen.cooper@esa.doc.gov [UNKNOWN] <kathleen.cooper@esa.doc.gov>; michael.jackson@ost.dot.gov [UNKNOWN] <michael.jackson@ost.dot.gov>; kirk.vantine@ost.dot.gov [UNKNOWN] <kirk.vantine@ost.dot.gov>; Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>
Sent: 9/28/2001 8:03:49 AM
Subject: : Staff Working Paper on Terror Insurance Options
Attachments: P_07BX3004_CEA.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:28-SEP-2001 12:03:49.00

SUBJECT:: Staff Working Paper on Terror Insurance Options

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])

READ:UNKNOWN

TO:michael.jackson@ost.dot.gov (michael.jackson@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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Peter Fisher asked me to share the attached with you. Please do not hesitate to contact me if you have any questions

Sheila Bair

202-622-2610 <<terrorinspaper.doc>>

- terrorinspaper.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_07BX3004_CEA.TXT_1>

Insurance Industry – Government Intervention in Response to Terrorism

DRAFT -- TIME -- DRAFT

Draft -- Pre-Decisional Staff Working Paper -- Draft

Objectives of Government Intervention

- Ensure that the terrorist attacks of September 11 and the potential for future terrorist attacks have a minimal impact on economic activity by ensuring uninterrupted availability of property and casualty insurance coverage for acts of terrorism.
- Limit any potential government loss exposure to clearly identifiable losses and a fixed amount (or fixed proportion of losses) per incident or underwriting year.
- Limit to market segments that the private sector will not insure.

Principles Guiding Government Intervention

- Encourage private sector initiatives to mitigate risk.
- Preserve private sector risk assessments and pricing to the greatest degree possible.
- Provide for some degree of compensation to the government for its risk exposure.
- Sunset government involvement once the private sector is capable of providing insurance coverage.

Options for Government Intervention

Minimal Government Intervention

- A. Remove regulatory impediments to the development of the risk securitization market
 - Provide federal clarification that catastrophe bonds are a financial vehicle that is not subject to state insurance regulation.
 - Streamline tax and other regulations to encourage creation of on-shore special purpose vehicles used in catastrophe bonds.
 - Provide tax benefits to catastrophe bonds (both for terrorist events and natural disasters).

Pros

- Relies on private capital markets.

Cons

- No evidence that private capital markets could provide the coverage needed quickly enough in the current environment. It suffers from the same information uncertainties inhibiting insurance and reinsurance companies.
- B. Enact tax law changes (in terms of structure or relief) that improve the loss absorbing capacity of insurance companies.

Pros

- Relies on existing private infrastructure.

Cons

- Tax benefits may be insufficient to keep companies in the game.
 - Tax benefits can be hard to remove once in place and have tendency to spread.
- C. Limit types and amount of damage claims that are available from a terrorist incident. Damage claims greater than the cap would be determined through a government based claims process. (Based loosely on Price-Anderson)

Pros

- Makes insurance company risks more manageable.
- Clear approach that limits government exposure.

Cons

- Leaves unknown amount of risk exposure that is uninsured.
- Remaining risk exposure could impair capital markets. For instance, would commercial mortgage lenders extend credit on buildings with potential limits on insurance coverage that leave the lender exposed?

Modest Government Intervention

- D. Provide Federal Reinsurance Coverage to an Industry Terrorism Reinsurance Pool (based on the UK's Pool Re model) – The federal government would provide reinsurance to a terrorism reinsurance pool operated by the insurance industry. The AIA proposal is based in part on the UK's Pool Re model.

Pros

- Has industry support.
- Based on a model that has worked in the UK.
- Provides first-loss coverage through the industry pool.
- Provides mechanism for establishing a broad risk pool and industry, not government, pricing, of insurance.

Cons

- Could take months to make fully operational.
 - Has characteristics of a GSE for insurance, suggesting it would grow over time while further extending the government's ultimate backstop.
 - Puts the government in the role of ensuring no adverse selection.
- E. Provide Federal Reinsurance with Ex-Post Pricing that Shares the Cost of Actual Losses Between Taxpayers and all P&C Insurance Carriers (based on the Price-Anderson Act Model) – For a temporary period, have the federal government offer reinsurance to the pool described in the previous option but do not require the pool to build reserves. Losses from a terrorist incident above some threshold amount would be reinsured by the government through the pool. Actual claims would be initially financed by Treasury and premiums would then be assessed pro rata on the pool participants in the next year (or years). Loss sharing with taxpayers could be established to limit losses put back to the industry.

Pros

- Eliminates idle capital.
- Avoids deadweight losses from mispriced insurance.
- Could quickly be made operational and easily sunset or replaced by more permanent legislation.

Cons

- Ex post pricing makes the insurance free up front, which increases moral hazard.
- Industry (and accountants?) could have difficulty handling a large future premium - unclear how they could/would reserve for such contingencies ex ante.
- Contingent deferred premiums could impact coverage levels and premium costs, thus reducing the amount of insurance available.

- F. Sell Federal Reinsurance Directly to Insurers (similar to disaster insurance proposals) – The federal government would sell federal reinsurance (either with fixed pricing or through an auction process) that would be tied to insurance company losses from terrorist attacks.

Pros

- Ensures availability of P&C insurance coverage.
- Socializes the costs.

Cons

- Requires a government bureaucracy be created to initiate and manage thousands of individual reinsurance contracts with individual carriers.
- Crowds out any possible private market for terrorist reinsurance.
- Difficult to mimic market-based pricing or risk-taking incentives, leading to potential moral hazard problems.

- G. Provide Federal Reinsurance through State-Based Plans (based on FAIR Act Approach) – The FAIR Act (passed in response to riots and civil disorders of the 1960s) set up a structure whereby each state would set up a plan to assure access to insurance requirements. The state plans were reinsured by the federal government through FEMA.

Pros

- Works within the existing state regulatory structure.
- Less bureaucracy than dealing with individual insurance companies.

Cons

- The states need to each set up a plan, and the federal government needs to approve the plans.
- Reinsurance rates must be determined by the government.

Direct Government Intervention

- H. Directly Underwrite and Sell Terrorism Insurance Coverage (based on a War Damages Corporation approach) – Terrorism insurance would be underwritten by a government agency and sold directly to customers by insurance companies.

Pros

- Provides certainty that terrorism risks will be covered.

Cons

- Government pricing of insurance risks.

- Potential for lack of underwriting discipline and increased government risk exposure.
- Requires a government bureaucracy.

I. Provide Direct Government Insurance for Terrorist Attacks Through a Proportional Risk-Sharing Arrangement with the Insurance Industry (based on a Federal Crop Insurance approach) –Under Federal Crop Insurance, the federal government shares in premiums and the risks on a proportional basis with private insurers. The federal government also provides back-up reinsurance based on the financial condition of insurers that participate in the program.

Pros

- Provides certainty that terrorism risks will be covered.
- Private sector involvement may improve pricing and risk management.

Cons

- Government risk sharing (if large enough) may weaken private sector incentives.
- Proportional risk sharing may weaken private sector incentives in comparison to excess loss risk sharing.
- Requires a government bureaucracy.

Other Issues in Providing Government Terrorism Insurance

- Defining a Terrorist Incident – The government (perhaps the Treasury Secretary in consultation with federal law enforcement) should have the final authority in determining if an incident was caused by terrorist activities.
- Limiting Government Claims Above a Certain Dollar Amount – In order to limit the government's liability, provisions that trigger tort reforms when losses exceed a certain threshold, e.g., \$10 billion, should be put in place. These provisions would include consolidating all claims in one jurisdiction; and limiting types of damages (e.g., only money damages).

Price-Anderson Act

(42 U.S.C. 2014)

Purpose -- To encourage the development of the nuclear industry and to ensure prompt and equitable compensation in the event of a nuclear incident.

Coverage -- For licensed nuclear power plants indemnified by the Nuclear Regulatory Commission (NRC), the Act provides for three tiers of protection against third party "public liability arising from a nuclear incident" (covering "any legal liability" with certain exceptions):

- (1) Private insurance: Each reactor must purchase the maximum private insurance commercially available (currently \$200 million).
- (2) Retrospective pooling: If damage from an incident exceeds \$200 million, each of the 110 reactors is assessed a pro-rata share of the excess up to \$83.9 million, capped at \$10 million per year per reactor (\$83.9x 110= \$9.23 billion pool+ \$200 million= \$9.43 billion coverage cap to the industry). The NRC may in specified circumstances, on a case-by-case basis, postpone all or part of the annual deferred premium. NRC also may provide reinsurance or guarantee payment of deferred premiums if there is a shortfall. In that event, NRC must advance necessary funds based on a Congressional appropriation or (to the extent approved in appropriation Acts) by issuing obligations to the Treasury.
- (3) Government commitment: If damage exceeds \$9.43 billion, the Act contains a moral commitment from Congress to provide full and prompt compensation to the public, based on a plan the President submits.

[For contractors and suppliers indemnified by the Department of Energy, the Act provides full indemnification up to \$9.43 billion without private insurance. In effect, the government self-insures against nuclear incidents from contractual activities conducted on its behalf.]

Basis of Liability -- Liability is based on state tort laws of the jurisdiction where the incident occurs. Since many states provide strict liability for ultrahazardous activities, it's possible that liability for a nuclear incident could be established without fault. For "extraordinary nuclear occurrences," the Act requires waiver of certain defenses so that claimants need not prove fault and defendants may not claim charitable or sovereign immunity. In limited situations, the Act supercedes state law with uniform rules such as a limitation on awarding punitive damages or the time in which claims may be brought.

Consolidated Jurisdiction -- Claims are consolidated in a single U.S. District Court where the incident occurs. This channels liability through one court to one source of funds, so there is no need to sue all potential defendants or allocate liability among multiple defendants.

International Coverage -- Damages for injuries suffered in other countries from incidents in the U.S. may be sought in U.S. courts under the Act. The Act cannot control liability exposure in other countries.

Sunset -- The Act sunsets provisions permitting coverage for potential licensees and new contracts. Congress renewed and amended the 1957 Act in 1966, 1969, 1975, and 1988.

Pool Re (Pool Reinsurance Co. Ltd.)

Purpose -- To create an independent, mutual reinsurance company backed by the government that provides reinsurance to member companies for property loss and business interruption due to fire and explosion from "acts of terrorism" (primarily car bombs) that the insurance and reinsurance markets would not otherwise insure. Since its inception in 1993, Pool Re has covered three major losses for a total of 600 million pounds.

Participants -- Member companies are insurers (and Lloyd's syndicates) authorized to underwrite property insurance and business interruption for risks located in England, Wales and Scotland. Currently there are about 200 members, including all of the largest insurers in the U.K. commercial insurance market.

Reinsurance Coverage -- Members are required to offer reinsurance to first line insurers in excess of the retention, which is 100,000 pounds per "head of cover" per incident or 2.5 million pounds per policy per cover per incident. "Heads of cover" include: (1) buildings and completed structures, (2) other property (including contents, engineering contractors and computers), (3) business interruption, and (4) book debts (unclear how many heads of cover there actually are). Insureds have the option of buying protection beyond the 100,000 pounds of coverage, in which case the insurer cedes the additional premium to Pool Re, which assumes the risk.

Government (Retrocession) Liability -- Under the retrocession agreement, the government becomes liable to make payments to Pool Re when Pool Re's financial resources, including a [500 million] pound loan facility, have been exhausted. Members may reinsure only with Pool Re, which agrees to reinsure each member in excess of its retention. The Reinsurance (Acts of Terrorism) Act of 1993 enabled the Secretary for Trade and Industry to enter into the retrocession agreement with Pool Re subject to the consent of the Treasury. Pool Re's only retrocessionaire is the government.

Premiums -- Pool Re is funded through "market" rate premiums set by the government in exchange for the government underwriting excess exposure to the fund. Companies pay rates depending on the locations of risks in different geographic zones -- currently 150 pounds per million pounds of coverage in metropolitan areas, and 30 pounds per million of coverage in rural areas. The retrocession agreement provides that when Pool Re's funds reach one billion pounds, a retrocession premium becomes payable to the government. If Pool Re incurs an underwriting loss (an underwriting year is closed after three years), each member must pay an additional premium equivalent to 10% of the underwriting loss subject to a maximum of 10% of the premium income it paid to Pool Re for the underwriting year in question. If Pool Re makes an underwriting profit, each member is entitled to a 10% return premium.

Certification -- According to the retrocession agreement, the Secretary of State is required to provide a certificate to the effect that an "act of terrorism" has occurred for which indemnity is claimed under a reinsurance agreement.

Dispute resolution -- The agreements provide a dispute resolution procedure in addition to the usual arbitration clause.

FAIR Plans --Fair Access to Insurance Requirements (12 U.S.C. 1749bbb)

Purpose -- To create statewide plans to make essential property insurance more readily available in urban areas following the 1968 riots by providing Federal reinsurance for property losses arising from "riots or civil disorders." The statutory authority terminated in 1985, but 29 states still run FAIR programs.

Role of FEMA -- The FEMA Director, in consultation with a public-private Advisory Board, establishes and carries out the FAIR program, the Federal reinsurance program (including a "National Insurance Development Fund"), and a Federal crime insurance program, described below. FEMA reports to Congress at least annually on its operations under the Act.

Reinsurance -- FEMA is authorized to offer reinsurance from the National Insurance Development Fund to each insurer or pool for property losses arising from "riots or civil disorders." Reinsurance is offered only on "standard lines" of property insurance, as defined.

Premiums -- Insurers pay FEMA reinsurance premiums, determined by FEMA in consultation with the Advisory Board, for deposit into the Fund. FEMA thereafter may adjust premiums after consulting with the Advisory Board and the NAIC. The Fund can borrow from the Treasury to meet its needs.

Reimbursement for Losses -- The Act requires states to pass legislation stating that they will reimburse FEMA for any reinsured losses up to 5% of the aggregate property insurance premiums earned in that state during the previous year, to the extent the losses exceed the amount FEMA received in reinsurance premiums.

Federal Crime Insurance -- FEMA is required to critically review the market availability in each state of burglary and robbery insurance at affordable rates. If there is a critical unavailability, FEMA must make it available at affordable rates through the facilities of the Federal government after consulting with state insurance authorities in estimating what rates are affordable.

Participation in State FAIR Plans -- Participation in a state FAIR plan is required for an insurer to qualify for Federal reinsurance. (Most states also require property insurers to join the FAIR program before getting a certificate of authority to do business.) Each insurer wishing to participate in a FAIR program must cooperate with the appropriate state insurance authority in establishing and carrying out the FAIR plan. Plans are approved and administered by state insurance authorities. Plans must be run in a way that makes essential property insurance more readily available in urban areas. Plans must include various requirements regarding property inspection, reporting of reasons for declining coverage or requiring changes in the property, etc. A potential insured can request coverage under the program after being denied coverage otherwise.

War Damage Corporation Act
56 Stat. 174 (1942)

Purpose -- To establish WDC as a subsidiary of the Reconstruction Finance Corporation (RFC) to provide property owners in the U.S. with reasonable insurance protection against loss or damage from enemy attack or U.S. military resistance during WWII, since basic fire and extended coverages contained a war risk exclusion.

History -- WDC was established in 1941 as the War Insurance Corporation and renamed the WDC in 1942. It is a subsidiary of the RFC, which was established by Congress in 1940 to aid in the national defense program. The WDC program grew from the War Risk Insurance Act of 1914 (38 Stat. 711), which provided insurance for maritime vessels and was amended in 1917 in response to WWI. WDC's charter and all policies expired in 1947. WDC's assets were liquidated by 1949, and in 1957 its stock was transferred to the Secretary of the Treasury for cancellation after all suits against the WDC had been settled.

Coverage -- The Act directs the RFC to empower the WDC to use its funds to provide, through insurance, reinsurance or otherwise, reasonable protection against loss or damage to real or personal property resulting from enemy attack or U.S. military resistance, with such exceptions as WDC, with the approval of the Secretary of Commerce, may deem advisable.

RFC Funding -- The Act directs the RFC, upon the request of the Secretary of Commerce and with the President's approval, to provide funds to WDC and issue obligations sufficient to carry out the Act's purposes. The aggregate amount of funds supplied by the RTC may not exceed \$1 billion.

Premiums -- WDC protection would be made available upon the payment of such premium and subject to such terms and conditions as WDC may establish with the approval of the Secretary of Commerce.

Establishment of Rates -- In view of the national interest involved, the Act required WDC to establish from time to time uniform rates for each type of property for which protection was made available. To establish a basis for such uniform rates, the Act required WDC to estimate the average risk of loss on all property of such type in the U.S.

Limitation of Protection -- Protection was available only in the U.S., its territories and possessions, and other places determined by the President to be under U.S. dominion and control, and not to property on which the Maritime Commission was authorized to provide marine war-risk insurance. WDC, with approval of the Secretary of Commerce, could suspend or restrict protection in areas in consideration of loss of control by the U.S.

Losses Sustained between Dec. 7, 1941 and the Start-Up Date -- WDC was authorized to provide compensation without requiring an insurance contract or payment of premium, adjusting the loss as if a policy were in effect.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 9/28/2001 6:09:01 AM
Subject: : Judges mtg w/ POTUS not yet set

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-SEP-2001 10:09:01.00

SUBJECT:: Judges mtg w/ POTUS not yet set

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Will likely be next Wed, Thur or Friday. Will let you know once scheduling has gotten back to us with a date/time.

REV_00132348

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 9/28/2001 6:09:01 AM
Subject: : Judges mtg w/ POTUS not yet set

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-SEP-2001 10:09:01.00

SUBJECT:: Judges mtg w/ POTUS not yet set

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Will likely be next Wed, Thur or Friday. Will let you know once scheduling has gotten back to us with a date/time.

REV_00132349

From: CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO]
To: Michael P. Lingenfelter/OA/EOP@EOP [OA] <Michael P. Lingenfelter>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/28/2001 6:16:09 AM
Subject: : 10:30 Mtg with Barry Rm 176

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-SEP-2001 10:16:09.00
SUBJECT:: 10:30 Mtg with Barry Rm 176
TO:Michael P. Lingenfelter (CN=Michael P. Lingenfelter/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We're on for a meeting with Barry Jackson at 10:30 this morning in his room (enter through 176). We'll discuss:
E-mail signup options and language
Data collection and potential methods of using that data
Privacy policy and how it effects potential signup and opt-out options

Thanks for your help. See you there.

NEIL
x6-7465

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: Bryant; Dan <Dan.Bryant@usdoj.gov>; Ciongoli; Adam <Adam.Ciongoli@usdoj.gov>; Acosta; Alex
<Alex.Acosta@usdoj.gov>; Thorsen; Carl <Carl.Thorsen@usdoj.gov>; Sutton; Johnny K
<Johnny.K.Sutton@usdoj.gov>; Clement; Paul D <Paul.D.Clement@usdoj.gov>; DeHart; Rhett
<Rhett.DeHart@usdoj.gov>; Dinh; Viet <Viet.Dinh@usdoj.gov>; 'Garry Malphrus'
<Garry_Malphrus@judiciary.senate.gov>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L.
Schacht>; 'leo@fed-soc.org' <leo@fed-soc.org>; 'Lee.Otis@hq.doe.gov'
<Lee.Otis@hq.doe.gov>; 'stewart_verdery@aml.senate.gov'
<stewart_verdery@aml.senate.gov>; 'john_mashburn@lott.senate.gov'
<john_mashburn@lott.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford
A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle
Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Receipt Notification Requested) (
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [
UNKNOWN] <John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov>; 'Peter Levitas'
<Peter_Levitas@judiciary.senate.gov>; 'Jim Rowland'
<Jim_Rowland@judiciary.senate.gov>; Receipt Notification Requested) (
Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN]
<Christine_Morden@judiciary.senate.gov>; 'Stephen Higgins'
<Stephen_Higgins@judiciary.senate.gov>
CC: Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN]
<Ed_Haden@judiciary.senate.gov>; 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>; 'Stuart Nash'
<Stuart_Nash@judiciary.senate.gov>
Sent: 9/28/2001 8:04:55 AM
Subject: : Re:RE: Judiciary Comm. hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (

Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

CREATION DATE/TIME:28-SEP-2001 12:04:55.00

SUBJECT:: Re:RE: Judiciary Comm. hearing

TO:"Bryant; Dan" <Dan.Bryant@usdoj.gov> ("Bryant; Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN]
)

READ:UNKNOWN

TO:"Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) ("Ciongoli;
Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) ("Acosta; Alex"
<Alex.Acosta@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) ("Thorsen;
Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) (
"Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) [UNKNOWN]
)

READ:UNKNOWN

TO:"Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (
"Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) ("DeHart;
Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) ("Dinh; Viet"
<Viet.Dinh@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return Requested) ('Garry
Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:''leo@fed-soc.org'' <leo@fed-soc.org> (Receipt Notification Requested) (''leo@fed-
soc.org'' <leo@fed-soc.org> (Receipt Notification Requested) [UNKNOWN])

REV_00132354

READ:UNKNOWN
TO: "'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) ("'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) ("'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: "'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) ("'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov> (Receipt Notification Requested) ('Peter Levitas' <Peter_Levitas@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: 'Jim Rowland' <Jim_Rowland@judiciary.senate.gov> (Receipt Notification Requested) ('Jim Rowland' <Jim_Rowland@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) (Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: 'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) ('Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC: Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])
READ:UNKNOWN
CC: 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov> (Receipt Notification Requested) ('Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC: 'Stuart Nash' <Stuart_Nash@judiciary.senate.gov> (Receipt Notification Requested) ('Stuart Nash' <Stuart_Nash@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Would make a great witness.

Reply Separator
Subject: RE: Judiciary Comm. hearing
Author: "Bryant; Dan" <Dan.Bryant@usdoj.gov>
Date: 9/27/2001 4:48 PM

How about Ted Olson? He knows the bill, supports it enthusiastically, and knows it to be constitutional from top to bottom. He's also got a unique perspective on September 11, 2001.

-----Original Message-----

From: Garry Malphrus [mailto:Garry_Malphrus@judiciary.senate.gov]
Sent: Thursday, September 27, 2001 9:17 AM
To: Ciongoli, Adam; Acosta, Alex; Thorsen, Carl; Bryant, Dan; Sutton, Johnny K; Clement, Paul D; DeHart, Rhett; Dinh, Viet;

REV_00132355

Diana_L._Schacht@opd.eop.gov; lleo@fed-soc.org; Lee.Otis@hq.doe.gov;
stewart_verdery@aml.senate.gov; john_mashburn@lott.senate.gov;
bradford_a._berenson@who.eop.gov; brett_m._kavanaugh@who.eop.gov;
ksampson@who.eop.gov; John Abegg; Peter Levitas; Jim Rowland; Christine
Morden; Stephen Higgins
Cc: Jeff Taylor; Stuart Nash; Makan Delrahim; Ed Haden
Subject: Judiciary Comm. hearing

The Constitution Subcommittee, chaired by Senator Feingold, announced last night that it will hold a hearing next Wednesday, October 3, at 10:00 am entitled "Protecting Constitutional Freedoms in the Face of Terrorism." They have given us as Ranking Member very few details yet, but we can expect the focus to be on the constitutional and privacy issues surrounding the Administration's legislation to fight terrorism.

For witnesses, I am contacting possible professors, such as John Manning. Also, we need to decide if we want to have someone other than a legal expert to appear, such as a victim or broader terrorism expert. If you have any suggestions for witnesses we should call to defend the Administration or other

thoughts about the hearing, please contact me. Thanks.

Received: from mailsims1.senate.gov ([156.33.203.10]) by
IMAEXC2.senate.gov with
SMTP

(IMA Internet Exchange 3.13) id 003E7034; Thu, 27 Sep 2001 16:54:51 -0400

Received: from wdcsun022.usdoj.gov (wdcsun2.usdoj.gov)

by mailsims1.senate.gov (Sun Internet Mail Server

sims.3.5.1999.07.30.00.05.p8) with SMTP id

<OGKC00D029UOKS@mailsims1.senate.gov>; Thu, 27 Sep 2001 16:49:50 -0400

(EDT)

Received: from wt4.usdoj.gov (localhost [127.0.0.1])

by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)

with ESMTP id GKC9UI01.P5L; Thu, 27 Sep 2001 16:49:30 -0400

Received: (from x400@localhost) by wt4.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)

id QAA02489; Thu, 27 Sep 2001 16:49:28 -0400 (EDT)

Received: by TELEMAIL; Thu, 27 Sep 2001 16:48:39 -0400

Date: Thu, 27 Sep 2001 16:48:40 -0400

From: "Bryant, Dan" <Dan.Bryant@usdoj.gov>

Subject: RE: Judiciary Comm. hearing

To: "Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification
Requested)

, "Acosta, Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested),

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested),

"Sutton, Johnny K" <Johnny.K.Sutton@usdoj.gov>

(Receipt Notification Requested), "Clement, Paul D"

<Paul.D.Clement@usdoj.gov>

(Receipt Notification Requested), "DeHart, Rhett" <Rhett.DeHart@usdoj.gov>

(Receipt Notification Requested),

"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),

'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov>

(Receipt Notification Requested) (IPM Return Requested),

"Diana_L._Schacht@opd.eop.gov" <Diana_L._Schacht@opd.eop.gov>

(Receipt Notification Requested), "lleo@fed-soc.org" <lleo@fed-soc.org>

(Receipt Notification Requested),

"Lee.Otis@hq.doe.gov" <Lee.Otis@hq.doe.gov> (Receipt Notification

Requested)

, "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov>

(Receipt Notification Requested),

"john_mashburn@lott.senate.gov" <john_mashburn@lott.senate.gov>

(Receipt Notification Requested),

"bradford_a._berenson@who.eop.gov" <bradford_a._berenson@who.eop.gov>

(Receipt Notification Requested),

"'brett_m._kavanaugh@who.eop.gov'" <brett_m._kavanaugh@who.eop.gov>
(Receipt Notification Requested),
"'ksampson@who.eop.gov'" <ksampson@who.eop.gov>
(Receipt Notification Requested),
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification
Requested)
, 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>
(Receipt Notification Requested),
'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>
(Receipt Notification Requested),
Christine_Morden@judiciary.senate.gov (Receipt Notification Requested),
'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
(Receipt Notification Requested)
Cc: 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>
(Receipt Notification Requested),
'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
(Receipt Notification Requested),
'Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov>
(Receipt Notification Requested), 'Ed Haden'
<Ed_Haden@judiciary.senate.gov>
(Receipt Notification Requested)
Message-id: <"JMD0081-010927204839Z-32603*/PRMD=USDOJ-JCON/ADMD=
/C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: RE: Judiciary Co
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-g5)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
UA-content-id: RE: Judiciary Co
X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US/;JMD0081-010927204839Z-32603]
X-Priority: 3 (Normal)

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; kathleen.cooper@esa.doc.gov [UNKNOWN] <kathleen.cooper@esa.doc.gov>; michael.jackson@ost.dot.gov [UNKNOWN] <michael.jackson@ost.dot.gov>; kirk.vantine@ost.dot.gov [UNKNOWN] <kirk.vantine@ost.dot.gov>; Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>
Sent: 9/28/2001 8:06:56 AM
Subject: : Staff Working Paper on Terror Insurance Options
Attachments: P_QBBX3004_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:28-SEP-2001 12:06:56.00

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READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

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Insurance Industry – Government Intervention in Response to Terrorism

DRAFT -- TIME -- DRAFT

Draft -- Pre-Decisional Staff Working Paper -- Draft

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- Provide for some degree of compensation to the government for its risk exposure.
- Sunset government involvement once the private sector is capable of providing insurance coverage.

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- No evidence that private capital markets could provide the coverage needed quickly enough in the current environment. It suffers from the same information uncertainties inhibiting insurance and reinsurance companies.
- B. Enact tax law changes (in terms of structure or relief) that improve the loss absorbing capacity of insurance companies.

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- Tax benefits may be insufficient to keep companies in the game.
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- C. Limit types and amount of damage claims that are available from a terrorist incident. Damage claims greater than the cap would be determined through a government based claims process. (Based loosely on Price-Anderson)

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Pros

- Has industry support.
- Based on a model that has worked in the UK.
- Provides first-loss coverage through the industry pool.
- Provides mechanism for establishing a broad risk pool and industry, not government, pricing, of insurance.

Cons

- Could take months to make fully operational.
 - Has characteristics of a GSE for insurance, suggesting it would grow over time while further extending the government's ultimate backstop.
 - Puts the government in the role of ensuring no adverse selection.
- E. Provide Federal Reinsurance with Ex-Post Pricing that Shares the Cost of Actual Losses Between Taxpayers and all P&C Insurance Carriers (based on the Price-Anderson Act Model) – For a temporary period, have the federal government offer reinsurance to the pool described in the previous option but do not require the pool to build reserves. Losses from a terrorist incident above some threshold amount would be reinsured by the government through the pool. Actual claims would be initially financed by Treasury and premiums would then be assessed pro rata on the pool participants in the next year (or years). Loss sharing with taxpayers could be established to limit losses put back to the industry.

Pros

- Eliminates idle capital.
- Avoids deadweight losses from mispriced insurance.
- Could quickly be made operational and easily sunset or replaced by more permanent legislation.

Cons

- Ex post pricing makes the insurance free up front, which increases moral hazard.
- Industry (and accountants?) could have difficulty handling a large future premium - unclear how they could/would reserve for such contingencies ex ante.
- Contingent deferred premiums could impact coverage levels and premium costs, thus reducing the amount of insurance available.

- F. Sell Federal Reinsurance Directly to Insurers (similar to disaster insurance proposals) – The federal government would sell federal reinsurance (either with fixed pricing or through an auction process) that would be tied to insurance company losses from terrorist attacks.

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- Requires a government bureaucracy be created to initiate and manage thousands of individual reinsurance contracts with individual carriers.
- Crowds out any possible private market for terrorist reinsurance.
- Difficult to mimic market-based pricing or risk-taking incentives, leading to potential moral hazard problems.

- G. Provide Federal Reinsurance through State-Based Plans (based on FAIR Act Approach) – The FAIR Act (passed in response to riots and civil disorders of the 1960s) set up a structure whereby each state would set up a plan to assure access to insurance requirements. The state plans were reinsured by the federal government through FEMA.

Pros

- Works within the existing state regulatory structure.
- Less bureaucracy than dealing with individual insurance companies.

Cons

- The states need to each set up a plan, and the federal government needs to approve the plans.
- Reinsurance rates must be determined by the government.

Direct Government Intervention

- H. Directly Underwrite and Sell Terrorism Insurance Coverage (based on a War Damages Corporation approach) – Terrorism insurance would be underwritten by a government agency and sold directly to customers by insurance companies.

Pros

- Provides certainty that terrorism risks will be covered.

Cons

- Government pricing of insurance risks.

- Potential for lack of underwriting discipline and increased government risk exposure.
- Requires a government bureaucracy.

I. Provide Direct Government Insurance for Terrorist Attacks Through a Proportional Risk-Sharing Arrangement with the Insurance Industry (based on a Federal Crop Insurance approach) –Under Federal Crop Insurance, the federal government shares in premiums and the risks on a proportional basis with private insurers. The federal government also provides back-up reinsurance based on the financial condition of insurers that participate in the program.

Pros

- Provides certainty that terrorism risks will be covered.
- Private sector involvement may improve pricing and risk management.

Cons

- Government risk sharing (if large enough) may weaken private sector incentives.
- Proportional risk sharing may weaken private sector incentives in comparison to excess loss risk sharing.
- Requires a government bureaucracy.

Other Issues in Providing Government Terrorism Insurance

- Defining a Terrorist Incident – The government (perhaps the Treasury Secretary in consultation with federal law enforcement) should have the final authority in determining if an incident was caused by terrorist activities.
- Limiting Government Claims Above a Certain Dollar Amount – In order to limit the government's liability, provisions that trigger tort reforms when losses exceed a certain threshold, e.g., \$10 billion, should be put in place. These provisions would include consolidating all claims in one jurisdiction; and limiting types of damages (e.g., only money damages).

Price-Anderson Act

(42 U.S.C. 2014)

Purpose -- To encourage the development of the nuclear industry and to ensure prompt and equitable compensation in the event of a nuclear incident.

Coverage -- For licensed nuclear power plants indemnified by the Nuclear Regulatory Commission (NRC), the Act provides for three tiers of protection against third party "public liability arising from a nuclear incident" (covering "any legal liability" with certain exceptions):

- (1) Private insurance: Each reactor must purchase the maximum private insurance commercially available (currently \$200 million).
- (2) Retrospective pooling: If damage from an incident exceeds \$200 million, each of the 110 reactors is assessed a pro-rata share of the excess up to \$83.9 million, capped at \$10 million per year per reactor (\$83.9x 110= \$9.23 billion pool+ \$200 million= \$9.43 billion coverage cap to the industry). The NRC may in specified circumstances, on a case-by-case basis, postpone all or part of the annual deferred premium. NRC also may provide reinsurance or guarantee payment of deferred premiums if there is a shortfall. In that event, NRC must advance necessary funds based on a Congressional appropriation or (to the extent approved in appropriation Acts) by issuing obligations to the Treasury.
- (3) Government commitment: If damage exceeds \$9.43 billion, the Act contains a moral commitment from Congress to provide full and prompt compensation to the public, based on a plan the President submits.

[For contractors and suppliers indemnified by the Department of Energy, the Act provides full indemnification up to \$9.43 billion without private insurance. In effect, the government self-insures against nuclear incidents from contractual activities conducted on its behalf.]

Basis of Liability -- Liability is based on state tort laws of the jurisdiction where the incident occurs. Since many states provide strict liability for ultrahazardous activities, it's possible that liability for a nuclear incident could be established without fault. For "extraordinary nuclear occurrences," the Act requires waiver of certain defenses so that claimants need not prove fault and defendants may not claim charitable or sovereign immunity. In limited situations, the Act supercedes state law with uniform rules such as a limitation on awarding punitive damages or the time in which claims may be brought.

Consolidated Jurisdiction -- Claims are consolidated in a single U.S. District Court where the incident occurs. This channels liability through one court to one source of funds, so there is no need to sue all potential defendants or allocate liability among multiple defendants.

International Coverage -- Damages for injuries suffered in other countries from incidents in the U.S. may be sought in U.S. courts under the Act. The Act cannot control liability exposure in other countries.

Sunset -- The Act sunsets provisions permitting coverage for potential licensees and new contracts. Congress renewed and amended the 1957 Act in 1966, 1969, 1975, and 1988.

Pool Re (Pool Reinsurance Co. Ltd.)

Purpose -- To create an independent, mutual reinsurance company backed by the government that provides reinsurance to member companies for property loss and business interruption due to fire and explosion from "acts of terrorism" (primarily car bombs) that the insurance and reinsurance markets would not otherwise insure. Since its inception in 1993, Pool Re has covered three major losses for a total of 600 million pounds.

Participants -- Member companies are insurers (and Lloyd's syndicates) authorized to underwrite property insurance and business interruption for risks located in England, Wales and Scotland. Currently there are about 200 members, including all of the largest insurers in the U.K. commercial insurance market.

Reinsurance Coverage -- Members are required to offer reinsurance to first line insurers in excess of the retention, which is 100,000 pounds per "head of cover" per incident or 2.5 million pounds per policy per cover per incident. "Heads of cover" include: (1) buildings and completed structures, (2) other property (including contents, engineering contractors and computers), (3) business interruption, and (4) book debts (unclear how many heads of cover there actually are). Insureds have the option of buying protection beyond the 100,000 pounds of coverage, in which case the insurer cedes the additional premium to Pool Re, which assumes the risk.

Government (Retrocession) Liability -- Under the retrocession agreement, the government becomes liable to make payments to Pool Re when Pool Re's financial resources, including a [500 million] pound loan facility, have been exhausted. Members may reinsure only with Pool Re, which agrees to reinsure each member in excess of its retention. The Reinsurance (Acts of Terrorism) Act of 1993 enabled the Secretary for Trade and Industry to enter into the retrocession agreement with Pool Re subject to the consent of the Treasury. Pool Re's only retrocessionaire is the government.

Premiums -- Pool Re is funded through "market" rate premiums set by the government in exchange for the government underwriting excess exposure to the fund. Companies pay rates depending on the locations of risks in different geographic zones -- currently 150 pounds per million pounds of coverage in metropolitan areas, and 30 pounds per million of coverage in rural areas. The retrocession agreement provides that when Pool Re's funds reach one billion pounds, a retrocession premium becomes payable to the government. If Pool Re incurs an underwriting loss (an underwriting year is closed after three years), each member must pay an additional premium equivalent to 10% of the underwriting loss subject to a maximum of 10% of the premium income it paid to Pool Re for the underwriting year in question. If Pool Re makes an underwriting profit, each member is entitled to a 10% return premium.

Certification -- According to the retrocession agreement, the Secretary of State is required to provide a certificate to the effect that an "act of terrorism" has occurred for which indemnity is claimed under a reinsurance agreement.

Dispute resolution -- The agreements provide a dispute resolution procedure in addition to the usual arbitration clause.

FAIR Plans --Fair Access to Insurance Requirements (12 U.S.C. 1749bbb)

Purpose -- To create statewide plans to make essential property insurance more readily available in urban areas following the 1968 riots by providing Federal reinsurance for property losses arising from "riots or civil disorders." The statutory authority terminated in 1985, but 29 states still run FAIR programs.

Role of FEMA -- The FEMA Director, in consultation with a public-private Advisory Board, establishes and carries out the FAIR program, the Federal reinsurance program (including a "National Insurance Development Fund"), and a Federal crime insurance program, described below. FEMA reports to Congress at least annually on its operations under the Act.

Reinsurance -- FEMA is authorized to offer reinsurance from the National Insurance Development Fund to each insurer or pool for property losses arising from "riots or civil disorders." Reinsurance is offered only on "standard lines" of property insurance, as defined.

Premiums -- Insurers pay FEMA reinsurance premiums, determined by FEMA in consultation with the Advisory Board, for deposit into the Fund. FEMA thereafter may adjust premiums after consulting with the Advisory Board and the NAIC. The Fund can borrow from the Treasury to meet its needs.

Reimbursement for Losses -- The Act requires states to pass legislation stating that they will reimburse FEMA for any reinsured losses up to 5% of the aggregate property insurance premiums earned in that state during the previous year, to the extent the losses exceed the amount FEMA received in reinsurance premiums.

Federal Crime Insurance -- FEMA is required to critically review the market availability in each state of burglary and robbery insurance at affordable rates. If there is a critical unavailability, FEMA must make it available at affordable rates through the facilities of the Federal government after consulting with state insurance authorities in estimating what rates are affordable.

Participation in State FAIR Plans -- Participation in a state FAIR plan is required for an insurer to qualify for Federal reinsurance. (Most states also require property insurers to join the FAIR program before getting a certificate of authority to do business.) Each insurer wishing to participate in a FAIR program must cooperate with the appropriate state insurance authority in establishing and carrying out the FAIR plan. Plans are approved and administered by state insurance authorities. Plans must be run in a way that makes essential property insurance more readily available in urban areas. Plans must include various requirements regarding property inspection, reporting of reasons for declining coverage or requiring changes in the property, etc. A potential insured can request coverage under the program after being denied coverage otherwise.

War Damage Corporation Act **56 Stat. 174 (1942)**

Purpose -- To establish WDC as a subsidiary of the Reconstruction Finance Corporation (RFC) to provide property owners in the U.S. with reasonable insurance protection against loss or damage from enemy attack or U.S. military resistance during WWII, since basic fire and extended coverages contained a war risk exclusion.

History -- WDC was established in 1941 as the War Insurance Corporation and renamed the WDC in 1942. It is a subsidiary of the RFC, which was established by Congress in 1940 to aid in the national defense program. The WDC program grew from the War Risk Insurance Act of 1914 (38 Stat. 711), which provided insurance for maritime vessels and was amended in 1917 in response to WWI. WDC's charter and all policies expired in 1947. WDC's assets were liquidated by 1949, and in 1957 its stock was transferred to the Secretary of the Treasury for cancellation after all suits against the WDC had been settled.

Coverage -- The Act directs the RFC to empower the WDC to use its funds to provide, through insurance, reinsurance or otherwise, reasonable protection against loss or damage to real or personal property resulting from enemy attack or U.S. military resistance, with such exceptions as WDC, with the approval of the Secretary of Commerce, may deem advisable.

RFC Funding -- The Act directs the RFC, upon the request of the Secretary of Commerce and with the President's approval, to provide funds to WDC and issue obligations sufficient to carry out the Act's purposes. The aggregate amount of funds supplied by the RTC may not exceed \$1 billion.

Premiums -- WDC protection would be made available upon the payment of such premium and subject to such terms and conditions as WDC may establish with the approval of the Secretary of Commerce.

Establishment of Rates -- In view of the national interest involved, the Act required WDC to establish from time to time uniform rates for each type of property for which protection was made available. To establish a basis for such uniform rates, the Act required WDC to estimate the average risk of loss on all property of such type in the U.S.

Limitation of Protection -- Protection was available only in the U.S., its territories and possessions, and other places determined by the President to be under U.S. dominion and control, and not to property on which the Maritime Commission was authorized to provide marine war-risk insurance. WDC, with approval of the Secretary of Commerce, could suspend or restrict protection in areas in consideration of loss of control by the U.S.

Losses Sustained between Dec. 7, 1941 and the Start-Up Date -- WDC was authorized to provide compensation without requiring an insurance contract or payment of premium, adjusting the loss as if a policy were in effect.

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Attachments: P_6FBX3004_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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CREATION DATE/TIME:28-SEP-2001 12:09:47.00

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- Defining a Terrorist Incident – The government (perhaps the Treasury Secretary in consultation with federal law enforcement) should have the final authority in determining if an incident was caused by terrorist activities.
- Limiting Government Claims Above a Certain Dollar Amount – In order to limit the government's liability, provisions that trigger tort reforms when losses exceed a certain threshold, e.g., \$10 billion, should be put in place. These provisions would include consolidating all claims in one jurisdiction; and limiting types of damages (e.g., only money damages).

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(42 U.S.C. 2014)

Purpose -- To encourage the development of the nuclear industry and to ensure prompt and equitable compensation in the event of a nuclear incident.

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[For contractors and suppliers indemnified by the Department of Energy, the Act provides full indemnification up to \$9.43 billion without private insurance. In effect, the government self-insures against nuclear incidents from contractual activities conducted on its behalf.]

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Purpose -- To create an independent, mutual reinsurance company backed by the government that provides reinsurance to member companies for property loss and business interruption due to fire and explosion from "acts of terrorism" (primarily car bombs) that the insurance and reinsurance markets would not otherwise insure. Since its inception in 1993, Pool Re has covered three major losses for a total of 600 million pounds.

Participants -- Member companies are insurers (and Lloyd's syndicates) authorized to underwrite property insurance and business interruption for risks located in England, Wales and Scotland. Currently there are about 200 members, including all of the largest insurers in the U.K. commercial insurance market.

Reinsurance Coverage -- Members are required to offer reinsurance to first line insurers in excess of the retention, which is 100,000 pounds per "head of cover" per incident or 2.5 million pounds per policy per cover per incident. "Heads of cover" include: (1) buildings and completed structures, (2) other property (including contents, engineering contractors and computers), (3) business interruption, and (4) book debts (unclear how many heads of cover there actually are). Insureds have the option of buying protection beyond the 100,000 pounds of coverage, in which case the insurer cedes the additional premium to Pool Re, which assumes the risk.

Government (Retrocession) Liability -- Under the retrocession agreement, the government becomes liable to make payments to Pool Re when Pool Re's financial resources, including a [500 million] pound loan facility, have been exhausted. Members may reinsure only with Pool Re, which agrees to reinsure each member in excess of its retention. The Reinsurance (Acts of Terrorism) Act of 1993 enabled the Secretary for Trade and Industry to enter into the retrocession agreement with Pool Re subject to the consent of the Treasury. Pool Re's only retrocessionaire is the government.

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Certification -- According to the retrocession agreement, the Secretary of State is required to provide a certificate to the effect that an "act of terrorism" has occurred for which indemnity is claimed under a reinsurance agreement.

Dispute resolution -- The agreements provide a dispute resolution procedure in addition to the usual arbitration clause.

FAIR Plans --Fair Access to Insurance Requirements (12 U.S.C. 1749bbb)

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Role of FEMA -- The FEMA Director, in consultation with a public-private Advisory Board, establishes and carries out the FAIR program, the Federal reinsurance program (including a "National Insurance Development Fund"), and a Federal crime insurance program, described below. FEMA reports to Congress at least annually on its operations under the Act.

Reinsurance -- FEMA is authorized to offer reinsurance from the National Insurance Development Fund to each insurer or pool for property losses arising from "riots or civil disorders." Reinsurance is offered only on "standard lines" of property insurance, as defined.

Premiums -- Insurers pay FEMA reinsurance premiums, determined by FEMA in consultation with the Advisory Board, for deposit into the Fund. FEMA thereafter may adjust premiums after consulting with the Advisory Board and the NAIC. The Fund can borrow from the Treasury to meet its needs.

Reimbursement for Losses -- The Act requires states to pass legislation stating that they will reimburse FEMA for any reinsured losses up to 5% of the aggregate property insurance premiums earned in that state during the previous year, to the extent the losses exceed the amount FEMA received in reinsurance premiums.

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Purpose -- To establish WDC as a subsidiary of the Reconstruction Finance Corporation (RFC) to provide property owners in the U.S. with reasonable insurance protection against loss or damage from enemy attack or U.S. military resistance during WWII, since basic fire and extended coverages contained a war risk exclusion.

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Coverage -- The Act directs the RFC to empower the WDC to use its funds to provide, through insurance, reinsurance or otherwise, reasonable protection against loss or damage to real or personal property resulting from enemy attack or U.S. military resistance, with such exceptions as WDC, with the approval of the Secretary of Commerce, may deem advisable.

RFC Funding -- The Act directs the RFC, upon the request of the Secretary of Commerce and with the President's approval, to provide funds to WDC and issue obligations sufficient to carry out the Act's purposes. The aggregate amount of funds supplied by the RTC may not exceed \$1 billion.

Premiums -- WDC protection would be made available upon the payment of such premium and subject to such terms and conditions as WDC may establish with the approval of the Secretary of Commerce.

Establishment of Rates -- In view of the national interest involved, the Act required WDC to establish from time to time uniform rates for each type of property for which protection was made available. To establish a basis for such uniform rates, the Act required WDC to estimate the average risk of loss on all property of such type in the U.S.

Limitation of Protection -- Protection was available only in the U.S., its territories and possessions, and other places determined by the President to be under U.S. dominion and control, and not to property on which the Maritime Commission was authorized to provide marine war-risk insurance. WDC, with approval of the Secretary of Commerce, could suspend or restrict protection in areas in consideration of loss of control by the U.S.

Losses Sustained between Dec. 7, 1941 and the Start-Up Date -- WDC was authorized to provide compensation without requiring an insurance contract or payment of premium, adjusting the loss as if a policy were in effect.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; kathleen.cooper@esa.doc.gov [UNKNOWN] <kathleen.cooper@esa.doc.gov>; michael.jackson@ost.dot.gov [UNKNOWN] <michael.jackson@ost.dot.gov>; kirk.vantine@ost.dot.gov [UNKNOWN] <kirk.vantine@ost.dot.gov>; Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>
Sent: 9/28/2001 8:11:04 AM
Subject: : Staff Working Paper on Terror Insurance Options
Attachments: P_ZGBX3004_OPD.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:28-SEP-2001 12:11:04.00

SUBJECT:: Staff Working Paper on Terror Insurance Options

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])

READ:UNKNOWN

TO:michael.jackson@ost.dot.gov (michael.jackson@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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Peter Fisher asked me to share the attached with you. Please do not hesitate to contact me if you have any questions

Sheila Bair

202-622-2610 <<terrorinspaper.doc>>

- terrorinspaper.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_ZGBX3004_OPD.TXT_1>

Insurance Industry – Government Intervention in Response to Terrorism

DRAFT -- TIME -- DRAFT

Draft -- Pre-Decisional Staff Working Paper -- Draft

Objectives of Government Intervention

- Ensure that the terrorist attacks of September 11 and the potential for future terrorist attacks have a minimal impact on economic activity by ensuring uninterrupted availability of property and casualty insurance coverage for acts of terrorism.
- Limit any potential government loss exposure to clearly identifiable losses and a fixed amount (or fixed proportion of losses) per incident or underwriting year.
- Limit to market segments that the private sector will not insure.

Principles Guiding Government Intervention

- Encourage private sector initiatives to mitigate risk.
- Preserve private sector risk assessments and pricing to the greatest degree possible.
- Provide for some degree of compensation to the government for its risk exposure.
- Sunset government involvement once the private sector is capable of providing insurance coverage.

Options for Government Intervention

Minimal Government Intervention

- A. Remove regulatory impediments to the development of the risk securitization market
 - Provide federal clarification that catastrophe bonds are a financial vehicle that is not subject to state insurance regulation.
 - Streamline tax and other regulations to encourage creation of on-shore special purpose vehicles used in catastrophe bonds.
 - Provide tax benefits to catastrophe bonds (both for terrorist events and natural disasters).

Pros

- Relies on private capital markets.

Cons

- No evidence that private capital markets could provide the coverage needed quickly enough in the current environment. It suffers from the same information uncertainties inhibiting insurance and reinsurance companies.
- B. Enact tax law changes (in terms of structure or relief) that improve the loss absorbing capacity of insurance companies.

Pros

- Relies on existing private infrastructure.

Cons

- Tax benefits may be insufficient to keep companies in the game.
 - Tax benefits can be hard to remove once in place and have tendency to spread.
- C. Limit types and amount of damage claims that are available from a terrorist incident. Damage claims greater than the cap would be determined through a government based claims process. (Based loosely on Price-Anderson)

Pros

- Makes insurance company risks more manageable.
- Clear approach that limits government exposure.

Cons

- Leaves unknown amount of risk exposure that is uninsured.
- Remaining risk exposure could impair capital markets. For instance, would commercial mortgage lenders extend credit on buildings with potential limits on insurance coverage that leave the lender exposed?

Modest Government Intervention

- D. Provide Federal Reinsurance Coverage to an Industry Terrorism Reinsurance Pool (based on the UK's Pool Re model) – The federal government would provide reinsurance to a terrorism reinsurance pool operated by the insurance industry. The AIA proposal is based in part on the UK's Pool Re model.

Pros

- Has industry support.
- Based on a model that has worked in the UK.
- Provides first-loss coverage through the industry pool.
- Provides mechanism for establishing a broad risk pool and industry, not government, pricing, of insurance.

Cons

- Could take months to make fully operational.
 - Has characteristics of a GSE for insurance, suggesting it would grow over time while further extending the government's ultimate backstop.
 - Puts the government in the role of ensuring no adverse selection.
- E. Provide Federal Reinsurance with Ex-Post Pricing that Shares the Cost of Actual Losses Between Taxpayers and all P&C Insurance Carriers (based on the Price-Anderson Act Model) – For a temporary period, have the federal government offer reinsurance to the pool described in the previous option but do not require the pool to build reserves. Losses from a terrorist incident above some threshold amount would be reinsured by the government through the pool. Actual claims would be initially financed by Treasury and premiums would then be assessed pro rata on the pool participants in the next year (or years). Loss sharing with taxpayers could be established to limit losses put back to the industry.

Pros

- Eliminates idle capital.
- Avoids deadweight losses from mispriced insurance.
- Could quickly be made operational and easily sunset or replaced by more permanent legislation.

Cons

- Ex post pricing makes the insurance free up front, which increases moral hazard.
- Industry (and accountants?) could have difficulty handling a large future premium - unclear how they could/would reserve for such contingencies ex ante.
- Contingent deferred premiums could impact coverage levels and premium costs, thus reducing the amount of insurance available.

- F. Sell Federal Reinsurance Directly to Insurers (similar to disaster insurance proposals) – The federal government would sell federal reinsurance (either with fixed pricing or through an auction process) that would be tied to insurance company losses from terrorist attacks.

Pros

- Ensures availability of P&C insurance coverage.
- Socializes the costs.

Cons

- Requires a government bureaucracy be created to initiate and manage thousands of individual reinsurance contracts with individual carriers.
- Crowds out any possible private market for terrorist reinsurance.
- Difficult to mimic market-based pricing or risk-taking incentives, leading to potential moral hazard problems.

- G. Provide Federal Reinsurance through State-Based Plans (based on FAIR Act Approach) – The FAIR Act (passed in response to riots and civil disorders of the 1960s) set up a structure whereby each state would set up a plan to assure access to insurance requirements. The state plans were reinsured by the federal government through FEMA.

Pros

- Works within the existing state regulatory structure.
- Less bureaucracy than dealing with individual insurance companies.

Cons

- The states need to each set up a plan, and the federal government needs to approve the plans.
- Reinsurance rates must be determined by the government.

Direct Government Intervention

- H. Directly Underwrite and Sell Terrorism Insurance Coverage (based on a War Damages Corporation approach) – Terrorism insurance would be underwritten by a government agency and sold directly to customers by insurance companies.

Pros

- Provides certainty that terrorism risks will be covered.

Cons

- Government pricing of insurance risks.

- Potential for lack of underwriting discipline and increased government risk exposure.
- Requires a government bureaucracy.

I. Provide Direct Government Insurance for Terrorist Attacks Through a Proportional Risk-Sharing Arrangement with the Insurance Industry (based on a Federal Crop Insurance approach) –Under Federal Crop Insurance, the federal government shares in premiums and the risks on a proportional basis with private insurers. The federal government also provides back-up reinsurance based on the financial condition of insurers that participate in the program.

Pros

- Provides certainty that terrorism risks will be covered.
- Private sector involvement may improve pricing and risk management.

Cons

- Government risk sharing (if large enough) may weaken private sector incentives.
- Proportional risk sharing may weaken private sector incentives in comparison to excess loss risk sharing.
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Losses Sustained between Dec. 7, 1941 and the Start-Up Date -- WDC was authorized to provide compensation without requiring an insurance contract or payment of premium, adjusting the loss as if a policy were in effect.

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: Bryant; Dan <Dan.Bryant@usdoj.gov>; Ciongoli; Adam <Adam.Ciongoli@usdoj.gov>; Acosta; Alex <Alex.Acosta@usdoj.gov>; Thorsen; Carl <Carl.Thorsen@usdoj.gov>; Sutton; Johnny K <Johnny.K.Sutton@usdoj.gov>; Clement; Paul D <Paul.D.Clement@usdoj.gov>; DeHart; Rhett <Rhett.DeHart@usdoj.gov>; Dinh; Viet <Viet.Dinh@usdoj.gov>; 'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; 'leo@fed-soc.org' <leo@fed-soc.org>; 'Lee.Otis@hq.doe.gov' <Lee.Otis@hq.doe.gov>; 'stewart_verdery@aml.senate.gov' <stewart_verdery@aml.senate.gov>; 'john_mashburn@lott.senate.gov' <john_mashburn@lott.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN] <John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov>; 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>; 'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>; Receipt Notification Requested) (Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN] <Christine_Morden@judiciary.senate.gov>; 'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
CC: Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>; 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>; 'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
Sent: 9/28/2001 8:23:57 AM
Subject: : Re:RE: Judiciary Comm. hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

CREATION DATE/TIME:28-SEP-2001 12:23:57.00

SUBJECT:: Re:RE: Judiciary Comm. hearing

TO:"Bryant; Dan" <Dan.Bryant@usdoj.gov> ("Bryant; Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) ("Ciongoli; Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) ("Acosta; Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) ("Thorsen; Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) ("Sutton; Johnny K" <Johnny.K.Sutton@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) ("Clement; Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) ("DeHart; Rhett" <Rhett.DeHart@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) ("Dinh; Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return Requested) ('Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov> (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:''leo@fed-soc.org'' <leo@fed-soc.org> (Receipt Notification Requested) (''leo@fed-soc.org'' <leo@fed-soc.org> (Receipt Notification Requested) [UNKNOWN])

REV_00132391

READ:UNKNOWN
TO: "'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) ("'Lee.Otis@hq.doe.gov'" <Lee.Otis@hq.doe.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) ("'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: "'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) ("'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) (John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov> (Receipt Notification Requested) ('Peter Levitas' <Peter_Levitas@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: 'Jim Rowland' <Jim_Rowland@judiciary.senate.gov> (Receipt Notification Requested) ('Jim Rowland' <Jim_Rowland@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) (Christine_Morden@judiciary.senate.gov (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: 'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) ('Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC: Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])
READ:UNKNOWN
CC: 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov> (Receipt Notification Requested) ('Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC: 'Stuart Nash' <Stuart_Nash@judiciary.senate.gov> (Receipt Notification Requested) ('Stuart Nash' <Stuart_Nash@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Would make a great witness.

Reply Separator
Subject: RE: Judiciary Comm. hearing
Author: "Bryant; Dan" <Dan.Bryant@usdoj.gov>
Date: 9/27/2001 4:48 PM

How about Ted Olson? He knows the bill, supports it enthusiastically, and knows it to be constitutional from top to bottom. He's also got a unique perspective on September 11, 2001.

-----Original Message-----

From: Garry Malphrus [mailto:Garry_Malphrus@judiciary.senate.gov]
Sent: Thursday, September 27, 2001 9:17 AM
To: Ciongoli, Adam; Acosta, Alex; Thorsen, Carl; Bryant, Dan; Sutton, Johnny K; Clement, Paul D; DeHart, Rhett; Dinh, Viet;

REV_00132392

Diana_L._Schacht@opd.eop.gov; lleo@fed-soc.org; Lee.Otis@hq.doe.gov;
stewart_verdery@aml.senate.gov; john_mashburn@lott.senate.gov;
bradford_a._berenson@who.eop.gov; brett_m._kavanaugh@who.eop.gov;
ksampson@who.eop.gov; John Abegg; Peter Levitas; Jim Rowland; Christine
Morden; Stephen Higgins
Cc: Jeff Taylor; Stuart Nash; Makan Delrahim; Ed Haden
Subject: Judiciary Comm. hearing

The Constitution Subcommittee, chaired by Senator Feingold, announced last night that it will hold a hearing next Wednesday, October 3, at 10:00 am entitled "Protecting Constitutional Freedoms in the Face of Terrorism." They have given us as Ranking Member very few details yet, but we can expect the focus to be on the constitutional and privacy issues surrounding the Administration's legislation to fight terrorism.

For witnesses, I am contacting possible professors, such as John Manning. Also, we need to decide if we want to have someone other than a legal expert to appear, such as a victim or broader terrorism expert. If you have any suggestions for witnesses we should call to defend the Administration or other

thoughts about the hearing, please contact me. Thanks.

Received: from mailsims1.senate.gov ([156.33.203.10]) by
IMAEXC2.senate.gov with
SMTP

(IMA Internet Exchange 3.13) id 003E7034; Thu, 27 Sep 2001 16:54:51 -0400

Received: from wdcsun022.usdoj.gov (wdcsun2.usdoj.gov)

by mailsims1.senate.gov (Sun Internet Mail Server

sims.3.5.1999.07.30.00.05.p8) with SMTP id

<OGKC00D029UOKS@mailsims1.senate.gov>; Thu, 27 Sep 2001 16:49:50 -0400

(EDT)

Received: from wt4.usdoj.gov (localhost [127.0.0.1])

by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)

with ESMTP id GKC9UI01.P5L; Thu, 27 Sep 2001 16:49:30 -0400

Received: (from x400@localhost) by wt4.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)

id QAA02489; Thu, 27 Sep 2001 16:49:28 -0400 (EDT)

Received: by TELEMAIL; Thu, 27 Sep 2001 16:48:39 -0400

Date: Thu, 27 Sep 2001 16:48:40 -0400

From: "Bryant, Dan" <Dan.Bryant@usdoj.gov>

Subject: RE: Judiciary Comm. hearing

To: "Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification
Requested)

, "Acosta, Alex" <Alex.Acosta@usdoj.gov> (Receipt Notification Requested),

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested),

"Sutton, Johnny K" <Johnny.K.Sutton@usdoj.gov>

(Receipt Notification Requested), "Clement, Paul D"

<Paul.D.Clement@usdoj.gov>

(Receipt Notification Requested), "DeHart, Rhett" <Rhett.DeHart@usdoj.gov>

(Receipt Notification Requested),

"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested),

'Garry Malphrus' <Garry_Malphrus@judiciary.senate.gov>

(Receipt Notification Requested) (IPM Return Requested),

"Diana_L._Schacht@opd.eop.gov" <Diana_L._Schacht@opd.eop.gov>

(Receipt Notification Requested), "lleo@fed-soc.org" <lleo@fed-soc.org>

(Receipt Notification Requested),

"Lee.Otis@hq.doe.gov" <Lee.Otis@hq.doe.gov> (Receipt Notification

Requested)

, "'stewart_verdery@aml.senate.gov'" <stewart_verdery@aml.senate.gov>

(Receipt Notification Requested),

"john_mashburn@lott.senate.gov" <john_mashburn@lott.senate.gov>

(Receipt Notification Requested),

"bradford_a._berenson@who.eop.gov" <bradford_a._berenson@who.eop.gov>

(Receipt Notification Requested),

"'brett_m._kavanaugh@who.eop.gov'" <brett_m._kavanaugh@who.eop.gov>
(Receipt Notification Requested),
"'ksampson@who.eop.gov'" <ksampson@who.eop.gov>
(Receipt Notification Requested),
John_Abegg_at_MCCONNELL-DC@IMAEXC2.senate.gov (Receipt Notification
Requested)
, 'Peter Levitas' <Peter_Levitas@judiciary.senate.gov>
(Receipt Notification Requested),
'Jim Rowland' <Jim_Rowland@judiciary.senate.gov>
(Receipt Notification Requested),
Christine_Morden@judiciary.senate.gov (Receipt Notification Requested),
'Stephen Higgins' <Stephen_Higgins@judiciary.senate.gov>
(Receipt Notification Requested)
Cc: 'Jeff Taylor' <Jeff_Taylor@judiciary.senate.gov>
(Receipt Notification Requested),
'Stuart Nash' <Stuart_Nash@judiciary.senate.gov>
(Receipt Notification Requested),
'Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov>
(Receipt Notification Requested), 'Ed Haden'
<Ed_Haden@judiciary.senate.gov>
(Receipt Notification Requested)
Message-id: <"JMD0081-010927204839Z-32603*/PRMD=USDOJ-JCON/ADMD=
/C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: RE: Judiciary Co
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-g5)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
UA-content-id: RE: Judiciary Co
X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US/;JMD0081-010927204839Z-32603]
X-Priority: 3 (Normal)

From: CN=Emily Willeford/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; kathleen.cooper@esa.doc.gov @ inet [UNKNOWN] <kathleen.cooper@esa.doc.gov>; michael.jackson@ost.dot.gov @ inet [UNKNOWN] <michael.jackson@ost.dot.gov>; kirk.vantine@ost.dot.gov @ inet [UNKNOWN] <kirk.vantine@ost.dot.gov>; Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>
CC: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; barbara.lucas@ost.dot.gov [UNKNOWN] <barbara.lucas@ost.dot.gov>; Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
Sent: 9/28/2001 12:41:35 PM
Subject: : Risk Insurance Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 28-SEP-2001 16:41:35.00

SUBJECT:: Risk Insurance Meeting

TO: Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: michael.jackson@ost.dot.gov (michael.jackson@ost.dot.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ: UNKNOWN

TO: Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ: UNKNOWN

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

CC: Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

CC: anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ: UNKNOWN

CC: barbara.lucas@ost.dot.gov (barbara.lucas@ost.dot.gov [UNKNOWN])

READ: UNKNOWN

CC: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

End Original ARMS Header

There will be another risk insurance meeting next Tuesday, Oct. 2nd, at 5:00 pm in EEOB Room 180. Thanks.

REV_00132395

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 9/28/2001 8:58:57 AM
Subject: : Thursday, Oct. 4 - 11:35-11:55 am for Judges Mtg. w/ POTUS

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-SEP-2001 12:58:57.00

SUBJECT:: Thursday, Oct. 4 - 11:35-11:55 am for Judges Mtg. w/ POTUS

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Richmond, Susan <Susan.Richmond@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Thorsen, Carl <Carl.Thorsen@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 9/28/2001 1:55:11 PM
Subject: : RE: LEGISLATION

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:28-SEP-2001 17:55:11.00
SUBJECT:: RE: LEGISLATION
TO:"Richmond, Susan" <Susan.Richmond@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Richmond, Susan" <Susan.Richmond@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks. We are trying to get to the bottom of the concern, as the only circulation we have done has been at the direction or or in consultation with WH Counsel and Leg Affairs.

-----Original Message-----

From: Richmond, Susan
Sent: Friday, September 28, 2001 5:42 PM
To: Dinh, Viet; Bryant, Dan; Thorsen, Carl
Subject: FW: LEGISLATION
Importance: High

FYI

-----Original Message-----

From: David_W._James@who.eop.gov [mailto:David_W._James@who.eop.gov]
Sent: Friday, September 28, 2001 12:34 PM
To: Israelite, David; Dryden, Susan; Richmond, Susan
Subject: LEGISLATION

Per our morning conference call, those in the WH Counsel's office and the WH Press Office would very much like it if the DOJ would stop distributing drafts of the proposed legislation. They have informed me that the "language is moving" and there are "too many drafts" coming out of the DOJ. They asked me to pass this along to you.

I wasn't sure who to send this too, so I'm hoping that one of you can make use of this information. Thanks, -d.j.

REV_00132398

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 9/28/2001 11:07:50 AM
Subject: : If you have any of the books from the Judge's library...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-SEP-2001 15:07:50.00

SUBJECT:: If you have any of the books from the Judge's library...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

particularly those dealing with Presidential Powers, please return them immediately.

Thank you.

REV_00132399

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 9/28/2001 11:07:50 AM
Subject: : If you have any of the books from the Judge's library...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-SEP-2001 15:07:50.00

SUBJECT:: If you have any of the books from the Judge's library...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

particularly those dealing with Presidential Powers, please return them immediately.

Thank you.

REV_00132400

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/28/2001 12:15:28 PM
Subject: : ABA Rating- Kurt Engelhardt of Louisiana is "Qualified"

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-SEP-2001 16:15:28.00

SUBJECT:: ABA Rating- Kurt Engelhardt of Louisiana is "Qualified"

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/28/2001 12:56:57 PM
Subject: : red tags this weekend

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-SEP-2001 16:56:57.00

SUBJECT:: red tags this weekend

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please email me with day and times you think you will physically be in the office this weekend.

Cell phones and pagers are must. If you have a fax at home please let me know.

Apparently this is going to be a busy weekend and being able to find you at all times will save a lot of time.

If you know that you are going to be "unavailable" during certain times during the day please let me know so I don't even try to hunt you down and smoke you out of your....oh - sorry- got carried away..." You get my drift.

REV_00132412

Thanks !

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 9/28/2001 12:56:57 PM
Subject: : red tags this weekend

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-SEP-2001 16:56:57.00

SUBJECT:: red tags this weekend

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please email me with day and times you think you will physically be in the office this weekend.

Cell phones and pagers are must. If you have a fax at home please let me know.

Apparently this is going to be a busy weekend and being able to find you at all times will save a lot of time.

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REV_00132414

Thanks !

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>
Sent: 9/29/2001 10:22:15 AM
Subject: : Re: campaign party

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 29-SEP-2001 14:22:15.00
SUBJECT:: Re: campaign party
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

sure, but only if I can score an invite

Robert W. Cobb
09/29/2001 01:42:48 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Timothy E. Flanigan/WHO/EOP@EOP
Subject: campaign party

At 3:00 Monday, a meeting about a campaign party will be held in my office. I think the general idea is to put together a big program in Austin; it may be the party that the campaign workers were unable to have last year. Toner, Jack Oliver, Mindy Tucker and Camille Wellborn are expected. Do you want to come to the meeting?

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/1/2001 4:20:48 AM
Subject: : Re: follow up

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 1-OCT-2001 08:20:48.00
SUBJECT:: Re: follow up
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

not that I can remember now. thanks

Brett M. Kavanaugh
10/01/2001 08:01:34 AM
Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject: follow up

Did you have some lingering questions about airlines act? I have
a note here that suggests you might.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/1/2001 5:41:59 AM
Subject: : ABA Ratings

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-OCT-2001 09:41:59.00

SUBJECT:: ABA Ratings

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Joe Heather (W-OK)

Majority=well qualified

Minority = qualified

Stephen Friot (W-OK)

Unanimous = well qualified

REV_00132422

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 10/1/2001 8:09:01 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-OCT-2001 12:09:01.00
SUBJECT:: Re:
TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

yes

Lori L. Lorenzi
10/01/2001 12:06:43 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Viet would like to attend the meeting at 2. His office gave me his clearance information so I'll clear him in if it is alright with you.

Lori

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/1/2001 9:01:07 AM
Subject: : Re: FW: New FISA draft

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 1-OCT-2001 13:01:07.00

SUBJECT:: Re: FW: New FISA draft

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: FW: New FISA draft

Was Read By : Viet.Dinh@usdoj.gov

On : Mon, 1 Oct 2001 12:55:59 -0400

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 10/1/2001 5:01:41 AM
Subject: : Re: Memos for POTUS book

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-OCT-2001 09:01:41.00
SUBJECT:: Re: Memos for POTUS book
TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

no, tonight

Jason B. Torchinsky
10/01/2001 08:54:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Memos for POTUS book

Do you guys have your memos ready yet? Brent is hoping to get them by this afternoon so a draft can go to the Judge and Tim. The books need to be into the staff sec by COB tomorrow.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 10/1/2001 5:03:07 AM
Subject: : Re: Memos for POTUS book

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-OCT-2001 09:03:07.00

SUBJECT:: Re: Memos for POTUS book

TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

sure, if you'd like, that would be great

Jason B. Torchinsky
10/01/2001 09:02:20 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Memos for POTUS book

Can I help you with them? Maybe do some sort of draft for you?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David Kuo/WHO/EOP@EOP [WHO] <David Kuo>
Sent: 10/1/2001 7:08:52 AM
Subject: : Re: olc opinion

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-OCT-2001 11:08:52.00

SUBJECT:: Re: olc opinion

TO: David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I talked separately to Carl Esbeck and OLC this morning about this; short answer is no; explanation is rather obvious: OLC says it has not done anything on it since Sept. 11 when they were finalizing it. They told me today they can and will have something by Thursday.

David Kuo
10/01/2001 10:07:13 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: olc opinion

did we ever get that?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 10/1/2001 7:11:04 AM
Subject: : Clinton order

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-OCT-2001 11:11:04.00

SUBJECT:: Clinton order

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

"Bill Clinton, of New York, New York, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 10/1/2001 8:09:01 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-OCT-2001 12:09:01.00
SUBJECT:: Re:
TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

yes

Lori L. Lorenzi
10/01/2001 12:06:43 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Viet would like to attend the meeting at 2. His office gave me his clearance information so I'll clear him in if it is alright with you.

Lori

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Sutton, Jason <Jason.J.Sutton@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Coniglio, Peter J <Peter.J.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 10/1/2001 8:44:25 AM
Subject: : RE: Judicial Confirmation Working Group: Rescheduled

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 1-OCT-2001 12:44:25.00

SUBJECT:: RE: Judicial Confirmation Working Group: Rescheduled

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00132444

READ:UNKNOWN
TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter J" <Peter.J.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

All:

With apologies for the short notice, due to a scheduling conflict today with the AG's office, we need to move this meeting tomorrow, Tuesday, at 4 pm. Same location. Thank you.

Jennifer

-----Original Message-----

From: Brinkley, Winnie
Sent: Monday, October 01, 2001 11:20 AM
To: Adam Ciongoli; Allison_L_Riepenhoff@who.eop.gov/inetgw;
Bradford_A_Berenson@who.eop.gov/inetgw;
Brett_M_Kavanaugh@who.eop.gov/inetgw; Dan Bryant;
Heather_Wingate@who.eop.gov; James Carroll; Jason Sutton; Jennifer
Newstead; Kristen Ullman; Linda Long; Lizette Benedi; Lori Rabjohns; Lori
SharpeDay; Matthew_E_Smith@who.eop.gov/inetgw; Mindy Tucker; Neal Suit;
Patrick O'Brien; Peter Coniglio; Sheila Joy;
Tim_Goeglein@who.eop.gov/inetgw; Timothy_E_Flanigan@who.eop.gov/inetgw;
Viet Dinh; Winnie Brinkley; Ziad_S_Ojakli@who.eop.gov/inetgw
Subject: Judicial Confirmation Working Group
Importance: High

Reminder: Today's meeting will be held at 4pm in room 4646 Main Justice Building.

REV_00132445

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/1/2001 9:07:59 AM
Subject: : Re: FW: New FISA draft

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 1-OCT-2001 13:07:59.00

SUBJECT:: Re: FW: New FISA draft

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: FW: New FISA draft

Was Read By : Viet.Dinh@usdoj.gov

On : Mon, 1 Oct 2001 12:57:48 -0400

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 10/1/2001 9:29:52 AM
Subject: : WHJSC

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-OCT-2001 13:29:52.00

SUBJECT:: WHJSC

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know what items you will have for this week's agenda.

Thanks!

From: Esbeck, Carl <Carl.Esbeck@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>
Sent: 10/1/2001 11:09:47 AM
Subject: : OLC Opinion Letter

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Esbeck, Carl" <Carl.Esbeck@usdoj.gov> ("Esbeck, Carl" <Carl.Esbeck@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 1-OCT-2001 15:09:47.00

SUBJECT:: OLC Opinion Letter

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Brett,

Just got off the phone with Pat Philben, one of the Deputies in OLC, and he said he spoke with you this morning. He says told you he hopes to have the answers to your Aug. 15 request by the end of this week. The answers may affect what we do with implementation of Charitable Choice Act of 1996, CSBGA of 1998, and SAMHSA I and II of 2000. More immediately, the letter may affect H.R. 7 in the Senate.

Carl H. Esbeck

From: Bryant, Dan <Dan.Bryant@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: Yoo, John C <John.C.Yoo@usdoj.gov>
Sent: 10/1/2001 11:29:00 AM
Subject: : RE: New draft

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Bryant, Dan" <Dan.Bryant@usdoj.gov> ("Bryant, Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 1-OCT-2001 15:29:00.00

SUBJECT:: RE: New draft

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"Yoo, John C" <John.C.Yoo@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Yoo, John C" <John.C.Yoo@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

I think this draft will be helpful on the Hill. I'll wait until I hear from WH Counsel that you're good to go before I send it.

-----Original Message-----

From: Newstead, Jennifer

Sent: Monday, October 01, 2001 2:41 PM

To: Dinh, Viet; Bryant, Dan; 'brett_m._kavanaugh@who.eop.gov'; 'courtney_s._elwood@who.eop.gov'

Cc: Yoo, John C

Subject: FW: New draft

John has redrafted the letter to respond to the only concern raised by the White House. Does anyone object to sending the letter out as redrafted (attached)? Please advise ASAP so that we can close this issue if possible today.

thanks

-----Original Message-----

From: Yoo, John C

Sent: Monday, October 01, 2001 1:09 PM

To: 'Brett_M._Kavanaugh@who.eop.gov'; Newstead, Jennifer

Cc: Dinh, Viet; 'Courtney_S._Elwood@who.eop.gov'

Subject: New draft

With that change made.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Monday, October 01, 2001 12:52 PM

REV_00132450

To: Newstead, Jennifer
Cc: Yoo, John C; Dinh, Viet; Courtney_S._Elwood@who.eop.gov
Subject: Re: FW: New FISA draft

<< File: significant.wpd >> << File: pic02854.pcx >> I have reviewed again.

I might delete or re-fashion the second paragraph on page 1, or at least clarify the second sentence, which is quite confusing to the uninitiated. I fear that many Members of Congress will not understand it as written.

(Embedded
image moved "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov>
to file: 10/01/2001 11:12:52 AM
pic02854.pcx)

Record Type: Record

To: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested)
(IPM
Return Requested), Courtney S. Elwood/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP

cc: "Yoo, John C" <John.C.Yoo@usdoj.gov> (Receipt Notification
Requested) (IPM
Return Requested)
Subject: FW: New FISA draft

All -- attached is a redraft of the letter designed to address the "significant purpose" issue. Please review and let us know your comments. thanks

-----Original Message-----

From: Yoo, John C
Sent: Monday, October 01, 2001 10:40 AM
To: Newstead, Jennifer
Subject: New FISA draft

John Yoo
Office of Legal Counsel
U.S. Department of Justice
Washington, D.C. 20530
202.514.2069
202.305.8524 (fax)

REV_00132451

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: Yoo, John C <John.C.Yoo@usdoj.gov>
Sent: 10/1/2001 11:29:40 AM
Subject: : RE: New draft

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 1-OCT-2001 15:29:40.00
SUBJECT:: RE: New draft
TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Yoo, John C" <John.C.Yoo@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Yoo, John C" <John.C.Yoo@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I spoke to Viet, who spoke to Brett. The White House is signed off; please send the letter. thanks

-----Original Message-----

From: Bryant, Dan
Sent: Monday, October 01, 2001 3:09 PM
To: Newstead, Jennifer; Dinh, Viet; 'brett_m._kavanaugh@who.eop.gov'; 'courtney_s._elwood@who.eop.gov'
Cc: Yoo, John C
Subject: RE: New draft

I think this draft will be helpful on the Hill. I'll wait until I hear from WH Counsel that you're good to go before I send it.

-----Original Message-----

From: Newstead, Jennifer
Sent: Monday, October 01, 2001 2:41 PM
To: Dinh, Viet; Bryant, Dan; 'brett_m._kavanaugh@who.eop.gov'; 'courtney_s._elwood@who.eop.gov'
Cc: Yoo, John C
Subject: FW: New draft

John has redrafted the letter to respond to the only concern raised by the White House. Does anyone object to sending the letter out as redrafted (attached)? Please advise ASAP so that we can close this issue if possible today.

thanks

-----Original Message-----

From: Yoo, John C

REV_00132452

Sent: Monday, October 01, 2001 1:09 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Newstead, Jennifer
Cc: Dinh, Viet; 'Courtney_S._Elwood@who.eop.gov'
Subject: New draft

With that change made.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, October 01, 2001 12:52 PM
To: Newstead, Jennifer
Cc: Yoo, John C; Dinh, Viet; Courtney_S._Elwood@who.eop.gov
Subject: Re: FW: New FISA draft

<< File: significant.wpd >> << File: pic02854.pcx >> I have reviewed again.

I might delete or re-fashion the second paragraph on page 1, or at least clarify the second sentence, which is quite confusing to the uninitiated. I fear that many Members of Congress will not understand it as written.

(Embedded
image moved "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov>
to file: 10/01/2001 11:12:52 AM
pic02854.pcx)

Record Type: Record

To: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested)
(IPM
Return Requested), Courtney S. Elwood/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP

cc: "Yoo, John C" <John.C.Yoo@usdoj.gov> (Receipt Notification
Requested) (IPM
Return Requested)
Subject: FW: New FISA draft

All -- attached is a redraft of the letter designed to address the "significant purpose" issue. Please review and let us know your comments. thanks

-----Original Message-----

From: Yoo, John C
Sent: Monday, October 01, 2001 10:40 AM
To: Newstead, Jennifer
Subject: New FISA draft

John Yoo

REV_00132453

Office of Legal Counsel
U.S. Department of Justice
Washington, D.C. 20530
202.514.2069
202.305.8524 (fax)

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: 'Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov>; 'neil macbride' <neil_macbride@judiciary.senate.gov>; 'jeff taylor' <jeff_taylor@judiciary.senate.gov>; 'stuart nash' <stuart_nash@judiciary.senate.gov>; 'jeff berman' <jeff_berman@judiciary.senate.gov>; 'david hantman' <david_hantman@judiciary.senate.gov>; 'leah belaire' <leah_belaire@judiciary.senate.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>; Candida P. Wolff/OVP/EOP@EOP [OVP] <Candida P. Wolff>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/1/2001 5:47:27 PM
Subject: : RE: Sen. Biden's position on 154 and 159
Attachments: P_OCSY3004_WHO.TXT_1.wpd; P_OCSY3004_WHO.TXT_2.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 1-OCT-2001 21:47:27.00
SUBJECT:: RE: Sen. Biden's position on 154 and 159
TO:'Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov> (Receipt Notification Requested) ('Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:'neil macbride' <neil_macbride@judiciary.senate.gov> (Receipt Notification Requested) ('neil macbride' <neil_macbride@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:'jeff taylor' <jeff_taylor@judiciary.senate.gov> (Receipt Notification Requested) ('jeff taylor' <jeff_taylor@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:'stuart nash' <stuart_nash@judiciary.senate.gov> (Receipt Notification Requested) ('stuart nash' <stuart_nash@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:'jeff berman' <jeff_berman@judiciary.senate.gov> (Receipt Notification Requested) ('jeff berman' <jeff_berman@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:'david hantman' <david_hantman@judiciary.senate.gov> (Receipt Notification Requested) ('david hantman' <david_hantman@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:'leah belaire' <leah_belaire@judiciary.senate.gov> (Receipt Notification Requested) ('leah belaire' <leah_belaire@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

All --

Here is a new draft of the Admin. bill and a blackline against an old draft. This was sent to Leahy staff a few minutes ago. Please note that it is a working draft, and we have not yet compared it to the draft from Sen. Leahy that we received at 8 pm tonight.

REV_00132455

Jennifer

- terror.cons.wpd - terror.cons.101.red.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_OCSY3004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_OCSY3004_WHO.TXT_2>

107TH CONGRESS

1ST SESSION

H.R. _____

To combat terrorism and defend the Nation against terrorist acts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September ___, 2001

A BILL

To combat terrorism and defend the Nation against terrorist acts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This act may be cited as the "Anti-Terrorism Act of 2001."

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Construction; severability.

Sec. 4. Sense of Congress condemning discrimination against Arab and Muslim Americans.

Title I--INTELLIGENCE GATHERING

Subtitle A--Electronic Surveillance

Sec. 101. Modification of authorities relating to use of pen registers and trap and trace devices.

Sec. 102. Seizure of voice-mail messages pursuant to warrants.

Sec. 103. Authorized disclosure.

Sec. 104. Savings provision.

Sec. 106. Interception of computer trespasser communications.

Sec. 107. Scope of subpoenas for records of electronic communications.

Sec. 108. Nationwide service of search warrants for electronic evidence.

Sec. 109. Clarification of scope.

Sec. 110. Emergency disclosure of electronic communications to protect life and limb.

Sec. 111. Terrorism as a predicate act for authorization of wiretaps.

Sec. 112. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse.

Subtitle B--Foreign Intelligence Surveillance and Other Information

Sec. 151. Period of orders of electronic surveillance of non-United States persons under foreign intelligence surveillance.

Sec. 152. Multi-point authority.

Sec. 153. Foreign intelligence information.

intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

- (1) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;
- (2) sabotage or international terrorism by a foreign power or an agent of a foreign power; or
- (3) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(ii) Coordination authorized under paragraph (i) of this subsection shall not preclude the certification required by section 1804(a)(7)(B) or the entry of an order under section 1805."

(c) Section 1825 of title 50, United States Code is amended to add the following subsection:

"(k)(ii) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

- "(1) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;
- "(2) sabotage or international terrorism by a foreign power or an agent of a foreign power; or
- "(3) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(ii) Coordination authorized under paragraph (i) of this subsection shall not preclude the certification required by section 1823(a)(7) or the entry of an order under Section 1824."

(d) Title of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) Is amended by adding at the end the following new section:

"Construction with interception authority under Chapter 119 of title 18, United States Code.

"Sec. 112. Nothing in this title shall be construed to alter, affect, or prohibit the authority to intercept communications under chapter 119 of title 18, United States Code, with respect to any wire, oral or electronic communication that is subject to electronic surveillance under provisions of this title."

SEC. 154. FOREIGN INTELLIGENCE INFORMATION SHARING.

Notwithstanding any other provision of law, it shall be lawful for foreign intelligence information obtained as part of a criminal investigation (including, without limitation, information subject to Rule 6(e) of the Federal Rules of Criminal Procedure and information obtained pursuant to chapter 119 of title 18, United States Code) to be provided to any federal law enforcement, intelligence, national security, national defense, protective or immigration personnel, and to the President and Vice President of the United States.

SEC. 155. PEN REGISTER AND TRAP AND TRACE AUTHORITY.

(a) Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended —

(1) in subsection (a)(1), by striking "for any investigation to gather foreign intelligence information or information concerning international terrorism" and inserting "for any investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the

basis of activities protected by the First Amendment of the Constitution of the United States."

(2) by amending subsection (c)(2) to read as follows:

"(2) a certification by the applicant that the information likely to be obtained from the telephone line to which the pen register or trap and trace device is to be attached, or the communication instrument or device to be covered by the pen register or trap and trace device is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States.;

(3) by striking paragraph (c)(3); and

(4) by amending subsection (d)(2)(A) to read as follows:

"(A) shall specify—

"(i) the identity, if known, of the person who is the subject of the investigation;

"(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

"(iii) the attributes of the communications to which the order applies, such as the number or other identifier, and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied and, in the case of a trap and trace device, the geographic limits of the trap and trace order."

(b) Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information concerning international terrorism or clandestine intelligence activities, provided that such information of a United States person is not being gathered solely upon the basis of activities protected by the First Amendment of the Constitution of the United States";

(2) in subsection (b)(1), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information concerning international terrorism or clandestine intelligence activities, provided that such information of a United States person is not being gathered solely upon the basis of activities protected by the First Amendment of the Constitution of the United States".

SEC. 156. BUSINESS RECORDS.

The Foreign Intelligence Surveillance Act of 1978 is amended—

(1) in section 501 (50 U.S.C. 1861), by amending the same to read as follows:

"§ 501. Administrative subpoenas.

"(a) In any investigation to gather foreign intelligence information or an investigation concerning international terrorism, which investigation is being conducted by the Federal Bureau of Investigation under such guidelines as the Attorney General may approve pursuant to Executive Order 12333 (or a successor order), the Attorney General may, by administrative subpoena, require the production of any tangible things (including books, records, papers, documents, and other items) that are relevant to the investigation.

"(b) A person who, in good faith, produces tangible things under a subpoena issued pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context."; and

(2) by striking section 502 (50 U.S.C. 1862).

SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORITIES.

- (a) Section 2709(b) of title 18, United States Code, is amended—
 - (1) in the matter preceding paragraph (1), by inserting "at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "Assistant Director";
 - (2) in paragraph (1)—
 - (A) by striking "in a position not lower than Deputy Assistant Director"; and
 - (B) by striking "made that" and all that follows and inserting the following: "made that the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States"; and
 - (3) in paragraph (2)—
 - (A) by striking "in a position not lower than Deputy Assistant Director"; and
 - (B) by striking "made that" and all that follows and inserting the following: "made that the information sought is relevant to an authorized foreign counterintelligence investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States"; and
- (b) Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) is amended—
 - (1) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee"; and
 - (2) by striking "certifies in writing" and all that follows through the end and inserting the following: "certifies in writing to the financial institution that such records are sought for foreign counterintelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States."
- (c) Section 624 of the Fair Credit and Reporting Act (15 U.S.C. 1681u) is amended—
 - (1) in subsection (a)—
 - (A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee" the first place that it appears; and
 - (B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of

the United States."

- (3) In subsection (b)—
 - (A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee" the first place that it appears; and
 - (B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States."
- (4) in subsection (c)—
 - (A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee of the Director"; and
 - (B) by striking "in camera that" and all that follows through "States." and inserting the following: "in camera that the consumer report is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States."

SEC. 158. DISCLOSURE OF EDUCATIONAL RECORDS.

(a) Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended by adding after subsection (b) a new subsection as follows:

"(c) Notwithstanding subsections (a) and (b), the Attorney General or the Secretary of Education or a designated Federal officer or employee, in a position not lower than an Assistant Attorney General or Assistant Secretary, may, upon determining that there are specific and articulable facts giving reason to believe that the information sought is relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B), United States Code, or domestic terrorism or international terrorism as defined in section 2331 of that title—

"(1) collect, through legal process or as otherwise authorized by law, reports, records, and information (including individually-identifiable information), in the Center's possession; and

(2) for official purposes, retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such reports, records, or information as otherwise authorized by law, consistent with such guidelines as the Attorney General, after consultation with the Secretary of Education, may issue to protect confidentiality.

(b) Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), is amended by adding after subsection (i) a new subsection as follows:

"(j) Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General or the Secretary of Education or a designated Federal officer or employee, in a position not lower than an Assistant Attorney General or Assistant Secretary may, after certifying to the educational agency or institution that there are specific and articulable facts giving reason to believe that the information sought is relevant to an authorized investigation or

prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or domestic terrorism or international terrorism as defined in section 2331 of that title—

"(1) collect education records and other information in the possession of an educational agency or institution; and

(2) for official purposes, retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records or other information as otherwise authorized by law, consistent with such guidelines as the Attorney General, after consultation with the Secretary of Education, may issue to protect confidentiality.

SEC. 159. PRESIDENTIAL AUTHORITY.

Section 203 of Public Law 95-223 (50 U.S.C. 1702) is amended—

(1) at the end of subparagraph (a)(1)(A), by replacing "; and" with a comma and adding thereafter the following (flush to that subparagraph):

"by any person, or with respect to any property, subject to the jurisdiction of the United States;"

(2) in subparagraph (a)(1)(B)--

(A) by striking "by any person, or with respect to any property, subject to the jurisdiction of the United States.";

(B) by replacing "interest;" with "interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and"; and

(C) by inserting ", block during the pendency of an investigation" after "investigate";

(3) at the end of paragraph (a)(1), by adding a new subparagraph as follows:

"(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes."; and

(4) by adding at the end a new subsection (c) as follows:

"(c) Classified information.--In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera.".

SEC. 160. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) **AUTHORITY.**—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) **SECURITY REQUIREMENTS.**—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators.

(c) REPORT.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

SEC. 161. JUDGES.

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by striking "seven district court judges" and inserting "eleven district court judges," and by adding "at least three of whom shall reside within 20 miles of the District of Columbia" immediately after "seven of the United States judicial circuits".

TITLE II—IMMIGRATION

SEC. 201. DEFINITIONS RELATING TO TERRORISM.

The Immigration and Nationality Act of 1952 is amended—

(a) in Section 212(a)(3) (8 U.S.C. 1182)—

(1) in paragraph (B) —

(A) in clause (i) —

(i) by amending paragraph (IV) to read as follows:

"(IV) is a representative (as defined in clause (iv)) of : (a) a terrorist organization as designated by the Secretary under section 219 or paragraph (v)(ii), or (b) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary has determined undermines U.S. efforts to reduce or eliminate terrorist activities, or";

(ii) by amending paragraph (V) to read as follows:

"(V) is a member of a terrorist organization as designated by the Secretary under section 219 or paragraph (v)(ii) paragraph, which the alien knows or should have known is a terrorist organization, or" ; and

(iii) by adding new paragraphs (VI) and (VII) to read as follows:

"(VI) has used his or her position of prominence within any country to endorse or espouse terrorist activity, or persuade others to support terrorist activity or a foreign terrorist organization, in a way that the Secretary of State has determined undermines U.S. efforts to reduce or eliminate terrorist activities; or

(VII) (a) is the spouse or child of an alien who is inadmissible under this section, if the activity causing the alien to be found inadmissible occurred within the last 5 years,"

(B) Exceptions for certain spouses and children. Clause (VII)(a) shall not apply to a spouse or child :

- (i) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or
- (ii) whom the consular officer or the Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section";

(B) in clause (ii)--

(i) by inserting "it had been" before "committed in the United States"; and

(ii) by replacing "or firearm" with ", firearm, or other weapon or dangerous device";

(C) by amending clause (iii) to read as follows:

"(iii) Engage in terrorist activity defined

"As used in this chapter, the term "engage in terrorist activity" means, in an individual capacity or as a member of an organization--

"(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, an act of terrorist activity;

"(II) to prepare or plan a terrorist activity;

"(III) to gather information on potential targets for terrorist activity;

"(IV) to solicit funds or other things of value for terrorist activity or for any terrorist organization;

"(V) to solicit any individual for membership in a terrorist organization, a government that supports terrorism, or to engage in a terrorist activity; or

"(VI) otherwise to commit an act that the actor knows, or reasonably should know, affords material support (including, without limitation, a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including, without limitation, chemical, biological, and radiological weapons), explosives, or training), to any organization that the actor knows, or reasonably should know, is a terrorist organization, or to any individual whom the actor knows, or reasonably should know, has committed or plans to commit any terrorist activity.

"Provided, however, that this clause shall not apply to any material support the alien afforded to an organization or individual who has committed terrorist activity if the Secretary, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary, concludes in his sole unreviewable discretion, that this clause should not apply."; and

(D) by adding a new clause after clause (iv) to read as follows:

"(v) Terrorist organization defined

"As used in clause i(VI) and clause (iii), the term "terrorist organization" includes but is not limited to an organization—

(i) designated under Section 219; or

(ii) otherwise designated by the Secretary of State, in consultation with or upon the request of the Attorney General, as a terrorist organization for purposes of this section.

Any such designation shall be controlling in all administrative and judicial proceedings, including actions under 28 U.S.C. 2241, and shall be conclusive evidence that the organization is a terrorist organization. With respect to an alien who was present in the United States at the time the act was committed, such designation shall also be conclusive evidence that the alien should have known that the organization was a terrorist organization unless the alien demonstrates that he acted prior to the designation and that he should not have known that it was a terrorist organization. With respect to other aliens, such designation shall be conclusive evidence that the alien should have known that the organization was a terrorist organization unless the alien demonstrates that he acted prior to the enactment of this clause and that he should not have known that he was supporting terrorist activity. In determining whether an organization is a terrorist organization in cases where no designation has been made, it shall not be considered that the organization also engages in nonterrorist activity."; and

(2) by adding a new subparagraph (F) as follows:

"(F) Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.";

(b) in Section 219(a) (8 U.S.C. 1189(a))--

(A) in paragraph (1)(B), by inserting "or terrorism (as defined in section 140(d)(2) of the State Department Authorization Act, Public Law 100-204 (22 U.S.C. 2656f(d)(2)) or retains the capability and intent to engage in terrorist activity or terrorism)" after "212(a)(3)(B))";

(B) in paragraph (1)(C), by inserting "or terrorism" after "terrorist activity";

(C) by amending paragraph (2)(A) to read as follows:

"(A) NOTICE.—

"(i) Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and

Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

"(ii) The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).";

(D) in paragraph (2)(B)(i), by replacing "subparagraph (A)" with "subparagraph (A)(ii)";

(E) in paragraph (2)(C), by replacing "paragraph (2)" with "paragraph (2)(A)(i)";

(F) in paragraph (3)(B), by replacing "subsection (c)" with "subsection (b)";

(G) in paragraph (4)(B), by inserting after the first sentence the following:

"The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.";

(H) in paragraph (6)(A),

(i) by inserting "or a redesignation made under paragraph (4)(B)" after "paragraph (1)";

(ii) in clause (i), by

(I) inserting "or redesignation" after "designation" the first time it appears; and

(II) striking "of the designation"; and

(iii) in clause (ii), by striking "of the designation";

(I) in paragraph (6)(B), by

(i) replacing "through (4)" with "and (3)"; and

(ii) inserting the following new sentence at the end:

"Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.";

(J) in paragraph (7), by inserting ", or the revocation of a redesignation under paragraph (6)," after "paragraph (5) or (6)"; and

(K) in paragraph (8), by

(i) replacing "paragraph (1)(B)" with "paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)";

(ii) inserting "or an alien in a removal proceeding" after "criminal action"; and

(iii) inserting "or redesignation" before "as a defense".

SEC. 204. APPLICABILITY.

Notwithstanding any other provision of law, the amendments made by this title shall apply to all aliens, regardless of whether any such aliens entered the United States before or after the date of the enactment of this Act, or whether any relevant activity by any such aliens occurred before or after such date, and shall apply to all past, pending, or future deportation,

exclusion, removal, or other immigration proceedings.

SEC. 205. MULTILATERAL CO-OPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act of 1952 is amended—

(A) by inserting ": (1)" after "except that"; and

(B) by inserting the following before the period at the end:

"and (2) the Secretary of State in his discretion and on the basis of reciprocity may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database:

(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating or punishing, acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons or illicit weapons; or

(B) with regard to any or all aliens in the database, pursuant to such conditions as he shall establish in an agreement with another government in which that government agrees to use such information and records for the purposes described in paragraph (A) or to deny visas to persons who would be inadmissible to the United States."

SEC. 206. INTER-AGENCY DATA SHARING.

(a) Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105), is amended—

(1) in the caption by adding "and Data Exchange" after "Officers";

(2) by designating all of section 105 as subsection (a);

(3) in subsection (a) as so designated, by inserting the words "and border" after the word "internal" in the second place that it appears; and

(4) by adding new subsections (b), (c) and (d) as follows:

"(b) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service with access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency to be provided access for the purpose of determining whether a visa applicant or applicant for admission has a criminal history record indexed in any such file. Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge. The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon. Upon receipt of such updated extracts, the reviewing agency shall make corresponding updates to its database and destroy previously provided extracts. Such access to any extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

"(c) The provision of the extracts mentioned in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

"(d) For purposes of administering this Section, the Department of State shall, prior to receiving access to National Crime Information Center data, promulgate final regulations to establish the conditions for the use of the information received from the Federal Bureau of

Sec. 154. Foreign intelligence information sharing.
Sec. 155. Pen register and trap and trace authority.
Sec. 156. Business records.
Sec. 157. Miscellaneous national-security authorities.
Sec. 158. Disclosure of educational records.
Sec. 159. Presidential authority.
Sec. 160. Employment of translators by the federal bureau of investigation.
Sec. 161. Judges

Title II--IMMIGRATION

Sec. 201. Definitions relating to terrorism.
Sec. 204. Applicability.
Sec. 205. Multilateral co-operation against terrorists.
Sec. 206. Inter-agency data sharing.

Title III--CRIMINAL JUSTICE

Subtitle A--Substantive Criminal Law

Sec. 301. No statute of limitation for prosecuting terrorism offenses.
Sec. 302. Alternative maximum penalties for terrorism crimes.
Sec. 303. Penalties for terrorist conspiracies.
Sec. 304. Terrorism crimes as RICO predicates.
Sec. 305. Biological weapons.
Sec. 306. Support of terrorism through expert advice or assistance.
Sec. 307. Prohibition against harboring terrorists.
Sec. 308. Post-release supervision of terrorists.
Sec. 309. Definitions.
Sec. 310. Requests for military assistance to enforce prohibition in certain emergencies.
Sec. 311. Terrorist attacks and other acts of violence against mass transportation systems.

Subtitle B--Criminal Procedure

Sec. 351. Single-jurisdiction search warrants for terrorism.
Sec. 352. Notice.
Sec. 353. DNA identification of terrorists.
Sec. 354. Grand jury matters.
Sec. 356. Jurisdiction over crimes committed at U.S. facilities abroad.
Sec. 357. Professional standards for government attorneys.
Sec. 358. Extension of Secret Service Jurisdiction.

Title IV--FINANCIAL INFRASTRUCTURE

Sec. 401. Laundering the proceeds of terrorism.
Sec. 402. Material support for terrorism.
Sec. 403. Assets of terrorist organizations.
Sec. 404. Technical clarification relating to provision of material support to terrorism.
Sec. 405. Disclosure of tax information in terrorism and national-security investigations.
Sec. 407. Trade sanctions.
Sec. 408. Extraterritorial jurisdiction.

TITLE V--EMERGENCY AUTHORIZATIONS

Investigation, in order-

- "(1) to limit the redissemination of such information;
- "(2) to ensure that such information is used solely to determine whether to issue a visa to an individual;
- "(3) to ensure the security, confidentiality and destruction of such information; and
- "(4) to protect any privacy rights of individuals who are subjects of such information."

(b) Nothing in this section shall be construed to limit such authority as the Attorney General or the Director of the Federal Bureau of Investigation may have pursuant to other law (and procedures thereunder) to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States for the purpose of such enforcement or administration, upon terms that are consistent with such other law.

Title III--CRIMINAL JUSTICE

Subtitle A--Substantive Criminal Law

SEC. 301. NO STATUTE OF LIMITATION FOR PROSECUTING TERRORISM OFFENSES.

(a) In general.-- Section 3286 of title 18, United States Code, is amended to read as follows:

"§ 3286. Terrorism offenses

"(a) Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any non-capital offense involving a violation of section 351(e), 1361, or 1751(e) of this title, or of any provision listed in section 2332b(g)(5)(B) of this title other than a provision listed in section 3295, unless the indictment is found or the information is instituted within 8 years after the offense was committed.

(b) Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense listed in section 2332(b)(G)(5)(B) of this title, the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person."

(b) Application.--The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

SEC. 302. ALTERNATIVE MAXIMUM PENALTIES FOR TERRORISM CRIMES.

(a) Arson.-- Section 81 of title 18, United States Code, is amended in the last paragraph by striking "not more than 20 years" and inserting "for any term of years or for life".

(b) Destruction of energy facility --Section 1366 of title 18, United States Code, is amended--

(1) in subsection (a), by striking "ten" and inserting "twenty"; and

(2) by adding at the end the following:

"(d) Whoever commits a violation of subsection (a) or (b) that results in the death of any person shall be subject to imprisonment for any term of years or for life."

(c) Destruction of national defense materials.-- Section 2155(a) of title 18, United States Code, is amended--

(1) by striking "ten" and inserting "twenty"; and

(2) by striking the period after "or both" and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

(d) Sabotage of nuclear facilities or fuel.— Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

- (1) by striking "ten" each place it occurs and inserting "twenty"; and
- (2) in subsection (a), by striking the period at the end and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."; and
- (3) in subsection (b), by striking the period at the end and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

(e) Special aircraft jurisdiction of the United States.— Section 46505(c) of title 18, United States Code, is amended --

- (1) by striking "15" and inserting "20"; and
- (2) by deleting the period at the end and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

(f) Damaging or destroying an interstate gas or hazardous liquid pipeline facility.— Section 60123(b) of title 18, United States Code, is amended—

- (1) by striking "15" and inserting "20"; and
- (2) by striking the period at the end and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

(g) Provision of material support to terrorists.— Section 2339A(a) of title 18, United States Code, is amended—

- (1) by striking "10" and inserting "20"; and
- (2) by striking the period after "or both" and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

(h) Provision of material support to designated foreign terrorist organizations.— Section 2339B(a) of title 18, United States Code, is amended—

- (1) by striking "10" and inserting "20"; and
- (2) by striking the period after "or both" and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

SEC. 303. PENALTIES FOR TERRORIST CONSPIRACIES.

(a) Arson.-- Section 81 of title 18, United States Code, is amended—

- (1) by striking ", or attempts to set fire to or burn"; and
- (2) by inserting "or attempts or conspires to do such an act," before "shall be imprisoned".

(b) Killings in Federal facilities.--

(1) Section 930(c) of title 18, United States Code, is amended—

- (A) by striking "or attempts to kill";
- (B) by inserting "or attempts or conspires to do such an act," before "shall be punished"; and
- (C) by striking "and 1113" and inserting "1113, and 1117".

(2) Section 1117 of title 18, United States Code, is amended by inserting "930(c)," after "section".

(c) Government property or contracts.—Section 1361 of title 18, United States Code, is amended by inserting "or conspires" after "attempts".

(d) Communications lines, stations, or systems.—Section 1362 of title 18, United States Code, is amended—

- (1) by striking "or attempts willfully or maliciously to injure or destroy"; and
- (2) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(e) Buildings or property within special maritime and territorial jurisdiction.—Section 1363 of title 18, United States Code, is amended—

(1) by striking "or attempts to destroy or injure"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(f) Wrecking trains.—Section 1992 of title 18, United States Code, is amended by adding at the end the following:

"(c) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy."

(g) Fortifications, harbor defenses, or defensive sea areas.—Section 2152 of title 18, United States Code, is amended—

(1) by inserting "(a) "before "Whoever" the first time it appears; and

(2) by adding at the end the following:

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

(h) Torture.—Section 2340A of title 18, United States Codes, is amended by adding at the end the following:

"(c) Conspiracy.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy."

(i) Sabotage of nuclear facilities or fuel.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking ", or who intentionally and willfully attempts to destroy or cause physical damage to";

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(C) by inserting "or attempts or conspires to do such an act," before "shall be fined"; and

(2) in subsection (b)—

(A) by striking "or attempts to cause"; and

(B) by inserting "or attempts or conspires to do such an act," before "shall be fined"; and

(j) Interference with flight crew members and attendants.—Section 46504 of title 49, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(k) Special aircraft jurisdiction of the United States.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:

"(c) Conspiracy.—If two or more persons conspire to violate subsection (b) of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in that subsection."

(l) Damaging or destroying an interstate gas or hazardous liquid pipeline facility.—Section

60123 of title 49, United States Code, is amended–

(1) by striking ", or attempting to damage or destroy,"; and

(2) by inserting ", or attempting or conspiring to damage or destroy.".

(m) Provision of material support to terrorists.– Section 2339A(a) of title 18, United States Code, is amended–

(1) by inserting "or attempts or conspires to do such an act" after "any such violation".

SEC. 304. TERRORISM CRIMES AS RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended–

(1) by striking "or (F)" and inserting "(F)"; and

(2) by replacing "financial gain;" with "financial gain, or (G) any act that is indictable as an offense listed in section 2332b(G)(5)(B) of title 18, United States Code;"

SEC. 305. BIOLOGICAL WEAPONS.

(a) Chapter 10 of title 18, United States Code is amended–

(1) in section 175–

(A) in subsection (b)–

(i) by striking, "section, the" and inserting "section – (1) the";

(ii) by striking "does not include" and inserting "includes";

(iii) by inserting "other than" after "system for"; and

(iv) by striking "purposes." and inserting the following: "purposes, and (2) the terms ‘biological agent’ and ‘toxin’ do not encompass any biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.";

(B) by redesignating subsection (b) as (c); and

(C) after subsection (a), by adding a new subsection as follows:

"(b) Additional offense.–Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. Knowledge of whether the type or quantity of any biological agent, toxin, or delivery system is reasonably justified by a peaceful purpose is not an element of the offense.";

(2) after section 175a, by adding a new section as follows:

"§ 175b. Possession by restricted persons

"(a) No restricted person described in subsection (b) shall ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a ‘select agent’ in subsection (j) of section 72.6 of title 42, Code of Federal Regulations, pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), and is not exempted under subsection (h) of such section 72.6, or appendix A of part 72 of such title; except that the term "select agent" does not include any such biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

"(b) the term ‘restricted person’ means an individual who–

"(1) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

"(2) has been convicted in any court of a crime punishable by imprisonment for a

term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) is an alien illegally or unlawfully in the United States;

"(6) has been adjudicated as a mental defective or has been committed to any mental institution;

"(7) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination that remains in effect that such country has repeatedly provided support for acts of international terrorism.

(c) As used in this section,

(1) the term 'alien' has the same meaning as in section 1010(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(2) the term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

"(d) Whoever knowingly violates this section shall be fined as provided in this title, imprisoned not more than ten years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized governmental activity under title V of the National Security Act of 1947."; and

(3) in the chapter analysis, by inserting after the item relating to section 175a the following:

"175b. Possession by restricted persons."

(b) The Anti-Terrorism and Effective Death Penalty Act of 1996 is amended by adding a new subsection after subsection 511 (42 U.S.C. 262 note) as follows:

"§ 511A. Regulation of biological agents posing national-security threat

"(a) IN GENERAL.--

"(1) LIST OF AGENTS POSING SECURITY THREAT.--The Secretary shall, through regulations promulgated under subsection (d), establish and maintain a list of those biological agents listed pursuant to section 511(d)(1) that he determines to be a national-security threat.

"(2.) CRITERIA.--In determining whether to include an agent on the list under paragraph (1), the Secretary shall--

"(A) consider the criteria specified in section 511(d)(1)(B)(i), and any other criteria that he determines to be appropriate; and

"(B) consult with scientific, intelligence, and military experts representing appropriate professional groups.

"(b) REGULATION OF BIOLOGICAL AGENTS POSING SECURITY THREAT.--The Secretary shall, through regulations promulgated under subsection (d), provide for the establishment and enforcement of standards and procedures governing the possession, use, and transfer of agents listed under subsection (a)(1) designed to protect public safety and national security, including safeguards to prevent access to such agents for use in domestic terrorism or international terrorism or for any other criminal purpose.

"(c) CIVIL MONEY PENALTIES.--A violation of a requirement imposed by regulation

promulgated under this section shall be subject to a civil money penalty of up to \$250,000.

"(d) REGULATIONS.--The Secretary shall promulgate regulations to carry out this section. The initial regulations implementing this section shall be issued as interim final regulations.

SEC. 306. SUPPORT OF TERRORISM THROUGH EXPERT ADVICE OR ASSISTANCE.

Section 2339A of title 18, United States Code, is amended--

(1) in subsection (a)--

(A) by striking "a violaton" and all that follows through "49" and inserting "any Federal terrorism offense"; and

(B) by replacing "violation," with "offense,"; and

(2) in subsection (b), by inserting "advice or assistance, including expert advice or assistance," after "training,".

SEC. 307. PROHIBITION AGAINST HARBORING TERRORISTS.

(a) Chapter 113B of title 18, United States Code, is amended by adding after section 2338 the following new section:

"Sec. 2339. Harboring or concealing terrorists.

"Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), 175 (relating to biological weapons), 229 (relating to chemical weapons), 831 (relating to nuclear materials), 844(f)(2), (3) (relating to arson and bombing of government property risking or causing injury or death), 2280 (relating to violence against maritime navigation), 1366(a) (relating to destruction of energy facilities), 2332a (relating to weapons of mass destruction), or 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both."

(b) The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

"Sec. 2339. Harboring or concealing terrorists."

SEC. 308. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(j) Supervised release terms for terrorism offenses. -- Notwithstanding subsection (b), the authorized terms of supervised release for any offense listed in section 2332b(g)(5)(B) of this title, the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, are any term of years or life."

SEC. 309. DEFINITIONS.

(a) Section 2332b(g)(5)(B) of title 18, United States Code, is amended to read as follows:

"(B) is a violation of

"(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175, 175b (relating to biological weapons), 229 (relating to chemical weapons), 351(a)-(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 2339 (relating to harboring terrorists), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f)(2)-(3) (relating to arson and bombing of government property risking or causing injury or death) or 844(i) (relating to arson and bombing of property used in

interstate commerce), 930(c) (killing or attempted killing during attack on federal facility with dangerous weapon), 956(a)(1) (conspiracy to murder, kidnap, maim in special maritime and territorial jurisdiction of the United States), 1030(a)(1), (a)(5)(A) involving damage as defined by 1030(e)(8)(B)-(D), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751(a)-(d) (relating to Presidential and Presidential staff assassination, and kidnapping), 1992 (relating to wrecking trains), 2155 (relating to destruction of national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2332c, 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture);

"(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284);

"(iii) any of the following provisions of title 49: section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3), (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 (if homicide or attempted homicide is involved, or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility)"; and."; and

(b) Section 2331 of title 18, United States Code, is amended –

(1) in paragraph (1)(B)--

(i) by inserting "(or to have the effect)" after "intended"; and

(ii) in clause (iii), by replacing "by assassination or kidnapping" with "(or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof)";

(2) in paragraph (3), by striking "and";

(3) in paragraph (4), by replacing the period with "; and"; and

(4) by inserting the following after paragraph (4):

"(5) the term 'domestic terrorism' means activities that –

"(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; and

"(B) appear to be intended (or to have the effect) --

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government (or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof)."; and

(C) Section 2332b(f) is amended by inserting after "for" the following "a violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1751(e), 2152, or 2156 of this title, and".

SEC. 310. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.

Section 2332e of Title 18, United States Code, is amended (a) by striking "2332c" and

inserting "2332a", and (b) by striking "chemical".

SECTION 311. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.

Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§1993. Terrorist attacks and other acts of violence against mass transportation systems

"(a) GENERAL PROHIBITIONS.--Whoever willfully--

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

"(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

"(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts, shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever violates this subsection under the following circumstances shall be guilty of an aggravated form of the offense: if the mass transportation vehicle or ferry was carrying a passenger at the time of the offense or if the offense has resulted in the death of any person, then whoever committed that offense shall be fined under this title or imprisoned for a term of years or for life, or both.

(b) DEFINITIONS.-- In this section--

"(1) the term 'biological agent' has the meaning given to that term in section 178(1) of

this title;

"(2) the term 'dangerous weapon' has the meaning given to that term in section 930 of this title;

"(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4) of this title;

"(4) the term 'destructive substance' has the meaning given to that term in section 31 of this title, except that—

"(A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes; and

"(B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(5) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) the term 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

"(7) the term 'State' has the meaning given to that term in section 2266 of this title, and

"(8) the term 'toxin' has the meaning given to that term in section 178(2) of this title."

(f) CONFORMING AMENDMENT.—The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

"1993. Terrorist attacks and other acts of violence against mass transportation systems."

Subtitle B—Criminal Procedure

SEC. 351. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after "executed" the following: "and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district".

SEC. 352. NOTICE.

Section 3103a of title 18, United States Code, is amended by adding at the end the following: "With respect to any issuance of a warrant or court order under this section, or any other law or rule, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed pursuant to the standards, terms, and conditions set forth in section 2705, unless otherwise expressly provided by statute."

SEC. 353. DNA IDENTIFICATION OF TERRORISTS.

Section 3(d)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(1)) is amended—

(1) by redesignating subparagraph (G) as subparagraph (I); and

(2) by inserting after subparagraph (F) new subparagraphs as follows:

"(G) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code.

"(H) Any crime of violence (as defined in Section 16 of title 18, United States Code)."

SEC. 354. GRAND JURY MATTERS.

Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended —

- (1) by striking "and" at the end of subdivision (i);
- (2) by replacing the period at the end of subdivision (ii) with "; and" and
- (3) by inserting after subdivision (ii) the following:
 "(iii) federal law enforcement, intelligence, protective, national security, or national defense personnel, any federal personnel responsible for administering the immigration laws of the United States, and to the President and Vice President of the United States, where the matters pertain to international terrorism or domestic terrorism (as defined in section 2331 of title 18, United States Code), or a matter of national security."

SEC. 356. JURISDICTION OVER CRIMES COMMITTED AT U.S. FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding the following at the end thereof:

"(9) With respect to offenses committed by or against a United States national, as defined in Section 1203(c) of this title, (A) the premises of United States diplomatic, consular, military or other U.S. government missions or entities in foreign states, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership, and (B) residences in foreign states and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities, provided that nothing in this subsection shall be deemed to supercede any treaty or international agreement in force on the date of enactment of this subsection with which this subsection conflicts. This paragraph does not apply with respect to an offense committed by a person described in Section 3261(a) of this title. Nothing in this paragraph shall be deemed to supercede any treaty or international agreement in force with which this paragraph conflicts.

SEC. 357. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.

(a) Professional Standards for Government Attorneys.-Section 530B of title 28, United States Code, is amended to read as follows:

``§530B. Professional Standards for Government Attorneys

``(a) Definitions.-In this section:

``(1) Government attorney.-The term 'Government attorney'-

``(A) means the Attorney General; the Deputy Attorney General; the Solicitor General; the Associate Attorney General; the head of, and any attorney employed in, any division, office, board, bureau, component, or agency of the Department of Justice; any United States Attorney; any Assistant United States Attorney; any Special Assistant to the Attorney General or Special Attorney appointed under section 515; any Special Assistant United States Attorney appointed under section 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; any other attorney employed by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States; any independent counsel, or employee of such counsel, appointed under chapter 40; and any outside special counsel, or employee of such counsel, as may be duly appointed by the Attorney General; and

``(B) does not include any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings.

Subtitle A - General

- Sec. 501. Office of Justice Programs.
- Sec. 502. Attorney General's authority to pay rewards.
- Sec. 503. Limited authority to pay overtime.
- Sec. 504. Secretary of State's authority to pay rewards.
- Sec. 505. Public safety officer benefits.
- Sec. 506. Payment increase.
- Sec. 507. Increased funding for the technical support center at the Federal Bureau of Investigation.
- Sec. 508. Counterterrorism Fund.
- Sec. 509. Expedited payment for public safety officers involved in the prevention, investigation, rescue or recovery efforts related to a terrorist attack.
- Sec. 510. Technical correction with respect to expedited payments for heroic public safety officers.

Subtitle B – Amendments to the Crime Victims Act of 1984

- Sec. 551. Crime Victims Fund.
- Sec. 552. Crime Victim Compensation.
- Sec. 553. Crime Victim Assistance.
- Sec. 554. Victims of Terrorism.

Title VI—PROTECTING THE NORTHERN BORDER

- Sec. 601. Ensuring adequate personnel on the Northern Border.
- Sec. 602. Northern Border personnel.
- Sec. 603. Access by the Department of State and the INS to certain identifying information in the criminal history records of visa applicants and applicants for admission to the United States.
- Sec. 604. Limited authority to pay overtime.

SEC. 3. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

SEC. 4. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB AND MUSLIM AMERICANS.

(a) FINDINGS.—Congress finds the following:

(1) Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American.

(2) The acts of violence that have been taken against Arab and Muslim Americans since the September 11, 2001, attacks against the United States should be and are condemned by all Americans who value freedom.

(3) The concept of individual responsibility for wrongdoing is sacrosanct in American society, and applies equally to all religious, racial, and ethnic groups.

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

- “(2) State.-The term ‘State’ includes a Territory and the District of Columbia.
- “(b) Choice of Law.-Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional responsibility that apply to a Government attorney with respect to the attorney's work for the Government shall be-
- “(1) for conduct in connection with a proceeding in or before a court, or conduct reasonably intended to lead to a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of the court in or before which the proceeding is brought or is intended to be brought;
- “(2) for conduct in connection with a grand jury proceeding, or conduct reasonably intended to lead to a grand jury proceeding, the standards of professional responsibility established by the rules and decisions of the court under whose authority the grand jury was or will be empaneled; and
- “(3) for all other conduct, the standards of professional responsibility established by the rules and decisions of the Federal district court for the judicial district in which the attorney principally performs his or her official duties.
- “(c) Licensure.-A Government attorney (except foreign counsel employed in special cases)-
- “(1) shall be duly licensed and authorized to practice as an attorney under the laws of a State; and
- “(2) shall not be required to be a member of the bar of any particular State.
- “(d) Covert Activities.-Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization, concurrence, direction, or supervision on conducting covert activities, and participate in such activities, even though such activities may require the use of deceit or misrepresentation.
- “(e) Admissibility of Evidence.-No violation of any disciplinary, ethical, or professional conduct rule shall be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceedings.
- “(f) Rulemaking Authority.-The Attorney General shall make and amend rules of the Department of Justice to ensure compliance with this section.”.
- (b) Technical and Conforming Amendment.-The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking “Ethical standards for attorneys for the Government” and inserting “Professional standards for Government attorneys”.
- (c) Reports.-
- (1) Uniform rule.-In order to encourage the Supreme Court to prescribe, under chapter 131 of title 28, United States Code, a uniform national rule for Government attorneys with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for such a uniform national rule.
- (2) Actual or potential conflicts.-Not later than 2 years after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include-
- (A) a review of any areas of actual or potential conflict between specific Federal duties related

- to the investigation and prosecution of violations of Federal law and the regulation of Government attorneys (as that term is defined in section 530B of title 28, United States Code, as amended by this Act) by existing standards of professional responsibility; and
- (B) recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for additional rules governing attorney conduct to address any areas of actual or potential conflict identified pursuant to the review under subparagraph (A).
- (3) Report considerations.-In carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall take into consideration-
- (A) the needs and circumstances of multiforum and multijurisdictional litigation;
- (B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and
- (C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

SEC. 358. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) Concurrent Jurisdiction Under 18 U.S.C. 1030.-Section 1030(d) of title 18, United States Code, is amended to read as follows:

"(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section.

"(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y))), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.

"(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General."

(b) Reauthorization of Jurisdiction under 18 U.S.C. 1344.-Section 3056(b)(3) of title 18, United States Code, is amended by striking "credit and debit card frauds, and false identification documents or devices" and inserting "access devices frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution".

Title IV--FINANCIAL INFRASTRUCTURE

SEC. 401. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 402. MATERIAL SUPPORT FOR TERRORISM.

Section 2339A of title 18, United States Code, is amended-

(1) in subsection (a), by inserting "A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law." at the end;

(2) in subsection (b), by replacing "or other financial securities" with "or monetary instruments or financial securities"; and

(3) in subsection (a), by striking ", within the United States,".

SEC. 403. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended after paragraph (F) by adding the following new paragraph:

"(G) All assets, foreign or domestic--

"(i) of any individual, entity or organization engaged in planning or perpetrating any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

"(ii) acquired or maintained by any person with the intent and for the purpose of supporting, planning, conducting, or concealing an act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

"(iii) derived from, involved in, or used or intended to be used to commit any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property."

SEC. 404. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of title IX of Public Law 106-387 shall be understood to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 405. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL-SECURITY INVESTIGATIONS.

Section 6103 of title 26, United States Code, is amended –

(1) in paragraph (i)(3), by adding a new subparagraph after subparagraph (B) as follows:

"(C) Response to Terrorist Incidents and Threats.– The Secretary may disclose returns or return information to the extent necessary to assist officers or employees of any Federal agency in the conduct of their duties on behalf of such agency and who are involved in the investigation of terrorist incidents, threats, or activities; the Federal agency may redisclose relevant information received pursuant to this paragraph to State or local law-enforcement officials who are part of a joint investigative team with the Federal agency.";

(2) in subsection (i), by adding a new paragraph after paragraph (6), as follows:

"(7) Information Concerning Terrorist Activities.–(a) The Secretary may disclose returns and return information, upon a particularized request indicating that there is a reasonable basis to believe that the return or return information is or may be relevant to terrorist activity, signed personally by (i) an Assistant Attorney General or person of higher rank in the Department of Justice, or (ii) a person who is responsible for the collection or analysis of intelligence and counterintelligence information concerning terrorist organizations and activities and who is also an official of the Department of Treasury who is appointed by the President with the advice and consent of the Senate. Information disclosed under this paragraph may be disclosed only to employees of the Department of Justice and the Department of the Treasury personally and directly engaged in (and solely for their use in) the collection or analysis of intelligence and counterintelligence information concerning terrorist organizations or activities.

(b) The Secretary may disclose returns and return information, upon a particularized request indicating that there is a reasonable basis to believe that the return or return information is or may be relevant to terrorist activity, signed personally by (i) an Assistant Attorney General or person of higher rank in the Department of Justice, or (ii) a person who is responsible for the collection or analysis of intelligence and counterintelligence information concerning terrorist organizations and activities and who is also an official of the Department of Treasury who is appointed by the President with the advice and consent of the Senate. Information disclosed

under this paragraph may be disclosed only to other United States intelligence agencies when relevant to their analysis of intelligence and counterintelligence information concerning terrorist organizations and activities, and thereafter the information so disclosed may be used by such agencies only in accordance with Executive Order 12333 (or successor order)."; and

(3) by adding a new paragraph (a)(11) as follows:

"The term 'terrorism' means international terrorism or domestic terrorism as those terms are defined in section 2331 of Title 18, United States Code."--

SECTION 407. TRADE SANCTIONS.

The Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of H.R. 5426, as enacted by section 1(a) of Public Law 106-387) is amended--

(1) in section 902(6)--

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) a statute, executive order, or regulation imposing such a prohibition, restriction, or condition with respect to a foreign entity designated by the United States in connection with terrorism, narcotics trafficking, or the proliferation of missiles or weapons of mass destruction.";

(2) in section 902(7)--

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) a statute, executive order, or regulation imposing such a prohibition, restriction, or condition with respect to a foreign entity designated by the United States in connection with terrorism, narcotics trafficking, or the proliferation of missiles or weapons of mass destruction.";

(3) by amending section 904(2)(C) to read as follows:

"(C) used to facilitate the design, development, or production of missiles or weapons of mass destruction.";

(4) in section 906(a)(1)--

(A) by inserting ", the Taliban or the territory of Afghanistan controlled by the Taliban," after "Cuba"; and

(B) by inserting ", or in the territory of Afghanistan controlled by the Taliban," after "within such country"; and

(5) in section 906(a)(2), by inserting ", or to any other entity in Syria or North Korea" after "Korea".

SECTION 408. EXTRATERRITORIAL JURISDICTION.

Section 1029 of Title 18, United States Code, is amended by adding at the end a new paragraph (g) as follows:

"(g) Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsections (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment and forfeiture enumerated in this title if--

(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

(2) the person transports, delivers, conveys, transfers to or through, or otherwise stores, secretes,

or holds within the jurisdiction of the United States, any article used to assist in the commission of the offense or the proceeds of such offense or property derived therefrom."

Title V--EMERGENCY AUTHORIZATIONS

SUBTITLE A - GENERAL

SEC. 501. OFFICE OF JUSTICE PROGRAMS.

(a) Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including, without limitation, any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to (and shall not be taken into account in carrying out) any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002, and notwithstanding section 1402(d)(5)(A) of the Victims of Crime Act of 1984.

(b) Section 112 of title I of section 101(b) of division A of Public Law 105-277 and section 108(a) of appendix A of Public Law 106-113 (113 Stat. 1501A-20) are amended— (1) after "that Office", each place it occurs, by inserting "(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90-351)"; and (2) by inserting "functions, including any" after "all".

SEC. 502. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS.

(a) Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist attacks, in accordance with the procedures and regulations established or issued by the Attorney General.

(b) In making rewards under this section —

(1) no such reward of \$250,000 or more may be made or offered without the personal approval of the Attorney General or the President;

(2) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under paragraph (1);

(3) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) may provide the Attorney General with funds for the payment of rewards;

(4) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review; and

(5) no such reward shall be subject to any per- or aggregate reward spending limitation established by law, unless the same should expressly refer to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation."

SEC. 503. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs" and "Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106-553 (114 Stat. 2762A-58 to 2762A-59)) is amended by striking the following each place it occurs: "*Provided*, That none of the funds available to the Immigration and

Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2001:".

SEC. 504. SECRETARY OF STATE'S AUTHORITY TO PAY REWARDS.

Section 36 of the State Department Basic Authorities Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C. 2708) is amended--

(1) in subsection (b)--

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period at the end and inserting ",including by dismantling an organization in whole or significant part; or"; and

(C) by adding at the end the following new paragraph:

"(6) The identification or location of an individual who holds a key leadership position in a terrorist organization."

(2) in subsection (d), by striking paragraphs (2) and (3) and renumbering paragraph (4) accordingly; and

(3) in subsection (e)(1), by inserting ",except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts." after "\$5,000,000".

SEC. 505. PUBLIC SAFETY OFFICER BENEFITS.

(a) Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3796) is amended by striking "\$100,000" and inserting "\$250,000".

(b) The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

SEC. 506. PAYMENT INCREASE.

(a) Payments.—Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking "\$100,000" and inserting "\$250,000".

(b) Applicability.—The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

SEC. 507. 07. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, \$200,000,000 for fiscal years 2002, 2003, and 2004.

SEC. 508. COUNTERTERRORISM FUND.

(a) Establishment; Availability.—There is hereby established in the Treasury of the United States a separate fund to be known as the "Counterterrorism Fund", amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as a result of any domestic or international terrorist incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities; and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) No effect on appropriations. —The amendment made by subsection (a) shall not affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

SEC. 509. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.

(a) In general.—Notwithstanding the limitations of subsection (b) of section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 2796, 2896a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) Definitions.—For purposes of this section, the terms "catastrophic injury", "public agency", and "public safety officer" have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 37916b).

Sec. 510. TECHNICAL CORRECTION WITH RESPECT TO EXPEDITED PAYMENTS FOR HEROIC PUBLIC SAFETY OFFICERS.

Section 1 of Public Law 107-37 (an Act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001) is amended by--

(1) inserting before "by a" the following: "(containing identification of all eligible payees of benefits pursuant to section 1201)";

(2) inserting "producing permanent and total disability" after "suffered a catastrophic injury"; and

(3) striking "1201(a)" and inserting "1201".

Subtitle B—Amendments to the Victims of Crime Act of 1984

SEC. 551. CRIME VICTIMS FUND.

(a) Deposit of gifts in the fund.—SECTION 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended--

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting ";and"; and

(3) by adding at the end the following:

"(5) any gifts, bequests, or donations to the Fund from private entities or individuals."

(b) Formula for Fund Distributions.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

"(c) Fund distribution; retention of sums of fund; availability of expenditure without fiscal year limitation. –

"(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the Previous fiscal year.

"(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation."

(c) Allocation of funds for costs and grants.–Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended--

- (1) by striking "deposited in" and inserting "to be distributed from";
- (2) in subparagraph (A), by striking "48.5" and inserting "47.5"; and
- (3) in subparagraph (B), by striking "48.5" and inserting "47.5"; and
- (4) in subparagraph (C), by striking "3" and inserting "5".

SEC. 552. CRIME VICTIM COMPENSATION.

(a) Allocation of funds for compensation and assistance.–Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended--

in each of paragraphs (1) and (2), by striking "40" and inserting "60".

(b) Location of compensable crime.–Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or".

(c) Relationship of crime victim compensation to means-tested federal benefit programs.–Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

"(c) Exclusion from income resources, and assets for purposes of means tests. –

Notwithstanding any other law, for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives

through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime."

(d) Definitions of "compensable crime" and "state". –Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended--

- (1) in paragraph (3), by striking "crimes involving terrorism,"; and
- (2) in paragraph (4), by inserting "the United States Virgin Islands," after "the Commonwealth of Puerto Rico,".

(e) Relationship of eligible crime victim compensation programs to the September 11th victim compensation fund.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting "including the September 11th Victim Compensation Fund (established under title IV of Public Law 107-42)," after "Federal program,".

SEC. 553. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS OF THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).".

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended--

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ";and"; and

(3) by adding at the end the following:

"(F) does not discriminate against victims because they oppose the death penalty of disagree with the way the State is prosecuting the criminal case.".

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ",program evaluation, compliance efforts," after "demonstration projects".

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended--

(1) in subparagraph (A), by striking "not more than" and inserting "not less than"; and

(2) in subparagraph (B), by striking "not less than" and inserting "not more than".

(e) FELLOWSHIPS AND CLINICAL INTERNSHIP.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended--

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ";and";

and

(3) by adding at the end the following:

"(E) use funds made available to the Director under this subsection--

(i) for fellowships and clinical internships; and

(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting in demonstrations, surveys, and special projects.".

SEC. 554. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

"(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies

(including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States."

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking "who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: "The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986."

Title VI—PROTECTING THE NORTHERN BORDER

SEC. 601. ENSURING ADEQUATE PERSONNEL ON THE NORTHERN BORDER.

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service to address the national security needs of the United States on the Northern border.

SEC. 602. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law) in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law) at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number authorized on the date of enactment of this Act) at ports of entry in each State along the Northern Border; and

(4) an additional \$50,000,000 each to the Immigration and Naturalization Service and the United States Customs Service for purposes of making improvements in technology for monitoring the Northern Border and acquiring additional equipment at the Northern Border.

SEC. 603. ACCESS BY THE DEPARTMENT OF STATE AND THE INS TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting ";DATA EXCHANGE" after "SECURITY OFFICERS";

(2) by inserting "(a)" after "SEC. 105."

(3) in subsection (a), by inserting "and border" after "internal" the second place it appears; and

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.

(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

(b) SENSE OF CONGRESS.-- It is the sense of Congress that--

(1) the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety;

(2) any acts of violence or discrimination against any Americans be condemned; and

(3) the Nation is called upon to recognize the patriotism of fellow citizens from all ethnic, racial, and religious backgrounds.

TITLE I--INTELLIGENCE GATHERING

Subtitle A--Electronic Surveillance

SEC. 101. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) General Limitation on Use by Governmental Agencies.-Section 3121(c) of title 18, United States Code, is amended-

(1) by inserting "or trap and trace device" after "pen register";

(2) by inserting "`, routing, addressing," after "dialing"; and

(3) by striking "call processing" and inserting "the processing and transmitting of wire and electronic communications".

(b) Issuance of Orders.-

(1) In general.-Subsection (a) of section 3123 of title 18, United States Code, is amended to read as follows:

"(a) In General.-

(1) Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service thereof, apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order.

"(2) Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law-enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation."

(2) Contents of order.-Subsection (b)(1) of section 3123 of title 18, United States Code, is amended-

(A) in subparagraph (A)-

(i) by inserting "or other facility" after "telephone line"; and

(ii) by inserting before the semicolon at the end "or applied"; and

(B) by striking subparagraph (C) and inserting the following new subparagraph

(4) by adding at the end the following:

"(b)(1) Upon the promulgation of final regulations under subsection (d), the Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purposes of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

"(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

"(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

"(4) Access to an extract does not entitle the Department of State or the Service to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State or the Service shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

"(c) The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing information.

"(d) For purposes of administering this section, the Department of State and the Service shall, prior to receiving access to the NCIC data but not later than 18 months after the date of enactment of this subsection, promulgate final regulations—

"(1) to implement procedures for the taking of fingerprints; and

"(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

"(A) to limit the dissemination of such information;

"(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

"(C) to ensure the security, confidentiality, and destruction of such information; and

"(D) to protect any privacy rights of individuals who are subjects of such information."

(b) REPORTING REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section.

(c) STATUTORY CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such

enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105–251; 42 U.S.C. 14611–16) and section 552a of title 5, United States Code.

SEC. 604. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement and Border Affairs" and "Immigration and Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration and Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: "*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2001:".

(C):

"(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) Non-disclosure requirements.-Subsection (d)(2) of section 3123 of title 18, United States Code, is amended-

(A) by inserting "`or other facility" after "`the line"; and

(B) by striking "` , or who has been ordered by the court" and inserting "`or applied, or who is obligated by the order".

(c) Definitions.-

(1) Court of competent jurisdiction.-Paragraph (2) of section 3127 of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or".

(2) Pen register.-Paragraph (3) of section 3127 of title 18, United States Code, is amended-

(A) by striking "`electronic or other impulses" and all that follows through "`is attached" and inserting "`dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided however, that such information shall not include the contents of any communication"; and

(B) by inserting "`or process" after "`device" each place it appears.

(3) Trap and trace device.-Paragraph (4) of section 3127 of title 18, United States Code, is amended-

(A) by inserting "`or process" after "`a device"; and

(B) by striking "`of an instrument" and all that follows through the end and inserting "`or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication provided however, that such information shall not include the contents of any communication;".

(4) Paragraph (1) of section 3127 of title 18, United States Code, is amended by striking "and" before "electronic communications service" and inserting ", and `contents'" after "electronic communications service."

SEC. 102. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended-

(1) in section 2510 -

(A) in subsection (1), by striking all the words after "commerce"; and

(B) in subsection (14), by inserting "wire or" after "transmission of"; and
(2) in section 2703(a) and (b)--

(A) by replacing "Contents of electronic" with "Contents of wire or electronic" every place it occurs;

(B) by replacing "contents of an electronic" with "contents of a wire or electronic" every place it occurs; and

(C) by replacing "any electronic" with "any wire or electronic" every place it occurs.

SEC. 103. AUTHORIZED DISCLOSURE.

Section 2510(7) of title 18, United States Code, is amended by adding ", and (for purposes only of section 2517), any federal law-enforcement, intelligence, national security, national defense, protective, or immigration personnel, and the President and Vice President of the United States" after "such offenses."

SEC. 104. SAVINGS PROVISION.

Section 2511(2)(f) of title 18, United States Code, is amended--

(1) by replacing "or chapter 121" with ", chapter 121, or chapter 206"; and

(2) by replacing "wire and oral" with "wire, oral, and electronic".

SEC. 106. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended--

(1) in section 2510--

(A) in subsection (17), by striking ``and" at the end;

(B) in subsection (18), by replacing the period with a semicolon; and

(C) by adding after subsection (18), two new subsections as follows:

"(19) `protected computer' has the meaning set forth in section 1030; and

"(20) `computer trespasser' means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer. A person shall not be considered a computer trespasser if the person is known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer."; and

(2) in section 2511(2), by adding after paragraph (h) the following new paragraph:

"(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser, if-

"(i) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

"(ii) the person acting under color of law is lawfully engaged in an investigation;

"(iii) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

"(iv) such interception does not acquire communications other than those transmitted to or from the computer trespasser."

SEC. 107. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(1)(C) of title 18, United States Code, is amended--

(1) by replacing "name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service" with the following:

"(i) name;

"(ii) address;

"(iii) local and long distance telephone connection records, or records of session times and durations;

"(iv) length of service (including start date) and types of service utilized;

"(v) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

"(vi) means and source of payment (including any credit card or bank account number)"; and

(2) by striking "and the types of services the subscriber or customer utilized," after "of a subscriber to or customer of such service,".

SEC. 108. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended--

(1) in section 2703, by striking "under the Federal Rules of Criminal Procedure" every place it appears and inserting "using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation"; and

(2) in section 2711--

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by replacing the period with "; and"; and

(C) by adding the following new paragraph at the end:

"(3) the term 'court of competent jurisdiction' has the meaning assigned by section 3127, and includes any federal court within that definition, without geographic limitation."

SEC. 109. CLARIFICATION OF SCOPE.

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended--

(1) in subsection (c)(2)--

(A) in subparagraph (B) by striking "or";

(B) in subparagraph (C) by striking the period at the end and inserting "; or"; and

(C) by adding the following subparagraph after subparagraph (C):

"(D) authorized under chapters 119, 121, or 206 of title 18, United States Code. Such disclosure shall not include records revealing customer cable television viewing activity."; and

(2) in subsection (h) by striking "A governmental entity" and inserting "Except as provided in subsection (c)(2)(D), a governmental entity".

SEC. 110. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) Section 2702 of title 18, United States Code, is amended--

(1) by amending the heading to read, "Voluntary disclosure of customer communications or records";

(2) in subsection (a)(2)(B) by replacing the period with "; and";

(3) by adding after subsection (a)(2) a new paragraph as follows:

"(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2)) to any governmental entity.";

(4) in subsection (b) by striking "Exceptions.—A person or entity" and inserting "Exceptions for disclosure of communications.—A provider described in subsection (a)";

(5) in subsection (b)(6)--

(A) in subparagraph (A)(ii), by striking "or";

(B) in subparagraph (B), by replacing the period with "; or"; and

(C) by inserting after subparagraph (B) a new subparagraph as follows:

"(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay."; and

(6) by adding after subsection (b) a new subsection as follows:

"(c) Exceptions for disclosure of customer records.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))--

(1) as otherwise authorized in section 2703;

(2) with the lawful consent of the customer or subscriber;

(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

(5) to any person other than a governmental entity.".

(b) Section 2703 of title 18, United States Code, is amended--

(1) by amending the section heading to read, "Required disclosure of customer communications or records";

(2) by redesignating subsection (c)(2) as (c)(3);

(3) in subsection (c)(1)--

(A) by striking "(A) Except as provided in subparagraph (B), a provider of electronic communication service may" and inserting "A governmental entity may require a provider of electronic communication service or remote computing service to";

(B) by striking "covered by subsection (a) or (b) of this section) to any person other than a governmental entity." and inserting a close parenthesis;

(C) by striking "(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity";

(D) by redesignating subparagraph (C) as subsection (c)(2);

(E) by redesignating subparagraph (B)(i) as (A), (B)(ii) as (B), (B)(iii) as (C), and (B)(iv) as (D);

(F) in subparagraph (D) (formerly (B)(iv)) by striking the final period and inserting "; or"; and

(G) by inserting after subparagraph (D) (formerly (B)(iv)) the following subparagraph:
"(E) seeks information pursuant to paragraph (2)."; and
4) in subsection (c)(2), as redesignated, by striking "subparagraph (B)" and inserting "paragraph (1)".

SEC. 111. TERRORISM AS A PREDICATE ACT FOR AUTHORIZATION OF WIRETAPS.

Section 2516(1) of title 18, United States Code is amended-

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-565), the following new paragraph:

“(q) any violation of section 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or”.

SEC. 112. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE.

Section 2516(1)(c) of title 18, United States Code, is amended by striking “and section 1341 (relating to mail fraud),” and inserting “section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),”.

Subtitle B--Foreign Intelligence Surveillance and Other Information

SEC. 151. PERIOD OF ORDERS OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER FOREIGN INTELLIGENCE SURVEILLANCE.

[(a) The Foreign Intelligence Surveillance Act of 1978 is amended by adding "or an agent of a foreign power, as defined in section 101(b)(1)(A),"—

(1) in section 105(e)(1) (50 U.S.C. 1805(e)(1)), after "or (3)."; and

(2) in section 304(d)(1) (50 U.S.C. 1824(d)(1)), after "101(a).",

(b) Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by replacing "forty-five" with "ninety."]

[Language to be revised pending Leahy proposal]

SEC. 152. MULTI-POINT AUTHORITY.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting ", or, in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons," after "specified person".

SEC. 153. FOREIGN INTELLIGENCE INFORMATION.

(a) The Foreign Intelligence Surveillance Act of 1978 is amended by replacing "that the" with "that a significant"--

(1) in section 104(a)(7)(B) (50 U.S.C. 1804(a)(7)(B)); and

(2) in section 303(a)(7)(B) (50 U.S.C. 1823(a)(7)(B)).

(b) Section 1806 of title 50, United States Code, is amended to add the following subsection:

“(k)(i) Federal officers who conduct electronic surveillance to acquire foreign

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"(v) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

"(vi) means and source of payment (including any credit card or bank account number)"; and

(2) by striking "and the types of services the subscriber or customer utilized," after "of a subscriber to or customer of such service,".

SEC. 108. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking "under the Federal Rules of Criminal Procedure" every place it appears and inserting "using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation"; and

(2) in section 2711--

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by replacing the period with "; and"; and

(C) by adding the following new paragraph at the end:

"(3) the term 'court of competent jurisdiction' has the meaning assigned by section 3127, and includes any federal court within that definition, without geographic limitation.".

SEC. 109. CLARIFICATION OF SCOPE.

—Section 2511(2) Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended--

(1) in subsection (c)(2)--

(A) in subparagraph (B) by striking "or";

(B) in subparagraph (C) by striking the period at the end and inserting "; or"; and

(C) by adding the following subparagraph after subparagraph (C):

"(D) authorized under chapters 119, 121, or 206 of title 18, United States Code, as amended by section 106(2) of this Act, is further amended by adding at the end a new paragraph as follows:

~~"(j) Nothing contained in section 631 of the Act of June 19, 1934 (47 U.S.C. 551) shall be deemed to restrict voluntary or obligatory disclosures of information pursuant to the provisions of this chapter, chapter 121, or chapter 206, except that such disclosures. Such disclosure shall not include records revealing customer cable television viewing activity."~~; and

(2) in subsection (h) by striking "A governmental entity" and inserting "Except as provided in subsection (c)(2)(D), a governmental entity".

SEC. 110. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) Section 2702 of title 18, United States Code, is amended—

(1) by amending the heading to read, "Voluntary disclosure of customer communications or records";

(2) in subsection (a)(2)(B) by replacing the period with "; and";

(3) by adding after subsection (a)(2) a new paragraph as follows:

"(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2)) to any governmental entity.";

(4) in subsection (b) by striking "Exceptions.—A person or entity" and inserting

"Exceptions for disclosure of communications.—A provider described in subsection (a)";

(5) in subsection (b)(6)--

(A) in subparagraph (A)(ii), by striking "or";

(B) in subparagraph (B), by replacing the period with "; or"; and

(C) by inserting after subparagraph (B) a new subparagraph as follows:

"(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay."; and

(6) by adding after subsection (b) a new subsection as follows:

"(c) Exceptions for disclosure of customer records.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))--

(1) as otherwise authorized in section 2703;

(2) with the lawful consent of the customer or subscriber;

(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

(5) to any person other than a governmental entity."

(b) Section 2703 of title 18, United States Code, is amended--

(1) by amending the section heading to read, "Required disclosure of customer communications or records";

(2) by redesignating subsection (c)(2) as (c)(3);

(3) in subsection (c)(1)--

(A) by striking "(A) Except as provided in subparagraph (B), a provider of electronic communication service may" and inserting "A governmental entity may require a provider of electronic communication service or remote computing service to";

(B) by striking "covered by subsection (a) or (b) of this section) to any person other than a governmental entity." and inserting a close parenthesis;

(C) by striking "(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity";

(D) by redesignating subparagraph (C) as subsection (c)(2);

(E) by redesignating subparagraph (B)(i) as (A), (B)(ii) as (B), (B)(iii) as (C), and (B)(iv) as (D);

(F) in subparagraph (D) (formerly (B)(iv)) by striking the final period and inserting "; or"; and

(G) by inserting after subparagraph (D) (formerly (B)(iv)) the following subparagraph:

"(FE) seeks information pursuant to paragraph (2)."

; and

4) in subsection (c)(2), as redesignated, by striking "subparagraph (B)" and inserting "paragraph (1)".

SEC. 111. TERRORISM AS A PREDICATE ACT FOR AUTHORIZATION OF WIRETAPS.

Section 2516(1) of title 18, United States Code is amended-

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-565), the following new paragraph:

“(q) any violation of section 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or”.

SEC. 112. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE.

Section 2516(1)(c) of title 18, United States Code, is amended by striking “and section 1341 (relating to mail fraud),” and inserting “section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),”.

**Subtitle B--Foreign Intelligence Surveillance
and Other Information**

SEC. 151. PERIOD OF ORDERS OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER FOREIGN INTELLIGENCE SURVEILLANCE.

[(a) The Foreign Intelligence Surveillance Act of 1978 is amended by adding "or an agent of a foreign power, as defined in section 101(b)(1)(A),"—

(1) in section 105(e)(1) (50 U.S.C. 1805(e)(1)), after "or (3),"; and

(2) in section 304(d)(1) (50 U.S.C. 1824(d)(1)), after "101(a),”.

(b) Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by replacing "forty-five" with "ninety.”]

[Language to be revised pending Leahy proposal]

SEC. 152. MULTI-POINT AUTHORITY.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting “, or, in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons,” after “specified person”.

SEC. 153. FOREIGN INTELLIGENCE INFORMATION.

(a) The Foreign Intelligence Surveillance Act of 1978 is amended by replacing “that the” with “that a”—a significant”—

(1) in section 104(a)(7)(B) (50 U.S.C. 1804(a)(7)(B)); and

(2) in section 303(a)(7)(B) (50 U.S.C. 1823(a)(7)(B)).

(b) Section 1806 of title 50, United States Code, is amended to add the following subsection:

“(k)(i) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

(1) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(2) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(3) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(ii) Coordination authorized under paragraph (i) of this subsection shall not preclude the certification required by section 1804(a)(7)(B) or the entry of an order under section 1805."

(c) Section 1825 of title 50, United States Code is amended to add the following subsection:

"(k)(ii) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(1) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(2) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(3) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(ii) Coordination authorized under paragraph (i) of this subsection shall not preclude the certification required by section 1823(a)(7) or the entry of an order under Section 1824."

(d) Title of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) Is amended by adding at the end the following new section:

"Construction with interception authority under Chapter 119 of title 18, United States Code.

"Sec. 112. Nothing in this title shall be construed to alter, affect, or prohibit the authority to intercept communications under chapter 119 of title 18, United States Code, with respect to any wire, oral or electronic communication that is subject to electronic surveillance under provisions of this title."

SEC. 154. FOREIGN INTELLIGENCE INFORMATION SHARING.

Notwithstanding any other provision of law, it shall be lawful for foreign intelligence information obtained as part of a criminal investigation (including, without limitation, information subject to Rule 6(e) of the Federal Rules of Criminal Procedure and information obtained pursuant to chapter 119 of title 18, United States Code) to be provided to any federal law enforcement, intelligence, protective, or national defense personnel, to any federal personnel responsible for administering the immigration laws national security, national defense, protective or immigration personnel, and to the President and Vice President of the United States, or to any officer named in section 19 of title 3 of the United States Code.

SEC. 155. PEN REGISTER AND TRAP AND TRACE AUTHORITY.

Section (a) Section 402(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(e) 1842) is amended—

(1) at the end of paragraph (1), by adding "and";

(2) in paragraph (2)—

(A) by inserting "from" in subsection (a)(1), by striking "for any investigation to gather foreign intelligence information or information concerning international terrorism" and inserting "for any investigation to protect against international terrorism or clandestine intelligence

activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States."

(2) by amending subsection (c)(2) to read as follows:

"(2) a certification by the applicant that the information likely to be obtained from the telephone line to which the pen register or trap and trace device is to be attached, or the communication instrument or device to be covered by the pen register or trap and trace device—
after "obtained"; and

(B) by replacing all the matter after "General" with a period; and

(3) device is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States.;

(3) by striking paragraph (3).
paragraph (c)(3); and

(4) by amending subsection (d)(2)(A) to read as follows:

"(A) shall specify—

"(i) the identity, if known, of the person who is the subject of the investigation;

"(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

"(iii) the attributes of the communications to which the order applies, such as the number or other identifier, and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied and, in the case of a trap and trace device, the geographic limits of the trap and trace order."

(b) Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information concerning international terrorism or clandestine intelligence activities, provided that such information of a United States person is not being gathered solely upon the basis of activities protected by the First Amendment of the Constitution of the United States";

(2) in subsection (b)(1), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information concerning international terrorism or clandestine intelligence activities, provided that such information of a United States person is not being gathered solely upon the basis of activities protected by the First Amendment of the Constitution of the United States".

SEC. 156. BUSINESS RECORDS.

The Foreign Intelligence Surveillance Act of 1978 is amended—

(1) in section 501 (50 U.S.C. 1861), by amending the same to read as follows:
"§ 501. Administrative subpoenas.

"(a) In any investigation to gather foreign intelligence information or an investigation concerning international terrorism, which investigation is being conducted by the Federal Bureau of Investigation under such guidelines as the Attorney General may approve pursuant to Executive Order 12333 (or a successor order), the Attorney General may, by administrative subpoena, require the production of any tangible things (including books, records, papers,

documents, and other items) that are relevant to the investigation.

"(b) A person who, in good faith, produces tangible things under a subpoena issued pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context."; and

(2) by striking section 502 (50 U.S.C. 1862).

SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORITIES.

(a) ~~Section 2709~~ Section 2709(b) of ~~title 18~~ title 18, United States Code, is amended—

—

(1) in the matter preceding paragraph (1), by inserting "at Bureau headquarters or a Special Agent in Charge in a Bureau field offices" before ", may" the first place it occurs;

— ~~(2) in paragraph (1)—~~

— ~~(A) by replacing "the Director" and all that follows through "Director)" with "he";~~

— ~~(B) by inserting ", or electronic communication transactional records" after "toll billing records"; and~~

— ~~(C) by replacing office designated by the Director" after "Assistant Director";~~

(2) in paragraph (1)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows through and inserting the end with following: "made that the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and"; and

~~(3) in paragraph (2)—~~

~~(A) by replacing "the Director" and all that follows through "Director)" with "he"; and~~

~~(B) by replacing to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States"; and~~

(3) in paragraph (2)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows through and inserting the end with following: "made that the information sought is relevant to an authorized foreign counterintelligence investigation."—

~~(b) Section 1114 to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States"; and~~

(b) Section 1114(a)(5)(A) of Public Law 95-630 the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) is amended—
amended—

(1) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field offices" office designated by the Director" after "designee"; and

(2) by striking all the matter following "purposes" up to the period; and

- ~~(c) Section 624 of Public Law 90-321~~
- (2) by striking "certifies in writing" and all that follows through the end and inserting the following: "certifies in writing to the financial institution that such records are sought for foreign counterintelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States."
- (c) Section 624 of the Fair Credit and Reporting Act (15 U.S.C. 1681u) is ~~amended--~~ amended—
- (1) ~~in subsection- (a)--~~
-
- (A) ~~by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field offices"~~office designated by the Director" after "designee" the first place that it appears; and
- (B) ~~by replacing "writing"~~striking "in writing that" and all that follows through the end ~~with "writing"~~and inserting the following: "in writing that such information is necessarysought for the conduct of an authorized foreign-counterintelligence investigation.";
- ~~(2) in subsection (b)--~~
- ~~(A) by inserting "(in~~investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States."
- (3) In subsection (b)—
- (A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field offices)"office designated by the Director" after "designee" the first place that it appears; and
- (B) ~~by replacing "writing"~~striking "in writing that" and all that follows through the end ~~with "writing"~~and inserting the following: "in writing that such information is necessarysought for the conduct of an authorized foreign-counterintelligence investigation."; and
- ~~(3) in subsection (c)--~~
- ~~(A) by inserting "(in~~investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States."
- (4) in subsection (c)—
- (A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field offices)"office designated by the Director" after "designee""designee of the Director"; and

(B)– by replacing "camera striking "in camera that" and all that follows through "States." with "camera and inserting the following: "in camera that the consumer report is necessary sought for the conduct of an authorized foreign counterintelligence investigation."

investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the First Amendment of the Constitution of the United States."

SEC. 158. DISCLOSURE OF EDUCATIONAL RECORDS.

(a) Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended by adding after subsection (b) a new subsection as follows:

"(c) ~~Without regard to~~ Notwithstanding subsections (a) and (b), the Attorney General or the Secretary of Education (or ~~any~~ a designated Federal officer or employee ~~designated by either of them~~), in a position not lower than an Assistant Attorney General or Assistant Secretary, may, upon determining that ~~so doing can reasonably be expected to assist in investigating or preventing a Federal terrorism offense as defined in section 25 of title 18~~ there are specific and articulable facts giving reason to believe that the information sought is relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B), United States Code, or domestic terrorism or international terrorism as defined in section 2331 of that title–

"(1) collect, through legal process or as otherwise authorized by law, reports, records, and information (including individually-identifiable information), in the Center's possession; and

(2) for official purposes, retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such reports, records, or information as otherwise authorized by law, consistent with such guidelines as the Attorney General, after consultation with the Secretary of Education, may issue to protect confidentiality.
~~No person furnishing reports, records, or information pursuant to this subsection shall be liable to any other person for furnishing such information."~~

(b) Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), is amended by adding after subsection (i) a new subsection as follows:

"(j) ~~Without regard to~~ Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or the Secretary of Education or ~~any~~ a designated Federal officer or employee ~~designated by him~~) may, ~~upon determining that so doing can reasonably be expected to assist in investigating or preventing a Federal terrorism offense as defined in section 25~~, in a position not lower than an Assistant Attorney General or Assistant Secretary may, after certifying to the educational agency or institution that there are specific and articulable facts giving reason to believe that the information sought is relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or domestic terrorism or international terrorism as defined in section 2331 of that title–

"(1) collect education records and other information in the possession of an educational agency or institution; and

(2) for official purposes, retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records or other information as otherwise authorized by law, consistent with such guidelines as the Attorney General, after consultation with the Secretary of Education, may issue to protect confidentiality.

~~No person furnishing records or information pursuant to this subsection shall be liable to any other person for furnishing such information."~~

SEC. 159. PRESIDENTIAL AUTHORITY.

Section 203 of Public Law 95-223 (50 U.S.C. 1702) is amended—

(1) at the end of subparagraph (a)(1)(A), by replacing "; and" with a comma and adding thereafter the following (flush to that subparagraph):

"by any person, or with respect to any property, subject to the jurisdiction of the United States;"

(2) in subparagraph (a)(1)(B)--

(A) by striking "by any person, or with respect to any property, subject to the jurisdiction of the United States.";

(B) by replacing "interest;" with "interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and"; and

(C) by inserting ", block during the pendency of an investigation" after "investigate";

(3) at the end of paragraph (a)(1), by adding a new subparagraph as follows:

"(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes."; and

(4) by adding at the end a new subsection (c) as follows:

"(c) Classified information.--In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera."

SEC. 160. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) **AUTHORITY.**—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) **SECURITY REQUIREMENTS.**—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators.

(c) **REPORT.**—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators

employed by other Federal, State, or local agencies, on a full, part-time, or shared basis;
and

(3) the needs of the FBI for specific translation services in
certain languages, and recommendations for meeting those needs.

SEC. 161. JUDGES.

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a))
is amended by striking "seven district court judges" and inserting "eleven district court judges,"
and by adding "at least three of whom shall reside within 20 miles of the District of Columbia"
immediately after "seven of the United States judicial circuits".

TITLE II—IMMIGRATION

SEC. 201. DEFINITIONS RELATING TO TERRORISM.

The Immigration and Nationality Act of 1952 is amended—
(a) in Section 212(a)(3) (8 U.S.C. 1182)—

--

(1) in paragraph (B) —

(A) in clause (i) —

(i) by amending paragraph (IV) to read as follows:

"(IV) is a representative (as defined in clause (iv)) of : (a) a
~~foreign~~ terrorist organization, as designated by the
Secretary under section 219 or paragraph (v)(ii), or (b) a
political, social or other similar group whose public
endorsement of acts of terrorist activity the Secretary has
determined undermines U.S. efforts to reduce or eliminate
terrorist activities, or";

~~(ii) in paragraph (V) by inserting "or" after the comma following "...should~~

(ii) by amending paragraph (V) to read as follows:

"(V) is a member of a terrorist organization as designated
by the Secretary under section 219 or paragraph (v)(ii)
paragraph, which the alien knows or should have known is
a terrorist ~~organization~~"organization, or" ; and

(iii) by adding new paragraphs (VI) and (VII) to read as follows:

"(VI) has used his or her position of prominence within any
country to endorse or espouse terrorist activity, or ~~to~~
persuade others to support terrorist activity or a foreign
terrorist organization, in a way that the Secretary of State
has determined undermines U.S. efforts to reduce or
eliminate terrorist activities; or

(VII) (a) is the spouse or child of an alien who is
inadmissible under this section, if the activity causing the

107TH CONGRESS

1ST SESSION

H.R. _____

To combat terrorism and defend the Nation against terrorist acts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September ___, 2001

A BILL

To combat terrorism and defend the Nation against terrorist acts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This act may be cited as the "Anti-Terrorism Act of 2001."

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Construction; severability.

Sec. 4. Sense of Congress condemning discrimination against Arab and Muslim Americans.

Title I--INTELLIGENCE GATHERING

Subtitle A--Electronic Surveillance

Sec. 101. Modification of authorities relating to use of pen registers and trap and trace devices.

Sec. 102. Seizure of voice-mail messages pursuant to warrants.

Sec. 103. Authorized disclosure.

Sec. 104. Savings provision.

~~Sec. 105. Use of wiretap information from foreign governments.~~

~~Sec. 106. Interception of computer trespasser communications.~~

Sec. 107. Scope of subpoenas for records of electronic communications.

Sec. 108. Nationwide service of search warrants for electronic evidence.

Sec. 109. Clarification of scope.

Sec. 110. Emergency disclosure of electronic communications to protect life and limb.

Sec. 111. Terrorism as a predicate act for authorization of wiretaps.

Sec. 112. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse.

Subtitle B--Foreign Intelligence Surveillance and Other Information

Sec. 151. Period of orders of electronic surveillance of non-United States persons under foreign intelligence surveillance.

Sec. 152. Multi-point authority.

alien to be found inadmissible occurred within the last 5 years,";

(B) Exceptions for certain spouses and children. Clause (VII)(a) shall not apply to a spouse or child :

- (i) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or
- (ii) whom the consular officer or the Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section";

(B) in clause (ii)–

--

(i) by inserting "it had been" before "committed in the United States"; and

(ii) by replacing "or firearm" with ", firearm, or other weapon or dangerous device";

(C) by amending clause (iii) to read as follows:

"(iii) Engage in terrorist activity defined

"As used in this chapter, the term "engage in terrorist activity" means, in an individual capacity or as a member of an organization--

--

"(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, an act of terrorist activity;

"(II) to prepare or plan a terrorist activity;

"(III) to gather information on potential targets for terrorist activity;

"(IV) to solicit funds or other things of value for terrorist activity or for any terrorist organization;

"(V) to solicit any individual for membership in a terrorist organization, a government that supports terrorism, or to engage in a terrorist activity; or

"(VI) otherwise to commit an act that the actor knows, or reasonably should know, affords material support (including, without limitation, a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false

documentation or identification, weapons (including, without limitation, chemical, biological, and radiological weapons), explosives, or training), to any organization that the actor knows, or reasonably should know, is a terrorist organization, or to any individual whom the actor knows, or reasonably should know, has committed or plans to commit any terrorist activity.

"This

"Provided, however, that this clause shall not ~~be construed~~ apply to ~~encompass~~ any material support the alien afforded to an organization or individual who ~~had previously~~ has committed terrorist activity if the alien ~~establishes by clear and convincing evidence that such support was afforded only after that individual had permanently and publicly renounced and rejected the use of, and had ceased to commit or support, any terrorist~~ Secretary, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary, concludes in his sole unreviewable discretion, that this clause should not apply."; and

(D) by adding a new clause after clause (iv) to read as follows:

"(v) Terrorist organization defined

"As used in clause i(VI) and clause (iii), the term "terrorist organization" includes but is not limited to an organization—

- (i) designated under Section 219; or
- (ii) otherwise designated by the Secretary of State, in consultation with or upon the request of the Attorney General, as a terrorist organization for purposes of this section.

Any such designation shall be controlling in all administrative and judicial proceedings, including actions under 28 U.S.C. 2241, and shall be conclusive evidence that the organization is a terrorist organization. With respect to an alien who was present in the United States at the time the act was committed, such designation shall also be conclusive evidence that the alien should have known that the organization was a terrorist organization unless the alien demonstrates that he acted prior to the designation and that he should not have known that it was a terrorist organization. With respect to other aliens, such designation shall be conclusive evidence that the alien should have known that the organization was a terrorist organization unless the alien demonstrates that he acted prior to the

enactment of this clause and that he should not have known that he was supporting terrorist activity. In determining whether an organization is a terrorist organization in cases where no designation has been made, it shall not be considered that the organization also engages in nonterrorist activity."; and

(2) by adding a new subparagraph (F) as follows:

"Any

"(F) Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.";

(b) in Section 219(a) (8 U.S.C. 1189(a))--

(A) in ~~subparagraph~~-paragraph (1)(B), by inserting "or terrorism (as defined in section 140(d)(2) of the State Department Authorization Act, Public Law 100-204 (22 U.S.C. 2656f(d)(2)) or retains the capability and intent to engage in ~~terrorist~~terrorist activity or terrorism)" after "212(a)(3)(B))";

(B) in ~~subparagraph~~-paragraph (1)(C), by inserting "or terrorism" after "terrorist activity";

(C) by amending ~~subparagraph~~-paragraph (2)(A) to read as follows:

"(A) NOTICE.—

"(i) Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

"(ii) The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).";

(D) in ~~clause~~-paragraph (2)(B)(i), by replacing "subparagraph (A)" with "subparagraph (A)(ii)";

(E) in ~~subparagraph~~-paragraph (2)(C), by replacing "paragraph (2)" with "paragraph (2)(A)(i)";

(F) in ~~subparagraph~~-paragraph (3)(B), by replacing "subsection (c)" with "subsection (b)";

(G) in ~~subparagraph~~-paragraph (4)(B), by inserting after the first sentence the following:

"The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in

paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.";

(H) in ~~subparagraph~~ paragraph (6)(A),

(i) by inserting "or a redesignation made under paragraph (4)(B)" after "paragraph (1)";

(ii) in clause (i), by

(I) inserting "or redesignation" after "designation" the first time it appears; and

(II) striking "of the designation"; and

(iii) in clause (ii), by striking "of the designation";

(I) in ~~subparagraph~~ paragraph (6)(B), by

(i) replacing "through (4)" with "and (3)"; and

(ii) inserting the following new sentence at the end:

"Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.";

(J) in paragraph (7), by inserting ", or the revocation of a redesignation under paragraph (6)," after "paragraph (5) or (6)"; and

(K) in paragraph (8), by

(i) replacing "paragraph (1)(B)" with "paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)";

(ii) inserting "or an alien in a removal proceeding" after "criminal action"; and

(iii) inserting "or redesignation" before "as a defense".

~~SEC. 202. MANDATORY DETENTION OF SUSPECTED TERRORISTS.~~

~~Section 236 of the Immigration and Nationality Act is amended—~~

~~(1) by redesignating subsection (e) as (f) and by inserting before the same the following new subsection:~~

~~"(e) Detention of Terrorist Aliens.--~~

~~"(1) Custody.--The Attorney General shall take into custody any alien who is certified under paragraph (3).~~

~~"(2) Release.--The Attorney General shall maintain custody of any such alien until such alien is removed from the United States. Such custody shall be maintained irrespective of any relief from removal the alien may be eligible for or granted until the Attorney General deems such alien is no longer an alien who may be certified pursuant to paragraph (3).~~

~~"(3) Certification.--The Attorney General may certify an alien to be an alien he has reason to believe may commit, further, or facilitate acts described in section 237(a)(4)(A)(i), (A)(iii), or (B), or engage in any other activity that endangers the national security of the United States."~~

~~SEC. 203. HABEAS CORPUS AND JUDICIAL REVIEW.~~

~~Section 236 of the Immigration and Nationality Act is amended by adding the following new subsection (g):~~

~~"(g) Habeas corpus. Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, judicial review of any issue arising out of the detention of any alien under section 236(e) of this Act may be had only by petition for~~

~~writ of habeas corpus in the United States District Court for the District of Columbia, without regard to where the alien is detained."~~

SEC. 204. APPLICABILITY.

Notwithstanding any other provision of law, the amendments made by this title shall apply to all aliens, regardless of whether any such aliens entered the United States before or after the date of the enactment of this Act, or whether any relevant activity by any such aliens occurred before or after such date, and shall apply to all past, pending, or future deportation, exclusion, removal, or other immigration proceedings.

SEC. 205. MULTILATERAL CO-OPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act of 1952 is amended—

(A) by inserting ": (1)" after "except that"; and

(B) by inserting the following before the period at the end:

"and (2) the Secretary of State in his discretion and on the basis of reciprocity may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database:

(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating or punishing, acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons or illicit weapons; or

(B) with regard to any or all aliens in the database, pursuant to such conditions as he shall establish in an agreement with another government in which that government agrees to use such information and records for the purposes described in paragraph (A) or to deny visas to persons who would be inadmissible to the United States."

SEC. 206. INTER-AGENCY DATA SHARING.

(a) Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105), is amended—

(1) in the caption by adding "and Data Exchange" after "~~Officers~~" "Officers";

(2) by designating all of section 105 as subsection (a);

(3) in subsection (a) as so designated, by inserting the words "and border" after the word "internal" in the second place that it appears; and

(4) by adding new subsections (b), (c) and (d) as follows:

"(b) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service with access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency to be provided access for the purpose of determining whether a visa applicant or applicant for admission has a criminal history record indexed in any such file. Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge. The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon. Upon receipt of such updated extracts, the reviewing agency shall make corresponding updates to its database and destroy previously provided extracts. Such access to any extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of

Investigation.

"(c) The provision of the extracts mentioned in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

"(d) For purposes of administering this Section, the Department of State shall, prior to receiving access to National Crime Information Center data, promulgate final regulations to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order-

"(1) to limit the redissemination of such information;

"(2) to ensure that such information is used solely to determine whether to issue a visa to an individual;

"(3) to ensure the security, confidentiality and destruction of such information; and

"(4) to protect any privacy rights of individuals who are subjects of such information."

(b) Nothing in this section shall be construed to limit such authority as the Attorney General or the Director of the Federal Bureau of Investigation may have pursuant to other law (and procedures thereunder) to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States for the purpose of such enforcement or administration, upon terms that are consistent with such other law.

Title III--CRIMINAL JUSTICE

Subtitle A--Substantive Criminal Law

SEC. 301. NO STATUTE OF LIMITATION FOR PROSECUTING TERRORISM OFFENSES.

(a) ~~IN GENERAL~~In general.— Section 3286 of title 18, United States Code, is amended to read as follows:

"§ 3286. Terrorism offenses

~~"Notwithstanding"~~(a) Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any non-capital offense involving a violation of section 351(e), 1361, or 1751(e) of this title, or of any provision listed in section 2332b(g)(5)(B) of this title other than a provision listed in section 3295, unless the indictment is found or the information is instituted within 8 years after the offense was committed.

(b) Notwithstanding any other ~~provision of law~~, an indictment may be found or an information instituted for any Federal terrorism offense at any time without limitation."

~~(b) CONFORMING AMENDMENT. The analysis for chapter 213 of title 18, United States Code, is amended by amending the item relating to section 3286 to read as follows:~~
~~"3286. Terrorism offenses."~~

~~(e) APPLICATION for any offense listed in section 2332(b)(G)(5)(B) of this title, the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person."~~

(b) Application.--The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

SEC. 302. ALTERNATIVE MAXIMUM PENALTIES FOR TERRORISM CRIMES.

(a) Arson.— Section 355981 of title 18, United States Code, is amended in the last

paragraph by striking "not more than 20 years" and inserting "for any term of years or for life".

(b) Destruction of energy facility—Section 1366 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "ten" and inserting "twenty"; and

(2) by adding after subsection (d) the following new subsection:

~~"(e) Authorized terms of imprisonment for terrorism crimes.—A person convicted of any Federal terrorism offense may be sentenced at the end the following:~~

"(d) Whoever commits a violation of subsection (a) or (b) that results in the death of any person shall be subject to imprisonment for any term of years or for life."

(c) Destruction of national defense materials.— Section 2155(a) of title 18, ~~notwithstanding any maximum term of imprisonment specified in the law describing the offense. The authorization of imprisonment under this subsection is supplementary to, and does not limit, the availability of any other penalty authorized by the law describing the offense, including the death penalty, and does not limit the applicability of any mandatory minimum term of imprisonment, including any mandatory life term, provided by the law describing the offense."~~ United States Code, is amended—

(1) by striking "ten" and inserting "twenty"; and

(2) by striking the period after "or both" and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

(d) Sabotage of nuclear facilities or fuel.— Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) by striking "ten" each place it occurs and inserting "twenty"; and

(2) in subsection (a), by striking the period at the end and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."; and

(3) in subsection (b), by striking the period at the end and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

(e) Special aircraft jurisdiction of the United States.— Section 46505(c) of title 18, United States Code, is amended --

(1) by striking "15" and inserting "20"; and

(2) by deleting the period at the end and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

(f) Damaging or destroying an interstate gas or hazardous liquid pipeline facility.— Section 60123(b) of title 18, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

(g) Provision of material support to terrorists.— Section 2339A(a) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "20"; and

(2) by striking the period after "or both" and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

(h) Provision of material support to designated foreign terrorist organizations.— Section 2339B(a) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "20"; and

(2) by striking the period after "or both" and inserting ", and, if the death of any person results, shall be imprisoned for any term of years or for life."

SEC. 303. PENALTIES FOR TERRORIST CONSPIRACIES.

- ~~Chapter 113B~~ (a) Arson.-- Section 81 of title 18, United States Code, is amended--
(1) ~~by inserting after section 2332b the following:~~

~~"§ 2332e. Attempts and conspiracies~~

~~"Any person who~~

- ~~(1) by striking ", or attempts to set fire to or burn"; and~~
 - ~~(2) by inserting "or attempts or conspires to do such an act," before "shall be imprisoned".~~
 - (b) Killings in Federal facilities.--
 - (1) Section 930(c) of title 18, United States Code, is amended--
 - (A) by striking "or attempts to kill";
 - (B) by inserting "or attempts or conspires to do such an act," before "shall be punished"; and
 - (C) by striking "and 1113" and inserting "1113, and 1117".
 - (2) Section 1117 of title 18, United States Code, is amended by inserting "930(c)," after "section".
 - (c) Government property or contracts.--Section 1361 of title 18, United States Code, is amended by inserting "or conspires" after "attempts".
 - (d) Communications lines, stations, or systems.--Section 1362 of title 18, United States Code, is amended--
 - (1) by striking "or attempts willfully or maliciously to injure or destroy"; and
 - (2) by inserting "or attempts or conspires to do such an act," before "shall be fined".
 - (e) Buildings or property within special maritime and territorial jurisdiction.--Section 1363 of title 18, United States Code, is amended--
 - (1) by striking "or attempts to destroy or injure"; and
 - (2) by inserting "or attempts or conspires to do such an act," before "shall be fined".
 - (f) Wrecking trains.--Section 1992 of title 18, United States Code, is amended by adding at the end the following:
 - "(c) A person who conspires to commit any ~~Federal terrorism~~ offense defined in this section shall be subject to the same penalties (other than the penalty of death) as ~~those~~ the penalties prescribed for the offense, the commission of which was the object of the ~~attempt or conspiracy~~."; and
 - ~~(2) in the analysis for the chapter, by inserting after the item relating to section 2332b the following:~~
- ~~"2332e. Attempts and conspiracies:--~~
~~conspiracy."~~
- (g) Fortifications, harbor defenses, or defensive sea areas.--Section 2152 of title 18, United States Code, is amended--
 - (1) by inserting "(a) "before "Whoever" the first time it appears; and
 - (2) by adding at the end the following:
 - "(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."
 - (h) Torture.--Section 2340A of title 18, United States Codes, is amended by adding at the end the following:
 - "(c) Conspiracy.--A person who conspires to commit an offense under this section

shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy."

(i) Sabotage of nuclear facilities or fuel.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking ", or who intentionally and willfully attempts to destroy or cause physical damage to";

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(C) by inserting "or attempts or conspires to do such an act," before "shall be fined"; and

(2) in subsection (b)—

(A) by striking "or attempts to cause"; and

(B) by inserting "or attempts or conspires to do such an act," before "shall be fined"; and

(j) Interference with flight crew members and attendants.—Section 46504 of title 49, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(k) Special aircraft jurisdiction of the United States.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:

"(c) Conspiracy.—If two or more persons conspire to violate subsection (b) of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in that subsection."

(l) Damaging or destroying an interstate gas or hazardous liquid pipeline facility.—Section 60123 of title 49, United States Code, is amended—

(1) by striking ", or attempting to damage or destroy,"; and

(2) by inserting ", or attempting or conspiring to damage or destroy."

(m) Provision of material support to terrorists.—Section 2339A(a) of title 18, United States Code, is amended—

(1) by inserting "or attempts or conspires to do such an act" after "any such violation".

SEC. 304. TERRORISM CRIMES AS RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or (F)" and inserting "(F)"; and

(2) by replacing "financial gain;" with "financial gain, or (G) any act that is indictable as a Federal terrorism offense listed in section 2332b(G)(5)(B) of title 18, United States Code;";—

SEC. 305. BIOLOGICAL WEAPONS.

(a) Chapter 10 of title 18, United States Code is amended—

(1) in section 175—

(A) in subsection (b)—

(i) by striking, "section, the" and inserting "section – (1) the";

(ii) by striking "does not include" and inserting "includes";

(iii) by inserting "other than" after "system for"; and

(iv) by striking "purposes." and inserting the following: "purposes, and (2) the terms 'biological agent' and 'toxin' do not encompass any biological agent or toxin that is in its

naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.";

(B) by redesignating subsection (b) as (c); and

(C) after subsection (a), by adding a new subsection as follows:

"(b) Additional offense.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. Knowledge of whether the type or quantity of any biological agent, toxin, or delivery system is reasonably justified by a peaceful purpose is not an element of the offense.";

(2) after section 175a, by adding a new section as follows:

"§ 175b. Possession by restricted persons

"(a) No restricted person described in ~~section 922~~ subsection (g**b**) shall ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a 'select agent' in subsection (j) of section 72.6 of title 42, Code of Federal Regulations, pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), and is not exempted under subsection (h) of such section 72.6, or appendix A of part 72 of such title; except that the term "select agent" does not include any such biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source. ~~The prohibition of this section shall also apply to~~

"(b) the term 'restricted person' means an individual who—

"(1) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

"(2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) is an alien illegally or unlawfully in the United States;

"(6) has been adjudicated as a mental defective or has been committed to any mental institution;

"(7) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination (that remains in effect) that such country has repeatedly provided support for acts of international terrorism.—

~~"(b)~~

(c) As used in this section,

(1) the term 'alien' has the same meaning as in section 1010(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(2) the term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

Sec. 153. Foreign intelligence information.
Sec. 154. Foreign intelligence information sharing.
Sec. 155. Pen register and trap and trace authority.
Sec. 156. Business records.
Sec. 157. Miscellaneous national-security authorities.
Sec. 158. Disclosure of educational records.
Sec. 159. Presidential authority.
Sec. 160. Employment of translators by the federal bureau of investigation.
Sec. 161. Judges

Title II--IMMIGRATION

Sec. 201. Definitions relating to terrorism.
~~Sec. 202. Mandatory detention of suspected terrorists.~~
~~Sec. 203. Habeas corpus and judicial review.~~
~~Sec. 204. Applicability.~~
Sec. 205. Multilateral co-operation against terrorists.
Sec. 206. Inter-agency data sharing.

Title III--CRIMINAL JUSTICE

Subtitle A--Substantive Criminal Law

Sec. 301. No statute of limitation for prosecuting terrorism offenses.
Sec. 302. Alternative maximum penalties for terrorism crimes.
Sec. 303. Penalties for terrorist conspiracies.
Sec. 304. Terrorism crimes as RICO predicates.
Sec. 305. Biological weapons.
Sec. 306. Support of terrorism through expert advice or assistance.
Sec. 307. Prohibition against harboring terrorists.
Sec. 308. Post-release supervision of terrorists.
Sec. 309. Definitions.
Sec. 310. Requests for military assistance to enforce prohibition in certain emergencies.
Sec. 311. Terrorist attacks and other acts of violence against mass transportation systems.

Subtitle B--Criminal Procedure

Sec. 351. Single-jurisdiction search warrants for terrorism.
Sec. 352. Notice.
Sec. 353. DNA identification of terrorists.
Sec. 354. Grand jury matters.
~~Sec. 355. Extraterritoriality.~~
~~Sec. 356. Jurisdiction Over Crimes Committed at U.S. Facilities Abroad.~~
facilities abroad.
Sec. 357. Professional standards for government attorneys.
Sec. 358. Extension of Secret Service Jurisdiction.

Title IV--FINANCIAL INFRASTRUCTURE

Sec. 401. Laundering the proceeds of terrorism.
Sec. 402. Material support for terrorism.
Sec. 403. Assets of terrorist organizations.

"(d) Whoever knowingly violates this section shall be fined as provided in this title, imprisoned not more than ten years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized governmental activity under title V of the National Security Act of 1947."; and

(3) in the chapter analysis, by inserting after the item relating to section 175a the following:

"175b. Possession by restricted persons."

(b) The Anti-Terrorism and Effective Death Penalty Act of 1996 is amended by adding a new subsection after subsection 511 (42 U.S.C. 262 note) as follows:

"§ 511A. Regulation of biological agents posing national-security threat

"(a) IN GENERAL.--

"(1) LIST OF AGENTS POSING SECURITY THREAT.--The Secretary shall, through regulations promulgated under subsection (d), establish and maintain a list of those biological agents listed pursuant to section 511(d)(1) that he determines to be a national-security threat.

"(2.) CRITERIA.--In determining whether to include an agent on the list under paragraph (1), the Secretary shall--

"(A) consider the criteria specified in section 511(d)(1)(B)(i), and any other criteria that he determines to be appropriate; and

"(B) consult with scientific, intelligence, and military experts representing appropriate professional groups.

"(b) REGULATION OF BIOLOGICAL AGENTS POSING SECURITY THREAT.--The Secretary shall, through regulations promulgated under subsection (d), provide for the establishment and enforcement of standards and procedures governing the possession, use, and transfer of agents listed under subsection (a)(1) designed to protect public safety and national security, including safeguards to prevent access to such agents for use in domestic terrorism or international terrorism or for any other criminal purpose.

"(c) CIVIL MONEY PENALTIES.--A violation of a requirement imposed by regulation promulgated under this section shall be subject to a civil money penalty of up to \$250,000.

"(d) REGULATIONS.--The Secretary shall promulgate regulations to carry out this section. The initial regulations implementing this section shall be issued as interim final regulations.

SEC. 306. SUPPORT OF TERRORISM THROUGH EXPERT ADVICE OR ASSISTANCE.

Section 2339A of title 18, United States Code, is amended--

(1) in subsection (a)--

(A) by striking "a violaton" and all that follows through "49" and inserting "any Federal terrorism offense"; and

(B) by replacing "violation," with "offense,"; and

(2) in subsection (b), by inserting "expert" advice or assistance, including expert advice or assistance," after "training,".

SEC. 307. PROHIBITION AGAINST HARBORING TERRORISTS.

—Section 792(a) Chapter 113B of title 18, United States Code, is amended--

(1) by inserting "or a Federal terrorism offense," before "shall be fined"; and

(2) by inserting at the end: "There is extraterritorial Federal jurisdiction over any violation (including, without limitation, conspiracy or attempt) of this section. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense-

was amended by adding after section 2338 the following new section:

"Sec. 2339. Harboring or concealing terrorists.

"Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or in any other Federal judicial district as provided by law," is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), 175 (relating to biological weapons), 229 (relating to chemical weapons), 831 (relating to nuclear materials), 844(f)(2), (3) (relating to arson and bombing of government property risking or causing injury or death), 2280 (relating to violence against maritime navigation), 1366(a) (relating to destruction of energy facilities), 2332a (relating to weapons of mass destruction), or 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both."

(b) The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

"Sec. 2339. Harboring or concealing terrorists."

SEC. 308. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(j) Supervised release terms for terrorism offenses. – Notwithstanding subsection (b), the authorized terms of supervised release for any Federal terrorism offense listed in section 2332b(g)(5)(B) of this title, the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, are any term of years or life."

SEC. 309. DEFINITIONS.

(a) ~~Chapter 1~~Section 2332b(g)(5)(B) of title 18, United States Code, is amended–

~~(1) by adding after section 24 a new section as follows:~~

"§ 25. Federal terrorism offense defined

"As used in this title, the term 'Federal terrorism offense' means amended to read as follows:

"(B) is a violation of, or an attempt or conspiracy to violate–

"(ai) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175, 175b (relating to biological weapons), 229 (relating to chemical weapons), 351(a)-(d) (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault and kidnaping), 7922339 (relating to harboring terrorists), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(ef)(2)-(3) (relating to certain bombings), 844(f) or arson and bombing of government property risking or causing injury or death) or 844(i) (relating to arson and bombing of certain property), 930(c), 956 (relating to conspiracy to injure property of a foreign government), 1030(a)(1), (a)(4), (a)(5)(A), or (a)(7) (relating to protection of computers), property used in interstate commerce), 930(c) (killing or attempted killing during attack on federal facility with dangerous weapon), 956(a)(1) (conspiracy to murder, kidnap, maim in special maritime and territorial jurisdiction of the United States), 1030(a)(1), (a)(5)(A) involving damage as defined by 1030(e)(8)(B)-(D), 1114 (relating to protection killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property or contracts), 1362 (relating to destruction of communication lines, stations, or

systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751(a)-(d) (relating to Presidential and Presidential staff assassination, kidnapping, and assault and kidnapping), 1992, 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas wrecking trains), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2332c, 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture);

"(bii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284);

"(c) section 601 (relating to disclosure of identities of covert agents) of the National Security Act of 1947 (50 U.S.C. 421); or

"(d) section

"(iii) any of the following provisions of title 49: section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to interference with assault on a flight crew with a dangerous weapon), section 46505 (relating to carrying a weapon or explosive)(b)(3), (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 (relating to application of certain criminal laws to acts on aircraft) if homicide or attempted homicide is involved, or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49."; and

(2) in the chapter analysis, by inserting after the item relating to section 24 the following: "25. Federal terrorism offense defined."

(b) Section 2332b(g)(5)(B) of title 18, United States Code, is amended by striking "is a violation" and all that follows through "title 49" and inserting "is a Federal terrorism offense".

(e"; and."; and

(b) Section 2331 of title 18, United States Code, is amended –

(1) in paragraph (1)(B)--

(i) by inserting "(or to have the effect)" after "intended"; and

(ii) in clause (iii), by replacing "by assassination or kidnapping" with "(or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof)";

(2) in paragraph (3), by striking "and";

(3) in paragraph (4), by replacing the period with "; and"; and

(4) by inserting the following after paragraph (4):

"(5) the term 'domestic terrorism' means activities that –

"(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; and

"(B) appear to be intended (or to have the effect) --

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government (or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof)."; and

; and

(C) Section 2332b(f) is amended by inserting after "for" the following "a violation of

section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1751(e), 2152, or 2156 of this title, and".

SEC. 310. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.

Section 2332e of Title 18, United States Code, is amended (a) by striking "2332c" and inserting "2332a", and (b) by striking "chemical".

SECTION 311. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.

Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§1993. Terrorist attacks and other acts of violence against mass transportation systems

"(a) GENERAL PROHIBITIONS.—Whoever willfully--

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

"(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

"(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts, shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever violates this subsection under the following circumstances shall be guilty of an aggravated form of the offense: if the mass transportation vehicle or ferry was carrying a

passenger at the time of the offense or if the offense has resulted in the death of any person, then whoever committed that offense shall be fined under this title or imprisoned for a term of years or for life, or both.

(b) DEFINITIONS.-- In this section--

"(1) the term 'biological agent' has the meaning given to that term in section 178(1) of this title;

"(2) the term 'dangerous weapon' has the meaning given to that term in section 930 of this title;

"(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4) of this title;

"(4) the term 'destructive substance' has the meaning given to that term in section 31 of this title, except that--

"(A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes; and

"(B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(5) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) the term 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

"(7) the term 'State' has the meaning given to that term in section 2266 of this title, and

"(8) the term 'toxin' has the meaning given to that term in section 178(2) of this title."

(f) CONFORMING AMENDMENT.--The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

"1993. Terrorist attacks and other acts of violence against mass transportation systems."

Subtitle B--Criminal Procedure

SEC. 351. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after "executed" the following: "and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district".

SEC. 352. NOTICE.

Section 3103a of title 18, United States Code, is amended by adding at the end the following: "With respect to any issuance of a warrant or court order under this section, or any other law or rule, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed pursuant to the standards, terms, and conditions set forth in section 2705, unless otherwise expressly provided by statute."

SEC. 353. DNA IDENTIFICATION OF TERRORISTS.

Section 3(d)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(1)) is amended--

(1) by redesignating subparagraph (G) as subparagraph (H); and

(2) by inserting after subparagraph (F) a new subparagraph as follows:

~~"(G) Any Federal terrorism offense~~ offense listed in section 2332b(g)(5)(B) of title 18, United States Code.

~~"(H) Any crime of violence (as defined in section 25~~Section 16 of title 18, United States Code).".

SEC. 354. GRAND JURY MATTERS.

~~Rule~~ Rule 6(e)(3)(AC) of the Federal Rules of Criminal Procedure is ~~amended~~ amended —

- ~~(1)~~ by striking "and" at the end of subdivision (i);
- ~~(2)~~ by replacing the period at the end of subdivision (ii) with "; and"; and
- ~~(3)~~ by inserting after subdivision (ii) the following:

""(iii) federal law enforcement law enforcement, intelligence, protective, national security, or national defense national defense personnel, or any federal personnel responsible for administering the immigration laws of the United States, or and to the President any officer named in section 19 of title 3d Vice President of the United States Code, where the matters pertain to international terrorism or domestic terrorism (as defined in section 2331 of title 18, United States Code), or a matter of national security."".

SEC. 355. EXTRATERRITORIALITY.

Chapter 113B of title 18, United States Code, is amended—

- ~~(1) in the heading, by striking "Exclusive";~~
- ~~(2) by inserting "There is extraterritorial Federal jurisdiction over any Federal terrorism offense and any offense under this chapter." at the beginning; and~~
- ~~(3) in the chapter analysis, by striking "Exclusive" in the item relating to section 2338.~~

SEC. 356.

SEC. 356. JURISDICTION OVER CRIMES COMMITTED AT U.S. FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding the following at the end thereof:

"(9)- With respect to offenses committed by or against a United States national, as defined in Section 1203(c) of this title, (A) the premises of United States diplomatic, consular, military or other U.S. Government -missions or entities in foreign states, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership, and (B) residences in foreign states and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities, provided that nothing in this subsection shall be deemed to supercede any treaty or international agreement in force on the date of enactment of this subsection with which this subsection conflicts.

This paragraph does not apply with respect to an offense committed by a person

described in Section 3261(a) of this title. Nothing in this paragraph shall be deemed to supercede any treaty or international agreement in force with which this paragraph conflicts.

SEC. 357. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.

(a) Professional Standards for Government Attorneys.-Section 530B of title 28, United States Code, is amended to read as follows:

``§530B. Professional Standards for Government Attorneys

``(a) Definitions.-In this section:

``(1) Government attorney.-The term 'Government attorney'-

``(A) means the Attorney General; the Deputy Attorney General; the Solicitor General; the Associate Attorney General; the head of, and any attorney employed in, any division, office, board, bureau, component, or agency of the Department of Justice; any United States Attorney; any Assistant United States Attorney; any Special Assistant to the Attorney General or Special Attorney appointed under section 515; any Special Assistant United States Attorney appointed under section 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; any other attorney employed by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States; any independent counsel, or employee of such counsel, appointed under chapter 40; and any outside special counsel, or employee of such counsel, as may be duly appointed by the Attorney General; and

``(B) does not include any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings.

``(2) State.-The term 'State' includes a Territory and the District of Columbia.

``(b) Choice of Law.-Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional responsibility that apply to a Government attorney with respect to the attorney's work for the Government shall be-

``(1) for conduct in connection with a proceeding in or before a court, or conduct reasonably intended to lead to a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of the court in or before which the proceeding is brought or is intended to be brought;

"(2) for conduct in connection with a grand jury proceeding, or conduct reasonably intended to lead to a grand jury proceeding, the standards of professional responsibility established by the rules and decisions of the court under whose authority the grand jury was or will be empaneled; and

``(3) for all other conduct, the standards of professional responsibility established by the rules and decisions of the Federal district court for the judicial district in which the attorney principally performs his or her official duties.

``(c) Licensure.-A Government attorney (except foreign counsel employed in special cases)-

``(1) shall be duly licensed and authorized to practice as an attorney under the laws of a State; and

``(2) shall not be required to be a member of the bar of any particular State.

``(d) Covert Activities.-Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization,

concurrence, direction, or supervision on conducting covert activities, and participate in such activities, even though such activities may require the use of deceit or misrepresentation.

“(e) Admissibility of Evidence.-No violation of any disciplinary, ethical, or professional conduct rule shall be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceedings.

“(f) Rulemaking Authority.-The Attorney General shall make and amend rules of the Department of Justice to ensure compliance with this section.”.

(b) Technical and Conforming Amendment.-The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking “Ethical standards for attorneys for the Government” and inserting “Professional standards for Government attorneys”.

(c) Reports.-

(1) Uniform rule.-In order to encourage the Supreme Court to prescribe, under chapter 131 of title 28, United States Code, a uniform national rule for Government attorneys with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for such a uniform national rule.

(2) Actual or potential conflicts.-Not later than 2 years after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include-

(A) a review of any areas of actual or potential conflict between specific Federal duties related to the investigation and prosecution of violations of Federal law and the regulation of Government attorneys (as that term is defined in section 530B of title 28, United States Code, as amended by this Act) by existing standards of professional responsibility; and

(B) recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for additional rules governing attorney conduct to address any areas of actual or potential conflict identified pursuant to the review under subparagraph (A).

(3) Report considerations.-In carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall take into consideration-

(A) the needs and circumstances of multiforum and multijurisdictional litigation;

(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

SEC. 358. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) Concurrent Jurisdiction Under 18 U.S.C. 1030.-Section 1030(d) of title 18, United States Code, is amended to read as follows:

“(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section.

“(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section

11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.

"(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General."

(b) Reauthorization of Jurisdiction under 18 U.S.C. 1344.—Section 3056(b)(3) of title 18, United States Code, is amended by striking "credit and debit card frauds, and false identification documents or devices" and inserting "access devices frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution".

Title IV--FINANCIAL INFRASTRUCTURE

SEC. 401. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

SEC. 402. MATERIAL SUPPORT FOR TERRORISM.

Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law." at the end; and

(2) in subsection (b), by replacing "or other financial securities" with "or monetary instruments or financial securities"; and

(3) in subsection (a), by striking ", within the United States,".

SEC. 403. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended after paragraph (F) by adding the following new paragraph:

"(G) All assets, foreign or domestic--

"(i) of any ~~person~~ individual, entity or organization engaged in planning or perpetrating any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

"(ii) acquired or maintained by any person with the intent and for the purpose of supporting, planning, conducting, or concealing an act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

"(iii) derived from, involved in, or used or intended to be used to commit any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.".

SEC. 404. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of title IX of Public Law 106-387 shall be understood to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 405. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL-SECURITY INVESTIGATIONS.

Section 6103 of title 26, United States Code, is amended –

(1) in paragraph (i)(3), by adding a new subparagraph after subparagraph (B) as follows:
"(C) Response to Terrorist Incidents and Threats.— The Secretary may disclose returns or return information to the extent necessary to assist officers or employees of any Federal agency in the conduct of their duties on behalf of such agency and who are involved in the response to or the investigation of terrorist incidents, threats, or activities; the Federal agency may redisclose relevant information received pursuant to this paragraph to State or local law-enforcement officials who are part of a joint investigative team with the Federal agency.";

(2) in subsection (i), by adding a new paragraph after paragraph (6), as follows:

"(7) Information Concerning Terrorist Activities.—~~The~~—(a) The Secretary may disclose returns and return information, upon a particularized request indicating that there is a reasonable basis to believe that the return or return information is or may be relevant to terrorist activity, signed personally by (i) an Assistant Attorney General or person of higher rank in the Department of Justice, or (ii) a person who is responsible for the collection or analysis of intelligence and counterintelligence information concerning terrorist organizations and activities and who is also an official of the Department of Treasury who is appointed by the President with the advice and consent of the Senate or a member of the Senior Executive Service. Information disclosed under this paragraph may be disclosed only to employees of the Department of Justice and the Department of the Treasury personally and directly engaged in (and solely for their use in) the collection or analysis of intelligence and counterintelligence information concerning terrorist organizations or activities.

(b) The Secretary may disclose returns and return information, upon a particularized request indicating that there is a reasonable basis to believe that the return or return information is or may be relevant to terrorist activity, signed personally by (i) an Assistant Attorney General or person of higher rank in the Department of Justice, or (ii) a person who is responsible for the collection or analysis of intelligence and counterintelligence information concerning terrorist organizations and activities and who is also an official of the Department of Treasury who is appointed by the President with the advice and consent of the Senate. Information disclosed under this paragraph may be disclosed only to other United States intelligence agencies when relevant to their analysis of intelligence and counterintelligence information concerning terrorist organizations and activities, and thereafter the information so disclosed may be used by such agencies only in accordance with Executive Order 12333 (or successor order)."; and

(3) by adding a new paragraph (a)(11) as follows:

"The term 'terrorism' means international terrorism or domestic terrorism as those terms are defined in section 2331 of Title 18, United States Code."

~~SECTION 406. RESTRAINT OF PROPERTY SUBJECT TO CRIMINAL FORFEITURE.~~

~~Section 413(e)(1) of the Controlled Substances Act (21 U.S.C. § 853(e)(1)) is amended by inserting "or (p)" after "(a)".~~

SECTION 407. TRADE SANCTIONS.

The Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of H.R. 5426, as enacted by section 1(a) of Public Law 106-387) is amended—

(1) in section 902(6)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(C) by adding at the end thereof the following new subparagraph:

Sec. 404. Technical clarification relating to provision of material support to terrorism.
Sec. 405. Disclosure of tax information in terrorism and national-security investigations.
~~Sec. 406. Restraint of property subject to criminal forfeiture.~~
Sec. 407. Trade sanctions.
Sec. 408. Extraterritorial jurisdiction.

TITLE V--EMERGENCY AUTHORIZATIONS

Subtitle A - General

Sec. 501. Office of Justice Programs.
Sec. 502. Attorney General's authority to pay rewards.
Sec. 503. Limited authority to pay overtime.
Sec. 504. Secretary of State's authority to pay rewards.
Sec. 505. ~~Assistance to countries cooperating against international terrorism.~~

Public safety officer benefits.
Sec. 506. Payment increase.
Sec. 507. Increased funding for the technical support center at the Federal Bureau of Investigation.
Sec. 508. Counterterrorism Fund.
Sec. 509. Expedited payment for public safety officers involved in the prevention, investigation, rescue or recovery efforts related to a terrorist attack.
Sec. 510. Technical correction with respect to expedited payments for heroic public safety officers.

Subtitle B – Amendments to the Crime Victims Act of 1984

Sec. 551. Crime Victims Fund.
Sec. 552. Crime Victim Compensation.
Sec. 553. Crime Victim Assistance.
Sec. 554. Victims of Terrorism.

Title VI--PROTECTING THE NORTHERN BORDER

Sec. 601. Ensuring adequate personnel on the Northern Border.
Sec. 602. Northern Border personnel.
Sec. 603. Access by the Department of State and the INS to certain identifying information in the criminal history records of visa applicants and applicants for admission to the United States.
Sec. 604. Limited authority to pay overtime.

SEC. 3. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

SEC. 4. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB

"(C) a statute, executive order, or regulation imposing such a prohibition, restriction, or condition with respect to a foreign entity designated by the United States in connection with terrorism, narcotics trafficking, or the proliferation of missiles or weapons of mass destruction.";

(2) in section 902(7)--

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) a statute, executive order, or regulation imposing such a prohibition, restriction, or condition with respect to a foreign entity designated by the United States in connection with terrorism, narcotics trafficking, or the proliferation of missiles or weapons of mass destruction.";

(3) by amending section 904(2)(C) to read as follows:

"(C) used to facilitate the design, development, or production of missiles or weapons of mass destruction.";

(4) in section 906(a)(1)--

(A) by inserting ", the Taliban or the territory of Afghanistan controlled by the Taliban," after "Cuba"; and

(B) by inserting ", or in the territory of Afghanistan controlled by the Taliban," after "within such country"; and

(5) in section 906(a)(2), by inserting ", or to any other entity in Syria or North Korea" after "Korea".

SECTION 408. EXTRATERRITORIAL JURISDICTION.

Section 1029 of Title 18, United States Code, is amended by adding at the end a new paragraph (g) as follows:

"(g) Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsections (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment and forfeiture enumerated in this title if--

(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

(2) the person transports, delivers, conveys, transfers to or through, or otherwise stores, secretes, or holds within the jurisdiction of the United States, any article used to assist in the commission of the offense or the proceeds of such offense or property derived therefrom."

Title V--EMERGENCY AUTHORIZATIONS

SUBTITLE A - GENERAL

SEC. 501. OFFICE OF JUSTICE PROGRAMS.

(a) ~~In connection with~~ Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including, without limitation, any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, ~~in the United States, amounts transferred to the Crime Victims Fund from the Executive Office of the President or funds appropriated to the President~~ September 11, 2001, shall not be subject to (and shall not be taken into account in carrying out) any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding section 619 of the Departments

of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002, and notwithstanding section 1402(d)(5)(A) of the Victims of Crime Act of 1984.

(b) Section 112 of title I of section 101(b) of division A of Public Law 105-277 and section 108(a) of appendix A of Public Law 106-113 (113 Stat. 1501A-20) are amended— (1) after "that Office", each place it occurs, by inserting "(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90-351)"; and (2) by inserting "functions, including any" after "all".

~~(c) Section 1404B(b) of the Victim Compensation and Assistance Act is amended after "programs" by inserting ", to victim service organizations, to public agencies (including Federal, State, or local governments), and to non-governmental organizations that provide assistance to victims of crime,".~~

~~(d) Section 1 of H.R. 2882 of the 107th Congress as enacted is amended in section 1(a) by striking ", (d)," by inserting "(containing sufficient information to permit a proper distribution pursuant to such section 1201(a), where relevant)" before "by a", and by replacing all the matter after "certification," with "benefits under such section 1201(a) and the first year's benefits under such section 1201(b)."~~

SEC. 502. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS.

~~— No reward offered~~

(a) Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist attacks, in accordance with the procedures and regulations established or issued by the Attorney General ~~in connection with hijackings or terrorist acts.~~

(b) In making rewards under this section —

(1) no such reward of \$250,000 or more may be made or offered without the personal approval of the Attorney General or the President;

(2) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under paragraph (1);

(3) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) may provide the Attorney General with funds for the payment of rewards;

(4) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review; and

(5) no such reward shall be subject to any per- or aggregate reward spending limitation established by law, unless the same should expressly refer to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation."

SEC. 503. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs" and "Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106-553 (114 Stat. 2762A-58 to 2762A-59)) is amended by striking the following

each place it occurs: "*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2001:".

SEC. 504. SECRETARY OF STATE'S AUTHORITY TO PAY REWARDS.

Section 36 of the State Department Basic Authorities Act of 1956 (~~P~~-Public Law 885, August 1, 1956; 22 USC U.S.C. 2708) is amended---

(1) in ~~section~~subsection (b)---

--

(aA) in paragraph (4), by ~~deleting~~striking "or" at the end of;

(B) in paragraph (45);

(b), by ~~adding~~striking the following period at the end of subsection (5) "~~including~~and inserting ",including

by dismantling an organization in whole or significant part; or"; and

(eC) by adding at the end the following new paragraph ~~(6)~~ as follows:

"the "(6) The identification or location of an individual who holds a key leadership position in a terrorist organization."--

(2) in ~~section~~subsection (d), by striking paragraphs (2) and (3) and renumbering paragraph (4) accordingly; and

(3) in ~~section~~subsection (e)(1), by striking "\$5,000,000" and inserting in lieu thereof "\$10,000,000, except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is important to the national interests necessary to combat terrorism or defend the Nation against terrorist acts." after "\$5,000,000".

SEC. 505. PUBLIC SAFETY OFFICER BENEFITS.

(a) Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3796) is amended by striking "\$100,000" and inserting "\$250,000".

(b) The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

SEC. 506. PAYMENT INCREASE.

(a) Payments.--Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking "\$100,000" and inserting "\$250,000".

(b) Applicability.--The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

SEC. 507. 07. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, \$200,000,000 for fiscal years 2002, 2003, and 2004.

SEC. 508. COUNTERTERRORISM FUND.

(a) Establishment; Availability.--There is hereby established in the Treasury of the United States:--

~~SEC. 505. ASSISTANCE TO COUNTRIES CO-OPERATING AGAINST INTERNATIONAL TERRORISM.~~

~~(a) The President may provide assistance or take any other action, sell or authorize the export of defense articles or defense services, or issue credit, credit guarantees or extend other financial assistance, under the Foreign Assistance Act of 1961, the Arms Export Control Act, the Export-Import Bank Act of 1945, or other provisions of law, notwithstanding any other provision of law, if to do so is important to United States efforts to respond to, deter or prevent acts of a separate fund to be known as the "Counterterrorism Fund", amounts in which shall remain available without fiscal year limitation—~~

~~(1) to reimburse any Department of Justice component for any costs incurred in connection with—~~

~~(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as a result of any domestic or international terrorist incident;~~

~~(B) providing support to counter, investigate, or prosecute domestic or international terrorism or other actions threatening international peace and security. The authority of this paragraph may be used in Fiscal Years 2002 through 2007.~~

~~(b) Section 571 of the Foreign Assistance Act of 1961 is amended as follows:—~~

~~(1) after "law," strike "that restricts assistance to, including, without limitation, paying rewards in connection with these activities; and~~

~~(C) conducting terrorism threat assessments of Federal agencies and their facilities; and their facilities; and~~

~~(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries, other than sections 502B and 620A of this Act,";~~

~~(2) after "assistance", strike "to foreign countries"; and~~

~~(3) after "ability of", strike "their".~~

~~(c) Section 582 of the Foreign Assistance Act of 1961 is amended as follows: after "law", delete "other than section 502B or 620A of this Act,".~~
individuals accused of acts of terrorism that violate the laws of the United States.

(b) No effect on appropriations. —The amendment made by subsection (a) shall not affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

SEC. 509. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.

(a) In general.—Notwithstanding the limitations of subsection (b) of section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 2796, 2896a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) Definitions.—For purposes of this section , the terms "catastrophic injury", "public agency", and "public safety officer" have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 37916b).

Sec. 510. TECHNICAL CORRECTION WITH RESPECT TO EXPEDITED PAYMENTS FOR HEROIC PUBLIC SAFETY OFFICERS.

Section 1 of Public Law 107-37 (an Act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001) is amended by--

- (1) inserting before "by a" the following: "(containing identification of all eligible payees of benefits pursuant to section 1201)";
- (2) inserting " producing permanent and total disability" after "suffered a catastrophic injury"; and
- (3) striking "1201(a)" and inserting "1201".

Subtitle B—Amendments to the Victims of Crime Act of 1984
SEC. 551. CRIME VICTIMS FUND.

(a) Deposit of gifts in the fund.—SECTION 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended--

- (1) in paragraph (3), by striking "and' at the end;
- (2) in paragraph (4), by striking the period at the end and inserting ";and"; and
- (3) by adding at the end the following:
"(5) any gifts, bequests, or donations to the Fund from private entities or individuals."

(b) Formula for Fund Distributions.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

"(c) Fund distribution; retention of sums of fund; availability of expenditure without fiscal year limitation. —

"(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the Previous fiscal year.

"(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation."

(c) Allocation of funds for costs and grants.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended--

- (1) by striking "deposited in" and inserting "to be distributed from";
- (2) in subparagraph (A), by striking "48.5" and inserting "47.5"; and
- (3) in subparagraph (B), by striking "48.5" and inserting "47.5"; and
- (4) in subparagraph (C), by striking "3" and inserting "5".

SEC. 552. CRIME VICTIM COMPENSATION.

(a) Allocation of funds for compensation and assistance.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended--

in each of paragraphs (1) and (2), by striking "40" and inserting "60".

(b) Location of compensable crime.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or".

(c) Relationship of crime victim compensation to means-tested federal benefit programs.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

"(c) Exclusion from income resources, and assets for purposes of means tests. —

Notwithstanding any other law, for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives

through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime."

(d) Definitions of "compensable crime" and "state". —Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended--

(1) in paragraph (3), by striking "crimes involving terrorism,"; and

(2) in paragraph (4), by inserting "the United States Virgin Islands," after "the Commonwealth of Puerto Rico,".

(e) Relationship of eligible crime victim compensation programs to the September 11th victim compensation fund.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting "including the September 11th Victim Compensation Fund (established under title IV of Public Law 107-42)," after "Federal program,".

SEC. 553. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS OF THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1)."

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended--

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ";and"; and

(3) by adding at the end the following:

"(F) does not discriminate against victims because they oppose the death penalty of disagree with the way the State is prosecuting the criminal case."

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section

1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ",program evaluation, compliance efforts," after "demonstration projects".

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended--

(1) in subparagraph (A), by striking "not more than" and inserting "not less than"; and

(2) in subparagraph (B), by striking "not less than" and inserting "not more than".

(e) FELLOWSHIPS AND CLINICAL INTERNSHIP.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended--

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ";and";

and

(3) by adding at the end the following:

"(E) use funds made available to the Director under this subsection--

(i) for fellowships and clinical internships; and

(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting in demonstrations, surveys, and special projects."

SEC. 554. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

"(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States."

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking "who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: "The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986."

Title VI—PROTECTING THE NORTHERN BORDER

SEC. 601. ENSURING ADEQUATE PERSONNEL ON THE NORTHERN BORDER.

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service to address the national security needs of the United States on the Northern border.

SEC. 602. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law) in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law) at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number authorized on the date of enactment of this Act) at ports of entry in each State along the Northern Border; and

(4) an additional \$50,000,000 each to the Immigration and Naturalization Service and the United States Customs Service for purposes of making improvements in technology for monitoring the Northern Border and acquiring additional equipment at the Northern Border.

SEC. 603. ACCESS BY THE DEPARTMENT OF STATE AND THE INS TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting ";DATA EXCHANGE" after "SECURITY OFFICERS";

(2) by inserting "(a)" after "SEC. 105."

(3) in subsection (a), by inserting "and border" after "internal" the second place it appears; and

(4) by adding at the end the following:

"(b)(1) Upon the promulgation of final regulations under subsection (d), the Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purposes of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

"(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

"(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

"(4) Access to an extract does not entitle the Department of State or the Service to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State or the Service shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

"(c) The provision of the extracts described in subsection (b) may be reconsidered by the

Attorney General and the receiving agency upon the development and deployment of an more cost-effective and efficient means of sharing information.

"(d) For purposes of administering this section, the Department of State and the Service shall, prior to receiving access to the NCIC data but not later than 18 months after the date of enactment of this subsection, promulgate final regulations—

"(1) to implement procedures for the taking of fingerprints; and

"(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

"(A) to limit the redissemination of such information;

"(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

"(C) to ensure the security, confidentiality, and destruction of such information; and

"(D) to protect any privacy rights of individuals who are subjects of such information."

(b) REPORTING REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section.

(c) STATUTORY CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105–251; 42 U.S.C. 14611–16) and section 552a of title 5, United States Code.

SEC. 604. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement and Border Affairs" and "Immigration and Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration and Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: "*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2001:".

AND MUSLIM AMERICANS.

(a) **FINDINGS.**—Congress finds the following:

(1) Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American.

(2) The acts of violence that have been taken against Arab and Muslim Americans since the September 11, 2001, attacks against the United States should be and are condemned by all Americans who value freedom.

(3) The concept of individual responsibility for wrongdoing is sacrosanct in American society, and applies equally to all religious, racial, and ethnic groups.

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.

(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

(b) **SENSE OF CONGRESS.**— It is the sense of Congress that--

(1) the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety;

(2) any acts of violence or discrimination against any Americans be condemned; and

(3) the Nation is called upon to recognize the patriotism of fellow citizens from all ethnic, racial, and religious backgrounds.

TITLE I--INTELLIGENCE GATHERING

Subtitle A--Electronic Surveillance

SEC. 101. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) ~~GENERAL LIMITATION ON~~General Limitation on ~~USE BY GOVERNMENTAL AGENCIES~~—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting "or trap and trace device" after "~~pen~~ pen register";

(2) by inserting "`", routing, addressing," after "~~dialing~~ dialing"; ~~and~~

(3) by striking "~~call~~ call processing" and inserting "the the processing and transmitting of wire and electronic communications".

(b) ~~ISSUANCE OF ORDERS~~—

Issuance of Orders.—

(1) ~~IN GENERAL~~—Subsection (a) of section 3123 of title 18, United States Code, is amended to read as follows:

"(a) ~~IN GENERAL~~—n General.—

(1) Upon an application made under section 3122(a)(1), the court shall enter an ~~ex-~~~~parte~~ order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service thereof, apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order.

" (2) Upon an application made under section 3122(a)(2), the court shall enter an ~~ex-~~~~parte~~ order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law-enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.""

~~(2) CONTENTS OF ORDER—Subsection~~Contents of order.—Subsection (b)(1) of section 3123 of title 18, United States Code, is amended—

-
(A) in subparagraph (A)--

(i) by inserting "or other facility" after "telephone line"; and
and

(ii) by inserting before the semicolon at the end "or applied"; and
and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and"

~~(3) NON-DISCLOSURE REQUIREMENTS—Subsection~~Non-disclosure requirements.—
Subsection (d)(2) of section 3123 of title 18, United States Code, is amended—

-

(A) by inserting "or other facility" after "the line"; and
and

(B) by striking " , or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) DEFINITIONS—
Definitions.—

~~(1) COURT OF COMPETENT JURISDICTION-Paragraph~~Court of competent jurisdiction.-Paragraph (2) of section 3127 of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or"

~~(2) PEN REGISTER-Paragraph~~pen register.-Paragraph (3) of section 3127 of title 18, United States Code, is amended-

(A) by striking "electronic`` electronic or other impulses"" and all that follows through "is``is attached"" and inserting "dialing`` dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted"; and
transmitted, provided however, that such information shall not include the contents of any communication"; and

(B) by inserting "or`` or process"" after "device""`` device" each place it appears.

~~(3) TRAP AND TRACE DEVICE-Paragraph~~Trap and trace device.-Paragraph (4) of section 3127 of title 18, United States Code, is amended-

(A) by inserting "or`` or process"" after "a`` a device""; and

(B) by striking "of`` of an instrument"" and all that follows through the end and inserting "or`` or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication;";
provided however, that such information shall not include the contents of any communication;".

(4) Paragraph (1) of section 3127 of title 18, United States Code, is amended by striking "and" before "electronic communications service" and inserting ", and `contents"" after "electronic communications service."

SEC. 102. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended-

(1) in section 2510 -

(A) in subsection (1), by striking all the words after "commerce"; and

(B) in subsection (14), by inserting "wire or" after "transmission of"; and

(2) in section 2703(a) and (b)--

(A) by replacing "Contents of electronic" with "Contents of wire or electronic" every place it occurs;

- (B) by replacing "contents of an electronic" with "contents of a wire or electronic" every place it occurs; and
- (C) by replacing "any electronic" with "any wire or electronic" every place it occurs; and
- (D) by replacing "communication," with "communication (including any electronic storage of such wire communication),".

SEC. 103. AUTHORIZED DISCLOSURE.

~~Section 2510~~Section 2510(7) of title 18, United States Code, is amended by adding ", and (for purposes only of section 2517) any officer or employee of the executive branch of the federal government"section 2517), any federal law-enforcement, intelligence, national security, national defense, protective, or immigration personnel, and the President and Vice President of the United States" after "such offenses".offenses."

SEC. 104. SAVINGS PROVISION.

Section 2511(2)(f) of title 18, United States Code, is amended—

- (1) by replacing "or chapter 121" with ", chapter 121, or chapter 206"; and
- (2) by replacing "wire and oral" with "wire, oral, and electronic".

SEC. 105. USE OF WIRETAP INFORMATION FROM FOREIGN GOVERNMENTS.

~~Chapter 119 of title 18, United States Code, is amended—~~

- ~~(1) by adding a new section 2514, as follows:~~

~~"2514. Use of extraterritorial interceptions by foreign governments.~~

~~"(1) Information lawfully received under United States law from the interception of wire, oral or electronic communications outside the United States by a foreign government or a person acting at the direction thereof—~~

~~"(a) without the knowing participation of any officer or employee of the United States or person acting at the direction thereof; or~~

~~"(b) with such participation, but under circumstances in which such interception was lawful under the laws of the nation in which occurred,~~
~~shall be admissible, and the United States may disclose the information (or derivative information therefrom) in any proceeding held under the authority of the United States or any state or political subdivision thereof.~~

~~"(2) Information described in subsection (1) the government alleges could affect the national security shall have no less protection than that afforded by law to confidential informants."~~

~~"(3) Nothing in this section shall be construed to impair or otherwise affect the authority of the Director of Central Intelligence under the National Security Act of 1947 to protect intelligence sources and methods from unauthorized disclosure."~~

- ~~(2) in the chapter analysis, by inserting before the item relating to section 2515 the following:~~

~~"2514. Use of extraterritorial interceptions by foreign governments."~~

SEC. 106. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

~~Chapter~~ Chapter 119 of title 18, United States Code, is amended—

- (1) in section 2510—

(A) in subsection- (17), by striking "and"" and" at the end;

(B) in subsection- (18), by replacing the period with a semi-colon; and

(C) by adding after subsection- (18), two new subsections as follows:

"(19) ~~'protected'~~ protected computer" has the meaning set forth in section 1030;
and

"(20) ~~'computer'~~ computer trespasser" means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer."; and
- A person shall not be considered a computer trespasser if the person is known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer."; and

(2) in section 2511(2), by adding after paragraph- (h) at the following new paragraph as follows:

:

"(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser, if—

-

"(Ai) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

"(Bii) the person acting under color of law is lawfully engaged in an investigation;

"(Giii) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

"(Div) such interception does not acquire communications other than those transmitted to or from the computer trespasser.""

SEC. 107. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(1)(C) of title 18, United States Code, is amended--

(1) by replacing "name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service" with the following:

"(i) name;

"(ii) address;

"(iii) local and long distance telephone connection records, or records of session times and durations;

"(iv) length of service (including start date) and types of service utilized;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 10/2/2001 4:57:07 AM
Subject: : House bill comments

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-OCT-2001 08:57:07.00
SUBJECT:: House bill comments
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Please give me a list of all provisions that you find bad and that are worse than current Senate bill as soon as possible so that I can work with Apperson/Viet in preparing for the mark-up.
I do not think that the Title 3 provisions fit in that category; indeed, I think they are very good. On the conspiracy provision, please note subsection (b), which references a list of crimes that do not include the intent/motive requirement. The bottom line is that the intent/motive requirement matters only when prosecutors want to seek an alternative maximum sentence for crimes such as computer crimes that otherwise have lesser maximums; prosecutors need not be charge the terrorism crime if they do not wish. DOJ had no persuasive theory (indeed, no theory at all) why that would be worse than current law. And it's much better than current law. That's why it's there.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>
CC: viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>
Sent: 10/2/2001 5:56:43 AM
Subject: : Position on House anti-terrorism bill/remaining issues

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-OCT-2001 09:56:43.00

SUBJECT:: Position on House anti-terrorism bill/remaining issues

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

I have conferred with Viet. Our preliminary position on the House bill (pending any further comments from Courtney this afternoon, and she has indicated she may well have some) is that it is a good package given the circumstances, but that it has three primary problems that we should try to have eliminated in the House-Senate pre-conference or otherwise: (i) the sunset provision in Section 160, although that is apparently a condition of Conyers' agreement to Title I; (ii) Section 111, although that incorporates part of a provision that passed House Judiciary 20-1 a year ago, but that we nonetheless believe is not a good provision; and (iii) Sections 201 and 202, which, inter alia, define foreign terrorist organization in a way that neither DOJ nor State is entirely satisfied with.

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/2/2001 2:42:50 PM
Subject: : Re: LRM IKK112 - - TREASURY Testimony on Proposed Legislation to Tighten Money Laundering Laws.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-OCT-2001 18:42:50.00

SUBJECT:: Re: LRM IKK112 - - TREASURY Testimony on Proposed Legislation to Tighten Money Laundering Laws.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Allison L. Riepenhoff/WHO/EOP on
10/02/2001 06:42 PM -----

Alan B. Rhinesmith
10/02/2001 06:40:23 PM
Record Type: Record

To: Irene Kho/OMB/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Re: LRM IKK112 - - TREASURY Testimony on Proposed
Legislation to Tighten Money Laundering Laws.

O'Neill's statement looks okay; Gurule's is obviously stale and should at least be updated; they are both consistent with Administration policy as far as I can tell and avoid making new resource commitments.

ar
Message Copied

To:

justice.lrm@usdoj.gov

statelrm@state.gov

ocaone@aol.com @ inet

National Security Council LRM Recipients

opbre_e-mail_-_editors@oa.eop.gov

andrew d. hire/omb/eop@eop

mark j. schwartz/omb/eop@eop

k. philippa malmgren/opd/eop@eop

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d. marcus sumerlin/opd/eop@eop

douglas j. holtz-eakin/cea/eop@eop

diana e. furchtgott-roth/cea/eop@eop

edward h. chase/omb/eop@eop

david j. haun/omb/eop@eop

joanne chow/omb/eop@eop

anne gable/omb/eop@eop

shannon richter/omb/eop@eop

mark r. seastrom/omb/eop@eop

suzanne l. white/omb/eop@eop

lisa b. fairhall/omb/eop@eop

daniel laplaca/omb/eop@eop

WHGC LRM

steven d. aitken/omb/eop@eop

danielle m. simonetta/omb/eop@eop

james boden/omb/eop@eop

glenn r. schlarman/omb/eop@eop

brooke dickson/omb/eop@eop

REV_00132646

diana l. schacht/opd/eop@eop
ansley c. tillman/opd/eop@eop
janis a. coughlin/omb/eop@eop
lloyd a. blanchard/omb/eop@eop
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cesar conda/ovp/eop@eop
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neil s. patel/ovp/eop@eop
andrew abrams/omb/eop@eop
amy c. smith/omb/eop@eop
justine f. rodriguez/omb/eop@eop
robert f. mahaffie/omb/eop@eop
ursula s. gillis/omb/eop@eop
karen l. zent/who/eop@eop
ruben s. barrales/who/eop@eop
robert f. rzemieniewski/nsc/eop@eop
james m. kulikowski/omb/eop@eop
john r. strachan/omb/eop@eop
richard e. green/omb/eop@eop
james j. jukes/omb/eop@eop
randall s. kroszner/cea/eop@eop
michael k. berkholtz/omb/eop@eop
saikrishna b. prakash/omb/eop@eop
courtney s. elwood/who/eop@eop
eric c. pelletier/omb/eop@eop
lisa gordon-hagerty/nsc/eop@eop
anthony wier/omb/eop@eop
edward ingles/who/eop@eop
albert hawkins/who/eop@eop
NEC LRM
john m. ackerly/opd/eop@eop
brett s. looper/omb/eop@eop
brian c. conklin/who/eop@eop
john w. howard/who/eop@eop
jill g. crann/omb/eop@eop

From: CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/2/2001 11:42:06 AM
Subject: : Any Comments?? LRM LJM38 - - TREASURY; FEDERAL RESERVE BOARD Report on Financial Contract Netting
Attachments: P_K1GZ3004_WHO.TXT_1.doc; P_K1GZ3004_WHO.TXT_2.tiff

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-OCT-2001 15:42:06.00

SUBJECT:: Any Comments?? LRM LJM38 - - TREASURY; FEDERAL RESERVE BOARD Report on Financial Contract Netting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Just making sure that you have seen this....

----- Forwarded by A. Morgan Middlemas/WHO/EOP on
10/02/2001 03:41 PM -----

From: Lisa J. Macecevic on 10/02/2001 03:38:23 PM
Record Type: Record

To: K. Philippa Malmgren/OPD/EOP@EOP, Diana E.
Furchtgott-Roth/CEA/EOP@EOP, Brian C. Conklin/WHO/EOP@EOP, WHGC LRM
cc:
Subject: Any Comments?? LRM LJM38 - - TREASURY; FEDERAL RESERVE
BOARD Report on Financial Contract Netting

Hi all. The Secretary of the Treasury I understand is anxious to send
this letter out. Are you OK with it? Is there anyone else you feel must
sign off on this? Justice has said OK to it. Thanks!

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
10/02/2001 03:38 PM -----

From: Lisa J. Macecevic on 09/28/2001 05:21:37 PM
Record Type: Record

To: usdaobpaleg@obpa.usda.gov @ inet, usdaocrleg@obpa.usda.gov @
inet, justice.lrm@usdoj.gov @ inet, CLRM@doc.gov @ inet
cc: See the distribution list at the bottom of this message
Subject: LRM LJM38 - - TREASURY; FEDERAL RESERVE BOARD Report on
Financial Contract Netting

Attached is a draft letter from the Secretary of the Treasury and the
Chairman of the Federal Reserve for your review. Please return any
comments by 2:00 PM Tuesday, October 2nd. (Also attached is the request
for the letter from several members of the House Financial Services
Committee.) Thank you.

- treas0033a.tif

LRM ID: LJM38
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Friday, September 28, 2001

LEGISLATIVE REFERRAL MEMORANDUM

REV_00132654

TO: Legislative Liaison Officer - See Distribution
below
FROM: Richard E. Green (for) Assistant Director for
Legislative Reference
OMB CONTACT: Lisa J. Macecevic
PHONE: (202)395-1092 FAX: (202)395-3109
SUBJECT: TREASURY; FEDERAL RESERVE BOARD Report on Financial
Contract Netting

DEADLINE: 2:00 P.M. Tuesday, October 2, 2001

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Attached is a draft letter from the Secretary of the Treasury and the Chairman of the Federal Reserve for your review. Please return any comments by 2:00 PM Tuesday, October 2nd. Thank you.

DISTRIBUTION LIST

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Eric C. Pelletier
Brett S. Loper
Brian C. Conklin
LRM ID: LJM38 SUBJECT: TREASURY; FEDERAL RESERVE BOARD Report on
Financial Contract Netting
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please

call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Lisa J. Macecevic Phone: 395-1092 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-3454

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Copied

To: _____

Andrew Abrams/OMB/EOP@EOP

Hitesh Vyas/OMB/EOP@EOP

James Boden/OMB/EOP@EOP

Alan B. Rhinesmith/OMB/EOP@EOP

Lloyd A. Blanchard/OMB/EOP@EOP

Michael K. Berkholtz/OMB/EOP@EOP

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Jennifer Wagner Bell/OMB/EOP@EOP

WHGC LRM

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K. Philippa Malmgren/OPD/EOP@EOP

Sarah S. Lee/OMB/EOP@EOP

Kenneth S. Kelly/OMB/EOP@EOP

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Alexander T. Hunt/OMB/EOP@EOP

Anne R. Stauffer/OMB/EOP@EOP

Randolph M. Lyon/OMB/EOP@EOP

Richard E. Green/OMB/EOP@EOP

James J. Jukes/OMB/EOP@EOP

Oscar Gonzalez/OMB/EOP@EOP

Danielle M. Simonetta/OMB/EOP@EOP

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Brett S. Loper/OMB/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_K1GZ3004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_K1GZ3004_WHO.TXT_2>

[DRAFT]

Date-

The Honorable John J. LaFalce
Ranking Member
Committee on Financial Services
U.S. House of Representative
Washington, D.C. 20515

Dear Mr. LaFalce:

We are responding to your request for our views as to whether it is appropriate to enact legislation to revise the bankruptcy and bank insolvency laws to facilitate the termination and netting of financial contracts.

Such legislation would reduce the impact of the failure of any one institution on the stability of the financial system. As a consequence, we support its prompt enactment. Such strengthening of the legal framework for financial contracts is perhaps the most important legislative recommendation contained in the April 1999 report of the President's Working Group on Financial Markets entitled *Hedge Funds, Leverage, and the Lessons of Long-Term Capital Management*.

Whether as part of comprehensive bankruptcy reform legislation or as a stand-alone bill, Congress should not fail to enact netting legislation this year. Further delays would unnecessarily place the financial system at greater risk.

Sincerely,

Alan Greenspan
Chairman
Federal Reserve Board

Paul O'Neill
Secretary
Department of the Treasury

MICHAEL G. OXLEY, OH, CHAIRMAN

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CHIEF COUNSEL AND STAFF DIRECTOR

U.S. House of Representatives
Committee on Financial Services
 2129 Rayburn House Office Building
 Washington, DC 20515

September 25, 2001

JOHN J. LAFALCE, NY, RANKING MEMBER

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MIKE ROSS, AR

BERNARD SANDERS, VT

The Honorable Alan Greenspan
 Chairman
 Board of Governors of the Federal Reserve System
 Washington, DC 20220

The Honorable Paul O'Neill
 Secretary
 Department of the Treasury
 Washington, DC 20551


Dear Chairman Greenspan and Secretary O'Neill:

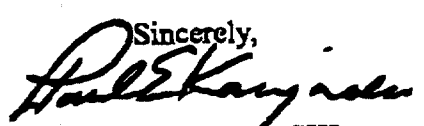
We are writing to request your views on the need for the immediate consideration of legislation to revise the bankruptcy and bank insolvency laws with respect to the termination and netting of financial contracts. This legislation has been passed by both the Senate and the House for two years in a row as a non-controversial part of the bankruptcy bills to update our bank insolvency and bankruptcy laws to ensure the enforceability of financial contract close-out and netting in the event of a counterparty failure. The legislation was developed by the President's Working Group on the Financial Markets to provide certainty to the swap markets and other financial markets in order to prevent market destabilization in the event of the failure of a participant.

The language on netting needed to update the insolvency laws currently is included in the bankruptcy bills that have passed each house and are currently being considered by a Conference Committee. That Committee has not yet begun its reconciliation of the bills. Indeed, the Committee's first meeting was canceled as a result of the tragic events of September 11th. Given the many serious issues that remain to be resolved between the two houses, it will be some time before a final bill emerges.

As our economy and markets continue to recover from the events of September 11, we are concerned about the potential impact of delaying the amendment of our insolvency laws to provide certainty to the financial markets. Even in the absence of a major bankruptcy or insolvency, we are concerned that the increased risk of counterparty failure may lead to market instability, reducing the ability of firms to use these markets to manage their risks. We would like your views as to whether enactment of netting legislation would be a useful step that we could take to reduce the heightened systemic risk our financial system now faces.

We would appreciate your views on this matter at the earliest possible time.


 JOHN J. LAFALCE
 Ranking Member
 Committee on Financial Services

Sincerely,

 PAUL E. KANJORSKI
 Ranking Member, Subcommittee on
 Capital Markets, Insurance and
 Government Sponsored Enterprises


 RICHARD H. BAKER
 Chairman, Subcommittee on
 Capital Markets, Insurance and
 Government Sponsored Enterprises

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/2/2001 12:04:36 PM
Subject: : ABA rating- Larry Hicks of Nevada is Well Qualified (unanimous)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-OCT-2001 16:04:36.00

SUBJECT:: ABA rating- Larry Hicks of Nevada is Well Qualified (unanimous)

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 10/3/2001 5:07:11 AM
Subject: : we need keys for offices

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-OCT-2001 09:07:11.00
SUBJECT:: we need keys for offices
TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 10/3/2001 7:00:12 AM
Subject: : your judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-OCT-2001 11:00:12.00

SUBJECT:: your judges

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Caldwell and Camp prep sessions are at 2; if you are not going,
you need to try to get someone there who can be somewhat familiar with
their records/memos/whatever. thanks.

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Daley, Cybele K <Cybele.K.Daley@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Elwood, John <John.Elwood@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Corken, Cathleen <Cathleen.Corken@usdoj.gov>; Reynolds, James <James.Reynolds@usdoj.gov>; Weglian, Stephen <Stephen.Weglian@usdoj.gov>
CC: Milkman, Louise <Louise.Milkman@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>
Sent: 10/3/2001 7:55:19 AM
Subject: : RE: Sen. Biden/Bioterrorism

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 3-OCT-2001 11:55:19.00

SUBJECT:: RE: Sen. Biden/Bioterrorism

TO: "Daley, Cybele K" <Cybele.K.Daley@usdoj.gov> (Receipt Notification Requested) ("Daley, Cybele K" <Cybele.K.Daley@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: "Corken, Cathleen" <Cathleen.Corken@usdoj.gov> (Receipt Notification Requested) ("Corken, Cathleen" <Cathleen.Corken@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Reynolds, James" <James.Reynolds@usdoj.gov> (Receipt Notification Requested) ("Reynolds, James" <James.Reynolds@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Weglian, Stephen" <Stephen.Weglian@usdoj.gov> (Receipt Notification Requested) ("Weglian, Stephen" <Stephen.Weglian@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

CC: "Milkman, Louise" <Louise.Milkman@usdoj.gov> (Receipt Notification Requested) ("Milkman, Louise" <Louise.Milkman@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

CC: "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

CC: "O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

As I indicated in my previous e-mail; half of 305 was HHS proposal, and I personally vetted the provisions with HHS, in addition to HHS communication through OMB.

-----Original Message-----

From: John Elwood

Sent: Wednesday, October 03, 2001 11:30 AM

To: Brett_M._Kavanaugh@who.eop.gov; Daley, Cybele K; courtney_s._elwood@who.eop.gov; Newstead, Jennifer; Dinh, Viet; Corken,

REV_00132672

Cathleen; Reynolds, James; Weglian, Stephen
Cc: Milkman, Louise; Bryant, Dan; O'Brien, Pat
Subject: Re: Sen. Biden/Bioterrorism

Date: 10/03/2001 11:39 am -0400 (Wednesday)
From: John Elwood
To: "CDaley2".WTGATE2.CRMGW; "wJNewstea".WTGATE2.CRMGW;
"wVDinh".WTGATE2.CRMGW; Brett_M._Kavanaugh@who.eop.gov; Corken,
Cathleen; Courtney_s._elwood@who.eop.gov; Reynolds, James;
Weglian, Stephen
CC: "LMilkman".WTGATE2.CRMGW; "wDBryant".WTGATE2.CRMGW;
"wPO'Brien3".WTGATE2.CRMGW
Subject: Re: Sen. Biden/Bioterrorism

I think they're wrong. The proposal that is in our bill was fully vetted within the administration. As you know, the provision that most offends the Leahy folks is the "possession in unreasonable amounts" provision that ALSO cleared the OMB process in 1999 or 2000 and was included in the Biden bill in 2000.

>>> Daley, Cybele K 10/03/01 11:01AM >>>

All -- I am advised by the Biden staff that Bioterrorism is about to be dropped by Leahy due to opposition from the groups. I am also told that the suggestion has been made that our proposal was not fully vetted within the Adm. (HHS, etc). I don't know what we can do to preserve what we currently have but pass this on.

Please let me know if there is something I can do!!

From: John Elwood <John.Elwood@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Receipt Notification Requested) (Cybele.K.Daley@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Cybele.K.Daley@usdoj.gov>;Courtney S. Elwood/WHO/EOP [WHO] <Courtney S. Elwood>;Receipt Notification Requested) (Jennifer.Newstead@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;Receipt Notification Requested) (Viet.Dinh@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Viet.Dinh@usdoj.gov>
CC: Receipt Notification Requested) (Dan.Bryant@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Dan.Bryant@usdoj.gov>;Receipt Notification Requested) (Pat.O'Brien@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Pat.O'Brien@usdoj.gov>
Sent: 10/3/2001 8:30:22 AM
Subject: : RE: Sen. Biden/Bioterrorism

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John Elwood <John.Elwood@usdoj.gov> (John Elwood <John.Elwood@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 3-OCT-2001 12:30:22.00

SUBJECT:: RE: Sen. Biden/Bioterrorism

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Cybele.K.Daley@usdoj.gov (Receipt Notification Requested) (Cybele.K.Daley@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Receipt Notification Requested) (Jennifer.Newstead@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Viet.Dinh@usdoj.gov (Receipt Notification Requested) (Viet.Dinh@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:Dan.Bryant@usdoj.gov (Receipt Notification Requested) (Dan.Bryant@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:Pat.O'Brien@usdoj.gov (Receipt Notification Requested) (Pat.O'Brien@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Date: 10/03/2001 12:33 pm -0400 (Wednesday)

From: John Elwood

To: "Brett M. Kavanaugh@who.eop.gov@inetgw".WTGATE2.CRMGW;
"CDaley2".WTGATE2.CRMGW;

"courtney_s_elwood@who.eop.gov@inetgw".WTGATE2.CRMGW;

"wJNewstea".WTGATE2.CRMGW; "wVDinh".WTGATE2.CRMGW

CC: "wDBryant".WTGATE2.CRMGW; "wPO'Brien3".WTGATE2.CRMGW

Subject: RE: Sen. Biden/Bioterrorism

Viet:

I heard from Courtney (chime in here if you know more) that HHS has problems with the regulatory portion of our bill and likes section 204 of their own bill better. I don't know whether they want to substitute it now, or just cut the HHS portion of our bill and then pass their bill down the road.

For those of you who have been following all the proposed regulatory amendments to the current bill, HHS section 204 is a bit puzzling to me and to the TVCS leg person. For some reason HHS repeals the authority for the current "select agent" rule, Section 511 of the AEDPA. Then after repealing it, they make references to to 511(d)(1)(B)(i) in their draft, which I think they they earlier repealed. I'm sure there's some explanation, but it has confused at least two of us.

REV_00132674

>>> Dinh, Viet 10/03/01 11:35AM >>>

As I indicated in my previous e-mail; half of 305 was HHS proposal, and I personally vetted the provisions with HHS, in addition to HHS communication through OMB.

-----Original Message-----

From: John Elwood

Sent: Wednesday, October 03, 2001 11:30 AM

To: Brett_M._Kavanaugh@who.eop.gov; Daley, Cybele K; courtney_s._elwood@who.eop.gov; Newstead, Jennifer; Dinh, Viet; Corken, Cathleen; Reynolds, James; Weglian, Stephen

Cc: Milkman, Louise; Bryant, Dan; O'Brien, Pat

Subject: Re: Sen. Biden/Bioterrorism

Date: 10/03/2001 11:39 am -0400 (Wednesday)

From: John Elwood

To: "CDaley2".WTGATE2.CRMGW; "wJNewstea".WTGATE2.CRMGW; "wVDinh".WTGATE2.CRMGW; Brett_M._Kavanaugh@who.eop.gov; Corken, Cathleen; Courtney_s._elwood@who.eop.gov; Reynolds, James; Weglian, Stephen

CC: "LMilkman".WTGATE2.CRMGW; "wDBryant".WTGATE2.CRMGW; "wPO'Brien3".WTGATE2.CRMGW

Subject: Re: Sen. Biden/Bioterrorism

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>>> Daley, Cybele K 10/03/01 11:01AM >>>

All -- I am advised by the Biden staff that Bioterrorism is about to be dropped by Leahy due to opposition from the groups. I am also told that the suggestion has been made that our proposal was not fully vetted within the Adm. (HHS, etc). I don't know what we can do to preserve what we currently have but pass this on.

Please let me know if there is something I can do!!

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/3/2001 10:08:03 AM
Subject: :
Attachments: P_I7704004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-OCT-2001 14:08:03.00
SUBJECT::
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Nick:

Brett pulled this together overnight on authority to accomplish aviation security goals administratively. Working on getting a couple of user-friendly talking points.

Joel

----- Forwarded by Joel D. Kaplan/WHO/EOP on 10/03/2001
02:06 PM -----

Brett M. Kavanaugh
10/03/2001 10:15:15 AM
Record Type: Record

To: Joel D. Kaplan/WHO/EOP@EOP
cc:
Subject:

This is a laundry list of statutes giving broad relevant authority to Secretary and FAA Administrator. This is not in a particularly user-friendly form; tell me what you need and I will put it together.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_I7704004_WHO.TXT_1>

REV_00132677

49 USC § 301

“The Secretary of Transportation shall. . . under the direction of the President, exercise leadership in transportation matters, including those matters affecting national defense and those matters involving national or regional emergencies.”

49 USC § 322. - General powers

- (a) The Secretary of Transportation may prescribe regulations to carry out the duties and powers of the Secretary. An officer of the Department of Transportation may prescribe regulations to carry out the duties and powers of the officer.
- (b) The Secretary may delegate, and authorize successive delegations of, duties and powers of the Secretary to an officer or employee of the Department. An officer of the Department may delegate, and authorize successive delegations of, duties and powers of the officer to another officer or employee of the Department. However, the duties and powers specified in sections 103(c)(1), 104(c)(1), and 106(g)(1) of this title may not be delegated to an officer or employee outside the Administration concerned.
- (c) On a reimbursable basis when appropriate, the Secretary may, in carrying out aviation duties and powers -
 - (1) use the available services, equipment, personnel, and facilities of other civilian or military departments, agencies, and instrumentalities of the United States Government, with their consent;
 - (2) cooperate with those departments, agencies, and instrumentalities in establishing and using aviation services, equipment, and facilities of the Department; and
 - (3) confer and cooperate with, and use the services, records, and facilities of, State, territorial, municipal, and other agencies.
- (d) The Secretary may make expenditures to carry out aviation duties and powers, including expenditures for -
 - (1) rent and personal services;
 - (2) travel expenses;
 - (3) office furniture, equipment, supplies, lawbooks, newspapers, periodicals, and reference books, including exchanges;
 - (4) printing and binding;
 - (5) membership in and cooperation with domestic or foreign organizations related to, or a part of, the civil aeronautics industry or the art of aeronautics;
 - (6) payment of allowances and other benefits to employees stationed in foreign countries to the same extent authorized for members of the Foreign Service of comparable grade;
 - (7) investigations and studies about aeronautics; and
 - (8) acquiring, exchanging, operating, and maintaining passenger-carrying aircraft and automobiles and other property.
- (e) The Secretary may negotiate, without advertising, the purchase of technical or special property related to air navigation when the Secretary decides that -
 - (1) making the property would require a substantial initial investment or an extended period of preparation; and
 - (2) procurement by advertising would likely result in additional cost to the Government by duplication of investment or would result in duplication of necessary preparation that would unreasonably delay procuring the property.

49 USC § 40101 - Policy

(c) General Safety Considerations. - In carrying out subpart III of this part and those provisions of subpart IV applicable in carrying out subpart III, the Administrator of the Federal Aviation Administration shall consider the following matters:

- (1) the requirements of national defense and commercial and general aviation.
- (2) the public right of freedom of transit through the navigable airspace.

(d) Safety Considerations in Public Interest. - In carrying out subpart III of this part and those provisions of subpart IV applicable in carrying out subpart III, the Administrator shall consider the following matters, among others, as being in the public interest:

- (1) assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce.

49 USC § 40110 – General Procurement Authority

(a) General. - In carrying out this part, the Administrator of the Federal Aviation Administration

- (1) to the extent that amounts are available for obligation, may acquire services or, by condemnation or otherwise, an interest in property, including an interest in airspace immediately adjacent to and needed for airports and other air navigation facilities owned by the United States Government and operated by the Administrator;
- (2) may dispose of an interest in property for adequate compensation; and
- (3) may construct and improve laboratories and other test facilities.

49 USC § 44107 – Recordation of conveyances, leases, and security instruments

(a) Establishment of System. - The Administrator of the Federal Aviation Administration shall establish a system for recording -

- (1) conveyances that affect an interest in civil aircraft of the United States;
- (2) leases and instruments executed for security purposes, including conditional sales contracts, assignments, and amendments, that affect an interest in -
 - (A) a specifically identified aircraft engine having at least 750 rated takeoff horsepower or its equivalent;
 - (B) a specifically identified aircraft propeller capable of absorbing at least 750 rated takeoff shaft horsepower;
 - (C) an aircraft engine, propeller, or appliance maintained for installation or use in an aircraft, aircraft engine, or propeller, by or for an air carrier holding a certificate issued under section 44705 of this title; and
 - (D) spare parts maintained by or for an air carrier holding a certificate issued under section 44705 of this title; and
- (3) releases, cancellations, discharges, and satisfactions related to a conveyance, lease, or instrument recorded under clause (1) or (2) of this subsection.

(b) General Description Required. - A lease or instrument recorded under subsection (a)(2)(C) or (D) of this section only has to describe generally the engine, propeller, appliance, or spare part by type and designate its location.

(c) Acknowledgment. - Except as the Administrator otherwise may provide, a conveyance, lease, or instrument may be recorded under subsection (a) of this section only after it has been acknowledged before -

- (1) a notary public; or
- (2) another officer authorized under the laws of the United States, a State, the District of Columbia, or a territory or possession of the United States to acknowledge deeds.
- (d) Records and Indexes. - The Administrator shall -
 - (1) keep a record of the time and date that each conveyance, lease, and instrument is filed and recorded with the Administrator; and
 - (2) record each conveyance, lease, and instrument filed with the Administrator, in the order of their receipt, and index them by -
 - (A) the identifying description of the aircraft, aircraft engine, or propeller, or location specified in a lease or instrument recorded under subsection (a)(2)(C) or (D) of this section; and
 - (B) the names of the parties to each conveyance, lease, and instrument.

49 USC § 44502. General facilities and personnel authority

- (a) General Authority. -
 - (1) The Administrator of the Federal Aviation Administration may -
 - (A) acquire, establish, improve, operate, and maintain air navigation facilities; and
 - (B) provide facilities and personnel to regulate and protect air traffic.
 - (3) The Secretary of Transportation may authorize a department, agency, or instrumentality of the United States Government to carry out any duty or power under this subsection with the consent of the head of the department, agency, or instrumentality.

49 UCS § 44701. General requirements

- (a) Promoting Safety. - The Administrator of the Federal Aviation Administration shall promote safe flight of civil aircraft in air commerce by prescribing -
 - (5) regulations and minimum standards for other practices, methods, and procedure the Administrator finds necessary for safety in air commerce and national security.
- (c) Reducing and Eliminating Accidents. - The Administrator shall carry out this chapter in a way that best tends to reduce or eliminate the possibility or recurrence of accidents in air transportation. However, the Administrator is not required to give preference either to air transportation or to other air commerce in carrying out this chapter.

49 USC § 44702 – Issuance of Certificates

- (a) General Authority and Applications. - The Administrator of the Federal Aviation Administration may issue airman certificates, type certificates, production certificates, airworthiness certificates, air carrier operating certificates, airport operating certificates, air agency certificates, and air navigation facility certificates under this chapter. An application for a certificate must -
 - (1) be under oath when the Administrator requires; and
 - (2) be in the form, contain information, and be filed and served in the way the Administrator prescribes.

49 USC § 44706 - Airport operating certificates

- (a) General. - The Administrator of the Federal Aviation Administration shall issue an airport operating certificate to a person desiring to operate an airport -

- (1) that serves an air carrier operating aircraft designed for at least 31 passenger seats;
- (2) that is not located in the State of Alaska and serves any scheduled passenger operation of an air carrier operating aircraft designed for more than 9 passenger seats but less than 31 passenger seats; and
- (3) that the Administrator requires to have a certificate;

if the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safely under this part and regulations and standards prescribed under this part.

49 USC § 44901 - Screening passengers and property

(a) General Requirements. - The Administrator of the Federal Aviation Administration shall prescribe regulations requiring screening of all passengers and property that will be carried in a cabin of an aircraft in air transportation or intrastate air transportation. The screening must take place before boarding and be carried out by a weapon-detecting facility or procedure used or operated by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier.

49 USC § 44903 - Air transportation security

(b) Protection Against Violence and Piracy. - The Administrator shall prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy. When prescribing a regulation under this subsection, the Administrator shall -

- (1) consult with the Secretary of Transportation, the Attorney General, the heads of other departments, agencies, and instrumentalities of the United States Government, and State and local authorities;
- (2) consider whether a proposed regulation is consistent with -
 - (A) protecting passengers; and
 - (B) the public interest in promoting air transportation and intrastate air transportation;
- (3) to the maximum extent practicable, require a uniform procedure for searching and detaining passengers and property to ensure -
 - (A) their safety; and
 - (B) courteous and efficient treatment by an air carrier, an agent or employee of an air carrier, and Government, State, and local law enforcement personnel carrying out this section; and
- (4) consider the extent to which a proposed regulation will carry out this section.

(c) Security Programs. - (1) The Administrator shall prescribe regulations under subsection (b) of this section that require each operator of an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation to establish an air transportation security program that provides a law enforcement presence and capability at each of those airports that is adequate to ensure the safety of passengers. The regulations shall authorize the operator to use the services of qualified State, local, and private law enforcement personnel. When the Administrator decides, after being notified by an operator in the form the Administrator prescribes, that not enough qualified State, local, and private law enforcement personnel are available to carry out subsection (b), the Administrator may authorize the operator to use, on a reimbursable basis, personnel employed by the Administrator, or by another department, agency, or instrumentality of the Government with the consent of the head of the department, agency, or

instrumentality, to supplement State, local, and private law enforcement personnel. When deciding whether additional personnel are needed, the Administrator shall consider the number of passengers boarded at the airport, the extent of anticipated risk of criminal violence or aircraft piracy at the airport or to the air carrier aircraft operations at the airport, and the availability of qualified State or local law enforcement personnel at the airport.

(e) Exclusive Responsibility Over Passenger Safety. – The Administrator has the exclusive responsibility to direct law enforcement activity related to the safety of passengers on an aircraft involved in an offense under section 46502 of this title from the moment all external doors of the aircraft are closed following boarding until those doors are opened to allow passengers to leave the aircraft. When requested by the Administrator, other departments, agencies, and instrumentalities of the Government shall provide assistance necessary to carry out this subsection.

49 USC § 44904 - Domestic air transportation system security

(a) Assessing Threats. - The Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation jointly shall assess current and potential threats to the domestic air transportation system. The assessment shall include consideration of the extent to which there are individuals with the capability and intent to carry out terrorist or related unlawful acts against that system and the ways in which those individuals might carry out those acts. The Administrator and the Director jointly shall decide on and carry out the most effective method for continuous analysis and monitoring of security threats to that system.

(c) Improving Security. - The Administrator shall take necessary actions to improve domestic air transportation security by correcting any deficiencies in that security discovered in the assessments, analyses, and monitoring carried out under this section.

49 USC § 44905 - Information about threats to civil aviation

(c) Guidelines on Public Notice. –

(1) The President shall develop guidelines for ensuring that public notice is provided in appropriate cases about threats to civil aviation. The guidelines

shall identify officials responsible for -

(A) deciding, on a case-by-case basis, if public notice of a threat is in the best interest of the United States and the traveling public;

(B) ensuring that public notice is provided in a timely and effective way, including the use of a toll-free telephone number; and

(C) canceling the departure of a flight or series of flights under subsection (b) of this section.

(2) The guidelines shall provide for consideration of -

(A) the specificity of the threat;

(B) the credibility of intelligence information related to the threat;

(C) the ability to counter the threat effectively;

(D) the protection of intelligence information sources and methods;

- (E) cancellation, by an air carrier or the Administrator, of a flight or series of flights instead of public notice;
- (F) the ability of passengers and crew to take steps to reduce the risk to their safety after receiving public notice of a threat; and
- (G) other factors the Administrator considers appropriate.

49 USC § 44931 - Director of Intelligence and Security

(b) Duties and Powers. - The Director shall . . .

- (5) carry out other duties and powers the Secretary decides are necessary to ensure, to the extent possible, the security of the traveling public.

49 USC § 44932 - Assistant Administrator for Civil Aviation Security

(b) Duties and Powers. - The Assistant Administrator shall . . .

- (6) assess threats to civil aviation
- (7) carry out other duties and powers the Administrator considers appropriate.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 10/3/2001 7:00:12 AM
Subject: : your judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-OCT-2001 11:00:12.00

SUBJECT:: your judges

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Caldwell and Camp prep sessions are at 2; if you are not going,
you need to try to get someone there who can be somewhat familiar with
their records/memos/whatever. thanks.

From: Esbeck, Carl <Carl.Esbeck@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Davids, James <James.Davids@usdoj.gov>; Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO]
<Stanley W. Carlson-Thies>
Sent: 10/3/2001 7:03:18 AM
Subject: : RE: FOIA

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Esbeck, Carl" <Carl.Esbeck@usdoj.gov> ("Esbeck, Carl" <Carl.Esbeck@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 3-OCT-2001 11:03:18.00

SUBJECT:: RE: FOIA

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"Davids, James" <James.Davids@usdoj.gov> ("Davids, James" <James.Davids@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks. Was unaware via Stanley of your message. Jim and I will proceed accordingly.

Carl

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, October 03, 2001 10:42 AM
To: Esbeck, Carl
Subject: FOIA

this was the e-mail

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
10/03/2001
10:41 AM -----

Brett M. Kavanaugh
10/01/2001 07:56:55 AM

Record Type: Record

To: Stanley W. Carlson-Thies/WHO/EOP@EOP

cc:
Subject: FOIA

I have talked to Carl Esbeck. We decided that Carl's office will serve as the primary manager in shepherding the FOIA issues w/r/t the audits. Carl's office (James Davids, 514-2987, james.davids@usdoj.gov) will get in touch directly with the agencies that have received the FOIA request and make recommendations to me on how to respond.

REV_00132685

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Karp, David J <David.J.Karp@usdoj.gov>; Elwood, John <John.Elwood@usdoj.gov>
CC: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/3/2001 7:15:15 AM
Subject: : RE: House Judiciary Markup @ 2pm Tomorrow

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME: 3-OCT-2001 11:15:15.00

SUBJECT:: RE: House Judiciary Markup @ 2pm Tomorrow

TO:"Karp, David J" <David.J.Karp@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Karp, David J" <David.J.Karp@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Great, thanks.

-----Original Message-----

From: Karp, David J

Sent: Wednesday, October 03, 2001 10:38 AM

To: Thorsen, Carl; Elwood, John

Cc: Newstead, Jennifer; Dinh, Viet; 'brett_m._kavanaugh@who.eop.gov'

Subject: RE: House Judiciary Markup @2pm Tomorrow

(1) I will attend the markup.

(2) I am enclosing a memo which analyzes and suggests where we we should
try to go on most of the provisions in title III of the
Sensenbrenner/Conyers bill.

(3) At Viet's direction, I am preparing amendments to remove or replace
several "poison pill" provisions in the Sensenbrenner/Conyers bill. I
will have them to you shortly.

-----Original Message-----

From: Thorsen, Carl

Sent: Wednesday, October 03, 2001 9:23 AM

To: Elwood, John

Cc: Karp, David J; Newstead, Jennifer

REV_00132687

Subject: RE: House Judiciary Markup @ 2pm Tomorrow

Thanks. David, can you be there as well on these same issues?

-----Original Message-----

From: John Elwood
Sent: Wednesday, October 03, 2001 8:04 AM
To: Thorsen, Carl
Subject: Re: House Judiciary Markup @ 2pm Tomorrow

Date: 10/03/2001 08:13 am -0400 (Wednesday)
From: John Elwood
To: "wCThorsen".WTGATE2.CRMGW
Subject: Re: House Judiciary Markup @ 2pm Tomorrow

Carl:

I will try to make it to the markup. But things are on a fast boil on the Senate side. I was here until 2:30 last night, I am not functioning at full capacity, and there is a lot to do to get the Leahy bill into shape.

>>> Thorsen, Carl 10/02/01 07:54PM >>>

Can you guys plan to be at the markup in the event questions come up in your respective areas? Chairman Sensenbrenner has requested that make experts (this means you Elwood) available, and Dan specifically requested you three. We'll get seats in the front row; making faces and paper airplanes at Mr. Conyers are both encouraged.

REV_00132688

From: Karp, David J <David.J.Karp@usdoj.gov>
To: Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Elwood, John <John.Elwood@usdoj.gov>; Reynolds, James <James.Reynolds@usdoj.gov>; Weglian, Stephen <Stephen.Weglian@usdoj.gov>
CC: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/3/2001 8:53:42 AM
Subject: : supervised release periods amendment
Attachments: P_2A404004_WHO.TXT_1.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Karp, David J" <David.J.Karp@usdoj.gov> ("Karp, David J" <David.J.Karp@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 3-OCT-2001 12:53:42.00
SUBJECT:: supervised release periods amendment
TO:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Elwood, John" <John.Elwood@usdoj.gov> ("Elwood, John" <John.Elwood@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Reynolds, James" <James.Reynolds@usdoj.gov> ("Reynolds, James" <James.Reynolds@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Weglian, Stephen" <Stephen.Weglian@usdoj.gov> ("Weglian, Stephen" <Stephen.Weglian@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

In case opportunities arise to suggest amendments -- either now or later in the process -- I am enclosing amendment text with a brief explanation for section 308 of the House bill, relating to increased supervision periods for terrorists. Of the provisions discussed in my memo, this is the most important one on which we really do not have decent options in either the House or Senate bills as they now stand. (The House bill uniformly requires proof of terrorist motivation under this provision; Leahy's bill requires proof of the occurrence/risk of death or serious injury.)

The enclosed amendment would make the supervised release provision exactly parallel the statute of limitations reform in section 301 of the House bill: It would use the two lists in the bill's statute of limitations reform, which include a list of "super terrorism" offenses for which there is no statute of limitations, and a list of "lesser terrorism" offenses for which a 15 year limitation period is proposed. In parallel fashion, the amendment would authorize up to lifetime supervision for offenses in the "super terrorism" list, and supervision up to 15 years for offenses in the "lesser terrorism" list. The conceptual similarity to what they have done in section 301 would hopefully give this a certain appeal to the drafters and Members.

- terroramendsuprel.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2A404004_WHO.TXT_1>

REV_00132690

THIS AMENDMENT WOULD PROVIDE A STRONGER PROVISION TO EXTEND POSTRELEASE SUPERVISION PERIODS FOR TERRORISTS, MODELED ON THE CORRESPONDING STATUTE OF LIMITATIONS REFORM IN SECTION 301 OF THE BILL. THE PERTINENT OFFENSES WOULD EFFECTIVELY BE DIVIDED INTO TWO LISTS – IN THE SAME MANNER AS IN THE STATUTE OF LIMITATIONS REFORM – WITH SUPERVISION PERIODS OF UP TO LIFE AUTHORIZED FOR OFFENSES IN THE MORE AGGRAVATED LIST, AND SUPERVISION PERIODS OF UP TO 15 YEARS AUTHORIZED FOR OFFENSES IN THE LESSER OFFENSE LIST.

Amend section 308 ("Post-release Supervision of Terrorists") to read as follows:

SEC. 308. POSTRELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(j) SUPERVISED RELEASE TERMS FOR TERRORISM OFFENSES. – Notwithstanding subsection (b), the authorized terms of supervised release for any offense described in subsection (a) of section 3286 are any term of years or life, and the authorized terms of supervised release for any offense described in subsection (b) of section 3286 are not more than 15 years."

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 10/3/2001 12:54:03 PM
Subject: : ABA Rating on Jeffrey R. Howard, US COA, 1st Circuit

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-OCT-2001 16:54:03.00

SUBJECT:: ABA Rating on Jeffrey R. Howard, US COA, 1st Circuit

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Majority = Qualified

Minority = Not Qualified

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/3/2001 12:03:58 PM
Subject: : POTUS Judges meeting now set for 5:10-5:30 pm on Thur., Oct. 4th

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-OCT-2001 16:03:58.00

SUBJECT:: POTUS Judges meeting now set for 5:10-5:30 pm on Thur., Oct. 4th

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>
CC: Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>
Sent: 10/3/2001 5:52:14 PM
Subject: : Insurance pieces

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-OCT-2001 21:52:14.00

SUBJECT:: Insurance pieces

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

CC:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

How are y'all coming on your insurance pieces? I have a draft of the basic memo, which I would like to plug things into tomorrow. I think we need to meet Friday afternoon to go over the details. Josh would like us to present the plan at next Wednesday's DCPC. This means we should try to pre-clear with our bosses on Monday.

Thanks,

Marc

REV_00132699

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>
CC: Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>
Sent: 10/3/2001 5:52:14 PM
Subject: : Insurance pieces

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-OCT-2001 21:52:14.00

SUBJECT:: Insurance pieces

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

CC:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

How are y'all coming on your insurance pieces? I have a draft of the basic memo, which I would like to plug things into tomorrow. I think we need to meet Friday afternoon to go over the details. Josh would like us to present the plan at next Wednesday's DCPC. This means we should try to pre-clear with our bosses on Monday.

Thanks,

Marc

From: CN=Emily Willeford/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/4/2001 3:54:15 AM
Subject: : Insurance Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-OCT-2001 07:54:15.00

SUBJECT:: Insurance Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett - Marc would like to have another insurance meeting tomorrow
afternoon. Do you have some time available, and if so, when? Thanks.

From: CN=Emily Willeford/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/4/2001 5:42:31 AM
Subject: : Insurance Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-OCT-2001 09:42:31.00

SUBJECT:: Insurance Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Do you have some time after 4 pm tomorrow for this meeting?

----- Forwarded by Emily Willeford/OPD/EOP on 10/04/2001

09:42 AM -----

Emily Willeford
10/04/2001 07:54:10 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Insurance Meeting

Brett - Marc would like to have another insurance meeting tomorrow
afternoon. Do you have some time available, and if so, when? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 10/4/2001 7:51:27 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-OCT-2001 11:51:27.00

SUBJECT::

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

this issue should be getting a lot more attention; guess it's not
good tone now, but history will pass judgment

<http://interactive.wsj.com/articles/SB100214943520280480.htm>

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 10/4/2001 3:53:06 AM
Subject: : POTUS Judges meeting for today (Thursday) is being postponed

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-OCT-2001 07:53:06.00

SUBJECT:: POTUS Judges meeting for today (Thursday) is being postponed

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Will advise of new date/time when scheduling gets back with us later today. Probably tomorrow - time TBD.

REV_00132708

From: CN=Emily Willeford/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/4/2001 3:54:15 AM
Subject: : Insurance Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-OCT-2001 07:54:15.00

SUBJECT:: Insurance Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett - Marc would like to have another insurance meeting tomorrow
afternoon. Do you have some time available, and if so, when? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 10/4/2001 8:46:43 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-OCT-2001 12:46:43.00

SUBJECT::

TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

need burn bags

From: CN=Emily Willeford/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/4/2001 5:42:31 AM
Subject: : Insurance Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-OCT-2001 09:42:31.00

SUBJECT:: Insurance Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Do you have some time after 4 pm tomorrow for this meeting?

----- Forwarded by Emily Willeford/OPD/EOP on 10/04/2001
09:42 AM -----

Emily Willeford
10/04/2001 07:54:10 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Insurance Meeting

Brett - Marc would like to have another insurance meeting tomorrow
afternoon. Do you have some time available, and if so, when? Thanks.

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 10/4/2001 10:33:17 AM
Subject: : FW: Approved at Senate Judiciary Cmte markup today

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: "Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 4-OCT-2001 14:33:17.00

SUBJECT: : FW: Approved at Senate Judiciary Cmte markup today

TO: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Congratulations on holding firm on questionnaire.

-----Original Message-----

REV_00132712

From: Williams, Paula
Sent: Thursday, October 04, 2001 12:49 PM
To: Bryant, Dan; Thorsen, Carl; O'Brien, Pat; Joy, Sheila;
Newstead, Jennifer; Dinh, Viet; Ayres, David; Israelite, David; Bertucci,
Theresa; Meckley, Tammy; Coughlin, Robert; McNulty, John; Thompson, Larry D
Cc: Scottfinan, Nancy
Subject: Approved at Senate Judiciary Cmte markup today
Importance: High

The following was just provided by Nancy Scott-Finan.

Parker 19-0
Mills 19-0

By voice vote:

Jay Stephens - Associate AG
Benigno Reyna - USMS

USA

Brooks
Brownlee
Burgess
Colloton
Graves
Harris
Iglesias
Larson
Lockhart
Mattice
McCampbell
Mead
Mosman
Suthers

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Elizabeth N. Camp/WHO/EOP [WHO] <Elizabeth N. Camp>; David S. Addington/OVP/EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP [NSC] <John B. Bellinger>; Rachel L. Brand/WHO/EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP [WHO] <Allison L. Riepenhoff>; Alberto R. Gonzales/WHO/EOP [WHO] <Alberto R. Gonzales>; Kyle Sampson/WHO/EOP [WHO] <Kyle Sampson>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>
Sent: 10/4/2001 10:36:10 AM
Subject: : FW: Approved at Senate Judiciary Cmte markup today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 4-OCT-2001 14:36:10.00

SUBJECT:: FW: Approved at Senate Judiciary Cmte markup today

TO: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Congratulations on holding firm on questionnaire.

-----Original Message-----

From: Williams, Paula

REV_00132714

Sent: Thursday, October 04, 2001 12:49 PM
To: Bryant, Dan; Thorsen, Carl; O'Brien, Pat; Joy, Sheila;
Newstead, Jennifer; Dinh, Viet; Ayres, David; Israelite, David; Bertucci,
Theresa; Meckley, Tammy; Coughlin, Robert; McNulty, John; Thompson, Larry D
Cc: Scottfinan, Nancy
Subject: Approved at Senate Judiciary Cmte markup today
Importance: High

The following was just provided by Nancy Scott-Finan.

Parker 19-0
Mills 19-0

By voice vote:

Jay Stephens - Associate AG
Benigno Reyna - USMS

USA

Brooks
Brownlee
Burgess
Colloton
Graves
Harris
Iglesias
Larson
Lockhart
Mattice
McCampbell
Mead
Mosman
Suthers

From: Kris, David <David.Kris@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Lindemann, Michael
<Michael.Lindemann@usdoj.gov>; Karp, David J <David.J.Karp@usdoj.gov>; Geise, Jack
<Jack.Geise@usdoj.gov>; Elwood, John <John.Elwood@usdoj.gov>; Cassella, Stefan
<Stefan.Cassella@usdoj.gov>; Madan, Rafael <Rafael.Madan2@usdoj.gov>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Baker, James <James.Baker2@usdoj.gov>; Courtney S.
Elwood/WHO/EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP [WHO]
<Brett M. Kavanaugh>
Sent: 10/4/2001 10:49:17 AM
Subject: : RE: URGENT: Senate and House bill comparison
Attachments: P_80514004_WHO.TXT_1.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Kris, David" <David.Kris@usdoj.gov> ("Kris, David" <David.Kris@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-OCT-2001 14:49:17.00
SUBJECT:: RE: URGENT: Senate and House bill comparison
TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Lindemann, Michael" <Michael.Lindemann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Lindemann, Michael" <Michael.Lindemann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Karp, David J" <David.J.Karp@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Karp, David J" <David.J.Karp@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Geise, Jack" <Jack.Geise@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Geise, Jack" <Jack.Geise@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Cassella, Stefan" <Stefan.Cassella@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Cassella, Stefan" <Stefan.Cassella@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Madan, Rafael" <Rafael.Madan2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Madan, Rafael" <Rafael.Madan2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Baker, James" <James.Baker2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Baker, James" <James.Baker2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Slightly corrected version of prior document.

REV_00132716

-----Original Message-----

From: Kris, David
Sent: Thursday, October 04, 2001 2:35 PM
To: Newstead, Jennifer; Geise, Jack; Lindemann, Michael; Karp, David J; Elwood, John; Cassella, Stefan; Madan, Rafael
Cc: Dinh, Viet; 'courtney_s._elwood@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'
Subject: RE: URGENT: Senate and House bill comparison

Here is my first cut at an evaluation of the Senate Bill. If I find new issues, I'll pass them on.

-- David Kris

-----Original Message-----

From: Newstead, Jennifer
Sent: Thursday, October 04, 2001 11:31 AM
To: Geise, Jack; Kris, David; Lindemann, Michael; Karp, David J; Elwood, John; Cassella, Stefan; Madan, Rafael
Cc: Dinh, Viet; 'courtney_s._elwood@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'
Subject: URGENT: Senate and House bill comparison

All -- as you know we're in the home stretch of the legislative process on the terrorism bill. Now that Senate and House text have been separately "agreed", we are about to become embroiled in negotiations over what the final bill should look like.

To that end, we need to develop ASAP a side-by-side comparison of the new Senate and House bills (the Senate version is attached: I will forward the House version as soon as I have it). Viet requests that each of you take responsibility for producing the section of the side by side in your areas of expertise as follows (please delegate this if needed, but we ask that you or your designee set aside as much of the day today as possible to get this done). We ask that you start immediately and provide us with a preliminary draft by 3:30, and a final text no later than 7 pm. We will use the preliminary draft for the first round of pre-conference discussions which start at 4.

Please use the attached format (5 columns as marked) to assist me in generating one document at the end of the process.

Thanks very much for your help.

Title I Wiretap: Jack Geise
Title I FISA: David Kris
Title II: Mike Lindemann
Title III (substantive crim. law): David Karp
Title III (crim. procedure): John Elwood
Title IV: Stef Casella
Title V and VI: Rafe Madan
- ATA -- Comments on Senate Bill (10-4-01).wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_80514004_WHO.TXT_1>

REV_00132717

COMMENTS ON FISA AND RELATED PROVISIONS OF THE SENATE BILL
(O:\JEN\JEN01.909 "FINAL DRAFT" S.L.C.)
October 4, 2001

Section 106. This corresponds to Section 159 of the Administration's proposal, concerning Presidential authority to seize assets. It is identical to the Administration's proposal.

Section 203. This corresponds to Sections 103, 154, and 354 of the Administration's proposal, concerning the authority to share information developed in a criminal investigation with intelligence, protective, and other personnel. Section 203 allows us to share foreign intelligence or counterintelligence information developed from a Title III or a grand jury investigation with appropriate intelligence, defense, and other personnel without a court order. The recipients may use the information in the performance of their official duties. The Attorney General is directed to establish procedures for the dissemination of such information where it identifies a U.S. person as defined in FISA. Although Section 154 of the Administration's bill permitted sharing of information "[n]otwithstanding any other provision of law," and therefore eliminated all limits on sharing, it was always directed at Title III and Rule 6, and we could not identify another criminal-law limit on sharing information. Legislative history should emphasize that Section 203's amendment to Fed. R. Crim. P. 6(e)(3)(C) does not detract from the existing or proposed dissemination authority in Fed. R. Crim. P. 6(e)(3)(A). See discussion of Section 712, *infra*.

Section 204. This corresponds to Section 104 of the Administration's proposal, concerning the distinction between various electronic surveillance authorities. It is substantively identical to the Administration's proposal. [This is a CCIPS proposal.]

Section 206. This corresponds to Section 152 of the Administration's proposal, concerning multi-point or roving FISA wiretaps. It is identical to the Administration's proposal.

Section 207. This corresponds to Section 151 of the Administration's proposal, concerning the period of authorization for FISA court orders. The Administration's proposal allowed the FISA Court to issue one-year orders for agents of a foreign power as defined in 50 U.S.C. 1801(b)(1)(A). Section 207 allows the FISA Court to issue 120-day initiation orders for such agents, and one-year renewal orders. That is not ideal, but it is a compromise that was deemed necessary to achieve consensus. The Administration's proposal allowed the FISA Court to issue 90-day orders for physical searches in routine cases, and Section 207 does the same. There are typographical errors on page 16, lines 7 and 9: "Section 105(d)(1)" should be "Section 105(e)(1)"; and "1805(d)(1)" should be "1805(e)(1)". There are typographical errors on page 16, line 15, and page 17, line 1: "section 101(b)(A)" should be "section 101(b)(1)(A)" in both places. There are typographical errors on page 17, line 5: "Section 105(d)(2)" should be "Section 105(e)(2)"; and "1805(d)(2)" should be "1805(e)(2)". The final phrase added to the statute by the final provision of the amendment, Section 207(b)(2) – "or against an agent of a foreign power as defined in section 101(b)(1)(A)" – should have a comma added at the end.

Section 208. This does not correspond to any provision in the Administration's proposal. It would add four judges to the FISA Court, and require that three FISA judges live within 20 miles of the District of Columbia. It is a good provision.

Section 215. This corresponds to Section 155 of the Administration's proposal, concerning FISA pen-trap orders. Instead of allowing the use of FISA pen-trap orders in any FI or IT investigation, which is the scope in current law and in the Administration's proposal, Section 215 allows the use of pen-trap orders only in investigations to protect against IT or clandestine intelligence activities, and also prevents their use in investigations of U.S. persons based on First Amendment protected activities. That is a limitation that negotiators believed was necessary to achieve consensus. Where current law requires a certification that the information sought is relevant, and a demonstration to the court that the telephone or communication facility to be monitored is connected to an agent of a foreign power or person engaged in international terrorism or clandestine intelligence activities in violation of U.S. law, Section 215 requires only a demonstration of relevance. That is not much of an improvement, because the requirement to demonstrate, rather than certify, is what consumes so much time. If possible, we should change the provision to permit a pen-trap order upon a certification of relevance, which would make FISA pen-trap orders analogous to their criminal counterparts.

Section 216. This corresponds to Section 156 of the Administration's proposal, concerning FISA subpoenas for business records. The Administration's proposal would have allowed the Attorney General to issue subpoenas without prior court involvement. Section 216 allows the FISA Court or a designated magistrate to issue subpoenas upon a certification from an FBI ASAC or higher official that the documents are sought "for" an authorized investigation. The subpoena is limited to use in investigations to protect against IT or clandestine intelligence activities, and is not available in investigations of U.S. persons based on First Amendment protected activities. This is not much of an improvement over current law, which merely requires a certification, albeit a broader one. But this problem is not as important as the problem with the pen-trap provision discussed above.

Section 220. This corresponds to Section 153 of the Administration's proposal, concerning the "purpose" of FISA activity. It adopts the "significant purpose" standard. That is acceptable.

Section 505. This also corresponds to Section 153 of the Administration's proposal, concerning the "purpose" of FISA activity. It deals with "purpose" issues at ground-level, by making clear that intelligence and law-enforcement officials may "coordinate" without affecting the purpose of the FISA activity. This is Senator Leahy's language, not the language suggested by ODAG after consultation with various components. CRM prefers Senator Leahy's language, and there is no basis for seeking a change at this time, although we may revisit the issue in the next 24 hours.

Section 712. This corresponds to Sections 103, 154, and 354 of the Administration's proposal, concerning the authority to share information developed in a criminal investigation with intelligence, protective, and other personnel. It allows sharing of grand jury information to

prevent or investigate acts of domestic or international terrorism, and requires after-the-fact notice to the court overseeing the grand jury. See discussion of Section 203, *supra*.

Section 901. This does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. It adds "international terrorism" to the definition of "foreign intelligence" in the National Security Act of 1947. The Department of Justice previously sent a letter to SSCI on this provision. OLA has that letter.

Section 902. This provision does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. It expresses the sense of the Congress that CIA should be able to recruit sleazy assets abroad. Section 902 is acceptable to the Administration in concept; CIA may have comments on the drafting.

Section 904. This provision does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. It requires the federal law-enforcement community to report to the DCI foreign intelligence information discovered in a criminal investigation, and requires DOJ to respond within 15 days to certain CIA requests concerning potential CIA assets. The reporting requirement is acceptable to the Administration. CRM may have objections to the 15-day reporting requirement. There are two typographical errors: On page 126, line 5, "(a)" should be "(a)(1)"; on page 126, line 12, there should be a comma inserted after "Intelligence".

Section 905. This provision does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. The provision is acceptable to the Department. There are four typographical errors: On page 128, line 20, page 129, line 3, and page 129, line 6, the words "the Attorney General" should be added before "the Secretary"; on page 129, line 11, "2001" should be "2002".

From: Kris, David <David.Kris@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Lindemann, Michael
<Michael.Lindemann@usdoj.gov>; Karp, David J <David.J.Karp@usdoj.gov>; Geise, Jack
<Jack.Geise@usdoj.gov>; Elwood, John <John.Elwood@usdoj.gov>; Cassella, Stefan
<Stefan.Cassella@usdoj.gov>; Madan, Rafael <Rafael.Madan2@usdoj.gov>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Baker, James <James.Baker2@usdoj.gov>; Courtney S.
Elwood/WHO/EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP [WHO]
<Brett M. Kavanaugh>
Sent: 10/4/2001 10:49:52 AM
Subject: : RE: URGENT: Senate and House bill comparison
Attachments: P_21514004_WHO.TXT_1.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Kris, David" <David.Kris@usdoj.gov> ("Kris, David" <David.Kris@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-OCT-2001 14:49:52.00
SUBJECT:: RE: URGENT: Senate and House bill comparison
TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Lindemann, Michael" <Michael.Lindemann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Lindemann, Michael" <Michael.Lindemann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Karp, David J" <David.J.Karp@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Karp, David J" <David.J.Karp@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Geise, Jack" <Jack.Geise@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Geise, Jack" <Jack.Geise@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Cassella, Stefan" <Stefan.Cassella@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Cassella, Stefan" <Stefan.Cassella@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Madan, Rafael" <Rafael.Madan2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Madan, Rafael" <Rafael.Madan2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Baker, James" <James.Baker2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Baker, James" <James.Baker2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Slightly corrected version of prior document.

REV_00132722

-----Original Message-----

From: Kris, David
Sent: Thursday, October 04, 2001 2:35 PM
To: Newstead, Jennifer; Geise, Jack; Lindemann, Michael; Karp, David J; Elwood, John; Cassella, Stefan; Madan, Rafael
Cc: Dinh, Viet; 'courtney_s._elwood@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'
Subject: RE: URGENT: Senate and House bill comparison

Here is my first cut at an evaluation of the Senate Bill. If I find new issues, I'll pass them on.

-- David Kris

-----Original Message-----

From: Newstead, Jennifer
Sent: Thursday, October 04, 2001 11:31 AM
To: Geise, Jack; Kris, David; Lindemann, Michael; Karp, David J; Elwood, John; Cassella, Stefan; Madan, Rafael
Cc: Dinh, Viet; 'courtney_s._elwood@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'
Subject: URGENT: Senate and House bill comparison

All -- as you know we're in the home stretch of the legislative process on the terrorism bill. Now that Senate and House text have been separately "agreed", we are about to become embroiled in negotiations over what the final bill should look like.

To that end, we need to develop ASAP a side-by-side comparison of the new Senate and House bills (the Senate version is attached: I will forward the House version as soon as I have it). Viet requests that each of you take responsibility for producing the section of the side by side in your areas of expertise as follows (please delegate this if needed, but we ask that you or your designee set aside as much of the day today as possible to get this done). We ask that you start immediately and provide us with a preliminary draft by 3:30, and a final text no later than 7 pm. We will use the preliminary draft for the first round of pre-conference discussions which start at 4.

Please use the attached format (5 columns as marked) to assist me in generating one document at the end of the process.

Thanks very much for your help.

Title I Wiretap: Jack Geise
Title I FISA: David Kris
Title II: Mike Lindemann
Title III (substantive crim. law): David Karp
Title III (crim. procedure): John Elwood
Title IV: Stef Casella
Title V and VI: Rafe Madan
- ATA -- Comments on Senate Bill (10-4-01).wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_21514004_WHO.TXT_1>

REV_00132723

COMMENTS ON FISA AND RELATED PROVISIONS OF THE SENATE BILL
(O:\JEN\JEN01.909 "FINAL DRAFT" S.L.C.)
October 4, 2001

Section 106. This corresponds to Section 159 of the Administration's proposal, concerning Presidential authority to seize assets. It is identical to the Administration's proposal.

Section 203. This corresponds to Sections 103, 154, and 354 of the Administration's proposal, concerning the authority to share information developed in a criminal investigation with intelligence, protective, and other personnel. Section 203 allows us to share foreign intelligence or counterintelligence information developed from a Title III or a grand jury investigation with appropriate intelligence, defense, and other personnel without a court order. The recipients may use the information in the performance of their official duties. The Attorney General is directed to establish procedures for the dissemination of such information where it identifies a U.S. person as defined in FISA. Although Section 154 of the Administration's bill permitted sharing of information "[n]otwithstanding any other provision of law," and therefore eliminated all limits on sharing, it was always directed at Title III and Rule 6, and we could not identify another criminal-law limit on sharing information. Legislative history should emphasize that Section 203's amendment to Fed. R. Crim. P. 6(e)(3)(C) does not detract from the existing or proposed dissemination authority in Fed. R. Crim. P. 6(e)(3)(A). See discussion of Section 712, *infra*.

Section 204. This corresponds to Section 104 of the Administration's proposal, concerning the distinction between various electronic surveillance authorities. It is substantively identical to the Administration's proposal. [This is a CCIPS proposal.]

Section 206. This corresponds to Section 152 of the Administration's proposal, concerning multi-point or roving FISA wiretaps. It is identical to the Administration's proposal.

Section 207. This corresponds to Section 151 of the Administration's proposal, concerning the period of authorization for FISA court orders. The Administration's proposal allowed the FISA Court to issue one-year orders for agents of a foreign power as defined in 50 U.S.C. 1801(b)(1)(A). Section 207 allows the FISA Court to issue 120-day initiation orders for such agents, and one-year renewal orders. That is not ideal, but it is a compromise that was deemed necessary to achieve consensus. The Administration's proposal allowed the FISA Court to issue 90-day orders for physical searches in routine cases, and Section 207 does the same. There are typographical errors on page 16, lines 7 and 9: "Section 105(d)(1)" should be "Section 105(e)(1)"; and "1805(d)(1)" should be "1805(e)(1)". There are typographical errors on page 16, line 15, and page 17, line 1: "section 101(b)(A)" should be "section 101(b)(1)(A)" in both places. There are typographical errors on page 17, line 5: "Section 105(d)(2)" should be "Section 105(e)(2)"; and "1805(d)(2)" should be "1805(e)(2)". The final phrase added to the statute by the final provision of the amendment, Section 207(b)(2) – "or against an agent of a foreign power as defined in section 101(b)(1)(A)" – should have a comma added at the end.

Section 208. This does not correspond to any provision in the Administration's proposal. It would add four judges to the FISA Court, and require that three FISA judges live within 20 miles of the District of Columbia. It is a good provision.

Section 215. This corresponds to Section 155 of the Administration's proposal, concerning FISA pen-trap orders. Instead of allowing the use of FISA pen-trap orders in any FI or IT investigation, which is the scope in current law and in the Administration's proposal, Section 215 allows the use of pen-trap orders only in investigations to protect against IT or clandestine intelligence activities, and also prevents their use in investigations of U.S. persons based on First Amendment protected activities. That is a limitation that negotiators believed was necessary to achieve consensus. Where current law requires a certification that the information sought is relevant, and a demonstration to the court that the telephone or communication facility to be monitored is connected to an agent of a foreign power or person engaged in international terrorism or clandestine intelligence activities in violation of U.S. law, Section 215 requires only a demonstration of relevance. That is not much of an improvement, because the requirement to demonstrate, rather than certify, is what consumes so much time. If possible, we should change the provision to permit a pen-trap order upon a certification of relevance, which would make FISA pen-trap orders analogous to their criminal counterparts.

Section 216. This corresponds to Section 156 of the Administration's proposal, concerning FISA subpoenas for business records. The Administration's proposal would have allowed the Attorney General to issue subpoenas without prior court involvement. Section 216 allows the FISA Court or a designated magistrate to issue subpoenas upon a certification from an FBI ASAC or higher official that the documents are sought "for" an authorized investigation. The subpoena is limited to use in investigations to protect against IT or clandestine intelligence activities, and is not available in investigations of U.S. persons based on First Amendment protected activities. This is not much of an improvement over current law, which merely requires a certification, albeit a broader one. But this problem is not as important as the problem with the pen-trap provision discussed above.

Section 220. This corresponds to Section 153 of the Administration's proposal, concerning the "purpose" of FISA activity. It adopts the "significant purpose" standard. That is acceptable.

Section 505. This also corresponds to Section 153 of the Administration's proposal, concerning the "purpose" of FISA activity. It deals with "purpose" issues at ground-level, by making clear that intelligence and law-enforcement officials may "coordinate" without affecting the purpose of the FISA activity. This is Senator Leahy's language, not the language suggested by ODAG after consultation with various components. CRM prefers Senator Leahy's language, and there is no basis for seeking a change at this time, although we may revisit the issue in the next 24 hours.

Section 712. This corresponds to Sections 103, 154, and 354 of the Administration's proposal, concerning the authority to share information developed in a criminal investigation with intelligence, protective, and other personnel. It allows sharing of grand jury information to

prevent or investigate acts of domestic or international terrorism, and requires after-the-fact notice to the court overseeing the grand jury. See discussion of Section 203, *supra*.

Section 901. This does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. It adds "international terrorism" to the definition of "foreign intelligence" in the National Security Act of 1947. The Department of Justice previously sent a letter to SSCI on this provision. OLA has that letter.

Section 902. This provision does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. It expresses the sense of the Congress that CIA should be able to recruit sleazy assets abroad. Section 902 is acceptable to the Administration in concept; CIA may have comments on the drafting.

Section 904. This provision does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. It requires the federal law-enforcement community to report to the DCI foreign intelligence information discovered in a criminal investigation, and requires DOJ to respond within 15 days to certain CIA requests concerning potential CIA assets. The reporting requirement is acceptable to the Administration. CRM may have objections to the 15-day reporting requirement. There are two typographical errors: On page 126, line 5, "(a)" should be "(a)(1)"; on page 126, line 12, there should be a comma inserted after "Intelligence".

Section 905. This provision does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. The provision is acceptable to the Department. There are four typographical errors: On page 128, line 20, page 129, line 3, and page 129, line 6, the words "the Attorney General" should be added before "the Secretary"; on page 129, line 11, "2001" should be "2002".

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/4/2001 6:59:31 AM
Subject: : New date/time for POTUS Judicial Decision Mtg.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-OCT-2001 10:59:31.00

SUBJECT:: New date/time for POTUS Judicial Decision Mtg.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Friday, Oct. 5th - 3:20-3:40 pm

REV_00132728

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; candida p. wolff/ovp/eop@eop [OVP] <candida p. wolff>; jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <jennifer.newstead@usdoj.gov>; nancy p. dorn/who/eop@eop [WHO] <nancy p. dorn>; robert marsh/who/eop@eop [WHO] <robert marsh>
Sent: 10/4/2001 7:07:43 AM
Subject: : Re: ExIm Bank problem with House Amdt to Anti-Terror Bill
Attachments: P_AGV04004_WHO.TXT_1.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-OCT-2001 11:07:43.00
SUBJECT:: Re: ExIm Bank problem with House Amdt to Anti-Terror Bill
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: candida p. wolff (CN=candida p. wolff/OU=ovp/O=eop@eop [OVP])
READ: UNKNOWN
CC: jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
CC: nancy p. dorn (CN=nancy p. dorn/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: robert marsh (CN=robert marsh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

The issue, of course, is determining the "official" position? Who will make that determination? And when? We obviously need to know our position today or tomorrow.

Heather Wingate
10/04/2001 11:04:59 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: ExIm Bank problem with House Amdt to Anti-Terror Bill

Is this an official administration position that we oppose this language? I would suggest doing nothing about it until, and only if, we know an official administration position.

Courtney S. Elwood
10/04/2001 11:02:22 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP, Candida P. Wolff/OVP/EOP@EOP, Jennifer.Newstead@usdoj.gov @ inet
cc:
Subject: ExIm Bank problem with House Amdt to Anti-Terror Bill

REV_00132729

----- Forwarded by Courtney S. Elwood/WHO/EOP on
10/04/2001 11:01 AM -----

Irene Kho
10/04/2001 10:59:39 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: Richard E. Green/OMB/EOP@EOP
Subject: ExIm Bank problem with House Amdt to Anti-Terror Bill

----- Forwarded by Irene Kho/OMB/EOP on 10/04/2001 11:00
AM -----

Allan Villabroza
10/04/2001 10:02:00 AM

Record Type: Record

To: Brett S. Loper/OMB/EOP@EOP, Irene Kho/OMB/EOP@EOP
cc: James A. Nix/OMB/EOP@EOP, Annette E. Rooney/OMB/EOP@EOP, Michael
Casella/OMB/EOP@EOP
Subject: ExIm Bank problem with House Amdt to Anti-Terror Bill

Export-Import Bank has run across this House amendment to the
Anti-Terrorism bill. The language would allow the President to enlist the
Export-Import Bank in financing defense articles or services.

Ex-Im opposes this language since it would consume their limited
resources, and would put pressure on them to financing un-creditworthy
transactions.

According to the foreign military financing examiner (Jim Nix) -- we have
other tools for exporting weapons and defense services, including
legislation for loans to countries both through the Arms Export Control
Act (a State-sponsored act) and through the Defense Arms Export Loan
Guarantee Program (under DOD). Neither of these is currently
over-subscribed; there is no/no demand for loans currently.

What should we do to keep this language out of the House bill?

- AMEND_001.PDF

----- Forwarded by Allan Villabroza/OMB/EOP on 10/04/2001
09:48 AM -----

----- Forwarded by William Hellert/CEA/EXIMBANK on 10/03/01 11:52 AM -----

"MacMillan, Kevin"
<Kevin.MacMillan@mail. To: whellert@exim.gov
house.gov> cc:
Subject: FW: Revised
amendment
10/03/01 11:15 AM

Bill-

Here are our efforts to help combat terrorism through ExIm.

REV_00132730

<<AMEND_001.PDF>> (See attached file: AMEND_001.PDF)

Message Copied

To: _____

brett m. kavanaugh/who/eop@eop
candida p. wolff/ovp/eop@eop
jennifer.newstead@usdoj.gov @ inet
Nancy P. Dorn/WHO/EOP@EOP
Robert Marsh/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AGV04004_WHO.TXT_1>

REV_00132731

AMENDMENT TO H.R. 2975, AS REPORTED
OFFERED BY _____

At the end of title V, insert the following:

1 **SEC. ____ . SPECIAL AUTHORITY UNDER THE EXPORT-IM-**
2 **PORT BANK ACT OF 1945 TO COMBAT TER-**
3 **RORISM.**

4 (a) SPECIAL AUTHORITY.—The President of the
5 United States may direct the Board of Directors of the
6 Export-Import Bank of the United States to authorize
7 under the Export-Import Bank Act of 1945 the furnishing
8 of assistance or financing for the export of defense articles
9 or services (as defined in section 2(b)(6)(G) of such Act)
10 if the President determines that the exercise of such au-
11 thority is important to United States efforts to respond
12 to, deter, or prevent acts of international terrorism.

13 (b) TRANSMITTAL TO CONGRESS OF WRITTEN POL-
14 ICY JUSTIFICATION.—Not later than 30 days after the
15 President makes a determination pursuant to subsection
16 (a) with respect to a furnishing of assistance or financing
17 described in subsection (a), the President shall transmit
18 to the Committee on Financial Services of the House of
19 Representatives and the Committee on Banking, Finance,
20 and Urban Affairs of the Senate a written policy justifica-
21 tion which describes—

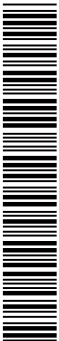


1 (1) the nature and amount of assistance or fi-
2 nancing involved;

3 (2) the actions that the proposed or actual re-
4 cipient of the assistance or financing has taken or
5 has committed to take which justify the provision of
6 the assistance or financing; and

7 (3) any other information regarding how the
8 provision of the assistance or financing will con-
9 tribute to United States efforts to respond to, deter,
10 or prevent acts of international terrorism.

11 (c) SUNSET.—The authority provided by subsection
12 (a) shall not apply after September 30, 2005.



From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 10/4/2001 7:51:27 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-OCT-2001 11:51:27.00

SUBJECT::

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

this issue should be getting a lot more attention; guess it's not
good tone now, but history will pass judgment

<http://interactive.wsj.com/articles/SB100214943520280480.htm>

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>; 'Makan Delrahim'
<Makan_Delrahim@judiciary.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO]
<Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Heather
Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Nancy P. Dorn/WHO/EOP@EOP [WHO]
<Nancy P. Dorn>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S.
Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Lindemann, Michael <Michael.Lindemann@usdoj.gov>; Levey, Stuart <Stuart.Levey@usdoj.gov>
Sent: 10/4/2001 7:54:31 AM
Subject: : RE: Draft Compromise USA Act

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 4-OCT-2001 11:54:31.00

SUBJECT:: RE: Draft Compromise USA Act

TO: "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

TO: 'Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ('Makan Delrahim' <Makan_Delrahim@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: "Lindemann, Michael" <Michael.Lindemann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Lindemann, Michael" <Michael.Lindemann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

CC: "Levey, Stuart" <Stuart.Levey@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Levey, Stuart" <Stuart.Levey@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

Please note that Title IV.B, relating to immigration, is not in the current draft. I assume that language we agreed to last night is being added?

-----Original Message-----

From: Makan Delrahim [mailto:Makan_Delrahim@judiciary.senate.gov]

Sent: Thursday, October 04, 2001 11:03 AM

To: Bryant, Dan; Newstead, Jennifer; Dinh, Viet;

Bradford A. Berenson@who.eop.gov; Brett M. Kavanaugh@who.eop.gov;

Courtney S. Elwood@who.eop.gov; heather_wingate@who.eop.gov;

Nancy P. Dorn@who.eop.gov; Timothy E. Flanigan@who.eop.gov;

REV_00132735

Ziad_S._Ojakli@who.eop.gov
Subject: Fwd: Draft Compromise USA Act

____Forward Header____

Subject: Draft Compromise USA Act
Author: Beryl Howell
Date: 10/4/2001 8:54 AM

Attached is the latest working draft of the antiterrorism bill that we
will be
scrubbing this morning. Beryl

____Forward Header____

Subject: Fwd[2]:Final Draft
Author: Ayoud, Laura
Date: 10/4/2001 12:19 AM

Final draft does not include immigration. Material is set but needs
substantial
work. Our counsel
will start in on it at 7:30 am.

Bill

William F. Jensen, Senior Counsel
Office of the Senate Legislative Counsel
Phone: 202-224-6461
Email: Bill Jensen at Legislative_Counsel (within Senate)
bill_jensen@slc.senate.gov (outside Senate)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 10/4/2001 8:46:43 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-OCT-2001 12:46:43.00

SUBJECT::

TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

need burn bags

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>; John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 10/4/2001 9:38:05 AM
Subject: : Assassination ban

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-OCT-2001 13:38:05.00

SUBJECT:: Assassination ban

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Who has been dealing with this issue? I have a piece of correspondence from Bob Barr on the subject which should probably be routed to whoever has been working on this.

REV_00132740

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>; John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 10/4/2001 9:38:05 AM
Subject: : Assassination ban

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-OCT-2001 13:38:05.00

SUBJECT:: Assassination ban

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Who has been dealing with this issue? I have a piece of correspondence from Bob Barr on the subject which should probably be routed to whoever has been working on this.

REV_00132741

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>;Elizabeth N. Camp/WHO/EOP [WHO] <Elizabeth N. Camp>;David S. Addington/OVP/EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP [NSC] <John B. Bellinger>;Rachel L. Brand/WHO/EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP [WHO] <Allison L. Riepenhoff>;Alberto R. Gonzales/WHO/EOP [WHO] <Alberto R. Gonzales>;Kyle Sampson/WHO/EOP [WHO] <Kyle Sampson>;Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>
Sent: 10/4/2001 10:34:09 AM
Subject: : FW: Approved at Senate Judiciary Cmte markup today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 4-OCT-2001 14:34:09.00

SUBJECT:: FW: Approved at Senate Judiciary Cmte markup today

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Congratulations on holding firm on questionnaire.

-----Original Message-----

From: Williams, Paula

REV_00132744

Sent: Thursday, October 04, 2001 12:49 PM
To: Bryant, Dan; Thorsen, Carl; O'Brien, Pat; Joy, Sheila;
Newstead, Jennifer; Dinh, Viet; Ayres, David; Israelite, David; Bertucci,
Theresa; Meckley, Tammy; Coughlin, Robert; McNulty, John; Thompson, Larry D
Cc: Scottfinan, Nancy
Subject: Approved at Senate Judiciary Cmte markup today
Importance: High

The following was just provided by Nancy Scott-Finan.

Parker 19-0
Mills 19-0

By voice vote:

Jay Stephens - Associate AG
Benigno Reyna - USMS

USA

Brooks
Brownlee
Burgess
Colloton
Graves
Harris
Iglesias
Larson
Lockhart
Mattice
McCampbell
Mead
Mosman
Suthers

From: Kris, David <David.Kris@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Lindemann, Michael
<Michael.Lindemann@usdoj.gov>; Karp, David J <David.J.Karp@usdoj.gov>; Geise, Jack
<Jack.Geise@usdoj.gov>; Elwood, John <John.Elwood@usdoj.gov>; Cassella, Stefan
<Stefan.Cassella@usdoj.gov>; Madan, Rafael <Rafael.Madan2@usdoj.gov>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Courtney S. Elwood/WHO/EOP [WHO] <Courtney S.
Elwood>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/4/2001 10:38:24 AM
Subject: : RE: URGENT: Senate and House bill comparison
Attachments: P_0J414004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Kris, David" <David.Kris@usdoj.gov> ("Kris, David" <David.Kris@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 4-OCT-2001 14:38:24.00

SUBJECT:: RE: URGENT: Senate and House bill comparison

TO: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Lindemann, Michael" <Michael.Lindemann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Lindemann, Michael" <Michael.Lindemann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Karp, David J" <David.J.Karp@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Karp, David J" <David.J.Karp@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Geise, Jack" <Jack.Geise@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Geise, Jack" <Jack.Geise@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Cassella, Stefan" <Stefan.Cassella@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Cassella, Stefan" <Stefan.Cassella@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Madan, Rafael" <Rafael.Madan2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Madan, Rafael" <Rafael.Madan2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

CC: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Here is my first cut at an evaluation of the Senate Bill. If I find new issues, I'll pass them on.

-- David Kris

-----Original Message-----

From: Newstead, Jennifer

REV_00132746

Sent: Thursday, October 04, 2001 11:31 AM
To: Geise, Jack; Kris, David; Lindemann, Michael; Karp, David J; Elwood, John; Cassella, Stefan; Madan, Rafael
Cc: Dinh, Viet; 'courtney_s._elwood@who.eop.gov';
'brett_m._kavanaugh@who.eop.gov'
Subject: URGENT: Senate and House bill comparison

All -- as you know we're in the home stretch of the legislative process on the terrorism bill. Now that Senate and House text have been separately "agreed", we are about to become embroiled in negotiations over what the final bill should look like.

To that end, we need to develop ASAP a side-by-side comparison of the new Senate and House bills (the Senate version is attached: I will forward the House version as soon as I have it). Viet requests that each of you take responsibility for producing the section of the side by side in your areas of expertise as follows (please delegate this if needed, but we ask that you or your designee set aside as much of the day today as possible to get this done). We ask that you start immediately and provide us with a preliminary draft by 3:30, and a final text no later than 7 pm. We will use the preliminary draft for the first round of pre-conference discussions which start at 4.

Please use the attached format (5 columns as marked) to assist me in generating one document at the end of the process.

Thanks very much for your help.

Title I Wiretap: Jack Geise
Title I FISA: David Kris
Title II: Mike Lindemann
Title III (substantive crim. law): David Karp
Title III (crim. procedure): John Elwood
Title IV: Stef Casella
Title V and VI: Rafe Madan
- ATA -- Comments on Senate Bill (10-4-01).wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0J414004_WHO.TXT_1>

COMMENTS ON FISA AND RELATED PROVISIONS OF THE SENATE BILL
(O:\JEN\JEN01.909 "FINAL DRAFT S.L.C.)
October 4, 2001

Section 106. This corresponds to Section 159 of the Administration's proposal, concerning Presidential authority to seize assets. It is identical to the Administration's proposal.

Section 203. This corresponds to Sections 103, 154, and 354 of the Administration's proposal, concerning the authority to share information developed in a criminal investigation with intelligence, protective, and other personnel. Section 203 allows us to share foreign intelligence or counterintelligence information developed from a Title III or a grand jury investigation with appropriate intelligence, defense, and other personnel without a court order. The recipients may use the information in the performance of their official duties. The Attorney General is directed to establish procedures for the dissemination of such information where it identifies a U.S. person as defined in FISA. Although Section 154 of the Administration's bill permitted sharing of information "[n]otwithstanding any other provision of law," and therefore eliminated all limits on sharing, it was always directed at Title III and Rule 6, and we could not identify another criminal-law limit on sharing information. Legislative history should emphasize that Section 203's amendment to Fed. R. Crim. P. 6(e)(3)(C) does not detract from the existing or proposed dissemination authority in Fed. R. Crim. P. 6(e)(3)(A). See discussion of Section 712, *infra*.

Section 204. This corresponds to Section 104 of the Administration's proposal, concerning the distinction between various electronic surveillance authorities. It is substantively identical to the Administration's proposal. [This is a CCIPS proposal.]

Section 206. This corresponds to Section 152 of the Administration's proposal, concerning multi-point or roving FISA wiretaps. It is identical to the Administration's proposal.

Section 207. This corresponds to Section 151 of the Administration's proposal, concerning the period of authorization for FISA court orders. The Administration's proposal allowed the FISA Court to issue one-year orders for agents of a foreign power as defined in 50 U.S.C. 1801(b)(1)(A). Section 207 allows the FISA Court to issue 120-day initiation orders for such agents, and one-year renewal orders. That is not ideal, but it is a compromise that was deemed necessary to achieve consensus. The Administration's proposal allowed the FISA Court to issue 90-day orders for physical searches in routine cases, and Section 207 does the same. There are typographical errors on page 16, lines 7 and 9: "Section 105(d)(1)" should be "Section 105(e)(1)"; and "1805(d)(1)" should be "1805(e)(1)". There are typographical errors on page 16, line 15, and page 17, line 1: "section 101(b)(A)" should be "section 101(b)(1)(A)" in both places. There are typographical errors on page 17, line 5: "Section 105(d)(2)" should be "Section 105(e)(2)"; and "1805(d)(2)" should be "1805(e)(2)". The final phrase added to the statute by the final provision of the amendment, Section 207(b)(2) – "or against an agent of a foreign power as defined in section 101(b)(1)(A)" – should have a comma added at the end.

Section 208. This does not correspond to any provision in the Administration's proposal. It would add four judges to the FISA Court, and require that three FISA judges live within 20 miles of the District of Columbia. It is a good provision.

Section 215. This corresponds to Section 155 of the Administration's proposal, concerning FISA pen-trap orders. Instead of allowing the use of FISA pen-trap orders in any FI or IT investigation, which is the scope in current law and in the Administration's proposal, Section 215 allows the use of pen-trap orders only in investigations to protect against IT or clandestine intelligence activities, and also prevents their use in investigations of U.S. persons based on First Amendment protected activities. That is a limitation that negotiators believed was necessary to achieve consensus. Where current law requires a certification that the information sought is relevant, and a demonstration to the court that the telephone or communication facility to be monitored is connected to an agent of a foreign power or person engaged in international terrorism or clandestine intelligence activities in violation of U.S. law, Section 215 requires only a demonstration of relevance. That is not much of an improvement, because the requirement to demonstrate, rather than certify, is what consumes so much time. If possible, we should change the provision to permit a pen-trap order upon a certification of relevance, which would make FISA pen-trap orders analogous to their criminal counterparts.

Section 216. This corresponds to Section 156 of the Administration's proposal, concerning FISA subpoenas for business records. The Administration's proposal would have allowed the Attorney General to issue subpoenas without prior court involvement. Section 216 allows the FISA Court or a designated magistrate to issue subpoenas upon a certification from an FBI ASAC or higher official that the documents are sought "for" an authorized investigation. The subpoena is limited to use in investigations to protect against IT or clandestine intelligence activities, and is not available in investigations of U.S. persons based on First Amendment protected activities. This is not much of an improvement over current law, which merely requires a certification, albeit a broader one. But this problem is not as important as problem with the pen-trap provision discussed above.

Section 220. This corresponds to Section 153 of the Administration's proposal, concerning the "purpose" of FISA activity. It adopts the "significant purpose" standard. That is acceptable.

Section 505. This also corresponds to Section 153 of the Administration's proposal, concerning the "purpose" of FISA activity. It deals with "purpose" issues at ground-level, by making clear that intelligence and law-enforcement officials may "coordinate" without affecting the purpose of the FISA activity. This is Senator Leahy's language, not the language suggested by ODAG after consultation with various components. CRM prefers Senator Leahy's language, and there is no basis for seeking a change at this time.

Section 712. This corresponds to Sections 103, 154, and 354 of the Administration's proposal, concerning the authority to share information developed in a criminal investigation with intelligence, protective, and other personnel. It allows sharing of grand jury information to prevent or investigate acts of domestic or international terrorism, and requires after-the-fact

notice to the court overseeing the grand jury. See discussion of Section 203, *supra*.

Section 901. This does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. It adds "international terrorism" to the definition of "foreign intelligence" in the National Security Act of 1947. The Department of Justice previously sent a letter to SSCI on this provision. OLA has that letter.

Section 902. This provision does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. It expresses the sense of the Congress that CIA should be able to recruit sleazy assets abroad. Section 902 is acceptable to the Administration in concept; CIA may have comments on the drafting.

Section 904. This provision does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. It requires the federal law-enforcement community to report to the DCI foreign intelligence information discovered in a criminal investigation, and requires DOJ to respond within 15 days to certain CIA requests concerning potential CIA assets. The reporting requirement is acceptable to the Administration. CRM may have objections to the 15-day reporting requirement. There are two typographical errors: On page 126, line 5, "(a)" should be "(a)(1)"; on page 126, line 12, there should be a comma inserted after "Intelligence".

Section 905. This provision does not correspond to any provision in the Administration's proposal. It comes from the Graham-Feinstein bill, S. 1448. The provision is acceptable to the Department. There are four typographical errors: On page 128, line 20, page 129, line 3, and page 129, line 6, the words "the Attorney General" should be added before "the Secretary"; on page 129, line 11, "2001" should be "2002".

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 10/4/2001 10:40:56 AM
Subject: : FW: Approved at Senate Judiciary Cmte markup today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 4-OCT-2001 14:40:56.00

SUBJECT:: FW: Approved at Senate Judiciary Cmte markup today

TO: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ: UNKNOWN

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Congratulations on holding firm on questionnaire.

-----Original Message-----

REV_00132751

From: Williams, Paula
Sent: Thursday, October 04, 2001 12:49 PM
To: Bryant, Dan; Thorsen, Carl; O'Brien, Pat; Joy, Sheila;
Newstead, Jennifer; Dinh, Viet; Ayres, David; Israelite, David; Bertucci,
Theresa; Meckley, Tammy; Coughlin, Robert; McNulty, John; Thompson, Larry D
Cc: Scottfinan, Nancy
Subject: Approved at Senate Judiciary Cmte markup today
Importance: High

The following was just provided by Nancy Scott-Finan.

Parker 19-0
Mills 19-0

By voice vote:

Jay Stephens - Associate AG
Benigno Reyna - USMS

USA

Brooks
Brownlee
Burgess
Colloton
Graves
Harris
Iglesias
Larson
Lockhart
Mattice
McCampbell
Mead
Mosman
Suthers

From: Edward_Ingle@who.eop.gov [UNKNOWN]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>; L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>; Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>; Craig Felner/WHO/EOP@EOP [WHO] <Craig Felner>; Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>; Nicole E. Grodner/WHO/EOP@EOP [WHO] <Nicole E. Grodner>
Sent: 10/4/2001 10:57:51 AM
Subject: : this week's agency foia requests
Attachments: P_GD514004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward_Ingle@who.eop.gov (Edward_Ingle@who.eop.gov [UNKNOWN])
CREATION DATE/TIME: 4-OCT-2001 14:57:51.00
SUBJECT:: this week's agency foia requests
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nicole E. Grodner (CN=Nicole E. Grodner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: FOIA10-4-01.doc)
- FOIA10-4-01.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GD514004_WHO.TXT_1>

AGENCY FOIA REQUESTS

TRANSPORTATION

- **Public Citizen - Joan Claybrook.** All correspondence, meeting agendas, planning documents, work programs, shared or published meeting notes, proposals, memoranda, electronic communications, produced by third parties for the United States, Canada or Mexico, or by U.S., Canadian or Mexican officials, and that are in the possession of the United States as a part of the United States' participation in the Land Transportation Standards Subcommittee created by NAFTA and various Subcommittee working groups.

ONDCP

- **John Dervin, Chad Boettcher, and Nicole Landset** request copies of correspondence with Sen. Tim Hutchinson and with Arkansas Attorney General Mark Pryor.
- **Edmund Hoffman** requests names, dates of service, and pay of ONDCP Directors from 1989 to 1997.

EDUCATION

- **Nicole Landset** requests correspondence regarding Myrth York and Shelton Whitehouse.
- **Chad Boettcher** requests correspondence regarding John I. Comyn, Texas Attorney General.
- **John Dervin** request correspondence regarding Senator Tim Hutchinson and Mark L. Pryor, Arkansas Attorney General.
- **Christina Gross** requests correspondence regarding Andrew M. Cuomo.

COMMERCE

- **Associated Press**, requested any documents that deal with the effects of terrorism on the U.S. economy.
- **Akin, Gump, Strauss, Hauer & Feld, L.L.P.**, requested all documents related to the introduction of the new generic top-level domain “.biz.”
- **Chad Boettcher**, requested all correspondence from 1990 to the present with John I. Cornyn, current Texas Attorney General, former Texas Supreme Court Justice, and former Bexar County Judge.
- **John Dervin**, requested all correspondence from 1990 to the present with Tim Hutchinson, current U.S. Senator, former U.S. Representative, and former Arkansas State Representative; and Mark L. Pryor, current Arkansas Attorney General and former Arkansas State Representative.
- **Christina Gross** requested all correspondence with Andrew M. Cuomo from 1982 to present.
- **Softwar**, requested all information on China United Airlines or any other commercial entity known to be owned and operated by the People's Liberation Army Air Force from January 1993 to September 11, 2001.

- ***Earthjustice Legal Defense Fund***, requested a copy of all documents prepared, authorized, or received by NMFS and/or the Department of State (DOS) in compliance with Sec. 609(b)(2) of Public Law 101-162, and/or DOC media note of 5/2/01, and press statement of 7/11/01, requiring certification of nations that imports shrimp or shrimp products to the United States.
- ***Animal Legal Defense Fund***, requested a copy of all incidental harassment authorization permits issued by the NMFS to Channel Island National Park Service (NPS) pursuant to NPS Restoration Plan. The requester also wants a copy of NMFS concurrence to NPS essential fish habitat impact analysis dated September 22, 2000.
- ***The Ocean Conservancy***, requested records related to observer data on interactions between the Atlantic Ocean, Caribbean, and the Gulf of Mexico large pelagic longline fishery and marine mammals from November 25, 1996 to the present. The requester would also like to obtain records related to observer data on interactions between Atlantic Ocean, Caribbean, and the Gulf of Mexico squid, mackerel, and butterfish trawl fishery and marine mammals from November 25, 1997 to the present.
- ***Environmental Protection Information Center***, requested documents related to the Simpson Timber Company Aquatic Habitat Conservation Plan.

HHS

- David Cohen of the **Cohen Mohr LLP** law firm contacted NIH seeking myriad documents pertaining to a contract awarded to Oracle Federal Financials. Mr. Cohen's client, SAP Public Services, Inc., protests the decision to use Oracle Federal Financials as a unified financial management system covering all HHS components except HCFA.
- ***The Kansas City Star***, Kansas City, Missouri, has requested that CDC provide them a detailed projected spending and actual spending on Hepatitis C for three years.
- ***The Associated Press***, New York, New York, has requested that CDC provide them a list of tobacco control coordinators. They also requested information relating to an investigation into exposure of children on a South Dakota reservation to a chemical used to disinfect their toothbrushes.
- ***The Center for the Biology of Natural Systems***, Flushing, New York, has requested that CDC provide them information on air quality and health hazards in the areas surrounding the World Trade Center.

EPA

- During the week of September 25 through October 1, the Agency received a total of 269 FOIA requests. Of that total, 43 were received in Headquarters. This week's FOIA requests include: (1) ***Congressman John Dingell*** has asked for full and complete information regarding the status and operations of the EPA Ombudsman; (2) ***the Washington Toxics Coalition*** has asked for the air sampling data from the World Trade Center site; and (3) ***New York Environmental Law and Justice Project*** has asked for information and data on the World Trade Center site.

From: Michael Payne <Michael.Payne2@usdoj.gov>
To: Receipt Notification Requested) (Jack.Geise@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Jack.Geise@usdoj.gov>;Receipt Notification Requested) (Stefan.Cassella@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Stefan.Cassella@usdoj.gov>;Receipt Notification Requested) (John.Elwood@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <John.Elwood@usdoj.gov>;Receipt Notification Requested) (David.J.Karp@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <David.J.Karp@usdoj.gov>;Receipt Notification Requested) (David.Kris@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <David.Kris@usdoj.gov>;Receipt Notification Requested) (Michael.Lindemann@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Michael.Lindemann@usdoj.gov>;Receipt Notification Requested) (Jennifer.Newstead@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;Receipt Notification Requested) (Rafael.Madan2@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Rafael.Madan2@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Courtney S. Elwood/WHO/EOP [WHO] <Courtney S. Elwood>;Receipt Notification Requested) (Viet.Dinh@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Viet.Dinh@usdoj.gov>
Sent: 10/4/2001 1:14:20 PM
Subject: : Re: URGENT: Senate and House bill comparison
Attachments: P_XFB14004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Michael Payne <Michael.Payne2@usdoj.gov> (Michael Payne <Michael.Payne2@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 4-OCT-2001 17:14:20.00

SUBJECT:: Re: URGENT: Senate and House bill comparison

TO:Jack.Geise@usdoj.gov (Receipt Notification Requested) (Jack.Geise@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Stefan.Cassella@usdoj.gov (Receipt Notification Requested) (Stefan.Cassella@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:John.Elwood@usdoj.gov (Receipt Notification Requested) (John.Elwood@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:David.J.Karp@usdoj.gov (Receipt Notification Requested) (David.J.Karp@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:David.Kris@usdoj.gov (Receipt Notification Requested) (David.Kris@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Michael.Lindemann@usdoj.gov (Receipt Notification Requested) (Michael.Lindemann@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Receipt Notification Requested) (Jennifer.Newstead@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Rafael.Madan2@usdoj.gov (Receipt Notification Requested) (Rafael.Madan2@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:Viet.Dinh@usdoj.gov (Receipt Notification Requested) (Viet.Dinh@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Date: 10/04/2001 05:12 pm -0400 (Thursday)

From: Michael Payne

To: "DKarp".WTGATE2.CRMGW; "DKris2".WTGATE2.CRMGW;
"MLindema".WTGATE2.CRMGW; "wJNewstea".WTGATE2.CRMGW;

REV_00132823

"wRMadan3".WTGATE2.CRMGW; Cassella, Stefan; Elwood, John;
Geise, Jack
CC: "brett_m._kavanaugh@who.eop.gov@inetgw".WTGATE2.CRMGW;
"courtney_s._elwood@who.eop.gov@inetgw".WTGATE2.CRMGW;
"wVDinh".WTGATE2.CRMGW
Subject: Re: URGENT: Senate and House bill comparison

Jennifer:

Attached is the final text of for the side-by-side comparison of the Senate anti-terrorism bill with sections 401 through 404 of the House anti-terrorism bill. The changes from the draft I sent earlier are an elaboration of the additional amendments to 18 USC 2339A in section 806 of the Senate bill as compared to section 402 of the House bill and a stated preference for the more inclusive Senate version.

Mike Payne

>>> Newstead, Jennifer 10/04/01 11:31AM >>>

All -- as you know we're in the home stretch of the legislative process on the terrorism bill. Now that Senate and House text have been separately "agreed", we are about to become embroiled in negotiations over what the final bill should look like.

To that end, we need to develop ASAP a side-by-side comparison of the new Senate and House bills (the Senate version is attached: I will forward the House version as soon as I have it). Viet requests that each of you take responsibility for producing the section of the side by side in your areas of expertise as follows (please delegate this if needed, but we ask that you or your designee set aside as much of the day today as possible to get this done). We ask that you start immediately and provide us with a preliminary draft by 3:30, and a final text no later than 7 pm. We will use the preliminary draft for the first round of pre-conference discussions which start at 4.

Please use the attached format (5 columns as marked) to assist me in generating one document at the end of the process.

Thanks very much for your help.

Title I Wiretap: Jack Geise
Title I FISA: David Kris
Title II: Mike Lindemann
Title III (substantive crim. law): David Karp
Title III (crim. procedure): John Elwood
Title IV: Stef Casella
Title V and VI: Rafe Madan

- terrorte.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_XFB14004_WHO.TXT_1>

REV_00132824

Senate Bill Provision No.	Senate Bill Description	Corresponding House Bill No.	Differences from Senate Bill	Preference
	(Please provide a brief description of what the Senate provision does)		(Please explain how the House provision differs from the Senate provision, if at all)	(Please state here which provision you would prefer to see in the final bill)
810 and 815	section 810 adds 18 U.S.C. § 2339B to 18 U.S.C. §2332b(g)(5)(B) which section 815 incorporates into 18 U.S.C. § 1961(1), all of whose offenses are specified unlawful activities (SUAs) for money laundering under to 18 U.S.C. § 1956(c)(7)(A)	401	House bill specifically adds 18 U.S.C. §2339B (material support to foreign terrorist organizations) as a new specified unlawful activity (SUA) for money laundering offenses at 18 U.S.C. § 1956(c)(7)(D)	same result; no preference.
806	Amendments to 18 U.S.C. §2339A (material support for terrorism)	402	Senate version includes both House version amendments <u>plus</u> amendments that add 18 U.S.C §229 (chemical weapons offenses); the Senate version's proposed 18 U.S.C. §1993 (attacks on mass transportation systems); 42 U.S.C. § 2284 (sabotage of nuclear	The more inclusive Senate version.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/4/2001 1:46:38 PM
Subject: : New POTUS Mtg. tim e- 3:05 pm on Friday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-OCT-2001 17:46:38.00

SUBJECT:: New POTUS Mtg. tim e- 3:05 pm on Friday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/4/2001 1:46:38 PM
Subject: : New POTUS Mtg. tim e- 3:05 pm on Friday

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-OCT-2001 17:46:38.00

SUBJECT:: New POTUS Mtg. tim e- 3:05 pm on Friday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/5/2001 5:05:22 AM
Subject: : If you are in the 3:05 pm w/ POTUS today we will have a prep meeting...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-OCT-2001 09:05:22.00

SUBJECT:: If you are in the 3:05 pm w/ POTUS today we will have a prep meeting...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

at 2:45 pm in the Judge's Office.

Thanks!

REV_00132846

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Candida P. Wolff/OVP/EOP@EOP [OVP] <Candida P. Wolff>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/5/2001 5:33:27 AM
Subject: : This afternoon

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-OCT-2001 09:33:27.00
SUBJECT:: This afternoon
TO:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I should warn you, as you think about scheduling a meeting for this afternoon, that Brett and I have a POTUS meeting at 3 p.m. today. We should be finished by 3:30.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 10/5/2001 5:49:34 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-OCT-2001 09:49:34.00
SUBJECT::
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

does this do it?
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
10/05/2001 09:49 AM -----

Brett M. Kavanaugh
10/05/2001 09:45:58 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc:
Subject:

Judge: In my joking today about the "drafting oversight" Helgi raised re the airline bill, I said something like "hey, that's Joel's part." That actually is NOT true, but is a joke he and I have with each other when the many criticisms of this Act are launched. I fear, however, I may have left you with the erroneous impression that he actually was involved in/responsible for drafting/negotiating that section of the bill when in fact he was not. Out of an abundance of caution, this e-mail . .
.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/5/2001 5:05:22 AM
Subject: : If you are in the 3:05 pm w/ POTUS today we will have a prep meeting...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-OCT-2001 09:05:22.00

SUBJECT:: If you are in the 3:05 pm w/ POTUS today we will have a prep meeting...

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

at 2:45 pm in the Judge's Office.

Thanks!

REV_00132849

From: CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA]
To: Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>
CC: marcus_sumerlin@opd.eop.gov [UNKNOWN]
<marcus_sumerlin@opd.eop.gov>; peter.fisher@do.treas.gov [UNKNOWN]
<peter.fisher@do.treas.gov>; k. philippa malmgren/opd/eop@eop [OPD] <k. philippa malmgren>; augustine t. smythe/omb/eop@eop [OMB] <augustine t. smythe>; kathleen.cooper@esa.doc.gov [UNKNOWN]
<kathleen.cooper@esa.doc.gov>; michael.jackson@ost.dot.gov [UNKNOWN]
<michael.jackson@ost.dot.gov>; kirk.vantine@ost.dot.gov [UNKNOWN]
<kirk.vantine@ost.dot.gov>; charles d. mcgrath jr/ovp/eop@eop [OVP] <charles d. mcgrath jr>; john w. howard/who/eop@eop [WHO] <john w. howard>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>; kristen silverberg/who/eop@eop [WHO] <kristen silverberg>; jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>
Sent: 10/5/2001 12:05:50 PM
Subject: : CEA Terror insurance document
Attachments: P_P6024004_CEA.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME: 5-OCT-2001 16:05:50.00
SUBJECT:: CEA Terror insurance document
TO: Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ: UNKNOWN
CC: marcus_sumerlin@opd.eop.gov (marcus_sumerlin@opd.eop.gov [UNKNOWN])
READ: UNKNOWN
CC: peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ: UNKNOWN
CC: k. philippa malmgren (CN=k. philippa malmgren/OU=opd/O=eop@eop [OPD])
READ: UNKNOWN
CC: augustine t. smythe (CN=augustine t. smythe/OU=omb/O=eop@eop [OMB])
READ: UNKNOWN
CC: kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])
READ: UNKNOWN
CC: michael.jackson@ost.dot.gov (michael.jackson@ost.dot.gov [UNKNOWN])
READ: UNKNOWN
CC: kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov [UNKNOWN])
READ: UNKNOWN
CC: charles d. mcgrath jr (CN=charles d. mcgrath jr/OU=ovp/O=eop@eop [OVP])
READ: UNKNOWN
CC: john w. howard (CN=john w. howard/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ: UNKNOWN
CC: kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])
READ: UNKNOWN
End Original ARMS Header

CEA has a different view on pricing than is inherent in the Treasury memo just sent. We attach the following for your consideration at today's meeting.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_P6024004_CEA.TXT_1>

REV_00132866

Pricing the Federal Excess Loss Coverage

The federal government should charge the insurance industry a “fair market price” for excess loss coverage. The price would be determined by the Secretary of the Treasury.

Rationale:

1. The purpose of pricing insurance is to provide proper incentives for loss mitigation activity. The magnitude of losses from terrorist activity is not fixed, but depend on the level of *ex ante* mitigation activity. Because individual economic actors can affect the loss distribution, it is important that they internalize the cost of their decisions. Charging them a fair price provides the right incentives. In the case of terrorism, mitigation activities could include such decisions as:
 - Investing in new security procedures
 - Investing in better data back-up systems to reduce business interruption
 - Reducing the spatial concentration of firm business activity
 - Locating future firm operations in areas that are less prone to terrorist attack
 - Focusing new construction on buildings that are less likely to be terrorist targets (e.g., smaller buildings)
2. These prices should be set *ex ante* rather than *ex post* for two reasons:
 - This is there is a credibility problem with *ex post* pricing. Actors will rationally expect that the government may not actually levy the charges after an incident. In other words, *ex post* pricing will is highly likely to reduce to “free coverage.”
 - Even if the government could credibly commit to *ex post* pricing, it still would not get the incentives exactly right. The reason is that due to entry and exit from affected industries, the actors that would be levied *ex post* will not necessarily be the same actors who took the risks *ex ante*. For example, some firms could take a high level of risk, and then simply declare bankruptcy and default *ex post*.

How would the Treasury determine prices?

From the perspective of providing proper incentives, charging even an arbitrary cost-based price would be an improvement over a zero price, but using market signals would be even better. Obtaining market prices is a challenge because the reason for government intervention in the first place is that the private market does not have the capacity to absorb extremely large losses.

There are many potential mechanisms for determining the right price to charge, including:

1. Hiring a private sector actuarial firm to determine the actuarial fair price, and then adjusting this price to reflect standard underwriting costs for catastrophe insurance. (There is much data in the private market for catastrophe insurance with which to determine the adjustment factor.)
2. The government could offer to sell a small “slice” (e.g., 1-2%) of the excess loss to the private market. Example: The government then offers to the private market a

securitized package along the lines of “1% of losses between \$50 billion and \$100 billion.” Thus, the maximum exposure to the purchaser of this contract is \$0.5 billion, and in expectation is much less. Such a package could be sold directly to a private actor (e.g., Berkshire Hathaway) and use that price as a basis for setting premiums.

3. The government could directly securitize a portion of the excess loss coverage through the use of Treasury-issued “cat bonds” or “cat call options.” For example, the government could sell catastrophic option contracts that pay out when aggregate insured losses exceeding a certain amount. One type of contract is the Catastrophic Options contract that trades on the Chicago Board of Trade. The model for these types of contracts is already in place and could be quickly implemented.

From: CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA]
To: Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>
CC: marcus_sumerlin@opd.eop.gov [UNKNOWN]
<marcus_sumerlin@opd.eop.gov>;peter.fisher@do.treas.gov [UNKNOWN]
<peter.fisher@do.treas.gov>;k. philippa malmgren/opd/eop@eop [OPD] <k. philippa malmgren>;augustine t. smythe/omb/eop@eop [OMB] <augustine t. smythe>;kathleen.cooper@esa.doc.gov [UNKNOWN]
<kathleen.cooper@esa.doc.gov>;michael.jackson@ost.dot.gov [UNKNOWN]
<michael.jackson@ost.dot.gov>;kirk.vantine@ost.dot.gov [UNKNOWN]
<kirk.vantine@ost.dot.gov>;charles d. mcgrath jr/ovp/eop@eop [OVP] <charles d. mcgrath jr>;john w. howard/who/eop@eop [WHO] <john w. howard>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>
Sent: 10/5/2001 12:05:50 PM
Subject: : CEA Terror insurance document
Attachments: P_P6024004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME: 5-OCT-2001 16:05:50.00
SUBJECT:: CEA Terror insurance document
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:marcus_sumerlin@opd.eop.gov (marcus_sumerlin@opd.eop.gov [UNKNOWN])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:k. philippa malmgren (CN=k. philippa malmgren/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:augustine t. smythe (CN=augustine t. smythe/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])
READ:UNKNOWN
CC:michael.jackson@ost.dot.gov (michael.jackson@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
CC:kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
CC:charles d. mcgrath jr (CN=charles d. mcgrath jr/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:john w. howard (CN=john w. howard/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
End Original ARMS Header

CEA has a different view on pricing than is inherent in the Treasury memo just sent. We attach the following for your consideration at today's meeting.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_P6024004_WHO.TXT_1>

REV_00132869

Pricing the Federal Excess Loss Coverage

The federal government should charge the insurance industry a “fair market price” for excess loss coverage. The price would be determined by the Secretary of the Treasury.

Rationale:

1. The purpose of pricing insurance is to provide proper incentives for loss mitigation activity. The magnitude of losses from terrorist activity is not fixed, but depend on the level of *ex ante* mitigation activity. Because individual economic actors can affect the loss distribution, it is important that they internalize the cost of their decisions. Charging them a fair price provides the right incentives. In the case of terrorism, mitigation activities could include such decisions as:
 - Investing in new security procedures
 - Investing in better data back-up systems to reduce business interruption
 - Reducing the spatial concentration of firm business activity
 - Locating future firm operations in areas that are less prone to terrorist attack
 - Focusing new construction on buildings that are less likely to be terrorist targets (e.g., smaller buildings)
2. These prices should be set *ex ante* rather than *ex post* for two reasons:
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 - Even if the government could credibly commit to *ex post* pricing, it still would not get the incentives exactly right. The reason is that due to entry and exit from affected industries, the actors that would be levied *ex post* will not necessarily be the same actors who took the risks *ex ante*. For example, some firms could take a high level of risk, and then simply declare bankruptcy and default *ex post*.

How would the Treasury determine prices?

From the perspective of providing proper incentives, charging even an arbitrary cost-based price would be an improvement over a zero price, but using market signals would be even better. Obtaining market prices is a challenge because the reason for government intervention in the first place is that the private market does not have the capacity to absorb extremely large losses.

There are many potential mechanisms for determining the right price to charge, including:

1. Hiring a private sector actuarial firm to determine the actuarial fair price, and then adjusting this price to reflect standard underwriting costs for catastrophe insurance. (There is much data in the private market for catastrophe insurance with which to determine the adjustment factor.)
2. The government could offer to sell a small “slice” (e.g., 1-2%) of the excess loss to the private market. Example: The government then offers to the private market a

securitized package along the lines of “1% of losses between \$50 billion and \$100 billion.” Thus, the maximum exposure to the purchaser of this contract is \$0.5 billion, and in expectation is much less. Such a package could be sold directly to a private actor (e.g., Berkshire Hathaway) and use that price as a basis for setting premiums.

3. The government could directly securitize a portion of the excess loss coverage through the use of Treasury-issued “cat bonds” or “cat call options.” For example, the government could sell catastrophic option contracts that pay out when aggregate insured losses exceeding a certain amount. One type of contract is the Catastrophic Options contract that trades on the Chicago Board of Trade. The model for these types of contracts is already in place and could be quickly implemented.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 10/7/2001 4:15:41 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-OCT-2001 20:15:41.00

SUBJECT::

TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Can you give me an updated list of all meetings this Office has had with POTUS re judges and US Attorneys. thanks.

From: CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO]
To: Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Anna M. Perez/NSC/EOP@EOP [NSC] <Anna M. Perez>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>; George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Laura F. Chadwick/OVP/EOP@EOP [OVP] <Laura F. Chadwick>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>; Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>; Mary K. Sturtevant/NSC/EOP@EOP [NSC] <Mary K. Sturtevant>; Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>; Helgard C. Walker/WHO/EOP@EOP [

WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>
Sent: 10/8/2001 10:18:29 AM
Subject: : Operational Briefing

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-OCT-2001 14:18:29.00

SUBJECT:: Operational Briefing

TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])

REV_00133307

READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura F. Chadwick (CN=Laura F. Chadwick/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
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TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
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TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please be aware that there will be a mandatory operational security briefing tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450. If you have any questions, please call X6-5400. Thank you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>; Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>
CC: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 10/8/2001 7:30:38 AM
Subject: : Estrada

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-OCT-2001 11:30:38.00

SUBJECT:: Estrada

TO: Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I talked to Miguel. He is excited (in a Miguel way) about possibility of being part of Friday's events. Please let me know any details about the time for the events so that I can pass on to him. Also, please let me know your ideas about nature of any remarks he should make in Indian Treaty Room.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Roger.Nober@ost.dot.gov @ inet [UNKNOWN]
<Roger.Nober@ost.dot.gov>;david.leitch@faa.gov @ inet [UNKNOWN] <david.leitch@faa.gov>
Sent: 10/8/2001 7:58:12 AM
Subject: : EO draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-OCT-2001 11:58:12.00
SUBJECT:: EO draft
TO:Roger.Nober@ost.dot.gov (Roger.Nober@ost.dot.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:david.leitch@faa.gov (david.leitch@faa.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

update: draft is not complete; a little slower than anticipated; will keep
you posted

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/8/2001 12:50:17 PM
Subject: : Re: final terrorism insurance memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-OCT-2001 16:50:17.00
SUBJECT:: Re: final terrorism insurance memo
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I thought of another possibility on liability -- too late unfortunately.
In addition to or instead of pursuing fed reforms, we could support tort
reform efforts in the states. We could privately or publicly work through
the Govs to enact terrorism related tort reform limiting damages, capping
atty's fees, etc.

From: CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO]
To: Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Anna M. Perez/NSC/EOP@EOP [NSC] <Anna M. Perez>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>; George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Laura F. Chadwick/OVP/EOP@EOP [OVP] <Laura F. Chadwick>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>; Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>; Mary K. Sturtevant/NSC/EOP@EOP [NSC] <Mary K. Sturtevant>; Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>; Helgard C. Walker/WHO/EOP@EOP [

WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>
Sent: 10/8/2001 10:18:29 AM
Subject: : Operational Briefing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-OCT-2001 14:18:29.00

SUBJECT:: Operational Briefing

TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])

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TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])

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TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
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TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
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TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Please be aware that there will be a mandatory operational security briefing tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450. If you have any questions, please call X6-5400. Thank you.

From: CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO]
To: Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Anna M. Perez/NSC/EOP@EOP [NSC] <Anna M. Perez>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>; George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Laura F. Chadwick/OVP/EOP@EOP [OVP] <Laura F. Chadwick>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>; Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>; Mary K. Sturtevant/NSC/EOP@EOP [NSC] <Mary K. Sturtevant>; Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>; Helgard C. Walker/WHO/EOP@EOP [

WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>
Sent: 10/8/2001 10:18:29 AM
Subject: : Operational Briefing

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-OCT-2001 14:18:29.00

SUBJECT:: Operational Briefing

TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])

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TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

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TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

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TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])

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TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

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TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

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TO:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please be aware that there will be a mandatory operational security briefing tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450. If you have any questions, please call X6-5400. Thank you.

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/8/2001 10:26:03 AM
Subject: : Re: Blackberries

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 8-OCT-2001 14:26:03.00

SUBJECT:: Re: Blackberries

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I take from your 7/27/01 email, that the fact that some Blackberry email
many not be records managed is acceptable... is this right?

----- Forwarded by Timothy Campen/OA/EOP on 10/08/2001
02:23 PM -----

Brett M. Kavanaugh
07/27/2001 11:38:02 AM
Record Type: Record

To: Anne M. Hughes/WHO/EOP@EOP
cc: jacquelyn d hayes-byrd/who/eop@eop
bcc:
Subject: Re: Blackberries

The use of blackberries is perfectly acceptable.

From: Anne M. Hughes on 07/26/2001 07:39:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jacquelyn D Hayes-Byrd/WHO/EOP@EOP
Subject: Blackberries

Brett-- Looks like we're moving forward with "blackberries" full speed
ahead. At your earliest convenience, please provide a memo which states
that Counsel approves the use of two way pagers. Thanks--AMH

REV_00133321

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
Sent: 10/8/2001 10:27:37 AM
Subject: : Re: Blackberries

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-OCT-2001 14:27:37.00
SUBJECT:: Re: Blackberries
TO: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

Correct. No different from voice mail, or voice conversations for that matter.

Timothy Campen
10/08/2001 02:26:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Blackberries

I take from your 7/27/01 email, that the fact that some Blackberry email many not be records managed is acceptable... is this right?
----- Forwarded by Timothy Campen/OA/EOP on 10/08/2001 02:23 PM -----

Brett M. Kavanaugh
07/27/2001 11:38:02 AM
Record Type: Record

To: Anne M. Hughes/WHO/EOP@EOP
cc: jacquelyn d hayes-byrd/who/eop@eop
bcc:
Subject: Re: Blackberries

The use of blackberries is perfectly acceptable.

From: Anne M. Hughes on 07/26/2001 07:39:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jacquelyn D Hayes-Byrd/WHO/EOP@EOP
Subject: Blackberries

Brett-- Looks like we're moving forward with "blackberries" full speed ahead. At your earliest convenience, please provide a memo which states that Counsel approves the use of two way pagers. Thanks--AMH

REV_00133322

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
Sent: 10/8/2001 10:27:37 AM
Subject: : Re: Blackberries

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-OCT-2001 14:27:37.00
SUBJECT:: Re: Blackberries
TO: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

Correct. No different from voice mail, or voice conversations for that matter.

Timothy Campen
10/08/2001 02:26:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Blackberries

I take from your 7/27/01 email, that the fact that some Blackberry email many not be records managed is acceptable... is this right?

----- Forwarded by Timothy Campen/OA/EOP on 10/08/2001 02:23 PM -----

Brett M. Kavanaugh
07/27/2001 11:38:02 AM
Record Type: Record

To: Anne M. Hughes/WHO/EOP@EOP
cc: jacquelyn d hayes-byrd/who/eop@eop
bcc:
Subject: Re: Blackberries

The use of blackberries is perfectly acceptable.

From: Anne M. Hughes on 07/26/2001 07:39:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jacquelyn D Hayes-Byrd/WHO/EOP@EOP
Subject: Blackberries

Brett-- Looks like we're moving forward with "blackberries" full speed ahead. At your earliest convenience, please provide a memo which states that Counsel approves the use of two way pagers. Thanks--AMH

REV_00133324

From: CN=Hector F. Irastorza/OU=WHO/O=EOP [WHO]
To: Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; John W. Howard/WHO/EOP@EOP [WHO] <John W. Howard>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Anna M. Perez/NSC/EOP@EOP [NSC] <Anna M. Perez>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>; George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>; Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Laura F. Chadwick/OVP/EOP@EOP [OVP] <Laura F. Chadwick>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>; Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>; David Frum/WHO/EOP@EOP [WHO] <David Frum>; Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>; Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>; Mary K. Sturtevant/NSC/EOP@EOP [NSC] <Mary K. Sturtevant>; Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>; Helgard C. Walker/WHO/EOP@EOP [

WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Stephen E. Biegun/NSC/EOP@EOP [NSC] <Stephen E. Biegun>;Sean C. O'Keefe/OMB/EOP@EOP [OMB] <Sean C. O'Keefe>

Sent: 10/8/2001 10:49:02 AM
Subject: : Operational Briefing -- Additional Information

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-OCT-2001 14:49:02.00

SUBJECT:: Operational Briefing -- Additional Information

TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John W. Howard (CN=John W. Howard/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])

REV_00133333

READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura F. Chadwick (CN=Laura F. Chadwick/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen E. Biegun (CN=Stephen E. Biegun/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sean C. O'Keefe (CN=Sean C. O'Keefe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

The mandatory operational briefing referenced below which will be held tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450 is for Deputy Assistants to the President, Special Assistants to the

REV_00133335

President and equivalents only. Thank you.

----- Forwarded by Hector F. Irastorza/WHO/EOP on
10/08/2001 02:42 PM -----

From: A. Merrill Hughes on 10/08/2001 02:18:26 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Cathy Alix/WHO/EOP@EOP
Subject: Operational Briefing

Please be aware that there will be a mandatory operational briefing
tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450.
If you have any questions, please call X6-5400. Thank you.

Message Sent

To:

Andrea G. Ball/WHO/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
Daniel J. Bartlett/WHO/EOP@EOP
Bradley A. Blakeman/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
John M. Bridgeland/OPD/EOP@EOP
Don E. Eberly/WHO/EOP@EOP
Gary R. Edson/NSC/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Linda M. Gambatesa/WHO/EOP@EOP
Michael J. Gerson/WHO/EOP@EOP
Chris Henick/WHO/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
John W. Howard/WHO/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Hector F. Irastorza/WHO/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Scott McClellan/WHO/EOP@EOP
Kenneth B. Mehlman/WHO/EOP@EOP
Brian D. Montgomery/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Anna M. Perez/NSC/EOP@EOP
Mark V. Rosenker/WHO/EOP@EOP
D. Marcus Sumerlin/OPD/EOP@EOP
Lezlee J. Westine/WHO/EOP@EOP
Elliott Abrams/NSC/EOP@EOP
George M. Andricos/NSC/EOP@EOP
Jodey Arrington/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Charles P. Blahous/OPD/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Claire E. Buchan/WHO/EOP@EOP
Laura F. Chadwick/OVP/EOP@EOP
Christine Ciccone/WHO/EOP@EOP
Alicia P. Clark/WHO/EOP@EOP
Richard A. Clarke/NSC/EOP@EOP
John A. Cloud/NSC/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Nicolle Devenish/WHO/EOP@EOP
Elizabeth S. Dougherty/OPD/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

REV_00133336

Catherine S. Fenton/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Jendayi E. Frazer/NSC/EOP@EOP
Daniel Fried/NSC/EOP@EOP
David Frum/WHO/EOP@EOP
Kelley Gannon/WHO/EOP@EOP
Dylan C. Glenn/OPD/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Israel Hernandez/WHO/EOP@EOP
Stuart Holliday/WHO/EOP@EOP
Robert G. Joseph/NSC/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP
Zalmay M. Khalilzad/NSC/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
David Kuo/WHO/EOP@EOP
Phillip Larsen/OA/EOP@EOP
Dirksen Lehman/WHO/EOP@EOP
Roland N. Litterst/WHO/EOP@EOP
John F. Maisto/NSC/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Robert Marsh/WHO/EOP@EOP
Robert C. McNally/OPD/EOP@EOP
Franklin C. Miller/NSC/EOP@EOP
Edmund C. Moy/WHO/EOP@EOP
Torkel L. Patterson/NSC/EOP@EOP
Anne E. Phelps/OPD/EOP@EOP
Dina Powell/WHO/EOP@EOP
Craig Ray/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP
Matthew O. Scully/WHO/EOP@EOP
Scott N. Sforza/WHO/EOP@EOP
Kristine Simmons/OPD/EOP@EOP
Deborah A. Spagnoli/WHO/EOP@EOP
Mary K. Sturtevant/NSC/EOP@EOP
Aquiles F. Suarez/OPD/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Peter H. Wehner/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP
Don R. Willett/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/8/2001 3:52:41 PM
Subject: :

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-OCT-2001 19:52:41.00
SUBJECT::
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Do you have a copy of the anti-terrorism sap? Would you forward?

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Dinh, Viet <Viet.Dinh@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Karp, David J <David.J.Karp@usdoj.gov>; Thorsen, Carl <Carl.Thorsen@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Lindemann, Michael <Michael.Lindemann@usdoj.gov>; Kris, David <David.Kris@usdoj.gov>; Madan, Rafael <Rafael.Madan@usdoj.gov>; Ayres, David <David.T.Ayres@usdoj.gov>; Israelite, David <David.Israelite@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Dryden, Susan <Susan.Dryden@usdoj.gov>; Sales, Nathan <Nathan.Sales@usdoj.gov>; Keefer, Wendy J <Wendy.J.Keefer@usdoj.gov>; 'Fishman, George' <George.Fishman@mail.house.gov>; 'cwolff@ovp.cop.gov' <cwolff@ovp.cop.gov>; 'makan_delrahim@judiciary.senate.gov' <makan_delrahim@judiciary.senate.gov>; 'Dudas, Jon' <jon.dudas@mail.house.gov>; 'john_mashburn@lott.senate.gov' <john_mashburn@lott.senate.gov>; 'sharon_soderstrom@lott.senate.gov' <sharon_soderstrom@lott.senate.gov>; 'Peterlin, Margaret' <Margaret.Peterlin@mail.house.gov>; 'Farry, Doug' <Doug.Farry@mail.house.gov>; 'stuart_nash@judiciary.senate.gov' <stuart_nash@judiciary.senate.gov>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>; Candida P. Wolff/OVP/EOP@EOP [OVP] <Candida P. Wolff>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Elwood, John <John.Elwood@usdoj.gov>; Painter, Christopher <Christopher.Painter@usdoj.gov>; Geise, Jack <Jack.Geise@usdoj.gov>; 'will.moschella@mail.house.gov' <will.moschella@mail.house.gov>; 'jay.apperson@mail.house.gov' <jay.apperson@mail.house.gov>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 10/9/2001 8:32:01 AM
Subject: : New Side-by-side comparison
Attachments: P_LE134004_WHO.TXT_1.wpd

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: "Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 9-OCT-2001 12:32:01.00
SUBJECT:: New Side-by-side comparison
TO: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: "Karp, David J" <David.J.Karp@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Karp, David J" <David.J.Karp@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: "O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM

REV_00133342

Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Lindemann, Michael" <Michael.Lindemann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Lindemann, Michael" <Michael.Lindemann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Kris, David" <David.Kris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Kris, David" <David.Kris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Madan, Rafael" <Rafael.Madan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Madan, Rafael" <Rafael.Madan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Ayres, David" <David.T.Ayres@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ayres, David" <David.T.Ayres@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Israelite, David" <David.Israelite@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Israelite, David" <David.Israelite@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dryden, Susan" <Susan.Dryden@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dryden, Susan" <Susan.Dryden@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Fishman, George'" <George.Fishman@mail.house.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Fishman, George'" <George.Fishman@mail.house.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'cwolff@ovp.cop.gov'" <cwolff@ovp.cop.gov> (Receipt Notification Requested) ("'cwolff@ovp.cop.gov'" <cwolff@ovp.cop.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'makan_delrahim@judiciary.senate.gov'" <makan_delrahim@judiciary.senate.gov> (Receipt Notification Requested) ("'makan_delrahim@judiciary.senate.gov'" <makan_delrahim@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Dudas, Jon'" <jon.dudas@mail.house.gov> (Receipt Notification Requested) ("'Dudas, Jon'" <jon.dudas@mail.house.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) ("'john_mashburn@lott.senate.gov'" <john_mashburn@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'sharon_soderstrom@lott.senate.gov'" <sharon_soderstrom@lott.senate.gov> (Receipt Notification Requested) ("'sharon_soderstrom@lott.senate.gov'" <sharon_soderstrom@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Peterlin, Margaret'" <Margaret.Peterlin@mail.house.gov> (Receipt Notification Requested) ("'Peterlin, Margaret'" <Margaret.Peterlin@mail.house.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Farry, Doug'" <Doug.Farry@mail.house.gov> (Receipt Notification Requested) ("'Farry, Doug'" <Doug.Farry@mail.house.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'stuart_nash@judiciary.senate.gov'" <stuart_nash@judiciary.senate.gov> (Receipt

Notification Requested) ("'stuart_nash@judiciary.senate.gov'"
<stuart_nash@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: "Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: "Painter, Christopher" <Christopher.Painter@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) ("Painter, Christopher" <Christopher.Painter@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: "Geise, Jack" <Jack.Geise@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Geise, Jack" <Jack.Geise@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: "'will.moschella@mail.house.gov'" <will.moschella@mail.house.gov> (Receipt Notification
Requested) (IPM Return Requested) ("'will.moschella@mail.house.gov'"
<will.moschella@mail.house.gov> (Receipt Notification Requested) (IPM Return Requested) [
UNKNOWN])
READ:UNKNOWN
TO: "'jay.apperson@mail.house.gov'" <jay.apperson@mail.house.gov> (Receipt Notification
Requested) (IPM Return Requested) ("'jay.apperson@mail.house.gov'"
<jay.apperson@mail.house.gov> (Receipt Notification Requested) (IPM Return Requested) [
UNKNOWN])
READ:UNKNOWN
TO: Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

All,

Please find enclosed a revised side-by-side comparison of the Senate and
House anti-terrorism bills.

Best,

Viet Dinh

- revised house-senate side by side.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LE134004_WHO.TXT_1>

REV_00133344

Senate and House Bill Comparison

Senate Bill Provision No.	Senate Bill Description	Corresponding House Bill No.	Differences from Senate Bill	Notes
2	Construction and severability clause	2	Same	
101	Establishes a fund to reimburse DOJ components for costs incurred to rebuild facilities, investigate and prosecute terrorism, and to reimburse other Federal agencies for detaining individuals in foreign countries accused of terrorist acts	No corresponding House provision		
102	Sense of Congress condemning discrimination against Arab and Muslim Americans	No corresponding House provision		
103	Authorizes \$200M for FY 2002, 2003 and 2004 for the FBI Technical Support Center (established by AEDPA)	No corresponding House Provision		
104	Broadens Attorney General's authority to request the Secretary of Defense to support DOJ activities in emergency situations involving weapons of mass destruction	No corresponding House provision		
105	Directs the Secret Service to develop a national network of electronic crime task forces modeled on the New York task force	No corresponding House provision		
106	Expands Presidential authority, without a formal declaration of war, to seize assets of foreign persons, countries, and organizations involved in armed hostilities or attacks on the United States	159	Requires a statute authorizing use of military force by the President prior to seizure of assets; deletes classified evidence provision	
201	<i>Plain Language Description</i> Adds terrorism statutes as Title III predicate offenses, includes chemical weapons offenses under 18 U.S.C. 229	No corresponding House provision		

	bill has typo "18 U.S.C." which bars a fugitive from contesting forfeiture of the proceeds of crime, applies also to corporations that the fugitive controls	House provision		
323	Creates procedure in 28 U.S.C. § 2467 for federal courts, which are authorized by that statute to enforce foreign judgments for forfeiture of criminal proceeds, to restrain property pending the proceeding, and expands such foreign forfeiture judgment enforcement authority beyond drug-related forfeitures to any foreign crimes for which forfeiture would be available if committed in the United States	No corresponding House provision [but similar attempt to provide effective enforcement of judgments as House bill section 705]		
324	Increases civil and criminal penalties for money laundering	No corresponding House provision		
325	Requires a report and recommendation from SEC and others evaluating the operations of this subtitle 30-months after enactment	No corresponding House provision		
326	Requires report by Secretary on effectiveness of these provisions	No corresponding House provision		
327	Brings concentration accounts within regulatory authority of Secretary regarding prevention of financial institutions from permitting movement of funds without related or associated identity of customer	No corresponding House provision		
331	Encourages reporting of suspicious activity by, primarily, releasing financial institutions and their agents from liability for reporting such activity	No corresponding House provision		
332	Requires financial institutions to establish anti-money laundering programs	No corresponding House provision		
333	Provides penalty under Bank Secrecy Act for violations of 31 U.S.C. § 5326 (pertaining to Geographic Targeting orders)	No corresponding House provision		

334	Describes an anti-money laundering strategy	No corresponding House provision		
335	Permits inclusion of suspicion of illegal activity in various written communications and employee references, free from liability	No corresponding House provision		
336	Technical amendment to Bank Secrecy Act regarding Bank Secrecy advisory groups	No corresponding House provision		
337	Requires agency reports recommending possible legislation to conform penalties for various money laundering offenses	No corresponding House provision		
338	Requires regulations to be enacted requiring the reporting of suspicious activity of security brokers and dealers and requiring a report on investment companies within one year of enactment	No corresponding House provision		

339	Requires Secretary to report on administration of Bank Secrecy provisions within six months of enactment	No corresponding House provision		
340	Technical amendments to Bank Secrecy Act, Right to Financial Privacy Act, and Fair Credit Reporting Act to conform to other provisions	No corresponding House provision		
341	Extends requirements of reporting suspicious activity to the activities of Hawala and other underground banking systems, such as informal value transfer systems	No corresponding House provision		
342	Makes support through voice and vote of Executive Directors of financial institutions a benefit available to foreign countries which act to contribute, to respond, to deter, and to prevent international terrorism	No corresponding House provision		
351	Makes currency smuggling a criminal offense and codifies procedures set forth by the Supreme Court for determining whether forfeitures of the smuggled cash violates the Excessive Fines Clause	No corresponding House provision		
361, 362, 363	Sense of Congress as to topics to be covered during U.S. negotiations with foreign governments regarding money laundering	No corresponding House provisions		
401	Northern Border; authorizes AG to waive	No corresponding		

	any cap on number of personnel	House provision		
402	Northern Border; authorizes funds, including \$50,000,000 for systems	209	House bill authorizes "to be appropriated" necessary funds to triple Northern border Border Patrol and INS officials, and \$50,000,000 for systems additions	
403	NCIC-III data sharing Amends INA § 105 to authorize FBI to share criminal record systems information with INS and State for visa application adjudication purposes, by "extracts" or more information if SecState provides alien's finger prints and other information to FBI; pilot aspect in that AG authorized to reconsider "extracts" provision	206	Same	
404	One-time expansion of INS authority to pay overtime	503	Same	
413	Multilateral cooperation against terrorists; provision for SecState to provide visa and other record information to courts and foreign governments, in Sec.State's discretion	205	Same	
501	McDade modification: establishes choice-of-law defaults; eliminates requirement of being member of bar of particular state; permits counseling of undercover activities	No corresponding House provision		
502	Enhances the AG's authority to pay rewards <i>in connection with terrorism</i>	502	Enhances AG's authority to pay rewards <i>under all circumstances</i>	

503	Enhances Sec. State's authority to pay rewards in connection with terrorism	504	Same as Senate, <i>but-- (1) no single reward may exceed \$25M; & (2) sense of House that a \$25M reward should be offered</i>	
504	Expands DNA sample collection predicates for federal offenders to include 2332b(g)(5)(B) list of terrorist offenses, all crimes of violence (as defined in 18 USC 16), and attempts and conspiracies to commit such crimes	352	Adds as DNA sample collection predicates for federal offenders any "Federal terrorism offense" under House section 309(a) definition	
505	Allows "federal officers" who conduct electronic surveillance or physical search under FISA to consult with federal law enforcement officers to coordinate efforts to investigate or protect against actual or potential attack, grave hostile acts, sabotage, IT or clandestine intelligence activities by foreign power	No corresponding House provision		
506	Allows for issuance of NSLs for toll and transaction records, financial records and consumer reports by FBI HQ Deputy Assistant Director or higher or SAC	157		
507	Extends certain jurisdiction of Secret Service (concurrently with FBI's)	No corresponding House provision		
508	Eliminates restrictions on obtaining educational records; person not lower than	No corresponding House provision		

	Assistant AG can apply for an ex parte order to obtain educational records that are relevant to an authorized investigation or prosecution of a grave felony or an act of domestic or international terrorism after showing specific and articulable facts showing that the records are likely to contain information related to the offenses; AG required to issue guidelines to protect confidentiality of records retained, disseminated and used			
509	Eliminates restrictions on production of information from National Center for Education Statistics and allows person not lower than Assistant AG to collect information provided that there are specific and articulable facts giving reason to believe the records are likely to contain information related to a grave felony or an act of domestic or international terrorism; AG required to issue guidelines to protect confidentiality of records retained, disseminated and used	No corresponding House provision		
611	Provides for expedited payment of PSOB benefits in connection with terrorism	No corresponding House provision		
612	Technical amendments to Pub. L. 107-37.	501(d)	Same	
613	Raises base amount of PSOB benefits from \$100K to \$250K.	506	Same	
614	Enhances authority of AAG/OJP to manage OJP	501(b)	Same	
621	Makes changes in crime victims comp. program; one is: amounts received by the Crime Victims Fund from the Pres. \$40B emergency fund are not subject to spending cap	501(a)	Amounts received by the Crime Victims Fund from the Pres. \$40B emergency fund are not subject to spending cap	
622	Makes changes in the crime victims comp. program	No corresponding House provision		

623	Makes changes in the crime victims comp. program	No corresponding House provision		
624	Makes many minor changes in the crime victims comp. program; one expands use of its emergency reserve	501(c)	Expands use of the emergency reserve	
711	Establishes secure information sharing systems to enhance investigation and prosecution abilities of agencies involved in investigations or prosecutions of multi-jurisdiction terrorist activities; authorizes funds for BJA of \$50million for 2002 and \$100 million for 2003	No corresponding House provision		
801	Creates crime for terrorist attacks on mass transportation systems	No corresponding House provision		
802	Strengthens biological weapons offense; adds new offense of possessing bio-agent or toxin of type or in quantity not reasonably justified for legitimate purpose; adds criminal prohibition of convicted felons, etc., possessing listed bio-agents or toxins	305	Similar to Senate provision, but appears to be earlier version; Tauzin proposal under consideration	

803, 809	<p>(1) Amends list of terrorism crimes in 18 USC 2332b(g)(5)(B) – adds some but deletes or restricts others.</p> <p>(2) Makes conforming amendment to 2332b(f) to avoid reduction of A.G.'s primary investigative jurisdiction.</p> <p>(3) Adds definition of "domestic terrorism" to 18 USC 2331 and makes conforming change in existing definition of "international terrorism."</p>	309	<p>(1) Creates new 18 USC 25 defining "Federal terrorism offense," including terrorist motivation requirement in 25(1), and offense list in 25(2)–(5).</p> <p>(2) Substitutes "Federal terrorism offense" as defined in the new section 25 for the existing offense list in 18 USC 2332b(g)(5). (This affects the A.G.'s primary investigative jurisdiction under 2332b(f).)</p> <p>(3) Terrorism definitions differ – House definition of "domestic terrorism" includes apparent effect (not just intent).</p>	
804	Creates new harboring offense where perpetrator knows or has reasonable grounds to believe that the person harbored has committed or is about to commit an offense in a short list of highly serious terrorism crimes. Includes venue provision	307	Creates harboring offense where perpetrator knows that the person harbored has committed or is about to commit an offense in the 25(2) list of terrorism crimes. (The provisions says "section 25(2) or this title," which would cover all title 18 offenses; presumably this is a drafting error and the intended reference is just the 25(2) offenses.) Includes explicit extraterritoriality and venue provisions.	
805	Includes in special maritime and territorial jurisdiction offenses in U.S. foreign missions and related residences, committed by or against U.S. nationals. Excludes offenses by persons covered under 18 USC 3261(a) (which provides	355	Senate provision broader regarding coverage of buildings and lands associated with the missions	

	separate extraterritorial provision for persons accompanying the armed forces)			
806	In material support of terrorists offense: (1) deletes "within the U.S." restriction, (2) adds some additional predicate offenses, (3) adds venue for prosecution in district of underlying offense, (4) adds "monetary instruments" and "expert advice or assistance" as types of prohibited support. Also, adds material support of foreign terrorist organizations as money laundering predicate.	306, 402	Does not delete "within the U. S." restriction; amends material support predicates to be "any Federal terrorism offense" (as defined in section 309(a)) <u>and</u> all terrorism crimes in 25(2) list; same as Senate bill on venue, "monetary instruments," "expert advice or assistance," and money laundering predicates	
806(a)(1)(A)	Strikes restriction of scope of the material support of terrorists offense to acts within the United States	354	General provision providing extraterritorial jurisdiction over any "Federal terrorism offense" (as defined in section 309(a)) or offense under the terrorism chapter of title 18	
806(b) (and also sections 809 and 814)	Makes 18 U.S.C. § 2339B a specified unlawful activity for money laundering offenses; section 806(b) does this the same way as section 401 of the House bill; however, section 806(b) is redundant in the Senate bill because 809 accomplishes the same result by adding 18 U.S.C. § 2339B to 18 U.S.C. §2332b(g)(5)(B) which section 814 incorporates into 18 U.S.C. § 1961(1), all	401	House bill specifically adds 18 U.S.C. §2339B (material support to foreign terrorist organizations) as a new specified unlawful activity (SUA) for money laundering offenses at 18 U.S.C. § 1956(c)(7)(D)	

	of whose offenses are specified unlawful activities (SUAs) for money laundering under to 18 U.S.C. § 1956(c)(7)(A).			
807	Amends 18 U.S.C. §981(a)(1) to provide civil forfeiture of assets involved with terrorism	403	Same	
808	Technical clarification avoiding conflict of Trade Sanctions Reform and Export Enhancement Act of 2000 with 18 U.S.C. §§ 2339A and 2339B	404	Same	
810	No limitation period for prosecution of terrorism crimes involving occurrence or foreseeable risk of death or serious injury	301	No limitation period for prosecution of any "Federal terrorism offense" (as defined in section 309(a)) or for any offense in a list of major terrorism crimes; 15 year limitation period for prosecution of offenses in a list of lesser terrorism crimes	
811	Amends statutes defining various terrorism crimes to provide base maximum prison terms of at least 15 or 20 years, and up to life imprisonment where death results	302	Authorizes imprisonment up to life for person convicted of any "Federal terrorism offense" (as defined in section 309(a))	
812	Amends statutes defining various terrorism crimes to add conspiracy language and provide increased conspiracy penalties	303	Enacts general attempt and conspiracy provisions applicable to "Federal terrorism offense[s]" and to offenses listed in new 18 USC 25(2) (see section 309(a) of bill); for the covered offenses, consistently equalizes attempt and conspiracy penalties to the penalties for the object offense	
813	Authorizes postrelease supervision periods	308	Authorizes postrelease supervision	

	<p><i>Technical</i></p> <p>Amends 18 U.S.C. 2516(1), which lists predicate offenses for electronic surveillance orders under Title III, by adding 18 U.S.C. 229 (relating to chemical weapons) and 18 U.S.C. 2332, 2332a, 2332b, 2332d (relating to the use of weapons of mass destruction, acts of terrorism transcending national boundaries, and engaging in financial transactions with countries supporting international terrorism) and 18 U.S.C. 2339A or 2339B (providing material support or resources to terrorists or designated terrorist organizations)</p>			
202	<p><i>Plain Language Description</i></p> <p>Allows voice wiretaps in computer hacking investigations</p> <p><i>Technical</i></p> <p>Adds Section 1030 to list of offenses in 18 USC 2516(1)</p>	No corresponding House provision		
203(a)	Permits (without court order) sharing of grand jury information regarding foreign intelligence, counterintelligence, and foreign intelligence information with federal law-enforcement, intelligence, protective, immigration, national defense and national security personnel	353	Requires court order; subject to sunset provision	
203(b)	Sharing of wiretap information regarding foreign intelligence and counterintelligence (under NSA) and foreign intelligence information (as defined) with federal law-enforcement, intelligence, protective, immigration,	103	Limited to "foreign intelligence information" under FISA	

	of up to life for persons convicted of terrorism crimes involving occurrence or foreseeable risk of death or serious injury		periods of up to life for persons convicted of any "Federal terrorism offense" (as defined in section 309(a))	
814	Adds terrorism crimes as RICO predicates (through cross-reference to 2332b(g)(5)(B) list as amended by section 809)	304	Adds as RICO predicates any "Federal terrorism offense" (as defined in section 309(a)) <u>and</u> all terrorism crimes in an extensive list	
815	<p><i>Plain Language Description</i></p> <p>Makes a number of amendments to the computer hacking law to fix problems encountered in its application and assure adequate penalties for cyber-terrorists</p> <p><i>Technical</i></p> <p>Numerous technical changes to 18 USC 1030; doubles penalty for damaging a protected computer (<i>contains one technical error (page 225, lines 21-24)</i>)</p>	No corresponding House provision		
816	Technical amendment to 18 U.S.C. § 2707 adding defenses to civil actions regarding preservation of records in response to government requests	No corresponding House provision		
817	Directs AG to establish cybersecurity forensic capabilities	No corresponding House provision		
901	Amends National Security Act of 1947 to give the DCI the responsibility of establishing requirements and priorities for foreign intelligence information under	No corresponding House provision		

	FISA and provide assistance to AG to ensure that information derived from electronic surveillance of physical searches under FISA is disseminated so it may be used efficiently and effectively for FI purposes; DCI shall have no authority to direct, manage, or undertake elec surv operations			
902	Expands scope of definition of foreign intelligence to include international terrorist activities	No corresponding House provision		
903	Sense of Congress that intelligence community employees should maintain relationships with persons and groups for purposes of lawful intelligence activities regarding terrorism	No corresponding House provision		
904	Defers submission of semi-annual reports to 2/1/02	No corresponding House provision		
905	<p>AG shall disclose to DCI pursuant to AG Guidelines FI acquired by an element of DOJ during a criminal investigation (Note this does not say that the AG has to provide FI obtained during intelligence investigation)</p> <p>AG can provide exceptions for classes of information to protect an ongoing investigation</p> <p>AG must notify DCI within a reasonable period of time days of decision to commence or decline to commence criminal investigation of such activity</p>	No corresponding House provision		

906	Directs AG, Director of CIA, and Secretary of Treasury to submit joint report by 2/01/02 on reconfiguring Foreign Terrorist Asset Tracking System	No corresponding House provision		
907	Directs Directors of CIA and FBI to submit report by 2/01/02 regarding National Virtual Translation Center	No corresponding House provision		

908	Requires establishment of program of appropriate training of government officials regarding identification and use of foreign intelligence	No corresponding House provision		
[No provision]	No corresponding Senate provision	111	Extends statutory exclusionary rule to permit suppression of electronic evidence	
[No provision]	No corresponding Senate provision	112	<p><i>Plain Language Description</i></p> <p>Adds a reporting requirement to the stored wire and electronic communications provision at chapter 121 of Title 18, U.S.C. At 18 U.S.C. 2703(g), the courts [and agencies using administrative subpoena would have to report to the</p>	

			<p>Administrative Office of the U.S. Courts (AOUSC), and then the AOUSC to Congress, concerning the applications for obtaining (mis)labeled "disclosure") wire or electronic communications in storage or from a remote computing service, whether granted by the court or denied, along with certain numerical details. [The inclusion of wire communications in storage/remote computing service in 18 U.S.C. 2703(a) and (b) would be added elsewhere in the pending electronic surveillance amendments.]</p> <p><i>Technical Language Description</i></p> <p>Would amend 18 U.S.C. 2703 to append a new subsection (g) "Reports concerning the Disclosure [sic] of the Contents of Electronic Communications" that would require judges or other authorities to report to the AOUSC by January 31 of each year concerning proceedings under 2703(a) and (b) regarding the obtaining of stored wire or electronic communications during the preceding calendar year. The entities reporting to the AOUSC must provide: the fact and type of order, warrant, or subpoena applied for [or if an administrative subpoena was utilized]; whether the application was granted, modified, or denied; the offenses specified; the agency making the application [or utilizing an administrative subpoena]; "the nature of the facilities from which or the place where the contents of electronic communications were to be disclosed"; and a general description of the communications obtained, including the approximate number (and the number of incriminating ones) and the approximate number of persons whose communications were</p>	
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			obtained. By June of each year starting in 2003 [year not listed as to the judges' reporting requirement], the AOUSC	
[No provision]	No corresponding Senate provision	158	Directs the President to present legislation by August 31, 2003, relating to the provisions that will sunset pursuant to House bill section 160	

[No provision]	No corresponding Senate provision	161(d) (1)	Liquidated damages for civil actions increased to \$10,000; new 2 year statute of limitation. If a court finds there are questions as to whether or not an employee "willfully or intentionally violated" FISA, employee must be referred to administrative proceeding. If the administrative board clears the employee, conclusions and support must be sent to Deputy I.G. for Civil Rights.	
[No provision]	No corresponding Senate provision	161(d)(3)	Amends section on pen-traps to provide for fine and/or prison if individual intentionally installs/uses pen-trap under color of law except as authorized by statute or discloses or uses information obtained under color of law by using pen-trap while knowing or having reason to believe that the information was obtained using pen-trap device not authorized by statute; extends civil liability provision to pen-traps	

[No provision]	No corresponding Senate provision	162	All of the electronic surveillance improvements (except sec. 109) would sunset in 2003.	
[No provision]	No corresponding Senate provision	201, 202, 203	<p>Changes classes of aliens ineligible for admission and deportable to those involved with terrorist activity</p> <p>Changes designation of foreign terrorist organizations and mandates detention of suspected terrorists</p>	

[No provision]	No corresponding Senate provision	204	Amends existing INA § 208 political asylum bars relative to terrorist aliens to make clear that alien need not be charged with and found removable on a terrorism charge under § 212(a)(3)(B) and § 237(a)(4)(B) for the bar to apply. Existing language in § 208(b)(2), "inadmissible under" and "removable under," would read "described in." House 204(b) would make this provision retroactive to all aliens and cases in which no final order has issued.	
[No provision]	No corresponding Senate provision	207	Adds new money laundering provision to INA, new § 212(a)(2)(I), with respect to "any alien who a consular officer or the Attorney General knows or has reason to believe has engaged, is engaging, or seeks to enter" the U.S. to in conduct in violation of 18 U.S.C. § 1956, or any alien who a consular officer or the AG "knows is, or has been, a knowing aider, abettor, assister, conspirator, or colludes with others" in a § 1956 offense; also requires SecState to establish within 90 days post enactment, an international "money laundering watch list, which identifies individuals worldwide who are known or suspected of money laundering" for visa adjudication purposes. Requires "list" updates by SecState, with AG, SecTreasury, and CIA cooperation	
[No provision]	No corresponding Senate provision	208	Amends IIRIRA with respect to foreign students to require foreign students from state sponsors of terrorism to pay higher fees	

[No provision]	No corresponding Senate provision	Title II, Subtitle B	Entitled "Preservation of Immigration Benefits for Victims of Terrorism," this title contains numerous provisions, some of them complex, to preserve the ability of aliens affected by the WTCP to preserve existing status and applications that may lapse	
[No provision]	No corresponding Senate provision	310	Increases minimum liquidated damages in suits alleging violations of the "stored communications" chapter from \$1000 to \$10,000	
[No provision]	No corresponding Senate provision	355	Provides blanket extraterritorial jurisdiction over "any Federal terrorism offense," requiring showing of Terrorism mens rea	

	national defense and national security personnel			
203(c)	Requires AG to establish procedure for information sharing in 203(a) and (b)	No corresponding House provision		
203(d)	Permits sharing of information regarding foreign intelligence, counterintelligence, and foreign intelligence information with federal law-enforcement, intelligence, protective, immigration, national defense and national security personnel notwithstanding other law	154	Limited to "foreign intelligence information" under FISA; subject to sunset provision	
204	<i>Plain Language Description</i> Assures that foreign intelligence gathering authorities are not disrupted by changes to pen/trap statute <i>Technical</i> Amends 2511(2)(f) to exempt chapter 121 (the pen/trap statute)	104	Same; subject to sunset provision	
205	Employment of translators by the FBI	701	Essentially same	
206	Allows court to authorize roving surveillance where court finds that the actions of the target may have effect of thwarting the identification of a target	152	Same; subject to sunset provision	
207	Initial authorization for surveillance and search of officers/employees of foreign powers changed to 120 days; can be extended for one year period; all other searches authorized for 90 day period	151	Surveillance and search of officers/ employees of foreign powers can be authorized for one year; all other searches authorized for 90 day period/ authorization; subject to sunset provision	
208	Increases the number of judges on the FISA Court to 11, no less than 3 of whom must live within 20 miles of Washington, D.C.	No corresponding House provision		
209	<i>Plain Language Description</i> Allows acquisition of voice mail stored with a third party provider to be obtained	102	Same; subject to sunset provision	

[No provision]	No corresponding Senate provision	356	Expands the authority of special agents with regard to warrantless activities and provides a penalty for interfering with the work of special agents or those under the protection of special agents	
[No provision]	No corresponding provision in antiterrorism bill; provision similiar to House 405 is being considered for inclusion in Senate's Victim Tax Relief Act, which is on a fast track	405	Provides for disclosure of tax information that may be related to "terrorist incident, threat, or activity"; provision is far more restrictive than old Administration Section 405—for example, would prohibit Secretary from disclosing if doing so would compromise a confidential informant or any civil or criminal tax investigation, regardless of importance of terrorist threat; 2-year Sunset	
[No provision]	No corresponding Senate provision	406	Provides extraterritorial jurisdiction for narrow category of credit-card fraud offenses under 18 USC 1029; provision deleted from Senate because it was unnecessary and may suggest lack of extra-territorial application in other fraud statutes	
[No provision]	No corresponding Senate provision	601	Amends the Reclamation Recreation Management Act of 1992 to establish a criminal penalty for violating the regulations of that Act; authorizes officers	

			working within that Act to carry firearms, execute warrants, investigate, and take similar action to enforce	
[No provision]	No corresponding Senate provision	702	Appoints Deputy Inspector General for Civil Rights, Civil Liberties, and the FBI, who will review info alleging violations of civil rights, civil liberties, and racial profiling by DOJ employees	
[No provision]	No corresponding Senate provision	703	Directs the conducting of a feasibility study on the use of biometric identifier scanning system (fingerprinting) abroad and at points of entry into the United States	
[No provision]	No corresponding Senate provision	704	Directs the FBI to conduct a study by the end of next year of the feasibility of providing computer access to airlines of the names of suspected terrorists	
[No provision]	No corresponding Senate provision	705	Justice for Victims of Terrorism Act; provides enforcement mechanisms for the enforcement of certain anti-terrorism judgments, including the attachment of property subject to the Vienna Convention	
[No provision]	No corresponding Senate provisions	Title VIII	Private Security Officer Quality Assurance; provides procedures for ensuring the quality of private security officers hired by entities in the United States, including required background checks	

	<p>with a search warrant, rather than a wiretap order</p> <p><i>Technical</i></p> <p>Strikes stored voice from definition of "wire communications" and expands provisions for stored electronic communications to include stored voice</p>			
210	<p><i>Plain Language Description</i></p> <p>Speeds investigations by allowing investigators to obtain via subpoena a slightly broader class of records to identify computer criminals</p> <p><i>Technical</i></p> <p>Broadens categories of information related to electronic communications obtainable under 2703(c)(1)(C)</p>	107	Same, except for the way in which the subdivisions are labeled	

211	<p><i>Plain Language Description</i></p> <p>Clarifies that statutes governing telephone and Internet communications (and not the burdensome provisions of the cable act) apply where cable companies are providing Internet or telephone service</p> <p><i>Technical</i></p> <p>Creates an exception to 47 USC 551 (the "Cable Act") for voluntary or obligatory disclosure of communications and records of communications under the wiretap statute, the pen/trap statute, and ECPA</p>	109	<p>House bill (1) excludes "cable viewing activity," which if undefined could include viewing of web pages or viewing "streaming video" over the Internet; and (2) references "Section 631(a)" when correct citation is "Section 631".</p>	
212	<p><i>Plain Language Description</i></p> <p>(1) Allows providers to disclose communications and records of communications to protect life and limb; and (2) clarifies that victims of computer hacking can disclose non-content records to protect their rights and property</p> <p><i>Technical</i></p> <p>(1) Adds amendment to 2702(b)(6) for emergency disclosure; and (2) makes a structural changes to 2702 and 2703 to broaden providers' ability to disclose records to the government</p>	110	<p><i>Plain Language Description</i></p> <p>Same except that House includes a change to 2703 to confirm that providers have civil immunity for such disclosures to the government.</p> <p><i>Technical</i></p> <p>Essentially the same technical amendments to 2702 and 2703</p>	
213	Amends 18 USC § 3103a to permit	[No equivalent;		

	delayed notice of search warrants; may seize property where is "reasonably necessary"	corresponds to stricken section 352 of Administration bill.]		
214	To get pen-trap must certify that information likely to be obtained is relevant to an ongoing investigation to protect against IT or "clandestine intelligence activities", provided that such investigation of a U.S. person is not conducted solely upon the basis of First Amendment activities	155	To get pen-trap must certify that the information likely to be obtained from the telephone line to which the pen-trap is attached is relevant to ongoing FI or IT investigation being conducted by FBI under AG Guidelines; does not have limitation on First Amendment activities	
215	Business records provision allows any designee of FBI director no lower than ASAC to apply to FISA court or a magistrate designated by Chief Justice for an ex parte order requiring production of any tangible things for an investigation to protect against IT or "clandestine intelligence activities" so long as the investigation is conducted under AG Guidelines under EO 12333 and for a U.S. person that the investigation is not solely conducted upon the basis of First Amendment activities Also requires semiannual reporting to Congress	156	Same except no limitation on First Amendment activities	
216	<i>Plain Language Description</i> Amends the pen/trap statute to (1) clearly apply to the Internet; and (2) allow for a single order valid across the country <i>Technical Language Description</i> Changes words like "device" to "device or process" and includes all "dialing, routing, addressing, and signaling information"; and (2) allows federal courts to issue orders valid throughout the country	101	<i>Plain Language Description</i> Almost the same, except with the phrasing of the content exclusion <i>Technical</i> The Senate bill makes even more explicit that pen/trap orders cannot collect content.	

217	<p><i>Plain Language Description</i></p> <p>Allows law enforcement to assist victims of crime in monitoring hackers trespassing on their computers</p> <p><i>Technical</i></p> <p>Amends the wiretap statute to allow persons acting under color of law to intercept "computer trespassers" with the consent of the computer owner</p>	105	<p>House bill contains explicit immunity provision for providers; subject to sunset provision</p> <p>Senate bill excludes from the definition of "computer trespasser" individuals who have "an existing contractual relationship" for access to all or part of the protected computer; no such exclusion in House bill.</p>	
218	<p>AG must certify that "a significant purpose" of the surveillance or search is foreign intelligence</p>	153	<p>Same; subject to sunset provision</p>	
219	<p>Allows search warrants in terrorism investigations to be obtained in any district "in which activities related to the terrorism may have occurred" and executable nationwide</p>	351	<p>Same, except that search warrant has to be obtained in any district having "jurisdiction over the offense being investigated"</p>	
220	<p><i>Plain Language Description</i></p> <p>Allows investigators to get order in local court for communications stored by providers anywhere in the country (court must have jurisdiction over the offense)</p> <p><i>Technical</i></p> <p>Amends 2703(a) to give nation-wide effect to search warrants for stored electronic communications</p>	108	<p>Same; subject to sunset provision</p>	
221	<p>Amends Trade Sanctions Reform and Export Enhancement Act by authorizing President to prevent provision of agricultural and medicinal devices, generally excepted from trade sanctions, when those devices could be used to develop weapons of mass destruction;</p>	No corresponding House provision		

	specifically provides authority to restrict exports to Taliban controlled portions of Afghanistan			
222	<p><i>Plain Language Description</i></p> <p>Attempts to protect providers from having to develop or deploy new technology as a result of the Bill, and assure that they will be reasonably compensated</p> <p><i>Technical</i></p> <p>Adds free-standing provision to effectuate above intent; compensation applies only to pen-trap amendments</p>	160	<p><i>Plain Language Description</i></p> <p>House bill applies to services; Senate bill has a second sentence (redundant with current law) that assures providers reasonable compensation</p> <p><i>Technical</i></p> <p>The Senate bill does not include "services" in the first sentence, and the second sentence is not present in the House bill.</p>	
Title III	Money Laundering and Financial Infrastructure	No corresponding House provisions	This title of the Senate Bill are the provisions passed out of the Senate Banking Committee, for which there are no corresponding provisions in the House bill.	
303	Four-year Congressional review required on Title III provisions under expedited consideration	No corresponding House Provision applied specifically to money laundering		
311	Permits Secretary to direct special measures established in 31 U.S.C. § 5318 to be taken for up to 120-days with regard to suspected money laundering by domestic financial institutions; expands record-keeping requirements	No corresponding House provision		
312	Requires financial institutions handling accounts of non-U.S. persons to establish policies and procedures of due diligence in identifying beneficial and nominal owners of those accounts	No corresponding House provision		
313	Generally prohibits United States' correspondent accounts with foreign shell banks	No corresponding House provision		
314	Requires regulations establishing cooperation among financial institutions,	No corresponding House provision		

	regulatory authorities, and law enforcement to deter money laundering activities			
315	Adds foreign corruption offenses as specified unlawful activities for money laundering crimes	No corresponding House provision		
316	Allows Government to use otherwise inadmissible evidence in contested forfeitures of assets of international terrorists if court determines that such use is needed to protect national security interests; otherwise, standard 18 U.S.C. §983 civil forfeiture procedures apply	No corresponding House provision		
317	Amends 18 U.S.C. §1956(b) to give district court "long-arm" jurisdiction over foreign bank that commits money laundering offense in the United States; authorizes restraint of assets found in U.S. to satisfy civil judgment.	No corresponding House provision		
318	Technical amendment to make clear that the definition of "financial institution" in 18 U.S.C. §§ 1956 and 1957 includes foreign banks	No corresponding House provision		
319	Provides for forfeiture of funds in United States interbank accounts	No corresponding House provision		
320	Amends 18 U.S.C. § 981(a)(1)(B) to allow the United States to institute its own civil forfeiture action against proceeds of foreign criminal offenses when such proceeds are found in the United States	No corresponding House provision		
321	Provides for exclusion from the United States by consular officer or the Attorney General of aliens reasonably believed to be or to have been involved in activities that would constitute money laundering if done in the United States	No corresponding House provision		
322	Clarifies that 28 U.S.C. § 2466, [Senate	No corresponding		

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/9/2001 6:52:21 AM
Subject: : Operational Briefing -- Additional Information

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10/08/2001 02:48:58 PM
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To: See the distribution list at the bottom of this message
cc:
Subject: Operational Briefing -- Additional Information

The mandatory operational briefing referenced below which will be held tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450 is for Deputy Assistants to the President, Special Assistants to the President and equivalents only. Thank you.

----- Forwarded by Hector F. Irastorza/WHO/EOP on
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From: A. Merrill Hughes on 10/08/2001 02:18:26 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Cathy Alix/WHO/EOP@EOP
Subject: Operational Briefing

Please be aware that there will be a mandatory operational briefing tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450. If you have any questions, please call X6-5400. Thank you.

Message Sent

To:

Andrea G. Ball/WHO/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
Daniel J. Bartlett/WHO/EOP@EOP
Bradley A. Blakeman/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
John M. Bridgeland/OPD/EOP@EOP
Don E. Eberly/WHO/EOP@EOP
Gary R. Edson/NSC/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Linda M. Gambatesa/WHO/EOP@EOP
Michael J. Gerson/WHO/EOP@EOP

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Chris Henick/WHO/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
John W. Howard/WHO/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Hector F. Irastorza/WHO/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Scott McClellan/WHO/EOP@EOP
Kenneth B. Mehlman/WHO/EOP@EOP
Brian D. Montgomery/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Anna M. Perez/NSC/EOP@EOP
Mark V. Rosenker/WHO/EOP@EOP
D. Marcus Sumerlin/OPD/EOP@EOP
Lezlee J. Westine/WHO/EOP@EOP
Elliott Abrams/NSC/EOP@EOP
George M. Andricos/NSC/EOP@EOP
Jodey Arrington/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Charles P. Blahous/OPD/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Claire E. Buchan/WHO/EOP@EOP
Laura F. Chadwick/OVP/EOP@EOP
Christine Ciccone/WHO/EOP@EOP
Alicia P. Clark/WHO/EOP@EOP
Richard A. Clarke/NSC/EOP@EOP
John A. Cloud/NSC/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Nicolle Devenish/WHO/EOP@EOP
Elizabeth S. Dougherty/OPD/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Catherine S. Fenton/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Jendayi E. Frazer/NSC/EOP@EOP
Daniel Fried/NSC/EOP@EOP
David Frum/WHO/EOP@EOP
Kelley Gannon/WHO/EOP@EOP
Dylan C. Glenn/OPD/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Israel Hernandez/WHO/EOP@EOP
Stuart Holliday/WHO/EOP@EOP
Robert G. Joseph/NSC/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP
Zalmay M. Khalilzad/NSC/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
David Kuo/WHO/EOP@EOP
Phillip Larsen/OA/EOP@EOP
Dirksen Lehman/WHO/EOP@EOP
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Helgard C. Walker/WHO/EOP@EOP
Peter H. Wehner/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP
Don R. Willett/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP

Message Sent

To:

Andrea G. Ball/WHO/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
Daniel J. Bartlett/WHO/EOP@EOP
Bradley A. Blakeman/WHO/EOP@EOP
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Stephen E. Biegun/NSC/EOP@EOP
Sean C. O'Keefe/OMB/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 10/9/2001 8:21:11 AM
Subject: : Re: Operational Briefing -- Additional Information

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-OCT-2001 12:21:11.00
SUBJECT:: Re: Operational Briefing -- Additional Information
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I was there for first half; careful on cell phones and use burn bags

Helgard C. Walker
10/09/2001 10:52:19 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Operational Briefing -- Additional Information

I couldn't make this -- can you tell me what happened, please?
----- Forwarded by Helgard C. Walker/WHO/EOP on
10/09/2001 10:52 AM -----

Hector F. Irastorza
10/08/2001 02:48:58 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Operational Briefing -- Additional Information

The mandatory operational briefing referenced below which will be held tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450 is for Deputy Assistants to the President, Special Assistants to the President and equivalents only. Thank you.

----- Forwarded by Hector F. Irastorza/WHO/EOP on
10/08/2001 02:42 PM -----

From: A. Merrill Hughes on 10/08/2001 02:18:26 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Cathy Alix/WHO/EOP@EOP
Subject: Operational Briefing

Please be aware that there will be a mandatory operational briefing tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450. If you have any questions, please call X6-5400. Thank you.

REV_00133380

Message Sent

To:

Andrea G. Ball/WHO/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
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Bradley A. Blakeman/WHO/EOP@EOP
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REV_00133381

Dirksen Lehman/WHO/EOP@EOP
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Stephen E. Biegun/NSC/EOP@EOP
Sean C. O'Keefe/OMB/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/9/2001 8:44:42 AM
Subject: : ABA Rating on Karon O. Bowdre (N-Alabama) - "Qualified"

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-OCT-2001 12:44:42.00

SUBJECT:: ABA Rating on Karon O. Bowdre (N-Alabama) - "Qualified"

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/9/2001 8:44:42 AM
Subject: : ABA Rating on Karon O. Bowdre (N-Alabama) - "Qualified"

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-OCT-2001 12:44:42.00

SUBJECT:: ABA Rating on Karon O. Bowdre (N-Alabama) - "Qualified"

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/9/2001 10:09:15 AM
Subject: : Re: Operational Briefing -- Additional Information

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-OCT-2001 14:09:15.00
SUBJECT:: Re: Operational Briefing -- Additional Information
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

SOP. thanks.

Brett M. Kavanaugh
10/09/2001 12:21:09 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Operational Briefing -- Additional Information

I was there for first half; careful on cell phones and use burn bags

Helgard C. Walker
10/09/2001 10:52:19 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Operational Briefing -- Additional Information

I couldn't make this -- can you tell me what happened, please?
----- Forwarded by Helgard C. Walker/WHO/EOP on
10/09/2001 10:52 AM -----

Hector F. Irastorza
10/08/2001 02:48:58 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Operational Briefing -- Additional Information

The mandatory operational briefing referenced below which will be held tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450 is for Deputy Assistants to the President, Special Assistants to the President and equivalents only. Thank you.

----- Forwarded by Hector F. Irastorza/WHO/EOP on

REV_00133386

10/08/2001 02:42 PM -----

From: A. Merrill Hughes on 10/08/2001 02:18:26 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Cathy Alix/WHO/EOP@EOP
Subject: Operational Briefing

Please be aware that there will be a mandatory operational briefing tomorrow morning, Tuesday, October 9, at 10:30AM in conference room 450. If you have any questions, please call X6-5400. Thank you.

Message Sent

To:

Andrea G. Ball/WHO/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
Daniel J. Bartlett/WHO/EOP@EOP
Bradley A. Blakeman/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
John M. Bridgeland/OPD/EOP@EOP
Don E. Eberly/WHO/EOP@EOP
Gary R. Edson/NSC/EOP@EOP
Tucker A. Eskew/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Linda M. Gambatesa/WHO/EOP@EOP
Michael J. Gerson/WHO/EOP@EOP
Chris Henick/WHO/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
John W. Howard/WHO/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Hector F. Irastorza/WHO/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Scott McClellan/WHO/EOP@EOP
Kenneth B. Mehlman/WHO/EOP@EOP
Brian D. Montgomery/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Anna M. Perez/NSC/EOP@EOP
Mark V. Rosenker/WHO/EOP@EOP
D. Marcus Sumerlin/OPD/EOP@EOP
Lezlee J. Westine/WHO/EOP@EOP
Elliott Abrams/NSC/EOP@EOP
George M. Andricos/NSC/EOP@EOP
Jodey Arrington/WHO/EOP@EOP
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Laura F. Chadwick/OVP/EOP@EOP
Christine Ciccone/WHO/EOP@EOP
Alicia P. Clark/WHO/EOP@EOP
Richard A. Clarke/NSC/EOP@EOP
John A. Cloud/NSC/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
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Nicolle Devenish/WHO/EOP@EOP
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Catherine S. Fenton/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Jendayi E. Frazer/NSC/EOP@EOP

REV_00133387

Daniel Fried/NSC/EOP@EOP
David Frum/WHO/EOP@EOP
Kelley Gannon/WHO/EOP@EOP
Dylan C. Glenn/OPD/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Israel Hernandez/WHO/EOP@EOP
Stuart Holliday/WHO/EOP@EOP
Robert G. Joseph/NSC/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP
Zalmay M. Khalilzad/NSC/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
David Kuo/WHO/EOP@EOP
Phillip Larsen/OA/EOP@EOP
Dirksen Lehman/WHO/EOP@EOP
Roland N. Litterst/WHO/EOP@EOP
John F. Maisto/NSC/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Robert Marsh/WHO/EOP@EOP
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Franklin C. Miller/NSC/EOP@EOP
Edmund C. Moy/WHO/EOP@EOP
Torkel L. Patterson/NSC/EOP@EOP
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Dina Powell/WHO/EOP@EOP
Craig Ray/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP
Matthew O. Scully/WHO/EOP@EOP
Scott N. Sforza/WHO/EOP@EOP
Kristine Simmons/OPD/EOP@EOP
Deborah A. Spagnoli/WHO/EOP@EOP
Mary K. Sturtevant/NSC/EOP@EOP
Aquiles F. Suarez/OPD/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Peter H. Wehner/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP
Don R. Willett/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP

Message Sent

To:

Andrea G. Ball/WHO/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
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Helgard C. Walker/WHO/EOP@EOP
Peter H. Wehner/WHO/EOP@EOP
James R. Wilkinson/WHO/EOP@EOP

Don R. Willett/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
Stephen E. Biegun/NSC/EOP@EOP
Sean C. O'Keefe/OMB/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 10/9/2001 1:32:01 PM
Subject: : Judicial Selection Mtg. for tomorrow, Oct. 10, is CANCELLED

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-OCT-2001 17:32:01.00

SUBJECT:: Judicial Selection Mtg. for tomorrow, Oct. 10, is CANCELLED

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00133392

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 10/9/2001 1:32:01 PM
Subject: : Judicial Selection Mtg. for tomorrow, Oct. 10, is CANCELLED

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-OCT-2001 17:32:01.00

SUBJECT:: Judicial Selection Mtg. for tomorrow, Oct. 10, is CANCELLED

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00133394

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
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TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
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TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks!

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Sarah E. Youssef/OPD/EOP@EOP [OPD] <Sarah E. Youssef>
CC: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/9/2001 2:06:33 PM
Subject: : Re: POTOOL QUESTION

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-OCT-2001 18:06:33.00
SUBJECT:: Re: POTOOL QUESTION
TO:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sarah, I am forwarding your question to Moose Cobb and Brett Kavanaugh, who handle this type of issue for our office.

Sarah E. Youssef
10/09/2001 06:04:22 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: POTOOL QUESTION

Noel, I've been invited to present the President's education agenda to the GA Republican Party. Since it's work-related, can they pay for my ticket? How does that work. I want to make sure everything is done above board, so in the interest of full disclosure, my family lives in GA (I am a former GA resident). Will that affect the ethics of my invitation?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 10/10/2001 6:00:40 AM
Subject: RECEIVED: FINAL CLEARANCE- SAP, S.1510- Uniting and Strengthening America (USA) Act

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 10-OCT-2001 10:00:40.00

SUBJECT: RECEIVED: FINAL CLEARANCE- SAP, S.1510- Uniting and Strengthening America (USA) Act

TO: Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

RETURN RECEIPT

Your Document:

FINAL CLEARANCE- SAP, S.1510- Uniting and Strengthening America (USA) Act

was successfully received by:

CN=Brett M. Kavanaugh/OU=WHO/O=EOP

at:

10/10/2001 09:05:00 AM

REV_00133397

From: Nober, Roger <Roger.Nober@ost.dot.gov>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/10/2001 6:42:58 AM
Subject: : RE: Update on Executive Order

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Nober, Roger" <Roger.Nober@ost.dot.gov> ("Nober, Roger" <Roger.Nober@ost.dot.gov>
[UNKNOWN])
CREATION DATE/TIME:10-OCT-2001 10:42:58.00
SUBJECT:: RE: Update on Executive Order
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

could we arrange a call for early afternoon?

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, October 10, 2001 10:27 AM
To: Nober, Roger
Subject: Re: Update on Executive Order

I need your comments

(Embedded
image moved "Nober, Roger" <Roger.Nober@ost.dot.gov>
to file: 10/10/2001 10:09:31 AM
pic29802.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Joel D. Kaplan/WHO/EOP@EOP, Elizabeth
S.
Dougherty/OPD/EOP@EOP

cc: "Leitch, David <FAA>" <David.Leitch@faa.dot.gov>, "Van Tine, Kirk"
<Kirk.VanTine@ost.dot.gov>
Subject: Update on Executive Order

Can you provide me with any update on where the EO stands or do you have a
new draft?

Thanks

Roger

REV_00133398

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Kris, David <David.Kris@usdoj.gov>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>; Candida P. Wolff/OVP/EOP@EOP [OVP] <Candida P. Wolff>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; O'Brien, Patrick <Patrick.O'Brien@usdoj.gov>
Sent: 10/10/2001 8:16:34 AM
Subject: : Inquiry from Cantwell

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:10-OCT-2001 12:16:34.00

SUBJECT:: Inquiry from Cantwell

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Kris, David" <David.Kris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Kris, David" <David.Kris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:"O'Brien, Patrick" <Patrick.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

All,

Cantwell's CoS, Caroline Fredickson (224-3441), just called me to get reaction on a proposal to limit the "a significant purpose" change to only non-U.S. citizens. I said that we would be opposed because it does not make sense conceptually and impossible operationally. I said that fears of misuse of FISA for criminal investigations are unfounded, etc., but she said she would still try to pursue it.

best,

VDD

REV_00133399

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 10/10/2001 6:00:40 AM
Subject: RECEIVED: FINAL CLEARANCE- SAP, S.1510- Uniting and Strengthening America (USA) Act

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 10-OCT-2001 10:00:40.00

SUBJECT: RECEIVED: FINAL CLEARANCE- SAP, S.1510- Uniting and Strengthening America (USA) Act

TO: Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

RETURN RECEIPT

Your Document:

FINAL CLEARANCE- SAP, S.1510- Uniting and Strengthening America (USA) Act

was successfully received by:

CN=Brett M. Kavanaugh/OU=WHO/O=EOP

at:

10/10/2001 09:05:00 AM

REV_00133400

From: Nober, Roger <Roger.Nober@ost.dot.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
CC: Leitch, David <FAA>; Van Tine, Kirk <Kirk.VanTine@ost.dot.gov>
Sent: 10/10/2001 6:34:58 AM
Subject: : Update on Executive Order

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Nober, Roger" <Roger.Nober@ost.dot.gov> ("Nober, Roger" <Roger.Nober@ost.dot.gov> [UNKNOWN])
CREATION DATE/TIME:10-OCT-2001 10:34:58.00
SUBJECT:: Update on Executive Order
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:"Leitch, David <FAA>" <David.Leitch@faa.dot.gov> ("Leitch, David <FAA>" <David.Leitch@faa.dot.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Van Tine, Kirk" <Kirk.VanTine@ost.dot.gov> ("Van Tine, Kirk" <Kirk.VanTine@ost.dot.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Can you provide me with any update on where the EO stands or do you have a new draft?

Thanks

Roger

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Kris, David <David.Kris@usdoj.gov>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>; Candida P. Wolff/OVP/EOP@EOP [OVP] <Candida P. Wolff>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; O'Brien, Patrick <Patrick.O'Brien@usdoj.gov>
Sent: 10/10/2001 8:12:36 AM
Subject: : Inquiry from Cantwell

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:10-OCT-2001 12:12:36.00

SUBJECT:: Inquiry from Cantwell

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Kris, David" <David.Kris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Kris, David" <David.Kris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:"O'Brien, Patrick" <Patrick.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

All,

Cantwell's CoS, Caroline Fredickson (224-3441), just called me to get reaction on a proposal to limit the "a significant purpose" change to only non-U.S. citizens. I said that we would be opposed because it does not make sense conceptually and impossible operationally. I said that fears of misuse of FISA for criminal investigations are unfounded, etc., but she said she would still try to pursue it.

best,

VDD

REV_00133404

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Elwood, John <John.Elwood@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/10/2001 12:31:18 PM
Subject: : RE: Legislation--Most wanted provisions

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:10-OCT-2001 16:31:18.00

SUBJECT:: RE: Legislation--Most wanted provisions

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:"Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) ("Elwood, John" <John.Elwood@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

1. strip 111 and 112 (they are a package from H.R. 5018--I'm not trying to cheat).

2. Strip 162 (sunset)

3. substitute Senate or admin. provisions on info sharing (103, 154 and 353--again, I'm not trying to cheat).

Since I have your attention, will you permit me to go on to 4-6, as follows:

4. Substitute Admin. position on 201&202 (revised section 201(a), which we agreed to with State, attached).

5. strip section 702 (deputy IG)

6. strip Frank amendment (161) but this may be worked out, according to Carl Thorsen

-----Original Message-----

From: Courtney_S._Elwood@who.eop.gov
[mailto:Courtney_S._Elwood@who.eop.gov]
Sent: Wednesday, October 10, 2001 2:46 PM
To: Newstead, Jennifer; Elwood, John; Dinh, Viet;
Brett_M._Kavanaugh@who.eop.gov
Subject: Legislation--Most wanted provisions

Could you each provide me with the top 3 issues that you'd like to see changed in the House bill?

----- Forwarded by Courtney S. Elwood/WHO/EOP on
10/10/2001
02:44 PM -----

REV_00133405

John B. Bellinger
10/10/2001 02:35:55 PM

Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Stephen W. Devine/NSC/EOP@EOP, John B. Wiegmann/NSC/EOP@EOP

cc:
Subject: Legislation--Most wanted provisions

Ambassador Jerry Bremer, Chairman of the President's Commission on Terrorism, is testifying before House Government Operations tomorrow. When I noted that the House had not included many of our legislative provisions (e.g IEEPA), Jerry asked me for some more examples that he can note in his testimony. He's a very persuasive advocate.

Can you all give me a few provisions of our provisions that either the House or Senate failed to include for Jerry to highlight? Need some ideas in the next couple of hours. Thanks.

REV_00133406

From: CN=Abel Guerra/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/10/2001 12:52:38 PM
Subject: : oct 12th

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-OCT-2001 16:52:38.00

SUBJECT:: oct 12th

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Abel Guerra/WHO/EOP on 10/10/2001
04:51 PM -----

Abel Guerra
10/10/2001 02:15:19 PM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc:
Subject: oct 12th

Merril,

Jack St. Martin has agree to pay...Mike Toner will call you and/or brett
on this

----- Forwarded by Abel Guerra/WHO/EOP on 10/10/2001
02:13 PM -----

Leonard B. Rodriguez
10/10/2001 02:12:29 PM
Record Type: Record

To: Abel Guerra/WHO/EOP@EOP
cc:
Subject: Re: Sept 16 mexican Independence Day at the White House

----- Forwarded by Leonard B. Rodriguez/WHO/EOP on
10/10/2001 02:12 PM -----

Brett M. Kavanaugh
09/07/2001 05:14:29 PM
Record Type: Record

To: Abel Guerra/WHO/EOP@EOP
cc: leonard b. rodriguez/who/eop@eop
bcc:
Subject: Re: Sept 16 mexican Independence Day at the White House

Good. You should go ahead and initiate the admin processes to
have the RNC pay; I believe Merrill Hughes and Anita McBride can help with
that.

REV_00133407

Abel Guerra
09/07/2001 05:08:25 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Leonard B. Rodriguez/WHO/EOP@EOP
bcc:
Subject: Re: Sept 16 mexican Independence Day at the White House

POTUS is speaking,

we do have several political types coming...

hispanic community leaders from across the country, some appointees, and some celbs will be in attendance.

ag

Brett M. Kavanaugh
09/07/2001 05:06:40 PM
Record Type: Record

To: Abel Guerra/WHO/EOP@EOP, Leonard B. Rodriguez/WHO/EOP@EOP
cc: Kenneth B. Mehlman/WHO/EOP@EOP
bcc:
Subject: Re: Sept 16 mexican Independence Day at the White House

Conceptually, yes, the RNC can pay for this. A few questions:
Who is coming? If we have some political invitees, then that would be helpful if the political entity is paying. Also, is the President speaking?

Abel Guerra
09/05/2001 07:55:54 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Sept 16 mexican Independence Day at the White House

Brett,

It came out of our (WHO) general budget...but I was told to find an outside source for future events.(i.e. ---the RNC)

Abel

Brett M. Kavanaugh
09/04/2001 08:50:41 PM
Record Type: Record

To: Leonard B. Rodriguez/WHO/EOP@EOP
cc: Abel Guerra/WHO/EOP@EOP, Kenneth B. Mehlman/WHO/EOP@EOP
Subject: Sept 16 mexican Independence Day at the White House

Tim assigned this to me. Initial question: How did we pay for
Cinco de Mayo?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
09/04/2001 08:49 PM -----

Timothy E. Flanigan
09/04/2001 10:03:07 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: Sept 16 mexican Independence Day at the White House

Brett,

Would you handle this?

Tim
----- Forwarded by Timothy E. Flanigan/WHO/EOP on
09/04/2001 10:02 AM -----

Leonard B. Rodriguez
08/29/2001 10:56:23 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc: Kenneth B. Mehlman/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP,
Abel Guerra/WHO/EOP@EOP
Subject: Sept 16 mexican Independence Day at the White House

Karl is suggesting we hold our Mexican Independence Day celebration at the
White House similar to the one we held for Cinco de Mayo. We will need to
fund 10K for stage, entertainment and lighting. What are the legalities
involved in either raising this money by donations or asking the RNC?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/11/2001 6:43:10 AM
Subject: : ABA Rating on David Bunning (E-Kentucky) - YIKES!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-OCT-2001 10:43:10.00

SUBJECT:: ABA Rating on David Bunning (E-Kentucky) - YIKES!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Majority - NOT QUALIFIED

Minority - Qualified

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>
Sent: 10/11/2001 9:26:51 AM
Subject: : Re: question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-OCT-2001 13:26:51.00
SUBJECT:: Re: question
TO:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

As EOP staff, they are permitted to engage in political activity,
including while on duty and in their offices.

Sara M. Taylor
10/11/2001 10:27:55 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: question

HI. I wrote a fundraising letter from our finance committee team, on
behalf of Thune, to all of our \$1000 donors (on my lap top at home). Is
it permissible for me to ask Matthew Scully or David Frum to come by and
tweak it a bit, since they are excellent writers? Or should I not do that
since they are not political staff? Thanks.

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/11/2001 9:40:07 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:11-OCT-2001 13:40:07.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

not me

Brett M. Kavanaugh
10/11/2001 01:36:52 PM
Record Type: Record

To: Joel D. Kaplan/WHO/EOP@EOP, Kristen Silverberg/WHO/EOP@EOP, D.
Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject:

Anyone know anything about the owner of World Trade Center meeting
here Monday to discuss liability issues re September 11?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>
Sent: 10/11/2001 2:15:27 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-OCT-2001 18:15:27.00
SUBJECT:: Re:
TO: Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

156; thanks

Alicia W. Davis
10/11/2001 06:05:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

I am shocked. I can't believe that wasn't on the top of your very most important files. I will send a new one. What room are you in now?

Brett M. Kavanaugh
10/11/2001 05:16:12 PM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

uh, no . . . i'm sure it's in some file packed up in our move; can you shoot me a new one?

Alicia W. Davis
10/11/2001 04:33:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

That NFIB event is happening with Ken on November 1. Do you still have that invite. Can you take a look? Thanks!!

REV_00133416

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>
Sent: 10/11/2001 2:15:27 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-OCT-2001 18:15:27.00
SUBJECT:: Re:
TO: Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

156; thanks

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10/11/2001 06:05:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

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10/11/2001 05:16:12 PM
Record Type: Record

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cc:
bcc:
Subject: Re:

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Alicia W. Davis
10/11/2001 04:33:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

That NFIB event is happening with Ken on November 1. Do you still have that invite. Can you take a look? Thanks!!

REV_00133421

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/11/2001 3:01:37 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-OCT-2001 19:01:37.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

nope

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP [WHO] <Courtney S. Elwood>; Nancy P. Dorn/WHO/EOP [WHO] <Nancy P. Dorn>; Heather Wingate/WHO/EOP [WHO] <Heather Wingate>; Candida P. Wolff/OVP/EOP [OVP] <Candida P. Wolff>
Sent: 10/12/2001 4:30:04 AM
Subject: : RE: 2 versions of House bill

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:12-OCT-2001 08:30:04.00

SUBJECT:: RE: 2 versions of House bill

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP [OVP])

READ:UNKNOWN

End Original ARMS Header

Something is jiggy with Title VIII: Looks like 302 is an earlier version of 805 and 303-304 are identical to 806-807. And the definition of domestic terrorism (803 from the Senate bill) has been deleted from these House bills.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, October 12, 2001 7:34 AM
To: Dinh, Viet; Courtney_S._Elwood@who.eop.gov;
Nancy_P._Dorn@who.eop.gov; Heather_Wingate@who.eop.gov;
Candida_P._Wolff@ovp.eop.gov
Subject: 2 versions of House bill

One (28.PDF) is if Conyers agrees to co-sponsor. One (29.PDF) is if he does not. As of this moment, per Steve Pinkos, Conyers has NOT agreed to co-sponsor.

REV_00133445

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Dinh, Viet <Viet.Dinh@usdoj.gov>
Sent: 10/12/2001 5:35:16 AM
Subject: : RE: 2 versions of House bill

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-OCT-2001 09:35:16.00

SUBJECT:: RE: 2 versions of House bill

TO: "Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

any other issues you have identified? Also, you probably should try Jay or Will immediately to note the discrepancy, as it is unintended so far as I know.

"Dinh, Viet" <Viet.Dinh@usdoj.gov>

10/12/2001 09:24:03 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: 2 versions of House bill

It ain't

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Friday, October 12, 2001 9:08 AM

To: Dinh, Viet

Subject: RE: 2 versions of House bill

it should be identical to Senate bill.

(Embedded

image moved "Dinh, Viet" <Viet.Dinh@usdoj.gov>

to file: 10/12/2001 08:22:08 AM

pic13846.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: RE: 2 versions of House bill

REV_00133446

Something is jiggy with Title VIII: Looks like 302 is an earlier version of 805 and 303-304 are identical to 806-807. And the definition of domestic terrorism (803 from the Senate bill) has been deleted from these House bills.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, October 12, 2001 7:34 AM
To: Dinh, Viet; Courtney_S._Elwood@who.eop.gov;
Nancy_P._Dorn@who.eop.gov; Heather_Wingate@who.eop.gov;
Candida_P._Wolff@ovp.eop.gov
Subject: 2 versions of House bill

One (28.PDF) is if Conyers agrees to co-sponsor. One (29.PDF) is if he does not. As of this moment, per Steve Pinkos, Conyers has NOT agreed to co-sponsor.

Message Sent

To: _____

Brett M. Kavanaugh/WHO/EOP
Courtney S. Elwood/WHO/EOP
Nancy P. Dorn/WHO/EOP
Heather Wingate/WHO/EOP
Candida P. Wolff/OVP/EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 10/12/2001 7:12:54 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-OCT-2001 11:12:54.00

SUBJECT::

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Per your voice mail of yesterday, I am available this weekend
whenever needed to work on draft legislation on insurance. I hope it is
not to draft legislation that resembles the proposal in the memo, however.

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: bcomstock@rnchq.org [UNKNOWN] <bcomstock@rnchq.org>; dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>; Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN] <Eric_Ueland@aml.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN] <Rena_Johnson@judiciary.senate.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; mgoodling@rnchq.org [UNKNOWN] <mgoodling@rnchq.org>; Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN] <Stewart_Verdery@aml.senate.gov>; viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>; John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN] <John_Mashburn@lott.senate.gov>; Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>; Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>; Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>; Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>; Hunter Bates) (Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) [UNKNOWN] <Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 10/12/2001 11:30:15 AM
Subject: : Resuming on Tuesday our 8:00

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

CREATION DATE/TIME:12-OCT-2001 15:30:15.00

SUBJECT:: Resuming on Tuesday our 8:00

TO:bcomstock@rnchq.org (bcomstock@rnchq.org [UNKNOWN])

READ:UNKNOWN

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Eric_Ueland@aml.senate.gov (Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:mgoodling@rnchq.org (mgoodling@rnchq.org [UNKNOWN])

READ:UNKNOWN

TO:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN])

READ:UNKNOWN

TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])

REV_00133449

READ:UNKNOWN

TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN])

READ:UNKNOWN

TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

READ:UNKNOWN

TO:Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) (Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) [UNKNOWN])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

weekly mtg on Judicial nominees. You will recall the last meeting was on 9/11, and Viet and I think it would be helpful to all to regroup and bring everyone upto speed on various developments, as we prepare our strategy for the remainder of the year.

Given the fact that our usual mtg place does not provide us with adequate privacy (last time, Ralp Neas was there), tuesday's meeting will take place here in Dirksen 145. Hope to see you then. Makan

From: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
To: bcomstock@rnchq.org [UNKNOWN] <bcomstock@rnchq.org>; dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>; Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN] <Eric_Ueland@aml.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN] <Rena_Johnson@judiciary.senate.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; mgoodling@rnchq.org [UNKNOWN] <mgoodling@rnchq.org>; Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN] <Stewart_Verdery@aml.senate.gov>; viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>; John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN] <John_Mashburn@lott.senate.gov>; Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>; Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>; Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>; Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>; Hunter Bates) (Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) [UNKNOWN] <Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 10/12/2001 11:32:29 AM
Subject: : Resuming on Tuesday our 8:00

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

CREATION DATE/TIME:12-OCT-2001 15:32:29.00

SUBJECT:: Resuming on Tuesday our 8:00

TO:bcomstock@rnchq.org (bcomstock@rnchq.org [UNKNOWN])

READ:UNKNOWN

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Eric_Ueland@aml.senate.gov (Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:mgoodling@rnchq.org (mgoodling@rnchq.org [UNKNOWN])

READ:UNKNOWN

TO:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN])

READ:UNKNOWN

TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])

READ:UNKNOWN

TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN])

READ:UNKNOWN

REV_00133451

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])
READ:UNKNOWN
TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl)
[UNKNOWN])
READ:UNKNOWN
TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [
UNKNOWN])
READ:UNKNOWN
TO:Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) (
Hunter_Bates_at_MCCONNELL-DC@IMAEXC2.senate.gov (Hunter Bates) [UNKNOWN])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

weekly mtg on Judicial nominees. You will recall the last meeting was on
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Given the fact that our usual mtg place does not provide us with adequate
privacy (last time, Ralp Neas was there), tuesday's meeting will take
place here
in Dirksen 145. Hope to see you then. Makan

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 10/12/2001 1:18:55 PM
Subject: : Thanks

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-OCT-2001 17:18:55.00

SUBJECT:: Thanks

TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/15/2001 5:21:26 AM
Subject: : Files to the Hill - need a volunteer

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-OCT-2001 09:21:26.00

SUBJECT:: Files to the Hill - need a volunteer

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We need a volunteer to take some files to Senator Sarbanes Office (Hart 309) this afternoon at 4:30 pm.

Please let me know if you can make this run.

Thanks!

REV_00133460

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/15/2001 5:21:26 AM
Subject: : Files to the Hill - need a volunteer

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-OCT-2001 09:21:26.00

SUBJECT:: Files to the Hill - need a volunteer

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We need a volunteer to take some files to Senator Sarbanes Office (Hart 309) this afternoon at 4:30 pm.

Please let me know if you can make this run.

Thanks!

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 10/15/2001 7:57:55 AM
Subject: : WHJSC agenda

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-OCT-2001 11:57:55.00

SUBJECT:: WHJSC agenda

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please let me know what you will have for this week's agenda...thanks!

(Brad, I have your email re: 6th Circuit/CA)

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/15/2001 8:40:38 AM
Subject: : Files to Hill at 4:30 pm

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-OCT-2001 12:40:38.00

SUBJECT:: Files to Hill at 4:30 pm

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

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TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Is anyone free to take these?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/15/2001 8:40:38 AM
Subject: : Files to Hill at 4:30 pm

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-OCT-2001 12:40:38.00

SUBJECT:: Files to Hill at 4:30 pm

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

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TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

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TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Is anyone free to take these?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 10/15/2001 7:21:57 PM
Subject: : need 2001 1-volume West civil rules book

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-OCT-2001 23:21:57.00

SUBJECT:: need 2001 1-volume West civil rules book

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 10/15/2001 7:21:57 PM
Subject: : need 2001 1-volume West civil rules book

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-OCT-2001 23:21:57.00

SUBJECT:: need 2001 1-volume West civil rules book

TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/16/2001 4:30:22 AM
Subject: : Presidential Libraries Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:16-OCT-2001 08:30:22.00
SUBJECT:: Presidential Libraries Act
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We don't have anything in the can on this. I've asked Paul Colborn to
prepare a summary of legal requirements. Let me know your deadline.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kim_martines@dc.kirkland.com [UNKNOWN] <kim_martines@dc.kirkland.com>
Sent: 10/16/2001 12:00:52 PM
Subject: : edited re-draft
Attachments: P_VSK74004_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 16-OCT-2001 16:00:52.00

SUBJECT:: edited re-draft

TO: kim_martines@dc.kirkland.com (kim_martines@dc.kirkland.com [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

I edited to update and make some changes to last few paragraphs.

This needs to be proofread.

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_VSK74004_WHO.TXT_1>

The Supreme Court opened its new Term on Monday. The most stable Court in history -- the same Justices have been serving since the opening of the 1994 Term -- issued its end-of-summer orders and began its long march toward a rush of decisions concluding with its anticipated June 2002 adjournment. Two cases were argued, and a host of lawyers from around the country were admitted to practice in the nation's highest court. But the ostensibly routine proceedings were not the same. With no recent precedent from which to draw, Chief Justice Rehnquist opened the Court's new session with a stirring tribute to the nation's courage and greatness. The great tide of recent events had not simply passed the Justices by. To the contrary, the Chief made specific reference to Solicitor General Ted Olson and the loss of his wife, Barbara. The Court family had been directly touched.

Not on the docket, but looming large in the background, were legal issues of high moment stemming from the September 11 attacks. Proposed legislation aimed at re-arming law enforcement in the struggle against terrorism was under debate across the oak-dotted lawn on Capitol Hill. Justice O'Connor, the week before, made what was seen by the press as an indirect reference to the Court's role in that unfolding debate -- and that of the judiciary more generally -- in remarks at New York University's School of Law. She spoke strongly about the need, even in crisis, "to preserve the rule of law." Part of her message was universal: The need to persuade "a sometimes hostile world that our dream of a society that conforms to the rule of law is a dream we all should share." But her point was also directed to the homeland, as if aimed at the congressional debate on the anti-terrorist legislation. "We wish it were not necessary; we wish we could set the clock back. But to preserve liberty, we must preserve the rule of law."

The Court is, of course, ordinarily the last word on these and other issues of moment, as we saw in the epic (and unexpected) high-stakes litigation last autumn culminating in *Bush v. Gore*. Toqueville wisely observed early in our history that, in this country, great issues of policy almost

invariably become questions of law. The Court's landmark decision in the Steel Seizure case during the Korean Conflict stands as a jolting reminder that, even in times of war, the Court will strike down actions by the President if they are incompatible with constitutional or statutory commands. And so the question arises, whether the proposals submitted by the Administration -- which formed the basis for bills separately passed by the House and Senate in recent days -- will pass muster under the scrutiny of a closely-divided Court that frequently resolves some of the thorniest legal issues by a razor-thin 5-4 margin.

My early-on prediction is that the proposals will fare very well indeed when and if called to run the Supreme Court gauntlet. Much of the Administration's package is mild and non-controversial and responds directly to the threat of terrorist activities in the United States and against United States citizens. The lion's share of the proposals therefore will not pose difficult or novel legal questions.

One reason is that a unifying theme of the proposals is simply to update and modernize aging provisions of law, ensuring that the law enforcement arsenal employed in anti-terrorism investigations is as modern and serviceable as that used in, say, drug investigations. A number of these laws were enacted in a quieter era of rotary telephones. Terrorists and their support rings are thoroughly modern, using the Internet, e-mail and multiple cellular phones. The proposed law would apply the same legal standards that govern wiretaps on telephones to e-mail and the like. The government should not have to fight a modern war -- one that threatens our people and our way of life -- with antique weapons. The idea here is technological neutrality. Law enforcement's ability to detect the most serious and unsettling of crimes should not depend on the technology used by the would-be assailants and their comrades. The point is that there is no change in the legal standards that govern when or under what circumstances federal law enforcement could seek such information. That means the Supreme Court will choose to remain on the sidelines -- no one is purporting to change the law,

as happened when Congress purported to overrule the Miranda decision only to find the Rehnquist Court rallying to its defense.

Improvements are also sought to ease the administrative burdens -- and delays -- attendant to getting approvals from the Attorney General and a special court created by Congress to review applications for surveillance in the United States directed at the agents of foreign powers. So too, parochial limitations of search warrants and surveillance orders would be jettisoned. Federal prosecutors, FBI agents and others would not have to seek, pointlessly, re-authorization in multiple judicial districts (94 in all) across the country. These too present no thorny legal question likely to interest the Justices. No standards are being changed. Legal shifts that fall within the category of streamlining, within the context of settled and accepted legal and constitutional principles, likewise are doubtful candidates for Supreme Court review.

There are also stepped-up penalties, for example stronger punishments for certain violent crimes that are terrorist crimes. These are classic policy questions that involve judgment calls by Congress and the President. No place for Supreme Court intervention there.

And then there are overdue provisions to break down the barriers between the intelligence agencies and the law enforcement agencies. These proposals will ensure that information important to both intelligence and criminal investigations can be easily shared so that vital information is available to all relevant federal agencies. This will help both to prevent terrorist acts before they happen and to severely punish terrorists and those who harbor and support terrorists. The idea again is simple: Terrorists should not be able to benefit from bureaucratic turf wars and agency tunnel vision. The President's new Office of Homeland Security, headed by Governor Tom Ridge, will add muscle to these provisions, helping to make sure that, as Governor Ridge put it, the only turf being protected is the country's turf.

Finally, the immigration reforms in the package are measured and appropriate. There is no authorization for indefinite detention of suspected terrorists, as has been widely assumed. Rather, the proposals are targeted, for example, authorizing detention of suspected terrorists who are otherwise subject to criminal or deportation proceedings and centralizing appellate judicial review of habeas corpus cases.

The Supreme Court, in short, has already laid down the relevant legal standards against which the Administration's proposals, once enacted, will be assessed. And it is plain that the Administration has kept a lawyerly eye on the Court's precedent in crafting the tools the President and the Attorney General want and need in facing the post-September 11 world.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/16/2001 2:10:23 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-OCT-2001 18:10:23.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

sounds good

From: CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB]
To: Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Jack Howard/WHO/EOP@EOP [WHO] <Jack Howard>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>; Christal R. West/WHO/EOP@EOP [WHO] <Christal R. West>; Mark A. Phelan/WHO/EOP@EOP [WHO] <Mark A. Phelan>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>; Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Linda C. Luisi/NSC/EOP@EOP [NSC] <Linda C. Luisi>; George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>; John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Britt Grant/OPD/EOP@EOP [OPD] <Britt Grant>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Cesar Conda/OVP/EOP@EOP [OVP] <Cesar Conda>; Neil S. Patel/OVP/EOP@EOP [OVP] <Neil S. Patel>; Jonathan W. Burks/OVP/EOP@EOP [OVP] <Jonathan W. Burks>; Nancy P. Dorn/WHO/EOP [WHO] <Nancy P. Dorn>; Stephen S. Ruhlen/OVP/EOP@EOP [OVP] <Stephen S. Ruhlen>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Barbara A. Barclay/WHO/EOP@EOP [WHO] <Barbara A. Barclay>; Debra D. Bird/WHO/EOP@EOP [WHO] <Debra D. Bird>; Karen D. Cruson/WHO/EOP@EOP [WHO] <Karen D. Cruson>; Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Eric C. Pelletier/OMB/EOP@EOP [OMB] <Eric C. Pelletier>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/16/2001 5:15:21 PM
Subject: : FINAL CLEARANCE- SAP, H.R. 3004- Financial Anti-Terrorism Act
Attachments: P_QBT74004_WHO.TXT_1.wpd

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CREATOR: Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 16-OCT-2001 21:15:21.00
SUBJECT: FINAL CLEARANCE- SAP, H.R. 3004- Financial Anti-Terrorism Act
TO: Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Jack Howard (CN=Jack Howard/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
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TO: Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
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TO: Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
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TO: Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@EOP [WHO])
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TO: Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
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TO:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])
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TO:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
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TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
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TO:Linda C. Luisi (CN=Linda C. Luisi/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
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TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
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TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Britt Grant (CN=Britt Grant/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Jonathan W. Burks (CN=Jonathan W. Burks/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP [WHO])
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TO:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barbara A. Barclay (CN=Barbara A. Barclay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen D. Cruson (CN=Karen D. Cruson/OU=WHO/O=EOP@EOP [WHO])
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TO:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])
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TO:Brett S. Loper (CN=Brett S. Loper/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here is the final version of the SAP on H.R. 3004 (money laundering). The bill is scheduled to be on the floor first thing tomorrow morning. Please respond to me with your comments/clearance by no later than 9:00 am tomorrow, Wednesday, October 17th. If you have any questions, please call me.

Thanks,
Danielle
(54790)

REV_00133617

October 16, 2001
(House)

H.R. 3004 - The Financial Anti-Terrorism Act of 2001
(Rep. Oxley (R) Ohio and 24 cosponsors)

The Administration supports House passage of H.R. 3004 and welcomes the anti-money laundering proposals that are included in this bill. In particular, the Administration welcomes the incorporation of due process into the regulations, orders, actions, and definitions that would be established under this legislation. In addition, the Administration supports the inclusion of relevant Administration representatives and banking regulators in decision-making that impacts the financial services industry and its conduct around the world.

The Administration does have some concerns with H.R. 3004. The Administration believes that the jurisdictional factors provided in Section 301 of the bill for determining whether a jurisdiction, financial institution, or class of transactions is "of primary money laundering concern" may not constitute definitive proof of money laundering. In that regard, the Administration especially appreciates the elimination in the House bill of references to tax havens and lower tax rates as possible indications of money laundering concern. In addition, the Administration expects that a small but financially efficient economy would not find itself targeted under this bill on the grounds of these jurisdictional factors alone.

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* * * * *

(Do Not Distribute Outside Executive Office of the President)

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The description below is based on the introduced version of H.R. 3004.

Title I - Strengthening Law Enforcement

Title I of H.R. 3004 would enhance the ability of law enforcement agencies to identify the financial infrastructure of terrorist and other criminal organizations, by requiring interagency coordination and information exchange.

Specifically Title I of H.R. 3004 would:

abmake it a Federal crime, punishable by up to 5 years in prison, for anyone to knowingly conceal more than \$10,000 in currency or other monetary instruments on his person or in any conveyance, article of luggage, merchandise or other container, and to transport or attempt to transport that currency across the border with the intent to avoid the requirement that such currency be declared to Customs inspectors;

abmake it an offense to transport more than \$10,000 in criminal proceeds in interstate commerce, if the courier knows the money came from an illegal source or that it was intended to be used for an unlawful purpose;

abprovide that the government need not establish that the defendant was familiar with the Federal statute making the operation of an unlicensed money remitter a criminal offense;

abgive district courts "long-arm" jurisdiction over a foreign bank that commits a money laundering offense in the United States, and authorizes the restraint of assets found in the United States that may be used to satisfy a civil judgment against such a bank;

abexpand the number of foreign offenses that are predicated for money laundering to include fraud, corruption, smuggling and other offenses, including crimes of violence perpetrated by terrorists;

abadd "material support for terrorism" to the list of predicate offenses that can give rise to a money laundering prosecution;

abprovide for the inadmissibility of any individual seeking entry to the U.S. who a consular officer has reason to believe has engaged in certain money laundering offenses, or any criminal activity in a foreign country that would constitute such an offense if committed in the U.S., as well as the spouse, son or daughter of such persons under certain circumstances;

abauthorize the seizure of laundered funds from correspondent accounts (accounts of foreign banks maintained in the U.S.);

abauthorize the U.S. Customs Service to conduct limited warrant-less searches of outbound international mail when there is a reasonable suspicion that the mail contains bulk cash or other illegal contraband. The bill would extend authority to outbound international mail sent via the U.S. Postal Service. The bill also includes a provision that would prohibit U.S. Customs Service inspectors from reading, copying, or seizing any correspondence without a search warrant or the written consent of the sender;

abmake it a Federal crime, punishable by up to 5 years in prison, to knowingly falsify or conceal a customer's true identity in a transaction with a financial institution (including a bank, securities firm, or insurance company);

abrequire the Secretary of the Treasury to utilize already existing statutory authority to prescribe regulations requiring financial institutions to verify the identity of all persons who open and maintain accounts, and to keep records of the information used to verify such identification;

Title II - Public-Private Cooperation

This title would encourage cooperation and information exchange between the government and the financial services sector, to ensure that suspicious financial activities that may be related to terrorism are identified and investigated.

Specifically, Title II of H.R. 3004 would require the Secretary of the Treasury to:

- abestablish a secure website dedicated to receiving electronic filings of Suspicious Activity Reports by financial institutions and provide financial institutions with alerts and other information regarding suspicious activity that warrants enhanced scrutiny.

- abdisseminate quarterly reports to the financial services industry identifying and analyzing patterns of suspicious financial activity disclosed by the reports filed by the industry pursuant to the Bank Secrecy Act.

- abpublish by no later than December 31, 2001, a proposed regulation requiring securities broker-dealers to file Suspicious Activity Reports.

Title II of H.R. 3004 would also:

- abclarify the Bank Secrecy Act's "safe harbor" provision, which protects financial institutions that disclose possible violations of law or regulation from civil liability for reporting their suspicions and for not alerting those identified in the reports.

- abpermit a bank, upon request by another bank, to share information in a written employment reference concerning the possible involvement of a current or former officer or employee in potentially unlawful activity without fear of civil liability for sharing the information.

Title III - Combating International Money Laundering.

Title III of H.R. 3004 would address money laundering associated with off-shore secrecy havens and other countries that generally do not cooperate with U.S. law enforcement efforts to track terrorist assets and the proceeds of other criminal activity.

H.R. 3004 would give the Secretary of the Treasury discretionary authority to impose one or more of five special measures against foreign jurisdictions, financial institutions operating outside the United States, and international transactions that are determined to be of primary money laundering concern. Those measures include: (1) additional record keeping and reporting requirements; (2) identification of beneficial ownership of accounts held by foreign persons; (3) identification of persons permitted to use a payable-through account with an institution outside the U.S.; (4) identification of persons permitted to use a correspondent account with an institution outside the U.S.; and (5) prohibition of, or imposition of conditions on, correspondent or payable-through accounts with institutions outside the U.S.

The bill would require the Secretary to consult with the Secretary of State and the Attorney General to determine whether a foreign jurisdiction is of "primary money laundering concern," by taking into consideration: (1) whether a jurisdiction offers bank secrecy and special tax advantages; (2) the quality of its bank supervision and anti-money laundering laws; (3) the volume of transactions relative to the size of its economy; and (4) the experience of U.S. law enforcement officials in receiving cooperation from the jurisdiction.

H.R. 3004 would prohibit a gambling business from accepting bank instruments in connection with unlawful Internet gambling. Covered instruments include credit cards, electronic fund transfers, and checks.

H.R. 3004 would define the term "bets or wagers" as the staking or risking

by any person of something of value upon the outcome of a contest of others, a sporting event, or a game predominantly subject to chance with the agreement that the winner will receive something of greater value than the amount staked or risked. The bill would clarify that bets or wagers do not include a bona fide business transaction governed by the securities laws; a transaction subject to the Commodity Exchange Act; an over-the-counter derivative instrument; a contract of indemnity or guarantee; a contract for life, health, or accident insurance; a deposit with a depository institution; or certain participation in a simulation sports game or education game. The bill would also clarify that businesses of betting or wagering do not generally include any financial intermediary (creditor, credit card issuer, insured depository institution, transmitter of an electric fund transfer, money transmitting business, or network used to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or any participant in such network).

H.R. 3004 would authorize civil penalties, including a preliminary injunction or injunction, against any person to prevent or restrain a violation of this section, including expedited proceedings in exigent circumstances, to be brought by the U.S. Attorney General, or the attorney general of a State or other appropriate State official. The bill would also clarify that the bill is not intended to alter, supercede, or otherwise affect the application of the Indian Gaming Regulatory Act.

H.R. 3004 would authorize criminal penalties, including fines or imprisonment for not more than five years, or both. The bill would also authorize a permanent injunction against a person convicted under this subsection, enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

H.R. 3004 would provide that the "safe harbor provided" to a financial intermediary (creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or national, regional, or local network) does not apply to a financial intermediary that operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers are or may be placed, received, or otherwise made; or is owned or controlled by any person who operates, manages, supervises, or directs such an Internet website.

H.R. 3004 would authorize the appropriate Federal banking agency to prohibit an insured depository institution from extending credit, or facilitating an extension of credit, electronic fund transfer, or money transmitting service, or from paying, transferring, or collecting on any check, draft, or other instrument drawn on any depository institution, where the institution has actual knowledge that a person is violating this section in connection with such activities. The bill would provide that a financial intermediary is not held liable for a violation of this act solely based on the unknowing and unintentional involvement of the intermediary through the use of the facilities of such intermediary in an unlawful Internet gambling transaction, unless the intermediary acted as an agent of a gambling business and had: (1) actual knowledge that the specific transaction is an unlawful Internet gambling transaction; and (2) the intent to engage in the business of submitting into the payment system Internet gambling transactions prohibited by this section.

H.R. 3004 would provide that, in deliberations between the U.S. Government and any other country on money laundering, corruption, and crime issues, the U.S. Government should encourage cooperation by foreign governments in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes, advance policies that promote the cooperation by foreign governments in the enforcement of this Act, and encourage the Financial Action Task Force on Money Laundering to study the extent to which Internet gambling operations are being used for money laundering.

Title IV - Currency Protection

Title IV of H.R. 3004 would make it a criminal offense to possess an electronic image of an obligation or security document of the United States with intent to defraud, also increasing maximum sentences for a series of counterfeiting offenses. This title would also conform the legal prohibition on counterfeiting foreign security documents or obligations within the U.S. to that of counterfeiting U.S. security document or obligations.

This title would also permit the Secretary of the Treasury to authorize production of currency, stamps or other security documents for foreign countries if such work does not interfere with the production of such documents for the U.S. and if the Secretary of State has concurred in the production.

Pay-As-You-Go Scoring

According to HTF (Hire), H.R. 3004 would increase receipts; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. This Office has not completed estimates, but expects that the effect will be marginal.

LEGISLATIVE REFERENCE DIVISION

October 16, 2001/6:00 PM

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QBT74004_WHO.TXT_1>

October 16, 2001
(House)

Financial Anti-Terrorism Act of 2001

H.R. 3004 - The

(Rep. Oxley (R) Ohio

and 24 cosponsors)

The Administration supports House passage of H.R. 3004 and welcomes the anti-money laundering proposals that are included in this bill. In particular, the Administration welcomes the incorporation of due process into the regulations, orders, actions, and definitions that would be established under this legislation. In addition, the Administration supports the inclusion of relevant Administration representatives and banking regulators in decision-making that impacts the financial services industry and its conduct around the world.

The Administration does have some concerns with H.R. 3004. The Administration believes that the jurisdictional factors provided in Section 301 of the bill for determining whether a jurisdiction, financial institution, or class of transactions is "of primary money laundering concern" may not constitute definitive proof of money laundering. In that regard, the Administration especially appreciates the elimination in the House bill of references to tax havens and lower tax rates as possible indications of money laundering concern. In addition, the Administration expects that a small but financially efficient economy would not find itself targeted under this bill on the grounds of these jurisdictional factors alone.

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REFERENCE DIVISION

2001/6:00 PM

LEGISLATIVE

October 16,

From: CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB]
To: Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>
CC: nicholas e. calio/who/eop@eop [WHO] <nicholas e. calio>; joel d. kaplan/who/eop@eop [WHO] <joel d. kaplan>; kristen silverberg/who/eop@eop [WHO] <kristen silverberg>; jack howard/who/eop@eop [WHO] <jack howard>; david w. hobbs/who/eop@eop [WHO] <david w. hobbs>; brian c. conklin/who/eop@eop [WHO] <brian c. conklin>; virginia t. gregory/who/eop@eop [WHO] <virginia t. gregory>; michael j. conway/who/eop@eop [WHO] <michael j. conway>; jill davie/who/eop@eop [WHO] <jill davie>; christal r. west/who/eop@eop [WHO] <christal r. west>; mark a. phelan/who/eop@eop [WHO] <mark a. phelan>; peter m. rowan/who/eop@eop [WHO] <peter m. rowan>; allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>; emily willeford/opd/eop@eop [OPD] <emily willeford>; janet p. walker/opd/eop@eop [OPD] <janet p. walker>; d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus sumerlin>; linda c. luisi/nsc/eop@eop [NSC] <linda c. luisi>; george m. andricos/nsc/eop@eop [NSC] <george m. andricos>; john a. cloud/nsc/eop@eop [NSC] <john a. cloud>; k. philippa malmgren/opd/eop@eop [OPD] <k. philippa malmgren>; john m. bridgeland/opd/eop@eop [OPD] <john m. bridgeland>; brett grant/opd/eop@eop [OPD] <brett grant>; diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>; cesar conda/ovp/eop@eop [OVP] <cesar conda>; neil s. patel/ovp/eop@eop [OVP] <neil s. patel>; jonathan w. burks/ovp/eop@eop [OVP] <jonathan w. burks>; Nancy P. Dorn/WHO/EOP [WHO] <Nancy P. Dorn>; stephen s. ruhlen/ovp/eop@eop [OVP] <stephen s. ruhlen>; edward ingle/who/eop@eop [WHO] <edward ingle>; albert hawkins/who/eop@eop [WHO] <albert hawkins>; harriet miers/who/eop@eop [WHO] <harriet miers>; stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>; barbara a. barclay/who/eop@eop [WHO] <barbara a. barclay>; debra d. bird/who/eop@eop [WHO] <debra d. bird>; karen d. cruson/who/eop@eop [WHO] <karen d. cruson>; carolyn e. cleveland/who/eop@eop [WHO] <carolyn e. cleveland>; brett s. loper/omb/eop@eop [OMB] <brett s. loper>; eric c. pelletier/omb/eop@eop [OMB] <eric c. pelletier>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
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Subject: : Re: FINAL CLEARANCE- SAP, H.R. 3004- Financial Anti-Terrorism Act
Attachments: P_7CT74004_WHO.TXT_1.wpd

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CREATOR: Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 16-OCT-2001 21:17:26.00
SUBJECT: : Re: FINAL CLEARANCE- SAP, H.R. 3004- Financial Anti-Terrorism Act
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READ: UNKNOWN
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CC: peter m. rowan (CN=peter m. rowan/OU=who/O=eop@eop [WHO])

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READ:UNKNOWN
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READ:UNKNOWN
CC:d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:linda c. luisi (CN=linda c. luisi/OU=nsc/O=eop@eop [NSC])
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Danielle M. Simonetta
10/16/2001 09:15:24 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FINAL CLEARANCE- SAP, H.R. 3004- Financial Anti-Terrorism
Act

REV_00133661

Here is the final version of the SAP on H.R. 3004 (money laundering). The bill is scheduled to be on the floor first thing tomorrow morning. Please respond to me with your comments/clearance by no later than 9:00 am tomorrow, Wednesday, October 17th. If you have any questions, please call me.

Thanks,
Danielle
(54790)

DRAFT -- NOT FOR RELEASE

October 16, 2001
(House)

H.R. 3004 - The Financial Anti-Terrorism Act of 2001
(Rep. Oxley (R) Ohio and 24 cosponsors)

The Administration supports House passage of H.R. 3004 and welcomes the anti-money laundering proposals that are included in this bill. In particular, the Administration welcomes the incorporation of due process into the regulations, orders, actions, and definitions that would be established under this legislation. In addition, the Administration supports the inclusion of relevant Administration representatives and banking regulators in decision-making that impacts the financial services industry and its conduct around the world.

The Administration does have some concerns with H.R. 3004. The Administration believes that the jurisdictional factors provided in Section 301 of the bill for determining whether a jurisdiction, financial institution, or class of transactions is "of primary money laundering concern" may not constitute definitive proof of money laundering. In that regard, the Administration especially appreciates the elimination in the House bill of references to tax havens and lower tax rates as possible indications of money laundering concern. In addition, the Administration expects that a small but financially efficient economy would not find itself targeted under this bill on the grounds of these jurisdictional factors alone.

Despite these concerns, the Administration applauds the overall efforts reflected by this legislation to equip enforcement officials with the new anti-money laundering tools needed to successfully conduct the war on terrorism. The Administration appreciates the opportunity to work with the Financial Services Committee on this legislation and looks forward to continuing to work with Congress as these proposals move through the legislative process.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Rodgers) in consultation with the Departments of Justice (Jones), State (Harrison), the Treasury (Leavy), OSTP (Wilson), CEA (Furchtgott-Roth), NEC (Malmgren), OVP (Addington, Burks), and OMB/HTF (Hire).

The following did not respond to our request for views: CIA and NSC

OMB/LA Clearance: _____.

We understand that a manager's amendment to H.R. 3004 is under development, for consideration as early as this evening under suspension of the rules, that makes significant changes to the introduced version of the bill and the manager's amendment ordered reported by the House Financial Services Committee on October 11, 2001. However the text of the new manager's amendment was not available when the description of the bill

REV_00133662

below was prepared.

Administration Position to Date

The Administration has not taken a position on H.R. 3004.

Summary of H.R. 3004

The description below is based on the introduced version of H.R. 3004.

Title I - Strengthening Law Enforcement

Title I of H.R. 3004 would enhance the ability of law enforcement agencies to identify the financial infrastructure of terrorist and other criminal organizations, by requiring interagency coordination and information exchange.

Specifically Title I of H.R. 3004 would:

- abmake it a Federal crime, punishable by up to 5 years in prison, for anyone to knowingly conceal more than \$10,000 in currency or other monetary instruments on his person or in any conveyance, article of luggage, merchandise or other container, and to transport or attempt to transport that currency across the border with the intent to avoid the requirement that such currency be declared to Customs inspectors;

- abmake it an offense to transport more than \$10,000 in criminal proceeds in interstate commerce, if the courier knows the money came from an illegal source or that it was intended to be used for an unlawful purpose;

- abprovide that the government need not establish that the defendant was familiar with the Federal statute making the operation of an unlicensed money remitter a criminal offense;

- abgive district courts "long-arm" jurisdiction over a foreign bank that commits a money laundering offense in the United States, and authorizes the restraint of assets found in the United States that may be used to satisfy a civil judgment against such a bank;

- abexpand the number of foreign offenses that are predicated for money laundering to include fraud, corruption, smuggling and other offenses, including crimes of violence perpetrated by terrorists;

- abadd "material support for terrorism" to the list of predicate offenses that can give rise to a money laundering prosecution;

- abprovide for the inadmissibility of any individual seeking entry to the U.S. who a consular officer has reason to believe has engaged in certain money laundering offenses, or any criminal activity in a foreign country that would constitute such an offense if committed in the U.S., as well as the spouse, son or daughter of such persons under certain circumstances;

- abauthorize the seizure of laundered funds from correspondent accounts (accounts of foreign banks maintained in the U.S.);

- abauthorize the U.S. Customs Service to conduct limited warrant-less searches of outbound international mail when there is a reasonable suspicion that the mail contains bulk cash or other illegal contraband. The bill would extend authority to outbound international mail sent via the U.S. Postal Service. The bill also includes a provision that would prohibit U.S. Customs Service inspectors from reading, copying, or seizing any correspondence without a search warrant or the written consent of the sender;

- abmake it a Federal crime, punishable by up to 5 years in prison, to knowingly falsify or conceal a customer's true identity in a transaction with a financial institution (including a bank, securities firm, or

insurance company);

abrequire the Secretary of the Treasury to utilize already existing statutory authority to prescribe regulations requiring financial institutions to verify the identity of all persons who open and maintain accounts, and to keep records of the information used to verify such identification;

Title II - Public-Private Cooperation

This title would encourage cooperation and information exchange between the government and the financial services sector, to ensure that suspicious financial activities that may be related to terrorism are identified and investigated.

Specifically, Title II of H.R. 3004 would require the Secretary of the Treasury to:

abestablish a secure website dedicated to receiving electronic filings of Suspicious Activity Reports by financial institutions and provide financial institutions with alerts and other information regarding suspicious activity that warrants enhanced scrutiny.

abdisseminate quarterly reports to the financial services industry identifying and analyzing patterns of suspicious financial activity disclosed by the reports filed by the industry pursuant to the Bank Secrecy Act.

abpublish by no later than December 31, 2001, a proposed regulation requiring securities broker-dealers to file Suspicious Activity Reports.

Title II of H.R. 3004 would also:

abclarify the Bank Secrecy Act's "safe harbor" provision, which protects financial institutions that disclose possible violations of law or regulation from civil liability for reporting their suspicions and for not alerting those identified in the reports.

abpermit a bank, upon request by another bank, to share information in a written employment reference concerning the possible involvement of a current or former officer or employee in potentially unlawful activity without fear of civil liability for sharing the information.

Title III - Combating International Money Laundering.

Title III of H.R. 3004 would address money laundering associated with off-shore secrecy havens and other countries that generally do not cooperate with U.S. law enforcement efforts to track terrorist assets and the proceeds of other criminal activity.

H.R. 3004 would give the Secretary of the Treasury discretionary authority to impose one or more of five special measures against foreign jurisdictions, financial institutions operating outside the United States, and international transactions that are determined to be of primary money laundering concern. Those measures include: (1) additional record keeping and reporting requirements; (2) identification of beneficial ownership of accounts held by foreign persons; (3) identification of persons permitted to use a payable-through account with an institution outside the U.S.; (4) identification of persons permitted to use a correspondent account with an institution outside the U.S.; and (5) prohibition of, or imposition of conditions on, correspondent or payable-through accounts with institutions outside the U.S.

The bill would require the Secretary to consult with the Secretary of State and the Attorney General to determine whether a foreign jurisdiction is of "primary money laundering concern," by taking into consideration: (1) whether a jurisdiction offers bank secrecy and special tax advantages;

(2) the quality of its bank supervision and anti-money laundering laws;
(3) the volume of transactions relative to the size of its economy; and
(4) the experience of U.S. law enforcement officials in receiving cooperation from the jurisdiction.

H.R. 3004 would prohibit a gambling business from accepting bank instruments in connection with unlawful Internet gambling. Covered instruments include credit cards, electronic fund transfers, and checks.

H.R. 3004 would define the term "bets or wagers" as the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game predominantly subject to chance with the agreement that the winner will receive something of greater value than the amount staked or risked. The bill would clarify that bets or wagers do not include a bona fide business transaction governed by the securities laws; a transaction subject to the Commodity Exchange Act; an over-the-counter derivative instrument; a contract of indemnity or guarantee; a contract for life, health, or accident insurance; a deposit with a depository institution; or certain participation in a simulation sports game or education game. The bill would also clarify that businesses of betting or wagering do not generally include any financial intermediary (creditor, credit card issuer, insured depository institution, transmitter of an electronic fund transfer, money transmitting business, or network used to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or any participant in such network).

H.R. 3004 would authorize civil penalties, including a preliminary injunction or injunction, against any person to prevent or restrain a violation of this section, including expedited proceedings in exigent circumstances, to be brought by the U.S. Attorney General, or the attorney general of a State or other appropriate State official. The bill would also clarify that the bill is not intended to alter, supercede, or otherwise affect the application of the Indian Gaming Regulatory Act.

H.R. 3004 would authorize criminal penalties, including fines or imprisonment for not more than five years, or both. The bill would also authorize a permanent injunction against a person convicted under this subsection, enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

H.R. 3004 would provide that the "safe harbor provided" to a financial intermediary (creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or national, regional, or local network) does not apply to a financial intermediary that operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers are or may be placed, received, or otherwise made; or is owned or controlled by any person who operates, manages, supervises, or directs such an Internet website.

H.R. 3004 would authorize the appropriate Federal banking agency to prohibit an insured depository institution from extending credit, or facilitating an extension of credit, electronic fund transfer, or money transmitting service, or from paying, transferring, or collecting on any check, draft, or other instrument drawn on any depository institution, where the institution has actual knowledge that a person is violating this section in connection with such activities. The bill would provide that a financial intermediary is not held liable for a violation of this act solely based on the unknowing and unintentional involvement of the intermediary through the use of the facilities of such intermediary in an unlawful Internet gambling transaction, unless the intermediary acted as an agent of a gambling business and had: (1) actual knowledge that the specific transaction is an unlawful Internet gambling transaction; and (2) the intent to engage in the business of submitting into the payment system Internet gambling transactions prohibited by this section.

H.R. 3004 would provide that, in deliberations between the U.S. Government and any other country on money laundering, corruption, and crime issues, the U.S. Government should encourage cooperation by foreign governments in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes, advance policies that promote the cooperation by foreign governments in the enforcement of this Act, and encourage the Financial Action Task Force on Money Laundering to study the extent to which Internet gambling operations are being used for money laundering.

Title IV - Currency Protection

Title IV of H.R. 3004 would make it a criminal offense to possess an electronic image of an obligation or security document of the United States with intent to defraud, also increasing maximum sentences for a series of counterfeiting offenses. This title would also conform the legal prohibition on counterfeiting foreign security documents or obligations within the U.S. to that of counterfeiting U.S. security document or obligations.

This title would also permit the Secretary of the Treasury to authorize production of currency, stamps or other security documents for foreign countries if such work does not interfere with the production of such documents for the U.S. and if the Secretary of State has concurred in the production.

Pay-As-You-Go Scoring

According to HTF (Hire), H.R. 3004 would increase receipts; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. This Office has not completed estimates, but expects that the effect will be marginal.

LEGISLATIVE REFERENCE DIVISION
October 16, 2001/6:00 PM

Message Sent

To:

Nicholas E. Calio/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Jack Howard/WHO/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Virginia T. Gregory/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Jill Davie/WHO/EOP@EOP
Christal R. West/WHO/EOP@EOP
Mark A. Phelan/WHO/EOP@EOP
Peter M. Rowan/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Emily Willeford/OPD/EOP@EOP
Janet P. Walker/OPD/EOP@EOP
D. Marcus Sumerlin/OPD/EOP@EOP
Linda C. Luisi/NSC/EOP@EOP
George M. Andricos/NSC/EOP@EOP
John A. Cloud/NSC/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
John M. Bridgeland/OPD/EOP@EOP
Britt Grant/OPD/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP

Cesar Conda/OVP/EOP@EOP
Neil S. Patel/OVP/EOP@EOP
Jonathan W. Burks/OVP/EOP@EOP
Nancy P. Dorn/WHO/EOP
Stephen S. Ruhlen/OVP/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Albert Hawkins/WHO/EOP@EOP
Harriet Miers/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Barbara A. Barclay/WHO/EOP@EOP
Debra D. Bird/WHO/EOP@EOP
Karen D. Cruson/WHO/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP
Brett S. Loper/OMB/EOP@EOP
Eric C. Pelletier/OMB/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7CT74004_WHO.TXT_1>

October 16, 2001
(House)

Financial Anti-Terrorism Act of 2001

H.R. 3004 - The

(Rep. Oxley (R) Ohio

and 24 cosponsors)

The Administration supports House passage of H.R. 3004 and welcomes the anti-money laundering proposals that are included in this bill. In particular, the Administration welcomes the incorporation of due process into the regulations, orders, actions, and definitions that would be established under this legislation. In addition, the Administration supports the inclusion of relevant Administration representatives and banking regulators in decision-making that impacts the financial services industry and its conduct around the world.

The Administration does have some concerns with H.R. 3004. The Administration believes that the jurisdictional factors provided in Section 301 of the bill for determining whether a jurisdiction, financial institution, or class of transactions is "of primary money laundering concern" may not constitute definitive proof of money laundering. In that regard, the Administration especially appreciates the elimination in the House bill of references to tax havens and lower tax rates as possible indications of money laundering concern. In addition, the Administration expects that a small but financially efficient economy would not find itself targeted under this bill on the grounds of these jurisdictional factors alone.

Despite these concerns, the Administration applauds the overall efforts reflected by this legislation to equip enforcement officials with the new anti-money laundering tools needed to successfully conduct the war on terrorism. The Administration appreciates the opportunity to work with the Financial Services Committee on this legislation and looks forward to continuing to work with Congress as these proposals move through the legislative process.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Rodgers) in consultation with the Departments of Justice (Jones), State (Harrison), the Treasury (Leavy), OSTP (Wilson), CEA (Furchtgott-Roth), NEC (Malmgren), OVP (Addington, Burks), and OMB/HTF (Hire).

The following did not respond to our request for views: CIA and NSC

OMB/LA Clearance: _____.

We understand that a manager's amendment to H.R. 3004 is under development, for consideration as early as this evening under suspension of the rules, that makes significant changes to the introduced version of the bill and the manager's amendment ordered reported by the House Financial Services Committee on October 11, 2001. However the text of the new manager's amendment was not available when the description of the bill below was prepared.

Administration Position to Date

The Administration has not taken a position on H.R. 3004.

Summary of H.R. 3004

The description below is based on the introduced version of H.R. 3004.

Title I - Strengthening Law Enforcement

Title I of H.R. 3004 would enhance the ability of law enforcement agencies to identify the financial infrastructure of terrorist and other criminal organizations, by requiring interagency coordination and information exchange.

Specifically Title I of H.R. 3004 would:

- make it a Federal crime, punishable by up to 5 years in prison, for anyone to knowingly conceal more than \$10,000 in currency or other monetary instruments on his person or in any conveyance, article of luggage, merchandise or other container, and to transport or attempt to transport that currency across the border with the intent to avoid the requirement that such currency be declared to Customs inspectors;
- make it an offense to transport more than \$10,000 in criminal proceeds in interstate commerce, if the courier knows the money came from an illegal source or that it was intended to be used for an unlawful purpose;
- provide that the government need not establish that the defendant was familiar with the Federal statute making the operation of an unlicensed money remitter a criminal offense;
- give district courts "long-arm" jurisdiction over a foreign bank that commits a money laundering offense in the United States, and authorizes the restraint of assets found in the United States that may be used to satisfy a civil judgment against such a bank;
- expand the number of foreign offenses that are predicated for money laundering to include fraud, corruption, smuggling and other offenses, including crimes of violence perpetrated by terrorists;

- add "material support for terrorism" to the list of predicate offenses that can give rise to a money laundering prosecution;
- provide for the inadmissibility of any individual seeking entry to the U.S. who a consular officer has reason to believe has engaged in certain money laundering offenses, or any criminal activity in a foreign country that would constitute such an offense if committed in the U.S., as well as the spouse, son or daughter of such persons under certain circumstances;
- authorize the seizure of laundered funds from correspondent accounts (accounts of foreign banks maintained in the U.S.);
- authorize the U.S. Customs Service to conduct limited warrant-less searches of outbound international mail when there is a reasonable suspicion that the mail contains bulk cash or other illegal contraband. The bill would extend authority to outbound international mail sent via the U.S. Postal Service. The bill also includes a provision that would prohibit U.S. Customs Service inspectors from reading, copying, or seizing any correspondence without a search warrant or the written consent of the sender;
- make it a Federal crime, punishable by up to 5 years in prison, to knowingly falsify or conceal a customers true identity in a transaction with a financial institution (including a bank, securities firm, or insurance company);
- require the Secretary of the Treasury to utilize already existing statutory authority to prescribe regulations requiring financial institutions to verify the identity of all persons who open and maintain accounts, and to keep records of the information used to verify such identification;

Title II - Public-Private Cooperation

This title would encourage cooperation and information exchange between the government and the financial services sector, to ensure that suspicious financial activities that may be related to terrorism are identified and investigated.

Specifically, Title II of H.R. 3004 would require the Secretary of the Treasury to:

- establish a secure website dedicated to receiving electronic filings of Suspicious Activity Reports by financial institutions and provide financial institutions with alerts and other information regarding suspicious activity that warrants enhanced scrutiny.
- disseminate quarterly reports to the financial services industry identifying and analyzing patterns of suspicious financial activity disclosed by the reports filed by the industry pursuant to the Bank Secrecy Act.

- publish by no later than December 31, 2001, a proposed regulation requiring securities broker-dealers to file Suspicious Activity Reports.

Title II of H.R. 3004 would also:

- clarify the Bank Secrecy Act's "safe harbor" provision, which protects financial institutions that disclose possible violations of law or regulation from civil liability for reporting their suspicions and for not alerting those identified in the reports.
- permit a bank, upon request by another bank, to share information in a written employment reference concerning the possible involvement of a current or former officer or employee in potentially unlawful activity without fear of civil liability for sharing the information.

Title III - Combating International Money Laundering.

Title III of H.R. 3004 would address money laundering associated with off-shore secrecy havens and other countries that generally do not cooperate with U.S. law enforcement efforts to track terrorist assets and the proceeds of other criminal activity.

H.R. 3004 would give the Secretary of the Treasury discretionary authority to impose one or more of five special measures against foreign jurisdictions, financial institutions operating outside the United States, and international transactions that are determined to be of primary money laundering concern. Those measures include: (1) additional record keeping and reporting requirements; (2) identification of beneficial ownership of accounts held by foreign persons; (3) identification of persons permitted to use a payable-through account with an institution outside the U.S.; (4) identification of persons permitted to use a correspondent account with an institution outside the U.S.; and (5) prohibition of, or imposition of conditions on, correspondent or payable-through accounts with institutions outside the U.S.

The bill would require the Secretary to consult with the Secretary of State and the Attorney General to determine whether a foreign jurisdiction is of "primary money laundering concern," by taking into consideration: (1) whether a jurisdiction offers bank secrecy and special tax advantages; (2) the quality of its bank supervision and anti-money laundering laws; (3) the volume of transactions relative to the size of its economy; and (4) the experience of U.S. law enforcement officials in receiving cooperation from the jurisdiction.

H.R. 3004 would prohibit a gambling business from accepting bank instruments in connection with unlawful Internet gambling. Covered instruments include credit cards, electronic fund transfers, and checks.

H.R. 3004 would define the term "bets or wagers" as the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game predominantly subject to chance with the agreement that the winner will receive something of greater value than the amount staked or risked. The bill would clarify that bets or wagers do not

include a bona fide business transaction governed by the securities laws; a transaction subject to the Commodity Exchange Act; an over-the-counter derivative instrument; a contract of indemnity or guarantee; a contract for life, health, or accident insurance; a deposit with a depository institution; or certain participation in a simulation sports game or education game. The bill would also clarify that businesses of betting or wagering do not generally include any financial intermediary (creditor, credit card issuer, insured depository institution, transmitter of an electric fund transfer, money transmitting business, or network used to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or any participant in such network).

H.R. 3004 would authorize civil penalties, including a preliminary injunction or injunction, against any person to prevent or restrain a violation of this section, including expedited proceedings in exigent circumstances, to be brought by the U.S. Attorney General, or the attorney general of a State or other appropriate State official. The bill would also clarify that the bill is not intended to alter, supercede, or otherwise affect the application of the Indian Gaming Regulatory Act.

H.R. 3004 would authorize criminal penalties, including fines or imprisonment for not more than five years, or both. The bill would also authorize a permanent injunction against a person convicted under this subsection, enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

H.R. 3004 would provide that the "safe harbor provided" to a financial intermediary (creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or national, regional, or local network) does not apply to a financial intermediary that operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers are or may be placed, received, or otherwise made; or is owned or controlled by any person who operates, manages, supervises, or directs such an Internet website.

H.R. 3004 would authorize the appropriate Federal banking agency to prohibit an insured depository institution from extending credit, or facilitating an extension of credit, electronic fund transfer, or money transmitting service, or from paying, transferring, or collecting on any check, draft, or other instrument drawn on any depository institution, where the institution has actual knowledge that a person is violating this section in connection with such activities. The bill would provide that a financial intermediary is not held liable for a violation of this act solely based on the unknowing and unintentional involvement of the intermediary through the use of the facilities of such intermediary in an unlawful Internet gambling transaction, unless the intermediary acted as an agent of a gambling business and had: (1) actual knowledge that the specific transaction is an unlawful Internet gambling transaction; and (2) the intent to engage in the business of submitting into the payment system Internet gambling transactions prohibited by this section.

H.R. 3004 would provide that, in deliberations between the U.S. Government and any other

country on money laundering, corruption, and crime issues, the U.S. Government should encourage cooperation by foreign governments in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes, advance policies that promote the cooperation by foreign governments in the enforcement of this Act, and encourage the Financial Action Task Force on Money Laundering to study the extent to which Internet gambling operations are being used for money laundering.

Title IV - Currency Protection

Title IV of H.R. 3004 would make it a criminal offense to possess an electronic image of an obligation or security document of the United States with intent to defraud, also increasing maximum sentences for a series of counterfeiting offenses. This title would also conform the legal prohibition on counterfeiting foreign security documents or obligations within the U.S. to that of counterfeiting U.S. security document or obligations.

This title would also permit the Secretary of the Treasury to authorize production of currency, stamps or other security documents for foreign countries if such work does not interfere with the production of such documents for the U.S. and if the Secretary of State has concurred in the production.

Pay-As-You-Go Scoring

According to HTF (Hire), H.R. 3004 would increase receipts; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. This Office has not completed estimates, but expects that the effect will be marginal.

REFERENCE DIVISION

2001/6:00 PM

LEGISLATIVE

October 16,

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 10/16/2001 5:18:42 PM
Subject: RECEIVED: Re: FINAL CLEARANCE- SAP, H.R. 3004- Financial Anti-Terrorism Act

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-OCT-2001 21:18:42.00

SUBJECT:RECEIVED: Re: FINAL CLEARANCE- SAP, H.R. 3004- Financial Anti-Terrorism Act

TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

RETURN RECEIPT

Your Document:

Re: FINAL CLEARANCE- SAP, H.R. 3004- Financial Anti-Terrorism Act

was successfully received by:

CN=Brett M. Kavanaugh/OU=WHO/O=EOP

at:

10/16/2001 09:17:46 PM

REV_00133675

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 10/17/2001 5:31:47 AM
Subject: : House Republicans

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-OCT-2001 09:31:47.00

SUBJECT:: House Republicans

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

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TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

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After my exposure to many of the House Republicans' bizarre views on the anti-terrorism legislation (many of them are quite anti-federal-law-enforcement, far more so than Sens Biden, Schumer, et al), I thought David Tell's assessment in this week's editorial in the Weekly Standard was interesting:

"House Republicans are reported still to be hopeful that they can circumscribe the legislation's new federal police powers when a final version is negotiated in conference with the Senate. . . . Amazing. Five thousand-plus people are slaughtered by a foreign terrorist attack on the United States, and the House Republican party's first instinct is hysterical recoil from the vigorous exercise of federal authority. Such a political party is fundamentally unserious, dangerously unmoored from reality. And a fundamentally unserious party is a party that cannot be trusted to hold power in the nation's legislature, especially at a time, like this, of genuine emergency."

From: CN=Oscar Gonzalez/OU=OMB/O=EOP [OMB]
To: Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; Kimberley S. Luczynski/OMB/EOP@EOP [OMB] <Kimberley S. Luczynski>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Eric W. Hunn/OMB/EOP@EOP [OMB] <Eric W. Hunn>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Lauren Uher/OMB/EOP@EOP [OMB] <Lauren Uher>; Steven D. Aitken/OMB/EOP@EOP [OMB] <Steven D. Aitken>; Daniel J. Chenok/OMB/EOP@EOP [OMB] <Daniel J. Chenok>; Brooke Dickson/OMB/EOP@EOP [OMB] <Brooke Dickson>; WHGC LRM [UNKNOWN] <WHGC LRM>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Kenneth B. Mehlman/WHO/EOP@EOP [WHO] <Kenneth B. Mehlman>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
BCC: LRM JUSTICE (LRM JUSTICE [UNKNOWN])
Sent: 10/17/2001 5:59:43 AM
Subject: : REMINDER on LRM OGG137 - - National Archives and Records Administration Oversight Testimony on Implementation of the Presidential Records Act
Attachments: P_LQ084004_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Oscar Gonzalez (CN=Oscar Gonzalez/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:17-OCT-2001 09:59:43.00

SUBJECT:: REMINDER on LRM OGG137 - - National Archives and Records Administration Oversight Testimony on Implementation of the Presidential Records Act

TO:Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])

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TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])

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TO:S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])

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TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])

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TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])

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TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])

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This is a reminder that comments on this testimony are due at 10:00 A.M. TODAY. Please provide comments ASAP.
If you've already responded to this request, please disregard this message.

Thanks

----- Forwarded by Oscar Gonzalez/OMB/EOP on 10/17/2001
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From: Oscar Gonzalez on 10/15/2001 10:09:41 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: LRM OGG137 - - National Archives and Records
Administration Oversight Testimony on Implementation of the Presidential
Records Act

We are seeking your review of NARA oversight testimony on the
implementation of the Presidential Records Act (PL 95-591) for a hearing
this Friday, October 19th, before the House Government Reform Committee's
Subcommittee on Government Efficiency. Please submit comments by no later
than 10:00 A.M. Wednesday, October 17th.

Note to agencies and EOP staff: You will only receive an electronic
version of this testimony.

LRM ID: OGG137
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, October 15, 2001

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Richard E. Green (for) Assistant Director for
Legislative Reference
OMB CONTACT: Oscar Gonzalez
PHONE: (202)395-3923 FAX: (202)395-3109
SUBJECT: National Archives and Records Administration Oversight
Testimony on Implementation of the Presidential Records Act

DEADLINE: 10:00 A.M. Wednesday, October 17, 2001
In accordance with OMB Circular A-19, OMB requests the views of your
agency on the above subject before advising on its relationship to the
program of the President. Please advise us if this item will affect
direct spending or receipts for purposes of the "Pay-As-You-Go" provisions
of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: We are seeking your review of NARA oversight testimony on the
implementation of the Presidential Records Act (PL 95-591) for a hearing
this Friday, October 19th, before the House Government Reform Committee's
Subcommittee on Government Efficiency. Please submit comments by no later
than 10:00 A.M. Wednesday, October 17th.

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LRM ID: OGG137 SUBJECT: National Archives and Records

Administration Oversight Testimony on Implementation of the Presidential
Records Act

RESPONSE TO

LEGISLATIVE REFERRAL

MEMORANDUM

If your response to this request for views is short (e.g., concur/no
comment), we prefer that you respond by e-mail or by faxing us this
response sheet. If the response is short and you prefer to call, please
call the branch-wide line shown below (NOT the analyst's line) to leave a
message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be
connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Oscar Gonzalez Phone: 395-3923 Fax: 395-3109

Office of Management and Budget

Branch-Wide Line (to reach legislative assistant):

395-4607

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on
the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

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Message Sent

To: _____

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Kenneth B. Mehlman/WHO/EOP@EOP
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Richard E. Green/OMB/EOP@EOP
James J. Jukes/OMB/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LQ084004_WHO.TXT_1>

**STATEMENT
by John W. Carlin
Archivist of the United States^{Stat}**

**to the
Subcommittee on Government Efficiency, Financial Management,
and Intergovernmental Relations
of the Committee on Government Reform
House of Representatives
Congress of the United States**

On the Implementation and Effectiveness of the Presidential Records Act of 1978

19 October 2001

Chairman Horn, Congresswoman Schakowsky, members of the Subcommittee, and Subcommittee staff, I am John Carlin, Archivist of the United States, and I thank you for the opportunity to appear before you this morning on the implementation of the Presidential Records Act. Mr. Chairman, I particularly want to thank you for holding this hearing and for your continued interest in the programs and responsibilities of the National Archives and Records Administration. We are fully aware that with the jurisdiction of this subcommittee, attention to NARA is your job. However, you have taken a particular interest in our mission during your career in Congress and the people of NARA and our many constituent groups thank you for that interest.

In order to set the foundation for this dialogue today, I would like to set out the history of the Presidential Records Act and provide the Subcommittee with an overview of our implementation to date. The Presidential Records Act (PRA) was enacted in 1978 to establish public ownership of the records created by subsequent Presidents and their staffs and to establish procedures

prevent a former or incumbent President from arguing, even after the 12-year period, that a particular confidential communication between the President and an advisor should not be released. To what extent the concept of “executive privilege” protects the confidentiality of a former or incumbent President’s communications with his advisors is an open question. If some future President believes that the 12-year closure period does not suffice, that President could object to the release of some document in the 13th or 15th or 20th year. This legislation does not resolve the outcome of such legal action; the issue would be resolved by the courts. The fourth amendment [to the pending legislation] would make it explicit that “nothing in this Act shall be construed to confirm, limit, or expand any constitutionally-based privilege which may be available to an incumbent or former President.”

Floor Statement of Senator Percy, *Cong. Rec.*, Oct. 13, 1978, at 36844. This provision reflects the holding by the Supreme Court that the constitutionally based privileges available to a President “survive[] the individual President’s tenure.” *Nixon v. Administrator of General Services*, 433 U.S. 425, 449 (1977). But the Supreme Court also noted that “[t]he expectation of the confidentiality of executive communications thus has always been limited and subject to erosion over time after an administration leaves office.” *Id.* at 451.

Special Access to Presidential Records

In addition to establishing procedures for public access, the PRA also establishes procedures for what NARA calls “special access” to Presidential records that are otherwise closed from public access. These special access provisions are designed to accommodate requests by Congressional investigators, Federal prosecutors, other parties in litigation, and the incumbent President for the ongoing business of the current Administration. However, prior to providing such access, NARA must notify the former and incumbent Presidents and provide them an opportunity to review the records and consider whether to assert any constitutionally-based privilege.

Accordingly, either House of Congress, or a Committee or Subcommittee with appropriate jurisdiction, may request access to Presidential records. Similarly, Federal prosecutors may seek

access through a grand jury subpoena, and other parties in litigation may seek access through court orders. The incumbent President may also obtain access to the records of a predecessor on behalf of his staff, such as the NSC, or any other agency, “for the conduct of current business.” 44 U.S.C. § 2205(2)(B). The former President and his designated representative are always entitled to access to the Presidential records of his Administration.

That concludes my formal statement, Mr. Chairman, and I would be happy to answer any questions at the appropriate time.

governing the preservation and public availability of the records. As noted in the House Report accompanying the pending bill:

The legislation would terminate the tradition of private ownership of Presidential papers and the reliance on volunteerism to determine the fate of their disposition. Instead, the preservation of the historical record of future Presidents would be assured and public access to the materials would be consistent under standards affixed in law. The primary function of the Presidential libraries remains unchanged. The libraries are to continue to provide information about their holdings and to make records available to researchers upon request on an impartial basis.

H. Rep. 95-1487, at 2-3 (95th Cong., 2d Sess., Aug. 14, 1978).

The PRA mandates that the Presidential records of an Administration be transferred to the legal and physical custody of the National Archives and Records Administration (NARA) immediately upon the end of the President's last term of office. The Archivist of the United States is given the independent legal "responsibility for the custody, control, and preservation of, and access to, the Presidential records of th[e former] President." 44 U.S.C. § 2203(f)(1). The PRA also requires the Archivist to appoint a Library Director in "consultation with the former President." *Id.* § 2203(f)(2). The Library Director balances archival and public access considerations with national security, confidentiality, and privacy concerns.

Since its enactment, NARA has taken legal custody of the Presidential records of Presidents Ronald Reagan, George H.W. Bush, and William J. Clinton. The Reagan and Bush records are housed in Presidential Libraries in Simi Valley, California and College Station, Texas, respectively. The Clinton records are stored in a records storage facility in Little Rock, Arkansas, until they can be transferred to a Presidential Library that is being constructed by former President Clinton.

The PRA applies to all Vice-Presidential records in same manner as Presidential records, and affords the former Vice-Presidents the same authority as the former Presidents. Accordingly, all of the procedures and authorities that are ascribed in this testimony to the former Presidents also apply to the former Vice-Presidents (except that Vice-Presidential records may be stored at a separate location from the Presidential records).

Responsibilities of the Archivist of the United States Under the PRA

The PRA established Government control over Presidential records while codifying and preserving some of the basic practices that long existed with respect to the papers that Presidents had donated to the National Archives (dating back to President Hoover). As the House Report on the PRA bill stated: “It is anticipated that the Archivist will process the former Administration’s papers in a manner roughly similar to current practices.” H. Rep. 95-1487, at 15. The report also stated that “the determination whether access to a Presidential record or reasonably segregable portion thereof shall be restricted shall be made by the Archivist, in his discretion, after consultation with the former President.” *Id.* § 2204(b)(3).

The PRA mandates that “[t]he Archivist shall have an affirmative duty to make such records available to the public as rapidly and completely as possible consistent with the provisions of this Act.” *Id.* § 2203(f)(1). Overall, the PRA represents an effort to legislate a “careful balance between the public’s right to know, with its vast implications to historians and other academic interests, and the rights of privacy and confidentiality of certain sensitive records generated by

the President and his staff during the course of their White House activities.” Floor Statement of Congressman Thompson, *Cong. Rec.*, Oct. 10, 1978, at 34897.

The authorities of the Archivist of the United States changed in 1984, when Congress established the National Archives and Records Administration as an independent agency. Prior to that time, the National Archives and Records Service was a component of the General Services Administration. Among the reasons that Congress expressed for making NARA a separate Federal agency was a concern about “politicization.” The Senate Report, for example, noted that “NARS’ subordination to GSA has opened the door for archival decisionmaking which is politicized, rather than professional,” and described problems dating from the Eisenhower Administration through the controversies over the Nixon tapes and materials. *See* S. Rep. 98-373, on the National Archives and Records Administration Act of 1983, at 10-13 (98th Cong., 2d Sess., Apr. 3, 1984). The Senate Report concluded that “the record, under both Democratic and Republican administrations, amply demonstrates the dangers of politicization which can occur under the current arrangement.” *Id.* at 13. The House Report raised similar concerns about the “constant threat of manipulation of the Archives’ professional processes to achieve political purposes.” H. Rep. 98-707, on the National Archives and Records Administration Act of 1984, at 5 (98th Cong., 2d Sess., Apr. 25, 1984).

Presidential Papers and Materials Prior to the PRA

Prior to the PRA, and with the exception of the materials of former President Richard M. Nixon, the Presidential papers and materials maintained under NARA’s control at the Presidential Libraries of former Presidents Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson,

Ford, and Carter are controlled by the terms of the deeds of gift by which the former Presidents donated their records to the National Archives. Each of these deeds has provisions outlining categories of records that may be withheld from public access for some period of time. All of them seek to protect information that could harm national security, invade personal privacy, or cause embarrassment or harassment. Some also seek to protect documents involving confidential communications directly with the President. The deeds of Presidents Ford and Carter model the restrictions on the PRA exemptions.

In all instances, the Director of the Presidential Library, who is appointed by NARA in close consultation with the former President or representative, was given the independent authority and discretion to process and open the papers, with very limited involvement by the former President or representative. Living former Presidents in some cases would establish priorities for the processing of particular subjects or series of records. In other cases, a representative or review board was established – such as for Presidents Roosevelt and Kennedy because they died in office, as well as for Truman and Eisenhower – that exercised limited control over the decisions made by the Libraries. The boards' principal concern was with respect to the President's personal and family matters, and, in most cases, they disbanded after a short period of time.

Under these deeds of gift, NARA processed and opened Presidential materials based on the deeds and professional archival considerations. Moreover, because the materials at these Libraries were donated to the United States, they are not subject to request under the Freedom of Information Act (FOIA) or any other public access statute. This meant that the Library staff were able to process and open most records in an organized and systematic way based on how

the records were filed or arranged. Such “systematic processing” is generally much more efficient and less time consuming than processing in response to FOIA requests. However, researchers have no legal recourse to challenge the withholding of records or delays in responding to requests.

The records of President Nixon are governed by the Presidential Recordings and Materials Preservation Act (PRMPA), 44 U.S.C. § 2111, note, which was passed by Congress in 1974 to ensure government control over the Nixon papers and tapes. The PRMPA also established a National Study Commission on Records and Documents of Federal Officials, which was charged with studying, among other things, “whether the historical practice regarding the records and documents produced by or on behalf of Presidents of the United States should be rejected or accepted and whether such practice should be made applicable with respect to all federal officials.” Pub. L. 93-526, 88 Stat. 1695 (December 19, 1974), sec. 202. That commission produced a final report in 1977, and its recommendations were considered by Congress in drafting the PRA. *See* Hearings before a Subcommittee of the Committee on Government Operations on H.R. 10998 (the Presidential Records Act of 1978) and Related Bills, 95th Cong., 2d Sess., (Feb. 23, 28, Mar. 2, 7, 1978) (PRA Hearings).

Public Access to Presidential Records

Presidential records are not subject to public access requests during the President’s term of office, and may be made available only by decision of the incumbent President. After the President leaves office, the records are also not available to public access requests for five years, unless NARA has processed an integral file segment sooner than five years. This five year period

was intended principally to give NARA an opportunity to organize the records and begin systematic archival processing. At the end of the five year period, all Presidential records are subject to public access requests in accordance with the FOIA. However, for a period not to exceed 12 years from when the President leaves office, the President is authorized, but not required, to impose up to six Presidential restrictions (which must be imposed before the President leaves office and which are not subject to judicial review).

In addition, the PRA establishes that eight of the nine FOIA exemptions shall apply to Presidential records, which stay in effect after the Presidential restrictions expire. Congress specifically excluded Presidential records from the FOIA (b)(5) exemption concerning the deliberative process and other recognized privileges. Four of the six presidential restrictions are identical to corresponding FOIA exemptions: exemptions 1, for classified national security information; exemptions 3, for information protected by other statute; exemptions 4, for trade secrets and confidential business information; and exemptions 6, for unwarranted invasions of personal privacy. Presidential exemption 2 (“P2”), for “appointments to Federal office,” has no FOIA counterpart, but is subsumed, in large part, under FOIA exemption (b)(6). Presidential exemption 5 (“P5”), concerning “confidential communications requesting or submitting advice, between the President and his advisers, or between such advisers,” is similar to FOIA exemption (b)(5), and protects the disclosure of presidential communications, deliberations, and other information that could be subject to a common law or constitutionally-based privilege.

Because the PRA subjects all Presidential records to public access through the FOIA, PRA Libraries open records almost exclusively in response to FOIA requests (or mandatory

declassification review requests under Executive Order 12958 on Classified National Security Information), and have very little opportunity to conduct systematic processing of records after the first five years. Moreover, Congressional and grand jury investigations and other litigation has significantly limited systematic processing even during the first five years.

PRA Restrictions

The PRA does not mandate the Presidential restrictions, but rather makes clear that they may be narrowed or waived any time after the President leaves office. Moreover, in the legislative history, Congress advised the Archivist and former Presidents to do just that:

It is also expected that the Archivist will follow past practice in applying the restrictive categories in former Presidents' deeds of gift, and negotiate with the ex-President or his representative on an on-going basis to lessen the number of years chosen for particular mandatory restriction categories, to eliminate entire categories, or to permit release of particular records otherwise restricted.

H. Rep. 95-1487, at 15. Former Presidents Reagan and Bush have both narrowed the scope of PRA exemptions P2 and P5, allowing significantly more records to be opened than what might otherwise be authorized. NARA will work with former President Clinton and his representative to try to narrow these exemptions as well.

The PRA also removes the authority to withhold Presidential records under FOIA exemption (b)(5) after the expiration of the P5 exemption. During debate on the bill, Senator Percy stated that “[a]fter the 12-year period, . . . no document should be withheld simply because it contains confidential materials; such a result would undermine a basic purpose of the legislation.

Consequently, the (b)(5) exemption has no place in this statutory scheme.” Floor Statement of Senator Percy, *Cong. Rec.*, Oct. 13, 1978, at 36844.

In drafting the statute, Congress considered alternative time periods for how long the Presidential exemptions should be available. For example, the National Study Commission on Records and Documents of Federal Officials recommended that the restriction period be 15 years. Similarly, in his testimony on the pending legislation to establish the Presidential Records Act, the Archivist of the United States also recommended a 15-year period. On the other hand, early versions of the legislation set out a 10-year period. President Ford, in his 1976 deed of gift of his Presidential papers to the National Archives, established a 13-year restriction period, after which time all “communications made in confidence to me or between my advisors for the purpose of assisting or advising me” could be opened.

Ultimately, Congress settled on 12 years, which, in the words of Congressman Brooks, “will further insulate from partisan politics the pending public availability of a former President’s records by removing the mandatory restrictive period to include a third election cycle after the President has left office.” Floor Statement of Congressman Brooks, *Cong. Rec.*, Oct. 5, 1978, at 33860.

The elimination of a statutory exemption in no way prevents a proper assertion of Executive privilege by the former or incumbent President. As the PRA itself notes, the incumbent and former Presidents have clear legal authority to assert an Executive privilege over the Presidential records of former Presidents: “Nothing in this Act shall be construed to confirm, limit, or expand any constitutionally-based privilege which may be available to an incumbent or former President.” 44 U.S.C. § 2204(c)(2). As Senator Percy explained, the PRA does not

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Oscar Gonzalez/OMB/EOP [OMB] <Oscar Gonzalez>
Sent: 10/17/2001 7:10:23 AM
Subject: RECEIVED: RESPONSE REQUESTED on LRM OGG137 - - National Archives and Records Administration Oversight Testimony on Implementation of the Presidential Records Act

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REV_00133694

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 10/17/2001 9:27:46 AM
Subject: : If you have been to the Hart Office Building this week please let me know...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-OCT-2001 13:27:46.00

SUBJECT:: If you have been to the Hart Office Building this week please let me know...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

so we can arrange to have you tested.

If you have not been to the Hart Office Building this week no need to

REV_00133697

respond to this email

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 10/17/2001 10:53:12 AM
Subject: : Reminder re: NASA event

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-OCT-2001 14:53:12.00

SUBJECT:: Reminder re: NASA event

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you have not already done so please let me know if you will be attending so I can send your name in.

REV_00133699

Details are listed below...

On Thursday, October 18th NASA will have a sneak preview of the IMAX3D footage of the assembly of the International Space Station. This event will be held at the Johnson IMAX Theater in the Smithsonian National Museum of Natural History located at 10th and Constitution. The 35 minute feature film will begin at 9:00 am.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/17/2001 12:42:16 PM
Subject: : I need your SS #, please.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-OCT-2001 16:42:16.00

SUBJECT:: I need your SS #, please.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We are working on getting for each of you WH ID badges to ease your access for various buildings on the Hill.

Please email to me your social security number ASAP so we can send it in.

Once the letter has been submitted by our Leg Affairs folks to the Cap ID office you can go by Senate Dirksen Ground Floor 58 and have your i.d.s made. If there any problems ask for Dawn Matthews. She is the head of the i.d. office.

Thanks!

REV_00133704

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/17/2001 12:42:16 PM
Subject: : I need your SS #, please.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-OCT-2001 16:42:16.00

SUBJECT:: I need your SS #, please.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

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Thanks!

REV_00133705

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 10/17/2001 4:21:35 PM
Subject: : Re: EO

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-OCT-2001 20:21:35.00

SUBJECT:: Re: EO

TO: Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

End Original ARMS Header

just got back from the Hill and just got your message; will do

Elizabeth S. Dougherty

10/17/2001 08:20:45 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: EO

I hate to be a pest, but would you mind forwarding me the latest version of the EO. Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/18/2001 4:35:17 AM
Subject: : one more article re: judicial nominations

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-OCT-2001 08:35:17.00

SUBJECT:: one more article re: judicial nominations

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Republicans, Leahy Continue To Clash (Roll Call)

By Paul Kane

Roll Call; October 18, 2001

Despite growing anxiety about the threat of anthrax, Senate and House leaders said yesterday that business will continue to proceed as normally as possible and that there will still be serious policy disputes over critical issues in the coming days and weeks.

"We will not let this stop the work of the Senate," Majority Leader Thomas Daschle (D-S.D.) said at a press conference in which he announced that 31 individuals, mostly members of his staff, had tested positive for anthrax exposure.

As if to prove the point, the Senate went ahead and overwhelmingly approved the Interior appropriations conference report late Wednesday afternoon and is expected to pass the military construction conference

REV_00133707

report today. And with serious prodding from the White House, House and Senate negotiators were very close to reaching bipartisan consensus on an anti-terrorism package that would reconcile the previously vast differences between the bills passed by the two chambers, aides said. But the Senate remained gridlocked over how to move the remaining appropriations bills it needs to move to House-Senate conferences, as Republicans maintained that they would continue blocking the spending bills because of the slow pace on judicial nominations. If anything, that dispute has grown more bitter and partisan in recent days.

Colorado GOP Sens. Wayne Allard and Ben Nighthorse Campbell this week accused Judiciary Chairman Patrick Leahy (D-Vt.) of threatening the future prospects of their home-state judicial nominees.

According to Allard, he and Campbell approached Leahy during a cloture vote Monday night on the foreign operations spending bill and asked the Vermont Senator if he could quickly bump up three judicial nominees from their state close to the top of the list of nominees being considered. At that point Leahy, who also chairs the foreign operations subcommittee, wanted to know if the pair was supporting the GOP blockade on appropriations, according to Allard. "Well, he asked, 'How did you vote on that bill?,'" Allard said.

"If I go ahead and vote for cloture, you'd move my judges to the top?" Allard recalled asking Leahy. "He said, 'Yep.'"

Campbell stood by that account of events yesterday, adding, "It's just unfortunate that Senator Leahy is holding up these nominations."

Leahy did not specifically deny the conversation with Allard and Campbell, but his staff hinted that the Colorado Senators may have misinterpreted comments that were intended to be a joke.

"He's one of the senators from the old school who does not discuss conversations with other senators," said David Carle, Leahy's spokesman.

"But it's probably fair to say that if Senator Allard approached Senator Leahy right then to talk about any newly received nominations, the opportunity for irony would have been especially high."

Leahy plans to hold an executive meeting today in one of the meeting rooms off the Senate floor, since the regular hearing room in the Dirksen building will be closed. He expects the committee to approve five judicial nominations as well as 13 U.S. attorneys and one post related to the Justice Department.

After the executive meeting, the Judiciary panel plans to hold a nomination hearing for another four judges. Of those judicial nominees who will be approved or have their hearing, most come from states with Senators who voted against cloture on the spending bill. "That kind of says it all," Carle said.

Some GOP Senators, however, said they view Leahy's comments to Allard and Campbell as part of an overall effort to slow the nomination process.

"This is too important a process to play that kind of political game," said Sen. Jeff Sessions (R-Ala.), ranking Member on Judiciary's subcommittee overseeing the federal bench.

Sen. Larry Craig (Idaho), chairman of the Republican Policy Committee, said Leahy so far had made a "meager effort" in approving judges, eight of whom have been confirmed by the full Senate with almost another 50 awaiting action. Craig said Daschle has "failed to instruct" Leahy to pass more judges out of his committee, noting that the Majority Leader has forced chairmen to pass key bills out of their panels or risk having them brought to the floor without committee approval.

"I see that as a disconnect of leadership or at least an inconsistency," Craig said.

At Tuesday's GOP luncheon, at least half a dozen Senators stood up to complain in highly personal terms about Leahy's handling of the judicial process, according to a GOP aide who was present.

Democrats, however, are standing solidly behind the Vermont lawmaker.

Daschle said Tuesday he was "very appreciative" of Leahy's work in handling the nomination process, saying any delays were due to paperwork problems and the White House's decision to not first vet nominees through the American Bar Association, a process that now takes place once a nomination arrives on Capitol Hill.

"We're doing the best we can," he added.

Daschle also said there was nothing to negotiate about with Republicans

and Senate Minority Leader Trent Lott (R-Miss.) as far as the pace of judicial nominees is concerned, setting up a potentially lengthy standoff over judges and appropriations. "We talk about it a lot, but there are no negotiations," he said.

On the House side, Appropriations Chairman Bill Young (R-Fla.) said his committee would continue to move bills and conference reports on a "regular" basis. He said further delays caused by safety precautions may force Congress to pass another continuing resolution at the end of this month to fund government operations, but said passing an "omnibus" bill with all remaining spending measures was not something he predicted would happen.

Daschle had planned to hold another cloture vote on foreign operations yesterday morning, but that was canceled after the revelations about the number of staffers who initially tested positive for anthrax exposure. This prompted Senate leaders to hold a bipartisan conference in the Senate dining room, the third such extraordinary gathering of all Senators since the Sept. 11 attacks. The Senators received a briefing from top medical experts in the administration on the threats from the deadly chemical. Exiting the meeting, Senators said there was a unanimous feeling of support for Daschle and for maximizing the safety of staffers and others in the Capitol complex.

"There's total unity here. There's total support for Daschle," Craig said. "Everybody feels very together now. Whether that applies to other issues, I don't know," said Sen. Paul Wellstone (D-Minn.).

The second cloture vote on foreign operations is expected to come early next week. Because of all the distractions that Daschle has faced this week, Craig said it made sense to put off this contentious bill for now and allow less controversial legislation to move this week.

When the more divisive issues are revisited next week, the fighting is expected to resume. Sen. Jon Kyl (R-Ariz.), a senior Judiciary member, said he fully expects the Republicans to block the foreign operations bill. "It'll be the same vote as before," he said. "Nothing has changed."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 10/18/2001 4:36:29 AM
Subject: : Re: Ashcroft Memo on Tobacco lawsuit

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-OCT-2001 08:36:29.00
SUBJECT: : Re: Ashcroft Memo on Tobacco lawsuit
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

young (college) intern in Political Affairs. he worked on
campaign/florida and knows ciongo independently. he obviously should not
call ciongo about this.

Helgard C. Walker
10/18/2001 08:34:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Ashcroft Memo on Tobacco lawsuit

who is this person?

Brett M. Kavanaugh
10/17/2001 07:30:59 PM
Record Type: Record

To: Michael J. Napolitano/WHO/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP
bcc:
Subject: Re: Ashcroft Memo on Tobacco lawsuit

You should talk to Helgi Walker about this matter, and Helgi
should place any necessary calls to Justice/Ciongoli.

Michael J. Napolitano
10/17/2001 03:48:03 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Ashcroft Memo on Tobacco lawsuit

Brett -

REV_00133710

Ken asked me to see if you/Counsel's office knew where this issue was heading - do you know the issue, do you know who could provide details for me.

I've put a call into Adam Ciangoli this AM.

Let me know, and thanks.

Napo

From: CN=Tiffany L. Barfield/OU=OPD/O=EOP [OPD]
To: Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; roger.nober@ost.dot.gov @ inet [UNKNOWN] <roger.nober@ost.dot.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; phyllis.sheinberg@ost.dot.gov @ inet [UNKNOWN] <phyllis.sheinberg@ost.dot.gov>; david.leitch@faa.gov @ inet [UNKNOWN] <david.leitch@faa.gov>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
CC: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
Sent: 10/18/2001 7:53:30 AM
Subject: : Aviation Security

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:18-OCT-2001 11:53:30.00
SUBJECT:: Aviation Security
TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:phyllis.sheinberg@ost.dot.gov (phyllis.sheinberg@ost.dot.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:david.leitch@faa.gov (david.leitch@faa.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

THE CALL HAS BEEN CANCELED!

----- Forwarded by Tiffany L. Barfield/OPD/EOP on
10/18/2001 11:50 AM -----

Tiffany L. Barfield
10/18/2001 08:54:36 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Joel D. Kaplan/WHO/EOP@EOP
Subject: Aviation Security

Aviation Security Conference Call - Today at 2:00pm

Dial in number: 456-2561
Code: 2356

Message Sent

To: _____
Lloyd A. Blanchard/OMB/EOP@EOP
Marcus Peacock/OMB/EOP@EOP
roger.nober@ost.dot.gov @ inet
Brett M. Kavanaugh/WHO/EOP@EOP
phyllis.sheinberg@ost.dot.gov @ inet

REV_00133712

david.leitch@faa.gov @ inet
Elizabeth S. Dougherty/OPD/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/18/2001 4:35:17 AM
Subject: : one more article re: judicial nominations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-OCT-2001 08:35:17.00

SUBJECT:: one more article re: judicial nominations

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Republicans, Leahy Continue To Clash (Roll Call)

By Paul Kane

Roll Call; October 18, 2001

Despite growing anxiety about the threat of anthrax, Senate and House leaders said yesterday that business will continue to proceed as normally as possible and that there will still be serious policy disputes over critical issues in the coming days and weeks.

"We will not let this stop the work of the Senate," Majority Leader Thomas Daschle (D-S.D.) said at a press conference in which he announced that 31 individuals, mostly members of his staff, had tested positive for anthrax exposure.

As if to prove the point, the Senate went ahead and overwhelmingly approved the Interior appropriations conference report late Wednesday afternoon and is expected to pass the military construction conference

report today. And with serious prodding from the White House, House and Senate negotiators were very close to reaching bipartisan consensus on an anti-terrorism package that would reconcile the previously vast differences between the bills passed by the two chambers, aides said. But the Senate remained gridlocked over how to move the remaining appropriations bills it needs to move to House-Senate conferences, as Republicans maintained that they would continue blocking the spending bills because of the slow pace on judicial nominations. If anything, that dispute has grown more bitter and partisan in recent days.

Colorado GOP Sens. Wayne Allard and Ben Nighthorse Campbell this week accused Judiciary Chairman Patrick Leahy (D-Vt.) of threatening the future prospects of their home-state judicial nominees.

According to Allard, he and Campbell approached Leahy during a cloture vote Monday night on the foreign operations spending bill and asked the Vermont Senator if he could quickly bump up three judicial nominees from their state close to the top of the list of nominees being considered. At that point Leahy, who also chairs the foreign operations subcommittee, wanted to know if the pair was supporting the GOP blockade on appropriations, according to Allard. "Well, he asked, 'How did you vote on that bill?,'" Allard said.

"If I go ahead and vote for cloture, you'd move my judges to the top?" Allard recalled asking Leahy. "He said, 'Yep.'"

Campbell stood by that account of events yesterday, adding, "It's just unfortunate that Senator Leahy is holding up these nominations."

Leahy did not specifically deny the conversation with Allard and Campbell, but his staff hinted that the Colorado Senators may have misinterpreted comments that were intended to be a joke.

"He's one of the senators from the old school who does not discuss conversations with other senators," said David Carle, Leahy's spokesman.

"But it's probably fair to say that if Senator Allard approached Senator Leahy right then to talk about any newly received nominations, the opportunity for irony would have been especially high."

Leahy plans to hold an executive meeting today in one of the meeting rooms off the Senate floor, since the regular hearing room in the Dirksen building will be closed. He expects the committee to approve five judicial nominations as well as 13 U.S. attorneys and one post related to the Justice Department.

After the executive meeting, the Judiciary panel plans to hold a nomination hearing for another four judges. Of those judicial nominees who will be approved or have their hearing, most come from states with Senators who voted against cloture on the spending bill. "That kind of says it all," Carle said.

Some GOP Senators, however, said they view Leahy's comments to Allard and Campbell as part of an overall effort to slow the nomination process.

"This is too important a process to play that kind of political game," said Sen. Jeff Sessions (R-Ala.), ranking Member on Judiciary's subcommittee overseeing the federal bench.

Sen. Larry Craig (Idaho), chairman of the Republican Policy Committee, said Leahy so far had made a "meager effort" in approving judges, eight of whom have been confirmed by the full Senate with almost another 50 awaiting action. Craig said Daschle has "failed to instruct" Leahy to pass more judges out of his committee, noting that the Majority Leader has forced chairmen to pass key bills out of their panels or risk having them brought to the floor without committee approval.

"I see that as a disconnect of leadership or at least an inconsistency," Craig said.

At Tuesday's GOP luncheon, at least half a dozen Senators stood up to complain in highly personal terms about Leahy's handling of the judicial process, according to a GOP aide who was present.

Democrats, however, are standing solidly behind the Vermont lawmaker.

Daschle said Tuesday he was "very appreciative" of Leahy's work in handling the nomination process, saying any delays were due to paperwork problems and the White House's decision to not first vet nominees through the American Bar Association, a process that now takes place once a nomination arrives on Capitol Hill.

"We're doing the best we can," he added.

Daschle also said there was nothing to negotiate about with Republicans

and Senate Minority Leader Trent Lott (R-Miss.) as far as the pace of judicial nominees is concerned, setting up a potentially lengthy standoff over judges and appropriations. "We talk about it a lot, but there are no negotiations," he said.

On the House side, Appropriations Chairman Bill Young (R-Fla.) said his committee would continue to move bills and conference reports on a "regular" basis. He said further delays caused by safety precautions may force Congress to pass another continuing resolution at the end of this month to fund government operations, but said passing an "omnibus" bill with all remaining spending measures was not something he predicted would happen.

Daschle had planned to hold another cloture vote on foreign operations yesterday morning, but that was canceled after the revelations about the number of staffers who initially tested positive for anthrax exposure. This prompted Senate leaders to hold a bipartisan conference in the Senate dining room, the third such extraordinary gathering of all Senators since the Sept. 11 attacks. The Senators received a briefing from top medical experts in the administration on the threats from the deadly chemical. Exiting the meeting, Senators said there was a unanimous feeling of support for Daschle and for maximizing the safety of staffers and others in the Capitol complex.

"There's total unity here. There's total support for Daschle," Craig said. "Everybody feels very together now. Whether that applies to other issues, I don't know," said Sen. Paul Wellstone (D-Minn.).

The second cloture vote on foreign operations is expected to come early next week. Because of all the distractions that Daschle has faced this week, Craig said it made sense to put off this contentious bill for now and allow less controversial legislation to move this week.

When the more divisive issues are revisited next week, the fighting is expected to resume. Sen. Jon Kyl (R-Ariz.), a senior Judiciary member, said he fully expects the Republicans to block the foreign operations bill. "It'll be the same vote as before," he said. "Nothing has changed."

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/18/2001 7:36:43 AM
Subject: : NASA GC

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-OCT-2001 11:36:43.00

SUBJECT:: NASA GC

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

General Counsel Edward A Frankle

Career Senior Executive Service (SES) Appointment

Education: Catholic U 1968 BS, 1971 MSE; Georgetown 1974 JD

E-Mail: efrankle@hq.nasa.gov

Phone: (202) 358-2450

Fax: (202) 358-2741

From: CN=Tiffany L. Barfield/OU=OPD/O=EOP [OPD]
To: Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; roger.nober@ost.dot.gov @ inet [UNKNOWN] <roger.nober@ost.dot.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; phyllis.sheinberg@ost.dot.gov @ inet [UNKNOWN] <phyllis.sheinberg@ost.dot.gov>; david.leitch@faa.gov @ inet [UNKNOWN] <david.leitch@faa.gov>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
CC: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
Sent: 10/18/2001 7:53:30 AM
Subject: : Aviation Security

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-OCT-2001 11:53:30.00

SUBJECT:: Aviation Security

TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:phyllis.sheinberg@ost.dot.gov (phyllis.sheinberg@ost.dot.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:david.leitch@faa.gov (david.leitch@faa.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

THE CALL HAS BEEN CANCELED!

----- Forwarded by Tiffany L. Barfield/OPD/EOP on
10/18/2001 11:50 AM -----

Tiffany L. Barfield
10/18/2001 08:54:36 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Joel D. Kaplan/WHO/EOP@EOP
Subject: Aviation Security

Aviation Security Conference Call - Today at 2:00pm

Dial in number: 456-2561
Code: 2356

Message Sent
To: _____

REV_00133721

Lloyd A. Blanchard/OMB/EOP@EOP
Marcus Peacock/OMB/EOP@EOP
roger.nober@ost.dot.gov @ inet
Brett M. Kavanaugh/WHO/EOP@EOP
phyllis.sheinberg@ost.dot.gov @ inet
david.leitch@faa.gov @ inet
Elizabeth S. Dougherty/OPD/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carl Buchholz/WHO/EOP@EOP [WHO] <Carl Buchholz>
Sent: 10/18/2001 12:38:07 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-OCT-2001 16:38:07.00

SUBJECT::

TO: Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

can you meet at 5:30?

From: Betty.Ann.Hunt@do.treas.gov [UNKNOWN]
To: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>;Gerry.Hughes@do.treas.gov [UNKNOWN]
<Gerry.Hughes@do.treas.gov>;Mario.Ugoletti@do.treas.gov [UNKNOWN]
<Mario.Ugoletti@do.treas.gov>;Roberta.McInerney@do.treas.gov [UNKNOWN]
<Roberta.McInerney@do.treas.gov>;Martha.Ellett@do.treas.gov [UNKNOWN]
<Martha.Ellett@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S.
Kroszner>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO
/EOP@EOP [WHO] <Kristen Silverberg>;Augustine T. Smythe/OMB/EOP@EOP [OMB]
<Augustine T. Smythe>;Tom.Herlihy@ost.dot.gov [UNKNOWN] <Tom.Herlihy@ost.dot.gov>
CC: Leslie.Cummings@do.treas.gov [UNKNOWN]
<Leslie.Cummings@do.treas.gov>;Yvette.Kinard@do.treas.gov [UNKNOWN]
<Yvette.Kinard@do.treas.gov>;Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>
Sent: 10/18/2001 11:38:49 AM
Subject: : Meeting on Terrorist Language

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:18-OCT-2001 15:38:49.00

SUBJECT:: Meeting on Terrorist Language

TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Gerry.Hughes@do.treas.gov (Gerry.Hughes@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Tom.Herlihy@ost.dot.gov (Tom.Herlihy@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

CC:Leslie.Cummings@do.treas.gov (Leslie.Cummings@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:Yvette.Kinard@do.treas.gov (Yvette.Kinard@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Sheila Bair would like to meet on Friday, October 19 at 4:00 pm in Room 2326

Main Treasury to discuss "the Terrorist Language, Line by Line". Please provide me with your DOB and SSN for access to Treasury.

Thank you

Betty Ann Hunt
Office of the Assistant Secretary
for Financial Institutions
(202) 622-2610

REV_00133724

(202) 622-2027 (fax)

From: Betty.Ann.Hunt@do.treas.gov [UNKNOWN]
To: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>;Gerry.Hughes@do.treas.gov [UNKNOWN]
<Gerry.Hughes@do.treas.gov>;Mario.Ugoletti@do.treas.gov [UNKNOWN]
<Mario.Ugoletti@do.treas.gov>;Roberta.McInerney@do.treas.gov [UNKNOWN]
<Roberta.McInerney@do.treas.gov>;Martha.Ellett@do.treas.gov [UNKNOWN]
<Martha.Ellett@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S.
Kroszner>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO
/EOP@EOP [WHO] <Kristen Silverberg>;Augustine T. Smythe/OMB/EOP@EOP [OMB]
<Augustine T. Smythe>;Tom.Herlihy@ost.dot.gov [UNKNOWN] <Tom.Herlihy@ost.dot.gov>
CC: Leslie.Cummings@do.treas.gov [UNKNOWN]
<Leslie.Cummings@do.treas.gov>;Yvette.Kinard@do.treas.gov [UNKNOWN]
<Yvette.Kinard@do.treas.gov>;Emily Willeford/OPD/EOP@EOP [OPD] <Emily Willeford>
Sent: 10/18/2001 11:41:12 AM
Subject: : Meeting on Terrorist Language

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:18-OCT-2001 15:41:12.00

SUBJECT:: Meeting on Terrorist Language

TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Gerry.Hughes@do.treas.gov (Gerry.Hughes@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Tom.Herlihy@ost.dot.gov (Tom.Herlihy@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

CC:Leslie.Cummings@do.treas.gov (Leslie.Cummings@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:Yvette.Kinard@do.treas.gov (Yvette.Kinard@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:Emily Willeford (CN=Emily Willeford/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Sheila Bair would like to meet on Friday, October 19 at 4:00 pm in Room 2326

Main Treasury to discuss "the Terrorist Language, Line by Line". Please provide me with your DOB and SSN for access to Treasury.

Thank you

Betty Ann Hunt
Office of the Assistant Secretary
for Financial Institutions
(202) 622-2610

REV_00133726

(202) 622-2027 (fax)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Carl Buchholz/WHO/EOP@EOP [WHO] <Carl Buchholz>
Sent: 10/18/2001 12:38:07 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-OCT-2001 16:38:07.00

SUBJECT::

TO: Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

can you meet at 5:30?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 10/18/2001 2:09:13 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-OCT-2001 18:09:13.00

SUBJECT::

TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 10/19/2001 10:47:53 AM
Subject: : Meeting on Terrorist Language

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-OCT-2001 14:47:53.00
SUBJECT:: Meeting on Terrorist Language
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
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----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
10/19/2001 02:47 PM -----

Betty.Ann.Hunt@do.treas.gov
10/18/2001 03:31:56 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Leslie.Cummings@do.treas.gov, Yvette.Kinard@do.treas.gov, Emily
Willeford/OPD/EOP@EOP
Subject: Meeting on Terrorist Language

Sheila Bair would like to meet on Friday, October 19 at 4:00 pm in Room
2326
Main Treasury to discuss "the Terrorist Language, Line by Line". Please
provide me with your DOB and SSN for access to Treasury.

Thank you

Betty Ann Hunt
Office of the Assistant Secretary
for Financial Institutions
(202) 622-2610
(202) 622-2027 (fax)

Message Sent

To: _____
Edward.Demarco@do.treas.gov
Gerry.Hughes@do.treas.gov
Mario.Ugoletti@do.treas.gov
Roberta.McInerney@do.treas.gov
Martha.Ellett@do.treas.gov
Randall S. Kroszner/CEA/EOP@EOP
D. Marcus Sumerlin/OPD/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Augustine T. Smythe/OMB/EOP@EOP
Tom.Herlihy@ost.dot.gov

REV_00133730

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/19/2001 10:49:42 AM
Subject: : LRM MJR75 - - Council of Economic Advisers Testimony on Insurance Markets in the Aftermath of the Current Terrorist Threat
Attachments: P_EU8A4004_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-OCT-2001 14:49:42.00

SUBJECT:: LRM MJR75 - - Council of Economic Advisers Testimony on Insurance Markets in the Aftermath of the Current Terrorist Threat

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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From: Marshall J. Rodgers on 10/19/2001 02:38:57 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: CLRM@doc.gov , justice.lrm@usdoj.gov , llr@do.treas.gov
Subject: LRM MJR75 - - Council of Economic Advisers Testimony on Insurance Markets in the Aftermath of the Current Terrorist Threat

Attached for your review is CEA (Hubbard) testimony for an October 24th hearing before the Senate Committee on Banking, Housing, and Urban Affairs.

LRM ID: MJR75
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Friday, October 19, 2001

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Richard E. Green (for) Assistant Director for Legislative Reference

OMB CONTACT: Marshall J. Rodgers

PHONE: (202)395-7813 FAX: (202)395-3109

SUBJECT: Council of Economic Advisers Testimony on Insurance Markets in the Aftermath of the Current Terrorist Threat

DEADLINE: Noon Monday, October 22, 2001

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Attached for your review is CEA (Hubbard) testimony for an October 24th hearing before the Senate Committee on Banking, Housing, and Urban Affairs.

REV_00133731

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LRM ID: MJR75 SUBJECT: Council of Economic Advisers Testimony on
Insurance Markets in the Aftermath of the Current Terrorist Threat

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

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The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

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Michael K. Berkholtz/OMB/EOP@EOP
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Robert F. Mahaffie/OMB/EOP@EOP
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David S. Addington/OVP/EOP@EOP
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Kristen Silverberg/WHO/EOP@EOP
Albert Hawkins/WHO/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Richard M. Russell/OSTP/EOP@EOP

John M. Bridgeland/OPD/EOP@EOP
Heather Wingate/WHO/EOP@EOP
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_EU8A4004_WHO.TXT_1>

Testimony
of
R. Glenn Hubbard
Chairman
Council of Economic Advisers
Before the
Committee on Banking, Housing, and Urban Affairs
U.S. Senate on the Budget
United States Senate

October 24, 2001
10:00 aA.mM.

Mr. Chairman, Senator Gramm~~Senator Domenici, and~~, and members of the Committee, it is a pleasure to appear before you today to discuss the situation facing insurance markets in the aftermath of the current terrorist threat. ~~outlook for the U.S. economy. The terrible.~~ The terrible tragedy associated with the terrorist attacks on New York and Washington exacted an economic toll on the United States as well as a human toll, and the Administration is working with Congress to address both losses.

Among the direct repercussions of these attacks has been an increased appreciation of the need to focus public policy on s-

Growth in the U. S. Economy and the Outlook Prior to September 11

It is useful to begin with the backdrop to these events. Prior to the tragedy on September 11, the United States was experiencing a growth slowdown: real GDP growth slowed to only an average 1.2 percent annual pace during the past four quarters, with a low of 0.2 percent in the second quarter, and 0.0 percent in the third quarter. NOTE: Change the numbers after GDP is released. While the probability of an outright recession was low, the fact that the economy was

price, market, and service products for new types of risks. In the past, naysayers deemed reinsurance against the risks of natural catastrophes such as hurricanes as beyond the reach of private insurance markets. Experience has proven them wrong. By providing a temporary bridge of three years, a steadily receding Federal presence, and an explicit sunset, we will permit the industry to grow into this new market.

Second, the Administration's proposal recognizes that a limitation facing the insurance and reinsurance industry is its total capacity to absorb risk. For this reason, we provide the economic function of limiting its maximum exposure in order to provide a backstop against catastrophic losses, which could generate large increases in transactions costs for businesses and, ultimately, for consumers.

Third, because the industry shares in the losses – up to a maximum loss – and the share it shoulders rises over time, there will be a profit motive for insurance companies – and actuaries and economists – to begin now to refine pricing models. As I noted earlier, there are economic benefits to the efficient pricing of risks. While no covered individual company can control whether terrorists strike, efficient pricing can lead every covered company to take actions lessen the damage that results from terrorist incidents. After the approach sunsets, the industry will have made progress toward efficient pricing of risks. At that time, issues of pricing and the industry's capacity to absorb losses can be revisited.

In addition, having the industry participate will control costs after any event. If the government agrees to pick up 100 percent of all claims, the insurance industry has no incentive to do careful claims adjustments.

The potential losses facing insurers depend not only upon the security and economic environment, but on the legal setting as well. That is why the Administration approach would

also includes elements of legal reform. These reforms to the tort process will bring damage claims closer to their economic foundation and reduce the uncertainty about the magnitude of potential claims. The consolidation of claims in a single federal forum, for example, helps to ensure that the claims will be treated in a consistent manner and eliminates the redundancy costs of litigating similar claims in multiple courts. In addition, consolidation tends to expedite the claims process, reducing the uncertainty about the length of the litigation. Limitations on punitive damages (other than those directed at perpetrators or abettors) and proportional liability for non-economic harms (except those caused by perpetrators or abettors) reduces the potential for open-ended claims. Such reforms are essential for economically enhancing the efficiency of the insurance market by increasing the ability of the insurance industry to price and absorb the risks associated with terrorism.

To conclude, the U. S. economy is very resilient, and, through the combined efforts of the Administration and Congress it is possible to provide transitional public policy to support the needs of purchasers of property and casualty insurance. Thank you again, Mr. Chairman, for the opportunity to appear before you today. I am happy to answer your questions.

growing slower than its potential rate of growth dictated that unemployment rate was likely to rise in the near term. Economic disruptions emanating from the bombings in New York and Washington almost certainly worsen the short-run growth prospects.

——— Growth rates this much below their potential levels are not acceptable. Accordingly, monetary and fiscal policy moved decisively to reverse pre-September 11 recessionary pressures. The Federal Reserve cut the target federal funds rate by 300 basis points from the beginning of the year through September 11, and \$41 billion was returned to taxpayers during the third quarter as a downpayment on a large permanent tax cut.

——— Looking outside the nation, the United States had an interest in the resumption of economic growth in Japan and accelerated growth in Europe. During the first half of 2001, GDP declined in Japan, and the rate of decline accelerated. In Europe, the rate of GDP growth remains positive, but has decelerated. Moreover, European Commission surveys of the outlook for new manufacturing orders, industrial production, and consumer confidence indicate recent declines. More rapid growth in the major economies will in turn enhance the likelihood of stability and progress in the rest of the world, such as developing Asia and Latin America. In the absence of resumption of global growth, trends in output and asset prices may force painful adjustments.

Economic Consequences of the Events of September 11

——— To analyze the effects of the terrorist attacks on the World Trade Center and the Pentagon, it is instructive to consider two steps. First, the collapse of the World Trade Center and surrounding buildings acted as an adverse supply shock to the economy. The physical damages from the attacks likely were not sufficiently consequential to affect the underlying potential growth rate of the economy. However, the destruction of the World Trade Center, the

damage to the financial sector, and the interruption of commercial aviation temporarily restricted the economy's ability to supply goods and services in the short run. These "supply shock" consequences of the attacks substantially reduce the growth rate of GDP over the next two quarters and increase significantly the likelihood that the economy is in a recession. These consequences also imply a greater gap between the economy's actual and potential growth rate, with adverse consequences for employment.

— This first step treats — for strictly analytic purposes — the attacks as a contained physical event. Of course, there is a second, and more important, effect. Because the destruction on September 11 arose as a result of terrorism, the economic aftermath includes shocks to household and business confidence, and increased uncertainty regarding the overall environment. The effects on confidence and uncertainty give rise to a number of additional supply-side costs of transacting business — ranging from enhanced security to more costly insurance — which reduce output growth.

On the demand side, the attacks and their potential repercussions lowered household and business confidence about the future, and along with it their willingness to spend and invest. Prior to the attacks, a focus of policy was to ensure a continued flow of resources — incomes, cash flow, and so forth — to households and businesses to provide a base for sustained growth in aggregate demand. If confidence effects are substantial, the attacks must necessarily shift our focus somewhat — away from simply providing dollars to households, for example, and toward buttressing the confidence of households to make purchases out of those dollars.

What is the outlook for consumer confidence? To gain a sense of the magnitudes involved, one can derive estimates of the expected decline in confidence by utilizing the changes to the Blue Chip consensus forecast due to the terrorist attacks. The implied drop in confidence is

substantial and likely incorporates effects of recent equity price declines. Using the most recent Blue Chip consensus forecast as a guide, the implied decline in confidence is temporary—following roughly the path of the confidence decline and recovery during the Gulf War—and is essentially eliminated by the second half of 2002. The Blue Chip Consensus forecast is, of course, only an estimate. More shallow declines in confidence would permit a more rapid recovery. Larger and more sustained declines in confidence would suggest a longer downturn and slower recovery, particularly if accompanied by prolonged weakness in equity prices.

———To be concrete, the consensus economic forecasts by private sector economists (as reflected in the September 20, 2001 release of the Blue Chip Economic Indicators) indicates a modest recession, again fueled by a decline in confidence and equity values. (While a recession is defined by the National Bureau of Economic Research, we use the term in its common association with two quarters of negative GDP growth.) The consensus estimate is for a decline in real GDP of 0.5 percent and 0.7 percent in the third and fourth quarters, respectively, of this year. Consensus estimates of GDP growth rebound in 2002, with growth of 1.4 percent and 2.8 percent, respectively, in the first two quarters of 2002, and 3.7 percent in the second half of 2002. Even with this recovery, the unemployment rate is likely to rise through 2002 **[True?: More details?]**

———A range of estimates underlies the Blue Chip forecasts, and that range reflects a divergence of views about the depth of the initial decline in confidence and the persistence of that decline. For example, the range between the top ten and bottom ten estimates is 0.4 percent to 1.5 percent for the third quarter of 2001, 1.5 percent to 2.4 percent for the fourth quarter of 2001, 3.3 percent to 0.8, percent for the first quarter of 2002, 4.0 percent to 1.0 percent in the second quarter of 2002, and 3.8 percent to 1.8 percent for growth during 2002 as a whole.

~~[Insert comment on implied range for unemployment rate].~~ This range suggests the need to think seriously about downside risks and policies that address the source of the economy's vulnerability in the quarter ahead.

Existing public policies also continue to buffer the downward pressure on aggregate demand. On the monetary side, the Federal Reserve reduced its federal funds rate target on September 17 by 50 basis points. From a fiscal perspective, the \$40 billion emergency appropriation will provide additional stimulus later this year and throughout 2002. These policy moves will mitigate somewhat the effects of the terrorist attack on output growth and unemployment, and should aid a recovery in 2002, though again downside risks remain.

Implications for Public Policy

This simple analysis of the short-term economic consequences of the events of September 11 suggests important lessons for public policy. Consumer and business confidence is the key factor in calibrating the depth of any downturn occurring as a result of the terrorist attacks and the pace of the subsequent recovery. Indeed, improvements in confidence are themselves a potent stimulus; a rapid rebound of household and business sentiment will hasten the arrival and pace of recovery in 2002. A longer decline in confidence could lead to a significant period of mediocre output growth and rising unemployment, as I noted earlier.

Hence one way to evaluate policy responses is by their effect on household or business confidence. What is the framework for policies?

First, the tragedy of September 11 is a seminal event and policies should be forward-looking, not attempting to simply replicate the world of September 10. Policies should provide consumers and businesses with confidence that the policy infrastructure is in place to ensure the

conduct of economic activity in this new environment. As an example, consider the response of the Administration and the Congress to the immediate problems in commercial aviation.

The problem is not simply one of keeping commercial aircrafts in the air. Instead a key feature of the policy response is the provision of funding for enhanced security, thereby addressing the root cause of the airline industry downturn—diminished confidence by travelers. This funding should address aircraft security, security personnel and screening of passengers and baggage. Prudent investment in aviation security restore confidence in air travel, and the hardened infrastructure in this economic sector will also support the numerous industries related to the travel and tourism sectors of the economy

On a broader scale, a policy focus on Security, including efforts toward defending American economic activity against terrorist intrusions. The need for security in economic activity – whether in such visible forms as Federal Air Marshals or more mundane needs like additional backup computer systems – raises the overall cost of transacting business. In this sense, the attacks acted as a shock to the costs of supplying goods and services in the economy. It is in our economic interest to contain these transactions costs as much as possible.

The attacks also raised the degree of uncertainty in the economic environment – from the state of aggregate demand, to the demand for particular goods and services (air travel, for example), to a myriad of other areas.

Commercial insurance lies at the intersection of these two forces. Property and casualty insurance is one mechanism by which economies respond efficiently to risks in the environment. Risks are spread, converting for each business a potential cost of unknowable size and timing into a set of smaller, known premium payments. The events of September 11 induced a dramatic revision in perceived risks. In normal circumstances, increased risks are translated into higher

premiums. This serves the useful economic function of pricing risk, leading the private sector toward those activities where the risk is “worth it” -- there might be losses now and then, but on average society will benefit – and away from foolhardy gambles.

At the moment, however, the entire nation is unsure of the genuine likelihood of additional terrorist events. For insurance markets, unfortunately, the distinction between risk – not knowing when an event will happen, but having solid knowledge of the odds of an occurrence – and genuine uncertainty about the frequency of an insured event is the key to being able to price efficiently. Experience with our new security environment will mitigate this difficulty over time. In the near term, however, it would not be terribly surprising to experience disruption of the property and casualty market. In the extreme, customers may not be able to renew policies until the market resolves pricing difficulties.

An interruption of coverage is a particular, and extreme, version of an increase in transactions costs as a result of terrorist-associated risks. Still, there is the possibility that existing lines of coverage will be renewed only with quite substantial increases in premiums. I believe we are all now familiar with the difficulties facing aviation; disproportionate rises in insurance coverage or, in the extreme, withdrawal of insurance coverage, would hinder transition to a new operating environment. This phenomenon is more widespread, however. Lenders usually require businesses to insure any property they use to secure loans. The terms of terrorism coverage could diminish bank lending for new construction projects. It could as well act as a sharp impediment to transactions that permit existing commercial properties – skyscrapers, pipelines, power plants, and so forth – to change hands. It is important to point out that this “changing hands” is an important economic function. The relative efficiency with

which our economy reallocates capital from less productive to more productive uses sets it apart from many other nations.

In short, a well-functioning insurance market is part of the financial infrastructure that underpins our economy. The Administration and Congress worked together to restore the institutional underpinnings of the financial markets in the week after September 11. In the same way, the Administration looks forward to working with the Congress to bolster the capacity of private insurance markets to provide the risk-sharing services that benefit commerce and consumers.

Principles for Government Involvement

To this end, the Administration believes that any federal intervention in the insurance market should adhere to four key principles:

1. Intervention should encourage, not discourage, private market incentives to expand its capacity to absorb and diversify risk.
2. Intervention should be temporary, permitting us to review in the future the ability of the insurance industry to price these risks and absorb losses.
3. Private market actors should face appropriate price incentives to encourage efforts to minimize the probability of a terrorist event and to limit losses should such an event occur.
4. Private sector uncertainty about liabilities that arise from litigation should be reduced.

The Administration's approach to Terrorism Insurance adheres to each of these four principles. In order to see this, please allow me to first explain the basic outlines of how this approach would work.

The Administration Proposal

Upon enactment of this legislation, if the United States were the victim of a terrorist attack before the end of 2002, the federal government would pay for 80 percent of the first \$20 billion of insured losses, and 90 percent of insured losses in excess of this amount. The private insurance industry would pay for the remaining insured losses.

In the year 2003, the industry would be responsible for the first \$10 billion in insured losses, and 50 percent of insured losses between \$10 billion and \$20 billion. Above \$20 billion, the federal government would continue to pay 90 percent of all losses.

In the year 2004, the third and final year of this program, the industry would be responsible for 100 percent of the first \$20 billion in losses, and 50 percent of insured losses between \$20 billion and \$40 billion. Above \$40 billion, the federal government would continue to pay 90 percent of all losses.

In the event that total insured losses exceed \$100 billion in any calendar year, Congress would determine the procedures for and source of any such payments.

In addition to this insurance component, the Administration approach would also consolidate all claims arising from a terrorist incident in a single federal forum. In addition, it would prohibit claims for punitive damages (other than those directed at the perpetrators), and require that non-economic damages be proportional to a defendant's responsibility (for economic losses, ordinary rules of joint and several liability would apply).

Consistency of Approach with Principles

This proposal is consistent with the Administration principles outlined above.

This proposal encourages private sector capacity building in several ways. First, it is forward-looking. It respects the insurance industry's proven ability to develop the capacity to

From: Lori_L._Lorenzi@who.eop.gov [UNKNOWN]
To: Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Kristen.A.Ullman@usdoj.gov [UNKNOWN] <Kristen.A.Ullman@usdoj.gov>; Sheila.Joy@usdoj.gov [UNKNOWN] <Sheila.Joy@usdoj.gov>; Neal.Suit@usdoj.gov [UNKNOWN] <Neal.Suit@usdoj.gov>; Lizette.D.Benedi@usdoj.gov [UNKNOWN] <Lizette.D.Benedi@usdoj.gov>; James.W.Carroll@usdoj.gov [UNKNOWN] <James.W.Carroll@usdoj.gov>; Lori.SharpeDay@usdoj.gov [UNKNOWN] <Lori.SharpeDay@usdoj.gov>; Dan.Bryant@usdoj.gov [UNKNOWN] <Dan.Bryant@usdoj.gov>; Mindy.Tucker@usdoj.gov [UNKNOWN] <Mindy.Tucker@usdoj.gov>; Lori.Rabjohns@usdoj.gov [UNKNOWN] <Lori.Rabjohns@usdoj.gov>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Adam.Ciongoli@usdoj.gov [UNKNOWN] <Adam.Ciongoli@usdoj.gov>; Evelyn.V.Long@usdoj.gov [UNKNOWN] <Evelyn.V.Long@usdoj.gov>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/19/2001 12:28:48 PM
Subject: : Judicial Confirmation working group

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CREATION DATE/TIME:19-OCT-2001 16:28:48.00

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TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Sheila.Joy@usdoj.gov (Sheila.Joy@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Neal.Suit@usdoj.gov (Neal.Suit@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Lizette.D.Benedi@usdoj.gov (Lizette.D.Benedi@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:James.W.Carroll@usdoj.gov (James.W.Carroll@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Lori.SharpeDay@usdoj.gov (Lori.SharpeDay@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Dan.Bryant@usdoj.gov (Dan.Bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Mindy.Tucker@usdoj.gov (Mindy.Tucker@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Lori.Rabjohns@usdoj.gov (Lori.Rabjohns@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00133746

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Adam.Ciongoli@usdoj.gov (Adam.Ciongoli@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Evelyn.V.Long@usdoj.gov (Evelyn.V.Long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Clarification on meeting - It is the regularly scheduled Monday Judicial
Confirmation Working Group meeting.

From: Lori_L._Lorenzi@who.eop.gov [UNKNOWN]
To: Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Kristen.A.Ullman@usdoj.gov [UNKNOWN] <Kristen.A.Ullman@usdoj.gov>; Sheila.Joy@usdoj.gov [UNKNOWN] <Sheila.Joy@usdoj.gov>; Neal.Suit@usdoj.gov [UNKNOWN] <Neal.Suit@usdoj.gov>; Lizette.D.Benedi@usdoj.gov [UNKNOWN] <Lizette.D.Benedi@usdoj.gov>; James.W.Carroll@usdoj.gov [UNKNOWN] <James.W.Carroll@usdoj.gov>; Lori.SharpeDay@usdoj.gov [UNKNOWN] <Lori.SharpeDay@usdoj.gov>; Dan.Bryant@usdoj.gov [UNKNOWN] <Dan.Bryant@usdoj.gov>; Mindy.Tucker@usdoj.gov [UNKNOWN] <Mindy.Tucker@usdoj.gov>; Lori.Rabjohns@usdoj.gov [UNKNOWN] <Lori.Rabjohns@usdoj.gov>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Adam.Ciongoli@usdoj.gov [UNKNOWN] <Adam.Ciongoli@usdoj.gov>; Evelyn.V.Long@usdoj.gov [UNKNOWN] <Evelyn.V.Long@usdoj.gov>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/19/2001 12:31:28 PM
Subject: : Judicial Confirmation working group

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori_L._Lorenzi@who.eop.gov (Lori_L._Lorenzi@who.eop.gov [UNKNOWN])

CREATION DATE/TIME:19-OCT-2001 16:31:28.00

SUBJECT:: Judicial Confirmation working group

TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Kristen.A.Ullman@usdoj.gov (Kristen.A.Ullman@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Sheila.Joy@usdoj.gov (Sheila.Joy@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Neal.Suit@usdoj.gov (Neal.Suit@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Lizette.D.Benedi@usdoj.gov (Lizette.D.Benedi@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:James.W.Carroll@usdoj.gov (James.W.Carroll@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Lori.SharpeDay@usdoj.gov (Lori.SharpeDay@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Dan.Bryant@usdoj.gov (Dan.Bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Mindy.Tucker@usdoj.gov (Mindy.Tucker@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Lori.Rabjohns@usdoj.gov (Lori.Rabjohns@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00133748

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Adam.Ciongoli@usdoj.gov (Adam.Ciongoli@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Evelyn.V.Long@usdoj.gov (Evelyn.V.Long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Clarification on meeting - It is the regularly scheduled Monday Judicial
Confirmation Working Group meeting.

From: CN=Karen L. Zent/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 10/22/2001 6:26:17 AM
Subject: : Re: Decision Needed

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Karen L. Zent (CN=Karen L. Zent/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-OCT-2001 10:26:17.00
SUBJECT:: Re: Decision Needed
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Then we'll come to you. Room 157.

Robert W. Cobb
10/22/2001 10:15:14 AM
Record Type: Record

To: Karen L. Zent/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: Decision Needed

good for me. Where? I'm in 157 and have a table.

Karen L. Zent
10/22/2001 09:25:07 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Decision Needed

How's 2:30?

Robert W. Cobb
10/22/2001 09:10:36 AM
Record Type: Record

To: Karen L. Zent/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:

REV_00133766

Subject: Re: Decision Needed

11:00 does not work for me. Later today does.

Karen L. Zent
10/19/2001 02:50:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Decision Needed

Would either or both of you be available to meet with Ruben and Leonard Rodriguez from political affairs to discuss options? Monday morning at 11:00 works or later that afternoon.

Brett M. Kavanaugh
10/19/2001 01:40:46 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: karen l. zent/who/eop@eop, alberto r. gonzales/who/eop@eop, courtney s. elwood/who/eop@eop, timothy e. flanigan/who/eop@eop
bcc:
Subject: Re: Decision Needed

RNC historically can and does pay for certain aspects of some events (e.g., holiday parties, Cinco de Mayo). That may be an option here.

Robert W. Cobb
10/19/2001 01:37:41 PM
Record Type: Record

To: Karen L. Zent/WHO/EOP@EOP
cc: Alberto R. Gonzales/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
bcc:
Subject: Re: Decision Needed

I think the only way to have this kind of breakfast (and not have it paid for by the individual attendees themselves) is to charge the White House entertainment account. The problem with this is that there is only a few thousand dollars in this account. Generally, it is not appropriate for outside groups to pay for official activities being conducted at the White House. What is the Republican National Hispanic Assembly, and what would be its involvement other than paying for the breakfast?

Karen L. Zent
10/19/2001 12:59:56 PM
Record Type: Record

REV_00133767

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Decision Needed

We are proposing to Karl Rove that the White House monthly convene Hispanic Appointees from throughout the Administration to create a forum to discussing the President's Agenda.

Would we be allowed to have the Republican National Hispanic Assembly sponsor this event and pay for the breakfast, but us send out the invitations, tend to the details and host the group?

If not, how might we structure something like this?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/22/2001 4:56:21 AM
Subject: : Volunteer needed to deliver file to the Hill at 12:30 pm-location TBD

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-OCT-2001 08:56:21.00

SUBJECT:: Volunteer needed to deliver file to the Hill at 12:30 pm-location TBD

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Nominee is Sanra Pack (Asst. Sec. of Army for Financial Management)

Please let me know if you are available.

REV_00133772

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/22/2001 6:08:27 AM
Subject: : STILL NEED A VOLUNTEER - File to Warner

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-OCT-2001 10:08:27.00

SUBJECT:: STILL NEED A VOLUNTEER - File to Warner

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Anyone?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
10/22/2001 10:08 AM -----

Laura L. Flippin
10/22/2001 10:07:12 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:

REV_00133773

Subject: File to Warner

Whoever is taking the file should meet a member of Senator Warner's staff a few minutes before 12:30 p.m. at the Vice President's Office in the Capitol -- that office is located just outside the Senate floor. The staff member will take the counsel to Senator Warner's hideaway office in the Capitol for the file review. Phone number for Senator Warner's hideaway office, where his staff is working today, is 224-2083 or 224-2098

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/22/2001 6:08:27 AM
Subject: : STILL NEED A VOLUNTEER - File to Warner

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-OCT-2001 10:08:27.00

SUBJECT:: STILL NEED A VOLUNTEER - File to Warner

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Anyone?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
10/22/2001 10:08 AM -----

Laura L. Flippin
10/22/2001 10:07:12 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:

REV_00133775

Subject: File to Warner

Whoever is taking the file should meet a member of Senator Warner's staff a few minutes before 12:30 p.m. at the Vice President's Office in the Capitol -- that office is located just outside the Senate floor. The staff member will take the counsel to Senator Warner's hideaway office in the Capitol for the file review. Phone number for Senator Warner's hideaway office, where his staff is working today, is 224-2083 or 224-2098

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 10/22/2001 6:44:07 AM
Subject: : CQ on judicial nominees and appropriations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 22-OCT-2001 10:44:07.00

SUBJECT: : CQ on judicial nominees and appropriations

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

[Image]

CQ WEEKLY - APPROPRIATIONS

Oct. 20, 2001

Page 2470

Senate Judicial Nominations Spat Again Frustrates Appropriators

By Daniel J. Parks, CQ Staff

Things had just started to go so well for the appropriators. They had a bipartisan spending deal in hand, and the prickly policy riders that dog the appropriations bills every year had mostly fallen away.

But appropriators hit a familiar obstacle the week of Oct. 15. Senate Republicans -- angry at the pace Democrats are processing President Bush's nominees to the federal bench -- stalled action on a must-pass foreign aid bill and signaled that four other appropriations bills face a similar fate until more judges are confirmed.

Tying up the floor is a time-honored tradition in the Senate. But the latest episode features a particularly combustible mix: a strong-willed Democratic chairman and angry minority Republicans intent on fighting for home-state nominees to the bench.

Post-attack bipartisanship continues to grease anti-terrorism legislation and other bills, and for a time smoothed the appropriations process.

No longer.

Republicans on Oct. 15

blocked the Senate from taking up the foreign operations spending bill (HR 2506) by holding together and refusing to give the Democrats a single vote toward the magic number of 60 required to end debate and proceed to the bill.

REV_00133777

The motion failed, 50-46. (Vote 303, p. 2491)

Republicans used similar delaying tactics this summer to win confirmations of Bush administration nominees. Those maneuvers occurred as Democrats were scrambling to advance the 13 fiscal 2002 spending bills through the schedule, in part to make room for an ambitious domestic agenda in the fall.

Whether the stall will work now remains to be seen. For starters, Majority Leader Tom Daschle, D-S.D., seems to be in no hurry to close down the Senate for the year, and partisan measures have slid off the agenda.

Still, Republican senators say they will not budge unless Democrats confirm more federal judges soon. In a dispute that is unusually personal and public for the Senate, Republicans have accused Judiciary Committee Chairman Patrick J. Leahy, D-Vt., of abusing his post by slow-walking Bush nominees to fill more than 100 vacancies on the federal bench. Democrats retorted that the only reason so many vacancies exist is that Republicans dragged their feet in approving President Bill Clinton's nominees over the past several years.

Leahy is unpopular in GOP ranks, and the fact that he is the Foreign Operations Subcommittee chairman only strengthens Republican resolve, said a senior GOP aide. At the same time, rumors that Leahy was threatening Republican senators that he would hold up their nominees seemed to whip up the GOP conference.

Wayne Allard, R-Colo., said he approached Leahy on the Senate floor Oct. 15 to plead his case about some district court judges that he wanted approved. Leahy replied that Allard had "voted the wrong way" on the procedure motion on the foreign operations bill. "It's not professional," Allard said. "It's not the way you ought to be doing business."

Jousting or Joking?

Leahy said he has been moving nominees as fast as possible, and faster than his Republican predecessors did when they ran the Senate. He noted that his committee approved four U.S. District Court nominees on Oct. 18.

Leahy also noted the poor timing of Allard's request -- just moments after Allard had voted to block consideration of his foreign operations bill. "I said, you could have picked a better time to ask me to help you out," Leahy said. Still, Leahy insists he was joking with Allard, and that he would never block a fellow senator's judicial nominee because of the way the colleague voted on something else.

Allard recalls Leahy's demeanor as cocky, not comedic: "He was serious, and he was smiling. He was not joking."

Regardless of who is to blame for the impasse, appropriators from both parties responded with outrage. Some Democrats came close to painting the GOP tactic as unpatriotic: "Now is the time for the members of the Senate to exercise the leadership which our people have entrusted to us," Senate Appropriations Committee Chairman Robert C. Byrd, D-W.Va., declared in a statement. "Now is the time to abandon partisanship and link arms against terror."

Sen. Ted Stevens of Alaska, the top Republican on Appropriations, said he also is eager to move spending bills, but

he added that he believed his GOP colleagues are right on principle and that he will continue to support them on procedural votes. "You don't leave the team on something like this," Stevens said.

Sen. Minority Whip Don Nickles, R-Okla., said lifting the appropriations blockade will require a promise from Democrats that a specific number of judicial nominees will be approved before Congress adjourns for the year. Nickles and other Republicans said that 40 or more judges, particularly those named before the August recess, would be reasonable. Democrats responded that they didn't even have all the necessary paperwork yet from some of the nominees.

No Promises

Daschle said the GOP's "intransigence" on the \$15.6 billion foreign operations bill is holding up military assistance for U.S. allies and aid for Afghan refugees, among other priorities. Daschle said Democrats will keep moving judicial nominees as quickly as practical but will make no promises about specific numbers. "I think we're doing all we can," Daschle said. "Their tactic is counterproductive."

Senate Minority Leader Trent Lott, R-Miss., predicted that the Democrats eventually will have to make some deal on judicial nominees. "When you're majority leader, you can huff and puff about how you're not going to negotiate," Lott said. "But you have to."

Democrat Dianne Feinstein of California, who sits on both the Appropriations and Judiciary panels, said she disagreed with the Republican tactics, although she said, "I think [judicial nominations] could move more rapidly."

Despite the sparring over judicial nominees, Republicans allowed the first two of the 13 regular fiscal 2002 appropriations bills to be sent to the president. Both chambers on Oct. 17 cleared the Interior bill (HR 2217). The same day, the House adopted the conference report on the \$10.5 billion military construction spending bill (HR 2904), and the Senate cleared the measure the following day. Bush is expected to sign both measures. (Interior, p. 2479; military construction, p. 2488)

House Appropriations Committee Chairman C.W. Bill Young, R-Fla., said he was concerned that the appropriations stalemate in the Senate could cause conference agreements or near-agreements on several spending bills to unravel. "Any time there's a delay, there's always reason to come back and revisit agreements," Young said. "Any time there's a delay, it usually costs us money."

Young, who has a reputation for optimistic pronouncements, said the legislative branch bill (HR 2647) and the VA-HUD measure (HR 2620) are inches from the finish line in conference. The Treasury-Postal Service bill (HR 2590) remains stuck on issues related to changing restrictions on travel to Cuba and on a reorganization of the executive office of the president, although an agreement is within sight, Young said.

Conferees for the bills that fund energy and water development (HR 2311) and the departments of Commerce, Justice and State (HR 2500) also are near agreement, Young said. The Transportation bill (HR 2299) has passed in both chambers, but the Senate has not named conferees yet.

Neither chamber has passed the defense spending bill, and the Senate has not yet passed four other fiscal 2002 spending bills.

(Chart, p. 2496)

Appropriations bills tend to be among the very last measures completed before Congress adjourns. And House-Senate negotiators often seem unable to cut deals on the big issues until a hard and fast deadline such as adjournment looms.

"I suspect we will hang out until the very last minute, since no one has incentive to negotiate until then," said a House staff aide involved in "pre-conference" negotiations on one of the bills.

Another complicating factor for appropriators could be the administration's Oct. 17 request concerning how Congress should allocate \$20 billion in emergency funds to respond to September's terrorist attacks. The proposal is part of a \$40 billion emergency spending package (PL 107-38) signed by Bush on Sept. 18. That legislation specified that half of the \$40 billion would be subject to subsequent congressional action. (Supplemental, p. 2465)

Appropriators have not yet decided whether they will handle the administration's emergency spending request as a separate package, or parcel it out among the unfinished fiscal 2002 appropriations bills. The latter route could help speed passage of fiscal 2002 spending bills by sprinkling them with emergency spending sweeteners. However, it could also reopen those measures to a plethora of additional demands for spending by members of Congress.

Meanwhile, lawmakers on Oct. 17 cleared the third stopgap continuing resolution (H J Res 69) of the year to keep the federal government operating while Congress continues to work on the overdue fiscal 2002 bills. The latest "CR" runs through Oct. 31.

Deliberations on the continuing resolution occurred on Oct. 17, as House leaders were debating whether to adjourn early because of the anthrax scare in the Senate. "It's getting harder and harder to do the public's business," grouched James W. Dyer, the GOP staff director of the House Appropriations Committee. (Security, p. 2460)

The White House pressed appropriators to include language in the continuing resolution allowing for an automatic extension in the event that the Capitol had to be closed for an extended period of time. Appropriators from both parties typically balk at any type of automatic spending mechanisms, and they have worked hard in recent years to keep stopgap spending bills simple and straightforward.

Young said he believed that the provision requested by the White House could be unconstitutional. And R. Scott Lilly, Democratic staff director for the panel, said it was best to avoid setting any precedent that would allow the scope and function of such bills to expand, and the measure did not contain any such provision.

Source: CQ Weekly
The definitive source for news about Congress.
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[Image]

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Huntington, Clare <Clare.Huntington@usdoj.gov>
Sent: 10/22/2001 9:51:12 AM
Subject: : RE: New draft of aviation security EO

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-OCT-2001 13:51:12.00
SUBJECT:: RE: New draft of aviation security EO
TO: "Huntington, Clare" <Clare.Huntington@usdoj.gov> ("Huntington, Clare"
<Clare.Huntington@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

probably will not happen before Friday, but I have been told by
the COS and others to be prepared at any time.

"Huntington, Clare" <Clare.Huntington@usdoj.gov>
10/22/2001 01:39:08 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: New draft of aviation security EO

We're reviewing the draft now, but I wanted to check in and see if you had
any further information on the timing. Just let me know. Thanks.

-----Original Message-----
From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, October 22, 2001 8:12 AM
To: Huntington, Clare
Cc: Whelan, M Edward III; Bradshaw, Sheldon
Subject: New draft of aviation security EO

This could happen very quickly this week, so you should do the full
OLC
review as soon as you can so that we can be prepared just in case. Thanks.
(See attached file: aviation security eo oct 22.doc)

From: David Leitch <David.Leitch@faa.gov>
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; roger.nober@ost.dot.gov [UNKNOWN] <roger.nober@ost.dot.gov>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/22/2001 5:38:56 PM
Subject: : user fees

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David Leitch <David.Leitch@faa.gov> (David Leitch <David.Leitch@faa.gov> [UNKNOWN])

CREATION DATE/TIME:22-OCT-2001 21:38:56.00

SUBJECT:: user fees

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI, here's a copy of my earlier email (which apparently went only to Roger) re
user fees:

Forward Header _____

Subject: No user fees

Author: David Leitch

Date: 10/4/01 5:12 PM

Just to close the loop on our last conversation regarding our inability to impose user fees, our last appropriations act provided: "That none of the funds in this Act shall available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act." I suppose this wouldn't necessarily rule out having DOT or POTUS impose some kind of user fee, but it would rule out having me work on it!

David G. Leitch
Chief Counsel
FAA
Room 900E
800 Independence Avenue, S.W.
Washington, D.C. 20591
202-267-3222

REV_00133788

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; kathleen.cooper@esa.doc.gov [UNKNOWN] <kathleen.cooper@esa.doc.gov>; michael.jackson@ost.dot.gov [UNKNOWN] <michael.jackson@ost.dot.gov>; kirk.vantine@ost.dot.gov [UNKNOWN] <kirk.vantine@ost.dot.gov>; Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>; John_W._Howard@who.eop.gov [UNKNOWN] <John_W._Howard@who.eop.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>
Sent: 10/22/2001 1:39:33 PM
Subject: : FW: Q and A
Attachments: P_G32B4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:22-OCT-2001 17:39:33.00
SUBJECT:: FW: Q and A
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])
READ:UNKNOWN
TO:michael.jackson@ost.dot.gov (michael.jackson@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John_W._Howard@who.eop.gov (John_W._Howard@who.eop.gov [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Per our conference call this a.m., attached please find Treasury's/CEA's combined Q&A for Wednesday's hearing.

Sheila

> -----Original Message-----
> From: Ugoletti, Mario
> Sent: Monday, October 22, 2001 5:09 PM
> To: Bair, Sheila
> Cc: DeMarco, Edward; Hunt, Betty Ann
> Subject: Q and A
>

REV_00133789

> Here is the latest combined (CEA and Treasury) Q and A for the hearing.
I
> have received and incorporated comments from Jeff Brown.
>
> <<QA-Combined.doc>>
- QA-Combined.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_G32B4004_WHO.TXT_1>

Insurance Industry Risk Sharing

Question:

If the insurance industry cannot price the risk, why are we subjecting them to any exposure?

Answer:

- The insurance industry is not sure how to price the risk *now* because it is a new risk. But the plan aids in the adoption of pricing by eliminating the extreme losses from catastrophic events *and* lowers exposure to pricing mistakes. In short, we have provided substantially more certainty to the market.
- The private sector has the incentives to find out how to price it. Because the industry shares in the loss, there will be a strong profit motive for insurance companies, actuarial companies, consultants, and academics to begin now to find accurate pricing models.
- Industry thinks they can do it: Even in the industry proposal, they suggest that prices should be set by a Pool mechanism, based on long-term actuarial risks. They would not suggest this if they thought pricing was impossible.
- Past history suggests they will figure it out: There are now active markets for political risk, satellite launches, natural catastrophes, and many other events that were originally thought to be difficult to price.

Excess Profits for the Insurance Industry

Question:

Since we are requiring private insurers to have some first-dollar exposure, won't this lead to the potential for profiteering by the industry?

Answer:

- The insurance industry is a fairly competitive market. As of year-end 2000, there were over 2,000 P&C insurers operating in the U.S., with 690 of those organizations providing commercial insurance. If companies try to price the insurance at monopoly rates, there is a profit incentive for other companies to come in and compete away that business.
- Even if the prices charged are higher than the competitive rate, they will still be lower than what we would have in the absence of any government role.
- State level insurance regulation will play a role in determining that prices are within reasonable limits.

Terrorism and War Risk

Question:

What is the difference between terrorism and war risk?

Answer:

- Technically, war requires a declaration by Congress.
- Traditionally, the United States has provided first dollar coverage in the event of war. This proposal does not rule out the government's ability to do that if we enter a declared war.
- We believe it is important to specify this distinction in advance, so that insurers have some certainty with which to write their policies.

Full Government Coverage for Terrorism Risk

Question:

Why not follow the approach of War Insurance where the government pays for all losses?

Answer:

- We do not want to crowd-out private industry. Rather, we want to create an environment in which the private industry can operate and build its own future capacity.
- Terrorism is a risk to all of society, and we will only be effective at fighting it if all of society has moral, political *and economic* incentives for reducing its risk and resulting damages. The private market is better at providing such economic incentives.

Operations of the Risk Sharing Proposal

Question:

What happens if there are multiple events in a single year?

Answer:

- In the first year, all losses are covered so this distinction is not important.
- If years 2 and 3, the government trigger is based on *cumulative* losses. Therefore, two \$10 billion losses will be treated the same as one \$20 billion loss.

Question:

How do you decide how much individual companies receive?

Answer:

- Total payments to the industry are made as a percentage of total losses.
- Each company will receive reimbursement on a *pro rata* basis.

Question:

What prevents an insurance company from selling “Cadillac” policies at the government’s expense?

Answer:

- The administration proposal would require that coverage against terrorist events not be materially different from coverage for non-terrorist acts.

Tort Reform

Question:

Why is tort reform a necessary part of this package?

Answer:

- With taxpayer dollars being placed at risk, we believe tort reforms are an essential element to assure that liability is based on culpable conduct, not overzealous litigation tactics. Congress already recognized this need by providing for tort reforms in litigation arising out of the September 11 attacks.

\$100 Billion Cap

Question:

Why is there a \$100 billion cap on the government's exposure?

Answer:

- To preserve flexibility in an extraordinary attack, combined public/private liability for losses under the program would be capped at \$100 billion in any year.
- We don't want to create any program that imposes open-ended liability on the government.
- A ceiling would enable the Administration and Congress to reevaluate the program in the very unlikely event that losses reached truly catastrophic levels.
- The ceiling is modeled somewhat on the Price Anderson Act's coverage of nuclear incidents. Price Anderson provides a dollar cap above which Congress commits to take whatever action is determined to be necessary to provide full and prompt compensation based on a plan the President submits.

Background:

The Price Anderson Act states that Congress "will take whatever action is determined to be necessary (including approval of appropriate compensation plans and appropriation of funds) to provide full and prompt compensation to the public," based on a plan submitted by the President. Congress may enact a revenue measure requiring nuclear licensees to fund any such action, notwithstanding the Act's retrospective pooling provisions. (42 U.S.C. 2210(e), (i))

Regarding retrospective pooling, the Act provides that the Nuclear Regulatory Commission may on a case-by-case basis advance funds to enable nuclear licensees to postpone annual deferred premiums. NRC also may provide reinsurance or guarantee payment of deferred premiums if there is a shortfall. In order to advance the necessary funds, the NRC must either (1) request a congressional appropriation, or (2) to the extent approved in appropriation Acts, issue obligations to the Treasury subject to terms and conditions agreed to by the NRC and the Treasury. Funds appropriated to postpone deferred premiums must be repaid to the general fund of the Treasury from deferred premium assessments on licensees plus interest determined by the Treasury. (42 U.S.C. 2210 (b)(4))

Insurers' Liability above the \$100 Billion Cap

Question:

Would insurance companies continue to pay some losses if the \$100 billion cap is exceeded?

Answer:

- No.
- Leaving an open-ended liability like that would be counter-productive because it would exacerbate the sort of uncertainty that we are trying to mitigate.

Term of Plan

Question:

Should this plan only encompass Year 1 and sunset thereafter?

Answer:

- Three years seems the right amount of time to enable the market failure to correct itself and the private sector to effectively price and manage terrorism risk going forward.
- A shorter duration may not give the plan time to work.
- Presumably we will all have more information on terrorism risk three years from now rather than one year from now.

Mandating Coverage under the Plan

Question:

Should we mandate coverage under the plan?

Answer:

- Currently, this is an open issue.
- The Treasury Department is trying to put incentives into the plan so that insurance companies can price their own slice of the risk.
- It would seem reasonable to require that any insurance company that wants to be able to participate in the loss-sharing program must include terrorism risk coverage in all of their policies.
- This would also help address concerns about adverse selection.

Federal Chartering of Insurance Companies

Question:

Should there be federal chartering of insurance companies?

Answer:

- This is an important question and one that needs to be addressed. But this is not the right time or context to answer it.
- I am aware that several proposals have been made on this subject. They will merit serious consideration at an appropriate future time.

Private Sector Risk Sharing

Question:

If terrorist events are completely outside the control of its targets, then why should the private sector bear *any* of the risk?

Answer:

- There are two primary reasons: prevention and controlling costs after a strike.
- Prevention: It is true that no individual company can control whether Bin Laden decides to attack again. But every company can take actions to:
 - Lessen the probability that they are targeted (better security, harder cockpits)
 - Lessen the damage that results (better evacuation procedures, better backup systems, etc)

Making the insurance industry, and thus the private sector, face part of the costs of an attack makes it more likely that they will invest in mitigation efforts.

- Controlling costs after a strike: If the government agrees to pick up 100% of all claims after a strike, then the insurance industry has no incentive to do careful claims adjustments. Rather, they can approve every single claim with full knowledge that the government picks up the tab.

Insurance Company Participation

Question:

What types of insurance companies are eligible to participate in the program?

Answer:

- We believe that all primary insurers who operate in the U.S., and who meet minimum financial solvency standards, should be permitted to participate in this program.
- It is important to avoid “double-dipping,” which is why we do not allow reinsurers or retrocessionaires to participate. However, nothing in our plan precludes reinsurance of the primary insurers' retention. In fact, our approach increasingly relies on reinsurance as the retention increases over time.
- The Secretary of the Treasury would have authority to promulgate implementing regulations, which could include financial insolvency standards, or other requirements to assure the integrity of the program. However, to the maximum extent possible, we hope to rely on the pre-existing regulatory standards imposed by state insurance regulators.

Paying Insurers Instead of Policy Holders

Question:

Why not pay the primary insurers directly rather than the policyholders?

Answer:

- This issue is under review. It's essentially a question of what works most efficiently for the policyholders, insurers, and the government.
- A key consideration is ensuring that policy holders are compensated in a timely manner.

Background:

For the primary insurer to receive the payment, a mechanism would be needed for the insurer to report to the Treasury that the policyholder had been paid in full. The Treasury would reimburse the primary insurer for the government's share according to the schedule provided in the plan.

Business Interruption Coverage

Question:

Why are you not covering business interruption insurance?

Answer:

- The primary need in the industry right now is to cover buildings and property.
- Business interruption insurance is subject to severe “moral hazard,” i.e., companies have less incentive to get back to business if they are being paid while not in business, and claims can be somewhat subjective.
- Our plan does not currently include “business interruption” coverage, however, we are open to discussion of this issue.

Business Interruption Coverage and Small Businesses

Question:

It seems unfair to small business owners not to include business interruption coverage in your plan. Are they protected under other federal programs, for example disaster relief under FEMA and the SBA?

Answer:

- Small businesses have another source of federal protection from business interruption -- "Economic Injury Disaster Loans" issued by the SBA.
- Although FEMA provides disaster relief for individuals, these SBA loans are the primary source of disaster relief for small businesses. **To receive a loan, the business must be within a disaster relief area declared by the President.**
- The loan is based on working capital losses and is used to help the business pay its outstanding loans and bills. The purpose of the loan is to bring the business back to normal and keep it "afloat" throughout this adjustment period.
- **Businesses granted loans must file accounting statements with the SBA so the loan amount does not exceed what is necessary.**

Background:

- FEMA acts as a "go-between" for the small business and the SBA. When a small business contacts FEMA, FEMA files an application for disaster relief and forwards it to the SBA.

Life and Health Insurance Coverage

Question:

Why are you not covering health or life insurance?

Answer:

- The purpose of this legislation is not to bailout the P&C industry. Instead, the purpose is to ensure that this supply side shock does not reverberate through the entire corporate sector in a way that is severely detrimental to our economic outlook. For example, insurance coverage for is necessary to ensure the continued financial backing of the property industry (e.g., mortgages). P&C lines are more central to this goal.
- There is an important scale issue here. The September 11 shock to the P&C industry is unprecedented in history and severely tapped industry capital. On the other hand, the life insurance industry handles, in a typical day, over 10,000 new policy claims. The capacity of the life insurance industry is not at risk in the same way.

Workers' Compensation Coverage

Question:

Why are you including workers' compensation coverage, but not health coverage?

Answer:

- Workers' compensation coverage is a significant cost for most companies and is subject to regulatory requirements.
- More so than general health insurance coverage, workers' compensation coverage could be directly related to terrorism event-related injuries and it is not related to the overall health of the insured.

Insurance of Government Property

Question:

How do governments insure their property?

Answer:

- Local Governments
 - Self-Insurance. This entails setting up a reserve fund from which to pay claims often structured in such a way that most years' (i.e. small) claims are paid out of income generated by the fund.
 - Insurance Pools. Intergovernmental insurance pools provide coverage through a joint entity, often the statewide league of municipalities. Pools may provide policies directly to governments or reinsurance for local entities that are self-insured. In many pools members are subject to assessments if there are particularly large losses.
 - Commercial Insurance. Insurance is bought through commercial carriers either through negotiation or through the placement of bids. Commercial reinsurance may be bought from commercial carriers for self insured local governments
- State Governments
 - Self-Insurance. Most states have some sort of self-insurance for buildings and other real property. This may be backed up with excess of loss coverage in one or several layers from commercial reinsurers.
 - Commercial Insurance. Some states insure specific types of property entirely through the commercial insurance market. North Carolina, for example self-insures real property but covers automobiles entirely through commercial carriers.
- Federal Government
 - The federal government self-insures for property and liability losses (see Principles of Federal Appropriations Law, Chapter 4 Section c (10)). This is a practice that dates back to the 19th Century.

Create a Victims' Fund?

Question:

Should Congress establish a victim's fund, as was done for victims after September 11th?

Answer:

- This is a separate issue than the one before us today.
- What we're trying to do here is to alleviate a discreet market failure in the insurance industry.
- Including an open-ended compensation fund would impede our ability to solve the insurance problem. We want to preserve incentives for individuals to continue to obtain private insurance to cover terrorism risk.

Tax Incentives for Insurance Companies

Question:

Should the plan include tax incentives to encourage insurance companies to build reserves for terrorism risk?

Answer:

- No. Tax-favored terrorism reserves are unlikely to assist in pricing terrorist risks, reducing insurer insolvency risk, or lowering the cost of insuring high-risk terrorist targets. Such reserves would reduce the industry's effective tax rate, but would not necessarily ensure increased capital to support policy growth. A reserve tax incentive could be both expensive and counterproductive in achieving the above-stated goals.
- We can expect a period of destabilization and uncertainty following a huge event such as the collapse of the World Trade Center. Insurers and reinsurers must reassess their exposures and rebuild their capital bases. For this transition period, we advocate a limited, temporary Federal program to assist the private insurance market in meeting its obligations in the event of future terrorist attacks. Our approach puts billions of taxpayer dollars at risk for the benefit of the industry and its customers. Tax reduction via terrorism reserves would be overkill.

Background:

If the Federal government does not agree to pay all, or virtually all, insured losses from terrorism, the insurance industry is likely to press for additional benefits in the form of tax-exempt terrorism reserves. Such reserves violate fundamental principles of income taxation, and are unlikely to be effective measures to ensure future industry solvency.

A tax-exempt terrorism reserve would differ from normal insurance reserves. It would not represent an insurance liability, but would be an accumulation of untaxed retained corporate profits. Similar reserves are used in a number of European countries with respect to natural disasters. The effect of such reserves is to smooth out over time the insurers' *reported* profits and to reduce their *effective* income tax rates. There is little evidence, however, that these tax benefits have created large additional amounts of surplus capital or a more stable insurance market that is less susceptible to losses from large catastrophic events.

Proposals for tax-favored reserves generally do not require insurers to take steps to increase their total capital. Insurers are likely to find ways to substitute tax-favored capital for non-favored capital, leaving the industry's total surplus funds unchanged. The tax benefit could also lead to less reinsurance, and thereby interfere with the efficient spreading and diversification of risk throughout the industry. Tax-free capital for supporting catastrophic risks is available today – in Bermuda and other tax-favored jurisdictions. In addition, nontraditional instruments in the form of derivatives and risk securitizations are becoming more widely used. It is clear that the insurance industry is able to continue to offer terrorism coverage regardless of the existence of domestic tax-breaks for terrorism reserves.

This sort of tax subsidy would not affect the relative cost of insuring the most vulnerable terrorist targets. Regardless of whether terrorism reserves exist, insurance availability is likely to increase (or premiums to decrease) with respect to low-risk targets and decrease (or premiums to increase) in areas that are high-risk terrorist targets.

Pricing of Insurance by the Government

Question:

Why does the government not charge for this insurance? What about ex-post assessments?

Answer:

- The insured companies *are* paying for their insurance coverage through the industry share of the costs.
- We did not want to involve the government in the collection of insurance premiums, because it is our desire that this program be sunset as quickly as possible. We do not want the federal government to have to create new bureaucracies for the collection of these premiums. Nor do we want the government to become “dependent” on a new, but transitory, source of revenue.
- Ultimately, we believe that private industry, not the government, is in the best position to determine prices. Government pricing could distort the market, and perhaps even send incorrect signals about the government’s “best estimate” of the likelihood of a terrorist event.
- Charging insurance companies for the government backstop, even on an ex-post basis, would defeat the purpose of the government's involvement -- treating terrorism as an attack on the nation and spreading the cost across all taxpayers.
- It also would be inconsistent with dampening the price effects on the insurance industry and the economy in the short term.

Preemption of Existing State Law

Question:

In what ways would your approach preempt existing state law?

Answer:

- We would require all policies to define terrorism risk as defined in this act.
- While we have given some consideration to preempting state rate regulation, it's our view that such preemption is not necessary.
- We recognize that in some states state insurance commissioners may need to give expedited approval for appropriate rate increase.
- **We are also reviewing the extent to which we can partner with state insurance commissions to conduct audits of claims processing under this program.**

Federal Preemption on Rate Setting

Question:

Should there be federal preemption on rate setting?

Answer:

- This is an open question. While we want to avoid excessive rate hikes, insurance companies need to be able to charge a fair rate for the risk involved in a matter as unpredictable as terrorism.
- We prefer to rely on market competition and existing state regulation to strike the right balance.
- To promote competition, it may be appropriate to require insurance companies to disclose to policyholders the Federal Government's involvement in protecting against terrorism risk.

Financial Condition of the Insurance Industry

Question:

The industry just suffered a \$30-50 billion dollar loss. Can they handle additional exposure to losses?

Answer:

- Under the Administration proposal, in 2002 industry losses are capped at \$12 billion. This is an amount they can absorb given current capital in the industry. This will give the industry time in which to build up additional capital capacity to handle longer-term risks.
- Even in year two, the industry will only be exposed to only \$23 billion for a \$100 billion dollar event.
- The industry is still well capitalized. At the end of 2000, the P&C industry had policyholder surplus (e.g., resources over and above required reserves) of \$320 billion.
- \$23 billion (which would only be incurred if events in 2003 were *double* the events of Sept 11) is small (only 8%) relative to the \$300 billion in annual premiums for the property-casualty industry.
- While the industry has experienced a capital shock, S&P is forecasting a very good earnings year for the industry in 2002, suggesting that its capital base will improve substantially over the coming year.

Financial Condition of the Insurance Industry

Question:

Do you really think they can only handle \$12 billion in losses in the first year?

Answer:

- The property and casualty industry had over \$300 billion in policyholder surplus prior to the events of September 11. In addition, the industry earns over \$300 billion in premiums on P&C lines in a year.
- However, it is important to note that these reserves have taken a substantial hit on September 11. Estimates of insured losses range from \$30-\$50 billion, with some analysts estimating as high as \$70 billion. Based on past experiences, these numbers will likely grow as the full extent of damage becomes known.
- The resources available to this industry not just there to cover terrorist losses. In fact, prior to September 11, it is fair to say that none of these resources had been set aside for such an event. Rather, they are there to cover losses in many other lines of business.
- For example, were a hurricane, earthquake, or some other natural catastrophe to hit the industry in the next year, losses that are not covered by government insurance, they need the resources to respond to these events.

A First-Year Deductible

Question:

What would you think of having a \$10 billion industry deductible in the first year, with a 90/10 government / industry loss sharing above that amount?

Answer:

- Relative to the first dollar loss sharing we have suggested, I believe that a \$10 billion deductible in the first year suffers from two problems:
- First, it imposes a potentially significant additional cost burden on the industry before it has paid out the 40-\$50 billion in claims arising from September 11.
- Second, imposing a deductible changes the economics of pricing terrorism risk at the policy level in such a way that it will likely add to the insurance industry's pricing problems in the near-term. Such near-term uncertainty, may lead to higher premiums or reductions in coverage that could reduce economic activity.
- Suppose a company has a \$100 million insurance policy on a large property. Under first dollar loss sharing, the insurers maximum exposure in the first year would be \$20 million -- 20 percent of the policy coverage limit under the assumption of a complete loss.
- With a deductible, the insurer's maximum exposure to that property is \$100 million because aggregate industry losses for the year may well be under the \$10 billion deductible.
- It seems quite reasonable to expect, then, that an insurance company will charge a higher premium under the deductible approach than under the first dollar approach because the insurance company's maximum exposure is greater.

Creating an Insurance Pool

Question:

The industry says that a pool is necessary for them to handle this risk, but your proposal does not provide for a federally chartered pool. Why is this?

Answer:

- A federally chartered or sponsored pool would, by necessity, pre-empt state insurance regulations. This would require unprecedented federal government involvement in what has always been a state-regulated industry.
- We are concerned that a formal pool mechanism might lead to monopoly pricing in the industry, subjecting companies to higher prices than necessary.
- We believe it is important to get the federal government out of the insurance business as quickly as possible, and we believe our structure is better suited to do this.

Pricing of Insurance to Policy Holders

Question:

Won't this proposal cause insurance premiums to rise?

Answer:

- Our primary concern is that companies are able to acquire terrorism coverage. They will be able to do so under this plan.
- Because the federal government in the first year is paying for 80% of even the *first* dollar of damage, the industry has the ability to begin re-building its capital base now. This will reduce pressure on premiums in the future.
- The maximum annual liability to the industry is \$12 billion in the first year. This is only 4% of the \$300 billion in annual premiums. Since this loss would only occur with a \$100 billion of additional losses, the expected value is much less.
- The private market will have an incentive to figure out how to appropriately "risk class" their pricing. As such, companies will be able to reduce their premium increase by undertaking desirable activities that reduce the risk or resulting damage from terrorist activities.

Pricing of Insurance to Policy Holders

Question:

What happened to P&C premiums after other big events that shook the insurance industry?

Answer:

- Following Hurricane Andrew, there was a 67 percent increase in the price per dollar of limit for RE-insurance in just one year.
- From 1992-94, P&C premiums rose 10 percent in the aftermath of Hurricane Andrew and the WTC bombing.
- The Department of Transportation's initial projection is that, as a result of the September 11 attacks, airlines will have dramatically reduced coverage and pay nearly \$1 billion in premium increases in the next year.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/22/2001 2:19:02 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-OCT-2001 18:19:02.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.turnbullandasser.com/pages/store.html>

From: David Leitch <David.Leitch@faa.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; roger.nober@ost.dot.gov [UNKNOWN] <roger.nober@ost.dot.gov>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 10/22/2001 5:38:21 PM
Subject: : user fees

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David Leitch <David.Leitch@faa.gov> (David Leitch <David.Leitch@faa.gov> [UNKNOWN])

CREATION DATE/TIME:22-OCT-2001 21:38:21.00

SUBJECT:: user fees

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

FYI, here's a copy of my earlier email (which apparently went only to Roger) re
user fees:

Forward Header

Subject: No user fees

Author: David Leitch

Date: 10/4/01 5:12 PM

Just to close the loop on our last conversation regarding our inability to impose user fees, our last appropriations act provided: "That none of the funds in this Act shall available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act." I suppose this wouldn't necessarily rule out having DOT or POTUS impose some kind of user fee, but it would rule out having me work on it!

David G. Leitch
Chief Counsel
FAA
Room 900E
800 Independence Avenue, S.W.
Washington, D.C. 20591
202-267-3222

REV_00133823

From: David Leitch <David.Leitch@faa.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; roger.nober@ost.dot.gov [UNKNOWN] <roger.nober@ost.dot.gov>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 10/22/2001 5:38:55 PM
Subject: : user fees

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David Leitch <David.Leitch@faa.gov> (David Leitch <David.Leitch@faa.gov> [UNKNOWN])

CREATION DATE/TIME:22-OCT-2001 21:38:55.00

SUBJECT:: user fees

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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Author: David Leitch

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Chief Counsel
FAA
Room 900E
800 Independence Avenue, S.W.
Washington, D.C. 20591
202-267-3222

REV_00133824

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 10/22/2001 7:08:04 PM
Subject: : user fees

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-OCT-2001 23:08:04.00

SUBJECT:: user fees

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Hmm. Why is this in an approps bill if we don't have residual authority to impose user fees in the absence of express statutory authority?

----- Forwarded by Joel D. Kaplan/WHO/EOP on 10/22/2001

11:06 PM -----

David Leitch <David.Leitch@faa.gov>

10/22/2001 09:32:14 PM

Record Type: Record

To: Joel D. Kaplan/WHO/EOP@EOP, roger.nober@ost.dot.gov, Elizabeth S. Dougherty/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: user fees

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user fees:

Forward Header

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Author: David Leitch

Date: 10/4/01 5:12 PM

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fees not specifically authorized by law after the date of the enactment of this

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David G. Leitch

Chief Counsel

FAA

Room 900E

800 Independence Avenue, S.W.

Washington, D.C. 20591

202-267-3222

REV_00133829

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Huntington, Clare <Clare.Huntington@usdoj.gov>
Sent: 10/22/2001 7:55:49 PM
Subject: : RE: New draft of aviation security EO

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-OCT-2001 23:55:49.00
SUBJECT: RE: New draft of aviation security EO
TO: "Huntington, Clare" <Clare.Huntington@usdoj.gov> ("Huntington, Clare"
<Clare.Huntington@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

A few additional issues have arisen tonight. Can you call me in morning around 9? Thanks.

"Huntington, Clare" <Clare.Huntington@usdoj.gov>
10/22/2001 09:59:42 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: RE: New draft of aviation security EO

Thanks. I'll review it today and let you know ASAP if we see any problems.

-----Original Message-----
From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M_Kavanaugh@who.eop.gov]
Sent: Monday, October 22, 2001 8:12 AM
To: Huntington, Clare
Cc: Whelan, M Edward III; Bradshaw, Sheldon
Subject: New draft of aviation security EO

This could happen very quickly this week, so you should do the full OLC review as soon as you can so that we can be prepared just in case. Thanks.
(See attached file: aviation security eo oct 22.doc)

From: David Leitch <David.Leitch@faa.gov>
To: Joel D. Kaplan/WHO/EOP [WHO] <Joel D. Kaplan>; Brett M. Kavanaugh/WHO/EOP [WHO]
<Brett M. Kavanaugh>; roger.nober@ost.dot.gov [UNKNOWN]
<roger.nober@ost.dot.gov>; Lloyd A. Blanchard/OMB/EOP [OMB] <Lloyd A.
Blanchard>; Elizabeth S. Dougherty/OPD/EOP [OPD] <Elizabeth S. Dougherty>
Sent: 10/23/2001 4:19:20 AM
Subject: : Re:Aviation security

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David Leitch <David.Leitch@faa.gov> (David Leitch <David.Leitch@faa.gov> [UNKNOWN])

CREATION DATE/TIME:23-OCT-2001 08:19:20.00

SUBJECT:: Re:Aviation security

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Given last night's discussion about international flights, I thought you might
be interested in the attached article from today's USAToday.

David G. Leitch
Chief Counsel
FAA
Room 900E
800 Independence Avenue, S.W.
Washington, D.C. 20591
202-267-3222

REV_00133834

From: David Leitch <David.Leitch@faa.gov>
To: Elizabeth S. Dougherty/OPD/EOP [OPD] <Elizabeth S. Dougherty>; Joel D. Kaplan/WHO/EOP [WHO] <Joel D. Kaplan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; roger.nober@ost.dot.gov [UNKNOWN] <roger.nober@ost.dot.gov>; Lloyd A. Blanchard/OMB/EOP [OMB] <Lloyd A. Blanchard>
Sent: 10/23/2001 4:19:21 AM
Subject: : Re:Aviation security

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David Leitch <David.Leitch@faa.gov> (David Leitch <David.Leitch@faa.gov> [UNKNOWN])

CREATION DATE/TIME:23-OCT-2001 08:19:21.00

SUBJECT:: Re:Aviation security

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

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be interested in the attached article from today's USAToday.

David G. Leitch
Chief Counsel
FAA
Room 900E
800 Independence Avenue, S.W.
Washington, D.C. 20591
202-267-3222

REV_00133835

From: David Leitch <David.Leitch@faa.gov>
To: Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; roger.nober@ost.dot.gov [UNKNOWN] <roger.nober@ost.dot.gov>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>
Sent: 10/23/2001 4:23:01 AM
Subject: : Re:Aviation security

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David Leitch <David.Leitch@faa.gov> (David Leitch <David.Leitch@faa.gov> [UNKNOWN])

CREATION DATE/TIME:23-OCT-2001 08:23:01.00

SUBJECT:: Re:Aviation security

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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800 Independence Avenue, S.W.
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From: David Leitch <David.Leitch@faa.gov>
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; roger.nober@ost.dot.gov [UNKNOWN] <roger.nober@ost.dot.gov>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 10/23/2001 4:23:02 AM
Subject: : Re:Aviation security

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David Leitch <David.Leitch@faa.gov> (David Leitch <David.Leitch@faa.gov> [UNKNOWN])

CREATION DATE/TIME:23-OCT-2001 08:23:02.00

SUBJECT:: Re:Aviation security

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Given last night's discussion about international flights, I thought you might be interested in the attached article from today's USAToday.

David G. Leitch
Chief Counsel
FAA
Room 900E
800 Independence Avenue, S.W.
Washington, D.C. 20591
202-267-3222

REV_00133837

From: David Leitch <David.Leitch@faa.gov>
To: Elizabeth S. Dougherty/OPD/EOP [OPD] <Elizabeth S. Dougherty>; Joel D. Kaplan/WHO/EOP [WHO] <Joel D. Kaplan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; roger.nober@ost.dot.gov [UNKNOWN] <roger.nober@ost.dot.gov>; Lloyd A. Blanchard/OMB/EOP [OMB] <Lloyd A. Blanchard>
Sent: 10/23/2001 4:24:22 AM
Subject: : Re:Aviation security

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David Leitch <David.Leitch@faa.gov> (David Leitch <David.Leitch@faa.gov> [UNKNOWN])

CREATION DATE/TIME:23-OCT-2001 08:24:22.00

SUBJECT:: Re:Aviation security

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

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be interested in the attached article from today's USAToday.

David G. Leitch
Chief Counsel
FAA
Room 900E
800 Independence Avenue, S.W.
Washington, D.C. 20591
202-267-3222

REV_00133838

From: David Leitch <David.Leitch@faa.gov>
To: Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; roger.nober@ost.dot.gov [UNKNOWN] <roger.nober@ost.dot.gov>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>
Sent: 10/23/2001 4:25:53 AM
Subject: : Re:Aviation security

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David Leitch <David.Leitch@faa.gov> (David Leitch <David.Leitch@faa.gov> [UNKNOWN])

CREATION DATE/TIME:23-OCT-2001 08:25:53.00

SUBJECT:: Re:Aviation security

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:roger.nober@ost.dot.gov (roger.nober@ost.dot.gov [UNKNOWN])

READ:UNKNOWN

TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; roger.nober@ost.dot.gov [UNKNOWN] <roger.nober@ost.dot.gov>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 10/23/2001 4:25:54 AM
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CREATOR:David Leitch <David.Leitch@faa.gov> (David Leitch <David.Leitch@faa.gov> [UNKNOWN])

CREATION DATE/TIME:23-OCT-2001 08:25:54.00

SUBJECT:: Re:Aviation security

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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Chief Counsel
FAA
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Washington, D.C. 20591
202-267-3222

From: CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/23/2001 9:28:16 AM
Subject: : Re: Aviation security

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:23-OCT-2001 13:28:16.00
SUBJECT:: Re: Aviation security
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks for your input!

From: CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/23/2001 9:28:16 AM
Subject: : Re: Aviation security

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-OCT-2001 13:28:16.00

SUBJECT:: Re: Aviation security

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

thanks for your input!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 10/23/2001 11:41:03 AM
Subject: : Reminder re: JSC meeting tomorrow

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-OCT-2001 15:41:03.00

SUBJECT:: Reminder re: JSC meeting tomorrow

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00133877

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Date: Wednesday, Oct. 23
Time: 4-5pm
Location: Roosevelt Room

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 10/23/2001 1:52:33 PM
Subject: : outgoing mail

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-OCT-2001 17:52:33.00

SUBJECT:: outgoing mail

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Beware - outgoing mail from the WH may be slow getting out of the door also. If you need to mail personal stuff (bills) perhaps sending these from your home would be a better idea.

REV_00133898

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 10/23/2001 1:52:33 PM
Subject: : outgoing mail

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-OCT-2001 17:52:33.00

SUBJECT:: outgoing mail

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Beware - outgoing mail from the WH may be slow getting out of the door also. If you need to mail personal stuff (bills) perhaps sending these from your home would be a better idea.

REV_00133899

From: Tim_Campen@oa.eop.gov [UNKNOWN]
To: Cathy Alix/WHO/EOP [WHO] <Cathy Alix>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Catherine S. Anderson/OA/EOP [OA] <Catherine S. Anderson>
CC: Phillip Larsen/OA/EOP [OA] <Phillip Larsen>
Sent: 10/24/2001 10:04:23 AM
Subject: : Blackberry Issues

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Tim_Campen@oa.eop.gov (Tim_Campen@oa.eop.gov [UNKNOWN])

CREATION DATE/TIME:24-OCT-2001 14:04:23.00

SUBJECT:: Blackberry Issues

TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])

READ:UNKNOWN

CC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP [OA])

READ:UNKNOWN

End Original ARMS Header

We are getting down to the final few integration and operational testing issues and I'd like to see if we can get a "finding" (maybe the wrong word) from you to say something like.. " the carrier provided services (i.e. paging, PIN to PIN communication, faxing, etc.) are exempt from ARMS because these are vendor provided services and, like cellular phone voice communication, it is not technologically feasible to records manage these services" However, all Lotus Notes email to and from Blackberries will be records managed.

From: Tim_Campen@oa.eop.gov [UNKNOWN]
To: Cathy Alix/WHO/EOP [WHO] <Cathy Alix>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Catherine S. Anderson/OA/EOP [OA] <Catherine S. Anderson>
CC: Phillip Larsen/OA/EOP [OA] <Phillip Larsen>
Sent: 10/24/2001 10:04:23 AM
Subject: : Blackberry Issues

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim_Campen@oa.eop.gov (Tim_Campen@oa.eop.gov [UNKNOWN])
CREATION DATE/TIME:24-OCT-2001 14:04:23.00
SUBJECT:: Blackberry Issues
TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])
READ:UNKNOWN
CC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

We are getting down to the final few integration and operational testing issues and I'd like to see if we can get a "finding" (maybe the wrong word) from you to say something like.. " the carrier provided services (i.e. paging, PIN to PIN communication, faxing, etc.) are exempt from ARMS because these are vendor provided services and, like cellular phone voice communication, it is not technologically feasible to records manage these services" However, all Lotus Notes email to and from Blackberries will be records managed.

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: calix [WHO] <calix>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
CC: phillip_larsen@oa.eop.gov [UNKNOWN] <phillip_larsen@oa.eop.gov>
Sent: 10/24/2001 10:04:32 AM
Subject: : Blackberry Issues

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])
CREATION DATE/TIME:24-OCT-2001 14:04:32.00
SUBJECT:: Blackberry Issues
TO:calix (calix [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:phillip_larsen@oa.eop.gov (phillip_larsen@oa.eop.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

We are getting down to the final few integration and operational testing issues and I'd like to see if we can get a "finding" (maybe the wrong word) from you to say something like.. " the carrier provided services (i.e. paging, PIN to PIN communication, faxing, etc.) are exempt from ARMS because these are vendor provided services and, like cellular phone voice communication, it is not technologically feasible to records manage these services" However, all Lotus Notes email to and from Blackberries will be records managed.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/25/2001 4:31:58 AM
Subject: : Need a volunteer to take file to Hill at 12Noon today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-OCT-2001 08:31:58.00

SUBJECT:: Need a volunteer to take file to Hill at 12Noon today

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Frederico Juarbe (Asst. Sec. for Veterans Employment and Training)

Dept. of Labor - Cap Bldg., S203

Senator Rockefeller's staff - Jamie Lockwood

REV_00133911

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
CC: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>;brett m. kavanaugh/who/eop@eop [WHO]
<brett m. kavanaugh>;phillip_larsen@oa.eop.gov [UNKNOWN] <phillip_larsen@oa.eop.gov>
Sent: 10/25/2001 4:56:21 AM
Subject: : Re: Blackberry Issues

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])
CREATION DATE/TIME:25-OCT-2001 08:56:21.00
SUBJECT:: Re: Blackberry Issues
TO:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:phillip_larsen@oa.eop.gov (phillip_larsen@oa.eop.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Tim: I thought we resolved this issue at least with regard to OA and the other Federal Records Act (FRA) components (OMB, CEQ, OSTP, ONDCP, and USTR). Because substantive e-mail sent via PIN to PIN cannot be records managed and is not secure, I recommend that the PIN to PIN feature be disabled for the FRA components. This is consistent with what we did with the e-mail feature in Netscape and Internet Explorer.

As an alternative, in the event that Phil determines that the PIN to PIN feature is critical for operating in an emergency environment when the basic Blackberry services are unavailable, then the PIN to PIN feature could be enabled only for a limited number of staff determined by Phil to be emergency personnel. Such personnel would have to be advised in writing that PIN to PIN messaging is not secure and shall only be used in emergency situations when the basic Blackberry services are unavailable. Further, emergency personnel would have to be further advised of their responsibility to document and incorporate any substantive information created/received via the PIN to PIN feature for OA's official files as soon as practicable under the circumstances.

Obviously, I prefer the first approach, disabling PIN to PIN for all of the FRA components, but I can live with the second if it is truly critical for operating in an emergency. Let me know if you have any additional questions. I'll defer to Brett on the Presidential components. Kate

Timothy Campen
10/24/2001 02:02:28 PM
Record Type: Record

To: calix, Brett M. Kavanaugh/WHO/EOP@EOP, Catherine S. Anderson/OA/EOP@EOP
cc: phillip_larsen@oa.eop.gov
Subject: Blackberry Issues

We are getting down to the final few integration and operational testing issues and I'd like to see if we can get a "finding" (maybe the wrong word) from you to say something like.. " the carrier provided services (i.e. paging, PIN to PIN communication, faxing, etc.) are exempt from

REV_00133915

ARMS because these are vendor provided services and, like cellular phone voice communication, it is not technologically feasible to records manage these services" However, all Lotus Notes email to and from Blackberries will be records managed.

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
CC: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>;brett m. kavanaugh/who/eop@eop [WHO]
<brett m. kavanaugh>;phillip_larsen@oa.eop.gov [UNKNOWN] <phillip_larsen@oa.eop.gov>
Sent: 10/25/2001 4:56:21 AM
Subject: : Re: Blackberry Issues

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])

CREATION DATE/TIME:25-OCT-2001 08:56:21.00

SUBJECT:: Re: Blackberry Issues

TO:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

CC:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:phillip_larsen@oa.eop.gov (phillip_larsen@oa.eop.gov [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Tim: I thought we resolved this issue at least with regard to OA and the other Federal Records Act (FRA) components (OMB, CEQ, OSTP, ONDCP, and USTR). Because substantive e-mail sent via PIN to PIN cannot be records managed and is not secure, I recommend that the PIN to PIN feature be disabled for the FRA components. This is consistent with what we did with the e-mail feature in Netscape and Internet Explorer.

As an alternative, in the event that Phil determines that the PIN to PIN feature is critical for operating in an emergency environment when the basic Blackberry services are unavailable, then the PIN to PIN feature could be enabled only for a limited number of staff determined by Phil to be emergency personnel. Such personnel would have to be advised in writing that PIN to PIN messaging is not secure and shall only be used in emergency situations when the basic Blackberry services are unavailable. Further, emergency personnel would have to be further advised of their responsibility to document and incorporate any substantive information created/received via the PIN to PIN feature for OA's official files as soon as practicable under the circumstances.

Obviously, I prefer the first approach, disabling PIN to PIN for all of the FRA components, but I can live with the second if it is truly critical for operating in an emergency. Let me know if you have any additional questions. I'll defer to Brett on the Presidential components. Kate

Timothy Campen
10/24/2001 02:02:28 PM
Record Type: Record

To: calix, Brett M. Kavanaugh/WHO/EOP@EOP, Catherine S. Anderson/OA/EOP@EOP
cc: phillip_larsen@oa.eop.gov
Subject: Blackberry Issues

We are getting down to the final few integration and operational testing issues and I'd like to see if we can get a "finding" (maybe the wrong word) from you to say something like.. " the carrier provided services (i.e. paging, PIN to PIN communication, faxing, etc.) are exempt from

REV_00133917

ARMS because these are vendor provided services and, like cellular phone voice communication, it is not technologically feasible to records manage these services" However, all Lotus Notes email to and from Blackberries will be records managed.

From: Catherine_S._Anderson@oa.eop.gov [UNKNOWN]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
CC: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>
Sent: 10/25/2001 4:58:07 AM
Subject: : Re: Blackberry Issues

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Catherine_S._Anderson@oa.eop.gov (Catherine_S._Anderson@oa.eop.gov [UNKNOWN])
CREATION DATE/TIME:25-OCT-2001 08:58:07.00
SUBJECT:: Re: Blackberry Issues
TO:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Tim: I thought we resolved this issue at least with regard to OA and the other Federal Records Act (FRA) components (OMB, CEQ, OSTP, ONDCP, and USTR). Because substantive e-mail sent via PIN to PIN cannot be records managed and is not secure, I recommend that the PIN to PIN feature be disabled for the FRA components. This is consistent with what we did with the e-mail feature in Netscape and Internet Explorer.

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Timothy Campen

REV_00133921

10/24/2001 02:02:28 PM

Record Type: Record

To: calix, Brett M. Kavanaugh/WHO/EOP@EOP, Catherine S. Anderson/OA/EOP@EOP

cc: phillip_larsen@oa.eop.gov
Subject: Blackberry Issues

We are getting down to the final few integration and operational testing issues and I'd like to see if we can get a "finding" (maybe the wrong word) from you to say something like.. " the carrier provided services (i.e. paging, PIN to PIN communication, faxing, etc.) are exempt from ARMS because these are vendor provided services and, like cellular phone voice communication, it is not technologically feasible to records manage these services" However, all Lotus Notes email to and from Blackberries will be records managed.

REV_00133922

From: Brett_M._Kavanaugh@who.eop.gov [UNKNOWN]
To: Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
CC: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>;Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>
Sent: 10/25/2001 5:12:43 PM
Subject: : Re: Blackberry Issues

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett_M._Kavanaugh@who.eop.gov (Brett_M._Kavanaugh@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:25-OCT-2001 21:12:43.00
SUBJECT:: Re: Blackberry Issues
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

From our perspective for PRA, there is no need to disable this feature any more than there is to disable voice mail.

Catherine S. Anderson
10/25/2001 08:56:12 AM

Record Type: Record

To: Timothy Campen/OA/EOP@EOP
cc: Cathy Alix/WHO/EOP@EOP, brett m. kavanaugh/who/eop@eop, phillip_larsen@oa.eop.gov
bcc:
Subject: Re: Blackberry Issues (Document link: Brett M. Kavanaugh)

Tim: I thought we resolved this issue at least with regard to OA and the other Federal Records Act (FRA) components (OMB, CEQ, OSTP, ONDCP, and USTR). Because substantive e-mail sent via PIN to PIN cannot be records managed and is not secure, I recommend that the PIN to PIN feature be disabled for the FRA components. This is consistent with what we did with the e-mail feature in Netscape and Internet Explorer.

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REV_00133935

not
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in an emergency. Let me know if you have any additional questions. I'll
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to Brett on the Presidential components. Kate

Timothy Campen
10/24/2001 02:02:28 PM

Record Type: Record

To: calix, Brett M. Kavanaugh/WHO/EOP@EOP, Catherine S.
Anderson/OA/EOP@EOP

cc: phillip_larsen@oa.eop.gov
Subject: Blackberry Issues

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communication, faxing, etc.) are exempt from ARMS because these are vendor
provided services and, like cellular phone voice communication, it is not
technologically feasible to records manage these services" However,
all
Lotus Notes email to and from Blackberries will be records managed.

From: Edward_Ingle@who.eop.gov [UNKNOWN]
To: Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
CC: Albert Hawkins/WHO/EOP [WHO] <Albert Hawkins>; Laura S. Lawlor/WHO/EOP [WHO] <Laura S. Lawlor>; L. Camille Welborn/WHO/EOP [WHO] <L. Camille Welborn>; Ali H. Tulbah/WHO/EOP [WHO] <Ali H. Tulbah>; Craig Felner/WHO/EOP [WHO] <Craig Felner>; Cheryl A. Oldham/WHO/EOP [WHO] <Cheryl A. Oldham>; Nicole E. Grodner/WHO/EOP [WHO] <Nicole E. Grodner>
Sent: 10/25/2001 1:41:44 PM
Subject: : agency FOIA requests reported to us this week
Attachments: P_A3PD4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward_Ingle@who.eop.gov (Edward_Ingle@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:25-OCT-2001 17:41:44.00
SUBJECT:: agency FOIA requests reported to us this week
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Nicole E. Grodner (CN=Nicole E. Grodner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

(See attached file: FOIA10-25-01.doc)
- FOIA10-25-01.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_A3PD4004_WHO.TXT_1>

SIGNIFICANT AGENCY FOIA REQUESTS

LABOR

MARTIN COUNTY COAL CORPORATION

Gary Ball, Editor, Mountain Citizen, Inez, Kentucky, is seeking:

- records relating to Martin County Coal Corporation's (M.C.C.C.) Big Branch Impoundment failure on October 11, 2000.
- three of the citations issued to M.C.C.C.
- minutes of meetings held between MSHA investigative team leader Timothy Thompson and members of the investigative team and all internal memos, letters and other written correspondence between team members. Mr. Ball requested the same information concerning investigative team leader Tony Opegard.
- original eight citations that the majority of the investigative team had agreed upon earlier.
- letters written by Jack Spadaro to investigative team members of MSHA officials after the pond failure.

This request is currently being processed by the Mine Safety and Health Administration.
Date requested received: October 18, 2001.

TYSON FOODS, INC.

Eric L. Young, Esq., Law Offices of Elliott Reihner Siedzikowski & Eganm is seeking:

- copies of any and all documents maintained by the U.S. Department of Labor and/or Wage & Hour Division with regard to the following:
- any DOL or Wage and Hour investigations of or proceedings against Tyson Foods Inc. (whose corporate headquarters are located in Springdale, Arkansas), for actual violations, suspected violations of the Fair Labor Standards Act at any of its chicken-processing facilities throughout the United States at any point in time.

This request is currently being processed by the Employment Standards Administration, Wage and Hour Division. Date request received: October 3, 2001.

AMERICAN LAWYER MEDIA

Michael Ravnitzky, Journalist, American Lawyer Media, is seeking:

a copy of any list of agency databases.

Mr. Ravnitzky limited his request to those database lists found at HQ or in the HQ region. This request was forwarded to all components of the Department for processing.
Date request received: October 15, 2001.

HHS

Fred Hutchinson Cancer Research Center. Mr. Duff Wilson, staff reporter for *The Seattle Times*, has requested copies of all communications between the Office of Human Research Protections, OPHS, and the Fred Hutchinson Cancer Research Center from March 11, 2001 to the present.

Louisiana State University Medical Center. Dr. Harold M. Ginzburg requested the entire case file concerning OHRP's recent compliance oversight investigation of the Louisiana State University Medical Center.

Virginia Commonwealth University (VCU). Ms. Alysia D. Maffucci of the Yale University School of Medicine's Human Investigation Committee, has requested a copy of all of the Office of Human Research Protections (OHRP), OPHS, compliance determination letters issued from January 1, 2000 through June 20, 2000 for Virginia Commonwealth University, as well as the OHRP compliance determination letter issued to VCU on December 17, 1999.

The Office of Human Research Protections Suspensions/Restrictions. Ms. Mary K. Palmer of the University of Miami Sylvester Cancer Center, requested a copy of the list of the Office of Human Research Protections Compliance Oversight Branch investigations resulting in restrictions/actions to Multiple Project Assurances from 1998 to the present.

COMMERCE

- Received on 10/19/01 from Gabrielle Herderschee-Hunter, FTC Watch, requesting copies of all contracts entered into by DOC with Microsoft Corporation, since January 1, 1995.
- Received on 10/19/01 from Laura Peterson, The Center for Public Integrity, requesting any documents relating to Halliburton Company, Halliburton Energy Services, Kellogg Brown & Root, Landmark Graphics Corporation, Security DBS, Baroid Drilling Fluids, Numar Corporation, Wheatly/Gaso, Nonoflo, Sperry-Sun Drilling Services, Halliburton Subsea, JDH, Granhearne, Wellstream, Rockwater, Geographix, Brown & Root Services, Enventure Global Technology, Welldynamics, Bredero-Shaw Group, Bredero-Price Group, Dresser Industries, European Marine Contractors, Halliburton Deepwater, European Marine Service (EMC), and Alfred McAlpine PLC.
- Received on 10/19/01 from Nikki Austin, Squire Sanders, requesting all material from January 1, 1998 to the present, forming the basis for the Commerce Committee Democrats' June 21, 2000 letter to the Honorable David M. Walker, Comptroller General, regarding Reliance Insurance Company.

- Received on 10/17/01 from Samuel N. Penney, Nez Perce Tribal Executive Committee, requesting a copy of all draft or final biological opinions or biological assessments prepared by or received by the National Marine Fisheries Service (NMFS) on the ongoing operation of Idaho Power Company's Hells Canyon Complex; all correspondence between NMFS and the Federal Energy Regulatory Commission; and all correspondence between NMFS and Idaho Power Company since the formal consultation under section seven of the Endangered Species Act regarding the ongoing operations of the Hells Canyon Complex ceased.
- Received on 10/17/01 from Reinhard Thaler, Royal Sea Fisheries, Inc., requesting a copy of the names and addresses of all of the permit holders of the Golden Crab Fisheries.
- Received on 10/17/01 from Alice Hill-Murray, Litton PRC, requesting a copy of the contract, delivery orders, labor rates and descriptions, etc., for a contract awarded to Lockheed Martin Services Inc., for the last 12 months.
- Received on 10/15/01 from Frank Bailey III, Frank Bailey Grain Co., Inc., Fort Worth, Texas, requesting "a copy of all information concerning the co-op rail grant proposal in Robstown, Texas."
- Received on 10/15/01 from Russell C. Brooks, Pacific Legal Foundation, requesting a copy of the administrative record upon which the *Southern Oregon/Northern California Coast Evolutionarily Significant Unit Coho Salmon* as "threatened" is based.

INTERIOR

Plan and EIS Support Documents. The San Diego Off-Road Coalition and Off-Road Business Association requested approximately 24 documents referenced in the BLM's Northern & Eastern Colorado Desert Coordinated Management Plan and Environmental Impact Statement.

Kern River Pipeline. Public Employees for Environmental Responsibility (PEER) requested copies of the Final EIS for the Mojave-Kern River Pipeline Projects, the Supplemental EIS prepared for those projects, the Reclamation Plan for California, and the report on status of re-vegetation and reclamation for the Kern River pipeline to be prepared 5 years following completion of the pipeline.

From: Thomas, Ginni <ginni.thomas@heritage.org>
To: Anne Womack/WHO/EOP [WHO] <Anne Womack>;Ashleigh A. Adams/WHO/EOP [WHO] <Ashleigh A. Adams>;Barry S. Jackson/WHO/EOP [WHO] <Barry S. Jackson>;Blake Gottesman/WHO/EOP [WHO] <Blake Gottesman>;Bradley A. Blakeman/WHO/EOP [WHO] <Bradley A. Blakeman>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Brian Bravo/WHO/EOP [WHO] <Brian Bravo>;Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>;Brian D. Montgomery/WHO/EOP [WHO] <Brian D. Montgomery>;Catharine A. Ryun/WHO/EOP [WHO] <Catharine A. Ryun>;Catherine S. Fenton/WHO/EOP [WHO] <Catherine S. Fenton>;Chad M. Kolton/WHO/EOP [WHO] <Chad M. Kolton>;Chris Henick/WHO/EOP [WHO] <Chris Henick>;Christina D. Roberts/WHO/EOP [WHO] <Christina D. Roberts>;Christine Ciccone/WHO/EOP [WHO] <Christine Ciccone>;Christopher J. Orr/WHO/EOP [WHO] <Christopher J. Orr>
Sent: 10/25/2001 1:47:39 PM
Subject: : Aviation Security

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thomas, Ginni" <ginni.thomas@heritage.org> ("Thomas, Ginni" <ginni.thomas@heritage.org> [UNKNOWN])
CREATION DATE/TIME:25-OCT-2001 17:47:39.00
SUBJECT:: Aviation Security
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Chad M. Kolton (CN=Chad M. Kolton/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Learn from Experience on Airport Security by Robert Poole
<http://www.heritage.org/library/backgrounder/bg1493.html>

Securing The Skies? The Promises and Perils of the Aviation Security Act
Tuesday, October 30, 2001, 12:00 P.M.
<http://cf.heritage.org/events/eventDetails.cfm?EventID=58>

FYI: Heritage is heavily promoting Bob Poole's paper (above) against

REV_00133947

federalization around town and in the media now. He will be in town next Monday through Wednesday and we are getting him in to see Administration folks, House folks, on media appearances and he will be at a public forum here (which any of you or your staff are welcome to attend - see above).

Also . . .

- We are putting out helpful information next week on how the President's original economic stimulus plan far exceeds the House plan or the Baucus plan in terms of real economic impact -- hoping that this gets back on track.

- We are also reeling from the Rumsfeld announcement on testing and the ABM this afternoon.

But we LOVE the leadership and statesmanship of this President for current events!

- Langhorne Bond, former FAA Administrator under Jimmy Carter has written a statement on airline security for Heritage. He has given us permission to widely distribute it to the Hill, press, etc. It was brought to a Leadership staff/outside groups meeting today in DeLay's office, will be distributed at Monday's Hill staff lunch and will be available at Tuesday's event with Robert Poole at Heritage.

Virginia (Ginni) Thomas, Director
Executive Branch Relations, The Heritage Foundation
214 Mass. Ave, NE/Washington, D.C. 20002
phone: (202) 608-6240 or 546-4400
fax: (202) 608-6068 (fax)
e-mail: ginni.thomas@heritage.org
www.heritage.org

From: Thomas, Ginni <ginni.thomas@heritage.org>
To: Anne Womack/WHO/EOP [WHO] <Anne Womack>;Ashleigh A. Adams/WHO/EOP [WHO] <Ashleigh A. Adams>;Barry S. Jackson/WHO/EOP [WHO] <Barry S. Jackson>;Blake Gottesman/WHO/EOP [WHO] <Blake Gottesman>;Bradley A. Blakeman/WHO/EOP [WHO] <Bradley A. Blakeman>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Brian Bravo/WHO/EOP [WHO] <Brian Bravo>;Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>;Brian D. Montgomery/WHO/EOP [WHO] <Brian D. Montgomery>;Catharine A. Ryun/WHO/EOP [WHO] <Catharine A. Ryun>;Catherine S. Fenton/WHO/EOP [WHO] <Catherine S. Fenton>;Chad M. Kolton/WHO/EOP [WHO] <Chad M. Kolton>;Chris Henick/WHO/EOP [WHO] <Chris Henick>;Christina D. Roberts/WHO/EOP [WHO] <Christina D. Roberts>;Christine Ciccone/WHO/EOP [WHO] <Christine Ciccone>;Christopher J. Orr/WHO/EOP [WHO] <Christopher J. Orr>
Sent: 10/25/2001 1:49:03 PM
Subject: : Aviation Security

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thomas, Ginni" <ginni.thomas@heritage.org> ("Thomas, Ginni" <ginni.thomas@heritage.org> [UNKNOWN])
CREATION DATE/TIME:25-OCT-2001 17:49:03.00
SUBJECT:: Aviation Security
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP [WHO])
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TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])
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READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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REV_00133949

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- Langhorne Bond, former FAA Administrator under Jimmy Carter has written a statement on airline security for Heritage. He has given us permission to widely distribute it to the Hill, press, etc. It was brought to a Leadership staff/outside groups meeting today in DeLay's office, will be distributed at Monday's Hill staff lunch and will be available at Tuesday's event with Robert Poole at Heritage.

Virginia (Ginni) Thomas, Director
Executive Branch Relations, The Heritage Foundation
214 Mass. Ave, NE/Washington, D.C. 20002
phone: (202) 608-6240 or 546-4400
fax: (202) 608-6068 (fax)
e-mail: ginni.thomas@heritage.org
www.heritage.org

From: CN=Sandra F. Daigle/OU=CEA/O=EOP [CEA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/26/2001 1:37:15 PM
Subject: : Tort Liability Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sandra F. Daigle (CN=Sandra F. Daigle/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME:26-OCT-2001 17:37:15.00

SUBJECT:: Tort Liability Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We would like to set up a meeting to discuss tort liability on Tuesday, October 30 at 11 a.m., in Mark McClellan's Office (Room 91). Also invited are John Ackerly, Rebecca Beynon, Jay Lefkowitz and (from the CEA) Diana Furchtgott-Roth, Peter Feather, and Wally Mullin.

Would you please let me know as soon as possible whether this is a good date/time on your schedule? My phone number is x55877, or return e-mail is fine too.

Thank you.
Sandy

From: CN=Sandra F. Daigle/OU=CEA/O=EOP [CEA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/26/2001 1:37:15 PM
Subject: : Tort Liability Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sandra F. Daigle (CN=Sandra F. Daigle/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME:26-OCT-2001 17:37:15.00

SUBJECT:: Tort Liability Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We would like to set up a meeting to discuss tort liability on Tuesday, October 30 at 11 a.m., in Mark McClellan's Office (Room 91). Also invited are John Ackerly, Rebecca Beynon, Jay Lefkowitz and (from the CEA) Diana Furchtgott-Roth, Peter Feather, and Wally Mullin.

Would you please let me know as soon as possible whether this is a good date/time on your schedule? My phone number is x55877, or return e-mail is fine too.

Thank you.
Sandy

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 10/27/2001 8:39:00 AM
Subject: : US Comm. on Civil Rights

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-OCT-2001 12:39:00.00

SUBJECT:: US Comm. on Civil Rights

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you handle this entity please let me know.

If you don't handle this entity no response necessary.

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 10/29/2001 7:39:58 AM
Subject: : 10-31-01 WHJSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 29-OCT-2001 12:39:58.00

SUBJECT:: 10-31-01 WHJSC meeting

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Please let me know what you will be presenting at this week's meeting...

Thanks!

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 10/29/2001 7:55:25 AM
Subject: : Looks like the Chief made the right decision on Friday. . .

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-OCT-2001 12:55:25.00

SUBJECT:: Looks like the Chief made the right decision on Friday. . .

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.washingtonpost.com/wp-dyn/articles/A5739-2001Oct29.html>

From: CN=John M. Bridgeland/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/29/2001 12:03:31 PM
Subject: : Re: Memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:29-OCT-2001 17:03:31.00
SUBJECT:: Re: Memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I was told to keep it there. I suppose I can get it faxed to the situation room. Let me try that.

Brett M. Kavanaugh
10/29/2001 01:48:50 PM
Record Type: Record

To: John M. Bridgeland/OPD/EOP@EOP
cc: Timothy E. Flanigan/WHO/EOP@EOP
Subject: Memo

Bridge: I need to get a copy of your memo from Friday as soon as I can. Given its status, I will come over and get it by hand. Just let me know when and where it can be retrieved. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 10/29/2001 11:24:04 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 29-OCT-2001 16:24:04.00

SUBJECT::

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

stud

<http://www.nypost.com/news/regionalnews/32792.htm>

From: Sutton, Jason <Jason.J.Sutton@usdoj.gov>
To: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Cole, Deloris L <Deloris.L.Cole@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 10/29/2001 12:20:39 PM
Subject: : No 8:00 am mtg. Tues. morning on judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> ("Sutton, Jason"

<Jason.J.Sutton@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:29-OCT-2001 17:20:39.00

SUBJECT:: No 8:00 am mtg. Tues. morning on judges

TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Cole, Deloris L" <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Cole, Deloris L" <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00134023

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

There will be no 8:00 am meeting tomorrow morning (Tues.) w/ Hill staff on judges. The meeting will be rescheduled for later this week or next week.
 -----Original Message-----

From: Brinkley, Winnie
 Sent: Monday, October 29, 2001 11:13 AM
 To: Adam Ciongoli; Allison_L._Riepenhoff@who.eop.gov@inetgw;
 Bradford_A._Berenson@who.eop.gov@inetgw;
 Brett_M._Kavanaugh@who.eop.gov@inetgw; Dan Bryant; Deloris Cole;
 Heather_Wingate@who.eop.gov; James Carroll; Jason Sutton; Jennifer
 Newstead; Kristen Ullman; Linda Long; Lizette Benedi; Lori Rabjohns; Lori
 SharpeDay; Matthew_E._Smith@who.eop.gov@inetgw; Mindy Tucker; Neal Suit;
 Patrick O'Brien; Sheila Joy; Tim_Goeglein@who.eop.gov@inetgw;
 Timothy_E._Flanigan@who.eop.gov@inetgw; Viet Dinh; Winnie Brinkley; Ziad
 _S._Ojakli@who.eop.gov@inetgw
 Subject: Reminder: Judicial Confirmation Working Group Mtg today at 4pm.
 Main Justice Room 4646.
 Importance: High

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 10/29/2001 2:52:14 PM
Subject: RECEIVED: REVISED SAP- H.R. 3150

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-OCT-2001 19:52:14.00
SUBJECT:RECEIVED: REVISED SAP- H.R. 3150
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
REVISED SAP- H.R. 3150
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
10/29/2001 07:51:48 PM

REV_00134031

From: CN=Diana L. Schacht/OU=OPD/O=EOP [OPD]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/30/2001 3:50:42 AM
Subject: : terrorism

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-2001 08:50:42.00

SUBJECT:: terrorism

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Do you have a good summary of what's in the terrorism bill that you could share?

From: CN=Diana L. Schacht/OU=OPD/O=EOP [OPD]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/30/2001 3:50:42 AM
Subject: : terrorism

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-2001 08:50:42.00

SUBJECT:: terrorism

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Do you have a good summary of what's in the terrorism bill that you could share?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson [WHO] <Kyle Sampson>
Sent: 10/30/2001 4:20:04 AM
Subject: : Mtg. w/ Leahy set for Thursday, 3:00 pm in Russell 433

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-OCT-2001 09:20:04.00

SUBJECT:: Mtg. w/ Leahy set for Thursday, 3:00 pm in Russell 433

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are supposed to attend this meeting w/ ARG let me know.

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
Sent: 10/30/2001 6:37:11 AM
Subject: : Cap Narrative
Attachments: P_4FUF4004_OPD.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-OCT-2001 11:37:11.00

SUBJECT:: Cap Narrative

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Leslie A. Mooney/OPD/EOP on 10/30/2001
10:40 AM -----

Sheila.Bair@do.treas.gov

10/30/2001 08:32:18 AM

Record Type: Record

To: steve_harris@banking.senate.gov, wayne_abernathy@banking.senate.gov,
alex_sternhell@banking.senate.gov

cc: Peter.Fisher@do.treas.gov, D. Marcus Sumerlin/OPD/EOP

Subject: Cap Narrative

Per Steve's request yesterday morning, attached please find a narrative description of the New Option for a per company cap that would apply as a percentage (10%) of direct (gross) premia collected for all of a company's commercial or residential P&C lines.. <<capnarrative.doc>>

- capnarrative.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_4FUF4004_OPD.TXT_1>

REV_00134067

Explanation of Per Company Payments Cap Based on 10% of Direct Premiums

For the first 12 months of the terrorism risk insurance program, the proposal would provide for an absolute cap on an individual company's exposure to losses resulting from acts of terrorism equal to 10% of direct (gross) premiums collected for *all* lines of commercial or residential property and casualty coverage during the preceeding 12 months.

The proposal would establish firm parameters for a company's outside losses from underwriting terrorism risk insurance during the early stages of the federal program, thereby providing greater certainty of risk exposure, particularly for those insurers writing P&C policies on high risk properties.

The cap would apply separately to commercial and residential lines. Thus if an insurer's policyholders suffered \$100 million dollars of commercial P&C loss from a terrorist act, and had collected \$900 million in P&C premia for all commercial lines and \$600 million in premia for all residential lines, the cap would be \$90 million. The insurer would pay \$90 million in claims and the federal government would pay \$10 million.

Aggregate industry exposure under this approach would be \$32 billion, based on last year's P&C premiums, which totalled \$320 billion. (\$139 billion for commercial lines and \$181 billion for residential.) Aggregate commercial exposure would be \$13.9 billion and aggregate residential exposure would be \$18.1 billion.

Losses would be calculated net of reinsurance. Thus the cap would maintain incentives for primary insurers to reinsure their exposures up to the cap.

It is possible that the cap would result in an individual company or companies receiving payments even though the \$10 billion industry aggregate deductible had not been reached. The cap has been set at a relatively high 10% of premia to mitigate against this happening. Using the 10% benchmark, preliminary analysis indicates that only one of the major P&C insurers would have exceeded the cap as a result of losses on September 11. (see attached chart)

This proposal resulted from a suggestion by Ron Ferguson, CEO of General Re, made during the Banking Committee hearings in response to suggestions by CFA and others that there should be a per company cap based on a percentage of the company's surplus. The problem with a cap based on surplus is that it rewards poorly capitalized companies. The advantages of using premia is that the more a company increases premia, the higher its cap. In addition, premia are readily ascertainable and verifiable.

attachment

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD

/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO])

Sent: 10/30/2001 10:52:55 AM
Subject: : OSI Lecture Series: The Global War on Terrorism

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CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-OCT-2001 15:52:55.00
SUBJECT:: OSI Lecture Series: The Global War on Terrorism

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READ:UNKNOWN
BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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BCC:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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BCC:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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CREATION DATE/TIME:30-OCT-2001 15:52:55.00
SUBJECT:: OSILecture Series: The Global War on Terrorism

REV_00134122

TO:Senior Advisor Offices (Senior Advisor Offices [UNKNOWN])
READ:UNKNOWN
BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
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BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
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BCC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
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BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
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BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
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BCC:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
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BCC:Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP@EOP [WHO])
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BCC:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
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BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
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BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
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BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
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BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
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BCC:Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP [OVP])
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BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
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BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
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BCC:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO])
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BCC:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP [WHO])
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BCC:Craig Stevens (CN=Craig Stevens/OU=WHO/O=EOP [WHO])
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BCC:Greg Lagana (CN=Greg Lagana/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Office of Strategic Initiatives invites you to Part I of a three-part lecture series on the War on Terrorism...

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: McGavock D. Reed/OMB/EOP@EOP [OMB] <McGavock D. Reed>
Sent: 10/30/2001 10:53:16 AM
Subject: : Re: Cover memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-OCT-2001 15:53:16.00
SUBJECT:: Re: Cover memo
TO: McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

will do; can you start the process today without that?

McGavock D. Reed
10/30/2001 03:46:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Cover memo

Brett, Thank you very much. This is helpful; we will, however, need a signed hard copy from Judge Gonzales to Mitch Daniels in the next day or so. Mac

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/31/2001 3:30:27 AM
Subject: : Sec. O'Neill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-OCT-2001 08:30:27.00
SUBJECT:: Sec. O'Neill
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Sec. O'Neill just mentioned that he was going to say at his stakeout "We can't put the American taxpayer at risk of paying punitive damages." It would be better if he said something like "We can't ask the American taxpayer at risk of paying damages without ensuring we have sensible legal procedures."

The American taxpayer won't be asked to pay punitive damages directly through the backstop b/c the generally aren't insurable (although the gov could effectively pay for them if they drive companies into bankruptcy and a bail out becomes necessary).

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 10/31/2001 3:46:41 AM
Subject: : Notice of Hearing -- Wednesday, November 7, 2001 at 10:00 am
Attachments: P_4AKG4004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:31-OCT-2001 08:46:41.00

SUBJECT:: Notice of Hearing -- Wednesday, November 7, 2001 at 10:00 am

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00134139

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please see attached notice of hearingscheduled for Wednesday, November 7, 2001 at 10:00 am Senate Dirksen Building room 226. Also, there will be a prep session for the judicial hearing on Tuesday, November 6 at 2:00 pm in the Office of Legal Policy conference room 4260 at Main Justice. For White House personnel, if you plan to attend please let me or Sheila Joy know so we can have you cleared to come into the building on Tuesday.

Winnie

(202) 514-2737

- NotNov7-nom.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_4AKG4004_WHO.TXT_1>

REV_00134140

October 30, 2001

NOTICE OF HEARING

The Senate Committee on the Judiciary will hold a hearing on **Wednesday, November 7, 2001 at 10:00 a.m.** in Room **226** of the **Senate Dirksen Building**, on "**Nominations.**"

Senator Feinstein will preside.

By order of the Chairman

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 10/31/2001 3:46:44 AM
Subject: : Notice of Hearing -- Wednesday, November 7, 2001 at 10:00 am
Attachments: P_6AKG4004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:31-OCT-2001 08:46:44.00

SUBJECT:: Notice of Hearing -- Wednesday, November 7, 2001 at 10:00 am

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested)

REV_00134142

(IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please see attached notice of hearing scheduled for Wednesday, November 7, 2001 at 10:00 am Senate Dirksen Building room 226. Also, there will be a prep session for the judicial hearing on Tuesday, November 6 at 2:00 pm in the Office of Legal Policy conference room 4260 at Main Justice. For White House personnel, if you plan to attend please let me or Sheila Joy know so we can have you cleared to come into the building on Tuesday.

Winnie
(202) 514-2737

REV_00134143

- NotNov7-nom.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_6AKG4004_WHO.TXT_1>

October 30, 2001

NOTICE OF HEARING

The Senate Committee on the Judiciary will hold a hearing on **Wednesday, November 7, 2001 at 10:00 a.m.** in Room **226** of the **Senate Dirksen Building**, on "**Nominations.**"

Senator Feinstein will preside.

By order of the Chairman

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 10/31/2001 3:47:56 AM
Subject: : Notice of Hearing -- Wednesday, November 7, 2001 at 10:00 am
Attachments: P_PBKG4004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:31-OCT-2001 08:47:56.00

SUBJECT:: Notice of Hearing -- Wednesday, November 7, 2001 at 10:00 am

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00134148

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please see attached notice of hearingscheduled for Wednesday, November 7, 2001 at 10:00 am Senate Dirksen Building room 226. Also, there will be a prep session for the judicial hearing on Tuesday, November 6 at 2:00 pm in the Office of Legal Policy conference room 4260 at Main Justice. For White House personnel, if you plan to attend please let me or Sheila Joy know so we can have you cleared to come into the building on Tuesday.

Winnie

(202) 514-2737

- NotNov7-nom.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_PBKG4004_WHO.TXT_1>

REV_00134149

October 30, 2001

NOTICE OF HEARING

The Senate Committee on the Judiciary will hold a hearing on **Wednesday, November 7, 2001 at 10:00 a.m.** in Room **226** of the **Senate Dirksen Building**, on "**Nominations.**"

Senator Feinstein will preside.

By order of the Chairman

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 10/31/2001 3:48:02 AM
Subject: : Notice of Hearing -- Wednesday, November 7, 2001 at 10:00 am
Attachments: P_UBKG4004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:31-OCT-2001 08:48:02.00

SUBJECT:: Notice of Hearing -- Wednesday, November 7, 2001 at 10:00 am

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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READ:UNKNOWN

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READ:UNKNOWN

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TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00134151

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please see attached notice of hearings scheduled for Wednesday, November 7, 2001 at 10:00 am Senate Dirksen Building room 226. Also, there will be a prep session for the judicial hearing on Tuesday, November 6 at 2:00 pm in the Office of Legal Policy conference room 4260 at Main Justice. For White House personnel, if you plan to attend please let me or Sheila Joy know so we can have you cleared to come into the building on Tuesday.

Winnie

(202) 514-2737

- NotNov7-nom.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_UBKG4004_WHO.TXT_1>

REV_00134152

October 30, 2001

NOTICE OF HEARING

The Senate Committee on the Judiciary will hold a hearing on **Wednesday, November 7, 2001 at 10:00 a.m.** in Room **226** of the **Senate Dirksen Building**, on "**Nominations.**"

Senator Feinstein will preside.

By order of the Chairman

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP [WHO] <Ziad S. Ojakli>
Sent: 10/31/2001 3:50:35 AM
Subject: : Notice of Hearing -- Wednesday, November 7, 2001 at 10:00 am
Attachments: P_FFKG4004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:31-OCT-2001 08:50:35.00

SUBJECT:: Notice of Hearing -- Wednesday, November 7, 2001 at 10:00 am

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00134157

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please see attached notice of hearingscheduled for Wednesday, November 7, 2001 at 10:00 am Senate Dirksen Building room 226. Also, there will be a prep session for the judicial hearing on Tuesday, November 6 at 2:00 pm in the Office of Legal Policy conference room 4260 at Main Justice. For White House personnel, if you plan to attend please let me or Sheila Joy know so we can have you cleared to come into the building on Tuesday.

Winnie

(202) 514-2737

- NotNov7-nom.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_FFKG4004_WHO.TXT_1>

REV_00134158

October 30, 2001

NOTICE OF HEARING

The Senate Committee on the Judiciary will hold a hearing on **Wednesday, November 7, 2001 at 10:00 a.m.** in Room **226** of the **Senate Dirksen Building**, on "**Nominations.**"

Senator Feinstein will preside.

By order of the Chairman

From: CN=Sarah E. Youssef/OU=OPD/O=EOP [OPD]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/31/2001 8:25:22 AM
Subject: : Re: POTOCOL QUESTION

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:31-OCT-2001 13:25:22.00
SUBJECT:: Re: POTOCOL QUESTION
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do you all have an answer to this question? Thanks
----- Forwarded by Sarah E. Youssef/OPD/EOP on 10/31/2001
01:25 PM -----

Noel J. Francisco
10/09/2001 06:06:30 PM
Record Type: Record

To: Sarah E. Youssef/OPD/EOP@EOP
cc: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: POTOCOL QUESTION

Sarah, I am forwarding your question to Moose Cobb and Brett Kavanaugh,
who handle this type of issue for our office.

Sarah E. Youssef
10/09/2001 06:04:22 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: POTOCOL QUESTION

Noel, I've been invited to present the President's education agenda to the
GA Republican Party. Since it's work-related, can they pay for my ticket?
How does that work. I want to make sure everything is done above board, so
in the interest of full disclosure, my family lives in GA (I am a former
GA resident). Will that affect the ethics of my invitation?

From: CN=John B. Wiegmann/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: jonathan r. scharfen/nsc/eop@eop [NSC] <jonathan r. scharfen>
Sent: 10/31/2001 7:21:57 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME:31-OCT-2001 12:21:57.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:jonathan r. scharfen (CN=jonathan r. scharfen/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
End Original ARMS Header

We're looking into it and will get back to you.

Brett M. Kavanaugh
10/31/2001 11:32:46 AM
Record Type: Record

To: John B. Wiegmann/NSC/EOP@EOP, Jonathan R. Scharfen/NSC/EOP@EOP
cc:
Subject:

Any chance I can get access to a classified computer and printer today?

From: CN=John B. Wiegmann/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: jonathan r. scharfen/nsc/eop@eop [NSC] <jonathan r. scharfen>
Sent: 10/31/2001 7:21:57 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME:31-OCT-2001 12:21:57.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:jonathan r. scharfen (CN=jonathan r. scharfen/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
End Original ARMS Header

We're looking into it and will get back to you.

Brett M. Kavanaugh
10/31/2001 11:32:46 AM
Record Type: Record

To: John B. Wiegmann/NSC/EOP@EOP, Jonathan R. Scharfen/NSC/EOP@EOP
cc:
Subject:

Any chance I can get access to a classified computer and printer today?

From: CN=Sarah E. Youssef/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/31/2001 8:36:33 AM
Subject: : Re: POTOOL QUESTION

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-OCT-2001 13:36:33.00

SUBJECT:: Re: POTOOL QUESTION

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I'll be part of a panel that will discuss the President's policy efforts since coming to office -- I will represent the education issue.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Elizabeth S. Dougherty/OPD
/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 10/31/2001 2:18:08 PM
Subject: : Manager's amendment

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-OCT-2001 19:18:08.00
SUBJECT:: Manager's amendment
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

can you guys forward me a copy so that I can see current liability
provisions? thanks

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD

/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP [WHO]),

McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Carolyn E. Cleveland (Carolyn E. Cleveland/WHO/EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP [WHO]), Anthony K. Crawford (Anthony K. Crawford/NSC/EOP@EOP [NSC]), Laura E. Lineberry (Laura E. Lineberry/NSC/EOP@EOP [NSC]), Matthew C. Waxman (Matthew C. Waxman/NSC/EOP@EOP [NSC]), Elizabeth A. Selva (Elizabeth A. Selva/NSC/EOP@EOP [NSC]), Wendy E. Gray (Wendy E. Gray/NSC/EOP@EOP [NSC]), Millicent H. Schwenk (Millicent H. Schwenk/NSC/EOP@EOP [NSC]), Cheryl E. Barnett (Cheryl E. Barnett/NSC/EOP@EOP [NSC]), Colby J. Cooper (Colby J. Cooper/NSC/EOP@EOP [NSC]), John D. Gibson (John D. Gibson/NSC/EOP@EOP [NSC]), Stephen E. Biegun (Stephen E. Biegun/NSC/EOP@EOP [NSC]), Brooks L. Bash (Brooks L. Bash/NSC/EOP@EOP [NSC]), John A. Cloud (John A. Cloud/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Elliott Abrams (Elliott Abrams/NSC/EOP@EOP [NSC]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Torkel L. Patterson (Torkel L. Patterson/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Mary K. Sturtevant (Mary K. Sturtevant/NSC/EOP@EOP [NSC]), George M. Andricos (George M. Andricos/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Zalmay M. Khalilzad (Zalmay M. Khalilzad/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD])

Sent: 10/31/2001 10:30:08 AM
Subject: : 12 SEATS REMAIN

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-OCT-2001 15:30:08.00

SUBJECT:: 12 SEATS REMAIN

TO:Senior Advisor Offices (Senior Advisor Offices [UNKNOWN])

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READ:UNKNOWN

BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

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BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

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BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

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BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

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BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
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BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
BCC:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

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BCC:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
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BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
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BCC:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
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BCC:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
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BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])
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BCC:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
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BCC:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
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BCC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
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BCC:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
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BCC:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])
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End Original ARMS Header

ONE OF THE MOST IMPORTANT BOOKS...SINCE THE END OF THE COLD WAR.
-Henry Kissinger on The Clash of Civilizations and the Remaking of the
World Order-

"In the emerging era, clashes of civilizations are the greatest threat to
world piece, and an international order based on civiliations is the
surest safeguard against world war."

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD

/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A.

McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Carolyn E. Cleveland (Carolyn E. Cleveland/WHO/EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP [WHO]), Anthony K. Crawford (Anthony K. Crawford/NSC/EOP@EOP [NSC]), Laura E. Lineberry (Laura E. Lineberry/NSC/EOP@EOP [NSC]), Matthew C. Waxman (Matthew C. Waxman/NSC/EOP@EOP [NSC]), Elizabeth A. Selva (Elizabeth A. Selva/NSC/EOP@EOP [NSC]), Wendy E. Gray (Wendy E. Gray/NSC/EOP@EOP [NSC]), Millicent H. Schwenk (Millicent H. Schwenk/NSC/EOP@EOP [NSC]), Cheryl E. Barnett (Cheryl E. Barnett/NSC/EOP@EOP [NSC]), Colby J. Cooper (Colby J. Cooper/NSC/EOP@EOP [NSC]), John D. Gibson (John D. Gibson/NSC/EOP@EOP [NSC]), Stephen E. Biegun (Stephen E. Biegun/NSC/EOP@EOP [NSC]), Brooks L. Bash (Brooks L. Bash/NSC/EOP@EOP [NSC]), John A. Cloud (John A. Cloud/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Elliott Abrams (Elliott Abrams/NSC/EOP@EOP [NSC]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Torkel L. Patterson (Torkel L. Patterson/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Mary K. Sturtevant (Mary K. Sturtevant/NSC/EOP@EOP [NSC]), George M. Andricos (George M. Andricos/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Zalmay M. Khalilzad (Zalmay M. Khalilzad/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD])

Sent: 10/31/2001 10:30:08 AM
Subject: : 12 SEATS REMAIN

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-OCT-2001 15:30:08.00

SUBJECT:: 12 SEATS REMAIN

TO:Senior Advisor Offices (Senior Advisor Offices [UNKNOWN])

READ:UNKNOWN

BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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READ:UNKNOWN

BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

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BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
BCC:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
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BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
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End Original ARMS Header

ONE OF THE MOST IMPORTANT BOOKS...SINCE THE END OF THE COLD WAR.
-Henry Kissinger on The Clash of Civilizations and the Remaking of the
World Order-

"In the emerging era, clashes of civilizations are the greatest threat to
world piece, and an international order based on civiliations is the
surest safeguard against world war."

From: CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/31/2001 3:45:40 PM
Subject: : Re: Manager's amendment

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-OCT-2001 20:45:40.00

SUBJECT:: Re: Manager's amendment

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

what's your fax number. I will send it tomorrow morning. (i'm going home now)

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/31/2001 11:48:23 AM
Subject: : FW: Cox letter to Bair on tort issues in reinsurance
Attachments: P_ST6H4004_OPD.TXT_1.htm; P_ST6H4004_OPD.TXT_2.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:31-OCT-2001 16:48:23.00
SUBJECT:: FW: Cox letter to Bair on tort issues in reinsurance
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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----- Forwarded by D. Marcus Sumerlin/OPD/EOP on
10/31/2001 04:48 PM -----

Tim.Adams@do.treas.gov
10/31/2001 02:49:28 PM
Record Type: Record

To: Peter.Fisher@do.treas.gov, Sheila.Bair@do.treas.gov
cc:
Subject: FW: Cox letter to Bair on tort issues in reinsurance

Can one of you follow up on this and let me know if the Secretary needs to do anything -- I want to be response to these folks. Thanks. Tim

-----Original Message-----

From: Cohen, Ben [mailto:Ben.Cohen@mail.house.gov]
Sent: Wednesday, October 31, 2001 2:37 PM
To: 'tim.adams@do.treas.gov'
Subject: Cox letter to Bair on tort issues in reinsurance
Importance: High

<<bair_terrorism_insurance.doc>> Tim, as we discussed here is Cox's letter to Bair on barring punitives and noneconomic damages in terrorism insurance cases. Baker, the head of Oxley's reinsurance task force, strongly agrees. Let me know how we can be helpful on this issue.

Ben Cohen
House Republican Policy Committee

- att1.htm
- bair_terrorism_insurance.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ST6H4004_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ST6H4004_OPD.TXT_2>

REV_00134199

Can one of you follow up on this and let me know if the Secretary needs to do anything -- I want to be response to these folks.
Thanks. Tim

-----Original Message-----

From: Cohen, Ben [mailto:Ben.Cohen@mail.house.gov]

Sent: Wednesday, October 31, 2001 2:37 PM

To: 'tim.adams@do.treas.gov'

Subject: Cox letter to Bair on tort issues in reinsurance

Importance: High

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Ben Cohen
House Republican Policy Committee

October 26, 20001

The Honorable Sheila Bair
Assistant Secretary for Financial Institutions
1500 Pennsylvania Avenue, NW
Room 2326
Washington, D.C. 20220

Dear Secretary Bair:

It was a pleasure to meet you on Wednesday at the Financial Services Capital Markets Subcommittee hearing, "Protecting Policyholders from Terrorism: Private Sector Solutions." I listened with great interest to the Administration's proposal on how to set up a temporary mechanism to assure the continued availability of insurance against acts of terrorism for businesses across America. I am writing to let you know of my keen interest in assisting your efforts to continue insurance coverage while at the same time reducing or eliminating the taxpayers' liability in the event that terrorism strikes home again. By far the largest single step we could take both to maximize the private sector's ability to provide coverage and minimize any taxpayer liability is to eliminate transaction costs associated with the tort system, including in particular punitive and non-economic damages.

Any terrorist act triggering the sort of federal guarantees we are considering would be expensive on a scale seldom or never before seen. It would strain both public and private resources simply to cover basic losses like death, injury, and destruction of property, before any consideration of emotional injuries or punitive damages.

Indeed, the scale of losses required to implicate these safeguards is such that to compensate some individuals to the fullest extent now usually permitted under our tort system, including emotional injury and punitive damages, would simply mean that other injured families would not be fairly compensated for the most basic losses such as health expenses, or death, or loss of their entire business; or that such compensation would be intolerably delayed; or both. These concerns are not

The Honorable Secretary Bair

Page 2

October 26, 2001

conjectural: we have seen these unfair results occur repeatedly in the context of so-called mass torts in this country. Though unfair under any circumstances, in the context of an act of catastrophic terrorism compensated by the taxpayers these are wholly unacceptable outcomes.

Indeed, the airline liability legislation enacted by Congress last month represents a near unanimous bipartisan endorsement of the fact that our current liability system could not cope with catastrophic acts of terrorism and indeed that if left in place it would have literally halted commercial civil aviation in this country indefinitely.

Moreover, losses from terrorism differ fundamentally from other losses the tort system is designed to deal with, in that we know in advance that the overwhelmingly culpable party, the terrorists, will not be before the court. Because the party with the greatest responsibility for a terrorist incident will not be in court, those who are before the court will be, by definition, marginal actors who do not deserve to be subjected to the full panoply of damages usually available in other contexts. This is even more the case if the taxpayers are interposed as insurers of last resort.

Thus, considerations both of fairness and of preserving a fund sufficient to fully and quickly compensate the most serious losses point toward the same conclusion: any scheme to bolster the insurance industry's ability to cope with terrorism, whether private, public, or a mixture of both, must begin by wringing out of the cost of terrorism the large unnecessary expenses associated with our tort system. I strongly support the Administration's attempt to control these additional transaction costs by prohibiting punitive damages and requiring a single federal forum for claims to be made. I also very strongly encourage you to prohibit so-called non-economic damages in this unique liability context.

I appreciate your consideration of these issues and I look forward to working with you to develop fully this legislation. Please do not hesitate to contact me at 225-5611 to discuss this issue further.

Sincerely,

Christopher Cox
U.S. Representative

REV_00134202

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/31/2001 11:48:23 AM
Subject: : FW: Cox letter to Bair on tort issues in reinsurance
Attachments: P_ST6H4004_WHO.TXT_1.htm; P_ST6H4004_WHO.TXT_2.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
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SUBJECT:: FW: Cox letter to Bair on tort issues in reinsurance
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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----- Forwarded by D. Marcus Sumerlin/OPD/EOP on
10/31/2001 04:48 PM -----

Tim.Adams@do.treas.gov
10/31/2001 02:49:28 PM
Record Type: Record

To: Peter.Fisher@do.treas.gov, Sheila.Bair@do.treas.gov
cc:
Subject: FW: Cox letter to Bair on tort issues in reinsurance

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-----Original Message-----

From: Cohen, Ben [mailto:Ben.Cohen@mail.house.gov]
Sent: Wednesday, October 31, 2001 2:37 PM
To: 'tim.adams@do.treas.gov'
Subject: Cox letter to Bair on tort issues in reinsurance
Importance: High

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Ben Cohen
House Republican Policy Committee

- att1.htm
- bair_terrorism_insurance.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ST6H4004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_ST6H4004_WHO.TXT_2>

REV_00134203

Can one of you follow up on this and let me know if the Secretary needs to do anything -- I want to be response to these folks.
Thanks. Tim

-----Original Message-----

From: Cohen, Ben [mailto:Ben.Cohen@mail.house.gov]

Sent: Wednesday, October 31, 2001 2:37 PM

To: 'tim.adams@do.treas.gov'

Subject: Cox letter to Bair on tort issues in reinsurance

Importance: High

<<bair_terrorism_insurance.doc>> Tim, as we discussed here is Cox's letter to Bair on barring punitives and noneconomic damages in terrorism insurance cases. Baker, the head of Oxley's reinsurance task force, strongly agrees. Let me know how we can be helpful on this issue.

Ben Cohen
House Republican Policy Committee

October 26, 20001

The Honorable Sheila Bair
Assistant Secretary for Financial Institutions
1500 Pennsylvania Avenue, NW
Room 2326
Washington, D.C. 20220

Dear Secretary Bair:

It was a pleasure to meet you on Wednesday at the Financial Services Capital Markets Subcommittee hearing, "Protecting Policyholders from Terrorism: Private Sector Solutions." I listened with great interest to the Administration's proposal on how to set up a temporary mechanism to assure the continued availability of insurance against acts of terrorism for businesses across America. I am writing to let you know of my keen interest in assisting your efforts to continue insurance coverage while at the same time reducing or eliminating the taxpayers' liability in the event that terrorism strikes home again. By far the largest single step we could take both to maximize the private sector's ability to provide coverage and minimize any taxpayer liability is to eliminate transaction costs associated with the tort system, including in particular punitive and non-economic damages.

Any terrorist act triggering the sort of federal guarantees we are considering would be expensive on a scale seldom or never before seen. It would strain both public and private resources simply to cover basic losses like death, injury, and destruction of property, before any consideration of emotional injuries or punitive damages.

Indeed, the scale of losses required to implicate these safeguards is such that to compensate some individuals to the fullest extent now usually permitted under our tort system, including emotional injury and punitive damages, would simply mean that other injured families would not be fairly compensated for the most basic losses such as health expenses, or death, or loss of their entire business; or that such compensation would be intolerably delayed; or both. These concerns are not

The Honorable Secretary Bair

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October 26, 2001

conjectural: we have seen these unfair results occur repeatedly in the context of so-called mass torts in this country. Though unfair under any circumstances, in the context of an act of catastrophic terrorism compensated by the taxpayers these are wholly unacceptable outcomes.

Indeed, the airline liability legislation enacted by Congress last month represents a near unanimous bipartisan endorsement of the fact that our current liability system could not cope with catastrophic acts of terrorism and indeed that if left in place it would have literally halted commercial civil aviation in this country indefinitely.

Moreover, losses from terrorism differ fundamentally from other losses the tort system is designed to deal with, in that we know in advance that the overwhelmingly culpable party, the terrorists, will not be before the court. Because the party with the greatest responsibility for a terrorist incident will not be in court, those who are before the court will be, by definition, marginal actors who do not deserve to be subjected to the full panoply of damages usually available in other contexts. This is even more the case if the taxpayers are interposed as insurers of last resort.

Thus, considerations both of fairness and of preserving a fund sufficient to fully and quickly compensate the most serious losses point toward the same conclusion: any scheme to bolster the insurance industry's ability to cope with terrorism, whether private, public, or a mixture of both, must begin by wringing out of the cost of terrorism the large unnecessary expenses associated with our tort system. I strongly support the Administration's attempt to control these additional transaction costs by prohibiting punitive damages and requiring a single federal forum for claims to be made. I also very strongly encourage you to prohibit so-called non-economic damages in this unique liability context.

I appreciate your consideration of these issues and I look forward to working with you to develop fully this legislation. Please do not hesitate to contact me at 225-5611 to discuss this issue further.

Sincerely,

Christopher Cox
U.S. Representative

REV_00134206

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Elizabeth S. Dougherty/OPD
/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 10/31/2001 2:18:08 PM
Subject: : Manager's amendment

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-OCT-2001 19:18:08.00

SUBJECT:: Manager's amendment

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

can you guys forward me a copy so that I can see current liability
provisions? thanks

From: CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 10/31/2001 3:45:40 PM
Subject: : Re: Manager's amendment

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-OCT-2001 20:45:40.00

SUBJECT:: Re: Manager's amendment

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

what's your fax number. I will send it tomorrow morning. (i'm going home now)

From: CN=Sarah E. Youssef/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/1/2001 3:44:14 AM
Subject: : Re: POTOCOL QUESTION

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 1-NOV-2001 08:44:14.00
SUBJECT:: Re: POTOCOL QUESTION
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks so much, Brett. I really appreciate your help.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 11/1/2001 6:19:16 AM
Subject: : OLC

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-NOV-2001 11:19:16.00
SUBJECT:: OLC
TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ: UNKNOWN
CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Ed Whelan is prepared to discuss their reasoning for deleting the language re VPs that David had suggested (and I had included).

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: McGavock D. Reed/OMB/EOP@EOP [OMB] <McGavock D. Reed>
CC: harriet miers/who/eop@eop [WHO] <harriet miers>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>
Sent: 11/1/2001 8:35:47 AM
Subject: : Re: Presidential Records Act ("PRA") Executive Order

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-NOV-2001 13:35:47.00
SUBJECT:: Re: Presidential Records Act ("PRA") Executive Order
TO: McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: harriet miers (CN=harriet miers/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Harriet: Is there any later time today? One small but important change is being made at VP's office behest that needs to be included per Judge.

McGavock D. Reed
11/01/2001 12:43:48 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Harriet Miers/WHO/EOP@EOP, Stuart W. Bowen/WHO/EOP@EOP
Subject: Presidential Records Act ("PRA") Executive Order

FYI, At WH senior staff this morning, it was announced that the President was going to sign the PRA order today. Harriet Miers tells me that she has 3:45 time available for the President to sign the order, so I will be walking the order around for your review right away. I'm sorry for the short notice. Thank you, Mac

Message Sent

To: _____
Mitchell Daniels/OMB/EOP@EOP
Sean C. O'Keefe/OMB/EOP@EOP
Augustine T. Smythe/OMB/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
Lloyd A. Blanchard/OMB/EOP@EOP
Kenneth L. Schwartz/OMB/EOP@EOP
David J. Haun/OMB/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
G. Timothy Saunders/WHO/EOP@EOP
David E. Kalbaugh/WHO/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Retha M. Senke/OMB/EOP@EOP

REV_00134215

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan

C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [WHO]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [WHO]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Carolyn E.

Cleveland (Carolyn E. Cleveland/WHO/EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP [WHO])

Sent: 11/1/2001 5:32:44 AM
Subject: : REMINDER: 90 minutes until...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-NOV-2001 10:32:44.00

SUBJECT:: REMINDER: 90 minutes until...

BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00134219

BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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End Original ARMS Header

"ONE OF THE WEST'S MOST EMINENT POLITICAL SCIENTISTS"
-Henry Kissinger on today's speaker-

Part I of the OSI Lecture Series on the War on Terrorism...

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 11/1/2001 6:19:16 AM
Subject: : OLC

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-NOV-2001 11:19:16.00
SUBJECT:: OLC
TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ: UNKNOWN
CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Ed Whelan is prepared to discuss their reasoning for deleting the language re VPs that David had suggested (and I had included).

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN]
<Peter.Fisher@do.treas.gov>; John.Duncan@do.treas.gov [UNKNOWN]
<John.Duncan@do.treas.gov>; Amy.Smith@do.treas.gov [UNKNOWN]
<Amy.Smith@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/1/2001 10:21:14 AM
Subject: : Convo with Steve Harris

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 1-NOV-2001 15:21:14.00
SUBJECT:: Convo with Steve Harris
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:John.Duncan@do.treas.gov (John.Duncan@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
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TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
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TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Steve will be sending the final draft over before they drop the bill. FYI.
Trial lawyers are already after Sarbanes, as is Hollings.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: McGavock D. Reed/OMB/EOP@EOP [OMB] <McGavock D. Reed>
CC: harriet miers/who/eop@eop [WHO] <harriet miers>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>
Sent: 11/1/2001 8:35:47 AM
Subject: : Re: Presidential Records Act ("PRA") Executive Order

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-NOV-2001 13:35:47.00
SUBJECT:: Re: Presidential Records Act ("PRA") Executive Order
TO: McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: harriet miers (CN=harriet miers/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Harriet: Is there any later time today? One small but important change is being made at VP's office behest that needs to be included per Judge.

McGavock D. Reed
11/01/2001 12:43:48 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Harriet Miers/WHO/EOP@EOP, Stuart W. Bowen/WHO/EOP@EOP
Subject: Presidential Records Act ("PRA") Executive Order

FYI, At WH senior staff this morning, it was announced that the President was going to sign the PRA order today. Harriet Miers tells me that she has 3:45 time available for the President to sign the order, so I will be walking the order around for your review right away. I'm sorry for the short notice. Thank you, Mac

Message Sent

To: _____
Mitchell Daniels/OMB/EOP@EOP
Sean C. O'Keefe/OMB/EOP@EOP
Augustine T. Smythe/OMB/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
Lloyd A. Blanchard/OMB/EOP@EOP
Kenneth L. Schwartz/OMB/EOP@EOP
David J. Haun/OMB/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
G. Timothy Saunders/WHO/EOP@EOP
David E. Kalbaugh/WHO/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Retha M. Senke/OMB/EOP@EOP

REV_00134228

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 11/1/2001 8:37:58 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-NOV-2001 13:37:58.00

SUBJECT::

TO: John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

End Original ARMS Header

please e-mail any suggestions ASAP so that they can be included

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 11/1/2001 8:37:58 AM
Subject: :

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RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-NOV-2001 13:37:58.00
SUBJECT::
TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

please e-mail any suggestions ASAP so that they can be included

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>
Sent: 11/1/2001 8:43:50 AM
Subject: : ID badges for Hill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-NOV-2001 13:43:50.00
SUBJECT:: ID badges for Hill
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please send me your DOB - thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>
Sent: 11/1/2001 8:43:50 AM
Subject: : ID badges for Hill

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-NOV-2001 13:43:50.00

SUBJECT:: ID badges for Hill

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please send me your DOB - thanks!

REV_00134232

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/1/2001 9:38:05 AM
Subject: : Re: Apologies

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-NOV-2001 14:38:05.00
SUBJECT:: Re: Apologies
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

smart . . . but too late . . .

Kristen Silverberg
11/01/2001 02:36:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Apologies

----- Forwarded by Kristen Silverberg/WHO/EOP on
11/01/2001 02:36 PM -----

Sheila.Bair@do.treas.gov
11/01/2001 02:00:42 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP
cc: Joshua B. Bolten/WHO/EOP
Subject: Apologies

Kristen -- I want to apologize if I was too "passionate" in my arguments about the compromise Sen. Sarbanes presented at the meeting this a.m. I want you to know that I have tremendous respect for the job you are doing, and the able way you have been representing Josh and the POTUS on this issue. I don't know if Josh has decided yet as to whether this is a go, but regardless of his decision, we've gotten more than I ever dreamed possible on tort procedures, and I think that is entirely due to the fine work you and Brett have done as advocates for this piece of the legislation.

Regards
Sheila

REV_00134233

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN]
<Peter.Fisher@do.treas.gov>;John.Duncan@do.treas.gov [UNKNOWN]
<John.Duncan@do.treas.gov>;Amy.Smith@do.treas.gov [UNKNOWN]
<Amy.Smith@do.treas.gov>;D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus
Sumerlin>;Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP [WHO
<Brian C. Conklin>;Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>;Brett M.
Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/1/2001 10:17:43 AM
Subject: : Convo with Steve Harris

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 1-NOV-2001 15:17:43.00
SUBJECT:: Convo with Steve Harris
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:John.Duncan@do.treas.gov (John.Duncan@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Steve will be sending the final draft over before they drop the bill. FYI.
Trial lawyers are already after Sarbanes, as is Hollings.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN]
<Peter.Fisher@do.treas.gov>;John.Duncan@do.treas.gov [UNKNOWN]
<John.Duncan@do.treas.gov>;Amy.Smith@do.treas.gov [UNKNOWN]
<Amy.Smith@do.treas.gov>;D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus
Sumerlin>;Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP [WHO
<Brian C. Conklin>;Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>;Brett M.
Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/1/2001 10:18:21 AM
Subject: : Convo with Steve Harris

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 1-NOV-2001 15:18:21.00
SUBJECT:: Convo with Steve Harris
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:John.Duncan@do.treas.gov (John.Duncan@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Steve will be sending the final draft over before they drop the bill. FYI.
Trial lawyers are already after Sarbanes, as is Hollings.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Chris Myers) (Chris_Myers@src.senate.gov (Chris Myers) [UNKNOWN]
<Chris_Myers@src.senate.gov>
CC: jeff_taylor@judiciary.senate.gov [UNKNOWN]
<jeff_taylor@judiciary.senate.gov>; dan.bryant@usdoj.gov [UNKNOWN]
<dan.bryant@usdoj.gov>; candi_wolff@vp.senate.gov [UNKNOWN]
<candi_wolff@vp.senate.gov>; makan_delrahim@judiciary.senate.gov [UNKNOWN]
<makan_delrahim@judiciary.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO]
<Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>; Dan.Bryant@usdoj.gov [UNKNOWN]
<Dan.Bryant@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN]
<Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>
Sent: 11/2/2001 3:35:27 AM
Subject: : Re: Nominees & the War on Terrorism

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-NOV-2001 08:35:27.00

SUBJECT:: Re: Nominees & the War on Terrorism

TO: Chris_Myers@src.senate.gov (Chris Myers) (Chris_Myers@src.senate.gov (Chris Myers) [UNKNOWN])

READ: UNKNOWN

CC: jeff_taylor@judiciary.senate.gov (jeff_taylor@judiciary.senate.gov [UNKNOWN])

READ: UNKNOWN

CC: dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ: UNKNOWN

CC: candi_wolff@vp.senate.gov (candi_wolff@vp.senate.gov [UNKNOWN])

READ: UNKNOWN

CC: makan_delrahim@judiciary.senate.gov (makan_delrahim@judiciary.senate.gov [UNKNOWN])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Dan.Bryant@usdoj.gov (Dan.Bryant@usdoj.gov [UNKNOWN])

READ: UNKNOWN

CC: Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ: UNKNOWN

CC: Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

Thanks, Chris. Very much love the interest you all have on noms. Let me gather with our DoJ/WH Counsel folks and get back with you re: helping you with that message.

Brett/Brad/Dan/Jennifer/Viet, let's discuss the email below from Chris with Republican Conference. I'll be in touch this morning on this issue. Thanks!

Chris_Myers@src.senate.gov (Chris Myers)

11/01/2001 07:07:44 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Nominees & the War on Terrorism

REV_00134239

Heather, Dan, Candi, Jeff,

Thanks so much for attending the AAR. Mark & I will soon type up notes & bounce them off of all of you.

On a related, but separate matter, Santorum has discussed w/ Lott the idea of a press event to speed the pace of confirmations. However, in contrast with the efforts of the last couple weeks, we would like to make a more specific linking of the new terrorism bill to the need for judges. Our message would be: You can't get wire taps, search warrants, etc. without judges; confirm the President's slate so that efforts to capture terrorists won't be delayed. (see related article in yesterday's Wash Times pasted below)

Right now we're looking into an event next Wednesday (2:30) with Senator Thompson's office, and we'd also like to have Senator Hatch's participation. For coalition support, we plan to ask for the support & participation of some law enforcement folks. PLEASE let us know if you have any thoughts or ideas.

Also, we'd love to have evidence of a slowed investigation because of the lack of judges. Who could help us with this? Judiciary Committee? Dept of Justice?

thanks,
chris myers, sen repub conf
224-2928

Slow confirmation pace hit as hurting security
By Audrey Hudson
THE WASHINGTON TIMES

The Senate is shirking its duty to approve key presidential nominees to lead the charge in the war against terrorism, a leading Republican said yesterday.

President Clinton's appointees were approved within eight months, but at the current speed it will take at least a year to confirm Bush administration nominees, said Sen. Fred Thompson, Tennessee Republican and ranking member of the Government Affairs Committee. That means President Bush will serve one-quarter of his term without his team in place.

"Now that may just be political fun and games until we get to a situation that we have here now, but we see it has national security implications, and we all must do a better job," Mr. Thompson said. Positions that remain unconfirmed include undersecretaries of the Air Force and Army, assistant to the secretary of defense for nuclear and chemical and biological defense programs, assistant secretary of state for population, refugees and migration and two positions at the Federal Emergency Management Agency, deputy director and associate director. Sen. Joseph I. Lieberman, Connecticut Democrat and chairman of the Senate Governmental Affairs Committee, said he is also concerned about the delay and is exploring a legislative solution with Mr. Thompson.

"Every part of the system is to blame," Mr. Lieberman said.

In some cases, the holdup is excessive pre-screening or late nominees from the administration, Mr. Lieberman said.

"We want to approve them quickly, but we want to make sure they are qualified to serve in the United States," said Sen. Robert G. Torricelli, New Jersey Democrat.

The Senate has confirmed 102 positions, but 14 nominations and 11 announced nominations are outstanding. Additionally, there are 17 holdovers from the Clinton administration and Mr. Bush has yet to name appointments for 20 positions, according to the Presidential Appointee Commission established by the Brookings Institution.

"It's important that the administration get these names up here and that Congress react to them promptly," Mr. Thompson said.

REV_00134240

Sen. Susan Collins, Maine Republican, said it must be a top priority for the Senate to approve essential nominees.

"It is critical to get the nominees through the process to assist and lead in the fight against terrorism," Miss Collins said.

Americans express an increased confidence in presidential appointees since the September 11 terrorist attacks, exceeding confidence in elected members of Congress, according to a poll by the Brookings Institution's Presidential Appointee Initiative.

The nationwide survey compares results from an identical July poll that found Americans were highly critical of appointees and the appointment process.

Seventy-nine percent of Americans now have a very favorable or somewhat favorable view of presidential appointees, up nearly 20 percent. Forty-two percent of Americans now say they would strongly encourage a close friend who is successful in business to take a presidential appointment, up from 30 percent.

"This report shows that Americans clearly believe that presidential appointees play a critical role in government, particularly during the current terrorist crisis," said Paul C. Light, senior adviser to the Presidential Appointee Initiative.

"Americans turn to the federal government in times of crisis because its very purpose is to solve broad, complex problems that the private sector cannot," Mr. Light said.

Message Sent

To:

jeff_taylor@judiciary.senate.gov
Heather Wingate/WHO/EOP
dan.bryant@usdoj.gov
candi_wolff@vp.senate.gov
makan_delrahim@judiciary.senate.gov

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 11/2/2001 3:57:55 AM
Subject: : Addington

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-NOV-2001 08:57:55.00

SUBJECT:: Addington

TO: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

Addington was concerned about the addition of the word "also" to
your agreed language; you should call him if you can to explain; thanks

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 3:59:09 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_OGBI4004_OPD.TXT_1.htm; P_OGBI4004_OPD.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 08:59:09.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----

From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134243

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OGBI4004_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OGBI4004_OPD.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:



1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

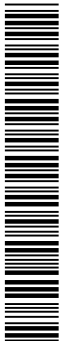
6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



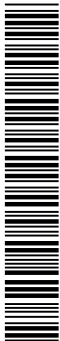
1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrator shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

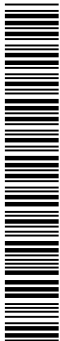
7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

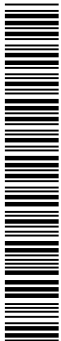
25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

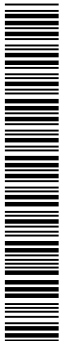
9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

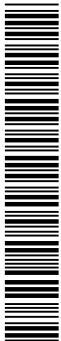
23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—



1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

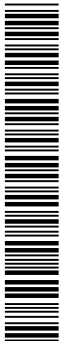
4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

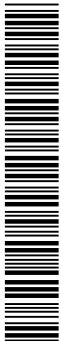
3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

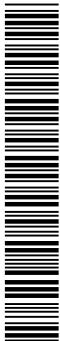
10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



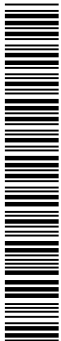
1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the



1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



1 (10) in addition, it is necessary to repeal por-
2 tions of the tax law which prohibit the insurance
3 market from developing the necessary reserves to
4 handle possible future losses due to acts of ter-
5 rorism.

6 **SEC. 3. DESIGNATION OF ADMINISTRATORS.**

7 (a) IN GENERAL.—Not later than December 1, 2001,
8 the President shall designate a Federal officer or officers
9 to act as the Administrator or Administrators responsible
10 for carrying out this Act and the responsibilities under
11 this Act to be carried out by each such officer.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that in determining the Administrator respon-
14 sible for making any determinations, for purposes of this
15 Act, as to whether a loss was caused by an act of terrorism
16 and whether such loss was caused by one or multiple such
17 events, pursuant to section 5(b), the President should con-
18 sider the appropriate role of the Assistant to the President
19 for Homeland Security.

20 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-**
21 **MINISTRATOR.**

22 To the extent such information is not otherwise avail-
23 able to the Administrators, the appropriate Administrator
24 may require each insurer to submit, to the appropriate Ad-
25 ministrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



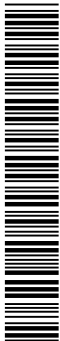
1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 4:02:33 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_QLBI4004_OPD.TXT_1.htm; P_QLBI4004_OPD.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 09:02:33.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----

From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134282

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QLBI4004_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QLBI4004_OPD.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:



1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

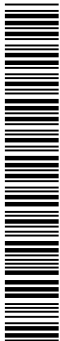
6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

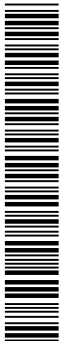
3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



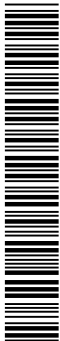
1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrators shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

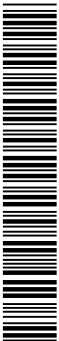
25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

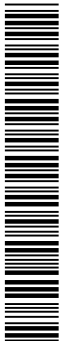
2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

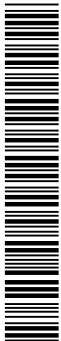
12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

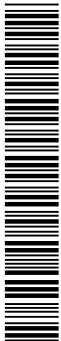
23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—



1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

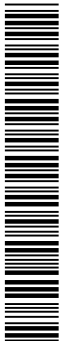
7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the

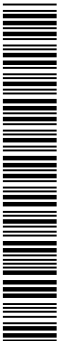


1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



1 (10) in addition, it is necessary to repeal por-
2 tions of the tax law which prohibit the insurance
3 market from developing the necessary reserves to
4 handle possible future losses due to acts of ter-
5 rorism.

6 **SEC. 3. DESIGNATION OF ADMINISTRATORS.**

7 (a) IN GENERAL.—Not later than December 1, 2001,
8 the President shall designate a Federal officer or officers
9 to act as the Administrator or Administrators responsible
10 for carrying out this Act and the responsibilities under
11 this Act to be carried out by each such officer.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that in determining the Administrator respon-
14 sible for making any determinations, for purposes of this
15 Act, as to whether a loss was caused by an act of terrorism
16 and whether such loss was caused by one or multiple such
17 events, pursuant to section 5(b), the President should con-
18 sider the appropriate role of the Assistant to the President
19 for Homeland Security.

20 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-**
21 **MINISTRATOR.**

22 To the extent such information is not otherwise avail-
23 able to the Administrators, the appropriate Administrator
24 may require each insurer to submit, to the appropriate Ad-
25 ministrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 11/2/2001 3:57:55 AM
Subject: : Addington

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-NOV-2001 08:57:55.00

SUBJECT:: Addington

TO: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

Addington was concerned about the addition of the word "also" to
your agreed language; you should call him if you can to explain; thanks

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 3:59:09 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_OGBI4004_WHO.TXT_1.htm; P_OGBI4004_WHO.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 08:59:09.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----

From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134322

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OGBI4004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OGBI4004_WHO.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:



1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

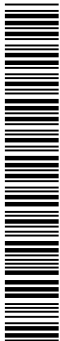
6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

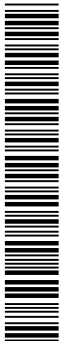
3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



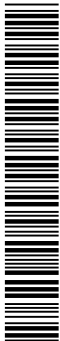
1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrators shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

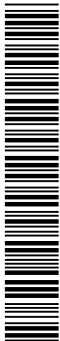
25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

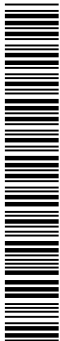
7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

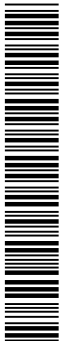
2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

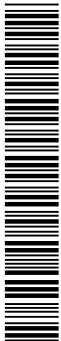
23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—



1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

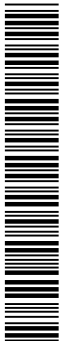
7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

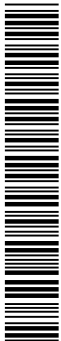
10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

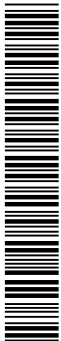
8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

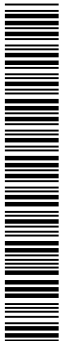
3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the

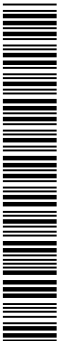


1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



(10) in addition, it is necessary to repeal portions of the tax law which prohibit the insurance market from developing the necessary reserves to handle possible future losses due to acts of terrorism.

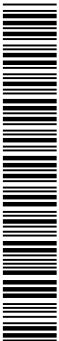
6 SEC. 3. DESIGNATION OF ADMINISTRATORS.

(a) IN GENERAL.—Not later than December 1, 2001, the President shall designate a Federal officer or officers to act as the Administrator or Administrators responsible for carrying out this Act and the responsibilities under this Act to be carried out by each such officer.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that in determining the Administrator responsible for making any determinations, for purposes of this Act, as to whether a loss was caused by an act of terrorism and whether such loss was caused by one or multiple such events, pursuant to section 5(b), the President should consider the appropriate role of the Assistant to the President for Homeland Security.

20 SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-
21 MINISTRATOR.

To the extent such information is not otherwise available to the Administrators, the appropriate Administrator may require each insurer to submit, to the appropriate Administrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

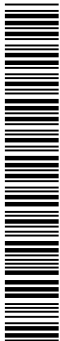
12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 3:59:09 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_OGBI4004_CEA.TXT_1.htm; P_OGBI4004_CEA.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 08:59:09.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----

From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134361

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
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File attachment <P_OGBI4004_CEA.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OGBI4004_CEA.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

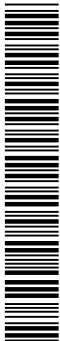


1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrator shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

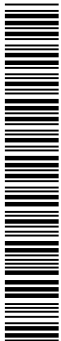
9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

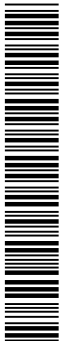
9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



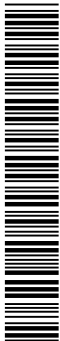
1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

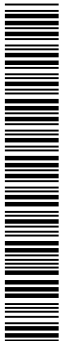
23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



(2) ADOPTION OF NATIONAL GUIDELINES.—If the appropriate Administrator determines that the States have not enacted laws or adopted regulations adequately providing for the disclosures described in paragraph (1) within a reasonable period of time after the date of the enactment of this Act, the appropriate Administrator shall, after consultation with the NAIC, adopt guidelines on a national basis requiring such disclosure in a manner that supercedes any State law regarding such disclosure.

11 SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-
12 LATORS AND NAIC.

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—

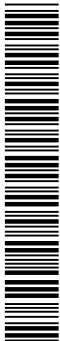


1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

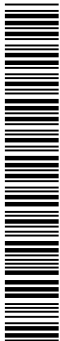
7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

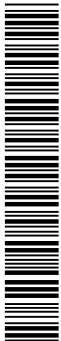
10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

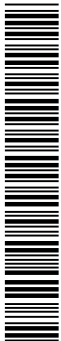
8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

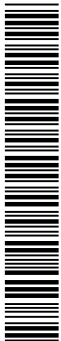
3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

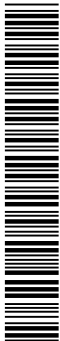
10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

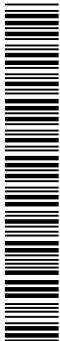
14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

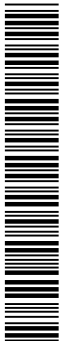
7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the

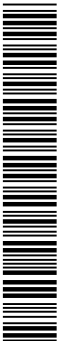


1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



1 (10) in addition, it is necessary to repeal por-
2 tions of the tax law which prohibit the insurance
3 market from developing the necessary reserves to
4 handle possible future losses due to acts of ter-
5 rorism.

6 **SEC. 3. DESIGNATION OF ADMINISTRATORS.**

7 (a) IN GENERAL.—Not later than December 1, 2001,
8 the President shall designate a Federal officer or officers
9 to act as the Administrator or Administrators responsible
10 for carrying out this Act and the responsibilities under
11 this Act to be carried out by each such officer.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that in determining the Administrator respon-
14 sible for making any determinations, for purposes of this
15 Act, as to whether a loss was caused by an act of terrorism
16 and whether such loss was caused by one or multiple such
17 events, pursuant to section 5(b), the President should con-
18 sider the appropriate role of the Assistant to the President
19 for Homeland Security.

20 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-**
21 **MINISTRATOR.**

22 To the extent such information is not otherwise avail-
23 able to the Administrators, the appropriate Administrator
24 may require each insurer to submit, to the appropriate Ad-
25 ministrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 4:00:22 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_NIBI4004_OPD.TXT_1.htm; P_NIBI4004_OPD.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 09:00:22.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila
-----Original Message-----
From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----
From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----
From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134400

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NIBI4004_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NIBI4004_OPD.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

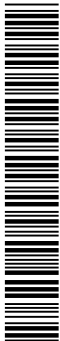
To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:



1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrator shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

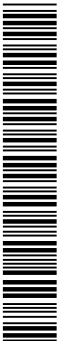
25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

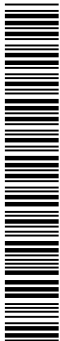
9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



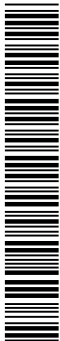
1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—



1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

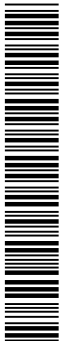
8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

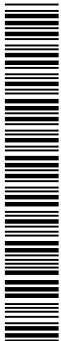
3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

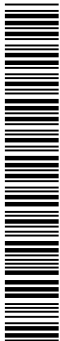
7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the

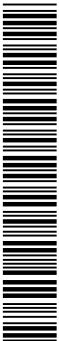


1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



1 (10) in addition, it is necessary to repeal por-
2 tions of the tax law which prohibit the insurance
3 market from developing the necessary reserves to
4 handle possible future losses due to acts of ter-
5 rorism.

6 **SEC. 3. DESIGNATION OF ADMINISTRATORS.**

7 (a) IN GENERAL.—Not later than December 1, 2001,
8 the President shall designate a Federal officer or officers
9 to act as the Administrator or Administrators responsible
10 for carrying out this Act and the responsibilities under
11 this Act to be carried out by each such officer.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that in determining the Administrator respon-
14 sible for making any determinations, for purposes of this
15 Act, as to whether a loss was caused by an act of terrorism
16 and whether such loss was caused by one or multiple such
17 events, pursuant to section 5(b), the President should con-
18 sider the appropriate role of the Assistant to the President
19 for Homeland Security.

20 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-**
21 **MINISTRATOR.**

22 To the extent such information is not otherwise avail-
23 able to the Administrators, the appropriate Administrator
24 may require each insurer to submit, to the appropriate Ad-
25 ministrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 4:00:22 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_NIBI4004_WHO.TXT_1.htm; P_NIBI4004_WHO.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 09:00:22.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila
-----Original Message-----
From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----
From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----
From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134439

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NIBI4004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NIBI4004_WHO.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

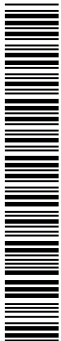


1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

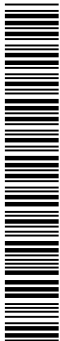
6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrators shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

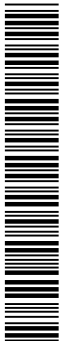
7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

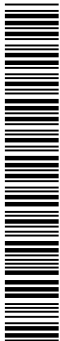
7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



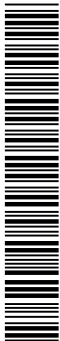
1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—



1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

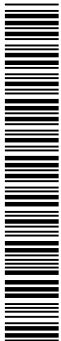
10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

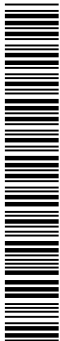
8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

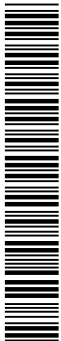
3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



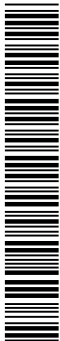
1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the

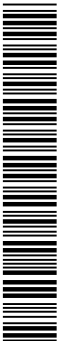


1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



1 (10) in addition, it is necessary to repeal por-
2 tions of the tax law which prohibit the insurance
3 market from developing the necessary reserves to
4 handle possible future losses due to acts of ter-
5 rorism.

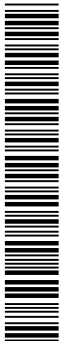
6 **SEC. 3. DESIGNATION OF ADMINISTRATORS.**

7 (a) IN GENERAL.—Not later than December 1, 2001,
8 the President shall designate a Federal officer or officers
9 to act as the Administrator or Administrators responsible
10 for carrying out this Act and the responsibilities under
11 this Act to be carried out by each such officer.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that in determining the Administrator respon-
14 sible for making any determinations, for purposes of this
15 Act, as to whether a loss was caused by an act of terrorism
16 and whether such loss was caused by one or multiple such
17 events, pursuant to section 5(b), the President should con-
18 sider the appropriate role of the Assistant to the President
19 for Homeland Security.

20 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-**
21 **MINISTRATOR.**

22 To the extent such information is not otherwise avail-
23 able to the Administrators, the appropriate Administrator
24 may require each insurer to submit, to the appropriate Ad-
25 ministrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



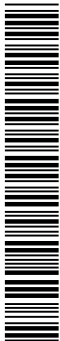
1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 4:00:22 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_NIBI4004_CEA.TXT_1.htm; P_NIBI4004_CEA.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 09:00:22.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila
-----Original Message-----
From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----
From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----
From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134478

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NIBI4004_CEA.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NIBI4004_CEA.TXT_2>

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Sheila

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From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

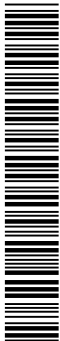


1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrator shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

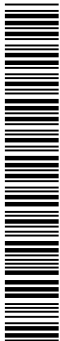
7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

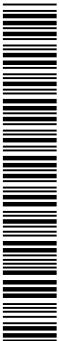
25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

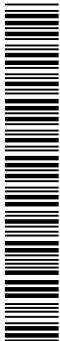
12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



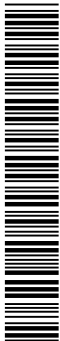
1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—

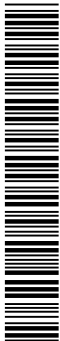


1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

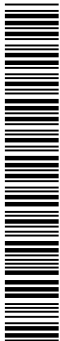
7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

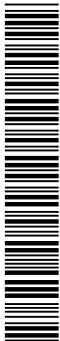
10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



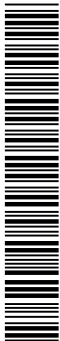
1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

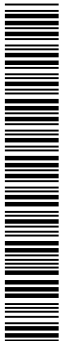
6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the

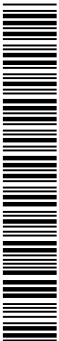


1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



1 (10) in addition, it is necessary to repeal por-
2 tions of the tax law which prohibit the insurance
3 market from developing the necessary reserves to
4 handle possible future losses due to acts of ter-
5 rorism.

6 **SEC. 3. DESIGNATION OF ADMINISTRATORS.**

7 (a) IN GENERAL.—Not later than December 1, 2001,
8 the President shall designate a Federal officer or officers
9 to act as the Administrator or Administrators responsible
10 for carrying out this Act and the responsibilities under
11 this Act to be carried out by each such officer.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that in determining the Administrator respon-
14 sible for making any determinations, for purposes of this
15 Act, as to whether a loss was caused by an act of terrorism
16 and whether such loss was caused by one or multiple such
17 events, pursuant to section 5(b), the President should con-
18 sider the appropriate role of the Assistant to the President
19 for Homeland Security.

20 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-**
21 **MINISTRATOR.**

22 To the extent such information is not otherwise avail-
23 able to the Administrators, the appropriate Administrator
24 may require each insurer to submit, to the appropriate Ad-
25 ministrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

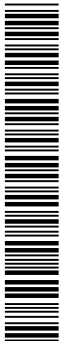
6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



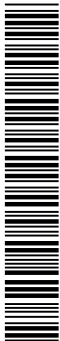
1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



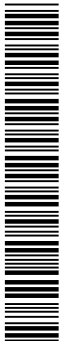
1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 4:01:57 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_XKBI4004_OPD.TXT_1.htm; P_XKBI4004_OPD.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 09:01:57.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----

From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134517

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XKBI4004_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XKBI4004_OPD.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
 (Original Signature of Member)

107TH CONGRESS
 1ST SESSION

H. R. _____

 IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
 on _____

A BILL

To ensure the continued financial capacity of insurers to
 provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:



1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrator shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

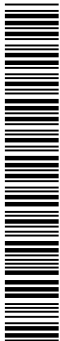
9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

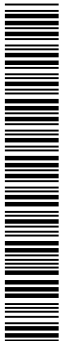
23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—



1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

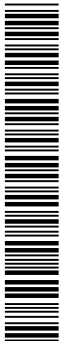
4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



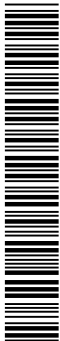
1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

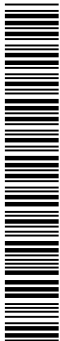
7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the

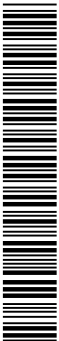


1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



1 (10) in addition, it is necessary to repeal por-
2 tions of the tax law which prohibit the insurance
3 market from developing the necessary reserves to
4 handle possible future losses due to acts of ter-
5 rorism.

6 **SEC. 3. DESIGNATION OF ADMINISTRATORS.**

7 (a) IN GENERAL.—Not later than December 1, 2001,
8 the President shall designate a Federal officer or officers
9 to act as the Administrator or Administrators responsible
10 for carrying out this Act and the responsibilities under
11 this Act to be carried out by each such officer.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that in determining the Administrator respon-
14 sible for making any determinations, for purposes of this
15 Act, as to whether a loss was caused by an act of terrorism
16 and whether such loss was caused by one or multiple such
17 events, pursuant to section 5(b), the President should con-
18 sider the appropriate role of the Assistant to the President
19 for Homeland Security.

20 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-**
21 **MINISTRATOR.**

22 To the extent such information is not otherwise avail-
23 able to the Administrators, the appropriate Administrator
24 may require each insurer to submit, to the appropriate Ad-
25 ministrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



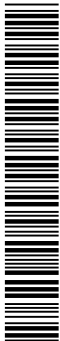
1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



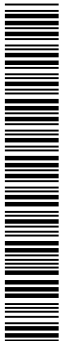
1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 4:01:57 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_XKBI4004_CEA.TXT_1.htm; P_XKBI4004_CEA.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 09:01:57.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----

From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134556

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XKBI4004_CEA.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XKBI4004_CEA.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

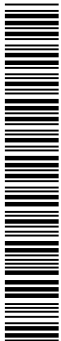


1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



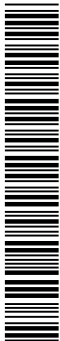
1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrators shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

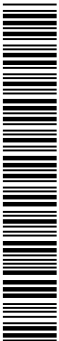
25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

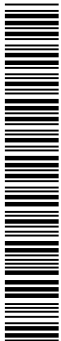
23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—



1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

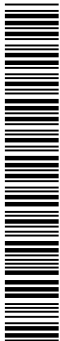
8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

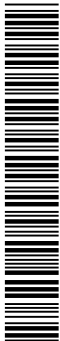
10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



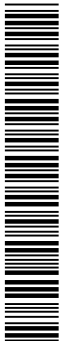
1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the

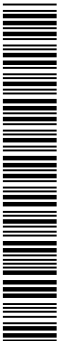


1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



1 (10) in addition, it is necessary to repeal por-
2 tions of the tax law which prohibit the insurance
3 market from developing the necessary reserves to
4 handle possible future losses due to acts of ter-
5 rorism.

6 **SEC. 3. DESIGNATION OF ADMINISTRATORS.**

7 (a) IN GENERAL.—Not later than December 1, 2001,
8 the President shall designate a Federal officer or officers
9 to act as the Administrator or Administrators responsible
10 for carrying out this Act and the responsibilities under
11 this Act to be carried out by each such officer.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that in determining the Administrator respon-
14 sible for making any determinations, for purposes of this
15 Act, as to whether a loss was caused by an act of terrorism
16 and whether such loss was caused by one or multiple such
17 events, pursuant to section 5(b), the President should con-
18 sider the appropriate role of the Assistant to the President
19 for Homeland Security.

20 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-**
21 **MINISTRATOR.**

22 To the extent such information is not otherwise avail-
23 able to the Administrators, the appropriate Administrator
24 may require each insurer to submit, to the appropriate Ad-
25 ministrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

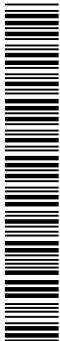
15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



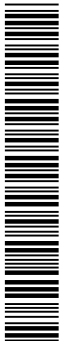
1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 4:01:57 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_XKBI4004_WHO.TXT_1.htm; P_XKBI4004_WHO.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 09:01:57.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----

From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134595

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XKBI4004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XKBI4004_WHO.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

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From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

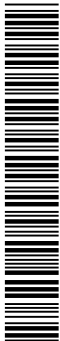
To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:



1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

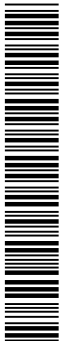
6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



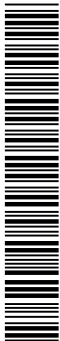
1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrator shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

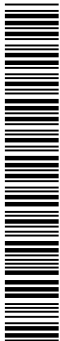
7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

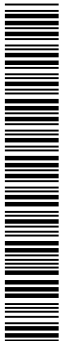
25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

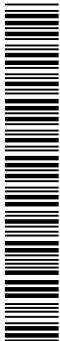
9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

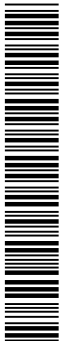
7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

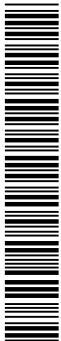
23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—



1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

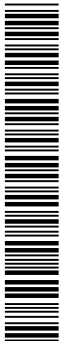
4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

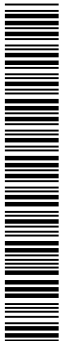
10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

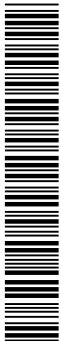
3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

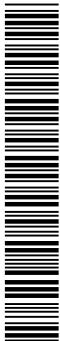
10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



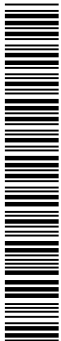
1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

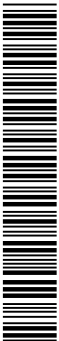
7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the



1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



1 (10) in addition, it is necessary to repeal por-
2 tions of the tax law which prohibit the insurance
3 market from developing the necessary reserves to
4 handle possible future losses due to acts of ter-
5 rorism.

6 **SEC. 3. DESIGNATION OF ADMINISTRATORS.**

7 (a) IN GENERAL.—Not later than December 1, 2001,
8 the President shall designate a Federal officer or officers
9 to act as the Administrator or Administrators responsible
10 for carrying out this Act and the responsibilities under
11 this Act to be carried out by each such officer.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that in determining the Administrator respon-
14 sible for making any determinations, for purposes of this
15 Act, as to whether a loss was caused by an act of terrorism
16 and whether such loss was caused by one or multiple such
17 events, pursuant to section 5(b), the President should con-
18 sider the appropriate role of the Assistant to the President
19 for Homeland Security.

20 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-**
21 **MINISTRATOR.**

22 To the extent such information is not otherwise avail-
23 able to the Administrators, the appropriate Administrator
24 may require each insurer to submit, to the appropriate Ad-
25 ministrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



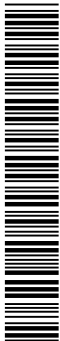
1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 4:02:33 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_QLBI4004_WHO.TXT_1.htm; P_QLBI4004_WHO.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 09:02:33.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----

From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134634

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QLBI4004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QLBI4004_WHO.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:



1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

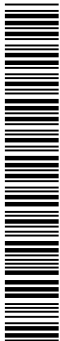
6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

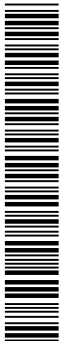
3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



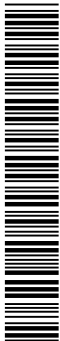
1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrators shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

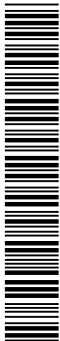
25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—



1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

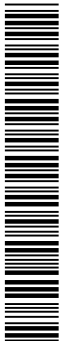
7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the



1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



(10) in addition, it is necessary to repeal portions of the tax law which prohibit the insurance market from developing the necessary reserves to handle possible future losses due to acts of terrorism.

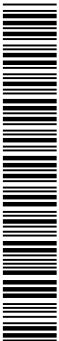
6 SEC. 3. DESIGNATION OF ADMINISTRATORS.

(a) IN GENERAL.—Not later than December 1, 2001, the President shall designate a Federal officer or officers to act as the Administrator or Administrators responsible for carrying out this Act and the responsibilities under this Act to be carried out by each such officer.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that in determining the Administrator responsible for making any determinations, for purposes of this Act, as to whether a loss was caused by an act of terrorism and whether such loss was caused by one or multiple such events, pursuant to section 5(b), the President should consider the appropriate role of the Assistant to the President for Homeland Security.

20 SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-
21 MINISTRATOR.

To the extent such information is not otherwise available to the Administrators, the appropriate Administrator may require each insurer to submit, to the appropriate Administrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



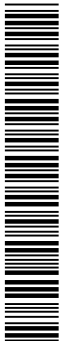
1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>
Sent: 11/2/2001 4:02:33 AM
Subject: : FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
Attachments: P_QLBI4004_CEA.TXT_1.htm; P_QLBI4004_CEA.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 09:02:33.00
SUBJECT:: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Here's some weekend reading for you, if you don't already have it.

Sheila
-----Original Message-----
From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]
Sent: Friday, November 02, 2001 8:36 AM
To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov
Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.
pat

-----Original Message-----
From: Gordon, Robert
Sent: Thursday, November 01, 2001 11:29 PM
To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat
Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----
From: Callen, Paul
Sent: Thursday, November 01, 2001 6:29 PM
To: Gordon, Robert
Subject: Revised version for introduction; please reply to confirm receipt

REV_00134673

<<OXLEY_017.PDF>>

PCC
Paul C. Callen
Assistant Counsel
Office of the Legislative Counsel
U.S. House of Representatives
Phone: (202) 225-6060
Fax: (202) 225-3437
E-mail: pcallen@holc.house.gov

- att1.htm - OXLEY_017.PDF
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QLBI4004_CEA.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QLBI4004_CEA.TXT_2>

Here's some weekend reading for you, if you don't already have it.

Sheila

-----Original Message-----

From: Cave, Pat [mailto:Pat.Cave@mail.house.gov]

Sent: Friday, November 02, 2001 8:36 AM

To: bconklin@who.eop.gov; Sheila.Bair@do.treas.gov

Subject: FW: Final Bill for Oxley signature -- please add sponsors / cosponsors

This is the final.

pat

-----Original Message-----

From: Gordon, Robert

Sent: Thursday, November 01, 2001 11:29 PM

To: Halpern, Hugh; Geduldig, Sam; Symington, Charles; Imperatore, Brant; Cave, Pat

Subject: Final Bill for Oxley signature -- please add sponsors / cosponsors

-----Original Message-----

From: Callen, Paul

Sent: Thursday, November 01, 2001 6:29 PM

To: Gordon, Robert

Subject: Revised version for introduction; please reply to confirm receipt

<<OXLEY_017.PDF>>

PCC

Paul C. Callen

Assistant Counsel

Office of the Legislative Counsel

U.S. House of Representatives

Phone: (202) 225-6060

Fax: (202) 225-3437

E-mail: pcallen@holc.house.gov

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. OXLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

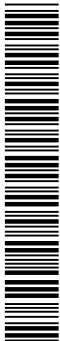


1 aggregate written premium for such insurer for
2 the preceding calendar year.

3 (B) MULTIPLE PAYMENTS.—If any
4 amounts required to be repaid under this sec-
5 tion for a calendar year are limited by operation
6 of subparagraph (A), the appropriate Adminis-
7 trator shall provide that all such remaining
8 amounts shall be reallocated among all commer-
9 cial insurers (in the manner provided in para-
10 graph (1)) over such immediately succeeding
11 calendar years, and repaid over such years, as
12 may be necessary to provide for full payment of
13 such remaining amounts, except that the limita-
14 tion under subparagraph (A) shall apply to the
15 amounts paid in any such successive calendar
16 years.

17 (C) ADMINISTRATIVE FLEXIBILITY.—

18 (i) TIMING OF ASSESSMENTS.—As-
19 sessments under this section in connection
20 with a triggering demonstration shall be
21 made, to the extent that the appropriate
22 Administrator considers practicable and
23 appropriate, at the beginning of the cal-
24 endar year immediately following the trig-
25 gering determination.



1 (ii) ESTIMATES AND CORRECTIONS.—

2 If the appropriate Administrator makes an
3 assessment at a time other than provided
4 under clause (i), the appropriate Adminis-
5 trator may—

6 (I) require commercial insurers
7 to estimate their aggregate written
8 premiums for the year in which the
9 assessment is made; and

10 (II) make a subsequent refund or
11 require additional payments to correct
12 such estimation at the end of the cal-
13 endar year.

14 (4) DEFERRAL OF CONTRIBUTIONS.—The ap-
15 propriate Administrator may defer the payment of
16 part or all of the assessment required under para-
17 graph (2) to be paid by a commercial insurer, but
18 only to the extent that the appropriate Adminis-
19 trator determines that such deferral is necessary to
20 avoid the likely insolvency of the commercial insurer.

21 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

22 (a) IMPOSITION AND COLLECTION.—If, pursuant to
23 a triggering determination, the appropriate Administrator
24 determines that the aggregate amount of industry-wide



1 losses resulting from the triggering event involved exceeds
2 \$20,000,000,000, the appropriate Administrator shall—

3 (1) establish and impose a policyholder pre-
4 mium surcharge, as provided under this section, on
5 commercial property and casualty insurance written
6 after such determination, for the purpose of repay-
7 ing financial assistance made available under section
8 6 in connection with such triggering determination;
9 and

10 (2) provide for commercial insurers to collect
11 such surcharge and remit amounts collected to the
12 appropriate Administrator.

13 (b) AMOUNT AND DURATION.—The surcharge under
14 this section shall be established in such amount, and shall
15 apply to commercial property and casualty insurance writ-
16 ten during such period, as the appropriate Administrator
17 determines is necessary to recover the aggregate amount
18 of financial assistance provided under section 6 to cover
19 insured losses resulting from the triggering event that ex-
20 ceed \$20,000,000,000.

21 (c) OTHER TERMS.—The surcharge under this sec-
22 tion shall—

23 (1) be based on a percentage of the amount of
24 commercial property and casualty insurance cov-
25 erage that a policy provides; and



1 (2) be imposed with respect to all commercial
2 property and casualty insurance coverage written
3 during the period referred to in subsection (b).

4 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
5 **CHARGES.**

6 (a) MANNER AND METHOD.—The appropriate Ad-
7 ministrator shall provide for the manner and method of
8 carrying out assessments under section 7 and surcharges
9 under section 8, including the timing and procedures of
10 making assessments and surcharges, notifying commercial
11 insurers of assessments or surcharge requirements, col-
12 lecting payments from and surcharges through commercial
13 insurers, and refunding of any excess amounts paid or
14 crediting such amounts against future assessments.

15 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
16 The appropriate Administrator may adjust the timing of
17 coverages and assessments provided under this Act to pro-
18 vide for equivalent application of the provisions of this Act
19 to commercial insurers and policies that are not based on
20 a calendar year.

21 (c) APPLICATION TO SELF-INSURANCE ARRANGE-
22 MENTS.—The appropriate Administrator may, in con-
23 sultation with the NAIC, apply the provisions of this Act,
24 as appropriate, to self-insurance arrangements by munici-
25 palities and other entities, but only if such application is



1 determined before the occurrence of a triggering event and
2 all of the provisions of this Act are applied uniformly to
3 such entities.

4 (d) ADJUSTMENT.—The appropriate Administrator
5 may adjust the assessments charged under section 7 or
6 the percentage imposed under the surcharge under section
7 8 at any time, as the appropriate Administrator considers
8 appropriate to protect the national interest, which may in-
9 clude avoiding unreasonable economic disruption or exces-
10 sive market instability.

11 **SEC. 10. RESERVE FOR TERRORISM COVERAGE UNDER**
12 **COMMERCIAL LINES OF BUSINESS.**

13 (a) IN GENERAL.—Section 832 of the Internal Rev-
14 enue Code of 1986 (relating to insurance company taxable
15 income) is amended by adding at the end the following
16 new subsection:

17 “(h) TERRORISM RESERVE FOR COMMERCIAL LINES
18 OF BUSINESS.—In the case of an insurance company sub-
19 ject to tax under section 831(a)—

20 “(1) INCLUSION FOR DECREASES, AND DEDUC-
21 TION FOR INCREASES, IN BALANCE OF RESERVE.—

22 “(A) DECREASE TREATED AS GROSS IN-
23 COME.—If for any taxable year—

24 “(i) the opening balance for the ter-
25 rorism commercial business reserve exceeds



1 “(ii) the closing balance for such re-
2 serve,
3 such excess shall be included in gross income
4 under subsection (b)(1)(F).

5 “(B) INCREASE TREATED AS DEDUC-
6 TION.—If for any taxable year—

7 “(i) the closing balance for the ter-
8 rorism commercial business reserve exceeds

9 “(ii) the opening balance for such re-
10 serve,
11 such excess shall be taken into account as a de-
12 duction under subsection (c)(14).

13 “(2) TERRORISM COMMERCIAL BUSINESS RE-
14 SERVE.—For purposes of this section, the term ‘ter-
15 rorism commercial business reserve’ means amounts
16 held in a segregated account (or other separately
17 identifiable arrangement or account) which are set
18 aside exclusively—

19 “(A) to mature or liquidate, either by pay-
20 ment or reinsurance, future unaccrued claims
21 arising from declared terrorism losses under
22 commercial lines of business, and

23 “(B) if so directed by the insurance com-
24 missioner of any State, to pay other claims as



1 part of a plan of the company to avoid insol-
2 vency.

3 “(3) LIMITATION ON AMOUNT OF RESERVE.—

4 “(A) IN GENERAL.—If the closing balance
5 of any terrorism commercial business reserve
6 for any taxable year exceeds such reserve’s limit
7 for such year—

8 “(i) such excess shall be included in
9 gross income under subsection (b)(1)(F)
10 for the following taxable year, and

11 “(ii) if such excess is distributed dur-
12 ing such following taxable year, the open-
13 ing balance of such reserve for such fol-
14 lowing taxable year shall be determined
15 without regard to such excess.

16 “(B) RESERVE LIMIT.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), a reserve’s limit for any
19 taxable year is such reserve’s allocable
20 share of the national limit for the calendar
21 year in which such taxable year begins.

22 “(ii) NATIONAL LIMIT.—The national
23 limit is \$40,000,000,000 (\$13,340,000,000
24 for 2002).

25 “(iii) ALLOCATION OF LIMIT.—



1 “(I) IN GENERAL.—A reserve’s
2 allocable share of the national limit
3 for any calendar year is the amount
4 which bears the same ratio to the na-
5 tional limit for such year as the com-
6 pany’s net written premiums for com-
7 mercial lines of business bears to such
8 net written premiums for all compa-
9 nies for commercial line of business.

10 “(II) EXCLUSION OF PREMIUMS
11 FOR INSURANCE NOT COVERING DE-
12 CLARED TERRORISM LOSSES AND FOR
13 REINSURANCE.—Subclause (I) shall
14 be applied without regard to pre-
15 miums for insurance which does not
16 cover declared terrorism losses and
17 premiums for reinsurance.

18 “(III) DETERMINATION OF NET
19 WRITTEN PREMIUMS.—Except as oth-
20 erwise provided in this section, all de-
21 terminations under this subsection
22 shall be made on the basis of the
23 amounts required to be set forth on
24 the annual statement approved by the



1 National Association of Insurance
2 Commissioners.

3 “(iv) INFLATION ADJUSTMENT OF
4 LIMIT.—In the case of any calendar year
5 after 2002, the \$40,000,000,000 amount
6 in clause (ii) shall be increased by an
7 amount equal to the product of—

8 “(I) such dollar amount, and

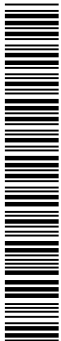
9 “(II) the cost-of-living adjust-
10 ment determined under subsection
11 (f)(3) for such calendar year, deter-
12 mined by substituting ‘calendar year
13 2001’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 If any amount after adjustment under the
16 preceding sentence is not a multiple of
17 \$1,000,000, such amount shall be rounded
18 to the nearest multiple of \$1,000,000.

19 “(4) DECLARED TERRORISM LOSSES.—For pur-
20 poses of this subsection—

21 “(A) IN GENERAL.—The term ‘declared
22 terrorism losses’ means, with respect to a tax-
23 able year—

24 “(i) the amount of losses and loss ad-
25 justment expenses incurred in commercial



1 lines of business that are attributable to 1
2 or more declared terrorism events, plus

3 “(ii) any nonrecoverable assessments,
4 surcharges, or other liabilities that are
5 borne by the company and are attributable
6 to such events.

7 “(B) DECLARED TERRORISM EVENT.—The
8 term ‘declared terrorism event’ means any event
9 declared by the President to be an act of ter-
10 rorism against the United States for purposes
11 of this section.

12 “(5) REGULATIONS.—The Secretary shall pre-
13 scribe such regulations as may be appropriate to
14 carry out this subsection, and shall prescribe such
15 regulations after consultation with the National As-
16 sociation of Insurance Commissioners.”

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (1) of section 832(b) of such
19 Code is amended by striking “and” at the end of
20 subparagraph (D), by striking the period at the end
21 of subparagraph (E) and inserting in lieu thereof “,
22 and”, and by adding at the end the following new
23 subparagraph:

24 “(F) each net decrease in reserves which is
25 required by paragraph (1) or (3) of subsection



- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Designation of Administrators.
- Sec. 4. Submission of premium information to Administrator.
- Sec. 5. Triggering determination and covered period.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Reserve for terrorism coverage under commercial lines of business.
- Sec. 11. State preemption.
- Sec. 12. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 13. Consultation with State insurance regulators and NAIC.
- Sec. 14. Sovereign immunity protections.
- Sec. 15. Study of potential effects of terrorism on life insurance industry.
- Sec. 16. Definitions.
- Sec. 17. Extension of program.
- Sec. 18. Regulations.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the terrorist attacks on the World Trade
4 Center and the Pentagon of September 11, 2001, re-
5 sulted in a large number of deaths and injuries, the
6 destruction and damage to buildings, and interrup-
7 tion of business operations;

8 (2) the attacks have inflicted possibly the larg-
9 est losses ever incurred by insurers and reinsurers;

10 (3) while the insurance and reinsurance indus-
11 tries have committed to pay the losses arising from
12 the September 11 attacks, the resulting disruption
13 has created widespread market uncertainties with re-
14 gard to the risk of losses arising from possible fu-
15 ture terrorist attacks;

16 (4) such uncertainty threatens the continued
17 availability of United States commercial property



1 (h) to be taken into account under this sub-
2 paragraph.”

3 (2) Subsection (c) of section 832 of such Code
4 is amended by striking “and” at the end of para-
5 graph (12), by striking the period at the end of
6 paragraph (13) and inserting in lieu thereof “; and”,
7 and by adding at the end the following new para-
8 graph:

9 “(14) each net increase in reserves which is re-
10 quired by subsection (h)(1) to be taken into account
11 under this paragraph.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this subsection shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 11. STATE PREEMPTION.**

16 (a) COVERED PERILS.—A commercial insurer shall
17 be considered to have complied with any State law that
18 requires or regulates the provision of insurance coverage
19 for acts of terrorism if the insurer provides coverage in
20 accordance with the definitions regarding acts of terrorism
21 under the regulations issued by the Administrators.

22 (b) RATE LAWS.—If any provision of any State law
23 prevents an insurer from increasing its premium rates in
24 an amount necessary to recover any assessments pursuant
25 to section 7, such provision is preempted only to the extent



1 necessary to provide for such insurer to recover such
2 losses.

3 (c) FILE AND USE.—With respect only to commercial
4 property and casualty insurance covering acts of ter-
5 rorism, any provision of State law that requires, as a con-
6 dition precedent to the effectiveness of rates or policies
7 for such insurance that is made available by an insurer
8 licensed to transact such business in the State, any action
9 (including prior approval by the State insurance regulator
10 for such State) other than filing of such rates and policies
11 and related information with such State insurance regu-
12 lator is preempted to the extent such law requires such
13 additional actions for such insurance coverage. This sub-
14 section shall not be considered to preempt a provision of
15 State law solely because the law provides that rates and
16 policies for such insurance coverage are, upon such filing,
17 subject to subsequent review and action, which may in-
18 clude actions to disapprove or discontinue use of such
19 rates or policies, by the State insurance regulator.

20 **SEC. 12. CONSISTENT STATE GUIDELINES FOR COVERAGE**
21 **FOR ACTS OF TERRORISM.**

22 (a) SENSE OF CONGRESS REGARDING COVERED
23 PERILS.—It is the sense of the Congress that—

24 (1) the NAIC, in consultation with the appro-
25 priate Administrator, should develop appropriate



1 definitions for acts of terrorism and appropriate
2 standards for making determinations regarding
3 events or occurrences of acts of terrorism;

4 (2) each State should adopt the definitions and
5 standards developed by the NAIC for purposes of
6 regulating insurance coverage made available in that
7 State;

8 (3) in consulting with the NAIC, the appro-
9 priate Administrator should advocate and promote
10 the development of definitions and standards that
11 are appropriate for purposes of this Act; and

12 (4) after consultation with the NAIC, the ap-
13 propriate Administrator should adopt definitions for
14 acts of terrorism and standards for determinations
15 that are appropriate for this Act.

16 (b) INSURANCE RESERVE GUIDELINES.—

17 (1) SENSE OF CONGRESS REGARDING ADOPTION
18 BY STATES.—It is the sense of the Congress that—

19 (A) the NAIC should develop appropriate
20 guidelines for commercial insurers and pools re-
21 garding maintenance of reserves against the
22 risks of acts of terrorism; and

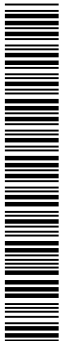
23 (B) each State should adopt such guide-
24 lines for purposes of regulating commercial in-
25 surers doing business in that State.



1 (2) CONSIDERATION OF ADOPTION OF NA-
2 TIONAL GUIDELINES.—Upon the expiration of the 6-
3 month period beginning on the date of the enact-
4 ment of this Act, the appropriate Administrator
5 shall make a determination of whether the guidelines
6 referred to in paragraph (1) have, by such time,
7 been developed and adopted by nearly all States in
8 a uniform manner. If the appropriate Administrator
9 determines that such guidelines have not been so de-
10 veloped and adopted, the appropriate Administrator
11 shall consider adopting, and may adopt, such guide-
12 lines on a national basis in a manner that would
13 supercede any State law regarding maintenance of
14 reserves against such risks.

15 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
16 ING AND TERMS OF COVERAGE.—

17 (1) SENSE OF CONGRESS.—It is the sense of
18 the Congress that the States should require, by laws
19 or regulations governing the provision of commercial
20 property and casualty insurance that includes cov-
21 erage for acts of terrorism, that the price of any
22 such terrorism coverage, including the costs of any
23 terrorism related assessments or surcharges under
24 this Act, be separately disclosed.



1 (2) ADOPTION OF NATIONAL GUIDELINES.—If
2 the appropriate Administrator determines that the
3 States have not enacted laws or adopted regulations
4 adequately providing for the disclosures described in
5 paragraph (1) within a reasonable period of time
6 after the date of the enactment of this Act, the ap-
7 propriate Administrator shall, after consultation
8 with the NAIC, adopt guidelines on a national basis
9 requiring such disclosure in a manner that
10 supercedes any State law regarding such disclosure.

11 **SEC. 13. CONSULTATION WITH STATE INSURANCE REGU-**
12 **LATORS AND NAIC.**

13 The Administrators shall consult with the State in-
14 surance regulators and the NAIC in carrying out this Act.
15 The Administrators may take such actions, including en-
16 tering into such agreements and providing such technical
17 and organizational assistance to insurers and State insur-
18 ance regulators, as may be necessary to provide for the
19 distribution of financial assistance under section 6 and the
20 collection of assessments under section 7 and surcharges
21 under section 8.

22 **SEC. 14. SOVEREIGN IMMUNITY PROTECTIONS.**

23 (a) FEDERAL CAUSE OF ACTION FOR DAMAGES
24 FROM TERRORIST ACTS RESULTING IN TRIGGERING DE-
25 TERMINATION.—

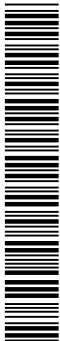


1 (1) IN GENERAL.—If a triggering determination
2 occurs requiring an assessment under section 7 or a
3 surcharge under section 8, there shall exist a Fed-
4 eral cause of action, which shall be the exclusive
5 remedy, for damages claimed pursuant to, or in con-
6 nection with, any acts of terrorism that caused the
7 insured losses resulting in such triggering deter-
8 mination.

9 (2) SUBSTANTIVE LAW.—The substantive law
10 for decision in any such action shall be derived from
11 the law, including choice of law principles, of the
12 State in which such act of terrorism occurred, unless
13 such law is inconsistent with or preempted by Fed-
14 eral law.

15 (3) JURISDICTION.—Pursuant to each trig-
16 gering determination, the Judicial Panel on Multi-
17 district Litigation shall designate one or more dis-
18 trict courts of the United States which shall have
19 original and exclusive jurisdiction over all actions
20 brought pursuant to this subsection that arise out of
21 the triggering event involved.

22 (4) OFFSET FOR RELIEF PAYMENTS.—Any re-
23 covery by a plaintiff in an action under this sub-
24 section shall be offset by the amount, if any, re-
25 ceived by the plaintiff from the United States pursu-



1 ant to any emergency or disaster relief program, or
2 from any other collateral source, for compensation of
3 losses related to the act of terrorism involved.

4 (b) DAMAGES IN ACTIONS REGARDING INSURANCE
5 CLAIMS.—In an action brought under this section for
6 damages claimed by an insured pursuant to, or in connec-
7 tion with, any commercial property and casualty insurance
8 providing coverage for acts of terrorism that resulted in
9 a triggering determination:

10 (1) PROHIBITION OF PUNITIVE DAMAGES.—No
11 punitive damages intended to punish or deter may
12 be awarded.

13 (2) NONECONOMIC DAMAGES.—

14 (A) IN GENERAL.—Each defendant in such
15 an action shall be liable only for the amount of
16 noneconomic damages allocated to the defend-
17 ant in direct proportion to the percentage of re-
18 sponsibility of the defendant for the harm to
19 the claimant.

20 (B) DEFINITION.—For purposes of sub-
21 paragraph (A), the term “noneconomic dam-
22 ages” means damages for losses for physical
23 and emotional pain, suffering, inconvenience,
24 physical impairment, mental anguish, disfigure-
25 ment, loss of enjoyment of life, loss of society



1 and companionship, loss of consortium, hedonic
2 damages, injury to reputation, and any other
3 nonpecuniary losses of any kind or nature.

4 (c) RIGHT OF SUBROGATION.—The United States
5 shall have the right of subrogation with respect to any
6 claim paid by the United States under this Act.

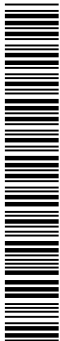
7 (d) PROTECTIVE ORDERS.—The United States or
8 any appropriate Administrator carrying out responsibil-
9 ities under this Act may seek protective orders or assert
10 privileges ordinarily available to the United States to pro-
11 tect against the disclosure of classified information, in-
12 cluding the invocation of the military and State secrets
13 privilege

14 **SEC. 15. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
15 **ON LIFE INSURANCE INDUSTRY.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the President shall es-
18 tablish a commission (in this section referred to as the
19 “Commission”) to study and report on the potential ef-
20 fects of an act or acts of terrorism on the life insurance
21 industry in the United States and the markets served by
22 such industry.

23 (b) MEMBERSHIP AND OPERATIONS.—

24 (1) APPOINTMENT.—The Commission shall con-
25 sist of 5 members, as follows:



1 (A) The appropriate Administrator, as des-
2 ignated by the President.

3 (C) 4 members appointed by the President,
4 who shall be—

5 (i) a representative of direct under-
6 writers of life insurance within the United
7 States;

8 (ii) a representative of reinsurers of
9 life insurance within the United States;

10 (iii) an officer of the NAIC; and

11 (iv) a representative of insurance
12 agents for life underwriters.

13 (2) OPERATIONS.—The chairperson of the
14 Commission shall determine the manner in which
15 the Commission shall operate, including funding,
16 staffing, and coordination with other governmental
17 entities.

18 (c) STUDY.—The Commission shall conduct a study
19 of the life insurance industry in the United States, which
20 shall identify and make recommendations regarding—

21 (1) possible actions to encourage, facilitate, and
22 sustain provision by the life insurance industry in
23 the United States of coverage for losses due to death
24 or disability resulting from an act or acts of ter-



1 rorism, including in the face of threats of such acts;
2 and

3 (2) possible actions or mechanisms to sustain or
4 supplement the ability of the life insurance industry
5 in the United States to cover losses due to death or
6 disability resulting from an act or acts of terrorism
7 in the event that—

8 (A) such acts significantly affect mortality
9 experience of the population of the United
10 States over any period of time;

11 (B) such losses jeopardize the capital and
12 surplus of the life insurance industry in the
13 United States as a whole; or

14 (C) other consequences from such acts
15 occur, as determined by the Commission, that
16 may significantly affect the ability of the life in-
17 surance industry in the United States to inde-
18 pendently cover such losses.

19 (d) RECOMMENDATIONS.—The Commission may
20 make a recommendation pursuant to subsection (c) only
21 upon the concurrence of a majority of the members of the
22 Commission.

23 (e) REPORT.—Not later than 120 days after the date
24 of enactment of this Act, the Commission shall submit to
25 the House of Representatives and the Senate a report de-



1 casualty insurance for terrorism risk at meaningful
2 coverage levels;

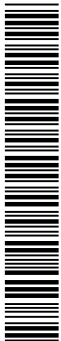
3 (5) the unavailability of affordable commercial
4 property and casualty insurance for terrorist acts
5 threatens the growth and stability of the United
6 States economy, including impeding the ability of fi-
7 nancial services providers to finance commercial
8 property acquisitions and new construction;

9 (6) in the past, the private insurance markets
10 have shown a remarkable resiliency in adapting to
11 changed circumstances;

12 (7) given time, the private markets will diver-
13 sify and develop risk spreading mechanisms to in-
14 crease capacity and guard against possible future
15 losses incurred by terrorist attacks;

16 (8) it is necessary to create a temporary indus-
17 try risk sharing loan program to ensure the contin-
18 ued availability of commercial property and casualty
19 insurance and reinsurance for terrorism-related
20 risks;

21 (9) such action is necessary to limit immediate
22 market disruptions, encourage economic stabiliza-
23 tion, and facilitate a transition to a viable market
24 for private terrorism risk insurance; and



1 scribing the results of the study and any recommendations
2 developed under subsection (c).

3 (f) TERMINATION.—The Commission shall terminate
4 60 days after submission of the report as provided for in
5 subsection (e).

6 **SEC. 16. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) ACT OF TERRORISM.—

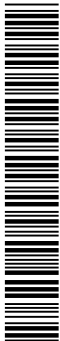
10 (A) IN GENERAL.—The term “act of ter-
11 rorism” means any act that the appropriate Ad-
12 ministrator determines meets the requirements
13 under subparagraph (B), as such requirements
14 are further defined and specified by the appro-
15 priate Administrator in consultation with the
16 NAIC.

17 (B) REQUIREMENTS.—An act meets the
18 requirements of this subparagraph if the act—

19 (i) is unlawful;

20 (ii) causes harm to a person, property,
21 or entity, in the United States;

22 (iii) is committed by a group of per-
23 sons or associations who—



1 (I) are not a government of a
2 foreign country or the de facto gov-
3 ernment of a foreign country; and

4 (II) are recognized by the De-
5 partment of State or the appropriate
6 Administrator as a terrorist group or
7 have conspired with such a group or
8 the group's agents or surrogates; and

9 (iv) has as its purpose to overthrow or
10 destabilize the government of any country
11 or to influence the policy or affect the con-
12 duct of the government of the United
13 States by coercion.

14 (2) APPROPRIATE ADMINISTRATORS.—The term
15 “appropriate Administrator” means, with respect to
16 any function or responsibility of the Federal Govern-
17 ment under this Act, the Federal officer designated
18 by the President pursuant to section 3 as respon-
19 sible for carrying out such function or responsibility.

20 (3) AFFILIATE.—The term “affiliate” means,
21 with respect to an insurer, any company that con-
22 trols, is controlled by, or is under common control
23 with the insurer.

24 (4) AGGREGATE WRITTEN PREMIUM.—The
25 term “aggregate written premium” means, with re-



1 spect to a year, the aggregate premium amount of
2 all commercial property and casualty insurance cov-
3 erage written during such year for persons or prop-
4 erties in the United States under all lines of com-
5 mercial property and casualty insurance.

6 (5) COMMERCIAL INSURANCE.—The term
7 “commercial insurance” means property and cas-
8 ualty insurance that is not insurance for home-
9 owners, tenants, private passenger nonfleet auto-
10 mobiles, mobile homes, or other insurance for per-
11 sonal, family, or household needs.

12 (6) COMMERCIAL INSURER.—The term “com-
13 mercial insurer” means any corporation, association,
14 society, order, firm, company, mutual, partnership,
15 individual, aggregation of individuals, or any other
16 legal entity that is engaged in the business of pro-
17 viding commercial property and casualty insurance
18 for persons or properties in the United States. Such
19 term includes any affiliates of a commercial insurer.

20 (7) COMMERCIAL PROPERTY AND CASUALTY IN-
21 SURANCE.—The term “commercial property and cas-
22 ualty insurance” means property and casualty insur-
23 ance that is commercial insurance.

24 (8) CONTROL.—A company has control over an-
25 other company if—



1 (A) the company directly or indirectly or
2 acting through one or more other persons owns,
3 controls, or has power to vote 25 percent or
4 more of any class of voting securities of the
5 other company;

6 (B) the company controls in any manner
7 the election of a majority of the directors or
8 trustees of the other company; or

9 (C) the appropriate Administrator deter-
10 mines, after notice and opportunity for hearing,
11 that the company directly or indirectly exercises
12 a controlling influence over the management or
13 policies of the other company.

14 (9) COVERED PERIOD.—The term “covered pe-
15 riod” has the meaning given such term in section
16 5(b).

17 (10) INDUSTRY-WIDE LOSSES.—The term “in-
18 dustry-wide losses” means the aggregate insured
19 losses sustained by all insurers, from coverage writ-
20 ten for persons or properties in the United States,
21 under all lines of commercial property and casualty
22 insurance.

23 (11) INSURED LOSS.—The term “insured loss”
24 means any loss in the United States covered by com-
25 mercial property and casualty insurance.



1 (12) INSURER.—The term “insurer” means any
2 corporation, association, society, order, firm, com-
3 pany, mutual, partnership, individual, aggregation of
4 individuals, or any other legal entity that is engaged
5 in the business of providing property and casualty
6 insurance for persons or properties in the United
7 States. Such term includes any affiliates of an in-
8 surer.

9 (13) NAIC.—The term “NAIC” means the Na-
10 tional Association of Insurance Commissioners.

11 (14) PROPERTY AND CASUALTY INSURANCE.—
12 The term “property and casualty insurance” means
13 insurance against—

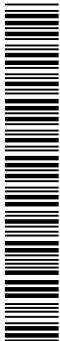
14 (A) loss of or damage to property;

15 (B) loss of income or extra expense in-
16 curred because of loss of or damage to prop-
17 erty; and

18 (C) third party liability claims caused by
19 negligence or imposed by statute or contract.

20 Such term does not include health or life insurance.

21 (15) STATE.—The term “State” means the
22 States of the United States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Com-
24 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (16) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

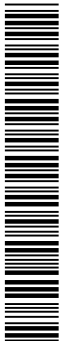
7 (17) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (18) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the event of an act of terrorism, or the
13 events of such acts, that caused the insured losses
14 resulting in such triggering determination.

15 (19) UNITED STATES.—The term “United
16 States” means, collectively, the States (as such term
17 is defined in this section).

18 **SEC. 17. EXTENSION OF PROGRAM.**

19 (a) AUTHORITY.—If the appropriate Administrator
20 determines that action under this section is necessary to
21 ensure the adequate availability in the United States of
22 commercial property and casualty insurance coverage for
23 acts of terrorism, the appropriate Administrator may pro-
24 vide that the provisions of this Act shall continue to apply
25 with respect to a period or periods, as established by the



1 Administrator, that begin after the expiration of the cov-
2 ered period specified in section 5(b) and end before Janu-
3 ary 1, 2005.

4 (b) COVERED PERIOD.—If the appropriate Adminis-
5 trator exercises the authority under subsection (a), not-
6 withstanding section 5(b) and section 16(9), the period or
7 periods established by the appropriate Administrator shall
8 be considered to be the covered period for purposes of this
9 Act.

10 **SEC. 18. REGULATIONS.**

11 The appropriate Administrators shall issue any regu-
12 lations necessary to carry out this Act.



1 (10) in addition, it is necessary to repeal por-
2 tions of the tax law which prohibit the insurance
3 market from developing the necessary reserves to
4 handle possible future losses due to acts of ter-
5 rorism.

6 **SEC. 3. DESIGNATION OF ADMINISTRATORS.**

7 (a) IN GENERAL.—Not later than December 1, 2001,
8 the President shall designate a Federal officer or officers
9 to act as the Administrator or Administrators responsible
10 for carrying out this Act and the responsibilities under
11 this Act to be carried out by each such officer.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that in determining the Administrator respon-
14 sible for making any determinations, for purposes of this
15 Act, as to whether a loss was caused by an act of terrorism
16 and whether such loss was caused by one or multiple such
17 events, pursuant to section 5(b), the President should con-
18 sider the appropriate role of the Assistant to the President
19 for Homeland Security.

20 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO AD-**
21 **MINISTRATOR.**

22 To the extent such information is not otherwise avail-
23 able to the Administrators, the appropriate Administrator
24 may require each insurer to submit, to the appropriate Ad-
25 ministrator or to the NAIC, a statement specifying the



1 aggregate premium amount of coverage written by such
2 insurer for properties and persons in the United States
3 under each line of commercial property and casualty insur-
4 ance sold by such insurer during such periods as the ap-
5 propriate Administrator may provide.

6 **SEC. 5. TRIGGERING DETERMINATION AND COVERED PE-**
7 **RIOD.**

8 (a) IN GENERAL.—For purposes of this Act, a “trig-
9 gering determination” is a determination by the appro-
10 priate Administrator that the insured losses resulting from
11 the event of an act of terrorism occurring during the cov-
12 ered period (as such term is defined in subsection (b)),
13 or the aggregate insured losses resulting from multiple
14 events of acts of terrorism all occurring during the covered
15 period, meet the requirements under either of the fol-
16 lowing paragraphs:

17 (1) INDUSTRY-WIDE LOSS TEST.—Such indus-
18 try-wide losses exceed \$1,000,000,000.

19 (2) CAPITAL SURPLUS AND INDUSTRY AGGRE-
20 GATE TEST.—Such industry-wide losses exceed
21 \$100,000,000 and some portion of such losses for
22 any single commercial insurer exceed—

23 (A) 10 percent of the capital surplus of
24 such commercial insurer (as such term is de-
25 fined by the appropriate Administrator); and



1 (B) 10 percent of the commercial property
2 and casualty premiums written by such com-
3 mercial insurer;
4 except that this paragraph shall not apply to any
5 commercial insurer that has been making commer-
6 cial property and casualty insurance coverage avail-
7 able for less than 4 years as of the date of the deter-
8 mination under this subsection.

9 (b) COVERED PERIOD.—For purposes of this Act, the
10 “covered period” is the period beginning on the date of
11 the enactment of this Act and ending on January 1, 2003.

12 (c) DETERMINATIONS REGARDING EVENTS.—For
13 purposes of subsection (a), the appropriate Administrator
14 shall have the sole authority for determining whether—

15 (1) an occurrence or event was caused by an act
16 of terrorism;

17 (2) insured losses from acts of terrorism were
18 caused by one or multiple events or occurrences; and

19 (3) whether an act of terrorism occurred during
20 the covered period.

21 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
22 **ERS.**

23 (a) IN GENERAL.—Pursuant to a triggering deter-
24 mination, the appropriate Administrator shall provide fi-
25 nancial assistance to commercial insurers in accordance



1 with this section to cover insured losses resulting from
2 acts of terrorism, which shall be repaid in accordance with
3 subsection (e).

4 (b) AMOUNT.—Subject to subsection (c), with respect
5 to a triggering determination, the amount of financial as-
6 sistance made available under this section to each com-
7 mercial insurer shall be equal to 90 percent of the amount
8 of the insured losses of the insurer as a result of the trig-
9 gering event involved.

10 (c) AGGREGATE LIMITATION.—The aggregate
11 amount of financial assistance provided pursuant to this
12 section may not exceed \$100,000,000,000.

13 (d) LIMITATIONS.—The appropriate Administrator
14 may establish such limitations as may be necessary to en-
15 sure that payments under this section in connection with
16 a triggering determination are made only to commercial
17 insurers that are not in default of any obligation under
18 section 7 to pay assessments or under section 8 to collect
19 surcharges.

20 (e) REPAYMENT.—Financial assistance made avail-
21 able under this section shall be repaid through assess-
22 ments under section 7 collected by the appropriate Admin-
23 istrator and surcharges remitted to the appropriate Ad-
24 ministrator under section 8. Any such amounts collected



1 or remitted shall be deposited into the general fund of the
2 Treasury.

3 (f) EMERGENCY DESIGNATION.—Congress des-
4 ignates the amount of new budget authority and outlays
5 in all fiscal years resulting from this section as an emer-
6 gency requirement pursuant to section 252(e) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(e)). Such amount shall be available only
9 to the extent that a request, that includes designation of
10 such amount as an emergency requirement as defined in
11 such Act, is transmitted by the President to Congress.

12 **SEC. 7. ASSESSMENTS.**

13 (a) IN GENERAL.—In the case of a triggering deter-
14 mination, each commercial insurer shall be subject to as-
15 sessments under this section for the purpose of repaying
16 financial assistance made available under section 6 in con-
17 nection with such determination.

18 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
19 gering determination, the appropriate Administrator shall
20 determine the aggregate amount to be assessed among all
21 commercial insurers, which shall be equal to 90 percent
22 of the lesser of—

23 (1) the amount of industry-wide losses resulting
24 from the triggering event involved; and

25 (2) \$20,000,000,000.



1 (c) ALLOCATION OF ASSESSMENT.—

2 (1) IN GENERAL.—The appropriate Adminis-
3 trator shall allocate the aggregate assessment
4 amount determined under subsection (b) among all
5 commercial insurers. The portion of the aggregate
6 assessment amount that is allocated as an assess-
7 ment on each commercial insurer shall be based on
8 the percentage, written by that insurer, of the aggre-
9 gate written premium, for all commercial insurers,
10 for the calendar year preceding the assessment.

11 (2) PAYMENT REQUIREMENT.—Upon notifica-
12 tion by the appropriate Administrator of an assess-
13 ment under this section, each commercial insurer
14 shall be required to pay to the appropriate Adminis-
15 trator, in the manner provided under section 9 by
16 the appropriate Administrator, the amount equal to
17 the assessment on such commercial insurer (subject
18 to the limitation under paragraph (3)).

19 (3) ANNUAL LIMITATION ON AMOUNT ALLO-
20 CATED TO EACH COMMERCIAL INSURER.—

21 (A) IN GENERAL.—Of any assessments
22 under this section on a commercial insurer, the
23 portion required to be paid by any commercial
24 insurer during a calendar year shall not exceed
25 the amount that is equal to 3 percent of the ag-



From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>
CC: D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Randall S. Kroszner/CEA/EOP [CEA] <Randall S. Kroszner>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/2/2001 5:51:06 AM
Subject: : RE: Bill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 10:51:06.00
SUBJECT:: RE: Bill
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP [CEA])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

we are in the process. House bill too.

sheila

-----Original Message-----

From: Matthew_Kirk@who.eop.gov [mailto:Matthew_Kirk@who.eop.gov]
Sent: Friday, November 02, 2001 10:23 AM
To: Sheila.Bair@do.treas.gov
Cc: D._Marcus_Sumerlin@opd.eop.gov; Kristen_Silverberg@who.eop.gov;
Randall_S._Kroszner@cea.eop.gov; Brett_M._Kavanaugh@who.eop.gov
Subject: Bill

Has anyone drafted a one-page outline of the Senate bill?

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>
CC: D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Randall S. Kroszner/CEA/EOP [CEA] <Randall S. Kroszner>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/2/2001 5:51:40 AM
Subject: : RE: Bill

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 2-NOV-2001 10:51:40.00
SUBJECT:: RE: Bill
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
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Sent: 11/2/2001 5:52:10 AM
Subject: : RE: Bill

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To: Sheila.Bair@do.treas.gov
Cc: D._Marcus_Sumerlin@opd.eop.gov; Kristen_Silverberg@who.eop.gov;
Randall_S._Kroszner@cea.eop.gov; Brett_M._Kavanaugh@who.eop.gov
Subject: Bill

Has anyone drafted a one-page outline of the Senate bill?

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: David M. Thomas/WHO/EOP@EOP [WHO] <David M. Thomas>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/2/2001 6:59:35 AM
Subject: : Re: California

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-NOV-2001 11:59:35.00
SUBJECT:: Re: California
TO:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

perfect

David M. Thomas
11/02/2001 11:36:14 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Re: California

Moose, The California Republican Party will contact West Coast Charters. WCC is an independent charter company. The party will work directly with West Coast Charter Organization Directly to find a plane and make the arrangements for Karl Rove. (They will cover the Costs as well). Your Thoughts?

Thanks

DT

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 11/2/2001 9:17:44 AM
Subject: : Re: Please attend a 5:30 pm meeting in the Judge's office

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-NOV-2001 14:17:44.00
SUBJECT:: Re: Please attend a 5:30 pm meeting in the Judge's office
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I have the last of my day's GAO interviews scheduled from 5:30-6:00. So I'm afraid I cannot make it.

Elizabeth N. Camp
11/02/2001 01:41:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP,
Kyle Sampson
cc:
Subject: Please attend a 5:30 pm meeting in the Judge's office

If you can't make this please let me know.

Topic: Presidential Records

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 11/2/2001 9:33:05 AM
Subject: : Re: Please attend a 5:30 pm meeting in the Judge's office

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-NOV-2001 14:33:05.00
SUBJECT:: Re: Please attend a 5:30 pm meeting in the Judge's office
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Let's try 6:15-6:45 pm - Judge's Office.

Courtney S. Elwood
11/02/2001 02:17:37 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, Kyle Sampson/WHO/EOP@EOP
bcc:
Subject: Re: Please attend a 5:30 pm meeting in the Judge's office

I have the last of my day's GAO interviews scheduled from 5:30-6:00. So I'm afraid I cannot make it.

Elizabeth N. Camp
11/02/2001 01:41:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP, Kyle Sampson
cc:
Subject: Please attend a 5:30 pm meeting in the Judge's office

If you can't make this please let me know.

Topic: Presidential Records

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov @ inet [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov @ inet [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>
Sent: 11/2/2001 12:10:09 PM
Subject: : Next Weeks insurance conf. call numbers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 2-NOV-2001 17:10:09.00
SUBJECT:: Next Weeks insurance conf. call numbers
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

MISTAKE -

The pass code for Wednesday, 11/7 is 5246
----- Forwarded by Leslie A. Mooney/OPD/EOP on 11/02/2001
05:09 PM -----

From: Leslie A. Mooney on 11/02/2001 04:58:33 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Next Weeks insurance conf. call numbers

REV_00134723

Below is the call in information for next week's 9:30 daily Insurance Conference Call.

The call is number is the same each day: 456-2565

Monday, 11/5 Pass code: 1914
Tuesday, 11/6 Pass code: 1914
Wednesday, 11/7 Pass code: 5264
Thursday, 11/8 Pass code: 5246
Friday, 11/9 Pass code: 4385

Thanks,
Leslie

Message Sent

To: _____
Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
D. Marcus Sumerlin/OPD/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
amy.smith@do.treas.gov @ inet
anna.hart@do.treas.gov @ inet
Lisa D. Branch/CEA/EOP@EOP
Betty.Ann.Hunt@do.treas.gov @ inet
Carol J. Thompson/WHO/EOP@EOP
Eric H. Otto/OPD/EOP@EOP

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Traci R. Campbell/WHO/EOP@EOP [WHO] <Traci R. Campbell>
CC: anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>; Rebecca E. Davis/OMB/EOP@EOP [OMB] <Rebecca E. Davis>
Sent: 11/2/2001 12:57:10 PM
Subject: : Terrorism Insurance Deputies Meeting - 11/5

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 2-NOV-2001 17:57:10.00

SUBJECT:: Terrorism Insurance Deputies Meeting - 11/5

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Rebecca E. Davis (CN=Rebecca E. Davis/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

Marc Sumerlin will be holding a Deputies Terrorism Insurance Meeting on Monday (11/5) at 5:00 PM in EEOB 211.

Please let me know if you can attend.

Thanks,
Leslie
456-5804

REV_00134725

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/5/2001 3:29:13 AM
Subject: : Re: Next POTUS meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 08:29:13.00
SUBJECT:: Re: Next POTUS meeting
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

presenting

Elizabeth N. Camp
11/05/2001 08:09:22 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Next POTUS meeting

If you are presenting in the next meeting with POTUS please let me know.

If not - no reply necessary.

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

REV_00134726

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/5/2001 3:34:35 AM
Subject: : The target date for POTUS mtg re: Judges is Nov. 19 or 20

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-NOV-2001 08:34:35.00

SUBJECT:: The target date for POTUS mtg re: Judges is Nov. 19 or 20

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/5/2001 3:09:25 AM
Subject: : Next POTUS meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 08:09:25.00
SUBJECT:: Next POTUS meeting
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If you are presenting in the next meeting with POTUS please let me know.

If not - no reply necessary.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/5/2001 3:09:25 AM
Subject: : Next POTUS meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-NOV-2001 08:09:25.00

SUBJECT:: Next POTUS meeting

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are presenting in the next meeting with POTUS please let me know.

If not - no reply necessary.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/5/2001 3:29:13 AM
Subject: : Re: Next POTUS meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 08:29:13.00
SUBJECT:: Re: Next POTUS meeting
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

presenting

Elizabeth N. Camp
11/05/2001 08:09:22 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Next POTUS meeting

If you are presenting in the next meeting with POTUS please let me know.

If not - no reply necessary.

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

REV_00134730

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 11/5/2001 4:17:56 AM
Subject: : Re: The target date for POTUS mtg re: Judges is Nov. 19 or 20

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-NOV-2001 09:17:56.00

SUBJECT:: Re: The target date for POTUS mtg re: Judges is Nov. 19 or 20

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I think we have enough candidates to do a meeting this week. Every day counts.

Brett M. Kavanaugh
11/05/2001 08:52:37 AM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: The target date for POTUS mtg re: Judges is Nov. 19 or 20

none for me until 19th or 20th; even if POTUS has time this week,
I have assumed we should try to have only one meeting with POTUS if we can do that

REV_00134731

H. Christopher Bartolomucci
11/05/2001 08:36:22 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: The target date for POTUS mtg re: Judges is Nov. 19
or 20

Stuart told me that POTUS has a lot of available time this week. Why not
do a batch now? I have two judges. How many do others have?

Elizabeth N. Camp
11/05/2001 08:34:32 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: The target date for POTUS mtg re: Judges is Nov. 19 or 20

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

Message Copied

To: _____
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
kyle sampson/who/eop@eop
helgard c. walker/who/eop@eop

Message Copied

To: _____

elizabeth n. camp/who/eop@eop
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
kyle sampson/who/eop@eop
helgard c. walker/who/eop@eop

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/5/2001 6:13:10 AM
Subject: : Procedures

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-NOV-2001 11:13:10.00

SUBJECT:: Procedures

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Anything and everything going to the President must be reviewed and signed off first by the Judge before going to Staff Secretary. Submit to the Judge the originals - not copies. Once the Judge has signed off/initialled the cover memos we can send you a copy for your file. This includes memos, photos, Judicial/US Atty/Marshall call sheets and/or decision binders.

If you have any questions please let me know.

Thanks!

REV_00134741

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/5/2001 6:13:10 AM
Subject: : Procedures

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 11:13:10.00
SUBJECT:: Procedures
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Anything and everything going to the President must be reviewed and signed off first by the Judge before going to Staff Secretary. Submit to the Judge the originals - not copies. Once the Judge has signed off/initialled the cover memos we can send you a copy for your file. This includes memos, photos, Judicial/US Atty/Marshall call sheets and/or decision binders.

If you have any questions please let me know.

Thanks!

REV_00134742

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 11:24:23 AM
Subject: : Re: were you the Marriott promotion guy?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 16:24:23.00
SUBJECT:: Re: were you the Marriott promotion guy?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

which promotion was this? This has a ring to it.

Brett M. Kavanaugh
11/05/2001 03:43:58 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: were you the Marriott promotion guy?

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 8:06:43 AM
Subject: : 11-07-01 WHJSC agenda

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-NOV-2001 13:06:43.00

SUBJECT:: 11-07-01 WHJSC agenda

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know what items you will have for this week's meeting.

Thanks!

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 12:13:54 PM
Subject: : Re: Veterans Day Video

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 17:13:54.00
SUBJECT:: Re: Veterans Day Video
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks.

Brett M. Kavanaugh
11/05/2001 04:21:56 PM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Veterans Day Video

OK

Matthew E. Smith

11/05/2001 03:39:01 PM

Record Type: Record

To: Brett Kavanaugh
cc:
Subject: Veterans Day Video

The President is going to cut a general Veterans Day greeting to be used at different events.

Is it ok to have VA/Secretary Principi pay for it?

Matt

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 8:17:34 AM
Subject: : Re: Records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 13:17:34.00
SUBJECT:: Re: Records
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

we haven't gotten anything today and the guy from the NYT editorial page never called again over the weekend.

Are you going to the hearing. I'll need to get a good read on what goes on. I'm sure it will stir people up again.

Thanks again for Friday night! I always have a great time with you and Joel.

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 2:04:56 PM
Subject: : RE: Tomorrow's hearing on the Presidential Records Act, Executive(009)Order

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 5-NOV-2001 19:04:56.00

SUBJECT:: RE: Tomorrow's hearing on the Presidential Records Act, Executive(009)Order

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Tomorrow's hearing on the
Presidential Records Act, Executive(009)Order

Was Read By : Paul.P.Colborn@usdoj.gov

On : Mon, 5 Nov 2001 20:02:08 -0400

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 2:08:30 PM
Subject: : RE: Tomorrow's hearing on the Presidential Records Act, Executive(009)Order

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME: 5-NOV-2001 19:08:30.00

SUBJECT:: RE: Tomorrow's hearing on the Presidential Records Act, Executive(009)Order

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Tomorrow's hearing on the
Presidential Records Act, Executive(009)Order

Was Read By : Carl.Thorsen@usdoj.gov

On : Mon, 5 Nov 2001 20:06:07 -0400

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett Kavanaugh [WHO] <Brett Kavanaugh>
Sent: 11/5/2001 10:39:04 AM
Subject: : Veterans Day Video

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 15:39:04.00
SUBJECT:: Veterans Day Video
TO:Brett Kavanaugh (Brett Kavanaugh [WHO])
READ:UNKNOWN
End Original ARMS Header

The President is going to cut a general Veterans Day greeting to be used
at different events.

Is it ok to have VA/Secretary Principi pay for it?

Matt

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 11/5/2001 11:10:00 AM
Subject: : Re: Veterans Day Video

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 16:10:00.00
SUBJECT:: Re: Veterans Day Video
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Of course it's okay.

Brett M. Kavanaugh
11/05/2001 03:42:30 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Veterans Day Video

I plan to answer yes unless you two disagree
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/05/2001 03:42 PM -----

Matthew E. Smith

11/05/2001 03:39:01 PM

Record Type: Record

To: Brett Kavanaugh
cc:
Subject: Veterans Day Video

The President is going to cut a general Veterans Day greeting to be used
at different events.

Is it ok to have VA/Secretary Principi pay for it?

Matt

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 11:21:24 AM
Subject: : Re: Veterans Day Video

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 16:21:24.00
SUBJECT:: Re: Veterans Day Video
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I told someone in Karl's shop it was okay a little earlier today.

Brett M. Kavanaugh
11/05/2001 03:42:30 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Veterans Day Video

I plan to answer yes unless you two disagree
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/05/2001 03:42 PM -----

Matthew E. Smith

11/05/2001 03:39:01 PM

Record Type: Record

To: Brett Kavanaugh
cc:
Subject: Veterans Day Video

The President is going to cut a general Veterans Day greeting to be used
at different events.

Is it ok to have VA/Secretary Principi pay for it?

Matt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 11/5/2001 11:59:35 AM
Subject: : RE: FW: Tomorrow's hearing on the Presidential Records Act, Executive Order

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 16:59:35.00
SUBJECT:: RE: FW: Tomorrow's hearing on the Presidential Records Act, Executive Order
TO: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

just did; to what effect I am uncertain

"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
11/05/2001 04:51:36 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: FW: Tomorrow's hearing on the Presidential Records Act,
Executive Order

please do. (I'm listed 2nd in the 2nd panel.)

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, November 05, 2001 4:32 PM
To: Whelan, M Edward III
Subject: Re: FW: Tomorrow's hearing on the Presidential Records Act,
Executive Order

We should immediately object -- and strongly -- to any line-up where
you
and Archivist are not on the same panel. If you want Judge to call Horn,
let me
know

(Embedded
image moved "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
to file: 11/05/2001 04:26:42 PM
pic23460.pcx)

Record Type: Record

REV_00134768

To: Brett M. Kavanaugh/WHO/EOP

cc:

Subject: FW: Tomorrow's hearing on the Presidential Records Act, Executive Order

FYI

-----Original Message-----

From: Burton, Faith

Sent: Monday, November 05, 2001 4:26 PM

To: Whelan, M Edward III; Colborn, Paul P; Thorsen, Carl

Subject: Tomorrow's hearing on the Presidential Records Act, Executive Order

Henry Ray of the Horn Subcommittee just got back to me about this hearing, which he expects will be especially well attended because of the "controversial" Executive Order. He expects that, in addition to Subcommittee Chairman Horn, RMM Schakowsky, Members Ose and Maloney will attend, as well as Chairman Burton and Full Committee RMM Waxman will attend, reportedly because they are concerned that the new EO is inconsistent with the PRA and possibly unconstitutional. The panels are planned as follows:
I. Archivist Carlin and Anna Nelson, as historian, to explain the EO and provide a policy perspective, respectively;
II. AU political science professor Mark Roselle; Ed; Peter Shane of Univ. of Pittsburgh law school and Carnegie Mellon, and possibly Scott Nelson, of the Public Citizen Litigation Group. This panel is expected to talk about the legal issues presented by the EO, although he mentioned that Roselle could be moved to the first panel.

Henry expects that Ed will likely get lots of questions about whether the EO is constitutional and consistent with the PRA. Ed and Paul, do you want to address those questions more directly in the prepared statement? They would like to get the prepared statement as soon as it's available.

I mentioned to Henry that this line-up is inconsistent with the usual protocol that all Administration witnesses appear on the first panel, but he thinks this makes more sense. (Actually, protocol is that Admin. witnesses appear on the first panel and only with other Admin. witnesses, although there have been exceptions in special situations). Please let me know if you think we should pursue the matter in this instance.
Faith

REV_00134769

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 12:12:05 PM
Subject: : Re: Horn Testimony

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])

CREATION DATE/TIME: 5-NOV-2001 17:12:05.00

SUBJECT:: Re: Horn Testimony

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Strange, as I've been receiving calls just now. I just tried you, and got voicemail. I'll try again, if I don't hear from you soon.

>>> <Brett_M._Kavanaugh@who.eop.gov> 11/5/01 5:00:47 PM >>>
your phone is not answering

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 12:30:55 PM
Subject: : risk insurance
Attachments: P_DZXJ4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-NOV-2001 17:30:55.00
SUBJECT:: risk insurance
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

John Mautz from House Judiciary left a message for Joel about the liability issues. He asked for a copy of our principles. Is it OK to fax him the talking pts on our liability proposals?

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DZXJ4004_WHO.TXT_1>

GENERAL POINTS

- The traditional tort system is designed to ensure that injured victims are compensated by those whose negligence or fault caused the injuries. The ordinary tort system cannot achieve that goal in a mass tort terrorism incident, however, because the resources of liable defendants (including resources from their liability insurance policies) almost never will suffice to compensate the class of successful plaintiff-victims. For that reason, apart from insurance and standard government benefits, mass torts often are resolved through bankruptcy (where plaintiffs rarely receive full compensation) or settlement (again, where plaintiffs rarely receive full compensation).
- Mass torts pose an additional problem in that the number and variety of cases, plaintiffs, defendants, causes of action, liability standards, and damages rules will overwhelm the legal system absent consolidation and uniform rules of substance and procedure. The extraordinary delays inherent in trying to apply the ordinary litigation process to mass torts further frustrate the ultimate goal of providing adequate compensation to injured victims.
- The procedures for litigation arising out of mass tort terrorism incidents must reflect those realities and should seek to achieve four main goals:
 - (i) ensure that victims receive adequate compensation, whether from insurance or standard government benefits, or from a tortfeasor in cases of fault;
 - (ii) manage the litigation process so that it is as expeditious and equitable as possible for plaintiffs and defendants;
 - (iii) provide economic stability by avoiding, where appropriate, widespread bankruptcies from litigation arising out of a mass terrorism incident where terrorists, by definition, are the wrongdoers, not the legitimate bystander property and business owners; and
 - (iv) appropriately spread the costs of terrorism incidents without requiring all federal taxpayers, in the first instance, to incur the full costs of compensation for injuries and property damage that insurance otherwise would cover.
- Legislation should merely establish the basic contours of the litigation process, and should not attempt to pre-ordain every substantive and procedural detail, which is best left to the discretion of the district court in light of the facts and circumstances of particular events.

CONSOLIDATION

LANGUAGE

(a) **SUBJECT MATTER JURISDICTION.** Notwithstanding any other law, within 90 days of an act of terrorism as defined in section 803, the Judicial Panel on Multidistrict Litigation shall assign a single federal district court to conduct pre-trial and trial proceedings in all pending and future civil actions for property damage, personal injury, or death arising out of or resulting from a single act of terrorism as defined in section 803, and shall transfer all such pending civil actions to that district court. The Judicial Panel on Multidistrict Litigation shall select and assign the district court based on the convenience of the parties and the just and efficient conduct of the proceedings. The district court assigned by the Judicial Panel on Multidistrict Litigation shall have original and exclusive jurisdiction over all such actions. For purposes of personal jurisdiction, the district court assigned by the Judicial Panel on Multidistrict Litigation shall be deemed to sit in all judicial districts in the United States.

[Subsections (b) and (c) would ensure transfer of cases filed in other courts.]

PURPOSE

- A single federal court and a uniform standard of liability are necessary to ensure that the legal system is not overwhelmed by multiple cases in multiple courts in multiple states -- with similar claims in multiple forums decided under widely varying standards for liability, causation, defenses, and damages.
- Consolidation of cases in a single court is a common procedure in mass tort cases and was a central feature of the legislation recently enacted by Congress for the tort cases arising out of the September 11 attacks.

ANALOGUE IN AIR TRANSPORTATION ACT

- Section 408(b) of the Air Transportation Act consolidates all cases arising out of the September 11 attacks in a single federal court.

PUNITIVE DAMAGES

LANGUAGE

(e) PUNITIVE DAMAGES. Punitive damages, exemplary damages, and other damages not intended to compensate the plaintiff for actual losses shall not be available in any civil action subject to this title.

PURPOSE

- In mass tort cases, only a limited pool of resources will be available to plaintiffs who prove liability (whether because of bankruptcy or settlement).
- Because of the limited pool of resources, it would be grossly inequitable and unfair to allow one plaintiff or class of plaintiffs to receive an excessive award -- including a punitive component entirely unrelated to the plaintiff's injuries -- that could greatly limit or outright preclude recovery by other plaintiffs.
- Even for defendants who face no possibility of bankruptcy, the possibility of massive punitive or non-economic damages creates pressure to settle even unmeritorious cases and economic instability for potential defendants in terrorism cases.
- A business defendant who engages in the kind of wrongdoing that otherwise would trigger punitive damages will face a variety of federal and state criminal and administrative investigations and sanctions.

ANALOGUE IN AIR TRANSPORTATION ACT

- Section 405(b)(5) of the Air Transportation Act precludes recovery of punitive damages in the victims' claims process, and Section 408(a) limits any recovery against air carriers to the limits of their liability policies, which essentially precludes punitive damages against air carriers.

OFFSET

LANGUAGE

(f) **OFFSET.** In determining the amount of any money damages available under this title, the court shall offset any compensation or benefits received or entitled to be received by the plaintiff or plaintiffs from any collateral source, including the United States or any federal agency thereof, in response to or as a result of the act of terrorism

PURPOSE

- This procedure, which Congress adopted for the victims claims process applicable to individual cases arising out of the September 11 terrorist attacks, will ensure that plaintiffs are compensated for their losses, yet also prevent double recovery by plaintiffs. It thus will help preserve the limited pool of defendant resources available for successful plaintiffs without penalizing injured victims.
- The procedure is consistent with the principle that first-party private insurance and, where necessary, standard government benefits have been (and should be) the primary means for promptly and appropriately compensating the parties injured in a terrorism attack. Through these resources, injured parties will receive appropriate care and compensation without resort to an inefficient judicial process that would trigger widespread bankruptcies.
- Even in ordinary tort cases, many states offset past and prospective insurance benefits paid or payable to the plaintiff against the plaintiff's recovery.

ANALOGUE IN AIR TRANSPORTATION ACT

- Section 405(b)(6) of the Air Transportation Act requires that recovery by a claimant in the victims' claims process be reduced by the amount of collateral source compensation the plaintiff has received or is entitled to receive.

NON-ECONOMIC DAMAGES

LANGUAGE

(g) NON-ECONOMIC DAMAGES. Each defendant shall be liable only for the amount of non-economic damages allocated to the defendant in direct proportion to the percentage of responsibility of the defendant for the harm to the claimant. No plaintiff may recover non-economic damages unless the plaintiff suffered physical harm.

PURPOSE

- The proposed language is more modest than many proposals: It would not eliminate non-economic damages, nor would it impose proportional fault for *economic* damages. In addition, this proposal for proportional liability for non-economic damages is less restrictive than state law provisions that may apply to many cases litigated under the cause of action recently established by Congress for the September 11 events.
- Without this provision, a court could hold any defendant “jointly and severally” liable for the full amount of the plaintiff’s non-economic damages, even for those damages unrelated to the defendant’s actions or attributable to the terrorists.
- Some studies suggest that non-economic damages can comprise 40-50% of damages in certain classes of tort cases. If *any* defendant, even the marginally involved, could be made to pay the full extent of non-economic damages in a mass terrorism incident, these damages could easily threaten to bankrupt hundreds of legitimate businesses.
- Limitations on joint and several liability are commonplace. At least thirty-seven states have enacted some form of proportional liability. Indeed, seventeen states have adopted proportional liability *even for economic damages*. Another eight states have adopted proportional liability *for economic and non-economic damages* for any marginally-involved defendant (e.g., one found to be less than 50% at fault).

ANALOGUE IN AIR TRANSPORTATION ACT

- Section 408(a) of the Air Transportation Act limits recovery against air carriers to the limits of their liability policies, which is an effective cap on non-economic damages against air carriers, and applies state law limits on joint and several liability, which in many cases will be more restrictive than this proposal.

SUBSTANTIVE STANDARD FOR LIABILITY

LANGUAGE

(h) **SUBSTANTIVE LAW.** The standard of care for the federal cause of action . . . shall be gross negligence. Unless otherwise specified in this title, the district court shall derive other substantive principles of liability for the federal cause of action from the principles of the common law.

PURPOSE

- The gross negligence standard is a middle-ground standard between simple negligence and intentional wrongdoing and is particularly appropriate in tort cases where, by definition, the injury has been caused by the criminal acts of an intervening third party, not by legitimate bystander property and business owners.
- A simple negligence standard would generate undue pressure towards a massive settlement and/or bankruptcy, yet legitimate businesses should not be forced to bankruptcy as a result of damage and injuries caused by terrorists, at least absent serious wrongdoing on the part of these legitimate businesses.
- On a forward-looking basis, a simple negligence standard for terrorism cases would inevitably discourage normal economic activity, particularly in locales that are susceptible to terrorist attacks. For similar reasons, the law of torts traditionally has established that criminal acts by an intervening agent are often so unlikely in any *particular* instance or *specific* location that the burden of taking continual precautions against them almost always exceeds the apparent risk.

ANALOGUE IN AIR TRANSPORTATION ACT

- Section 408(b) of the Air Transportation Act provides that the substantive standard for liability is to be derived from the law of the State where the incident occurred. That procedure could be unwieldy and unfair in a mass terrorism incident that occurs in multiple states.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 2:15:41 PM
Subject: : URGENT: REVISED "Compliance " language - title III of Omnibus C/C bill (LRM IMS3)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-NOV-2001 19:15:41.00

SUBJECT:: URGENT: REVISED "Compliance " language - title III of Omnibus C/C bill (LRM IMS3)

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI -- looks good to me but since you are interested in faith-based thought you might want to see.

----- Forwarded by Helgard C. Walker/WHO/EOP on
11/05/2001 07:15 PM -----

From: Karen N. Blank on 11/05/2001 07:12:53 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: URGENT: REVISED "Compliance " language - title III of
Omnibus C/C bill (LRM IMS3)

Please respond by 10:30 a.m. on TUESDAY (11/6).
----- Forwarded by Karen N. Blank/OMB/EOP on 11/05/2001
07:11 PM -----

From: Karen N. Blank on 11/05/2001 07:05:12 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Don R. Willett/WHO/EOP@EOP, David Kuo/WHO/EOP@EOP, Stanley W.
Carlson-Thies/WHO/EOP@EOP, "Esbeck, Carl" <Carl.Esbeck@usdoj.gov> @ inet
Subject: URGENT: REVISED "Compliance " language - title III of
Omnibus C/C bill (LRM IMS3)

Excepting paragraph (5) ("Compliance") -- which has been revised and is attached for you review -- the title III text below was agreed to during the conference call this afternoon. Thanks to all for your help.

Please let me know by 10:30 a.m. tomorrow morning whether or not you will clear the "Compliance" language below. If we do not hear from you by that time, we may, given the time constraints, assume that you have no comment. Thanks once again.

TITLE III) EQUAL TREATMENT FOR NONGOVERNMENTAL PROVIDERS

(1) In General. *For any social service program, as defined in section (4), that is carried out by the Federal Government, or by a State or local government using Federal funds --

(a) a nongovernmental organization shall not be required to alter provisions in its chartering documents, nor shall it be required to remove art, icons, scripture, or other symbols, or to change its name, because the provisions, symbols, or name are religious; and

(b) a nongovernmental organization shall not be required to alter religious qualifications for membership on its governing boards.

REV_00134778

(2) Prior Grant Experience. * Nongovernmental organizations that have not previously been awarded a government grant or cooperative agreement shall not, for that reason, be disadvantaged in a competition to secure a grant or cooperative agreement to provide services under a social service program administered by the agency.

(3) Intermediate Grantors. *In matters of social service program eligibility and administration, the government agency administering the program may select a nongovernmental organization (hereafter +intermediate grantor,) to receive and administer a grant or cooperative agreement, the terms of which authorize the intermediate grantor to award contracts or subgrants to nongovernmental providers and to administer the contracts or subgrants with these providers.

(4) Social Service Program Defined. *For purposes of this section a & social service program⁸ shall include all programs having the primary purpose of delivering social services or health care, with Federal financial assistance, where nongovernmental providers of social services or health care are involved in the delivery thereof, and regardless of whether the Federal financial assistance to the nongovernmental providers is pursuant to a contract, or a grant or cooperative agreement, or pursuant to indirect means of aid such as individual grants or child-care certificates. A social service program does not include Federal financial assistance having the purpose of delivering educational assistance under the Elementary and Secondary Education Act of 1965 or under the Higher Education Act, except activities to assist students in obtaining the recognized equivalents of secondary school diplomas and activities relating to non-school hours programs. However, a social service program does include after-school programs, day-care and child-care assistance, and programs to help adults prepare for the GED exam, improve reading skills, and increase literacy. For purposes of this subsection, Federal financial assistance does not include tax credits, deductions, or exemptions.

(5) Compliance.--If a Federal, State, or local government fails to comply with this title, then a nongovernmental organization may file an action for injunctive relief in an appropriate Federal district court or State court of general jurisdiction.

Message Sent

To:

Mary I. Cassell/OMB/EOP@EOP
ogc_legislation@ed.gov @ inet
jennifer_orzechowski@ed.gov @ inet
lrm@hhs.gov @ inet
katherine.becker@hhs.gov @ inet
Karyn Richman/OMB/EOP@EOP
HUD_LRM@hud.gov @ inet
Barbara L. Jay@HUD.gov @ inet
dol-sol-leg@dol.gov @ inet
Mccarthy-eileen@dol.gov @ inet
Leticia Sierra/OMB/EOP@EOP
Mathew C. Blum/OMB/EOP@EOP
Dana M. Vader/OMB/EOP@EOP
Hai M. Tran/OMB/EOP@EOP
Rosalyn J. Rettman/OMB/EOP@EOP
Steven D. Aitken/OMB/EOP@EOP
Lauren Wittenberg/OMB/EOP@EOP
Cristal A. Thomas/OMB/EOP@EOP
Alejandra O. Ceja/OMB/EOP@EOP
Christina M. Lagdameo/OMB/EOP@EOP
Matthew D. McKearn/OMB/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

REV_00134779

Message Sent

To:

Mary I. Cassell/OMB/EOP@EOP
ogc_legislation@ed.gov @ inet
jennifer_orzechowski@ed.gov @ inet
lrm@hhs.gov @ inet
katherine.becker@hhs.gov @ inet
Karyn Richman/OMB/EOP@EOP
HUD_LRM@hud.gov @ inet
Barbara_L._Jay@HUD.gov @ inet
dol-sol-leg@dol.gov @ inet
Mccarthy-eileen@dol.gov @ inet
Leticia Sierra/OMB/EOP@EOP
Mathew C. Blum/OMB/EOP@EOP
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Lauren Wittenberg/OMB/EOP@EOP
Cristal A. Thomas/OMB/EOP@EOP
Alejandra O. Ceja/OMB/EOP@EOP
Christina M. Lagdameo/OMB/EOP@EOP
Matthew D. McKearn/OMB/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 11/5/2001 2:24:31 PM
Subject: : Re: World Against Terrorism Foundation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME: 5-NOV-2001 19:24:31.00
SUBJECT:: Re: World Against Terrorism Foundation
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm not immediately opposed to it. I would think as a policy matter, we might want to headquarter it outside the United States if we really wanted to make it a "world" fund that would appeal to people around the world and that could be used as reward money. I'll ask our policy types. What is the Counsel's office objection to it? Just a gimmick?

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 11/5/2001 2:24:31 PM
Subject: : Re: World Against Terrorism Foundation

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME: 5-NOV-2001 19:24:31.00
SUBJECT:: Re: World Against Terrorism Foundation
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm not immediately opposed to it. I would think as a policy matter, we might want to headquarter it outside the United States if we really wanted to make it a "world" fund that would appeal to people around the world and that could be used as reward money. I'll ask our policy types. What is the Counsel's office objection to it? Just a gimmick?

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/5/2001 2:38:01 PM
Subject: : RE: Tomorrow's hearing on the Presidential Records Act, Executive(009)Order

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 5-NOV-2001 19:38:01.00
SUBJECT:: RE: Tomorrow's hearing on the Presidential Records Act, Executive(009)Order
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Tomorrow's hearing on the
Presidential Records Act, Executive(009)Order
Was Read By : M.Edward.Whelan@usdoj.gov
On : Mon, 5 Nov 2001 20:30:13 -0400

From: RJS) (RJS@santorum.senate.gov (RJS) [UNKNOWN]
To: Chris Myers) (Chris_Myers@src.senate.gov (Chris Myers) [UNKNOWN]
<Chris_Myers@src.senate.gov>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Viet.Dinh@usdoj.gov [UNKNOWN]
<Viet.Dinh@usdoj.gov>;Jennifer.Newstead@usdoj.gov [UNKNOWN]
<Jennifer.Newstead@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;makan_delrahim@judiciary.senate.gov [UNKNOWN] <makan_delrahim@judiciary.senate.gov>;Harvey Valentine) (Harvey_Valentine@thompson.senate.gov (Harvey Valentine) [UNKNOWN]
<Harvey_Valentine@thompson.senate.gov>;Barbara Ledeen) (Barbara_Ledeen@src.senate.gov (Barbara Ledeen) [UNKNOWN] <Barbara_Ledeen@src.senate.gov>;krdaly@aol.com [UNKNOWN] <krdaly@aol.com>;Mark Rodgers) (Mark_Rodgers@src.senate.gov (Mark Rodgers) [UNKNOWN] <Mark_Rodgers@src.senate.gov>;ron_bonjean@lott.senate.gov [UNKNOWN] <ron_bonjean@lott.senate.gov>
Sent: 11/6/2001 1:21:18 AM
Subject: : Re:Judicial Nominees Press Conf Next Thurs @ 11:30

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:RJS@santorum.senate.gov (RJS) (RJS@santorum.senate.gov (RJS) [UNKNOWN])

CREATION DATE/TIME: 6-NOV-2001 06:21:18.00

SUBJECT:: Re:Judicial Nominees Press Conf Next Thurs @ 11:30

TO:Chris_Myers@src.senate.gov (Chris Myers) (Chris_Myers@src.senate.gov (Chris Myers) [UNKNOWN])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:makan_delrahim@judiciary.senate.gov (makan_delrahim@judiciary.senate.gov [UNKNOWN])

READ:UNKNOWN

TO:Harvey_Valentine@thompson.senate.gov (Harvey Valentine) (Harvey_Valentine@thompson.senate.gov (Harvey Valentine) [UNKNOWN])

READ:UNKNOWN

TO:Barbara_Ledeen@src.senate.gov (Barbara Ledeen) (Barbara_Ledeen@src.senate.gov (Barbara Ledeen) [UNKNOWN])

READ:UNKNOWN

TO:krdaly@aol.com (krdaly@aol.com [UNKNOWN])

READ:UNKNOWN

TO:Mark_Rodgers@src.senate.gov (Mark Rodgers) (Mark_Rodgers@src.senate.gov (Mark Rodgers) [UNKNOWN])

READ:UNKNOWN

TO:ron_bonjean@lott.senate.gov (ron_bonjean@lott.senate.gov [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

what about the democrats

Reply Separator

Subject: Judicial Nominees Press Conf Next Thurs @ 11:30

Author: Chris Myers

Date: 11/2/01 3:17 PM

to: all

fr: chris myers, src (224.2928)

REV_00134784

re: Judicial Nominees Press Conf Next Thurs @ 11:30

This idea has apparently taken hold and many folks seem to be playing some role

-- great! The purpose of this message is to try to get us all on the same page...

WHAT: PRESS CONFERENCE

PURPOSE: HIGHLIGHT THE NEED FOR A FULL BENCH TO ADMINISTER THE NEW ANTI-TERRORISM LAW AND PROTECT THE PUBLIC FROM TERRORISTS (ESPECIALLY EXPEDITIOUS ALIEN DEPORTATIONS)

WHEN: THURSDAY, 11/8, 11:30am

WHERE: SENATE SWAMP

WHO: SENATORS (Santorum definite, Thompson & Hatch are interested but

uncommitted), LAW ENFORCEMENT GROUPS, REP OF THE ADMINISTRATION (?)

Who is doing what to prepare...

Recruit senators -- Myers (SRC)

Distribute a media advisory on Wed & pitch the press -- Myers

Recruit law enforcement folks -- Ledeen (SRC) & Kay Daly. So far Kay has talked

to the AG offices of DE, TX & AL. Plus the National Law Enforcement Council and

the Law Enforcement Alliance of America have agreed to participate.

EXAMPLES of slowed terrorist-related decisions by an overworked bench -- the DoJ

& OPL (?? Viet, Jennifer, Dan, Brett, Bradford). This is critical. If we have

good examples, we have a solid news hook.

STATEMENT OF SUPPORT by the White House & Dept of Justice -- ? Heather (Could we

also try for a representative of the Administration to speak?)

WHAT AM I MISSING????

From: Burton, Faith <Faith.Burton@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/6/2001 4:04:16 AM
Subject: : RE: Tomorrow's hearing on the Presidential Records Act, Executive(009)Order

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Burton, Faith" <Faith.Burton@usdoj.gov> ("Burton, Faith" <Faith.Burton@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME: 6-NOV-2001 09:04:16.00

SUBJECT:: RE: Tomorrow's hearing on the Presidential Records Act, Executive(009)Order

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Tomorrow's hearing on the
Presidential Records Act, Executive(009)Order

Was Read By : Faith.Burton@usdoj.gov

On : Tue, 6 Nov 2001 9:57:29 -0400

From: Bryant, Dan <Dan.Bryant@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/6/2001 4:04:14 AM
Subject: : RE: Tomorrow's hearing on the Presidential Records Act, Executive(009)Order

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Bryant, Dan" <Dan.Bryant@usdoj.gov> ("Bryant, Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-NOV-2001 09:04:14.00

SUBJECT:: RE: Tomorrow's hearing on the Presidential Records Act, Executive(009)Order

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Tomorrow's hearing on the
Presidential Records Act, Executive(009)Order

Was Read By : Dan.Bryant@usdoj.gov

On : Tue, 6 Nov 2001 9:56:39 -0400

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/6/2001 4:09:58 AM
Subject: : car 93

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 09:09:58.00

SUBJECT:: car 93

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/6/2001 4:33:35 AM
Subject: : Testimony
Attachments: P_5F8K4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN]
)
CREATION DATE/TIME: 6-NOV-2001 09:33:35.00
SUBJECT:: Testimony
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Here is the final testimony that we have just sent to the Hill.

Do you have Ed's?

- housepra.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5F8K4004_WHO.TXT_1>

STATEMENT
by John W. Carlin
Archivist of the United States^{Stat}

to the
Subcommittee on Government Efficiency, Financial Management,
and Intergovernmental Relations
of the Committee on Government Reform
House of Representatives
Congress of the United States

On the Implementation and Effectiveness of the Presidential Records Act of 1978

November 6, 2001

Chairman Horn, Congresswoman Schakowsky, members of the Subcommittee, and Subcommittee staff, I am John Carlin, Archivist of the United States, and I thank you for the opportunity to appear before you this morning on the implementation of the Presidential Records Act. Mr. Chairman, I particularly want to thank you for holding this hearing and for your continued interest in the programs and responsibilities of the National Archives and Records Administration. We are fully aware that with the jurisdiction of this subcommittee, attention to NARA is your job. However, you have taken a particular interest in our mission during your career in Congress and the people of NARA and our many constituent groups thank you for that interest.

In order to set the foundation for this dialogue today, I would like to set out the history of the Presidential Records Act and provide the Subcommittee with an overview of our implementation to date. The Presidential Records Act (PRA) was enacted in 1978 to establish public ownership of the records created by subsequent Presidents and their staffs and to establish procedures

governing the preservation and public availability of the records. As noted in the House Report accompanying the pending bill:

The legislation would terminate the tradition of private ownership of Presidential papers and the reliance on volunteerism to determine the fate of their disposition. Instead, the preservation of the historical record of future Presidents would be assured and public access to the materials would be consistent under standards affixed in law. The primary function of the Presidential libraries remains unchanged. The libraries are to continue to provide information about their holdings and to make records available to researchers upon request on an impartial basis.

H. Rep. 95-1487, at 2-3 (95th Cong., 2d Sess., Aug. 14, 1978).

The PRA mandates that the Presidential records of an Administration be transferred to the legal and physical custody of the National Archives and Records Administration (NARA) immediately upon the end of the President's last term of office. The Archivist of the United States is given the "responsibility for the custody, control, and preservation of, and access to, the Presidential records of th[e former] President." 44 U.S.C. § 2203(f)(1). The PRA also requires the Archivist to appoint a Library Director in "consultation with the former President." *Id.* § 2203(f)(2). The Library Director balances archival and public access considerations with national security, confidentiality, and privacy concerns.

Since its enactment, NARA has taken legal custody of the Presidential records of Presidents Ronald Reagan, George H.W. Bush, and William J. Clinton. The Reagan and Bush records are housed in Presidential Libraries in Simi Valley, California and College Station, Texas, respectively. The Clinton records are stored in a records storage facility in Little Rock, Arkansas, until they can be transferred to a Presidential Library that is being constructed by former President Clinton.

The PRA applies to all Vice-Presidential records in same manner as Presidential records, and affords the former Vice-Presidents the same authority as the former Presidents. Accordingly, all of the procedures and authorities that are ascribed in this testimony to the former Presidents also apply to the former Vice-Presidents (except that Vice-Presidential records may be stored at a separate location from the Presidential records).

Responsibilities of the Archivist of the United States Under the PRA

The PRA established Government control over Presidential records while codifying and preserving some of the basic practices that long existed with respect to the papers that Presidents had donated to the National Archives (dating back to President Hoover). As the House Report on the PRA bill stated: “It is anticipated that the Archivist will process the former Administration’s papers in a manner roughly similar to current practices.” H. Rep. 95-1487, at 15. The report also stated that “the determination whether access to a Presidential record or reasonably segregable portion thereof shall be restricted shall be made by the Archivist, in his discretion, after consultation with the former President.” *Id.* § 2204(b)(3).

The PRA mandates that “[t]he Archivist shall have an affirmative duty to make such records available to the public as rapidly and completely as possible consistent with the provisions of this Act.” *Id.* § 2203(f)(1). Overall, the PRA represents an effort to legislate a “careful balance between the public’s right to know, with its vast implications to historians and other academic interests, and the rights of privacy and confidentiality of certain sensitive records generated by

the President and his staff during the course of their White House activities.” Floor Statement of Congressman Thompson, *Cong. Rec.*, Oct. 10, 1978, at 34897.

Presidential Papers and Materials Prior to the PRA

Prior to the PRA, and with the exception of the materials of former President Richard M. Nixon, the Presidential papers and materials maintained under NARA’s control at the Presidential Libraries of former Presidents Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Ford, and Carter are controlled by the terms of the deeds of gift by which the former Presidents donated their records to the National Archives. Each of these deeds has provisions outlining categories of records that may be withheld from public access for some period of time. All of them seek to protect information that could harm national security, invade personal privacy, or cause embarrassment or harassment. Some also seek to protect documents involving confidential communications directly with the President. The deeds of Presidents Ford and Carter model the restrictions on the PRA exemptions.

In all instances, the Director of the Presidential Library, who is appointed by NARA in close consultation with the former President or representative, was given the independent authority and discretion to process and open the papers, with very limited involvement by the former President or representative. Living former Presidents in some cases would establish priorities for the processing of particular subjects or series of records. In other cases, a representative or review board was established – such as for Presidents Roosevelt and Kennedy because they died in office, as well as for Truman and Eisenhower – that exercised limited control over the decisions

made by the Libraries. The boards' principal concern was with respect to the President's personal and family matters, and, in most cases, they disbanded after a short period of time.

Under these deeds of gift, NARA processed and opened Presidential materials based on the deeds and professional archival considerations. Moreover, because the materials at these Libraries were donated to the United States, they are not subject to request under the Freedom of Information Act (FOIA) or any other public access statute. This meant that the Library staff were able to process and open most records in an organized and systematic way based on how the records were filed or arranged. Such "systematic processing" is generally much more efficient and less time consuming than processing in response to FOIA requests. However, researchers have no legal recourse to challenge the withholding of records or delays in responding to requests.

The records of President Nixon are governed by the Presidential Recordings and Materials Preservation Act (PRMPA), 44 U.S.C. § 2111, note, which was passed by Congress in 1974 to ensure government control over the Nixon papers and tapes. The PRMPA also established a National Study Commission on Records and Documents of Federal Officials, which was charged with studying, among other things, "whether the historical practice regarding the records and documents produced by or on behalf of Presidents of the United States should be rejected or accepted and whether such practice should be made applicable with respect to all federal officials." Pub. L. 93-526, 88 Stat. 1695 (December 19, 1974), sec. 202. That commission produced a final report in 1977, and its recommendations were considered by Congress in drafting the PRA. *See* Hearings before a Subcommittee of the Committee on Government

Operations on H.R. 10998 (the Presidential Records Act of 1978) and Related Bills, 95th Cong., 2d Sess., (Feb. 23, 28, Mar. 2, 7, 1978) (PRA Hearings).

Public Access to Presidential Records

Presidential records are not subject to public access requests during the President's term of office, and may be made available only by decision of the incumbent President. After the President leaves office, the records are also not available to public access requests for five years, unless NARA has processed an integral file segment sooner than five years. This five year period was intended principally to give NARA an opportunity to organize the records and begin systematic archival processing. At the end of the five year period, all Presidential records are subject to public access requests in accordance with the FOIA. However, for a period not to exceed 12 years from when the President leaves office, the President is authorized, but not required, to impose up to six Presidential restrictions (which must be imposed before the President leaves office and which are not subject to judicial review).

In addition, the PRA establishes that eight of the nine FOIA exemptions shall apply to Presidential records, which stay in effect after the Presidential restrictions expire. Congress specifically excluded Presidential records from the FOIA (b)(5) exemption concerning the deliberative process and other recognized privileges. Four of the six presidential restrictions are identical to corresponding FOIA exemptions: exemptions 1, for classified national security information; exemptions 3, for information protected by other statute; exemptions 4, for trade secrets and confidential business information; and exemptions 6, for unwarranted invasions of personal privacy. Presidential exemption 2 ("P2"), for "appointments to Federal office," has no

FOIA counterpart, but is subsumed, in large part, under FOIA exemption (b)(6). Presidential exemption 5 (“P5”), concerning “confidential communications requesting or submitting advice, between the President and his advisers, or between such advisers,” is similar to FOIA exemption (b)(5), and protects the disclosure of presidential communications, deliberations, and other information that could be subject to a common law or constitutionally-based privilege.

Because the PRA subjects all Presidential records to public access through the FOIA, PRA Libraries open records almost exclusively in response to FOIA requests (or mandatory declassification review requests under Executive Order 12958 on Classified National Security Information), and have very little opportunity to conduct systematic processing of records after the first five years. Moreover, Congressional and grand jury investigations and other litigation has significantly limited systematic processing even during the first five years.

PRA Restrictions

The PRA does not mandate the Presidential restrictions, but rather makes clear that they may be narrowed or waived any time after the President leaves office. Moreover, in the legislative history, Congress anticipated that the Archivist to do just that:

It is also expected that the Archivist will follow past practice in applying the restrictive categories in former Presidents’ deeds of gift, and negotiate with the ex-President or his representative on an on-going basis to lessen the number of years chosen for particular mandatory restriction categories, to eliminate entire categories, or to permit release of particular records otherwise restricted.

H. Rep. 95-1487, at 15. Former Presidents Reagan and Bush have both narrowed the application of PRA exemptions P2 and P5 to their records, allowing significantly more records to be opened

than what might otherwise be authorized. NARA will work with former President Clinton and his representative regarding the application of these exemptions as well.

The PRA also removes the authority to withhold Presidential records under FOIA exemption (b)(5) after the expiration of the P5 exemption. The elimination of a statutory exemption in no way prevents a proper assertion of Executive privilege by the former or incumbent President. As the PRA itself notes, the incumbent and former Presidents have clear legal authority to assert an Executive privilege over the Presidential records of former Presidents: “Nothing in this Act shall be construed to confirm, limit, or expand any constitutionally-based privilege which may be available to an incumbent or former President.” 44 U.S.C. § 2204(c)(2). This provision reflects the holding by the Supreme Court that the constitutionally based privileges available to a President “survive[] the individual President’s tenure.” *Nixon v. Administrator of General Services*, 433 U.S. 425, 449 (1977). Although the Supreme Court also noted the privileges are “subject to erosion over time after an administration leaves office.” *Id.* at 451.

Special Access to Presidential Records

In addition to establishing procedures for public access, the PRA also establishes procedures for what NARA calls “special access” to Presidential records that are otherwise closed from public access. These special access provisions are designed to accommodate requests by Congressional investigators, Federal prosecutors, other parties in litigation, and the incumbent President for the ongoing business of the current Administration. However, prior to providing such access, NARA must notify the former and incumbent Presidents and provide them an opportunity to review the records and consider whether to assert any constitutionally-based privilege. Accordingly, either House of Congress, or a Committee or Subcommittee with appropriate

jurisdiction, may request access to Presidential records. Similarly, Federal prosecutors may seek access through a grand jury subpoena, and other parties in litigation may seek access through court orders. The incumbent President may also obtain access to the records of a predecessor on behalf of his staff, such as the NSC, or any other agency, “for the conduct of current business.” 44 U.S.C. § 2205(2)(B). The former President and his designated representative are always entitled to access to the Presidential records of his Administration.

That concludes my formal statement, Mr. Chairman, and I would be happy to answer any questions at the appropriate time.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/6/2001 5:03:16 AM
Subject: : Request from DOJ for Horn letter

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 10:03:16.00

SUBJECT:: Request from DOJ for Horn letter

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Faith Burton from DOJ leg affairs called requesting a copy of the Horn letter.

Any objection to my faxing this to her this morning?

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Kyle Sampson [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 11/6/2001 5:37:50 AM
Subject: : Interviews today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-NOV-2001 10:37:50.00
SUBJECT:: Interviews today
TO:Kyle Sampson (Kyle Sampson [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I am not sure which of you was scheduled to interview with Tim, but Tim will not be doing the interviews today, only the Judge (this is for O'Neill, Anderson, and Yang).

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/6/2001 5:56:52 AM
Subject: : victim's

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-NOV-2001 10:56:52.00
SUBJECT:: victim's
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can we meet at 5:00 for a quick update on the victim's compensation fund?
Can we meet in Jay's office?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/6/2001 11:45:30 AM
Subject: : Re: Who's got DE for judges?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-NOV-2001 16:45:30.00
SUBJECT:: Re: Who's got DE for judges?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

is our lead rep. castle? i got a call from them on marshals and want to know before i talk to them.

Brett M. Kavanaugh
11/06/2001 04:42:14 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Who's got DE for judges?

me

Helgard C. Walker
11/06/2001 04:41:26 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Who's got DE for judges?

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00134812

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/6/2001 8:03:41 AM
Subject: : Re: need car at 1:30

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 13:03:41.00

SUBJECT:: Re: need car at 1:30

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

car 96

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 11/6/2001 8:06:57 AM
Subject: : Re: need car at 1:30

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-NOV-2001 13:06:57.00
SUBJECT:: Re: need car at 1:30
TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

thanks

Lori L. Lorenzi
11/06/2001 01:03:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: need car at 1:30

car 96

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/6/2001 8:22:23 AM
Subject: : PLEASE BE CAREFUL - you are getting way in the weeds!!!!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 13:22:23.00

SUBJECT:: PLEASE BE CAREFUL - you are getting way in the weeds!!!!

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 11/6/2001 8:25:57 AM
Subject: : Prep session at DOJ at 2pm today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 13:25:57.00

SUBJECT:: Prep session at DOJ at 2pm today

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Anybody else going over for this? Can I get a ride? Thanks!

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 11/6/2001 8:27:10 AM
Subject: : Re: Prep session at DOJ at 2pm today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-NOV-2001 13:27:10.00
SUBJECT:: Re: Prep session at DOJ at 2pm today
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm going, and have arranged for a car (Car 93) to pick us up at 1:45 West Wing. Of course you're welcome to ride along.

Helgard C. Walker
11/06/2001 01:25:54 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Prep session at DOJ at 2pm today

Anybody else going over for this? Can I get a ride? Thanks!

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00134819

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Jason B. Torchinsky/WHO /EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 11/6/2001 8:55:22 AM
Subject: : Meetings w/ President re: Judges

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 13:55:22.00

SUBJECT:: Meetings w/ President re: Judges

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tues., Nov 13

3:05pm

(20 min)

Tues., Nov 20

3:25pm

(30 min)

REV_00134820

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 11/6/2001 8:55:22 AM
Subject: : Meetings w/ President re: Judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 13:55:22.00

SUBJECT:: Meetings w/ President re: Judges

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tues., Nov 13
3:05pm
(20 min)

Tues., Nov 20
3:25pm
(30 min)

REV_00134821

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/6/2001 8:59:43 AM
Subject: : Interns

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-NOV-2001 13:59:43.00
SUBJECT:: Interns
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I would like to discuss a question on interns. When are you free?

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>
Sent: 11/6/2001 11:11:34 AM
Subject: : victims

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-NOV-2001 16:11:34.00
SUBJECT:: victims
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
CC: Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

Jay and Brett have other commitments. Can we reschedule for 11:30 tomorrow?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 11/6/2001 11:41:29 AM
Subject: : Who's got DE for judges?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 16:41:29.00

SUBJECT:: Who's got DE for judges?

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Traci R. Campbell/WHO/EOP@EOP [WHO] <Traci R. Campbell>
CC: anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>; Rebecca E. Davis/OMB/EOP@EOP [OMB] <Rebecca E. Davis>
Sent: 11/6/2001 1:01:07 PM
Subject: : Deputies Meeting - Senate Strategy on the Insurance Bill

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 6-NOV-2001 18:01:07.00

SUBJECT:: Deputies Meeting - Senate Strategy on the Insurance Bill

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Rebecca E. Davis (CN=Rebecca E. Davis/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

There will be a Deputies Meeting tomorrow regarding Senate Strategy on the Insurance Bill

time: 9:30 am

location: EEOB 211

Please let me know if you can attend.

**This will be in place of the 9:30 Insurance Call

REV_00134832

Thanks,
Leslie
456-5584

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 11/6/2001 1:06:15 PM
Subject: : Change of time for Judicial Selection Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 18:06:15.00

SUBJECT:: Change of time for Judicial Selection Meeting

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

REV_00134834

READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The JSC meeting on Wednesday, November 7th will be held from 5:00-6:00 pm in the Roosevelt.

The Roosevelt will be in use right up to 5:00 pm so if you arrive a few minutes early please wait in the West Lobby.

Counsel staff - prep meeting will be held from 3:00-3:30 in the Judge's office.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 11/6/2001 1:06:15 PM
Subject: : Change of time for Judicial Selection Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 18:06:15.00

SUBJECT:: Change of time for Judicial Selection Meeting

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

REV_00134836

READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The JSC meeting on Wednesday, November 7th will be held from 5:00-6:00 pm in the Roosevelt.

The Roosevelt will be in use right up to 5:00 pm so if you arrive a few minutes early please wait in the West Lobby.

Counsel staff - prep meeting will be held from 3:00-3:30 in the Judge's office.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/6/2001 1:15:23 PM
Subject: : PRA hearing

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-NOV-2001 18:15:23.00
SUBJECT:: PRA hearing
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

it's on C-Span at 4:09 a.m. tomorrow morning. set your alarms . . .

From: KRdaly@aol.com [UNKNOWN]
To: Chris_Myers@src.senate.gov [UNKNOWN] <Chris_Myers@src.senate.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; jeff_taylor@judiciary.senate.gov [UNKNOWN] <jeff_taylor@judiciary.senate.gov>; dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>; candi_wolff@vp.senate.gov [UNKNOWN] <candi_wolff@vp.senate.gov>; makan_delrahim@judiciary.senate.gov [UNKNOWN] <makan_delrahim@judiciary.senate.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Barbara_Ledeen@src.senate.gov [UNKNOWN] <Barbara_Ledeen@src.senate.gov>; rena_johnson@judiciary.senate.gov [UNKNOWN] <rena_johnson@judiciary.senate.gov>
Sent: 11/6/2001 1:16:14 PM
Subject: : Re: NEED JUDGES TO CAPTURE TERRORISTS
Attachments: P_TUXK4004_WHO.TXT_1.txt

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:KRdaly@aol.com (KRdaly@aol.com [UNKNOWN])
CREATION DATE/TIME: 6-NOV-2001 18:16:14.00
SUBJECT:: Re: NEED JUDGES TO CAPTURE TERRORISTS
TO:Chris_Myers@src.senate.gov (Chris_Myers@src.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:jeff_taylor@judiciary.senate.gov (jeff_taylor@judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:candi_wolff@vp.senate.gov (candi_wolff@vp.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:makan_delrahim@judiciary.senate.gov (makan_delrahim@judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Barbara_Ledeen@src.senate.gov (Barbara_Ledeen@src.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:rena_johnson@judiciary.senate.gov (rena_johnson@judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Why yes, Chris, I'd be happy to let you know who has expressed an interest in Thursday's event! ;)

LEAA (Law Enforcement Alliance of America), National Troopers Coalition, National Law Enforcement Council and former federal prosecutor types (e.g. Victoria Toensing) will be in attendance. In addition, several of our conservative organizations in the Coalition for a Fair Judiciary will be in attendance with press releases and supporting smiles.

We'll be there with bells on!

Kay Daly
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TUXK4004_WHO.TXT_1>

REV_00134839

Why yes, Chris, I'd be happy to let you know who has expressed an interest in Thursday's event! ;)

LEAA (Law Enforcement Alliance of America), National Troopers Coalition, National Law Enforcement Council and former federal prosecutor types (e.g. Victoria Toensing) will be in attendance. In addition, several of our conservative organizations in the Coalition for a Fair Judiciary will be in attendance with press releases and supporting smiles.

We'll be there with bells on!

Kay Daly</HTML>

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov @ inet [UNKNOWN] <amy.smith@do.treas.gov>
Sent: 11/6/2001 2:20:38 PM
Subject: : Democrats Fight Liability Ban in Insurance Measure

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 6-NOV-2001 19:20:38.00

SUBJECT:: Democrats Fight Liability Ban in Insurance Measure

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

make sure you read last sentence - Marc Sumerlin

----- Forwarded by Leslie A. Mooney/OPD/EOP on 11/06/2001

07:19 PM -----

D. Marcus Sumerlin

11/06/2001 07:17:54 PM

Record Type: Record

To: Leslie A. Mooney/OPD/EOP@EOP

cc:

Subject: Democrats Fight Liability Ban in Insurance Measure

Leslie -- please forward to insurance group

make sure you read last sentence/MS

----- Forwarded by D. Marcus Sumerlin/OPD/EOP on

11/06/2001 07:16 PM -----

Eric H. Otto

11/06/2001 06:13:58 PM

Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP

cc:

Subject: Democrats Fight Liability Ban in Insurance Measure

REV_00134842

Democrats Fight Liability Ban in Insurance Measure (Update2)

Washington, Nov. 6 (Bloomberg) -- Some Democrats are demanding that pending terrorism insurance bills be changed to remove restrictions on punitive damage awards to victims and to guarantee that high-profile properties such as New York's Empire State Building have affordable insurance.

Senate Judiciary Committee Chairman Patrick Leahy of Vermont and Representative John Conyers Jr. of Michigan, senior Democrat on the House Judiciary panel, sent a letter to bill sponsors declaring their opposition to the punitive damages restrictions that are included in House and Senate bills designed to keep terrorism insurance available.

The letter, released Monday, sets up a battle with Treasury Secretary Paul O'Neill and the White House, which consider the punitive damages restrictions a priority. By claiming jurisdiction over part of the bill, the Judiciary committees can slow action on a measure that insurers say Congress must enact this year to prevent gaps in coverage after Jan. 1, when many policies expire.

The provision is aimed to protect taxpayers from costly lawsuits. Critics say it sets a disturbing precedent.

"We cannot support rewriting the tort law of each of the 50 states for the benefit of private industry and at the expense of terrorist victims and their families," Leahy and Conyers wrote.

Their letter went to Senate Banking Chairman Paul Sarbanes of Maryland and House Financial Services Chairman Michael Oxley of Ohio, who have sponsored the legislation.

Schumer's Objection

Senator Charles Schumer, a New York Democrat who serves on the Banking panel, said he can't support Sarbanes' plan because it doesn't prevent insurers from "cherry picking" low-risk properties while leaving the Empire State Building without coverage it can afford.

Schumer is developing a proposal to have the industry create some form of a risk-sharing pool to cover the major risks, with the government serving as a backup.

"We know that residential buildings in the suburbs of Omaha will be insured," Schumer said. "Will the Empire State Building? That's the question."

The Sarbanes proposal, co-sponsored by Republican Senator Phil Gramm of Texas and Democrat Chris Dodd of Connecticut, would require companies receiving federal assistance to offer terrorism coverage in all of its property and casualty policies. That doesn't mean it will be affordable, Schumer said.

Asked about Schumer's proposal, Sarbanes said, "Generally speaking, I'm open to adjustments that contribute towards consensus."

As for the punitive damages issue, Sarbanes said, "We'll keep working at it."

A Treasury official said the liability ban remains a priority.

"The litigation management provisions are an important part of the overall package," Treasury spokeswoman Betsy Holahan said.

Complex Path

The legislation faces a procedural maze in the Senate. The bill was introduced by Banking Committee leaders, and their panel is expected to act on it this week. Senate Commerce Committee Chairman Ernest F. Hollings of South Carolina is drafting his own terrorism insurance plan. Leahy and Conyers suggested these legal liability provisions are outside the jurisdiction of those panels.

"We absolutely do think this is so divisive that it has the potential to slow down or kill this legislation," said Travis Plunkett, lobbyist for Consumer Federation of America, which opposes the punitive damages restrictions.

Congress is attempting to craft a bill to ensure terrorism insurance is affordable. Chubb Corp. and other insurers said availability of such insurance is drying up in wake of the Sept. 11 terrorist attacks on the World Trade Center and Pentagon.

At Chicago's O'Hare and Midway airports, terrorism insurance premiums jumped to nearly \$7 million from \$125,000 before the attacks while the scope of coverage declined.

Liability Details

The Senate bill would prevent victims from suing employers or companies

subject to terrorist attacks for punitive damages. The House bill would not allow federal payments for terrorism coverage to pay for punitive or non-economic damages. The bill doesn't limit a plaintiff's ability to sue, said Oxley spokeswoman Peggy Peterson.

Senator Phil Gramm, a Texas Republican and co-sponsor of the Senate bill, defended the proposal last week.

``The taxpayer is giving this coverage to American businesses and American workers, and the idea that they would sue the government because of it on a punitive basis is just doesn't make any sense,'' Gramm said.

Leahy and Conyers say the provision would lessen pressure for businesses ``taking the necessary precautions to prevent loss of life or limb in a future terrorist attack'' and let them skimp on security costs.

``It's an opportunistic rider and it's disappointing to see the White House tied so closely to it,'' Leahy spokesman David Carle said.

The House Financial Services Committee is scheduled to consider its bill tomorrow. That committee's top Democrat, Representative John LaFalce of New York, is preparing an alternative that's similar to Sarbanes bill, without the punitive damages restrictions, said LaFalce spokeswoman Amy Simmons.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/6/2001 2:21:03 PM
Subject: : JSC Prep

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-NOV-2001 19:21:03.00

SUBJECT:: JSC Prep

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Kyle can't do 3:00 pm for the Prep Mtg.

If anyone has a problem with 11:30am-12:00pm please let me know.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/6/2001 2:21:03 PM
Subject: : JSC Prep

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-NOV-2001 19:21:03.00
SUBJECT:: JSC Prep
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
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TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Kyle can't do 3:00 pm for the Prep Mtg.

If anyone has a problem with 11:30am-12:00pm please let me know.

From: CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 3:09:27 AM
Subject: : Re: vaccine

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 7-NOV-2001 08:09:27.00
SUBJECT:: Re: vaccine
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

That should work. I'll see you then.

Brett M. Kavanaugh
11/06/2001 09:13:29 PM
Record Type: Record

To: Rebecca A. Beynon/OMB/EOP@EOP
cc:
Subject: vaccine

we need to talk; how's 10:00 tomorrow? 156?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/7/2001 7:09:23 AM
Subject: : Re: JSC Prep - can you all do 2:00-2:30?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 12:09:23.00
SUBJECT:: Re: JSC Prep - can you all do 2:00-2:30?
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

yes and cannot do 11:30

Elizabeth N. Camp
11/07/2001 09:45:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: JSC Prep - can you all do 2:00-2:30?

Respond only if you cannot attend at this time.

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/7/2001 7:10:01 AM
Subject: : Yes - I meant JSC PREP is 3:00-3:30 - sorry...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 12:10:01.00

SUBJECT:: Yes - I meant JSC PREP is 3:00-3:30 - sorry...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

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TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 7:12:39 AM
Subject: : Status

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 12:12:39.00

SUBJECT:: Status

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The question is now, rather than Sec. Martinez can we use Fannie Mae as the sponsor and have Judge Gonzales as the speaker?

Hosts would be the same, YRHA, RHNA and Latino Coalition. Invitees would be Hispanic Administration appointees, Board members from the hosts and the Fannie Mae Representative.

Thanks and let us know,

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 7:13:11 AM
Subject: : Status

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 12:13:11.00
SUBJECT:: Status
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

additional info.

----- Forwarded by Robert W. Cobb/WHO/EOP on 11/07/2001
11:52 AM -----

Leonard B. Rodriguez
11/07/2001 11:35:00 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Status

The question is now, rather than Sec. Martinez can we use Fannie Mae as the sponsor and have Judge Gonzales as the speaker?

Hosts would be the same, YRHA, RHNA and Latino Coalition. Invitees would be Hispanic Administration appointees, Board members from the hosts and the Fannie Mae Representative.

Thanks and let us know,

From: CN=Ashley Estes/OU=WHO/O=EOP [WHO]
To: Kenneth B. Mehlman/WHO/EOP [UNKNOWN] <Kenneth B. Mehlman>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Collister W. Johnson/WHO/EOP [WHO] <Collister W. Johnson>; Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>; David M. Thomas/WHO/EOP@EOP [WHO] <David M. Thomas>; Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>; Kelley J. McCullough/WHO/EOP [WHO] <Kelley J. McCullough>; Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Christal R. West/WHO/EOP@EOP [WHO] <Christal R. West>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/7/2001 3:24:37 AM
Subject: : recommended phone calls for the president

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 08:24:37.00
SUBJECT:: recommended phone calls for the president
TO: Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP [UNKNOWN])
READ: UNKNOWN
TO: Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

hello. good morning. please help me.

if you want the president to call someone - please give us good #'s. in

REV_00134860

this case, let's err on the side of too many. more is good. we continually try and call people and the #'s don't work, or we call their scheduler that no longer works for them, or their senate office in AZ, or the main line that goes straight to voicemail...he's a nice person and he'll try and call your people if it doesn't take 5 hrs. to find them!

thank you for any assistance you can provide. also - fyi - he tends to make these calls in the 7-8am hour b/c it's the only time we have open so home and cell phones are good.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 7:57:13 AM
Subject: : Karl's flight to CA
Attachments: P_INGL4004_WHO.TXT_1.htm

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 12:57:13.00
SUBJECT:: Karl's flight to CA
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

would you mind checking this company out.
----- Forwarded by Robert W. Cobb/WHO/EOP on 11/07/2001
12:56 PM -----

Susan B. Ralston
11/07/2001 12:05:26 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc: Dee Dee Benkie/WHO/EOP@EOP, Chris Henick/WHO/EOP@EOP, David M.
Thomas/WHO/EOP@EOP
Subject: Karl's flight to CA

Karl has a trip to CA this weekend. His plan was to return to DC on Mon,
11/12 via commercial carrier. Warren Tichenor would like to use his
corporate plane owned by W.W. Tichenor & Co. (TX corp.) to fly Karl and
Chris Henick back from San Diego to DC. What do you think?

Adriana Matouk <AM@StargazerAviation.com>
11/07/2001 11:58:07 AM
Record Type: Record

To: Israel Hernandez/WHO/EOP, Susan B. Ralston/WHO/EOP
cc: Dee Dee Benkie/WHO/EOP
Subject: Tichenor Aircraft N765WT

Thank you for your recent inquiries regarding N765WT, Mr. Tichenor's
airplane.

In as much as I've received the same or similar inquiries from each of you
this morning, I'm responding to all of you with this correspondence.

N765WT is a Bombardier Challenger 601-3A, owned and operated by W.W.
Tichenor & Co., Inc., a Texas based corporation. Under our present and
existing ownership, we flew during the campaign, Laura Bush, Barbara Bush,
Secretary Evans, Director Allbaugh, Karen and Karl among numerous other
campaign officials. For this reason, we believe that we can satisfy any
requirements the Counsel's office may have.

Additionally, our lead counsel William D. White at Locke Liddell & Sapp in
Dallas is a partner at the firm Ms. Miers headed before assuming her

REV_00134862

present

position as Assistant to the President and Staff Secretary and is available to answer any questions in this regard. If there are any, please call me at 210-375-0765 and we'll endeavor to get them answered for you.

Sincerely,

Adriana Matouk

----- Forwarded by Susan B. Ralston/WHO/EOP on 11/07/2001
09:34 AM -----

Dee Dee Benkie

11/06/2001 06:38:09 PM

Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP

cc:

Subject: Letter from Warren Tichenor to Chris Henick

Just wanted to confirm this was ok with you

----- Forwarded by Dee Dee Benkie/WHO/EOP on 11/06/2001
06:33 PM -----

Adriana Matouk <AM@StargazerAviation.com>

11/06/2001 05:40:56 PM

Record Type: Record

To: Dee Dee Benkie/WHO/EOP

cc:

Subject: Letter from Warren Tichenor to Chris Henick

Dear Dee Dee,

Warren requested that I send this letter to you and ask that you please forward to Chris Henick. Thanks so much. Adriana

-

Dear Chris,

Thank you for your time Monday.

I enjoyed the lunch and the visit. I'll look forward to seeing you in Los Angeles this weekend and to doing everything I can to engage Hollywood in helping to win the war on terrorism.

Thanks again. Please let me know if it works for Karl, you, and me to fly back to Washington Monday, as this would be an ideal time to plan the next steps.

Sincerely,

Warren W. Tichenor

P.S. Please send me the framing remarks via e-mail to am@wwtichenorco.com <<mailto:am@wwtichenorco.com>> and I'll add my comments. Thanks.

- att1.htm

REV_00134863

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_INGL4004_WHO.TXT_1>

Dear Dee Dee,

Warren requested that I send this letter to you and ask that you please forward to Chris Henick. Thanks so much. Adriana

Dear Chris,

Thank you for your time Monday.

I enjoyed the lunch and the visit. I'll look forward to seeing you in Los Angeles this weekend and to doing everything I can to engage Hollywood in helping to win the war on terrorism.

Thanks again. Please let me know if it works for Karl, you, and me to fly back to Washington Monday, as this would be an ideal time to plan the next steps.

Sincerely,

Warren W. Tichenor

P.S. Please send me the framing remarks via e-mail to am@wwtichenorco.com and I'll add my comments. Thanks.

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 4:31:32 AM
Subject: : Victims Comp

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-NOV-2001 09:31:32.00

SUBJECT:: Victims Comp

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

You can disregard my voice mail from yesterday. I think you and Phil have spoken since then.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/7/2001 4:45:38 AM
Subject: : JSC Prep - can you all do 2:00-2:30?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 09:45:38.00

SUBJECT:: JSC Prep - can you all do 2:00-2:30?

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Respond only if you cannot attend at this time.

REV_00134867

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/7/2001 4:45:38 AM
Subject: : JSC Prep - can you all do 2:00-2:30?

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 09:45:38.00

SUBJECT:: JSC Prep - can you all do 2:00-2:30?

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Respond only if you cannot attend at this time.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 11/7/2001 9:06:48 AM
Subject: : Movie theatre

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 14:06:48.00

SUBJECT:: Movie theatre

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Has anybody dealt with questions relating to the movie theatre at the Residence (or East Wing, or wherever it is)?

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>
Sent: 11/7/2001 10:32:09 AM
Subject: : victims

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 15:32:09.00
SUBJECT:: victims
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Would tomorrow at 2 work?

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
CC: 'alex.azar@hhs.gov' <alex.azar@hhs.gov>;yoo, john c <john.c.yoo@usdoj.gov>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>
Sent: 11/7/2001 7:07:54 AM
Subject: : Re: House Commerce request

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 7-NOV-2001 12:07:54.00

SUBJECT:: Re: House Commerce request

TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"

<Paul.P.Colborn@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:''alex.azar@hhs.gov'' <alex.azar@hhs.gov> (receipt notification requested) (ipm return requested) (''alex.azar@hhs.gov'' <alex.azar@hhs.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:"yoo, john c" <john.c.yoo@usdoj.gov> (receipt notification requested) (ipm return requested) ("yoo, john c" <john.c.yoo@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I've talked to Alex and put him in touch with Carl Buchholz in Governor Ridge's office. Thanks, Paul.

REV_00134871

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/7/2001 7:09:45 AM
Subject: : JSC will be from 3:00-3:30 in the Judge's office - THIS IS THE FINAL ANSWER!

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 12:09:45.00

SUBJECT:: JSC will be from 3:00-3:30 in the Judge's office - THIS IS THE FINAL ANSWER!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 11:35:02 AM
Subject: : Re: ethics torture

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 16:35:02.00
SUBJECT:: Re: ethics torture
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I guess intriguing means you're thinking about it.

Brett M. Kavanaugh
11/07/2001 04:25:57 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
bcc:
Subject: Re: ethics torture

intriguing.

Robert W. Cobb
11/07/2001 03:57:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: ethics torture

The latest exercise relates to the authors series where authors may be giving away books to WH employees. This issue has come up before. I may have an idea for the appropriate receipt, use, and ultimate personal possession by WH officials of these items, even though they may exceed \$20 in value. One question I have is, if the books are received and utilized in the White House workplace on the theory that those who give the books are interested having views (even of history or the arts or other similar fields) considered by administration officials, do the books become Presidential records?

From: Ben Wittes <wittesb@washpost.com>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 7:38:12 AM
Subject: : Re: letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ben Wittes <wittesb@washpost.com> (Ben Wittes <wittesb@washpost.com> [UNKNOWN])
CREATION DATE/TIME: 7-NOV-2001 12:38:12.00
SUBJECT:: Re: letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

never mind. just found it on Viet's web site...

/b

Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 11/7/2001 8:34:30 AM
Subject: : Re: UPDATED USA Today draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 13:34:30.00
SUBJECT:: Re: UPDATED USA Today draft
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI - the editorial has been pushed back to Friday

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 8:36:26 AM
Subject: : Sarbanes Request for Side by Side of House/Senate tort procedures

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 7-NOV-2001 13:36:26.00
SUBJECT:: Sarbanes Request for Side by Side of House/Senate tort procedures
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Steve Harris has requested that we prepare a side-by-side of the tort procedures contained in the House and Senate bills. I have asked Roberta and Martha to put something together. Should have something for you to review in a few hours.

Sheila

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>
Sent: 11/7/2001 1:07:56 PM
Subject: : tort provision side-by-side
Attachments: P_D6VL4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 7-NOV-2001 18:07:56.00
SUBJECT:: tort provision side-by-side
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here is the side-by-side we prepared for Steve Harris, at his request, on tort provisions in the House and Senate bills.

<<tort-table.doc>>
- tort-table.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_D6VL4004_WHO.TXT_1>

COMPARISON OF SENATE AND HOUSE TORT REFORM PROVISIONS

Tort Reform	Senate Bill	House Bill
Exclusive Federal Cause of Action	Creates exclusive federal cause of action for property damage, personal injury or death arising out of covered terrorism acts.	Creates exclusive federal cause of action covered by commercial property and casualty insurance for damages caused by acts of terrorism.
Claims Consolidation	Within 90 days of terrorist act, Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims for covered actions arising out of that terrorist act to a single Federal district court. Assignment based on convenience of parties and just and efficient conduct of proceedings. Cases filed in other federal or state courts are transferred/removed to the designated district court.	Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims for covered actions to one or more federal district courts. No standards for assignment are given. No specific mention of transfer or removal, but would likely be mandated under jurisdictional provision.
Offset	No offset provision.	Offsets plaintiff's recovery from any Federal emergency or disaster relief program or from any other collateral source.
Punitive Damages	Disallows punitive or exemplary damages for covered actions. Thus, in any civil action involving property damage, personal injury or death arising from an act of terrorism, punitive damages would be disallowed..	Disallows punitive damages "intended to punish or deter" for covered actions, but only for damages claimed "by an insured." Intent of this provision appears to be to limit reimbursement for punitive damages to insured policyholders under the program, but language is ambiguous.
Proportional Liability	No proportional liability provision.	Requires proportional liability based on each defendant's responsibility for non-economic damages, but again, only for damages claimed "by an insured."

Tort Reform	Senate Bill	House Bill
Subrogation	No right to subrogation provision. [Is this an omission?]	United States has the right of subrogation for claims U.S. pays under the Act.
Statute of Limitations	No statute of limitations provision.	No statute of limitations provision.
Sunset	Provisions apply only to covered actions arising out of acts of terrorism that occur while program is in effect.	Same as Senate bill, although ambiguously drafted.
Prior Approval for Settlements	[Requires prior approval by the Secretary of the Treasury of any settlements for covered actions.]	No settlement provision
Protective Order	No protective order provision	Authorizes United States or Administrator to seek protective orders for classified information.
Claims against Terrorists or Aiders and Abettors	Act does not limit recovery against any person, government, or other entity that participated in or aided and abetted any act of terrorism.	Not mentioned

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 11/7/2001 9:08:22 AM
Subject: : Monday-Veteran's Day

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 14:08:22.00

SUBJECT:: Monday-Veteran's Day

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We will not have 8:15 am staff meeting on Monday.

If you have work to do be here.

REV_00134883

If you don't have work to do you are not required to come in.

Gentlemen - the President will be here so if you are going to be in the West Wing wear a tie.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 11/7/2001 9:08:22 AM
Subject: : Monday-Veteran's Day

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 14:08:22.00

SUBJECT:: Monday-Veteran's Day

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We will not have 8:15 am staff meeting on Monday.

If you have work to do be here.

REV_00134885

If you don't have work to do you are not required to come in.

Gentlemen - the President will be here so if you are going to be in the West Wing wear a tie.

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 1:12:08 PM
Subject: : FOIA status of Office of Administration

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 7-NOV-2001 18:12:08.00
SUBJECT:: FOIA status of Office of Administration
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, did you get my phone message from awhile ago suggesting that we
have a meeting with OA? I know you've got a lot going on. So, this is
just a gentle reminder.
-- Paul

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Rebecca A. Beynon/OMB
/EOP@EOP [OMB] <Rebecca A. Beynon>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana
L. Schacht>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>
Sent: 11/7/2001 10:32:09 AM
Subject: : victims

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 15:32:09.00
SUBJECT:: victims
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Would tomorrow at 2 work?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 11/7/2001 10:48:36 AM
Subject: : World Bank

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 15:48:36.00

SUBJECT:: World Bank

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

is apparently on fire. And this is no joke.

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 11:19:22 AM
Subject: : Re: upcoming Post editorial on records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 16:19:22.00
SUBJECT:: Re: upcoming Post editorial on records
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

they all think they are respectable.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 11:20:19 AM
Subject: : Re: SORRY!!!!!!!

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 16:20:19.00
SUBJECT:: Re: SORRY!!!!!!!
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

not on high horse. reporting facts & making accurate assessment.

Brett M. Kavanaugh
11/07/2001 04:09:58 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re: SORRY!!!!!!!

off the high horse, please. was it set on fire, or just a regular
fire?

Helgard C. Walker
11/07/2001 03:46:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: SORRY!!!!!!!

The World Bank is on fire. Which is definitely not funny.

Brett M. Kavanaugh
11/07/2001 03:35:28 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject: SORRY!!!!!!!

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 11/7/2001 11:38:13 AM
Subject: : Re: World Bank

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 16:38:13.00
SUBJECT:: Re: World Bank
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

This is what the Washington Post is saying:

A fire in a restaurant grease duct has spread through a downtown office building, and is sending huge amounts of smoke billowing out.

Helgard C. Walker
11/07/2001 03:48:32 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: World Bank

is apparently on fire. And this is no joke.

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00134896

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 11/7/2001 11:40:40 AM
Subject: : President's calls to nominees

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 16:40:40.00
SUBJECT:: President's calls to nominees
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We should have one person giving information, updates and instructions to Ashley. Since the Judge has final sign off for calls in the form of approving the call sheets and tries to be with the President when calls, and I'm listed as the office contact on these the sheets this needs to be me.

Jason - can you come over here around 5:00 and chat for a few minutes about what will work best?

Thanks!

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 11/7/2001 11:50:04 AM
Subject: : Re: World Bank

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 16:50:04.00
SUBJECT:: Re: World Bank
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Actually not a grease fire, and at the IMF.

Fire in Old Pepco Building Out

Associated Press
Wednesday, November 7, 2001; 4:45 PM

Commuters will find a major traffic mess downtown this afternoon, thanks to a construction fire in the old Pepco Building.

Initially thought to be a grease fire in the Soho Cafe, D.C. fire officials now say the fire climbed through the ductwork from the first floor up to the tenth, but firefighters had it out within half an hour.

D.C. Fire spokesman Alan Etter said the fire started on the ground floor of the old Pepco building at 19th Street and Pennsylvania Avenue NW. A construction crew had been working in the building.

No one has been hurt, Etter said, but traffic in the area is a mess, with streets surrounding the building closed.

Pepco used to lease the building, which had the company's name on it, but they moved in late August. Pepco spokesman Charles Taylor said the building was sold by George Washington University to the International Monetary Fund.

, 2001 The Associated

REV_00134899

H. Christopher Bartolomucci
11/07/2001 04:38:10 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: World Bank

This is what the Washington Post is saying:

A fire in a restaurant grease duct has spread through a downtown office building, and is sending huge amounts of smoke billowing out.

Helgard C. Walker
11/07/2001 03:48:32 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: World Bank

is apparently on fire. And this is no joke.

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

Message Copied

To: _____
courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
bradford a. berenson/who/eop@eop
robert w. cobb/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop

REV_00134900

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD

/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [UNKNOWN]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A.

McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Carolyn E. Cleveland (Carolyn E. Cleveland/WHO/EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP [WHO]), Charles S. Abbot (Charles S. Abbot/OVP/EOP [OVP]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP [WHO]), Wayne A. Downing (Wayne A. Downing/NSC/EOP [NSC]), Don E. Eberly (Don E. Eberly/WHO/EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP [NSC]), John L. Howard Jr. (John L. Howard Jr./CEQ/EOP [CEQ]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP [WHO]), Anna M. Perez (Anna M. Perez/NSC/EOP [NSC]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP [OPD]), George M. Andricos (George M. Andricos/NSC/EOP [NSC]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP [WHO]), Charles P. Blahous (Charles P. Blahous/OPD/EOP [OPD]), Carl Buchholz (Carl Buchholz/WHO/EOP [WHO]), Elizabeth S. Dougherty (Elizabeth S. Dougherty/OPD/EOP [OPD]), Kelley Gannon (Kelley Gannon/WHO/EOP [WHO]), Zalmay M. Khalilzad (Zalmay M. Khalilzad/NSC/EOP [NSC]), Matthew Kirk (Matthew Kirk/WHO/EOP [WHO]), David Kuo (David Kuo/WHO/EOP [WHO]), Dirksen Lehman (Dirksen Lehman/WHO/EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP [OPD]), Robert Marsh (Robert Marsh/WHO/EOP [WHO]), Torkel L. Patterson (Torkel L. Patterson/NSC/EOP [NSC]), Craig Ray (Craig Ray/WHO/EOP [WHO]), Diana L. Schacht (Diana L. Schacht/OPD/EOP [OPD]), Kristine Simmons (Kristine Simmons/OPD/EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP [WHO]), Mary K. Sturtevant (Mary K. Sturtevant/NSC/EOP [NSC]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP [OPD]), Heather Wingate (Heather Wingate/WHO/EOP [WHO]), Elliott Abrams (Elliott Abrams/NSC [UNKNOWN])

Sent: 11/7/2001 12:30:18 PM
Subject: : 11 Seats Left for Bioterrorism Lecture

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 17:30:18.00

SUBJECT:: 11 Seats Left for Bioterrorism Lecture

TO:Senior Advisor Offices (Senior Advisor Offices [UNKNOWN])

READ:UNKNOWN

BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

REV_00134903

READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
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 READ:UNKNOWN
 BCC:Elliott Abrams (CN=Elliott Abrams/O=NSC [UNKNOWN])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

"...A WORLD-RENOWNED SCIENTIST...WHO KNOWS AND CAN EXPLAIN THE
 PUBLIC-HEALTH IMPLICATIONS OF WHAT WE FACE."
 -David Gergen on Dr. Anthony Fauci-

11 Seats Remain for...

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD

/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [UNKNOWN]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A.

McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Carolyn E. Cleveland (Carolyn E. Cleveland/WHO/EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP [WHO]), Charles S. Abbot (Charles S. Abbot/OVP/EOP [OVP]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP [WHO]), Wayne A. Downing (Wayne A. Downing/NSC/EOP [NSC]), Don E. Eberly (Don E. Eberly/WHO/EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP [NSC]), John L. Howard Jr. (John L. Howard Jr./CEQ/EOP [CEQ]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP [WHO]), Anna M. Perez (Anna M. Perez/NSC/EOP [NSC]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP [OPD]), George M. Andricos (George M. Andricos/NSC/EOP [NSC]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP [WHO]), Charles P. Blahous (Charles P. Blahous/OPD/EOP [OPD]), Carl Buchholz (Carl Buchholz/WHO/EOP [WHO]), Elizabeth S. Dougherty (Elizabeth S. Dougherty/OPD/EOP [OPD]), Kelley Gannon (Kelley Gannon/WHO/EOP [WHO]), Zalmay M. Khalilzad (Zalmay M. Khalilzad/NSC/EOP [NSC]), Matthew Kirk (Matthew Kirk/WHO/EOP [WHO]), David Kuo (David Kuo/WHO/EOP [WHO]), Dirksen Lehman (Dirksen Lehman/WHO/EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP [OPD]), Robert Marsh (Robert Marsh/WHO/EOP [WHO]), Torkel L. Patterson (Torkel L. Patterson/NSC/EOP [NSC]), Craig Ray (Craig Ray/WHO/EOP [WHO]), Diana L. Schacht (Diana L. Schacht/OPD/EOP [OPD]), Kristine Simmons (Kristine Simmons/OPD/EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP [WHO]), Mary K. Sturtevant (Mary K. Sturtevant/NSC/EOP [NSC]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP [OPD]), Heather Wingate (Heather Wingate/WHO/EOP [WHO]), Elliott Abrams (Elliott Abrams/NSC [UNKNOWN])

Sent: 11/7/2001 12:30:18 PM
Subject: : 11 Seats Left for Bioterrorism Lecture

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 17:30:18.00

SUBJECT:: 11 Seats Left for Bioterrorism Lecture

TO:Senior Advisor Offices (Senior Advisor Offices [UNKNOWN])

READ:UNKNOWN

BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

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BCC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN

BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

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BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

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BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

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BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
BCC:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
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BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Anthony N. Banbury (CN=Anthony N. Banbury/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN
BCC:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Elliott Abrams (CN=Elliott Abrams/O=NSC [UNKNOWN])
READ:UNKNOWN
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"...A WORLD-RENOWNED SCIENTIST...WHO KNOWS AND CAN EXPLAIN THE
PUBLIC-HEALTH IMPLICATIONS OF WHAT WE FACE."
-David Gergen on Dr. Anthony Fauci-

11 Seats Remain for...

REV_00134919

From: CN=Alison Jones/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/7/2001 12:32:29 PM
Subject: : #s on Judges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-NOV-2001 17:32:29.00
SUBJECT:: #s on Judges
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Would you mind sending me your latest numbers on Judges. # of judges
sent to the senate vs. #confirmed to date?
I need fairly quickly.....we are working on a call proposal for the Pres.
to call Daschle.

Thanks so much!

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>
Sent: 11/7/2001 12:59:24 PM
Subject: : tort provision side-by-side
Attachments: P_YVUL4004_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 7-NOV-2001 17:59:24.00
SUBJECT:: tort provision side-by-side
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
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Here is the side-by-side we prepared for Steve Harris, at his request, on
tort provisions in the House and Senate bills.

<<tort-table.doc>>
- tort-table.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YVUL4004_OPD.TXT_1>

COMPARISON OF SENATE AND HOUSE TORT REFORM PROVISIONS

Tort Reform	Senate Bill	House Bill
Exclusive Federal Cause of Action	Creates exclusive federal cause of action for property damage, personal injury or death arising out of covered terrorism acts.	Creates exclusive federal cause of action covered by commercial property and casualty insurance for damages caused by acts of terrorism.
Claims Consolidation	Within 90 days of terrorist act, Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims for covered actions arising out of that terrorist act to a single Federal district court. Assignment based on convenience of parties and just and efficient conduct of proceedings. Cases filed in other federal or state courts are transferred/removed to the designated district court.	Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims for covered actions to one or more federal district courts. No standards for assignment are given. No specific mention of transfer or removal, but would likely be mandated under jurisdictional provision.
Offset	No offset provision.	Offsets plaintiff's recovery from any Federal emergency or disaster relief program or from any other collateral source.
Punitive Damages	Disallows punitive or exemplary damages for covered actions. Thus, in any civil action involving property damage, personal injury or death arising from an act of terrorism, punitive damages would be disallowed..	Disallows punitive damages "intended to punish or deter" for covered actions, but only for damages claimed "by an insured." Intent of this provision appears to be to limit reimbursement for punitive damages to insured policyholders under the program, but language is ambiguous.
Proportional Liability	No proportional liability provision.	Requires proportional liability based on each defendant's responsibility for non-economic damages, but again, only for damages claimed "by an insured."

Tort Reform	Senate Bill	House Bill
Subrogation	No right to subrogation provision. [Is this an omission?]	United States has the right of subrogation for claims U.S. pays under the Act.
Statute of Limitations	No statute of limitations provision.	No statute of limitations provision.
Sunset	Provisions apply only to covered actions arising out of acts of terrorism that occur while program is in effect.	Same as Senate bill, although ambiguously drafted.
Prior Approval for Settlements	[Requires prior approval by the Secretary of the Treasury of any settlements for covered actions.]	No settlement provision
Protective Order	No protective order provision	Authorizes United States or Administrator to seek protective orders for classified information.
Claims against Terrorists or Aiders and Abettors	Act does not limit recovery against any person, government, or other entity that participated in or aided and abetted any act of terrorism.	Not mentioned

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>
Sent: 11/7/2001 1:01:05 PM
Subject: : tort provision side-by-side
Attachments: P_BYUL4004_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 7-NOV-2001 18:01:05.00
SUBJECT:: tort provision side-by-side
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here is the side-by-side we prepared for Steve Harris, at his request, on tort provisions in the House and Senate bills.

<<tort-table.doc>>
- tort-table.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BYUL4004_WHO.TXT_1>

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Tort Reform	Senate Bill	House Bill
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From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/7/2001 2:50:47 PM
Subject: : Meetings on the Hill

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 19:50:47.00

SUBJECT:: Meetings on the Hill

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

11:15 am-Car Departs WBasement en route Senate Steps

11:30 - Senators Reid and Ensign (Nevada)

12:15 - Cong. Sensenbrenner

12:45 - car departs Rayburn en route WH

If you are going with him to any of these meetings please advise asap.

Thanks!

REV_00134928

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/7/2001 2:50:47 PM
Subject: : Meetings on the Hill

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-2001 19:50:47.00

SUBJECT:: Meetings on the Hill

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

11:15 am-Car Departs WBasement en route Senate Steps

11:30 - Senators Reid and Ensign (Nevada)

12:15 - Cong. Sensenbrenner

12:45 - car departs Rayburn en route WH

If you are going with him to any of these meetings please advise asap.

Thanks!

REV_00134929

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN]
<Peter.Fisher@do.treas.gov>;John.Duncan@do.treas.gov [UNKNOWN]
<John.Duncan@do.treas.gov>;D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>;Randall S. Kroszner/CEA/EOP [CEA] <Randall S. Kroszner>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>
Sent: 11/8/2001 4:13:45 AM
Subject: : DRAFT SAP
Attachments: P_D63M4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 8-NOV-2001 09:13:45.00
SUBJECT:: DRAFT SAP
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:John.Duncan@do.treas.gov (John.Duncan@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP [CEA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here is a draft SAP which follow the points made in Marc's paper. It will obviously need to be revised in light of yesterday's markup.

Sheila <<SAP-HR3210v2.doc>>
- SAP-HR3210v2.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_D63M4004_WHO.TXT_1>

H.R. 3210 – Terrorism Risk Protection Act of 2001
(Representative Oxley (R) Ohio and 30 cosponsors)

The Administration supports legislation that provides temporary federal support to encourage the continued provision of insurance for acts of terrorism at reasonable rates. The Administration believes it is possible to craft a policy that accomplishes those goals in a manner better than H.R. 3210. We believe that a positive feature of H.R. 3210 is that by reducing risk of loss to individual companies, it increases the likelihood that potential “high risk” targets of terrorism will be able to obtain terrorism insurance at affordable rates. However, the Administration has several concerns that we detail below. Hence, the Administration does not support HR 3210 in its current form.~~countering this advantage are the myriad concerns that we detail below. Hence, the Administration does not support H.R. 3210 and urges the House of Representatives to consider an alternative measure along the lines outlined by the Senate Banking Committee.~~

H.R. 3210 provides for a government loss sharing mechanism under which insurance companies are responsible for 10 percent of insured losses with the government responsible for 90 percent of insured losses. Government payments would be triggered once either industry-wide losses exceed \$1 billion or industry-wide losses exceed \$100 million and any single commercial insurer’s losses exceeded 10 percent of capital surplus and 10 percent of premiums. Once a triggering determination is made, the government would be sharing first dollar losses with the insurance industry.

The triggering determination process in H.R. 3210 is overly complex and is set at low loss levels. ~~Furthermore, federal cost sharing on a 90/10 basis is much more generous than the 80/20 cost sharing proposed by the Administration.~~ Under H.R. 3210, the government would be responsible for a greater share of first dollar losses than under the Administration’s approach, and in comparison to the Senate approach government payments would start sooner. In addition, with only a small-required insurance company retention, a low triggering determination, and no deductible, H.R. 3210 provides weaker incentives for cost containment than other approaches.

H.R. 3210 provides a mechanism for the government to recoup payments made under the program. Insurance companies would be assessed (up to 3 percent of premiums) if industry-wide losses were less than \$20 billion, and policyholders would be assessed a surcharge for industry-wide losses above \$20 billion.

While ensuring the government is compensated for services provided is a laudable goal, requiring payments through this type of assessment mechanism would work counter to the goal of maintaining insurance coverage for acts of terrorism at reasonable rates. Insurance companies would have to price not only their individual 10 percent retention, but also their exposure for potential future assessments. Thus, it is likely that an assessment mechanism would lead to higher premiums even if future terrorist acts did not occur, with a surcharge putting even more upward pressure on premiums if a future terrorist act did occur.

Also, because loan repayments could be spread over many years, the program would require a collection mechanism that would need to be administered and could be in existence for many years. In addition, that collection mechanism would have to be monitored to ensure that insurance companies were not looking for ways to reduce their assessments.

In effect, the recoupment mechanism contained in H.R. 3210 imposes a “national property tax” that will likely fall on capital-intensive operations – such as energy, transportation, and manufacturing. Such a “national property tax” may also disproportionately affect renters (especially in urban areas) versus homeowners because rental properties are denser centers of activity. As a result, costs to consumers in those sectors would likely see a disproportionate increase. To avoid such distributional consequences, a more equitable approach would be to spread costs over all taxpayers. Such an approach would also preserve the government’s flexibility to fund payments through reductions in other spending, increased borrowing, or increased taxes.

~~H.R. 3210 provides insurance companies tax benefits by allowing the tax-free accumulation of reserves. Building tax-free reserves violates fundamental principles of income taxation, and is unlikely to be effective in ensuring future industry solvency. Insurers will likely find ways to substitute tax-favored capital for non-favored capital, leaving the industry’s total surplus funds unchanged.~~H.R. 3210 provides insurance companies tax benefits by allowing the tax-free accumulation of reserves. Building tax-free reserves would reduce the industry’s effective tax rate but likely would not be effective in ensuring future industry solvency. Insurers may find ways to substitute tax-favored capital for non-favored capital, leaving the industry’s total surplus funds unchanged. Tax benefits could also hinder the re-emergence of reinsurance to cover terrorism risk, as companies would have greater incentive to hold such risks themselves.~~Tax benefits could also hinder the re-emergence of reinsurance to cover terrorism risk, as companies would have greater incentive to hold such risks themselves.~~

The definition of terrorism specified in H.R. 3210, by excluding acts of terrorism sponsored by nation states, does not reflect the current global environment. We may find acts of terrorism have underlying state sponsorship, which leaves unanswered whether such acts would be covered only by insurance companies or not covered because of general war risk exclusions found in all policies.

~~[May be a weak point because administering the Senate’s \$10 billion deductible may be at least as complex as the house bill.] While all terrorism insurance proposals have some inherent degree of complexity, the program envisioned in H.R. 3210 could be especially complex to administer and long-lived. The program involves complex determinations of triggering determinations and complicated repayment structures. This makes administering the program difficult and costly. Also, because loan repayments could be spread over many years, the program would require a collection mechanism that would need to be administered and could be in existence for many years. In addition, that collection mechanism would have to be monitored to ensure that insurance companies were not looking for ways to reduce their assessments.~~

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/8/2001 4:38:27 AM
Subject: : insurance

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-NOV-2001 09:38:27.00
SUBJECT:: insurance
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The House process looks like a total trainwreck. I'm going to ask Brian to set up mtgs for you on Hill.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 11/8/2001 4:46:13 AM
Subject: : Continue to HOLD all calls to nominees

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-NOV-2001 09:46:13.00
SUBJECT:: Continue to HOLD all calls to nominees
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hey Ash-

Just wanted to let you know that the Judges wants to continue hold off on all calls to nominees.

We'll let you know when to resume calls.

Thanks!

Lib

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov @ inet [UNKNOWN] <amy.smith@do.treas.gov>
Sent: 11/8/2001 5:30:58 AM
Subject: : timeline for sap

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 8-NOV-2001 10:30:58.00

SUBJECT:: timeline for sap

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Please see message from Amy SMith at the bottom of the email re: SAP

----- Forwarded by Leslie A. Mooney/OPD/EOP on 11/08/2001
10:30 AM -----

D. Marcus Sumerlin
11/08/2001 10:28:10 AM
Record Type: Record

To: Leslie A. Mooney/OPD/EOP@EOP
cc:
Subject: timeline for sap

please send out to insurance group

----- Forwarded by D. Marcus Sumerlin/OPD/EOP on
11/08/2001 10:27 AM -----

Amy C. Smith
11/08/2001 10:25:39 AM
Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject: timeline for sap

Richard said that he'd need the final draft early this afternoon, if you
intend to send the terrorism insurance SAP to the Hill tomorrow

REV_00134936

afternoon. He would send out for agency comment this afternoon,
requesting comments back by 10am tomorrow.

He said that even this timeframe might jam folks a bit, but it was doable.

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>
CC: peter.fisher@do.treas.gov kristen silverberg/who/eop@eop [UNKNOWN]
<peter.fisher@do.treas.gov kristen silverberg>;randall s. kroszner/cea/eop@eop [CEA] <randall
s. kroszner>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;brian c.
conklin/who/eop@eop [WHO] <brian c. conklin>;matthew kirk/who/eop@eop [WHO] <matthew
kirk>
Sent: 11/8/2001 6:33:09 AM
Subject: : Re: DRAFT SAP
Attachments: P_OGAM4004_WHO.TXT_1.doc; P_OGAM4004_WHO.TXT_2.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 8-NOV-2001 11:33:09.00
SUBJECT:: Re: DRAFT SAP
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov kristen silverberg (peter.fisher@do.treas.gov kristen
silverberg/who/eop@eop [UNKNOWN])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brian c. conklin (CN=brian c. conklin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Sheila:

Please find attached a revised version with Larry's edits (highlighted).
He was initially uncomfortable with an outright opposition of the bill,
but I convinced him to leave it in. He also disagreed with the third
paragraph, because he likes a low deductible and believes it is the
Administration plan, not the House plan, that has first dollar government
coverage. He also disagreed with the analysis that the bill hurt renters
over homeowners. Please let me know if you have any questions/concerns.
Apparently, the Committee passed bill will be available on the web this
afternoon.

Thanks,

Marc

Sheila.Bair@do.treas.gov
11/08/2001 08:59:45 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: DRAFT SAP

REV_00134938

Here is a draft SAP which follow the points made in Marc's paper. It will obviously need to be revised in light of yesterday's markup.

Sheila <<SAP-HR3210v2.doc>>

- SAP-HR3210v2.doc

Message Sent

To:

Peter.Fisher@do.treas.gov

John.Duncan@do.treas.gov

D. Marcus Sumerlin/OPD/EOP@EOP

Kristen Silverberg/WHO/EOP@EOP

Randall S. Kroszner/CEA/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Brian C. Conklin/WHO/EOP@EOP

Matthew Kirk/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_OGAM4004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_OGAM4004_WHO.TXT_2>

H.R. 3210 – Terrorism Risk Protection Act of 2001
(Representative Oxley (R) Ohio and 30 cosponsors)

The Administration supports legislation that provides temporary federal support to encourage the continued provision of insurance for acts of terrorism at reasonable rates. The Administration believes it is possible to craft a policy that accomplishes those goals in a manner better than H.R. 3210. We believe that a positive feature of H.R. 3210 is that by reducing risk of loss to individual companies, it increases the likelihood that potential “high risk” targets of terrorism will be able to obtain terrorism insurance at affordable rates. However, the Administration has several concerns that we detail below. Hence, the Administration does not support HR 3210 in its current form. ~~countering this advantage are the myriad concerns that we detail below. Hence, the Administration does not support H.R. 3210 and urges the House of Representatives to consider an alternative measure along the lines outlined by the Senate Banking Committee.~~

H.R. 3210 provides for a government loss sharing mechanism under which insurance companies are responsible for 10 percent of insured losses with the government responsible for 90 percent of insured losses. Government payments would be triggered once either industry-wide losses exceed \$1 billion or industry-wide losses exceed \$100 million and any single commercial insurer’s losses exceeded 10 percent of capital surplus and 10 percent of premiums. Once a triggering determination is made, the government would be sharing first dollar losses with the insurance industry.

The triggering determination process in H.R. 3210 is overly complex and is set at low loss levels. ~~Furthermore, federal cost sharing on a 90/10 basis is much more generous than the 80/20 cost sharing proposed by the Administration.~~ Under H.R. 3210, the government would be responsible for a greater share of first dollar losses than under the Administration’s approach, and in comparison to the Senate approach government payments would start sooner. In addition, with only a small-required insurance company retention, a low triggering determination, and no deductible, H.R. 3210 provides weaker incentives for cost containment than other approaches.

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While ensuring the government is compensated for services provided is a laudable goal, requiring payments through this type of assessment mechanism would work counter to the goal of maintaining insurance coverage for acts of terrorism at reasonable rates. Insurance companies would have to price not only their individual 10 percent retention, but also their exposure for potential future assessments. Thus, it is likely that an assessment mechanism would lead to higher premiums even if future terrorist acts did not occur, with a surcharge putting even more upward pressure on premiums if a future terrorist act did occur.

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~~The triggering determination process in H.R. 3210 is overly complex and is set at low loss levels. Under H.R. 3210, the government would be responsible for a greater share of first dollar losses than under the Administration’s approach, and in comparison to the Senate approach government payments would start sooner. In addition, with only a small required insurance company retention, a low triggering determination, and no deductible, H.R. 3210 provides weaker incentives for cost containment than other approaches.~~

H.R. 3210 provides a mechanism for the government to recoup payments made under the program. Insurance companies would be assessed (up to 3 percent of premiums) if industry-wide losses were less than \$20 billion, and policyholders would be assessed a surcharge for industry-wide losses above \$20 billion.

While ensuring the government is compensated for services provided is a laudable goal, requiring payments through this type of assessment mechanism would work counter to the goal of maintaining insurance coverage for acts of terrorism at reasonable rates. Insurance companies would have to price not only their individual 10 percent retention, but also their exposure for potential future assessments. Thus, it is likely that an assessment mechanism would cause premiums to rise now to factor in the possibility of future events, and cause premiums to rise after an event to allow insurance companies to recoup actual costs and to price in the heightened possibility of more events. ~~lead to higher premiums even if future terrorist acts did not occur, with a surcharge putting even more upward pressure on premiums if a future terrorist act did occur.~~

Also, because loan repayments could be spread over many years, the program would require a collection mechanism that would need to be administered and could be in existence for many years. In addition, that collection mechanism would have to be monitored to ensure that insurance companies were not looking for ways to reduce their assessments.

In effect, the recoupment mechanism contained in H.R. 3210 imposes a “national property tax” that will likely fall on real property and tangible personal property, capital-intensive operations—impacting sectors such as energy, transportation, real estate, retail services, and manufacturing. Such a “national property tax” would not differentiate among different classes of risk. Homeowners and owners of real property outside of urban centers and away from potential targets would be forced to subsidize others. Using an insurance market for cross-subsidization is inefficient and potentially harmful to insurance markets. may also disproportionately affect renters (especially in urban areas) versus homeowners because rental properties are denser centers of activity. As a result, costs to consumers in those sectors would likely see a disproportionate increase. To avoid such distributional consequences, a more equitable approach would be to spread costs over all taxpayers, especially when the attacks are on the nation as a whole. Such an approach would also preserve the government’s flexibility to fund payments through reductions in other spending, increased borrowing, or increased taxes.

H.R. 3210 also provides insurance companies tax benefits by allowing the tax-free accumulation of reserves. Building tax-free reserves would reduce the industry's effective tax rate but likely would not be effective in ensuring future industry solvency. Insurers may find ways to substitute tax-favored capital for non-favored capital, leaving the industry’s total surplus funds unchanged. Tax benefits could also hinder the re-emergence of reinsurance to cover terrorism risk, as companies would have greater incentive to hold such risks themselves. Efforts to prevent this behavior would require additional regulations.

The definition of terrorism specified in H.R. 3210, by excluding acts of terrorism sponsored by nation states, does not reflect the current global environment. We may find acts of terrorism have underlying state sponsorship, which leaves unanswered whether such acts would be covered only by insurance companies or not covered because of general war risk exclusions found in all policies.

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/8/2001 2:37:13 AM
Subject: : Risk Insurance

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CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 8-NOV-2001 07:37:13.00
SUBJECT:: Risk Insurance
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by D. Marcus Sumerlin/OPD/EOP on
11/08/2001 07:37 AM -----

Brian C. Conklin
11/07/2001 09:00:25 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jack Howard/WHO/EOP@EOP, Nicholas E. Calio/WHO/EOP@EOP, David
W. Hobbs/WHO/EOP@EOP, Matthew Kirk/WHO/EOP@EOP
Subject: Risk Insurance

The House Financial Services Committee passed by voice vote the
Oxley-Baker bill this evening. Baker, Kanjorski and LaFalce spent many
hours in a back room and agreed to the following compromise:

Treasury Secretary is Administrator.

Surcharges capped at 3% per year with an agreement to work together on
language regarding flexibility on assessments and surcharges.

LaFalce study on pooling mechanisms.

The remainder of the bill is Oxley-Baker base test. On many other issues,
they agreed to disagree with the hope of working something out before
floor consideration. On liability, Rep. Chris Cox offered an amendment to
expand the liability provisions. The amendment passed on a recorded
vote. But, Rep. Bentsen offered an amendment that essentially stripped
the Cox provisions which somehow passed on voice vote. A motion to
reconsider the Bentsen amendment then failed by a recorded vote.

Committee staff expect the bill to be on the House floor next week. Feel
free to call if you would like any more of the gory details.

Message Sent

To:
sheila.bair@do.treas.gov @ inet
Peter.Fisher@do.treas.gov @ inet
John.Duncan@do.treas.gov @ inet
amy.smith@do.treas.gov @ inet
D. Marcus Sumerlin/OPD/EOP@EOP

REV_00134944

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/8/2001 7:41:21 AM
Subject: : Victims Compensation Fund

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CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 8-NOV-2001 12:41:21.00
SUBJECT:: Victims Compensation Fund
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Jay will be meeting w/Phil Perry on victims compensation on Tuesday, November 13 @ 11:00. Please join Jay at this meeting if you can. He would also like for you to come by 15 minutes early to get an update on where we are on this issue.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN]
<Peter.Fisher@do.treas.gov>;John.Duncan@do.treas.gov [UNKNOWN]
<John.Duncan@do.treas.gov>;D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>;Randall S. Kroszner/CEA/EOP [CEA] <Randall S. Kroszner>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>
Sent: 11/8/2001 4:13:21 AM
Subject: : DRAFT SAP
Attachments: P_K53M4004_CEA.TXT_1.doc

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CREATION DATE/TIME: 8-NOV-2001 09:13:21.00
SUBJECT:: DRAFT SAP
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Sheila <<SAP-HR3210v2.doc>>
- SAP-HR3210v2.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_K53M4004_CEA.TXT_1>

**H.R. 3210 – Terrorism Risk Protection Act of 2001
(Representative Oxley (R) Ohio and 30 cosponsors)**

The Administration supports legislation that provides temporary federal support to encourage the continued provision of insurance for acts of terrorism at reasonable rates. The Administration believes it is possible to craft a policy that accomplishes those goals in a manner better than H.R. 3210. We believe that a positive feature of H.R. 3210 is that by reducing risk of loss to individual companies, it increases the likelihood that potential “high risk” targets of terrorism will be able to obtain terrorism insurance at affordable rates. However, the Administration has several concerns that we detail below. Hence, the Administration does not support HR 3210 in its current form. ~~countering this advantage are the myriad concerns that we detail below. Hence, the Administration does not support H.R. 3210 and urges the House of Representatives to consider an alternative measure along the lines outlined by the Senate Banking Committee.~~

H.R. 3210 provides for a government loss sharing mechanism under which insurance companies are responsible for 10 percent of insured losses with the government responsible for 90 percent of insured losses. Government payments would be triggered once either industry-wide losses exceed \$1 billion or industry-wide losses exceed \$100 million and any single commercial insurer’s losses exceeded 10 percent of capital surplus and 10 percent of premiums. Once a triggering determination is made, the government would be sharing first dollar losses with the insurance industry.

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Sent: 11/8/2001 4:13:21 AM
Subject: : DRAFT SAP
Attachments: P_K53M4004_OPD.TXT_1.doc

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CREATION DATE/TIME: 8-NOV-2001 09:13:21.00
SUBJECT:: DRAFT SAP
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
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- SAP-HR3210v2.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_K53M4004_OPD.TXT_1>

H.R. 3210 – Terrorism Risk Protection Act of 2001
(Representative Oxley (R) Ohio and 30 cosponsors)

The Administration supports legislation that provides temporary federal support to encourage the continued provision of insurance for acts of terrorism at reasonable rates. The Administration believes it is possible to craft a policy that accomplishes those goals in a manner better than H.R. 3210. We believe that a positive feature of H.R. 3210 is that by reducing risk of loss to individual companies, it increases the likelihood that potential “high risk” targets of terrorism will be able to obtain terrorism insurance at affordable rates. However, the Administration has several concerns that we detail below. Hence, the Administration does not support HR 3210 in its current form.~~countering this advantage are the myriad concerns that we detail below. Hence, the Administration does not support H.R. 3210 and urges the House of Representatives to consider an alternative measure along the lines outlined by the Senate Banking Committee.~~

H.R. 3210 provides for a government loss sharing mechanism under which insurance companies are responsible for 10 percent of insured losses with the government responsible for 90 percent of insured losses. Government payments would be triggered once either industry-wide losses exceed \$1 billion or industry-wide losses exceed \$100 million and any single commercial insurer’s losses exceeded 10 percent of capital surplus and 10 percent of premiums. Once a triggering determination is made, the government would be sharing first dollar losses with the insurance industry.

The triggering determination process in H.R. 3210 is overly complex and is set at low loss levels. ~~Furthermore, federal cost sharing on a 90/10 basis is much more generous than the 80/20 cost sharing proposed by the Administration.~~ Under H.R. 3210, the government would be responsible for a greater share of first dollar losses than under the Administration’s approach, and in comparison to the Senate approach government payments would start sooner. In addition, with only a small-required insurance company retention, a low triggering determination, and no deductible, H.R. 3210 provides weaker incentives for cost containment than other approaches.

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Sent: 11/8/2001 4:13:21 AM
Subject: : DRAFT SAP
Attachments: P_K53M4004_WHO.TXT_1.doc

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CREATION DATE/TIME: 8-NOV-2001 09:13:21.00
SUBJECT:: DRAFT SAP
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
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Sent: 11/8/2001 4:13:45 AM
Subject: : DRAFT SAP
Attachments: P_D63M4004_OPD.TXT_1.doc

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CREATION DATE/TIME: 8-NOV-2001 09:13:45.00
SUBJECT:: DRAFT SAP
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
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(Representative Oxley (R) Ohio and 30 cosponsors)

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Subject: : DRAFT SAP
Attachments: P_ON3M4004_WHO.TXT_1.doc

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CREATION DATE/TIME: 8-NOV-2001 09:22:42.00
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Sent: 11/8/2001 4:22:42 AM
Subject: : DRAFT SAP
Attachments: P_0N3M4004_OPD.TXT_1.doc

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CREATION DATE/TIME: 8-NOV-2001 09:22:42.00
SUBJECT:: DRAFT SAP
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
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TO:John.Duncan@do.treas.gov (John.Duncan@do.treas.gov [UNKNOWN])
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TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
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File attachment <P_0N3M4004_OPD.TXT_1>

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(Representative Oxley (R) Ohio and 30 cosponsors)

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Sent: 11/8/2001 4:24:32 AM
Subject: : DRAFT SAP
Attachments: P_GQ3M4004_WHO.TXT_1.doc

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Sent: 11/8/2001 4:24:32 AM
Subject: : DRAFT SAP
Attachments: P_GQ3M4004_CEA.TXT_1.doc

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CREATION DATE/TIME: 8-NOV-2001 09:24:32.00
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<John.Duncan@do.treas.gov>;D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>;Randall S. Kroszner/CEA/EOP [CEA] <Randall S. Kroszner>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>;Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>
Sent: 11/8/2001 4:27:26 AM
Subject: : DRAFT SAP
Attachments: P_7X3M4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 8-NOV-2001 09:27:26.00
SUBJECT:: DRAFT SAP
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:John.Duncan@do.treas.gov (John.Duncan@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP [CEA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here is a draft SAP which follow the points made in Marc's paper. It will obviously need to be revised in light of yesterday's markup.

Sheila <<SAP-HR3210v2.doc>>
- SAP-HR3210v2.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7X3M4004_WHO.TXT_1>

H.R. 3210 – Terrorism Risk Protection Act of 2001
(Representative Oxley (R) Ohio and 30 cosponsors)

The Administration supports legislation that provides temporary federal support to encourage the continued provision of insurance for acts of terrorism at reasonable rates. The Administration believes it is possible to craft a policy that accomplishes those goals in a manner better than H.R. 3210. We believe that a positive feature of H.R. 3210 is that by reducing risk of loss to individual companies, it increases the likelihood that potential “high risk” targets of terrorism will be able to obtain terrorism insurance at affordable rates. However, the Administration has several concerns that we detail below. Hence, the Administration does not support HR 3210 in its current form. ~~countering this advantage are the myriad concerns that we detail below. Hence, the Administration does not support H.R. 3210 and urges the House of Representatives to consider an alternative measure along the lines outlined by the Senate Banking Committee.~~

H.R. 3210 provides for a government loss sharing mechanism under which insurance companies are responsible for 10 percent of insured losses with the government responsible for 90 percent of insured losses. Government payments would be triggered once either industry-wide losses exceed \$1 billion or industry-wide losses exceed \$100 million and any single commercial insurer’s losses exceeded 10 percent of capital surplus and 10 percent of premiums. Once a triggering determination is made, the government would be sharing first dollar losses with the insurance industry.

The triggering determination process in H.R. 3210 is overly complex and is set at low loss levels. ~~Furthermore, federal cost sharing on a 90/10 basis is much more generous than the 80/20 cost sharing proposed by the Administration.~~ Under H.R. 3210, the government would be responsible for a greater share of first dollar losses than under the Administration’s approach, and in comparison to the Senate approach government payments would start sooner. In addition, with only a small-required insurance company retention, a low triggering determination, and no deductible, H.R. 3210 provides weaker incentives for cost containment than other approaches.

H.R. 3210 provides a mechanism for the government to recoup payments made under the program. Insurance companies would be assessed (up to 3 percent of premiums) if industry-wide losses were less than \$20 billion, and policyholders would be assessed a surcharge for industry-wide losses above \$20 billion.

While ensuring the government is compensated for services provided is a laudable goal, requiring payments through this type of assessment mechanism would work counter to the goal of maintaining insurance coverage for acts of terrorism at reasonable rates. Insurance companies would have to price not only their individual 10 percent retention, but also their exposure for potential future assessments. Thus, it is likely that an assessment mechanism would lead to higher premiums even if future terrorist acts did not occur, with a surcharge putting even more upward pressure on premiums if a future terrorist act did occur.

Also, because loan repayments could be spread over many years, the program would require a collection mechanism that would need to be administered and could be in existence for many years. In addition, that collection mechanism would have to be monitored to ensure that insurance companies were not looking for ways to reduce their assessments.

In effect, the recoupment mechanism contained in H.R. 3210 imposes a “national property tax” that will likely fall on capital-intensive operations – such as energy, transportation, and manufacturing. Such a “national property tax” may also disproportionately affect renters (especially in urban areas) versus homeowners because rental properties are denser centers of activity. As a result, costs to consumers in those sectors would likely see a disproportionate increase. To avoid such distributional consequences, a more equitable approach would be to spread costs over all taxpayers. Such an approach would also preserve the government’s flexibility to fund payments through reductions in other spending, increased borrowing, or increased taxes.

~~H.R. 3210 provides insurance companies tax benefits by allowing the tax-free accumulation of reserves. Building tax-free reserves violates fundamental principles of income taxation, and is unlikely to be effective in ensuring future industry solvency. Insurers will likely find ways to substitute tax-favored capital for non-favored capital, leaving the industry’s total surplus funds unchanged.~~H.R. 3210 provides insurance companies tax benefits by allowing the tax-free accumulation of reserves. Building tax-free reserves would reduce the industry’s effective tax rate but likely would not be effective in ensuring future industry solvency. Insurers may find ways to substitute tax-favored capital for non-favored capital, leaving the industry’s total surplus funds unchanged. Tax benefits could also hinder the re-emergence of reinsurance to cover terrorism risk, as companies would have greater incentive to hold such risks themselves.~~Tax benefits could also hinder the re-emergence of reinsurance to cover terrorism risk, as companies would have greater incentive to hold such risks themselves.~~

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~~[May be a weak point because administering the Senate’s \$10 billion deductible may be at least as complex as the house bill.] While all terrorism insurance proposals have some inherent degree of complexity, the program envisioned in H.R. 3210 could be especially complex to administer and long-lived. The program involves complex determinations of triggering determinations and complicated repayment structures. This makes administering the program difficult and costly. Also, because loan repayments could be spread over many years, the program would require a collection mechanism that would need to be administered and could be in existence for many years. In addition, that collection mechanism would have to be monitored to ensure that insurance companies were not looking for ways to reduce their assessments.~~

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<Peter.Fisher@do.treas.gov>;John.Duncan@do.treas.gov [UNKNOWN]
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Sent: 11/8/2001 4:27:26 AM
Subject: : DRAFT SAP
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 8-NOV-2001 09:27:26.00
SUBJECT:: DRAFT SAP
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TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
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READ:UNKNOWN
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READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Sheila <<SAP-HR3210v2.doc>>
- SAP-HR3210v2.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7X3M4004_CEA.TXT_1>

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(Representative Oxley (R) Ohio and 30 cosponsors)**

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From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: 1120106 @ SkyTel [UNKNOWN] <1120106>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>
Sent: 11/8/2001 4:37:24 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-NOV-2001 09:37:24.00

SUBJECT::

TO:1120106 (1120106 @ SkyTel [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I would like to call Ben Cohen to ask about substance. Any objection?
Want to call together?

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov @ inet [UNKNOWN] <amy.smith@do.treas.gov>
Sent: 11/8/2001 5:30:58 AM
Subject: : timeline for sap

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 8-NOV-2001 10:30:58.00

SUBJECT:: timeline for sap

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Please see message from Amy SMith at the bottom of the email re: SAP

----- Forwarded by Leslie A. Mooney/OPD/EOP on 11/08/2001
10:30 AM -----

D. Marcus Sumerlin
11/08/2001 10:28:10 AM
Record Type: Record

To: Leslie A. Mooney/OPD/EOP@EOP
cc:
Subject: timeline for sap

please send out to insurance group

----- Forwarded by D. Marcus Sumerlin/OPD/EOP on
11/08/2001 10:27 AM -----

Amy C. Smith
11/08/2001 10:25:39 AM
Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject: timeline for sap

Richard said that he'd need the final draft early this afternoon, if you
intend to send the terrorism insurance SAP to the Hill tomorrow

REV_00135004

afternoon. He would send out for agency comment this afternoon,
requesting comments back by 10am tomorrow.

He said that even this timeframe might jam folks a bit, but it was doable.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/8/2001 9:42:46 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-NOV-2001 14:42:46.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tuesday, November 20

3:25-3:55 pm

Brett M. Kavanaugh
11/08/2001 02:29:11 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject:

what's story with meeting with President a week from Monday -- the
19th?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 11/8/2001 9:46:51 AM
Subject: : FW: Suit on Executive Order re Presidential Records Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-NOV-2001 14:46:51.00
SUBJECT:: FW: Suit on Executive Order re Presidential Records Act
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

-----Original Message-----

From: Anderson, David
Sent: Thursday, November 08, 2001 11:19 AM
To: McCallum, Robert; Schiffer, Stuart; Wood, John F; Colborn, Paul
P
Subject: Suit on Executive Order re Presidential Records Act

According to Judicial Watch's website, it is planning to challenge the PRA Executive Order issued on Monday.

From: CN=Diana E. Furchtgott-Roth/OU=CEA/O=EOP [CEA]
To: Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/8/2001 5:48:46 AM
Subject: : Re: Vaccine Liability
Attachments: P_D48M4004_CEA.TXT_1.doc; P_D48M4004_CEA.TXT_2.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Diana E. Furchtgott-Roth (CN=Diana E. Furchtgott-Roth/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME: 8-NOV-2001 10:48:46.00
SUBJECT:: Re: Vaccine Liability
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Rebecca, Brett,

Here are two memos that we wrote. One is on the vaccine issue, and the other is on punitive damages in general. They encompass everything that we have been working on. Please let us know if we can provide you with more information.

If there are upcoming meetings, Mark McClellan and I would be interested in attending.

Diana

From: Rebecca A. Beynon on 11/07/2001 04:07:04 PM
Record Type: Record

To: Mark McClellan, Diana E. Furchtgott-Roth/CEA/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Vaccine Liability

Diana - Could you circulate to me and Brett via email the various documents that you guys have put together on this issue? I know that there have been several things that have gone around, and I wanted to be sure that everyone had copies of the relevant materials. Also, I know Brett would like to get an idea of what it is that you guys think is the best approach to this issue. Thanks very much!

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_D48M4004_CEA.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_D48M4004_CEA.TXT_2>

REV_00135008

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL OF ECONOMIC ADVISERS
WASHINGTON, D.C. 20502

November 6, 2001

MEMORANDUM FOR: DIANA FURCHTGOTT-ROTH
FROM: PETER FEATHER
SUBJECT: TORT LIABILITY AND TERRORISM

Introduction

The American civil liability system cost \$161 billion in 1999, or 2 percent of the nation's gross domestic product, compared with 1.4 percent in 1970, and 0.6 percent in 1950. Breaking down tort costs, 24% go to litigants for their actual (economic) losses, and 22% to compensate for pain and suffering, 30% for lawyers fees and defense costs and 24% for administrative costs. Only 3 percent of liability claims are settled by court verdict. However, lawsuit verdicts have a disproportionate impact on liability costs because they influence the damage amount sought by plaintiffs and the size of out-of-court settlement.

Higher product prices, medical costs and insurance rates pay for the tort system. For example, it has been estimated that 55% of the price of a football helmet and 30% of the price of a stepladder are attributable to litigation risk cost. The extra cost imposed by liability costs from insurance on childhood vaccines accounts for 95% of the price. Studies have shown that physicians may prescribe unnecessary precautionary treatments, (referred to as “defensive medicine”), or avoid those they perceive as risky (referred to as “non-defensive medicine”) in order to avoid non-financial litigation penalties such as harm to their reputations and the time and stress associated with a malpractice suit.

The Tort system serves the economically useful purpose of what economists refer to as internalizing externalities. In other words, it makes persons who injure others aware of their actions and act appropriately. If the awards or the expectation of the liability exceeds the actual damage, then too much cost is passed onto consumers and distortions in the economy occur. Although it is nearly impossible to know exactly what defines an excessive award, it is useful to examine trends in awards over time. The levels of jury awards have risen dramatically in this decade. These jury awards are used as precedents in out of court settlements. During a five year period from 1994 to 1999:

1. average death awards have risen from \$1.1 million to \$5.5 million;
2. average business negligence awards have risen from \$0.7 million to \$1.7 million;
3. average personal negligence awards have risen from \$0.3 million to 3.0 million;
4. average products liability awards have risen from \$1.7 million to \$7.4 million

The tort system can also be useful in keeping undesirable (usually unsafe) products out of the market place. If the expected harm these products will create (as defined in the tort system) exceeds their benefits, then the tort system serves a useful function. However, if the expectation of liability greatly exceeds the actual harm that will be caused, then (net) beneficial products may be kept out of the market. Economic theory tells us that the resources that would be used to produce these goods will be used to produce the next best alternative. Therefore, the loss is not the value of the good that isn't produced, but rather the difference in the value of the good that isn't produced less the value of the next best alternative. Since only one of these goods is produced, it is difficult to assess this loss. Still, anecdotal evidence suggests that some products that may have a net benefit to society as a whole are withheld from the market place due to excessive concerns of liability from the tort system.

1. Because many lawyers are familiar with asbestos liability theories, Monsanto decided to not release a safe, biodegradable asbestos substitute into the market place over a decade ago. At this date, it has still not been commercially utilized.
2. Concerns over liability have resulted in withdrawals of medicines such as bendectin and thalidomide, and halted the production of vaccines such as smallpox and DPT.

The terrorist attack on September 11 has added to the problem. Insurance companies uncertain how to assess new liability risks are raising premiums and, in some cases, denying coverage. A new survey of insurance agents and brokers reports that businesses across the U.S. are seeing large increases in premiums and more restrictive policy terms. The third quarter survey, conducted by the Council of Insurance Agents and Brokers, indicates that insurance policies covering property damages have some of the largest increases. Approximately 25% of respondents said their customers were paying rates 30%-50% higher than the previous quarter. Some (14%) said their clients face increases of more than 50%. Almost half (44%) of agents and brokers report premium increases of at least 30% in umbrella liability coverage. Although insurance costs were expected to trend upward due to a slowing economy, the September 11 terrorist attacks have probably added to the cost increases.

Several industries have been impacted by higher insurance costs that may force many to either raise prices, or exit the market.

Airlines

Airlines carry insurance for public liability, passenger liability, property damage, and damage to its aircraft. The policies in place before September 11 typically contained limits of liability that are reported by one major insurer to max out at \$2 billion. Anything above this level would be left uncovered by an airline's insurance policy. Absent the provisions in the Airline Transport System Stabilization Act, the airlines have a large liability exposure. *The New York Times* reported September 14, 2001, that "While airlines are insured, William Shernoff, a lawyer in Claremont, Calif., who specializes in litigation against insurance companies, said liability claims could easily exceed the coverage, forcing airlines to pay much of the cost of claims directly."

In the aftermath of September 11, these risks will be incorporated into insurance costs, and therefore be a cost of doing business. Absent resolution of insurance and liability issues, costs of flying will rise. These costs could be significant given the precedents set by recent plane crash awards ranging from \$3.5 million per passenger (Swissair Flight 111) to \$5.7 million per passenger (Pan Am Flight 103).

Transportation

Many freight carriers cannot afford to pay insurance. Insurance costs have increased 200%-300% in some cases. The American Trucking Association has documented reports of increases as high as 800% -1000% since September 11. Most of the increases are in “umbrella” liability policies. Over the past several years, the number of claims has fallen, but the cost per claim has risen. Fewer companies are willing to insure carriers, which may force some out of the business. It appears that there will be no way to insure against terrorist attacks in the future.

The American Bus Association reports a similar situation. Insurance costs before September 11 were scheduled to rise. Since September 11, they have risen more than expected. On average, premiums have risen 25%-50%, and some as high as 100%. The biggest concern is that insurance companies will refuse to pay for “war risks” or acts of terrorism. Most bus operators are small companies with five or fewer buses. This type of risk will likely drive many out of business.

Construction

The Contractor’s Association of America reports that Insurance premiums have been trending up in the construction sector, especially in the areas of worker’s compensation and liability to the public. The biggest concern in the contracting industry is obtaining insurance in conjunction with the construction of public projects. Presently, insurers will not provide surety bonds unless the contractor has a net worth of at least \$50 million. The previous net worth limit was \$5 million. This requirement forces all but the largest companies out of the public projects construction sector.

Mail Services

There will be little if any impact on the U.S. Postal Service. The U.S. Postal Service is protected under the Federal Tort Claims Act and is self-insured. Employee can be compensated exclusively through the Federal Employee Compensation Act. Many mental distress claims are expected, but this legislation makes winning these difficult. Through a discretionary function exemption, the USPS cannot be sued on the grounds of insufficient security.

In the past, United Parcel Service has not been held liable for items they have shipped (e.g., firearms used to commit crimes). They do have a fleet of 240 jet aircraft and are buying FAA act of war insurance. UPS is also experiencing a large insurance cost increases for their vehicle fleet.

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL OF ECONOMIC ADVISERS
WASHINGTON, D.C. 20502

TIME

MEMORANDUM FOR DIANA FURCHTGOTT-ROTH AND JOHN ACKERLY

FROM: PETER FEATHER

SUBJECT: SMALLPOX VACCINE

Presently there are 15.4 million doses of smallpox vaccine maintained by the Government. An additional 40 million more doses have been contracted to be produced. Health risks associated with the present vaccine are thought to be similar to risks associated with smallpox vaccines administered in the past. The potential liabilities faced by a manufacturer for resulting fatalities, disabilities and hospitalizations are significant. Several options exist to mitigate these liabilities:

Options for Insuring Vaccine Manufacturers

1. **Direct Government Indemnification:** The Department of Health and Human Services (HHS) has drafted a proposed executive order amending Executive Order 10789. This authorizes government agencies to enter into indemnification agreements with contractors engaged in unusually hazardous activities relating to national defense functions
2. **Transfer Liability to the Government:** The National Swine Flu Immunization Program of 1976 made a suit against the United States under the Federal Tort Claims Act to be the sole remedy for claims arising from adverse reactions to the swine flu vaccine. Such an approach could be used for smallpox vaccine to protect manufacturers. This requires an act of Congress.
3. **Government Insurance Reimbursement:** Under the Federal Acquisition Regulation, the Government may reimburse contractors for the cost of acquiring liability insurance. In some circumstances, the Government may require contractors to carry liability insurance, which is factored into their bids. This option does not require legislation, but may significantly increase the cost of a vaccine.
4. **Vaccine Compensation Funds.** Congress enacted the National Vaccine Injury Compensation Program (VICP) as a no-fault alternative to the tort system for resolving claims resulting from adverse reactions to mandated childhood vaccines. A tax (\$0.75 per antigen) is levied on vaccines and held in a fund to be used for damages. Awards include economic costs, pain and suffering, estimated costs of future care and attorney fees. A similar program could be established for smallpox vaccine if it were sold on the open market. Congress has to create the surcharge, so for smallpox vaccine to be added to the VICP program, an act of Congress would be required.

5. **Extension of Executive Order:** PLE-5804 grants indemnity to military contractors if they produce equipment according to contract specifications. Under *Boyle vs United Technologies Corp* (487 U.S. 500, 1988), liability design defects cannot be imposed where 1. The government provided reasonable precise specifications; 2. The product conformed to specifications; 3. The supplier warned about dangers in the case of the product of which it (but not the government) was aware. Its possible, but not known, that this precedent extends to vaccines produced under government contract.

Potential Liabilities

The health risks associated with smallpox vaccine are well documented. Data from vaccination programs in the 1960's show the following frequencies of adverse reactions.

- a. Fatalities: 0.5-2.5 per million
- b. Disability: 0.25-1.5 per million
- c. Hospitalization: 15-30 per million
- d. Medical Attended: 875 per million

It is difficult to accurately estimate the expected liability vaccine manufacturers are exposed to. Persons with compromised immune systems are at greater risk to adverse reactions. The U.S. population has significantly more of these individuals now than in the 1960's. On the other hand, persons with previous exposure to the vaccine are at less risk. Approximately half of the population of the U.S. is at least 35 years of age or older and has probably been exposed to the vaccine. It is believed that the additional risks from persons with compromised immune systems far outweigh the reductions in risk to previous exposure. The numbers above express these differences in the population from the 1960's to the present. The higher risk estimates are believed to be more likely to apply to the present U.S. population.

Damages paid by the VICP program (option 4 above) include economic costs, pain and suffering, estimated costs of future care and attorney fees. Awards have ranged from \$120.00 to \$7.9 million. The average injury award since the inception of the VICP for both Pre-1988 and Post-1988 claims is \$822,045. Awards for death cases are capped at \$250,000 plus attorneys' fees/costs.

Industry Estimate

Acambis Incorporated has contracted with the Government to produce 40 million doses of smallpox vaccine. The contract specifies that Acambis acquire \$225 million of insurance for liabilities associated with the development, testing and potential utilization of the vaccine. Acambis identified three risks that would result in potential liability. Based on settlement information from previous lawsuits involving similar injuries, Acambis estimates the following liabilities¹:

¹ The CDC supplied this confidential information. It should not be made public.

1. Non-fatal Encephalopathies: Estimated frequency is 4.55 cases per million, or 182 cases per 40 million doses. Average liability is estimated to be \$3 million per case (350 verdicts were examined with settlements ranging from \$17,000 to \$45 million – extreme settlements were discarded). Total liability is \$546 million.
2. Non-fatal Scarring: Estimated frequency is 0.525 cases per million, or 21 cases per 40 million doses. Average liability is estimated to be \$0.4 million per case (600 verdicts of similar injuries were examined ranging from \$2,000 to \$20 million – extreme settlements were discarded). Total liability is \$8.4 million.
3. Death: Estimated frequency is 6.625 cases per million, or 265 cases per 40 million doses. Average liability is estimated to be \$0.76 million per case (This is based on the present value of future earnings, a low estimate for the value of life. EPA, for example, uses \$6.2 million). Total liability is \$202 million.

Total estimated liability is \$756.3 million -- approximately triple the insurance coverage. Instead of acquiring more insurance, Acambis advocates the use of consent forms at the time of inoculation to reduce liability risks. They also discuss the applicability of the Government contracts executive order (5 above).

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/8/2001 6:48:07 AM
Subject: : Hit a snag with Karl's travel to Texas tomorrow

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-NOV-2001 11:48:07.00
SUBJECT:: Hit a snag with Karl's travel to Texas tomorrow
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

could you check out Billy Meyer. See if any problems.
----- Forwarded by Robert W. Cobb/WHO/EOP on 11/08/2001
11:47 AM -----

Kelley J. McCullough
11/08/2001 11:15:35 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Hit a snag with Karl's travel to Texas tomorrow

Carey Hobbs plane was going to take 6 hours to fly down there -- which for a lot of reasons, Carey identified another plane and the Texas Federation of Republican Women have agreed to defray about half of the cost. The gentleman who owns the jet is Billy Meyer -- he personally owns the plane and, according to him, does not do business with the federal government.

Can we do it?

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/8/2001 7:41:21 AM
Subject: : Victims Compensation Fund

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 8-NOV-2001 12:41:21.00
SUBJECT:: Victims Compensation Fund
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Jay will be meeting w/Phil Perry on victims compensation on Tuesday, November 13 @ 11:00. Please join Jay at this meeting if you can. He would also like for you to come by 15 minutes early to get an update on where we are on this issue.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/8/2001 11:49:32 AM
Subject: : Re: ethics training

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-NOV-2001 16:49:32.00
SUBJECT:: Re: ethics training
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by Robert W. Cobb/WHO/EOP on 11/08/2001
04:49 PM -----

Heather L. West
11/08/2001 04:47:43 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
bcc:
Subject: Re: ethics training

I think we need to shoot for the following Monday bc/ everyones schedules
are so fluid with the holiday. Monday, November 19th from 9:30am- 10:30am.
I will round up all staff and work on securing a room.
Let me know if this is a problem.
hw

Robert W. Cobb
11/08/2001 02:53:47 PM
Record Type: Record

To: Heather L. West/WHO/EOP@EOP
cc:
Subject: ethics training

what's the status of this. Do we want to do this monday or some other
time? Any thoughts? Is the following Monday better?

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/8/2001 8:44:17 AM
Subject: : Re: Karl's flight to CA
Attachments: P_V0GM4004_WHO.TXT_1.htm

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-NOV-2001 13:44:17.00
SUBJECT:: Re: Karl's flight to CA
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Mr. Tichenor is big in broadcasting and his family company is very tied up in FCC matters. Karl should not fly on this plane.

Brett M. Kavanaugh
11/08/2001 01:14:00 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Karl's flight to CA

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/08/2001 01:14 PM -----

Susan B. Ralston
11/07/2001 12:05:26 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc: Dee Dee Benkie/WHO/EOP@EOP, Chris Henick/WHO/EOP@EOP, David M. Thomas/WHO/EOP@EOP
Subject: Karl's flight to CA

Karl has a trip to CA this weekend. His plan was to return to DC on Mon, 11/12 via commercial carrier. Warren Tichenor would like to use his corporate plane owned by W.W. Tichenor & Co. (TX corp.) to fly Karl and Chris Henick back from San Diego to DC. What do you think?

Adriana Matouk <AM@StargazerAviation.com>
11/07/2001 11:58:07 AM
Record Type: Record

REV_00135021

To: Israel Hernandez/WHO/EOP, Susan B. Ralston/WHO/EOP
cc: Dee Dee Benkie/WHO/EOP
Subject: Tichenor Aircraft N765WT

Thank you for your recent inquiries regarding N765WT, Mr. Tichenor's airplane.

In as much as I've received the same or similar inquiries from each of you this morning, I'm responding to all of you with this correspondence.

N765WT is a Bombardier Challenger 601-3A, owned and operated by W.W. Tichenor & Co., Inc., a Texas based corporation. Under our present and existing ownership, we flew during the campaign, Laura Bush, Barbara Bush, Secretary Evans, Director Allbaugh, Karen and Karl among numerous other campaign officials. For this reason, we believe that we can satisfy any requirements the Counsel's office may have.

Additionally, our lead counsel William D. White at Locke Liddell & Sapp in Dallas is a partner at the firm Ms. Miers headed before assuming her present position as Assistant to the President and Staff Secretary and is available to answer any questions in this regard. If there are any, please call me at 210-375-0765 and we'll endeavor to get them answered for you.

Sincerely,

Adriana Matouk

----- Forwarded by Susan B. Ralston/WHO/EOP on 11/07/2001
09:34 AM -----

Dee Dee Benkie
11/06/2001 06:38:09 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP
cc:
Subject: Letter from Warren Tichenor to Chris Henick

Just wanted to confirm this was ok with you
----- Forwarded by Dee Dee Benkie/WHO/EOP on 11/06/2001
06:33 PM -----

Adriana Matouk <AM@StargazerAviation.com>
11/06/2001 05:40:56 PM
Record Type: Record

To: Dee Dee Benkie/WHO/EOP
cc:
Subject: Letter from Warren Tichenor to Chris Henick

Dear Dee Dee,

Warren requested that I send this letter to you and ask that you please forward to Chris Henick. Thanks so much. Adriana

—

Dear Chris,

REV_00135022

Thank you for your time Monday.

I enjoyed the lunch and the visit. I'll look forward to seeing you in Los Angeles this weekend and to doing everything I can to engage Hollywood in helping to win the war on terrorism.

Thanks again. Please let me know if it works for Karl, you, and me to fly back to Washington Monday, as this would be an ideal time to plan the next steps.

Sincerely,

Warren W. Tichenor

P.S. Please send me the framing remarks via e-mail to am@wwtichenorco.com <<mailto:am@wwtichenorco.com>> and I'll add my comments. Thanks.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_V0GM4004_WHO.TXT_1>

Dear Dee Dee,

Warren requested that I send this letter to you and ask that you please forward to Chris Henick. Thanks so much. Adriana

Dear Chris,

Thank you for your time Monday.

I enjoyed the lunch and the visit. I'll look forward to seeing you in Los Angeles this weekend and to doing everything I can to engage Hollywood in helping to win the war on terrorism.

Thanks again. Please let me know if it works for Karl, you, and me to fly back to Washington Monday, as this would be an ideal time to plan the next steps.

Sincerely,

Warren W. Tichenor

P.S. Please send me the framing remarks via e-mail to am@wwtichenorco.com and I'll add my comments. Thanks.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/8/2001 12:39:43 PM
Subject: : FW: Amendment text from yesterday's markup

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 8-NOV-2001 17:39:43.00
SUBJECT:: FW: Amendment text from yesterday's markup
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Bill as reported is now on the website.

Sheila

> -----Original Message-----

> From: Smith, Amy

> Sent: Thursday, November 08, 2001 5:04 PM

> To: Bair, Sheila

> Cc: DeMarco, Edward; McInerney, Roberta; Ellett, Martha

> Subject: Amendment text from yesterday's markup

>
> <http://www.house.gov/financialservices/110701tc.htm>

>
> Amy D. Smith

> Deputy Assistant Secretary

> (Banking and Finance)

> The Department of the Treasury

> 1500 Pennsylvania Avenue, NW

> Washington, DC 20220

> (202) 622-1900

> (202) 622-0534 (fax)

>

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/8/2001 12:45:29 PM
Subject: : FW: Amendment text from yesterday's markup

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 8-NOV-2001 17:45:29.00
SUBJECT:: FW: Amendment text from yesterday's markup
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Bill as reported is now on the website.

Sheila

> -----Original Message-----

> From: Smith, Amy

> Sent: Thursday, November 08, 2001 5:04 PM

> To: Bair, Sheila

> Cc: DeMarco, Edward; McInerney, Roberta; Ellett, Martha

> Subject: Amendment text from yesterday's markup

>
> <http://www.house.gov/financialservices/110701tc.htm>

>

> Amy D. Smith

> Deputy Assistant Secretary

> (Banking and Finance)

> The Department of the Treasury

> 1500 Pennsylvania Avenue, NW

> Washington, DC 20220

> (202) 622-1900

> (202) 622-0534 (fax)

>

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/8/2001 1:54:46 PM
Subject: : Re: Oxley bill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-NOV-2001 18:54:46.00
SUBJECT:: Re: Oxley bill
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by Kristen Silverberg/WHO/EOP on
11/08/2001 06:54 PM -----

"Gregory E. Maggs" <gmaggs@main.nlc.gwu.edu>
11/08/2001 05:42:34 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP
cc:
Subject: Re: Oxley bill

Hi, Kristen.

I have read the relevant sections of the Oxley Bill and your memo. I agree with your assessment. Section 14(b) purports to limit damages in actions regarding insurance claims after a "triggering determination" has occurred. But as you point out, under Section 5(a), a triggering determination cannot occur until the aggregate liability has been established. At that point, how can liability be limited?

I have tried my best to think of ways to make sense of this bill. Here are three possibilities to consider:

POSSIBILITY # 1 : "The Determination is an Estimation"

Maybe when Section 5(a) says that the Administrator will make a determination, it means that he or she is really supposed to make an estimation. In many cases, that might not be difficult even before any lawsuit is filed or completed. The \$1 billion/\$100 million figures are not tremendously large. Destruction of a large part of city easily could cost the insurance industry \$1 billion. Similarly, anything involving airplanes is very expensive. (A brand new Boeing 747 jet costs \$200 million.) But is it possible to interpret the word determination to mean estimation? What about close cases? Is that why the Administrator has sole authority to make the determination?

POSSIBILITY # 2 : "Application on to Post-Determination Lawsuits"

Maybe the limitations do not apply to everyone, but instead only to people who bring claims after the triggering determination is made. Until liability reaches the triggering level stated in Section 5(a), there is no limit of liability or exclusive federal cause of action. Once the threshold is met, however, all subsequent actions will be limited. But this

REV_00135030

interpretation does not seem very fair, and it would produce a race to the courthouse.

POSSIBILITY # 3 : "Retroactive Application"

Alternatively, maybe the limitation applies retroactively. In other words, after a triggering determination, all judgments would be retroactively limited whether they occurred before or after the triggering determination. But is this feasible? Would it be a taking? Would people who recovered on state law theories have to refile under federal law?

Good luck!

Greg

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 11/9/2001 5:13:49 AM
Subject: : hold on vetting meeting

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-NOV-2001 10:13:49.00
SUBJECT:: hold on vetting meeting
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

I am letting people know that this should go nowhere without Tim's involvement. My understanding from Nina Rees is that Hadley is seeking attention to some issues about vetting.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 11/9/2001 5:13:49 AM
Subject: : hold on vetting meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-NOV-2001 10:13:49.00
SUBJECT:: hold on vetting meeting
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

I am letting people know that this should go nowhere without Tim's involvement. My understanding from Nina Rees is that Hadley is seeking attention to some issues about vetting.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
CC: colborn, paul p <paul.p.colborn@usdoj.gov>
Sent: 11/9/2001 5:15:06 AM
Subject: : Re: Ose questions

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-NOV-2001 10:15:06.00

SUBJECT:: Re: Ose questions

TO: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"

<M.Edward.Whelan@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

CC: "colborn, paul p" <paul.p.colborn@usdoj.gov> (receipt notification requested) (ipm return requested) ("colborn, paul p" <paul.p.colborn@usdoj.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

seem quite easy; a few sentences at most for each. for #2, make sure to cite May 23, 1996, Reno letter and Olson and Cooper opinions. They are wrong on Lindsey and CA8 case. will you draft up answers? let me know what you want me to do and when. thanks again.

"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>

11/09/2001 10:08:30 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP

cc: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Subject: Ose questions

I received follow-up questions from Ose and am sending them to you.
Deadline for response is 11/30.

REV_00135041

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/9/2001 10:46:39 AM
Subject: : Re: Press call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-NOV-2001 15:46:39.00

SUBJECT:: Re: Press call

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

called and left message.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/12/2001 7:32:44 AM
Subject: : if you have judicial interviews...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2001 12:32:44.00
SUBJECT:: if you have judicial interviews...
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Please advise asap if I need to hold any of this time for you.

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Sent: 11/12/2001 7:32:44 AM
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Sent: 11/12/2001 1:08:41 PM
Subject: : POTUS meeting on Tuesday now set for 2:20 pm.

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-NOV-2001 18:08:41.00

SUBJECT:: POTUS meeting on Tuesday now set for 2:20 pm.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

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TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

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READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: paul.taylor@mail.house.gov @ inet [UNKNOWN] <paul.taylor@mail.house.gov>
Sent: 11/12/2001 11:54:36 AM
Subject: : FW: draft bill
Attachments: P_PBDO4004_WHO.TXT_1.pdf

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-NOV-2001 16:54:36.00
SUBJECT:: FW: draft bill
TO:paul.taylor@mail.house.gov (paul.taylor@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Paul: Please do not forward this e-mail. If you want to circulate this draft to others, please first save it to your own files and then circulate it without identifying original provider. Note that this was a work in progress in Senate. Thanks a lot.

- AYO01_A30.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PBDO4004_WHO.TXT_1>

107TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and
referred to the Committee on _____

A BILL

To promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 (b) CONDITIONS FOR FEDERAL PAYMENTS.—No
2 payment may be made by the Secretary under subsection
3 (c), unless—

4 (1) a policyholder that suffers an insured loss,
5 or a person acting on behalf of that policyholder,
6 files a claim with a participating insurance company;

7 (2) at the time of offer, purchase, and renewal
8 of each policy covering an insured loss, the partici-
9 pating insurance company provides clear and con-
10 spicuous disclosure in the policy to the policyholder
11 of the premium charged for insured losses covered
12 by the Program and the Federal share of compensa-
13 tion for insured losses under the Program;

14 (3) the participating insurance company proc-
15 esses the claim for the insured loss in accordance
16 with its standard business practices, and any proce-
17 dures that the Secretary may reasonably prescribe;
18 and

19 (4) the participating insurance company sub-
20 mits to the Secretary, in accordance with such pro-
21 cedures as the Secretary may establish—

22 (A) a claim for payment of the Federal
23 share of compensation for insured losses under
24 the Program;

25 (B) written verification and certification—

- 1 (i) of the underlying claim; and
2 (ii) of all payments made to policy-
3 holders for insured losses; and
4 (C) certification of its compliance with the
5 provisions of this subsection.

6 (c) SHARED INSURANCE LOSS COVERAGE.—

7 (1) FEDERAL SHARE.—Subject to the limita-
8 tions in paragraph (2), the Federal share of com-
9 pensation under the Program, to be paid by the Sec-
10 retary, shall be—

11 (A) for insured losses resulting from an act
12 of terrorism occurring during the period begin-
13 ning on the date of enactment of this Act and
14 ending on December 31, 2002, 90 percent of
15 the aggregate amount of all such losses in ex-
16 cess of \$10,000,000,000;

17 (B) for insured losses resulting from an
18 act of terrorism occurring during the period be-
19 ginning on January 1, 2003 and ending on De-
20 cember 31, 2003, 90 percent of the aggregate
21 amount of all such losses in excess of
22 \$10,000,000,000; and

23 (C) if the Program is extended in accord-
24 ance with section 6, for insured losses resulting
25 from an act of terrorism occurring during the

1 period beginning on January 1, 2004 and end-
2 ing on December 31, 2004, 90 percent of the
3 aggregate amount of all such losses in excess of
4 \$20,000,000,000.

5 (2) CAP ON ANNUAL LIABILITY.—Notwith-
6 standing paragraph (1), or any other provision of
7 Federal or State law, if the aggregate insured losses
8 exceed \$100,000,000,000 during any period referred
9 to in subparagraphs (A) and (B) of paragraph (1)
10 (or the period referred to in subparagraph (C) of
11 paragraph (1) if the Program is extended in accord-
12 ance with section 6)—

13 (A) the Secretary shall not make any pay-
14 ment under this Act for any portion of the
15 amount of such losses that exceeds
16 \$100,000,000,000; and

17 (B) participating insurance companies
18 shall not be liable for the payment of any por-
19 tion of the amount that exceeds
20 \$100,000,000,000.

21 (3) NOTICE TO CONGRESS.—The Secretary
22 shall notify the Congress if estimated or actual ag-
23 gregate insured losses exceed \$100,000,000,000 in
24 any period described in paragraph (1), and the Con-

1 gress shall determine the procedures for and the
2 source of any such excess payments.

3 (4) FINAL NETTING.—The Secretary shall have
4 sole discretion to determine the time at which claims
5 relating to any insured loss or act of terrorism shall
6 become final.

7 (5) DETERMINATIONS FINAL.—Any determina-
8 tion of the Secretary under this subsection shall be
9 final, and shall not be subject to judicial review.

10 (d) FUNDING.—

11 (1) PAYMENT AUTHORITY.—This Act con-
12 stitutes payment authority in advance of appropria-
13 tion Acts and represents the obligation of the Fed-
14 eral Government to provide for the Federal share of
15 compensation for insured losses under the Program.

16 (2) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated to the Sec-
18 retary such sums as may be necessary to pay the ad-
19 ministrative expenses of the Program.

20 **SEC. 5. GENERAL AUTHORITY AND ADMINISTRATION OF**
21 **CLAIMS.**

22 (a) GENERAL AUTHORITY.—The Secretary shall have
23 the powers and authorities necessary to carry out the Pro-
24 gram, including authority—

1 (1) to investigate and audit all claims under the
2 Program; and

3 (2) to prescribe regulations and procedures to
4 implement the Program.

5 (b) INTERIM RULES AND PROCEDURES.—The Sec-
6 retary shall issue interim final rules or procedures speci-
7 fying the manner in which—

8 (1) participating insurance companies may file,
9 verify, and certify claims under the Program;

10 (2) the Secretary shall publish or otherwise
11 publicly announce the applicable percentage of in-
12 sured losses to be paid by participating insurance
13 companies and the Federal share of compensation
14 for insured losses under the Program;

15 (3) the Federal share of compensation for in-
16 sured losses will be paid under the Program, includ-
17 ing payments based on estimates of or actual aggre-
18 gate insured losses;

19 (4) the Secretary may, at any time, seek repay-
20 ment from or reimburse any participating insurance
21 company, based on estimates of insured losses under
22 the Program, to effectuate the insured loss sharing
23 schedule and limitations contained in section 4;

24 (5) participating insurance companies that
25 incur insured losses shall pay their pro rata share of

1 insured losses in accordance with the schedule and
2 limitations contained in section 4; and

3 (6) the Secretary will determine any final net-
4 ting of payments for actual insured losses under the
5 Program, including payments owed to the Federal
6 Government from any participating insurance com-
7 pany and any Federal share of compensation for in-
8 sured losses owed to any participating insurance
9 company, to effectuate the insured loss sharing
10 schedule and limitations contained in section 4.

11 (c) CONTRACTS FOR SERVICES.—The Secretary may
12 employ persons or contract for services as may be nec-
13 essary to implement the Program.

14 (d) CIVIL PENALTIES.—The Secretary may assess
15 civil money penalties for violations of this Act or any rule,
16 regulation, or order issued by the Secretary under this Act
17 relating to the submission of false or misleading informa-
18 tion for purposes of the Program, or any failure to repay
19 any amount required to be reimbursed under regulations
20 or procedures described in section 5(b)(5).

21 **SEC. 6. TERMINATION OF PROGRAM; DISCRETIONARY EX-**
22 **TENSION.**

23 (a) TERMINATION OF PROGRAM.—

1 (1) IN GENERAL.—This Act is repealed, and
2 the Program shall terminate, on December 31,
3 2003, unless the Secretary—

4 (A) determines, after considering the re-
5 port and finding required by this section, that
6 the Program should be extended for one addi-
7 tional year, until December 31, 2004; and

8 (B) promptly notifies the Congress of such
9 determination and the reasons therefore.

10 (2) DETERMINATION FINAL.—The determina-
11 tion of the Secretary under paragraph (1) shall be
12 final, and shall not be subject to judicial review.

13 (3) TERMINATION AFTER EXTENSION.—If the
14 Program is extended under paragraph (1), this Act
15 is repealed, and the Program shall terminate, on De-
16 cember 31, 2004.

17 (b) REPORT TO CONGRESS.—Not later than 18
18 months after the date of enactment of this Act, the Sec-
19 retary shall submit a report to Congress—

20 (1) regarding—

21 (A) the availability of insurance coverage
22 for acts of terrorism;

23 (B) the affordability of such coverage, in-
24 cluding the effect of such coverage on pre-
25 miums; and

1 (C) the capacity of the insurance industry
2 to absorb future losses resulting from acts of
3 terrorism, taking into account the profitability
4 of the insurance industry; and

5 (2) that considers—

6 (A) the impact of the Program on each of
7 the factors described in paragraph (1); and

8 (B) the probable impact on such factors
9 and on the United States economy if the Pro-
10 gram terminates on December 31, 2003.

11 (c) FINDING REQUIRED.—A determination under
12 subsection (a) to extend the Program shall be based on
13 a finding by the Secretary that—

14 (1) widespread market uncertainties continue to
15 disrupt the ability of insurance companies to price
16 insurance coverage for losses resulting from acts of
17 terrorism, thereby resulting in the continuing un-
18 availability of affordable insurance for consumers;
19 and

20 (2) extending the Program for an additional
21 year would likely encourage economic stabilization
22 and facilitate a transition to a viable market for pri-
23 vate terrorism risk insurance.

24 (d) CONTINUING AUTHORITY TO PAY OR ADJUST
25 COMPENSATION.—Notwithstanding the date on which the

1 Program terminates under subsection (a), the Secretary
2 may take any actions necessary to ensure payment, reim-
3 bursement, or adjustment of compensation for insured
4 losses arising out of any act of terrorism occurring during
5 the period during which the Program is in effect under
6 this Act.

7 (e) STUDY AND REPORT ON SCOPE OF THE PRO-
8 GRAM.—

9 (1) STUDY.—The Secretary, after consultation
10 with the National Association of Insurance Commis-
11 sioners, representatives of the insurance industry,
12 and other experts in the insurance field, shall con-
13 duct a study of the potential effects of acts of ter-
14 rorism on the availability of life insurance and other
15 lines of insurance coverage.

16 (2) REPORT.—Not later than 1 year after the
17 date of enactment of this Act, the Secretary shall
18 submit a report to the Congress on the results of the
19 study conducted under paragraph (1).

20 **SEC. 7 PRESERVATION OF STATE LAW.**

21 Nothing in this Act shall affect the jurisdiction or
22 regulatory authority of the insurance commissioner (or
23 any agency or office performing like functions) of any
24 State over any participating insurance company or other
25 person—

1 (1) except as specifically provided in this Act;

2 and

3 (2) except that—

4 (A) the definition of the term “act of ter-
5 rorism” in section 3 shall be the exclusive defi-
6 nition for purposes of compensation for insured
7 losses under this Act, and shall preempt any
8 provision of State law that is inconsistent with
9 that definition, to the extent that such provision
10 of law would otherwise apply to any insurance
11 policy relating to terrorism risk in the United
12 States; and

13 (B) during the period beginning on the
14 date of enactment of this Act and ending on
15 December 31, 2002, rates for terrorism risk in-
16 surance covered by this Act and filed with any
17 State shall not be subject to prior approval or
18 a waiting period, under any law of a State that
19 would otherwise be applicable, provided that
20 nothing in this Act affects the ability of any
21 State to invalidate a rate as excessive, inad-
22 equate, or unfairly discriminatory.

23 **SEC. 8. SENSE OF THE CONGRESS.**

24 It is the sense of the Congress that the insurance in-
25 dustry should build capacity and aggregate risk to provide

1 **SECTION. 1. SHORT TITLE.**

2 This Act may be cited as the “Terrorism Risk Insur-
3 ance Act of 2001”.

4 **SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) property and casualty insurance firms are
7 important financial institutions, the products of
8 which allow mutualization of risk and the efficient
9 use of financial resources and enhance the ability of
10 the economy to maintain stability, while responding
11 to a variety of economic, political, environmental,
12 and other risks with a minimum of disruption;

13 (2) the ability of businesses and individuals to
14 obtain property and casualty insurance at reasonable
15 and predictable prices, in order to spread the risk of
16 both routine and catastrophic loss, is critical to eco-
17 nomic growth, urban development, and the construc-
18 tion and maintenance of public and private housing,
19 as well as to the promotion of United States exports
20 and foreign trade in an increasingly interconnected
21 world;

22 (3) the ability of the insurance industry to
23 cover the unprecedented financial risks presented by
24 potential acts of terrorism in the United States can
25 be a major factor in the recovery from terrorist at-

1 affordable property and casualty coverage for terrorism
2 risk.

3 **SEC. 9. PROCEDURES FOR CIVIL ACTIONS.**

4 (a) FEDERAL CAUSE OF ACTION.—There shall exist
5 a Federal cause of action for property damage, personal
6 injury, or death arising out of or resulting from an act
7 of terrorism, which shall be the exclusive cause of action
8 and remedy for claims for property damage, personal in-
9 jury, or death arising out of or resulting from an act of
10 terrorism. All State causes of action of any kind for prop-
11 erty damage, personal injury, or death otherwise available
12 arising out of or resulting from an act of terrorism, are
13 hereby preempted, except as provided in subsection (f).

14 (b) GOVERNING LAW.—The substantive law for deci-
15 sion in an action for property damage, personal injury,
16 or death arising out of or resulting from an act of ter-
17 rorism under this section shall be derived from the law,
18 including applicable choice of law principles, of the [State,
19 or States determined to be required by the district court
20 assigned under subsection (c), unless such law is incon-
21 sistent with or otherwise preempted by Federal law.]

22 (c) FEDERAL JURISDICTION.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, not later than 90 days after the oc-
25 currence of an act of terrorism, the Judicial Panel

1 on Multidistrict Litigation shall assign a single Fed-
2 eral district court to conduct pretrial and trial pro-
3 ceedings in all pending and future civil actions for
4 property damage, personal injury, or death arising
5 out of or resulting from that act of terrorism.

6 (2) SELECTION CRITERIA.—The Judicial Panel
7 on Multidistrict Litigation shall select and assign the
8 district court under paragraph (1) based on the con-
9 venience of the parties and the just and efficient
10 conduct of the proceedings.

11 (3) JURISDICTION.—The district court assigned
12 by the Judicial Panel on Multidistrict Litigation
13 shall have original and exclusive jurisdiction over all
14 actions under paragraph (1). For purposes of per-
15 sonal jurisdiction, the district court assigned by the
16 Judicial Panel on Multidistrict Litigation shall be
17 deemed to sit in all judicial districts in the United
18 States.

19 (4) TRANSFER OF CASES FILED IN OTHER FED-
20 ERAL COURTS.—Any civil action for property dam-
21 age, personal injury, or death arising out of or re-
22 sulting from an act of terrorism that is filed in a
23 Federal district court other than the Federal district
24 court assigned by the Judicial Panel on Multidistrict

1 Litigation under paragraph (1) shall be transferred
2 to the Federal district court so assigned.

3 (5) REMOVAL OF CASES FILED IN STATE
4 COURTS.—Any civil action for property damage, per-
5 sonal injury, or death arising out of or resulting
6 from an act of terrorism that is filed in a State
7 court shall be removable to the Federal district court
8 assigned by the Judicial Panel on Multidistrict Liti-
9 gation under paragraph (1).

10 **[(d) APPROVAL OF SETTLEMENTS.—Any settlement**
11 between the parties of a civil action described in this sec-
12 tion for property damage, personal injury, or death arising
13 out of or resulting from an act of terrorism shall be sub-
14 ject to prior approval by the Secretary.]

15 (e) LIMITATION ON DAMAGES.—Punitive or exem-
16 plary damages shall not be available in any civil action
17 subject to this section.

18 (f) CLAIMS AGAINST TERRORISTS.—Nothing in this
19 section shall in any way limit the ability of any plaintiff
20 to seek any form of recovery from any person, government
21 or other entity that was a participant in, or aider and
22 abettor of, any act of terrorism.

23 (g) EFFECTIVE PERIOD.—This section shall apply
24 only to actions for property damage, personal injury, or
25 death arising out of or resulting from acts of terrorism

1 that occur during the effective period of the Program, in-
2 cluding, if applicable, any extension period under section
3 6.

1 tacks, while maintaining the stability of the econ-
2 omy;

3 (4) widespread financial market uncertainties
4 have arisen following the terrorist attacks of Sep-
5 tember 11, 2001, including the absence of informa-
6 tion from which financial institutions can make sta-
7 tistically valid estimates of the probability and size
8 of future terrorist events, and therefore the size,
9 funding, and allocation of the risk of loss caused by
10 such acts of terrorism;

11 (5) a decision by property and casualty insurers
12 to deal with such uncertainties, either by termi-
13 nating property and casualty coverage for losses
14 arising from terrorist events, or by radically esca-
15 lating premium coverage to compensate for risks of
16 loss that are not readily predictable, could seriously
17 hamper ongoing and planned construction, property
18 acquisition, and other business projects, generate a
19 dramatic increase in rents, and otherwise suppress
20 economic activity; and

21 (6) the United States Government should pro-
22 vide temporary financial assistance to insured par-
23 ties, contributing to the stabilization of the United
24 States economy in a time of national crisis, while the
25 financial services industry develops the systems,

1 mechanisms, products, and programs necessary to
2 create a viable financial services market for private
3 terrorism risk insurance.

4 (b) PURPOSE.—The purpose of this Act is to estab-
5 lish a temporary Federal program that provides for a
6 transparent system of shared public and private com-
7 pensation for insured losses resulting from acts of ter-
8 rorism in order to—

9 (1) protect consumers by addressing market
10 disruptions and ensure the continued widespread
11 availability and affordability of property and cas-
12 ualty insurance for terrorism risk; and

13 (2) allow for a transitional period for the pri-
14 vate markets to stabilize, resume pricing of such in-
15 surance, and build capacity to absorb any future
16 losses, while preserving State insurance regulation
17 and consumer protections.

18 **SEC. 3. DEFINITIONS.**

19 In this Act, the following definitions shall apply:

20 (1) ACT OF TERRORISM.—

21 (A) CERTIFICATION.—The term “act of
22 terrorism” means any act that is certified by
23 the Secretary, in concurrence with the Sec-
24 retary of State, and the Attorney General of the
25 United States—

1 (i) to be a violent act or an act that
2 is dangerous to—

3 (I) human life;

4 (II) property; or

5 (III) infrastructure;

6 (ii) to have resulted in damage within
7 the United States, or outside of the United
8 States in the case of an air carrier de-
9 scribed in paragraph (3)(A)(ii); and

10 (iii) to have been committed by an in-
11 dividual or individuals acting on behalf of
12 any foreign person or foreign interest, as
13 part of an effort to coerce the civilian pop-
14 ulation of the United States or to influence
15 the policy or affect the conduct of the
16 United States Government by coercion.

17 (B) LIMITATION.—No act or event shall be
18 certified by the Secretary as an act of terrorism
19 if—

20 (i) the act or event is committed in
21 the course of a war declared by the Con-
22 gress; or

23 (ii) losses resulting from the act or
24 event, in the aggregate, do not exceed
25 \$5,000,000.

1 (C) DETERMINATIONS FINAL.—Any certifi-
2 cation of, or determination not to certify, an act
3 or event as an act of terrorism under this para-
4 graph shall be final, and shall not be subject to
5 judicial review.

6 (2) BUSINESS INTERRUPTION COVERAGE.—The
7 term “business interruption coverage”—

8 (A) means coverage of losses for temporary
9 relocation expenses and ongoing expenses, in-
10 cluding ordinary wages, where—

11 (i) there is physical damage to the
12 business premises of such magnitude that
13 the business cannot open for business;

14 (ii) there is physical damage to other
15 property that totally prevents customers or
16 employees from gaining access to the busi-
17 ness premises; or

18 (iii) the Federal, State, or local gov-
19 ernment shuts down an area due to phys-
20 ical or environmental damage, thereby pre-
21 venting customers or employees from gain-
22 ing access to the business premises; and

23 (B) does not include lost profits, other
24 than in the case of a small business concern (as
25 defined in section 3 of the Small Business Act

1 (15 U.S.C. 632) and applicable regulations
2 thereunder) in any case described in clause (i),
3 (ii), or (iii) of subparagraph (A).

4 (3) INSURED LOSS.—The term “insured loss”—
5 (A) means any loss resulting from an act
6 of terrorism that is covered by any type of com-
7 mercial or personal property and casualty insur-
8 ance policy or endorsement, including business
9 interruption coverage, issued by a participating
10 insurance company—

11 (i) if such loss occurs within the
12 United States; and

13 (ii) to an air carrier (as defined in
14 section 40102 of title 49, United States
15 Code), regardless of where the loss occurs;
16 and

17 (B) does not include any loss covered by
18 any type of life or health insurance policy.

19 (4) PARTICIPATING INSURANCE COMPANY.—
20 The term “participating insurance company” means
21 any insurance company, including any subsidiary or
22 affiliate thereof—

23 (A) that—

1 (i) is licensed or admitted to engage
2 in the business of providing primary insur-
3 ance in any State; or

4 (ii) is not so licensed or admitted, if
5 it is an eligible surplus line carrier listed
6 on the Quarterly Listing of Alien Insurers
7 of the National Association of Insurance
8 Commissioners, or any successor thereto;

9 (B) that offers in all of its property and
10 casualty insurance policies, coverage for insured
11 losses;

12 (C) that offers property and casualty in-
13 surance coverage for insured losses that does
14 not differ materially from the terms, amounts,
15 and other coverage limitations applicable to
16 losses arising from events other than acts of
17 terrorism; and

18 (D) that meets any other criteria that the
19 Secretary may reasonably prescribe.

20 (6) PERSON.—The term “person” means any
21 individual, business, or nonprofit entity (including a
22 partnership, limited liability company, corporation,
23 or association), trust or estate, or a State or political
24 subdivision of a State or other governmental unit.

1 (7) PROGRAM.—The term “Program” means
2 the Terrorism Insured Loss Shared Compensation
3 Program established by this Act.

4 (8) SECRETARY.—The term “Secretary” means
5 the Secretary of the Treasury.

6 (9) STATE.—The term “State” means any
7 State of the United States, the District of Columbia,
8 the Commonwealth of Puerto Rico, the Common-
9 wealth of the Northern Mariana Islands, American
10 Samoa, Guam, and each of the United States Virgin
11 Islands.

12 (10) UNITED STATES.—The term “United
13 States” means all States of the United States.

14 **SEC. 4. TERRORISM INSURED LOSS SHARED COMPENSA-**
15 **TION PROGRAM.**

16 (a) ESTABLISHMENT OF PROGRAM.—

17 (1) IN GENERAL.—There is established in the
18 Department of the Treasury the Terrorism Insured
19 Loss Shared Compensation Program.

20 (2) AUTHORITY OF THE SECRETARY.—Notwith-
21 standing any other provision of State or Federal
22 law, the Secretary shall administer the Program,
23 and shall pay the Federal share of compensation for
24 insured losses in accordance with subsection (c).

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: thungar@gibsondunn.com @ inet [UNKNOWN] <thungar@gibsondunn.com>
Sent: 11/12/2001 12:24:38 PM
Subject: : USA Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-NOV-2001 17:24:38.00
SUBJECT:: USA Today
TO: thungar@gibsondunn.com (thungar@gibsondunn.com @ inet [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/12/2001 05:24 PM -----

Brett M. Kavanaugh
11/12/2001 02:44:25 PM
Record Type: Record

To: thungar@gibsondunn.com @ inet
cc:
Subject: USA Today

President Bush's recent executive order establishes sensible procedures for making public the records of former presidents. The order fulfills the president's statutory obligation to implement the Presidential Records Act, as well as his obligations under a 1977 Supreme Court ruling which held that former presidents continue to have the right to assert privileges over their records even after their term has ended.

Neither President Bush nor Congress has the power or authority to ignore that Supreme Court ruling. President Bush's order therefore allows a former President to assert privileges to protect sensitive documents, such as records that could impact national security. It is clear that virtually all criticism of President Bush's order is actually criticism of the Supreme Court decision guaranteeing the rights of former Presidents to assert privileges over their records. The Presidential Records Act fails to establish a procedure for former Presidents to

assert their constitutionally guaranteed privilege. President Bush's order provides such procedures and sets a reasonable time frame for review of records and assertion of privileges. Importantly, the executive order does not expand or encourage the assertion of any privilege available to the former president.

Under President Bush's order, a large portion of Presidential records, for example those not covered by privilege, will be released no later than 12 years after Presi-

dent's term is over, as established by the Presidential Records Act.

In addition, history has proved that most former Presidents release the vast majority of even their privileged documents. Before the Presidential Records Act took effect in 1981, former Presidents were under no legal obligation to disclose any records, but those who visit the libraries of Presidents Kennedy, Ford or Carter know the valuable array of historical materials that are available. President Bush's executive order preserves this rich tradition.

,

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 11/13/2001 3:56:31 AM
Subject: : Re: draft JSC agenda

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-NOV-2001 08:56:31.00
SUBJECT:: Re: draft JSC agenda
TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

under new business for WD Washington; also please add "Middle District of
Pennsylvania -- Senators' list" to new business

old business for CA9 California

Jason B. Torchinsky
11/13/2001 08:54:21 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: draft JSC agenda

Will both be under new business? Also, do you have resumes for
Washington?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 11/13/2001 5:40:11 AM
Subject: : Re: JSC binder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 10:40:11.00
SUBJECT:: Re: JSC binder
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please send me a sample memo of mine from a past WHJSC binder (I cannot access my Word documents), and I will type up memos for each of the 4. What time do you need them?

Jason B. Torchinsky
11/13/2001 10:12:14 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: JSC binder

What do you want me to include for your candidates? Do you want to send me the names so I can print their Martindale bios for inclusion?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; John M. Bridgeland/OPD /EOP@EOP [OPD] <John M. Bridgeland>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Alberto R. Gonzales/WHO /EOP@EOP [WHO] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2001 7:25:42 AM
Subject: : NY Insurance issues
Attachments: P_EEVO4004_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-NOV-2001 12:25:42.00
SUBJECT:: NY Insurance issues
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Here is the latest update from McCallum. Notably, the City and the Contractors both appear to be trending towards an effort to expand the liability provisions of the current airline security legislation to include a federal indemnification for the contractors.

Attached you will find the position paper of the contractors, as forwarded to McCallum by the Deputy Mayor NYC.

HCW

----- Forwarded by Helgard C. Walker/WHO/EOP on
11/13/2001 12:23 PM -----

"McCallum, Robert" <Robert.McCallum@usdoj.gov>
11/12/2001 06:02:02 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP
cc:
Subject: NY Insurance issues

Helgi: Here is a position paper received from Tony Coles after his conversation with me today. This position paper supposedly comes from the Contractors' rep. who has been interfacing with the City. Robt.

-----Original Message-----

From: Coles, Tony [mailto:tcoles@cityhall.nyc.gov]
Sent: Monday, November 12, 2001 4:15 PM
To: McCallum, Robert

REV_00135087

Subject: FYI

- Colesnote[1].doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_EEVO4004_OPD.TXT_1>

To: Deputy Mayor Anthony Coles

From: Frank McArdle
The General Contractors Association of New York

Subject: Indemnification

I tried to reach you yesterday to urge that the City work actively to broaden the indemnification provisions of the aviation security legislation now pending in Washington in the House. As you know, the consultants and construction managers at the World Trade Center site feel extraordinarily vulnerable without written contracts and indemnification provisions that will protect their assets from unwarranted attacks in the courts.

The pending House leadership legislation (H. 3150) and the Democratic substitute (H. 3165) provide an ideal vehicle through which to achieve the indemnification provisions that are being sought by both the City and its construction managers working at Ground Zero. It is my understanding that the so-called managers' amendment, crafted and being offered to attract the votes of the New York, Virginia and Pennsylvania delegations, does provide some broad indemnification provisions and some very specific provisions, included at the urging of the Mayor and Governor Pataki, to hold the aviation industry, including the airlines and the aircraft manufacturers, and the Port Authority, including those who fabricated materials included in the buildings, harmless from liabilities arising out of the events of September 11. It does not appear, according to my sources in Washington, that the hold harmless and indemnifications were extended to those involved in the clean-up resulting from September 11, so that the City of New York, its consultants and its construction managers are still vulnerable.

I am told that there will be a chance to extend more clearly the indemnifications to the City and the construction managers and the a/e firms for the cleanup efforts if the legislation does go to conference today. This may be our only vehicle for getting the indemnification for the City that the Administration feels is the precursor to the provision of indemnification to its contractors. The GCA has already reached out to our two Senators and several House members (Nadler, Towns, McHugh, Reynolds, Quinn, Fossela) on the issue. We stand ready to do anything that we can to help gain the indemnifications for the City that is needed. You may call upon either myself or Rita Schwartz at the Association (212-687-3131) if we can be helpful.

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
BCC: T campen (T campen [UNKNOWN])
Sent: 11/13/2001 3:50:35 AM
Subject: : Blackberry and the PAR

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 13-NOV-2001 08:50:35.00
SUBJECT:: Blackberry and the PAR
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
BCC: T campen (T campen [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Per our conversation on Fri here's the techie email that I said I'd send.... please let me know if this is not clear and you have additional questions.

We are getting close to finishing all of our testing of the BBs and are about ready to start the roll-out. Joe Hagin has said that the first wave should go to the 10 senior folks who have the commercial ones and to Legislative Affairs. Before we get to this point I want to be sure you understand the ARMS situation.
First some tech background..

I'll explain the services that are available on the BlackBerry 957 units purchased from Cingular. These are the units that we would be deploying to Presidential Agencies. There are two major services and one "hardware" service (PIN to PIN) installed on these units and the definition of each is as follows: .

1. The "Desktop" Service: This service is installed in order to pass EOP Lotus Notes e-mail to and from the BlackBerry. These emails get Records Managed because the emails pass through the senders desktop PC on there way to the Blackberry.
2. The "Interactive" Service: This service is provided by Cingular and allows for additional services above the Desktop Service. These services are provided by the Wireless Carrier (Cingular) and provide the ability to send messages to pagers, fax, and phone numbers. In addition to these services, e-mail is also available to be sent from the Blackberry to internet addresses via Cingular. It is also possible to send messages to the Blackberry using Cingular's Interactive Website.
3. PIN to PIN messaging: a message is composed on one BlackBerry to be sent to another BlackBerry directly via the Wireless Web. In this case, the message does not go through our Lotus Notes Mail Server and therefor is not Records Managed.

All EOP users of Blackberry's will have their composed and received e-mail routed to and from our Lotus Notes Servers as the default e-mail service used on the Blackberry's is the Desktop Service (# 1 above). This email will be Records Managed. In the case of sending messages to a pager, fax , phone number, or e-mail via the Cingulars "Interactive Service", or the PIN to PIN messaging (# 2 and 3 above) these communications are provided via Cingular and are not technologically capable of being Records Managed. Because they do not originate or communicate with our Lotus Notes Servers.

Presidential BlackBerry users: As explained above, we have an open "hole" in trying to Records Manage BlackBerry mail as users do have the ability to change the default service from "Desktop" to "Interactive". In this case, if a user changes the setting to "Interactive", all mail sent from the BlackBerry unit will bypass our Lotus Notes Mail Servers and thus not be Records Managed. It is important to note that many Companies and Government agencies want to have the ability to switch services during emergencies when the key Servers providers are overwhelmed and their Desktop Service (mail delivered through Lotus Notes) is not accessible.

EOP BlackBerry users: Features # 2 and 3 will be disabled. Thus avoiding any non Records Managed email.

Given this additional technical explanation, is it still your opinion we are ok to proceed with the fielding of these devices based on the rationale that we will Records Manage all email sent using the basic Desktop service and will not Records Manage email sent using the other BlackBerry and Cingular services?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 11/13/2001 3:56:31 AM
Subject: : Re: draft JSC agenda

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-NOV-2001 08:56:31.00
SUBJECT:: Re: draft JSC agenda
TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

under new business for WD Washington; also please add "Middle District of
Pennsylvania -- Senators' list" to new business

old business for CA9 California

Jason B. Torchinsky
11/13/2001 08:54:21 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: draft JSC agenda

Will both be under new business? Also, do you have resumes for
Washington?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/13/2001 4:54:50 AM
Subject: : POTUS prep meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-NOV-2001 09:54:50.00

SUBJECT:: POTUS prep meeting

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

2:00 in the Judge's office.

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2001 5:12:16 AM
Subject: : JSC binder

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-NOV-2001 10:12:16.00

SUBJECT:: JSC binder

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

What do you want me to include for your candidates? Do you want to send me the names so I can print their Martindale bios for inclusion?

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD

BCC:Karen L. Zent (CN=Karen L. Zent/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

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He needs no introduction...

/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [UNKNOWN]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A.

McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Carolyn E. Cleveland (Carolyn E. Cleveland/WHO/EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP [WHO]), Charles S. Abbot (Charles S. Abbot/OVP/EOP [OVP]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP [WHO]), Wayne A. Downing (Wayne A. Downing/NSC/EOP [NSC]), Don E. Eberly (Don E. Eberly/WHO/EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP [NSC]), John L. Howard Jr. (John L. Howard Jr./CEQ/EOP [CEQ]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP [WHO]), Anna M. Perez (Anna M. Perez/NSC/EOP [NSC]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP [OPD]), George M. Andricos (George M. Andricos/NSC/EOP [NSC]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP [WHO]), Charles P. Blahous (Charles P. Blahous/OPD/EOP [OPD]), Carl Buchholz (Carl Buchholz/WHO/EOP [WHO]), Elizabeth S. Dougherty (Elizabeth S. Dougherty/OPD/EOP [OPD]), Kelley Gannon (Kelley Gannon/WHO/EOP [WHO]), Zalmay M. Khalilzad (Zalmay M. Khalilzad/NSC/EOP [NSC]), Matthew Kirk (Matthew Kirk/WHO/EOP [WHO]), David Kuo (David Kuo/WHO/EOP [WHO]), Dirksen Lehman (Dirksen Lehman/WHO/EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP [OPD]), Robert Marsh (Robert Marsh/WHO/EOP [WHO]), Torkel L. Patterson (Torkel L. Patterson/NSC/EOP [NSC]), Craig Ray (Craig Ray/WHO/EOP [WHO]), Diana L. Schacht (Diana L. Schacht/OPD/EOP [OPD]), Kristine Simmons (Kristine Simmons/OPD/EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP [WHO]), Mary K. Sturtevant (Mary K. Sturtevant/NSC/EOP [NSC]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP [OPD]), Heather Wingate (Heather Wingate/WHO/EOP [WHO]), Elliott Abrams (Elliott Abrams/NSC/EOP [NSC]), rtubb@whmo.mil (rtubb@whmo.mil @ inet [UNKNOWN]), Eric L. Motley (Eric L. Motley/WHO /EOP@EOP [WHO]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP@EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP@EOP [UNKNOWN])

Sent: 11/13/2001 5:29:19 AM

Subject: : Stephen Ambrose

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-NOV-2001 10:29:19.00

SUBJECT:: Stephen Ambrose

TO:Senior Advisor Offices (Senior Advisor Offices [UNKNOWN])

READ:UNKNOWN

BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

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BCC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

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BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
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BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
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BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
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BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN

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READ:UNKNOWN
BCC:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
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BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
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READ:UNKNOWN
BCC:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
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BCC:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

BCC:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
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BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
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BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
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BCC:rtubb@whmo.mil (rtubb@whmo.mil @ inet [UNKNOWN])
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READ:UNKNOWN
BCC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 11/13/2001 5:40:11 AM
Subject: : Re: JSC binder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-NOV-2001 10:40:11.00
SUBJECT:: Re: JSC binder
TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Please send me a sample memo of mine from a past WHJSC binder (I cannot access my Word documents), and I will type up memos for each of the 4. What time do you need them?

Jason B. Torchinsky
11/13/2001 10:12:14 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: JSC binder

What do you want me to include for your candidates? Do you want to send me the names so I can print their Martindale bios for inclusion?

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2001 7:16:42 AM
Subject: : Re: JSC binder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 12:16:42.00
SUBJECT:: Re: JSC binder
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

5pm or so. The draft needs to be to ARG and Tim this evening.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; John M. Bridgeland/OPD /EOP@EOP [OPD] <John M. Bridgeland>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Alberto R. Gonzales/WHO /EOP@EOP [WHO] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2001 7:25:42 AM
Subject: : NY Insurance issues
Attachments: F_EEVO4004_NSC.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 12:25:42.00
SUBJECT:: NY Insurance issues
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here is the latest update from McCallum. Notably, the City and the Contractors both appear to be trending towards an effort to expand the liability provisions of the current airline security legislation to include a federal indemnification for the contractors.

Attached you will find the position paper of the contractors, as forwarded to McCallum by the Deputy Mayor NYC.

HCW

----- Forwarded by Helgard C. Walker/WHO/EOP on
11/13/2001 12:23 PM -----

"McCallum, Robert" <Robert.McCallum@usdoj.gov>
11/12/2001 06:02:02 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP
cc:
Subject: NY Insurance issues

Helgi: Here is a position paper received from Tony Coles after his conversation with me today. This position paper supposedly comes from the Contractors' rep. who has been interfacing with the City. Robt.

-----Original Message-----

From: Coles, Tony [mailto:tcoles@cityhall.nyc.gov]
Sent: Monday, November 12, 2001 4:15 PM
To: McCallum, Robert

REV_00135110

Subject: FYI

- Colesnote[1].doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_EEVO4004_NSC.TXT_1>

To: Deputy Mayor Anthony Coles

From: Frank McArdle
The General Contractors Association of New York

Subject: Indemnification

I tried to reach you yesterday to urge that the City work actively to broaden the indemnification provisions of the aviation security legislation now pending in Washington in the House. As you know, the consultants and construction managers at the World Trade Center site feel extraordinarily vulnerable without written contracts and indemnification provisions that will protect their assets from unwarranted attacks in the courts.

The pending House leadership legislation (H. 3150) and the Democratic substitute (H. 3165) provide an ideal vehicle through which to achieve the indemnification provisions that are being sought by both the City and its construction managers working at Ground Zero. It is my understanding that the so-called managers' amendment, crafted and being offered to attract the votes of the New York, Virginia and Pennsylvania delegations, does provide some broad indemnification provisions and some very specific provisions, included at the urging of the Mayor and Governor Pataki, to hold the aviation industry, including the airlines and the aircraft manufacturers, and the Port Authority, including those who fabricated materials included in the buildings, harmless from liabilities arising out of the events of September 11. It does not appear, according to my sources in Washington, that the hold harmless and indemnifications were extended to those involved in the clean-up resulting from September 11, so that the City of New York, its consultants and its construction managers are still vulnerable.

I am told that there will be a chance to extend more clearly the indemnifications to the City and the construction managers and the a/e firms for the cleanup efforts if the legislation does go to conference today. This may be our only vehicle for getting the indemnification for the City that the Administration feels is the precursor to the provision of indemnification to its contractors. The GCA has already reached out to our two Senators and several House members (Nadler, Towns, McHugh, Reynolds, Quinn, Fossella) on the issue. We stand ready to do anything that we can to help gain the indemnifications for the City that is needed. You may call upon either myself or Rita Schwartz at the Association (212-687-3131) if we can be helpful.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
BCC: Jason B. Torchinsky (Jason B. Torchinsky/WHO/EOP [WHO])
Sent: 11/13/2001 11:37:02 AM
Subject: : Judicial Selection Committee Schedule

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-NOV-2001 16:37:02.00

SUBJECT:: Judicial Selection Committee Schedule

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00135113

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This weeks meeting will be held on Wednesday, November 12th in the Roosevelt from 4-5 pm.

Next weeks meeting will be held on MONDAY, November 19th in the Roosevelt from 4-5 pm.

Please return old JSC binders to Jason Torchinsky in OEOB 160 1/2.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/13/2001 11:38:54 AM
Subject: : JSC Prep Meetings

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 16:38:54.00
SUBJECT:: JSC Prep Meetings
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Wednesday, Nov. 14 prep meeting will be 3:30-4pm in the Judge's office.

Monday, Nov. 19 prep meeting will be 3:30-4pm in the Judge's office.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/13/2001 11:38:54 AM
Subject: : JSC Prep Meetings

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 16:38:54.00
SUBJECT:: JSC Prep Meetings
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Wednesday, Nov. 14 prep meeting will be 3:30-4pm in the Judge's office.

Monday, Nov. 19 prep meeting will be 3:30-4pm in the Judge's office.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/13/2001 1:37:12 PM
Subject: : RE: Here's the Latest Draft of Possible Litigation Management Pro visions for HR 3210
Attachments: P_91DP4004_WHO.TXT_1.html; P_91DP4004_WHO.TXT_2.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-NOV-2001 18:37:12.00
SUBJECT:: RE: Here's the Latest Draft of Possible Litigation Management Pro visions for HR 3210
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/13/2001 05:36 PM -----

"Taylor, Paul" <Paul.Taylor@mail.house.gov>
11/13/2001 05:35:50 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: RE: Here's the Latest Draft of Possible Litigation Management Pro
visions for HR 3210

This version includes one small tweak that makes clear that the AG would
have sole discretion to determine what constitutes an "act or terrorism."

<<SEC15_.PDF>>

- att1.htm
- SEC15_.PDF

Message Sent

To: _____
"Cohen, Ben" <Ben.Cohen@mail.house.gov>
"Pinkos, Steve" <Steve.Pinkos@mail.house.gov>
"Mautz, John" <John.Mautz@mail.house.gov>
"Maloney, Drew" <MaloneyDrew@mail.house.gov>
"Peterlin, Margaret" <Margaret.Peterlin@mail.house.gov>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_91DP4004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_91DP4004_WHO.TXT_2>

REV_00135117

This version includes one small tweak that makes clear that the AG would have sole discretion to determine what constitutes an "act of terrorism."

<<SEC15_.PDF>>

1 **SEC. 15. LITIGATION MANAGEMENT.**

2 (a) FEDERAL CAUSE OF ACTION FOR CLAIMS RE-
3 LATING TO TERRORIST ACTS.—

4 (1) IN GENERAL.—If the Attorney General de-
5 termines that one or more acts of terrorism may re-
6 sult in litigation in which the number of parties ex-
7 ceeds 100, there shall exist a Federal cause of ac-
8 tion, which, except as provided in subsection (b),
9 shall be the exclusive remedy for claims arising out
10 of, relating to, or resulting from such acts of ter-
11 rorism.

12 (2) EFFECT OF DETERMINATION.—A deter-
13 mination under this subsection—

14 (A) shall be made at the sole discretion of
15 the Attorney General;

16 (B) shall be final and not subject to judi-
17 cial review; and

18 (C) shall take effect upon its publication in
19 the Federal Register.

20 (3) SUBSTANTIVE LAW.—The substantive law
21 for decision in any such action shall be derived from
22 the law, including choice of law principles, of the
23 State in which such acts of terrorism occurred, un-
24 less such law is inconsistent with or preempted by
25 Federal law.

1 (4) JURISDICTION.—For each determination
2 under paragraph (1), the Judicial Panel on Multidis-
3 trict Litigation shall designate one or more district
4 courts of the United States which shall have original
5 and exclusive jurisdiction over all actions for any
6 claim (including any claim for loss of property, per-
7 sonal injury, or death) brought pursuant to this sub-
8 section. The Judicial Panel on Multidistrict Litiga-
9 tion shall select and assign the district court or
10 courts based on the convenience of the parties and
11 the just and efficient conduct of the proceedings.
12 For purposes of personal jurisdiction, the district
13 court or courts designated by the Judicial Panel on
14 Multidistrict Litigation shall be deemed to sit in all
15 judicial districts in the United States.

16 (5) LIMITS ON DAMAGES.—In an action
17 brought under this subsection for damages:

18 (A) No punitive damages intended to pun-
19 ish or deter, exemplary damages, or other dam-
20 ages not intended to compensate a plaintiff for
21 actual losses may be awarded, nor shall any
22 party be liable for interest prior to the judg-
23 ment.

24 (B)(i) Each defendant in such an action
25 shall be liable only for the amount of non-

1 economic damages allocated to the defendant in
2 direct proportion to the percentage of responsi-
3 bility of the defendant for the harm to the
4 plaintiff, and no plaintiff may recover non-
5 economic damages unless the plaintiff suffered
6 physical harm.

7 (ii) For purposes of clause (i), the
8 term “noneconomic damages” means dam-
9 ages for losses for physical and emotional
10 pain, suffering, inconvenience, physical im-
11 pairment, mental anguish, disfigurement,
12 loss of enjoyment of life, loss of society and
13 companionship, loss of consortium, hedonic
14 damages, injury to reputation, and any
15 other nonpecuniary losses.

16 (6) COLLATERAL SOURCES.—Any recovery by a
17 plaintiff in an action under this subsection shall be
18 reduced by the amount of collateral source com-
19 pensation, if any, that the plaintiff has received or
20 is entitled to receive as a result of the acts of ter-
21 rorism with respect to which the determination
22 under paragraph (1) was made.

23 (7) ATTORNEY FEES.—Reasonable attorneys
24 fees for work performed shall be subject to the dis-
25 cretion of the court, but in no event shall any attor-

1 ney charge, demand, receive, or collect for services
2 rendered, fees or compensation in an amount in ex-
3 cess of 20 percent of the damages ordered by the
4 court to be paid pursuant to this section, or in ex-
5 cess of 20 percent of any court-approved settlement
6 made of any claim cognizable under this section.
7 Any attorney who charges, demands, receives, or col-
8 lects for services rendered in connection with such
9 claim any amount in excess of that allowed under
10 this section, if recovery be had, shall be fined not
11 more than \$2,000 or imprisoned not more than 1
12 year, or both.

13 (b) EXCLUSION.—Nothing in this section shall apply
14 to or in any way limit the liability of any person who—

15 (1) attempts to commit, knowingly participates
16 in, aids and abets, or commits any act of terrorism
17 with respect to which a determination under sub-
18 section (a)(1) was made, or any criminal act related
19 to or resulting from such act of terrorism; or

20 (2) participates in a conspiracy to commit any
21 such act of terrorism or any such criminal act.

22 (c) RIGHT OF SUBROGATION.—The United States
23 shall have the right of subrogation with respect to any
24 claim paid by the United States under this Act.

1 (d) RELATIONSHIP TO OTHER LAW.—Nothing in this
2 section shall be construed to affect—

3 (1) any party's contractual right to arbitrate a
4 dispute; or

5 (2) any provision of the Air Transportation
6 Safety and System Stabilization Act (Public Law
7 107–42; 49 U.S.C. 40101 note).

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2001 10:24:23 AM
Subject: : Re: JSC binder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 15:24:23.00
SUBJECT:: Re: JSC binder
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I spell checked all of them. They were fine.

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2001 10:26:07 AM
Subject: : Re: JSC meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 15:26:07.00
SUBJECT:: Re: JSC meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Done.

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 11/13/2001 10:54:31 AM
Subject: : POTUS meeting - Tuesday, Nov 20

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 15:54:31.00
SUBJECT:: POTUS meeting - Tuesday, Nov 20
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please let me know what candidates you have for next week's POTUS meeting.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
BCC: Jason B. Torchinsky (Jason B. Torchinsky/WHO/EOP [WHO])
Sent: 11/13/2001 11:37:02 AM
Subject: : Judicial Selection Committee Schedule

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-NOV-2001 16:37:02.00

SUBJECT:: Judicial Selection Committee Schedule

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00135129

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This weeks meeting will be held on Wednesday, November 12th in the Roosevelt from 4-5 pm.

Next weeks meeting will be held on MONDAY, November 19th in the Roosevelt from 4-5 pm.

Please return old JSC binders to Jason Torchinsky in OEOB 160 1/2.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
BCC: Jason B. Torchinsky (Jason B. Torchinsky/WHO/EOP [WHO])
Sent: 11/13/2001 12:00:38 PM
Subject: : JSC meeting this week - correction on date

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-NOV-2001 17:00:38.00

SUBJECT:: JSC meeting this week - correction on date

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00135131

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The meeting is on Wednesday, November 14th.

Thanks!

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2001 12:52:44 PM
Subject: : Re: POTUS meeting - Tuesday, Nov 20

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 17:52:44.00
SUBJECT:: Re: POTUS meeting - Tuesday, Nov 20
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Stuart says if we can't have the book to Staff Sec by 8:30pm Monday night,
then we should move the meeting with POTUS from Tuesday to Wednesday. Let
me know what you think.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
CC: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 11/13/2001 5:03:26 PM
Subject: : Re: Carpet

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 22:03:26.00
SUBJECT:: Re: Carpet
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If he is meeting with a political organization (RNC, House Republican campaign committee, Senate Republican campaign committee, candidate's campaign committee) about specific election strategy for the 2002 elections (finding candidates, campaign message, raising money), then that falls into a political category where he should not use carpet. Sorry about this; I know it is a constant headache. One way to think about it as shorthand is: What is purpose of the group to which Ken is speaking? If purpose of group is to elect a specific candidate or slate of candidates, or to raise money for political candidates or political activity such as advertising, then that is when he should not use carpet. Note that if he were to use carpet for something later determined to be political, the remedy would be RNC/political organization reimbursement for costs. We are happy to sign off on these in advance so that we, not your office, is open to criticism in unlikely event of a misjudgment. We can guarantee a same-day turnaround on these if need be. MIGHT be wise. I also would talk to RNC about having a car Ken can use when going to clearly political events to make your lives easier. (Note that the reason the President and some others can use official cars when going to political events is the security exception to rules, but that exception does not apply here.)
(I have cc'ed Moose to get his thoughts on this. Moose, let me know.)

Katherine G. Marinis
11/13/2001 08:03:47 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Carpet

what about if it is related to the 2002 elections? thanks

Brett M. Kavanaugh
11/08/2001 06:51:33 PM
Record Type: Record

REV_00135134

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Carpet

yes, that is ok when it is related to President's agenda and Congress, as in your examples.

Katherine G. Marinis
11/08/2001 06:43:54 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Carpet

Ken would like some concrete guidelines on when he can use White House cars for his meetings. He does not use them to go to the RNC or airport, etc. for meetings that are clearly political like fundraisers, but sometimes he has meetings at the capitol hill club or the committees that are somewhat unclear. Like, he often meets with Republican chief of staffs or friendly lobbyists at the NRCC to discuss the president's message/agenda. is ok to use carpet to get there for those? thanks

that is it for tonight.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 11/13/2001 1:35:10 PM
Subject: : Re: POTUS meeting - Tuesday, Nov 20

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 18:35:10.00
SUBJECT:: Re: POTUS meeting - Tuesday, Nov 20
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

we can have the book to him by that time

Jason B. Torchinsky
11/13/2001 05:52:42 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: POTUS meeting - Tuesday, Nov 20

Stuart says if we can't have the book to Staff Sec by 8:30pm Monday night,
then we should move the meeting with POTUS from Tuesday to Wednesday. Let
me know what you think.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/13/2001 1:37:12 PM
Subject: : RE: Here's the Latest Draft of Possible Litigation Management Pro visions for HR 3210
Attachments: P_91DP4004_WHO.TXT_1.html; P_91DP4004_WHO.TXT_2.pdf

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 13-NOV-2001 18:37:12.00

SUBJECT:: RE: Here's the Latest Draft of Possible Litigation Management Pro visions for HR 3210

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/13/2001 05:36 PM -----

"Taylor, Paul" <Paul.Taylor@mail.house.gov>

11/13/2001 05:35:50 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Brett M. Kavanaugh/WHO/EOP@EOP

Subject: RE: Here's the Latest Draft of Possible Litigation Management Pro
visions for HR 3210

This version includes one small tweak that makes clear that the AG would
have sole discretion to determine what constitutes an "act or terrorism."

<<SEC15_.PDF>>

- att1.htm
- SEC15_.PDF

Message Sent

To:

"Cohen, Ben" <Ben.Cohen@mail.house.gov>

"Pinkos, Steve" <Steve.Pinkos@mail.house.gov>

"Mautz, John" <John.Mautz@mail.house.gov>

"Maloney, Drew" <MaloneyDrew@mail.house.gov>

"Peterlin, Margaret" <Margaret.Peterlin@mail.house.gov>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_91DP4004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_91DP4004_WHO.TXT_2>

REV_00135137

This version includes one small tweak that makes clear that the AG would have sole discretion to determine what constitutes an "act of terrorism."

<<SEC15_.PDF>>

1 **SEC. 15. LITIGATION MANAGEMENT.**

2 (a) FEDERAL CAUSE OF ACTION FOR CLAIMS RE-
3 LATING TO TERRORIST ACTS.—

4 (1) IN GENERAL.—If the Attorney General de-
5 termines that one or more acts of terrorism may re-
6 sult in litigation in which the number of parties ex-
7 ceeds 100, there shall exist a Federal cause of ac-
8 tion, which, except as provided in subsection (b),
9 shall be the exclusive remedy for claims arising out
10 of, relating to, or resulting from such acts of ter-
11 rorism.

12 (2) EFFECT OF DETERMINATION.—A deter-
13 mination under this subsection—

14 (A) shall be made at the sole discretion of
15 the Attorney General;

16 (B) shall be final and not subject to judi-
17 cial review; and

18 (C) shall take effect upon its publication in
19 the Federal Register.

20 (3) SUBSTANTIVE LAW.—The substantive law
21 for decision in any such action shall be derived from
22 the law, including choice of law principles, of the
23 State in which such acts of terrorism occurred, un-
24 less such law is inconsistent with or preempted by
25 Federal law.

1 (4) JURISDICTION.—For each determination
2 under paragraph (1), the Judicial Panel on Multidis-
3 trict Litigation shall designate one or more district
4 courts of the United States which shall have original
5 and exclusive jurisdiction over all actions for any
6 claim (including any claim for loss of property, per-
7 sonal injury, or death) brought pursuant to this sub-
8 section. The Judicial Panel on Multidistrict Litiga-
9 tion shall select and assign the district court or
10 courts based on the convenience of the parties and
11 the just and efficient conduct of the proceedings.
12 For purposes of personal jurisdiction, the district
13 court or courts designated by the Judicial Panel on
14 Multidistrict Litigation shall be deemed to sit in all
15 judicial districts in the United States.

16 (5) LIMITS ON DAMAGES.—In an action
17 brought under this subsection for damages:

18 (A) No punitive damages intended to pun-
19 ish or deter, exemplary damages, or other dam-
20 ages not intended to compensate a plaintiff for
21 actual losses may be awarded, nor shall any
22 party be liable for interest prior to the judg-
23 ment.

24 (B)(i) Each defendant in such an action
25 shall be liable only for the amount of non-

1 economic damages allocated to the defendant in
2 direct proportion to the percentage of responsi-
3 bility of the defendant for the harm to the
4 plaintiff, and no plaintiff may recover non-
5 economic damages unless the plaintiff suffered
6 physical harm.

7 (ii) For purposes of clause (i), the
8 term “noneconomic damages” means dam-
9 ages for losses for physical and emotional
10 pain, suffering, inconvenience, physical im-
11 pairment, mental anguish, disfigurement,
12 loss of enjoyment of life, loss of society and
13 companionship, loss of consortium, hedonic
14 damages, injury to reputation, and any
15 other nonpecuniary losses.

16 (6) COLLATERAL SOURCES.—Any recovery by a
17 plaintiff in an action under this subsection shall be
18 reduced by the amount of collateral source com-
19 pensation, if any, that the plaintiff has received or
20 is entitled to receive as a result of the acts of ter-
21 rorism with respect to which the determination
22 under paragraph (1) was made.

23 (7) ATTORNEY FEES.—Reasonable attorneys
24 fees for work performed shall be subject to the dis-
25 cretion of the court, but in no event shall any attor-

1 ney charge, demand, receive, or collect for services
2 rendered, fees or compensation in an amount in ex-
3 cess of 20 percent of the damages ordered by the
4 court to be paid pursuant to this section, or in ex-
5 cess of 20 percent of any court-approved settlement
6 made of any claim cognizable under this section.
7 Any attorney who charges, demands, receives, or col-
8 lects for services rendered in connection with such
9 claim any amount in excess of that allowed under
10 this section, if recovery be had, shall be fined not
11 more than \$2,000 or imprisoned not more than 1
12 year, or both.

13 (b) EXCLUSION.—Nothing in this section shall apply
14 to or in any way limit the liability of any person who—

15 (1) attempts to commit, knowingly participates
16 in, aids and abets, or commits any act of terrorism
17 with respect to which a determination under sub-
18 section (a)(1) was made, or any criminal act related
19 to or resulting from such act of terrorism; or

20 (2) participates in a conspiracy to commit any
21 such act of terrorism or any such criminal act.

22 (c) RIGHT OF SUBROGATION.—The United States
23 shall have the right of subrogation with respect to any
24 claim paid by the United States under this Act.

1 (d) RELATIONSHIP TO OTHER LAW.—Nothing in this
2 section shall be construed to affect—

3 (1) any party's contractual right to arbitrate a
4 dispute; or

5 (2) any provision of the Air Transportation
6 Safety and System Stabilization Act (Public Law
7 107–42; 49 U.S.C. 40101 note).

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/13/2001 5:47:53 PM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 22:47:53.00
SUBJECT::
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

talk to me re JRG

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/13/2001 2:45:22 PM
Subject: : RE: Here's the Latest Draft of Possible Litigation Management Pro visions for HR 3210

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-NOV-2001 19:45:22.00

SUBJECT:: RE: Here's the Latest Draft of Possible Litigation Management Pro visions for HR 3210

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

DOJ wants MDL to certify whether limitations apply. what do you think?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
CC: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 11/13/2001 5:03:26 PM
Subject: : Re: Carpet

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 22:03:26.00
SUBJECT:: Re: Carpet
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If he is meeting with a political organization (RNC, House Republican campaign committee, Senate Republican campaign committee, candidate's campaign committee) about specific election strategy for the 2002 elections (finding candidates, campaign message, raising money), then that falls into a political category where he should not use carpet. Sorry about this; I know it is a constant headache. One way to think about it as shorthand is: What is purpose of the group to which Ken is speaking? If purpose of group is to elect a specific candidate or slate of candidates, or to raise money for political candidates or political activity such as advertising, then that is when he should not use carpet. Note that if he were to use carpet for something later determined to be political, the remedy would be RNC/political organization reimbursement for costs. We are happy to sign off on these in advance so that we, not your office, is open to criticism in unlikely event of a misjudgment. We can guarantee a same-day turnaround on these if need be. MIGHT be wise. I also would talk to RNC about having a car Ken can use when going to clearly political events to make your lives easier. (Note that the reason the President and some others can use official cars when going to political events is the security exception to rules, but that exception does not apply here.)
(I have cc'ed Moose to get his thoughts on this. Moose, let me know.)

Katherine G. Marinis
11/13/2001 08:03:47 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Carpet

what about if it is related to the 2002 elections? thanks

Brett M. Kavanaugh
11/08/2001 06:51:33 PM
Record Type: Record

REV_00135175

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Carpet

yes, that is ok when it is related to President's agenda and Congress, as in your examples.

Katherine G. Marinis
11/08/2001 06:43:54 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Carpet

Ken would like some concrete guidelines on when he can use White House cars for his meetings. He does not use them to go to the RNC or airport, etc. for meetings that are clearly political like fundraisers, but sometimes he has meetings at the capitol hill club or the committees that are somewhat unclear. Like, he often meets with Republican chief of staffs or friendly lobbyists at the NRCC to discuss the president's message/agenda. is ok to use carpet to get there for those? thanks

that is it for tonight.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 11/13/2001 5:47:53 PM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 22:47:53.00
SUBJECT::
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

talk to me re JRG

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>
Sent: 11/13/2001 5:48:44 PM
Subject: : Re: Libraries Act
Attachments: P_MJFP4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-NOV-2001 22:48:44.00
SUBJECT:: Re: Libraries Act
TO:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Terry: any luck on this question?
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/13/2001 09:47 PM -----

Linda M. Gambatesa
10/31/2001 03:53:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Libraries Act

Thanks Brett.
At our meeting, one of the tasks was to check historic records for when decisions have been or need to be made to select a library site. Did we find anything on this?

Brett M. Kavanaugh
10/29/2001 10:23:36 PM
Record Type: Record

To: harriet miers/who/eop@eop, linda m. gambatesa/who/eop@eop,
terry w. good/who/eop@eop, Mary Ann Hanusa/WHO/EOP@EOP
cc:
Subject: Libraries Act

Attached is a summary of statutory authorities applicable to
Presidential libraries.

Message Copied

To: _____
harriet miers/who/eop@eop
linda m. gambatesa/who/eop@eop
terry w. good/who/eop@eop
mary ann hanusa/who/eop@eop
Stuart W. Bowen/WHO/EOP@EOP
ATT CREATION TIME/DATE: 0 00:00:00.00

REV_00135180

File attachment <P_MJFP4004_WHO.TXT_1>

**Presidential Libraries Act -- Primary Legal Provisions
(October 26, 2001)**

- The Presidential Records Act requires that the Archivist of the United States take custody and control of all Presidential records and deposit them in a Presidential library (referred to in the statutes as a “Presidential archival depository”).
- The Presidential Libraries Act governs the establishment and operation of Presidential libraries. The provisions applicable to President Bush are codified at 44 U.S.C. § 2112.
 - The Archivist, on behalf of the United States, must
 - accept and take title to “land, a facility, and equipment offered as a gift to the United States for the purpose of creating” a Presidential library, *id.* at § 2112(a)(1)(A); or
 - enter into an agreement with “a State, political subdivision, university, institution of higher learning, institute, or foundation” to use its land, facilities, and equipment for that purpose, and to operate the Presidential library as part of the National Archives system, *id.* at § 2112(a)(1)(B).
 - The Archivist is required to submit to Congress a report on a proposed establishment of a Presidential library and wait 60 days of continuous session of Congress before taking title or entering into a use agreement for the purpose of establishing the library. *Id.* at § 2112(a)(3), (5). This process is also required before the Archivist may accept a gift for the purpose of renovating a Presidential library or implementing a statutory requirement to renovate a library. *Id.* at § 2112(a)(4). The statute specifies the contents of those reports. *Id.* at § 2112(a)(3)(A)-(G), (4)(A)-(F).
 - The Archivist is authorized to deposit in a Presidential library records not subject to the Presidential Records Act that the Archivist has been authorized to accept for deposit under other statutory authority. *Id.* at § 2112(b); *see* 44 U.S.C. § 2111 (“(1) the papers and other historical materials of a President or former President of the United States, or other official or former official[] of the Government, and other papers relating to and contemporary with a President or former President of the United States, subject to restrictions agreeable to the Archivist as to their use; and (2) documents, including motion-picture films, still pictures, and sound recordings, from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions”).
 - The authority to deposit additional records extends to agency records covered by the Federal Records Act. *Id.* at § 2112(b).

- With respect to such additionally deposited papers, the Archivist may exercise “all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control,” and in negotiating for the deposit of such papers, “shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials.” *Id.* at § 2112(c).
- With respect to the operation of Presidential libraries, the Archivist is authorized to “cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a [Presidential library],” *id.* at § 2112(d), to charge fees to visitors to the library, *id.* at § 2112(e), and to provide office space in the library for the personal use of the former President, *id.* at § 2112(f).
- The Archivist is authorized to solicit and accept gifts or bequests of money and other property, the proceeds of which, along with proceeds from fees or sales of materials by the National Archives, are to be paid into the National Archives Trust Fund and expended for the benefit of the library. *Id.* at § 2112(g)(1). The Archivist is required to establish separate endowments in the Trust Fund for the maintenance of each Presidential library. *Id.* at § 2112(g)(2).
- The Archivist may not take title or enter into an agreement for the purpose of establishing a Presidential library unless he determines that there is available, by gift or bequest for deposit into the library’s endowment, an amount for maintenance of the library that meets a statutory minimum, as calculated by a statutory formula. *Id.* at § 2112(g)(3).

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov @ inet [UNKNOWN] <amy.smith@do.treas.gov>
Sent: 11/14/2001 6:25:05 AM
Subject: : CBS transcript with Dan Rather RE: Insurance

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-NOV-2001 11:25:05.00

SUBJECT:: CBS transcript with Dan Rather RE: Insurance

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Marc asked me to send this around to everyone!

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CBS News Transcripts

SHOW: CBS Evening News (6:30 PM ET) - CBS

November 12, 2001 Monday

TYPE: Profile

LENGTH: 434 words

HEADLINE: Impact the September 11th attack has had on the insurance industry

ANCHORS: DAN RATHER

REPORTERS: LEE COWAN

BODY:

DAN RATHER, anchor:

Many industries are seeking federal help to cover the costs of the attack on America and other disasters. The list includes the insurance industry as CBS' Lee Cowan reports.

LEE COWAN reporting:

REV_00135202

For the insurance industry, manmade disasters are a disaster for the bottom line. Oklahoma City, \$125 million; the first World Trade Center bombing, \$510 million; the LA riots, \$775 million. Put together, they barely scratch the surface of the damage done on September 11th.

Ms. JULIE ROCHMAN (American Insurance Association): On that single day in September, three years of industry profits were wiped out.

COWAN: The total could well reach \$70 billion, a hit the insurance industry warns it cannot and will not cover in the future unless Congress pitches in.

Mr. ROCHMAN: This is not a bailout for the insurance industry. We're not seeking to have any money put into our own pockets.

COWAN: What the industry is seeking is insurance on its insurance, guaranteed by Washington and the clock is ticking. At least 70 percent of the policies on skyscrapers, malls and hotels are set to expire at the end of the year. And without insurance, construction comes to a standstill, banks won't approve loans, investors won't invest. At Chicago's O'Hare, premiums could jump from \$125,000 a year to nearly \$7 million. At JFK, no matter what the price, the coverage simply isn't there, just ask developer Dave Sigman.

Mr. DAVE SIGMAN (Developer): We need a billion dollars worth of coverage. Right now, we can't get it.

COWAN: Which means the international terminal here at JFK is no longer covered in the event of a terrorist attack, a risk so high, Sigman almost considered shutting it down.

Mr. SIGMAN: The comparison for us is if we're at war, we send our soldiers into war well protected and yet commercially, we're really not well protected at this point.

COWAN: It's the same for any potential target--trucking companies, freeways, ports, even businesses with large mail rooms.

Mr. STEVE WECHSLER (Real Estate Executive): This is really about the economy and not insurance. Without insurance, there can't be a growing economy.

COWAN: And that, economists warn, is one of the hidden costs of terrorism.

Mr. SIGMAN: At the end of the today, it's an act of war. We rely on the federal government to protect us from those types of acts and I think it's the same issue on the insurance side.

COWAN: A new war with new casualties, where assessing risk is as impossible as comprehending the reality. Lee Cowan, CBS News, New York.

LOAD-DATE: November 13, 2001

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 11/14/2001 5:52:51 AM
Subject: : Re: addresses from POTUS meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-NOV-2001 10:52:51.00
SUBJECT:: Re: addresses from POTUS meeting
TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Sheila needs to be told -- and the candidates need to be told --
that these forms need to be done ASAP.

Jason B. Torchinsky
11/14/2001 07:46:50 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: addresses from POTUS meeting

Please send me the names and addresses (or indicate home/work) of your
candidates from yesterday's POTUS meeting so I can give a list to Sheila.

Message Sent
To: _____

REV_00135215

H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov @ inet [UNKNOWN] <amy.smith@do.treas.gov>
Sent: 11/14/2001 6:25:05 AM
Subject: : CBS transcript with Dan Rather RE: Insurance

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-NOV-2001 11:25:05.00

SUBJECT:: CBS transcript with Dan Rather RE: Insurance

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Marc asked me to send this around to everyone!

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CBS News Transcripts

SHOW: CBS Evening News (6:30 PM ET) - CBS

November 12, 2001 Monday

TYPE: Profile

LENGTH: 434 words

HEADLINE: Impact the September 11th attack has had on the insurance industry

ANCHORS: DAN RATHER

REPORTERS: LEE COWAN

BODY:

DAN RATHER, anchor:

Many industries are seeking federal help to cover the costs of the attack on America and other disasters. The list includes the insurance industry as CBS' Lee Cowan reports.

LEE COWAN reporting:

REV_00135217

For the insurance industry, manmade disasters are a disaster for the bottom line. Oklahoma City, \$125 million; the first World Trade Center bombing, \$510 million; the LA riots, \$775 million. Put together, they barely scratch the surface of the damage done on September 11th.

Ms. JULIE ROCHMAN (American Insurance Association): On that single day in September, three years of industry profits were wiped out.

COWAN: The total could well reach \$70 billion, a hit the insurance industry warns it cannot and will not cover in the future unless Congress pitches in.

Mr. ROCHMAN: This is not a bailout for the insurance industry. We're not seeking to have any money put into our own pockets.

COWAN: What the industry is seeking is insurance on its insurance, guaranteed by Washington and the clock is ticking. At least 70 percent of the policies on skyscrapers, malls and hotels are set to expire at the end of the year. And without insurance, construction comes to a standstill, banks won't approve loans, investors won't invest. At Chicago's O'Hare, premiums could jump from \$125,000 a year to nearly \$7 million. At JFK, no matter what the price, the coverage simply isn't there, just ask developer Dave Sigman.

Mr. DAVE SIGMAN (Developer): We need a billion dollars worth of coverage. Right now, we can't get it.

COWAN: Which means the international terminal here at JFK is no longer covered in the event of a terrorist attack, a risk so high, Sigman almost considered shutting it down.

Mr. SIGMAN: The comparison for us is if we're at war, we send our soldiers into war well protected and yet commercially, we're really not well protected at this point.

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Mr. STEVE WECHSLER (Real Estate Executive): This is really about the economy and not insurance. Without insurance, there can't be a growing economy.

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Mr. SIGMAN: At the end of the today, it's an act of war. We rely on the federal government to protect us from those types of acts and I think it's the same issue on the insurance side.

COWAN: A new war with new casualties, where assessing risk is as impossible as comprehending the reality. Lee Cowan, CBS News, New York.

LOAD-DATE: November 13, 2001

From: CN=Jean M. Russell/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/14/2001 12:08:17 PM
Subject: : Re: Meeting on the Hill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 14-NOV-2001 17:08:17.00
SUBJECT:: Re: Meeting on the Hill
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

great, I will get details to you once things are finalized.

jeannie

Brett M. Kavanaugh
11/14/2001 04:59:37 PM
Record Type: Record

To: Jean M. Russell/OPD/EOP@EOP
cc: kristen silverberg/who/eop@eop
bcc:
Subject: Re: Meeting on the Hill

I am available.

Jean M. Russell 11/14/2001 04:04:12 PM

Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Meeting on the Hill

Tomorrow Larry Lindsey is meeting with Congressman LaFalce regarding insurance. Marc Sumerlin suggested that one of you attend the meeting with Larry and himself. We are still working out the time but believe it will be sometime in the afternoon. Are either of you available to attend. The meeting will be at the Congressman's office in the Rayburn building.

thanks!

Jeannie

----- Forwarded by Jean M. Russell/OPD/EOP on 11/14/2001
03:53 PM -----

D. Marcus Sumerlin
11/14/2001 03:34:22 PM
Record Type: Record

To: Jean M. Russell/OPD/EOP@EOP
cc: leslie a. mooney/opd/eop@eop
bcc:
Subject: Re: Meeting on the Hill

REV_00135227

yes -- should also invite brett kavanaugh or kristen silverberg because it will be about legal provisions.

Jean M. Russell 11/14/2001 03:13:01 PM

Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP
cc: Leslie A. Mooney/OPD/EOP@EOP
Subject: Meeting on the Hill

Pete Rowan called from Leg. Affairs and asked whether LL was available to meet with Congressman LaFalce from New York about Insurance.
LL agreed on the phone--are you interested in attending?

Jeannie
Rayburn 2310

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
CC: Courtney S. Elwood/WHO/EOP [WHO] <Courtney S. Elwood>
Sent: 11/14/2001 8:12:38 AM
Subject: : RE: Martone

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer"
<Jennifer.Newstead@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:14-NOV-2001 13:12:38.00
SUBJECT:: RE: Martone
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks. We are sending it up with one additional change in the question on
diversity jurisdiction.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, November 14, 2001 11:41 AM
To: Newstead, Jennifer
Cc: Courtney_S._Elwood@who.eop.gov
Subject: Martone

his draft answers to Leahy were unobjectionable to me.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 11/14/2001 2:38:26 PM
Subject: : Re: Mtg tomorrow

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-NOV-2001 19:38:26.00
SUBJECT:: Re: Mtg tomorrow
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, who should be your first choice, can attend. I am available as well if you want both of us.

From: CN=Jean M. Russell/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/14/2001 12:08:17 PM
Subject: : Re: Meeting on the Hill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 14-NOV-2001 17:08:17.00
SUBJECT:: Re: Meeting on the Hill
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

great, I will get details to you once things are finalized.

jeannie

Brett M. Kavanaugh
11/14/2001 04:59:37 PM
Record Type: Record

To: Jean M. Russell/OPD/EOP@EOP
cc: kristen silverberg/who/eop@eop
bcc:
Subject: Re: Meeting on the Hill

I am available.

Jean M. Russell 11/14/2001 04:04:12 PM

Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Meeting on the Hill

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thanks!

Jeannie

----- Forwarded by Jean M. Russell/OPD/EOP on 11/14/2001
03:53 PM -----

D. Marcus Sumerlin
11/14/2001 03:34:22 PM
Record Type: Record

To: Jean M. Russell/OPD/EOP@EOP
cc: leslie a. mooney/opd/eop@eop
bcc:
Subject: Re: Meeting on the Hill

REV_00135242

yes -- should also invite brett kavanaugh or kristen silverberg because it will be about legal provisions.

Jean M. Russell 11/14/2001 03:13:01 PM

Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP
cc: Leslie A. Mooney/OPD/EOP@EOP
Subject: Meeting on the Hill

Pete Rowan called from Leg. Affairs and asked whether LL was available to meet with Congressman LaFalce from New York about Insurance.
LL agreed on the phone--are you interested in attending?

Jeannie
Rayburn 2310

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 11/15/2001 7:35:43 AM
Subject: : 11-19-01 WHJSC meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-NOV-2001 12:35:43.00
SUBJECT:: 11-19-01 WHJSC meeting
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Please let me know what you will be presenting at Monday's meeting.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/15/2001 5:14:01 AM
Subject: : Re: Scheduling

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-NOV-2001 10:14:01.00
SUBJECT:: Re: Scheduling
TO: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Yes, you may use WH e-mail for political scheduling as described.

Susan B. Ralston
11/14/2001 08:08:33 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Scheduling

Can you please confirm per an earlier discussion that I can use my WH email for scheduling of political events and fundraisers?

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD

READ:UNKNOWN
BCC:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:rtubb@whmo (rtubb@whmo [UNKNOWN])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Bradley E. Hester (CN=Bradley E. Hester/OU=WHO/O=EOP@EOP [WHO])
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BCC:Elizabeth Hogan (CN=Elizabeth Hogan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Raquel Cabral (CN=Raquel Cabral/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Heidi K. Marquez (CN=Heidi K. Marquez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:OFBCI - Faith-Based and Community Initiatives (OFBCI - Faith-Based and Community Initiatives [UNKNOWN])
READ:UNKNOWN
BCC:Office of Media Affairs (Office of Media Affairs [UNKNOWN])
READ:UNKNOWN
BCC:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kristopher N. Purcell (CN=Kristopher N. Purcell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeannette B. Reilly (CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Denise G. Gitsham (CN=Denise G. Gitsham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karen A. Yeager (CN=Karen A. Yeager/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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Given the already extraordinary number of RSVPs, we respectfully ask that you let us know if you will attend...we would like to have a seat for everyone...thank you.

/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [UNKNOWN]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A.

McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Carolyn E. Cleveland (Carolyn E. Cleveland/WHO/EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP [WHO]), Charles S. Abbot (Charles S. Abbot/OVP/EOP [OVP]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP [WHO]), Wayne A. Downing (Wayne A. Downing/NSC/EOP [NSC]), Don E. Eberly (Don E. Eberly/WHO/EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP [NSC]), John L. Howard Jr. (John L. Howard Jr./CEQ/EOP [CEQ]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP [WHO]), Anna M. Perez (Anna M. Perez/NSC/EOP [NSC]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP [OPD]), George M. Andricos (George M. Andricos/NSC/EOP [NSC]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP [WHO]), Charles P. Blahous (Charles P. Blahous/OPD/EOP [OPD]), Carl Buchholz (Carl Buchholz/WHO/EOP [WHO]), Elizabeth S. Dougherty (Elizabeth S. Dougherty/OPD/EOP [OPD]), Kelley Gannon (Kelley Gannon/WHO/EOP [WHO]), Zalmay M. Khalilzad (Zalmay M. Khalilzad/NSC/EOP [NSC]), Matthew Kirk (Matthew Kirk/WHO/EOP [WHO]), David Kuo (David Kuo/WHO/EOP [WHO]), Dirksen Lehman (Dirksen Lehman/WHO/EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP [OPD]), Robert Marsh (Robert Marsh/WHO/EOP [WHO]), Torkel L. Patterson (Torkel L. Patterson/NSC/EOP [NSC]), Craig Ray (Craig Ray/WHO/EOP [WHO]), Diana L. Schacht (Diana L. Schacht/OPD/EOP [OPD]), Kristine Simmons (Kristine Simmons/OPD/EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP [WHO]), Mary K. Sturtevant (Mary K. Sturtevant/NSC/EOP [NSC]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP [OPD]), Heather Wingate (Heather Wingate/WHO/EOP [WHO]), Elliott Abrams (Elliott Abrams/NSC/EOP [NSC]), rtubb@whmo (rtubb@whmo [UNKNOWN]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Jill L. Angelo (Jill L. Angelo/WHO/EOP@EOP [WHO]), Michelle N. Brawer (Michelle N. Brawer/WHO/EOP@EOP [WHO]), Sarah Gesiriech (Sarah Gesiriech/OPD/EOP@EOP [OPD]), Bradley E. Hester (Bradley E. Hester/WHO/EOP@EOP [WHO]), Elizabeth Hogan (Elizabeth Hogan/WHO/EOP@EOP [WHO]), Raquel Cabral (Raquel Cabral/WHO/EOP@EOP [WHO]), Heidi K. Marquez (Heidi K. Marquez/WHO/EOP@EOP [WHO]), Sonya E. Medina (Sonya E. Medina/WHO/EOP@EOP [WHO]), OFBCI - Faith-Based and Community Initiatives (OFBCI - Faith-Based and Community Initiatives [UNKNOWN]), Office of Media Affairs (Office of Media Affairs [UNKNOWN]), Sarah Pfeifer (Sarah Pfeifer/OPD/EOP@EOP [OPD]), Christina D. Roberts (Christina D. Roberts/WHO/EOP@EOP [WHO]), Ashley M. Snee (Ashley M. Snee/OVP/EOP@EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP /EOP@EOP [OVP]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP@EOP [WHO]), Kristopher N. Purcell (Kristopher N. Purcell/WHO/EOP@EOP [WHO]), Jeannette B. Reilly (Jeannette B. Reilly/WHO/EOP@EOP [WHO]), Adrian G. Gray (Adrian G. Gray/WHO /EOP@EOP [WHO]), Denise G. Gitsham (Denise G. Gitsham/WHO/EOP@EOP [WHO]), Karen A. Yeager (Karen A. Yeager/WHO/EOP@EOP [WHO]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Tracy Young (Tracy Young/WHO/EOP@EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP@EOP [WHO]), Juleanna R. Glover (Juleanna R. Glover/OVP/EOP@EOP [OVP]), Gregory Goss (Gregory Goss/WHO /EOP@EOP [WHO])

Sent: 11/15/2001 5:45:53 AM
Subject: : Stephen Ambrose

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-NOV-2001 10:45:53.00

SUBJECT:: Stephen Ambrose

TO:Senior Advisor Offices (Senior Advisor Offices [UNKNOWN])

READ:UNKNOWN

BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

REV_00135267

READ:UNKNOWN
BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
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BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
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BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
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BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
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BCC:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
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BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
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BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
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BCC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
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BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
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BCC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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BCC:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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BCC:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
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BCC:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
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BCC:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
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BCC:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
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BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
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BCC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
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BCC:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
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BCC:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
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BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
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BCC:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
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BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
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BCC:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
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BCC:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
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BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
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BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
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BCC:Cynthia F. Williams (CN=Cynthia F. Williams/OU=WHO/O=EOP@EOP [WHO])
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BCC:Chad M. Kolton (CN=Chad M. Kolton/OU=WHO/O=EOP@EOP [WHO])
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BCC:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
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BCC:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
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BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Mark Holman (CN=Mark Holman/OU=WHO/O=EOP@EOP [WHO])
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BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
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BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
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BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
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BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
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BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])

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BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
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BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
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BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
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BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
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BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP [OVP])
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BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP [OVP])
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BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP [WHO])
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BCC:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO])
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BCC:Allison Barber (CN=Allison Barber/OU=WHO/O=EOP [WHO])
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BCC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP [WHO])
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BCC:Diana C. Donnelly (CN=Diana C. Donnelly/OU=WHO/O=EOP [WHO])
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BCC:Christa Moyle (CN=Christa Moyle/OU=OA/O=EOP [OA])
READ:UNKNOWN
BCC:Carol E. Ehrlich (CN=Carol E. Ehrlich/OU=OA/O=EOP [OA])

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BCC:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP [WHO])
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BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP [WHO])
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BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP [WHO])
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BCC:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP [WHO])
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BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP [WHO])
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BCC:Charles S. Abbot (CN=Charles S. Abbot/OU=OVP/O=EOP [OVP])
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BCC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
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BCC:Wayne A. Downing (CN=Wayne A. Downing/OU=NSC/O=EOP [NSC])
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BCC:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP [WHO])
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BCC:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP [NSC])
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BCC:John L. Howard Jr. (CN=John L. Howard Jr./OU=CEQ/O=EOP [CEQ])
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BCC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
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BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP [NSC])
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BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
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BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP [OPD])
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BCC:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP [WHO])
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BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
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BCC:David Kuo (CN=David Kuo/OU=WHO/O=EOP [WHO])
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BCC:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP [WHO])
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BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP [WHO])
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BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP [WHO])
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BCC:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 11/15/2001 7:51:48 AM
Subject: : press call

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-NOV-2001 12:51:48.00
SUBJECT:: press call
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Michael Weisskopf at 861-4073

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Leslie A. Mooney/WHO/EOP@EOP [UNKNOWN] <Leslie A. Mooney>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>
Sent: 11/15/2001 11:54:46 AM
Subject: : Terrorist Insurance Coalition

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-NOV-2001 16:54:46.00

SUBJECT:: Terrorist Insurance Coalition

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

CC:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Confirmed for tomorrow from 3:30 - 4:30 pm in Room 180 EEOB. Notice slight time change.

----- Forwarded by Kirk Blalock/WHO/EOP on 11/15/2001

04:52 PM -----

Kirk Blalock

REV_00135277

11/15/2001 04:44:31 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Karl C. Rove/WHO/EOP@EOP, Nicholas E. Calio/WHO/EOP@EOP, Joshua
B. Bolten/WHO/EOP@EOP, Lezlee J. Westine/WHO/EOP@EOP
Subject: Terrorist Insurance Coalition

We will hold a meeting tomorrow, Friday, November 15, from 3pm -
4pm with the Coalition working for the passage of the Insurance
Legislation currently pending before the House. The Coalition includes
American Bankers, REALTORS, National Real Estate Investment Trusts,
Financial Services Roundtable, Community Bankers, etc.
Please let me know if you cant attend or if you need to be cleared
into the complex (Treasury).
I will forward a location once I have it confirmed. Thanks.

Message Sent

To:

D. Marcus Sumerlin/OPD/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP

REV_00135278

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>
CC: Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>
Sent: 11/15/2001 12:14:30 PM
Subject: : FW: Summary of Senate Commerce Committee working draft
Attachments: P_QS5R4004_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:15-NOV-2001 17:14:30.00
SUBJECT:: FW: Summary of Senate Commerce Committee working draft
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

What was that Peter was saying about some bills being worse than no bill at all ...

> -----Original Message-----
> From: Ellett, Martha
> Sent: Thursday, November 15, 2001 5:04 PM
> To: Bair, Sheila; DeMarco, Edward
> Cc: McInerney, Roberta
> Subject: Summary of Senate Commerce Committee working draft
>
>
>
> <<SenateCommerceDraftSummary11-15.doc>> Attached is my
> summary per your request. Martha
> - SenateCommerceDraftSummary11-15.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QS5R4004_OPD.TXT_1>

**Summary of Key Points in Senate Commerce Committee Staff Working Draft:
“National Terrorism Reinsurance Fund Act”**

Terrorism Reinsurance Program and Administration. The Senate Commerce Committee draft bill would establish a three-year program to provide reinsurance to participating insurers for losses from “acts of terrorism.” Under the draft bill, the Program

- is administered by the Secretary of Commerce (Secretary)
- with advice from a 10 member committee (4 from property and casualty insurance industry; 2 from National Association of Insurance Commissioners (NAIC); 1 from banking or real estate industry; 1 from Treasury and 1 consumer representative)
- ends on December 31, 2004, but the Secretary may terminate it sooner if private insurance market is deemed adequate.

Reinsurance Fund. To carry out the Program, the bill establishes a reinsurance pool called the “National Reinsurance Terrorism Fund” (Fund) to 1) make payments under reinsurance contracts with participating insurers 2) pay administrative expenses up to \$5 million per year and 3) repay loans to the Fund from Treasury including interest (except for the first \$5 billion loan).

Program Coverage and Retention. The Fund reimburses participating insurers for losses resulting from acts of terrorism after the loss exceeds 10 percent of *the particular insurer’s* gross direct written premiums for covered lines in the most recent ended calendar year, as reported by the insurer to the NAIC. If the loss exceeds an insurer’s retention level then the Program covers losses as follows: 1) 90% of covered losses in calendar year 2002 and 2) 80% for years after 2002. There are no industry aggregates other than the Program loan limit described below. Also note effect of the time limits in the definition of loss in the calculation of retention and reimbursement.

Treasury loans to the Fund and limit. The Fund is to be initially capitalized with a \$5 billion interest free loan from Treasury. Subsequently, the Secretary [assume this means the Secretary on behalf of the Fund] borrows from Treasury amounts sufficient to satisfy obligations of the Fund and to maintain a positive balance of \$5 billion (“shortfall loans”).

- The interest on Treasury loans (after the initial loan) is to be established by Treasury.
- There is an overall loan limit from Treasury to the Fund of \$100 billion.

Repayment of loans by Fund. The Fund must repay loans borrowed from Treasury. Loans are to be repaid 1) from Fund reserves or 2) assessments on participating insurers or 3) a combination of 1 and 2. The Fund is credited with 1) reinsurance premiums, fees and other charges paid or collected in connection with reinsurance provided under the program 2) interest earned on investments of the Fund 3) funds borrowed from Treasury and 4) “receipts from any other source.”

Assessments on insurers and surcharges on policyholders. Beginning January 1, 2002, each participating insurer pays 3% of its annual gross written premiums in “covered lines.” The draft bill expressly provides that this premium and any assessment on the participating insurer may be recovered from (*i.e.* passed on to) the policyholder as a direct surcharge “calculated as a uniform percentage of premium.” Participating insurers with credit rating that is lower than second from

highest rating by nationally recognized rating agency may be charged an additional “credit risk” premium of 0.5% of gross written premiums.

Mandatory coverage An insurer that provides covered lines as defined in the draft bill may not exclude or limit coverage in those lines for acts of terrorism in the United States and coverage for terrorism insurance must contain “the same deductibles, limits, terms and conditions as standard provisions of the policy for non catastrophic perils.”

Limits on rate increases. A participating insurer may not 1) increase annual rates for “covered risks”(presumably terrorism risk) in excess of the insurer’s assessment or 2) deny or cancel coverage due to losses from acts of terrorism in the United States.

“Participating insurers.” Participating insurers means all property and casualty insurance insurers writing on a direct basis any “covered line” of property and casualty insurance in any U.S. jurisdiction or territory. The term includes primary insurers and residual market insurers.

“Covered lines” of insurance. The definition of “covered lines” contains a long list of specific types of property and casualty insurance, including workers compensation, products liability, “allied lines”, fidelity surety, burglary and theft and any other property and casualty line reported by insurers on “Statutory Page 14 of the NAIC Annual Statement Blank.” In addition, this draft bill allows participating insurers to make a one time irrevocable election to include a number of additional lines of coverage beyond commercial property and casualty, for example “homeowners multiple peril” and “private passenger automobile” insurance. Moreover, the list of elected lines of coverage also includes earthquake and medical malpractice. It is unclear why some of these covered lines are included in a reinsurance program for losses from acts of terrorism.

“Losses” definition and claim payment time limit. As defined in this draft bill, losses means 1) “direct incurred losses” from an act of terrorism” for covered lines and 2) “defense and cost containment” expenses. However, a loss is not recognized for purposes of determining an insurer’s retention or reimbursement “unless the claim for the loss has been paid within 12 months after the terrorism event occurs and other loss adjustments.” It appears that this time limit would exclude many losses under, e.g. worker’s compensation, where claims may not be paid for many years.

“Act of terrorism” definition and determination. “Act of terrorism is defined in a manner similar but not identical to the way it is defined in Senate Banking draft. However, the act of terrorism determination process by the Secretary of Commerce differs. Under this draft, the Commerce Secretary makes an initial determination after receiving a claim by a participating insurer, then must give notice of, and hold a public hearing “for all interested parties” on the issue. Within 30 days, the Secretary must make a final determination subject to judicial review on a substantial evidence standard.

State law preemption. State laws relating to insurance rate and form requirements as well as insurer licensing and financial requirements are preempted with regard to [reinsurance] contracts

entered into by the Fund. State laws prohibiting unfair or deceptive trade practices or claims are not preempted.

Tax exemptions. Section 110 of the draft bill provides exemptions from state and federal taxes for the Fund. This section also exempts reinsurance contract premiums and surcharges (“assessments recovered from policy holders”) from local, state or federal taxes.

Liability Limits – airline manufacturers and airports only. The only tort liability limits under this draft bill are related to airline manufacturers and airport owners. *No other liability limits are included.* The bill amends the Air Transportation Safety and System Stabilization Act (Airline Act) to 1) exclude airline hijackers and co-conspirators from liability limits in that Act and 2) to extend liability limits to airplane manufacturers and airport owners. This bill would also limit current U.S. subrogation rights in the Airline Act.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Leslie A. Mooney/WHO/EOP@EOP [UNKNOWN] <Leslie A. Mooney>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>
Sent: 11/15/2001 11:54:46 AM
Subject: : Terrorist Insurance Coalition

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-NOV-2001 16:54:46.00

SUBJECT:: Terrorist Insurance Coalition

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

CC:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Confirmed for tomorrow from 3:30 - 4:30 pm in Room 180 EEOB. Notice slight time change.

----- Forwarded by Kirk Blalock/WHO/EOP on 11/15/2001

04:52 PM -----

Kirk Blalock

REV_00135283

11/15/2001 04:44:31 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Karl C. Rove/WHO/EOP@EOP, Nicholas E. Calio/WHO/EOP@EOP, Joshua
B. Bolten/WHO/EOP@EOP, Lezlee J. Westine/WHO/EOP@EOP
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I will forward a location once I have it confirmed. Thanks.

Message Sent

To:

D. Marcus Sumerlin/OPD/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP

REV_00135284

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>
CC: Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>
Sent: 11/15/2001 12:09:35 PM
Subject: : FW: Summary of Senate Commerce Committee working draft
Attachments: P_MK5R4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:15-NOV-2001 17:09:35.00
SUBJECT:: FW: Summary of Senate Commerce Committee working draft
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

What was that Peter was saying about some bills being worse than no bill at all ...

> -----Original Message-----
> From: Ellett, Martha
> Sent: Thursday, November 15, 2001 5:04 PM
> To: Bair, Sheila; DeMarco, Edward
> Cc: McInerney, Roberta
> Subject: Summary of Senate Commerce Committee working draft
>
>
>
> <<SenateCommerceDraftSummary11-15.doc>> Attached is my
> summary per your request. Martha
> - SenateCommerceDraftSummary11-15.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MK5R4004_WHO.TXT_1>

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From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>
CC: Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>
Sent: 11/15/2001 12:09:40 PM
Subject: : FW: Summary of Senate Commerce Committee working draft
Attachments: P_SK5R4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:15-NOV-2001 17:09:40.00
SUBJECT:: FW: Summary of Senate Commerce Committee working draft
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

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> -----Original Message-----
> From: Ellett, Martha
> Sent: Thursday, November 15, 2001 5:04 PM
> To: Bair, Sheila; DeMarco, Edward
> Cc: McInerney, Roberta
> Subject: Summary of Senate Commerce Committee working draft
>
>
>
> <<SenateCommerceDraftSummary11-15.doc>> Attached is my
> summary per your request. Martha
> - SenateCommerceDraftSummary11-15.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_SK5R4004_WHO.TXT_1>

**Summary of Key Points in Senate Commerce Committee Staff Working Draft:
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CC: Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>
Sent: 11/15/2001 12:09:40 PM
Subject: : FW: Summary of Senate Commerce Committee working draft
Attachments: P_SK5R4004_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:15-NOV-2001 17:09:40.00
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READ:UNKNOWN
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READ:UNKNOWN
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> To: Bair, Sheila; DeMarco, Edward
> Cc: McInerney, Roberta
> Subject: Summary of Senate Commerce Committee working draft
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>
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> <<SenateCommerceDraftSummary11-15.doc>> Attached is my
> summary per your request. Martha
> - SenateCommerceDraftSummary11-15.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_SK5R4004_OPD.TXT_1>

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CC: Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>
Sent: 11/15/2001 12:10:46 PM
Subject: : FW: Summary of Senate Commerce Committee working draft
Attachments: P_NM5R4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:15-NOV-2001 17:10:46.00
SUBJECT:: FW: Summary of Senate Commerce Committee working draft
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
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> Sent: Thursday, November 15, 2001 5:04 PM
> To: Bair, Sheila; DeMarco, Edward
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> Subject: Summary of Senate Commerce Committee working draft
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From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>
CC: Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>
Sent: 11/15/2001 12:14:30 PM
Subject: : FW: Summary of Senate Commerce Committee working draft
Attachments: P_QS5R4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:15-NOV-2001 17:14:30.00
SUBJECT:: FW: Summary of Senate Commerce Committee working draft
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

What was that Peter was saying about some bills being worse than no bill at all ...

> -----Original Message-----
> From: Ellett, Martha
> Sent: Thursday, November 15, 2001 5:04 PM
> To: Bair, Sheila; DeMarco, Edward
> Cc: McInerney, Roberta
> Subject: Summary of Senate Commerce Committee working draft
>
>
>
> <<SenateCommerceDraftSummary11-15.doc>> Attached is my
> summary per your request. Martha
> - SenateCommerceDraftSummary11-15.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QS5R4004_WHO.TXT_1>

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“National Terrorism Reinsurance Fund Act”**

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From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>
CC: Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>
Sent: 11/15/2001 12:15:28 PM
Subject: : FW: Summary of Senate Commerce Committee working draft
Attachments: P_9U5R4004_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:15-NOV-2001 17:15:28.00
SUBJECT:: FW: Summary of Senate Commerce Committee working draft
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

What was that Peter was saying about some bills being worse than no bill at all ...

> -----Original Message-----

> From: Ellett, Martha

> Sent: Thursday, November 15, 2001 5:04 PM

> To: Bair, Sheila; DeMarco, Edward

> Cc: McInerney, Roberta

> Subject: Summary of Senate Commerce Committee working draft

>

>

>

> <<SenateCommerceDraftSummary11-15.doc>> Attached is my

> summary per your request. Martha

- SenateCommerceDraftSummary11-15.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_9U5R4004_OPD.TXT_1>

**Summary of Key Points in Senate Commerce Committee Staff Working Draft:
“National Terrorism Reinsurance Fund Act”**

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From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>; Matthew Kirk/WHO/EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP [WHO] <Brian C. Conklin>
CC: Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>
Sent: 11/15/2001 12:15:28 PM
Subject: : FW: Summary of Senate Commerce Committee working draft
Attachments: P_9U5R4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:15-NOV-2001 17:15:28.00
SUBJECT:: FW: Summary of Senate Commerce Committee working draft
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

What was that Peter was saying about some bills being worse than no bill at all ...

> -----Original Message-----
> From: Ellett, Martha
> Sent: Thursday, November 15, 2001 5:04 PM
> To: Bair, Sheila; DeMarco, Edward
> Cc: McInerney, Roberta
> Subject: Summary of Senate Commerce Committee working draft
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>
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> <<SenateCommerceDraftSummary11-15.doc>> Attached is my
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> - SenateCommerceDraftSummary11-15.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
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From: Edward_Ingle@who.eop.gov [UNKNOWN]
To: Bradford A. Berenson/WHO/EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
CC: Albert Hawkins/WHO/EOP [WHO] <Albert Hawkins>; Laura S. Lawlor/WHO/EOP [WHO] <Laura S. Lawlor>; L. Camille Welborn/WHO/EOP [WHO] <L. Camille Welborn>; Ali H. Tulbah/WHO/EOP [WHO] <Ali H. Tulbah>; Craig Felner/WHO/EOP [WHO] <Craig Felner>; Cheryl A. Oldham/WHO/EOP [WHO] <Cheryl A. Oldham>; Nicole E. Grodner/WHO/EOP [WHO] <Nicole E. Grodner>
Sent: 11/15/2001 1:33:49 PM
Subject: : Agency FOIA requests
Attachments: P_WY8R4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward_Ingle@who.eop.gov (Edward_Ingle@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:15-NOV-2001 18:33:49.00
SUBJECT:: Agency FOIA requests
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:Nicole E. Grodner (CN=Nicole E. Grodner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

....from this week's agency cabinet report submissions.

(See attached file: FOIA11-15-01.doc)
- FOIA11-15-01.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WY8R4004_WHO.TXT_1>

AGENCY FOIA REQUESTS

COMMERCE

Received 11/05/01 from James D. Levine, Long Aldridge & Norman, LLP, requesting a copy of all documents within the National Oceanic and Atmospheric Administration files regarding Destination Broadwater Project, Biloxi, Mississippi.

Received 11/1/01 from Elizabeth J. Bousky, the Electronic Privacy Information Center, Washington, D.C., requesting copies of all records related to the Biometric Technologies Technology Working Group that is investigating the use of biometric technologies for a "Personal Security Credential" multifunction smart card that may be used as a national ID card.

HHS

CDC

The Wall Street Journal, Atlanta Bureau, has requested that CDC provide to them two-months-worth of the Agency's Office of Communication Director's electronic mail.

HRSA

HRSA received 8 FOIA requests:

- The Democratic Senatorial Campaign Committee requested all correspondence and other information requested by or provided to U.S. Senators Susan Collins (1/1/97 to present) and Robert Smith (1/1/85 to present).
- ChesPenn Health Services requested information on the members of the objective review committees associated with the Ryan White Title II Capacity Building and Early Intervention Services Grants.
- The Greentree Gazette, North Palm Beach, FL, requested the annual operating report for health profession student loans and nursing loans.
- Associated Credit Bureaus, Inc., requested the authorized agent designation and authorized agent registration forms for eight companies registered to access the National Practitioner Data Bank.
- Solutions for Progress requested nine State Planning Grant Program applications funded in fiscal year (FY) 2001.
- Seton Hall University's College of Nursing requested an advanced nursing education grant application funded in FY 2001.
- The George Washington University's Physician Assistant Program requested three Physician Assistant Program grant applications funded in FY 2001.
- In Phase International, Inc., requested three contracts awarded by HRSA.

NIH

George M. Kurzon, Jr., M.D., recently contacted the NIH seeking the names and addresses of unsuccessful grant applicants that applied for grants through 22 NIH components.

Amy R. Atwood of Meyer and Glitzenstein, Washington, D.C., has filed an action under FOIA to gain access to records that concern the DHHS public solicitation for nominations of members to serve on its Advisory Committee on Xenotransplantation (SACX). Specifically, the plaintiff is seeking the names and identifying information of those who submitted electronic mail messages in response to the DHHS solicitation for nominations to the SACX, as well as the names and identifying information of the actual nominees to the SACX.

DOT

Washington Legal Foundation.

All records relating to the installation and use of video surveillance cameras for security and other purposes (a) in the cockpits and passenger compartments of airplanes, and (b) in airport terminals, including baggage areas, screening areas, ticket counters and boarding areas from January 1, 1999 to present. Also, all records relating to the Rapid Response Teams, created by Secretary Mineta on September 16, 2001, including but not limited to, their composition, their charter/agenda, and the dates of their past and proposed future meetings.

LABOR

MARTIN COUNTY COAL CORPORATION COAL WASTE IMPOUNDMENT

Tom FitzGerald, Director, National Citizens' Coal Law Project, Frankfort, Kentucky, is seeking, in his first request, copies of materials regarding the Martin County Coal Corporation (M.C.C.C.) Coal Waste Impoundment. Specifically, he asked for the following records:

- Transcripts of all interviews conducted as part of MSHA's investigation
- Records indicating whether M.C.C.C. ever sought approval or gave notice of injection of coal slurry material into the underground mine workings adjacent to the Big Branch Impoundment.
- Memorandum dated June 13, 1994, from Larry Wilson, P.E., to Jesse Cole, and related documents,
- Full names of K. Howard and M. Nichols and the positions they held on June 13, 1994, and whether those positions were supervisory to Mr. Wilson in his investigation of the 1994 impoundment release that was the subject of the June 13, 1994, memo.

In Mr. FitzGerald's second request, he asked for a copy of any report, analysis or evaluation submitted by Geo-Environmental and/or any other third party concerning or in response to MSHA's investigation report of the Big Branch Slurry Impoundment failure of October 2000. He also asked for a copy of any letter, appeal or other document submitted by or on behalf of M.C.C.C. in response to MSHA's investigation report.

This request is currently being processed by the Mine Safety and Health Administration. Both requests received: November 9, 2001.

THE BIRMINGHAM NEWS

Kristi Lamont Ellis, Reporter, The Birmingham News, Birmingham, Alabama, is seeking copies of all significant and substantial safety citations issued to Jim Walter Resources' (J.W.R.) Blue Creek No. 5 Mine from January 1, 1995 through September 30, 2001.

This request is currently being processed by the Mine Safety and Health Administration.
Date request received: November 13, 2001.

JOY MINING MACHINERY

Amy M. Oswald, Paralegal, Joy Mining Machinery, Law Department, Warrendale, Pennsylvania, is seeking copies of all accident, inspection, investigative information that pertains to either the accident that occurred at Jim Walter Resources, Inc. or the Blue Creek, Mine No. 5 in Brookwood, Alabama on September 23, 2001 or the location in the mine.

This request was acknowledged by the Mine Safety and Health Administration on October 24, 2001, and is currently being processed. Date request received: September 28, 2001.

UNITED MINE WORKERS OF AMERICA

Max Kennedy, International Representative, United Mine Workers of America, Fairfax, Virginia, is seeking:

- Occasions of which MSHA has applied Code AFD for events at coal mines since January 1, 1995.
- Outby activity logs from January 1, 2001 to September 23, 2001 to include any activity of work performed at J.W.R. No. 5 Mine.
- Don Fowler and Bert Duvall's company related daily notes.
- An expedited processing of all citations, orders or safeguards that have not been abated, terminated or vacated that was issued by MSHA.
- Requests MSHA has made to J.W.R., Inc., regarding records, reports, documents or any other information in connection with the investigation of the September 23, 2001, disaster, etc.

Mr. Kennedy sent the Mine Safety and Health Administration 11 requests concerning the September 23, 2001, disaster at J.W.R., Inc., No. 5 Mine. They are currently processing these requests. These requests were received: October 23, 2001, October 24, 2001, October 25, 2001, October 29, 2001, and October 31, 2001.

UNITED MINE WORKERS OF AMERICA

Joseph A. Main, Administrator, Department of Occupational Health and Safety, United Mine Workers of America (UMWA), Fairfax, Virginia, is seeking various records concerning Jim Walter Resources, Inc., No. 5 Mine, Brookwood, Alabama. The records included inspection

records, conferences, 105(C) complaints, a breakdown of activities conducted by MSHA at the mine, record books, training records, mine maps, logs, etc.

Mr. Main sent the Mine Safety and Health Administration seven FOIA requests and they are currently being processed. These requests were acknowledged on October 23, 2001. These requests were received: October 3, 2001, October 5, 2001, October 7, 2001, October 10, 2001, October 25, 2001, and November 2, 2001.

JIM WALTER RESOURCES, INC.

Chuck Stewart, General Manager, Purchasing and Materials Control, Jim Walter Resources, Inc., Blue Creek Coal, is seeking the results of MSHA's analyses of rock dust samples collected at J.W.R., Inc., No. 5 Mine on October 13-14, 2001.

This request is currently being processed by the Mine Safety and Health Administration. Date request received: October 23, 2001.

BLUE CREEK MINE NUMBER 5

Jeffrey C. Rickard, Esq., Law Offices of Marsh, Rickard & Bryan, Birmingham, Alabama, is seeking information and/or documents that relate to Jim Walter Resources' Blue Creek Mine Number 5. Specifically, Mr. Rickard asked for the ventilation plan, evacuation plan, violation history, and accident history from September 1, 1999 through the present date.

This request was acknowledged by the Mine Safety and Health Administration on October 12, 2001 and is currently being processed. Date request received: October 2, 2001.

VETERANS

Mr. David Leshine of the Chatham, NJ, *Federal Practitioner* magazine, requested FY 2001 data extract of selected Patient Treatment File and Outpatient Clinic data from the Austin Automaton Center databases. This information is included in various charts and tables in their publication.

EPA

During the week of November 6-12, 2001, the Agency received a total of 202 FOIA requests. Of that total, 44 were received in Headquarters. Significant FOIA requests include: (1) Janet MacGillivray, Riverkeeper Project attorney, has requested any and all information pertaining to meetings, discussions and correspondence between or among EPA and representatives of the General Electric Company after April 1, 2001 regarding the Hudson River Superfund site; (2) David Marcelis, graduate student at Northwestern University's Medill School of Journalism, has requested air sampling results from the Pentagon area for the days following September 11; and (3) Ryan Bell of American Rivers has requested information on Superfund sites located in and along rivers.

DOE

Request from Judicial Watch for all information that relates to any “mock terrorist attacks” and/or “simulated force on force exercises” from the time period of September 11, 2001 through October 30, 2001

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>; peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/15/2001 3:16:46 PM
Subject: : fact sheet/talking points
Attachments: P_RNAR4004_CEA.TXT_1.doc

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Please find a 2-page fact sheet plus one page of talking points on terrorism insurance. I would like to finalize on the 9:30 call so we can give to interested parties.

Best,

Marc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RNAR4004_CEA.TXT_1>

REV_00135323

Terrorism Insurance: A Key to Economic Recovery

“Without full cooperation between our government and America’s private industries in support of insurance activities, there could be major disruption in the marketplace and harm to our economy.” -- Leslie Baker, Chairman of Wachovia Bank

“This issue is about the economy. If you can’t get insurance, you can’t get loans. If you can’t get loans, you can’t construct new buildings. If you can’t construct buildings, people cannot go to work. It affects everybody.” -- Lisa McGreevy of Financial Services Roundtable

The tragic events of September 11 enacted an economic as well as a human toll. The attacks directly impacted industries such as airlines and hotels, but also have reverberated throughout many other sectors of the economy. Because our military strength and our economic strength are inseparable, our nation must work with resolve to restore economic growth. The current lack of insurance for terrorist acts poses an unnecessary and avoidable barrier to economic recovery.

Lack of Insurance

The terrorist attacks proved that the probability of catastrophic property and casualty losses was much higher than anticipated. Due to the current inability to evaluate the probability of more events or to handle numerous large events in a short time, the reinsurance industry has been reluctant to cover terrorist events. According to Marc Morial, Mayor of New Orleans, “Reinsurers already are saying they will exclude ‘acts of terrorism’ from coverage on a going-forward basis.” Keith Buckley, an insurance analyst with Fitch Ratings Company, states that it is “the universally stated plan of reinsurance companies to add specific terrorism exclusions to reinsurance coverage.” Without reinsurance, primary insurers are forced to either exclude terrorism coverage, charge very high premiums, or withdraw from the market entirely:

- On October 31, AIG decided to drop coverage of Brookfield properties, which includes 8 million square feet of office space in lower Manhattan. Brookfield secured a new policy with FM Global Insurance, but the insurance specifically excludes events related to terrorism.
- At Chicago’s O’Hare airport, premiums have risen from \$125,000 a year to \$7 million a year.
- New York’s JFK international terminal cannot secure the \$1 billion in insurance coverage it needs. Developer Dave Sigman has considered shutting the terminal down.
- Seventeen of the twenty-five property insurers that trade with Marsh, Inc. have enacted terrorism exclusions.

Although most state insurance commissioners are unlikely to approve terrorism exclusions to existing policies, insurance companies are free to completely drop coverage of potential targets. In addition, some states allow insurers to adopt exclusions to new policies without approval. Alternatively, insurers may move policies to non-admitted, or so-called “excess and surplus” carriers, which are non-licensed insurers whose policies are not subject to regulatory scrutiny and thus offer less protection to policyholders. Many insurance companies are likely to exercise this

flexibility to protect their financial integrity. On October 23, Standard and Poor's warned that insurer ratings could fall if underwriters opted to continue offering terrorism coverage without support from reinsurers or the federal government.

Impact on Construction and Real Estate

Lenders require businesses to insure any property they use to secure loans. Without terrorism coverage, banks may not lend to new construction projects and many existing commercial properties may not be able to change hands. According to Thomas Donohue, President of the U.S. Chamber of Commerce, "Bank loans for major construction project undertakings such as new power plants, pipelines, and commercial office space would sharply decrease without coverage."

Without adequate insurance, it will be difficult to develop, operate, acquire, refinance, or sell property. Thomas J. O'Brien, Senior Vice President of Finance for LCOR Incorporated, argues that the disruption could be widespread: "It will not only affect the real estate owners and lenders but also their tenants who lease facilities, their employees and customers as well as anyone who rents an apartment."

Impact on Banking

The terms of most loans require adequate insurance, and without insurance borrowers may find themselves in technical default on their loan. As a result, lenders could be in a position of accelerating payments under the terms of the loan or calling in the loan in its entirety. If banks do not call the loans, they may be forced to reduce the amount of available credit as they build reserves to protect against a terrorist attack.

Thomas J. O'Brien of LCOR argues that a significant amount of real estate-backed debt runs the risk of being in non-monetary default without the availability of terrorism coverage. According to O'Brien, "This lack of coverage raises profound liquidity concerns not only on existing loans and the institutions that hold them but on the ability of borrowers to secure any type of financing going forward."

Impacted Sectors

The potential disruption will fall primarily on areas of dense economic activity, such as skyscrapers and industrial factories. But it is likely that stadiums, trains, and many other areas will be impacted as well. According to Thomas Donohoe, "without adequate coverage, trucking firms, railroads, airlines, and ships may be unable to transport many types of cargo or may limit their destinations."

Impact on the Overall Economy

The absence of insurance coverage for terrorism risks will likely reduce the willingness of lenders to provide financing for existing commercial structures and deter the construction of new projects. The result could look like a "credit crunch." The Council of Economic Advisers

estimates an overall reduction in 2002 GDP of 0.3 percentage point if the problem is not solved. This reduced growth rate of GDP is equal to 0.8 percentage point in the first quarter of 2002, 0.7 percentage point in the second quarter of 2002, and diminishes thereafter. The decline is caused by a reduction in asset values that reduces the consumption purchases of the household sector. In addition, lower valuations reduce the incentive to invest in new structures. The overall liquidity effects also reduce the path for investment in non-residential structures.

Given the underlying weakness of the U.S. economy, it is not prudent to add more uncertainty by allowing insurance markets to fail. According to Steve Dreyer, Managing Director at Standard and Poor's Insurance Rating Service, "Absence of coverage could have a chilling effect on the economy if businesses from airlines to sports teams, to shopping centers curtail or even shut down activity, and if banks prove unwilling to make loans to companies without terrorism coverage." To prevent this disruption, the federal government must take action to provide a temporary backstop until the private sector develops the ability and capacity to insure against terrorist acts.

Talking Points on Terrorism Insurance

- The tragic events of September 11 had a considerable impact on our economy. We must act just as aggressively at home as we are abroad to prevent the U.S. economy from becoming a victim.
- At a time of economic weakness, we simply cannot afford to risk allowing more disruptions to the economy.
- Adequate insurance coverage is an essential component of a growing economy. Without insurance, you cannot get loans or sell existing property.
- The reinsurance industry is refusing to provide coverage against terrorist attacks, so the federal government must temporarily provide a backstop.
- This is not about helping insurance companies; it is about preventing a potential credit crunch and exacerbating an economic downturn.
- The federal government must also provide reasonable legal procedures.
- These procedures must: 1) ensure that victims can quickly recover real losses; 2) protect the taxpayers from spurious claims; 3) prevent unnecessary bankruptcies; and 4) reduce the likelihood that a terrorist attack will significantly burden the economy.
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REV_00135328

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To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/16/2001 9:17:09 AM
Subject: : Re: Monday OPM deal

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READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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I am planning to give them a political update, going over key races, etc.
Is this appropriate content?

Robert W. Cobb
11/16/2001 02:09:39 PM
Record Type: Record

To: Kenneth B. Mehlman/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Monday OPM deal

I was speaking with Carol Harvey who is putting on the schedule c conference on Monday. She said you were speaking at 4pm, right after Elaine Kaplan at 3:30. Just so you know, Elaine Kaplan is the head of the Office of Special Counsel who, among other things, is responsible for Hatch Act enforcement. I thought you'd want to know. If you have time, you might consider attending her session. She's a pretty good speaker, and you may find the content helpful.

From: James_A._Brown@omb.eop.gov [UNKNOWN]
To: Rebecca L. Halkias/WHO/EOP@EOP [WHO] <Rebecca L. Halkias>; Rosemarie W. Dale/OMB/EOP@EOP [OMB] <Rosemarie W. Dale>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Caroline A. Marriott/OMB/EOP@EOP [OMB] <Caroline A. Marriott>; Michael J. Cassidy/OMB/EOP@EOP [OMB] <Michael J. Cassidy>; Victoria Wassmer/OMB/EOP@EOP [OMB] <Victoria Wassmer>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Marisa K. Medrano/OPD/EOP@EOP [OPD] <Marisa K. Medrano>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Richard A. Mertens/OMB/EOP@EOP [OMB] <Richard A. Mertens>; Robert H. Goldberg/OMB/EOP@EOP [OMB] <Robert H. Goldberg>; David Aidekman/OMB/EOP@EOP [OMB] <David Aidekman>; Robert J. Nassif/OMB/EOP@EOP [OMB] <Robert J. Nassif>; Michael Garcia/OMB/EOP@EOP [OMB] <Michael Garcia>; Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>; Mark J. Schwartz/OMB/EOP@EOP [OMB] <Mark J. Schwartz>; Shannon Richter/OMB/EOP@EOP [OMB] <Shannon Richter>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Jill G. Crann/OMB/EOP@EOP [OMB] <Jill G. Crann>; Angela M. Donatelli/OMB/EOP@EOP [OMB] <Angela M. Donatelli>; Steven M. Mertens/OMB/EOP@EOP [OMB] <Steven M. Mertens>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; OVP LRM [UNKNOWN] <OVP LRM>; NEC LRM [UNKNOWN] <NEC LRM>; Edward H. Clarke/OMB/EOP@EOP [OMB] <Edward H. Clarke>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; WHGC LRM [UNKNOWN] <WHGC LRM>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Clare C. Doherty/OMB/EOP@EOP [OMB] <Clare C. Doherty>; James J. Tymon/OMB/EOP@EOP [OMB] <James J. Tymon>; Lin Liu/OMB/EOP@EOP [OMB] <Lin Liu>; Timothy A. Rosado/OMB/EOP@EOP [OMB] <Timothy A. Rosado>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; Rodney G. Bent/OMB/EOP@EOP [OMB] <Rodney G. Bent>; Michael Casella/OMB/EOP@EOP [OMB] <Michael Casella>; Ronald L. Silberman/OMB/EOP@EOP [OMB] <Ronald L. Silberman>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Elizabeth L. Rossman/OMB/EOP@EOP [OMB] <Elizabeth L. Rossman>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Allan Villabroza/OMB/EOP@EOP [OMB] <Allan Villabroza>; Adriel M. Harvey/OMB/EOP@EOP [OMB] <Adriel M. Harvey>; Courtney B. Timberlake/OMB/EOP@EOP [OMB] <Courtney B. Timberlake>; Elizabeth A. Bernhard/OMB/EOP@EOP [OMB] <Elizabeth A. Bernhard>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Edward M. Rea/OMB/EOP@EOP [OMB] <Edward M. Rea>; Pamula L. Simms/OMB/EOP@EOP [OMB] <Pamula L. Simms>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Maureen Walsh/OMB/EOP@EOP [OMB] <Maureen Walsh>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Michael D. Gerich/OMB/EOP@EOP [OMB] <Michael D. Gerich>; Meredith G. Benson/OMB/EOP@EOP [OMB] <Meredith G. Benson>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; Siobhan Murphy/OMB/EOP@EOP [OMB] <Siobhan Murphy>; Ronald E. Jones/OMB/EOP@EOP [OMB] <Ronald E. Jones>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Toni S. Hustead/OMB/EOP@EOP [OMB] <Toni S. Hustead>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; CLRM@doc.gov [UNKNOWN] <CLRM@doc.gov>; justice.lrm@usdoj.gov [UNKNOWN] <justice.lrm@usdoj.gov>; statelrm@state.gov [UNKNOWN] <statelrm@state.gov>; llr@do.treas.gov [UNKNOWN] <llr@do.treas.gov>; dodlrs@osdgc.osd.mil [UNKNOWN] <dodlrs@osdgc.osd.mil>; ocaone@aol.com [UNKNOWN] <ocaone@aol.com>; ca.legislation@gsa.gov [UNKNOWN] <ca.legislation@gsa.gov>; scottb@ntsb.gov [UNKNOWN] <scottb@ntsb.gov>; National Security Council LRM Recipients [UNKNOWN] <National Security Council LRM Recipients>; OPBRE E-Mail - EDITORS [UNKNOWN] <OPBRE E-Mail - EDITORS>; laffairs@ustr.gov [UNKNOWN]

<laffairs@ustr.gov>;legis@fema.gov [UNKNOWN]
<legis@fema.gov>;dot.legislation@ost.dot.gov [UNKNOWN] <dot.legislation@ost.dot.gov>;dol-
sol-leg@dol.gov [UNKNOWN] <dol-sol-leg@dol.gov>;CEA Admin [UNKNOWN] <CEA
Admin>;Wallace P. Mullin/CEA/EOP@EOP [CEA] <Wallace P. Mullin>;ola@opm.gov [UNKNOWN] <ola@opm.gov>;valrm@mail.va.gov [UNKNOWN] <valrm@mail.va.gov>
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Subject: : FYI part 2 of S. 1447 conference agreement
Attachments: P_QHVR4004_OPD.TXT_1.pdf

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TO:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Caroline A. Marriott (CN=Caroline A. Marriott/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael J. Cassidy (CN=Michael J. Cassidy/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Victoria Wassmer (CN=Victoria Wassmer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

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TO:Richard A. Mertens (CN=Richard A. Mertens/OU=OMB/O=EOP@EOP [OMB])

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TO:Robert H. Goldberg (CN=Robert H. Goldberg/OU=OMB/O=EOP@EOP [OMB])

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TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

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TO:Shannon Richter (CN=Shannon Richter/OU=OMB/O=EOP@EOP [OMB])

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TO:Angela M. Donatelli (CN=Angela M. Donatelli/OU=OMB/O=EOP@EOP [OMB])

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TO:Edward H. Clarke (CN=Edward H. Clarke/OU=OMB/O=EOP@EOP [OMB])

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TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
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TO:Ellen J. Balis (CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [OMB])
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TO:Maureen Walsh (CN=Maureen Walsh/OU=OMB/O=EOP@EOP [OMB])
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TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
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 TO:Michael D. Gerich (CN=Michael D. Gerich/OU=OMB/O=EOP@EOP [OMB])
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 READ:UNKNOWN
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 READ:UNKNOWN
 TO:Toni S. Hustead (CN=Toni S. Hustead/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:CLRM@doc.gov (CLRM@doc.gov [UNKNOWN])
 READ:UNKNOWN
 TO:justice.lrm@usdoj.gov (justice.lrm@usdoj.gov [UNKNOWN])
 READ:UNKNOWN
 TO:statelrm@state.gov (statelrm@state.gov [UNKNOWN])
 READ:UNKNOWN
 TO:llr@do.treas.gov (llr@do.treas.gov [UNKNOWN])
 READ:UNKNOWN
 TO:dodlrs@osdgc.osd.mil (dodlrs@osdgc.osd.mil [UNKNOWN])
 READ:UNKNOWN
 TO:ocaone@aol.com (ocaone@aol.com [UNKNOWN])
 READ:UNKNOWN
 TO:ca.legislation@gsa.gov (ca.legislation@gsa.gov [UNKNOWN])
 READ:UNKNOWN
 TO:scottb@ntsb.gov (scottb@ntsb.gov [UNKNOWN])
 READ:UNKNOWN
 TO:National Security Council LRM Recipients (National Security Council LRM Recipients [UNKNOWN])
 READ:UNKNOWN
 TO:OPBRE E-Mail - EDITORS (OPBRE E-Mail - EDITORS [UNKNOWN])
 READ:UNKNOWN
 TO:laffairs@ustr.gov (laffairs@ustr.gov [UNKNOWN])
 READ:UNKNOWN
 TO:legis@fema.gov (legis@fema.gov [UNKNOWN])
 READ:UNKNOWN
 TO:dot.legislation@ost.dot.gov (dot.legislation@ost.dot.gov [UNKNOWN])
 READ:UNKNOWN
 TO:dol-sol-leg@dol.gov (dol-sol-leg@dol.gov [UNKNOWN])
 READ:UNKNOWN
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 TO:Wallace P. Mullin (CN=Wallace P. Mullin/OU=CEA/O=EOP@EOP [CEA])
 READ:UNKNOWN
 TO:ola@opm.gov (ola@opm.gov [UNKNOWN])
 READ:UNKNOWN
 TO:valrm@mail.va.gov (valrm@mail.va.gov [UNKNOWN])
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1 parking lot, or vendor of on-airfield direct services under
2 this section for any cost for which the airport operator,
3 on-airport parking lot, or vendor of on-airfield direct serv-
4 ices does not demonstrate to the satisfaction of the Sec-
5 retary, using sworn financial statements or other appro-
6 priate data, that—

7 (1) the cost is eligible for reimbursement under
8 subsection (a); and

9 (2) the cost was incurred by the airport oper-
10 ator, on-airport parking lot, or vendor of on-airfield
11 direct services.

12 The Inspector General of the Department of Transpor-
13 tation and the Comptroller General of the United States
14 may audit such statements and may request any other in-
15 formation ~~that~~ necessary to conduct such an audit.

16 (c) CLAIM PROCEDURE.—Within 30 days after the
17 date of enactment of this Act, the Secretary, after con-
18 sultation with airport operators, on-airport parking lots,
19 and vendors of on-airfield direct services, shall publish in
20 the Federal Register the procedures for filing claims for
21 reimbursement under this section of eligible costs incurred
22 by airport operators.

122 } 23 SEC. 121. SENSE OF THE CONGRESS.

24 It is the sense of the Congress that—

to air
carriers

INSERT TO PAGE 51

1 (c) DEADLINE FOR DEPLOYMENT OF FEDERAL
2 SCREENERS.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, the Under Sec-
5 retary of Transportation for Security shall deploy at
6 all airports in the United States where screening is
7 required under section 44901 of title 49, United
8 States Code, a sufficient number of Federal screen-
9 ers, Federal Security Managers, Federal security
10 personnel, and Federal law enforcement officers to
11 conduct the screening of all passengers and property
12 under section 44901 of such title at such airports.

13 (2) CERTIFICATION TO CONGRESS.—Not later
14 than 1 year after the date of enactment of this Act,
15 the Under Secretary shall transmit to Congress a
16 certification that the requirement of paragraph (1)
17 has been met.

1 Committee on Commerce, Science, and Transpor-
2 tation of the Senate and to the Committee on Trans-
3 portation and Infrastructure of the House of Rep-
4 resentatives on the deployment of the systems re-
5 quired by section 44901(c) of title 49, United States
6 Code. The Under Secretary shall include in the
7 report—

8 (A) an installation schedule;

9 (B) the dates of installation of each sys-
10 tem; and

11 (C) the date on which each system in-
12 stalled is operational.

13 (2) SCREENING OF SMALL AIRCRAFT.—Within
14 1 year after the date of enactment of this Act, the
15 Under Secretary of Transportation for Security shall
16 transmit a report to the Committee on Commerce,
17 Science, and Transportation of the Senate and Com-
18 mittee on Transportation and Infrastructure of the
19 House of Representatives on the screening require-
20 ments applicable to passengers boarding, and prop-
21 erty being carried aboard, aircraft with 60 seats or
22 less used in scheduled passenger service with rec-
23 ommendations for any necessary changes in those
24 requirements.

111) 1 SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY

2 SCREENING PERSONNEL.

3 (a) IN GENERAL.—Section 44935 of title 49, United
4 States Code, is amended—

5 (1) by redesignating subsection (f) as sub-
6 section (i); and

7 (2) by striking subsection (e) and inserting the
8 following:

9 “(e) SECURITY SCREENERS.—

10 “(1) TRAINING PROGRAM.—The Under Sec-
11 retary of Transportation for Security shall establish
12 a program for the hiring and training of security
13 screening personnel.

14 “(2) HIRING.—

15 “(A) QUALIFICATIONS.—Within 30 days
16 after the date of enactment of the Aviation and
17 Transportation Security Act, the Under Sec-
18 retary shall establish qualification standards for
19 individuals to be hired by the United States as
20 security screening personnel. Notwithstanding
21 any provision of law, those standards shall re-
22 quire, at a minimum, an individual—

23 “(i) to have a satisfactory or better
24 score on a Federal security screening per-
25 sonnel selection examination;

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AT

1 “(ii) to be a citizen of the United
2 States;

3 “(iii) to meet, at a minimum, the re-
4 quirements set forth in subsection (f);

5 “(iv) to meet such other qualifications
6 as the Under Secretary may establish; and

7 “(v) to have the ability to demonstrate
8 daily a fitness for duty without any impair-
9 ment due to illegal drugs, sleep depriva-
10 tion, medication, or alcohol.

11 “(B) BACKGROUND CHECKS.—The Under
12 Secretary shall require that an individual to be
13 hired as a security screener undergo an employ-
14 ment investigation (including a criminal history
15 record check) under section 44936(a)(1).

16 “(C) DISQUALIFICATION OF INDIVIDUALS
17 WHO PRESENT NATIONAL SECURITY RISKS.—
18 The Under Secretary, in consultation with the
19 heads of other appropriate Federal agencies,
20 shall establish procedures, in addition to any
21 background check conducted under section
22 44936, to ensure that no individual who pre-
23 sents a threat to national security is employed
24 as a security screener.

1 “(3) EXAMINATION; REVIEW OF EXISTING
2 RULES.—The Under Secretary shall develop a secu-
3 rity screening personnel examination for use in de-
4 termining the qualification of individuals seeking
5 employment as security screening personnel. The
6 Under Secretary shall also review, and revise as nec-
7 essary, any standard, rule, or regulation governing
8 the employment of individuals as security screening
9 personnel.

10 “(f) EMPLOYMENT STANDARDS FOR SCREENING
11 PERSONNEL.—

12 “(1) SCREENER REQUIREMENTS.—Notwith-
13 standing any provision of law, an individual may not
14 be deployed as a security screener unless that indi-
15 vidual meets the following requirements:

16 “(A) The individual shall possess a high
17 school diploma, a general equivalency diploma,
18 or experience that the Under Secretary has de-
19 termined to be sufficient for the individual to
20 perform the duties of the position.

21 “(B) The individual shall possess basic ap-
22 titudes and physical abilities, including color
23 perception, visual and aural acuity, physical co-
24 ordination, and motor skills, to the following
25 standards:

1 “(i) Screeners operating screening
2 equipment shall be able to distinguish on
3 the screening equipment monitor the ap-
4 propriate imaging standard specified by
5 the Under Secretary. Wherever the screen-
6 ing equipment system displays colors, the
7 operator shall be able to perceive each
8 color.

9 “(ii) Screeners operating any screen-
10 ing equipment shall be able to distinguish
11 each color displayed on every type of
12 screening equipment and explain what each
13 color signifies.

14 “(iii) Screeners shall be able to hear
15 and respond to the spoken voice and to au-
16 dible alarms generated by screening equip-
17 ment in an active checkpoint environment.

18 “(iv) Screeners performing physical
19 searches or other related operations shall
20 be able to efficiently and thoroughly ma-
21 nipulate and handle such baggage, con-
22 tainers, and other objects subject to secu-
23 rity processing.

24 “(v) Screeners who perform pat-downs
25 or hand-held metal detector searches of in-

1 individuals shall have sufficient dexterity and
2 capability to thoroughly conduct those pro-
3 cedures over a individual's entire body.

4 “(C) The individual shall be able to read,
5 speak, and write English well enough to—

6 “(i) carry out written and oral in-
7 structions regarding the proper perform-
8 ance of screening duties;

9 “(ii) read English language identifica-
10 tion media, credentials, airline tickets, and
11 labels on items normally encountered in
12 the screening process;

13 “(iii) provide direction to and under-
14 stand and answer questions from English-
15 speaking individuals undergoing screening;
16 and

17 “(iv) write incident reports and state-
18 ments and log entries into security records
19 in the English language.

20 “(D) The individual shall have satisfac-
21 torily completed all initial, recurrent, and ap-
22 propriate specialized training required by the
23 security program, except as provided in para-
24 graph (3).

1 “(2) VETERANS PREFERENCE.—The Under
2 Secretary shall provide a preference for the hiring of
3 an individual as a security screener if the individual
4 is a member or former member of the armed forces
5 and if the individual is entitled, under statute, to re-
6 tired, retirement, or retainer pay on account of serv-
7 ice as a member of the armed forces.

8 “(3) EXCEPTIONS.—An individual who has not
9 completed the training required by this section may
10 be deployed during the on-the-job portion of training
11 to perform functions if that individual—

12 “(A) is closely supervised; and

13 “(B) does not make independent judg-
14 ments as to whether individuals or property
15 may enter a sterile area or aircraft without fur-
16 ther inspection.

17 “(4) REMEDIAL TRAINING.—No individual em-
18 ployed as a security screener may perform a screen-
19 ing function after that individual has failed an oper-
20 ational test related to that function until that indi-
21 vidual has successfully completed the remedial train-
22 ing specified in the security program.

23 “(5) ANNUAL PROFICIENCY REVIEW.—The
24 Under Secretary shall provide that an annual eval-
25 uation of each individual assigned screening duties is

1 conducted and documented. An individual employed
2 as a security screener may not continue to be em-
3 ployed in that capacity unless the evaluation dem-
4 onstrates that the individual—

5 “(A) continues to meet all qualifications
6 and standards required to perform a screening
7 function;

8 “(B) has a satisfactory record of perform-
9 ance and attention to duty based on the stand-
10 ards and requirements in the security program;
11 and

12 “(C) demonstrates the current knowledge
13 and skills necessary to courteously, vigilantly,
14 and effectively perform screening functions.

15 “(6) OPERATIONAL TESTING.—In addition to
16 the annual proficiency review conducted under para-
17 graph (5), the Under Secretary shall provide for the
18 operational testing of such personnel.

19 “(g) TRAINING.—

20 “(1) USE OF OTHER AGENCIES.—The Under
21 Secretary may enter into a memorandum of under-
22 standing or other arrangement with any other Fed-
23 eral agency or department with appropriate law en-
24 forcement responsibilities, to provide personnel, re-

1 sources, or other forms of assistance in the training
2 of security screening personnel.

3 “(2) TRAINING PLAN.—Within 60 days after
4 the date of enactment of the Aviation and Transpor-
5 tation Security Act, the Under Secretary shall de-
6 velop a plan for the training of security screening
7 personnel. The plan shall require, at a minimum,
8 that a security screener—

9 “(A) has completed 40 hours of classroom
10 instruction or successfully completed a program
11 that the Under Secretary determines will train
12 individuals to a level of proficiency equivalent to
13 the level that would be achieved by such class-
14 room instruction;

15 “(B) has completed 60 hours of on-the-job
16 instruction; and

17 “(C) has successfully completed an on-the-
18 job training examination prescribed by the
19 Under Secretary.

20 “(3) EQUIPMENT-SPECIFIC TRAINING.—An in-
21 dividual employed as a security screener may not use
22 any security screening device or equipment in the
23 scope of that individual’s employment unless the in-
24 dividual has been trained on that device or equip-

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1 (1) an airport receiving Federal financial assist-
2 ance should meet with the tenants of the airport
3 (other than air carriers and foreign air carriers) to
4 discuss adjustments of the rent of the tenants to ac-
5 count for losses in revenue incurred by the tenants
6 on and after September 11, 2001; ~~and~~

7 (2) an air carrier that received financial assist-
8 ance under the Air Transportation Safety and Sys-
9 tem Stabilization Act or under title 49, United
10 States Code, since September 11, 2001, should meet
11 with airport operators to discuss ~~adjustments in~~
12 rates, charges, and fees ~~and~~

payment
and
applicable

13 **SEC. 43. AIRPORT IMPROVEMENT PROGRAMS.**

14 (a) COMPETITION PLAN.—Section 47106(f) is
15 amended—

16 (1) by redesignating paragraph (3) as para-
17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—

21 This subsection does not apply to any passenger fa-
22 cility fee approved, or grant made, in fiscal year
23 2002 if the fee or grant is to be used to improve se-
24 curity at a covered airport.”.

1 ment and has successfully completed a test on the
2 use of the device or equipment.

3 “(h) TECHNOLOGICAL TRAINING.—

4 “(1) IN GENERAL.—The Under Secretary shall
5 require training to ensure that screeners are pro-
6 ficient in using the most up-to-date new technology
7 and to ensure their proficiency in recognizing new
8 threats and weapons.

9 “(2) PERIODIC ASSESSMENTS.—The Under
10 Secretary shall make periodic assessments to deter-
11 mine if there are dual use items and inform security
12 screening personnel of the existence of such items.

13 “(3) CURRENT LISTS OF DUAL USE ITEMS.—
14 Current lists of dual use items shall be part of the
15 ongoing training for screeners.

16 “(4) DUAL USE DEFINED.—For purposes of
17 this subsection, the term ‘dual use’ item means an
18 item that may seem harmless but that may be used
19 as a weapon.


20 “(i) LIMITATION ON RIGHT TO STRIKE.—An indi-
21 vidual that screens passengers or property, or both, at an
22 airport under this section may not participate in a strike,
23 or assert the right to strike, against the person (including
24 a governmental entity) employing such individual to per-
25 form such screening.

1 “(j) UNIFORMS.—The Under Secretary shall require
2 any individual who screens passengers and property pur-
3 suant to section 44901 to be attired while on duty in a
4 uniform approved by the Under Secretary.”.

5 (b) CONFORMING AMENDMENTS.—Section
6 44936(a)(1) of title 49, United States Code, is amended—

7 (1) in subparagraph (A) by inserting “as a se-
8 curity screener under section 44935(e) or a posi-
9 tion” after “a position”; and

10 (2) in subparagraph (E) by striking clause (iv).

11 (c) TRANSITION.—The Under Secretary of Trans-
12 portation for Security shall complete the full implementa-
13 tion of section 44935 (e), (f), (g), and (h) of title 49,
14 United States Code, as amended by subsection (a), as soon
15 as is practicable. The Under Secretary may make or con-
16 tinue such arrangements for the training of security
17 screeners under that section as the ~~Attorney General~~ de-
18 termines necessary pending full implementation of that
19 section as so amended. 

20 (d) SCREENER PERSONNEL.—Notwithstanding any
21 other provision of law, the Under Secretary of Transpor-
22 tation for Security may employ, appoint, discipline, termi-
23 nate, and fix the compensation, terms, and conditions of
24 employment of Federal service for such a number of indi-
25 viduals as the Under Secretary determines to be necessary

*Under
Secretary*

1 to carry out the screening functions of the Under Sec-
2 retary under section 44901 of title 49, United States
3 Code. The Under Secretary shall establish levels of com-
4 pensation and other benefits for individuals so employed.

5 ~~(e) FINAL RULES ESTABLISHING TRAINING STAND-~~
6 ~~ARDS FOR SCREENERS.—Section 44935(e)(1) of title 49,~~
7 ~~United States Code, is amended by striking “May 31,~~
8 ~~2001” and inserting “6 months after the date of enact-~~
9 ~~ment of the Airport and Transportation Security Act”~~

112 } 10 ~~SEC. 449. RESEARCH AND DEVELOPMENT.~~

11 ~~[(a) IN GENERAL.—Section 44912(b)(1) of title 49,~~
12 ~~United States Code, is amended—~~

13 ~~[(1) by striking “complete an intensive review~~
14 ~~of” and inserting “periodically review”;~~

15 ~~[(2) by striking “commercial aircraft in service~~
16 ~~and expected to be in service in the 10-year period~~
17 ~~beginning on November 16, 1990;” in subparagraph~~
18 ~~(B) and inserting “aircraft in air transportation;”;~~
19 ~~and~~

20 ~~[(3) by redesignating subparagraphs (D)~~
21 ~~through (F) as subparagraphs (E) through (G), re-~~
22 ~~spectively, and inserting after subparagraph (C) the~~
23 ~~following:~~

1 (D) the potential release of chemical, bi-
2 ological, or similar weapons or devices either
3 within an aircraft or within an airport;”.

4 (b) ADDITIONAL MATTERS REGARDING RESEARCH
5 AND DEVELOPMENT.—

6 (1) ADDITIONAL PROGRAM REQUIREMENTS.—

7 Subsection (a) of section 44912 of title 49, United
8 States Code, is amended—

9 (A) by redesignating paragraph (4) as
10 paragraph (5); and

11 (B) by inserting after paragraph (3) the
12 following new paragraph (4):

13 “(4)(A) In carrying out the program established
14 under this subsection, the Administrator shall designate
15 an individual to be responsible for engineering, research,
16 and development with respect to security technology under
17 the program.

18 “(B) The individual designated under subparagraph
19 (A) shall use appropriate systems engineering and risk
20 management models in making decisions regarding the al-
21 location of funds for engineering, research, and develop-
22 ment with respect to security technology under the pro-
23 gram.

24 “(C) The individual designated under subparagraph
25 (A) shall, on an annual basis, submit to the Research, En-

1 gineering and Development Advisory Committee a report
2 on activities under this paragraph during the preceding
3 year. Each report shall include, for the year covered by
4 such report, information on—

5 ~~“(i) progress made in engineering, research,~~
6 and development with respect to security technology;

7 ~~“(ii) the allocation of funds for engineering,~~
8 research, and development with respect to security
9 technology; and

10 ~~“(iii) engineering, research, and development~~
11 with respect to any technologies drawn from other
12 agencies, including the rationale for engineering, re-
13 search, and development with respect to such tech-
14 nologies.”.

15 ~~“(2) REVIEW OF THREATS.—Subsection (b)(1)~~
16 of that section is ~~amended—~~ *(to the*

17 ~~“(A) by redesignating subparagraphs (A)~~
18 *G)* through ~~(F)~~ as subparagraphs (B) through ~~(G)~~, *(H)*
19 respectively; and

20 ~~“(B) by inserting before subparagraph~~
21 (B), as so redesignated, the following new sub-
22 paragraph (A):

23 ~~“(A) a comprehensive systems analysis (em-~~
24 ploying vulnerability analysis, threat attribute defini-

1 tion, and technology roadmaps) of the civil aviation
2 system, including—

3 ~~“(i) the destruction, commandeering, or~~
4 diversion of civil aircraft or the use of civil air-
5 craft as a weapon; and

6 ~~“(ii) the disruption of civil aviation serv-~~
7 ice, including by cyber attack;”.

8 ~~“(3) SCIENTIFIC ADVISORY PANEL.—Subsection~~
9 (c) of that section is amended to read as follows:

10 ~~“(c) SCIENTIFIC ADVISORY PANEL.—(1) The Ad-~~
11 ministrator shall establish a scientific advisory panel, as
12 a subcommittee of the Research, Engineering, and Devel-
13 opment Advisory Committee, to review, comment on, ad-
14 vise the progress of, and recommend modifications in, the
15 program established under subsection (a) of this section,
16 including the need for long-range research programs to de-
17 tect and prevent catastrophic damage to commercial air-
18 craft, commercial aviation facilities, commercial aviation
19 personnel and passengers, and other components of the
20 commercial aviation system by the next generation of ter-
21 rorist weapons.

22 ~~“(2)(A) The advisory panel shall consist of individ-~~
23 uals who have scientific and technical expertise in—

24 ~~“(i) the development and testing of effective~~
25 explosive detection systems;

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1 “(ii) aircraft structure and experimentation to
2 decide on the type and minimum weights of explo-
3 sives that an effective explosive detection technology
4 must be capable of detecting;

5 “(iii) technologies involved in minimizing air-
6 frame damage to aircraft from explosives; and

7 “(iv) other scientific and technical areas the
8 Administrator considers appropriate.

9 “(B) In appointing individuals to the advisory panel,
10 the Administrator should consider individuals from aca-
11 demia and the national laboratories, as appropriate.

12 “(3) The Administrator shall organize the advisory
13 panel into teams capable of undertaking the review of poli-
14 cies and technologies upon request.

15 “(4) Not later than 90 days after the date of the
16 enactment of the Aviation and Transportation Security
17 Act, and every two years thereafter, the Administrator
18 shall review the composition of the advisory panel in order
19 to ensure that the expertise of the individuals on the panel
20 is suited to the current and anticipated duties of the
21 panel.”.

22 “(c) ~~COORDINATION WITH ATTORNEY GENERAL.~~
23 ~~Section 44912(b) of title 49, United States Code, is~~
24 ~~amended by adding at the end the following:~~

1 ["(3) Beginning on the date of enactment of the
 2 Aviation and Transportation Security Act, the Adminis-
 3 trator shall conduct all research related to screening tech-
 4 nology and procedures in conjunction with the Attorney
 5 General.".]

113 6 SEC. 141. FLIGHT SCHOOL SECURITY.

7 (a) IN GENERAL.—Chapter 449 of title 49, United
 8 States Code, is amended by adding at the end the fol-
 9 lowing new section:

10 "§ 44939. Training to operate certain aircraft

11 "(a) WAITING PERIOD.—A person subject to regula-
 12 tion under this part may provide training in the operation
 13 of any aircraft having a maximum [certificated] takeoff
 14 weight of 12,500 pounds or less to an alien (as defined
 15 in section 101(a)(3) of the Immigration and Nationality
 16 Act (8 U.S.C. 1101(a)(3))) or to any other individual
 17 specified by the Under Secretary of Transportation for Se-
 18 curity only if—

19 "(1) that person has first notified the Under
 20 Secretary [and the Attorney General] that the indi-
 21 vidual has requested such training and furnished the
 22 Under Secretary with that individual's identification
 23 in such form as the Under Secretary may require;
 24 and

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1 “(2) the Attorney General has not directed,
2 within 45 days after being notified under paragraph
3 (1), that person not to provide the requested train-
4 ing because the Attorney General has determined
5 that the individual presents a risk to aviation or na-
6 tional security.

7 “(b) INTERRUPTION OF TRAINING.—If the Attorney
8 General, more than 45 days after receiving notification
9 under subsection (a) from a person providing training de-
10 scribed in subsection (a), determines that the individual
11 presents a risk to aviation or national security, the Attor-
12 ney General shall immediately notify the person providing
13 the training of the determination and that person shall
14 immediately terminate the training.

15 “(c) COVERED TRAINING.—For the purposes of sub-
16 section (a), training includes in-flight training, training in
17 a simulator, and any other form or aspect of training.

18 “(d) SECURITY AWARENESS TRAINING FOR EMPLOY-
19 EES.—The Under Secretary shall require flight schools to
20 conduct a security awareness program for flight school
21 employees to increase their awareness of suspicious cir-
22 cumstances and activities of individuals enrolling in or at-
23 tending flight school.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“44939. Training to operate certain aircraft.”.

4 (c) INTERNATIONAL COOPERATION.—The Secretary
5 of Transportation, in consultation with the Secretary of
6 State, shall work with the International Civil Aviation Or-
7 ganization and the civil aviation authorities of other coun-
8 tries to improve international aviation security through
9 screening programs for flight instruction candidates.

10 (d) EFFECTIVE DATE.—The amendment made by
11 subsection (a) applies to applications for training received
12 after the date of enactment of this Act.

13 **SEC. 114. INCREASED PENALTIES FOR INTERFERENCE**
14 **WITH SECURITY PERSONNEL.**

15 (a) IN GENERAL.—Chapter 465 of title 49, United
16 States Code, is amended by inserting after section 46502
17 the following:

18 **“§ 46503. Interference with security screening per-**
19 **sonnel**

20 “An individual in an area within a commercial service
21 airport in the United States who, by assaulting a Federal,
22 airport, or air carrier employee who has security duties
23 within the airport, interferes with the performance of the
24 duties of the employee or lessens the ability of the em-
25 ployee to perform those duties, shall be fined under title

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- 1 (3) the Federal Aviation Administration should
- 2 maintain its current restriction on carry-on baggage
- 3 of 1 bag and 1 personal item.

1 18, imprisoned for not more than 10 years, or both. If
2 the individual used a dangerous weapon in committing the
3 assault or interference, the individual may be imprisoned
4 for any term of years or life imprisonment.”.

5 (b) CONFORMING AMENDMENT.—The chapter anal-
6 ysis for chapter 465 of such title is amended by inserting
7 after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

117/ 8 **SEC. 111. PASSENGER MANIFESTS.**

9 Section 44909 is amended by adding at the end the
10 following:

11 “(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO
12 THE UNITED STATES.—

13 “(1) IN GENERAL.—Not later than 60 days
14 after the date of enactment of the Aviation and
15 Transportation Security Act, each air carrier and
16 foreign air carrier operating a passenger flight in
17 foreign air transportation to the United States shall
18 provide to the Commissioner of Customs by elec-
19 tronic transmission a passenger and crew manifest
20 containing the information specified in paragraph
21 (2). Carriers may use the advanced passenged infor-
22 mation system established under section 431 of the
23 Tariff Act of 1930 (19 U.S.C. 1431) to provide the
24 information required by the preceding sentence.

1 “(2) INFORMATION.—A passenger and crew
2 manifest for a flight required under paragraph (1)
3 shall contain the following information:

4 “(A) The full name of each passenger and
5 crew member.

6 “(B) The date of birth and citizenship of
7 each passenger and crew member.

8 “(C) The sex of each passenger and crew
9 member.

10 “(D) The passport number and country of
11 issuance of each passenger and crew member if
12 required for travel.

13 “(E) The United States visa number or
14 resident alien card number of each passenger
15 and crew member, as applicable.

16 “(F) Such other information as the Under
17 Secretary, in consultation with the Commis-
18 sioner of Customs, determines is reasonably
19 necessary to ensure aviation safety.

20 “(3) PASSENGER NAME RECORDS.—The car-
21 riers shall make passenger name record information
22 available to the Customs Service upon request.

23 “(4) TRANSMISSION OF MANIFEST.—Subject to
24 paragraph (5), a passenger and crew manifest re-
25 quired for a flight under paragraph (1) shall be

1 transmitted to the Customs Service in advance of
2 the aircraft landing in the United States in such
3 manner, time, and form as the Customs Service pre-
4 scribes.

5 “(5) TRANSMISSION OF MANIFESTS TO OTHER
6 FEDERAL AGENCIES.—Upon request, information
7 provided to the Under Secretary or the Customs
8 Service under this subsection may be shared with
9 other Federal agencies for the purpose of protecting
10 national security.”

11 118) SEC. 148. AIR TRANSPORTATION ARRANGEMENTS IN CER-
12 TAIN STATES.

13 (a) IN GENERAL.—Notwithstanding any provision of
14 section 41309(a) of title 49, United States Code, to the
15 contrary, air carriers providing air transportation on
16 flights which both originate and terminate at points within
17 the same State may file an agreement, request, modifica-
18 tion, or cancellation of an agreement within the scope of
19 that section with the Secretary of Transportation upon a
20 declaration by the Governor of the State that such agree-
21 ment, request, modification, or cancellation is necessary
22 to ensure the continuing availability of such air transpor-
23 tation within that State.

24 (b) APPROVAL OF SECRETARY.—The Secretary may
25 approve any such agreement, request, modification, or

1 cancellation and grant an exemption under section
2 41308(c) of title 49, United States Code, to the extent
3 necessary to effectuate such agreement, request, modifica-
4 tion, or cancellation, without regard to the provisions of
5 section 41309(b) or (c) of that title.

6 (c) PUBLIC INTEREST REQUIREMENT.—The Sec-
7 retary may approve such an agreement, request, modifica-
8 tion, or cancellation if the Secretary determines that—

9 (1) the State to which it relates has extraor-
10 dinary air transportation needs and concerns; and

11 (2) approval is in the public interest.

12 (d) TERMINATION.—An approval under subsection
13 (b) and an exemption under section 41308(c) of title 49,
14 United States Code, granted under subsection (b) shall
15 terminate on the earlier of the 2 following dates:

16 (1) A date established by the Secretary in the
17 Secretary's discretion.

18 (2) October 1, 2002.

19 (e) EXTENSION.—Notwithstanding subsection (d), if
20 the Secretary determines that it is in the public interest,
21 the Secretary may extend the termination date under sub-
22 section (d)(2) until a date no later than October 1, 2003.

23 (f) REPORTS.—If the Secretary approves any such
24 agreement, request, modification, or cancellation under
25 this section and grants an exemption, the Secretary shall

1 transmit a report to Committee on Commerce, Science,
2 and Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives within 6 months describing what actions have
5 been taken by the air carriers to which the exemption was
6 granted. The Secretary shall also notify those committees
7 if the Secretary extends the termination date under sub-
8 section (e).

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9 **SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.**

10 In order to ensure that all airline computer reserva-
11 tion systems maintained by United States air carriers are
12 secure from unauthorized access by persons seeking infor-
13 mation on reservations, passenger manifests, or other non-
14 public information, the Secretary of Transportation shall
15 require all such air carriers to utilize to the maximum ex-
16 tent practicable the best technology available to secure
17 their computer reservation system against such unauthor-
18 ized access.

19 **SEC. 118. SECURITY FUNDING.**

20 **[(a) USER FEE FOR SECURITY SERVICES.—**

21 **[(1) IN GENERAL.—**Chapter 481 of title 49,
22 United States Code, is amended by adding at the
23 end thereof the following:

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1 SEC. 116. SECURITY SERVICE FEE.

2 (a) IN GENERAL.—Subchapter II of chapter 449 is
3 amended by adding at the end the following:

4 “§ 44940. Security service fee

5 “(a) GENERAL AUTHORITY.—

6 “(1) PASSENGER FEES.—The Under Secretary
7 of Transportation for Security shall impose a uni-
8 form fee, on passengers of air carriers and foreign
9 air carriers in air transportation and intrastate air
10 transportation originating at airports in the United
11 States, to pay for the following costs of providing
12 civil aviation security services:

13 “(A) Salary, benefits, overtime, retirement
14 and other costs of screening personnel, their su-
15 pervisors and managers, and Federal law en-
16 forcement personnel deployed at airport security
17 screening locations under section 44901.

18 “(B) The costs of training personnel de-
19 scribed in subparagraph (A), and the acquisi-
20 tion, operation, and maintenance of equipment
21 used by such personnel.

22 “(C) The costs of performing background
23 investigations of personnel described in sub-
24 paragraphs (A), (D), (F), and (G).

1 “(D) The costs of the Federal air marshals
2 program.

3 “(E) The costs of performing civil aviation
4 security research and development under this
5 title.

6 “(F) The costs of Federal Security Man-
7 agers under section 44903.

8 “(G) The costs of deploying Federal law
9 enforcement personnel pursuant to section
10 44903(h).

11 The amount of such costs shall be determined by the
12 Under Secretary and shall not be subject to judicial
13 review ~~and section 44903.~~

14 “(2) AIR CARRIER FEES.—

15 “(A) AUTHORITY.—In addition to the fee
16 imposed pursuant to paragraph (1), and only to
17 the extent that the Under Secretary estimates
18 that such fee will be insufficient to pay for the
19 costs of providing civil aviation security services
20 described in paragraph (1), the Under Sec-
21 retary may impose a fee on air carriers and for-
22 eign air carriers engaged in air transportation
23 and intrastate air transportation to pay for the
24 difference between any such costs and the
25 amount collected from such fee, as estimated by



1 the Under Secretary at the beginning of each
2 fiscal year. The estimates of the Under Sec-
3 retary under this subparagraph are not subject
4 to judicial review.

5 “(B) LIMITATIONS.—

6 “(i) OVERALL LIMIT.—The amounts
7 of fees collected under this paragraph for
8 each fiscal year may not exceed, in the ag-
9 gregate, the amounts paid in calendar year
10 2000 by carriers described in subpara-
11 graph (A) for screening passengers and
12 property, as determined by the Under Sec-
13 retary.

14 “(ii) PER-CARRIER LIMIT.—The
15 amount of fees collected under this para-
16 graph from an air carrier described in sub-
17 paragraph (A) for each of fiscal years
18 2002, 2003, and 2004 may not exceed the
19 amount paid in calendar year 2000 by that
20 carrier for screening passengers and prop-
21 erty, as determined by the Under Sec-
22 retary.

23 “(iii) ADJUSTMENT OF PER-CARRIER
24 LIMIT.—For fiscal year 2005 and subse-
25 quent fiscal years, the per-carrier limita-



tion under clause (ii) may be determined by the Under Secretary on the basis of market share or any other appropriate measure in lieu of actual screening costs in calendar year 2000.

“(iv) FINALITY OF DETERMINATIONS.—Determinations of the Under Secretary under this subparagraph are not subject to judicial review.

“(c) SPECIAL RULE FOR FISCAL YEAR 2002.—The amount of fees collected under this paragraph from any carrier for fiscal year 2002 may not exceed the amounts paid by that carrier for screening passengers and property for a period of time in calendar year 2000 proportionate to the period of time in fiscal year 2002 during which fees are collected under this paragraph.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration’s costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 per enplanement in air transportation or intrastate air transportation that



1 originates at an airport in the United States, except that
2 the total amount of such fees may not exceed \$5.00 per
3 one-way trip.

4 "(d) IMPOSITION OF FEE.—

5 "(1) IN GENERAL.—Notwithstanding section
6 9701 of title 31 and the procedural requirements of
7 section 553 of title 5, the Under Secretary shall im-
8 pose the fee under subsection (a)(1), and may im-
9 pose a fee under subsection (a)(2), through the pub-
10 lication of notice of such fee in the Federal Register
11 and begin collection of the fee within 60 days of the
12 date of enactment of this Act, or as soon as possible
13 thereafter.

14 "(2) SPECIAL RULES PASSENGER FEES.—A fee
15 imposed under subsection (a)(1) through the proce-
16 dures under subsection (d) shall apply only to tickets
17 sold after the date on which such fee is imposed. If
18 a fee imposed under subsection (a)(1) through the
19 procedures under subsection (d) on transportation of
20 a passenger of a carrier described in subsection
21 (a)(1) is not collected from the passenger, the
22 amount of the fee shall be paid by the carrier.

23 "(3) SUBSEQUENT MODIFICATION OF FEE.—

24 After imposing a fee in accordance with paragraph
25 (1), the Under Secretary may modify, from time to

1 (b) CONFORMING AMENDMENT TO AIRPORT AND
2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
3 ternal Revenue Code of 1986 (relating to airport and air-
4 way program) is amended by inserting “or the ~~Airport and~~ *(Aviation*
5 Transportation Security ~~Federalization~~ Act” after “21st
6 Century”.

124) 7 **SEC. 114. TECHNICAL CORRECTIONS.**

8 (a) REPORT DEADLINE.—Section 106(a) of the Air
9 Transportation Safety and System Stabilization Act (Pub-
10 lic Law 107-42) is amended by striking “February 1,
11 2001” and inserting “February 1, 2002”.

12 (b) INSURANCE AND REINSURANCE OF AIRCRAFT.—
13 Section 44306(c) (as redesignated by section 201(d) of
14 such Act) is amended by inserting “in the interest of air
15 commerce or national security or” before “to carry out
16 foreign policy”.

17 (c) FEDERAL CREDIT INSTRUMENTS.—Section
18 102(c)(2)(A) of such Act is amended by striking “rep-
19 resentatives” and inserting “representations”.

20 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE
21 PER AIR CARRIER.—Section 103 of such Act is amended
22 by adding at the end the following:

23 “(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

24 “(1) SET-ASIDE.—The President may set aside
25 a portion of the amount of compensation payable to

1 time through publication of notice in the Federal
2 Register, the imposition or collection of such fee, or
3 both.

4 "(4) LIMITATION ON COLLECTION.—No fee
5 may be collected under this section except to the ex-
6 tent that the expenditure of the fee to pay the costs
7 of activities and services for which the fee is imposed
8 is provided for in advance in an appropriations Act.

9 "(e) ADMINISTRATION OF FEES.—

10 "(1) FEES PAYABLE TO UNDER SECRETARY.—
11 All fees imposed and amounts collected under this
12 section are payable to the Under Secretary.

13 "(2) FEES COLLECTED BY AIR CARRIER.—A fee
14 imposed under subsection (a)(1) shall be collected by
15 the air carrier or foreign air carrier that sells a tick-
16 et for transportation described in subsection (a)(1).

17 "(3) DUE DATE FOR REMITTANCE.—A fee col-
18 lected under this section shall be remitted on the
19 last day of each calendar month by the carrier col-
20 lecting the fee. The amount to be remitted shall be
21 for the calendar month preceding the calendar
22 month in which the remittance is made.

23 "(4) INFORMATION.—The Under Secretary may
24 require the provision of such information as the
25 Under Secretary decides is necessary to verify that

1 fees have been collected and remitted at the proper
2 times and in the proper amounts.

3 "(5) FEE NOT SUBJECT TO TAX.—For purposes
4 of section 4261 of the Internal Revenue Code of
5 1986 (26 U.S.C. 4261), a fee imposed under this
6 section shall not be considered to be part of the
7 amount paid for taxable transportation.

8 "(6) COST OF COLLECTING FEE.—No portion
9 of fee collected under this section may be retained
10 by the air carrier or foreign air carrier for the costs
11 of collecting, handling, or remitting the fee except
12 for interest accruing to the carrier after collection
13 and before remittance.

14 "(f) RECEIPTS CREDITED AS OFFSETTING COLLEC-
15 TIONS.—Notwithstanding section 3302 of title 31, any fee
16 collected under this section—

17 "(1) shall be credited as offsetting collections to
18 the account that finances the activities and services
19 for which the fee is imposed;

20 "(2) shall be available for expenditure only to
21 pay the costs of activities and services for which the
22 fee is imposed; and

23 "(3) shall remain available until expended.



1 “(g) REFUNDS.—The Under Secretary may refund
2 any fee paid by mistake or any amount paid in excess of
3 that required.

4 “(h) EXEMPTIONS.—The Under Secretary may ex-
5 empt from the passenger fee imposed under subsection
6 (a)(1) any passenger enplaning at an airport in the United
7 States that does not receive screening services under sec-
8 tion 44901 for that segment of the trip for which the pas-
9 senger does not receive screening.”.

10 “(b) CONFORMING AMENDMENT.—The analysis for
11 such chapter is amended by adding at the end the fol-
12 lowing:

“44940. Security service fee.”



1 **["§ 48114. User fee for security services charge**

2 **["(a) IN GENERAL.—**The Secretary of Transpor-
 3 tation shall collect a user fee from air carriers. Amounts
 4 collected under this section shall be treated as offsetting
 5 collections to offset annual appropriations for the costs of
 6 providing aviation security services.

7 **["(b) AMOUNT OF FEE.—**Air carriers shall remit
 8 \$2.50 for each passenger enplanement.

9 **["(c) USE OF FEES.—**A fee collected under this sec-
 10 tion shall be used solely for the costs associated with pro-
 11 viding aviation security services and may be used only to
 12 the extent provided in advance in an appropriation law.".

13 **[(2) CLERICAL AMENDMENT.—**The table of
 14 sections for chapter 481 of title 49, United States
 15 Code, is amended by adding at the end thereof the
 16 following:

["48114. User fee for security services".

17 **[(3) EFFECTIVE DATE.—**The amendment
 18 made by paragraph (1) shall apply with respect to
 19 transportation beginning after the date which is 180
 20 days after the date of enactment of this Act.]

C 2) **(b) SPECIFIC AUTHORIZATION OF APPROPRIA-**
 22 **TIONS.—**

23 **(1) IN GENERAL.—**Part C of subtitle VII of
 24 title 49, United States Code, is amended by adding
 25 at the end the following:

1 "CHAPTER 483 AVIATION SECURITY FUNDING" ✓

"Sec.

"48301. Aviation security funding

2 "§ 48301. Aviation security funding

3 "(a) IN GENERAL.—There are authorized to be ap-
4 propriated for fiscal years 2002, 2003, 2004, and 2005
5 such sums as may be necessary to carry out chapter 449
6 and related aviation security activities under this title. Any
7 amounts appropriated pursuant to this section for fiscal
8 year 2002 shall remain available until expended.

9 "(b) GRANTS FOR AIRCRAFT SECURITY.—There is
10 authorized to be appropriated \$500,000,000 for fiscal year
11 2002 to the Secretary of Transportation to make grants
12 to air carriers to—

13 "(1) fortify cockpit doors to deny access from
14 the cabin to the pilots in the cockpit;

15 "(2) provide for the use of video monitors or
16 other devices to alert the cockpit crew to activity in
17 the passenger cabin;

18 "(3) ensure continuous operation of the aircraft
19 transponder in the event the crew faces an emer-
20 gency; and

21 "(4) provide for the use of other innovative
22 technologies to enhance aircraft security."

23 (2) CONFORMING AMENDMENT.—The subtitle
24 analysis for subtitle VII of title 49, United States

Insert to Page 76

1 “(b) GRANTS FOR AIRCRAFT SECURITY.—There is
2 authorized to be appropriated \$500,000,000 for fiscal year
3 2002 to the Secretary of Transportation to make grants
4 to or other agreements with air carriers (including intra-
5 state air carriers) to—

6 “(1) fortify cockpit doors to deny access from
7 the cabin to the pilots in the cockpit;

8 “(2) provide for the use of video monitors or
9 other devices to alert the cockpit crew to activity in
10 the passenger cabin;

11 “(3) ensure continuous operation of the aircraft
12 transponder in the event the crew faces an emer-
13 gency; and

14 “(4) provide for the use of other innovative
15 technologies to enhance aircraft security.”.



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1 Code, is amended by inserting after the item relating
2 to chapter 482 the following:

"483. Aviation Security Funding 48301".

3 **SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION**
4 **SECURITY.**

5 (a) LIMITED USE OF AIRPORT IMPROVEMENT PRO-
6 GRAM FUNDS.—

7 (1) AIRPORT DEVELOPMENT FUNDS.—Section
8 47102(3) of title 49, United States Code, is amend-
9 ed by adding at the end the following:

10 additional) "~~(J) with funds made available for fiscal~~
11 year 2002, any ~~airport~~ security related activ-
12 ity required by law or by the Secretary after
13 September 11, 2001, and before October 1,
14 2002.

15 (K) in fiscal year 2002 with respect to
16 funds apportioned under section 47114, any ac-
17 tivity, including operational activities, of an air-
18 port that is not a primary airport if that air-
19 port is located within the confines of enhanced
20 class B airspace, as defined by Notice to Air-
21 men FDC 1/0618 issued by the Federal Avia-
22 tion Administration and the activity ~~is~~ carried ^{was}
23 out when the Notice is in effect. ~~_____~~ 6
24

any
restriction
in

25 (L) in fiscal year 2002, payments for
debt service on indebtedness incurred to carry

{ in fiscal
years
2001 and
2002

1 out a project at an airport owned or controlled
2 by the sponsor or at a privately owned or oper-
3 ated airport passenger terminal financed by in-
4 debtedness incurred by the sponsor if the Sec-
5 retary determines that such payments are nec-
6 essary to prevent a default on the indebted-
7 ness.”.

8 (2) ALLOWABLE COSTS.—Section 47110(b)(2)
9 of title 49, United States Code, is amended—

10 (A) by striking “or” in subparagraph (B);

11 (B) by inserting “or” after “executed,” in
12 subparagraph (C); and

13 (C) by adding at the end the following:

14 “(D) if the cost is incurred after Sep-
15 tember 11, 2001, for a project described in sec-
16 tion 47102(3)(J), and shall not depend upon
17 the date of execution of a grant agreement
18 made under this subchapter;”.

19 (3) DISCRETIONARY GRANTS.—Section 47115

20 of title 49, United States Code, is amended by add-
21 ing at the end the following:

22 “(i) CONSIDERATIONS FOR PROJECT UNDER EX-
23 PANDED SECURITY ELIGIBILITY.—In order to assure that
24 funding under this subchapter is provided to the greatest
25 needs, the Secretary, in selecting a project described in

47102(3)(K),
c. 47102
(3)(L)
=

1 section 47102(3)(J) for a grant, shall consider the non-
2 federal resources available to sponsor, the use of such non-
3 federal resources, and the degree to which the sponsor is
4 providing increased funding for the project.”.

5 (4) FEDERAL SHARE.—Section 47109(a) of
6 title 49, United States Code, is amended—

7 (A) by striking “and” in paragraph (3);

8 (B) by striking “47134.” in paragraph (4)
9 and inserting “47134; and”; and

10 (C) by adding at the end the following:

11 “(5) for fiscal year 2002, 100 percent for a
12 project described in section 47102(3)(J).”

13 (5) AIRPORT DEVELOPMENT.—Section
14 47102(3)(B) of title 49, United States Code, is
15 amended—

16 (A) by striking “and” at the end of clause
17 (viii);

18 (B) by striking the period at the end of
19 clause (ix) and inserting “; and”; and

20 (C) by inserting after clause (ix) the fol-
21 lowing new clause:

22 “(x) replacement of baggage conveyor
23 systems, and reconfiguration of terminal
24 baggage areas, that the Secretary deter-

(S 47102(3)(K),
(L) 47102(3)

1 mines are necessary to install bulk explo-
2 sive detection devices.”.

3 (b) APPORTIONED FUNDS.—For the purpose of car-
4 rying out section 47114 of title 49, United States Code,
5 for fiscal year 2003, the Secretary shall use, in lieu of
6 passenger boardings at an airport during the prior cal-
7 endar year, the greater of—

8 (1) the number of passenger boardings at that
9 airport during 2000; or

10 (2) the number of passenger boardings at that
11 airport during 2001.

12 (c) EXPEDITED PROCESSING OF SECURITY-RELATED
13 PFC REQUESTS.—The Administrator of the Federal
14 Aviation Administration shall, to the extent feasible, expe-
15 dite the processing and approval of passenger facility fee
16 requests under subchapter I of chapter 471 of title 49,
17 United States Code, for projects described in section
18 47192(3)(J) of title 49, United States Code.

19) ~~(d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-~~
20 ~~VISION.—Section 45301(b)(1)(B) of title 49, United~~
21 ~~States Code, is amended by striking “directly” and insert-~~
22 ~~ing “reasonably”.~~

insert

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attached

1 air carriers under section 101(a)(2) to provide com-
 2 pensation to classes of air carriers, such as ~~air am-~~
 3 bulances (including hospitals operating air ambu-
 4 lances) for whom the application of a distribution
 5 formula containing available seat miles as a factor
 6 would inadequately reflect their share of direct and
 7 incremental losses. The President shall reduce the
 8 \$4,500,000,000 specified in subsection (b)(2)(A)(i)
 9 by the amount set aside under this subsection.

10 **“(2) DISTRIBUTION OF AMOUNTS.—**The Presi-
 11 dent shall distribute the amount set aside under this
 12 subsection proportionally among ~~air carriers pro-~~
 13 ~~viding air ambulance services~~ based on an appro-
 14 priate auditable measure, as determined by the
 15 President.”.

16 **SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**
 17 **SUSPICIOUS ACTIVITIES.**

18 (a) **IN GENERAL.—**Subchapter II of chapter 449 of
 19 title 49, United States Code, is amended by inserting at
 20 the end the following.

21 **“§ 44940. Immunity for reporting suspicious activities**

22 **“(a) IN GENERAL.—**Any air carrier or foreign air
 23 carrier or any employee of an air carrier or foreign air
 24 carrier who makes a voluntary disclosure of any suspicious
 25 transaction relevant to a possible violation of law or regu-

180
Insert to page 180

1 (d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-
2 VISION.—Section 45301(b)(1)(B) of title 49, United
3 States Code, is amended—

4 (1) by striking “directly” and inserting “rea-
5 sonably”;

6 (2) by striking “Administration’s costs” and in-
7 serting “Administration’s costs, as determined by
8 the Administrator.”; and

9 (3) by adding at the end “The determination
10 of such costs by the Administrator is not subject to
11 judicial review.”.



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1 SEC. 1. CHEMICAL AND BIOLOGICAL WEAPON DETEC-
2 TION.

3 Section 44903(c)(2)(C) of title 49, United States
4 Code, is amended to read as follows:

5 "(C) MAXIMUM USE OF CHEMICAL AND BI-
6 OLOGICAL WEAPON DETECTION EQUIPMENT.—
7 The Secretary of Transportation may require
8 airports to maximize the use of technology and
9 equipment that is designed to detect or neu-
10 tralize potential chemical or biological weap-
11 ons."

121

12 SEC. ~~120~~. AUTHORIZATION OF FUNDS FOR REIMBURSE-
13 MENT OF AIRPORTS FOR SECURITY MAN-
14 DATES.

15 (a) AIRPORT SECURITY.—There is authorized to be
16 appropriated to the Secretary for fiscal years 2002 and
17 2003 a total of \$1,500,000,000 to reimburse airport oper-
18 ators, on-airport parking lots, and vendors of on-airfield
19 direct services for direct costs incurred by such operators
20 to comply with new, additional, or revised security require-
21 ments imposed on such operators by the Federal Aviation
22 Administration or Transportation Security Administration
23 on or after September 11, 2001. Such sums shall remain
24 available until expended.

25 (b) DOCUMENTATION OF COSTS; AUDIT.—The Sec-
26 retary may not reimburse an airport operator, on-airport

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1 parking lot, or vendor of on-airfield direct services under
2 this section for any cost for which the airport operator,
3 on-airport parking lot, or vendor of on-airfield direct serv-
4 ices does not demonstrate to the satisfaction of the Sec-
5 retary, using sworn financial statements or other appro-
6 priate data, that—

7 (1) the cost is eligible for reimbursement under
8 subsection (a); and

9 (2) the cost was incurred by the airport oper-
10 ator, on-airport parking lot, or vendor of on-airfield
11 direct services.

12 The Inspector General of the Department of Transpor-
13 tation and the Comptroller General of the United States
14 may audit such statements and may request any other in-
15 formation ~~that~~ necessary to conduct such an audit.

16 (c) CLAIM PROCEDURE.—Within 30 days after the
17 date of enactment of this Act, the Secretary, after con-
18 sultation with airport operators, on-airport parking lots,
19 and vendors of on-airfield direct services, shall publish in
20 the Federal Register the procedures for filing claims for
21 reimbursement under this section of eligible costs incurred
22 by airport operators.

122 } 23 SEC. 121. SENSE OF THE CONGRESS.

24 It is the sense of the Congress that—

to air
carriers

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1 (1) an airport receiving Federal financial assist-
2 ance should meet with the tenants of the airport
3 (other than air carriers and foreign air carriers) to
4 discuss adjustments of the rent of the tenants to ac-
5 count for losses in revenue incurred by the tenants
6 on and after September 11, 2001; ~~and~~ 6

7 (2) an air carrier that received financial assist-
8 ance under the Air Transportation Safety and Sys-
9 tem Stabilization Act or under title 49, United
10 States Code, since September 11, 2001, should meet
11 with airport operators to discuss ~~adjustments in~~
12 rates, charges, and fees, ~~and~~ 6 and

13 SEC. 43. AIRPORT IMPROVEMENT PROGRAMS.

14 (a) COMPETITION PLAN.—Section 47106(f) is
15 amended—

16 (1) by redesignating paragraph (3) as para-
17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—

21 This subsection does not apply to any passenger fa-
22 cility fee approved, or grant made, in fiscal year
23 2002 if the fee or grant is to be used to improve se-
24 curity at a covered airport.”.

Insert
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payment
not
applicable

Insert to page 83

- 1 (3) the Federal Aviation Administration should
- 2 maintain its current restriction on carry-on baggage
- 3 of 1 bag and 1 personal item.

1 (b) CONFORMING AMENDMENT TO AIRPORT AND
2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
3 ternal Revenue Code of 1986 (relating to airport and air-
4 way program) is amended by inserting “or the ~~Airport and~~ *Aviation*
5 Transportation Security ~~Federalization~~ Act” after “21st
6 Century”.

124) 7 **SEC. 114. TECHNICAL CORRECTIONS.**

8 (a) REPORT DEADLINE.—Section 106(a) of the Air
9 Transportation Safety and System Stabilization Act (Pub-
10 lic Law 107-42) is amended by striking “February 1,
11 2001” and inserting “February 1, 2002”.

12 (b) INSURANCE AND REINSURANCE OF AIRCRAFT.—
13 Section 44306(c) (as redesignated by section 201(d) of
14 such Act) is amended by inserting “in the interest of air
15 commerce or national security or” before “to carry out
16 foreign policy”.

17 (c) FEDERAL CREDIT INSTRUMENTS.—Section
18 102(c)(2)(A) of such Act is amended by striking “rep-
19 resentatives” and inserting “representations”.

20 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE
21 PER AIR CARRIER.—Section 103 of such Act is amended
22 by adding at the end the following:

23 “(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—
24 “(1) SET-ASIDE.—The President may set aside
25 a portion of the amount of compensation payable to

*air
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1 air carriers under section 101(a)(2) to provide com-
2 pensation to classes of air carriers, such as air am-
3 bulances (including hospitals operating air ambu-
4 lances) for whom the application of a distribution
5 formula containing available seat miles as a factor
6 would inadequately reflect their share of direct and
7 incremental losses. The President shall reduce the
8 \$4,500,000,000 specified in subsection (b)(2)(A)(i)
9 by the amount set aside under this subsection.

10 **“(2) DISTRIBUTION OF AMOUNTS.—**The Presi-
11 dent shall distribute the amount set aside under this
12 subsection proportionally among *such* air carriers ~~pro-~~
13 ~~viding air ambulance services~~ based on an appro-
14 priate auditable measure, as determined by the
15 President.”.

125) 16 **SEC. 421. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**
17 **SUSPICIOUS ACTIVITIES.**

18 (a) **IN GENERAL.—**Subchapter II of chapter 449 of
19 title 49, United States Code, is amended by inserting at
20 the end the following:

44941 21 **“§ 44940. Immunity for reporting suspicious activities**

22 **“(a) IN GENERAL.—**Any air carrier or foreign air
23 carrier or any employee of an air carrier or foreign air
24 carrier who makes a voluntary disclosure of any suspicious
25 transaction relevant to a possible violation of law or regu-

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(b) "Immunity" is recommended by adding at the end of the following: "44941. Immunity for reporting suspicious activities."

1 lation, relating to air piracy, a threat to aircraft or pas-
 2 senger safety, or terrorism, as defined by section 3077 of
 3 title 18, United States Code, to any employee or agent
 4 of the Department of Transportation, the Department of
 5 Justice, any Federal, State, or local law enforcement offi-
 6 cer, or any airport or airline security officer shall not be
 7 civilly liable to any person under any law or regulation
 8 of the United States, any constitution, law, or regulation
 9 of any State or political subdivision of any State, for such
 10 disclosure.

11 "(b) APPLICATION.—Subsection (a) shall not apply
 12 to—

13 "(1) any disclosure made with actual knowledge
 14 that the disclosure was false, inaccurate, or mis-
 15 leading; or

16 "(2) any disclosure made with reckless dis-
 17 regard as to the truth or falsity of that disclosure.

18 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**
 19 **DECK CREWS.**

20 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The
 21 National Institute of Justice shall assess the range of less-
 22 than-lethal weaponry available for use by a flight deck
 23 crewmember temporarily to incapacitate an individual who
 24 presents a clear and present danger to the safety of the
 25 aircraft, its passengers, or individuals on the ground and

1 report its findings and recommendations to the Secretary
2 of Transportation within 90 days after the date of enact-
3 ment of this Act.

(h) Arming
Flight Deck
Crew... } 4 Section 44903 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH
7 LESS-THAN-LETHAL WEAPONS.—

8 “(1) IN GENERAL.—If the Secretary, after re-
9 ceiving the recommendations of the National Insti-
10 tute of Justice, determines, with the approval of the
11 Attorney General and the Secretary of State, that it
12 is appropriate and necessary and would effectively
13 serve the public interest in avoiding air piracy, the
14 Secretary may authorize members of the flight deck
15 crew on any aircraft providing air transportation or
16 intrastate air transportation to carry a less-than-le-
17 thal weapon while the aircraft is engaged in pro-
18 viding such transportation.

19 “(2) USAGE.—If the Secretary grants authority
20 under paragraph (1) for flight deck crew members
21 to carry a less-than-lethal weapon while engaged in
22 providing air transportation or intrastate air trans-
23 portation, the Secretary shall—

1 “(A) prescribe rules requiring that any
2 such crew member be trained in the proper use
3 of the weapon; and

4 “(B) prescribe guidelines setting forth the
5 circumstances under which such weapons may
6 be used.”.

127 } 7 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

8 (a) IN GENERAL.—During a national emergency af-
9 fecting air transportation or intrastate air transportation,
10 the Secretary of Transportation, after consultation with
11 the Transportation Security Oversight Board, may grant
12 a complete or partial waiver of any restrictions on the car-
13 riage by aircraft of freight, mail, emergency medical sup-
14 plies, personnel, or patients on aircraft, imposed by the
15 Department of Transportation (or other Federal agency
16 or department) that would permit such carriage of freight,
17 mail, emergency medical supplies, personnel, or patients
18 on flights, to, from, or within a State if the Secretary de-
19 termines that—

20 (1) extraordinary air transportation needs or
21 concerns exist; and

22 (2) the waiver is in the public interest, taking
23 into consideration the isolation of and dependence on
24 air transportation of the State.

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1 lation, relating to air piracy, a threat to aircraft or pas-
 2 senger safety, or terrorism, as defined by section 3077 of
 3 title 18, United States Code, to any employee or agent
 4 of the Department of Transportation, the Department of
 5 Justice, any Federal, State, or local law enforcement offi-
 6 cer, or any airport or airline security officer shall not be
 7 civilly liable to any person under any law or regulation
 8 of the United States, any constitution, law, or regulation
 9 of any State or political subdivision of any State, for such
 10 disclosure.

11 "(b) APPLICATION.—Subsection (a) shall not apply
 12 to—

13 "(1) any disclosure made with actual knowledge
 14 that the disclosure was false, inaccurate, or mis-
 15 leading; or

16 "(2) any disclosure made with reckless dis-
 17 regard as to the truth or falsity of that disclosure.

18 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**
 19 **DECK CREWS.**

20 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The
 21 National Institute of Justice shall assess the range of less-
 22 than-lethal weaponry available for use by a flight deck
 23 crewmember temporarily to incapacitate an individual who
 24 presents a clear and present danger to the safety of the
 25 aircraft, its passengers, or individuals on the ground and

for each chapter is amended by adding at the end
 the following:
 "44941. Immunity for reporting suspicious activities."

126

1 (b) LIMITATIONS.—The Secretary may impose rea-
2 sonable limitations on any such waiver.

128) 3 **SEC. 125. FLIGHT DECK SECURITY**

4 The pilot of a passenger aircraft operated by an air
5 carrier in air transportation or intrastate air transpor-
6 tation is authorized to carry a firearm into the cockpit
7 if—

8 (1) the Under Secretary of Transportation for
9 ~~Transportation Security~~ approves;

10 (2) the air carrier approves;

11 (3) the firearm is approved by the Under Sec-
12 retary; and

13 (4) the pilot has received proper training for
14 the use of the firearm, as determined by the Sec- *Under*
15 retary.

129) 16 **SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.**

17 Section 44703(g) of title 49, United States Code, is
18 amended—

19 (1) in the first sentence of paragraph (1)—

20 (A) by striking “pilots” and inserting “air-
21 men”; and

22 (B) by striking the period and inserting
23 “and related to combating acts of terrorism.”;
24 and

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1 (2) by adding at the end, the following new
2 paragraphs:

3 “(3) For purposes of this section, the term ‘acts of
4 terrorism’ means an activity that involves a violent act or
5 an act dangerous to human life that is a violation of the
6 criminal laws of the United States or of any State, or that
7 would be a criminal violation if committed within the juris-
8 diction of the United States or of any State, and appears
9 to be intended to intimidate or coerce a civilian population
10 to influence the policy of a government by intimidation
11 or coercion or to affect the conduct of a government by
12 assassination or kidnaping.

13 “(4) The Administrator is authorized and directed to
14 work with State and local authorities, and other Federal
15 agencies, to assist in the identification of individuals ap-
16 plying for or holding airmen certificates.”.

133 17 **SEC. 44942. RESULTS-BASED MANAGEMENT.**

18 Subchapter II of chapter 449 of title 49, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 44942. Performance goals and objectives**

22 **“(a) SHORT TERM TRANSITION.—**

23 **“(1) IN GENERAL.—**Within 180 days after the
24 date of enactment of the Aviation and Transpor-
25 tation Security Act, the Under Secretary for Trans-

1 portation Security may, in consultation with
2 Congress—

3 “(A) establish acceptable levels of perform-
4 ance for aviation security, including screening
5 operations and access control, and

6 “(B) provide Congress with an action plan,
7 containing measurable goals and milestones,
8 that outlines how those levels of performance
9 will be achieved.

10 “(2) BASICS OF ACTION PLAN.—The action
11 plan shall clarify the responsibilities of the Trans-
12 portation Security Administration, the Federal Avia-
13 tion Administration and any other agency or organi-
14 zation that may have a role in ensuring the safety
15 and security of the civil air transportation system.

16 “(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

17 “(1) PERFORMANCE PLAN AND REPORT.—

18 “(A) PERFORMANCE PLAN.—

19 “(i) Each year, consistent with the re-
20 quirements of the Government Perform-
21 ance and Results Act of 1993 (GPRA), the
22 Secretary and the Under Secretary for
23 Transportation Security shall agree on a
24 performance plan for the succeeding 5
25 years that establishes measurable goals

1 and objectives for aviation security. The
2 plan shall identify action steps necessary to
3 achieve such goals.

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4 “(ii) In addition to meeting the require-
5 ments of GPRA, the performance plan should
6 clarify the responsibilities of the Secretary, the
7 Under Secretary for Transportation Security
8 and any other agency or organization that may
9 have a role in ensuring the safety and security
10 of the civil air transportation system.

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11 “(B) PERFORMANCE REPORT.—(i) Each
12 year, consistent with the requirements of
13 GPRA, the Under Secretary for Transportation
14 Security shall prepare and submit to Congress
15 an annual report including an evaluation of the
16 extent goals and objectives were met. The re-
17 port shall include the results achieved during
18 the year relative to the goals established in the
19 performance plan.

20 **“§ 44943. Performance management system**

21 “(a) ESTABLISHING A FAIR AND EQUITABLE SYS-
22 TEM FOR MEASURING STAFF PERFORMANCE.—The
23 Under Secretary for Transportation Security shall estab-
24 lish a performance management system which strengthens
25 the organization’s effectiveness by providing for the estab-

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1 lishment of goals and objectives for managers, employees,
2 and organizational performance consistent with the per-
3 formance plan.

4 "(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY
5 FOR MEETING PERFORMANCE GOALS.—

6 "(1) Each year, the Secretary and Under Sec-
7 retary for Transportation Security shall enter into
8 an annual performance agreement that shall set
9 forth organizational and individual performance
10 goals for the Under Secretary.

11 "(2) Each year, the Under Secretary for ~~Transportation Security~~
12 ~~and each senior manager who reports to~~
13 ~~the Under Secretary for Transportation Security~~ shall
14 enter into an annual performance agreement that sets
15 forth organization and individual goals for those man-
16 agers. All other employees hired under the authority of
17 the Under Secretary for ~~Transportation Security~~ shall
18 enter into an annual performance agreement that sets
19 forth organization and individual goals for those employ-
20 ees.

21 "(c) PERFORMANCE-BASED SERVICE CON-
22 TRACTING.—To the extent contracts, if any, are used to
23 implement the Aviation Security Act, the Under Secretary
24 for Transportation Security shall, to the extent practical,
25 maximize the use of performance-based service contracts.

1 These contracts should be consistent with guidelines pub-
2 lished by the Office of Federal Procurement Policy.”.

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3 **SEC. 129. VOLUNTARY PROVISION OF EMERGENCY SERV-**
4 **ICES DURING COMMERCIAL FLIGHTS.**

5 (a) IN GENERAL.—Subchapter II of chapter 449 of
6 title 49, United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 44944. Voluntary provision of emergency services**

9 “(a) PROGRAM FOR PROVISION OF VOLUNTARY
10 SERVICES.—

11 “(1) PROGRAM.—The Under Secretary of
12 Transportation for Transportation Security shall
13 carry out a program to permit qualified law enforce-
14 ment officers, firefighters, and emergency medical
15 technicians to provide emergency services on com-
16 mercial air flights during emergencies.

17 “(2) REQUIREMENTS.—The Under Secretary
18 shall establish such requirements for qualifications
19 of providers of voluntary services under the program
20 under paragraph (1), including training require-
21 ments, as the Under Secretary considers appro-
22 priate.

23 “(3) CONFIDENTIALITY OF REGISTRY.—If as
24 part of the program under paragraph (1) the Under
25 Secretary requires or permits registration of law en-

1 enforcement officers, firefighters, or emergency med-
2 ical technicians who are willing to provide emergency
3 services on commercial flights during emergencies,
4 the Under Secretary shall take appropriate actions
5 to ensure that the registry is available only to appro-
6 priate airline personnel and otherwise remains con-
7 fidential.

8 “(4) CONSULTATION.—The Under Secretary
9 shall consult with appropriate representatives of the
10 commercial airline industry, and organizations rep-
11 resenting community-based law enforcement, fire-
12 fighters, and emergency medical technicians, in car-
13 rying out the program under paragraph (1), includ-
14 ing the actions taken under paragraph (3).

15 “(b) EXEMPTION FROM LIABILITY.—An individual
16 shall not be liable for damages in any action brought in
17 a Federal or State court that arises from an act or omis-
18 sion of the individual in providing or attempting to provide
19 assistance in the case of an in-flight emergency in an air-
20 craft of an air carrier if the individual meets such quali-
21 fications as the Under Secretary shall prescribe for pur-
22 poses of this section.

23 “(c) EXCEPTION.—The exemption under subsection
24 (b) shall not apply in any case in which an individual pro-
25 vides, or attempts to provide, assistance described in that

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1 paragraph in a manner that constitutes gross negligence
2 or willful misconduct.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

“44944. Voluntary provision of emergency services”.

6 (c) CONSTRUCTION REGARDING POSSESSION OF
7 FIREARMS.—Nothing in this section may be construed to
8 require any modification of regulations of the Department
9 of Transportation governing the possession of firearms
10 while in aircraft or air transportation facilities or to au-
11 thorize the possession of a firearm in an aircraft or any
12 such facility not authorized under those regulations.

132) 13 SEC. 13. GENERAL AVIATION AND AIR CHARTERS.

14 (a) AIR CHARTER PROGRAM.—Within 90 days after
15 the date of enactment of this Act, the Under Secretary
16 of Transportation for Transportation Security shall imple-
17 ment an aviation security program for charter air carriers
18 (as defined in section 40102(a)(13) of title 49, United
19 States Code) with a maximum ~~certified~~ takeoff weight of
20 12,500 pounds or more.

21 (b) GENERAL AVIATION PROGRAM.—Within 30 days
22 after the date of enactment of this Act, the Under Sec-
23 retary of Transportation for Transportation Security shall
24 transmit a report on airspace and other security measures
25 that can be deployed, as necessary, to improve security

(certified)

(general aviation)

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1 to the Senate Committee on Commerce, Science, and
2 Transportation and the House of Representatives Com-
3 mittee on Transportation and Infrastructure. The Under
4 Secretary may submit the report in both classified and re-
5 dacted forms.

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6 **SEC. 135. DEFINITIONS.**

7 Except as otherwise explicitly provided, any term
8 used in this title that is defined in section 40102 of title
9 49, United States Code, has the meaning given that term
10 in that section.

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11 **SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION**
12 **MATTERS.**

13 (a) **FLIGHT SERVICE STATION EMPLOYEES.**—It is
14 the sense of Congress that the Administrator of the Fed-
15 eral Aviation Administration should continue negotiating
16 in good faith with flight service station employees of the
17 Administration with a goal of reaching agreement on a
18 contract as soon as possible.

19 (b) **WAR RISK INSURANCE.**—It is the sense of Con-
20 gress that the Secretary of Transportation should imple-
21 ment section 202 of the Air Transportation Safety and
22 System Stabilization Act (Public Law 107-42) so as to
23 make war risk insurance directly available to vendors,
24 agents, and subcontractors of air carriers for all of their
25 domestic operations.

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1 SEC. 186. SENSE OF THE HOUSE OF REPRESENTATIVES.

2 It is the sense of the House of Representatives that

3 the Under Secretary of Transportation for Security should

4 develop security procedures to allow passengers trans-

5 porting a musical instrument on a flight of an air carrier

6 to transport the instrument in the passenger cabin of the

7 aircraft, notwithstanding any size or other restriction on

8 carry-on baggage but subject to such other reasonable se-

9 curity procedures, terms, and conditions as may be estab-

10 lished by the Under Secretary or the air carrier, including

11 imposing additional charges by the air carrier, and

12 SEC. —. SHORT-TERM ASSESSMENT AND DEPLOYMENT

13 OF EMERGING SECURITY TECHNOLOGIES

14 AND PROCEDURES.

15 Section 44903 of title 49, United States Code, is

16 amended by adding at the end the following:

17 “(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT

18 OF EMERGING SECURITY TECHNOLOGIES AND PROCE-

19 DURES.—

20 “(1) IN GENERAL.—The Under Secretary for

21 Transportation Security shall recommend to airport

22 operators, within 6 months after the date of enact-

23 ment of the Aviation and Transportation Security

24 Act, commercially available measures or procedures

25 to prevent access to secure airport areas by unau-

26 thorized persons. As part of the 6-month assess-

1 report its findings and recommendations to the Secretary
2 of Transportation within 90 days after the date of enact-
3 ment of this Act.

(h) Arming
Flight Deck
Crew...

4 Section 44903 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH
7 LESS-THAN-LETHAL WEAPONS.—

8 “(1) IN GENERAL.—If the Secretary, after re-
9 ceiving the recommendations of the National Insti-
10 tute of Justice, determines, with the approval of the
11 Attorney General and the Secretary of State, that it
12 is appropriate and necessary and would effectively
13 serve the public interest in avoiding air piracy, the
14 Secretary may authorize members of the flight deck
15 crew on any aircraft providing air transportation or
16 intrastate air transportation to carry a less-than-le-
17 thal weapon while the aircraft is engaged in pro-
18 viding such transportation.

19 “(2) USAGE.—If the Secretary grants authority
20 under paragraph (1) for flight deck crew members
21 to carry a less-than-lethal weapon while engaged in
22 providing air transportation or intrastate air trans-
23 portation, the Secretary shall—

Insert to p. 99

- 1 (2) an air carrier that transports mail under a
- 2 contract with the United States Postal Service
- 3 should transport any animal that the Postal Service
- 4 allows to be shipped through the mail.

1 ment, the Under Secretary for Transportation Secu-
2 rity shall—

3 “(A) review the effectiveness of biometrics
4 systems currently in use at several United
5 States airports, including San Francisco Inter-
6 national;

7 “(B) review the effectiveness of increased
8 surveillance at access points;

9 “(C) review the effectiveness of card- or
10 keypad-based access systems;

11 “(D) review the effectiveness of airport
12 emergency exit systems and determine whether
13 those that lead to secure areas of the airport
14 should be monitored or how breaches can be
15 swiftly responded to; and

16 “(E) specifically target the elimination of
17 the “piggy-backing” phenomenon, where an-
18 other person follows an authorized person
19 through the access point.

20 The 6-month assessment shall include a 12-month
21 deployment strategy for currently available tech-
22 nology at all category X airports, as defined in the
23 Federal Aviation Administration approved air carrier
24 security programs required under part 108 of title
25 14, Code of Federal Regulations. Not later than 18

1 months after the date of enactment of this Act, the
2 Secretary of Transportation shall conduct a review
3 of reductions in unauthorized access at these air-
4 ports.

5 “(2) COMPUTER-ASSISTED PASSENGER
6 PRESCREENING SYSTEM.—

7 “(A) IN GENERAL.—The Secretary of
8 Transportation shall ensure that the Computer-
9 Assisted Passenger Prescreening System, or
10 any successor system—

11 “(i) is used to evaluate all passengers
12 before they board an aircraft; and

13 “(ii) includes procedures to ensure
14 that individuals selected by the system and
15 their carry-on and checked baggage are
16 adequately screened.

17 “(B) MODIFICATIONS.—The Secretary of
18 Transportation may modify any requirement
19 under the Computer-Assisted Passenger
20 Prescreening System for flights that originate
21 and terminate within the same State, if the
22 Secretary determines that—

23 “(i) the State has extraordinary air
24 transportation needs or concerns due to its

1 isolation and dependence on air transpor-
2 tation; and

3 "(ii) the routine characteristics of
4 passengers, given the nature of the market,
5 regularly triggers primary selectee status.

137 } 6 **SEC. —. RESEARCH AND DEVELOPMENT OF AVIATION**
7 **SECURITY TECHNOLOGY.**

8 (a) FUNDING.—To augment the programs authorized
9 in section 44912(a)(1) of title 49, United States Code,
10 there is authorized to be appropriated an additional
11 \$50,000,000 for each of fiscal years 2002 through 2006
12 and such sums as are necessary for each fiscal year there-
13 after to the Transportation Security Administration, for
14 research, development, testing, and evaluation of the fol-
15 lowing technologies which may enhance aviation security
16 in the future. Grants to industry, academia, and Govern-
17 ment entities to carry out the provisions of this section
18 shall be available for fiscal years 2002 and 2003 for—

19 (1) the acceleration of research, development,
20 testing, and evaluation of explosives detection tech-
21 nology for checked baggage, specifically, technology
22 that is—

23 (A) more cost-effective for deployment for
24 explosives detection in checked baggage at
25 small- to medium-sized airports, and is cur-

1 rently under development as part of the Argus
2 research program at the Transportation Secu-
3 rity Administration;

4 (B) faster, to facilitate screening of all
5 checked baggage at larger airports; or

6 (C) more accurate, to reduce the number
7 of false positives requiring additional security
8 measures;

9 (2) acceleration of research, development, test-
10 ing, and evaluation of new screening technology for
11 carry-on items to provide more effective means of
12 detecting and identifying weapons, explosives, and
13 components of weapons of mass destruction, includ-
14 ing advanced x-ray technology;

15 (3) acceleration of research, development, test-
16 ing, and evaluation of threat screening technology
17 for other categories of items being loaded onto air-
18 craft, including cargo, catering, and duty-free items;

19 (4) acceleration of research, development, test-
20 ing, and evaluation of threats carried on persons
21 boarding aircraft or entering secure areas, including
22 detection of weapons, explosives, and components of
23 weapons of mass destruction;

24 (5) acceleration of research, development, test-
25 ing and evaluation of integrated systems of airport

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1 security enhancement, including quantitative meth-
2 ods of assessing security factors at airports selected
3 for testing such systems;

4 (6) expansion of the existing program of re-
5 search, development, testing, and evaluation of im-
6 proved methods of education, training, and testing
7 of key airport security personnel; and

8 (7) acceleration of research, development, test-
9 ing, and evaluation of aircraft hardening materials,
10 and techniques to reduce the vulnerability of aircraft
11 to terrorist attack.

12 (b) GRANTS.—Grants awarded under this subtitle
13 shall identify potential outcomes of the research, and pro-
14 pose a method for quantitatively assessing effective in-
15 creases in security upon completion of the research pro-
16 gram. At the conclusion of each grant, the grant recipient
17 shall submit a final report to the Transportation Security
18 Administration that shall include sufficient information to
19 permit the Under Secretary to prepare a cost-benefit anal-
20 ysis of potential improvements to airport security based
21 upon deployment of the proposed technology. The Under
22 Secretary shall begin awarding grants under this subtitle
23 within 90 days of the date of enactment of this Act.

24 (c) BUDGET SUBMISSION.—A budget submission and
25 detailed strategy for deploying the identified security up-

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Security

1 grades recommended upon completion of the grants
2 awarded under subsection (b), shall be submitted to Con-
3 gress as part of the Department of Transportation's an-
4 nual budget submission.

5 (d) DEFENSE RESEARCH.—There is authorized to be
6 appropriated \$20,000,000 to the Transportation Security
7 Administration to issue research grants in conjunction
8 with the Defense Advanced Research Projects Agency.
9 Grants may be awarded under this section for—

10 (1) research and development of longer-term
11 improvements to airport security, including advanced
12 weapons detection;

13 (2) secure networking and sharing of threat in-
14 formation between Federal agencies, law enforce-
15 ment entities, and other appropriate parties;

16 (3) advances in biometrics for identification and
17 threat assessment; or

18 (4) other technologies for preventing acts of ter-
19 rorism in aviation.

138 20 SEC. —. EMPLOYMENT INVESTIGATIONS AND RESTRIC-
21 TIONS.

22 (a) IN GENERAL.—Section 44936 of title 49, United
23 States Code, is amended—

24 (1) by inserting “and a review of available law
25 enforcement data bases and records of other govern-

1 mental and international agencies to the extent de-
2 termined practicable by the Under Secretary of
3 Transportation for Transportation Security," after
4 "check" in subsection (a)(1)(A);

5 (2) by striking "in any case described in sub-
6 paragraph (C)" in subsection (a)(1)(B) and insert-
7 ing "and a review of available law enforcement data
8 bases and records of other governmental and inter-
9 national agencies to the extent determined prac-
10 ticable by the Under Secretary of Transportation for
11 Transportation Security";

12 (3) by striking "will be" in subsection
13 (a)(1)(B)(i) and inserting "are";

14 (4) by striking "and" after the semicolon in
15 clause (ii) of subsection (a)(1)(B)

16 (5) by redesignating clause (iii) of subsection
17 (a)(1)(B) as clause (iv);

18 (6) by inserting after clause (ii) of subsection
19 (a)(1)(B) the following:

20 "(iii) individuals who regularly have
21 escorted access to aircraft of an air carrier
22 or foreign air carrier or a secured area of
23 an airport in the United States the Admin-
24 istrator designates that serves an air car-
25 rier or foreign air carrier; and";

1 (7) by striking subparagraphs (C), (D), and (E)
2 of subsection (a)(1) and redesignating subparagraph
3 (F) as subparagraph (D);

4 (8) by inserting after subparagraph (B) of sub-
5 section (a)(1) the following:

6 “(C) BACKGROUND CHECKS OF CURRENT
7 EMPLOYEES.—

8 “(i) A new background check (includ-
9 ing a criminal history record check and a
10 review of available law enforcement data
11 bases and records of other governmental
12 and international agencies to the extent de-
13 termined practicable by the Under Sec-
14 retary of Transportation for Transpor-
15 tation Security shall be required for any
16 individual who is employed in a position
17 described in subparagraphs (A) and (B) on
18 the date of enactment of the Aviation and
19 Transportation Security Act.

20 “(ii) The Under Secretary may pro-
21 vide by order (without regard to the provi-
22 sions of chapter 5 of title 5, United States
23 Code) for a phased-in implementation of
24 the requirements of this subparagraph.”;

1 (9) by striking "107.31(m)" in subparagraph
2 (D), as redesignated, and inserting "107.31(m)(1)
3 or (2)";

4 (10) by striking "the date of enactment of this
5 subparagraph." in subparagraph (D), as redesign-
6 dated, and inserting "November 22, 2000. The
7 Under Secretary shall work with the International
8 Civil Aviation Organization and with appropriate au-
9 thorities of foreign countries to ensure that individ-
10 uals exempted under this subparagraph do not pose
11 a threat to aviation or national security.";

12 (11) by striking "carrier, or airport operator"
13 in subsection (a)(2) and inserting "carrier, airport
14 operator, or government";

15 (12) by striking "carrier, or airport operator"
16 in subsection (b)(1) and inserting "carrier, airport
17 operator, or government";

18 (13) by striking "carrier, or airport operator"
19 in subsection (b)(3) and inserting "carrier, airport
20 operator, or government"; and

21 (14) by adding at the end of subsection (c)(1)
22 "All Federal agencies shall cooperate with the Under
23 Secretary and the Under Secretary's designee in the
24 process of collecting and submitting fingerprints."

1 “(A) prescribe rules requiring that any
2 such crew member be trained in the proper use
3 of the weapon; and

4 “(B) prescribe guidelines setting forth the
5 circumstances under which such weapons may
6 be used.”.

127 } 7 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

8 (a) IN GENERAL.—During a national emergency af-
9 fecting air transportation or intrastate air transportation,
10 the Secretary of Transportation, after consultation with
11 the Transportation Security Oversight Board, may grant
12 a complete or partial waiver of any restrictions on the car-
13 riage by aircraft of freight, mail, emergency medical sup-
14 plies, personnel, or patients on aircraft, imposed by the
15 Department of Transportation (or other Federal agency
16 or department) that would permit such carriage of freight,
17 mail, emergency medical supplies, personnel, or patients
18 on flights, to, from, or within a State if the Secretary de-
19 termines that—

20 (1) extraordinary air transportation needs or
21 concerns exist; and —

22 (2) the waiver is in the public interest, taking
23 into consideration the isolation of and dependence on
24 air transportation of the State.

1 (b) RECORDS OF EMPLOYMENT OF PILOT APPLI-
2 CANTS.—Part A of subtitle VII is amended—

3 (1) by moving subsections (f), (g), and (h) of
4 section 44936 from section 44936, inserting them at
5 the end of section 44703, and redesignating them as
6 subsections (h), (i), and (j), respectively; and

7 (2) in subsections (i) and (j) of section 44703
8 (as moved to the end of section 44703 by paragraph
9 (1) of this subsection), by striking “subsection (f)”
10 each place it appears and inserting “subsection (h)”.

11 ~~TITLE II—VICTIMS~~
12 ~~COMPENSATION~~

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1 SEC. 139. ALCOHOL AND CONTROLLED SUBSTANCE TEST-
2 ING.

3 Chapter 451 of title 49, United States Code, is
4 amended—

5 (1) by striking “contract personnel” each place
6 it appears and inserting “personnel”;

7 (2) by striking “contract employee” each place
8 it appears and inserting “employee”;

9 (3) in section 45106(c) by striking “contract
10 employees” and inserting “employees”;

11 (4) by inserting after section 45106 the fol-
12 lowing:

13 **“§ 45107. Transportation Security Administration**

14 “(a) TRANSFER OF FUNCTIONS RELATING TO TEST-
15 ING PROGRAMS WITH RESPECT TO AIRPORT SECURITY
16 SCREENING PERSONNEL.—The authority of the Adminis-
17 trator of the Federal Aviation Administration under this
18 chapter with respect to programs relating to testing of air-
19 port security screening personnel are transferred to the
20 Under Secretary of Transportation for Security. Notwith-
21 standing section 45102(a), the regulations prescribed
22 under section 45102(a) shall require testing of such per-
23 sonnel by their employers instead of by air carriers and
24 foreign air carriers.

25 “(b) APPLICABILITY OF CHAPTER WITH RESPECT TO
26 EMPLOYEES OF ADMINISTRATION.—The provisions of this

1 chapter that apply with respect to employees of the Fed-
2 eral Aviation Administration whose duties include respon-
3 sibility for safety-sensitive functions shall apply with re-
4 spect to employees of the Transportation Security Admin-
5 istration whose duties include responsibility for security-
6 sensitive functions. The Under Secretary of Transpor-
7 tation for Security, the Transportation Security Adminis-
8 tration, and employees of the Transportation Security Ad-
9 ministration whose duties include responsibility for secu-
10 rity-sensitive functions shall be subject to and comply with
11 such provisions in the same manner and to the same ex-
12 tent as the Administrator of the Federal Aviation Admin-
13 istration, the Federal Aviation Administration, and em-
14 ployees of the Federal Aviation Administration whose du-
15 ties include responsibility for safety-sensitive functions, re-
16 spectively.”; and

17 (5) in the analysis for such chapter by inserting
18 after the item relating to section 45106 the fol-
19 lowing:

“45107. Transportation Security Administration.”.

20 **SEC. 140. CONFORMING AMENDMENTS TO SUBTITLE VII.**

21 (a) RECORDS OF EMPLOYMENT OF PILOT APPLI-
22 CANTS.—Part A of subtitle VII of title 49, United States
23 Code, is amended—

24 (1) by moving subsections (f), (g), and (h) of
25 section 44936 from section 44936, inserting them at

1 the end of section 44703. and redesignating them as
2 subsections (h). (i). and (j), respectively: and

3 (2) in subsections (i) and (j) of section 44703
4 (as moved to the end of section 44703 by paragraph
5 (1) of this subsection), by striking "subsection (f)"
6 each place it appears and inserting "subsection (h)".

7 (b) INVESTIGATIONS AND PROCEDURES.—Chapter
8 461 of such title is amended—

9 (1) in each of sections 46101(a)(1), 46102(a),
10 46103(a), 46104(a), 46105(a), 46106, 46107(b),
11 and 46110(a) by inserting after "(or" the following:
12 "the Under Secretary of Transportation for Security
13 with respect to security duties and powers des-
14 ignated to be carried out by the Under Secretary
15 or";

16 (2) by striking "or Administrator" each place it
17 appears and inserting ", Under Secretary, or Ad-
18 ministrator";

19 (3) in section 46101(a)(2) by striking "of
20 Transportation or the" and inserting ", Under Sec-
21 retary, or";

22 (4) in section 46102(b) by striking "and the
23 Administrator" and inserting ", the Under Sec-
24 retary, and the Administrator";

1 (5) in section 46102(c) by striking “and Ad-
2 ministrator” each place it appears and inserting “
3 Under Secretary, and Administrator”;

4 (6) in each of sections 46102(d) and 46104(b)
5 by inserting “the Under Secretary,” after “Sec-
6 retary,”;

7 (7) in the heading to section 46106 by striking
8 **“Secretary of Transportation and Admin-
9 istrator of the Federal Aviation Adminis-
10 tration”** and inserting **“Department of
11 Transportation”**; and

12 (8) in the item relating to section 46106 of the
13 analysis for such chapter by striking “Secretary of
14 Transportation and Administrator of the Federal
15 Aviation Administration” and inserting “Depart-
16 ment of Transportation”.

17 (c) ADMINISTRATIVE.—Section 40113 of such title is
18 amended—

19 (1) in subsection (a)—

20 (A) by inserting after “(or” the following:
21 “the Under Secretary of Transportation for Se-
22 curity with respect to security duties and pow-
23 ers designated to be carried out by the Under
24 Secretary or”; and

1 (B) by striking "or Administrator" and in-
2 serting ". Under Secretary, or Administrator";
3 and
4 (2) in subsection (d)—

5 (A) by inserting after "The" the following:
6 "Under Secretary of Transportation for Secu-
7 rity or the";

8 (B) by striking "Administration" the sec-
9 ond place it appears and inserting "Transpor-
10 tation Security Administration or Federal Avia-
11 tion Administration, as the case may be,"; and

12 (C) by striking "the Administrator de-
13 cides" and inserting "the Under Secretary or
14 Administrator, as the case may be, decides".

15 (d) PENALTIES.—Chapter 463 of such title is
16 amended—

17 (1) in section 46301(d)(2)—

18 (A) by striking ". chapter 449 (except sec-
19 tions 44902, 44903(d), 44907(a)–(d)(1)(A) and
20 (d)(1)(C)–(f), 44908, and 44909),";

21 (B) by inserting after the first sentence
22 the following: "The Under Secretary of Trans-
23 portation for Security may impose a civil pen-
24 alty for a violation of chapter 449 (except sec-
25 tions 44902, 44903(d), 44907(a)–(d)(1)(A),

1 44907(d)(1)(C)-(f), 44908, and 44909) or a
2 regulation prescribed or order issued under
3 such chapter 449.”; and

4 (C) by inserting “Under Secretary or” be-
5 fore “Administrator shall”;

6 (2) in each of paragraphs (3) and (4) of section
7 46301(d) by striking “Administrator” each place it
8 appears and inserting “Under Secretary or Adminis-
9 trator”;

10 (3) in section 46301(d)(8) by striking “Admin-
11 istrator” and inserting “Under Secretary, Adminis-
12 trator,”;

13 (4) in section 46301(h)(2) by inserting after
14 “(or” the following: “the Under Secretary of Trans-
15 portation for Security with respect to security duties
16 and powers designated to be carried out by the
17 Under Secretary or”;

18 (5) in section 46303(c)(2) by inserting “or the
19 Under Secretary of Transportation for Security”
20 after “Federal Aviation Administration”;

21 (6) in section 46311—

22 (A) by inserting after “Transportation,”
23 the following: “the Under Secretary of Trans-
24 portation for Security with respect to security

1 duties and powers designated to be carried out
2 by the Under Secretary,";

3 (B) by inserting after "Secretary," each
4 place it appears the following: "Under Sec-
5 retary,"; and

6 (C) by striking "or Administrator" each
7 place it appears and inserting ". Under Sec-
8 retary, or Administrator";

9 (7) in each of sections 46313 and 46316 by in-
10 serting after "(or" the following: "the Under Sec-
11 retary of Transportation for Security with respect to
12 security duties and powers designated to be carried
13 out by the Under Secretary or"; and

14 (8) in section 46505(d)(2) by inserting "or the
15 Under Secretary of Transportation for Security"
16 after "Federal Aviation Administration".

17 **SEC. 141. SAVINGS PROVISION.**

18 (a) **TRANSFER OF ASSETS AND PERSONNEL.**—Ex-
19 cept as otherwise provided in this Act, those personnel,
20 property, and records employed, used, held, available, or
21 to be made available in connection with a function trans-
22 ferred to the Transportation Security Administration by
23 this Act shall be transferred to the Transportation Secu-
24 rity Administration for use in connection with the func-
25 tions transferred. Unexpended balances of appropriations.

1 allocations, and other funds made available to the Federal
2 Aviation Administration to carry out such functions shall
3 also be transferred to the Transportation Security Admin-
4 istration for use in connection with the functions trans-
5 ferred.

6 (b) LEGAL DOCUMENTS.—All orders, determinations,
7 rules, regulations, permits, grants, loans, contracts, settle-
8 ments, agreements, certificates, licenses, and privileges—

9 (1) that have been issued, made, granted, or al-
10 lowed to become effective by the Federal Aviation
11 Administration, any officer or employee thereof, or
12 any other Government official, or by a court of com-
13 petent jurisdiction, in the performance of any func-
14 tion that is transferred by this Act; and

15 (2) that are in effect on the effective date of
16 such transfer (or become effective after such date
17 pursuant to their terms as in effect on such effective
18 date), shall continue in effect according to their
19 terms until modified, terminated, superseded, set
20 aside, or revoked in accordance with law by the
21 Under Secretary of Transportation for Security, any
22 other authorized official, a court of competent juris-
23 diction, or operation of law.

24 (c) PROCEEDINGS.—

1 (1) IN GENERAL.—The provisions of this Act
2 shall not affect any proceedings or any application
3 for any license pending before the Federal Aviation
4 Administration at the time this Act takes effect, in-
5 sofar as those functions are transferred by this Act;
6 but such proceedings and applications, to the extent
7 that they relate to functions so transferred, shall be
8 continued. Orders shall be issued in such pro-
9 ceedings, appeals shall be taken therefrom, and pay-
10 ments shall be made pursuant to such orders, as if
11 this Act had not been enacted; and orders issued in
12 any such proceedings shall continue in effect until
13 modified, terminated, superseded, or revoked by a
14 duly authorized official, by a court of competent ju-
15 risdiction, or by operation of law.

16 (2) STATUTORY CONSTRUCTION.—Nothing in
17 this subsection shall be deemed to prohibit the dis-
18 continuance or modification of any proceeding de-
19 scribed in paragraph (1) under the same terms and
20 conditions and to the same extent that such pro-
21 ceeding could have been discontinued or modified if
22 this Act had not been enacted.

23 (3) ORDERLY TRANSFER.—The Secretary of
24 Transportation is authorized to provide for the or-

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1. P. 50
insert ~~type~~

"(C) if explosive detection equipment at airport is unavailable, all checked baggage ~~which~~ is screened by an alternative means.

U.S. HOUSE OF REPRESENTATIVES
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1 derly transfer of pending proceedings from the Fed-
2 eral Aviation Administration.

3 (d) SUITS.—

4 (1) IN GENERAL.—This Act shall not affect
5 suits commenced before the date of the enactment of
6 this Act, except as provided in paragraphs (2) and
7 (3). In all such suits, proceeding shall be had, ap-
8 peals taken, and judgments rendered in the same
9 manner and with the same effect as if this Act had
10 not been enacted.

11 (2) SUITS BY OR AGAINST FAA.—Any suit by or
12 against the Federal Aviation Administration begun
13 before the date of the enactment of this Act shall be
14 continued, insofar as it involves a function retained
15 and transferred under this Act, with the Transpor-
16 tation Security Administration (to the extent the
17 suit involves functions transferred to the Transpor-
18 tation Security Administration under this Act) sub-
19 stituted for the Federal Aviation Administration.

20 (3) REMANDED CASES.—If the court in a suit
21 described in paragraph (1) remands a case to the
22 Transportation Security Administration, subsequent
23 proceedings related to such case shall proceed in ac-
24 cordance with applicable law and regulations as in
25 effect at the time of such subsequent proceedings.

1 (e) CONTINUANCE OF ACTIONS AGAINST OFFI-
2 CERS.—No suit, action, or other proceeding commenced
3 by or against any officer in his official capacity as an offi-
4 cer of the Federal Aviation Administration shall abate by
5 reason of the enactment of this Act. No cause of action
6 by or against the Federal Aviation Administration, or by
7 or against any officer thereof in his official capacity, shall
8 abate by reason of the enactment of this Act.

9 (f) EXERCISE OF AUTHORITIES.—Except as other-
10 wise provided by law, an officer or employee of the Trans-
11 portation Security Administration may, for purposes of
12 performing a function transferred by this Act or the
13 amendments made by this Act, exercise all authorities
14 under any other provision of law that were available with
15 respect to the performance of that function to the official
16 responsible for the performance of the function imme-
17 diately before the effective date of the transfer of the func-
18 tion under this Act.

19 (g) ACT DEFINED.—In this section, the term “Act”
20 includes the amendments made by this Act.

21 **SEC. 142. BUDGET SUBMISSIONS.**

22 The President’s budget submission for fiscal year
23 2003 and each fiscal year thereafter shall reflect the estab-
24 lishment of the Transportation Security Administration.

1 SEC. 143. LAND ACQUISITION COSTS.

2 In the case of a grant for land acquisition issued to
3 an airport under chapter 471 of title 49, United States
4 Code, prior to January 1, 1995, the Secretary of Trans-
5 portation may waive the provisions of section 47108 of
6 such title and provide an upward adjustment in the max-
7 imum obligation of the United States under that chapter
8 to assist the airport in funding land acquisition costs (and
9 associated eligible costs) that increased as a result of a
10 judicial order.

11 SEC. 144. LIMITATION ON LIABILITY FOR ACTS TO THWART
12 CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

13 Section 44903 is amended by adding at the end the
14 following:

15 "(h) LIMITATION ON LIABILITY FOR ACTS TO
16 THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—
17 An individual shall not be liable for damages in any action
18 brought in a Federal or State court arising out of the acts
19 of the individual in attempting to thwart an act of criminal
20 violence or piracy on an aircraft if that individual reason-
21 ably believed that such an act of criminal violence or pi-
22 racy was occurring or was about to occur."

23 SEC. 145. AIR CARRIERS REQUIRED TO HONOR TICKETS
24 FOR SUSPENDED SERVICE.

25 (a) IN GENERAL.—Each air carrier that provides
26 scheduled air transportation on a route shall provide, to

1 the extent practicable, air transportation to passengers
2 ticketed for air transportation on that route by any other
3 air carrier that suspends, interrupts, or discontinues air
4 passenger service on the route by reason of insolvency or
5 bankruptcy of the other air carrier.

6 (b) PASSENGER OBLIGATION.—An air carrier is not
7 required to provide air transportation under subsection (a)
8 to a passenger unless that passenger makes alternative ar-
9 rangements with the air carrier for such transportation
10 within 60 days after the date on which that passenger's
11 air transportation was suspended, interrupted, or discon-
12 tinued (without regard to the originally scheduled travel
13 date on the ticket).

14 (c) SUNSET.—This section does not apply to air
15 transportation the suspension, interruption, or discontinu-
16 ance of which occurs more than 18 months after the date
17 of enactment of this Act.

18 **SEC. 146. AIRCRAFT OPERATIONS IN ENHANCED CLASS B**
19 **AIRSPACE.**

20 Upon request of an operator of an aircraft affected
21 by the restrictions imposed under Notice to Airmen FDC
22 1/0618 issued by the Federal Aviation Administration, or
23 any other notice issued after September 11, 2001, and
24 prior to the date of enactment of this Act that restricts
25 the ability of United States registered aircraft to conduct

1 operations under part 91 of title 14, Code of Federal Reg-
2 ulations, in enhanced class B airspace (as defined by such
3 Notice), such restrictions shall cease to be in effect for
4 the affected class of operator beginning on the 30th day
5 following the request, unless the Secretary of Transpor-
6 tation publishes a notice in the Federal Register before
7 such 30th day reimposing the restriction and explaining
8 the reasons for the restriction.

9 **SEC. 147. AVIATION WAR RISK INSURANCE.**

10 Section 44306(b) of title 49, United States Code, is
11 amended by striking "60 days" each place it appears and
12 inserting "1 year".

13 **TITLE II—LIABILITY LIMITATION**

14 **SEC. 201. AIR TRANSPORTATION SAFETY AND SYSTEM STA-**
15 **BILIZATION ACT AMENDMENTS.**

16 (a) **RECOVERY OF COLLATERAL SOURCE OBLIGA-**
17 **TIONS OF TERRORISTS.**—Section 405(c)(3)(B)(i) of the
18 Air Transportation Safety and System Stabilization Act
19 (49 U.S.C. 40101 note) is amended by striking "obliga-
20 tions." and inserting "obligations, or to a civil action
21 against any person who is a knowing participant in any
22 conspiracy to hijack any aircraft or commit any terrorist
23 act.".

1 (b) EXTENSION OF LIABILITY RELIEF TO AIRCRAFT
2 MANUFACTURERS AND OTHERS.—Section 408 of that Act
3 is amended—

4 (1) by striking “**air carrier**” in the section
5 heading;

6 (2) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—

9 “(1) LIABILITY LIMITED TO INSURANCE COV-
10 ERAGE.—Notwithstanding any other provision of
11 law, liability for all claims, whether for compen-
12 satory or punitive damages or for contribution or in-
13 demnity, arising from the terrorist-related aircraft
14 crashes of September 11, 2001, against an air car-
15 rier, aircraft manufacturer, airport sponsor, or per-
16 son with a property interest in the World Trade
17 Center, on September 11, 2001, whether fee simple,
18 leasehold or easement, direct or indirect, or their di-
19 rectors, officers, employees, or agents, shall not be
20 in an amount greater than the limits of liability in-
21 surance coverage maintained by that air carrier, air-
22 craft manufacturer, airport sponsor, or person.

23 “(2) WILLFUL DEFAULTS ON REBUILDING OB-
24 LIGATION.—Paragraph (1) does not apply to any
25 such person with a property interest in the World

1 Trade Center if the Attorney General determines.
2 after notice and an opportunity for a hearing on the
3 record, that the person has defaulted willfully on a
4 contractual obligation to rebuild, or assist in the re-
5 building of, the World Trade Center.

6 “(3) LIMITATIONS ON LIABILITY FOR NEW
7 YORK CITY.—Liability for all claims, whether for
8 compensatory or punitive damages or for contribu-
9 tion or indemnity arising from the terrorist-related
10 aircraft crashes of September 11, 2001, against the
11 City of New York shall not exceed the greater of the
12 city’s insurance coverage or \$350,000,000. If a
13 claimant who is eligible to seek compensation under
14 section 405 of this Act, submits a claim under sec-
15 tion 405, the claimant waives the right to file a civil
16 action (or to be a party to an action) in any Federal
17 or State court for damages sustained as a result of
18 the terrorist-related aircraft crashes of September
19 11, 2001, including any such action against the City
20 of New York. The preceding sentence does not apply
21 to a civil action to recover collateral source obliga-
22 tions.”; and

23 (3) by adding at the end of subsection (c) the
24 following: “Subsections (a) and (b) do not apply to
25 civil actions to recover collateral source obligations.

1 Nothing in this section shall in any way limit any li-
2 ability of any person who is engaged in the business
3 of providing air transportation security and who is
4 not an airline or airport sponsor or director, officer,
5 or employee of an airline or airport sponsor.”.

6 (c) LIMITATION OF UNITED STATES SUBROGATION
7 RIGHT.—Section 409 of that Act is amended by striking
8 “title.” and inserting “title, subject to the limitations de-
9 scribed in section 408.”.

10 (d) DEFINITIONS.—Section 402 of that Act is
11 amended—

12 (1) by adding at the end of paragraph (1) the
13 following: “The term ‘air carrier’ does not include a
14 person, other than an air carrier, engaged in the
15 business of providing air transportation security.”.

16 (2) by redesignating paragraphs (3) through
17 (8) as paragraphs (5) through (10), respectively;
18 and

19 (3) by inserting after paragraph (2) the fol-
20 lowing:

21 “(3) AIRCRAFT MANUFACTURER.—The term
22 ‘aircraft manufacturer’ means any entity that manu-
23 factured the aircraft or any parts or components of
24 the aircraft involved in the terrorist related aircraft

1 crashes of September 11, 2001, including employees
2 and agents of that entity.

3 “(4) AIRPORT SPONSOR.—The term ‘airport
4 sponsor’ means the owner or operator of an airport
5 (as defined in section 40102 of title 49, United
6 States Code).”.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 11/16/2001 12:04:33 PM
Subject: : Time change for JSC Mtg. on Monday, Nov. 19

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-NOV-2001 17:04:33.00

SUBJECT:: Time change for JSC Mtg. on Monday, Nov. 19

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

JSC Meeting will be in the Roosevelt fon Monday rom 4:30-5:30 pm (instead of 4-5pm).

Thanks!

From: CN=James A. Brown/OU=OMB/O=EOP [OMB]
To: Rebecca L. Halkias/WHO/EOP@EOP [WHO] <Rebecca L. Halkias>; Rosemarie W. Dale/OMB/EOP@EOP [OMB] <Rosemarie W. Dale>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Caroline A. Marriott/OMB/EOP@EOP [OMB] <Caroline A. Marriott>; Michael J. Cassidy/OMB/EOP@EOP [OMB] <Michael J. Cassidy>; Victoria Wassmer/OMB/EOP@EOP [OMB] <Victoria Wassmer>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Marisa K. Medrano/OPD/EOP@EOP [OPD] <Marisa K. Medrano>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Richard A. Mertens/OMB/EOP@EOP [OMB] <Richard A. Mertens>; Robert H. Goldberg/OMB/EOP@EOP [OMB] <Robert H. Goldberg>; David Aidekman/OMB/EOP@EOP [OMB] <David Aidekman>; Robert J. Nassif/OMB/EOP@EOP [OMB] <Robert J. Nassif>; Michael Garcia/OMB/EOP@EOP [OMB] <Michael Garcia>; Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>; Mark J. Schwartz/OMB/EOP@EOP [OMB] <Mark J. Schwartz>; Shannon Richter/OMB/EOP@EOP [OMB] <Shannon Richter>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Jill G. Crann/OMB/EOP@EOP [OMB] <Jill G. Crann>; Angela M. Donatelli/OMB/EOP@EOP [OMB] <Angela M. Donatelli>; Steven M. Mertens/OMB/EOP@EOP [OMB] <Steven M. Mertens>; Lisa Gordon-Hagerty/NSC/EOP@EOP [NSC] <Lisa Gordon-Hagerty>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; OVP LRM [UNKNOWN] <OVP LRM>; NEC LRM [UNKNOWN] <NEC LRM>; Edward H. Clarke/OMB/EOP@EOP [OMB] <Edward H. Clarke>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; WHGC LRM [UNKNOWN] <WHGC LRM>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Clare C. Doherty/OMB/EOP@EOP [OMB] <Clare C. Doherty>; James J. Tymon/OMB/EOP@EOP [OMB] <James J. Tymon>; Lin Liu/OMB/EOP@EOP [OMB] <Lin Liu>; Timothy A. Rosado/OMB/EOP@EOP [OMB] <Timothy A. Rosado>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; Rodney G. Bent/OMB/EOP@EOP [OMB] <Rodney G. Bent>; Michael Casella/OMB/EOP@EOP [OMB] <Michael Casella>; Ronald L. Silberman/OMB/EOP@EOP [OMB] <Ronald L. Silberman>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Elizabeth L. Rossman/OMB/EOP@EOP [OMB] <Elizabeth L. Rossman>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Allan Villabroza/OMB/EOP@EOP [OMB] <Allan Villabroza>; Adriel M. Harvey/OMB/EOP@EOP [OMB] <Adriel M. Harvey>; Courtney B. Timberlake/OMB/EOP@EOP [OMB] <Courtney B. Timberlake>; Elizabeth A. Bernhard/OMB/EOP@EOP [OMB] <Elizabeth A. Bernhard>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Edward M. Rea/OMB/EOP@EOP [OMB] <Edward M. Rea>; Pamula L. Simms/OMB/EOP@EOP [OMB] <Pamula L. Simms>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Maureen Walsh/OMB/EOP@EOP [OMB] <Maureen Walsh>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Michael D. Gerich/OMB/EOP@EOP [OMB] <Michael D. Gerich>; Meredith G. Benson/OMB/EOP@EOP [OMB] <Meredith G. Benson>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; Michael K. Berkholtz/OMB/EOP@EOP [OMB] <Michael K. Berkholtz>; Siobhan Murphy/OMB/EOP@EOP [OMB] <Siobhan Murphy>; Ronald E. Jones/OMB/EOP@EOP [OMB] <Ronald E. Jones>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Toni S. Hustead/OMB/EOP@EOP [OMB] <Toni S. Hustead>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; CLRM@doc.gov [UNKNOWN] <CLRM@doc.gov>; justice.lrm@usdoj.gov [UNKNOWN] <justice.lrm@usdoj.gov>; statelrm@state.gov [UNKNOWN] <statelrm@state.gov>; llr@do.treas.gov [UNKNOWN] <llr@do.treas.gov>; dodlrs@osdgc.osd.mil [UNKNOWN] <dodlrs@osdgc.osd.mil>; ocaone@aol.com [UNKNOWN] <ocaone@aol.com>; ca.legislation@gsa.gov [UNKNOWN] <ca.legislation@gsa.gov>; scottb@ntsb.gov [UNKNOWN] <scottb@ntsb.gov>; National Security

Council LRM Recipients [UNKNOWN] <National Security Council LRM Recipients>;OPBRE_E-Mail_-_EDITORS@OA.EOP.GOV [UNKNOWN] <OPBRE_E-Mail_-_EDITORS@OA.EOP.GOV>;laffairs@ustr.gov [UNKNOWN] <laffairs@ustr.gov>;legis@fema.gov [UNKNOWN] <legis@fema.gov>;dot.legislation@ost.dot.gov [UNKNOWN] <dot.legislation@ost.dot.gov>;dol-sol-leg@dol.gov [UNKNOWN] <dol-sol-leg@dol.gov>;CEA Admin [UNKNOWN] <CEA Admin>;Wallace P. Mullin/CEA/EOP@EOP [CEA] <Wallace P. Mullin>;ola@opm.gov [UNKNOWN] <ola@opm.gov>;valrm@mail.va.gov [UNKNOWN] <valrm@mail.va.gov>

Sent: 11/16/2001 9:15:13 AM
Subject: : FYI part 2 of S. 1447 conference agreement
Attachments: F_TUTR4004_NSC.TXT_1.pdf

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CREATOR:James A. Brown (CN=James A. Brown/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:16-NOV-2001 14:15:13.00

SUBJECT:: FYI part 2 of S. 1447 conference agreement

TO:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Caroline A. Marriott (CN=Caroline A. Marriott/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael J. Cassidy (CN=Michael J. Cassidy/OU=OMB/O=EOP@EOP [OMB])

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TO:Victoria Wassmer (CN=Victoria Wassmer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])

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TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

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TO:Michael Garcia (CN=Michael Garcia/OU=OMB/O=EOP@EOP [OMB])

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TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

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READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
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READ:UNKNOWN
TO:justice.lrm@usdoj.gov (justice.lrm@usdoj.gov [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
TO:ca.legislation@gsa.gov (ca.legislation@gsa.gov [UNKNOWN])
READ:UNKNOWN
TO:scottb@ntsb.gov (scottb@ntsb.gov [UNKNOWN])
READ:UNKNOWN
TO:National Security Council LRM Recipients (National Security Council LRM Recipients [UNKNOWN])
READ:UNKNOWN
TO:OPBRE_E-Mail_-_EDITORS@OA.EOP.GOV (OPBRE_E-Mail_-_EDITORS@OA.EOP.GOV [UNKNOWN])
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TO:laffairs@ustr.gov (laffairs@ustr.gov [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN

TO:ola@opm.gov (ola@opm.gov [UNKNOWN])
READ:UNKNOWN
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1 parking lot, or vendor of on-airfield direct services under
2 this section for any cost for which the airport operator,
3 on-airport parking lot, or vendor of on-airfield direct serv-
4 ices does not demonstrate to the satisfaction of the Sec-
5 retary, using sworn financial statements or other appro-
6 priate data, that—

7 (1) the cost is eligible for reimbursement under
8 subsection (a); and

9 (2) the cost was incurred by the airport oper-
10 ator, on-airport parking lot, or vendor of on-airfield
11 direct services.

12 The Inspector General of the Department of Transpor-
13 tation and the Comptroller General of the United States
14 may audit such statements and may request any other in-
15 formation ~~that~~ necessary to conduct such an audit.

16 (c) CLAIM PROCEDURE.—Within 30 days after the
17 date of enactment of this Act, the Secretary, after con-
18 sultation with airport operators, on-airport parking lots,
19 and vendors of on-airfield direct services, shall publish in
20 the Federal Register the procedures for filing claims for
21 reimbursement under this section of eligible costs incurred
22 by airport operators.

122 } 23 SEC. 121. SENSE OF THE CONGRESS.

24 It is the sense of the Congress that—

to air
carriers

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1 (c) DEADLINE FOR DEPLOYMENT OF FEDERAL
2 SCREENERS.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, the Under Sec-
5 retary of Transportation for Security shall deploy at
6 all airports in the United States where screening is
7 required under section 44901 of title 49, United
8 States Code, a sufficient number of Federal screen-
9 ers, Federal Security Managers, Federal security
10 personnel, and Federal law enforcement officers to
11 conduct the screening of all passengers and property
12 under section 44901 of such title at such airports.

13 (2) CERTIFICATION TO CONGRESS.—Not later
14 than 1 year after the date of enactment of this Act,
15 the Under Secretary shall transmit to Congress a
16 certification that the requirement of paragraph (1)
17 has been met.

1 Committee on Commerce, Science, and Transpor-
2 tation of the Senate and to the Committee on Trans-
3 portation and Infrastructure of the House of Rep-
4 resentatives on the deployment of the systems re-
5 quired by section 44901(c) of title 49, United States
6 Code. The Under Secretary shall include in the
7 report—

8 (A) an installation schedule;

9 (B) the dates of installation of each sys-
10 tem; and

11 (C) the date on which each system in-
12 stalled is operational.

13 (2) SCREENING OF SMALL AIRCRAFT.—Within
14 1 year after the date of enactment of this Act, the
15 Under Secretary of Transportation for Security shall
16 transmit a report to the Committee on Commerce,
17 Science, and Transportation of the Senate and Com-
18 mittee on Transportation and Infrastructure of the
19 House of Representatives on the screening require-
20 ments applicable to passengers boarding, and prop-
21 erty being carried aboard, aircraft with 60 seats or
22 less used in scheduled passenger service with rec-
23 ommendations for any necessary changes in those
24 requirements.

111) 1 SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY
2 SCREENING PERSONNEL.

3 (a) IN GENERAL.—Section 44935 of title 49, United
4 States Code, is amended—

5 (1) by redesignating subsection (f) as sub-
6 section (i); and

7 (2) by striking subsection (e) and inserting the
8 following:

9 “(e) SECURITY SCREENERS.—

10 “(1) TRAINING PROGRAM.—The Under Sec-
11 retary of Transportation for Security shall establish
12 a program for the hiring and training of security
13 screening personnel.

14 “(2) HIRING.—

15 “(A) QUALIFICATIONS.—Within 30 days
16 after the date of enactment of the Aviation and
17 Transportation Security Act, the Under Sec-
18 retary shall establish qualification standards for
19 individuals to be hired by the United States as
20 security screening personnel. Notwithstanding
21 any provision of law, those standards shall re-
22 quire, at a minimum, an individual—

23 “(i) to have a satisfactory or better
24 score on a Federal security screening per-
25 sonnel selection examination;

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AT

1 “(ii) to be a citizen of the United
2 States;

3 “(iii) to meet, at a minimum, the re-
4 quirements set forth in subsection (f);

5 “(iv) to meet such other qualifications
6 as the Under Secretary may establish; and

7 “(v) to have the ability to demonstrate
8 daily a fitness for duty without any impair-
9 ment due to illegal drugs, sleep depriva-
10 tion, medication, or alcohol.

11 “(B) BACKGROUND CHECKS.—The Under
12 Secretary shall require that an individual to be
13 hired as a security screener undergo an employ-
14 ment investigation (including a criminal history
15 record check) under section 44936(a)(1).

16 “(C) DISQUALIFICATION OF INDIVIDUALS
17 WHO PRESENT NATIONAL SECURITY RISKS.—
18 The Under Secretary, in consultation with the
19 heads of other appropriate Federal agencies,
20 shall establish procedures, in addition to any
21 background check conducted under section
22 44936, to ensure that no individual who pre-
23 sents a threat to national security is employed
24 as a security screener.

1 “(3) EXAMINATION; REVIEW OF EXISTING
2 RULES.—The Under Secretary shall develop a secu-
3 rity screening personnel examination for use in de-
4 termining the qualification of individuals seeking
5 employment as security screening personnel. The
6 Under Secretary shall also review, and revise as nec-
7 essary, any standard, rule, or regulation governing
8 the employment of individuals as security screening
9 personnel.

10 “(f) EMPLOYMENT STANDARDS FOR SCREENING
11 PERSONNEL.—

12 “(1) SCREENER REQUIREMENTS.—Notwith-
13 standing any provision of law, an individual may not
14 be deployed as a security screener unless that indi-
15 vidual meets the following requirements:

16 “(A) The individual shall possess a high
17 school diploma, a general equivalency diploma,
18 or experience that the Under Secretary has de-
19 termined to be sufficient for the individual to
20 perform the duties of the position.

21 “(B) The individual shall possess basic ap-
22 titudes and physical abilities, including color
23 perception, visual and aural acuity, physical co-
24 ordination, and motor skills, to the following
25 standards:

1 “(i) Screeners operating screening
2 equipment shall be able to distinguish on
3 the screening equipment monitor the ap-
4 propriate imaging standard specified by
5 the Under Secretary. Wherever the screen-
6 ing equipment system displays colors, the
7 operator shall be able to perceive each
8 color.

9 “(ii) Screeners operating any screen-
10 ing equipment shall be able to distinguish
11 each color displayed on every type of
12 screening equipment and explain what each
13 color signifies.

14 “(iii) Screeners shall be able to hear
15 and respond to the spoken voice and to au-
16 dible alarms generated by screening equip-
17 ment in an active checkpoint environment.

18 “(iv) Screeners performing physical
19 searches or other related operations shall
20 be able to efficiently and thoroughly ma-
21 nipulate and handle such baggage, con-
22 tainers, and other objects subject to secu-
23 rity processing.

24 “(v) Screeners who perform pat-downs
25 or hand-held metal detector searches of in-

1 individuals shall have sufficient dexterity and
2 capability to thoroughly conduct those pro-
3 cedures over a individual's entire body.

4 “(C) The individual shall be able to read,
5 speak, and write English well enough to—

6 “(i) carry out written and oral in-
7 structions regarding the proper perform-
8 ance of screening duties;

9 “(ii) read English language identifica-
10 tion media, credentials, airline tickets, and
11 labels on items normally encountered in
12 the screening process;

13 “(iii) provide direction to and under-
14 stand and answer questions from English-
15 speaking individuals undergoing screening;
16 and

17 “(iv) write incident reports and state-
18 ments and log entries into security records
19 in the English language.

20 “(D) The individual shall have satisfac-
21 torily completed all initial, recurrent, and ap-
22 propriate specialized training required by the
23 security program, except as provided in para-
24 graph (3).

1 “(2) VETERANS PREFERENCE.—The Under
2 Secretary shall provide a preference for the hiring of
3 an individual as a security screener if the individual
4 is a member or former member of the armed forces
5 and if the individual is entitled, under statute, to re-
6 tired, retirement, or retainer pay on account of serv-
7 ice as a member of the armed forces.

8 “(3) EXCEPTIONS.—An individual who has not
9 completed the training required by this section may
10 be deployed during the on-the-job portion of training
11 to perform functions if that individual—

12 “(A) is closely supervised; and

13 “(B) does not make independent judg-
14 ments as to whether individuals or property
15 may enter a sterile area or aircraft without fur-
16 ther inspection.

17 “(4) REMEDIAL TRAINING.—No individual em-
18 ployed as a security screener may perform a screen-
19 ing function after that individual has failed an oper-
20 ational test related to that function until that indi-
21 vidual has successfully completed the remedial train-
22 ing specified in the security program.

23 “(5) ANNUAL PROFICIENCY REVIEW.—The
24 Under Secretary shall provide that an annual eval-
25 uation of each individual assigned screening duties is

1 conducted and documented. An individual employed
2 as a security screener may not continue to be em-
3 ployed in that capacity unless the evaluation dem-
4 onstrates that the individual—

5 “(A) continues to meet all qualifications
6 and standards required to perform a screening
7 function;

8 “(B) has a satisfactory record of perform-
9 ance and attention to duty based on the stand-
10 ards and requirements in the security program;
11 and

12 “(C) demonstrates the current knowledge
13 and skills necessary to courteously, vigilantly,
14 and effectively perform screening functions.

15 “(6) OPERATIONAL TESTING.—In addition to
16 the annual proficiency review conducted under para-
17 graph (5), the Under Secretary shall provide for the
18 operational testing of such personnel.

19 “(g) TRAINING.—

20 “(1) USE OF OTHER AGENCIES.—The Under
21 Secretary may enter into a memorandum of under-
22 standing or other arrangement with any other Fed-
23 eral agency or department with appropriate law en-
24 forcement responsibilities, to provide personnel, re-

1 sources, or other forms of assistance in the training
2 of security screening personnel.

3 “(2) TRAINING PLAN.—Within 60 days after
4 the date of enactment of the Aviation and Transpor-
5 tation Security Act, the Under Secretary shall de-
6 velop a plan for the training of security screening
7 personnel. The plan shall require, at a minimum,
8 that a security screener—

9 “(A) has completed 40 hours of classroom
10 instruction or successfully completed a program
11 that the Under Secretary determines will train
12 individuals to a level of proficiency equivalent to
13 the level that would be achieved by such class-
14 room instruction;

15 “(B) has completed 60 hours of on-the-job
16 instruction; and

17 “(C) has successfully completed an on-the-
18 job training examination prescribed by the
19 Under Secretary.

20 “(3) EQUIPMENT-SPECIFIC TRAINING.—An in-
21 dividual employed as a security screener may not use
22 any security screening device or equipment in the
23 scope of that individual’s employment unless the in-
24 dividual has been trained on that device or equip-

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1 (1) an airport receiving Federal financial assist-
2 ance should meet with the tenants of the airport
3 (other than air carriers and foreign air carriers) to
4 discuss adjustments of the rent of the tenants to ac-
5 count for losses in revenue incurred by the tenants
6 on and after September 11, 2001; ~~and~~

7 (2) an air carrier that received financial assist-
8 ance under the Air Transportation Safety and Sys-
9 tem Stabilization Act or under title 49, United
10 States Code, since September 11, 2001, should meet
11 with airport operators to discuss ~~adjustments in~~
12 rates, charges, and fees ~~and~~

payment
and
applicable

13 **SEC. 43. AIRPORT IMPROVEMENT PROGRAMS.**

14 (a) COMPETITION PLAN.—Section 47106(f) is
15 amended—

16 (1) by redesignating paragraph (3) as para-
17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—

21 This subsection does not apply to any passenger fa-
22 cility fee approved, or grant made, in fiscal year
23 2002 if the fee or grant is to be used to improve se-
24 curity at a covered airport.”.

1 ment and has successfully completed a test on the
2 use of the device or equipment.

3 “(h) TECHNOLOGICAL TRAINING.—

4 “(1) IN GENERAL.—The Under Secretary shall
5 require training to ensure that screeners are pro-
6 ficient in using the most up-to-date new technology
7 and to ensure their proficiency in recognizing new
8 threats and weapons.

9 “(2) PERIODIC ASSESSMENTS.—The Under
10 Secretary shall make periodic assessments to deter-
11 mine if there are dual use items and inform security
12 screening personnel of the existence of such items.

13 “(3) CURRENT LISTS OF DUAL USE ITEMS.—
14 Current lists of dual use items shall be part of the
15 ongoing training for screeners.

16 “(4) DUAL USE DEFINED.—For purposes of
17 this subsection, the term ‘dual use’ item means an
18 item that may seem harmless but that may be used
19 as a weapon.


20 “(i) LIMITATION ON RIGHT TO STRIKE.—An indi-
21 vidual that screens passengers or property, or both, at an
22 airport under this section may not participate in a strike,
23 or assert the right to strike, against the person (including
24 a governmental entity) employing such individual to per-
25 form such screening.

1 “(j) UNIFORMS.—The Under Secretary shall require
2 any individual who screens passengers and property pur-
3 suant to section 44901 to be attired while on duty in a
4 uniform approved by the Under Secretary.”.

5 (b) CONFORMING AMENDMENTS.—Section
6 44936(a)(1) of title 49, United States Code, is amended—

7 (1) in subparagraph (A) by inserting “as a se-
8 curity screener under section 44935(e) or a posi-
9 tion” after “a position”; and

10 (2) in subparagraph (E) by striking clause (iv).

11 (c) TRANSITION.—The Under Secretary of Trans-
12 portation for Security shall complete the full implementa-
13 tion of section 44935 (e), (f), (g), and (h) of title 49,
14 United States Code, as amended by subsection (a), as soon
15 as is practicable. The Under Secretary may make or con-
16 tinue such arrangements for the training of security
17 screeners under that section as the ~~Attorney General~~ de-
18 termines necessary pending full implementation of that
19 section as so amended. 

20 (d) SCREENER PERSONNEL.—Notwithstanding any
21 other provision of law, the Under Secretary of Transpor-
22 tation for Security may employ, appoint, discipline, termi-
23 nate, and fix the compensation, terms, and conditions of
24 employment of Federal service for such a number of indi-
25 viduals as the Under Secretary determines to be necessary

*Under
Secretary*

1 to carry out the screening functions of the Under Sec-
2 retary under section 44901 of title 49, United States
3 Code. The Under Secretary shall establish levels of com-
4 pensation and other benefits for individuals so employed.

5 ~~(e) FINAL RULES ESTABLISHING TRAINING STAND-~~
6 ~~ARDS FOR SCREENERS.—Section 44935(e)(1) of title 49,~~
7 ~~United States Code, is amended by striking “May 31,~~
8 ~~2001” and inserting “6 months after the date of enact-~~
9 ~~ment of the Airport and Transportation Security Act”~~

112 } 10 ~~SEC. 449. RESEARCH AND DEVELOPMENT.~~

11 ~~[(a) IN GENERAL.—Section 44912(b)(1) of title 49,~~
12 ~~United States Code, is amended—~~

13 ~~[(1) by striking “complete an intensive review~~
14 ~~of” and inserting “periodically review”;~~

15 ~~[(2) by striking “commercial aircraft in service~~
16 ~~and expected to be in service in the 10-year period~~
17 ~~beginning on November 16, 1990;” in subparagraph~~
18 ~~(B) and inserting “aircraft in air transportation;”;~~
19 ~~and~~

20 ~~[(3) by redesignating subparagraphs (D)~~
21 ~~through (F) as subparagraphs (E) through (G), re-~~
22 ~~spectively, and inserting after subparagraph (C) the~~
23 ~~following:~~

1 (D) the potential release of chemical, bi-
2 ological, or similar weapons or devices either
3 within an aircraft or within an airport;”.

4 (b) ADDITIONAL MATTERS REGARDING RESEARCH
5 AND DEVELOPMENT.—

6 (1) ADDITIONAL PROGRAM REQUIREMENTS.—

7 Subsection (a) of section 44912 of title 49, United
8 States Code, is amended—

9 (A) by redesignating paragraph (4) as
10 paragraph (5); and

11 (B) by inserting after paragraph (3) the
12 following new paragraph (4):

13 “(4)(A) In carrying out the program established
14 under this subsection, the Administrator shall designate
15 an individual to be responsible for engineering, research,
16 and development with respect to security technology under
17 the program.

18 “(B) The individual designated under subparagraph
19 (A) shall use appropriate systems engineering and risk
20 management models in making decisions regarding the al-
21 location of funds for engineering, research, and develop-
22 ment with respect to security technology under the pro-
23 gram.

24 “(C) The individual designated under subparagraph
25 (A) shall, on an annual basis, submit to the Research, En-

1 gineering and Development Advisory Committee a report
2 on activities under this paragraph during the preceding
3 year. Each report shall include, for the year covered by
4 such report, information on—

5 ~~“(i) progress made in engineering, research,~~
6 and development with respect to security technology;

7 ~~“(ii) the allocation of funds for engineering,~~
8 research, and development with respect to security
9 technology; and

10 ~~“(iii) engineering, research, and development~~
11 with respect to any technologies drawn from other
12 agencies, including the rationale for engineering, re-
13 search, and development with respect to such tech-
14 nologies.”.

15 ~~“(2) REVIEW OF THREATS.—Subsection (b)(1)~~
16 of that section is ~~amended—~~ *(to the*

17 ~~“(A) by redesignating subparagraphs (A)~~
18 *G)* through ~~(F)~~ as subparagraphs (B) through ~~(G)~~, *(H)*
19 respectively; and

20 ~~“(B) by inserting before subparagraph~~
21 (B), as so redesignated, the following new sub-
22 paragraph (A):

23 ~~“(A) a comprehensive systems analysis (em-~~
24 ploying vulnerability analysis, threat attribute defini-

1 tion, and technology roadmaps) of the civil aviation
2 system, including—

3 ~~“(i) the destruction, commandeering, or~~
4 diversion of civil aircraft or the use of civil air-
5 craft as a weapon; and

6 ~~“(ii) the disruption of civil aviation serv-~~
7 ice, including by cyber attack;”.

8 ~~“(3) SCIENTIFIC ADVISORY PANEL.—Subsection~~
9 (c) of that section is amended to read as follows:

10 ~~“(c) SCIENTIFIC ADVISORY PANEL.—(1) The Ad-~~
11 ministrator shall establish a scientific advisory panel, as
12 a subcommittee of the Research, Engineering, and Devel-
13 opment Advisory Committee, to review, comment on, ad-
14 vise the progress of, and recommend modifications in, the
15 program established under subsection (a) of this section,
16 including the need for long-range research programs to de-
17 tect and prevent catastrophic damage to commercial air-
18 craft, commercial aviation facilities, commercial aviation
19 personnel and passengers, and other components of the
20 commercial aviation system by the next generation of ter-
21 rorist weapons.

22 ~~“(2)(A) The advisory panel shall consist of individ-~~
23 uals who have scientific and technical expertise in—

24 ~~“(i) the development and testing of effective~~
25 explosive detection systems;

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1 “(ii) aircraft structure and experimentation to
2 decide on the type and minimum weights of explo-
3 sives that an effective explosive detection technology
4 must be capable of detecting;

5 “(iii) technologies involved in minimizing air-
6 frame damage to aircraft from explosives; and

7 “(iv) other scientific and technical areas the
8 Administrator considers appropriate.

9 “(B) In appointing individuals to the advisory panel,
10 the Administrator should consider individuals from aca-
11 demia and the national laboratories, as appropriate.

12 “(3) The Administrator shall organize the advisory
13 panel into teams capable of undertaking the review of poli-
14 cies and technologies upon request.

15 “(4) Not later than 90 days after the date of the
16 enactment of the Aviation and Transportation Security
17 Act, and every two years thereafter, the Administrator
18 shall review the composition of the advisory panel in order
19 to ensure that the expertise of the individuals on the panel
20 is suited to the current and anticipated duties of the
21 panel.”.

22 “(c) ~~COORDINATION WITH ATTORNEY GENERAL.~~
23 ~~Section 44912(b) of title 49, United States Code, is~~
24 ~~amended by adding at the end the following:~~

1 ["(3) Beginning on the date of enactment of the
 2 Aviation and Transportation Security Act, the Adminis-
 3 trator shall conduct all research related to screening tech-
 4 nology and procedures in conjunction with the Attorney
 5 General.".]

113 6 SEC. 141. FLIGHT SCHOOL SECURITY.

7 (a) IN GENERAL.—Chapter 449 of title 49, United
 8 States Code, is amended by adding at the end the fol-
 9 lowing new section:

10 "§ 44939. Training to operate certain aircraft

11 "(a) WAITING PERIOD.—A person subject to regula-
 12 tion under this part may provide training in the operation
 13 of any aircraft having a maximum [certificated] takeoff
 14 weight of 12,500 pounds or less to an alien (as defined
 15 in section 101(a)(3) of the Immigration and Nationality
 16 Act (8 U.S.C. 1101(a)(3))) or to any other individual
 17 specified by the Under Secretary of Transportation for Se-
 18 curity only if—

19 "(1) that person has first notified the Under
 20 Secretary [and the Attorney General] that the indi-
 21 vidual has requested such training and furnished the
 22 Under Secretary with that individual's identification
 23 in such form as the Under Secretary may require;
 24 and

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1 “(2) the Attorney General has not directed,
2 within 45 days after being notified under paragraph
3 (1), that person not to provide the requested train-
4 ing because the Attorney General has determined
5 that the individual presents a risk to aviation or na-
6 tional security.

7 “(b) INTERRUPTION OF TRAINING.—If the Attorney
8 General, more than 45 days after receiving notification
9 under subsection (a) from a person providing training de-
10 scribed in subsection (a), determines that the individual
11 presents a risk to aviation or national security, the Attor-
12 ney General shall immediately notify the person providing
13 the training of the determination and that person shall
14 immediately terminate the training.

15 “(c) COVERED TRAINING.—For the purposes of sub-
16 section (a), training includes in-flight training, training in
17 a simulator, and any other form or aspect of training.

18 “(d) SECURITY AWARENESS TRAINING FOR EMPLOY-
19 EES.—The Under Secretary shall require flight schools to
20 conduct a security awareness program for flight school
21 employees to increase their awareness of suspicious cir-
22 cumstances and activities of individuals enrolling in or at-
23 tending flight school.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“44939. Training to operate certain aircraft.”.

4 (c) INTERNATIONAL COOPERATION.—The Secretary
5 of Transportation, in consultation with the Secretary of
6 State, shall work with the International Civil Aviation Or-
7 ganization and the civil aviation authorities of other coun-
8 tries to improve international aviation security through
9 screening programs for flight instruction candidates.

10 (d) EFFECTIVE DATE.—The amendment made by
11 subsection (a) applies to applications for training received
12 after the date of enactment of this Act.

13 **SEC. 114. INCREASED PENALTIES FOR INTERFERENCE**
14 **WITH SECURITY PERSONNEL.**

15 (a) IN GENERAL.—Chapter 465 of title 49, United
16 States Code, is amended by inserting after section 46502
17 the following:

18 **“§ 46503. Interference with security screening per-**
19 **sonnel**

20 “An individual in an area within a commercial service
21 airport in the United States who, by assaulting a Federal,
22 airport, or air carrier employee who has security duties
23 within the airport, interferes with the performance of the
24 duties of the employee or lessens the ability of the em-
25 ployee to perform those duties, shall be fined under title

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- 1 (3) the Federal Aviation Administration should
- 2 maintain its current restriction on carry-on baggage
- 3 of 1 bag and 1 personal item.

1 18, imprisoned for not more than 10 years, or both. If
2 the individual used a dangerous weapon in committing the
3 assault or interference, the individual may be imprisoned
4 for any term of years or life imprisonment.”.

5 (b) CONFORMING AMENDMENT.—The chapter anal-
6 ysis for chapter 465 of such title is amended by inserting
7 after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

117/ 8 **SEC. 441. PASSENGER MANIFESTS.**

9 Section 44909 is amended by adding at the end the
10 following:

11 “(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO
12 THE UNITED STATES.—

13 “(1) IN GENERAL.—Not later than 60 days
14 after the date of enactment of the Aviation and
15 Transportation Security Act, each air carrier and
16 foreign air carrier operating a passenger flight in
17 foreign air transportation to the United States shall
18 provide to the Commissioner of Customs by elec-
19 tronic transmission a passenger and crew manifest
20 containing the information specified in paragraph
21 (2). Carriers may use the advanced passenger infor-
22 mation system established under section 431 of the
23 Tariff Act of 1930 (19 U.S.C. 1431) to provide the
24 information required by the preceding sentence.

1 “(2) INFORMATION.—A passenger and crew
2 manifest for a flight required under paragraph (1)
3 shall contain the following information:

4 “(A) The full name of each passenger and
5 crew member.

6 “(B) The date of birth and citizenship of
7 each passenger and crew member.

8 “(C) The sex of each passenger and crew
9 member.

10 “(D) The passport number and country of
11 issuance of each passenger and crew member if
12 required for travel.

13 “(E) The United States visa number or
14 resident alien card number of each passenger
15 and crew member, as applicable.

16 “(F) Such other information as the Under
17 Secretary, in consultation with the Commis-
18 sioner of Customs, determines is reasonably
19 necessary to ensure aviation safety.

20 “(3) PASSENGER NAME RECORDS.—The car-
21 riers shall make passenger name record information
22 available to the Customs Service upon request.

23 “(4) TRANSMISSION OF MANIFEST.—Subject to
24 paragraph (5), a passenger and crew manifest re-
25 quired for a flight under paragraph (1) shall be

1 transmitted to the Customs Service in advance of
2 the aircraft landing in the United States in such
3 manner, time, and form as the Customs Service pre-
4 scribes.

5 “(5) TRANSMISSION OF MANIFESTS TO OTHER
6 FEDERAL AGENCIES.—Upon request, information
7 provided to the Under Secretary or the Customs
8 Service under this subsection may be shared with
9 other Federal agencies for the purpose of protecting
10 national security.”

11 118) SEC. 148. AIR TRANSPORTATION ARRANGEMENTS IN CER-
12 TAIN STATES.

13 (a) IN GENERAL.—Notwithstanding any provision of
14 section 41309(a) of title 49, United States Code, to the
15 contrary, air carriers providing air transportation on
16 flights which both originate and terminate at points within
17 the same State may file an agreement, request, modifica-
18 tion, or cancellation of an agreement within the scope of
19 that section with the Secretary of Transportation upon a
20 declaration by the Governor of the State that such agree-
21 ment, request, modification, or cancellation is necessary
22 to ensure the continuing availability of such air transpor-
23 tation within that State.

24 (b) APPROVAL OF SECRETARY.—The Secretary may
25 approve any such agreement, request, modification, or

1 cancellation and grant an exemption under section
2 41308(c) of title 49, United States Code, to the extent
3 necessary to effectuate such agreement, request, modifica-
4 tion, or cancellation, without regard to the provisions of
5 section 41309(b) or (c) of that title.

6 (c) PUBLIC INTEREST REQUIREMENT.—The Sec-
7 retary may approve such an agreement, request, modifica-
8 tion, or cancellation if the Secretary determines that—

9 (1) the State to which it relates has extraor-
10 dinary air transportation needs and concerns; and

11 (2) approval is in the public interest.

12 (d) TERMINATION.—An approval under subsection
13 (b) and an exemption under section 41308(c) of title 49,
14 United States Code, granted under subsection (b) shall
15 terminate on the earlier of the 2 following dates:

16 (1) A date established by the Secretary in the
17 Secretary's discretion.

18 (2) October 1, 2002.

19 (e) EXTENSION.—Notwithstanding subsection (d), if
20 the Secretary determines that it is in the public interest,
21 the Secretary may extend the termination date under sub-
22 section (d)(2) until a date no later than October 1, 2003.

23 (f) REPORTS.—If the Secretary approves any such
24 agreement, request, modification, or cancellation under
25 this section and grants an exemption, the Secretary shall

1 transmit a report to Committee on Commerce, Science,
2 and Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives within 6 months describing what actions have
5 been taken by the air carriers to which the exemption was
6 granted. The Secretary shall also notify those committees
7 if the Secretary extends the termination date under sub-
8 section (e).

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9 **SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.**

10 In order to ensure that all airline computer reserva-
11 tion systems maintained by United States air carriers are
12 secure from unauthorized access by persons seeking infor-
13 mation on reservations, passenger manifests, or other non-
14 public information, the Secretary of Transportation shall
15 require all such air carriers to utilize to the maximum ex-
16 tent practicable the best technology available to secure
17 their computer reservation system against such unauthor-
18 ized access.

19 **SEC. 118. SECURITY FUNDING.**

20 **[(a) USER FEE FOR SECURITY SERVICES.—**

21 **[(1) IN GENERAL.—**Chapter 481 of title 49,
22 United States Code, is amended by adding at the
23 end thereof the following:

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1 SEC. 116. SECURITY SERVICE FEE.

2 (a) IN GENERAL.—Subchapter II of chapter 449 is
3 amended by adding at the end the following:

4 “§ 44940. Security service fee

5 “(a) GENERAL AUTHORITY.—

6 “(1) PASSENGER FEES.—The Under Secretary
7 of Transportation for Security shall impose a uni-
8 form fee, on passengers of air carriers and foreign
9 air carriers in air transportation and intrastate air
10 transportation originating at airports in the United
11 States, to pay for the following costs of providing
12 civil aviation security services:

13 “(A) Salary, benefits, overtime, retirement
14 and other costs of screening personnel, their su-
15 pervisors and managers, and Federal law en-
16 forcement personnel deployed at airport security
17 screening locations under section 44901.

18 “(B) The costs of training personnel de-
19 scribed in subparagraph (A), and the acquisi-
20 tion, operation, and maintenance of equipment
21 used by such personnel.

22 “(C) The costs of performing background
23 investigations of personnel described in sub-
24 paragraphs (A), (D), (F), and (G).

1 “(D) The costs of the Federal air marshals
2 program.

3 “(E) The costs of performing civil aviation
4 security research and development under this
5 title.

6 “(F) The costs of Federal Security Man-
7 agers under section 44903.

8 “(G) The costs of deploying Federal law
9 enforcement personnel pursuant to section
10 44903(h).

11 The amount of such costs shall be determined by the
12 Under Secretary and shall not be subject to judicial
13 review ~~under section 44903.~~

14 “(2) AIR CARRIER FEES.—

15 “(A) AUTHORITY.—In addition to the fee
16 imposed pursuant to paragraph (1), and only to
17 the extent that the Under Secretary estimates
18 that such fee will be insufficient to pay for the
19 costs of providing civil aviation security services
20 described in paragraph (1), the Under Sec-
21 retary may impose a fee on air carriers and for-
22 eign air carriers engaged in air transportation
23 and intrastate air transportation to pay for the
24 difference between any such costs and the
25 amount collected from such fee, as estimated by



1 the Under Secretary at the beginning of each
2 fiscal year. The estimates of the Under Sec-
3 retary under this subparagraph are not subject
4 to judicial review.

5 "(B) LIMITATIONS.—

6 "(i) OVERALL LIMIT.—The amounts
7 of fees collected under this paragraph for
8 each fiscal year may not exceed, in the ag-
9 gregate, the amounts paid in calendar year
10 2000 by carriers described in subpara-
11 graph (A) for screening passengers and
12 property, as determined by the Under Sec-
13 retary.

14 "(ii) PER-CARRIER LIMIT.—The
15 amount of fees collected under this para-
16 graph from an air carrier described in sub-
17 paragraph (A) for each of fiscal years
18 2002, 2003, and 2004 may not exceed the
19 amount paid in calendar year 2000 by that
20 carrier for screening passengers and prop-
21 erty, as determined by the Under Sec-
22 retary.

23 "(iii) ADJUSTMENT OF PER-CARRIER
24 LIMIT.—For fiscal year 2005 and subse-
25 quent fiscal years, the per-carrier limita-



tion under clause (ii) may be determined by the Under Secretary on the basis of market share or any other appropriate measure in lieu of actual screening costs in calendar year 2000.

“(iv) FINALITY OF DETERMINATIONS.—Determinations of the Under Secretary under this subparagraph are not subject to judicial review.

“(c) SPECIAL RULE FOR FISCAL YEAR 2002.—The amount of fees collected under this paragraph from any carrier for fiscal year 2002 may not exceed the amounts paid by that carrier for screening passengers and property for a period of time in calendar year 2000 proportionate to the period of time in fiscal year 2002 during which fees are collected under this paragraph.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration’s costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 per enplanement in air transportation or intrastate air transportation that



1 originates at an airport in the United States, except that
2 the total amount of such fees may not exceed \$5.00 per
3 one-way trip.

4 "(d) IMPOSITION OF FEE.—

5 "(1) IN GENERAL.—Notwithstanding section
6 9701 of title 31 and the procedural requirements of
7 section 553 of title 5, the Under Secretary shall im-
8 pose the fee under subsection (a)(1), and may im-
9 pose a fee under subsection (a)(2), through the pub-
10 lication of notice of such fee in the Federal Register
11 and begin collection of the fee within 60 days of the
12 date of enactment of this Act, or as soon as possible
13 thereafter.

14 "(2) SPECIAL RULES PASSENGER FEES.—A fee
15 imposed under subsection (a)(1) through the proce-
16 dures under subsection (d) shall apply only to tickets
17 sold after the date on which such fee is imposed. If
18 a fee imposed under subsection (a)(1) through the
19 procedures under subsection (d) on transportation of
20 a passenger of a carrier described in subsection
21 (a)(1) is not collected from the passenger, the
22 amount of the fee shall be paid by the carrier.

23 "(3) SUBSEQUENT MODIFICATION OF FEE.—

24 After imposing a fee in accordance with paragraph
25 (1), the Under Secretary may modify, from time to

1 (b) CONFORMING AMENDMENT TO AIRPORT AND
2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
3 ternal Revenue Code of 1986 (relating to airport and air-
4 way program) is amended by inserting “or the ~~Airport and~~ *(Aviation*
5 Transportation Security ~~Federalization~~ Act” after “21st
6 Century”.

124) 7 **SEC. 114. TECHNICAL CORRECTIONS.**

8 (a) REPORT DEADLINE.—Section 106(a) of the Air
9 Transportation Safety and System Stabilization Act (Pub-
10 lic Law 107-42) is amended by striking “February 1,
11 2001” and inserting “February 1, 2002”.

12 (b) INSURANCE AND REINSURANCE OF AIRCRAFT.—
13 Section 44306(c) (as redesignated by section 201(d) of
14 such Act) is amended by inserting “in the interest of air
15 commerce or national security or” before “to carry out
16 foreign policy”.

17 (c) FEDERAL CREDIT INSTRUMENTS.—Section
18 102(c)(2)(A) of such Act is amended by striking “rep-
19 resentatives” and inserting “representations”.

20 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE
21 PER AIR CARRIER.—Section 103 of such Act is amended
22 by adding at the end the following:

23 “(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

24 “(1) SET-ASIDE.—The President may set aside
25 a portion of the amount of compensation payable to

1 time through publication of notice in the Federal
2 Register, the imposition or collection of such fee, or
3 both.

4 "(4) LIMITATION ON COLLECTION.—No fee
5 may be collected under this section except to the ex-
6 tent that the expenditure of the fee to pay the costs
7 of activities and services for which the fee is imposed
8 is provided for in advance in an appropriations Act.

9 "(e) ADMINISTRATION OF FEES.—

10 "(1) FEES PAYABLE TO UNDER SECRETARY.—
11 All fees imposed and amounts collected under this
12 section are payable to the Under Secretary.

13 "(2) FEES COLLECTED BY AIR CARRIER.—A fee
14 imposed under subsection (a)(1) shall be collected by
15 the air carrier or foreign air carrier that sells a tick-
16 et for transportation described in subsection (a)(1).

17 "(3) DUE DATE FOR REMITTANCE.—A fee col-
18 lected under this section shall be remitted on the
19 last day of each calendar month by the carrier col-
20 lecting the fee. The amount to be remitted shall be
21 for the calendar month preceding the calendar
22 month in which the remittance is made.

23 "(4) INFORMATION.—The Under Secretary may
24 require the provision of such information as the
25 Under Secretary decides is necessary to verify that

1 fees have been collected and remitted at the proper
2 times and in the proper amounts.

3 "(5) FEE NOT SUBJECT TO TAX.—For purposes
4 of section 4261 of the Internal Revenue Code of
5 1986 (26 U.S.C. 4261), a fee imposed under this
6 section shall not be considered to be part of the
7 amount paid for taxable transportation.

8 "(6) COST OF COLLECTING FEE.—No portion
9 of fee collected under this section may be retained
10 by the air carrier or foreign air carrier for the costs
11 of collecting, handling, or remitting the fee except
12 for interest accruing to the carrier after collection
13 and before remittance.

14 "(f) RECEIPTS CREDITED AS OFFSETTING COLLEC-
15 TIONS.—Notwithstanding section 3302 of title 31, any fee
16 collected under this section—

17 "(1) shall be credited as offsetting collections to
18 the account that finances the activities and services
19 for which the fee is imposed;

20 "(2) shall be available for expenditure only to
21 pay the costs of activities and services for which the
22 fee is imposed; and

23 "(3) shall remain available until expended.

1 “(g) REFUNDS.—The Under Secretary may refund
2 any fee paid by mistake or any amount paid in excess of
3 that required.

4 “(h) EXEMPTIONS.—The Under Secretary may ex-
5 empt from the passenger fee imposed under subsection
6 (a)(1) any passenger enplaning at an airport in the United
7 States that does not receive screening services under sec-
8 tion 44901 for that segment of the trip for which the pas-
9 senger does not receive screening.”.

10 “(b) CONFORMING AMENDMENT.—The analysis for
11 such chapter is amended by adding at the end the fol-
12 lowing:

“44940. Security service fee.”



1 **["§ 48114. User fee for security services charge**

2 **["(a) IN GENERAL.—**The Secretary of Transpor-
3 tation shall collect a user fee from air carriers. Amounts
4 collected under this section shall be treated as offsetting
5 collections to offset annual appropriations for the costs of
6 providing aviation security services.

7 **["(b) AMOUNT OF FEE.—**Air carriers shall remit
8 \$2.50 for each passenger enplanement.

9 **["(c) USE OF FEES.—**A fee collected under this sec-
10 tion shall be used solely for the costs associated with pro-
11 viding aviation security services and may be used only to
12 the extent provided in advance in an appropriation law.".

13 **[(2) CLERICAL AMENDMENT.—**The table of
14 sections for chapter 481 of title 49, United States
15 Code, is amended by adding at the end thereof the
16 following:

["48114. User fee for security services".

17 **[(3) EFFECTIVE DATE.—**The amendment
18 made by paragraph (1) shall apply with respect to
19 transportation beginning after the date which is 180
20 days after the date of enactment of this Act.]

C 2 } **(b) SPECIFIC AUTHORIZATION OF APPROPRIA-**
22 **TIONS.—**

23 **(1) IN GENERAL.—**Part C of subtitle VII of
24 title 49, United States Code, is amended by adding
25 at the end the following:

1 "CHAPTER 483 AVIATION SECURITY FUNDING" ✓

"Sec.

"48301. Aviation security funding

2 "§ 48301. Aviation security funding

3 "(a) IN GENERAL.—There are authorized to be ap-
4 propriated for fiscal years 2002, 2003, 2004, and 2005
5 such sums as may be necessary to carry out chapter 449
6 and related aviation security activities under this title. Any
7 amounts appropriated pursuant to this section for fiscal
8 year 2002 shall remain available until expended.

9 "(b) GRANTS FOR AIRCRAFT SECURITY.—There is
10 authorized to be appropriated \$500,000,000 for fiscal year
11 2002 to the Secretary of Transportation to make grants
12 to air carriers to—

13 "(1) fortify cockpit doors to deny access from
14 the cabin to the pilots in the cockpit;

15 "(2) provide for the use of video monitors or
16 other devices to alert the cockpit crew to activity in
17 the passenger cabin;

18 "(3) ensure continuous operation of the aircraft
19 transponder in the event the crew faces an emer-
20 gency; and

21 "(4) provide for the use of other innovative
22 technologies to enhance aircraft security."

23 (2) CONFORMING AMENDMENT.—The subtitle
24 analysis for subtitle VII of title 49, United States

Insert to Page 76

1 “(b) GRANTS FOR AIRCRAFT SECURITY.—There is
2 authorized to be appropriated \$500,000,000 for fiscal year
3 2002 to the Secretary of Transportation to make grants
4 to or other agreements with air carriers (including intra-
5 state air carriers) to—

6 “(1) fortify cockpit doors to deny access from
7 the cabin to the pilots in the cockpit;

8 “(2) provide for the use of video monitors or
9 other devices to alert the cockpit crew to activity in
10 the passenger cabin;

11 “(3) ensure continuous operation of the aircraft
12 transponder in the event the crew faces an emer-
13 gency; and

14 “(4) provide for the use of other innovative
15 technologies to enhance aircraft security. ”.



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1 Code, is amended by inserting after the item relating
2 to chapter 482 the following:

"483. Aviation Security Funding 48301".

3 **SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION**
4 **SECURITY.**

5 (a) LIMITED USE OF AIRPORT IMPROVEMENT PRO-
6 GRAM FUNDS.—

7 (1) AIRPORT DEVELOPMENT FUNDS.—Section
8 47102(3) of title 49, United States Code, is amend-
9 ed by adding at the end the following:

10 *additional*) "~~(J) with funds made available for fiscal~~
11 year 2002, any ~~airport~~ security related activ-
12 ity required by law or by the Secretary after
13 September 11, 2001, and before October 1,
14 2002.

15 *2* "(K) in fiscal year 2002 with respect to
16 funds apportioned under section 47114, any ac-
17 tivity, including operational activities, of an air-
18 port that is not a primary airport if that air-
19 port is located within the confines of enhanced
20 class B airspace, as defined by Notice to Air-
21 men FDC 1/0618 issued by the Federal Avia-
22 tion Administration and the activity ~~is~~ carried *(was)*
23 out when the Notice is in effect. *6*

any restriction in

24 "(L) in fiscal year 2002, payments for
25 debt service on indebtedness incurred to carry

*{ in fiscal
years
2001 and
2002*

1 out a project at an airport owned or controlled
2 by the sponsor or at a privately owned or oper-
3 ated airport passenger terminal financed by in-
4 debtedness incurred by the sponsor if the Sec-
5 retary determines that such payments are nec-
6 essary to prevent a default on the indebted-
7 ness.”.

8 (2) ALLOWABLE COSTS.—Section 47110(b)(2)
9 of title 49, United States Code, is amended—

10 (A) by striking “or” in subparagraph (B);

11 (B) by inserting “or” after “executed,” in
12 subparagraph (C); and

13 (C) by adding at the end the following:

14 “(D) if the cost is incurred after Sep-
15 tember 11, 2001, for a project described in sec-
16 tion 47102(3)(J), and shall not depend upon
17 the date of execution of a grant agreement
18 made under this subchapter;”.

19 (3) DISCRETIONARY GRANTS.—Section 47115

20 of title 49, United States Code, is amended by add-
21 ing at the end the following:

22 “(i) CONSIDERATIONS FOR PROJECT UNDER EX-
23 PANDED SECURITY ELIGIBILITY.—In order to assure that
24 funding under this subchapter is provided to the greatest
25 needs, the Secretary, in selecting a project described in

47102(3)(K),
c. 47102
(3)(L)
=

1 section 47102(3)(J) for a grant, shall consider the non-
2 federal resources available to sponsor, the use of such non-
3 federal resources, and the degree to which the sponsor is
4 providing increased funding for the project.”.

5 (4) FEDERAL SHARE.—Section 47109(a) of
6 title 49, United States Code, is amended—

7 (A) by striking “and” in paragraph (3);

8 (B) by striking “47134.” in paragraph (4)
9 and inserting “47134; and”; and

10 (C) by adding at the end the following:

11 “(5) for fiscal year 2002, 100 percent for a
12 project described in section 47102(3)(J).”

13 (5) AIRPORT DEVELOPMENT.—Section
14 47102(3)(B) of title 49, United States Code, is
15 amended—

16 (A) by striking “and” at the end of clause
17 (viii);

18 (B) by striking the period at the end of
19 clause (ix) and inserting “; and”; and

20 (C) by inserting after clause (ix) the fol-
21 lowing new clause:

22 “(x) replacement of baggage conveyor
23 systems, and reconfiguration of terminal
24 baggage areas, that the Secretary deter-

(S 47102(3)(K),
(L) 47102(3)

1 mines are necessary to install bulk explo-
2 sive detection devices.”.

3 (b) APPORTIONED FUNDS.—For the purpose of car-
4 rying out section 47114 of title 49, United States Code,
5 for fiscal year 2003, the Secretary shall use, in lieu of
6 passenger boardings at an airport during the prior cal-
7 endar year, the greater of—

8 (1) the number of passenger boardings at that
9 airport during 2000; or

10 (2) the number of passenger boardings at that
11 airport during 2001.

12 (c) EXPEDITED PROCESSING OF SECURITY-RELATED
13 PFC REQUESTS.—The Administrator of the Federal
14 Aviation Administration shall, to the extent feasible, expe-
15 dite the processing and approval of passenger facility fee
16 requests under subchapter I of chapter 471 of title 49,
17 United States Code, for projects described in section
18 47192(3)(J) of title 49, United States Code.

19) ~~(d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-~~
20 ~~VISION.—Section 45301(b)(1)(B) of title 49, United~~
21 ~~States Code, is amended by striking “directly” and insert-~~
22 ~~ing “reasonably”.~~

insert

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attached

1 air carriers under section 101(a)(2) to provide com-
 2 pensation to classes of air carriers, such as air am-
 3 bulances (including hospitals operating air ambu-
 4 lances) for whom the application of a distribution
 5 formula containing available seat miles as a factor
 6 would inadequately reflect their share of direct and
 7 incremental losses. The President shall reduce the
 8 \$4,500,000,000 specified in subsection (b)(2)(A)(i)
 9 by the amount set aside under this subsection.

10 **“(2) DISTRIBUTION OF AMOUNTS.—**The Presi-
 11 dent shall distribute the amount set aside under this
 12 subsection proportionally among air carriers pro-
 13 ~~viding air ambulance services~~ based on an appro-
 14 priate auditable measure, as determined by the
 15 President.”.

16 **SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**
 17 **SUSPICIOUS ACTIVITIES.**

18 (a) **IN GENERAL.—**Subchapter II of chapter 449 of
 19 title 49, United States Code, is amended by inserting at
 20 the end the following.

21 **“§ 44940. Immunity for reporting suspicious activities**

22 **“(a) IN GENERAL.—**Any air carrier or foreign air
 23 carrier or any employee of an air carrier or foreign air
 24 carrier who makes a voluntary disclosure of any suspicious
 25 transaction relevant to a possible violation of law or regu-

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Insert to page 180

1 (d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-
2 VISION.—Section 45301(b)(1)(B) of title 49, United
3 States Code, is amended—

4 (1) by striking “directly” and inserting “rea-
5 sonably”;

6 (2) by striking “Administration’s costs” and in-
7 serting “Administration’s costs, as determined by
8 the Administrator.”; and

9 (3) by adding at the end “The determination
10 of such costs by the Administrator is not subject to
11 judicial review.”.



120 1 SEC. 1. CHEMICAL AND BIOLOGICAL WEAPON DETEC-
2 TION.

3 Section 44903(c)(2)(C) of title 49, United States
4 Code, is amended to read as follows:

5 "(C) MAXIMUM USE OF CHEMICAL AND BI-
6 OLOGICAL WEAPON DETECTION EQUIPMENT.—
7 The Secretary of Transportation may require
8 airports to maximize the use of technology and
9 equipment that is designed to detect or neu-
10 tralize potential chemical or biological weap-
11 ons."

121 12 SEC. ~~120~~. AUTHORIZATION OF FUNDS FOR REIMBURSE-
13 MENT OF AIRPORTS FOR SECURITY MAN-
14 DATES.

15 (a) AIRPORT SECURITY.—There is authorized to be
16 appropriated to the Secretary for fiscal years 2002 and
17 2003 a total of \$1,500,000,000 to reimburse airport oper-
18 ators, on-airport parking lots, and vendors of on-airfield
19 direct services for direct costs incurred by such operators
20 to comply with new, additional, or revised security require-
21 ments imposed on such operators by the Federal Aviation
22 Administration or Transportation Security Administration
23 on or after September 11, 2001. Such sums shall remain
24 available until expended.

25 (b) DOCUMENTATION OF COSTS; AUDIT.—The Sec-
26 retary may not reimburse an airport operator, on-airport

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1 parking lot, or vendor of on-airfield direct services under
2 this section for any cost for which the airport operator,
3 on-airport parking lot, or vendor of on-airfield direct serv-
4 ices does not demonstrate to the satisfaction of the Sec-
5 retary, using sworn financial statements or other appro-
6 priate data, that—

7 (1) the cost is eligible for reimbursement under
8 subsection (a); and

9 (2) the cost was incurred by the airport oper-
10 ator, on-airport parking lot, or vendor of on-airfield
11 direct services.

12 The Inspector General of the Department of Transpor-
13 tation and the Comptroller General of the United States
14 may audit such statements and may request any other in-
15 formation ~~that~~ necessary to conduct such an audit.

16 (c) CLAIM PROCEDURE.—Within 30 days after the
17 date of enactment of this Act, the Secretary, after con-
18 sultation with airport operators, on-airport parking lots,
19 and vendors of on-airfield direct services, shall publish in
20 the Federal Register the procedures for filing claims for
21 reimbursement under this section of eligible costs incurred
22 by airport operators.

122 } 23 SEC. 121. SENSE OF THE CONGRESS.

24 It is the sense of the Congress that—

to air
carriers

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1 (1) an airport receiving Federal financial assist-
2 ance should meet with the tenants of the airport
3 (other than air carriers and foreign air carriers) to
4 discuss adjustments of the rent of the tenants to ac-
5 count for losses in revenue incurred by the tenants
6 on and after September 11, 2001; ~~and~~ ⁶

7 (2) an air carrier that received financial assist-
8 ance under the Air Transportation Safety and Sys-
9 tem Stabilization Act or under title 49, United
10 States Code, since September 11, 2001, should meet
11 with airport operators to discuss ~~adjustments in~~
12 rates, charges, and fees ^{and}

13 **SEC. 43. AIRPORT IMPROVEMENT PROGRAMS.**

14 (a) COMPETITION PLAN.—Section 47106(f) is
15 amended—

16 (1) by redesignating paragraph (3) as para-
17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—

21 This subsection does not apply to any passenger fa-
22 cility fee approved, or grant made, in fiscal year
23 2002 if the fee or grant is to be used to improve se-
24 curity at a covered airport.”.

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payment
not
applicable

Insert to page 83

- 1 (3) the Federal Aviation Administration should
- 2 maintain its current restriction on carry-on baggage
- 3 of 1 bag and 1 personal item.

1 (b) CONFORMING AMENDMENT TO AIRPORT AND
2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
3 ternal Revenue Code of 1986 (relating to airport and air-
4 way program) is amended by inserting “or the ~~Airport and~~ *Aviation*
5 Transportation Security ~~Federalization~~ Act” after “21st
6 Century”.

124) 7 SEC. 114. TECHNICAL CORRECTIONS.

8 (a) REPORT DEADLINE.—Section 106(a) of the Air
9 Transportation Safety and System Stabilization Act (Pub-
10 lic Law 107-42) is amended by striking “February 1,
11 2001” and inserting “February 1, 2002”.

12 (b) INSURANCE AND REINSURANCE OF AIRCRAFT.—
13 Section 44306(c) (as redesignated by section 201(d) of
14 such Act) is amended by inserting “in the interest of air
15 commerce or national security or” before “to carry out
16 foreign policy”.

17 (c) FEDERAL CREDIT INSTRUMENTS.—Section
18 102(c)(2)(A) of such Act is amended by striking “rep-
19 resentatives” and inserting “representations”.

20 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE
21 PER AIR CARRIER.—Section 103 of such Act is amended
22 by adding at the end the following:

23 “(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—
24 “(1) SET-ASIDE.—The President may set aside
25 a portion of the amount of compensation payable to

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1 air carriers under section 101(a)(2) to provide com-
2 pensation to classes of air carriers, such as air am-
3 bulances (including hospitals operating air ambu-
4 lances) for whom the application of a distribution
5 formula containing available seat miles as a factor
6 would inadequately reflect their share of direct and
7 incremental losses. The President shall reduce the
8 \$4,500,000,000 specified in subsection (b)(2)(A)(i)
9 by the amount set aside under this subsection.

10 **“(2) DISTRIBUTION OF AMOUNTS.—**The Presi-
11 dent shall distribute the amount set aside under this
12 subsection proportionally among air carriers pro-
13 viding air ambulance services based on an appro-
14 priate auditable measure, as determined by the
15 President.”.

125) 16 **SEC. 421. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**
17 **SUSPICIOUS ACTIVITIES.**

18 (a) **IN GENERAL.—**Subchapter II of chapter 449 of
19 title 49, United States Code, is amended by inserting at
20 the end the following:

44941 21 **“§ 44940. Immunity for reporting suspicious activities**

22 **“(a) IN GENERAL.—**Any air carrier or foreign air
23 carrier or any employee of an air carrier or foreign air
24 carrier who makes a voluntary disclosure of any suspicious
25 transaction relevant to a possible violation of law or regu-

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(b) "Immunity" is recommended by adding at the end of the following: "44941. Immunity for reporting suspicious activities."

1 lation, relating to air piracy, a threat to aircraft or pas-
 2 senger safety, or terrorism, as defined by section 3077 of
 3 title 18, United States Code, to any employee or agent
 4 of the Department of Transportation, the Department of
 5 Justice, any Federal, State, or local law enforcement offi-
 6 cer, or any airport or airline security officer shall not be
 7 civilly liable to any person under any law or regulation
 8 of the United States, any constitution, law, or regulation
 9 of any State or political subdivision of any State, for such
 10 disclosure.

11 "(b) APPLICATION.—Subsection (a) shall not apply
 12 to—

13 "(1) any disclosure made with actual knowledge
 14 that the disclosure was false, inaccurate, or mis-
 15 leading; or

16 "(2) any disclosure made with reckless dis-
 17 regard as to the truth or falsity of that disclosure.

18 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**
 19 **DECK CREWS.**

20 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The
 21 National Institute of Justice shall assess the range of less-
 22 than-lethal weaponry available for use by a flight deck
 23 crewmember temporarily to incapacitate an individual who
 24 presents a clear and present danger to the safety of the
 25 aircraft, its passengers, or individuals on the ground and

1 report its findings and recommendations to the Secretary
2 of Transportation within 90 days after the date of enact-
3 ment of this Act.

(h) Arming
Flight Deck
Crew... } 4 Section 44903 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH
7 LESS-THAN-LETHAL WEAPONS.—

8 “(1) IN GENERAL.—If the Secretary, after re-
9 ceiving the recommendations of the National Insti-
10 tute of Justice, determines, with the approval of the
11 Attorney General and the Secretary of State, that it
12 is appropriate and necessary and would effectively
13 serve the public interest in avoiding air piracy, the
14 Secretary may authorize members of the flight deck
15 crew on any aircraft providing air transportation or
16 intrastate air transportation to carry a less-than-le-
17 thal weapon while the aircraft is engaged in pro-
18 viding such transportation.

19 “(2) USAGE.—If the Secretary grants authority
20 under paragraph (1) for flight deck crew members
21 to carry a less-than-lethal weapon while engaged in
22 providing air transportation or intrastate air trans-
23 portation, the Secretary shall—

1 “(A) prescribe rules requiring that any
2 such crew member be trained in the proper use
3 of the weapon; and

4 “(B) prescribe guidelines setting forth the
5 circumstances under which such weapons may
6 be used.”.

127 } 7 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

8 (a) IN GENERAL.—During a national emergency af-
9 fecting air transportation or intrastate air transportation,
10 the Secretary of Transportation, after consultation with
11 the Transportation Security Oversight Board, may grant
12 a complete or partial waiver of any restrictions on the car-
13 riage by aircraft of freight, mail, emergency medical sup-
14 plies, personnel, or patients on aircraft, imposed by the
15 Department of Transportation (or other Federal agency
16 or department) that would permit such carriage of freight,
17 mail, emergency medical supplies, personnel, or patients
18 on flights, to, from, or within a State if the Secretary de-
19 termines that—

20 (1) extraordinary air transportation needs or
21 concerns exist; and

22 (2) the waiver is in the public interest, taking
23 into consideration the isolation of and dependence on
24 air transportation of the State.

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1 lation, relating to air piracy, a threat to aircraft or pas-
 2 senger safety, or terrorism, as defined by section 3077 of
 3 title 18, United States Code, to any employee or agent
 4 of the Department of Transportation, the Department of
 5 Justice, any Federal, State, or local law enforcement offi-
 6 cer, or any airport or airline security officer shall not be
 7 civilly liable to any person under any law or regulation
 8 of the United States, any constitution, law, or regulation
 9 of any State or political subdivision of any State, for such
 10 disclosure.

11 "(b) APPLICATION.—Subsection (a) shall not apply
 12 to—

13 "(1) any disclosure made with actual knowledge
 14 that the disclosure was false, inaccurate, or mis-
 15 leading; or

16 "(2) any disclosure made with reckless dis-
 17 regard as to the truth or falsity of that disclosure.

18 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**
 19 **DECK CREWS.**

20 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The
 21 National Institute of Justice shall assess the range of less-
 22 than-lethal weaponry available for use by a flight deck
 23 crewmember temporarily to incapacitate an individual who
 24 presents a clear and present danger to the safety of the
 25 aircraft, its passengers, or individuals on the ground and

for each chapter is amended by adding at the end
 the following:
 "44941. Immunity for reporting suspicious activities."

126

1 (b) LIMITATIONS.—The Secretary may impose rea-
2 sonable limitations on any such waiver.

128) 3 **SEC. 125. FLIGHT DECK SECURITY**

4 The pilot of a passenger aircraft operated by an air
5 carrier in air transportation or intrastate air transpor-
6 tation is authorized to carry a firearm into the cockpit
7 if—

8 (1) the Under Secretary of Transportation for
9 ~~Transportation Security~~ approves;

10 (2) the air carrier approves;

11 (3) the firearm is approved by the Under Sec-
12 retary; and

13 (4) the pilot has received proper training for
14 the use of the firearm, as determined by the Sec- *Under*
15 retary.

129) 16 **SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.**

17 Section 44703(g) of title 49, United States Code, is
18 amended—

19 (1) in the first sentence of paragraph (1)—

20 (A) by striking “pilots” and inserting “air-
21 men”; and

22 (B) by striking the period and inserting
23 “and related to combating acts of terrorism.”;
24 and

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1 (2) by adding at the end, the following new
2 paragraphs:

3 “(3) For purposes of this section, the term ‘acts of
4 terrorism’ means an activity that involves a violent act or
5 an act dangerous to human life that is a violation of the
6 criminal laws of the United States or of any State, or that
7 would be a criminal violation if committed within the juris-
8 diction of the United States or of any State, and appears
9 to be intended to intimidate or coerce a civilian population
10 to influence the policy of a government by intimidation
11 or coercion or to affect the conduct of a government by
12 assassination or kidnaping.

13 “(4) The Administrator is authorized and directed to
14 work with State and local authorities, and other Federal
15 agencies, to assist in the identification of individuals ap-
16 plying for or holding airmen certificates.”.

133 17 **SEC. 127. RESULTS-BASED MANAGEMENT.**

18 Subchapter II of chapter 449 of title 49, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 44942. Performance goals and objectives**

22 **“(a) SHORT TERM TRANSITION.—**

23 **“(1) IN GENERAL.—**Within 180 days after the
24 date of enactment of the Aviation and Transpor-
25 tation Security Act, the Under Secretary for Trans-

1 portation Security may, in consultation with
2 Congress—

3 “(A) establish acceptable levels of perform-
4 ance for aviation security, including screening
5 operations and access control, and

6 “(B) provide Congress with an action plan,
7 containing measurable goals and milestones,
8 that outlines how those levels of performance
9 will be achieved.

10 “(2) BASICS OF ACTION PLAN.—The action
11 plan shall clarify the responsibilities of the Trans-
12 portation Security Administration, the Federal Avia-
13 tion Administration and any other agency or organi-
14 zation that may have a role in ensuring the safety
15 and security of the civil air transportation system.

16 “(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

17 “(1) PERFORMANCE PLAN AND REPORT.—

18 “(A) PERFORMANCE PLAN.—

19 “(i) Each year, consistent with the re-
20 quirements of the Government Perform-
21 ance and Results Act of 1993 (GPRA), the
22 Secretary and the Under Secretary for
23 Transportation Security shall agree on a
24 performance plan for the succeeding 5
25 years that establishes measurable goals

1 and objectives for aviation security. The
2 plan shall identify action steps necessary to
3 achieve such goals.

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4 “(ii) In addition to meeting the require-
5 ments of GPRA, the performance plan should
6 clarify the responsibilities of the Secretary, the
7 Under Secretary for Transportation Security
8 and any other agency or organization that may
9 have a role in ensuring the safety and security
10 of the civil air transportation system.

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11 “(B) PERFORMANCE REPORT.—(i) Each
12 year, consistent with the requirements of
13 GPRA, the Under Secretary for Transportation
14 Security shall prepare and submit to Congress
15 an annual report including an evaluation of the
16 extent goals and objectives were met. The re-
17 port shall include the results achieved during
18 the year relative to the goals established in the
19 performance plan.

20 **“§ 44943. Performance management system**

21 “(a) ESTABLISHING A FAIR AND EQUITABLE SYS-
22 TEM FOR MEASURING STAFF PERFORMANCE.—The
23 Under Secretary for Transportation Security shall estab-
24 lish a performance management system which strengthens
25 the organization’s effectiveness by providing for the estab-

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1 lishment of goals and objectives for managers, employees,
2 and organizational performance consistent with the per-
3 formance plan.

4 "(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY
5 FOR MEETING PERFORMANCE GOALS.—

6 "(1) Each year, the Secretary and Under Sec-
7 retary for Transportation Security shall enter into
8 an annual performance agreement that shall set
9 forth organizational and individual performance
10 goals for the Under Secretary.

11 "(2) Each year, the Under Secretary for ~~Transportation Security~~
12 ~~tation Security~~ and each senior manager who reports to
13 the Under Secretary for ~~Transportation Security~~ shall
14 enter into an annual performance agreement that sets
15 forth organization and individual goals for those man-
16 agers. All other employees hired under the authority of
17 the Under Secretary for ~~Transportation Security~~ shall
18 enter into an annual performance agreement that sets
19 forth organization and individual goals for those employ-
20 ees.

21 "(c) PERFORMANCE-BASED SERVICE CON-
22 TRACTING.—To the extent contracts, if any, are used to
23 implement the Aviation Security Act, the Under Secretary
24 for Transportation Security shall, to the extent practical,
25 maximize the use of performance-based service contracts.

1 These contracts should be consistent with guidelines pub-
2 lished by the Office of Federal Procurement Policy.”.

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3 **SEC. 129. VOLUNTARY PROVISION OF EMERGENCY SERV-**
4 **ICES DURING COMMERCIAL FLIGHTS.**

5 (a) IN GENERAL.—Subchapter II of chapter 449 of
6 title 49, United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 44944. Voluntary provision of emergency services**

9 “(a) PROGRAM FOR PROVISION OF VOLUNTARY
10 SERVICES.—

11 “(1) PROGRAM.—The Under Secretary of
12 Transportation for Transportation Security shall
13 carry out a program to permit qualified law enforce-
14 ment officers, firefighters, and emergency medical
15 technicians to provide emergency services on com-
16 mercial air flights during emergencies.

17 “(2) REQUIREMENTS.—The Under Secretary
18 shall establish such requirements for qualifications
19 of providers of voluntary services under the program
20 under paragraph (1), including training require-
21 ments, as the Under Secretary considers appro-
22 priate.

23 “(3) CONFIDENTIALITY OF REGISTRY.—If as
24 part of the program under paragraph (1) the Under
25 Secretary requires or permits registration of law en-

1 enforcement officers, firefighters, or emergency med-
2 ical technicians who are willing to provide emergency
3 services on commercial flights during emergencies,
4 the Under Secretary shall take appropriate actions
5 to ensure that the registry is available only to appro-
6 priate airline personnel and otherwise remains con-
7 fidential.

8 “(4) CONSULTATION.—The Under Secretary
9 shall consult with appropriate representatives of the
10 commercial airline industry, and organizations rep-
11 resenting community-based law enforcement, fire-
12 fighters, and emergency medical technicians, in car-
13 rying out the program under paragraph (1), includ-
14 ing the actions taken under paragraph (3).

15 “(b) EXEMPTION FROM LIABILITY.—An individual
16 shall not be liable for damages in any action brought in
17 a Federal or State court that arises from an act or omis-
18 sion of the individual in providing or attempting to provide
19 assistance in the case of an in-flight emergency in an air-
20 craft of an air carrier if the individual meets such quali-
21 fications as the Under Secretary shall prescribe for pur-
22 poses of this section.

23 “(c) EXCEPTION.—The exemption under subsection
24 (b) shall not apply in any case in which an individual pro-
25 vides, or attempts to provide, assistance described in that

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1 paragraph in a manner that constitutes gross negligence
2 or willful misconduct.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

“44944. Voluntary provision of emergency services”.

6 (c) CONSTRUCTION REGARDING POSSESSION OF
7 FIREARMS.—Nothing in this section may be construed to
8 require any modification of regulations of the Department
9 of Transportation governing the possession of firearms
10 while in aircraft or air transportation facilities or to au-
11 thorize the possession of a firearm in an aircraft or any
12 such facility not authorized under those regulations.

132) 13 SEC. 13. GENERAL AVIATION AND AIR CHARTERS.

14 (a) AIR CHARTER PROGRAM.—Within 90 days after
15 the date of enactment of this Act, the Under Secretary
16 of Transportation for Transportation Security shall imple-
17 ment an aviation security program for charter air carriers
18 (as defined in section 40102(a)(13) of title 49, United
19 States Code) with a maximum ~~certified~~ takeoff weight of
20 12,500 pounds or more. *(cert. aircraft)*

21 (b) GENERAL AVIATION PROGRAM.—Within 30 days
22 after the date of enactment of this Act, the Under Sec-
23 retary of Transportation for Transportation Security shall
24 transmit a report on airspace and other security measures
25 that can be deployed, as necessary, to improve security *(general aviation)*

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1 to the Senate Committee on Commerce, Science, and
2 Transportation and the House of Representatives Com-
3 mittee on Transportation and Infrastructure. The Under
4 Secretary may submit the report in both classified and re-
5 dacted forms.

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6 **SEC. 135. DEFINITIONS.**

7 Except as otherwise explicitly provided, any term
8 used in this title that is defined in section 40102 of title
9 49, United States Code, has the meaning given that term
10 in that section.

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11 **SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION**
12 **MATTERS.**

13 (a) **FLIGHT SERVICE STATION EMPLOYEES.**—It is
14 the sense of Congress that the Administrator of the Fed-
15 eral Aviation Administration should continue negotiating
16 in good faith with flight service station employees of the
17 Administration with a goal of reaching agreement on a
18 contract as soon as possible.

19 (b) **WAR RISK INSURANCE.**—It is the sense of Con-
20 gress that the Secretary of Transportation should imple-
21 ment section 202 of the Air Transportation Safety and
22 System Stabilization Act (Public Law 107-42) so as to
23 make war risk insurance directly available to vendors,
24 agents, and subcontractors of air carriers for all of their
25 domestic operations.

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1 SEC. 186. SENSE OF THE HOUSE OF REPRESENTATIVES.

2 It is the sense of the House of Representatives that

3 the Under Secretary of Transportation for Security should

4 develop security procedures to allow passengers trans-

5 porting a musical instrument on a flight of an air carrier

6 to transport the instrument in the passenger cabin of the

7 aircraft, notwithstanding any size or other restriction on

8 carry-on baggage but subject to such other reasonable se-

9 curity procedures, terms, and conditions as may be estab-

10 lished by the Under Secretary or the air carrier, including

11 imposing additional charges by the air carrier, and

12 SEC. —. SHORT-TERM ASSESSMENT AND DEPLOYMENT

13 OF EMERGING SECURITY TECHNOLOGIES

14 AND PROCEDURES.

15 Section 44903 of title 49, United States Code, is

16 amended by adding at the end the following:

17 “(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT

18 OF EMERGING SECURITY TECHNOLOGIES AND PROCE-

19 DURES.—

20 “(1) IN GENERAL.—The Under Secretary for

21 Transportation Security shall recommend to airport

22 operators, within 6 months after the date of enact-

23 ment of the Aviation and Transportation Security

24 Act, commercially available measures or procedures

25 to prevent access to secure airport areas by unau-

26 thorized persons. As part of the 6-month assess-

1 report its findings and recommendations to the Secretary
2 of Transportation within 90 days after the date of enact-
3 ment of this Act.

(h) Arming
Flight Deck
Crew...

4 Section 44903 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH
7 LESS-THAN-LETHAL WEAPONS.—

8 “(1) IN GENERAL.—If the Secretary, after re-
9 ceiving the recommendations of the National Insti-
10 tute of Justice, determines, with the approval of the
11 Attorney General and the Secretary of State, that it
12 is appropriate and necessary and would effectively
13 serve the public interest in avoiding air piracy, the
14 Secretary may authorize members of the flight deck
15 crew on any aircraft providing air transportation or
16 intrastate air transportation to carry a less-than-le-
17 thal weapon while the aircraft is engaged in pro-
18 viding such transportation.

19 “(2) USAGE.—If the Secretary grants authority
20 under paragraph (1) for flight deck crew members
21 to carry a less-than-lethal weapon while engaged in
22 providing air transportation or intrastate air trans-
23 portation, the Secretary shall—

Insert to p. 99

- 1 (2) an air carrier that transports mail under a
- 2 contract with the United States Postal Service
- 3 should transport any animal that the Postal Service
- 4 allows to be shipped through the mail.

1 ment, the Under Secretary for Transportation Secu-
2 rity shall—

3 “(A) review the effectiveness of biometrics
4 systems currently in use at several United
5 States airports, including San Francisco Inter-
6 national;

7 “(B) review the effectiveness of increased
8 surveillance at access points;

9 “(C) review the effectiveness of card- or
10 keypad-based access systems;

11 “(D) review the effectiveness of airport
12 emergency exit systems and determine whether
13 those that lead to secure areas of the airport
14 should be monitored or how breaches can be
15 swiftly responded to; and

16 “(E) specifically target the elimination of
17 the “piggy-backing” phenomenon, where an-
18 other person follows an authorized person
19 through the access point.

20 The 6-month assessment shall include a 12-month
21 deployment strategy for currently available tech-
22 nology at all category X airports, as defined in the
23 Federal Aviation Administration approved air carrier
24 security programs required under part 108 of title
25 14, Code of Federal Regulations. Not later than 18

1 months after the date of enactment of this Act, the
2 Secretary of Transportation shall conduct a review
3 of reductions in unauthorized access at these air-
4 ports.

5 “(2) COMPUTER-ASSISTED PASSENGER
6 PRESCREENING SYSTEM.—

7 “(A) IN GENERAL.—The Secretary of
8 Transportation shall ensure that the Computer-
9 Assisted Passenger Prescreening System, or
10 any successor system—

11 “(i) is used to evaluate all passengers
12 before they board an aircraft; and

13 “(ii) includes procedures to ensure
14 that individuals selected by the system and
15 their carry-on and checked baggage are
16 adequately screened.

17 “(B) MODIFICATIONS.—The Secretary of
18 Transportation may modify any requirement
19 under the Computer-Assisted Passenger
20 Prescreening System for flights that originate
21 and terminate within the same State, if the
22 Secretary determines that—

23 “(i) the State has extraordinary air
24 transportation needs or concerns due to its

1 isolation and dependence on air transpor-
2 tation; and

3 "(ii) the routine characteristics of
4 passengers, given the nature of the market,
5 regularly triggers primary selectee status.

137 } 6 SEC. —. RESEARCH AND DEVELOPMENT OF AVIATION
7 SECURITY TECHNOLOGY.

8 (a) FUNDING.—To augment the programs authorized
9 in section 44912(a)(1) of title 49, United States Code,
10 there is authorized to be appropriated an additional
11 \$50,000,000 for each of fiscal years 2002 through 2006
12 and such sums as are necessary for each fiscal year there-
13 after to the Transportation Security Administration, for
14 research, development, testing, and evaluation of the fol-
15 lowing technologies which may enhance aviation security
16 in the future. Grants to industry, academia, and Govern-
17 ment entities to carry out the provisions of this section
18 shall be available for fiscal years 2002 and 2003 for—

19 (1) the acceleration of research, development,
20 testing, and evaluation of explosives detection tech-
21 nology for checked baggage, specifically, technology
22 that is—

23 (A) more cost-effective for deployment for
24 explosives detection in checked baggage at
25 small- to medium-sized airports, and is cur-

1 rently under development as part of the Argus
2 research program at the Transportation Secu-
3 rity Administration;

4 (B) faster, to facilitate screening of all
5 checked baggage at larger airports; or

6 (C) more accurate, to reduce the number
7 of false positives requiring additional security
8 measures;

9 (2) acceleration of research, development, test-
10 ing, and evaluation of new screening technology for
11 carry-on items to provide more effective means of
12 detecting and identifying weapons, explosives, and
13 components of weapons of mass destruction, includ-
14 ing advanced x-ray technology;

15 (3) acceleration of research, development, test-
16 ing, and evaluation of threat screening technology
17 for other categories of items being loaded onto air-
18 craft, including cargo, catering, and duty-free items;

19 (4) acceleration of research, development, test-
20 ing, and evaluation of threats carried on persons
21 boarding aircraft or entering secure areas, including
22 detection of weapons, explosives, and components of
23 weapons of mass destruction;

24 (5) acceleration of research, development, test-
25 ing and evaluation of integrated systems of airport

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1 security enhancement, including quantitative meth-
2 ods of assessing security factors at airports selected
3 for testing such systems;

4 (6) expansion of the existing program of re-
5 search, development, testing, and evaluation of im-
6 proved methods of education, training, and testing
7 of key airport security personnel; and

8 (7) acceleration of research, development, test-
9 ing, and evaluation of aircraft hardening materials,
10 and techniques to reduce the vulnerability of aircraft
11 to terrorist attack.

12 (b) GRANTS.—Grants awarded under this subtitle
13 shall identify potential outcomes of the research, and pro-
14 pose a method for quantitatively assessing effective in-
15 creases in security upon completion of the research pro-
16 gram. At the conclusion of each grant, the grant recipient
17 shall submit a final report to the Transportation Security
18 Administration that shall include sufficient information to
19 permit the Under Secretary to prepare a cost-benefit anal-
20 ysis of potential improvements to airport security based
21 upon deployment of the proposed technology. The Under
22 Secretary shall begin awarding grants under this subtitle
23 within 90 days of the date of enactment of this Act.

24 (c) BUDGET SUBMISSION.—A budget submission and
25 detailed strategy for deploying the identified security up-

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1 grades recommended upon completion of the grants
2 awarded under subsection (b), shall be submitted to Con-
3 gress as part of the Department of Transportation's an-
4 nual budget submission.

5 (d) DEFENSE RESEARCH.—There is authorized to be
6 appropriated \$20,000,000 to the Transportation Security
7 Administration to issue research grants in conjunction
8 with the Defense Advanced Research Projects Agency.
9 Grants may be awarded under this section for—

10 (1) research and development of longer-term
11 improvements to airport security, including advanced
12 weapons detection;

13 (2) secure networking and sharing of threat in-
14 formation between Federal agencies, law enforce-
15 ment entities, and other appropriate parties;

16 (3) advances in biometrics for identification and
17 threat assessment; or

18 (4) other technologies for preventing acts of ter-
19 rorism in aviation.

138 20 SEC. —. EMPLOYMENT INVESTIGATIONS AND RESTRIC-
21 TIONS.

22 (a) IN GENERAL.—Section 44936 of title 49, United
23 States Code, is amended—

24 (1) by inserting “and a review of available law
25 enforcement data bases and records of other govern-

1 mental and international agencies to the extent de-
2 termined practicable by the Under Secretary of
3 Transportation for Transportation Security," after
4 "check" in subsection (a)(1)(A);

5 (2) by striking "in any case described in sub-
6 paragraph (C)" in subsection (a)(1)(B) and insert-
7 ing "and a review of available law enforcement data
8 bases and records of other governmental and inter-
9 national agencies to the extent determined prac-
10 ticable by the Under Secretary of Transportation for
11 Transportation Security";

12 (3) by striking "will be" in subsection
13 (a)(1)(B)(i) and inserting "are";

14 (4) by striking "and" after the semicolon in
15 clause (ii) of subsection (a)(1)(B)

16 (5) by redesignating clause (iii) of subsection
17 (a)(1)(B) as clause (iv);

18 (6) by inserting after clause (ii) of subsection
19 (a)(1)(B) the following:

20 "(iii) individuals who regularly have
21 escorted access to aircraft of an air carrier
22 or foreign air carrier or a secured area of
23 an airport in the United States the Admin-
24 istrator designates that serves an air car-
25 rier or foreign air carrier; and";

1 (7) by striking subparagraphs (C), (D), and (E)
2 of subsection (a)(1) and redesignating subparagraph
3 (F) as subparagraph (D);

4 (8) by inserting after subparagraph (B) of sub-
5 section (a)(1) the following:

6 “(C) BACKGROUND CHECKS OF CURRENT
7 EMPLOYEES.—

8 “(i) A new background check (includ-
9 ing a criminal history record check and a
10 review of available law enforcement data
11 bases and records of other governmental
12 and international agencies to the extent de-
13 termined practicable by the Under Sec-
14 retary of Transportation for Transpor-
15 tation Security shall be required for any
16 individual who is employed in a position
17 described in subparagraphs (A) and (B) on
18 the date of enactment of the Aviation and
19 Transportation Security Act.

20 “(ii) The Under Secretary may pro-
21 vide by order (without regard to the provi-
22 sions of chapter 5 of title 5, United States
23 Code) for a phased-in implementation of
24 the requirements of this subparagraph.”;

1 (9) by striking "107.31(m)" in subparagraph
2 (D), as redesignated, and inserting "107.31(m)(1)
3 or (2)";

4 (10) by striking "the date of enactment of this
5 subparagraph." in subparagraph (D), as redesign-
6 dated, and inserting "November 22, 2000. The
7 Under Secretary shall work with the International
8 Civil Aviation Organization and with appropriate au-
9 thorities of foreign countries to ensure that individ-
10 uals exempted under this subparagraph do not pose
11 a threat to aviation or national security.";

12 (11) by striking "carrier, or airport operator"
13 in subsection (a)(2) and inserting "carrier, airport
14 operator, or government";

15 (12) by striking "carrier, or airport operator"
16 in subsection (b)(1) and inserting "carrier, airport
17 operator, or government";

18 (13) by striking "carrier, or airport operator"
19 in subsection (b)(3) and inserting "carrier, airport
20 operator, or government"; and

21 (14) by adding at the end of subsection (c)(1)
22 "All Federal agencies shall cooperate with the Under
23 Secretary and the Under Secretary's designee in the
24 process of collecting and submitting fingerprints."

1 “(A) prescribe rules requiring that any
2 such crew member be trained in the proper use
3 of the weapon; and

4 “(B) prescribe guidelines setting forth the
5 circumstances under which such weapons may
6 be used.”.

127 } 7 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

8 (a) IN GENERAL.—During a national emergency af-
9 fecting air transportation or intrastate air transportation,
10 the Secretary of Transportation, after consultation with
11 the Transportation Security Oversight Board, may grant
12 a complete or partial waiver of any restrictions on the car-
13 riage by aircraft of freight, mail, emergency medical sup-
14 plies, personnel, or patients on aircraft, imposed by the
15 Department of Transportation (or other Federal agency
16 or department) that would permit such carriage of freight,
17 mail, emergency medical supplies, personnel, or patients
18 on flights, to, from, or within a State if the Secretary de-
19 termines that—

20 (1) extraordinary air transportation needs or
21 concerns exist; and —

22 (2) the waiver is in the public interest, taking
23 into consideration the isolation of and dependence on
24 air transportation of the State.

1 (b) RECORDS OF EMPLOYMENT OF PILOT APPLI-
2 CANTS.—Part A of subtitle VII is amended—

3 (1) by moving subsections (f), (g), and (h) of
4 section 44936 from section 44936, inserting them at
5 the end of section 44703, and redesignating them as
6 subsections (h), (i), and (j), respectively; and

7 (2) in subsections (i) and (j) of section 44703
8 (as moved to the end of section 44703 by paragraph
9 (1) of this subsection), by striking “subsection (f)”
10 each place it appears and inserting “subsection (h)”.

11 ~~TITLE II—VICTIMS~~
12 ~~COMPENSATION~~

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1 SEC. 139. ALCOHOL AND CONTROLLED SUBSTANCE TEST-
2 ING.

3 Chapter 451 of title 49, United States Code, is
4 amended—

5 (1) by striking “contract personnel” each place
6 it appears and inserting “personnel”;

7 (2) by striking “contract employee” each place
8 it appears and inserting “employee”;

9 (3) in section 45106(c) by striking “contract
10 employees” and inserting “employees”;

11 (4) by inserting after section 45106 the fol-
12 lowing:

13 **“§ 45107. Transportation Security Administration**

14 “(a) TRANSFER OF FUNCTIONS RELATING TO TEST-
15 ING PROGRAMS WITH RESPECT TO AIRPORT SECURITY
16 SCREENING PERSONNEL.—The authority of the Adminis-
17 trator of the Federal Aviation Administration under this
18 chapter with respect to programs relating to testing of air-
19 port security screening personnel are transferred to the
20 Under Secretary of Transportation for Security. Notwith-
21 standing section 45102(a), the regulations prescribed
22 under section 45102(a) shall require testing of such per-
23 sonnel by their employers instead of by air carriers and
24 foreign air carriers.

25 “(b) APPLICABILITY OF CHAPTER WITH RESPECT TO
26 EMPLOYEES OF ADMINISTRATION.—The provisions of this

1 chapter that apply with respect to employees of the Fed-
2 eral Aviation Administration whose duties include respon-
3 sibility for safety-sensitive functions shall apply with re-
4 spect to employees of the Transportation Security Admin-
5 istration whose duties include responsibility for security-
6 sensitive functions. The Under Secretary of Transpor-
7 tation for Security, the Transportation Security Adminis-
8 tration, and employees of the Transportation Security Ad-
9 ministration whose duties include responsibility for secu-
10 rity-sensitive functions shall be subject to and comply with
11 such provisions in the same manner and to the same ex-
12 tent as the Administrator of the Federal Aviation Admin-
13 istration, the Federal Aviation Administration, and em-
14 ployees of the Federal Aviation Administration whose du-
15 ties include responsibility for safety-sensitive functions, re-
16 spectively.”; and

17 (5) in the analysis for such chapter by inserting
18 after the item relating to section 45106 the fol-
19 lowing:

“45107. Transportation Security Administration.”.

20 **SEC. 140. CONFORMING AMENDMENTS TO SUBTITLE VII.**

21 (a) RECORDS OF EMPLOYMENT OF PILOT APPLI-
22 CANTS.—Part A of subtitle VII of title 49, United States
23 Code, is amended—

24 (1) by moving subsections (f), (g), and (h) of
25 section 44936 from section 44936, inserting them at

1 the end of section 44703. and redesignating them as
2 subsections (h). (i). and (j), respectively: and

3 (2) in subsections (i) and (j) of section 44703
4 (as moved to the end of section 44703 by paragraph
5 (1) of this subsection), by striking "subsection (f)"
6 each place it appears and inserting "subsection (h)".

7 (b) INVESTIGATIONS AND PROCEDURES.—Chapter
8 461 of such title is amended—

9 (1) in each of sections 46101(a)(1), 46102(a),
10 46103(a), 46104(a), 46105(a), 46106, 46107(b),
11 and 46110(a) by inserting after "(or" the following:
12 "the Under Secretary of Transportation for Security
13 with respect to security duties and powers des-
14 ignated to be carried out by the Under Secretary
15 or";

16 (2) by striking "or Administrator" each place it
17 appears and inserting ", Under Secretary, or Ad-
18 ministrator";

19 (3) in section 46101(a)(2) by striking "of
20 Transportation or the" and inserting ", Under Sec-
21 retary, or";

22 (4) in section 46102(b) by striking "and the
23 Administrator" and inserting ", the Under Sec-
24 retary, and the Administrator";

1 (5) in section 46102(c) by striking “and Ad-
2 ministrator” each place it appears and inserting “
3 Under Secretary, and Administrator”;

4 (6) in each of sections 46102(d) and 46104(b)
5 by inserting “the Under Secretary,” after “Sec-
6 retary,”;

7 (7) in the heading to section 46106 by striking
8 **“Secretary of Transportation and Admin-
9 istrator of the Federal Aviation Adminis-
10 tration”** and inserting **“Department of
11 Transportation”**; and

12 (8) in the item relating to section 46106 of the
13 analysis for such chapter by striking “Secretary of
14 Transportation and Administrator of the Federal
15 Aviation Administration” and inserting “Depart-
16 ment of Transportation”.

17 (c) ADMINISTRATIVE.—Section 40113 of such title is
18 amended—

19 (1) in subsection (a)—

20 (A) by inserting after “(or” the following:
21 “the Under Secretary of Transportation for Se-
22 curity with respect to security duties and pow-
23 ers designated to be carried out by the Under
24 Secretary or”; and

1 (B) by striking "or Administrator" and in-
2 serting ". Under Secretary, or Administrator";
3 and
4 (2) in subsection (d)—

5 (A) by inserting after "The" the following:
6 "Under Secretary of Transportation for Secu-
7 rity or the";

8 (B) by striking "Administration" the sec-
9 ond place it appears and inserting "Transpor-
10 tation Security Administration or Federal Avia-
11 tion Administration, as the case may be,"; and

12 (C) by striking "the Administrator de-
13 cides" and inserting "the Under Secretary or
14 Administrator, as the case may be, decides".

15 (d) PENALTIES.—Chapter 463 of such title is
16 amended—

17 (1) in section 46301(d)(2)—

18 (A) by striking ". chapter 449 (except sec-
19 tions 44902, 44903(d), 44907(a)–(d)(1)(A) and
20 (d)(1)(C)–(f), 44908, and 44909),";

21 (B) by inserting after the first sentence
22 the following: "The Under Secretary of Trans-
23 portation for Security may impose a civil pen-
24 alty for a violation of chapter 449 (except sec-
25 tions 44902, 44903(d), 44907(a)–(d)(1)(A),

1 44907(d)(1)(C)-(f), 44908, and 44909) or a
2 regulation prescribed or order issued under
3 such chapter 449.”; and

4 (C) by inserting “Under Secretary or” be-
5 fore “Administrator shall”;

6 (2) in each of paragraphs (3) and (4) of section
7 46301(d) by striking “Administrator” each place it
8 appears and inserting “Under Secretary or Adminis-
9 trator”;

10 (3) in section 46301(d)(8) by striking “Admin-
11 istrator” and inserting “Under Secretary, Adminis-
12 trator,”;

13 (4) in section 46301(h)(2) by inserting after
14 “(or” the following: “the Under Secretary of Trans-
15 portation for Security with respect to security duties
16 and powers designated to be carried out by the
17 Under Secretary or”;

18 (5) in section 46303(c)(2) by inserting “or the
19 Under Secretary of Transportation for Security”
20 after “Federal Aviation Administration”;

21 (6) in section 46311—

22 (A) by inserting after “Transportation,”
23 the following: “the Under Secretary of Trans-
24 portation for Security with respect to security

1 duties and powers designated to be carried out
2 by the Under Secretary,";

3 (B) by inserting after "Secretary," each
4 place it appears the following: "Under Sec-
5 retary,"; and

6 (C) by striking "or Administrator" each
7 place it appears and inserting ". Under Sec-
8 retary, or Administrator";

9 (7) in each of sections 46313 and 46316 by in-
10 serting after "(or" the following: "the Under Sec-
11 retary of Transportation for Security with respect to
12 security duties and powers designated to be carried
13 out by the Under Secretary or"; and

14 (8) in section 46505(d)(2) by inserting "or the
15 Under Secretary of Transportation for Security"
16 after "Federal Aviation Administration".

17 **SEC. 141. SAVINGS PROVISION.**

18 (a) **TRANSFER OF ASSETS AND PERSONNEL.**—Ex-
19 cept as otherwise provided in this Act, those personnel,
20 property, and records employed, used, held, available, or
21 to be made available in connection with a function trans-
22 ferred to the Transportation Security Administration by
23 this Act shall be transferred to the Transportation Secu-
24 rity Administration for use in connection with the func-
25 tions transferred. Unexpended balances of appropriations.

1 allocations, and other funds made available to the Federal
2 Aviation Administration to carry out such functions shall
3 also be transferred to the Transportation Security Admin-
4 istration for use in connection with the functions trans-
5 ferred.

6 (b) LEGAL DOCUMENTS.—All orders, determinations,
7 rules, regulations, permits, grants, loans, contracts, settle-
8 ments, agreements, certificates, licenses, and privileges—

9 (1) that have been issued, made, granted, or al-
10 lowed to become effective by the Federal Aviation
11 Administration, any officer or employee thereof, or
12 any other Government official, or by a court of com-
13 petent jurisdiction, in the performance of any func-
14 tion that is transferred by this Act; and

15 (2) that are in effect on the effective date of
16 such transfer (or become effective after such date
17 pursuant to their terms as in effect on such effective
18 date), shall continue in effect according to their
19 terms until modified, terminated, superseded, set
20 aside, or revoked in accordance with law by the
21 Under Secretary of Transportation for Security, any
22 other authorized official, a court of competent juris-
23 diction, or operation of law.

24 (c) PROCEEDINGS.—

1 (1) IN GENERAL.—The provisions of this Act
2 shall not affect any proceedings or any application
3 for any license pending before the Federal Aviation
4 Administration at the time this Act takes effect, in-
5 sofar as those functions are transferred by this Act;
6 but such proceedings and applications, to the extent
7 that they relate to functions so transferred, shall be
8 continued. Orders shall be issued in such pro-
9 ceedings, appeals shall be taken therefrom, and pay-
10 ments shall be made pursuant to such orders, as if
11 this Act had not been enacted; and orders issued in
12 any such proceedings shall continue in effect until
13 modified, terminated, superseded, or revoked by a
14 duly authorized official, by a court of competent ju-
15 risdiction, or by operation of law.

16 (2) STATUTORY CONSTRUCTION.—Nothing in
17 this subsection shall be deemed to prohibit the dis-
18 continuance or modification of any proceeding de-
19 scribed in paragraph (1) under the same terms and
20 conditions and to the same extent that such pro-
21 ceeding could have been discontinued or modified if
22 this Act had not been enacted.

23 (3) ORDERLY TRANSFER.—The Secretary of
24 Transportation is authorized to provide for the or-

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1. P. 50
insert ~~type~~

"(C) if explosive detection equipment at airport is unavailable, all checked baggage ~~which~~ is screened by an alternative means.

U.S. HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20541

1 derly transfer of pending proceedings from the Fed-
2 eral Aviation Administration.

3 (d) SUITS.—

4 (1) IN GENERAL.—This Act shall not affect
5 suits commenced before the date of the enactment of
6 this Act, except as provided in paragraphs (2) and
7 (3). In all such suits, proceeding shall be had, ap-
8 peals taken, and judgments rendered in the same
9 manner and with the same effect as if this Act had
10 not been enacted.

11 (2) SUITS BY OR AGAINST FAA.—Any suit by or
12 against the Federal Aviation Administration begun
13 before the date of the enactment of this Act shall be
14 continued, insofar as it involves a function retained
15 and transferred under this Act, with the Transpor-
16 tation Security Administration (to the extent the
17 suit involves functions transferred to the Transpor-
18 tation Security Administration under this Act) sub-
19 stituted for the Federal Aviation Administration.

20 (3) REMANDED CASES.—If the court in a suit
21 described in paragraph (1) remands a case to the
22 Transportation Security Administration, subsequent
23 proceedings related to such case shall proceed in ac-
24 cordance with applicable law and regulations as in
25 effect at the time of such subsequent proceedings.

1 (e) CONTINUANCE OF ACTIONS AGAINST OFFI-
2 CERS.—No suit, action, or other proceeding commenced
3 by or against any officer in his official capacity as an offi-
4 cer of the Federal Aviation Administration shall abate by
5 reason of the enactment of this Act. No cause of action
6 by or against the Federal Aviation Administration, or by
7 or against any officer thereof in his official capacity, shall
8 abate by reason of the enactment of this Act.

9 (f) EXERCISE OF AUTHORITIES.—Except as other-
10 wise provided by law, an officer or employee of the Trans-
11 portation Security Administration may, for purposes of
12 performing a function transferred by this Act or the
13 amendments made by this Act, exercise all authorities
14 under any other provision of law that were available with
15 respect to the performance of that function to the official
16 responsible for the performance of the function imme-
17 diately before the effective date of the transfer of the func-
18 tion under this Act.

19 (g) ACT DEFINED.—In this section, the term “Act”
20 includes the amendments made by this Act.

21 **SEC. 142. BUDGET SUBMISSIONS.**

22 The President’s budget submission for fiscal year
23 2003 and each fiscal year thereafter shall reflect the estab-
24 lishment of the Transportation Security Administration.

1 SEC. 143. LAND ACQUISITION COSTS.

2 In the case of a grant for land acquisition issued to
3 an airport under chapter 471 of title 49, United States
4 Code, prior to January 1, 1995, the Secretary of Trans-
5 portation may waive the provisions of section 47108 of
6 such title and provide an upward adjustment in the max-
7 imum obligation of the United States under that chapter
8 to assist the airport in funding land acquisition costs (and
9 associated eligible costs) that increased as a result of a
10 judicial order.

11 SEC. 144. LIMITATION ON LIABILITY FOR ACTS TO THWART
12 CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

13 Section 44903 is amended by adding at the end the
14 following:

15 "(h) LIMITATION ON LIABILITY FOR ACTS TO
16 THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—
17 An individual shall not be liable for damages in any action
18 brought in a Federal or State court arising out of the acts
19 of the individual in attempting to thwart an act of criminal
20 violence or piracy on an aircraft if that individual reason-
21 ably believed that such an act of criminal violence or pi-
22 racy was occurring or was about to occur."

23 SEC. 145. AIR CARRIERS REQUIRED TO HONOR TICKETS
24 FOR SUSPENDED SERVICE.

25 (a) IN GENERAL.—Each air carrier that provides
26 scheduled air transportation on a route shall provide, to

1 the extent practicable, air transportation to passengers
2 ticketed for air transportation on that route by any other
3 air carrier that suspends, interrupts, or discontinues air
4 passenger service on the route by reason of insolvency or
5 bankruptcy of the other air carrier.

6 (b) PASSENGER OBLIGATION.—An air carrier is not
7 required to provide air transportation under subsection (a)
8 to a passenger unless that passenger makes alternative ar-
9 rangements with the air carrier for such transportation
10 within 60 days after the date on which that passenger's
11 air transportation was suspended, interrupted, or discon-
12 tinued (without regard to the originally scheduled travel
13 date on the ticket).

14 (c) SUNSET.—This section does not apply to air
15 transportation the suspension, interruption, or discontinu-
16 ance of which occurs more than 18 months after the date
17 of enactment of this Act.

18 **SEC. 146. AIRCRAFT OPERATIONS IN ENHANCED CLASS B**
19 **AIRSPACE.**

20 Upon request of an operator of an aircraft affected
21 by the restrictions imposed under Notice to Airmen FDC
22 1/0618 issued by the Federal Aviation Administration, or
23 any other notice issued after September 11, 2001, and
24 prior to the date of enactment of this Act that restricts
25 the ability of United States registered aircraft to conduct

1 operations under part 91 of title 14, Code of Federal Reg-
2 ulations, in enhanced class B airspace (as defined by such
3 Notice), such restrictions shall cease to be in effect for
4 the affected class of operator beginning on the 30th day
5 following the request, unless the Secretary of Transpor-
6 tation publishes a notice in the Federal Register before
7 such 30th day reimposing the restriction and explaining
8 the reasons for the restriction.

9 **SEC. 147. AVIATION WAR RISK INSURANCE.**

10 Section 44306(b) of title 49, United States Code, is
11 amended by striking "60 days" each place it appears and
12 inserting "1 year".

13 **TITLE II—LIABILITY LIMITATION**

14 **SEC. 201. AIR TRANSPORTATION SAFETY AND SYSTEM STA-**
15 **BILIZATION ACT AMENDMENTS.**

16 (a) **RECOVERY OF COLLATERAL SOURCE OBLIGA-**
17 **TIONS OF TERRORISTS.**—Section 405(c)(3)(B)(i) of the
18 Air Transportation Safety and System Stabilization Act
19 (49 U.S.C. 40101 note) is amended by striking "obliga-
20 tions." and inserting "obligations, or to a civil action
21 against any person who is a knowing participant in any
22 conspiracy to hijack any aircraft or commit any terrorist
23 act."

1 (b) EXTENSION OF LIABILITY RELIEF TO AIRCRAFT
2 MANUFACTURERS AND OTHERS.—Section 408 of that Act
3 is amended—

4 (1) by striking “**air carrier**” in the section
5 heading;

6 (2) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—

9 “(1) LIABILITY LIMITED TO INSURANCE COV-
10 ERAGE.—Notwithstanding any other provision of
11 law, liability for all claims, whether for compen-
12 satory or punitive damages or for contribution or in-
13 demnity, arising from the terrorist-related aircraft
14 crashes of September 11, 2001, against an air car-
15 rier, aircraft manufacturer, airport sponsor, or per-
16 son with a property interest in the World Trade
17 Center, on September 11, 2001, whether fee simple,
18 leasehold or easement, direct or indirect, or their di-
19 rectors, officers, employees, or agents, shall not be
20 in an amount greater than the limits of liability in-
21 surance coverage maintained by that air carrier, air-
22 craft manufacturer, airport sponsor, or person.

23 “(2) WILLFUL DEFAULTS ON REBUILDING OB-
24 LIGATION.—Paragraph (1) does not apply to any
25 such person with a property interest in the World

1 Trade Center if the Attorney General determines.
2 after notice and an opportunity for a hearing on the
3 record, that the person has defaulted willfully on a
4 contractual obligation to rebuild, or assist in the re-
5 building of, the World Trade Center.

6 “(3) LIMITATIONS ON LIABILITY FOR NEW
7 YORK CITY.—Liability for all claims, whether for
8 compensatory or punitive damages or for contribu-
9 tion or indemnity arising from the terrorist-related
10 aircraft crashes of September 11, 2001, against the
11 City of New York shall not exceed the greater of the
12 city’s insurance coverage or \$350,000,000. If a
13 claimant who is eligible to seek compensation under
14 section 405 of this Act, submits a claim under sec-
15 tion 405, the claimant waives the right to file a civil
16 action (or to be a party to an action) in any Federal
17 or State court for damages sustained as a result of
18 the terrorist-related aircraft crashes of September
19 11, 2001, including any such action against the City
20 of New York. The preceding sentence does not apply
21 to a civil action to recover collateral source obliga-
22 tions.”; and

23 (3) by adding at the end of subsection (c) the
24 following: “Subsections (a) and (b) do not apply to
25 civil actions to recover collateral source obligations.

1 Nothing in this section shall in any way limit any li-
2 ability of any person who is engaged in the business
3 of providing air transportation security and who is
4 not an airline or airport sponsor or director, officer,
5 or employee of an airline or airport sponsor.”.

6 (c) LIMITATION OF UNITED STATES SUBROGATION
7 RIGHT.—Section 409 of that Act is amended by striking
8 “title.” and inserting “title, subject to the limitations de-
9 scribed in section 408.”.

10 (d) DEFINITIONS.—Section 402 of that Act is
11 amended—

12 (1) by adding at the end of paragraph (1) the
13 following: “The term ‘air carrier’ does not include a
14 person, other than an air carrier, engaged in the
15 business of providing air transportation security.”.

16 (2) by redesignating paragraphs (3) through
17 (8) as paragraphs (5) through (10), respectively;
18 and

19 (3) by inserting after paragraph (2) the fol-
20 lowing:

21 “(3) AIRCRAFT MANUFACTURER.—The term
22 ‘aircraft manufacturer’ means any entity that manu-
23 factured the aircraft or any parts or components of
24 the aircraft involved in the terrorist related aircraft

1 crashes of September 11, 2001, including employees
2 and agents of that entity.

3 “(4) AIRPORT SPONSOR.—The term ‘airport
4 sponsor’ means the owner or operator of an airport
5 (as defined in section 40102 of title 49, United
6 States Code).”.

From: CN=Kenneth B. Mehlman/OU=WHO/O=EOP [UNKNOWN]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/16/2001 9:17:09 AM
Subject: : Re: Monday OPM deal

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP [UNKNOWN])
CREATION DATE/TIME:16-NOV-2001 14:17:09.00
SUBJECT:: Re: Monday OPM deal
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I am planning to give them a political update, going over key races, etc.
Is this appropriate content?

Robert W. Cobb
11/16/2001 02:09:39 PM
Record Type: Record

To: Kenneth B. Mehlman/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Monday OPM deal

I was speaking with Carol Harvey who is putting on the schedule c conference on Monday. She said you were speaking at 4pm, right after Elaine Kaplan at 3:30. Just so you know, Elaine Kaplan is the head of the Office of Special Counsel who, among other things, is responsible for Hatch Act enforcement. I thought you'd want to know. If you have time, you might consider attending her session. She's a pretty good speaker, and you may find the content helpful.

From: James_A._Brown@omb.eop.gov [UNKNOWN]
To: Rebecca L. Halkias/WHO/EOP@EOP [WHO] <Rebecca L. Halkias>; Rosemarie W. Dale/OMB/EOP@EOP [OMB] <Rosemarie W. Dale>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Caroline A. Marriott/OMB/EOP@EOP [OMB] <Caroline A. Marriott>; Michael J. Cassidy/OMB/EOP@EOP [OMB] <Michael J. Cassidy>; Victoria Wassmer/OMB/EOP@EOP [OMB] <Victoria Wassmer>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Marisa K. Medrano/OPD/EOP@EOP [OPD] <Marisa K. Medrano>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Richard A. Mertens/OMB/EOP@EOP [OMB] <Richard A. Mertens>; Robert H. Goldberg/OMB/EOP@EOP [OMB] <Robert H. Goldberg>; David Aidekman/OMB/EOP@EOP [OMB] <David Aidekman>; Robert J. Nassif/OMB/EOP@EOP [OMB] <Robert J. Nassif>; Michael Garcia/OMB/EOP@EOP [OMB] <Michael Garcia>; Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>; Mark J. Schwartz/OMB/EOP@EOP [OMB] <Mark J. Schwartz>; Shannon Richter/OMB/EOP@EOP [OMB] <Shannon Richter>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Jill G. Crann/OMB/EOP@EOP [OMB] <Jill G. Crann>; Angela M. Donatelli/OMB/EOP@EOP [OMB] <Angela M. Donatelli>; Steven M. Mertens/OMB/EOP@EOP [OMB] <Steven M. Mertens>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; OVP LRM [UNKNOWN] <OVP LRM>; NEC LRM [UNKNOWN] <NEC LRM>; Edward H. Clarke/OMB/EOP@EOP [OMB] <Edward H. Clarke>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; WHGC LRM [UNKNOWN] <WHGC LRM>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Clare C. Doherty/OMB/EOP@EOP [OMB] <Clare C. Doherty>; James J. Tymon/OMB/EOP@EOP [OMB] <James J. Tymon>; Lin Liu/OMB/EOP@EOP [OMB] <Lin Liu>; Timothy A. Rosado/OMB/EOP@EOP [OMB] <Timothy A. Rosado>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; Rodney G. Bent/OMB/EOP@EOP [OMB] <Rodney G. Bent>; Michael Casella/OMB/EOP@EOP [OMB] <Michael Casella>; Ronald L. Silberman/OMB/EOP@EOP [OMB] <Ronald L. Silberman>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Elizabeth L. Rossman/OMB/EOP@EOP [OMB] <Elizabeth L. Rossman>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Allan Villabroza/OMB/EOP@EOP [OMB] <Allan Villabroza>; Adriel M. Harvey/OMB/EOP@EOP [OMB] <Adriel M. Harvey>; Courtney B. Timberlake/OMB/EOP@EOP [OMB] <Courtney B. Timberlake>; Elizabeth A. Bernhard/OMB/EOP@EOP [OMB] <Elizabeth A. Bernhard>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Edward M. Rea/OMB/EOP@EOP [OMB] <Edward M. Rea>; Pamula L. Simms/OMB/EOP@EOP [OMB] <Pamula L. Simms>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Maureen Walsh/OMB/EOP@EOP [OMB] <Maureen Walsh>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Michael D. Gerich/OMB/EOP@EOP [OMB] <Michael D. Gerich>; Meredith G. Benson/OMB/EOP@EOP [OMB] <Meredith G. Benson>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; Siobhan Murphy/OMB/EOP@EOP [OMB] <Siobhan Murphy>; Ronald E. Jones/OMB/EOP@EOP [OMB] <Ronald E. Jones>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Toni S. Hustead/OMB/EOP@EOP [OMB] <Toni S. Hustead>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; CLRM@doc.gov [UNKNOWN] <CLRM@doc.gov>; justice.lrm@usdoj.gov [UNKNOWN] <justice.lrm@usdoj.gov>; statelrm@state.gov [UNKNOWN] <statelrm@state.gov>; llr@do.treas.gov [UNKNOWN] <llr@do.treas.gov>; dodlrs@osdgc.osd.mil [UNKNOWN] <dodlrs@osdgc.osd.mil>; ocaone@aol.com [UNKNOWN] <ocaone@aol.com>; ca.legislation@gsa.gov [UNKNOWN] <ca.legislation@gsa.gov>; scottb@ntsb.gov [UNKNOWN] <scottb@ntsb.gov>; National Security Council LRM Recipients [UNKNOWN] <National Security Council LRM Recipients>; OPBRE E-Mail - EDITORS [UNKNOWN] <OPBRE E-Mail - EDITORS>; laffairs@ustr.gov [UNKNOWN]

<laffairs@ustr.gov>;legis@fema.gov [UNKNOWN]
<legis@fema.gov>;dot.legislation@ost.dot.gov [UNKNOWN] <dot.legislation@ost.dot.gov>;dol-
sol-leg@dol.gov [UNKNOWN] <dol-sol-leg@dol.gov>;CEA Admin [UNKNOWN] <CEA
Admin>;Wallace P. Mullin/CEA/EOP@EOP [CEA] <Wallace P. Mullin>;ola@opm.gov [UNKNOWN] <ola@opm.gov>;valrm@mail.va.gov [UNKNOWN] <valrm@mail.va.gov>
Sent: 11/16/2001 9:34:01 AM
Subject: : FYI -- Joint Explanatory Statement of conferees, S. 1447
Attachments: P_WQUR4004_CEA.TXT_1.pdf

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:James_A._Brown@omb.eop.gov (James_A._Brown@omb.eop.gov [UNKNOWN])

CREATION DATE/TIME:16-NOV-2001 14:34:01.00

SUBJECT:: FYI -- Joint Explanatory Statement of conferees, S. 1447

TO:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Caroline A. Marriott (CN=Caroline A. Marriott/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael J. Cassidy (CN=Michael J. Cassidy/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Victoria Wassmer (CN=Victoria Wassmer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Richard A. Mertens (CN=Richard A. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert H. Goldberg (CN=Robert H. Goldberg/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David Aidekman (CN=David Aidekman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael Garcia (CN=Michael Garcia/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Shannon Richter (CN=Shannon Richter/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jill G. Crann (CN=Jill G. Crann/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Angela M. Donatelli (CN=Angela M. Donatelli/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:OVP LRM (OVP LRM [UNKNOWN])

READ:UNKNOWN

TO:NEC LRM (NEC LRM [UNKNOWN])

READ:UNKNOWN

TO:Edward H. Clarke (CN=Edward H. Clarke/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Christine C. McCarlie (CN=Christine C. McCarlie/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Clare C. Doherty (CN=Clare C. Doherty/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:James J. Tymon (CN=James J. Tymon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Lin Liu (CN=Lin Liu/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Timothy A. Rosado (CN=Timothy A. Rosado/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Diana E. Furchtgott-Roth (CN=Diana E. Furchtgott-Roth/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Rodney G. Bent (CN=Rodney G. Bent/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael Casella (CN=Michael Casella/OU=OMB/O=EOP@EOP [OMB])
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TO:Ronald L. Silberman (CN=Ronald L. Silberman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Elizabeth L. Rossman (CN=Elizabeth L. Rossman/OU=OMB/O=EOP@EOP [OMB])
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TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
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TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
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TO:Allan Villabroza (CN=Allan Villabroza/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Adriel M. Harvey (CN=Adriel M. Harvey/OU=OMB/O=EOP@EOP [OMB])
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TO:Courtney B. Timberlake (CN=Courtney B. Timberlake/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Elizabeth A. Bernhard (CN=Elizabeth A. Bernhard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
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TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
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TO:Edward M. Rea (CN=Edward M. Rea/OU=OMB/O=EOP@EOP [OMB])
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TO:Pamula L. Simms (CN=Pamula L. Simms/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ellen J. Balis (CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Maureen Walsh (CN=Maureen Walsh/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
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 TO:Michael D. Gerich (CN=Michael D. Gerich/OU=OMB/O=EOP@EOP [OMB])
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 TO:Meredith G. Benson (CN=Meredith G. Benson/OU=OMB/O=EOP@EOP [OMB])
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 TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
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 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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 TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
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 TO:CLRM@doc.gov (CLRM@doc.gov [UNKNOWN])
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 TO:scottb@ntsb.gov (scottb@ntsb.gov [UNKNOWN])
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 TO:National Security Council LRM Recipients (National Security Council LRM Recipients [UNKNOWN])
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 TO:OPBRE E-Mail - EDITORS (OPBRE E-Mail - EDITORS [UNKNOWN])
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 READ:UNKNOWN
 TO:CEA Admin (CEA Admin [UNKNOWN])
 READ:UNKNOWN
 TO:Wallace P. Mullin (CN=Wallace P. Mullin/OU=CEA/O=EOP@EOP [CEA])
 READ:UNKNOWN
 TO:ola@opm.gov (ola@opm.gov [UNKNOWN])
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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the bill (S. 1447), to improve aviation security, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

Senate bill

Section 1: "Aviation Security Act".

House amendment

Section 1: "Airport Security Federalization Act of 2001"

Conference substitute

The title of the legislation will be "The Aviation and Transportation Security Act."

2. FINDINGS

Senate bill

Section 101: 7 findings on the importance of security and the need for Federal control and other changes.

House amendment

No provision

Conference substitute

The conferees recognize that the safety and security of the civil air transportation system is critical to the security of the United States and its national defense, and that a safe and secure United States civil air transportation system is essential to the basic freedom of America to move in intrastate, interstate and international transportation. The conferees further note the terrorist hijacking and crashes of passenger aircraft on September 11, 2001, which converted civil aircraft into guided bombs for strikes against the United States, required a fundamental change in the way it approaches the task of ensuring the safety and security of the civil air transportation system.

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A report is required in 6 months and annually thereafter.

Conference substitute

The Conferees have instructed the Secretary to work with the TSOB to develop a data base that will allow the cross checking of the people on "watch lists" of various Federal law enforcement agencies to identify individuals that may pose a risk to security in an effort to identify potential risks to civil aviation. Passenger lists should be used in conjunction with this data base to help target those individuals that pose a threat, and allow appropriate action to be taken.

17. TERRORISM REPORT

Senate bill

Section 103(b): Require reports on all terrorism. Reports to be shared with DOT.

House bill

No provision.

Conference substitute

The Conference Report requires the intelligence community to ensure that reports on terrorism are shared with the DOT.

18. STRATEGIC PLANNING

Senate bill

Section 103(c): Require intelligence agencies to establish units for strategic planning on terrorism.

House bill

No provision.

Conference substitute

The Conference Report requires intelligence agencies to establish units for strategic planning on terrorism.

19. COCKPIT SECURITY

Senate bill

Section 104: FAA shall issue a rule, without notice and comment, permitting only authorized persons to have access to the cockpit, requiring strengthening the door by installing locks and making them rigid, requiring the door to remain locked during flight except when the pilot needs to get out, and taking away the flight attendants key.

Special rules shall be issued for aircraft that do not have a door.

House bill

Section 106: To the extent the Under Secretary considers appropriate, the Under Secretary shall, after consultation with FAA, implement methods to restrict the opening of the cockpit door during flight and fortify those doors.

A report is required in 6 months and annually thereafter.

Funds are authorized to help airlines pay for this.

Conference substitute

The Conference Report prohibits access to the flight deck of passenger aircraft by anyone other than the flight crew. Flight deck doors must be strengthened and remain locked while aircraft is in flight. Video cameras may be provided to alert pilots to cabin activity in the event of a security breach occurring during the flight.

These provisions apply to aircraft required to have a door between the flight deck and cabin. The Conferees also seek the redesign of cockpits to ensure the doors are secured at all times during flight. Redesign can encompass new flight deck materials, double doors to the cockpit as are used in Israel, and lavatories within the flight deck so that flight crew do not leave the flight deck. Once bathroom facilities are provided for the flight crew of passenger aircraft, the cockpit door no longer will need to be opened during flight.

The Conferees instruct the Under Secretary to take into consideration the threat to aviation and national security when developing means to secure the flight deck on commuter aircraft. Any new burdens should be appropriate for the risk.

20. AIR MARSHALS

Senate bill

Section 105: Attorney General prescribes guidelines for training and deployment of sky marshals. DOT administers the program in accordance with these guidelines:

(1) Marshals may be placed on every flight but must be placed on every flight that DOT determines to be high risk.

(2) Marshals must be deployed in 30 days.

(3) Marshals must be given a seat even if that means bumping a passenger.

(4) DOT shall work with ICAO and foreign governments to address security concerns on foreign airlines.

(5) DOT may use personnel from other agencies, including the military, as air marshals.

Section 105: Waives age requirements for retired police, military and out-of-work pilots to work as air marshals, if they meet the background and fitness qualifications.

Report required in 18 months.

House bill

Section 105: Under Secretary deploys air marshals, provides for their background checks, trains them, and requires U.S. airlines to provide seats for them at no cost.

Preference for hiring laid off airline pilots as marshals.

Marshals must be placed on selected flights.

Marshals must be given a seat even if that means bumping a passenger.

DOT shall work with foreign governments to address security concerns on international flights from the U.S.

Until the Under Secretary has all the air marshals needed, personnel from other agencies may be used, with the other agency's concurrence, as air marshals on a non-reimbursable basis.

Airlines must provide seats, on a space-available basis, to off-duty marshals flying home.

Conference substitute

The Conference Report requires that appropriately trained, supervised and equipped Federal Air Marshals (FAMs) may be deployed on every scheduled passenger flight, and must be placed on every "high risk" flight, which may include nonstop longhaul flights, or any other flight deemed appropriate, even if the flight is fully booked. For applicants who otherwise meet the background and fitness requirements, age restrictions may be waived to allow

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(cockpit and cabin)

retired law enforcement officers, retired members of the armed forces, and members of commercial airline crews who have been furloughed from their positions. Personnel from other agencies may be deployed, with the agency's concurrence, as FAMs until an adequate number of FAMs are in place. Additionally, agreements may be entered into allowing trained law enforcement personnel from other agencies to travel with firearms in order to assist FAMs.

The Conferees instruct the Under Secretary to follow air carrier passenger reservations and cancellation practices to the extent practicable. The Under Secretary should work cooperatively with air carriers to develop guidelines concerning reservations and cancellation for the transportation of Federal Air Marshals.

21. SCREENING

Senate bill

Section 108: Attorney General, in consultation with DOT, shall provide for screening of all passengers, property, mail, and cargo that will be carried aboard an aircraft.

Federal employees shall do screening.

Airport and airline employees shall be screened in the same way, except alternative methods may be used for security personnel.

Attorney General shall use screening technology approved by FAA.

Law enforcement personnel shall be deployed at each screening location.

At the 100 largest airports, additional police may be ordered.

Section 105(f): Report from DOT and DOJ required within 120 days on effectiveness of security screening.

Section 106: DOJ and DOT may permit operational flexibility to tailor screening needs for seasonal variations, aircraft types, and special needs of small airports.

Section 108: Attorney General may require non-hub or smaller airports to use State or local law enforcement if the screening will be equivalent to that at larger airports, the training meets Federal standards, the airport is reimbursed by funds made available by this Act, and the airport is consulted.

House bill

Section 102: Federal government is responsible for screening passengers and property on passenger aircraft that originate in the U.S.. Silent on whether screeners are to be Federal employees or private contractors. Under Secretary shall deputize screeners to enforce Federal laws, but not to arrest people. Screeners must have common uniforms. Must be supervised by uniformed Federal employees.

Section 107: Under Secretary should consider certifying screeners and use TIP or similar technologies to measure their performance and revoke their certification if their performance is inadequate.

Section 104: Airport required to deploy law enforcement or military personnel at each screening location. Law enforcement can be either Federal or local.

Conference substitute

The Conference Report requires the Federal government to hire, train and deploy Federal screeners, Federal managers, Federal se-

curity personnel and Federal law enforcement within 1 year. The participants in this Federal security workforce will not be able to strike or engage in work stoppages, and can be fired at the discretion of the Secretary if they are not able to adequately perform their duties.

The Conferees recognize that, in order to ensure that Federal screeners are able to provide the best security possible, the Secretary must be given wide latitude to determine the terms of employment of screeners. The Conference Committee expects that, in fixing the terms and conditions of employment the Secretary shall establish benefits and conditions of employment. The Conference Committee also recognizes that, in order to hire and retain screeners, the Secretary should also ensure that screeners have access to Federal health, life insurance, and retirement benefits, as well as workers' compensation benefits. The Committee believes that screening personnel must also be given whistleblower protections so that screeners may report security conditions without fear of reprisal.

The Conference Report requires the DOT to assume existing screening company contracts as soon as possible, but no later than 90 days after enactment of this legislation. The contracts for existing screeners can be extended for up to 6 months, and the DOT would have the option to extend contracts for no longer than 3 months, if necessary, to continue screening. DOT may also authorize additional Federal law enforcement, National Guard, and other personnel immediately to address the aviation security needs of the country.

The Conferees direct the Secretary to provide a report after one year from the date of enactment certifying deployment of the Federal screeners. Two years after certification airports can opt out of the Federalization of the screener level of the Federal workforce if the Secretary determines that these facilities would continue to provide an equal or higher level of security. Companies will be barred from providing screening if they violate federal standards, are found to allow repeated failures of the system, or prove to be a security risk. The DOT will also establish a Pilot Program for 5 airports, one from each category type, to apply for the use of private contract screeners.

Within 1 year after the date of enactment of the Act, the conferees expect the Transportation Security Administration to submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.

22. CITIZENSHIP OF SECURITY FIRMS

Senate bill

No provision.

House bill

Section 104: Must be owned or controlled by a citizen of the U.S. to the extent the President determines that there are such firms.

Section 123(e): Similar sense of Congress.

Conference substitute

The Conference Report directs that U.S. companies should be used to provide screening if they are available.

23. TRAINING OF PILOTS AND FLIGHT ATTENDANTS

Senate bill

Section 105(f): Report from DOT and DOJ required within 6 months on crew training.

Section 107: DOT shall develop a mandatory airline training program for crews dealing with a hijacking. Training shall be developed in coordination with law enforcement experts.

House bill

Section 106: Under Secretary should consider updating training for dealing with hijacking that includes ways for dealing with suicidal hijackers. Report six months and annually thereafter.

Conference substitute

The Conferees have determined that detailed guidance shall be developed for a mandatory air carrier training program to assist flight crews and attendants in hijack situations. The training curriculum will be developed in consultation with Federal law enforcement agencies with expertise in dealing with these types of threat conditions.

24. HOW FLIGHT ATTENDANTS NOTIFY PILOTS OF A HIJACKING

Senate bill

Section 107: FAA shall revise procedures by which flight attendants notify pilots and implement new measures as soon as practicable.

House bill

Section 106: The Under Secretary should consider requiring the installation of switches in the cabin so that the flight attendants can discreetly notify the pilots.

Conference substitute

The Conference Report directs the Under Secretary to consider the installation of a switch to be located in the cabin for flight attendants to notify pilots in the event of a hijacking without the knowledge of passengers. *or other devices*

25. PROVISION OF PERSONNEL FROM OTHER AGENCIES

Senate bill

Section 105: Amends section 106(m) to allow other agencies to provide personnel to FAA.

House bill

Section 102(d): Same provision, worded differently.

Conference substitute

The Conferees call upon other agencies to provide personnel that has received the proper training for use by the FAA as Federal air marshals (FAMs) in an effort to support and supplement ~~that~~ *the* FAM workforce in its early stages.

26. AIRPORT PERIMETER ACCESS SECURITY

Senate bill

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Section 106: DOT may order deployment of law enforcement personnel as needed to bolster airport security by entering into an agreement with another agency to deploy Federal law enforcement at airports.

Section 106(b): FAA shall provide technical support and financial assistance to small airports to help defray security costs.

House bill

No provision.

Conference substitute

The Conferees have given the Secretary the ability to work with the airports to address potential threats at individual facilities by ordering the deployment of Federal law enforcement authorities to improve airport perimeter and access security in an effort to counter potential criminal activities. Such actions also can include providing increased security at air traffic control facilities. Additionally, the FAA Administrator will develop a plan to provide technical support to enable small- and medium-sized airports to enhance their security operations, and shall include using network digital video surveillance systems.

27. INDIVIDUALS WITH ACCESS TO SECURE AREAS OF THE AIRPORT

Senate bill

See item 21

Section 106(a): DOT, in consultation with ASOC, shall consider whether such individuals should be screened.

Section 106(d): Amend 44903(g)(2) to delete 1/31/01 deadline and beef up language on access control requirements.

Consider deployment of biometric technologies.

Establish pilot programs at 20 airports to test new technologies.

DOT shall require airlines and airports to develop security awareness programs for employees.

Section 211: Within 6 months, DOT shall recommend to airports commercially available ways to prevent access to secure areas. As part of this, DOT shall review effectiveness of biometric and other systems, focus on eliminating piggy-backing, and include a 12-month deployment strategy for currently available technology at Category X airports. Not later than 18 months, DOT shall conduct a review of reductions in unauthorized access.

House bill

Section 106: The Under Secretary shall consider imposing standards for the screening or inspection of vehicles that have access to secure areas and provide for the use of technology to verify the identity of those vehicles entering a secure area. Report after 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that all individuals, goods, property, vehicles, and other equipment seeking access to secure areas must be screened and inspected before entry. The Conference Committee instructs that prescribed requirements should provide at least the same level of protection as the screening of passengers and baggage. The Conferees, however, recognize that these requirements may make allowances for tools and equipment necessary to perform duties in secure areas. The Secretary will examine the physical configuration of individual airports, and consider the

views of the TSOB to consider implementing standards to protect the integrity of secure areas.

28. BAN ON PARKING OF VEHICLES WITHIN 300 FEET OF TERMINAL

Senate bill

Section 106(b): FAA, in consultation with local law enforcement, shall reexamine the need for 300 feet restriction.

House bill

Section 121: Removes this parking ban if the airport, in consultation with local law enforcement, certifies to DOT, after doing a threat assessment, that safeguards are in place to protect public safety.

Conference substitute

The Conferees have determined that all airports must consult with local law enforcement and inform DOT that proper safeguards are in place to ensure that parked vehicles are not a security risk. Each airport must submit views regarding its assessment of the needs of their facility.

29. CHECKED BAGGAGE

Senate bill

See item 9

Section 201(b)(1): Requirement for all baggage to be screened within 9 months.

FAA must establish within 60 days confidential goals for scanning a specific percentage of checked bags within 6 months and annual goals thereafter eventually scanning 100%.

Section 201(c) - page 85 FAA shall require airlines to upgrade the bag match system. Shall establish goals within 60 days to accomplish this including interim measures to match a higher percentage of bags until bomb detectors are used to scan 100% of bags.

Confidential report to Congress in 1 year.

House bill

See item 9

Section 106: All checked baggage must be screened by December 31, 2003. All existing explosive detection equipment must be used to the maximum extent possible.

Additional explosive detection equipment must be installed as soon as possible.

In the interim, airlines must implement a bag match program.

A system must be in place as soon as possible to screen cargo transported in passenger aircraft.

Section 123(d): Sense of Congress that all checked baggage should be screened by any available means.

Conference substitute

The Conferees feel strongly that all baggage to be placed on passenger flights must be screened. Existing technology, including EDS, should be used and upgraded in an effort to ensure that all checked baggage goes through such a system. Any baggage that does not go through EDS will be required to go through some form of manual or other comparable screening system. An alternate system of screening cargo should also be established, and periodic reports issued to provide an understanding of the progress made on these efforts.

30. COMPUTER ASSISTED PASSENGER PROFILING SYSTEM (CAPPS)

Senate bill

Section 201(d): FAA shall make all passengers subject to CAPPS even if they don't check bags so that their carry-ons and person will be subject to additional security measures. Report within 3 months.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to CAPPS and to the distribution of people on the "watch list" of Federal law enforcement agencies. Upgrades shall be deployed in 6 months. A report shall be filed in 18 months.

House bill

Section 106(9): The Under Secretary should consider providing the enhanced use of CAPPS to more effectively screen passengers and carry-on baggage. Report in 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that an enhanced and upgraded use of the Computer Assisted Passenger Pre-Screening System (CAPPS) must be considered to more effectively screen passengers and baggage. The Conferees also recognize that adjustments may need to be made to reflect circumstances in some areas of the U.S., including State with unique transportation needs.

31. DEPUTIZING FOR ENFORCEMENT OF FEDERAL SECURITY LAWS

Senate bill

Section 108(b): Requires Attorney General to deputize State and local law enforcement to regulate screening at non-hubs.

House bill

Private contractor employees deputized.

Conference substitute

No provision.

32. HIRING AND TRAINING OF SCREENERS

Senate bill

Section 109: DOJ, in consultation with DOT, shall establish a program for the hiring and training of screeners. Hiring qualifications shall be set in 30 days. Includes list of qualifications screeners must meet such as education and language requirements. Training plans must be developed within 60 days. Requires 40 hours of classroom training and 60 hours of on the job training. Current lists of dual use items (seemingly harmless items that could be used as a weapon) shall be part of the training. Section 104 - page 16

House bill

Under Secretary may set minimum pay for screeners. Preference shall be given to veterans in the hiring of screeners and laid off airline workers. Final rule for certification of screening companies changed from May 31, 2001 to 6 months after date of enactment. In the meantime, within 30 days of enactment, the standards in the proposed rule, such as education and language requirements, shall be in effect. All screeners must be in approved uniforms.

Conference substitute

A blend of the House and Senate provisions.

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33. CITIZENSHIP OF SCREENERS

Senate bill

Section 109: Must have been a national of the U.S. for at least 5 years.

House bill

Section 104(a): Must be U.S. citizens.

Conference substitute

The Conference Report requires that all airport screeners must be citizens of the U.S.

34. STATUS OF SCREENERS

Senate bill

Section 109(d): Notwithstanding any law, the Attorney General may hire, fire, and pay screeners as he determines necessary.

House bill

Section 102: Federal supervisor can order the dismissal of any screener.

Conference substitute

The Conference Report provides the Under Secretary the authority to employ, terminate and fix the conditions of employment for the Federal screening workforce.

35. STRIKES BY SCREENERS

Senate bill

Section 109(e): Strikes prohibited pursuant to Title 5.

House bill

Section 102: Strikes prohibited.

Conference substitute

The Conference Report directs that the airport screening workforce will be prohibited from striking. The Conferees have provided the Transportation Security Administration authority to utilize existing authority provided to the FAA to develop personnel and acquisition systems. The authority gives the Administration flexibility to design its own policies and procedures and not use the FAA's system, while retaining the legal requirements under sections 40110 and 40112.

36. BACKGROUND CHECKS

Senate bill

Section 109(f): Requires background checks for current screeners and others with access to the airport.

Section 201(a): Requires background checks for current screeners and others to be completed in 9 months unless the person has had such a check in the past 5 years. Alternative checks shall be developed for those who have lived in the U.S. for less than 5 years.

House bill

Section 107: Allows smaller airports to use the same expedited procedures for criminal history background checks as the larger airports now use. (Under the 2000 Security Act these expedited procedures do not go into effect at smaller airports until 2003.)

Requires background check (including review of government data bases) for all current screeners and those with access to secure

areas except for those who have already had such a check or those who are exempted by FAA rules from such checks.

Conference substitute

A blend of the House and Senate provisions.

The Conferees encourage the Under Secretary to provide channeling authority to professional organizations representing industry to FBI AFIS fingerprint databases to perform criminal history verification of aviation business employees. (S) ✓

37. RESEARCH AND DEVELOPMENT

Senate bill

Section 110: Amends section 44912 to require periodic reviews of threats to civil aviation and the potential for the release of biological and chemical weapons. A person shall be designated to be responsible for security research. The person shall file an annual report on research activities. A scientific advisory panel shall be established. DOT shall coordinate research with DOJ.

Section 221: Authorizes \$50 million per year to research various security technologies.

House bill

Section 101: Transfers security research from FAA to the TSA. The TSA can use FAA research facilities.

Conference substitute

A modified version of the Senate provision.

38. FLIGHT SCHOOLS

Senate bill

Section 111: Regarding jet-propelled aircraft, a person shall not give flight instruction, including instruction in simulator, to an alien (or other person specified by DOT) unless DOJ issues that person a certificate of completion of the background check of the alien. Requests for the background check shall be made jointly by the alien and the flight school. Investigation must be completed in 30 days. Investigation includes fingerprint check, immigration check, and a determination of whether alien is a national security risk. Expedited procedures shall be developed for an alien seeking recurrent training. Penalties for violations shall be developed by DOT rulemaking. Flight schools shall report aliens that they train.

Section 111(c): DOT and State shall work with ICAO to improve screening of student pilots.

House bill

Section 106(13): The Under Secretary should consider requiring background checks on individuals seeking flying lessons (including simulator lessons) on aircraft weighing more than 12,500 pounds. Report in 6 months and annually thereafter until the Under Secretary implements the checks or decides not to require them.

Conference substitute

The Conferees have determined that flight school training for aircraft with a minimum certificated weight of 12,500 pounds or more should not be allowed for any alien within the United States unless they have passed a sufficient background check. Such individuals seeking to attend flight school may begin pilot training after 45 days or upon being certified as having passed a background investigation regarding their criminal history and immigration status. A

1 And the House agree to the same.

security awareness program will be developed to assist employees that work at flight schools by helping to increase their awareness of a potential threat.

39. PENALTIES

Senate bill

Section 114: Imposes criminal penalties for interfering with security personnel at a commercial service airport.

House bill

Section 116(c): Transfers the relevant civil penalty authorities from the FAA to the TSA.

Conference substitute

The Conference Report requires that an individual who disrupts the duties of security screening personnel within a commercial service airport shall be fined and/or imprisoned for up to 10 years. The use of a dangerous weapon to interfere with security screening may result in up to life imprisonment.

40. INTRASTATE AIR SERVICE

Senate bill

Section 116: DOT may grant antitrust exemptions to ensure continued viability of air service in that State.

House bill

No provision.

Conference substitute

The Conference Report instructs that DOT may grant anti-trust immunity to ensure continued viability of air service within a state. If the Secretary approves any such request, a report must be given to the relevant Senate and House Committees within six months of the approval describing what actions have been taken by the carriers receiving the exemption.

41. AIRLINE COMPUTER RESERVATION SYSTEMS

Senate bill

Section 117: DOT shall require all airlines to use the best technology to ensure that their systems are secure from unauthorized access. DOT shall submit an annual report on compliance.

House bill

No provision.

Conference substitute

Under the direction of the Conference Report airlines are required to take action that will prevent unauthorized access to computer reservation systems and the information they contain on passengers. Technology should be utilized to the greatest extent possible to ensure the integrity of these systems.

42. FEES

Senate bill

Section 118(a): Within 180 days, airlines remit a \$2.50 fee per enplanement.

House bill

Section 108: Under Secretary shall impose a fee of not more than \$2.50 per one-way trip. The amount of the fee shall be reasonably

related to the costs of providing the screening service. In addition, a fee can be imposed directly on the airlines but it cannot be more than the airlines paid for screening services in 2000. Fees shall be credited as off-setting collections. Passengers using airports where screening services are not provided may be exempted from the fee.

Conference substitute

The Conference substitute requires a fee to be charged to cover the cost of providing the aviation security services. The fee will be based on the number of times a passenger boards a plane during the course of travel, but will be capped at \$5.00 per one-way trip. Any additional funds needed will be authorized to be appropriated or may come from a fee imposed directly on the airlines.

The Secretary may waive or modify the security fee to take into account the isolation of certain communities. In determining whether to waive or modify this fee, the Secretary shall consider the costs of transportation security and the benefits of transportation security that is bestowed on those communities. The Conference substitute amends section 45301(b) of title 49, United States Code, with respect to limitations on overflight fees to (1) to make the language consistent with the new security fee language of this Act, and (2) to clarify Congressional intent with respect to the FAA costs upon which the fees can be based. Specifically, the conference substitute replaces the word "directly" with "reasonably", since the word "directly" has been a source of much confusion and narrow interpretation, and has been a primary cause of recurring litigation which has frustrated and delayed the FAA's imposition of the overflight fees for a number of years. Additionally, this amendment specifies that the FAA's costs upon which the fees are based are to be determined solely by the Administrator. This is to clarify that the Administrator has full authority to determine costs by appropriate means. This amendment is not intended to require revision of the fees recently promulgated by the FAA (66 FR 43680, Aug. 20, 2001) but rather, to clarify longstanding Congressional intent that the FAA expeditiously and continuously collect the fees authorized under section 45301(a) of title 49.

43. AUTHORIZATION

Senate bill

Section 118(b): Authorizes such sums for the next 3 years as may be necessary to carry out the security functions.

House bill

Section 109: Authorizes such sums as may be necessary to the TSA for operating costs and for screening services not covered by the above fee.

Authorizes \$500 million for grants to airlines to fortify cockpit doors, install video monitors to view the passenger cabin, ensure continuous operation of transponder, and use of other technologies.

Conference substitute

The Conference Report authorizes the necessary spending for the cost of providing aviation security.

44. AIRPORT FUNDING

Senate bill

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Section 119(a): Allows AIP and PFC funds to be used to pay security costs in FY 2002 for any cost incurred after 9/11 regardless of when it was incurred. Waives the local matching share. In deciding whether to make a discretionary AIP grant for security costs, the availability and use of non-Federal funding by the airport shall be considered.

Section 120: Authorizes such sums in 2002 to compensate airports for security costs. Costs must be documented and subject to an IG audit. DOT shall publish procedures for filing claims in 30 days.

Section 119(c): PFC requests for security funding should be expedited.

Section 119(b): For the purpose of determining AIP entitlements in FY 2003, enplanements in 2000 or 2001, whichever is higher, shall be used.

Section 201(b): Modifying terminal and baggage systems in order to install bomb detection equipment is made AIP eligible. Section 113: Allows AIP and PFC funds to be used to pay for added law enforcement costs in at a non-hub or small hub airport regardless of when the cost was incurred.

Waives the local matching share.

In FY 2002, allows AIP and PFC money to be used to pay debt service if that would prevent an airport, or privately owned terminal, from defaulting on its bond.

House bill

Section 109: Authorizes a total of \$1.5 billion in 2002 and 2003 to reimburse airports for direct costs they incurred to meet new security requirements. Such sums to remain available until expended. Before getting the money, the airport must agree to meet with its concessionaires to discuss rent adjustments and provide an itemized list of costs incurred.

Conference substitute

A blend of the House and Senate provisions.

45. COMPETITION PLANS

Senate bill

No provision.

House bill

Section 113(a): Waives an airport's obligation to submit a competition plan in FY 2002 when it is seeking money to improve security.

Conference substitute

The Conference Report waives the obligation of an airport to submit a competition plan in FY '02 when seeking money to improve security.

46. REPORTING SUSPICIOUS ACTIVITIES

Senate bill

Section 121: Exempts airline employees from liability for disclosing, in good faith, suspicious activity. DOJ shall establish procedures to notify the FAA of people who may pose a risk of hijacking. Report shall be submitted in 120 days on the implementation of this notification.

House bill

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No provision.

Conference substitute

The Conference Report encourages and exempts airline employees from liability for disclosing suspicious activities in response to a "reasonably believed" threat.

47. ARMING PILOTS

Senate bill

Section 122: National Institute of Justice shall assess non-lethal weapons for use by pilots and report to DOT in 90 days. After receiving report, DOT may authorize pilots to carry such weapons. DOT shall establish training and procedural requirements for using these weapons.

Section 125: Authorizes FAA to permit a pilot with proper training to carry a gun in the cockpit. FAA shall establish a training program. Report shall be submitted every 6 months on the effectiveness of this provision.

House bill

Section 106: DOT cannot take any action to prevent a pilot from taking a gun into the cockpit if the policy of the airline allows it and the pilot has completed a training program acceptable to the Under Secretary.

Conference substitute

A pilot is authorized to carry an approved firearm into the cockpit if approved by the Under Secretary and the air carrier, and the pilot has received proper training.

48. ISOLATED COMMUNITIES

Senate bill

Section 123: During an emergency, DOT, after consulting with the ASCC, may grant waivers on flight restrictions to allow flights carrying freight, mail, patients, and medical supplies to areas with extraordinary transportation needs given isolation of the area and if the waiver is in the public interest.

House bill

Section 120: Similar provision but worded differently.

Conference substitute

The Conference Report instructs that during an emergency DOT may grant waivers on flight restrictions to areas with extraordinary transportation needs.

49. SUPPLIES ON BOARD AIRCRAFT

Senate bill

Section 124: DOT shall ensure the safety of food and other supplies on aircraft by sealing packages, screening personnel and vehicles, etc.

House bill

See item 27

Conference substitute

The Conferees have determined that DOT should establish procedures to ensure the safety and security of on-board supplies for intrastate passenger aircraft. The Secretary will establish procedures that may increase security for the point of origin of the sup-

plier, provide for sealed supplies, and the screening of the supplies as they enter the airport.

50. AIRMAN REGISTRY

Senate bill

Section 126: Directs FAA to modify the registry to make it more effective in combating terrorism. FAA should work with State and locals to assist in identifying those applying for or holding airmen certificates.

House bill

No provision.

Conference substitute

The Conferees direct that the FAA must take steps to make the airman registry more effective to combat terrorism by working with the appropriate authorities to assist in properly identifying persons applying for or in possession of airmen certificates.

51. PASSENGER MANIFESTS

Senate bill

No provision.

House bill

Section 111: Within 60 days, U.S. and foreign airlines on international flights to the U.S. must provide to the Under Secretary (or another agency) by electronic transmission a passenger and crew manifest with specified information.

Conference substitute

The Conference Report requires air carriers to use the Air Passenger Information System (APIS) to provide a crew and passenger manifest and related information to Customs for each flight.

52. RESULTS-BASED MANAGEMENT

Senate bill

Section 127: With 60 days, DOT shall establish acceptable performance levels for aviation security and provide Congress with an action plan clarifying the responsibilities of the government agencies involved. Each year, a performance plan shall be made available. Any contracts to implement this Act shall try to maximize the use of performance based service contracts.

House bill

Section 106(7): Consider establishing performance goals for screeners. Report after 6 months and annually thereafter until this is implemented or rejected.

Conference substitute

Modified Senate provision.

53. EMPLOYMENT REGISTER

Senate bill

Section 128(a): DOT shall establish and maintain an employment register.

House bill

No provision.

Conference substitute

No provision.

54. TRAINING FACILITIES

Senate bill

Section 128(b): DOT may use FAA training facilities to train security screeners.

House bill

No provision.

Conference substitute

The Conference Report directs the Secretary to use existing Federal training facilities, where possible, to address the training needs of security screening personnel.

55. AIRSPACE RESTRICTIONS

Senate bill

Section 129: President shall submit a report within 30 days describing any airspace restrictions that remain in place and the justification for those restrictions.

House bill

Section 119: The restrictions on Class B airspace shall cease to be in effect 10 days after enactment unless a notice is published prior to the 10th day reimposing and explaining the reasons for those restrictions.

Conference substitute

The Conferees instruct the Secretary to lift restrictions on Class B airspace under specified requirements.

56. VOLUNTEERS

Senate bill

Section 130: DOT shall carry out a program to permit police, firefighters, and paramedics to provide emergency services during flight. Exempts from liability those who help in an emergency. This does not authorize the possession of firearms.

House bill

No provision but exemption from liability seems to be covered by existing law, section 5(b) of Aviation Medical Assistance Act.

Conference substitute

The Conferees instruct the Secretary to implement a program that will allow qualified law enforcement, firefighters and emergency service technicians to assist in the event of an emergency during commercial air flights. This program will establish the credentials of volunteers, maintain their confidentiality and exempt them from liability.

57. LIMITATION ON LIABILITY

Senate bill

No provision.

House bill

Section 110: Limits liability of passenger or crew who hurts a person they, in good faith, believe was hijacking or about to hijack the plane.

Conference substitute

The Conference Report exempts passengers and crew from liability if an individual "reasonably believed" that a hijacking was occurring.

58. GENERAL AVIATION SECURITY

Senate bill

Section 131: FAA shall begin a security program for aircraft over 12,500 pounds within 90 days. Waivers from this requirement can be granted. A security program for smaller aircraft shall begin in 1 year. A report shall be filed in 18 months.

Aircraft may not be sold or leased to an alien unless a background check has been done or until the security programs described above are implemented.

House bill

No provision.

Conference substitute

The Conference report directs the Secretary to provide Congress a report on improving general aviation security in the United States within 3 months of enactment of the legislation.

The Conferees note that a number of issues on aviation security research merit the prompt attention of the Department of Transportation. In particular, the Conferees observe that research into providing better security with minimal disruption in the system in the area of general aviation is important.

The Conferees note that the FAA has recently designated a consortium of schools as a general aviation center of excellence and anticipates that the FAA would draw upon the expertise of these institutions in formulating a security program for general aviation.

The Conferees also note that NASA, in coordination with the DOT, is investigating technology that would facilitate remote screening of small aircraft prior to takeoff.

Such a general aviation remote screening system (GARSS) could be installed on a vehicle or mobile platform, or in a fixed facility alongside a taxiway, and would provide a pre-takeoff alert if suspicious objects or materials were detected aboard an aircraft.

The Conferees urge that the development and implementation of GARSS be pursued.

59. FUNDING FOR GENERAL AVIATION AIRPORTS

Senate bill

No provision.

House bill

Section 113(b): In FY 2002, allows non-primary airports within Class B airspace to seek AIP money for any purpose, including operational costs.

Conference substitute

Modified House position.

60. CONFORMING AMENDMENT TO IRS CODE

Senate bill

No provision.

House bill

Section 113(e): Amends Code to cross-reference this Security Act so that the money authorized by this Act out of the Trust Fund can be spent.

Conference substitute

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The Conference Report amends the IRS code to cross-reference this legislation to provide for the authorization of spending ~~from~~ ^{from} the Trust Fund.

61. TECHNICAL CORRECTIONS

Senate bill

No provision.

House bill

Section 114: Makes technical corrections to the Air Transportation Safety and System Stabilization Act.

Conference substitute

The Conference Report makes technical corrections to the Air Transportation Safety and System Stabilization Act.

62. ALCOHOL AND DRUG TESTING

Senate bill

No provision.

House bill

Section 115: Amends existing law to account for the transfer of functions from the FAA to the TSA

Conference substitute

The Conference Report amends existing law to transfer alcohol and drug testing functions from the FAA to the TSA.

63. CONFORMING AMENDMENTS

Senate bill

No provision.

House bill

Section 116: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to account for the transfer of functions from the FAA to the TSA.

64. SAVINGS PROVISION

Senate bill

No provision.

House bill

Section 117: Ensures a smooth transfer from the FAA to the TSA.

Conference substitute

The Conference Report
House provision.

65. BUDGET SUBMISSIONS

Senate bill

No provision.

House bill

Section 118: Requires the President's budget submissions starting in 2003 to list the TSA budget separately.

Conference substitute

The Conference Report
House provision.

66. AIR AMBULANCES

Senate bill

No provision.

House bill

Section 114: Amends the Airline Stabilization Act to modify the method for distributing compensation to air ambulances.

Conference substitute

The Conference Report amends the Airline Stabilization Act to allow for a modified system of providing compensation to air tour operators and air ambulances to better address their needs after industry wide losses. It is the Conferees' position that the Stabilization Act's section 103 compensation formula language, "revenue ton miles or any other auditable measure" should be broadly construed and should not restrict compensation exclusively to Revenue ~~for~~ ^{ton} Miles reported on previously filed DOT Form 41s. If Air, Crew, Maintenance, Insurance lessors can provide accurate and auditable records of their revenue ~~for~~ ^{ton} miles during the relevant time period, then they should be eligible for compensation based under the Stabilization Act.

67. PASSENGERS WHO BOUGHT TICKETS ON BANKRUPT AIRLINES

Senate bill

No provision.

House bill

Section 123: Other airlines must honor these tickets to the extent practicable.

Conference substitute

The Conferees direct the air carriers, to the extent practicable, to honor the tickets of passengers purchased by airlines that file for bankruptcy, if the purchaser requests the use of his or her ticket within 60 days of the suspended or canceled flight, for the first 18 months after enactment of this legislation.

68. FLIGHT SERVICE STATION EMPLOYEES

Senate bill

No provision.

House bill

Section 123(a): Sense of Congress that FAA should continue negotiating in good faith with these employees.

Conference substitute

The Conference Report offers the Sense of Congress that FAA should continue negotiating in good faith with flight service station employees.

69. WAR RISK INSURANCE

Senate bill

No provision.

House bill

Section 123(b): Sense of Congress that vendors agents and subcontractors of general aviation aircraft should get war risk insurance.

Conference substitute

The Conference Report offers the Sense of Congress on the availability of war risk insurance to vendors, agents, and subcontractors of air carriers for all their domestic operations.

70. ANIMALS

Senate bill

No provision.

House bill

Section 123(c): Sense of Congress that airlines that transport mail should carry animals that the Postal Service allows to be mailed.

Conference substitute

The Conference Report offers ^{the} Sense of the House that airlines that transport mail should carry animals that the U.S. Postal Service permits to be sent in the mail.

71. CARRY-ON BAGGAGE

Senate bill

Report on carry-on baggage.

House bill

No provision.

Conference substitute

The Conference Report offers ^{the} Sense of the Congress that the FAA should continue its current restrictions on carry-on baggage of 1 bag plus 1 personal item. A backpack should be considered a personal item.

72. USPS MAIL POLICY IN ALASKA

Senate bill

No provision.

House bill

No provision.

Conference substitute

The Conferees encourage the Congress to pass legislation quickly to restructure the United States Postal Service's process of tendering non-priority bypass mail with the State of Alaska. Restructuring this program to direct more carriers to convert to 121 passenger operators will improve the safety of air transportation in Alaska and enhance the security of passengers.

73. VICTIMS COMPENSATION

Senate bill

No provision.

House bill

Title II:

Conference substitute

The Conference substitute extends the liability limitations of the Air Transportation Stabilization Act to aircraft manufacturers, State port authorities, owners and operators of airports, and persons with property interests in the World Trade Center.

These provisions limit liability under the Act to the maximum level of their insurance coverage.

The Conferees expect that security functions at United States airports should become a Federal government responsibility, and it is their belief that while the number of Federal air marshals is classified, their presence would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel. The Conferees also noted that the effectiveness of existing security measures, including employee background checks and passenger pre-screening, is currently impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

The Conferees developed this legislation to address the security of the nation's transportation system.

3. ORGANIZATION OF SECURITY FUNCTION WITHIN DOT

Senate bill

Section 102: Creates a new Deputy Secretary of Transportation.

House amendment

Section 101: Creates a new Transportation Security Administration (TSA) within DOT headed by an Under Secretary. Establishes qualifications. Sets 5-year term. TSA has same procurement and personnel authority as the FAA.

Conference substitute

The Conference Report creates the Transportation Security Administration (TSA) to be headed by an Under Secretary within the DOT.

4. FUNCTIONS OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 102(a): Coordinate and direct the functions of DOT and FAA under Chapter 449.

Work with the FAA on actions that affect safety.

Coordinate with DOJ, DOD, and other agencies on matters related to aviation security.

Coordinate transportation and actions of other agencies during an emergency. (This does not supersede the authority of any other agency.)

Establish uniform standards for transportation during an emergency.

Provide notice to other agencies about threats during an emergency. The Secretary defines what constitutes an emergency.

Take other actions, the Secretary shall prescribe.

House amendment

Section 101: Under Secretary will be responsible for security in all modes of transportation. Specifically, Under Secretary is responsible for the following:

Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

Assessing threats to transportation.

Developing policies to deal with these threats.

Coordinating with other agencies.

Serve as the liaison with the intelligence community.

Any person with a property interest in the World Trade Center, as a condition to receiving liability protection under the Act, is required to satisfy all contractual obligations to rebuild or assist in the rebuilding of the World Trade Center.

The Conference substitute also limits the liability for all claims arising from the terrorist-related attacks of September 11, 2001, brought against the City of New York to the greater of the City's insurance coverage or \$350,000,000.

8 This limitation on damages against the City of New York, however, ~~does~~ not apply to any non-government or private entity that is contracted with the City.

The Conference substitute also excludes entities primarily engaged in the business of airport security from its limitation on liability.

Supervising airport security using Federal uniformed personnel.

Manage the Federal security personnel in the field

Enforce security regulations.

Undertake research to improve security.

Inspect, maintain, and test security equipment.

Ensure that adequate security is provided for the transportation of cargo.

Oversee the security at airports and other transportation facilities.

Perform background checks on screeners and those who work at airports.

Develop standards for the hiring and firing of screeners.

Train and test screeners.

Conference substitute

The Conferees believe the best way to ensure effective Federal management of the nation's transportation system is through the creation of a new Administration within DOT to be called the Transportation Security Administration (TSA). The TSA's responsibilities will encompass security in all modes of transportation.

5. PAY OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 127: Paid at level II of the Executive Schedule plus bonuses based on performance.

House amendment

Section 101(c): Paid at level II of the Executive Schedule (\$141,300 in 2000).

Conference substitute

The Conferees direct that the Under Secretary is to be paid at Level II of the Executive Schedule (\$141,300 in 2000). A bonus, not to exceed thirty percent of the annual salary may be provided based on the performance of the US to be determined by the Secretary.

6. REPORTS

Senate bill

Section 102(a): Annual report of activities.

Section 127: Annual DOT report on results achieved relative to the agency security performance plan.

Section 112: 60-day report on additional security measures.

Section 133: 120-day report on the new DOJ responsibilities for aviation security.

Section 113: 3-month report on how to improve security of general aviation and air charters.

House amendment

Section 106: Eliminates existing report in section 44938 of title 49, United States Code.

Conference substitute

(House)

6A. ENHANCED SECURITY

Senate bill

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Section 115: 120 day report on the following issues:

- (1) Requiring verification of airport employees' identity.
- (2) Installing switches so flight attendants can notify pilots of a hijacking.
- (3) Revalidating airline and airport employee identification cards.
- (4) Updating strategy for dealing with hijackings.
- (5) Technology to improve communication between aircraft and ground facilities.

Section 211: DOT shall study options for improving positive IDs of passengers at check-in counters and boarding areas. Report required in 6 months.

House amendment

Section 106: Requires the Under Secretary to address the issues listed below and to report 6 months after the date of enactment on the progress being made in implementing each.

A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected:

- (1) Develop procedures (such as barrel roles or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers.
- (2) After consultation with the FAA, find ways to—
 - (A) limit access to the cockpit;
 - (B) strengthen cockpit doors;
 - (C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;
 - (D) ensure that the aircraft transponder cannot be turned off in flight.
- (3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others who have access to aircraft and secure areas of airports.
- (4) Require airlines to provide emergency call capability from aircraft and trains.
- (5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane.
- (6) Develop certification standards for individual screeners.
- (7) Establish performance goals and use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those goals or certification standards.
- (8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes.
- (9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage.
- (10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be.
- (11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem.
- (12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th.

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(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal.

(15) Perform more thorough background checks (including review of immigration and other government records) of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport.

(16) Establish a uniform system for identifying law enforcement personnel authorized to carry a gun on board to ensure they are who they claim to be.

(17) Allow airlines to implement trusted passenger programs to use technology to expedite screening for those passengers that wish to participate.

(18) Develop security procedures for stem cells and other medical containers that cannot be opened or x-rayed.

(19) Develop security procedures to allow musical instruments to be carried in the passenger cabin.

(20) Provide for the use of wireless devices to enable communications among airport security personnel about potential threats.

Conference substitute

The Under Secretary shall decide upon establishing security measures to: ensure that the flight transponder cannot be turned off in flight; require airlines to provide emergency call capability from aircraft and trains; use voice stress analysis, biometric, and other technologies to prevent dangerous persons from boarding a plane; establish a uniform system for identifying law enforcement personnel traveling with firearms to ensure they are who they claim to be; require the consideration of alternative security procedures that would not damage medical products; allow airlines to implement trusted passenger programs to use technology to expedite screening on a voluntary basis; and, provide for the use of technology to enhance communications among airport security personnel about potential threats. The conferees encourage efforts by the Transportation Security Administration and professional organizations representing industry to use biometric information, such as fingerprints collected initially as input to the background check process, for future verification of identity at access control points to secure airport areas. The Conferees applaud efforts to improve day-to-day airport security by utilizing this raw biometric information collected from individuals as a recurrent identifier for access to secure areas. The Conferees urge the Transportation Security Administration to work with industry organizations that ~~can~~ assist in the process of background checks, record-keeping, and universal access control data. CAN

7. RESPONSIBILITY OF THE ATTORNEY GENERAL

Senate bill

Section 102(b): Responsible for screening, including the hiring and training of screeners.

House amendment

No provision—The Under Secretary is responsible for screening.

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Conference substitute
No provision.

8. TRANSITION

Senate bill

Section 102(d): Until Deputy Secretary takes office, the functions are performed by the Assistant Administrator of the FAA.

Section 108: Transition to Attorney General immediate. Actions completed in 9 months.

House amendment

Section 101: Under Secretary shall assume civil aviation security responsibilities in 3 months. In the meantime, Under Secretary can take over airline contracts with screening companies.

No change until Under Secretary is appointed.

Conference substitute

The Conferees direct the Under Secretary to assume responsibility for civil aviation security within 3 months of the enactment of this legislation.

9. TECHNOLOGY AND EQUIPMENT

Senate bill

Section 102(c): Amends 44932(c) to require FAA to ensure the use of the best available security equipment, not merely the best available x-ray equipment.

Section 108: Restates provision in current law requiring manual process where equipment is now underutilized.

Section 132: By September 30, 2002, FAA shall decide the feasibility of implementing technologies designed to protect aviation and automatically detect bombs, drugs, hazardous chemicals, and nuclear devices.

Section 201(b): FAA shall deploy and use existing bomb detection equipment. Within 60 days, FAA shall establish goals for—

- (1) deploying equipment now in storage;
- (2) specifying a percentage of checked bags to be scanned within 6 months, with a goal of scanning 100 percent;
- (3) the number of bomb detectors that will be purchased for deployment at medium sized airports within 6 months. [See item 29.]

House amendment

Section 106: Makes no change in section 44932(c) of title 49, United States Code, but directs Under Secretary to consider requiring various technologies described in item 6 above and report to Congress on them 6 months after enactment and annually thereafter until those technologies are deployed or a decision is made not to deploy them.

Conference substitute

The Conferees want new, state-of-the-art security equipment installed at airports on an expedited basis, and immediate action taken to ensure that existing explosive detection equipment is employed to the greatest extent possible for the screening of checked baggage. It is expected that additional equipment will be installed in as timely a manner as possible, and in the interim, other systems will be used to screen baggage. The Conferees agree that ev-

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used

everything going on board a passenger aircraft should be screened within 60 days by FAA-approved methods.

10. AIRWORTHINESS OBJECTIONS BY FAA

Senate bill

Section 102: Must consult with FAA on all matters affecting safety and operations.

House amendment

Section 106: Under Secretary cannot take an action if notified by the FAA that it would adversely affect the airworthiness of the aircraft unless the Secretary approves the action.

Conference substitute

House provision.

11. ROLE OF NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

Senate bill

No provision.

House amendment

Section 106: In taking an action that could affect safety, Under Secretary shall solicit and give great weight to views of NTSB.

Conference substitute

The Conferees instruct that in taking actions that could affect safety, the timely views of the National Transportation Safety Board (NTSB) will be taken into consideration by the Under Secretary. The conferees wished to emphasize that the views of the NTSB should be provided in a sufficiently and timely manner so those views could be fully considered by the Under Secretary.

12. BIOLOGICAL AND CHEMICAL WEAPONS

Senate bill

Section 102(c): FAA shall develop ways to enhance the ability to detect biological and chemical weapons.

Section 106(c): DOT shall require airports to maximize the use of equipment to detect these weapons.

House bill

No provision.

Conference substitute

The Conference Report requires airports to maximize the use of equipment to detect and neutralize biological and chemical weapons, and instructs the FAA to develop ways to enhance the detection of these weapons. ✓

13. OVERSIGHT AND COORDINATION

Senate bill

Section 103: Establishes Aviation Security Oversight Council (ASOC), chaired by DOT Secretary and composed of DOJ, DOD, Treasury, CIA, and any other agency head DOT and DOJ determine to be appropriate.

House bill

Section 112: Establishes Transportation Security Oversight Board (TSOB) chaired by DOT Secretary and composed of DOJ, DOD, Treasury, and either NSC or Homeland Security. TSOB

shares intelligence, reviews emergency rules, and oversees actions of Under Secretary.

Establishes Advisory Council, composed of industry, labor, families, and others to advise Under Secretary on security matters.

Conference substitute

The Conference Report establishes the Transportation Security Oversight Board (TSOB) chaired by the Secretary of DOT and composed of DOJ, DOD, Treasury, CIA, NSC and Homeland Security. The TSOB may review and ratify or disapprove regulations issued by the Under Secretary; facilitate the coordination of intelligence, security and law enforcement activities affecting transportation; and, perform other duties including making recommendations to the Under Secretary for use in combating threats to the integrity of the nation's transportation system.

14. RULEMAKING

Senate bill

No Rules required by DOJ for its own employees; cockpit requirements issuable without APA.

House bill

Section 101: Under Secretary can issue security rules immediately without notice and comment, DOT or OMB review, and without a cost-benefit analysis but subject to disapproval by the TSOB.

Conference substitute

House provision.

15. INSPECTOR GENERAL

Senate bill

No provision.

House bill

Section 101: TSA is subject to the Inspector General Act.

Conference substitute

The Conference report instructs that the Transportation Security Administration (TSA) will be subject to the Inspector General Act.

16. CROSS CHECKING DATA BASES

Senate bill

Section 103(a): DOT, acting through ASOC, shall try to develop a common data base with other agencies and share information about people.

Section 211: DOT, as part of the ASOC, shall conduct a 90-day review of upgrades to the distribution of people on the "watch list" of Federal law enforcement agencies.

Upgrades shall be deployed in 6 months.

A report shall be filed in 18 months.

House bill

Section 106: To the extent that the Under Secretary determines appropriate, the Under Secretary shall (1) establish procedures requiring airlines to use information from government agencies to identify people who may be a threat to civil aviation and (2) require more thorough background checks that include a review of other agency data bases.

From: James_A._Brown@omb.eop.gov [UNKNOWN]
To: Rebecca L. Halkias/WHO/EOP@EOP [WHO] <Rebecca L. Halkias>; Rosemarie W. Dale/OMB/EOP@EOP [OMB] <Rosemarie W. Dale>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Caroline A. Marriott/OMB/EOP@EOP [OMB] <Caroline A. Marriott>; Michael J. Cassidy/OMB/EOP@EOP [OMB] <Michael J. Cassidy>; Victoria Wassmer/OMB/EOP@EOP [OMB] <Victoria Wassmer>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Marisa K. Medrano/OPD/EOP@EOP [OPD] <Marisa K. Medrano>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Richard A. Mertens/OMB/EOP@EOP [OMB] <Richard A. Mertens>; Robert H. Goldberg/OMB/EOP@EOP [OMB] <Robert H. Goldberg>; David Aidekman/OMB/EOP@EOP [OMB] <David Aidekman>; Robert J. Nassif/OMB/EOP@EOP [OMB] <Robert J. Nassif>; Michael Garcia/OMB/EOP@EOP [OMB] <Michael Garcia>; Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>; Mark J. Schwartz/OMB/EOP@EOP [OMB] <Mark J. Schwartz>; Shannon Richter/OMB/EOP@EOP [OMB] <Shannon Richter>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Jill G. Crann/OMB/EOP@EOP [OMB] <Jill G. Crann>; Angela M. Donatelli/OMB/EOP@EOP [OMB] <Angela M. Donatelli>; Steven M. Mertens/OMB/EOP@EOP [OMB] <Steven M. Mertens>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; OVP LRM [UNKNOWN] <OVP LRM>; NEC LRM [UNKNOWN] <NEC LRM>; Edward H. Clarke/OMB/EOP@EOP [OMB] <Edward H. Clarke>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; WHGC LRM [UNKNOWN] <WHGC LRM>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Clare C. Doherty/OMB/EOP@EOP [OMB] <Clare C. Doherty>; James J. Tymon/OMB/EOP@EOP [OMB] <James J. Tymon>; Lin Liu/OMB/EOP@EOP [OMB] <Lin Liu>; Timothy A. Rosado/OMB/EOP@EOP [OMB] <Timothy A. Rosado>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; Rodney G. Bent/OMB/EOP@EOP [OMB] <Rodney G. Bent>; Michael Casella/OMB/EOP@EOP [OMB] <Michael Casella>; Ronald L. Silberman/OMB/EOP@EOP [OMB] <Ronald L. Silberman>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Elizabeth L. Rossman/OMB/EOP@EOP [OMB] <Elizabeth L. Rossman>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Allan Villabroza/OMB/EOP@EOP [OMB] <Allan Villabroza>; Adriel M. Harvey/OMB/EOP@EOP [OMB] <Adriel M. Harvey>; Courtney B. Timberlake/OMB/EOP@EOP [OMB] <Courtney B. Timberlake>; Elizabeth A. Bernhard/OMB/EOP@EOP [OMB] <Elizabeth A. Bernhard>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Edward M. Rea/OMB/EOP@EOP [OMB] <Edward M. Rea>; Pamula L. Simms/OMB/EOP@EOP [OMB] <Pamula L. Simms>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Maureen Walsh/OMB/EOP@EOP [OMB] <Maureen Walsh>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Michael D. Gerich/OMB/EOP@EOP [OMB] <Michael D. Gerich>; Meredith G. Benson/OMB/EOP@EOP [OMB] <Meredith G. Benson>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; Siobhan Murphy/OMB/EOP@EOP [OMB] <Siobhan Murphy>; Ronald E. Jones/OMB/EOP@EOP [OMB] <Ronald E. Jones>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Toni S. Hustead/OMB/EOP@EOP [OMB] <Toni S. Hustead>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; CLRM@doc.gov [UNKNOWN] <CLRM@doc.gov>; justice.lrm@usdoj.gov [UNKNOWN] <justice.lrm@usdoj.gov>; statelrm@state.gov [UNKNOWN] <statelrm@state.gov>; llr@do.treas.gov [UNKNOWN] <llr@do.treas.gov>; dodlrs@osdgc.osd.mil [UNKNOWN] <dodlrs@osdgc.osd.mil>; ocaone@aol.com [UNKNOWN] <ocaone@aol.com>; ca.legislation@gsa.gov [UNKNOWN] <ca.legislation@gsa.gov>; scottb@ntsb.gov [UNKNOWN] <scottb@ntsb.gov>; National Security Council LRM Recipients [UNKNOWN] <National Security Council LRM Recipients>; OPBRE E-Mail - EDITORS [UNKNOWN] <OPBRE E-Mail - EDITORS>; laffairs@ustr.gov [UNKNOWN]

<laffairs@ustr.gov>;legis@fema.gov [UNKNOWN]
<legis@fema.gov>;dot.legislation@ost.dot.gov [UNKNOWN] <dot.legislation@ost.dot.gov>;dol-
sol-leg@dol.gov [UNKNOWN] <dol-sol-leg@dol.gov>;CEA Admin [UNKNOWN] <CEA
Admin>;Wallace P. Mullin/CEA/EOP@EOP [CEA] <Wallace P. Mullin>;ola@opm.gov [UNKNOWN] <ola@opm.gov>;valrm@mail.va.gov [UNKNOWN] <valrm@mail.va.gov>
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SUBJECT:: FYI -- Joint Explanatory Statement of conferees, S. 1447

TO:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Caroline A. Marriott (CN=Caroline A. Marriott/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael J. Cassidy (CN=Michael J. Cassidy/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Victoria Wassmer (CN=Victoria Wassmer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Richard A. Mertens (CN=Richard A. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert H. Goldberg (CN=Robert H. Goldberg/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David Aidekman (CN=David Aidekman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael Garcia (CN=Michael Garcia/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Shannon Richter (CN=Shannon Richter/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jill G. Crann (CN=Jill G. Crann/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Angela M. Donatelli (CN=Angela M. Donatelli/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:OVP LRM (OVP LRM [UNKNOWN])

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READ:UNKNOWN

TO:Edward H. Clarke (CN=Edward H. Clarke/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
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TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])
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TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
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TO:Allan Villabroza (CN=Allan Villabroza/OU=OMB/O=EOP@EOP [OMB])
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TO:Pamula L. Simms (CN=Pamula L. Simms/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ellen J. Balis (CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Maureen Walsh (CN=Maureen Walsh/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael D. Gerich (CN=Michael D. Gerich/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Meredith G. Benson (CN=Meredith G. Benson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Siobhan Murphy (CN=Siobhan Murphy/OU=OMB/O=EOP@EOP [OMB])
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TO:Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])
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TO:Paul R. Noe (CN=Paul R. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett S. Loper (CN=Brett S. Loper/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Toni S. Hustead (CN=Toni S. Hustead/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:CLRM@doc.gov (CLRM@doc.gov [UNKNOWN])
READ:UNKNOWN
TO:justice.lrm@usdoj.gov (justice.lrm@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:statelrm@state.gov (statelrm@state.gov [UNKNOWN])
READ:UNKNOWN
TO:llr@do.treas.gov (llr@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:dodlrs@osdgc.osd.mil (dodlrs@osdgc.osd.mil [UNKNOWN])
READ:UNKNOWN
TO:ocaone@aol.com (ocaone@aol.com [UNKNOWN])
READ:UNKNOWN
TO:ca.legislation@gsa.gov (ca.legislation@gsa.gov [UNKNOWN])
READ:UNKNOWN
TO:scottb@entsb.gov (scottb@entsb.gov [UNKNOWN])
READ:UNKNOWN
TO:National Security Council LRM Recipients (National Security Council LRM Recipients [UNKNOWN])
READ:UNKNOWN
TO:OPBRE E-Mail - EDITORS (OPBRE E-Mail - EDITORS [UNKNOWN])
READ:UNKNOWN
TO:laffairs@ustr.gov (laffairs@ustr.gov [UNKNOWN])
READ:UNKNOWN
TO:legis@fema.gov (legis@fema.gov [UNKNOWN])
READ:UNKNOWN
TO:dot.legislation@ost.dot.gov (dot.legislation@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:dol-sol-leg@dol.gov (dol-sol-leg@dol.gov [UNKNOWN])
READ:UNKNOWN
TO:CEA Admin (CEA Admin [UNKNOWN])
READ:UNKNOWN
TO:Wallace P. Mullin (CN=Wallace P. Mullin/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:ola@opm.gov (ola@opm.gov [UNKNOWN])
READ:UNKNOWN
TO:valrm@mail.va.gov (valrm@mail.va.gov [UNKNOWN])
READ:UNKNOWN
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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the bill (S. 1447), to improve aviation security, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

Senate bill

Section 1: "Aviation Security Act".

House amendment

Section 1: "Airport Security Federalization Act of 2001"

Conference substitute

The title of the legislation will be "The Aviation and Transportation Security Act."

2. FINDINGS

Senate bill

Section 101: 7 findings on the importance of security and the need for Federal control and other changes.

House amendment

No provision

Conference substitute

The conferees recognize that the safety and security of the civil air transportation system is critical to the security of the United States and its national defense, and that a safe and secure United States civil air transportation system is essential to the basic freedom of America to move in intrastate, interstate and international transportation. The conferees further note the terrorist hijacking and crashes of passenger aircraft on September 11, 2001, which converted civil aircraft into guided bombs for strikes against the United States, required a fundamental change in the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(1)

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A report is required in 6 months and annually thereafter.

Conference substitute

The Conferees have instructed the Secretary to work with the TSOB to develop a data base that will allow the cross checking of the people on "watch lists" of various Federal law enforcement agencies to identify individuals that may pose a risk to security in an effort to identify potential risks to civil aviation. Passenger lists should be used in conjunction with this data base to help target those individuals that pose a threat, and allow appropriate action to be taken.

17. TERRORISM REPORT

Senate bill

Section 103(b): Require reports on all terrorism. Reports to be shared with DOT.

House bill

No provision.

Conference substitute

The Conference Report requires the intelligence community to ensure that reports on terrorism are shared with the DOT.

18. STRATEGIC PLANNING

Senate bill

Section 103(c): Require intelligence agencies to establish units for strategic planning on terrorism.

House bill

No provision.

Conference substitute

The Conference Report requires intelligence agencies to establish units for strategic planning on terrorism.

19. COCKPIT SECURITY

Senate bill

Section 104: FAA shall issue a rule, without notice and comment, permitting only authorized persons to have access to the cockpit, requiring strengthening the door by installing locks and making them rigid, requiring the door to remain locked during flight except when the pilot needs to get out, and taking away the flight attendants key.

Special rules shall be issued for aircraft that do not have a door.

House bill

Section 106: To the extent the Under Secretary considers appropriate, the Under Secretary shall, after consultation with FAA, implement methods to restrict the opening of the cockpit door during flight and fortify those doors.

A report is required in 6 months and annually thereafter.

Funds are authorized to help airlines pay for this.

Conference substitute

The Conference Report prohibits access to the flight deck of passenger aircraft by anyone other than the flight crew. Flight deck doors must be strengthened and remain locked while aircraft is in flight. Video cameras may be provided to alert pilots to cabin activity in the event of a security breach occurring during the flight.

These provisions apply to aircraft required to have a door between the flight deck and cabin. The Conferees also seek the redesign of cockpits to ensure the doors are secured at all times during flight. Redesign can encompass new flight deck materials, double doors to the cockpit as are used in Israel, and lavatories within the flight deck so that flight crew do not leave the flight deck. Once bathroom facilities are provided for the flight crew of passenger aircraft, the cockpit door no longer will need to be opened during flight.

The Conferees instruct the Under Secretary to take into consideration the threat to aviation and national security when developing means to secure the flight deck on commuter aircraft. Any new burdens should be appropriate for the risk.

20. AIR MARSHALS

Senate bill

Section 105: Attorney General prescribes guidelines for training and deployment of sky marshals. DOT administers the program in accordance with these guidelines:

(1) Marshals may be placed on every flight but must be placed on every flight that DOT determines to be high risk.

(2) Marshals must be deployed in 30 days.

(3) Marshals must be given a seat even if that means bumping a passenger.

(4) DOT shall work with ICAO and foreign governments to address security concerns on foreign airlines.

(5) DOT may use personnel from other agencies, including the military, as air marshals.

Section 105: Waives age requirements for retired police, military and out-of-work pilots to work as air marshals, if they meet the background and fitness qualifications.

Report required in 18 months.

House bill

Section 105: Under Secretary deploys air marshals, provides for their background checks, trains them, and requires U.S. airlines to provide seats for them at no cost.

Preference for hiring laid off airline pilots as marshals.

Marshals must be placed on selected flights.

Marshals must be given a seat even if that means bumping a passenger.

DOT shall work with foreign governments to address security concerns on international flights from the U.S.

Until the Under Secretary has all the air marshals needed, personnel from other agencies may be used, with the other agency's concurrence, as air marshals on a non-reimbursable basis.

Airlines must provide seats, on a space-available basis, to off-duty marshals flying home.

Conference substitute

The Conference Report requires that appropriately trained, supervised and equipped Federal Air Marshals (FAMs) may be deployed on every scheduled passenger flight, and must be placed on every "high risk" flight, which may include nonstop longhaul flights, or any other flight deemed appropriate, even if the flight is fully booked. For applicants who otherwise meet the background and fitness requirements, age restrictions may be waived to allow

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retired law enforcement officers, retired members of the armed forces, and members of commercial airline crews who have been furloughed from their positions. Personnel from other agencies may be deployed, with the agency's concurrence, as FAMs until an adequate number of FAMs are in place. Additionally, agreements may be entered into allowing trained law enforcement personnel from other agencies to travel with firearms in order to assist FAMs.

The Conferees instruct the Under Secretary to follow air carrier passenger reservations and cancellation practices to the extent practicable. The Under Secretary should work cooperatively with air carriers to develop guidelines concerning reservations and cancellation for the transportation of Federal Air Marshals.

21. SCREENING

Senate bill

Section 108: Attorney General, in consultation with DOT, shall provide for screening of all passengers, property, mail, and cargo that will be carried aboard an aircraft.

Federal employees shall do screening.

Airport and airline employees shall be screened in the same way, except alternative methods may be used for security personnel.

Attorney General shall use screening technology approved by FAA.

Law enforcement personnel shall be deployed at each screening location.

At the 100 largest airports, additional police may be ordered.

Section 105(f): Report from DOT and DOJ required within 120 days on effectiveness of security screening.

Section 106: DOJ and DOT may permit operational flexibility to tailor screening needs for seasonal variations, aircraft types, and special needs of small airports.

Section 108: Attorney General may require non-hub or smaller airports to use State or local law enforcement if the screening will be equivalent to that at larger airports, the training meets Federal standards, the airport is reimbursed by funds made available by this Act, and the airport is consulted.

House bill

Section 102: Federal government is responsible for screening passengers and property on passenger aircraft that originate in the U.S.. Silent on whether screeners are to be Federal employees or private contractors. Under Secretary shall deputize screeners to enforce Federal laws, but not to arrest people. Screeners must have common uniforms. Must be supervised by uniformed Federal employees.

Section 107: Under Secretary should consider certifying screeners and use TIP or similar technologies to measure their performance and revoke their certification if their performance is inadequate.

Section 104: Airport required to deploy law enforcement or military personnel at each screening location. Law enforcement can be either Federal or local.

Conference substitute

The Conference Report requires the Federal government to hire, train and deploy Federal screeners, Federal managers, Federal se-

curity personnel and Federal law enforcement within 1 year. The participants in this Federal security workforce will not be able to strike or engage in work stoppages, and can be fired at the discretion of the Secretary if they are not able to adequately perform their duties.

The Conferees recognize that, in order to ensure that Federal screeners are able to provide the best security possible, the Secretary must be given wide latitude to determine the terms of employment of screeners. The Conference Committee expects that, in fixing the terms and conditions of employment the Secretary shall establish benefits and conditions of employment. The Conference Committee also recognizes that, in order to hire and retain screeners, the Secretary should also ensure that screeners have access to Federal health, life insurance, and retirement benefits, as well as workers' compensation benefits. The Committee believes that screening personnel must also be given whistleblower protections so that screeners may report security conditions without fear of reprisal.

The Conference Report requires the DOT to assume existing screening company contracts as soon as possible, but no later than 90 days after enactment of this legislation. The contracts for existing screeners can be extended for up to 6 months, and the DOT would have the option to extend contracts for no longer than 3 months, if necessary, to continue screening. DOT may also authorize additional Federal law enforcement, National Guard, and other personnel immediately to address the aviation security needs of the country.

The Conferees direct the Secretary to provide a report after one year from the date of enactment certifying deployment of the Federal screeners. Two years after certification airports can opt out of the Federalization of the screener level of the Federal workforce if the Secretary determines that these facilities would continue to provide an equal or higher level of security. Companies will be barred from providing screening if they violate federal standards, are found to allow repeated failures of the system, or prove to be a security risk. The DOT will also establish a Pilot Program for 5 airports, one from each category type, to apply for the use of private contract screeners.

Within 1 year after the date of enactment of the Act, the conferees expect the Transportation Security Administration to submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.

22. CITIZENSHIP OF SECURITY FIRMS

Senate bill

No provision.

House bill

Section 104: Must be owned or controlled by a citizen of the U.S. to the extent the President determines that there are such firms.

Section 123(e): Similar sense of Congress.

Conference substitute

The Conference Report directs that U.S. companies should be used to provide screening if they are available.

23. TRAINING OF PILOTS AND FLIGHT ATTENDANTS

Senate bill

Section 105(f): Report from DOT and DOJ required within 6 months on crew training.

Section 107: DOT shall develop a mandatory airline training program for crews dealing with a hijacking. Training shall be developed in coordination with law enforcement experts.

House bill

Section 106: Under Secretary should consider updating training for dealing with hijacking that includes ways for dealing with suicidal hijackers. Report six months and annually thereafter.

Conference substitute

The Conferees have determined that detailed guidance shall be developed for a mandatory air carrier training program to assist flight crews and attendants in hijack situations. The training curriculum will be developed in consultation with Federal law enforcement agencies with expertise in dealing with these types of threat conditions.

24. HOW FLIGHT ATTENDANTS NOTIFY PILOTS OF A HIJACKING

Senate bill

Section 107: FAA shall revise procedures by which flight attendants notify pilots and implement new measures as soon as practicable.

House bill

Section 106: The Under Secretary should consider requiring the installation of switches in the cabin so that the flight attendants can discreetly notify the pilots.

Conference substitute

The Conference Report directs the Under Secretary to consider the installation of a switch to be located in the cabin for flight attendants to notify pilots in the event of a hijacking without the knowledge of passengers. *or other devices*

25. PROVISION OF PERSONNEL FROM OTHER AGENCIES

Senate bill

Section 105: Amends section 106(m) to allow other agencies to provide personnel to FAA.

House bill

Section 102(d): Same provision, worded differently.

Conference substitute

The Conferees call upon other agencies to provide personnel that has received the proper training for use by the FAA as Federal air marshals (FAMs) in an effort to support and supplement ~~that~~ *the* FAM workforce in its early stages.

26. AIRPORT PERIMETER ACCESS SECURITY

Senate bill

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Section 106: DOT may order deployment of law enforcement personnel as needed to bolster airport security by entering into an agreement with another agency to deploy Federal law enforcement at airports.

Section 106(b): FAA shall provide technical support and financial assistance to small airports to help defray security costs.

House bill

No provision.

Conference substitute

The Conferees have given the Secretary the ability to work with the airports to address potential threats at individual facilities by ordering the deployment of Federal law enforcement authorities to improve airport perimeter and access security in an effort to counter potential criminal activities. Such actions also can include providing increased security at air traffic control facilities. Additionally, the FAA Administrator will develop a plan to provide technical support to enable small- and medium-sized airports to enhance their security operations, and shall include using network digital video surveillance systems.

27. INDIVIDUALS WITH ACCESS TO SECURE AREAS OF THE AIRPORT

Senate bill

See item 21

Section 106(a): DOT, in consultation with ASOC, shall consider whether such individuals should be screened.

Section 106(d): Amend 44903(g)(2) to delete 1/31/01 deadline and beef up language on access control requirements.

Consider deployment of biometric technologies.

Establish pilot programs at 20 airports to test new technologies.

DOT shall require airlines and airports to develop security awareness programs for employees.

Section 211: Within 6 months, DOT shall recommend to airports commercially available ways to prevent access to secure areas. As part of this, DOT shall review effectiveness of biometric and other systems, focus on eliminating piggy-backing, and include a 12-month deployment strategy for currently available technology at Category X airports. Not later than 18 months, DOT shall conduct a review of reductions in unauthorized access.

House bill

Section 106: The Under Secretary shall consider imposing standards for the screening or inspection of vehicles that have access to secure areas and provide for the use of technology to verify the identity of those vehicles entering a secure area. Report after 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that all individuals, goods, property, vehicles, and other equipment seeking access to secure areas must be screened and inspected before entry. The Conference Committee instructs that prescribed requirements should provide at least the same level of protection as the screening of passengers and baggage. The Conferees, however, recognize that these requirements may make allowances for tools and equipment necessary to perform duties in secure areas. The Secretary will examine the physical configuration of individual airports, and consider the

views of the TSOB to consider implementing standards to protect the integrity of secure areas.

28. BAN ON PARKING OF VEHICLES WITHIN 300 FEET OF TERMINAL

Senate bill

Section 106(b): FAA, in consultation with local law enforcement, shall reexamine the need for 300 feet restriction.

House bill

Section 121: Removes this parking ban if the airport, in consultation with local law enforcement, certifies to DOT, after doing a threat assessment, that safeguards are in place to protect public safety.

Conference substitute

The Conferees have determined that all airports must consult with local law enforcement and inform DOT that proper safeguards are in place to ensure that parked vehicles are not a security risk. Each airport must submit views regarding its assessment of the needs of their facility.

29. CHECKED BAGGAGE

Senate bill

See item 9

Section 201(b)(1): Requirement for all baggage to be screened within 9 months.

FAA must establish within 60 days confidential goals for scanning a specific percentage of checked bags within 6 months and annual goals thereafter eventually scanning 100%.

Section 201(c) - page 85 FAA shall require airlines to upgrade the bag match system. Shall establish goals within 60 days to accomplish this including interim measures to match a higher percentage of bags until bomb detectors are used to scan 100% of bags.

Confidential report to Congress in 1 year.

House bill

See item 9

Section 106: All checked baggage must be screened by December 31, 2003. All existing explosive detection equipment must be used to the maximum extent possible.

Additional explosive detection equipment must be installed as soon as possible.

In the interim, airlines must implement a bag match program.

A system must be in place as soon as possible to screen cargo transported in passenger aircraft.

Section 123(d): Sense of Congress that all checked baggage should be screened by any available means.

Conference substitute

The Conferees feel strongly that all baggage to be placed on passenger flights must be screened. Existing technology, including EDS, should be used and upgraded in an effort to ensure that all checked baggage goes through such a system. Any baggage that does not go through EDS will be required to go through some form of manual or other comparable screening system. An alternate system of screening cargo should also be established, and periodic reports issued to provide an understanding of the progress made on these efforts.

30. COMPUTER ASSISTED PASSENGER PROFILING SYSTEM (CAPPS)

Senate bill

Section 201(d): FAA shall make all passengers subject to CAPPS even if they don't check bags so that their carry-ons and person will be subject to additional security measures. Report within 3 months.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to CAPPS and to the distribution of people on the "watch list" of Federal law enforcement agencies. Upgrades shall be deployed in 6 months. A report shall be filed in 18 months.

House bill

Section 106(9): The Under Secretary should consider providing the enhanced use of CAPPS to more effectively screen passengers and carry-on baggage. Report in 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that an enhanced and upgraded use of the Computer Assisted Passenger Pre-Screening System (CAPPS) must be considered to more effectively screen passengers and baggage. The Conferees also recognize that adjustments may need to be made to reflect circumstances in some areas of the U.S., including State with unique transportation needs.

31. DEPUTIZING FOR ENFORCEMENT OF FEDERAL SECURITY LAWS

Senate bill

Section 108(b): Requires Attorney General to deputize State and local law enforcement to regulate screening at non-hubs.

House bill

Private contractor employees deputized.

Conference substitute

No provision.

32. HIRING AND TRAINING OF SCREENERS

Senate bill

Section 109: DOJ, in consultation with DOT, shall establish a program for the hiring and training of screeners. Hiring qualifications shall be set in 30 days. Includes list of qualifications screeners must meet such as education and language requirements. Training plans must be developed within 60 days. Requires 40 hours of classroom training and 60 hours of on the job training. Current lists of dual use items (seemingly harmless items that could be used as a weapon) shall be part of the training. Section 104 - page 16

House bill

Under Secretary may set minimum pay for screeners. Preference shall be given to veterans in the hiring of screeners and laid off airline workers. Final rule for certification of screening companies changed from May 31, 2001 to 6 months after date of enactment. In the meantime, within 30 days of enactment, the standards in the proposed rule, such as education and language requirements, shall be in effect. All screeners must be in approved uniforms.

Conference substitute

A blend of the House and Senate provisions.

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33. CITIZENSHIP OF SCREENERS

Senate bill

Section 109: Must have been a national of the U.S. for at least 5 years.

House bill

Section 104(a): Must be U.S. citizens.

Conference substitute

The Conference Report requires that all airport screeners must be citizens of the U.S.

34. STATUS OF SCREENERS

Senate bill

Section 109(d): Notwithstanding any law, the Attorney General may hire, fire, and pay screeners as he determines necessary.

House bill

Section 102: Federal supervisor can order the dismissal of any screener.

Conference substitute

The Conference Report provides the Under Secretary the authority to employ, terminate and fix the conditions of employment for the Federal screening workforce.

35. STRIKES BY SCREENERS

Senate bill

Section 109(e): Strikes prohibited pursuant to Title 5.

House bill

Section 102: Strikes prohibited.

Conference substitute

The Conference Report directs that the airport screening workforce will be prohibited from striking. The Conferees have provided the Transportation Security Administration authority to utilize existing authority provided to the FAA to develop personnel and acquisition systems. The authority gives the Administration flexibility to design its own policies and procedures and not use the FAA's system, while retaining the legal requirements under sections 40110 and 40112.

36. BACKGROUND CHECKS

Senate bill

Section 109(f): Requires background checks for current screeners and others with access to the airport.

Section 201(a): Requires background checks for current screeners and others to be completed in 9 months unless the person has had such a check in the past 5 years. Alternative checks shall be developed for those who have lived in the U.S. for less than 5 years.

House bill

Section 107: Allows smaller airports to use the same expedited procedures for criminal history background checks as the larger airports now use. (Under the 2000 Security Act these expedited procedures do not go into effect at smaller airports until 2003.)

Requires background check (including review of government data bases) for all current screeners and those with access to secure

areas except for those who have already had such a check or those who are exempted by FAA rules from such checks.

Conference substitute

A blend of the House and Senate provisions.

The Conferees encourage the Under Secretary to provide channeling authority to professional organizations representing industry to FBI AFIS fingerprint databases to perform criminal history verification of aviation business employees. (S) ✓

37. RESEARCH AND DEVELOPMENT

Senate bill

Section 110: Amends section 44912 to require periodic reviews of threats to civil aviation and the potential for the release of biological and chemical weapons. A person shall be designated to be responsible for security research. The person shall file an annual report on research activities. A scientific advisory panel shall be established. DOT shall coordinate research with DOJ.

Section 221: Authorizes \$50 million per year to research various security technologies.

House bill

Section 101: Transfers security research from FAA to the TSA. The TSA can use FAA research facilities.

Conference substitute

A modified version of the Senate provision.

38. FLIGHT SCHOOLS

Senate bill

Section 111: Regarding jet-propelled aircraft, a person shall not give flight instruction, including instruction in simulator, to an alien (or other person specified by DOT) unless DOJ issues that person a certificate of completion of the background check of the alien. Requests for the background check shall be made jointly by the alien and the flight school. Investigation must be completed in 30 days. Investigation includes fingerprint check, immigration check, and a determination of whether alien is a national security risk. Expedited procedures shall be developed for an alien seeking recurrent training. Penalties for violations shall be developed by DOT rulemaking. Flight schools shall report aliens that they train.

Section 111(c): DOT and State shall work with ICAO to improve screening of student pilots.

House bill

Section 106(13): The Under Secretary should consider requiring background checks on individuals seeking flying lessons (including simulator lessons) on aircraft weighing more than 12,500 pounds. Report in 6 months and annually thereafter until the Under Secretary implements the checks or decides not to require them.

Conference substitute

The Conferees have determined that flight school training for aircraft with a minimum certificated weight of 12,500 pounds or more should not be allowed for any alien within the United States unless they have passed a sufficient background check. Such individuals seeking to attend flight school may begin pilot training after 45 days or upon being certified as having passed a background investigation regarding their criminal history and immigration status. A

1 And the House agree to the same.

security awareness program will be developed to assist employees that work at flight schools by helping to increase their awareness of a potential threat.

39. PENALTIES

Senate bill

Section 114: Imposes criminal penalties for interfering with security personnel at a commercial service airport.

House bill

Section 116(c): Transfers the relevant civil penalty authorities from the FAA to the TSA.

Conference substitute

The Conference Report requires that an individual who disrupts the duties of security screening personnel within a commercial service airport shall be fined and/or imprisoned for up to 10 years. The use of a dangerous weapon to interfere with security screening may result in up to life imprisonment.

40. INTRASTATE AIR SERVICE

Senate bill

Section 116: DOT may grant antitrust exemptions to ensure continued viability of air service in that State.

House bill

No provision.

Conference substitute

The Conference Report instructs that DOT may grant anti-trust immunity to ensure continued viability of air service within a state. If the Secretary approves any such request, a report must be given to the relevant Senate and House Committees within six months of the approval describing what actions have been taken by the carriers receiving the exemption.

41. AIRLINE COMPUTER RESERVATION SYSTEMS

Senate bill

Section 117: DOT shall require all airlines to use the best technology to ensure that their systems are secure from unauthorized access. DOT shall submit an annual report on compliance.

House bill

No provision.

Conference substitute

Under the direction of the Conference Report airlines are required to take action that will prevent unauthorized access to computer reservation systems and the information they contain on passengers. Technology should be utilized to the greatest extent possible to ensure the integrity of these systems.

42. FEES

Senate bill

Section 118(a): Within 180 days, airlines remit a \$2.50 fee per enplanement.

House bill

Section 108: Under Secretary shall impose a fee of not more than \$2.50 per one-way trip. The amount of the fee shall be reasonably

related to the costs of providing the screening service. In addition, a fee can be imposed directly on the airlines but it cannot be more than the airlines paid for screening services in 2000. Fees shall be credited as off-setting collections. Passengers using airports where screening services are not provided may be exempted from the fee.

Conference substitute

The Conference substitute requires a fee to be charged to cover the cost of providing the aviation security services. The fee will be based on the number of times a passenger boards a plane during the course of travel, but will be capped at \$5.00 per one-way trip. Any additional funds needed will be authorized to be appropriated or may come from a fee imposed directly on the airlines.

The Secretary may waive or modify the security fee to take into account the isolation of certain communities. In determining whether to waive or modify this fee, the Secretary shall consider the costs of transportation security and the benefits of transportation security that is bestowed on those communities. The Conference substitute amends section 45301(b) of title 49, United States Code, with respect to limitations on overflight fees to (1) to make the language consistent with the new security fee language of this Act, and (2) to clarify Congressional intent with respect to the FAA costs upon which the fees can be based. Specifically, the conference substitute replaces the word "directly" with "reasonably", since the word "directly" has been a source of much confusion and narrow interpretation, and has been a primary cause of recurring litigation which has frustrated and delayed the FAA's imposition of the overflight fees for a number of years. Additionally, this amendment specifies that the FAA's costs upon which the fees are based are to be determined solely by the Administrator. This is to clarify that the Administrator has full authority to determine costs by appropriate means. This amendment is not intended to require revision of the fees recently promulgated by the FAA (66 FR 43680, Aug. 20, 2001) but rather, to clarify longstanding Congressional intent that the FAA expeditiously and continuously collect the fees authorized under section 45301(a) of title 49.

43. AUTHORIZATION

Senate bill

Section 118(b): Authorizes such sums for the next 3 years as may be necessary to carry out the security functions.

House bill

Section 109: Authorizes such sums as may be necessary to the TSA for operating costs and for screening services not covered by the above fee.

Authorizes \$500 million for grants to airlines to fortify cockpit doors, install video monitors to view the passenger cabin, ensure continuous operation of transponder, and use of other technologies.

Conference substitute

The Conference Report authorizes the necessary spending for the cost of providing aviation security.

44. AIRPORT FUNDING

Senate bill

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Section 119(a): Allows AIP and PFC funds to be used to pay security costs in FY 2002 for any cost incurred after 9/11 regardless of when it was incurred. Waives the local matching share. In deciding whether to make a discretionary AIP grant for security costs, the availability and use of non-Federal funding by the airport shall be considered.

Section 120: Authorizes such sums in 2002 to compensate airports for security costs. Costs must be documented and subject to an IG audit. DOT shall publish procedures for filing claims in 30 days.

Section 119(c): PFC requests for security funding should be expedited.

Section 119(b): For the purpose of determining AIP entitlements in FY 2003, enplanements in 2000 or 2001, whichever is higher, shall be used.

Section 201(b): Modifying terminal and baggage systems in order to install bomb detection equipment is made AIP eligible. Section 113: Allows AIP and PFC funds to be used to pay for added law enforcement costs in at a non-hub or small hub airport regardless of when the cost was incurred.

Waives the local matching share.

In FY 2002, allows AIP and PFC money to be used to pay debt service if that would prevent an airport, or privately owned terminal, from defaulting on its bond.

House bill

Section 109: Authorizes a total of \$1.5 billion in 2002 and 2003 to reimburse airports for direct costs they incurred to meet new security requirements. Such sums to remain available until expended. Before getting the money, the airport must agree to meet with its concessionaires to discuss rent adjustments and provide an itemized list of costs incurred.

Conference substitute

A blend of the House and Senate provisions.

45. COMPETITION PLANS

Senate bill

No provision.

House bill

Section 113(a): Waives an airport's obligation to submit a competition plan in FY 2002 when it is seeking money to improve security.

Conference substitute

The Conference Report waives the obligation of an airport to submit a competition plan in FY '02 when seeking money to improve security.

46. REPORTING SUSPICIOUS ACTIVITIES

Senate bill

Section 121: Exempts airline employees from liability for disclosing, in good faith, suspicious activity. DOJ shall establish procedures to notify the FAA of people who may pose a risk of hijacking. Report shall be submitted in 120 days on the implementation of this notification.

House bill

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No provision.

Conference substitute

The Conference Report encourages and exempts airline employees from liability for disclosing suspicious activities in response to a "reasonably believed" threat.

47. ARMING PILOTS

Senate bill

Section 122: National Institute of Justice shall assess non-lethal weapons for use by pilots and report to DOT in 90 days. After receiving report, DOT may authorize pilots to carry such weapons. DOT shall establish training and procedural requirements for using these weapons.

Section 125: Authorizes FAA to permit a pilot with proper training to carry a gun in the cockpit. FAA shall establish a training program. Report shall be submitted every 6 months on the effectiveness of this provision.

House bill

Section 106: DOT cannot take any action to prevent a pilot from taking a gun into the cockpit if the policy of the airline allows it and the pilot has completed a training program acceptable to the Under Secretary.

Conference substitute

A pilot is authorized to carry an approved firearm into the cockpit if approved by the Under Secretary and the air carrier, and the pilot has received proper training.

48. ISOLATED COMMUNITIES

Senate bill

Section 123: During an emergency, DOT, after consulting with the ASCC, may grant waivers on flight restrictions to allow flights carrying freight, mail, patients, and medical supplies to areas with extraordinary transportation needs given isolation of the area and if the waiver is in the public interest.

House bill

Section 120: Similar provision but worded differently.

Conference substitute

The Conference Report instructs that during an emergency DOT may grant waivers on flight restrictions to areas with extraordinary transportation needs.

49. SUPPLIES ON BOARD AIRCRAFT

Senate bill

Section 124: DOT shall ensure the safety of food and other supplies on aircraft by sealing packages, screening personnel and vehicles, etc.

House bill

See item 27

Conference substitute

The Conferees have determined that DOT should establish procedures to ensure the safety and security of on-board supplies for intrastate passenger aircraft. The Secretary will establish procedures that may increase security for the point of origin of the sup-

plier, provide for sealed supplies, and the screening of the supplies as they enter the airport.

50. AIRMAN REGISTRY

Senate bill

Section 126: Directs FAA to modify the registry to make it more effective in combating terrorism. FAA should work with State and locals to assist in identifying those applying for or holding airmen certificates.

House bill

No provision.

Conference substitute

The Conferees direct that the FAA must take steps to make the airman registry more effective to combat terrorism by working with the appropriate authorities to assist in properly identifying persons applying for or in possession of airmen certificates.

51. PASSENGER MANIFESTS

Senate bill

No provision.

House bill

Section 111: Within 60 days, U.S. and foreign airlines on international flights to the U.S. must provide to the Under Secretary (or another agency) by electronic transmission a passenger and crew manifest with specified information.

Conference substitute

The Conference Report requires air carriers to use the Air Passenger Information System (APIS) to provide a crew and passenger manifest and related information to Customs for each flight.

52. RESULTS-BASED MANAGEMENT

Senate bill

Section 127: With 60 days, DOT shall establish acceptable performance levels for aviation security and provide Congress with an action plan clarifying the responsibilities of the government agencies involved. Each year, a performance plan shall be made available. Any contracts to implement this Act shall try to maximize the use of performance based service contracts.

House bill

Section 106(7): Consider establishing performance goals for screeners. Report after 6 months and annually thereafter until this is implemented or rejected.

Conference substitute

Modified Senate provision.

53. EMPLOYMENT REGISTER

Senate bill

Section 128(a): DOT shall establish and maintain an employment register.

House bill

No provision.

Conference substitute

No provision.

54. TRAINING FACILITIES

Senate bill

Section 128(b): DOT may use FAA training facilities to train security screeners.

House bill

No provision.

Conference substitute

The Conference Report directs the Secretary to use existing Federal training facilities, where possible, to address the training needs of security screening personnel.

55. AIRSPACE RESTRICTIONS

Senate bill

Section 129: President shall submit a report within 30 days describing any airspace restrictions that remain in place and the justification for those restrictions.

House bill

Section 119: The restrictions on Class B airspace shall cease to be in effect 10 days after enactment unless a notice is published prior to the 10th day reimposing and explaining the reasons for those restrictions.

Conference substitute

The Conferees instruct the Secretary to lift restrictions on Class B airspace under specified requirements.

56. VOLUNTEERS

Senate bill

Section 130: DOT shall carry out a program to permit police, firefighters, and paramedics to provide emergency services during flight. Exempts from liability those who help in an emergency. This does not authorize the possession of firearms.

House bill

No provision but exemption from liability seems to be covered by existing law, section 5(b) of Aviation Medical Assistance Act.

Conference substitute

The Conferees instruct the Secretary to implement a program that will allow qualified law enforcement, firefighters and emergency service technicians to assist in the event of an emergency during commercial air flights. This program will establish the credentials of volunteers, maintain their confidentiality and exempt them from liability.

57. LIMITATION ON LIABILITY

Senate bill

No provision.

House bill

Section 110: Limits liability of passenger or crew who hurts a person they, in good faith, believe was hijacking or about to hijack the plane.

Conference substitute

The Conference Report exempts passengers and crew from liability if an individual "reasonably believed" that a hijacking was occurring.

58. GENERAL AVIATION SECURITY

Senate bill

Section 131: FAA shall begin a security program for aircraft over 12,500 pounds within 90 days. Waivers from this requirement can be granted. A security program for smaller aircraft shall begin in 1 year. A report shall be filed in 18 months.

Aircraft may not be sold or leased to an alien unless a background check has been done or until the security programs described above are implemented.

House bill

No provision.

Conference substitute

The Conference report directs the Secretary to provide Congress a report on improving general aviation security in the United States within 3 months of enactment of the legislation.

The Conferees note that a number of issues on aviation security research merit the prompt attention of the Department of Transportation. In particular, the Conferees observe that research into providing better security with minimal disruption in the system in the area of general aviation is important.

The Conferees note that the FAA has recently designated a consortium of schools as a general aviation center of excellence and anticipates that the FAA would draw upon the expertise of these institutions in formulating a security program for general aviation.

The Conferees also note that NASA, in coordination with the DOT, is investigating technology that would facilitate remote screening of small aircraft prior to takeoff.

Such a general aviation remote screening system (GARSS) could be installed on a vehicle or mobile platform, or in a fixed facility alongside a taxiway, and would provide a pre-takeoff alert if suspicious objects or materials were detected aboard an aircraft.

The Conferees urge that the development and implementation of GARSS be pursued.

59. FUNDING FOR GENERAL AVIATION AIRPORTS

Senate bill

No provision.

House bill

Section 113(b): In FY 2002, allows non-primary airports within Class B airspace to seek AIP money for any purpose, including operational costs.

Conference substitute

Modified House position.

60. CONFORMING AMENDMENT TO IRS CODE

Senate bill

No provision.

House bill

Section 113(e): Amends Code to cross-reference this Security Act so that the money authorized by this Act out of the Trust Fund can be spent.

Conference substitute

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The Conference Report amends the IRS code to cross-reference this legislation to provide for the authorization of spending ~~from~~ ^{from} the Trust Fund.

61. TECHNICAL CORRECTIONS

Senate bill

No provision.

House bill

Section 114: Makes technical corrections to the Air Transportation Safety and System Stabilization Act.

Conference substitute

The Conference Report makes technical corrections to the Air Transportation Safety and System Stabilization Act.

62. ALCOHOL AND DRUG TESTING

Senate bill

No provision.

House bill

Section 115: Amends existing law to account for the transfer of functions from the FAA to the TSA

Conference substitute

The Conference Report amends existing law to transfer alcohol and drug testing functions from the FAA to the TSA.

63. CONFORMING AMENDMENTS

Senate bill

No provision.

House bill

Section 116: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to account for the transfer of functions from the FAA to the TSA.

64. SAVINGS PROVISION

Senate bill

No provision.

House bill

Section 117: Ensures a smooth transfer from the FAA to the TSA.

Conference substitute

The Conference Report
House provision.

65. BUDGET SUBMISSIONS

Senate bill

No provision.

House bill

Section 118: Requires the President's budget submissions starting in 2003 to list the TSA budget separately.

Conference substitute

The Conference Report
House provision.

66. AIR AMBULANCES

Senate bill

No provision.

House bill

Section 114: Amends the Airline Stabilization Act to modify the method for distributing compensation to air ambulances.

Conference substitute

The Conference Report amends the Airline Stabilization Act to allow for a modified system of providing compensation to air tour operators and air ambulances to better address their needs after industry wide losses. It is the Conferees' position that the Stabilization Act's section 103 compensation formula language, "revenue ton miles or any other auditable measure" should be broadly construed and should not restrict compensation exclusively to Revenue ~~for~~ ^{ton} Miles reported on previously filed DOT Form 41s. If Air, Crew, Maintenance, Insurance lessors can provide accurate and auditable records of their revenue ~~for~~ ^{ton} miles during the relevant time period, then they should be eligible for compensation based under the Stabilization Act.

67. PASSENGERS WHO BOUGHT TICKETS ON BANKRUPT AIRLINES

Senate bill

No provision.

House bill

Section 123: Other airlines must honor these tickets to the extent practicable.

Conference substitute

The Conferees direct the air carriers, to the extent practicable, to honor the tickets of passengers purchased by airlines that file for bankruptcy, if the purchaser requests the use of his or her ticket within 60 days of the suspended or canceled flight, for the first 18 months after enactment of this legislation.

68. FLIGHT SERVICE STATION EMPLOYEES

Senate bill

No provision.

House bill

Section 123(a): Sense of Congress that FAA should continue negotiating in good faith with these employees.

Conference substitute

The Conference Report offers the Sense of Congress that FAA should continue negotiating in good faith with flight service station employees.

69. WAR RISK INSURANCE

Senate bill

No provision.

House bill

Section 123(b): Sense of Congress that vendors agents and sub-contractors of general aviation aircraft should get war risk insurance.

Conference substitute

The Conference Report offers the Sense of Congress on the availability of war risk insurance to vendors, agents, and subcontractors of air carriers for all their domestic operations.

70. ANIMALS

Senate bill

No provision.

House bill

Section 123(c): Sense of Congress that airlines that transport mail should carry animals that the Postal Service allows to be mailed.

Conference substitute

The Conference Report offers ^{the} Sense of the House that airlines that transport mail should carry animals that the U.S. Postal Service permits to be sent in the mail.

71. CARRY-ON BAGGAGE

Senate bill

Report on carry-on baggage.

House bill

No provision.

Conference substitute

The Conference Report offers ^{the} Sense of the Congress that the FAA should continue its current restrictions on carry-on baggage of 1 bag plus 1 personal item. A backpack should be considered a personal item.

72. USPS MAIL POLICY IN ALASKA

Senate bill

No provision.

House bill

No provision.

Conference substitute

The Conferees encourage the Congress to pass legislation quickly to restructure the United States Postal Service's process of tendering non-priority bypass mail with the State of Alaska. Restructuring this program to direct more carriers to convert to 121 passenger operators will improve the safety of air transportation in Alaska and enhance the security of passengers.

73. VICTIMS COMPENSATION

Senate bill

No provision.

House bill

Title II:

Conference substitute

The Conference substitute extends the liability limitations of the Air Transportation Stabilization Act to aircraft manufacturers, State port authorities, owners and operators of airports, and persons with property interests in the World Trade Center.

These provisions limit liability under the Act to the maximum level of their insurance coverage.

The Conferees expect that security functions at United States airports should become a Federal government responsibility, and it is their belief that while the number of Federal air marshals is classified, their presence would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel. The Conferees also noted that the effectiveness of existing security measures, including employee background checks and passenger pre-screening, is currently impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

The Conferees developed this legislation to address the security of the nation's transportation system.

3. ORGANIZATION OF SECURITY FUNCTION WITHIN DOT

Senate bill

Section 102: Creates a new Deputy Secretary of Transportation.

House amendment

Section 101: Creates a new Transportation Security Administration (TSA) within DOT headed by an Under Secretary. Establishes qualifications. Sets 5-year term. TSA has same procurement and personnel authority as the FAA.

Conference substitute

The Conference Report creates the Transportation Security Administration (TSA) to be headed by an Under Secretary within the DOT.

4. FUNCTIONS OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 102(a): Coordinate and direct the functions of DOT and FAA under Chapter 449.

Work with the FAA on actions that affect safety.

Coordinate with DOJ, DOD, and other agencies on matters related to aviation security.

Coordinate transportation and actions of other agencies during an emergency. (This does not supersede the authority of any other agency.)

Establish uniform standards for transportation during an emergency.

Provide notice to other agencies about threats during an emergency. The Secretary defines what constitutes an emergency.

Take other actions, the Secretary shall prescribe.

House amendment

Section 101: Under Secretary will be responsible for security in all modes of transportation. Specifically, Under Secretary is responsible for the following:

Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

Assessing threats to transportation.

Developing policies to deal with these threats.

Coordinating with other agencies.

Serve as the liaison with the intelligence community.

Any person with a property interest in the World Trade Center, as a condition to receiving liability protection under the Act, is required to satisfy all contractual obligations to rebuild or assist in the rebuilding of the World Trade Center.

The Conference substitute also limits the liability for all claims arising from the terrorist-related attacks of September 11, 2001, brought against the City of New York to the greater of the City's insurance coverage or \$350,000,000.

8 This limitation on damages against the City of New York, however, ~~does~~ not apply to any non-government or private entity that is contracted with the City.

The Conference substitute also excludes entities primarily engaged in the business of airport security from its limitation on liability.

Supervising airport security using Federal uniformed personnel.

Manage the Federal security personnel in the field

Enforce security regulations.

Undertake research to improve security.

Inspect, maintain, and test security equipment.

Ensure that adequate security is provided for the transportation of cargo.

Oversee the security at airports and other transportation facilities.

Perform background checks on screeners and those who work at airports.

Develop standards for the hiring and firing of screeners.

Train and test screeners.

Conference substitute

The Conferees believe the best way to ensure effective Federal management of the nation's transportation system is through the creation of a new Administration within DOT to be called the Transportation Security Administration (TSA). The TSA's responsibilities will encompass security in all modes of transportation.

5. PAY OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 127: Paid at level II of the Executive Schedule plus bonuses based on performance.

House amendment

Section 101(c): Paid at level II of the Executive Schedule (\$141,300 in 2000).

Conference substitute

The Conferees direct that the Under Secretary is to be paid at Level II of the Executive Schedule (\$141,300 in 2000). A bonus, not to exceed thirty percent of the annual salary may be provided based on the performance of the US to be determined by the Secretary.

6. REPORTS

Senate bill

Section 102(a): Annual report of activities.

Section 127: Annual DOT report on results achieved relative to the agency security performance plan.

Section 112: 60-day report on additional security measures.

Section 133: 120-day report on the new DOJ responsibilities for aviation security.

Section 113: 3-month report on how to improve security of general aviation and air charters.

House amendment

Section 106: Eliminates existing report in section 44938 of title 49, United States Code.

Conference substitute

(House)

6A. ENHANCED SECURITY

Senate bill

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Section 115: 120 day report on the following issues:

- (1) Requiring verification of airport employees' identity.
- (2) Installing switches so flight attendants can notify pilots of a hijacking.
- (3) Revalidating airline and airport employee identification cards.
- (4) Updating strategy for dealing with hijackings.
- (5) Technology to improve communication between aircraft and ground facilities.

Section 211: DOT shall study options for improving positive IDs of passengers at check-in counters and boarding areas. Report required in 6 months.

House amendment

Section 106: Requires the Under Secretary to address the issues listed below and to report 6 months after the date of enactment on the progress being made in implementing each.

A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected:

- (1) Develop procedures (such as barrel rolls or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers.
- (2) After consultation with the FAA, find ways to—
 - (A) limit access to the cockpit;
 - (B) strengthen cockpit doors;
 - (C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;
 - (D) ensure that the aircraft transponder cannot be turned off in flight.
- (3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others who have access to aircraft and secure areas of airports.
- (4) Require airlines to provide emergency call capability from aircraft and trains.
- (5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane.
- (6) Develop certification standards for individual screeners.
- (7) Establish performance goals and use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those goals or certification standards.
- (8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes.
- (9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage.
- (10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be.
- (11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem.
- (12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th.

November 16, 2001 (6:43 AM)

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(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal.

(15) Perform more thorough background checks (including review of immigration and other government records) of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport.

(16) Establish a uniform system for identifying law enforcement personnel authorized to carry a gun on board to ensure they are who they claim to be.

(17) Allow airlines to implement trusted passenger programs to use technology to expedite screening for those passengers that wish to participate.

(18) Develop security procedures for stem cells and other medical containers that cannot be opened or x-rayed.

(19) Develop security procedures to allow musical instruments to be carried in the passenger cabin.

(20) Provide for the use of wireless devices to enable communications among airport security personnel about potential threats.

Conference substitute

The Under Secretary shall decide upon establishing security measures to: ensure that the flight transponder cannot be turned off in flight; require airlines to provide emergency call capability from aircraft and trains; use voice stress analysis, biometric, and other technologies to prevent dangerous persons from boarding a plane; establish a uniform system for identifying law enforcement personnel traveling with firearms to ensure they are who they claim to be; require the consideration of alternative security procedures that would not damage medical products; allow airlines to implement trusted passenger programs to use technology to expedite screening on a voluntary basis; and, provide for the use of technology to enhance communications among airport security personnel about potential threats. The conferees encourage efforts by the Transportation Security Administration and professional organizations representing industry to use biometric information, such as fingerprints collected initially as input to the background check process, for future verification of identity at access control points to secure airport areas. The Conferees applaud efforts to improve day-to-day airport security by utilizing this raw biometric information collected from individuals as a recurrent identifier for access to secure areas. The Conferees urge the Transportation Security Administration to work with industry organizations that ~~can~~ assist in the process of background checks, record-keeping, and universal access control data. CAN

7. RESPONSIBILITY OF THE ATTORNEY GENERAL

Senate bill

Section 102(b): Responsible for screening, including the hiring and training of screeners.

House amendment

No provision—The Under Secretary is responsible for screening.

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Conference substitute
No provision.

8. TRANSITION

Senate bill

Section 102(d): Until Deputy Secretary takes office, the functions are performed by the Assistant Administrator of the FAA.

Section 108: Transition to Attorney General immediate. Actions completed in 9 months.

House amendment

Section 101: Under Secretary shall assume civil aviation security responsibilities in 3 months. In the meantime, Under Secretary can take over airline contracts with screening companies.

No change until Under Secretary is appointed.

Conference substitute

The Conferees direct the Under Secretary to assume responsibility for civil aviation security within 3 months of the enactment of this legislation.

9. TECHNOLOGY AND EQUIPMENT

Senate bill

Section 102(c): Amends 44932(c) to require FAA to ensure the use of the best available security equipment, not merely the best available x-ray equipment.

Section 108: Restates provision in current law requiring manual process where equipment is now underutilized.

Section 132: By September 30, 2002, FAA shall decide the feasibility of implementing technologies designed to protect aviation and automatically detect bombs, drugs, hazardous chemicals, and nuclear devices.

Section 201(b): FAA shall deploy and use existing bomb detection equipment. Within 60 days, FAA shall establish goals for—

- (1) deploying equipment now in storage;
- (2) specifying a percentage of checked bags to be scanned within 6 months, with a goal of scanning 100 percent;
- (3) the number of bomb detectors that will be purchased for deployment at medium sized airports within 6 months. [See item 29.]

House amendment

Section 106: Makes no change in section 44932(c) of title 49, United States Code, but directs Under Secretary to consider requiring various technologies described in item 6 above and report to Congress on them 6 months after enactment and annually thereafter until those technologies are deployed or a decision is made not to deploy them.

Conference substitute

The Conferees want new, state-of-the-art security equipment installed at airports on an expedited basis, and immediate action taken to ensure that existing explosive detection equipment is employed to the greatest extent possible for the screening of checked baggage. It is expected that additional equipment will be installed in as timely a manner as possible, and in the interim, other systems will be used to screen baggage. The Conferees agree that ev-

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everything going on board a passenger aircraft should be screened within 60 days by FAA-approved methods.

10. AIRWORTHINESS OBJECTIONS BY FAA

Senate bill

Section 102: Must consult with FAA on all matters affecting safety and operations.

House amendment

Section 106: Under Secretary cannot take an action if notified by the FAA that it would adversely affect the airworthiness of the aircraft unless the Secretary approves the action.

Conference substitute

House provision.

11. ROLE OF NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

Senate bill

No provision.

House amendment

Section 106: In taking an action that could affect safety, Under Secretary shall solicit and give great weight to views of NTSB.

Conference substitute

The Conferees instruct that in taking actions that could affect safety, the timely views of the National Transportation Safety Board (NTSB) will be taken into consideration by the Under Secretary. The conferees wished to emphasize that the views of the NTSB should be provided in a sufficiently and timely manner so those views could be fully considered by the Under Secretary.

12. BIOLOGICAL AND CHEMICAL WEAPONS

Senate bill

Section 102(c): FAA shall develop ways to enhance the ability to detect biological and chemical weapons.

Section 106(c): DOT shall require airports to maximize the use of equipment to detect these weapons.

House bill

No provision.

Conference substitute

The Conference Report requires airports to maximize the use of equipment to detect and neutralize biological and chemical weapons, and instructs the FAA to develop ways to enhance the detection of these weapons. ✓

13. OVERSIGHT AND COORDINATION

Senate bill

Section 103: Establishes Aviation Security Oversight Council (ASOC), chaired by DOT Secretary and composed of DOJ, DOD, Treasury, CIA, and any other agency head DOT and DOJ determine to be appropriate.

House bill

Section 112: Establishes Transportation Security Oversight Board (TSOB) chaired by DOT Secretary and composed of DOJ, DOD, Treasury, and either NSC or Homeland Security. TSOB

shares intelligence, reviews emergency rules, and oversees actions of Under Secretary.

Establishes Advisory Council, composed of industry, labor, families, and others to advise Under Secretary on security matters.

Conference substitute

The Conference Report establishes the Transportation Security Oversight Board (TSOB) chaired by the Secretary of DOT and composed of DOJ, DOD, Treasury, CIA, NSC and Homeland Security. The TSOB may review and ratify or disapprove regulations issued by the Under Secretary; facilitate the coordination of intelligence, security and law enforcement activities affecting transportation; and, perform other duties including making recommendations to the Under Secretary for use in combating threats to the integrity of the nation's transportation system.

14. RULEMAKING

Senate bill

No Rules required by DOJ for its own employees; cockpit requirements issuable without APA.

House bill

Section 101: Under Secretary can issue security rules immediately without notice and comment, DOT or OMB review, and without a cost-benefit analysis but subject to disapproval by the TSOB.

Conference substitute

House provision.

15. INSPECTOR GENERAL

Senate bill

No provision.

House bill

Section 101: TSA is subject to the Inspector General Act.

Conference substitute

The Conference report instructs that the Transportation Security Administration (TSA) will be subject to the Inspector General Act.

16. CROSS CHECKING DATA BASES

Senate bill

Section 103(a): DOT, acting through ASOC, shall try to develop a common data base with other agencies and share information about people.

Section 211: DOT, as part of the ASOC, shall conduct a 90-day review of upgrades to the distribution of people on the "watch list" of Federal law enforcement agencies.

Upgrades shall be deployed in 6 months.

A report shall be filed in 18 months.

House bill

Section 106: To the extent that the Under Secretary determines appropriate, the Under Secretary shall (1) establish procedures requiring airlines to use information from government agencies to identify people who may be a threat to civil aviation and (2) require more thorough background checks that include a review of other agency data bases.

From: James_A._Brown@omb.eop.gov [UNKNOWN]
To: Rebecca L. Halkias/WHO/EOP@EOP [WHO] <Rebecca L. Halkias>; Rosemarie W. Dale/OMB/EOP@EOP [OMB] <Rosemarie W. Dale>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Caroline A. Marriott/OMB/EOP@EOP [OMB] <Caroline A. Marriott>; Michael J. Cassidy/OMB/EOP@EOP [OMB] <Michael J. Cassidy>; Victoria Wassmer/OMB/EOP@EOP [OMB] <Victoria Wassmer>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Marisa K. Medrano/OPD/EOP@EOP [OPD] <Marisa K. Medrano>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Richard A. Mertens/OMB/EOP@EOP [OMB] <Richard A. Mertens>; Robert H. Goldberg/OMB/EOP@EOP [OMB] <Robert H. Goldberg>; David Aidekman/OMB/EOP@EOP [OMB] <David Aidekman>; Robert J. Nassif/OMB/EOP@EOP [OMB] <Robert J. Nassif>; Michael Garcia/OMB/EOP@EOP [OMB] <Michael Garcia>; Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>; Mark J. Schwartz/OMB/EOP@EOP [OMB] <Mark J. Schwartz>; Shannon Richter/OMB/EOP@EOP [OMB] <Shannon Richter>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Jill G. Crann/OMB/EOP@EOP [OMB] <Jill G. Crann>; Angela M. Donatelli/OMB/EOP@EOP [OMB] <Angela M. Donatelli>; Steven M. Mertens/OMB/EOP@EOP [OMB] <Steven M. Mertens>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; OVP LRM [UNKNOWN] <OVP LRM>; NEC LRM [UNKNOWN] <NEC LRM>; Edward H. Clarke/OMB/EOP@EOP [OMB] <Edward H. Clarke>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; WHGC LRM [UNKNOWN] <WHGC LRM>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Clare C. Doherty/OMB/EOP@EOP [OMB] <Clare C. Doherty>; James J. Tymon/OMB/EOP@EOP [OMB] <James J. Tymon>; Lin Liu/OMB/EOP@EOP [OMB] <Lin Liu>; Timothy A. Rosado/OMB/EOP@EOP [OMB] <Timothy A. Rosado>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; Rodney G. Bent/OMB/EOP@EOP [OMB] <Rodney G. Bent>; Michael Casella/OMB/EOP@EOP [OMB] <Michael Casella>; Ronald L. Silberman/OMB/EOP@EOP [OMB] <Ronald L. Silberman>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Elizabeth L. Rossman/OMB/EOP@EOP [OMB] <Elizabeth L. Rossman>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Allan Villabroza/OMB/EOP@EOP [OMB] <Allan Villabroza>; Adriel M. Harvey/OMB/EOP@EOP [OMB] <Adriel M. Harvey>; Courtney B. Timberlake/OMB/EOP@EOP [OMB] <Courtney B. Timberlake>; Elizabeth A. Bernhard/OMB/EOP@EOP [OMB] <Elizabeth A. Bernhard>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Edward M. Rea/OMB/EOP@EOP [OMB] <Edward M. Rea>; Pamula L. Simms/OMB/EOP@EOP [OMB] <Pamula L. Simms>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Maureen Walsh/OMB/EOP@EOP [OMB] <Maureen Walsh>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Michael D. Gerich/OMB/EOP@EOP [OMB] <Michael D. Gerich>; Meredith G. Benson/OMB/EOP@EOP [OMB] <Meredith G. Benson>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; Siobhan Murphy/OMB/EOP@EOP [OMB] <Siobhan Murphy>; Ronald E. Jones/OMB/EOP@EOP [OMB] <Ronald E. Jones>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Toni S. Hustead/OMB/EOP@EOP [OMB] <Toni S. Hustead>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; CLRM@doc.gov [UNKNOWN] <CLRM@doc.gov>; justice.lrm@usdoj.gov [UNKNOWN] <justice.lrm@usdoj.gov>; statelrm@state.gov [UNKNOWN] <statelrm@state.gov>; llr@do.treas.gov [UNKNOWN] <llr@do.treas.gov>; dodlrs@osdgc.osd.mil [UNKNOWN] <dodlrs@osdgc.osd.mil>; ocaone@aol.com [UNKNOWN] <ocaone@aol.com>; ca.legislation@gsa.gov [UNKNOWN] <ca.legislation@gsa.gov>; scottb@ntsb.gov [UNKNOWN] <scottb@ntsb.gov>; National Security Council LRM Recipients [UNKNOWN] <National Security Council LRM Recipients>; OPBRE E-Mail - EDITORS [UNKNOWN] <OPBRE E-Mail - EDITORS>; laffairs@ustr.gov [UNKNOWN]

<laffairs@ustr.gov>;legis@fema.gov [UNKNOWN]
<legis@fema.gov>;dot.legislation@ost.dot.gov [UNKNOWN] <dot.legislation@ost.dot.gov>;dol-
sol-leg@dol.gov [UNKNOWN] <dol-sol-leg@dol.gov>;CEA Admin [UNKNOWN] <CEA
Admin>;Wallace P. Mullin/CEA/EOP@EOP [CEA] <Wallace P. Mullin>;ola@opm.gov [UNKNOWN] <ola@opm.gov>;valrm@mail.va.gov [UNKNOWN] <valrm@mail.va.gov>
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TO:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Caroline A. Marriott (CN=Caroline A. Marriott/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael J. Cassidy (CN=Michael J. Cassidy/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Victoria Wassmer (CN=Victoria Wassmer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Richard A. Mertens (CN=Richard A. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert H. Goldberg (CN=Robert H. Goldberg/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David Aidekman (CN=David Aidekman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael Garcia (CN=Michael Garcia/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Shannon Richter (CN=Shannon Richter/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jill G. Crann (CN=Jill G. Crann/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Angela M. Donatelli (CN=Angela M. Donatelli/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:OVP LRM (OVP LRM [UNKNOWN])

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TO:NEC LRM (NEC LRM [UNKNOWN])

READ:UNKNOWN

TO:Edward H. Clarke (CN=Edward H. Clarke/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Christine C. McCarlie (CN=Christine C. McCarlie/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
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TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Clare C. Doherty (CN=Clare C. Doherty/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:James J. Tymon (CN=James J. Tymon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Lin Liu (CN=Lin Liu/OU=OMB/O=EOP@EOP [OMB])
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TO:Timothy A. Rosado (CN=Timothy A. Rosado/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Diana E. Furchtgott-Roth (CN=Diana E. Furchtgott-Roth/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Rodney G. Bent (CN=Rodney G. Bent/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael Casella (CN=Michael Casella/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ronald L. Silberman (CN=Ronald L. Silberman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Elizabeth L. Rossman (CN=Elizabeth L. Rossman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allan Villabroza (CN=Allan Villabroza/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Adriel M. Harvey (CN=Adriel M. Harvey/OU=OMB/O=EOP@EOP [OMB])
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TO:Courtney B. Timberlake (CN=Courtney B. Timberlake/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Elizabeth A. Bernhard (CN=Elizabeth A. Bernhard/OU=OMB/O=EOP@EOP [OMB])
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TO:Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
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TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
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TO:Edward M. Rea (CN=Edward M. Rea/OU=OMB/O=EOP@EOP [OMB])
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TO:Pamula L. Simms (CN=Pamula L. Simms/OU=OMB/O=EOP@EOP [OMB])
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TO:Ellen J. Balis (CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Maureen Walsh (CN=Maureen Walsh/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])
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TO:S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])
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TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
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TO:Michael D. Gerich (CN=Michael D. Gerich/OU=OMB/O=EOP@EOP [OMB])
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TO:Meredith G. Benson (CN=Meredith G. Benson/OU=OMB/O=EOP@EOP [OMB])
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TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
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TO:Siobhan Murphy (CN=Siobhan Murphy/OU=OMB/O=EOP@EOP [OMB])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])
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TO:Brett S. Loper (CN=Brett S. Loper/OU=OMB/O=EOP@EOP [OMB])
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TO:Toni S. Hustead (CN=Toni S. Hustead/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
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READ:UNKNOWN
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TO:ca.legislation@gsa.gov (ca.legislation@gsa.gov [UNKNOWN])
READ:UNKNOWN
TO:scottb@entsb.gov (scottb@entsb.gov [UNKNOWN])
READ:UNKNOWN
TO:National Security Council LRM Recipients (National Security Council LRM Recipients [UNKNOWN])
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TO:OPBRE E-Mail - EDITORS (OPBRE E-Mail - EDITORS [UNKNOWN])
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TO:laffairs@ustr.gov (laffairs@ustr.gov [UNKNOWN])
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TO:dol-sol-leg@dol.gov (dol-sol-leg@dol.gov [UNKNOWN])
READ:UNKNOWN
TO:CEA Admin (CEA Admin [UNKNOWN])
READ:UNKNOWN
TO:Wallace P. Mullin (CN=Wallace P. Mullin/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:ola@opm.gov (ola@opm.gov [UNKNOWN])
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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the bill (S. 1447), to improve aviation security, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

Senate bill

Section 1: "Aviation Security Act".

House amendment

Section 1: "Airport Security Federalization Act of 2001"

Conference substitute

The title of the legislation will be "The Aviation and Transportation Security Act."

2. FINDINGS

Senate bill

Section 101: 7 findings on the importance of security and the need for Federal control and other changes.

House amendment

No provision

Conference substitute

The conferees recognize that the safety and security of the civil air transportation system is critical to the security of the United States and its national defense, and that a safe and secure United States civil air transportation system is essential to the basic freedom of America to move in intrastate, interstate and international transportation. The conferees further note the terrorist hijacking and crashes of passenger aircraft on September 11, 2001, which converted civil aircraft into guided bombs for strikes against the United States, required a fundamental change in the way it approaches the task of ensuring the safety and security of the civil air transportation system.

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A report is required in 6 months and annually thereafter.

Conference substitute

The Conferees have instructed the Secretary to work with the TSOB to develop a data base that will allow the cross checking of the people on "watch lists" of various Federal law enforcement agencies to identify individuals that may pose a risk to security in an effort to identify potential risks to civil aviation. Passenger lists should be used in conjunction with this data base to help target those individuals that pose a threat, and allow appropriate action to be taken.

17. TERRORISM REPORT

Senate bill

Section 103(b): Require reports on all terrorism. Reports to be shared with DOT.

House bill

No provision.

Conference substitute

The Conference Report requires the intelligence community to ensure that reports on terrorism are shared with the DOT.

18. STRATEGIC PLANNING

Senate bill

Section 103(c): Require intelligence agencies to establish units for strategic planning on terrorism.

House bill

No provision.

Conference substitute

The Conference Report requires intelligence agencies to establish units for strategic planning on terrorism.

19. COCKPIT SECURITY

Senate bill

Section 104: FAA shall issue a rule, without notice and comment, permitting only authorized persons to have access to the cockpit, requiring strengthening the door by installing locks and making them rigid, requiring the door to remain locked during flight except when the pilot needs to get out, and taking away the flight attendants key.

Special rules shall be issued for aircraft that do not have a door.

House bill

Section 106: To the extent the Under Secretary considers appropriate, the Under Secretary shall, after consultation with FAA, implement methods to restrict the opening of the cockpit door during flight and fortify those doors.

A report is required in 6 months and annually thereafter.

Funds are authorized to help airlines pay for this.

Conference substitute

The Conference Report prohibits access to the flight deck of passenger aircraft by anyone other than the flight crew. Flight deck doors must be strengthened and remain locked while aircraft is in flight. Video cameras may be provided to alert pilots to cabin activity in the event of a security breach occurring during the flight.

These provisions apply to aircraft required to have a door between the flight deck and cabin. The Conferees also seek the redesign of cockpits to ensure the doors are secured at all times during flight. Redesign can encompass new flight deck materials, double doors to the cockpit as are used in Israel, and lavatories within the flight deck so that flight crew do not leave the flight deck. Once bathroom facilities are provided for the flight crew of passenger aircraft, the cockpit door no longer will need to be opened during flight.

The Conferees instruct the Under Secretary to take into consideration the threat to aviation and national security when developing means to secure the flight deck on commuter aircraft. Any new burdens should be appropriate for the risk.

20. AIR MARSHALS

Senate bill

Section 105: Attorney General prescribes guidelines for training and deployment of sky marshals. DOT administers the program in accordance with these guidelines:

(1) Marshals may be placed on every flight but must be placed on every flight that DOT determines to be high risk.

(2) Marshals must be deployed in 30 days.

(3) Marshals must be given a seat even if that means bumping a passenger.

(4) DOT shall work with ICAO and foreign governments to address security concerns on foreign airlines.

(5) DOT may use personnel from other agencies, including the military, as air marshals.

Section 105: Waives age requirements for retired police, military and out-of-work pilots to work as air marshals, if they meet the background and fitness qualifications.

Report required in 18 months.

House bill

Section 105: Under Secretary deploys air marshals, provides for their background checks, trains them, and requires U.S. airlines to provide seats for them at no cost.

Preference for hiring laid off airline pilots as marshals.

Marshals must be placed on selected flights.

Marshals must be given a seat even if that means bumping a passenger.

DOT shall work with foreign governments to address security concerns on international flights from the U.S.

Until the Under Secretary has all the air marshals needed, personnel from other agencies may be used, with the other agency's concurrence, as air marshals on a non-reimbursable basis.

Airlines must provide seats, on a space-available basis, to off-duty marshals flying home.

Conference substitute

The Conference Report requires that appropriately trained, supervised and equipped Federal Air Marshals (FAMs) may be deployed on every scheduled passenger flight, and must be placed on every "high risk" flight, which may include nonstop longhaul flights, or any other flight deemed appropriate, even if the flight is fully booked. For applicants who otherwise meet the background and fitness requirements, age restrictions may be waived to allow

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(cockpit and cabin)

retired law enforcement officers, retired members of the armed forces, and members of commercial airline crews who have been furloughed from their positions. Personnel from other agencies may be deployed, with the agency's concurrence, as FAMs until an adequate number of FAMs are in place. Additionally, agreements may be entered into allowing trained law enforcement personnel from other agencies to travel with firearms in order to assist FAMs.

The Conferees instruct the Under Secretary to follow air carrier passenger reservations and cancellation practices to the extent practicable. The Under Secretary should work cooperatively with air carriers to develop guidelines concerning reservations and cancellation for the transportation of Federal Air Marshals.

21. SCREENING

Senate bill

Section 108: Attorney General, in consultation with DOT, shall provide for screening of all passengers, property, mail, and cargo that will be carried aboard an aircraft.

Federal employees shall do screening.

Airport and airline employees shall be screened in the same way, except alternative methods may be used for security personnel.

Attorney General shall use screening technology approved by FAA.

Law enforcement personnel shall be deployed at each screening location.

At the 100 largest airports, additional police may be ordered.

Section 105(f): Report from DOT and DOJ required within 120 days on effectiveness of security screening.

Section 106: DOJ and DOT may permit operational flexibility to tailor screening needs for seasonal variations, aircraft types, and special needs of small airports.

Section 108: Attorney General may require non-hub or smaller airports to use State or local law enforcement if the screening will be equivalent to that at larger airports, the training meets Federal standards, the airport is reimbursed by funds made available by this Act, and the airport is consulted.

House bill

Section 102: Federal government is responsible for screening passengers and property on passenger aircraft that originate in the U.S.. Silent on whether screeners are to be Federal employees or private contractors. Under Secretary shall deputize screeners to enforce Federal laws, but not to arrest people. Screeners must have common uniforms. Must be supervised by uniformed Federal employees.

Section 107: Under Secretary should consider certifying screeners and use TIP or similar technologies to measure their performance and revoke their certification if their performance is inadequate.

Section 104: Airport required to deploy law enforcement or military personnel at each screening location. Law enforcement can be either Federal or local.

Conference substitute

The Conference Report requires the Federal government to hire, train and deploy Federal screeners, Federal managers, Federal se-

curity personnel and Federal law enforcement within 1 year. The participants in this Federal security workforce will not be able to strike or engage in work stoppages, and can be fired at the discretion of the Secretary if they are not able to adequately perform their duties.

The Conferees recognize that, in order to ensure that Federal screeners are able to provide the best security possible, the Secretary must be given wide latitude to determine the terms of employment of screeners. The Conference Committee expects that, in fixing the terms and conditions of employment the Secretary shall establish benefits and conditions of employment. The Conference Committee also recognizes that, in order to hire and retain screeners, the Secretary should also ensure that screeners have access to Federal health, life insurance, and retirement benefits, as well as workers' compensation benefits. The Committee believes that screening personnel must also be given whistleblower protections so that screeners may report security conditions without fear of reprisal.

The Conference Report requires the DOT to assume existing screening company contracts as soon as possible, but no later than 90 days after enactment of this legislation. The contracts for existing screeners can be extended for up to 6 months, and the DOT would have the option to extend contracts for no longer than 3 months, if necessary, to continue screening. DOT may also authorize additional Federal law enforcement, National Guard, and other personnel immediately to address the aviation security needs of the country.

The Conferees direct the Secretary to provide a report after one year from the date of enactment certifying deployment of the Federal screeners. Two years after certification airports can opt out of the Federalization of the screener level of the Federal workforce if the Secretary determines that these facilities would continue to provide an equal or higher level of security. Companies will be barred from providing screening if they violate federal standards, are found to allow repeated failures of the system, or prove to be a security risk. The DOT will also establish a Pilot Program for 5 airports, one from each category type, to apply for the use of private contract screeners.

Within 1 year after the date of enactment of the Act, the conferees expect the Transportation Security Administration to submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.

22. CITIZENSHIP OF SECURITY FIRMS

Senate bill

No provision.

House bill

Section 104: Must be owned or controlled by a citizen of the U.S. to the extent the President determines that there are such firms.

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Section 123(e): Similar sense of Congress.

Conference substitute

The Conference Report directs that U.S. companies should be used to provide screening if they are available.

23. TRAINING OF PILOTS AND FLIGHT ATTENDANTS

Senate bill

Section 105(f): Report from DOT and DOJ required within 6 months on crew training.

Section 107: DOT shall develop a mandatory airline training program for crews dealing with a hijacking. Training shall be developed in coordination with law enforcement experts.

House bill

Section 106: Under Secretary should consider updating training for dealing with hijacking that includes ways for dealing with suicidal hijackers. Report six months and annually thereafter.

Conference substitute

The Conferees have determined that detailed guidance shall be developed for a mandatory air carrier training program to assist flight crews and attendants in hijack situations. The training curriculum will be developed in consultation with Federal law enforcement agencies with expertise in dealing with these types of threat conditions.

24. HOW FLIGHT ATTENDANTS NOTIFY PILOTS OF A HIJACKING

Senate bill

Section 107: FAA shall revise procedures by which flight attendants notify pilots and implement new measures as soon as practicable.

House bill

Section 106: The Under Secretary should consider requiring the installation of switches in the cabin so that the flight attendants can discreetly notify the pilots.

Conference substitute

The Conference Report directs the Under Secretary to consider the installation of a switch to be located in the cabin for flight attendants to notify pilots in the event of a hijacking without the knowledge of passengers. *or other devices*

25. PROVISION OF PERSONNEL FROM OTHER AGENCIES

Senate bill

Section 105: Amends section 106(m) to allow other agencies to provide personnel to FAA.

House bill

Section 102(d): Same provision, worded differently.

Conference substitute

The Conferees call upon other agencies to provide personnel that has received the proper training for use by the FAA as Federal air marshals (FAMs) in an effort to support and supplement ~~that~~ *the* FAM workforce in its early stages.

26. AIRPORT PERIMETER ACCESS SECURITY

Senate bill

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Section 106: DOT may order deployment of law enforcement personnel as needed to bolster airport security by entering into an agreement with another agency to deploy Federal law enforcement at airports.

Section 106(b): FAA shall provide technical support and financial assistance to small airports to help defray security costs.

House bill

No provision.

Conference substitute

The Conferees have given the Secretary the ability to work with the airports to address potential threats at individual facilities by ordering the deployment of Federal law enforcement authorities to improve airport perimeter and access security in an effort to counter potential criminal activities. Such actions also can include providing increased security at air traffic control facilities. Additionally, the FAA Administrator will develop a plan to provide technical support to enable small- and medium-sized airports to enhance their security operations, and shall include using network digital video surveillance systems.

27. INDIVIDUALS WITH ACCESS TO SECURE AREAS OF THE AIRPORT

Senate bill

See item 21

Section 106(a): DOT, in consultation with ASOC, shall consider whether such individuals should be screened.

Section 106(d): Amend 44903(g)(2) to delete 1/31/01 deadline and beef up language on access control requirements.

Consider deployment of biometric technologies.

Establish pilot programs at 20 airports to test new technologies.

DOT shall require airlines and airports to develop security awareness programs for employees.

Section 211: Within 6 months, DOT shall recommend to airports commercially available ways to prevent access to secure areas. As part of this, DOT shall review effectiveness of biometric and other systems, focus on eliminating piggy-backing, and include a 12-month deployment strategy for currently available technology at Category X airports. Not later than 18 months, DOT shall conduct a review of reductions in unauthorized access.

House bill

Section 106: The Under Secretary shall consider imposing standards for the screening or inspection of vehicles that have access to secure areas and provide for the use of technology to verify the identity of those vehicles entering a secure area. Report after 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that all individuals, goods, property, vehicles, and other equipment seeking access to secure areas must be screened and inspected before entry. The Conference Committee instructs that prescribed requirements should provide at least the same level of protection as the screening of passengers and baggage. The Conferees, however, recognize that these requirements may make allowances for tools and equipment necessary to perform duties in secure areas. The Secretary will examine the physical configuration of individual airports, and consider the

views of the TSOB to consider implementing standards to protect the integrity of secure areas.

28. BAN ON PARKING OF VEHICLES WITHIN 300 FEET OF TERMINAL

Senate bill

Section 106(b): FAA, in consultation with local law enforcement, shall reexamine the need for 300 feet restriction.

House bill

Section 121: Removes this parking ban if the airport, in consultation with local law enforcement, certifies to DOT, after doing a threat assessment, that safeguards are in place to protect public safety.

Conference substitute

The Conferees have determined that all airports must consult with local law enforcement and inform DOT that proper safeguards are in place to ensure that parked vehicles are not a security risk. Each airport must submit views regarding its assessment of the needs of their facility.

29. CHECKED BAGGAGE

Senate bill

See item 9

Section 201(b)(1): Requirement for all baggage to be screened within 9 months.

FAA must establish within 60 days confidential goals for scanning a specific percentage of checked bags within 6 months and annual goals thereafter eventually scanning 100%.

Section 201(c) - page 85 FAA shall require airlines to upgrade the bag match system. Shall establish goals within 60 days to accomplish this including interim measures to match a higher percentage of bags until bomb detectors are used to scan 100% of bags.

Confidential report to Congress in 1 year.

House bill

See item 9

Section 106: All checked baggage must be screened by December 31, 2003. All existing explosive detection equipment must be used to the maximum extent possible.

Additional explosive detection equipment must be installed as soon as possible.

In the interim, airlines must implement a bag match program.

A system must be in place as soon as possible to screen cargo transported in passenger aircraft.

Section 123(d): Sense of Congress that all checked baggage should be screened by any available means.

Conference substitute

The Conferees feel strongly that all baggage to be placed on passenger flights must be screened. Existing technology, including EDS, should be used and upgraded in an effort to ensure that all checked baggage goes through such a system. Any baggage that does not go through EDS will be required to go through some form of manual or other comparable screening system. An alternate system of screening cargo should also be established, and periodic reports issued to provide an understanding of the progress made on these efforts.

30. COMPUTER ASSISTED PASSENGER PROFILING SYSTEM (CAPPS)

Senate bill

Section 201(d): FAA shall make all passengers subject to CAPPS even if they don't check bags so that their carry-ons and person will be subject to additional security measures. Report within 3 months.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to CAPPS and to the distribution of people on the "watch list" of Federal law enforcement agencies. Upgrades shall be deployed in 6 months. A report shall be filed in 18 months.

House bill

Section 106(9): The Under Secretary should consider providing the enhanced use of CAPPS to more effectively screen passengers and carry-on baggage. Report in 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that an enhanced and upgraded use of the Computer Assisted Passenger Pre-Screening System (CAPPS) must be considered to more effectively screen passengers and baggage. The Conferees also recognize that adjustments may need to be made to reflect circumstances in some areas of the U.S., including State with unique transportation needs.

31. DEPUTIZING FOR ENFORCEMENT OF FEDERAL SECURITY LAWS

Senate bill

Section 108(b): Requires Attorney General to deputize State and local law enforcement to regulate screening at non-hubs.

House bill

Private contractor employees deputized.

Conference substitute

No provision.

32. HIRING AND TRAINING OF SCREENERS

Senate bill

Section 109: DOJ, in consultation with DOT, shall establish a program for the hiring and training of screeners. Hiring qualifications shall be set in 30 days. Includes list of qualifications screeners must meet such as education and language requirements. Training plans must be developed within 60 days. Requires 40 hours of classroom training and 60 hours of on the job training. Current lists of dual use items (seemingly harmless items that could be used as a weapon) shall be part of the training. Section 104 - page 16

House bill

Under Secretary may set minimum pay for screeners. Preference shall be given to veterans in the hiring of screeners and laid off airline workers. Final rule for certification of screening companies changed from May 31, 2001 to 6 months after date of enactment. In the meantime, within 30 days of enactment, the standards in the proposed rule, such as education and language requirements, shall be in effect. All screeners must be in approved uniforms.

Conference substitute

A blend of the House and Senate provisions.

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33. CITIZENSHIP OF SCREENERS

Senate bill

Section 109: Must have been a national of the U.S. for at least 5 years.

House bill

Section 104(a): Must be U.S. citizens.

Conference substitute

The Conference Report requires that all airport screeners must be citizens of the U.S.

34. STATUS OF SCREENERS

Senate bill

Section 109(d): Notwithstanding any law, the Attorney General may hire, fire, and pay screeners as he determines necessary.

House bill

Section 102: Federal supervisor can order the dismissal of any screener.

Conference substitute

The Conference Report provides the Under Secretary the authority to employ, terminate and fix the conditions of employment for the Federal screening workforce.

35. STRIKES BY SCREENERS

Senate bill

Section 109(e): Strikes prohibited pursuant to Title 5.

House bill

Section 102: Strikes prohibited.

Conference substitute

The Conference Report directs that the airport screening workforce will be prohibited from striking. The Conferees have provided the Transportation Security Administration authority to utilize existing authority provided to the FAA to develop personnel and acquisition systems. The authority gives the Administration flexibility to design its own policies and procedures and not use the FAA's system, while retaining the legal requirements under sections 40110 and 40112.

36. BACKGROUND CHECKS

Senate bill

Section 109(f): Requires background checks for current screeners and others with access to the airport.

Section 201(a): Requires background checks for current screeners and others to be completed in 9 months unless the person has had such a check in the past 5 years. Alternative checks shall be developed for those who have lived in the U.S. for less than 5 years.

House bill

Section 107: Allows smaller airports to use the same expedited procedures for criminal history background checks as the larger airports now use. (Under the 2000 Security Act these expedited procedures do not go into effect at smaller airports until 2003.)

Requires background check (including review of government data bases) for all current screeners and those with access to secure

areas except for those who have already had such a check or those who are exempted by FAA rules from such checks.

Conference substitute

A blend of the House and Senate provisions.

The Conferees encourage the Under Secretary to provide channeling authority to professional organizations representing industry to FBI AFIS fingerprint databases to perform criminal history verification of aviation business employees. (S) ✓

37. RESEARCH AND DEVELOPMENT

Senate bill

Section 110: Amends section 44912 to require periodic reviews of threats to civil aviation and the potential for the release of biological and chemical weapons. A person shall be designated to be responsible for security research. The person shall file an annual report on research activities. A scientific advisory panel shall be established. DOT shall coordinate research with DOJ.

Section 221: Authorizes \$50 million per year to research various security technologies.

House bill

Section 101: Transfers security research from FAA to the TSA. The TSA can use FAA research facilities.

Conference substitute

A modified version of the Senate provision.

38. FLIGHT SCHOOLS

Senate bill

Section 111: Regarding jet-propelled aircraft, a person shall not give flight instruction, including instruction in simulator, to an alien (or other person specified by DOT) unless DOJ issues that person a certificate of completion of the background check of the alien. Requests for the background check shall be made jointly by the alien and the flight school. Investigation must be completed in 30 days. Investigation includes fingerprint check, immigration check, and a determination of whether alien is a national security risk. Expedited procedures shall be developed for an alien seeking recurrent training. Penalties for violations shall be developed by DOT rulemaking. Flight schools shall report aliens that they train.

Section 111(c): DOT and State shall work with ICAO to improve screening of student pilots.

House bill

Section 106(13): The Under Secretary should consider requiring background checks on individuals seeking flying lessons (including simulator lessons) on aircraft weighing more than 12,500 pounds. Report in 6 months and annually thereafter until the Under Secretary implements the checks or decides not to require them.

Conference substitute

The Conferees have determined that flight school training for aircraft with a minimum certificated weight of 12,500 pounds or more should not be allowed for any alien within the United States unless they have passed a sufficient background check. Such individuals seeking to attend flight school may begin pilot training after 45 days or upon being certified as having passed a background investigation regarding their criminal history and immigration status. A

1 And the House agree to the same.

security awareness program will be developed to assist employees that work at flight schools by helping to increase their awareness of a potential threat.

39. PENALTIES

Senate bill

Section 114: Imposes criminal penalties for interfering with security personnel at a commercial service airport.

House bill

Section 116(c): Transfers the relevant civil penalty authorities from the FAA to the TSA.

Conference substitute

The Conference Report requires that an individual who disrupts the duties of security screening personnel within a commercial service airport shall be fined and/or imprisoned for up to 10 years. The use of a dangerous weapon to interfere with security screening may result in up to life imprisonment.

40. INTRASTATE AIR SERVICE

Senate bill

Section 116: DOT may grant antitrust exemptions to ensure continued viability of air service in that State.

House bill

No provision.

Conference substitute

The Conference Report instructs that DOT may grant anti-trust immunity to ensure continued viability of air service within a state. If the Secretary approves any such request, a report must be given to the relevant Senate and House Committees within six months of the approval describing what actions have been taken by the carriers receiving the exemption.

41. AIRLINE COMPUTER RESERVATION SYSTEMS

Senate bill

Section 117: DOT shall require all airlines to use the best technology to ensure that their systems are secure from unauthorized access. DOT shall submit an annual report on compliance.

House bill

No provision.

Conference substitute

Under the direction of the Conference Report airlines are required to take action that will prevent unauthorized access to computer reservation systems and the information they contain on passengers. Technology should be utilized to the greatest extent possible to ensure the integrity of these systems.

42. FEES

Senate bill

Section 118(a): Within 180 days, airlines remit a \$2.50 fee per enplanement.

House bill

Section 108: Under Secretary shall impose a fee of not more than \$2.50 per one-way trip. The amount of the fee shall be reasonably

related to the costs of providing the screening service. In addition, a fee can be imposed directly on the airlines but it cannot be more than the airlines paid for screening services in 2000. Fees shall be credited as off-setting collections. Passengers using airports where screening services are not provided may be exempted from the fee.

Conference substitute

The Conference substitute requires a fee to be charged to cover the cost of providing the aviation security services. The fee will be based on the number of times a passenger boards a plane during the course of travel, but will be capped at \$5.00 per one-way trip. Any additional funds needed will be authorized to be appropriated or may come from a fee imposed directly on the airlines.

The Secretary may waive or modify the security fee to take into account the isolation of certain communities. In determining whether to waive or modify this fee, the Secretary shall consider the costs of transportation security and the benefits of transportation security that is bestowed on those communities. The Conference substitute amends section 45301(b) of title 49, United States Code, with respect to limitations on overflight fees to (1) to make the language consistent with the new security fee language of this Act, and (2) to clarify Congressional intent with respect to the FAA costs upon which the fees can be based. Specifically, the conference substitute replaces the word "directly" with "reasonably", since the word "directly" has been a source of much confusion and narrow interpretation, and has been a primary cause of recurring litigation which has frustrated and delayed the FAA's imposition of the overflight fees for a number of years. Additionally, this amendment specifies that the FAA's costs upon which the fees are based are to be determined solely by the Administrator. This is to clarify that the Administrator has full authority to determine costs by appropriate means. This amendment is not intended to require revision of the fees recently promulgated by the FAA (66 FR 43680, Aug. 20, 2001) but rather, to clarify longstanding Congressional intent that the FAA expeditiously and continuously collect the fees authorized under section 45301(a) of title 49.

43. AUTHORIZATION

Senate bill

Section 118(b): Authorizes such sums for the next 3 years as may be necessary to carry out the security functions.

House bill

Section 109: Authorizes such sums as may be necessary to the TSA for operating costs and for screening services not covered by the above fee.

Authorizes \$500 million for grants to airlines to fortify cockpit doors, install video monitors to view the passenger cabin, ensure continuous operation of transponder, and use of other technologies.

Conference substitute

The Conference Report authorizes the necessary spending for the cost of providing aviation security.

44. AIRPORT FUNDING

Senate bill

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Section 119(a): Allows AIP and PFC funds to be used to pay security costs in FY 2002 for any cost incurred after 9/11 regardless of when it was incurred. Waives the local matching share. In deciding whether to make a discretionary AIP grant for security costs, the availability and use of non-Federal funding by the airport shall be considered.

Section 120: Authorizes such sums in 2002 to compensate airports for security costs. Costs must be documented and subject to an IG audit. DOT shall publish procedures for filing claims in 30 days.

Section 119(c): PFC requests for security funding should be expedited.

Section 119(b): For the purpose of determining AIP entitlements in FY 2003, enplanements in 2000 or 2001, whichever is higher, shall be used.

Section 201(b): Modifying terminal and baggage systems in order to install bomb detection equipment is made AIP eligible. Section 113: Allows AIP and PFC funds to be used to pay for added law enforcement costs in at a non-hub or small hub airport regardless of when the cost was incurred.

Waives the local matching share.

In FY 2002, allows AIP and PFC money to be used to pay debt service if that would prevent an airport, or privately owned terminal, from defaulting on its bond.

House bill

Section 109: Authorizes a total of \$1.5 billion in 2002 and 2003 to reimburse airports for direct costs they incurred to meet new security requirements. Such sums to remain available until expended. Before getting the money, the airport must agree to meet with its concessionaires to discuss rent adjustments and provide an itemized list of costs incurred.

Conference substitute

A blend of the House and Senate provisions.

45. COMPETITION PLANS

Senate bill

No provision.

House bill

Section 113(a): Waives an airport's obligation to submit a competition plan in FY 2002 when it is seeking money to improve security.

Conference substitute

The Conference Report waives the obligation of an airport to submit a competition plan in FY '02 when seeking money to improve security.

46. REPORTING SUSPICIOUS ACTIVITIES

Senate bill

Section 121: Exempts airline employees from liability for disclosing, in good faith, suspicious activity. DOJ shall establish procedures to notify the FAA of people who may pose a risk of hijacking. Report shall be submitted in 120 days on the implementation of this notification.

House bill

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No provision.

Conference substitute

The Conference Report encourages and exempts airline employees from liability for disclosing suspicious activities in response to a "reasonably believed" threat.

47. ARMING PILOTS

Senate bill

Section 122: National Institute of Justice shall assess non-lethal weapons for use by pilots and report to DOT in 90 days. After receiving report, DOT may authorize pilots to carry such weapons. DOT shall establish training and procedural requirements for using these weapons.

Section 125: Authorizes FAA to permit a pilot with proper training to carry a gun in the cockpit. FAA shall establish a training program. Report shall be submitted every 6 months on the effectiveness of this provision.

House bill

Section 106: DOT cannot take any action to prevent a pilot from taking a gun into the cockpit if the policy of the airline allows it and the pilot has completed a training program acceptable to the Under Secretary.

Conference substitute

A pilot is authorized to carry an approved firearm into the cockpit if approved by the Under Secretary and the air carrier, and the pilot has received proper training.

48. ISOLATED COMMUNITIES

Senate bill

Section 123: During an emergency, DOT, after consulting with the ASCC, may grant waivers on flight restrictions to allow flights carrying freight, mail, patients, and medical supplies to areas with extraordinary transportation needs given isolation of the area and if the waiver is in the public interest.

House bill

Section 120: Similar provision but worded differently.

Conference substitute

The Conference Report instructs that during an emergency DOT may grant waivers on flight restrictions to areas with extraordinary transportation needs.

49. SUPPLIES ON BOARD AIRCRAFT

Senate bill

Section 124: DOT shall ensure the safety of food and other supplies on aircraft by sealing packages, screening personnel and vehicles, etc.

House bill

See item 27

Conference substitute

The Conferees have determined that DOT should establish procedures to ensure the safety and security of on-board supplies for intrastate passenger aircraft. The Secretary will establish procedures that may increase security for the point of origin of the sup-

plier, provide for sealed supplies, and the screening of the supplies as they enter the airport.

50. AIRMAN REGISTRY

Senate bill

Section 126: Directs FAA to modify the registry to make it more effective in combating terrorism. FAA should work with State and locals to assist in identifying those applying for or holding airmen certificates.

House bill

No provision.

Conference substitute

The Conferees direct that the FAA must take steps to make the airman registry more effective to combat terrorism by working with the appropriate authorities to assist in properly identifying persons applying for or in possession of airmen certificates.

51. PASSENGER MANIFESTS

Senate bill

No provision.

House bill

Section 111: Within 60 days, U.S. and foreign airlines on international flights to the U.S. must provide to the Under Secretary (or another agency) by electronic transmission a passenger and crew manifest with specified information.

Conference substitute

The Conference Report requires air carriers to use the Air Passenger Information System (APIS) to provide a crew and passenger manifest and related information to Customs for each flight.

52. RESULTS-BASED MANAGEMENT

Senate bill

Section 127: With 60 days, DOT shall establish acceptable performance levels for aviation security and provide Congress with an action plan clarifying the responsibilities of the government agencies involved. Each year, a performance plan shall be made available. Any contracts to implement this Act shall try to maximize the use of performance based service contracts.

House bill

Section 106(7): Consider establishing performance goals for screeners. Report after 6 months and annually thereafter until this is implemented or rejected.

Conference substitute

Modified Senate provision.

53. EMPLOYMENT REGISTER

Senate bill

Section 128(a): DOT shall establish and maintain an employment register.

House bill

No provision.

Conference substitute

No provision.

54. TRAINING FACILITIES

Senate bill

Section 128(b): DOT may use FAA training facilities to train security screeners.

House bill

No provision.

Conference substitute

The Conference Report directs the Secretary to use existing Federal training facilities, where possible, to address the training needs of security screening personnel.

55. AIRSPACE RESTRICTIONS

Senate bill

Section 129: President shall submit a report within 30 days describing any airspace restrictions that remain in place and the justification for those restrictions.

House bill

Section 119: The restrictions on Class B airspace shall cease to be in effect 10 days after enactment unless a notice is published prior to the 10th day reimposing and explaining the reasons for those restrictions.

Conference substitute

The Conferees instruct the Secretary to lift restrictions on Class B airspace under specified requirements.

56. VOLUNTEERS

Senate bill

Section 130: DOT shall carry out a program to permit police, firefighters, and paramedics to provide emergency services during flight. Exempts from liability those who help in an emergency. This does not authorize the possession of firearms.

House bill

No provision but exemption from liability seems to be covered by existing law, section 5(b) of Aviation Medical Assistance Act.

Conference substitute

The Conferees instruct the Secretary to implement a program that will allow qualified law enforcement, firefighters and emergency service technicians to assist in the event of an emergency during commercial air flights. This program will establish the credentials of volunteers, maintain their confidentiality and exempt them from liability.

57. LIMITATION ON LIABILITY

Senate bill

No provision.

House bill

Section 110: Limits liability of passenger or crew who hurts a person they, in good faith, believe was hijacking or about to hijack the plane.

Conference substitute

The Conference Report exempts passengers and crew from liability if an individual "reasonably believed" that a hijacking was occurring.

58. GENERAL AVIATION SECURITY

Senate bill

Section 131: FAA shall begin a security program for aircraft over 12,500 pounds within 90 days. Waivers from this requirement can be granted. A security program for smaller aircraft shall begin in 1 year. A report shall be filed in 18 months.

Aircraft may not be sold or leased to an alien unless a background check has been done or until the security programs described above are implemented.

House bill

No provision.

Conference substitute

The Conference report directs the Secretary to provide Congress a report on improving general aviation security in the United States within 3 months of enactment of the legislation.

The Conferees note that a number of issues on aviation security research merit the prompt attention of the Department of Transportation. In particular, the Conferees observe that research into providing better security with minimal disruption in the system in the area of general aviation is important.

The Conferees note that the FAA has recently designated a consortium of schools as a general aviation center of excellence and anticipates that the FAA would draw upon the expertise of these institutions in formulating a security program for general aviation.

The Conferees also note that NASA, in coordination with the DOT, is investigating technology that would facilitate remote screening of small aircraft prior to takeoff.

Such a general aviation remote screening system (GARSS) could be installed on a vehicle or mobile platform, or in a fixed facility alongside a taxiway, and would provide a pre-takeoff alert if suspicious objects or materials were detected aboard an aircraft.

The Conferees urge that the development and implementation of GARSS be pursued.

59. FUNDING FOR GENERAL AVIATION AIRPORTS

Senate bill

No provision.

House bill

Section 113(b): In FY 2002, allows non-primary airports within Class B airspace to seek AIP money for any purpose, including operational costs.

Conference substitute

Modified House position.

60. CONFORMING AMENDMENT TO IRS CODE

Senate bill

No provision.

House bill

Section 113(e): Amends Code to cross-reference this Security Act so that the money authorized by this Act out of the Trust Fund can be spent.

Conference substitute

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The Conference Report amends the IRS code to cross-reference this legislation to provide for the authorization of spending ~~from~~ ^{from} the Trust Fund.

61. TECHNICAL CORRECTIONS

Senate bill

No provision.

House bill

Section 114: Makes technical corrections to the Air Transportation Safety and System Stabilization Act.

Conference substitute

The Conference Report makes technical corrections to the Air Transportation Safety and System Stabilization Act.

62. ALCOHOL AND DRUG TESTING

Senate bill

No provision.

House bill

Section 115: Amends existing law to account for the transfer of functions from the FAA to the TSA

Conference substitute

The Conference Report amends existing law to transfer alcohol and drug testing functions from the FAA to the TSA.

63. CONFORMING AMENDMENTS

Senate bill

No provision.

House bill

Section 116: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to account for the transfer of functions from the FAA to the TSA.

64. SAVINGS PROVISION

Senate bill

No provision.

House bill

Section 117: Ensures a smooth transfer from the FAA to the TSA.

Conference substitute

The Conference Report

House provision.

65. BUDGET SUBMISSIONS

Senate bill

No provision.

House bill

Section 118: Requires the President's budget submissions starting in 2003 to list the TSA budget separately.

Conference substitute

The Conference Report

House provision.

66. AIR AMBULANCES

Senate bill

No provision.

House bill

Section 114: Amends the Airline Stabilization Act to modify the method for distributing compensation to air ambulances.

Conference substitute

The Conference Report amends the Airline Stabilization Act to allow for a modified system of providing compensation to air tour operators and air ambulances to better address their needs after industry wide losses. It is the Conferees' position that the Stabilization Act's section 103 compensation formula language, "revenue ton miles or any other auditable measure" should be broadly construed and should not restrict compensation exclusively to Revenue ~~for~~ ^{ton} Miles reported on previously filed DOT Form 41s. If Air, Crew, Maintenance, Insurance lessors can provide accurate and auditable records of their revenue ~~for~~ ^{ton} miles during the relevant time period, then they should be eligible for compensation based under the Stabilization Act.

67. PASSENGERS WHO BOUGHT TICKETS ON BANKRUPT AIRLINES

Senate bill

No provision.

House bill

Section 123: Other airlines must honor these tickets to the extent practicable.

Conference substitute

The Conferees direct the air carriers, to the extent practicable, to honor the tickets of passengers purchased by airlines that file for bankruptcy, if the purchaser requests the use of his or her ticket within 60 days of the suspended or canceled flight, for the first 18 months after enactment of this legislation.

68. FLIGHT SERVICE STATION EMPLOYEES

Senate bill

No provision.

House bill

Section 123(a): Sense of Congress that FAA should continue negotiating in good faith with these employees.

Conference substitute

The Conference Report offers the Sense of Congress that FAA should continue negotiating in good faith with flight service station employees.

69. WAR RISK INSURANCE

Senate bill

No provision.

House bill

Section 123(b): Sense of Congress that vendors agents and sub-contractors of general aviation aircraft should get war risk insurance.

Conference substitute

The Conference Report offers the Sense of Congress on the availability of war risk insurance to vendors, agents, and subcontractors of air carriers for all their domestic operations.

70. ANIMALS

Senate bill

No provision.

House bill

Section 123(c): Sense of Congress that airlines that transport mail should carry animals that the Postal Service allows to be mailed.

Conference substitute

The Conference Report offers ^{the} Sense of the House that airlines that transport mail should carry animals that the U.S. Postal Service permits to be sent in the mail.

71. CARRY-ON BAGGAGE

Senate bill

Report on carry-on baggage.

House bill

No provision.

Conference substitute

The Conference Report offers ^{the} Sense of the Congress that the FAA should continue its current restrictions on carry-on baggage of 1 bag plus 1 personal item. A backpack should be considered a personal item.

72. USPS MAIL POLICY IN ALASKA

Senate bill

No provision.

House bill

No provision.

Conference substitute

The Conferees encourage the Congress to pass legislation quickly to restructure the United States Postal Service's process of tendering non-priority bypass mail with the State of Alaska. Restructuring this program to direct more carriers to convert to 121 passenger operators will improve the safety of air transportation in Alaska and enhance the security of passengers.

73. VICTIMS COMPENSATION

Senate bill

No provision.

House bill

Title II:

Conference substitute

The Conference substitute extends the liability limitations of the Air Transportation Stabilization Act to aircraft manufacturers, State port authorities, owners and operators of airports, and persons with property interests in the World Trade Center.

These provisions limit liability under the Act to the maximum level of their insurance coverage.

The Conferees expect that security functions at United States airports should become a Federal government responsibility, and it is their belief that while the number of Federal air marshals is classified, their presence would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel. The Conferees also noted that the effectiveness of existing security measures, including employee background checks and passenger pre-screening, is currently impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

The Conferees developed this legislation to address the security of the nation's transportation system.

3. ORGANIZATION OF SECURITY FUNCTION WITHIN DOT

Senate bill

Section 102: Creates a new Deputy Secretary of Transportation.

House amendment

Section 101: Creates a new Transportation Security Administration (TSA) within DOT headed by an Under Secretary. Establishes qualifications. Sets 5-year term. TSA has same procurement and personnel authority as the FAA.

Conference substitute

The Conference Report creates the Transportation Security Administration (TSA) to be headed by an Under Secretary within the DOT.

4. FUNCTIONS OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 102(a): Coordinate and direct the functions of DOT and FAA under Chapter 449.

Work with the FAA on actions that affect safety.

Coordinate with DOJ, DOD, and other agencies on matters related to aviation security.

Coordinate transportation and actions of other agencies during an emergency. (This does not supersede the authority of any other agency.)

Establish uniform standards for transportation during an emergency.

Provide notice to other agencies about threats during an emergency. The Secretary defines what constitutes an emergency.

Take other actions, the Secretary shall prescribe.

House amendment

Section 101: Under Secretary will be responsible for security in all modes of transportation. Specifically, Under Secretary is responsible for the following:

Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

Assessing threats to transportation.

Developing policies to deal with these threats.

Coordinating with other agencies.

Serve as the liaison with the intelligence community.

Any person with a property interest in the World Trade Center, as a condition to receiving liability protection under the Act, is required to satisfy all contractual obligations to rebuild or assist in the rebuilding of the World Trade Center.

The Conference substitute also limits the liability for all claims arising from the terrorist-related attacks of September 11, 2001, brought against the City of New York to the greater of the City's insurance coverage or \$350,000,000.

8 This limitation on damages against the City of New York, however, ~~does~~ not apply to any non-government or private entity that is contracted with the City.

The Conference substitute also excludes entities primarily engaged in the business of airport security from its limitation on liability.

Supervising airport security using Federal uniformed personnel.

Manage the Federal security personnel in the field

Enforce security regulations.

Undertake research to improve security.

Inspect, maintain, and test security equipment.

Ensure that adequate security is provided for the transportation of cargo.

Oversee the security at airports and other transportation facilities.

Perform background checks on screeners and those who work at airports.

Develop standards for the hiring and firing of screeners.

Train and test screeners.

Conference substitute

The Conferees believe the best way to ensure effective Federal management of the nation's transportation system is through the creation of a new Administration within DOT to be called the Transportation Security Administration (TSA). The TSA's responsibilities will encompass security in all modes of transportation.

5. PAY OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 127: Paid at level II of the Executive Schedule plus bonuses based on performance.

House amendment

Section 101(c): Paid at level II of the Executive Schedule (\$141,300 in 2000).

Conference substitute

The Conferees direct that the Under Secretary is to be paid at Level II of the Executive Schedule (\$141,300 in 2000). A bonus, not to exceed thirty percent of the annual salary may be provided based on the performance of the US to be determined by the Secretary.

6. REPORTS

Senate bill

Section 102(a): Annual report of activities.

Section 127: Annual DOT report on results achieved relative to the agency security performance plan.

Section 112: 60-day report on additional security measures.

Section 133: 120-day report on the new DOJ responsibilities for aviation security.

Section 113: 3-month report on how to improve security of general aviation and air charters.

House amendment

Section 106: Eliminates existing report in section 44938 of title 49, United States Code.

Conference substitute

(House)

6A. ENHANCED SECURITY

Senate bill

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Section 115: 120 day report on the following issues:

- (1) Requiring verification of airport employees' identity.
- (2) Installing switches so flight attendants can notify pilots of a hijacking.
- (3) Revalidating airline and airport employee identification cards.
- (4) Updating strategy for dealing with hijackings.
- (5) Technology to improve communication between aircraft and ground facilities.

Section 211: DOT shall study options for improving positive IDs of passengers at check-in counters and boarding areas. Report required in 6 months.

House amendment

Section 106: Requires the Under Secretary to address the issues listed below and to report 6 months after the date of enactment on the progress being made in implementing each.

A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected:

- (1) Develop procedures (such as barrel roles or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers.
- (2) After consultation with the FAA, find ways to—
 - (A) limit access to the cockpit;
 - (B) strengthen cockpit doors;
 - (C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;
 - (D) ensure that the aircraft transponder cannot be turned off in flight.
- (3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others who have access to aircraft and secure areas of airports.
- (4) Require airlines to provide emergency call capability from aircraft and trains.
- (5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane.
- (6) Develop certification standards for individual screeners.
- (7) Establish performance goals and use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those goals or certification standards.
- (8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes.
- (9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage.
- (10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be.
- (11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem.
- (12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th.

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(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal.

(15) Perform more thorough background checks (including review of immigration and other government records) of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport.

(16) Establish a uniform system for identifying law enforcement personnel authorized to carry a gun on board to ensure they are who they claim to be.

(17) Allow airlines to implement trusted passenger programs to use technology to expedite screening for those passengers that wish to participate.

(18) Develop security procedures for stem cells and other medical containers that cannot be opened or x-rayed.

(19) Develop security procedures to allow musical instruments to be carried in the passenger cabin.

(20) Provide for the use of wireless devices to enable communications among airport security personnel about potential threats.

Conference substitute

The Under Secretary shall decide upon establishing security measures to: ensure that the flight transponder cannot be turned off in flight; require airlines to provide emergency call capability from aircraft and trains; use voice stress analysis, biometric, and other technologies to prevent dangerous persons from boarding a plane; establish a uniform system for identifying law enforcement personnel traveling with firearms to ensure they are who they claim to be; require the consideration of alternative security procedures that would not damage medical products; allow airlines to implement trusted passenger programs to use technology to expedite screening on a voluntary basis; and, provide for the use of technology to enhance communications among airport security personnel about potential threats. The conferees encourage efforts by the Transportation Security Administration and professional organizations representing industry to use biometric information, such as fingerprints collected initially as input to the background check process, for future verification of identity at access control points to secure airport areas. The Conferees applaud efforts to improve day-to-day airport security by utilizing this raw biometric information collected from individuals as a recurrent identifier for access to secure areas. The Conferees urge the Transportation Security Administration to work with industry organizations that ~~can~~ assist in the process of background checks, record-keeping, and universal access control data. CAN

7. RESPONSIBILITY OF THE ATTORNEY GENERAL

Senate bill

Section 102(b): Responsible for screening, including the hiring and training of screeners.

House amendment

No provision—The Under Secretary is responsible for screening.

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Conference substitute
No provision.

8. TRANSITION

Senate bill

Section 102(d): Until Deputy Secretary takes office, the functions are performed by the Assistant Administrator of the FAA.

Section 108: Transition to Attorney General immediate. Actions completed in 9 months.

House amendment

Section 101: Under Secretary shall assume civil aviation security responsibilities in 3 months. In the meantime, Under Secretary can take over airline contracts with screening companies.

No change until Under Secretary is appointed.

Conference substitute

The Conferees direct the Under Secretary to assume responsibility for civil aviation security within 3 months of the enactment of this legislation.

9. TECHNOLOGY AND EQUIPMENT

Senate bill

Section 102(c): Amends 44932(c) to require FAA to ensure the use of the best available security equipment, not merely the best available x-ray equipment.

Section 108: Restates provision in current law requiring manual process where equipment is now underutilized.

Section 132: By September 30, 2002, FAA shall decide the feasibility of implementing technologies designed to protect aviation and automatically detect bombs, drugs, hazardous chemicals, and nuclear devices.

Section 201(b): FAA shall deploy and use existing bomb detection equipment. Within 60 days, FAA shall establish goals for—

- (1) deploying equipment now in storage;
- (2) specifying a percentage of checked bags to be scanned within 6 months, with a goal of scanning 100 percent;
- (3) the number of bomb detectors that will be purchased for deployment at medium sized airports within 6 months. [See item 29.]

House amendment

Section 106: Makes no change in section 44932(c) of title 49, United States Code, but directs Under Secretary to consider requiring various technologies described in item 6 above and report to Congress on them 6 months after enactment and annually thereafter until those technologies are deployed or a decision is made not to deploy them.

Conference substitute

The Conferees want new, state-of-the-art security equipment installed at airports on an expedited basis, and immediate action taken to ensure that existing explosive detection equipment is employed to the greatest extent possible for the screening of checked baggage. It is expected that additional equipment will be installed in as timely a manner as possible, and in the interim, other systems will be used to screen baggage. The Conferees agree that ev-

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everything going on board a passenger aircraft should be screened within 60 days by FAA-approved methods.

10. AIRWORTHINESS OBJECTIONS BY FAA

Senate bill

Section 102: Must consult with FAA on all matters affecting safety and operations.

House amendment

Section 106: Under Secretary cannot take an action if notified by the FAA that it would adversely affect the airworthiness of the aircraft unless the Secretary approves the action.

Conference substitute

House provision.

11. ROLE OF NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

Senate bill

No provision.

House amendment

Section 106: In taking an action that could affect safety, Under Secretary shall solicit and give great weight to views of NTSB.

Conference substitute

The Conferees instruct that in taking actions that could affect safety, the timely views of the National Transportation Safety Board (NTSB) will be taken into consideration by the Under Secretary. The conferees wished to emphasize that the views of the NTSB should be provided in a sufficiently and timely manner so those views could be fully considered by the Under Secretary.

12. BIOLOGICAL AND CHEMICAL WEAPONS

Senate bill

Section 102(c): FAA shall develop ways to enhance the ability to detect biological and chemical weapons.

Section 106(c): DOT shall require airports to maximize the use of equipment to detect these weapons.

House bill

No provision.

Conference substitute

The Conference Report requires airports to maximize the use of equipment to detect and neutralize biological and chemical weapons, and instructs the FAA to develop ways to enhance the detection of these weapons. ✓

13. OVERSIGHT AND COORDINATION

Senate bill

Section 103: Establishes Aviation Security Oversight Council (ASOC), chaired by DOT Secretary and composed of DOJ, DOD, Treasury, CIA, and any other agency head DOT and DOJ determine to be appropriate.

House bill

Section 112: Establishes Transportation Security Oversight Board (TSOB) chaired by DOT Secretary and composed of DOJ, DOD, Treasury, and either NSC or Homeland Security. TSOB

shares intelligence, reviews emergency rules, and oversees actions of Under Secretary.

Establishes Advisory Council, composed of industry, labor, families, and others to advise Under Secretary on security matters.

Conference substitute

The Conference Report establishes the Transportation Security Oversight Board (TSOB) chaired by the Secretary of DOT and composed of DOJ, DOD, Treasury, CIA, NSC and Homeland Security. The TSOB may review and ratify or disapprove regulations issued by the Under Secretary; facilitate the coordination of intelligence, security and law enforcement activities affecting transportation; and, perform other duties including making recommendations to the Under Secretary for use in combating threats to the integrity of the nation's transportation system.

14. RULEMAKING

Senate bill

No Rules required by DOJ for its own employees; cockpit requirements issuable without APA.

House bill

Section 101: Under Secretary can issue security rules immediately without notice and comment, DOT or OMB review, and without a cost-benefit analysis but subject to disapproval by the TSOB.

Conference substitute

House provision.

15. INSPECTOR GENERAL

Senate bill

No provision.

House bill

Section 101: TSA is subject to the Inspector General Act.

Conference substitute

The Conference report instructs that the Transportation Security Administration (TSA) will be subject to the Inspector General Act.

16. CROSS CHECKING DATA BASES

Senate bill

Section 103(a): DOT, acting through ASOC, shall try to develop a common data base with other agencies and share information about people.

Section 211: DOT, as part of the ASOC, shall conduct a 90-day review of upgrades to the distribution of people on the "watch list" of Federal law enforcement agencies.

Upgrades shall be deployed in 6 months.

A report shall be filed in 18 months.

House bill

Section 106: To the extent that the Under Secretary determines appropriate, the Under Secretary shall (1) establish procedures requiring airlines to use information from government agencies to identify people who may be a threat to civil aviation and (2) require more thorough background checks that include a review of other agency data bases.

From: James_A._Brown@omb.eop.gov [UNKNOWN]
To: Rebecca L. Halkias/WHO/EOP@EOP [WHO] <Rebecca L. Halkias>; Rosemarie W. Dale/OMB/EOP@EOP [OMB] <Rosemarie W. Dale>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Caroline A. Marriott/OMB/EOP@EOP [OMB] <Caroline A. Marriott>; Michael J. Cassidy/OMB/EOP@EOP [OMB] <Michael J. Cassidy>; Victoria Wassmer/OMB/EOP@EOP [OMB] <Victoria Wassmer>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Marisa K. Medrano/OPD/EOP@EOP [OPD] <Marisa K. Medrano>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Richard A. Mertens/OMB/EOP@EOP [OMB] <Richard A. Mertens>; Robert H. Goldberg/OMB/EOP@EOP [OMB] <Robert H. Goldberg>; David Aidekman/OMB/EOP@EOP [OMB] <David Aidekman>; Robert J. Nassif/OMB/EOP@EOP [OMB] <Robert J. Nassif>; Michael Garcia/OMB/EOP@EOP [OMB] <Michael Garcia>; Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>; Mark J. Schwartz/OMB/EOP@EOP [OMB] <Mark J. Schwartz>; Shannon Richter/OMB/EOP@EOP [OMB] <Shannon Richter>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Jill G. Crann/OMB/EOP@EOP [OMB] <Jill G. Crann>; Angela M. Donatelli/OMB/EOP@EOP [OMB] <Angela M. Donatelli>; Steven M. Mertens/OMB/EOP@EOP [OMB] <Steven M. Mertens>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; OVP LRM [UNKNOWN] <OVP LRM>; NEC LRM [UNKNOWN] <NEC LRM>; Edward H. Clarke/OMB/EOP@EOP [OMB] <Edward H. Clarke>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; WHGC LRM [UNKNOWN] <WHGC LRM>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Clare C. Doherty/OMB/EOP@EOP [OMB] <Clare C. Doherty>; James J. Tymon/OMB/EOP@EOP [OMB] <James J. Tymon>; Lin Liu/OMB/EOP@EOP [OMB] <Lin Liu>; Timothy A. Rosado/OMB/EOP@EOP [OMB] <Timothy A. Rosado>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; Rodney G. Bent/OMB/EOP@EOP [OMB] <Rodney G. Bent>; Michael Casella/OMB/EOP@EOP [OMB] <Michael Casella>; Ronald L. Silberman/OMB/EOP@EOP [OMB] <Ronald L. Silberman>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Elizabeth L. Rossman/OMB/EOP@EOP [OMB] <Elizabeth L. Rossman>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Allan Villabroza/OMB/EOP@EOP [OMB] <Allan Villabroza>; Adriel M. Harvey/OMB/EOP@EOP [OMB] <Adriel M. Harvey>; Courtney B. Timberlake/OMB/EOP@EOP [OMB] <Courtney B. Timberlake>; Elizabeth A. Bernhard/OMB/EOP@EOP [OMB] <Elizabeth A. Bernhard>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Edward M. Rea/OMB/EOP@EOP [OMB] <Edward M. Rea>; Pamula L. Simms/OMB/EOP@EOP [OMB] <Pamula L. Simms>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Maureen Walsh/OMB/EOP@EOP [OMB] <Maureen Walsh>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Michael D. Gerich/OMB/EOP@EOP [OMB] <Michael D. Gerich>; Meredith G. Benson/OMB/EOP@EOP [OMB] <Meredith G. Benson>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; Siobhan Murphy/OMB/EOP@EOP [OMB] <Siobhan Murphy>; Ronald E. Jones/OMB/EOP@EOP [OMB] <Ronald E. Jones>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Toni S. Hustead/OMB/EOP@EOP [OMB] <Toni S. Hustead>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; CLRM@doc.gov [UNKNOWN] <CLRM@doc.gov>; justice.lrm@usdoj.gov [UNKNOWN] <justice.lrm@usdoj.gov>; statelrm@state.gov [UNKNOWN] <statelrm@state.gov>; llr@do.treas.gov [UNKNOWN] <llr@do.treas.gov>; dodlrs@osdgc.osd.mil [UNKNOWN] <dodlrs@osdgc.osd.mil>; ocaone@aol.com [UNKNOWN] <ocaone@aol.com>; ca.legislation@gsa.gov [UNKNOWN] <ca.legislation@gsa.gov>; scottb@ntsb.gov [UNKNOWN] <scottb@ntsb.gov>; National Security Council LRM Recipients [UNKNOWN] <National Security Council LRM Recipients>; OPBRE E-Mail - EDITORS [UNKNOWN] <OPBRE E-Mail - EDITORS>; laffairs@ustr.gov [UNKNOWN]

<laffairs@ustr.gov>;legis@fema.gov [UNKNOWN]
<legis@fema.gov>;dot.legislation@ost.dot.gov [UNKNOWN] <dot.legislation@ost.dot.gov>;dol-
sol-leg@dol.gov [UNKNOWN] <dol-sol-leg@dol.gov>;CEA Admin [UNKNOWN] <CEA
Admin>;Wallace P. Mullin/CEA/EOP@EOP [CEA] <Wallace P. Mullin>;ola@opm.gov [UNKNOWN] <ola@opm.gov>;valrm@mail.va.gov [UNKNOWN] <valrm@mail.va.gov>
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Subject: : FYI -- Joint Explanatory Statement of conferees, S. 1447
Attachments: P_ZQUR4004_WHO.TXT_1.pdf

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SUBJECT:: FYI -- Joint Explanatory Statement of conferees, S. 1447

TO:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Caroline A. Marriott (CN=Caroline A. Marriott/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael J. Cassidy (CN=Michael J. Cassidy/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Victoria Wassmer (CN=Victoria Wassmer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Richard A. Mertens (CN=Richard A. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert H. Goldberg (CN=Robert H. Goldberg/OU=OMB/O=EOP@EOP [OMB])

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TO:David Aidekman (CN=David Aidekman/OU=OMB/O=EOP@EOP [OMB])

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TO:Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP@EOP [OMB])

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TO:Michael Garcia (CN=Michael Garcia/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

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TO:Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP@EOP [OMB])

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TO:Shannon Richter (CN=Shannon Richter/OU=OMB/O=EOP@EOP [OMB])

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TO:Jill G. Crann (CN=Jill G. Crann/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Angela M. Donatelli (CN=Angela M. Donatelli/OU=OMB/O=EOP@EOP [OMB])

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TO:Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [OMB])

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TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

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TO:Edward H. Clarke (CN=Edward H. Clarke/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
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TO:Edward M. Rea (CN=Edward M. Rea/OU=OMB/O=EOP@EOP [OMB])
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TO:Pamula L. Simms (CN=Pamula L. Simms/OU=OMB/O=EOP@EOP [OMB])
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TO:Ellen J. Balis (CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Maureen Walsh (CN=Maureen Walsh/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Michael D. Gerich (CN=Michael D. Gerich/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Meredith G. Benson (CN=Meredith G. Benson/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Siobhan Murphy (CN=Siobhan Murphy/OU=OMB/O=EOP@EOP [OMB])
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 TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])
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 TO:Paul R. Noe (CN=Paul R. Noe/OU=OMB/O=EOP@EOP [OMB])
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 TO:Brett S. Loper (CN=Brett S. Loper/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Toni S. Hustead (CN=Toni S. Hustead/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:CLRM@doc.gov (CLRM@doc.gov [UNKNOWN])
 READ:UNKNOWN
 TO:justice.lrm@usdoj.gov (justice.lrm@usdoj.gov [UNKNOWN])
 READ:UNKNOWN
 TO:statelrm@state.gov (statelrm@state.gov [UNKNOWN])
 READ:UNKNOWN
 TO:llr@do.treas.gov (llr@do.treas.gov [UNKNOWN])
 READ:UNKNOWN
 TO:dodlrs@osdgc.osd.mil (dodlrs@osdgc.osd.mil [UNKNOWN])
 READ:UNKNOWN
 TO:ocaone@aol.com (ocaone@aol.com [UNKNOWN])
 READ:UNKNOWN
 TO:ca.legislation@gsa.gov (ca.legislation@gsa.gov [UNKNOWN])
 READ:UNKNOWN
 TO:scottb@ntsb.gov (scottb@ntsb.gov [UNKNOWN])
 READ:UNKNOWN
 TO:National Security Council LRM Recipients (National Security Council LRM Recipients [UNKNOWN])
 READ:UNKNOWN
 TO:OPBRE E-Mail - EDITORS (OPBRE E-Mail - EDITORS [UNKNOWN])
 READ:UNKNOWN
 TO:laffairs@ustr.gov (laffairs@ustr.gov [UNKNOWN])
 READ:UNKNOWN
 TO:legis@fema.gov (legis@fema.gov [UNKNOWN])
 READ:UNKNOWN
 TO:dot.legislation@ost.dot.gov (dot.legislation@ost.dot.gov [UNKNOWN])
 READ:UNKNOWN
 TO:dol-sol-leg@dol.gov (dol-sol-leg@dol.gov [UNKNOWN])
 READ:UNKNOWN
 TO:CEA Admin (CEA Admin [UNKNOWN])
 READ:UNKNOWN
 TO:Wallace P. Mullin (CN=Wallace P. Mullin/OU=CEA/O=EOP@EOP [CEA])
 READ:UNKNOWN
 TO:ola@opm.gov (ola@opm.gov [UNKNOWN])
 READ:UNKNOWN
 TO:valrm@mail.va.gov (valrm@mail.va.gov [UNKNOWN])
 READ:UNKNOWN
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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the bill (S. 1447), to improve aviation security, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

Senate bill

Section 1: "Aviation Security Act".

House amendment

Section 1: "Airport Security Federalization Act of 2001"

Conference substitute

The title of the legislation will be "The Aviation and Transportation Security Act."

2. FINDINGS

Senate bill

Section 101: 7 findings on the importance of security and the need for Federal control and other changes.

House amendment

No provision

Conference substitute

The conferees recognize that the safety and security of the civil air transportation system is critical to the security of the United States and its national defense, and that a safe and secure United States civil air transportation system is essential to the basic freedom of America to move in intrastate, interstate and international transportation. The conferees further note the terrorist hijacking and crashes of passenger aircraft on September 11, 2001, which converted civil aircraft into guided bombs for strikes against the United States, required a fundamental change in the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(1)

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A report is required in 6 months and annually thereafter.

Conference substitute

The Conferees have instructed the Secretary to work with the TSOB to develop a data base that will allow the cross checking of the people on "watch lists" of various Federal law enforcement agencies to identify individuals that may pose a risk to security in an effort to identify potential risks to civil aviation. Passenger lists should be used in conjunction with this data base to help target those individuals that pose a threat, and allow appropriate action to be taken.

17. TERRORISM REPORT

Senate bill

Section 103(b): Require reports on all terrorism. Reports to be shared with DOT.

House bill

No provision.

Conference substitute

The Conference Report requires the intelligence community to ensure that reports on terrorism are shared with the DOT.

18. STRATEGIC PLANNING

Senate bill

Section 103(c): Require intelligence agencies to establish units for strategic planning on terrorism.

House bill

No provision.

Conference substitute

The Conference Report requires intelligence agencies to establish units for strategic planning on terrorism.

19. COCKPIT SECURITY

Senate bill

Section 104: FAA shall issue a rule, without notice and comment, permitting only authorized persons to have access to the cockpit, requiring strengthening the door by installing locks and making them rigid, requiring the door to remain locked during flight except when the pilot needs to get out, and taking away the flight attendants key.

Special rules shall be issued for aircraft that do not have a door.

House bill

Section 106: To the extent the Under Secretary considers appropriate, the Under Secretary shall, after consultation with FAA, implement methods to restrict the opening of the cockpit door during flight and fortify those doors.

A report is required in 6 months and annually thereafter.

Funds are authorized to help airlines pay for this.

Conference substitute

The Conference Report prohibits access to the flight deck of passenger aircraft by anyone other than the flight crew. Flight deck doors must be strengthened and remain locked while aircraft is in flight. Video cameras may be provided to alert pilots to cabin activity in the event of a security breach occurring during the flight.

These provisions apply to aircraft required to have a door between the flight deck and cabin. The Conferees also seek the redesign of cockpits to ensure the doors are secured at all times during flight. Redesign can encompass new flight deck materials, double doors to the cockpit as are used in Israel, and lavatories within the flight deck so that flight crew do not leave the flight deck. Once bathroom facilities are provided for the flight crew of passenger aircraft, the cockpit door no longer will need to be opened during flight.

The Conferees instruct the Under Secretary to take into consideration the threat to aviation and national security when developing means to secure the flight deck on commuter aircraft. Any new burdens should be appropriate for the risk.

20. AIR MARSHALS

Senate bill

Section 105: Attorney General prescribes guidelines for training and deployment of sky marshals. DOT administers the program in accordance with these guidelines:

(1) Marshals may be placed on every flight but must be placed on every flight that DOT determines to be high risk.

(2) Marshals must be deployed in 30 days.

(3) Marshals must be given a seat even if that means bumping a passenger.

(4) DOT shall work with ICAO and foreign governments to address security concerns on foreign airlines.

(5) DOT may use personnel from other agencies, including the military, as air marshals.

Section 105: Waives age requirements for retired police, military and out-of-work pilots to work as air marshals, if they meet the background and fitness qualifications.

Report required in 18 months.

House bill

Section 105: Under Secretary deploys air marshals, provides for their background checks, trains them, and requires U.S. airlines to provide seats for them at no cost.

Preference for hiring laid off airline pilots as marshals.

Marshals must be placed on selected flights.

Marshals must be given a seat even if that means bumping a passenger.

DOT shall work with foreign governments to address security concerns on international flights from the U.S.

Until the Under Secretary has all the air marshals needed, personnel from other agencies may be used, with the other agency's concurrence, as air marshals on a non-reimbursable basis.

Airlines must provide seats, on a space-available basis, to off-duty marshals flying home.

Conference substitute

The Conference Report requires that appropriately trained, supervised and equipped Federal Air Marshals (FAMs) may be deployed on every scheduled passenger flight, and must be placed on every "high risk" flight, which may include nonstop longhaul flights, or any other flight deemed appropriate, even if the flight is fully booked. For applicants who otherwise meet the background and fitness requirements, age restrictions may be waived to allow

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(cockpit and cabin)

retired law enforcement officers, retired members of the armed forces, and members of commercial airline crews who have been furloughed from their positions. Personnel from other agencies may be deployed, with the agency's concurrence, as FAMs until an adequate number of FAMs are in place. Additionally, agreements may be entered into allowing trained law enforcement personnel from other agencies to travel with firearms in order to assist FAMs.

The Conferees instruct the Under Secretary to follow air carrier passenger reservations and cancellation practices to the extent practicable. The Under Secretary should work cooperatively with air carriers to develop guidelines concerning reservations and cancellation for the transportation of Federal Air Marshals.

21. SCREENING

Senate bill

Section 108: Attorney General, in consultation with DOT, shall provide for screening of all passengers, property, mail, and cargo that will be carried aboard an aircraft.

Federal employees shall do screening.

Airport and airline employees shall be screened in the same way, except alternative methods may be used for security personnel.

Attorney General shall use screening technology approved by FAA.

Law enforcement personnel shall be deployed at each screening location.

At the 100 largest airports, additional police may be ordered.

Section 105(f): Report from DOT and DOJ required within 120 days on effectiveness of security screening.

Section 106: DOJ and DOT may permit operational flexibility to tailor screening needs for seasonal variations, aircraft types, and special needs of small airports.

Section 108: Attorney General may require non-hub or smaller airports to use State or local law enforcement if the screening will be equivalent to that at larger airports, the training meets Federal standards, the airport is reimbursed by funds made available by this Act, and the airport is consulted.

House bill

Section 102: Federal government is responsible for screening passengers and property on passenger aircraft that originate in the U.S.. Silent on whether screeners are to be Federal employees or private contractors. Under Secretary shall deputize screeners to enforce Federal laws, but not to arrest people. Screeners must have common uniforms. Must be supervised by uniformed Federal employees.

Section 107: Under Secretary should consider certifying screeners and use TIP or similar technologies to measure their performance and revoke their certification if their performance is inadequate.

Section 104: Airport required to deploy law enforcement or military personnel at each screening location. Law enforcement can be either Federal or local.

Conference substitute

The Conference Report requires the Federal government to hire, train and deploy Federal screeners, Federal managers, Federal se-

curity personnel and Federal law enforcement within 1 year. The participants in this Federal security workforce will not be able to strike or engage in work stoppages, and can be fired at the discretion of the Secretary if they are not able to adequately perform their duties.

The Conferees recognize that, in order to ensure that Federal screeners are able to provide the best security possible, the Secretary must be given wide latitude to determine the terms of employment of screeners. The Conference Committee expects that, in fixing the terms and conditions of employment the Secretary shall establish benefits and conditions of employment. The Conference Committee also recognizes that, in order to hire and retain screeners, the Secretary should also ensure that screeners have access to Federal health, life insurance, and retirement benefits, as well as workers' compensation benefits. The Committee believes that screening personnel must also be given whistleblower protections so that screeners may report security conditions without fear of reprisal.

The Conference Report requires the DOT to assume existing screening company contracts as soon as possible, but no later than 90 days after enactment of this legislation. The contracts for existing screeners can be extended for up to 6 months, and the DOT would have the option to extend contracts for no longer than 3 months, if necessary, to continue screening. DOT may also authorize additional Federal law enforcement, National Guard, and other personnel immediately to address the aviation security needs of the country.

The Conferees direct the Secretary to provide a report after one year from the date of enactment certifying deployment of the Federal screeners. Two years after certification airports can opt out of the Federalization of the screener level of the Federal workforce if the Secretary determines that these facilities would continue to provide an equal or higher level of security. Companies will be barred from providing screening if they violate federal standards, are found to allow repeated failures of the system, or prove to be a security risk. The DOT will also establish a Pilot Program for 5 airports, one from each category type, to apply for the use of private contract screeners.

Within 1 year after the date of enactment of the Act, the conferees expect the Transportation Security Administration to submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.

22. CITIZENSHIP OF SECURITY FIRMS

Senate bill

No provision.

House bill

Section 104: Must be owned or controlled by a citizen of the U.S. to the extent the President determines that there are such firms.

Section 123(e): Similar sense of Congress.

Conference substitute

The Conference Report directs that U.S. companies should be used to provide screening if they are available.

23. TRAINING OF PILOTS AND FLIGHT ATTENDANTS

Senate bill

Section 105(f): Report from DOT and DOJ required within 6 months on crew training.

Section 107: DOT shall develop a mandatory airline training program for crews dealing with a hijacking. Training shall be developed in coordination with law enforcement experts.

House bill

Section 106: Under Secretary should consider updating training for dealing with hijacking that includes ways for dealing with suicidal hijackers. Report six months and annually thereafter.

Conference substitute

The Conferees have determined that detailed guidance shall be developed for a mandatory air carrier training program to assist flight crews and attendants in hijack situations. The training curriculum will be developed in consultation with Federal law enforcement agencies with expertise in dealing with these types of threat conditions.

24. HOW FLIGHT ATTENDANTS NOTIFY PILOTS OF A HIJACKING

Senate bill

Section 107: FAA shall revise procedures by which flight attendants notify pilots and implement new measures as soon as practicable.

House bill

Section 106: The Under Secretary should consider requiring the installation of switches in the cabin so that the flight attendants can discreetly notify the pilots.

Conference substitute

The Conference Report directs the Under Secretary to consider the installation of a switch to be located in the cabin for flight attendants to notify pilots in the event of a hijacking without the knowledge of passengers. *or other devices*

25. PROVISION OF PERSONNEL FROM OTHER AGENCIES

Senate bill

Section 105: Amends section 106(m) to allow other agencies to provide personnel to FAA.

House bill

Section 102(d): Same provision, worded differently.

Conference substitute

The Conferees call upon other agencies to provide personnel that has received the proper training for use by the FAA as Federal air marshals (FAMs) in an effort to support and supplement ~~that~~ *the* FAM workforce in its early stages.

26. AIRPORT PERIMETER ACCESS SECURITY

Senate bill

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Section 106: DOT may order deployment of law enforcement personnel as needed to bolster airport security by entering into an agreement with another agency to deploy Federal law enforcement at airports.

Section 106(b): FAA shall provide technical support and financial assistance to small airports to help defray security costs.

House bill

No provision.

Conference substitute

The Conferees have given the Secretary the ability to work with the airports to address potential threats at individual facilities by ordering the deployment of Federal law enforcement authorities to improve airport perimeter and access security in an effort to counter potential criminal activities. Such actions also can include providing increased security at air traffic control facilities. Additionally, the FAA Administrator will develop a plan to provide technical support to enable small- and medium-sized airports to enhance their security operations, and shall include using network digital video surveillance systems.

27. INDIVIDUALS WITH ACCESS TO SECURE AREAS OF THE AIRPORT

Senate bill

See item 21

Section 106(a): DOT, in consultation with ASOC, shall consider whether such individuals should be screened.

Section 106(d): Amend 44903(g)(2) to delete 1/31/01 deadline and beef up language on access control requirements.

Consider deployment of biometric technologies.

Establish pilot programs at 20 airports to test new technologies.

DOT shall require airlines and airports to develop security awareness programs for employees.

Section 211: Within 6 months, DOT shall recommend to airports commercially available ways to prevent access to secure areas. As part of this, DOT shall review effectiveness of biometric and other systems, focus on eliminating piggy-backing, and include a 12-month deployment strategy for currently available technology at Category X airports. Not later than 18 months, DOT shall conduct a review of reductions in unauthorized access.

House bill

Section 106: The Under Secretary shall consider imposing standards for the screening or inspection of vehicles that have access to secure areas and provide for the use of technology to verify the identity of those vehicles entering a secure area. Report after 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that all individuals, goods, property, vehicles, and other equipment seeking access to secure areas must be screened and inspected before entry. The Conference Committee instructs that prescribed requirements should provide at least the same level of protection as the screening of passengers and baggage. The Conferees, however, recognize that these requirements may make allowances for tools and equipment necessary to perform duties in secure areas. The Secretary will examine the physical configuration of individual airports, and consider the

views of the TSOB to consider implementing standards to protect the integrity of secure areas.

28. BAN ON PARKING OF VEHICLES WITHIN 300 FEET OF TERMINAL

Senate bill

Section 106(b): FAA, in consultation with local law enforcement, shall reexamine the need for 300 feet restriction.

House bill

Section 121: Removes this parking ban if the airport, in consultation with local law enforcement, certifies to DOT, after doing a threat assessment, that safeguards are in place to protect public safety.

Conference substitute

The Conferees have determined that all airports must consult with local law enforcement and inform DOT that proper safeguards are in place to ensure that parked vehicles are not a security risk. Each airport must submit views regarding its assessment of the needs of their facility.

29. CHECKED BAGGAGE

Senate bill

See item 9

Section 201(b)(1): Requirement for all baggage to be screened within 9 months.

FAA must establish within 60 days confidential goals for scanning a specific percentage of checked bags within 6 months and annual goals thereafter eventually scanning 100%.

Section 201(c) - page 85 FAA shall require airlines to upgrade the bag match system. Shall establish goals within 60 days to accomplish this including interim measures to match a higher percentage of bags until bomb detectors are used to scan 100% of bags.

Confidential report to Congress in 1 year.

House bill

See item 9

Section 106: All checked baggage must be screened by December 31, 2003. All existing explosive detection equipment must be used to the maximum extent possible.

Additional explosive detection equipment must be installed as soon as possible.

In the interim, airlines must implement a bag match program.

A system must be in place as soon as possible to screen cargo transported in passenger aircraft.

Section 123(d): Sense of Congress that all checked baggage should be screened by any available means.

Conference substitute

The Conferees feel strongly that all baggage to be placed on passenger flights must be screened. Existing technology, including EDS, should be used and upgraded in an effort to ensure that all checked baggage goes through such a system. Any baggage that does not go through EDS will be required to go through some form of manual or other comparable screening system. An alternate system of screening cargo should also be established, and periodic reports issued to provide an understanding of the progress made on these efforts.

30. COMPUTER ASSISTED PASSENGER PROFILING SYSTEM (CAPPS)

Senate bill

Section 201(d): FAA shall make all passengers subject to CAPPS even if they don't check bags so that their carry-ons and person will be subject to additional security measures. Report within 3 months.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to CAPPS and to the distribution of people on the "watch list" of Federal law enforcement agencies. Upgrades shall be deployed in 6 months. A report shall be filed in 18 months.

House bill

Section 106(9): The Under Secretary should consider providing the enhanced use of CAPPS to more effectively screen passengers and carry-on baggage. Report in 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that an enhanced and upgraded use of the Computer Assisted Passenger Pre-Screening System (CAPPS) must be considered to more effectively screen passengers and baggage. The Conferees also recognize that adjustments may need to be made to reflect circumstances in some areas of the U.S., including State with unique transportation needs.

31. DEPUTIZING FOR ENFORCEMENT OF FEDERAL SECURITY LAWS

Senate bill

Section 108(b): Requires Attorney General to deputize State and local law enforcement to regulate screening at non-hubs.

House bill

Private contractor employees deputized.

Conference substitute

No provision.

32. HIRING AND TRAINING OF SCREENERS

Senate bill

Section 109: DOJ, in consultation with DOT, shall establish a program for the hiring and training of screeners. Hiring qualifications shall be set in 30 days. Includes list of qualifications screeners must meet such as education and language requirements. Training plans must be developed within 60 days. Requires 40 hours of classroom training and 60 hours of on the job training. Current lists of dual use items (seemingly harmless items that could be used as a weapon) shall be part of the training. Section 104 - page 16

House bill

Under Secretary may set minimum pay for screeners. Preference shall be given to veterans in the hiring of screeners and laid off airline workers. Final rule for certification of screening companies changed from May 31, 2001 to 6 months after date of enactment. In the meantime, within 30 days of enactment, the standards in the proposed rule, such as education and language requirements, shall be in effect. All screeners must be in approved uniforms.

Conference substitute

A blend of the House and Senate provisions.

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33. CITIZENSHIP OF SCREENERS

Senate bill

Section 109: Must have been a national of the U.S. for at least 5 years.

House bill

Section 104(a): Must be U.S. citizens.

Conference substitute

The Conference Report requires that all airport screeners must be citizens of the U.S.

34. STATUS OF SCREENERS

Senate bill

Section 109(d): Notwithstanding any law, the Attorney General may hire, fire, and pay screeners as he determines necessary.

House bill

Section 102: Federal supervisor can order the dismissal of any screener.

Conference substitute

The Conference Report provides the Under Secretary the authority to employ, terminate and fix the conditions of employment for the Federal screening workforce.

35. STRIKES BY SCREENERS

Senate bill

Section 109(e): Strikes prohibited pursuant to Title 5.

House bill

Section 102: Strikes prohibited.

Conference substitute

The Conference Report directs that the airport screening workforce will be prohibited from striking. The Conferees have provided the Transportation Security Administration authority to utilize existing authority provided to the FAA to develop personnel and acquisition systems. The authority gives the Administration flexibility to design its own policies and procedures and not use the FAA's system, while retaining the legal requirements under sections 40110 and 40112.

36. BACKGROUND CHECKS

Senate bill

Section 109(f): Requires background checks for current screeners and others with access to the airport.

Section 201(a): Requires background checks for current screeners and others to be completed in 9 months unless the person has had such a check in the past 5 years. Alternative checks shall be developed for those who have lived in the U.S. for less than 5 years.

House bill

Section 107: Allows smaller airports to use the same expedited procedures for criminal history background checks as the larger airports now use. (Under the 2000 Security Act these expedited procedures do not go into effect at smaller airports until 2003.)

Requires background check (including review of government data bases) for all current screeners and those with access to secure

areas except for those who have already had such a check or those who are exempted by FAA rules from such checks.

Conference substitute

A blend of the House and Senate provisions.

The Conferees encourage the Under Secretary to provide channeling authority to professional organizations representing industry to FBI AFIS fingerprint databases to perform criminal history verification of aviation business employees. (S) ✓

37. RESEARCH AND DEVELOPMENT

Senate bill

Section 110: Amends section 44912 to require periodic reviews of threats to civil aviation and the potential for the release of biological and chemical weapons. A person shall be designated to be responsible for security research. The person shall file an annual report on research activities. A scientific advisory panel shall be established. DOT shall coordinate research with DOJ.

Section 221: Authorizes \$50 million per year to research various security technologies.

House bill

Section 101: Transfers security research from FAA to the TSA. The TSA can use FAA research facilities.

Conference substitute

A modified version of the Senate provision.

38. FLIGHT SCHOOLS

Senate bill

Section 111: Regarding jet-propelled aircraft, a person shall not give flight instruction, including instruction in simulator, to an alien (or other person specified by DOT) unless DOJ issues that person a certificate of completion of the background check of the alien. Requests for the background check shall be made jointly by the alien and the flight school. Investigation must be completed in 30 days. Investigation includes fingerprint check, immigration check, and a determination of whether alien is a national security risk. Expedited procedures shall be developed for an alien seeking recurrent training. Penalties for violations shall be developed by DOT rulemaking. Flight schools shall report aliens that they train.

Section 111(c): DOT and State shall work with ICAO to improve screening of student pilots.

House bill

Section 106(13): The Under Secretary should consider requiring background checks on individuals seeking flying lessons (including simulator lessons) on aircraft weighing more than 12,500 pounds. Report in 6 months and annually thereafter until the Under Secretary implements the checks or decides not to require them.

Conference substitute

The Conferees have determined that flight school training for aircraft with a minimum certificated weight of 12,500 pounds or more should not be allowed for any alien within the United States unless they have passed a sufficient background check. Such individuals seeking to attend flight school may begin pilot training after 45 days or upon being certified as having passed a background investigation regarding their criminal history and immigration status. A

1 And the House agree to the same.

security awareness program will be developed to assist employees that work at flight schools by helping to increase their awareness of a potential threat.

39. PENALTIES

Senate bill

Section 114: Imposes criminal penalties for interfering with security personnel at a commercial service airport.

House bill

Section 116(c): Transfers the relevant civil penalty authorities from the FAA to the TSA.

Conference substitute

The Conference Report requires that an individual who disrupts the duties of security screening personnel within a commercial service airport shall be fined and/or imprisoned for up to 10 years. The use of a dangerous weapon to interfere with security screening may result in up to life imprisonment.

40. INTRASTATE AIR SERVICE

Senate bill

Section 116: DOT may grant antitrust exemptions to ensure continued viability of air service in that State.

House bill

No provision.

Conference substitute

The Conference Report instructs that DOT may grant anti-trust immunity to ensure continued viability of air service within a state. If the Secretary approves any such request, a report must be given to the relevant Senate and House Committees within six months of the approval describing what actions have been taken by the carriers receiving the exemption.

41. AIRLINE COMPUTER RESERVATION SYSTEMS

Senate bill

Section 117: DOT shall require all airlines to use the best technology to ensure that their systems are secure from unauthorized access. DOT shall submit an annual report on compliance.

House bill

No provision.

Conference substitute

Under the direction of the Conference Report airlines are required to take action that will prevent unauthorized access to computer reservation systems and the information they contain on passengers. Technology should be utilized to the greatest extent possible to ensure the integrity of these systems.

42. FEES

Senate bill

Section 118(a): Within 180 days, airlines remit a \$2.50 fee per enplanement.

House bill

Section 108: Under Secretary shall impose a fee of not more than \$2.50 per one-way trip. The amount of the fee shall be reasonably

related to the costs of providing the screening service. In addition, a fee can be imposed directly on the airlines but it cannot be more than the airlines paid for screening services in 2000. Fees shall be credited as off-setting collections. Passengers using airports where screening services are not provided may be exempted from the fee.

Conference substitute

The Conference substitute requires a fee to be charged to cover the cost of providing the aviation security services. The fee will be based on the number of times a passenger boards a plane during the course of travel, but will be capped at \$5.00 per one-way trip. Any additional funds needed will be authorized to be appropriated or may come from a fee imposed directly on the airlines.

The Secretary may waive or modify the security fee to take into account the isolation of certain communities. In determining whether to waive or modify this fee, the Secretary shall consider the costs of transportation security and the benefits of transportation security that is bestowed on those communities. The Conference substitute amends section 45301(b) of title 49, United States Code, with respect to limitations on overflight fees to (1) to make the language consistent with the new security fee language of this Act, and (2) to clarify Congressional intent with respect to the FAA costs upon which the fees can be based. Specifically, the conference substitute replaces the word "directly" with "reasonably", since the word "directly" has been a source of much confusion and narrow interpretation, and has been a primary cause of recurring litigation which has frustrated and delayed the FAA's imposition of the overflight fees for a number of years. Additionally, this amendment specifies that the FAA's costs upon which the fees are based are to be determined solely by the Administrator. This is to clarify that the Administrator has full authority to determine costs by appropriate means. This amendment is not intended to require revision of the fees recently promulgated by the FAA (66 FR 43680, Aug. 20, 2001) but rather, to clarify longstanding Congressional intent that the FAA expeditiously and continuously collect the fees authorized under section 45301(a) of title 49.

43. AUTHORIZATION

Senate bill

Section 118(b): Authorizes such sums for the next 3 years as may be necessary to carry out the security functions.

House bill

Section 109: Authorizes such sums as may be necessary to the TSA for operating costs and for screening services not covered by the above fee.

Authorizes \$500 million for grants to airlines to fortify cockpit doors, install video monitors to view the passenger cabin, ensure continuous operation of transponder, and use of other technologies.

Conference substitute

The Conference Report authorizes the necessary spending for the cost of providing aviation security.

44. AIRPORT FUNDING

Senate bill

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Section 119(a): Allows AIP and PFC funds to be used to pay security costs in FY 2002 for any cost incurred after 9/11 regardless of when it was incurred. Waives the local matching share. In deciding whether to make a discretionary AIP grant for security costs, the availability and use of non-Federal funding by the airport shall be considered.

Section 120: Authorizes such sums in 2002 to compensate airports for security costs. Costs must be documented and subject to an IG audit. DOT shall publish procedures for filing claims in 30 days.

Section 119(c): PFC requests for security funding should be expedited.

Section 119(b): For the purpose of determining AIP entitlements in FY 2003, enplanements in 2000 or 2001, whichever is higher, shall be used.

Section 201(b): Modifying terminal and baggage systems in order to install bomb detection equipment is made AIP eligible. Section 113: Allows AIP and PFC funds to be used to pay for added law enforcement costs in at a non-hub or small hub airport regardless of when the cost was incurred.

Waives the local matching share.

In FY 2002, allows AIP and PFC money to be used to pay debt service if that would prevent an airport, or privately owned terminal, from defaulting on its bond.

House bill

Section 109: Authorizes a total of \$1.5 billion in 2002 and 2003 to reimburse airports for direct costs they incurred to meet new security requirements. Such sums to remain available until expended. Before getting the money, the airport must agree to meet with its concessionaires to discuss rent adjustments and provide an itemized list of costs incurred.

Conference substitute

A blend of the House and Senate provisions.

45. COMPETITION PLANS

Senate bill

No provision.

House bill

Section 113(a): Waives an airport's obligation to submit a competition plan in FY 2002 when it is seeking money to improve security.

Conference substitute

The Conference Report waives the obligation of an airport to submit a competition plan in FY '02 when seeking money to improve security.

46. REPORTING SUSPICIOUS ACTIVITIES

Senate bill

Section 121: Exempts airline employees from liability for disclosing, in good faith, suspicious activity. DOJ shall establish procedures to notify the FAA of people who may pose a risk of hijacking. Report shall be submitted in 120 days on the implementation of this notification.

House bill

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No provision.

Conference substitute

The Conference Report encourages and exempts airline employees from liability for disclosing suspicious activities in response to a "reasonably believed" threat.

47. ARMING PILOTS

Senate bill

Section 122: National Institute of Justice shall assess non-lethal weapons for use by pilots and report to DOT in 90 days. After receiving report, DOT may authorize pilots to carry such weapons. DOT shall establish training and procedural requirements for using these weapons.

Section 125: Authorizes FAA to permit a pilot with proper training to carry a gun in the cockpit. FAA shall establish a training program. Report shall be submitted every 6 months on the effectiveness of this provision.

House bill

Section 106: DOT cannot take any action to prevent a pilot from taking a gun into the cockpit if the policy of the airline allows it and the pilot has completed a training program acceptable to the Under Secretary.

Conference substitute

A pilot is authorized to carry an approved firearm into the cockpit if approved by the Under Secretary and the air carrier, and the pilot has received proper training.

48. ISOLATED COMMUNITIES

Senate bill

Section 123: During an emergency, DOT, after consulting with the ASCC, may grant waivers on flight restrictions to allow flights carrying freight, mail, patients, and medical supplies to areas with extraordinary transportation needs given isolation of the area and if the waiver is in the public interest.

House bill

Section 120: Similar provision but worded differently.

Conference substitute

The Conference Report instructs that during an emergency DOT may grant waivers on flight restrictions to areas with extraordinary transportation needs.

49. SUPPLIES ON BOARD AIRCRAFT

Senate bill

Section 124: DOT shall ensure the safety of food and other supplies on aircraft by sealing packages, screening personnel and vehicles, etc.

House bill

See item 27

Conference substitute

The Conferees have determined that DOT should establish procedures to ensure the safety and security of on-board supplies for intrastate passenger aircraft. The Secretary will establish procedures that may increase security for the point of origin of the sup-

plier, provide for sealed supplies, and the screening of the supplies as they enter the airport.

50. AIRMAN REGISTRY

Senate bill

Section 126: Directs FAA to modify the registry to make it more effective in combating terrorism. FAA should work with State and locals to assist in identifying those applying for or holding airmen certificates.

House bill

No provision.

Conference substitute

The Conferees direct that the FAA must take steps to make the airman registry more effective to combat terrorism by working with the appropriate authorities to assist in properly identifying persons applying for or in possession of airmen certificates.

51. PASSENGER MANIFESTS

Senate bill

No provision.

House bill

Section 111: Within 60 days, U.S. and foreign airlines on international flights to the U.S. must provide to the Under Secretary (or another agency) by electronic transmission a passenger and crew manifest with specified information.

Conference substitute

The Conference Report requires air carriers to use the Air Passenger Information System (APIS) to provide a crew and passenger manifest and related information to Customs for each flight.

52. RESULTS-BASED MANAGEMENT

Senate bill

Section 127: With 60 days, DOT shall establish acceptable performance levels for aviation security and provide Congress with an action plan clarifying the responsibilities of the government agencies involved. Each year, a performance plan shall be made available. Any contracts to implement this Act shall try to maximize the use of performance based service contracts.

House bill

Section 106(7): Consider establishing performance goals for screeners. Report after 6 months and annually thereafter until this is implemented or rejected.

Conference substitute

Modified Senate provision.

53. EMPLOYMENT REGISTER

Senate bill

Section 128(a): DOT shall establish and maintain an employment register.

House bill

No provision.

Conference substitute

No provision.

54. TRAINING FACILITIES

Senate bill

Section 128(b): DOT may use FAA training facilities to train security screeners.

House bill

No provision.

Conference substitute

The Conference Report directs the Secretary to use existing Federal training facilities, where possible, to address the training needs of security screening personnel.

55. AIRSPACE RESTRICTIONS

Senate bill

Section 129: President shall submit a report within 30 days describing any airspace restrictions that remain in place and the justification for those restrictions.

House bill

Section 119: The restrictions on Class B airspace shall cease to be in effect 10 days after enactment unless a notice is published prior to the 10th day reimposing and explaining the reasons for those restrictions.

Conference substitute

The Conferees instruct the Secretary to lift restrictions on Class B airspace under specified requirements.

56. VOLUNTEERS

Senate bill

Section 130: DOT shall carry out a program to permit police, firefighters, and paramedics to provide emergency services during flight. Exempts from liability those who help in an emergency. This does not authorize the possession of firearms.

House bill

No provision but exemption from liability seems to be covered by existing law, section 5(b) of Aviation Medical Assistance Act.

Conference substitute

The Conferees instruct the Secretary to implement a program that will allow qualified law enforcement, firefighters and emergency service technicians to assist in the event of an emergency during commercial air flights. This program will establish the credentials of volunteers, maintain their confidentiality and exempt them from liability.

57. LIMITATION ON LIABILITY

Senate bill

No provision.

House bill

Section 110: Limits liability of passenger or crew who hurts a person they, in good faith, believe was hijacking or about to hijack the plane.

Conference substitute

The Conference Report exempts passengers and crew from liability if an individual "reasonably believed" that a hijacking was occurring.

58. GENERAL AVIATION SECURITY

Senate bill

Section 131: FAA shall begin a security program for aircraft over 12,500 pounds within 90 days. Waivers from this requirement can be granted. A security program for smaller aircraft shall begin in 1 year. A report shall be filed in 18 months.

Aircraft may not be sold or leased to an alien unless a background check has been done or until the security programs described above are implemented.

House bill

No provision.

Conference substitute

The Conference report directs the Secretary to provide Congress a report on improving general aviation security in the United States within 3 months of enactment of the legislation.

The Conferees note that a number of issues on aviation security research merit the prompt attention of the Department of Transportation. In particular, the Conferees observe that research into providing better security with minimal disruption in the system in the area of general aviation is important.

The Conferees note that the FAA has recently designated a consortium of schools as a general aviation center of excellence and anticipates that the FAA would draw upon the expertise of these institutions in formulating a security program for general aviation.

The Conferees also note that NASA, in coordination with the DOT, is investigating technology that would facilitate remote screening of small aircraft prior to takeoff.

Such a general aviation remote screening system (GARSS) could be installed on a vehicle or mobile platform, or in a fixed facility alongside a taxiway, and would provide a pre-takeoff alert if suspicious objects or materials were detected aboard an aircraft.

The Conferees urge that the development and implementation of GARSS be pursued.

59. FUNDING FOR GENERAL AVIATION AIRPORTS

Senate bill

No provision.

House bill

Section 113(b): In FY 2002, allows non-primary airports within Class B airspace to seek AIP money for any purpose, including operational costs.

Conference substitute

Modified House position.

60. CONFORMING AMENDMENT TO IRS CODE

Senate bill

No provision.

House bill

Section 113(e): Amends Code to cross-reference this Security Act so that the money authorized by this Act out of the Trust Fund can be spent.

Conference substitute

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The Conference Report amends the IRS code to cross-reference this legislation to provide for the authorization of spending ~~from~~ ^{from} the Trust Fund.

61. TECHNICAL CORRECTIONS

Senate bill

No provision.

House bill

Section 114: Makes technical corrections to the Air Transportation Safety and System Stabilization Act.

Conference substitute

The Conference Report makes technical corrections to the Air Transportation Safety and System Stabilization Act.

62. ALCOHOL AND DRUG TESTING

Senate bill

No provision.

House bill

Section 115: Amends existing law to account for the transfer of functions from the FAA to the TSA

Conference substitute

The Conference Report amends existing law to transfer alcohol and drug testing functions from the FAA to the TSA.

63. CONFORMING AMENDMENTS

Senate bill

No provision.

House bill

Section 116: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to account for the transfer of functions from the FAA to the TSA.

64. SAVINGS PROVISION

Senate bill

No provision.

House bill

Section 117: Ensures a smooth transfer from the FAA to the TSA.

Conference substitute

The Conference Report
House provision.

65. BUDGET SUBMISSIONS

Senate bill

No provision.

House bill

Section 118: Requires the President's budget submissions starting in 2003 to list the TSA budget separately.

Conference substitute

The Conference Report
House provision.

66. AIR AMBULANCES

Senate bill

No provision.

House bill

Section 114: Amends the Airline Stabilization Act to modify the method for distributing compensation to air ambulances.

Conference substitute

The Conference Report amends the Airline Stabilization Act to allow for a modified system of providing compensation to air tour operators and air ambulances to better address their needs after industry wide losses. It is the Conferees' position that the Stabilization Act's section 103 compensation formula language, "revenue ton miles or any other auditable measure" should be broadly construed and should not restrict compensation exclusively to Revenue ~~for~~ ^{ton} Miles reported on previously filed DOT Form 41s. If Air, Crew, Maintenance, Insurance lessors can provide accurate and auditable records of their revenue ~~for~~ ^{ton} miles during the relevant time period, then they should be eligible for compensation based under the Stabilization Act.

67. PASSENGERS WHO BOUGHT TICKETS ON BANKRUPT AIRLINES

Senate bill

No provision.

House bill

Section 123: Other airlines must honor these tickets to the extent practicable.

Conference substitute

The Conferees direct the air carriers, to the extent practicable, to honor the tickets of passengers purchased by airlines that file for bankruptcy, if the purchaser requests the use of his or her ticket within 60 days of the suspended or canceled flight, for the first 18 months after enactment of this legislation.

68. FLIGHT SERVICE STATION EMPLOYEES

Senate bill

No provision.

House bill

Section 123(a): Sense of Congress that FAA should continue negotiating in good faith with these employees.

Conference substitute

The Conference Report offers the Sense of Congress that FAA should continue negotiating in good faith with flight service station employees.

69. WAR RISK INSURANCE

Senate bill

No provision.

House bill

Section 123(b): Sense of Congress that vendors agents and subcontractors of general aviation aircraft should get war risk insurance.

Conference substitute

The Conference Report offers the Sense of Congress on the availability of war risk insurance to vendors, agents, and subcontractors of air carriers for all their domestic operations.

70. ANIMALS

Senate bill

No provision.

House bill

Section 123(c): Sense of Congress that airlines that transport mail should carry animals that the Postal Service allows to be mailed.

Conference substitute

The Conference Report offers ^{the} Sense of the House that airlines that transport mail should carry animals that the U.S. Postal Service permits to be sent in the mail.

71. CARRY-ON BAGGAGE

Senate bill

Report on carry-on baggage.

House bill

No provision.

Conference substitute

The Conference Report offers ^{the} Sense of the Congress that the FAA should continue its current restrictions on carry-on baggage of 1 bag plus 1 personal item. A backpack should be considered a personal item.

72. USPS MAIL POLICY IN ALASKA

Senate bill

No provision.

House bill

No provision.

Conference substitute

The Conferees encourage the Congress to pass legislation quickly to restructure the United States Postal Service's process of tendering non-priority bypass mail with the State of Alaska. Restructuring this program to direct more carriers to convert to 121 passenger operators will improve the safety of air transportation in Alaska and enhance the security of passengers.

73. VICTIMS COMPENSATION

Senate bill

No provision.

House bill

Title II:

Conference substitute

The Conference substitute extends the liability limitations of the Air Transportation Stabilization Act to aircraft manufacturers, State port authorities, owners and operators of airports, and persons with property interests in the World Trade Center.

These provisions limit liability under the Act to the maximum level of their insurance coverage.

The Conferees expect that security functions at United States airports should become a Federal government responsibility, and it is their belief that while the number of Federal air marshals is classified, their presence would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel. The Conferees also noted that the effectiveness of existing security measures, including employee background checks and passenger pre-screening, is currently impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

The Conferees developed this legislation to address the security of the nation's transportation system.

3. ORGANIZATION OF SECURITY FUNCTION WITHIN DOT

Senate bill

Section 102: Creates a new Deputy Secretary of Transportation.

House amendment

Section 101: Creates a new Transportation Security Administration (TSA) within DOT headed by an Under Secretary. Establishes qualifications. Sets 5-year term. TSA has same procurement and personnel authority as the FAA.

Conference substitute

The Conference Report creates the Transportation Security Administration (TSA) to be headed by an Under Secretary within the DOT.

4. FUNCTIONS OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 102(a): Coordinate and direct the functions of DOT and FAA under Chapter 449.

Work with the FAA on actions that affect safety.

Coordinate with DOJ, DOD, and other agencies on matters related to aviation security.

Coordinate transportation and actions of other agencies during an emergency. (This does not supersede the authority of any other agency.)

Establish uniform standards for transportation during an emergency.

Provide notice to other agencies about threats during an emergency. The Secretary defines what constitutes an emergency.

Take other actions, the Secretary shall prescribe.

House amendment

Section 101: Under Secretary will be responsible for security in all modes of transportation. Specifically, Under Secretary is responsible for the following:

Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

Assessing threats to transportation.

Developing policies to deal with these threats.

Coordinating with other agencies.

Serve as the liaison with the intelligence community.

Any person with a property interest in the World Trade Center, as a condition to receiving liability protection under the Act, is required to satisfy all contractual obligations to rebuild or assist in the rebuilding of the World Trade Center.

The Conference substitute also limits the liability for all claims arising from the terrorist-related attacks of September 11, 2001, brought against the City of New York to the greater of the City's insurance coverage or \$350,000,000.

8 This limitation on damages against the City of New York, however, ~~does~~ not apply to any non-government or private entity that is contracted with the City.

The Conference substitute also excludes entities primarily engaged in the business of airport security from its limitation on liability.

Supervising airport security using Federal uniformed personnel.

Manage the Federal security personnel in the field

Enforce security regulations.

Undertake research to improve security.

Inspect, maintain, and test security equipment.

Ensure that adequate security is provided for the transportation of cargo.

Oversee the security at airports and other transportation facilities.

Perform background checks on screeners and those who work at airports.

Develop standards for the hiring and firing of screeners.

Train and test screeners.

Conference substitute

The Conferees believe the best way to ensure effective Federal management of the nation's transportation system is through the creation of a new Administration within DOT to be called the Transportation Security Administration (TSA). The TSA's responsibilities will encompass security in all modes of transportation.

5. PAY OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 127: Paid at level II of the Executive Schedule plus bonuses based on performance.

House amendment

Section 101(c): Paid at level II of the Executive Schedule (\$141,300 in 2000).

Conference substitute

The Conferees direct that the Under Secretary is to be paid at Level II of the Executive Schedule (\$141,300 in 2000). A bonus, not to exceed thirty percent of the annual salary may be provided based on the performance of the US to be determined by the Secretary.

6. REPORTS

Senate bill

Section 102(a): Annual report of activities.

Section 127: Annual DOT report on results achieved relative to the agency security performance plan.

Section 112: 60-day report on additional security measures.

Section 133: 120-day report on the new DOJ responsibilities for aviation security.

Section 113: 3-month report on how to improve security of general aviation and air charters.

House amendment

Section 106: Eliminates existing report in section 44938 of title 49, United States Code.

Conference substitute

(House)

6A. ENHANCED SECURITY

Senate bill

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Section 115: 120 day report on the following issues:

- (1) Requiring verification of airport employees' identity.
- (2) Installing switches so flight attendants can notify pilots of a hijacking.
- (3) Revalidating airline and airport employee identification cards.
- (4) Updating strategy for dealing with hijackings.
- (5) Technology to improve communication between aircraft and ground facilities.

Section 211: DOT shall study options for improving positive IDs of passengers at check-in counters and boarding areas. Report required in 6 months.

House amendment

Section 106: Requires the Under Secretary to address the issues listed below and to report 6 months after the date of enactment on the progress being made in implementing each.

A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected:

- (1) Develop procedures (such as barrel rolls or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers.
- (2) After consultation with the FAA, find ways to—
 - (A) limit access to the cockpit;
 - (B) strengthen cockpit doors;
 - (C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;
 - (D) ensure that the aircraft transponder cannot be turned off in flight.
- (3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others who have access to aircraft and secure areas of airports.
- (4) Require airlines to provide emergency call capability from aircraft and trains.
- (5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane.
- (6) Develop certification standards for individual screeners.
- (7) Establish performance goals and use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those goals or certification standards.
- (8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes.
- (9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage.
- (10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be.
- (11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem.
- (12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th.

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(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal.

(15) Perform more thorough background checks (including review of immigration and other government records) of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport.

(16) Establish a uniform system for identifying law enforcement personnel authorized to carry a gun on board to ensure they are who they claim to be.

(17) Allow airlines to implement trusted passenger programs to use technology to expedite screening for those passengers that wish to participate.

(18) Develop security procedures for stem cells and other medical containers that cannot be opened or x-rayed.

(19) Develop security procedures to allow musical instruments to be carried in the passenger cabin.

(20) Provide for the use of wireless devices to enable communications among airport security personnel about potential threats.

Conference substitute

The Under Secretary shall decide upon establishing security measures to: ensure that the flight transponder cannot be turned off in flight; require airlines to provide emergency call capability from aircraft and trains; use voice stress analysis, biometric, and other technologies to prevent dangerous persons from boarding a plane; establish a uniform system for identifying law enforcement personnel traveling with firearms to ensure they are who they claim to be; require the consideration of alternative security procedures that would not damage medical products; allow airlines to implement trusted passenger programs to use technology to expedite screening on a voluntary basis; and, provide for the use of technology to enhance communications among airport security personnel about potential threats. The conferees encourage efforts by the Transportation Security Administration and professional organizations representing industry to use biometric information, such as fingerprints collected initially as input to the background check process, for future verification of identity at access control points to secure airport areas. The Conferees applaud efforts to improve day-to-day airport security by utilizing this raw biometric information collected from individuals as a recurrent identifier for access to secure areas. The Conferees urge the Transportation Security Administration to work with industry organizations that ~~can~~ assist in the process of background checks, record-keeping, and universal access control data. CAN

7. RESPONSIBILITY OF THE ATTORNEY GENERAL

Senate bill

Section 102(b): Responsible for screening, including the hiring and training of screeners.

House amendment

No provision—The Under Secretary is responsible for screening.

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Conference substitute
No provision.

8. TRANSITION

Senate bill

Section 102(d): Until Deputy Secretary takes office, the functions are performed by the Assistant Administrator of the FAA.

Section 108: Transition to Attorney General immediate. Actions completed in 9 months.

House amendment

Section 101: Under Secretary shall assume civil aviation security responsibilities in 3 months. In the meantime, Under Secretary can take over airline contracts with screening companies.

No change until Under Secretary is appointed.

Conference substitute

The Conferees direct the Under Secretary to assume responsibility for civil aviation security within 3 months of the enactment of this legislation.

9. TECHNOLOGY AND EQUIPMENT

Senate bill

Section 102(c): Amends 44932(c) to require FAA to ensure the use of the best available security equipment, not merely the best available x-ray equipment.

Section 108: Restates provision in current law requiring manual process where equipment is now underutilized.

Section 132: By September 30, 2002, FAA shall decide the feasibility of implementing technologies designed to protect aviation and automatically detect bombs, drugs, hazardous chemicals, and nuclear devices.

Section 201(b): FAA shall deploy and use existing bomb detection equipment. Within 60 days, FAA shall establish goals for—

- (1) deploying equipment now in storage;
- (2) specifying a percentage of checked bags to be scanned within 6 months, with a goal of scanning 100 percent;
- (3) the number of bomb detectors that will be purchased for deployment at medium sized airports within 6 months. [See item 29.]

House amendment

Section 106: Makes no change in section 44932(c) of title 49, United States Code, but directs Under Secretary to consider requiring various technologies described in item 6 above and report to Congress on them 6 months after enactment and annually thereafter until those technologies are deployed or a decision is made not to deploy them.

Conference substitute

The Conferees want new, state-of-the-art security equipment installed at airports on an expedited basis, and immediate action taken to ensure that existing explosive detection equipment is employed to the greatest extent possible for the screening of checked baggage. It is expected that additional equipment will be installed in as timely a manner as possible, and in the interim, other systems will be used to screen baggage. The Conferees agree that ev-

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used

everything going on board a passenger aircraft should be screened within 60 days by FAA-approved methods.

10. AIRWORTHINESS OBJECTIONS BY FAA

Senate bill

Section 102: Must consult with FAA on all matters affecting safety and operations.

House amendment

Section 106: Under Secretary cannot take an action if notified by the FAA that it would adversely affect the airworthiness of the aircraft unless the Secretary approves the action.

Conference substitute

House provision.

11. ROLE OF NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

Senate bill

No provision.

House amendment

Section 106: In taking an action that could affect safety, Under Secretary shall solicit and give great weight to views of NTSB.

Conference substitute

The Conferees instruct that in taking actions that could affect safety, the timely views of the National Transportation Safety Board (NTSB) will be taken into consideration by the Under Secretary. The conferees wished to emphasize that the views of the NTSB should be provided in a sufficiently and timely manner so those views could be fully considered by the Under Secretary.

12. BIOLOGICAL AND CHEMICAL WEAPONS

Senate bill

Section 102(c): FAA shall develop ways to enhance the ability to detect biological and chemical weapons.

Section 106(c): DOT shall require airports to maximize the use of equipment to detect these weapons.

House bill

No provision.

Conference substitute

The Conference Report requires airports to maximize the use of equipment to detect and neutralize biological and chemical weapons, and instructs the FAA to develop ways to enhance the detection of these weapons. ✓

13. OVERSIGHT AND COORDINATION

Senate bill

Section 103: Establishes Aviation Security Oversight Council (ASOC), chaired by DOT Secretary and composed of DOJ, DOD, Treasury, CIA, and any other agency head DOT and DOJ determine to be appropriate.

House bill

Section 112: Establishes Transportation Security Oversight Board (TSOB) chaired by DOT Secretary and composed of DOJ, DOD, Treasury, and either NSC or Homeland Security. TSOB

shares intelligence, reviews emergency rules, and oversees actions of Under Secretary.

Establishes Advisory Council, composed of industry, labor, families, and others to advise Under Secretary on security matters.

Conference substitute

The Conference Report establishes the Transportation Security Oversight Board (TSOB) chaired by the Secretary of DOT and composed of DOJ, DOD, Treasury, CIA, NSC and Homeland Security. The TSOB may review and ratify or disapprove regulations issued by the Under Secretary; facilitate the coordination of intelligence, security and law enforcement activities affecting transportation; and, perform other duties including making recommendations to the Under Secretary for use in combating threats to the integrity of the nation's transportation system.

14. RULEMAKING

Senate bill

No Rules required by DOJ for its own employees; cockpit requirements issuable without APA.

House bill

Section 101: Under Secretary can issue security rules immediately without notice and comment, DOT or OMB review, and without a cost-benefit analysis but subject to disapproval by the TSOB.

Conference substitute

House provision.

15. INSPECTOR GENERAL

Senate bill

No provision.

House bill

Section 101: TSA is subject to the Inspector General Act.

Conference substitute

The Conference report instructs that the Transportation Security Administration (TSA) will be subject to the Inspector General Act.

16. CROSS CHECKING DATA BASES

Senate bill

Section 103(a): DOT, acting through ASOC, shall try to develop a common data base with other agencies and share information about people.

Section 211: DOT, as part of the ASOC, shall conduct a 90-day review of upgrades to the distribution of people on the "watch list" of Federal law enforcement agencies.

Upgrades shall be deployed in 6 months.

A report shall be filed in 18 months.

House bill

Section 106: To the extent that the Under Secretary determines appropriate, the Under Secretary shall (1) establish procedures requiring airlines to use information from government agencies to identify people who may be a threat to civil aviation and (2) require more thorough background checks that include a review of other agency data bases.

From: James_A._Brown@omb.eop.gov [UNKNOWN]
To: Rebecca L. Halkias/WHO/EOP@EOP [WHO] <Rebecca L. Halkias>; Rosemarie W. Dale/OMB/EOP@EOP [OMB] <Rosemarie W. Dale>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Caroline A. Marriott/OMB/EOP@EOP [OMB] <Caroline A. Marriott>; Michael J. Cassidy/OMB/EOP@EOP [OMB] <Michael J. Cassidy>; Victoria Wassmer/OMB/EOP@EOP [OMB] <Victoria Wassmer>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Marisa K. Medrano/OPD/EOP@EOP [OPD] <Marisa K. Medrano>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Richard A. Mertens/OMB/EOP@EOP [OMB] <Richard A. Mertens>; Robert H. Goldberg/OMB/EOP@EOP [OMB] <Robert H. Goldberg>; David Aidekman/OMB/EOP@EOP [OMB] <David Aidekman>; Robert J. Nassif/OMB/EOP@EOP [OMB] <Robert J. Nassif>; Michael Garcia/OMB/EOP@EOP [OMB] <Michael Garcia>; Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>; Mark J. Schwartz/OMB/EOP@EOP [OMB] <Mark J. Schwartz>; Shannon Richter/OMB/EOP@EOP [OMB] <Shannon Richter>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Jill G. Crann/OMB/EOP@EOP [OMB] <Jill G. Crann>; Angela M. Donatelli/OMB/EOP@EOP [OMB] <Angela M. Donatelli>; Steven M. Mertens/OMB/EOP@EOP [OMB] <Steven M. Mertens>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; OVP LRM [UNKNOWN] <OVP LRM>; NEC LRM [UNKNOWN] <NEC LRM>; Edward H. Clarke/OMB/EOP@EOP [OMB] <Edward H. Clarke>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; WHGC LRM [UNKNOWN] <WHGC LRM>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Clare C. Doherty/OMB/EOP@EOP [OMB] <Clare C. Doherty>; James J. Tymon/OMB/EOP@EOP [OMB] <James J. Tymon>; Lin Liu/OMB/EOP@EOP [OMB] <Lin Liu>; Timothy A. Rosado/OMB/EOP@EOP [OMB] <Timothy A. Rosado>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; Rodney G. Bent/OMB/EOP@EOP [OMB] <Rodney G. Bent>; Michael Casella/OMB/EOP@EOP [OMB] <Michael Casella>; Ronald L. Silberman/OMB/EOP@EOP [OMB] <Ronald L. Silberman>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Elizabeth L. Rossman/OMB/EOP@EOP [OMB] <Elizabeth L. Rossman>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Allan Villabroza/OMB/EOP@EOP [OMB] <Allan Villabroza>; Adriel M. Harvey/OMB/EOP@EOP [OMB] <Adriel M. Harvey>; Courtney B. Timberlake/OMB/EOP@EOP [OMB] <Courtney B. Timberlake>; Elizabeth A. Bernhard/OMB/EOP@EOP [OMB] <Elizabeth A. Bernhard>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Edward M. Rea/OMB/EOP@EOP [OMB] <Edward M. Rea>; Pamula L. Simms/OMB/EOP@EOP [OMB] <Pamula L. Simms>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Maureen Walsh/OMB/EOP@EOP [OMB] <Maureen Walsh>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Michael D. Gerich/OMB/EOP@EOP [OMB] <Michael D. Gerich>; Meredith G. Benson/OMB/EOP@EOP [OMB] <Meredith G. Benson>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; Siobhan Murphy/OMB/EOP@EOP [OMB] <Siobhan Murphy>; Ronald E. Jones/OMB/EOP@EOP [OMB] <Ronald E. Jones>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Toni S. Hustead/OMB/EOP@EOP [OMB] <Toni S. Hustead>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; CLRM@doc.gov [UNKNOWN] <CLRM@doc.gov>; justice.lrm@usdoj.gov [UNKNOWN] <justice.lrm@usdoj.gov>; statelrm@state.gov [UNKNOWN] <statelrm@state.gov>; llr@do.treas.gov [UNKNOWN] <llr@do.treas.gov>; dodlrs@osdgc.osd.mil [UNKNOWN] <dodlrs@osdgc.osd.mil>; ocaone@aol.com [UNKNOWN] <ocaone@aol.com>; ca.legislation@gsa.gov [UNKNOWN] <ca.legislation@gsa.gov>; scottb@ntsb.gov [UNKNOWN] <scottb@ntsb.gov>; National Security Council LRM Recipients [UNKNOWN] <National Security Council LRM Recipients>; OPBRE E-Mail - EDITORS [UNKNOWN] <OPBRE E-Mail - EDITORS>; laffairs@ustr.gov [UNKNOWN]

<laffairs@ustr.gov>;legis@fema.gov [UNKNOWN]
<legis@fema.gov>;dot.legislation@ost.dot.gov [UNKNOWN] <dot.legislation@ost.dot.gov>;dol-
sol-leg@dol.gov [UNKNOWN] <dol-sol-leg@dol.gov>;CEA Admin [UNKNOWN] <CEA
Admin>;Wallace P. Mullin/CEA/EOP@EOP [CEA] <Wallace P. Mullin>;ola@opm.gov [UNKNOWN] <ola@opm.gov>;valrm@mail.va.gov [UNKNOWN] <valrm@mail.va.gov>
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TO:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Caroline A. Marriott (CN=Caroline A. Marriott/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael J. Cassidy (CN=Michael J. Cassidy/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Victoria Wassmer (CN=Victoria Wassmer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Richard A. Mertens (CN=Richard A. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert H. Goldberg (CN=Robert H. Goldberg/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David Aidekman (CN=David Aidekman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael Garcia (CN=Michael Garcia/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Shannon Richter (CN=Shannon Richter/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jill G. Crann (CN=Jill G. Crann/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Angela M. Donatelli (CN=Angela M. Donatelli/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:OVP LRM (OVP LRM [UNKNOWN])

READ:UNKNOWN

TO:NEC LRM (NEC LRM [UNKNOWN])

READ:UNKNOWN

TO:Edward H. Clarke (CN=Edward H. Clarke/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Christine C. McCarlie (CN=Christine C. McCarlie/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:WHGC LRM (WHGC LRM [UNKNOWN])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Clare C. Doherty (CN=Clare C. Doherty/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:James J. Tymon (CN=James J. Tymon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Lin Liu (CN=Lin Liu/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Timothy A. Rosado (CN=Timothy A. Rosado/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Diana E. Furchtgott-Roth (CN=Diana E. Furchtgott-Roth/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Rodney G. Bent (CN=Rodney G. Bent/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael Casella (CN=Michael Casella/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ronald L. Silberman (CN=Ronald L. Silberman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Elizabeth L. Rossman (CN=Elizabeth L. Rossman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allan Villabroza (CN=Allan Villabroza/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Adriel M. Harvey (CN=Adriel M. Harvey/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Courtney B. Timberlake (CN=Courtney B. Timberlake/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Elizabeth A. Bernhard (CN=Elizabeth A. Bernhard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Edward M. Rea (CN=Edward M. Rea/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Pamula L. Simms (CN=Pamula L. Simms/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ellen J. Balis (CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Maureen Walsh (CN=Maureen Walsh/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael D. Gerich (CN=Michael D. Gerich/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Meredith G. Benson (CN=Meredith G. Benson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Siobhan Murphy (CN=Siobhan Murphy/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Paul R. Noe (CN=Paul R. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett S. Loper (CN=Brett S. Loper/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Toni S. Hustead (CN=Toni S. Hustead/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:CLRM@doc.gov (CLRM@doc.gov [UNKNOWN])
READ:UNKNOWN
TO:justice.lrm@usdoj.gov (justice.lrm@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:statelrm@state.gov (statelrm@state.gov [UNKNOWN])
READ:UNKNOWN
TO:llr@do.treas.gov (llr@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:dodlrs@osdgc.osd.mil (dodlrs@osdgc.osd.mil [UNKNOWN])
READ:UNKNOWN
TO:ocaone@aol.com (ocaone@aol.com [UNKNOWN])
READ:UNKNOWN
TO:ca.legislation@gsa.gov (ca.legislation@gsa.gov [UNKNOWN])
READ:UNKNOWN
TO:scottb@ntsb.gov (scottb@ntsb.gov [UNKNOWN])
READ:UNKNOWN
TO:National Security Council LRM Recipients (National Security Council LRM Recipients [UNKNOWN])
READ:UNKNOWN
TO:OPBRE E-Mail - EDITORS (OPBRE E-Mail - EDITORS [UNKNOWN])
READ:UNKNOWN
TO:laffairs@ustr.gov (laffairs@ustr.gov [UNKNOWN])
READ:UNKNOWN
TO:legis@fema.gov (legis@fema.gov [UNKNOWN])
READ:UNKNOWN
TO:dot.legislation@ost.dot.gov (dot.legislation@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:dol-sol-leg@dol.gov (dol-sol-leg@dol.gov [UNKNOWN])
READ:UNKNOWN
TO:CEA Admin (CEA Admin [UNKNOWN])
READ:UNKNOWN
TO:Wallace P. Mullin (CN=Wallace P. Mullin/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:ola@opm.gov (ola@opm.gov [UNKNOWN])
READ:UNKNOWN
TO:valrm@mail.va.gov (valrm@mail.va.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the bill (S. 1447), to improve aviation security, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

Senate bill

Section 1: "Aviation Security Act".

House amendment

Section 1: "Airport Security Federalization Act of 2001"

Conference substitute

The title of the legislation will be "The Aviation and Transportation Security Act."

2. FINDINGS

Senate bill

Section 101: 7 findings on the importance of security and the need for Federal control and other changes.

House amendment

No provision

Conference substitute

The conferees recognize that the safety and security of the civil air transportation system is critical to the security of the United States and its national defense, and that a safe and secure United States civil air transportation system is essential to the basic freedom of America to move in intrastate, interstate and international transportation. The conferees further note the terrorist hijacking and crashes of passenger aircraft on September 11, 2001, which converted civil aircraft into guided bombs for strikes against the United States, required a fundamental change in the way it approaches the task of ensuring the safety and security of the civil air transportation system.

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A report is required in 6 months and annually thereafter.

Conference substitute

The Conferees have instructed the Secretary to work with the TSOB to develop a data base that will allow the cross checking of the people on "watch lists" of various Federal law enforcement agencies to identify individuals that may pose a risk to security in an effort to identify potential risks to civil aviation. Passenger lists should be used in conjunction with this data base to help target those individuals that pose a threat, and allow appropriate action to be taken.

17. TERRORISM REPORT

Senate bill

Section 103(b): Require reports on all terrorism. Reports to be shared with DOT.

House bill

No provision.

Conference substitute

The Conference Report requires the intelligence community to ensure that reports on terrorism are shared with the DOT.

18. STRATEGIC PLANNING

Senate bill

Section 103(c): Require intelligence agencies to establish units for strategic planning on terrorism.

House bill

No provision.

Conference substitute

The Conference Report requires intelligence agencies to establish units for strategic planning on terrorism.

19. COCKPIT SECURITY

Senate bill

Section 104: FAA shall issue a rule, without notice and comment, permitting only authorized persons to have access to the cockpit, requiring strengthening the door by installing locks and making them rigid, requiring the door to remain locked during flight except when the pilot needs to get out, and taking away the flight attendants key.

Special rules shall be issued for aircraft that do not have a door.

House bill

Section 106: To the extent the Under Secretary considers appropriate, the Under Secretary shall, after consultation with FAA, implement methods to restrict the opening of the cockpit door during flight and fortify those doors.

A report is required in 6 months and annually thereafter.

Funds are authorized to help airlines pay for this.

Conference substitute

The Conference Report prohibits access to the flight deck of passenger aircraft by anyone other than the flight crew. Flight deck doors must be strengthened and remain locked while aircraft is in flight. Video cameras may be provided to alert pilots to cabin activity in the event of a security breach occurring during the flight.

These provisions apply to aircraft required to have a door between the flight deck and cabin. The Conferees also seek the redesign of cockpits to ensure the doors are secured at all times during flight. Redesign can encompass new flight deck materials, double doors to the cockpit as are used in Israel, and lavatories within the flight deck so that flight crew do not leave the flight deck. Once bathroom facilities are provided for the flight crew of passenger aircraft, the cockpit door no longer will need to be opened during flight.

The Conferees instruct the Under Secretary to take into consideration the threat to aviation and national security when developing means to secure the flight deck on commuter aircraft. Any new burdens should be appropriate for the risk.

20. AIR MARSHALS

Senate bill

Section 105: Attorney General prescribes guidelines for training and deployment of sky marshals. DOT administers the program in accordance with these guidelines:

(1) Marshals may be placed on every flight but must be placed on every flight that DOT determines to be high risk.

(2) Marshals must be deployed in 30 days.

(3) Marshals must be given a seat even if that means bumping a passenger.

(4) DOT shall work with ICAO and foreign governments to address security concerns on foreign airlines.

(5) DOT may use personnel from other agencies, including the military, as air marshals.

Section 105: Waives age requirements for retired police, military and out-of-work pilots to work as air marshals, if they meet the background and fitness qualifications.

Report required in 18 months.

House bill

Section 105: Under Secretary deploys air marshals, provides for their background checks, trains them, and requires U.S. airlines to provide seats for them at no cost.

Preference for hiring laid off airline pilots as marshals.

Marshals must be placed on selected flights.

Marshals must be given a seat even if that means bumping a passenger.

DOT shall work with foreign governments to address security concerns on international flights from the U.S.

Until the Under Secretary has all the air marshals needed, personnel from other agencies may be used, with the other agency's concurrence, as air marshals on a non-reimbursable basis.

Airlines must provide seats, on a space-available basis, to off-duty marshals flying home.

Conference substitute

The Conference Report requires that appropriately trained, supervised and equipped Federal Air Marshals (FAMs) may be deployed on every scheduled passenger flight, and must be placed on every "high risk" flight, which may include nonstop longhaul flights, or any other flight deemed appropriate, even if the flight is fully booked. For applicants who otherwise meet the background and fitness requirements, age restrictions may be waived to allow

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(cockpit and cabin)

retired law enforcement officers, retired members of the armed forces, and members of commercial airline crews who have been furloughed from their positions. Personnel from other agencies may be deployed, with the agency's concurrence, as FAMs until an adequate number of FAMs are in place. Additionally, agreements may be entered into allowing trained law enforcement personnel from other agencies to travel with firearms in order to assist FAMs.

The Conferees instruct the Under Secretary to follow air carrier passenger reservations and cancellation practices to the extent practicable. The Under Secretary should work cooperatively with air carriers to develop guidelines concerning reservations and cancellation for the transportation of Federal Air Marshals.

21. SCREENING

Senate bill

Section 108: Attorney General, in consultation with DOT, shall provide for screening of all passengers, property, mail, and cargo that will be carried aboard an aircraft.

Federal employees shall do screening.

Airport and airline employees shall be screened in the same way, except alternative methods may be used for security personnel.

Attorney General shall use screening technology approved by FAA.

Law enforcement personnel shall be deployed at each screening location.

At the 100 largest airports, additional police may be ordered.

Section 105(f): Report from DOT and DOJ required within 120 days on effectiveness of security screening.

Section 106: DOJ and DOT may permit operational flexibility to tailor screening needs for seasonal variations, aircraft types, and special needs of small airports.

Section 108: Attorney General may require non-hub or smaller airports to use State or local law enforcement if the screening will be equivalent to that at larger airports, the training meets Federal standards, the airport is reimbursed by funds made available by this Act, and the airport is consulted.

House bill

Section 102: Federal government is responsible for screening passengers and property on passenger aircraft that originate in the U.S.. Silent on whether screeners are to be Federal employees or private contractors. Under Secretary shall deputize screeners to enforce Federal laws, but not to arrest people. Screeners must have common uniforms. Must be supervised by uniformed Federal employees.

Section 107: Under Secretary should consider certifying screeners and use TIP or similar technologies to measure their performance and revoke their certification if their performance is inadequate.

Section 104: Airport required to deploy law enforcement or military personnel at each screening location. Law enforcement can be either Federal or local.

Conference substitute

The Conference Report requires the Federal government to hire, train and deploy Federal screeners, Federal managers, Federal se-

curity personnel and Federal law enforcement within 1 year. The participants in this Federal security workforce will not be able to strike or engage in work stoppages, and can be fired at the discretion of the Secretary if they are not able to adequately perform their duties.

The Conferees recognize that, in order to ensure that Federal screeners are able to provide the best security possible, the Secretary must be given wide latitude to determine the terms of employment of screeners. The Conference Committee expects that, in fixing the terms and conditions of employment the Secretary shall establish benefits and conditions of employment. The Conference Committee also recognizes that, in order to hire and retain screeners, the Secretary should also ensure that screeners have access to Federal health, life insurance, and retirement benefits, as well as workers' compensation benefits. The Committee believes that screening personnel must also be given whistleblower protections so that screeners may report security conditions without fear of reprisal.

The Conference Report requires the DOT to assume existing screening company contracts as soon as possible, but no later than 90 days after enactment of this legislation. The contracts for existing screeners can be extended for up to 6 months, and the DOT would have the option to extend contracts for no longer than 3 months, if necessary, to continue screening. DOT may also authorize additional Federal law enforcement, National Guard, and other personnel immediately to address the aviation security needs of the country.

The Conferees direct the Secretary to provide a report after one year from the date of enactment certifying deployment of the Federal screeners. Two years after certification airports can opt out of the Federalization of the screener level of the Federal workforce if the Secretary determines that these facilities would continue to provide an equal or higher level of security. Companies will be barred from providing screening if they violate federal standards, are found to allow repeated failures of the system, or prove to be a security risk. The DOT will also establish a Pilot Program for 5 airports, one from each category type, to apply for the use of private contract screeners.

Within 1 year after the date of enactment of the Act, the conferees expect the Transportation Security Administration to submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.

22. CITIZENSHIP OF SECURITY FIRMS

Senate bill

No provision.

House bill

Section 104: Must be owned or controlled by a citizen of the U.S. to the extent the President determines that there are such firms.

Section 123(e): Similar sense of Congress.

Conference substitute

The Conference Report directs that U.S. companies should be used to provide screening if they are available.

23. TRAINING OF PILOTS AND FLIGHT ATTENDANTS

Senate bill

Section 105(f): Report from DOT and DOJ required within 6 months on crew training.

Section 107: DOT shall develop a mandatory airline training program for crews dealing with a hijacking. Training shall be developed in coordination with law enforcement experts.

House bill

Section 106: Under Secretary should consider updating training for dealing with hijacking that includes ways for dealing with suicidal hijackers. Report six months and annually thereafter.

Conference substitute

The Conferees have determined that detailed guidance shall be developed for a mandatory air carrier training program to assist flight crews and attendants in hijack situations. The training curriculum will be developed in consultation with Federal law enforcement agencies with expertise in dealing with these types of threat conditions.

24. HOW FLIGHT ATTENDANTS NOTIFY PILOTS OF A HIJACKING

Senate bill

Section 107: FAA shall revise procedures by which flight attendants notify pilots and implement new measures as soon as practicable.

House bill

Section 106: The Under Secretary should consider requiring the installation of switches in the cabin so that the flight attendants can discreetly notify the pilots.

Conference substitute

The Conference Report directs the Under Secretary to consider the installation of a switch to be located in the cabin for flight attendants to notify pilots in the event of a hijacking without the knowledge of passengers. *or other devices*

25. PROVISION OF PERSONNEL FROM OTHER AGENCIES

Senate bill

Section 105: Amends section 106(m) to allow other agencies to provide personnel to FAA.

House bill

Section 102(d): Same provision, worded differently.

Conference substitute

The Conferees call upon other agencies to provide personnel that has received the proper training for use by the FAA as Federal air marshals (FAMs) in an effort to support and supplement ~~that~~ *the* FAM workforce in its early stages.

26. AIRPORT PERIMETER ACCESS SECURITY

Senate bill

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Section 106: DOT may order deployment of law enforcement personnel as needed to bolster airport security by entering into an agreement with another agency to deploy Federal law enforcement at airports.

Section 106(b): FAA shall provide technical support and financial assistance to small airports to help defray security costs.

House bill

No provision.

Conference substitute

The Conferees have given the Secretary the ability to work with the airports to address potential threats at individual facilities by ordering the deployment of Federal law enforcement authorities to improve airport perimeter and access security in an effort to counter potential criminal activities. Such actions also can include providing increased security at air traffic control facilities. Additionally, the FAA Administrator will develop a plan to provide technical support to enable small- and medium-sized airports to enhance their security operations, and shall include using network digital video surveillance systems.

27. INDIVIDUALS WITH ACCESS TO SECURE AREAS OF THE AIRPORT

Senate bill

See item 21

Section 106(a): DOT, in consultation with ASOC, shall consider whether such individuals should be screened.

Section 106(d): Amend 44903(g)(2) to delete 1/31/01 deadline and beef up language on access control requirements.

Consider deployment of biometric technologies.

Establish pilot programs at 20 airports to test new technologies.

DOT shall require airlines and airports to develop security awareness programs for employees.

Section 211: Within 6 months, DOT shall recommend to airports commercially available ways to prevent access to secure areas. As part of this, DOT shall review effectiveness of biometric and other systems, focus on eliminating piggy-backing, and include a 12-month deployment strategy for currently available technology at Category X airports. Not later than 18 months, DOT shall conduct a review of reductions in unauthorized access.

House bill

Section 106: The Under Secretary shall consider imposing standards for the screening or inspection of vehicles that have access to secure areas and provide for the use of technology to verify the identity of those vehicles entering a secure area. Report after 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that all individuals, goods, property, vehicles, and other equipment seeking access to secure areas must be screened and inspected before entry. The Conference Committee instructs that prescribed requirements should provide at least the same level of protection as the screening of passengers and baggage. The Conferees, however, recognize that these requirements may make allowances for tools and equipment necessary to perform duties in secure areas. The Secretary will examine the physical configuration of individual airports, and consider the

views of the TSOB to consider implementing standards to protect the integrity of secure areas.

28. BAN ON PARKING OF VEHICLES WITHIN 300 FEET OF TERMINAL

Senate bill

Section 106(b): FAA, in consultation with local law enforcement, shall reexamine the need for 300 feet restriction.

House bill

Section 121: Removes this parking ban if the airport, in consultation with local law enforcement, certifies to DOT, after doing a threat assessment, that safeguards are in place to protect public safety.

Conference substitute

The Conferees have determined that all airports must consult with local law enforcement and inform DOT that proper safeguards are in place to ensure that parked vehicles are not a security risk. Each airport must submit views regarding its assessment of the needs of their facility.

29. CHECKED BAGGAGE

Senate bill

See item 9

Section 201(b)(1): Requirement for all baggage to be screened within 9 months.

FAA must establish within 60 days confidential goals for scanning a specific percentage of checked bags within 6 months and annual goals thereafter eventually scanning 100%.

Section 201(c) - page 85 FAA shall require airlines to upgrade the bag match system. Shall establish goals within 60 days to accomplish this including interim measures to match a higher percentage of bags until bomb detectors are used to scan 100% of bags.

Confidential report to Congress in 1 year.

House bill

See item 9

Section 106: All checked baggage must be screened by December 31, 2003. All existing explosive detection equipment must be used to the maximum extent possible.

Additional explosive detection equipment must be installed as soon as possible.

In the interim, airlines must implement a bag match program.

A system must be in place as soon as possible to screen cargo transported in passenger aircraft.

Section 123(d): Sense of Congress that all checked baggage should be screened by any available means.

Conference substitute

The Conferees feel strongly that all baggage to be placed on passenger flights must be screened. Existing technology, including EDS, should be used and upgraded in an effort to ensure that all checked baggage goes through such a system. Any baggage that does not go through EDS will be required to go through some form of manual or other comparable screening system. An alternate system of screening cargo should also be established, and periodic reports issued to provide an understanding of the progress made on these efforts.

30. COMPUTER ASSISTED PASSENGER PROFILING SYSTEM (CAPPS)

Senate bill

Section 201(d): FAA shall make all passengers subject to CAPPS even if they don't check bags so that their carry-ons and person will be subject to additional security measures. Report within 3 months.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to CAPPS and to the distribution of people on the "watch list" of Federal law enforcement agencies. Upgrades shall be deployed in 6 months. A report shall be filed in 18 months.

House bill

Section 106(9): The Under Secretary should consider providing the enhanced use of CAPPS to more effectively screen passengers and carry-on baggage. Report in 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that an enhanced and upgraded use of the Computer Assisted Passenger Pre-Screening System (CAPPS) must be considered to more effectively screen passengers and baggage. The Conferees also recognize that adjustments may need to be made to reflect circumstances in some areas of the U.S., including State with unique transportation needs.

31. DEPUTIZING FOR ENFORCEMENT OF FEDERAL SECURITY LAWS

Senate bill

Section 108(b): Requires Attorney General to deputize State and local law enforcement to regulate screening at non-hubs.

House bill

Private contractor employees deputized.

Conference substitute

No provision.

32. HIRING AND TRAINING OF SCREENERS

Senate bill

Section 109: DOJ, in consultation with DOT, shall establish a program for the hiring and training of screeners. Hiring qualifications shall be set in 30 days. Includes list of qualifications screeners must meet such as education and language requirements. Training plans must be developed within 60 days. Requires 40 hours of classroom training and 60 hours of on the job training. Current lists of dual use items (seemingly harmless items that could be used as a weapon) shall be part of the training. Section 104 - page 16

House bill

Under Secretary may set minimum pay for screeners. Preference shall be given to veterans in the hiring of screeners and laid off airline workers. Final rule for certification of screening companies changed from May 31, 2001 to 6 months after date of enactment. In the meantime, within 30 days of enactment, the standards in the proposed rule, such as education and language requirements, shall be in effect. All screeners must be in approved uniforms.

Conference substitute

A blend of the House and Senate provisions.

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33. CITIZENSHIP OF SCREENERS

Senate bill

Section 109: Must have been a national of the U.S. for at least 5 years.

House bill

Section 104(a): Must be U.S. citizens.

Conference substitute

The Conference Report requires that all airport screeners must be citizens of the U.S.

34. STATUS OF SCREENERS

Senate bill

Section 109(d): Notwithstanding any law, the Attorney General may hire, fire, and pay screeners as he determines necessary.

House bill

Section 102: Federal supervisor can order the dismissal of any screener.

Conference substitute

The Conference Report provides the Under Secretary the authority to employ, terminate and fix the conditions of employment for the Federal screening workforce.

35. STRIKES BY SCREENERS

Senate bill

Section 109(e): Strikes prohibited pursuant to Title 5.

House bill

Section 102: Strikes prohibited.

Conference substitute

The Conference Report directs that the airport screening workforce will be prohibited from striking. The Conferees have provided the Transportation Security Administration authority to utilize existing authority provided to the FAA to develop personnel and acquisition systems. The authority gives the Administration flexibility to design its own policies and procedures and not use the FAA's system, while retaining the legal requirements under sections 40110 and 40112.

36. BACKGROUND CHECKS

Senate bill

Section 109(f): Requires background checks for current screeners and others with access to the airport.

Section 201(a): Requires background checks for current screeners and others to be completed in 9 months unless the person has had such a check in the past 5 years. Alternative checks shall be developed for those who have lived in the U.S. for less than 5 years.

House bill

Section 107: Allows smaller airports to use the same expedited procedures for criminal history background checks as the larger airports now use. (Under the 2000 Security Act these expedited procedures do not go into effect at smaller airports until 2003.)

Requires background check (including review of government data bases) for all current screeners and those with access to secure

areas except for those who have already had such a check or those who are exempted by FAA rules from such checks.

Conference substitute

A blend of the House and Senate provisions.

The Conferees encourage the Under Secretary to provide channeling authority to professional organizations representing industry to FBI AFIS fingerprint databases to perform criminal history verification of aviation business employees. (S) ✓

37. RESEARCH AND DEVELOPMENT

Senate bill

Section 110: Amends section 44912 to require periodic reviews of threats to civil aviation and the potential for the release of biological and chemical weapons. A person shall be designated to be responsible for security research. The person shall file an annual report on research activities. A scientific advisory panel shall be established. DOT shall coordinate research with DOJ.

Section 221: Authorizes \$50 million per year to research various security technologies.

House bill

Section 101: Transfers security research from FAA to the TSA. The TSA can use FAA research facilities.

Conference substitute

A modified version of the Senate provision.

38. FLIGHT SCHOOLS

Senate bill

Section 111: Regarding jet-propelled aircraft, a person shall not give flight instruction, including instruction in simulator, to an alien (or other person specified by DOT) unless DOJ issues that person a certificate of completion of the background check of the alien. Requests for the background check shall be made jointly by the alien and the flight school. Investigation must be completed in 30 days. Investigation includes fingerprint check, immigration check, and a determination of whether alien is a national security risk. Expedited procedures shall be developed for an alien seeking recurrent training. Penalties for violations shall be developed by DOT rulemaking. Flight schools shall report aliens that they train.

Section 111(c): DOT and State shall work with ICAO to improve screening of student pilots.

House bill

Section 106(13): The Under Secretary should consider requiring background checks on individuals seeking flying lessons (including simulator lessons) on aircraft weighing more than 12,500 pounds. Report in 6 months and annually thereafter until the Under Secretary implements the checks or decides not to require them.

Conference substitute

The Conferees have determined that flight school training for aircraft with a minimum certificated weight of 12,500 pounds or more should not be allowed for any alien within the United States unless they have passed a sufficient background check. Such individuals seeking to attend flight school may begin pilot training after 45 days or upon being certified as having passed a background investigation regarding their criminal history and immigration status. A

1 And the House agree to the same.

security awareness program will be developed to assist employees that work at flight schools by helping to increase their awareness of a potential threat.

39. PENALTIES

Senate bill

Section 114: Imposes criminal penalties for interfering with security personnel at a commercial service airport.

House bill

Section 116(c): Transfers the relevant civil penalty authorities from the FAA to the TSA.

Conference substitute

The Conference Report requires that an individual who disrupts the duties of security screening personnel within a commercial service airport shall be fined and/or imprisoned for up to 10 years. The use of a dangerous weapon to interfere with security screening may result in up to life imprisonment.

40. INTRASTATE AIR SERVICE

Senate bill

Section 116: DOT may grant antitrust exemptions to ensure continued viability of air service in that State.

House bill

No provision.

Conference substitute

The Conference Report instructs that DOT may grant anti-trust immunity to ensure continued viability of air service within a state. If the Secretary approves any such request, a report must be given to the relevant Senate and House Committees within six months of the approval describing what actions have been taken by the carriers receiving the exemption.

41. AIRLINE COMPUTER RESERVATION SYSTEMS

Senate bill

Section 117: DOT shall require all airlines to use the best technology to ensure that their systems are secure from unauthorized access. DOT shall submit an annual report on compliance.

House bill

No provision.

Conference substitute

Under the direction of the Conference Report airlines are required to take action that will prevent unauthorized access to computer reservation systems and the information they contain on passengers. Technology should be utilized to the greatest extent possible to ensure the integrity of these systems.

42. FEES

Senate bill

Section 118(a): Within 180 days, airlines remit a \$2.50 fee per enplanement.

House bill

Section 108: Under Secretary shall impose a fee of not more than \$2.50 per one-way trip. The amount of the fee shall be reasonably

related to the costs of providing the screening service. In addition, a fee can be imposed directly on the airlines but it cannot be more than the airlines paid for screening services in 2000. Fees shall be credited as off-setting collections. Passengers using airports where screening services are not provided may be exempted from the fee.

Conference substitute

The Conference substitute requires a fee to be charged to cover the cost of providing the aviation security services. The fee will be based on the number of times a passenger boards a plane during the course of travel, but will be capped at \$5.00 per one-way trip. Any additional funds needed will be authorized to be appropriated or may come from a fee imposed directly on the airlines.

The Secretary may waive or modify the security fee to take into account the isolation of certain communities. In determining whether to waive or modify this fee, the Secretary shall consider the costs of transportation security and the benefits of transportation security that is bestowed on those communities. The Conference substitute amends section 45301(b) of title 49, United States Code, with respect to limitations on overflight fees to (1) to make the language consistent with the new security fee language of this Act, and (2) to clarify Congressional intent with respect to the FAA costs upon which the fees can be based. Specifically, the conference substitute replaces the word "directly" with "reasonably", since the word "directly" has been a source of much confusion and narrow interpretation, and has been a primary cause of recurring litigation which has frustrated and delayed the FAA's imposition of the overflight fees for a number of years. Additionally, this amendment specifies that the FAA's costs upon which the fees are based are to be determined solely by the Administrator. This is to clarify that the Administrator has full authority to determine costs by appropriate means. This amendment is not intended to require revision of the fees recently promulgated by the FAA (66 FR 43680, Aug. 20, 2001) but rather, to clarify longstanding Congressional intent that the FAA expeditiously and continuously collect the fees authorized under section 45301(a) of title 49.

43. AUTHORIZATION

Senate bill

Section 118(b): Authorizes such sums for the next 3 years as may be necessary to carry out the security functions.

House bill

Section 109: Authorizes such sums as may be necessary to the TSA for operating costs and for screening services not covered by the above fee.

Authorizes \$500 million for grants to airlines to fortify cockpit doors, install video monitors to view the passenger cabin, ensure continuous operation of transponder, and use of other technologies.

Conference substitute

The Conference Report authorizes the necessary spending for the cost of providing aviation security.

44. AIRPORT FUNDING

Senate bill

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Section 119(a): Allows AIP and PFC funds to be used to pay security costs in FY 2002 for any cost incurred after 9/11 regardless of when it was incurred. Waives the local matching share. In deciding whether to make a discretionary AIP grant for security costs, the availability and use of non-Federal funding by the airport shall be considered.

Section 120: Authorizes such sums in 2002 to compensate airports for security costs. Costs must be documented and subject to an IG audit. DOT shall publish procedures for filing claims in 30 days.

Section 119(c): PFC requests for security funding should be expedited.

Section 119(b): For the purpose of determining AIP entitlements in FY 2003, enplanements in 2000 or 2001, whichever is higher, shall be used.

Section 201(b): Modifying terminal and baggage systems in order to install bomb detection equipment is made AIP eligible. Section 113: Allows AIP and PFC funds to be used to pay for added law enforcement costs in at a non-hub or small hub airport regardless of when the cost was incurred.

Waives the local matching share.

In FY 2002, allows AIP and PFC money to be used to pay debt service if that would prevent an airport, or privately owned terminal, from defaulting on its bond.

House bill

Section 109: Authorizes a total of \$1.5 billion in 2002 and 2003 to reimburse airports for direct costs they incurred to meet new security requirements. Such sums to remain available until expended. Before getting the money, the airport must agree to meet with its concessionaires to discuss rent adjustments and provide an itemized list of costs incurred.

Conference substitute

A blend of the House and Senate provisions.

45. COMPETITION PLANS

Senate bill

No provision.

House bill

Section 113(a): Waives an airport's obligation to submit a competition plan in FY 2002 when it is seeking money to improve security.

Conference substitute

The Conference Report waives the obligation of an airport to submit a competition plan in FY '02 when seeking money to improve security.

46. REPORTING SUSPICIOUS ACTIVITIES

Senate bill

Section 121: Exempts airline employees from liability for disclosing, in good faith, suspicious activity. DOJ shall establish procedures to notify the FAA of people who may pose a risk of hijacking. Report shall be submitted in 120 days on the implementation of this notification.

House bill

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No provision.

Conference substitute

The Conference Report encourages and exempts airline employees from liability for disclosing suspicious activities in response to a "reasonably believed" threat.

47. ARMING PILOTS

Senate bill

Section 122: National Institute of Justice shall assess non-lethal weapons for use by pilots and report to DOT in 90 days. After receiving report, DOT may authorize pilots to carry such weapons. DOT shall establish training and procedural requirements for using these weapons.

Section 125: Authorizes FAA to permit a pilot with proper training to carry a gun in the cockpit. FAA shall establish a training program. Report shall be submitted every 6 months on the effectiveness of this provision.

House bill

Section 106: DOT cannot take any action to prevent a pilot from taking a gun into the cockpit if the policy of the airline allows it and the pilot has completed a training program acceptable to the Under Secretary.

Conference substitute

A pilot is authorized to carry an approved firearm into the cockpit if approved by the Under Secretary and the air carrier, and the pilot has received proper training.

48. ISOLATED COMMUNITIES

Senate bill

Section 123: During an emergency, DOT, after consulting with the ASCC, may grant waivers on flight restrictions to allow flights carrying freight, mail, patients, and medical supplies to areas with extraordinary transportation needs given isolation of the area and if the waiver is in the public interest.

House bill

Section 120: Similar provision but worded differently.

Conference substitute

The Conference Report instructs that during an emergency DOT may grant waivers on flight restrictions to areas with extraordinary transportation needs.

49. SUPPLIES ON BOARD AIRCRAFT

Senate bill

Section 124: DOT shall ensure the safety of food and other supplies on aircraft by sealing packages, screening personnel and vehicles, etc.

House bill

See item 27

Conference substitute

The Conferees have determined that DOT should establish procedures to ensure the safety and security of on-board supplies for intrastate passenger aircraft. The Secretary will establish procedures that may increase security for the point of origin of the sup-

plier, provide for sealed supplies, and the screening of the supplies as they enter the airport.

50. AIRMAN REGISTRY

Senate bill

Section 126: Directs FAA to modify the registry to make it more effective in combating terrorism. FAA should work with State and locals to assist in identifying those applying for or holding airmen certificates.

House bill

No provision.

Conference substitute

The Conferees direct that the FAA must take steps to make the airman registry more effective to combat terrorism by working with the appropriate authorities to assist in properly identifying persons applying for or in possession of airmen certificates.

51. PASSENGER MANIFESTS

Senate bill

No provision.

House bill

Section 111: Within 60 days, U.S. and foreign airlines on international flights to the U.S. must provide to the Under Secretary (or another agency) by electronic transmission a passenger and crew manifest with specified information.

Conference substitute

The Conference Report requires air carriers to use the Air Passenger Information System (APIS) to provide a crew and passenger manifest and related information to Customs for each flight.

52. RESULTS-BASED MANAGEMENT

Senate bill

Section 127: With 60 days, DOT shall establish acceptable performance levels for aviation security and provide Congress with an action plan clarifying the responsibilities of the government agencies involved. Each year, a performance plan shall be made available. Any contracts to implement this Act shall try to maximize the use of performance based service contracts.

House bill

Section 106(7): Consider establishing performance goals for screeners. Report after 6 months and annually thereafter until this is implemented or rejected.

Conference substitute

Modified Senate provision.

53. EMPLOYMENT REGISTER

Senate bill

Section 128(a): DOT shall establish and maintain an employment register.

House bill

No provision.

Conference substitute

No provision.

54. TRAINING FACILITIES

Senate bill

Section 128(b): DOT may use FAA training facilities to train security screeners.

House bill

No provision.

Conference substitute

The Conference Report directs the Secretary to use existing Federal training facilities, where possible, to address the training needs of security screening personnel.

55. AIRSPACE RESTRICTIONS

Senate bill

Section 129: President shall submit a report within 30 days describing any airspace restrictions that remain in place and the justification for those restrictions.

House bill

Section 119: The restrictions on Class B airspace shall cease to be in effect 10 days after enactment unless a notice is published prior to the 10th day reimposing and explaining the reasons for those restrictions.

Conference substitute

The Conferees instruct the Secretary to lift restrictions on Class B airspace under specified requirements.

56. VOLUNTEERS

Senate bill

Section 130: DOT shall carry out a program to permit police, firefighters, and paramedics to provide emergency services during flight. Exempts from liability those who help in an emergency. This does not authorize the possession of firearms.

House bill

No provision but exemption from liability seems to be covered by existing law, section 5(b) of Aviation Medical Assistance Act.

Conference substitute

The Conferees instruct the Secretary to implement a program that will allow qualified law enforcement, firefighters and emergency service technicians to assist in the event of an emergency during commercial air flights. This program will establish the credentials of volunteers, maintain their confidentiality and exempt them from liability.

57. LIMITATION ON LIABILITY

Senate bill

No provision.

House bill

Section 110: Limits liability of passenger or crew who hurts a person they, in good faith, believe was hijacking or about to hijack the plane.

Conference substitute

The Conference Report exempts passengers and crew from liability if an individual "reasonably believed" that a hijacking was occurring.

58. GENERAL AVIATION SECURITY

Senate bill

Section 131: FAA shall begin a security program for aircraft over 12,500 pounds within 90 days. Waivers from this requirement can be granted. A security program for smaller aircraft shall begin in 1 year. A report shall be filed in 18 months.

Aircraft may not be sold or leased to an alien unless a background check has been done or until the security programs described above are implemented.

House bill

No provision.

Conference substitute

The Conference report directs the Secretary to provide Congress a report on improving general aviation security in the United States within 3 months of enactment of the legislation.

The Conferees note that a number of issues on aviation security research merit the prompt attention of the Department of Transportation. In particular, the Conferees observe that research into providing better security with minimal disruption in the system in the area of general aviation is important.

The Conferees note that the FAA has recently designated a consortium of schools as a general aviation center of excellence and anticipates that the FAA would draw upon the expertise of these institutions in formulating a security program for general aviation.

The Conferees also note that NASA, in coordination with the DOT, is investigating technology that would facilitate remote screening of small aircraft prior to takeoff.

Such a general aviation remote screening system (GARSS) could be installed on a vehicle or mobile platform, or in a fixed facility alongside a taxiway, and would provide a pre-takeoff alert if suspicious objects or materials were detected aboard an aircraft.

The Conferees urge that the development and implementation of GARSS be pursued.

59. FUNDING FOR GENERAL AVIATION AIRPORTS

Senate bill

No provision.

House bill

Section 113(b): In FY 2002, allows non-primary airports within Class B airspace to seek AIP money for any purpose, including operational costs.

Conference substitute

Modified House position.

60. CONFORMING AMENDMENT TO IRS CODE

Senate bill

No provision.

House bill

Section 113(e): Amends Code to cross-reference this Security Act so that the money authorized by this Act out of the Trust Fund can be spent.

Conference substitute

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The Conference Report amends the IRS code to cross-reference this legislation to provide for the authorization of spending ~~from~~ ^{from} the Trust Fund.

61. TECHNICAL CORRECTIONS

Senate bill

No provision.

House bill

Section 114: Makes technical corrections to the Air Transportation Safety and System Stabilization Act.

Conference substitute

The Conference Report makes technical corrections to the Air Transportation Safety and System Stabilization Act.

62. ALCOHOL AND DRUG TESTING

Senate bill

No provision.

House bill

Section 115: Amends existing law to account for the transfer of functions from the FAA to the TSA

Conference substitute

The Conference Report amends existing law to transfer alcohol and drug testing functions from the FAA to the TSA.

63. CONFORMING AMENDMENTS

Senate bill

No provision.

House bill

Section 116: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to account for the transfer of functions from the FAA to the TSA.

64. SAVINGS PROVISION

Senate bill

No provision.

House bill

Section 117: Ensures a smooth transfer from the FAA to the TSA.

Conference substitute

The Conference Report
House provision.

65. BUDGET SUBMISSIONS

Senate bill

No provision.

House bill

Section 118: Requires the President's budget submissions starting in 2003 to list the TSA budget separately.

Conference substitute

The Conference Report
House provision.

66. AIR AMBULANCES

Senate bill

No provision.

House bill

Section 114: Amends the Airline Stabilization Act to modify the method for distributing compensation to air ambulances.

Conference substitute

The Conference Report amends the Airline Stabilization Act to allow for a modified system of providing compensation to air tour operators and air ambulances to better address their needs after industry wide losses. It is the Conferees' position that the Stabilization Act's section 103 compensation formula language, "revenue ton miles or any other auditable measure" should be broadly construed and should not restrict compensation exclusively to Revenue ~~for~~ ^{ton} Miles reported on previously filed DOT Form 41s. If Air, Crew, Maintenance, Insurance lessors can provide accurate and auditable records of their revenue ~~for~~ ^{ton} miles during the relevant time period, then they should be eligible for compensation based under the Stabilization Act.

67. PASSENGERS WHO BOUGHT TICKETS ON BANKRUPT AIRLINES

Senate bill

No provision.

House bill

Section 123: Other airlines must honor these tickets to the extent practicable.

Conference substitute

The Conferees direct the air carriers, to the extent practicable, to honor the tickets of passengers purchased by airlines that file for bankruptcy, if the purchaser requests the use of his or her ticket within 60 days of the suspended or canceled flight, for the first 18 months after enactment of this legislation.

68. FLIGHT SERVICE STATION EMPLOYEES

Senate bill

No provision.

House bill

Section 123(a): Sense of Congress that FAA should continue negotiating in good faith with these employees.

Conference substitute

The Conference Report offers the Sense of Congress that FAA should continue negotiating in good faith with flight service station employees.

69. WAR RISK INSURANCE

Senate bill

No provision.

House bill

Section 123(b): Sense of Congress that vendors agents and sub-contractors of general aviation aircraft should get war risk insurance.

Conference substitute

The Conference Report offers the Sense of Congress on the availability of war risk insurance to vendors, agents, and subcontractors of air carriers for all their domestic operations.

70. ANIMALS

Senate bill

No provision.

House bill

Section 123(c): Sense of Congress that airlines that transport mail should carry animals that the Postal Service allows to be mailed.

Conference substitute

The Conference Report offers ^{the} Sense of the House that airlines that transport mail should carry animals that the U.S. Postal Service permits to be sent in the mail.

71. CARRY-ON BAGGAGE

Senate bill

Report on carry-on baggage.

House bill

No provision.

Conference substitute

The Conference Report offers ^{the} Sense of the Congress that the FAA should continue its current restrictions on carry-on baggage of 1 bag plus 1 personal item. A backpack should be considered a personal item.

72. USPS MAIL POLICY IN ALASKA

Senate bill

No provision.

House bill

No provision.

Conference substitute

The Conferees encourage the Congress to pass legislation quickly to restructure the United States Postal Service's process of tendering non-priority bypass mail with the State of Alaska. Restructuring this program to direct more carriers to convert to 121 passenger operators will improve the safety of air transportation in Alaska and enhance the security of passengers.

73. VICTIMS COMPENSATION

Senate bill

No provision.

House bill

Title II:

Conference substitute

The Conference substitute extends the liability limitations of the Air Transportation Stabilization Act to aircraft manufacturers, State port authorities, owners and operators of airports, and persons with property interests in the World Trade Center.

These provisions limit liability under the Act to the maximum level of their insurance coverage.

The Conferees expect that security functions at United States airports should become a Federal government responsibility, and it is their belief that while the number of Federal air marshals is classified, their presence would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel. The Conferees also noted that the effectiveness of existing security measures, including employee background checks and passenger pre-screening, is currently impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

The Conferees developed this legislation to address the security of the nation's transportation system.

3. ORGANIZATION OF SECURITY FUNCTION WITHIN DOT

Senate bill

Section 102: Creates a new Deputy Secretary of Transportation.

House amendment

Section 101: Creates a new Transportation Security Administration (TSA) within DOT headed by an Under Secretary. Establishes qualifications. Sets 5-year term. TSA has same procurement and personnel authority as the FAA.

Conference substitute

The Conference Report creates the Transportation Security Administration (TSA) to be headed by an Under Secretary within the DOT.

4. FUNCTIONS OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 102(a): Coordinate and direct the functions of DOT and FAA under Chapter 449.

Work with the FAA on actions that affect safety.

Coordinate with DOJ, DOD, and other agencies on matters related to aviation security.

Coordinate transportation and actions of other agencies during an emergency. (This does not supersede the authority of any other agency.)

Establish uniform standards for transportation during an emergency.

Provide notice to other agencies about threats during an emergency. The Secretary defines what constitutes an emergency.

Take other actions, the Secretary shall prescribe.

House amendment

Section 101: Under Secretary will be responsible for security in all modes of transportation. Specifically, Under Secretary is responsible for the following:

Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

Assessing threats to transportation.

Developing policies to deal with these threats.

Coordinating with other agencies.

Serve as the liaison with the intelligence community.

Any person with a property interest in the World Trade Center, as a condition to receiving liability protection under the Act, is required to satisfy all contractual obligations to rebuild or assist in the rebuilding of the World Trade Center.

The Conference substitute also limits the liability for all claims arising from the terrorist-related attacks of September 11, 2001, brought against the City of New York to the greater of the City's insurance coverage or \$350,000,000.

8 This limitation on damages against the City of New York, however, ~~does~~ not apply to any non-government or private entity that is contracted with the City.

The Conference substitute also excludes entities primarily engaged in the business of airport security from its limitation on liability.

Supervising airport security using Federal uniformed personnel.

Manage the Federal security personnel in the field

Enforce security regulations.

Undertake research to improve security.

Inspect, maintain, and test security equipment.

Ensure that adequate security is provided for the transportation of cargo.

Oversee the security at airports and other transportation facilities.

Perform background checks on screeners and those who work at airports.

Develop standards for the hiring and firing of screeners.

Train and test screeners.

Conference substitute

The Conferees believe the best way to ensure effective Federal management of the nation's transportation system is through the creation of a new Administration within DOT to be called the Transportation Security Administration (TSA). The TSA's responsibilities will encompass security in all modes of transportation.

5. PAY OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 127: Paid at level II of the Executive Schedule plus bonuses based on performance.

House amendment

Section 101(c): Paid at level II of the Executive Schedule (\$141,300 in 2000).

Conference substitute

The Conferees direct that the Under Secretary is to be paid at Level II of the Executive Schedule (\$141,300 in 2000). A bonus, not to exceed thirty percent of the annual salary may be provided based on the performance of the US to be determined by the Secretary.

6. REPORTS

Senate bill

Section 102(a): Annual report of activities.

Section 127: Annual DOT report on results achieved relative to the agency security performance plan.

Section 112: 60-day report on additional security measures.

Section 133: 120-day report on the new DOJ responsibilities for aviation security.

Section 113: 3-month report on how to improve security of general aviation and air charters.

House amendment

Section 106: Eliminates existing report in section 44938 of title 49, United States Code.

Conference substitute

(House)

6A. ENHANCED SECURITY

Senate bill

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Section 115: 120 day report on the following issues:

- (1) Requiring verification of airport employees' identity.
- (2) Installing switches so flight attendants can notify pilots of a hijacking.
- (3) Revalidating airline and airport employee identification cards.
- (4) Updating strategy for dealing with hijackings.
- (5) Technology to improve communication between aircraft and ground facilities.

Section 211: DOT shall study options for improving positive IDs of passengers at check-in counters and boarding areas. Report required in 6 months.

House amendment

Section 106: Requires the Under Secretary to address the issues listed below and to report 6 months after the date of enactment on the progress being made in implementing each.

A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected:

- (1) Develop procedures (such as barrel rolls or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers.
- (2) After consultation with the FAA, find ways to—
 - (A) limit access to the cockpit;
 - (B) strengthen cockpit doors;
 - (C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;
 - (D) ensure that the aircraft transponder cannot be turned off in flight.
- (3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others who have access to aircraft and secure areas of airports.
- (4) Require airlines to provide emergency call capability from aircraft and trains.
- (5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane.
- (6) Develop certification standards for individual screeners.
- (7) Establish performance goals and use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those goals or certification standards.
- (8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes.
- (9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage.
- (10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be.
- (11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem.
- (12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th.

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(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal.

(15) Perform more thorough background checks (including review of immigration and other government records) of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport.

(16) Establish a uniform system for identifying law enforcement personnel authorized to carry a gun on board to ensure they are who they claim to be.

(17) Allow airlines to implement trusted passenger programs to use technology to expedite screening for those passengers that wish to participate.

(18) Develop security procedures for stem cells and other medical containers that cannot be opened or x-rayed.

(19) Develop security procedures to allow musical instruments to be carried in the passenger cabin.

(20) Provide for the use of wireless devices to enable communications among airport security personnel about potential threats.

Conference substitute

The Under Secretary shall decide upon establishing security measures to: ensure that the flight transponder cannot be turned off in flight; require airlines to provide emergency call capability from aircraft and trains; use voice stress analysis, biometric, and other technologies to prevent dangerous persons from boarding a plane; establish a uniform system for identifying law enforcement personnel traveling with firearms to ensure they are who they claim to be; require the consideration of alternative security procedures that would not damage medical products; allow airlines to implement trusted passenger programs to use technology to expedite screening on a voluntary basis; and, provide for the use of technology to enhance communications among airport security personnel about potential threats. The conferees encourage efforts by the Transportation Security Administration and professional organizations representing industry to use biometric information, such as fingerprints collected initially as input to the background check process, for future verification of identity at access control points to secure airport areas. The Conferees applaud efforts to improve day-to-day airport security by utilizing this raw biometric information collected from individuals as a recurrent identifier for access to secure areas. The Conferees urge the Transportation Security Administration to work with industry organizations that ~~can~~ assist in the process of background checks, record-keeping, and universal access control data. CAN

7. RESPONSIBILITY OF THE ATTORNEY GENERAL

Senate bill

Section 102(b): Responsible for screening, including the hiring and training of screeners.

House amendment

No provision—The Under Secretary is responsible for screening.

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Conference substitute
No provision.

8. TRANSITION

Senate bill

Section 102(d): Until Deputy Secretary takes office, the functions are performed by the Assistant Administrator of the FAA.

Section 108: Transition to Attorney General immediate. Actions completed in 9 months.

House amendment

Section 101: Under Secretary shall assume civil aviation security responsibilities in 3 months. In the meantime, Under Secretary can take over airline contracts with screening companies.

No change until Under Secretary is appointed.

Conference substitute

The Conferees direct the Under Secretary to assume responsibility for civil aviation security within 3 months of the enactment of this legislation.

9. TECHNOLOGY AND EQUIPMENT

Senate bill

Section 102(c): Amends 44932(c) to require FAA to ensure the use of the best available security equipment, not merely the best available x-ray equipment.

Section 108: Restates provision in current law requiring manual process where equipment is now underutilized.

Section 132: By September 30, 2002, FAA shall decide the feasibility of implementing technologies designed to protect aviation and automatically detect bombs, drugs, hazardous chemicals, and nuclear devices.

Section 201(b): FAA shall deploy and use existing bomb detection equipment. Within 60 days, FAA shall establish goals for—

- (1) deploying equipment now in storage;
- (2) specifying a percentage of checked bags to be scanned within 6 months, with a goal of scanning 100 percent;
- (3) the number of bomb detectors that will be purchased for deployment at medium sized airports within 6 months. [See item 29.]

House amendment

Section 106: Makes no change in section 44932(c) of title 49, United States Code, but directs Under Secretary to consider requiring various technologies described in item 6 above and report to Congress on them 6 months after enactment and annually thereafter until those technologies are deployed or a decision is made not to deploy them.

Conference substitute

The Conferees want new, state-of-the-art security equipment installed at airports on an expedited basis, and immediate action taken to ensure that existing explosive detection equipment is employed to the greatest extent possible for the screening of checked baggage. It is expected that additional equipment will be installed in as timely a manner as possible, and in the interim, other systems will be used to screen baggage. The Conferees agree that ev-

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used

everything going on board a passenger aircraft should be screened within 60 days by FAA-approved methods.

10. AIRWORTHINESS OBJECTIONS BY FAA

Senate bill

Section 102: Must consult with FAA on all matters affecting safety and operations.

House amendment

Section 106: Under Secretary cannot take an action if notified by the FAA that it would adversely affect the airworthiness of the aircraft unless the Secretary approves the action.

Conference substitute

House provision.

11. ROLE OF NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

Senate bill

No provision.

House amendment

Section 106: In taking an action that could affect safety, Under Secretary shall solicit and give great weight to views of NTSB.

Conference substitute

The Conferees instruct that in taking actions that could affect safety, the timely views of the National Transportation Safety Board (NTSB) will be taken into consideration by the Under Secretary. The conferees wished to emphasize that the views of the NTSB should be provided in a sufficiently and timely manner so those views could be fully considered by the Under Secretary.

12. BIOLOGICAL AND CHEMICAL WEAPONS

Senate bill

Section 102(c): FAA shall develop ways to enhance the ability to detect biological and chemical weapons.

Section 106(c): DOT shall require airports to maximize the use of equipment to detect these weapons.

House bill

No provision.

Conference substitute

The Conference Report requires airports to maximize the use of equipment to detect and neutralize biological and chemical weapons, and instructs the FAA to develop ways to enhance the detection of these weapons. ✓

13. OVERSIGHT AND COORDINATION

Senate bill

Section 103: Establishes Aviation Security Oversight Council (ASOC), chaired by DOT Secretary and composed of DOJ, DOD, Treasury, CIA, and any other agency head DOT and DOJ determine to be appropriate.

House bill

Section 112: Establishes Transportation Security Oversight Board (TSOB) chaired by DOT Secretary and composed of DOJ, DOD, Treasury, and either NSC or Homeland Security. TSOB

shares intelligence, reviews emergency rules, and oversees actions of Under Secretary.

Establishes Advisory Council, composed of industry, labor, families, and others to advise Under Secretary on security matters.

Conference substitute

The Conference Report establishes the Transportation Security Oversight Board (TSOB) chaired by the Secretary of DOT and composed of DOJ, DOD, Treasury, CIA, NSC and Homeland Security. The TSOB may review and ratify or disapprove regulations issued by the Under Secretary; facilitate the coordination of intelligence, security and law enforcement activities affecting transportation; and, perform other duties including making recommendations to the Under Secretary for use in combating threats to the integrity of the nation's transportation system.

14. RULEMAKING

Senate bill

No Rules required by DOJ for its own employees; cockpit requirements issuable without APA.

House bill

Section 101: Under Secretary can issue security rules immediately without notice and comment, DOT or OMB review, and without a cost-benefit analysis but subject to disapproval by the TSOB.

Conference substitute

House provision.

15. INSPECTOR GENERAL

Senate bill

No provision.

House bill

Section 101: TSA is subject to the Inspector General Act.

Conference substitute

The Conference report instructs that the Transportation Security Administration (TSA) will be subject to the Inspector General Act.

16. CROSS CHECKING DATA BASES

Senate bill

Section 103(a): DOT, acting through ASOC, shall try to develop a common data base with other agencies and share information about people.

Section 211: DOT, as part of the ASOC, shall conduct a 90-day review of upgrades to the distribution of people on the "watch list" of Federal law enforcement agencies.

Upgrades shall be deployed in 6 months.

A report shall be filed in 18 months.

House bill

Section 106: To the extent that the Under Secretary determines appropriate, the Under Secretary shall (1) establish procedures requiring airlines to use information from government agencies to identify people who may be a threat to civil aviation and (2) require more thorough background checks that include a review of other agency data bases.

From: James_A._Brown@omb.eop.gov [UNKNOWN]
To: Rebecca L. Halkias/WHO/EOP@EOP [WHO] <Rebecca L. Halkias>; Rosemarie W. Dale/OMB/EOP@EOP [OMB] <Rosemarie W. Dale>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Caroline A. Marriott/OMB/EOP@EOP [OMB] <Caroline A. Marriott>; Michael J. Cassidy/OMB/EOP@EOP [OMB] <Michael J. Cassidy>; Victoria Wassmer/OMB/EOP@EOP [OMB] <Victoria Wassmer>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Marisa K. Medrano/OPD/EOP@EOP [OPD] <Marisa K. Medrano>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Richard A. Mertens/OMB/EOP@EOP [OMB] <Richard A. Mertens>; Robert H. Goldberg/OMB/EOP@EOP [OMB] <Robert H. Goldberg>; David Aidekman/OMB/EOP@EOP [OMB] <David Aidekman>; Robert J. Nassif/OMB/EOP@EOP [OMB] <Robert J. Nassif>; Michael Garcia/OMB/EOP@EOP [OMB] <Michael Garcia>; Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>; Mark J. Schwartz/OMB/EOP@EOP [OMB] <Mark J. Schwartz>; Shannon Richter/OMB/EOP@EOP [OMB] <Shannon Richter>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Jill G. Crann/OMB/EOP@EOP [OMB] <Jill G. Crann>; Angela M. Donatelli/OMB/EOP@EOP [OMB] <Angela M. Donatelli>; Steven M. Mertens/OMB/EOP@EOP [OMB] <Steven M. Mertens>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; OVP LRM [UNKNOWN] <OVP LRM>; NEC LRM [UNKNOWN] <NEC LRM>; Edward H. Clarke/OMB/EOP@EOP [OMB] <Edward H. Clarke>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; WHGC LRM [UNKNOWN] <WHGC LRM>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Clare C. Doherty/OMB/EOP@EOP [OMB] <Clare C. Doherty>; James J. Tymon/OMB/EOP@EOP [OMB] <James J. Tymon>; Lin Liu/OMB/EOP@EOP [OMB] <Lin Liu>; Timothy A. Rosado/OMB/EOP@EOP [OMB] <Timothy A. Rosado>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; Rodney G. Bent/OMB/EOP@EOP [OMB] <Rodney G. Bent>; Michael Casella/OMB/EOP@EOP [OMB] <Michael Casella>; Ronald L. Silberman/OMB/EOP@EOP [OMB] <Ronald L. Silberman>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Elizabeth L. Rossman/OMB/EOP@EOP [OMB] <Elizabeth L. Rossman>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Allan Villabroza/OMB/EOP@EOP [OMB] <Allan Villabroza>; Adriel M. Harvey/OMB/EOP@EOP [OMB] <Adriel M. Harvey>; Courtney B. Timberlake/OMB/EOP@EOP [OMB] <Courtney B. Timberlake>; Elizabeth A. Bernhard/OMB/EOP@EOP [OMB] <Elizabeth A. Bernhard>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Edward M. Rea/OMB/EOP@EOP [OMB] <Edward M. Rea>; Pamula L. Simms/OMB/EOP@EOP [OMB] <Pamula L. Simms>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Maureen Walsh/OMB/EOP@EOP [OMB] <Maureen Walsh>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Michael D. Gerich/OMB/EOP@EOP [OMB] <Michael D. Gerich>; Meredith G. Benson/OMB/EOP@EOP [OMB] <Meredith G. Benson>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; Siobhan Murphy/OMB/EOP@EOP [OMB] <Siobhan Murphy>; Ronald E. Jones/OMB/EOP@EOP [OMB] <Ronald E. Jones>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Toni S. Hustead/OMB/EOP@EOP [OMB] <Toni S. Hustead>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; CLRM@doc.gov [UNKNOWN] <CLRM@doc.gov>; justice.lrm@usdoj.gov [UNKNOWN] <justice.lrm@usdoj.gov>; statelrm@state.gov [UNKNOWN] <statelrm@state.gov>; llr@do.treas.gov [UNKNOWN] <llr@do.treas.gov>; dodlrs@osdgc.osd.mil [UNKNOWN] <dodlrs@osdgc.osd.mil>; ocaone@aol.com [UNKNOWN] <ocaone@aol.com>; ca.legislation@gsa.gov [UNKNOWN] <ca.legislation@gsa.gov>; scottb@ntsb.gov [UNKNOWN] <scottb@ntsb.gov>; National Security Council LRM Recipients [UNKNOWN] <National Security Council LRM Recipients>; OPBRE E-Mail - EDITORS [UNKNOWN] <OPBRE E-Mail - EDITORS>; laffairs@ustr.gov [UNKNOWN]

<laffairs@ustr.gov>;legis@fema.gov [UNKNOWN]
<legis@fema.gov>;dot.legislation@ost.dot.gov [UNKNOWN] <dot.legislation@ost.dot.gov>;dol-
sol-leg@dol.gov [UNKNOWN] <dol-sol-leg@dol.gov>;CEA Admin [UNKNOWN] <CEA
Admin>;Wallace P. Mullin/CEA/EOP@EOP [CEA] <Wallace P. Mullin>;ola@opm.gov [UNKNOWN] <ola@opm.gov>;valrm@mail.va.gov [UNKNOWN] <valrm@mail.va.gov>
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TO:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Caroline A. Marriott (CN=Caroline A. Marriott/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael J. Cassidy (CN=Michael J. Cassidy/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Victoria Wassmer (CN=Victoria Wassmer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Richard A. Mertens (CN=Richard A. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert H. Goldberg (CN=Robert H. Goldberg/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David Aidekman (CN=David Aidekman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael Garcia (CN=Michael Garcia/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Shannon Richter (CN=Shannon Richter/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jill G. Crann (CN=Jill G. Crann/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Angela M. Donatelli (CN=Angela M. Donatelli/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:OVP LRM (OVP LRM [UNKNOWN])

READ:UNKNOWN

TO:NEC LRM (NEC LRM [UNKNOWN])

READ:UNKNOWN

TO:Edward H. Clarke (CN=Edward H. Clarke/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN

TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN

TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Christine C. McCarlie (CN=Christine C. McCarlie/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN

TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN

TO:WHGC LRM (WHGC LRM [UNKNOWN])
 READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Clare C. Doherty (CN=Clare C. Doherty/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:James J. Tymon (CN=James J. Tymon/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Lin Liu (CN=Lin Liu/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Timothy A. Rosado (CN=Timothy A. Rosado/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Diana E. Furchtgott-Roth (CN=Diana E. Furchtgott-Roth/OU=CEA/O=EOP@EOP [CEA])
 READ:UNKNOWN

TO:Rodney G. Bent (CN=Rodney G. Bent/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Michael Casella (CN=Michael Casella/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Ronald L. Silberman (CN=Ronald L. Silberman/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Elizabeth L. Rossman (CN=Elizabeth L. Rossman/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN

TO:Allan Villabroza (CN=Allan Villabroza/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Adriel M. Harvey (CN=Adriel M. Harvey/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Courtney B. Timberlake (CN=Courtney B. Timberlake/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Elizabeth A. Bernhard (CN=Elizabeth A. Bernhard/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Edward M. Rea (CN=Edward M. Rea/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Pamula L. Simms (CN=Pamula L. Simms/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Ellen J. Balis (CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Maureen Walsh (CN=Maureen Walsh/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael D. Gerich (CN=Michael D. Gerich/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Meredith G. Benson (CN=Meredith G. Benson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Siobhan Murphy (CN=Siobhan Murphy/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Paul R. Noe (CN=Paul R. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett S. Loper (CN=Brett S. Loper/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Toni S. Hustead (CN=Toni S. Hustead/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:CLRM@doc.gov (CLRM@doc.gov [UNKNOWN])
READ:UNKNOWN
TO:justice.lrm@usdoj.gov (justice.lrm@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:statelrm@state.gov (statelrm@state.gov [UNKNOWN])
READ:UNKNOWN
TO:llr@do.treas.gov (llr@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:dodlrs@osdgc.osd.mil (dodlrs@osdgc.osd.mil [UNKNOWN])
READ:UNKNOWN
TO:ocaone@aol.com (ocaone@aol.com [UNKNOWN])
READ:UNKNOWN
TO:ca.legislation@gsa.gov (ca.legislation@gsa.gov [UNKNOWN])
READ:UNKNOWN
TO:scottb@ntsb.gov (scottb@ntsb.gov [UNKNOWN])
READ:UNKNOWN
TO:National Security Council LRM Recipients (National Security Council LRM Recipients [UNKNOWN])
READ:UNKNOWN
TO:OPBRE E-Mail - EDITORS (OPBRE E-Mail - EDITORS [UNKNOWN])
READ:UNKNOWN
TO:laffairs@ustr.gov (laffairs@ustr.gov [UNKNOWN])
READ:UNKNOWN
TO:legis@fema.gov (legis@fema.gov [UNKNOWN])
READ:UNKNOWN
TO:dot.legislation@ost.dot.gov (dot.legislation@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:dol-sol-leg@dol.gov (dol-sol-leg@dol.gov [UNKNOWN])
READ:UNKNOWN
TO:CEA Admin (CEA Admin [UNKNOWN])
READ:UNKNOWN
TO:Wallace P. Mullin (CN=Wallace P. Mullin/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:ola@opm.gov (ola@opm.gov [UNKNOWN])
READ:UNKNOWN
TO:valrm@mail.va.gov (valrm@mail.va.gov [UNKNOWN])
READ:UNKNOWN
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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the bill (S. 1447), to improve aviation security, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

Senate bill

Section 1: "Aviation Security Act".

House amendment

Section 1: "Airport Security Federalization Act of 2001"

Conference substitute

The title of the legislation will be "The Aviation and Transportation Security Act."

2. FINDINGS

Senate bill

Section 101: 7 findings on the importance of security and the need for Federal control and other changes.

House amendment

No provision

Conference substitute

The conferees recognize that the safety and security of the civil air transportation system is critical to the security of the United States and its national defense, and that a safe and secure United States civil air transportation system is essential to the basic freedom of America to move in intrastate, interstate and international transportation. The conferees further note the terrorist hijacking and crashes of passenger aircraft on September 11, 2001, which converted civil aircraft into guided bombs for strikes against the United States, required a fundamental change in the way it approaches the task of ensuring the safety and security of the civil air transportation system.

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A report is required in 6 months and annually thereafter.

Conference substitute

The Conferees have instructed the Secretary to work with the TSOB to develop a data base that will allow the cross checking of the people on "watch lists" of various Federal law enforcement agencies to identify individuals that may pose a risk to security in an effort to identify potential risks to civil aviation. Passenger lists should be used in conjunction with this data base to help target those individuals that pose a threat, and allow appropriate action to be taken.

17. TERRORISM REPORT

Senate bill

Section 103(b): Require reports on all terrorism. Reports to be shared with DOT.

House bill

No provision.

Conference substitute

The Conference Report requires the intelligence community to ensure that reports on terrorism are shared with the DOT.

18. STRATEGIC PLANNING

Senate bill

Section 103(c): Require intelligence agencies to establish units for strategic planning on terrorism.

House bill

No provision.

Conference substitute

The Conference Report requires intelligence agencies to establish units for strategic planning on terrorism.

19. COCKPIT SECURITY

Senate bill

Section 104: FAA shall issue a rule, without notice and comment, permitting only authorized persons to have access to the cockpit, requiring strengthening the door by installing locks and making them rigid, requiring the door to remain locked during flight except when the pilot needs to get out, and taking away the flight attendants key.

Special rules shall be issued for aircraft that do not have a door.

House bill

Section 106: To the extent the Under Secretary considers appropriate, the Under Secretary shall, after consultation with FAA, implement methods to restrict the opening of the cockpit door during flight and fortify those doors.

A report is required in 6 months and annually thereafter.

Funds are authorized to help airlines pay for this.

Conference substitute

The Conference Report prohibits access to the flight deck of passenger aircraft by anyone other than the flight crew. Flight deck doors must be strengthened and remain locked while aircraft is in flight. Video cameras may be provided to alert pilots to cabin activity in the event of a security breach occurring during the flight.

These provisions apply to aircraft required to have a door between the flight deck and cabin. The Conferees also seek the redesign of cockpits to ensure the doors are secured at all times during flight. Redesign can encompass new flight deck materials, double doors to the cockpit as are used in Israel, and lavatories within the flight deck so that flight crew do not leave the flight deck. Once bathroom facilities are provided for the flight crew of passenger aircraft, the cockpit door no longer will need to be opened during flight.

The Conferees instruct the Under Secretary to take into consideration the threat to aviation and national security when developing means to secure the flight deck on commuter aircraft. Any new burdens should be appropriate for the risk.

20. AIR MARSHALS

Senate bill

Section 105: Attorney General prescribes guidelines for training and deployment of sky marshals. DOT administers the program in accordance with these guidelines:

(1) Marshals may be placed on every flight but must be placed on every flight that DOT determines to be high risk.

(2) Marshals must be deployed in 30 days.

(3) Marshals must be given a seat even if that means bumping a passenger.

(4) DOT shall work with ICAO and foreign governments to address security concerns on foreign airlines.

(5) DOT may use personnel from other agencies, including the military, as air marshals.

Section 105: Waives age requirements for retired police, military and out-of-work pilots to work as air marshals, if they meet the background and fitness qualifications.

Report required in 18 months.

House bill

Section 105: Under Secretary deploys air marshals, provides for their background checks, trains them, and requires U.S. airlines to provide seats for them at no cost.

Preference for hiring laid off airline pilots as marshals.

Marshals must be placed on selected flights.

Marshals must be given a seat even if that means bumping a passenger.

DOT shall work with foreign governments to address security concerns on international flights from the U.S.

Until the Under Secretary has all the air marshals needed, personnel from other agencies may be used, with the other agency's concurrence, as air marshals on a non-reimbursable basis.

Airlines must provide seats, on a space-available basis, to off-duty marshals flying home.

Conference substitute

The Conference Report requires that appropriately trained, supervised and equipped Federal Air Marshals (FAMs) may be deployed on every scheduled passenger flight, and must be placed on every "high risk" flight, which may include nonstop longhaul flights, or any other flight deemed appropriate, even if the flight is fully booked. For applicants who otherwise meet the background and fitness requirements, age restrictions may be waived to allow

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(cockpit and cabin)

retired law enforcement officers, retired members of the armed forces, and members of commercial airline crews who have been furloughed from their positions. Personnel from other agencies may be deployed, with the agency's concurrence, as FAMs until an adequate number of FAMs are in place. Additionally, agreements may be entered into allowing trained law enforcement personnel from other agencies to travel with firearms in order to assist FAMs.

The Conferees instruct the Under Secretary to follow air carrier passenger reservations and cancellation practices to the extent practicable. The Under Secretary should work cooperatively with air carriers to develop guidelines concerning reservations and cancellation for the transportation of Federal Air Marshals.

21. SCREENING

Senate bill

Section 108: Attorney General, in consultation with DOT, shall provide for screening of all passengers, property, mail, and cargo that will be carried aboard an aircraft.

Federal employees shall do screening.

Airport and airline employees shall be screened in the same way, except alternative methods may be used for security personnel.

Attorney General shall use screening technology approved by FAA.

Law enforcement personnel shall be deployed at each screening location.

At the 100 largest airports, additional police may be ordered.

Section 105(f): Report from DOT and DOJ required within 120 days on effectiveness of security screening.

Section 106: DOJ and DOT may permit operational flexibility to tailor screening needs for seasonal variations, aircraft types, and special needs of small airports.

Section 108: Attorney General may require non-hub or smaller airports to use State or local law enforcement if the screening will be equivalent to that at larger airports, the training meets Federal standards, the airport is reimbursed by funds made available by this Act, and the airport is consulted.

House bill

Section 102: Federal government is responsible for screening passengers and property on passenger aircraft that originate in the U.S.. Silent on whether screeners are to be Federal employees or private contractors. Under Secretary shall deputize screeners to enforce Federal laws, but not to arrest people. Screeners must have common uniforms. Must be supervised by uniformed Federal employees.

Section 107: Under Secretary should consider certifying screeners and use TIP or similar technologies to measure their performance and revoke their certification if their performance is inadequate.

Section 104: Airport required to deploy law enforcement or military personnel at each screening location. Law enforcement can be either Federal or local.

Conference substitute

The Conference Report requires the Federal government to hire, train and deploy Federal screeners, Federal managers, Federal se-

curity personnel and Federal law enforcement within 1 year. The participants in this Federal security workforce will not be able to strike or engage in work stoppages, and can be fired at the discretion of the Secretary if they are not able to adequately perform their duties.

The Conferees recognize that, in order to ensure that Federal screeners are able to provide the best security possible, the Secretary must be given wide latitude to determine the terms of employment of screeners. The Conference Committee expects that, in fixing the terms and conditions of employment the Secretary shall establish benefits and conditions of employment. The Conference Committee also recognizes that, in order to hire and retain screeners, the Secretary should also ensure that screeners have access to Federal health, life insurance, and retirement benefits, as well as workers' compensation benefits. The Committee believes that screening personnel must also be given whistleblower protections so that screeners may report security conditions without fear of reprisal.

The Conference Report requires the DOT to assume existing screening company contracts as soon as possible, but no later than 90 days after enactment of this legislation. The contracts for existing screeners can be extended for up to 6 months, and the DOT would have the option to extend contracts for no longer than 3 months, if necessary, to continue screening. DOT may also authorize additional Federal law enforcement, National Guard, and other personnel immediately to address the aviation security needs of the country.

The Conferees direct the Secretary to provide a report after one year from the date of enactment certifying deployment of the Federal screeners. Two years after certification airports can opt out of the Federalization of the screener level of the Federal workforce if the Secretary determines that these facilities would continue to provide an equal or higher level of security. Companies will be barred from providing screening if they violate federal standards, are found to allow repeated failures of the system, or prove to be a security risk. The DOT will also establish a Pilot Program for 5 airports, one from each category type, to apply for the use of private contract screeners.

Within 1 year after the date of enactment of the Act, the conferees expect the Transportation Security Administration to submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.

22. CITIZENSHIP OF SECURITY FIRMS

Senate bill

No provision.

House bill

Section 104: Must be owned or controlled by a citizen of the U.S. to the extent the President determines that there are such firms.

Section 123(e): Similar sense of Congress.

Conference substitute

The Conference Report directs that U.S. companies should be used to provide screening if they are available.

23. TRAINING OF PILOTS AND FLIGHT ATTENDANTS

Senate bill

Section 105(f): Report from DOT and DOJ required within 6 months on crew training.

Section 107: DOT shall develop a mandatory airline training program for crews dealing with a hijacking. Training shall be developed in coordination with law enforcement experts.

House bill

Section 106: Under Secretary should consider updating training for dealing with hijacking that includes ways for dealing with suicidal hijackers. Report six months and annually thereafter.

Conference substitute

The Conferees have determined that detailed guidance shall be developed for a mandatory air carrier training program to assist flight crews and attendants in hijack situations. The training curriculum will be developed in consultation with Federal law enforcement agencies with expertise in dealing with these types of threat conditions.

24. HOW FLIGHT ATTENDANTS NOTIFY PILOTS OF A HIJACKING

Senate bill

Section 107: FAA shall revise procedures by which flight attendants notify pilots and implement new measures as soon as practicable.

House bill

Section 106: The Under Secretary should consider requiring the installation of switches in the cabin so that the flight attendants can discreetly notify the pilots.

Conference substitute

The Conference Report directs the Under Secretary to consider the installation of a switch to be located in the cabin for flight attendants to notify pilots in the event of a hijacking without the knowledge of passengers. *or other devices*

25. PROVISION OF PERSONNEL FROM OTHER AGENCIES

Senate bill

Section 105: Amends section 106(m) to allow other agencies to provide personnel to FAA.

House bill

Section 102(d): Same provision, worded differently.

Conference substitute

The Conferees call upon other agencies to provide personnel that has received the proper training for use by the FAA as Federal air marshals (FAMs) in an effort to support and supplement ~~that~~ *the* FAM workforce in its early stages.

26. AIRPORT PERIMETER ACCESS SECURITY

Senate bill

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Section 106: DOT may order deployment of law enforcement personnel as needed to bolster airport security by entering into an agreement with another agency to deploy Federal law enforcement at airports.

Section 106(b): FAA shall provide technical support and financial assistance to small airports to help defray security costs.

House bill

No provision.

Conference substitute

The Conferees have given the Secretary the ability to work with the airports to address potential threats at individual facilities by ordering the deployment of Federal law enforcement authorities to improve airport perimeter and access security in an effort to counter potential criminal activities. Such actions also can include providing increased security at air traffic control facilities. Additionally, the FAA Administrator will develop a plan to provide technical support to enable small- and medium-sized airports to enhance their security operations, and shall include using network digital video surveillance systems.

27. INDIVIDUALS WITH ACCESS TO SECURE AREAS OF THE AIRPORT

Senate bill

See item 21

Section 106(a): DOT, in consultation with ASOC, shall consider whether such individuals should be screened.

Section 106(d): Amend 44903(g)(2) to delete 1/31/01 deadline and beef up language on access control requirements.

Consider deployment of biometric technologies.

Establish pilot programs at 20 airports to test new technologies.

DOT shall require airlines and airports to develop security awareness programs for employees.

Section 211: Within 6 months, DOT shall recommend to airports commercially available ways to prevent access to secure areas. As part of this, DOT shall review effectiveness of biometric and other systems, focus on eliminating piggy-backing, and include a 12-month deployment strategy for currently available technology at Category X airports. Not later than 18 months, DOT shall conduct a review of reductions in unauthorized access.

House bill

Section 106: The Under Secretary shall consider imposing standards for the screening or inspection of vehicles that have access to secure areas and provide for the use of technology to verify the identity of those vehicles entering a secure area. Report after 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that all individuals, goods, property, vehicles, and other equipment seeking access to secure areas must be screened and inspected before entry. The Conference Committee instructs that prescribed requirements should provide at least the same level of protection as the screening of passengers and baggage. The Conferees, however, recognize that these requirements may make allowances for tools and equipment necessary to perform duties in secure areas. The Secretary will examine the physical configuration of individual airports, and consider the

views of the TSOB to consider implementing standards to protect the integrity of secure areas.

28. BAN ON PARKING OF VEHICLES WITHIN 300 FEET OF TERMINAL

Senate bill

Section 106(b): FAA, in consultation with local law enforcement, shall reexamine the need for 300 feet restriction.

House bill

Section 121: Removes this parking ban if the airport, in consultation with local law enforcement, certifies to DOT, after doing a threat assessment, that safeguards are in place to protect public safety.

Conference substitute

The Conferees have determined that all airports must consult with local law enforcement and inform DOT that proper safeguards are in place to ensure that parked vehicles are not a security risk. Each airport must submit views regarding its assessment of the needs of their facility.

29. CHECKED BAGGAGE

Senate bill

See item 9

Section 201(b)(1): Requirement for all baggage to be screened within 9 months.

FAA must establish within 60 days confidential goals for scanning a specific percentage of checked bags within 6 months and annual goals thereafter eventually scanning 100%.

Section 201(c) - page 85 FAA shall require airlines to upgrade the bag match system. Shall establish goals within 60 days to accomplish this including interim measures to match a higher percentage of bags until bomb detectors are used to scan 100% of bags.

Confidential report to Congress in 1 year.

House bill

See item 9

Section 106: All checked baggage must be screened by December 31, 2003. All existing explosive detection equipment must be used to the maximum extent possible.

Additional explosive detection equipment must be installed as soon as possible.

In the interim, airlines must implement a bag match program.

A system must be in place as soon as possible to screen cargo transported in passenger aircraft.

Section 123(d): Sense of Congress that all checked baggage should be screened by any available means.

Conference substitute

The Conferees feel strongly that all baggage to be placed on passenger flights must be screened. Existing technology, including EDS, should be used and upgraded in an effort to ensure that all checked baggage goes through such a system. Any baggage that does not go through EDS will be required to go through some form of manual or other comparable screening system. An alternate system of screening cargo should also be established, and periodic reports issued to provide an understanding of the progress made on these efforts.

30. COMPUTER ASSISTED PASSENGER PROFILING SYSTEM (CAPPS)

Senate bill

Section 201(d): FAA shall make all passengers subject to CAPPS even if they don't check bags so that their carry-ons and person will be subject to additional security measures. Report within 3 months.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to CAPPS and to the distribution of people on the "watch list" of Federal law enforcement agencies. Upgrades shall be deployed in 6 months. A report shall be filed in 18 months.

House bill

Section 106(9): The Under Secretary should consider providing the enhanced use of CAPPS to more effectively screen passengers and carry-on baggage. Report in 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that an enhanced and upgraded use of the Computer Assisted Passenger Pre-Screening System (CAPPS) must be considered to more effectively screen passengers and baggage. The Conferees also recognize that adjustments may need to be made to reflect circumstances in some areas of the U.S., including State with unique transportation needs.

31. DEPUTIZING FOR ENFORCEMENT OF FEDERAL SECURITY LAWS

Senate bill

Section 108(b): Requires Attorney General to deputize State and local law enforcement to regulate screening at non-hubs.

House bill

Private contractor employees deputized.

Conference substitute

No provision.

32. HIRING AND TRAINING OF SCREENERS

Senate bill

Section 109: DOJ, in consultation with DOT, shall establish a program for the hiring and training of screeners. Hiring qualifications shall be set in 30 days. Includes list of qualifications screeners must meet such as education and language requirements. Training plans must be developed within 60 days. Requires 40 hours of classroom training and 60 hours of on the job training. Current lists of dual use items (seemingly harmless items that could be used as a weapon) shall be part of the training. Section 104 - page 16

House bill

Under Secretary may set minimum pay for screeners. Preference shall be given to veterans in the hiring of screeners and laid off airline workers. Final rule for certification of screening companies changed from May 31, 2001 to 6 months after date of enactment. In the meantime, within 30 days of enactment, the standards in the proposed rule, such as education and language requirements, shall be in effect. All screeners must be in approved uniforms.

Conference substitute

A blend of the House and Senate provisions.

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33. CITIZENSHIP OF SCREENERS

Senate bill

Section 109: Must have been a national of the U.S. for at least 5 years.

House bill

Section 104(a): Must be U.S. citizens.

Conference substitute

The Conference Report requires that all airport screeners must be citizens of the U.S.

34. STATUS OF SCREENERS

Senate bill

Section 109(d): Notwithstanding any law, the Attorney General may hire, fire, and pay screeners as he determines necessary.

House bill

Section 102: Federal supervisor can order the dismissal of any screener.

Conference substitute

The Conference Report provides the Under Secretary the authority to employ, terminate and fix the conditions of employment for the Federal screening workforce.

35. STRIKES BY SCREENERS

Senate bill

Section 109(e): Strikes prohibited pursuant to Title 5.

House bill

Section 102: Strikes prohibited.

Conference substitute

The Conference Report directs that the airport screening workforce will be prohibited from striking. The Conferees have provided the Transportation Security Administration authority to utilize existing authority provided to the FAA to develop personnel and acquisition systems. The authority gives the Administration flexibility to design its own policies and procedures and not use the FAA's system, while retaining the legal requirements under sections 40110 and 40112.

36. BACKGROUND CHECKS

Senate bill

Section 109(f): Requires background checks for current screeners and others with access to the airport.

Section 201(a): Requires background checks for current screeners and others to be completed in 9 months unless the person has had such a check in the past 5 years. Alternative checks shall be developed for those who have lived in the U.S. for less than 5 years.

House bill

Section 107: Allows smaller airports to use the same expedited procedures for criminal history background checks as the larger airports now use. (Under the 2000 Security Act these expedited procedures do not go into effect at smaller airports until 2003.)

Requires background check (including review of government data bases) for all current screeners and those with access to secure

areas except for those who have already had such a check or those who are exempted by FAA rules from such checks.

Conference substitute

A blend of the House and Senate provisions.

The Conferees encourage the Under Secretary to provide channeling authority to professional organizations representing industry to FBI AFIS fingerprint databases to perform criminal history verification of aviation business employees. (S) ✓

37. RESEARCH AND DEVELOPMENT

Senate bill

Section 110: Amends section 44912 to require periodic reviews of threats to civil aviation and the potential for the release of biological and chemical weapons. A person shall be designated to be responsible for security research. The person shall file an annual report on research activities. A scientific advisory panel shall be established. DOT shall coordinate research with DOJ.

Section 221: Authorizes \$50 million per year to research various security technologies.

House bill

Section 101: Transfers security research from FAA to the TSA. The TSA can use FAA research facilities.

Conference substitute

A modified version of the Senate provision.

38. FLIGHT SCHOOLS

Senate bill

Section 111: Regarding jet-propelled aircraft, a person shall not give flight instruction, including instruction in simulator, to an alien (or other person specified by DOT) unless DOJ issues that person a certificate of completion of the background check of the alien. Requests for the background check shall be made jointly by the alien and the flight school. Investigation must be completed in 30 days. Investigation includes fingerprint check, immigration check, and a determination of whether alien is a national security risk. Expedited procedures shall be developed for an alien seeking recurrent training. Penalties for violations shall be developed by DOT rulemaking. Flight schools shall report aliens that they train.

Section 111(c): DOT and State shall work with ICAO to improve screening of student pilots.

House bill

Section 106(13): The Under Secretary should consider requiring background checks on individuals seeking flying lessons (including simulator lessons) on aircraft weighing more than 12,500 pounds. Report in 6 months and annually thereafter until the Under Secretary implements the checks or decides not to require them.

Conference substitute

The Conferees have determined that flight school training for aircraft with a minimum certificated weight of 12,500 pounds or more should not be allowed for any alien within the United States unless they have passed a sufficient background check. Such individuals seeking to attend flight school may begin pilot training after 45 days or upon being certified as having passed a background investigation regarding their criminal history and immigration status. A

1 And the House agree to the same.

security awareness program will be developed to assist employees that work at flight schools by helping to increase their awareness of a potential threat.

39. PENALTIES

Senate bill

Section 114: Imposes criminal penalties for interfering with security personnel at a commercial service airport.

House bill

Section 116(c): Transfers the relevant civil penalty authorities from the FAA to the TSA.

Conference substitute

The Conference Report requires that an individual who disrupts the duties of security screening personnel within a commercial service airport shall be fined and/or imprisoned for up to 10 years. The use of a dangerous weapon to interfere with security screening may result in up to life imprisonment.

40. INTRASTATE AIR SERVICE

Senate bill

Section 116: DOT may grant antitrust exemptions to ensure continued viability of air service in that State.

House bill

No provision.

Conference substitute

The Conference Report instructs that DOT may grant anti-trust immunity to ensure continued viability of air service within a state. If the Secretary approves any such request, a report must be given to the relevant Senate and House Committees within six months of the approval describing what actions have been taken by the carriers receiving the exemption.

41. AIRLINE COMPUTER RESERVATION SYSTEMS

Senate bill

Section 117: DOT shall require all airlines to use the best technology to ensure that their systems are secure from unauthorized access. DOT shall submit an annual report on compliance.

House bill

No provision.

Conference substitute

Under the direction of the Conference Report airlines are required to take action that will prevent unauthorized access to computer reservation systems and the information they contain on passengers. Technology should be utilized to the greatest extent possible to ensure the integrity of these systems.

42. FEES

Senate bill

Section 118(a): Within 180 days, airlines remit a \$2.50 fee per enplanement.

House bill

Section 108: Under Secretary shall impose a fee of not more than \$2.50 per one-way trip. The amount of the fee shall be reasonably

related to the costs of providing the screening service. In addition, a fee can be imposed directly on the airlines but it cannot be more than the airlines paid for screening services in 2000. Fees shall be credited as off-setting collections. Passengers using airports where screening services are not provided may be exempted from the fee.

Conference substitute

The Conference substitute requires a fee to be charged to cover the cost of providing the aviation security services. The fee will be based on the number of times a passenger boards a plane during the course of travel, but will be capped at \$5.00 per one-way trip. Any additional funds needed will be authorized to be appropriated or may come from a fee imposed directly on the airlines.

The Secretary may waive or modify the security fee to take into account the isolation of certain communities. In determining whether to waive or modify this fee, the Secretary shall consider the costs of transportation security and the benefits of transportation security that is bestowed on those communities. The Conference substitute amends section 45301(b) of title 49, United States Code, with respect to limitations on overflight fees to (1) to make the language consistent with the new security fee language of this Act, and (2) to clarify Congressional intent with respect to the FAA costs upon which the fees can be based. Specifically, the conference substitute replaces the word "directly" with "reasonably", since the word "directly" has been a source of much confusion and narrow interpretation, and has been a primary cause of recurring litigation which has frustrated and delayed the FAA's imposition of the overflight fees for a number of years. Additionally, this amendment specifies that the FAA's costs upon which the fees are based are to be determined solely by the Administrator. This is to clarify that the Administrator has full authority to determine costs by appropriate means. This amendment is not intended to require revision of the fees recently promulgated by the FAA (66 FR 43680, Aug. 20, 2001) but rather, to clarify longstanding Congressional intent that the FAA expeditiously and continuously collect the fees authorized under section 45301(a) of title 49.

43. AUTHORIZATION

Senate bill

Section 118(b): Authorizes such sums for the next 3 years as may be necessary to carry out the security functions.

House bill

Section 109: Authorizes such sums as may be necessary to the TSA for operating costs and for screening services not covered by the above fee.

Authorizes \$500 million for grants to airlines to fortify cockpit doors, install video monitors to view the passenger cabin, ensure continuous operation of transponder, and use of other technologies.

Conference substitute

The Conference Report authorizes the necessary spending for the cost of providing aviation security.

44. AIRPORT FUNDING

Senate bill

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Section 119(a): Allows AIP and PFC funds to be used to pay security costs in FY 2002 for any cost incurred after 9/11 regardless of when it was incurred. Waives the local matching share. In deciding whether to make a discretionary AIP grant for security costs, the availability and use of non-Federal funding by the airport shall be considered.

Section 120: Authorizes such sums in 2002 to compensate airports for security costs. Costs must be documented and subject to an IG audit. DOT shall publish procedures for filing claims in 30 days.

Section 119(c): PFC requests for security funding should be expedited.

Section 119(b): For the purpose of determining AIP entitlements in FY 2003, enplanements in 2000 or 2001, whichever is higher, shall be used.

Section 201(b): Modifying terminal and baggage systems in order to install bomb detection equipment is made AIP eligible. Section 113: Allows AIP and PFC funds to be used to pay for added law enforcement costs in at a non-hub or small hub airport regardless of when the cost was incurred.

Waives the local matching share.

In FY 2002, allows AIP and PFC money to be used to pay debt service if that would prevent an airport, or privately owned terminal, from defaulting on its bond.

House bill

Section 109: Authorizes a total of \$1.5 billion in 2002 and 2003 to reimburse airports for direct costs they incurred to meet new security requirements. Such sums to remain available until expended. Before getting the money, the airport must agree to meet with its concessionaires to discuss rent adjustments and provide an itemized list of costs incurred.

Conference substitute

A blend of the House and Senate provisions.

45. COMPETITION PLANS

Senate bill

No provision.

House bill

Section 113(a): Waives an airport's obligation to submit a competition plan in FY 2002 when it is seeking money to improve security.

Conference substitute

The Conference Report waives the obligation of an airport to submit a competition plan in FY '02 when seeking money to improve security.

46. REPORTING SUSPICIOUS ACTIVITIES

Senate bill

Section 121: Exempts airline employees from liability for disclosing, in good faith, suspicious activity. DOJ shall establish procedures to notify the FAA of people who may pose a risk of hijacking. Report shall be submitted in 120 days on the implementation of this notification.

House bill

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No provision.

Conference substitute

The Conference Report encourages and exempts airline employees from liability for disclosing suspicious activities in response to a "reasonably believed" threat.

47. ARMING PILOTS

Senate bill

Section 122: National Institute of Justice shall assess non-lethal weapons for use by pilots and report to DOT in 90 days. After receiving report, DOT may authorize pilots to carry such weapons. DOT shall establish training and procedural requirements for using these weapons.

Section 125: Authorizes FAA to permit a pilot with proper training to carry a gun in the cockpit. FAA shall establish a training program. Report shall be submitted every 6 months on the effectiveness of this provision.

House bill

Section 106: DOT cannot take any action to prevent a pilot from taking a gun into the cockpit if the policy of the airline allows it and the pilot has completed a training program acceptable to the Under Secretary.

Conference substitute

A pilot is authorized to carry an approved firearm into the cockpit if approved by the Under Secretary and the air carrier, and the pilot has received proper training.

48. ISOLATED COMMUNITIES

Senate bill

Section 123: During an emergency, DOT, after consulting with the ASCC, may grant waivers on flight restrictions to allow flights carrying freight, mail, patients, and medical supplies to areas with extraordinary transportation needs given isolation of the area and if the waiver is in the public interest.

House bill

Section 120: Similar provision but worded differently.

Conference substitute

The Conference Report instructs that during an emergency DOT may grant waivers on flight restrictions to areas with extraordinary transportation needs.

49. SUPPLIES ON BOARD AIRCRAFT

Senate bill

Section 124: DOT shall ensure the safety of food and other supplies on aircraft by sealing packages, screening personnel and vehicles, etc.

House bill

See item 27

Conference substitute

The Conferees have determined that DOT should establish procedures to ensure the safety and security of on-board supplies for intrastate passenger aircraft. The Secretary will establish procedures that may increase security for the point of origin of the sup-

plier, provide for sealed supplies, and the screening of the supplies as they enter the airport.

50. AIRMAN REGISTRY

Senate bill

Section 126: Directs FAA to modify the registry to make it more effective in combating terrorism. FAA should work with State and locals to assist in identifying those applying for or holding airmen certificates.

House bill

No provision.

Conference substitute

The Conferees direct that the FAA must take steps to make the airman registry more effective to combat terrorism by working with the appropriate authorities to assist in properly identifying persons applying for or in possession of airmen certificates.

51. PASSENGER MANIFESTS

Senate bill

No provision.

House bill

Section 111: Within 60 days, U.S. and foreign airlines on international flights to the U.S. must provide to the Under Secretary (or another agency) by electronic transmission a passenger and crew manifest with specified information.

Conference substitute

The Conference Report requires air carriers to use the Air Passenger Information System (APIS) to provide a crew and passenger manifest and related information to Customs for each flight.

52. RESULTS-BASED MANAGEMENT

Senate bill

Section 127: With 60 days, DOT shall establish acceptable performance levels for aviation security and provide Congress with an action plan clarifying the responsibilities of the government agencies involved. Each year, a performance plan shall be made available. Any contracts to implement this Act shall try to maximize the use of performance based service contracts.

House bill

Section 106(7): Consider establishing performance goals for screeners. Report after 6 months and annually thereafter until this is implemented or rejected.

Conference substitute

Modified Senate provision.

53. EMPLOYMENT REGISTER

Senate bill

Section 128(a): DOT shall establish and maintain an employment register.

House bill

No provision.

Conference substitute

No provision.

54. TRAINING FACILITIES

Senate bill

Section 128(b): DOT may use FAA training facilities to train security screeners.

House bill

No provision.

Conference substitute

The Conference Report directs the Secretary to use existing Federal training facilities, where possible, to address the training needs of security screening personnel.

55. AIRSPACE RESTRICTIONS

Senate bill

Section 129: President shall submit a report within 30 days describing any airspace restrictions that remain in place and the justification for those restrictions.

House bill

Section 119: The restrictions on Class B airspace shall cease to be in effect 10 days after enactment unless a notice is published prior to the 10th day reimposing and explaining the reasons for those restrictions.

Conference substitute

The Conferees instruct the Secretary to lift restrictions on Class B airspace under specified requirements.

56. VOLUNTEERS

Senate bill

Section 130: DOT shall carry out a program to permit police, firefighters, and paramedics to provide emergency services during flight. Exempts from liability those who help in an emergency. This does not authorize the possession of firearms.

House bill

No provision but exemption from liability seems to be covered by existing law, section 5(b) of Aviation Medical Assistance Act.

Conference substitute

The Conferees instruct the Secretary to implement a program that will allow qualified law enforcement, firefighters and emergency service technicians to assist in the event of an emergency during commercial air flights. This program will establish the credentials of volunteers, maintain their confidentiality and exempt them from liability.

57. LIMITATION ON LIABILITY

Senate bill

No provision.

House bill

Section 110: Limits liability of passenger or crew who hurts a person they, in good faith, believe was hijacking or about to hijack the plane.

Conference substitute

The Conference Report exempts passengers and crew from liability if an individual "reasonably believed" that a hijacking was occurring.

58. GENERAL AVIATION SECURITY

Senate bill

Section 131: FAA shall begin a security program for aircraft over 12,500 pounds within 90 days. Waivers from this requirement can be granted. A security program for smaller aircraft shall begin in 1 year. A report shall be filed in 18 months.

Aircraft may not be sold or leased to an alien unless a background check has been done or until the security programs described above are implemented.

House bill

No provision.

Conference substitute

The Conference report directs the Secretary to provide Congress a report on improving general aviation security in the United States within 3 months of enactment of the legislation.

The Conferees note that a number of issues on aviation security research merit the prompt attention of the Department of Transportation. In particular, the Conferees observe that research into providing better security with minimal disruption in the system in the area of general aviation is important.

The Conferees note that the FAA has recently designated a consortium of schools as a general aviation center of excellence and anticipates that the FAA would draw upon the expertise of these institutions in formulating a security program for general aviation.

The Conferees also note that NASA, in coordination with the DOT, is investigating technology that would facilitate remote screening of small aircraft prior to takeoff.

Such a general aviation remote screening system (GARSS) could be installed on a vehicle or mobile platform, or in a fixed facility alongside a taxiway, and would provide a pre-takeoff alert if suspicious objects or materials were detected aboard an aircraft.

The Conferees urge that the development and implementation of GARSS be pursued.

59. FUNDING FOR GENERAL AVIATION AIRPORTS

Senate bill

No provision.

House bill

Section 113(b): In FY 2002, allows non-primary airports within Class B airspace to seek AIP money for any purpose, including operational costs.

Conference substitute

Modified House position.

60. CONFORMING AMENDMENT TO IRS CODE

Senate bill

No provision.

House bill

Section 113(e): Amends Code to cross-reference this Security Act so that the money authorized by this Act out of the Trust Fund can be spent.

Conference substitute

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The Conference Report amends the IRS code to cross-reference this legislation to provide for the authorization of spending ~~from~~ ^{from} the Trust Fund.

61. TECHNICAL CORRECTIONS

Senate bill

No provision.

House bill

Section 114: Makes technical corrections to the Air Transportation Safety and System Stabilization Act.

Conference substitute

The Conference Report makes technical corrections to the Air Transportation Safety and System Stabilization Act.

62. ALCOHOL AND DRUG TESTING

Senate bill

No provision.

House bill

Section 115: Amends existing law to account for the transfer of functions from the FAA to the TSA

Conference substitute

The Conference Report amends existing law to transfer alcohol and drug testing functions from the FAA to the TSA.

63. CONFORMING AMENDMENTS

Senate bill

No provision.

House bill

Section 116: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to account for the transfer of functions from the FAA to the TSA.

64. SAVINGS PROVISION

Senate bill

No provision.

House bill

Section 117: Ensures a smooth transfer from the FAA to the TSA.

Conference substitute

The Conference Report

House provision.

65. BUDGET SUBMISSIONS

Senate bill

No provision.

House bill

Section 118: Requires the President's budget submissions starting in 2003 to list the TSA budget separately.

Conference substitute

The Conference Report

House provision.

66. AIR AMBULANCES

Senate bill

No provision.

House bill

Section 114: Amends the Airline Stabilization Act to modify the method for distributing compensation to air ambulances.

Conference substitute

The Conference Report amends the Airline Stabilization Act to allow for a modified system of providing compensation to air tour operators and air ambulances to better address their needs after industry wide losses. It is the Conferees' position that the Stabilization Act's section 103 compensation formula language, "revenue ton miles or any other auditable measure" should be broadly construed and should not restrict compensation exclusively to Revenue ~~for~~ ^{ton} Miles reported on previously filed DOT Form 41s. If Air, Crew, Maintenance, Insurance lessors can provide accurate and auditable records of their revenue ~~for~~ ^{ton} miles during the relevant time period, then they should be eligible for compensation based under the Stabilization Act.

67. PASSENGERS WHO BOUGHT TICKETS ON BANKRUPT AIRLINES

Senate bill

No provision.

House bill

Section 123: Other airlines must honor these tickets to the extent practicable.

Conference substitute

The Conferees direct the air carriers, to the extent practicable, to honor the tickets of passengers purchased by airlines that file for bankruptcy, if the purchaser requests the use of his or her ticket within 60 days of the suspended or canceled flight, for the first 18 months after enactment of this legislation.

68. FLIGHT SERVICE STATION EMPLOYEES

Senate bill

No provision.

House bill

Section 123(a): Sense of Congress that FAA should continue negotiating in good faith with these employees.

Conference substitute

The Conference Report offers the Sense of Congress that FAA should continue negotiating in good faith with flight service station employees.

69. WAR RISK INSURANCE

Senate bill

No provision.

House bill

Section 123(b): Sense of Congress that vendors agents and sub-contractors of general aviation aircraft should get war risk insurance.

Conference substitute

The Conference Report offers the Sense of Congress on the availability of war risk insurance to vendors, agents, and subcontractors of air carriers for all their domestic operations.

70. ANIMALS

Senate bill

No provision.

House bill

Section 123(c): Sense of Congress that airlines that transport mail should carry animals that the Postal Service allows to be mailed.

Conference substitute

The Conference Report offers ^{the} Sense of the House that airlines that transport mail should carry animals that the U.S. Postal Service permits to be sent in the mail.

71. CARRY-ON BAGGAGE

Senate bill

Report on carry-on baggage.

House bill

No provision.

Conference substitute

The Conference Report offers ^{the} Sense of the Congress that the FAA should continue its current restrictions on carry-on baggage of 1 bag plus 1 personal item. A backpack should be considered a personal item.

72. USPS MAIL POLICY IN ALASKA

Senate bill

No provision.

House bill

No provision.

Conference substitute

The Conferees encourage the Congress to pass legislation quickly to restructure the United States Postal Service's process of tendering non-priority bypass mail with the State of Alaska. Restructuring this program to direct more carriers to convert to 121 passenger operators will improve the safety of air transportation in Alaska and enhance the security of passengers.

73. VICTIMS COMPENSATION

Senate bill

No provision.

House bill

Title II:

Conference substitute

The Conference substitute extends the liability limitations of the Air Transportation Stabilization Act to aircraft manufacturers, State port authorities, owners and operators of airports, and persons with property interests in the World Trade Center.

These provisions limit liability under the Act to the maximum level of their insurance coverage.

The Conferees expect that security functions at United States airports should become a Federal government responsibility, and it is their belief that while the number of Federal air marshals is classified, their presence would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel. The Conferees also noted that the effectiveness of existing security measures, including employee background checks and passenger pre-screening, is currently impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

The Conferees developed this legislation to address the security of the nation's transportation system.

3. ORGANIZATION OF SECURITY FUNCTION WITHIN DOT

Senate bill

Section 102: Creates a new Deputy Secretary of Transportation.

House amendment

Section 101: Creates a new Transportation Security Administration (TSA) within DOT headed by an Under Secretary. Establishes qualifications. Sets 5-year term. TSA has same procurement and personnel authority as the FAA.

Conference substitute

The Conference Report creates the Transportation Security Administration (TSA) to be headed by an Under Secretary within the DOT.

4. FUNCTIONS OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 102(a): Coordinate and direct the functions of DOT and FAA under Chapter 449.

Work with the FAA on actions that affect safety.

Coordinate with DOJ, DOD, and other agencies on matters related to aviation security.

Coordinate transportation and actions of other agencies during an emergency. (This does not supersede the authority of any other agency.)

Establish uniform standards for transportation during an emergency.

Provide notice to other agencies about threats during an emergency. The Secretary defines what constitutes an emergency.

Take other actions, the Secretary shall prescribe.

House amendment

Section 101: Under Secretary will be responsible for security in all modes of transportation. Specifically, Under Secretary is responsible for the following:

Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

Assessing threats to transportation.

Developing policies to deal with these threats.

Coordinating with other agencies.

Serve as the liaison with the intelligence community.

Any person with a property interest in the World Trade Center, as a condition to receiving liability protection under the Act, is required to satisfy all contractual obligations to rebuild or assist in the rebuilding of the World Trade Center.

The Conference substitute also limits the liability for all claims arising from the terrorist-related attacks of September 11, 2001, brought against the City of New York to the greater of the City's insurance coverage or \$350,000,000.

8 This limitation on damages against the City of New York, however, ~~does~~ not apply to any non-government or private entity that is contracted with the City.

The Conference substitute also excludes entities primarily engaged in the business of airport security from its limitation on liability.

Supervising airport security using Federal uniformed personnel.

Manage the Federal security personnel in the field

Enforce security regulations.

Undertake research to improve security.

Inspect, maintain, and test security equipment.

Ensure that adequate security is provided for the transportation of cargo.

Oversee the security at airports and other transportation facilities.

Perform background checks on screeners and those who work at airports.

Develop standards for the hiring and firing of screeners.

Train and test screeners.

Conference substitute

The Conferees believe the best way to ensure effective Federal management of the nation's transportation system is through the creation of a new Administration within DOT to be called the Transportation Security Administration (TSA). The TSA's responsibilities will encompass security in all modes of transportation.

5. PAY OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 127: Paid at level II of the Executive Schedule plus bonuses based on performance.

House amendment

Section 101(c): Paid at level II of the Executive Schedule (\$141,300 in 2000).

Conference substitute

The Conferees direct that the Under Secretary is to be paid at Level II of the Executive Schedule (\$141,300 in 2000). A bonus, not to exceed thirty percent of the annual salary may be provided based on the performance of the US to be determined by the Secretary.

6. REPORTS

Senate bill

Section 102(a): Annual report of activities.

Section 127: Annual DOT report on results achieved relative to the agency security performance plan.

Section 112: 60-day report on additional security measures.

Section 133: 120-day report on the new DOJ responsibilities for aviation security.

Section 113: 3-month report on how to improve security of general aviation and air charters.

House amendment

Section 106: Eliminates existing report in section 44938 of title 49, United States Code.

Conference substitute

(House)

6A. ENHANCED SECURITY

Senate bill

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Section 115: 120 day report on the following issues:

- (1) Requiring verification of airport employees' identity.
- (2) Installing switches so flight attendants can notify pilots of a hijacking.
- (3) Revalidating airline and airport employee identification cards.
- (4) Updating strategy for dealing with hijackings.
- (5) Technology to improve communication between aircraft and ground facilities.

Section 211: DOT shall study options for improving positive IDs of passengers at check-in counters and boarding areas. Report required in 6 months.

House amendment

Section 106: Requires the Under Secretary to address the issues listed below and to report 6 months after the date of enactment on the progress being made in implementing each.

A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected:

- (1) Develop procedures (such as barrel rolls or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers.

- (2) After consultation with the FAA, find ways to—

- (A) limit access to the cockpit;
- (B) strengthen cockpit doors;
- (C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;
- (D) ensure that the aircraft transponder cannot be turned off in flight.

- (3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others who have access to aircraft and secure areas of airports.

- (4) Require airlines to provide emergency call capability from aircraft and trains.

- (5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane.

- (6) Develop certification standards for individual screeners.

- (7) Establish performance goals and use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those goals or certification standards.

- (8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes.

- (9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage.

- (10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be.

- (11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem.

- (12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th.

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(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal.

(15) Perform more thorough background checks (including review of immigration and other government records) of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport.

(16) Establish a uniform system for identifying law enforcement personnel authorized to carry a gun on board to ensure they are who they claim to be.

(17) Allow airlines to implement trusted passenger programs to use technology to expedite screening for those passengers that wish to participate.

(18) Develop security procedures for stem cells and other medical containers that cannot be opened or x-rayed.

(19) Develop security procedures to allow musical instruments to be carried in the passenger cabin.

(20) Provide for the use of wireless devices to enable communications among airport security personnel about potential threats.

Conference substitute

The Under Secretary shall decide upon establishing security measures to: ensure that the flight transponder cannot be turned off in flight; require airlines to provide emergency call capability from aircraft and trains; use voice stress analysis, biometric, and other technologies to prevent dangerous persons from boarding a plane; establish a uniform system for identifying law enforcement personnel traveling with firearms to ensure they are who they claim to be; require the consideration of alternative security procedures that would not damage medical products; allow airlines to implement trusted passenger programs to use technology to expedite screening on a voluntary basis; and, provide for the use of technology to enhance communications among airport security personnel about potential threats. The conferees encourage efforts by the Transportation Security Administration and professional organizations representing industry to use biometric information, such as fingerprints collected initially as input to the background check process, for future verification of identity at access control points to secure airport areas. The Conferees applaud efforts to improve day-to-day airport security by utilizing this raw biometric information collected from individuals as a recurrent identifier for access to secure areas. The Conferees urge the Transportation Security Administration to work with industry organizations that ~~can~~ assist in the process of background checks, record-keeping, and universal access control data. CAN

7. RESPONSIBILITY OF THE ATTORNEY GENERAL

Senate bill

Section 102(b): Responsible for screening, including the hiring and training of screeners.

House amendment

No provision—The Under Secretary is responsible for screening.

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Conference substitute
No provision.

8. TRANSITION

Senate bill

Section 102(d): Until Deputy Secretary takes office, the functions are performed by the Assistant Administrator of the FAA.

Section 108: Transition to Attorney General immediate. Actions completed in 9 months.

House amendment

Section 101: Under Secretary shall assume civil aviation security responsibilities in 3 months. In the meantime, Under Secretary can take over airline contracts with screening companies.

No change until Under Secretary is appointed.

Conference substitute

The Conferees direct the Under Secretary to assume responsibility for civil aviation security within 3 months of the enactment of this legislation.

9. TECHNOLOGY AND EQUIPMENT

Senate bill

Section 102(c): Amends 44932(c) to require FAA to ensure the use of the best available security equipment, not merely the best available x-ray equipment.

Section 108: Restates provision in current law requiring manual process where equipment is now underutilized.

Section 132: By September 30, 2002, FAA shall decide the feasibility of implementing technologies designed to protect aviation and automatically detect bombs, drugs, hazardous chemicals, and nuclear devices.

Section 201(b): FAA shall deploy and use existing bomb detection equipment. Within 60 days, FAA shall establish goals for—

- (1) deploying equipment now in storage;
- (2) specifying a percentage of checked bags to be scanned within 6 months, with a goal of scanning 100 percent;
- (3) the number of bomb detectors that will be purchased for deployment at medium sized airports within 6 months. [See item 29.]

House amendment

Section 106: Makes no change in section 44932(c) of title 49, United States Code, but directs Under Secretary to consider requiring various technologies described in item 6 above and report to Congress on them 6 months after enactment and annually thereafter until those technologies are deployed or a decision is made not to deploy them.

Conference substitute

The Conferees want new, state-of-the-art security equipment installed at airports on an expedited basis, and immediate action taken to ensure that existing explosive detection equipment is employed to the greatest extent possible for the screening of checked baggage. It is expected that additional equipment will be installed in as timely a manner as possible, and in the interim, other systems will be used to screen baggage. The Conferees agree that ev-

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used

everything going on board a passenger aircraft should be screened within 60 days by FAA-approved methods.

10. AIRWORTHINESS OBJECTIONS BY FAA

Senate bill

Section 102: Must consult with FAA on all matters affecting safety and operations.

House amendment

Section 106: Under Secretary cannot take an action if notified by the FAA that it would adversely affect the airworthiness of the aircraft unless the Secretary approves the action.

Conference substitute

House provision.

11. ROLE OF NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

Senate bill

No provision.

House amendment

Section 106: In taking an action that could affect safety, Under Secretary shall solicit and give great weight to views of NTSB.

Conference substitute

The Conferees instruct that in taking actions that could affect safety, the timely views of the National Transportation Safety Board (NTSB) will be taken into consideration by the Under Secretary. The conferees wished to emphasize that the views of the NTSB should be provided in a sufficiently and timely manner so those views could be fully considered by the Under Secretary.

12. BIOLOGICAL AND CHEMICAL WEAPONS

Senate bill

Section 102(c): FAA shall develop ways to enhance the ability to detect biological and chemical weapons.

Section 106(c): DOT shall require airports to maximize the use of equipment to detect these weapons.

House bill

No provision.

Conference substitute

The Conference Report requires airports to maximize the use of equipment to detect and neutralize biological and chemical weapons, and instructs the FAA to develop ways to enhance the detection of these weapons. ✓

13. OVERSIGHT AND COORDINATION

Senate bill

Section 103: Establishes Aviation Security Oversight Council (ASOC), chaired by DOT Secretary and composed of DOJ, DOD, Treasury, CIA, and any other agency head DOT and DOJ determine to be appropriate.

House bill

Section 112: Establishes Transportation Security Oversight Board (TSOB) chaired by DOT Secretary and composed of DOJ, DOD, Treasury, and either NSC or Homeland Security. TSOB

shares intelligence, reviews emergency rules, and oversees actions of Under Secretary.

Establishes Advisory Council, composed of industry, labor, families, and others to advise Under Secretary on security matters.

Conference substitute

The Conference Report establishes the Transportation Security Oversight Board (TSOB) chaired by the Secretary of DOT and composed of DOJ, DOD, Treasury, CIA, NSC and Homeland Security. The TSOB may review and ratify or disapprove regulations issued by the Under Secretary; facilitate the coordination of intelligence, security and law enforcement activities affecting transportation; and, perform other duties including making recommendations to the Under Secretary for use in combating threats to the integrity of the nation's transportation system.

14. RULEMAKING

Senate bill

No Rules required by DOJ for its own employees; cockpit requirements issuable without APA.

House bill

Section 101: Under Secretary can issue security rules immediately without notice and comment, DOT or OMB review, and without a cost-benefit analysis but subject to disapproval by the TSOB.

Conference substitute

House provision.

15. INSPECTOR GENERAL

Senate bill

No provision.

House bill

Section 101: TSA is subject to the Inspector General Act.

Conference substitute

The Conference report instructs that the Transportation Security Administration (TSA) will be subject to the Inspector General Act.

16. CROSS CHECKING DATA BASES

Senate bill

Section 103(a): DOT, acting through ASOC, shall try to develop a common data base with other agencies and share information about people.

Section 211: DOT, as part of the ASOC, shall conduct a 90-day review of upgrades to the distribution of people on the "watch list" of Federal law enforcement agencies.

Upgrades shall be deployed in 6 months.

A report shall be filed in 18 months.

House bill

Section 106: To the extent that the Under Secretary determines appropriate, the Under Secretary shall (1) establish procedures requiring airlines to use information from government agencies to identify people who may be a threat to civil aviation and (2) require more thorough background checks that include a review of other agency data bases.

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Traci R. Campbell/WHO/EOP@EOP [WHO] <Traci R. Campbell>; Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>; Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Rebecca E. Davis/OMB/EOP@EOP [OMB] <Rebecca E. Davis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>
Sent: 11/16/2001 1:35:55 PM
Subject: : No Deputies B'fast

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 16-NOV-2001 18:35:55.00
SUBJECT:: No Deputies B'fast
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ: UNKNOWN
TO: Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Rebecca E. Davis (CN=Rebecca E. Davis/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])
READ: UNKNOWN
TO: anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])
READ: UNKNOWN
TO: Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])
READ: UNKNOWN
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Marc will not be holding his Deputies breakfast next Tuesday (11/20)

Thanks,
Leslie

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From: James_A._Brown@omb.eop.gov [UNKNOWN]
To: Rebecca L. Halkias/WHO/EOP@EOP [WHO] <Rebecca L. Halkias>; Rosemarie W. Dale/OMB/EOP@EOP [OMB] <Rosemarie W. Dale>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Caroline A. Marriott/OMB/EOP@EOP [OMB] <Caroline A. Marriott>; Michael J. Cassidy/OMB/EOP@EOP [OMB] <Michael J. Cassidy>; Victoria Wassmer/OMB/EOP@EOP [OMB] <Victoria Wassmer>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Marisa K. Medrano/OPD/EOP@EOP [OPD] <Marisa K. Medrano>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Richard A. Mertens/OMB/EOP@EOP [OMB] <Richard A. Mertens>; Robert H. Goldberg/OMB/EOP@EOP [OMB] <Robert H. Goldberg>; David Aidekman/OMB/EOP@EOP [OMB] <David Aidekman>; Robert J. Nassif/OMB/EOP@EOP [OMB] <Robert J. Nassif>; Michael Garcia/OMB/EOP@EOP [OMB] <Michael Garcia>; Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>; Mark J. Schwartz/OMB/EOP@EOP [OMB] <Mark J. Schwartz>; Shannon Richter/OMB/EOP@EOP [OMB] <Shannon Richter>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Jill G. Crann/OMB/EOP@EOP [OMB] <Jill G. Crann>; Angela M. Donatelli/OMB/EOP@EOP [OMB] <Angela M. Donatelli>; Steven M. Mertens/OMB/EOP@EOP [OMB] <Steven M. Mertens>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; OVP LRM [UNKNOWN] <OVP LRM>; NEC LRM [UNKNOWN] <NEC LRM>; Edward H. Clarke/OMB/EOP@EOP [OMB] <Edward H. Clarke>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; WHGC LRM [UNKNOWN] <WHGC LRM>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Clare C. Doherty/OMB/EOP@EOP [OMB] <Clare C. Doherty>; James J. Tymon/OMB/EOP@EOP [OMB] <James J. Tymon>; Lin Liu/OMB/EOP@EOP [OMB] <Lin Liu>; Timothy A. Rosado/OMB/EOP@EOP [OMB] <Timothy A. Rosado>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; Rodney G. Bent/OMB/EOP@EOP [OMB] <Rodney G. Bent>; Michael Casella/OMB/EOP@EOP [OMB] <Michael Casella>; Ronald L. Silberman/OMB/EOP@EOP [OMB] <Ronald L. Silberman>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Elizabeth L. Rossman/OMB/EOP@EOP [OMB] <Elizabeth L. Rossman>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Allan Villabroza/OMB/EOP@EOP [OMB] <Allan Villabroza>; Adriel M. Harvey/OMB/EOP@EOP [OMB] <Adriel M. Harvey>; Courtney B. Timberlake/OMB/EOP@EOP [OMB] <Courtney B. Timberlake>; Elizabeth A. Bernhard/OMB/EOP@EOP [OMB] <Elizabeth A. Bernhard>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Edward M. Rea/OMB/EOP@EOP [OMB] <Edward M. Rea>; Pamula L. Simms/OMB/EOP@EOP [OMB] <Pamula L. Simms>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Maureen Walsh/OMB/EOP@EOP [OMB] <Maureen Walsh>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Michael D. Gerich/OMB/EOP@EOP [OMB] <Michael D. Gerich>; Meredith G. Benson/OMB/EOP@EOP [OMB] <Meredith G. Benson>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; Siobhan Murphy/OMB/EOP@EOP [OMB] <Siobhan Murphy>; Ronald E. Jones/OMB/EOP@EOP [OMB] <Ronald E. Jones>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Toni S. Hustead/OMB/EOP@EOP [OMB] <Toni S. Hustead>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; CLRM@doc.gov [UNKNOWN] <CLRM@doc.gov>; justice.lrm@usdoj.gov [UNKNOWN] <justice.lrm@usdoj.gov>; statelrm@state.gov [UNKNOWN] <statelrm@state.gov>; llr@do.treas.gov [UNKNOWN] <llr@do.treas.gov>; dodlrs@osdgc.osd.mil [UNKNOWN] <dodlrs@osdgc.osd.mil>; ocaone@aol.com [UNKNOWN] <ocaone@aol.com>; ca.legislation@gsa.gov [UNKNOWN] <ca.legislation@gsa.gov>; scottb@ntsb.gov [UNKNOWN] <scottb@ntsb.gov>; National Security Council LRM Recipients [UNKNOWN] <National Security Council LRM Recipients>; OPBRE E-Mail - EDITORS [UNKNOWN] <OPBRE E-Mail - EDITORS>; laffairs@ustr.gov [UNKNOWN]

<laffairs@ustr.gov>;legis@fema.gov [UNKNOWN]
<legis@fema.gov>;dot.legislation@ost.dot.gov [UNKNOWN] <dot.legislation@ost.dot.gov>;dol-
sol-leg@dol.gov [UNKNOWN] <dol-sol-leg@dol.gov>;CEA Admin [UNKNOWN] <CEA
Admin>;Wallace P. Mullin/CEA/EOP@EOP [CEA] <Wallace P. Mullin>;ola@opm.gov [UNKNOWN] <ola@opm.gov>;valrm@mail.va.gov [UNKNOWN] <valrm@mail.va.gov>
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CREATOR:James_A._Brown@omb.eop.gov (James_A._Brown@omb.eop.gov [UNKNOWN])

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SUBJECT:: FYI part 2 of S. 1447 conference agreement

TO:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Caroline A. Marriott (CN=Caroline A. Marriott/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael J. Cassidy (CN=Michael J. Cassidy/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Victoria Wassmer (CN=Victoria Wassmer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Richard A. Mertens (CN=Richard A. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert H. Goldberg (CN=Robert H. Goldberg/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David Aidekman (CN=David Aidekman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael Garcia (CN=Michael Garcia/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Shannon Richter (CN=Shannon Richter/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jill G. Crann (CN=Jill G. Crann/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Angela M. Donatelli (CN=Angela M. Donatelli/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:OVP LRM (OVP LRM [UNKNOWN])

READ:UNKNOWN

TO:NEC LRM (NEC LRM [UNKNOWN])

READ:UNKNOWN

TO:Edward H. Clarke (CN=Edward H. Clarke/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
TO:Allan Villabroza (CN=Allan Villabroza/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Adriel M. Harvey (CN=Adriel M. Harvey/OU=OMB/O=EOP@EOP [OMB])
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TO:Maureen Walsh (CN=Maureen Walsh/OU=OMB/O=EOP@EOP [OMB])
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READ:UNKNOWN
TO:S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
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TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
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TO:Siobhan Murphy (CN=Siobhan Murphy/OU=OMB/O=EOP@EOP [OMB])
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READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Paul R. Noe (CN=Paul R. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
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READ:UNKNOWN
TO:Toni S. Hustead (CN=Toni S. Hustead/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:CLRM@doc.gov (CLRM@doc.gov [UNKNOWN])
READ:UNKNOWN
TO:justice.lrm@usdoj.gov (justice.lrm@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:statelrm@state.gov (statelrm@state.gov [UNKNOWN])
READ:UNKNOWN
TO:llr@do.treas.gov (llr@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:dodlrs@osdgc.osd.mil (dodlrs@osdgc.osd.mil [UNKNOWN])
READ:UNKNOWN
TO:ocaone@aol.com (ocaone@aol.com [UNKNOWN])
READ:UNKNOWN
TO:ca.legislation@gsa.gov (ca.legislation@gsa.gov [UNKNOWN])
READ:UNKNOWN
TO:scottb@entsb.gov (scottb@entsb.gov [UNKNOWN])
READ:UNKNOWN
TO:National Security Council LRM Recipients (National Security Council LRM Recipients [UNKNOWN])
READ:UNKNOWN
TO:OPBRE E-Mail - EDITORS (OPBRE E-Mail - EDITORS [UNKNOWN])
READ:UNKNOWN
TO:laffairs@ustr.gov (laffairs@ustr.gov [UNKNOWN])
READ:UNKNOWN
TO:legis@fema.gov (legis@fema.gov [UNKNOWN])
READ:UNKNOWN
TO:dot.legislation@ost.dot.gov (dot.legislation@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:dol-sol-leg@dol.gov (dol-sol-leg@dol.gov [UNKNOWN])
READ:UNKNOWN
TO:CEA Admin (CEA Admin [UNKNOWN])
READ:UNKNOWN
TO:Wallace P. Mullin (CN=Wallace P. Mullin/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:ola@opm.gov (ola@opm.gov [UNKNOWN])
READ:UNKNOWN
TO:valrm@mail.va.gov (valrm@mail.va.gov [UNKNOWN])
READ:UNKNOWN
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1 parking lot, or vendor of on-airfield direct services under
2 this section for any cost for which the airport operator,
3 on-airport parking lot, or vendor of on-airfield direct serv-
4 ices does not demonstrate to the satisfaction of the Sec-
5 retary, using sworn financial statements or other appro-
6 priate data, that—

7 (1) the cost is eligible for reimbursement under
8 subsection (a); and

9 (2) the cost was incurred by the airport oper-
10 ator, on-airport parking lot, or vendor of on-airfield
11 direct services.

12 The Inspector General of the Department of Transpor-
13 tation and the Comptroller General of the United States
14 may audit such statements and may request any other in-
15 formation ~~that~~ necessary to conduct such an audit.

16 (c) CLAIM PROCEDURE.—Within 30 days after the
17 date of enactment of this Act, the Secretary, after con-
18 sultation with airport operators, on-airport parking lots,
19 and vendors of on-airfield direct services, shall publish in
20 the Federal Register the procedures for filing claims for
21 reimbursement under this section of eligible costs incurred
22 by airport operators.

122 } 23 SEC. 121. SENSE OF THE CONGRESS.

24 It is the sense of the Congress that—

to air
carriers

INSERT TO PAGE 51

1 (c) DEADLINE FOR DEPLOYMENT OF FEDERAL
2 SCREENERS.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, the Under Sec-
5 retary of Transportation for Security shall deploy at
6 all airports in the United States where screening is
7 required under section 44901 of title 49, United
8 States Code, a sufficient number of Federal screen-
9 ers, Federal Security Managers, Federal security
10 personnel, and Federal law enforcement officers to
11 conduct the screening of all passengers and property
12 under section 44901 of such title at such airports.

13 (2) CERTIFICATION TO CONGRESS.—Not later
14 than 1 year after the date of enactment of this Act,
15 the Under Secretary shall transmit to Congress a
16 certification that the requirement of paragraph (1)
17 has been met.

1 Committee on Commerce, Science, and Transpor-
2 tation of the Senate and to the Committee on Trans-
3 portation and Infrastructure of the House of Rep-
4 resentatives on the deployment of the systems re-
5 quired by section 44901(c) of title 49, United States
6 Code. The Under Secretary shall include in the
7 report—

8 (A) an installation schedule;

9 (B) the dates of installation of each sys-
10 tem; and

11 (C) the date on which each system in-
12 stalled is operational.

13 (2) SCREENING OF SMALL AIRCRAFT.—Within
14 1 year after the date of enactment of this Act, the
15 Under Secretary of Transportation for Security shall
16 transmit a report to the Committee on Commerce,
17 Science, and Transportation of the Senate and Com-
18 mittee on Transportation and Infrastructure of the
19 House of Representatives on the screening require-
20 ments applicable to passengers boarding, and prop-
21 erty being carried aboard, aircraft with 60 seats or
22 less used in scheduled passenger service with rec-
23 ommendations for any necessary changes in those
24 requirements.

111) 1 SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY

2 SCREENING PERSONNEL.

3 (a) IN GENERAL.—Section 44935 of title 49, United
4 States Code, is amended—

5 (1) by redesignating subsection (f) as sub-
6 section (i); and

7 (2) by striking subsection (e) and inserting the
8 following:

9 “(e) SECURITY SCREENERS.—

10 “(1) TRAINING PROGRAM.—The Under Sec-
11 retary of Transportation for Security shall establish
12 a program for the hiring and training of security
13 screening personnel.

14 “(2) HIRING.—

15 “(A) QUALIFICATIONS.—Within 30 days
16 after the date of enactment of the Aviation and
17 Transportation Security Act, the Under Sec-
18 retary shall establish qualification standards for
19 individuals to be hired by the United States as
20 security screening personnel. Notwithstanding
21 any provision of law, those standards shall re-
22 quire, at a minimum, an individual—

23 “(i) to have a satisfactory or better
24 score on a Federal security screening per-
25 sonnel selection examination;

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AT

1 “(ii) to be a citizen of the United
2 States;

3 “(iii) to meet, at a minimum, the re-
4 quirements set forth in subsection (f);

5 “(iv) to meet such other qualifications
6 as the Under Secretary may establish; and

7 “(v) to have the ability to demonstrate
8 daily a fitness for duty without any impair-
9 ment due to illegal drugs, sleep depriva-
10 tion, medication, or alcohol.

11 “(B) BACKGROUND CHECKS.—The Under
12 Secretary shall require that an individual to be
13 hired as a security screener undergo an employ-
14 ment investigation (including a criminal history
15 record check) under section 44936(a)(1).

16 “(C) DISQUALIFICATION OF INDIVIDUALS
17 WHO PRESENT NATIONAL SECURITY RISKS.—
18 The Under Secretary, in consultation with the
19 heads of other appropriate Federal agencies,
20 shall establish procedures, in addition to any
21 background check conducted under section
22 44936, to ensure that no individual who pre-
23 sents a threat to national security is employed
24 as a security screener.

1 “(3) EXAMINATION; REVIEW OF EXISTING
2 RULES.—The Under Secretary shall develop a secu-
3 rity screening personnel examination for use in de-
4 termining the qualification of individuals seeking
5 employment as security screening personnel. The
6 Under Secretary shall also review, and revise as nec-
7 essary, any standard, rule, or regulation governing
8 the employment of individuals as security screening
9 personnel.

10 “(f) EMPLOYMENT STANDARDS FOR SCREENING
11 PERSONNEL.—

12 “(1) SCREENER REQUIREMENTS.—Notwith-
13 standing any provision of law, an individual may not
14 be deployed as a security screener unless that indi-
15 vidual meets the following requirements:

16 “(A) The individual shall possess a high
17 school diploma, a general equivalency diploma,
18 or experience that the Under Secretary has de-
19 termined to be sufficient for the individual to
20 perform the duties of the position.

21 “(B) The individual shall possess basic ap-
22 titudes and physical abilities, including color
23 perception, visual and aural acuity, physical co-
24 ordination, and motor skills, to the following
25 standards:

1 “(i) Screeners operating screening
2 equipment shall be able to distinguish on
3 the screening equipment monitor the ap-
4 propriate imaging standard specified by
5 the Under Secretary. Wherever the screen-
6 ing equipment system displays colors, the
7 operator shall be able to perceive each
8 color.

9 “(ii) Screeners operating any screen-
10 ing equipment shall be able to distinguish
11 each color displayed on every type of
12 screening equipment and explain what each
13 color signifies.

14 “(iii) Screeners shall be able to hear
15 and respond to the spoken voice and to au-
16 dible alarms generated by screening equip-
17 ment in an active checkpoint environment.

18 “(iv) Screeners performing physical
19 searches or other related operations shall
20 be able to efficiently and thoroughly ma-
21 nipulate and handle such baggage, con-
22 tainers, and other objects subject to secu-
23 rity processing.

24 “(v) Screeners who perform pat-downs
25 or hand-held metal detector searches of in-

1 individuals shall have sufficient dexterity and
2 capability to thoroughly conduct those pro-
3 cedures over a individual's entire body.

4 “(C) The individual shall be able to read,
5 speak, and write English well enough to—

6 “(i) carry out written and oral in-
7 structions regarding the proper perform-
8 ance of screening duties;

9 “(ii) read English language identifica-
10 tion media, credentials, airline tickets, and
11 labels on items normally encountered in
12 the screening process;

13 “(iii) provide direction to and under-
14 stand and answer questions from English-
15 speaking individuals undergoing screening;
16 and

17 “(iv) write incident reports and state-
18 ments and log entries into security records
19 in the English language.

20 “(D) The individual shall have satisfac-
21 torily completed all initial, recurrent, and ap-
22 propriate specialized training required by the
23 security program, except as provided in para-
24 graph (3).

1 “(2) VETERANS PREFERENCE.—The Under
2 Secretary shall provide a preference for the hiring of
3 an individual as a security screener if the individual
4 is a member or former member of the armed forces
5 and if the individual is entitled, under statute, to re-
6 tired, retirement, or retainer pay on account of serv-
7 ice as a member of the armed forces.

8 “(3) EXCEPTIONS.—An individual who has not
9 completed the training required by this section may
10 be deployed during the on-the-job portion of training
11 to perform functions if that individual—

12 “(A) is closely supervised; and

13 “(B) does not make independent judg-
14 ments as to whether individuals or property
15 may enter a sterile area or aircraft without fur-
16 ther inspection.

17 “(4) REMEDIAL TRAINING.—No individual em-
18 ployed as a security screener may perform a screen-
19 ing function after that individual has failed an oper-
20 ational test related to that function until that indi-
21 vidual has successfully completed the remedial train-
22 ing specified in the security program.

23 “(5) ANNUAL PROFICIENCY REVIEW.—The
24 Under Secretary shall provide that an annual eval-
25 uation of each individual assigned screening duties is

1 conducted and documented. An individual employed
2 as a security screener may not continue to be em-
3 ployed in that capacity unless the evaluation dem-
4 onstrates that the individual—

5 “(A) continues to meet all qualifications
6 and standards required to perform a screening
7 function;

8 “(B) has a satisfactory record of perform-
9 ance and attention to duty based on the stand-
10 ards and requirements in the security program;
11 and

12 “(C) demonstrates the current knowledge
13 and skills necessary to courteously, vigilantly,
14 and effectively perform screening functions.

15 “(6) OPERATIONAL TESTING.—In addition to
16 the annual proficiency review conducted under para-
17 graph (5), the Under Secretary shall provide for the
18 operational testing of such personnel.

19 “(g) TRAINING.—

20 “(1) USE OF OTHER AGENCIES.—The Under
21 Secretary may enter into a memorandum of under-
22 standing or other arrangement with any other Fed-
23 eral agency or department with appropriate law en-
24 forcement responsibilities, to provide personnel, re-

1 sources, or other forms of assistance in the training
2 of security screening personnel.

3 “(2) TRAINING PLAN.—Within 60 days after
4 the date of enactment of the Aviation and Transpor-
5 tation Security Act, the Under Secretary shall de-
6 velop a plan for the training of security screening
7 personnel. The plan shall require, at a minimum,
8 that a security screener—

9 “(A) has completed 40 hours of classroom
10 instruction or successfully completed a program
11 that the Under Secretary determines will train
12 individuals to a level of proficiency equivalent to
13 the level that would be achieved by such class-
14 room instruction;

15 “(B) has completed 60 hours of on-the-job
16 instruction; and

17 “(C) has successfully completed an on-the-
18 job training examination prescribed by the
19 Under Secretary.

20 “(3) EQUIPMENT-SPECIFIC TRAINING.—An in-
21 dividual employed as a security screener may not use
22 any security screening device or equipment in the
23 scope of that individual’s employment unless the in-
24 dividual has been trained on that device or equip-

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1 (1) an airport receiving Federal financial assist-
2 ance should meet with the tenants of the airport
3 (other than air carriers and foreign air carriers) to
4 discuss adjustments of the rent of the tenants to ac-
5 count for losses in revenue incurred by the tenants
6 on and after September 11, 2001; ~~and~~

7 (2) an air carrier that received financial assist-
8 ance under the Air Transportation Safety and Sys-
9 tem Stabilization Act or under title 49, United
10 States Code, since September 11, 2001, should meet
11 with airport operators to discuss ~~adjustments in~~
12 rates, charges, and fees ~~and~~

payment
and
applicable

13 **SEC. 43. AIRPORT IMPROVEMENT PROGRAMS.**

14 (a) COMPETITION PLAN.—Section 47106(f) is
15 amended—

16 (1) by redesignating paragraph (3) as para-
17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—

21 This subsection does not apply to any passenger fa-
22 cility fee approved, or grant made, in fiscal year
23 2002 if the fee or grant is to be used to improve se-
24 curity at a covered airport.”.

1 ment and has successfully completed a test on the
2 use of the device or equipment.

3 “(h) TECHNOLOGICAL TRAINING.—

4 “(1) IN GENERAL.—The Under Secretary shall
5 require training to ensure that screeners are pro-
6 ficient in using the most up-to-date new technology
7 and to ensure their proficiency in recognizing new
8 threats and weapons.

9 “(2) PERIODIC ASSESSMENTS.—The Under
10 Secretary shall make periodic assessments to deter-
11 mine if there are dual use items and inform security
12 screening personnel of the existence of such items.

13 “(3) CURRENT LISTS OF DUAL USE ITEMS.—
14 Current lists of dual use items shall be part of the
15 ongoing training for screeners.

16 “(4) DUAL USE DEFINED.—For purposes of
17 this subsection, the term ‘dual use’ item means an
18 item that may seem harmless but that may be used
19 as a weapon.


20 “(i) LIMITATION ON RIGHT TO STRIKE.—An indi-
21 vidual that screens passengers or property, or both, at an
22 airport under this section may not participate in a strike,
23 or assert the right to strike, against the person (including
24 a governmental entity) employing such individual to per-
25 form such screening.

1 “(j) UNIFORMS.—The Under Secretary shall require
2 any individual who screens passengers and property pur-
3 suant to section 44901 to be attired while on duty in a
4 uniform approved by the Under Secretary.”.

5 (b) CONFORMING AMENDMENTS.—Section
6 44936(a)(1) of title 49, United States Code, is amended—

7 (1) in subparagraph (A) by inserting “as a se-
8 curity screener under section 44935(e) or a posi-
9 tion” after “a position”; and

10 (2) in subparagraph (E) by striking clause (iv).

11 (c) TRANSITION.—The Under Secretary of Trans-
12 portation for Security shall complete the full implementa-
13 tion of section 44935 (e), (f), (g), and (h) of title 49,
14 United States Code, as amended by subsection (a), as soon
15 as is practicable. The Under Secretary may make or con-
16 tinue such arrangements for the training of security
17 screeners under that section as the ~~Attorney General~~ de-
18 termines necessary pending full implementation of that
19 section as so amended. 

20 (d) SCREENER PERSONNEL.—Notwithstanding any
21 other provision of law, the Under Secretary of Transpor-
22 tation for Security may employ, appoint, discipline, termi-
23 nate, and fix the compensation, terms, and conditions of
24 employment of Federal service for such a number of indi-
25 viduals as the Under Secretary determines to be necessary

*Under
Secretary*

1 to carry out the screening functions of the Under Sec-
2 retary under section 44901 of title 49, United States
3 Code. The Under Secretary shall establish levels of com-
4 pensation and other benefits for individuals so employed.

5 ~~(e) FINAL RULES ESTABLISHING TRAINING STAND-~~
6 ~~ARDS FOR SCREENERS.—Section 44935(e)(1) of title 49,~~
7 ~~United States Code, is amended by striking “May 31,~~
8 ~~2001” and inserting “6 months after the date of enact-~~
9 ~~ment of the Airport and Transportation Security Act”~~

112 } 10 ~~SEC. 449. RESEARCH AND DEVELOPMENT.~~

11 ~~[(a) IN GENERAL.—Section 44912(b)(1) of title 49,~~
12 ~~United States Code, is amended—~~

13 ~~[(1) by striking “complete an intensive review~~
14 ~~of” and inserting “periodically review”;~~

15 ~~[(2) by striking “commercial aircraft in service~~
16 ~~and expected to be in service in the 10-year period~~
17 ~~beginning on November 16, 1990;” in subparagraph~~
18 ~~(B) and inserting “aircraft in air transportation;”;~~
19 ~~and~~

20 ~~[(3) by redesignating subparagraphs (D)~~
21 ~~through (F) as subparagraphs (E) through (G), re-~~
22 ~~spectively, and inserting after subparagraph (C) the~~
23 ~~following:~~

1 (D) the potential release of chemical, bi-
2 ological, or similar weapons or devices either
3 within an aircraft or within an airport;”.

4 (b) ADDITIONAL MATTERS REGARDING RESEARCH
5 AND DEVELOPMENT.—

6 (1) ADDITIONAL PROGRAM REQUIREMENTS.—

7 Subsection (a) of section 44912 of title 49, United
8 States Code, is amended—

9 (A) by redesignating paragraph (4) as
10 paragraph (5); and

11 (B) by inserting after paragraph (3) the
12 following new paragraph (4):

13 “(4)(A) In carrying out the program established
14 under this subsection, the Administrator shall designate
15 an individual to be responsible for engineering, research,
16 and development with respect to security technology under
17 the program.

18 “(B) The individual designated under subparagraph
19 (A) shall use appropriate systems engineering and risk
20 management models in making decisions regarding the al-
21 location of funds for engineering, research, and develop-
22 ment with respect to security technology under the pro-
23 gram.

24 “(C) The individual designated under subparagraph
25 (A) shall, on an annual basis, submit to the Research, En-

1 gineering and Development Advisory Committee a report
2 on activities under this paragraph during the preceding
3 year. Each report shall include, for the year covered by
4 such report, information on—

5 ~~“(i) progress made in engineering, research,~~
6 and development with respect to security technology;

7 ~~“(ii) the allocation of funds for engineering,~~
8 research, and development with respect to security
9 technology; and

10 ~~“(iii) engineering, research, and development~~
11 with respect to any technologies drawn from other
12 agencies, including the rationale for engineering, re-
13 search, and development with respect to such tech-
14 nologies.”.

15 ~~“(2) REVIEW OF THREATS.—Subsection (b)(1)~~
16 of that section is ~~amended—~~ *(to the*

17 ~~“(A) by redesignating subparagraphs (A)~~
18 *G)* through ~~(F)~~ as subparagraphs (B) through ~~(G)~~, *(H)*
19 respectively; and

20 ~~“(B) by inserting before subparagraph~~
21 (B), as so redesignated, the following new sub-
22 paragraph (A):

23 ~~“(A) a comprehensive systems analysis (em-~~
24 ploying vulnerability analysis, threat attribute defini-

1 tion, and technology roadmaps) of the civil aviation
2 system, including—

3 ~~“(i) the destruction, commandeering, or~~
4 diversion of civil aircraft or the use of civil air-
5 craft as a weapon; and

6 ~~“(ii) the disruption of civil aviation serv-~~
7 ice, including by cyber attack;”.

8 ~~“(3) SCIENTIFIC ADVISORY PANEL.—Subsection~~
9 (c) of that section is amended to read as follows:

10 ~~“(c) SCIENTIFIC ADVISORY PANEL.—(1) The Ad-~~
11 ministrator shall establish a scientific advisory panel, as
12 a subcommittee of the Research, Engineering, and Devel-
13 opment Advisory Committee, to review, comment on, ad-
14 vise the progress of, and recommend modifications in, the
15 program established under subsection (a) of this section,
16 including the need for long-range research programs to de-
17 tect and prevent catastrophic damage to commercial air-
18 craft, commercial aviation facilities, commercial aviation
19 personnel and passengers, and other components of the
20 commercial aviation system by the next generation of ter-
21 rorist weapons.

22 ~~“(2)(A) The advisory panel shall consist of individ-~~
23 uals who have scientific and technical expertise in—

24 ~~“(i) the development and testing of effective~~
25 explosive detection systems;

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1 “(ii) aircraft structure and experimentation to
2 decide on the type and minimum weights of explo-
3 sives that an effective explosive detection technology
4 must be capable of detecting;

5 “(iii) technologies involved in minimizing air-
6 frame damage to aircraft from explosives; and

7 “(iv) other scientific and technical areas the
8 Administrator considers appropriate.

9 “(B) In appointing individuals to the advisory panel,
10 the Administrator should consider individuals from aca-
11 demia and the national laboratories, as appropriate.

12 “(3) The Administrator shall organize the advisory
13 panel into teams capable of undertaking the review of poli-
14 cies and technologies upon request.

15 “(4) Not later than 90 days after the date of the
16 enactment of the Aviation and Transportation Security
17 Act, and every two years thereafter, the Administrator
18 shall review the composition of the advisory panel in order
19 to ensure that the expertise of the individuals on the panel
20 is suited to the current and anticipated duties of the
21 panel.”.

22 “(c) COORDINATION WITH ATTORNEY GENERAL.—
23 Section 44912(b) of title 49, United States Code, is
24 amended by adding at the end the following:

1 ["(3) Beginning on the date of enactment of the
 2 Aviation and Transportation Security Act, the Adminis-
 3 trator shall conduct all research related to screening tech-
 4 nology and procedures in conjunction with the Attorney
 5 General.".]

113 6 SEC. 141. FLIGHT SCHOOL SECURITY.

7 (a) IN GENERAL.—Chapter 449 of title 49, United
 8 States Code, is amended by adding at the end the fol-
 9 lowing new section:

10 "§ 44939. Training to operate certain aircraft

11 "(a) WAITING PERIOD.—A person subject to regula-
 12 tion under this part may provide training in the operation
 13 of any aircraft having a maximum [certificated] takeoff
 14 weight of 12,500 pounds or less to an alien (as defined
 15 in section 101(a)(3) of the Immigration and Nationality
 16 Act (8 U.S.C. 1101(a)(3))) or to any other individual
 17 specified by the Under Secretary of Transportation for Se-
 18 curity only if—

19 "(1) that person has first notified the Under
 20 Secretary [and the Attorney General] that the indi-
 21 vidual has requested such training and furnished the
 22 Under Secretary with that individual's identification
 23 in such form as the Under Secretary may require;
 24 and

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1 “(2) the Attorney General has not directed,
2 within 45 days after being notified under paragraph
3 (1), that person not to provide the requested train-
4 ing because the Attorney General has determined
5 that the individual presents a risk to aviation or na-
6 tional security.

7 “(b) INTERRUPTION OF TRAINING.—If the Attorney
8 General, more than 45 days after receiving notification
9 under subsection (a) from a person providing training de-
10 scribed in subsection (a), determines that the individual
11 presents a risk to aviation or national security, the Attor-
12 ney General shall immediately notify the person providing
13 the training of the determination and that person shall
14 immediately terminate the training.

15 “(c) COVERED TRAINING.—For the purposes of sub-
16 section (a), training includes in-flight training, training in
17 a simulator, and any other form or aspect of training.

18 “(d) SECURITY AWARENESS TRAINING FOR EMPLOY-
19 EES.—The Under Secretary shall require flight schools to
20 conduct a security awareness program for flight school
21 employees to increase their awareness of suspicious cir-
22 cumstances and activities of individuals enrolling in or at-
23 tending flight school.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“44939. Training to operate certain aircraft.”.

4 (c) INTERNATIONAL COOPERATION.—The Secretary
5 of Transportation, in consultation with the Secretary of
6 State, shall work with the International Civil Aviation Or-
7 ganization and the civil aviation authorities of other coun-
8 tries to improve international aviation security through
9 screening programs for flight instruction candidates.

10 (d) EFFECTIVE DATE.—The amendment made by
11 subsection (a) applies to applications for training received
12 after the date of enactment of this Act.

13 **SEC. 114. INCREASED PENALTIES FOR INTERFERENCE**
14 **WITH SECURITY PERSONNEL.**

15 (a) IN GENERAL.—Chapter 465 of title 49, United
16 States Code, is amended by inserting after section 46502
17 the following:

18 **“§ 46503. Interference with security screening per-**
19 **sonnel**

20 “An individual in an area within a commercial service
21 airport in the United States who, by assaulting a Federal,
22 airport, or air carrier employee who has security duties
23 within the airport, interferes with the performance of the
24 duties of the employee or lessens the ability of the em-
25 ployee to perform those duties, shall be fined under title

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- 1 (3) the Federal Aviation Administration should
- 2 maintain its current restriction on carry-on baggage
- 3 of 1 bag and 1 personal item.

1 18, imprisoned for not more than 10 years, or both. If
2 the individual used a dangerous weapon in committing the
3 assault or interference, the individual may be imprisoned
4 for any term of years or life imprisonment.”.

5 (b) CONFORMING AMENDMENT.—The chapter anal-
6 ysis for chapter 465 of such title is amended by inserting
7 after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

117/ 8 **SEC. 441. PASSENGER MANIFESTS.**

9 Section 44909 is amended by adding at the end the
10 following:

11 “(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO
12 THE UNITED STATES.—

13 “(1) IN GENERAL.—Not later than 60 days
14 after the date of enactment of the Aviation and
15 Transportation Security Act, each air carrier and
16 foreign air carrier operating a passenger flight in
17 foreign air transportation to the United States shall
18 provide to the Commissioner of Customs by elec-
19 tronic transmission a passenger and crew manifest
20 containing the information specified in paragraph
21 (2). Carriers may use the advanced passenger infor-
22 mation system established under section 431 of the
23 Tariff Act of 1930 (19 U.S.C. 1431) to provide the
24 information required by the preceding sentence.

1 “(2) INFORMATION.—A passenger and crew
2 manifest for a flight required under paragraph (1)
3 shall contain the following information:

4 “(A) The full name of each passenger and
5 crew member.

6 “(B) The date of birth and citizenship of
7 each passenger and crew member.

8 “(C) The sex of each passenger and crew
9 member.

10 “(D) The passport number and country of
11 issuance of each passenger and crew member if
12 required for travel.

13 “(E) The United States visa number or
14 resident alien card number of each passenger
15 and crew member, as applicable.

16 “(F) Such other information as the Under
17 Secretary, in consultation with the Commis-
18 sioner of Customs, determines is reasonably
19 necessary to ensure aviation safety.

20 “(3) PASSENGER NAME RECORDS.—The car-
21 riers shall make passenger name record information
22 available to the Customs Service upon request.

23 “(4) TRANSMISSION OF MANIFEST.—Subject to
24 paragraph (5), a passenger and crew manifest re-
25 quired for a flight under paragraph (1) shall be

1 transmitted to the Customs Service in advance of
2 the aircraft landing in the United States in such
3 manner, time, and form as the Customs Service pre-
4 scribes.

5 “(5) TRANSMISSION OF MANIFESTS TO OTHER
6 FEDERAL AGENCIES.—Upon request, information
7 provided to the Under Secretary or the Customs
8 Service under this subsection may be shared with
9 other Federal agencies for the purpose of protecting
10 national security.”

11 118) SEC. 148. AIR TRANSPORTATION ARRANGEMENTS IN CER-
12 TAIN STATES.

13 (a) IN GENERAL.—Notwithstanding any provision of
14 section 41309(a) of title 49, United States Code, to the
15 contrary, air carriers providing air transportation on
16 flights which both originate and terminate at points within
17 the same State may file an agreement, request, modifica-
18 tion, or cancellation of an agreement within the scope of
19 that section with the Secretary of Transportation upon a
20 declaration by the Governor of the State that such agree-
21 ment, request, modification, or cancellation is necessary
22 to ensure the continuing availability of such air transpor-
23 tation within that State.

24 (b) APPROVAL OF SECRETARY.—The Secretary may
25 approve any such agreement, request, modification, or

1 cancellation and grant an exemption under section
2 41308(c) of title 49, United States Code, to the extent
3 necessary to effectuate such agreement, request, modifica-
4 tion, or cancellation, without regard to the provisions of
5 section 41309(b) or (c) of that title.

6 (c) PUBLIC INTEREST REQUIREMENT.—The Sec-
7 retary may approve such an agreement, request, modifica-
8 tion, or cancellation if the Secretary determines that—

9 (1) the State to which it relates has extraor-
10 dinary air transportation needs and concerns; and

11 (2) approval is in the public interest.

12 (d) TERMINATION.—An approval under subsection
13 (b) and an exemption under section 41308(c) of title 49,
14 United States Code, granted under subsection (b) shall
15 terminate on the earlier of the 2 following dates:

16 (1) A date established by the Secretary in the
17 Secretary's discretion.

18 (2) October 1, 2002.

19 (e) EXTENSION.—Notwithstanding subsection (d), if
20 the Secretary determines that it is in the public interest,
21 the Secretary may extend the termination date under sub-
22 section (d)(2) until a date no later than October 1, 2003.

23 (f) REPORTS.—If the Secretary approves any such
24 agreement, request, modification, or cancellation under
25 this section and grants an exemption, the Secretary shall

1 transmit a report to Committee on Commerce, Science,
2 and Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives within 6 months describing what actions have
5 been taken by the air carriers to which the exemption was
6 granted. The Secretary shall also notify those committees
7 if the Secretary extends the termination date under sub-
8 section (e).

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9 **SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.**

10 In order to ensure that all airline computer reserva-
11 tion systems maintained by United States air carriers are
12 secure from unauthorized access by persons seeking infor-
13 mation on reservations, passenger manifests, or other non-
14 public information, the Secretary of Transportation shall
15 require all such air carriers to utilize to the maximum ex-
16 tent practicable the best technology available to secure
17 their computer reservation system against such unauthor-
18 ized access.

19 **SEC. 118. SECURITY FUNDING.**

20 **[(a) USER FEE FOR SECURITY SERVICES.—**

21 **[(1) IN GENERAL.—**Chapter 481 of title 49,
22 United States Code, is amended by adding at the
23 end thereof the following:

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1 SEC. 116. SECURITY SERVICE FEE.

2 (a) IN GENERAL.—Subchapter II of chapter 449 is
3 amended by adding at the end the following:

4 “§ 44940. Security service fee

5 “(a) GENERAL AUTHORITY.—

6 “(1) PASSENGER FEES.—The Under Secretary
7 of Transportation for Security shall impose a uni-
8 form fee, on passengers of air carriers and foreign
9 air carriers in air transportation and intrastate air
10 transportation originating at airports in the United
11 States, to pay for the following costs of providing
12 civil aviation security services:

13 “(A) Salary, benefits, overtime, retirement
14 and other costs of screening personnel, their su-
15 pervisors and managers, and Federal law en-
16 forcement personnel deployed at airport security
17 screening locations under section 44901.

18 “(B) The costs of training personnel de-
19 scribed in subparagraph (A), and the acquisi-
20 tion, operation, and maintenance of equipment
21 used by such personnel.

22 “(C) The costs of performing background
23 investigations of personnel described in sub-
24 paragraphs (A), (D), (F), and (G).

1 “(D) The costs of the Federal air marshals
2 program.

3 “(E) The costs of performing civil aviation
4 security research and development under this
5 title.

6 “(F) The costs of Federal Security Man-
7 agers under section 44903.

8 “(G) The costs of deploying Federal law
9 enforcement personnel pursuant to section
10 44903(h).

11 The amount of such costs shall be determined by the
12 Under Secretary and shall not be subject to judicial
13 review ~~and section 44903.~~

14 “(2) AIR CARRIER FEES.—

15 “(A) AUTHORITY.—In addition to the fee
16 imposed pursuant to paragraph (1), and only to
17 the extent that the Under Secretary estimates
18 that such fee will be insufficient to pay for the
19 costs of providing civil aviation security services
20 described in paragraph (1), the Under Sec-
21 retary may impose a fee on air carriers and for-
22 eign air carriers engaged in air transportation
23 and intrastate air transportation to pay for the
24 difference between any such costs and the
25 amount collected from such fee, as estimated by



1 the Under Secretary at the beginning of each
2 fiscal year. The estimates of the Under Sec-
3 retary under this subparagraph are not subject
4 to judicial review.

5 "(B) LIMITATIONS.—

6 "(i) OVERALL LIMIT.—The amounts
7 of fees collected under this paragraph for
8 each fiscal year may not exceed, in the ag-
9 gregate, the amounts paid in calendar year
10 2000 by carriers described in subpara-
11 graph (A) for screening passengers and
12 property, as determined by the Under Sec-
13 retary.

14 "(ii) PER-CARRIER LIMIT.—The
15 amount of fees collected under this para-
16 graph from an air carrier described in sub-
17 paragraph (A) for each of fiscal years
18 2002, 2003, and 2004 may not exceed the
19 amount paid in calendar year 2000 by that
20 carrier for screening passengers and prop-
21 erty, as determined by the Under Sec-
22 retary.

23 "(iii) ADJUSTMENT OF PER-CARRIER
24 LIMIT.—For fiscal year 2005 and subse-
25 quent fiscal years, the per-carrier limita-



tion under clause (ii) may be determined by the Under Secretary on the basis of market share or any other appropriate measure in lieu of actual screening costs in calendar year 2000.

“(iv) FINALITY OF DETERMINATIONS.—Determinations of the Under Secretary under this subparagraph are not subject to judicial review.

“(c) SPECIAL RULE FOR FISCAL YEAR 2002.—The amount of fees collected under this paragraph from any carrier for fiscal year 2002 may not exceed the amounts paid by that carrier for screening passengers and property for a period of time in calendar year 2000 proportionate to the period of time in fiscal year 2002 during which fees are collected under this paragraph.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration’s costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 per enplanement in air transportation or intrastate air transportation that



1 originates at an airport in the United States, except that
2 the total amount of such fees may not exceed \$5.00 per
3 one-way trip.

4 "(d) IMPOSITION OF FEE.—

5 "(1) IN GENERAL.—Notwithstanding section
6 9701 of title 31 and the procedural requirements of
7 section 553 of title 5, the Under Secretary shall im-
8 pose the fee under subsection (a)(1), and may im-
9 pose a fee under subsection (a)(2), through the pub-
10 lication of notice of such fee in the Federal Register
11 and begin collection of the fee within 60 days of the
12 date of enactment of this Act, or as soon as possible
13 thereafter.

14 "(2) SPECIAL RULES PASSENGER FEES.—A fee
15 imposed under subsection (a)(1) through the proce-
16 dures under subsection (d) shall apply only to tickets
17 sold after the date on which such fee is imposed. If
18 a fee imposed under subsection (a)(1) through the
19 procedures under subsection (d) on transportation of
20 a passenger of a carrier described in subsection
21 (a)(1) is not collected from the passenger, the
22 amount of the fee shall be paid by the carrier.

23 "(3) SUBSEQUENT MODIFICATION OF FEE.—

24 After imposing a fee in accordance with paragraph
25 (1), the Under Secretary may modify, from time to

1 (b) CONFORMING AMENDMENT TO AIRPORT AND
2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
3 ternal Revenue Code of 1986 (relating to airport and air-
4 way program) is amended by inserting “or the ~~Airport and~~ *(Aviation*
5 Transportation Security ~~Federalization~~ Act” after “21st
6 Century”.

124) 7 **SEC. 14. TECHNICAL CORRECTIONS.**

8 (a) REPORT DEADLINE.—Section 106(a) of the Air
9 Transportation Safety and System Stabilization Act (Pub-
10 lic Law 107-42) is amended by striking “February 1,
11 2001” and inserting “February 1, 2002”.

12 (b) INSURANCE AND REINSURANCE OF AIRCRAFT.—
13 Section 44306(c) (as redesignated by section 201(d) of
14 such Act) is amended by inserting “in the interest of air
15 commerce or national security or” before “to carry out
16 foreign policy”.

17 (c) FEDERAL CREDIT INSTRUMENTS.—Section
18 102(c)(2)(A) of such Act is amended by striking “rep-
19 resentatives” and inserting “representations”.

20 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE
21 PER AIR CARRIER.—Section 103 of such Act is amended
22 by adding at the end the following:

23 “(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

24 “(1) SET-ASIDE.—The President may set aside
25 a portion of the amount of compensation payable to

1 time through publication of notice in the Federal
2 Register, the imposition or collection of such fee, or
3 both.

4 "(4) LIMITATION ON COLLECTION.—No fee
5 may be collected under this section except to the ex-
6 tent that the expenditure of the fee to pay the costs
7 of activities and services for which the fee is imposed
8 is provided for in advance in an appropriations Act.

9 "(e) ADMINISTRATION OF FEES.—

10 "(1) FEES PAYABLE TO UNDER SECRETARY.—
11 All fees imposed and amounts collected under this
12 section are payable to the Under Secretary.

13 "(2) FEES COLLECTED BY AIR CARRIER.—A fee
14 imposed under subsection (a)(1) shall be collected by
15 the air carrier or foreign air carrier that sells a tick-
16 et for transportation described in subsection (a)(1).

17 "(3) DUE DATE FOR REMITTANCE.—A fee col-
18 lected under this section shall be remitted on the
19 last day of each calendar month by the carrier col-
20 lecting the fee. The amount to be remitted shall be
21 for the calendar month preceding the calendar
22 month in which the remittance is made.

23 "(4) INFORMATION.—The Under Secretary may
24 require the provision of such information as the
25 Under Secretary decides is necessary to verify that

1 fees have been collected and remitted at the proper
2 times and in the proper amounts.

3 "(5) FEE NOT SUBJECT TO TAX.—For purposes
4 of section 4261 of the Internal Revenue Code of
5 1986 (26 U.S.C. 4261), a fee imposed under this
6 section shall not be considered to be part of the
7 amount paid for taxable transportation.

8 "(6) COST OF COLLECTING FEE.—No portion
9 of fee collected under this section may be retained
10 by the air carrier or foreign air carrier for the costs
11 of collecting, handling, or remitting the fee except
12 for interest accruing to the carrier after collection
13 and before remittance.

14 "(f) RECEIPTS CREDITED AS OFFSETTING COLLEC-
15 TIONS.—Notwithstanding section 3302 of title 31, any fee
16 collected under this section—

17 "(1) shall be credited as offsetting collections to
18 the account that finances the activities and services
19 for which the fee is imposed;

20 "(2) shall be available for expenditure only to
21 pay the costs of activities and services for which the
22 fee is imposed; and

23 "(3) shall remain available until expended.



1 “(g) REFUNDS.—The Under Secretary may refund
2 any fee paid by mistake or any amount paid in excess of
3 that required.

4 “(h) EXEMPTIONS.—The Under Secretary may ex-
5 empt from the passenger fee imposed under subsection
6 (a)(1) any passenger enplaning at an airport in the United
7 States that does not receive screening services under sec-
8 tion 44901 for that segment of the trip for which the pas-
9 senger does not receive screening.”.

10 “(b) CONFORMING AMENDMENT.—The analysis for
11 such chapter is amended by adding at the end the fol-
12 lowing:

“44940. Security service fee.”



1 **["§ 48114. User fee for security services charge**

2 **["(a) IN GENERAL.—**The Secretary of Transpor-
3 tation shall collect a user fee from air carriers. Amounts
4 collected under this section shall be treated as offsetting
5 collections to offset annual appropriations for the costs of
6 providing aviation security services.

7 **["(b) AMOUNT OF FEE.—**Air carriers shall remit
8 \$2.50 for each passenger enplanement.

9 **["(c) USE OF FEES.—**A fee collected under this sec-
10 tion shall be used solely for the costs associated with pro-
11 viding aviation security services and may be used only to
12 the extent provided in advance in an appropriation law.".

13 **[(2) CLERICAL AMENDMENT.—**The table of
14 sections for chapter 481 of title 49, United States
15 Code, is amended by adding at the end thereof the
16 following:

["48114. User fee for security services".

17 **[(3) EFFECTIVE DATE.—**The amendment
18 made by paragraph (1) shall apply with respect to
19 transportation beginning after the date which is 180
20 days after the date of enactment of this Act.]

C 2 } **(b) SPECIFIC AUTHORIZATION OF APPROPRIA-**
22 **TIONS.—**

23 **(1) IN GENERAL.—**Part C of subtitle VII of
24 title 49, United States Code, is amended by adding
25 at the end the following:

1 "CHAPTER 483 AVIATION SECURITY FUNDING" ✓

"Sec.

"48301. Aviation security funding

2 "§ 48301. Aviation security funding

3 "(a) IN GENERAL.—There are authorized to be ap-
4 propriated for fiscal years 2002, 2003, 2004, and 2005
5 such sums as may be necessary to carry out chapter 449
6 and related aviation security activities under this title. Any
7 amounts appropriated pursuant to this section for fiscal
8 year 2002 shall remain available until expended.

9 "(b) GRANTS FOR AIRCRAFT SECURITY.—There is
10 authorized to be appropriated \$500,000,000 for fiscal year
11 2002 to the Secretary of Transportation to make grants
12 to air carriers to—

13 "(1) fortify cockpit doors to deny access from
14 the cabin to the pilots in the cockpit;

15 "(2) provide for the use of video monitors or
16 other devices to alert the cockpit crew to activity in
17 the passenger cabin;

18 "(3) ensure continuous operation of the aircraft
19 transponder in the event the crew faces an emer-
20 gency; and

21 "(4) provide for the use of other innovative
22 technologies to enhance aircraft security."

23 (2) CONFORMING AMENDMENT.—The subtitle
24 analysis for subtitle VII of title 49, United States

Insert to Page 76

1 “(b) GRANTS FOR AIRCRAFT SECURITY.—There is
2 authorized to be appropriated \$500,000,000 for fiscal year
3 2002 to the Secretary of Transportation to make grants
4 to or other agreements with air carriers (including intra-
5 state air carriers) to—

6 “(1) fortify cockpit doors to deny access from
7 the cabin to the pilots in the cockpit;

8 “(2) provide for the use of video monitors or
9 other devices to alert the cockpit crew to activity in
10 the passenger cabin;

11 “(3) ensure continuous operation of the aircraft
12 transponder in the event the crew faces an emer-
13 gency; and

14 “(4) provide for the use of other innovative
15 technologies to enhance aircraft security. ”.



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1 Code, is amended by inserting after the item relating
2 to chapter 482 the following:

"483. Aviation Security Funding 48301".

3 **SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION**
4 **SECURITY.**

5 (a) LIMITED USE OF AIRPORT IMPROVEMENT PRO-
6 GRAM FUNDS.—

7 (1) AIRPORT DEVELOPMENT FUNDS.—Section
8 47102(3) of title 49, United States Code, is amend-
9 ed by adding at the end the following:

10 additional) ~~“(J) with funds made available for fiscal~~
11 year 2002, any ~~airport~~ security related activ-
12 ity required by law or by the Secretary after
13 September 11, 2001, and before October 1,
14 2002.

15 ~~“(K) in fiscal year 2002 with respect to~~
16 funds apportioned under section 47114, any ac-
17 tivity, including operational activities, of an air-
18 port that is not a primary airport if that air-
19 port is located within the confines of enhanced
20 class B airspace, as defined by Notice to Air-
21 men FDC 1/0618 issued by the Federal Avia-
22 tion Administration and the activity ~~is~~ carried ~~out when~~ the Notice is in effect. ~~6~~
23
24

{ in fiscal
years
2001 and
2002

any
restriction
in

25 (L) in fiscal year 2002, payments for
debt service on indebtedness incurred to carry

1 out a project at an airport owned or controlled
2 by the sponsor or at a privately owned or oper-
3 ated airport passenger terminal financed by in-
4 debtedness incurred by the sponsor if the Sec-
5 retary determines that such payments are nec-
6 essary to prevent a default on the indebted-
7 ness.”.

8 (2) ALLOWABLE COSTS.—Section 47110(b)(2)
9 of title 49, United States Code, is amended—

10 (A) by striking “or” in subparagraph (B);

11 (B) by inserting “or” after “executed,” in
12 subparagraph (C); and

13 (C) by adding at the end the following:

14 “(D) if the cost is incurred after Sep-
15 tember 11, 2001, for a project described in sec-
16 tion 47102(3)(J), and shall not depend upon
17 the date of execution of a grant agreement
18 made under this subchapter;”.

19 (3) DISCRETIONARY GRANTS.—Section 47115
20 of title 49, United States Code, is amended by add-
21 ing at the end the following:

22 “(i) CONSIDERATIONS FOR PROJECT UNDER EX-
23 PANDED SECURITY ELIGIBILITY.—In order to assure that
24 funding under this subchapter is provided to the greatest
25 needs, the Secretary, in selecting a project described in

47102(3)(K),
c. 47102
(3)(L)
=

1 section 47102(3)(J) for a grant, shall consider the non-
2 federal resources available to sponsor, the use of such non-
3 federal resources, and the degree to which the sponsor is
4 providing increased funding for the project.”.

5 (4) FEDERAL SHARE.—Section 47109(a) of
6 title 49, United States Code, is amended—

7 (A) by striking “and” in paragraph (3);

8 (B) by striking “47134.” in paragraph (4)
9 and inserting “47134; and”; and

10 (C) by adding at the end the following:

11 “(5) for fiscal year 2002, 100 percent for a
12 project described in section 47102(3)(J).”

13 (5) AIRPORT DEVELOPMENT.—Section
14 47102(3)(B) of title 49, United States Code, is
15 amended—

16 (A) by striking “and” at the end of clause
17 (viii);

18 (B) by striking the period at the end of
19 clause (ix) and inserting “; and”; and

20 (C) by inserting after clause (ix) the fol-
21 lowing new clause:

22 “(x) replacement of baggage conveyor
23 systems, and reconfiguration of terminal
24 baggage areas, that the Secretary deter-

(S 47102(3)(K),
(L) 47102(3)

1 mines are necessary to install bulk explo-
2 sive detection devices.”.

3 (b) APPORTIONED FUNDS.—For the purpose of car-
4 rying out section 47114 of title 49, United States Code,
5 for fiscal year 2003, the Secretary shall use, in lieu of
6 passenger boardings at an airport during the prior cal-
7 endar year, the greater of—

8 (1) the number of passenger boardings at that
9 airport during 2000; or

10 (2) the number of passenger boardings at that
11 airport during 2001.

12 (c) EXPEDITED PROCESSING OF SECURITY-RELATED
13 PFC REQUESTS.—The Administrator of the Federal
14 Aviation Administration shall, to the extent feasible, expe-
15 dite the processing and approval of passenger facility fee
16 requests under subchapter I of chapter 471 of title 49,
17 United States Code, for projects described in section
18 47192(3)(J) of title 49, United States Code.

19) ~~(d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-~~
20 ~~VISION.—Section 45301(b)(1)(B) of title 49, United~~
21 ~~States Code, is amended by striking “directly” and insert-~~
22 ~~ing “reasonably”.~~

insert

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attached

1 air carriers under section 101(a)(2) to provide com-
 2 pensation to classes of air carriers, such as *air taxi*
 3 ambulances (including hospitals operating air ambu-
 4 lances) for whom the application of a distribution
 5 formula containing available seat miles as a factor
 6 would inadequately reflect their share of direct and
 7 incremental losses. The President shall reduce the
 8 \$4,500,000,000 specified in subsection (b)(2)(A)(i)
 9 by the amount set aside under this subsection.

10 **“(2) DISTRIBUTION OF AMOUNTS.—**The Presi-
 11 dent shall distribute the amount set aside under this *such*
 12 subsection proportionally among *air carriers pro-*
 13 *viding air ambulance services* based on an appro-
 14 priate auditable measure, as determined by the
 15 President.”.

16 **SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**
 17 **SUSPICIOUS ACTIVITIES.**

18 (a) IN GENERAL.—Subchapter II of chapter 449 of
 19 title 49, United States Code, is amended by inserting at
 20 the end the following.

21 **“§ 44940. Immunity for reporting suspicious activities**

22 “(a) IN GENERAL.—Any air carrier or foreign air
 23 carrier or any employee of an air carrier or foreign air
 24 carrier who makes a voluntary disclosure of any suspicious
 25 transaction relevant to a possible violation of law or regu-

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Insert to page 180

1 (d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-
2 VISION.—Section 45301(b)(1)(B) of title 49, United
3 States Code, is amended—

4 (1) by striking “directly” and inserting “rea-
5 sonably”;

6 (2) by striking “Administration’s costs” and in-
7 serting “Administration’s costs, as determined by
8 the Administrator.”; and

9 (3) by adding at the end “The determination
10 of such costs by the Administrator is not subject to
11 judicial review.”.

120 1 SEC. 1. CHEMICAL AND BIOLOGICAL WEAPON DETEC-
2 TION.

3 Section 44903(c)(2)(C) of title 49, United States
4 Code, is amended to read as follows:

5 "(C) MAXIMUM USE OF CHEMICAL AND BI-
6 OLOGICAL WEAPON DETECTION EQUIPMENT.—
7 The Secretary of Transportation may require
8 airports to maximize the use of technology and
9 equipment that is designed to detect or neu-
10 tralize potential chemical or biological weap-
11 ons."

121 12 SEC. ~~120~~. AUTHORIZATION OF FUNDS FOR REIMBURSE-
13 MENT OF AIRPORTS FOR SECURITY MAN-
14 DATES.

15 (a) AIRPORT SECURITY.—There is authorized to be
16 appropriated to the Secretary for fiscal years 2002 and
17 2003 a total of \$1,500,000,000 to reimburse airport oper-
18 ators, on-airport parking lots, and vendors of on-airfield
19 direct services for direct costs incurred by such operators
20 to comply with new, additional, or revised security require-
21 ments imposed on such operators by the Federal Aviation
22 Administration or Transportation Security Administration
23 on or after September 11, 2001. Such sums shall remain
24 available until expended.

25 (b) DOCUMENTATION OF COSTS; AUDIT.—The Sec-
26 retary may not reimburse an airport operator, on-airport

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Admin)

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1 parking lot, or vendor of on-airfield direct services under
2 this section for any cost for which the airport operator,
3 on-airport parking lot, or vendor of on-airfield direct serv-
4 ices does not demonstrate to the satisfaction of the Sec-
5 retary, using sworn financial statements or other appro-
6 priate data, that—

7 (1) the cost is eligible for reimbursement under
8 subsection (a); and

9 (2) the cost was incurred by the airport oper-
10 ator, on-airport parking lot, or vendor of on-airfield
11 direct services.

12 The Inspector General of the Department of Transpor-
13 tation and the Comptroller General of the United States
14 may audit such statements and may request any other in-
15 formation ~~that~~ necessary to conduct such an audit.

16 (c) CLAIM PROCEDURE.—Within 30 days after the
17 date of enactment of this Act, the Secretary, after con-
18 sultation with airport operators, on-airport parking lots,
19 and vendors of on-airfield direct services, shall publish in
20 the Federal Register the procedures for filing claims for
21 reimbursement under this section of eligible costs incurred
22 by airport operators.

122 } 23 SEC. 121. SENSE OF THE CONGRESS.

24 It is the sense of the Congress that—

to air
carriers

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1 (1) an airport receiving Federal financial assist-
2 ance should meet with the tenants of the airport
3 (other than air carriers and foreign air carriers) to
4 discuss adjustments of the rent of the tenants to ac-
5 count for losses in revenue incurred by the tenants
6 on and after September 11, 2001; ~~and~~ 6

7 (2) an air carrier that received financial assist-
8 ance under the Air Transportation Safety and Sys-
9 tem Stabilization Act or under title 49, United
10 States Code, since September 11, 2001, should meet
11 with airport operators to discuss ~~adjustments in~~
12 rates, charges, and fees, ~~and~~ 6 and

13 SEC. 43. AIRPORT IMPROVEMENT PROGRAMS.

14 (a) COMPETITION PLAN.—Section 47106(f) is
15 amended—

16 (1) by redesignating paragraph (3) as para-
17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—

21 This subsection does not apply to any passenger fa-
22 cility fee approved, or grant made, in fiscal year
23 2002 if the fee or grant is to be used to improve se-
24 curity at a covered airport.”.

Insert
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payment
not
applicable

Insert to page 83

- 1 (3) the Federal Aviation Administration should
- 2 maintain its current restriction on carry-on baggage
- 3 of 1 bag and 1 personal item.

1 (b) CONFORMING AMENDMENT TO AIRPORT AND
2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
3 ternal Revenue Code of 1986 (relating to airport and air-
4 way program) is amended by inserting “or the ~~Airport and~~ *Aviation*
5 Transportation Security ~~Federalization~~ Act” after “21st
6 Century”.

124) 7 **SEC. 114. TECHNICAL CORRECTIONS.**

8 (a) REPORT DEADLINE.—Section 106(a) of the Air
9 Transportation Safety and System Stabilization Act (Pub-
10 lic Law 107-42) is amended by striking “February 1,
11 2001” and inserting “February 1, 2002”.

12 (b) INSURANCE AND REINSURANCE OF AIRCRAFT.—
13 Section 44306(c) (as redesignated by section 201(d) of
14 such Act) is amended by inserting “in the interest of air
15 commerce or national security or” before “to carry out
16 foreign policy”.

17 (c) FEDERAL CREDIT INSTRUMENTS.—Section
18 102(c)(2)(A) of such Act is amended by striking “rep-
19 resentatives” and inserting “representations”.

20 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE
21 PER AIR CARRIER.—Section 103 of such Act is amended
22 by adding at the end the following:

23 “(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

24 “(1) SET-ASIDE.—The President may set aside
25 a portion of the amount of compensation payable to

*air
four
operators
and*

1 air carriers under section 101(a)(2) to provide com-
2 pensation to classes of air carriers, such as air am-
3 bulances (including hospitals operating air ambu-
4 lances) for whom the application of a distribution
5 formula containing available seat miles as a factor
6 would inadequately reflect their share of direct and
7 incremental losses. The President shall reduce the
8 \$4,500,000,000 specified in subsection (b)(2)(A)(i)
9 by the amount set aside under this subsection.

10 **“(2) DISTRIBUTION OF AMOUNTS.—**The Presi-
11 dent shall distribute the amount set aside under this
12 subsection proportionally among *such* air carriers ~~pro-~~
13 ~~viding air ambulance services~~ based on an appro-
14 priate auditable measure, as determined by the
15 President.”.

125) 16 **SEC. 421. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**
17 **SUSPICIOUS ACTIVITIES.**

18 (a) **IN GENERAL.—**Subchapter II of chapter 449 of
19 title 49, United States Code, is amended by inserting at
20 the end the following:

44941 21 **“§ 44940. Immunity for reporting suspicious activities**

22 **“(a) IN GENERAL.—**Any air carrier or foreign air
23 carrier or any employee of an air carrier or foreign air
24 carrier who makes a voluntary disclosure of any suspicious
25 transaction relevant to a possible violation of law or regu-

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(b) "Immunity" is recommended by adding at the end of the following: "44941. Immunity for reporting suspicious activities."

1 lation, relating to air piracy, a threat to aircraft or pas-
 2 senger safety, or terrorism, as defined by section 3077 of
 3 title 18, United States Code, to any employee or agent
 4 of the Department of Transportation, the Department of
 5 Justice, any Federal, State, or local law enforcement offi-
 6 cer, or any airport or airline security officer shall not be
 7 civilly liable to any person under any law or regulation
 8 of the United States, any constitution, law, or regulation
 9 of any State or political subdivision of any State, for such
 10 disclosure.

11 "(b) APPLICATION.—Subsection (a) shall not apply
 12 to—

13 "(1) any disclosure made with actual knowledge
 14 that the disclosure was false, inaccurate, or mis-
 15 leading; or

16 "(2) any disclosure made with reckless dis-
 17 regard as to the truth or falsity of that disclosure.

18 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**
 19 **DECK CREWS.**

20 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The
 21 National Institute of Justice shall assess the range of less-
 22 than-lethal weaponry available for use by a flight deck
 23 crewmember temporarily to incapacitate an individual who
 24 presents a clear and present danger to the safety of the
 25 aircraft, its passengers, or individuals on the ground and

1 report its findings and recommendations to the Secretary
2 of Transportation within 90 days after the date of enact-
3 ment of this Act.

(h) Arming
Flight Deck
Crew... } 4 Section 44903 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH
7 LESS-THAN-LETHAL WEAPONS.—

8 “(1) IN GENERAL.—If the Secretary, after re-
9 ceiving the recommendations of the National Insti-
10 tute of Justice, determines, with the approval of the
11 Attorney General and the Secretary of State, that it
12 is appropriate and necessary and would effectively
13 serve the public interest in avoiding air piracy, the
14 Secretary may authorize members of the flight deck
15 crew on any aircraft providing air transportation or
16 intrastate air transportation to carry a less-than-le-
17 thal weapon while the aircraft is engaged in pro-
18 viding such transportation.

19 “(2) USAGE.—If the Secretary grants authority
20 under paragraph (1) for flight deck crew members
21 to carry a less-than-lethal weapon while engaged in
22 providing air transportation or intrastate air trans-
23 portation, the Secretary shall—

1 “(A) prescribe rules requiring that any
2 such crew member be trained in the proper use
3 of the weapon; and

4 “(B) prescribe guidelines setting forth the
5 circumstances under which such weapons may
6 be used.”.

127 } 7 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

8 (a) IN GENERAL.—During a national emergency af-
9 fecting air transportation or intrastate air transportation,
10 the Secretary of Transportation, after consultation with
11 the Transportation Security Oversight Board, may grant
12 a complete or partial waiver of any restrictions on the car-
13 riage by aircraft of freight, mail, emergency medical sup-
14 plies, personnel, or patients on aircraft, imposed by the
15 Department of Transportation (or other Federal agency
16 or department) that would permit such carriage of freight,
17 mail, emergency medical supplies, personnel, or patients
18 on flights, to, from, or within a State if the Secretary de-
19 termines that—

20 (1) extraordinary air transportation needs or
21 concerns exist; and

22 (2) the waiver is in the public interest, taking
23 into consideration the isolation of and dependence on
24 air transportation of the State.

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1 lation, relating to air piracy, a threat to aircraft or pas-
 2 senger safety, or terrorism, as defined by section 3077 of
 3 title 18, United States Code, to any employee or agent
 4 of the Department of Transportation, the Department of
 5 Justice, any Federal, State, or local law enforcement offi-
 6 cer, or any airport or airline security officer shall not be
 7 civilly liable to any person under any law or regulation
 8 of the United States, any constitution, law, or regulation
 9 of any State or political subdivision of any State, for such
 10 disclosure.

11 "(b) APPLICATION.—Subsection (a) shall not apply
 12 to—

13 "(1) any disclosure made with actual knowledge
 14 that the disclosure was false, inaccurate, or mis-
 15 leading; or

16 "(2) any disclosure made with reckless dis-
 17 regard as to the truth or falsity of that disclosure.

18 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**
 19 **DECK CREWS.**

20 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The
 21 National Institute of Justice shall assess the range of less-
 22 than-lethal weaponry available for use by a flight deck
 23 crewmember temporarily to incapacitate an individual who
 24 presents a clear and present danger to the safety of the
 25 aircraft, its passengers, or individuals on the ground and

for each chapter is amended by adding at the end
 the following:
 "44941. Immunity for reporting suspicious activities."

126

1 (b) LIMITATIONS.—The Secretary may impose rea-
2 sonable limitations on any such waiver.

128) 3 **SEC. 125. FLIGHT DECK SECURITY**

4 The pilot of a passenger aircraft operated by an air
5 carrier in air transportation or intrastate air transpor-
6 tation is authorized to carry a firearm into the cockpit
7 if—

8 (1) the Under Secretary of Transportation for
9 ~~Transportation Security~~ approves;

10 (2) the air carrier approves;

11 (3) the firearm is approved by the Under Sec-
12 retary; and

13 (4) the pilot has received proper training for
14 the use of the firearm, as determined by the Sec- *Under*
15 retary.

129) 16 **SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.**

17 Section 44703(g) of title 49, United States Code, is
18 amended—

19 (1) in the first sentence of paragraph (1)—

20 (A) by striking “pilots” and inserting “air-
21 men”; and

22 (B) by striking the period and inserting
23 “and related to combating acts of terrorism.”;
24 and

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1 (2) by adding at the end, the following new
2 paragraphs:

3 “(3) For purposes of this section, the term ‘acts of
4 terrorism’ means an activity that involves a violent act or
5 an act dangerous to human life that is a violation of the
6 criminal laws of the United States or of any State, or that
7 would be a criminal violation if committed within the juris-
8 diction of the United States or of any State, and appears
9 to be intended to intimidate or coerce a civilian population
10 to influence the policy of a government by intimidation
11 or coercion or to affect the conduct of a government by
12 assassination or kidnaping.

13 “(4) The Administrator is authorized and directed to
14 work with State and local authorities, and other Federal
15 agencies, to assist in the identification of individuals ap-
16 plying for or holding airmen certificates.”.

133 17 **SEC. 44942. RESULTS-BASED MANAGEMENT.**

18 Subchapter II of chapter 449 of title 49, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 44942. Performance goals and objectives**

22 **“(a) SHORT TERM TRANSITION.—**

23 **“(1) IN GENERAL.—**Within 180 days after the
24 date of enactment of the Aviation and Transpor-
25 tation Security Act, the Under Secretary for Trans-

1 portation Security may, in consultation with
2 Congress—

3 “(A) establish acceptable levels of perform-
4 ance for aviation security, including screening
5 operations and access control, and

6 “(B) provide Congress with an action plan,
7 containing measurable goals and milestones,
8 that outlines how those levels of performance
9 will be achieved.

10 “(2) BASICS OF ACTION PLAN.—The action
11 plan shall clarify the responsibilities of the Trans-
12 portation Security Administration, the Federal Avia-
13 tion Administration and any other agency or organi-
14 zation that may have a role in ensuring the safety
15 and security of the civil air transportation system.

16 “(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

17 “(1) PERFORMANCE PLAN AND REPORT.—

18 “(A) PERFORMANCE PLAN.—

19 “(i) Each year, consistent with the re-
20 quirements of the Government Perform-
21 ance and Results Act of 1993 (GPRA), the
22 Secretary and the Under Secretary for
23 Transportation Security shall agree on a
24 performance plan for the succeeding 5
25 years that establishes measurable goals

1 and objectives for aviation security. The
2 plan shall identify action steps necessary to
3 achieve such goals.

I26

4 “(ii) In addition to meeting the require-
5 ments of GPRA, the performance plan should
6 clarify the responsibilities of the Secretary, the
7 Under Secretary for Transportation Security
8 and any other agency or organization that may
9 have a role in ensuring the safety and security
10 of the civil air transportation system.

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11 “(B) PERFORMANCE REPORT.—(i) Each
12 year, consistent with the requirements of
13 GPRA, the Under Secretary for Transportation
14 Security shall prepare and submit to Congress
15 an annual report including an evaluation of the
16 extent goals and objectives were met. The re-
17 port shall include the results achieved during
18 the year relative to the goals established in the
19 performance plan.

20 **“§ 44943. Performance management system**

21 “(a) ESTABLISHING A FAIR AND EQUITABLE SYS-
22 TEM FOR MEASURING STAFF PERFORMANCE.—The
23 Under Secretary for Transportation Security shall estab-
24 lish a performance management system which strengthens
25 the organization’s effectiveness by providing for the estab-

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1 lishment of goals and objectives for managers, employees,
2 and organizational performance consistent with the per-
3 formance plan.

4 "(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY
5 FOR MEETING PERFORMANCE GOALS.—

6 "(1) Each year, the Secretary and Under Sec-
7 retary for Transportation Security shall enter into
8 an annual performance agreement that shall set
9 forth organizational and individual performance
10 goals for the Under Secretary.

11 "(2) Each year, the Under Secretary for ~~Transportation Security~~
12 ~~and each senior manager who reports to~~
13 ~~the Under Secretary for Transportation Security~~ shall
14 enter into an annual performance agreement that sets
15 forth organization and individual goals for those man-
16 agers. All other employees hired under the authority of
17 the Under Secretary for ~~Transportation Security~~ shall
18 enter into an annual performance agreement that sets
19 forth organization and individual goals for those employ-
20 ees.

21 "(c) PERFORMANCE-BASED SERVICE CON-
22 TRACTING.—To the extent contracts, if any, are used to
23 implement the Aviation Security Act, the Under Secretary
24 for Transportation Security shall, to the extent practical,
25 maximize the use of performance-based service contracts.

1 These contracts should be consistent with guidelines pub-
2 lished by the Office of Federal Procurement Policy.”.

131 /
3 **SEC. 129. VOLUNTARY PROVISION OF EMERGENCY SERV-**
4 **ICES DURING COMMERCIAL FLIGHTS.**

5 (a) IN GENERAL.—Subchapter II of chapter 449 of
6 title 49, United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 44944. Voluntary provision of emergency services**

9 “(a) PROGRAM FOR PROVISION OF VOLUNTARY
10 SERVICES.—

11 “(1) PROGRAM.—The Under Secretary of
12 Transportation for Transportation Security shall
13 carry out a program to permit qualified law enforce-
14 ment officers, firefighters, and emergency medical
15 technicians to provide emergency services on com-
16 mercial air flights during emergencies.

17 “(2) REQUIREMENTS.—The Under Secretary
18 shall establish such requirements for qualifications
19 of providers of voluntary services under the program
20 under paragraph (1), including training require-
21 ments, as the Under Secretary considers appro-
22 priate.

23 “(3) CONFIDENTIALITY OF REGISTRY.—If as
24 part of the program under paragraph (1) the Under
25 Secretary requires or permits registration of law en-

1 enforcement officers, firefighters, or emergency med-
2 ical technicians who are willing to provide emergency
3 services on commercial flights during emergencies,
4 the Under Secretary shall take appropriate actions
5 to ensure that the registry is available only to appro-
6 priate airline personnel and otherwise remains con-
7 fidential.

8 “(4) CONSULTATION.—The Under Secretary
9 shall consult with appropriate representatives of the
10 commercial airline industry, and organizations rep-
11 resenting community-based law enforcement, fire-
12 fighters, and emergency medical technicians, in car-
13 rying out the program under paragraph (1), includ-
14 ing the actions taken under paragraph (3).

15 “(b) EXEMPTION FROM LIABILITY.—An individual
16 shall not be liable for damages in any action brought in
17 a Federal or State court that arises from an act or omis-
18 sion of the individual in providing or attempting to provide
19 assistance in the case of an in-flight emergency in an air-
20 craft of an air carrier if the individual meets such quali-
21 fications as the Under Secretary shall prescribe for pur-
22 poses of this section.

23 “(c) EXCEPTION.—The exemption under subsection
24 (b) shall not apply in any case in which an individual pro-
25 vides, or attempts to provide, assistance described in that

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1 paragraph in a manner that constitutes gross negligence
2 or willful misconduct.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

“44944. Voluntary provision of emergency services”.

6 (c) CONSTRUCTION REGARDING POSSESSION OF
7 FIREARMS.—Nothing in this section may be construed to
8 require any modification of regulations of the Department
9 of Transportation governing the possession of firearms
10 while in aircraft or air transportation facilities or to au-
11 thorize the possession of a firearm in an aircraft or any
12 such facility not authorized under those regulations.

132) 13 SEC. 13. GENERAL AVIATION AND AIR CHARTERS.

14 (a) AIR CHARTER PROGRAM.—Within 90 days after
15 the date of enactment of this Act, the Under Secretary
16 of Transportation for Transportation Security shall imple-
17 ment an aviation security program for charter air carriers
18 (as defined in section 40102(a)(13) of title 49, United
19 States Code) with a maximum ~~certified~~ takeoff weight of
20 12,500 pounds or more.

21 (b) GENERAL AVIATION PROGRAM.—Within 30 days
22 after the date of enactment of this Act, the Under Sec-
23 retary of Transportation for Transportation Security shall
24 transmit a report on airspace and other security measures
25 that can be deployed, as necessary, to improve security

certified

general aviation

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1 to the Senate Committee on Commerce, Science, and
2 Transportation and the House of Representatives Com-
3 mittee on Transportation and Infrastructure. The Under
4 Secretary may submit the report in both classified and re-
5 dacted forms.

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6 **SEC. 135. DEFINITIONS.**

7 Except as otherwise explicitly provided, any term
8 used in this title that is defined in section 40102 of title
9 49, United States Code, has the meaning given that term
10 in that section.

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11 **SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION**
12 **MATTERS.**

13 (a) **FLIGHT SERVICE STATION EMPLOYEES.**—It is
14 the sense of Congress that the Administrator of the Fed-
15 eral Aviation Administration should continue negotiating
16 in good faith with flight service station employees of the
17 Administration with a goal of reaching agreement on a
18 contract as soon as possible.

19 (b) **WAR RISK INSURANCE.**—It is the sense of Con-
20 gress that the Secretary of Transportation should imple-
21 ment section 202 of the Air Transportation Safety and
22 System Stabilization Act (Public Law 107-42) so as to
23 make war risk insurance directly available to vendors,
24 agents, and subcontractors of air carriers for all of their
25 domestic operations.

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1 SEC. 186. SENSE OF THE HOUSE OF REPRESENTATIVES.

2 It is the sense of the House of Representatives that

3 the Under Secretary of Transportation for Security should

4 develop security procedures to allow passengers trans-

5 porting a musical instrument on a flight of an air carrier

6 to transport the instrument in the passenger cabin of the

7 aircraft, notwithstanding any size or other restriction on

8 carry-on baggage but subject to such other reasonable se-

9 curity procedures, terms, and conditions as may be estab-

10 lished by the Under Secretary or the air carrier, including

11 imposing additional charges by the air carrier, and

12 SEC. —. SHORT-TERM ASSESSMENT AND DEPLOYMENT

13 OF EMERGING SECURITY TECHNOLOGIES

14 AND PROCEDURES.

15 Section 44903 of title 49, United States Code, is

16 amended by adding at the end the following:

17 “(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT

18 OF EMERGING SECURITY TECHNOLOGIES AND PROCE-

19 DURES.—

20 “(1) IN GENERAL.—The Under Secretary for

21 Transportation Security shall recommend to airport

22 operators, within 6 months after the date of enact-

23 ment of the Aviation and Transportation Security

24 Act, commercially available measures or procedures

25 to prevent access to secure airport areas by unau-

26 thorized persons. As part of the 6-month assess-

1 report its findings and recommendations to the Secretary
2 of Transportation within 90 days after the date of enact-
3 ment of this Act.

(h) Arming
Flight Deck
Crew...

4 Section 44903 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH
7 LESS-THAN-LETHAL WEAPONS.—

8 “(1) IN GENERAL.—If the Secretary, after re-
9 ceiving the recommendations of the National Insti-
10 tute of Justice, determines, with the approval of the
11 Attorney General and the Secretary of State, that it
12 is appropriate and necessary and would effectively
13 serve the public interest in avoiding air piracy, the
14 Secretary may authorize members of the flight deck
15 crew on any aircraft providing air transportation or
16 intrastate air transportation to carry a less-than-le-
17 thal weapon while the aircraft is engaged in pro-
18 viding such transportation.

19 “(2) USAGE.—If the Secretary grants authority
20 under paragraph (1) for flight deck crew members
21 to carry a less-than-lethal weapon while engaged in
22 providing air transportation or intrastate air trans-
23 portation, the Secretary shall—

Insert to p. 99

- 1 (2) an air carrier that transports mail under a
- 2 contract with the United States Postal Service
- 3 should transport any animal that the Postal Service
- 4 allows to be shipped through the mail.

1 ment, the Under Secretary for Transportation Secu-
2 rity shall—

3 “(A) review the effectiveness of biometrics
4 systems currently in use at several United
5 States airports, including San Francisco Inter-
6 national;

7 “(B) review the effectiveness of increased
8 surveillance at access points;

9 “(C) review the effectiveness of card- or
10 keypad-based access systems;

11 “(D) review the effectiveness of airport
12 emergency exit systems and determine whether
13 those that lead to secure areas of the airport
14 should be monitored or how breaches can be
15 swiftly responded to; and

16 “(E) specifically target the elimination of
17 the “piggy-backing” phenomenon, where an-
18 other person follows an authorized person
19 through the access point.

20 The 6-month assessment shall include a 12-month
21 deployment strategy for currently available tech-
22 nology at all category X airports, as defined in the
23 Federal Aviation Administration approved air carrier
24 security programs required under part 108 of title
25 14, Code of Federal Regulations. Not later than 18

1 months after the date of enactment of this Act, the
2 Secretary of Transportation shall conduct a review
3 of reductions in unauthorized access at these air-
4 ports.

5 “(2) COMPUTER-ASSISTED PASSENGER
6 PRESCREENING SYSTEM.—

7 “(A) IN GENERAL.—The Secretary of
8 Transportation shall ensure that the Computer-
9 Assisted Passenger Prescreening System, or
10 any successor system—

11 “(i) is used to evaluate all passengers
12 before they board an aircraft; and

13 “(ii) includes procedures to ensure
14 that individuals selected by the system and
15 their carry-on and checked baggage are
16 adequately screened.

17 “(B) MODIFICATIONS.—The Secretary of
18 Transportation may modify any requirement
19 under the Computer-Assisted Passenger
20 Prescreening System for flights that originate
21 and terminate within the same State, if the
22 Secretary determines that—

23 “(i) the State has extraordinary air
24 transportation needs or concerns due to its

1 isolation and dependence on air transpor-
2 tation; and

3 "(ii) the routine characteristics of
4 passengers, given the nature of the market,
5 regularly triggers primary selectee status.

137 } 6 **SEC. —. RESEARCH AND DEVELOPMENT OF AVIATION**
7 **SECURITY TECHNOLOGY.**

8 (a) FUNDING.—To augment the programs authorized
9 in section 44912(a)(1) of title 49, United States Code,
10 there is authorized to be appropriated an additional
11 \$50,000,000 for each of fiscal years 2002 through 2006
12 and such sums as are necessary for each fiscal year there-
13 after to the Transportation Security Administration, for
14 research, development, testing, and evaluation of the fol-
15 lowing technologies which may enhance aviation security
16 in the future. Grants to industry, academia, and Govern-
17 ment entities to carry out the provisions of this section
18 shall be available for fiscal years 2002 and 2003 for—

19 (1) the acceleration of research, development,
20 testing, and evaluation of explosives detection tech-
21 nology for checked baggage, specifically, technology
22 that is—

23 (A) more cost-effective for deployment for
24 explosives detection in checked baggage at
25 small- to medium-sized airports, and is cur-

1 rently under development as part of the Argus
2 research program at the Transportation Secu-
3 rity Administration;

4 (B) faster, to facilitate screening of all
5 checked baggage at larger airports; or

6 (C) more accurate, to reduce the number
7 of false positives requiring additional security
8 measures;

9 (2) acceleration of research, development, test-
10 ing, and evaluation of new screening technology for
11 carry-on items to provide more effective means of
12 detecting and identifying weapons, explosives, and
13 components of weapons of mass destruction, includ-
14 ing advanced x-ray technology;

15 (3) acceleration of research, development, test-
16 ing, and evaluation of threat screening technology
17 for other categories of items being loaded onto air-
18 craft, including cargo, catering, and duty-free items;

19 (4) acceleration of research, development, test-
20 ing, and evaluation of threats carried on persons
21 boarding aircraft or entering secure areas, including
22 detection of weapons, explosives, and components of
23 weapons of mass destruction;

24 (5) acceleration of research, development, test-
25 ing and evaluation of integrated systems of airport

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1 security enhancement, including quantitative meth-
2 ods of assessing security factors at airports selected
3 for testing such systems;

4 (6) expansion of the existing program of re-
5 search, development, testing, and evaluation of im-
6 proved methods of education, training, and testing
7 of key airport security personnel; and

8 (7) acceleration of research, development, test-
9 ing, and evaluation of aircraft hardening materials,
10 and techniques to reduce the vulnerability of aircraft
11 to terrorist attack.

12 (b) GRANTS.—Grants awarded under this subtitle
13 shall identify potential outcomes of the research, and pro-
14 pose a method for quantitatively assessing effective in-
15 creases in security upon completion of the research pro-
16 gram. At the conclusion of each grant, the grant recipient
17 shall submit a final report to the Transportation Security
18 Administration that shall include sufficient information to
19 permit the Under Secretary to prepare a cost-benefit anal-
20 ysis of potential improvements to airport security based
21 upon deployment of the proposed technology. The Under
22 Secretary shall begin awarding grants under this subtitle
23 within 90 days of the date of enactment of this Act.

24 (c) BUDGET SUBMISSION.—A budget submission and
25 detailed strategy for deploying the identified security up-

of Transportat
Security

1 grades recommended upon completion of the grants
2 awarded under subsection (b), shall be submitted to Con-
3 gress as part of the Department of Transportation's an-
4 nual budget submission.

5 (d) DEFENSE RESEARCH.—There is authorized to be
6 appropriated \$20,000,000 to the Transportation Security
7 Administration to issue research grants in conjunction
8 with the Defense Advanced Research Projects Agency.
9 Grants may be awarded under this section for—

10 (1) research and development of longer-term
11 improvements to airport security, including advanced
12 weapons detection;

13 (2) secure networking and sharing of threat in-
14 formation between Federal agencies, law enforce-
15 ment entities, and other appropriate parties;

16 (3) advances in biometrics for identification and
17 threat assessment; or

18 (4) other technologies for preventing acts of ter-
19 rorism in aviation.

138 20 SEC. —. EMPLOYMENT INVESTIGATIONS AND RESTRIC-
21 TIONS.

22 (a) IN GENERAL.—Section 44936 of title 49, United
23 States Code, is amended—

24 (1) by inserting “and a review of available law
25 enforcement data bases and records of other govern-

1 mental and international agencies to the extent de-
2 termined practicable by the Under Secretary of
3 Transportation for Transportation Security," after
4 "check" in subsection (a)(1)(A);

5 (2) by striking "in any case described in sub-
6 paragraph (C)" in subsection (a)(1)(B) and insert-
7 ing "and a review of available law enforcement data
8 bases and records of other governmental and inter-
9 national agencies to the extent determined prac-
10 ticable by the Under Secretary of Transportation for
11 Transportation Security";

12 (3) by striking "will be" in subsection
13 (a)(1)(B)(i) and inserting "are";

14 (4) by striking "and" after the semicolon in
15 clause (ii) of subsection (a)(1)(B)

16 (5) by redesignating clause (iii) of subsection
17 (a)(1)(B) as clause (iv);

18 (6) by inserting after clause (ii) of subsection
19 (a)(1)(B) the following:

20 "(iii) individuals who regularly have
21 escorted access to aircraft of an air carrier
22 or foreign air carrier or a secured area of
23 an airport in the United States the Admin-
24 istrator designates that serves an air car-
25 rier or foreign air carrier; and";

1 (7) by striking subparagraphs (C), (D), and (E)
2 of subsection (a)(1) and redesignating subparagraph
3 (F) as subparagraph (D);

4 (8) by inserting after subparagraph (B) of sub-
5 section (a)(1) the following:

6 “(C) BACKGROUND CHECKS OF CURRENT
7 EMPLOYEES.—

8 “(i) A new background check (includ-
9 ing a criminal history record check and a
10 review of available law enforcement data
11 bases and records of other governmental
12 and international agencies to the extent de-
13 termined practicable by the Under Sec-
14 retary of Transportation for Transpor-
15 tation Security shall be required for any
16 individual who is employed in a position
17 described in subparagraphs (A) and (B) on
18 the date of enactment of the Aviation and
19 Transportation Security Act.

20 “(ii) The Under Secretary may pro-
21 vide by order (without regard to the provi-
22 sions of chapter 5 of title 5, United States
23 Code) for a phased-in implementation of
24 the requirements of this subparagraph.”;

1 (9) by striking "107.31(m)" in subparagraph
2 (D), as redesignated, and inserting "107.31(m)(1)
3 or (2)";

4 (10) by striking "the date of enactment of this
5 subparagraph." in subparagraph (D), as redesign-
6 dated, and inserting "November 22, 2000. The
7 Under Secretary shall work with the International
8 Civil Aviation Organization and with appropriate au-
9 thorities of foreign countries to ensure that individ-
10 uals exempted under this subparagraph do not pose
11 a threat to aviation or national security.";

12 (11) by striking "carrier, or airport operator"
13 in subsection (a)(2) and inserting "carrier, airport
14 operator, or government";

15 (12) by striking "carrier, or airport operator"
16 in subsection (b)(1) and inserting "carrier, airport
17 operator, or government";

18 (13) by striking "carrier, or airport operator"
19 in subsection (b)(3) and inserting "carrier, airport
20 operator, or government"; and

21 (14) by adding at the end of subsection (c)(1)
22 "All Federal agencies shall cooperate with the Under
23 Secretary and the Under Secretary's designee in the
24 process of collecting and submitting fingerprints."

1 “(A) prescribe rules requiring that any
2 such crew member be trained in the proper use
3 of the weapon; and

4 “(B) prescribe guidelines setting forth the
5 circumstances under which such weapons may
6 be used.”.

127 } 7 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

8 (a) IN GENERAL.—During a national emergency af-
9 fecting air transportation or intrastate air transportation,
10 the Secretary of Transportation, after consultation with
11 the Transportation Security Oversight Board, may grant
12 a complete or partial waiver of any restrictions on the car-
13 riage by aircraft of freight, mail, emergency medical sup-
14 plies, personnel, or patients on aircraft, imposed by the
15 Department of Transportation (or other Federal agency
16 or department) that would permit such carriage of freight,
17 mail, emergency medical supplies, personnel, or patients
18 on flights, to, from, or within a State if the Secretary de-
19 termines that—

20 (1) extraordinary air transportation needs or
21 concerns exist; and —

22 (2) the waiver is in the public interest, taking
23 into consideration the isolation of and dependence on
24 air transportation of the State.

1 (b) RECORDS OF EMPLOYMENT OF PILOT APPLI-
2 CANTS.—Part A of subtitle VII is amended—

3 (1) by moving subsections (f), (g), and (h) of
4 section 44936 from section 44936, inserting them at
5 the end of section 44703, and redesignating them as
6 subsections (h), (i), and (j), respectively; and

7 (2) in subsections (i) and (j) of section 44703
8 (as moved to the end of section 44703 by paragraph
9 (1) of this subsection), by striking “subsection (f)”
10 each place it appears and inserting “subsection (h)”.

11 ~~TITLE II—VICTIMS~~
12 ~~COMPENSATION~~

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- 1 -

1 SEC. 139. ALCOHOL AND CONTROLLED SUBSTANCE TEST-
2 ING.

3 Chapter 451 of title 49, United States Code, is
4 amended—

5 (1) by striking “contract personnel” each place
6 it appears and inserting “personnel”;

7 (2) by striking “contract employee” each place
8 it appears and inserting “employee”;

9 (3) in section 45106(c) by striking “contract
10 employees” and inserting “employees”;

11 (4) by inserting after section 45106 the fol-
12 lowing:

13 **“§ 45107. Transportation Security Administration**

14 “(a) TRANSFER OF FUNCTIONS RELATING TO TEST-
15 ING PROGRAMS WITH RESPECT TO AIRPORT SECURITY
16 SCREENING PERSONNEL.—The authority of the Adminis-
17 trator of the Federal Aviation Administration under this
18 chapter with respect to programs relating to testing of air-
19 port security screening personnel are transferred to the
20 Under Secretary of Transportation for Security. Notwith-
21 standing section 45102(a), the regulations prescribed
22 under section 45102(a) shall require testing of such per-
23 sonnel by their employers instead of by air carriers and
24 foreign air carriers.

25 “(b) APPLICABILITY OF CHAPTER WITH RESPECT TO
26 EMPLOYEES OF ADMINISTRATION.—The provisions of this

1 chapter that apply with respect to employees of the Fed-
2 eral Aviation Administration whose duties include respon-
3 sibility for safety-sensitive functions shall apply with re-
4 spect to employees of the Transportation Security Admin-
5 istration whose duties include responsibility for security-
6 sensitive functions. The Under Secretary of Transpor-
7 tation for Security, the Transportation Security Adminis-
8 tration, and employees of the Transportation Security Ad-
9 ministration whose duties include responsibility for secu-
10 rity-sensitive functions shall be subject to and comply with
11 such provisions in the same manner and to the same ex-
12 tent as the Administrator of the Federal Aviation Admin-
13 istration, the Federal Aviation Administration, and em-
14 ployees of the Federal Aviation Administration whose du-
15 ties include responsibility for safety-sensitive functions, re-
16 spectively.”; and

17 (5) in the analysis for such chapter by inserting
18 after the item relating to section 45106 the fol-
19 lowing:

“45107. Transportation Security Administration.”.

20 **SEC. 140. CONFORMING AMENDMENTS TO SUBTITLE VII.**

21 (a) **RECORDS OF EMPLOYMENT OF PILOT APPLI-**
22 **CANTS.**—Part A of subtitle VII of title 49, United States
23 Code, is amended—

24 (1) by moving subsections (f), (g), and (h) of
25 section 44936 from section 44936, inserting them at

1 the end of section 44703. and redesignating them as
2 subsections (h). (i). and (j), respectively: and

3 (2) in subsections (i) and (j) of section 44703
4 (as moved to the end of section 44703 by paragraph
5 (1) of this subsection), by striking "subsection (f)"
6 each place it appears and inserting "subsection (h)".

7 (b) INVESTIGATIONS AND PROCEDURES.—Chapter
8 461 of such title is amended—

9 (1) in each of sections 46101(a)(1), 46102(a),
10 46103(a), 46104(a), 46105(a), 46106, 46107(b),
11 and 46110(a) by inserting after "(or" the following:
12 "the Under Secretary of Transportation for Security
13 with respect to security duties and powers des-
14 ignated to be carried out by the Under Secretary
15 or";

16 (2) by striking "or Administrator" each place it
17 appears and inserting ", Under Secretary, or Ad-
18 ministrator";

19 (3) in section 46101(a)(2) by striking "of
20 Transportation or the" and inserting ", Under Sec-
21 retary, or";

22 (4) in section 46102(b) by striking "and the
23 Administrator" and inserting ", the Under Sec-
24 retary, and the Administrator";

1 (5) in section 46102(c) by striking “and Ad-
2 ministrator” each place it appears and inserting “
3 Under Secretary, and Administrator”;

4 (6) in each of sections 46102(d) and 46104(b)
5 by inserting “the Under Secretary,” after “Sec-
6 retary,”;

7 (7) in the heading to section 46106 by striking
8 **“Secretary of Transportation and Admin-
9 istrator of the Federal Aviation Adminis-
10 tration”** and inserting **“Department of
11 Transportation”**; and

12 (8) in the item relating to section 46106 of the
13 analysis for such chapter by striking “Secretary of
14 Transportation and Administrator of the Federal
15 Aviation Administration” and inserting “Depart-
16 ment of Transportation”.

17 (c) ADMINISTRATIVE.—Section 40113 of such title is
18 amended—

19 (1) in subsection (a)—

20 (A) by inserting after “(or” the following:
21 “the Under Secretary of Transportation for Se-
22 curity with respect to security duties and pow-
23 ers designated to be carried out by the Under
24 Secretary or”; and

1 (B) by striking "or Administrator" and in-
2 serting ". Under Secretary, or Administrator";
3 and
4 (2) in subsection (d)—

5 (A) by inserting after "The" the following:
6 "Under Secretary of Transportation for Secu-
7 rity or the";

8 (B) by striking "Administration" the sec-
9 ond place it appears and inserting "Transpor-
10 tation Security Administration or Federal Avia-
11 tion Administration, as the case may be,"; and

12 (C) by striking "the Administrator de-
13 cides" and inserting "the Under Secretary or
14 Administrator, as the case may be, decides".

15 (d) PENALTIES.—Chapter 463 of such title is
16 amended—

17 (1) in section 46301(d)(2)—

18 (A) by striking ". chapter 449 (except sec-
19 tions 44902, 44903(d), 44907(a)–(d)(1)(A) and
20 (d)(1)(C)–(f), 44908, and 44909),";

21 (B) by inserting after the first sentence
22 the following: "The Under Secretary of Trans-
23 portation for Security may impose a civil pen-
24 alty for a violation of chapter 449 (except sec-
25 tions 44902, 44903(d), 44907(a)–(d)(1)(A),

1 44907(d)(1)(C)-(f), 44908, and 44909) or a
2 regulation prescribed or order issued under
3 such chapter 449.”; and

4 (C) by inserting “Under Secretary or” be-
5 fore “Administrator shall”;

6 (2) in each of paragraphs (3) and (4) of section
7 46301(d) by striking “Administrator” each place it
8 appears and inserting “Under Secretary or Adminis-
9 trator”;

10 (3) in section 46301(d)(8) by striking “Admin-
11 istrator” and inserting “Under Secretary, Adminis-
12 trator,”;

13 (4) in section 46301(h)(2) by inserting after
14 “(or” the following: “the Under Secretary of Trans-
15 portation for Security with respect to security duties
16 and powers designated to be carried out by the
17 Under Secretary or”;

18 (5) in section 46303(c)(2) by inserting “or the
19 Under Secretary of Transportation for Security”
20 after “Federal Aviation Administration”;

21 (6) in section 46311—

22 (A) by inserting after “Transportation,”
23 the following: “the Under Secretary of Trans-
24 portation for Security with respect to security

1 duties and powers designated to be carried out
2 by the Under Secretary,";

3 (B) by inserting after "Secretary," each
4 place it appears the following: "Under Sec-
5 retary,"; and

6 (C) by striking "or Administrator" each
7 place it appears and inserting ". Under Sec-
8 retary, or Administrator";

9 (7) in each of sections 46313 and 46316 by in-
10 serting after "(or" the following: "the Under Sec-
11 retary of Transportation for Security with respect to
12 security duties and powers designated to be carried
13 out by the Under Secretary or"; and

14 (8) in section 46505(d)(2) by inserting "or the
15 Under Secretary of Transportation for Security"
16 after "Federal Aviation Administration".

17 **SEC. 141. SAVINGS PROVISION.**

18 (a) **TRANSFER OF ASSETS AND PERSONNEL.**—Ex-
19 cept as otherwise provided in this Act, those personnel,
20 property, and records employed, used, held, available, or
21 to be made available in connection with a function trans-
22 ferred to the Transportation Security Administration by
23 this Act shall be transferred to the Transportation Secu-
24 rity Administration for use in connection with the func-
25 tions transferred. Unexpended balances of appropriations.

1 allocations, and other funds made available to the Federal
2 Aviation Administration to carry out such functions shall
3 also be transferred to the Transportation Security Admin-
4 istration for use in connection with the functions trans-
5 ferred.

6 (b) LEGAL DOCUMENTS.—All orders, determinations,
7 rules, regulations, permits, grants, loans, contracts, settle-
8 ments, agreements, certificates, licenses, and privileges—

9 (1) that have been issued, made, granted, or al-
10 lowed to become effective by the Federal Aviation
11 Administration, any officer or employee thereof, or
12 any other Government official, or by a court of com-
13 petent jurisdiction, in the performance of any func-
14 tion that is transferred by this Act; and

15 (2) that are in effect on the effective date of
16 such transfer (or become effective after such date
17 pursuant to their terms as in effect on such effective
18 date), shall continue in effect according to their
19 terms until modified, terminated, superseded, set
20 aside, or revoked in accordance with law by the
21 Under Secretary of Transportation for Security, any
22 other authorized official, a court of competent juris-
23 diction, or operation of law.

24 (c) PROCEEDINGS.—

1 (1) IN GENERAL.—The provisions of this Act
2 shall not affect any proceedings or any application
3 for any license pending before the Federal Aviation
4 Administration at the time this Act takes effect, in-
5 sofar as those functions are transferred by this Act;
6 but such proceedings and applications, to the extent
7 that they relate to functions so transferred, shall be
8 continued. Orders shall be issued in such pro-
9 ceedings, appeals shall be taken therefrom, and pay-
10 ments shall be made pursuant to such orders, as if
11 this Act had not been enacted; and orders issued in
12 any such proceedings shall continue in effect until
13 modified, terminated, superseded, or revoked by a
14 duly authorized official, by a court of competent ju-
15 risdiction, or by operation of law.

16 (2) STATUTORY CONSTRUCTION.—Nothing in
17 this subsection shall be deemed to prohibit the dis-
18 continuance or modification of any proceeding de-
19 scribed in paragraph (1) under the same terms and
20 conditions and to the same extent that such pro-
21 ceeding could have been discontinued or modified if
22 this Act had not been enacted.

23 (3) ORDERLY TRANSFER.—The Secretary of
24 Transportation is authorized to provide for the or-

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insert ~~type~~

"(C) if explosive detection equipment at airport is unavailable, all checked baggage ~~which~~ is screened by an alternative means.

U.S. HOUSE OF REPRESENTATIVES
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1 derly transfer of pending proceedings from the Fed-
2 eral Aviation Administration.

3 (d) SUITS.—

4 (1) IN GENERAL.—This Act shall not affect
5 suits commenced before the date of the enactment of
6 this Act, except as provided in paragraphs (2) and
7 (3). In all such suits, proceeding shall be had, ap-
8 peals taken, and judgments rendered in the same
9 manner and with the same effect as if this Act had
10 not been enacted.

11 (2) SUITS BY OR AGAINST FAA.—Any suit by or
12 against the Federal Aviation Administration begun
13 before the date of the enactment of this Act shall be
14 continued, insofar as it involves a function retained
15 and transferred under this Act, with the Transpor-
16 tation Security Administration (to the extent the
17 suit involves functions transferred to the Transpor-
18 tation Security Administration under this Act) sub-
19 stituted for the Federal Aviation Administration.

20 (3) REMANDED CASES.—If the court in a suit
21 described in paragraph (1) remands a case to the
22 Transportation Security Administration, subsequent
23 proceedings related to such case shall proceed in ac-
24 cordance with applicable law and regulations as in
25 effect at the time of such subsequent proceedings.

1 (e) CONTINUANCE OF ACTIONS AGAINST OFFI-
2 CERS.—No suit, action, or other proceeding commenced
3 by or against any officer in his official capacity as an offi-
4 cer of the Federal Aviation Administration shall abate by
5 reason of the enactment of this Act. No cause of action
6 by or against the Federal Aviation Administration, or by
7 or against any officer thereof in his official capacity, shall
8 abate by reason of the enactment of this Act.

9 (f) EXERCISE OF AUTHORITIES.—Except as other-
10 wise provided by law, an officer or employee of the Trans-
11 portation Security Administration may, for purposes of
12 performing a function transferred by this Act or the
13 amendments made by this Act, exercise all authorities
14 under any other provision of law that were available with
15 respect to the performance of that function to the official
16 responsible for the performance of the function imme-
17 diately before the effective date of the transfer of the func-
18 tion under this Act.

19 (g) ACT DEFINED.—In this section, the term “Act”
20 includes the amendments made by this Act.

21 **SEC. 142. BUDGET SUBMISSIONS.**

22 The President’s budget submission for fiscal year
23 2003 and each fiscal year thereafter shall reflect the estab-
24 lishment of the Transportation Security Administration.

1 SEC. 143. LAND ACQUISITION COSTS.

2 In the case of a grant for land acquisition issued to
3 an airport under chapter 471 of title 49, United States
4 Code, prior to January 1, 1995, the Secretary of Trans-
5 portation may waive the provisions of section 47108 of
6 such title and provide an upward adjustment in the max-
7 imum obligation of the United States under that chapter
8 to assist the airport in funding land acquisition costs (and
9 associated eligible costs) that increased as a result of a
10 judicial order.

11 SEC. 144. LIMITATION ON LIABILITY FOR ACTS TO THWART
12 CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

13 Section 44903 is amended by adding at the end the
14 following:

15 "(h) LIMITATION ON LIABILITY FOR ACTS TO
16 THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—
17 An individual shall not be liable for damages in any action
18 brought in a Federal or State court arising out of the acts
19 of the individual in attempting to thwart an act of criminal
20 violence or piracy on an aircraft if that individual reason-
21 ably believed that such an act of criminal violence or pi-
22 racy was occurring or was about to occur."

23 SEC. 145. AIR CARRIERS REQUIRED TO HONOR TICKETS
24 FOR SUSPENDED SERVICE.

25 (a) IN GENERAL.—Each air carrier that provides
26 scheduled air transportation on a route shall provide, to

1 the extent practicable, air transportation to passengers
2 ticketed for air transportation on that route by any other
3 air carrier that suspends, interrupts, or discontinues air
4 passenger service on the route by reason of insolvency or
5 bankruptcy of the other air carrier.

6 (b) PASSENGER OBLIGATION.—An air carrier is not
7 required to provide air transportation under subsection (a)
8 to a passenger unless that passenger makes alternative ar-
9 rangements with the air carrier for such transportation
10 within 60 days after the date on which that passenger's
11 air transportation was suspended, interrupted, or discon-
12 tinued (without regard to the originally scheduled travel
13 date on the ticket).

14 (c) SUNSET.—This section does not apply to air
15 transportation the suspension, interruption, or discontinu-
16 ance of which occurs more than 18 months after the date
17 of enactment of this Act.

18 **SEC. 146. AIRCRAFT OPERATIONS IN ENHANCED CLASS B**
19 **AIRSPACE.**

20 Upon request of an operator of an aircraft affected
21 by the restrictions imposed under Notice to Airmen FDC
22 1/0618 issued by the Federal Aviation Administration, or
23 any other notice issued after September 11, 2001, and
24 prior to the date of enactment of this Act that restricts
25 the ability of United States registered aircraft to conduct

1 operations under part 91 of title 14, Code of Federal Reg-
2 ulations, in enhanced class B airspace (as defined by such
3 Notice), such restrictions shall cease to be in effect for
4 the affected class of operator beginning on the 30th day
5 following the request, unless the Secretary of Transpor-
6 tation publishes a notice in the Federal Register before
7 such 30th day reimposing the restriction and explaining
8 the reasons for the restriction.

9 **SEC. 147. AVIATION WAR RISK INSURANCE.**

10 Section 44306(b) of title 49, United States Code, is
11 amended by striking "60 days" each place it appears and
12 inserting "1 year".

13 **TITLE II—LIABILITY LIMITATION**

14 **SEC. 201. AIR TRANSPORTATION SAFETY AND SYSTEM STA-**
15 **BILIZATION ACT AMENDMENTS.**

16 (a) **RECOVERY OF COLLATERAL SOURCE OBLIGA-**
17 **TIONS OF TERRORISTS.**—Section 405(c)(3)(B)(i) of the
18 Air Transportation Safety and System Stabilization Act
19 (49 U.S.C. 40101 note) is amended by striking "obliga-
20 tions." and inserting "obligations, or to a civil action
21 against any person who is a knowing participant in any
22 conspiracy to hijack any aircraft or commit any terrorist
23 act.".

1 (b) EXTENSION OF LIABILITY RELIEF TO AIRCRAFT
2 MANUFACTURERS AND OTHERS.—Section 408 of that Act
3 is amended—

4 (1) by striking “**air carrier**” in the section
5 heading;

6 (2) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—

9 “(1) LIABILITY LIMITED TO INSURANCE COV-
10 ERAGE.—Notwithstanding any other provision of
11 law, liability for all claims, whether for compen-
12 satory or punitive damages or for contribution or in-
13 demnity, arising from the terrorist-related aircraft
14 crashes of September 11, 2001, against an air car-
15 rier, aircraft manufacturer, airport sponsor, or per-
16 son with a property interest in the World Trade
17 Center, on September 11, 2001, whether fee simple,
18 leasehold or easement, direct or indirect, or their di-
19 rectors, officers, employees, or agents, shall not be
20 in an amount greater than the limits of liability in-
21 surance coverage maintained by that air carrier, air-
22 craft manufacturer, airport sponsor, or person.

23 “(2) WILLFUL DEFAULTS ON REBUILDING OB-
24 LIGATION.—Paragraph (1) does not apply to any
25 such person with a property interest in the World

1 Trade Center if the Attorney General determines.
2 after notice and an opportunity for a hearing on the
3 record, that the person has defaulted willfully on a
4 contractual obligation to rebuild, or assist in the re-
5 building of, the World Trade Center.

6 “(3) LIMITATIONS ON LIABILITY FOR NEW
7 YORK CITY.—Liability for all claims, whether for
8 compensatory or punitive damages or for contribu-
9 tion or indemnity arising from the terrorist-related
10 aircraft crashes of September 11, 2001, against the
11 City of New York shall not exceed the greater of the
12 city’s insurance coverage or \$350,000,000. If a
13 claimant who is eligible to seek compensation under
14 section 405 of this Act, submits a claim under sec-
15 tion 405, the claimant waives the right to file a civil
16 action (or to be a party to an action) in any Federal
17 or State court for damages sustained as a result of
18 the terrorist-related aircraft crashes of September
19 11, 2001, including any such action against the City
20 of New York. The preceding sentence does not apply
21 to a civil action to recover collateral source obliga-
22 tions.”; and

23 (3) by adding at the end of subsection (c) the
24 following: “Subsections (a) and (b) do not apply to
25 civil actions to recover collateral source obligations.

1 Nothing in this section shall in any way limit any li-
2 ability of any person who is engaged in the business
3 of providing air transportation security and who is
4 not an airline or airport sponsor or director, officer,
5 or employee of an airline or airport sponsor.”.

6 (c) LIMITATION OF UNITED STATES SUBROGATION
7 RIGHT.—Section 409 of that Act is amended by striking
8 “title.” and inserting “title, subject to the limitations de-
9 scribed in section 408.”.

10 (d) DEFINITIONS.—Section 402 of that Act is
11 amended—

12 (1) by adding at the end of paragraph (1) the
13 following: “The term ‘air carrier’ does not include a
14 person, other than an air carrier, engaged in the
15 business of providing air transportation security.”.

16 (2) by redesignating paragraphs (3) through
17 (8) as paragraphs (5) through (10), respectively;
18 and

19 (3) by inserting after paragraph (2) the fol-
20 lowing:

21 “(3) AIRCRAFT MANUFACTURER.—The term
22 ‘aircraft manufacturer’ means any entity that manu-
23 factured the aircraft or any parts or components of
24 the aircraft involved in the terrorist related aircraft

1 crashes of September 11, 2001, including employees
2 and agents of that entity.

3 “(4) AIRPORT SPONSOR.—The term ‘airport
4 sponsor’ means the owner or operator of an airport
5 (as defined in section 40102 of title 49, United
6 States Code).”.

From: James_A._Brown@omb.eop.gov [UNKNOWN]
To: Rebecca L. Halkias/WHO/EOP@EOP [WHO] <Rebecca L. Halkias>; Rosemarie W. Dale/OMB/EOP@EOP [OMB] <Rosemarie W. Dale>; Andrew Abrams/OMB/EOP@EOP [OMB] <Andrew Abrams>; David J. Haun/OMB/EOP@EOP [OMB] <David J. Haun>; Caroline A. Marriott/OMB/EOP@EOP [OMB] <Caroline A. Marriott>; Michael J. Cassidy/OMB/EOP@EOP [OMB] <Michael J. Cassidy>; Victoria Wassmer/OMB/EOP@EOP [OMB] <Victoria Wassmer>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Marisa K. Medrano/OPD/EOP@EOP [OPD] <Marisa K. Medrano>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Richard A. Mertens/OMB/EOP@EOP [OMB] <Richard A. Mertens>; Robert H. Goldberg/OMB/EOP@EOP [OMB] <Robert H. Goldberg>; David Aidekman/OMB/EOP@EOP [OMB] <David Aidekman>; Robert J. Nassif/OMB/EOP@EOP [OMB] <Robert J. Nassif>; Michael Garcia/OMB/EOP@EOP [OMB] <Michael Garcia>; Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>; Mark J. Schwartz/OMB/EOP@EOP [OMB] <Mark J. Schwartz>; Shannon Richter/OMB/EOP@EOP [OMB] <Shannon Richter>; Kenneth L. Schwartz/OMB/EOP@EOP [OMB] <Kenneth L. Schwartz>; Jill G. Crann/OMB/EOP@EOP [OMB] <Jill G. Crann>; Angela M. Donatelli/OMB/EOP@EOP [OMB] <Angela M. Donatelli>; Steven M. Mertens/OMB/EOP@EOP [OMB] <Steven M. Mertens>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; OVP LRM [UNKNOWN] <OVP LRM>; NEC LRM [UNKNOWN] <NEC LRM>; Edward H. Clarke/OMB/EOP@EOP [OMB] <Edward H. Clarke>; Lloyd A. Blanchard/OMB/EOP@EOP [OMB] <Lloyd A. Blanchard>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Christine C. McCarlie/OMB/EOP@EOP [OMB] <Christine C. McCarlie>; James J. Jukes/OMB/EOP@EOP [OMB] <James J. Jukes>; Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; WHGC LRM [UNKNOWN] <WHGC LRM>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Clare C. Doherty/OMB/EOP@EOP [OMB] <Clare C. Doherty>; James J. Tymon/OMB/EOP@EOP [OMB] <James J. Tymon>; Lin Liu/OMB/EOP@EOP [OMB] <Lin Liu>; Timothy A. Rosado/OMB/EOP@EOP [OMB] <Timothy A. Rosado>; Diana E. Furchtgott-Roth/CEA/EOP@EOP [CEA] <Diana E. Furchtgott-Roth>; Rodney G. Bent/OMB/EOP@EOP [OMB] <Rodney G. Bent>; Michael Casella/OMB/EOP@EOP [OMB] <Michael Casella>; Ronald L. Silberman/OMB/EOP@EOP [OMB] <Ronald L. Silberman>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Elizabeth L. Rossman/OMB/EOP@EOP [OMB] <Elizabeth L. Rossman>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Allan Villabroza/OMB/EOP@EOP [OMB] <Allan Villabroza>; Adriel M. Harvey/OMB/EOP@EOP [OMB] <Adriel M. Harvey>; Courtney B. Timberlake/OMB/EOP@EOP [OMB] <Courtney B. Timberlake>; Elizabeth A. Bernhard/OMB/EOP@EOP [OMB] <Elizabeth A. Bernhard>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Edward M. Rea/OMB/EOP@EOP [OMB] <Edward M. Rea>; Pamula L. Simms/OMB/EOP@EOP [OMB] <Pamula L. Simms>; Ellen J. Balis/OMB/EOP@EOP [OMB] <Ellen J. Balis>; Maureen Walsh/OMB/EOP@EOP [OMB] <Maureen Walsh>; Randolph M. Lyon/OMB/EOP@EOP [OMB] <Randolph M. Lyon>; S. A. Noe/OMB/EOP@EOP [OMB] <S. A. Noe>; Mathew C. Blum/OMB/EOP@EOP [OMB] <Mathew C. Blum>; Michael D. Gerich/OMB/EOP@EOP [OMB] <Michael D. Gerich>; Meredith G. Benson/OMB/EOP@EOP [OMB] <Meredith G. Benson>; Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>; Siobhan Murphy/OMB/EOP@EOP [OMB] <Siobhan Murphy>; Ronald E. Jones/OMB/EOP@EOP [OMB] <Ronald E. Jones>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Brett S. Loper/OMB/EOP@EOP [OMB] <Brett S. Loper>; Toni S. Hustead/OMB/EOP@EOP [OMB] <Toni S. Hustead>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; CLRM@doc.gov [UNKNOWN] <CLRM@doc.gov>; justice.lrm@usdoj.gov [UNKNOWN] <justice.lrm@usdoj.gov>; statelrm@state.gov [UNKNOWN] <statelrm@state.gov>; llr@do.treas.gov [UNKNOWN] <llr@do.treas.gov>; dodlrs@osdgc.osd.mil [UNKNOWN] <dodlrs@osdgc.osd.mil>; ocaone@aol.com [UNKNOWN] <ocaone@aol.com>; ca.legislation@gsa.gov [UNKNOWN] <ca.legislation@gsa.gov>; scottb@ntsb.gov [UNKNOWN] <scottb@ntsb.gov>; National Security Council LRM Recipients [UNKNOWN] <National Security Council LRM Recipients>; OPBRE E-Mail - EDITORS [UNKNOWN] <OPBRE E-Mail - EDITORS>; laffairs@ustr.gov [UNKNOWN]

<laffairs@ustr.gov>;legis@fema.gov [UNKNOWN]
<legis@fema.gov>;dot.legislation@ost.dot.gov [UNKNOWN] <dot.legislation@ost.dot.gov>;dol-
sol-leg@dol.gov [UNKNOWN] <dol-sol-leg@dol.gov>;CEA Admin [UNKNOWN] <CEA
Admin>;Wallace P. Mullin/CEA/EOP@EOP [CEA] <Wallace P. Mullin>;ola@opm.gov [UNKNOWN] <ola@opm.gov>;valrm@mail.va.gov [UNKNOWN] <valrm@mail.va.gov>
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READ:UNKNOWN

TO:Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Andrew Abrams (CN=Andrew Abrams/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Caroline A. Marriott (CN=Caroline A. Marriott/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael J. Cassidy (CN=Michael J. Cassidy/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Victoria Wassmer (CN=Victoria Wassmer/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Richard A. Mertens (CN=Richard A. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert H. Goldberg (CN=Robert H. Goldberg/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David Aidekman (CN=David Aidekman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Michael Garcia (CN=Michael Garcia/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Shannon Richter (CN=Shannon Richter/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jill G. Crann (CN=Jill G. Crann/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Angela M. Donatelli (CN=Angela M. Donatelli/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:OVP LRM (OVP LRM [UNKNOWN])

READ:UNKNOWN

TO:NEC LRM (NEC LRM [UNKNOWN])

READ:UNKNOWN

TO:Edward H. Clarke (CN=Edward H. Clarke/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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TO:Lloyd A. Blanchard (CN=Lloyd A. Blanchard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Christine C. McCarlie (CN=Christine C. McCarlie/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:WHGC LRM (WHGC LRM [UNKNOWN])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Clare C. Doherty (CN=Clare C. Doherty/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:James J. Tymon (CN=James J. Tymon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Lin Liu (CN=Lin Liu/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Timothy A. Rosado (CN=Timothy A. Rosado/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Diana E. Furchtgott-Roth (CN=Diana E. Furchtgott-Roth/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Rodney G. Bent (CN=Rodney G. Bent/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael Casella (CN=Michael Casella/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ronald L. Silberman (CN=Ronald L. Silberman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Elizabeth L. Rossman (CN=Elizabeth L. Rossman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allan Villabroza (CN=Allan Villabroza/OU=OMB/O=EOP@EOP [OMB])
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TO:Adriel M. Harvey (CN=Adriel M. Harvey/OU=OMB/O=EOP@EOP [OMB])
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TO:Courtney B. Timberlake (CN=Courtney B. Timberlake/OU=OMB/O=EOP@EOP [OMB])
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TO:Elizabeth A. Bernhard (CN=Elizabeth A. Bernhard/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
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TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
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TO:Edward M. Rea (CN=Edward M. Rea/OU=OMB/O=EOP@EOP [OMB])
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TO:Pamula L. Simms (CN=Pamula L. Simms/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Ellen J. Balis (CN=Ellen J. Balis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Maureen Walsh (CN=Maureen Walsh/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO:Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael D. Gerich (CN=Michael D. Gerich/OU=OMB/O=EOP@EOP [OMB])
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TO:Meredith G. Benson (CN=Meredith G. Benson/OU=OMB/O=EOP@EOP [OMB])
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TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
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TO:Siobhan Murphy (CN=Siobhan Murphy/OU=OMB/O=EOP@EOP [OMB])
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TO:Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP@EOP [OMB])
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TO:Paul R. Noe (CN=Paul R. Noe/OU=OMB/O=EOP@EOP [OMB])
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TO:Brett S. Loper (CN=Brett S. Loper/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Toni S. Hustead (CN=Toni S. Hustead/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:CLRM@doc.gov (CLRM@doc.gov [UNKNOWN])
READ:UNKNOWN
TO:justice.lrm@usdoj.gov (justice.lrm@usdoj.gov [UNKNOWN])
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TO:statelrm@state.gov (statelrm@state.gov [UNKNOWN])
READ:UNKNOWN
TO:llr@do.treas.gov (llr@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:dodlrs@osdgc.osd.mil (dodlrs@osdgc.osd.mil [UNKNOWN])
READ:UNKNOWN
TO:ocaone@aol.com (ocaone@aol.com [UNKNOWN])
READ:UNKNOWN
TO:ca.legislation@gsa.gov (ca.legislation@gsa.gov [UNKNOWN])
READ:UNKNOWN
TO:scottb@entsb.gov (scottb@entsb.gov [UNKNOWN])
READ:UNKNOWN
TO:National Security Council LRM Recipients (National Security Council LRM Recipients [UNKNOWN])
READ:UNKNOWN
TO:OPBRE E-Mail - EDITORS (OPBRE E-Mail - EDITORS [UNKNOWN])
READ:UNKNOWN
TO:laffairs@ustr.gov (laffairs@ustr.gov [UNKNOWN])
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TO:Wallace P. Mullin (CN=Wallace P. Mullin/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
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1 parking lot, or vendor of on-airfield direct services under
2 this section for any cost for which the airport operator,
3 on-airport parking lot, or vendor of on-airfield direct serv-
4 ices does not demonstrate to the satisfaction of the Sec-
5 retary, using sworn financial statements or other appro-
6 priate data, that—

7 (1) the cost is eligible for reimbursement under
8 subsection (a); and

9 (2) the cost was incurred by the airport oper-
10 ator, on-airport parking lot, or vendor of on-airfield
11 direct services.

12 The Inspector General of the Department of Transpor-
13 tation and the Comptroller General of the United States
14 may audit such statements and may request any other in-
15 formation ~~that~~ necessary to conduct such an audit.

16 (c) CLAIM PROCEDURE.—Within 30 days after the
17 date of enactment of this Act, the Secretary, after con-
18 sultation with airport operators, on-airport parking lots,
19 and vendors of on-airfield direct services, shall publish in
20 the Federal Register the procedures for filing claims for
21 reimbursement under this section of eligible costs incurred
22 by airport operators.

122 } 23 SEC. 121. SENSE OF THE CONGRESS.

24 It is the sense of the Congress that—

to air
carriers

INSERT TO PAGE 51

1 (c) DEADLINE FOR DEPLOYMENT OF FEDERAL
2 SCREENERS.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, the Under Sec-
5 retary of Transportation for Security shall deploy at
6 all airports in the United States where screening is
7 required under section 44901 of title 49, United
8 States Code, a sufficient number of Federal screen-
9 ers, Federal Security Managers, Federal security
10 personnel, and Federal law enforcement officers to
11 conduct the screening of all passengers and property
12 under section 44901 of such title at such airports.

13 (2) CERTIFICATION TO CONGRESS.—Not later
14 than 1 year after the date of enactment of this Act,
15 the Under Secretary shall transmit to Congress a
16 certification that the requirement of paragraph (1)
17 has been met.

1 Committee on Commerce, Science, and Transpor-
2 tation of the Senate and to the Committee on Trans-
3 portation and Infrastructure of the House of Rep-
4 resentatives on the deployment of the systems re-
5 quired by section 44901(c) of title 49, United States
6 Code. The Under Secretary shall include in the
7 report—

8 (A) an installation schedule;

9 (B) the dates of installation of each sys-
10 tem; and

11 (C) the date on which each system in-
12 stalled is operational.

13 (2) SCREENING OF SMALL AIRCRAFT.—Within
14 1 year after the date of enactment of this Act, the
15 Under Secretary of Transportation for Security shall
16 transmit a report to the Committee on Commerce,
17 Science, and Transportation of the Senate and Com-
18 mittee on Transportation and Infrastructure of the
19 House of Representatives on the screening require-
20 ments applicable to passengers boarding, and prop-
21 erty being carried aboard, aircraft with 60 seats or
22 less used in scheduled passenger service with rec-
23 ommendations for any necessary changes in those
24 requirements.

111) 1 SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY

2 SCREENING PERSONNEL.

3 (a) IN GENERAL.—Section 44935 of title 49, United
4 States Code, is amended—

5 (1) by redesignating subsection (f) as sub-
6 section (i); and

7 (2) by striking subsection (e) and inserting the
8 following:

9 “(e) SECURITY SCREENERS.—

10 “(1) TRAINING PROGRAM.—The Under Sec-
11 retary of Transportation for Security shall establish
12 a program for the hiring and training of security
13 screening personnel.

14 “(2) HIRING.—

15 “(A) QUALIFICATIONS.—Within 30 days
16 after the date of enactment of the Aviation and
17 Transportation Security Act, the Under Sec-
18 retary shall establish qualification standards for
19 individuals to be hired by the United States as
20 security screening personnel. Notwithstanding
21 any provision of law, those standards shall re-
22 quire, at a minimum, an individual—

23 “(i) to have a satisfactory or better
24 score on a Federal security screening per-
25 sonnel selection examination;

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AT

1 “(ii) to be a citizen of the United
2 States;

3 “(iii) to meet, at a minimum, the re-
4 quirements set forth in subsection (f);

5 “(iv) to meet such other qualifications
6 as the Under Secretary may establish; and

7 “(v) to have the ability to demonstrate
8 daily a fitness for duty without any impair-
9 ment due to illegal drugs, sleep depriva-
10 tion, medication, or alcohol.

11 “(B) BACKGROUND CHECKS.—The Under
12 Secretary shall require that an individual to be
13 hired as a security screener undergo an employ-
14 ment investigation (including a criminal history
15 record check) under section 44936(a)(1).

16 “(C) DISQUALIFICATION OF INDIVIDUALS
17 WHO PRESENT NATIONAL SECURITY RISKS.—
18 The Under Secretary, in consultation with the
19 heads of other appropriate Federal agencies,
20 shall establish procedures, in addition to any
21 background check conducted under section
22 44936, to ensure that no individual who pre-
23 sents a threat to national security is employed
24 as a security screener.

1 “(3) EXAMINATION; REVIEW OF EXISTING
2 RULES.—The Under Secretary shall develop a secu-
3 rity screening personnel examination for use in de-
4 termining the qualification of individuals seeking
5 employment as security screening personnel. The
6 Under Secretary shall also review, and revise as nec-
7 essary, any standard, rule, or regulation governing
8 the employment of individuals as security screening
9 personnel.

10 “(f) EMPLOYMENT STANDARDS FOR SCREENING
11 PERSONNEL.—

12 “(1) SCREENER REQUIREMENTS.—Notwith-
13 standing any provision of law, an individual may not
14 be deployed as a security screener unless that indi-
15 vidual meets the following requirements:

16 “(A) The individual shall possess a high
17 school diploma, a general equivalency diploma,
18 or experience that the Under Secretary has de-
19 termined to be sufficient for the individual to
20 perform the duties of the position.

21 “(B) The individual shall possess basic ap-
22 titudes and physical abilities, including color
23 perception, visual and aural acuity, physical co-
24 ordination, and motor skills, to the following
25 standards:

1 “(i) Screeners operating screening
2 equipment shall be able to distinguish on
3 the screening equipment monitor the ap-
4 propriate imaging standard specified by
5 the Under Secretary. Wherever the screen-
6 ing equipment system displays colors, the
7 operator shall be able to perceive each
8 color.

9 “(ii) Screeners operating any screen-
10 ing equipment shall be able to distinguish
11 each color displayed on every type of
12 screening equipment and explain what each
13 color signifies.

14 “(iii) Screeners shall be able to hear
15 and respond to the spoken voice and to au-
16 dible alarms generated by screening equip-
17 ment in an active checkpoint environment.

18 “(iv) Screeners performing physical
19 searches or other related operations shall
20 be able to efficiently and thoroughly ma-
21 nipulate and handle such baggage, con-
22 tainers, and other objects subject to secu-
23 rity processing.

24 “(v) Screeners who perform pat-downs
25 or hand-held metal detector searches of in-

1 individuals shall have sufficient dexterity and
2 capability to thoroughly conduct those pro-
3 cedures over a individual's entire body.

4 “(C) The individual shall be able to read,
5 speak, and write English well enough to—

6 “(i) carry out written and oral in-
7 structions regarding the proper perform-
8 ance of screening duties;

9 “(ii) read English language identifica-
10 tion media, credentials, airline tickets, and
11 labels on items normally encountered in
12 the screening process;

13 “(iii) provide direction to and under-
14 stand and answer questions from English-
15 speaking individuals undergoing screening;
16 and

17 “(iv) write incident reports and state-
18 ments and log entries into security records
19 in the English language.

20 “(D) The individual shall have satisfac-
21 torily completed all initial, recurrent, and ap-
22 propriate specialized training required by the
23 security program, except as provided in para-
24 graph (3).

1 “(2) VETERANS PREFERENCE.—The Under
2 Secretary shall provide a preference for the hiring of
3 an individual as a security screener if the individual
4 is a member or former member of the armed forces
5 and if the individual is entitled, under statute, to re-
6 tired, retirement, or retainer pay on account of serv-
7 ice as a member of the armed forces.

8 “(3) EXCEPTIONS.—An individual who has not
9 completed the training required by this section may
10 be deployed during the on-the-job portion of training
11 to perform functions if that individual—

12 “(A) is closely supervised; and

13 “(B) does not make independent judg-
14 ments as to whether individuals or property
15 may enter a sterile area or aircraft without fur-
16 ther inspection.

17 “(4) REMEDIAL TRAINING.—No individual em-
18 ployed as a security screener may perform a screen-
19 ing function after that individual has failed an oper-
20 ational test related to that function until that indi-
21 vidual has successfully completed the remedial train-
22 ing specified in the security program.

23 “(5) ANNUAL PROFICIENCY REVIEW.—The
24 Under Secretary shall provide that an annual eval-
25 uation of each individual assigned screening duties is

1 conducted and documented. An individual employed
2 as a security screener may not continue to be em-
3 ployed in that capacity unless the evaluation dem-
4 onstrates that the individual—

5 “(A) continues to meet all qualifications
6 and standards required to perform a screening
7 function;

8 “(B) has a satisfactory record of perform-
9 ance and attention to duty based on the stand-
10 ards and requirements in the security program;
11 and

12 “(C) demonstrates the current knowledge
13 and skills necessary to courteously, vigilantly,
14 and effectively perform screening functions.

15 “(6) OPERATIONAL TESTING.—In addition to
16 the annual proficiency review conducted under para-
17 graph (5), the Under Secretary shall provide for the
18 operational testing of such personnel.

19 “(g) TRAINING.—

20 “(1) USE OF OTHER AGENCIES.—The Under
21 Secretary may enter into a memorandum of under-
22 standing or other arrangement with any other Fed-
23 eral agency or department with appropriate law en-
24 forcement responsibilities, to provide personnel, re-

1 sources, or other forms of assistance in the training
2 of security screening personnel.

3 “(2) TRAINING PLAN.—Within 60 days after
4 the date of enactment of the Aviation and Transpor-
5 tation Security Act, the Under Secretary shall de-
6 velop a plan for the training of security screening
7 personnel. The plan shall require, at a minimum,
8 that a security screener—

9 “(A) has completed 40 hours of classroom
10 instruction or successfully completed a program
11 that the Under Secretary determines will train
12 individuals to a level of proficiency equivalent to
13 the level that would be achieved by such class-
14 room instruction;

15 “(B) has completed 60 hours of on-the-job
16 instruction; and

17 “(C) has successfully completed an on-the-
18 job training examination prescribed by the
19 Under Secretary.

20 “(3) EQUIPMENT-SPECIFIC TRAINING.—An in-
21 dividual employed as a security screener may not use
22 any security screening device or equipment in the
23 scope of that individual’s employment unless the in-
24 dividual has been trained on that device or equip-

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1 (1) an airport receiving Federal financial assist-
2 ance should meet with the tenants of the airport
3 (other than air carriers and foreign air carriers) to
4 discuss adjustments of the rent of the tenants to ac-
5 count for losses in revenue incurred by the tenants
6 on and after September 11, 2001; ~~and~~

7 (2) an air carrier that received financial assist-
8 ance under the Air Transportation Safety and Sys-
9 tem Stabilization Act or under title 49, United
10 States Code, since September 11, 2001, should meet
11 with airport operators to discuss ~~adjustments in~~
12 rates, charges, and fees ~~and~~

payment
and
applicable

13 **SEC. 43. AIRPORT IMPROVEMENT PROGRAMS.**

14 (a) COMPETITION PLAN.—Section 47106(f) is
15 amended—

16 (1) by redesignating paragraph (3) as para-
17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—

21 This subsection does not apply to any passenger fa-
22 cility fee approved, or grant made, in fiscal year
23 2002 if the fee or grant is to be used to improve se-
24 curity at a covered airport.”.

1 ment and has successfully completed a test on the
2 use of the device or equipment.

3 “(h) TECHNOLOGICAL TRAINING.—

4 “(1) IN GENERAL.—The Under Secretary shall
5 require training to ensure that screeners are pro-
6 ficient in using the most up-to-date new technology
7 and to ensure their proficiency in recognizing new
8 threats and weapons.

9 “(2) PERIODIC ASSESSMENTS.—The Under
10 Secretary shall make periodic assessments to deter-
11 mine if there are dual use items and inform security
12 screening personnel of the existence of such items.

13 “(3) CURRENT LISTS OF DUAL USE ITEMS.—
14 Current lists of dual use items shall be part of the
15 ongoing training for screeners.

16 “(4) DUAL USE DEFINED.—For purposes of
17 this subsection, the term ‘dual use’ item means an
18 item that may seem harmless but that may be used
19 as a weapon.


20 “(i) LIMITATION ON RIGHT TO STRIKE.—An indi-
21 vidual that screens passengers or property, or both, at an
22 airport under this section may not participate in a strike,
23 or assert the right to strike, against the person (including
24 a governmental entity) employing such individual to per-
25 form such screening.

1 “(j) UNIFORMS.—The Under Secretary shall require
2 any individual who screens passengers and property pur-
3 suant to section 44901 to be attired while on duty in a
4 uniform approved by the Under Secretary.”.

5 (b) CONFORMING AMENDMENTS.—Section
6 44936(a)(1) of title 49, United States Code, is amended—

7 (1) in subparagraph (A) by inserting “as a se-
8 curity screener under section 44935(e) or a posi-
9 tion” after “a position”; and

10 (2) in subparagraph (E) by striking clause (iv).

11 (c) TRANSITION.—The Under Secretary of Trans-
12 portation for Security shall complete the full implementa-
13 tion of section 44935 (e), (f), (g), and (h) of title 49,
14 United States Code, as amended by subsection (a), as soon
15 as is practicable. The Under Secretary may make or con-
16 tinue such arrangements for the training of security
17 screeners under that section as the ~~Attorney General~~ de-
18 termines necessary pending full implementation of that
19 section as so amended. 

20 (d) SCREENER PERSONNEL.—Notwithstanding any
21 other provision of law, the Under Secretary of Transpor-
22 tation for Security may employ, appoint, discipline, termi-
23 nate, and fix the compensation, terms, and conditions of
24 employment of Federal service for such a number of indi-
25 viduals as the Under Secretary determines to be necessary

*Under
Secretary*

1 to carry out the screening functions of the Under Sec-
2 retary under section 44901 of title 49, United States
3 Code. The Under Secretary shall establish levels of com-
4 pensation and other benefits for individuals so employed.

5 ~~(e) FINAL RULES ESTABLISHING TRAINING STAND-~~
6 ~~ARDS FOR SCREENERS.—Section 44935(e)(1) of title 49,~~
7 ~~United States Code, is amended by striking “May 31,~~
8 ~~2001” and inserting “6 months after the date of enact-~~
9 ~~ment of the Airport and Transportation Security Act”~~

112 } 10 ~~SEC. 449. RESEARCH AND DEVELOPMENT.~~

11 ~~[(a) IN GENERAL.—Section 44912(b)(1) of title 49,~~
12 ~~United States Code, is amended—~~

13 ~~[(1) by striking “complete an intensive review~~
14 ~~of” and inserting “periodically review”;~~

15 ~~[(2) by striking “commercial aircraft in service~~
16 ~~and expected to be in service in the 10-year period~~
17 ~~beginning on November 16, 1990;” in subparagraph~~
18 ~~(B) and inserting “aircraft in air transportation;”;~~
19 ~~and~~

20 ~~[(3) by redesignating subparagraphs (D)~~
21 ~~through (F) as subparagraphs (E) through (G), re-~~
22 ~~spectively, and inserting after subparagraph (C) the~~
23 ~~following:~~

1 (D) the potential release of chemical, bi-
2 ological, or similar weapons or devices either
3 within an aircraft or within an airport;”.

4 (b) ADDITIONAL MATTERS REGARDING RESEARCH
5 AND DEVELOPMENT.—

6 (1) ADDITIONAL PROGRAM REQUIREMENTS.—

7 Subsection (a) of section 44912 of title 49, United
8 States Code, is amended—

9 (A) by redesignating paragraph (4) as
10 paragraph (5); and

11 (B) by inserting after paragraph (3) the
12 following new paragraph (4):

13 “(4)(A) In carrying out the program established
14 under this subsection, the Administrator shall designate
15 an individual to be responsible for engineering, research,
16 and development with respect to security technology under
17 the program.

18 “(B) The individual designated under subparagraph
19 (A) shall use appropriate systems engineering and risk
20 management models in making decisions regarding the al-
21 location of funds for engineering, research, and develop-
22 ment with respect to security technology under the pro-
23 gram.

24 “(C) The individual designated under subparagraph
25 (A) shall, on an annual basis, submit to the Research, En-

1 gineering and Development Advisory Committee a report
2 on activities under this paragraph during the preceding
3 year. Each report shall include, for the year covered by
4 such report, information on—

5 ~~“(i) progress made in engineering, research,~~
6 and development with respect to security technology;

7 ~~“(ii) the allocation of funds for engineering,~~
8 research, and development with respect to security
9 technology; and

10 ~~“(iii) engineering, research, and development~~
11 with respect to any technologies drawn from other
12 agencies, including the rationale for engineering, re-
13 search, and development with respect to such tech-
14 nologies.”.

15 ~~“(2) REVIEW OF THREATS.—Subsection (b)(1)~~
16 of that section is ~~amended—~~ *(to the*

17 ~~“(A) by redesignating subparagraphs (A)~~
18 *G)* through ~~(F)~~ as subparagraphs (B) through ~~(G)~~, *(H)*
19 respectively; and

20 ~~“(B) by inserting before subparagraph~~
21 (B), as so redesignated, the following new sub-
22 paragraph (A):

23 ~~“(A) a comprehensive systems analysis (em-~~
24 ploying vulnerability analysis, threat attribute defini-

1 tion, and technology roadmaps) of the civil aviation
2 system, including—

3 ~~“(i) the destruction, commandeering, or~~
4 diversion of civil aircraft or the use of civil air-
5 craft as a weapon; and

6 ~~“(ii) the disruption of civil aviation serv-~~
7 ice, including by cyber attack;”.

8 ~~“(3) SCIENTIFIC ADVISORY PANEL.—Subsection~~
9 (c) of that section is amended to read as follows:

10 ~~“(c) SCIENTIFIC ADVISORY PANEL.—(1) The Ad-~~
11 ministrator shall establish a scientific advisory panel, as
12 a subcommittee of the Research, Engineering, and Devel-
13 opment Advisory Committee, to review, comment on, ad-
14 vise the progress of, and recommend modifications in, the
15 program established under subsection (a) of this section,
16 including the need for long-range research programs to de-
17 tect and prevent catastrophic damage to commercial air-
18 craft, commercial aviation facilities, commercial aviation
19 personnel and passengers, and other components of the
20 commercial aviation system by the next generation of ter-
21 rorist weapons.

22 ~~“(2)(A) The advisory panel shall consist of individ-~~
23 uals who have scientific and technical expertise in—

24 ~~“(i) the development and testing of effective~~
25 explosive detection systems;

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1 “(ii) aircraft structure and experimentation to
2 decide on the type and minimum weights of explo-
3 sives that an effective explosive detection technology
4 must be capable of detecting;

5 “(iii) technologies involved in minimizing air-
6 frame damage to aircraft from explosives; and

7 “(iv) other scientific and technical areas the
8 Administrator considers appropriate.

9 “(B) In appointing individuals to the advisory panel,
10 the Administrator should consider individuals from aca-
11 demia and the national laboratories, as appropriate.

12 “(3) The Administrator shall organize the advisory
13 panel into teams capable of undertaking the review of poli-
14 cies and technologies upon request.

15 “(4) Not later than 90 days after the date of the
16 enactment of the Aviation and Transportation Security
17 Act, and every two years thereafter, the Administrator
18 shall review the composition of the advisory panel in order
19 to ensure that the expertise of the individuals on the panel
20 is suited to the current and anticipated duties of the
21 panel.”.

22 “(c) ~~COORDINATION WITH ATTORNEY GENERAL.~~
23 ~~Section 44912(b) of title 49, United States Code, is~~
24 ~~amended by adding at the end the following:~~

1 ["(3) Beginning on the date of enactment of the
 2 Aviation and Transportation Security Act, the Adminis-
 3 trator shall conduct all research related to screening tech-
 4 nology and procedures in conjunction with the Attorney
 5 General.".]

113 6 SEC. 141. FLIGHT SCHOOL SECURITY.

7 (a) IN GENERAL.—Chapter 449 of title 49, United
 8 States Code, is amended by adding at the end the fol-
 9 lowing new section:

10 "§ 44939. Training to operate certain aircraft

11 "(a) WAITING PERIOD.—A person subject to regula-
 12 tion under this part may provide training in the operation
 13 of any aircraft having a maximum [certificated] takeoff
 14 weight of 12,500 pounds or less to an alien (as defined
 15 in section 101(a)(3) of the Immigration and Nationality
 16 Act (8 U.S.C. 1101(a)(3))) or to any other individual
 17 specified by the Under Secretary of Transportation for Se-
 18 curity only if—

19 "(1) that person has first notified the Under
 20 Secretary [and the Attorney General] that the indi-
 21 vidual has requested such training and furnished the
 22 Under Secretary with that individual's identification
 23 in such form as the Under Secretary may require;
 24 and

Subchapter II
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Attorney
 General

1 “(2) the Attorney General has not directed,
2 within 45 days after being notified under paragraph
3 (1), that person not to provide the requested train-
4 ing because the Attorney General has determined
5 that the individual presents a risk to aviation or na-
6 tional security.

7 “(b) INTERRUPTION OF TRAINING.—If the Attorney
8 General, more than 45 days after receiving notification
9 under subsection (a) from a person providing training de-
10 scribed in subsection (a), determines that the individual
11 presents a risk to aviation or national security, the Attor-
12 ney General shall immediately notify the person providing
13 the training of the determination and that person shall
14 immediately terminate the training.

15 “(c) COVERED TRAINING.—For the purposes of sub-
16 section (a), training includes in-flight training, training in
17 a simulator, and any other form or aspect of training.

18 “(d) SECURITY AWARENESS TRAINING FOR EMPLOY-
19 EES.—The Under Secretary shall require flight schools to
20 conduct a security awareness program for flight school
21 employees to increase their awareness of suspicious cir-
22 cumstances and activities of individuals enrolling in or at-
23 tending flight school.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“44939. Training to operate certain aircraft.”.

4 (c) INTERNATIONAL COOPERATION.—The Secretary
5 of Transportation, in consultation with the Secretary of
6 State, shall work with the International Civil Aviation Or-
7 ganization and the civil aviation authorities of other coun-
8 tries to improve international aviation security through
9 screening programs for flight instruction candidates.

10 (d) EFFECTIVE DATE.—The amendment made by
11 subsection (a) applies to applications for training received
12 after the date of enactment of this Act.

13 **SEC. 114. INCREASED PENALTIES FOR INTERFERENCE**
14 **WITH SECURITY PERSONNEL.**

15 (a) IN GENERAL.—Chapter 465 of title 49, United
16 States Code, is amended by inserting after section 46502
17 the following:

18 **“§ 46503. Interference with security screening per-**
19 **sonnel**

20 “An individual in an area within a commercial service
21 airport in the United States who, by assaulting a Federal,
22 airport, or air carrier employee who has security duties
23 within the airport, interferes with the performance of the
24 duties of the employee or lessens the ability of the em-
25 ployee to perform those duties, shall be fined under title

Insert to page 83

1 (3) the Federal Aviation Administration should
2 maintain its current restriction on carry-on baggage
3 of 1 bag and 1 personal item.

1 18, imprisoned for not more than 10 years, or both. If
2 the individual used a dangerous weapon in committing the
3 assault or interference, the individual may be imprisoned
4 for any term of years or life imprisonment.”.

5 (b) CONFORMING AMENDMENT.—The chapter anal-
6 ysis for chapter 465 of such title is amended by inserting
7 after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

117/ 8 **SEC. 441. PASSENGER MANIFESTS.**

9 Section 44909 is amended by adding at the end the
10 following:

11 “(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO
12 THE UNITED STATES.—

13 “(1) IN GENERAL.—Not later than 60 days
14 after the date of enactment of the Aviation and
15 Transportation Security Act, each air carrier and
16 foreign air carrier operating a passenger flight in
17 foreign air transportation to the United States shall
18 provide to the Commissioner of Customs by elec-
19 tronic transmission a passenger and crew manifest
20 containing the information specified in paragraph
21 (2). Carriers may use the advanced passenged infor-
22 mation system established under section 431 of the
23 Tariff Act of 1930 (19 U.S.C. 1431) to provide the
24 information required by the preceding sentence.

1 “(2) INFORMATION.—A passenger and crew
2 manifest for a flight required under paragraph (1)
3 shall contain the following information:

4 “(A) The full name of each passenger and
5 crew member.

6 “(B) The date of birth and citizenship of
7 each passenger and crew member.

8 “(C) The sex of each passenger and crew
9 member.

10 “(D) The passport number and country of
11 issuance of each passenger and crew member if
12 required for travel.

13 “(E) The United States visa number or
14 resident alien card number of each passenger
15 and crew member, as applicable.

16 “(F) Such other information as the Under
17 Secretary, in consultation with the Commis-
18 sioner of Customs, determines is reasonably
19 necessary to ensure aviation safety.

20 “(3) PASSENGER NAME RECORDS.—The car-
21 riers shall make passenger name record information
22 available to the Customs Service upon request.

23 “(4) TRANSMISSION OF MANIFEST.—Subject to
24 paragraph (5), a passenger and crew manifest re-
25 quired for a flight under paragraph (1) shall be

1 transmitted to the Customs Service in advance of
2 the aircraft landing in the United States in such
3 manner, time, and form as the Customs Service pre-
4 scribes.

5 “(5) TRANSMISSION OF MANIFESTS TO OTHER
6 FEDERAL AGENCIES.—Upon request, information
7 provided to the Under Secretary or the Customs
8 Service under this subsection may be shared with
9 other Federal agencies for the purpose of protecting
10 national security.”

11 118) SEC. 148. AIR TRANSPORTATION ARRANGEMENTS IN CER-
12 TAIN STATES.

13 (a) IN GENERAL.—Notwithstanding any provision of
14 section 41309(a) of title 49, United States Code, to the
15 contrary, air carriers providing air transportation on
16 flights which both originate and terminate at points within
17 the same State may file an agreement, request, modifica-
18 tion, or cancellation of an agreement within the scope of
19 that section with the Secretary of Transportation upon a
20 declaration by the Governor of the State that such agree-
21 ment, request, modification, or cancellation is necessary
22 to ensure the continuing availability of such air transpor-
23 tation within that State.

24 (b) APPROVAL OF SECRETARY.—The Secretary may
25 approve any such agreement, request, modification, or

1 cancellation and grant an exemption under section
2 41308(c) of title 49, United States Code, to the extent
3 necessary to effectuate such agreement, request, modifica-
4 tion, or cancellation, without regard to the provisions of
5 section 41309(b) or (c) of that title.

6 (c) PUBLIC INTEREST REQUIREMENT.—The Sec-
7 retary may approve such an agreement, request, modifica-
8 tion, or cancellation if the Secretary determines that—

9 (1) the State to which it relates has extraor-
10 dinary air transportation needs and concerns; and

11 (2) approval is in the public interest.

12 (d) TERMINATION.—An approval under subsection
13 (b) and an exemption under section 41308(c) of title 49,
14 United States Code, granted under subsection (b) shall
15 terminate on the earlier of the 2 following dates:

16 (1) A date established by the Secretary in the
17 Secretary's discretion.

18 (2) October 1, 2002.

19 (e) EXTENSION.—Notwithstanding subsection (d), if
20 the Secretary determines that it is in the public interest,
21 the Secretary may extend the termination date under sub-
22 section (d)(2) until a date no later than October 1, 2003.

23 (f) REPORTS.—If the Secretary approves any such
24 agreement, request, modification, or cancellation under
25 this section and grants an exemption, the Secretary shall

1 transmit a report to Committee on Commerce, Science,
2 and Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives within 6 months describing what actions have
5 been taken by the air carriers to which the exemption was
6 granted. The Secretary shall also notify those committees
7 if the Secretary extends the termination date under sub-
8 section (e).

115
9 **SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.**

10 In order to ensure that all airline computer reserva-
11 tion systems maintained by United States air carriers are
12 secure from unauthorized access by persons seeking infor-
13 mation on reservations, passenger manifests, or other non-
14 public information, the Secretary of Transportation shall
15 require all such air carriers to utilize to the maximum ex-
16 tent practicable the best technology available to secure
17 their computer reservation system against such unauthor-
18 ized access.

19 **SEC. 118. SECURITY FUNDING.**

20 **[(a) USER FEE FOR SECURITY SERVICES.—**

21 **[(1) IN GENERAL.—**Chapter 481 of title 49,
22 United States Code, is amended by adding at the
23 end thereof the following:

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(8 pages)

Insert to page 75

1 SEC. 116. SECURITY SERVICE FEE.

2 (a) IN GENERAL.—Subchapter II of chapter 449 is
3 amended by adding at the end the following:

4 “§ 44940. Security service fee

5 “(a) GENERAL AUTHORITY.—

6 “(1) PASSENGER FEES.—The Under Secretary
7 of Transportation for Security shall impose a uni-
8 form fee, on passengers of air carriers and foreign
9 air carriers in air transportation and intrastate air
10 transportation originating at airports in the United
11 States, to pay for the following costs of providing
12 civil aviation security services:

13 “(A) Salary, benefits, overtime, retirement
14 and other costs of screening personnel, their su-
15 pervisors and managers, and Federal law en-
16 forcement personnel deployed at airport security
17 screening locations under section 44901.

18 “(B) The costs of training personnel de-
19 scribed in subparagraph (A), and the acquisi-
20 tion, operation, and maintenance of equipment
21 used by such personnel.

22 “(C) The costs of performing background
23 investigations of personnel described in sub-
24 paragraphs (A), (D), (F), and (G).

1 “(D) The costs of the Federal air marshals
2 program.

3 “(E) The costs of performing civil aviation
4 security research and development under this
5 title.

6 “(F) The costs of Federal Security Man-
7 agers under section 44903.

8 “(G) The costs of deploying Federal law
9 enforcement personnel pursuant to section
10 44903(h).

11 The amount of such costs shall be determined by the
12 Under Secretary and shall not be subject to judicial
13 review ~~and section 44903.~~

14 “(2) AIR CARRIER FEES.—

15 “(A) AUTHORITY.—In addition to the fee
16 imposed pursuant to paragraph (1), and only to
17 the extent that the Under Secretary estimates
18 that such fee will be insufficient to pay for the
19 costs of providing civil aviation security services
20 described in paragraph (1), the Under Sec-
21 retary may impose a fee on air carriers and for-
22 eign air carriers engaged in air transportation
23 and intrastate air transportation to pay for the
24 difference between any such costs and the
25 amount collected from such fee, as estimated by



1 the Under Secretary at the beginning of each
2 fiscal year. The estimates of the Under Sec-
3 retary under this subparagraph are not subject
4 to judicial review.

5 “(B) LIMITATIONS.—

6 “(i) OVERALL LIMIT.—The amounts
7 of fees collected under this paragraph for
8 each fiscal year may not exceed, in the ag-
9 gregate, the amounts paid in calendar year
10 2000 by carriers described in subpara-
11 graph (A) for screening passengers and
12 property, as determined by the Under Sec-
13 retary.

14 “(ii) PER-CARRIER LIMIT.—The
15 amount of fees collected under this para-
16 graph from an air carrier described in sub-
17 paragraph (A) for each of fiscal years
18 2002, 2003, and 2004 may not exceed the
19 amount paid in calendar year 2000 by that
20 carrier for screening passengers and prop-
21 erty, as determined by the Under Sec-
22 retary.

23 “(iii) ADJUSTMENT OF PER-CARRIER
24 LIMIT.—For fiscal year 2005 and subse-
25 quent fiscal years, the per-carrier limita-



tion under clause (ii) may be determined by the Under Secretary on the basis of market share or any other appropriate measure in lieu of actual screening costs in calendar year 2000.

“(iv) FINALITY OF DETERMINATIONS.—Determinations of the Under Secretary under this subparagraph are not subject to judicial review.

“(c) SPECIAL RULE FOR FISCAL YEAR 2002.—The amount of fees collected under this paragraph from any carrier for fiscal year 2002 may not exceed the amounts paid by that carrier for screening passengers and property for a period of time in calendar year 2000 proportionate to the period of time in fiscal year 2002 during which fees are collected under this paragraph.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration’s costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 per enplanement in air transportation or intrastate air transportation that



1 originates at an airport in the United States, except that
2 the total amount of such fees may not exceed \$5.00 per
3 one-way trip.

4 "(d) IMPOSITION OF FEE.—

5 "(1) IN GENERAL.—Notwithstanding section
6 9701 of title 31 and the procedural requirements of
7 section 553 of title 5, the Under Secretary shall im-
8 pose the fee under subsection (a)(1), and may im-
9 pose a fee under subsection (a)(2), through the pub-
10 lication of notice of such fee in the Federal Register
11 and begin collection of the fee within 60 days of the
12 date of enactment of this Act, or as soon as possible
13 thereafter.

14 "(2) SPECIAL RULES PASSENGER FEES.—A fee
15 imposed under subsection (a)(1) through the proce-
16 dures under subsection (d) shall apply only to tickets
17 sold after the date on which such fee is imposed. If
18 a fee imposed under subsection (a)(1) through the
19 procedures under subsection (d) on transportation of
20 a passenger of a carrier described in subsection
21 (a)(1) is not collected from the passenger, the
22 amount of the fee shall be paid by the carrier.

23 "(3) SUBSEQUENT MODIFICATION OF FEE.—

24 After imposing a fee in accordance with paragraph
25 (1), the Under Secretary may modify, from time to



1 (b) CONFORMING AMENDMENT TO AIRPORT AND
2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
3 ternal Revenue Code of 1986 (relating to airport and air-
4 way program) is amended by inserting “or the ~~Airport and~~ *(Aviation*
5 Transportation Security ~~Federalization~~ Act” after “21st
6 Century”.

124) 7 **SEC. 114. TECHNICAL CORRECTIONS.**

8 (a) REPORT DEADLINE.—Section 106(a) of the Air
9 Transportation Safety and System Stabilization Act (Pub-
10 lic Law 107-42) is amended by striking “February 1,
11 2001” and inserting “February 1, 2002”.

12 (b) INSURANCE AND REINSURANCE OF AIRCRAFT.—
13 Section 44306(c) (as redesignated by section 201(d) of
14 such Act) is amended by inserting “in the interest of air
15 commerce or national security or” before “to carry out
16 foreign policy”.

17 (c) FEDERAL CREDIT INSTRUMENTS.—Section
18 102(c)(2)(A) of such Act is amended by striking “rep-
19 resentatives” and inserting “representations”.

20 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE
21 PER AIR CARRIER.—Section 103 of such Act is amended
22 by adding at the end the following:

23 “(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

24 “(1) SET-ASIDE.—The President may set aside
25 a portion of the amount of compensation payable to

1 time through publication of notice in the Federal
2 Register, the imposition or collection of such fee, or
3 both.

4 "(4) LIMITATION ON COLLECTION.—No fee
5 may be collected under this section except to the ex-
6 tent that the expenditure of the fee to pay the costs
7 of activities and services for which the fee is imposed
8 is provided for in advance in an appropriations Act.

9 "(e) ADMINISTRATION OF FEES.—

10 "(1) FEES PAYABLE TO UNDER SECRETARY.—
11 All fees imposed and amounts collected under this
12 section are payable to the Under Secretary.

13 "(2) FEES COLLECTED BY AIR CARRIER.—A fee
14 imposed under subsection (a)(1) shall be collected by
15 the air carrier or foreign air carrier that sells a tick-
16 et for transportation described in subsection (a)(1).

17 "(3) DUE DATE FOR REMITTANCE.—A fee col-
18 lected under this section shall be remitted on the
19 last day of each calendar month by the carrier col-
20 lecting the fee. The amount to be remitted shall be
21 for the calendar month preceding the calendar
22 month in which the remittance is made.

23 "(4) INFORMATION.—The Under Secretary may
24 require the provision of such information as the
25 Under Secretary decides is necessary to verify that

1 fees have been collected and remitted at the proper
2 times and in the proper amounts.

3 "(5) FEE NOT SUBJECT TO TAX.—For purposes
4 of section 4261 of the Internal Revenue Code of
5 1986 (26 U.S.C. 4261), a fee imposed under this
6 section shall not be considered to be part of the
7 amount paid for taxable transportation.

8 "(6) COST OF COLLECTING FEE.—No portion
9 of fee collected under this section may be retained
10 by the air carrier or foreign air carrier for the costs
11 of collecting, handling, or remitting the fee except
12 for interest accruing to the carrier after collection
13 and before remittance.

14 "(f) RECEIPTS CREDITED AS OFFSETTING COLLEC-
15 TIONS.—Notwithstanding section 3302 of title 31, any fee
16 collected under this section—

17 "(1) shall be credited as offsetting collections to
18 the account that finances the activities and services
19 for which the fee is imposed;

20 "(2) shall be available for expenditure only to
21 pay the costs of activities and services for which the
22 fee is imposed; and

23 "(3) shall remain available until expended.

1 “(g) REFUNDS.—The Under Secretary may refund
2 any fee paid by mistake or any amount paid in excess of
3 that required.

4 “(h) EXEMPTIONS.—The Under Secretary may ex-
5 empt from the passenger fee imposed under subsection
6 (a)(1) any passenger enplaning at an airport in the United
7 States that does not receive screening services under sec-
8 tion 44901 for that segment of the trip for which the pas-
9 senger does not receive screening.”.

10 “(b) CONFORMING AMENDMENT.—The analysis for
11 such chapter is amended by adding at the end the fol-
12 lowing:

“44940. Security service fee.”



1 **["§ 48114. User fee for security services charge**

2 **["(a) IN GENERAL.—**The Secretary of Transpor-
3 tation shall collect a user fee from air carriers. Amounts
4 collected under this section shall be treated as offsetting
5 collections to offset annual appropriations for the costs of
6 providing aviation security services.

7 **["(b) AMOUNT OF FEE.—**Air carriers shall remit
8 \$2.50 for each passenger enplanement.

9 **["(c) USE OF FEES.—**A fee collected under this sec-
10 tion shall be used solely for the costs associated with pro-
11 viding aviation security services and may be used only to
12 the extent provided in advance in an appropriation law.".

13 **[(2) CLERICAL AMENDMENT.—**The table of
14 sections for chapter 481 of title 49, United States
15 Code, is amended by adding at the end thereof the
16 following:

["48114. User fee for security services".

17 **[(3) EFFECTIVE DATE.—**The amendment
18 made by paragraph (1) shall apply with respect to
19 transportation beginning after the date which is 180
20 days after the date of enactment of this Act.]

C 2 } **(b) SPECIFIC AUTHORIZATION OF APPROPRIA-**
22 **TIONS.—**

23 **(1) IN GENERAL.—**Part C of subtitle VII of
24 title 49, United States Code, is amended by adding
25 at the end the following:

1 "CHAPTER 483 AVIATION SECURITY FUNDING" ✓
76
70

"Sec.

"48301. Aviation security funding

2 "§ 48301. Aviation security funding

3 "(a) IN GENERAL.—There are authorized to be ap-
4 propriated for fiscal years 2002, 2003, 2004, and 2005
5 such sums as may be necessary to carry out chapter 449
6 and related aviation security activities under this title. Any
7 amounts appropriated pursuant to this section for fiscal
8 year 2002 shall remain available until expended.

9 "(b) GRANTS FOR AIRCRAFT SECURITY.—There is
10 authorized to be appropriated \$500,000,000 for fiscal year
11 2002 to the Secretary of Transportation to make grants
12 to air carriers to—

13 "(1) fortify cockpit doors to deny access from
14 the cabin to the pilots in the cockpit;

15 "(2) provide for the use of video monitors or
16 other devices to alert the cockpit crew to activity in
17 the passenger cabin;

18 "(3) ensure continuous operation of the aircraft
19 transponder in the event the crew faces an emer-
20 gency; and

21 "(4) provide for the use of other innovative
22 technologies to enhance aircraft security."

23 (2) CONFORMING AMENDMENT.—The subtitle
24 analysis for subtitle VII of title 49, United States

Insert to Page 76

1 “(b) GRANTS FOR AIRCRAFT SECURITY.—There is
2 authorized to be appropriated \$500,000,000 for fiscal year
3 2002 to the Secretary of Transportation to make grants
4 to or other agreements with air carriers (including intra-
5 state air carriers) to—

6 “(1) fortify cockpit doors to deny access from
7 the cabin to the pilots in the cockpit;

8 “(2) provide for the use of video monitors or
9 other devices to alert the cockpit crew to activity in
10 the passenger cabin;

11 “(3) ensure continuous operation of the aircraft
12 transponder in the event the crew faces an emer-
13 gency; and

14 “(4) provide for the use of other innovative
15 technologies to enhance aircraft security. ”.



27
71

1 Code, is amended by inserting after the item relating
2 to chapter 482 the following:

"483. Aviation Security Funding 48301".

3 **SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION**
4 **SECURITY.**

5 (a) LIMITED USE OF AIRPORT IMPROVEMENT PRO-
6 GRAM FUNDS.—

7 (1) AIRPORT DEVELOPMENT FUNDS.—Section
8 47102(3) of title 49, United States Code, is amend-
9 ed by adding at the end the following:

10 *additional*) "~~(J) with funds made available for fiscal~~
11 year 2002, any ~~airport~~ security related activ-
12 ity required by law or by the Secretary after
13 September 11, 2001, and before October 1,
14 2002.

15 *2* "(K) in fiscal year 2002 with respect to
16 funds apportioned under section 47114, any ac-
17 tivity, including operational activities, of an air-
18 port that is not a primary airport if that air-
19 port is located within the confines of enhanced
20 class B airspace, as defined by Notice to Air-
21 men FDC 1/0618 issued by the Federal Avia-
22 tion Administration and the activity ~~is~~ carried *(was)*
23 out when the Notice is in effect. *6*

any restriction in

24 "(L) in fiscal year 2002, payments for
25 debt service on indebtedness incurred to carry

*{ in fiscal
years
2001 and
2002*

1 out a project at an airport owned or controlled
2 by the sponsor or at a privately owned or oper-
3 ated airport passenger terminal financed by in-
4 debtedness incurred by the sponsor if the Sec-
5 retary determines that such payments are nec-
6 essary to prevent a default on the indebted-
7 ness.”.

8 (2) ALLOWABLE COSTS.—Section 47110(b)(2)
9 of title 49, United States Code, is amended—

10 (A) by striking “or” in subparagraph (B);

11 (B) by inserting “or” after “executed,” in
12 subparagraph (C); and

13 (C) by adding at the end the following:

14 “(D) if the cost is incurred after Sep-
15 tember 11, 2001, for a project described in sec-
16 tion 47102(3)(J), and shall not depend upon
17 the date of execution of a grant agreement
18 made under this subchapter;”.

19 (3) DISCRETIONARY GRANTS.—Section 47115
20 of title 49, United States Code, is amended by add-
21 ing at the end the following:

22 “(i) CONSIDERATIONS FOR PROJECT UNDER EX-
23 PANDED SECURITY ELIGIBILITY.—In order to assure that
24 funding under this subchapter is provided to the greatest
25 needs, the Secretary, in selecting a project described in

47102(3)(K),
c. 47102
(3)(L)
=

1 section 47102(3)(J) for a grant, shall consider the non-
2 federal resources available to sponsor, the use of such non-
3 federal resources, and the degree to which the sponsor is
4 providing increased funding for the project.”.

5 (4) FEDERAL SHARE.—Section 47109(a) of
6 title 49, United States Code, is amended—

7 (A) by striking “and” in paragraph (3);

8 (B) by striking “47134.” in paragraph (4)
9 and inserting “47134; and”; and

10 (C) by adding at the end the following:

11 “(5) for fiscal year 2002, 100 percent for a
12 project described in section 47102(3)(J).”

13 (5) AIRPORT DEVELOPMENT.—Section
14 47102(3)(B) of title 49, United States Code, is
15 amended—

16 (A) by striking “and” at the end of clause
17 (viii);

18 (B) by striking the period at the end of
19 clause (ix) and inserting “; and”; and

20 (C) by inserting after clause (ix) the fol-
21 lowing new clause:

22 “(x) replacement of baggage conveyor
23 systems, and reconfiguration of terminal
24 baggage areas, that the Secretary deter-

(S 47102(3)(K),
(L) 47102(3)

1 mines are necessary to install bulk explo-
2 sive detection devices.”.

3 (b) APPORTIONED FUNDS.—For the purpose of car-
4 rying out section 47114 of title 49, United States Code,
5 for fiscal year 2003, the Secretary shall use, in lieu of
6 passenger boardings at an airport during the prior cal-
7 endar year, the greater of—

8 (1) the number of passenger boardings at that
9 airport during 2000; or

10 (2) the number of passenger boardings at that
11 airport during 2001.

12 (c) EXPEDITED PROCESSING OF SECURITY-RELATED
13 PFC REQUESTS.—The Administrator of the Federal
14 Aviation Administration shall, to the extent feasible, expe-
15 dite the processing and approval of passenger facility fee
16 requests under subchapter I of chapter 471 of title 49,
17 United States Code, for projects described in section
18 47192(3)(J) of title 49, United States Code.

19) ~~(d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-~~
20 ~~VISION.—Section 45301(b)(1)(B) of title 49, United~~
21 ~~States Code, is amended by striking “directly” and insert-~~
22 ~~ing “reasonably”.~~

insert

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attached

1 air carriers under section 101(a)(2) to provide com-
 2 pensation to classes of air carriers, such as ~~air am-~~
 3 bulances (including hospitals operating air ambu-
 4 lances) for whom the application of a distribution
 5 formula containing available seat miles as a factor
 6 would inadequately reflect their share of direct and
 7 incremental losses. The President shall reduce the
 8 \$4,500,000,000 specified in subsection (b)(2)(A)(i)
 9 by the amount set aside under this subsection.

10 ~~“(2) DISTRIBUTION OF AMOUNTS.—The Presi-~~
 11 dent shall distribute the amount set aside under this ~~sub-~~
 12 subsection proportionally among ~~air carriers pro-~~
 13 ~~viding air ambulance services~~ based on an appro-
 14 priate auditable measure, as determined by the
 15 President.”.

16 **SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**
 17 **SUSPICIOUS ACTIVITIES.**

18 (a) IN GENERAL.—Subchapter II of chapter 449 of
 19 title 49, United States Code, is amended by inserting at
 20 the end the following.

21 **“§ 44940. Immunity for reporting suspicious activities**

22 “(a) IN GENERAL.—Any air carrier or foreign air
 23 carrier or any employee of an air carrier or foreign air
 24 carrier who makes a voluntary disclosure of any suspicious
 25 transaction relevant to a possible violation of law or regu-

180
Insert to page 180

1 (d) AMENDMENT OF GENERAL FEE SCHEDULE PRO-
2 VISION.—Section 45301(b)(1)(B) of title 49, United
3 States Code, is amended—

4 (1) by striking “directly” and inserting “rea-
5 sonably”;

6 (2) by striking “Administration’s costs” and in-
7 serting “Administration’s costs, as determined by
8 the Administrator.”; and

9 (3) by adding at the end “The determination
10 of such costs by the Administrator is not subject to
11 judicial review.”.



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1 SEC. 1. CHEMICAL AND BIOLOGICAL WEAPON DETEC-
2 TION.

3 Section 44903(c)(2)(C) of title 49, United States
4 Code, is amended to read as follows:

5 "(C) MAXIMUM USE OF CHEMICAL AND BI-
6 OLOGICAL WEAPON DETECTION EQUIPMENT.—
7 The Secretary of Transportation may require
8 airports to maximize the use of technology and
9 equipment that is designed to detect or neu-
10 tralize potential chemical or biological weap-
11 ons."

121

12 SEC. ~~120~~. AUTHORIZATION OF FUNDS FOR REIMBURSE-
13 MENT OF AIRPORTS FOR SECURITY MAN-
14 DATES.

15 (a) AIRPORT SECURITY.—There is authorized to be
16 appropriated to the Secretary for fiscal years 2002 and
17 2003 a total of \$1,500,000,000 to reimburse airport oper-
18 ators, on-airport parking lots, and vendors of on-airfield
19 direct services for direct costs incurred by such operators
20 to comply with new, additional, or revised security require-
21 ments imposed on such operators by the Federal Aviation
22 Administration or Transportation Security Administration
23 on or after September 11, 2001. Such sums shall remain
24 available until expended.

25 (b) DOCUMENTATION OF COSTS; AUDIT.—The Sec-
26 retary may not reimburse an airport operator, on-airport

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Admin)

to a
cor. 15

1 parking lot, or vendor of on-airfield direct services under
2 this section for any cost for which the airport operator,
3 on-airport parking lot, or vendor of on-airfield direct serv-
4 ices does not demonstrate to the satisfaction of the Sec-
5 retary, using sworn financial statements or other appro-
6 priate data, that—

7 (1) the cost is eligible for reimbursement under
8 subsection (a); and

9 (2) the cost was incurred by the airport oper-
10 ator, on-airport parking lot, or vendor of on-airfield
11 direct services.

12 The Inspector General of the Department of Transpor-
13 tation and the Comptroller General of the United States
14 may audit such statements and may request any other in-
15 formation ~~that~~ necessary to conduct such an audit.

16 (c) CLAIM PROCEDURE.—Within 30 days after the
17 date of enactment of this Act, the Secretary, after con-
18 sultation with airport operators, on-airport parking lots,
19 and vendors of on-airfield direct services, shall publish in
20 the Federal Register the procedures for filing claims for
21 reimbursement under this section of eligible costs incurred
22 by airport operators.

122 } 23 SEC. 121. SENSE OF THE CONGRESS.

24 It is the sense of the Congress that—

to air
carriers

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1 (1) an airport receiving Federal financial assist-
2 ance should meet with the tenants of the airport
3 (other than air carriers and foreign air carriers) to
4 discuss adjustments of the rent of the tenants to ac-
5 count for losses in revenue incurred by the tenants
6 on and after September 11, 2001; ~~and~~ ⁶

7 (2) an air carrier that received financial assist-
8 ance under the Air Transportation Safety and Sys-
9 tem Stabilization Act or under title 49, United
10 States Code, since September 11, 2001, should meet
11 with airport operators to discuss ~~adjustments in~~
12 rates, charges, and fees ^{and} ~~and~~

13 **SEC. 43. AIRPORT IMPROVEMENT PROGRAMS.**

14 (a) COMPETITION PLAN.—Section 47106(f) is
15 amended—

16 (1) by redesignating paragraph (3) as para-
17 graph (4); and

18 (2) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—

21 This subsection does not apply to any passenger fa-
22 cility fee approved, or grant made, in fiscal year
23 2002 if the fee or grant is to be used to improve se-
24 curity at a covered airport.”.

Insert
Lloyd's

123,

payment
not
applicable

Insert to page 83

- 1 (3) the Federal Aviation Administration should
- 2 maintain its current restriction on carry-on baggage
- 3 of 1 bag and 1 personal item.

1 (b) CONFORMING AMENDMENT TO AIRPORT AND
2 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
3 ternal Revenue Code of 1986 (relating to airport and air-
4 way program) is amended by inserting “or the ~~Airport and~~ *Aviation*
5 Transportation Security ~~Federalization~~ Act” after “21st
6 Century”.

124) 7 **SEC. 114. TECHNICAL CORRECTIONS.**

8 (a) REPORT DEADLINE.—Section 106(a) of the Air
9 Transportation Safety and System Stabilization Act (Pub-
10 lic Law 107-42) is amended by striking “February 1,
11 2001” and inserting “February 1, 2002”.

12 (b) INSURANCE AND REINSURANCE OF AIRCRAFT.—
13 Section 44306(c) (as redesignated by section 201(d) of
14 such Act) is amended by inserting “in the interest of air
15 commerce or national security or” before “to carry out
16 foreign policy”.

17 (c) FEDERAL CREDIT INSTRUMENTS.—Section
18 102(c)(2)(A) of such Act is amended by striking “rep-
19 resentatives” and inserting “representations”.

20 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE
21 PER AIR CARRIER.—Section 103 of such Act is amended
22 by adding at the end the following:

23 “(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

24 “(1) SET-ASIDE.—The President may set aside
25 a portion of the amount of compensation payable to

air
four
operators
and

1 air carriers under section 101(a)(2) to provide com-
2 pensation to classes of air carriers, such as air am-
3 bulances (including hospitals operating air ambu-
4 lances) for whom the application of a distribution
5 formula containing available seat miles as a factor
6 would inadequately reflect their share of direct and
7 incremental losses. The President shall reduce the
8 \$4,500,000,000 specified in subsection (b)(2)(A)(i)
9 by the amount set aside under this subsection.

10 **“(2) DISTRIBUTION OF AMOUNTS.—**The Presi-
11 dent shall distribute the amount set aside under this
12 subsection proportionally among air carriers pro-
13 ~~viding air ambulance services~~ based on an appro-
14 priate auditable measure, as determined by the
15 President.”.

125) 16 **SEC. 421. ENCOURAGING AIRLINE EMPLOYEES TO REPORT**
17 **SUSPICIOUS ACTIVITIES.**

18 (a) **IN GENERAL.—**Subchapter II of chapter 449 of
19 title 49, United States Code, is amended by inserting at
20 the end the following:

44941 21 **“§ 44940. Immunity for reporting suspicious activities**

22 **“(a) IN GENERAL.—**Any air carrier or foreign air
23 carrier or any employee of an air carrier or foreign air
24 carrier who makes a voluntary disclosure of any suspicious
25 transaction relevant to a possible violation of law or regu-

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(b) "Immunity" is recommended by adding at the end of the following: "44941. Immunity for reporting suspicious activities."

1 lation, relating to air piracy, a threat to aircraft or pas-
 2 senger safety, or terrorism, as defined by section 3077 of
 3 title 18, United States Code, to any employee or agent
 4 of the Department of Transportation, the Department of
 5 Justice, any Federal, State, or local law enforcement offi-
 6 cer, or any airport or airline security officer shall not be
 7 civilly liable to any person under any law or regulation
 8 of the United States, any constitution, law, or regulation
 9 of any State or political subdivision of any State, for such
 10 disclosure.

11 "(b) APPLICATION.—Subsection (a) shall not apply
 12 to—

13 "(1) any disclosure made with actual knowledge
 14 that the disclosure was false, inaccurate, or mis-
 15 leading; or

16 "(2) any disclosure made with reckless dis-
 17 regard as to the truth or falsity of that disclosure.

18 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**
 19 **DECK CREWS.**

20 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The
 21 National Institute of Justice shall assess the range of less-
 22 than-lethal weaponry available for use by a flight deck
 23 crewmember temporarily to incapacitate an individual who
 24 presents a clear and present danger to the safety of the
 25 aircraft, its passengers, or individuals on the ground and

1 report its findings and recommendations to the Secretary
2 of Transportation within 90 days after the date of enact-
3 ment of this Act.

(h) Arming
Flight Deck
Crew... } 4 Section 44903 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH
7 LESS-THAN-LETHAL WEAPONS.—

8 “(1) IN GENERAL.—If the Secretary, after re-
9 ceiving the recommendations of the National Insti-
10 tute of Justice, determines, with the approval of the
11 Attorney General and the Secretary of State, that it
12 is appropriate and necessary and would effectively
13 serve the public interest in avoiding air piracy, the
14 Secretary may authorize members of the flight deck
15 crew on any aircraft providing air transportation or
16 intrastate air transportation to carry a less-than-le-
17 thal weapon while the aircraft is engaged in pro-
18 viding such transportation.

19 “(2) USAGE.—If the Secretary grants authority
20 under paragraph (1) for flight deck crew members
21 to carry a less-than-lethal weapon while engaged in
22 providing air transportation or intrastate air trans-
23 portation, the Secretary shall—

1 “(A) prescribe rules requiring that any
2 such crew member be trained in the proper use
3 of the weapon; and

4 “(B) prescribe guidelines setting forth the
5 circumstances under which such weapons may
6 be used.”.

127 } 7 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

8 (a) IN GENERAL.—During a national emergency af-
9 fecting air transportation or intrastate air transportation,
10 the Secretary of Transportation, after consultation with
11 the Transportation Security Oversight Board, may grant
12 a complete or partial waiver of any restrictions on the car-
13 riage by aircraft of freight, mail, emergency medical sup-
14 plies, personnel, or patients on aircraft, imposed by the
15 Department of Transportation (or other Federal agency
16 or department) that would permit such carriage of freight,
17 mail, emergency medical supplies, personnel, or patients
18 on flights, to, from, or within a State if the Secretary de-
19 termines that—

20 (1) extraordinary air transportation needs or
21 concerns exist; and

22 (2) the waiver is in the public interest, taking
23 into consideration the isolation of and dependence on
24 air transportation of the State.

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1 lation, relating to air piracy, a threat to aircraft or pas-
 2 senger safety, or terrorism, as defined by section 3077 of
 3 title 18, United States Code, to any employee or agent
 4 of the Department of Transportation, the Department of
 5 Justice, any Federal, State, or local law enforcement offi-
 6 cer, or any airport or airline security officer shall not be
 7 civilly liable to any person under any law or regulation
 8 of the United States, any constitution, law, or regulation
 9 of any State or political subdivision of any State, for such
 10 disclosure.

11 "(b) APPLICATION.—Subsection (a) shall not apply
 12 to—

13 "(1) any disclosure made with actual knowledge
 14 that the disclosure was false, inaccurate, or mis-
 15 leading; or

16 "(2) any disclosure made with reckless dis-
 17 regard as to the truth or falsity of that disclosure.

18 **SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT**
 19 **DECK CREWS.**

20 (a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The
 21 National Institute of Justice shall assess the range of less-
 22 than-lethal weaponry available for use by a flight deck
 23 crewmember temporarily to incapacitate an individual who
 24 presents a clear and present danger to the safety of the
 25 aircraft, its passengers, or individuals on the ground and

for each chapter is amended by adding at the end
 the following:
 "44941. Immunity for reporting suspicious activities."

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1 (b) LIMITATIONS.—The Secretary may impose rea-
2 sonable limitations on any such waiver.

128) 3 **SEC. 125. FLIGHT DECK SECURITY**

4 The pilot of a passenger aircraft operated by an air
5 carrier in air transportation or intrastate air transpor-
6 tation is authorized to carry a firearm into the cockpit
7 if—

8 (1) the Under Secretary of Transportation for
9 ~~Transportation Security~~ approves;

10 (2) the air carrier approves;

11 (3) the firearm is approved by the Under Sec-
12 retary; and

13 (4) the pilot has received proper training for
14 the use of the firearm, as determined by the Sec- *Under*
15 retary.

129) 16 **SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.**

17 Section 44703(g) of title 49, United States Code, is
18 amended—

19 (1) in the first sentence of paragraph (1)—

20 (A) by striking “pilots” and inserting “air-
21 men”; and

22 (B) by striking the period and inserting
23 “and related to combating acts of terrorism.”;
24 and

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1 (2) by adding at the end, the following new
2 paragraphs:

3 “(3) For purposes of this section, the term ‘acts of
4 terrorism’ means an activity that involves a violent act or
5 an act dangerous to human life that is a violation of the
6 criminal laws of the United States or of any State, or that
7 would be a criminal violation if committed within the juris-
8 diction of the United States or of any State, and appears
9 to be intended to intimidate or coerce a civilian population
10 to influence the policy of a government by intimidation
11 or coercion or to affect the conduct of a government by
12 assassination or kidnaping.

13 “(4) The Administrator is authorized and directed to
14 work with State and local authorities, and other Federal
15 agencies, to assist in the identification of individuals ap-
16 plying for or holding airmen certificates.”.

133 17 **SEC. 44942. RESULTS-BASED MANAGEMENT.**

18 Subchapter II of chapter 449 of title 49, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 44942. Performance goals and objectives**

22 **“(a) SHORT TERM TRANSITION.—**

23 **“(1) IN GENERAL.—**Within 180 days after the
24 date of enactment of the Aviation and Transpor-
25 tation Security Act, the Under Secretary for Trans-

1 portation Security may, in consultation with
2 Congress—

3 “(A) establish acceptable levels of perform-
4 ance for aviation security, including screening
5 operations and access control, and

6 “(B) provide Congress with an action plan,
7 containing measurable goals and milestones,
8 that outlines how those levels of performance
9 will be achieved.

10 “(2) BASICS OF ACTION PLAN.—The action
11 plan shall clarify the responsibilities of the Trans-
12 portation Security Administration, the Federal Avia-
13 tion Administration and any other agency or organi-
14 zation that may have a role in ensuring the safety
15 and security of the civil air transportation system.

16 “(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

17 “(1) PERFORMANCE PLAN AND REPORT.—

18 “(A) PERFORMANCE PLAN.—

19 “(i) Each year, consistent with the re-
20 quirements of the Government Perform-
21 ance and Results Act of 1993 (GPRA), the
22 Secretary and the Under Secretary for
23 Transportation Security shall agree on a
24 performance plan for the succeeding 5
25 years that establishes measurable goals

1 and objectives for aviation security. The
2 plan shall identify action steps necessary to
3 achieve such goals.

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4 “(ii) In addition to meeting the require-
5 ments of GPRA, the performance plan should
6 clarify the responsibilities of the Secretary, the
7 Under Secretary for Transportation Security
8 and any other agency or organization that may
9 have a role in ensuring the safety and security
10 of the civil air transportation system.

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11 “(B) PERFORMANCE REPORT.—(i) Each
12 year, consistent with the requirements of
13 GPRA, the Under Secretary for Transportation
14 Security shall prepare and submit to Congress
15 an annual report including an evaluation of the
16 extent goals and objectives were met. The re-
17 port shall include the results achieved during
18 the year relative to the goals established in the
19 performance plan.

20 **“§ 44943. Performance management system**

21 “(a) ESTABLISHING A FAIR AND EQUITABLE SYS-
22 TEM FOR MEASURING STAFF PERFORMANCE.—The
23 Under Secretary for Transportation Security shall estab-
24 lish a performance management system which strengthens
25 the organization’s effectiveness by providing for the estab-

1 lishment of goals and objectives for managers, employees,
2 and organizational performance consistent with the per-
3 formance plan.

4 “(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY
5 FOR MEETING PERFORMANCE GOALS.—

6 “(1) Each year, the Secretary and Under Sec-
7 retary for Transportation Security shall enter into
8 an annual performance agreement that shall set
9 forth organizational and individual performance
10 goals for the Under Secretary.

11 “(2) Each year, the Under Secretary for ~~Transportation Security~~
12 ~~tation Security~~ and each senior manager who reports to
13 the Under Secretary for ~~Transportation Security~~ shall
14 enter into an annual performance agreement that sets
15 forth organization and individual goals for those man-
16 agers. All other employees hired under the authority of
17 the Under Secretary for ~~Transportation Security~~ shall
18 enter into an annual performance agreement that sets
19 forth organization and individual goals for those employ-
20 ees.

21 “(c) PERFORMANCE-BASED SERVICE CON-
22 TRACTING.—To the extent contracts, if any, are used to
23 implement the Aviation Security Act, the Under Secretary
24 for Transportation Security shall, to the extent practical,
25 maximize the use of performance-based service contracts.

1 These contracts should be consistent with guidelines pub-
2 lished by the Office of Federal Procurement Policy.”.

131 /
3 **SEC. 129. VOLUNTARY PROVISION OF EMERGENCY SERV-**
4 **ICES DURING COMMERCIAL FLIGHTS.**

5 (a) IN GENERAL.—Subchapter II of chapter 449 of
6 title 49, United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 44944. Voluntary provision of emergency services**

9 “(a) PROGRAM FOR PROVISION OF VOLUNTARY
10 SERVICES.—

11 “(1) PROGRAM.—The Under Secretary of
12 Transportation for Transportation Security shall
13 carry out a program to permit qualified law enforce-
14 ment officers, firefighters, and emergency medical
15 technicians to provide emergency services on com-
16 mercial air flights during emergencies.

17 “(2) REQUIREMENTS.—The Under Secretary
18 shall establish such requirements for qualifications
19 of providers of voluntary services under the program
20 under paragraph (1), including training require-
21 ments, as the Under Secretary considers appro-
22 priate.

23 “(3) CONFIDENTIALITY OF REGISTRY.—If as
24 part of the program under paragraph (1) the Under
25 Secretary requires or permits registration of law en-

1 enforcement officers, firefighters, or emergency med-
2 ical technicians who are willing to provide emergency
3 services on commercial flights during emergencies,
4 the Under Secretary shall take appropriate actions
5 to ensure that the registry is available only to appro-
6 priate airline personnel and otherwise remains con-
7 fidential.

8 “(4) CONSULTATION.—The Under Secretary
9 shall consult with appropriate representatives of the
10 commercial airline industry, and organizations rep-
11 resenting community-based law enforcement, fire-
12 fighters, and emergency medical technicians, in car-
13 rying out the program under paragraph (1), includ-
14 ing the actions taken under paragraph (3).

15 “(b) EXEMPTION FROM LIABILITY.—An individual
16 shall not be liable for damages in any action brought in
17 a Federal or State court that arises from an act or omis-
18 sion of the individual in providing or attempting to provide
19 assistance in the case of an in-flight emergency in an air-
20 craft of an air carrier if the individual meets such quali-
21 fications as the Under Secretary shall prescribe for pur-
22 poses of this section.

23 “(c) EXCEPTION.—The exemption under subsection
24 (b) shall not apply in any case in which an individual pro-
25 vides, or attempts to provide, assistance described in that

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1 paragraph in a manner that constitutes gross negligence
2 or willful misconduct.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

“44944. Voluntary provision of emergency services”.

6 (c) CONSTRUCTION REGARDING POSSESSION OF
7 FIREARMS.—Nothing in this section may be construed to
8 require any modification of regulations of the Department
9 of Transportation governing the possession of firearms
10 while in aircraft or air transportation facilities or to au-
11 thorize the possession of a firearm in an aircraft or any
12 such facility not authorized under those regulations.

132) 13 SEC. 13. GENERAL AVIATION AND AIR CHARTERS.

14 (a) AIR CHARTER PROGRAM.—Within 90 days after
15 the date of enactment of this Act, the Under Secretary
16 of Transportation for Transportation Security shall imple-
17 ment an aviation security program for charter air carriers
18 (as defined in section 40102(a)(13) of title 49, United
19 States Code) with a maximum ~~certified~~ takeoff weight of
20 12,500 pounds or more.

21 (b) GENERAL AVIATION PROGRAM.—Within 30 days
22 after the date of enactment of this Act, the Under Sec-
23 retary of Transportation for Transportation Security shall
24 transmit a report on airspace and other security measures
25 that can be deployed, as necessary, to improve security

(certified)

(general aviation)

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1 to the Senate Committee on Commerce, Science, and
2 Transportation and the House of Representatives Com-
3 mittee on Transportation and Infrastructure. The Under
4 Secretary may submit the report in both classified and re-
5 dacted forms.

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6 **SEC. 135. DEFINITIONS.**

7 Except as otherwise explicitly provided, any term
8 used in this title that is defined in section 40102 of title
9 49, United States Code, has the meaning given that term
10 in that section.

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11 **SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION**
12 **MATTERS.**

13 (a) **FLIGHT SERVICE STATION EMPLOYEES.**—It is
14 the sense of Congress that the Administrator of the Fed-
15 eral Aviation Administration should continue negotiating
16 in good faith with flight service station employees of the
17 Administration with a goal of reaching agreement on a
18 contract as soon as possible.

19 (b) **WAR RISK INSURANCE.**—It is the sense of Con-
20 gress that the Secretary of Transportation should imple-
21 ment section 202 of the Air Transportation Safety and
22 System Stabilization Act (Public Law 107-42) so as to
23 make war risk insurance directly available to vendors,
24 agents, and subcontractors of air carriers for all of their
25 domestic operations.

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1 SEC. 186. SENSE OF THE HOUSE OF REPRESENTATIVES.

2 It is the sense of the House of Representatives that

3 the Under Secretary of Transportation for Security should

4 develop security procedures to allow passengers trans-

5 porting a musical instrument on a flight of an air carrier

6 to transport the instrument in the passenger cabin of the

7 aircraft, notwithstanding any size or other restriction on

8 carry-on baggage but subject to such other reasonable se-

9 curity procedures, terms, and conditions as may be estab-

10 lished by the Under Secretary or the air carrier, including

11 imposing additional charges by the air carrier, and

12 SEC. —. SHORT-TERM ASSESSMENT AND DEPLOYMENT

13 OF EMERGING SECURITY TECHNOLOGIES

14 AND PROCEDURES.

15 Section 44903 of title 49, United States Code, is

16 amended by adding at the end the following:

17 “(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT

18 OF EMERGING SECURITY TECHNOLOGIES AND PROCE-

19 DURES.—

20 “(1) IN GENERAL.—The Under Secretary for

21 Transportation Security shall recommend to airport

22 operators, within 6 months after the date of enact-

23 ment of the Aviation and Transportation Security

24 Act, commercially available measures or procedures

25 to prevent access to secure airport areas by unau-

26 thorized persons. As part of the 6-month assess-

1 report its findings and recommendations to the Secretary
2 of Transportation within 90 days after the date of enact-
3 ment of this Act.

(h) Arming
Flight Deck
Crew...

4 Section 44903 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH
7 LESS-THAN-LETHAL WEAPONS.—

8 “(1) IN GENERAL.—If the Secretary, after re-
9 ceiving the recommendations of the National Insti-
10 tute of Justice, determines, with the approval of the
11 Attorney General and the Secretary of State, that it
12 is appropriate and necessary and would effectively
13 serve the public interest in avoiding air piracy, the
14 Secretary may authorize members of the flight deck
15 crew on any aircraft providing air transportation or
16 intrastate air transportation to carry a less-than-le-
17 thal weapon while the aircraft is engaged in pro-
18 viding such transportation.

19 “(2) USAGE.—If the Secretary grants authority
20 under paragraph (1) for flight deck crew members
21 to carry a less-than-lethal weapon while engaged in
22 providing air transportation or intrastate air trans-
23 portation, the Secretary shall—

Insert to p. 99

- 1 (2) an air carrier that transports mail under a
- 2 contract with the United States Postal Service
- 3 should transport any animal that the Postal Service
- 4 allows to be shipped through the mail.

1 ment, the Under Secretary for Transportation Secu-
2 rity shall—

3 “(A) review the effectiveness of biometrics
4 systems currently in use at several United
5 States airports, including San Francisco Inter-
6 national;

7 “(B) review the effectiveness of increased
8 surveillance at access points;

9 “(C) review the effectiveness of card- or
10 keypad-based access systems;

11 “(D) review the effectiveness of airport
12 emergency exit systems and determine whether
13 those that lead to secure areas of the airport
14 should be monitored or how breaches can be
15 swiftly responded to; and

16 “(E) specifically target the elimination of
17 the “piggy-backing” phenomenon, where an-
18 other person follows an authorized person
19 through the access point.

20 The 6-month assessment shall include a 12-month
21 deployment strategy for currently available tech-
22 nology at all category X airports, as defined in the
23 Federal Aviation Administration approved air carrier
24 security programs required under part 108 of title
25 14, Code of Federal Regulations. Not later than 18

1 months after the date of enactment of this Act, the
2 Secretary of Transportation shall conduct a review
3 of reductions in unauthorized access at these air-
4 ports.

5 “(2) COMPUTER-ASSISTED PASSENGER
6 PRESCREENING SYSTEM.—

7 “(A) IN GENERAL.—The Secretary of
8 Transportation shall ensure that the Computer-
9 Assisted Passenger Prescreening System, or
10 any successor system—

11 “(i) is used to evaluate all passengers
12 before they board an aircraft; and

13 “(ii) includes procedures to ensure
14 that individuals selected by the system and
15 their carry-on and checked baggage are
16 adequately screened.

17 “(B) MODIFICATIONS.—The Secretary of
18 Transportation may modify any requirement
19 under the Computer-Assisted Passenger
20 Prescreening System for flights that originate
21 and terminate within the same State, if the
22 Secretary determines that—

23 “(i) the State has extraordinary air
24 transportation needs or concerns due to its

1 isolation and dependence on air transpor-
2 tation; and

3 "(ii) the routine characteristics of
4 passengers, given the nature of the market,
5 regularly triggers primary selectee status.

137 } 6 SEC. —. RESEARCH AND DEVELOPMENT OF AVIATION
7 SECURITY TECHNOLOGY.

8 (a) FUNDING.—To augment the programs authorized
9 in section 44912(a)(1) of title 49, United States Code,
10 there is authorized to be appropriated an additional
11 \$50,000,000 for each of fiscal years 2002 through 2006
12 and such sums as are necessary for each fiscal year there-
13 after to the Transportation Security Administration, for
14 research, development, testing, and evaluation of the fol-
15 lowing technologies which may enhance aviation security
16 in the future. Grants to industry, academia, and Govern-
17 ment entities to carry out the provisions of this section
18 shall be available for fiscal years 2002 and 2003 for—

19 (1) the acceleration of research, development,
20 testing, and evaluation of explosives detection tech-
21 nology for checked baggage, specifically, technology
22 that is—

23 (A) more cost-effective for deployment for
24 explosives detection in checked baggage at
25 small- to medium-sized airports, and is cur-

1 rently under development as part of the Argus
2 research program at the Transportation Secu-
3 rity Administration;

4 (B) faster, to facilitate screening of all
5 checked baggage at larger airports; or

6 (C) more accurate, to reduce the number
7 of false positives requiring additional security
8 measures;

9 (2) acceleration of research, development, test-
10 ing, and evaluation of new screening technology for
11 carry-on items to provide more effective means of
12 detecting and identifying weapons, explosives, and
13 components of weapons of mass destruction, includ-
14 ing advanced x-ray technology;

15 (3) acceleration of research, development, test-
16 ing, and evaluation of threat screening technology
17 for other categories of items being loaded onto air-
18 craft, including cargo, catering, and duty-free items;

19 (4) acceleration of research, development, test-
20 ing, and evaluation of threats carried on persons
21 boarding aircraft or entering secure areas, including
22 detection of weapons, explosives, and components of
23 weapons of mass destruction;

24 (5) acceleration of research, development, test-
25 ing and evaluation of integrated systems of airport

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1 security enhancement, including quantitative meth-
2 ods of assessing security factors at airports selected
3 for testing such systems;

4 (6) expansion of the existing program of re-
5 search, development, testing, and evaluation of im-
6 proved methods of education, training, and testing
7 of key airport security personnel; and

8 (7) acceleration of research, development, test-
9 ing, and evaluation of aircraft hardening materials,
10 and techniques to reduce the vulnerability of aircraft
11 to terrorist attack.

12 (b) GRANTS.—Grants awarded under this subtitle
13 shall identify potential outcomes of the research, and pro-
14 pose a method for quantitatively assessing effective in-
15 creases in security upon completion of the research pro-
16 gram. At the conclusion of each grant, the grant recipient
17 shall submit a final report to the Transportation Security
18 Administration that shall include sufficient information to
19 permit the Under Secretary to prepare a cost-benefit anal-
20 ysis of potential improvements to airport security based
21 upon deployment of the proposed technology. The Under
22 Secretary shall begin awarding grants under this subtitle
23 within 90 days of the date of enactment of this Act.

24 (c) BUDGET SUBMISSION.—A budget submission and
25 detailed strategy for deploying the identified security up-

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1 grades recommended upon completion of the grants
2 awarded under subsection (b), shall be submitted to Con-
3 gress as part of the Department of Transportation's an-
4 nual budget submission.

5 (d) DEFENSE RESEARCH.—There is authorized to be
6 appropriated \$20,000,000 to the Transportation Security
7 Administration to issue research grants in conjunction
8 with the Defense Advanced Research Projects Agency.
9 Grants may be awarded under this section for—

10 (1) research and development of longer-term
11 improvements to airport security, including advanced
12 weapons detection;

13 (2) secure networking and sharing of threat in-
14 formation between Federal agencies, law enforce-
15 ment entities, and other appropriate parties;

16 (3) advances in biometrics for identification and
17 threat assessment; or

18 (4) other technologies for preventing acts of ter-
19 rorism in aviation.

138 20 SEC. —. EMPLOYMENT INVESTIGATIONS AND RESTRIC-
21 TIONS.

22 (a) IN GENERAL.—Section 44936 of title 49, United
23 States Code, is amended—

24 (1) by inserting “and a review of available law
25 enforcement data bases and records of other govern-

1 mental and international agencies to the extent de-
2 termined practicable by the Under Secretary of
3 Transportation for Transportation Security," after
4 "check" in subsection (a)(1)(A);

5 (2) by striking "in any case described in sub-
6 paragraph (C)" in subsection (a)(1)(B) and insert-
7 ing "and a review of available law enforcement data
8 bases and records of other governmental and inter-
9 national agencies to the extent determined prac-
10 ticable by the Under Secretary of Transportation for
11 Transportation Security";

12 (3) by striking "will be" in subsection
13 (a)(1)(B)(i) and inserting "are";

14 (4) by striking "and" after the semicolon in
15 clause (ii) of subsection (a)(1)(B)

16 (5) by redesignating clause (iii) of subsection
17 (a)(1)(B) as clause (iv);

18 (6) by inserting after clause (ii) of subsection
19 (a)(1)(B) the following:

20 "(iii) individuals who regularly have
21 escorted access to aircraft of an air carrier
22 or foreign air carrier or a secured area of
23 an airport in the United States the Admin-
24 istrator designates that serves an air car-
25 rier or foreign air carrier; and";

1 (7) by striking subparagraphs (C), (D), and (E)
2 of subsection (a)(1) and redesignating subparagraph
3 (F) as subparagraph (D);

4 (8) by inserting after subparagraph (B) of sub-
5 section (a)(1) the following:

6 “(C) BACKGROUND CHECKS OF CURRENT
7 EMPLOYEES.—

8 “(i) A new background check (includ-
9 ing a criminal history record check and a
10 review of available law enforcement data
11 bases and records of other governmental
12 and international agencies to the extent de-
13 termined practicable by the Under Sec-
14 retary of Transportation for Transpor-
15 tation Security shall be required for any
16 individual who is employed in a position
17 described in subparagraphs (A) and (B) on
18 the date of enactment of the Aviation and
19 Transportation Security Act.

20 “(ii) The Under Secretary may pro-
21 vide by order (without regard to the provi-
22 sions of chapter 5 of title 5, United States
23 Code) for a phased-in implementation of
24 the requirements of this subparagraph.”;

1 (9) by striking "107.31(m)" in subparagraph
2 (D), as redesignated, and inserting "107.31(m)(1)
3 or (2)";

4 (10) by striking "the date of enactment of this
5 subparagraph." in subparagraph (D), as redesign-
6 dated, and inserting "November 22, 2000. The
7 Under Secretary shall work with the International
8 Civil Aviation Organization and with appropriate au-
9 thorities of foreign countries to ensure that individ-
10 uals exempted under this subparagraph do not pose
11 a threat to aviation or national security.";

12 (11) by striking "carrier, or airport operator"
13 in subsection (a)(2) and inserting "carrier, airport
14 operator, or government";

15 (12) by striking "carrier, or airport operator"
16 in subsection (b)(1) and inserting "carrier, airport
17 operator, or government";

18 (13) by striking "carrier, or airport operator"
19 in subsection (b)(3) and inserting "carrier, airport
20 operator, or government"; and

21 (14) by adding at the end of subsection (c)(1)
22 "All Federal agencies shall cooperate with the Under
23 Secretary and the Under Secretary's designee in the
24 process of collecting and submitting fingerprints."

1 “(A) prescribe rules requiring that any
2 such crew member be trained in the proper use
3 of the weapon; and

4 “(B) prescribe guidelines setting forth the
5 circumstances under which such weapons may
6 be used.”.

127 } 7 **SEC. 123. MAIL AND FREIGHT WAIVERS.**

8 (a) IN GENERAL.—During a national emergency af-
9 fecting air transportation or intrastate air transportation,
10 the Secretary of Transportation, after consultation with
11 the Transportation Security Oversight Board, may grant
12 a complete or partial waiver of any restrictions on the car-
13 riage by aircraft of freight, mail, emergency medical sup-
14 plies, personnel, or patients on aircraft, imposed by the
15 Department of Transportation (or other Federal agency
16 or department) that would permit such carriage of freight,
17 mail, emergency medical supplies, personnel, or patients
18 on flights, to, from, or within a State if the Secretary de-
19 termines that—

20 (1) extraordinary air transportation needs or
21 concerns exist; and —

22 (2) the waiver is in the public interest, taking
23 into consideration the isolation of and dependence on
24 air transportation of the State.

1 (b) RECORDS OF EMPLOYMENT OF PILOT APPLI-
2 CANTS.—Part A of subtitle VII is amended—

3 (1) by moving subsections (f), (g), and (h) of
4 section 44936 from section 44936, inserting them at
5 the end of section 44703, and redesignating them as
6 subsections (h), (i), and (j), respectively; and

7 (2) in subsections (i) and (j) of section 44703
8 (as moved to the end of section 44703 by paragraph
9 (1) of this subsection), by striking “subsection (f)”
10 each place it appears and inserting “subsection (h)”.

11 ~~TITLE II—VICTIMS~~
12 ~~COMPENSATION~~

Insered 1. P. 105
- 1 -

1 SEC. 139. ALCOHOL AND CONTROLLED SUBSTANCE TEST-
2 ING.

3 Chapter 451 of title 49, United States Code, is
4 amended—

5 (1) by striking “contract personnel” each place
6 it appears and inserting “personnel”;

7 (2) by striking “contract employee” each place
8 it appears and inserting “employee”;

9 (3) in section 45106(c) by striking “contract
10 employees” and inserting “employees”;

11 (4) by inserting after section 45106 the fol-
12 lowing:

13 **“§ 45107. Transportation Security Administration**

14 “(a) TRANSFER OF FUNCTIONS RELATING TO TEST-
15 ING PROGRAMS WITH RESPECT TO AIRPORT SECURITY
16 SCREENING PERSONNEL.—The authority of the Adminis-
17 trator of the Federal Aviation Administration under this
18 chapter with respect to programs relating to testing of air-
19 port security screening personnel are transferred to the
20 Under Secretary of Transportation for Security. Notwith-
21 standing section 45102(a), the regulations prescribed
22 under section 45102(a) shall require testing of such per-
23 sonnel by their employers instead of by air carriers and
24 foreign air carriers.

25 “(b) APPLICABILITY OF CHAPTER WITH RESPECT TO
26 EMPLOYEES OF ADMINISTRATION.—The provisions of this

1 chapter that apply with respect to employees of the Fed-
2 eral Aviation Administration whose duties include respon-
3 sibility for safety-sensitive functions shall apply with re-
4 spect to employees of the Transportation Security Admin-
5 istration whose duties include responsibility for security-
6 sensitive functions. The Under Secretary of Transpor-
7 tation for Security, the Transportation Security Adminis-
8 tration, and employees of the Transportation Security Ad-
9 ministration whose duties include responsibility for secu-
10 rity-sensitive functions shall be subject to and comply with
11 such provisions in the same manner and to the same ex-
12 tent as the Administrator of the Federal Aviation Admin-
13 istration, the Federal Aviation Administration, and em-
14 ployees of the Federal Aviation Administration whose du-
15 ties include responsibility for safety-sensitive functions, re-
16 spectively.”; and

17 (5) in the analysis for such chapter by inserting
18 after the item relating to section 45106 the fol-
19 lowing:

“45107. Transportation Security Administration.”.

20 **SEC. 140. CONFORMING AMENDMENTS TO SUBTITLE VII.**

21 (a) RECORDS OF EMPLOYMENT OF PILOT APPLI-
22 CANTS.—Part A of subtitle VII of title 49, United States
23 Code, is amended—

24 (1) by moving subsections (f), (g), and (h) of
25 section 44936 from section 44936, inserting them at

1 the end of section 44703. and redesignating them as
2 subsections (h). (i). and (j), respectively: and

3 (2) in subsections (i) and (j) of section 44703
4 (as moved to the end of section 44703 by paragraph
5 (1) of this subsection), by striking "subsection (f)"
6 each place it appears and inserting "subsection (h)".

7 (b) INVESTIGATIONS AND PROCEDURES.—Chapter
8 461 of such title is amended—

9 (1) in each of sections 46101(a)(1), 46102(a),
10 46103(a), 46104(a), 46105(a), 46106, 46107(b),
11 and 46110(a) by inserting after "(or" the following:
12 "the Under Secretary of Transportation for Security
13 with respect to security duties and powers des-
14 ignated to be carried out by the Under Secretary
15 or";

16 (2) by striking "or Administrator" each place it
17 appears and inserting ", Under Secretary, or Ad-
18 ministrator";

19 (3) in section 46101(a)(2) by striking "of
20 Transportation or the" and inserting ", Under Sec-
21 retary, or";

22 (4) in section 46102(b) by striking "and the
23 Administrator" and inserting ", the Under Sec-
24 retary, and the Administrator";

1 (5) in section 46102(c) by striking “and Ad-
2 ministrator” each place it appears and inserting “
3 Under Secretary, and Administrator”;

4 (6) in each of sections 46102(d) and 46104(b)
5 by inserting “the Under Secretary,” after “Sec-
6 retary,”;

7 (7) in the heading to section 46106 by striking
8 **“Secretary of Transportation and Admin-
9 istrator of the Federal Aviation Adminis-
10 tration”** and inserting **“Department of
11 Transportation”**; and

12 (8) in the item relating to section 46106 of the
13 analysis for such chapter by striking “Secretary of
14 Transportation and Administrator of the Federal
15 Aviation Administration” and inserting “Depart-
16 ment of Transportation”.

17 (c) ADMINISTRATIVE.—Section 40113 of such title is
18 amended—

19 (1) in subsection (a)—

20 (A) by inserting after “(or” the following:
21 “the Under Secretary of Transportation for Se-
22 curity with respect to security duties and pow-
23 ers designated to be carried out by the Under
24 Secretary or”; and

(B) by striking “or Administrator” and inserting “. Under Secretary, or Administrator”; and
(2) in subsection (d)—

(A) by inserting after “The” the following:
“Under Secretary of Transportation for Security or the”;

(B) by striking “Administration” the second place it appears and inserting “Transportation Security Administration or Federal Aviation Administration, as the case may be,”; and

(C) by striking “the Administrator decides” and inserting “the Under Secretary or Administrator, as the case may be, decides”.

(d) PENALTIES.—Chapter 463 of such title is amended—

(1) in section 46301(d)(2)—

(A) by striking “. chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),”;

(B) by inserting after the first sentence the following: “The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A),

1 44907(d)(1)(C)-(f), 44908, and 44909) or a
2 regulation prescribed or order issued under
3 such chapter 449.”; and

4 (C) by inserting “Under Secretary or” be-
5 fore “Administrator shall”;

6 (2) in each of paragraphs (3) and (4) of section
7 46301(d) by striking “Administrator” each place it
8 appears and inserting “Under Secretary or Adminis-
9 trator”;

10 (3) in section 46301(d)(8) by striking “Admin-
11 istrator” and inserting “Under Secretary, Adminis-
12 trator,”;

13 (4) in section 46301(h)(2) by inserting after
14 “(or” the following: “the Under Secretary of Trans-
15 portation for Security with respect to security duties
16 and powers designated to be carried out by the
17 Under Secretary or”;

18 (5) in section 46303(c)(2) by inserting “or the
19 Under Secretary of Transportation for Security”
20 after “Federal Aviation Administration”;

21 (6) in section 46311—

22 (A) by inserting after “Transportation,”
23 the following: “the Under Secretary of Trans-
24 portation for Security with respect to security

1 duties and powers designated to be carried out
2 by the Under Secretary,";

3 (B) by inserting after "Secretary," each
4 place it appears the following: "Under Sec-
5 retary,"; and

6 (C) by striking "or Administrator" each
7 place it appears and inserting ". Under Sec-
8 retary, or Administrator";

9 (7) in each of sections 46313 and 46316 by in-
10 serting after "(or" the following: "the Under Sec-
11 retary of Transportation for Security with respect to
12 security duties and powers designated to be carried
13 out by the Under Secretary or"; and

14 (8) in section 46505(d)(2) by inserting "or the
15 Under Secretary of Transportation for Security"
16 after "Federal Aviation Administration".

17 **SEC. 141. SAVINGS PROVISION.**

18 (a) **TRANSFER OF ASSETS AND PERSONNEL.**—Ex-
19 cept as otherwise provided in this Act, those personnel,
20 property, and records employed, used, held, available, or
21 to be made available in connection with a function trans-
22 ferred to the Transportation Security Administration by
23 this Act shall be transferred to the Transportation Secu-
24 rity Administration for use in connection with the func-
25 tions transferred. Unexpended balances of appropriations.

1 allocations, and other funds made available to the Federal
2 Aviation Administration to carry out such functions shall
3 also be transferred to the Transportation Security Admin-
4 istration for use in connection with the functions trans-
5 ferred.

6 (b) LEGAL DOCUMENTS.—All orders, determinations,
7 rules, regulations, permits, grants, loans, contracts, settle-
8 ments, agreements, certificates, licenses, and privileges—

9 (1) that have been issued, made, granted, or al-
10 lowed to become effective by the Federal Aviation
11 Administration, any officer or employee thereof, or
12 any other Government official, or by a court of com-
13 petent jurisdiction, in the performance of any func-
14 tion that is transferred by this Act; and

15 (2) that are in effect on the effective date of
16 such transfer (or become effective after such date
17 pursuant to their terms as in effect on such effective
18 date), shall continue in effect according to their
19 terms until modified, terminated, superseded, set
20 aside, or revoked in accordance with law by the
21 Under Secretary of Transportation for Security, any
22 other authorized official, a court of competent juris-
23 diction, or operation of law.

24 (c) PROCEEDINGS.—

1 (1) IN GENERAL.—The provisions of this Act
2 shall not affect any proceedings or any application
3 for any license pending before the Federal Aviation
4 Administration at the time this Act takes effect, in-
5 sofar as those functions are transferred by this Act;
6 but such proceedings and applications, to the extent
7 that they relate to functions so transferred, shall be
8 continued. Orders shall be issued in such pro-
9 ceedings, appeals shall be taken therefrom, and pay-
10 ments shall be made pursuant to such orders, as if
11 this Act had not been enacted; and orders issued in
12 any such proceedings shall continue in effect until
13 modified, terminated, superseded, or revoked by a
14 duly authorized official, by a court of competent ju-
15 risdiction, or by operation of law.

16 (2) STATUTORY CONSTRUCTION.—Nothing in
17 this subsection shall be deemed to prohibit the dis-
18 continuance or modification of any proceeding de-
19 scribed in paragraph (1) under the same terms and
20 conditions and to the same extent that such pro-
21 ceeding could have been discontinued or modified if
22 this Act had not been enacted.

23 (3) ORDERLY TRANSFER.—The Secretary of
24 Transportation is authorized to provide for the or-

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insert ~~type~~

"(C) if explosive detection equipment at airport is unavailable, all checked baggage ~~which~~ is screened by an alternative means.

U.S. HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20541

1 derly transfer of pending proceedings from the Fed-
2 eral Aviation Administration.

3 (d) SUITS.—

4 (1) IN GENERAL.—This Act shall not affect
5 suits commenced before the date of the enactment of
6 this Act, except as provided in paragraphs (2) and
7 (3). In all such suits, proceeding shall be had, ap-
8 peals taken, and judgments rendered in the same
9 manner and with the same effect as if this Act had
10 not been enacted.

11 (2) SUITS BY OR AGAINST FAA.—Any suit by or
12 against the Federal Aviation Administration begun
13 before the date of the enactment of this Act shall be
14 continued, insofar as it involves a function retained
15 and transferred under this Act, with the Transpor-
16 tation Security Administration (to the extent the
17 suit involves functions transferred to the Transpor-
18 tation Security Administration under this Act) sub-
19 stituted for the Federal Aviation Administration.

20 (3) REMANDED CASES.—If the court in a suit
21 described in paragraph (1) remands a case to the
22 Transportation Security Administration, subsequent
23 proceedings related to such case shall proceed in ac-
24 cordance with applicable law and regulations as in
25 effect at the time of such subsequent proceedings.

1 (e) CONTINUANCE OF ACTIONS AGAINST OFFI-
2 CERS.—No suit, action, or other proceeding commenced
3 by or against any officer in his official capacity as an offi-
4 cer of the Federal Aviation Administration shall abate by
5 reason of the enactment of this Act. No cause of action
6 by or against the Federal Aviation Administration, or by
7 or against any officer thereof in his official capacity, shall
8 abate by reason of the enactment of this Act.

9 (f) EXERCISE OF AUTHORITIES.—Except as other-
10 wise provided by law, an officer or employee of the Trans-
11 portation Security Administration may, for purposes of
12 performing a function transferred by this Act or the
13 amendments made by this Act, exercise all authorities
14 under any other provision of law that were available with
15 respect to the performance of that function to the official
16 responsible for the performance of the function imme-
17 diately before the effective date of the transfer of the func-
18 tion under this Act.

19 (g) ACT DEFINED.—In this section, the term “Act”
20 includes the amendments made by this Act.

21 **SEC. 142. BUDGET SUBMISSIONS.**

22 The President’s budget submission for fiscal year
23 2003 and each fiscal year thereafter shall reflect the estab-
24 lishment of the Transportation Security Administration.

1 SEC. 143. LAND ACQUISITION COSTS.

2 In the case of a grant for land acquisition issued to
3 an airport under chapter 471 of title 49, United States
4 Code, prior to January 1, 1995, the Secretary of Trans-
5 portation may waive the provisions of section 47108 of
6 such title and provide an upward adjustment in the max-
7 imum obligation of the United States under that chapter
8 to assist the airport in funding land acquisition costs (and
9 associated eligible costs) that increased as a result of a
10 judicial order.

11 SEC. 144. LIMITATION ON LIABILITY FOR ACTS TO THWART
12 CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

13 Section 44903 is amended by adding at the end the
14 following:

15 "(h) LIMITATION ON LIABILITY FOR ACTS TO
16 THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—
17 An individual shall not be liable for damages in any action
18 brought in a Federal or State court arising out of the acts
19 of the individual in attempting to thwart an act of criminal
20 violence or piracy on an aircraft if that individual reason-
21 ably believed that such an act of criminal violence or pi-
22 racy was occurring or was about to occur."

23 SEC. 145. AIR CARRIERS REQUIRED TO HONOR TICKETS
24 FOR SUSPENDED SERVICE.

25 (a) IN GENERAL.—Each air carrier that provides
26 scheduled air transportation on a route shall provide, to

1 the extent practicable, air transportation to passengers
2 ticketed for air transportation on that route by any other
3 air carrier that suspends, interrupts, or discontinues air
4 passenger service on the route by reason of insolvency or
5 bankruptcy of the other air carrier.

6 (b) PASSENGER OBLIGATION.—An air carrier is not
7 required to provide air transportation under subsection (a)
8 to a passenger unless that passenger makes alternative ar-
9 rangements with the air carrier for such transportation
10 within 60 days after the date on which that passenger's
11 air transportation was suspended, interrupted, or discon-
12 tinued (without regard to the originally scheduled travel
13 date on the ticket).

14 (c) SUNSET.—This section does not apply to air
15 transportation the suspension, interruption, or discontinu-
16 ance of which occurs more than 18 months after the date
17 of enactment of this Act.

18 **SEC. 146. AIRCRAFT OPERATIONS IN ENHANCED CLASS B**
19 **AIRSPACE.**

20 Upon request of an operator of an aircraft affected
21 by the restrictions imposed under Notice to Airmen FDC
22 1/0618 issued by the Federal Aviation Administration, or
23 any other notice issued after September 11, 2001, and
24 prior to the date of enactment of this Act that restricts
25 the ability of United States registered aircraft to conduct

1 operations under part 91 of title 14, Code of Federal Reg-
2 ulations, in enhanced class B airspace (as defined by such
3 Notice), such restrictions shall cease to be in effect for
4 the affected class of operator beginning on the 30th day
5 following the request, unless the Secretary of Transpor-
6 tation publishes a notice in the Federal Register before
7 such 30th day reimposing the restriction and explaining
8 the reasons for the restriction.

9 **SEC. 147. AVIATION WAR RISK INSURANCE.**

10 Section 44306(b) of title 49, United States Code, is
11 amended by striking "60 days" each place it appears and
12 inserting "1 year".

13 **TITLE II—LIABILITY LIMITATION**

14 **SEC. 201. AIR TRANSPORTATION SAFETY AND SYSTEM STA-**
15 **BILIZATION ACT AMENDMENTS.**

16 (a) **RECOVERY OF COLLATERAL SOURCE OBLIGA-**
17 **TIONS OF TERRORISTS.**—Section 405(c)(3)(B)(i) of the
18 Air Transportation Safety and System Stabilization Act
19 (49 U.S.C. 40101 note) is amended by striking "obliga-
20 tions." and inserting "obligations, or to a civil action
21 against any person who is a knowing participant in any
22 conspiracy to hijack any aircraft or commit any terrorist
23 act.".

1 (b) EXTENSION OF LIABILITY RELIEF TO AIRCRAFT
2 MANUFACTURERS AND OTHERS.—Section 408 of that Act
3 is amended—

4 (1) by striking “**air carrier**” in the section
5 heading;

6 (2) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—

9 “(1) LIABILITY LIMITED TO INSURANCE COV-
10 ERAGE.—Notwithstanding any other provision of
11 law, liability for all claims, whether for compen-
12 satory or punitive damages or for contribution or in-
13 demnity, arising from the terrorist-related aircraft
14 crashes of September 11, 2001, against an air car-
15 rier, aircraft manufacturer, airport sponsor, or per-
16 son with a property interest in the World Trade
17 Center, on September 11, 2001, whether fee simple,
18 leasehold or easement, direct or indirect, or their di-
19 rectors, officers, employees, or agents, shall not be
20 in an amount greater than the limits of liability in-
21 surance coverage maintained by that air carrier, air-
22 craft manufacturer, airport sponsor, or person.

23 “(2) WILLFUL DEFAULTS ON REBUILDING OB-
24 LIGATION.—Paragraph (1) does not apply to any
25 such person with a property interest in the World

1 Trade Center if the Attorney General determines.
2 after notice and an opportunity for a hearing on the
3 record, that the person has defaulted willfully on a
4 contractual obligation to rebuild, or assist in the re-
5 building of, the World Trade Center.

6 “(3) LIMITATIONS ON LIABILITY FOR NEW
7 YORK CITY.—Liability for all claims, whether for
8 compensatory or punitive damages or for contribu-
9 tion or indemnity arising from the terrorist-related
10 aircraft crashes of September 11, 2001, against the
11 City of New York shall not exceed the greater of the
12 city’s insurance coverage or \$350,000,000. If a
13 claimant who is eligible to seek compensation under
14 section 405 of this Act, submits a claim under sec-
15 tion 405, the claimant waives the right to file a civil
16 action (or to be a party to an action) in any Federal
17 or State court for damages sustained as a result of
18 the terrorist-related aircraft crashes of September
19 11, 2001, including any such action against the City
20 of New York. The preceding sentence does not apply
21 to a civil action to recover collateral source obliga-
22 tions.”; and

23 (3) by adding at the end of subsection (c) the
24 following: “Subsections (a) and (b) do not apply to
25 civil actions to recover collateral source obligations.

1 Nothing in this section shall in any way limit any li-
2 ability of any person who is engaged in the business
3 of providing air transportation security and who is
4 not an airline or airport sponsor or director, officer,
5 or employee of an airline or airport sponsor.”.

6 (c) LIMITATION OF UNITED STATES SUBROGATION
7 RIGHT.—Section 409 of that Act is amended by striking
8 “title.” and inserting “title, subject to the limitations de-
9 scribed in section 408.”.

10 (d) DEFINITIONS.—Section 402 of that Act is
11 amended—

12 (1) by adding at the end of paragraph (1) the
13 following: “The term ‘air carrier’ does not include a
14 person, other than an air carrier, engaged in the
15 business of providing air transportation security.”.

16 (2) by redesignating paragraphs (3) through
17 (8) as paragraphs (5) through (10), respectively;
18 and

19 (3) by inserting after paragraph (2) the fol-
20 lowing:

21 “(3) AIRCRAFT MANUFACTURER.—The term
22 ‘aircraft manufacturer’ means any entity that manu-
23 factured the aircraft or any parts or components of
24 the aircraft involved in the terrorist related aircraft

1 crashes of September 11, 2001, including employees
2 and agents of that entity.

3 “(4) AIRPORT SPONSOR.—The term ‘airport
4 sponsor’ means the owner or operator of an airport
5 (as defined in section 40102 of title 49, United
6 States Code).”.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN] <Kenneth B. Mehlman>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 11/16/2001 11:38:17 AM
Subject: : Re: Monday OPM deal

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 16-NOV-2001 16:38:17.00
SUBJECT:: Re: Monday OPM deal
TO: Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [UNKNOWN])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Such briefings are appropriate on government property so long as you are not encouraging the schedule c's to engage in political or election-related activity. I have previously cleared this with Office of Special Counsel.

Kenneth B. Mehlman
11/16/2001 02:17:04 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: Monday OPM deal

I am planning to give them a political update, going over key races, etc. Is this appropriate content?

Robert W. Cobb
11/16/2001 02:09:39 PM
Record Type: Record

To: Kenneth B. Mehlman/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Monday OPM deal

I was speaking with Carol Harvey who is putting on the schedule c conference on Monday. She said you were speaking at 4pm, right after Elaine Kaplan at 3:30. Just so you know, Elaine Kaplan is the head of the Office of Special Counsel who, among other things, is responsible for Hatch Act enforcement. I thought you'd want to know. If you have time, you might consider attending her session. She's a pretty good speaker, and you may find the content helpful.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: katherine g. marinis/who/eop@eop [WHO] <katherine g. marinis>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 11/16/2001 12:44:32 PM
Subject: : Re: Travel to TN

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-NOV-2001 17:44:32.00
SUBJECT:: Re: Travel to TN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:katherine g. marinis (CN=katherine g. marinis/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

we should all talk about the financial disclosure report issue.

Robert W. Cobb
11/16/2001 05:10:08 PM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc: Rachel L. Brand/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: Travel to TN

I have signed off on the travel. If the travel is not being accepted by a WH employee from a political entity required to report the contribution of the travel expense under Federal election law, the travel expense or reimbursement will be required to be reported on Ken's annual public financial disclosure report filed in May 2002. In short, Ken has to report it unless a political entity (the RNC) is required to report it.

Katherine G. Marinis
11/16/2001 10:18:02 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Travel to TN

Can you please approve Ken Mehlman to travel to on Sen. Frist's private plane with him on Monday to TN? (return Tuesday) It is political travel, and Frist owns the plane. I will fill out the necessary forms, but I wanted to let you know about it since it is not commercial. thanks

also- there is a chance that Cuddy Johnson is going to go too.

REV_00136053

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Traci R. Campbell/WHO/EOP@EOP [WHO] <Traci R. Campbell>; Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>; Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Rebecca E. Davis/OMB/EOP@EOP [OMB] <Rebecca E. Davis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>
Sent: 11/16/2001 1:35:55 PM
Subject: : No Deputies B'fast

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 16-NOV-2001 18:35:55.00
SUBJECT:: No Deputies B'fast
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ: UNKNOWN
TO: Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Rebecca E. Davis (CN=Rebecca E. Davis/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])
READ: UNKNOWN
TO: anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])
READ: UNKNOWN
TO: Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Marc will not be holding his Deputies breakfast next Tuesday (11/20)

Thanks,
Leslie

REV_00136055

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/17/2001 7:18:29 AM
Subject: : Re: your fax number

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-NOV-2001 12:18:29.00
SUBJECT:: Re: your fax number
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

worked

Elizabeth N. Camp
11/17/2001 10:34:14 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: your fax number

I faxed a red dot re: airline signing bill yesterday that was due at 7pm
last night - did you get this?

If not please let me know so I can get it to you - after the fact.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 11/17/2001 6:23:35 AM
Subject: : Prep Mtg for POTUS Judges Mtg on Tuesday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-NOV-2001 11:23:35.00

SUBJECT:: Prep Mtg for POTUS Judges Mtg on Tuesday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Prep meeting w/ Judge and Tim for 3:25 pm judges meeting with the President will occur immediately after our staff meeting on Tuesday morning.

Jason/Brent - FYI.

REV_00136057

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/17/2001 7:18:29 AM
Subject: : Re: your fax number

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-NOV-2001 12:18:29.00
SUBJECT:: Re: your fax number
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

worked

Elizabeth N. Camp
11/17/2001 10:34:14 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: your fax number

I faxed a red dot re: airline signing bill yesterday that was due at 7pm
last night - did you get this?

If not please let me know so I can get it to you - after the fact.

From: CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/19/2001 4:35:56 AM
Subject: : terrorism insurance: request for electronic handouts from Friday's meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME:19-NOV-2001 09:35:56.00

SUBJECT:: terrorism insurance: request for electronic handouts from Friday's meeting

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I have a request from the Real Estate Roundtable to send them an electronic version of all of the handouts from last Friday's meeting, including the talking points on the liability issues. Can the keeper of these documents send me the most recent versions? I'd like to get them copies as early today as possible, as they are trying to get one or more of their members to place some op-eds in support of quick action.

Thanks,
Jeff Brown

REV_00136061

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>
CC: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;kirk blalock/who/eop@eop [WHO] <kirk blalock>;randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 11/19/2001 4:50:31 AM
Subject: : Re: terrorism insurance: request for electronic handouts from Friday's meeting
Attachments: P_HOJS4004_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:19-NOV-2001 09:50:31.00

SUBJECT:: Re: terrorism insurance: request for electronic handouts from Friday's meeting

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kirk blalock (CN=kirk blalock/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Jeffrey R. Brown
11/19/2001 09:35:55 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: terrorism insurance: request for electronic handouts from
Friday's meeting

I have a request from the Real Estate Roundtable to send them an electronic version of all of the handouts from last Friday's meeting, including the talking points on the liability issues. Can the keeper of these documents send me the most recent versions? I'd like to get them copies as early today as possible, as they are trying to get one or more of their members to place some op-eds in support of quick action.

Thanks,
Jeff Brown

Message Sent

To:
D. Marcus Sumerlin/OPD/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HOJS4004_WHO.TXT_1>

REV_00136062

Terrorism Insurance: A Key to Economic Recovery

“Without full cooperation between our government and America’s private industries in support of insurance activities, there could be major disruption in the marketplace and harm to our economy.” -- Leslie Baker, Chairman of Wachovia Bank

The tragic events of September 11 enacted an economic as well as a human toll. The attacks directly impacted industries such as airlines and hotels, but also have reverberated throughout many other sectors of the economy. Because our military strength and our economic strength are inseparable, our nation must work with resolve to restore economic growth. The current lack of insurance for terrorist acts poses an unnecessary and avoidable barrier to economic recovery.

Lack of Insurance

The terrorist attacks proved that the probability of catastrophic property and casualty losses was much higher than anticipated. Due to the current inability to evaluate the probability of more events or to handle numerous large events in a short time, the reinsurance industry has been reluctant to cover terrorist events. According to Marc Morial, Mayor of New Orleans, “Reinsurers already are saying they will exclude ‘acts of terrorism’ from coverage on a going-forward basis.” Keith Buckley, an insurance analyst with Fitch Ratings Company, states that it is “the universally stated plan of reinsurance companies to add specific terrorism exclusions to reinsurance coverage.” Without reinsurance, primary insurers are forced to either exclude terrorism coverage, charge very high premiums, or withdraw from the market entirely:

- On October 31, AIG decided to drop coverage of Brookfield properties, which includes 8 million square feet of office space in lower Manhattan. Brookfield secured a new policy with FM Global Insurance, but the insurance specifically excludes events related to terrorism.
- At Chicago’s O’Hare airport, premiums have risen from \$125,000 a year to \$7 million a year.
- New York’s JFK international terminal cannot secure the \$1 billion in insurance coverage it needs. Developer Dave Sigman has considered shutting the terminal down.
- Seventeen of the twenty-five property insurers that trade with Marsh, Inc. have enacted terrorism exclusions.

Although most state insurance commissioners are unlikely to approve terrorism exclusions to existing policies, insurance companies are free to completely drop coverage of potential targets. In addition, some states allow insurers to adopt exclusions to new policies without approval. Alternatively, insurers may move policies to non-admitted, or so-called “excess and surplus” carriers, which are non-licensed insurers whose policies are not subject to regulatory scrutiny and thus offer less protection to policyholders. Many insurance companies are likely to exercise this flexibility to protect their financial integrity. On October 23, Standard and Poor’s warned that insurer ratings could fall if underwriters opted to continue offering terrorism coverage without support from reinsurers or the federal government.

Impact on Construction and Real Estate

Lenders require businesses to insure any property they use to secure loans. Without terrorism coverage, banks may not lend to new construction projects and many existing commercial properties may not be able to change hands. According to Thomas Donohue, President of the U.S. Chamber of Commerce, “Bank loans for major construction project undertakings such as new power plants, pipelines, and commercial office space would sharply decrease without coverage.”

Without adequate insurance, it will be difficult to develop, operate, acquire, refinance, or sell property. Thomas J. O’Brien, Senior Vice President of Finance for LCOR Incorporated, argues that the disruption could be widespread: “It will not only affect the real estate owners and lenders but also their tenants who lease facilities, their employees and customers as well as anyone who rents an apartment.”

Impact on Banking

The terms of most loans require adequate insurance, and without insurance borrowers may find themselves in technical default on their loan. As a result, lenders could be in a position of accelerating payments under the terms of the loan or calling in the loan in its entirety. If banks do not call the loans, they may be forced to reduce the amount of available credit as they build reserves to protect against a terrorist attack.

Thomas J. O’Brien of LCOR argues that a significant amount of real estate-backed debt runs the risk of being in non-monetary default without the availability of terrorism coverage. According to O’Brien, “This lack of coverage raises profound liquidity concerns not only on existing loans and the institutions that hold them but on the ability of borrowers to secure any type of financing going forward.”

Impacted Sectors

The potential disruption will fall primarily on areas of dense economic activity, such as skyscrapers and industrial factories. But it is likely that stadiums, trains, and many other areas will be impacted as well. According to Thomas Donohoe, “without adequate coverage, trucking firms, railroads, airlines, and ships may be unable to transport many types of cargo or may limit their destinations.”

Impact on the Overall Economy

The absence of insurance coverage for terrorism risks will likely reduce the willingness of lenders to provide financing for existing commercial structures and deter the construction of new projects. The result could look like a “credit crunch.” The Council of Economic Advisers estimates an overall reduction in 2002 GDP of 0.3 percentage point if the problem is not solved. This reduced growth rate of GDP is equal to 0.8 percentage point in the first quarter of 2002, 0.7 percentage point in the second quarter of 2002, and diminishes thereafter. The decline is caused by a reduction in asset values that reduces the consumption purchases of the household sector.

In addition, lower valuations reduce the incentive to invest in new structures. The overall liquidity effects also reduce the path for investment in non-residential structures.

Given the underlying weakness of the U.S. economy, it is not prudent to add more uncertainty by allowing insurance markets to fail. According to Steve Dreyer, Managing Director at Standard and Poor's Insurance Rating Service, "Absence of coverage could have a chilling effect on the economy if businesses from airlines to sports teams, to shopping centers curtail or even shut down activity, and if banks prove unwilling to make loans to companies without terrorism coverage." To prevent this disruption, the federal government must take action to provide a temporary backstop until the private sector develops the ability and capacity to insure against terrorist acts.

Talking Points on Terrorism Insurance

- The tragic events of September 11 had a considerable impact on our economy. We must act just as aggressively at home as we are abroad to prevent the U.S. economy from becoming a victim.
- At a time of economic weakness, we simply cannot afford to risk allowing more disruptions to the economy.
- Adequate insurance coverage is an essential component of a growing economy. Without insurance, you cannot get loans or sell existing property.
- The reinsurance industry is refusing to provide coverage against terrorist attacks, so the federal government must temporarily provide a backstop.
- This is not about helping insurance companies; it is about preventing a potential credit crunch and exacerbating an economic downturn.
- The federal government must also provide reasonable legal procedures.
- These procedures must: 1) ensure that victims can quickly recover real losses; 2) protect the taxpayers from spurious claims; 3) prevent unnecessary bankruptcies; and 4) reduce the likelihood that a terrorist attack will significantly burden the economy.
- Unfortunately, our current legal system cannot handle mass tort events.
- The end of the year is fast approaching, so the Congress must act quickly to prevent an unnecessary drag on our economic recovery.

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>
Sent: 11/19/2001 2:48:54 AM
Subject: : Blackberry Policy

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])
CREATION DATE/TIME:19-NOV-2001 07:48:54.00
SUBJECT:: Blackberry Policy
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

About ready to start the roll out and would like to have your concurrence,
in the policy that WH Counsel states that the PIN to PIN and other pager
to pager type messaging is not records managed for the WH users of the
Blackberrys, before we start issuing them.... OK?

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>
Sent: 11/19/2001 2:48:54 AM
Subject: : Blackberry Policy

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])
CREATION DATE/TIME:19-NOV-2001 07:48:54.00
SUBJECT:: Blackberry Policy
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

About ready to start the roll out and would like to have your concurrence,
in the policy that WH Counsel states that the PIN to PIN and other pager
to pager type messaging is not records managed for the WH users of the
Blackberrys, before we start issuing them.... OK?

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>;IGA Intergovernmental Affairs [UNKNOWN] <IGA Intergovernmental Affairs>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (

Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD /EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO /EOP@EOP [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO /EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO /EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO /EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO /EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO /EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [UNKNOWN]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]),

Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Carolyn E. Cleveland (Carolyn E. Cleveland/WHO/EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP [WHO]), Charles S. Abbot (Charles S. Abbot/OVP/EOP [OVP]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP [WHO]), Wayne A. Downing (Wayne A. Downing/NSC/EOP [NSC]), Don E. Eberly (Don E. Eberly/WHO/EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP [NSC]), John L. Howard Jr. (John L. Howard Jr./CEQ/EOP [CEQ]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP [WHO]), Anna M. Perez (Anna M. Perez/NSC/EOP [NSC]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP [OPD]), George M. Andricos (George M. Andricos/NSC/EOP [NSC]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP [WHO]), Charles P. Blahous (Charles P. Blahous/OPD/EOP [OPD]), Carl Buchholz (Carl Buchholz/WHO/EOP [WHO]), Elizabeth S. Dougherty (Elizabeth S. Dougherty/OPD/EOP [OPD]), Kelley Gannon (Kelley Gannon/WHO/EOP [WHO]), Zalmay M. Khalilzad (Zalmay M. Khalilzad/NSC/EOP [NSC]), Matthew Kirk (Matthew Kirk/WHO/EOP [WHO]), David Kuo (David Kuo/WHO/EOP [WHO]), Dirksen Lehman (Dirksen Lehman/WHO/EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP [OPD]), Robert Marsh (Robert Marsh/WHO/EOP [WHO]), Torkel L. Patterson (Torkel L. Patterson/NSC/EOP [NSC]), Craig Ray (Craig Ray/WHO/EOP [WHO]), Diana L. Schacht (Diana L. Schacht/OPD/EOP [OPD]), Kristine Simmons (Kristine Simmons/OPD/EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP [WHO]), Mary K. Sturtevant (Mary K. Sturtevant/NSC/EOP [NSC]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP [OPD]), Heather Wingate (Heather Wingate/WHO/EOP [WHO]), Elliott Abrams (Elliott Abrams/NSC/EOP [NSC])

Sent:

11/19/2001 3:54:00 AM

Subject:

: Reminder - Stephen Ambrose @ 11 am

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-NOV-2001 08:54:00.00

SUBJECT:: Reminder - Stephen Ambrose @ 11 am

TO:Senior Advisor Offices (Senior Advisor Offices [UNKNOWN])

READ:UNKNOWN

TO:IGA Intergovernmental Affairs (IGA Intergovernmental Affairs [UNKNOWN])

READ:UNKNOWN

BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

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BCC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

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BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

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BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

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BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

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BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
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BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
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BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
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BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
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BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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BCC:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
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BCC:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
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BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
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BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
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BCC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
BCC:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
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BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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BCC:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
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READ:UNKNOWN
BCC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

BCC:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
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BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
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From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Kristen Silverberg/WHO/EOP [WHO] <Kristen Silverberg>
CC: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Wilson, Karen L
<Karen.L.Wilson@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; O'Brien, Pat
<Pat.O'Brien@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/19/2001 4:23:32 AM
Subject: : RE: FW: Civil letter/sec.15
Attachments: P_H8IS4004_WHO.TXT_1.wpd

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME:19-NOV-2001 09:23:32.00
SUBJECT:: RE: FW: Civil letter/sec.15
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
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CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Kristen,

Is the plan still to hold this letter for the time being? Would it make
sense for DOJ to send it to OMB in the meantime?

-----Original Message-----

From: Kristen_Silverberg@who.eop.gov
[mailto:Kristen_Silverberg@who.eop.gov]
Sent: Thursday, November 15, 2001 5:57 PM
To: Thorsen, Carl
Cc: Brett_M._Kavanaugh@who.eop.gov
Subject: Re: FW: Civil letter/sec.15

Great-- thank you. Brett and I will review and get back to you. We'll
probably
want to hold the letter until immediately after Thanksgiving -- roll it
out with
some other materials on liability.

image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
to file: 11/15/2001 04:51:01 PM
pic06088.pcx)

Record Type: Record

To: Kristen Silverberg/WHO/EOP

cc: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification
Requested) (IPM Return Requested) , "Bryant, Dan"
<Dan.Bryant@usdoj.gov>
(Receipt Notification Requested) (IPM Return Requested)
Subject: FW: Civil letter/sec.15

Hi Kristen,

We're finishing up our internal vetting and development of this letter,
but, I
think you wanted to review it before we send to OMB formally.

We'll await your comments.

Thanks,
Carl

-----Original Message-----

From: Jones, Gregory M
Sent: Thursday, November 15, 2001 1:40 PM
To: Wilson, Karen L; Thorsen, Carl
Subject: Civil letter/sec.15

Here's a draft letter based on the material from Civil Division.

- hr3210CIVLTR
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_H8IS4004_WHO.TXT_1>

REV_00136102

The Honorable Michael G. Oxley
Chairman
Committee on Financial Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your request for the views of the Department of Justice on Section 15 ("Litigation Management") of H.R. 3210, the "Terrorism Risk Protection Act." (November 13, 2001 Draft). The Department of Justice supports Section 15 of this legislation.

Section 15 would authorize consolidated and coordinated proceedings in federal court for claims related to acts of terrorism. In such instances, substantive state law to be applied would be determined, jurisdiction would be assigned by the Judicial Panel on Multidistrict Litigation to an appropriate district court or courts, and damages would be regulated. Damage regulation provisions include elimination of punitive damages, several, proportional liability for non-economic damages, damage reduction for other compensation received, and limiting attorneys fees to 20 percent of the amount to be paid as a result of a settlement or judgment.

We support each of the provisions and wish to provide additional comments on the damage limitations -- particularly on punitive damages, non-economic damages and attorney fees -- to underscore our support for the provisions. We also offer two technical suggestions relating to the triggering determination for applicability of Section 15 and the substance of law to be applied.

Punitive Damages. Under Section 15(4)(A) punitive damages are barred, along with interest prior to judgment. It is appropriate and necessary to bar punitive damages in recognition of the fact that a terrorist would, by hypothesis, be far more responsible than any other party for damages caused from a terrorist attack. Ordinary tort liability theories would pale in comparison to terrorist action. As punitive damages awards for injuries caused by terrorist acts might well not be insurable to a considerable extent, and since punitive damages are damages that are related to culpability, rather than compensation, they should have no place in litigation relating to terrorist acts -- except against the terrorists. Moreover, where a terrorist act results in widespread harm on a scale akin to a traditional mass tort, only a limited pool of resources will

be available to plaintiffs to prove liability. It would be inequitable to allow one plaintiff or a class of plaintiff to receive an excess amount of these limited resources, including a punitive component unrelated to the plaintiff's injuries, that could limit or preclude recovery by other plaintiffs. Further, a defendant in a mass tort action arising from terrorist attack who engaged in the kind of wrongdoing that is traditionally addressed through punitive damages will very likely be subject to state and federal criminal and administrative sanctions.

Non-Economic Damages. Non-economic damages are limited to the "direct proportion" of the responsibility of the defendant for the harm. This limitation is intended merely to recognize the evident fact that the full responsibility for injuries that terrorists cause should not be shifted entirely to non-terrorists who may bear only partial responsibility. Rather than shift the entire responsibility to the non-terrorist defendant who may bear only a part, possibly a very small part, of the responsibility for causing the harm, such a defendant would be liable only to the extent it breached a duty owed to the plaintiff. The proposed language is modest in that it does not eliminate non-economic damages; nor does it impose proportional fault for *economic* damages. In order to ensure that injured persons recover their economic losses, Section 15(4)(B)(I) limits several liability rule to non-economic damages, thereby insuring that economic damages can be recovered from a defendant who is at fault to any extent, however minor or fractional compared to terrorist fault. Moreover, limitations on joint and several liability are not uncommon; a majority of states have enacted some form of proportional liability, and some states have adopted this approach even for *economic* damages – a more restrictive formula than is contemplated by the proposed legislation.

Attorneys Fees. Attorneys fees are limited to twenty percent of the settlements or judgments in proceedings covered under Section 15. The twenty percent limitation is the same as the limitation on the amount of attorney fees recoverable for administrative settlements under the Federal Tort Claims Act. 28 U.S.C. § 2678. In light of the large number of plaintiffs in cases under Section 15 -- Section 15 is triggered only if terrorism may result in litigation exceeding 100 plaintiffs -- contingency of recovery is diminished and the attorney's risk/reward ratio tips more highly in favor of reward than would be true of much personal injury litigation not involving multiple plaintiffs. Moreover, the consolidated proceedings Section 15 authorizes would permit efficient, non-duplicative development of the plaintiffs' cases, reducing the need for particularly high contingency fees. Since no cap on total fees is included in the attorney fee provision, substantial fees could still be received, providing a strong incentive for high quality counsel to accept cases and claims on behalf of prospective plaintiffs. Finally, in our view it would be preferable to delete the reference to "court approved" settlements in this Section, to avoid any ambiguity as to application of the provision when a settlement does not require court approval.

Technical Suggestions. Section 15(1) and (3) trigger utilization of section 15 upon a determination by the Attorney General "that one or more acts of terrorism may result in litigation in which the number of plaintiffs exceeds 100." It may be desirable to cause this determination to be made by the Judicial Panel on Multidistrict Litigation. The Judicial panel on Multidistrict Litigation already determines whether there is sufficient commonality to the facts in multiple case federal litigation to trigger consolidation. 28 U.S.C. § 1407. While the

determination that would be made under Section 15 is more substantive (i.e., that one or more acts of terrorism occurred, and that the acts of terrorism may result in litigation involving more than one hundred plaintiffs), a judicial ruling may fairly be viewed as an appropriate mechanism for making this determination. The Judicial Panel's determination could be made after adversarial proceedings. Historically, the Judicial Panel has been able to act promptly when faced with multiple suits arising in different forums and also has been able to anticipate future litigation in making its rulings regarding consolidation and coordination of proceedings. Utilizing the Judicial Panel on Multidistrict Litigation, in lieu of the Attorney General, would eliminate the seeming incongruity of having an Executive Branch officer determine the Judicial Branch's jurisdiction.

Section 15(2), pertaining to choice of law, provides that the substantive law for decision shall be derived from the law, including the choice of law principles, of "the State in which such act of terrorism occurred" Since the state in which an act of terrorism might occur may be subject to debate, it may be more appropriate to specify that the substantive law of the state "in which such act of terrorism had its predominant effect," rather than in which the act "occurred," is the trigger for use of state substantive law. This would avoid unnecessary litigation over where an act of terrorism "occurred," particularly when multiple acts of terrorism might cause one set of effects.

Thank you for the opportunity to express our views on this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

From: CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/19/2001 4:35:56 AM
Subject: : terrorism insurance: request for electronic handouts from Friday's meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME:19-NOV-2001 09:35:56.00

SUBJECT:: terrorism insurance: request for electronic handouts from Friday's meeting

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I have a request from the Real Estate Roundtable to send them an electronic version of all of the handouts from last Friday's meeting, including the talking points on the liability issues. Can the keeper of these documents send me the most recent versions? I'd like to get them copies as early today as possible, as they are trying to get one or more of their members to place some op-eds in support of quick action.

Thanks,
Jeff Brown

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>
CC: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;kirk blalock/who/eop@eop [WHO] <kirk blalock>;randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 11/19/2001 4:50:31 AM
Subject: : Re: terrorism insurance: request for electronic handouts from Friday's meeting
Attachments: P_HOJS4004_OPD.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:19-NOV-2001 09:50:31.00

SUBJECT:: Re: terrorism insurance: request for electronic handouts from Friday's meeting

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kirk blalock (CN=kirk blalock/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Jeffrey R. Brown
11/19/2001 09:35:55 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: terrorism insurance: request for electronic handouts from Friday's meeting

I have a request from the Real Estate Roundtable to send them an electronic version of all of the handouts from last Friday's meeting, including the talking points on the liability issues. Can the keeper of these documents send me the most recent versions? I'd like to get them copies as early today as possible, as they are trying to get one or more of their members to place some op-eds in support of quick action.

Thanks,
Jeff Brown

Message Sent

To: _____
D. Marcus Sumerlin/OPD/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HOJS4004_OPD.TXT_1>

REV_00136111

Terrorism Insurance: A Key to Economic Recovery

“Without full cooperation between our government and America’s private industries in support of insurance activities, there could be major disruption in the marketplace and harm to our economy.” -- Leslie Baker, Chairman of Wachovia Bank

The tragic events of September 11 enacted an economic as well as a human toll. The attacks directly impacted industries such as airlines and hotels, but also have reverberated throughout many other sectors of the economy. Because our military strength and our economic strength are inseparable, our nation must work with resolve to restore economic growth. The current lack of insurance for terrorist acts poses an unnecessary and avoidable barrier to economic recovery.

Lack of Insurance

The terrorist attacks proved that the probability of catastrophic property and casualty losses was much higher than anticipated. Due to the current inability to evaluate the probability of more events or to handle numerous large events in a short time, the reinsurance industry has been reluctant to cover terrorist events. According to Marc Morial, Mayor of New Orleans, “Reinsurers already are saying they will exclude ‘acts of terrorism’ from coverage on a going-forward basis.” Keith Buckley, an insurance analyst with Fitch Ratings Company, states that it is “the universally stated plan of reinsurance companies to add specific terrorism exclusions to reinsurance coverage.” Without reinsurance, primary insurers are forced to either exclude terrorism coverage, charge very high premiums, or withdraw from the market entirely:

- On October 31, AIG decided to drop coverage of Brookfield properties, which includes 8 million square feet of office space in lower Manhattan. Brookfield secured a new policy with FM Global Insurance, but the insurance specifically excludes events related to terrorism.
- At Chicago’s O’Hare airport, premiums have risen from \$125,000 a year to \$7 million a year.
- New York’s JFK international terminal cannot secure the \$1 billion in insurance coverage it needs. Developer Dave Sigman has considered shutting the terminal down.
- Seventeen of the twenty-five property insurers that trade with Marsh, Inc. have enacted terrorism exclusions.

Although most state insurance commissioners are unlikely to approve terrorism exclusions to existing policies, insurance companies are free to completely drop coverage of potential targets. In addition, some states allow insurers to adopt exclusions to new policies without approval. Alternatively, insurers may move policies to non-admitted, or so-called “excess and surplus” carriers, which are non-licensed insurers whose policies are not subject to regulatory scrutiny and thus offer less protection to policyholders. Many insurance companies are likely to exercise this flexibility to protect their financial integrity. On October 23, Standard and Poor’s warned that insurer ratings could fall if underwriters opted to continue offering terrorism coverage without support from reinsurers or the federal government.

Impact on Construction and Real Estate

Lenders require businesses to insure any property they use to secure loans. Without terrorism coverage, banks may not lend to new construction projects and many existing commercial properties may not be able to change hands. According to Thomas Donohue, President of the U.S. Chamber of Commerce, “Bank loans for major construction project undertakings such as new power plants, pipelines, and commercial office space would sharply decrease without coverage.”

Without adequate insurance, it will be difficult to develop, operate, acquire, refinance, or sell property. Thomas J. O’Brien, Senior Vice President of Finance for LCOR Incorporated, argues that the disruption could be widespread: “It will not only affect the real estate owners and lenders but also their tenants who lease facilities, their employees and customers as well as anyone who rents an apartment.”

Impact on Banking

The terms of most loans require adequate insurance, and without insurance borrowers may find themselves in technical default on their loan. As a result, lenders could be in a position of accelerating payments under the terms of the loan or calling in the loan in its entirety. If banks do not call the loans, they may be forced to reduce the amount of available credit as they build reserves to protect against a terrorist attack.

Thomas J. O’Brien of LCOR argues that a significant amount of real estate-backed debt runs the risk of being in non-monetary default without the availability of terrorism coverage. According to O’Brien, “This lack of coverage raises profound liquidity concerns not only on existing loans and the institutions that hold them but on the ability of borrowers to secure any type of financing going forward.”

Impacted Sectors

The potential disruption will fall primarily on areas of dense economic activity, such as skyscrapers and industrial factories. But it is likely that stadiums, trains, and many other areas will be impacted as well. According to Thomas Donohoe, “without adequate coverage, trucking firms, railroads, airlines, and ships may be unable to transport many types of cargo or may limit their destinations.”

Impact on the Overall Economy

The absence of insurance coverage for terrorism risks will likely reduce the willingness of lenders to provide financing for existing commercial structures and deter the construction of new projects. The result could look like a “credit crunch.” The Council of Economic Advisers estimates an overall reduction in 2002 GDP of 0.3 percentage point if the problem is not solved. This reduced growth rate of GDP is equal to 0.8 percentage point in the first quarter of 2002, 0.7 percentage point in the second quarter of 2002, and diminishes thereafter. The decline is caused by a reduction in asset values that reduces the consumption purchases of the household sector.

In addition, lower valuations reduce the incentive to invest in new structures. The overall liquidity effects also reduce the path for investment in non-residential structures.

Given the underlying weakness of the U.S. economy, it is not prudent to add more uncertainty by allowing insurance markets to fail. According to Steve Dreyer, Managing Director at Standard and Poor's Insurance Rating Service, "Absence of coverage could have a chilling effect on the economy if businesses from airlines to sports teams, to shopping centers curtail or even shut down activity, and if banks prove unwilling to make loans to companies without terrorism coverage." To prevent this disruption, the federal government must take action to provide a temporary backstop until the private sector develops the ability and capacity to insure against terrorist acts.

Talking Points on Terrorism Insurance

- The tragic events of September 11 had a considerable impact on our economy. We must act just as aggressively at home as we are abroad to prevent the U.S. economy from becoming a victim.
- At a time of economic weakness, we simply cannot afford to risk allowing more disruptions to the economy.
- Adequate insurance coverage is an essential component of a growing economy. Without insurance, you cannot get loans or sell existing property.
- The reinsurance industry is refusing to provide coverage against terrorist attacks, so the federal government must temporarily provide a backstop.
- This is not about helping insurance companies; it is about preventing a potential credit crunch and exacerbating an economic downturn.
- The federal government must also provide reasonable legal procedures.
- These procedures must: 1) ensure that victims can quickly recover real losses; 2) protect the taxpayers from spurious claims; 3) prevent unnecessary bankruptcies; and 4) reduce the likelihood that a terrorist attack will significantly burden the economy.
- Unfortunately, our current legal system cannot handle mass tort events.
- The end of the year is fast approaching, so the Congress must act quickly to prevent an unnecessary drag on our economic recovery.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
BCC: Rebecca Gonzales (Rebecca Gonzales [UNKNOWN])
Sent: 11/19/2001 7:02:53 AM
Subject: : mail

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-NOV-2001 12:02:53.00

SUBJECT:: mail

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Rebecca Gonzales (Rebecca Gonzales [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

REV_00136124

As a reminder, we are not receiving mail or other deliveries.

If you know someone will be sending you correspondence or other mail (invitations, etc.) please have them fax it if it is time sensitive. Items such as party invites, fruit baskets, flowers, etc. should be sent to your home.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
BCC: Rebecca Gonzales (Rebecca Gonzales [UNKNOWN])
Sent: 11/19/2001 7:02:53 AM
Subject: : mail

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-NOV-2001 12:02:53.00

SUBJECT:: mail

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:Rebecca Gonzales (Rebecca Gonzales [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

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Thanks!

From: Sutton, Jason <Jason.J.Sutton@usdoj.gov>
To: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Sutton, Jason <Jason.J.Sutton@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Coniglio, Peter <Peter.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; O'Brien, Patrick <Patrick.O'Brien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 11/19/2001 8:18:45 AM
Subject: : CANCELED: The Judicial Confirmation Working Group today at 4pm, Main Justice Room 4646.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> ("Sutton, Jason"

<Jason.J.Sutton@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:19-NOV-2001 13:18:45.00

SUBJECT:: CANCELED: The Judicial Confirmation Working Group today at 4pm, Main Justice Room 4646.

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification

REV_00136131

Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Coniglio, Peter" <Peter.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter" <Peter.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:"O'Brien, Patrick" <Patrick.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

Today's 4:00 Judicial Confirmation Working Group meeting is canceled.

-----Original Message-----

From: Brinkley, Winnie
 Sent: Monday, October 15, 2001 1:45 PM
 To: Adam Ciongoli; Allison_L._Riepenhoff@who.eop.gov@inetgw;
 Bradford_A._Berenson@who.eop.gov@inetgw;
 Brett_M._Kavanaugh@who.eop.gov@inetgw; Dan Bryant;
 Heather_Wingate@who.eop.gov; James Carroll; Jason Sutton; Jennifer
 Newstead; Kristen Ullman; Linda Long; Lizette Benedi; Lori Rabjohns; Lori
 SharpeDay; Matthew_E._Smith@who.eop.gov@inetgw; Mindy Tucker; Neal Suit;
 Patrick O'Brien; Peter Coniglio; Sheila Joy;
 Tim_Goeglein@who.eop.gov@inetgw; Timothy_E._Flanigan@who.eop.gov@inetgw;
 Viet Dinh; Winnie Brinkley; Ziad_S._Ojakli@who.eop.gov@inetgw
 Subject: Reminder: The Judicial Confirmation Working Group will meet today
 at 4pm, Main Justice Room 4646.

From: Sutton, Jason <Jason.J.Sutton@usdoj.gov>
To: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Sutton, Jason <Jason.J.Sutton@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Coniglio, Peter <Peter.Coniglio@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO /EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; O'Brien, Patrick <Patrick.O'Brien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 11/19/2001 8:18:50 AM
Subject: : CANCELED: The Judicial Confirmation Working Group today at 4pm, Main Justice Room 4646.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> ("Sutton, Jason"

<Jason.J.Sutton@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:19-NOV-2001 13:18:50.00

SUBJECT:: CANCELED: The Judicial Confirmation Working Group today at 4pm, Main Justice Room 4646.

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ullman, Kristen A" <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rabjohns, Lori" <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification

REV_00136134

Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Coniglio, Peter" <Peter.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coniglio, Peter" <Peter.Coniglio@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"O'Brien, Patrick" <Patrick.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Today's 4:00 Judicial Confirmation Working Group meeting is canceled.

-----Original Message-----

From: Brinkley, Winnie
Sent: Monday, October 15, 2001 1:45 PM
To: Adam Ciongoli; Allison_L._Riepenhoff@who.eop.gov/inetgw;
Bradford_A._Berenson@who.eop.gov/inetgw;
Brett_M._Kavanaugh@who.eop.gov/inetgw; Dan Bryant;
Heather_Wingate@who.eop.gov; James Carroll; Jason Sutton; Jennifer
Newstead; Kristen Ullman; Linda Long; Lizette Benedi; Lori Rabjohns; Lori
SharpeDay; Matthew_E._Smith@who.eop.gov/inetgw; Mindy Tucker; Neal Suit;
Patrick O'Brien; Peter Coniglio; Sheila Joy;
Tim_Goeglein@who.eop.gov/inetgw; Timothy_E._Flanigan@who.eop.gov/inetgw;
Viet Dinh; Winnie Brinkley; Ziad_S._Ojakli@who.eop.gov/inetgw
Subject: Reminder: The Judicial Confirmation Working Group will meet today
at 4pm, Main Justice Room 4646.

REV_00136135

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/19/2001 9:25:07 AM
Subject: : Tues., Nov.20 POTUS mtg. prep-TIME CHANGE

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-NOV-2001 14:25:07.00

SUBJECT:: Tues., Nov.20 POTUS mtg. prep-TIME CHANGE

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The prep meeting will now be held at 10:30 am on Tuesday morning in the Judge's Office.

REV_00136136

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/19/2001 2:58:01 PM
Subject: : POTUS meeting attendees

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-NOV-2001 19:58:01.00

SUBJECT:: POTUS meeting attendees

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Libby,

I think the following people will attend the POTUS meeting:

POTUS

VPOTUS

Card

Rove

Judge

Tim

Brad

Rachel

Noel

Brett

Chris

Kyle

Jason

REV_00136137

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 11/19/2001 10:58:11 AM
Subject: : the new kid on the block

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-NOV-2001 15:58:11.00

SUBJECT:: the new kid on the block

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Ed McNally, Counsel for Governor Tom Ridge, Office of Homeland Security

Location: OEOP Room 171

Phone: ext. 6-3555

Email: Edward McNally/WHO/EOP

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>;IGA Intergovernmental Affairs [UNKNOWN] <IGA Intergovernmental Affairs>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (

End Original ARMS Header

His biography of Teddy Roosevelt's early years won the Pulitzer Prize.
His long-awaited biography of TR's presidency will be released tomorrow.
His visit with White House staff is next week...

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READ:UNKNOWN
BCC:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Mark Holman (CN=Mark Holman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Barbara C. Chaffee (CN=Barbara C. Chaffee/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Susan K. Neely (CN=Susan K. Neely/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Allison Barber (CN=Allison Barber/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Paddy Feeny (CN=Paddy Feeny/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Craig Stevens (CN=Craig Stevens/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Greg Lagana (CN=Greg Lagana/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Karen L. Zent (CN=Karen L. Zent/OU=WHO/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Diana C. Donnelly (CN=Diana C. Donnelly/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Christa Moyle (CN=Christa Moyle/OU=OA/O=EOP [OA])
READ:UNKNOWN
BCC:Carol E. Ehrlich (CN=Carol E. Ehrlich/OU=OA/O=EOP [OA])
READ:UNKNOWN
BCC:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Julianne H. Thomas (CN=Julianne H. Thomas/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

BCC:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Charles S. Abbot (CN=Charles S. Abbot/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Wayne A. Downing (CN=Wayne A. Downing/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John L. Howard Jr. (CN=John L. Howard Jr./OU=CEQ/O=EOP [CEQ])
READ:UNKNOWN
BCC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:David Kuo (CN=David Kuo/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:rtubb@whmo.mil (rtubb@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

From: CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>
Sent: 11/19/2001 3:34:10 PM
Subject: : Excerpting News Media for hardcopy internal WH distribution

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-NOV-2001 20:34:10.00
SUBJECT:: Excerpting News Media for hardcopy internal WH distribution
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

OSI is working on a document that will quote various media sources. This document is not intended for electronic distribution in any form, so Alicia Peterson Clark and I would like to make sure the following are permissible since most of what we've discussed in the past involved electronically distributed information:

- excerpting articles in part
- excerpting articles in part, writing a brief introduction or headline describing the article
- reprinting an entire article
- reprinting an entire article, writing a brief introduction or headline describing the article
- writing a summary of an article or news item using some excerpts from that article
- reprinting or excerpting "best seller" lists

The document is tentatively described as "a snapshot of trend lines in American demographics and pop culture." The document is intended only for internal White House distribution in hardcopy form. We plan to distribute this type of document on a, as yet determined, regular basis.

Thanks in advance for your help. I'll be out of town tomorrow through Sunday, so please include Alicia in your response.

NEIL
x6-7465

REV_00136150

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;david.higbee@usdoj.gov
@ inet [UNKNOWN] <david.higbee@usdoj.gov>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 11/20/2001 12:42:02 PM
Subject: : Special Master

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-NOV-2001 17:42:02.00
SUBJECT:: Special Master
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: david.higbee@usdoj.gov (david.higbee@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I'm sure you are down the road on Special Master for the Victim's
Compensation Fund. But I just want to say this:

Mary Jo White. Now more than ever.

She's New York. She's tough and no-nonsense.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 11/20/2001 10:48:39 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 20-NOV-2001 15:48:39.00

SUBJECT::

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

reminder: to request the POTUS meeting for next Thursday or Friday; thanks

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/20/2001 12:29:26 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2001 17:29:26.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Your request has been submitted - you big bug!

Brett M. Kavanaugh
11/20/2001 03:48:38 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject:

reminder: to request the POTUS meeting for next Thursday or Friday; thanks

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/20/2001 12:47:39 PM
Subject: : Friday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-NOV-2001 17:47:39.00

SUBJECT:: Friday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are going to be here let me know.

If you are out on Friday and have not already given me your contact info please do so before leaving on Wednesday.

REV_00136255

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/20/2001 12:47:39 PM
Subject: : Friday

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-NOV-2001 17:47:39.00

SUBJECT:: Friday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are going to be here let me know.

If you are out on Friday and have not already given me your contact info please do so before leaving on Wednesday.

REV_00136256

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <jennifer.newstead@usdoj.gov>; viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>; makan_delrahim@usdoj.gov @ inet [UNKNOWN] <makan_delrahim@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
BCC: Bradford A. Berenson (Bradford A. Berenson/WHO/EOP [WHO])
Sent: 11/20/2001 2:57:13 PM
Subject: : ABA Business Law Section General Counsel's letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-NOV-2001 19:57:13.00
SUBJECT:: ABA Business Law Section General Counsel's letter
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:makan_delrahim@usdoj.gov (makan_delrahim@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Charles Morgan, the Chairman of the ABA Business Law Section and General Counsel of BellSouth, has worked up a letter that will be signed by a large number of G.C.s of major corporations commenting on the slow pace of judicial confirmations and urging Leahy to do better. The letter does not focus on particular nominees and was expressly designed to be elevated in tone, but the point is unmistakable -- corporate America's lawyers will be going on the record to complain about the rate of vacancies. Stay tuned for the final letter.

Morgan has a fabulous set of contacts in the corporate counsel world and he is willing to use them to help us in any way he can. We should keep that in mind as we go forward -- it holds out the possibility of letters from individual G.C.s to their home-state Senators regarding particular nominees.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/21/2001 4:15:20 AM
Subject: : FYI - Washington Post - 11-21-01

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-NOV-2001 09:15:20.00
SUBJECT:: FYI - Washington Post - 11-21-01
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

FYI on terrorism insurance:

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/21/2001 09:15 AM -----

Kirk Blalock
11/21/2001 09:14:30 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Karl C. Rove/WHO/EOP@EOP, Susan B. Ralston/WHO/EOP@EOP
Subject: FYI - Washington Post - 11-21-01

Terror-Insurance Market in Limbo (WPost)
Inaction in Congress Leaves Firms Unable to Find or Renew Policies
By Jackie Spinner

The Washington Post, November 21, 2001

A Long Island shopping center was notified by one of its lenders that it must get war insurance coverage or risk losing a loan. A Canadian office developer renewed its insurance policies earlier this month without terrorism coverage for skyscrapers in New York, Boston and Minneapolis. A small construction contractor in Maryland just found out that his annual insurance premium may triple to \$150,000.

Two months after Congress began debating a system for backing up insurance companies in the event of another terrorist attack, the market is in turmoil, creating widespread problems for virtually every business or institution whose insurance policy is up for renewal.

Commercial premiums are increasing, and in many cases business customers are paying more for far less coverage as the terms and conditions of their policies are changed. Insurance companies have begun filing petitions with state regulators seeking to exclude terrorism from commercial and personal policies after the first of the year. And banks are reexamining their lending policies in major U.S. cities.

"It's a very bad situation," said Ira Shapiro, a real estate risk-management consultant based in New York. "It's a horror because insurance companies just don't know what to do." The problems have intensified in the past two weeks as the Dec. 31 deadline for renewing the majority of commercial policies draws closer and the promise of help from the federal government gets bogged down in a political swamp.

Although House leaders have pledged to address terrorism-insurance legislation after the Thanksgiving holiday, the Senate remains deadlocked over competing proposals.

"The whole point of these bills is not to give assistance to the industry but to guarantee that there will be coverage for terrorism," said David L. Keating, senior counsel for the National Taxpayers Union, which has been participating in the debate. "We differ on how they are designing these systems."

It's estimated the terrorist attacks of Sept. 11 will cost insurers \$30

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billion to \$50 billion. Nonetheless, the industry is expected to be able to cover the losses -- in some cases through premium increases that had already started to appear after a decade of depressed prices.

"In just the last 30 days, I've had agreements with insurance companies that have changed," said Andrew G. Cassidy, a partner at Rockville insurance brokerage Early, Cassidy & Schilling Inc., which represents the Maryland contractor whose premiums may triple. "Pricing is going up, and that's a problem. But the bigger problem is the change in terms and conditions."

Reinsurance companies, which insure insurance companies, have already indicated their unwillingness to provide terrorism insurance without a federal "backstop" that would put up taxpayer funds through loans or direct assistance to help pay claims resulting from another terrorist attack.

Primary insurers -- household names such as Hartford, Chubb and Travelers -- buy reinsurance to help cover the policies they write for property damage, worker's compensation and general liability.

They are reluctant to cover terrorism without reinsurance.

While they wait for the government to act, the insurers are alerting their customers that primary coverage may be limited if reinsurance for terrorism disappears after Jan. 1.

And that has left commercial policyholders and their insurance agents in limbo, waiting to see if they can get coverage and unsure of how much it will cost if they can get it.

Banks and financial institutions are in the same predicament, waiting to see if the coverage will be available before they agree to finance new real estate projects and business ventures.

"The people inside our industry know there's a real problem brewing but it hasn't really hit the bricks," Cassidy said.

Toronto-based developer Brookfield Properties Corp., which owned four New York skyscrapers damaged during the terrorist attacks on the World Trade Center, has collected \$50 million in insurance payments to help reconstruct the buildings.

Like most U.S. commercial policyholders, Brookfield was covered for terrorism on Sept. 11.

But when the firm went to renew its insurance policy on Nov. 1, the company could not find a single firm willing to offer terrorism coverage for property damage at any of its buildings in the United States or Canada, according to Steven Douglas, chief financial officer for Brookfield.

Shapiro, the real estate consultant, said one of his clients, a shopping-center owner he declined to name, recently received a notice from one of its lenders asking for certification that the shopping center was covered for war risk -- a type of coverage that has typically not been available for commercial real estate for decades.

Even if he can persuade the lender to require terrorism coverage instead, Shapiro said he is not sure the shopping center would be able to get that, either. If he couldn't, the center could default on the loan.

"This lender issue is going to be a giant issue," he said. "It's a very bad situation."

John T. Stuart, senior executive vice president of Guaranty Bank in Dallas, which has financed development in downtown Washington and Tysons Corner, said investors and lenders do not want to be on the hook any more than the insurance companies want to be.

"If there's an exclusion for acts of terrorism in your insurance, then that becomes an additional risk that each bank will have to consider depending on size of the project and where it's located," he said.

Stuart said Guaranty is reviewing its lending policies for high-profile construction projects in major cities if terrorism insurance is unavailable.

"We have to have some confidence that if anything would happen again that there are deep pockets to pay for it," he said.

Insurance agents said they are caught in the middle, scrambling to find coverage for clients whose policies are within days or weeks of expiring.

"I've got customers trying to renew their insurance for December 1, December 15 and January 1, and insurance carriers are not able to set terms yet," said Mike Robertson, director of risk management for Armfield, Harrison & Thomas Inc., an insurance firm based in Leesburg.

When he has been able to renew a policy, the premiums have generally gone up, Robertson said, reflecting a trend for commercial policies that started long before Sept. 11.

Commercial insurance rates had been rising between 10 percent and 30 percent earlier this year after a 10-year lull.

"There's probably some feeling that insurance companies are using the events of September 11 to justify horrific rate increases," he said. "I don't think this is the case. I haven't seen that kind of price-gouging going on."

Message Sent

To:

D. Marcus Sumerlin/OPD/EOP@EOP
Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
dan.mccardle@do.treas.gov @ inet
Lisa D. Branch/CEA/EOP@EOP
Eric H. Otto/OPD/EOP@EOP
Brian R. Besanceney/OPD/EOP@EOP
Nicolle Devenish/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/21/2001 2:55:57 AM
Subject: : Judge Gonzales

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-NOV-2001 07:55:57.00

SUBJECT:: Judge Gonzales

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI re: next judges meeting with the President. So far I have the following attorneys listed as participants:

Brad Berenson, Chris Bartolomucci, Rachel Brand, Brett Kavanaugh and Kyle Sampson

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
11/21/2001 07:48 AM -----

Kara G. Figg
11/21/2001 07:46:25 AM

REV_00136282

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP

cc:

Subject: Judge Gonzales

We have scheduled your meeting 2:15pm on Fri., Nov. 30 for 20 min

From: TONY EDWARDS <tedwards@nareit.org>
To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>;shelia.bair@do.treas.gov [UNKNOWN] <shelia.bair@do.treas.gov>;brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>
Sent: 11/21/2001 7:03:49 AM
Subject: : Terrorism Insurance Coverage
Attachments: P_UIQ94003_WHO.TXT_1.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:21-NOV-2001 12:03:49.00
SUBJECT:: Terrorism Insurance Coverage
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:shelia.bair@do.treas.gov (shelia.bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:brian.gaston@mail.house.gov (brian.gaston@mail.house.gov [UNKNOWN])
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READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

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Tony M. Edwards
Senior Vice President & General Counsel
NAREIT
Phone: 202-739-9408
Fax: 202-739-9449

- Final Roll Call Ad (11-26-01).pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UIQ94003_WHO.TXT_1>

REV_00136284

INSURANCE – THE LUBRICANT THAT KEEPS AMERICA’S ECONOMIC ENGINE RUNNING SMOOTHLY.



CONGRESS MUST ACT NOW TO MAINTAIN THE AVAILABILITY OF TERRORISM INSURANCE COVERAGE.

Unless Congress acts before it adjourns, the nation's economy will likely face severe disruption because of the disappearance of affordable, comprehensive terrorism insurance for businesses and commercial and residential properties. We urge the House to quickly pass H.R.3210, the Terrorism Risk Protection Act, and urge the Senate to approve comparable legislation. We suggest that all Members of Congress consider the following in crafting any legislative package:

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- The insurance plan must contain a system to ensure that all businesses and commercial properties are covered, including those in high-risk, high-visibility locations.
- As in the recent airport security legislation, Congress should consider appropriate litigation safeguards to benefit the victims of a terrorist attack.

Without Federal action, the essential lubricant for our economic engine will be dry and the ability to finance, construct, buy or sell properties across the nation may be at risk.

America's Community Bankers, American Resort Development Association, Associated General Contractors of America, Building Owners and Managers Association International, Commercial Mortgage Securities Association, Institute of Real Estate Management, International Council of Shopping Centers, Mortgage Bankers Association of America, National Apartment Association, National Association of Home Builders, National Association of Industrial and Office Properties, National Association of Real Estate Investment Trusts, National Association of Realtors, National Multi Housing Council, Pension Real Estate Association, The Real Estate Board of New York, The Real Estate Roundtable.

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To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>;shelia.bair@do.treas.gov [UNKNOWN] <shelia.bair@do.treas.gov>;brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>
Sent: 11/21/2001 7:11:17 AM
Subject: : Terrorism Insurance Coverage
Attachments: P_XVQ94003_OPD.TXT_1.pdf

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
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From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;dan.mccardle@do.treas.gov @ inet [UNKNOWN] <dan.mccardle@do.treas.gov>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/21/2001 4:14:32 AM
Subject: : FYI - Washington Post - 11-21-01

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-NOV-2001 09:14:32.00

SUBJECT:: FYI - Washington Post - 11-21-01

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:dan.mccardle@do.treas.gov (dan.mccardle@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Terror-Insurance Market in Limbo (WPost)

Inaction in Congress Leaves Firms Unable to Find or Renew Policies

By Jackie Spinner

The Washington Post, November 21, 2001

A Long Island shopping center was notified by one of its lenders that it must get war insurance coverage or risk losing a loan. A Canadian office developer renewed its insurance policies earlier this month without terrorism coverage for skyscrapers in New York, Boston and Minneapolis. A small construction contractor in Maryland just found out that his annual insurance premium may triple to \$150,000.

Two months after Congress began debating a system for backing up insurance

REV_00136293

companies in the event of another terrorist attack, the market is in turmoil, creating widespread problems for virtually every business or institution whose insurance policy is up for renewal.

Commercial premiums are increasing, and in many cases business customers are paying more for far less coverage as the terms and conditions of their policies are changed. Insurance companies have begun filing petitions with state regulators seeking to exclude terrorism from commercial and personal policies after the first of the year. And banks are reexamining their lending policies in major U.S. cities.

"It's a very bad situation," said Ira Shapiro, a real estate risk-management consultant based in New York. "It's a horror because insurance companies just don't know what to do." The problems have intensified in the past two weeks as the Dec. 31 deadline for renewing the majority of commercial policies draws closer and the promise of help from the federal government gets bogged down in a political swamp.

Although House leaders have pledged to address terrorism-insurance legislation after the Thanksgiving holiday, the Senate remains deadlocked over competing proposals.

"The whole point of these bills is not to give assistance to the industry but to guarantee that there will be coverage for terrorism," said David L. Keating, senior counsel for the National Taxpayers Union, which has been participating in the debate. "We differ on how they are designing these systems."

It's estimated the terrorist attacks of Sept. 11 will cost insurers \$30 billion to \$50 billion. Nonetheless, the industry is expected to be able to cover the losses -- in some cases through premium increases that had already started to appear after a decade of depressed prices.

"In just the last 30 days, I've had agreements with insurance companies that have changed," said Andrew G. Cassidy, a partner at Rockville insurance brokerage Early, Cassidy & Schilling Inc., which represents the Maryland contractor whose premiums may triple. "Pricing is going up, and that's a problem. But the bigger problem is the change in terms and conditions."

Reinsurance companies, which insure insurance companies, have already indicated their unwillingness to provide terrorism insurance without a federal "backstop" that would put up taxpayer funds through loans or direct assistance to help pay claims resulting from another terrorist attack.

Primary insurers -- household names such as Hartford, Chubb and Travelers -- buy reinsurance to help cover the policies they write for property damage, worker's compensation and general liability.

They are reluctant to cover terrorism without reinsurance.

While they wait for the government to act, the insurers are alerting their customers that primary coverage may be limited if reinsurance for terrorism disappears after Jan. 1.

And that has left commercial policyholders and their insurance agents in limbo, waiting to see if they can get coverage and unsure of how much it will cost if they can get it.

Banks and financial institutions are in the same predicament, waiting to see if the coverage will be available before they agree to finance new real estate projects and business ventures.

"The people inside our industry know there's a real problem brewing but it hasn't really hit the bricks," Cassidy said.

Toronto-based developer Brookfield Properties Corp., which owned four New York skyscrapers damaged during the terrorist attacks on the World Trade Center, has collected \$50 million in insurance payments to help reconstruct the buildings.

Like most U.S. commercial policyholders, Brookfield was covered for terrorism on Sept. 11.

But when the firm went to renew its insurance policy on Nov. 1, the company could not find a single firm willing to offer terrorism coverage for property damage at any of its buildings in the United States or Canada, according to Steven Douglas, chief financial officer for Brookfield.

Shapiro, the real estate consultant, said one of his clients, a shopping-center owner he declined to name, recently received a notice from one of its lenders asking for certification that the shopping center was covered for war risk -- a type of coverage that has typically not been

available for commercial real estate for decades.

Even if he can persuade the lender to require terrorism coverage instead, Shapiro said he is not sure the shopping center would be able to get that, either. If he couldn't, the center could default on the loan.

"This lender issue is going to be a giant issue," he said. "It's a very bad situation."

John T. Stuart, senior executive vice president of Guaranty Bank in Dallas, which has financed development in downtown Washington and Tysons Corner, said investors and lenders do not want to be on the hook any more than the insurance companies want to be.

"If there's an exclusion for acts of terrorism in your insurance, then that becomes an additional risk that each bank will have to consider depending on size of the project and where it's located," he said.

Stuart said Guaranty is reviewing its lending policies for high-profile construction projects in major cities if terrorism insurance is unavailable.

"We have to have some confidence that if anything would happen again that there are deep pockets to pay for it," he said.

Insurance agents said they are caught in the middle, scrambling to find coverage for clients whose policies are within days or weeks of expiring.

"I've got customers trying to renew their insurance for December 1, December 15 and January 1, and insurance carriers are not able to set terms yet," said Mike Robertson, director of risk management for Armfield, Harrison & Thomas Inc., an insurance firm based in Leesburg.

When he has been able to renew a policy, the premiums have generally gone up, Robertson said, reflecting a trend for commercial policies that started long before Sept. 11.

Commercial insurance rates had been rising between 10 percent and 30 percent earlier this year after a 10-year lull.

"There's probably some feeling that insurance companies are using the events of September 11 to justify horrific rate increases," he said. "I don't think this is the case. I haven't seen that kind of price-gouging going on."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/21/2001 4:15:20 AM
Subject: : FYI - Washington Post - 11-21-01

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-NOV-2001 09:15:20.00
SUBJECT:: FYI - Washington Post - 11-21-01
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

FYI on terrorism insurance:

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/21/2001 09:15 AM -----

Kirk Blalock
11/21/2001 09:14:30 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Karl C. Rove/WHO/EOP@EOP, Susan B. Ralston/WHO/EOP@EOP
Subject: FYI - Washington Post - 11-21-01

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Message Sent

To:

D. Marcus Sumerlin/OPD/EOP@EOP
Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
dan.mccardle@do.treas.gov @ inet
Lisa D. Branch/CEA/EOP@EOP
Eric H. Otto/OPD/EOP@EOP
Brian R. Besanceney/OPD/EOP@EOP
Nicolle Devenish/WHO/EOP@EOP

From: CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/21/2001 4:17:18 AM
Subject: : Re: State Dept victims

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:21-NOV-2001 09:17:18.00
SUBJECT:: Re: State Dept victims
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

result was that I'm holding the draft leg, and will rework it a little before putting it in clearance. And even then, it will not have a number attached.

Brett M. Kavanaugh
11/21/2001 09:02:14 AM
Record Type: Record

To: Jay P. Lefkowitz/OMB/EOP@EOP
cc:
Subject: State Dept victims

what was end result of yesterday's meeting with Taft et al?

From: TONY EDWARDS <tedwards@nareit.org>
To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; shelia.bair@do.treas.gov [UNKNOWN] <shelia.bair@do.treas.gov>; brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>
Sent: 11/21/2001 7:03:30 AM
Subject: : Terrorism Insurance Coverage
Attachments: P_AIQ94003_OPD.TXT_1.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:21-NOV-2001 12:03:30.00
SUBJECT:: Terrorism Insurance Coverage
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:shelia.bair@do.treas.gov (shelia.bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:brian.gaston@mail.house.gov (brian.gaston@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

As a follow-up to our meeting last week on terrorism insurance, attached is a copy of an ad that will run in this Monday's edition of Roll Call. I hope the ad is helpful (along with our grass roots outreach efforts) in persuading Congress to enact a meaningful bill before it adjourns. Thanks again for your hard work on this core issue, and I hope you have a good Thanksgiving holiday.

Tony M. Edwards
Senior Vice President & General Counsel
NAREIT
Phone: 202-739-9408
Fax: 202-739-9449

- Final Roll Call Ad (11-26-01).pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AIQ94003_OPD.TXT_1>

INSURANCE – THE LUBRICANT THAT KEEPS AMERICA’S ECONOMIC ENGINE RUNNING SMOOTHLY.



CONGRESS MUST ACT NOW TO MAINTAIN THE AVAILABILITY OF TERRORISM INSURANCE COVERAGE.

Unless Congress acts before it adjourns, the nation’s economy will likely face severe disruption because of the disappearance of affordable, comprehensive terrorism insurance for businesses and commercial and residential properties. We urge the House to quickly pass H.R.3210, the Terrorism Risk Protection Act, and urge the Senate to approve comparable legislation. We suggest that all Members of Congress consider the following in crafting any legislative package:

- The insurance program must be of sufficient duration to provide stability to the real estate and financial markets.
- The insurance plan must contain a system to ensure that all businesses and commercial properties are covered, including those in high-risk, high-visibility locations.
- As in the recent airport security legislation, Congress should consider appropriate litigation safeguards to benefit the victims of a terrorist attack.

Without Federal action, the essential lubricant for our economic engine will be dry and the ability to finance, construct, buy or sell properties across the nation may be at risk.

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From: TONY EDWARDS <tedwards@nareit.org>
To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>;shelia.bair@do.treas.gov [UNKNOWN] <shelia.bair@do.treas.gov>;brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>
Sent: 11/21/2001 7:03:49 AM
Subject: : Terrorism Insurance Coverage
Attachments: P_UIQ94003_CEA.TXT_1.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:21-NOV-2001 12:03:49.00
SUBJECT:: Terrorism Insurance Coverage
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:shelia.bair@do.treas.gov (shelia.bair@do.treas.gov [UNKNOWN])
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TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

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Senior Vice President & General Counsel
NAREIT
Phone: 202-739-9408
Fax: 202-739-9449

- Final Roll Call Ad (11-26-01).pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UIQ94003_OPD.TXT_1>

INSURANCE – THE LUBRICANT THAT KEEPS AMERICA’S ECONOMIC ENGINE RUNNING SMOOTHLY.



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From: TONY EDWARDS <tedwards@nareit.org>
To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>;shelia.bair@do.treas.gov [UNKNOWN] <shelia.bair@do.treas.gov>;brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>
Sent: 11/21/2001 7:03:49 AM
Subject: : Terrorism Insurance Coverage
Attachments: 05098_p_uhq94003_who.txt_1.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:21-NOV-2001 12:03:49.00
SUBJECT:: Terrorism Insurance Coverage
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:shelia.bair@do.treas.gov (shelia.bair@do.treas.gov [UNKNOWN])
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TO:brian.gaston@mail.house.gov (brian.gaston@mail.house.gov [UNKNOWN])
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READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])
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CC: Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>
Sent: 11/21/2001 7:04:49 AM
Subject: : Terrorism Insurance Coverage
Attachments: 05099_p_hkq94003_who.txt_1.pdf

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:21-NOV-2001 12:04:49.00
SUBJECT:: Terrorism Insurance Coverage
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:shelia.bair@do.treas.gov (shelia.bair@do.treas.gov [UNKNOWN])
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TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])
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CC: Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>
Sent: 11/21/2001 7:08:54 AM
Subject: : Terrorism Insurance Coverage
Attachments: P_4SQ94003_OPD.TXT_1.pdf

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:21-NOV-2001 12:08:54.00
SUBJECT:: Terrorism Insurance Coverage
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:shelia.bair@do.treas.gov (shelia.bair@do.treas.gov [UNKNOWN])
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TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])
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CC: Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>
Sent: 11/21/2001 7:11:17 AM
Subject: : Terrorism Insurance Coverage
Attachments: 05101_p_xvq94003_who.txt_1.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:21-NOV-2001 12:11:17.00
SUBJECT:: Terrorism Insurance Coverage
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:shelia.bair@do.treas.gov (shelia.bair@do.treas.gov [UNKNOWN])
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TO:brian.gaston@mail.house.gov (brian.gaston@mail.house.gov [UNKNOWN])
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READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])
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File attachment <05101_p_xvq94003_who.txt_1>

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CC: Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>
Sent: 11/21/2001 7:19:13 AM
Subject: : Terrorism Insurance Coverage
Attachments: P_B6R94003_WHO.TXT_1.pdf

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:21-NOV-2001 12:19:13.00
SUBJECT:: Terrorism Insurance Coverage
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
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REV_00136323

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Senior Vice President & General Counsel
NAREIT
Phone: 202-739-9408
Fax: 202-739-9449

- Final Roll Call Ad (11-26-01).pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_B6R94003_OPD.TXT_1>

INSURANCE – THE LUBRICANT THAT KEEPS AMERICA’S ECONOMIC ENGINE RUNNING SMOOTHLY.



CONGRESS MUST ACT NOW TO MAINTAIN THE AVAILABILITY OF TERRORISM INSURANCE COVERAGE.

Unless Congress acts before it adjourns, the nation's economy will likely face severe disruption because of the disappearance of affordable, comprehensive terrorism insurance for businesses and commercial and residential properties. We urge the House to quickly pass H.R.3210, the Terrorism Risk Protection Act, and urge the Senate to approve comparable legislation. We suggest that all Members of Congress consider the following in crafting any legislative package:

- The insurance program must be of sufficient duration to provide stability to the real estate and financial markets.
- The insurance plan must contain a system to ensure that all businesses and commercial properties are covered, including those in high-risk, high-visibility locations.
- As in the recent airport security legislation, Congress should consider appropriate litigation safeguards to benefit the victims of a terrorist attack.

Without Federal action, the essential lubricant for our economic engine will be dry and the ability to finance, construct, buy or sell properties across the nation may be at risk.

America's Community Bankers, American Resort Development Association, Associated General Contractors of America, Building Owners and Managers Association International, Commercial Mortgage Securities Association, Institute of Real Estate Management, International Council of Shopping Centers, Mortgage Bankers Association of America, National Apartment Association, National Association of Home Builders, National Association of Industrial and Office Properties, National Association of Real Estate Investment Trusts, National Association of Realtors, National Multi Housing Council, Pension Real Estate Association, The Real Estate Board of New York, The Real Estate Roundtable.

From: TONY EDWARDS <tedwards@nareit.org>
To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; shelia.bair@do.treas.gov [UNKNOWN] <shelia.bair@do.treas.gov>; brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>
Sent: 11/21/2001 7:19:13 AM
Subject: : Terrorism Insurance Coverage
Attachments: P_B6R94003_CEA.TXT_1.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:21-NOV-2001 12:19:13.00
SUBJECT:: Terrorism Insurance Coverage
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:shelia.bair@do.treas.gov (shelia.bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:brian.gaston@mail.house.gov (brian.gaston@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

As a follow-up to our meeting last week on terrorism insurance, attached is a copy of an ad that will run in this Monday's edition of Roll Call. I hope the ad is helpful (along with our grass roots outreach efforts) in persuading Congress to enact a meaningful bill before it adjourns. Thanks again for your hard work on this core issue, and I hope you have a good Thanksgiving holiday.

Tony M. Edwards
Senior Vice President & General Counsel
NAREIT
Phone: 202-739-9408
Fax: 202-739-9449

- Final Roll Call Ad (11-26-01).pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_B6R94003_CEA.TXT_1>

REV_00136327

INSURANCE – THE LUBRICANT THAT KEEPS AMERICA’S ECONOMIC ENGINE RUNNING SMOOTHLY.



CONGRESS MUST ACT NOW TO MAINTAIN THE AVAILABILITY OF TERRORISM INSURANCE COVERAGE.

Unless Congress acts before it adjourns, the nation's economy will likely face severe disruption because of the disappearance of affordable, comprehensive terrorism insurance for businesses and commercial and residential properties. We urge the House to quickly pass H.R.3210, the Terrorism Risk Protection Act, and urge the Senate to approve comparable legislation. We suggest that all Members of Congress consider the following in crafting any legislative package:

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- The insurance plan must contain a system to ensure that all businesses and commercial properties are covered, including those in high-risk, high-visibility locations.
- As in the recent airport security legislation, Congress should consider appropriate litigation safeguards to benefit the victims of a terrorist attack.

Without Federal action, the essential lubricant for our economic engine will be dry and the ability to finance, construct, buy or sell properties across the nation may be at risk.

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From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 11/21/2001 8:34:29 AM
Subject: : I meant to say - 1:45 mtg re: judges in the Judge's office.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-NOV-2001 13:34:29.00

SUBJECT:: I meant to say - 1:45 mtg re: judges in the Judge's office.

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Yes - I do mean today.

REV_00136329

Elizabeth N. Camp
11/21/2001 01:31:58 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 1:45 pm mtg re: Judges office

Yes - today.

See you then...

Message Sent

To: _____

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 11/21/2001 9:07:59 AM
Subject: : Re: I meant to say - 1:45 mtg re: judges in the Judge's office.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-NOV-2001 14:07:59.00

SUBJECT:: Re: I meant to say - 1:45 mtg re: judges in the Judge's office.

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

am on big call re wilson bridge re urgent developments -- will be there
when i can!!!

Elizabeth N. Camp

REV_00136331

11/21/2001 01:34:27 PM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: I meant to say - 1:45 mtg re: judges in the Judge's office.

Yes - I do mean today.

Elizabeth N. Camp

11/21/2001 01:31:58 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: 1:45 pm mtg re: Judges office

Yes - today.

See you then...

Message Sent

To:

David S. Addington/OVP/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

John B. Bellinger/NSC/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Timothy E. Flanigan/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Edward McNally/WHO/EOP@EOP

Allison L. Riepenhoff/WHO/EOP@EOP

Message Copied

To:

david s. addington/ovp/eop@eop

h. christopher bartolomucci/who/eop@eop

john b. bellinger/nsc/eop@eop

bradford a. berenson/who/eop@eop

rachel l. brand/who/eop@eop

robert w. cobb/who/eop@eop

courtney s. elwood/who/eop@eop

timothy e. flanigan/who/eop@eop

noel j. francisco/who/eop@eop

brett m. kavanaugh/who/eop@eop

kyle sampson/who/eop@eop

helgard c. walker/who/eop@eop

edward mcnally/who/eop@eop

allison l. riepenhoff/who/eop@eop

REV_00136332

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 11/21/2001 9:07:59 AM
Subject: : Re: I meant to say - 1:45 mtg re: judges in the Judge's office.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-NOV-2001 14:07:59.00

SUBJECT:: Re: I meant to say - 1:45 mtg re: judges in the Judge's office.

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

am on big call re wilson bridge re urgent developments -- will be there
when i can!!!

Elizabeth N. Camp

REV_00136334

11/21/2001 01:34:27 PM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: I meant to say - 1:45 mtg re: judges in the Judge's office.

Yes - I do mean today.

Elizabeth N. Camp

11/21/2001 01:31:58 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: 1:45 pm mtg re: Judges office

Yes - today.

See you then...

Message Sent

To:

David S. Addington/OVP/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

John B. Bellinger/NSC/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Timothy E. Flanigan/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Edward McNally/WHO/EOP@EOP

Allison L. Riepenhoff/WHO/EOP@EOP

Message Copied

To:

david s. addington/ovp/eop@eop

h. christopher bartolomucci/who/eop@eop

john b. bellinger/nsc/eop@eop

bradford a. berenson/who/eop@eop

rachel l. brand/who/eop@eop

robert w. cobb/who/eop@eop

courtney s. elwood/who/eop@eop

timothy e. flanigan/who/eop@eop

noel j. francisco/who/eop@eop

brett m. kavanaugh/who/eop@eop

kyle sampson/who/eop@eop

helgard c. walker/who/eop@eop

edward mcnally/who/eop@eop

allison l. riepenhoff/who/eop@eop

REV_00136335

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 11/21/2001 9:27:41 AM
Subject: : preview of 2002 races

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 21-NOV-2001 14:27:41.00

SUBJECT:: preview of 2002 races

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

<http://www.washingtonpost.com/wp-dyn/articles/A63502-2001Nov21.html>

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
Sent: 11/23/2001 5:15:25 AM
Subject: : 9:30 Insurance Conference Call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-NOV-2001 10:15:25.00

SUBJECT:: 9:30 Insurance Conference Call

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

There will not be a 9:30 Insurance call on Monday, 11/26. The call will resume on Tuesday.

Call-in # Pass code

Tuesday, 11/27 456-2561 9486

Wednesday, 11/28 456-2561 9229

Thursday, 11/29 456-2561 9229

Friday, 11/30 456-2565 4657

**Please note the call-in number for Friday is different.

Let me know if you have any questions.

Leslie

REV_00136406

From: Edward_Ingle@who.eop.gov [UNKNOWN]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>; L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>; Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>; Craig Felner/WHO/EOP@EOP [WHO] <Craig Felner>; Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>; Nicole E. Grodner/WHO/EOP@EOP [WHO] <Nicole E. Grodner>
Sent: 11/23/2001 8:13:50 AM
Subject: : agency FOIA requests
Attachments: P_FUMT4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward_Ingle@who.eop.gov (Edward_Ingle@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:23-NOV-2001 13:13:50.00
SUBJECT:: agency FOIA requests
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nicole E. Grodner (CN=Nicole E. Grodner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

.....from this week's agency cabinet report submissions.

(See attached file: FOIA11-21-01.doc)
- FOIA11-21-01.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FUMT4004_WHO.TXT_1>

AGENCY FOIA REQUESTS

LABOR

Amy L. Stanton, Keokee, Virginia, is seeking:

information regarding **Jim Walter Resources, Inc.** No. 5 Mine, Federal ID #05=01322.

Specifically, she requested mine fan charts, other charts of monitoring devices that monitor the mine atmosphere, citations, and orders of withdrawal for the past 24 months. Ms. Stanton also asked for certified copies of mine ventilation plans, mine roof control plans, and emergency plans for the mine when a fire or explosion occurs. This request is currently being processed by the Mine Safety and Health Administration. Date request received: October 30, 2001.

Chuck Stewart, General Manager, Purchasing and Materials Control, Jim Walter Resources, Inc., Brookwood, Alabama, is seeking:

a copy of the results for the rock dust survey that MSHA conducted at **Jim Walter Resources, Inc.** (J.W.R.) No. 5 Mine during the week ending September 23, 2001.

The Mine Safety and Health Administration responded to this request on October 31, 2001. Date request received: October 23, 2001.

EPA

During the week of November 13-19, 2001, the Agency received a total of 254 FOIA requests. Of that total, 56 were received in Headquarters. Significant FOIA requests include: (1) **Troy Seidle of the People for the Ethical Treatment of Animals (PETA)** is requesting copies of all Agency records associated with the nomination and selection of individuals to serve on EPA's Endocrine Disruptor Methods Validation Subcommittee; (2) **Patton Boggs, LLP**, is requesting copies of all documents and records concerning the process that has resulted in the draft EPA health risk assessment for trichloroethylene; (3) the **Natural Resources Defense Council** is requesting documents, scientific studies, data evaluation records, etc. pertaining to malathion submitted to the Agency under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 6(a)(2) or by Cheminova; (4) **McDermott, Will & Emery** is requesting a copy of the minutes and related materials provided to and by EPA in connection with the "Smart" meeting on chloropropham to initiate the process for developing a Tolerance Reassessment Eligibility Decision; and (5) **Tarasi, Tarasi & Fishman, P.C.**, is requesting certified copies of all violations by the Dow Chemical Company, or its successor, DowElanco Inc., under FIFRA with regard to violations for labeling and testing requirements for its products, Dursban L.O. and chlorpyrifos.

HHS

Judicial Watch contacted the NIH seeking documents regarding an October 23, 2001, meeting between Dr. Anthony Fauci, Director of the NIH National Institute of Allergy and Infectious Diseases, and DHHS Secretary Thompson in which the anthrax crisis was discussed.

Dialyzer Deaths: The *Wall Street Journal* has requested FDA documents, including adverse event reports since July 2000 and correspondence, related to the dialyzer deaths associated with Baxter Healthcare International's dialyzers.

DOT

Judicial Watch. All records that refer or relate to the following: (1) the decision not to impose a nation-wide ground stop on all aircraft immediately after the crash of the American Airlines Flight 587 in New York City on November 12; (2) information on mechanical failures of the Airbus A300 type aircraft and whether such information contributed to the decision not to impose a nation-wide ground stop on all aircraft following the crash of Flight 587; and (3) the decision to have the NTSB lead the investigation into the Flight 587. (Note: this FOIA inquiry was also sent to FAA, NTSB, FBI, DOJ, DOD and FEMA).

DOJ

The Electronic Privacy Information Center has requested all records pertaining to President Bush's recent letter to Belgian Prime Minister Guy Verhofstadt regarding European Union Directive 97/66 (regarding the protection of privacy in the telecommunications sector).

Christopher Farrell, of Judicial Watch, Inc., has requested all records pertaining to the decision not to impose a nationwide ground stop on all aircraft immediately after the crash of Flight 587 and the decision to have the NTSB lead the investigation into the crash.

Christopher Farrell, of Judicial Watch, Inc., has also requested all records pertaining to the decision by AG Ashcroft and FBI Director Mueller to increase the role of the FBI in anti-terrorist efforts and the decision to include Hamas and Hezbollah organizations in the EO prohibiting transactions by persons and organizations that support terrorism.

From: CN=Cathy Alix/OU=WHO/O=EOP [WHO]
To: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>; Jill L. Angelo/WHO/EOP@EOP [WHO] <Jill L. Angelo>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Brooks L. Bash/NSC/EOP@EOP [NSC] <Brooks L. Bash>; Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Debra D. Bird/WHO/EOP@EOP [WHO] <Debra D. Bird>; John M. Blackburn/NSC/EOP@EOP [NSC] <John M. Blackburn>; Brian Bravo/WHO/EOP@EOP [WHO] <Brian Bravo>; Gary E. Bresnahan/NSC/EOP@EOP [NSC] <Gary E. Bresnahan>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Don E. Cheramie/NSC/EOP@EOP [NSC] <Don E. Cheramie>; Carolyn E. Cleveland/WHO/EOP@EOP [WHO] <Carolyn E. Cleveland>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Ashley E. Davis/WHO/EOP@EOP [WHO] <Ashley E. Davis>; Eric A. Draper/WHO/EOP@EOP [WHO] <Eric A. Draper>; Kara G. Figg/WHO/EOP@EOP [WHO] <Kara G. Figg>; Jeanie L. Figg/WHO/EOP@EOP [WHO] <Jeanie L. Figg>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Joachim D. Fuchs/NSC/EOP@EOP [NSC] <Joachim D. Fuchs>; Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>; Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>; Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>; Alison M. Harden/WHO/EOP@EOP [WHO] <Alison M. Harden>; Robert C. Hargis/NSC/EOP@EOP [NSC] <Robert C. Hargis>; Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne Heiligenstein>; Quincy Hicks/WHO/EOP@EOP [UNKNOWN] <Quincy Hicks>; Marilyn R. Jacanin/WHO/EOP@EOP [WHO] <Marilyn R. Jacanin>; Melanie A. Jackson/WHO/EOP@EOP [WHO] <Melanie A. Jackson>; Gordon D. Johndroe/WHO/EOP@EOP [WHO] <Gordon D. Johndroe>; Angela A. Jones/WHO/EOP@EOP [WHO] <Angela A. Jones>; M. Kay Joshi/NSC/EOP@EOP [NSC] <M. Kay Joshi>; Dora Kale/NSC/EOP@EOP [NSC] <Dora Kale>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>; Clark R. Lystra/NSC/EOP@EOP [NSC] <Clark R. Lystra>; Michael T. Manning/NSC/EOP@EOP [NSC] <Michael T. Manning>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Thomas S. Marsh/NSC/EOP@EOP [NSC] <Thomas S. Marsh>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Jenny McGee/NSC/EOP@EOP [NSC] <Jenny McGee>; Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>; Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>; Cynthia R. Mendl/WHO/EOP@EOP [WHO] <Cynthia R. Mendl>; Cathy L. Millison/NSC/EOP@EOP [NSC] <Cathy L. Millison>; Jennifer K. Millerwise/WHO/EOP@EOP [WHO] <Jennifer K. Millerwise>; Marcus J. Mollmann/WHO/EOP@EOP [WHO] <Marcus J. Mollmann>; Paul L. Morse/WHO/EOP@EOP [WHO] <Paul L. Morse>; Lee B. Mynatt/NSC/EOP@EOP [NSC] <Lee B. Mynatt>; Richard S. Paulus/WHO/EOP@EOP [WHO] <Richard S. Paulus>; Raymond H. Payne/NSC/EOP@EOP [NSC] <Raymond H. Payne>; Sarah Pfeifer/OPD/EOP@EOP [OPD] <Sarah Pfeifer>; David Reyes/NSC/EOP@EOP [NSC] <David Reyes>; Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>; Christina D. Roberts/WHO/EOP@EOP [WHO] <Christina D. Roberts>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>; Peter M. Rowan/WHO/EOP@EOP [WHO] <Peter M. Rowan>; Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>; Daniel R. Sanborn/NSC/EOP@EOP [NSC] <Daniel R. Sanborn>; Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>; Ashley M. Snee/OVP/EOP@EOP [OVP] <Ashley M. Snee>; Rachael L. Sunbarger/WHO/EOP@EOP [WHO] <Rachael L. Sunbarger>; Barbara E. Swann/OA/EOP@EOP [OA] <Barbara E. Swann>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Julieanne H. Thomas/WHO/EOP@EOP [WHO] <Julieanne H. Thomas>; Anne Trenolone/WHO/EOP@EOP [WHO] <Anne Trenolone>; Sibyl M. Turner/WHO/EOP@EOP [WHO] <Sibyl M. Turner>; Elaine P. Wasserman/NSC/EOP@EOP [NSC] <Elaine P. Wasserman>; Robert L. Wilbon/OA/EOP@EOP [OA] <Robert L. Wilbon>; Robert S. Williams/NSC/EOP@EOP [NSC] <Robert S. Williams>; Harry W. Wolff/WHO/EOP@EOP [WHO] <Harry W. Wolff>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Christina H. Yarmchuk/NSC/EOP@EOP [NSC] <Christina H. Yarmchuk>; Ashleigh A. Adams/WHO/EOP@EOP [WHO] <Ashleigh A. Adams>; Amy Barrera/WHO/EOP@EOP [WHO] <Amy Barrera>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; Colby J. Cooper/NSC/EOP@EOP [NSC] <Colby J. Cooper>; Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>; Josephine L. Hirsch/WHO/EOP@EOP [WHO] <Josephine L. Hirsch>; Megan R. Johnston/WHO/EOP@EOP [WHO] <Megan R. Johnston>; Daniel M. McCarthy/WHO/EOP@EOP [WHO] <Daniel M. McCarthy>; Sarah M. Moss/WHO/EOP@EOP [WHO] <Sarah

M. Moss>;Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>;Clare Pritchett/WHO/EOP@EOP [WHO] <Clare Pritchett>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Alexian T. Wines/NSC/EOP@EOP [NSC] <Alexian T. Wines>;Elizabeth A. Selva/NSC/EOP@EOP [NSC] <Elizabeth A. Selva>;Susan L. Sterner/WHO/EOP@EOP [WHO] <Susan L. Sterner>;Suzanne Primoff/WHO/EOP@EOP [WHO] <Suzanne Primoff>;David R. Bohrer/OVP/EOP@EOP [OVP] <David R. Bohrer>;Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>;Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>;Travis C. Good/NSC/EOP@EOP [NSC] <Travis C. Good>;Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>;Andrew M. Kaver/NSC/EOP@EOP [NSC] <Andrew M. Kaver>;Sang W. Lee/NSC/EOP@EOP [NSC] <Sang W. Lee>;Laura E. Lineberry/NSC/EOP@EOP [NSC] <Laura E. Lineberry>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Bonnie S. Broadwick/NSC/EOP@EOP [NSC] <Bonnie S. Broadwick>;Marcia J. Caler/NSC/EOP@EOP [NSC] <Marcia J. Caler>;Douglas M. Erdahl/NSC/EOP@EOP [NSC] <Douglas M. Erdahl>;William D. Mathews/NSC/EOP@EOP [NSC] <William D. Mathews>;Edward J. Padinske/NSC/EOP@EOP [NSC] <Edward J. Padinske>;Robert E. Schubert/NSC/EOP@EOP [NSC] <Robert E. Schubert>;Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>;Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>;Stephen Goldsmith/WHO/EOP@EOP [WHO] <Stephen Goldsmith>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>;Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>;Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>;Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>;Margaret M. Spellings/OPD/EOP@EOP [OPD] <Margaret M. Spellings>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>;Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>;Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>;Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>;John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>;Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>;Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>;Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>;Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>;Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;Bruce O. Riedel/NSC/EOP@EOP [NSC] <Bruce O. Riedel>;Eric P. Schwartz/NSC/EOP@EOP [NSC] <Eric P. Schwartz>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Gregory J. Jenkins/WHO/EOP@EOP [WHO] <Gregory J. Jenkins>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Cesar Conda/OVP/EOP@EOP [OVP]

<Cesar Conda>;Nancy P. Dorn/WHO/EOP@EOP [WHO] <Nancy P. Dorn>;Debra R. Dunn/OVP/EOP@EOP [WHO] <Debra R. Dunn>;Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>;Eric S. Edelman/OVP/EOP@EOP [OVP] <Eric S. Edelman>;Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>;Brian V. McCormack/OVP/EOP@EOP [OVP] <Brian V. McCormack>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Debra Heiden/OVP/EOP@EOP [OVP] <Debra Heiden>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>;Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>;Elizabeth W. Kleppe/OVP/EOP@EOP [OVP] <Elizabeth W. Kleppe>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>;Claire M. O'Donnell/OVP/EOP@EOP [OVP] <Claire M. O'Donnell>;Neil S. Patel/OVP/EOP@EOP [OVP] <Neil S. Patel>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Andrew D. Lundquist/OVP/EOP@EOP [OVP] <Andrew D. Lundquist>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;James C. Capretta/OMB/EOP@EOP [OMB] <James C. Capretta>;Mitchell Daniels/OMB/EOP@EOP [OMB] <Mitchell Daniels>;Deborah A. Loewer/NSC/EOP@EOP [NSC] <Deborah A. Loewer>;Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>;Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>

Sent:

11/23/2001 4:36:19 AM

Subject:

: White House Mess Operating Schedule for Thanksgiving Weekend

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-NOV-2001 09:36:19.00

SUBJECT:: White House Mess Operating Schedule for Thanksgiving Weekend

TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John M. Blackburn (CN=John M. Blackburn/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Gary E. Bresnahan (CN=Gary E. Bresnahan/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Don E. Cheramie (CN=Don E. Cheramie/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ashley E. Davis (CN=Ashley E. Davis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric A. Draper (CN=Eric A. Draper/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@EOP [WHO])

REV_00136414

READ:UNKNOWN
TO:Jeanie L. Figg (CN=Jeanie L. Figg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Quincy Hicks (CN=Quincy Hicks/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Marilyn R. Jacanin (CN=Marilyn R. Jacanin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela A. Jones (CN=Angela A. Jones/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dora Kale (CN=Dora Kale/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clark R. Lystra (CN=Clark R. Lystra/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jenny McGee (CN=Jenny McGee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cathy L. Millison (CN=Cathy L. Millison/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Paul L. Morse (CN=Paul L. Morse/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN
TO:Richard S. Paulus (CN=Richard S. Paulus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:David Reyes (CN=David Reyes/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Daniel R. Sanborn (CN=Daniel R. Sanborn/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barbara E. Swann (CN=Barbara E. Swann/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sibyl M. Turner (CN=Sibyl M. Turner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert L. Wilbon (CN=Robert L. Wilbon/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Robert S. Williams (CN=Robert S. Williams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina H. Yarmchuk (CN=Christina H. Yarmchuk/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Ashleigh A. Adams (CN=Ashleigh A. Adams/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy Barrera (CN=Amy Barrera/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colby J. Cooper (CN=Colby J. Cooper/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josephine L. Hirsch (CN=Josephine L. Hirsch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel M. McCarthy (CN=Daniel M. McCarthy/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Sarah M. Moss (CN=Sarah M. Moss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elizabeth A. Selva (CN=Elizabeth A. Selva/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Susan L. Sterner (CN=Susan L. Sterner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Suzanne Primoff (CN=Suzanne Primoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David R. Bohrer (CN=David R. Bohrer/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Travis C. Good (CN=Travis C. Good/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew M. Kaver (CN=Andrew M. Kaver/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bonnie S. Broadwick (CN=Bonnie S. Broadwick/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcia J. Caler (CN=Marcia J. Caler/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:William D. Mathews (CN=William D. Mathews/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen Goldsmith (CN=Stephen Goldsmith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Eric P. Schwartz (CN=Eric P. Schwartz/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian V. McCormack (CN=Brian V. McCormack/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Claire M. O'Donnell (CN=Claire M. O'Donnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Andrew D. Lundquist (CN=Andrew D. Lundquist/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:James C. Capretta (CN=James C. Capretta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

The White House Mess will close for business at 3:00 p.m. today, Friday, November 23rd, and will remain closed on Saturday, November 24th and Sunday, November 25th, 2001. We apologize for the inconvenience during this period.

Thank you.

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
Sent: 11/23/2001 5:15:25 AM
Subject: : 9:30 Insurance Conference Call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-NOV-2001 10:15:25.00

SUBJECT:: 9:30 Insurance Conference Call

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

There will not be a 9:30 Insurance call on Monday, 11/26. The call will resume on Tuesday.

Call-in # Pass code

Tuesday, 11/27 456-2561 9486

Wednesday, 11/28 456-2561 9229

Thursday, 11/29 456-2561 9229

Friday, 11/30 456-2565 4657

**Please note the call-in number for Friday is different.

Let me know if you have any questions.

Leslie

REV_00136421

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>;Craig Felner/WHO/EOP@EOP [WHO] <Craig Felner>;Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>;Nicole_E._Grodner@who.eop.gov [UNKNOWN] <Nicole_E._Grodner@who.eop.gov>
Sent: 11/23/2001 8:11:06 AM
Subject: : agency FOIA requests
Attachments: P_3UMT4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-NOV-2001 13:11:06.00
SUBJECT:: agency FOIA requests
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nicole_E._Grodner@who.eop.gov (Nicole_E._Grodner@who.eop.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

.....from this week's agency cabinet report submissions.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_3UMT4004_WHO.TXT_1>

AGENCY FOIA REQUESTS

LABOR

Amy L. Stanton, Keokee, Virginia, is seeking:

information regarding **Jim Walter Resources, Inc.** No. 5 Mine, Federal ID #05=01322.

Specifically, she requested mine fan charts, other charts of monitoring devices that monitor the mine atmosphere, citations, and orders of withdrawal for the past 24 months. Ms. Stanton also asked for certified copies of mine ventilation plans, mine roof control plans, and emergency plans for the mine when a fire or explosion occurs. This request is currently being processed by the Mine Safety and Health Administration. Date request received: October 30, 2001.

Chuck Stewart, General Manager, Purchasing and Materials Control, Jim Walter Resources, Inc., Brookwood, Alabama, is seeking:

a copy of the results for the rock dust survey that MSHA conducted at **Jim Walter Resources, Inc.** (J.W.R.) No. 5 Mine during the week ending September 23, 2001.

The Mine Safety and Health Administration responded to this request on October 31, 2001. Date request received: October 23, 2001.

EPA

During the week of November 13-19, 2001, the Agency received a total of 254 FOIA requests. Of that total, 56 were received in Headquarters. Significant FOIA requests include: (1) **Troy Seidle of the People for the Ethical Treatment of Animals (PETA)** is requesting copies of all Agency records associated with the nomination and selection of individuals to serve on EPA's Endocrine Disruptor Methods Validation Subcommittee; (2) **Patton Boggs, LLP**, is requesting copies of all documents and records concerning the process that has resulted in the draft EPA health risk assessment for trichloroethylene; (3) the **Natural Resources Defense Council** is requesting documents, scientific studies, data evaluation records, etc. pertaining to malathion submitted to the Agency under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 6(a)(2) or by Cheminova; (4) **McDermott, Will & Emery** is requesting a copy of the minutes and related materials provided to and by EPA in connection with the "Smart" meeting on chloropropham to initiate the process for developing a Tolerance Reassessment Eligibility Decision; and (5) **Tarasi, Tarasi & Fishman, P.C.**, is requesting certified copies of all violations by the Dow Chemical Company, or its successor, DowElanco Inc., under FIFRA with regard to violations for labeling and testing requirements for its products, Dursban L.O. and chlorpyrifos.

HHS

Judicial Watch contacted the NIH seeking documents regarding an October 23, 2001, meeting between Dr. Anthony Fauci, Director of the NIH National Institute of Allergy and Infectious Diseases, and DHHS Secretary Thompson in which the anthrax crisis was discussed.

Dialyzer Deaths: The *Wall Street Journal* has requested FDA documents, including adverse event reports since July 2000 and correspondence, related to the dialyzer deaths associated with Baxter Healthcare International's dialyzers.

DOT

Judicial Watch. All records that refer or relate to the following: (1) the decision not to impose a nation-wide ground stop on all aircraft immediately after the crash of the American Airlines Flight 587 in New York City on November 12; (2) information on mechanical failures of the Airbus A300 type aircraft and whether such information contributed to the decision not to impose a nation-wide ground stop on all aircraft following the crash of Flight 587; and (3) the decision to have the NTSB lead the investigation into the Flight 587. (Note: this FOIA inquiry was also sent to FAA, NTSB, FBI, DOJ, DOD and FEMA).

DOJ

The Electronic Privacy Information Center has requested all records pertaining to President Bush's recent letter to Belgian Prime Minister Guy Verhofstadt regarding European Union Directive 97/66 (regarding the protection of privacy in the telecommunications sector).

Christopher Farrell, of Judicial Watch, Inc., has requested all records pertaining to the decision not to impose a nationwide ground stop on all aircraft immediately after the crash of Flight 587 and the decision to have the NTSB lead the investigation into the crash.

Christopher Farrell, of Judicial Watch, Inc., has also requested all records pertaining to the decision by AG Ashcroft and FBI Director Mueller to increase the role of the FBI in anti-terrorist efforts and the decision to include Hamas and Hezbollah organizations in the EO prohibiting transactions by persons and organizations that support terrorism.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 11/26/2001 2:46:14 AM
Subject: : RE: draft answers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 26-NOV-2001 07:46:14.00
SUBJECT:: RE: draft answers
TO: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

you may want to send a letter to confirm that that is our
intention

"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
11/23/2001 08:41:30 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: draft answers

There is no agreed date for responding to the questions. As you will
recall, Horn asked for responses by Nov. 20, and Ose by Nov. 30. We
(through Faith Burton of OLA) have made clear that we do not view these
deadlines as reasonable and that we will respond in due course.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, November 21, 2001 4:37 PM
To: Whelan, M Edward III
Subject: Re: draft answers

did we get an extension?

(Embedded
image moved "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
to file: 11/21/2001 04:28:03 PM
pic28642.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

REV_00136425

cc: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
Subject: draft answers

Brett:

I attach a set of draft answers to the questions from Horn and Ose. The questions that don't have answers are the ones that we thought it best for you to take a first crack at. Please review when you can.

So that I can keep track of what's in the draft, please provide your draft answers in a separate document and please fax any comments to the existing draft. Thanks.

Ed

From: CN=Erin P. Hassing/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/26/2001 4:21:52 AM
Subject: : Re: Conference Call on Title III of the Omnibus Charity Bill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Erin P. Hassing (CN=Erin P. Hassing/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:26-NOV-2001 09:21:52.00
SUBJECT:: Re: Conference Call on Title III of the Omnibus Charity Bill
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by Erin P. Hassing/OMB/EOP on 11/26/2001
09:21 AM -----

Erin P. Hassing
11/26/2001 09:13:33 AM
Record Type: Record

To: Erin P. Hassing/OMB/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Conference Call on Title III of the Omnibus Charity
Bill

The 11am Conference call for this morning on Title III is cancelled. We
will attempt to wrap things up tomorrow when Karen returns.
Message Copied

To: _____
ingrid m. schroeder/omb/eop@eop
david kuo/who/eop@eop
don r. willett/who/eop@eop
stanley w. carlson-thies/who/eop@eop
joanne cianci/omb/eop@eop
christina m. lagdameo/omb/eop@eop
jack a. smalligan/omb/eop@eop
rosalyn j. rettman/omb/eop@eop
lesser-william@dol.gov
mccarthy-eileen@dol.gov
dol-sol-leg@dol.gov
katherine.becker@hhs.gov
sondra.wallace@hhs.gov
lrm@hhs.gov
helgard c. walker/who/eop@eop
mathew c. blum/omb/eop@eop
hai m. tran/omb/eop@eop
jennifer_orzechowski@ed.gov
ogc_legislation@ed.gov
karen n. blank/omb/eop@eop

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
Sent: 11/26/2001 4:44:44 AM
Subject: : In case you missed this over the Holiday

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2001 09:44:44.00
SUBJECT:: In case you missed this over the Holiday
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Insurers facing disaster (Chi SunTimes) or For Trial Lawyers, Politics as Usual (WP)

November 22, 2001

BY ROBERT NOVAK

A desperately needed bill to protect the nation's insurance industry and the greater economy after Sept. 11 remains in dire peril, thanks to the financial pressure group that exerts the most influence over the Democratic Party: the plaintiff trial lawyers of America.

Nothing better demonstrates that the war against terrorism sometimes conceals, but surely does not repeal, politics as usual. A bill to keep insurance going in the face of future terrorist threats is more vital to the economy than the now enacted airline security act or the embattled economic stimulus bill (as was suggested by Robert

REV_00136428

Rubin, the Democratic former secretary of the Treasury, in meetings with lawmakers). The threat to insurance by the terrorists is a greater menace than the savings and loan crisis a decade ago.

Actually, the relief bill is no more a subsidy for insurance companies' magnates than the misnamed savings and loan bailout was special interest legislation. Nothing happens in the American economy without insurance. There is widespread agreement that economic revival is impossible unless a way is found to protect insurance coverage.

Yet, this most important anti-terrorist legislation is in limbo. The insurance bill faces serious obstacles to passage before final adjournment of Congress next month, threatening havoc for the real estate and construction industries, which have been saving the American economy.

The problem is the need for a provision limiting punitive damages in cases of terrorism, insisted upon by Republicans and the Bush administration and concurred with by a few influential Democrats. However, the argument that federal protection for insurance should not enrich trial lawyers energized their lobby and all its awesome power.

Because House Republicans who generally run with the trial lawyers are not the type who can easily defy their party, limitation on liability is likely to pass the House. But at best, that leaves a rancorous Senate-House conference.

Plaintiff lawyers burst upon the national scene some 30 years ago, spawning tort legislation in an attempt to limit a torrent of lawsuits and damage verdicts. Out of self-protection, the American Trial Lawyers Association created a new and potent lobby that eclipsed even organized labor as the most powerful friend of the Democratic Party.

This is not strictly a partisan struggle. Super-investor Warren Buffett, neither a Republican nor a conservative, wrote in the Washington Post Monday that the new terrorism insurance law "'should sharply limit private lawsuits seeking to place blame on some party involved.'" Sen. Christopher Dodd, who has often supported tort reform as a Democrat from insurance-rich Connecticut, drafted a cap on punitive damages from terrorism. He was aided by Sen. Paul Sarbanes, the liberal Democratic Banking Committee chairman (along with Sarbanes' Republican predecessor at Banking, Sen. Phil Gramm).

That was before the trial lawyers came down hard. Their

champion, combative
Sen. Ernest (Fritz) Hollings, went into action. With the
help of Senate Majority
Leader Tom Daschle, the bill was stalled.

An insurance bill reaches the House floor next week, and an
anti-punitive damages
amendment comes up for a vote. House Majority Leader Dick
Armey is
determined. ''We are going to put it in,'' Armey told me.
''We're not going to let this
bill out of the House without it.''

Armey is backed in this position by President Bush, but
Bush's post-Sept. 11
remarks have been limited almost exclusively to the war on
terrorism. He has not
uttered one word publicly on limiting punitive damages.
Republicans in Congress
grumble privately that the president is more interested in
maintaining his 90 percent
popularity amid cheers from liberal pundits rather than
getting involved in the gritty
business of governing.

The president's own lieutenants have no doubts about what
is at stake here. One of
Bush's chief economic advisers privately refers to the
insurance measure as ''the''
terrorism bill, dwarfing in importance all others. Then he
adds that trial lawyers
have prevented its passage so far and make its future
questionable. Here is an issue
that cries for a president to speak out, but that is
difficult while he is seeking
support from all the voters.

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; (Peter Coniglio <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/PCONIGLIO%JCON"@intmail.usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 11/26/2001 5:58:25 AM
Subject: : Detroit press on 6th Cir. nominations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:26-NOV-2001 10:58:25.00

SUBJECT:: Detroit press on 6th Cir. nominations

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00136431

READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
(Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: (Peter Coniglio <"EX=/O=USDOJ/OU=JMD/CN=RECIPIENTS/CN=MAILBOXES /CN=PCONIGLIO%JCON"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

See attached articles concerning Sixth Circuit nominations.

URL: <http://www.detnews.com/2001/editorial/0111/25/a16-351298.htm>

URL: <http://www.detnews.com/2001/editorial/0111/25/a15-351296.htm>

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 11/26/2001 2:46:14 AM
Subject: : RE: draft answers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 26-NOV-2001 07:46:14.00
SUBJECT:: RE: draft answers
TO: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

you may want to send a letter to confirm that that is our
intention

"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
11/23/2001 08:41:30 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: draft answers

There is no agreed date for responding to the questions. As you will
recall, Horn asked for responses by Nov. 20, and Ose by Nov. 30. We
(through Faith Burton of OLA) have made clear that we do not view these
deadlines as reasonable and that we will respond in due course.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, November 21, 2001 4:37 PM
To: Whelan, M Edward III
Subject: Re: draft answers

did we get an extension?

(Embedded
image moved "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
to file: 11/21/2001 04:28:03 PM
pic28642.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

REV_00136433

cc: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested)
Subject: draft answers

Brett:

I attach a set of draft answers to the questions from Horn and Ose. The questions that don't have answers are the ones that we thought it best for you to take a first crack at. Please review when you can.

So that I can keep track of what's in the draft, please provide your draft answers in a separate document and please fax any comments to the existing draft. Thanks.

Ed

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 11/26/2001 3:15:40 AM
Subject: : JSC agenda correction

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-NOV-2001 08:15:40.00

SUBJECT:: JSC agenda correction

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Fourth Circuit is North Carolina (not Virginia)

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/26/2001 4:15:01 AM
Subject: : Re: Conference Call on Title III of the Omnibus Charity Bill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2001 09:15:01.00
SUBJECT:: Re: Conference Call on Title III of the Omnibus Charity Bill
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi
----- Forwarded by Helgard C. Walker/WHO/EOP on
11/26/2001 09:14 AM -----

Helgard C. Walker
11/26/2001 09:14:33 AM
Record Type: Record

To: Erin P. Hassing/OMB/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Conference Call on Title III of the Omnibus Charity
Bill

Please sub Brett Kavanaugh of WHCO for me on emails. Thanks.

Helgi Walker
WHCO

Erin P. Hassing
11/26/2001 09:13:33 AM
Record Type: Record

To: Erin P. Hassing/OMB/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Conference Call on Title III of the Omnibus Charity
Bill

The 11am Conference call for this morning on Title III is cancelled. We
will attempt to wrap things up tomorrow when Karen returns.

Message Copied

To:
ingrid m. schroeder/omb/eop@eop
david kuo/who/eop@eop
don r. willett/who/eop@eop
stanley w. carlson-thies/who/eop@eop
joanne cianci/omb/eop@eop
christina m. lagdameo/omb/eop@eop
jack a. smalligan/omb/eop@eop
rosalyn j. rettman/omb/eop@eop
lesser-william@dol.gov
mccarthy-eileen@dol.gov
dol-sol-leg@dol.gov
katherine.becker@hhs.gov

REV_00136436

sondra.wallace@hhs.gov
lrm@hhs.gov
helgard c. walker/who/eop@eop
mathew c. blum/omb/eop@eop
hai m. tran/omb/eop@eop
jennifer_orzechowski@ed.gov
ogc_legislation@ed.gov
karen n. blank/omb/eop@eop

Message Copied

To:

erin p. hassing/omb/eop@eop
ingrid m. schroeder/omb/eop@eop
david kuo/who/eop@eop
don r. willett/who/eop@eop
stanley w. carlson-thies/who/eop@eop
joanne cianci/omb/eop@eop
christina m. lagdameo/omb/eop@eop
jack a. smalligan/omb/eop@eop
rosalyn j. rettman/omb/eop@eop
lesser-william@dol.gov
mccarthy-eileen@dol.gov
dol-sol-leg@dol.gov
katherine.becker@hhs.gov
sondra.wallace@hhs.gov
lrm@hhs.gov
helgard c. walker/who/eop@eop
mathew c. blum/omb/eop@eop
hai m. tran/omb/eop@eop
jennifer_orzechowski@ed.gov
ogc_legislation@ed.gov
karen n. blank/omb/eop@eop

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
Sent: 11/26/2001 4:44:44 AM
Subject: : In case you missed this over the Holiday

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2001 09:44:44.00
SUBJECT:: In case you missed this over the Holiday
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Insurers facing disaster (Chi SunTimes) or For Trial Lawyers, Politics as Usual (WP)

November 22, 2001

BY ROBERT NOVAK

A desperately needed bill to protect the nation's insurance industry and the greater economy after Sept. 11 remains in dire peril, thanks to the financial pressure group that exerts the most influence over the Democratic Party: the plaintiff trial lawyers of America.

Nothing better demonstrates that the war against terrorism sometimes conceals, but surely does not repeal, politics as usual. A bill to keep insurance going in the face of future terrorist threats is more vital to the economy than the now enacted airline security act or the embattled economic stimulus bill (as was suggested by Robert

REV_00136438

Rubin, the Democratic former secretary of the Treasury, in meetings with lawmakers). The threat to insurance by the terrorists is a greater menace than the savings and loan crisis a decade ago.

Actually, the relief bill is no more a subsidy for insurance companies' magnates than the misnamed savings and loan bailout was special interest legislation. Nothing happens in the American economy without insurance. There is widespread agreement that economic revival is impossible unless a way is found to protect insurance coverage.

Yet, this most important anti-terrorist legislation is in limbo. The insurance bill faces serious obstacles to passage before final adjournment of Congress next month, threatening havoc for the real estate and construction industries, which have been saving the American economy.

The problem is the need for a provision limiting punitive damages in cases of terrorism, insisted upon by Republicans and the Bush administration and concurred with by a few influential Democrats. However, the argument that federal protection for insurance should not enrich trial lawyers energized their lobby and all its awesome power.

Because House Republicans who generally run with the trial lawyers are not the type who can easily defy their party, limitation on liability is likely to pass the House. But at best, that leaves a rancorous Senate-House conference.

Plaintiff lawyers burst upon the national scene some 30 years ago, spawning tort legislation in an attempt to limit a torrent of lawsuits and damage verdicts. Out of self-protection, the American Trial Lawyers Association created a new and potent lobby that eclipsed even organized labor as the most powerful friend of the Democratic Party.

This is not strictly a partisan struggle. Super-investor Warren Buffett, neither a Republican nor a conservative, wrote in the Washington Post Monday that the new terrorism insurance law "'should sharply limit private lawsuits seeking to place blame on some party involved.'" Sen. Christopher Dodd, who has often supported tort reform as a Democrat from insurance-rich Connecticut, drafted a cap on punitive damages from terrorism. He was aided by Sen. Paul Sarbanes, the liberal Democratic Banking Committee chairman (along with Sarbanes' Republican predecessor at Banking, Sen. Phil Gramm).

That was before the trial lawyers came down hard. Their

champion, combative
Sen. Ernest (Fritz) Hollings, went into action. With the
help of Senate Majority
Leader Tom Daschle, the bill was stalled.

An insurance bill reaches the House floor next week, and an
anti-punitive damages
amendment comes up for a vote. House Majority Leader Dick
Armey is
determined. ''We are going to put it in,'' Armey told me.
''We're not going to let this
bill out of the House without it.''

Armey is backed in this position by President Bush, but
Bush's post-Sept. 11
remarks have been limited almost exclusively to the war on
terrorism. He has not
uttered one word publicly on limiting punitive damages.
Republicans in Congress
grumble privately that the president is more interested in
maintaining his 90 percent
popularity amid cheers from liberal pundits rather than
getting involved in the gritty
business of governing.

The president's own lieutenants have no doubts about what
is at stake here. One of
Bush's chief economic advisers privately refers to the
insurance measure as ''the''
terrorism bill, dwarfing in importance all others. Then he
adds that trial lawyers
have prevented its passage so far and make its future
questionable. Here is an issue
that cries for a president to speak out, but that is
difficult while he is seeking
support from all the voters.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/26/2001 9:14:45 AM
Subject: : JSC prep

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-NOV-2001 14:14:45.00

SUBJECT:: JSC prep

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

JSC prep meeting for this Wednesday will be held immediately after our 8:15 am staff meeting.

Please arrive prepared.

Thanks!

REV_00136441

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 11/26/2001 9:15:11 AM
Subject: : Re: JSC prep

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 26-NOV-2001 14:15:11.00

SUBJECT:: Re: JSC prep

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

we are always prepared!

Elizabeth N. Camp
11/26/2001 02:14:42 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: JSC prep

REV_00136442

JSC prep meeting for this Wednesday will be held immediately after our 8:15 am staff meeting.

Please arrive prepared.

Thanks!

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/26/2001 9:33:07 AM
Subject: : Terrorism Insurance - Outside group activity this past weekend/South Dakota
Attachments: P_200A4003_OPD.TXT_1.doc; P_200A4003_OPD.TXT_2.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2001 14:33:07.00
SUBJECT:: Terrorism Insurance - Outside group activity this past weekend/South Dakota
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

- SD print ad revised.doc
- SD radio spot1.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_200A4003_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_200A4003_OPD.TXT_2>

“We need your help.”

The U.S. Congress is debating legislation to deal with the cost of future terrorist attacks. If Congress doesn't find a solution – and soon – South Dakota businesses could have trouble getting insurance at the end of this year, when current policies expire.

Without insurance, banks won't lend, builders won't build, and cargo won't move. Some companies would just shut down and employees would lose their jobs.

The whole South Dakota economy would feel the impact.

We can't let terrorists wreck our economy. Please tell Senators Daschle and Johnson that we need their leadership to pass a federal terrorism insurance bill. The clock is ticking - so please help us keep our employees working for their families, for South Dakota and for America.

Paid for by the South Dakota Association of Insurance Agents

Terrorism insurance legislation

South Dakota

:30 spot (DRAFT)

LOCAL BUSINESS PERSON VOICEOVER: THIS IS [*NAME, BUSINESS*]. I
NEED YOUR HELP.

CONGRESS IS VOTING ON LEGISLATION TO DEAL WITH THE COST OF
FUTURE TERRORIST ATTACKS. IF THIS BILL DOESN'T PASS, BUSINESS
INSURANCE WILL DRY UP AT THE END OF THE YEAR. WITHOUT
INSURANCE, BANKS WON'T LEND, CONSTRUCTION WILL STOP, AND
CARGO CAN'T MOVE. SOME COMPANIES WOULD SHUT DOWN.

TELL SENATORS DASCHLE AND JOHNSON WE NEED THEIR LEADERSHIP TO
PASS A FEDERAL TERRORISM INSURANCE BILL. DON'T LET TERRORISTS
WRECK OUR ECONOMY. HELP ME KEEP MY [*NUMBER*] EMPLOYEES
WORKING FOR YOU, FOR SOUTH DAKOTA, AND FOR AMERICA.

From: Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN]
To: Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN]
<Makan_Delrahim@judiciary.senate.gov>;bcomstock@rnchq.org [UNKNOWN]
<bcomstock@rnchq.org>;dan.bryant@usdoj.gov [UNKNOWN] <dan.bryant@usdoj.gov>;Eric
Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN]
<Eric_Ueland@aml.senate.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A.
Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>;Jennifer.Newstead@usdoj.gov [UNKNOWN]
<Jennifer.Newstead@usdoj.gov>;Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena
Johnson) [UNKNOWN] <Rena_Johnson@judiciary.senate.gov>;Kyle Sampson/WHO
/EOP@EOP [WHO] <Kyle Sampson>;mgoodling@rnchq.org [UNKNOWN]
<mgoodling@rnchq.org>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;John
Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN]
<John_Mashburn@lott.senate.gov>;Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [UNKNOWN] <Dave_Hoppe@lott.senate.gov>;Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>;Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl) [UNKNOWN] <Alex_Dahl@judiciary.senate.gov>;Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>;Hunter Bates) (Hunter_Bates@mcconnell.senate.gov (Hunter Bates) [UNKNOWN] <Hunter_Bates@mcconnell.senate.gov>;Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN] <Stewart_Verdery@aml.senate.gov>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Ziad S. Ojakli/WHO /EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 11/26/2001 5:39:43 AM
Subject: : Roll Call editorial today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov (Stewart Verdery) [UNKNOWN])

CREATION DATE/TIME:26-NOV-2001 10:39:43.00

SUBJECT:: Roll Call editorial today

TO:Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) (Makan_Delrahim@judiciary.senate.gov (Makan Delrahim) [UNKNOWN])

READ:UNKNOWN

TO:bcomstock@rnchq.org (bcomstock@rnchq.org [UNKNOWN])

READ:UNKNOWN

TO:dan.bryant@usdoj.gov (dan.bryant@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Eric_Ueland@aml.senate.gov (Eric Ueland) (Eric_Ueland@aml.senate.gov (Eric Ueland) [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:mgoodling@rnchq.org (mgoodling@rnchq.org [UNKNOWN])

READ:UNKNOWN

TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])

READ:UNKNOWN

TO:Dave_Hoppe@lott.senate.gov (Dave Hoppe) (Dave_Hoppe@lott.senate.gov (Dave Hoppe) [

REV_00136449

UNKNOWN])
READ:UNKNOWN
TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])
READ:UNKNOWN
TO:Alex_Dahl@judiciary.senate.gov (Alex Dahl) (Alex_Dahl@judiciary.senate.gov (Alex Dahl)
[UNKNOWN])
READ:UNKNOWN
TO:Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [
UNKNOWN])
READ:UNKNOWN
TO:Hunter_Bates@mccconnell.senate.gov (Hunter Bates) (Hunter_Bates@mccconnell.senate.gov
(Hunter Bates) [UNKNOWN])
READ:UNKNOWN
TO:Stewart_Verdery@aml.senate.gov (Stewart Verdery) (Stewart_Verdery@aml.senate.gov
(Stewart Verdery) [UNKNOWN])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I cant seem to find it on their website, but today's Roll Call's lead
editorial
criticizes Leahy for slow pace of appellate confirmations. Not that
anybody
actually cares what Roll Call says, but at least they've noticed the
numbers.

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; (Peter Coniglio <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/PCONIGLIO%JCON"@intmail.usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 11/26/2001 5:55:32 AM
Subject: : Detroit press on 6th Cir. nominations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:26-NOV-2001 10:55:32.00

SUBJECT:: Detroit press on 6th Cir. nominations

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00136451

READ:UNKNOWN
 TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO: (Peter Coniglio <"EX=/O=USDOJ/OU=JMD/CN=RECIPIENTS/CN=MAILBOXES /CN=PCONIGLIO%JCON"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
 (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

See attached articles concerning Sixth Circuit nominations.

URL: <http://www.detnews.com/2001/editorial/0111/25/a16-351298.htm>

URL: <http://www.detnews.com/2001/editorial/0111/25/a15-351296.htm>

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>
Sent: 11/26/2001 10:06:22 AM
Subject: : 4:30 INsurance Conference Call

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:26-NOV-2001 15:06:22.00
SUBJECT:: 4:30 INsurance Conference Call
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Marc Sumerlin would like to have an insurance call today at 4:30.

Call-in #456-2561
Pass code: 9486

**Brian is a key participant and I am waiting to hear if this time works for him. If it does not I will try to find another time and let everyone know.

Thanks,
Leslie

REV_00136453

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan

C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [UNKNOWN]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Carolyn E.

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CREATION DATE/TIME:26-NOV-2001 12:04:01.00

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READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
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BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
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BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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BCC:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])

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BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
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BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
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READ:UNKNOWN
BCC:Bruce O. Riedel (CN=Bruce O. Riedel/OU=NSC/O=EOP@EOP [NSC])
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BCC:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC:Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN
BCC:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
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READ:UNKNOWN
BCC:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:rtubb@whmo.mil (rtubb@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

11 seats remain for tomorrow's event...

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>
Sent: 11/26/2001 12:41:39 PM
Subject: : Congress Daily PM Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-NOV-2001 17:41:39.00
SUBJECT:: Congress Daily PM Today
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Daschle Said To Be Drafting Terrorism Reinsurance Plan
Sources said today that Senate Majority Leader Daschle is drafting a terrorism reinsurance bill of his own and is contemplating introducing it this week. The House is scheduled to vote Wednesday or Thursday on its version of the reinsurance legislation. Although not confirmed by Daschle's office, sources said his staff is drafting what it considers to be compromise legislation, intended to represent a middle ground between competing reinsurance bills written by the Senate Banking and Commerce committees * both of which claim jurisdiction. Those committee products differ sharply, both in terms of their approaches and their expectations of industry repayment. In that respect, sources said they expected Daschle's bill to include a combination of direct aid to the insurance industry, with an initial deductible, and a layer of loans that would require repayment. However, sources said they were uncertain whether Daschle was working directly with the Banking and Commerce chairmen to produce a final bill, or if he was merely trying to push along their discussions, which have yet to yield a consensus. Daschle asked the affected chairmen weeks ago to hold off on introducing individual bills until they could settle on a unified approach. Those talks are

continuing, a spokesman for Senate Banking Chairman Sarbanes said today. Although the House bill has received the backing of a portion of the industry, the largest of the insurers appear wedded to the approach proposed by the White House in conjunction with the Senate Banking Committee. That proposal does not include a repayment mechanism. The White House also is adamant that the bill include language limiting punitive damages, and officials have privately expressed concern that the House bill does not go far enough in that area, sources said. While the House bill currently enjoys bipartisan support, the rule issued for the bill, which will help define the parameters of debate on the bill's legal reform language, should prove controversial. Given traditional Democratic resistance to legal reform and an aggressive lobbying campaign by the trial lawyer lobby, sources said they expect Daschle's bill will not include language limiting legal rights. However, a House-Senate conference agreement on reinsurance is apt to include some toned down legal reform language along the lines of what is currently included in the House bill, sources said. The underlying bills are designed to provide federal backing to encourage the insurance industry to continue providing property and casualty terrorism coverage in the wake of huge losses associated with the Sept. 11 attacks. * by Pamela Barnett

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 11/26/2001 9:15:11 AM
Subject: : Re: JSC prep

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 26-NOV-2001 14:15:11.00

SUBJECT:: Re: JSC prep

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

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CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

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CC: edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

we are always prepared!

Elizabeth N. Camp
11/26/2001 02:14:42 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: JSC prep

REV_00136467

JSC prep meeting for this Wednesday will be held immediately after our 8:15 am staff meeting.

Please arrive prepared.

Thanks!

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 11/26/2001 9:15:11 AM
Subject: : Re: JSC prep

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 26-NOV-2001 14:15:11.00

SUBJECT:: Re: JSC prep

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

we are always prepared!

Elizabeth N. Camp
11/26/2001 02:14:42 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: JSC prep

REV_00136469

JSC prep meeting for this Wednesday will be held immediately after our 8:15 am staff meeting.

Please arrive prepared.

Thanks!

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

From: O'Brien, Pat <Pat.O'Brien@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/26/2001 9:27:22 AM
Subject: : FW: Corrected press guidance on 5000 interviews
Attachments: P_NPNA4003_WHO.TXT_1.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:26-NOV-2001 14:27:22.00
SUBJECT:: FW: Corrected press guidance on 5000 interviews
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----

From: Tucker, Mindy
Sent: Wednesday, November 14, 2001 5:48 PM
To: Tucker, Mindy; Levey, Stuart; Wray, Chris; Israelite, David; Ayres, David; DeFalaise, Lou; Bryant, Dan; Thorsen, Carl; Nelson, Dan; Dryden, Susan; Talamona, Gina; Wainstein, Kenneth; O'Brien, Pat
Subject: RE: Corrected press guidance on 5000 interviews

Last time -- this is what I hope is the final version of the press guidance on the 5000 interviews

-----Original Message-----

From: Tucker, Mindy
Sent: Wednesday, November 14, 2001 4:27 PM
To: Levey, Stuart; Wray, Chris; Israelite, David; Ayres, David; DeFalaise, Lou; Bryant, Dan; Thorsen, Carl; Nelson, Dan; Dryden, Susan; Talamona, Gina; Wainstein, Kenneth; O'Brien, Pat
Subject: Corrected press guidance on 5000 interviews

<< File: 5000 Guidance.wpd >>

- 5000 Guidance.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_NPNA4003_WHO.TXT_1>

Press Guidance – ATTF Interviews

As has been the case throughout this investigation, whenever we identify individuals who may have information helpful to the investigation or to our effort to disrupt potential terrorists activity, we will attempt to interview them. They are not suspects, they are simply people who we want to talk to because they may have helpful information.

The latest effort is a group of individuals who we have determined may have information that could be helpful based on a number of considerations including but not limited to:

- 1) They entered the United States with a passport from a country which intelligence information shows a terrorist might be likely to be from -- this is based on intelligence information about past Al Qaeda operations
- 2) They entered the United States after January 1, 2000
- 3) They are males between the ages of 18 and 33

The list currently contains a little more than 5,000 individuals.

The interviews will be coordinated through the Anti-terrorism Task Forces in each of the U.S. Attorney districts and will include the assistance of local law enforcement officials. Each task force is receiving a list of individuals to interview.

If questioned about why they should agree to be interviewed - is this a dragnet, etc.?

We have allowed these individuals to enter our country to visit, to study, to do business and we expect them to cooperate and help us by providing any information they may have. This is what we would expect of a neighbor who witnessed a crime in his neighborhood. We all have a responsibility to help prevent future acts of terrorism.

What countries are the individuals from?

The list of countries was developed from intelligence information based on the nature of the terror network. We will not be releasing the list of countries.

What questions are you asking them - are you asking them about their religion?

The Deputy Attorney General has issued guidelines to all US Attorneys offices regarding how these interviews should be handled. Individuals will be asked questions that will reasonably assist in the effort to learn more about those who support, commit, or associate with persons who commit terrorism. The interviews are consensual. The guidelines specifically state that no inquiry should be made into an individual's religious beliefs and practices.

Are you targeting Arabs?

No, the list of countries contains countries that are not Arab countries.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 11/26/2001 9:52:02 AM
Subject: : FW: EO 13233 challenge

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 26-NOV-2001 14:52:02.00
SUBJECT:: FW: EO 13233 challenge
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/26/2001 02:52 PM -----

"Wood, John F" <John.F.Wood@usdoj.gov>
11/26/2001 11:36:37 AM
Record Type: Record

To: "Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested), "Katsas, Gregory" <Gregory.Katsas@usdoj.gov>
(Receipt Notification Requested) (IPM Return Requested), Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: EO 13233 challenge

-----Original Message-----
From: Anderson, David
Sent: Monday, November 26, 2001 11:36 AM
To: McCallum, Robert; Schiffer, Stuart; Wood, John F
Subject: FW: EO 13233 challenge

fyi

-----Original Message-----
From: Blackwell, Craig
Sent: Monday, November 26, 2001 11:34 AM
To: Anderson, David; Weismann, Anne; Colborn, Paul P; Raab, Michael
Subject: EO 13233 challenge

Scott Nelson of Public Citizen called Amy Krupsky of NARA this morning to say Public Citizen will be filing suit against the Archivist and NARA on weds or thurs of this week. I'll send around the complaint as soon as I get it.

Craig

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>
Sent: 11/26/2001 10:06:22 AM
Subject: : 4:30 INSurance Conference Call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:26-NOV-2001 15:06:22.00

SUBJECT:: 4:30 INSurance Conference Call

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Marc Sumerlin would like to have an insurance call today at 4:30.

Call-in #456-2561

Pass code: 9486

**Brian is a key participant and I am waiting to hear if this time works for him. If it does not I will try to find another time and let everyone know.

Thanks,
Leslie

REV_00136475

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/26/2001 11:41:12 AM
Subject: : Meeting with Senator Gramm

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:26-NOV-2001 16:41:12.00

SUBJECT:: Meeting with Senator Gramm

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett -

Marc asked me to invite you to a meeting with Senator Gramm tomorrow 11/27 at 4:15 in Russell 370.

The topic is terrorism insurance. I'm going to have a car for Marc departing the WEst Basement at 3:55 if you would like to ride with him. Let me know.

Thanks,
Leslie

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>
CC: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>;randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;brian c. conklin/who/eop@eop [WHO] <brian c. conklin>;matthew kirk/who/eop@eop [WHO] <matthew kirk>
Sent: 11/26/2001 12:38:20 PM
Subject: : revised SAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:26-NOV-2001 17:38:20.00
SUBJECT:: revised SAP
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brian c. conklin (CN=brian c. conklin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

The Administration urges prompt House passage of H.R. 3210 as a step toward enactment of legislation to ensure the continued availability of insurance for terrorist-related acts while encouraging the private sector to build new capacity. However, the Administration has reservations about several key provisions of H.R. 3210. In particular, the Administration is concerned that the assessment mechanism could negatively impact important sectors of the economy. We are also concerned with the administrative complexity. The Administration looks forward to continuing to work with Congress to address these and other concerns. In addition, the Administration applauds the House for including reasonable, short-term procedures for terrorist-related litigation. Procedures for consolidation and management of mass tort litigation arising out of a terrorism incident are a necessary part of any meaningful terrorism insurance proposal, and thus a necessary condition for Administration support of any terrorism insurance bill.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/27/2001 4:16:53 AM
Subject: : NANCY BRINKER PLANE ISSUE

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-NOV-2001 09:16:53.00

SUBJECT:: NANCY BRINKER PLANE ISSUE

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you had ANY part of a decision made re: her flight from London to Budapest please call me ASAP!!

If not no reply necessary.

REV_00136531

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 11/27/2001 5:32:58 AM
Subject: : Re: FW: Presidential Records Act meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-NOV-2001 10:32:58.00
SUBJECT:: Re: FW: Presidential Records Act meeting
TO: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Let's plan on 3:00 sharp pending hearing from Clement; I would
have to leave no later than 3:50, but it should not take that long.

"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
11/27/2001 09:30:24 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested), "Clement, Paul D"
<Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested), "Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
Subject: FW: Presidential Records Act meeting

FYI: Paul Colborn, Greg Katsas and I are all available at 3:00 today.
Paul Clement is probably at the Court right now, so we may not hear back
from him for a while.

Let us know if you want to plan on 3:00, subject to change if Paul Clement
can't make it. We can make a conference room available here at OLC if
that's convenient.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, November 26, 2001 8:05 PM
To: Whelan, M Edward III
Subject: Re: FW: draft answers

Can we get a meeting together tomorrow or Wed with Katsas, Clement,
Colborn
and whoever else you think appropriate to discuss the possible litigation
and
theories? I am free from 9 until 3:30 tomorrow and then on Wednesday
morning
from 9 until 10:30.

REV_00136532

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD

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/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [UNKNOWN]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A.

McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G. Figg/WHO/EOP [WHO]), Carolyn E. Cleveland (Carolyn E. Cleveland/WHO/EOP [WHO]), Dee Dee Benkie (Dee Dee Benkie/WHO/EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP [WHO]), Julieanne H. Thomas (Julieanne H. Thomas/WHO/EOP [WHO]), Alison Jones (Alison Jones/WHO/EOP [WHO]), Charles S. Abbot (Charles S. Abbot/OVP/EOP [OVP]), Ruben S. Barrales (Ruben S. Barrales/WHO/EOP [WHO]), Wayne A. Downing (Wayne A. Downing/NSC/EOP [NSC]), Don E. Eberly (Don E. Eberly/WHO/EOP [WHO]), Gary R. Edson (Gary R. Edson/NSC/EOP [NSC]), John L. Howard Jr. (John L. Howard Jr./CEQ/EOP [CEQ]), Ziad S. Ojakli (Ziad S. Ojakli/WHO/EOP [WHO]), Anna M. Perez (Anna M. Perez/NSC/EOP [NSC]), D. Marcus Sumerlin (D. Marcus Sumerlin/OPD/EOP [OPD]), George M. Andricos (George M. Andricos/NSC/EOP [NSC]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP [WHO]), Charles P. Blahous (Charles P. Blahous/OPD/EOP [OPD]), Carl Buchholz (Carl Buchholz/WHO/EOP [WHO]), Elizabeth S. Dougherty (Elizabeth S. Dougherty/OPD/EOP [OPD]), Kelley Gannon (Kelley Gannon/WHO/EOP [WHO]), Zalmay M. Khalilzad (Zalmay M. Khalilzad/NSC/EOP [NSC]), Matthew Kirk (Matthew Kirk/WHO/EOP [WHO]), David Kuo (David Kuo/WHO/EOP [WHO]), Dirksen Lehman (Dirksen Lehman/WHO/EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP [WHO]), K. Philippa Malmgren (K. Philippa Malmgren/OPD/EOP [OPD]), Robert Marsh (Robert Marsh/WHO/EOP [WHO]), Torkel L. Patterson (Torkel L. Patterson/NSC/EOP [NSC]), Craig Ray (Craig Ray/WHO/EOP [WHO]), Diana L. Schacht (Diana L. Schacht/OPD/EOP [OPD]), Kristine Simmons (Kristine Simmons/OPD/EOP [OPD]), Deborah A. Spagnoli (Deborah A. Spagnoli/WHO/EOP [WHO]), Mary K. Sturtevant (Mary K. Sturtevant/NSC/EOP [NSC]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP [OPD]), Heather Wingate (Heather Wingate/WHO/EOP [WHO]), Elliott Abrams (Elliott Abrams/NSC/EOP [NSC]), IGA Intergovernmental Affairs (IGA Intergovernmental Affairs [UNKNOWN]), Adrian G. Gray (Adrian G. Gray/WHO/EOP@EOP [WHO]), Colleen Litkenhaus (Colleen Litkenhaus/WHO/EOP@EOP [WHO])

Sent: 11/27/2001 7:22:41 AM
Subject: : Reminder: Edmund Morris Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-NOV-2001 12:22:41.00
SUBJECT:: Reminder: Edmund Morris Today
TO:Senior Advisor Offices (Senior Advisor Offices [UNKNOWN])
READ:UNKNOWN
BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
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BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
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BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
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BCC:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
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BCC:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

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BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
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BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
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BCC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
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BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
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BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
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BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
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BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
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BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
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BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
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BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
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BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
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BCC:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN

BCC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
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BCC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
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BCC:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
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BCC:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])
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BCC:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
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BCC:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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BCC:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
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BCC:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
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BCC:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
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BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
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BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
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BCC:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

BCC:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP@EOP [WHO])
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BCC:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
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BCC:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
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BCC:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
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BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
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BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
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BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP [OVP])
READ:UNKNOWN

BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP [WHO])
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BCC:Susan K. Neely (CN=Susan K. Neely/OU=WHO/O=EOP [WHO])
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BCC:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Allison Barber (CN=Allison Barber/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Paddy Feeny (CN=Paddy Feeny/OU=WHO/O=EOP [WHO])
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BCC:Greg Lagana (CN=Greg Lagana/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
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BCC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Karen L. Zent (CN=Karen L. Zent/OU=WHO/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP [WHO])
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BCC:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Diana C. Donnelly (CN=Diana C. Donnelly/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Christa Moyle (CN=Christa Moyle/OU=OA/O=EOP [OA])
READ:UNKNOWN
BCC:Carol E. Ehrlich (CN=Carol E. Ehrlich/OU=OA/O=EOP [OA])
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BCC:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP [WHO])
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BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP [WHO])
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BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP [WHO])
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BCC:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP [WHO])
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BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP [WHO])
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BCC:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP [WHO])
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BCC:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

BCC:Charles S. Abbot (CN=Charles S. Abbot/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
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BCC:Wayne A. Downing (CN=Wayne A. Downing/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John L. Howard Jr. (CN=John L. Howard Jr./OU=CEQ/O=EOP [CEQ])
READ:UNKNOWN
BCC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
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BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])
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BCC:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP [WHO])
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BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
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BCC:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
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BCC:David Kuo (CN=David Kuo/OU=WHO/O=EOP [WHO])
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BCC:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP [WHO])
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BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP [WHO])
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BCC:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:IGA Intergovernmental Affairs (IGA Intergovernmental Affairs [UNKNOWN])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/27/2001 4:16:53 AM
Subject: : NANCY BRINKER PLANE ISSUE

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-NOV-2001 09:16:53.00

SUBJECT:: NANCY BRINKER PLANE ISSUE

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you had ANY part of a decision made re: her flight from London to Budapest please call me ASAP!!

If not no reply necessary.

REV_00136621

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 11/27/2001 5:32:58 AM
Subject: : Re: FW: Presidential Records Act meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-NOV-2001 10:32:58.00
SUBJECT:: Re: FW: Presidential Records Act meeting
TO: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Let's plan on 3:00 sharp pending hearing from Clement; I would
have to leave no later than 3:50, but it should not take that long.

"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
11/27/2001 09:30:24 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested), "Clement, Paul D"
<Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested), "Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
Subject: FW: Presidential Records Act meeting

FYI: Paul Colborn, Greg Katsas and I are all available at 3:00 today.
Paul Clement is probably at the Court right now, so we may not hear back
from him for a while.

Let us know if you want to plan on 3:00, subject to change if Paul Clement
can't make it. We can make a conference room available here at OLC if
that's convenient.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, November 26, 2001 8:05 PM
To: Whelan, M Edward III
Subject: Re: FW: draft answers

Can we get a meeting together tomorrow or Wed with Katsas, Clement,
Colborn
and whoever else you think appropriate to discuss the possible litigation
and
theories? I am free from 9 until 3:30 tomorrow and then on Wednesday
morning
from 9 until 10:30.

REV_00136623

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 11/27/2001 5:45:56 AM
Subject: : SUPREME COURT DIG'S IN ADARAND

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-NOV-2001 10:45:56.00

SUBJECT:: SUPREME COURT DIG'S IN ADARAND

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/27/2001 11:06:41 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-NOV-2001 16:06:41.00
SUBJECT:: Re:
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

another typo in first paragraph: put "that" between "bill" and "would"

Kristen Silverberg
11/27/2001 01:45:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Terror Insurance

ú Prior to Thanksgiving, Chairman Sarbanes and Senators Gramm, Dodd and Enzi reached agreement on a bill would have provided federal risk sharing for losses over \$10 billion. They agreed to two provisions limiting liability in terrorism cases, both of which would have sunsetted with the rest if the bill after two or three years: consolidation of claims in a single federal court and a ban on punitive damages. We expressed strong support for the agreement.

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ú We are much less supportive of the overall structure of the House bill, which has a complicated payback mechanism, but the bill has strong liability provisions.

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ú In many cases, the cause of the rising insurance prices is the risk of open-ended liability. For example, railroads and trucking companies are expecting increases as a result of the fact that hazardous cargo could be used in an attack. These businesses are not paying higher prices as a result of first-party coverage issues; they are paying for the risk of a runaway verdict in state court.

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Designing meaningful procedures before any future attacks is necessary to ensure that Congress isn't forced to act quickly after the fact.

REV_00136627

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/27/2001 8:55:25 AM
Subject: : Re:

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CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-NOV-2001 13:55:25.00
SUBJECT:: Re:
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
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Recognizing that these need to be very short and necessarily general, I think these look good.

Kristen Silverberg
11/27/2001 01:45:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Terror Insurance

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<Peter.Fisher@do.treas.gov>; John.Duncan@do.treas.gov [UNKNOWN]
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CC: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN]
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<Martha.Ellett@do.treas.gov>; SmithC@cdfi.treas.gov [UNKNOWN] <SmithC@cdfi.treas.gov>
Sent: 11/27/2001 1:56:56 PM
Subject: : House Press Release and Section by Section
Attachments: P_RCQU4004_OPD.TXT_1.htm; P_RCQU4004_OPD.TXT_2.doc;
P_RCQU4004_OPD.TXT_3.doc

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CREATION DATE/TIME:27-NOV-2001 18:56:56.00
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READ:UNKNOWN
End Original ARMS Header

FYI. from unofficial sources.

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File attachment <P_RCQU4004_OPD.TXT_2>

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Summary

The Terrorism Risk Protection Act is the most pro-taxpayer, pro-consumer proposal to ensure terrorism coverage for consumers, with a significant commercial industry/policyholder stake, and relatively little regulation required (most of which would only kick in if an event occurred). This proposal is relatively low-maintenance for the government and will sunset without a private sector addiction to Federal subsidies.

For commercial insurers, the bill protects individual companies more than any other proposal. For policyholders, since insurers will have an incentive to write terrorism coverage, it greatly increases the affordability and availability of coverage. Taxpayers and the Federal treasury are protected from unlimited financial risk because they are not on the hook for the ultimate costs. Every dollar of Federal assistance will be repaid. If no event occurs, no bureaucracy is created, and the legislation sunsets after a brief period of time.

Key Elements

- Requires all Federal taxpayer costs/assistance to be paid back.
- Models risk-sharing plan on existing State insurance programs.
- Sets trigger at \$100 million for small commercial insurers and \$1 billion as an industry wide aggregate.
- Provides 90% Federal share with 10% individual company retention.
- Assesses first \$20 billion in losses back to commercial insurers over time.
- Recoups subsequent losses through commercial policyholder surcharges.
- Provides the Treasury Secretary limited flexibility in determining assessments and surcharges based on economic conditions and the impact on urban, rural, and small commercial centers.
- Establishes uniform definition of terrorism.
- Authorizes one-year program with optional extension for up to two additional years.
- Includes limited liability reforms to protect taxpayer funds.

Advantages

- No taxpayer bailout — any Federal funds used to boost liquidity are paid back by commercial industry/policyholders (the primary beneficiaries of any proposal) over time.
- Greatly increases capacity of insurers to offer terrorism coverage.
- Companies get first dollar protection. Without this early protection, few companies can afford their individual risk and won't offer significant or affordable coverage.
- Protects small and large policyholders, and small and large insurers, while retaining incentives for risk management and efficient claims processing.

SECTION-BY-SECTION ANALYSIS OF H.R. 3210 – FLOOR VERSION

Section 1. Short Title and Table of Contents

This section sets forth the short title of the bill, the “Terrorism Risk Protection Act,” and provides a table of contents.

Section 2. Congressional Findings

This section provides Congressional findings about the damage from the September 11, 2001 terrorist attack, the resulting market disruption and potential unavailability of future terrorism insurance coverage, and the need for a temporary industry risk sharing program to facilitate transition back to a viable private insurance and reinsurance market.

Section 3. Authority of Secretary of the Treasury

This section provides that the Secretary of the Treasury will be responsible for carrying out the temporary risk sharing program for the commercial property and casualty insurance industry.

Section 4. Submission of Premium Information to Secretary

This section recognizes that insurance premium information is already provided to State insurance commissioners and the NAIC, but allows the Secretary, to the extent that such information is not otherwise available, to require insurers to submit their net U.S. commercial property and casualty insurance premium data to the NAIC or the Secretary.

Section 5. Initial and Subsequent Triggering Determinations

This section directs the Secretary to determine whether insured losses from acts of terrorism over a 12 month period exceed the triggering thresholds. The section provides for an industry-wide trigger and an individual insurer trigger. The Secretary will make a triggering determination for the entire commercial property and casualty insurance industry if industry-wide losses exceed \$1 billion. The Secretary will make a company specific triggering determination if industry-wide losses exceed \$100 million and the portion of those losses for any one commercial insurer exceed both 10 percent of the company's capital surplus and net premiums. The lower \$100 million threshold does not apply to any commercial insurer that was not providing commercial property and casualty coverage prior to September 11, 2001, except for certain terrorism risk pools.

Subsection (b) gives the Secretary, after consultation with the Attorney General and Secretary of State, sole authority to determine whether a loss was caused by an act of terrorism and whether the terrorist attack occurred during the period of time covered by this legislation. The ability of the Secretary to make such determinations under this subsection is not limited to commercial property and casualty insurance, but rather is intended to apply for all lines of insurance.

Section 6. Federal Cost-Sharing for Commercial Insurers

Once the Secretary makes an industry-wide triggering determination in section 5, then financial cost-sharing is provided to each insurer in an amount equal to the difference of 90% of the amount of the insured terrorism losses of the insurer as a result of the triggering event and \$5 million. If the industry-wide triggering determination is not reached, but the Secretary makes a company specific triggering determination, then financial cost-sharing is provided to that insurer in an amount equal to the difference of 90 percent of the amount of the insured terrorism losses of the insurer as a result of such triggering event and 10 percent of the net commercial property and casualty premiums written by such commercial insurer (as a deductible). Federal assistance is capped at \$100 billion. A sense of the Congress provides that terrorist events causing in excess of that amount would necessitate further Congressional action. Any Federal assistance provided will be repaid through the

assessments and surcharges provided for in section 7 and 8, and may be designated by the President as emergency budget authority and outlays. Federal assistance received by an insurer should not be treated as a loan for balance sheet purposes. Furthermore, Federal assistance will be available for all property and casualty terrorism risk insurance policies in force during the coverage period of this legislation as long as the insurer was providing such coverage(or not excluding terrorism risk coverage) on or before September 11, 2001.

Section 7. Assessments

This section is modeled after the State insurance guarantee funds that exist in almost every State to address the possibility of insurer insolvencies, as well as numerous State catastrophic insurance funds. After the Secretary makes a triggering determination in section 5, every commercial insurer is subject to an assessment based on an insurer's net commercial insurance premiums to repay any Federal cost-sharing assistance provided under section 6. The aggregate amount assessed will be equal to the lesser of \$20 billion or the amount of financial assistance paid.

The aggregate assessment amount shall be assessed to commercial insurers through an industry obligation assessment and, if necessary, the remainder through one or more future financing assessments. Industry obligation assessments are imposed immediately following a triggering determination in an amount up to \$5 billion, and if the program is extended pursuant to section 20 for a second or third year, up to \$10 billion in each additional year. Financing assessments (any losses above the \$5 or \$10 billion) shall begin 12 months after the last obligation assessment, and shall not exceed 3 percent of an insurer's net commercial premiums for that year. If the amount assessed through financing assessments in any given year is insufficient to cover Federal assistance, then the Secretary will make a new assessment in each following year until the amount is recouped. The Secretary may delay the assessment of an insurer to avoid an insolvency and may adjust or delay assessments generally as provided in section 9.

Section 8. Terrorism Loss Repayment Surcharge

This section applies only to terrorist losses that exceed \$20 billion, and is modeled after several State catastrophic insurance programs. To recoup Federal assistance provided in section 6 for amounts above the Federal share of the \$20 billion, the Secretary will impose a commercial policyholder surcharge to the extent that economic and market conditions permit. The factors to be weighed in determining the extent of the surcharge are the ultimate costs to taxpayers if a surcharge is not established, the economic conditions in the commercial marketplace, the affordability of commercial insurance for small and medium-sized business, and such other factors the Secretary considers appropriate. The terrorism repayment surcharge will be on all commercial insurance premiums based on a percentage of any coverage amounts but in any given year may not exceed the amount equal to 3 percent of the premium charged for such coverage. For purposes of this section, commercial property and casualty insurance does not include any reinsurance provided to primary insurance companies, so as to avoid a double surcharge.

Section 9. Administration of Assessments and Surcharges

This section provides the Secretary with significant flexibility in establishing the manner and method of carrying out any assessments or surcharges, in particular as necessary to protect the national interest, avoid unreasonable economic disruption and market instability, and avoid undue burdens on small businesses. The Secretary must also take into consideration the economic impact of any of these assessments and surcharges on urban and smaller commercial and rural areas and different lines of insurance. The Secretary may also make special adjustments to provide for commercial insurers and policies that are not based on a calendar year. The Secretary is also given the authority to assess civil monetary

penalties for insurers that submit false data, fail to pay assessed amounts, or fail to collect appropriate surcharges.

Section 10. Application to Self-Insurance Arrangements and Offshore Insurers and Reinsurers

In consultation with the NAIC, the Secretary may apply the provisions of this bill to self-insurance arrangements by municipalities and other entities, but only if that determination is made before the occurrence of a triggering event and all of the provisions of this legislation are applied uniformly to such entities. The Committee expects that many types of self-insuring entities may desire or need risk-sharing coverage for terrorism attacks, while for others participation may be inappropriate. The Secretary is given authority to determine which of these entities should be participating, so long as application of the benefits and costs are applied equally. The Secretary must also ensure that the provisions of this bill are applied as appropriate to any offshore or non-admitted entities that provide commercial property and casualty insurance. Both provisions of this section are intended in part to prevent evasion of assessments.

Section 11. Reserve for Terrorism Coverage Under Commercial Lines of Business

To be determined by Rules Committee.

Section 12. State Preemption

This section preempts certain State laws to ensure uniform compliance with the bill. Subsection (a) preempts State laws that would conflict with the provision of coverage for acts of terror under the definitions of this legislation. Subsection (b) establishes a narrow preemption to allow insurers to adjust premiums only as necessary to recover the amounts of any assessments under section 7. Subsection (c) preempts State pre-filing approval requirements for commercial property and casualty insurance policies covering acts of terrorism due to the insufficient time between enactment of this legislation and January 1, 2002, but expressly preserves the ability of the States to undertake any subsequent review or action on those policies.

Section 13. Consistent State Guidelines for Coverage for Acts of Terrorism

This section establishes the sense of Congress that the NAIC and the Secretary should consult with each other and develop appropriate definitions for acts of terrorism and standards for determining the number of terrorist events or occurrences. Each State and the Secretary should then adopt such definitions and standards. A further sense of the Congress is provided that the NAIC should develop appropriate guidelines governing insurers' terrorism reserves, including any pooling of those reserves. The Secretary is directed to promulgate those guidelines on a nationwide basis if the States have not adopted guidelines in a uniform manner. A sense of the Congress is also provided that the States should establish regulations requiring separate disclosure to consumers of the costs of any terrorism related coverage. If the States have not adequately adopted such disclosures within a reasonable period of time, the Secretary is directed to consult with the NAIC and adopt national guidelines requiring such disclosure.

Section 14. Consultation with State Insurance Regulators and the NAIC

The Secretary is directed to consult with the State insurance regulators and the NAIC in carrying out this bill, and may enter into agreements with the States and the NAIC to provide for the distribution of financial assistance, or the collection of any assessments or surcharges. The Secretary, may, in consultation with the State insurance regulators and the NAIC, investigate and audit claims of insured losses by commercial insurers.

Section 15. Sovereign Immunity Protections

To be determined by Rules Committee.

Section 16. Study of Potential Effects of Terrorism on Life Insurance Industry

This section directs the President to establish a commission to study and report within 120 days after the enactment of the bill on the potential effects of acts of terrorism on the life insurance industry in the U.S. and markets served by such industry. The membership of this commission shall include: the Secretary of the Treasury; the Chairman of the Federal Reserve System; the Assistant to the President for Homeland Security; and four members appointed by the President from the insurance community.

Section 17. Railroad and Trucking Insurance Study

This section directs the Secretary of the Treasury to conduct a study to determine the availability of commercially reasonable railroad and trucking insurance for acts of terrorism. The Secretary must submit a report to Congress within 120 days after enactment of this legislation.

Section 18. Study of Reinsurance Pool System for Future Acts of Terrorism

This section directs the Secretary of the Treasury, the Federal Reserve Board of Governors, and the Comptroller General to jointly conduct a study on the advisability and effectiveness of establishing a terrorism reinsurance pool system in lieu of the program created by this bill. The study must utilize a variety of informational sources and be jointly submitted to Congress not later than 6 months after enactment.

Section 19. Definitions

This section establishes various definitions. The term "Act of terrorism" is defined as an act that is unlawful, causes harm to persons or property in the United States or to any U.S. air carrier or U.S. flag vessel outside the United States committed by persons who are recognized (prior or subsequently) by the Department of State or the Secretary as a terrorist group, or who conspire with the surrogates of a recognized terrorist group, and has the purpose of destabilizing any country or to influence the United States by coercion. As defined, an act of terrorism is not an act of war. The Secretary is directed to consult with the NAIC to further refine this definition. This section further provides that the bill only applies to commercial property and casualty insurance.

Section 20. Extension of Program

This section grants the Secretary authority to extend the coverage period of the bill through the 2004 calendar year, if the extension is necessary to ensure the adequate availability in the United States of commercial property and casualty insurance coverage for acts of terror. Extensions are to be made on a year-by-year basis and the Secretary is required to report to Congress on the reasons for any extensions beyond the 2002 calendar year.

Section 21. Regulations

This section grants the Secretary authority to issue regulations as necessary to implement this legislation.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN]
<Peter.Fisher@do.treas.gov>; John.Duncan@do.treas.gov [UNKNOWN]
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<Martha.Ellett@do.treas.gov>; SmithC@cdfi.treas.gov [UNKNOWN] <SmithC@cdfi.treas.gov>
Sent: 11/27/2001 2:01:05 PM
Subject: : House Press Release and Section by Section
Attachments: P_6GQU4004_OPD.TXT_1.htm; P_6GQU4004_OPD.TXT_2.doc;
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Sheila

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The aggregate assessment amount shall be assessed to commercial insurers through an industry obligation assessment and, if necessary, the remainder through one or more future financing assessments. Industry obligation assessments are imposed immediately following a triggering determination in an amount up to \$5 billion, and if the program is extended pursuant to section 20 for a second or third year, up to \$10 billion in each additional year. Financing assessments (any losses above the \$5 or \$10 billion) shall begin 12 months after the last obligation assessment, and shall not exceed 3 percent of an insurer's net commercial premiums for that year. If the amount assessed through financing assessments in any given year is insufficient to cover Federal assistance, then the Secretary will make a new assessment in each following year until the amount is recouped. The Secretary may delay the assessment of an insurer to avoid an insolvency and may adjust or delay assessments generally as provided in section 9.

Section 8. Terrorism Loss Repayment Surcharge

This section applies only to terrorist losses that exceed \$20 billion, and is modeled after several State catastrophic insurance programs. To recoup Federal assistance provided in section 6 for amounts above the Federal share of the \$20 billion, the Secretary will impose a commercial policyholder surcharge to the extent that economic and market conditions permit. The factors to be weighed in determining the extent of the surcharge are the ultimate costs to taxpayers if a surcharge is not established, the economic conditions in the commercial marketplace, the affordability of commercial insurance for small and medium-sized business, and such other factors the Secretary considers appropriate. The terrorism repayment surcharge will be on all commercial insurance premiums based on a percentage of any coverage amounts but in any given year may not exceed the amount equal to 3 percent of the premium charged for such coverage. For purposes of this section, commercial property and casualty insurance does not include any reinsurance provided to primary insurance companies, so as to avoid a double surcharge.

Section 9. Administration of Assessments and Surcharges

This section provides the Secretary with significant flexibility in establishing the manner and method of carrying out any assessments or surcharges, in particular as necessary to protect the national interest, avoid unreasonable economic disruption and market instability, and avoid undue burdens on small businesses. The Secretary must also take into consideration the economic impact of any of these assessments and surcharges on urban and smaller commercial and rural areas and different lines of insurance. The Secretary may also make special adjustments to provide for commercial insurers and policies that are not based on a calendar year. The Secretary is also given the authority to assess civil monetary

penalties for insurers that submit false data, fail to pay assessed amounts, or fail to collect appropriate surcharges.

Section 10. Application to Self-Insurance Arrangements and Offshore Insurers and Reinsurers

In consultation with the NAIC, the Secretary may apply the provisions of this bill to self-insurance arrangements by municipalities and other entities, but only if that determination is made before the occurrence of a triggering event and all of the provisions of this legislation are applied uniformly to such entities. The Committee expects that many types of self-insuring entities may desire or need risk-sharing coverage for terrorism attacks, while for others participation may be inappropriate. The Secretary is given authority to determine which of these entities should be participating, so long as application of the benefits and costs are applied equally. The Secretary must also ensure that the provisions of this bill are applied as appropriate to any offshore or non-admitted entities that provide commercial property and casualty insurance. Both provisions of this section are intended in part to prevent evasion of assessments.

Section 11. Reserve for Terrorism Coverage Under Commercial Lines of Business

To be determined by Rules Committee.

Section 12. State Preemption

This section preempts certain State laws to ensure uniform compliance with the bill. Subsection (a) preempts State laws that would conflict with the provision of coverage for acts of terror under the definitions of this legislation. Subsection (b) establishes a narrow preemption to allow insurers to adjust premiums only as necessary to recover the amounts of any assessments under section 7. Subsection (c) preempts State pre-filing approval requirements for commercial property and casualty insurance policies covering acts of terrorism due to the insufficient time between enactment of this legislation and January 1, 2002, but expressly preserves the ability of the States to undertake any subsequent review or action on those policies.

Section 13. Consistent State Guidelines for Coverage for Acts of Terrorism

This section establishes the sense of Congress that the NAIC and the Secretary should consult with each other and develop appropriate definitions for acts of terrorism and standards for determining the number of terrorist events or occurrences. Each State and the Secretary should then adopt such definitions and standards. A further sense of the Congress is provided that the NAIC should develop appropriate guidelines governing insurers' terrorism reserves, including any pooling of those reserves. The Secretary is directed to promulgate those guidelines on a nationwide basis if the States have not adopted guidelines in a uniform manner. A sense of the Congress is also provided that the States should establish regulations requiring separate disclosure to consumers of the costs of any terrorism related coverage. If the States have not adequately adopted such disclosures within a reasonable period of time, the Secretary is directed to consult with the NAIC and adopt national guidelines requiring such disclosure.

Section 14. Consultation with State Insurance Regulators and the NAIC

The Secretary is directed to consult with the State insurance regulators and the NAIC in carrying out this bill, and may enter into agreements with the States and the NAIC to provide for the distribution of financial assistance, or the collection of any assessments or surcharges. The Secretary, may, in consultation with the State insurance regulators and the NAIC, investigate and audit claims of insured losses by commercial insurers.

Section 15. Sovereign Immunity Protections

To be determined by Rules Committee.

Section 16. Study of Potential Effects of Terrorism on Life Insurance Industry

This section directs the President to establish a commission to study and report within 120 days after the enactment of the bill on the potential effects of acts of terrorism on the life insurance industry in the U.S. and markets served by such industry. The membership of this commission shall include: the Secretary of the Treasury; the Chairman of the Federal Reserve System; the Assistant to the President for Homeland Security; and four members appointed by the President from the insurance community.

Section 17. Railroad and Trucking Insurance Study

This section directs the Secretary of the Treasury to conduct a study to determine the availability of commercially reasonable railroad and trucking insurance for acts of terrorism. The Secretary must submit a report to Congress within 120 days after enactment of this legislation.

Section 18. Study of Reinsurance Pool System for Future Acts of Terrorism

This section directs the Secretary of the Treasury, the Federal Reserve Board of Governors, and the Comptroller General to jointly conduct a study on the advisability and effectiveness of establishing a terrorism reinsurance pool system in lieu of the program created by this bill. The study must utilize a variety of informational sources and be jointly submitted to Congress not later than 6 months after enactment.

Section 19. Definitions

This section establishes various definitions. The term “Act of terrorism” is defined as an act that is unlawful, causes harm to persons or property in the United States or to any U.S. air carrier or U.S. flag vessel outside the United States committed by persons who are recognized (prior or subsequently) by the Department of State or the Secretary as a terrorist group, or who conspire with the surrogates of a recognized terrorist group, and has the purpose of destabilizing any country or to influence the United States by coercion. As defined, an act of terrorism is not an act of war. The Secretary is directed to consult with the NAIC to further refine this definition. This section further provides that the bill only applies to commercial property and casualty insurance.

Section 20. Extension of Program

This section grants the Secretary authority to extend the coverage period of the bill through the 2004 calendar year, if the extension is necessary to ensure the adequate availability in the United States of commercial property and casualty insurance coverage for acts of terror. Extensions are to be made on a year-by-year basis and the Secretary is required to report to Congress on the reasons for any extensions beyond the 2002 calendar year.

Section 21. Regulations

This section grants the Secretary authority to issue regulations as necessary to implement this legislation.

From: CN=Brian C. Conklin/OU=WHO/O=EOP [WHO]
To: Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>
CC: peter.fisher@do.treas.gov [UNKNOWN]
<peter.fisher@do.treas.gov>;john.duncan@do.treas.gov [UNKNOWN]
<john.duncan@do.treas.gov>;d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus
sumerlin>;randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>;brett m.
kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;matthew kirk/who/eop@eop [WHO] <matthew
kirk>;edward.demarco@do.treas.gov [UNKNOWN]
<edward.demarco@do.treas.gov>;mario.ugoletti@do.treas.gov [UNKNOWN]
<mario.ugoletti@do.treas.gov>;gerry.hughes@do.treas.gov [UNKNOWN]
<gerry.hughes@do.treas.gov>;martha.ellett@do.treas.gov [UNKNOWN]
<martha.ellett@do.treas.gov>;smithc@cdfi.treas.gov [UNKNOWN]
<smithc@cdfi.treas.gov>;Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M.
Simonetta>;Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>
Sent: 11/27/2001 2:02:24 PM
Subject: : Re: House Press Release and Section by Section
Attachments: P_JHQU4004_CEA.TXT_1.htm; P_JHQU4004_CEA.TXT_2.doc; P_JHQU4004_CEA.TXT_3.doc;
P_JHQU4004_CEA.TXT_4.pdf

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-NOV-2001 19:02:24.00
SUBJECT:: Re: House Press Release and Section by Section
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
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READ:UNKNOWN
CC:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
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CC:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])
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CC:smithc@cdfi.treas.gov (smithc@cdfi.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Here is the copy of the bill that will be introduced tonight. I just
received it. Thanks.

- ARMEY_018.PDF

REV_00136647

Sheila.Bair@do.treas.gov
11/27/2001 06:51:41 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: House Press Release and Section by Section

FYI. from unofficial sources.

Sheila

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- att1.htm
- PressOnePager.doc
- Floor version SectionbySection.doc2.doc

Message Sent

To: _____
Peter.Fisher@do.treas.gov
John.Duncan@do.treas.gov
D. Marcus Sumerlin/OPD/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP

Message Copied

To: _____
Edward.Demarco@do.treas.gov
Mario.Ugoletti@do.treas.gov
Gerry.Hughes@do.treas.gov
Martha.Ellett@do.treas.gov
SmithC@cdfi.treas.gov

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File attachment <P_JHQU4004_CEA.TXT_3>

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File attachment <P_JHQU4004_CEA.TXT_4>

FYI. from unofficial sources.

Sheila

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Summary

The Terrorism Risk Protection Act is the most pro-taxpayer, pro-consumer proposal to ensure terrorism coverage for consumers, with a significant commercial industry/policyholder stake, and relatively little regulation required (most of which would only kick in if an event occurred). This proposal is relatively low-maintenance for the government and will sunset without a private sector addiction to Federal subsidies.

For commercial insurers, the bill protects individual companies more than any other proposal. For policyholders, since insurers will have an incentive to write terrorism coverage, it greatly increases the affordability and availability of coverage. Taxpayers and the Federal treasury are protected from unlimited financial risk because they are not on the hook for the ultimate costs. Every dollar of Federal assistance will be repaid. If no event occurs, no bureaucracy is created, and the legislation sunsets after a brief period of time.

Key Elements

- Requires all Federal taxpayer costs/assistance to be paid back.
- Models risk-sharing plan on existing State insurance programs.
- Sets trigger at \$100 million for small commercial insurers and \$1 billion as an industry wide aggregate.
- Provides 90% Federal share with 10% individual company retention.
- Assesses first \$20 billion in losses back to commercial insurers over time.
- Recoups subsequent losses through commercial policyholder surcharges.
- Provides the Treasury Secretary limited flexibility in determining assessments and surcharges based on economic conditions and the impact on urban, rural, and small commercial centers.
- Establishes uniform definition of terrorism.
- Authorizes one-year program with optional extension for up to two additional years.
- Includes limited liability reforms to protect taxpayer funds.

Advantages

- No taxpayer bailout — any Federal funds used to boost liquidity are paid back by commercial industry/policyholders (the primary beneficiaries of any proposal) over time.
- Greatly increases capacity of insurers to offer terrorism coverage.
- Companies get first dollar protection. Without this early protection, few companies can afford their individual risk and won't offer significant or affordable coverage.
- Protects small and large policyholders, and small and large insurers, while retaining incentives for risk management and efficient claims processing.

SECTION-BY-SECTION ANALYSIS OF H.R. 3210 – FLOOR VERSION

Section 1. Short Title and Table of Contents

This section sets forth the short title of the bill, the “Terrorism Risk Protection Act,” and provides a table of contents.

Section 2. Congressional Findings

This section provides Congressional findings about the damage from the September 11, 2001 terrorist attack, the resulting market disruption and potential unavailability of future terrorism insurance coverage, and the need for a temporary industry risk sharing program to facilitate transition back to a viable private insurance and reinsurance market.

Section 3. Authority of Secretary of the Treasury

This section provides that the Secretary of the Treasury will be responsible for carrying out the temporary risk sharing program for the commercial property and casualty insurance industry.

Section 4. Submission of Premium Information to Secretary

This section recognizes that insurance premium information is already provided to State insurance commissioners and the NAIC, but allows the Secretary, to the extent that such information is not otherwise available, to require insurers to submit their net U.S. commercial property and casualty insurance premium data to the NAIC or the Secretary.

Section 5. Initial and Subsequent Triggering Determinations

This section directs the Secretary to determine whether insured losses from acts of terrorism over a 12 month period exceed the triggering thresholds. The section provides for an industry-wide trigger and an individual insurer trigger. The Secretary will make a triggering determination for the entire commercial property and casualty insurance industry if industry-wide losses exceed \$1 billion. The Secretary will make a company specific triggering determination if industry-wide losses exceed \$100 million and the portion of those losses for any one commercial insurer exceed both 10 percent of the company's capital surplus and net premiums. The lower \$100 million threshold does not apply to any commercial insurer that was not providing commercial property and casualty coverage prior to September 11, 2001, except for certain terrorism risk pools.

Subsection (b) gives the Secretary, after consultation with the Attorney General and Secretary of State, sole authority to determine whether a loss was caused by an act of terrorism and whether the terrorist attack occurred during the period of time covered by this legislation. The ability of the Secretary to make such determinations under this subsection is not limited to commercial property and casualty insurance, but rather is intended to apply for all lines of insurance.

Section 6. Federal Cost-Sharing for Commercial Insurers

Once the Secretary makes an industry-wide triggering determination in section 5, then financial cost-sharing is provided to each insurer in an amount equal to the difference of 90% of the amount of the insured terrorism losses of the insurer as a result of the triggering event and \$5 million. If the industry-wide triggering determination is not reached, but the Secretary makes a company specific triggering determination, then financial cost-sharing is provided to that insurer in an amount equal to the difference of 90 percent of the amount of the insured terrorism losses of the insurer as a result of such triggering event and 10 percent of the net commercial property and casualty premiums written by such commercial insurer (as a deductible). Federal assistance is capped at \$100 billion. A sense of the Congress provides that terrorist events causing in excess of that amount would necessitate further Congressional action. Any Federal assistance provided will be repaid through the

assessments and surcharges provided for in section 7 and 8, and may be designated by the President as emergency budget authority and outlays. Federal assistance received by an insurer should not be treated as a loan for balance sheet purposes. Furthermore, Federal assistance will be available for all property and casualty terrorism risk insurance policies in force during the coverage period of this legislation as long as the insurer was providing such coverage (or not excluding terrorism risk coverage) on or before September 11, 2001.

Section 7. Assessments

This section is modeled after the State insurance guarantee funds that exist in almost every State to address the possibility of insurer insolvencies, as well as numerous State catastrophic insurance funds. After the Secretary makes a triggering determination in section 5, every commercial insurer is subject to an assessment based on an insurer's net commercial insurance premiums to repay any Federal cost-sharing assistance provided under section 6. The aggregate amount assessed will be equal to the lesser of \$20 billion or the amount of financial assistance paid.

The aggregate assessment amount shall be assessed to commercial insurers through an industry obligation assessment and, if necessary, the remainder through one or more future financing assessments. Industry obligation assessments are imposed immediately following a triggering determination in an amount up to \$5 billion, and if the program is extended pursuant to section 20 for a second or third year, up to \$10 billion in each additional year. Financing assessments (any losses above the \$5 or \$10 billion) shall begin 12 months after the last obligation assessment, and shall not exceed 3 percent of an insurer's net commercial premiums for that year. If the amount assessed through financing assessments in any given year is insufficient to cover Federal assistance, then the Secretary will make a new assessment in each following year until the amount is recouped. The Secretary may delay the assessment of an insurer to avoid an insolvency and may adjust or delay assessments generally as provided in section 9.

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This section preempts certain State laws to ensure uniform compliance with the bill. Subsection (a) preempts State laws that would conflict with the provision of coverage for acts of terror under the definitions of this legislation. Subsection (b) establishes a narrow preemption to allow insurers to adjust premiums only as necessary to recover the amounts of any assessments under section 7. Subsection (c) preempts State pre-filing approval requirements for commercial property and casualty insurance policies covering acts of terrorism due to the insufficient time between enactment of this legislation and January 1, 2002, but expressly preserves the ability of the States to undertake any subsequent review or action on those policies.

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This section directs the Secretary of the Treasury to conduct a study to determine the availability of commercially reasonable railroad and trucking insurance for acts of terrorism. The Secretary must submit a report to Congress within 120 days after enactment of this legislation.

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This section directs the Secretary of the Treasury, the Federal Reserve Board of Governors, and the Comptroller General to jointly conduct a study on the advisability and effectiveness of establishing a terrorism reinsurance pool system in lieu of the program created by this bill. The study must utilize a variety of informational sources and be jointly submitted to Congress not later than 6 months after enactment.

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This section establishes various definitions. The term “Act of terrorism” is defined as an act that is unlawful, causes harm to persons or property in the United States or to any U.S. air carrier or U.S. flag vessel outside the United States committed by persons who are recognized (prior or subsequently) by the Department of State or the Secretary as a terrorist group, or who conspire with the surrogates of a recognized terrorist group, and has the purpose of destabilizing any country or to influence the United States by coercion. As defined, an act of terrorism is not an act of war. The Secretary is directed to consult with the NAIC to further refine this definition. This section further provides that the bill only applies to commercial property and casualty insurance.

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This section grants the Secretary authority to extend the coverage period of the bill through the 2004 calendar year, if the extension is necessary to ensure the adequate availability in the United States of commercial property and casualty insurance coverage for acts of terror. Extensions are to be made on a year-by-year basis and the Secretary is required to report to Congress on the reasons for any extensions beyond the 2002 calendar year.

Section 21. Regulations

This section grants the Secretary authority to issue regulations as necessary to implement this legislation.

.....
(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. ARMEY (for himself, Mr. OXLEY, Mr. SENSENBRENNER, Mr. NUSSLE,
and Mr. THOMAS) introduced the following bill; which was referred to the
Committee on _____

A BILL

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism, and for other
purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**
4 (a) SHORT TITLE.—This Act may be cited as the
5 “Terrorism Risk Protection Act”.



1 **SEC. 7. ASSESSMENTS.**

2 (a) IN GENERAL.—In the case of a triggering deter-
3 mination, each commercial insurer shall be subject to as-
4 sessments under this section for the purpose of repaying
5 a portion of the financial assistance made available under
6 section 6 in connection with such determination.

7 (b) AGGREGATE ASSESSMENT.—Pursuant to a trig-
8 gering determination, the Secretary shall determine the
9 aggregate amount to be assessed under this section among
10 all commercial insurers, which shall be equal to the lesser
11 of—

12 (1) \$20,000,000,000; and

13 (2) the amount of financial assistance paid
14 under section 6 in connection with the triggering de-
15 termination.

16 The aggregate assessment amount under this subsection
17 shall be assessed to commercial insurers through an indus-
18 try obligation assessment under subsection (c) and, if nec-
19 essary, the remainder shall be assessed through one or
20 more financing assessments under subsection (d).

21 (c) INDUSTRY OBLIGATION ASSESSMENTS.—

22 (1) IN GENERAL.—Immediately upon the occur-
23 rence of a triggering determination, the Secretary
24 shall impose an industry obligation assessment
25 under this subsection on all commercial insurers,
26 subject to paragraph (3).



1 (2) AMOUNT.—The aggregate amount of an in-
2 dustry obligation assessment in connection with a
3 triggering determination shall be equal to—

4 (A) in the case of a triggering determina-
5 tion occurring during the covered period speci-
6 fied in section 20(a), the lesser of—

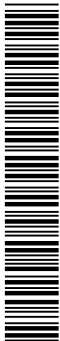
7 (i) the difference between (I)
8 \$5,000,000,000, and (II) the aggregate
9 amount of any assessments made by the
10 Secretary pursuant to this section during
11 the portion of such covered period pre-
12 ceding the triggering determination; and

13 (ii) the amount of financial assistance
14 made available under section 6 in connec-
15 tion with the triggering determination; or

16 (B) such other aggregate industry obliga-
17 tion amount as may apply pursuant to sub-
18 section (g).

19 (3) TIMING OF MULTIPLE ASSESSMENTS.—

20 (A) DELAYED IMPOSITION AND AGGREGA-
21 TION OF ASSESSMENTS.—In the case of any
22 triggering determination occurring within 12
23 months of the occurrence of a previous trig-
24 gering determination, any industry obligation
25 assessments under this subsection resulting



1 from such subsequent determination shall be
2 imposed upon the conclusion of the quarterly
3 assessment period under subparagraph (B) dur-
4 ing which such determination occurs.

5 (B) QUARTERLY ASSESSMENT PERIOD.—

6 With respect to a subsequent triggering deter-
7 mination referred to in subparagraph (A), the
8 quarterly assessment periods under this sub-
9 paragraph are—

10 (i) the 3-month period that begins
11 upon the imposition of the industry obliga-
12 tion assessment resulting from the trig-
13 gering determination that—

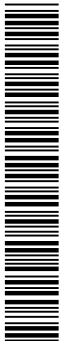
14 (I) occurred most recently before
15 such subsequent triggering determina-
16 tion; and

17 (II) did not occur within 12
18 months of the occurrence of any pre-
19 vious triggering determination; and

20 (ii) each successive 3-month period
21 thereafter that begins during the covered
22 period.

23 (d) FINANCING ASSESSMENTS.—

24 (1) IN GENERAL.—If the aggregate assessment
25 amount in connection with a triggering determina-

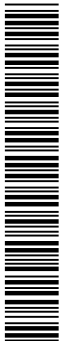


1 tion exceeds the aggregate amount of the industry
2 obligation assessment under subsection (c) in con-
3 nection with the determination, the remaining
4 amount shall be assessed through one or more, as
5 may be necessary pursuant to paragraph (3), financ-
6 ing assessments under this subsection.

7 (2) TIMING.—A financing assessment under
8 this subsection in connection with a triggering deter-
9 mination shall be imposed only upon the expiration
10 of any 12-month period beginning after such deter-
11 mination during which no assessments under this
12 section have been imposed.

13 (3) LIMITATION.—The aggregate amount of
14 any financing assessments imposed under this sub-
15 section on any single commercial insurer during any
16 12-month period shall not exceed the amount that is
17 equal to 3 percent of the net premium for such in-
18 surer for such period.

19 (e) ALLOCATION OF ASSESSMENT.—The portion of
20 the aggregate amount of any industry obligation assess-
21 ment or financing assessment under this section that is
22 allocated to each commercial insurer shall be based on the
23 ratio that the net premium written by such commercial
24 insurer during the year during which the assessment is
25 imposed bears to the aggregate written premium for such



1 year, subject to section 9 and the limitation under sub-
2 section (d)(3) of this section.

3 (f) NOTICE AND OBLIGATION TO PAY.—

4 (1) NOTICE.—As soon as practicable after any
5 triggering determination, the Secretary shall notify
6 each commercial insurer in writing of an assessment
7 under this section, which notice shall include the
8 amount of the assessment allocated to such insurer.

9 (2) EFFECT OF NOTICE.—Upon notice to a
10 commercial insurer, the commercial insurer shall be
11 obligated to pay to the Secretary, not later than 60
12 days after receipt of such notice, the amount of the
13 assessment on such commercial insurer.

14 (3) FAILURE TO MAKE TIMELY PAYMENT.—If
15 any commercial insurer fails to pay an assessment
16 under this section before the deadline established
17 under paragraph (2) for the assessment, the Sec-
18 retary may take either or both of the following ac-
19 tions:

20 (A) CIVIL MONETARY PENALTY.—Assess a
21 civil monetary penalty pursuant to section 9(d)
22 upon such insurer.

23 (B) INTEREST.—Require such insurer to
24 pay interest, at such rate as the Secretary con-
25 siders appropriate, on the amount of the assess-



1 ment that was not paid before the deadline es-
2 tablished under paragraph (2).

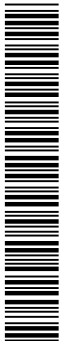
3 (g) AGGREGATE INDUSTRY OBLIGATION AMOUNT
4 FOR PROGRAM EXTENSION YEARS.—If the Secretary ex-
5 ercises the authority under section 20(b) to extend the
6 covered period, the aggregate industry obligation amount
7 for purposes of subsection (c)(2)(B) shall, in the case of
8 a triggering determination occurring during the portion of
9 the covered period beginning on the date referred to in
10 section 20(a), be equal to the lesser of—

11 (1) the difference between (A)
12 \$10,000,000,000, and (B) the aggregate amount of
13 any assessments made by the Secretary pursuant to
14 this section during the 12-month period preceding
15 the triggering determination; and

16 (2) the amount of financial assistance made
17 available under section 6 in connection with the trig-
18 gering determination.

19 (h) ADMINISTRATIVE FLEXIBILITY.—

20 (1) ADJUSTMENT OF ASSESSMENTS.—The Sec-
21 retary may provide for or require estimations of
22 amounts under this section and may provide for sub-
23 sequent refunds or require additional payments to
24 correct such estimations, as appropriate.



1 (2) DEFERRAL OF CONTRIBUTIONS.—The Sec-
2 retary may defer the payment of part or all of an
3 assessment required under this section to be paid by
4 a commercial insurer, but only to the extent that the
5 Secretary determines that such deferral is necessary
6 to avoid the likely insolvency of the commercial in-
7 surer.

8 (3) TIMING OF ASSESSMENTS.—The Secretary
9 shall make adjustments regarding the timing and
10 imposition of assessments (including the calculation
11 of net premiums and aggregate written premium) as
12 appropriate for commercial insurers that provide
13 commercial property and casualty insurance on a
14 non-calendar year basis.

15 **SEC. 8. TERRORISM LOSS REPAYMENT SURCHARGE.**

16 (a) DETERMINATION OF IMPOSITION AND COLLEC-
17 TION.—

18 (1) IN GENERAL.—If, pursuant to a triggering
19 determination, the Secretary determines that the ag-
20 gregate amount of financial assistance provided pur-
21 suant to section 6 exceeds \$20,000,000,000, the
22 Secretary shall consider and weigh the factors under
23 paragraph (2) to determine the extent to which a
24 surcharge under this section should be established.



1 (2) FACTORS.—The factors under this para-
2 graph are—

3 (A) the ultimate costs to taxpayers if a
4 surcharge under this section is not established;

5 (B) the economic conditions in the com-
6 mercial marketplace;

7 (C) the affordability of commercial insur-
8 ance for small- and medium-sized business; and

9 (D) such other factors as the Secretary
10 considers appropriate.

11 (3) POLICYHOLDER PREMIUM.—The amount es-
12 tablished by the Secretary as a surcharge under this
13 section shall be established and imposed as a policy-
14 holder premium surcharge on commercial property
15 and casualty insurance written after such determina-
16 tion, for the purpose of repaying financial assistance
17 made available under section 6 in connection with
18 such triggering determination.

19 (4) COLLECTION.—The Secretary shall provide
20 for commercial insurers to collect surcharge amounts
21 established under this section and remit such
22 amounts collected to the Secretary.

23 (b) AMOUNT AND DURATION.—Subject to subsection
24 (c), the surcharge under this section shall be established
25 in such amount, and shall apply to commercial property



1 and casualty insurance written during such period, as the
2 Secretary determines is necessary to recover the aggregate
3 amount of financial assistance provided under section 6
4 in connection with the triggering determination that ex-
5 ceeds \$20,000,000,000.

6 (c) PERCENTAGE LIMITATION.—The surcharge
7 under this section applicable to commercial property and
8 casualty insurance coverage may not exceed, on an annual
9 basis, the amount equal to 3 percent of the premium
10 charged for such coverage.

11 (d) OTHER TERMS.—The surcharge under this sec-
12 tion shall—

13 (1) be based on a percentage of the premium
14 amount charged for commercial property and cas-
15 ualty insurance coverage that a policy provides; and

16 (2) be imposed with respect to all commercial
17 property and casualty insurance coverage written
18 during the period referred to in subsection (b).

19 (e) EXCLUSIONS.—For purposes of this section, com-
20 mercial property and casualty insurance does not include
21 any reinsurance provided to primary insurance companies.

22 **SEC. 9. ADMINISTRATION OF ASSESSMENTS AND SUR-**
23 **CHARGES.**

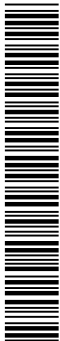
24 (a) MANNER AND METHOD.—



1 (1) IN GENERAL.—Except to the extent speci-
2 fied in such sections, the Secretary shall provide for
3 the manner and method of carrying out assessments
4 under section 7 and surcharges under section 8, in-
5 cluding the timing and procedures of making assess-
6 ments and surcharges, notifying commercial insurers
7 of assessments and surcharge requirements, col-
8 lecting payments from and surcharges through com-
9 mercial insurers, and refunding of any excess
10 amounts paid or crediting such amounts against fu-
11 ture assessments.

12 (2) EFFECT OF ASSESSMENTS AND SUR-
13 CHARGES ON URBAN AND SMALLER COMMERCIAL
14 AND RURAL AREAS AND DIFFERENT LINES OF IN-
15 SURANCE.—In determining the method and manner
16 of imposing assessments under section 7 and sur-
17 charges under section 8, including the amount of
18 such assessments and surcharges, the Secretary
19 shall take into consideration—

20 (A) the economic impact of any such as-
21 sessments and surcharges on commercial cen-
22 ters of urban areas, including the effect on
23 commercial rents and commercial insurance
24 premiums, particularly rents and premiums
25 charged to small businesses, and the availability



1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Authority of Secretary of the Treasury.
- Sec. 4. Submission of premium information to Secretary.
- Sec. 5. Initial and subsequent triggering determinations.
- Sec. 6. Federal cost-sharing for commercial insurers.
- Sec. 7. Assessments.
- Sec. 8. Terrorism loss repayment surcharge.
- Sec. 9. Administration of assessments and surcharges.
- Sec. 10. Application to self-insurance arrangements and offshore insurers and reinsurers.
- Sec. 11. Study of reserves for property and casualty insurance for terrorist or other catastrophic events.
- Sec. 12. State preemption.
- Sec. 13. Consistent State guidelines for coverage for acts of terrorism.
- Sec. 14. Consultation with State insurance regulators and NAIC.
- Sec. 15. Litigation management.
- Sec. 16. Study of potential effects of terrorism on life insurance industry.
- Sec. 17. Railroad and trucking insurance study.
- Sec. 18. Study of reinsurance pool system for future acts of terrorism.
- Sec. 19. Definitions.
- Sec. 20. Covered period and extension of program.
- Sec. 21. Regulations.

3 SEC. 2. CONGRESSIONAL FINDINGS.

4 The Congress finds that—

- 5 (1) the terrorist attacks on the World Trade
6 Center and the Pentagon of September 11, 2001, re-
7 sulted in a large number of deaths and injuries, the
8 destruction and damage to buildings, and interrup-
9 tion of business operations;
- 10 (2) the attacks have inflicted possibly the larg-
11 est losses ever incurred by insurers and reinsurers in
12 a single day;
- 13 (3) while the insurance and reinsurance indus-
14 tries have committed to pay the losses arising from



1 of lease space and commercial insurance within
2 urban areas;

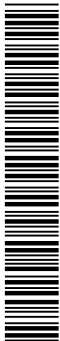
3 (B) the risk factors related to rural areas
4 and smaller commercial centers, including the
5 potential exposure to loss and the likely mag-
6 nitude of such loss, as well as any resulting
7 cross-subsidization that might result; and

8 (C) the various exposures to terrorism risk
9 for different lines of commercial property and
10 casualty insurance.

11 (b) TIMING OF COVERAGES AND ASSESSMENTS.—
12 The Secretary may adjust the timing of coverages and as-
13 sessments provided under this Act to provide for equiva-
14 lent application of the provisions of this Act to commercial
15 insurers and policies that are not based on a calendar
16 year.

17 (c) ADJUSTMENT.—The Secretary may adjust the as-
18 sessments charged under section 7 or the percentage im-
19 posed under the surcharge under section 8 at any time,
20 as the Secretary considers appropriate to protect the na-
21 tional interest, which may include avoiding unreasonable
22 economic disruption or excessive market instability and
23 avoiding undue burdens on small businesses.

24 (d) CIVIL MONETARY PENALTY.—



1 (1) IN GENERAL.—The Secretary may assess a
2 civil monetary penalty in an amount not exceeding
3 the amount under paragraph (2) against any com-
4 mercial insurer that the Secretary determines, on
5 the record after opportunity for a hearing—

6 (A) has failed to pay an assessment under
7 section 7 in accordance with the requirements
8 of, or regulations issued, under this Act;

9 (B) has failed to charge, collect, or remit
10 surcharges under section 8 in accordance with
11 the requirements of, or regulations issued
12 under, this Act;

13 (C) has intentionally provided to the Sec-
14 retary erroneous information regarding pre-
15 mium or loss amounts; or

16 (D) has otherwise failed to comply with the
17 provisions of, or the regulations issued under,
18 this Act.

19 (2) AMOUNT.—The amount under this para-
20 graph is the greater of \$1,000,000 and, in the case
21 of any failure to pay, charge, collect, or remit
22 amounts in accordance with this Act or the regula-
23 tions issued under this Act, such amount in dispute.



1 **SEC. 10. APPLICATION TO SELF-INSURANCE ARRANGE-**
2 **MENTS AND OFFSHORE INSURERS AND REIN-**
3 **SURERS.**

4 (a) SELF-INSURANCE ARRANGEMENTS.—The Sec-
5 retary may, in consultation with the NAIC, apply the pro-
6 visions of this Act, as appropriate, to self-insurance ar-
7 rangements by municipalities and other entities, but only
8 if such application is determined before the occurrence of
9 a triggering event and all of the provisions of this Act are
10 applied uniformly to such entities.

11 (b) OFFSHORE INSURERS AND REINSURERS.—The
12 Secretary shall ensure that the provisions of this Act are
13 applied as appropriate to any offshore or non-admitted en-
14 tities that provide commercial property and casualty insur-
15 ance.

16 **SEC. 11. STUDY OF RESERVES FOR PROPERTY AND CAS-**
17 **UALTY INSURANCE FOR TERRORIST OR**
18 **OTHER CATASTROPHIC EVENTS.**

19 (a) IN GENERAL.—The Secretary of the Treasury
20 shall conduct a study of issues relating to permitting prop-
21 erty and casualty insurance companies to establish deduct-
22 ible reserves against losses for future acts of terrorism,
23 including—

24 (1) whether such tax-favored reserves would
25 promote (A) insurance coverage of risks of ter-
26 rorism, and (B) the accumulation of additional re-



1 sources needed to satisfy potential claims resulting
2 from such risks,

3 (2) the lines of business for which such reserves
4 would be appropriate, including whether such re-
5 serves should be applied to personal or commercial
6 lines of business,

7 (3) how the amount of such reserves would be
8 determined,

9 (4) how such reserves would be administered,

10 (5) a comparison of the Federal tax treatment
11 of such reserves with other insurance reserves per-
12 mitted under Federal tax laws,

13 (6) an analysis of the use of tax-favored re-
14 serves for catastrophic events, including acts of ter-
15 rorism, under the tax laws of foreign countries, and

16 (7) whether it would be appropriate to permit
17 similar reserves for other future catastrophic events,
18 such as natural disasters, taking into account the
19 factors under the preceding paragraphs.

20 (b) REPORT.—Not later than 4 months after the date
21 of the enactment of this Act, the Secretary of the Treasury
22 shall submit a report to Congress on the results of the
23 study under subsection (a), together with recommenda-
24 tions for amending the Internal Revenue Code of 1986
25 or other appropriate action.



1 **SEC. 12. STATE PREEMPTION.**

2 (a) COVERED PERILS.—A commercial insurer shall
3 be considered to have complied with any State law that
4 requires or regulates the provision of insurance coverage
5 for acts of terrorism if the insurer provides coverage in
6 accordance with the definitions regarding acts of terrorism
7 under this Act or under any regulations issued by the Sec-
8 retary.

9 (b) RATE LAWS.—If any provision of any State law
10 prevents an insurer from increasing its premium rates in
11 an amount necessary to recover any assessments pursuant
12 to section 7, such provision is preempted only to the extent
13 necessary to provide for such insurer to recover such
14 losses.

15 (c) FILE AND USE.—

16 (1) IN GENERAL.—With respect only to com-
17 mercial property and casualty insurance covering
18 acts of terrorism, any provision of State law that re-
19 quires, as a condition precedent to the effectiveness
20 of rates or policies for such insurance that is made
21 available by an insurer licensed to transact such
22 business in the State, any action (including prior ap-
23 proval by the State insurance regulator for such
24 State) other than filing of such rates and policies
25 and related information with such State insurance
26 regulator is preempted to the extent such law re-



1 quires such additional actions for such insurance
2 coverage.

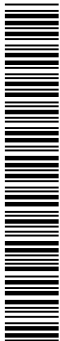
3 (2) SUBSEQUENT REVIEW AUTHORITY.—Para-
4 graph (1) shall not be considered to preempt a pro-
5 vision of State law solely because the law provides
6 that rates and policies for such insurance coverage
7 are, upon such filing, subject to subsequent review
8 and action, which may include actions to disapprove
9 or discontinue use of such rates or policies, by the
10 State insurance regulator.

11 (3) TREATMENT OF PRIOR REVIEW PROVI-
12 SIONS.—Any authority for prior review and action
13 by a State regulator preempted under paragraph (1)
14 shall be deemed to be authority to conduct a subse-
15 quent review and action on such filings.

16 **SEC. 13. CONSISTENT STATE GUIDELINES FOR COVERAGE**
17 **FOR ACTS OF TERRORISM.**

18 (a) SENSE OF CONGRESS REGARDING COVERED
19 PERILS.—It is the sense of the Congress that—

20 (1) the NAIC, in consultation with the Sec-
21 retary, should develop appropriate definitions for
22 acts of terrorism that are consistent with this Act
23 and appropriate standards for making determina-
24 tions regarding occurrences of acts of terrorism;



1 (2) each State should adopt the definitions and
2 standards developed by the NAIC for purposes of
3 regulating insurance coverage made available in that
4 State;

5 (3) in consulting with the NAIC, the Secretary
6 should advocate and promote the development of
7 definitions and standards that are appropriate for
8 purposes of this Act; and

9 (4) after consultation with the NAIC, the Sec-
10 retary should adopt further definitions for acts of
11 terrorism and standards for determinations that are
12 appropriate for this Act.

13 (b) INSURANCE RESERVE GUIDELINES.—

14 (1) SENSE OF CONGRESS REGARDING ADOPTION
15 BY STATES.—It is the sense of the Congress that—

16 (A) the NAIC should develop appropriate
17 guidelines for commercial insurers and pools re-
18 garding maintenance of reserves against the
19 risks of acts of terrorism; and

20 (B) each State should adopt such guide-
21 lines for purposes of regulating commercial in-
22 surers doing business in that State.

23 (2) CONSIDERATION OF ADOPTION OF NA-
24 TIONAL GUIDELINES.—Upon the expiration of the 6-
25 month period beginning on the date of the enact-



1 ment of this Act, the Secretary shall make a deter-
2 mination of whether the guidelines referred to in
3 paragraph (1) have, by such time, been developed
4 and adopted by nearly all States in a uniform man-
5 ner. If the Secretary determines that such guidelines
6 have not been so developed and adopted, the Sec-
7 retary shall consider adopting, and may adopt, such
8 guidelines on a national basis in a manner that
9 supercedes any State law regarding maintenance of
10 reserves against such risks.

11 (c) GUIDELINES REGARDING DISCLOSURE OF PRIC-
12 ING AND TERMS OF COVERAGE.—

13 (1) SENSE OF CONGRESS.—It is the sense of
14 the Congress that the States should require, by laws
15 or regulations governing the provision of commercial
16 property and casualty insurance that includes cov-
17 erage for acts of terrorism, that the price of any
18 such terrorism coverage, including the costs of any
19 terrorism related assessments or surcharges under
20 this Act, be separately disclosed.

21 (2) ADOPTION OF NATIONAL GUIDELINES.—If
22 the Secretary determines that the States have not
23 enacted laws or adopted regulations adequately pro-
24 viding for the disclosures described in paragraph (1)
25 within a reasonable period of time after the date of



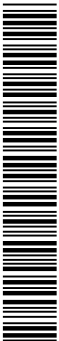
1 the enactment of this Act, the Secretary shall, after
2 consultation with the NAIC, adopt guidelines on a
3 national basis requiring such disclosure in a manner
4 that supercedes any State law regarding such disclo-
5 sure.

6 **SEC. 14. CONSULTATION WITH STATE INSURANCE REGU-**
7 **LATORS AND NAIC.**

8 (a) IN GENERAL.—The Secretary shall consult with
9 the State insurance regulators and the NAIC in carrying
10 out this Act.

11 (b) FINANCIAL ASSISTANCE, ASSESSMENTS, AND
12 SURCHARGES.—The Secretary may take such actions, in-
13 cluding entering into such agreements and providing such
14 technical and organizational assistance to insurers and
15 State insurance regulators, as may be necessary to provide
16 for the distribution of financial assistance under section
17 6 and the collection of assessments under section 7 and
18 surcharges under section 8.

19 (c) INVESTIGATING AND AUDITING CLAIMS.—The
20 Secretary may, in consultation with the State insurance
21 regulators and the NAIC, investigate and audit claims of
22 insured losses by commercial insurers and otherwise re-
23 quire verification of amounts of premiums or losses, as
24 appropriate.



1 **SEC. 15. LITIGATION MANAGEMENT.**

2 (a) FEDERAL CAUSE OF ACTION FOR CLAIMS RE-
3 LATING TO TERRORIST ACTS.—

4 (1) IN GENERAL.—Subject to paragraph (2), if
5 the Secretary makes a determination pursuant to
6 section 5(b) that one or more acts of terrorism oc-
7 curred, there shall exist a Federal cause of action,
8 which, except as provided in subsection (b), shall be
9 the exclusive remedy for claims arising out of, relat-
10 ing to, or resulting from such acts of terrorism.

11 (2) EFFECT OF DETERMINATION.—A deter-
12 mination referred to in paragraph (1)—

13 (A) shall not be subject to judicial review;

14 (B) shall take effect upon its publication in
15 the Federal Register; and

16 (C) shall be subject to such changes as the
17 Secretary may provide in one or more later de-
18 terminations made in accordance with the pro-
19 visions of this paragraph.

20 (3) SUBSTANTIVE LAW.—The substantive law
21 for decision in any such action shall be derived from
22 the law, including choice of law principles, of the
23 State in which such acts of terrorism occurred, un-
24 less such law is inconsistent with or preempted by
25 Federal law.



1 the September 11 attacks, the resulting disruption
2 has created widespread market uncertainties with re-
3 gard to the risk of losses arising from possible fu-
4 ture terrorist attacks;

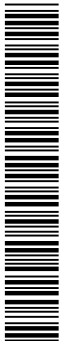
5 (4) such uncertainty threatens the continued
6 availability of United States commercial property
7 and casualty insurance for terrorism risk at mean-
8 ingful coverage levels;

9 (5) the unavailability of affordable commercial
10 property and casualty insurance for terrorist acts
11 threatens the growth and stability of the United
12 States economy, including impeding the ability of fi-
13 nancial services providers to finance commercial
14 property acquisitions and new construction;

15 (6) in the past, the private insurance and rein-
16 surance markets have shown a remarkable resiliency
17 in adapting to changed circumstances;

18 (7) given time, the private markets will diver-
19 sify and develop risk spreading mechanisms to in-
20 crease capacity and guard against possible future
21 losses incurred by terrorist attacks;

22 (8) it is necessary to create a temporary indus-
23 try risk sharing program to ensure the continued
24 availability of commercial property and casualty in-
25 surance and reinsurance for terrorism-related risks;

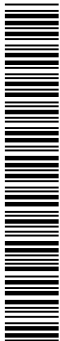


1 (4) JURISDICTION.—For each determination
2 under paragraph (1), the Judicial Panel on Multidis-
3 trict Litigation shall designate one or more district
4 courts of the United States which shall have original
5 and exclusive jurisdiction over all actions for any
6 claim (including any claim for loss of property, per-
7 sonal injury, or death) brought pursuant to this sub-
8 section. The Judicial Panel on Multidistrict Litiga-
9 tion shall select and assign the district court or
10 courts based on the convenience of the parties and
11 the just and efficient conduct of the proceedings.
12 For purposes of personal jurisdiction, the district
13 court or courts designated by the Judicial Panel on
14 Multidistrict Litigation shall be deemed to sit in all
15 judicial districts in the United States.

16 (5) LIMITS ON DAMAGES.—In an action
17 brought under this subsection for damages:

18 (A) No punitive damages intended to pun-
19 ish or deter, exemplary damages, or other dam-
20 ages not intended to compensate a plaintiff for
21 actual losses may be awarded, nor shall any
22 party be liable for interest prior to the judg-
23 ment.

24 (B)(i) Each defendant in such an action
25 shall be liable only for the amount of non-



1 economic damages allocated to the defendant in
2 direct proportion to the percentage of responsi-
3 bility of the defendant for the harm to the
4 plaintiff, and no plaintiff may recover non-
5 economic damages unless the plaintiff suffered
6 physical harm.

7 (ii) For purposes of clause (i), the term
8 “noneconomic damages” means damages for
9 losses for physical and emotional pain, suf-
10 fering, inconvenience, physical impairment,
11 mental anguish, disfigurement, loss of enjoy-
12 ment of life, loss of society and companionship,
13 loss of consortium, hedonic damages, injury to
14 reputation, and any other nonpecuniary losses.

15 (6) COLLATERAL SOURCES.—Any recovery by a
16 plaintiff in an action under this subsection shall be
17 reduced by the amount of collateral source com-
18 pensation, if any, that the plaintiff has received or
19 is entitled to receive as a result of the acts of ter-
20 rorism with respect to which the determination
21 under paragraph (1) was made.

22 (7) ATTORNEY FEES.—Reasonable attorneys
23 fees for work performed shall be subject to the dis-
24 cretion of the court, but in no event shall any attor-
25 ney charge, demand, receive, or collect for services



1 rendered, fees or compensation in an amount in ex-
2 cess of 20 percent of the damages ordered by the
3 court to be paid pursuant to this section, or in ex-
4 cess of 20 percent of any court-approved settlement
5 made of any claim cognizable under this section.
6 Any attorney who charges, demands, receives, or col-
7 lects for services rendered in connection with such
8 claim any amount in excess of that allowed under
9 this section, if recovery be had, shall be fined not
10 more than \$2,000 or imprisoned not more than 1
11 year, or both.

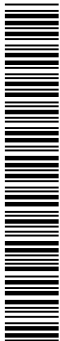
12 (b) EXCLUSION.—Nothing in this section shall apply
13 to or in any way limit the liability of any person who—

14 (1) attempts to commit, knowingly participates
15 in, aids and abets, or commits any act of terrorism
16 with respect to which a determination under sub-
17 section (a)(1) was made, or any criminal act related
18 to or resulting from such act of terrorism; or

19 (2) participates in a conspiracy to commit any
20 such act of terrorism or any such criminal act.

21 (c) RIGHT OF SUBROGATION.—The United States
22 shall have the right of subrogation with respect to any
23 claim paid by the United States under this Act.

24 (d) RELATIONSHIP TO OTHER LAW.—Nothing in this
25 section shall be construed to affect—



1 (1) any party's contractual right to arbitrate a
2 dispute; or

3 (2) any provision of the Air Transportation
4 Safety and System Stabilization Act (Public Law
5 107-42; 49 U.S.C. 40101 note).

6 (e) SATISFACTION OF JUDGMENTS FROM FROZEN
7 ASSETS OF TERRORISTS, TERRORIST ORGANIZATIONS,
8 AND STATE SPONSORS OF TERRORISM.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), in every case in which a person obtains
11 a judgment against a terrorist party on a claim for
12 compensatory damages for an act of terrorism, or a
13 claim for money damages brought pursuant to sec-
14 tion 1605(a)(7) of title 28, United States Code, the
15 frozen assets of that terrorist party, or any agency
16 or instrumentality of that terrorist party, shall be
17 available for satisfaction of the judgment, to the ex-
18 tent of any compensatory damages awarded in the
19 judgment for which the terrorist party is liable.

20 (2) PRESIDENTIAL WAIVER.—

21 (A) Subject to subparagraph (B), upon de-
22 termining on an asset-by-asset basis that a
23 waiver is necessary in the national security in-
24 terest, the President may waive the require-
25 ments of this subsection in connection with



1 (and prior to the enforcement of) any judicial
2 order directing attachment in aid of execution
3 or execution against any property subject to the
4 Vienna Convention on Diplomatic Relations or
5 the Vienna Convention on Consular Relations.

6 (B) A waiver under this paragraph shall
7 not apply to—

8 (i) property subject to the Vienna
9 Convention on Diplomatic Relations or the
10 Vienna Convention on Consular Relations
11 that has been used for any nondiplomatic
12 purpose (including use as rental property),
13 the proceeds of such use; or

14 (ii) any asset subject to the Vienna
15 Convention on Diplomatic Relations or the
16 Vienna Convention on Consular Relations
17 that is sold or otherwise transferred for
18 value to a third party, the proceeds of such
19 sale or transfer.

20 (3) DEFINITIONS.—In this subsection:

21 (A) The term “terrorist party” means a
22 terrorist, a terrorist organization, or a foreign
23 state designated as a state sponsor of terrorism
24 under section 6(j) of the Export Administration
25 Act of 1979 (50 U.S.C. App. 2405(j)) or sec-



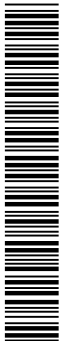
1 tion 620A of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2371).

3 (B) The term “frozen assets” means assets
4 seized or frozen by the United States in accord-
5 ance with law.

6 (C) The term “property subject to the Vi-
7 enna Convention on Diplomatic Relations or the
8 Vienna Convention on Consular Relations” and
9 the term “asset subject to the Vienna Conven-
10 tion on Diplomatic Relations or the Vienna
11 Convention on Consular Relations” mean any
12 property or asset, respectively, the attachment
13 in aid of execution or execution of which would
14 result in a violation of an obligation of the
15 United States under the Vienna Convention on
16 Diplomatic Relations or the Vienna Convention
17 on Consular Relations, as the case may be.

18 **SEC. 16. STUDY OF POTENTIAL EFFECTS OF TERRORISM**
19 **ON LIFE INSURANCE INDUSTRY.**

20 (a) ESTABLISHMENT.—Not later than 30 days after
21 the date of enactment of this Act, the President shall es-
22 tablish a commission (in this section referred to as the
23 “Commission”) to study and report on the potential ef-
24 fects of an act or acts of terrorism on the life insurance



1 industry in the United States and the markets served by
2 such industry.

3 (b) MEMBERSHIP AND OPERATIONS.—

4 (1) APPOINTMENT.—The Commission shall con-
5 sist of 7 members, as follows:

6 (A) The Secretary of the Treasury or the
7 designee of the Secretary.

8 (B) The Chairman of the Board of Gov-
9 ernors of the Federal Reserve System or the
10 designee of the Chairman.

11 (C) The Assistant to the President for
12 Homeland Security.

13 (D) 4 members appointed by the Presi-
14 dent, who shall be—

15 (i) a representative of direct under-
16 writers of life insurance within the United
17 States;

18 (ii) a representative of reinsurers of
19 life insurance within the United States;

20 (iii) an officer of the NAIC; and

21 (iv) a representative of insurance
22 agents for life underwriters.

23 (2) OPERATIONS.—The chairperson of the
24 Commission shall determine the manner in which
25 the Commission shall operate, including funding,



1 staffing, and coordination with other governmental
2 entities.

3 (c) STUDY.—The Commission shall conduct a study
4 of the life insurance industry in the United States, which
5 shall identify and make recommendations regarding—

6 (1) possible actions to encourage, facilitate, and
7 sustain the provision, by the life insurance industry
8 in the United States, of coverage for losses due to
9 death or disability resulting from an act or acts of
10 terrorism, including in the face of threats of such
11 acts; and

12 (2) possible actions or mechanisms to sustain or
13 supplement the ability of the life insurance industry
14 in the United States to cover losses due to death or
15 disability resulting from an act or acts of terrorism
16 in the event that—

17 (A) such acts significantly affect mortality
18 experience of the population of the United
19 States over any period of time;

20 (B) such losses jeopardize the capital and
21 surplus of the life insurance industry in the
22 United States as a whole; or

23 (C) other consequences from such acts
24 occur, as determined by the Commission, that
25 may significantly affect the ability of the life in-



1 surance industry in the United States to inde-
2 pendently cover such losses.

3 (d) RECOMMENDATIONS.—The Commission may
4 make a recommendation pursuant to subsection (c) only
5 upon the concurrence of a majority of the members of the
6 Commission.

7 (e) REPORT.—Not later than 120 days after the date
8 of enactment of this Act, the Commission shall submit to
9 the House of Representatives and the Senate a report de-
10 scribing the results of the study and any recommendations
11 developed under subsection (c).

12 (f) TERMINATION.—The Commission shall terminate
13 60 days after submission of the report pursuant to sub-
14 section (e).

15 **SEC. 17. RAILROAD AND TRUCKING INSURANCE STUDY.**

16 The Secretary of the Treasury shall conduct a study
17 to determine how the Federal Government can address a
18 possible crisis in the availability and affordability of rail-
19 road and trucking insurance by making such insurance for
20 acts of terrorism available on commercially reasonable
21 terms. Not later than 120 days after the date of the enact-
22 ment of this Act the Secretary shall submit to the Con-
23 gress a report regarding the results and conclusions of the
24 study.



1 **SEC. 18. STUDY OF REINSURANCE POOL SYSTEM FOR FU-**
2 **TURE ACTS OF TERRORISM.**

3 (a) STUDY.—The Secretary, the Board of Governors
4 of the Federal Reserve System, and the Comptroller Gen-
5 eral of the United States shall jointly conduct a study on
6 the advisability and effectiveness of establishing a reinsur-
7 ance pool system relating to future acts of terrorism to
8 replace the program provided for under this Act.

9 (b) CONSULTATION.—In conducting the study under
10 subsection (a), the Secretary, the Board of Governors of
11 the Federal Reserve System, and the Comptroller General
12 shall consult with (1) academic experts, (2) the United
13 Nations Secretariat for Trade and Development, (3) rep-
14 resentatives from the property and casualty insurance in-
15 dustry, (4) representatives from the reinsurance industry,
16 (5) the NAIC, and (6) such consumer organizations as
17 the Secretary considers appropriate.

18 (c) REPORT.—Not later than 6 months after the date
19 of the enactment of this Act, the Secretary, the Board of
20 Governors of the Federal Reserve System, and the Comp-
21 troller General shall jointly submit a report to the Con-
22 gress on the results of the study under subsection (a).

23 **SEC. 19. DEFINITIONS.**

24 For purposes of this Act, the following definitions
25 shall apply:

26 (1) ACT OF TERRORISM.—



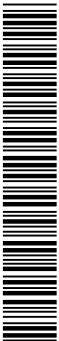
1 (9) such action is necessary to limit immediate
2 market disruptions, encourage economic stabiliza-
3 tion, and facilitate a transition to a viable market
4 for private terrorism risk insurance;

5 (10) in addition, it is necessary to repeal por-
6 tions of the tax law which discourage the insurance
7 market from developing the necessary reserves to
8 handle possible future losses due to acts of ter-
9 rorism; and

10 (11) terrorism insurance plays an important
11 role in the efficient functioning of the economy and
12 the financing of commercial property acquisitions
13 and new construction and, therefore, the Congress
14 intends to continue to monitor, review, and evaluate
15 the private terrorism insurance and reinsurance
16 marketplace to determine whether additional action
17 is necessary to maintain the long-term stability of
18 the real estate and capital markets.

19 **SEC. 3. AUTHORITY OF SECRETARY OF THE TREASURY.**

20 The Secretary of the Treasury shall be responsible
21 for carrying out a program for financial assistance for
22 commercial property and casualty insurers, as provided in
23 this Act.



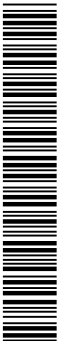
1 (A) IN GENERAL.—The term “act of ter-
2 rorism” means any act that the Secretary de-
3 termines meets the requirements under sub-
4 paragraph (B), as such requirements are fur-
5 ther defined and specified by the Secretary in
6 consultation with the NAIC.

7 (B) REQUIREMENTS.—An act meets the
8 requirements of this subparagraph if the act—

9 (i) is unlawful;

10 (ii) causes harm to a person, property,
11 or entity, in the United States, or in the
12 case of a domestic United States air car-
13 rier or a United States flag vessel (or a
14 vessel based principally in the United
15 States on which United States income tax
16 is paid and whose insurance coverage is
17 subject to regulation in the United States),
18 in or outside the United States;

19 (iii) is committed by a person or
20 group of persons or associations who are
21 recognized, either before or after such act,
22 by the Department of State or the Sec-
23 retary as an international terrorist group
24 or have conspired with such a group or the
25 group’s agents or surrogates;



1 (iv) has as its purpose to overthrow or
2 destabilize the government of any country,
3 or to influence the policy or affect the con-
4 duct of the government of the United
5 States or any segment of the economy of
6 United States, by coercion; and

7 (v) is not considered an act of war,
8 except that this clause shall not apply with
9 respect to any coverage for workers com-
10 pensation.

11 (2) AFFILIATE.—The term “affiliate” means,
12 with respect to an insurer, any company that con-
13 trols, is controlled by, or is under common control
14 with the insurer.

15 (3) AGGREGATE WRITTEN PREMIUM.—The
16 term “aggregate written premium” means, with re-
17 spect to a year, the aggregate premium amount of
18 all commercial property and casualty insurance cov-
19 erage written during such year under all lines of
20 commercial property and casualty insurance.

21 (4) COMMERCIAL INSURER.—The term “com-
22 mercial insurer” means any corporation, association,
23 society, order, firm, company, mutual, partnership,
24 individual, aggregation of individuals, or any other
25 legal entity that provides commercial property and



1 casualty insurance. Such term includes any affiliates
2 of a commercial insurer.

3 (5) COMMERCIAL PROPERTY AND CASUALTY IN-
4 SURANCE.—

5 (A) IN GENERAL.—The term “commercial
6 property and casualty insurance” means insur-
7 ance or reinsurance, or retrocessional reinsur-
8 ance, for persons or properties in the United
9 States against—

10 (i) loss of or damage to property;

11 (ii) loss of income or extra expense in-
12 curred because of loss of or damage to
13 property;

14 (iii) third party liability claims caused
15 by negligence or imposed by statute or con-
16 tract, including workers compensation; or

17 (iv) loss resulting from debt or default
18 of another.

19 (B) EXCLUSIONS.—Such term does not
20 include—

21 (i) insurance for homeowners, tenants,
22 private passenger nonfleet automobiles,
23 mobile homes, or other insurance for per-
24 sonal, family, or household needs;



- 1 (ii) insurance for professional liability,
2 including medical malpractice, errors and
3 omissions, or directors' and officers' liabil-
4 ity; or
5 (iii) health or life insurance.

6 (6) CONTROL.—A company has control over an-
7 other company if—

8 (A) the company directly or indirectly or
9 acting through one or more other persons owns,
10 controls, or has power to vote 25 percent or
11 more of any class of voting securities of the
12 other company;

13 (B) the company controls in any manner
14 the election of a majority of the directors or
15 trustees of the other company; or

16 (C) the Secretary determines, after notice
17 and opportunity for hearing, that the company
18 directly or indirectly exercises a controlling in-
19 fluence over the management or policies of the
20 other company.

21 (7) COVERED PERIOD.—The term “covered pe-
22 riod” has the meaning given such term in section
23 20.

24 (8) INDUSTRY-WIDE LOSSES.—The term “in-
25 dustry-wide losses” means the aggregate insured



1 losses sustained by all insurers from coverage writ-
2 ten under all lines of commercial property and cas-
3 ualty insurance.

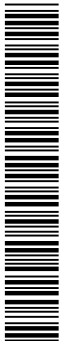
4 (9) INSURED LOSS.—The term “insured loss”
5 means any loss, net of reinsurance and
6 retrocessional reinsurance, covered by commercial
7 property and casualty insurance.

8 (10) NAIC.—The term “NAIC” means the Na-
9 tional Association of Insurance Commissioners.

10 (11) NET PREMIUM.—The term “net premium”
11 means, with respect a commercial insurer and a
12 year, the aggregate premium amount collected by
13 such commercial insurer for all commercial property
14 and casualty insurance coverage written during such
15 year under all lines of commercial property and cas-
16 ualty insurance by such commercial insurer, less any
17 premium paid by such commercial insurer to other
18 commercial insurers to insure or reinsure those
19 risks.

20 (12) SECRETARY.—The term “Secretary”
21 means the Secretary of the Treasury.

22 (13) STATE.—The term “State” means the
23 States of the United States, the District of Colum-
24 bia, the Commonwealth of Puerto Rico, the Com-
25 monwealth of the Northern Mariana Islands, Guam,



1 the Virgin Islands, American Samoa, and any other
2 territory or possession of the United States.

3 (14) STATE INSURANCE REGULATOR.—The
4 term “State insurance regulator” means, with re-
5 spect to a State, the principal insurance regulatory
6 authority of the State.

7 (15) TRIGGERING DETERMINATION.—The term
8 “triggering determination” has the meaning given
9 such term in section 5(a).

10 (16) TRIGGERING EVENT.—The term “trig-
11 gering event” means, with respect to a triggering de-
12 termination, the occurrence of an act of terrorism,
13 or the occurrence of such acts, that caused the in-
14 sured losses resulting in such triggering determina-
15 tion.

16 (17) UNITED STATES.—The term “United
17 States” means, collectively, the States (as such term
18 is defined in this section).

19 **SEC. 20. COVERED PERIOD AND EXTENSION OF PROGRAM.**

20 (a) COVERED PERIOD.—Except to the extent pro-
21 vided otherwise under subsection (b), for purposes of this
22 Act, the term “covered period” means the period begin-
23 ning on the date of the enactment of this Act and ending
24 on January 1, 2003.

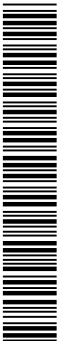


1 (b) EXTENSION OF PROGRAM.—If the Secretary de-
2 termines that extending the covered period is necessary
3 to ensure the adequate availability in the United States
4 of commercial property and casualty insurance coverage
5 for acts of terrorism, the Secretary may, subject to sub-
6 section (c), extend the covered period by not more than
7 two years.

8 (c) REPORT.—The Secretary may exercise the au-
9 thority under subsection (b) to extend the covered period
10 only if the Secretary submits a report to the Congress pro-
11 viding notice of and setting forth the reasons for such ex-
12 tension.

13 **SEC. 21. REGULATIONS.**

14 The Secretary shall issue any regulations necessary
15 to carry out this Act.



1 **SEC. 4. SUBMISSION OF PREMIUM INFORMATION TO SEC-**
2 **RETARY.**

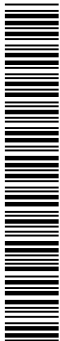
3 To the extent such information is not otherwise avail-
4 able to the Secretary, the Secretary may require each in-
5 surer to submit, to the Secretary or to the NAIC, a state-
6 ment specifying the net premium amount of coverage writ-
7 ten by such insurer under each line of commercial property
8 and casualty insurance sold by such insurer during such
9 periods as the Secretary may provide.

10 **SEC. 5. INITIAL AND SUBSEQUENT TRIGGERING DETER-**
11 **MINATIONS.**

12 (a) IN GENERAL.—For purposes of this Act, a “trig-
13 gering determination” is a determination by the Secretary
14 that an act of terrorism has occurred during the covered
15 period and that the aggregate insured losses resulting
16 from such occurrence or from multiple occurrences of acts
17 of terrorism all occurring during the covered period, meet
18 the requirements under either of the following paragraphs:

19 (1) INDUSTRY-WIDE TRIGGER.—Such industry-
20 wide losses exceed \$1,000,000,000.

21 (2) INDIVIDUAL INSURER TRIGGER.—Such in-
22 dustry-wide losses exceed \$100,000,000 and some
23 portion of such losses for any single commercial in-
24 surer exceed—



1 (A) 10 percent of the capital surplus of
2 such commercial insurer (as such term is de-
3 fined by the Secretary); and

4 (B) 10 percent of the net premium written
5 by such commercial insurer that is in force at
6 the time the insured losses occurred;

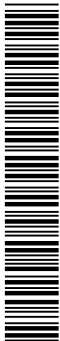
7 except that this paragraph shall not apply to any
8 commercial insurer that was not providing commer-
9 cial property and casualty insurance coverage prior
10 to September 11, 2001, unless such insurer incurs
11 such losses under commercial property and casualty
12 insurance providing coverage for acts of terrorism
13 through a pool of reserves for terrorism risks that
14 is not under the control of any commercial insurer.

15 (b) DETERMINATIONS REGARDING OCCURRENCES.—

16 The Secretary, after consultation with the Attorney Gen-
17 eral of the United States and the Secretary of State, shall
18 have the sole authority which may not be delegated or des-
19 ignated to any other officer, employee, or position, for de-
20 termining whether—

21 (1) an occurrence was caused by an act of ter-
22 rorism; and

23 (2) an act of terrorism occurred during the cov-
24 ered period.



1 **SEC. 6. FEDERAL COST-SHARING FOR COMMERCIAL INSUR-**
2 **ERS.**

3 (a) IN GENERAL.—Pursuant to a triggering deter-
4 mination, the Secretary shall provide financial assistance
5 to commercial insurers in accordance with this section to
6 cover insured losses resulting from acts of terrorism,
7 which shall be repaid in accordance with subsection (e).

8 (b) AMOUNT.—

9 (1) INDUSTRY-WIDE TRIGGER.—Subject to sub-
10 sections (c) and (d), with respect to a triggering de-
11 termination under section 5(a)(1), financial assist-
12 ance shall be made available under this section to
13 each commercial insurer in an amount equal to the
14 difference between—

15 (A) 90 percent of the amount of the in-
16 sured losses of the insurer as a result of the
17 triggering event involved; and

18 (B) \$5,000,000.

19 (2) INDIVIDUAL INSURER TRIGGER.—Subject to
20 subsections (c) and (d), with respect to a triggering
21 determination under section 5(a)(2), financial assist-
22 ance shall be made available under this section, to
23 each commercial insurer incurring insured losses as
24 a result of the triggering event involved that exceed
25 the amounts under subparagraphs (A) and (B) of



1 such section, in an amount equal to the difference
2 between—

3 (A) 90 percent of the amount of the in-
4 sured losses of the insurer as a result of such
5 triggering event; and

6 (B) the amount under subparagraph (B) of
7 section 5(a)(2).

8 (3) ADDITIONAL AMOUNTS.—Subject to sub-
9 section (c), if the Secretary has provided financial
10 assistance to a commercial insurer pursuant to para-
11 graph (2) of this subsection and subsequently makes
12 a triggering determination pursuant to section
13 5(a)(1), the Secretary shall provide financial assist-
14 ance to such insurer in connection with such subse-
15 quent triggering determination (in addition to the
16 amount of financial assistance provided to such in-
17 surer pursuant to paragraph (1) of this subsection)
18 in the amount under section 5(a)(2)(B).

19 (c) AGGREGATE LIMITATION.—

20 (1) IN GENERAL.—The aggregate amount of fi-
21 nancial assistance provided pursuant to this section
22 may not exceed \$100,000,000,000.

23 (2) SENSE OF CONGRESS REGARDING SEVERE
24 LOSSES.—It is the sense of the Congress that acts
25 of terrorism resulting in insured losses greater than

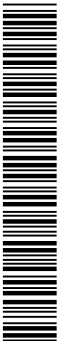


1 \$100,000,000,000 would necessitate further action
2 by the Congress to address such additional losses.

3 (d) LIMITATIONS.—The Secretary may establish such
4 limitations as may be necessary to ensure that payments
5 under this section in connection with a triggering deter-
6 mination are made only to commercial insurers that are
7 not in default of any obligation under section 7 to pay
8 assessments or under section 8 to collect surcharges.

9 (e) REPAYMENT.—Financial assistance made avail-
10 able under this section shall be repaid through assess-
11 ments under section 7 collected by the Secretary and sur-
12 charges remitted to the Secretary under section 8. Any
13 such amounts collected or remitted shall be deposited into
14 the general fund of the Treasury.

15 (f) EMERGENCY DESIGNATION.—Congress des-
16 ignates the amount of new budget authority and outlays
17 in all fiscal years resulting from this section as an emer-
18 gency requirement pursuant to section 252(e) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985
20 (2 U.S.C. 901(e)). Such amount shall be available only
21 to the extent that a request, that includes designation of
22 such amount as an emergency requirement as defined in
23 such Act, is transmitted by the President to Congress.



From: CN=Brian C. Conklin/OU=WHO/O=EOP [WHO]
To: Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>
CC: peter.fisher@do.treas.gov [UNKNOWN]
<peter.fisher@do.treas.gov>;john.duncan@do.treas.gov [UNKNOWN]
<john.duncan@do.treas.gov>;d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus
sumerlin>;randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>;brett m.
kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;matthew kirk/who/eop@eop [WHO] <matthew
kirk>;edward.demarco@do.treas.gov [UNKNOWN]
<edward.demarco@do.treas.gov>;mario.ugoletti@do.treas.gov [UNKNOWN]
<mario.ugoletti@do.treas.gov>;gerry.hughes@do.treas.gov [UNKNOWN]
<gerry.hughes@do.treas.gov>;martha.ellett@do.treas.gov [UNKNOWN]
<martha.ellett@do.treas.gov>;smithc@cdfi.treas.gov [UNKNOWN] <smithc@cdfi.treas.gov>
Sent: 11/27/2001 2:31:20 PM
Subject: : Re: House Press Release and Section by Section
Attachments: P_07RU4004_OPD.TXT_1.htm; P_07RU4004_OPD.TXT_2.doc; P_07RU4004_OPD.TXT_3.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-NOV-2001 19:31:20.00
SUBJECT:: Re: House Press Release and Section by Section
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
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CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
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CC:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])
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FYI, the bill I just sent is not actually the bill that will be introduced tonight. I am told that one "technical" change is being made and that bill will be sent to me as soon as possible.

Sheila.Bair@do.treas.gov
11/27/2001 06:51:41 PM
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To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message

REV_00136701

Subject: House Press Release and Section by Section

FYI. from unofficial sources.

Sheila

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- att1.htm
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Message Sent

To:

Peter.Fisher@do.treas.gov
John.Duncan@do.treas.gov
D. Marcus Sumerlin/OPD/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP

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To:

Edward.Demarco@do.treas.gov
Mario.Ugoletti@do.treas.gov
Gerry.Hughes@do.treas.gov
Martha.Ellett@do.treas.gov
SmithC@cdfi.treas.gov

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File attachment <P_07RU4004_OPD.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_07RU4004_OPD.TXT_3>

REV_00136702

FYI. from unofficial sources.

Sheila

<<PressOnePager.doc>> <<Floor version SectionbySection.doc2.doc>>

Summary

The Terrorism Risk Protection Act is the most pro-taxpayer, pro-consumer proposal to ensure terrorism coverage for consumers, with a significant commercial industry/policyholder stake, and relatively little regulation required (most of which would only kick in if an event occurred). This proposal is relatively low-maintenance for the government and will sunset without a private sector addiction to Federal subsidies.

For commercial insurers, the bill protects individual companies more than any other proposal. For policyholders, since insurers will have an incentive to write terrorism coverage, it greatly increases the affordability and availability of coverage. Taxpayers and the Federal treasury are protected from unlimited financial risk because they are not on the hook for the ultimate costs. Every dollar of Federal assistance will be repaid. If no event occurs, no bureaucracy is created, and the legislation sunsets after a brief period of time.

Key Elements

- Requires all Federal taxpayer costs/assistance to be paid back.
- Models risk-sharing plan on existing State insurance programs.
- Sets trigger at \$100 million for small commercial insurers and \$1 billion as an industry wide aggregate.
- Provides 90% Federal share with 10% individual company retention.
- Assesses first \$20 billion in losses back to commercial insurers over time.
- Recoups subsequent losses through commercial policyholder surcharges.
- Provides the Treasury Secretary limited flexibility in determining assessments and surcharges based on economic conditions and the impact on urban, rural, and small commercial centers.
- Establishes uniform definition of terrorism.
- Authorizes one-year program with optional extension for up to two additional years.
- Includes limited liability reforms to protect taxpayer funds.

Advantages

- No taxpayer bailout — any Federal funds used to boost liquidity are paid back by commercial industry/policyholders (the primary beneficiaries of any proposal) over time.
- Greatly increases capacity of insurers to offer terrorism coverage.
- Companies get first dollar protection. Without this early protection, few companies can afford their individual risk and won't offer significant or affordable coverage.
- Protects small and large policyholders, and small and large insurers, while retaining incentives for risk management and efficient claims processing.

SECTION-BY-SECTION ANALYSIS OF H.R. 3210 – FLOOR VERSION

Section 1. Short Title and Table of Contents

This section sets forth the short title of the bill, the “Terrorism Risk Protection Act,” and provides a table of contents.

Section 2. Congressional Findings

This section provides Congressional findings about the damage from the September 11, 2001 terrorist attack, the resulting market disruption and potential unavailability of future terrorism insurance coverage, and the need for a temporary industry risk sharing program to facilitate transition back to a viable private insurance and reinsurance market.

Section 3. Authority of Secretary of the Treasury

This section provides that the Secretary of the Treasury will be responsible for carrying out the temporary risk sharing program for the commercial property and casualty insurance industry.

Section 4. Submission of Premium Information to Secretary

This section recognizes that insurance premium information is already provided to State insurance commissioners and the NAIC, but allows the Secretary, to the extent that such information is not otherwise available, to require insurers to submit their net U.S. commercial property and casualty insurance premium data to the NAIC or the Secretary.

Section 5. Initial and Subsequent Triggering Determinations

This section directs the Secretary to determine whether insured losses from acts of terrorism over a 12 month period exceed the triggering thresholds. The section provides for an industry-wide trigger and an individual insurer trigger. The Secretary will make a triggering determination for the entire commercial property and casualty insurance industry if industry-wide losses exceed \$1 billion. The Secretary will make a company specific triggering determination if industry-wide losses exceed \$100 million and the portion of those losses for any one commercial insurer exceed both 10 percent of the company's capital surplus and net premiums. The lower \$100 million threshold does not apply to any commercial insurer that was not providing commercial property and casualty coverage prior to September 11, 2001, except for certain terrorism risk pools.

Subsection (b) gives the Secretary, after consultation with the Attorney General and Secretary of State, sole authority to determine whether a loss was caused by an act of terrorism and whether the terrorist attack occurred during the period of time covered by this legislation. The ability of the Secretary to make such determinations under this subsection is not limited to commercial property and casualty insurance, but rather is intended to apply for all lines of insurance.

Section 6. Federal Cost-Sharing for Commercial Insurers

Once the Secretary makes an industry-wide triggering determination in section 5, then financial cost-sharing is provided to each insurer in an amount equal to the difference of 90% of the amount of the insured terrorism losses of the insurer as a result of the triggering event and \$5 million. If the industry-wide triggering determination is not reached, but the Secretary makes a company specific triggering determination, then financial cost-sharing is provided to that insurer in an amount equal to the difference of 90 percent of the amount of the insured terrorism losses of the insurer as a result of such triggering event and 10 percent of the net commercial property and casualty premiums written by such commercial insurer (as a deductible). Federal assistance is capped at \$100 billion. A sense of the Congress provides that terrorist events causing in excess of that amount would necessitate further Congressional action. Any Federal assistance provided will be repaid through the

assessments and surcharges provided for in section 7 and 8, and may be designated by the President as emergency budget authority and outlays. Federal assistance received by an insurer should not be treated as a loan for balance sheet purposes. Furthermore, Federal assistance will be available for all property and casualty terrorism risk insurance policies in force during the coverage period of this legislation as long as the insurer was providing such coverage (or not excluding terrorism risk coverage) on or before September 11, 2001.

Section 7. Assessments

This section is modeled after the State insurance guarantee funds that exist in almost every State to address the possibility of insurer insolvencies, as well as numerous State catastrophic insurance funds. After the Secretary makes a triggering determination in section 5, every commercial insurer is subject to an assessment based on an insurer's net commercial insurance premiums to repay any Federal cost-sharing assistance provided under section 6. The aggregate amount assessed will be equal to the lesser of \$20 billion or the amount of financial assistance paid.

The aggregate assessment amount shall be assessed to commercial insurers through an industry obligation assessment and, if necessary, the remainder through one or more future financing assessments. Industry obligation assessments are imposed immediately following a triggering determination in an amount up to \$5 billion, and if the program is extended pursuant to section 20 for a second or third year, up to \$10 billion in each additional year. Financing assessments (any losses above the \$5 or \$10 billion) shall begin 12 months after the last obligation assessment, and shall not exceed 3 percent of an insurer's net commercial premiums for that year. If the amount assessed through financing assessments in any given year is insufficient to cover Federal assistance, then the Secretary will make a new assessment in each following year until the amount is recouped. The Secretary may delay the assessment of an insurer to avoid an insolvency and may adjust or delay assessments generally as provided in section 9.

Section 8. Terrorism Loss Repayment Surcharge

This section applies only to terrorist losses that exceed \$20 billion, and is modeled after several State catastrophic insurance programs. To recoup Federal assistance provided in section 6 for amounts above the Federal share of the \$20 billion, the Secretary will impose a commercial policyholder surcharge to the extent that economic and market conditions permit. The factors to be weighed in determining the extent of the surcharge are the ultimate costs to taxpayers if a surcharge is not established, the economic conditions in the commercial marketplace, the affordability of commercial insurance for small and medium-sized business, and such other factors the Secretary considers appropriate. The terrorism repayment surcharge will be on all commercial insurance premiums based on a percentage of any coverage amounts but in any given year may not exceed the amount equal to 3 percent of the premium charged for such coverage. For purposes of this section, commercial property and casualty insurance does not include any reinsurance provided to primary insurance companies, so as to avoid a double surcharge.

Section 9. Administration of Assessments and Surcharges

This section provides the Secretary with significant flexibility in establishing the manner and method of carrying out any assessments or surcharges, in particular as necessary to protect the national interest, avoid unreasonable economic disruption and market instability, and avoid undue burdens on small businesses. The Secretary must also take into consideration the economic impact of any of these assessments and surcharges on urban and smaller commercial and rural areas and different lines of insurance. The Secretary may also make special adjustments to provide for commercial insurers and policies that are not based on a calendar year. The Secretary is also given the authority to assess civil monetary

penalties for insurers that submit false data, fail to pay assessed amounts, or fail to collect appropriate surcharges.

Section 10. Application to Self-Insurance Arrangements and Offshore Insurers and Reinsurers

In consultation with the NAIC, the Secretary may apply the provisions of this bill to self-insurance arrangements by municipalities and other entities, but only if that determination is made before the occurrence of a triggering event and all of the provisions of this legislation are applied uniformly to such entities. The Committee expects that many types of self-insuring entities may desire or need risk-sharing coverage for terrorism attacks, while for others participation may be inappropriate. The Secretary is given authority to determine which of these entities should be participating, so long as application of the benefits and costs are applied equally. The Secretary must also ensure that the provisions of this bill are applied as appropriate to any offshore or non-admitted entities that provide commercial property and casualty insurance. Both provisions of this section are intended in part to prevent evasion of assessments.

Section 11. Reserve for Terrorism Coverage Under Commercial Lines of Business

To be determined by Rules Committee.

Section 12. State Preemption

This section preempts certain State laws to ensure uniform compliance with the bill. Subsection (a) preempts State laws that would conflict with the provision of coverage for acts of terror under the definitions of this legislation. Subsection (b) establishes a narrow preemption to allow insurers to adjust premiums only as necessary to recover the amounts of any assessments under section 7. Subsection (c) preempts State pre-filing approval requirements for commercial property and casualty insurance policies covering acts of terrorism due to the insufficient time between enactment of this legislation and January 1, 2002, but expressly preserves the ability of the States to undertake any subsequent review or action on those policies.

Section 13. Consistent State Guidelines for Coverage for Acts of Terrorism

This section establishes the sense of Congress that the NAIC and the Secretary should consult with each other and develop appropriate definitions for acts of terrorism and standards for determining the number of terrorist events or occurrences. Each State and the Secretary should then adopt such definitions and standards. A further sense of the Congress is provided that the NAIC should develop appropriate guidelines governing insurers' terrorism reserves, including any pooling of those reserves. The Secretary is directed to promulgate those guidelines on a nationwide basis if the States have not adopted guidelines in a uniform manner. A sense of the Congress is also provided that the States should establish regulations requiring separate disclosure to consumers of the costs of any terrorism related coverage. If the States have not adequately adopted such disclosures within a reasonable period of time, the Secretary is directed to consult with the NAIC and adopt national guidelines requiring such disclosure.

Section 14. Consultation with State Insurance Regulators and the NAIC

The Secretary is directed to consult with the State insurance regulators and the NAIC in carrying out this bill, and may enter into agreements with the States and the NAIC to provide for the distribution of financial assistance, or the collection of any assessments or surcharges. The Secretary, may, in consultation with the State insurance regulators and the NAIC, investigate and audit claims of insured losses by commercial insurers.

Section 15. Sovereign Immunity Protections

To be determined by Rules Committee.

Section 16. Study of Potential Effects of Terrorism on Life Insurance Industry

This section directs the President to establish a commission to study and report within 120 days after the enactment of the bill on the potential effects of acts of terrorism on the life insurance industry in the U.S. and markets served by such industry. The membership of this commission shall include: the Secretary of the Treasury; the Chairman of the Federal Reserve System; the Assistant to the President for Homeland Security; and four members appointed by the President from the insurance community.

Section 17. Railroad and Trucking Insurance Study

This section directs the Secretary of the Treasury to conduct a study to determine the availability of commercially reasonable railroad and trucking insurance for acts of terrorism. The Secretary must submit a report to Congress within 120 days after enactment of this legislation.

Section 18. Study of Reinsurance Pool System for Future Acts of Terrorism

This section directs the Secretary of the Treasury, the Federal Reserve Board of Governors, and the Comptroller General to jointly conduct a study on the advisability and effectiveness of establishing a terrorism reinsurance pool system in lieu of the program created by this bill. The study must utilize a variety of informational sources and be jointly submitted to Congress not later than 6 months after enactment.

Section 19. Definitions

This section establishes various definitions. The term “Act of terrorism” is defined as an act that is unlawful, causes harm to persons or property in the United States or to any U.S. air carrier or U.S. flag vessel outside the United States committed by persons who are recognized (prior or subsequently) by the Department of State or the Secretary as a terrorist group, or who conspire with the surrogates of a recognized terrorist group, and has the purpose of destabilizing any country or to influence the United States by coercion. As defined, an act of terrorism is not an act of war. The Secretary is directed to consult with the NAIC to further refine this definition. This section further provides that the bill only applies to commercial property and casualty insurance.

Section 20. Extension of Program

This section grants the Secretary authority to extend the coverage period of the bill through the 2004 calendar year, if the extension is necessary to ensure the adequate availability in the United States of commercial property and casualty insurance coverage for acts of terror. Extensions are to be made on a year-by-year basis and the Secretary is required to report to Congress on the reasons for any extensions beyond the 2002 calendar year.

Section 21. Regulations

This section grants the Secretary authority to issue regulations as necessary to implement this legislation.

From: CN=Brian C. Conklin/OU=WHO/O=EOP [WHO]
To: Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>
CC: peter.fisher@do.treas.gov [UNKNOWN]
<peter.fisher@do.treas.gov>;john.duncan@do.treas.gov [UNKNOWN]
<john.duncan@do.treas.gov>;d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus
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<martha.ellett@do.treas.gov>;smithc@cdfi.treas.gov [UNKNOWN] <smithc@cdfi.treas.gov>
Sent: 11/27/2001 2:31:20 PM
Subject: : Re: House Press Release and Section by Section
Attachments: P_07RU4004_CEA.TXT_1.htm; P_07RU4004_CEA.TXT_2.doc; P_07RU4004_CEA.TXT_3.doc

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CREATOR:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-NOV-2001 19:31:20.00
SUBJECT:: Re: House Press Release and Section by Section
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READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
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FYI, the bill I just sent is not actually the bill that will be introduced tonight. I am told that one "technical" change is being made and that bill will be sent to me as soon as possible.

Sheila.Bair@do.treas.gov
11/27/2001 06:51:41 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message

REV_00136709

Subject: House Press Release and Section by Section

FYI. from unofficial sources.

Sheila

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- att1.htm
- PressOnePager.doc
- Floor version SectionbySection.doc2.doc

Message Sent

To:

Peter.Fisher@do.treas.gov
John.Duncan@do.treas.gov
D. Marcus Sumerlin/OPD/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP

Message Copied

To:

Edward.Demarco@do.treas.gov
Mario.Ugoletti@do.treas.gov
Gerry.Hughes@do.treas.gov
Martha.Ellett@do.treas.gov
SmithC@cdfi.treas.gov

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_07RU4004_CEA.TXT_3>

REV_00136710

FYI. from unofficial sources.

Sheila

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Summary

The Terrorism Risk Protection Act is the most pro-taxpayer, pro-consumer proposal to ensure terrorism coverage for consumers, with a significant commercial industry/policyholder stake, and relatively little regulation required (most of which would only kick in if an event occurred). This proposal is relatively low-maintenance for the government and will sunset without a private sector addiction to Federal subsidies.

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Key Elements

- Requires all Federal taxpayer costs/assistance to be paid back.
- Models risk-sharing plan on existing State insurance programs.
- Sets trigger at \$100 million for small commercial insurers and \$1 billion as an industry wide aggregate.
- Provides 90% Federal share with 10% individual company retention.
- Assesses first \$20 billion in losses back to commercial insurers over time.
- Recoups subsequent losses through commercial policyholder surcharges.
- Provides the Treasury Secretary limited flexibility in determining assessments and surcharges based on economic conditions and the impact on urban, rural, and small commercial centers.
- Establishes uniform definition of terrorism.
- Authorizes one-year program with optional extension for up to two additional years.
- Includes limited liability reforms to protect taxpayer funds.

Advantages

- No taxpayer bailout — any Federal funds used to boost liquidity are paid back by commercial industry/policyholders (the primary beneficiaries of any proposal) over time.
- Greatly increases capacity of insurers to offer terrorism coverage.
- Companies get first dollar protection. Without this early protection, few companies can afford their individual risk and won't offer significant or affordable coverage.
- Protects small and large policyholders, and small and large insurers, while retaining incentives for risk management and efficient claims processing.

SECTION-BY-SECTION ANALYSIS OF H.R. 3210 – FLOOR VERSION

Section 1. Short Title and Table of Contents

This section sets forth the short title of the bill, the “Terrorism Risk Protection Act,” and provides a table of contents.

Section 2. Congressional Findings

This section provides Congressional findings about the damage from the September 11, 2001 terrorist attack, the resulting market disruption and potential unavailability of future terrorism insurance coverage, and the need for a temporary industry risk sharing program to facilitate transition back to a viable private insurance and reinsurance market.

Section 3. Authority of Secretary of the Treasury

This section provides that the Secretary of the Treasury will be responsible for carrying out the temporary risk sharing program for the commercial property and casualty insurance industry.

Section 4. Submission of Premium Information to Secretary

This section recognizes that insurance premium information is already provided to State insurance commissioners and the NAIC, but allows the Secretary, to the extent that such information is not otherwise available, to require insurers to submit their net U.S. commercial property and casualty insurance premium data to the NAIC or the Secretary.

Section 5. Initial and Subsequent Triggering Determinations

This section directs the Secretary to determine whether insured losses from acts of terrorism over a 12 month period exceed the triggering thresholds. The section provides for an industry-wide trigger and an individual insurer trigger. The Secretary will make a triggering determination for the entire commercial property and casualty insurance industry if industry-wide losses exceed \$1 billion. The Secretary will make a company specific triggering determination if industry-wide losses exceed \$100 million and the portion of those losses for any one commercial insurer exceed both 10 percent of the company’s capital surplus and net premiums. The lower \$100 million threshold does not apply to any commercial insurer that was not providing commercial property and casualty coverage prior to September 11, 2001, except for certain terrorism risk pools.

Subsection (b) gives the Secretary, after consultation with the Attorney General and Secretary of State, sole authority to determine whether a loss was caused by an act of terrorism and whether the terrorist attack occurred during the period of time covered by this legislation. The ability of the Secretary to make such determinations under this subsection is not limited to commercial property and casualty insurance, but rather is intended to apply for all lines of insurance.

Section 6. Federal Cost-Sharing for Commercial Insurers

Once the Secretary makes an industry-wide triggering determination in section 5, then financial cost-sharing is provided to each insurer in an amount equal to the difference of 90% of the amount of the insured terrorism losses of the insurer as a result of the triggering event and \$5 million. If the industry-wide triggering determination is not reached, but the Secretary makes a company specific triggering determination, then financial cost-sharing is provided to that insurer in an amount equal to the difference of 90 percent of the amount of the insured terrorism losses of the insurer as a result of such triggering event and 10 percent of the net commercial property and casualty premiums written by such commercial insurer (as a deductible). Federal assistance is capped at \$100 billion. A sense of the Congress provides that terrorist events causing in excess of that amount would necessitate further Congressional action. Any Federal assistance provided will be repaid through the

assessments and surcharges provided for in section 7 and 8, and may be designated by the President as emergency budget authority and outlays. Federal assistance received by an insurer should not be treated as a loan for balance sheet purposes. Furthermore, Federal assistance will be available for all property and casualty terrorism risk insurance policies in force during the coverage period of this legislation as long as the insurer was providing such coverage(or not excluding terrorism risk coverage) on or before September 11, 2001.

Section 7. Assessments

This section is modeled after the State insurance guarantee funds that exist in almost every State to address the possibility of insurer insolvencies, as well as numerous State catastrophic insurance funds. After the Secretary makes a triggering determination in section 5, every commercial insurer is subject to an assessment based on an insurer's net commercial insurance premiums to repay any Federal cost-sharing assistance provided under section 6. The aggregate amount assessed will be equal to the lesser of \$20 billion or the amount of financial assistance paid.

The aggregate assessment amount shall be assessed to commercial insurers through an industry obligation assessment and, if necessary, the remainder through one or more future financing assessments. Industry obligation assessments are imposed immediately following a triggering determination in an amount up to \$5 billion, and if the program is extended pursuant to section 20 for a second or third year, up to \$10 billion in each additional year. Financing assessments (any losses above the \$5 or \$10 billion) shall begin 12 months after the last obligation assessment, and shall not exceed 3 percent of an insurer's net commercial premiums for that year. If the amount assessed through financing assessments in any given year is insufficient to cover Federal assistance, then the Secretary will make a new assessment in each following year until the amount is recouped. The Secretary may delay the assessment of an insurer to avoid an insolvency and may adjust or delay assessments generally as provided in section 9.

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This section applies only to terrorist losses that exceed \$20 billion, and is modeled after several State catastrophic insurance programs. To recoup Federal assistance provided in section 6 for amounts above the Federal share of the \$20 billion, the Secretary will impose a commercial policyholder surcharge to the extent that economic and market conditions permit. The factors to be weighed in determining the extent of the surcharge are the ultimate costs to taxpayers if a surcharge is not established, the economic conditions in the commercial marketplace, the affordability of commercial insurance for small and medium-sized business, and such other factors the Secretary considers appropriate. The terrorism repayment surcharge will be on all commercial insurance premiums based on a percentage of any coverage amounts but in any given year may not exceed the amount equal to 3 percent of the premium charged for such coverage. For purposes of this section, commercial property and casualty insurance does not include any reinsurance provided to primary insurance companies, so as to avoid a double surcharge.

Section 9. Administration of Assessments and Surcharges

This section provides the Secretary with significant flexibility in establishing the manner and method of carrying out any assessments or surcharges, in particular as necessary to protect the national interest, avoid unreasonable economic disruption and market instability, and avoid undue burdens on small businesses. The Secretary must also take into consideration the economic impact of any of these assessments and surcharges on urban and smaller commercial and rural areas and different lines of insurance. The Secretary may also make special adjustments to provide for commercial insurers and policies that are not based on a calendar year. The Secretary is also given the authority to assess civil monetary

penalties for insurers that submit false data, fail to pay assessed amounts, or fail to collect appropriate surcharges.

Section 10. Application to Self-Insurance Arrangements and Offshore Insurers and Reinsurers

In consultation with the NAIC, the Secretary may apply the provisions of this bill to self-insurance arrangements by municipalities and other entities, but only if that determination is made before the occurrence of a triggering event and all of the provisions of this legislation are applied uniformly to such entities. The Committee expects that many types of self-insuring entities may desire or need risk-sharing coverage for terrorism attacks, while for others participation may be inappropriate. The Secretary is given authority to determine which of these entities should be participating, so long as application of the benefits and costs are applied equally. The Secretary must also ensure that the provisions of this bill are applied as appropriate to any offshore or non-admitted entities that provide commercial property and casualty insurance. Both provisions of this section are intended in part to prevent evasion of assessments.

Section 11. Reserve for Terrorism Coverage Under Commercial Lines of Business

To be determined by Rules Committee.

Section 12. State Preemption

This section preempts certain State laws to ensure uniform compliance with the bill. Subsection (a) preempts State laws that would conflict with the provision of coverage for acts of terror under the definitions of this legislation. Subsection (b) establishes a narrow preemption to allow insurers to adjust premiums only as necessary to recover the amounts of any assessments under section 7. Subsection (c) preempts State pre-filing approval requirements for commercial property and casualty insurance policies covering acts of terrorism due to the insufficient time between enactment of this legislation and January 1, 2002, but expressly preserves the ability of the States to undertake any subsequent review or action on those policies.

Section 13. Consistent State Guidelines for Coverage for Acts of Terrorism

This section establishes the sense of Congress that the NAIC and the Secretary should consult with each other and develop appropriate definitions for acts of terrorism and standards for determining the number of terrorist events or occurrences. Each State and the Secretary should then adopt such definitions and standards. A further sense of the Congress is provided that the NAIC should develop appropriate guidelines governing insurers' terrorism reserves, including any pooling of those reserves. The Secretary is directed to promulgate those guidelines on a nationwide basis if the States have not adopted guidelines in a uniform manner. A sense of the Congress is also provided that the States should establish regulations requiring separate disclosure to consumers of the costs of any terrorism related coverage. If the States have not adequately adopted such disclosures within a reasonable period of time, the Secretary is directed to consult with the NAIC and adopt national guidelines requiring such disclosure.

Section 14. Consultation with State Insurance Regulators and the NAIC

The Secretary is directed to consult with the State insurance regulators and the NAIC in carrying out this bill, and may enter into agreements with the States and the NAIC to provide for the distribution of financial assistance, or the collection of any assessments or surcharges. The Secretary, may, in consultation with the State insurance regulators and the NAIC, investigate and audit claims of insured losses by commercial insurers.

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To be determined by Rules Committee.

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This section directs the President to establish a commission to study and report within 120 days after the enactment of the bill on the potential effects of acts of terrorism on the life insurance industry in the U.S. and markets served by such industry. The membership of this commission shall include: the Secretary of the Treasury; the Chairman of the Federal Reserve System; the Assistant to the President for Homeland Security; and four members appointed by the President from the insurance community.

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This section directs the Secretary of the Treasury to conduct a study to determine the availability of commercially reasonable railroad and trucking insurance for acts of terrorism. The Secretary must submit a report to Congress within 120 days after enactment of this legislation.

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This section directs the Secretary of the Treasury, the Federal Reserve Board of Governors, and the Comptroller General to jointly conduct a study on the advisability and effectiveness of establishing a terrorism reinsurance pool system in lieu of the program created by this bill. The study must utilize a variety of informational sources and be jointly submitted to Congress not later than 6 months after enactment.

Section 19. Definitions

This section establishes various definitions. The term "Act of terrorism" is defined as an act that is unlawful, causes harm to persons or property in the United States or to any U.S. air carrier or U.S. flag vessel outside the United States committed by persons who are recognized (prior or subsequently) by the Department of State or the Secretary as a terrorist group, or who conspire with the surrogates of a recognized terrorist group, and has the purpose of destabilizing any country or to influence the United States by coercion. As defined, an act of terrorism is not an act of war. The Secretary is directed to consult with the NAIC to further refine this definition. This section further provides that the bill only applies to commercial property and casualty insurance.

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This section grants the Secretary authority to extend the coverage period of the bill through the 2004 calendar year, if the extension is necessary to ensure the adequate availability in the United States of commercial property and casualty insurance coverage for acts of terror. Extensions are to be made on a year-by-year basis and the Secretary is required to report to Congress on the reasons for any extensions beyond the 2002 calendar year.

Section 21. Regulations

This section grants the Secretary authority to issue regulations as necessary to implement this legislation.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/27/2001 11:06:41 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-NOV-2001 16:06:41.00
SUBJECT:: Re:
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

another typo in first paragraph: put "that" between "bill" and "would"

Kristen Silverberg
11/27/2001 01:45:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Terror Insurance

ú Prior to Thanksgiving, Chairman Sarbanes and Senators Gramm, Dodd and Enzi reached agreement on a bill would have provided federal risk sharing for losses over \$10 billion. They agreed to two provisions limiting liability in terrorism cases, both of which would have sunsetted with the rest if the bill after two or three years: consolidation of claims in a single federal court and a ban on punitive damages. We expressed strong support for the agreement.

ú At the behest of trial lawyers, Daschle prohibited Sarbanes from introducing the bill. Daschle is now drafting a Democratic proposal.

ú We are continuing to work with Senator Gramm, who may introduce the original agreement. We had hoped that Senator Dodd would be on the Gramm bill, but this now seems unlikely.

ú The House will take up an Oxley-Baker bill on Thursday

ú We are much less supportive of the overall structure of the House bill, which has a complicated payback mechanism, but the bill has strong liability provisions.

ú Larry and Glenn have emphasized that the Administration will insist on some liability limitations because:

ú In many cases, the cause of the rising insurance prices is the risk of open-ended liability. For example, railroads and trucking companies are expecting increases as a result of the fact that hazardous cargo could be used in an attack. These businesses are not paying higher prices as a result of first-party coverage issues; they are paying for the risk of a runaway verdict in state court.

ú For as long as the federal backstop is in place, taxpayer dollars are at risk.

Designing meaningful procedures before any future attacks is necessary to ensure that Congress isn't forced to act quickly after the fact.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/27/2001 11:12:19 AM
Subject: : Link to Chamber Litigation Fairness Campaign Website with Terrorism Insurance Ad
Attachments: P_F2GU4004_CEA.TXT_1.htm

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-NOV-2001 16:12:19.00

SUBJECT:: Link to Chamber Litigation Fairness Campaign Website with Terrorism Insurance Ad

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

> Attached is a copy of the Litigation Fairness Campaign website front page.

> The link to the terrorism insurance ad copy and video is embedded here.

Any

> questions, let me know.

>

> <<CILR - Litigation Fairness Campaign.htm>>

- CILR - Litigation Fairness Campaign.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

REV_00136722

File attachment <P_F2GU4004_CEA.TXT_1>

**Reforming the
class action sys-
tem to make it
simpler, fairer
and faster**

**Common-sense
reforms to
ensure fairness
in product
liability suits**

**Assuring damage
awards are fair
and equitable**

**Elimination of
frivolous
lawsuits**

**Enforcement of
legal ethics
rules**

Without Protection, We'll Lose More Terrorism Than We Already Have

The United States Chamber Institute for Public Policy is launching a television and print media campaign for legislation, the Terrorism Insurance Reform Act, to restore terrorism insurance coverage and I put the blame on American employers.

See the print ad (PDF)

See the television ad: **Broadband
56K Quicktime Version**

Important Information for Victims

The criminal acts of an international terrorist have left a staggering number of innocent businesses devastated. As a result, a number of steps have been taken to ensure their access to compensation is as simple as possible.

This section includes information about **with a personal injury attorney** on the **Victims Compensation Fund** Congress and the President for victims of 11th terrorist attacks. This section contains the **"New American Rule" proposal** reform.

White House Official Larry Lin
**"The major threat to the resumption
of economic activity, to construction
health."**

Business Week, October 29, 2001

**To read an excerpt from the interview
here.**

**Attacks could yield litigation reform
lawyers are trying to circumvent
which prohibits suits**


Orlando Sentinel, October 1, 2001

**Along with flag-waving and gerbil
American tradition is poised to
rubble of the Sept. 11 terrorist
To view the rest of this story, p**

**Lawyers May Bypass Victim Fund
REV_00136724**

Filing Suits Over Attacks
Washington Post, September 26, 2001

Some lawyers representing the
killed in the Sept. 11 terrorist at-
tacks filed a law passed last Friday to com-
pulsorily file their own lawsuits against
other defendants, perhaps in a
[view the rest of this story, please](#)

 **CARTOON: Unleashing our mo-**
Afghanistan < /p>

 **Actions Without Class**
Washington Post, August 27, 2001

You don't need to sympathize with
software giant to be taken aback by the
class actions it faces and by the
which complaints have been filed
smelled blood in the water, and
complaints quickly, producing -
inept cut-and-paste job from a
drug company. The error is emblematic
of the American civil justice system
than the world of class actions.
desperate need of policymakers
[the rest of this story, please click](#)

[See more articles in our News /](#)

Litigation Fairness Campaign
1101 Seventeenth Street, N.W., Suite 1000
Washington, D.C. 20036
1-800-397-3371
Fax: 1-800-999-1812
speakup@litigationfairness.org < /

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Site Design and Maintenance by
[Goddard Claussen Porter Novelli](#)

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/27/2001 11:12:26 AM
Subject: : ABA Rating

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-NOV-2001 16:12:26.00

SUBJECT:: ABA Rating

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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Jay Zainey - US Dist. Court, Eastern District of Louisiana
substantial majority = qualified
minority = NOT qualified

REV_00136729

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>
Sent: 11/27/2001 12:06:59 PM
Subject: : FW: Email to House Dems from the Trial Lawyers
Attachments: P_TDLU4004_CEA.TXT_1.htm

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-NOV-2001 17:06:59.00
SUBJECT:: FW: Email to House Dems from the Trial Lawyers
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----

From: Randy White [mailto:randy.white@atlahq.org]
<mailto:randy.white@atlahq.org>]
Sent: Tuesday, November 27, 2001 4:19 PM
To: Smith, Annemarie; Strauss, Ari; Stanberry, Artemesia; Tice, Becca;
Firschein, Ben; Strider, Burns; Pore, David; Thompson, Doug; Lorenzen,
Ed; Greathouse, Erik; Warren, Grace; Dixon, Henry; Couto, Ilka;
Merchant, Jeff; Pharaoh, Jennifer; Bottegal, Jenny; Pechar, Jenny;
justin.bailey@mail.house.gov; Campbell, Karen; Farmer, Kellee;
Nicholson, Kristin; Young, Marc; Daley, Mark; Shasteen, Marsha; Pierce,
Matt; Mullen, Mike; Frazier, Monique; Carlton, Monty; Michalek, Ned;
Rogers, Paul; Griner, Rob; Larew, Rob; Addy, Rosemary; Burnham, Roxanne;
Scott, Shaw; Alexander, Stacey; Ballow, Stacy; Lexer, Susan; Huguley,
Thad; LaFaille, Tom; LeBrun, Vera; Walling, Vickie; French, Alec; Koman,
Amanda; Vassar, Bobby; Lachmann, David; Stacy, David; Wilk, Gene; Shor,

REV_00136731

Glen; Doty, John; Flannery, John; Massimino, Julia;
julian.epstein@mail.house.gov; Minatelli, Karen; Pratt, Kris; Robertson,
Lamar; Perselay, Lee; Buck, Leon; Agrast, Mark;
mark.carrie@mail.house.gov; Levine, Mark; Apelbaum, Perry;
samara.ryder@mail.house.gov; Bauserman, Trent; Meador, Abbie; Nyhan,
Adam; Martinage, Ashley; alexander.beckles@mail.house.gov;
alicia.hughes@mail.house.gov; allegra.jones@mail.house.gov;
amit.bose@mail.house.gov; Boyle, Amy; Kletnick, Amy; Jablon, Ann;
arshi.siddiqui@mail.house.gov; Suruma, Askia; Chevat, Benjamin; Tritter,
Beth; Fields, Beverly; Murat, Bill; Dobek, Bob; Sakaniwa, Bob; Turney,
Bob; Edgell, Bradley; Muniz, Brenda; Pillors, Brenda;
bridget.flynn@mail.house.gov; Gibson, Cary;
casey.sixkiller@mail.house.gov; Butts, Cassandra; Hurwit, Cathy; Lord,
Chad; Brimmer, Charles; McCannell, Chris; Walker, Chris; Fjeld,
Christian; Christopher Hartmann; Kukla, Christopher; Buhl, Cindy;
Conroy, Coleman; Sheldon, Colin; Humphrey, Connie; Alexander, Cory;
Clifton, Curt; Weiss, Daniel; darius.henderson@mail.house.gov; Lucas,
David; Simon, David; Stricklin, David; Curtis, Debbie; Merrill, Debbie;
denise.giuliano@mail.house.gov; King, Dennis; Mosco, Desmarie; Woodruff,
Dick; DeArmon, Don; MacDonald, Don; Pignatelli, Donna; Thornell, Doug;
Jones, Dylan; Fry, Ed; Dehoney, Eleanor; Kirkland, Elizabeth; Milne,
Emile; Olson, Eric; Witte, Eric; Young, Eve;
forest.hayes@mail.house.gov; francis.grab@mail.house.gov; Turner, Fred;
Hirst, Fritz; Boesky, Gayle; Seymore, George; Davis, Greg; Boyd, Harold;
Lepeska, Heather; Zichal, Heather; Diamond, Howard; Ellis, Jacqueline;
Greaves, Jane; Packer, Jason; Steinbaum, Jason; Duncan, Jeff;
Mendelsohn, Jeff; Weaver, Jeff; Fuentes, Jennice; Stewart, Jennifer;
Robinson, Jessica; Bradley, Jim; Zoia, Jim; Mooney, Joan; McKelvey, Joe;
Edgell, John; George, John; Haseley, John; johnny.barnes@mail.house.gov;
Skarin, Jon; Tippens, Julie; Nelson, Karen; Krause, Kate; Sinner,
Katherine; Weatherly, Kathy; Casey, Kevin; Colton, Kimber; Parker,
Kimberly; Walseth, Kristi; kristin.holman@mail.house.gov; Battles, Lara;
Thompson, Lateshia; Avant, Lanier; Thompson, Lindsay; Collins, Lionel;
Powell-Bullock, Liz; lynden.peter@mail.house.gov; Schuermann, Mark;
Trumbore, Mark; Vieth, Mark; Kerr, Mary; Niez, Mary; Angle, Matt;
Walker, Matt; melane.stanley@mail.house.gov; Hyman, Melissa; Scott,
Merwyn; michael.collesano@mail.house.gov; Erlandson, Michael; Riggs,
Michael; Bogdanovich, Michele; Casey, Mike; McKay, Mike; Mercado, Moses;
Kolovos, Nick; Schiliro, Phil; Hallmon, Phyllis; Miller, Rachel;
Harrison, Randolph; Boykin, Richard; Jauert, Rick; Pulliam, Rodney;
Carleton, Ron; Dye, Roy; Sussman, Sandy; Dufendach, Sarah; Japson, Saul;
Good, Shannon; Robinson, Sharon; Preische, Sherrie; Cooks, Shirley;
Hayford, Sophie; stephen.crane@mail.house.gov; Elmendorf, Steve; Fought,
Steve; steve.giuli@mail.house.gov; steve.larose@mail.house.gov;
steve.wall@mail.house.gov; Stoll, SuzanneM; Brown, Sylvia; Liu, Ted;
Morgan, Teri; tola.thompson@mail.house.gov; Nagle, Tom; Zaffirini, Tony;
veda.lamar@mail.house.gov; Clerinx, Wendy; Darwell, Wendy; Stone, Will;
Miles, William; Pollas, Yardly; Watkins, Yelberton;
yvette.carnell@mail.house.gov; Hartz, Jerry; Hanna, Craig; Jones, Ike;
Cole, Jason; Paese, Michael; Harper, Todd; Jeffers, Erika;
jim.ingraham@atlahq.org; Vanderlugt, Roel;
michael.strautmanis@atlahq.org; jyarowsky@pattonboggs.com
Subject: NOT ANOTHER TURKEY!

U R G E N T !

On Wednesday, the House Rules Committee will be considering the Terrorism Risk Protection (i.e., insurance) Bill reported by the Financial Services Committee. As reported, the bill is H.R. 3210, however, we have learned that a comprehensive Manager's Amendment will be offered which is very likely to include across-the-board tort reform which would limit the rights of victims and their families in the event of a future terrorist attack.

REV_00136732

This will NOT be a simple matter of the government protecting insurance companies from having to insure against punitive damages in future terrorism

cases, or making sure that taxpayer money isn't used to reimburse insurers for an insured's willful, wanton, or reckless misconduct. Instead, this is clearly a cynical attempt by some to irresponsibly use the terrorism insurance bill as a vehicle to advance their long-standing tort reform agenda.

Among the items we understand may be included in the Manager's Amendment are:

- * Complete elimination of punitive damages in terrorism cases, protection not just for the insurer or the government but for the wrongdoer as well; also limits on non-economic damage awards--either a cap on non-economic damages, or the elimination of joint liability for non-economic damages, or both. Punitive damages are very rarely awarded. They are reserved for those cases where a defendant's misconduct is not merely negligent or careless, but willfully reckless. For example, if a security firm protecting a gas pipeline knowingly hired an illegal alien it knew had a criminal record, that conduct would be protected under this proposal. Non-economic damages are REAL damages. The loss of a limb, eyesight, or the

ability to have children and the loss of a loved one are real, life-altering

losses. Limiting them would discriminate against children, the elderly and homemaking moms. And capping them would harm the most severely injured.

- * Limits on attorneys' fees. This may be the most cynical proposal of all. For one thing, this is a proposal to limit only plaintiffs' attorneys fees; there are no limits on what defendants would be allowed to pay their attorneys. This is nothing more than a political agenda that would have the effect of penalizing families who seek legal representation. The likely proposal is a limit on contingent fees. The tort reformers know that the contingent fee system is the key to the court house for average Americans. The contingent fee system is the only way for average Americans to take on large corporations and powerful interests, and compete on a level playing field. And remember, under the contingent fee system, the plaintiff pays his or her attorney absolutely nothing unless he or she prevails in the courtroom. What has any of this to do with

preserving the market for terrorism risk insurance?

This is only a sampling of what we hear may be in the Manager's Amendment. Congress needs to focus on the real issue, which is a responsible role for the federal government in working with insurers to extend terrorism risk protection beyond December 31st. Congress should turn its back on this unrelated tort reform agenda.

Oppose the Manager's Amendment; support genuine terrorism risk protection.

As we learn more about the Manager's Amendment, and the possible development of an alternative (perhaps an alternative offered as a substitute), we will be in touch with you. Should you have any questions, please do not hesitate to get in touch with us at 202-944-2818.

Linda Lipsen
Dan Cohen
Sue Steinman
Randy White
Michael Strautmanis

ATLA's Professional Negligence Law Reporter and Products Liability Law Reporter are filled with cases, articles, and advice to keep your practice state of the art. To subscribe or to see a sample issue, visit <http://www.atla.org/subs/pnlrinfo.ht> <<http://www.atla.org/subs/pnlrinfo.ht>> for the Professional Negligence Law Reporter or <http://www.atla.org/subs/pllrinfo.ht> <<http://www.atla.org/subs/pllrinfo.ht>> for the Products Liability Law Reporter. Or call 800-424-2727 or 202-965-3500, ext 611, for more information.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TDLU4004_CEA.TXT_1>

REV_00136734

Trust you saw this.

LA

-----Original Message-----

From: Matt Gelman [mailto:Gelman@podestamattoon.com]

Sent: Tuesday, November 27, 2001 4:46 PM

To: 'mshelk@aiadc.org'; 'lpusey@aiadc.org'

Cc: Laurie Sullivan

Subject: Email to House Dems from the Trial Lawyers

FYI

-----Original Message-----

From: Randy White [mailto:randy.white@atlhq.org]

Sent: Tuesday, November 27, 2001 4:19 PM

To: Smith, Annemarie; Strauss, Ari; Stanberry, Artemesia; Tice, Becca; Firschein, Ben; Strider, Burns; Pore, David; Thompson, Doug; Lorenzen, Ed; Greathouse, Erik; Warren, Grace; Dixon, Henry; Couto, Ilka; Merchant, Jeff; Pharaoh, Jennifer; Bottegai, Jenny; Pechar, Jenny; justin.bailey@mail.house.gov; Campbell, Karen; Farmer, Kellee; Nicholson, Kristin; Young, Marc; Daley, Mark; Shasteen, Marsha; Pierce, Matt; Mullen, Mike; Frazier, Monique; Carlton, Monty; Michalek, Ned; Rogers, Paul; Griner, Rob; Larew, Rob; Addy, Rosemary; Burnham, Roxanne; Scott, Shaw; Alexander, Stacey; Ballow, Stacy; Lexer, Susan; Huguley, Thad; LaFaille, Tom; LeBrun, Vera; Walling, Vickie; French, Alec; Koman, Amanda; Vassar, Bobby; Lachmann, David; Stacy, David; Wilk, Gene; Shor, Glen; Doty, John; Flannery, John; Massimino, Julia; julian.epstein@mail.house.gov; Minatelli, Karen; Pratt, Kris; Robertson, Lamar; Perselay, Lee; Buck, Leon; Agrast, Mark; mark.carrie@mail.house.gov; Levine, Mark; Apfelbaum, Perry; samara.ryder@mail.house.gov; Bauserman, Trent; Meador, Abbie; Nyhan, Adam; Martinage, Ashley; alexander.beckles@mail.house.gov; alicia.hughes@mail.house.gov; allegra.jones@mail.house.gov; amit.bose@mail.house.gov; Boyle, Amy; Kletnick, Amy; Jablon, Ann; arshi.siddiqui@mail.house.gov; Suruma, Askia; Chevat, Benjamin; Tritter, Beth; Fields, Beverly; Murat, Bill; Dobek, Bob; Sakaniwa, Bob; Turney, Bob; Edgell, Bradley; Muniz, Brenda; Pillors, Brenda; bridget.flynn@mail.house.gov; Gibson, Cary; casey.sixkiller@mail.house.gov; Butts, Cassandra; Hurwit, Cathy; Lord, Chad; Brimmer, Charles; McCannell, Chris; Walker, Chris; Fjeld, Christian; Christopher Hartmann; Kukla, Christopher; Buhl, Cindy; Conroy, Coleman; Sheldon, Colin; Humphrey, Connie; Alexander, Cory; Clifton, Curt; Weiss, Daniel; darius.henderson@mail.house.gov; Lucas, David; Simon, David; Stricklin, David; Curtis, Debbie; Merrill, Debbie; denise.giuliano@mail.house.gov; King, Dennis; Mosco, Desmarie; Woodruff, Dick; DeArmon, Don; MacDonald, Don; Pignatelli, Donna; Thornell, Doug; Jones, Dylan; Fry, Ed; Dehoney, Eleanor; Kirkland, Elizabeth; Milne, Emile; Olson, Eric; Witte, Eric; Young, Eve; forest.hayes@mail.house.gov; francis.grab@mail.house.gov; Turner, Fred; Hirst, Fritz; Boesky, Gayle; Seymore, George; Davis, Greg; Boyd, Harold; Lepeska, Heather; Zichal, Heather; Diamond, Howard; Ellis, Jacqueline; Greaves, Jane; Packer, Jason; Steinbaum, Jason; Duncan, Jeff; Mendelsohn, Jeff; Weaver, Jeff; Fuentes, Jennice; Stewart, Jennifer; Robinson, Jessica; Bradley, Jim; Zoia, Jim; Mooney, Joan; McKelvey, Joe; Edgell, John; George, John; Haseley, John; johnny.barnes@mail.house.gov; Skarin, Jon; Tippens, Julie; Nelson, Karen; Krause, Kate; Sinner, Katherine; Weatherly, Kathy; Casey, Kevin; Colton, Kimber; Parker,

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Kimberly; Walseth, Kristi; kristin.holman@mail.house.gov; Battles, Lara; Thompson, Lateshia; Avant, Lanier; Thompson, Lindsay; Collins, Lionel; Powell-Bullock, Liz; lynden.peter@mail.house.gov; Schuermann, Mark; Trumbore, Mark; Vieth, Mark; Kerr, Mary; Niez, Mary; Angle, Matt; Walker, Matt; melane.stanley@mail.house.gov; Hyman, Melissa; Scott, Merwyn; michael.collesano@mail.house.gov; Erlandson, Michael; Riggs, Michael; Bogdanovich, Michele; Casey, Mike; McKay, Mike; Mercado, Moses; Kolovos, Nick; Schiliro, Phil; Hallmon, Phyllis; Miller, Rachel; Harrison, Randolph; Boykin, Richard; Jauert, Rick; Pulliam, Rodney; Carleton, Ron; Dye, Roy; Sussman, Sandy; Dufendach, Sarah; Japson, Saul; Good, Shannon; Robinson, Sharon; Preische, Sherrie; Cooks, Shirley; Hayford, Sophie; stephen.crane@mail.house.gov; Elmendorf, Steve; Fought, Steve; steve.giuli@mail.house.gov; steve.larose@mail.house.gov; steve.wall@mail.house.gov; Stoll, SuzanneM; Brown, Sylvia; Liu, Ted; Morgan, Teri; tola.thompson@mail.house.gov; Nagle, Tom; Zaffirini, Tony; veda.lamar@mail.house.gov; Clerinx, Wendy; Darwell, Wendy; Stone, Will; Miles, William; Pollas, Yardly; Watkins, Yelberton; yvette.carnell@mail.house.gov; Hartz, Jerry; Hanna, Craig; Jones, Ike; Cole, Jason; Paese, Michael; Harper, Todd; Jeffers, Erika; jim.ingraham@atlhq.org; Vanderlugt, Roel; michael.strautmanis@atlhq.org; jyarowsky@pattonboggs.com
Subject: NOT ANOTHER TURKEY!

U R G E N T !

On Wednesday, the House Rules Committee will be considering the Terrorism Risk Protection (i.e., insurance) Bill reported by the Financial Services Committee. As reported, the bill is H.R. 3210, however, we have learned that a comprehensive Manager's Amendment will be offered which is very likely to include across-the-board tort reform which would limit the rights of victims and their families in the event of a future terrorist attack.

This will NOT be a simple matter of the government protecting insurance companies from having to insure against punitive damages in future terrorism cases, or making sure that taxpayer money isn't used to reimburse insurers for an insured's willful, wanton, or reckless misconduct. Instead, this is clearly a cynical attempt by some to irresponsibly use the terrorism insurance bill as a vehicle to advance their long-standing tort reform agenda.

Among the items we understand may be included in the Manager's Amendment are:

- * Complete elimination of punitive damages in terrorism cases, protection not just for the insurer or the government but for the wrongdoer as well; also limits on non-economic damage awards--either a cap on non-economic damages, or the elimination of joint liability for non-economic damages, or both. Punitive damages are very rarely awarded. They are reserved for those cases where a defendant's misconduct is not merely negligent or careless, but willfully reckless. For example, if a security firm protecting a gas pipeline knowingly hired an illegal alien it knew had a criminal record, that conduct would be protected under this proposal. Non-economic damages are REAL damages. The loss of a limb, eyesight, or the ability to have children and the loss of a loved one are real, life-altering losses. Limiting them would discriminate against children, the elderly and homemaking moms. And capping them would harm the most severely injured.

* Limits on attorneys' fees. This may be the most cynical proposal of all. For one thing, this is a proposal to limit only plaintiffs' attorneys fees; there are no limits on what defendants would be allowed to pay their attorneys. This is nothing more than a political agenda that would have the effect of penalizing families who seek legal representation. The likely proposal is a limit on contingent fees. The tort reformers know that the contingent fee system is the key to the court house for average Americans. The contingent fee system is the only way for average Americans to take on large corporations and powerful interests, and compete on a level playing field. And remember, under the contingent fee system, the plaintiff pays his or her attorney absolutely nothing unless he or she prevails in the courtroom. What has any of this to do with preserving the market for terrorism risk insurance?

This is only a sampling of what we hear may be in the Manager's Amendment. Congress needs to focus on the real issue, which is a responsible role for the federal government in working with insurers to extend terrorism risk protection beyond December 31st. Congress should turn its back on this unrelated tort reform agenda.

Oppose the Manager's Amendment; support genuine terrorism risk protection.

As we learn more about the Manager's Amendment, and the possible development of an alternative (perhaps an alternative offered as a substitute), we will be in touch with you. Should you have any questions, please do not hesitate to get in touch with us at 202-944-2818.

Linda Lipsen
Dan Cohen
Sue Steinman
Randy White
Michael Strautmanis

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From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/27/2001 12:41:53 PM
Subject: : NYC Liability Limitation in Aviation Security Act

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-NOV-2001 17:41:53.00

SUBJECT:: NYC Liability Limitation in Aviation Security Act

TO: John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

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This email responds to Bridgeland's request for more information regarding liability limitations for NYC in the Aviation Security Act. In short, there is indeed such a limitation, but it protects only NYC and does not operate, in the view of WHCO or Robert McCallum of the Civil Division, to solve the problem of the lack of indemnification for the contractors.

In particular, the Aviation and Transportation Security Act includes the following provision:

" LIMITATIONS ON LIABILITY FOR NEW YORK CITY- Liability for all claims, whether for compensatory or punitive damages or for contribution or indemnity arising from the terrorist-related aircraft crashes of September 11, 2001, against the City of New York shall not exceed the greater of the city's insurance coverage or \$350,000,000. If a claimant who is eligible to seek compensation under section 405 of this Act, submits a claim under section 405, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, including any such action against the City of New York. The preceding sentence does not apply to a civil action to recover collateral source obligations."

The Conference Report has this to say about the meaning of the provision:

"The Conference substitute also limits the liability for all

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claims arising from the terrorist-related attacks of September 11, 2001, brought against the City of New York to the greater of the City's insurance coverage or \$350,000,000. This limitation on damages against the City of New York, however, does not apply to any non-government or private entity that is contracted with the City."

In other words, the statutory limitation does not extend to contractors and the like who might argue they are agents of New York.

As to anecdotal legislative history, Liz Dougherty of DPC recalls that it was Don Young (not McCain) who inserted the language in an effort to garner support for the bill from the New York delegation. (In fact, McCain complained on the floor about the inclusion of these provisions as evidence of unfair interest group influence). Don Marsh of Legislative Affairs is going to find out more from Young's staff as to the intended purpose of the provision, how it wound up in the bill, and at whose behest, et cetera.

As to the scope of the statutory liability limitation for NYC, WHCO is of the view that one can advance arguments for either broad and narrow interpretations based on the meaning of the phrase "arising from." That is, it is not clear from the face of the statute or the legislative history whether the liability limitation is only for claims directly and immediately related to the attacks (e.g., wrongful death claims for persons trapped in the building) or whether it extends to claims for injury that occurred a few steps down the causal chain (e.g. a personal injury claim for an accident during debris removal, months after the attack).

Even on a broad reading of "claims arising from" the attacks, however, the provision only provides protection to NYC and does nothing for the contractors. For instance, if a third party sued the contractors for damages caused by an accident during the cleanup and the contractors in turn sued NYC for indemnification, NYC would be protected against that claim up to the statutory limit but the contractors would be on the hook for all damages that might be awarded.

Accordingly, I do not view the instant provision as solving the contractual issue at hand. I got the impression from Austin this morning that NYC somehow thought this provision fixed everything, but my conclusion is that it does not. To repeat, it fixes things from NYC's particular standpoint of liability, but it does not solve the larger problem of the contractors' liability on the site and the fact that NYC has not indemnified them for potential claims arising out of their work or secured insurance for such indemnification.

Also, you may be interested to know that Pataki is now pushing for a similar liability limitation for the State of New York. He is working with DeLay's office on language now. The solution for the contractor situation (if indeed it remains a live "emergency") is to fashion a like limitation for the debris removal contractors, and perhaps even for other contractors at the site. As we have noted all along, that is, although not ideal, preferable to a federal indemnification of NYC or the State.

Finally, the latest update from McCallum is excerpted below for your information:

"My last conversations were last Tues. with the attny for the contractors who continued to stress the ability of the federal gov't to provide an indemnity I told him and the folks in NY that I would be back in touch with them this week once we had gotten from Ernst & Young the insurance analysis and

once we had gotten info on the insurance coverages
and efforts from Willis, neither of which we have received."

That's it for now.

HCW

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN]
<Peter.Fisher@do.treas.gov>; John.Duncan@do.treas.gov [UNKNOWN]
<John.Duncan@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN]
<Mario.Ugoletti@do.treas.gov>; Gerry.Hughes@do.treas.gov [UNKNOWN]
<Gerry.Hughes@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN]
<Martha.Ellett@do.treas.gov>; SmithC@cdfi.treas.gov [UNKNOWN] <SmithC@cdfi.treas.gov>
Sent: 11/27/2001 1:58:41 PM
Subject: : House Press Release and Section by Section
Attachments: P_6EQU4004_OPD.TXT_1.htm; P_6EQU4004_OPD.TXT_2.doc;
P_6EQU4004_OPD.TXT_3.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:27-NOV-2001 18:58:41.00
SUBJECT:: House Press Release and Section by Section
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:John.Duncan@do.treas.gov (John.Duncan@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Gerry.Hughes@do.treas.gov (Gerry.Hughes@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:SmithC@cdfi.treas.gov (SmithC@cdfi.treas.gov [UNKNOWN])
READ:UNKNOWN
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Sheila

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File attachment <P_6EQU4004_OPD.TXT_2>

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Summary

The Terrorism Risk Protection Act is the most pro-taxpayer, pro-consumer proposal to ensure terrorism coverage for consumers, with a significant commercial industry/policyholder stake, and relatively little regulation required (most of which would only kick in if an event occurred). This proposal is relatively low-maintenance for the government and will sunset without a private sector addiction to Federal subsidies.

For commercial insurers, the bill protects individual companies more than any other proposal. For policyholders, since insurers will have an incentive to write terrorism coverage, it greatly increases the affordability and availability of coverage. Taxpayers and the Federal treasury are protected from unlimited financial risk because they are not on the hook for the ultimate costs. Every dollar of Federal assistance will be repaid. If no event occurs, no bureaucracy is created, and the legislation sunsets after a brief period of time.

Key Elements

- Requires all Federal taxpayer costs/assistance to be paid back.
- Models risk-sharing plan on existing State insurance programs.
- Sets trigger at \$100 million for small commercial insurers and \$1 billion as an industry wide aggregate.
- Provides 90% Federal share with 10% individual company retention.
- Assesses first \$20 billion in losses back to commercial insurers over time.
- Recoups subsequent losses through commercial policyholder surcharges.
- Provides the Treasury Secretary limited flexibility in determining assessments and surcharges based on economic conditions and the impact on urban, rural, and small commercial centers.
- Establishes uniform definition of terrorism.
- Authorizes one-year program with optional extension for up to two additional years.
- Includes limited liability reforms to protect taxpayer funds.

Advantages

- No taxpayer bailout — any Federal funds used to boost liquidity are paid back by commercial industry/policyholders (the primary beneficiaries of any proposal) over time.
- Greatly increases capacity of insurers to offer terrorism coverage.
- Companies get first dollar protection. Without this early protection, few companies can afford their individual risk and won't offer significant or affordable coverage.
- Protects small and large policyholders, and small and large insurers, while retaining incentives for risk management and efficient claims processing.

SECTION-BY-SECTION ANALYSIS OF H.R. 3210 – FLOOR VERSION

Section 1. Short Title and Table of Contents

This section sets forth the short title of the bill, the “Terrorism Risk Protection Act,” and provides a table of contents.

Section 2. Congressional Findings

This section provides Congressional findings about the damage from the September 11, 2001 terrorist attack, the resulting market disruption and potential unavailability of future terrorism insurance coverage, and the need for a temporary industry risk sharing program to facilitate transition back to a viable private insurance and reinsurance market.

Section 3. Authority of Secretary of the Treasury

This section provides that the Secretary of the Treasury will be responsible for carrying out the temporary risk sharing program for the commercial property and casualty insurance industry.

Section 4. Submission of Premium Information to Secretary

This section recognizes that insurance premium information is already provided to State insurance commissioners and the NAIC, but allows the Secretary, to the extent that such information is not otherwise available, to require insurers to submit their net U.S. commercial property and casualty insurance premium data to the NAIC or the Secretary.

Section 5. Initial and Subsequent Triggering Determinations

This section directs the Secretary to determine whether insured losses from acts of terrorism over a 12 month period exceed the triggering thresholds. The section provides for an industry-wide trigger and an individual insurer trigger. The Secretary will make a triggering determination for the entire commercial property and casualty insurance industry if industry-wide losses exceed \$1 billion. The Secretary will make a company specific triggering determination if industry-wide losses exceed \$100 million and the portion of those losses for any one commercial insurer exceed both 10 percent of the company's capital surplus and net premiums. The lower \$100 million threshold does not apply to any commercial insurer that was not providing commercial property and casualty coverage prior to September 11, 2001, except for certain terrorism risk pools.

Subsection (b) gives the Secretary, after consultation with the Attorney General and Secretary of State, sole authority to determine whether a loss was caused by an act of terrorism and whether the terrorist attack occurred during the period of time covered by this legislation. The ability of the Secretary to make such determinations under this subsection is not limited to commercial property and casualty insurance, but rather is intended to apply for all lines of insurance.

Section 6. Federal Cost-Sharing for Commercial Insurers

Once the Secretary makes an industry-wide triggering determination in section 5, then financial cost-sharing is provided to each insurer in an amount equal to the difference of 90% of the amount of the insured terrorism losses of the insurer as a result of the triggering event and \$5 million. If the industry-wide triggering determination is not reached, but the Secretary makes a company specific triggering determination, then financial cost-sharing is provided to that insurer in an amount equal to the difference of 90 percent of the amount of the insured terrorism losses of the insurer as a result of such triggering event and 10 percent of the net commercial property and casualty premiums written by such commercial insurer (as a deductible). Federal assistance is capped at \$100 billion. A sense of the Congress provides that terrorist events causing in excess of that amount would necessitate further Congressional action. Any Federal assistance provided will be repaid through the

assessments and surcharges provided for in section 7 and 8, and may be designated by the President as emergency budget authority and outlays. Federal assistance received by an insurer should not be treated as a loan for balance sheet purposes. Furthermore, Federal assistance will be available for all property and casualty terrorism risk insurance policies in force during the coverage period of this legislation as long as the insurer was providing such coverage(or not excluding terrorism risk coverage) on or before September 11, 2001.

Section 7. Assessments

This section is modeled after the State insurance guarantee funds that exist in almost every State to address the possibility of insurer insolvencies, as well as numerous State catastrophic insurance funds. After the Secretary makes a triggering determination in section 5, every commercial insurer is subject to an assessment based on an insurer's net commercial insurance premiums to repay any Federal cost-sharing assistance provided under section 6. The aggregate amount assessed will be equal to the lesser of \$20 billion or the amount of financial assistance paid.

The aggregate assessment amount shall be assessed to commercial insurers through an industry obligation assessment and, if necessary, the remainder through one or more future financing assessments. Industry obligation assessments are imposed immediately following a triggering determination in an amount up to \$5 billion, and if the program is extended pursuant to section 20 for a second or third year, up to \$10 billion in each additional year. Financing assessments (any losses above the \$5 or \$10 billion) shall begin 12 months after the last obligation assessment, and shall not exceed 3 percent of an insurer's net commercial premiums for that year. If the amount assessed through financing assessments in any given year is insufficient to cover Federal assistance, then the Secretary will make a new assessment in each following year until the amount is recouped. The Secretary may delay the assessment of an insurer to avoid an insolvency and may adjust or delay assessments generally as provided in section 9.

Section 8. Terrorism Loss Repayment Surcharge

This section applies only to terrorist losses that exceed \$20 billion, and is modeled after several State catastrophic insurance programs. To recoup Federal assistance provided in section 6 for amounts above the Federal share of the \$20 billion, the Secretary will impose a commercial policyholder surcharge to the extent that economic and market conditions permit. The factors to be weighed in determining the extent of the surcharge are the ultimate costs to taxpayers if a surcharge is not established, the economic conditions in the commercial marketplace, the affordability of commercial insurance for small and medium-sized business, and such other factors the Secretary considers appropriate. The terrorism repayment surcharge will be on all commercial insurance premiums based on a percentage of any coverage amounts but in any given year may not exceed the amount equal to 3 percent of the premium charged for such coverage. For purposes of this section, commercial property and casualty insurance does not include any reinsurance provided to primary insurance companies, so as to avoid a double surcharge.

Section 9. Administration of Assessments and Surcharges

This section provides the Secretary with significant flexibility in establishing the manner and method of carrying out any assessments or surcharges, in particular as necessary to protect the national interest, avoid unreasonable economic disruption and market instability, and avoid undue burdens on small businesses. The Secretary must also take into consideration the economic impact of any of these assessments and surcharges on urban and smaller commercial and rural areas and different lines of insurance. The Secretary may also make special adjustments to provide for commercial insurers and policies that are not based on a calendar year. The Secretary is also given the authority to assess civil monetary

penalties for insurers that submit false data, fail to pay assessed amounts, or fail to collect appropriate surcharges.

Section 10. Application to Self-Insurance Arrangements and Offshore Insurers and Reinsurers

In consultation with the NAIC, the Secretary may apply the provisions of this bill to self-insurance arrangements by municipalities and other entities, but only if that determination is made before the occurrence of a triggering event and all of the provisions of this legislation are applied uniformly to such entities. The Committee expects that many types of self-insuring entities may desire or need risk-sharing coverage for terrorism attacks, while for others participation may be inappropriate. The Secretary is given authority to determine which of these entities should be participating, so long as application of the benefits and costs are applied equally. The Secretary must also ensure that the provisions of this bill are applied as appropriate to any offshore or non-admitted entities that provide commercial property and casualty insurance. Both provisions of this section are intended in part to prevent evasion of assessments.

Section 11. Reserve for Terrorism Coverage Under Commercial Lines of Business

To be determined by Rules Committee.

Section 12. State Preemption

This section preempts certain State laws to ensure uniform compliance with the bill. Subsection (a) preempts State laws that would conflict with the provision of coverage for acts of terror under the definitions of this legislation. Subsection (b) establishes a narrow preemption to allow insurers to adjust premiums only as necessary to recover the amounts of any assessments under section 7. Subsection (c) preempts State pre-filing approval requirements for commercial property and casualty insurance policies covering acts of terrorism due to the insufficient time between enactment of this legislation and January 1, 2002, but expressly preserves the ability of the States to undertake any subsequent review or action on those policies.

Section 13. Consistent State Guidelines for Coverage for Acts of Terrorism

This section establishes the sense of Congress that the NAIC and the Secretary should consult with each other and develop appropriate definitions for acts of terrorism and standards for determining the number of terrorist events or occurrences. Each State and the Secretary should then adopt such definitions and standards. A further sense of the Congress is provided that the NAIC should develop appropriate guidelines governing insurers' terrorism reserves, including any pooling of those reserves. The Secretary is directed to promulgate those guidelines on a nationwide basis if the States have not adopted guidelines in a uniform manner. A sense of the Congress is also provided that the States should establish regulations requiring separate disclosure to consumers of the costs of any terrorism related coverage. If the States have not adequately adopted such disclosures within a reasonable period of time, the Secretary is directed to consult with the NAIC and adopt national guidelines requiring such disclosure.

Section 14. Consultation with State Insurance Regulators and the NAIC

The Secretary is directed to consult with the State insurance regulators and the NAIC in carrying out this bill, and may enter into agreements with the States and the NAIC to provide for the distribution of financial assistance, or the collection of any assessments or surcharges. The Secretary, may, in consultation with the State insurance regulators and the NAIC, investigate and audit claims of insured losses by commercial insurers.

Section 15. Sovereign Immunity Protections

To be determined by Rules Committee.

Section 16. Study of Potential Effects of Terrorism on Life Insurance Industry

This section directs the President to establish a commission to study and report within 120 days after the enactment of the bill on the potential effects of acts of terrorism on the life insurance industry in the U.S. and markets served by such industry. The membership of this commission shall include: the Secretary of the Treasury; the Chairman of the Federal Reserve System; the Assistant to the President for Homeland Security; and four members appointed by the President from the insurance community.

Section 17. Railroad and Trucking Insurance Study

This section directs the Secretary of the Treasury to conduct a study to determine the availability of commercially reasonable railroad and trucking insurance for acts of terrorism. The Secretary must submit a report to Congress within 120 days after enactment of this legislation.

Section 18. Study of Reinsurance Pool System for Future Acts of Terrorism

This section directs the Secretary of the Treasury, the Federal Reserve Board of Governors, and the Comptroller General to jointly conduct a study on the advisability and effectiveness of establishing a terrorism reinsurance pool system in lieu of the program created by this bill. The study must utilize a variety of informational sources and be jointly submitted to Congress not later than 6 months after enactment.

Section 19. Definitions

This section establishes various definitions. The term “Act of terrorism” is defined as an act that is unlawful, causes harm to persons or property in the United States or to any U.S. air carrier or U.S. flag vessel outside the United States committed by persons who are recognized (prior or subsequently) by the Department of State or the Secretary as a terrorist group, or who conspire with the surrogates of a recognized terrorist group, and has the purpose of destabilizing any country or to influence the United States by coercion. As defined, an act of terrorism is not an act of war. The Secretary is directed to consult with the NAIC to further refine this definition. This section further provides that the bill only applies to commercial property and casualty insurance.

Section 20. Extension of Program

This section grants the Secretary authority to extend the coverage period of the bill through the 2004 calendar year, if the extension is necessary to ensure the adequate availability in the United States of commercial property and casualty insurance coverage for acts of terror. Extensions are to be made on a year-by-year basis and the Secretary is required to report to Congress on the reasons for any extensions beyond the 2002 calendar year.

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This section grants the Secretary authority to issue regulations as necessary to implement this legislation.

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Attachments: P_6GQU4004_WHO.TXT_1.htm; P_6GQU4004_WHO.TXT_2.doc;
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CREATION DATE/TIME:27-NOV-2001 19:01:05.00
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Summary

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For commercial insurers, the bill protects individual companies more than any other proposal. For policyholders, since insurers will have an incentive to write terrorism coverage, it greatly increases the affordability and availability of coverage. Taxpayers and the Federal treasury are protected from unlimited financial risk because they are not on the hook for the ultimate costs. Every dollar of Federal assistance will be repaid. If no event occurs, no bureaucracy is created, and the legislation sunsets after a brief period of time.

Key Elements

- Requires all Federal taxpayer costs/assistance to be paid back.
- Models risk-sharing plan on existing State insurance programs.
- Sets trigger at \$100 million for small commercial insurers and \$1 billion as an industry wide aggregate.
- Provides 90% Federal share with 10% individual company retention.
- Assesses first \$20 billion in losses back to commercial insurers over time.
- Recoups subsequent losses through commercial policyholder surcharges.
- Provides the Treasury Secretary limited flexibility in determining assessments and surcharges based on economic conditions and the impact on urban, rural, and small commercial centers.
- Establishes uniform definition of terrorism.
- Authorizes one-year program with optional extension for up to two additional years.
- Includes limited liability reforms to protect taxpayer funds.

Advantages

- No taxpayer bailout — any Federal funds used to boost liquidity are paid back by commercial industry/policyholders (the primary beneficiaries of any proposal) over time.
- Greatly increases capacity of insurers to offer terrorism coverage.
- Companies get first dollar protection. Without this early protection, few companies can afford their individual risk and won't offer significant or affordable coverage.
- Protects small and large policyholders, and small and large insurers, while retaining incentives for risk management and efficient claims processing.

SECTION-BY-SECTION ANALYSIS OF H.R. 3210 – FLOOR VERSION

Section 1. Short Title and Table of Contents

This section sets forth the short title of the bill, the “Terrorism Risk Protection Act,” and provides a table of contents.

Section 2. Congressional Findings

This section provides Congressional findings about the damage from the September 11, 2001 terrorist attack, the resulting market disruption and potential unavailability of future terrorism insurance coverage, and the need for a temporary industry risk sharing program to facilitate transition back to a viable private insurance and reinsurance market.

Section 3. Authority of Secretary of the Treasury

This section provides that the Secretary of the Treasury will be responsible for carrying out the temporary risk sharing program for the commercial property and casualty insurance industry.

Section 4. Submission of Premium Information to Secretary

This section recognizes that insurance premium information is already provided to State insurance commissioners and the NAIC, but allows the Secretary, to the extent that such information is not otherwise available, to require insurers to submit their net U.S. commercial property and casualty insurance premium data to the NAIC or the Secretary.

Section 5. Initial and Subsequent Triggering Determinations

This section directs the Secretary to determine whether insured losses from acts of terrorism over a 12 month period exceed the triggering thresholds. The section provides for an industry-wide trigger and an individual insurer trigger. The Secretary will make a triggering determination for the entire commercial property and casualty insurance industry if industry-wide losses exceed \$1 billion. The Secretary will make a company specific triggering determination if industry-wide losses exceed \$100 million and the portion of those losses for any one commercial insurer exceed both 10 percent of the company's capital surplus and net premiums. The lower \$100 million threshold does not apply to any commercial insurer that was not providing commercial property and casualty coverage prior to September 11, 2001, except for certain terrorism risk pools.

Subsection (b) gives the Secretary, after consultation with the Attorney General and Secretary of State, sole authority to determine whether a loss was caused by an act of terrorism and whether the terrorist attack occurred during the period of time covered by this legislation. The ability of the Secretary to make such determinations under this subsection is not limited to commercial property and casualty insurance, but rather is intended to apply for all lines of insurance.

Section 6. Federal Cost-Sharing for Commercial Insurers

Once the Secretary makes an industry-wide triggering determination in section 5, then financial cost-sharing is provided to each insurer in an amount equal to the difference of 90% of the amount of the insured terrorism losses of the insurer as a result of the triggering event and \$5 million. If the industry-wide triggering determination is not reached, but the Secretary makes a company specific triggering determination, then financial cost-sharing is provided to that insurer in an amount equal to the difference of 90 percent of the amount of the insured terrorism losses of the insurer as a result of such triggering event and 10 percent of the net commercial property and casualty premiums written by such commercial insurer (as a deductible). Federal assistance is capped at \$100 billion. A sense of the Congress provides that terrorist events causing in excess of that amount would necessitate further Congressional action. Any Federal assistance provided will be repaid through the

assessments and surcharges provided for in section 7 and 8, and may be designated by the President as emergency budget authority and outlays. Federal assistance received by an insurer should not be treated as a loan for balance sheet purposes. Furthermore, Federal assistance will be available for all property and casualty terrorism risk insurance policies in force during the coverage period of this legislation as long as the insurer was providing such coverage (or not excluding terrorism risk coverage) on or before September 11, 2001.

Section 7. Assessments

This section is modeled after the State insurance guarantee funds that exist in almost every State to address the possibility of insurer insolvencies, as well as numerous State catastrophic insurance funds. After the Secretary makes a triggering determination in section 5, every commercial insurer is subject to an assessment based on an insurer's net commercial insurance premiums to repay any Federal cost-sharing assistance provided under section 6. The aggregate amount assessed will be equal to the lesser of \$20 billion or the amount of financial assistance paid.

The aggregate assessment amount shall be assessed to commercial insurers through an industry obligation assessment and, if necessary, the remainder through one or more future financing assessments. Industry obligation assessments are imposed immediately following a triggering determination in an amount up to \$5 billion, and if the program is extended pursuant to section 20 for a second or third year, up to \$10 billion in each additional year. Financing assessments (any losses above the \$5 or \$10 billion) shall begin 12 months after the last obligation assessment, and shall not exceed 3 percent of an insurer's net commercial premiums for that year. If the amount assessed through financing assessments in any given year is insufficient to cover Federal assistance, then the Secretary will make a new assessment in each following year until the amount is recouped. The Secretary may delay the assessment of an insurer to avoid an insolvency and may adjust or delay assessments generally as provided in section 9.

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This section applies only to terrorist losses that exceed \$20 billion, and is modeled after several State catastrophic insurance programs. To recoup Federal assistance provided in section 6 for amounts above the Federal share of the \$20 billion, the Secretary will impose a commercial policyholder surcharge to the extent that economic and market conditions permit. The factors to be weighed in determining the extent of the surcharge are the ultimate costs to taxpayers if a surcharge is not established, the economic conditions in the commercial marketplace, the affordability of commercial insurance for small and medium-sized business, and such other factors the Secretary considers appropriate. The terrorism repayment surcharge will be on all commercial insurance premiums based on a percentage of any coverage amounts but in any given year may not exceed the amount equal to 3 percent of the premium charged for such coverage. For purposes of this section, commercial property and casualty insurance does not include any reinsurance provided to primary insurance companies, so as to avoid a double surcharge.

Section 9. Administration of Assessments and Surcharges

This section provides the Secretary with significant flexibility in establishing the manner and method of carrying out any assessments or surcharges, in particular as necessary to protect the national interest, avoid unreasonable economic disruption and market instability, and avoid undue burdens on small businesses. The Secretary must also take into consideration the economic impact of any of these assessments and surcharges on urban and smaller commercial and rural areas and different lines of insurance. The Secretary may also make special adjustments to provide for commercial insurers and policies that are not based on a calendar year. The Secretary is also given the authority to assess civil monetary

penalties for insurers that submit false data, fail to pay assessed amounts, or fail to collect appropriate surcharges.

Section 10. Application to Self-Insurance Arrangements and Offshore Insurers and Reinsurers

In consultation with the NAIC, the Secretary may apply the provisions of this bill to self-insurance arrangements by municipalities and other entities, but only if that determination is made before the occurrence of a triggering event and all of the provisions of this legislation are applied uniformly to such entities. The Committee expects that many types of self-insuring entities may desire or need risk-sharing coverage for terrorism attacks, while for others participation may be inappropriate. The Secretary is given authority to determine which of these entities should be participating, so long as application of the benefits and costs are applied equally. The Secretary must also ensure that the provisions of this bill are applied as appropriate to any offshore or non-admitted entities that provide commercial property and casualty insurance. Both provisions of this section are intended in part to prevent evasion of assessments.

Section 11. Reserve for Terrorism Coverage Under Commercial Lines of Business

To be determined by Rules Committee.

Section 12. State Preemption

This section preempts certain State laws to ensure uniform compliance with the bill. Subsection (a) preempts State laws that would conflict with the provision of coverage for acts of terror under the definitions of this legislation. Subsection (b) establishes a narrow preemption to allow insurers to adjust premiums only as necessary to recover the amounts of any assessments under section 7. Subsection (c) preempts State pre-filing approval requirements for commercial property and casualty insurance policies covering acts of terrorism due to the insufficient time between enactment of this legislation and January 1, 2002, but expressly preserves the ability of the States to undertake any subsequent review or action on those policies.

Section 13. Consistent State Guidelines for Coverage for Acts of Terrorism

This section establishes the sense of Congress that the NAIC and the Secretary should consult with each other and develop appropriate definitions for acts of terrorism and standards for determining the number of terrorist events or occurrences. Each State and the Secretary should then adopt such definitions and standards. A further sense of the Congress is provided that the NAIC should develop appropriate guidelines governing insurers' terrorism reserves, including any pooling of those reserves. The Secretary is directed to promulgate those guidelines on a nationwide basis if the States have not adopted guidelines in a uniform manner. A sense of the Congress is also provided that the States should establish regulations requiring separate disclosure to consumers of the costs of any terrorism related coverage. If the States have not adequately adopted such disclosures within a reasonable period of time, the Secretary is directed to consult with the NAIC and adopt national guidelines requiring such disclosure.

Section 14. Consultation with State Insurance Regulators and the NAIC

The Secretary is directed to consult with the State insurance regulators and the NAIC in carrying out this bill, and may enter into agreements with the States and the NAIC to provide for the distribution of financial assistance, or the collection of any assessments or surcharges. The Secretary, may, in consultation with the State insurance regulators and the NAIC, investigate and audit claims of insured losses by commercial insurers.

Section 15. Sovereign Immunity Protections

To be determined by Rules Committee.

Section 16. Study of Potential Effects of Terrorism on Life Insurance Industry

This section directs the President to establish a commission to study and report within 120 days after the enactment of the bill on the potential effects of acts of terrorism on the life insurance industry in the U.S. and markets served by such industry. The membership of this commission shall include: the Secretary of the Treasury; the Chairman of the Federal Reserve System; the Assistant to the President for Homeland Security; and four members appointed by the President from the insurance community.

Section 17. Railroad and Trucking Insurance Study

This section directs the Secretary of the Treasury to conduct a study to determine the availability of commercially reasonable railroad and trucking insurance for acts of terrorism. The Secretary must submit a report to Congress within 120 days after enactment of this legislation.

Section 18. Study of Reinsurance Pool System for Future Acts of Terrorism

This section directs the Secretary of the Treasury, the Federal Reserve Board of Governors, and the Comptroller General to jointly conduct a study on the advisability and effectiveness of establishing a terrorism reinsurance pool system in lieu of the program created by this bill. The study must utilize a variety of informational sources and be jointly submitted to Congress not later than 6 months after enactment.

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This section establishes various definitions. The term "Act of terrorism" is defined as an act that is unlawful, causes harm to persons or property in the United States or to any U.S. air carrier or U.S. flag vessel outside the United States committed by persons who are recognized (prior or subsequently) by the Department of State or the Secretary as a terrorist group, or who conspire with the surrogates of a recognized terrorist group, and has the purpose of destabilizing any country or to influence the United States by coercion. As defined, an act of terrorism is not an act of war. The Secretary is directed to consult with the NAIC to further refine this definition. This section further provides that the bill only applies to commercial property and casualty insurance.

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In consultation with the NAIC, the Secretary may apply the provisions of this bill to self-insurance arrangements by municipalities and other entities, but only if that determination is made before the occurrence of a triggering event and all of the provisions of this legislation are applied uniformly to such entities. The Committee expects that many types of self-insuring entities may desire or need risk-sharing coverage for terrorism attacks, while for others participation may be inappropriate. The Secretary is given authority to determine which of these entities should be participating, so long as application of the benefits and costs are applied equally. The Secretary must also ensure that the provisions of this bill are applied as appropriate to any offshore or non-admitted entities that provide commercial property and casualty insurance. Both provisions of this section are intended in part to prevent evasion of assessments.

Section 11. Reserve for Terrorism Coverage Under Commercial Lines of Business

To be determined by Rules Committee.

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This section preempts certain State laws to ensure uniform compliance with the bill. Subsection (a) preempts State laws that would conflict with the provision of coverage for acts of terror under the definitions of this legislation. Subsection (b) establishes a narrow preemption to allow insurers to adjust premiums only as necessary to recover the amounts of any assessments under section 7. Subsection (c) preempts State pre-filing approval requirements for commercial property and casualty insurance policies covering acts of terrorism due to the insufficient time between enactment of this legislation and January 1, 2002, but expressly preserves the ability of the States to undertake any subsequent review or action on those policies.

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This section establishes the sense of Congress that the NAIC and the Secretary should consult with each other and develop appropriate definitions for acts of terrorism and standards for determining the number of terrorist events or occurrences. Each State and the Secretary should then adopt such definitions and standards. A further sense of the Congress is provided that the NAIC should develop appropriate guidelines governing insurers' terrorism reserves, including any pooling of those reserves. The Secretary is directed to promulgate those guidelines on a nationwide basis if the States have not adopted guidelines in a uniform manner. A sense of the Congress is also provided that the States should establish regulations requiring separate disclosure to consumers of the costs of any terrorism related coverage. If the States have not adequately adopted such disclosures within a reasonable period of time, the Secretary is directed to consult with the NAIC and adopt national guidelines requiring such disclosure.

Section 14. Consultation with State Insurance Regulators and the NAIC

The Secretary is directed to consult with the State insurance regulators and the NAIC in carrying out this bill, and may enter into agreements with the States and the NAIC to provide for the distribution of financial assistance, or the collection of any assessments or surcharges. The Secretary, may, in consultation with the State insurance regulators and the NAIC, investigate and audit claims of insured losses by commercial insurers.

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This section directs the President to establish a commission to study and report within 120 days after the enactment of the bill on the potential effects of acts of terrorism on the life insurance industry in the U.S. and markets served by such industry. The membership of this commission shall include: the Secretary of the Treasury; the Chairman of the Federal Reserve System; the Assistant to the President for Homeland Security; and four members appointed by the President from the insurance community.

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This section directs the Secretary of the Treasury to conduct a study to determine the availability of commercially reasonable railroad and trucking insurance for acts of terrorism. The Secretary must submit a report to Congress within 120 days after enactment of this legislation.

Section 18. Study of Reinsurance Pool System for Future Acts of Terrorism

This section directs the Secretary of the Treasury, the Federal Reserve Board of Governors, and the Comptroller General to jointly conduct a study on the advisability and effectiveness of establishing a terrorism reinsurance pool system in lieu of the program created by this bill. The study must utilize a variety of informational sources and be jointly submitted to Congress not later than 6 months after enactment.

Section 19. Definitions

This section establishes various definitions. The term “Act of terrorism” is defined as an act that is unlawful, causes harm to persons or property in the United States or to any U.S. air carrier or U.S. flag vessel outside the United States committed by persons who are recognized (prior or subsequently) by the Department of State or the Secretary as a terrorist group, or who conspire with the surrogates of a recognized terrorist group, and has the purpose of destabilizing any country or to influence the United States by coercion. As defined, an act of terrorism is not an act of war. The Secretary is directed to consult with the NAIC to further refine this definition. This section further provides that the bill only applies to commercial property and casualty insurance.

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This section grants the Secretary authority to extend the coverage period of the bill through the 2004 calendar year, if the extension is necessary to ensure the adequate availability in the United States of commercial property and casualty insurance coverage for acts of terror. Extensions are to be made on a year-by-year basis and the Secretary is required to report to Congress on the reasons for any extensions beyond the 2002 calendar year.

Section 21. Regulations

This section grants the Secretary authority to issue regulations as necessary to implement this legislation.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN]
<Peter.Fisher@do.treas.gov>; John.Duncan@do.treas.gov [UNKNOWN]
<John.Duncan@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN]
<Mario.Ugoletti@do.treas.gov>; Gerry.Hughes@do.treas.gov [UNKNOWN]
<Gerry.Hughes@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN]
<Martha.Ellett@do.treas.gov>; SmithC@cdfi.treas.gov [UNKNOWN] <SmithC@cdfi.treas.gov>
Sent: 11/27/2001 2:02:11 PM
Subject: : House Press Release and Section by Section
Attachments: P_AHQU4004_OPD.TXT_1.htm; P_AHQU4004_OPD.TXT_2.doc;
P_AHQU4004_OPD.TXT_3.doc

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CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:27-NOV-2001 19:02:11.00
SUBJECT:: House Press Release and Section by Section
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READ:UNKNOWN
TO:John.Duncan@do.treas.gov (John.Duncan@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
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TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Gerry.Hughes@do.treas.gov (Gerry.Hughes@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:SmithC@cdfi.treas.gov (SmithC@cdfi.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FYI. from unofficial sources.

Sheila

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File attachment <P_AHQU4004_OPD.TXT_1>

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File attachment <P_AHQU4004_OPD.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_AHQU4004_OPD.TXT_3>

FYI. from unofficial sources.

Sheila

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Summary

The Terrorism Risk Protection Act is the most pro-taxpayer, pro-consumer proposal to ensure terrorism coverage for consumers, with a significant commercial industry/policyholder stake, and relatively little regulation required (most of which would only kick in if an event occurred). This proposal is relatively low-maintenance for the government and will sunset without a private sector addition to Federal subsidies.

For commercial insurers, the bill protects individual companies more than any other proposal. For policyholders, since insurers will have an incentive to write terrorism coverage, it greatly increases the affordability and availability of coverage. Taxpayers and the Federal treasury are protected from unlimited financial risk because they are not on the hook for the ultimate costs. Every dollar of Federal assistance will be repaid. If no event occurs, no bureaucracy is created, and the legislation sunsets after a brief period of time.

Key Elements

- Requires all Federal taxpayer costs/assistance to be paid back.
- Models risk-sharing plan on existing State insurance programs.
- Sets trigger at \$100 million for small commercial insurers and \$1 billion as an industry wide aggregate.
- Provides 90% Federal share with 10% individual company retention.
- Assesses first \$20 billion in losses back to commercial insurers over time.
- Recoups subsequent losses through commercial policyholder surcharges.
- Provides the Treasury Secretary limited flexibility in determining assessments and surcharges based on economic conditions and the impact on urban, rural, and small commercial centers.
- Establishes uniform definition of terrorism.
- Authorizes one-year program with optional extension for up to two additional years.
- Includes limited liability reforms to protect taxpayer funds.

Advantages

- No taxpayer bailout — any Federal funds used to boost liquidity are paid back by commercial industry/policyholders (the primary beneficiaries of any proposal) over time.
- Greatly increases capacity of insurers to offer terrorism coverage.
- Companies get first dollar protection. Without this early protection, few companies can afford their individual risk and won't offer significant or affordable coverage.
- Protects small and large policyholders, and small and large insurers, while retaining incentives for risk management and efficient claims processing.

SECTION-BY-SECTION ANALYSIS OF H.R. 3210 – FLOOR VERSION

Section 1. Short Title and Table of Contents

This section sets forth the short title of the bill, the “Terrorism Risk Protection Act,” and provides a table of contents.

Section 2. Congressional Findings

This section provides Congressional findings about the damage from the September 11, 2001 terrorist attack, the resulting market disruption and potential unavailability of future terrorism insurance coverage, and the need for a temporary industry risk sharing program to facilitate transition back to a viable private insurance and reinsurance market.

Section 3. Authority of Secretary of the Treasury

This section provides that the Secretary of the Treasury will be responsible for carrying out the temporary risk sharing program for the commercial property and casualty insurance industry.

Section 4. Submission of Premium Information to Secretary

This section recognizes that insurance premium information is already provided to State insurance commissioners and the NAIC, but allows the Secretary, to the extent that such information is not otherwise available, to require insurers to submit their net U.S. commercial property and casualty insurance premium data to the NAIC or the Secretary.

Section 5. Initial and Subsequent Triggering Determinations

This section directs the Secretary to determine whether insured losses from acts of terrorism over a 12 month period exceed the triggering thresholds. The section provides for an industry-wide trigger and an individual insurer trigger. The Secretary will make a triggering determination for the entire commercial property and casualty insurance industry if industry-wide losses exceed \$1 billion. The Secretary will make a company specific triggering determination if industry-wide losses exceed \$100 million and the portion of those losses for any one commercial insurer exceed both 10 percent of the company’s capital surplus and net premiums. The lower \$100 million threshold does not apply to any commercial insurer that was not providing commercial property and casualty coverage prior to September 11, 2001, except for certain terrorism risk pools.

Subsection (b) gives the Secretary, after consultation with the Attorney General and Secretary of State, sole authority to determine whether a loss was caused by an act of terrorism and whether the terrorist attack occurred during the period of time covered by this legislation. The ability of the Secretary to make such determinations under this subsection is not limited to commercial property and casualty insurance, but rather is intended to apply for all lines of insurance.

Section 6. Federal Cost-Sharing for Commercial Insurers

Once the Secretary makes an industry-wide triggering determination in section 5, then financial cost-sharing is provided to each insurer in an amount equal to the difference of 90% of the amount of the insured terrorism losses of the insurer as a result of the triggering event and \$5 million. If the industry-wide triggering determination is not reached, but the Secretary makes a company specific triggering determination, then financial cost-sharing is provided to that insurer in an amount equal to the difference of 90 percent of the amount of the insured terrorism losses of the insurer as a result of such triggering event and 10 percent of the net commercial property and casualty premiums written by such commercial insurer (as a deductible). Federal assistance is capped at \$100 billion. A sense of the Congress provides that terrorist events causing in excess of that amount would necessitate further Congressional action. Any Federal assistance provided will be repaid through the

assessments and surcharges provided for in section 7 and 8, and may be designated by the President as emergency budget authority and outlays. Federal assistance received by an insurer should not be treated as a loan for balance sheet purposes. Furthermore, Federal assistance will be available for all property and casualty terrorism risk insurance policies in force during the coverage period of this legislation as long as the insurer was providing such coverage (or not excluding terrorism risk coverage) on or before September 11, 2001.

Section 7. Assessments

This section is modeled after the State insurance guarantee funds that exist in almost every State to address the possibility of insurer insolvencies, as well as numerous State catastrophic insurance funds. After the Secretary makes a triggering determination in section 5, every commercial insurer is subject to an assessment based on an insurer's net commercial insurance premiums to repay any Federal cost-sharing assistance provided under section 6. The aggregate amount assessed will be equal to the lesser of \$20 billion or the amount of financial assistance paid.

The aggregate assessment amount shall be assessed to commercial insurers through an industry obligation assessment and, if necessary, the remainder through one or more future financing assessments. Industry obligation assessments are imposed immediately following a triggering determination in an amount up to \$5 billion, and if the program is extended pursuant to section 20 for a second or third year, up to \$10 billion in each additional year. Financing assessments (any losses above the \$5 or \$10 billion) shall begin 12 months after the last obligation assessment, and shall not exceed 3 percent of an insurer's net commercial premiums for that year. If the amount assessed through financing assessments in any given year is insufficient to cover Federal assistance, then the Secretary will make a new assessment in each following year until the amount is recouped. The Secretary may delay the assessment of an insurer to avoid an insolvency and may adjust or delay assessments generally as provided in section 9.

Section 8. Terrorism Loss Repayment Surcharge

This section applies only to terrorist losses that exceed \$20 billion, and is modeled after several State catastrophic insurance programs. To recoup Federal assistance provided in section 6 for amounts above the Federal share of the \$20 billion, the Secretary will impose a commercial policyholder surcharge to the extent that economic and market conditions permit. The factors to be weighed in determining the extent of the surcharge are the ultimate costs to taxpayers if a surcharge is not established, the economic conditions in the commercial marketplace, the affordability of commercial insurance for small and medium-sized business, and such other factors the Secretary considers appropriate. The terrorism repayment surcharge will be on all commercial insurance premiums based on a percentage of any coverage amounts but in any given year may not exceed the amount equal to 3 percent of the premium charged for such coverage. For purposes of this section, commercial property and casualty insurance does not include any reinsurance provided to primary insurance companies, so as to avoid a double surcharge.

Section 9. Administration of Assessments and Surcharges

This section provides the Secretary with significant flexibility in establishing the manner and method of carrying out any assessments or surcharges, in particular as necessary to protect the national interest, avoid unreasonable economic disruption and market instability, and avoid undue burdens on small businesses. The Secretary must also take into consideration the economic impact of any of these assessments and surcharges on urban and smaller commercial and rural areas and different lines of insurance. The Secretary may also make special adjustments to provide for commercial insurers and policies that are not based on a calendar year. The Secretary is also given the authority to assess civil monetary

penalties for insurers that submit false data, fail to pay assessed amounts, or fail to collect appropriate surcharges.

Section 10. Application to Self-Insurance Arrangements and Offshore Insurers and Reinsurers

In consultation with the NAIC, the Secretary may apply the provisions of this bill to self-insurance arrangements by municipalities and other entities, but only if that determination is made before the occurrence of a triggering event and all of the provisions of this legislation are applied uniformly to such entities. The Committee expects that many types of self-insuring entities may desire or need risk-sharing coverage for terrorism attacks, while for others participation may be inappropriate. The Secretary is given authority to determine which of these entities should be participating, so long as application of the benefits and costs are applied equally. The Secretary must also ensure that the provisions of this bill are applied as appropriate to any offshore or non-admitted entities that provide commercial property and casualty insurance. Both provisions of this section are intended in part to prevent evasion of assessments.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 11/28/2001 4:16:10 AM
Subject: : have interivew of Minora today at 1:00 in 156

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CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-NOV-2001 09:16:10.00

SUBJECT:: have interivew of Minora today at 1:00 in 156

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/28/2001 5:14:41 AM
Subject: : Terrorism Insurance
Attachments: P_UPAB4003_WHO.TXT_1.doc

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CREATION DATE/TIME:28-NOV-2001 10:14:41.00

SUBJECT:: Terrorism Insurance

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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This went out this morning to 40,000 members of the Chambers Action Network.

- Terror Insurance AC 11-27.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

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REV_00136831

ACTION CALL!

November 28, 2001



U.S. HOUSE TO VOTE ON TERRORISM INSURANCE

CALL YOUR REPRESENTATIVE TO ASK FOR THEIR SUPPORT

The U.S. House of Representatives will vote on terrorism insurance legislation this Thursday, November 29th. H.R. 3210, the "Terrorism Risk Protection Act," will limit liability and discourage trial lawyers from cashing in on future terrorist acts by blaming and suing businesses for acts they have no control over.

Thousands of companies across the nation are already beginning to receive notices indicating that insurance coverage for future acts will be cancelled. Without this important legislation, by the end of the year, the majority of American businesses will lose their insurance protection against acts of terrorism, putting them in jeopardy and millions of jobs at risk.

IMMEDIATE ACTION NEEDED: Call or write your representative today and ask them to support H.R. 3210, the "Terrorism Risk Protection Act."

- To call, use the GAIN Legislative Hotline at 1-888-832-GAIN (4246)
- To fax, go to GAIN Online at www.uschamber.policy.net

Background: Without adequate terrorism insurance, businesses and industries will face significantly higher financial & transportation costs. For example:

- Banks cannot lend money for new construction or the purchase of real estate unless borrowers have adequate insurance;
- Borrowers may be considered in default on their existing loans, since lenders often require insurance as a condition of the loan;
- Stadiums and arenas may be forced to no longer feature sporting or entertainment events;
- Shopping malls, factories, power plants, pipelines and skyscrapers could be put out of business;
- Trucking firms, railroads, airlines and ships may be unable to transport many types of cargo or required to limit their destinations.

Any legislation must also include reasonable limits on liability for non-terrorist victims. Liability limits are needed so that businesses won't be sued for terrorist attacks and so that taxpayers won't be subsidizing trial lawyers excesses. Terrorism legislation should provide reasonable legal procedures that would:

- Ensure that victims can quickly recover real losses;
- Protect the taxpayer from spurious claims;
- Prevent unnecessary bankruptcies; and
- Reduce the likelihood that future terrorist attacks will significantly burden the U.S. economy.

A federal backstop for terrorism insurance is not just about helping insurance companies; it's about preventing a widespread credit crunch that jeopardizes thousands of diverse industries of all sizes and millions of workers.

If you would prefer to receive future alerts and updates via e-mail, please visit www.uschamber.policy.net to register.

REV_00136832

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: melissa s. bennett/who/eop@eop [WHO] <melissa s. bennett>;carol j. thompson/who/eop@eop [WHO] <carol j. thompson>;susan b. ralston/who/eop@eop [WHO] <susan b. ralston>;carrie c. pauska/who/eop@eop [WHO] <carrie c. pauska>;alison jones/who/eop@eop [WHO] <alison jones>;michael j. conway/who/eop@eop [WHO] <michael j. conway>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;dee dee benkie/who/eop@eop [WHO] <dee dee benkie>;andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>;amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>;adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>;jennifer.newstead@usdoj.gov [UNKNOWN] <jennifer.newstead@usdoj.gov>;viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;heather wingate/who/eop@eop [WHO] <heather wingate>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason.j.sutton@usdoj.gov [UNKNOWN] <jason.j.sutton@usdoj.gov>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;stacey b. silva/who/eop@eop [WHO] <stacey b. silva>
Sent: 11/28/2001 5:47:19 AM
Subject: : Re: Reminder-JSC meeting on Wednesday, Nov. 28th

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-NOV-2001 10:47:19.00

SUBJECT:: Re: Reminder-JSC meeting on Wednesday, Nov. 28th

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:melissa s. bennett (CN=melissa s. bennett/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:carol j. thompson (CN=carol j. thompson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:carrie c. pauska (CN=carrie c. pauska/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alison jones (CN=alison jones/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:michael j. conway (CN=michael j. conway/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

REV_00136833

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:dee dee benkie (CN=dee dee benkie/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason.j.sutton@usdoj.gov (jason.j.sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stacey b. silva (CN=stacey b. silva/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I have an important conference call on the PLA litigation that was scheduled, after coordinating the schedules of about 10 people, for 4pm today. I don't have any items to present to the WHJSC so, if it's all right with the Chairs, I will participate in the call and see you all next week.

Elizabeth N. Camp
11/27/2001 06:57:06 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Stacey B. Silva/WHO/EOP@EOP
Subject: Reminder-JSC meeting on Wednesday, Nov. 28th

4-5pm in the Roosevelt.

Message Sent

To: _____
Melissa S. Bennett/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Carrie C. Pauska/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP

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John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Dee Dee Benkie/WHO/EOP@EOP
andrew.beach@usdoj.gov
amy.petersen@usdoj.gov
adam.ciongoli@usdoj.gov @ inet
Brent D. Greenfield/WHO/EOP@EOP
evelyn.v.long@usdoj.gov
Jennifer.Newstead@usdoj.gov
Viet.Dinh@usdoj.gov
Heather Wingate/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason.J.Sutton@usdoj.gov
Kyle Sampson/WHO/EOP@EOP

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD

READ:UNKNOWN
BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
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BCC:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])
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BCC:Karen A. Yeager (CN=Karen A. Yeager/OU=WHO/O=EOP@EOP [WHO])
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BCC:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
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BCC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
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BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Heidi K. Marquez (CN=Heidi K. Marquez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

She was the great wordsmith behind the Great Communicator...

/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [UNKNOWN]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A.

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BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chad M. Kolton (CN=Chad M. Kolton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Mark Holman (CN=Mark Holman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
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BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
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BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
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BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
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BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
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BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP [OVP])
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READ:UNKNOWN
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BCC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
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BCC:Wayne A. Downing (CN=Wayne A. Downing/OU=NSC/O=EOP [NSC])
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BCC:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP [WHO])
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BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
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BCC:Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP [WHO])
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BCC:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])
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BCC:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
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BCC:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
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BCC:David Kuo (CN=David Kuo/OU=WHO/O=EOP [WHO])
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BCC:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP [WHO])
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BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP [WHO])
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BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP [OPD])
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BCC:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP [NSC])
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BCC:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
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From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kenneth B. Mehlman (Kenneth B. Mehlman/WHO/EOP@EOP [UNKNOWN]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [WHO]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]), Carlos E. Bonilla (Carlos E. Bonilla/OPD

READ:UNKNOWN
BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP [NSC])
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BCC:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])
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BCC:Karen A. Yeager (CN=Karen A. Yeager/OU=WHO/O=EOP@EOP [WHO])
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BCC:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
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BCC:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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BCC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
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BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
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BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Heidi K. Marquez (CN=Heidi K. Marquez/OU=WHO/O=EOP@EOP [WHO])
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She was the great wordsmith behind the Great Communicator...

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Sent: 11/28/2001 6:32:09 AM
Subject: : OSI Lecture Series: Peggy Noonan

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BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Chad M. Kolton (CN=Chad M. Kolton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Mark Holman (CN=Mark Holman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
BCC:Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Rebecca L. Halkias (CN=Rebecca L. Halkias/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Barbara C. Chaffee (CN=Barbara C. Chaffee/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Susan K. Neely (CN=Susan K. Neely/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Allison Barber (CN=Allison Barber/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Paddy Feeny (CN=Paddy Feeny/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Craig Stevens (CN=Craig Stevens/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Greg Lagana (CN=Greg Lagana/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Jill L. Angelo (CN=Jill L. Angelo/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Karen L. Zent (CN=Karen L. Zent/OU=WHO/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Diana C. Donnelly (CN=Diana C. Donnelly/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Christa Moyle (CN=Christa Moyle/OU=OA/O=EOP [OA])
READ:UNKNOWN
BCC:Carol E. Ehrlich (CN=Carol E. Ehrlich/OU=OA/O=EOP [OA])
READ:UNKNOWN
BCC:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP [WHO])

READ:UNKNOWN
BCC:Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Charles S. Abbot (CN=Charles S. Abbot/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Wayne A. Downing (CN=Wayne A. Downing/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John L. Howard Jr. (CN=John L. Howard Jr./OU=CEQ/O=EOP [CEQ])
READ:UNKNOWN
BCC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:David Kuo (CN=David Kuo/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP [NSC])

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: susan b. ralston/who/eop@eop [WHO] <susan b. ralston>
Sent: 11/28/2001 6:51:13 AM
Subject: : Re: PFA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-NOV-2001 11:51:13.00
SUBJECT:: Re: PFA
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

technically, you actually should delete "our party and"

Robert W. Cobb
11/28/2001 11:49:24 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: susan b. ralston/who/eop@eop
bcc:
Subject: Re: PFA

Once Brett's change is made, its fine with me.

Brett M. Kavanaugh
11/28/2001 10:10:32 AM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP
cc: Robert W. Cobb/WHO/EOP@EOP
Subject: PFA

delete "for our party" and it's ok by me, but moose needs to opine

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/28/2001 10:09 AM -----

Susan B. Ralston
11/28/2001 10:02:36 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: PFA

Have not yet received a reply. Please advise.

----- Forwarded by Susan B. Ralston/WHO/EOP on 11/28/2001

REV_00136872

10:02 AM -----

Susan B. Ralston
11/15/2001 11:43:34 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: PFA

Is it OK for KR to send out the following letter to Progress for America
folks who met w/ him on a political trip?:

Dear _____,

It was good to see you at the Progress for America briefing. We're
appreciative of all that you and the others at the PFA meeting do for our
party and our cause.

The Administration faces some tough challenges ahead, but the President is
off to a good start at home and a strong start in the war against global
terrorism.

Thanks again for your support.

REV_00136873

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 11/28/2001 3:06:38 AM
Subject: : WHJSC PREP

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 28-NOV-2001 08:06:38.00

SUBJECT:: WHJSC PREP

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I think it is right after staff meeting today; binders are in
Lori's office

REV_00136874

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 11/28/2001 4:16:10 AM
Subject: : have interivew of Minora today at 1:00 in 156

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-NOV-2001 09:16:10.00

SUBJECT:: have interivew of Minora today at 1:00 in 156

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 11/28/2001 4:42:05 AM
Subject: : Letter to Congress explaining why Gov. Ridge won't testify

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:28-NOV-2001 09:42:05.00

SUBJECT:: Letter to Congress explaining why Gov. Ridge won't testify

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt

Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Brett: I'd be happy to draft the letter you requested. Could you email
me the latest draft of the generic letter you prepared earlier this year?

Thanks.

-- Paul

cc: Ed

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/28/2001 5:14:41 AM
Subject: : Terrorism Insurance
Attachments: P_UPAB4003_OPD.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-NOV-2001 10:14:41.00

SUBJECT:: Terrorism Insurance

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This went out this morning to 40,000 members of the Chambers Action Network.

- Terror Insurance AC 11-27.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_UPAB4003_OPD.TXT_1>

REV_00136878

ACTION CALL!

November 28, 2001



U.S. HOUSE TO VOTE ON TERRORISM INSURANCE

CALL YOUR REPRESENTATIVE TO ASK FOR THEIR SUPPORT

The U.S. House of Representatives will vote on terrorism insurance legislation this Thursday, November 29th. H.R. 3210, the "Terrorism Risk Protection Act," will limit liability and discourage trial lawyers from cashing in on future terrorist acts by blaming and suing businesses for acts they have no control over.

Thousands of companies across the nation are already beginning to receive notices indicating that insurance coverage for future acts will be cancelled. Without this important legislation, by the end of the year, the majority of American businesses will lose their insurance protection against acts of terrorism, putting them in jeopardy and millions of jobs at risk.

IMMEDIATE ACTION NEEDED: Call or write your representative today and ask them to support H.R. 3210, the "Terrorism Risk Protection Act."

- To call, use the GAIN Legislative Hotline at 1-888-832-GAIN (4246)
- To fax, go to GAIN Online at www.uschamber.policy.net

Background: Without adequate terrorism insurance, businesses and industries will face significantly higher financial & transportation costs. For example:

- Banks cannot lend money for new construction or the purchase of real estate unless borrowers have adequate insurance;
- Borrowers may be considered in default on their existing loans, since lenders often require insurance as a condition of the loan;
- Stadiums and arenas may be forced to no longer feature sporting or entertainment events;
- Shopping malls, factories, power plants, pipelines and skyscrapers could be put out of business;
- Trucking firms, railroads, airlines and ships may be unable to transport many types of cargo or required to limit their destinations.

Any legislation must also include reasonable limits on liability for non-terrorist victims. Liability limits are needed so that businesses won't be sued for terrorist attacks and so that taxpayers won't be subsidizing trial lawyers excesses. Terrorism legislation should provide reasonable legal procedures that would:

- Ensure that victims can quickly recover real losses;
- Protect the taxpayer from spurious claims;
- Prevent unnecessary bankruptcies; and
- Reduce the likelihood that future terrorist attacks will significantly burden the U.S. economy.

A federal backstop for terrorism insurance is not just about helping insurance companies; it's about preventing a widespread credit crunch that jeopardizes thousands of diverse industries of all sizes and millions of workers.

If you would prefer to receive future alerts and updates via e-mail, please visit www.uschamber.policy.net to register.

REV_00136879

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Lisa D. Branch/CEA /EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Brian R. Besanceney/OPD /EOP@EOP [OPD] <Brian R. Besanceney>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/28/2001 5:14:41 AM
Subject: : Terrorism Insurance
Attachments: P_UPAB4003_CEA.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-NOV-2001 10:14:41.00

SUBJECT:: Terrorism Insurance

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

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TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This went out this morning to 40,000 members of the Chambers Action Network.

- Terror Insurance AC 11-27.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_UPAB4003_CEA.TXT_1>

REV_00136880

ACTION CALL!

November 28, 2001



U.S. HOUSE TO VOTE ON TERRORISM INSURANCE

CALL YOUR REPRESENTATIVE TO ASK FOR THEIR SUPPORT

The U.S. House of Representatives will vote on terrorism insurance legislation this Thursday, November 29th. H.R. 3210, the "Terrorism Risk Protection Act," will limit liability and discourage trial lawyers from cashing in on future terrorist acts by blaming and suing businesses for acts they have no control over.

Thousands of companies across the nation are already beginning to receive notices indicating that insurance coverage for future acts will be cancelled. Without this important legislation, by the end of the year, the majority of American businesses will lose their insurance protection against acts of terrorism, putting them in jeopardy and millions of jobs at risk.

IMMEDIATE ACTION NEEDED: Call or write your representative today and ask them to support H.R. 3210, the "Terrorism Risk Protection Act."

- To call, use the GAIN Legislative Hotline at 1-888-832-GAIN (4246)
- To fax, go to GAIN Online at www.uschamber.policy.net

Background: Without adequate terrorism insurance, businesses and industries will face significantly higher financial & transportation costs. For example:

- Banks cannot lend money for new construction or the purchase of real estate unless borrowers have adequate insurance;
- Borrowers may be considered in default on their existing loans, since lenders often require insurance as a condition of the loan;
- Stadiums and arenas may be forced to no longer feature sporting or entertainment events;
- Shopping malls, factories, power plants, pipelines and skyscrapers could be put out of business;
- Trucking firms, railroads, airlines and ships may be unable to transport many types of cargo or required to limit their destinations.

Any legislation must also include reasonable limits on liability for non-terrorist victims. Liability limits are needed so that businesses won't be sued for terrorist attacks and so that taxpayers won't be subsidizing trial lawyers excesses. Terrorism legislation should provide reasonable legal procedures that would:

- Ensure that victims can quickly recover real losses;
- Protect the taxpayer from spurious claims;
- Prevent unnecessary bankruptcies; and
- Reduce the likelihood that future terrorist attacks will significantly burden the U.S. economy.

A federal backstop for terrorism insurance is not just about helping insurance companies; it's about preventing a widespread credit crunch that jeopardizes thousands of diverse industries of all sizes and millions of workers.

If you would prefer to receive future alerts and updates via e-mail, please visit www.uschamber.policy.net to register.

REV_00136881

From: Wilson, Karen L <Karen.L.Wilson@usdoj.gov>
To: Dinh, Viet <Viet.Dinh@usdoj.gov>; Thorsen, Carl <Carl.Thorsen@usdoj.gov>
CC: Bryant, Dan <Dan.Bryant@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>
Sent: 11/28/2001 9:34:49 AM
Subject: : RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Wilson, Karen L" <Karen.L.Wilson@usdoj.gov> ("Wilson, Karen L" <Karen.L.Wilson@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 28-NOV-2001 14:34:49.00

SUBJECT: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

TO: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

CC: "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Is the rationale for why we are pushing for the letter is that we were asked to do it and in fact, the Committee is anxious to get it?

-----Original Message-----

From: Dinh, Viet
Sent: Wednesday, November 28, 2001 2:05 PM
To: Thorsen, Carl; Wilson, Karen L
Cc: 'brett_m._kavanaugh@who.eop.gov'; 'Kristen_Silverberg@who.eop.gov'; Bryant, Dan; 'robert.marsh@who.eop.gov'
Subject: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

Paul Taylor told me that it should be addressed to Sensenbrenner.

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From: Thorsen, Carl
Sent: Wednesday, November 28, 2001 1:34 PM
To: Wilson, Karen L; Dinh, Viet
Cc: 'brett_m._kavanaugh@who.eop.gov'; 'Kristen_Silverberg@who.eop.gov'; Bryant, Dan; 'robert.marsh@who.eop.gov'
Subject: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

REV_00136884

Why is it addressed to Oxley? It should probably go to Sensenbrenner, no?

Kristen, Brett, any thoughts on this?

-----Original Message-----

From: Wilson, Karen L
Sent: Wednesday, November 28, 2001 1:30 PM
To: Thorsen, Carl; Dinh, Viet
Subject: RE: Views Letter on Litigation Management Provisions for
Terrorism In surance Bill

I got a voicemail message from Jeff Weinberg, the Legislative Reference Attorney at OMB who is facilitating clearance of this letter. He said that he has forwarded the letter to WH counsel, but that they (?) was to know what the rationale is for sending the letter up now, when they are clearing a SAP for House rules today. Also, they want to know why its addressed to Rep. Oxley rather than Judiciary.

-----Original Message-----

From: Thorsen, Carl
Sent: Wednesday, November 28, 2001 8:40 AM
To: Dinh, Viet
Cc: Wilson, Karen L
Subject: RE: Views Letter on Litigation Management Provisions for
Terrorism In surance Bill

It went to OMB yesterday. Karen, could you see if we can goose it along over there.

-----Original Message-----

From: Dinh, Viet
Sent: Wednesday, November 28, 2001 8:11 AM
To: 'Taylor, Paul'; Thorsen, Carl;
'brett(u)m.(u)kavanaugh(a)who.eop.gov'
Cc: Newstead, Jennifer; 'Pinkos, Steve'; 'Mautz, John'
Subject: RE: Views Letter on Litigation Management Provisions for
Terrorism In surance Bill

Carl and jennifer, anything I need to do to move this along?

-----Original Message-----

From: Taylor, Paul [mailto:Paul.Taylor@mail.house.gov]
Sent: Monday, November 26, 2001 3:43 PM
To: Thorsen, Carl; Dinh, Viet; 'brett(u)m.(u)kavanaugh(a)who.eop.gov'
Cc: Newstead, Jennifer; Pinkos, Steve; Mautz, John
Subject: Views Letter on Litigation Management Provisions for Terrorism
In surance Bill

Viet, any word on an ETA for the Views Letter? We'll want to put the bill together in final form tomorrow.

Paul Taylor
Counsel
House Subcommittee on the Constitution
202-225-7157 (w)
571-235-7575 (cell)
703-535-3394 (home)

REV_00136885

From: Wilson, Karen L <Karen.L.Wilson@usdoj.gov>
To: Dinh, Viet <Viet.Dinh@usdoj.gov>; Thorsen, Carl <Carl.Thorsen@usdoj.gov>
CC: Bryant, Dan <Dan.Bryant@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>
Sent: 11/28/2001 9:38:50 AM
Subject: : RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Wilson, Karen L" <Karen.L.Wilson@usdoj.gov> ("Wilson, Karen L"

<Karen.L.Wilson@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 28-NOV-2001 14:38:50.00

SUBJECT:: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

TO: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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CC: "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

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READ: UNKNOWN

CC: Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

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Sent: Wednesday, November 28, 2001 2:05 PM

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Bryant, Dan; 'robert.marsh@who.eop.gov'

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Sent: Wednesday, November 28, 2001 1:34 PM

To: Wilson, Karen L; Dinh, Viet

Cc: 'brett_m._kavanaugh@who.eop.gov'; 'Kristen_Silverberg@who.eop.gov';

Bryant, Dan; 'robert.marsh@who.eop.gov'

Subject: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

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-----Original Message-----

REV_00136886

From: Wilson, Karen L
Sent: Wednesday, November 28, 2001 1:30 PM
To: Thorsen, Carl; Dinh, Viet
Subject: RE: Views Letter on Litigation Management Provisions for
Terrorism Insurance Bill

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From: Thorsen, Carl
Sent: Wednesday, November 28, 2001 8:40 AM
To: Dinh, Viet
Cc: Wilson, Karen L
Subject: RE: Views Letter on Litigation Management Provisions for
Terrorism Insurance Bill

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From: Dinh, Viet
Sent: Wednesday, November 28, 2001 8:11 AM
To: 'Taylor, Paul'; Thorsen, Carl;
'brett(u)m.(u)kavanaugh(a)who.eop.gov'
Cc: Newstead, Jennifer; 'Pinkos, Steve'; 'Mautz, John'
Subject: RE: Views Letter on Litigation Management Provisions for
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Sent: Monday, November 26, 2001 3:43 PM
To: Thorsen, Carl; Dinh, Viet; 'brett(u)m.(u)kavanaugh(a)who.eop.gov'
Cc: Newstead, Jennifer; Pinkos, Steve; Mautz, John
Subject: Views Letter on Litigation Management Provisions for Terrorism
Insurance Bill

Viet, any word on an ETA for the Views Letter? We'll want to put the bill together in final form tomorrow.

Paul Taylor
Counsel
House Subcommittee on the Constitution
202-225-7157 (w)
571-235-7575 (cell)
703-535-3394 (home)

REV_00136887

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/28/2001 6:21:56 AM
Subject: : More Terrorism Insurance Distributed to Hill today...
Attachments: P_NEEB4003_OPD.TXT_1.doc; P_NEEB4003_OPD.TXT_2.doc; P_NEEB4003_OPD.TXT_3.doc; P_NEEB4003_OPD.TXT_4.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-NOV-2001 11:21:56.00

SUBJECT:: More Terrorism Insurance Distributed to Hill today....

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

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READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

- AGC.doc
- ICSC.doc
- NAMIC.doc
- NAW.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_NEEB4003_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_NEEB4003_OPD.TXT_2>

REV_00136888

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NEEB4003_OPD.TXT_3>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NEEB4003_OPD.TXT_4>



THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA

333 John Carlyle Street, Suite 200 • Alexandria, VA 22314

Phone: (703) 548-3118 • FAX: (703) 548-3119 • www.agc.org

ROBERT J. DESJARDINS, President

LARRY C. GASKINS, Senior Vice President

JACK KELLEY, Vice President

BILL B. ARMSTRONG, Jr., Treasurer

STEPHEN E. SANDHERR, Chief Executive Officer

DAVID R. LUKENS, Chief Operating Officer

October 30, 2001

The Honorable J. Dennis Hastert
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Hastert:

As the oldest and largest national trade association in the construction industry, the Associated General Contractors of America (AGC) strongly supports the effort to ensure that the insurance industry can continue to provide insurance coverage for acts of terrorism at reasonable and affordable rates.

If this effort fails, the construction industry will certainly suffer. Even before the tragic events of September 11th, the volume of construction actually put into place had begun to decline. The broad exclusion of all acts of terrorism from all property and liability insurance policies would trigger a much deeper decline in the volume of such construction, and in the end, it could drag the entire nation into an economic recession. Without builders risk insurance broad enough to cover any acts of terrorism, property owners would find it difficult to qualify new projects for construction loans or permanent financing. Even if they could do so, such owners would hesitate to launch the construction of office buildings, shopping centers and industrial and other facilities that would remain largely uninsurable. Because of the long-term nature of construction projects, any solution to the problem needs to be, at a very minimum, at least one year so that such projects can continue to be planned and executed.

The casualties could well include the many new power plants and other energy projects now being planned. Such projects require considerable financing and often take years to complete. The real victims would, however, be the millions of good men and women who depend on the construction industry for their livelihood. Many, many more depend on the infrastructure that these Americans have the unique ability to build.

AGC has more than 33,000 general construction contractors, specialty contractors, material suppliers and professional service providers among its members represented by more than 100 state and local chapters throughout the United States and Puerto Rico. It was formed in 1918, at the request of President Woodrow Wilson, and in response to the national crisis of that much earlier era. It has much faith in the private sector and believes that the private sector can, should, and will assume the ultimate responsibility for resolving the current insurance crisis, but that, for some time, the federal government will have an important role to play.

AGC applauds your leadership and urges both Congress and the Administration to take prompt and appropriate action on this pressing matter.

Respectfully,

Stephen E. Sandherr

Building Your Quality of Life

REV_00136890

November xx, 2001

The Honorable xxx
United States House of Representatives
Washington, DC 20515

RE: Insurance Coverage for Terrorism

Dear Representative xxx:

The International Council of Shopping Centers (ICSC) urges you to quickly pass legislation that would provide a mechanism for property owners, including those who own malls and shopping centers, to obtain affordable and comprehensive insurance against future terrorist activities.

ICSC is the global trade association of the shopping center industry. Its 40,000 members in the United States, Canada and more than 75 other countries around the world include shopping center owners, developers, managers, investors, lenders, retailers and other professionals.

As a result of the events of September 11, the reinsurance industry has decided, on a prospective basis, to exclude acts of terrorism from coverage. Most primary insurers, therefore, will not provide terrorism insurance to their policyholders since they are unable to reduce their risk through reinsurance.

This, in turn, will cause shopping center owners to bear the full risk of damages resulting from any future terrorist activities. In addition, the lack of terrorism insurance will cause banks and other lenders to cease financing new construction projects or refinancing existing centers since their collateral would be exposed to terrorist acts.

It is imperative that Congress takes immediate action to avoid further disruption to our economy. As you consider the various pending legislation, we urge you to address the following concerns of the shopping center industry:

- Any federally assisted insurance program must be of sufficient duration to provide stability to the real estate and financial markets.
- All business and commercial properties must be covered for terrorism to guard against “cherry-picking” low-risk properties and excluding high-risk, high-visibility locations.

- The definition of “terrorism” in policies must be broad enough to include all acts of “terror”, even if they are classified for political purposes as “acts of war”.
- Appropriate legal safeguards should be included to protect all of the victims of a terrorist attack.

We look forward to working with you in the next couple of weeks to enact terrorism insurance legislation. If you have any questions, please contact Wayne Mehlman, ICSC’s Director of Economic Issues and Government Relations, at (703) 549-7404.

Sincerely,

John M. Ingram
Chairman

Headquarters Office: 3601 Vincennes Road, P.O. Box 68700
Indianapolis, IN 46268-0700 ~ Phone: (317) 875-5250; FAX (317) 879-8404
Washington Office: 122 C Street, NW, Suite 540 ~ Washington, DC 20001
Phone (202) 628-1558; FAX (202) 628-1601



November 28, 2001

Dear Member of Congress:

Later this week, the House of Representatives will consider, H.R. 3210, the Terrorism Risk Protection Act. On behalf of the more than 1,300 member companies of the National Association of Mutual Insurance Companies (NAMIC), I encourage you to vote for its passage.

The Terrorism Risk Protection Act would establish a program within the Department of the Treasury that would provide a financial backstop for property and casualty insurance companies in the event of another catastrophic terrorist attack on our country. The events of September 11 have resulted in the largest loss for our industry in its history. While the total amount of those losses will not be known for sometime, estimates from reliable sources suggest the losses could be as high as \$70 billion. The industry will pay all substantiated claims from those events.

The terrorism risk, however, is not a coverage for which companies can plan and measure their exposure. International reinsurers (those companies who insure insurers) are in the process of excluding coverage for terrorism losses from reinsurance contracts for the coming year. This means that primary companies will have to exclude the coverage from their policies or risk exposing their companies to insolvency should another event occur.

H.R. 3210 would provide for federal financial assistance to the industry and individual companies if losses exceed significant amounts. **Any assistance the industry and individual companies receive from the federal government would be repaid to the U.S. Treasury.**

Without the enactment of legislation before year-end, nearly all property and casualty insurance companies will seek to exclude terrorism coverage from their policies. This applies to personal lines carriers as well as commercial lines carriers.

Please vote "for" H.R. 3210.

Sincerely,

Pamela J. Allen
Vice President – Federal Affairs

N.A.W

NATIONAL ASSOCIATION OF WHOLESALE-DISTRIBUTORS
1725 K STREET, N.W., SUITE 300
WASHINGTON, DC 20006
TEL: 202-872-0885 FAX: 202-296-5940

November 27, 2001

**IDENTICAL LETTER SENT TO
ALL MEMBERS OF CONGRESS**

Dear :

I write on behalf of the National Association of Wholesaler-Distributors (NAW) and our 45,000 affiliated companies, to express support for terrorism insurance legislation now being developed in both the House of Representatives and the Senate. Time is of the essence in this matter; it is vital to the operation of the wholesale distribution industry and the health of our economy that such legislation be enacted this year.

As you may know, the downturn in the economy which has been reflected in the financial markets contributed mightily to a "hardening" of the property-casualty insurance marketplace which began to be felt in the wholesale distribution and other insured industries well before the tragic events of September 11th. In the aftermath of those atrocities, the reinsurance industry has made clear that it will no longer provide coverage for losses due to "acts of terrorism" in contracts that renew on the first of the year. As a consequence, NAW member companies are learning that their insurers plan to similarly exclude coverage for losses due to terrorist acts. Where such an exclusion is not permitted, it has been suggested to NAW members that they should expect additional premium increases, lower policy limits and higher deductibles.

The financial pressure this places on industry firms is considerable in an already sluggish economy, and is not limited to that which is exerted on companies' bottom lines due to the higher cost of obtaining necessary insurance coverage. It also comes from the higher cost of obtaining services critical to the smooth operation of distribution channels; transportation for example, where insurance costs are similarly skyrocketing. The pressure is also felt in the financial markets for companies no longer able to obtain adequate commercial financing.

Absent a solution implemented in a timely fashion, the threat to our economy is clear. The importance to property-casualty insurance policy *holders* of the enactment of terrorism insurance legislation, enabling the Federal government to temporarily fill the void, cannot be overstated. To be effective, NAW members believe that the legislation must also provide reasonable legal procedures to protect taxpayers and *all* potential defendants in lawsuits that arise out of future terrorist attacks.

Again, timely action is essential. NAW respectfully urges that both Chambers of Congress act as quickly as possible, and present to the President for his signature terrorism insurance legislation with balanced, evenly-applied legal procedures. Thank you for your consideration of NAW's views.

Sincerely,



Dirk Van Dongen
President

REV_00136894

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: susan b. ralston/who/eop@eop [WHO] <susan b. ralston>
Sent: 11/28/2001 6:51:13 AM
Subject: : Re: PFA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-NOV-2001 11:51:13.00
SUBJECT:: Re: PFA
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:susan b. ralston (CN=susan b. ralston/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

technically, you actually should delete "our party and"

Robert W. Cobb
11/28/2001 11:49:24 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: susan b. ralston/who/eop@eop
bcc:
Subject: Re: PFA

Once Brett's change is made, its fine with me.

Brett M. Kavanaugh
11/28/2001 10:10:32 AM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP
cc: Robert W. Cobb/WHO/EOP@EOP
Subject: PFA

delete "for our party" and it's ok by me, but moose needs to opine

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/28/2001 10:09 AM -----

Susan B. Ralston
11/28/2001 10:02:36 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: PFA

Have not yet received a reply. Please advise.

----- Forwarded by Susan B. Ralston/WHO/EOP on 11/28/2001

REV_00136895

10:02 AM -----

Susan B. Ralston
11/15/2001 11:43:34 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: PFA

Is it OK for KR to send out the following letter to Progress for America
folks who met w/ him on a political trip?:

Dear _____,

It was good to see you at the Progress for America briefing. We, re
appreciative of all that you and the others at the PFA meeting do for our
party and our cause.

The Administration faces some tough challenges ahead, but the President is
off to a good start at home and a strong start in the war against global
terrorism.

Thanks again for your support.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
BCC: Rebecca Gonzales (Rebecca Gonzales [UNKNOWN]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP [WHO]), Anne Womack (Anne Womack/WHO/EOP [WHO]), Harry W. Wolff (Harry W. Wolff/WHO/EOP [WHO])
Sent: 11/28/2001 7:30:48 AM
Subject: : Judge on talk shows later today re: military tribunals

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-NOV-2001 12:30:48.00

SUBJECT:: Judge on talk shows later today re: military tribunals

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00136897

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rebecca Gonzales (Rebecca Gonzales [UNKNOWN])
READ:UNKNOWN
BCC:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

6:15 ish Live w/ Britt Hume on FOX
6:30 ish Live PBS Jim Lehrer

At 4:45 pm he pre-tapes a interview w/ Aaron Brown to air at 10:00 tonight
on CNN.

If anything changes I'll let you know.

From: CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/28/2001 8:11:25 AM
Subject: : Re: urgent- terrorism risk insurance SAP

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:28-NOV-2001 13:11:25.00

SUBJECT:: Re: urgent- terrorism risk insurance SAP

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

thanks Brett

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 11/28/2001 8:13:35 AM
Subject: RECEIVED: urgent- terrorism risk insurance SAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-NOV-2001 13:13:35.00
SUBJECT: RECEIVED: urgent- terrorism risk insurance SAP
TO: Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
urgent- terrorism risk insurance SAP
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
11/28/2001 01:09:23 PM

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/28/2001 12:32:43 PM
Subject: : CSPAN2 now - discussing Miguel Estrada

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-NOV-2001 17:32:43.00

SUBJECT:: CSPAN2 now - discussing Miguel Estrada

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Wilson, Karen L <Karen.L.Wilson@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>
CC: Bryant, Dan <Dan.Bryant@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>
Sent: 11/28/2001 8:38:47 AM
Subject: : RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME:28-NOV-2001 13:38:47.00
SUBJECT:: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill
TO:"Wilson, Karen L" <Karen.L.Wilson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Wilson, Karen L" <Karen.L.Wilson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Why is it addressed to Oxley? It should probably go to Sensenbrenner, no?

Kristen, Brett, any thoughts on this?

-----Original Message-----

From: Wilson, Karen L
Sent: Wednesday, November 28, 2001 1:30 PM
To: Thorsen, Carl; Dinh, Viet
Subject: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

I got a voicemail message from Jeff Weinberg, the Legislative Reference Attorney at OMB who is facilitating clearance of this letter. He said that he has forwarded the letter to WH counsel, but that they (?) was to know what the rationale is for sending the letter up now, when they are clearing a SAP for House rules today. Also, they want to know why its addressed to Rep. Oxley rather than Judiciary.

-----Original Message-----

From: Thorsen, Carl
Sent: Wednesday, November 28, 2001 8:40 AM
To: Dinh, Viet
Cc: Wilson, Karen L
Subject: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

It went to OMB yesterday. Karen, could you see if we can goose it along over there.

REV_00136904

-----Original Message-----

From: Dinh, Viet
Sent: Wednesday, November 28, 2001 8:11 AM
To: 'Taylor, Paul'; Thorsen, Carl;
'brett(u)m.(u)kavanaugh(a)who.eop.gov'
Cc: Newstead, Jennifer; 'Pinkos, Steve'; 'Mautz, John'
Subject: RE: Views Letter on Litigation Management Provisions for
Terrorism In surance Bill

Carl and jennifer, anything I need to do to move this along?

-----Original Message-----

From: Taylor, Paul [mailto:Paul.Taylor@mail.house.gov]
Sent: Monday, November 26, 2001 3:43 PM
To: Thorsen, Carl; Dinh, Viet; 'brett(u)m.(u)kavanaugh(a)who.eop.gov'
Cc: Newstead, Jennifer; Pinkos, Steve; Mautz, John
Subject: Views Letter on Litigation Management Provisions for Terrorism
In surance Bill

Viet, any word on an ETA for the Views Letter? We'll want to put the bill
together in final form tomorrow.

Paul Taylor
Counsel
House Subcommittee on the Constitution
202-225-7157 (w)
571-235-7575 (cell)
703-535-3394 (home)

REV_00136905

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Wilson, Karen L <Karen.L.Wilson@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>
CC: Bryant, Dan <Dan.Bryant@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>
Sent: 11/28/2001 8:42:55 AM
Subject: : RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:28-NOV-2001 13:42:55.00

SUBJECT:: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

TO:"Wilson, Karen L" <Karen.L.Wilson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Wilson, Karen L" <Karen.L.Wilson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Why is it addressed to Oxley? It should probably go to Sensenbrenner, no?

Kristen, Brett, any thoughts on this?

-----Original Message-----

From: Wilson, Karen L

Sent: Wednesday, November 28, 2001 1:30 PM

To: Thorsen, Carl; Dinh, Viet

Subject: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

I got a voicemail message from Jeff Weinberg, the Legislative Reference Attorney at OMB who is facilitating clearance of this letter. He said that he has forwarded the letter to WH counsel, but that they (?) was to know what the rationale is for sending the letter up now, when they are clearing a SAP for House rules today. Also, they want to know why its addressed to Rep. Oxley rather than Judiciary.

-----Original Message-----

From: Thorsen, Carl

Sent: Wednesday, November 28, 2001 8:40 AM

To: Dinh, Viet

Cc: Wilson, Karen L

Subject: RE: Views Letter on Litigation Management Provisions for

REV_00136906

Terrorism In surance Bill

It went to OMB yesterday. Karen, could you see if we can goose it along over there.

-----Original Message-----

From: Dinh, Viet
Sent: Wednesday, November 28, 2001 8:11 AM
To: 'Taylor, Paul'; Thorsen, Carl;
'brett(u)m.(u)kavanaugh(a)who.eop.gov'
Cc: Newstead, Jennifer; 'Pinkos, Steve'; 'Mautz, John'
Subject: RE: Views Letter on Litigation Management Provisions for
Terrorism In surance Bill

Carl and jennifer, anything I need to do to move this along?

-----Original Message-----

From: Taylor, Paul [mailto:Paul.Taylor@mail.house.gov]
Sent: Monday, November 26, 2001 3:43 PM
To: Thorsen, Carl; Dinh, Viet; 'brett(u)m.(u)kavanaugh(a)who.eop.gov'
Cc: Newstead, Jennifer; Pinkos, Steve; Mautz, John
Subject: Views Letter on Litigation Management Provisions for Terrorism
In surance Bill

Viet, any word on an ETA for the Views Letter? We'll want to put the bill together in final form tomorrow.

Paul Taylor
Counsel
House Subcommittee on the Constitution
202-225-7157 (w)
571-235-7575 (cell)
703-535-3394 (home)

REV_00136907

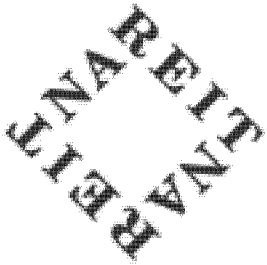
From: TONY EDWARDS <tedwards@nareit.org>
To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: martin.mcguinness@wc.ey.com [UNKNOWN] <martin.mcguinness@wc.ey.com>
Sent: 11/28/2001 9:05:03 AM
Subject: : H.R. 3210
Attachments: P_2TLB4003_WHO.TXT_1.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:28-NOV-2001 14:05:03.00
SUBJECT:: H.R. 3210
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:brian.gaston@mail.house.gov (brian.gaston@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:martin.mcguinness@wc.ey.com (martin.mcguinness@wc.ey.com [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Attached is a letter that NAREIT personalized and faxed to each Representative in support of H.R. 3210.

Tony M. Edwards
Senior Vice President & General Counsel
NAREIT
Phone: 202-739-9408
Fax: 202-739-9449

- Letter to Hastert re HR3210 (11-28-01).pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2TLB4003_WHO.TXT_1>



NATIONAL
ASSOCIATION
OF
REAL ESTATE
INVESTMENT
TRUSTS®

November 28, 2001

The Honorable Dennis Hastert
2369 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Speaker:

Later this week, the House of Representatives is expected to consider H.R. 3210, the Terrorism Risk Protection Act. Passage of H.R. 3210 is necessary to ensure the availability of terrorism insurance coverage. The National Association of Real Estate Investment Trusts (NAREIT), representing REITs and publicly traded real estate companies, urges you to support this essential legislation.

It is estimated that over 70 percent of businesses and owners of commercial and residential properties renew their insurance coverage on January 1 each year. Many of these owners have been advised that their policies will not be renewed or that their new policies will exclude risks associated with terrorist acts. Unless Congress acts now to ensure the availability of affordable terrorism coverage in the marketplace, the real estate industry's ability to finance, construct, sell or buy properties across the country will be at risk and significant economic dislocation will likely occur.

H.R.3210 addresses the availability and affordability of terrorism insurance coverage while protecting taxpayers, policyholders and insurers. Moreover, the legislation contains reasonable liability reform provisions designed to benefit the victims of a terrorist attack so that all affected parties will receive appropriate damages.

Thank you in advance for your support of H.R. 3210, the Terrorism Risk Protection Act.

Sincerely,

Steven A. Wechsler
President and CEO

♦ ♦ ♦

From: TONY EDWARDS <tedwards@nareit.org>
To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: martin.mcguinness@wc.ey.com [UNKNOWN] <martin.mcguinness@wc.ey.com>
Sent: 11/28/2001 9:05:03 AM
Subject: : H.R. 3210
Attachments: P_2TLB4003_OPD.TXT_1.pdf

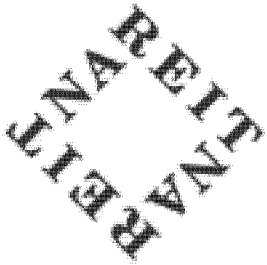
Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:TONY EDWARDS <tedwards@nareit.org> (TONY EDWARDS <tedwards@nareit.org> [UNKNOWN])
CREATION DATE/TIME:28-NOV-2001 14:05:03.00
SUBJECT:: H.R. 3210
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:brian.gaston@mail.house.gov (brian.gaston@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:martin.mcguinness@wc.ey.com (martin.mcguinness@wc.ey.com [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Attached is a letter that NAREIT personalized and faxed to each Representative in support of H.R. 3210.

Tony M. Edwards
Senior Vice President & General Counsel
NAREIT
Phone: 202-739-9408
Fax: 202-739-9449

- Letter to Hastert re HR3210 (11-28-01).pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2TLB4003_OPD.TXT_1>

REV_00136910



November 28, 2001

The Honorable Dennis Hastert
2369 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Speaker:

NATIONAL
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OF
REAL ESTATE
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Sincerely,

Steven A. Wechsler
President and CEO

♦ ♦ ♦

1875 Eye Street, NW, Suite 600, Washington, DC 20006-5413
Phone 202-739-9400 Fax 202-739-9401 www.nareit.com

REV_00136911

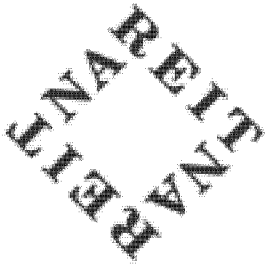
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To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
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Sent: 11/28/2001 9:05:03 AM
Subject: : H.R. 3210
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TO:brian.gaston@mail.house.gov (brian.gaston@mail.house.gov [UNKNOWN])
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TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
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READ:UNKNOWN
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Tony M. Edwards
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Fax: 202-739-9449

- Letter to Hastert re HR3210 (11-28-01).pdf
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <05940_p_2tlb4003_who.txt_1>



November 28, 2001

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Sincerely,

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President and CEO

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Phone 202-739-9400 Fax 202-739-9401 www.nareit.com

REV_00136913

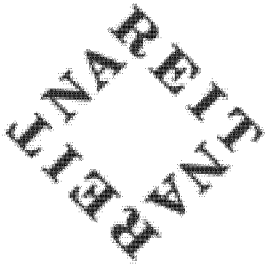
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To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: martin.mcguinness@wc.ey.com [UNKNOWN] <martin.mcguinness@wc.ey.com>
Sent: 11/28/2001 9:12:48 AM
Subject: : H.R. 3210
Attachments: P_F9MB4003_OPD.TXT_1.pdf

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CREATION DATE/TIME:28-NOV-2001 14:12:48.00
SUBJECT:: H.R. 3210
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
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TO:brian.gaston@mail.house.gov (brian.gaston@mail.house.gov [UNKNOWN])
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READ:UNKNOWN
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Fax: 202-739-9449

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F9MB4003_OPD.TXT_1>



November 28, 2001

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2369 Rayburn House Office Building
Washington, DC 20515

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President and CEO

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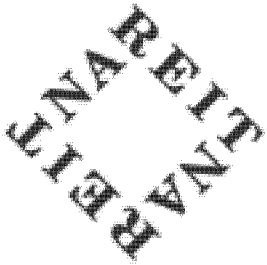
From: TONY EDWARDS <tedwards@nareit.org>
To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XGMB4003_OPD.TXT_1>



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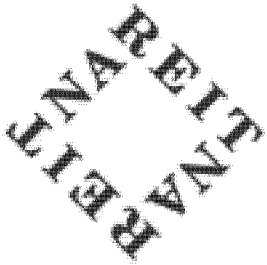
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To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
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CREATION DATE/TIME:28-NOV-2001 14:17:34.00
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ATT CREATION TIME/DATE: 0 00:00:00.00
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REV_00136919

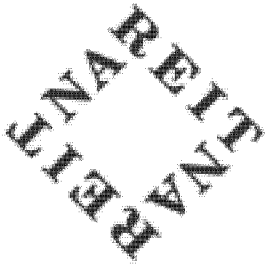
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To: peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; brian.gaston@mail.house.gov [UNKNOWN] <brian.gaston@mail.house.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
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Sent: 11/28/2001 9:17:34 AM
Subject: : H.R. 3210
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CREATION DATE/TIME:28-NOV-2001 14:17:34.00
SUBJECT:: H.R. 3210
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President and CEO

♦ ♦ ♦

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Wilson, Karen L <Karen.L.Wilson@usdoj.gov>
CC: Bryant, Dan <Dan.Bryant@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>
Sent: 11/28/2001 9:21:34 AM
Subject: : RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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CREATION DATE/TIME:28-NOV-2001 14:21:34.00

SUBJECT:: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

TO:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Wilson, Karen L" <Karen.L.Wilson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Wilson, Karen L" <Karen.L.Wilson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Paul Taylor told me that it should be addressed to Sensenbrenner.

-----Original Message-----

From: Thorsen, Carl
Sent: Wednesday, November 28, 2001 1:34 PM
To: Wilson, Karen L; Dinh, Viet
Cc: 'brett_m._kavanaugh@who.eop.gov'; 'Kristen_Silverberg@who.eop.gov'; Bryant, Dan; 'robert.marsh@who.eop.gov'
Subject: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

Why is it addressed to Oxley? It should probably go to Sensenbrenner, no?

Kristen, Brett, any thoughts on this?

-----Original Message-----

From: Wilson, Karen L
Sent: Wednesday, November 28, 2001 1:30 PM
To: Thorsen, Carl; Dinh, Viet
Subject: RE: Views Letter on Litigation Management Provisions for Terrorism Insurance Bill

I got a voicemail message from Jeff Weinberg, the Legislative Reference Attorney at OMB who is facilitating clearance of this letter. He said that he has forwarded the letter to WH counsel, but that they (?) was to know what the rationale is for sending the letter up now, when they are clearing a SAP for House rules today. Also, they want to know why its addressed to Rep. Oxley rather than Judiciary.

REV_00136922

-----Original Message-----

From: Thorsen, Carl
Sent: Wednesday, November 28, 2001 8:40 AM
To: Dinh, Viet
Cc: Wilson, Karen L
Subject: RE: Views Letter on Litigation Management Provisions for
Terrorism Insurance Bill

It went to OMB yesterday. Karen, could you see if we can goose it along over there.

-----Original Message-----

From: Dinh, Viet
Sent: Wednesday, November 28, 2001 8:11 AM
To: 'Taylor, Paul'; Thorsen, Carl;
'brett(u)m.(u)kavanaugh(a)who.eop.gov'
Cc: Newstead, Jennifer; 'Pinkos, Steve'; 'Mautz, John'
Subject: RE: Views Letter on Litigation Management Provisions for
Terrorism Insurance Bill

Carl and Jennifer, anything I need to do to move this along?

-----Original Message-----

From: Taylor, Paul [mailto:Paul.Taylor@mail.house.gov]
Sent: Monday, November 26, 2001 3:43 PM
To: Thorsen, Carl; Dinh, Viet; 'brett(u)m.(u)kavanaugh(a)who.eop.gov'
Cc: Newstead, Jennifer; Pinkos, Steve; Mautz, John
Subject: Views Letter on Litigation Management Provisions for Terrorism
Insurance Bill

Viet, any word on an ETA for the Views Letter? We'll want to put the bill together in final form tomorrow.

Paul Taylor
Counsel
House Subcommittee on the Constitution
202-225-7157 (w)
571-235-7575 (cell)
703-535-3394 (home)

REV_00136923

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Richard E. Green/OMB/EOP@EOP [OMB] <Richard E. Green>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/28/2001 10:26:36 AM
Subject: : DOJ

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-NOV-2001 15:26:36.00
SUBJECT:: DOJ
TO:Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

also -- they should take out the section saying that punitives are
uninsurable (true -- but not helpful)

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>
Sent: 11/28/2001 10:28:33 AM
Subject: : FYI- NAM Key Vote Card on Terrorism Insurance
Attachments: P_A1QB4003_WHO.TXT_1.txt

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-NOV-2001 15:28:33.00
SUBJECT:: FYI- NAM Key Vote Card on Terrorism Insurance
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
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TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This NAM Key Vote Card was faxed to all members of the House of Representatives this afternoon.

November 28, 2001
Dear Representative:

On behalf of the 14,000 member companies of the National Association of Manufacturers (NAM), including more than 10,000 small and mid-sized manufacturers, I urge you to vote for the Terrorism Risk Protection Act (H.R. 3210).

The NAM supports H.R. 3210 that would provide federal loans to cover 90 percent of terrorism-loss claims totaling more than \$1 billion. If aggregate claims exceed \$20 billion, it would impose a special assessment on insurance policyholders to help defray costs. Beginning several weeks ago, insurance companies are contractually bound to notify calendar-year policyholders of any change in coverage. Because of the lack of reinsurance and the inability to assess potential losses, insurance carriers are no

REV_00136926

longer able to provide coverage for risk of loss from terrorist acts, meaning that claims arising from property, casualty or worker's comp losses that may result from a terrorist act will not be covered. It is also important that balanced liability protection for insurers and the insured be provided to avoid having taxpayers shoulder unnecessary expense. The NAM believes that the inability of U.S. businesses to obtain insurance coverage for losses from acts of terrorism poses a serious threat to the economy. Votes for H.R. 3210 will be considered for designation as a Key Manufacturing Vote in the NAM voting record for the 107th Congress.

Sincerely,

Jerry Jasinowski

President

* Votes considered for designation as NAM Key Manufacturing Votes are approved in advance by our members who serve on the Key Vote Advisory Committee. Eligibility for the NAM's Award for Manufacturing Legislative Excellence for the 107th Congress will be based on a member's record on Key Manufacturing Votes.

- warning.txt

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_A1QB4003_WHO.TXT_1>

EOP SECURITY NOTIFICATION

This message contained an unauthorized attachment.
The EOP mail server deleted it as a safety precaution.
For more information contact the EOP Security Office at 395-6206.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>
Sent: 11/28/2001 10:28:33 AM
Subject: : FYI- NAM Key Vote Card on Terrorism Insurance
Attachments: P_A1QB4003_CEA.TXT_1.txt

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-NOV-2001 15:28:33.00
SUBJECT:: FYI- NAM Key Vote Card on Terrorism Insurance
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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REV_00136929

longer able to provide coverage for risk of loss from terrorist acts, meaning that claims arising from property, casualty or worker's comp losses that may result from a terrorist act will not be covered. It is also important that balanced liability protection for insurers and the insured be provided to avoid having taxpayers shoulder unnecessary expense. The NAM believes that the inability of U.S. businesses to obtain insurance coverage for losses from acts of terrorism poses a serious threat to the economy. Votes for H.R. 3210 will be considered for designation as a Key Manufacturing Vote in the NAM voting record for the 107th Congress.

Sincerely,

Jerry Jasinowski

President

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- warning.txt

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_A1QB4003_CEA.TXT_1>

EOP SECURITY NOTIFICATION

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For more information contact the EOP Security Office at 395-6206.

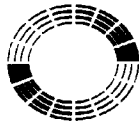
From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/28/2001 11:16:08 AM
Subject: : Terrorism Insurance - Another Letter
Attachments: P_RCSB4003_CEA.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-NOV-2001 16:16:08.00
SUBJECT:: Terrorism Insurance - Another Letter
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
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TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
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TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
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TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
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TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

- HOUSEletter11-26.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RCSB4003_CEA.TXT_1>

REV_00136932



The Real Estate Roundtable

November 28, 2001

RE: H.R. 3210, Terrorism Risk Protection Act

To Members of the U.S. House of Representatives:

We are writing to urge you to vote in favor of H.R. 3210, the Terrorism Risk Protection Act, which is expected to come to the House floor for a vote this week.

The events of September 11th dislocated reinsurance markets and eliminated the availability of primary terrorist insurance coverage at virtually any price. As a result, the real estate and construction industries, which account for over a quarter of the nation's gross domestic product, could face severe economic dislocation in the coming months if the Federal government does not immediately address insurance-related issues tied to terrorism.

Without Federal action, the ability to finance, construct, buy or sell commercial properties across the nation will be at risk – affecting not only real estate owners and lenders but the tenants who lease facilities, their employees and customers, as well as anyone who rents an apartment. While many commercial property owners are already affected, a significant percentage of properties, including shopping centers, offices and hotels are scheduled to renew their insurance coverage on January 1st. Many of these owners have already been advised that their policies will not be renewed or that their new policies will exclude exposures currently insured including terrorism.

As the current policies expire, there is tremendous uncertainty about the status of real estate debt, with some \$700 billion in commercial bank debt, \$350 billion of commercial mortgage-backed securities (CMBS) loans, and \$220 billion of loans held by life insurance companies that run the risk of being in non-monetary default without the availability of terrorism coverage. This lack of coverage raises profound liquidity concerns not only on existing loans and the institutions that hold them but on the ability of borrowers to secure any type of financing going forward.

Any characterization of this legislation as a “bail out” for the insurance industry is inaccurate. The Federal government needs to help ensure that commercial property owners and other businesses can continue to obtain insurance coverage for losses related to terrorism in the future. It is important to act as soon as possible because there are policies expiring every day, and new transactions pending which are being impacted by the lack of resolution of this issue.

As the organization that represents the nation's principal public and privately held commercial property owners, we would like to thank the House for its leadership in attempting to provide a mechanism to ensure that our nation's properties are able to maintain terrorism insurance coverage. Again, we urge you to vote “yes” for H.R. 3210 and look forward to working with the Congress in the days ahead to reach a solution to this very significant issue prior to its adjournment this year.

Sincerely,

Jeffrey D. DeBoer
President & Chief Operating Officer

REV_00136933

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 11/28/2001 11:16:08 AM
Subject: : Terrorism Insurance - Another Letter
Attachments: P_RCSB4003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-NOV-2001 16:16:08.00
SUBJECT:: Terrorism Insurance - Another Letter
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
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TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
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CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
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CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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- HOUSEletter11-26.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RCSB4003_WHO.TXT_1>

REV_00136934



The Real Estate Roundtable

November 28, 2001

RE: H.R. 3210, Terrorism Risk Protection Act

To Members of the U.S. House of Representatives:

We are writing to urge you to vote in favor of H.R. 3210, the Terrorism Risk Protection Act, which is expected to come to the House floor for a vote this week.

The events of September 11th dislocated reinsurance markets and eliminated the availability of primary terrorist insurance coverage at virtually any price. As a result, the real estate and construction industries, which account for over a quarter of the nation's gross domestic product, could face severe economic dislocation in the coming months if the Federal government does not immediately address insurance-related issues tied to terrorism.

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Sincerely,

Jeffrey D. DeBoer
President & Chief Operating Officer

REV_00136935

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 11/28/2001 12:31:41 PM
Subject: : change in POTUS meeting time

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-NOV-2001 17:31:41.00

SUBJECT:: change in POTUS meeting time

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

REV_00136936

New time - Thursday at 2:10 pm

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 11/28/2001 12:54:16 PM
Subject: : Re: Powers Aviation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-NOV-2001 17:54:16.00
SUBJECT:: Re: Powers Aviation
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Haven't found any news articles mentioning Powers or his companies. He is a regular GOP contributor.

From: CN=Brian C. Conklin/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 11/28/2001 1:24:42 PM
Subject: :
Attachments: P_E10C4003_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 28-NOV-2001 18:24:42.00

SUBJECT::

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

End Original ARMS Header

- reinsurance.liability.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_E10C4003_WHO.TXT_1>

The litigation management provisions in the revised reinsurance bill provide:

(1) If the Secretary of Treasury makes a determination that one or more acts of terrorism occur then an exclusive **federal cause of action** kicks in for lawsuits arising out of, relating to, or resulting from the acts of terrorism and the following **litigation management** provisions apply:

- for each determination by the Secretary that one or more acts of terrorism occurred, the Judicial Panel on Multidistrict Litigation shall designate **one or more federal district courts which shall have original and exclusive jurisdiction over all actions for any claim brought under the federal cause of action**. The Judicial Panel on Multidistrict Litigation shall select and assign the district court or courts based on the convenience of the parties and the just and efficient conduct of the proceedings.
- in an action brought under the federal cause of action for damages, **no punitive damages shall be awarded**
- each defendant in such an action shall be liable only for the amount of noneconomic damages, such as those for pain and suffering, **in direct proportion to the percentage of responsibility of the defendant for the harm to the plaintiff** (no *joint and several* liability).
- any recovery by a plaintiff on a claim under the federal cause of action **shall be reduced by the amount of collateral source compensation**, if any, that the plaintiff received or is entitled to receive as a result of the acts of terrorism.
- reasonable attorneys fees for work performed shall be subject to the discretion of the court, but **in no event shall any attorney charge or collect compensation in an amount in excess of 20 percent of the damages or 20 percent of any court-approved settlement**.

Discussion Points regarding the litigation management provisions in the revised reinsurance bill:

- Any terrorist-inspired litigation is not a garden variety tort case. A banana peel is an accident waiting to happen. A terrorist is a suicidal fanatic bent on killings innocents and causing mass destruction of property; even the most diligent property owner always cannot guard against such attacks.
- It's beyond dispute that terrorists are 99% responsible for the destruction caused by their attacks. Yet under many prevailing tort laws, anyone else sharing the remaining 1% responsibility may be on the hook for 100% of the tens of billions of dollars in potential damages. That is clearly unfair.
- Without limits on otherwise potentially infinite liability, any party named in a lawsuit in terrorist-inspired litigation will eventually go under because the capital markets cannot extend loans or credit to anyone facing possible liability in the billions. This includes national businesses with offices nationwide. That is a recipe for a national economic crisis.
- Such litigation management provisions are especially important when the United States, in a terrorism insurance program, is going to be providing up-front coverage of billion-dollar losses under terrorism insurance claims. Similar limits on liability are provided in the Federal Tort Claims Act, which limits the amount of funds that can be drawn from the U.S. Treasury.
- If a cloud of potentially infinite liability remains over any party, its access to credit and capital will dry up, it will fall into bankruptcy, and a federal bankruptcy court will return victims only pennies on the dollar.
- The 1993 World Trade Center bombing killed six people, yet resulted in 500 lawsuits by 700 individuals, businesses, and insurance companies. Damages claimed amounted to \$500 million. *Eight years later, the cases are only now just getting to trial, and hundreds of plaintiffs have yet to receive a cent in compensation.* By providing reasonable limits on potentially infinite liability and consolidating all cases in one or a few federal forums, victims of terrorism will recover quicker and more equitably because a few enormous awards in one court will not bankrupt a responsible party before another court can consider the arguments of others who may have stronger claims against the same party.

Congress has a long history of preempting state tort law and limiting otherwise potentially infinite liability:

On November 16, the House voted 410-9 to pass the Aviation Security Act Conference Report and put reasonable limits on the otherwise potentially infinite liability major industries would have faced as a result of litigation surrounding the terrorist attacks of September 11. As a result of this legislation, as well as the Air Transportation Safety and System Stabilization Act passed on September 21, September 11 related lawsuits against air carriers, aircraft manufacturers, owners and operators of airports, State port authorities, and persons with property interests in the World Trade Center, must be heard in federal court in New York and total damages against these potential defendants, if they are found liable, are capped at the limits of the insurance coverage they had on September 11.

In addition to the provisions described above, the Airline Security Act that originally passed the House also limited punitive damages and attorneys fees, and required that damage awards to plaintiffs be offset by any collateral source compensation received by the plaintiff. The litigation management provisions in H.R. 3210 would similarly benefit victims of future terrorist attacks. It is important to note, however, that unlike the liability provisions in both the Air Transportation Safety and System Stabilization Act and in the Aviation Security Act that passed overwhelmingly in both the House and Senate, *the provisions in H.R. 3210 do not cap damage awards*. Under these provisions, the *only limit* on the compensatory damages that may be awarded in terrorist-inspired litigation is the fault of any defendant.

Beyond the recently-enacted Air Transportation Safety and System Stabilization Act and the Aviation Security Act, Congress has passed the following legislation:

! The Price-Anderson Act provided for a maximum aggregate liability of \$560 million in the event of a nuclear accident at a federally licensed nuclear power plant.

! The Swine Flu Act substituted the liability of the United States under the Federal Torts Claim Act for the liability of manufacturers, distributors, and volunteer medical personnel in connection with the administration of the swine flu vaccine.

! The Atomic Weapons Testing Liability Act created a cause of action against the United States for radiation injuries arising from federal atomic weapons testing programs, retroactively abolished private tort actions against government contractors for such injuries, and made the Federal Tort Claims Act the sole remedy for those injuries.

! The National Childhood Vaccine Injury Act of 1986 was enacted to address manufacturers' liability concerns relating to the distribution of vaccines and to minimize the public health dangers posed by low vaccine supplies. The Act created a no-fault compensation program for childhood vaccine-injury victims to be funded by an excise tax on each dose of vaccine.

! In 1988, under the Price-Anderson Amendments Act of 1988, claims arising from "nuclear incidents" were considered to be exclusively federal causes of action. Such actions are to be based on the applicable state law where the nuclear accident occurred except to the extent such law is inconsistent with federal law.

Just over the last several years, Congress has enacted a series of federal tort reform laws to limit otherwise potentially infinite liability in certain contexts. These statutes preempted state tort law in the areas of:

- ! general aviation aircraft liability;
- ! donation of food for distribution to the needy;
- ! volunteer activity generally;
- ! public railway transportation;
- ! medical implant supplies;
- ! Y2K computer failures;
- ! *and just this Tuesday, the House reauthorized the Price-Anderson Act by voice vote.*

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/28/2001 3:32:21 PM
Subject: : Re: PRA amicus brief

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-NOV-2001 20:32:21.00

SUBJECT:: Re: PRA amicus brief

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

OK, I WILL NOT FORESHADOW WITH THE PRESS YET

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus sumerlin>
Sent: 11/28/2001 8:18:48 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-NOV-2001 01:18:48.00
SUBJECT:: Re:
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
End Original ARMS Header

Talking pts miss the major point --

This bill is about addressing rising insurance costs facing businesses as a result of the risk of terrorism. You can't address those costs without addressing the risk of litigation b/c the premium increases are a direct result -- in large numbers of cases -- of the risk of state court litigation.

When the truckers and railroads or airlines face premium increases -- it isn't because anyone is worried about the cost of replacing the truck or the train or plane -- it's b/c everyone is worried that the truck or plane or train will be used to kill thousands of people and that the business will get sued in Mississippi state court.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/29/2001 4:38:55 AM
Subject: : Re: Lindsey Graham

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 29-NOV-2001 09:38:55.00
SUBJECT:: Re: Lindsey Graham
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

yes, you are reading it correctly

Kristen Silverberg
11/29/2001 09:34:51 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Lindsey Graham

I wasn't asking whether YOU were the source -- I wasn't to know whether I was reading it incorrectly.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 11/29/2001 4:23:55 AM
Subject: : ABA Ratings

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-NOV-2001 09:23:55.00
SUBJECT:: ABA Ratings
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Richard Leon - DC Dist.Court
Unanimous - Well Qualified

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/29/2001 4:38:55 AM
Subject: : Re: Lindsey Graham

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 29-NOV-2001 09:38:55.00
SUBJECT:: Re: Lindsey Graham
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

yes, you are reading it correctly

Kristen Silverberg
11/29/2001 09:34:51 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Lindsey Graham

I wasn't asking whether YOU were the source -- I wasn't to know whether I was reading it incorrectly.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>; Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
CC: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>; Alice H. Williams/CEA/EOP@EOP [CEA] <Alice H. Williams>
Sent: 11/29/2001 5:20:19 AM
Subject: : FW: New Dem Dear Colleague
Attachments: P_7Z2V4004_OPD.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-NOV-2001 10:20:19.00

SUBJECT:: FW: New Dem Dear Colleague

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Alice H. Williams (CN=Alice H. Williams/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

REV_00136960

The New Dems sent out the attached this morning. Dooley and Larsen were the principles and led the effort to garner signators.

<<NDN -Terrorism Insurance Dear Colleague.doc>>

- NDN -Terrorism Insurance Dear Colleague.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7Z2V4004_OPD.TXT_1>

Dear New Democrat Coalition Colleague:

Today the House is scheduled to consider H.R. 3210, the Terrorism Risk Protection Act. While the process has been deeply flawed, it is essential for our nation's economic security that Congress enact legislation to provide a federal government backstop for insured property and casualty losses caused by acts of terrorism.

Damages resulting from the events of September 11 have already topped \$50 billion. The insurance industry is paying all claims from these events, but does not have the capacity to pay new claims should additional catastrophic acts of terrorism occur. The legislation would allow insurers to recharge their capacity to pay claims and ensure that the insurance industry can continue to write policies that provide coverage for terrorism risk.

Adequate insurance coverage is an essential component of a growing economy. The reinsurance industry is unable to provide coverage against further terrorist attacks so it is essential that the federal government provide a temporary backstop. At a time of economic weakness, we simply cannot afford to risk another disruption to the economy.

While we acknowledge that the process has been far from ideal, we urge you to support final passage of H.R. 3210, move the process forward, and provide an opportunity for the Conference Committee to develop a consensus package that will address this serious need.

Sincerely,

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>; Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
CC: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>; Alice H. Williams/CEA/EOP@EOP [CEA] <Alice H. Williams>
Sent: 11/29/2001 5:20:19 AM
Subject: : FW: New Dem Dear Colleague
Attachments: P_7Z2V4004_CEA.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-NOV-2001 10:20:19.00

SUBJECT:: FW: New Dem Dear Colleague

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

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TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Alice H. Williams (CN=Alice H. Williams/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

REV_00136963

The New Dems sent out the attached this morning. Dooley and Larsen were the principles and led the effort to garner signators.

<<NDN -Terrorism Insurance Dear Colleague.doc>>

- NDN -Terrorism Insurance Dear Colleague.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7Z2V4004_CEA.TXT_1>

Dear New Democrat Coalition Colleague:

Today the House is scheduled to consider H.R. 3210, the Terrorism Risk Protection Act. While the process has been deeply flawed, it is essential for our nation's economic security that Congress enact legislation to provide a federal government backstop for insured property and casualty losses caused by acts of terrorism.

Damages resulting from the events of September 11 have already topped \$50 billion. The insurance industry is paying all claims from these events, but does not have the capacity to pay new claims should additional catastrophic acts of terrorism occur. The legislation would allow insurers to recharge their capacity to pay claims and ensure that the insurance industry can continue to write policies that provide coverage for terrorism risk.

Adequate insurance coverage is an essential component of a growing economy. The reinsurance industry is unable to provide coverage against further terrorist attacks so it is essential that the federal government provide a temporary backstop. At a time of economic weakness, we simply cannot afford to risk another disruption to the economy.

While we acknowledge that the process has been far from ideal, we urge you to support final passage of H.R. 3210, move the process forward, and provide an opportunity for the Conference Committee to develop a consensus package that will address this serious need.

Sincerely,

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/29/2001 9:20:57 AM
Subject: : Re: Report from Brian

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:29-NOV-2001 14:20:57.00
SUBJECT:: Re: Report from Brian
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Daschle's people tried to argue that our SAP on the House Insurance bill said we needed "procedures for consolidation and management", meaning punatives aren't an issue. We said nice try. If it comes up again, are the punatives imbedded in the word management?

Kristen Silverberg
11/29/2001 01:25:07 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Report from Brian

Won on the rule. Brian says it will be a very tight vote on the substitute.

Message Sent

To: _____
peter.fisher@do.treas.gov @ inet
randall s. kroszner/cea/eop@eop
sheila.bair@do.treas.gov @ inet
brian c. conklin/who/eop@eop
matthew kirk/who/eop@eop
brett m. kavanaugh/who/eop@eop
kirk blalock/who/eop@eop
D. Marcus Sumerlin/OPD/EOP@EOP

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov @ inet [UNKNOWN] <amy.smith@do.treas.gov>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
Sent: 11/29/2001 11:57:01 AM
Subject: : Brian Conklin

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-NOV-2001 16:57:01.00

SUBJECT:: Brian Conklin

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brian Conklin should be congratulated for securing an impressive 227-193 win on the House terrorism insurance bill!

Best,

Marc

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;amy.smith@do.treas.gov @ inet [UNKNOWN] <amy.smith@do.treas.gov>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>
Sent: 11/29/2001 12:01:33 PM
Subject: : Re: Brian Conklin

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-NOV-2001 17:01:33.00

SUBJECT:: Re: Brian Conklin

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Congrats! Job well done!

From: Leslie A. Mooney on 11/29/2001 04:56:58 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Brian Conklin

Brian Conklin should be congratulated for securing an impressive 227-193 win on the House terrorism insurance bill!

Best,

Marc

REV_00136969

Message Sent

To:

Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
amy.smith@do.treas.gov @ inet
K. Philippa Malmgren/OPD/EOP@EOP
Kirk Blalock/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 11/29/2001 8:20:41 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 29-NOV-2001 13:20:41.00
SUBJECT::
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From LA Times today: Notice dig on yours truly at end.

SECTION: Part A; Part 1; Page 31; National Desk

LENGTH: 681 words

HEADLINE: THE NATION;
;
Group Fights Shield on Executive Records

BYLINE: DAVID G. SAVAGE, TIMES STAFF WRITER

DATELINE: WASHINGTON

BODY:

A group of historians and journalists went to court Wednesday seeking to block President Bush's recent executive order that overrides a 1978 law calling for the release of White House records after 12 years. Directly at issue is 68,000 pages of "confidential communications" from President Reagan's White House.

Beyond that, the legal battle may decide whether Bush's presidential records become public after he leaves office.

Congress passed the Presidential Records Act of 1978 to make clear that the papers and files of a president are the government's property. The measure was a reaction to the Watergate scandal and President Nixon's efforts to control his papers and secret White House tapes. The law took effect in 1981, the year Reagan became president. It said most of a former president's papers would be opened to the public after a 12-year wait.

The open-access rule was to be triggered for the first time this year, but Bush issued an executive order that bars the archivist from releasing any former president's records until the current president and the former president's representative give their approval.

The Nov. 1 order also extended this secrecy rule to "vice presidential records."
This gives the current president the power to block the public release of

REV_00136971

files from
the office of former Vice President George Bush, his father.

"Inevitably, this has made people wonder what they are trying to hide,"
said
Scott Nelson, a lawyer for Public Citizen, the public interest group that
filed the suit
Wednesday.

Nelson said none of Reagan's aides had sought the secrecy order. In all,
the Reagan
White House generated 44 million pages of files and records. About 4
million pages
have been released so far. The law exempts from release any files that
involve national
security.

The files that spawned the lawsuit were requested by historians who are
researching
aspects of domestic policy during Reagan's presidency.

Anne Womack, a White House spokeswoman, describes Bush's move as
"establishing
an orderly process" for implementing the 1978 law.

She pointed out that the order relies on a Supreme Court ruling from
Nixon's era that
describes a former president as having a continuing legal right over his
papers.

Bush's order says the extra delay in releasing old papers is necessary to
protect various
"constitutional privileges" such as the "state secrets privilege," the
"deliberative process
privilege" and the attorney-client privilege.

Critics, including the lawyers who filed the suit, said Bush had turned
the 1978 law on
its head. Rather than ensuring open access to presidential records, the
order drew a
veil of secrecy over them, they said.

"Bush's executive order violates not only the spirit but the letter of the
law," said Joan
Claybrook, president of Public Citizen.

The suit was filed on behalf of the American Historical Assn., the
Organization of
American Historians, the National Security Archive and the Reporters
Committee for
Freedom of the Press, as well as presidential historians Hugh Davis Graham
of Vanderbilt
University and Stanley I. Kutler of the University of Wisconsin.

It seeks a judge's order calling for the archivist to release the Reagan
papers in keeping
with the terms of the 1978 law.

The dispute also has an interesting twist.

Bush's order was drafted by White House lawyer Brett M. Kavanaugh,
officials said. It
says: "Presidential communications, legal advice, legal work (and) the
deliberative
process of the President and the President's advisors" are protected by
the Constitution.

But three years ago, Kavanaugh was on the opposite side of a similar

dispute. As a top deputy to independent counsel Kenneth W. Starr, he argued that the conversations of President Clinton and his aide Bruce Lindsey were not entitled to constitutional protection.

Starr had subpoenaed Lindsey to force him to testify before the grand jury probing the Monica S. Lewinsky scandal, and Kavanaugh won a 2-1 ruling from the U.S. Court of Appeals that rejected Clinton's claim of confidentiality.

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>
Sent: 11/29/2001 12:43:08 PM
Subject: : CANCELED - 9:30 Insurance Conference call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-NOV-2001 17:43:08.00

SUBJECT:: CANCELED - 9:30 Insurance Conference call

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])

REV_00136974

READ:UNKNOWN

End Original ARMS Header

There will NOT be a 9:30 call tomorrow morning (11/30) due to an Insurance phone meeting with Senator Dodd and Senator Gramm.

Thanks, let me know if you have any questions.

Leslie

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
CC: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>
Sent: 11/29/2001 9:32:02 AM
Subject: : Re: Report from Brian

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-NOV-2001 14:32:02.00
SUBJECT:: Re: Report from Brian
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

D. Marcus Sumerlin
11/29/2001 02:20:54 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Report from Brian

Daschle's people tried to argue that our SAP on the House Insurance bill said we needed "procedures for consolidation and management", meaning punatives aren't an issue. We said nice try. If it comes up again, are the punatives imbedded in the word management?

Kristen Silverberg
11/29/2001 01:25:07 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Report from Brian

Won on the rule. Brian says it will be a very tight vote on the substitute.

Message Sent

To: _____
peter.fisher@do.treas.gov @ inet
randall s. kroszner/cea/eop@eop
sheila.bair@do.treas.gov @ inet
brian c. conklin/who/eop@eop
matthew kirk/who/eop@eop
brett m. kavanaugh/who/eop@eop
kirk blalock/who/eop@eop

REV_00136976

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>
CC: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/29/2001 11:39:30 AM
Subject: : Tom Hamburger -- WSJ

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:29-NOV-2001 16:39:30.00
SUBJECT:: Tom Hamburger -- WSJ
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Claire

I finally caught Tom and spoke to him awhile. In his piece tomorrow, he is going to quote a White House official (me) saying that "his advisors would not recommend that he sign a bill without any legal procedures." This was in response to a question of: "would the President sign a bill without tort reform." This is what we have been telling people, and is what our House SAP said (legal procedures are a necessary condition of Administration support).

Marc

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov @ inet [UNKNOWN] <amy.smith@do.treas.gov>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
Sent: 11/29/2001 11:57:01 AM
Subject: : Brian Conklin

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:29-NOV-2001 16:57:01.00
SUBJECT:: Brian Conklin
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brian Conklin should be congratulated for securing an impressive 227-193 win on the House terrorism insurance bill!

Best,

Marc

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;amy.smith@do.treas.gov @ inet [UNKNOWN] <amy.smith@do.treas.gov>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>
Sent: 11/29/2001 12:01:33 PM
Subject: : Re: Brian Conklin

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-NOV-2001 17:01:33.00

SUBJECT:: Re: Brian Conklin

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Congrats! Job well done!

From: Leslie A. Mooney on 11/29/2001 04:56:58 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Brian Conklin

Brian Conklin should be congratulated for securing an impressive 227-193 win on the House terrorism insurance bill!

Best,

Marc

REV_00136982

Message Sent

To:

Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
amy.smith@do.treas.gov @ inet
K. Philippa Malmgren/OPD/EOP@EOP
Kirk Blalock/WHO/EOP@EOP

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>
Sent: 11/29/2001 12:43:08 PM
Subject: : CANCELED - 9:30 Insurance Conference call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-NOV-2001 17:43:08.00

SUBJECT:: CANCELED - 9:30 Insurance Conference call

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])

REV_00136984

READ:UNKNOWN

End Original ARMS Header

There will NOT be a 9:30 call tomorrow morning (11/30) due to an Insurance phone meeting with Senator Dodd and Senator Gramm.

Thanks, let me know if you have any questions.

Leslie

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 11/29/2001 1:46:19 PM
Subject: : Re: Tom Hamburger -- WSJ

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-NOV-2001 18:46:19.00
SUBJECT:: Re: Tom Hamburger -- WSJ
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

What happened to "We're going to ship all the lawyers to Kabul"

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 11/29/2001 2:01:02 PM
Subject: : Re: Tom Hamburger -- WSJ

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:29-NOV-2001 19:01:02.00
SUBJECT:: Re: Tom Hamburger -- WSJ
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I don't have enough clout around here to keep my job if I was quoted saying something like that. It would be fun, though.

Kristen Silverberg
11/29/2001 06:46:16 PM
Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
Subject: Re: Tom Hamburger -- WSJ

What happened to "We're going to ship all the lawyers to Kabul"

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>
Sent: 11/29/2001 2:19:54 PM
Subject: : I am faxing...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 29-NOV-2001 19:19:54.00
SUBJECT:: I am faxing...
TO: Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

1) I am faxing to each of you the Daschle Insurance working document.

2) Daschle's "Example of a \$50 Billion Terrorist Event"

Leslie

From: Edward_Ingle@who.eop.gov [UNKNOWN]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>; L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>; Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>; Craig Felner/WHO/EOP@EOP [WHO] <Craig Felner>; Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>; Nicole E. Grodner/WHO/EOP@EOP [WHO] <Nicole E. Grodner>
Sent: 11/29/2001 2:47:58 PM
Subject: : agency FOIA requests
Attachments: P_2SQV4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward_Ingle@who.eop.gov (Edward_Ingle@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:29-NOV-2001 19:47:58.00
SUBJECT:: agency FOIA requests
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nicole E. Grodner (CN=Nicole E. Grodner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

from this week's agency cabinet report submissions.....

(See attached file: FOIA11-29-01.doc)
- FOIA11-29-01.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_2SQV4004_WHO.TXT_1>

AGENCY FOIA REQUESTS

HHS

- *9/11 Medical Records* Anticipating a large volume of requests from attorneys and others seeking medical records prepared by PHS emergency medical personnel in connection with recent events, OGC and the Office of Emergency Preparedness drafted standard language for responding. Requesters will be advised to follow applicable FOI and Privacy Act procedures for seeking government records
- *NIH Judicial Watch* contacted NIH seeking documents regarding an October 23 meeting between NIH's Dr. Anthony Fauci and the Secretary in which the anthrax crisis was discussed.
- *Associated Press*, Washington, D.C., has requested that CDC provide copies of all contracts of \$25,000 or more awarded by the Agency from September 12 through November 9, 2001, on a no-bid or non-competitive basis.
- *USA TODAY* has requested that CDC provide all EPI-AID request forms and trip reports for the New York, Washington D.C., New Jersey and Florida anthrax investigations (and any other anthrax investigations). In addition, they have requested all information relative to any CDC World Series assignments in Arizona and New York.
- *CMS* On November 14 **Senator Harkin** requested that CMS provide electronic access to current demographic data regarding Medicare-eligible Iowans, with monthly electronic updates to ensure accuracy of records.
- Anthrax *Judicial Watch* requested from FDA any records related to Bioport Corp. and anthrax vaccine, and communications concerning its use during the Gulf War.
- *Office of International Affairs*. The request is for all deliberations and drafting that contributed to the finalized letter sent to Dr. Hogerzeil, of the World Health Organization (WHO), regarding the WHO's proposed changes to their Essential Drugs List review process.

COMMERCE

- Received 11/26/01 from Joseph W. Dorn and Duane W. Layton of **King & Spalding**, requesting a copy of the Secretary's report to the President concerning the Secretary's findings and recommendations resulting from the investigation under Section 232 of the Trade Expansion Act of 1962. The Section 232 investigation determined the effects on U.S. national security of imports of iron ore and semi-finished steel.

- Received 11/21/01 from Michael Ravnitzky of **American Lawyer Media**, requesting membership and participant lists for the Interagency Working Group on Technology Transfer (IWGTT) as well as agendas, minutes, and handouts for all meetings of the IWGTT from 1992 to present.
- Received 11/21/01 from Christopher J. Farrell of **Judicial Watch**, requesting all information relating to: (1) the decision to settle with McDonnell Douglass on charges that the company violated U.S. export laws by selling aerospace machine tools to a Chinese company; (2) communications concerning the decision to drop the criminal charges filed against McDonnell Douglass; (3) communications concerning the decision to set the civil penalty for McDonnell Douglass at \$2.1 million; (4) communications concerning the decision to preserve the right of McDonnell Douglass to conduct business overseas as part of the settlement; (5) the sale of \$5.4 million in machine equipment to the China National Aero-Technology Import and Export Corporation; and (6) communications concerning the decision to require McDonnell Douglass' parent company, the Boeing Company, to assume responsibility and liability for all exports under DOC's jurisdiction made or to be made by McDonnell Douglass.
- Received 11/15/01 from Gabrielle Herderschee-Hunter of the Federal Trade Commission's **FTC Watch**, requesting Microsoft Corporation Contracts.

JUSTICE

- **Mark Benjamin, of United Press International**, has requested all correspondence between the Department and members of Congress since September 11 regarding the following: 1) recent Department policy allowing the government to monitor communications between suspects and their attorneys; 2) information on individuals detained in the government's investigation of the attacks; 3) the administration's decision to possibly establish military tribunals to try terrorist suspects; and, 4) the subject of civil liberties.
- **Christopher Farrell, of Judicial Watch, Inc.**, has requested all records pertaining to the decision to settle with McDonnell Douglas on charges that the company "violated US export laws by selling to a Chinese-run company aerospace machine tools that ultimately wound up in a Chinese military plant."
- **Erica Miller, of the Chemical and Biological Arms Control Institute**, has requested a document entitled, "Attorney General's Five-Year Interagency Counterterrorism and Technology Crime Plan."

DOT

- **Judicial Watch**. Records relating to: (1) communications between former FAA Deputy Administrator Linda Daschle and former DOT Inspector General Mary Schiavo regarding criminal-record checks for all airline employees, as cited in the Miami Herald; (2) a meeting between Ms. Daschle and L-3 Communications or InVision Technologies Inc.; (3) the number of "eXaminer" airline luggage bomb-detection devices, manufactured by L-3

Communications, currently in use at airports in the U.S.; (4) the number of "CTX" airline luggage bomb-detection devices, manufactured by InVision Technologies Inc., currently in use at airports in the U.S.; (5) the reported breakdowns of "eXaminer" bomb-detection devices at the Dallas/Fort Worth Airport after installation in the spring of 2000; (6) the number of breakdowns the "eXaminer" bomb-detection devices experience; (7) the number of breakdowns the "CTX" bomb-detection devices experience; (8) FAA's certification of L-3 Communications' "eXaminer" as an FAA approved bomb-scanner; and (9) the decision to mandate the purchase of an "eXaminer" bomb-scanner for every "CTX" bomb-scanner purchased by the FAA.

EPA

- During the week of November 20-26, 2001, the Agency received a total of 177 FOIA requests. Of that total, 35 were received in Headquarters. Significant FOIA requests included: **New York Public Interest Research Group** is asking for all records and documents between EPA and any representative of the General Electric Company from September 7, 2001 to the present regarding the Hudson River PCB Superfund Site.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 11/29/2001 5:05:23 PM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-NOV-2001 22:05:23.00
SUBJECT::
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
End Original ARMS Header

you should have received PRA complaint yesterday. let me know if
not. your thoughts are welcome, indeed invited.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 11/30/2001 2:29:12 AM
Subject: : RE: Brian Conklin

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-NOV-2001 07:29:12.00
SUBJECT:: RE: Brian Conklin
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

. . . on the team . . .

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
11/30/2001 07:28 AM -----

Sheila.Bair@do.treas.gov
11/30/2001 06:42:57 AM
Record Type: Record

To: Brian C. Conklin/WHO/EOP@EOP, Leslie A. Mooney/OPD/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: RE: Brian Conklin

You are too modest! Brian, I have always had tremendous respect for the White House lobbying operation, but the way you have handled this bill -- with all its difficulties -- has boosted my opinion 1000%. Great job.

Sheila

-----Original Message-----

From: Brian_C._Conklin@who.eop.gov [mailto:Brian_C._Conklin@who.eop.gov]
Sent: Thursday November 29, 2001 7:29 PM
To: Leslie_A._Mooney@opd.eop.gov
Cc: peter.fisher@do.treas.gov; Randall_S._Kroszner@cea.eop.gov;
sheila.bair@do.treas.gov; Kristen_Silverberg@who.eop.gov;
Matthew_Kirk@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov;
amy.smith@do.treas.gov; K._Philippa_Malmgren@opd.eop.gov;
Kirk_Blalock@who.eop.gov
Subject: Re: Brian Conklin

While as a lobbyist, I should take full credit, this was a good team victory.
Thanks to all.

From: Leslie A. Mooney on 11/29/2001 04:56:58 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

REV_00137037

Subject: Brian Conklin

Brian Conklin should be congratulated for securing an impressive 227-193
win
on
the House terrorism insurance bill!

Best,

Marc

Message Sent

To: _____

Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
amy.smith@do.treas.gov @ inet
K. Philippa Malmgren/OPD/EOP@EOP
Kirk Blalock/WHO/EOP@EOP

Message Copied

To: _____

Peter.Fisher@do.treas.gov
Randall S. Kroszner/CEA/EOP@EOP
Sheila.Bair@do.treas.gov
Kristen Silverberg/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Amy.Smith@do.treas.gov
K. Philippa Malmgren/OPD/EOP@EOP
Kirk Blalock/WHO/EOP@EOP

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
CC: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
Sent: 11/30/2001 2:38:52 AM
Subject: : RE: Brian Conklin

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:30-NOV-2001 07:38:52.00

SUBJECT:: RE: Brian Conklin

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

CC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

You are too modest! Brian, I have always had tremendous respect for the White House lobbying operation, but the way you have handled this bill -- with all its difficulties -- has boosted my opinion 1000%. Great job.

Sheila

-----Original Message-----

From: Brian_C._Conklin@who.eop.gov [mailto:Brian_C._Conklin@who.eop.gov]

Sent: Thursday November 29, 2001 7:29 PM

To: Leslie_A._Mooney@opd.eop.gov

Cc: peter.fisher@do.treas.gov; Randall_S._Kroszner@cea.eop.gov;

sheila.bair@do.treas.gov; Kristen_Silverberg@who.eop.gov;

Matthew_Kirk@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov;

amy.smith@do.treas.gov; K._Philippa_Malmgren@opd.eop.gov;

Kirk_Blalock@who.eop.gov

Subject: Re: Brian Conklin

While as a lobbyist, I should take full credit, this was a good team victory.

Thanks to all.

REV_00137039

From: Leslie A. Mooney on 11/29/2001 04:56:58 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Brian Conklin

Brian Conklin should be congratulated for securing an impressive 227-193
win
on
the House terrorism insurance bill!

Best,

Marc

Message Sent

To: _____

Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
amy.smith@do.treas.gov @ inet
K. Philippa Malmgren/OPD/EOP@EOP
Kirk Blalock/WHO/EOP@EOP

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
CC: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
Sent: 11/30/2001 2:27:15 AM
Subject: : RE: Brian Conklin

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:30-NOV-2001 07:27:15.00
SUBJECT:: RE: Brian Conklin
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You are too modest! Brian, I have always had tremendous respect for the White House lobbying operation, but the way you have handled this bill -- with all its difficulties -- has boosted my opinion 1000%. Great job.

Sheila

-----Original Message-----

From: Brian_C._Conklin@who.eop.gov [mailto:Brian_C._Conklin@who.eop.gov]
Sent: Thursday November 29, 2001 7:29 PM
To: Leslie_A._Mooney@opd.eop.gov
Cc: peter.fisher@do.treas.gov; Randall_S._Kroszner@cea.eop.gov; sheila.bair@do.treas.gov; Kristen_Silverberg@who.eop.gov; Matthew_Kirk@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov; amy.smith@do.treas.gov; K._Philippa_Malmgren@opd.eop.gov; Kirk_Blalock@who.eop.gov
Subject: Re: Brian Conklin

While as a lobbyist, I should take full credit, this was a good team victory.
Thanks to all.

REV_00137046

From: Leslie A. Mooney on 11/29/2001 04:56:58 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Brian Conklin

Brian Conklin should be congratulated for securing an impressive 227-193
win
on
the House terrorism insurance bill!

Best,

Marc

Message Sent

To: _____

Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
amy.smith@do.treas.gov @ inet
K. Philippa Malmgren/OPD/EOP@EOP
Kirk Blalock/WHO/EOP@EOP

From: CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/30/2001 5:23:47 AM
Subject: : Re: Compensation for Victims of International Terrorism

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:30-NOV-2001 10:23:47.00

SUBJECT:: Re: Compensation for Victims of International Terrorism

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks, that what I thought, but got a lot of conflicting info.

From: CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/30/2001 5:23:47 AM
Subject: : Re: Compensation for Victims of International Terrorism

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME:30-NOV-2001 10:23:47.00
SUBJECT:: Re: Compensation for Victims of International Terrorism
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks, that what I thought, but got a lot of conflicting info.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 11/30/2001 10:31:43 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-NOV-2001 15:31:43.00

SUBJECT::

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

good job; I think that should work out well -- at least for a while!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 11/30/2001 10:31:43 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-NOV-2001 15:31:43.00

SUBJECT::

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

good job; I think that should work out well -- at least for a while!

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Burton, Faith <Faith.Burton@usdoj.gov>; Horowitz, Michael-CRM
<Michael.Horowitz3@usdoj.gov>
CC: Bryant, Dan <Dan.Bryant@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Colborn, Paul P
<Paul.P.Colborn@usdoj.gov>; Chertoff, Michael <Michael.Chertoff@usdoj.gov>; Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 11/30/2001 10:59:20 AM
Subject: : RE: HGRC Hearing on DOCS

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME:30-NOV-2001 15:59:20.00

SUBJECT:: RE: HGRC Hearing on DOCS

TO:"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) ("Burton,
Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) ("Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Dan convinced Jim Wilson to convince Burton to postpone hearing until week
after next, probably Wed. the 12th.

-----Original Message-----

From: Michael-CRM Horowitz

Sent: Friday, November 30, 2001 1:31 PM

To: Burton, Faith; Thorsen, Carl

Subject: Re: HGRC Hearing on DOCS

Date: 11/30/2001 01:33 pm -0500 (Friday)

From: Michael-CRM Horowitz

To: "FBurton".WTGATE2.CRMGW; "wCThorsen".WTGATE2.CRMGW

Subject: Re: HGRC Hearing on DOCS

Mike wants to discuss with Dan and has exchanged calls with him. As for
next Wednesday, the CRM awards ceremony is at 3:30 pm. Mike MUST be
present for that, so next Wednesday afternoon is a problem unless the
committee guarantees he's out at 2:30 pm

REV_00137061

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/3/2001 5:26:13 AM
Subject: : ABA ratings

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-DEC-2001 10:26:13.00

SUBJECT:: ABA ratings

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hon. William H.Steele - COA-11th
substantial majority - qualified
minority - not qualified

REV_00137099

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 12/3/2001 5:29:15 AM
Subject: : JSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-DEC-2001 10:29:15.00

SUBJECT:: JSC meeting

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know soon what you have for this week's JSC meeting.

REV_00137100

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>
Sent: 12/3/2001 2:58:23 AM
Subject: : 9:30 INsurance call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-DEC-2001 07:58:23.00

SUBJECT:: 9:30 INsurance call

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])

REV_00137101

READ:UNKNOWN

End Original ARMS Header

Sorry, I forgot to send this out last week.

call-in pass code

Monday, 12/3 456-2561 & 456-2565 1157

Tuesday, 12/4 456-2561 & 456-2565 1157

Wednesday, 12/5 456-2561 & 456-2565 7693

Thursday, 12/6 456-2561 & 456-2565 7693

Thanks,

Leslie

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/3/2001 5:35:33 AM
Subject: : Meetings on the Hill re: judicial nominations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-DEC-2001 10:35:33.00

SUBJECT:: Meetings on the Hill re: judicial nominations

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Just a reminder that leg affairs, specifically Heather Wingate, needs to be alerted when a member of this office meets with members of Congress and/or their staff re: judicial nominations.

If the Judge and/or Tim are participants in the meeting Allison or I will take care of notifying Heather. If you going up on your own you need to contact Heather directly.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/3/2001 5:35:33 AM
Subject: : Meetings on the Hill re: judicial nominations

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-DEC-2001 10:35:33.00

SUBJECT:: Meetings on the Hill re: judicial nominations

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Just a reminder that leg affairs, specifically Heather Wingate, needs to be alerted when a member of this office meets with members of Congress and/or their staff re: judicial nominations.

If the Judge and/or Tim are participants in the meeting Allison or I will take care of notifying Heather. If you going up on your own you need to contact Heather directly.

Thanks!

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/3/2001 5:35:40 AM
Subject: : Re: Reminder: The Monday weekly 4pm meeting will be held today in room 4646.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 10:35:40.00
SUBJECT:: Re: Reminder: The Monday weekly 4pm meeting will be held today in room 4646.
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, can you cover today? I could probably make it if necessary, but I'm anticipating a likely conflict will arise later this morning.

Matthew E. Smith

12/03/2001 09:43:19 AM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett Kavanaugh
cc:
Subject: Reminder: The Monday weekly 4pm meeting will be held today
in room 4646.

I'll be joining today.

----- Forwarded by Matthew E. Smith/WHO/EOP on 12/03/2001
09:43 AM -----

"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov>
12/03/2001 08:23:44 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Reminder: The Monday weekly 4pm meeting will be held today in
room 4646.

Message Sent

To: _____
Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)
Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested)
Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)
James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested)

REV_00137107

(IPM Return Requested)
Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)
Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Allison L. Riepenhoff/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 12/3/2001 5:37:03 AM
Subject: : GCs meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 10:37:03.00
SUBJECT:: GCs meeting
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I have thought more about a possible meeting with all of the department GCs. I am not sure such a group meeting is necessarily the best way to go, assuming as is always likely that such a meeting gets subsequently and inaccurately reported in media. I would propose a summary memo of law/policy from Judge Gonzales to GC's, which should accomplish the objective and also avoid the danger of mischaracterization. Would that be sufficient/useful for you?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kelley J. McCullough/WHO/EOP@EOP [WHO] <Kelley J. McCullough>
CC: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 12/3/2001 5:40:51 AM
Subject: : Re: Travel Authorization for KR and I to FL

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 10:40:51.00
SUBJECT:: Re: Travel Authorization for KR and I to FL
TO: Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

What are Al Hoffman's business and commercial interests, other than being National Finance Chair?

Kelley J. McCullough
11/29/2001 03:44:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: jason b. torchinsky/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Travel Authorization for KR and I to FL

thanks. I have FL on the brain (POTUS is going there next week nad KR).
This is for the SC trip, actually -- it's ok, right?

Next, have you thought more about the trip to FL next Friday and Saturday
that the FL GOP will pay for and it will be on board Al Hoffman's plane?

Brett M. Kavanaugh
11/29/2001 03:38:19 PM
Record Type: Record

To: Kelley J. McCullough/WHO/EOP@EOP
cc: jason b. torchinsky/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Travel Authorization for KR and I to FL

I did; Jason, what's story?

Kelley J. McCullough
11/29/2001 03:37:56 PM

REV_00137110

Record Type: Record

To: Jason B. Torchinsky/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Travel Authorization for KR and I to FL

Have not heard anything official (no #) on the flight to SC for the Jim
DeMint for Congress event tomorrow. Did you all sign off on it?

Thanks for any info.
Kelley

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 12/3/2001 6:18:20 AM
Subject: : Reminder: The Monday weekly 4pm meeting will be held today in room 4646.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 3-DEC-2001 11:18:20.00

SUBJECT:: Reminder: The Monday weekly 4pm meeting will be held today in room 4646.

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00137112

READ:UNKNOWN
TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Kelley J. McCullough/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 12/3/2001 7:51:03 AM
Subject: : Re: Travel Authorization for KR and I to FL

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-DEC-2001 12:51:03.00

SUBJECT:: Re: Travel Authorization for KR and I to FL

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

WCI Communities, Bonita Springs, FL.

Brett M. Kavanaugh
12/03/2001 10:40:49 AM
Record Type: Record

To: Kelley J. McCullough/WHO/EOP@EOP
cc: Jason B. Torchinsky/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
bcc:
Subject: Re: Travel Authorization for KR and I to FL

What are Al Hoffman's business and commercial interests, other than being National Finance Chair?

Kelley J. McCullough
11/29/2001 03:44:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: jason b. torchinsky/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Travel Authorization for KR and I to FL

thanks. I have FL on the brain (POTUS is going there next week nad KR). This is for the SC trip, actually -- it's ok, right?

Next, have you thought more about the trip to FL next Friday and Saturday that the FL GOP will pay for and it will be on board Al Hoffman's plane?

Brett M. Kavanaugh
11/29/2001 03:38:19 PM
Record Type: Record

REV_00137115

To: Kelley J. McCullough/WHO/EOP@EOP
cc: jason b. torchinsky/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Travel Authorization for KR and I to FL

I did; Jason, what's story?

Kelley J. McCullough
11/29/2001 03:37:56 PM
Record Type: Record

To: Jason B. Torchinsky/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Travel Authorization for KR and I to FL

Have not heard anything official (no #) on the flight to SC for the Jim
DeMint for Congress event tomorrow. Did you all sign off on it?

Thanks for any info.
Kelley

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 12/3/2001 7:51:57 AM
Subject: : Re: Travel Authorization for KR and I to FL

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 12:51:57.00
SUBJECT:: Re: Travel Authorization for KR and I to FL
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Want me to do a lexis search on Hoffman?
----- Forwarded by Jason B. Torchinsky/WHO/EOP on
12/03/2001 12:51 PM -----

Kelley J. McCullough
12/03/2001 12:51:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: jason b. torchinsky/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Travel Authorization for KR and I to FL

WCI Communities, Bonita Springs, FL.

Brett M. Kavanaugh
12/03/2001 10:40:49 AM
Record Type: Record

To: Kelley J. McCullough/WHO/EOP@EOP
cc: Jason B. Torchinsky/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
bcc:
Subject: Re: Travel Authorization for KR and I to FL

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Kelley J. McCullough
11/29/2001 03:44:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: jason b. torchinsky/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Travel Authorization for KR and I to FL

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REV_00137117

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Brett M. Kavanaugh
11/29/2001 03:38:19 PM
Record Type: Record

To: Kelley J. McCullough/WHO/EOP@EOP
cc: jason b. torchinsky/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Travel Authorization for KR and I to FL

I did; Jason, what's story?

Kelley J. McCullough
11/29/2001 03:37:56 PM
Record Type: Record

To: Jason B. Torchinsky/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Travel Authorization for KR and I to FL

Have not heard anything official (no #) on the flight to SC for the Jim DeMint for Congress event tomorrow. Did you all sign off on it?

Thanks for any info.
Kelley

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 12/3/2001 12:36:00 PM
Subject: : Re: U.S. Civil Rights Commission

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 17:36:00.00
SUBJECT:: Re: U.S. Civil Rights Commission
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes. We instigated this.

Noel J. Francisco
12/03/2001 04:15:45 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: U.S. Civil Rights Commission

Alex Acosts just left me a message indicating that they would be releasing in OLC opinion on this issue today in a letter under Dan Bryant's name. I assume everyone is aware of this, but forward this information just in case.

REV_00137121

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Stuart W. Bowen/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Elizabeth N. Camp/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Timothy E. Flanigan/WHO/EOP@EOP

Alberto R. Gonzales/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
CC: phillip larsen/oa/eop@eop [OA] <phillip larsen>
Sent: 12/3/2001 9:21:37 AM
Subject: : Re: Blackberry Policy

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 14:21:37.00
SUBJECT:: Re: Blackberry Policy
TO: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
CC: phillip larsen (CN=phillip larsen/OU=oa/O=eop@eop [OA])
READ: UNKNOWN
End Original ARMS Header

The Office of Legal Counsel has concurred with the analysis I previously provided you in which I advised that use of blackberries was consistent with the Presidential Records Act. For these purposes, blackberries are no different from face-to-face meetings, cell phones, regular phones, and voice mail, for example. Please feel free to proceed and to contact me with any additional questions. Thanks.

Timothy Campen
11/19/2001 07:48:51 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Phillip Larsen/OA/EOP@EOP
Subject: Blackberry Policy

About ready to start the roll out and would like to have your concurrence, in the policy that WH Counsel states that the PIN to PIN and other pager to pager type messaging is not records managed for the WH users of the Blackberrys, before we start issuing them.... OK?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
CC: phillip larsen/oa/eop@eop [OA] <phillip larsen>
Sent: 12/3/2001 9:21:37 AM
Subject: : Re: Blackberry Policy

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 14:21:37.00
SUBJECT:: Re: Blackberry Policy
TO: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
CC: phillip larsen (CN=phillip larsen/OU=oa/O=eop@eop [OA])
READ: UNKNOWN
End Original ARMS Header

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11/19/2001 07:48:51 AM
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To: Brett M. Kavanaugh/WHO/EOP@EOP
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: timothy campen/oa/eop@eop [OA] <timothy campen>;phillip larsen/oa/eop@eop [OA] <phillip larsen>
Sent: 12/3/2001 9:57:34 AM
Subject: : Re: Blackberry Policy

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 14:57:34.00
SUBJECT:: Re: Blackberry Policy
TO: timothy campen (CN=timothy campen/OU=oa/O=eop@eop [OA])
READ: UNKNOWN
TO: phillip larsen (CN=phillip larsen/OU=oa/O=eop@eop [OA])
READ: UNKNOWN
End Original ARMS Header

You should also know that I have alerted the GC of National Archives and Records Administration to our conclusion and policy.

Brett M. Kavanaugh
12/03/2001 02:21:35 PM
Record Type: Record

To: Timothy Campen/OA/EOP@EOP
cc: phillip larsen/oa/eop@eop
bcc: Records Management@EOP
Subject: Re: Blackberry Policy

The Office of Legal Counsel has concurred with the analysis I previously provided you in which I advised that use of blackberries was consistent with the Presidential Records Act. For these purposes, blackberries are no different from face-to-face meetings, cell phones, regular phones, and voice mail, for example. Please feel free to proceed and to contact me with any additional questions. Thanks.

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11/19/2001 07:48:51 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Phillip Larsen/OA/EOP@EOP
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: timothy campen/oa/eop@eop [OA] <timothy campen>;phillip larsen/oa/eop@eop [OA] <phillip larsen>
Sent: 12/3/2001 9:57:34 AM
Subject: : Re: Blackberry Policy

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 14:57:34.00
SUBJECT:: Re: Blackberry Policy
TO: timothy campen (CN=timothy campen/OU=oa/O=eop@eop [OA])
READ: UNKNOWN
TO: phillip larsen (CN=phillip larsen/OU=oa/O=eop@eop [OA])
READ: UNKNOWN
End Original ARMS Header

You should also know that I have alerted the GC of National Archives and Records Administration to our conclusion and policy.

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12/03/2001 02:21:35 PM
Record Type: Record

To: Timothy Campen/OA/EOP@EOP
cc: phillip larsen/oa/eop@eop
bcc: Records Management@EOP
Subject: Re: Blackberry Policy

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Timothy Campen
11/19/2001 07:48:51 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Phillip Larsen/OA/EOP@EOP
Subject: Blackberry Policy

About ready to start the roll out and would like to have your concurrence, in the policy that WH Counsel states that the PIN to PIN and other pager to pager type messaging is not records managed for the WH users of the Blackberrys, before we start issuing them.... OK?

REV_00137128

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/3/2001 10:01:49 AM
Subject: : Re: Blackberry Policy

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 3-DEC-2001 15:01:49.00

SUBJECT:: Re: Blackberry Policy

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!! Sorry to keep pestering you.

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/3/2001 10:02:00 AM
Subject: : Re: Blackberry Policy

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])

CREATION DATE/TIME: 3-DEC-2001 15:02:00.00

SUBJECT:: Re: Blackberry Policy

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!! Sorry to keep pestering you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kelley J. McCullough/WHO/EOP@EOP [WHO] <Kelley J. McCullough>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 12/3/2001 12:26:21 PM
Subject: : Re: Travel Authorization for KR and I to FL

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 17:26:21.00
SUBJECT:: Re: Travel Authorization for KR and I to FL
TO: Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Are there any alternative modes of travel that Fla GOP can
arrange, for example, a charter?

Kelley J. McCullough
12/03/2001 12:51:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: jason b. torchinsky/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Travel Authorization for KR and I to FL

WCI Communities, Bonita Springs, FL.

Brett M. Kavanaugh
12/03/2001 10:40:49 AM
Record Type: Record

To: Kelley J. McCullough/WHO/EOP@EOP
cc: Jason B. Torchinsky/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
bcc:
Subject: Re: Travel Authorization for KR and I to FL

What are Al Hoffman's business and commercial interests, other
than being National Finance Chair?

Kelley J. McCullough
11/29/2001 03:44:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: jason b. torchinsky/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Travel Authorization for KR and I to FL

thanks. I have FL on the brain (POTUS is going there next week nad KR).
This is for the SC trip, actually -- it's ok, right?

Next, have you thought more about the trip to FL next Friday and Saturday
that the FL GOP will pay for and it will be on board Al HOffman's plane?

Brett M. Kavanaugh
11/29/2001 03:38:19 PM
Record Type: Record

To: Kelley J. McCullough/WHO/EOP@EOP
cc: jason b. torchinsky/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Travel Authorization for KR and I to FL

I did; Jason, what's story?

Kelley J. McCullough
11/29/2001 03:37:56 PM
Record Type: Record

To: Jason B. Torchinsky/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Travel Authorization for KR and I to FL

Have not heard anything official (no #) on the flight to SC for the Jim
DeMint for Congress event tomorrow. Did you all sign off on it?

Thanks for any info.
Kelley

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
Sent: 12/3/2001 12:38:05 PM
Subject: : Re: Blackberry Policy

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2001 17:38:05.00
SUBJECT:: Re: Blackberry Policy
TO: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

no problem; I was just making sure we had DOJ and NARA up to speed
before I sent the final e-mail to you

Timothy Campen
12/03/2001 02:58:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Blackberry Policy

Thanks!! Sorry to keep pestering you.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
CC: Stacey B. Silva/WHO/EOP@EOP [WHO] <Stacey B. Silva>
Sent: 12/3/2001 1:49:36 PM
Subject: : Dec. 5 JSC meeting is CANCELLED

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-DEC-2001 18:49:36.00

SUBJECT:: Dec. 5 JSC meeting is CANCELLED

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00137140

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Stacey B. Silva (CN=Stacey B. Silva/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We will resume our normally scheduled meeting time next week - Wednesday,
Dec. 12, 4-5pm.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/3/2001 1:57:41 PM
Subject: : TUES STAFF MTG TIME CHANGE- 9:15am instead of 8:15am

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-DEC-2001 18:57:41.00

SUBJECT:: TUES STAFF MTG TIME CHANGE- 9:15am instead of 8:15am

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Edmund C. Moy/OU=WHO/O=EOP [WHO]
To: Jodey Arrington/WHO/EOP@EOP [WHO] <Jodey Arrington>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>; Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>; Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>; Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Matthew R. Erbaugh/WHO/EOP@EOP [WHO] <Matthew R. Erbaugh>; Stephen M. Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>; Denise G. Gitsham/WHO/EOP@EOP [WHO] <Denise G. Gitsham>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>; Sarah E. Youssef/OPD/EOP@EOP [OPD] <Sarah E. Youssef>; Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>; Lisa E. Oliphant/WHO/EOP@EOP [WHO] <Lisa E. Oliphant>; Kim E. Nickles/WHO/EOP@EOP [WHO] <Kim E. Nickles>; John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Justin A. Grove/WHO/EOP@EOP [WHO] <Justin A. Grove>; Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>; Robert T. Pratt Jr/WHO/EOP@EOP [WHO] <Robert T. Pratt Jr>; Chris B. Nagel/WHO/EOP@EOP [WHO] <Chris B. Nagel>; Karen D. Cruson/WHO/EOP@EOP [WHO] <Karen D. Cruson>; Charity N. Wallace/WHO/EOP@EOP [WHO] <Charity N. Wallace>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>; Sarah M. Lenti/NSC/EOP@EOP [NSC] <Sarah M. Lenti>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; OVERTON#032#BRUCE@ustr.gov [UNKNOWN] <OVERTON#032#BRUCE@ustr.gov>; Ruth E. Elliott/NSC/EOP@EOP [NSC] <Ruth E. Elliott>; Thomas A. Bezas/WHO/EOP@EOP [WHO] <Thomas A. Bezas>; Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>; Reed Dickens/WHO/EOP@EOP [WHO] <Reed Dickens>; Deanna R. Rodriguez/WHO/EOP@EOP [WHO] <Deanna R. Rodriguez>; truthseeker@erols.com @ inet [UNKNOWN] <truthseeker@erols.com>; Matthew L. Wendel/WHO/EOP@EOP [WHO] <Matthew L. Wendel>; Sarah Penny/WHO/EOP@EOP [WHO] <Sarah Penny>; Todd W. Beyer/WHO/EOP@EOP [WHO] <Todd W. Beyer>; Leslie A. Shockley/WHO/EOP@EOP [WHO] <Leslie A. Shockley>; David.Contreras@sba.gov [UNKNOWN] <David.Contreras@sba.gov>; Lynn A. Crable/WHO/EOP@EOP [WHO] <Lynn A. Crable>; Lindsay J. Bourns/WHO/EOP@EOP [WHO] <Lindsay J. Bourns>; Timothy C. Stout/WHO/EOP@EOP [WHO] <Timothy C. Stout>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Margaret M. Spellings/OPD/EOP@EOP [OPD] <Margaret M. Spellings>; Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>; Logan M. Walters/WHO/EOP@EOP [WHO] <Logan M. Walters>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Michael Shannon/WHO/EOP@EOP [WHO] <Michael Shannon>; L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Virginia T. Gregory/WHO/EOP@EOP [WHO] <Virginia T. Gregory>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; Stuart Holliday/WHO/EOP@EOP [WHO] <Stuart Holliday>; Nathaniel C. Ryun/WHO/EOP@EOP [WHO] <Nathaniel C. Ryun>; pmoreno@acf.dhhs.gov [UNKNOWN] <pmoreno@acf.dhhs.gov>; Nancy G. Hansen/WHO/EOP@EOP [WHO] <Nancy G. Hansen>; Annie Stewart/WHO/EOP@EOP [WHO] <Annie Stewart>; Donni M. LeBoeuf/WHO/EOP@EOP [WHO] <Donni M. LeBoeuf>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Stephen E. Biegun/NSC/EOP@EOP [NSC] <Stephen E. Biegun>; Michele H. Tennery/WHO/EOP@EOP [WHO] <Michele H. Tennery>; Kirsten Knutson/WHO/EOP@EOP [WHO] <Kirsten Knutson>; Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>; Daniel D. Heath/OMB/EOP@EOP [OMB] <Daniel D. Heath>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Christina M. Battisti/OMB/EOP@EOP [OMB] <Christina M. Battisti>; Wendy J. Hall/OSTP/EOP@EOP [OSTP] <Wendy J. Hall>; Elizabeth P. Austin/WHO/EOP@EOP [WHO] <Elizabeth P. Austin>; Katharine Balls/WHO/EOP@EOP [WHO] <Katharine Balls>; Amy M. Bilyeau/OA/EOP@EOP [OA] <Amy M. Bilyeau>; John L. Howard

Jr./CEQ/EOP@EOP [CEQ] <John L. Howard Jr.>;Megan D. Moran/OVP/EOP@EOP [OVP]
<Megan D. Moran>;LCummins@cns.gov [UNKNOWN] <LCummins@cns.gov>;Jeffrey T.
Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>;Heidi K. Marquez/WHO/EOP@EOP [WHO] <Heidi K.
Marquez>;Josh Deckard/WHO/EOP@EOP [WHO] <Josh Deckard>;Andrea McDaniel/WHO
/EOP@EOP [WHO] <Andrea McDaniel>

Sent: 12/4/2001 4:47:08 AM
Subject: : White House Christian Fellowship meeting this Thursday, 12/5 from noon to 1pm in room 472
EEOB

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-DEC-2001 09:47:08.00

SUBJECT:: White House Christian Fellowship meeting this Thursday, 12/5 from noon to 1pm in
room 472 EEOB

TO:Jodey Arrington (CN=Jodey Arrington/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rebecca Contreras (CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew R. Erbaugh (CN=Matthew R. Erbaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Denise G. Gitsham (CN=Denise G. Gitsham/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lisa E. Oliphant (CN=Lisa E. Oliphant/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kim E. Nickles (CN=Kim E. Nickles/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Justin A. Grove (CN=Justin A. Grove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Christa J. Bailey (CN=Christa J. Bailey/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Chris B. Nagel (CN=Chris B. Nagel/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen D. Cruson (CN=Karen D. Cruson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00137156

TO:Charity N. Wallace (CN=Charity N. Wallace/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Eric L. Motley (CN=Eric L. Motley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:OVERTON#032#BRUCE@ustr.gov (OVERTON#032#BRUCE@ustr.gov [UNKNOWN])
READ:UNKNOWN
TO:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Thomas A. Bezas (CN=Thomas A. Bezas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Bell (CN=Michael J. Bell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Reed Dickens (CN=Reed Dickens/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deanna R. Rodriguez (CN=Deanna R. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:truthseeker@erols.com (truthseeker@erols.com @ inet [UNKNOWN])
READ:UNKNOWN
TO:Matthew L. Wendel (CN=Matthew L. Wendel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sarah Penny (CN=Sarah Penny/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Todd W. Beyer (CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leslie A. Shockley (CN=Leslie A. Shockley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David.Contreras@sba.gov (David.Contreras@sba.gov [UNKNOWN])
READ:UNKNOWN
TO:Lynn A. Crable (CN=Lynn A. Crable/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lindsay J. Bourns (CN=Lindsay J. Bourns/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy C. Stout (CN=Timothy C. Stout/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart Holliday (CN=Stuart Holliday/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nathaniel C. Ryun (CN=Nathaniel C. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:pmoreno@acf.dhhs.gov (pmoreno@acf.dhhs.gov [UNKNOWN])
READ:UNKNOWN
TO:Nancy G. Hansen (CN=Nancy G. Hansen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Annie Stewart (CN=Annie Stewart/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Donni M. LeBoeuf (CN=Donni M. LeBoeuf/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen E. Biegun (CN=Stephen E. Biegun/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten Knutson (CN=Kirsten Knutson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel D. Heath (CN=Daniel D. Heath/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Christina M. Battisti (CN=Christina M. Battisti/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Wendy J. Hall (CN=Wendy J. Hall/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Elizabeth P. Austin (CN=Elizabeth P. Austin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katharine Balls (CN=Katharine Balls/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:John L. Howard Jr. (CN=John L. Howard Jr./OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN
TO:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:LCummins@cns.gov (LCummins@cns.gov [UNKNOWN])
READ:UNKNOWN
TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heidi K. Marquez (CN=Heidi K. Marquez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Josh Deckard (CN=Josh Deckard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea McDaniel (CN=Andrea McDaniel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We'll be meeting this Thursday from noon to 1pm in room 472 EEOB for some thoughts on Islam from a Christian worldview perspective. Our special guest will be David Aikman. He is Chairman and founder, Gegrapha, a Fellow of the Trinity Forum, an Editor-at-large for Newsroom- online.com,

REV_00137158

a Columnist for Charisma Magazine, a Contributor to the American Spectator, a former senior correspondent for Time Magazine, and a former foreign correspondent and bureau chief (Eastern Europe, Jerusalem, Beijing) for Time Magazine. Please feel free to bring a friend.

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/4/2001 4:00:47 PM
Subject: : Re: FW: Can we send the letters to Horn & Ose on the PRA follow(009)-up questions

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-DEC-2001 21:00:47.00
SUBJECT:: Re: FW: Can we send the letters to Horn & Ose on the PRA follow(009)-up questions
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: FW: Can we send the letters to Horn
& Ose on the PRA follow(009)-up questions
Was Read By : M.Edward.Whelan@usdoj.gov
On : Tue, 4 Dec 2001 21:55:33 -0400

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/5/2001 4:22:38 AM
Subject: : Re: FW: Can we send the letters to Horn & Ose on the PRA follow(009)-up questions

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 5-DEC-2001 09:22:38.00
SUBJECT:: Re: FW: Can we send the letters to Horn & Ose on the PRA follow(009)-up questions
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: FW: Can we send the letters to Horn
& Ose on the PRA follow(009)-up questions
Was Read By : Paul.P.Colborn@usdoj.gov
On : Wed, 5 Dec 2001 10:08:47 -0400

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;stuart w. bowen/who/eop@eop [WHO] <stuart w. bowen>
Sent: 12/5/2001 6:54:11 AM
Subject: : Re: Who has worked on this?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-DEC-2001 11:54:11.00
SUBJECT:: Re: Who has worked on this?
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:stuart w. bowen (CN=stuart w. bowen/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Don Willet informs me that the Guidelines remain in force and "are good."
I have not, however, independently reviewed them.

Rachel L. Brand 12/05/2001 11:29:54 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Who has worked on this?

----- Forwarded by Rachel L. Brand/WHO/EOP on 12/05/2001
11:29 AM -----

From: Christopher J. Orr on 12/05/2001 11:27:15 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc:

REV_00137318

Subject: is this a legal question? question

----- Forwarded by Christopher J. Orr/WHO/EOP on
12/05/2001 11:31 AM -----

Drew Long <DLong@LRP.com>
12/05/2001 11:04:21 AM
Record Type: Record

To: Christopher J. Orr/WHO/EOP@EOP
cc:
Subject: question

Good morning, Mr. Orr.

On August 14, 1997, the White House issued the GUIDELINES ON RELIGIOUS EXERCISE AND RELIGIOUS EXPRESSION IN THE FEDERAL WORKPLACE. I'm simply trying to find out if these guidelines are still in effect, and if not, what have they been replaced by.
Thanks.
Drew Long, cyberFEDS
dlong@lrp.com

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP

REV_00137319

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 12/5/2001 2:15:31 PM
Subject: : Re: Update on legislative help on Berry

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-DEC-2001 19:15:31.00

SUBJECT:: Re: Update on legislative help on Berry

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

My guess is that our larger concern will be with some House Democrats, not the Senate.

Rachel L. Brand 12/05/2001 07:12:49 PM

Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject: Update on legislative help on Berry

I just spoke with Heather Wingate about her progress on the Hill today. She was under the impression that we were monitoring Hill members to make sure they weren't getting inflamed. She wasn't asking Members to put pressure on Berry to follow the law here. I told her we wanted to get

REV_00137320

the Hill to pressure Berry into following the law so that we could avoid a confrontation on Friday if possible. She'll start making that request tomorrow.

Her monitoring of the situation produced the following so far:
Most members don't seem to have this issue on their radar screens at all. Daschle's staffer was aware of it, but didn't seem incensed about the issue. Reid's staff indicated that the issue seemed pretty straightforward; they appeared to agree with our position. Heather believes that we can count on most Dems not becoming inflamed or invested in this issue. She expects that Daschle won't want to get involved.

She thinks she may be able to convince Hatch to tell Berry he's not supporting her in this.

Message Copied

To: _____

Elizabeth N. Camp/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/5/2001 11:24:24 AM
Subject: : Chat re: judicial/US atty nominees post staff meeting tomorrow (Thursday)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-DEC-2001 16:24:24.00

SUBJECT:: Chat re: judicial/US atty nominees post staff meeting tomorrow (Thursday)

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you have judicial or US attorney issues to discuss with the group please be prepared to have this chat immediately following our staff meeting tomorrow.

REV_00137322

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
BCC: Rachel L. Brand (Rachel L. Brand/WHO/EOP [WHO])
Sent: 12/5/2001 2:12:52 PM
Subject: : Update on legislative help on Berry

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-DEC-2001 19:12:52.00

SUBJECT:: Update on legislative help on Berry

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

BCC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I just spoke with Heather Wingate about her progress on the Hill today. She was under the impression that we were monitoring Hill members to make sure they weren't getting inflamed. She wasn't asking Members to put pressure on Berry to follow the law here. I told her we wanted to get the Hill to pressure Berry into following the law so that we could avoid a confrontation on Friday if possible. She'll start making that request tomorrow.

Her monitoring of the situation produced the following so far: Most members don't seem to have this issue on their radar screens at all. Daschle's staffer was aware of it, but didn't seem incensed about the issue. Reid's staff indicated that the issue seemed pretty straightforward; they appeared to agree with our position. Heather believes that we can count on most Dems not becoming inflamed or invested in this issue. She expects that Daschle won't want to get involved.

REV_00137323

She thinks she may be able to convince Hatch to tell Berry he's not supporting her in this.

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>
Sent: 12/5/2001 2:26:41 PM
Subject: : 9:30 Insurance call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 5-DEC-2001 19:26:41.00

SUBJECT:: 9:30 Insurance call

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00137325

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Tomorrow's 9:30 INsurance Conference call will soley be about Liability
Strategy.

Thanks,
Leslie

From: Sharon Bradford Franklin <franklin@wclawyers.org>
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/6/2001 7:28:39 AM
Subject: : Invitation for Hon. Alberto Gonzales
Attachments: P_OCEX4004_WHO.TXT_1.htm; P_OCEX4004_WHO.TXT_2.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Sharon Bradford Franklin <franklin@wclawyers.org> (Sharon Bradford Franklin
<franklin@wclawyers.org> [UNKNOWN])
CREATION DATE/TIME: 6-DEC-2001 12:28:39.00
SUBJECT:: Invitation for Hon. Alberto Gonzales
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Dear Ms. Camp,
The Washington Council of Lawyers would like to invite Hon. Alberto Gonzales to participate as a panelist in our upcoming brownbag forum on responses to terrorism. Brett Kavanaugh suggested that I email you. The panel will be a sequel to our October 25th forum entitled "Responding to Terrorism: Safeguarding Our Communities and Our Civil Liberties." I am attaching a flyer from that event. In our upcoming panel, we once again seek to provide a variety of perspectives on how to reconcile current efforts to protect our security with the need to guarantee fundamental civil liberties. Our focus for this event will be on some of the policies that have emerged since October 25th, including those concerning military tribunals and the attorney-client privilege. We hope that Mr. Gonzales will be able to represent the Administration and provide his perspective on these various government policies. The Washington Council of Lawyers is a voluntary bar association dedicated to promoting public interest and pro bono law. To find out more about the Council, you may visit our website at www.washingtoncounciloflawyers.org. We plan to hold this event on Wed., Jan. 9, or Thurs. Jan. 17, 2002, from 12 noon until 2:00 p.m. at a law firm in downtown Washington, D.C. I would greatly appreciate it if you would let me know whether Mr. Gonzales is available to participate, and whether he is available on both or only one of those dates. Please reply to this email or call me at 202-942-5063. Thank you very much for your assistance.

Sincerely,
Sharon Bradford Franklin
Executive Director
Washington Council of Lawyers
- att1.htm - OCT25FLYER.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OCEX4004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OCEX4004_WHO.TXT_2>

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Thank you very much for your assistance.

Sincerely,
Sharon Bradford Franklin
Executive Director
Washington Council of Lawyers

THE WASHINGTON COUNCIL OF LAWYERS

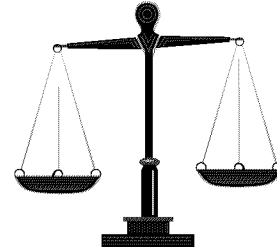
invites you to attend a Brownbag Lunch Forum on

RESPONDING TO TERRORISM: PROTECTING OUR COMMUNITIES AND OUR CIVIL LIBERTIES



Thursday, October 25, 2001
12:00 noon to 2:00 p.m.

Hogan & Hartson
Conference Room 12W-600
555 13th Street, N.W.



The panel will discuss how to reconcile current efforts to protect our security with the need to guarantee fundamental civil liberties. The program will address topics of concern including the immigration, privacy and criminal justice implications of proposed anti-terrorist legislation, as well as the security objectives the legislation is designed to meet. Panelists will consider the appropriate balance to be struck in this critical endeavor.

PANELISTS:

Moderator: Louis Bograd, Senior Staff Attorney, American Civil Liberties Union
David Cole, Professor, Georgetown University Law Center, and Author, *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security*
Viet Dinh, Assistant Attorney General for the Office of Legal Policy
Elliot Minberg, Vice President and Legal Director, People for the American Way
Stuart Taylor, National Journal Columnist and Newsweek Contributor

This event is a brownbag lunch. Beverages will be provided. Cost: \$7 per person, \$5 for Council Member, Student, Public Interest, or Government.

*The Washington Council of Lawyers is a non-profit organization of lawyers
committed to the spirit and practice of law in the public interest.*

For more information: 202-942-5063; www.washingtoncounciloflawyers.org

REGISTRATION FORM

Name: _____ Employer: _____

Address: _____

Email Address: _____ Daytime Phone No.: _____

Please register me for the Council's brownbag entitled "Responding to Terrorism: Safeguarding Our Communities and Our Civil Liberties" on October 25, 2001. I am enclosing my check payable to the Washington Council of Lawyers for:

____ \$7; ____ \$5 for Council Member, Student, Public Interest, or Government

I would like to JOIN THE COUNCIL and attend this brownbag for FREE.

____ \$15: Paralegal, Student, Public Interest ____ \$75: Supporting

____ \$35: Regular ____ \$100: Sustaining

____ \$50: Contributing

Please mail registration form and check payable to Washington Council of Lawyers, 555 12th Street, N.W., Suite 210, Washington, D.C. 20004

The Washington Council of Lawyers is a 501(c)(3) organization.

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>
Sent: 12/6/2001 3:58:06 AM
Subject: : Friday's call-in #s for the 9:30 Insurance Call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 6-DEC-2001 08:58:06.00

SUBJECT:: Friday's call-in #s for the 9:30 Insurance Call

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])

REV_00137340

READ:UNKNOWN

End Original ARMS Header

The call-in number for Friday's 9:30 Insurance call is as follows:

call-in: 622-9535

pass code: 805630

Thanks,

Leslie

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Julius Rothstein/WHO/EOP@EOP [WHO] <Julius Rothstein>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Patricia C. Zemple/WHO/EOP@EOP [WHO] <Patricia C. Zemple>; Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/6/2001 4:34:19 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-DEC-2001 09:34:19.00

SUBJECT::

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Julius Rothstein (CN=Julius Rothstein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patricia C. Zemple (CN=Patricia C. Zemple/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Just a reminder that I need to know which reception you are interested in attending so I can ensure that you receive the correct invitation. I need to know no later than noon today.

REV_00137342

Lori

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 12/6/2001 8:59:51 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2001 13:59:51.00
SUBJECT:: Re:
TO: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

yes, definitely, assuming you want me to

D. Marcus Sumerlin
12/06/2001 01:33:54 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Are you attending the 5 o'clock with industry?

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/6/2001 5:04:21 AM
Subject: : mtg

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2001 10:04:21.00
SUBJECT:: mtg
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Kirk mentioned that two important talking pts for today are:

1) Parity on liability. The business groups have some sense (maybe from vote in House fin. services) that insurers will be taken care of but other businesses will be excluded. Make clear that we support accross-the board provisions.

2) That Senate bill is better than House bill in ensuring that companies in del rio don't have to subsidize business in NYC.

He also said that LeAnne had the sense from Dave Hoppe that Lott just wanted vote on liability, not necessarily Atty's fees.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 12/6/2001 8:22:07 AM
Subject: : FYI - Development in Linda Tripp Lawsuit

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-DEC-2001 13:22:07.00

SUBJECT:: FYI - Development in Linda Tripp Lawsuit

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Is there anyone in the press shop other than Anne who you think ought to get my attached e-mail?

----- Forwarded by H. Christopher Bartolomucci/WHO/EOP on
12/06/2001 12:20 PM -----

H. Christopher Bartolomucci

12/06/2001 01:21:06 PM

Record Type: Record

To: Anne Womack/WHO/EOP@EOP

cc:

Subject: FYI - Development in Linda Tripp Lawsuit

You may get press inquiries about something that will happen today in the Linda Tripp case. This is the litigation involving the DoD's release of sensitive information from Tripp's personnel file during the Clinton administration.

The DOJ is going to file a document today conceding liability -- i.e., the Department will admit that the release of the information did in fact violate the Privacy Act.

Some talking points:

1) Neither the White House nor any past or present White House officials are parties in this case. The suit is against the DoD only. Furthermore, all of the events at issue are Clinton-era.

REV_00137352

2) Although the DOJ is conceding liability, it is not conceding damages. That is, the Department will continue to argue to the court that Tripp has not proved that she has suffered, or is entitled to recover, any money damages as a result of the Privacy Act violation. Thus, the concession with respect to liability will not end the case -- it will simply shift the focus to the issue of damages, where the DOJ believes its position is strong.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 12/6/2001 8:59:51 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2001 13:59:51.00
SUBJECT:: Re:
TO: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

yes, definitely, assuming you want me to

D. Marcus Sumerlin
12/06/2001 01:33:54 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Are you attending the 5 o'clock with industry?

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: elaine.king@lexis-nexis.com @ inet [UNKNOWN] <elaine.king@lexis-nexis.com>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/6/2001 10:12:38 AM
Subject: : ID

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2001 15:12:38.00
SUBJECT:: ID
TO:elaine.king@lexis-nexis.com (elaine.king@lexis-nexis.com @ inet [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This is Lori Lorenzi from White House Counsel's Office. One of our Counsel members, Brett Kavanaugh has misplaced his id to access Lexis-Nexis online. Could you please help us get his ID? Thanks.

Lori
456-5298

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 12/6/2001 2:20:27 PM
Subject: : any update?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2001 19:20:27.00
SUBJECT:: any update?
TO: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 12/6/2001 10:44:03 AM
Subject: : FW: Revised - Senate bill w/ amendments
Attachments: P_H1NX4004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 6-DEC-2001 15:44:03.00
SUBJECT:: FW: Revised - Senate bill w/ amendments
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here is the draft language we are sending back up to the hill, reflecting agreements reached at the staff meeting yesterday, as supplemented by Jonathan Adelstein's and Wayne Abernathy's reports of the principals meetings.

Sheila

> -----Original Message-----
> From: Ellett, Martha
> Sent: Thursday, December 06, 2001 1:43 PM
> To: Bair, Sheila; McInerney, Roberta; DeMarco, Edward; Ugoletti, Mario
> Cc: Hunt, Betty Ann
> Subject: Revised - Senate bill w/ amendments
>
> Please use this document instead of the previous one - the previous one
> did not include Wayne's requested deletion of the offset provision in the
> tort reform section- this one does. thanks Martha
>
> <<Senatebill11751Amendments.doc>>
> - Senatebill11751Amendments.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_H1NX4004_WHO.TXT_1>

REV_00137439

107TH CONGRESS
1ST SESSION

S.1748

IN THE SENATE OF THE UNITED STATES

Mr. GRAMM (for himself and Mr. ENZI, Mr. BENNETT, Mr. BUNNING, and Mr. ALLARD) introduced the following
bill; which was read twice and
referred to the Committee on _____

A BILL

To promote the stabilization of the economy by encouraging
financial institutions to continue to support economic
development, including development in urban areas,
through the provision of affordable insurance coverage
against acts of terrorism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3

1 (b) CONDITIONS FOR FEDERAL PAYMENTS.—No
2 payment may be made by the Secretary under subsection
3 (c), unless—

4 (1) a policyholder that suffers an insured loss,
5 or a person acting on behalf of that policyholder,
6 files a claim with a participating insurance company;

7 (2) beginning on the date of enactment, at the time of offer, purchase,
8 and renewal

9 | ____ of each policy covering an insured loss, the partici-
10 pating insurance company provides, as soon as
11 practicable following the date of enactment of this Act,
12 clear and conspicuous disclosure in the policy to the
13 policyholder of the premium charged for insured losses
14 covered by the Program and the Federal share of
15 compensation for insured losses under the Program;

16 (3) the participating insurance company proc-
17 esses the claim for the insured loss in accordance
18 with its standard business practices, and any reasonable proce-
19 dures that the Secretary may prescribe;
20 and

21 (4) the participating insurance company sub-
22 mits to the Secretary, in accordance with such reasonable pro-
23 cedures as the Secretary may establish—

24 (A) a claim for payment of the Federal
25 share of compensation for insured losses under
26 the Program;
27

(B) written verification and certification—

(i) of the underlying claim; and

(ii) of all payments made to policyholders for insured losses; and

(C) certification of its compliance with the provisions of this subsection.

(c) MANDATORY PARTICIPATION AND MANDATORY OFFER

(1) PARTICIPATION IN PROGRAM. All participating insurance companies must participate in the Program.

(2) MANDATORY OFFER OF TERRORISM RISK COVERAGE. All property and casualty insurance policies must offer coverage for insured losses.

(d) PARTICIPATION OF SELF INSURED ENTITIES

(1) DETERMINATION BY THE SECRETARY. The Secretary may, in consultation with the National Association of Insurance Commissioners, establish procedures to allow self insurance arrangements by municipalities and other governmental or quasi-governmental entities, to participate in the Program, as appropriate, but only if the Secretary's determination with regard to participation of any such governmental or quasi-governmental entity is made before the occurrence of an act of terrorism in which the governmental or quasi-governmental entity incurs an insured loss.

(1)(2) PARTICIPATION. If the Secretary determines to allow a governmental or quasi-governmental entity to participate, all reports, conditions, requirements and standards established by the Act for participating insurance companies shall apply, as determined to be appropriate by the Secretary.

(e)(e) SHARED INSURANCE LOSS COVERAGE.—

(1) PARTICIPATING INSURANCE COMPANY DEDUCTIBLE.

(a) PARTICIPATING INSURANCE COMPANY DEDUCTIBLE DEFINED.—For purposes of this subsection, the term “participating insurance company deductible” means the dollar amount equal to the participating insurance company’s market share of total property and casualty premiums as determined by the Secretary multiplied by \$10,000,000,000;

(b) INTERIM FINAL REGULATION. – The Secretary shall issue an interim final regulation prescribing the

1 manner in which each participating insurance company's market
2 share shall be determined in accordance with subsection (a).

3 (2)(1) FEDERAL SHARE.—Subject to the cap limita-
4 tions in paragraph (4)(2), the Federal share of com-
5 pensation under the Program, to be paid by the Sec-
6 retary, shall be—

7 (A) for insured losses resulting from an act
8 of terrorism occurring during the period begin-
9 ning on the date of enactment of this Act and
10 ending at midnight on December 31, 2002, 9 80 percent of
11 a participating insurance company's insured losses that exceed the
12 company's participating insurance company deductible, if the
13 Secretary has not determined that the aggregate amount of insured
14 losses during this period exceed the aggregate amount of all such
15 losses in ex-
16 cess of \$10,000,000,000;

17 (B) for insured losses resulting from an
18 act of terrorism occurring during the period be-
19 ginning on the date of enactment of this Act and January 1, 2003 and
20 ending at midnight on De-
21 cember 31, 2002 2003, 90 percent of the participating insurance
22 company's insured losses that exceed the company's participating
23 insurance company deductible, beginning on the date that the
24 Secretary determines that the aggregate
25 amount of insured losses during the period exceeds all such losses in
26 excess of
27 \$10,000,000,000.; and

28 (C) if the Program is extended in accord-
29 ance with section 6, the Federal share of compensation
30 described in (A) and (B) shall apply to for insured losses
31 resulting
32

1 from an act of terrorism occurring during the
2 period beginning on January 1, ~~2003~~ 2004 and end-
3 ing at midnight on December 31,
4 ~~2003, 2004, 90 percent of the~~
5 ~~aggregate amount of all such losses in excess of~~
6 ~~\$20,000,000,000.~~

7
8 ~~(4)(2)~~ CAP ON ANNUAL LIABILITY.—Notwith-
9 standing paragraph (1), or any other provision of
10 Federal or State law, if the aggregate insured losses
11 exceed \$100,000,000,000 during any period referred
12 to in subparagraphs (A) and (B) of paragraph (1)
13 (or the period referred to in subparagraph (C) of
14 paragraph (1) if the Program is extended in accord-
15 ance with section 6)—

16 (A) the Secretary shall not make any pay-
17 ment under this Act for any portion of the
18 amount of such losses that exceeds
19 \$100,000,000,000; and

20 (B) participating insurance companies
21 shall not be liable for the payment of any por-
22 tion of the amount that exceeds
23 \$100,000,000,000.

24 ~~(5)(3)~~ NOTICE TO CONGRESS.—The Secretary
25 shall notify the Congress if estimated or actual ag-
26 gregate insured losses exceed \$100,000,000,000 in
27 any period described in paragraph (1), and the Con-
28

gress shall determine the procedures for and the source of any such excess payments.

(6)~~(4)~~ FINAL NETTING.—The Secretary shall have sole discretion to determine the time at which claims relating to any insured loss or act of terrorism shall become final.

(7)~~(5)~~ DETERMINATIONS FINAL.—Any determination of the Secretary under this subsection shall be final, and shall not be subject to judicial review.

(f)~~(d)~~ FUNDING.—

(1) PAYMENT AUTHORITY.—This Act constitutes payment authority in advance of appropriation Acts and represents the obligation of the Federal Government to provide for the Federal share of compensation for insured losses under the Program.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to pay the administrative expenses of the Program.

SEC. 5. GENERAL AUTHORITY AND ADMINISTRATION OF CLAIMS.

(a) GENERAL AUTHORITY.—The Secretary shall have the powers and authorities necessary to carry out the Program, including authority—

1 (1) to investigate and audit all claims under the
2 Program; and

3 (2) to prescribe regulations and procedures to
4 implement the Program.

5 (b) INTERIM RULES AND PROCEDURES.—The Sec-
6 retary shall issue interim final rules or procedures speci-
7 fying the manner in which—

8 (1) participating insurance companies may file,
9 verify, and certify claims under the Program;

10 (2) the Secretary shall publish or otherwise
11 publicly announce the applicable percentage of in-
12 sured losses to be paid by participating insurance
13 companies and the Federal share of compensation
14 for insured losses under the Program;

15 (3) the Federal share of compensation for in-
16 sured losses will be paid under the Program, includ-
17 ing payments based on estimates of or actual aggre-
18 gate insured losses;

19 (4) the Secretary may, at any time, seek repay-
20 ment from or reimburse any participating insurance
21 company, based on estimates of insured losses under
22 the Program, to effectuate the insured loss sharing
23 schedule and limitations contained in section 4;

24 (5) participating insurance companies that
25 | incur insured losses shall pay their ~~pro-rata~~ share of
26

insured losses in accordance with the schedule and limitations contained in section 4; and

(6) the Secretary will determine any final netting of payments for actual insured losses under the Program, including payments owed to the Federal Government from any participating insurance company and any Federal share of compensation for insured losses owed to any participating insurance company, to effectuate the insured loss sharing schedule and limitations contained in section 4.

(c) SUBROGATION RIGHTS.-- The United States shall have the right of subrogation with respect to any payment made by the United States under the Program.

(d) CONTRACTS FOR SERVICES.—The Secretary may employ persons or contract for services as may be necessary to implement the Program.

(e) CIVIL PENALTIES.—The Secretary may assess civil money penalties for violations of this Act or any rule, regulation, or order issued by the Secretary under this Act relating to the submission of false or misleading information for purposes of the Program, or any failure to repay any amount required to be reimbursed under regulations or procedures described in section 5(b). The authority granted under this subsection shall continue during any period in which the Secretary's authority under section 6(d) is in effect.

SEC. 6. TERMINATION OF PROGRAM; DISCRETIONARY EXTENSION.

(a) TERMINATION OF PROGRAM.—

(1) IN GENERAL. The Program shall terminate, at midnight on December 31, 2003 ~~2002~~, unless the Secretary—

(A) determines, after considering the report and finding required by this section, that the Program should be extended for one additional year, until midnight on December 31, 2003; ~~2004~~; and

(B) promptly notifies the Congress of such determination and the reasons therefore.

(2) DETERMINATION FINAL.—The determination of the Secretary under paragraph (1) shall be

1 final, and shall not be subject to judicial review.

2 (3) TERMINATION AFTER EXTENSION.—If the
3 Program is extended under paragraph (1), this Act
4 is repealed, and the Program shall terminate, at midnight on De-
5 cember 31, 2003~~2004~~.

6 (b) REPORT TO CONGRESS.—Not later than 9~~18~~
7 months after the date of enactment of this Act, the Sec-
8 retary shall submit a report to Congress—

9 (1) regarding—

10 (A) the availability of insurance coverage
11 for acts of terrorism;

12 (B) the affordability of such coverage, in-
13 cluding the effect of such coverage on pre-
14 miums; and
15

1 (C) the capacity of the insurance industry
2 to absorb future losses resulting from acts of
3 terrorism, taking into account the profitability
4 of the insurance industry; and

5 (2) that considers—

6 (A) the impact of the Program on each of
7 the factors described in paragraph (1); and

8 (B) the probable impact on such factors
9 and on the United States economy if the Pro-
10 gram terminates on December 31, 2002 ~~2003~~.

11 (c) FINDING REQUIRED.—A determination under
12 subsection (a) to extend the Program shall be based on
13 a finding by the Secretary that—

14 (1) widespread market uncertainties continue to
15 disrupt the ability of insurance companies to price
16 insurance coverage for losses resulting from acts of
17 terrorism, thereby resulting in the continuing un-
18 availability of affordable insurance for consumers;
19 and

20 (2) extending the Program for an additional
21 year would likely encourage economic stabilization
22 and facilitate a transition to a viable market for pri-
23 vate terrorism risk insurance.

24 (d) CONTINUING AUTHORITY TO PAY OR ADJUST
25 COMPENSATION.—Following the termination of the Program under subsection
26 (a), the Secretary may take such actions as may be necessary to ensure payment,
27 reimbursement, or adjustment of compensation for insured losses arising out of
28 any act of terrorism occurring during the period in which the Program was in
29 effect under this Act and as to which a determination has been made in accordance
30 with the provisions of section 4 and regulations promulgated thereunder.

31 (e) STUDY AND REPORT ON SCOPE OF THE PRO-
32 GRAM -

33 (1) STUDY.—The Secretary, after consultation
34 with the National Association of Insurance Commis-
35 sioners, representatives of the insurance industry,
36 and other experts in the insurance field, shall con-
37 duct a study of the potential effects of acts of ter-
38 rorism on the availability of life insurance and other

lines of insurance coverage.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(f) REPORTS REGARDING TERRORISM RISK INSURANCE PREMIUMS.—

(1) REPORT TO THE NAIC. Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, each participating insurance company shall submit a report to the National Association of Insurance Commissioners that contains information about the premium rates charged by that insurance company over the previous 6 months for insured losses covered by the Program and an explanation of and justification for those rates.

(2) REPORTS FORWARDED. The National Association of Insurance Commissioners shall promptly forward copies of each report to the Secretary, the Secretary of Commerce and the Chairman of the Federal Trade Commission.

SEC. 7 PRESERVATION OF STATE LAW.

Nothing in this Act shall affect the jurisdiction or regulatory authority of the insurance commissioner (or any agency or office performing like functions) of any State over any participating insurance company or other person—

1 **SECTION. 1. SHORT TITLE.**

2 This Act may be cited as the “Terrorism Risk Insur-
3 ance Act of 2001”.

4 **SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) property and casualty insurance firms are
7 important financial institutions, the products of
8 which allow mutualization of risk and the efficient
9 use of financial resources and enhance the ability of
10 the economy to maintain stability, while responding
11 to a variety of economic, political, environmental,
12 and other risks with a minimum of disruption;

13 (2) the ability of businesses and individuals to
14 obtain property and casualty insurance at reasonable
15 and predictable prices, in order to spread the risk of
16 both routine and catastrophic loss, is critical to eco-
17 nomic growth, urban development, and the construc-
18 tion and maintenance of public and private housing,
19 as well as to the promotion of United States exports
20 and foreign trade in an increasingly interconnected
21 world;

22 (3) the ability of the insurance industry to
23 cover the unprecedented financial risks presented by
24 potential acts of terrorism in the United States can
25 be a major factor in the recovery from terrorist at-
26

1 (1) except as specifically provided in this Act;
2 and

3 (2) except that—

4 (A) the definition of the term “act of ter-
5 rorism” in section 3 shall be the exclusive defi-
6 nition for purposes of compensation for insured
7 losses under this Act, and shall preempt any
8 provision of State law that is inconsistent with
9 that definition, to the extent that such provision
10 of law would otherwise apply to any insurance
11 policy relating to terrorism risk in the United
12 States;

13 (B) during the period beginning on the
14 date of enactment of this Act and ending on
15 December 31, 2002, rates for terrorism risk in-
16 surance covered by this Act and filed with any
17 State shall not be subject to prior approval or
18 a waiting period, under any law of a State that
19 would otherwise be applicable, except that
20 nothing in this Act affects the ability of any
21 State to invalidate a rate as excessive, inad-
22 equate, or unfairly discriminatory; and

23 (C) during the period beginning on the
24 date of enactment of this Act and for so long
25 as the Program is in effect as provided in Section 6
26

(including any period during which the Secretary's authority under Section 6(d) is in effect), books and records of any participating insurance company shall be provided, or caused to be provided, to the Secretary or his designee upon request by the Secretary or his designee notwithstanding any provision of the laws of any State prohibiting or limiting such access.

SEC. 8. SENSE OF THE CONGRESS.

It is the sense of the Congress that the insurance industry should build capacity and aggregate risk to provide affordable property and casualty coverage for terrorism risk.

SEC. 9. PROCEDURES FOR CIVIL ACTIONS.

(a) **FEDERAL CAUSE OF ACTION.**—There shall exist a Federal cause of action for property damage, personal injury, or death arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for claims for property damage, personal injury, or death arising out of or resulting from an act of terrorism. All State causes of action of any kind for property damage, personal injury, or death otherwise available arising out of or resulting from an act of terrorism, are hereby preempted, except as provided in subsection (f).

(b) **GOVERNING LAW.**—The substantive law for decision in an action for property damage, personal injury,

1 or death arising out of or resulting from an act of ter-
2 rorism under this section shall be derived from the law,
3 including applicable choice of law principles, of the State,
4 or States determined to be required by the district court
5 assigned under subsection (c), unless such law is incon-
6 sistent with or otherwise preempted by Federal law.

7 (c) FEDERAL JURISDICTION.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law, not later than 90 days after the oc-
10 currence of an act of terrorism, the Judicial Panel on Multidistrict
11 Litigation shall assign a single Fed-
12 eral district court to conduct pretrial and trial pro-
13 ceedings in all pending and future civil actions for
14 property damage, personal injury, or death arising
15 out of or resulting from that act of terrorism.

16 (2) SELECTION CRITERIA.—The Judicial Panel
17 on Multidistrict Litigation shall select and assign the
18 district court under paragraph (1) based on the con-
19 venience of the parties and the just and efficient
20 conduct of the proceedings.

21 (3) JURISDICTION.—The district court assigned
22 by the Judicial Panel on Multidistrict Litigation
23 shall have original and exclusive jurisdiction over all
24 actions under paragraph (1). For purposes of per-
25 sonal jurisdiction, the district court assigned by the
26

Judicial Panel on Multidistrict Litigation shall be deemed to sit in all judicial districts in the United States.

(4) TRANSFER OF CASES FILED IN OTHER FEDERAL COURTS.—Any civil action for property damage, personal injury, or death arising out of or resulting from an act of terrorism that is filed in a Federal district court other than the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1) shall be transferred to the Federal district court so assigned.

(5) REMOVAL OF CASES FILED IN STATE COURTS.—Any civil action for property damage, personal injury, or death arising out of or resulting from an act of terrorism that is filed in a State court shall be removable to the Federal district court assigned by the Judicial Panel on Multidistrict Litigation under paragraph (1).

(d) APPROVAL OF SETTLEMENTS.—Any settlement between the parties of a civil action described in this section for property damage, personal injury, or death arising out of or resulting from an act of terrorism shall be subject to prior approval by the Secretary after consultation with the Attorney General.

(e) LIMITATION ON DAMAGES.—Punitive or exemplary damages shall not be available in any civil action subject to this section.

(f) CLAIMS AGAINST TERRORISTS.—Nothing in this section shall in any way limit the ability of any plaintiff to seek any form of recovery from any person, government or other entity that was a participant in, or aider and abettor of, any act of terrorism.

~~(g) OFFSET—In determining the amount of money damages available under this section, the court shall offset any compensation or benefits received or entitled to be received by the plaintiff or plaintiffs from any collateral source, including the United States or any Federal agency thereof, in response to or as a result of the act of terrorism.~~

(h) EFFECTIVE PERIOD.—This section shall apply only to actions for property damage, personal injury, or death arising out of or resulting from acts of terrorism that occur during the effective period of the Program, in-

cluding, if applicable, any extension period under section
6.

SEC.10. REPEAL OF THE ACT.

This Act shall be repealed at the close of business on the termination date of the Program under section 6(a), but the provisions of this section shall not be construed as preventing the Secretary from taking, or causing to be taken, such actions under sections 4(c)(4), (5), sections 5(a)(1), (c), (e), section 6(d), and section 9(d) of this Act and applicable regulations promulgated thereunder. Further, the provisions of this section shall not be construed as preventing the availability of funding under section 4(d) during any period in which the Secretary's authority under section 6(d) is in effect.

1 tacks, while maintaining the stability of the econ-
2 omy;

3 (4) widespread financial market uncertainties
4 have arisen following the terrorist attacks of Sep-
5 tember 11, 2001, including the absence of informa-
6 tion from which financial institutions can make sta-
7 tistically valid estimates of the probability and cost
8 of future terrorist events, and therefore the size,
9 funding, and allocation of the risk of loss caused by
10 such acts of terrorism;

11 (5) a decision by property and casualty insurers
12 to deal with such uncertainties, either by termi-
13 nating property and casualty coverage for losses
14 arising from terrorist events, or by radically esca-
15 lating premium coverage to compensate for risks of
16 loss that are not readily predictable, could seriously
17 hamper ongoing and planned construction, property
18 acquisition, and other business projects, generate a
19 dramatic increase in rents, and otherwise suppress
20 economic activity; and

21 (6) the United States Government should pro-
22 vide temporary financial compensation to insured par-
23 ties, contributing to the stabilization of the United
24 States economy in a time of national crisis, while the
25 financial services industry develops the systems,
26

1 mechanisms, products, and programs necessary to
2 create a viable financial services market for private
3 terrorism risk insurance.

4 (b) PURPOSE.—The purpose of this Act is to estab-
5 lish a temporary Federal program that provides for a
6 transparent system of shared public and private com-
7 pensation for insured losses resulting from acts of ter-
8 rorism in order to—

9 (1) protect consumers by addressing market
10 disruptions and ensure the continued widespread
11 availability and affordability of property and cas-
12 ualty insurance for terrorism risk; and

13 (2) allow for a transitional period for the pri-
14 vate markets to stabilize, resume pricing of such in-
15 surance, and build capacity to absorb any future
16 losses, while preserving State insurance regulation
17 and consumer protections.

18 **SEC. 3. DEFINITIONS.**

19 In this Act, the following definitions shall apply:

20 (1) ACT OF TERRORISM.—

21 (A) CERTIFICATION.—The term “act of
22 terrorism” means any act that is certified by
23 the Secretary, in concurrence with the Sec-
24 retary of State, and the Attorney General of the
25 United States—
26

1 (i) to be a violent act or an act that
2 is dangerous to—

3 (I) human life;

4 (II) property; or

5 (III) infrastructure;

6 (ii) to have resulted in damage within
7 the United States, or outside of the United
8 States in the case of an air carrier de-
9 scribed in paragraph (3)(A)(ii); and

10 (iii) to have been committed by an in-
11 dividual or individuals acting on behalf of
12 any foreign person or foreign interest, as
13 part of an effort to coerce the civilian pop-
14 ulation of the United States or to influence
15 the policy or affect the conduct of the
16 United States Government by coercion.

17 (B) LIMITATION.—No act or event shall be
18 certified by the Secretary as an act of terrorism
19 if—

20 (i) the act or event is committed in
21 the course of a war declared by the Con-
22 gress; or

23 (ii) losses resulting from the act or
24 event, in the aggregate, do not exceed
25 \$5,000,000.
26

1 (C) DETERMINATIONS FINAL.—Any certifi-
2 cation of, or determination not to certify, an act
3 or event as an act of terrorism under this para-
4 graph shall be final, and shall not be subject to
5 judicial review.

6 (2) BUSINESS INTERRUPTION COVERAGE.—The
7 term “business interruption coverage”—

8 (A) means coverage of losses for temporary
9 relocation expenses and ongoing expenses, in-
10 cluding ordinary wages, where—

11 (i) there is physical damage to the
12 business premises of such magnitude that
13 the business cannot open for business;

14 (ii) there is physical damage to other
15 property that totally prevents customers or
16 employees from gaining access to the busi-
17 ness premises; or

18 (iii) the Federal, State, or local gov-
19 ernment shuts down an area due to phys-
20 ical or environmental damage, thereby pre-
21 venting customers or employees from gain-
22 ing access to the business premises; and

23 (B) does not include lost profits, other
24 than in the case of a small business concern (as
25 defined in section 3 of the Small Business Act
26

1 (15 U.S.C. 632) and applicable regulations
2 hereunder) in any case described in clause (i),
3 (ii), or (iii) of subparagraph (A).

4 (3) INSURED LOSS.—The term “insured loss”—

5 (A) means any loss resulting from an act
6 of terrorism that is covered by any type of com-
7 mercial or personal property and casualty insur-
8 ance policy or endorsement, including business
9 interruption coverage, issued by a participating
10 insurance company if such loss—

11 (i) occurs within the
12 United States; or

13 (ii) occurs to an air carrier (as defined in
14 section 40102 of title 49, United States
15 Code), regardless of where the loss occurs;
16 and

17 (B) does not include any loss covered by any type
18 of life or health insurance policy.

19 (4) PARTICIPATING INSURANCE COMPANY.—

20 The term “participating insurance company” means
21 any insurance company, including any subsidiary or
22 affiliate thereof—

23 (A) that—
24

1 (i) is licensed or admitted to engage
2 in the business of providing primary insur-
3 ance in any State; or

4 (ii) is not so licensed or admitted, if
5 it is an eligible surplus line carrier listed
6 on the Quarterly Listing of Alien Insurers
7 of the National Association of Insurance
8 Commissioners, or any successor thereto;

9 (B) that receives premiums for any type of commercial property
10 and casualty insurance coverage or that, within 14 days from
11 the date of enactment of this Act, submits written notification
12 to the Secretary of the company's intent to participate in the
13 Program with regard to personal lines of property and casualty
14 insurance.~~that offers in all of its property and~~
15 ~~easualty insurance policies, coverage for insured~~
16 ~~losses;~~

17 (C) that offers property and casualty in-
18 surance coverage for insured losses that does
19 not differ materially from the terms, amounts,
20 and other coverage limitations applicable to
21 losses arising from events other than acts of
22 terrorism; and

23 (D) that meets any other criteria that the
24 Secretary may reasonably prescribe.

25 (5) PERSON.—The term “person” means any
26 individual, business or nonprofit entity (including those organized in the
27 form of a partnership, limited liability company, corporation,
28 or association), trust or estate, or a State or political
29 subdivision of a State or other governmental unit.
30

1 (6) PROGRAM.—The term “Program” means
2 the Terrorism Insured Loss Shared Compensation
3 Program established by this Act.

4 (7) SECRETARY.—The term “Secretary” means
5 the Secretary of the Treasury.

6 (8) STATE.—The term “State” means any
7 State of the United States, the District of Columbia,
8 the Commonwealth of Puerto Rico, the Common-
9 wealth of the Northern Mariana Islands, American
10 Samoa, Guam, and each of the United States Virgin
11 Islands.

12 (9) UNITED STATES.—The term “United
13 States” means all States of the United States.

14 **SEC. 4. TERRORISM INSURED LOSS SHARED COMPENSA-**
15 **TION PROGRAM.**

16 (a) ESTABLISHMENT OF PROGRAM.—

17 (1) IN GENERAL.—There is established in the
18 Department of the Treasury the Terrorism Insured
19 Loss Shared Compensation Program.

20 (2) AUTHORITY OF THE SECRETARY.—Notwith-
21 standing any other provision of State or Federal
22 law, the Secretary shall administer the Program,
23 and shall pay the Federal share of compensation for
24 insured losses in accordance with subsection (c).
25

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 12/6/2001 2:58:49 PM
Subject: :

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CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2001 19:58:49.00
SUBJECT::
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

thanks again for helping out on that contacts issue; very team-oriented;
apologies for blowing up

From: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
To: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; ("Coniglio, Peter J <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/PCONIGLIO%JCON"@intmail.usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; 'Patrick O'Brien' <Patrick.Obrien@usdoj.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 12/6/2001 12:10:20 PM
Subject: : judicial media review
Attachments: P_LYQX4004_WHO.TXT_1.wpd

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> ("Schauder, Andrew"

<Andrew.Schauder2@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-DEC-2001 17:10:20.00

SUBJECT:: judicial media review

TO:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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READ:UNKNOWN
TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO: ("Coniglio, Peter J" <"EX=/O=USDOJ/OU=JMD/CN=RECIPIENTS/CN=MAILBOXES/CN=PCONIGLIO%JCON"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:'Patrick O'Brien' <Patrick.Obrien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ('Patrick O'Brien' <Patrick.Obrien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
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Please see attached review

- Judicial Media Review 12-06-01.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LYQX4004_WHO.TXT_1>

REV_00137466

Media Review - Judicial Nominations

Thursday, December 6, 2001

General Judicial Articles

"Senate Panel Oks 5 Bush Nominees; Leahy Seeks Action on Judicial Picks,"

1
Audrey Hudson, *The Washington Times*, December 6, 2001

"Cheney Makes Appeal for More Judges,"

The Associated Press, December 5, 2001

3

"Senate Confirms Three More Judges as Republicans Increase Pressure to get More

4
Confirmations Before End of Year,"
Jesse Holland, *The Associated Press*, December 6, 2001

"Albuquerque Attorney Confirmed as Judge,"

5
The Associated Press, December 6, 2001

"Cheney Jumps In,"

Byron York, *National Review*, December 5, 2001

5

Op/Eds

NONE

Transcripts/Members of Congress

"White House Regular Briefing"

Federal News Service, December 6, 2001____

7

Interest Groups/Press Releases

NONE

General Judicial Articles

Senate Panel Oks 5 Bush Nominees; Leahy Seeks Action on Judicial Picks

By Audrey Hudson
The Washington Times
Thursday, December 6, 2001

A Senate panel yesterday approved five of President Bush's judicial nominees and eased bitter feuding between Democrats and Republicans over the backlogged process.

Mr. Bush has submitted 64 district and circuit court nominees to the Senate for confirmation - a record number of first-year nominations over the past three administrations.

However, the Democrat-controlled Senate has confirmed only 18 judges - a confirmation rate of 28 percent - angering Republicans who have used myriad procedural tactics to push confirmations.

Sen. Patrick J. Leahy, Judiciary Committee chairman, has asked Senate leaders to expedite confirmation of the five approved yesterday, plus nine nominees approved last week. That would bring the confirmation rate to 50 percent - 7 percent shy of former President Bill Clinton's nominees confirmed during his first year in office. "During these last six difficult months, the committee has worked hard to report 27 judicial nominations favorably to the Senate, including six to the Courts of Appeals," said Mr. Leahy, Vermont Democrat.

Approved and sent to the floor for final consideration yesterday were: Callie V. Granade to be U.S. District Court judge for the Southern District of Alabama; Marcia S. Krieger to be U.S. District Court judge for the District of Colorado; James C. Mahan to be U.S. District Court judge for the District of Nevada; Philip R. Martinez to be U.S. District Court judge for the Western District of Texas; and C. Ashley Royal to be U.S. District Court judge for the Middle District of Georgia.

"I congratulate all of you on being selected by President Bush to serve in high office. After reviewing your distinguished records, I have no doubt that you will do great service for the citizens of this country upon confirmation," said Sen. Orrin G. Hatch, Utah Republican and ranking Judiciary Committee member.

The 14 nominees awaiting final Senate action could, however, be held hostage to another feud erupting over legislation funding programs for homeless veterans.

A Republican Senator has placed an anonymous hold on the bill's final passage, and its chief sponsor said he may block judiciary nominations dear to Republicans to shake the hold.

"I will stop nominees if I have to," said Sen. Paul Wellstone, Minnesota Democrat. "I feel strongly about it and am prepared to fight really hard on this."

Meanwhile, Sen. Christopher S. Bond, Missouri Republican, said yesterday there is "no good

reason" for Senate Democratic leaders to block a confirmation vote on Eugene Scalia, President Bush's nominee to become solicitor of the Labor Department.

Mr. Bond said Mr. Scalia is "languishing in limbo" because he is the son of Supreme Court Justice Antonin Scalia, who ruled with the majority last year in favor of Mr. Bush in the contested Florida presidential election.

"The only basis on which Mr. Scalia is being blocked is because Democrats do not agree with the results of last year's election," Mr. Bond said.

"They don't like the fact that George Bush emerged as the new president and they are doing everything in their power to frustrate and impede his administration from pursuing its agenda," Mr. Bond said.

Senate Majority Leader Tom Daschle, South Dakota Democrat, said Tuesday there will be no vote on Mr. Scalia's nomination.

A Bush administration official said Mr. Daschle's announcement came on the one-year anniversary of the Supreme Court's decision that vacated a Florida court's decision to extend the deadline for vote counting.

"It was payback day," the official said.

Mr. Daschle said he will not be influenced by Republicans' strategy of placing "holds" on nominations to the National Labor Relations Board, which Democrats and their union supporters view as an important agency.

"I think further holds just complicate circumstances," Mr. Daschle said. "Reciprocal holds generate more reciprocal holds, and ultimately nobody moves. And that isn't healthy."

Cheney Makes Appeal for More Judges

The Associated Press

Wednesday, December 5, 2001

Vice President Cheney on Thursday joined a long list of Republicans urging the Senate to confirm more of President Bush's judicial nominations before the Senate leaves for the year.

"President Bush has fulfilled his constitutional responsibility to the federal judiciary," Cheney said in a letter to Senate Judiciary Chairman Patrick Leahy, D-Vt. "He has submitted more judicial nominations in his first year than any other recent president. ... I urge your committee to act so the Senate, in the remainder of this session and next year, can likewise fulfill its constitutional responsibility and fill the more than 100 vacancies on the federal court."

Republicans have been complaining since June that the Democrat-controlled Senate has not

confirmed
enough of Bush's nominations. The Senate has confirmed 18 of Bush's 44 nominations.

Leahy defends his committee's work.

"We have matched or exceeded the number of confirmations of judges during the first year of the first Bush Administration, the first year of the Clinton Administration and the last year of the first Clinton term," he said Wednesday. "We are holding more hearings on more judicial nominees faster and reporting and confirming more than during the last 6 1/2 years."

Senate Confirms Three More Judges as Republicans Increase Pressure to get More Confirmations Before End of Year

By Jesse Holland
The Associated Press
Thursday, December 6, 2001

The Senate on Thursday confirmed three of President Bush's judicial nominees, elevating New Mexico appellate judge Harris L. Hartz to the Denver-based 10th U.S. Circuit Court of Appeals.

Hartz was confirmed 99-0. Sen. Phil Gramm, R-Texas, did not vote. The 10th Circuit Court handles appeals from Utah, Wyoming, Colorado, New Mexico, Kansas and Oklahoma.

Also approved by voice vote were new U.S. District Judges Danny Reeves of Kentucky and Joe Heaton of Oklahoma.

Senate Judiciary Chairman Patrick Leahy, D-Vt., said there are six more judges awaiting Senate confirmation, and when those six are finished, the number of vacant judicial positions will drop below 100 for the first time since Democrats took over the Senate.

"I am proud of the work the committee has done on nominations, and I am proud that by the end of the day, we will have confirmed 21 judges," Leahy said. "I hope that by the end of this session, that total will rise to about 30."

Republicans have been pushing for more judicial confirmations by the Democrat-controlled Senate. Senate Republican Leader Trent Lott, R-Miss., called the Senate a "a black hole of inactivity" and Vice President Cheney wrote a letter asking for speedier confirmations earlier this week.

"The failure to confirm qualified individuals to serve in the federal government and the federal judiciary hurts the American people," White House spokesman Ari Fleischer said. "It's time for the Senate to act on the president's nominees and ensure that the important work of American government can be done and that justice can be carried out."

Albuquerque Attorney Confirmed as Circuit Judge

The Associated Press

Thursday, December 6, 2001

The U.S. Senate on Thursday confirmed an Albuquerque attorney as a judge on the 10th Circuit Court of Appeals.

Harris Hartz now has to be sworn in before taking his seat on the Denver-based court. The 10th Circuit carries legal jurisdiction over New Mexico, Colorado, Kansas, Oklahoma, Utah and Wyoming.

Sen. Jeff Bingaman, D-N.M., said the unanimous endorsement shows the strong bipartisan support for Hartz.

Sen. Pete Domenici, R-N.M., said he was convinced of Harris' qualifications.

"His presence on the 10th Circuit will certainly elevate that court, and I look forward to what I'm sure will be a continuation of his distinguished career on the bench," Domenici said.

Hartz was a New Mexico Court of Appeals judge from 1989 to 1999. He left the court to join the Albuquerque law firm Stier, Anderson and Malone.

Hartz is also a former Assistant U.S. Attorney for the District of New Mexico.

The Senate has not yet scheduled a confirmation vote on the nomination of William Johnson of Roswell as a U.S. District Court judge in New Mexico.

Cheney Jumps In

By Byron York

National Review

Wednesday, December 5, 2001

At a time of increasing tension between the Justice Department and Senate Judiciary Committee chairman Patrick Leahy over the administration's antiterrorist policies, the White House has entered into battle on another front with a letter to the chairman from Vice President Dick Cheney blasting the committee's record on confirming judges.

"As we near the end of the first session of the 107th Congress," Cheney writes in the letter dated December 4, "vacancies on the federal bench are occurring at a faster pace than the confirmations of new judges, and barely one in four of President Bush's nominees has received a hearing and a vote."

"In recent past administrations," Cheney continues, "well over 50 percent of judicial nominees

have

been confirmed in a new president's first year. In 1989, President George H.W. Bush had 62 percent of his nominees confirmed by the end of his first year. In 1993, President Clinton had 57 percent confirmed. To date, President Bush has only had 28 percent of his nominees confirmed."

Cheney tells Leahy that "the current record with respect to circuit court appointments is even worse." While Bush has nominated 28 candidates to federal appeals courts, Cheney says, just five have been confirmed. "Indeed, 75 percent of the president's circuit nominees are still awaiting a hearing before your committee. This poor record of confirmations is having a negative impact on a number of these vital courts." Cheney mentions two nominees to the District of Columbia circuit by name, Miguel Estrada and John Roberts, calling them "outstanding, widely praised nominations" who have not received a hearing before Leahy's committee.

"President Bush has fulfilled his constitutional responsibility to the federal judiciary," Cheney writes. "He announced his first nominees more than six months ago; eight of them have yet to receive a hearing." Cheney concludes, "I urge your committee to act so the Senate, in the remainder of this session and next year, can likewise fulfill its constitutional responsibility and fill the more than one hundred vacancies on the federal courts. It is time for the Senate to act."

The letter is the product of strategy sessions between Senate aides and the lawyers in the White House counsel's office, both of them frustrated by the slow pace of judicial confirmations. Although the letter calls for immediate action, in reality the administration has no hope for anything happening before January at the earliest. "It's meant to lay down a marker for next year," says one Hill aide. "Next year, you'll see a concerted effort from the Senate and the White House."

As happy as they are to receive high-profile help from the White House, some in the GOP worry that the timing of Cheney's letter is not particularly good. First, Leahy actually held a confirmation hearing on Wednesday, considering the nominations of five candidates for the federal district courts. Second, Leahy is engaged in a ongoing battle with the Justice Department and Attorney General John Ashcroft over military tribunals, detention of terrorist suspects and witnesses, waivers of attorney-client privilege, and other issues in the war on terrorism. Cheney's letter arrived a day before Ashcroft's much-anticipated appearance before the Judiciary Committee, and some in the GOP worry that it might divert attention from the anti-terrorism issue.

Still, Republicans hope the letter will convince Leahy that the White House and Senate GOP mean business. "As soon as we get back [from the year-end holidays]," says the Republican aide, "they better start moving some people or nothing will happen in the Senate. Or that's the plan."

Transcripts/Members of Congress

White House Regular Briefing

Federal News Service

December 6, 2001

EXCERPT

One last item, and then I'll be happy to take questions.

The president would like to commend the Senate for last night's confirmation of John Walters as the director of the Office of National Drug Control Policy. But the president would also like to remind the Senate of the important work that remains to be done this year. There are 153 individuals awaiting confirmation by the Senate. Some are like Eugene Scalia, nominated to be secretary -- solicitor of the Department of Labor, who have passed out of committee but simply await a vote on the floor of the Senate. Others, like Otto Reich, the president's nominee to be assistant secretary of State for the Western Hemisphere, has not even been given a fair committee hearing, while other nominations have languished in the Senate for months.

The rate of confirmation of federal judges, particularly circuit court judges, in the Senate is very, very troubling. Federal judicial seats are being vacated at a rate faster than the Senate is confirming new people to these positions, and despite a record number of nominees by President Bush, there are fewer federal judges today than at the beginning of the administration, because of the Senate's failure to act. President Bush has nominated 60 judges to the federal judiciary, and only 18, or 27 percent, have been confirmed. The Senate confirmed 57 percent of President Clinton's judicial nominations in his first year; 62 percent of President Bush's in his first year; and 91 percent of President Reagan's judicial nominations.

Vice President Cheney, earlier this week, sent a letter to Senator Leahy citing the slow pace of confirmations, and urged the Senate Judiciary Committee and the Senate to take action so that justice can be done.

The failure to confirm qualified individuals to serve in the federal government and the federal judiciary hurts the American people.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 12/6/2001 2:20:27 PM
Subject: : any update?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2001 19:20:27.00
SUBJECT:: any update?
TO: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wood, John F <John.F.Wood@usdoj.gov>
Sent: 12/6/2001 2:33:09 PM
Subject: : RE: Victims Comp

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-DEC-2001 19:33:09.00
SUBJECT:: RE: Victims Comp
TO: "Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

who else will be there tomorrow?

"Wood, John F" <John.F.Wood@usdoj.gov>
12/06/2001 07:25:20 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Victims Comp

We are thinking that this meeting might be pretty long, now that we have a draft to work from. It might last a couple of hours. Bill Jordan and Robert McCallum from the Civil Division had a meeting at 6:00 w/ the Judge, Tim, Rachel, etc., so they were going to take the packet over there. I assume that they left them w/ a secretary or someone to give to you. I don't think that they are back yet, so I don't know who they gave it to.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M_Kavanaugh@who.eop.gov]
Sent: Thursday, December 06, 2001 7:18 PM
To: Wood, John F
Subject: Re: Victims Comp

definitely will come tomorrow; how long will meeting go? I do not have packet of comments yet. were they sent over??

(Embedded
image moved "Wood, John F" <John.F.Wood@usdoj.gov>
to file: 12/06/2001 04:43:50 PM
pic11882.pcx)

REV_00137484

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Victims Comp

We are having a meeting w/ Feinberg, OMB, etc. tomorrow at 1:00 here at DOJ to discuss the draft regs. We will probably meet again on Monday. You can feel free to attend either or both.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 12/7/2001 4:38:01 AM
Subject: : Re: Civil Rights Commission

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-DEC-2001 09:38:01.00
SUBJECT:: Re: Civil Rights Commission
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
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CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

He was great, by the way.

H. Christopher Bartolomucci
12/06/2001 03:02:30 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Civil Rights Commission

Judge Maurice Ross of the Superior Court has agreed to swear in our appointee.

Message Sent

To: _____
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

REV_00137487

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>
Sent: 12/7/2001 4:44:46 AM
Subject: : Re: fyi re: CSPAN

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-DEC-2001 09:44:46.00

SUBJECT:: Re: fyi re: CSPAN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

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CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

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CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

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CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Meeting does (did) begin at 9:30. I talked to one of the Covington

REV_00137489

lawyers at 9:15 -- they were in the room. Lots of press there. Jennifer Braceras apparently had no problem presenting her credentials, although he hadn't witnessed it. Her name was already on a placard at the table.

Elizabeth N. Camp
12/07/2001 09:42:56 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: fyi re: CSPAN

Note: It is my understanding that this meeting begins at 9:30 am.

Llooks like the replay of the meeting is at 2pm on CSPAN (Ch. 17 or 18)

Source: www.cspan.org

Meeting
Civil Rights Issues
U.S. Commission on Civil Rights
Washington, District of Columbia (United States)
ID: 167712 - 12/07/2001 - 2:00 - No Sale

Berry, Mary Frances, Chair, U.S. Commission on Civil Rights (1997-)

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP

From: CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA]
To: Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
CC: d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus sumerlin>;peter.fisher@do.treas.gov @inet [UNKNOWN] <peter.fisher@do.treas.gov>;randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;matthew kirk/who/eop@eop [WHO] <matthew kirk>;brian c. conklin/who/eop@eop [WHO] <brian c. conklin>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;karl c. rove/who/eop@eop [WHO] <karl c. rove>;nicholas e. calio/who/eop@eop [WHO] <nicholas e. calio>
Sent: 12/7/2001 5:20:30 AM
Subject: : Prudential paper on insurance
Attachments: P_Z55Y4004_CEA.TXT_1.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME: 7-DEC-2001 10:20:30.00
SUBJECT:: Prudential paper on insurance
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
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CC:brian c. conklin (CN=brian c. conklin/OU=who/O=eop@eop [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
CC:nicholas e. calio (CN=nicholas e. calio/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

In case you have not seen it, Prudential released this yesterday.

Jeff

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z55Y4004_CEA.TXT_1>

December 5, 2001

We believe the property/casualty insurance industry (rated Market Outperform) will survive just fine if Congress fails to enact a federal terrorism reinsurance bill, but the U.S. economy will not. Increased understanding of this should yet produce legislation in December.

Federal Terrorism Reinsurance And Property/Casualty Insurers: Bailout Backlash Won't Threaten The Cycle

Charles A. Gabriel, Jr.,
Alice Cornish, CPCU

The entire insurance industry should not have to collapse before we decide to get to work and pass this legislation . . . This bill is a must-do before the end of the session.

—Senator Mike Enzi (R., Wyo.), in a November 30, 2001, written statement discussing competing temporary federal reinsurance programs that he and others have proposed.

Sometimes a quote from a politician tells all, in ways that politicians hardly intend. But impassioned rhetoric from Senator Mike Enzi aside, we believe that:

- The property/casualty insurance industry—which our Senior Insurance Analyst Alice Cornish rates Market Outperform—will survive just fine if Congress fails to enact proposed federal terrorism reinsurance legislation.
- Environments in which both political parties view a bill as “must pass” legislation often lead to hard-line miscalculations by lawmakers. And, at the end of a congressional session, these in fact *can* derail such legislation.

It Passed In The House, But The Insurance Bill Still Faces Tough Sledding... A measure that would create a temporary federal reinsurance program (H.R. 3210), co-sponsored by House Financial Services Committee Chairman Mike Oxley (R., Ohio) and Representative Richard Baker (R., La.), was passed in the House the week of November 26. The bill would provide the property/casualty insurance industry with a one- to three-year backstop as it writes and renews policies for the new year. The issue is soon expected to be taken up in the Senate, where action has been stymied for almost a month, and competing proposals are proliferating.

Major uncertainties are perceived to be brewing, among other reasons because the House legislation: 1) contains a provision requiring insurers to pay the federal government back for the first \$20 billion in losses related to any terrorist event (beyond a \$1 billion industry deductible) with the help of a federally administered loan program; and 2) would cap corporate legal liability (i.e., for punitive damages and attorneys' fees) from terrorist acts beyond companies' control—thus running afoul of the trial lawyers, who have nearly eclipsed organized labor as the principal benefactors of the Democratic party.

The Bush administration has signaled that it might veto any bill that passes without the liability relief provisions. Meanwhile, the notion of including such provisions in legislation that began to take shape in the Senate a month ago (negotiated by Senators Chris Dodd [D., Conn.], Phil Gramm [R., Tex.], and Banking Committee Chairman Paul Sarbanes [D., MD], along with Treasury Secretary Paul O'Neill and Assistant Treasury Secretary Sheila Bair) led to the bill's being held up, as Commerce Committee Chairman Fritz Hollings (D., SC)—noted longtime friend of the trial lawyers—cited the relief provisions in trying to claim joint jurisdiction.

WASHINGTON

...Which Has Fostered (Misplaced, In Our View) Second Thoughts About Insurers And The Property/Casualty Cycle. We have three major points to make concerning the bill's prospects for enactment and what they may mean for the stocks of property/casualty insurers.

A 'Nothing Done' Result In Congress Wouldn't Be The End Of The World For Insurers...

While we still expect that Congress will pass a temporary federal reinsurance measure—and that it will be perceived as a constructive event for the property and casualty industry, we believe that *failure* to pass such a measure would not hurt insurers, but rather the U.S. economy itself.

Treasury Assistant Secretary Sheila Bair echoed this theme in a New York speech to thrift industry representatives on December 3, 2001:

Without insurance coverage for terrorism risk, the credit positions of all types of businesses will deteriorate in the market. . . . Borrowing costs will be driven up and new construction will be difficult to finance. Certain sectors, such as energy and transportation, may be particularly adversely affected, which in turn would drive up prices and reduce production across-the-board.

Insurers will still write policies—they'll just exclude terrorism, and all the huffing and puffing that might come from Washington as constituents feel the heat won't deflect the reality of who's really to blame.

We think it's important that investors keep this in mind, as one or two competing equity research firms have cited diminishing odds that the bill will be enacted (or concerns about mixed-bag industry implications if a bill *is* enacted) as a reason for curbing enthusiasm about property/casualty stocks. We wouldn't buy these early forecasts: It *is* conceivable, in our view, that legislation won't be enacted, that a "bad bill" might pass, or that the industry might ultimately face political/regulatory head winds (impeding the force behind the ongoing pricing power "cycle") as a consequence. But we view a troubling mixture of these results as highly improbable.

...And, In Fact, Might Be Better For The Industry Than The Alternative... To be sure, House passage of the payback and loan provisions has now raised the question of whether the industry will get what it needs from Washington, even if it does see legislation passed.

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21-0921

From: CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA]
To: Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
CC: d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus sumerlin>;peter.fisher@do.treas.gov @
inet [UNKNOWN] <peter.fisher@do.treas.gov>;randall s. kroszner/cea/eop@eop [CEA]
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Sent: 12/7/2001 5:20:30 AM
Subject: : Prudential paper on insurance
Attachments: P_Z55Y4004_OPD.TXT_1.pdf

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CREATOR:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME: 7-DEC-2001 10:20:30.00
SUBJECT:: Prudential paper on insurance
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
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CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
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READ:UNKNOWN
CC:nicholas e. calio (CN=nicholas e. calio/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
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In case you have not seen it, Prudential released this yesterday.

Jeff

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z55Y4004_OPD.TXT_1>

REV_00137496

December 5, 2001

We believe the property/casualty insurance industry (rated Market Outperform) will survive just fine if Congress fails to enact a federal terrorism reinsurance bill, but the U.S. economy will not. Increased understanding of this should yet produce legislation in December.

Federal Terrorism Reinsurance And Property/Casualty Insurers: Bailout Backlash Won't Threaten The Cycle

Charles A. Gabriel, Jr.,
Alice Cornish, CPCU

The entire insurance industry should not have to collapse before we decide to get to work and pass this legislation . . . This bill is a must-do before the end of the session.

—Senator Mike Enzi (R., Wyo.), in a November 30, 2001, written statement discussing competing temporary federal reinsurance programs that he and others have proposed.

Sometimes a quote from a politician tells all, in ways that politicians hardly intend. But impassioned rhetoric from Senator Mike Enzi aside, we believe that:

- The property/casualty insurance industry—which our Senior Insurance Analyst Alice Cornish rates Market Outperform—will survive just fine if Congress fails to enact proposed federal terrorism reinsurance legislation.
- Environments in which both political parties view a bill as “must pass” legislation often lead to hard-line miscalculations by lawmakers. And, at the end of a congressional session, these in fact *can* derail such legislation.

It Passed In The House, But The Insurance Bill Still Faces Tough Sledding... A measure that would create a temporary federal reinsurance program (H.R. 3210), co-sponsored by House Financial Services Committee Chairman Mike Oxley (R., Ohio) and Representative Richard Baker (R., La.), was passed in the House the week of November 26. The bill would provide the property/casualty insurance industry with a one- to three-year backstop as it writes and renews policies for the new year. The issue is soon expected to be taken up in the Senate, where action has been stymied for almost a month, and competing proposals are proliferating.

Major uncertainties are perceived to be brewing, among other reasons because the House legislation: 1) contains a provision requiring insurers to pay the federal government back for the first \$20 billion in losses related to any terrorist event (beyond a \$1 billion industry deductible) with the help of a federally administered loan program; and 2) would cap corporate legal liability (i.e., for punitive damages and attorneys' fees) from terrorist acts beyond companies' control—thus running afoul of the trial lawyers, who have nearly eclipsed organized labor as the principal benefactors of the Democratic party.

The Bush administration has signaled that it might veto any bill that passes without the liability relief provisions. Meanwhile, the notion of including such provisions in legislation that began to take shape in the Senate a month ago (negotiated by Senators Chris Dodd [D., Conn.], Phil Gramm [R., Tex.], and Banking Committee Chairman Paul Sarbanes [D., MD], along with Treasury Secretary Paul O'Neill and Assistant Treasury Secretary Sheila Bair) led to the bill's being held up, as Commerce Committee Chairman Fritz Hollings (D., SC)—noted longtime friend of the trial lawyers—cited the relief provisions in trying to claim joint jurisdiction.

WASHINGTON

...Which Has Fostered (Misplaced, In Our View) Second Thoughts About Insurers And The Property/Casualty Cycle. We have three major points to make concerning the bill's prospects for enactment and what they may mean for the stocks of property/casualty insurers.

A 'Nothing Done' Result In Congress Wouldn't Be The End Of The World For Insurers...

While we still expect that Congress will pass a temporary federal reinsurance measure—and that it will be perceived as a constructive event for the property and casualty industry, we believe that *failure* to pass such a measure would not hurt insurers, but rather the U.S. economy itself.

Treasury Assistant Secretary Sheila Bair echoed this theme in a New York speech to thrift industry representatives on December 3, 2001:

Without insurance coverage for terrorism risk, the credit positions of all types of businesses will deteriorate in the market. . . . Borrowing costs will be driven up and new construction will be difficult to finance. Certain sectors, such as energy and transportation, may be particularly adversely affected, which in turn would drive up prices and reduce production across-the-board.

Insurers will still write policies—they'll just exclude terrorism, and all the huffing and puffing that might come from Washington as constituents feel the heat won't deflect the reality of who's really to blame.

We think it's important that investors keep this in mind, as one or two competing equity research firms have cited diminishing odds that the bill will be enacted (or concerns about mixed-bag industry implications if a bill *is* enacted) as a reason for curbing enthusiasm about property/casualty stocks. We wouldn't buy these early forecasts: It *is* conceivable, in our view, that legislation won't be enacted, that a "bad bill" might pass, or that the industry might ultimately face political/regulatory head winds (impeding the force behind the ongoing pricing power "cycle") as a consequence. But we view a troubling mixture of these results as highly improbable.

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From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/7/2001 4:43:02 AM
Subject: : fyi re: CSPAN

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-DEC-2001 09:43:02.00

SUBJECT:: fyi re: CSPAN

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READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

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TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

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TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

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TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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REV_00137501

Note: It is my understanding that this meeting begins at 9:30 am.

Llooks like the replay of the meeting is at 2pm on CSPAN (Ch. 17 or 18)

Source: www.cspan.org

Meeting

Civil Rights Issues

U.S. Commission on Civil Rights

Washington, District of Columbia (United States)

ID: 167712 - 12/07/2001 - 2:00 - No Sale

Berry, Mary Frances, Chair, U.S. Commission on Civil Rights (1997-)

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>
Sent: 12/7/2001 4:44:46 AM
Subject: : Re: fyi re: CSPAN

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-DEC-2001 09:44:46.00

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TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

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CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Meeting does (did) begin at 9:30. I talked to one of the Covington

REV_00137503

lawyers at 9:15 -- they were in the room. Lots of press there. Jennifer Braceras apparently had no problem presenting her credentials, although he hadn't witnessed it. Her name was already on a placard at the table.

Elizabeth N. Camp
12/07/2001 09:42:56 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: fyi re: CSPAN

Note: It is my understanding that this meeting begins at 9:30 am.

Llooks like the replay of the meeting is at 2pm on CSPAN (Ch. 17 or 18)

Source: www.cspan.org

Meeting
Civil Rights Issues
U.S. Commission on Civil Rights
Washington, District of Columbia (United States)
ID: 167712 - 12/07/2001 - 2:00 - No Sale

Berry, Mary Frances, Chair, U.S. Commission on Civil Rights (1997-)

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP

From: CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA]
To: Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>
CC: d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus sumerlin>;peter.fisher@do.treas.gov @
inet [UNKNOWN] <peter.fisher@do.treas.gov>;randall s. kroszner/cea/eop@eop [CEA]
<randall s. kroszner>;sheila.bair@do.treas.gov @ inet [UNKNOWN]
<sheila.bair@do.treas.gov>;kristen silverberg/who/eop@eop [WHO] <kristen
silverberg>;matthew kirk/who/eop@eop [WHO] <matthew kirk>;brian c. conklin/who/eop@eop [WHO] <brian c. conklin>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;karl
c. rove/who/eop@eop [WHO] <karl c. rove>;nicholas e. calio/who/eop@eop [WHO] <nicholas
e. calio>
Sent: 12/7/2001 5:20:30 AM
Subject: : Prudential paper on insurance
Attachments: P_Z55Y4004_WHO.TXT_1.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME: 7-DEC-2001 10:20:30.00
SUBJECT:: Prudential paper on insurance
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brian c. conklin (CN=brian c. conklin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:karl c. rove (CN=karl c. rove/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:nicholas e. calio (CN=nicholas e. calio/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

In case you have not seen it, Prudential released this yesterday.

Jeff

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Z55Y4004_WHO.TXT_1>

December 5, 2001

We believe the property/casualty insurance industry (rated Market Outperform) will survive just fine if Congress fails to enact a federal terrorism reinsurance bill, but the U.S. economy will not. Increased understanding of this should yet produce legislation in December.

Federal Terrorism Reinsurance And Property/Casualty Insurers: Bailout Backlash Won't Threaten The Cycle

Charles A. Gabriel, Jr.,
Alice Cornish, CPCU

The entire insurance industry should not have to collapse before we decide to get to work and pass this legislation . . . This bill is a must-do before the end of the session.

—Senator Mike Enzi (R., Wyo.), in a November 30, 2001, written statement discussing competing temporary federal reinsurance programs that he and others have proposed.

Sometimes a quote from a politician tells all, in ways that politicians hardly intend. But impassioned rhetoric from Senator Mike Enzi aside, we believe that:

- The property/casualty insurance industry—which our Senior Insurance Analyst Alice Cornish rates Market Outperform—will survive just fine if Congress fails to enact proposed federal terrorism reinsurance legislation.
- Environments in which both political parties view a bill as “must pass” legislation often lead to hard-line miscalculations by lawmakers. And, at the end of a congressional session, these in fact *can* derail such legislation.

It Passed In The House, But The Insurance Bill Still Faces Tough Sledding... A measure that would create a temporary federal reinsurance program (H.R. 3210), co-sponsored by House Financial Services Committee Chairman Mike Oxley (R., Ohio) and Representative Richard Baker (R., La.), was passed in the House the week of November 26. The bill would provide the property/casualty insurance industry with a one- to three-year backstop as it writes and renews policies for the new year. The issue is soon expected to be taken up in the Senate, where action has been stymied for almost a month, and competing proposals are proliferating.

Major uncertainties are perceived to be brewing, among other reasons because the House legislation: 1) contains a provision requiring insurers to pay the federal government back for the first \$20 billion in losses related to any terrorist event (beyond a \$1 billion industry deductible) with the help of a federally administered loan program; and 2) would cap corporate legal liability (i.e., for punitive damages and attorneys' fees) from terrorist acts beyond companies' control—thus running afoul of the trial lawyers, who have nearly eclipsed organized labor as the principal benefactors of the Democratic party.

The Bush administration has signaled that it might veto any bill that passes without the liability relief provisions. Meanwhile, the notion of including such provisions in legislation that began to take shape in the Senate a month ago (negotiated by Senators Chris Dodd [D., Conn.], Phil Gramm [R., Tex.], and Banking Committee Chairman Paul Sarbanes [D., MD], along with Treasury Secretary Paul O'Neill and Assistant Treasury Secretary Sheila Bair) led to the bill's being held up, as Commerce Committee Chairman Fritz Hollings (D., SC)—noted longtime friend of the trial lawyers—cited the relief provisions in trying to claim joint jurisdiction.

WASHINGTON

...Which Has Fostered (Misplaced, In Our View) Second Thoughts About Insurers And The Property/Casualty Cycle. We have three major points to make concerning the bill's prospects for enactment and what they may mean for the stocks of property/casualty insurers.

A 'Nothing Done' Result In Congress Wouldn't Be The End Of The World For Insurers...

While we still expect that Congress will pass a temporary federal reinsurance measure—and that it will be perceived as a constructive event for the property and casualty industry, we believe that *failure* to pass such a measure would not hurt insurers, but rather the U.S. economy itself.

Treasury Assistant Secretary Sheila Bair echoed this theme in a New York speech to thrift industry representatives on December 3, 2001:

Without insurance coverage for terrorism risk, the credit positions of all types of businesses will deteriorate in the market. . . . Borrowing costs will be driven up and new construction will be difficult to finance. Certain sectors, such as energy and transportation, may be particularly adversely affected, which in turn would drive up prices and reduce production across-the-board.

Insurers will still write policies—they'll just exclude terrorism, and all the huffing and puffing that might come from Washington as constituents feel the heat won't deflect the reality of who's really to blame.

We think it's important that investors keep this in mind, as one or two competing equity research firms have cited diminishing odds that the bill will be enacted (or concerns about mixed-bag industry implications if a bill *is* enacted) as a reason for curbing enthusiasm about property/casualty stocks. We wouldn't buy these early forecasts: It *is* conceivable, in our view, that legislation won't be enacted, that a "bad bill" might pass, or that the industry might ultimately face political/regulatory head winds (impeding the force behind the ongoing pricing power "cycle") as a consequence. But we view a troubling mixture of these results as highly improbable.

...And, In Fact, Might Be Better For The Industry Than The Alternative... To be sure, House passage of the payback and loan provisions has now raised the question of whether the industry will get what it needs from Washington, even if it does see legislation passed.

As Alice Cornish has pointed out, what insurers need (since they don't have much to go on in assessing newly heightened risk since September 11) is federal help in being enabled to offer insurance coverage without specific exclusions for terrorism, and, more importantly, a measure of certainty about how risks encountered as a result of future potential terrorist acts might affect them.

We are confident that the House-passed loan provisions will be dropped out of the final measure (and, in fact, co-author and Capital Markets and Insurance Subcommittee Chairman Baker hinted at his willingness to be flexible on the matter late last week).

...At Least Removing The Industry's 'Bailout' Onus. Nevertheless, passage of any bill that is cast in the media or on Capitol Hill as a "bailout" could generate future headaches for the industry—most notably, in our opinion, in the form of headline risk from pro-business lawmakers and regulators quick to point fingers in response to price increases or redoubled pressure from those who would try to force insurers to provide the same sort of costly consumer protection, disclosure and credit availability, and lending obligations that banks have been forced to accept as a quid pro quo for deposit insurance coverage.

For these reasons, we can come closer to matching forecasts by our competition of 50-50 odds when the question is framed in this way: Will Congress pass *constructive* legislation? Even so, our guess is still 60-40 that it will.

We are less than certain about how the liability-relief story will play out, although our gut tells us that the provisions will either have to be dropped out or seriously watered down.

The Republicans' perception that this is "must pass" legislation and that most Americans would agree that suing companies for terrorist acts in the wake of September 11 would be "immoral" (as AIG Chairman Hank Greenberg wrote in a November 26, 2001, *Wall Street Journal* editorial) has emboldened the GOP to threaten to take the Dems to the wall on the issue. Meanwhile, the Dems' well-documented and seemingly impenetrable "gag reflex" when it comes to swallowing anything harmful to the trial lawyers seems to be logical icing on the bears' cake.

As Congress Learns The Bill's True Significance, Partisanship Should Subside... Nevertheless, we believe that all of this raises an important and precipitous question: Since the industry is in a position to say that no bill is better than a bad bill, and a "bad bill" (i.e., with payback provisions and/or high deductibles) is definitely a possibility, why shouldn't insurers—at some point—pull back from the game-playing in Congress, shift the onus to elected officials (in our view, where it belongs), and put to rest the notion of a "bailout" in the process?

...And Last-Minute Action Should Be Facilitated. In subtle ways, that may be happening already (witness Shelia Bair's characterization of the insurance problem and the need for congressional action as anything but a bailout).^{*} But politicians will be politicians, and *somebody's* got to be held up to the light as being at risk in order for members to dramatize their arguments. *Citing insurers—who are widely perceived on Capitol Hill to be in line to benefit from the legislation—is a whole lot simpler than explaining what might happen in a litigious, now terrorist-conscious underinsured society.*

Longer term, the economic slowdown and short-circuiting of major, insurable projects could have obvious effects on the property/casualty industry. But in the interim, we believe the pro-cyclical impact that Washington inaction on this issue would have on the weak economy (and the further reduced earnings prospects for other industries that might result) could only increase the near-term relative luster of property/casualty insurance companies.

Thus, one optimistic rationalization for the proliferation of competing proposals materializing late in the process in the Senate (i.e., from Hollings, Gramm, and McCain), and the recent silence of expected reinsurance legislation master-craftsmen Dodd and Sarbanes, is this: The time is nearing for the White House to lead senior Hill lawmakers in effecting a temporary insurance fix *for the sake of the economy*; and as it comes, we believe that ambitious members increasingly will want to be perceived as being influential in the process—not as parties to the proposed legislation's death.

While insurers *are* at risk of suffering negative investment sentiment if a deal fails to materialize, or (if a bill passes) of being billed as "bailees" and taking on consumer-related "baggage" in future battles on Capitol Hill, we remain sanguine. Among other reasons for optimism, we would point to the high regard in which the industry's CEOs (led by AIG's Greenberg, the Hartford's Ramani Ayer, Chubb's Dean O'Hare, and General Re's Ron Ferguson) are held in Washington. Our advice to investors is to view any pullback in property/casualty insurance stocks (and away from the industry's "cycle" story) as a buying opportunity.

^{*} Ms. Bair sought to characterize terrorism reinsurance legislation as being pro-business—keeping insurance costs down and ensuring that terrorism coverage remains available.

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‡ "Material" is defined as an equity or equity derivative position greater than \$10,000 in any of the senior analyst's or household member's account(s).

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Additional information on the securities discussed herein is available upon request.

21-0921

From: CN=Leanna F. Terrell/OU=OA/O=EOP [OA]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>; Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/7/2001 5:30:23 AM
Subject: : From CNET.com

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Leanna F. Terrell (CN=Leanna F. Terrell/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 7-DEC-2001 10:30:23.00
SUBJECT:: From CNET.com
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Good Morning,
The below article was not approved, as far as I know, by OA or the
White House. Kate, do you think OA or WH Counsel should contact Gateway
and re-affirm our disapproval of using WH in any advertisement?
----- Forwarded by Leanna F. Terrell/OA/EOP on 12/07/2001
10:24 AM -----

Michael P. Lingenfelter
12/05/2001 11:32:08 AM
Record Type: Record

To: Leanna F. Terrell/OA/EOP@EOP, Erna G. Beverly/OA/EOP@EOP
cc:
Subject: From CNET.com

Gateway wins White House
By John G. Spooner
Special to CNET News.com
December 4, 2001, 1:35 p.m. PT

Gateway has won another term in the White House.
The PC maker announced Tuesday that it has signed a deal to provide
systems to the Office of Administration, whose duties include managing PC
hardware for the White House.
The deal is a blanket purchase agreement--valued at \$1.7 million--to place
Gateway PCs and other equipment throughout the White House, including the
president's office.

Gateway PCs are already used inside the West Wing, along with hardware
from other manufacturers. This time the company was able to win top spot
in an open bidding process against Dell Computer, a source familiar with
the bidding process said.

Although the contract dollar amount isn't large by industry standards, the
deal is a big win for Gateway. The PC maker has struggled along with the
rest of the industry, suffering with low sales and a volatile stock
market.

"Our proposal was the best proposal," Shirley Menish, director of field
sales for Gateway Federal, said. "That would mean two things: that it was
a reasonable price...and that we had an excellent track record for past
performance."

REV_00137510

Menish mentioned that Gateway's local presence in Country Stores may have helped close the deal. As anthrax scares have wreaked havoc with the mail systems in the nation's capital, Gateway plans to have shipments sent to local stores, where administration officials can arrange to have them picked up.

Dell, which focuses primarily on direct PC sales, apparently could not match this type of service in its bid, sources said.

Under the deal, Gateway will deliver desktop PCs, notebook PCs and 18-inch flat-panel displays, the company said. Specific product lines were not disclosed. Additional hardware can be added on an as-needed basis, under the contract.

From: CN=Leanna F. Terrell/OU=OA/O=EOP [OA]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>; Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/7/2001 5:30:23 AM
Subject: : From CNET.com

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leanna F. Terrell (CN=Leanna F. Terrell/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 7-DEC-2001 10:30:23.00
SUBJECT:: From CNET.com
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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10:24 AM -----

Michael P. Lingenfelter
12/05/2001 11:32:08 AM
Record Type: Record

To: Leanna F. Terrell/OA/EOP@EOP, Erna G. Beverly/OA/EOP@EOP
cc:
Subject: From CNET.com

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REV_00137512

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From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 12/7/2001 5:31:14 AM
Subject: : Re: David Addington...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-DEC-2001 10:31:14.00

SUBJECT:: Re: David Addington...

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

What a circus.

Rachel L. Brand 12/07/2001 10:28:41 AM

Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: David Addington...

Apparently Jennifer Braceras is being very helpful. Kirsanow tried to proffer his credentials and was refused. Jennifer requested that the record reflect what Kirsanow's votes would have been, which is the strategy we discussed last night. Not sure whether Berry's letting him do that. Jennifer asked if he could make a statement. Berry ruled him out of order and they were debating on whether an audience member could make a statement.

Courtney S. Elwood

REV_00137514

12/07/2001 10:26:27 AM

Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP

cc:

bcc:

Subject: Re: David Addington...

He's such a riot. What's he saying?

Rachel L. Brand 12/07/2001 10:23:23 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: David Addington...

is apparently IN the Civil Rights Comm'n meeting and has been calling the Judge with snippets.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Message Copied

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

REV_00137515

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus sumerlin>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;matthew kirk/who/eop@eop [WHO] <matthew kirk>;brian c. conklin/who/eop@eop [WHO] <brian c. conklin>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;karl c. rove/who/eop@eop [WHO] <karl c. rove>;nicholas e. calio/who/eop@eop [WHO] <nicholas e. calio>
Sent: 12/7/2001 8:45:02 AM
Subject: : Gannett story

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-DEC-2001 13:45:02.00
SUBJECT:: Gannett story
TO:d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:brian c. conklin (CN=brian c. conklin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:karl c. rove (CN=karl c. rove/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:nicholas e. calio (CN=nicholas e. calio/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Gannett News Service
December 05, 2001, Wednesday
LENGTH: 737 words

HEADLINE: Insurers asking states to let them opt out of terrorism coverage

BYLINE: BARBARA De LOLLIIS; Gannett News Service

DATELINE: WASHINGTON

BODY:
WASHINGTON -- Believing the risk of attacks on U.S. soil to be higher than ever, scores of insurers are seeking to exclude terrorism coverage from their commercial policies nationwide.

In the past few weeks, insurance companies of all sizes have filed paperwork with state insurance regulators in all 50 states to keep from paying terrorist-related claims.

The companies say they no longer can buy protection themselves to cover those possible losses, making the prospects of selling the coverage to customers too risky.

"This is a very difficult situation," said Iowa Insurance Commissioner Terri Vaughan, vice president of the National Association of Insurance Commissioners. "We are looking at two unattractive options. "One is requiring companies to expose themselves to insolvency from terrorism and therefore place at risk the insurance coverage of all the other policyholders they insure," he said. "The other alternative is allowing insurers to exclude terrorism and leave policyholders exposed. Neither of those are attractive and we are very hopeful Congress will act."

The association plans to take up the issue at its national meeting to begin Saturday in Chicago, and Vaughan said staff and commissioners are on Capitol Hill every day lobbying lawmakers about the need for federal intervention.

But consumer advocates Wednesday attacked state regulators for even thinking about approving the filings, saying approval would put consumers -- businesses in this case -- at far too great a risk.

"The states are choosing to sit on their hands," said Robert Hunter, a former Texas insurance commissioner who now represents the Consumer Federation of America on insurance matters. "States should not just sit back and wait for Congress to act."

Hunter called on Congress to add several provisions to any plan it approves, such as requiring insurers to justify rates and requiring the General Accounting Office, the investigative arm of Congress, to review state efforts to keep rates reasonable.

Congress this week continues to work on legislation that would help the industry in the event of future terrorist attacks. The hope is to pass a law before the session ends so insurance companies can have a plan in place.

Within days of Sept. 11's attacks, influential insurance executives had flocked to Capitol Hill to lobby for financial aid. They said they did not want a bailout like the airline industry but needed some type of assistance to help spread the risk until the private market figured out how to sell terrorism insurance.

Last week, the House passed a bill that offers companies loans if the industry sustains \$ 1 billion in losses or a lesser amount for individual companies. Talks in the Senate, however, are focusing on a plan that would put the government more in the role of providing insurance to the industry.

Until now, terrorism insurance has been included in commercial policies. Insurers never had collected special premiums for what had been perceived to be a far-fetched risk. Sept. 11's attacks -- which could cost as much as \$ 70 billion -- made everyone re-examine the likelihood of terrorism.

Ohio Casualty, a mid-sized insurer based in Fairfield, Ohio, is one company that hopes Congress acts quickly. While it doesn't insure high-profile buildings considered possible terrorist targets, it did have about \$ 7 million in losses from businesses near the World Trade Center. The company filed exclusions in case it is unable to buy protection for terrorist claims from its reinsurer.

"We're just trying to protect ourselves in the event that terrorism is excluded in our treaties," said Jeff Haniewich, Ohio Casualty's chief operating officer for commercial lines. "We're filing them. It doesn't mean we're going to use them."

(REST OPTIONAL)

While Congress continues debating the structure of its help, some business owners say terrorism insurance is the furthest thing from their mind.

Art dealer Patti Bell, who started Gallery at Studio B in Lancaster, Ohio, 20 years ago, said she probably would not pay the extra money to buy terrorism insurance if it were made available.

"Just what I need -- more insurance," said Bell, who now is displaying French painters in her gallery on Main Street. "Being a small business, I have so many expenses anyway, it would just be an added strain."

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>
Sent: 12/7/2001 10:33:32 AM
Subject: : 9:30 Insurance call next week

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-DEC-2001 15:33:32.00

SUBJECT:: 9:30 Insurance call next week

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])

REV_00137521

READ:UNKNOWN

End Original ARMS Header

Call-in information for next week.

The call-in numbers are the same all week: 456-2561 & 456-2565

pass code

Monday, 12/10 4450

Tuesday, 12/11 4450

Wednesday, 12/12 6618

Thursday, 12/13 6618

Friday, 12/14 4046

Thanks,

Leslie

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>;IGA Intergovernmental Affairs [UNKNOWN] <IGA Intergovernmental Affairs>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [UNKNOWN]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]),

READ:UNKNOWN
BCC:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
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READ:UNKNOWN
BCC:rtubb@whmo.mil (rtubb@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
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BCC:Karen A. Yeager (CN=Karen A. Yeager/OU=WHO/O=EOP [WHO])
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BCC:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP [WHO])
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BCC:Raquel Cabral (CN=Raquel Cabral/OU=WHO/O=EOP [WHO])
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BCC:Jennifer A. Minton (CN=Jennifer A. Minton/OU=WHO/O=EOP [WHO])
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READ:UNKNOWN
BCC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Sarah Pfeifer (CN=Sarah Pfeifer/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Denise G. Gitsham (CN=Denise G. Gitsham/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Charlene E. Fern (CN=Charlene E. Fern/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP [WHO])
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BCC:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP [OVP])
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BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP [OVP])
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BCC:Heidi K. Marquez (CN=Heidi K. Marquez/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP [OPD])
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BCC:Christopher Ullman (CN=Christopher Ullman/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
BCC:jwhite@whf.gov (jwhite@whf.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Ewillefo@fcc.gov (Ewillefo@fcc.gov @ inet [UNKNOWN])

READ:UNKNOWN
BCC:Mark J. Sullivan (CN=Mark J. Sullivan/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Andrew C. Moskowitz (CN=Andrew C. Moskowitz/OU=WHO/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Michael A. Sanders (CN=Michael A. Sanders/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Jim.Morrell@mail.house.gov (Jim.Morrell@mail.house.gov [UNKNOWN])
READ:UNKNOWN
BCC:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Joseph R. Wood (CN=Joseph R. Wood/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Diana E. Furchtgott-Roth (CN=Diana E. Furchtgott-Roth/OU=CEA/O=EOP [CEA])
READ:UNKNOWN
BCC:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

"...As I think of him and the service he's given the Nation in
the cause of freedom and peace, more than anyone else it's
Churchill who comes to mind."
-Ronald Reagan on Cap Weinberger, 1987

Carlos E. Bonilla (Carlos E. Bonilla/OPD/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [UNKNOWN]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G.

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BCC:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
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BCC:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
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BCC:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
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BCC:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP [OVP])
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BCC:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP [WHO])
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BCC:Wayne A. Downing (CN=Wayne A. Downing/OU=NSC/O=EOP [NSC])
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BCC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
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BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
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BCC:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP [NSC])
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BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
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BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP [OPD])
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BCC:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP [WHO])
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BCC:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP [WHO])

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>
Sent: 12/10/2001 7:28:51 AM
Subject: : Re: ABA hearing on Judiciary being broadcast now -CSPAN Ch 17

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-DEC-2001 12:28:51.00

SUBJECT:: Re: ABA hearing on Judiciary being broadcast now -CSPAN Ch 17

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

This is the Bunning confirmation hearing before the SJC.

REV_00137562

Elizabeth N. Camp
12/10/2001 12:27:04 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: ABA hearing on Judiciary being broadcast now -CSPAN Ch 17

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP

From: CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; OSI - Strategic Initiatives [UNKNOWN] <OSI - Strategic Initiatives>; OPL - Public Liaison [UNKNOWN] <OPL - Public Liaison>; OPA - Political Affairs [UNKNOWN] <OPA - Political Affairs>; IGA Intergovernmental Affairs [UNKNOWN] <IGA Intergovernmental Affairs>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>
Sent: 12/10/2001 4:28:50 AM
Subject: : Meeting with America West

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-DEC-2001 09:28:50.00
SUBJECT:: Meeting with America West
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:OSI - Strategic Initiatives (OSI - Strategic Initiatives [UNKNOWN])
READ:UNKNOWN
TO:OPL - Public Liaison (OPL - Public Liaison [UNKNOWN])
READ:UNKNOWN
TO:OPA - Political Affairs (OPA - Political Affairs [UNKNOWN])
READ:UNKNOWN
TO:IGA Intergovernmental Affairs (IGA Intergovernmental Affairs [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You may receive requests for meetings from representatives or advocates for America West or similar airlines. It is recommended that such requests be courteously declined.

The following is additional information from Brett Kavanaugh in Counsel's office:

Our policy has been for WH officials to avoid contacts with the Air Transportation Stabilization Board regarding applications pending before it. The proceedings before it are in the nature of an agency adjudication, and our general policy has been for WH officials to avoid contacts with agencies regarding agency adjudications. If an outside entity calling the White House says it merely is seeking a "status check," we can suggest that the outside entity contact the Board directly. The bottom line is that ...[it] is probably best ... [to] politely declin[e] meeting[s] on the advice of WH Counsel.

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 12/10/2001 10:19:32 AM
Subject: : RE: From the Congressional Record:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-DEC-2001 15:19:32.00
SUBJECT:: RE: From the Congressional Record:
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm checking with Sheila. I'll let you know as soon as I hear back from her. I think it has something to do with the timing of the DOD appropriations bill.

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Senior Advisor Offices [UNKNOWN] <Senior Advisor Offices>;IGA Intergovernmental Affairs [UNKNOWN] <IGA Intergovernmental Affairs>
BCC: Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO]), Joshua B. Bolten (Joshua B. Bolten/WHO/EOP@EOP [WHO]), Joseph W. Hagin (Joseph W. Hagin/WHO/EOP@EOP [WHO]), Linda M. Gambatesa (Linda M. Gambatesa/WHO/EOP@EOP [WHO]), Karen Hughes (Karen Hughes/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Scott N. Sforza (Scott N. Sforza/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Michael J. Gerson (Michael J. Gerson/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), Matthew O. Scully (Matthew O. Scully/WHO/EOP@EOP [WHO]), David Frum (David Frum/WHO/EOP@EOP [WHO]), John P. McConnell (John P. McConnell/OVP/EOP@EOP [OVP]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Lawrence A. Fleischer (Lawrence A. Fleischer/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Claire E. Buchan (Claire E. Buchan/WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Bradford A. Berenson (Bradford A. Berenson/WHO/EOP@EOP [WHO]), H. Christopher Bartolomucci (H. Christopher Bartolomucci/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Courtney S. Elwood (Courtney S. Elwood/WHO/EOP@EOP [WHO]), Helgard C. Walker (Helgard C. Walker/WHO/EOP@EOP [WHO]), Robert W. Cobb (Robert W. Cobb/WHO/EOP@EOP [WHO]), Rachel L. Brand (Rachel L. Brand/WHO/EOP@EOP [WHO]), Noel J. Francisco (Noel J. Francisco/WHO/EOP@EOP [WHO]), Nicholas E. Calio (Nicholas E. Calio/WHO/EOP@EOP [WHO]), David W. Hobbs (David W. Hobbs/WHO/EOP@EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP@EOP [WHO]), Kirsten A. Chadwick (Kirsten A. Chadwick/WHO/EOP@EOP [WHO]), Daniel J. Keniry (Daniel J. Keniry/WHO/EOP@EOP [WHO]), Brian C. Conklin (Brian C. Conklin/WHO/EOP@EOP [WHO]), Peter M. Rowan (Peter M. Rowan/WHO/EOP@EOP [WHO]), Christine Ciccone (Christine Ciccone/WHO/EOP@EOP [WHO]), Albert Hawkins (Albert Hawkins/WHO/EOP@EOP [WHO]), Edward Ingle (Edward Ingle/WHO/EOP@EOP [WHO]), Chris Henick (Chris Henick/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Harriet Miers (Harriet Miers/WHO/EOP@EOP [WHO]), Hector F. Irastorza (Hector F. Irastorza/WHO/EOP@EOP [WHO]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP@EOP [WHO]), Phillip Larsen (Phillip Larsen/OA/EOP@EOP [OA]), Clay Johnson III (Clay Johnson III/WHO/EOP@EOP [WHO]), Jodey Arrington (Jodey Arrington/WHO/EOP@EOP [UNKNOWN]), Stuart Holliday (Stuart Holliday/WHO/EOP@EOP [WHO]), Edmund C. Moy (Edmund C. Moy/WHO/EOP@EOP [WHO]), Dina Powell (Dina Powell/WHO/EOP@EOP [WHO]), Kyle Sampson (Kyle Sampson/WHO/EOP@EOP [WHO]), Brian D. Montgomery (Brian D. Montgomery/WHO/EOP@EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP@EOP [WHO]), Bradley A. Blakeman (Bradley A. Blakeman/WHO/EOP@EOP [WHO]), Don R. Willett (Don R. Willett/WHO/EOP@EOP [WHO]), Andrea G. Ball (Andrea G. Ball/WHO/EOP@EOP [WHO]), Catherine S. Fenton (Catherine S. Fenton/WHO/EOP@EOP [WHO]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Eric S. Edelman (Eric S. Edelman/OVP/EOP@EOP [OVP]), Condoleezza Rice (Condoleezza Rice/NSC/EOP@EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP@EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP@EOP [NSC]), Clare Pritchett (Clare Pritchett/WHO/EOP@EOP [WHO]), Franklin C. Miller (Franklin C. Miller/NSC/EOP@EOP [NSC]), Anthony N. Banbury (Anthony N. Banbury/NSC/EOP@EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP@EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP@EOP [NSC]), Bruce O. Riedel (Bruce O. Riedel/NSC/EOP@EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP@EOP [NSC]), Richard A. Clarke (Richard A. Clarke/NSC/EOP@EOP [NSC]), John F. Maisto (John F. Maisto/NSC/EOP@EOP [NSC]), Mitchell Daniels (Mitchell Daniels/OMB/EOP@EOP [OMB]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP@EOP [OPD]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Lawrence B. Lindsey (Lawrence B. Lindsey/OPD/EOP@EOP [OPD]),

READ:UNKNOWN
BCC:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:rtubb@whmo.mil (rtubb@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Karen A. Yeager (CN=Karen A. Yeager/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
BCC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Heidi K. Marquez (CN=Heidi K. Marquez/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Jennifer J. Wood (CN=Jennifer J. Wood/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
BCC:Christopher Ullman (CN=Christopher Ullman/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
BCC:jwhite@whf.gov (jwhite@whf.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Ewillefo@fcc.gov (Ewillefo@fcc.gov @ inet [UNKNOWN])

READ:UNKNOWN
BCC:Mark J. Sullivan (CN=Mark J. Sullivan/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC:Andrew C. Moskowitz (CN=Andrew C. Moskowitz/OU=WHO/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Michael A. Sanders (CN=Michael A. Sanders/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Jim.Morrell@mail.house.gov (Jim.Morrell@mail.house.gov [UNKNOWN])
READ:UNKNOWN
BCC:Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Diana E. Furchtgott-Roth (CN=Diana E. Furchtgott-Roth/OU=CEA/O=EOP [CEA])
READ:UNKNOWN
BCC:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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"...As I think of him and the service he's given the Nation in
the cause of freedom and peace, more than anyone else it's
Churchill who comes to mind."
-Ronald Reagan on Cap Weinberger, 1987

Carlos E. Bonilla (Carlos E. Bonilla/OPD/EOP@EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP@EOP [OPD]), Dylan C. Glenn (Dylan C. Glenn/OPD/EOP@EOP [OPD]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Leonard B. Rodriguez (Leonard B. Rodriguez/WHO/EOP@EOP [WHO]), Collister W. Johnson (Collister W. Johnson/WHO/EOP@EOP [WHO]), Michael J. Napolitano (Michael J. Napolitano/WHO/EOP@EOP [WHO]), Paul B. Dyck (Paul B. Dyck/WHO/EOP@EOP [WHO]), Kelley J. McCullough (Kelley J. McCullough/WHO/EOP@EOP [WHO]), David M. Thomas (David M. Thomas/WHO/EOP@EOP [WHO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP@EOP [WHO]), Matthew A. Schlapp (Matthew A. Schlapp/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Alicia W. Davis (Alicia W. Davis/WHO/EOP@EOP [WHO]), Douglas L. Hoelscher (Douglas L. Hoelscher/WHO/EOP@EOP [WHO]), Katherine G. Marinis (Katherine G. Marinis/WHO/EOP@EOP [WHO]), David McMaster (David McMaster/WHO/EOP@EOP [WHO]), Darren W. Bearson (Darren W. Bearson/WHO/EOP@EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP@EOP [WHO]), Meredith A. Terpeluk (Meredith A. Terpeluk/WHO/EOP@EOP [WHO]), Adam B. Goldman (Adam B. Goldman/WHO/EOP@EOP [WHO]), John D. Estes (John D. Estes/WHO/EOP@EOP [WHO]), Gian-Carlo A. Peressutti (Gian-Carlo A. Peressutti/WHO/EOP@EOP [WHO]), Tim Goeglein (Tim Goeglein/WHO/EOP@EOP [WHO]), Matthew E. Smith (Matthew E. Smith/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Kirk Blalock (Kirk Blalock/WHO/EOP@EOP [WHO]), Abel Guerra (Abel Guerra/WHO/EOP@EOP [WHO]), Kathryn J. Hayes (Kathryn J. Hayes/WHO/EOP@EOP [WHO]), Angela R. Sailor (Angela R. Sailor/WHO/EOP@EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP@EOP [WHO]), Alicia P. Clark (Alicia P. Clark/WHO/EOP@EOP [WHO]), Kasey S. Pipes (Kasey S. Pipes/WHO/EOP@EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP@EOP [WHO]), Michael Shannon (Michael Shannon/WHO/EOP@EOP [WHO]), Lorraine Nisbet (Lorraine Nisbet/WHO/EOP@EOP [WHO]), Israel Hernandez (Israel Hernandez/WHO/EOP@EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP@EOP [WHO]), Chad M. Kolton (Chad M. Kolton/WHO/EOP@EOP [WHO]), Catherine J. Martin (Catherine J. Martin/OVP/EOP@EOP [OVP]), Marcus J. Mollmann (Marcus J. Mollmann/WHO/EOP@EOP [WHO]), Stuart W. Bowen (Stuart W. Bowen/WHO/EOP@EOP [WHO]), Stephen M. Garrison (Stephen M. Garrison/OPD/EOP@EOP [OPD]), John M. Ackerly (John M. Ackerly/OPD/EOP@EOP [OPD]), Sarah E. Youssef (Sarah E. Youssef/OPD/EOP@EOP [OPD]), Mark Holman (Mark Holman/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP@EOP [WHO]), Nicolle Devenish (Nicolle Devenish/WHO/EOP@EOP [WHO]), Christopher J. Orr (Christopher J. Orr/WHO/EOP@EOP [WHO]), Mercedes M. Viana (Mercedes M. Viana/WHO/EOP@EOP [WHO]), Scott Stanzel (Scott Stanzel/WHO/EOP@EOP [WHO]), Taylor S. Gross (Taylor S. Gross/WHO/EOP@EOP [WHO]), William T. Griffin (William T. Griffin/WHO/EOP@EOP [WHO]), Jeanie S. Mamo (Jeanie S. Mamo/WHO/EOP@EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP@EOP [WHO]), Nina Rees (Nina Rees/OVP/EOP@EOP [OVP]), Joel D. Kaplan (Joel D. Kaplan/WHO/EOP@EOP [WHO]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Eric H. Otto (Eric H. Otto/OPD/EOP@EOP [OPD]), Gordon D. Johndroe (Gordon D. Johndroe/WHO/EOP@EOP [WHO]), Ronald I. Christie (Ronald I. Christie/OVP/EOP [OVP]), Cesar Conda (Cesar Conda/OVP/EOP [OVP]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Rebecca L. Halkias (Rebecca L. Halkias/WHO/EOP [WHO]), Barbara C. Chaffee (Barbara C. Chaffee/WHO/EOP [WHO]), Susan K. Neely (Susan K. Neely/WHO/EOP [WHO]), Tracey L. Schmitt (Tracey L. Schmitt/WHO/EOP [WHO]), Allison Barber (Allison Barber/WHO/EOP [WHO]), Paddy Feeny (Paddy Feeny/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Craig Stevens (Craig Stevens/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Melissa S. Bennett (Melissa S. Bennett/WHO/EOP [WHO]), Ashley Estes (Ashley Estes/WHO/EOP [WHO]), Elizabeth N. Camp (Elizabeth N. Camp/WHO/EOP [WHO]), Cynthia R. Mendl (Cynthia R. Mendl/WHO/EOP [WHO]), Jill L. Angelo (Jill L. Angelo/WHO/EOP [WHO]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Catharine A. Ryun (Catharine A. Ryun/WHO/EOP [WHO]), Karen L. Zent (Karen L. Zent/WHO/EOP [UNKNOWN]), Virginia T. Gregory (Virginia T. Gregory/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), Diana C. Donnelly (Diana C. Donnelly/WHO/EOP [WHO]), Christa Moyle (Christa Moyle/OA/EOP [OA]), Carol E. Ehrlich (Carol E. Ehrlich/OA/EOP [OA]), Carrie C. Pauska (Carrie C. Pauska/WHO/EOP [WHO]), Vickie A. McQuade (Vickie A. McQuade/WHO/EOP [WHO]), Kara G. Figg (Kara G.

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Subject: : OSI Lecture: Cap Weinberger

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 CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])
 CREATION DATE/TIME:10-DEC-2001 11:36:51.00
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 TO:Senior Advisor Offices (Senior Advisor Offices [UNKNOWN])
 READ:UNKNOWN
 TO:IGA Intergovernmental Affairs (IGA Intergovernmental Affairs [UNKNOWN])
 READ:UNKNOWN
 BCC:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
BCC:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
BCC:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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BCC:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
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BCC:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
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BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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BCC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
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BCC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
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BCC:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
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BCC:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
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BCC:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])

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BCC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
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BCC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
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BCC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
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BCC:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
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BCC:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
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BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
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BCC:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
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BCC:Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
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BCC:Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
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BCC:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])

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BCC:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
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BCC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
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BCC:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
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BCC:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
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BCC:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
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BCC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
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BCC:Wayne A. Downing (CN=Wayne A. Downing/OU=NSC/O=EOP [NSC])
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BCC:John L. Howard Jr. (CN=John L. Howard Jr./OU=CEQ/O=EOP [CEQ])
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BCC:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
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BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
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BCC:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
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BCC:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP [NSC])
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BCC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
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BCC:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP [OPD])
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BCC:Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP [WHO])
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BCC:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
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BCC:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP [WHO])

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 12/10/2001 6:54:13 AM
Subject: : Cartoon re Ramstad recommending sister for D. Minn.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-DEC-2001 11:54:13.00

SUBJECT:: Cartoon re Ramstad recommending sister for D. Minn.

TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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From the Minneapolis Star-Tribune...

----- Forwarded by Rachel L. Brand/WHO/EOP on 12/10/2001
11:53 AM -----

Jason B. Torchinsky
12/10/2001 11:49:27 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc:
Subject: MN cartoon

REV_00137580

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/10/2001 7:27:06 AM
Subject: : ABA hearing on Judiciary being broadcast now -CSPAN Ch 17

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-DEC-2001 12:27:06.00

SUBJECT:: ABA hearing on Judiciary being broadcast now -CSPAN Ch 17

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

REV_00137581

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/10/2001 7:27:06 AM
Subject: : ABA hearing on Judiciary being broadcast now -CSPAN Ch 17

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-DEC-2001 12:27:06.00

SUBJECT:: ABA hearing on Judiciary being broadcast now -CSPAN Ch 17

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

REV_00137582

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Bybee, Jay <Jay.Bybee@usdoj.gov>; Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 12/10/2001 12:13:52 PM
Subject: : AG letter to President on executive privilege claim

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:10-DEC-2001 17:13:52.00

SUBJECT:: AG letter to President on executive privilege claim

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Brett: The AG has signed the letter and it is being faxed to you now.
How would you like me to deliver the original? And when can we expect to
get a presidential decision? The hearing is currently scheduled for
Thursday morning.

-- Paul

cc: Jay, Ed

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 12/10/2001 12:14:00 PM
Subject: : AG letter to President on executive privilege claim

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-DEC-2001 17:14:00.00
SUBJECT:: AG letter to President on executive privilege claim
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

FYI: I will prepare draft cover memo tonight.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
12/10/2001 05:13 PM -----

"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>
12/10/2001 05:09:24 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested), "Whelan, M Edward III" <M.Edward.Whehan@usdoj.gov>
(Receipt Notification Requested) (IPM Return Requested)
Subject: AG letter to President on executive privilege claim

Brett: The AG has signed the letter and it is being faxed to you now.
How would you like me to deliver the original? And when can we expect to
get a presidential decision? The hearing is currently scheduled for
Thursday morning.

-- Paul
cc: Jay, Ed

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/10/2001 12:54:59 PM
Subject: : Staff meeting will begin at 9:15 am on Tuesday so that...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-DEC-2001 17:54:59.00

SUBJECT:: Staff meeting will begin at 9:15 am on Tuesday so that...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

those of you wishing to attend the The World Will Always Remember Event on the South Lawn may do so.

REV_00137592

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/10/2001 12:54:59 PM
Subject: : Staff meeting will begin at 9:15 am on Tuesday so that...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-DEC-2001 17:54:59.00

SUBJECT:: Staff meeting will begin at 9:15 am on Tuesday so that...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

those of you wishing to attend the The World Will Always Remember Event on the South Lawn may do so.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 12/10/2001 2:51:49 PM
Subject: : Re: OLC applicant

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-DEC-2001 19:51:49.00
SUBJECT:: Re: OLC applicant
TO: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

any time

"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
12/10/2001 05:24:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: OLC applicant

At your convenience, I would like to speak to you regarding Joseph
Ditkoff.

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Sheila.Joy@usdoj.gov @ inet [UNKNOWN] <Sheila.Joy@usdoj.gov>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/11/2001 2:46:21 AM
Subject: : Senate program from yesterday says

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-DEC-2001 07:46:21.00

SUBJECT:: Senate program from yesterday says

TO:Sheila.Joy@usdoj.gov (Sheila.Joy@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

three roll-call votes on judicial nominees at 9:30am today.

From: CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB]
To: phil.perry@usdoj.gov @ inet [UNKNOWN] <phil.perry@usdoj.gov>;john.f.wood@usdoj.gov @
inet [UNKNOWN] <john.f.wood@usdoj.gov>;Garry Malphrus/OPD/EOP@EOP [OPD] <Garry
Malphrus>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen
Silverberg [WHO] <Kristen Silverberg>
Sent: 12/11/2001 9:54:04 AM
Subject: : Victims Comp

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:11-DEC-2001 14:54:04.00
SUBJECT:: Victims Comp
TO:phil.perry@usdoj.gov (phil.perry@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:john.f.wood@usdoj.gov (john.f.wood@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (Kristen Silverberg [WHO])
READ:UNKNOWN
End Original ARMS Header

As a follow up to our meeting earlier, we are planning to call Lexecon at
4:30 today with Debby Greenspan to discuss Lexecon's comments on our
approach. Please let me know if you'd like to join so we can figure out
logistics. Thanks!

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/11/2001 8:15:57 AM
Subject: : When will you have your new JSC document ready?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 11-DEC-2001 13:15:57.00

SUBJECT:: When will you have your new JSC document ready?

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/11/2001 8:36:16 AM
Subject: : RE: Executive privilege claim

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:11-DEC-2001 13:36:16.00
SUBJECT:: RE: Executive privilege claim
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Executive privilege claim
Was Read By : M.Edward.Whelan@usdoj.gov
On : Tue, 11 Dec 2001 14:32:43 -0400

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/11/2001 8:40:11 AM
Subject: : Commission paperwork

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-DEC-2001 13:40:11.00

SUBJECT:: Commission paperwork

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

When the Executive Clerk's office receives notice that a judicial nominee has been confirmed by the Senate they (the Clerk's office) will check with Counsel's office before finalizing the paperwork by having the President sign the commission.

When you receive a forward from me with a inquiry from Tim Saunders or someone else in the Clerk's office attached we are looking for you to give the final approval for the signing of a commission for the now confirmed individual.

If you are not the counsel member who should be signing off please let me know which one should be so that I can contact them.

Thanks!

REV_00137602

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 12/11/2001 9:12:57 AM
Subject: : Re: victims' fund -will you review

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-DEC-2001 14:12:57.00
SUBJECT:: Re: victims' fund -will you review
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The memo looks fine. That said, I for one am not a fan of the compensation model because it does not include a hard cap and in my view is too generous on non-economic damages, retirement ages, and minimum payments. I also would do more to make sure the program is not a windfall for the wealthy claimants by flattening the grid. Of course, the model has gotten a LOT better over the last few weeks, but I still think it is out of line. (I tried the 25-year-old-single hypo out on some WHC people at lunch, who were floored and outraged by the amounts being floated.)

Kristen Silverberg
12/11/2001 02:00:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: victims' fund -will you review

I sat in on a constructive mtg between Jay, DOJ (Phil Perry), Feinberg and WHC on the draft regs. The compensation model they've developed -- which seems like a pretty good one -- will provide an average payment of over \$1 million, but is fairly stingy with respect to high wage earners and especially high-earning single victims.

Specifically, the model would:
Make generous assumptions with respect to retirement age (generally 65);
Provide a minimum payment of \$150K, even for victims who were fully compensated by collateral sources;
Provide non-economic damages of roughly \$250K, with additional amounts for dependent children.

There are still a few remaining big issues:
How to deal with non-traditional families. They will likely defer to state law on the question of who is entitled to represent the estate. The state law that applies would be determined by the victim's domicile.
How to deal with victims with no dependents who, under ordinary tort rules, would not be entitled to non-economic damages. The goal is to compensate them without providing the estate with a windfall.

It might be helpful to have Jay give a quick briefing to relevant members of WH staff (Margaret, Judge, Karen, Ari, etc.) If you think that they need to sign off on decisions before regs get finalized, the briefing would have to be this week. Otherwise, he could give an informational briefing next week.

REV_00137605

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 12/11/2001 10:33:07 AM
Subject: : December 24 EO

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-DEC-2001 15:33:07.00
SUBJECT:: December 24 EO
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Who reviewed this or knows something about it?

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Julius Rothstein/WHO/EOP@EOP [WHO] <Julius Rothstein>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Patricia C. Zemple/WHO/EOP@EOP [WHO] <Patricia C. Zemple>; Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/11/2001 1:09:18 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-DEC-2001 18:09:18.00

SUBJECT::

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Julius Rothstein (CN=Julius Rothstein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patricia C. Zemple (CN=Patricia C. Zemple/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

For those of you that did not attend the reception on the 10th, you are all invited to the reception on the 16th. I will need your guest information (dob and social) by tomorrow. Thanks.

REV_00137617

Lori

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/11/2001 1:28:23 PM
Subject: : NYT - FYI

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-DEC-2001 18:28:23.00

SUBJECT:: NYT - FYI

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Kit Seely is working on part of a piece to run on Sunday about all the controversial decisions that have been made related to the investigation and prosecution of the Sept. 11 attacks. She is writing the military tribunals part of the piece, but it will encompass the other decisions made at DOJ since the attacks - monitoring phone calls, etc.

She is looking for more detail about the genesis of the military tribunal idea.

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>
Sent: 12/11/2001 2:33:56 PM
Subject: : 9:30 Insurance Call - tomorrow

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-DEC-2001 19:33:56.00

SUBJECT:: 9:30 Insurance Call - tomorrow

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])

REV_00137620

READ:UNKNOWN

TO:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Marc Sumerlin will not be able to join the 9:30 call tomorrow (12/12), due to a meeting with the President

Thanks,
Leslie

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/12/2001 4:20:03 AM
Subject: : JSC Prep usual place/time

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-DEC-2001 09:20:03.00

SUBJECT:: JSC Prep usual place/time

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

3:30 pm in the Judge's office.

REV_00137622

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2001 6:05:25 AM
Subject: : Re: Hatch Act-related inquiry

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2001 11:05:25.00
SUBJECT:: Re: Hatch Act-related inquiry
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Have you had a chance to talk to your OSC contact about this?

----- Forwarded by Rachel L. Brand/WHO/EOP on 12/12/2001
11:05 AM -----

Jay P. Lefkowitz
12/12/2001 10:49:35 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Hatch Act-related inquiry

My strong view on the latter is that we wouldn't want him raising any money even if it were legal, because it would politicize the museum.

So that's what I would tell him. Still, it would be nice to know for certain what the law might require.

thanks

Rachel L. Brand 12/10/2001 11:55:27 AM

Record Type: Record

To: Jay P. Lefkowitz/OMB/EOP@EOP
cc:
Subject: Re: Hatch Act-related inquiry

Partial answer -- basically in line with my initial impression. You can tell him today that the preliminary answer is he can donate money but we're checking into whether he can raise money, which would include, e.g., being the co-host of a fundraising dinner.

RLB

----- Forwarded by Rachel L. Brand/WHO/EOP on 12/10/2001
11:54 AM -----

Brett M. Kavanaugh
12/10/2001 11:49:21 AM
Record Type: Record

REV_00137623

To: Robert W. Cobb/WHO/EOP@EOP
cc: rachel l. brand/who/eop@eop
bcc:
Subject: Re: Hatch Act-related inquiry

He/she could donate money. Don't know as to raising money (answer for full-time federal employees, including WH officials, would be no). Let me check further on that with OSC.

Robert W. Cobb
12/10/2001 11:46:32 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Rachel L. Brand/WHO/EOP@EOP
Subject: Hatch Act-related inquiry

----- Forwarded by Robert W. Cobb/WHO/EOP on 12/10/2001
11:46 AM -----

Rachel L. Brand 12/10/2001 10:46:18 AM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: Jay P. Lefkowitz/OMB/EOP@EOP
Subject: Hatch Act-related inquiry

Moose:

Can someone appointed by the President to be chair of the Holocaust Memorial Commission continue to be active in partisan politics, specifically in donating to and raising money for election campaigns?

This is a presidential appointment, not Senate-confirmed, and is a part-time federal commission.

This person is coming in this afternoon for discussions with Jay, so a preliminary answer by early afternoon would be appreciated if you have a moment. Thanks!

RLB

REV_00137624

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/12/2001 3:34:05 AM
Subject: : Re: Any more research?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-DEC-2001 08:34:05.00
SUBJECT:: Re: Any more research?
TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

was useful; could use a quote from President Kennedy about executive
privilege

Jason B. Torchinsky
12/12/2001 08:01:58 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Any more research?

Do you need any more help with material for that speech? Was the material
I gave you useful?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 12/12/2001 4:19:47 AM
Subject: : Reminder re: JSC Mtg.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-DEC-2001 09:19:47.00

SUBJECT:: Reminder re: JSC Mtg.

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00137626

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This meeting will be held in the usual place at the usual time - Roosevelt
Room from 4:00-5:00 pm.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/12/2001 4:20:03 AM
Subject: : JSC Prep usual place/time

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-DEC-2001 09:20:03.00

SUBJECT:: JSC Prep usual place/time

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

3:30 pm in the Judge's office.

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2001 4:28:58 AM
Subject: : Re: Any more research?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-DEC-2001 09:28:58.00
SUBJECT:: Re: Any more research?
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From a Law Review article on Exec Priv:

"President Kennedy expanded the scope of the privilege mostly in the area of foreign policy. When a House Subcommittee on Defense Appropriations requested that the President's military supervisor testify regarding the Bay of Pigs invasion, Kennedy ordered him not to do so. President Kennedy later ordered the Secretary of Defense not to testify to the House relating to military Cold War education and speech review policies. The chairman of the Subcommittee ruled in favor of Kennedy's invocation of executive privilege and the Subcommittee subsequently upheld that ruling. President Kennedy effectively expanded the use of the privilege in the realm of foreign policy decision-making."

Senator Kennedy on Exec Priv:
United States Senator Edward M. Kennedy (D-Mass) stated, "[g]overnment secrecy breeds government deceit, that executive privilege nurtures executive arrogance, that national security is frequently the cover for political embarrassment, and that the best antidote to official malfeasance, misfeasance, and nonfeasance is the sunshine and fresh air of full public disclosure of official activities."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
Sent: 12/12/2001 9:01:37 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-DEC-2001 14:01:37.00

SUBJECT::

TO: Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ: UNKNOWN

End Original ARMS Header

Paul and I now have a Burton hearing tomorrow so need to cancel
our meeting. apologies.

From: CN=John P. McConnell/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2001 5:20:23 AM
Subject: : Re: Judge speech

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:12-DEC-2001 10:20:23.00
SUBJECT:: Re: Judge speech
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Happy to, Brett. Send it on.

Brett M. Kavanaugh
12/12/2001 10:19:39 AM
Record Type: Record

To: John P. McConnell/OVP/EOP@EOP
cc:
Subject: Judge speech

I have drafted a speech for Judge Gonzales for him to give tomorrow at Fed Society. Any chance you have time to review briefly before I submit the draft to him? I obviously understand if you have other obligations today, but if you have time to review/edit/comment, that would be very helpful. Thanks.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 12/12/2001 7:42:19 AM
Subject: : FYI

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-DEC-2001 12:42:19.00

SUBJECT:: FYI

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I will be leaving soon to relieve Helgi.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/12/2001 8:27:32 AM
Subject: : Murray/Dunn Washington state

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2001 13:27:32.00
SUBJECT:: Murray/Dunn Washington state
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Judge: Just talked to Matt. He is aware that we want the letter to go today. He will make sure Karl is comfortable (the 4:00 WHJSC meeting may be an opportunity for Karl to focus on this issue if he has not had a chance to do so beforehand) and Matt also will let Dunn know what you are planning to say in the letter, which is better than what she feared but not what she wanted.

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2001 8:28:54 AM
Subject: : Re: Murray/Dunn Washington state

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-DEC-2001 13:28:54.00
SUBJECT:: Re: Murray/Dunn Washington state
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Great.

Brett M. Kavanaugh
12/12/2001 01:27:24 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Murray/Dunn Washington state

Judge: Just talked to Matt. He is aware that we want the letter to go today. He will make sure Karl is comfortable (the 4:00 WHJSC meeting may be an opportunity for Karl to focus on this issue if he has not had a chance to do so beforehand) and Matt also will let Dunn know what you are planning to say in the letter, which is better than what she feared but not what she wanted.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
Sent: 12/12/2001 9:01:37 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-DEC-2001 14:01:37.00

SUBJECT::

TO: Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ: UNKNOWN

End Original ARMS Header

Paul and I now have a Burton hearing tomorrow so need to cancel
our meeting. apologies.

From: CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB]
To: Jay Lefkowitz [OMB] <Jay Lefkowitz>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg [WHO] <Kristen Silverberg>;Garry Malphrus/OPD /EOP@EOP [OPD] <Garry Malphrus>
Sent: 12/12/2001 9:20:56 AM
Subject: : Victims Comp Issue

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:12-DEC-2001 14:20:56.00
SUBJECT:: Victims Comp Issue
TO:Jay Lefkowitz (Jay Lefkowitz [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (Kristen Silverberg [WHO])
READ:UNKNOWN
TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

One key issue was identified in this morning's discussion after Jay and Garry left. It has to do with the way that claims will be processed and the standard that will be applied if a claimant chooses to ask for an individual hearing.

Under the regs that have been drafted, claimants will be able either to opt (1) for a determination of a presumptive award, with a right to ask for an individualized hearing after the presumptive award is determined; or (2) for an individualized hearing. The regs give no guidance on the evidence that will be submitted to the SM if the claimant asks for a hearing, nor do they state a standard for the Special Master to apply in conducting the individualized hearing. The regs simply say that claimants may request the SM to review any evidence relevant to the determination of the award, and they do not say anything about the weight that should be accorded to the presumptive award.

Brett and I suggested that the regs should spell out clearly that, even if the claimant asks for a hearing, they should expect to receive the presumptive award, unless the claimant could show "by clear and convincing evidence" it should not apply, or there were "extraordinary circumstances" that warranted a departure from that amount.

Feinberg's group, however, was reluctant to incorporate any additional guidance into the regs regarding the presumptive nature of the award - they are afraid that victims will not feel that they have been adequately heard if they are told that they are going to have their damages assessed on a non-individualized basis.

DOJ seemed reluctant to spell out the legal standard applicable to the award b/c they think that giving the SM broad discretion to depart from the presumptive award insulated the regs from APA challenge.

DOJ is going to draft additional language that they say will address the concerns, but I wanted to flag this for people in advance of their recirculation of the draft.

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2001 9:22:46 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])

CREATION DATE/TIME:12-DEC-2001 14:22:46.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

no problem.

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/12/2001 9:22:46 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])

CREATION DATE/TIME:12-DEC-2001 14:22:46.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

no problem.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/12/2001 11:50:26 AM
Subject: : NEED LETTER

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-DEC-2001 16:50:26.00

SUBJECT:: NEED LETTER

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/12/2001 11:53:20 AM
Subject: : NEED LETTER!!!!

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-DEC-2001 16:53:20.00
SUBJECT:: NEED LETTER!!!!
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/13/2001 2:35:09 AM
Subject: : fyi

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-DEC-2001 07:35:09.00

SUBJECT:: fyi

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Straw Demon (WSJ)

By ALBERT R. HUNT

The Wall Street Journal - Opinion; December 13, 2001

Republicans, desperate for a demon since Bill Clinton left town, are targeting Tom Daschle. Like the proverbial blackbirds leaving a wire, the GOP hitmen are flying in unison. Rep. Bill Thomas has impugned Sen. Daschle's patriotism; Sen. Rick Santorum has likened him to a "rabid dog"; White House economic guru Larry Lindsey charges he abdicated his "responsibility"; and top Bush political adviser Karl Rove suggests the South Dakotan reneged on a budget deal.

The Senate Democratic leader won't let Republicans get their way. Senate GOP Leader Trent Lott, on four occasions this past week, said the chamber has become a "black hole," and Vice President Dick Cheney said Mr. Daschle was an "obstructionist." They object to Democrats sitting on too many

REV_00137650

nominations and the leader's refusal to schedule action on bills that don't have the support of most of his caucus.

These attacks are duplicitous and hypocritical. What this concerted campaign has in shrillness -- one conservative group even ran ads in South Dakota linking the majority leader to Saddam Hussein -- it lacks in substance. Sen. Daschle is not a mean-spirited partisan. Just watch him. It is instructive to examine the facts of the specific GOP charges. They are gross exaggerations and display a double standard that is egregious even for Washington.

For starters, Daschle critics should answer two simple questions: Is Mr. Daschle's aversion to bringing up bills that aren't supported by most of his Democrats any different from the approach taken by the House Republican leadership? Were any of these critics offended with the more pervasive "obstructionism" congressional Republicans displayed against Bill Clinton? The answer to both questions is no.

Implicit in the Daschle attacks is that not going along with a Bush domestic agenda is unpatriotic in a time of war. Sixty years ago, when there was a declared war and sacrifice was being asked of Americans, Senate GOP Leader Robert Taft declared: "Criticism in a time of war is essential to the maintenance of any kind of democratic government." The great Ohio conservative continued to assail President Roosevelt's domestic policies through much of World War II and was one of the few politicians with the courage to speak out against the internment of Japanese-Americans. (Surely John Ashcroft would have accused him of giving aid and comfort to the enemy.)

Republicans rail that Senate Democrats are thwarting their remake of the federal judiciary. There's some truth to that. Yet Bush judicial nominations have fared better than some comparable Clinton nominees. The number of judicial vacancies, which rose steadily in the final Clinton years, is actually declining.

Beyond judges are complaints that a few foreign policy nominations -- the prime example is Otto Reich, the right-winger tapped to head Latin American affairs -- are languishing. In reality there are Senate Republicans, even on the foreign relations panel, who privately are encouraging Democrats to scuttle a bad nominee that they believe was foisted on Secretary of State Colin Powell.

Moreover, where were those who decry this lack of fairness when Senate Republican leaders would not permit a vote on the Clinton nominations of William Weld (a Republican) to be ambassador to Mexico or James Hormel (who is openly gay) to be ambassador to Luxembourg? Both could have passed the Senate easily.

Then there's the question of holding up a highly qualified top legal appointee because the senators don't like his ideology: Eugene Scalia is the Bush nominee to be solicitor general of the Labor Department. But how about Bill Lann Lee, whom President Clinton tapped to be the assistant attorney general for civil rights? Hopefully Sen. Daschle will give the Scalia nomination the courtesy that Trent Lott did not afford Mr. Lee: an actual vote in the full Senate.

When it comes to legislative bills the Republicans get confused over numbers. They want a vote on the Bush energy bill, especially the right to drill for oil in the Arctic. They might enjoy a majority but lack the 60 required to break a filibuster. Mr. Cheney decries this, claiming the "last time I checked to pass something [in] the Senate [took] 51 votes." Let's remember that Democrats recently mustered a majority to pass more generous health benefits for the unemployed and collective bargaining rights for firefighters. But facing a Republican filibuster both times they lacked the necessary 60 votes. Where was Mr. Cheney's outrage? Indeed a majority of senators supported the Daschle-led economic stimulus package, but Mr. Cheney and the Republicans blocked it, opposing majority rule in that instance, too. The last thing the White House and some congressional allies desire is a serious debate over the rival economic stimulus plans. It's much easier and politically safer to falsely accuse Tom Daschle of creating a "black hole" than to expose the merits of this position.

At the top of the critics' talking points is that Mr. Daschle won't even consider legislation unless it has the backing of two-thirds of the Senate Democrats, thereby thwarting majority rule. Actually, he doesn't use that figure but has openly declared that, as majority leader, he wants to avoid

legislation that doesn't command the support of a clear majority of his members.

That's the same philosophy practiced by Lyndon Johnson, Bob Dole and every other successful legislative leader. If you ignore the wishes of your caucus, you won't be party leader for long. In this session, the only major bill that Republican Speaker Dennis Hastert brought to the floor that didn't command overwhelming support among GOP rank-and-file was campaign-finance reform legislation. His hand was forced on that measure and GOP leaders successfully worked to sandbag the bill once it got to the floor.

Tom Daschle's real sin, in the eyes of his increasingly venomous Republican critics, is that he's effective. He shrewdly -- and correctly -- cooperated with the White House in the national security and anti-terrorism initiatives post-Sept. 11. Now he wants to draw lines and delineate differences on domestic issues. That may drive Republicans crazy. But he's doing precisely what Mr. Republican, Bob Taft, called for 60 years ago.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/13/2001 2:35:09 AM
Subject: : fyi

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-DEC-2001 07:35:09.00

SUBJECT:: fyi

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Straw Demon (WSJ)

By ALBERT R. HUNT

The Wall Street Journal - Opinion; December 13, 2001

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REV_00137653

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>
Sent: 12/13/2001 9:15:41 AM
Subject: : House Republicans/privileges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-DEC-2001 14:15:41.00
SUBJECT:: House Republicans/privileges
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think I should have sent this to you as well.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
12/13/2001 02:15 PM -----

Brett M. Kavanaugh
12/13/2001 02:14:40 PM
Record Type: Record

To: Nicholas E. Calio/WHO/EOP@EOP, David W. Hobbs/WHO/EOP@EOP
cc: Alberto R. Gonzales/WHO/EOP@EOP
Subject: House Republicans/privileges

FYI: I attended today's Burton hearing, and it is clear that we have a problem brewing with various House Republicans on two privilege issues: (i) the Presidential Records Act executive order; and (ii) today's assertion of executive privilege with respect to prosecutorial memoranda recommending whether to seek indictments. The problem members are Burton, Horn, and Ose -- and perhaps a few others as well. Judge Gonzales and I are meeting with Chairman Horn Friday at 2:00 on the PRA executive order.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 12/13/2001 6:09:17 AM
Subject: : Re: Bill introduced to reduce number of political appointees

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-DEC-2001 11:09:17.00
SUBJECT:: Re: Bill introduced to reduce number of political appointees
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
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CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Hopefully the bill is not too goo-goo, and only slashes the number of political appointees subject to Senate confirmation -- not the number of political appointees.

Rachel L. Brand 12/13/2001 11:04:15 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Bill introduced to reduce number of political appointees

My contact at GAO alerted me to the following in today's Government Executive. I haven't seen the bill yet:

Bill aims to slash number of political appointees
By Kellie Lunney

REV_00137660

Agencies would have to submit plans to reduce their number of political appointees under a Senate bill aimed at streamlining the presidential appointments process.

Sens. Joseph Lieberman, D-Conn., and Fred Thompson, R-Tenn., introduced legislation Wednesday that would require agency heads to report to the Office of Government Ethics on the number of presidential appointees in their agencies and outline a plan for reducing those positions requiring Senate confirmation. Lieberman and Thompson are the chairman and ranking member of the Governmental Affairs Committee, respectively.

There are about 3,000 political appointees working in the executive branch, but <they account for 25 percent to 40 percent of the formal and informal bureaucratic layers that are interposed between the President and the front lines of government,= Paul C. Light, director of governmental studies and the Presidential Appointee Initiative at the Brookings Institution, told National Journal in June.

Full story: <<http://www.govexec.com/dailyfed/1201/121201ml.htm>>
<http://www.govexec.com/dailyfed/1201/121201ml.htm>

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
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Rachel L. Brand/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 12/13/2001 6:27:09 AM
Subject: : Re: Bill introduced to reduce number of political appointees

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-DEC-2001 11:27:09.00
SUBJECT:: Re: Bill introduced to reduce number of political appointees
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
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CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
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CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
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CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

The bill is the Ethics reform legislation that I have been complaining about on the conflcits waiver front. It is not aimed at reducing the number of political appointees, only the number subject to Senate confirmation.

Rachel L. Brand 12/13/2001 11:04:15 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Bill introduced to reduce number of political appointees

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REV_00137662

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Full story: <<http://www.govexec.com/dailyfed/1201/121201ml.htm>>
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Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
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Rachel L. Brand/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>;Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>
Sent: 12/13/2001 10:41:15 AM
Subject: : Terrorism Insurance Letters/Action Alerts Today
Attachments: P_YOK05004_CEA.TXT_1.pdf; P_YOK05004_CEA.TXT_2.doc; P_YOK05004_CEA.TXT_3.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-DEC-2001 15:41:15.00

SUBJECT:: Terrorism Insurance Letters/Action Alerts Today

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Glenn Hubbard (CN=Glenn Hubbard/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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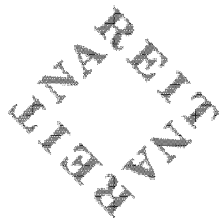
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Manufactured Home Communities

Richard S. Ziman
Anders Realty, Inc.



NATIONAL ASSOCIATION OF REAL ESTATE INVESTMENT TRUSTS®

December 11, 2001

The Honorable Don Nickles
United States Senate
133 Hart Senate Office Building
Washington, DC 20510

Dear Senator Nickles:

The National Association of Real Estate Investment Trusts (NAREIT), representing REITs and publicly traded real estate companies, urges you to quickly enact legislation to ensure that affordable insurance coverage is available to businesses to cover future financial losses related to terrorist attacks. It is critical that this legislation be passed prior to the conclusion of this Congressional session.

It is estimated that over 70 percent of businesses and owners of commercial and residential properties renew their insurance coverage on January 1 each year. Many of these owners have been advised that their policies will not be renewed or that their new policies will exclude risks associated with terrorist acts. Unless Congress acts now to ensure the availability of affordable terrorism coverage in the marketplace, the real estate industry's ability to finance, construct, sell or buy properties across the country will be at risk and significant economic dislocation will likely occur.

The House of Representatives has taken an important step toward crafting a workable solution to this problem through the passage of H.R. 3210, the Terrorism Risk Protection Act. It is crucial that the Senate act quickly to pass similar legislation. Ultimately, NAREIT supports a compromise package that creates a workable temporary federal program that ensures the availability of affordable terrorism insurance coverage for businesses. Also included should be reasonable liability reform provisions designed to benefit the victims of a terrorist attack so that all affected parties will receive appropriate damages.

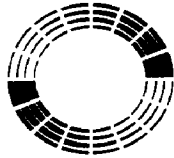
Thank you in advance for your consideration of this important legislation.

Sincerely,

Steven A. Wechsler
President and CEO

1875 Eye Street, NW, Suite 600, Washington, DC 20006-5413

Phone 202-739-9400 Fax 202-739-9401 www.nareit.com



The Real Estate Roundtable

December 12, 2001

RE: Terrorism Risk Protection Legislation

To Members of the U.S. Senate:

As bi-partisan negotiations with the Bush Administration continue over features of a Senate version of the House-passed Terrorism Risk Protection Act, I am writing to urge you to expedite introduction and enactment of legislation to create a workable solution in the marketplace for the renewed availability of terrorism insurance coverage.

The events of September 11th dislocated reinsurance markets and eliminated the availability of primary terrorist insurance coverage at virtually any price. As a result, the real estate and construction industries, which account for over a quarter of the nation's gross domestic product, could face severe economic dislocation in the coming months if the Federal government does not immediately address insurance-related issues tied to terrorism.

Without Federal action, the ability to finance, construct, buy or sell commercial properties across the nation will be at risk – affecting not only real estate owners and lenders but the tenants who lease facilities, their employees and customers, as well as anyone who rents an apartment. While many commercial property owners are already affected, a significant percentage of properties, including apartments, shopping centers, offices and hotels are scheduled to renew their insurance coverage on January 1st. Many of these owners have already been advised that their policies will not be renewed or that their new policies will exclude exposures currently insured including terrorism.

As the current policies expire, there is tremendous uncertainty about the status of real estate debt, with some \$700 billion in commercial bank debt, \$350 billion of commercial mortgage-backed securities (CMBS) loans, and \$220 billion of loans held by life insurance companies that run the risk of being in non-monetary default without the availability of terrorism coverage. This lack of coverage raises profound liquidity concerns not only the \$1.7 trillion of existing real estate loans and the institutions that hold them but on the ability of borrowers to secure any type of financing going forward.

Any characterization of this legislation as a “bail out” for the insurance industry is inaccurate. The Federal government needs to help ensure that commercial property owners and other businesses can continue to obtain insurance coverage for losses related to terrorism in the future. It is important to act as soon as possible because there are policies expiring every day, and new transactions pending which are being impacted by the lack of resolution of this issue.

As the organization that represents the nation's principal public and privately held commercial property owners, investors and lenders we would like to thank the Senate for its leadership in attempting to provide a mechanism to ensure that our nation's properties are able to maintain terrorism insurance coverage. Again, we urge you to act expeditiously to enact terrorist insurance legislation prior to adjournment this year.

Sincerely,

Jeffrey D. DeBoer
President & Chief Operating Officer

Legislative Alert

* * * Urgent Action Item * * *

Senate negotiators continue to work on the final details of a terrorism insurance bill. They are very close to a deal, and Senate floor action could occur THIS WEEK. At this point, it is critical to contact key Senators involved in the negotiations and impress upon them the urgent need for legislation to create a federal backstop to ensure that companies can get and/or renew workers compensation and property and casualty insurance policies so they can continue doing business.

Listed on the back of this page are the names of the key Senate members who need to be contacted. **Time is of the essence and we need your help!** Please call them ASAP and tell them:

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- **Workers Compensation.** In 35 states, companies can self-insure for workers compensation claims. However, even self-insured companies need to reinsure. Reinsurance for workers compensation claims related to terrorism losses is virtually unavailable, and what is available is generally unaffordable.
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- **Liability.** A federal backstop for terrorism insurance claims places a potential burden on American taxpayers. Therefore, we also support reasonable limits on the liability of non-terrorists for damages caused by an act of terrorism, so long as all businesses are treated equally. Those who are truly injured or damaged by an act of terrorism should receive fair and fast compensation—but not a windfall, especially at a cost to the U.S. government.

(over)

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(all can be reached through the Senate switchboard at (202) 224-2131)

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Republican Leader Trent Lott (R-MS)

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Sen. Mitch McConnell (R-KY)
Sen. Zell Miller (D-GA)
Sen. Don Nickles (R-OK)
Sen. Harry Reid (D-NV)
Sen. Rick Santorum (R-PA)
Sen. Chuck Schumer (D-NY)
Sen. Robert Torricelli (D-NJ)

*Kimberly J. Pinter, Esq.
Director, Corporate Finance & Tax
kpinter@nam.org; (202) 637-3071
December 7, 2001*

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>
CC: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>;Glenn Hubbard/CEA/EOP@EOP [CEA] <Glenn Hubbard>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>
Sent: 12/13/2001 6:42:26 AM
Subject: : RE: EMERGENCY MEETING OF TERRORISM INSURANCE COALITION
Attachments: P_69905004_WHO.TXT_1.doc

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CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-DEC-2001 11:42:26.00
SUBJECT:: RE: EMERGENCY MEETING OF TERRORISM INSURANCE COALITION
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
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READ:UNKNOWN
End Original ARMS Header

This was sent out this morning from terrorism insurance coalition.....

-----Original Message-----

From: Martin.McGuinness@wc.ey.com [mailto:Martin.McGuinness@wc.ey.com]
Sent: Thursday, December 13, 2001 10:21 AM
Subject: EMERGENCY MEETING OF TERRORISM INSURANCE COALITION

Majority Leader Daschle will provide Senate floor time for the terrorism insurance bill provided we can demonstrate substantial support among Members of the Senate. ;As a result, we would like to have a meeting of the business community on short order.

Please join us at AIA (1130 Connecticut Avenue, N.W., 10th Floor) at 2:00pm TODAY to discuss most recent developments and to take assignments.

REV_00137670

Martin McGuinness
Washington Council Ernst & Young

Tom Rosenkoetter
Williams & Jensen, P.C.

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Legislative Alert

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REV_00137674

Martin McGuinness
Washington Council Ernst & Young

Tom Rosenkoetter
Williams & Jensen, P.C.

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Sen. Chuck Schumer (D-NY)
Sen. Robert Torricelli (D-NJ)

*Kimberly J. Pinter, Esq.
Director, Corporate Finance & Tax
kpinter@nam.org; (202) 637-3071
December 7, 2001*

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 12/13/2001 10:49:21 AM
Subject: : fyi

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 13-DEC-2001 15:49:21.00

SUBJECT:: fyi

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

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<http://www.msnbc.com/news/672144.asp#BODY>

Rep. Dan Burton, R-Ind., chairman of the Committee on Government Reform, has been rebuffed by President Bush as he tries to get Justice Department memoranda.

Bush invokes executive privilege doctrine

President in battle over confidentiality with GOP Rep. Dan Burton

ASSOCIATED PRESS

Dec. 13 * President Bush invoked executive privilege for the first time Thursday to keep Congress from seeing documents of prosecutors, decision-making in cases ranging from a decades-old Boston murder to the Clinton-era fund-raising probe.

REV_00137678

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 12/14/2001 6:33:04 AM
Subject: : Re: talked to bart

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-DEC-2001 11:33:04.00
SUBJECT:: Re: talked to bart
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

please please don't make me be out there on my birthday!! i have a b-day luncheon scheduled.

H. Christopher Bartolomucci
12/14/2001 11:28:02 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: talked to bart

I propose this plan:

Brett -- Sunday & Monday nights (double duty since he didn't go this week)
Helgi -- Tuesday night
Bart -- Wednesday night
Noel -- Thursday night

Noel J. Francisco
12/14/2001 11:15:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, noel j. francisco/who/eop@eop, h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re: talked to bart

I am assuming that the plan is Brett (Sunday and Monday night); Bart (Tuesday and Wednesday night); and Helgi (Thursday night and Friday) (or is it me Thursday night and Friday)?

REV_00137682

Brett M. Kavanaugh
12/14/2001 11:09:56 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, h. christopher
bartolomucci/who/eop@eop
bcc:
Subject: Re: talked to bart

I am ok with that plan if -- but only if -- no meetings I have to
be at Monday. will keep you advised . . .

Helgard C. Walker
12/14/2001 11:03:13 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, Brett M.
Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: talked to bart

bart, could you do tues and wed? if so, i think we'll have a plan, as bk
has indicated he is willing to consider sunday and monday night, though he
is not committed.

the instant plan would be a second-choice alternative to expansion of the
pool, as suggested by bk's prior email.

Noel J. Francisco
12/14/2001 10:51:38 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: H. Christopher Bartolomucci/WHO/EOP@EOP
bcc:
Subject: Re: talked to bart

I cannot do Wed. night. I can do Thurs. night (and Friday), if needed.

Helgard C. Walker
12/14/2001 10:46:23 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: talked to bart

can you do wed night and thurs night, into fri afternoon? if you can do
that, everything will work out, i think, but need to nail down bk too.

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Wood, John F <John.F.Wood@usdoj.gov>; Perry, Phil <Phil.Perry@usdoj.gov>; Higbee, David <David.Higbee@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Harris, Paul <Paul.Harris@usdoj.gov>; Miller, Michele <Michele.Miller@usdoj.gov>; Jordan, Bill <Bill.Jordan@usdoj.gov>; Reyes, Luis <Luis.A.Reyes2@usdoj.gov>; Bloemendal, Katherine <Katherine.Bloemendal@usdoj.gov>; Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Jacob, Gregory F <Gregory.F.Jacob@usdoj.gov>; Philbin, Patrick <Patrick.Philbin@usdoj.gov>; Jones, Kevin R <Kevin.R.Jones@usdoj.gov>; Hinchman, Robert <Robert.Hinchman@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; 'Ken Feinberg (E-mail)' <kfeinberg@thefeinberggroup.com>; 'Debbie Greenspan (E-mail)' <dgreenspan@thefeinberggroup.com>; Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>; 'Pete Galvin (E-mail)' <galvin-peter@dol.gov>
Sent: 12/14/2001 4:10:41 AM
Subject: : RE: Victims Comp draft regs

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:14-DEC-2001 09:10:41.00

SUBJECT:: RE: Victims Comp draft regs

TO:"Wood, John F" <John.F.Wood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Wood, John F" <John.F.Wood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Higbee, David" <David.Higbee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Higbee, David" <David.Higbee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Harris, Paul" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Harris, Paul" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Miller, Michele" <Michele.Miller@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Miller, Michele" <Michele.Miller@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Reyes, Luis" <Luis.A.Reyes2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Reyes, Luis" <Luis.A.Reyes2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Jacob, Gregory F" <Gregory.F.Jacob@usdoj.gov> (Receipt Notification Requested) (IPM

REV_00137685

Return Requested) ("Jacob, Gregory F" <Gregory.F.Jacob@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Philbin, Patrick" <Patrick.Philbin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Philbin, Patrick" <Patrick.Philbin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Jones, Kevin R" <Kevin.R.Jones@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jones, Kevin R" <Kevin.R.Jones@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Hinchman, Robert" <Robert.Hinchman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Hinchman, Robert" <Robert.Hinchman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:"'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 TO:"'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

If anyone has comments on the last draft of the regs, please send them soon, as we are getting short on time. Thanks.

-----Original Message-----

From: Wood, John F
 Sent: Thursday, December 13, 2001 11:19 AM
 To: Ken Feinberg (E-mail); Debbie Greenspan (E-mail); Brett M. Kavanaugh (E-mail); Rebecca Beynon (E-mail); 'Garry_Malphrus@opd.eop.gov'; Perry, Phil; Higbee, David; McCallum, Robert; Harris, Paul; Miller, Michele; Jordan, Bill; Reyes, Luis; Bloemendal, Katherine; Boudreaux, Chad; Pete Galvin (E-mail); Jacob, Gregory F; Philbin, Patrick; Jones, Kevin R; Hinchman, Robert; Dinh, Viet
 Subject: Victims Comp draft regs

Attached are revised draft regs. These should include all of the changes from yesterday's meeting, as well as some substantial reorganization and clarification. I have not included the preamble, b/c that will need to be revised to reflect the changes.
 << File: DraftRegs 12-13-01.wpd >>

REV_00137686

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/14/2001 4:35:31 AM
Subject: : Re: can we meet again later this morning to discuss Burton

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-DEC-2001 09:35:31.00
SUBJECT:: Re: can we meet again later this morning to discuss Burton
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tim - The Judge is available anytime this morning after 9:45 am. What time works best for you?

Brett M. Kavanaugh
12/14/2001 09:33:27 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: can we meet again later this morning to discuss Burton

From: Badger, Doug <Doug.Badger@mail.house.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kenneth A. Lisaius/WHO/EOP@EOP [WHO] <Kenneth A. Lisaius>
Sent: 12/14/2001 8:44:03 AM
Subject: : in case you haven't seen
Attachments: P_PILH4003_WHO.TXT_1.html

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Badger, Doug" <Doug.Badger@mail.house.gov> ("Badger, Doug"
<Doug.Badger@mail.house.gov> [UNKNOWN])
CREATION DATE/TIME:14-DEC-2001 13:44:03.00
SUBJECT:: in case you haven't seen
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

more from our friend, Joel.

http://seattlep-i.nwsources.com/connelly/50572_joel14.shtml
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PILH4003_WHO.TXT_1>

more from our friend, Joel.

http://seattlep-i.nwsourc.com/connelly/5057_2_joel14.shtml

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>;Craig Felner/WHO/EOP@EOP [WHO] <Craig Felner>;Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>;Nicole_E._Grodner@who.eop.gov [UNKNOWN] <Nicole_E._Grodner@who.eop.gov>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>
Sent: 12/14/2001 6:04:24 AM
Subject: : this week's agency foia requests
Attachments: P_54FH4003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-DEC-2001 11:04:24.00
SUBJECT:: this week's agency foia requests
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nicole_E._Grodner@who.eop.gov (Nicole_E._Grodner@who.eop.gov [UNKNOWN])
READ:UNKNOWN
CC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

....as provided to us via the agencies' weekly cabinet report submissions.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_54FH4003_WHO.TXT_1>

AGENCY FOIA REQUESTS

INTERIOR

- ***Stone Canyon Wilderness, California.*** The California Association of 4-Wheel Drive Clubs requested documents from 1994 to the present regarding the boundaries of the Stone Canyon Wilderness in the Argus Range. The 75,000-acre Stone Canyon Wilderness borders the northern edge of Death Valley National Park and is managed by California's BLM Ridgecrest Field Office.
- ***D.J. Schubert, Schubert & Associates (on behalf of The Fund for Animals).*** Requested a copy of all records received in either hard copy or electronic format submitted to the NPS by the International Snowmobile Manufacturers Association and/or its members or any other organization or entity regarding snowmobiles and snowmobile technology. The requested information was required to be submitted to the NPS within 30 days of the effective date of the Settlement Agreement (June 29) in International Snowmobile Manufacturers Association, et al., v. Norton et al.
- ***Request for Keechelus Dam Operational Data.*** Reclamation's Pacific Northwest Region received a FOIA requesting information on Keechelus Dam operations, including repair, replacement, and reconstruction activities; environmental effects of operation; and plans for improvement. Keechelus Dam is located on the Yakima Project in south-central Washington.

JUSTICE

- Christopher Farrell, of ***Judicial Watch***, Inc., has requested all records pertaining to the decision to implement military tribunals for the trials of suspected terrorists, and the decision to monitor phone conversations between counsel and clients who are either convicted or suspected terrorists.
- Christopher Farrell, of ***Judicial Watch***, Inc., has requested all records that refer or relate in anyway to the Enron Corporation.

HHS

- ***Smallpox Vaccine.*** During the week of November 30-December 6, ***Science Magazine*** requested from FDA all records and correspondence between HHS and potential smallpox vaccine manufacturers on the subject of a possible new vaccine to fight the disease
- ***Smallpox Vaccine.*** A free lance writer for ***Science*** and other magazines requested that CDC provide all documents related to the development of a new generation smallpox vaccine.

Bacillus anthracis Los Alamos Study Group, Santa Fe, New Mexico, asked that CDC provide copies of form EA-101 and all related documents for the October 26, 2001 transfer of *Bacillus anthracis* to the Los Alamos National Lab.

Maine Medicare Contract. On November 27 ***Senator Olympia Snowe*** requested, on behalf of a constituent a copy of the Medicare contract for Maine.

ENERGY

- ***Sierra Club*** has requested information about meetings of the National Energy Policy Development Group with private individuals and groups.
- ***Seattle Post-Intelligencer*** has requested a copy of a report on the 60 day review of expressions of interest in using the Fast Flux Test Facility as a commercial production facility for medical isotopes in the treatment of cancer.

COMMERCE

- Received 12/5/01 from Christopher J. Farrell, ***Judicial Watch***, requesting information regarding the decision to give Advanced Cell Technology, a Massachusetts biotechnology firm, a \$1.8 million grant under the Advanced Technology Program in October 2001.
- Received 12/5/01 from Christopher J. Farrell, ***Judicial Watch***, requesting specified information regarding the Enron Corporation and its Chairman, Kenneth Lay.
- Received 12/5/01 from Giovanna Cinelli, ***Patton Boggs***, McLean, Virginia, requesting a copy of a 1978 Department of Commerce study entitled, *Export of Technical Data by Publication or Other Means of Dissemination: A Study Pursuant to Section 120 of the Export Administration Act of 1977*; and other studies, publications, policy papers, or written materials relating to the export of technical data by the academic community or through publication in general.

LABOR

- **GREEN RIVER PENTECOSTAL CHURCH, McKINNEY, KENTUCKY**
Ashley Nix, Paralegal, Law Offices of Sturgill, Turner, Barker & Moloney, Lexington, Kentucky, is seeking:

all materials relating to OSHA's investigation of the accident involving Bobby `Statom, Jacob Ison, and Shawn Reynolds which occurred on July 23, 2001 at Green River Pentecostal Church on Kentucky 698 in McKinney, Kentucky.

This request is currently being processed by the Occupational Safety and Health Administration. Date request received: October 25, 2001.

- **JIM WALTER RESOURCES, INC.'S NUMBER 5**

Jonathan C. Sapp, Esq., Law Offices of Warren & Sapp, Jasper, Alabama, is seeking:

any and all documents and information regarding the investigation of the death of Joseph Sorah, who worked at Jim Walter Resources, Inc.'s Number 5 Mine in Brookwood on September 24, 2001.

This request is currently being processed by the Mine Safety and Health Administration. Date request received: December 5, 2001.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 12/14/2001 6:07:21 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-DEC-2001 11:07:21.00

SUBJECT:: Re:

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Just talked to Tim about this. For now, we have to proceed with the group as is. If things change, he'll let us know.

Helgard C. Walker
12/14/2001 11:03:37 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, h. christopher
bartolomucci/who/eop@eop
bcc:
Subject: Re:

I agree. Who wants to raise this with TEF?

Brett M. Kavanaugh
12/14/2001 10:54:04 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP
Subject:

I understand that additional people in our office now could be made part of the program (6 to 8 for each office, I am told was the number stated by leadership). With that in mind, I say they get involved for next week.

REV_00137694

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 12/14/2001 6:12:37 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-DEC-2001 11:12:37.00
SUBJECT:: Re:
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Argh.

Noel J. Francisco
12/14/2001 11:07:13 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop,
h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re:

Just talked to Tim about this. For now, we have to proceed with the group as is. If things change, he'll let us know.

Helgard C. Walker
12/14/2001 11:03:37 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re:

I agree. Who wants to raise this with TEF?

Brett M. Kavanaugh
12/14/2001 10:54:04 AM
Record Type: Record

REV_00137700

To: Noel J. Francisco/WHO/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP
Subject:

I understand that additional people in our office now could be made part of the program (6 to 8 for each office, I am told was the number stated by leadership). With that in mind, I say they get involved for next week.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 12/14/2001 10:19:38 AM
Subject: : Re: Holiday Contact Info

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-DEC-2001 15:19:38.00
SUBJECT:: Re: Holiday Contact Info
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

You are a swell guy and I really appreciate your facilitating my being able to go to my birthday lunch party. Thanks!!!!!!

H. Christopher Bartolomucci
12/14/2001 03:11:46 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

If Brett does Sun. and Mon., and Noel does Thur. and Fri., I will do Tue. and Wed. Although I may need to arrive late on Tue.

Helgard C. Walker
12/14/2001 03:06:54 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Understood and appreciated. Chris, are you still willing to do Tues and Wed, since Brett has declined to cover me for Wed? If it's a problem I will suck it up and go for Tuesday night.

Noel J. Francisco
12/14/2001 03:04:19 PM
Record Type: Record

REV_00137702

To: Helgard C. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, h. christopher
bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c.
walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

I'm glad to work it all out, but I cannot be out of the office on Monday,
and I will already be travelling on Tuesday and Wednesday. So Thursday
night and Friday are really the only days that I can do.

Helgard C. Walker
12/14/2001 03:00:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Would that it were for real.

Brett M. Kavanaugh
12/14/2001 02:57:30 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

attempted humor

Helgard C. Walker
12/14/2001 02:56:40 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Is that for real or another attempt at humor?

Brett M. Kavanaugh
12/14/2001 02:56:04 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

kyle sunday; courtney monday and tuesday; brad wed-friday

REV_00137703

Helgard C. Walker
12/14/2001 02:53:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

While I have all of your attention, can we come to a resolution on next week's plan?

Brett M. Kavanaugh
12/14/2001 02:48:05 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

meant that to be funny, but lost in the e-mail nuance . . .

H. Christopher Bartolomucci
12/14/2001 02:47:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Aren't we snippy today?

Brett M. Kavanaugh
12/14/2001 02:46:13 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

dunno, dunno, and dunno; does anyone really think I plan that far in advance??

Noel J. Francisco
12/14/2001 02:30:11 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

REV_00137704

cc:

Subject: Holiday Contact Info

Please e-mail to me the dates that you will be travelling over the holidays, where you will be, and the numbers at which you can be contacted. Thanks.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 12/14/2001 6:25:58 AM
Subject: : Re: talked to bart

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-DEC-2001 11:25:58.00

SUBJECT:: Re: talked to bart

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

umm, throwing myself at your mercy i/l/o the facts that i did a long-term stint last week and this upcoming week is my birthday, i think it's you for thursday night and friday.

Noel J. Francisco
12/14/2001 11:15:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, noel j. francisco/who/eop@eop,
h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re: talked to bart

I am assuming that the plan is Brett (Sunday and Monday night); Bart (Tuesday and Wednesday night); and Helgi (Thursday night and Friday) (or is it me Thursday night and Friday)?

Brett M. Kavanaugh
12/14/2001 11:09:56 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re: talked to bart

I am ok with that plan if -- but only if -- no meetings I have to be at Monday. will keep you advised . . .

REV_00137706

Helgard C. Walker
12/14/2001 11:03:13 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: talked to bart

bart, could you do tues and wed? if so, i think we'll have a plan, as bk has indicated he is willing to consider sunday and monday night, though he is not committed.

the instant plan would be a second-choice alternative to expansion of the pool, as suggested by bk's prior email.

Noel J. Francisco
12/14/2001 10:51:38 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: H. Christopher Bartolomucci/WHO/EOP@EOP
bcc:
Subject: Re: talked to bart

I cannot do Wed. night. I can do Thurs. night (and Friday), if needed.

Helgard C. Walker
12/14/2001 10:46:23 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: talked to bart

can you do wed night and thurs night, into fri afternoon? if you can do that, everything will work out, i think, but need to nail down bk too.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 12/14/2001 6:29:14 AM
Subject: : Re: talked to bart

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-DEC-2001 11:29:14.00

SUBJECT:: Re: talked to bart

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

ok--I guess it's standard to get dispensation for an entire week because your birthday falls on one day during it (a day, I might add, that is not either Thursday or Friday). In accord with well-established American tradition, therefore, I will accede. Happy Birthday.

Helgard C. Walker
12/14/2001 11:25:49 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, helgard c. walker/who/eop@eop,
noel j. francisco/who/eop@eop, h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re: talked to bart

umm, throwing myself at your mercy i/l/o the facts that i did a long-term stint last week and this upcoming week is my birthday, i think it's you for thursday night and friday.

Noel J. Francisco
12/14/2001 11:15:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, noel j. francisco/who/eop@eop,
h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re: talked to bart

I am assuming that the plan is Brett (Sunday and Monday night); Bart

REV_00137710

(Tuesday and Wednesday night); and Helgi (Thursday night and Friday) (or is it me Thursday night and Friday)?

Brett M. Kavanaugh
12/14/2001 11:09:56 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, h. christopher
bartolomucci/who/eop@eop
bcc:
Subject: Re: talked to bart

I am ok with that plan if -- but only if -- no meetings I have to be at Monday. will keep you advised . . .

Helgard C. Walker
12/14/2001 11:03:13 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, Brett M.
Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: talked to bart

bart, could you do tues and wed? if so, i think we'll have a plan, as bk has indicated he is willing to consider sunday and monday night, though he is not committed.

the instant plan would be a second-choice alternative to expansion of the pool, as suggested by bk's prior email.

Noel J. Francisco
12/14/2001 10:51:38 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: H. Christopher Bartolomucci/WHO/EOP@EOP
bcc:
Subject: Re: talked to bart

I cannot do Wed. night. I can do Thurs. night (and Friday), if needed.

Helgard C. Walker
12/14/2001 10:46:23 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: talked to bart

can you do wed night and thurs night, into fri afternoon? if you can do that, everything will work out, i think, but need to nail down bk too.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 12/14/2001 10:44:33 AM
Subject: : Re: Holiday Contact Info

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-DEC-2001 15:44:33.00
SUBJECT:: Re: Holiday Contact Info
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

But has Brett signed on to Sunday and Monday nights?

Helgard C. Walker
12/14/2001 03:19:29 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

You are a swell guy and I really appreciate your facilitating my being able to go to my birthday lunch party. Thanks!!!!

H. Christopher Bartolomucci
12/14/2001 03:11:46 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

If Brett does Sun. and Mon., and Noel does Thur. and Fri., I will do Tue. and Wed. Although I may need to arrive late on Tue.

Helgard C. Walker
12/14/2001 03:06:54 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c.

REV_00137713

walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Understood and appreciated. Chris, are you still willing to do Tues and Wed, since Brett has declined to cover me for Wed? If it's a problem I will suck it up and go for Tuesday night.

Noel J. Francisco
12/14/2001 03:04:19 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, h. christopher
bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c.
walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

I'm glad to work it all out, but I cannot be out of the office on Monday, and I will already be travelling on Tuesday and Wednesday. So Thursday night and Friday are really the only days that I can do.

Helgard C. Walker
12/14/2001 03:00:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Would that it were for real.

Brett M. Kavanaugh
12/14/2001 02:57:30 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

attempted humor

Helgard C. Walker
12/14/2001 02:56:40 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Is that for real or another attempt at humor?

REV_00137714

Brett M. Kavanaugh
12/14/2001 02:56:04 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

kyle sunday; courtney monday and tuesday; brad wed-friday

Helgard C. Walker
12/14/2001 02:53:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

While I have all of your attention, can we come to a resolution on next week's plan?

Brett M. Kavanaugh
12/14/2001 02:48:05 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

meant that to be funny, but lost in the e-mail nuance . . .

H. Christopher Bartolomucci
12/14/2001 02:47:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Aren't we snippy today?

Brett M. Kavanaugh
12/14/2001 02:46:13 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

REV_00137715

dunno, dunno, and dunno; does anyone really think I plan that far in advance??

Noel J. Francisco
12/14/2001 02:30:11 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Holiday Contact Info

Please e-mail to me the dates that you will be travelling over the holidays, where you will be, and the numbers at which you can be contacted. Thanks.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN]
<Mario.Ugoletti@do.treas.gov>
Sent: 12/14/2001 11:31:13 AM
Subject: : FW: Side-by-side of House and Senate terrorism insurance bills
Attachments: P_WUTH4003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:14-DEC-2001 16:31:13.00
SUBJECT:: FW: Side-by-side of House and Senate terrorism insurance bills
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Some weekend reading -- I love giving out homework. An outline of what we think a melded House/Senate bill might look like will follow shortly.

Sheila
> -----Original Message-----
> From: DeMarco, Edward
> Sent: Friday, December 14, 2001 3:34 PM
> To: Bair, Sheila
> Cc: Hunt, Betty Ann; Ugoletti, Mario; Pedri, Melissa; McInerney, Roberta; Ellett, Martha
> Subject: Side-by-side of House and Senate terrorism insurance bills
> Importance: High
>
> is attached
>
> <<Billcomparisonamend6.doc>>
> - Billcomparisonamend6.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WUTH4003_WHO.TXT_1>

TERRORISM RISK INSURANCE COMPARISON

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Loss Sharing Program	<p>One-year program with one-year extension at the Secretary of the Treasury's (Secretary) discretion. Program administered by the Secretary.</p> <p><u>Per Company Deductible:</u> Each participating primary P&C company has a deductible established as its market share of gross premiums multiplied by \$10 billion. Once the company has paid insured losses equal to its deductible, it the Government pays 80% of additional losses incurred by that company and the company pays the remaining 20 percent. Once aggregate losses have reached \$10 billion, the loss sharing formula converts to 90/10. If aggregate losses exceed \$10 billion, the Secretary is responsible for determining each company's pro rata share of the government's loss-sharing payments.</p>	<p>One-year program administered by Secretary of the Treasury (Secretary) in which government provides "financial assistance" to commercial P&C insurance companies based on one of two "triggering events."</p> <p><u>(1) Industry-wide trigger:</u> If there is an "industry-wide triggering event" (described below), each insurer receives financial assistance equal to the difference between 90% of the insurer's net losses (net of reinsured losses) and \$5 million.</p> <p><u>Individual insurer trigger:</u> If there is an "individual insurer triggering event," each insurer eligible to receive financial assistance under the triggering determination receives financial assistance equal to the difference between 90% of its insured losses and 10% of its net P&C premiums (net of reinsurance premiums) in force at the time of the insured losses.</p> <ul style="list-style-type: none"> • If the Secretary subsequently determines that an industry-wide trigger has occurred, 10% of premium deductible is refunded, and the deductible under the industry-wide trigger is applied. • Coverage under the (individual insurer?) trigger applies only to those commercial insurers who were providing commercial P&C coverage prior to 9/11.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures (cont'd)	<p>Provides U.S. right of subrogation for any payment made by U.S. through program.</p> <p>No statute of limitations provision</p> <p>No limited damages provision.</p> <p>Provisions apply only while program is effective.</p> <p>No settlement provision</p> <p>No judgment satisfaction provision.</p> <p>No protective order provision.</p> <p>No arbitration provision.</p> <p>No attorney fees provision.</p>	<p>Provides U.S. right of subrogation for claims U.S. pays.</p> <p>No statute of limitations provision.</p> <p>Damages limited to insured party.</p> <p>Provisions apply only with respect to triggering determinations and do not in any way limit actions against terrorists or their conspirators.</p> <p>No settlement provision.</p> <p>Makes terrorist assets seized or frozen by U.S. liable to satisfy judgments for acts of terrorism. President may waive this requirement.</p> <p>Authorizes U.S. or Secretary of the Treasury to seek protective orders for classified information.</p> <p>Preserves contractual arbitration rights.</p> <p>The Court will decide on reasonable attorneys fees so that the fees will not exceed 20 percent of total damages.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Disclosure to policyholders	At time of offer, purchase, or renewal of each policy, insurance company must disclose to the policyholder the premium charged for losses covered by the program and the Federal share of compensation under the program. For in-force contracts, disclosure required within 90 days.	Sense of Congress that states should require disclosure of the price of any P&C insurance for acts of terrorism, including costs of terrorism related assessments or surcharges. If states do not enact disclosure guidelines, the Secretary of the Treasury and the NAIC should adopt guidelines requiring the disclosure.
Ability to sue terrorist or terrorist's country	Act does not limit ability of any plaintiff to recover from any person, government, or other entity that participated in or aided and abetted any act of terrorism.	Act does not limit ability of any plaintiff to recover from any person that participated in or aided and abetted any act of terrorism.
Insurance Industry Build-Up	Sense of Congress that insurance industry should build up its capacity to provide affordable coverage for terrorism risk.	No provision.
Tax Provision	No provision.	Secretary shall issue a study within 4 months on issues relating to permitting P&C companies to establish tax-deductible reserves against future acts of terrorism.
Participating Insurer's Reports	Every 6 months participating insurance companies must report to the NAIC the premium rates charged for insured losses, including an explanation of and justification for those rates. The NAIC must forward copies of those reports to the Secretary, the Commerce Secretary, the FTC, and GAO.	Each insurer may be required by the Secretary to submit to the Secretary or the NAIC a statement specifying the net premium amount of coverage written under each line of commercial P&C sold by the insurer during a specified period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Reports to Congress	<p>Secretary must report to Congress within 9 months the availability of life insurance and other lines of insurance coverage.</p> <p>No report on railroad and trucking insurance</p> <p>Secretary must report to Congress promptly on reasons for any extension of the program.</p> <p>No report on pooling.</p> <p>.</p> <p>The Secretary, the Secretary of Commerce, and the FTC shall submit joint reports to Congress and GAO summarizing and evaluating the reports received every 6 months on premium rates (see row above). These reports are due after 9 months and then 12 months later. The GAO shall evaluate these reports for Congress.</p>	<p>Presidentially appointed commission must report to Congress on life insurance within 120 days.</p> <p>Secretary must report to Congress on railroad and trucking insurance for acts of terrorism within 120 days.</p> <p>Reporting on extensions same as Senate bill.</p> <p>Secretary of Treasury, Federal Reserve Board, and GAO must report to Congress within 6 months of enactment on (1) the advisability of establishing a reinsurance pool for acts of terrorism to replace the Act's financial assistance program, and (2) the potential effects of the Internal Revenue Code amendments and any further changes to federal law that might be appropriate to encourage pooling.</p> <p>No report on premium rates.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Sunset Provisions	<p>The program sunsets on December 31, 2002. Secretary may extend to a second year.</p> <p><u>One-Year Extension:</u> The Secretary may determine, based on the findings of a mandated report, that the program should be extended for one year, to Dec. 31, 2003. In that event, the loss-sharing is the same as in the first year.</p>	<p>The program sunsets on January 1, 2003. Secretary may extend the program by not more than 2 years.</p> <p><u>Program Extension:</u> Aggregate industry obligation amount for assessments will be the lesser of</p> <p>(1) Difference between \$10 billion and aggregate amount of assessments made in the prior 12 months or,</p> <p>(2) the amount of financial assistance made available.</p>
Triggering Event	<p>Coverage commences when an individual participating insurance company's insured losses exceed its deductible.</p>	<p>Secretary makes a "triggering determination" that commercial P&C losses from one or more acts of terrorism exceed (1) \$1 billion industry-wide <u>or</u> (2) \$100 million industry-wide and losses for any single insurer exceed 10% of the insurer's capital surplus and 10% of its commercial P&C net premiums.</p>
Coverage Requirements	<p>Participating insurer must offer terrorism coverage in all its commercial P&C policies and may, within 21 days, opt-in to participate with respect to its personal lines. Terrorism coverage must not differ materially from its other P&C coverage. Policyholder must file claim with participating insurer, which processes the claim and submits it to the Secretary along with (1) verification of the claim and payments made to policyholder and (2) certification of compliance with the program.</p>	<p>None</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Cap on Coverage	\$100 billion annual losses, after which Congress decides the procedures for and source of any excess payments. Industry not liable over \$100 billion.	<p>Total amount of Federal financial assistance may not exceed an aggregate amount of \$100 billion.</p> <p>Sense of Congress that acts of terrorism resulting in insured losses greater than \$100 billion would necessitate further Congressional action.</p>
Recoupment of Federal Payments	None	<p>All Federal financial assistance must be repaid from <u>assessments and surcharges</u> imposed on all commercial P&C insurers and deposited into the general fund of the Treasury.</p> <p><u>Aggregate Assessments</u>: If losses from a single terrorist event are less than \$20 billion, financial assistance is repaid from a combination of an "industry obligation assessment" and, if necessary, one or more "financing assessments."</p> <ul style="list-style-type: none"> Both types of assessments are imposed on all commercial P&C insurers based on the ratio of the firm's net premiums to the industry's gross premiums for commercial P&C coverage. <p>(1) <u>Industry obligation assessment</u>: Capped at \$5 billion per year (\$10 billion in Years 2 and 3 if extended). If a triggering determination occurs within 12 months of a previous determination, the Assessments from the subsequent determination will be imposed at the end of the quarterly assessment period.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Recoupment of Federal Payments (cont'd)		<p><u>Surcharges:</u> If losses from one terrorist event exceed \$20 billion, surcharges are imposed to repay financial assistance exceeding \$20 billion.</p> <ul style="list-style-type: none"> • Surcharges are based on a percentage of commercial P&C net premiums and may extend over multiple years to recoup full federal payment. <p>The Secretary determines the amount and duration of the surcharge after weighing various factors including cost to taxpayers of not establishing a surcharge, economic conditions, affordability for small and medium-sized businesses, etc.</p> <ul style="list-style-type: none"> • Individual insurer's portion of surcharges may not exceed 3% of its annual written premiums. • Secretary may defer payments to avoid insolvency. <p><u>General:</u></p> <ul style="list-style-type: none"> • Secretary may defer payment of assessments and surcharges to avoid insolvency. • Secretary may impose civil penalties and/or charge interest for overdue assessments. <p>Secretary must prescribe manner and method, including amounts, of carrying out assessments and surcharges, taking into consideration various factors including impact on small businesses, cross-subsidization, and the various exposures of different lines of commercial P&C coverage.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Persons and Entities Covered	Defines "person" to mean individuals, businesses, nonprofits, trusts or estates, and state and local governments.	"Person" not defined.
Lines Covered	<p>Commercial P&C, including business interruption but not life or health.</p> <p>P&C companies have 21 days after enactment to notify the Secretary if they want to have their personal P&C lines included in the program.</p> <p>“Business interruption” covers temporary relocation expenses and ongoing expenses, including ordinary wages, where:</p> <p>(1) there is physical damage to point that business can’t open;</p> <p>(2) physical damage occurring to other property but preventing customers or employees from gaining physical access to business; <u>or</u></p> <p>(3) Government shuts down area because of physical or environmental damage, thereby preventing physical access to the business premises.</p> <p>Business interruption does not include lost profits unless entity is a small business under Small Business Act.</p>	<p>Commercial P&C, including loss of income or extra expense incurred because of losses or damage to property (i.e., business interruption). Excluded from coverage are: life and health insurance, insurance for professional liability, and insurance for homeowners, tenants, private passenger nonfleet automobiles, mobile homes, and any other insurance for personal, family, or household needs.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Participating Insurers	<p>Defined as any insurance company, including any subsidiary or affiliate, that is</p> <p>(1) licensed primary insurer or</p> <p>(2) unlicensed “eligible surplus line carrier” listed by the NAIC</p> <p>(3) that received direct premiums for any type of commercial P&C coverage or that, within 21 days, opt-in with respect to personal P&C lines.</p>	<p>Defined as any commercial P&C insurer, including affiliates, and expressly includes reinsurers and retrocessional insurers. Secretary of Treasury must ensure that Act applies to any offshore or non-admitted entities that provide commercial P&C insurance.</p>
Program Administrator and Authority	<p>Secretary of Treasury, who may: (1) investigate and audit claims; and (2) prescribe regulations and procedures; (3) employ persons or contract for services; (4) assess civil money penalties for violations of the Act or regulations or orders; and (5) prescribe criteria for participating insurance companies.</p>	<p>Secretary of Treasury, who: (1) must consult with state insurance regulators and NAIC; (2) may prescribe regulations and procedures; (3) may require insurers to report net premiums for each commercial P&C line; (4) may investigate and audit claims and require verification of premiums or losses; (5) may assess civil money penalties or interest for nonpayment of assessments and surcharges; (6) must prescribe manner and method of assessments and surcharges.</p>
Self-Insurance Arrangements	<p>The Secretary may, in consultation with NAIC, establish procedures allowing municipalities and other governmental or quasi-governmental entities operating through self-insurance arrangements to participate in the Program.</p>	<p>Secretary of the Treasury, in consultation with the NAIC, may apply Act to self-insurance arrangements by municipalities and other entities. This must be determined before the occurrence of a triggering event. All the provisions of the Act must be uniformly applied to these entities.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Definition of “Act of Terrorism”	<p>Act certified by the Secretary, in concurrence with Sec of State and Attorney General, that is</p> <ul style="list-style-type: none"> • Violent or dangerous to human life, property, or infrastructure within U.S. <u>(or outside U.S. for an air carrier)</u>; • is committed by an individual or group <u>acting on behalf of any foreign person or foreign interest</u>; and • is intended to coerce civilian population or influence policy or affect the conduct of the U.S. Government by coercion. <p>Excludes act of war declared by Congress. Excludes losses under \$5 million. Determinations are final and not subject to judicial review.</p>	<p>Act certified by the Secretary, in consultation with Attorney general and the Secretary of State.</p> <p>Requirements for "act of terrorism" are defined and specified by the Secretary in consultation with the NAIC. A terrorist act is:</p> <ul style="list-style-type: none"> • Unlawful; • causes harm in the U.S. to person, property, or entity, or in the case of a domestic U.S. air carrier or U.S. flag vessel, in or outside the U.S.; • is committed by a person or group of persons <u>recognized by the State Department or the Secretary of the Treasury as a terrorist group or conspirator either before or after such act</u>; and • is intended to destabilize a sovereign government or affect conduct of the United States government by coercion. <p>Excludes act of war. Certifications are not subject to judicial review</p>
Who Certifies that Loss was Caused by Act of Terrorism?	Secretary	Secretary of the Treasury, who also determines whether: (1) insured losses were caused by one or multiple events, and (2) the act of terrorism occurred during the covered period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Preemption / Coordination with State Regulators	<p>Preempts (1) state definitions of “act of terrorism” and (2) state rules requiring pre-approval of premiums or waiting periods for adopting premiums. (States may invalidate terrorism rates as excessive, inadequate, or unfairly discriminatory.)</p> <p>Provides that books and records of participating insurance companies shall be provided to the Secretary upon his request, notwithstanding state laws.</p> <p>No preemption unless specifically provided.</p>	<p>Preempts (1) state definitions of “act of terrorism;” (2) state rate laws to extent necessary to cover assessments and approval or other conditions to policy or rate effectiveness; and (3) any action other than filing of rates and policies with State insurance regulator to the extent that such law requires additional actions for terrorism insurance coverage. Does not limit implied preemption.</p> <p>Sense of Congress that NAIC and states should adopt:</p> <ul style="list-style-type: none"> • Consistent federal and state definitions of acts of terrorism; • Within 6 months, appropriate guidelines for reserves subject to Secretary of the Treasury adoption of national guidelines; and • Disclosure guidelines subject to Secretary of the Treasury’s adoption of national guidelines.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures	<p>Creates exclusive federal cause of action for covered terrorism acts. District court determines applicable law, based on choice of law principles.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to a <u>single</u> Federal District Court, which has original and exclusive jurisdiction. Cases filed in other federal or state courts are transferred/removed to the designated District Court.</p> <p>No offset provision.</p> <p>Amounts awarded in civil action that are attributable to punitive damages will not be included within the insured losses.</p> <p>No proportional liability provision.</p>	<p>Federal cause of action same as Senate bill, except based on law of state where act occurred.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to <u>one or more</u> Federal District Courts.</p> <p>Offsets plaintiff's recovery by any Federal disaster relief received.</p> <p>Disallows punitive damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p> <p>Requires proportional liability for non-economic damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p>

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN]
<Mario.Ugoletti@do.treas.gov>
Sent: 12/14/2001 11:37:05 AM
Subject: : FW: Side-by-side of House and Senate terrorism insurance bills
Attachments: P_T4UH4003_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:14-DEC-2001 16:37:05.00
SUBJECT:: FW: Side-by-side of House and Senate terrorism insurance bills
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Some weekend reading -- I love giving out homework. An outline of what we think a melded House/Senate bill might look like will follow shortly.

Sheila
> -----Original Message-----
> From: DeMarco, Edward
> Sent: Friday, December 14, 2001 3:34 PM
> To: Bair, Sheila
> Cc: Hunt, Betty Ann; Ugoletti, Mario; Pedri, Melissa; McInerney, Roberta; Ellett, Martha
> Subject: Side-by-side of House and Senate terrorism insurance bills
> Importance: High
>
> is attached
>
> <<Billcomparisonamend6.doc>>
> - Billcomparisonamend6.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_T4UH4003_OPD.TXT_1>

REV_00137734

TERRORISM RISK INSURANCE COMPARISON

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Loss Sharing Program	<p>One-year program with one-year extension at the Secretary of the Treasury's (Secretary) discretion. Program administered by the Secretary.</p> <p><u>Per Company Deductible:</u> Each participating primary P&C company has a deductible established as its market share of gross premiums multiplied by \$10 billion. Once the company has paid insured losses equal to its deductible, it the Government pays 80% of additional losses incurred by that company and the company pays the remaining 20 percent. Once aggregate losses have reached \$10 billion, the loss sharing formula converts to 90/10. If aggregate losses exceed \$10 billion, the Secretary is responsible for determining each company's pro rata share of the government's loss-sharing payments.</p>	<p>One-year program administered by Secretary of the Treasury (Secretary) in which government provides "financial assistance" to commercial P&C insurance companies based on one of two "triggering events."</p> <p><u>(1) Industry-wide trigger:</u> If there is an "industry-wide triggering event" (described below), each insurer receives financial assistance equal to the difference between 90% of the insurer's net losses (net of reinsured losses) and \$5 million.</p> <p><u>Individual insurer trigger:</u> If there is an "individual insurer triggering event," each insurer eligible to receive financial assistance under the triggering determination receives financial assistance equal to the difference between 90% of its insured losses and 10% of its net P&C premiums (net of reinsurance premiums) in force at the time of the insured losses.</p> <ul style="list-style-type: none"> • If the Secretary subsequently determines that an industry-wide trigger has occurred, 10% of premium deductible is refunded, and the deductible under the industry-wide trigger is applied. • Coverage under the (individual insurer?) trigger applies only to those commercial insurers who were providing commercial P&C coverage prior to 9/11.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures (cont'd)	<p>Provides U.S. right of subrogation for any payment made by U.S. through program.</p> <p>No statute of limitations provision</p> <p>No limited damages provision.</p> <p>Provisions apply only while program is effective.</p> <p>No settlement provision</p> <p>No judgment satisfaction provision.</p> <p>No protective order provision.</p> <p>No arbitration provision.</p> <p>No attorney fees provision.</p>	<p>Provides U.S. right of subrogation for claims U.S. pays.</p> <p>No statute of limitations provision.</p> <p>Damages limited to insured party.</p> <p>Provisions apply only with respect to triggering determinations and do not in any way limit actions against terrorists or their conspirators.</p> <p>No settlement provision.</p> <p>Makes terrorist assets seized or frozen by U.S. liable to satisfy judgments for acts of terrorism. President may waive this requirement.</p> <p>Authorizes U.S. or Secretary of the Treasury to seek protective orders for classified information.</p> <p>Preserves contractual arbitration rights.</p> <p>The Court will decide on reasonable attorneys fees so that the fees will not exceed 20 percent of total damages.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Disclosure to policyholders	At time of offer, purchase, or renewal of each policy, insurance company must disclose to the policyholder the premium charged for losses covered by the program and the Federal share of compensation under the program. For in-force contracts, disclosure required within 90 days.	Sense of Congress that states should require disclosure of the price of any P&C insurance for acts of terrorism, including costs of terrorism related assessments or surcharges. If states do not enact disclosure guidelines, the Secretary of the Treasury and the NAIC should adopt guidelines requiring the disclosure.
Ability to sue terrorist or terrorist's country	Act does not limit ability of any plaintiff to recover from any person, government, or other entity that participated in or aided and abetted any act of terrorism.	Act does not limit ability of any plaintiff to recover from any person that participated in or aided and abetted any act of terrorism.
Insurance Industry Build-Up	Sense of Congress that insurance industry should build up its capacity to provide affordable coverage for terrorism risk.	No provision.
Tax Provision	No provision.	Secretary shall issue a study within 4 months on issues relating to permitting P&C companies to establish tax-deductible reserves against future acts of terrorism.
Participating Insurer's Reports	Every 6 months participating insurance companies must report to the NAIC the premium rates charged for insured losses, including an explanation of and justification for those rates. The NAIC must forward copies of those reports to the Secretary, the Commerce Secretary, the FTC, and GAO.	Each insurer may be required by the Secretary to submit to the Secretary or the NAIC a statement specifying the net premium amount of coverage written under each line of commercial P&C sold by the insurer during a specified period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Reports to Congress	<p>Secretary must report to Congress within 9 months the availability of life insurance and other lines of insurance coverage.</p> <p>No report on railroad and trucking insurance</p> <p>Secretary must report to Congress promptly on reasons for any extension of the program.</p> <p>No report on pooling.</p> <p>.</p> <p>The Secretary, the Secretary of Commerce, and the FTC shall submit joint reports to Congress and GAO summarizing and evaluating the reports received every 6 months on premium rates (see row above). These reports are due after 9 months and then 12 months later. The GAO shall evaluate these reports for Congress.</p>	<p>Presidentially appointed commission must report to Congress on life insurance within 120 days.</p> <p>Secretary must report to Congress on railroad and trucking insurance for acts of terrorism within 120 days.</p> <p>Reporting on extensions same as Senate bill.</p> <p>Secretary of Treasury, Federal Reserve Board, and GAO must report to Congress within 6 months of enactment on (1) the advisability of establishing a reinsurance pool for acts of terrorism to replace the Act's financial assistance program, and (2) the potential effects of the Internal Revenue Code amendments and any further changes to federal law that might be appropriate to encourage pooling.</p> <p>No report on premium rates.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Sunset Provisions	<p>The program sunsets on December 31, 2002. Secretary may extend to a second year.</p> <p><u>One-Year Extension:</u> The Secretary may determine, based on the findings of a mandated report, that the program should be extended for one year, to Dec. 31, 2003. In that event, the loss-sharing is the same as in the first year.</p>	<p>The program sunsets on January 1, 2003. Secretary may extend the program by not more than 2 years.</p> <p><u>Program Extension:</u> Aggregate industry obligation amount for assessments will be the lesser of</p> <p>(1) Difference between \$10 billion and aggregate amount of assessments made in the prior 12 months or,</p> <p>(2) the amount of financial assistance made available.</p>
Triggering Event	<p>Coverage commences when an individual participating insurance company's insured losses exceed its deductible.</p>	<p>Secretary makes a "triggering determination" that commercial P&C losses from one or more acts of terrorism exceed (1) \$1 billion industry-wide <u>or</u> (2) \$100 million industry-wide and losses for any single insurer exceed 10% of the insurer's capital surplus and 10% of its commercial P&C net premiums.</p>
Coverage Requirements	<p>Participating insurer must offer terrorism coverage in all its commercial P&C policies and may, within 21 days, opt-in to participate with respect to its personal lines. Terrorism coverage must not differ materially from its other P&C coverage. Policyholder must file claim with participating insurer, which processes the claim and submits it to the Secretary along with (1) verification of the claim and payments made to policyholder and (2) certification of compliance with the program.</p>	<p>None</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Cap on Coverage	\$100 billion annual losses, after which Congress decides the procedures for and source of any excess payments. Industry not liable over \$100 billion.	<p>Total amount of Federal financial assistance may not exceed an aggregate amount of \$100 billion.</p> <p>Sense of Congress that acts of terrorism resulting in insured losses greater than \$100 billion would necessitate further Congressional action.</p>
Recoupment of Federal Payments	None	<p>All Federal financial assistance must be repaid from <u>assessments</u> and <u>surcharges</u> imposed on all commercial P&C insurers and deposited into the general fund of the Treasury.</p> <p><u>Aggregate Assessments</u>: If losses from a single terrorist event are less than \$20 billion, financial assistance is repaid from a combination of an "industry obligation assessment" and, if necessary, one or more "financing assessments."</p> <ul style="list-style-type: none"> Both types of assessments are imposed on all commercial P&C insurers based on the ratio of the firm's net premiums to the industry's gross premiums for commercial P&C coverage. <p>(1) <u>Industry obligation assessment</u>: Capped at \$5 billion per year (\$10 billion in Years 2 and 3 if extended). If a triggering determination occurs within 12 months of a previous determination, the Assessments from the subsequent determination will be imposed at the end of the quarterly assessment period.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Recoupment of Federal Payments (cont'd)		<p><u>Surcharges:</u> If losses from one terrorist event exceed \$20 billion, surcharges are imposed to repay financial assistance exceeding \$20 billion.</p> <ul style="list-style-type: none"> • Surcharges are based on a percentage of commercial P&C net premiums and may extend over multiple years to recoup full federal payment. <p>The Secretary determines the amount and duration of the surcharge after weighing various factors including cost to taxpayers of not establishing a surcharge, economic conditions, affordability for small and medium-sized businesses, etc.</p> <ul style="list-style-type: none"> • Individual insurer's portion of surcharges may not exceed 3% of its annual written premiums. • Secretary may defer payments to avoid insolvency. <p><u>General:</u></p> <ul style="list-style-type: none"> • Secretary may defer payment of assessments and surcharges to avoid insolvency. • Secretary may impose civil penalties and/or charge interest for overdue assessments. <p>Secretary must prescribe manner and method, including amounts, of carrying out assessments and surcharges, taking into consideration various factors including impact on small businesses, cross-subsidization, and the various exposures of different lines of commercial P&C coverage.</p>

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Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
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Program Administrator and Authority	<p>Secretary of Treasury, who may: (1) investigate and audit claims; and (2) prescribe regulations and procedures; (3) employ persons or contract for services; (4) assess civil money penalties for violations of the Act or regulations or orders; and (5) prescribe criteria for participating insurance companies.</p>	<p>Secretary of Treasury, who: (1) must consult with state insurance regulators and NAIC; (2) may prescribe regulations and procedures; (3) may require insurers to report net premiums for each commercial P&C line; (4) may investigate and audit claims and require verification of premiums or losses; (5) may assess civil money penalties or interest for nonpayment of assessments and surcharges; (6) must prescribe manner and method of assessments and surcharges.</p>
Self-Insurance Arrangements	<p>The Secretary may, in consultation with NAIC, establish procedures allowing municipalities and other governmental or quasi-governmental entities operating through self-insurance arrangements to participate in the Program.</p>	<p>Secretary of the Treasury, in consultation with the NAIC, may apply Act to self-insurance arrangements by municipalities and other entities. This must be determined before the occurrence of a triggering event. All the provisions of the Act must be uniformly applied to these entities.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Definition of “Act of Terrorism”	<p>Act certified by the Secretary, in concurrence with Sec of State and Attorney General, that is</p> <ul style="list-style-type: none"> • Violent or dangerous to human life, property, or infrastructure within U.S. <u>(or outside U.S. for an air carrier)</u>; • is committed by an individual or group <u>acting on behalf of any foreign person or foreign interest</u>; and • is intended to coerce civilian population or influence policy or affect the conduct of the U.S. Government by coercion. <p>Excludes act of war declared by Congress. Excludes losses under \$5 million. Determinations are final and not subject to judicial review.</p>	<p>Act certified by the Secretary, in consultation with Attorney general and the Secretary of State.</p> <p>Requirements for "act of terrorism" are defined and specified by the Secretary in consultation with the NAIC. A terrorist act is:</p> <ul style="list-style-type: none"> • Unlawful; • causes harm in the U.S. to person, property, or entity, or in the case of a domestic U.S. air carrier or U.S. flag vessel, in or outside the U.S.; • is committed by a person or group of persons <u>recognized by the State Department or the Secretary of the Treasury as a terrorist group or conspirator either before or after such act</u>; and • is intended to destabilize a sovereign government or affect conduct of the United States government by coercion. <p>Excludes act of war. Certifications are not subject to judicial review</p>
Who Certifies that Loss was Caused by Act of Terrorism?	Secretary	Secretary of the Treasury, who also determines whether: (1) insured losses were caused by one or multiple events, and (2) the act of terrorism occurred during the covered period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Preemption / Coordination with State Regulators	<p>Preempts (1) state definitions of “act of terrorism” and (2) state rules requiring pre-approval of premiums or waiting periods for adopting premiums. (States may invalidate terrorism rates as excessive, inadequate, or unfairly discriminatory.)</p> <p>Provides that books and records of participating insurance companies shall be provided to the Secretary upon his request, notwithstanding state laws.</p> <p>No preemption unless specifically provided.</p>	<p>Preempts (1) state definitions of “act of terrorism;” (2) state rate laws to extent necessary to cover assessments and approval or other conditions to policy or rate effectiveness; and (3) any action other than filing of rates and policies with State insurance regulator to the extent that such law requires additional actions for terrorism insurance coverage. Does not limit implied preemption.</p> <p>Sense of Congress that NAIC and states should adopt:</p> <ul style="list-style-type: none"> • Consistent federal and state definitions of acts of terrorism; • Within 6 months, appropriate guidelines for reserves subject to Secretary of the Treasury adoption of national guidelines; and • Disclosure guidelines subject to Secretary of the Treasury’s adoption of national guidelines.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures	<p>Creates exclusive federal cause of action for covered terrorism acts. District court determines applicable law, based on choice of law principles.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to a <u>single</u> Federal District Court, which has original and exclusive jurisdiction. Cases filed in other federal or state courts are transferred/removed to the designated District Court.</p> <p>No offset provision.</p> <p>Amounts awarded in civil action that are attributable to punitive damages will not be included within the insured losses.</p> <p>No proportional liability provision.</p>	<p>Federal cause of action same as Senate bill, except based on law of state where act occurred.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to <u>one or more</u> Federal District Courts.</p> <p>Offsets plaintiff's recovery by any Federal disaster relief received.</p> <p>Disallows punitive damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p> <p>Requires proportional liability for non-economic damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p>

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>
Sent: 12/14/2001 11:53:25 AM
Subject: : 9:30 Insurance Call-in #s

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-DEC-2001 16:53:25.00

SUBJECT:: 9:30 Insurance Call-in #s

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

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TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

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TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])

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READ:UNKNOWN

TO:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])

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The call-in numbers for next week's Insurance Conference call are:

call-in pass code

Monday, 12/17 456-2565 & 456-2561 0538

Tuesday, 12/18 622-9555 686997

Wednesday, 12/19 622-9555 686997

Thursday, 12/20 456-2565 & 456-2561 1568

Friday, 12/21 622-9555 686997

Thanks,

Leslie

From: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
To: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; ("Coniglio, Peter J <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/PCONIGLIO%JCON"@intmail.usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 12/14/2001 8:43:38 AM
Subject: : judicial media review
Attachments: P_SHLH4003_WHO.TXT_1.wpd

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<Andrew.Schauder2@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:14-DEC-2001 13:43:38.00

SUBJECT:: judicial media review

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TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
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TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Please see attached review

- Judicial Media Review 12-13-01.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_SHLH4003_WHO.TXT_1>

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Media Review - Judicial Nominations

Thursday, December 13, 2001

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"Senate Considers Judicial Nominees," Jesse Holland, <i>The Associated Press</i> , December 13, 2001	<u>4</u>
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"Feminist Groups Target Bush Judicial Nominees," Audrey Hudson, <i>The Washington Times</i> , December 11, 2001	<u>10</u>
"State Legal Figures Support David Bunning," Frank Lockwood, <i>The Lexington Herald Leader</i> , December 11, 2001	<u>12</u>
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"GOP vs, ABA; The Old Fight Flares Again," Byron York, <i>The National Review</i> , December 11, 2001	<u>18</u>

president has the right to determine the politics of his judicial nominees. The Senate's job is to pass on their character and credentials."

Dayton said he hopes that despite his criticism of the process, his relationship with Ramstad "will continue intact."

Saying he has "great respect" for the congressman, he said they both have "important work to do together."

White House officials informed Ramstad, Dayton and Sen. Paul Wellstone early last week of Bush's choice, but asked them to keep it confidential pending completion of an FBI background check. Dayton said his office was informed on Dec. 4, but he would not say who the White House selected.

Last week, as Ramstad publicly defended his recommendation of his sister, he knew that the White House had already passed her over.

Ramstad said Wednesday that all three of his candidates were "highly qualified" and that "any announcement concerning the president's nomination will come from the White House."

Feminist Groups Target Bush Judicial Nominees

By Audrey Hudson
The Washington Times
Tuesday, December 11, 2001

Liberal and feminist groups are gearing up for a "nasty and contentious fight" against President Bush's judicial nominees who do not support abortion, according to documents obtained by The Washington Times.

The Ms. Foundation, National Organization for Women and Alliance for Justice are holding press conferences this week to criticize nominees and coordinate their activities with Democratic senators.

Beginning today, "Democratic Senators will take to the floor of the Senate to press the importance of scrutinizing and reviewing nominees," a circulating memo says. The groups are encouraging their members to e-mail letters to those senators echoing their support.

A senate aide said Republicans are surprised at the extent of coordination among the groups and Democratic leaders to stall nominees.

"This is unbelievable coordination at its worst against President Bush's judicial and administrative nominations, who need to be confirmed as soon as possible to help us fight the war on terrorism and serve Americans," the aide said.

The memo detailing a Dec. 6 conference call also cited the groups' displeasure with the American Bar Association for reviewing only a judicial candidate's legal background, "not their stand on choice or their temperament."

The group's first major battle will be over the nomination of Charles Pickering Sr. to the 5th Circuit Court. Mr. Pickering was first appointed to the U.S. District Court for the Southern District of Mississippi by President Bush's father.

"We can win on that fight, but it will be nasty and contentious," the memo says. It contends that Mr. Pickering has a "troubling record on civil and reproductive rights" and "wants to ban abortion."

Also targeted for delay are the nominations of John Roberts for the D.C. Circuit Court, Michael McConnell to the 10th Circuit and Carolyn Kuhl to the 9th Circuit.

The groups are planning letter-writing campaigns to senators, visits to newspaper editorial boards and a letter-writing campaign to national newspapers.

Senate Republicans have been complaining about the slow pace of the confirmation process over the past several weeks. Minority Leader Trent Lott, Mississippi Republican, has said the Senate under Democratic rule has become a "black hole of inactivity."

Mr. Bush has nominated 64 district and circuit court judges, of which 21 have been confirmed by the Senate.

That's a 33 percent confirmation rate compared to the 57 percent first-year rate for President Clinton, 63 percent for Mr. Bush's father, and 91 percent for President Reagan. Yesterday, Mr. Bush's only judicial nominee rated "unqualified" by the American Bar Association (ABA) skated through his Senate confirmation hearing with no opposition from Democrats. However, a committee or full Senate vote has not been scheduled.

Assistant U.S. Attorney David L. Bunning, son of Republican Kentucky Sen. Jim Bunning, is nominated to the Eastern District Court of Kentucky.

Sen. Patrick J. Leahy, Judicial Committee chairman and the only Democrat to attend the hearing, highlighted the ABA's concerns but did not hammer the issue.

"Mr. Bunning comes highly recommended by his home state senators, and that has always been a matter that people on both sides of the aisles have looked at, but the ABA finds him not qualified, which means a closer look [is needed]," Mr. Leahy said.

The ABA ranking does not automatically disqualify Mr. Bunning but means "every senator has to make up their mind," Mr. Leahy said.

Two members of the ABA's standing committee on the federal judiciary testified about its rating.

David Weiner of the ABA said his negative conclusion was based on interviews with circuit judges and other anonymous interviews, along with a study of Mr. Bunning's legal writing style, which he called "plain."

He said Mr. Bunning's 10 years of experience is two years short of the ABA rule, and he has limited experience working only for the government — as opposed to private practice — in civil matters.

"I have had only one client, the United States, but that client has taught me to respect the rule of law," Mr. Bunning said.

Mr. Weiner drew the ire of Sen. Mitch McConnell, Kentucky Republican, and other judges on the District Court testifying on behalf of Mr. Bunning, by suggesting Mr. Bunning was not qualified because he attended the University of Kentucky law school, rather than an Ivy League school, and graduated with an average ranking.

"As another UK graduate who graduated in the middle of his class, I thought that stung a little bit," Mr. McConnell said. "First of all, Mr. Weiner, I would not hold my breath on being invited to address the University of Kentucky's alumni law association."

State Legal Figures Support David Bunning

By Frank Lockwood
The Lexington Herald Leader
Tuesday, December 11, 2001

Assistant U.S. Attorney David Bunning doesn't have enough experience, intellect and "legal enthusiasm" to merit a lifetime appointment to the federal bench, an American Bar Association official told senators yesterday.

But Kentucky judges and lawyers told the Senate Judiciary Committee that U.S. Sen. Jim Bunning's son has the right work ethic, talents and temperament to be a successful federal district judge.

The ABA, the nation's most influential legal group, has called Bunning "not qualified" -- the only one of George W. Bush's 64 judicial nominees the group has rejected.

Under ABA guidelines, nominees for district judge should have a minimum of 12 years of legal experience. Bunning, 35, has 10. At yesterday's hearing, ABA investigator David Weiner, a Cleveland attorney, said David Bunning has "limited and shallow" experience handling civil cases. Weiner said Bunning's writing style "revealed little advocacy or elegance."

Weiner, a Georgetown University graduate, also criticized Bunning for being a B student at the University of Kentucky College of Law, saying the "law school is not highly ranked" and Bunning's "middle-of-the-class law school record does not speak well for him."

Weiner's assessment wasn't shared by everyone on the ABA panel, however.

A second ABA investigator, Judah Best of Washington, D.C., recommended that Bunning be declared qualified.

Best told the committee the ABA panel had been distracted by "background chatter" -- unhappiness with David Bunning's age and family ties -- instead of looking at Bunning's "competence, temperament and integrity."

Best said Bunning is respected by his colleagues in the Kentucky legal community.

"He stands above the crowd -- that's the message that comes through from all the interviews that I undertook," he said.

Three federal judges from Kentucky, Henry Wilhoit, Karl Forester and Joseph Hood, also came to Washington to vouch for Bunning.

"I can say to you, without hesitation, that David Bunning has what it takes," said Wilhoit. "If he does not become a great district court judge, his mother's going to kill him."

Hood said Bunning is "a man of substance."

Former U.S. Attorney Joseph Famularo, a Clinton appointee, asked the committee to approve Bunning's nomination.

Kentucky Attorney General Albert B. Chandler III, another Democrat, also sent a letter of support, calling Bunning "an exceptionally knowledgeable, skilled and hard-working attorney."

Yesterday, David Bunning, who has worked for 10 years with the U.S. attorney's office, first in Lexington and now in Covington, asked lawmakers to consider his accomplishments as a federal prosecutor and his commitment to justice.

"I believe that the nature and depth of a nominee's experience are more relevant than the amount of time I've been a lawyer," he said. "I took an oath in 1991 to uphold the Constitution and I've worked diligently and tirelessly over the past 10 years to do that."

A failing grade from the ABA isn't necessarily fatal. During the Clinton administration, the group declared four judicial picks to be "unqualified." Three of those four became judges anyway.

Two other judicial nominees for Kentucky, Karen Caldwell and Danny Reeves, already have been approved. To join them, Bunning will first need to be approved by the committee, then be confirmed by the Democratic-controlled Senate.

During yesterday's hearing, Republican lawmakers lauded Bunning and occasionally lambasted the ABA, which has rated judicial nominees since the Eisenhower administration.

U.S. Sen. Orrin Hatch, R-Utah, warned of "a growing public perception that the ABA's evaluation is arbitrary and capricious and may be tainted by politics."

U.S. Sen. Mitch McConnell, a UK College of Law graduate, accused the ABA of "elitism" and blasted ABA officials for making derogatory remarks about his alma mater.

As committee members quizzed David Bunning and the other witnesses, his father sat silently on the second row, listening intently to the debate.

"I was kind of emotional ... I was nervous," Jim Bunning said afterward. "I wanted him to do extremely well and I thought he handled himself extremely well."

Complaint Filed Over Justice's Travel Expenses

By Andrew Welsh-Huggins
The Associated Press
Tuesday, December 11, 2001

A legal complaint says Justice Deborah Cook of the Ohio Supreme Court improperly requested travel expenses from her Akron home, but Cook said court officials signed off on her plan to give up a state car and bill for mileage instead.

David Palmer, a self-proclaimed judicial watchdog from suburban Powell, filed the complaint Tuesday. A Franklin County Municipal Court judge scheduled a hearing for Wednesday. Palmer said Cook improperly billed the state \$2,105 for mileage from Akron to Columbus from November 1999 to May. He says court rules prohibit justices from receiving mileage reimbursement.

Cook is the only justice who doesn't use a state car, court spokesman Jay Wuebbold said Tuesday.

"If you're simply going to file for mileage, it's going to be a considerable savings for the court and the

budget," Wuebbold said.

Cook, a Republican, said she gave up her state car about three years ago, saying there were too many restrictions on its use. Even when she had the state car, she paid for her own gas, she said.

Court officials told her she had the option to receive mileage reimbursement if she gave the car up, she said.

"The most important thing to me is that I take matters of the public trust very seriously and so the fact that something's even questioned is a concern to me," she said.

Palmer's complaint covers the most recent reporting periods. Cook said she has continued to drive her own car since May.

Palmer has filed more than 60 felony theft-in-office charges since April, accusing nine visiting judges of intentionally overbilling counties for daily pay, meals and lodging. Several of the judges attributed discrepancies in their bills to clerical errors.

Since Palmer first accused the judges of overbilling, more than \$8,700 has been collected from appointed judges who were overpaid by the Supreme Court.

President Bush nominated Cook to a vacancy on the U.S. 6th U.S. Circuit Court of Appeals in May.

The Senate Judiciary Committee has yet to examine most of Bush's judicial nominations.

Johnson Approved to Serve on U.S. District Court

The Associated Press

Thursday, December 13, 2001

William "Chip" Johnson of Roswell was confirmed by the Senate Thursday to serve as a U.S. District judge in New Mexico.

Congressional action on the matter is now complete and Johnson is expected to be sworn in. "Judge Johnson has built a solid record in New Mexico as a fair and compassionate judge," Sen. Pete Domenici said.

Domenici recommended Johnson for the position and the nomination was supported by Sen. Jeff Bingaman, D-N.M.

"William Johnson has been given high marks for the time he has spent as a state district judge and before that he earned a solid reputation in private legal practice," Bingaman said.

Johnson has served as a state district judge since 1995.

Johnson graduated from Washington and Lee University School of Law in 1985 and spent nearly a decade working as an associate and partner at Hinkle, Cox, Eaton, Coffield & Hensley in Roswell. He currently serves on the New Mexico Juvenile Justice Advisory Committee and the state Drug Enforcement Advisory Committee.

The nomination of M. Christina Armijo of Las Vegas was confirmed last month.

Justice Cook Charged with Illegal Billing for Mileage

By T.C. Brown

The Plain Dealer

Wednesday, December 13, 2001

Ohio Supreme Court Justice Deborah Cook improperly billed the state for more than \$2,100 in mileage expenses, according to complaints filed yesterday.

A judge will hold a probable cause hearing today in Franklin County Common Pleas Court, where nine separate charges were filed by a citizen.

The misdemeanor allegations come at a critical point in Cook's career. President George W. Bush nominated Cook in May for a seat on the 6th U.S. Circuit Court of Appeals and just last week scolded the Senate for failing to hold confirmation hearings on Cook and other nominees. Cook said she has done nothing wrong and, while she was surprised, she was not concerned that the allegations would taint her nomination.

"I take this very seriously, but I am disappointed that this is being made into an issue where it seems this matter was handled entirely appropriately," Cook said.

The charges were filed by self-appointed judicial watchdog David Palmer, of Powell, a Columbus suburb. They cover a series of payments to Cook from November 1999 until May for reimbursement for travel from her Akron home to the Supreme Court.

Judicial rules prohibit travel reimbursement in such instances. "It's pretty nickel-and-dime, but she is not entitled to this," Palmer said. "She knew they were not going to move the Supreme Court to Akron when she got elected."

Cook, first elected in 1995, said she gave up her state car in 1998. The court administrator

approved her reimbursement for mileage, she said.

Cook said she is aware of the travel regulations but believes it refers to judges who commute locally.

Palmer said he faxed letters of his findings to Bush and senators on the Judiciary Committee, which has hearings on federal judicial candidates.

Mike Dawson, a spokesman for Ohio Sen. Mike DeWine, said the senator was not concerned about Cook's nomination based on the information available.

Mimi Devlin, a spokeswoman for the Senate Judiciary Committee, had no comment.

Cook earns \$102,750 annually.

Hearing Ends Case Against Justice Cook; Prosecutor Cites a Lack of Evidence

By T.C. Brown

The Plain Dealer

Thursday, December 13, 2001

A Franklin County judge yesterday dismissed complaints filed by a citizen that Ohio Supreme Court Justice Deborah Cook had improperly billed the state for mileage expenses.

Common Pleas Judge James Green dismissed the complaint after Ted Barrows, a Columbus assistant city prosecutor, told Green that a lack of evidence would force him to seek a dismissal if the judge found probable cause to proceed.

Self-appointed judicial watchdog David Palmer had filed nine complaints against Cook, saying she had been compensated by the state for \$2,100 in travel expenses between her home in Akron and Columbus between November 1999 and May. Court regulations prohibit travel expenses for commuting. Barrows said that Cook did not violate state regulations by receiving reimbursement for travel, so the complaint was flawed. He also pointed out that Cook had administrative approval for the expenses after she gave up a state car, and she could have included travel from her Akron office to the Supreme Court, which would be legal.

"The state does not have grounds to ask the court to find probable cause," Barrows said.

Columbus lawyer John Zeiger, representing Cook, called Palmer's allegations unfair. Cook is awaiting a confirmation hearing by the Senate Judiciary Committee for a seat on the 6th U.S. Circuit Court of Appeals.

"This was all approved consistent with the Supreme Court rules," Zeiger said. "The complaining

witness just did not understand."

Palmer said he based his complaint, in part, on a letter he received from a court administrator, Richard Dove, which said that Cook was reimbursed for travel between her home and court sessions in Columbus. The regulations require a waiver from the court for reimbursement, Palmer said.

Dove said he had presumed Cook was traveling from home. No waiver memo has been found since Cook started using her car, Dove said.

"But Administrator Steve Hollon has signed off on those travel vouchers, and that is an implicit waiver," Dove said.

GOP vs. ABA; The Old Fight Flares Again

By Byron York

The National Review

Tuesday, December 11, 2001

Although it has been out of sight since President Bush took away the American Bar Association's formal role in assessing judicial nominees, the long-running feud between Republicans and the ABA hasn't gone away. And on Capitol Hill Monday, it came roaring back into view.

The issue was the nomination of David Bunning, son of Kentucky senator Jim Bunning, to a seat on the U.S. District Court in Kentucky. After the younger Bunning was nominated by the White House in August, the ABA began an investigation into his qualifications (after Bush took away its formal role in the judicial-selection process, the ABA continued doing candidate evaluations, only without the traditional early notification from the White House). Recently, Bunning became the first Bush-administration nominee to receive a "not qualified" rating from a majority of the ABA's committee on the federal judiciary.

Bunning, 35, has been an assistant United States Attorney for ten years and has prosecuted hundreds of cases. The ABA said his ten years of experience fell short of the 12 years of experience it feels is best for judicial candidates. ABA evaluators also said the nature and quality of Bunning's experience did not meet its standards.

Members of the ABA evaluating committee appeared before the Judiciary Committee Monday to explain their decision. In a harsh assessment of Bunning's qualifications, David Weiner, a member of the ABA committee, told the panel that Bunning's experience in civil cases was "very limited and very shallow." Weiner said Bunning's criminal-case experience was "not of the type that calls for particularly challenging lawyering," and that Bunning's writings "read very much like the work of a young associate."

In addition, Weiner was unimpressed with Bunning's decision to attend the University of Kentucky for both undergraduate and law-school training. Weiner cited what he called Bunning's "lack of academic achievement" and said his "middle-of-the-class law school record does not speak well for him." Finally, Weiner said Bunning showed "no intellectual spark or legal enthusiasm that carried the day with our committee."

On the other side, Republicans presented a panel of three federal judges from Kentucky who had presided over dozens of cases in which Bunning represented the United States. "I think he possesses a strong intellectual capacity and very good writing skills," said U.S. District Court chief judge Karl

Forester. "His professional character is beyond reproach." "Can the candidate recognize legal issues? How is his analysis?" asked retired judge Henry Wilhoit, who heard more than 60 cases involving Bunning. "David Bunning has what it takes."

The committee also heard from an ABA investigator who did a second review of Bunning's work. In a few cases in which the ABA committee finds a candidate not qualified, officials call in another investigator to assess the assessment. In Bunning's case, they asked Judah Best, a former chairman of the ABA committee, to take another look at Bunning's qualifications. Best told the committee that he found Bunning to be qualified and discovered that several "distracting issues" — including resentment over Bunning's influential father and questions of whether Bunning was too young to take the bench — played a role in the ABA's original negative assessment. (Bunning was sponsored by Kentucky senator Mitch McConnell and by ranking Republican Orrin Hatch, while his father sat in the audience.)

Beyond Bunning's qualifications, the hearing re-opened public debate over the ABA's methods. Republicans are particularly unhappy with the ABA's practice of providing the committee with a one-sentence, qualified/not qualified evaluation of each nominee. In addition, the bar association does not allow senators to see the files from its investigation. Hatch wondered why the Senate, which regularly requests and receives files from FBI background investigations of judicial nominees, is not allowed a look at material from the ABA investigation.

"If the FBI can trust us here with the most sensitive information, then why can't the ABA?" Hatch asked. "Is the ABA information more sensitive than the critically sensitive FBI files?" The ABA's "one-line, cursory conclusion," Hatch said, "feeds the growing public perception that the ABA's evaluations are arbitrary and capricious or tainted by politics."

There was also significant Republican ire at the ABA's apparent disdain for lawyers, like Bunning, who do not possess degrees from top universities. "They're so damned elitist," says one GOP aide. "Mitch McConnell went to the University of Kentucky, and all the judges on that

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Conservatives set Sights on Sen. Leahy

By Noelle Straub
The Hill
Tuesday, December 12, 2001

Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) has become the target of strong attacks from conservatives since his criticism of the Bush administration's plan to try accused alien terrorists in military tribunals and otherwise undermine their civil liberties.

One conservative publication vilified Leahy as "enabling" Osama bin Laden and terrorists. Leahy's office has been flooded with angry and hateful calls in recent weeks.

"Someone in Washington pushed the button to activate the far-right political network," said David Carle, Leahy's spokesman. "Thousands of folks were given scripts and asked to call, and there also were many hate calls and messages, including those in print."

Leahy has himself been a terrorist target. He has had security with him at all times since a letter

panel had gone there."

Indeed, McConnell did not hide his unhappiness with David Weiner's critique of Bunning's record. "As another UK graduate who graduated in the middle of his class, I thought that stung a little bit," McConnell told the committee. "Mr. Weiner, I would not hold my breath on being invited to address the University of Kentucky's alumni law association."

Op/Eds

Hispanic Judges: Bush Should get Chance to Seat his Choices

The Dallas Morning News

Tuesday, December 11, 2001

In a speech last week, former New York Gov. Mario Cuomo did what you would expect a Democratic Party consigliere to do: He gave advice. The interesting part is that he gave it to a Republican President George W. Bush.

Mr. Cuomo told a gathering of the Puerto Rican Legal Defense and Education Fund that he thinks that

President Bush should nominate a Hispanic to the Supreme Court, thus breaking a barrier that should have been broken long ago. That is good advice. In fact, one wonders if Mr. Cuomo gave similar counsel to President Bill Clinton, who had two opportunities to appoint a Hispanic to the Supreme Court.

In any case, President Bush does not need coaching. He has repeatedly expressed his intention of putting a qualified Hispanic judge on the court, and we trust that he will follow through on that promise.

If Mr. Cuomo really wants to see a Hispanic on the Supreme Court, he should lecture fellow Democrats on the Senate Judiciary Committee who are blocking President Bush's attempt to put a qualified Hispanic judge in the pipeline. Of the 11 individuals whom Mr. Bush nominated to the federal court of appeals, eight have been denied hearings. Among the hostages is Miguel Estrada, a 40-year-old Honduran immigrant who rode the American dream all the way to Harvard Law School, and who is now Mr. Bush's choice to preside on the U.S. Court of Appeals for the District of Columbia.

Senate Democrats have confirmed just 28 percent of President Bush's judicial nominees in his first year in office, compared to the 57 percent of nominees confirmed in the first year of the Clinton presidency. That is a shameful record.

Miguel Estrada and the other Bush nominees deserve better. They deserve hearings.

Judging Bunning; Nepotism, Not Experience, Hurts Bid By Senator's Son

The Lexington Herald Leader

Wednesday, December 12, 2001

Compared to some other personnel decisions made by President George W. Bush, the nomination of David Bunning to a federal judgeship in Kentucky's Eastern District would be a hands-down winner.

For instance, Bush picked J. Strom Thurmond to be U.S. attorney for South Carolina just three years after Thurmond completed law school.

With 10 years of experience as an assistant U.S. attorney in Kentucky, Bunning's qualifications for the federal bench look far superior to Thurmond's qualifications to be a U.S. attorney. Still, it is Bunning's experience level that is most often cited as a reason his nomination shouldn't be approved by the U.S. Senate. The American Bar Association says U.S. district judges should have at least 12 years experience in practicing law. That's two more years of practice than Bunning has.

Bunning would argue, and we would agree, that he's spent more time in federal courtrooms during those 10 years than many lawyers who have practiced 20 or 30 years. But 10 isn't 12, so he's unqualified by the ABA's standards.

Members of the ABA committee who found Bunning unfit for the job testified to the Senate Judiciary Committee the other day that lack the requisite 12 years in practice was just one factor in their opposition his nomination.

They cited his average academic performance in law school at the University of Kentucky, even taking a dig at UK in the process. They questioned his writing ability, his minimal experience with civil cases, even his lack of "an intellectual spark or legal enthusiasm."

Maybe Bunning's ABA critics are right. Maybe they're wrong. But we suspect lack of qualifications is not the real issue for the ABA.

Although Bunning may be the only one of Bush's 64 judicial nominees to have less than 12 years of practice on his resume, we doubt that he's the only one to have been average in law school or to lack some ill-defined "intellectual spark."

We suspect the ABA's opposition to Bunning may derive from the same concern we have about this nomination. It's not his qualifications, or lack thereof, that bother us; it's the aroma of nepotism that accompanies his nomination.

In that, he has much in common with the new U.S. attorney for South Carolina. Both are the sons

of

Republican senators from their respective states. And both, we suspect, got their nominations because of their daddies' positions.

Family ties are important in the Bush administration, too much so to our mind. President Bush has found good jobs for close relatives of Vice President Dick Cheney, Secretary of State Colin Powell, Chief Justice William Rehnquist, Justice Antonin Scalia and several other well-placed Republicans.

It's all too reminiscent of the "family affair" approach to governing that has a long tradition in Kentucky courthouses.

If the Democratic-controlled Senate wants to vote down David Bunning's nomination, it should do so because the nepotism needs to be stopped -- not because of the ABA's evaluation of his qualifications.

Short Circuit; Senate Feud Hurts Cincinnati Appeals Court

The Columbus Dispatch

Thursday, December 13, 2001

At the end of the month, when another retirement occurs, the 16-seat U.S. 6th Circuit Court of Appeals in Cincinnati will have a grand total of eight judges. The other eight positions will be vacant.

While the court struggles at half-strength to handle all federal appeals cases for the 31 million people in Ohio, Michigan, Kentucky and Tennessee, the U.S. Senate plays politics with appointments to the bench.

Though the 6th Circuit is the most depleted federal court in the country, the problem also is serious elsewhere. There are 100 vacancies in the 862-judge federal court system, 29 of them in circuit courts, which in importance are second only to the U.S. Supreme Court. Imagine the effect a similar staff cut would have on any business or organization. For most, the loss of one of every eight top staffers would be a serious blow. Four of the seven vacancies on the 6th Circuit have been declared "judicial emergencies," according to the Administrative Office of the U.S. Courts. Judicial emergencies are declared based on the length of time a seat has been empty and the number of cases pressing on the court. One of the Cincinnati court's judicial emergencies involves a seat that has gone unfilled since 1995.

But rather than do something for the 11 percent of Americans who depend on the overburdened,

understaffed 6th Circuit Court for rulings involving their liberty and livelihoods, the Senate prefers to play partisan games.

The problem is twofold. The Democrat- controlled Senate Judiciary Committee deliberately is stalling confirmation hearings for President Bush's nominees for the 6th Circuit bench because they don't pass a Democratic litmus test for political correctness.

At the same time, Michigan's two Democratic senators are trying to turn back the clock by forcing Bush to nominate two of President Clinton's unsuccessful court nominees.

All six Bush nominees for the 6th Circuit, including two from Ohio, three from Michigan and one from Tennessee, have been cooling their heels while the Senate pretends to be discharging its duty by processing nominees for lower federal courts.

But the real goal is to delay as long as possible the consideration of nominees whose commitment to judicial restraint is anathema to Democrats, who prefer judges who can be relied on to engage in the kind of judicial activism pleasing to the Democratic Party and its special interests.

Two victims of this stalemate are Columbus attorney Jeffrey Sutton and Ohio Supreme Court Justice Deborah Cook, both of whom have been nominated for seats on the court but have yet to have a hearing before the Senate.

Sutton in particular has aroused the ire of liberal special interests who rightly fear that his commitment to limited constitutional government will impede their efforts to use activist federal courts to institute policies they cannot persuade Congress or state legislatures to adopt.

Another nominee of unusual interest is Henry W. Saad, a judge on the Michigan Court of Appeals. If the Senate gets around to considering his nomination, he could become the first judge of Arab descent appointed to the 6th Circuit.

Politically, this nomination couldn't come at a better time, because the United States is at some pains to underline that its war against terrorism is not motivated by ethnic or religious bigotry.

Without a doubt, if a Republican-controlled Senate was blocking an Arab-American nominee, Democratic senators would be tarring the GOP majority as racist. Of course, Democrats are simply doing to Republican nominees what the GOP in the past has done to Democratic nominees. This is a tit-for-tat spat that goes back at least two decades.

But it does no one any good. Both parties should call a truce and agree on some basic ground rules. A president should be able to pick nominees who reflect his governing philosophy, contingent upon the nominee's suitability in ability, experience and character. With reasonable speed, all nominees should receive a hearing and a vote by the Judiciary Committee. If the committee vote is affirmative, the nomination should be forwarded to the full Senate for a vote without delay.

This is hardly a radical idea. In fact, it is precisely the one laid out by Sen. Patrick Leahy back on June 16, 1997, when he made the following remarks during a seven-page lecture on the topic to his colleagues:

"A president should be given a great deal of latitude on who he nominates to the federal court. If we disagree with a nomination, then we can vote against it. But, frankly . . . not only does it damage the integrity and the independence of the federal judiciary by just holding judicial nominations hostage where nobody ever even votes on them, but I think it damages the integrity of the U.S. Senate."

In the same speech, the Vermont Democrat had this to say about the situation of the 6th Circuit four years ago:

"Now, the sixth circuit desperately needs help in managing a growing backlog of cases. They have three vacancies, two of which have been designated judicial emergencies by the Judicial Conference of the United States. I mention the judicial emergencies . . . because this is not a case of some mere debating point; this is the Federal judiciary of this country with emergencies, where they need judges, where we could confirm the judges, and, frankly, the U.S. Senate is not doing its job."

Leahy's observations carry even more weight now, when the court in Cincinnati faces not three but eight vacancies. And since Leahy today is chairman of the Judiciary Committee, he should put his philosophy into effect immediately. He can begin by putting the six nominees for the 6th U.S. Circuit Court of Appeals at the top of his agenda.

Transcripts/Members of Congress

News Conference with Sens. Specter, Nickles, Gregg and Santorum

Federal News Service

Thursday, December 13, 2001

SEN. SPECTER: Good afternoon, ladies and gentlemen. We are here to comment about the deplorable situation in the United States Senate on confirmations. With respect to the Judiciary Committee, there are currently 97 judicial vacancies, and a large number of those are in emergency situations. And I would cite at the outset the nomination of Judge Brook Smith, who is the chief judge on the Western District of Pennsylvania, whose nomination has been pending on the Judiciary Committee for confirmation to the Third Circuit for months now.

The Third Circuit consists of Pennsylvania, New Jersey and Delaware, more than 20 million people. There is a judicial emergency there. Chief Judge Edward R. Becker talks to me about this situation almost weekly. There had been an expectation that Judge Smith would have been confirmed before we broke at the end of this session. And that now looks to be an impossibility. And I talked to the chief judge just last week, who has to rearrange the calendar for the Third Circuit going into '02, because Judge Smith will not be available. The situation has gotten so serious with respect to Judge Smith and the Third Circuit that I took the unusual stand of filing a resolution with the committee calling for a vote, because I have a sense that the other nine members on the committee that were Democrats would be reluctant, perhaps unwilling, to follow Senator Leahy on his chairmanship. And when I filed that resolution two weeks ago, I told the chairman, I told Senator Leahy, that he was looking for a scorched-earth policy. Senator Leahy is not going to be chairman of the Judiciary Committee forever. That's a very tenuous situation, and I am right behind. And not to have a basic measure of fairness is candidly insulting to people like Judge Smith and others who are waiting for confirmation.

This is a chart -- are favorites in the Senate, as you know -- would show a comparison between President Bush's tenure in 1989 to 1993, with President Clinton from 1993, and President Bush this year. First year confirmations on the Court of Appeals. And you see that President Bush has one third of those which were confirmed during the tenure of President Clinton and the first President Bush.

Here is a sampling of editorials, and it's unusual to have such a concurrence with the Washington Post -- not noted for criticizing Senator Leahy -- saying that Judiciary Committee chairman, Democrat Senator Patrick Leahy, has offered no reasonable justification for stalling on these nominations. And going on through a list of editorials which are available for your copying. But I don't want to take up too much time because there are many other speakers.

But the federal courts have a very, very heavy burden, and there's an expectation of even a heavier burden after September 11. We have already had the first defendant suspected charged with terrorism indicted; there may well be others. The federal judiciary should be at full strength, and Senator Leahy should stop playing politics and start confirming federal judges.

SEN. NICKLES: Let me kind of echo a few of the things Senator Specter said. Some of these nominees for judges and circuit court nominees are outstanding individuals, many of which have not been able to get the time of day. They haven't been able to get a hearing -- many of which -- we actually have one, two, three, four, five, six, seven, eight were nominated on May the 9th -- have yet to have a hearing -- not even have a hearing. They are more than qualified.

Some are outstanding in every respect. I'll just mention a couple of them. Miguel Estrada. Miguel Estrada is a fine outstanding attorney. Many of us feel so strongly about him -- all Republicans senators sent a letter to Senator Leahy, urging that he have a hearing to consider his nomination. Mr. Estrada was rated unanimously well qualified by ABA. When he came to the country, he spoke basically no English. He went on to graduate Phi Beta Kappa from Columbia, and went to graduate at the top of Harvard Law School. He's argued 14 cases before the Supreme Court -- he won 10 of those. He has done a lot of pro bono work. He's an outstanding Hispanic American, and he deserves a hearing. And despite the fact that we have had the vice president ask for a hearing, the president ask for a hearing -- all Republican members of the Senate ask for a hearing -- we have yet to get him a hearing. And he was nominated back in May. That's not fair to Mr. Estrada.

I'll mention another one, John Roberts. John Roberts is -- again, was rated unanimously well qualified by the ABA. He was principal deputy solicitor general in the United States from 1989 to '93. He's argued 34 cases before the Supreme Court. He is so well qualified. And yet he's yet to get a hearing before the committee.

Several of these nominees, as Senator Specter mentioned for the Circuit Court of Appeals just haven't been able to get anything. Only 21 percent. We have actually 21 circuit court nominees that are not moving in the Senate in any way, shape or form. We have had some progress on district court nominees, and I thank Senator Leahy and the Democrats for their cooperation for district court nominees. Circuit court nominees are very important, and yet we have only confirmed six out of 28, and in all of the six two were Democrats.

One was left over basically from the Clinton administration. And several that President Bush has asked for, and the vice president and the Republican Senate have been asking for hearings, and we have got no cooperation whatsoever. That's not fair to these outstanding individuals. They were nominated by the president for very prestigious life-time positions. They are entitled to have a hearing. They have yet to receive a hearing. We call upon Senator Leahy and our colleagues on the Democrats to recognize we wish for them to treat us fairly, and vice versa. And hopefully they'll reconsider and start giving some fair treatment to some outstanding individuals who deserve a hearing, deserve to be confirmed by the U.S. Senate.

SEN. SPECTER: May I just supplement a thing or two, Rick? I feel particularly strongly about the way Judge Smith is treated on the Third Circuit. After Senator Leahy came to me last year, when he was the ranking member, and I helped him with Judge Berzon, was confirmed in the Ninth Circuit; Judge Paez, who was confirmed in the Ninth Circuit; Judge Gregory, who was appointed in the Fourth Circuit; and Bill Lann Lee, a controversial issue of assistant attorney general for the Civil Rights Division. And some basic reciprocity requires that somebody like Judge Smith get a hearing and a confirmation vote.

SEN. SANTORUM: Thank you, Arlen. I also want to say that this is not just about judicial nominations. What we are seeing is also partisan politics being played in areas outside the judiciary.

You know, a lot was written about what was the Congress going to be like after September 11th --

was there going to be a change in the way that business was conducted? Were we going to see more of an atmosphere of bipartisanship? In particular, were the Democrats, and particularly Senator Daschle, going to support the president in his ability to execute the war and to fight what is the war here at home, both from national security perspective, domestic security perspective, but also from an economic growth perspective, as a result of the actions of September 11th? To do that, he needs to have his team in place -- not just on the judiciary, but also on the executive branch. And we would have thought that some of these nominations as you see here -- these are nominees who have been held for anywhere from five weeks all the way up to 32 weeks -- you would think that after the events that occurred this fall that we would see an air of bipartisanship, at least allowing the president to put his team in place to help this country that's facing a war, a diplomatic crisis, as well as an economic crisis here at home. The least they could do was allow the president the opportunity to put his people on the ground to meet the needs of the American public. And that has not happened. Partisanship, and in some cases petty vendettas, have prevailed. And that to me is really something that I think the American public should be outraged about. The American public expects us to work together when this country is in a pinch. We are in a pinch, and what's happening is the majority, Senator Daschle, is blocking nomination after nomination -- not just on the Judiciary Committee, but also here on the floor with respect to a variety of other appointments that this president needs to run this country.

SEN. JUDD GREGG (R-NH): A lot's been said. The great Scottish wars, if you all remember, of the 18th and 17th century -- I know Arlen remembers --

SEN. SPECTER: Strom does. (Laughter.)

SEN. JUDD GREGG: Strom does. I think he referred to them during the impeachment process. In the great Scottish wars of the 17th and 18th century, the king would prescribe a name, and if you had that last name you were subject to be hung. It appears that Senator Daschle has prescribed a name, and the name is Scalia. If you have that name, you shall not come up for confirmation.

The fact is the only thing that is holding Scalia from being -- Eugene Scalia from being nominated and confirmed is the fact that he is the son of his father, who is Judge Scalia. This is petty, it's vindictive, and it's below the purpose of the Senate. But it's the way the Senate is being operated right now by the majority party. For my part, I find it inexcusable obviously. Eugene Scalia, during our hearing process, established himself as an extremely talented individual, who had speaking on his behalf from both parties who represent a broad spectrum of political thought, and five of whom who had been solicitor generals prior to his nomination. They all wrote us and said he would be an exceptional solicitor general; in fact, they said he would probably be better than they were. William Coleman (ph), former secretary of transportation, civil rights leader for many years here in Washington -- a strong advocate for Eugene Scalia.

The only item of disagreement with Gene Scalia seemed to be over the issue of ergonomics, where he came down on the side of the majority of the Congress. So members on the other side disagreed with that. You can hardly hold someone up because he supported the majority position of the Congress when he was being nominated for a position in the government. No, he's only being held up because he's his father's son. He is Scalia the younger. And therefore in order to get to Scalia the older, the Democratic leader and his minions have decided not to give him the opportunity to serve in the government, where he would do an extraordinary job, and it's totally inappropriate.

Q (Off mike)?

SEN. GREGG: Well, it's time for the majority leader to bring these names to the floor. We still are going to be here next week, for some unknown reason, but we are going to be here. And if we are going to be here next weekend, we are going to be standing around the way we are today, and have been for the last few weeks. There's no reason you can't for example do the Scalia nomination. We are not asking that they vote for him. We're simply saying, give us a vote, up or down, on his nomination. And I'm willing to do it in 15 minutes. I'm willing to do it in 10 minutes. I'm willing to do it without any debate. I'm willing to take it right to a vote. So it's not going to take any time. So it's time to have a vote. That's our job as the Senate, to bring these nominations up and have votes on them. Recess nominations -- that's up to the administration, but we don't need to discuss that, because we have time on our agenda to take all these nominations.

Q Senator Specter, could I ask -- could you elaborate a little on what you meant by -- in reference to the court's -- (off mike)?

SEN. SPECTER: Sure. The Senate does not function unless there is cooperation. And the attitude of Senator Leahy in the way he is handling judicial nominations is simply insulting. I searched for a long time to find the right word -- outrageous, reprehensible, terrible -- those are all overused words. But Senator Leahy one day, and perhaps soon, will be the ranking member on judiciary, and he's going to need some consideration from the majority. And even as the chairman, he needs consideration from the minority. And the Senate has a long, proud historical record of comity. And what Senator Leahy is now doing is to invite a scorched-earth policy of absolutely no cooperation by the minority, which he needs as chairman, and absolutely no cooperation when he's in the minority.

Q (Off mike) -- Democratic president and a Republican Senate. We are hearing the arguments from the Republicans now under a Democratic Senate and a Republican president. Is it time to start talking about maybe blanket confirmations of all nominees to solve this problem, because it seems like it's just back and forth with each party whenever the president changes?

SEN. SPECTER: That is a possibility to establish some rule so you couldn't have the current tyranny. But the practices were not the same when we had President Clinton in and a Republican majority in the Senate. And I already gave you a number of illustrations -- very controversial judges. Marcia Berzon was a very controversial nominee in the Ninth Circuit. And it did take her

time. And I was one of the leaders who tried to get the matter up and voted on, and she was confirmed. Judge Paez, also of the Ninth Circuit, was very controversial -- a Democratic nominee of President Clinton, a Republican-controlled Senate. And, again, I was one of the leaders to bring Paez up. And Judge Gregory in the Fourth Circuit was controversial. He's one of the judges who has been confirmed by -- this time. President Bush nominated him because it was really thought unfair to have him -- I believe he was an interim appointment -- I am pretty sure about that -- and he has been confirmed. But Republicans helped him. Bill Lann Lee was a highly controversial nominee. He finally ended up tied, and was a beneficiary of an interim appointment. But I helped Senator Leahy with Bill Lann Lee. And this Judge Smith issue is just disgraceful, just insulting that he is not confirmed. When you raise a question about whether we ought to redraft the rules to stop these maneuverings, that's something I'd certainly be fore.

SEN. SANTORUM: I take issue with equating the two arguments. There's a big difference, a huge difference between the last year of an eight-year term, on which he had a record number of judicial nominations approved, most of which during a Republican Senate -- a huge difference with us taking exception to a group, and they were a group, of very, very controversial nominees at the end of a presidential eight-year swing, when he already had more nominees I think on -- maybe one short -- of the record number of people on the court. And equating that argument to a new president who is not getting -- who is getting virtually none of his nominees to the court -- certainly none to the circuit court, of which they are not controversial. These people, if they come to the floor -- and you have seen the ones that have come -- they pass overwhelming votes. There are very, very few. I mean, there's a list of some of the folks who are up there -- there's very, very few who are rated -- who are not rated well qualified. They're unanimously rated qualified. These people are not controversial. This is the first year of his term. He's had very few appointments to the court.

What we are seeing here -- and I know your question -- and that's the other side planting that in you -- but you can't equate the two. And to equate the two, accept their assumption as a valid one -- and it is not a valid assumption. You do not treat the first year of the president the same as you treat -- no Congress historically treats the first year of the president the way you treat the last year of a president after an eight-year role. The last year of a president it's always a situation where there's, you know, you are going to sort of wait to see what happens in the election when you're at the end of the term. That's not the case here. And so I just would hope that people would understand -- to say, well, there was contention before, contention now -- it's just a matter of who is in charge -- wrong. Let's understand that. Let's put it in context. Let's be accurate about it.

SEN. SPECTER: Thank you.

addressed to him was found filled with anthrax spores, similar to the one opened in the office of Majority Leader Tom Daschle (D-S.D.).

Leahy has drawn the ire of the conservative community for not moving more rapidly on President Bush's judicial and departmental nominees and for calling Attorney General John Ashcroft and other Department of Justice officials before his panel to answer questions about administration initiatives.

Human Events, a national conservative weekly publication, ran an article about Leahy in its Dec. 3 issue with a prominent headline, "Osama's Enabler in Congress."

"It is Leahy who would put Americans at greater risk of terrorism," the Human Events article alleges. "Why? Not because he has legitimate complaints — he doesn't — but because he has a partisan and ideological axe to grind into John Ashcroft's back."

John Gizzi, the political editor of Human Events, explained the headline by saying that Leahy has left the administration understaffed by confirming too few nominees, and that he "repeatedly has dogged the administration at every turn."

Gizzi said he didn't know of any American who wants to put another person in danger from terrorists. But he added, "I'm saying that by his actions, not just on the appointments but the way he has been an obstructionist with the anti-terrorist bill, that, as they say in Hollywood, that if he's not, he's doing a great job of faking it. ... His actions are shooting craps with destiny."

Other prominent conservative groups said they also could see some justification for the headline.

"I wouldn't phrase it that way, but I understand what their level of frustration is, too," said Damon Ansell, vice president for policy at Americans for Tax Reform. "I think you'll find that our organization and most organizations are getting tired of these hearings."

Ansell was referring to Judiciary Committee hearings in which Department of Justice officials testified, including a highly publicized hearing last week featuring Ashcroft.

But Carle defended his boss' oversight role.

"Whether or not the administration's military order on tribunals and all the other unilateral actions are popular or unpopular right now, oversight hearings are important in helping the public and the Congress understand what they mean," Carle said. "The hearings already have led the administration to clarify and scale back its intentions for using these broad new powers."

Ansell's group also targets the issue that Democrats and Republicans have traded barbs over for months now — whether Leahy is moving judicial and departmental nominees quickly enough.

"Sen. Leahy has one job and one job only right now in this new era of fighting a war — chairmanship of the Judiciary Committee and therefore to make sure our judicial system is well-

stocked," Ansell said. "To date he has done an abhorrent job of that."

Minority Leader Trent Lott (D-Miss.) appealed to his base's concern about the issue when he held a press briefing Monday with a chart labeled "Leahy's Quicksand" prominently displayed behind him, showing that some nominees have been before the Judiciary Committee for as long as 31 weeks without a hearing.

But Democrats strongly disagree with the criticism, arguing they are bringing up a large number of nominees. "We will be exceeding by some degree the record set in other congresses for six months of work on nominations," Daschle said last week.

Both sides are expected to hold dueling press conferences on the issue Wednesday, the one-year anniversary of the Bush v. Gore Supreme Court decision. Several liberal women's groups have been planning a media blitz in support of Leahy.

Tripp Baird, director of Senate relations with the conservative think-tank The Heritage Foundation, also refused to condemn the "Osama's enabler" headline. "I didn't read it so I really couldn't comment on it, but I think Osama bin Laden and terrorists laugh at us when they see us bickering over a military tribunal, whether it's good or bad," he said.

Baird explained the harsh criticism from conservatives as stemming from Leahy's association with liberal groups.

"The strategies seem right out of the playbook of the ACLU [American Civil Liberties Union]," Baird said. "I think that's why a lot of conservatives and Republicans in the Senate are critical of him right now."

Thomas Jipping, director of the Judicial Selection Monitoring Project of the politically and culturally conservative Free Congress Foundation, said his group has long been criticizing Leahy for obstruction on judicial nominees.

"We work with about 900 grassroots groups," Jipping said. "To those groups, to the media and to the Senate, we've tried to expose the tricks that he's using."

Senate Considers Judicial Nominees

By Jesse Holland
The Associated Press
Thursday, December 13, 2001

The Senate moved Thursday toward confirming its last judges of the year, as Republicans renewed their complaints about Democratic treatment of President Bush's judicial and non-judicial nominees.

The Senate confirmed three U.S. District Court judges, while the Senate Judiciary Committee

sent five more District Court nominees to the full chamber for confirmation in what senators expect to be its last hearing of the year.

Senators approved 97-0 the judicial nomination of Frederick Martone of Arizona, and approved the nominations of Clay Land of Georgia and William Johnson of New Mexico by voice vote. The committee sent to the Senate the nominations of five more U.S. District Court candidates by 19-0 votes: Callie V. Granade of Alabama, Marcia S. Krieger of Colorado, James C. Mahan of Nevada, Philip R. Martinez of Texas and C. Ashley Royal of Georgia.

If the Senate approves those five judges before the end of the year, 32 of Bush's first 64 judicial nominations - or 50 percent - would have been approved by the Democrat-controlled Senate. Separately, the Senate would have approved 26 of 36 District Court nominations - 76 percent - and six of 28 U.S. Appeals Court nominations - 21 percent.

Republicans on Thursday continued to complain about the number of nominees the Democrat-controlled Senate has completed so far, saying the lowest number of Circuit judges confirmed in a president's first year since President Reagan was the 60 percent confirmed by the Senate under President Clinton.

Senate Judiciary Chairman Patrick Leahy "should stop playing politics and start confirming judges," said Sen. Arlen Specter, R-Pa., who has threatened a "scorched earth" policy if Republicans regain control of the Senate and there are Democratic nominees.

"We're trying to get through these as quickly as we can," Leahy said.

Other senators complained about other stalled presidential nominations, including that of Eugene Scalia as the Labor Department's top lawyer. GOP senators accused Democrats of holding Scalia up because his father is Supreme Court Justice Antonin Scalia.

"He's only been held up because he's his father's son," said Sen. Judd Gregg, R-N.H.

Democrats say their disagreement with Scalia is with his views, not with his father.

Dunn, Senators Wrestle Over How Commission Should Recommend Judges

By Katherine Pfleger
The Associated Press
Thursday, December 13, 2001

The jury is still out on whether three Washington state lawmakers will come to a peaceful resolution about how to find a new federal judge for Tacoma.

In a disagreement brewing since February, Democratic Sens. Patty Murray and Maria Cantwell have been clashing with Republican Rep. Jennifer Dunn and the president's legal counsel over

how to form a bipartisan panel to select candidates for a vacancy in Western Washington's U.S. District Court in Tacoma.

The parties have exchanged letters, held meetings and dispatched their staffs for negotiations. When they couldn't make a deal, Dunn sent Bush the names of four candidates in November, gathered by a commission she created. Dunn's office says an intern hand-delivered to the senators the four candidates' resumes with a note welcoming their thoughts, which was ignored. The White House intends to announce a nominee, most likely in January.

Murray and Cantwell were amazed Dunn moved ahead without any meaningful contribution from them.

The senators say as late as last week White House Counsel Alberto Gonzales promised to include them in the process. Without that, the two have threatened to block Senate confirmation of the president's nominee.

"We will not have a judge out of the Senate unless Senator Cantwell and I have say naming the judge,"
Murray said.

The Constitution allows the president to nominate judges with the "advice and consent" of the Senate. The president historically has listened to the wishes of home-state senators from his party to fill vacancies. Other elected officials and attorneys often add input.

Under more recent practices, Washington state, California and Wisconsin have set up bipartisan commissions to help fill judicial openings.

Gonzales called the states "isolated exceptions" in a letter to Murray and Cantwell. He has said Bush generally is not supportive of these bipartisan commissions. However, Bush was willing to bow to them - under certain conditions.

Gonzales' August offer: establish a Washington state commission - with equal representation from both parties - to choose at least three candidates. The president would consider its recommendations but could choose someone that the commission didn't suggest.

Gonzales also wanted a commitment from the senators that they would support the president's choice, if he selected one of the commission's candidates, barring a later problem that arises from background checks.

Dunn said Murray and Cantwell weren't willing to compromise and the discussions broke down. She had to move ahead to help get the opening filled, she said.

"The president has gone further than he needs to on this. ... The senators have painted themselves

into a corner," said Dunn, who as the state's top Republican serves as a liaison to the White House. "Yet they have the right to put a hold on the nomination of a very good judge."

The senators said they didn't want to be obligated to support the commission's decision if the president could still choose any candidate he desired. Murray said she also wanted an opportunity to look the candidates in their eyes and interview them, which the White House wasn't offering.

Now, Murray and Cantwell want a commission - with even representation - to draw up a new list.

The dispute is reminiscent of some tense discussions Murray had with former Sen. Slade Gorton during the Clinton administration. Then Murray found herself on the other side of the argument, trying to curb the role of a dominating Republican senator as a Democratic White House nominated judges. The two worked out their differences and eventually agreed on judicial candidates.

Cantwell said she was most concerned about continuing the custom of Republican-Democratic commissions that Murray and Gorton established.

"This has been a hard-worked-out process between Patty and Slade," said Cantwell, a member of the Judiciary Committee, tasked with screening and approving judicial candidates. "Why not stick with it?"

Elsewhere, bipartisan commissions have done their work with fewer bumps. In California, names have gone to the White House to fill some openings.

In Wisconsin, Democratic Sens. Herb Kohl and Russ Feingold didn't like the list of candidates submitted to the White House and stripped three of the names - much to the chagrin of Rep. Jim Sensenbrenner, R-Wis. But the process is moving.

Bush's spokesman Ken Lisaius said the White House will continue to communicate with appropriate Congress members regarding judicial nominees.

In Washington state, he said, "the conversations are ongoing."

The opening in Tacoma was created a year ago when Judge Robert Bryan took "senior status," a type of semi-retirement that allows the judge to significantly limit his caseload. He is carrying a full load until a successor is named.

Dunn's committee chose four candidates to replace him: M. Wayne Blair, a King County lawyer; Bryan Chushcoff, a Pierce County Superior Court judge; and two Tacoma lawyers, Beth Jensen and Ron Leighton.

Dunn said they are the four best candidates. Murray and Cantwell both said they had no comment on Dunn's choices.

"I have been contacted by people both Republican and Democrat who never knew about the (selection) process," Murray said.

Forrest Maltzman, George Washington University political science professor, said the question is whether the Democrats are willing to leave vacancies in the court or the Republicans are willing to back down to get people to the bench.

"At the end of the day, what we are going to end up with is a game of chicken," he said.

Dayton Says Judge Selection Process Needs Revamping; He'll Write to Ramstad

By Greg Gordon
The Star Tribune
Thursday, December 13, 2001

Sen. Mark Dayton, D-Minn., said Wednesday that when the next federal judgeship opens in Minnesota, he hopes a different process will be followed to ensure selection of an "extremely well qualified" candidate.

Dayton said he intends to put his request in writing to Republican Rep. Jim Ramstad, who this week found himself in a political mini-tempest for urging President Bush to nominate his sister to a judgeship.

Bush instead settled on Ramstad's third choice for the coveted lifetime job: Minnesota Supreme Court Justice Joan Ericksen Lancaster, two people with direct knowledge of the nomination told the Star Tribune on Tuesday.

Steven Schier, a Carleton College political science professor, said Bush "is saving Jim Ramstad from his own mistakes" by choosing Lancaster over the congressman's sister, Minnesota Corrections Commissioner Sheryl Ramstad Hvass. Given the appearance of a conflict, Schier said, "Ramstad should be very grateful to the administration that they did not select his sister, because this would be an issue that would last for a very long time."

Republican Bill Frenzel, Ramstad's predecessor as Minnesota's Third District congressman, agreed that

"whatever risk [Ramstad] was running is reduced" if his sister is not selected.

Senators normally get the privilege of recommending judicial candidates for their state when their party holds the White House. But because Minnesota's senators are both Democrats, Ramstad, the senior Republican in the House delegation, gets that perk.

A 1967 anti-nepotism law bars members of Congress from hiring relatives, and another statute prohibits nepotism in the judiciary. But no law bars legislators from recommending relatives for judgeships.

Frenzel said he "would have been shocked" if Ramstad, his former aide, had not recommended Ramstad Hvass, to whom he is "fiercely loyal."

"That is an exceedingly close family . . . ," Frenzel said. "It seems to me that she was a pretty qualified person and had a shot at it."

But Frenzel also said he was not surprised that Bush picked a different candidate. Unlike senators, who can block home-state judicial nominations, House members have little leverage over the White House on judicial nominations, he said. Judicial nominees must be confirmed by the Senate.

"It is really hard to get the White House to pay attention to House members on judges," Frenzel said.

"Without mentioning any names, I got stiffed on three judges. I was madder than hell."

Dayton, during a teleconference with reporters, stressed his concern about the process in which Ramstad appointed a three-member judicial-selection panel, which screened 19 candidates and then sent Ramstad five names.

Dayton said that before the next opening is filled, he will urge Ramstad to involve both senators "at least to the extent that we have some more knowledge and an opportunity to encourage applicants."

"The president has a right to make these appointments," Dayton said. "I expect they'll be people with strong Republican credentials, and that's the way the process works. What I will insist on, is that anyone appointed to the federal bench for life is someone who is extremely well qualified and among the very best people in Minnesota."

But Doug Kelley, a member of Ramstad's judicial-screening committee, countered that "it's not the Democratic senators' job to pick judges for a Republican administration. My view is that the

From: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
To: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Rabjohns, Lori <Lori.Rabjohns@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; ("Coniglio, Peter J <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/PCONIGLIO%JCON"@intmail.usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
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Thursday, December 13, 2001

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president has the right to determine the politics of his judicial nominees. The Senate's job is to pass on their character and credentials."

Dayton said he hopes that despite his criticism of the process, his relationship with Ramstad "will continue intact."

Saying he has "great respect" for the congressman, he said they both have "important work to do together."

White House officials informed Ramstad, Dayton and Sen. Paul Wellstone early last week of Bush's choice, but asked them to keep it confidential pending completion of an FBI background check. Dayton said his office was informed on Dec. 4, but he would not say who the White House selected.

Last week, as Ramstad publicly defended his recommendation of his sister, he knew that the White House had already passed her over.

Ramstad said Wednesday that all three of his candidates were "highly qualified" and that "any announcement concerning the president's nomination will come from the White House."

Feminist Groups Target Bush Judicial Nominees

By Audrey Hudson
The Washington Times
Tuesday, December 11, 2001

Liberal and feminist groups are gearing up for a "nasty and contentious fight" against President Bush's judicial nominees who do not support abortion, according to documents obtained by The Washington Times.

The Ms. Foundation, National Organization for Women and Alliance for Justice are holding press conferences this week to criticize nominees and coordinate their activities with Democratic senators.

Beginning today, "Democratic Senators will take to the floor of the Senate to press the importance of scrutinizing and reviewing nominees," a circulating memo says. The groups are encouraging their members to e-mail letters to those senators echoing their support.

A senate aide said Republicans are surprised at the extent of coordination among the groups and Democratic leaders to stall nominees.

"This is unbelievable coordination at its worst against President Bush's judicial and administrative nominations, who need to be confirmed as soon as possible to help us fight the war on terrorism and serve Americans," the aide said.

The memo detailing a Dec. 6 conference call also cited the groups' displeasure with the American Bar Association for reviewing only a judicial candidate's legal background, "not their stand on choice or their temperament."

The group's first major battle will be over the nomination of Charles Pickering Sr. to the 5th Circuit Court. Mr. Pickering was first appointed to the U.S. District Court for the Southern District of Mississippi by President Bush's father.

"We can win on that fight, but it will be nasty and contentious," the memo says. It contends that Mr. Pickering has a "troubling record on civil and reproductive rights" and "wants to ban abortion."

Also targeted for delay are the nominations of John Roberts for the D.C. Circuit Court, Michael McConnell to the 10th Circuit and Carolyn Kuhl to the 9th Circuit.

The groups are planning letter-writing campaigns to senators, visits to newspaper editorial boards and a letter-writing campaign to national newspapers.

Senate Republicans have been complaining about the slow pace of the confirmation process over the past several weeks. Minority Leader Trent Lott, Mississippi Republican, has said the Senate under Democratic rule has become a "black hole of inactivity."

Mr. Bush has nominated 64 district and circuit court judges, of which 21 have been confirmed by the Senate.

That's a 33 percent confirmation rate compared to the 57 percent first-year rate for President Clinton, 63 percent for Mr. Bush's father, and 91 percent for President Reagan. Yesterday, Mr. Bush's only judicial nominee rated "unqualified" by the American Bar Association (ABA) skated through his Senate confirmation hearing with no opposition from Democrats. However, a committee or full Senate vote has not been scheduled.

Assistant U.S. Attorney David L. Bunning, son of Republican Kentucky Sen. Jim Bunning, is nominated to the Eastern District Court of Kentucky.

Sen. Patrick J. Leahy, Judicial Committee chairman and the only Democrat to attend the hearing, highlighted the ABA's concerns but did not hammer the issue.

"Mr. Bunning comes highly recommended by his home state senators, and that has always been a matter that people on both sides of the aisles have looked at, but the ABA finds him not qualified, which means a closer look [is needed]," Mr. Leahy said.

The ABA ranking does not automatically disqualify Mr. Bunning but means "every senator has to make up their mind," Mr. Leahy said.

Two members of the ABA's standing committee on the federal judiciary testified about its rating.

David Weiner of the ABA said his negative conclusion was based on interviews with circuit judges and other anonymous interviews, along with a study of Mr. Bunning's legal writing style, which he called "plain."

He said Mr. Bunning's 10 years of experience is two years short of the ABA rule, and he has limited experience working only for the government — as opposed to private practice — in civil matters.

"I have had only one client, the United States, but that client has taught me to respect the rule of law," Mr. Bunning said.

Mr. Weiner drew the ire of Sen. Mitch McConnell, Kentucky Republican, and other judges on the District Court testifying on behalf of Mr. Bunning, by suggesting Mr. Bunning was not qualified because he attended the University of Kentucky law school, rather than an Ivy League school, and graduated with an average ranking.

"As another UK graduate who graduated in the middle of his class, I thought that stung a little bit," Mr. McConnell said. "First of all, Mr. Weiner, I would not hold my breath on being invited to address the University of Kentucky's alumni law association."

State Legal Figures Support David Bunning

By Frank Lockwood
The Lexington Herald Leader
Tuesday, December 11, 2001

Assistant U.S. Attorney David Bunning doesn't have enough experience, intellect and "legal enthusiasm" to merit a lifetime appointment to the federal bench, an American Bar Association official told senators yesterday.

But Kentucky judges and lawyers told the Senate Judiciary Committee that U.S. Sen. Jim Bunning's son has the right work ethic, talents and temperament to be a successful federal district judge.

The ABA, the nation's most influential legal group, has called Bunning "not qualified" -- the only one of George W. Bush's 64 judicial nominees the group has rejected.

Under ABA guidelines, nominees for district judge should have a minimum of 12 years of legal experience. Bunning, 35, has 10. At yesterday's hearing, ABA investigator David Weiner, a Cleveland attorney, said David Bunning has "limited and shallow" experience handling civil cases. Weiner said Bunning's writing style "revealed little advocacy or elegance."

Weiner, a Georgetown University graduate, also criticized Bunning for being a B student at the University of Kentucky College of Law, saying the "law school is not highly ranked" and Bunning's "middle-of-the-class law school record does not speak well for him."

Weiner's assessment wasn't shared by everyone on the ABA panel, however.

A second ABA investigator, Judah Best of Washington, D.C., recommended that Bunning be declared qualified.

Best told the committee the ABA panel had been distracted by "background chatter" -- unhappiness with David Bunning's age and family ties -- instead of looking at Bunning's "competence, temperament and integrity."

Best said Bunning is respected by his colleagues in the Kentucky legal community.

"He stands above the crowd -- that's the message that comes through from all the interviews that I undertook," he said.

Three federal judges from Kentucky, Henry Wilhoit, Karl Forester and Joseph Hood, also came to Washington to vouch for Bunning.

"I can say to you, without hesitation, that David Bunning has what it takes," said Wilhoit. "If he does not become a great district court judge, his mother's going to kill him."

Hood said Bunning is "a man of substance."

Former U.S. Attorney Joseph Famularo, a Clinton appointee, asked the committee to approve Bunning's nomination.

Kentucky Attorney General Albert B. Chandler III, another Democrat, also sent a letter of support, calling Bunning "an exceptionally knowledgeable, skilled and hard-working attorney."

Yesterday, David Bunning, who has worked for 10 years with the U.S. attorney's office, first in Lexington and now in Covington, asked lawmakers to consider his accomplishments as a federal prosecutor and his commitment to justice.

"I believe that the nature and depth of a nominee's experience are more relevant than the amount of time I've been a lawyer," he said. "I took an oath in 1991 to uphold the Constitution and I've worked diligently and tirelessly over the past 10 years to do that."

A failing grade from the ABA isn't necessarily fatal. During the Clinton administration, the group declared four judicial picks to be "unqualified." Three of those four became judges anyway.

Two other judicial nominees for Kentucky, Karen Caldwell and Danny Reeves, already have been approved. To join them, Bunning will first need to be approved by the committee, then be confirmed by the Democratic-controlled Senate.

During yesterday's hearing, Republican lawmakers lauded Bunning and occasionally lambasted the ABA, which has rated judicial nominees since the Eisenhower administration.

U.S. Sen. Orrin Hatch, R-Utah, warned of "a growing public perception that the ABA's evaluation is arbitrary and capricious and may be tainted by politics."

U.S. Sen. Mitch McConnell, a UK College of Law graduate, accused the ABA of "elitism" and blasted ABA officials for making derogatory remarks about his alma mater.

As committee members quizzed David Bunning and the other witnesses, his father sat silently on the second row, listening intently to the debate.

"I was kind of emotional ... I was nervous," Jim Bunning said afterward. "I wanted him to do extremely well and I thought he handled himself extremely well."

Complaint Filed Over Justice's Travel Expenses

By Andrew Welsh-Huggins
The Associated Press
Tuesday, December 11, 2001

A legal complaint says Justice Deborah Cook of the Ohio Supreme Court improperly requested travel expenses from her Akron home, but Cook said court officials signed off on her plan to give up a state car and bill for mileage instead.

David Palmer, a self-proclaimed judicial watchdog from suburban Powell, filed the complaint Tuesday. A Franklin County Municipal Court judge scheduled a hearing for Wednesday. Palmer said Cook improperly billed the state \$2,105 for mileage from Akron to Columbus from November 1999 to May. He says court rules prohibit justices from receiving mileage reimbursement.

Cook is the only justice who doesn't use a state car, court spokesman Jay Wuebbold said Tuesday.

"If you're simply going to file for mileage, it's going to be a considerable savings for the court and the

budget," Wuebbold said.

Cook, a Republican, said she gave up her state car about three years ago, saying there were too many restrictions on its use. Even when she had the state car, she paid for her own gas, she said.

Court officials told her she had the option to receive mileage reimbursement if she gave the car up, she said.

"The most important thing to me is that I take matters of the public trust very seriously and so the fact that something's even questioned is a concern to me," she said.

Palmer's complaint covers the most recent reporting periods. Cook said she has continued to drive her own car since May.

Palmer has filed more than 60 felony theft-in-office charges since April, accusing nine visiting judges of intentionally overbilling counties for daily pay, meals and lodging. Several of the judges attributed discrepancies in their bills to clerical errors.

Since Palmer first accused the judges of overbilling, more than \$8,700 has been collected from appointed judges who were overpaid by the Supreme Court.

President Bush nominated Cook to a vacancy on the U.S. 6th U.S. Circuit Court of Appeals in May.

The Senate Judiciary Committee has yet to examine most of Bush's judicial nominations.

Johnson Approved to Serve on U.S. District Court

The Associated Press

Thursday, December 13, 2001

William "Chip" Johnson of Roswell was confirmed by the Senate Thursday to serve as a U.S. District judge in New Mexico.

Congressional action on the matter is now complete and Johnson is expected to be sworn in. "Judge Johnson has built a solid record in New Mexico as a fair and compassionate judge," Sen. Pete Domenici said.

Domenici recommended Johnson for the position and the nomination was supported by Sen. Jeff Bingaman, D-N.M.

"William Johnson has been given high marks for the time he has spent as a state district judge and before that he earned a solid reputation in private legal practice," Bingaman said.

Johnson has served as a state district judge since 1995.

Johnson graduated from Washington and Lee University School of Law in 1985 and spent nearly a decade working as an associate and partner at Hinkle, Cox, Eaton, Coffield & Hensley in Roswell. He currently serves on the New Mexico Juvenile Justice Advisory Committee and the state Drug Enforcement Advisory Committee.

The nomination of M. Christina Armijo of Las Vegas was confirmed last month.

Justice Cook Charged with Illegal Billing for Mileage

By T.C. Brown

The Plain Dealer

Wednesday, December 13, 2001

Ohio Supreme Court Justice Deborah Cook improperly billed the state for more than \$2,100 in mileage expenses, according to complaints filed yesterday.

A judge will hold a probable cause hearing today in Franklin County Common Pleas Court, where nine separate charges were filed by a citizen.

The misdemeanor allegations come at a critical point in Cook's career. President George W. Bush nominated Cook in May for a seat on the 6th U.S. Circuit Court of Appeals and just last week scolded the Senate for failing to hold confirmation hearings on Cook and other nominees. Cook said she has done nothing wrong and, while she was surprised, she was not concerned that the allegations would taint her nomination.

"I take this very seriously, but I am disappointed that this is being made into an issue where it seems this matter was handled entirely appropriately," Cook said.

The charges were filed by self-appointed judicial watchdog David Palmer, of Powell, a Columbus suburb. They cover a series of payments to Cook from November 1999 until May for reimbursement for travel from her Akron home to the Supreme Court.

Judicial rules prohibit travel reimbursement in such instances. "It's pretty nickel-and-dime, but she is not entitled to this," Palmer said. "She knew they were not going to move the Supreme Court to Akron when she got elected."

Cook, first elected in 1995, said she gave up her state car in 1998. The court administrator

approved her reimbursement for mileage, she said.

Cook said she is aware of the travel regulations but believes it refers to judges who commute locally.

Palmer said he faxed letters of his findings to Bush and senators on the Judiciary Committee, which has hearings on federal judicial candidates.

Mike Dawson, a spokesman for Ohio Sen. Mike DeWine, said the senator was not concerned about Cook's nomination based on the information available.

Mimi Devlin, a spokeswoman for the Senate Judiciary Committee, had no comment.

Cook earns \$102,750 annually.

Hearing Ends Case Against Justice Cook; Prosecutor Cites a Lack of Evidence

By T.C. Brown

The Plain Dealer

Thursday, December 13, 2001

A Franklin County judge yesterday dismissed complaints filed by a citizen that Ohio Supreme Court Justice Deborah Cook had improperly billed the state for mileage expenses.

Common Pleas Judge James Green dismissed the complaint after Ted Barrows, a Columbus assistant city prosecutor, told Green that a lack of evidence would force him to seek a dismissal if the judge found probable cause to proceed.

Self-appointed judicial watchdog David Palmer had filed nine complaints against Cook, saying she had been compensated by the state for \$2,100 in travel expenses between her home in Akron and Columbus between November 1999 and May. Court regulations prohibit travel expenses for commuting. Barrows said that Cook did not violate state regulations by receiving reimbursement for travel, so the complaint was flawed. He also pointed out that Cook had administrative approval for the expenses after she gave up a state car, and she could have included travel from her Akron office to the Supreme Court, which would be legal.

"The state does not have grounds to ask the court to find probable cause," Barrows said.

Columbus lawyer John Zeiger, representing Cook, called Palmer's allegations unfair. Cook is awaiting a confirmation hearing by the Senate Judiciary Committee for a seat on the 6th U.S. Circuit Court of Appeals.

"This was all approved consistent with the Supreme Court rules," Zeiger said. "The complaining

witness just did not understand."

Palmer said he based his complaint, in part, on a letter he received from a court administrator, Richard Dove, which said that Cook was reimbursed for travel between her home and court sessions in Columbus. The regulations require a waiver from the court for reimbursement, Palmer said.

Dove said he had presumed Cook was traveling from home. No waiver memo has been found since Cook started using her car, Dove said.

"But Administrator Steve Hollon has signed off on those travel vouchers, and that is an implicit waiver," Dove said.

GOP vs. ABA; The Old Fight Flares Again

By Byron York

The National Review

Tuesday, December 11, 2001

Although it has been out of sight since President Bush took away the American Bar Association's formal role in assessing judicial nominees, the long-running feud between Republicans and the ABA hasn't gone away. And on Capitol Hill Monday, it came roaring back into view.

The issue was the nomination of David Bunning, son of Kentucky senator Jim Bunning, to a seat on the U.S. District Court in Kentucky. After the younger Bunning was nominated by the White House in August, the ABA began an investigation into his qualifications (after Bush took away its formal role in the judicial-selection process, the ABA continued doing candidate evaluations, only without the traditional early notification from the White House). Recently, Bunning became the first Bush-administration nominee to receive a "not qualified" rating from a majority of the ABA's committee on the federal judiciary.

Bunning, 35, has been an assistant United States Attorney for ten years and has prosecuted hundreds of cases. The ABA said his ten years of experience fell short of the 12 years of experience it feels is best for judicial candidates. ABA evaluators also said the nature and quality of Bunning's experience did not meet its standards.

Members of the ABA evaluating committee appeared before the Judiciary Committee Monday to explain their decision. In a harsh assessment of Bunning's qualifications, David Weiner, a member of the ABA committee, told the panel that Bunning's experience in civil cases was "very limited and very shallow." Weiner said Bunning's criminal-case experience was "not of the type that calls for particularly challenging lawyering," and that Bunning's writings "read very much like the work of a young associate."

In addition, Weiner was unimpressed with Bunning's decision to attend the University of Kentucky for both undergraduate and law-school training. Weiner cited what he called Bunning's "lack of academic achievement" and said his "middle-of-the-class law school record does not speak well for him." Finally, Weiner said Bunning showed "no intellectual spark or legal enthusiasm that carried the day with our committee."

On the other side, Republicans presented a panel of three federal judges from Kentucky who had presided over dozens of cases in which Bunning represented the United States. "I think he possesses a strong intellectual capacity and very good writing skills," said U.S. District Court chief judge Karl

Forester. "His professional character is beyond reproach." "Can the candidate recognize legal issues? How is his analysis?" asked retired judge Henry Wilhoit, who heard more than 60 cases involving Bunning. "David Bunning has what it takes."

The committee also heard from an ABA investigator who did a second review of Bunning's work. In a few cases in which the ABA committee finds a candidate not qualified, officials call in another investigator to assess the assessment. In Bunning's case, they asked Judah Best, a former chairman of the ABA committee, to take another look at Bunning's qualifications. Best told the committee that he found Bunning to be qualified and discovered that several "distracting issues" — including resentment over Bunning's influential father and questions of whether Bunning was too young to take the bench — played a role in the ABA's original negative assessment. (Bunning was sponsored by Kentucky senator Mitch McConnell and by ranking Republican Orrin Hatch, while his father sat in the audience.)

Beyond Bunning's qualifications, the hearing re-opened public debate over the ABA's methods. Republicans are particularly unhappy with the ABA's practice of providing the committee with a one-sentence, qualified/not qualified evaluation of each nominee. In addition, the bar association does not allow senators to see the files from its investigation. Hatch wondered why the Senate, which regularly requests and receives files from FBI background investigations of judicial nominees, is not allowed a look at material from the ABA investigation.

"If the FBI can trust us here with the most sensitive information, then why can't the ABA?" Hatch asked. "Is the ABA information more sensitive than the critically sensitive FBI files?" The ABA's "one-line, cursory conclusion," Hatch said, "feeds the growing public perception that the ABA's evaluations are arbitrary and capricious or tainted by politics."

There was also significant Republican ire at the ABA's apparent disdain for lawyers, like Bunning, who do not possess degrees from top universities. "They're so damned elitist," says one GOP aide. "Mitch McConnell went to the University of Kentucky, and all the judges on that

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General Judicial Articles

Conservatives set Sights on Sen. Leahy

By Noelle Straub
The Hill
Tuesday, December 12, 2001

Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) has become the target of strong attacks from conservatives since his criticism of the Bush administration's plan to try accused alien terrorists in military tribunals and otherwise undermine their civil liberties.

One conservative publication vilified Leahy as "enabling" Osama bin Laden and terrorists. Leahy's office has been flooded with angry and hateful calls in recent weeks.

"Someone in Washington pushed the button to activate the far-right political network," said David Carle, Leahy's spokesman. "Thousands of folks were given scripts and asked to call, and there also were many hate calls and messages, including those in print."

Leahy has himself been a terrorist target. He has had security with him at all times since a letter

panel had gone there."

Indeed, McConnell did not hide his unhappiness with David Weiner's critique of Bunning's record. "As another UK graduate who graduated in the middle of his class, I thought that stung a little bit," McConnell told the committee. "Mr. Weiner, I would not hold my breath on being invited to address the University of Kentucky's alumni law association."

Op/Eds

Hispanic Judges: Bush Should get Chance to Seat his Choices

The Dallas Morning News

Tuesday, December 11, 2001

In a speech last week, former New York Gov. Mario Cuomo did what you would expect a Democratic Party consigliere to do: He gave advice. The interesting part is that he gave it to a Republican President George W. Bush.

Mr. Cuomo told a gathering of the Puerto Rican Legal Defense and Education Fund that he thinks that

President Bush should nominate a Hispanic to the Supreme Court, thus breaking a barrier that should have been broken long ago. That is good advice. In fact, one wonders if Mr. Cuomo gave similar counsel to President Bill Clinton, who had two opportunities to appoint a Hispanic to the Supreme Court.

In any case, President Bush does not need coaching. He has repeatedly expressed his intention of putting a qualified Hispanic judge on the court, and we trust that he will follow through on that promise.

If Mr. Cuomo really wants to see a Hispanic on the Supreme Court, he should lecture fellow Democrats on the Senate Judiciary Committee who are blocking President Bush's attempt to put a qualified Hispanic judge in the pipeline. Of the 11 individuals whom Mr. Bush nominated to the federal court of appeals, eight have been denied hearings. Among the hostages is Miguel Estrada, a 40-year-old Honduran immigrant who rode the American dream all the way to Harvard Law School, and who is now Mr. Bush's choice to preside on the U.S. Court of Appeals for the District of Columbia.

Senate Democrats have confirmed just 28 percent of President Bush's judicial nominees in his first year in office, compared to the 57 percent of nominees confirmed in the first year of the Clinton presidency. That is a shameful record.

Miguel Estrada and the other Bush nominees deserve better. They deserve hearings.

Judging Bunning; Nepotism, Not Experience, Hurts Bid By Senator's Son

The Lexington Herald Leader

Wednesday, December 12, 2001

Compared to some other personnel decisions made by President George W. Bush, the nomination of David Bunning to a federal judgeship in Kentucky's Eastern District would be a hands-down winner.

For instance, Bush picked J. Strom Thurmond to be U.S. attorney for South Carolina just three years after Thurmond completed law school.

With 10 years of experience as an assistant U.S. attorney in Kentucky, Bunning's qualifications for the federal bench look far superior to Thurmond's qualifications to be a U.S. attorney. Still, it is Bunning's experience level that is most often cited as a reason his nomination shouldn't be approved by the U.S. Senate. The American Bar Association says U.S. district judges should have at least 12 years experience in practicing law. That's two more years of practice than Bunning has.

Bunning would argue, and we would agree, that he's spent more time in federal courtrooms during those 10 years than many lawyers who have practiced 20 or 30 years. But 10 isn't 12, so he's unqualified by the ABA's standards.

Members of the ABA committee who found Bunning unfit for the job testified to the Senate Judiciary Committee the other day that lack the requisite 12 years in practice was just one factor in their opposition his nomination.

They cited his average academic performance in law school at the University of Kentucky, even taking a dig at UK in the process. They questioned his writing ability, his minimal experience with civil cases, even his lack of "an intellectual spark or legal enthusiasm."

Maybe Bunning's ABA critics are right. Maybe they're wrong. But we suspect lack of qualifications is not the real issue for the ABA.

Although Bunning may be the only one of Bush's 64 judicial nominees to have less than 12 years of practice on his resume, we doubt that he's the only one to have been average in law school or to lack some ill-defined "intellectual spark."

We suspect the ABA's opposition to Bunning may derive from the same concern we have about this nomination. It's not his qualifications, or lack thereof, that bother us; it's the aroma of nepotism that accompanies his nomination.

In that, he has much in common with the new U.S. attorney for South Carolina. Both are the sons

of

Republican senators from their respective states. And both, we suspect, got their nominations because of their daddies' positions.

Family ties are important in the Bush administration, too much so to our mind. President Bush has found good jobs for close relatives of Vice President Dick Cheney, Secretary of State Colin Powell, Chief Justice William Rehnquist, Justice Antonin Scalia and several other well-placed Republicans.

It's all too reminiscent of the "family affair" approach to governing that has a long tradition in Kentucky courthouses.

If the Democratic-controlled Senate wants to vote down David Bunning's nomination, it should do so because the nepotism needs to be stopped -- not because of the ABA's evaluation of his qualifications.

Short Circuit; Senate Feud Hurts Cincinnati Appeals Court

The Columbus Dispatch

Thursday, December 13, 2001

At the end of the month, when another retirement occurs, the 16-seat U.S. 6th Circuit Court of Appeals in Cincinnati will have a grand total of eight judges. The other eight positions will be vacant.

While the court struggles at half-strength to handle all federal appeals cases for the 31 million people in Ohio, Michigan, Kentucky and Tennessee, the U.S. Senate plays politics with appointments to the bench.

Though the 6th Circuit is the most depleted federal court in the country, the problem also is serious elsewhere. There are 100 vacancies in the 862-judge federal court system, 29 of them in circuit courts, which in importance are second only to the U.S. Supreme Court. Imagine the effect a similar staff cut would have on any business or organization. For most, the loss of one of every eight top staffers would be a serious blow. Four of the seven vacancies on the 6th Circuit have been declared "judicial emergencies," according to the Administrative Office of the U.S. Courts. Judicial emergencies are declared based on the length of time a seat has been empty and the number of cases pressing on the court. One of the Cincinnati court's judicial emergencies involves a seat that has gone unfilled since 1995.

But rather than do something for the 11 percent of Americans who depend on the overburdened,

understaffed 6th Circuit Court for rulings involving their liberty and livelihoods, the Senate prefers to play partisan games.

The problem is twofold. The Democrat- controlled Senate Judiciary Committee deliberately is stalling confirmation hearings for President Bush's nominees for the 6th Circuit bench because they don't pass a Democratic litmus test for political correctness.

At the same time, Michigan's two Democratic senators are trying to turn back the clock by forcing Bush to nominate two of President Clinton's unsuccessful court nominees.

All six Bush nominees for the 6th Circuit, including two from Ohio, three from Michigan and one from Tennessee, have been cooling their heels while the Senate pretends to be discharging its duty by processing nominees for lower federal courts.

But the real goal is to delay as long as possible the consideration of nominees whose commitment to judicial restraint is anathema to Democrats, who prefer judges who can be relied on to engage in the kind of judicial activism pleasing to the Democratic Party and its special interests.

Two victims of this stalemate are Columbus attorney Jeffrey Sutton and Ohio Supreme Court Justice Deborah Cook, both of whom have been nominated for seats on the court but have yet to have a hearing before the Senate.

Sutton in particular has aroused the ire of liberal special interests who rightly fear that his commitment to limited constitutional government will impede their efforts to use activist federal courts to institute policies they cannot persuade Congress or state legislatures to adopt.

Another nominee of unusual interest is Henry W. Saad, a judge on the Michigan Court of Appeals. If the Senate gets around to considering his nomination, he could become the first judge of Arab descent appointed to the 6th Circuit.

Politically, this nomination couldn't come at a better time, because the United States is at some pains to underline that its war against terrorism is not motivated by ethnic or religious bigotry.

Without a doubt, if a Republican-controlled Senate was blocking an Arab-American nominee, Democratic senators would be tarring the GOP majority as racist. Of course, Democrats are simply doing to Republican nominees what the GOP in the past has done to Democratic nominees. This is a tit-for-tat spat that goes back at least two decades.

But it does no one any good. Both parties should call a truce and agree on some basic ground rules. A president should be able to pick nominees who reflect his governing philosophy, contingent upon the nominee's suitability in ability, experience and character. With reasonable speed, all nominees should receive a hearing and a vote by the Judiciary Committee. If the committee vote is affirmative, the nomination should be forwarded to the full Senate for a vote without delay.

This is hardly a radical idea. In fact, it is precisely the one laid out by Sen. Patrick Leahy back on June 16, 1997, when he made the following remarks during a seven-page lecture on the topic to his colleagues:

"A president should be given a great deal of latitude on who he nominates to the federal court. If we disagree with a nomination, then we can vote against it. But, frankly . . . not only does it damage the integrity and the independence of the federal judiciary by just holding judicial nominations hostage where nobody ever even votes on them, but I think it damages the integrity of the U.S. Senate."

In the same speech, the Vermont Democrat had this to say about the situation of the 6th Circuit four years ago:

"Now, the sixth circuit desperately needs help in managing a growing backlog of cases. They have three vacancies, two of which have been designated judicial emergencies by the Judicial Conference of the United States. I mention the judicial emergencies . . . because this is not a case of some mere debating point; this is the Federal judiciary of this country with emergencies, where they need judges, where we could confirm the judges, and, frankly, the U.S. Senate is not doing its job."

Leahy's observations carry even more weight now, when the court in Cincinnati faces not three but eight vacancies. And since Leahy today is chairman of the Judiciary Committee, he should put his philosophy into effect immediately. He can begin by putting the six nominees for the 6th U.S. Circuit Court of Appeals at the top of his agenda.

Transcripts/Members of Congress

News Conference with Sens. Specter, Nickles, Gregg and Santorum

Federal News Service

Thursday, December 13, 2001

SEN. SPECTER: Good afternoon, ladies and gentlemen. We are here to comment about the deplorable situation in the United States Senate on confirmations. With respect to the Judiciary Committee, there are currently 97 judicial vacancies, and a large number of those are in emergency situations. And I would cite at the outset the nomination of Judge Brook Smith, who is the chief judge on the Western District of Pennsylvania, whose nomination has been pending on the Judiciary Committee for confirmation to the Third Circuit for months now.

The Third Circuit consists of Pennsylvania, New Jersey and Delaware, more than 20 million people. There is a judicial emergency there. Chief Judge Edward R. Becker talks to me about this situation almost weekly. There had been an expectation that Judge Smith would have been confirmed before we broke at the end of this session. And that now looks to be an impossibility. And I talked to the chief judge just last week, who has to rearrange the calendar for the Third Circuit going into '02, because Judge Smith will not be available. The situation has gotten so serious with respect to Judge Smith and the Third Circuit that I took the unusual stand of filing a resolution with the committee calling for a vote, because I have a sense that the other nine members on the committee that were Democrats would be reluctant, perhaps unwilling, to follow Senator Leahy on his chairmanship. And when I filed that resolution two weeks ago, I told the chairman, I told Senator Leahy, that he was looking for a scorched-earth policy. Senator Leahy is not going to be chairman of the Judiciary Committee forever. That's a very tenuous situation, and I am right behind. And not to have a basic measure of fairness is candidly insulting to people like Judge Smith and others who are waiting for confirmation.

This is a chart -- are favorites in the Senate, as you know -- would show a comparison between President Bush's tenure in 1989 to 1993, with President Clinton from 1993, and President Bush this year. First year confirmations on the Court of Appeals. And you see that President Bush has one third of those which were confirmed during the tenure of President Clinton and the first President Bush.

Here is a sampling of editorials, and it's unusual to have such a concurrence with the Washington Post -- not noted for criticizing Senator Leahy -- saying that Judiciary Committee chairman, Democrat Senator Patrick Leahy, has offered no reasonable justification for stalling on these nominations. And going on through a list of editorials which are available for your copying. But I don't want to take up too much time because there are many other speakers.

But the federal courts have a very, very heavy burden, and there's an expectation of even a heavier burden after September 11. We have already had the first defendant suspected charged with terrorism indicted; there may well be others. The federal judiciary should be at full strength, and Senator Leahy should stop playing politics and start confirming federal judges.

SEN. NICKLES: Let me kind of echo a few of the things Senator Specter said. Some of these nominees for judges and circuit court nominees are outstanding individuals, many of which have not been able to get the time of day. They haven't been able to get a hearing -- many of which -- we actually have one, two, three, four, five, six, seven, eight were nominated on May the 9th -- have yet to have a hearing -- not even have a hearing. They are more than qualified.

Some are outstanding in every respect. I'll just mention a couple of them. Miguel Estrada. Miguel Estrada is a fine outstanding attorney. Many of us feel so strongly about him -- all Republicans senators sent a letter to Senator Leahy, urging that he have a hearing to consider his nomination. Mr. Estrada was rated unanimously well qualified by ABA. When he came to the country, he spoke basically no English. He went on to graduate Phi Beta Kappa from Columbia, and went to graduate at the top of Harvard Law School. He's argued 14 cases before the Supreme Court -- he won 10 of those. He has done a lot of pro bono work. He's an outstanding Hispanic American, and he deserves a hearing. And despite the fact that we have had the vice president ask for a hearing, the president ask for a hearing -- all Republican members of the Senate ask for a hearing -- we have yet to get him a hearing. And he was nominated back in May. That's not fair to Mr. Estrada.

I'll mention another one, John Roberts. John Roberts is -- again, was rated unanimously well qualified by the ABA. He was principal deputy solicitor general in the United States from 1989 to '93. He's argued 34 cases before the Supreme Court. He is so well qualified. And yet he's yet to get a hearing before the committee.

Several of these nominees, as Senator Specter mentioned for the Circuit Court of Appeals just haven't been able to get anything. Only 21 percent. We have actually 21 circuit court nominees that are not moving in the Senate in any way, shape or form. We have had some progress on district court nominees, and I thank Senator Leahy and the Democrats for their cooperation for district court nominees. Circuit court nominees are very important, and yet we have only confirmed six out of 28, and in all of the six two were Democrats.

One was left over basically from the Clinton administration. And several that President Bush has asked for, and the vice president and the Republican Senate have been asking for hearings, and we have got no cooperation whatsoever. That's not fair to these outstanding individuals. They were nominated by the president for very prestigious life-time positions. They are entitled to have a hearing. They have yet to receive a hearing. We call upon Senator Leahy and our colleagues on the Democrats to recognize we wish for them to treat us fairly, and vice versa. And hopefully they'll reconsider and start giving some fair treatment to some outstanding individuals who deserve a hearing, deserve to be confirmed by the U.S. Senate.

SEN. SPECTER: May I just supplement a thing or two, Rick? I feel particularly strongly about the way Judge Smith is treated on the Third Circuit. After Senator Leahy came to me last year, when he was the ranking member, and I helped him with Judge Berzon, was confirmed in the Ninth Circuit; Judge Paez, who was confirmed in the Ninth Circuit; Judge Gregory, who was appointed in the Fourth Circuit; and Bill Lann Lee, a controversial issue of assistant attorney general for the Civil Rights Division. And some basic reciprocity requires that somebody like Judge Smith get a hearing and a confirmation vote.

SEN. SANTORUM: Thank you, Arlen. I also want to say that this is not just about judicial nominations. What we are seeing is also partisan politics being played in areas outside the judiciary.

You know, a lot was written about what was the Congress going to be like after September 11th --

was there going to be a change in the way that business was conducted? Were we going to see more of an atmosphere of bipartisanship? In particular, were the Democrats, and particularly Senator Daschle, going to support the president in his ability to execute the war and to fight what is the war here at home, both from national security perspective, domestic security perspective, but also from an economic growth perspective, as a result of the actions of September 11th? To do that, he needs to have his team in place -- not just on the judiciary, but also on the executive branch. And we would have thought that some of these nominations as you see here -- these are nominees who have been held for anywhere from five weeks all the way up to 32 weeks -- you would think that after the events that occurred this fall that we would see an air of bipartisanship, at least allowing the president to put his team in place to help this country that's facing a war, a diplomatic crisis, as well as an economic crisis here at home. The least they could do was allow the president the opportunity to put his people on the ground to meet the needs of the American public. And that has not happened. Partisanship, and in some cases petty vendettas, have prevailed. And that to me is really something that I think the American public should be outraged about. The American public expects us to work together when this country is in a pinch. We are in a pinch, and what's happening is the majority, Senator Daschle, is blocking nomination after nomination -- not just on the Judiciary Committee, but also here on the floor with respect to a variety of other appointments that this president needs to run this country.

SEN. JUDD GREGG (R-NH): A lot's been said. The great Scottish wars, if you all remember, of the 18th and 17th century -- I know Arlen remembers --

SEN. SPECTER: Strom does. (Laughter.)

SEN. JUDD GREGG: Strom does. I think he referred to them during the impeachment process. In the great Scottish wars of the 17th and 18th century, the king would prescribe a name, and if you had that last name you were subject to be hung. It appears that Senator Daschle has prescribed a name, and the name is Scalia. If you have that name, you shall not come up for confirmation.

The fact is the only thing that is holding Scalia from being -- Eugene Scalia from being nominated and confirmed is the fact that he is the son of his father, who is Judge Scalia. This is petty, it's vindictive, and it's below the purpose of the Senate. But it's the way the Senate is being operated right now by the majority party. For my part, I find it inexcusable obviously. Eugene Scalia, during our hearing process, established himself as an extremely talented individual, who had speaking on his behalf from both parties who represent a broad spectrum of political thought, and five of whom who had been solicitor generals prior to his nomination. They all wrote us and said he would be an exceptional solicitor general; in fact, they said he would probably be better than they were. William Coleman (ph), former secretary of transportation, civil rights leader for many years here in Washington -- a strong advocate for Eugene Scalia.

The only item of disagreement with Gene Scalia seemed to be over the issue of ergonomics, where he came down on the side of the majority of the Congress. So members on the other side disagreed with that. You can hardly hold someone up because he supported the majority position of the Congress when he was being nominated for a position in the government. No, he's only being held up because he's his father's son. He is Scalia the younger. And therefore in order to get to Scalia the older, the Democratic leader and his minions have decided not to give him the opportunity to serve in the government, where he would do an extraordinary job, and it's totally inappropriate.

Q (Off mike)?

SEN. GREGG: Well, it's time for the majority leader to bring these names to the floor. We still are going to be here next week, for some unknown reason, but we are going to be here. And if we are going to be here next weekend, we are going to be standing around the way we are today, and have been for the last few weeks. There's no reason you can't for example do the Scalia nomination. We are not asking that they vote for him. We're simply saying, give us a vote, up or down, on his nomination. And I'm willing to do it in 15 minutes. I'm willing to do it in 10 minutes. I'm willing to do it without any debate. I'm willing to take it right to a vote. So it's not going to take any time. So it's time to have a vote. That's our job as the Senate, to bring these nominations up and have votes on them. Recess nominations -- that's up to the administration, but we don't need to discuss that, because we have time on our agenda to take all these nominations.

Q Senator Specter, could I ask -- could you elaborate a little on what you meant by -- in reference to the court's -- (off mike)?

SEN. SPECTER: Sure. The Senate does not function unless there is cooperation. And the attitude of Senator Leahy in the way he is handling judicial nominations is simply insulting. I searched for a long time to find the right word -- outrageous, reprehensible, terrible -- those are all overused words. But Senator Leahy one day, and perhaps soon, will be the ranking member on judiciary, and he's going to need some consideration from the majority. And even as the chairman, he needs consideration from the minority. And the Senate has a long, proud historical record of comity. And what Senator Leahy is now doing is to invite a scorched-earth policy of absolutely no cooperation by the minority, which he needs as chairman, and absolutely no cooperation when he's in the minority.

Q (Off mike) -- Democratic president and a Republican Senate. We are hearing the arguments from the Republicans now under a Democratic Senate and a Republican president. Is it time to start talking about maybe blanket confirmations of all nominees to solve this problem, because it seems like it's just back and forth with each party whenever the president changes?

SEN. SPECTER: That is a possibility to establish some rule so you couldn't have the current tyranny. But the practices were not the same when we had President Clinton in and a Republican majority in the Senate. And I already gave you a number of illustrations -- very controversial judges. Marcia Berzon was a very controversial nominee in the Ninth Circuit. And it did take her

time. And I was one of the leaders who tried to get the matter up and voted on, and she was confirmed. Judge Paez, also of the Ninth Circuit, was very controversial -- a Democratic nominee of President Clinton, a Republican-controlled Senate. And, again, I was one of the leaders to bring Paez up. And Judge Gregory in the Fourth Circuit was controversial. He's one of the judges who has been confirmed by -- this time. President Bush nominated him because it was really thought unfair to have him -- I believe he was an interim appointment -- I am pretty sure about that -- and he has been confirmed. But Republicans helped him. Bill Lann Lee was a highly controversial nominee. He finally ended up tied, and was a beneficiary of an interim appointment. But I helped Senator Leahy with Bill Lann Lee. And this Judge Smith issue is just disgraceful, just insulting that he is not confirmed. When you raise a question about whether we ought to redraft the rules to stop these maneuverings, that's something I'd certainly be fore.

SEN. SANTORUM: I take issue with equating the two arguments. There's a big difference, a huge difference between the last year of an eight-year term, on which he had a record number of judicial nominations approved, most of which during a Republican Senate -- a huge difference with us taking exception to a group, and they were a group, of very, very controversial nominees at the end of a presidential eight-year swing, when he already had more nominees I think on -- maybe one short -- of the record number of people on the court. And equating that argument to a new president who is not getting -- who is getting virtually none of his nominees to the court -- certainly none to the circuit court, of which they are not controversial. These people, if they come to the floor -- and you have seen the ones that have come -- they pass overwhelming votes. There are very, very few. I mean, there's a list of some of the folks who are up there -- there's very, very few who are rated -- who are not rated well qualified. They're unanimously rated qualified. These people are not controversial. This is the first year of his term. He's had very few appointments to the court.

What we are seeing here -- and I know your question -- and that's the other side planting that in you -- but you can't equate the two. And to equate the two, accept their assumption as a valid one -- and it is not a valid assumption. You do not treat the first year of the president the same as you treat -- no Congress historically treats the first year of the president the way you treat the last year of a president after an eight-year role. The last year of a president it's always a situation where there's, you know, you are going to sort of wait to see what happens in the election when you're at the end of the term. That's not the case here. And so I just would hope that people would understand -- to say, well, there was contention before, contention now -- it's just a matter of who is in charge -- wrong. Let's understand that. Let's put it in context. Let's be accurate about it.

SEN. SPECTER: Thank you.

addressed to him was found filled with anthrax spores, similar to the one opened in the office of Majority Leader Tom Daschle (D-S.D.).

Leahy has drawn the ire of the conservative community for not moving more rapidly on President Bush's judicial and departmental nominees and for calling Attorney General John Ashcroft and other Department of Justice officials before his panel to answer questions about administration initiatives.

Human Events, a national conservative weekly publication, ran an article about Leahy in its Dec. 3 issue with a prominent headline, "Osama's Enabler in Congress."

"It is Leahy who would put Americans at greater risk of terrorism," the Human Events article alleges. "Why? Not because he has legitimate complaints — he doesn't — but because he has a partisan and ideological axe to grind into John Ashcroft's back."

John Gizzi, the political editor of Human Events, explained the headline by saying that Leahy has left the administration understaffed by confirming too few nominees, and that he "repeatedly has dogged the administration at every turn."

Gizzi said he didn't know of any American who wants to put another person in danger from terrorists. But he added, "I'm saying that by his actions, not just on the appointments but the way he has been an obstructionist with the anti-terrorist bill, that, as they say in Hollywood, that if he's not, he's doing a great job of faking it. ... His actions are shooting craps with destiny."

Other prominent conservative groups said they also could see some justification for the headline.

"I wouldn't phrase it that way, but I understand what their level of frustration is, too," said Damon Ansell, vice president for policy at Americans for Tax Reform. "I think you'll find that our organization and most organizations are getting tired of these hearings."

Ansell was referring to Judiciary Committee hearings in which Department of Justice officials testified, including a highly publicized hearing last week featuring Ashcroft.

But Carle defended his boss' oversight role.

"Whether or not the administration's military order on tribunals and all the other unilateral actions are popular or unpopular right now, oversight hearings are important in helping the public and the Congress understand what they mean," Carle said. "The hearings already have led the administration to clarify and scale back its intentions for using these broad new powers."

Ansell's group also targets the issue that Democrats and Republicans have traded barbs over for months now — whether Leahy is moving judicial and departmental nominees quickly enough.

"Sen. Leahy has one job and one job only right now in this new era of fighting a war — chairmanship of the Judiciary Committee and therefore to make sure our judicial system is well-

stocked," Ansell said. "To date he has done an abhorrent job of that."

Minority Leader Trent Lott (D-Miss.) appealed to his base's concern about the issue when he held a press briefing Monday with a chart labeled "Leahy's Quicksand" prominently displayed behind him, showing that some nominees have been before the Judiciary Committee for as long as 31 weeks without a hearing.

But Democrats strongly disagree with the criticism, arguing they are bringing up a large number of nominees. "We will be exceeding by some degree the record set in other congresses for six months of work on nominations," Daschle said last week.

Both sides are expected to hold dueling press conferences on the issue Wednesday, the one-year anniversary of the Bush v. Gore Supreme Court decision. Several liberal women's groups have been planning a media blitz in support of Leahy.

Tripp Baird, director of Senate relations with the conservative think-tank The Heritage Foundation, also refused to condemn the "Osama's enabler" headline. "I didn't read it so I really couldn't comment on it, but I think Osama bin Laden and terrorists laugh at us when they see us bickering over a military tribunal, whether it's good or bad," he said.

Baird explained the harsh criticism from conservatives as stemming from Leahy's association with liberal groups.

"The strategies seem right out of the playbook of the ACLU [American Civil Liberties Union]," Baird said. "I think that's why a lot of conservatives and Republicans in the Senate are critical of him right now."

Thomas Jipping, director of the Judicial Selection Monitoring Project of the politically and culturally conservative Free Congress Foundation, said his group has long been criticizing Leahy for obstruction on judicial nominees.

"We work with about 900 grassroots groups," Jipping said. "To those groups, to the media and to the Senate, we've tried to expose the tricks that he's using."

Senate Considers Judicial Nominees

By Jesse Holland
The Associated Press
Thursday, December 13, 2001

The Senate moved Thursday toward confirming its last judges of the year, as Republicans renewed their complaints about Democratic treatment of President Bush's judicial and non-judicial nominees.

The Senate confirmed three U.S. District Court judges, while the Senate Judiciary Committee

sent five more District Court nominees to the full chamber for confirmation in what senators expect to be its last hearing of the year.

Senators approved 97-0 the judicial nomination of Frederick Martone of Arizona, and approved the nominations of Clay Land of Georgia and William Johnson of New Mexico by voice vote. The committee sent to the Senate the nominations of five more U.S. District Court candidates by 19-0 votes: Callie V. Granade of Alabama, Marcia S. Krieger of Colorado, James C. Mahan of Nevada, Philip R. Martinez of Texas and C. Ashley Royal of Georgia.

If the Senate approves those five judges before the end of the year, 32 of Bush's first 64 judicial nominations - or 50 percent - would have been approved by the Democrat-controlled Senate. Separately, the Senate would have approved 26 of 36 District Court nominations - 76 percent - and six of 28 U.S. Appeals Court nominations - 21 percent.

Republicans on Thursday continued to complain about the number of nominees the Democrat-controlled Senate has completed so far, saying the lowest number of Circuit judges confirmed in a president's first year since President Reagan was the 60 percent confirmed by the Senate under President Clinton.

Senate Judiciary Chairman Patrick Leahy "should stop playing politics and start confirming judges," said Sen. Arlen Specter, R-Pa., who has threatened a "scorched earth" policy if Republicans regain control of the Senate and there are Democratic nominees.

"We're trying to get through these as quickly as we can," Leahy said.

Other senators complained about other stalled presidential nominations, including that of Eugene Scalia as the Labor Department's top lawyer. GOP senators accused Democrats of holding Scalia up because his father is Supreme Court Justice Antonin Scalia.

"He's only been held up because he's his father's son," said Sen. Judd Gregg, R-N.H.

Democrats say their disagreement with Scalia is with his views, not with his father.

Dunn, Senators Wrestle Over How Commission Should Recommend Judges

By Katherine Pfleger
The Associated Press
Thursday, December 13, 2001

The jury is still out on whether three Washington state lawmakers will come to a peaceful resolution about how to find a new federal judge for Tacoma.

In a disagreement brewing since February, Democratic Sens. Patty Murray and Maria Cantwell have been clashing with Republican Rep. Jennifer Dunn and the president's legal counsel over

how to form a bipartisan panel to select candidates for a vacancy in Western Washington's U.S. District Court in Tacoma.

The parties have exchanged letters, held meetings and dispatched their staffs for negotiations. When they couldn't make a deal, Dunn sent Bush the names of four candidates in November, gathered by a commission she created. Dunn's office says an intern hand-delivered to the senators the four candidates' resumes with a note welcoming their thoughts, which was ignored. The White House intends to announce a nominee, most likely in January.

Murray and Cantwell were amazed Dunn moved ahead without any meaningful contribution from them.

The senators say as late as last week White House Counsel Alberto Gonzales promised to include them in the process. Without that, the two have threatened to block Senate confirmation of the president's nominee.

"We will not have a judge out of the Senate unless Senator Cantwell and I have say naming the judge,"
Murray said.

The Constitution allows the president to nominate judges with the "advice and consent" of the Senate. The president historically has listened to the wishes of home-state senators from his party to fill vacancies. Other elected officials and attorneys often add input.

Under more recent practices, Washington state, California and Wisconsin have set up bipartisan commissions to help fill judicial openings.

Gonzales called the states "isolated exceptions" in a letter to Murray and Cantwell. He has said Bush generally is not supportive of these bipartisan commissions. However, Bush was willing to bow to them - under certain conditions.

Gonzales' August offer: establish a Washington state commission - with equal representation from both parties - to choose at least three candidates. The president would consider its recommendations but could choose someone that the commission didn't suggest.

Gonzales also wanted a commitment from the senators that they would support the president's choice, if he selected one of the commission's candidates, barring a later problem that arises from background checks.

Dunn said Murray and Cantwell weren't willing to compromise and the discussions broke down. She had to move ahead to help get the opening filled, she said.

"The president has gone further than he needs to on this. ... The senators have painted themselves

into a corner," said Dunn, who as the state's top Republican serves as a liaison to the White House. "Yet they have the right to put a hold on the nomination of a very good judge."

The senators said they didn't want to be obligated to support the commission's decision if the president could still choose any candidate he desired. Murray said she also wanted an opportunity to look the candidates in their eyes and interview them, which the White House wasn't offering.

Now, Murray and Cantwell want a commission - with even representation - to draw up a new list.

The dispute is reminiscent of some tense discussions Murray had with former Sen. Slade Gorton during the Clinton administration. Then Murray found herself on the other side of the argument, trying to curb the role of a dominating Republican senator as a Democratic White House nominated judges. The two worked out their differences and eventually agreed on judicial candidates.

Cantwell said she was most concerned about continuing the custom of Republican-Democratic commissions that Murray and Gorton established.

"This has been a hard-worked-out process between Patty and Slade," said Cantwell, a member of the Judiciary Committee, tasked with screening and approving judicial candidates. "Why not stick with it?"

Elsewhere, bipartisan commissions have done their work with fewer bumps. In California, names have gone to the White House to fill some openings.

In Wisconsin, Democratic Sens. Herb Kohl and Russ Feingold didn't like the list of candidates submitted to the White House and stripped three of the names - much to the chagrin of Rep. Jim Sensenbrenner, R-Wis. But the process is moving.

Bush's spokesman Ken Lisaius said the White House will continue to communicate with appropriate Congress members regarding judicial nominees.

In Washington state, he said, "the conversations are ongoing."

The opening in Tacoma was created a year ago when Judge Robert Bryan took "senior status," a type of semi-retirement that allows the judge to significantly limit his caseload. He is carrying a full load until a successor is named.

Dunn's committee chose four candidates to replace him: M. Wayne Blair, a King County lawyer; Bryan Chushcoff, a Pierce County Superior Court judge; and two Tacoma lawyers, Beth Jensen and Ron Leighton.

Dunn said they are the four best candidates. Murray and Cantwell both said they had no comment on Dunn's choices.

"I have been contacted by people both Republican and Democrat who never knew about the (selection) process," Murray said.

Forrest Maltzman, George Washington University political science professor, said the question is whether the Democrats are willing to leave vacancies in the court or the Republicans are willing to back down to get people to the bench.

"At the end of the day, what we are going to end up with is a game of chicken," he said.

Dayton Says Judge Selection Process Needs Revamping; He'll Write to Ramstad

By Greg Gordon
The Star Tribune
Thursday, December 13, 2001

Sen. Mark Dayton, D-Minn., said Wednesday that when the next federal judgeship opens in Minnesota, he hopes a different process will be followed to ensure selection of an "extremely well qualified" candidate.

Dayton said he intends to put his request in writing to Republican Rep. Jim Ramstad, who this week found himself in a political mini-tempest for urging President Bush to nominate his sister to a judgeship.

Bush instead settled on Ramstad's third choice for the coveted lifetime job: Minnesota Supreme Court Justice Joan Ericksen Lancaster, two people with direct knowledge of the nomination told the Star Tribune on Tuesday.

Steven Schier, a Carleton College political science professor, said Bush "is saving Jim Ramstad from his own mistakes" by choosing Lancaster over the congressman's sister, Minnesota Corrections Commissioner Sheryl Ramstad Hvass. Given the appearance of a conflict, Schier said, "Ramstad should be very grateful to the administration that they did not select his sister, because this would be an issue that would last for a very long time."

Republican Bill Frenzel, Ramstad's predecessor as Minnesota's Third District congressman, agreed that

"whatever risk [Ramstad] was running is reduced" if his sister is not selected.

Senators normally get the privilege of recommending judicial candidates for their state when their party holds the White House. But because Minnesota's senators are both Democrats, Ramstad, the senior Republican in the House delegation, gets that perk.

A 1967 anti-nepotism law bars members of Congress from hiring relatives, and another statute prohibits nepotism in the judiciary. But no law bars legislators from recommending relatives for judgeships.

Frenzel said he "would have been shocked" if Ramstad, his former aide, had not recommended Ramstad Hvass, to whom he is "fiercely loyal."

"That is an exceedingly close family . . . ," Frenzel said. "It seems to me that she was a pretty qualified person and had a shot at it."

But Frenzel also said he was not surprised that Bush picked a different candidate. Unlike senators, who can block home-state judicial nominations, House members have little leverage over the White House on judicial nominations, he said. Judicial nominees must be confirmed by the Senate.

"It is really hard to get the White House to pay attention to House members on judges," Frenzel said.

"Without mentioning any names, I got stiffed on three judges. I was madder than hell."

Dayton, during a teleconference with reporters, stressed his concern about the process in which Ramstad appointed a three-member judicial-selection panel, which screened 19 candidates and then sent Ramstad five names.

Dayton said that before the next opening is filled, he will urge Ramstad to involve both senators "at least to the extent that we have some more knowledge and an opportunity to encourage applicants."

"The president has a right to make these appointments," Dayton said. "I expect they'll be people with strong Republican credentials, and that's the way the process works. What I will insist on, is that anyone appointed to the federal bench for life is someone who is extremely well qualified and among the very best people in Minnesota."

But Doug Kelley, a member of Ramstad's judicial-screening committee, countered that "it's not the Democratic senators' job to pick judges for a Republican administration. My view is that the

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher
bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;noel j. francisco/who
/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c.
walker>
Sent: 12/14/2001 10:04:28 AM
Subject: : Re: Holiday Contact Info

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-DEC-2001 15:04:28.00
SUBJECT:: Re: Holiday Contact Info
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
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READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm glad to work it all out, but I cannot be out of the office on Monday,
and I will already be travelling on Tuesday and Wednesday. So Thursday
night and Friday are really the only days that I can do.

Helgard C. Walker
12/14/2001 03:00:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Would that it were for real.

Brett M. Kavanaugh
12/14/2001 02:57:30 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

attempted humor

Helgard C. Walker
12/14/2001 02:56:40 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Is that for real or another attempt at humor?

Brett M. Kavanaugh
12/14/2001 02:56:04 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

kyle sunday; courtney monday and tuesday; brad wed-friday

Helgard C. Walker
12/14/2001 02:53:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

While I have all of your attention, can we come to a resolution on next week's plan?

Brett M. Kavanaugh
12/14/2001 02:48:05 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

meant that to be funny, but lost in the e-mail nuance . . .

H. Christopher Bartolomucci
12/14/2001 02:47:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

REV_00137812

Aren't we snippy today?

Brett M. Kavanaugh
12/14/2001 02:46:13 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, h. christopher
bartolomucci/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

dunno, dunno, and dunno; does anyone really think I plan that far
in advance??

Noel J. Francisco
12/14/2001 02:30:11 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Holiday Contact Info

Please e-mail to me the dates that you will be travelling over the
holidays, where you will be, and the numbers at which you can be
contacted. Thanks.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher
bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;noel j. francisco/who
/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c.
walker>
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Subject: : Re: Holiday Contact Info

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CREATION DATE/TIME:14-DEC-2001 15:07:03.00
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CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Understood and appreciated. Chris, are you still willing to do Tues and
Wed, since Brett has declined to cover me for Wed? If it's a problem I
will suck it up and go for Tuesday night.

Noel J. Francisco
12/14/2001 03:04:19 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, h. christopher
bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c.
walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

I'm glad to work it all out, but I cannot be out of the office on Monday,
and I will already be travelling on Tuesday and Wednesday. So Thursday
night and Friday are really the only days that I can do.

Helgard C. Walker
12/14/2001 03:00:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

REV_00137815

Would that it were for real.

Brett M. Kavanaugh
12/14/2001 02:57:30 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

attempted humor

Helgard C. Walker
12/14/2001 02:56:40 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Is that for real or another attempt at humor?

Brett M. Kavanaugh
12/14/2001 02:56:04 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

kyle sunday; courtney monday and tuesday; brad wed-friday

Helgard C. Walker
12/14/2001 02:53:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

While I have all of your attention, can we come to a resolution on next week's plan?

Brett M. Kavanaugh
12/14/2001 02:48:05 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP

REV_00137816

cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

meant that to be funny, but lost in the e-mail nuance . . .

H. Christopher Bartolomucci
12/14/2001 02:47:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

Aren't we snippy today?

Brett M. Kavanaugh
12/14/2001 02:46:13 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, h. christopher
bartolomucci/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

dunno, dunno, and dunno; does anyone really think I plan that far
in advance??

Noel J. Francisco
12/14/2001 02:30:11 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Holiday Contact Info

Please e-mail to me the dates that you will be travelling over the
holidays, where you will be, and the numbers at which you can be
contacted. Thanks.

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>; Long, Linda E
<Linda.E.Long@usdoj.gov>; Horowitz, Michael-CRM <Michael.Horowitz3@usdoj.gov>
CC: Bryant, Dan <Dan.Bryant@usdoj.gov>; Burton, Faith <Faith.Burton@usdoj.gov>; Wray, Chris
<Chris.Wray@usdoj.gov>; Herbert, James <James.Herbert@usdoj.gov>; Durham, John
<John.Durham@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>
Sent: 12/14/2001 10:33:29 AM
Subject: : Monday and Tuesday Meetings on Boston/Burton/Exec Priv Issues

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME:14-DEC-2001 15:33:29.00

SUBJECT:: Monday and Tuesday Meetings on Boston/Burton/Exec Priv Issues

TO:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) ("Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Wray, Chris" <Chris.Wray@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Wray, Chris" <Chris.Wray@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Herbert, James" <James.Herbert@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Herbert, James" <James.Herbert@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Durham, John" <John.Durham@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Durham, John" <John.Durham@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Yes.

Linda, pls. schedule in OLA conf room: Monday @ 10 am - AAG's Bryant,
Chertoff, and Bybee (w/staff) and PDAG Chris Wray or his designee (we'll
probably patch in Herbert and possibly Durham by conf. call for that
meeting). Same group for Tuesday @ 8 am but include Tim Flannigan and
Brett Kavanaugh from WH Counsel (contact Alison @ 456-2632).

Thanks.

-----Original Message-----

From: Whelan, M Edward III

Sent: Friday, December 14, 2001 3:03 PM

REV_00137823

To: Thorsen, Carl; Horowitz, Michael-CRM
Subject: RE: Pre-meeting on Boston issue

Just to confirm my understanding: The DOJ-only pre-meeting will occur Monday at 10:00. The meeting with the White House folks will occur Tuesday at 8:00. Both meetings will occur in the OLA conference room.

-----Original Message-----

From: Thorsen, Carl
Sent: Friday, December 14, 2001 3:01 PM
To: Horowitz, Michael-CRM; Whelan, M Edward III
Subject: RE: Pre-meeting on Boston issue

sorry to create confusion. i'm trying to speed skate through my 465 unopened emails.

-----Original Message-----

From: Michael-CRM Horowitz
Sent: Friday, December 14, 2001 2:51 PM
To: Whelan, M Edward III
Cc: Thorsen, Carl; Bybee, Jay
Subject: Re: Pre-meeting on Boston issue

Date: 12/14/2001 02:53 pm -0500 (Friday)
From: Michael-CRM Horowitz
To: "wMWhelan".WTGATE2.CRMGW
CC: "wCThorsen".WTGATE2.CRMGW; "wJBybee".WTGATE2.CRMGW
Subject: Re: Pre-meeting on Boston issue

I am available and will have Val put it on my schedule and Mike's.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 12/14/2001 11:18:52 AM
Subject: : Re: Holiday Contact Info

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-DEC-2001 16:18:52.00
SUBJECT:: Re: Holiday Contact Info
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I think he is too busy studiously avoiding your email to respond to it.

H. Christopher Bartolomucci
12/14/2001 03:44:23 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

But has Brett signed on to Sunday and Monday nights?

Helgard C. Walker
12/14/2001 03:19:29 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

You are a swell guy and I really appreciate your facilitating my being able to go to my birthday lunch party. Thanks!!!!!!

H. Christopher Bartolomucci
12/14/2001 03:11:46 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

REV_00137825

If Brett does Sun. and Mon., and Noel does Thur. and Fri., I will do Tue. and Wed. Although I may need to arrive late on Tue.

Helgard C. Walker
12/14/2001 03:06:54 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, h. christopher
bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c.
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Subject: Re: Holiday Contact Info

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Subject: Re: Holiday Contact Info

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To: Helgard C. Walker/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j.
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attempted humor

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cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

kyle sunday; courtney monday and tuesday; brad wed-friday

Helgard C. Walker
12/14/2001 02:53:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
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Subject: Re: Holiday Contact Info

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12/14/2001 02:48:05 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
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Subject: Re: Holiday Contact Info

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H. Christopher Bartolomucci
12/14/2001 02:47:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

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12/14/2001 02:46:13 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: helgard c. walker/who/eop@eop, h. christopher
bartolomucci/who/eop@eop
bcc:
Subject: Re: Holiday Contact Info

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in advance??

Noel J. Francisco
12/14/2001 02:30:11 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Holiday Contact Info

Please e-mail to me the dates that you will be travelling over the
holidays, where you will be, and the numbers at which you can be
contacted. Thanks.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN]
<Mario.Ugoletti@do.treas.gov>
Sent: 12/14/2001 11:28:59 AM
Subject: : FW: Side-by-side of House and Senate terrorism insurance bills
Attachments: P_RQTH4003_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:14-DEC-2001 16:28:59.00
SUBJECT:: FW: Side-by-side of House and Senate terrorism insurance bills
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Some weekend reading -- I love giving out homework. An outline of what we think a melded House/Senate bill might look like will follow shortly.

Sheila
> -----Original Message-----
> From: DeMarco, Edward
> Sent: Friday, December 14, 2001 3:34 PM
> To: Bair, Sheila
> Cc: Hunt, Betty Ann; Ugoletti, Mario; Pedri, Melissa; McInerney, Roberta; Ellett, Martha
> Subject: Side-by-side of House and Senate terrorism insurance bills
> Importance: High
>
> is attached
>
> <<Billcomparisonamend6.doc>>
> - Billcomparisonamend6.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RQTH4003_OPD.TXT_1>

TERRORISM RISK INSURANCE COMPARISON

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Loss Sharing Program	<p>One-year program with one-year extension at the Secretary of the Treasury's (Secretary) discretion. Program administered by the Secretary.</p> <p><u>Per Company Deductible:</u> Each participating primary P&C company has a deductible established as its market share of gross premiums multiplied by \$10 billion. Once the company has paid insured losses equal to its deductible, it the Government pays 80% of additional losses incurred by that company and the company pays the remaining 20 percent. Once aggregate losses have reached \$10 billion, the loss sharing formula converts to 90/10. If aggregate losses exceed \$10 billion, the Secretary is responsible for determining each company's pro rata share of the government's loss-sharing payments.</p>	<p>One-year program administered by Secretary of the Treasury (Secretary) in which government provides "financial assistance" to commercial P&C insurance companies based on one of two "triggering events."</p> <p><u>(1) Industry-wide trigger:</u> If there is an "industry-wide triggering event" (described below), each insurer receives financial assistance equal to the difference between 90% of the insurer's net losses (net of reinsured losses) and \$5 million.</p> <p><u>Individual insurer trigger:</u> If there is an "individual insurer triggering event," each insurer eligible to receive financial assistance under the triggering determination receives financial assistance equal to the difference between 90% of its insured losses and 10% of its net P&C premiums (net of reinsurance premiums) in force at the time of the insured losses.</p> <ul style="list-style-type: none"> • If the Secretary subsequently determines that an industry-wide trigger has occurred, 10% of premium deductible is refunded, and the deductible under the industry-wide trigger is applied. • Coverage under the (individual insurer?) trigger applies only to those commercial insurers who were providing commercial P&C coverage prior to 9/11.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures (cont'd)	<p>Provides U.S. right of subrogation for any payment made by U.S. through program.</p> <p>No statute of limitations provision</p> <p>No limited damages provision.</p> <p>Provisions apply only while program is effective.</p> <p>No settlement provision</p> <p>No judgment satisfaction provision.</p> <p>No protective order provision.</p> <p>No arbitration provision.</p> <p>No attorney fees provision.</p>	<p>Provides U.S. right of subrogation for claims U.S. pays.</p> <p>No statute of limitations provision.</p> <p>Damages limited to insured party.</p> <p>Provisions apply only with respect to triggering determinations and do not in any way limit actions against terrorists or their conspirators.</p> <p>No settlement provision.</p> <p>Makes terrorist assets seized or frozen by U.S. liable to satisfy judgments for acts of terrorism. President may waive this requirement.</p> <p>Authorizes U.S. or Secretary of the Treasury to seek protective orders for classified information.</p> <p>Preserves contractual arbitration rights.</p> <p>The Court will decide on reasonable attorneys fees so that the fees will not exceed 20 percent of total damages.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Disclosure to policyholders	At time of offer, purchase, or renewal of each policy, insurance company must disclose to the policyholder the premium charged for losses covered by the program and the Federal share of compensation under the program. For in-force contracts, disclosure required within 90 days.	Sense of Congress that states should require disclosure of the price of any P&C insurance for acts of terrorism, including costs of terrorism related assessments or surcharges. If states do not enact disclosure guidelines, the Secretary of the Treasury and the NAIC should adopt guidelines requiring the disclosure.
Ability to sue terrorist or terrorist's country	Act does not limit ability of any plaintiff to recover from any person, government, or other entity that participated in or aided and abetted any act of terrorism.	Act does not limit ability of any plaintiff to recover from any person that participated in or aided and abetted any act of terrorism.
Insurance Industry Build-Up	Sense of Congress that insurance industry should build up its capacity to provide affordable coverage for terrorism risk.	No provision.
Tax Provision	No provision.	Secretary shall issue a study within 4 months on issues relating to permitting P&C companies to establish tax-deductible reserves against future acts of terrorism.
Participating Insurer's Reports	Every 6 months participating insurance companies must report to the NAIC the premium rates charged for insured losses, including an explanation of and justification for those rates. The NAIC must forward copies of those reports to the Secretary, the Commerce Secretary, the FTC, and GAO.	Each insurer may be required by the Secretary to submit to the Secretary or the NAIC a statement specifying the net premium amount of coverage written under each line of commercial P&C sold by the insurer during a specified period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Reports to Congress	<p>Secretary must report to Congress within 9 months the availability of life insurance and other lines of insurance coverage.</p> <p>No report on railroad and trucking insurance</p> <p>Secretary must report to Congress promptly on reasons for any extension of the program.</p> <p>No report on pooling.</p> <p>.</p> <p>The Secretary, the Secretary of Commerce, and the FTC shall submit joint reports to Congress and GAO summarizing and evaluating the reports received every 6 months on premium rates (see row above). These reports are due after 9 months and then 12 months later. The GAO shall evaluate these reports for Congress.</p>	<p>Presidentially appointed commission must report to Congress on life insurance within 120 days.</p> <p>Secretary must report to Congress on railroad and trucking insurance for acts of terrorism within 120 days.</p> <p>Reporting on extensions same as Senate bill.</p> <p>Secretary of Treasury, Federal Reserve Board, and GAO must report to Congress within 6 months of enactment on (1) the advisability of establishing a reinsurance pool for acts of terrorism to replace the Act's financial assistance program, and (2) the potential effects of the Internal Revenue Code amendments and any further changes to federal law that might be appropriate to encourage pooling.</p> <p>No report on premium rates.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Sunset Provisions	<p>The program sunsets on December 31, 2002. Secretary may extend to a second year.</p> <p><u>One-Year Extension:</u> The Secretary may determine, based on the findings of a mandated report, that the program should be extended for one year, to Dec. 31, 2003. In that event, the loss-sharing is the same as in the first year.</p>	<p>The program sunsets on January 1, 2003. Secretary may extend the program by not more than 2 years.</p> <p><u>Program Extension:</u> Aggregate industry obligation amount for assessments will be the lesser of</p> <p>(1) Difference between \$10 billion and aggregate amount of assessments made in the prior 12 months or,</p> <p>(2) the amount of financial assistance made available.</p>
Triggering Event	<p>Coverage commences when an individual participating insurance company's insured losses exceed its deductible.</p>	<p>Secretary makes a "triggering determination" that commercial P&C losses from one or more acts of terrorism exceed (1) \$1 billion industry-wide <u>or</u> (2) \$100 million industry-wide and losses for any single insurer exceed 10% of the insurer's capital surplus and 10% of its commercial P&C net premiums.</p>
Coverage Requirements	<p>Participating insurer must offer terrorism coverage in all its commercial P&C policies and may, within 21 days, opt-in to participate with respect to its personal lines. Terrorism coverage must not differ materially from its other P&C coverage. Policyholder must file claim with participating insurer, which processes the claim and submits it to the Secretary along with (1) verification of the claim and payments made to policyholder and (2) certification of compliance with the program.</p>	<p>None</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Cap on Coverage	\$100 billion annual losses, after which Congress decides the procedures for and source of any excess payments. Industry not liable over \$100 billion.	<p>Total amount of Federal financial assistance may not exceed an aggregate amount of \$100 billion.</p> <p>Sense of Congress that acts of terrorism resulting in insured losses greater than \$100 billion would necessitate further Congressional action.</p>
Recoupment of Federal Payments	None	<p>All Federal financial assistance must be repaid from <u>assessments</u> and <u>surcharges</u> imposed on all commercial P&C insurers and deposited into the general fund of the Treasury.</p> <p><u>Aggregate Assessments</u>: If losses from a single terrorist event are less than \$20 billion, financial assistance is repaid from a combination of an "industry obligation assessment" and, if necessary, one or more "financing assessments."</p> <ul style="list-style-type: none"> • Both types of assessments are imposed on all commercial P&C insurers based on the ratio of the firm's net premiums to the industry's gross premiums for commercial P&C coverage. • <p><u>(1) Industry obligation assessment</u>: Capped at \$5 billion per year (\$10 billion in Years 2 and 3 if extended). If a triggering determination occurs within 12 months of a previous determination, the Assessments from the subsequent determination will be imposed at the end of the quarterly assessment period.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Recoupment of Federal Payments (cont'd)		<p><u>Surcharges:</u> If losses from one terrorist event exceed \$20 billion, surcharges are imposed to repay financial assistance exceeding \$20 billion.</p> <ul style="list-style-type: none"> • Surcharges are based on a percentage of commercial P&C net premiums and may extend over multiple years to recoup full federal payment. <p>The Secretary determines the amount and duration of the surcharge after weighing various factors including cost to taxpayers of not establishing a surcharge, economic conditions, affordability for small and medium-sized businesses, etc.</p> <ul style="list-style-type: none"> • Individual insurer's portion of surcharges may not exceed 3% of its annual written premiums. • Secretary may defer payments to avoid insolvency. <p><u>General:</u></p> <ul style="list-style-type: none"> • Secretary may defer payment of assessments and surcharges to avoid insolvency. • Secretary may impose civil penalties and/or charge interest for overdue assessments. <p>Secretary must prescribe manner and method, including amounts, of carrying out assessments and surcharges, taking into consideration various factors including impact on small businesses, cross-subsidization, and the various exposures of different lines of commercial P&C coverage.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Persons and Entities Covered	Defines "person" to mean individuals, businesses, nonprofits, trusts or estates, and state and local governments.	"Person" not defined.
Lines Covered	<p>Commercial P&C, including business interruption but not life or health.</p> <p>P&C companies have 21 days after enactment to notify the Secretary if they want to have their personal P&C lines included in the program.</p> <p>“Business interruption” covers temporary relocation expenses and ongoing expenses, including ordinary wages, where:</p> <p>(1) there is physical damage to point that business can’t open;</p> <p>(2) physical damage occurring to other property but preventing customers or employees from gaining physical access to business; <u>or</u></p> <p>(3) Government shuts down area because of physical or environmental damage, thereby preventing physical access to the business premises.</p> <p>Business interruption does not include lost profits unless entity is a small business under Small Business Act.</p>	<p>Commercial P&C, including loss of income or extra expense incurred because of losses or damage to property (i.e., business interruption). Excluded from coverage are: life and health insurance, insurance for professional liability, and insurance for homeowners, tenants, private passenger nonfleet automobiles, mobile homes, and any other insurance for personal, family, or household needs.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Participating Insurers	<p>Defined as any insurance company, including any subsidiary or affiliate, that is</p> <p>(1) licensed primary insurer or</p> <p>(2) unlicensed “eligible surplus line carrier” listed by the NAIC</p> <p>(3) that received direct premiums for any type of commercial P&C coverage or that, within 21 days, opt-in with respect to personal P&C lines.</p>	<p>Defined as any commercial P&C insurer, including affiliates, and expressly includes reinsurers and retrocessional insurers. Secretary of Treasury must ensure that Act applies to any offshore or non-admitted entities that provide commercial P&C insurance.</p>
Program Administrator and Authority	<p>Secretary of Treasury, who may: (1) investigate and audit claims; and (2) prescribe regulations and procedures; (3) employ persons or contract for services; (4) assess civil money penalties for violations of the Act or regulations or orders; and (5) prescribe criteria for participating insurance companies.</p>	<p>Secretary of Treasury, who: (1) must consult with state insurance regulators and NAIC; (2) may prescribe regulations and procedures; (3) may require insurers to report net premiums for each commercial P&C line; (4) may investigate and audit claims and require verification of premiums or losses; (5) may assess civil money penalties or interest for nonpayment of assessments and surcharges; (6) must prescribe manner and method of assessments and surcharges.</p>
Self-Insurance Arrangements	<p>The Secretary may, in consultation with NAIC, establish procedures allowing municipalities and other governmental or quasi-governmental entities operating through self-insurance arrangements to participate in the Program.</p>	<p>Secretary of the Treasury, in consultation with the NAIC, may apply Act to self-insurance arrangements by municipalities and other entities. This must be determined before the occurrence of a triggering event. All the provisions of the Act must be uniformly applied to these entities.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Definition of “Act of Terrorism”	<p>Act certified by the Secretary, in concurrence with Sec of State and Attorney General, that is</p> <ul style="list-style-type: none"> • Violent or dangerous to human life, property, or infrastructure within U.S. <u>(or outside U.S. for an air carrier)</u>; • is committed by an individual or group <u>acting on behalf of any foreign person or foreign interest</u>; and • is intended to coerce civilian population or influence policy or affect the conduct of the U.S. Government by coercion. <p>Excludes act of war declared by Congress. Excludes losses under \$5 million. Determinations are final and not subject to judicial review.</p>	<p>Act certified by the Secretary, in consultation with Attorney general and the Secretary of State.</p> <p>Requirements for "act of terrorism" are defined and specified by the Secretary in consultation with the NAIC. A terrorist act is:</p> <ul style="list-style-type: none"> • Unlawful; • causes harm in the U.S. to person, property, or entity, or in the case of a domestic U.S. air carrier or U.S. flag vessel, in or outside the U.S.; • is committed by a person or group of persons <u>recognized by the State Department or the Secretary of the Treasury as a terrorist group or conspirator either before or after such act</u>; and • is intended to destabilize a sovereign government or affect conduct of the United States government by coercion. <p>Excludes act of war. Certifications are not subject to judicial review</p>
Who Certifies that Loss was Caused by Act of Terrorism?	Secretary	Secretary of the Treasury, who also determines whether: (1) insured losses were caused by one or multiple events, and (2) the act of terrorism occurred during the covered period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Preemption / Coordination with State Regulators	<p>Preempts (1) state definitions of “act of terrorism” and (2) state rules requiring pre-approval of premiums or waiting periods for adopting premiums. (States may invalidate terrorism rates as excessive, inadequate, or unfairly discriminatory.)</p> <p>Provides that books and records of participating insurance companies shall be provided to the Secretary upon his request, notwithstanding state laws.</p> <p>No preemption unless specifically provided.</p>	<p>Preempts (1) state definitions of “act of terrorism;” (2) state rate laws to extent necessary to cover assessments and approval or other conditions to policy or rate effectiveness; and (3) any action other than filing of rates and policies with State insurance regulator to the extent that such law requires additional actions for terrorism insurance coverage. Does not limit implied preemption.</p> <p>Sense of Congress that NAIC and states should adopt:</p> <ul style="list-style-type: none"> • Consistent federal and state definitions of acts of terrorism; • Within 6 months, appropriate guidelines for reserves subject to Secretary of the Treasury adoption of national guidelines; and • Disclosure guidelines subject to Secretary of the Treasury’s adoption of national guidelines.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures	<p>Creates exclusive federal cause of action for covered terrorism acts. District court determines applicable law, based on choice of law principles.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to a <u>single</u> Federal District Court, which has original and exclusive jurisdiction. Cases filed in other federal or state courts are transferred/removed to the designated District Court.</p> <p>No offset provision.</p> <p>Amounts awarded in civil action that are attributable to punitive damages will not be included within the insured losses.</p> <p>No proportional liability provision.</p>	<p>Federal cause of action same as Senate bill, except based on law of state where act occurred.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to <u>one or more</u> Federal District Courts.</p> <p>Offsets plaintiff's recovery by any Federal disaster relief received.</p> <p>Disallows punitive damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p> <p>Requires proportional liability for non-economic damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p>

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN]
<Mario.Ugoletti@do.treas.gov>
Sent: 12/14/2001 11:31:13 AM
Subject: : FW: Side-by-side of House and Senate terrorism insurance bills
Attachments: P_WUTH4003_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:14-DEC-2001 16:31:13.00
SUBJECT:: FW: Side-by-side of House and Senate terrorism insurance bills
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Some weekend reading -- I love giving out homework. An outline of what we think a melded House/Senate bill might look like will follow shortly.

Sheila
> -----Original Message-----
> From: DeMarco, Edward
> Sent: Friday, December 14, 2001 3:34 PM
> To: Bair, Sheila
> Cc: Hunt, Betty Ann; Ugoletti, Mario; Pedri, Melissa; McInerney, Roberta; Ellett, Martha
> Subject: Side-by-side of House and Senate terrorism insurance bills
> Importance: High
>
> is attached
>
> <<Billcomparisonamend6.doc>>
> - Billcomparisonamend6.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WUTH4003_OPD.TXT_1>

TERRORISM RISK INSURANCE COMPARISON

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Loss Sharing Program	<p>One-year program with one-year extension at the Secretary of the Treasury's (Secretary) discretion. Program administered by the Secretary.</p> <p><u>Per Company Deductible:</u> Each participating primary P&C company has a deductible established as its market share of gross premiums multiplied by \$10 billion. Once the company has paid insured losses equal to its deductible, it the Government pays 80% of additional losses incurred by that company and the company pays the remaining 20 percent. Once aggregate losses have reached \$10 billion, the loss sharing formula converts to 90/10. If aggregate losses exceed \$10 billion, the Secretary is responsible for determining each company's pro rata share of the government's loss-sharing payments.</p>	<p>One-year program administered by Secretary of the Treasury (Secretary) in which government provides "financial assistance" to commercial P&C insurance companies based on one of two "triggering events."</p> <p><u>(1) Industry-wide trigger:</u> If there is an "industry-wide triggering event" (described below), each insurer receives financial assistance equal to the difference between 90% of the insurer's net losses (net of reinsured losses) and \$5 million.</p> <p><u>Individual insurer trigger:</u> If there is an "individual insurer triggering event," each insurer eligible to receive financial assistance under the triggering determination receives financial assistance equal to the difference between 90% of its insured losses and 10% of its net P&C premiums (net of reinsurance premiums) in force at the time of the insured losses.</p> <ul style="list-style-type: none"> • If the Secretary subsequently determines that an industry-wide trigger has occurred, 10% of premium deductible is refunded, and the deductible under the industry-wide trigger is applied. • Coverage under the (individual insurer?) trigger applies only to those commercial insurers who were providing commercial P&C coverage prior to 9/11.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures (cont'd)	<p>Provides U.S. right of subrogation for any payment made by U.S. through program.</p> <p>No statute of limitations provision</p> <p>No limited damages provision.</p> <p>Provisions apply only while program is effective.</p> <p>No settlement provision</p> <p>No judgment satisfaction provision.</p> <p>No protective order provision.</p> <p>No arbitration provision.</p> <p>No attorney fees provision.</p>	<p>Provides U.S. right of subrogation for claims U.S. pays.</p> <p>No statute of limitations provision.</p> <p>Damages limited to insured party.</p> <p>Provisions apply only with respect to triggering determinations and do not in any way limit actions against terrorists or their conspirators.</p> <p>No settlement provision.</p> <p>Makes terrorist assets seized or frozen by U.S. liable to satisfy judgments for acts of terrorism. President may waive this requirement.</p> <p>Authorizes U.S. or Secretary of the Treasury to seek protective orders for classified information.</p> <p>Preserves contractual arbitration rights.</p> <p>The Court will decide on reasonable attorneys fees so that the fees will not exceed 20 percent of total damages.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Disclosure to policyholders	At time of offer, purchase, or renewal of each policy, insurance company must disclose to the policyholder the premium charged for losses covered by the program and the Federal share of compensation under the program. For in-force contracts, disclosure required within 90 days.	Sense of Congress that states should require disclosure of the price of any P&C insurance for acts of terrorism, including costs of terrorism related assessments or surcharges. If states do not enact disclosure guidelines, the Secretary of the Treasury and the NAIC should adopt guidelines requiring the disclosure.
Ability to sue terrorist or terrorist's country	Act does not limit ability of any plaintiff to recover from any person, government, or other entity that participated in or aided and abetted any act of terrorism.	Act does not limit ability of any plaintiff to recover from any person that participated in or aided and abetted any act of terrorism.
Insurance Industry Build-Up	Sense of Congress that insurance industry should build up its capacity to provide affordable coverage for terrorism risk.	No provision.
Tax Provision	No provision.	Secretary shall issue a study within 4 months on issues relating to permitting P&C companies to establish tax-deductible reserves against future acts of terrorism.
Participating Insurer's Reports	Every 6 months participating insurance companies must report to the NAIC the premium rates charged for insured losses, including an explanation of and justification for those rates. The NAIC must forward copies of those reports to the Secretary, the Commerce Secretary, the FTC, and GAO.	Each insurer may be required by the Secretary to submit to the Secretary or the NAIC a statement specifying the net premium amount of coverage written under each line of commercial P&C sold by the insurer during a specified period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Reports to Congress	<p>Secretary must report to Congress within 9 months the availability of life insurance and other lines of insurance coverage.</p> <p>No report on railroad and trucking insurance</p> <p>Secretary must report to Congress promptly on reasons for any extension of the program.</p> <p>No report on pooling.</p> <p>.</p> <p>The Secretary, the Secretary of Commerce, and the FTC shall submit joint reports to Congress and GAO summarizing and evaluating the reports received every 6 months on premium rates (see row above). These reports are due after 9 months and then 12 months later. The GAO shall evaluate these reports for Congress.</p>	<p>Presidentially appointed commission must report to Congress on life insurance within 120 days.</p> <p>Secretary must report to Congress on railroad and trucking insurance for acts of terrorism within 120 days.</p> <p>Reporting on extensions same as Senate bill.</p> <p>Secretary of Treasury, Federal Reserve Board, and GAO must report to Congress within 6 months of enactment on (1) the advisability of establishing a reinsurance pool for acts of terrorism to replace the Act's financial assistance program, and (2) the potential effects of the Internal Revenue Code amendments and any further changes to federal law that might be appropriate to encourage pooling.</p> <p>No report on premium rates.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Sunset Provisions	<p>The program sunsets on December 31, 2002. Secretary may extend to a second year.</p> <p><u>One-Year Extension:</u> The Secretary may determine, based on the findings of a mandated report, that the program should be extended for one year, to Dec. 31, 2003. In that event, the loss-sharing is the same as in the first year.</p>	<p>The program sunsets on January 1, 2003. Secretary may extend the program by not more than 2 years.</p> <p><u>Program Extension:</u> Aggregate industry obligation amount for assessments will be the lesser of</p> <p>(1) Difference between \$10 billion and aggregate amount of assessments made in the prior 12 months or,</p> <p>(2) the amount of financial assistance made available.</p>
Triggering Event	Coverage commences when an individual participating insurance company's insured losses exceed its deductible.	Secretary makes a "triggering determination" that commercial P&C losses from one or more acts of terrorism exceed (1) \$1 billion industry-wide <u>or</u> (2) \$100 million industry-wide and losses for any single insurer exceed 10% of the insurer's capital surplus and 10% of its commercial P&C net premiums.
Coverage Requirements	Participating insurer must offer terrorism coverage in all its commercial P&C policies and may, within 21 days, opt-in to participate with respect to its personal lines. Terrorism coverage must not differ materially from its other P&C coverage. Policyholder must file claim with participating insurer, which processes the claim and submits it to the Secretary along with (1) verification of the claim and payments made to policyholder and (2) certification of compliance with the program.	None

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Cap on Coverage	\$100 billion annual losses, after which Congress decides the procedures for and source of any excess payments. Industry not liable over \$100 billion.	<p>Total amount of Federal financial assistance may not exceed an aggregate amount of \$100 billion.</p> <p>Sense of Congress that acts of terrorism resulting in insured losses greater than \$100 billion would necessitate further Congressional action.</p>
Recoupment of Federal Payments	None	<p>All Federal financial assistance must be repaid from <u>assessments</u> and <u>surcharges</u> imposed on all commercial P&C insurers and deposited into the general fund of the Treasury.</p> <p><u>Aggregate Assessments</u>: If losses from a single terrorist event are less than \$20 billion, financial assistance is repaid from a combination of an "industry obligation assessment" and, if necessary, one or more "financing assessments."</p> <ul style="list-style-type: none"> Both types of assessments are imposed on all commercial P&C insurers based on the ratio of the firm's net premiums to the industry's gross premiums for commercial P&C coverage. <p>(1) <u>Industry obligation assessment</u>: Capped at \$5 billion per year (\$10 billion in Years 2 and 3 if extended). If a triggering determination occurs within 12 months of a previous determination, the Assessments from the subsequent determination will be imposed at the end of the quarterly assessment period.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Recoupment of Federal Payments (cont'd)		<p><u>Surcharges:</u> If losses from one terrorist event exceed \$20 billion, surcharges are imposed to repay financial assistance exceeding \$20 billion.</p> <ul style="list-style-type: none"> • Surcharges are based on a percentage of commercial P&C net premiums and may extend over multiple years to recoup full federal payment. <p>The Secretary determines the amount and duration of the surcharge after weighing various factors including cost to taxpayers of not establishing a surcharge, economic conditions, affordability for small and medium-sized businesses, etc.</p> <ul style="list-style-type: none"> • Individual insurer's portion of surcharges may not exceed 3% of its annual written premiums. • Secretary may defer payments to avoid insolvency. <p><u>General:</u></p> <ul style="list-style-type: none"> • Secretary may defer payment of assessments and surcharges to avoid insolvency. • Secretary may impose civil penalties and/or charge interest for overdue assessments. <p>Secretary must prescribe manner and method, including amounts, of carrying out assessments and surcharges, taking into consideration various factors including impact on small businesses, cross-subsidization, and the various exposures of different lines of commercial P&C coverage.</p>

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Program Administrator and Authority	<p>Secretary of Treasury, who may: (1) investigate and audit claims; and (2) prescribe regulations and procedures; (3) employ persons or contract for services; (4) assess civil money penalties for violations of the Act or regulations or orders; and (5) prescribe criteria for participating insurance companies.</p>	<p>Secretary of Treasury, who: (1) must consult with state insurance regulators and NAIC; (2) may prescribe regulations and procedures; (3) may require insurers to report net premiums for each commercial P&C line; (4) may investigate and audit claims and require verification of premiums or losses; (5) may assess civil money penalties or interest for nonpayment of assessments and surcharges; (6) must prescribe manner and method of assessments and surcharges.</p>
Self-Insurance Arrangements	<p>The Secretary may, in consultation with NAIC, establish procedures allowing municipalities and other governmental or quasi-governmental entities operating through self-insurance arrangements to participate in the Program.</p>	<p>Secretary of the Treasury, in consultation with the NAIC, may apply Act to self-insurance arrangements by municipalities and other entities. This must be determined before the occurrence of a triggering event. All the provisions of the Act must be uniformly applied to these entities.</p>

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Legal Procedures	<p>Creates exclusive federal cause of action for covered terrorism acts. District court determines applicable law, based on choice of law principles.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to a <u>single</u> Federal District Court, which has original and exclusive jurisdiction. Cases filed in other federal or state courts are transferred/removed to the designated District Court.</p> <p>No offset provision.</p> <p>Amounts awarded in civil action that are attributable to punitive damages will not be included within the insured losses.</p> <p>No proportional liability provision.</p>	<p>Federal cause of action same as Senate bill, except based on law of state where act occurred.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to <u>one or more</u> Federal District Courts.</p> <p>Offsets plaintiff's recovery by any Federal disaster relief received.</p> <p>Disallows punitive damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p> <p>Requires proportional liability for non-economic damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p>

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CC: Edward.Demarco@do.treas.gov [UNKNOWN]
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Attachments: P_T4UH4003_CEA.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:14-DEC-2001 16:37:05.00
SUBJECT:: FW: Side-by-side of House and Senate terrorism insurance bills
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
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Some weekend reading -- I love giving out homework. An outline of what we think a melded House/Senate bill might look like will follow shortly.

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> Sent: Friday, December 14, 2001 3:34 PM
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> Cc: Hunt, Betty Ann; Ugoletti, Mario; Pedri, Melissa; McInerney, Roberta; Ellett, Martha
> Subject: Side-by-side of House and Senate terrorism insurance bills
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_T4UH4003_CEA.TXT_1>

TERRORISM RISK INSURANCE COMPARISON

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Loss Sharing Program	<p>One-year program with one-year extension at the Secretary of the Treasury's (Secretary) discretion. Program administered by the Secretary.</p> <p><u>Per Company Deductible:</u> Each participating primary P&C company has a deductible established as its market share of gross premiums multiplied by \$10 billion. Once the company has paid insured losses equal to its deductible, it the Government pays 80% of additional losses incurred by that company and the company pays the remaining 20 percent. Once aggregate losses have reached \$10 billion, the loss sharing formula converts to 90/10. If aggregate losses exceed \$10 billion, the Secretary is responsible for determining each company's pro rata share of the government's loss-sharing payments.</p>	<p>One-year program administered by Secretary of the Treasury (Secretary) in which government provides "financial assistance" to commercial P&C insurance companies based on one of two "triggering events."</p> <p><u>(1) Industry-wide trigger:</u> If there is an "industry-wide triggering event" (described below), each insurer receives financial assistance equal to the difference between 90% of the insurer's net losses (net of reinsured losses) and \$5 million.</p> <p><u>Individual insurer trigger:</u> If there is an "individual insurer triggering event," each insurer eligible to receive financial assistance under the triggering determination receives financial assistance equal to the difference between 90% of its insured losses and 10% of its net P&C premiums (net of reinsurance premiums) in force at the time of the insured losses.</p> <ul style="list-style-type: none"> • If the Secretary subsequently determines that an industry-wide trigger has occurred, 10% of premium deductible is refunded, and the deductible under the industry-wide trigger is applied. • Coverage under the (individual insurer?) trigger applies only to those commercial insurers who were providing commercial P&C coverage prior to 9/11.

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Legal Procedures (cont'd)	<p>Provides U.S. right of subrogation for any payment made by U.S. through program.</p> <p>No statute of limitations provision</p> <p>No limited damages provision.</p> <p>Provisions apply only while program is effective.</p> <p>No settlement provision</p> <p>No judgment satisfaction provision.</p> <p>No protective order provision.</p> <p>No arbitration provision.</p> <p>No attorney fees provision.</p>	<p>Provides U.S. right of subrogation for claims U.S. pays.</p> <p>No statute of limitations provision.</p> <p>Damages limited to insured party.</p> <p>Provisions apply only with respect to triggering determinations and do not in any way limit actions against terrorists or their conspirators.</p> <p>No settlement provision.</p> <p>Makes terrorist assets seized or frozen by U.S. liable to satisfy judgments for acts of terrorism. President may waive this requirement.</p> <p>Authorizes U.S. or Secretary of the Treasury to seek protective orders for classified information.</p> <p>Preserves contractual arbitration rights.</p> <p>The Court will decide on reasonable attorneys fees so that the fees will not exceed 20 percent of total damages.</p>

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Disclosure to policyholders	At time of offer, purchase, or renewal of each policy, insurance company must disclose to the policyholder the premium charged for losses covered by the program and the Federal share of compensation under the program. For in-force contracts, disclosure required within 90 days.	Sense of Congress that states should require disclosure of the price of any P&C insurance for acts of terrorism, including costs of terrorism related assessments or surcharges. If states do not enact disclosure guidelines, the Secretary of the Treasury and the NAIC should adopt guidelines requiring the disclosure.
Ability to sue terrorist or terrorist's country	Act does not limit ability of any plaintiff to recover from any person, government, or other entity that participated in or aided and abetted any act of terrorism.	Act does not limit ability of any plaintiff to recover from any person that participated in or aided and abetted any act of terrorism.
Insurance Industry Build-Up	Sense of Congress that insurance industry should build up its capacity to provide affordable coverage for terrorism risk.	No provision.
Tax Provision	No provision.	Secretary shall issue a study within 4 months on issues relating to permitting P&C companies to establish tax-deductible reserves against future acts of terrorism.
Participating Insurer's Reports	Every 6 months participating insurance companies must report to the NAIC the premium rates charged for insured losses, including an explanation of and justification for those rates. The NAIC must forward copies of those reports to the Secretary, the Commerce Secretary, the FTC, and GAO.	Each insurer may be required by the Secretary to submit to the Secretary or the NAIC a statement specifying the net premium amount of coverage written under each line of commercial P&C sold by the insurer during a specified period.

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Reports to Congress	<p>Secretary must report to Congress within 9 months the availability of life insurance and other lines of insurance coverage.</p> <p>No report on railroad and trucking insurance</p> <p>Secretary must report to Congress promptly on reasons for any extension of the program.</p> <p>No report on pooling.</p> <p>.</p> <p>The Secretary, the Secretary of Commerce, and the FTC shall submit joint reports to Congress and GAO summarizing and evaluating the reports received every 6 months on premium rates (see row above). These reports are due after 9 months and then 12 months later. The GAO shall evaluate these reports for Congress.</p>	<p>Presidentially appointed commission must report to Congress on life insurance within 120 days.</p> <p>Secretary must report to Congress on railroad and trucking insurance for acts of terrorism within 120 days.</p> <p>Reporting on extensions same as Senate bill.</p> <p>Secretary of Treasury, Federal Reserve Board, and GAO must report to Congress within 6 months of enactment on (1) the advisability of establishing a reinsurance pool for acts of terrorism to replace the Act's financial assistance program, and (2) the potential effects of the Internal Revenue Code amendments and any further changes to federal law that might be appropriate to encourage pooling.</p> <p>No report on premium rates.</p>

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Sunset Provisions	<p>The program sunsets on December 31, 2002. Secretary may extend to a second year.</p> <p><u>One-Year Extension:</u> The Secretary may determine, based on the findings of a mandated report, that the program should be extended for one year, to Dec. 31, 2003. In that event, the loss-sharing is the same as in the first year.</p>	<p>The program sunsets on January 1, 2003. Secretary may extend the program by not more than 2 years.</p> <p><u>Program Extension:</u> Aggregate industry obligation amount for assessments will be the lesser of</p> <p>(1) Difference between \$10 billion and aggregate amount of assessments made in the prior 12 months or,</p> <p>(2) the amount of financial assistance made available.</p>
Triggering Event	Coverage commences when an individual participating insurance company's insured losses exceed its deductible.	Secretary makes a "triggering determination" that commercial P&C losses from one or more acts of terrorism exceed (1) \$1 billion industry-wide <u>or</u> (2) \$100 million industry-wide and losses for any single insurer exceed 10% of the insurer's capital surplus and 10% of its commercial P&C net premiums.
Coverage Requirements	Participating insurer must offer terrorism coverage in all its commercial P&C policies and may, within 21 days, opt-in to participate with respect to its personal lines. Terrorism coverage must not differ materially from its other P&C coverage. Policyholder must file claim with participating insurer, which processes the claim and submits it to the Secretary along with (1) verification of the claim and payments made to policyholder and (2) certification of compliance with the program.	None

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Cap on Coverage	\$100 billion annual losses, after which Congress decides the procedures for and source of any excess payments. Industry not liable over \$100 billion.	<p>Total amount of Federal financial assistance may not exceed an aggregate amount of \$100 billion.</p> <p>Sense of Congress that acts of terrorism resulting in insured losses greater than \$100 billion would necessitate further Congressional action.</p>
Recoupment of Federal Payments	None	<p>All Federal financial assistance must be repaid from <u>assessments</u> and <u>surcharges</u> imposed on all commercial P&C insurers and deposited into the general fund of the Treasury.</p> <p><u>Aggregate Assessments</u>: If losses from a single terrorist event are less than \$20 billion, financial assistance is repaid from a combination of an "industry obligation assessment" and, if necessary, one or more "financing assessments."</p> <ul style="list-style-type: none"> • Both types of assessments are imposed on all commercial P&C insurers based on the ratio of the firm's net premiums to the industry's gross premiums for commercial P&C coverage. • <p><u>(1) Industry obligation assessment</u>: Capped at \$5 billion per year (\$10 billion in Years 2 and 3 if extended). If a triggering determination occurs within 12 months of a previous determination, the Assessments from the subsequent determination will be imposed at the end of the quarterly assessment period.</p>

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Recoupment of Federal Payments (cont'd)		<p><u>Surcharges:</u> If losses from one terrorist event exceed \$20 billion, surcharges are imposed to repay financial assistance exceeding \$20 billion.</p> <ul style="list-style-type: none"> • Surcharges are based on a percentage of commercial P&C net premiums and may extend over multiple years to recoup full federal payment. <p>The Secretary determines the amount and duration of the surcharge after weighing various factors including cost to taxpayers of not establishing a surcharge, economic conditions, affordability for small and medium-sized businesses, etc.</p> <ul style="list-style-type: none"> • Individual insurer's portion of surcharges may not exceed 3% of its annual written premiums. • Secretary may defer payments to avoid insolvency. <p><u>General:</u></p> <ul style="list-style-type: none"> • Secretary may defer payment of assessments and surcharges to avoid insolvency. • Secretary may impose civil penalties and/or charge interest for overdue assessments. <p>Secretary must prescribe manner and method, including amounts, of carrying out assessments and surcharges, taking into consideration various factors including impact on small businesses, cross-subsidization, and the various exposures of different lines of commercial P&C coverage.</p>

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Persons and Entities Covered	Defines "person" to mean individuals, businesses, nonprofits, trusts or estates, and state and local governments.	"Person" not defined.
Lines Covered	<p>Commercial P&C, including business interruption but not life or health.</p> <p>P&C companies have 21 days after enactment to notify the Secretary if they want to have their personal P&C lines included in the program.</p> <p>“Business interruption” covers temporary relocation expenses and ongoing expenses, including ordinary wages, where:</p> <p>(1) there is physical damage to point that business can’t open;</p> <p>(2) physical damage occurring to other property but preventing customers or employees from gaining physical access to business; <u>or</u></p> <p>(3) Government shuts down area because of physical or environmental damage, thereby preventing physical access to the business premises.</p> <p>Business interruption does not include lost profits unless entity is a small business under Small Business Act.</p>	<p>Commercial P&C, including loss of income or extra expense incurred because of losses or damage to property (i.e., business interruption). Excluded from coverage are: life and health insurance, insurance for professional liability, and insurance for homeowners, tenants, private passenger nonfleet automobiles, mobile homes, and any other insurance for personal, family, or household needs.</p>

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Participating Insurers	<p>Defined as any insurance company, including any subsidiary or affiliate, that is</p> <p>(1) licensed primary insurer or</p> <p>(2) unlicensed “eligible surplus line carrier” listed by the NAIC</p> <p>(3) that received direct premiums for any type of commercial P&C coverage or that, within 21 days, opt-in with respect to personal P&C lines.</p>	<p>Defined as any commercial P&C insurer, including affiliates, and expressly includes reinsurers and retrocessional insurers. Secretary of Treasury must ensure that Act applies to any offshore or non-admitted entities that provide commercial P&C insurance.</p>
Program Administrator and Authority	<p>Secretary of Treasury, who may: (1) investigate and audit claims; and (2) prescribe regulations and procedures; (3) employ persons or contract for services; (4) assess civil money penalties for violations of the Act or regulations or orders; and (5) prescribe criteria for participating insurance companies.</p>	<p>Secretary of Treasury, who: (1) must consult with state insurance regulators and NAIC; (2) may prescribe regulations and procedures; (3) may require insurers to report net premiums for each commercial P&C line; (4) may investigate and audit claims and require verification of premiums or losses; (5) may assess civil money penalties or interest for nonpayment of assessments and surcharges; (6) must prescribe manner and method of assessments and surcharges.</p>
Self-Insurance Arrangements	<p>The Secretary may, in consultation with NAIC, establish procedures allowing municipalities and other governmental or quasi-governmental entities operating through self-insurance arrangements to participate in the Program.</p>	<p>Secretary of the Treasury, in consultation with the NAIC, may apply Act to self-insurance arrangements by municipalities and other entities. This must be determined before the occurrence of a triggering event. All the provisions of the Act must be uniformly applied to these entities.</p>

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Definition of “Act of Terrorism”	<p>Act certified by the Secretary, in concurrence with Sec of State and Attorney General, that is</p> <ul style="list-style-type: none"> • Violent or dangerous to human life, property, or infrastructure within U.S. <u>(or outside U.S. for an air carrier)</u>; • is committed by an individual or group <u>acting on behalf of any foreign person or foreign interest</u>; and • is intended to coerce civilian population or influence policy or affect the conduct of the U.S. Government by coercion. <p>Excludes act of war declared by Congress. Excludes losses under \$5 million. Determinations are final and not subject to judicial review.</p>	<p>Act certified by the Secretary, in consultation with Attorney general and the Secretary of State.</p> <p>Requirements for "act of terrorism" are defined and specified by the Secretary in consultation with the NAIC. A terrorist act is:</p> <ul style="list-style-type: none"> • Unlawful; • causes harm in the U.S. to person, property, or entity, or in the case of a domestic U.S. air carrier or U.S. flag vessel, in or outside the U.S.; • is committed by a person or group of persons <u>recognized by the State Department or the Secretary of the Treasury as a terrorist group or conspirator either before or after such act</u>; and • is intended to destabilize a sovereign government or affect conduct of the United States government by coercion. <p>Excludes act of war. Certifications are not subject to judicial review</p>
Who Certifies that Loss was Caused by Act of Terrorism?	Secretary	Secretary of the Treasury, who also determines whether: (1) insured losses were caused by one or multiple events, and (2) the act of terrorism occurred during the covered period.

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Preemption / Coordination with State Regulators	<p>Preempts (1) state definitions of “act of terrorism” and (2) state rules requiring pre-approval of premiums or waiting periods for adopting premiums. (States may invalidate terrorism rates as excessive, inadequate, or unfairly discriminatory.)</p> <p>Provides that books and records of participating insurance companies shall be provided to the Secretary upon his request, notwithstanding state laws.</p> <p>No preemption unless specifically provided.</p>	<p>Preempts (1) state definitions of “act of terrorism;” (2) state rate laws to extent necessary to cover assessments and approval or other conditions to policy or rate effectiveness; and (3) any action other than filing of rates and policies with State insurance regulator to the extent that such law requires additional actions for terrorism insurance coverage. Does not limit implied preemption.</p> <p>Sense of Congress that NAIC and states should adopt:</p> <ul style="list-style-type: none"> • Consistent federal and state definitions of acts of terrorism; • Within 6 months, appropriate guidelines for reserves subject to Secretary of the Treasury adoption of national guidelines; and • Disclosure guidelines subject to Secretary of the Treasury’s adoption of national guidelines.

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Legal Procedures	<p>Creates exclusive federal cause of action for covered terrorism acts. District court determines applicable law, based on choice of law principles.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to a <u>single</u> Federal District Court, which has original and exclusive jurisdiction. Cases filed in other federal or state courts are transferred/removed to the designated District Court.</p> <p>No offset provision.</p> <p>Amounts awarded in civil action that are attributable to punitive damages will not be included within the insured losses.</p> <p>No proportional liability provision.</p>	<p>Federal cause of action same as Senate bill, except based on law of state where act occurred.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to <u>one or more</u> Federal District Courts.</p> <p>Offsets plaintiff's recovery by any Federal disaster relief received.</p> <p>Disallows punitive damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p> <p>Requires proportional liability for non-economic damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p>

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
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Cap on Coverage	\$100 billion annual losses, after which Congress decides the procedures for and source of any excess payments. Industry not liable over \$100 billion.	<p>Total amount of Federal financial assistance may not exceed an aggregate amount of \$100 billion.</p> <p>Sense of Congress that acts of terrorism resulting in insured losses greater than \$100 billion would necessitate further Congressional action.</p>
Recoupment of Federal Payments	None	<p>All Federal financial assistance must be repaid from <u>assessments and surcharges</u> imposed on all commercial P&C insurers and deposited into the general fund of the Treasury.</p> <p><u>Aggregate Assessments</u>: If losses from a single terrorist event are less than \$20 billion, financial assistance is repaid from a combination of an "industry obligation assessment" and, if necessary, one or more "financing assessments."</p> <ul style="list-style-type: none"> • Both types of assessments are imposed on all commercial P&C insurers based on the ratio of the firm's net premiums to the industry's gross premiums for commercial P&C coverage. • <p><u>(1) Industry obligation assessment</u>: Capped at \$5 billion per year (\$10 billion in Years 2 and 3 if extended). If a triggering determination occurs within 12 months of a previous determination, the Assessments from the subsequent determination will be imposed at the end of the quarterly assessment period.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Recoupment of Federal Payments (cont'd)		<p><u>Surcharges:</u> If losses from one terrorist event exceed \$20 billion, surcharges are imposed to repay financial assistance exceeding \$20 billion.</p> <ul style="list-style-type: none"> • Surcharges are based on a percentage of commercial P&C net premiums and may extend over multiple years to recoup full federal payment. <p>The Secretary determines the amount and duration of the surcharge after weighing various factors including cost to taxpayers of not establishing a surcharge, economic conditions, affordability for small and medium-sized businesses, etc.</p> <ul style="list-style-type: none"> • Individual insurer's portion of surcharges may not exceed 3% of its annual written premiums. • Secretary may defer payments to avoid insolvency. <p><u>General:</u></p> <ul style="list-style-type: none"> • Secretary may defer payment of assessments and surcharges to avoid insolvency. • Secretary may impose civil penalties and/or charge interest for overdue assessments. <p>Secretary must prescribe manner and method, including amounts, of carrying out assessments and surcharges, taking into consideration various factors including impact on small businesses, cross-subsidization, and the various exposures of different lines of commercial P&C coverage.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Persons and Entities Covered	Defines "person" to mean individuals, businesses, nonprofits, trusts or estates, and state and local governments.	"Person" not defined.
Lines Covered	<p>Commercial P&C, including business interruption but not life or health.</p> <p>P&C companies have 21 days after enactment to notify the Secretary if they want to have their personal P&C lines included in the program.</p> <p>“Business interruption” covers temporary relocation expenses and ongoing expenses, including ordinary wages, where:</p> <p>(1) there is physical damage to point that business can’t open;</p> <p>(2) physical damage occurring to other property but preventing customers or employees from gaining physical access to business; <u>or</u></p> <p>(3) Government shuts down area because of physical or environmental damage, thereby preventing physical access to the business premises.</p> <p>Business interruption does not include lost profits unless entity is a small business under Small Business Act.</p>	<p>Commercial P&C, including loss of income or extra expense incurred because of losses or damage to property (i.e., business interruption). Excluded from coverage are: life and health insurance, insurance for professional liability, and insurance for homeowners, tenants, private passenger nonfleet automobiles, mobile homes, and any other insurance for personal, family, or household needs.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Participating Insurers	<p>Defined as any insurance company, including any subsidiary or affiliate, that is</p> <p>(1) licensed primary insurer or</p> <p>(2) unlicensed “eligible surplus line carrier” listed by the NAIC</p> <p>(3) that received direct premiums for any type of commercial P&C coverage or that, within 21 days, opt-in with respect to personal P&C lines.</p>	<p>Defined as any commercial P&C insurer, including affiliates, and expressly includes reinsurers and retrocessional insurers. Secretary of Treasury must ensure that Act applies to any offshore or non-admitted entities that provide commercial P&C insurance.</p>
Program Administrator and Authority	<p>Secretary of Treasury, who may: (1) investigate and audit claims; and (2) prescribe regulations and procedures; (3) employ persons or contract for services; (4) assess civil money penalties for violations of the Act or regulations or orders; and (5) prescribe criteria for participating insurance companies.</p>	<p>Secretary of Treasury, who: (1) must consult with state insurance regulators and NAIC; (2) may prescribe regulations and procedures; (3) may require insurers to report net premiums for each commercial P&C line; (4) may investigate and audit claims and require verification of premiums or losses; (5) may assess civil money penalties or interest for nonpayment of assessments and surcharges; (6) must prescribe manner and method of assessments and surcharges.</p>
Self-Insurance Arrangements	<p>The Secretary may, in consultation with NAIC, establish procedures allowing municipalities and other governmental or quasi-governmental entities operating through self-insurance arrangements to participate in the Program.</p>	<p>Secretary of the Treasury, in consultation with the NAIC, may apply Act to self-insurance arrangements by municipalities and other entities. This must be determined before the occurrence of a triggering event. All the provisions of the Act must be uniformly applied to these entities.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Definition of “Act of Terrorism”	<p>Act certified by the Secretary, in concurrence with Sec of State and Attorney General, that is</p> <ul style="list-style-type: none"> • Violent or dangerous to human life, property, or infrastructure within U.S. <u>(or outside U.S. for an air carrier)</u>; • is committed by an individual or group <u>acting on behalf of any foreign person or foreign interest</u>; and • is intended to coerce civilian population or influence policy or affect the conduct of the U.S. Government by coercion. <p>Excludes act of war declared by Congress. Excludes losses under \$5 million. Determinations are final and not subject to judicial review.</p>	<p>Act certified by the Secretary, in consultation with Attorney general and the Secretary of State.</p> <p>Requirements for "act of terrorism" are defined and specified by the Secretary in consultation with the NAIC. A terrorist act is:</p> <ul style="list-style-type: none"> • Unlawful; • causes harm in the U.S. to person, property, or entity, or in the case of a domestic U.S. air carrier or U.S. flag vessel, in or outside the U.S.; • is committed by a person or group of persons <u>recognized by the State Department or the Secretary of the Treasury as a terrorist group or conspirator either before or after such act</u>; and • is intended to destabilize a sovereign government or affect conduct of the United States government by coercion. <p>Excludes act of war. Certifications are not subject to judicial review</p>
Who Certifies that Loss was Caused by Act of Terrorism?	Secretary	Secretary of the Treasury, who also determines whether: (1) insured losses were caused by one or multiple events, and (2) the act of terrorism occurred during the covered period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Preemption / Coordination with State Regulators	<p>Preempts (1) state definitions of “act of terrorism” and (2) state rules requiring pre-approval of premiums or waiting periods for adopting premiums. (States may invalidate terrorism rates as excessive, inadequate, or unfairly discriminatory.)</p> <p>Provides that books and records of participating insurance companies shall be provided to the Secretary upon his request, notwithstanding state laws.</p> <p>No preemption unless specifically provided.</p>	<p>Preempts (1) state definitions of “act of terrorism;” (2) state rate laws to extent necessary to cover assessments and approval or other conditions to policy or rate effectiveness; and (3) any action other than filing of rates and policies with State insurance regulator to the extent that such law requires additional actions for terrorism insurance coverage. Does not limit implied preemption.</p> <p>Sense of Congress that NAIC and states should adopt:</p> <ul style="list-style-type: none"> • Consistent federal and state definitions of acts of terrorism; • Within 6 months, appropriate guidelines for reserves subject to Secretary of the Treasury adoption of national guidelines; and • Disclosure guidelines subject to Secretary of the Treasury’s adoption of national guidelines.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures	<p>Creates exclusive federal cause of action for covered terrorism acts. District court determines applicable law, based on choice of law principles.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to a <u>single</u> Federal District Court, which has original and exclusive jurisdiction. Cases filed in other federal or state courts are transferred/removed to the designated District Court.</p> <p>No offset provision.</p> <p>Amounts awarded in civil action that are attributable to punitive damages will not be included within the insured losses.</p> <p>No proportional liability provision.</p>	<p>Federal cause of action same as Senate bill, except based on law of state where act occurred.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to <u>one or more</u> Federal District Courts.</p> <p>Offsets plaintiff's recovery by any Federal disaster relief received.</p> <p>Disallows punitive damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p> <p>Requires proportional liability for non-economic damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p>

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN]
<Mario.Ugoletti@do.treas.gov>
Sent: 12/14/2001 11:38:59 AM
Subject: : FW: Side-by-side of House and Senate terrorism insurance bills
Attachments: P_V7UH4003_CEA.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:14-DEC-2001 16:38:59.00
SUBJECT:: FW: Side-by-side of House and Senate terrorism insurance bills
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Some weekend reading -- I love giving out homework. An outline of what we think a melded House/Senate bill might look like will follow shortly.

Sheila
> -----Original Message-----
> From: DeMarco, Edward
> Sent: Friday, December 14, 2001 3:34 PM
> To: Bair, Sheila
> Cc: Hunt, Betty Ann; Ugoletti, Mario; Pedri, Melissa; McInerney, Roberta; Ellett, Martha
> Subject: Side-by-side of House and Senate terrorism insurance bills
> Importance: High
>
> is attached
>
> <<Billcomparisonamend6.doc>>
> - Billcomparisonamend6.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_V7UH4003_CEA.TXT_1>

TERRORISM RISK INSURANCE COMPARISON

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Loss Sharing Program	<p>One-year program with one-year extension at the Secretary of the Treasury's (Secretary) discretion. Program administered by the Secretary.</p> <p><u>Per Company Deductible:</u> Each participating primary P&C company has a deductible established as its market share of gross premiums multiplied by \$10 billion. Once the company has paid insured losses equal to its deductible, it the Government pays 80% of additional losses incurred by that company and the company pays the remaining 20 percent. Once aggregate losses have reached \$10 billion, the loss sharing formula converts to 90/10. If aggregate losses exceed \$10 billion, the Secretary is responsible for determining each company's pro rata share of the government's loss-sharing payments.</p>	<p>One-year program administered by Secretary of the Treasury (Secretary) in which government provides "financial assistance" to commercial P&C insurance companies based on one of two "triggering events."</p> <p><u>(1) Industry-wide trigger:</u> If there is an "industry-wide triggering event" (described below), each insurer receives financial assistance equal to the difference between 90% of the insurer's net losses (net of reinsured losses) and \$5 million.</p> <p><u>Individual insurer trigger:</u> If there is an "individual insurer triggering event," each insurer eligible to receive financial assistance under the triggering determination receives financial assistance equal to the difference between 90% of its insured losses and 10% of its net P&C premiums (net of reinsurance premiums) in force at the time of the insured losses.</p> <ul style="list-style-type: none"> • If the Secretary subsequently determines that an industry-wide trigger has occurred, 10% of premium deductible is refunded, and the deductible under the industry-wide trigger is applied. • Coverage under the (individual insurer?) trigger applies only to those commercial insurers who were providing commercial P&C coverage prior to 9/11.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures (cont'd)	<p>Provides U.S. right of subrogation for any payment made by U.S. through program.</p> <p>No statute of limitations provision</p> <p>No limited damages provision.</p> <p>Provisions apply only while program is effective.</p> <p>No settlement provision</p> <p>No judgment satisfaction provision.</p> <p>No protective order provision.</p> <p>No arbitration provision.</p> <p>No attorney fees provision.</p>	<p>Provides U.S. right of subrogation for claims U.S. pays.</p> <p>No statute of limitations provision.</p> <p>Damages limited to insured party.</p> <p>Provisions apply only with respect to triggering determinations and do not in any way limit actions against terrorists or their conspirators.</p> <p>No settlement provision.</p> <p>Makes terrorist assets seized or frozen by U.S. liable to satisfy judgments for acts of terrorism. President may waive this requirement.</p> <p>Authorizes U.S. or Secretary of the Treasury to seek protective orders for classified information.</p> <p>Preserves contractual arbitration rights.</p> <p>The Court will decide on reasonable attorneys fees so that the fees will not exceed 20 percent of total damages.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Disclosure to policyholders	At time of offer, purchase, or renewal of each policy, insurance company must disclose to the policyholder the premium charged for losses covered by the program and the Federal share of compensation under the program. For in-force contracts, disclosure required within 90 days.	Sense of Congress that states should require disclosure of the price of any P&C insurance for acts of terrorism, including costs of terrorism related assessments or surcharges. If states do not enact disclosure guidelines, the Secretary of the Treasury and the NAIC should adopt guidelines requiring the disclosure.
Ability to sue terrorist or terrorist's country	Act does not limit ability of any plaintiff to recover from any person, government, or other entity that participated in or aided and abetted any act of terrorism.	Act does not limit ability of any plaintiff to recover from any person that participated in or aided and abetted any act of terrorism.
Insurance Industry Build-Up	Sense of Congress that insurance industry should build up its capacity to provide affordable coverage for terrorism risk.	No provision.
Tax Provision	No provision.	Secretary shall issue a study within 4 months on issues relating to permitting P&C companies to establish tax-deductible reserves against future acts of terrorism.
Participating Insurer's Reports	Every 6 months participating insurance companies must report to the NAIC the premium rates charged for insured losses, including an explanation of and justification for those rates. The NAIC must forward copies of those reports to the Secretary, the Commerce Secretary, the FTC, and GAO.	Each insurer may be required by the Secretary to submit to the Secretary or the NAIC a statement specifying the net premium amount of coverage written under each line of commercial P&C sold by the insurer during a specified period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Reports to Congress	<p>Secretary must report to Congress within 9 months the availability of life insurance and other lines of insurance coverage.</p> <p>No report on railroad and trucking insurance</p> <p>Secretary must report to Congress promptly on reasons for any extension of the program.</p> <p>No report on pooling.</p> <p>.</p> <p>The Secretary, the Secretary of Commerce, and the FTC shall submit joint reports to Congress and GAO summarizing and evaluating the reports received every 6 months on premium rates (see row above). These reports are due after 9 months and then 12 months later. The GAO shall evaluate these reports for Congress.</p>	<p>Presidentially appointed commission must report to Congress on life insurance within 120 days.</p> <p>Secretary must report to Congress on railroad and trucking insurance for acts of terrorism within 120 days.</p> <p>Reporting on extensions same as Senate bill.</p> <p>Secretary of Treasury, Federal Reserve Board, and GAO must report to Congress within 6 months of enactment on (1) the advisability of establishing a reinsurance pool for acts of terrorism to replace the Act's financial assistance program, and (2) the potential effects of the Internal Revenue Code amendments and any further changes to federal law that might be appropriate to encourage pooling.</p> <p>No report on premium rates.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Sunset Provisions	<p>The program sunsets on December 31, 2002. Secretary may extend to a second year.</p> <p><u>One-Year Extension:</u> The Secretary may determine, based on the findings of a mandated report, that the program should be extended for one year, to Dec. 31, 2003. In that event, the loss-sharing is the same as in the first year.</p>	<p>The program sunsets on January 1, 2003. Secretary may extend the program by not more than 2 years.</p> <p><u>Program Extension:</u> Aggregate industry obligation amount for assessments will be the lesser of</p> <p>(1) Difference between \$10 billion and aggregate amount of assessments made in the prior 12 months or,</p> <p>(2) the amount of financial assistance made available.</p>
Triggering Event	<p>Coverage commences when an individual participating insurance company's insured losses exceed its deductible.</p>	<p>Secretary makes a "triggering determination" that commercial P&C losses from one or more acts of terrorism exceed (1) \$1 billion industry-wide <u>or</u> (2) \$100 million industry-wide and losses for any single insurer exceed 10% of the insurer's capital surplus and 10% of its commercial P&C net premiums.</p>
Coverage Requirements	<p>Participating insurer must offer terrorism coverage in all its commercial P&C policies and may, within 21 days, opt-in to participate with respect to its personal lines. Terrorism coverage must not differ materially from its other P&C coverage. Policyholder must file claim with participating insurer, which processes the claim and submits it to the Secretary along with (1) verification of the claim and payments made to policyholder and (2) certification of compliance with the program.</p>	<p>None</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Cap on Coverage	\$100 billion annual losses, after which Congress decides the procedures for and source of any excess payments. Industry not liable over \$100 billion.	<p>Total amount of Federal financial assistance may not exceed an aggregate amount of \$100 billion.</p> <p>Sense of Congress that acts of terrorism resulting in insured losses greater than \$100 billion would necessitate further Congressional action.</p>
Recoupment of Federal Payments	None	<p>All Federal financial assistance must be repaid from <u>assessments and surcharges</u> imposed on all commercial P&C insurers and deposited into the general fund of the Treasury.</p> <p><u>Aggregate Assessments</u>: If losses from a single terrorist event are less than \$20 billion, financial assistance is repaid from a combination of an "industry obligation assessment" and, if necessary, one or more "financing assessments."</p> <ul style="list-style-type: none"> • Both types of assessments are imposed on all commercial P&C insurers based on the ratio of the firm's net premiums to the industry's gross premiums for commercial P&C coverage. • <p><u>(1) Industry obligation assessment</u>: Capped at \$5 billion per year (\$10 billion in Years 2 and 3 if extended). If a triggering determination occurs within 12 months of a previous determination, the Assessments from the subsequent determination will be imposed at the end of the quarterly assessment period.</p>

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Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:14-DEC-2001 16:38:59.00
SUBJECT:: FW: Side-by-side of House and Senate terrorism insurance bills
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
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> Cc: Hunt, Betty Ann; Ugoletti, Mario; Pedri, Melissa; McInerney, Roberta; Ellett, Martha
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> <<Billcomparisonamend6.doc>>
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TERRORISM RISK INSURANCE COMPARISON

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Loss Sharing Program	<p>One-year program with one-year extension at the Secretary of the Treasury's (Secretary) discretion. Program administered by the Secretary.</p> <p><u>Per Company Deductible:</u> Each participating primary P&C company has a deductible established as its market share of gross premiums multiplied by \$10 billion. Once the company has paid insured losses equal to its deductible, it the Government pays 80% of additional losses incurred by that company and the company pays the remaining 20 percent. Once aggregate losses have reached \$10 billion, the loss sharing formula converts to 90/10. If aggregate losses exceed \$10 billion, the Secretary is responsible for determining each company's pro rata share of the government's loss-sharing payments.</p>	<p>One-year program administered by Secretary of the Treasury (Secretary) in which government provides "financial assistance" to commercial P&C insurance companies based on one of two "triggering events."</p> <p><u>(1) Industry-wide trigger:</u> If there is an "industry-wide triggering event" (described below), each insurer receives financial assistance equal to the difference between 90% of the insurer's net losses (net of reinsured losses) and \$5 million.</p> <p><u>Individual insurer trigger:</u> If there is an "individual insurer triggering event," each insurer eligible to receive financial assistance under the triggering determination receives financial assistance equal to the difference between 90% of its insured losses and 10% of its net P&C premiums (net of reinsurance premiums) in force at the time of the insured losses.</p> <ul style="list-style-type: none"> • If the Secretary subsequently determines that an industry-wide trigger has occurred, 10% of premium deductible is refunded, and the deductible under the industry-wide trigger is applied. • Coverage under the (individual insurer?) trigger applies only to those commercial insurers who were providing commercial P&C coverage prior to 9/11.

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Legal Procedures (cont'd)	<p>Provides U.S. right of subrogation for any payment made by U.S. through program.</p> <p>No statute of limitations provision</p> <p>No limited damages provision.</p> <p>Provisions apply only while program is effective.</p> <p>No settlement provision</p> <p>No judgment satisfaction provision.</p> <p>No protective order provision.</p> <p>No arbitration provision.</p> <p>No attorney fees provision.</p>	<p>Provides U.S. right of subrogation for claims U.S. pays.</p> <p>No statute of limitations provision.</p> <p>Damages limited to insured party.</p> <p>Provisions apply only with respect to triggering determinations and do not in any way limit actions against terrorists or their conspirators.</p> <p>No settlement provision.</p> <p>Makes terrorist assets seized or frozen by U.S. liable to satisfy judgments for acts of terrorism. President may waive this requirement.</p> <p>Authorizes U.S. or Secretary of the Treasury to seek protective orders for classified information.</p> <p>Preserves contractual arbitration rights.</p> <p>The Court will decide on reasonable attorneys fees so that the fees will not exceed 20 percent of total damages.</p>

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Disclosure to policyholders	At time of offer, purchase, or renewal of each policy, insurance company must disclose to the policyholder the premium charged for losses covered by the program and the Federal share of compensation under the program. For in-force contracts, disclosure required within 90 days.	Sense of Congress that states should require disclosure of the price of any P&C insurance for acts of terrorism, including costs of terrorism related assessments or surcharges. If states do not enact disclosure guidelines, the Secretary of the Treasury and the NAIC should adopt guidelines requiring the disclosure.
Ability to sue terrorist or terrorist's country	Act does not limit ability of any plaintiff to recover from any person, government, or other entity that participated in or aided and abetted any act of terrorism.	Act does not limit ability of any plaintiff to recover from any person that participated in or aided and abetted any act of terrorism.
Insurance Industry Build-Up	Sense of Congress that insurance industry should build up its capacity to provide affordable coverage for terrorism risk.	No provision.
Tax Provision	No provision.	Secretary shall issue a study within 4 months on issues relating to permitting P&C companies to establish tax-deductible reserves against future acts of terrorism.
Participating Insurer's Reports	Every 6 months participating insurance companies must report to the NAIC the premium rates charged for insured losses, including an explanation of and justification for those rates. The NAIC must forward copies of those reports to the Secretary, the Commerce Secretary, the FTC, and GAO.	Each insurer may be required by the Secretary to submit to the Secretary or the NAIC a statement specifying the net premium amount of coverage written under each line of commercial P&C sold by the insurer during a specified period.

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Reports to Congress	<p>Secretary must report to Congress within 9 months the availability of life insurance and other lines of insurance coverage.</p> <p>No report on railroad and trucking insurance</p> <p>Secretary must report to Congress promptly on reasons for any extension of the program.</p> <p>No report on pooling.</p> <p>.</p> <p>The Secretary, the Secretary of Commerce, and the FTC shall submit joint reports to Congress and GAO summarizing and evaluating the reports received every 6 months on premium rates (see row above). These reports are due after 9 months and then 12 months later. The GAO shall evaluate these reports for Congress.</p>	<p>Presidentially appointed commission must report to Congress on life insurance within 120 days.</p> <p>Secretary must report to Congress on railroad and trucking insurance for acts of terrorism within 120 days.</p> <p>Reporting on extensions same as Senate bill.</p> <p>Secretary of Treasury, Federal Reserve Board, and GAO must report to Congress within 6 months of enactment on (1) the advisability of establishing a reinsurance pool for acts of terrorism to replace the Act's financial assistance program, and (2) the potential effects of the Internal Revenue Code amendments and any further changes to federal law that might be appropriate to encourage pooling.</p> <p>No report on premium rates.</p>

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Sunset Provisions	<p>The program sunsets on December 31, 2002. Secretary may extend to a second year.</p> <p><u>One-Year Extension:</u> The Secretary may determine, based on the findings of a mandated report, that the program should be extended for one year, to Dec. 31, 2003. In that event, the loss-sharing is the same as in the first year.</p>	<p>The program sunsets on January 1, 2003. Secretary may extend the program by not more than 2 years.</p> <p><u>Program Extension:</u> Aggregate industry obligation amount for assessments will be the lesser of</p> <p>(1) Difference between \$10 billion and aggregate amount of assessments made in the prior 12 months or,</p> <p>(2) the amount of financial assistance made available.</p>
Triggering Event	Coverage commences when an individual participating insurance company's insured losses exceed its deductible.	Secretary makes a "triggering determination" that commercial P&C losses from one or more acts of terrorism exceed (1) \$1 billion industry-wide <u>or</u> (2) \$100 million industry-wide and losses for any single insurer exceed 10% of the insurer's capital surplus and 10% of its commercial P&C net premiums.
Coverage Requirements	Participating insurer must offer terrorism coverage in all its commercial P&C policies and may, within 21 days, opt-in to participate with respect to its personal lines. Terrorism coverage must not differ materially from its other P&C coverage. Policyholder must file claim with participating insurer, which processes the claim and submits it to the Secretary along with (1) verification of the claim and payments made to policyholder and (2) certification of compliance with the program.	None

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Cap on Coverage	\$100 billion annual losses, after which Congress decides the procedures for and source of any excess payments. Industry not liable over \$100 billion.	<p>Total amount of Federal financial assistance may not exceed an aggregate amount of \$100 billion.</p> <p>Sense of Congress that acts of terrorism resulting in insured losses greater than \$100 billion would necessitate further Congressional action.</p>
Recoupment of Federal Payments	None	<p>All Federal financial assistance must be repaid from <u>assessments and surcharges</u> imposed on all commercial P&C insurers and deposited into the general fund of the Treasury.</p> <p><u>Aggregate Assessments</u>: If losses from a single terrorist event are less than \$20 billion, financial assistance is repaid from a combination of an "industry obligation assessment" and, if necessary, one or more "financing assessments."</p> <ul style="list-style-type: none"> • Both types of assessments are imposed on all commercial P&C insurers based on the ratio of the firm's net premiums to the industry's gross premiums for commercial P&C coverage. • <u>(1) Industry obligation assessment</u>: Capped at \$5 billion per year (\$10 billion in Years 2 and 3 if extended). If a triggering determination occurs within 12 months of a previous determination, the Assessments from the subsequent determination will be imposed at the end of the quarterly assessment period.

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Recoupment of Federal Payments (cont'd)		<p><u>Surcharges:</u> If losses from one terrorist event exceed \$20 billion, surcharges are imposed to repay financial assistance exceeding \$20 billion.</p> <ul style="list-style-type: none"> • Surcharges are based on a percentage of commercial P&C net premiums and may extend over multiple years to recoup full federal payment. <p>The Secretary determines the amount and duration of the surcharge after weighing various factors including cost to taxpayers of not establishing a surcharge, economic conditions, affordability for small and medium-sized businesses, etc.</p> <ul style="list-style-type: none"> • Individual insurer's portion of surcharges may not exceed 3% of its annual written premiums. • Secretary may defer payments to avoid insolvency. <p><u>General:</u></p> <ul style="list-style-type: none"> • Secretary may defer payment of assessments and surcharges to avoid insolvency. • Secretary may impose civil penalties and/or charge interest for overdue assessments. <p>Secretary must prescribe manner and method, including amounts, of carrying out assessments and surcharges, taking into consideration various factors including impact on small businesses, cross-subsidization, and the various exposures of different lines of commercial P&C coverage.</p>

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Persons and Entities Covered	Defines "person" to mean individuals, businesses, nonprofits, trusts or estates, and state and local governments.	"Person" not defined.
Lines Covered	<p>Commercial P&C, including business interruption but not life or health.</p> <p>P&C companies have 21 days after enactment to notify the Secretary if they want to have their personal P&C lines included in the program.</p> <p>“Business interruption” covers temporary relocation expenses and ongoing expenses, including ordinary wages, where:</p> <p>(1) there is physical damage to point that business can’t open;</p> <p>(2) physical damage occurring to other property but preventing customers or employees from gaining physical access to business; <u>or</u></p> <p>(3) Government shuts down area because of physical or environmental damage, thereby preventing physical access to the business premises.</p> <p>Business interruption does not include lost profits unless entity is a small business under Small Business Act.</p>	<p>Commercial P&C, including loss of income or extra expense incurred because of losses or damage to property (i.e., business interruption). Excluded from coverage are: life and health insurance, insurance for professional liability, and insurance for homeowners, tenants, private passenger nonfleet automobiles, mobile homes, and any other insurance for personal, family, or household needs.</p>

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Participating Insurers	<p>Defined as any insurance company, including any subsidiary or affiliate, that is</p> <p>(1) licensed primary insurer or</p> <p>(2) unlicensed “eligible surplus line carrier” listed by the NAIC</p> <p>(3) that received direct premiums for any type of commercial P&C coverage or that, within 21 days, opt-in with respect to personal P&C lines.</p>	<p>Defined as any commercial P&C insurer, including affiliates, and expressly includes reinsurers and retrocessional insurers. Secretary of Treasury must ensure that Act applies to any offshore or non-admitted entities that provide commercial P&C insurance.</p>
Program Administrator and Authority	<p>Secretary of Treasury, who may: (1) investigate and audit claims; and (2) prescribe regulations and procedures; (3) employ persons or contract for services; (4) assess civil money penalties for violations of the Act or regulations or orders; and (5) prescribe criteria for participating insurance companies.</p>	<p>Secretary of Treasury, who: (1) must consult with state insurance regulators and NAIC; (2) may prescribe regulations and procedures; (3) may require insurers to report net premiums for each commercial P&C line; (4) may investigate and audit claims and require verification of premiums or losses; (5) may assess civil money penalties or interest for nonpayment of assessments and surcharges; (6) must prescribe manner and method of assessments and surcharges.</p>
Self-Insurance Arrangements	<p>The Secretary may, in consultation with NAIC, establish procedures allowing municipalities and other governmental or quasi-governmental entities operating through self-insurance arrangements to participate in the Program.</p>	<p>Secretary of the Treasury, in consultation with the NAIC, may apply Act to self-insurance arrangements by municipalities and other entities. This must be determined before the occurrence of a triggering event. All the provisions of the Act must be uniformly applied to these entities.</p>

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Definition of “Act of Terrorism”	<p>Act certified by the Secretary, in concurrence with Sec of State and Attorney General, that is</p> <ul style="list-style-type: none"> • Violent or dangerous to human life, property, or infrastructure within U.S. <u>(or outside U.S. for an air carrier)</u>; • is committed by an individual or group <u>acting on behalf of any foreign person or foreign interest</u>; and • is intended to coerce civilian population or influence policy or affect the conduct of the U.S. Government by coercion. <p>Excludes act of war declared by Congress. Excludes losses under \$5 million. Determinations are final and not subject to judicial review.</p>	<p>Act certified by the Secretary, in consultation with Attorney general and the Secretary of State.</p> <p>Requirements for "act of terrorism" are defined and specified by the Secretary in consultation with the NAIC. A terrorist act is:</p> <ul style="list-style-type: none"> • Unlawful; • causes harm in the U.S. to person, property, or entity, or in the case of a domestic U.S. air carrier or U.S. flag vessel, in or outside the U.S.; • is committed by a person or group of persons <u>recognized by the State Department or the Secretary of the Treasury as a terrorist group or conspirator either before or after such act</u>; and • is intended to destabilize a sovereign government or affect conduct of the United States government by coercion. <p>Excludes act of war. Certifications are not subject to judicial review</p>
Who Certifies that Loss was Caused by Act of Terrorism?	Secretary	Secretary of the Treasury, who also determines whether: (1) insured losses were caused by one or multiple events, and (2) the act of terrorism occurred during the covered period.

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Preemption / Coordination with State Regulators	<p>Preempts (1) state definitions of “act of terrorism” and (2) state rules requiring pre-approval of premiums or waiting periods for adopting premiums. (States may invalidate terrorism rates as excessive, inadequate, or unfairly discriminatory.)</p> <p>Provides that books and records of participating insurance companies shall be provided to the Secretary upon his request, notwithstanding state laws.</p> <p>No preemption unless specifically provided.</p>	<p>Preempts (1) state definitions of “act of terrorism;” (2) state rate laws to extent necessary to cover assessments and approval or other conditions to policy or rate effectiveness; and (3) any action other than filing of rates and policies with State insurance regulator to the extent that such law requires additional actions for terrorism insurance coverage. Does not limit implied preemption.</p> <p>Sense of Congress that NAIC and states should adopt:</p> <ul style="list-style-type: none"> • Consistent federal and state definitions of acts of terrorism; • Within 6 months, appropriate guidelines for reserves subject to Secretary of the Treasury adoption of national guidelines; and • Disclosure guidelines subject to Secretary of the Treasury’s adoption of national guidelines.

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Legal Procedures	<p>Creates exclusive federal cause of action for covered terrorism acts. District court determines applicable law, based on choice of law principles.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to a <u>single</u> Federal District Court, which has original and exclusive jurisdiction. Cases filed in other federal or state courts are transferred/removed to the designated District Court.</p> <p>No offset provision.</p> <p>Amounts awarded in civil action that are attributable to punitive damages will not be included within the insured losses.</p> <p>No proportional liability provision.</p>	<p>Federal cause of action same as Senate bill, except based on law of state where act occurred.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to <u>one or more</u> Federal District Courts.</p> <p>Offsets plaintiff's recovery by any Federal disaster relief received.</p> <p>Disallows punitive damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p> <p>Requires proportional liability for non-economic damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p>

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
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Cap on Coverage	\$100 billion annual losses, after which Congress decides the procedures for and source of any excess payments. Industry not liable over \$100 billion.	<p>Total amount of Federal financial assistance may not exceed an aggregate amount of \$100 billion.</p> <p>Sense of Congress that acts of terrorism resulting in insured losses greater than \$100 billion would necessitate further Congressional action.</p>
Recoupment of Federal Payments	None	<p>All Federal financial assistance must be repaid from <u>assessments and surcharges</u> imposed on all commercial P&C insurers and deposited into the general fund of the Treasury.</p> <p><u>Aggregate Assessments</u>: If losses from a single terrorist event are less than \$20 billion, financial assistance is repaid from a combination of an "industry obligation assessment" and, if necessary, one or more "financing assessments."</p> <ul style="list-style-type: none"> • Both types of assessments are imposed on all commercial P&C insurers based on the ratio of the firm's net premiums to the industry's gross premiums for commercial P&C coverage. • <p><u>(1) Industry obligation assessment</u>: Capped at \$5 billion per year (\$10 billion in Years 2 and 3 if extended). If a triggering determination occurs within 12 months of a previous determination, the Assessments from the subsequent determination will be imposed at the end of the quarterly assessment period.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Recoupment of Federal Payments (cont'd)		<p><u>Surcharges:</u> If losses from one terrorist event exceed \$20 billion, surcharges are imposed to repay financial assistance exceeding \$20 billion.</p> <ul style="list-style-type: none"> • Surcharges are based on a percentage of commercial P&C net premiums and may extend over multiple years to recoup full federal payment. <p>The Secretary determines the amount and duration of the surcharge after weighing various factors including cost to taxpayers of not establishing a surcharge, economic conditions, affordability for small and medium-sized businesses, etc.</p> <ul style="list-style-type: none"> • Individual insurer's portion of surcharges may not exceed 3% of its annual written premiums. • Secretary may defer payments to avoid insolvency. <p><u>General:</u></p> <ul style="list-style-type: none"> • Secretary may defer payment of assessments and surcharges to avoid insolvency. • Secretary may impose civil penalties and/or charge interest for overdue assessments. <p>Secretary must prescribe manner and method, including amounts, of carrying out assessments and surcharges, taking into consideration various factors including impact on small businesses, cross-subsidization, and the various exposures of different lines of commercial P&C coverage.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Persons and Entities Covered	Defines "person" to mean individuals, businesses, nonprofits, trusts or estates, and state and local governments.	"Person" not defined.
Lines Covered	<p>Commercial P&C, including business interruption but not life or health.</p> <p>P&C companies have 21 days after enactment to notify the Secretary if they want to have their personal P&C lines included in the program.</p> <p>“Business interruption” covers temporary relocation expenses and ongoing expenses, including ordinary wages, where:</p> <p>(1) there is physical damage to point that business can’t open;</p> <p>(2) physical damage occurring to other property but preventing customers or employees from gaining physical access to business; <u>or</u></p> <p>(3) Government shuts down area because of physical or environmental damage, thereby preventing physical access to the business premises.</p> <p>Business interruption does not include lost profits unless entity is a small business under Small Business Act.</p>	<p>Commercial P&C, including loss of income or extra expense incurred because of losses or damage to property (i.e., business interruption). Excluded from coverage are: life and health insurance, insurance for professional liability, and insurance for homeowners, tenants, private passenger nonfleet automobiles, mobile homes, and any other insurance for personal, family, or household needs.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Participating Insurers	<p>Defined as any insurance company, including any subsidiary or affiliate, that is</p> <p>(1) licensed primary insurer or</p> <p>(2) unlicensed “eligible surplus line carrier” listed by the NAIC</p> <p>(3) that received direct premiums for any type of commercial P&C coverage or that, within 21 days, opt-in with respect to personal P&C lines.</p>	<p>Defined as any commercial P&C insurer, including affiliates, and expressly includes reinsurers and retrocessional insurers. Secretary of Treasury must ensure that Act applies to any offshore or non-admitted entities that provide commercial P&C insurance.</p>
Program Administrator and Authority	<p>Secretary of Treasury, who may: (1) investigate and audit claims; and (2) prescribe regulations and procedures; (3) employ persons or contract for services; (4) assess civil money penalties for violations of the Act or regulations or orders; and (5) prescribe criteria for participating insurance companies.</p>	<p>Secretary of Treasury, who: (1) must consult with state insurance regulators and NAIC; (2) may prescribe regulations and procedures; (3) may require insurers to report net premiums for each commercial P&C line; (4) may investigate and audit claims and require verification of premiums or losses; (5) may assess civil money penalties or interest for nonpayment of assessments and surcharges; (6) must prescribe manner and method of assessments and surcharges.</p>
Self-Insurance Arrangements	<p>The Secretary may, in consultation with NAIC, establish procedures allowing municipalities and other governmental or quasi-governmental entities operating through self-insurance arrangements to participate in the Program.</p>	<p>Secretary of the Treasury, in consultation with the NAIC, may apply Act to self-insurance arrangements by municipalities and other entities. This must be determined before the occurrence of a triggering event. All the provisions of the Act must be uniformly applied to these entities.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Definition of “Act of Terrorism”	<p>Act certified by the Secretary, in concurrence with Sec of State and Attorney General, that is</p> <ul style="list-style-type: none"> • Violent or dangerous to human life, property, or infrastructure within U.S. <u>(or outside U.S. for an air carrier)</u>; • is committed by an individual or group <u>acting on behalf of any foreign person or foreign interest</u>; and • is intended to coerce civilian population or influence policy or affect the conduct of the U.S. Government by coercion. <p>Excludes act of war declared by Congress. Excludes losses under \$5 million. Determinations are final and not subject to judicial review.</p>	<p>Act certified by the Secretary, in consultation with Attorney general and the Secretary of State.</p> <p>Requirements for "act of terrorism" are defined and specified by the Secretary in consultation with the NAIC. A terrorist act is:</p> <ul style="list-style-type: none"> • Unlawful; • causes harm in the U.S. to person, property, or entity, or in the case of a domestic U.S. air carrier or U.S. flag vessel, in or outside the U.S.; • is committed by a person or group of persons <u>recognized by the State Department or the Secretary of the Treasury as a terrorist group or conspirator either before or after such act</u>; and • is intended to destabilize a sovereign government or affect conduct of the United States government by coercion. <p>Excludes act of war. Certifications are not subject to judicial review</p>
Who Certifies that Loss was Caused by Act of Terrorism?	Secretary	Secretary of the Treasury, who also determines whether: (1) insured losses were caused by one or multiple events, and (2) the act of terrorism occurred during the covered period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Preemption / Coordination with State Regulators	<p>Preempts (1) state definitions of “act of terrorism” and (2) state rules requiring pre-approval of premiums or waiting periods for adopting premiums. (States may invalidate terrorism rates as excessive, inadequate, or unfairly discriminatory.)</p> <p>Provides that books and records of participating insurance companies shall be provided to the Secretary upon his request, notwithstanding state laws.</p> <p>No preemption unless specifically provided.</p>	<p>Preempts (1) state definitions of “act of terrorism;” (2) state rate laws to extent necessary to cover assessments and approval or other conditions to policy or rate effectiveness; and (3) any action other than filing of rates and policies with State insurance regulator to the extent that such law requires additional actions for terrorism insurance coverage. Does not limit implied preemption.</p> <p>Sense of Congress that NAIC and states should adopt:</p> <ul style="list-style-type: none"> • Consistent federal and state definitions of acts of terrorism; • Within 6 months, appropriate guidelines for reserves subject to Secretary of the Treasury adoption of national guidelines; and • Disclosure guidelines subject to Secretary of the Treasury’s adoption of national guidelines.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures	<p>Creates exclusive federal cause of action for covered terrorism acts. District court determines applicable law, based on choice of law principles.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to a <u>single</u> Federal District Court, which has original and exclusive jurisdiction. Cases filed in other federal or state courts are transferred/removed to the designated District Court.</p> <p>No offset provision.</p> <p>Amounts awarded in civil action that are attributable to punitive damages will not be included within the insured losses.</p> <p>No proportional liability provision.</p>	<p>Federal cause of action same as Senate bill, except based on law of state where act occurred.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to <u>one or more</u> Federal District Courts.</p> <p>Offsets plaintiff's recovery by any Federal disaster relief received.</p> <p>Disallows punitive damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p> <p>Requires proportional liability for non-economic damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p>

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Edward.Demarco@do.treas.gov [UNKNOWN]
<Edward.Demarco@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN]
<Mario.Ugoletti@do.treas.gov>
Sent: 12/14/2001 11:40:27 AM
Subject: : FW: Side-by-side of House and Senate terrorism insurance bills
Attachments: P_R9UH4003_CEA.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:14-DEC-2001 16:40:27.00
SUBJECT:: FW: Side-by-side of House and Senate terrorism insurance bills
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Some weekend reading -- I love giving out homework. An outline of what we think a melded House/Senate bill might look like will follow shortly.

Sheila
> -----Original Message-----
> From: DeMarco, Edward
> Sent: Friday, December 14, 2001 3:34 PM
> To: Bair, Sheila
> Cc: Hunt, Betty Ann; Ugoletti, Mario; Pedri, Melissa; McInerney, Roberta; Ellett, Martha
> Subject: Side-by-side of House and Senate terrorism insurance bills
> Importance: High
>
> is attached
>
> <<Billcomparisonamend6.doc>>
- Billcomparisonamend6.doc
ATT CREATION TIME/DATE: 0 00:00:00.00

REV_00137921

File attachment <P_R9UH4003_CEA.TXT_1>

TERRORISM RISK INSURANCE COMPARISON

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Loss Sharing Program	<p>One-year program with one-year extension at the Secretary of the Treasury's (Secretary) discretion. Program administered by the Secretary.</p> <p><u>Per Company Deductible:</u> Each participating primary P&C company has a deductible established as its market share of gross premiums multiplied by \$10 billion. Once the company has paid insured losses equal to its deductible, it the Government pays 80% of additional losses incurred by that company and the company pays the remaining 20 percent. Once aggregate losses have reached \$10 billion, the loss sharing formula converts to 90/10. If aggregate losses exceed \$10 billion, the Secretary is responsible for determining each company's pro rata share of the government's loss-sharing payments.</p>	<p>One-year program administered by Secretary of the Treasury (Secretary) in which government provides "financial assistance" to commercial P&C insurance companies based on one of two "triggering events."</p> <p><u>(1) Industry-wide trigger:</u> If there is an "industry-wide triggering event" (described below), each insurer receives financial assistance equal to the difference between 90% of the insurer's net losses (net of reinsured losses) and \$5 million.</p> <p><u>Individual insurer trigger:</u> If there is an "individual insurer triggering event," each insurer eligible to receive financial assistance under the triggering determination receives financial assistance equal to the difference between 90% of its insured losses and 10% of its net P&C premiums (net of reinsurance premiums) in force at the time of the insured losses.</p> <ul style="list-style-type: none"> • If the Secretary subsequently determines that an industry-wide trigger has occurred, 10% of premium deductible is refunded, and the deductible under the industry-wide trigger is applied. • Coverage under the (individual insurer?) trigger applies only to those commercial insurers who were providing commercial P&C coverage prior to 9/11.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures (cont'd)	<p>Provides U.S. right of subrogation for any payment made by U.S. through program.</p> <p>No statute of limitations provision</p> <p>No limited damages provision.</p> <p>Provisions apply only while program is effective.</p> <p>No settlement provision</p> <p>No judgment satisfaction provision.</p> <p>No protective order provision.</p> <p>No arbitration provision.</p> <p>No attorney fees provision.</p>	<p>Provides U.S. right of subrogation for claims U.S. pays.</p> <p>No statute of limitations provision.</p> <p>Damages limited to insured party.</p> <p>Provisions apply only with respect to triggering determinations and do not in any way limit actions against terrorists or their conspirators.</p> <p>No settlement provision.</p> <p>Makes terrorist assets seized or frozen by U.S. liable to satisfy judgments for acts of terrorism. President may waive this requirement.</p> <p>Authorizes U.S. or Secretary of the Treasury to seek protective orders for classified information.</p> <p>Preserves contractual arbitration rights.</p> <p>The Court will decide on reasonable attorneys fees so that the fees will not exceed 20 percent of total damages.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Disclosure to policyholders	At time of offer, purchase, or renewal of each policy, insurance company must disclose to the policyholder the premium charged for losses covered by the program and the Federal share of compensation under the program. For in-force contracts, disclosure required within 90 days.	Sense of Congress that states should require disclosure of the price of any P&C insurance for acts of terrorism, including costs of terrorism related assessments or surcharges. If states do not enact disclosure guidelines, the Secretary of the Treasury and the NAIC should adopt guidelines requiring the disclosure.
Ability to sue terrorist or terrorist's country	Act does not limit ability of any plaintiff to recover from any person, government, or other entity that participated in or aided and abetted any act of terrorism.	Act does not limit ability of any plaintiff to recover from any person that participated in or aided and abetted any act of terrorism.
Insurance Industry Build-Up	Sense of Congress that insurance industry should build up its capacity to provide affordable coverage for terrorism risk.	No provision.
Tax Provision	No provision.	Secretary shall issue a study within 4 months on issues relating to permitting P&C companies to establish tax-deductible reserves against future acts of terrorism.
Participating Insurer's Reports	Every 6 months participating insurance companies must report to the NAIC the premium rates charged for insured losses, including an explanation of and justification for those rates. The NAIC must forward copies of those reports to the Secretary, the Commerce Secretary, the FTC, and GAO.	Each insurer may be required by the Secretary to submit to the Secretary or the NAIC a statement specifying the net premium amount of coverage written under each line of commercial P&C sold by the insurer during a specified period.

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Reports to Congress	<p>Secretary must report to Congress within 9 months the availability of life insurance and other lines of insurance coverage.</p> <p>No report on railroad and trucking insurance</p> <p>Secretary must report to Congress promptly on reasons for any extension of the program.</p> <p>No report on pooling.</p> <p>.</p> <p>The Secretary, the Secretary of Commerce, and the FTC shall submit joint reports to Congress and GAO summarizing and evaluating the reports received every 6 months on premium rates (see row above). These reports are due after 9 months and then 12 months later. The GAO shall evaluate these reports for Congress.</p>	<p>Presidentially appointed commission must report to Congress on life insurance within 120 days.</p> <p>Secretary must report to Congress on railroad and trucking insurance for acts of terrorism within 120 days.</p> <p>Reporting on extensions same as Senate bill.</p> <p>Secretary of Treasury, Federal Reserve Board, and GAO must report to Congress within 6 months of enactment on (1) the advisability of establishing a reinsurance pool for acts of terrorism to replace the Act's financial assistance program, and (2) the potential effects of the Internal Revenue Code amendments and any further changes to federal law that might be appropriate to encourage pooling.</p> <p>No report on premium rates.</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Sunset Provisions	<p>The program sunsets on December 31, 2002. Secretary may extend to a second year.</p> <p><u>One-Year Extension:</u> The Secretary may determine, based on the findings of a mandated report, that the program should be extended for one year, to Dec. 31, 2003. In that event, the loss-sharing is the same as in the first year.</p>	<p>The program sunsets on January 1, 2003. Secretary may extend the program by not more than 2 years.</p> <p><u>Program Extension:</u> Aggregate industry obligation amount for assessments will be the lesser of</p> <p>(1) Difference between \$10 billion and aggregate amount of assessments made in the prior 12 months or,</p> <p>(2) the amount of financial assistance made available.</p>
Triggering Event	<p>Coverage commences when an individual participating insurance company's insured losses exceed its deductible.</p>	<p>Secretary makes a "triggering determination" that commercial P&C losses from one or more acts of terrorism exceed (1) \$1 billion industry-wide <u>or</u> (2) \$100 million industry-wide and losses for any single insurer exceed 10% of the insurer's capital surplus and 10% of its commercial P&C net premiums.</p>
Coverage Requirements	<p>Participating insurer must offer terrorism coverage in all its commercial P&C policies and may, within 21 days, opt-in to participate with respect to its personal lines. Terrorism coverage must not differ materially from its other P&C coverage. Policyholder must file claim with participating insurer, which processes the claim and submits it to the Secretary along with (1) verification of the claim and payments made to policyholder and (2) certification of compliance with the program.</p>	<p>None</p>

Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Cap on Coverage	\$100 billion annual losses, after which Congress decides the procedures for and source of any excess payments. Industry not liable over \$100 billion.	<p>Total amount of Federal financial assistance may not exceed an aggregate amount of \$100 billion.</p> <p>Sense of Congress that acts of terrorism resulting in insured losses greater than \$100 billion would necessitate further Congressional action.</p>
Recoupment of Federal Payments	None	<p>All Federal financial assistance must be repaid from <u>assessments and surcharges</u> imposed on all commercial P&C insurers and deposited into the general fund of the Treasury.</p> <p><u>Aggregate Assessments</u>: If losses from a single terrorist event are less than \$20 billion, financial assistance is repaid from a combination of an "industry obligation assessment" and, if necessary, one or more "financing assessments."</p> <ul style="list-style-type: none"> • Both types of assessments are imposed on all commercial P&C insurers based on the ratio of the firm's net premiums to the industry's gross premiums for commercial P&C coverage. • <p><u>(1) Industry obligation assessment</u>: Capped at \$5 billion per year (\$10 billion in Years 2 and 3 if extended). If a triggering determination occurs within 12 months of a previous determination, the Assessments from the subsequent determination will be imposed at the end of the quarterly assessment period.</p>

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Program Administrator and Authority	<p>Secretary of Treasury, who may: (1) investigate and audit claims; and (2) prescribe regulations and procedures; (3) employ persons or contract for services; (4) assess civil money penalties for violations of the Act or regulations or orders; and (5) prescribe criteria for participating insurance companies.</p>	<p>Secretary of Treasury, who: (1) must consult with state insurance regulators and NAIC; (2) may prescribe regulations and procedures; (3) may require insurers to report net premiums for each commercial P&C line; (4) may investigate and audit claims and require verification of premiums or losses; (5) may assess civil money penalties or interest for nonpayment of assessments and surcharges; (6) must prescribe manner and method of assessments and surcharges.</p>
Self-Insurance Arrangements	<p>The Secretary may, in consultation with NAIC, establish procedures allowing municipalities and other governmental or quasi-governmental entities operating through self-insurance arrangements to participate in the Program.</p>	<p>Secretary of the Treasury, in consultation with the NAIC, may apply Act to self-insurance arrangements by municipalities and other entities. This must be determined before the occurrence of a triggering event. All the provisions of the Act must be uniformly applied to these entities.</p>

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Issue	12/13/01 cob Draft Senate Bill	House-Passed Bill
Legal Procedures	<p>Creates exclusive federal cause of action for covered terrorism acts. District court determines applicable law, based on choice of law principles.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to a <u>single</u> Federal District Court, which has original and exclusive jurisdiction. Cases filed in other federal or state courts are transferred/removed to the designated District Court.</p> <p>No offset provision.</p> <p>Amounts awarded in civil action that are attributable to punitive damages will not be included within the insured losses.</p> <p>No proportional liability provision.</p>	<p>Federal cause of action same as Senate bill, except based on law of state where act occurred.</p> <p>Judicial Panel on Multidistrict Litigation assigns jurisdiction for all claims to <u>one or more</u> Federal District Courts.</p> <p>Offsets plaintiff's recovery by any Federal disaster relief received.</p> <p>Disallows punitive damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p> <p>Requires proportional liability for non-economic damages by or against an insured (applies only to extent of insurance coverage under a triggering determination).</p>

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>; anna.hart@do.treas.gov [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>
Sent: 12/14/2001 11:53:25 AM
Subject: : 9:30 Insurance Call-in #s

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-DEC-2001 16:53:25.00

SUBJECT:: 9:30 Insurance Call-in #s

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])

REV_00137934

READ:UNKNOWN

TO:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

The call-in numbers for next week's Insurance Conference call are:

call-in pass code

Monday, 12/17 456-2565 & 456-2561 0538

Tuesday, 12/18 622-9555 686997

Wednesday, 12/19 622-9555 686997

Thursday, 12/20 456-2565 & 456-2561 1568

Friday, 12/21 622-9555 686997

Thanks,

Leslie

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/14/2001 1:18:08 PM
Subject: : Christmas vacation/holiday time

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-DEC-2001 18:18:08.00

SUBJECT:: Christmas vacation/holiday time

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

REV_00137940

If you are going to be out of the office and/or out of the DC area over the Christmas and New Year holidays please let me know what dates you are out of town and how you can be reached. We need to submit a contact list to Signal so they know where to find everyone.

So far I show Allison, Rachel and Brad out the week of Christmas.

Call 5-0188 if you have a question re: your leave balance. Leave policy can be found on p. A-11 of the staff handbook.

Thanks!

From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/14/2001 1:43:31 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-DEC-2001 18:43:31.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks!

From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/14/2001 1:45:17 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-DEC-2001 18:45:17.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks!

From: Debby Greenspan <Deborah@thefeinberggroup.com>
To: Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>;Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
CC: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;john.f.wood@usdoj.gov [UNKNOWN] <john.f.wood@usdoj.gov>;phil.perry@usdoj.gov [UNKNOWN] <phil.perry@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/17/2001 7:09:41 AM
Subject: : Re: Victims Comp - Special Cases

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Debby Greenspan <Deborah@thefeinberggroup.com> (Debby Greenspan <Deborah@thefeinberggroup.com> [UNKNOWN])
CREATION DATE/TIME:17-DEC-2001 12:09:41.00
SUBJECT:: Re: Victims Comp - Special Cases
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:john.f.wood@usdoj.gov (john.f.wood@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:phil.perry@usdoj.gov (phil.perry@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

As I understand that suggestion, we would add to the chart a column for persons under 20(?) and indicate the presumptive award was the same as for a person making \$30,000? Ordinarily in litigation, the parties would attempt to prove or disprove the likely career track of the individual. So, if you had someone in medical school, you may get a jury award based on a doctor's income.

>>> <Garry_Malphrus@opd.eop.gov> 12/17/01 11:59AM >>>

It seems that under the current system their presumed award would be non-economic damages, which may be fine for some. For example, I think it is fair to say that someone who was 70 and was working is not assumed to work longer absent a special showing. However, it does not seem fair that for someone who was not yet in the workforce, the chart does not assumed that they will make any income in the future, while the chart assumes that someone who just started in the workforce this year will make income over their entire career. For a presumptive award for these pre-workforce people, would you maybe assume that they would work for 30 years under a low salary?

From: Rebecca A. Beynon on 12/17/2001 11:22:50 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

REV_00137944

Subject: Victims Comp - Special Cases

How are we planning on handling the "special cases" of people who will not be able to find themselves on the charts that PW is preparing? What about the children who were on the planes, or the person who was 65 plus, or people under age 25? Our goal is to give people a very good idea of their award so they can decide to submit a claim. These people, however, may not have any idea about their award from the charts we're putting together and won't be in a good position to make a decision. Phil and John - what is your view of this issue?

One approach might be to have claims evaluators calculate presumptive awards on a case-by-case basis for these special cases, but not require them formally to submit their claims before opting into the program.

Another option would be to try to address these special cases in the regs - e.g., children who died will receive X amount, etc.

Any thoughts?

Message Sent

To: _____

Jay Lefkowitz
Brett M. Kavanaugh/WHO/EOP@EOP
Garry Malphrus/OPD/EOP@EOP
phil.perry@usdoj.gov @ inet
john.f.wood@usdoj.gov @ inet
dgreenspan@thefeinberggroup.com @ inet

From: Debby Greenspan <Deborah@thefeinberggroup.com>
To: Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>;Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
CC: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;john.f.wood@usdoj.gov [UNKNOWN] <john.f.wood@usdoj.gov>;phil.perry@usdoj.gov [UNKNOWN] <phil.perry@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/17/2001 7:10:17 AM
Subject: : Re: Victims Comp - Special Cases

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Debby Greenspan <Deborah@thefeinberggroup.com> (Debby Greenspan <Deborah@thefeinberggroup.com> [UNKNOWN])
CREATION DATE/TIME:17-DEC-2001 12:10:17.00
SUBJECT:: Re: Victims Comp - Special Cases
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:john.f.wood@usdoj.gov (john.f.wood@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:phil.perry@usdoj.gov (phil.perry@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

As I understand that suggestion, we would add to the chart a column for persons under 20(?) and indicate the presumptive award was the same as for a person making \$30,000? Ordinarily in litigation, the parties would attempt to prove or disprove the likely career track of the individual. So, if you had someone in medical school, you may get a jury award based on a doctor's income.

>>> <Garry_Malphrus@opd.eop.gov> 12/17/01 11:59AM >>>

It seems that under the current system their presumed award would be non-economic damages, which may be fine for some. For example, I think it is fair to say that someone who was 70 and was working is not assumed to work longer absent a special showing. However, it does not seem fair that for someone who was not yet in the workforce, the chart does not assumed that they will make any income in the future, while the chart assumes that someone who just started in the workforce this year will make income over their entire career. For a presumptive award for these pre-workforce people, would you maybe assume that they would work for 30 years under a low salary?

From: Rebecca A. Beynon on 12/17/2001 11:22:50 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

REV_00137946

Subject: Victims Comp - Special Cases

How are we planning on handling the "special cases" of people who will not be able to find themselves on the charts that PW is preparing? What about the children who were on the planes, or the person who was 65 plus, or people under age 25? Our goal is to give people a very good idea of their award so they can decide to submit a claim. These people, however, may not have any idea about their award from the charts we're putting together and won't be in a good position to make a decision. Phil and John - what is your view of this issue?

One approach might be to have claims evaluators calculate presumptive awards on a case-by-case basis for these special cases, but not require them formally to submit their claims before opting into the program.

Another option would be to try to address these special cases in the regs - e.g., children who died will receive X amount, etc.

Any thoughts?

Message Sent

To: _____

Jay Lefkowitz
Brett M. Kavanaugh/WHO/EOP@EOP
Garry Malphrus/OPD/EOP@EOP
phil.perry@usdoj.gov @ inet
john.f.wood@usdoj.gov @ inet
dgreenspan@thefeinberggroup.com @ inet

REV_00137947

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 12/17/2001 3:24:16 AM
Subject: : JSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-DEC-2001 08:24:16.00

SUBJECT:: JSC meeting

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know what you have for this week's JSC meeting.

REV_00137948

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 12/17/2001 3:38:59 AM
Subject: : Re: FYI -- Wash Post

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-DEC-2001 08:38:59.00
SUBJECT:: Re: FYI -- Wash Post
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I am away today. Judge wants to do a Post op-ed in light of yesterday's
Post story in Outlook section on Pres Records. Your thoughts?

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <jennifer.newstead@usdoj.gov>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 12/17/2001 3:52:21 AM
Subject: : Re: Sen. Hatch stmt on confirmations

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-DEC-2001 08:52:21.00
SUBJECT:: Re: Sen. Hatch stmt on confirmations
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Senate discussion from last Thursday:

147 Cong Rec S 13114, *
CONGRESSIONAL RECORD -- SENATE
Thursday, December 13, 2001

107th Congress, 1st Session
147 Cong Rec S 13114
REFERENCE: Vol. 147, No. 173

SECTION: Senate

TITLE: NOMINATION OF WILLIAM P. JOHNSON, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

SPEAKER: Mr. LEAHY; Mr. LEAHY. ; Mr. NICKLES; Mr. HATCH

REV_00137951

TEXT: [*S13114]

The PRESIDING OFFICER. The clerk will report Calendar No. 599.

The legislative clerk read the nomination of William P. Johnson, of New Mexico, to be United States District Judge for the District of New Mexico.

Mr. LEAHY . Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I thank the Chair.

Mr. President, I thank the distinguished majority leader, Mr. Daschle, and the distinguished deputy majority leader, Mr. Reid, who have worked so hard to get these nominations on the calendar so we can vote on them.

William Johnson is the third Federal judge confirmed from New Mexico in just the past few weeks. We expedited the consideration of Christina Armijo in October, who was confirmed last month; likewise, Harris Hartz, President Bush's nominee to the Tenth Circuit from New Mexico. I had a hearing at the end of October, and he was confirmed last week. All three of these nominees came to us with the strong support of both Senator Domenici and Senator Bingaman.

I mention this because it is so helpful to our committee when the White House takes time to consult with both Senators from the home State and get their support. We got this kind of consensus: When we confirm Mr. Johnson, we are going to fill another judicial emergency vacancy. After that, we are going to another nominee, Clay Land, who has been supported by Senators Cleland and Miller. I mention this because if we confirm both these next 2, we will have confirmed 27 Federal judges since July, when I took over the chairmanship, and 6 court of appeals judges.

To put that in perspective, since July, in those 5 months, we have confirmed as many as we confirmed all of the first year of the last President's administration_actually, a lot more judges in the courts of appeals.

Everybody has been working very hard. I also mention to my colleagues, this morning we were finally able to get a quorum in the Judiciary Committee. We had 10 nominations go through, 5 of them judges, 5 other nominations from the Department of Justice, all of which will go now on the calendar.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. Of course.

Mr. REID. When did the Senator take over as chairman of the Judiciary Committee?

Mr. LEAHY. I had a fully constituted committee I think it was in late July.

Mr. REID. It is my understanding that following September 11, the Senator and his staff literally worked night and day for how long before the [*S13115] committee came up with an antiterrorism bill?

Mr. LEAHY. We worked several weeks. It really was night and day. We had people going home at 2 o'clock in the morning and coming back at 5 o'clock in the morning to do that. I was getting e-mails at home at 3:30 in the morning from members of my staff and continued to do that until we got that bill out.

Mr. REID. Will the Senator also answer this question: It is my

understanding the committee's work was hampered as a result of the anthrax problem that occurred in Senator Daschle's office and in the Senator's office; is that true?

Mr. LEAHY. The Senator from Nevada is right. We actually had to move much of the Judiciary staff out of the Dirksen Building. Some had been in the Hart Building in the proximity of the distinguished leader's office when the anthrax letter was opened. We were hampered by that because of medical treatment and still came to work.

In fact, we went so far, as the Senator probably knows, as to hold hearings during the recesses to keep this going.

Mr. REID. I was going to ask the Senator if he remembers another time when hearings were held regarding judges and other judicial matters during recess periods?

Mr. LEAHY. I have only been on the committee 25 years, but I cannot remember a time during those 25 years_in fact, the Senator from Nevada may be interested in this. Maybe he was involved in this. Does the Senator recall the day that part of the Capitol Building was evacuated because of the anthrax scare and all the other buildings were evacuated? The distinguished Senator from West Virginia made available his conference room in the Appropriations Committee. We held hearings in that conference room on more judges as the building was being evacuated and held a markup in executive session with 150 of us crowded into one room in the back, the President's Room, to get even more judges out which then the distinguished majority leader put on the calendar within, I think, 24 hours of that time and we were voting on them a couple days after that.

Mr. REID. The majority leader is in the Chamber, and I will not engage the Senator in any more dialog. Speaking for the people of Nevada and I think this country, when books are written over what transpired in this critical period of history, there is going to be a chapter on Pat Leahy and the tremendous job he did. It is precedent setting, and he has set a mark to which others will have to try to adhere.

Mr. LEAHY. That means a great deal to me, and I appreciate that. I appreciate the help of Senators on both sides of the aisle in helping to move this forward.

Mr. DASCHLE. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. DASCHLE. I also commend the distinguished chair of the Judiciary Committee along the lines the assistant Democratic leader has noted. It is important at a time such as this that we recall for the record just what has transpired. The distinguished chairperson has been chairperson now for about 5 months, almost 6 months, and in one-half year's time, he has compiled a record that may at the end of this period actually exceed the number of judiciary appointments confirmed during the Clinton administration in an entire 12-month period of time in 1993. That is quite a remarkable accomplishment to exceed perhaps the number of judicial nominations in 6 months over and above what was confirmed in 1993 under a Democratic administration with, I might add, a Democratic Senate.

Also, as the Senator from Nevada has noted, this has been an extraordinarily difficult time, filled with adversity. September 11, the anthrax attack, not only on the Senate and my office, but on the Senator's office itself_all of the disruption, the need for accelerated efforts on appropriations, and yet through all of that, with all of the work he had to do with counterterrorism, this Senator has very diligently, persistently, and with remarkable leadership brought us to this point.

I publicly commend him, thank him, and tell him how proud I am for his effort and the work he has done to get us to this point.

I yield the floor.

Mr. NICKLES. Will the Senator from Vermont yield?

Mr. LEAHY. Of course, I will.

Mr. NICKLES . Mr. President, to add to some of the statements that were made, I compliment my friend. He has assisted this Senator, and he has assisted other Senators, particularly on district court judges.

If my numbers are correct, I believe we are now at 27 judges confirmed, which equals the number of judges that were confirmed in President Clinton's first year. President Clinton, nominated 47 individuals for judicial positions, and the Senate confirmed 27 of those in his first year.

President Bush has made 64 judicial nominations at a time when there are a great number of vacancies. We have now confirmed 27, and I hope we will confirm some more.

I say to my friend and colleague from Vermont, we have done pretty well on district court judges. However, we are way behind on circuit judges. President Bush nominated eleven circuit court judges in May. Of those eleven, eight have not even had a hearing. One of these nominees is Miguel Estrada, who is a Honduras immigrant who graduated with honors from Columbia and graduated at the top of his law school class from Harvard.

Another is John Roberts, again a Harvard Law School grad. Among his many accomplishments, Mr. Roberts has argued 34 cases before the Supreme Court. I might also mention that Mr. Estrada has argued 14 cases before the Supreme Court. Both nominees are eminently qualified.

I wonder if my friend and colleague from Vermont can tell us when we will begin considering or having hearings on some of these exceptionally qualified individuals, both rated unanimously well qualified by the ABA and who have bipartisan support, who were nominated in May of this year?

Mr. LEAHY . Mr. President, the Senator from Oklahoma, my friend, has talked to me about this on several occasions. We are trying to get through these calendars as quickly as we can. As I say, I have only been here as chairman for 5 months. Actually, there were a number of nominees prior to my becoming chairman who never got a hearing at the beginning of this year.

We will have had far more courts of appeals judges than I think have ever been, or I can remember going through in a President's first year in office. We are going way beyond what the Senate usually does. It is certainly a much faster pace than the Senate has had in the last 4, 5, 6 years.

If we can slow down a little bit the things that are happening around here_anthrax, September 11, all the things we wish we did not have_if the chairman of the committee could deal with just a few less death threats_not from my friend from Oklahoma. The anthrax letter did not have an Oklahoma return address, nor would I expect it to.

Mr. NICKLES. I appreciate it.

Mr. LEAHY. We are moving through them. We have done Fifth Circuit Judge Clement, Second Circuit Judge Parker, Fourth Circuit Judge Gregory. I mentioned from New Mexico a circuit judge.

Mr. NICKLES. If the Senator will yield, we have confirmed six circuit court judges, but in this particular instance, the President has made many more circuit court nominees during his first year in office than any recent time in history. In fact, 28 have been nominated. I urge my colleague_and I will stop here_to have more hearings, especially for some of these individuals nominated in May. They are outstanding individuals.

I am more than certain that once they have their hearings, they will be confirmed by an overwhelming majority, both in the committee and on the floor of the Senate. I urge the chairman to have hearings on those individuals as soon as possible.

Mr. LEAHY. The Senator from Oklahoma asks an appropriate question. I can assure him we are trying to move through as many as we can. I hope, for example, the President will nominate more district judges, too. There are about 77 percent district court vacancies; about 77 percent do not even have a nominee. There is a real problem and we will work with the administration. [*S13116]

Some of the slowdowns have been taken care of, as the Senator from Oklahoma knows. We had a number of judges who were held up because the White House did not directly answer the question whether they had been arrested or convicted in the last 10 years. We thought that was at least a worthwhile thing to know for someone getting a lifetime appointment. I think the White House might have realized it made sense and allowed them to answer the question, and it broke a logjam. We had 10 nominations, 5 judges, that went through this morning. My intention is to keep moving as rapidly as we can.

I ask the distinguished acting Republican leader, we could have rollcalls on the next two judges, or if he has no objection, I would ask we do them by voice vote. If he would like rollcalls, that is his right.

Mr. NICKLES. Senators want to get to the Defense authorization bill. There is no reason we cannot. I am sure it is not necessary to have a recorded vote. A voice vote is more than acceptable for the other two judges. I thank my friend and colleague and look forward to having a hearing on Mr. Estrada. Forty-nine Senators have requested a hearing on Mr. Estrada and on Mr. Roberts and other nominees for the circuit court. As soon as we get hearings, it would be much appreciated.

Mr. HATCH . Mr. President, since the topic of the Judiciary Committee's record on judicial confirmations was raised, I would like to take just a minute to make an observation.

As everyone here knows, I do not like to engage in the typical statistics judo that seems to be intrinsic to this issue. But I do want everyone to understand that, despite the progress that was just mentioned, we really have a lot more work to do.

Look at the percentages: The Senate has exercised its advice and consent duty on only 21 percent of President Bush's circuit nominees this year. The other 79 percent of our work remains unfinished. And our overall record is not much better: the Senate has confirmed only 37.5 percent of all judicial nominations we received from President Bush. We will conclude our work by leaving nearly 100 vacancies in the judicial branch.

Now, these facts are not escaping wider attention outside the Judiciary Committee. Last week, Vice President Cheney sent a letter noting that "vacancies on the Federal bench are occurring at a faster pace than the confirmations of new judges, and barely one in four of President Bush's nominees has received a hearing and a vote." The Washington Post editorialized on November 30 that the committee should hold more judicial nominations hearings, concluding that, "failing to hold them in a timely fashion damages the judiciary, disrespects the President's power to name judges and is grossly unfair to often well-qualified nominees." And the Wall Street Journal observed on November 27 that there is a "pattern of judicial obstruction that has left 108 current vacancies on the Federal bench. . . . With only days to go before the Senate adjourns for the year, only 28 percent of George W. Bush's nominees have been confirmed."

Of course, the reason why people are taking notice is that the process of advice and consent on the President's judicial nominations is not a game.

This is not football or baseball, and the goal here is not a particular set of numbers. These are nominations for very important positions in the Federal Government, and it is the Senate's constitutional obligation to review them. Despite the work that we have done, there is simply no escaping the fact that we are about to stop work for the year with a judicial vacancy rate of 11.3 percent, which I believe is unacceptable by any measure. And, by the way, there is absolutely no point in accusing the administration of not sending more nominations to us, when we have made it clear that we will not devote any effort at all to reviewing 30 of the nominations the President did send.

All this being said, however, I have reason to look forward to hitting the ground running next year. The Judiciary Committee's obvious focus on confirming nearly the same number of judges as we did President Clinton's first year, reassures me. After all, during President Clinton's second year in office, the Senate confirmed 100 of his judicial nominees. I fully expect that we will do the same for President George W. Bush, in fact, I take it as a pledge that we will confirm 100 Bush nominees in 2002.

Mr. LEAHY. I did not request a rollcall vote. I ask for a voice vote.

The PRESIDING OFFICER (Ms. Stabenow). The question is, Will the Senate advise and consent to the nomination of William P. Johnson to be United States District Judge for the District of New Mexico?

The nomination was confirmed.

From: Debby Greenspan <Deborah@thefeinberggroup.com>
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Rebecca A. Beynon/OMB /EOP@EOP [OMB] <Rebecca A. Beynon>;Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>;john.f.wood@usdoj.gov [UNKNOWN] <john.f.wood@usdoj.gov>;phil.perry@usdoj.gov [UNKNOWN] <phil.perry@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/17/2001 8:03:01 AM
Subject: : Re: Victims Comp - Presumptive Awards

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Debby Greenspan <Deborah@thefeinberggroup.com> (Debby Greenspan <Deborah@thefeinberggroup.com> [UNKNOWN])
CREATION DATE/TIME:17-DEC-2001 13:03:01.00
SUBJECT:: Re: Victims Comp - Presumptive Awards
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:john.f.wood@usdoj.gov (john.f.wood@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:phil.perry@usdoj.gov (phil.perry@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

as I understand the current model, the consumption factors are fixed, which creates the results rebecca describes. The key issue for the regs is whether we describe this method or the cut off method (we can easily implement either one). The difficulty lies in creating a meaningful illustrative chart since everyone's family circumstances will differ. If we apply the cut off, the aggregate number will decrease. It seems to me that we would have to prepare a couple of charts showing children at different ages unless we can determine a standard percentage change for each child.

>>> <Rebecca_A._Beynon@omb.eop.gov> 12/17/01 12:43PM >>>
PW has flagged an issue that I wanted to bring to everyone's attention. The current approach computes consumption based on (among other things) a person's family size. But it does not make adjustments for expected changes in family size - i.e., the family getting smaller when children reach the age of majority.

The result is that a person's consumption is computed based on their family size as it existed on Sept 11 and that assumption is carried forward until the end of worklife. This assumption is generous to the claimants. PW tells me that it is also not consistent with the approach that is typically used in litigation. There, in calculating an individual award, the family in question is evaluated, and consumption estimates are made consistent with the ages of the dependent children. That is, if children are 10 months old, personal consumption is lower for a much longer time (and the award greater) than if the children are 17 years old.

REV_00137957

PW points out that for marrieds with children, there will be an increase in personal consumption when the family shrinks (and resulting smaller award), but this effect is much greater for singles with dependents. We've seen from our charts that when a person is single w/ no dependents, personal consumption is much higher.

Question: Should we base presumptive awards on the assumption that family size remains constant forever, which is our current approach? Or should we make an adjustment based on the actual family and childrens' ages? If we take the latter approach, all other things being equal, those with young dependents will get greater awards than those with older ones. Also, if we decide take the latter approach, we will probably need to change the assumptions that we're working with in the charts that we're preparing, and adjust them to reflect some basic assumptions about the children (i.e., that all dependents are 9 years old (halfway to age of majority)).

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>
Sent: 12/17/2001 4:29:43 AM
Subject: : FW: Surcharge vs. Assessment
Attachments: P_29415004_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:17-DEC-2001 09:29:43.00
SUBJECT:: FW: Surcharge vs. Assessment
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FYI. This is consistent with our preference for a surcharge, if we have to swallow some type of payback mechanism.

Sheila
-----Original Message-----
From: Wetmore, David M. MS-DMW [mailto:DWetmore@naic.org]
Sent: Friday, December 14, 2001 3:48 PM
To: 'sheila.bair@do.treas.gov'
Cc: 'edward.demarco@do.treas.gov'
Subject: Surcharge vs. Assessment
Importance: High

We pulled this together in response to McCain staff inquiry. In the event the "assessments vs. surcharge" issue comes up, here's the accounting implications.

> -----Original Message-----
> From: Chesson, John B. MS-JBC
> Sent: Friday, December 14, 2001 3:09 PM
> To: 'jeanne_bumpus@commerce.senate.gov'
> Cc: 'sarah_kline@banking.senate.gov'
>
>
> You asked NAIC last week how insurers would be affected financially if
> Congress decides to require a payback of federal terrorism insurance
> through a surcharge on policyholder premiums. You also wondered if there
> are any differences between using an assessment or a rate surcharge to
> repay federal assistance. Your questions were based on concerns
> expressed
> to you by insurers that their financial statements and solvency
> measurements for state regulatory purposes would be negatively impacted

REV_00137959

by
> a federal rate surcharge on premiums to repay terrorism assistance.
>
> We posed these questions to NAIC's accounting experts and a special group
> of NAIC members and leaders designated to handle such questions. Here
are
> their basic conclusions. Please see the attached memo for a more
detailed
> explanation of regulatory and GAAP accounting treatments.
>
> In general, state regulatory accounting requires insurers to book any
> charge if it is both probable and measurable. A required payback to the
> federal government specified in a statute or federal regulations would
> seem to meet both of these tests. Thus, insurers would need to add the
> payback amounts owed to the federal government as a liability on their
> balance sheet as soon as they could be reasonably measured.
>
> However, insurers are also permitted to count amounts owed to them as an
> asset in their financial statements if they are probable and reasonably
> measurable. So, if Congress writes a terrorism assistance bill making it
> clear that costs will be passed on to policyholders, NAIC believes there
> will be no significant impact affecting the regulatory solvency of
> participating insurers. In practice, the balance sheet liability to the
> federal government should be matched by a corresponding asset of expected
> payments from customers to cover amounts owed to the government. They
> should net out against each other for solvency measurement purposes.
>
> We believe a federal statutory rate surcharge directly imposed on
> policyholder premiums is the cleanest way to achieve the goal of a
payback
> requirement that does not negatively impact the financial position of
> insurance companies. NAIC regards a rate surcharge as a direct charge on
> the customer, rather than a charge on the insurer.
>
> Using a federal assessment on insurers to repay assistance would also
seem
> to qualify for a neutral "netting out" if the overall terms of the law
> make it clear that amounts paid to the federal government are expected to
> be passed on to policyholders. NAIC normally looks at assessments as a
> direct charge on the insurer. This path seems workable, but is not as
> clean as a direct rate surcharge.
>
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> <<Assessments 12-13-01.doc>>
>
>

- Assessments 12-13-01.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_29415004_OPD.TXT_1>

Memorandum

EXECUTIVE HEADQUARTERS

2301 MCGEE STREET
SUITE 800
KANSAS CITY MO
64108-2604
VOICE 816-842-3600
FAX 816-783-8175

FEDERAL AND INTERNATIONAL RELATIONS

HALL OF THE STATES
444 NORTH CAPITAL ST NW
SUITE 701
WASHINGTON DC
20001-1512
VOICE 202-624-7790
FAX 202-624-8579

SECURITIES VALUATION OFFICE

7 WORLD TRADE CENTER
19TH FLOOR
NEW YORK NY
10048-1102
VOICE 212-285-0010
FAX 212-285-0073

WORLD WIDE WEB

www.naic.org

Date: December 13, 2001
To: Commissioner Terri Vaughan
NAIC President
From: Brady Kelley and Dave Christensen, NAIC Staff
Re: Guaranty Fund and Other Assessments

As you are aware, the Senate is likely to vote on a federal terrorism bill this week. At the present time, there is no payback provision within the current drafts subject to Senate deliberation; however, recent discussion have included the possibility of an assessment mechanism to “pay back” the federal government for losses covered by any federal bill. This mechanism has raised questions about the impact of the assessment on the insurer’s financial condition.

The NAIC *Accounting Practices and Procedures Manual* is the authoritative source of statutory accounting principles and all states have adopted substantially similar provisions since 1998. Statement of Statutory Accounting Principle No. 35 – *Guaranty Fund and Other Assessments* establishes statutory accounting principles for guaranty fund and other (key word “other”) assessments. SSAP No. 35, paragraph 3, states that other assessments include, but are not limited to, workers’ compensation second injury funds and for funds that pay operating costs of an insurance department, a state guaranty fund and/or the workers’ compensation board. Paragraph 4 requires assessments to be recorded as a liability when both of the following conditions are met:

- a. Information available prior to the issuance of the statutory financial statements indicates that it is **probable** that an asset has been impaired or a liability has been incurred at the date of the statutory financial statements. It is implicit in this condition that it is probable that one or more future events will occur confirming the fact of the loss or incurrence of a liability; and
- b. The amount of loss can be **reasonably estimated**.

SSAP No. 35, paragraph 6, states that condition a. above is met when the insolvency occurs, regardless of whether the assessments are based on premiums written before or after the insolvency. For purposes of applying this guidance, the insolvency shall be considered to have occurred when a reporting entity meets a state’s statutory definition of an insolvent reporting entity.

Assuming that the federal assessment would be made following the occurrence of the covered event and would be based upon premium written in periods preceding the covered event, NAIC staff believe that the two conditions described above will certainly have been met and, therefore, the reporting entity will be required to record a liability equal to its estimate of its share of the ultimate assessment liability. Management's best estimate of the liability shall be recorded.

The good news is that this liability may be offset by estimable recoveries from premium tax credits and premium surcharges. SSAP No. 35, paragraph 9, states that because assessment are generally paid before premium tax credits are realized or policy surcharges are collected, an asset may result, which represents a receivable for premium tax credits that will be taken and policy surcharges which will be collected in the future. These amounts, to the extent it is probable they will be realized, meet the statutory definition of an admitted asset, and are required to be established and reported independent from the liability (not reported net). Assuming that the federal bill will allow the industry to offset its federal assessments with policy surcharges, it appears that reporting entities will be allowed to offset its "ultimate assessment liability" with its expected recoveries from such policy surcharges. While SSAP No. 35 requires the resulting asset and liability to be reported gross, not net, paragraph 7 allows the assessment to be offset by expected recoveries when it is reported in the income statement as taxes, licenses and fees. Additionally, SSAP No. 35, paragraph 11, requires certain disclosures for any assessments that have a material financial effect on the statutory financial statements.

On the GAAP side, AICPA Statement of Position 97-3, *Accounting by Insurance and Other Enterprises for Insurance-Related Assessments*, the guidance is fairly consistent in terms of the criteria for recording and estimating the assessment liability and related premium tax and policy surcharge offsets. The primary difference is that SSAP No. 35 is more conservative in nature, as it requires a company to record assessment liabilities based on the two conditions described in paragraph 4. SOP 97-3 on the other hand, adds a third criteria, which includes the definition of the "obligating event." SOP 97-3 does not require assessment liabilities to be recorded until the obligating event, the event obligating the entity to pay the assessment (e.g., the writing of premium), has occurred. In essence, if the assessment is based on future premium, the GAAP entity will not record the liability until the premium is written in future years, while the SAP entity will record its ultimate assessment liability, regardless of when it writes the premium upon which the assessment is based (as described in paragraph 6).

In conclusion, NAIC staff believes that, should the Senate propose an assessment mechanism, which includes a mandated pass-through policy surcharge, there would be no significant impact on the net equity of the insurance industry. Please let me know if you have any questions or concerns about the information we have provided herein. You can reach me at (816) 783-8006 or Dave Christensen, Statutory Accounting Principles Manager, at (816) 783-8125.

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Perry, Phil <Phil.Perry@usdoj.gov>
Sent: 12/17/2001 4:29:45 AM
Subject: : RE: Victims Comp question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:17-DEC-2001 09:29:45.00
SUBJECT:: RE: Victims Comp question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

We didn't seem to resolve anything on the Special Master's discretion, so for now the draft is the same (can deviate from presumed awards based upon exceptional circumstances not adequately addressed by the presumed awards). Re the additional language re individual circumstances, we have something close to that in the preamble, which we will circulate later today. I agree w/ the point and I also want to tie it to the minimum payment, so we note the \$250,000 minimum when we discuss the 98% upper limit (i.e. we want to make sure everyone has at least a minimum level of recovery but no one gets an excessive recovery).

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, December 17, 2001 9:10 AM
To: Wood, John F; Perry, Phil; Jay_P._Lefkowitz@omb.eop.gov;
Rebecca_A._Beynon@omb.eop.gov
Subject: Victims Comp question

I missed the beginning of this because of conflict w/ another call.
where are we on master's discretion?
in addition, why not add something like this: "The statute specifies that individual circumstances beyond economic and non-economic damages must be taken into account. One relevant individual circumstance is the need and wealth of the claimant. Awards in excess of \$3 million, tax-free, rarely will be appropriate in light of an individual's needs and wealth absent some extraordinary and compelling circumstance."

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Amy.Smith@do.treas.gov [UNKNOWN] <Amy.Smith@do.treas.gov>
Sent: 12/17/2001 4:30:50 AM
Subject: : FW: Surcharge vs. Assessment
Attachments: P_AB415004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:17-DEC-2001 09:30:50.00
SUBJECT:: FW: Surcharge vs. Assessment
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy.Smith@do.treas.gov (Amy.Smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

FYI. This is consistent with our preference for a surcharge, if we have to swallow some type of payback mechanism.

Sheila
-----Original Message-----
From: Wetmore, David M. MS-DMW [mailto:DWetmore@naic.org]
Sent: Friday, December 14, 2001 3:48 PM
To: 'sheila.bair@do.treas.gov'
Cc: 'edward.demarco@do.treas.gov'
Subject: Surcharge vs. Assessment
Importance: High

We pulled this together in response to McCain staff inquiry. In the event the "assessments vs. surcharge" issue comes up, here's the accounting implications.

> -----Original Message-----
> From: Chesson, John B. MS-JBC
> Sent: Friday, December 14, 2001 3:09 PM
> To: 'jeanne_bumpus@commerce.senate.gov'
> Cc: 'sarah_kline@banking.senate.gov'
>
>
> You asked NAIC last week how insurers would be affected financially if
> Congress decides to require a payback of federal terrorism insurance
> through a surcharge on policyholder premiums. You also wondered if there
> are any differences between using an assessment or a rate surcharge to
> repay federal assistance. Your questions were based on concerns
expressed
> to you by insurers that their financial statements and solvency
> measurements for state regulatory purposes would be negatively impacted

REV_00137964

by
> a federal rate surcharge on premiums to repay terrorism assistance.
>
> We posed these questions to NAIC's accounting experts and a special group
> of NAIC members and leaders designated to handle such questions. Here
are
> their basic conclusions. Please see the attached memo for a more
detailed
> explanation of regulatory and GAAP accounting treatments.
>
> In general, state regulatory accounting requires insurers to book any
> charge if it is both probable and measurable. A required payback to the
> federal government specified in a statute or federal regulations would
> seem to meet both of these tests. Thus, insurers would need to add the
> payback amounts owed to the federal government as a liability on their
> balance sheet as soon as they could be reasonably measured.
>
> However, insurers are also permitted to count amounts owed to them as an
> asset in their financial statements if they are probable and reasonably
> measurable. So, if Congress writes a terrorism assistance bill making it
> clear that costs will be passed on to policyholders, NAIC believes there
> will be no significant impact affecting the regulatory solvency of
> participating insurers. In practice, the balance sheet liability to the
> federal government should be matched by a corresponding asset of expected
> payments from customers to cover amounts owed to the government. They
> should net out against each other for solvency measurement purposes.
>
> We believe a federal statutory rate surcharge directly imposed on
> policyholder premiums is the cleanest way to achieve the goal of a
payback
> requirement that does not negatively impact the financial position of
> insurance companies. NAIC regards a rate surcharge as a direct charge on
> the customer, rather than a charge on the insurer.
>
> Using a federal assessment on insurers to repay assistance would also
seem
> to qualify for a neutral "netting out" if the overall terms of the law
> make it clear that amounts paid to the federal government are expected to
> be passed on to policyholders. NAIC normally looks at assessments as a
> direct charge on the insurer. This path seems workable, but is not as
> clean as a direct rate surcharge.
>
>
>
> <<Assessments 12-13-01.doc>>
>
>

- Assessments 12-13-01.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AB415004_WHO.TXT_1>

Memorandum

EXECUTIVE HEADQUARTERS

2301 MCGEE STREET
SUITE 800
KANSAS CITY MO
64108-2604
VOICE 816-842-3600
FAX 816-783-8175

FEDERAL AND INTERNATIONAL RELATIONS

HALL OF THE STATES
444 NORTH CAPITAL ST NW
SUITE 701
WASHINGTON DC
20001-1512
VOICE 202-624-7790
FAX 202-624-8579

SECURITIES VALUATION OFFICE

7 WORLD TRADE CENTER
19TH FLOOR
NEW YORK NY
10048-1102
VOICE 212-285-0010
FAX 212-285-0073

WORLD WIDE WEB

www.naic.org

Date: December 13, 2001
To: Commissioner Terri Vaughan
NAIC President
From: Brady Kelley and Dave Christensen, NAIC Staff
Re: Guaranty Fund and Other Assessments

As you are aware, the Senate is likely to vote on a federal terrorism bill this week. At the present time, there is no payback provision within the current drafts subject to Senate deliberation; however, recent discussion have included the possibility of an assessment mechanism to “pay back” the federal government for losses covered by any federal bill. This mechanism has raised questions about the impact of the assessment on the insurer’s financial condition.

The NAIC *Accounting Practices and Procedures Manual* is the authoritative source of statutory accounting principles and all states have adopted substantially similar provisions since 1998. Statement of Statutory Accounting Principle No. 35 – *Guaranty Fund and Other Assessments* establishes statutory accounting principles for guaranty fund and other (key word “other”) assessments. SSAP No. 35, paragraph 3, states that other assessments include, but are not limited to, workers’ compensation second injury funds and for funds that pay operating costs of an insurance department, a state guaranty fund and/or the workers’ compensation board. Paragraph 4 requires assessments to be recorded as a liability when both of the following conditions are met:

- a. Information available prior to the issuance of the statutory financial statements indicates that it is ***probable*** that an asset has been impaired or a liability has been incurred at the date of the statutory financial statements. It is implicit in this condition that it is probable that one or more future events will occur confirming the fact of the loss or incurrence of a liability; and
- b. The amount of loss can be ***reasonably estimated***.

SSAP No. 35, paragraph 6, states that condition a. above is met when the insolvency occurs, regardless of whether the assessments are based on premiums written before or after the insolvency. For purposes of applying this guidance, the insolvency shall be considered to have occurred when a reporting entity meets a state’s statutory definition of an insolvent reporting entity.

Assuming that the federal assessment would be made following the occurrence of the covered event and would be based upon premium written in periods preceding the covered event, NAIC staff believe that the two conditions described above will certainly have been met and, therefore, the reporting entity will be required to record a liability equal to its estimate of its share of the ultimate assessment liability. Management's best estimate of the liability shall be recorded.

The good news is that this liability may be offset by estimable recoveries from premium tax credits and premium surcharges. SSAP No. 35, paragraph 9, states that because assessment are generally paid before premium tax credits are realized or policy surcharges are collected, an asset may result, which represents a receivable for premium tax credits that will be taken and policy surcharges which will be collected in the future. These amounts, to the extent it is probable they will be realized, meet the statutory definition of an admitted asset, and are required to be established and reported independent from the liability (not reported net). Assuming that the federal bill will allow the industry to offset its federal assessments with policy surcharges, it appears that reporting entities will be allowed to offset its "ultimate assessment liability" with its expected recoveries from such policy surcharges. While SSAP No. 35 requires the resulting asset and liability to be reported gross, not net, paragraph 7 allows the assessment to be offset by expected recoveries when it is reported in the income statement as taxes, licenses and fees. Additionally, SSAP No. 35, paragraph 11, requires certain disclosures for any assessments that have a material financial effect on the statutory financial statements.

On the GAAP side, AICPA Statement of Position 97-3, *Accounting by Insurance and Other Enterprises for Insurance-Related Assessments*, the guidance is fairly consistent in terms of the criteria for recording and estimating the assessment liability and related premium tax and policy surcharge offsets. The primary difference is that SSAP No. 35 is more conservative in nature, as it requires a company to record assessment liabilities based on the two conditions described in paragraph 4. SOP 97-3 on the other hand, adds a third criteria, which includes the definition of the "obligating event." SOP 97-3 does not require assessment liabilities to be recorded until the obligating event, the event obligating the entity to pay the assessment (e.g., the writing of premium), has occurred. In essence, if the assessment is based on future premium, the GAAP entity will not record the liability until the premium is written in future years, while the SAP entity will record its ultimate assessment liability, regardless of when it writes the premium upon which the assessment is based (as described in paragraph 6).

In conclusion, NAIC staff believes that, should the Senate propose an assessment mechanism, which includes a mandated pass-through policy surcharge, there would be no significant impact on the net equity of the insurance industry. Please let me know if you have any questions or concerns about the information we have provided herein. You can reach me at (816) 783-8006 or Dave Christensen, Statutory Accounting Principles Manager, at (816) 783-8125.

From: CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/17/2001 8:43:26 AM
Subject: : Re: Victims Comp - Special Cases

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:17-DEC-2001 13:43:26.00
SUBJECT:: Re: Victims Comp - Special Cases
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I nominate you to be the special appeals claims examiner.

Brett M. Kavanaugh
12/17/2001 12:07:58 PM
Record Type: Record

To: Garry Malphrus/OPD/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Victims Comp - Special Cases

this issue seems to highlight the problem/oddity of awarding any economic damages for victims with no dependents.

Garry Malphrus
12/17/2001 11:59:56 AM
Record Type: Record

To: Rebecca A. Beynon/OMB/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Victims Comp - Special Cases

It seems that under the current system their presumed award would be non-economic damages, which may be fine for some. For example, I think it is fair to say that someone who was 70 and was working is not assumed to work longer absent a special showing. However, it does not seem fair that for someone who was not yet in the workforce, the chart does not assumed that they will make any income in the future, while the chart assumes that someone who just started in the workforce this year will make income over their entire career. For a presumptive award for these pre-workforce people, would you maybe assume that they would work for 30 years under a low salary?

From: Rebecca A. Beynon on 12/17/2001 11:22:50 AM
Record Type: Record

REV_00137968

To: See the distribution list at the bottom of this message
cc:
Subject: Victims Comp - Special Cases

How are we planning on handling the "special cases" of people who will not be able to find themselves on the charts that PW is preparing? What about the children who were on the planes, or the person who was 65 plus, or people under age 25? Our goal is to give people a very good idea of their award so they can decide to submit a claim. These people, however, may not have any idea about their award from the charts we're putting together and won't be in a good position to make a decision. Phil and John - what is your view of this issue?

One approach might be to have claims evaluators calculate presumptive awards on a case-by-case basis for these special cases, but not require them formally to submit their claims before opting into the program.

Another option would be to try to address these special cases in the regs - e.g., children who died will receive X amount, etc.

Any thoughts?

Message Sent

To: _____
Jay Lefkowitz
Brett M. Kavanaugh/WHO/EOP@EOP
Garry Malphrus/OPD/EOP@EOP
phil.perry@usdoj.gov @ inet
john.f.wood@usdoj.gov @ inet
dgreenspan@thefeinberggroup.com @ inet

Message Copied

To: _____
Jay P. Lefkowitz/OMB/EOP@EOP
brett m. kavanaugh/who/eop@eop
phil.perry@usdoj.gov @ inet
john.f.wood@usdoj.gov @ inet
dgreenspan@thefeinberggroup.com @ inet

Message Copied

To: _____
rebecca a. beynon/omb/eop@eop
jay p. lefkowitz/omb/eop@eop
brett m. kavanaugh/who/eop@eop
phil.perry@usdoj.gov
john.f.wood@usdoj.gov
dgreenspan@thefeinberggroup.com

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>
Sent: 12/17/2001 6:20:17 AM
Subject: : Re: Clarification about annual leave

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-DEC-2001 11:20:17.00

SUBJECT:: Re: Clarification about annual leave

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Please also include on your form any time taken off for Thanksgiving/days off in November or December. Lori is the admin contact, and should hopefully be able to help you with any questions you might have.

Elizabeth N. Camp
12/17/2001 11:08:20 AM
Record Type: Record

To: See the distribution list at the bottom of this message

REV_00137970

cc:
Subject: Clarification about annual leave

I was just reminding everyone of (1) the requirement to submit leave paperwork if you are taking more days off than the official holiday of Dec. 24 and 25, and (2) directing you to the person to talk to if you have questions about your leave balance (Ms. Lewis - contact info listed below).

Leave forms can be found at <http://www.eop.gov/OA/Forms/OPM71.pdf>. These forms should be submitted to Human Resources - not me. Contact: Harriet Lewis at 395-1299, office is NEOB 4013.

Thanks!

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>
Sent: 12/17/2001 6:56:24 AM
Subject: : Re: Clarification about annual leave

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-DEC-2001 11:56:24.00
SUBJECT:: Re: Clarification about annual leave
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I took no time off at Thanksgiving.

Allison L. Riepenhoff
12/17/2001 11:20:15 AM
Record Type: Record

To:

REV_00137972

cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Clarification about annual leave

Please also include on your form any time taken off for Thanksgiving/days off in November or December. Lori is the admin contact, and should hopefully be able to help you with any questions you might have.

Elizabeth N. Camp
12/17/2001 11:08:20 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Clarification about annual leave

I was just reminding everyone of (1) the requirement to submit leave paperwork if you are taking more days off than the official holiday of Dec. 24 and 25, and (2) directing you to the person to talk to if you have questions about your leave balance (Ms. Lewis - contact info listed below).

Leave forms can be found at <http://www.eop.gov/OA/Forms/OPM71.pdf>. These forms should be submitted to Human Resources - not me. Contact: Harriet Lewis at 395-1299, office is NEOB 4013.

Thanks!

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
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Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP

Message Copied

To: _____
h. christopher bartolomucci/who/eop@eop
bradford a. berenson/who/eop@eop
kyle sampson/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop

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brent d. greenfield/who/eop@eop
a. morgan middlemas/who/eop@eop
lori l. lorenzi/who/eop@eop
jason b. torchinsky/who/eop@eop

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 12/17/2001 7:12:31 AM
Subject: : PRA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-DEC-2001 12:12:31.00
SUBJECT:: PRA
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Judge wants to proceed with release of the initial batch, as well as an op-ed, this week, probably Thursday.

From: Debby Greenspan <Deborah@thefeinberggroup.com>
To: Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>;Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
CC: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;john.f.wood@usdoj.gov [UNKNOWN] <john.f.wood@usdoj.gov>;phil.perry@usdoj.gov [UNKNOWN] <phil.perry@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/17/2001 7:13:11 AM
Subject: : Re: Victims Comp - Special Cases

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Debby Greenspan <Deborah@thefeinberggroup.com> (Debby Greenspan <Deborah@thefeinberggroup.com> [UNKNOWN])
CREATION DATE/TIME:17-DEC-2001 12:13:11.00
SUBJECT:: Re: Victims Comp - Special Cases
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:john.f.wood@usdoj.gov (john.f.wood@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:phil.perry@usdoj.gov (phil.perry@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

As I understand that suggestion, we would add to the chart a column for persons under 20(?) and indicate the presumptive award was the same as for a person making \$30,000? Ordinarily in litigation, the parties would attempt to prove or disprove the likely career track of the individual. So, if you had someone in medical school, you may get a jury award based on a doctor's income.

>>> <Garry_Malphrus@opd.eop.gov> 12/17/01 11:59AM >>>

It seems that under the current system their presumed award would be non-economic damages, which may be fine for some. For example, I think it is fair to say that someone who was 70 and was working is not assumed to work longer absent a special showing. However, it does not seem fair that for someone who was not yet in the workforce, the chart does not assumed that they will make any income in the future, while the chart assumes that someone who just started in the workforce this year will make income over their entire career. For a presumptive award for these pre-workforce people, would you maybe assume that they would work for 30 years under a low salary?

From: Rebecca A. Beynon on 12/17/2001 11:22:50 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

REV_00137976

Subject: Victims Comp - Special Cases

How are we planning on handling the "special cases" of people who will not be able to find themselves on the charts that PW is preparing? What about the children who were on the planes, or the person who was 65 plus, or people under age 25? Our goal is to give people a very good idea of their award so they can decide to submit a claim. These people, however, may not have any idea about their award from the charts we're putting together and won't be in a good position to make a decision. Phil and John - what is your view of this issue?

One approach might be to have claims evaluators calculate presumptive awards on a case-by-case basis for these special cases, but not require them formally to submit their claims before opting into the program.

Another option would be to try to address these special cases in the regs - e.g., children who died will receive X amount, etc.

Any thoughts?

Message Sent

To: _____

Jay Lefkowitz
Brett M. Kavanaugh/WHO/EOP@EOP
Garry Malphrus/OPD/EOP@EOP
phil.perry@usdoj.gov @ inet
john.f.wood@usdoj.gov @ inet
dgreenspan@thefeinberggroup.com @ inet

REV_00137977

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/17/2001 7:30:15 AM
Subject: : Re: PRA

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-DEC-2001 12:30:15.00

SUBJECT:: Re: PRA

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

so we would release papers this week?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 12/17/2001 7:31:27 AM
Subject: : Re: PRA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-DEC-2001 12:31:27.00
SUBJECT:: Re: PRA
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

yes, a first batch would be authorized for release; requesters still would have to get them from Reagan library

Anne Womack
12/17/2001 12:30:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: PRA

so we would release papers this week?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>
Sent: 12/17/2001 11:46:47 AM
Subject: : Re: presidential records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-DEC-2001 16:46:47.00
SUBJECT:: Re: presidential records
TO: Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

left you message . . .

Claire E. Buchan
12/17/2001 04:33:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: presidential records

could you please call me regarding how we keep records here -- what we keep, etc... i'd like to be able to outline to the reporter (helen thomas) the nature of what we're required to keep in some general categories...

thanks.
claire
456-2580

From: CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB]
To: Debby Greenspan <Deborah@thefeinberggroup.com>
CC: jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>;garry malphrus/opd/eop@eop [OPD]
<garry malphrus>;john.f.wood@usdoj.gov [UNKNOWN]
<john.f.wood@usdoj.gov>;phil.perry@usdoj.gov [UNKNOWN] <phil.perry@usdoj.gov>;brett m.
kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 12/17/2001 8:21:09 AM
Subject: : Re: Victims Comp - Presumptive Awards

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:17-DEC-2001 13:21:09.00
SUBJECT:: Re: Victims Comp - Presumptive Awards
TO:Debby Greenspan <Deborah@thefeinberggroup.com> (Debby Greenspan
<Deborah@thefeinberggroup.com> [UNKNOWN])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:garry malphrus (CN=garry malphrus/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:john.f.wood@usdoj.gov (john.f.wood@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:phil.perry@usdoj.gov (phil.perry@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

The feedback I've gotten from Jay is that the approach should take into account the changes in family size that when children reach majority. Does anyone disagree? If we take that approach, Debby rightly points out that we are going to have to figure out how to create a meaningful chart.

Debby Greenspan <Deborah@thefeinberggroup.com>
12/17/2001 12:46:56 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Re: Victims Comp - Presumptive Awards

as I understand the current model, the consumption factors are fixed, which creates the results rebecca describes. The key issue for the regs is whether we describe this method or the cut off method (we can easily implement either one). The difficulty lies in creating a meaningful illustrative chart since everyone's family circumstances will differ. If we apply the cut off, the aggregate number will decrease. It seems to me that we would have to prepare a couple of charts showing children at different ages unless we can determine a standard percentage change for each child.

>>> <Rebecca_A._Beynon@omb.eop.gov> 12/17/01 12:43PM >>>
PW has flagged an issue that I wanted to bring to everyone's attention. The current approach computes consumption based on (among other things) a person's family size. But it does not make adjustments for expected changes in family

REV_00137982

size - i.e., the family getting smaller when children reach the age of majority.

The result is that a person's consumption is computed based on their family size as it existed on Sept 11 and that assumption is carried forward until the end of worklife. This assumption is generous to the claimants. PW tells me that it is also not consistent with the approach that is typically used in litigation. There, in calculating an individual award, the family in question is evaluated, and consumption estimates are made consistent with the ages of the dependent children. That is, if children are 10 months old, personal consumption is lower for a much longer time (and the award greater) than if the children are 17 years old.

PW points out that for marrieds with children, there will be an increase in personal consumption when the family shrinks (and resulting smaller award), but this effect is much greater for singles with dependents. We've seen from our charts that when a person is single w/ no dependents, personal consumption is much higher.

Question: Should we base presumptive awards on the assumption that family size remains constant forever, which is our current approach? Or should we make an adjustment based on the actual family and childrens' ages? If we take the latter approach, all other things being equal, those with young dependents will get greater awards than those with older ones. Also, if we decide take the latter approach, we will probably need to change the assumptions that we're working with in the charts that we're preparing, and adjust them to reflect some basic assumptions about the children (i.e., that all dependents are 9 years old (halfway to age of majority)).

Message Sent

To:

Jay P. Lefkowitz/OMB/EOP@EOP
Rebecca A. Beynon/OMB/EOP@EOP
Garry Malphrus/OPD/EOP@EOP
john.f.wood@usdoj.gov
phil.perry@usdoj.gov
Brett M. Kavanaugh/WHO/EOP@EOP

REV_00137983

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/17/2001 8:21:35 AM
Subject: : Re: PRA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-DEC-2001 13:21:35.00
SUBJECT:: Re: PRA
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I am at DOJ tomorrow interviewing U.S. Attorney candidates from 12:30 p.m. to approximately 4:00 p.m. Am available and happy to help before and after.

Brett M. Kavanaugh
12/17/2001 01:17:24 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
Subject: PRA

may need your help, along with Courtney's, to review some Reagan records tomorrow. Please block out large chunk of time. This is per request of Judge and Tim. Thanks

From: CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB]
To: Perry, Phil <Phil.Perry@usdoj.gov>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>;wood, john f <john.f.wood@usdoj.gov>;'debby greenspan' <deborah@thefeinberggroup.com>;garry malphrus/opd/eop@eop [OPD] <garry malphrus>
Sent: 12/17/2001 8:53:07 AM
Subject: : RE: Victims Comp - Presumptive Awards

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:17-DEC-2001 13:53:07.00

SUBJECT:: RE: Victims Comp - Presumptive Awards

TO:"Perry, Phil" <Phil.Perry@usdoj.gov> ("Perry, Phil" <Phil.Perry@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

CC:"wood, john f" <john.f.wood@usdoj.gov> (receipt notification requested) ("wood, john f" <john.f.wood@usdoj.gov> (receipt notification requested) [UNKNOWN])

READ:UNKNOWN

CC:'debby greenspan' <deborah@thefeinberggroup.com> (receipt notification requested) ('debby greenspan' <deborah@thefeinberggroup.com> (receipt notification requested) [UNKNOWN])

READ:UNKNOWN

CC:garry malphrus (CN=garry malphrus/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

End Original ARMS Header

Agreed

"Perry, Phil" <Phil.Perry@usdoj.gov>

12/17/2001 01:49:51 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Rebecca A. Beynon/OMB/EOP@EOP

cc: "Wood, John F" <John.F.Wood@usdoj.gov> (Receipt Notification Requested), 'debby greenspan' <deborah@thefeinberggroup.com> (Receipt Notification Requested), Jay P. Lefkowitz/OMB/EOP@EOP, Garry Malphrus/OPD/EOP@EOP

Subject: RE: Victims Comp - Presumptive Awards

Pick some hypothetical ages and indicate that awards can go up and down by a range of x dollars depending on actual ages of dependent kids.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Monday, December 17, 2001 1:22 PM

To: Rebecca_A._Beynon@omb.eop.gov

Cc: Wood, John F; Perry, Phil; debby greenspan;

Jay_P._Lefkowitz@omb.eop.gov; Garry_Malphrus@opd.eop.gov;

Brett_M._Kavanaugh@who.eop.gov

Subject: Re: Victims Comp - Presumptive Awards

REV_00137986

I am not too worried about the lack of a single chart so long as someone can find a chart suitable for their situation.

From: Rebecca A. Beynon on 12/17/2001 01:21:22 PM

Record Type: Record

To: Debby Greenspan <Deborah@thefeinberggroup.com>
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Victims Comp - Presumptive Awards (Document link: Brett M. Kavanaugh)

The feedback I've gotten from Jay is that the approach should take into account the changes in family size that when children reach majority. Does anyone disagree? If we take that approach, Debby rightly points out that we are going to have to figure out how to create a meaningful chart.

(Embedded
image moved Debby Greenspan <Deborah@thefeinberggroup.com>
to file: 12/17/2001 12:46:56 PM
pic02807.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Re: Victims Comp - Presumptive Awards

as I understand the current model, the consumption factors are fixed, which creates the results rebecca describes. The key issue for the regs is whether we describe this method or the cut off method (we can easily implement either one). The difficulty lies in creating a meaningful illustrative chart since everyone's family circumstances will differ. If we apply the cut off, the aggregate number will decrease. It seems to me that we would have to prepare a couple of charts showing children at different ages unless we can determine a standard percentage change for each child.

>>> <Rebecca_A._Beynon@omb.eop.gov> 12/17/01 12:43PM >>>
PW has flagged an issue that I wanted to bring to everyone's attention. The current approach computes consumption based on (among other things) a

REV_00137987

person's family size. But it does not make adjustments for expected changes in family size - i.e., the family getting smaller when children reach the age of majority.

The result is that a person's consumption is computed based on their family size as it existed on Sept 11 and that assumption is carried forward until the end of worklife. This assumption is generous to the claimants. PW tells me that it is also not consistent with the approach that is typically used in litigation. There, in calculating an individual award, the family in question is evaluated, and consumption estimates are made consistent with the ages of the dependent children. That is, if children are 10 months old, personal consumption is lower for a much longer time (and the award greater) than if the children are 17 years old.

PW points out that for marrieds with children, there will be an increase in personal consumption when the family shrinks (and resulting smaller award), but this effect is much greater for singles with dependents. We've seen from our charts that when a person is single w/ no dependents, personal consumption is much higher.

Question: Should we base presumptive awards on the assumption that family size remains constant forever, which is our current approach? Or should we make an adjustment based on the actual family and childrens' ages? If we take the latter approach, all other things being equal, those with young dependents will get greater awards than those with older ones. Also, if we decide take the latter approach, we will probably need to change the assumptions that we're working with in the charts that we're preparing, and adjust them to reflect some basic assumptions about the children (i.e., that all dependents are 9 years old (halfway to age of majority)).

Message Sent
To: _____

Jay P. Lefkowitz/OMB/EOP@EOP
Rebecca A. Beynon/OMB/EOP@EOP
Garry Malphrus/OPD/EOP@EOP
john.f.wood@usdoj.gov
phil.perry@usdoj.gov
Brett M. Kavanaugh/WHO/EOP@EOP

REV_00137988

Message Copied

To: _____

jay p. lefkowitz/omb/eop@eop
garry malphrus/opd/eop@eop
john.f.wood@usdoj.gov
phil.perry@usdoj.gov
brett m. kavanaugh/who/eop@eop

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/17/2001 9:36:37 AM
Subject: : Forms

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-DEC-2001 14:36:37.00

SUBJECT:: Forms

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

REV_00137990

Each staff member is responsible for submitting their own leave forms.

You notifying me, Allison or Lori that you are going to be out out of the office simply allows us to know that I need to track you down elsewhere if you are needed.

Sending us an email that you are out of the office does not satisfy the fun paperwork that we are all supposed to fill out when we take sick leave, annual leave, etc.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 12/17/2001 11:55:40 AM
Subject: : Re: JSC agenda
Attachments: P_Y0Q15004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-DEC-2001 16:55:40.00
SUBJECT:: Re: JSC agenda
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Doesn't seem worthwhile.

----- Forwarded by H. Christopher Bartolomucci/WHO/EOP on
12/17/2001 04:55 PM -----

Helgard C. Walker
12/17/2001 04:01:27 PM
Record Type: Record

To: Jason B. Torchinsky/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: JSC agenda

Is it worth having a meeting at all, do you think, given this exceedingly light agenda?

Jason B. Torchinsky
12/17/2001 03:47:54 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Brent D. Greenfield/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP
Subject: JSC agenda

Please let me know soon if you have anything for the book. This is all I

REV_00137998

have for this week's meeting.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

Message Copied

To:

h. christopher bartolomucci/who/eop@eop
bradford a. berenson/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
rachel l. brand/who/eop@eop
laura l. flippin/who/eop@eop
kyle sampson/who/eop@eop
brent d. greenfield/who/eop@eop
elizabeth n. camp/who/eop@eop
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_Y0Q15004_WHO.TXT_1>

WHITE HOUSE JUDICIAL SELECTION COMMITTEE

Agenda: Meeting of December 19, 2001

Tab

- I. Old Business
 - A. Third Circuit / New Jersey Discussion
- II. New Business
- III. Confirmation Update

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 12/17/2001 12:17:12 PM
Subject: : Re: LETTER TO HORN -- FIRST DRAFT

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-DEC-2001 17:17:12.00
SUBJECT:: Re: LETTER TO HORN -- FIRST DRAFT
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Could we say that the vast majority will be released?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/17/2001 12:53:58 PM
Subject: : Re: Horn letter -- procedures

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-DEC-2001 17:53:58.00
SUBJECT:: Re: Horn letter -- procedures
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

let me know when you are ready for it to go to DOJ . . . am finishing the
op-ed as we speak

Alberto R. Gonzales
12/17/2001 05:48:33 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Horn letter -- procedures

Brett, we need to get sign off from DOJ by tomorrow morning if possible
and then try to get the letter to Horn by tomorrow afternoon for their
comments. I would like to have the letter ready to go by Wednesday.

Brett M. Kavanaugh
12/17/2001 05:33:25 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
cc:
Subject: Horn letter -- procedures

reminder that (i) we need to show DOJ litigators the letter to
make sure they are ok and (ii) we promised Horn we would share draft with
his staff
both steps can be accomplished in very short time period if need
be

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 12/17/2001 3:40:11 PM
Subject: : Positive development in civil rights commission

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-DEC-2001 20:40:11.00

SUBJECT:: Positive development in civil rights commission

TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I just received a copy of an opinion from the Congressional Research Service, dated December 14, 2001, in which the conclusion sentence (stated at the beginning) is as follows:

"Our review of the legislative history of the 1983 and 1994 enactments and pertinent legal precedent indicates that a reviewing court is likely to hold that the 1994 legislation did not repeal the staggered term requirement and that Mr. Kirsanow is entitled to the vacant position on the Commission."

The opinion is written by Morton Rosenberg of the American Law Division as CRS, and is addressed to the House Subcommittee on the Constitution (Attn: Keith Ausbrook). The addressee is Republican, and I don't know anything about the politics of the author, but CRS is independent and not exactly known as a right-wing bastion.

REV_00138003

From: Suit, Neal <Neal.Suit@usdoj.gov>
To: Koebele, Steve <Steve.Koebele@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Dinh, Viet <Viet.Dinh@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Sales, Nathan <Nathan.Sales@usdoj.gov>
Sent: 12/17/2001 3:58:33 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Suit, Neal" <Neal.Suit@usdoj.gov> ("Suit, Neal" <Neal.Suit@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:17-DEC-2001 20:58:33.00

SUBJECT::

TO:"Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

As discussed at today's meeting, here is a one page set of talking points on judicial nominations. On the second page is the chart that compares the first years of the past three Presidents. This is a draft and please send me your input so that we can finalize these by tomorrow. I can recirculate once changes are made. Thanks.

Neal

** It should be noted these documents are intended for the recess and accordingly assume there will be five more confirmations and three more nominations before the Senate recesses. The numbers are therefore subject to slightly change.

Neal Suit
Office of Legal Policy
United States Department of Justice
Phone: 202-514-6131
Fax: 202-353-9164

REV_00138005

From: Miller, Michele <Michele.Miller@usdoj.gov>
To: Perry, Phil <Phil.Perry@usdoj.gov>; Harris, Paul <Paul.Harris@usdoj.gov>; Reyes, Luis <Luis.A.Reyes2@usdoj.gov>; Bloemendal, Katherine <Katherine.Bloemendal@usdoj.gov>; Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Camille Biros (E-mail) <camille@thefeinberggroup.com>; 'Debbie Greenspan (E-mail)' <dgreenspan@thefeinberggroup.com>
CC: Wood, John F <John.F.Wood@usdoj.gov>; Higbee, David <David.Higbee@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Jacob, Gregory F <Gregory.F.Jacob@usdoj.gov>; Jordan, Bill <Bill.Jordan@usdoj.gov>; Philbin, Patrick <Patrick.Phillbin@usdoj.gov>; Jones, Kevin R <Kevin.R.Jones@usdoj.gov>; Hinchman, Robert <Robert.Hinchman@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Zwick, Ken <Ken.Zwick@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>; 'Pete Galvin (E-mail)' <galvin-peter@dol.gov>; 'Ken Feinberg (E-mail)' <kfeinberg@thefeinberggroup.com>; Gillis, John <John.Gillis@usdoj.gov>; Hightower, Carolyn <Carolyn.Hightower@usdoj.gov>
Sent: 12/18/2001 4:11:58 AM
Subject: : Victims Comp outreach Pentagon

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miller, Michele" <Michele.Miller@usdoj.gov> ("Miller, Michele"

<Michele.Miller@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:18-DEC-2001 09:11:58.00

SUBJECT:: Victims Comp outreach Pentagon

TO:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Harris, Paul" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Harris, Paul" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Reyes, Luis" <Luis.A.Reyes2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Reyes, Luis" <Luis.A.Reyes2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Camille Biros (E-mail)" <camille@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("Camille Biros (E-mail)" <camille@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Wood, John F" <John.F.Wood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Wood, John F" <John.F.Wood@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Higbee, David" <David.Higbee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Higbee, David" <David.Higbee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM

REV_00138006

Return Requested) ("McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Jacob, Gregory F" <Gregory.F.Jacob@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jacob, Gregory F" <Gregory.F.Jacob@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Philbin, Patrick" <Patrick.Philbin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Philbin, Patrick" <Patrick.Philbin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Jones, Kevin R" <Kevin.R.Jones@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jones, Kevin R" <Kevin.R.Jones@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Hinchman, Robert" <Robert.Hinchman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Hinchman, Robert" <Robert.Hinchman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Zwick, Ken" <Ken.Zwick@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Zwick, Ken" <Ken.Zwick@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 CC:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN
 CC:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 CC:"'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Gillis, John" <John.Gillis@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Gillis, John" <John.Gillis@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 CC:"Hightower, Carolyn" <Carolyn.Hightower@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Hightower, Carolyn" <Carolyn.Hightower@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

FYI: there will be an open forum meeting with Pentagon victims tomorrow evening to discuss the Victim Compensation Fund. Ken Feinberg will provide information and take questions about the Fund. The meeting is open to the public; victims, family members, casualty assistance providers, employers, and all interested persons have been invited.

When/where: Wednesday, Dec 19th, 7:30-9:30 p.m. at the Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, VA (corner of Eads St. & S. 18th).

Parking is available at the hotel. If you take metro, take blue or yellow line to Crystal City. Exit on street level. Turn left at the top of the

escalator, then turn right on the street. Hotel is on the left. Front door is under construction; enter the side door marked "Garden Court Restaurant." Meeting is in the ballroom.

Let me know if you have any questions. Mickey

MICKEY MILLER
Colonel, U.S. Army JAGC
Special Counsel to AAG, Civil Div.
Dept of Justice
202-514-3886

From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
CC: edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; amy c. smith/omb/eop@eop [OMB] <amy c. smith>; sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; matthew kirk/who/eop@eop [WHO] <matthew kirk>; brian c. conklin/who/eop@eop [WHO] <brian c. conklin>; randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>; kristen silverberg/who/eop@eop [WHO] <kristen silverberg>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; mario.ugoletti@do.treas.gov [UNKNOWN] <mario.ugoletti@do.treas.gov>; martha.ellett@do.treas.gov [UNKNOWN] <martha.ellett@do.treas.gov>; roberta.mcinerney@do.treas.gov [UNKNOWN] <roberta.mcinerney@do.treas.gov>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>
Sent: 12/18/2001 6:08:37 AM
Subject: : Re: Draft SAP for Senate Terrorism Insurance bill - 2nd draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2001 11:08:37.00
SUBJECT:: Re: Draft SAP for Senate Terrorism Insurance bill - 2nd draft
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:amy c. smith (CN=amy c. smith/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brian c. conklin (CN=brian c. conklin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:mario.ugoletti@do.treas.gov (mario.ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:martha.ellett@do.treas.gov (martha.ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:roberta.mcinerney@do.treas.gov (roberta.mcinerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

My concurrence with Marc's suggestion, good work Ed.

REV_00138012

From: CN=Randall S. Kroszner/OU=CEA/O=EOP [CEA]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
CC: edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; amy c. smith/omb/eop@eop [OMB] <amy c. smith>; sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; matthew kirk/who/eop@eop [WHO] <matthew kirk>; brian c. conklin/who/eop@eop [WHO] <brian c. conklin>; randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>; kristen silverberg/who/eop@eop [WHO] <kristen silverberg>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; mario.ugoletti@do.treas.gov [UNKNOWN] <mario.ugoletti@do.treas.gov>; martha.ellett@do.treas.gov [UNKNOWN] <martha.ellett@do.treas.gov>; roberta.mcinerney@do.treas.gov [UNKNOWN] <roberta.mcinerney@do.treas.gov>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>
Sent: 12/18/2001 6:53:28 AM
Subject: : Re: Draft SAP for Senate Terrorism Insurance bill - 2nd draft
Attachments: P_NCA35004_CEA.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME:18-DEC-2001 11:53:28.00
SUBJECT:: Re: Draft SAP for Senate Terrorism Insurance bill - 2nd draft
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:amy c. smith (CN=amy c. smith/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brian c. conklin (CN=brian c. conklin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:mario.ugoletti@do.treas.gov (mario.ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:martha.ellett@do.treas.gov (martha.ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:roberta.mcinerney@do.treas.gov (roberta.mcinerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I agree with Mark.

D. Marcus Sumerlin
12/18/2001 11:07:03 AM
Record Type: Record

To: Edward.Demarco@do.treas.gov, Amy C. Smith/OMB/EOP@EOP

REV_00138013

cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Draft SAP for Senate Terrorism Insurance bill - 2nd
draft

I like this version much better. I would suggest changing the word "crucial" to "needed" and adding one or two sentences on the legal procedures. I believe that Kristen Silverberg is working on this. I would urge everyone to send their changes in to Ed by noon, and then have Ed send to OMB for immediate circulation in their SAP process (with a short turnaround). We should have a final version ready by late this afternoon.

Thanks,

Marc

Edward.Demarco@do.treas.gov
12/18/2001 10:39:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Mario.Ugoletti@do.treas.gov, Martha.Ellett@do.treas.gov,
Roberta.McInerney@do.treas.gov, Amy.Smith@do.treas.gov
Subject: Draft SAP for Senate Terrorism Insurance bill - 2nd draft

Attached for your review is a second draft of the SAP for the Senate's terrorism insurance bill. It builds on Marc's first draft as discussed earlier this morning.

> <<Senate SAP v2 Dec18.doc>>

- Senate SAP v2 Dec18.doc

Message Sent

To: _____
Sheila.Bair@do.treas.gov
Peter.Fisher@do.treas.gov
D. Marcus Sumerlin/OPD/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

Message Copied

To: _____
sheila.bair@do.treas.gov
peter.fisher@do.treas.gov
matthew kirk/who/eop@eop
brian c. conklin/who/eop@eop
randall s. kroszner/cea/eop@eop
kristen silverberg/who/eop@eop

REV_00138014

brett m. kavanaugh/who/eop@eop
mario.ugoletti@do.treas.gov
martha.ellett@do.treas.gov
roberta.mcinerney@do.treas.gov
amy.smith@do.treas.gov

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NCA35004_CEA.TXT_1>

SECOND DRAFT

Senate SAP on Terrorism Risk Insurance

The Administration strongly supports the creation of a terrorism risk insurance program that will provide much needed stability to our economy. The backstop insurance program established in the Senate-amended version of H.R. 3210 is a well-crafted and effective mechanism for ensuring the continued availability of insurance for terrorist-related acts. The program provides insurance companies with transparency in assessing their potential loss exposure while appropriately limiting that exposure and encouraging the private sector to build new capacity. It will aid the economy by dampening any increases in insurance costs or curtailment of insurance coverage while limiting federal intrusion into private activity.

The Administration urges Senate passage of the Senate-amended version of H.R. 3210 as a crucial step towards enactment of a terrorism risk insurance program. However, the Administration cannot support final enactment of the bill unless stronger procedures for terrorist-related litigation management are added in conference.

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 12/18/2001 3:43:52 AM
Subject: : ARG's revisions of op-ed

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2001 08:43:52.00
SUBJECT:: ARG's revisions of op-ed
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Consistent with President Bush,s recent executive order on Presidential records, the National Archives and Records Administration today has released thousands of pages of Reagan Presidential documents. This is only the first of what will be many routine releases of Presidential records, including a great many otherwise privileged records.

Today,s actions will undoubtedly come as a shock to those historians, archivists, and politicians who launched uninformed and unfair attacks on President Bush,s recent order. The release of these demonstrates that the order implementing the Presidential Records Act can and will work to help facilitate appropriate and expeditious public release of Presidential records.

President Bush,s executive order establishes orderly procedures and time periods for former Presidents to review and, if they so choose, assert constitutional privileges over their sensitive Presidential records. Some have suggested that President Bush,s order is inconsistent with the Presidential Records Act, claiming that the Act requires release of Presidential records -- including privileged records -- after expiration of the statute,s 12-year period of presumed non-disclosure. That is simply wrong. The Presidential Records Act expressly provides that former Presidents retain the right to assert constitutional privileges over their Presidential records, including after the statutory 12-year period has elapsed.

Indeed, if the Act did not provide such a right, the statute would almost certainly be unconstitutional. In 1977, in the landmark Nixon v. GSA case authored by Justice Brennan, the Supreme Court definitively held that the Constitution authorizes former Presidents to assert privileges over their records. Unlike the order,s critics, President Bush was not free to ignore the law established by Congress and the Supreme Court simply to reach a policy result that serves the interests of professional historians and others.

A few critics have also argued that the order itself precludes the release of Presidential records. Anyone who had taken the trouble to read the order would know better. The order sets up an orderly procedure for the expeditious review and release of records that raise privilege questions. Indeed, President Bush,s order appropriately refrains from indicating whether and under what circumstances a former President should assert privileges, leaving that decision to the former President and his representatives.

Of course, the fact that the order establishes procedures for former Presidents to protect their constitutionally guaranteed privileges does not mean that former Presidents must or should or will assert such privileges. Indeed, history proves that the reverse is true. Before the Presidential Records Act took effect in 1981, former Presidents were

assured to have personal ownership of their records to hold, release, or destroy as they saw fit. Although they were under no legal obligation to even disclose any records, most former Presidents released the vast majority of their records. Those who visit the Kennedy Library or the Ford Library or the Carter Library, for example, know the rich and valuable array of historical materials that are available.

President Bush anticipates that this tradition will continue. At a minimum, there is no fair or logical basis for presuming that former Presidents subject to the Presidential Records Act will exercise their constitutional and statutory authority to seek withholding of privileged records more aggressively than earlier Presidents -- from President Washington to President Carter -- exercised their plenary and far broader authority to withhold all records.

For that reason, we are confident that, over time, the vast majority of Presidential records -- including otherwise privileged records -- will be made available to the public. Today's release of thousands of pages of privileged records supports that prediction.

Relatedly, although one strains to find this point mentioned in public commentary, the single most important aspect of President Bush's executive order -- and its single biggest innovation -- is that the current President will defer to absent compelling circumstances to the decision of the former President to authorize release of records. This provision of the order largely removes the current President as a potential impediment to release of the former President's records.

This was a very significant policy decision. When combined with the historical fact that former Presidents over time have authorized release of the vast majority of records (and as further exemplified by today's action), it is clear that President Bush's order was designed to -- and will -- help facilitate the expeditious release of Presidential records. We therefore find it unfortunate that the President's order has been repeatedly characterized in precisely the opposite fashion.

Some have asked what happens if a former President asserts a privilege over a sensitive record, and the requester wants to challenge the privilege claim. In that circumstance, the requester can file suit, just as routinely occurs when Executive Branch records are withheld under the Freedom of Information Act (FOIA). Some have argued that the burden should instead be on the former President asserting privilege to file suit against the current President and Archivist to block release. That suggestion is neither constitutionally appropriate nor sound policy, in our judgment. We believe it far more appropriate and sensible for the requester who disagrees with the former President's privilege assertion to proceed to court -- just as the requester would do in ordinary FOIA litigation -- not to require the former President take the extraordinary and jarring public step of suing the current President.

For months, there have been skeptics who have bitterly -- and wrongly -- questioned President Bush's motives in establishing sensible procedures for the review of Presidential records. The President's order, however, is perfectly consistent with both statutory law, and Supreme Court determinations. Moreover, today's action authorizing the release of thousands of pages of privileged records from President Reagan's library shows that the President's executive order can and will work as intended: to facilitate appropriate and expeditious public release of Presidential records consistent with the Presidential Records Act

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/18/2001 4:00:03 AM
Subject: : Re: ARG's revisions of op-ed

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-DEC-2001 09:00:03.00
SUBJECT:: Re: ARG's revisions of op-ed
TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

aren't these Tim's edits?

Allison L. Riepenhoff
12/18/2001 08:43:50 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
cc:
Subject: ARG's revisions of op-ed

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A few critics have also argued that the order itself precludes the release of Presidential records. Anyone who had taken the trouble to read the

REV_00138057

order would know better. The order sets up an orderly procedure for the expeditious review and release of records that raise privilege questions. Indeed, President Bush's order appropriately refrains from indicating whether and under what circumstances a former President should assert privileges, leaving that decision to the former President and his representatives.

Of course, the fact that the order establishes procedures for former Presidents to protect their constitutionally guaranteed privileges does not mean that former Presidents must or should or will assert such privileges. Indeed, history proves that the reverse is true. Before the Presidential Records Act took effect in 1981, former Presidents were assured to have personal ownership of their records to hold, release, or destroy as they saw fit. Although they were under no legal obligation to even disclose any records, most former Presidents released the vast majority of their records. Those who visit the Kennedy Library or the Ford Library or the Carter Library, for example, know the rich and valuable array of historical materials that are available.

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shows that the President,s executive order can and will work as intended:
to facilitate appropriate and expeditious public release of Presidential
records consistent with the Presidential Records Act

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 12/18/2001 4:59:20 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-DEC-2001 09:59:20.00
SUBJECT:: Re:
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

i'm on a deadline for Judge; can it wait until lunchtime??

Kristen Silverberg
12/18/2001 09:58:05 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re:

Do you have time to draft something quickly? I offered, but am crashing on something.

----- Forwarded by Kristen Silverberg/WHO/EOP on
12/18/2001 09:57 AM -----

D. Marcus Sumerlin
12/18/2001 09:46:12 AM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

feel free to send language to Peter -- I think it may help

Kristen Silverberg
12/18/2001 08:35:52 AM
Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject:

sap looks fine to me, although I wonder if we should take the opportunity to explain views on liability, I'm happy to draft something. will defer to you whether we need it

REV_00138065

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2001 6:04:53 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2001 11:04:53.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think so

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>
CC: sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; matthew kirk/who/eop@eop [WHO] <matthew kirk>; brian c. conklin/who/eop@eop [WHO] <brian c. conklin>; randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>; kristen silverberg/who/eop@eop [WHO] <kristen silverberg>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; mario.ugoletti@do.treas.gov [UNKNOWN] <mario.ugoletti@do.treas.gov>; martha.ellett@do.treas.gov [UNKNOWN] <martha.ellett@do.treas.gov>; roberta.mcinerney@do.treas.gov [UNKNOWN] <roberta.mcinerney@do.treas.gov>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>
Sent: 12/18/2001 6:07:07 AM
Subject: : Re: Draft SAP for Senate Terrorism Insurance bill - 2nd draft
Attachments: P_IY735004_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:18-DEC-2001 11:07:07.00
SUBJECT:: Re: Draft SAP for Senate Terrorism Insurance bill - 2nd draft
TO:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brian c. conklin (CN=brian c. conklin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:mario.ugoletti@do.treas.gov (mario.ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:martha.ellett@do.treas.gov (martha.ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:roberta.mcinerney@do.treas.gov (roberta.mcinerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I like this version much better. I would suggest changing the word "crucial" to "needed" and adding one or two sentences on the legal procedures. I believe that Kristen Silverberg is working on this. I would urge everyone to send their changes in to Ed by noon, and then have Ed send to OMB for immediate circulation in their SAP process (with a short turnaround). We should have a final version ready by late this afternoon.

Thanks,

Marc

REV_00138069

Edward.Demarco@do.treas.gov
12/18/2001 10:39:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Mario.Ugoletti@do.treas.gov, Martha.Ellett@do.treas.gov,
Roberta.McInerney@do.treas.gov, Amy.Smith@do.treas.gov
Subject: Draft SAP for Senate Terrorism Insurance bill - 2nd draft

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> <<Senate SAP v2 Decl8.doc>>

- Senate SAP v2 Decl8.doc

Message Sent

To:

Sheila.Bair@do.treas.gov
Peter.Fisher@do.treas.gov
D. Marcus Sumerlin/OPD/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IY735004_OPD.TXT_1>

SECOND DRAFT

Senate SAP on Terrorism Risk Insurance

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From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
CC: edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; amy c. smith/omb/eop@eop [OMB] <amy c. smith>; sheila.bair@do.treas.gov [UNKNOWN] <sheila.bair@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; matthew kirk/who/eop@eop [WHO] <matthew kirk>; brian c. conklin/who/eop@eop [WHO] <brian c. conklin>; randall s. kroszner/cea/eop@eop [CEA] <randall s. kroszner>; kristen silverberg/who/eop@eop [WHO] <kristen silverberg>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; mario.ugoletti@do.treas.gov [UNKNOWN] <mario.ugoletti@do.treas.gov>; martha.ellett@do.treas.gov [UNKNOWN] <martha.ellett@do.treas.gov>; roberta.mcinerney@do.treas.gov [UNKNOWN] <roberta.mcinerney@do.treas.gov>; amy.smith@do.treas.gov [UNKNOWN] <amy.smith@do.treas.gov>
Sent: 12/18/2001 6:08:37 AM
Subject: : Re: Draft SAP for Senate Terrorism Insurance bill - 2nd draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2001 11:08:37.00
SUBJECT:: Re: Draft SAP for Senate Terrorism Insurance bill - 2nd draft
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:amy c. smith (CN=amy c. smith/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:matthew kirk (CN=matthew kirk/OU=who/O=eop@eop [WHO])
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CC:brian c. conklin (CN=brian c. conklin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:randall s. kroszner (CN=randall s. kroszner/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:mario.ugoletti@do.treas.gov (mario.ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:martha.ellett@do.treas.gov (martha.ellett@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:roberta.mcinerney@do.treas.gov (roberta.mcinerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:amy.smith@do.treas.gov (amy.smith@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

My concurrence with Marc's suggestion, good work Ed.

REV_00138072

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2001 6:43:28 AM
Subject: : RE: important: need review of draft PRA letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:18-DEC-2001 11:43:28.00
SUBJECT:: RE: important: need review of draft PRA letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: important: need review of draft PRA
letter
Was Read By : Paul.P.Colborn@usdoj.gov
On : Tue, 18 Dec 2001 12:34:17 -0400

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 12/18/2001 6:57:49 AM
Subject: : RE: important: need review of draft PRA letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:18-DEC-2001 11:57:49.00
SUBJECT:: RE: important: need review of draft PRA letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Brett, in addition to the substantive comments Ed and I have given you by
phone, here are a few nits:

Add full cite to Nixon v. GSA in 3rd para.

In para. 7, add "whether" after "former President" in 3rd line, and change
"Presidentiecards" to "Presidential records" in 3rd-to-last line.

In para. 9 ("First"), dehyphenate "long-standing"

In para. 12 ("There also"), add "to" before "take" in line 10.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, December 17, 2001 8:00 PM
To: Blackwell, Craig; Weismann, Anne; Anderson, David; Katsas, Gregory;
Wood, John F; Whelan, M Edward III; Clement, Paul D; Colborn, Paul P
Subject: important: need review of draft PRA letter

Judge Gonzales and I met with Chairman Horn last Friday. It was a
very
pleasant meeting. The Judge intends to send the following letter to him as
follow-up, which the Chairman may then use with members of his
subcommittee and
with the full committee. I need you all to review the draft to ensure that
nothing said is inconsistent with our litigation position/interests. Any
additional substantive edits are also welcome. As to the broader question
whether a letter is necessary and appropriate, I think that decision has
been
made. I need comments by 1:00 Tuesday by e-mail or FAX. My FAX is
456-5104.
Thanks very much.
(See attached file: horn 2.doc)

REV_00138075

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Rachel Brand [WHO] <Rachel Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson [WHO] <Kyle Sampson>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Brent Greenfield [WHO] <Brent Greenfield>
Sent: 12/18/2001 11:30:16 AM
Subject: : Photo duplications

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-DEC-2001 16:30:16.00

SUBJECT:: Photo duplications

TO:Rachel Brand (Rachel Brand [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent Greenfield (Brent Greenfield [WHO])

READ:UNKNOWN

End Original ARMS Header

Instead of going up to the photo office, you can come to me to get a photo release form allowing you to make copies of your pictures with POTUS.

Thanks!

REV_00138077

From: CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB]
To: phil.perry@usdoj.gov @ inet [UNKNOWN] <phil.perry@usdoj.gov>; john.f.wood@usdoj.gov @
inet [UNKNOWN] <john.f.wood@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry
Malphrus>; dgreenspan@thefeinberggroup.com @ inet [UNKNOWN]
<dgreenspan@thefeinberggroup.com>
CC: Jay Lefkowitz [OMB] <Jay Lefkowitz>
Sent: 12/18/2001 7:32:57 AM
Subject: : Draft Press Statement
Attachments: P_9EC35004_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 18-DEC-2001 12:32:57.00
SUBJECT:: Draft Press Statement
TO: phil.perry@usdoj.gov (phil.perry@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: john.f.wood@usdoj.gov (john.f.wood@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: dgreenspan@thefeinberggroup.com (dgreenspan@thefeinberggroup.com @ inet [UNKNOWN])
READ: UNKNOWN
CC: Jay Lefkowitz (Jay Lefkowitz [OMB])
READ: UNKNOWN
End Original ARMS Header

Attached is a draft press statement, which I pieced together from the draft rule and from Ken's preliminary statement. I spoke w/ Charles Miller earlier, and he'd like to see a copy as well. Phil and John, let me know if I should pass this on to him. Thanks very much, and please let me know your thoughts.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9EC35004_OPD.TXT_1>

Press Statement Victims Compensation Fund

Today, 90 days after Congress enacted the September 11 Victims Compensation Fund of 2001 into law, the U.S. Department of Justice and Special Master, Kenneth R. Feinberg, announced regulations that will guide the Special Master in providing financial relief to the victims of the September 11 terrorist attacks. The Fund is an unprecedented expression of compassion on the part of the American people to victims and their families devastated by the horror and tragedy of September 11. It both symbolizes and makes tangible the compassion of the American people for their victimized countrymen and women.

The regulations are designed to bring some measure of financial relief to those most devastated by the events of September 11. They reflect two objectives: (1) to provide fair, predictable and consistent compensation to the victims of September 11 and their families; and (2) to do so in an expedited, efficient manner without unnecessary bureaucracy and undue demands on the victims. The regulations are a fast-track administrative alternative to the emotional turmoil, procedural delay, uncertainty and expense of other legal remedies. Quick and substantial payments to eligible claimants are the hallmarks of this program.

Although each award will ultimately depend upon a victim's individual circumstances, the (presumptive?) payment before offset for collateral source payments to a family of four where the victim's pre-September 11 annual income was (suggest including \$25,000 example here, and first) \$75,000 will be \$XXX. The needy families that the victims left behind will be eligible to receive immediate advance benefits of \$50,000, and those who suffered serious injuries can receive advance benefits of \$25,000.

The framework we have developed gives the Special Master a methodology for quickly assessing claimants' losses based on uniform economic assumptions and information that will be readily available to the claimants. Claimants will be required to provide the minimum documentation necessary to substantiate their claim, although they will have the option of providing the Special Master with any supplemental information they believe is important. This approach will enable the each claimant's unique circumstances to be taken into account within the 120-day time limit set by Congress for the Special Master's award determination.

The September 11 Victims Compensation Fund of 2001 is a solemn commitment by the American people to show solidarity with, and generosity for, those injured by the unconscionable September 11 attack on our country. Neither this Fund nor any other monetary compensation can possibly provide a full measure of relief to those who have suffered as a result of September 11. But the Fund will provide swift and sure compensation, and some measure of comfort, to those whose lives have been torn asunder by the events of September 11.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2001 7:37:15 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-DEC-2001 12:37:15.00

SUBJECT::

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.startribune.com/stories/462/905262.html>

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Marshall J. Rodgers/OMB/EOP@EOP [OMB] <Marshall J. Rodgers>
CC: Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Douglas J. Holtz-Eakin/CEA/EOP@EOP [CEA] <Douglas J. Holtz-Eakin>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 12/18/2001 12:01:02 PM
Subject: : Re: CEA COMMENTS ON LRM MJR92 - - Statement of Administration Policy on H.R. 3210 - Terrorism Risk Protection Act

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-DEC-2001 17:01:02.00

SUBJECT:: Re: CEA COMMENTS ON LRM MJR92 - - Statement of Administration Policy on H.R. 3210 - Terrorism Risk Protection Act

TO:Marshall J. Rodgers (CN=Marshall J. Rodgers/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Douglas J. Holtz-Eakin (CN=Douglas J. Holtz-Eakin/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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Kavanaugh and Kroszner should work out -- I favor Kavanaugh's language as long as it is accurate. We need to be bold.

Marshall J. Rodgers

12/18/2001 04:39:51 PM

Record Type: Record

To: Amy C. Smith/OMB/EOP@EOP, D. Marcus Sumerlin/OPD/EOP@EOP
cc: Danielle M. Simonetta/OMB/EOP@EOP
Subject: CEA COMMENTS ON LRM MJR92 - - Statement of Administration Policy on H.R. 3210 - Terrorism Risk Protection Act

CEA proposes the following revision:

(2nd paragraph; 3rd sentence)

For many companies facing rising insurance premiums, the increased costs result almost entirely in part from the risk of litigation.

----- Forwarded by Marshall J. Rodgers/OMB/EOP on
12/18/2001 04:33 PM -----

Jeffrey R. Brown
12/18/2001 04:28:46 PM
Record Type: Record

To: Marshall J. Rodgers/OMB/EOP@EOP

REV_00138083

cc: Randall S. Kroszner/CEA/EOP@EOP, Douglas J.
Holtz-Eakin/CEA/EOP@EOP, Diana E. Furchtgott-Roth/CEA/EOP@EOP
Subject: CEA COMMENTS ON LRM MJR92 - - Statement of Administration
Policy on H.R. 3210 - Terrorism Risk Protection Act

Marshall,

I have coordinated CEA comments with Randy Kroszner and Doug Holtz-Eakin.

CEA concurs with the SAP on the Senate version of HR 3210, subject to one requested change. Currently the SAP reads

"For many companies facing rising insurance premiums, the increased costs result almost entirely from the risk of litigation."

We doubt the factual accuracy of this statement, and recommend that "almost entirely" be replaced with "in part". The revised sentence would be as follows.

"For many companies facing rising insurance premiums, the increased costs result in part from the risk of litigation."

Please feel free to call me (55086) with any questions.

Thanks,
Jeff Brown

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 12/18/2001 12:13:37 PM
Subject: : JSC Meeting Schedule

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-DEC-2001 17:13:37.00

SUBJECT:: JSC Meeting Schedule

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00138085

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Wednesday, December 19 Canceled

Wednesday, December 26 Canceled

Wednesday, January 2* Normal time of 4:00 pm -

*Will likely be a short meeting to provide updates and discuss strategy.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2001 8:57:36 AM
Subject: : Re: SAP addition

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2001 13:57:36.00
SUBJECT:: Re: SAP addition
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good

From: Scalia Eugene <scalia-eugene@dol.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2001 9:33:58 AM
Subject: : Third of three law review articles

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Scalia Eugene <scalia-eugene@dol.gov> (Scalia Eugene <scalia-eugene@dol.gov> [UNKNOWN])

CREATION DATE/TIME:18-DEC-2001 14:33:58.00

SUBJECT:: Third of three law review articles

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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Harvard Journal of Law & Public Policy

Spring, 1998

21 Harv. J.L. & Pub. Pol'y 307

LENGTH: 9597 words

ARTICLE: THE STRANGE CAREER OF QUID PRO QUO SEXUAL HARASSMENT

Eugene Scalia *

* Associate, Gibson Dunn & Crutcher LLP, Washington, D.C. I am grateful to David Cathcart, Evan Grayer, William Kilberg, Mark Snyderman, and Stephen Tallent for their comments on earlier drafts. All errors are mine.

SUMMARY:

... The United States Supreme Court confronts an example this spring:

"quid

pro quo sexual harassment," which it is asked to define in *Burlington Industries, Inc. v. Ellerth*. ... Catharine MacKinnon is credited with introducing quid pro quo to the analysis of sex discrimination in her influential 1979 book, *Sexual Harassment of Working Women*. ... In other words,

sexual motivation once was used as a defense; it was defendants who distinguished what I will call quid pro quo "retaliation" cases from other adverse-job-action cases, characterized them as sexual harassment, and said that

as such they were not actionable. ... Of course, quid pro quo retaliation is

the other side of the coin from a scenario that plainly is sexual harassment

and

that is not actionable as adverse job action - the circumstance where the woman

submits to the quid pro quo threat and her boss sexually abuses her. ...

Just

as the quid pro quo retaliation case is a strong adverse-job-action case, so

the

quid pro quo submission case often will be stronger than the environmental harassment claim that lacks an express threat of retaliation. ...

TEXT:

[*307]

Title VII issues a simple command - don't treat employees differently

REV_00138088

for
you right now, Kim, unless you tell me what you're wearing," a statement
that
Judge Flaum found to be a quid pro quo proposition in his Jansen opinion?
<=48> n47 More to the point, if the retaliation case is treated as
adverse
job action, and the submission case is handled as environmental
discrimination,
it is difficult to see how the quid pro quo threat alone is substantial
enough,
or different enough, to constitute a separate "form" or "category" of
discrimination. And no one has contended it is. MacKinnon's "fourth logical
possibility" is not a reason to retain the category of quid pro quo
discrimination. <=49> n48

This leaves one argument for retaining quid pro quo as a discrete
category of
harassment: the standard of employer liability. Liability for adverse job
action
is strict. The consensus is that liability for environmental harassment is not
(although the exact standard is another issue that has divided the courts
and
that the Supreme Court takes up this Term in Faragher v. City of Boca Raton
<=50> n49). Liability for quid pro quo in retaliation and [*321]
submission cases, however, has widely though not uniformly been thought to
be
strict. (The Court declined to grant certiorari on this issue in the
Burlington
Industries case.) Thus, Lindemann and Grossman instructs that "in certain
cases
the line between [quid pro quo and environmental harassment] may be fuzzy"
but
that "it is crucial to determine which theory (or theories)
apply...[because] in
quid pro quo cases employer liability is automatic...[whereas] employer
liability in hostile environment cases depends on agency principles."
<=51>

n50

The rule of strict liability in quid pro quo submission cases
illustrates
to
a degree the doctrinal confusion caused by the term's ambiguity. Liability
is
strict in adverse-job-action cases, and should be no less strict when the
adverse job action is retaliation for refusing sexual advances. This was
the
reasoning of Henson, which began its discussion of employer liability by
stating
that an employer is strictly liable in the "typical" adverse-job-action
case:

Sexual harassment resulting in a tangible job detriment is a form of sex
discrimination every bit as deleterious...as other unlawful employment
practices. We hold that an employer is strictly liable for the actions of
its
supervisors that amount to sexual discrimination or sexual harassment
resulting
in tangible job detriment.... <=52> n51

The Second Circuit's Karibian decision is a striking illustration of
adopting
strict liability for submission cases because that is the quid pro quo
rule,

without considering that the "quid pro quo rule" results from the adverse-job-action element of the retaliation case, which the submission case lacks. In Karibian the Second Circuit recognized the quid pro quo submission case for the first time, and had to distinguish Kotcher v. Rosa & Sullivan Appliance Center, Inc. <=53> n52 and Carrero v. New York City Housing Authority, <=54> n53 where it had stated that quid pro quo required adverse job action. Kotcher was a hostile work environment case, Karibian explained; its statement on quid pro quo was dictum. <=55> n54 As for Carrero, it was a retaliation case; its statement was merely "descriptive of the facts [*322] before the Court." <=56> n55 One page earlier, however, Karibian had relied on exactly two cases for the proposition that quid pro quo liability is strict: Kotcher and Carrero. The court even quoted a sentence from Kotcher that explicitly tied the rule of strict liability in quid pro quo to the presence of adverse job action: ""The supervisor is deemed to act on behalf of the employer when making decisions that affect the economic status of the employee."" <=57> n56

But strict liability in quid pro quo submission cases is not entirely an accident. Henson noted that co-workers as well as supervisors can make a work environment hostile. At least in co-worker environmental harassment cases, therefore, it must be asked whether the employer should be responsible. Quid pro quo harassment, by contrast, is uniquely a supervisor's act. <=58> n57 Today, the leading reason given for strict liability is that quid pro quo necessarily entails authority conferred by the employer. <=59> n58 The supervisor is acting with "actual" or "apparent" authority, it is said, and the employer therefore is bound. <=60> n59

The proper standard of employer liability for harassment is beyond the scope of this Article. My concern is not what standard should apply, but whether different standards should apply in quid pro quo and environmental cases, for only in that event is there reason to retain quid pro quo as a discrete category of discrimination. My view is that strict liability is inappropriate for quid pro quo submission cases because the quid pro quo harasser seldom acts within his actual or apparent authority. He has actual and not merely apparent authority to terminate. But that is not what he is doing. He is demanding sexual favors. And he has no authority to do that, as should be "apparent" to [*323] co-workers familiar with company policy and the discrimination laws. Apparent authority is boundless if it includes whatever agents unlawfully use actual authority to extort.

What is important for purposes of this Article, however, is that it is a fiction that the quid pro quo harasser acts with more authority - actual or apparent - than the boss who takes without asking in the environmental discrimination case. That is, the company is no more complicit in quid pro

quo harassment than in environmental harassment; in both instances the supervisor uses power and opportunity supplied by the company for a purpose that, in most workplaces, company policy expressly prohibits. One supervisor orders his assistant to accompany him on a business trip and gropes her on the plane, at dinner, and in the hotel. A second supervisor does the same and tells her that's what he did with her predecessors. A third supervisor adds that if she doesn't submit she's fired. The first scenario is environmental harassment only, not quid pro quo. The third is both. The second is ambiguous. I believe the employer should not be liable in any of these scenarios unless it endorsed the conduct. Others will argue that the employer should be liable without more in each. Either answer has more to recommend it than yoking to the tired formalism of quid pro quo yet another legal fiction: that the supervisor who goes the extra measure and violates the company non-discrimination policy in word as well as deed, thereupon acts with the authority of, and on behalf of, the company.

In the words of Judge Diane Wood of the Seventh Circuit:

When [a] supervisor bombards an unwilling subordinate with unwanted sexual images, touching, vulgar words, or denigrating comments, only the most committed formalist would feel confident in saying when those actions cross the imaginary line from "hostile environment" harassment to "quid pro quo" harassment. By the same token, when the supervisor makes constant demands for sex in exchange for job benefits (maybe in jest, maybe not), the victim surely suffers from a "hostile environment" at the same time that she endures the "quid pro quo" harassment. <=61> n60

"In the real world," Judge Wood wrote, "sexual harassment does not sort itself into tidy categories"; those who would retain [*324] separate standards of liability for quid pro quo and environmental harassment have failed to "question[] the legal basis of the distinction between "'quid pro quo' and 'hostile environment' claims," a distinction "now some eighteen years old...." <=62> n61

This critique of the distinction between quid pro quo and environmental harassment is correct, <=63> n62 with this amendment: not even in the theoretical world inhabited by Title VII terms, tests, and categories is quid pro quo "tidy." Instead, quid pro quo is redundant and ambiguous in theory, and cumbersome and confusing in practice. It should be abandoned.

VI.

Conclusion

Quid pro quo owes its longevity to the triumph of form over substance in the application of discrimination law. Substantively quid pro quo was redundant

of
existing law literally from the day it was recognized in Henson. In
obedience to
McDonnell Douglas, however, it was reduced to a five-part test that not
only
endured but, after Karibian, mutated to another multi-part test. That
second
test is fundamentally different from the first but is supposed to be the
same;
it is redundant of an entirely different doctrine; and, in slavish devotion
to a
principle irrelevant to the occurrence of discrimination, it has been
stated
as
embodying the startling concept that the taint of discrimination can be
removed if, after the woman submits, she is denied the job she was
promised.
Quite a track record for a doctrine that owed its adoption to the failed
argument that sexually-motivated discrimination is not sex discrimination,
and
perhaps also to the mistaken conjecture that sexual advances not made
"terms" of
employment might be outside of Title VII.

[*325] Quid pro quo should be excised, with Occam's razor. And the
manner
in which it gained a life of its own stands warning against mechanical
reliance
on complex tests to determine whether someone was treated differently
because of
sex.

FOOTNOTES:

n1. See Stephen E. Tallent and Kathleen G. Vagt, The Mix-Up Over "Mixed
Motives," in Equal Opportunity Law 30 Years Later E-1 (1995). The Supreme
Court's "recipes" for discrimination cases "have brought the purpose of the
1964
[Civil Rights] Act a long way. At this point, however, they do little more
than
confuse and provide fodder for commentators' gratuitous manipulation." Id.
at
E-4. See also, e.g., <=64> O'Connor v. Consolidated Coin Catering Corp.,
56
F.3d 542 (4th Cir. 1995), rev'd, <=65> 517 U.S. 308 (1996) (holding that
a
56-year-old could not state a prima facie case of age discrimination under
the
test of <=66> McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973), when
his
replacement was 16 years younger, because both men were within the
"protected
class" of the age discrimination statute).

n2. No. 97-569. Burlington Industries is one of three cases before the
Court
that should make the 1997 Term the defining year in the law of sexual
harassment. In Faragher v. City of Boca Raton, No. 97-282, the Court
addresses
the standard of employer liability for "environmental" sexual harassment,
an
issue that is regarded as closely tied to quid pro quo for reasons
explained
in
Part V, infra. Earlier this Term, in <=67> Oncale v. Sundowner Offshore
Services, Inc., 118 S. Ct. 998 (1998), the Court held that harassment may
be
discrimination "because of" sex under Title VII even when the harasser and
victim are the same sex.

n3. 29 C.F.R. 1604.11(a) (1997) (interpretative regulations of the Equal Employment Opportunity Commission ("EEOC") defining "Sexual harassment"). The courts have adopted a variety of definitions, and the EEOC's is not definitive. See, e.g., <=68> General Electric Co. v. Gilbert, 429 U.S. 125, 141-42 (1976). The EEOC definition is, however, representative, and is quoted for that purpose here.

n4. See Barbara Lindemann & Paul Grossman, 1 Employment Discrimination Law 746 (1996).

n5. See, e.g., <=69> Bryson v. Chicago State University, 96 F.3d 912, 915 (7th Cir. 1996).

n6. <=70> Harris v. Forklift Systems, Inc., 510 U.S. 17, 21 (1993).

n7. Lindemann and Grossman, supra note 4, at 759-80.

n8. See <=71> Meritor Sav. Bank, FSB v. Vinson, 477 U.S. 57, 68 (1986); <=72> Harris, 510 U.S. at 20.

n9. Catharine MacKinnon, Sexual Harassment of Working Women: A Case of Sex Discrimination 33 (1979).

n10. But see <=73> Jansen v. Packaging Corporation of America, 123 F.3d 490, 517-18, 532 (7th Cir. 1997) (Coffey, J., concurring in part and dissenting in part), cert. granted sub nom. Burlington Industries, Inc. v. Ellerth, No. 97-569 (urging that quid pro quo be judged by a negligence standard and restricted to cases of adverse job action).

n11. <=74> 682 F.2d 897 (11th Cir. 1982).

n12. <=75> Id. at 909.

n13. See, e.g., Lindemann & Grossman, supra note 4, at 760.

n14. I exclude from this discussion another possibility: that the woman was not qualified and the quid pro quo proposition gave her a chance at employment she otherwise would not have had. MacKinnon described such offers as widely rumored and rarely made, see MacKinnon, supra note 9, at 36-38, but she does not address whether Title VII is violated when, in this manner, a woman is effectively offered and denied a job because of sex. Under the Henson test the case would fail because the woman could not prove an element of her prima facie case - that she was "otherwise qualified." <=76> Henson, 682 F.2d at 909. The same result could be reached by positing that, when the qualified and unqualified woman refuse the proposition, both are insisting that they be treated as a man would be: the unqualified woman is so treated (the unqualified man would not get the job either) and the qualified woman is not. Under current

law, however, the unqualified woman might have a partial remedy without a special quid pro quo category of discrimination. See <=77> 42 U.S.C. 2000e-2(m), 2000e-5(g) (2) (B) (1994).

n15. <=78> 422 F. Supp. 553, 555 (D.N.J.), rev'd, <=79> 568 F.2d 1044 (3d Cir. 1977).

n16. <=80> Id. at 556.

n17. <=81> 13 FEP Cases (BNA) 123 (D.D.C. 1974), rev'd sum nom. <=82> Barnes v. Costle, 561 F.2d 983 (D.C. Cir. 1977).

n18. <=83> Id. at 124.

n19. <=84> 413 F. Supp. 654 (D.D.C. 1976).

n20. <=85> Id. at 660-61. See generally MacKinnon, supra note 9, at 83-90 (discussing these and other cases).

n21. It reflects how far the law of sexual harassment has come that today some courts would maintain that sexual motive is necessary to certain Title VII claims. See <=86> Wrightson v. Pizza Hut of America, Inc., 99 F.3d 138, 143 (4th Cir. 1996) (harassment by person of the same sex is not actionable under Title VII unless the aggressor is a homosexual acting out of prurient interest). The Supreme Court rejected this approach in <=87> Oncale v. Sundowner Offshore Services, Inc., 118 S. Ct. 998, 1002 (1998).

n22. For a decision pre-dating MacKinnon's book that holds for the plaintiff on the ground that sexually-motivated termination is discrimination "because of" sex, see <=88> Barnes v. Costle, 561 F.2d 983 (D.C. Cir. 1977).

A slightly different historical account is offered in Barbara Lindemann & David D. Kadue, Sexual Harassment in Employment Law 145-46 (1992), but the same critique applies. The authors explain that courts "initially were reluctant" to find quid pro quo retaliation actionable because "the proximate cause of the adverse employment action was the female complainant's activity (her rejection of sexual advances) rather than her gender." Id. at 145. However, "courts now uniformly find quid pro quo harassment unlawful...simply by reasoning that when an employer conditions an individual's employment opportunities upon services as a sexual partner, it is discriminating on the basis of gender." Id. at 146. Precisely. And because the woman lost employment "on the basis of gender," quid pro quo retaliation cases should be treated with adverse-job-action cases generally.

n23. MacKinnon and her allies might have wanted retaliation cases to be perceived as harassment for another reason: The courts were bound to find

it
illegal under Title VII to terminate a woman for refusing sexual favors (as
illustrated by the reversal on appeal of cases discussed in text
accompanying
notes 15-18, supra). Portraying that form of discrimination as the "other
side
of the coin" from the submission case could be expected to facilitate
recognition of the submission case too. From there it was but a short step
to
recognizing that taking sex without asking in the environmental harassment
case
could also be illegal.

But this is not how the law developed: quid pro quo did not leverage the
actionability of environmental harassment. Rather, the two "forms" were
recognized virtually simultaneously. Indeed, Henson is both the first sex
discrimination case to use the term quid pro quo and a seminal
"environmental"
harassment case, quoted at length in the Supreme Court decision that
recognized
environmental harassment as actionable. See <=89> Meritor Sav. Bank, FSB
v.
Vinson, 477 U.S. 57, 66-67 (1986). And, Henson discussed and recognized the
actionability of environmental harassment before taking up quid pro quo.
See
<=90> Henson v. City of Dundee, 682 F.2d 897, 901-06 (11th Cir. 1982).
More to
the point, and as discussed immediately below, submission cases only
recently
have proceeded under the name quid pro quo.

n24. <=91> Henson, 682 F.2d at 909 (emphases added).

n25. <=92> Id. at 911 n.22 (emphasis added). The redundancy of the
Henson
test is obvious when that test is compared to McDonnell Douglas's. The
woman
could state a prima facie case under McDonnell Douglas with steps 1, 3, 4,
and 5
of Henson: she was a (1) woman who was (3) qualified but (4) rejected, and
(5)
the position was still held out. See <=93> McDonnell Douglas Corp. v.
Green,
411 U.S. 792, 802-04 & n.13 (1973). Why - because she was also subjected to
the
indignity of sexual advances - should she have to prove those advances as
an
element to her claim? The liberal conspiracy theorist will be forgiven
spying in
this rule the machinations of the white male hegemony. As an employment
lawyer -
and not a liberal conspiracy theorist - I see different forces: the history
discussed above, and the weakness of courts and practitioners for
encumbering
Title VII with ponderous, unwieldy, and occasionally unjust multi-factored
tests.

n26. See Lindemann & Grossman, supra note 4, at 760 (relying on Henson
for
the elements of a quid pro quo claim and requiring "adverse employment
action"
as well as an effect on a "tangible aspect of the complainant's term,
condition,
or privilege of employment"); Note, Sexual Harassment Claims of Abusive
Work
Environment Under Title VII, <=94> 97 Harv. L. Rev. 1449, 1455 (1984)
("In
a

quid pro quo case of sexual harassment...the plaintiff must establish...that she was denied an employment benefit because she refused to provide sexual favors."); see also <=95> Gary v. Long, 59 F.3d 1391, 1396 (D.C. Cir. 1995) ("The supervisor must have wielded the authority entrusted to him to subject the victim to adverse job consequences."); <=96> Sauers v. Salt Lake County, 1 F.3d 1122, 1127 (10th Cir. 1993) (describing a quid pro quo case as one where the plaintiff "'suffered an economic injury'" (citation omitted); <=97> Rabidue v. Osceola Refining Co., 805 F.2d 611, 619 (6th Cir. 1986) (observing that courts "have recognized that an offensive work environment could...constitute Title VII harassment without the necessity of asserting a tangible job detriment..., which proof underlies the quid pro quo variant of sexual harassment") (emphasis added).

n27. I discuss in Part V, *infra*, whether the proposition itself is actionable harassment.

n28. See text accompanying note 9, *supra*.

n29. <=98> Henson, 682 F.2d at 909 n.18 (11th Cir. 1982).

n30. See Lindemann & Grossman, *supra* note 4, at 770 (defining quid pro quo as requiring adverse job action yet observing that "in certain cases, the line between [quid pro quo harassment and hostile environment harassment] may be fuzzy").

n31. <=99> 14 F.3d 773, 777 (2d Cir. 1994).

n32. <=100> Karibian, 14 F.3d at 778. See also <=101> Robinson v. City of Pittsburgh, 120 F.3d 1286, 1297 (3d Cir. 1997) ("Like the Second Circuit, we "do not read Title VII to punish the victims of sexual harassment who surrender to unwelcome sexual encounters.'" "'The supervisor's conduct is equally unlawful under Title VII whether the employee submits or not.'" (quoting <=102> Karibian, 14 F.3d at 778); <=103> Nichols v. Frank, 42 F.3d 503 (9th Cir. 1994) (finding quid pro quo harassment where plaintiff submitted and suffered no adverse job action).

n33. <=104> Jansen v. Packaging Corporation of America, 123 F.3d 490, 514 (7th Cir. 1997) (Posner, C.J., concurring and dissenting), cert. granted sub. nom. Burlington Industries, Inc. v. Ellerth, No. 97-569. Jansen was the companion case to Burlington Industries, which the Supreme Court reviews this spring.

n34. Lindemann & Grossman, *supra* note 4, at 760.

n35. See *id.* at 768.

N36. The retaliation case includes a threat or promise to the same

degree
as
the submission case; in this respect, Lindemann and Grossman is mistaken in suggesting that in the submission case economic threat merely stands in for economic injury. The submission test eliminates something (adverse job action), and adds something (submission).

n37. 29 C.F.R. 1604.11(a) (1997). See also <=105> Meritor Sav. Bank, FSB v. Vinson, 477 U.S. 57, 64-67 (1986); <=106> Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993).

n38. See, e.g., <=107> Meritor, 477 U.S. 57 (recognizing environmental harassment when plaintiff has unwanted sex with a supervisor to remain employed); see also Lindemann & Kadue, supra note 22, at 158, which identifies the following differences between quid pro quo and environmental harassment:

(1) environmental harassment need not be the act of a supervisor; (2) it is not limited to sexual advances; and (3) it does not require proof of economic injury. In other words, the plaintiff who can prove quid pro quo submission can prove environmental harassment - with less. A fourth and final difference the treatise identifies is that liability generally is automatic in quid pro quo cases. Id. This is discussed in Part V, infra.

Environmental discrimination requires a certain quantum of harassing conduct

- it must be "severe" or "pervasive." See <=108> Harris, 510 U.S. at 21. No

such requirement has been stated in cases allowing quid pro quo submission claims. Quid pro quo submission cases can be expected to meet that requirement

virtually by definition, however. Compare <=109> Karibian v. Columbia University, 14 F.3d 773, 776 (2d Cir. 1994) (concerning a "violent sexual relationship" over several years), and <=110> Nichols v. Frank, 42 F.3d 503, 506 (9th Cir. 1994) (concerning a plaintiff who "repeatedly but unwillingly performed oral sex"), with Lindemann & Grossman, supra note 4, at 795 ("[A] physical incident may constitute unlawful [environmental] harassment, on the basis of its severity, even if it occurs only once."), and <=111> Tomka v. Seiler Corp., 66 F.3d 1295, 1305 (2d Cir. 1995) ("Even a single incident of sexual assault sufficiently alters the conditions of the victim's employment

and clearly creates an abusive work environment for purposes of Title VII liability."), and <=112> King v. Board of Regents, 898 F.2d 533, 537 (7th Cir. 1990) ("[A] single act [of harassment] can be enough."). In a quid pro quo submission case, moreover, the single "physical incident" is preceded by at least one sexually-offensive threat or solicitation.

n39. Lindemann & Grossman, supra note 4, at 760 (emphasis added).

n40. <=113> 864 F.2d 881 (1st Cir. 1988).

n41. <=114> Id. at 898.

n42. Id. (emphasis added).

n43. <=115> Id. at 913 (emphasis added). See also <=116> Chamberlin v.

101 Realty, Inc., 915 F.2d 777, 784 (1st Cir. 1990) (repeating the Lipsett

test); <=117> Showalter v. Allison Reed Group, Inc., 767 F. Supp. 1205, 1212 (D.R.I. 1991) (searching for "tangible job benefit" to determine whether quid pro quo case submission case was proved).

The EEOC definition of sexual harassment contains the same notion: sexual harassment occurs, inter alia, when "submission to or rejection of [unwelcome sexual advances] by an individual is used as the basis for employment decisions affecting such individual." 29C.F.R.1604.11(a)(2)(1997) ("Sexual harassment"). The EEOC definition captures the quid without quo scenario elsewhere, however, allowing that harassment also occurs when "submission to [unwelcome sexual advances] is made either explicitly or implicitly a term or condition of an individual's employment." Id. at 1604.11(a)(1). Of course, this broader language also includes the environmental harassment case where sexual conduct effectively is made a "condition" of employment, demonstrating again that quid pro quo does not constitute a meaningfully distinct "category" of harassment.

n44. MacKinnon, supra note 9, at 33.

n45. Id.

n46. <=118> Jansen v. Packaging Corporation of America, 123 F.3d 490, 499 (7th Cir. 1997), cert. granted sub. nom. Burlington Industries, Inc. v. Ellerth, No. 97-569. Judge Flaum claimed only a "toehold in the case law" for this view, consisting of dictum by Judge Reinhardt and other cases that "describe a valid quid pro quo claim in terms that could encompass a situation based on threats only." <=119> Id. at 499 n.6 (emphasis added). It has been one of the points of this Article that with quid pro quo little reliance should be placed on what courts' prior statements "could encompass" (or exclude).

In addition to the authorities cited by Judge Flaum, see <=120> Robinson v. City of Pittsburgh, 120 F.3d 1286, 1297 (3d. Cir. 1997) (dictum that, under 1604.11(a)(1) of the EEOC's guidelines, "a quid pro quo violation occurs at the time when an employee is told that his or her compensation, etc. is dependent upon submission to unwelcome sexual advances"); <=121> Chamberlin v. 101 Realty, Inc., 915 F.2d 777, 783 (1st Cir. 1990) (dictum that "a supervisor's demand that an employee submit to an unwelcome sexual advance or face discharge could well constitute" quid pro quo harassment); <=122> Karibian v. Columbia University, 14 F.3d 773, 779 (2d Cir. 1994) ("Once an employer conditions any terms of employment upon the employee's submitting to unwelcome sexual advances, a quid pro quo harassment claim is made out, regardless of whether the employee (a) rejects the advances and suffers the consequences or (b) submits to the advances in order to avoid those consequences.... The focus should be on

because
of race or sex - that courts have obscured with an array of terms, tests,
and
categories. <=2> n1 The United States Supreme Court confronts an
example
this spring: "quid pro quo sexual harassment," which it is asked to define
in
Burlington Industries, Inc. v. Ellerth. <=3> n2

[*308] I argue here that the Court should demur - it should abandon
quid
pro quo rather than shoulder the pointless task of clarifying it. This
Article
will show that quid pro quo is so meaningful it is functionally
meaningless.
It
is analytically useless and cumbersome, confounding the analysis of cases
to
which it is applied and the law of sexual harassment generally. It should
be
eliminated as a functional category of discrimination.

In explaining why this is so, and in recounting quid pro quo's
adventures
in
the federal courts, this Article also aims to tell a cautionary tale about
Title
VII's promiscuous terms, tests, and categories.

I.

Introduction

There are two forms of sex discrimination in employment: "adverse job
action"
and harassment. Adverse job action is termination, demotion, refusal to
hire
or
promote, and the like. Sexual harassment is said to consist of

unwelcome sexual advances, requests for sexual favors, and other verbal or
physical conduct of a sexual nature...when (1) submission to such conduct
is
made either explicitly or implicitly a term or condition of an individual's
employment, (2) submission to or rejection of such conduct by an individual
is
used as the basis for employment decisions affecting such individual, or
(3)
such conduct has the purpose or effect of unreasonably interfering with an
individual's work performance or creating an intimidating, hostile, or
offensive
working environment. <=4> n3

Courts also recognize two forms of sexual harassment: quid pro quo and
"hostile
work environment." <=5> n4 Quid pro quo harassment conditions
employment
(or
promotion) on sexual favors. <=6> n5 Hostile work environment or
"environmental" harassment comprises discriminatory comments, advances,
touching, and the like that make the workplace "hostile" or "abusive."
<=7>

n6

[*309] Courts and commentators universally accept quid pro quo as a

the prohibited conduct, not the victim's reaction."). The Karibian statement is ambiguous.

n47. See <=123> Jansen, 123 F.3d at 503. The Henson test requires only a "sexual advance," not a threat. See Lindemann & Grossman, supra note 4, at 760. Judge Flaum would reserve his single-threat quid pro quo claim for the "clear and unambiguous threat of an adverse job consequence." <=124> Jansen, 123 F.3d at 499. But as discussed immediately below, this sub-class, of an element, of a type, of quid pro quo discrimination hardly warrants retaining a functional "category" otherwise meriting elimination.

n48. Put another way, retaining the quid pro quo "category" of discrimination for the sake of the actionability of the quid pro quo proposition reflects the normative judgment that the proposition has so serious an effect on the employment relationship that it should not go unremedied. By this argument the proposition should rise or fall as environmental harassment, a category of discrimination devoted to conduct so "severe" as to alter the conditions of employment.

n49. No. 97-282.

n50. Lindemann & Grossman, supra note 4, at 770.

n51. <=125> Henson v. City of Dundee, 682 F.2d 897, 909-910 (11th Cir. 1982) (emphases added).

n52. <=126> 957 F.2d 59, 62 (2d Cir. 1992).

n53. <=127> 890 F.2d 569, 577 (2d Cir. 1989).

n54. <=128> Karibian v. Columbia University, 14 F.3d 773, 778 (2d Cir. 1994).

n55. <=129> Id. at 778. This is a phrase to be filed away for future use: Troublesome statements in prior cases may be disregarded when (1) they did not concern the facts before the court and therefore are dictum, or (2) they did concern the facts before the court.

n56. <=130> Karibian, 14 F.3d at 777 (quoting <=131> Kotcher, 957 F.2d at 62) (emphasis added).

n57. See <=132> Henson v. City of Dundee, 682 F.2d 897, 910 (11th Cir. 1982); see also <=133> Jansen v. Packaging Corporation of America, 123 F.3d 490, 505 (7th Cir. 1997) (Cudahey, J., concurring), cert. granted sub nom. Burlington Industries, Inc. v. Ellerth, No. 97-569 ("Quid pro quo is always a creature of power.").

n58. See <=134> Jansen, 123 F.3d at 496 (majority opinion) ("When a supervisor wields the authority actually delegated to him to dole out job benefits and detriments in order to condition such employment consequences upon receipt of sexual favors, 'the supervisor, by definition, is the company.'") (citation omitted); <=135> Nichols v. Frank, 42 F.3d 503, 514 (9th Cir.

1994)
(noting that a harasser "is able to grant such job benefits or detriments only because he has actual or apparent authority to do so "delegated to him by his employer'") (citation omitted).

n59. See also <=136> Pfau v. Reed, 125 F.3d 927, 936 n.5 (5th Cir. 1997);
<=137> Nichols, 42 F.3d at 514.

n60. <=138> Jansen, 123 F.3d at 567 (Wood, J., concurring and dissenting,
joined by Judges Easterbrook and Rovner).

n61. <=139> Id. at 567, 569 (Wood, J., concurring and dissenting,
joined by
Judges Easterbrook and Rovner).

n62. The same cannot be said for the common standard that Judge Wood then adopted for harassment claims, a standard that approaches strict liability. See <=140> id. at 574-75 (Wood, J., concurring and dissenting, joined by Judges Easterbrook and Rovner). For reasons stated above, the better rule presumes harassment to be, in Chief Judge Posner's words, non-company acts, but allows the plaintiff to prove company acquiescence.

Half of the Seventh Circuit judges who sat in Jansen should be counted as votes for eliminating quid pro quo as a category of discrimination: Judge Wood and Judges Easterbrook and Rovner who joined her; and Chief Judge Posner and Judges Coffey and Manion, who would confine quid pro quo to adverse-job-action cases where it is unnecessary. See argument in Part II, supra.

discrete form and "category" of discrimination. It receives a 21-page sub-chapter in the leading treatise on the law of employment discrimination, Barbara Lindemann and Paul Grossman's Employment Discrimination Law. <=8> n7 Every federal appellate court recognizes quid pro quo as a category of harassment, and the Supreme Court mentioned it in both of its sexual harassment decisions prior to this Term. <=9> n8 In Burlington Industries the Court addresses quid pro quo head-on.

Catharine MacKinnon is credited with introducing quid pro quo to the analysis of sex discrimination in her influential 1979 book, Sexual Harassment of Working Women. Professor MacKinnon identified quid pro quo as taking three forms. In the first, there is a proposition, rejection, and retaliation. In the second, the woman complies and does not receive a job benefit. In the third, the woman complies and does benefit. MacKinnon identified a "fourth logical possibility" that, in her words, "does not require further discussion": "the woman refuses to comply, receives completely fair treatment on the job, and is never harassed again.... In this one turn of events, there truly is "no harm in asking.'" <=10> n9

The scenarios identified by Professor MacKinnon provide a loose framework for the discussion that follows.

II.

Quid Pro Quo as Adverse Job Action

Today no one disputes that the first quid pro quo pattern identified by MacKinnon - proposition, rejection, retaliation - is employment discrimination for which the employer is strictly liable. <=11> n10 In the 1982 decision Henson v. City of Dundee, <=12> n11 the Eleventh Circuit cited MacKinnon's book and held that quid pro quo discrimination occurs when a woman refuses sexual advances and consequently is "deprived of a job benefit which [*310] she was otherwise qualified to receive." <=13> n12 Henson was the first published federal decision to use quid pro quo to describe sex discrimination, and continues to be cited as the seminal quid pro quo case and as black letter law. <=14> n13

The result in Henson is clearly correct, but curious. Why did retaliatory job action require its own Latin name and "category" to be recognized as illegal sex discrimination? A woman was terminated (or refused employment) because she rejected sexual advances. <=15> n14 A jury could quickly infer that the advances - and hence the adverse employment action - were on account of her sex and therefore constituted sex discrimination in violation of Title VII. Why

does it help analytically to call this quid pro quo? And why call it harassment?

The answer seems to be that in the 1970s some employers argued - and some courts agreed - that sexually-motivated conduct was "personal" and therefore not attributable to the company even when it resulted in adverse job action. In *Tomkins v. Public Service Electric & Gas Co.*, ^{<=16> n15} the plaintiff alleged that when she became eligible for promotion her supervisor took her to lunch to "discuss her prospects with the firm"; he made sexual advances, she resisted, and rather than being promoted she was transferred, demoted, and eventually terminated. "The abuse of authority...for personal purposes is an unhappy and recurrent feature of our social experience," the court intoned, but it "is not...sex discrimination within the meaning of Title VII." ^{<=17> n16} In *Barnes v. Train*, ^{<=18> n17} the plaintiff claimed to have been terminated ^[*311] for refusing sexual advances; the case was dismissed with the terse judgment that it concerned "an inharmonious personal relationship." ^{<=19> n18} And in *Williams v. Saxbe*, ^{<=20> n19} the plaintiff alleged that she was terminated for refusing sexual advances. The defendant argued that "plaintiff has not made out a case of sex discrimination under the Act because the instant case was not the result of a policy of the office, but rather, was an isolated personal incident"; the court denied defendant's motion to dismiss, while agreeing that plaintiff would have to prove the retaliation was part of "policy or practice" and not "a non-employment related personal encounter." ^{<=21> n20}

In other words, sexual motivation once was used as a defense; it was defendants who distinguished what I will call quid pro quo "retaliation" cases from other adverse-job-action cases, characterized them as sexual harassment, and said that as such they were not actionable. ^{<=22> n21} When Professor MacKinnon argued at about this time that sexually-motivated mistreatment - fondling, verbal abuse - was actionable sex discrimination under Title VII, she naturally included quid pro quo retaliation cases within her claim. The snappy Latin name given these cases in an influential book about sexual harassment probably helped ensure that quid pro quo retaliation cases remained classified, as defendants had sought, as a kind of sexual harassment, rather than being trotted back to the adverse-job-action barn where they belonged. Thus was born a "class" of cases that was redundant virtually from its inception. ^{<=23> n22}

^[*312] Of course, quid pro quo retaliation is the other side of the coin from a scenario that plainly is sexual harassment and that is not actionable as adverse job action - the circumstance where the woman submits to the quid pro

quo threat and her boss sexually abuses her. This other side of the coin is what
quid pro quo means to be - the quid pro quo harasser means to extort sex,
and in
this sense the adverse-job-action case is the "unsuccessful" quid pro quo
case.
Moreover, what I will call the quid pro quo "submission" case is a potent
illustration of the use of the employment relationship to harass sexually.
For
these reasons it would be understandable - which is not to say analytically
sensible - that the quid pro quo submission case dominated the conception
of
quid pro quo and dragged the "unsuccessful" retaliation case with it to the
"harassment" rubric. <=24> n23

But this raises a second and still more curious aspect of Henson and the
adoption of quid pro quo: quid pro quo harassment was first recognized and
long
limited to its retaliatory form. "As in the typical disparate treatment
case,"
the court noted in Henson, "the employee must prove that she was deprived
of
a
job benefit...." <=25> n24 The court fashioned from the Supreme Court's
notorious McDonnell Douglas test the elements of a "prima facie" case of "a
quid
pro quo sexual harassment claim":

[*313]

- (1) The employee is a member of the protected class;
- (2) She was subjected to unwelcome sexual harassment to which members of
the
opposite sex had not been subjected;
- (3) She applied and was qualified for a position for which the employer
was
accepting applications;
- (4) That despite her qualification she was rejected;
- (5) That after her rejection, the position remained open and the
employer
continued to accept applicants who possessed complainant's qualifications.
<=26> n25

The rule has been widely repeated. <=27> n26

Whatever the origin of the quid pro quo test for women who suffer
adverse
job
action because they refuse to trade sex for work, today no reason exists to
treat quid pro quo retaliation cases as a category of discrimination
separate
and apart from adverse job action simple. To be sure, the quid pro quo
proposition supplies powerful direct evidence of discriminatory motive.
Quid
pro
quo retaliation is an especially contemptible sort of adverse job action
and
may
have great emotional effect on the plaintiff [*314] and jury; for these
reasons, it will likely bear on damages. But in retaliation cases the term
quid
pro quo does not distinguish illegal conduct from legal conduct. It is
analytically superfluous and burdensome and should be abandoned.

III.

Quid Pro Quo as Harassment

To the foregoing critique one may add that in retaliation cases quid pro quo harassment is none of the above: the quid (sex) is withheld, so is the quo (work), and there is no harassment. <=28> n27 By contrast, in cases where the woman submits and is hired (or promoted) all three are present: quid is exchanged for quo and there is harassment. Perhaps, then, while abandoning the term quid pro quo in retaliation cases as just suggested, we should retain it for submission cases.

Treating the submission case as actionable quid pro quo harassment is consistent with the term's original definition. In two of the three quid pro quo scenarios identified by Professor MacKinnon, the woman submits. <=29> n28 The restrictive quid pro quo definition traces to Henson, but even there it may have been unintended; the court observed at one point: "On a practical level, of course, there are many cases that could be characterized interchangeably as [hostile work environment harassment] or quid pro quo cases." <=30> n29 This statement makes little sense if the court is excluding the submission case from quid pro quo. <=31> n30 The Henson opinion exudes a certain excitement at being first - the court had a chance to add a Latin term to the Title VII lexicon and show off a new five-part riff on the McDonnell Douglas test - and perhaps, in its enthusiasm to define quid pro quo, the court lost sight of what it meant.

Today, the ascendant view is that quid pro quo harassment is actionable when the woman submits. The leading case is the Second Circuit's *Karibian v. Columbia University*, <=32> n31 which recognizes that quid pro quo comprises both "'refusal' cases" and [*315] "'submission' cases." <=33> n32 Chief Judge Posner recently advocated limiting quid pro quo liability to "company acts" such as hiring and firing - the rule of Henson. It is a sign of the times (if not of thorough research) that he described his position as un-"orthodox," indeed "novel[]." <=34> n33

To the extent the ascendant view prevails and quid pro quo is defined to include both retaliation and submission cases, it will become something more than the functionally useless "category" of discrimination examined in the preceding section. It will become affirmatively confusing. Consider the treatment in the 1996 edition of the leading discrimination law treatise. Lindemann and Grossman begins by citing Henson and identifying "adverse employment action" as an element of a quid pro quo claim. <=35> n34 But in discussing the adverse-job-action element, the treatise stumbles against *Karibian* and its holding that the woman who submits has a quid pro quo claim. The editors rally by suggesting that for submission cases "threatened"

economic harm is enough. <=36> n35 This is a valiant effort to shore up a doctrine in collapse, but it fails for several reasons. First, a threat is not "actual economic harm"; saying that it is fundamentally alters the requirement. Second, this variant of the Henson test not only eliminates an element ("actual economic harm"), it adds one - submission. And third, when push comes to shove, those who favor a quid pro quo action for submission cases are unlikely to stand by the requirement of a threat, since in one classic submission scenario no threat occurs: the woman is promised a job or promotion in exchange for sex, and submits. <=37> n36 The Henson [*316] test has just cracked from trying to do two jobs at once: define adverse job action and sexual harassment.

The problem with using quid pro quo to refer both to retaliation and submission cases extends beyond the difficulty of formulating a single McDonnell Douglas test to accommodate both; it reaches the term's very serviceability as a definition. Quid pro quo harassment is where actual economic harm occurs, or does not. It is where a threat is made - or a promise. It is where a woman submits, or does not. State that a case involves quid pro quo harassment, and you will have left unsaid whether the plaintiff gained a job or lost one, and whether the alleged damages are emotional or economic. You will have said little more than that the suit involves sex discrimination. This is a definition so broad that it fails its assigned task - defining.

Of course, this confusion is avoided if quid pro quo no longer includes the retaliation case, as argued in the previous section, and comprises submission cases only. Perhaps, in other words, quid pro quo should not mean what it did and should mean what it did not? Before reincarnating quid pro quo in this form, however, we must ask of the submission case what we asked of the retaliation case - what gap does it fill in existing doctrine? Environmental harassment exists when "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct...has the...effect of...creating an intimidating, hostile, or offensive working environment." <=38> n37 The woman who is forced to engage in unwanted sex with her boss to keep her job has satisfied these elements. She can state a claim for environmental harassment. <=39> n38

[*317] To be sure, the quid pro quo proposition is important evidence. Just as the quid pro quo retaliation case is a strong adverse-job-action case, so the quid pro quo submission case often will be stronger than the environmental harassment claim that lacks an express threat of retaliation. The supervisor's overt threat and extortion will likely cause a jury to regard the experience as

especially "intimidating," "offensive," and "hostile." The quid pro quo element is not necessary, however, to distinguish the impermissible from the permissible. Rather, just as the Henson test adds a superfluous element (sexual advances) to the test for adverse-job-action discrimination simple, so the quid pro quo submission test adds an element (threatened or promised job action) that one can omit and still state a claim under Title VII.

We now have eliminated the second of the two scenarios thought to warrant quid pro quo's treatment as a discrete form and category of discrimination: in "submission" cases, as in "retaliation" cases, the concept is redundant of existing doctrine and therefore analytically unnecessary and cumbersome. We also have an affirmative reason to jettison the term: it covers the entire waterfront of discrimination - adverse job action and harassment - and doctrinal confusion results.

IV.

Quid Without Quo - No Harassment in Case of Breach of Contract?

The preceding discussion of "submission" cases conflated Professor MacKinnon's second and third scenarios: under both scenarios the woman submits, but under the second the job is denied. One could argue that technically MacKinnon is wrong and there is no quid pro quo harassment in this situation: The essence of quid pro quo is conditioning a job benefit on sex. In the retaliation case, the condition is enforced. In the submission case, it is satisfied. In the quid without quo scenario, however, the conditioning never occurs.

[*318] This absurd result - barring quid pro quo claims when the plaintiff was coerced to have sex but obtained no job benefit - is dictated by the Henson test as it has come to be stated. For instance, Lindemann and Grossman's adaptation of the Henson test provides that "the complainant's reaction to the sexual advance [must have] affected a tangible aspect of the complainant's term, condition, or privilege of employment." <=40> n39 The treatise's use of the word "reaction" (rather than "refusal") artfully accommodates the submission case (although the test's requirement of adverse job action remains an obstacle to the submission case, as shown supra). But in the quid without quo scenario, the "reaction" has no "effect"; therefore, if we take the Henson test seriously, there can be no claim of quid pro quo. In *Lipsett v. University of Puerto Rico*, <=41> n40 the First Circuit dutifully cited Henson for the proposition that a quid pro quo plaintiff must show (1) unwelcome sexual advances and (2) "that his or her reaction to these advances affected tangible aspects" of employment. <=42> n41 "In rebuttal," the court continued, "the defendant may show

that
the behavior complained of either did not take place or that it did not
affect a
tangible aspect of the plaintiff's employment." <=43> n42 Elsewhere the
court wrote:

The gist of a quid pro quo claim is that the plaintiff is threatened by the
harasser with demands for a sexual encounter. If the plaintiff rejects
those
demands, then the threats may become real - that is, he or she may lose a
job.... Conversely, the plaintiff may accede to those demands out of
fear.... He
or she may then be rewarded for this compliance. If the plaintiff is
threatened,
and if the plaintiff is rewarded or punished, then there is quid pro quo
harassment. <=44> n43

[*319] I have not found a case where the employer defended a quid pro quo
claim with evidence that although the proposition was made and the woman
submitted to unwanted sex, a white male got the job. Confronted with that
argument, the First Circuit surely would manage to distinguish its
statements in
Lipsett. That would be the right result - discrimination requires
discrimination, not a fully-executed contract. It is the realness of the
offensive sexual contact or adverse job action that determines legality,
not
the
realness of the conditioning. But that this "element" of quid pro quo would
not
be given effect reveals another respect in which quid pro quo is a flawed
and
misleading "category" of discrimination: it is an analytic construct
requiring a
formal conditioning of employment on sex that the law itself does not
demand, as
the hostile environment cases show. Quid pro quo is a powerful concept
that,
when applied, injects needless formalism and complexity to the analysis of
employment discrimination.

V.

"No Harm in Asking" and the Standard of Employer Liability

Two reasons might still be given for retaining quid pro quo as a discrete
category of discrimination. One is Professor MacKinnon's "fourth logical
possibility": "the woman refuses to comply, receives completely fair
treatment
on the job, and is never harassed again." <=45> n44 MacKinnon concluded
that
this fourth scenario "does not require further discussion" because "in this
one
turn of events, there truly is "no harm in asking.'" <=46> n45 Some
today
disagree. In the Seventh Circuit's Jansen decision, Judge Flaum was joined
by
five colleagues in advocating that a single quid pro quo threat be
actionable.
<=47> n46

[*320] On this score it seems safe to agree with MacKinnon that the
quid
pro quo threat is insufficiently harmful to warrant suit under Title VII.
Saying
"You're an incompetent stupid female bitch" a single time is not actionable
environmental harassment. Why should suit lie for saying "I don't have time

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ARTICLE & ESSAYS: ENDING OUR ANTI-UNION FEDERAL EMPLOYMENT POLICY

Eugene Scalia *

* Gibson, Dunn & Crutcher LLP, Washington, D.C. I am grateful for the research assistance of Ayn B. Ducao and the comments of William Kilberg and Stephen Tallent. The views expressed are my own.

TEXT:
[*489]

The editors invited me to offer advice to the next President. This was difficult, because a draft was due before we knew who the next President would be: In one circumstance I would advise forceful assertion of executive powers. In the other circumstance my advice might have been, "Resign! Admit Your Transgressions!"

I have had to select an area of the law, then, where the nation would benefit from the candidates of both major parties heeding the same advice. It also has the virtue of being my principal area of practice, labor and employment law.

Practitioners speak of "labor" and "employment" law as two distinct fields, with "labor" law encompassing labor-management relations - unionization, strikes, collective bargaining, and the law under the National Labor Relations Act ("NLRA") <=2> n1 - and "employment" law encompassing everything else: discrimination, wage and hour regulation, occupational health and safety, wrongful termination, etc. Some practitioners still proudly identify themselves as "real" labor lawyers, by which they mean they are of the cigar-chomping, rough-and-tumble world of labor-management relations. Not for them, the delicacies of the discrimination laws and individual rights litigation.

of
Unions in the Rights-Based Workplace, 25 U.S.F. L. Rev. 169, 204 (1991)
(noting
that "now that a key set of rights is provided by public law, the worker
will
wonder what value he obtains from representation," but suggesting that
unions
may add value by helping employees vindicate federal employment rights).

n7. See Daniel J. Roy, Number of Union Members Rose Slightly in 1999,
But
Percentage Remained Constant, Daily Lab. Rep., Jan. 20, 2000, at AA-1.

n8. See Business Group Hits AFL-CIO, Sweeney, Daily Lab. Rep., Nov. 5.
1996,
at A-11.

n9. See McCallion, supra note 6, at 1.

n10. See Paul C. Weiler, Promises to Keep: Securing Workers' Rights to
Self-Organization Under the NLRA, <=48> 96 Harv. L. Rev. 1769, 1776-81
(1983);
Paul C. Weiler, Striking New Balance: Freedom of Contract and the Prospects
for
Union Representation, <=49> 98 Harv. L. Rev. 351, 354-56 (1984).
Professor
Weiler also blames weak administration of the NLRA. See <=50> id. at
360-61.
For a response to Weiler, see Robert J. LaLonde & Bernard D. Meltzer, Hard
Times
for Unions: Another Look at the Significance of Employer Illegalities,
<=51>
58 U. Chi. L. Rev. 953, 1006 (1991) (concluding that "the decline of
American
unions is the result of the complex interaction of a cluster of factors,"
including "economic environment, legal and illegal opposition of employers,
the
attitudes of employees, and the legal framework," and suggesting some
commentators "overestimate the incidence and significance of employer
lawlessness"). Weiler replies in Paul C. Weiler, Hard Times for Unions:
Challenging Times for Scholars, <=52> 58 U. Chi. L. Rev. 1015 (1991).

n11. Punitive damages for discharging union organizers was proposed in
an
NLRA "reform" bill introduced by Senator Paul Simon in 1993. See Simon
Introducing Bills to Reform NLRA by Increasing Penalties, Forcing
Arbitration,
Daily Lab. Rep., Oct. 21, 1993, at D-6 (describing Senate Bill 1553, the
Labor
Relations Remedies Act); see also William B. Gould IV, Agenda for Reform
166
(1993) ("Double or triple back-pay awards would reduce the incentive for
employers to engage in unlawful discriminatory dismissals.").

n12. See <=53> U.S. Chamber of Commerce v. U.S. Dep't of Labor, 174
F.3d
206, 208-09 (D.C. Cir. 1999) (discussing the "Cooperative Compliance
Program").

n13. See <=54> id. at 212-13. The Clinton Administration also prepared
a
proper rule that would have required the "comprehensive safety and health
programs" sought to be imposed by CCP, but the rule was never issued for
comment. See Statement of Regulatory Priorities, <=55> 62 Fed. Reg.
57,089
&
57,107 (Dep't of Labor Oct. 29, 1997) (identifying a safety program rule
among

the Department's regulatory priorities).

n14. The industry challengers contended that because CCP used particular information on individual companies to target them for inspection, it was not a neutral inspection plan and could not be justified under the relaxed Fourth Amendment standard for "administrative" searches. Instead, industry argued, CCP had to satisfy normal standards of probable cause. The court did not reach this argument because it invalidated CCP on the procedural grounds identified above.
See <=56> U.S. Chamber of Commerce, 174 F.3d at 208.

n15. See <=57> 29 U.S.C. 657(f)(1) (2000).

n16. See <=58> Amended Motion of Ford Motor Company for Leave to Intervene,
U.S. Chamber of Commerce v. U.S. Dep't of Labor, 174 F.3d 206 (D.C. Cir. 1999)
(No. 98-1036).

n17. <=59> 29 U.S.C. 660(c) (2000).

n18. 29 C.F.R. 1978.112 (2000).

n19. The overtime requirement and professional exemption are at <=60>
29
U.S.C. 207 and 213(a)(1) (2000), respectively. Labor Department regulations requiring professionals to be paid on a salary basis are at 29 C.F.R. 541.312 & 541.118 (2000). Note that the Labor Department has no authority to require payment on a salary basis; its statutory authority is merely to define what it means to be an exempt professional. See <=61> 29 U.S.C. 213(a)(1) (2000).
By making payment on a salary basis part of the definition of an exempt professional, however, the Department effectively has required that professionals (and executives and administrative employees) be salaried - the penalty for non-compliance is that exempt status is lost and the company owes often considerable backpay. This salary-basis requirement increasingly is at odds with how professionals wish to be compensated, as more and more seek part-time arrangements, stock options, and the like.

This appears to be a common problem in administrative law: An agency's definitional authority to determine the coverage of a regulation functions as de facto regulation of those who properly are - and wish to remain - outside the regulation's ambit. This de facto regulation sometimes operates as to matters well outside the agency's statutory mandate. In further defining what it means to be an exempt, "salaried" employee, for instance, the Labor Department has developed intricate requirements that professionals (and executives and administrative employees) be paid for jury duty and part-day absences, see 29 C.F.R. 541.118(a)(4) (2000), even though the governing statute regulates only how much employees are paid when they work. Consider also the Transportation Department's proposed amended "hours of service" rules: The Department's statutory authority is to regulate the hours that truckers drive, in order

to
avert accidents caused by fatigue. The Department sensibly recognizes that
some
companies do little driving and therefore warrant less scrutiny - but in
defining which companies will receive less scrutiny, the proposed rules
restrict
those companies' ability to drive the longer hours permitted to long-haul
truckers even when unusual circumstances demand it. See <=62> 65 Fed.

Reg.

25540, 25603 (proposed May 2, 2000) (to be codified at 49 C.F.R.

394.149(b)).

This exceeds the agency's regulatory authority.

n20. See <=63> Boykin v. Boeing, 128 F.3d 1279, 1281-82 (9th Cir.
1997).

n21. The FLSA does make some modest allowance for collectively bargained
wages and hours. For instance, it provides an exemption from overtime
requirements for employees whose collective bargaining agreements provide
they

will not work more than 1040 hours in a 26-week period. See <=64> 29

U.S.C.

207(b)(1) (2000). More leeway for union-negotiated compensation plans is
warranted.

n22. <=65> 500 U.S. 20 (1991). n23. See <=66> Duffield v. Robertson Stephens & Co., 144
F.3d 1182,
1190

(9th Cir. 1998), cert. denied, <=67> 525 U.S. 996 (1998).

n24. See <=68> Desiderio v. NASD, Inc., 191 F.3d 198, 203 (2d Cir.
1999)

(collecting cases).

n25. Of the federal courts of appeals to consider the issue, only one,
the

Fourth Circuit in <=69> Austin v. Owens-Brockway Glass Container, Inc.,
78

F.3d 875, 885 (4th Cir. 1996), has ruled that a union agreement may subject
discrimination claims to mandatory binding arbitration. See <=70> Air
Line

Pilots Ass'n, Int'l v. Northwest Airlines, Inc., 199 F.3d 477, 484 (D.C.
Cir.

2000), cert. denied, <=71> 121 S. Ct. 565 (2000) (collecting cases).

n26. <=72> 415 U.S. 36 (1974).

n27. See supra note 25.

n28. <=73> Wright v. Universal Mar. Serv. Corp., 525 U.S. 70, 75-77
(1998)

(reviewing a Fourth Circuit decision requiring an employee to arbitrate his
discrimination claim pursuant to a collective bargaining agreement). The
unanimous Court declined to address whether Gilmer overruled
Gardner-Denver.

See

<=74> id. at 77. The Court merely said that if it were to rule that
unions

could "waive" a "judicial forum" for discrimination claims, then this
(hypothetical) rule would require any such "waiver" to be "clear and
unmistakable." <=75> Id. at 79-80. The Court found that the purported
waiver

in the union contract at issue was not clear and unmistakable, and applying
the

hypothetical rule it had not yet adopted - declined to order arbitration.

<=76> Id. at 81-82. This awkward decision suggests that a number of
Justices

are prepared to expressly overrule Gardner-Denver, an issue that is likely

to
confront the Court again soon.

n29. See <=77> Air Line Pilots Ass'n, 199 F.3d at 485.

n30. See <=78> id. at 486. In unsuccessfully seeking Supreme Court review of the D.C. Circuit's decision, the union noted that it would be "far more consistent with the fundamental goals of both [the labor laws] and the federal anti-discrimination statutes" to enable unions to negotiate pre-dispute arbitration agreements for discrimination claims. <=79> Petition for a Writ of Certiorari at 13, Air Line Pilots Ass'n, Int'l v. Northwest Airlines, Inc., 199 F.3d 477 (D.C. Cir. 2000) (No. 00-260).

n31. In an article proposing a variety of labor law reforms, Professor Samuel Estreicher argued that a similar loosening of employment regulation of unionized companies would "enhance the benefits that collective bargaining can offer for comprehensive resolution of employment disputes." Samuel Estreicher, Freedom of Contract and Labor Law Reform: Opening Up the Possibilities for Value-Added Unionism, <=80> 71 N.Y.U. L. Rev. 827, 844-48 (1996). He suggested that "it may be appropriate to allow the workers as a group, acting through their union, to trade [FLSA wage and hour] protections, at least to some extent, for other terms considered more advantageous to their interests." <=81> Id. at 848. For instance, "salaried status without overtime might be preferred if it also meant greater flexibility in work schedules." Id. He also recommended binding arbitration of discrimination claims, provided the employee is given a chance to make an "election of remedies." <=82> Id. at 846-47.

Similarly, MIT Professor Thomas Kochran, President of the Industrial Relations Research Association ("IRRA"), has suggested that in the case of "responsible" employers with labor unions or other effective means of employee representation, the government should "provide more flexibility" in achieving "labor policy objectives." Kochran identified safety and health, wage and hour, family and medical leave, and nondiscrimination as regulatory areas where this flexibility would be appropriate. Thomas A. Kochran, Building a New Social Contract at Work: A Call to Action, in Proceedings of the 52nd Annual Meeting 17-18 (IRRA 2000); see also William J. Kilberg, former Solicitor of Labor, Statement Before the Dunlop Commission on the Future of Worker Management Relations (February 24, 1994) ("if it wishes to give a shot in the arm to unions ... , the Commission must consider relief from myriad federal and state rules for employers whose employees are represented by truly independent parties."). But see <=83> Livadas v. Bradshaw, 512 U.S. 107 (1994). Livadas illustrates the Supreme Court's occasional suggestion that unionized companies alone must be doubly regulated, once by their union and again by the government. The

defendant

state agency had adopted a policy of not prosecuting wage payment claims by employees protected by a collective bargaining agreement, if the agreement enabled employees to challenge the denial of wages through arbitration. The Court held this violated <=84> 42 U.S.C. 1983.

n32. See generally John Sweeney, Address to American Bar Association Labor

and Employment Law Section, in Daily Lab. Rep., July 12, 2000, at E-44.

Sweeney

commended unions' ability to combat employment discrimination and vindicate other federal employment rights, noting, in contrast, that government "has not

been and will not be able to effectively enforce employment laws," and that "limited resources, lack of legal sophistication and fear limit the effectiveness of private enforcement." Id. "While labor laws and employment laws

may occupy separate sections of the statute books, they can be kept apart only

in law school classrooms," Sweeney urged. Id.

n33. <=85> Vaca v. Sipes, 386 U.S. 171, 197-98 (1967).

n34. Transcript on file with author.

n35. See <=86> 42 U.S.C. 2000e-2(c) (2000).

n36. A different problem that should not be overlooked, however, is unions'

occasional abuse of federal enforcement authority. Consider ousted Teamsters

President Ron Carey, articulating to company management his opposition to their decision to discipline a Teamster member for unsafe conduct: "You think

you're so safety conscious - we'll see how fking safety conscious you are. I'll

have OSHA in here seven days a week just to break your balls! ... I'm going to

fk with you every way I can think of." Transcription on file with author; see

also General Accounting Office, OSHA Inspections at Establishments Experiencing

Labor Unrest 7 (August 31, 2000) (reporting that "the OSHA inspection rate at

establishments that experienced labor unrest during fiscal years 1994 through

1998 was 6.5 times higher ... than at establishments that did not experience

such unrest").

n37. See <=87> 29 U.S.C. 158(a)(2) (2000).

Many discrimination lawyers, meanwhile, know as much about the NLRA as your average telecommunications lawyer.

Our federal labor and employment laws and policy embody the same disjunction: Federal employment laws are written and enforced with little regard to whether the workforce they are [*490] applied to is unionized. This Article argues that this state of affairs is one unions and business - and hence, roughly speaking, Democrats and Republicans - should want to end.

I.

The NLRA was one of the first federal laws to regulate the workplace and reflects a very different approach toward regulation than federal "employment" laws. It is constitutive, intended to establish a framework by which employees may achieve for themselves the things the employment laws provide by direct intervention. Specifically, the NLRA establishes and protects workers' right to act collectively to improve the terms and conditions of their employment. It is intended to set a rough parity between labor and management, so the two may contend on a relatively level playing field to achieve employment terms that improve the workers' lot without bankrupting the company (what we management lawyers call killing the goose that lays the golden egg).

Federal employment laws, most of which post-date the NLRA, supply directly many of the things that labor unions strive to achieve through bargaining. <=3> n2 Unions bargain for increased wages, for instance; the Fair Labor Standards Act ("FLSA") directly establishes a minimum wage and requires overtime pay at time-and-a-half for most employees working past 40 hours a week. <=4>

n3 Workplace safety often is an important union bargaining objective and also is the objective of the Occupational Safety and Health Administration ("OSHA"). <=5> n4 Similarly, the Family and Medical Leave Act <=6> n5 entitles workers to a leave of absence when the worker or a close family member has a serious health condition; collective bargaining agreements typically provide similar (or better) benefits.

Unions are among the principal advocates of employment [*491] regulation. By raising costs for rival non-union companies, employment regulations help union companies preserve market share and thus protect union jobs and wages. Employment laws also raise the floor from which unions commence negotiations. And of course, many union leaders advocate employment regulation in the genuine altruistic belief that it will improve workers' conditions generally. There is a substantial academic literature, however, suggesting that by boosting direct

employment regulation, unions gradually have put themselves out of business.

The more that favorable pay, benefits, and working conditions are set by the United States Congress, the less workers see a point in paying union dues to achieve the same things. <=7> n6 Today 9.4 percent of the private-sector workforce is unionized, <=8> n7 compared with approximately 16.8 percent in 1983 <=9> n8 and 38 percent in 1956. <=10> n9

There is also a substantial academic literature, sympathetic to unions, which contends that the real cause of unions' decline is increased business hostility toward unions. This literature maintains that over the years "rogue employers" have perfected methods of flouting the labor laws, and thus have been able to prevent employees from organizing and, on those rare occasions when unions manage to win an election, have [*492] prevented them from achieving collective bargaining agreements. <=11> n10 The playing field is not level after all, these critics argue, and the solution is to amend the labor laws to arm unions with some of the gleaming weaponry of the plaintiffs' bar, such as punitive damages. <=12> n11

This Article suggests that instead of attempting to revive the American labor movement by adjusting the relative might of labor and management under the NLRA, the new Administration should consider an integrated labor and employment policy that gives management less reason to oppose unionization. For a Republican President, this would mean viewing unionization as an alternative means of regulating the employment relationship, a means that has more in common with conservative principles of limited government than does direct intervention through employment laws. For a Democratic President, this would mean honoring a core party principle: faith in labor unions. For all of us, it would mean ending our anti-union federal employment policy.

II.

When I say federal employment policy is anti-union, I mean that federal employment laws take little account of the advantages unionization is supposed to give workers, and sometimes treat unions as less capable of vindicating employee [*493] interests than individual workers acting on their own behalf.

Employees often know better than Washington bureaucrats how to improve their workplace: This Republican-sounding principle animated the most ambitious OSHA enforcement program of the Clinton Administration. In 1997 OSHA unveiled its "Cooperative Compliance Program" ("CCP"), which offered companies a sharply reduced likelihood of inspection if they adopted a set of safety measures not currently required by existing OSHA regulations. <=13> n12 The central

measure gave employees a leading role in identifying and correcting workplace hazards.

This "Cooperative Compliance Program" improperly sought to force new obligations on employers without notice and comment rulemaking (employers dubbed it the "Coercive Compliance Program"), and for that reason was invalidated by the D.C. Circuit. <=14> n13 But the program was right in its premise that workplaces where employees are empowered to address safety and health conditions are less in need of government scrutiny. Exempting such workplaces from neutral inspection programs (such as CCP purported to be <=15> n14) is especially sensible since those inspections programs are not OSHA's only means of targeting employers for inspection - employees can also trigger inspection by complaining to OSHA of unsafe conditions. <=16> n15 Thus, unionized employees whose workplace was fully exempt from programmed OSHA inspections could still summon OSHA inspectors if the company failed to address safety problems the union identified.

[*494] OSHA's CCP program did not seem to recognize that a company with a labor union might already, for decades, have had just the sort of effective employee involvement in safety that CCP was intended to foster. The program allowed no presumption that unionized companies already had employee involvement in safety, for instance, even though workplace safety is a basic union objective. And the program set out a blueprint for employee safety programs that seemed unaware of methods of employee participation that had worked for sixty-five years under federal labor law. When CCP was stayed by the D.C. Circuit and later struck down, OSHA reverted to a programmed inspection plan that focused heavily on companies that were unionized - at least thirteen facilities of Ford Motor Company were targeted, for instance. <=17> n16 How odd for OSHA to concentrate so heavily on one of the most successfully unionized companies in the country, a company regarded as having developed an especially sophisticated safety program with its union.

In fact, however, it is quite common for federal employment laws to give little if any consideration to unions' capacity to regulate employer behavior. A few examples:

. The OSH Act contains a whistleblower protection provision that prohibits employers from discriminating against an employee for making a complaint to OSHA. <=18> n17 Regulations implementing the provision suggest that if an employee complains of retaliation to OSHA and to his union, the agency should consider awaiting the outcome of the labor-management dispute resolution process. If that process is "fair and regular" and its result consistent with the OSH Act, OSHA is to consider deferring to the result. <=19> n18 I have handled numerous whistleblower cases under the OSH Act, and virtually every time pointed the agency to its own regulations and urged that it defer to a

labor-management grievance and arbitration process. The agency has never agreed.
One investigator told me the policy was to defer to the grievance [*495] and arbitration process only if the employee consented. This is deference to the employee; it shows no respect for unionization or the process employees collectively have put in place to protect their rights.

. The Fair Labor Standards Act - which governs minimum wages and overtime

- also generally is applied without regard to whether the compensation plan at issue is established unilaterally by the employer, or instead is the product of negotiation with, and perhaps the insistence of, a labor union. I helped defend an aerospace manufacturer a few years ago in a putative class action by engineers who claimed the company had erred in classifying them as "professionals" exempt from the overtime requirement of the FLSA. Labor Department regulations require that exempt professionals perform professional duties and be paid on a "salary basis." <=20> n19 These engineers performed professional duties, and under their [*496] collective bargaining agreement they received salaries as high as \$ 120,000. The agreement also provided overtime pay, but at a straight-time rate rather than at time-and-a-half as the FLSA requires for non-exempt workers. The plaintiffs claimed that because they were paid overtime, they were not truly "salaried" professionals but were non-exempt workers entitled to overtime at time-and-a-half. That is, plaintiffs' claim was that because they were paid overtime, their rights had been violated. Had their union not successfully bargained for overtime, they literally would have had no complaint at all.

The court dismissed the case on the ground that plaintiffs' receipt of overtime pay over and above their generous salaries did not spoil their exempt status. <=21> n20 It would have been equally sensible, and more direct, for the court to rule that workers could not collectively challenge a generous compensation package they previously collectively had bargained for through their certified representative. Current law does not permit such an argument, however. <=22> n21

. Under the civil rights laws, pre-dispute arbitration agreements entered into by employees individually are given more force than similar agreements negotiated by powerful labor unions acting on employees' behalf. In *Gilmer v. Interstate/Johnson Lane Corp.*, <=23> n22 the plaintiff sued his employer for age discrimination. The employer objected that the plaintiff, as a condition of employment, had contracted to arbitrate discrimination claims. The Supreme Court agreed and enforced the arbitration agreement. Every federal appellate circuit to consider the issue but one - the Ninth Circuit <=24> n23 - has

extended
Gilmer's holding to Title VII and other discrimination laws. <=25> n24
Such
pre-dispute arbitration agreements are now in wide use, [*497] as
businesses
seek to resolve employment disputes more expeditiously and with less cost
for
all parties.

Normally employees sign such pre-dispute arbitration agreements when
they
are
hired, with little deliberation or negotiation. Those who criticize using
the
agreements to exclude civil rights plaintiffs from court contend there is
unequal bargaining power between the lone employee who may desperately need
the
income and, on the other hand, a large company with (supposedly) numerous
qualified applicants from which to choose. Suppose, then, that a mandatory
arbitration agreement is not entered into as a condition of employment, and
suppose it is not entered into by a lone, unrepresented employee but by a
labor
union thousands of members strong with the capacity to inflict a punishing
strike if the company does not come to terms - well, in that event, the
agreement is wholly unenforceable in nearly every federal court in the
country.
<=26> n25

The source of this rule is Alexander v. Gardner-Denver Co., <=27> n26
a
1974 Supreme Court decision rooted in a distaste for arbitration in general
and
unions in particular. (1974 may have marked a low point in the nation's
confidence in labor unions, and a high point in courts' estimation of their
own
role in addressing discrimination.) The Fourth Circuit considers
Gardner-Denver
to be overruled by Gilmer; <=28> n27 the Supreme Court dodged the issue
in
a
1998 decision. <=29> n28 Thus, we have the circumstance that an [*498]
agreement achieved by a labor union - which the NLRA and theories of
collective
action presume to be a far more effective negotiating agent than an
individual
employee - is not enforceable; but an agreement signed by an individual
employee
as a condition of employment - which the employee presumably give little
attention at the time of hiring - is enforceable.

The D.C. Circuit recently took this perverse jurisprudence to its
logical conclusion, holding that because unions cannot negotiate enforceable
pre-dispute
arbitration agreements for discrimination claims, such agreements are not a
mandatory subject of bargaining with a union. <=30> n29 Therefore, the
court
ruled, an employer can enter such agreements directly with union members,
over
the union's objection and despite the labor laws' strong prohibition on
"direct
dealing" with unionized employees. <=31> n30 How odd, that mandatory
arbitration of discrimination claims has been approved and even encouraged
by
courts for a decade, but is not trusted in the context where employment
dispute
arbitration arose and has its richest history.

III.

My advice for the next President, then, is the following: End our anti-union federal employment policy; trust labor unions a bit more.

The exemption of union companies from employment regulation should not be total. But at minimum, exemption should be considered from programmed OSHA inspections and from the intricate overtime requirements of the FLSA. In addition, union-negotiated agreements to arbitrate discrimination claims ought to be given at least as much effect as the same agreements entered into by individuals. <=32> n31

[*499] Can unions be trusted to handle discrimination claims? I believe so. Indeed unions face incentives that arguably are better for employees than the financial incentives of plaintiffs' lawyers. Plaintiffs' attorneys ordinarily receive the bulk of their compensation as a percentage of the award or settlement. This creates an incentive to seek a high monetary award in lieu of other forms of relief. As enacted, Title VII espoused a primary aim of conciliation and putting victims of discrimination back to work, but that aim often is lost in a world where most discrimination claims are handled by lawyers who stand to gain more if the employee receives cash in lieu of reinstatement. I litigated one federal discrimination case where the plaintiff could not get along with her supervisor and was seeking a position in another division of the company. Shortly after her lawyers came on the scene, however, she quit her job, claimed she was forced out, and sued for constructive discharge. The constructive discharge claim was potentially more valuable to the lawyers than resolving the workplace [*500] dispute, but it proved insupportable and the plaintiff was left with a negligible settlement. By contrast, I have arbitrated a number of discrimination claims under a collective bargaining agreement that incorporates federal discrimination laws by reference. In those cases the lawyers had been retained by the union on an hourly basis, and they made sincere and persistent efforts to achieve reinstatement (as well as backpay) for the employee. <=33> n32

To be sure, some unions have had a history of discrimination and it is reasonable to question whether they always will exert themselves on behalf of women and racial minorities alleging discrimination. Unions have made great progress in integration, however, just as American business has. Perhaps more to the point, unions face serious penalties for sloughing off claims on account of the grievant's race or sex or the like: Unions owe a "duty of fair representation" to their members, and may be sued under federal law for failing to vigorously process grievances for discriminatory reasons. <=34> n33 Union representatives are quite mindful of that constraint; some confess to erring on the side of prosecuting grievances they believe are without merit to avoid

suit
for violating the duty of fair representation. In the words of one union officer:

If somebody comes in and writes a grievance, whether I believe it is contractually correct or not ... , I will process that grievance, or other grievances, because No. 1, if I don't they'll sue me, and No. 2, quite honestly,
I can pass that grievance that I feel has no merit up the food chain. It goes to the grievance panel.

...

Q [Arbitrator]: Maybe you've missed your calling. I think you should become a lawyer.

[*501] A: No, sir. You all are all nice folks, but I spend more time with you than I care to. <=35> n34

A union discriminating against a member because of race or sex may also be sued under Title VII. <=36> n35

With respect to exemption from OSHA regulation, a different objection might be raised: What do unions know about permissible exposure limits for toxic substances and other difficult scientific questions, on which OSHA has (some) expertise? A regime that gave employers and unions more latitude under the safety and health laws need not require unions to eschew federal regulations, however. The union could still negotiate for the workplace to be covered by specific OSHA regulations, for instance, but might provide that OSHA rules incorporated by reference in the collective bargaining agreement would be enforced by the union through the agreement's processes, rather than by the agency through federal enforcement actions. Or, the degree of exemption could be varied, depending, for instance, on the obviousness of the hazard being regulated. At minimum, it would seem there is little value to OSHA conducting "random" inspections of unionized workplaces: The union is there to identify safety and health problems, take them up with the employer and then, if a satisfactory resolution is not achieved, either to arbitrate the claim (if covered by the collective bargaining agreement) or to complain to OSHA as a last resort. <=37> n36 This approach would preserve OSHA's resources and enable it to concentrate on other, non-union companies; would credit the agency's belief that companies with employee involvement in safety are less in [*502] need of inspection; and would show appropriate respect toward American labor unions and our federal labor law.

And if some day unions became so attractive that employers formed phony ones to stave off federal regulation, labor law provides an answer to that too: The NLRA prohibits employers from propping up "company-dominated" unions in lieu

of the real thing. <=38> n37

CONCLUSION

Labor unions are not perfect. Full exemption of unionized companies from federal regulation would be a mistake. There are additional factors to be considered before implementing even the modest exemptions sketched out above. But those in government who profess confidence in labor unions need to consider how federal employment law could better reflect that faith. And those in government who advocate less federal regulation, and more local control, need to consider how unions could help bring that about.

FOOTNOTES:

n1. <=39> 29 U.S.C. 141-187 (2000) (codifying the NLRA, as amended).

n2. The NLRA was enacted in 1935. NLRA, ch. 372, 42 Stat. 449. The Fair Labor Standards Act ("FLSA") is the oldest significant federal employment law. It was enacted in 1938. FLSA, ch. 676, 1, 52 Stat. 1060 (codified at <=40> 29 U.S.C. 201-219 (2000)).

n3. The minimum wage and overtime provisions are at <=41> 29 U.S.C. 206 and 207 (2000), respectively.

n4. <=42> 29 U.S.C. 651-675, 677, 678 (2000); <=43> 42 U.S.C. 3142-1 (2000).

n5. <=44> 29 U.S.C. 2601, 2611-2619, 2631-2636, 2651-2654 (2000); <=45> 5 U.S.C. 6381-6387 (2000).

n6. See, e.g., Leo Troy, Market Forces and Union Decline: A Response to Paul Weiler, <=46> 59 U. Chi. L. Rev. 681, 687-88 (1992) (identifying "employee opposition" as a cause for declining union membership, and citing polls indicating that workers oppose unionization because they see unions and bargaining as "irrelevant"); Henry S. Farber, Statement for the Commission on the Future of Worker-Management Relations 6 (Feb. 24, 1994) (finding a decline in employee demand for unionization and suggesting that because "government has taken over many functions of workplace regulation that used to be the domain of labor unions exclusively...[,] unions may have less to offer workers today"); Gail McCallion, Congressional Research Service, Union Membership Decline: Competing Theories and Economic Implications (August 23, 1993) (identifying increased government employment regulation as a cause for declining employee demand for unionization); Stephen E. Tallent & Kathleen E. Vagt, A Look to the Future: The Union Movement and Employment Law, in Labor Law Developments 1998, at 3-10 (Mathew Bender ed., 1998) (same); see also Robert J. Rabin, The Role

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2001 9:53:40 AM
Subject: : Re: FW: important: need review of draft PRA letter

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME:18-DEC-2001 14:53:40.00

SUBJECT:: Re: FW: important: need review of draft PRA letter

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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This message is a Read Receipt Notification

Your Message : Re: FW: important: need review of draft
PRA letter

Was Read By : Carl.Thorsen@usdoj.gov

On : Tue, 18 Dec 2001 15:42:28 -0400

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Marshall J. Rodgers/OMB/EOP@EOP [OMB] <Marshall J. Rodgers>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/18/2001 10:39:15 AM
Subject: : Re: TIME SENSITIVE LRM MJR92 - - Statement of Administration Policy on H.R. 3210 - Terrorism Risk Protection Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:18-DEC-2001 15:39:15.00
SUBJECT:: Re: TIME SENSITIVE LRM MJR92 - - Statement of Administration Policy on H.R. 3210 - Terrorism Risk Protection Act
TO:Marshall J. Rodgers (CN=Marshall J. Rodgers/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Re the draft SAP:

1. In the first sentence, insert "help" before "provide".
2. To make clear the various references to different bill texts in the SAP --

-- in the first sentence of the second paragraph, strike "Senate version of" and insert in lieu thereof "amendment in the nature of a substitute to".

--strike "final enactment of the bill" and insert in lieu thereof "enactment into law of the Senate substitute".
3. Add the following new paragraph at the end of the SAP:

"Section 6(h) of the Senate substitute relating to Comptroller General access to information would be construed in a manner consistent with constitutional provisions relating to the separation of powers. Section 10 of the Senate substitute does not, and should not, affect existing U.S. law regarding the immunities of foreign sovereigns."

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 12/18/2001 12:13:37 PM
Subject: : JSC Meeting Schedule

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-DEC-2001 17:13:37.00

SUBJECT:: JSC Meeting Schedule

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00138125

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Wednesday, December 19 Canceled

Wednesday, December 26 Canceled

Wednesday, January 2* Normal time of 4:00 pm -

*Will likely be a short meeting to provide updates and discuss strategy.

From: Roberta.McInerney@do.treas.gov [UNKNOWN]
To: Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Edward.Demarco@do.treas.gov [UNKNOWN] <Edward.Demarco@do.treas.gov>
Sent: 12/18/2001 12:57:13 PM
Subject: : RE: Draft SAP for Senate Terrorism Insurance bill - 2nd draft

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:18-DEC-2001 17:57:13.00

SUBJECT:: RE: Draft SAP for Senate Terrorism Insurance bill - 2nd draft

TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Edward.Demarco@do.treas.gov (Edward.Demarco@do.treas.gov [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Sorry I wasn't available to respond to this until now. The addition looks fine to me. However, I agree with Martha's comment below; it's important to ensure the statement is accurate.

-----Original Message-----

From: Ellett, Martha

Sent: Tuesday, December 18, 2001 2:41 PM

To: 'Brett_M_Kavanaugh@who.eop.gov'

Cc: McInerney, Roberta

Subject: RE: Draft SAP for Senate Terrorism Insurance bill - 2nd draft

I have no comment, other than are we sure the second sentence is accurate?
thanks, Martha Ellett

-----Original Message-----

From: Brett_M_Kavanaugh@who.eop.gov

[mailto:Brett_M_Kavanaugh@who.eop.gov]

Sent: Tuesday, December 18, 2001 2:14 PM

To: Roberta.McInerney@do.treas.gov

Cc: edward.demarco@do.treas.gov; sheila.bair@do.treas.gov;

peter.fisher@do.treas.gov; D_Marcus_Sumerlin@opd.eop.gov;

Matthew_Kirk@who.eop.gov; Brian_C_Conklin@who.eop.gov;

Randall_S_Kroszner@cea.eop.gov; Kristen_Silverberg@who.eop.gov;

mario.ugoletti@do.treas.gov; martha.ellett@do.treas.gov;

amy.smith@do.treas.gov

Subject: RE: Draft SAP for Senate Terrorism Insurance bill - 2nd draft

Proposal to add to SAP:

Reasonable litigation management procedures are an essential element of any

terrorism insurance bill. For many companies facing rising insurance premiums, the increased costs result almost entirely from the risk of litigation. In addition, the federal program exposes taxpayer dollars, and

litigation management procedures are therefore necessary to manage excessive

and unnecessary costs resulting from litigation. Finally, litigation procedures will ensure an orderly process that will help resolve claims more

expeditiously and thereby benefit plaintiffs and defendants alike.

REV_00138164

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 12/18/2001 1:09:27 PM
Subject: RECEIVED: POLICY CALL NEEDED

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2001 18:09:27.00
SUBJECT:RECEIVED: POLICY CALL NEEDED
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
POLICY CALL NEEDED
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
12/18/2001 06:07:40 PM

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 12/18/2001 1:24:58 PM
Subject: : Who is working on the RE-insurance bill?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-DEC-2001 18:24:58.00

SUBJECT:: Who is working on the RE-insurance bill?

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Marshall J. Rodgers/OMB/EOP [OMB] <Marshall J. Rodgers>
Sent: 12/18/2001 1:45:36 PM
Subject: RECEIVED: State comments on H.R. 3210 - Terrorism Insurance SAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2001 18:45:36.00
SUBJECT:RECEIVED: State comments on H.R. 3210 - Terrorism Insurance SAP
TO:Marshall J. Rodgers (CN=Marshall J. Rodgers/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
State comments on H.R. 3210 - Terrorism Insurance SAP
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
12/18/2001 06:45:19 PM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Marshall J. Rodgers/OMB/EOP [OMB] <Marshall J. Rodgers>
Sent: 12/18/2001 1:45:37 PM
Subject: RECEIVED: State comments on H.R. 3210 - Terrorism Insurance SAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2001 18:45:37.00
SUBJECT:RECEIVED: State comments on H.R. 3210 - Terrorism Insurance SAP
TO:Marshall J. Rodgers (CN=Marshall J. Rodgers/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
State comments on H.R. 3210 - Terrorism Insurance SAP
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
12/18/2001 06:45:19 PM

From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Marshall J. Rodgers/OMB/EOP@EOP [OMB] <Marshall J. Rodgers>
Sent: 12/18/2001 1:47:30 PM
Subject: : Re: POLICY CALL NEEDED

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-DEC-2001 18:47:30.00
SUBJECT:: Re: POLICY CALL NEEDED
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Marshall J. Rodgers (CN=Marshall J. Rodgers/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Bill will not be on the floor any earlier than 130pm tomorrow. We have time for comments. Matt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 12/19/2001 2:55:20 AM
Subject: RECEIVED: FINAL CLEARANCE- SAP, H.R. 3210-Terrorism Risk Insurance Protection Act
(Senate substitute)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 07:55:20.00
SUBJECT:RECEIVED: FINAL CLEARANCE- SAP, H.R. 3210-Terrorism Risk Insurance Protection Act
(Senate substitute)
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
FINAL CLEARANCE- SAP, H.R. 3210-Terrorism Risk Insurance Protection Act (Senate substitute)
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
12/19/2001 07:54:45 AM

REV_00138173

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 12/19/2001 2:55:21 AM
Subject: RECEIVED: FINAL CLEARANCE- SAP, H.R. 3210-Terrorism Risk Insurance Protection Act
(Senate substitute)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 07:55:21.00
SUBJECT:RECEIVED: FINAL CLEARANCE- SAP, H.R. 3210-Terrorism Risk Insurance Protection Act
(Senate substitute)
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
FINAL CLEARANCE- SAP, H.R. 3210-Terrorism Risk Insurance Protection Act (Senate substitute)
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
12/19/2001 07:54:44 AM

REV_00138174

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Whelan, M Edward III
<M.Edward.Whelan@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Burton, Faith
<Faith.Burton@usdoj.gov>; Collins, Dan <Dan.Collins@usdoj.gov>; Durham, John
<John.Durham@usdoj.gov>; Herbert, James <James.Herbert@usdoj.gov>; Horowitz,
Michael-CRM <Michael.Horowitz3@usdoj.gov>; Martens, Matthew
<Matthew.Martens@usdoj.gov>
CC: Bryant, Dan <Dan.Bryant@usdoj.gov>; Bybee, Jay <Jay.Bybee@usdoj.gov>; Chertoff, Michael
<Michael.Chertoff@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>
Sent: 12/19/2001 4:26:16 AM
Subject: : RE: Updated Draft of the Burton Letter

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME:19-DEC-2001 09:26:16.00

SUBJECT:: RE: Updated Draft of the Burton Letter

TO:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Durham, John" <John.Durham@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Durham, John" <John.Durham@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Herbert, James" <James.Herbert@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Herbert, James" <James.Herbert@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) ("Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM

REV_00138175

Return Requested) ("Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please disregard this draft. OLC now has the pen on this letter and will be circulating their draft for comments.

-----Original Message-----

From: Thorsen, Carl

Sent: Tuesday, December 18, 2001 7:22 PM

To: Whelan, M Edward III; Colborn, Paul P; Burton, Faith; Horowitz, Michael-CRM; Martens, Matthew; Collins, Dan; Durham, John; Herbert, James

Cc: Bryant, Dan; Chertoff, Michael; Bybee, Jay;

'brett_m._kavanaugh@who.eop.gov'; Thorsen, Carl

Subject: Updated Draft of the Burton Letter

Subject to WH Counsel approval, I think OLA is fine with the OLC revision. Attached is that revised draft (with what Faith told me are John Durham's edits incorporated) (please ignore any minor typos, i was cutting/pasting and moving fast; be assured this letter will be pristine before its signed and sent).

Please review this draft and provide additional edits/suggestions directly to Faith and me ASAP. We'd like to send this letter by noon tomorrow if possible. Thanks.

<< File: burton.1218.wpd >>

Carl Thorsen

Deputy Assistant Attorney General

Office of Legislative Affairs

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

REV_00138176

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Burton, Faith <Faith.Burton@usdoj.gov>; Collins, Dan <Dan.Collins@usdoj.gov>; Durham, John <John.Durham@usdoj.gov>; Herbert, James <James.Herbert@usdoj.gov>; Horowitz, Michael-CRM <Michael.Horowitz3@usdoj.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>
CC: Bryant, Dan <Dan.Bryant@usdoj.gov>; Bybee, Jay <Jay.Bybee@usdoj.gov>; Chertoff, Michael <Michael.Chertoff@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2001 4:26:20 AM
Subject: : RE: Updated Draft of the Burton Letter

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:19-DEC-2001 09:26:20.00

SUBJECT:: RE: Updated Draft of the Burton Letter

TO:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Durham, John" <John.Durham@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Durham, John" <John.Durham@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Herbert, James" <James.Herbert@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Herbert, James" <James.Herbert@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00138177

End Original ARMS Header

I think that the wrong draft was attached.

-----Original Message-----

From: Thorsen, Carl

Sent: Tuesday, December 18, 2001 7:22 PM

To: Whelan, M Edward III; Colborn, Paul P; Burton, Faith; Horowitz, Michael-CRM; Martens, Matthew; Collins, Dan; Durham, John; Herbert, James

Cc: Bryant, Dan; Chertoff, Michael; Bybee, Jay;

'brett_m._kavanaugh@who.eop.gov'; Thorsen, Carl

Subject: Updated Draft of the Burton Letter

Subject to WH Counsel approval, I think OLA is fine with the OLC revision. Attached is that revised draft (with what Faith told me are John Durham's edits incorporated) (please ignore any minor typos, i was cutting/pasting and moving fast; be assured this letter will be pristine before its signed and sent).

Please review this draft and provide additional edits/suggestions directly to Faith and me ASAP. We'd like to send this letter by noon tomorrow if possible. Thanks.

<< File: burton.1218.wpd >>

Carl Thorsen

Deputy Assistant Attorney General

Office of Legislative Affairs

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

REV_00138178

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Sierra, Bryan <Bryan.Sierra@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Ayres, David <David.T.Ayres@usdoj.gov>; Tucker, Mindy <Mindy.Tucker@usdoj.gov>; Dryden, Susan <Susan.Dryden@usdoj.gov>; Fisher, Alice <Alice.Fisher@usdoj.gov>; 'crm.bonda:mhorowit.MAIN(CRM)%CRM2' <"/S=crm.bonda#c#mhorowit.MAIN##CRM#r#/CRM2/P=GOV+DOJ/A=TELEMAIL/C=US/"@intmail.usdoj.gov>; Michael <Michael.Chertoff@usdoj.gov>; Michael <Michael.Chertoff@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2001 6:49:39 AM
Subject: : RE: Burton press cionf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:19-DEC-2001 11:49:39.00
SUBJECT:: RE: Burton press cionf
TO:"Sierra, Bryan" <Bryan.Sierra@usdoj.gov> (Receipt Notification Requested) ("Sierra, Bryan" <Bryan.Sierra@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Ayres, David" <David.T.Ayres@usdoj.gov> (Receipt Notification Requested) ("Ayres, David" <David.T.Ayres@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) ("Tucker, Mindy" <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dryden, Susan" <Susan.Dryden@usdoj.gov> (Receipt Notification Requested) ("Dryden, Susan" <Susan.Dryden@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Fisher, Alice" <Alice.Fisher@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Fisher, Alice" <Alice.Fisher@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'crm.bonda:mhorowit.MAIN(CRM)%CRM2'" <" ("'crm.bonda:mhorowit.MAIN(CRM)%CRM2'" <"/S=crm.bonda#c#mhorowit.MAIN#l#CRM#r#/O=CRM2/P=GOV+DOJ/A=TELEMAIL/C=US/"@intmail.usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) ("Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Here is the article from Sunday's Phil Inquirer.

U.S. overstates arrests in terrorism

By Mark Fazlollah and Peter Nicholas
INQUIRER WASHINGTON BUREAU

WASHINGTON - The Department of Justice has overstated its record of arresting and convicting terrorists for years, inflating the numbers it gives Congress with garden-variety crimes that have no connection to terrorism.

The practice has continued even after Sept. 11, when attacks on New York's

REV_00138180

World Trade Center and the Pentagon underscored the horror of real terrorism.

Current and former Justice Department officials say the reports showing inflated terrorism convictions are provided to Congress as supporting material to justify the department's \$22 billion annual budget, which includes counterterrorism funding.

"It's awful," said Sen. Arlen Specter (R., Pa.), a former Intelligence Committee chairman, after The Inquirer showed him some of the cases classified as terrorism. "It's more than problem-some - it's awful."

Cases labeled as terrorism involve erratic behavior by people with mental illnesses, passengers getting drunk on airplanes, and convicts rioting to get better prison food. There were the Mexican who concocted a phony passport application, the former court employee who shoved and threatened a judge, the babbling man who walked into an FBI office and threatened to kill former President Bill Clinton - though he didn't realize Clinton was no longer president.

Cases such as these, improperly labeled as terrorism, continue to wind through the court system.

In one vivid example, an assistant U.S. attorney in San Francisco asked U.S. District Judge Marilyn H. Patel on Monday to stiffen a sentence against an Arizona man who got drunk on a United Airlines flight from Shanghai, repeatedly rang the call button, demanded more liquor, and put his hands on a flight attendant. Justice Department records show the case as "domestic terrorism."

The judge told the prosecutor who argued the case that it wasn't terrorism - rather a man "being an annoyance beyond belief."

The most recent Justice Department annual report, issued in May, says that in the fiscal year ending in September 2000, FBI investigations led to 236 terrorism convictions. That number is generated from an FBI computer system that follows criminal cases from beginning to end.

"I promise you there weren't 200 convictions in the last year for what you and I think of as terrorism," said Thomas G. Connolly, who served as an assistant U.S. attorney in suburban Washington and received the CIA's Intelligence Medallion for his prosecution of CIA-agent-turned-Russian-spy James Nicholson in 1997.

On Friday, Patrick J. Leahy (D., Vt.) said he wants information from the Justice Department to explain what is being classified as "terrorism."

"As the department seeks new power in terrorism cases, it is important that we know the types of cases that the department is trying to sweep within that definition," said Leahy, chairman of the Senate Judiciary Committee.

In testimony before Congress this month, Attorney General John Ashcroft gave a succinct definition of a terrorist: "Since 1983, the U.S. government has defined terrorists as those who perpetrate premeditated, politically motivated violence against noncombatant targets."

The Justice Department did not respond to repeated written requests for comment about terrorism statistics. One department official, who did not want to be named, said she would not "rule out" the possibility that benign cases find their way into the terrorism category.

Assistant U.S. Attorney Matthew Jacobs of the federal prosecutor's office in San Francisco said that "from our perspective, you shouldn't read too much into the categorization."

During the last three years, San Francisco listed more "domestic terrorism" cases than any of the 93 other U.S. attorneys' offices. From

September 1998 until September 2001, the San Francisco office was headed by Robert S. Mueller, now director of the FBI.

Why are the numbers important?

Statistics on arrests and convictions, including those related to the hot-button issue of terrorism, are a measuring stick for the Justice Department. They are submitted to the department's outside auditors, used to assess the performance of the U.S. attorneys' offices, and made available to the public in an annual report.

"In some ways, the Justice Department continues to operate under the body count approach in Vietnam," said Jonathan Turley, who teaches constitutional criminal procedure at George Washington University Law School. "They feel a need to produce a body count to Congress to justify past appropriations and secure future increases."

The government would not release details of the 236 cases identified as terrorism in the Justice Department's latest annual report.

But The Inquirer reviewed dozens of cases over a five-year period ending Sept. 30. The information was obtained under the Freedom of Information Act by Syracuse University's TRAC Resource Center, which collects data from various federal agencies.

Some of the cases listed as terrorism were clearly a stretch. Here is a sampling:

A tenant fighting eviction called his landlord, impersonated an FBI agent, and said the bureau did not want the tenant evicted. The landlord recognized the man's voice and called the real FBI.

A man from Ecuador tried to hide 12 pistols in a television set he was sending home from Miami. He admitted he planned to resell the guns for a profit in Ecuador.

A commercial pilot in Seattle pleaded guilty to falsely implicating his copilot in a bogus plot to hijack a private airplane. The case boiled down to two men feuding.

Seven Chinese sailors were convicted of taking over a Taiwanese fishing boat and sailing to the U.S. territory of Guam, where they hoped to win political asylum.

A man under treatment in California told his doctor he needed anti-psychotic medication because he was hearing voices telling him to kill President Bush.

Others clearly did involve terrorism, such as the bombing of Khobar Towers in Saudi Arabia in 1996, and the conviction of Algerian Ahmed Ressay in a plot to bomb Los Angeles International Airport two years ago. The records also included the Sept. 27 arrest of three men in a Detroit apartment allegedly occupied by an associate of Osama bin Laden.

And the indictment of Zacarias Moussaoui, a suspected al-Qaeda conspirator in the Sept. 11 attacks, appears certain to fall into the terrorism category.

Some federal prosecutors expressed concern about the cases that clearly do not measure up.

Karon Johnson, an assistant U.S. attorney who won conviction of the seven Chinese sailors for commandeering the boat, said the goal of the men was to find jobs, not practice terror. "This isn't a political crime - this is economic," she said.

Prosecutors said there has been confusion about the definition of terrorism, and there have been no recent instructions from the Justice

Department to clarify it in coding cases.

In any case, prosecutors usually are not responsible for the terrorism classification. That is often left to the discretion of supervisors or others in the U.S. attorneys' offices across the country.

"There's a great desire to take any case, and incident, and place it under the terrorism category to show some return for all these appropriations," said Turley, of George Washington University Law School.

Sen. Judd Gregg (R., N.H.), the ranking member of the subcommittee that oversees the Justice Department's budget, said that he did not think terrorism convictions played a part in the budget process.

But former department officials and congressional aides see a link.

"They can be used to justify overall budget increases for large swaths of the agency," said David Sirota, Democratic spokesman for the House Appropriations Committee.

The Justice Department's budget was passed into law last month. Discussions are already beginning on the fiscal year 2003 budget. The \$22 billion is used to fund prosecutions of criminal and civil cases, secure the nation's borders, and investigate a wide variety of federal crimes involving drugs, guns, civil rights - and terrorism.

Holder said: "It's just not the right thing to go up [to Capitol Hill] with numbers that aren't meaningful. It hurts your credibility."

-----Original Message-----

From: Alice Fisher

Sent: Wednesday, December 19, 2001 11:20 AM

To: Sierra, Bryan; Thorsen, Carl; Bryant, Dan; Ayres, David; Tucker, Mindy; Dryden, Susan; crm.bonda:mhorowit.MAIN(CRM)%CRM2; Chertoff, Michael

Subject: Burton press cionf

Date: 12/19/2001 11:22 am -0500 (Wednesday)

From: Alice Fisher

To: Ayres, David; Bryant, Dan; Chertoff, Michael; Dryden, Susan; Horowitz, Michael-CRM; Sierra, Bryan; Thorsen, Carl; Tucker, Mindy

Subject: Burton press cionf

I just heard that Dan Burton, along with other members, is planning a press conference today at 2 to attack DOJ and the refusal to release the Boston documents. Apparently he is going to say something along the lines of "they expect us to trust them but they are padding their terrorist numbers and statistics." I don't know what he is referring to, it could be the TRAC data statistics that came out a few weeks ago. I don't know who else will be with them or if any other member is going to speak.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP [OMB] <Danielle M. Simonetta>
Sent: 12/19/2001 7:10:35 AM
Subject: RECEIVED: Karl's comment on SAP, H.R. 3210-Terrorism Risk Insurance Protection Act (Senate substitute)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-DEC-2001 12:10:35.00
SUBJECT: RECEIVED: Karl's comment on SAP, H.R. 3210-Terrorism Risk Insurance Protection Act (Senate substitute)
TO: Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Karl's comment on SAP, H.R. 3210-Terrorism Risk Insurance Protection Act (Senate substitute)
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
12/19/2001 12:05:44 PM

REV_00138184

From: CN=Garry Malphrus/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 12/19/2001 8:16:03 AM
Subject: : Re: victim comp lawyers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:19-DEC-2001 13:16:03.00
SUBJECT:: Re: victim comp lawyers
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

So you think it would be inappropriate for us to talk to Bar Associations to find out exactly what they would be willing to coordinate and whether they would be willing to organize a "desk" of lawyers at the site? Could the Special Master's office do that?

Brett M. Kavanaugh
12/19/2001 01:03:46 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: garry malphrus/opd/eop@eop
bcc:
Subject: Re: victim comp lawyers

I agree. Indeed, I think we should stay out of the matter altogether since we are the "judge."

Robert W. Cobb
12/19/2001 12:58:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Garry Malphrus/OPD/EOP@EOP
Subject: victim comp lawyers

I have advised Garry Malphrus that instead the WH being involved in trying to develop a list of volunteer lawyers to help with claimants regarding the fund, that its okay for the President to encourage lawyers to volunteer to the relevant bar associations who can match them with claimants. What do you think?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/19/2001 4:22:03 AM
Subject: : FINAL - 10 AM MTG IN ARG'S OFFICE RE: RECORDS RELEASE

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-DEC-2001 09:22:03.00

SUBJECT:: FINAL - 10 AM MTG IN ARG'S OFFICE RE: RECORDS RELEASE

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB]
To: phil.perry@usdoj.gov @ inet [UNKNOWN] <phil.perry@usdoj.gov>; john.f.wood@usdoj.gov @ inet [UNKNOWN] <john.f.wood@usdoj.gov>; Jay Lefkowitz [OMB] <Jay Lefkowitz>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; dgreenspan@thefeinberggroup.com @ inet [UNKNOWN] <dgreenspan@thefeinberggroup.com>
Sent: 12/19/2001 4:22:56 AM
Subject: : Near Final, But Still Draft
Attachments: P_3XZ15004_OPD.TXT_1.xlw

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:19-DEC-2001 09:22:56.00
SUBJECT:: Near Final, But Still Draft
TO:phil.perry@usdoj.gov (phil.perry@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:john.f.wood@usdoj.gov (john.f.wood@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Jay Lefkowitz (Jay Lefkowitz [OMB])
READ:UNKNOWN
TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:dgreenspan@thefeinberggroup.com (dgreenspan@thefeinberggroup.com @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

These are the Excel tables that PW has put together. We need to reach closure on whether these should be the final numbers and which lines of the chart should be lined out.

----- Forwarded by Rebecca A. Beynon/OMB/EOP on
12/19/2001 09:07 AM -----

john.wills@us.pwcglobal.com
12/19/2001 08:51:32 AM
Record Type: Record

To: DGREENSPAN@THEFEINBERGGROUP.COM, Rebecca A. Beynon/OMB/EOP@EOP
cc:
Subject: Near Final, But Still Draft

Please review the attached Excel tables. I am particularly concerned about the minimum values. Please let me know if they are correct on these tables. If they are not it is now very easy to fix the tables and correct anything.

Rebecca, the tables can be readily scaled, sized, and formatted in Excel. Let me know if there are any problems with this with the people at the Federal Register and we will redo the formatting any way you wish.

My direct line is 822-4401.

----- Forwarded by John Wills/US/FAS/PwC on 12/19/2001
08:38 AM -----

Randi Firus
12/18/2001 09:29 PM
To: John Wills/US/FAS/PwC
cc:

REV_00138188

Subject: per your request

1 file attached

(See attached file: Victim Compensation Matrices With Minimums.xls)

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

- Victim Compensation Matrices With Minimums.xls

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_3XZ15004_OPD.TXT_1>

Document Produced Natively

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 12/19/2001 4:23:26 AM
Subject: : Op-ed
Attachments: P_U7025004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-DEC-2001 09:23:26.00
SUBJECT: : Op-ed
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

you will note that the draft deletes the point you found
questionable; I started to find it troubling for a somewhat different
reason, which I will explain later

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
12/19/2001 09:14 AM -----

Brett M. Kavanaugh
12/19/2001 09:02:33 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP, Anne Womack/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP, Allison L.
Riepenhoff/WHO/EOP@EOP
Subject: Op-ed

Attached is what I think is a stronger and clearer draft op-ed.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_U7025004_WHO.TXT_1>

Today, consistent with President Bush's recent executive order on Presidential records, the National Archives and Records Administration has been authorized to publicly release thousands of pages of otherwise privileged records from former President Reagan's library. These documents represent all that have been forwarded to the Administration thus far from the Reagan Library, and this is only one of what will be many routine releases of former Presidents' records, including many otherwise privileged records, pursuant to President Bush's new order.

Today's action no doubt will come as a surprise to those who have launched uninformed and unfair attacks on President Bush's recent order. The release of these records (and the anticipated release of thousands of additional pages in the near future) demonstrates that the President's order can and will facilitate appropriate public release of Presidential records.

The legal background to the President's order has been largely absent from the public debate thus far, so I will summarize it: The Presidential Records Act of 1978 provides that records of former Presidents are generally not subject to mandatory public disclosure requirements for 12 years after the end of the Presidency. After that 12-year period has elapsed, Presidential records must be made publicly available -- subject either to (i) claims by the former or current President of a constitutional privilege, including the privilege for confidential communications, or (ii) certain other legal exemptions such as national security and personal privacy.

President Bush's recent executive order was necessary to establish workable procedures and time periods for former and current Presidents to review and, if they so choose, assert constitutional privileges over sensitive Presidential records after the 12-year period has elapsed. Some critics have nonetheless contended that President Bush's recent order is inconsistent with the Presidential Records Act of 1978 on the theory that the Act itself *requires* release of Presidential records -- *including privileged records* -- after expiration of the statute's 12-year period. That is simply wrong. The Presidential Records Act expressly recognizes that former and current Presidents can assert constitutional privileges over Presidential records, including after the statutory 12-year period has elapsed.

Many also have complained that a former President should have no right to assert privileges over his records. That criticism blatantly ignores the law. The Supreme Court, in its landmark 1977 *Nixon v. GSA* decision written by Justice Brennan, definitively held that the Constitution guarantees former Presidents the right to assert privileges over their records.

Many critics of the President's order fail to mention this binding Supreme Court precedent, or the Act's express guarantee of the former and current President's right to assert privileges. Unlike the critics, however, in establishing appropriate procedures for review of Presidential records and privilege assertions, President Bush was not free to ignore the law established by the Supreme Court and Congress simply to reach a desired policy result.

A few critics also have tried to generate public and congressional criticism of the President by arguing that the order is an attempt to block the release of Presidential records. That, too, is inaccurate. The order sets up procedures for expeditious review of documents, and

appropriately refrains from indicating whether and under what circumstances privilege should be asserted.

Nor, contrary to the suggestions of some, does a requester of Presidential records need to make any showing of need to request records. If the former or current President asserts a privilege in response to a request, and the requester chooses to challenge that privilege claim in court, the requester only *then* must satisfy whatever standards *the courts* have established for constitutional privilege claims.

The fact that the President's order establishes procedures for former Presidents to protect their constitutionally guaranteed privileges does not mean, moreover, that former Presidents must or will improperly assert such privileges. History (and today's release) proves as much. Even before the Presidential Records Act was enacted, at a time when former Presidents enjoyed complete control over the disposition of their Presidential records, most former Presidents authorized release over time of the vast majority of their records even though they were under no legal obligation to release *any* records. Those who visit the Kennedy Library or the Ford Library or the Carter Library, for example, know the rich and valuable array of historical materials that are available. There is no fair or logical basis for presuming that former Presidents subject to the Presidential Records Act will exercise their constitutional and statutory authority to seek withholding of *privileged* records inappropriately or more aggressively than earlier Presidents -- from President Washington to President Carter -- exercised their plenary and far broader authority to withhold *all* records.

Some have asked what happens if a President asserts a privilege over a sensitive record. Can the requester challenge the privilege claim? The answer is yes. In that circumstance, the requester can challenge the privilege assertion in court, just as routinely occurs when ordinary Executive Branch records are withheld under exemptions to the Freedom of Information Act (FOIA).

As to *former* Presidents who want to assert privilege, as they are constitutionally entitled to do, some have argued that the burden actually should be on the former President asserting privilege to file suit against the current President and Archivist to block release of records. That suggestion is neither constitutionally proper nor sound policy. It is both more appropriate and more sensible to require the requester who disagrees with a former President's privilege assertion to proceed to court -- just as the requester would do in ordinary FOIA litigation -- not to require the former President to take the extraordinary and jarring public step of, in effect, suing the current President.

For months, there have been skeptics who have bitterly -- and wrongly -- questioned President Bush's motives in establishing sensible procedures for the review of Presidential records. The President's order faithfully implements the requirements of the Constitution and the Presidential Records Act. Today's action authorizing the initial release of thousands of pages of otherwise privileged records from President Reagan's library shows that the skeptics were wrong and that President Bush's executive order can and will facilitate public release of Presidential records in a manner consistent with the Constitution and the Act.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 12/19/2001 8:53:25 AM
Subject: : Re: records review

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 13:53:25.00
SUBJECT:: Re: records review
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I thought the Judge may also want a list of current WH employees who are authors of or mentioned in the docs. So far, I have seen the following:

Secretary Card
David Addington
Dean McGrath
Mitch Daniels

Brett M. Kavanaugh
12/19/2001 11:30:03 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, kyle sampson/who/eop@eop, rachel l. brand/who/eop@eop, courtney s. elwood/who/eop@eop
bcc:
Subject: Re: records review

guess I now need this by about 1:30; thanks

Brett M. Kavanaugh
12/19/2001 10:28:45 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: records review

REV_00138197

when you are done, please send me an e-mail with categories of documents (or even specific documents) that may be of high press interest out of the ones you are reviewing. we need to try to be done by about 2:00. thanks!!!!

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Danielle M. Simonetta/OMB/EOP@EOP [OMB] <Danielle M. Simonetta>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 12/19/2001 6:41:35 AM
Subject: : Re: DOJ Comment on HR3210 -Terrorism Risk Protection - SAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 11:41:35.00
SUBJECT:: Re: DOJ Comment on HR3210 -Terrorism Risk Protection - SAP
TO:Danielle M. Simonetta (CN=Danielle M. Simonetta/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I wouldn't add anything to the SAP. Brett?

From: CN=Garry Malphrus/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 12/19/2001 8:16:03 AM
Subject: : Re: victim comp lawyers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:19-DEC-2001 13:16:03.00
SUBJECT:: Re: victim comp lawyers
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

So you think it would be inappropriate for us to talk to Bar Associations to find out exactly what they would be willing to coordinate and whether they would be willing to organize a "desk" of lawyers at the site? Could the Special Master's office do that?

Brett M. Kavanaugh
12/19/2001 01:03:46 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: garry malphrus/opd/eop@eop
bcc:
Subject: Re: victim comp lawyers

I agree. Indeed, I think we should stay out of the matter altogether since we are the "judge."

Robert W. Cobb
12/19/2001 12:58:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Garry Malphrus/OPD/EOP@EOP
Subject: victim comp lawyers

I have advised Garry Malphrus that instead the WH being involved in trying to develop a list of volunteer lawyers to help with claimants regarding the fund, that its okay for the President to encourage lawyers to volunteer to the relevant bar associations who can match them with claimants. What do you think?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 12/19/2001 8:20:09 AM
Subject: : Re: victim comp lawyers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-DEC-2001 13:20:09.00
SUBJECT:: Re: victim comp lawyers
TO: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

not sure. I guess I think that those who find the program too stingy may react poorly if we are trying to influence the selection of lawyers as well. this might be an overreaction on my part.

Garry Malphrus
12/19/2001 01:16:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: robert w. cobb/who/eop@eop
bcc:
Subject: Re: victim comp lawyers

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Brett M. Kavanaugh
12/19/2001 01:03:46 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: garry malphrus/opd/eop@eop
bcc:
Subject: Re: victim comp lawyers

I agree. Indeed, I think we should stay out of the matter altogether since we are the "judge."

Robert W. Cobb
12/19/2001 12:58:49 PM

REV_00138201

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: Garry Malphrus/OPD/EOP@EOP

Subject: victim comp lawyers

I have advised Garry Malphrus that instead the WH being involved in trying to develop a list of volunteer lawyers to help with claimants regarding the fund, that its okay for the President to encourage lawyers to volunteer to the relevant bar associations who can match them with claimants. What do you think?

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 12/19/2001 8:53:25 AM
Subject: : Re: records review

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 13:53:25.00
SUBJECT:: Re: records review
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I thought the Judge may also want a list of current WH employees who are authors of or mentioned in the docs. So far, I have seen the following:

Secretary Card
David Addington
Dean McGrath
Mitch Daniels

Brett M. Kavanaugh
12/19/2001 11:30:03 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, kyle sampson/who/eop@eop, rachel l. brand/who/eop@eop, courtney s. elwood/who/eop@eop
bcc:
Subject: Re: records review

guess I now need this by about 1:30; thanks

Brett M. Kavanaugh
12/19/2001 10:28:45 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: records review

REV_00138203

when you are done, please send me an e-mail with categories of documents (or even specific documents) that may be of high press interest out of the ones you are reviewing. we need to try to be done by about 2:00. thanks!!!!

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2001 9:33:25 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-DEC-2001 14:33:25.00

SUBJECT::

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Bill Called &A Breathtaking Intrusion⁸ On States, Control. The New York Times (12/19, Rothstein) notes, &The education bill written largely by the White House and given final Congressional approval by the Senate yesterday is a breathtaking intrusion of the federal government on states' control of education. For two decades, policy makers have wanted to make schools more accountable. Some states have developed creative ways of using tests to tackle that complex challenge; others have weaker systems. But the new legislation seems to impose on every state a Texas-type model that may actually retard sensible accountability in some places.⁸

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>
Sent: 12/19/2001 1:34:32 PM
Subject: : Re: Reminder - 8:45 am breakfast over here on Thursday morning.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 18:34:32.00
SUBJECT:: Re: Reminder - 8:45 am breakfast over here on Thursday morning.
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Noel has volunteered to bring his appetite.

REV_00138206

Elizabeth N. Camp
12/19/2001 06:22:41 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Reminder - 8:45 am breakfast over here on Thursday morning.

If you want to bring something to contribute to the cause please call me or Allison.

Rachel - banana nut bread
Courtney - some kind of bread
Ed - donuts (he is still living like a single man)
Brent - orange juice, strawberries & bananas
Tim (really Katie) - egg and sausage casserole
Judge (really Beci) - potato casserole (that is if the Judge stops at the store on his way home like a good boy)
Allison - paper plates, cups, etc. from the Mess (because she doesn't even know where a grocery store is-very sad)
Brett - pop tarts (big surprise)
Libby - Julie the Cruise Director doesn't cook and will bring a surprise of some kind

Any other ideas?

Message Sent

To:
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP

REV_00138207

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;jason b. torchinsky/who/eop@eop [WHO] <jason b. torchinsky>
Sent: 12/19/2001 1:34:32 PM
Subject: : Re: Reminder - 8:45 am breakfast over here on Thursday morning.

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 18:34:32.00
SUBJECT:: Re: Reminder - 8:45 am breakfast over here on Thursday morning.
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason b. torchinsky (CN=jason b. torchinsky/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Noel has volunteered to bring his appetite.

REV_00138208

Elizabeth N. Camp
12/19/2001 06:22:41 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Reminder - 8:45 am breakfast over here on Thursday morning.

If you want to bring something to contribute to the cause please call me or Allison.

Rachel - banana nut bread
Courtney - some kind of bread
Ed - donuts (he is still living like a single man)
Brent - orange juice, strawberries & bananas
Tim (really Katie) - egg and sausage casserole
Judge (really Beci) - potato casserole (that is if the Judge stops at the store on his way home like a good boy)
Allison - paper plates, cups, etc. from the Mess (because she doesn't even know where a grocery store is-very sad)
Brett - pop tarts (big surprise)
Libby - Julie the Cruise Director doesn't cook and will bring a surprise of some kind

Any other ideas?

Message Sent

To:
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
A. Morgan Middlemas/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason B. Torchinsky/WHO/EOP@EOP

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/19/2001 2:28:01 PM
Subject: : Gonzales encore

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 19:28:01.00
SUBJECT:: Gonzales encore
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by Anne Womack/WHO/EOP on 12/19/2001
07:27 PM -----

Fannie Zollicoffer <zollicoffe@washpost.com>
12/19/2001 07:24:43 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: Gonzales encore

By Alberto R. Gonzales

Recently President Bush signed an executive order to further implement the 1978 Presidential Records Act, the law that establishes a process for reviewing and releasing documents of former presidents. This order ensures expeditious disclosure of documents to provide historians, scholars and the public valuable insights into the way our government works.

Freedom and openness are at the core of our government. The president's order was crafted to provide as much information as possible to the public while also respecting the constitutional rights of former presidents.

For months skeptics have questioned President Bush's motives in establishing these sensible procedures. The order, they said, was an affront to open government and would put procedural roadblocks in the way of disclosure of important historical information. The critics were wrong.

Today, consistent with the president's order, the National Archives and Records Administration will inform the public that thousands of pages of records belonging to former president Reagan are available for release. These documents represent all that have been reviewed by the administration after receipt from the Reagan Library--and this is only one of what will be many routine releases of records belonging to former presidents, including otherwise privileged records.

REV_00138210

Today's action shows that President Bush's executive order can and will work as intended--to facilitate appropriate and expeditious public release of presidential records consistent with the Constitution and the act.

At times, certain documents may still be so sensitive that they must remain confidential. In some cases, release of documents could jeopardize our national security, and while the pursuit of history is invaluable to our society, it should not endanger American lives. Nor should it deprive a president of candid advice while making crucial decisions.

Recognizing this, the Presidential Records Act expressly provides that former presidents retain the right to assert available privileges over their presidential records after the act's 12-year period of presumed non-disclosure expires. While the executive order says nothing about whether and under what circumstances a privilege should be asserted, it does recognize a role for former presidents.

Some have been critical of the order's inclusion of former presidents in this process, but former presidents have the right to assert executive privilege based on both Supreme Court precedent and the Presidential Records Act itself. The act would be deemed unconstitutional if it did not allow them to assert available privileges.

Before the act became law, former chief executives enjoyed complete control over their presidential records. But even without a legal requirement, former presidents have chosen to provide their papers for historical study.

President Bush expects that this tradition will continue. The value of presidential records and the principles of openness and access that their release represents are respected by him and are no doubt just as important to the former presidents whose papers will be subject to the Presidential Records Act.

There is no fair or logical basis for presuming that former presidents subject to the act will exercise their constitutional and statutory authority to seek withholding of privileged records more aggressively than have earlier presidents. We are confident that, over time, the vast majority of presidential records--including otherwise privileged records--will be made available to the public.

The executive order states that "absent compelling circumstances" the current president will defer to the decision of the former president to authorize release of records. This provision largely removes a sitting president as a potential impediment to release of a former president's records. Given that over time former presidents have authorized release of the vast majority of their records, it is clear President Bush intended the order to facilitate the expeditious release of such records.

If a former president should choose to assert privilege over a sensitive record, a requester may challenge the privilege claim in court. Such proceedings are routine when there is disagreement about the release of executive branch records under the Freedom of Information Act. Some have argued that the burden should lie with the former president in disputes over disclosure. But this would create the awkward situation of a former president's being forced to sue the current one--a suggestion that is neither constitutionally proper nor sound policy.

The writer is counsel to the president.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 12/19/2001 10:39:26 AM
Subject: : RE: Draft op-ed
Attachments: P_F5I25004_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-DEC-2001 15:39:26.00
SUBJECT:: RE: Draft op-ed
TO: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

as you may have gathered, our communications shop revised this
before it got to you; not really my style, but they are the experts; is
there anything substantively wrong?

"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov>
12/19/2001 03:23:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Draft op-ed

Redlined revisions attached.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, December 19, 2001 2:00 PM
To: Whelan, M Edward III
Subject: Draft op-ed

An op-ed is running tomorrow in Wash Post. Please review this draft
ASAP.
Thanks.

(See attached file: WP Gonzales Presidential Reocrds draft 2 12.18.doc)

- WP Gonzales Presidential Reocrds draft 2 12.18.doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F5I25004_WHO.TXT_1>

REV_00138219

President Bush recently signed an Executive Order to further implement the 1978 Presidential Records Act, which establishes a process by which documents of former Presidents are reviewed and released. Freedom and openness lie at the core of our government, and President Bush's executive order ensures the expeditious disclosure of documents to provide historians, scholars and the public valuable insight into the way our government works. The order was crafted to provide as much information as possible to the public while also drawing upon sound legal policy to respecting the constitutional rights of former Presidents.

Consistent with ~~his~~the President's order, the President (?) has today authorized the National Archives and Records Administration ~~today has been authorized to~~ publicly release thousands of pages of records belonging to former President Reagan. These documents represent all that have been forwarded to the Administration thus far from the Reagan Library. This release, and is only one of what will be many routine releases of records belonging to former Presidents, including otherwise privileged records, following the clear steps in President Bush's new order.

Critics have irresponsibly alleged that the recent executive order was intended to prevent access to Presidential papers . Today's ~~This~~ release and the anticipated release of thousands of additional pages in the very near future demonstrate that the Bush administration is committed to the appropriate and expeditious public release of Presidential records, ~~despite allegations by critics that the recent executive order was intended to prevent access to Presidential papers.~~

~~At times, certain documents may still be so sensitive that it is necessary that they remain confidential. In some cases, documents could jeopardize our current national security, and while the pursuit of history is invaluable to our society, it should not jeopardize American lives. In such situations the current President and former Presidents may assert constitutionally based privileges over Presidential records. While the executive order says nothing about whether and under what circumstances a privilege may be asserted, it does recognize the role that former Presidents play. Some have been critical of the order's inclusion of former Presidents in this process, but former Presidents have the right to assert executive privilege based on Supreme Court precedent and the Presidential Records Act itself.~~

The Supreme Court, in its landmark 1977 *Nixon v. GSA* decision written by Justice William Brennan, definitively held that the Constitution guarantees former Presidents the right to assert privileges over their records. Additionally, the Presidential Records Act provides for the release of documents after 12 years from the end of the President's term, but expressly provides that former Presidents retain the right to assert available privileges over their Presidential records after the twelve year period expires. Indeed Thus, the Presidential Records Act would be ~~deemed~~ unconstitutional if it did not allow former Presidents to assert available privileges over their records.

Throughout history Presidents have taken steps over time to release the vast majority of their records. Before the Presidential Records Act was enacted, former Presidents enjoyed complete control over their Presidential records. Even without a legal requirement, former Presidents have chosen to provide their papers for historical study, and millions of people who

have visited the Kennedy, Ford or Carter Libraries, for example, have taken advantage of the rich and valuable array of historical materials that have been made available.

President Bush expects that this tradition will continue. The value of Presidential records and the principles of openness and access that their release represents are respected by President Bush and are no doubt just as important to the former Presidents whose papers will be subject to the Presidential Records Act. There is no fair or logical basis for presuming that former Presidents subject to the Presidential Records Act will exercise their constitutional and statutory authority to seek withholding of *privileged* records more aggressively than earlier Presidents. We are confident that, over time, the vast majority of Presidential records -- including otherwise privileged records -- will be made available to the public as they should.

| By providing ~~A significant policy decision was made~~ that “absent compelling circumstances” the current President will defer to the decision of the former President to authorize release of records, ~~the order. This provision~~ largely removes a sitting President as a potential impediment to release of a former President’s records. When combined with the historical fact that former Presidents over time have authorized release of the vast majority of records, it is clear that President Bush’s ~~order intended to and the order and~~ will help facilitate the expeditious release of Presidential records.

If a former President should choose to assert privilege over a sensitive record, a requester may challenge the privilege claim in court. Such proceedings are routine when there is disagreement about the release of Executive Branch records under the Freedom of Information Act (FOIA). The argument that the burden should lie with the former President would require the awkward situation of a former President being forced to sue the current President. That suggestion is neither constitutionally proper nor sound policy. It is far more appropriate and sensible to require the requester who disagrees with the former President’s privilege assertion to proceed to court -- just as the requester would do in ordinary FOIA litigation.

For months, there have been skeptics who have wrongly questioned President Bush’s motives in establishing sensible procedures for the review of Presidential records. The President’s order faithfully implements the requirements of the Constitution and the Presidential Records Act. Today’s action authorizing the initial release of thousands of pages of privileged records from President Reagan’s library shows that the skeptics were wrong and that President Bush’s executive order can and will work as intended: to facilitate appropriate and expeditious public release of Presidential records consistent with the Constitution and the Act.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2001 11:29:24 AM
Subject: : RE: Op Ed for Washington Post and request for you to write a letter to editor also

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 16:29:24.00
SUBJECT:: RE: Op Ed for Washington Post and request for you to write a letter to editor also
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett - Are Terry's talking points headed in the right direction?

See her email below and feel free to correspond with her directly if you wish. If you want to cc me go for it.

Lib

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
12/19/2001 04:28 PM -----

"Lacy, Terri" <terrilacy@akllp.com>
12/19/2001 04:24:50 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: RE: Op Ed for Washington Post and request for you to write a letter to editor also

Are my talking points that I emailed headed in the right direction?

-----Original Message-----
From: Elizabeth N. Camp@who.eop.gov
[mailto:Elizabeth_N._Camp@who.eop.gov]
Sent: Wednesday, December 19, 2001 3:21 PM
To: Lacy, Terri
Cc: Brett M. Kavanaugh@who.eop.gov; Alberto R. Gonzales@who.eop.gov
Subject: Op Ed for Washington Post and request for you to write a letter to editor also

Terri -

Please see the attached op ed attached to Anne Womack's email.

The Judge would like for you to work up a letter to the editor of the Washington Post addressing the gubernatorial records. The Judge indicated that this letter needs to be written this week and would appreciate it if you would allow Brett Kavanaugh a chance to review your draft letter prior to submission to the Post. Brett's email address is referenced above.

REV_00138223

Thank you and please call me at 202-456-2632 if you have any questions.

Libby Camp

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
12/19/2001
04:18 PM -----

Anne Womack
12/19/2001 04:02:38 PM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP

cc:
Subject:

(See attached file: WP Gonzales Presidential Reocrds draft 2 12.18.doc)

From: CN=Kirsten A. Chadwick/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2001 12:37:22 PM
Subject: : Re: URGENT: Gonzales letter to Chairman Horn

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 17:37:22.00
SUBJECT:: Re: URGENT: Gonzales letter to Chairman Horn
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ok - I really don't know how to use this thing - can only get half the text

Can you fax to me at 225 1234

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Kirsten A. Chadwick/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2001 12:41:45 PM
Subject: : Re: URGENT: Gonzales letter to Chairman Horn

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-DEC-2001 17:41:45.00
SUBJECT:: Re: URGENT: Gonzales letter to Chairman Horn
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ok - I really don't know how to use this thing - can only get half the text

Can you fax to me at 225 1234

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Perry, Phil <Phil.Perry@usdoj.gov>; Higbee, David <David.Higbee@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Harris, Paul <Paul.Harris@usdoj.gov>; Miller, Michele <Michele.Miller@usdoj.gov>; Jordan, Bill <Bill.Jordan@usdoj.gov>; Reyes, Luis <Luis.A.Reyes2@usdoj.gov>; Bloemendal, Katherine <Katherine.Bloemendal@usdoj.gov>; Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Jacob, Gregory F <Gregory.F.Jacob@usdoj.gov>; Philbin, Patrick <Patrick.Philbin@usdoj.gov>; Jones, Kevin R <Kevin.R.Jones@usdoj.gov>; Hinchman, Robert <Robert.Hinchman@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Morrison, Richard T. <Richard.T.Morrison@usdoj.gov>; Collins, Dan <Dan.Collins@usdoj.gov>; Hart, Rosemary <Rosemary.Hart@usdoj.gov>; Mei, Vesper <Vesper.Mei@usdoj.gov>; 'Ken Feinberg (E-mail)' <kfeinberg@thefeinberggroup.com>; 'Debbie Greenspan (E-mail)' <dgreenspan@thefeinberggroup.com>; Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>; 'Pete Galvin (E-mail)' <galvin-peter@dol.gov>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; 'Peter Woodin (E-mail)' <pwoodin@feinberggroup.com>; Nathan L. Knuffman/OMB /EOP@EOP [OMB] <Nathan L. Knuffman>
Sent: 12/19/2001 12:48:58 PM
Subject: : FW: Final Victim Comp Rule
Attachments: P_WSN25004_OPD.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:19-DEC-2001 17:48:58.00

SUBJECT:: FW: Final Victim Comp Rule

TO:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Higbee, David" <David.Higbee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Higbee, David" <David.Higbee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Harris, Paul" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Harris, Paul" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Miller, Michele" <Michele.Miller@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Miller, Michele" <Michele.Miller@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Reyes, Luis" <Luis.A.Reyes2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Reyes, Luis" <Luis.A.Reyes2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00138236

TO:"Jacob, Gregory F" <Gregory.F.Jacob@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jacob, Gregory F" <Gregory.F.Jacob@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Philbin, Patrick" <Patrick.Philbin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Philbin, Patrick" <Patrick.Philbin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Jones, Kevin R" <Kevin.R.Jones@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jones, Kevin R" <Kevin.R.Jones@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Hinchman, Robert" <Robert.Hinchman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Hinchman, Robert" <Robert.Hinchman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Morrison, Richard T." <Richard.T.Morrison@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Morrison, Richard T." <Richard.T.Morrison@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Hart, Rosemary" <Rosemary.Hart@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Hart, Rosemary" <Rosemary.Hart@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Mei, Vesper" <Vesper.Mei@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Mei, Vesper" <Vesper.Mei@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN

TO:"'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:"'Peter Woodin (E-mail)'" <pwoodin@feinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Peter Woodin (E-mail)'" <pwoodin@feinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:Nathan L. Knuffman (CN=Nathan L. Knuffman/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

End Original ARMS Header

Attached is the interim final rule as it was sent to the Federal Register. It will be published Friday, but will be made available to the

REV_00138237

public in the reading room sometime before then. Thank you all for working on this.

-----Original Message-----

From: Hart, Rosemary
Sent: Wednesday, December 19, 2001 5:14 PM
To: Wood, John F; Abramidis, Clarisse
Cc: Jacob, Gregory F
Subject: RE: Final Victim Comp Rule

Here's a copy for you all.

- Victims Comp.Fed Reg.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WSN25004_OPD.TXT_1>

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 104

CIV 104P; AG Order No.

RIN: 1105-AA79

September 11th Victim Compensation Fund of 2001

ACTION: Interim final rule with request for comments.

SUMMARY: Shortly after the September 11, 2001 terrorist attacks, the President signed the "September 11 Victim Compensation Fund of 2001" (the "Fund") into law as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") (the "Act"). The Act authorizes compensation to any individual (or the personal representative of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes on that day. The Act provides that the Fund will be administered by a Special Master appointed by the Attorney General. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master.

The Department of Justice, in consultation with the Special Master, is issuing certain procedural rules so the Special Master may commence operations of the program as soon as practicable. In order to allow the Special Master to begin distributing funds, the Department is issuing this rule as an "Interim Final Rule" that will have the force and effect of law immediately upon publication. This rule is designated "interim," however, because the Department is also seeking further comment for a period of 30 days as part of its further review and may expand or adjust aspects of the rule after receiving additional comments.

However, in order to assure that the families of needy victims receive adequate compensation, the regulations further provide that the Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

D. Advance Benefits

In order to comply with the Attorney General's November 26, 2001 instructions to the Special Master to pay benefits to eligible claimants as quickly as possible, these regulations permit claimants to seek immediate "Advance Benefits" in the fixed amount of \$50,000 in the case of deceased individuals and \$25,000 in the case of severely injured individuals who required hospitalization for one week or more.

To qualify for advance benefits, applicants must complete a short form (the "Eligibility Form") identifying basic eligibility and indicating that advance benefits would assist them in confronting current or immediate financial hardships. Such forms will be made available at claims intake centers as they are established, in response to telephone requests (888-714-3385, 202-305-1352, TDD: 888-560-0844), and on the Victims Compensation Fund website at www.usdoj.gov/victimcompensation.

Eligible claimants may apply for and receive advance benefits and then file their lengthier "Personal Injury Compensation Form" or "Death Compensation Form" at any time within the two-year time frame for filing claims under the program. This will allow needy eligible claimants to obtain prompt advance payments even though they may need more time to collect full information regarding the amount of compensation they seek. The 120-day period for determination of compensation will be stayed or tolled until the claimant files the completed "Personal Injury Compensation Form" or "Death Compensation Form" needed to allow the Special Master to determine the amount of the final award. However, once a claimant applies for Advance Benefits and is deemed eligible to recover under the Fund, the claimant will be deemed to have waived the right to file a civil action in state or federal court for damages sustained as a result of the September 11 attacks.

Advance benefits will be treated as advance payments on ultimate awards from the Fund. Thus, the amount of any advance benefits received will be deducted from the claimant's subsequent award.

E. Final awards made by the Fund.

Section 405(b) of the Act provides that the Special Master shall compensate eligible claimants based on the harm to the claimant (including both economic loss and noneconomic losses), the facts of the claim, and the individual circumstances of the claimant. The Act further provides that the Special Master shall determine the claimant's eligibility and the amount of compensation within 120 days.

The Special Master and the Department have studied the language of the Act, the varying public comments, evidence and data about the many victims of the September 11 attacks, and economic and demographic studies and data in fashioning the interim final rule. After this careful consideration, the Special Master and the Department have concluded that the following principal objectives should guide any determination of economic and noneconomic losses.

The first objective is that the process should be efficient, straightforward, and understandable to the claimants. This objective is based in part upon the statutory requirement that the Special Master review each claim and make an award determination within 120 days of filing. More important, however, is that claimants be able to enter the program -- or choose not to enter the program -- with an understanding of how their claims will be treated. This is especially important because the Act provides that, upon submission of a claim, a claimant waives the right to file a civil action for damages sustained as a result of the September 11 attacks. For claimants to make an informed decision regarding this waiver, they should have some understanding of how their award will be calculated and how much they would receive from the Fund should they decide to file a claim.

The second objective is that each claimant should, to the greatest extent possible, be treated fairly based on the claimant's own individual circumstances and relative to other claimants. While the circumstances of death for many victims will differ, those circumstances will in many cases be unknowable. In principle, similarly situated claimants should not receive dramatically differing treatment.

After careful consideration, the Special Master and the Department have concluded that, in order best to achieve these principal objectives, the Special Master should develop a methodology for calculating presumed economic and noneconomic losses that is based on readily identifiable individual circumstances for each claimant, such as age, prior income levels, marital status, and the number and ages of the victim's dependents. A methodology for determining presumed economic and noneconomic losses will also assist the Special Master in making fair and appropriate compensation determinations swiftly and efficiently within the time frame permitted by the Act.

In order to enable claimants to make informed decisions regarding whether to submit a claim under the Fund and, if so, whether to submit evidence of extraordinary individual circumstances that could justify departure from the presumed awards, the interim final rule directs the Special Master to publish schedules, tables, or charts of presumed determinations for economic and noneconomic losses. While these schedules, tables, or charts cannot cover every possible claimant (e.g., injured claimants), they are extensive and detailed enough to provide the majority of potential claimants with a general dollar range into which their awards may fall.

Nonetheless, the Special Master and the Department recognize that it will be impossible to fashion a presumptive methodology that will take into account all of the individual facts and circumstances for every claimant. Rather, some claimants may have extraordinary individual circumstances that justify departure from the presumed awards. Thus, the interim final rule provides that claimants may request that the Special Master depart from the presumed economic and noneconomic losses based upon a

demonstration of extraordinary circumstances that the presumed award methodology does not adequately address.

Economic loss: Determination of economic loss requires a prediction about each claimant's future. This assessment will be, by its nature, somewhat speculative. While the determination of economic loss should be based upon facts regarding the individual victim where those facts are available, some facts cannot be predicted on an individualized basis.

The regulations also provide that the Special Master's schedules, tables, or charts should identify presumed determinations of economic loss up to a salary level commensurate with the 98th percentile of individual income in the United States. The Department recognizes that projecting earnings over worklife for people with extraordinary annual incomes is a very complex exercise, often requiring a detailed evaluation of variable and often complex formulae for nonvariable income, differing work life expectations, often highly volatile industries or markets, and other factors that are not often subject to easy generalization. We have also concluded that the purpose of the Act is not simply to examine economic and noneconomic harm, but also to provide compensation that is just and appropriate in light of the financial needs and resources of claimants. Any methodology that does nothing more than attempt to replicate a theoretically possible future income stream would lead to awards that would be insufficient relative to the needs of some victims' families, and excessive relative to the needs of others. Therefore, a claimant should not assume that he or she will receive an award greater than the presumed award simply because the victim had an income that exceeded the income for the 98th percentile. Indeed, the Act's requirement that the Special Master consider "the individual circumstances of the claimant" indicates that the Special Master may consider a particular claimant's financial needs and resources, just as the Department and the Special Master considered the needs of the claimants in concluding that no claimant bringing a claim on behalf of a deceased victim should receive less than \$500,000 or \$300,000 before collateral source offsets.

If a claimant seeks review of a presumed award, the Special Master may consider a range of information, including demographic information on retirement trends for high wage earners, the individual's historical expenses, savings, and any other factors he deems relevant, including economic trends, information available from the Bureau of Labor Statistics, the Census Bureau and other entities on average income and retirement age for the victim's profession or even for the victim's former employer. Claimants should not expect awards grossly in excess of the highest awards listed on the Special Master's presumed award chart, as the individual circumstances of the wealthiest and highest-income claimants will often indicate that multi-million dollar awards out of the public coffers are not necessary to provide them with a strong economic foundation from which to rebuild their lives.

The Special Master and the Department recognize that the extent of physical injury for those victims who survived the September 11 attacks may vary to a degree that does not lend itself to a schedule, table, or chart. If the claimant's injury causes only a temporary disability, the Special Master may consider evidence regarding the length of time the claimant was absent from his employment in determining the appropriate compensation for economic loss. For those victims who suffered permanent physical disability, the Special Master may rely upon his economic loss methodology, but adjust the award based upon the extent of the physical

disability. In evaluating claims of disability, the Special Master will, in general, make a determination regarding whether the claimant is capable of performing his or her usual profession in light of the injuries.

With respect to claims of total permanent disability, the Special Master may accept a determination of disability made by the Social Security Administration as evidence of disability without any further medical evidence or review. The Special Master may also consider determinations of permanent total disability made by other governmental agencies or private insurers in evaluating the claim. The Special Master may require an evaluation of the claimant's disability and ability to perform his or her occupation from medical experts.

With respect to claims of partial disability, the Special Master may consider evidence of the effect of the partial disability on the claimant's ability to perform his or her usual occupation as well as the effect of the partial disability on the claimant's ability to participate in usual daily activities.

Noneconomic losses: Each person who was killed or injured in the September 11 attacks suffered grievous harm, and each person experienced the unspeakable events of that day in a unique way. Some victims experienced terror for many minutes, as they were held hostage by terrorists on an airplane or trapped in a burning building. Some victims had no warning of what was coming and died within seconds of a plane hitting the building in which they worked. While these circumstances may be knowable in a few extraordinary circumstances, for the vast majority of victims these circumstances are unknowable.

After extensive fact finding, public outreach, and review of public comments, the Special Master and the Department have concluded that the most rational and just way to approach the imponderable task of placing a dollar amount upon the pain, emotional suffering, loss of enjoyment of life, and mental anguish suffered by the thousands of victims of the September 11 attacks is to assess the noneconomic losses for categories of claimants. The most obvious distinction is between those who died and those who suffered physical injury but survived.

The regulations therefore set a presumed award for noneconomic losses sustained. For those victims who died as a result of the September 11 aircraft crashes, the presumed noneconomic losses will be \$250,000, plus an additional \$50,000 for the spouse and each dependent of the deceased victim. That \$250,000 figure is roughly equivalent to the amounts received under existing federal programs by public safety officers who are killed while on duty, or members of our military who are killed in the line of duty while serving our nation. See 38 U.S.C. § 1967 (military personnel); 42 U.S.C. § 3796 (Public Safety Officers Benefit Program). The latter figures -- \$50,000 for the spouse and each dependent -- include a noneconomic component of "replacement services loss."

For those victims who suffered physical injury but survived the September 11 attacks, the Special Master may establish a methodology for estimating their noneconomic losses. The Special Master may determine that it is appropriate to give some percentage of the noneconomic loss award given for victims who died, based upon the extent of the injury.

The Special Master and the Department recognize, however, that no presumed award can take into account all of the unique individual circumstances of each claimant. Accordingly, as noted above, claimants may either accept the presumed award or instead attempt to demonstrate in a hearing before the Special Master extraordinary circumstances that justify departure from the presumed award.

Collateral Sources: Section 405(b)(6) of the Act provides that the Special Master shall

reduce the amount of compensation by the amount of the collateral source compensation "a claimant has received or is entitled to receive" as a result of the terrorist-related aircraft crashes of September 11, 2001. The interim final rule provides that collateral sources will include life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001. While many public commenters voiced strong opposition to the inclusion of some or all of these as collateral source compensation, the Act expressly includes each one within the definition of "collateral sources."

At the same time, the Act does not address whether certain other types of payments constitute collateral source compensation. The interim final rule provides that the following are not collateral source compensation:

(1) The value of services or in-kind charitable gifts such as provision of emergency housing, food, or clothing; and

(2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by private charitable entities; provided, however, that the Special Master may determine that funds provided to victims or their families through a private charitable entity constitute, in substance, a collateral source as described above.

The Department has concluded that charitable contributions should not be considered collateral source compensation within the meaning of the Act because, among other reasons, such charitable contributions are different in kind from the collateral sources listed in the Act. Moreover, because the collateral offset only applies to collateral source compensation that the claimant has received or is entitled to receive, deducting charitable awards from the amount of compensation would have the perverse effect of encouraging potential donors to withhold their giving until after claimants have received their awards from the Fund.

F. The claims evaluation process.

Section 405(b)(4) of the Act provides that a claimant, after the filing of the claim, has the right to present evidence to the Office of the Special Master. The statute specifically provides that the claimant has the right to present witness statements and documents, the right to obtain legal counsel, and such other due process rights as are determined to be appropriate by the Special Master.

The interim final regulations provide claimants with a choice of two Procedural Options -- Track A or Track B. If a claimant selects Track A, the Claims Evaluator will determine eligibility and the claimant's presumed award and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee under § 104.33 of these regulations. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee pursuant to § 104.33. If a claimant opts for a review, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.

If the claimant selects Track B, a Claims Evaluator will determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award. The Claims Evaluator will then notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing pursuant to § 104.33. At such hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

Hearings, when sought, will be held by the Special Master or his designee. These hearings shall be conducted in a nonadversarial manner, the objective of which will be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. Claimants will be permitted, but not required, to present witnesses, including expert witnesses. The hearing officer shall be permitted to examine the credentials of experts.

The hearings shall be limited in length to a time period determined by the Special Master or the relevant hearing officer, but generally not to exceed two hours. The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The claimant shall be entitled to be represented by an attorney in good standing, but it is not necessary that the claimant be represented by an attorney.

G. Assistance to claimants.

In its November 5, 2001 Notice of Inquiry, the Department noted that section 405(a) of the Act establishes some specific requirements with respect to the claim form and the information to be included. The law requires the Special Master to develop a claim form to use in filing claims for compensation under this program. The Special Master is to ensure that the form can be filed electronically if it is determined to be practicable. Moreover, by law, the form must include a statement of the factual basis for eligibility and information regarding income in recent years. In addition, the form is to request information from the claimant as to: (1) the physical harm suffered by a victim, or information confirming the death of the victim, as a result of the terrorist-related aircraft crashes of September 11, 2001; (2) income tax returns for recent years and other records; and (3) documentation regarding collateral source compensation including life insurance policies and government or employment-related programs which have or may provide funds or benefits to the claimant.

The Department believes that it is important that this Fund be accessible to potential claimants who have limited resources and who are not trained in the law. Rather than attempt to address in detail the means by which the Special Master should provide assistance to claimants, these regulations leave the Special Master with discretion to implement steps to provide assistance to claimants and to make this Fund accessible to them.

Because the Act does not provide for payment of legal or other fees by the Fund, these regulations do not impose any limits on the types or amount of fees that claimants may pay their attorneys or others providing assistance. Although the Department's regulations do not set specific limits on attorneys fees separate from those existing in state law or attorney ethical standards, the Department believes that contingency arrangements exceeding 5% of a claimant's recovery from the Fund would not be in the best interest of the claimants.

The Department contemplates that the Special Master will have discretion to inform potential claimants of the nature of the Fund so that they may make informed decisions regarding

the types or amount of fees that they pay for legal or other assistance. For example, the Special Master may notify claimants and potential claimants of the availability of free legal services. Likewise, the Special Master may inform claimants and potential claimants that the Fund is a no-fault, administrative scheme that should not involve the kind of risks and expense that would justify any significant contingency fees.

These regulations similarly do not address the manner in which claimants may use funds that they receive from the Fund, except that the Personal Representatives must agree in an acknowledgment and release form to distribute the award to the beneficiaries of the decedent in accordance with the decedent's will or applicable state law or ruling by a court of competent jurisdiction. While the Department does not believe that it is appropriate for the Special Master to place further legal restrictions on the claimants' or beneficiaries' use of payments from the Fund, the Department does contemplate that the Special Master will have discretion to provide claimants with information regarding annuities or other financial planning devices or to offer structured awards with periodic payments.

Application of various laws and Executive Orders to this rulemaking.

Administrative Procedure Act, 5 U.S.C. 553

This rule provides for compensation to eligible individuals who were physically injured and to the personal representatives of those who were killed as a result of the terrorist-related aircraft crashes of September 11, 2001. In order to provide compensation to eligible claimants as expeditiously as possible, Congress set a short 90-day deadline for the issuance of these regulations. The Department did seek public input on the issues, but it was not possible for the Department to prepare and publish a proposed rule for notice and comment within that very short time period.

The APA provides that an agency need not go through proposed rulemaking and comment before issuing rules to implement benefits programs. 5 U.S.C. 553(a)(2). Moreover, the Department, in consultation with the Special Master, determined that taking the time to draft and publish a proposed rule for notice and comment before this rule took effect would have been impracticable in light of the short time between the enactment of the statute and the deadline for rulemaking, and also would have been contrary to the public interest, which strongly favors prompt disbursement of benefits. Accordingly, the Department has determined that there is "good cause" for exempting this rule from the provision of the Administrative Procedure Act that requires a notice of proposed rulemaking and the opportunity for public comment. 5 U.S.C. 553(b)(B).

For the same reasons, the Department also finds "good cause" for exempting this rule from the provision of the Administrative Procedure Act providing for a delayed effective date. 5 U.S.C. 553(d). Delaying the opportunity for eligible claimants to seek Advance Benefits or to file claims under the Act would be contrary to the public interest.

Congressional Review Act

The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget has designated this interim final rule as a "major rule" as that term is defined by the Congressional Review Act ("CRA"), 5 U.S.C. 801 *et. seq.* Pursuant to section 808(2) of the CRA, the Department finds that "good cause" exists for establishing an effective date for this rule upon publication because delay would be impracticable in light of the short time between the enactment of the statute and the deadline for rulemaking, and also would be contrary to the public interest favoring prompt disbursement of benefits.

Paperwork Reduction Act of 1995

The Department of Justice, Civil Division, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been granted, and this information collection has been assigned OMB control number 1105-0073. The proposed information collection is published to obtain comments from the public and affected agencies. The emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, D.C. 20530.

During the first 60 days of this same review period, a regular review of this information collection will be undertaken. All comments and suggestions, or questions regarding additional information, including obtaining a copy of the proposed information collection instrument with instructions, should be directed to Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530. We request written comments and suggestions from the public and affected agencies concerning the proposed emergency collection of information.

Your comments should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

- (1) **Type of Information Collection:** New Collection
- (2) **Title of the Form/Collection:** Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund.
- (3) **Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:** SM-001, Office of the Special Master , Department of Justice.
- (4) **Affected public who will be asked or required to respond, as well as a brief abstract: Primary:** Individuals who were physically injured and personal representatives of those killed as a result of the terrorist-related aircraft crashes of September 11, 2001. **Abstract:**

The information collected from the Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund will be used to make advance payments to those claimants deemed eligible by the Special Master or his designee.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 5,000 claimants with an average of 6.0 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 30,000 hours annually.

If additional information is required, contact: Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, 601 D Street NW, Suite 1600, Washington, D.C. 20004.

Privacy Act of 1974

The Department of Justice, Civil Division is establishing a new Privacy Act system of records entitled "September 11th Victim Compensation Fund of 2001, JUSTICE/CIV-008." By law, regulations addressing certain administrative matters for the September 11th Victim Compensation Fund of 2001 must be issued within the 90-day period established by Congress. The Privacy Act notice will be published with no routine uses, so that it will be effective on the date published. It is likely that amendments to this notice, including routine uses, will be published at a later date, with the opportunity to comment. In the interim, disclosures necessary to process claims will be made only with the written consent of claimants or as otherwise authorized under 5 U.S.C. 552a(b).

Regulatory Flexibility Act

These regulations set forth procedures by which the Federal government will award compensation benefits to eligible victims of the September 11, 2001 terrorist attacks. Under 5 U.S.C. 601(6), the term "small entity" does not include the Federal government, the party

charged with incurring the costs attendant to the implementation and administration of the Victims Compensation Fund. To the extent that small entities, including small government entities, will be economically affected by the promulgation of these regulations, such effects will likely be minimal. Further, the number of entities that will be affected will, in all probability, fall short of a "substantial number" of small entities. In fact, the Department believes that the promulgation of these rules will play a considerable role in reducing the amount of complex, private litigation, wherein a substantial number of small (and large) entities would undoubtedly be significantly impacted.

Accordingly, the Department has reviewed this rule in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities because it provides compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who were killed as a result of those crashes. This rule provides compensation to individuals, not to entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Executive Order 12866 - Regulatory Planning and Review

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget.

DATES: This interim rule takes effect on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Comments in response to this notice are due by [insert the date 30 days after the date of publication of this notice in the FEDERAL REGISTER].

ADDRESSES: Comments on the interim rule should be submitted by e-mail to: victimcompensation.comments@usdoj.gov, or by telefax to 301-519-5956. Telefaxes should be limited to 15 pages. Comments may also be mailed to Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530. However, the Department encourages commenters to submit their comments by e-mail or telefax. Comments received are public records. The name and address of the commenter should be included with all submissions. The comments will be made available on the Victim Compensation Fund web site, www.usdoj.gov/victimcompensation. Comments will also be available for public inspection at a reading room in Washington, DC. Arrangements to visit the reading room must be made in advance by calling 888-714-3385 (TDD: 888-560-0844).

FOR FURTHER INFORMATION CONTACT: Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530, telephone 888-714-3385 (TDD 888-560-0844).

SUPPLEMENTARY INFORMATION:

Statement by the Special Master

The September 11th Victim Compensation Fund of 2001 is an unprecedented expression of compassion on the part of the American people to the victims and their families devastated by the horror and tragedy of September 11. The Act itself (specifically Title IV – Victim Compensation), and the attached regulations drafted and implemented pursuant to the Act, are designed to bring some measure of financial relief to those most devastated by the events of

Executive Order 13132 - Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. However, the Department of Justice has worked cooperatively with state and local officials in the affected communities in the preparation of this rule. Also, the Department individually notified national associations representing elected officials of the initial request for comment and will be taking similar action in connection with the interim final rule.

List of Subjects in 28 CFR Part 104

Disaster assistance, Disability benefits, Terrorism.

Accordingly, for the reasons set forth in the preamble, Part 104 of chapter I of Title 28 of the Code of Federal Regulations is added to read as follows:

Part 104 -- SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Subpart A – General; Eligibility

- 104.1 Purpose.
- 104.2 Eligibility definitions and requirements.
- 104.3 Other definitions.
- 104.4 Personal Representative.
- 104.5 Foreign claims.
- 104.6 Amendments to this rule.

Subpart B – Filing for Compensation; Application for Advance Benefits

- 104.21 Filing for compensation.
- 104.22 Advance Benefits.

Subpart C - Claim Intake, Assistance, and Review Procedures

- 104.31 Procedure for claims evaluation.
- 104.32 Eligibility review.
- 104.33 Hearing.
- 104.34 Publication of awards.
- 104.35 Claims deemed abandoned by claimants.

Subpart D - Amount of Compensation for Eligible Claimants

- 104.41 Amount of compensation.
- 104.42 Applicable state law.
- 104.43 Determination of presumed economic loss for decedents.
- 104.44 Determination of presumed noneconomic losses for decedents.
- 104.45 Determination of presumed economic loss for claimants who suffered physical harm.
- 104.46 Determination of presumed noneconomic losses for claimants who suffered physical harm.
- 104.47 Collateral sources.

Subpart E - Payment of Claims

- 104.51 Payments to eligible individuals.
- 104.52 Distribution of award to decedent's beneficiaries.

Subpart F - Limitations

- 104.61 Limitation on civil actions.
- 104.62 Time limit on filing claims.
- 104.63 Subrogation.

Subpart G - Measures to Protect the Integrity of the Compensation Program

- 104.71 Procedures to prevent and detect fraud.

Authority: Title IV of Pub. L. 107-42, 115 Stat. 230, 49 U.S.C. 40101 note.

Subpart A - General; Eligibility

§ 104.1 Purpose.

This part implements the provisions of the September 11th Victim Compensation Fund of

2001, Title IV of Public Law 107-42, 115 Stat. 230 (Air Transportation Safety and System Stabilization Act) to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and to the "personal representatives" of those who were killed as a result of the crashes. All compensation provided through the Fund will be on account of personal physical injuries or death.

§ 104.2 Eligibility definitions and requirements.

(a) Eligible claimants. The term eligible claimants means:

(1) Individuals present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who suffered physical harm, as defined herein, as a direct result of the terrorist-related aircraft crashes;

(2) The Personal Representatives of deceased individuals aboard American Airlines flights 11 or 77 and United Airlines flights 93 or 175; and

(3) The Personal Representatives of individuals who were present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who died as a direct result of the terrorist-related aircraft crash.

(4) The term eligible claimants does not include any individual or representative of an individual who is identified to have been a participant or conspirator in the terrorist-related crashes of September 11.

(b) Immediate aftermath. The term immediate aftermath of the crashes shall mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. With respect to rescue workers who assisted in efforts to search for and recover victims, the immediate aftermath shall include the period from the crashes until 96 hours after the crashes.

(c) Physical harm.

(1) The term physical harm shall mean a physical injury to the body that was treated by a

medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue; and

(i) Required hospitalization as an in-patient for at least 24 hours; or

(ii) Caused, either temporarily or permanently, partial or total physical disability, incapacity or disfigurement.

(2) In every case not involving death, the physical injury must be verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

(d) Personal Representative. The term Personal Representative shall mean the person determined to be the Personal Representative under § 104.4 of this part.

(e) Present at the site. The term present at the site (i.e., the World Trade Center, Pentagon, or Shanksville, Pennsylvania site) shall mean physically present at the time of the crashes or in the immediate aftermath:

(1) In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or

(2) In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

§ 104.3 Other definitions.

(a) Beneficiary. The term beneficiary shall mean a person entitled under the laws of the decedent's domicile to receive payments or benefits from the estate of or on behalf of the decedent on whose behalf the claim to the Fund was filed.

(b) Dependents. The Special Master shall identify as dependents those persons so identified by the victim on his or her federal tax return for the year 2000 unless:

(1) The claimant demonstrates that a minor child of the victim was born or adopted on or after January 1, 2001;

(2) Another person became a dependent in accordance with then-applicable law on or after January 1, 2001; or

(3) The victim was not required by law to file a federal income tax return for the year 2000.

(c) Spouse. The Special Master shall identify as the spouse of a victim the person reported as spouse on the victim's federal tax return for the year 2000 unless:

(1) The victim was married or divorced in accordance with applicable state law on or after January 1, 2001; or

(2) The victim was not required by law to file a federal income tax return for the year 2000.

(d) The Act. The Act, as used in this part, shall mean Public Law 107-42, 115 Stat. 230 ("Air Transportation Safety and System Stabilization Act"), 49 U.S.C. 40101 note.

(e) Victim. The term victim shall mean an eligible injured claimant or a decedent on whose behalf a claim is brought by an eligible Personal Representative.

§ 104.4 Personal Representative.

(a) In general. The Personal Representative shall be:

(1) An individual appointed by a court of competent jurisdiction as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate.

(2) In the event that no Personal Representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the Special Master may, in his discretion, determine that the Personal Representative for purposes of compensation by the Fund is the person named by the decedent in

the decedent's will as the executor or administrator of the decedent's estate. In the event no will exists, the Special Master may, in his discretion, determine that the Personal Representative for purposes of compensation by the Fund is the first person in the line of succession established by the laws of the decedent's domicile governing intestacy.

(b) Notice to beneficiaries. Any purported Personal Representative must, before filing an Eligibility Form, provide written notice of the claim (including a designated portion of the Eligibility Form) to the immediate family of the decedent (including, but not limited to, the decedent's spouse, former spouses, children, other dependents, and parents), to the executor, administrator, and beneficiaries of the decedent's will, and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the decedent. Personal delivery or transmission by certified mail, return receipt requested, shall be deemed sufficient notice under this provision. The claim forms shall require that the purported Personal Representative certify that such notice (or other notice that the Special Master deems appropriate) has been given. In addition, as provided in § 104.21(b)(5) of this part, the Special Master may publish a list of individuals who have filed Eligibility Forms and the names of the victims for whom compensation is sought, but shall not publish the content of any such form.

(c) Objections to Personal Representatives. Objections to the authority of an individual to file as the Personal Representative of a decedent may be filed with the Special Master by parties who assert a financial interest in the award up to 30 days following the filing by the Personal Representative. If timely filed, such objections shall be treated as evidence of a "dispute" pursuant to paragraph (d) of this section.

(d) Disputes as to identity. The Special Master shall not be required to arbitrate, litigate, or otherwise resolve any dispute as to the identity of the Personal Representative. In the event of a dispute over the appropriate Personal Representative, the Special Master may suspend

adjudication of the claim or, if sufficient information is provided, calculate the appropriate award and authorize payment, but place in escrow any payment until the dispute is resolved either by agreement of the disputing parties or by a court of competent jurisdiction. Alternatively, the disputing parties may agree in writing to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while the disputing parties work to settle their dispute.

§ 104.5 Foreign claims.

In the case of claims brought by or on behalf of foreign citizens, the Special Master may alter the requirements for documentation set forth herein to the extent such materials are unavailable to such foreign claimants.

§ 104.6 Amendments to this rule.

In the event that amendments are subsequently made to any section of this Part, claimants are entitled to have their claims processed in accordance with the provisions that were in effect at the time that their claims were submitted under § 104.21(d).

Subpart B - Filing for Compensation; Application for Advance Benefits

§ 104.21 Filing for compensation.

(a) Compensation form; "filing." Except for applications for Advance Benefits pursuant to § 104.22, no claim may be considered until the claimant has submitted both an "Eligibility Form" and either a "Personal Injury Compensation Form" or a "Death Compensation Form." A claim shall be deemed "filed" for purposes of section 405(b)(3) of the Act (providing that the Special Master shall issue a determination not later than 120 days after the date on which a claim is filed), and for any time periods in this part, when a Claims Evaluator determines that both the Eligibility Form and either a Personal Injury Compensation Form or a Death Compensation Form are substantially complete. Provided, however, that if a claimant files an Eligibility Form

requesting Advance Benefits pursuant to § 104.22 of this part without filing either a "Personal Injury Compensation Form" or a "Death Compensation Form," the claim shall be deemed "filed" when the Claims Evaluator determines that the Eligibility Form is substantially complete, but the time period for determination and any time periods in this part shall be stayed or tolled as described in § 104.22(g) of this part.

(b) Eligibility Form. The Special Master shall develop an Eligibility Form that will require the claimant to provide information necessary for determining the claimant's eligibility to recover from the Fund.

(1) The Eligibility Form may require that the claimant certify that he or she has dismissed any pending lawsuit seeking damages as a result of the terrorist-related airplane crashes of September 11, 2001 (except for actions seeking collateral source benefits) within 90 days of the effective date of this part pursuant to section 405(c)(3)(B)(ii) of the Act and that there is no pending lawsuit brought by a dependent, spouse, or beneficiary of the victim.

(2) The Special Master may require as part of the notice requirement pursuant to § 104.4(b) that the claimant provide copies of a designated portion of the Eligibility Form to the immediate family of the decedent (including, but not limited to, the spouse, former spouses, children, other dependents, and parents), to the executor, administrator, and beneficiaries of the decedent's will, and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the decedent.

(3) The Eligibility Form may require claimants to provide the following proof:

(i) Proof of death: Death certificate or similar official documentation;

(ii) Proof of presence at site: Documentation sufficient to establish presence at one of the crash sites, which may include, without limitation, a death certificate, records of employment, contemporaneous medical records, contemporaneous records of federal, state, city or local

government, an affidavit or declaration of the decedent's or injured claimant's employer, or other sworn statement (or unsworn statement complying with 28 U.S.C. 1746) regarding the presence of the victim;

(iii) Proof of death on board aircraft: Death certificate or records of American or United Airlines or other sufficient official documentation;

(iv) Proof of physical harm: Contemporaneous medical records of hospitals, clinics, physicians, licensed medical personnel, or registries maintained by federal, state, or local government, and records of all continuing medical treatment;

(v) Personal Representative: Copies of relevant legal documentation, including court orders; letters testamentary or similar documentation; proof of the purported Personal Representative's relationship to the decedent; copies of wills, trusts, or other testamentary documents; and information regarding other possible beneficiaries as requested by the Eligibility Form;

(vi) Any other information that the Special Master deems necessary to determine the claimant's eligibility.

(4) The Special Master may also require waivers, consents, or authorizations from claimants to obtain directly from third parties tax returns, medical information, employment information, or other information that the Special Master deems relevant in determining the claimant's eligibility or award, and may request an opportunity to review originals of documents submitted in connection with the Fund.

(5) Application for Advance Benefits: The Eligibility Form shall include a section allowing claimants to indicate that they wish to apply for Advance Benefits. Claimants who apply for such Advance Benefits must certify on that Form that they have not yet received \$450,000 in collateral source compensation if they are bringing a claim on behalf of a deceased victim with a spouse or dependent, \$250,000 in collateral source compensation if they are

bringing a claim on behalf of a deceased victim who was single with no dependents, or an amount in excess of their lost wages plus out-of-pocket medical expenses if they are an injured claimant. All such claimants also must state on the Form facts establishing financial hardship that would justify a determination that they are in need of Advance Benefits.

(6) The Special Master may publish a list of individuals who have filed Eligibility Forms and the names of the victims for whom compensation is sought, but shall not publish the content of any such form.

(c) Personal Injury Compensation Form and Death Compensation Form. The Special Master shall develop a Personal Injury Compensation Form that each injured claimant must submit. The Special Master shall also develop a Death Compensation Form that each Personal Representative must submit. These forms shall require the claimant to provide certain information that the Special Master deems necessary to determining the amount of any award, including information concerning income, collateral sources, benefits, and other financial information, and shall require the claimant to state the factual basis for the amount of compensation sought. It shall also allow the claimant to submit certain other information that may be relevant, but not necessary, to the determination of the amount of any award.

(1) Claimants shall, at a minimum, submit all tax returns that were filed for the years 1998, 1999, and 2000. The Special Master may, at his discretion, require that claimants submit copies of tax returns or other records for any other period of years he deems appropriate for determination of an award. The Special Master may also require waivers, consents, or authorizations from claimants to obtain directly from third parties medical information, employment information, or other information that the Special Master deems relevant to determining the amount of any award.

(2) Claimants may attach to the "Personal Injury Compensation Form" or "Death Compensation Form" any additional statements, documents or analyses by physicians, experts,

September 11. In one important sense, the Fund symbolizes the commitment of the American people to those most in need. It is an example of how Americans rally around the less fortunate.

The attached regulations have two objectives: (1) to provide fair, predictable and consistent compensation to the victims of September 11 and their families throughout the life of the program; and (2) to do so in an expedited, efficient manner without unnecessary bureaucracy and needless demands on the victims. The regulations highlight a fast track administrative compensation program, eliminating the red tape, time and expense of a traditional lawsuit. Quick payment to eligible claimants characterizes this program.

The Fund offers the eligible claimant an alternative to litigation. To succeed in the courtroom, a victim of the September 11 tragedy, or his or her representative, would be compelled to litigate, probably for many years at excessive cost, and with all the uncertainty of result which is part of the litigation process. Among the hazards of such a court proceeding are: Would liability be demonstrated? Against whom? Would sufficient funds be available to pay in full any resulting tort award? Would the verdict, even if favorable, withstand appellate challenge?

Trade-offs are required in developing Fund procedures that are different than those in the more conventional lawsuit. It is possible to develop an alternative administrative scheme, providing speedy and efficient compensation, which will help bring some closure to the events of September 11. We should not require its victims to revisit the tragic events of September 11 over and over again during the pendency of a lawsuit in our courts.

In formulating the regulations, we heeded the instruction of the Attorney General to help the neediest of victims as quickly as possible. Accordingly, under these regulations, an eligible claimant can receive an immediate advance payment of \$50,000 in cases involving death, or \$25,000 in certain cases involving serious physical injury. These payments are downpayments only, advanced to provide immediate financial assistance to those in need.

advisors, or any other person or entity that the claimant believes may be relevant to a determination of compensation.

(d) Submission of a claim. Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for civil actions to recover collateral source obligations. A claim shall be deemed submitted for purposes of section 405(c)(3)(B) of the Act when the claim is deemed filed pursuant to § 104.21, regardless of whether any time limits are stayed or tolled.

(e) Provisions of information by third parties. Any third party having an interest in a claim brought by a Personal Representative may provide written statements or information regarding the Personal Representative's claim. The Claims Evaluator or the Special Master or his designee may, at his or her discretion, include the written statements or information as part of the claim.

§ 104.22 Advance Benefits.

(a) Advance Benefits. Eligible Claimants may apply for immediate "Advance Benefits" in a fixed amount as follows:

- (1) \$50,000 for Personal Representatives; and
- (2) \$25,000 for injured claimants who meet the requirements of paragraph (d) of this section.

(b) Credit against award. The Advance Benefit shall be credited against any final compensation award so that the amount of the Advance Benefit is deducted from the final award under this program.

(c) Application for Advance Benefits. An otherwise eligible claimant may seek Advance Benefits to alleviate financial hardship faced by the claimant (or financial hardship faced by the

beneficiaries of the decedent) by submitting an Eligibility Form described in § 104.21(b) and indicating thereon that he or she is applying for Advance Benefits.

(d) Eligibility for Advance Benefits. In the case of a Personal Representative, the claimant may be deemed eligible for Advance Benefits if a Claims Evaluator or the Special Master or his designee determines that the claimant is eligible to recover under the Fund. In the case of an injured claimant, the claimant may be deemed eligible for Advance Benefits when the Special Master or his designee determines that the claimant is eligible to recover under the Fund and that the claimant's physical injury required hospitalization for one week or more.

(e) Authorization of payments.

(1) Payment in the amount described in paragraph (a) of this section will be authorized immediately upon a determination that the claimant is eligible for Advance Benefits and the claimant is:

(i) An injured claimant;

(ii) A Personal Representative who was the spouse of the deceased victim on September 11, 2001; or

(iii) A Personal Representative who has obtained the consent of the spouse of the deceased victim (or, if there is no surviving spouse, all of the dependents of the deceased victim) to file for Advance Benefits.

(2) (i) With respect to other Personal Representatives, payment will be authorized within 15 days after the determination that the claimant is eligible for Advance Benefits, provided that no other individual has asserted a colorable conflicting claim as the Personal Representative with respect to the decedent and the Personal Representative identifies and has given notice to the beneficiaries to whom such Advance Benefits will be distributed.

(ii) In the event that a colorable conflicting claim has been asserted, no Advance Benefit will be paid until a final eligibility determination has been made.

(f) Waiver of the right to sue. As set forth in § 104.21(d) of this part, a claim shall be deemed submitted for purposes of section 405(c)(3)(B) of the Act when a claimant has filed an Eligibility Form and is determined by a Claims Evaluator or the Special Master or his designee to be an eligible claimant. The claimant will therefore have waived the right to file a civil action (or to be a party to an action) in any Federal or State Court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for civil actions to recover collateral source obligations.

(g) Tolling of 120-day clock and other time periods. A claimant filing an Eligibility Form requesting Advance Benefits before filing a Personal Injury Compensation Form or Death Compensation Form will be deemed to have waived his right to commencement of the 120-day period in section 405(b)(3) of the Act (providing that the Special Master shall provide notice to the claimant of his determination within 120 days after the date on which a claim is filed). The 120-day period and all other time limitations in this part, except those applicable to Advance Benefit payments, shall be stayed or tolled until such time that a Claims Evaluator determines that the claimant's Personal Injury Compensation Form or Death Compensation Form is substantially complete.

Subpart C - Claim Intake, Assistance, and Review Procedures

§ 104.31 Procedure for claims evaluation.

(a) Initial review. Claims Evaluators shall review the forms filed by the claimant and either deem the claim "filed" (pursuant to 104.21(a)) or notify the claimant of any deficiency in the forms or any required documents.

(b) Procedural tracks. Each claim will be placed on a procedural track, described herein as "Track A" and "Track B," selected by the claimant on the Personal Injury Compensation Form or Death Compensation Form.

(1) Procedure for Track A. The Claims Evaluator shall determine eligibility and the claimant's presumed award pursuant to §§ 104.43 to 104.46 of this part and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee under § 104.33 of this part. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee pursuant to § 104.33. Claimants found to be ineligible may appeal pursuant to § 104.32.

(2) Procedure for Track B. The Claims Evaluator shall determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award; the Claims Evaluator shall notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing pursuant to § 104.33. At such hearing, the Special Master or his designee shall utilize the presumptive award methodology as set forth in §§ 104.43 to 104.46 of this part, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumptive award methodology. There shall be no review or appeal from this determination.

(c) Multiple claims from the same family. The Special Master may treat claims brought by or on behalf of two or more members of the same immediate family as related or consolidated claims for purposes of determining the amount of any award.

§ 104.32 Eligibility review.

Any claimant deemed ineligible by the Claims Evaluator may appeal that decision to the Special Master or his designee by filing an eligibility appeal on forms created by the office of the Special Master.

§ 104.33 Hearing.

(a) Supplemental submissions. The claimant may prepare and file Supplemental Submissions within 21 calendar days from notification of either the presumed award (Track A) or eligibility (Track B). The Special Master shall develop forms appropriate for Supplemental Submissions.

(b) Conduct of hearings. Hearings shall be before the Special Master or his designee. The objective of hearings shall be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. The claimant may request that the Special Master or his designee review any evidence relevant to the determination of the award, including without limitation: factors and variables used in calculating economic loss; the identity of the victim's spouse and dependents; the financial needs of the claimant; facts affecting noneconomic loss; and any factual or legal arguments that the claimant contends should affect the award. Claimants shall be entitled to submit any statements or reports in writing. The Special Master or his designee may require authentication of documents, including medical records and reports, and may request and consider information regarding the financial resources and expenses of the victim's family or other material that the Special Master or his designee deems relevant.

(c) Location and duration of hearings. The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The hearings shall be limited in length to a time period determined by the Special Master or his designee, but generally not to exceed two hours. The claimant may elect whether the hearing shall be public or private.

(d) Witnesses, counsel, and experts. Claimants shall be permitted, but not required, to present witnesses, including expert witnesses. The Special Master or his designee shall be permitted to question witnesses and examine the credentials of experts. The claimant shall be entitled to be represented by an attorney in good standing, but it is not necessary that the claimant be represented by an attorney.

(e) Waivers. The Special Master shall have authority and discretion to require any waivers necessary to obtain more individualized information on specific claimants.

(f) Track A review of presumed award. For proceedings under Track A, the Special Master or his designee shall make a determination whether:

(1) There was an error in determining the presumptive award, either because the claimant's individual criteria were misapplied or for another reason; or

(2) The claimant presents extraordinary circumstances not adequately addressed by the presumptive award.

(g) Determination. The Special Master shall notify the claimant in writing of the final amount of the award, but need not create or provide any written record of the deliberations that resulted in that determination. There shall be no further review or appeal of the Special Master's determination.

§ 104.34 Publication of awards.

In order to assist potential claimants in evaluating their options of either filing a claim with the Special Master or filing a lawsuit in tort, the Special Master reserves the right to publicize the amounts of some or all of the awards, but shall not publish the name of the claimants or victims that received each award. If published, these decisions would be intended by the Special Master as general guides for potential claimants and should not be viewed as precedent binding on the Special Master or his staff.

§ 104.35 Claims deemed abandoned by claimants.

The Special Master and his staff will endeavor to evaluate promptly any information submitted by claimants. Nonetheless, it is the responsibility of the claimant to keep the Special Master informed of his or her current address and to respond within the duration of this two-year program to requests for additional information. Claims outstanding at the end of this program because of a claimant's failure to complete his or her filings shall be deemed abandoned.

Subpart D - Amount of Compensation for Eligible Claimants.

§ 104.41. Amount of compensation.

As provided in section 405(b)(1)(B)(ii) of the Act, in determining the amount of compensation to which a claimant is entitled, the Special Master shall take into consideration the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant. The individual circumstances of the claimant may include the financial needs or financial resources of the claimant or the victim's dependents and beneficiaries. As provided in section 405(b)(6) of the Act, the Special Master shall reduce the amount of compensation by the amount of collateral source compensation the claimant (or, in the case of a Personal Representative, the victim's beneficiaries) has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001. In no event shall an award (before collateral source compensation has been deducted) be less than \$500,000 in any case brought on behalf of a deceased victim with a spouse or dependent, or \$300,000 in any case brought on behalf of a deceased victim who was single with no dependents.

§ 104.42. Applicable state law.

The phrase "to the extent recovery for such loss is allowed under applicable state law," as used in the statute's definition of economic loss in section 402(5) of the Act, is interpreted to mean that the Special Master is not permitted to compensate claimants for those categories or types of economic losses that would not be compensable under the law of the state that would be applicable to any tort claims brought by or on behalf of the victim.

§ 104.43 Determination of presumed economic loss for decedents.

In reaching presumed determinations for economic loss for Personal Representatives bringing claims on behalf of decedents, the Special Master shall consider sums corresponding to the following:

- (a) Loss of earnings or other benefits related to employment. The Special Master, as part

of the process of reaching a "determination" pursuant to section 405(b) of the Act, shall develop a methodology and publish schedules, tables, or charts that will permit prospective claimants to estimate determinations of loss of earnings or other benefits related to employment based upon individual circumstances of the deceased victim, including: the age of the decedent as of September 11, 2001; the number of dependents who survive the decedent; whether the decedent is survived by a spouse; and the amount and nature of the decedent's income for recent years. The decedent's salary/income in 1998-2000 shall be evaluated in a manner that the Special Master deems appropriate. The Special Master may, if he deems appropriate, take an average of income figures for each of those three years. The Special Master's methodology and schedules, tables, or charts shall yield presumed determinations of loss of earnings or other benefits related to employment for annual incomes up to but not beyond the 98th percentile of individual income in the United States for the year 2000. In cases where the victim was a minor child, the Special Master may assume an average income for the child commensurate with the average income of all wage earners in the United States.

(b) Medical expense loss. This loss equals the out-of-pocket medical expenses that were incurred as a result of the physical harm suffered by the victim (i.e., those medical expenses that were not paid for or reimbursed through health insurance). This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the Personal Representative.

(c) Replacement services loss. For decedents who did not have any prior earned income, or who worked only part time outside the home, economic loss may be determined with reference to replacement services and similar measures.

(d) Loss due to death/burial costs. This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the personal representative and includes the out-of-pocket burial costs that were incurred.

(e) Loss of business or employment opportunities. Such losses shall be addressed through the procedure outlined above in paragraph (a) of this section.

§ 104.44 Determination of presumed noneconomic losses for decedents.

The presumed noneconomic losses for decedents shall be \$250,000 plus an additional \$50,000 for the spouse and each dependent of the deceased victim. Such presumed losses include a noneconomic component of replacement services loss.

§ 104.45 Determination of presumed economic loss for claimants who suffered physical harm.

In reaching presumed determinations for economic loss for claimants who suffered physical harm (but did not die), the Special Master shall consider sums corresponding to the following:

(a) Loss of earnings or other benefits related to employment. The Special Master may determine the loss of earnings or other benefits related to employment on a case-by-case basis, using documentation and other information submitted by the claimant, regarding the actual amount of work that the claimant has missed or will miss without compensation. Alternatively, the Special Master may determine the loss of earnings or other benefits related to employment by relying upon the methodology created pursuant to § 104.43(a) and adjusting the loss based upon the extent of the victim's physical harm.

(1) Disability; in general. In evaluating claims of disability, the Special Master will, in general, make a determination regarding whether the claimant is capable of performing his or her usual profession in light of the injuries.

(2) Total permanent disability. With respect to claims of total permanent disability, the Special Master may accept a determination of disability made by the Social Security Administration as evidence of disability without any further medical evidence or review. The Special Master may also consider determinations of permanent total disability made by other

governmental agencies or private insurers in evaluating the claim. The Special Master may require that the claimant submit an evaluation of the claimant's disability and ability to perform his or her occupation prepared by medical experts.

(3) Partial disability. With respect to claims of partial disability, the Special Master may consider evidence of the effect of the partial disability on the claimant's ability to perform his or her usual occupation as well as the effect of the partial disability on the claimant's ability to participate in usual daily activities.

(b) Medical Expense Loss. This loss equals the out-of-pocket medical expenses that were incurred as a result of the physical harm suffered by the victim (*i.e.*, those medical expenses that were not paid for or reimbursed through health insurance). In addition, this loss equals future out-of-pocket medical expenses that will be incurred as a result of the physical harm suffered by the victim (*i.e.*, those medical expenses that will not be paid for or reimbursed through health insurance). These losses shall be calculated on a case-by-case basis, using documentation and other information submitted by the claimant.

(c) Replacement services loss. For injured claimants who did not have any prior earned income, or who worked only part-time outside the home, economic loss may be determined with reference to replacement services and similar measures.

(d) Loss of business or employment opportunities. Such losses shall be addressed through the procedure outlined above in paragraph (a) of this section.

§ 104.46 Determination of presumed noneconomic losses for claimants who suffered physical harm.

The Special Master may determine the presumed noneconomic losses for claimants who suffered physical harm (but did not die) by relying upon the noneconomic losses described in § 104.44 and adjusting the losses based upon the extent of the victim's physical harm. Such presumed losses include any noneconomic component of replacement services loss.

§ 104.47 Collateral sources.

We were required, of course, to adhere to the language which Congress set out in the statute, including the provisions requiring that awards be offset by all collateral source compensation such as benefits from life insurance and other government programs. However, we did find ambiguity in the statute as to gifts provided to victims and their families by private charities. These regulations do not require that awards be offset by such private charitable assistance.

We have concluded that the purpose of the Act is not simply to examine economic and noneconomic harm, but also to provide compensation that is just and appropriate in light of claimants' individual circumstances. We have concluded that any methodology that does nothing more than attempt to replicate a theoretically possible future income stream would lead to awards that would be insufficient relative to the needs of some victims' families, and excessive relative to the needs of others. The statute specifies that individual circumstances beyond economic and noneconomic harm should be taken into account. It is our view that, absent extraordinary circumstances, awards in excess of \$3 million, tax-free, will rarely be appropriate in light of individual needs and resources. At the same time, we want to ensure that victims' families are receiving at least a minimum level of resources to help meet their needs and rebuild their lives. Thus, we have concluded that the families of deceased victims should receive a combined total of at least \$500,000 from this program, other state and federal programs, life insurance policies and other sources of compensation. Similarly, the baseline for single decedents should be \$300,000. This ensures that every needy claimant's total compensation from this program and other sources will be at least equal to these threshold amounts.

In sum, the September 11th Victim Compensation Fund of 2001 is an attempt by the American people to demonstrate their solidarity with, and generosity for, those injured by the terrible September 11 attack on our country. It provides an alternative compensation scheme to the traditional tort system, a method of providing substantial and quick compensation to those who elect to participate.

(a) Payments that constitute collateral source compensation. The amount of compensation shall be reduced by all collateral source compensation, including life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(b) Payments that do not constitute collateral source compensation. The following payments received by claimants do not constitute collateral source compensation:

(1) The value of services or in-kind charitable gifts such as provision of emergency housing, food, or clothing; and

(2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by private charitable entities; provided, however, that the Special Master may determine that funds provided to victims or their families through a private charitable entity constitute, in substance, a payment described in paragraph (a) of this section.

Subpart E - Payment of Claims

§ 104.51 Payments to eligible individuals.

Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under the Fund, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

§ 104.52 Distribution of award to decedent's beneficiaries.

The Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction. The Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the

Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

Subpart F - Limitations

§ 104.61 Limitation on civil actions.

(a) General. Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except that this limitation does not apply to civil actions to recover collateral source obligations. The Special Master shall take appropriate steps to inform potential claimants of section 405(c)(3)(B) of the Act.

(b) Pending actions. Claimants who have filed a civil action or who are a party to such an action as described in paragraph (a) of this section may not file a claim with the Special Master unless they withdraw from such action not later than [PLEASE INSERT DATE WHICH IS 90 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

§ 104.62 Time limit on filing claims.

In accordance with the Act, no claim may be filed under this part after [FEDERAL REGISTER: PLEASE INSERT DATE TWO YEARS AFTER THE EFFECTIVE DATE OF THIS RULE.]

§ 104.63 Subrogation.

Compensation under this Fund does not constitute the recovery of tort damages against a third party nor the settlement of a third party action, and the United States shall be subrogated to all potential claims against third party tortfeasors of any victim receiving compensation from the

Fund. For that reason, no person or entity having paid other benefits or compensation to or on behalf of a victim shall have any right of recovery, whether through subrogation or otherwise, against the compensation paid by the Fund.

Subpart G - Measures to Protect the Integrity of the Compensation Program

§ 104.71 Procedures to prevent and detect fraud.

(a) Review of claims. For the purpose of detecting and preventing the payment of fraudulent claims and for the purpose of assuring accurate and appropriate payments to eligible claimants, the Special Master shall implement procedures to:

- (1) Verify, authenticate, and audit claims;
- (2) Analyze claim submissions to detect inconsistencies, irregularities, duplication, and multiple claimants; and
- (3) Ensure the quality control of claims review procedures.

(b) Quality control. The Special Master shall institute periodic quality control audits designed to evaluate the accuracy of submissions and the accuracy of payments, subject to the oversight of the Inspector General of the Department of Justice.

(c) False or fraudulent claims. The Special Master shall refer all evidence of false or fraudulent claims to appropriate law enforcement authorities.

Date

John Ashcroft
Attorney General

Note: This Appendix will not appear in the Code of Federal Regulations.

**APPENDIX TO PREAMBLE
SUMMARY OF PUBLIC COMMENTS SUBMITTED IN RESPONSE TO THE
NOVEMBER 5, 2001 NOTICE OF INQUIRY AND ADVANCE NOTICE OF
RULEMAKING.**

The following is a summary of the comments the Department of Justice ("the Department") received in response to its Notice of Inquiry published on November 5, 2001. The Notice of Inquiry sought input on numerous issues regarding potential regulations for the "September 11 Victim Compensation Fund of 2001" (the "Fund"), which was signed into law as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act")(the "Act").

Over 800 comments were received by the November 26, 2001 deadline established by the Department. Additionally, hundreds of comments have been received since that date. Every comment was – and continues to be – reviewed, considered, and catalogued into one or more of 72 different topics. While the following summary does not address every issue raised by commenters, it provides a general synopsis of the most often raised issues. The summary is not intended to be an exhaustive illustration of every issue contemplated by the Special Master or the Department. Indeed, as mentioned above, all comments were considered in the promulgation of these interim final rules. Finally, the summarized issues below are not arranged in any particular order of importance or level of volume.

The Effective Date of This Interim Final Rule

While the Act specified that this rule should be issued by December 21, 2001, it did not specify when they should become effective. Accordingly, the Department sought comment on this issue. The Department noted that the Administrative Procedure Act generally provides that rules not go into effect for at least 30 days absent "good cause."

Many commenters favored an immediate effective date so that claims could be filed right away. Many indicated an immediate need for relief and expressed frustration about their experiences with obtaining short-term assistance from other sources. However, some commenters thought an immediate effective date would be difficult to implement because the Special Master would need time to hire personnel and to set up the operation of the program before beginning to process claims.

A number of commenters suggested a compromise – making available some amount of short-term relief on an immediate basis to eligible claimants, and then commencing the more detailed review process necessary to provide a final award. Some suggested using flat amounts for these immediate awards, while another commenter suggested establishing an interest-free line of credit upon which families could draw. Another suggestion was that claims for immediate assistance be prioritized by "need."

Eligibility

In its November 5, 2001, Notice of Inquiry, the Department noted that section 405(b) of the statute requires the Special Master to determine whether a claimant is an "eligible individual" under section 405(c). "Eligibility," in turn, is defined by the Act to include: (1) individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; or (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a result of one of the terrorist-related air crashes. The Department sought comment on whether a Departmental regulation or a statement of policy by the Special Master would be appropriate to clarify these criteria, and if so, what those criteria should be.

The Department specifically invited comment on the following questions related to eligibility:

- How should "present at" be interpreted?
- Should the term "physical harm" be limited to serious injuries, as it is under some other no-fault compensation schemes, (*see, e.g.*, N.Y. Ins. Law § 5102), or should it be construed more broadly?
- Should "physical harm" be limited to currently identifiable injuries?
- Can and should the program address latent, but not yet evident, harm?
- What duration of time is intended by the statutory phrase "immediate aftermath"?

(1) "Present At" And "Immediate Aftermath"

Many of the comments addressed the question of how to define the terms "present at the site" and "immediate aftermath," especially for purposes of those who were in New York at the time of the crashes. Some commenters urged a broad definition of these terms. They recommended that anybody in New York City be considered "present" because the debris and ash from the collapse of the World Trade Towers was widespread. Residents who live near the Ground Zero site in New York urged that they be eligible to recover under the Fund.

In contrast, other commenters argued for a narrower definition of the terms, asserting that the legislation intended to constrain the Fund to the locus of the buildings themselves, and to some very limited time period after the crashes. One comment recommended that "immediate aftermath" be defined as 48 hours after the crashes.

(2) Physical Harm

With respect to the nature of harm involved, some commenters asserted there should be no lower boundary for "nonserious" injuries. Of those who commented on the point, there were disagreements as to whether post-traumatic stress could be considered physical harm for purposes of filing a claim under the Fund. Certain commenters indicated that many people suffered substantial stress from witnessing the attacks and devastation and that they should be eligible to recover from the Fund. However, others argued that the Fund was not intended to cover psychological injury because the language of the statute specifically requires that the claimant suffer "physical harm." These commenters feared that recovery for stress-related injuries would open a Pandora's Box of less serious claims, which, in turn, may reduce the amount of compensation issued to those with the most serious physical injuries.

(3) Latent Harm

Some of the comments focused on the problem of latent injuries and diseases. Several commenters mentioned the coughing they have experienced as a result of exposure to the crash site in New York, and some nearby residents expressed concern about latent harm that might accrue from returning to their homes before the conclusion of the rescue and cleanup efforts. On the other hand, other commenters expressed concern about covering any harms that do not manifest themselves within the two-year lifetime of the Fund. They argued the Fund was not designed to compensate for latent harm primarily because the Fund only exists for two years, and many injuries may not become manifest until after that time.

(4) Eligibility of Victims And Survivors

Some commenters addressed the meaning of the word "victim." For example, some commenters urged that any unborn child who died should be considered eligible for an award as

a victim. With respect to a different group of potential claimants, some commenters argued that illegal aliens should not be eligible for awards. However, other commenters did not think that legal status should preclude an award from the Fund.

With regard to claims on behalf of decedent victims, the comments evidenced a tremendous amount of confusion about whether the statute intended to cover only the losses incurred by the victim or the losses incurred by relatives and others. Some commenters noted that section 405 of the Act provides that only claims on behalf of the victim can be filed with the Fund, presumably leaving to the courts any claims by family members or partners on their own behalf. However, some commenters noted that section 403 of the Act states that its purpose is to provide compensation to any individual "or relatives of a deceased individual" who were killed as a result of the terrorist-related aircraft crashes. The commenters further noted that various types of losses that may be compensated by the Fund pursuant to section 402 are akin to those that in civil actions are normally considered losses to survivors rather than to the victim.

Many commenters commented on the "eligibility" of particular "survivors" of the victim. Some suggested that only a spouse and children be considered "eligible." Others expressed concern as to whether parents, divorced spouses, children of a prior marriage, and others with a legal relationship would be "eligible" for an award under the Fund. In this regard, a number of comments specifically urged that non-married partners and others with a non-traditional relationship be considered "eligible" for an award. Some commenters opposed the idea of extending eligibility under the Fund to those in non-traditional relationships and argued for a narrower definition of eligibility.

Similarly, there were a number of comments about how "eligible" survivors would participate in the decision of whether to submit an application to the Fund, since in their view the application to the Fund would prohibit all of them from filing civil litigation. Some commenters explicitly suggested the law be interpreted to allow claims both on behalf of the decedent's estate and on behalf of any survivors, and suggested that such claims could be consolidated for decision before the Special Master. Others, however, specifically recommended that claims be limited to those on behalf of the estate. Many commenters, presuming that to be the case, recommended that the state courts be responsible for designating the representative to represent the estate, and that any award be distributed in accordance with the requirements of the will or state intestacy law.

Assistance To Claimants

In its Notice of Inquiry of November 5, 2001, the Department noted that it would appear that these requirements -- combined with the statutory time frame for the Special Master to reach a decision once a claim is filed -- contemplate a detailed form and filing. Accordingly, the Department invited comments on whether there are actions the Special Master should be required to take before he can accept a claim, or deem a claim "filed." The Department noted that the statute appeared to provide a very limited time frame for the Special Master to evaluate a claim before making a decision -- 120 days from the date a claim is filed. Accordingly, the Department sought comment on whether the Special Master should be permitted to dismiss a claim as not properly filed for lack of adequate supporting information and, if so, whether an individual should thereafter be permitted to refile the claim. Comments were also solicited on whether it would be advisable to include in the rules a procedure where the time for making a determination could be extended by agreement.

The Department also requested comment on the design and content of the claim forms in light of the statutory requirements, as well as on making the forms and their instructions readable and readily available. The Department also sought comment on how it should implement the statutory requirement that claimants be provided with assistance.

While most of those who commented supported maintaining firm deadlines, many commenters suggested that a claimant be able to "halt the clock" at the claimant's discretion for various purposes (*e.g.*, to provide further evidence before the claim is evaluated, to allow more time to prepare for a hearing, or to allow for an administrative review of an initial award determination). Some suggested that the Special Master also have the authority not to start the clock until the claim contained sufficient information upon which an award determination could be made, or to halt the process for a set period of time to allow for review of an initial determination (provided that the claimant concurred with that decision).

A number of commenters stressed that a claimant should not lose the right to proceed with their claim due to an incomplete file. One commenter suggested the Special Master should have 14 days to review a claim before deciding if there is enough information to proceed. Several commenters suggested that claimants not be required to waive their right to litigation until it was determined the claimant was eligible to recover from the Fund. Similarly, some commenters stated they would have difficulty deciding whether or not to opt into the fund (and thus waive their right to sue) if they did not have some idea or presumption of the range of recovery they might expect from the Fund.

Many commenters urged the Department to establish a simplified procedure for initiating a claim with the Fund. They expressed frustration with the barrage of paperwork required to apply for assistance with other organizations. Some employers offered to provide information on behalf of their employees or survivors in an effort to reduce the paperwork burden on claimants. On the other hand, some noted that -- in light of the pro bono legal assistance that has been offered to the survivors -- claimants would have the option to have the assistance of an attorney to complete the forms. A number of commenters suggested a two-step claims process that would involve a simple initial submission, followed by a more asserted effort to collect additional information with the guidance of claimant assistance personnel from the Office of the Special Master.

A number of commenters had suggestions as to how the Special Master might assist claimants both in filing claims and completing the claims process. Many suggested that local offices be established in New York City, Washington D.C., Pennsylvania, and other cities that served as the domicile of victims. Some urged that outreach efforts be made to locate potential claimants and make them aware of the program's operations. Some mentioned that outreach should include multi-lingual assistance and publications. One group suggested that each Hearing Office have an Applicant's Assistant. Others suggested the Special Master hire victim advocates to assist claimants throughout the process.

The Claims Evaluation Process

The Department solicited comment on whether every claimant should be granted an oral hearing or whether paper hearings may be sufficient, and what types of oral hearing might be practicable in light of the statutory time frames.

Further, the Department sought comment on how evidence might be established and whether it is authorized to enforce requests made by the hearing officer to third parties for

evidence that is necessary to a proceeding (*e.g.*, evidence that might bear on whether all aspects of the claim file on which the decision will be based are accurate and complete). The Department sought comment on whether such proceedings should be recorded, whether such proceedings should be held in a location convenient to the claimant, how to deal with scheduling conflicts, and whether the opportunity for a hearing can be waived by a claimant through inaction or unwarranted delay.

Many commenters had opposing views on the role hearings should play in claims evaluation. Some commenters -- comparing this program to civil litigation -- viewed the hearings as essential to each and every claim. These commenters recommended hearings as a sort of "mini-trial," which would include rules of evidence (albeit relaxed rules) and adversarial questioning of witnesses. Using the same analogy, however, these commenters suggested that many claims could be "settled" based on only the paper submissions. Other comments suggested the hearings be more akin to an opportunity -- for those claimants who want to exercise it -- to make an informal oral presentation of their cases. They viewed the hearing as an opportunity to ensure that the decision maker was aware of their individual circumstances. Many of these commenters also suggested, for various reasons, that not all claimants would want a hearing. Some commenters suggested allowing claimants, upon filing a claim, to elect among different "tracks" -- one that would involve a hearing, and one that would not.

On the question of who should be hired as hearing officers, suggestions included retired trust executives, retired judges, attorneys experienced in handling high volume caseloads, and those experienced in civil litigation. Some commenters recommended there be a panel of hearing officers rather than one hearing officer. A number of commenters also recommended that claimants have the opportunity for review of their award to ensure that the decision maker was aware of their individual circumstances.

Many commenters submitted detailed procedural suggestions for the claims process. Among other things, these suggestions dealt with how eligibility and damages could be established through the use of affidavits under penalty of perjury in the event relevant documents had been lost as a result of the crashes themselves (*e.g.*, designations of beneficiaries maintained by employers). Additionally, a number of commenters suggested the Special Master have the right to subpoena evidence required to make a determination.

Awards Under the Fund

(1) Meeting the 120-day Deadline

The Department invited comment on what means and mechanisms could be implemented to allow just compensation within the statutorily-mandated 120-day period for processing claims. In particular, the Department sought input on whether and how statistical methodologies should be developed and used as a starting point for decision, and whether publication of hypothetical or presumptive awards for classes of individuals would assist potential claimants in determining whether to opt into the Fund. For the most part, these comments were encapsulated in discussions regarding the calculation of damages; namely, economic and noneconomic losses.

(2) Calculating "Economic Losses"

The Department sought specific comment on how the Special Master should determine "economic losses." Although retaining experts is certainly not prohibited, the Special Master will not require any claimant to obtain legal counsel or other experts to assist in proving or presenting evidence of damages. The Special Master may, however, draw on available

information from appropriate specialists in relevant fields to analyze economic losses. The Department invited comment regarding the necessary qualifications for such specialists, the data that should be utilized, the methodologies that should be employed, the documentation that should be required for every claimant, and how state law should bear upon such determinations. In addition, the Department invited comments on how to address the economic losses of individuals whose lost future income streams would have been highly contingent, variable, or unpredictable.

As expected, the range of comments on how best to calculate economic losses was widely varied. One group suggested a minimum value be calculated based on median income and remaining years of work, with flexibility to adjust the award after hearing all the evidence in individual cases. Similarly, certain comments suggested the use of a grid would be appropriate in certain circumstances to identify presumed awards. Others urged that no type of grid be used.

In terms of presumptive valuation, a few commenters recommended that awards mirror the amount a party could anticipate receiving from personal injury or wrongful death actions. Others disagreed. Many recognized the limited opportunities now available to potential plaintiffs filing claims in civil courts arising out of the September 11, 2001 terrorist attacks. At least one commenter argued that the fairest approach in determining economic losses is that which insurance companies use in settling claims.

Some commenters indicated that economic awards should not be based on differences in individual income prior to the crash. Some suggested using a flat dollar figure per surviving family member (*e.g.*, \$250,000 for each survivor). Another suggested a flat amount for death at \$100,000, injury at \$50,000, and various other losses at slated dollar figures. On the other hand, some commenters felt the purpose of the program is to act as a substitute for civil damage actions, and that efforts should be made to determine and take into consideration the amount of income likely lost by a decedent. A large number of comments were received with respect to how to establish such income (*e.g.*, average over a certain number of prior years, plus information supplied by employers on future prospects).

(3) Calculating "Noneconomic Losses"

The Department also sought comment as to "noneconomic losses." Most notably, the Department invited comments regarding whether, and in what manner, the Special Master can or should draw meaningful distinctions between both those victims who died in different locations and those who suffered similar injuries. The Department also invited comments on whether the Department should (as some have suggested) issue regulations determining the amount of noneconomic loss for classes of similarly situated individuals or whether, instead, the Special Master should determine all noneconomic loss on a detailed claim-by-claim basis. Further, the Department requested comment on what facts and circumstances should be considered in determining noneconomic losses for each individual, and what standards should be employed.

Comments regarding noneconomic losses were similarly varied. One commenting association suggested noneconomic losses -- such as pain and suffering -- should be standardized because such losses do not vary by income strata. Numerous commenters advocated a "fixed" noneconomic award, stating that the government should not attempt to draw distinctions in the amount of pain suffered by victims or their survivors. One commenter suggested the most equitable process for determining noneconomic awards would be an elective process. Under this proposed method, a claimant could elect to have the award calculated by use of a matrix, or alternatively, could present evidence at a hearing to establish the amount to which the claimant

Neither this Fund nor any monetary compensation can possibly provide a full measure of relief to those who have suffered as a result of September 11. But the Fund will provide appropriate compensation and some measure of comfort to those whose lives have been torn asunder by the events of September 11.

Background.

The following discussion provides background information and explanation of the regulations promulgated herein. Section A describes the statutory backdrop for the regulations; Section B discusses the Department's rulemaking procedures to date; Section C addresses Eligibility; Section D pertains to Advance Benefits; Section E discusses Final Awards made by the Fund; Section F describes the Special Master's claims evaluation process; and Section G relates to Assistance to Claimants. The text of the regulations is set forth following these explanatory sections. A catalog of public commentary is set forth thereafter as an Appendix. More detailed information regarding the program, including a flow chart of applicable procedures and a table of estimated or "presumed" awards, will be available on the Victims Compensation Fund website at www.usdoj.gov/victimcompensation.

A. The Statute.

The President signed the "September 11th Victim Compensation Fund of 2001" (the "Fund") into law on September 22, 2001, as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") ("the Act"). The purpose of this Fund is to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who died as a result of the crashes. Generally, eligibility is limited to: (1) individuals on the planes at the time of the crashes (other than the terrorists); and (2) individuals present at the World Trade Center, the Pentagon or the site of the crash in Pennsylvania at the time of the crashes or in the immediate aftermath of the crashes.

The Fund is designed to provide a no-fault alternative to tort litigation for individuals who were physically injured or killed as a result of the aircraft hijackings and crashes on September 11, 2001. Others who may have suffered losses as a result of those events (e.g., those without identifiable physical injuries but who lost employment) are not included in this special program. Indeed, compensation will be provided only for losses caused on account of personal physical injuries or death, even though the victims may have suffered other losses, such as property loss. For this reason, the Department and the Special Master anticipate that all awards

believes he or she is entitled. A number of commenters argued that the statute necessitated an entirely individualized determination of noneconomic losses in every case. A group representing survivors of decedents suggested that noneconomic losses must be uncapped and based, in part, on the number and age of any surviving children or dependents, the current and future pain and suffering experienced by the victim's family, and the severity of pain suffered by the victim himself or herself.

(4) Taxation

A number of commenters raised questions about the taxability of various kinds of awards issued under the Fund. Several commenters asserted that compensation from the Fund should be nontaxable under federal law, similar to various types of tort awards. Another commenter stated that state victim compensation fund awards generally are not taxable, either by the state or the federal government. On the other hand, another commenter stated he did not see the purpose of distributing taxpayers' money to victims, and urged taxing the awards so as to return some of the money to the Treasury.

Collateral Sources

The Department sought comments on the issue of collateral sources. Although the Act requires that collateral sources be deducted from awards issued under the Fund (and explicitly outlines examples of certain types of collateral sources), the Department invited comment as to how the term "collateral source" should be defined.

(1) General Comments

Despite the explicit language in the Act, a number of commenters took issue with deducting any collateral sources whatsoever. Although many recognized that both the Department and the Special Master are bound to follow the language in the Act, they nonetheless argued that collateral sources are -- in many states -- not offset in wrongful death suits. Some urged that the type of collateral source offsets should be interpreted narrowly. A number of commenters also suggested that if collateral source benefits to a victim are to be offset, a counter-offset should be made for the premiums or contributions made by the victim to purchase various benefits. Others specifically suggested that only the value of collateral benefits funded by a victim's employer should be offset.

Many commenters, however, asserted that the program should not "unjustly enrich" the victims or their survivors, and supported the use of widespread offsets. Some of these comments mentioned that -- although the statute does not provide either a ceiling or floor for the amount of awards -- the Fund may have only a limited pool of resources to distribute to claimants (akin to the funds being collected and distributed by charitable organizations), and suggested the need to help those most in need. Other comments noted that unjust enrichment should not flow through tax-payer dollars. It was mentioned that many taxpayers -- who ultimately will provide the funds under the program -- also sent in charitable contributions not to unjustly enrich victims or their families, but, rather, solely to help them through these troubled times.

(2) "A claimant has received or is entitled to receive"

Some commenters specifically focused on the word "claimant" in the phrase "a claimant has received or is entitled to receive," and urged that any collateral source benefits not paid or to be paid directly to the claimant not be deducted from the award. These comments were often parallel to those concerning the question of whose losses are to be compensated under the Fund:

only those of the decedent (estate), or those of others as well. (See the discussion of Eligibility.)

A number of comments also focused on the words "entitled to receive." Some recommended that only those collateral benefits scheduled to be paid as a result of contractual or other clear obligations should be deducted from an award. Others recommended that only the present value of any future contingent awards be considered in making any offset.

(3) Life Insurance

Many commenters were frustrated that the Act requires life insurance proceeds to be deducted from awards. Many asserted that deducting life insurance will penalize those who planned ahead. One suggested that life insurance should only be offset if payable to a dependent of the victim, and another group of commenters indicated that only the sums received by the eligible applicant net of all taxes that exceed the premiums -- or other payments made by the applicant -- be deducted. A number suggested that if life insurance is to be offset, the premiums paid should be returned to the victim by reducing the amount of the benefit offset.

(4) Pensions

While similar concerns (as to life insurance) were raised in connection with pensions, a more common comment concerned the meaning of the term "pension." For example, some commenters noted that pensions are not normally considered to be "compensation for a loss" but are instead akin to savings.

(5) Workers Compensation And Victim Assistance Programs

One commenter pointed out that most of the victims may be eligible for workers' compensation benefits because they were killed while on the job. Further, with respect to those receiving benefits under New York law, the compensation insurer can terminate workers' compensation payments -- absent claimants obtaining consent to enter the Fund -- if benefits are being paid to the injured workers or survivors. New York State legal authorities confirmed the noteworthiness of this issue, and recommended that workers' compensation payments not be considered a collateral source to this extent.

With respect to state victim assistance funds, one commenter noted that 42 U.S.C. § 10602(e) -- which generally provides that state crime victim boards may refuse to pay out benefits if another Federal program is paying benefits -- was explicitly amended to exclude payments made under the September 11th Victim Compensation Fund of 2001. The commenter suggested that some programs covered under that code provision -- that have already made payments -- may be entitled to reimbursement as a result.

(6) Charitable Contributions

Many victims of the terrorist-related crashes on September 11, 2001, have or may receive support from special funds set up to assist them, as well as from special programs established by some of their employers to share future profits and the like. Accordingly, whether to reduce Fund awards by the amount of such contributions was one of the issues given the most attention in the comments. Notably, this issue was discussed in a number of news articles at about the time the Notice of Inquiry was issued.

Commenters were heavily divided on this issue. Many were strongly opposed to reducing awards by the amount of charity funding received. This includes some commenters who donated to charities established for this purpose, as well as employers who established funds to help the families of the victims. Many insisted that funds collected by employers solely for the purpose of compensating victims of the September 11 attacks should not be deemed a collateral source. Many drew a distinction between funds provided for short-term assistance and

need, and those designed to compensate victims for their losses.

On the other hand, a number of comments from those who contributed money to various charities viewed the purposes of the charities and the Fund as one and the same; namely, compensating the victims. These commenters asserted they had not intended making contributions to unjustly enrich the families, and would hesitate to make such contributions in the future if their help turns out only to ensure persons maintain a certain lifestyle.

A number of commenters also pointed to the practical difficulties of trying to establish what claimants may have received from charities. Some suggested the Fund should have access to any database of charitable contributions, including one that was reported to be under consideration in New York.

After discussing these factors, some commenters suggested that the Special Master only offset charitable contributions over a certain amount. A few commenters suggested only offsetting charities set up for longer term assistance to the victims (*e.g.*, tuition funds or scholarships for the children of all the victims).

Payment of Awards

Some commenters expressed the view that payments by the fund should be in the form of "structured settlements" or annuities rather than in lump sum. One commenter suggested payments to children should go to a trustee for the benefit of the child. However, other commenters argued for lump sum payments and objected to the government placing any restrictions on the claimants' award.

Limitations on Fees for Assistance And Payment by the Special Master

The Department requested comments on whether the Special Master has the authority to limit the types and amounts of fees that can be charged by counsel, accountants, experts or others who are retained by claimants to assist them to file and pursue compensation claims, and whether such fees can and should be paid by the Special Master directly out of compensation awards. The Department also solicited comments on what limitations, if any, the rules should impose on non-attorney, non-claimant representatives' participation in filing claims.

A number of commenters noted that the right to be represented by counsel is provided by the statute, that not all claimants would be comfortable using pro-bono counsel to represent their interests, and that payment of attorneys' fees is necessary to ensure representation by counsel of choice. Some of these commenters suggested, however, that fees could be limited so as not to exceed 10% of the award to claimant. Paradoxically, some commenters opposed using any amount of money from the Fund to pay legal fees.

from the Fund will be free of federal taxation. See I.R.C. § 104(a)(2) (stating that damages received "on account of personal physical injuries or physical sickness" are excludable from gross income for purposes of federal income taxation).

A claimant who files for compensation waives any right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for actions to recover collateral source obligations.

Determinations on eligibility and the amount of compensation are to be made by the Special Master. After determining whether an individual is an eligible claimant under the Act, the Special Master is to determine the amount of compensation to be awarded based upon the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

The law also provides that the Special Master is to make a final determination on any claim within 120 days from when the claim was filed and, if an award is made, to authorize payment within 20 days thereafter. The determinations of the Special Master are final and are not reviewable by any court. Claims with the Fund must be filed on or before two years after the effective date of these regulations, i.e. [insert date 2 years from date of this publication in the FEDERAL REGISTER]. Payments from the Fund are made by the United States Government, which in turn obtains the right of subrogation to each award.

Pursuant to the Act, regulations addressing certain administrative matters must be issued within 90 days of enactment. Section 407 of the Act provides that the Department, in consultation with the Special Master, promulgate regulations on four matters by December 21, 2001:

- (1) Forms to be used in submitting claims;
- (2) The information to be included in such forms;
- (3) Procedures for hearing and the presentation of evidence; and
- (4) Procedures to assist an individual in filing and pursuing claims under this title.

In addition, section 407 authorizes, but does not require, the Department to issue additional rules to implement the program. This Interim Final Rule addresses issues beyond the four specifically required by the Act in order to create a program that will be efficient, will treat similarly situated claimants alike, and will allow potential claimants to make informed decisions regarding whether to file claims with the Fund. Nonetheless, the Department recognizes that it cannot anticipate all of the issues that will arise over the course of the program and that there will inevitably be many difficult issues that the Special Master will have to resolve in the course of making determinations on individual claims.

B. Rulemaking history to date.

On November 5, 2001, the Department requested public input on a number of issues. 66 FR 55901. The Department noted that, at that time, the Special Master had not yet been appointed, but that it wanted as much public comment as feasible before issuing the regulations by December 21, 2001. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master. As called for by the Act, this interim final rule is promulgated in consultation with the Special Master.

The Department received more than 800 comments in response to the Department's Notice of Inquiry. Some were very brief and only spoke to a single issue; others responded to the Department's questions on a point by point basis. Still others contained detailed analyses, recommendations and even proposed regulatory language.

The range of commenters was very broad. Some commenters identified themselves as citizens, taxpayers or law professors, and many identified themselves as individuals who had contributed to charities for those impacted by the terrorist crashes. Many other commenters identified themselves as members of victims' families, partners or close friends, including some from organizations and groups of survivors. Several commenters identified themselves as employers who lost a significant number of employees in the crashes. A number of commenters identified themselves as residents of housing near "Ground Zero" in New York.

In addition, the Department received comments from many organizations including the American Insurance Association, the American Arbitration Association, the American Bar Association, Trial Lawyers Care, New York Trial Lawyers' Association, New York City Bar Association, Massachusetts Bar Association, National Center for Victims of Crime, National Association of Crime Victim Compensation Boards, the Oklahoma Crime Victim Compensation Board, Consumers Union, Public Citizen, the National Right To Life Committee, the Lambda Legal Defense & Education Fund, the American Civil Liberties Union, the Association of Flight Attendants, the Council on Foundations, the Nonprofit Coordinating Committee of New York, Independent Sector, the Alternative Dispute Resolution of the Federal Bar Association, the Alliance of Fiduciary Consultants, and the Foreign Claims Settlement Commission.

Individual members of Congress, groups of members, and members of the Senate leadership also provided comments. Further, joint comments were submitted on behalf of the New York City Mayor, the New York Governor, and the New York Attorney General, by members of the New York Assembly, and by the Attorney General of Connecticut.

Comments were also submitted by United Airlines and American Airlines, and from various individuals and companies who identified themselves as having expertise or experience in the administration of claims programs.

The Department has read every submission it received in response to this notice, from handwritten notes to scholarly discussions. The Department wants to express its appreciation for the time and careful thought reflected in those submissions.

While the Department has reviewed every submission it received, it will not regulate on every topic addressed in those comments. Over 70 separate topics were identified; almost two dozen full size notebooks are necessary to organize all of the comments by topic. All of the comments will be retained by the Department for subsequent consideration when it reviews comments on this interim final rule, and the comments will remain posted on the Department's web site where they may be reviewed by the public. The Department was pleased to see that some comments responded to others placed on the web site, and hopes this facility will continue to be of interest to the public.

It is not feasible to repeat here all of the suggestions received in the comments, let alone directly respond to each. The Appendix to this interim final rulemaking highlights some of the points raised by commenters in order to indicate the range of views received on how various issues should be approached.

C. Eligibility.

Section 405(b) of the Act requires the Special Master to determine whether a claimant is an "eligible individual" under section 405(c). "Eligibility," in turn, is defined by the Act to include: (1) individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or

in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a result of one of the terrorist-related air crashes. This interim final rule addresses eligibility by defining the terms "present at the site," "immediate aftermath," "physical harm," and "personal representative."

"Present at the site": This rule defines the term "present at the site" (i.e. the World Trade Center, Pentagon, or Shanksville site) to mean physically present at the time of the crashes or immediate aftermath:

(1) In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or

(2) In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or collapse of buildings (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

There are several reasons for this geographic limitation. First, this geographic limitation comports with the plain meaning of the statutory term "present at." Second, this geographic limitation is consistent with the further statutory requirement of physical injury or death, because the zone designated is that in which there was a demonstrable risk of physical harm from falling debris, explosions, or fire.

"Immediate aftermath": This rule defines the term "immediate aftermath" of the crashes to mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. This time frame appears to cover all of those who suffered physical injury or death, with the exception of rescue workers.

With respect to rescue workers who assisted in efforts to search for and recover victims, the regulations define "the immediate aftermath" to include the period from the crashes until 96 hours after the crashes. The regulations provide for this longer time period for rescue workers in recognition of their heroic efforts and their selfless reasons for being at the sites, and responds to a request by the Mayor of New York City that the program recognize the high level of danger and difficulty during the first four days of rescue operations.

"Physical harm": This rule defines the term "physical harm" to mean an objectively verifiable physical injury that was treated by a medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue and either required hospitalization as an in-patient for at least 24 hours or caused, either temporarily or permanently, partial or total physical disability, incapacity, or disfigurement.

There are several reasons for this definition. The statutory term "physical harm" indicates that Congress did not intend for this Fund to compensate those who suffered only emotional harm or property damage. The statutory term "physical harm" also indicates that Congress did not intend for this Fund to cover those who face only a risk of future injury (i.e. latent harm that does not fully manifest itself within the statutory time period for this Fund). Indeed, because participation in this Fund precludes claimants from recovering through tort litigation, those with latent injuries that later became manifest would likely be undercompensated if they sought compensation now from the Fund before the injuries became manifest. Conversely, those who recovered for latent injuries that did not later become manifest could be overcompensated if they recovered from the Fund. While Congress might later consider whether

an administrative program for latent harm caused by the September 11, 2001 terrorist-related aircraft crashes may be appropriate, the language of the statute that created this Fund does not contemplate awards for that purpose.

"Personal Representative": Section 405(c)(2)(C) provides that in the case of an individual who is deceased but who otherwise meets the other criteria for eligibility, a claim can be filed by the Personal Representative of the decedent. Section 405(c)(3)(A) provides that no more than one claim may be submitted by an individual or on behalf of a deceased individual.

In many or most cases, the identity of the "Personal Representative" will not be in dispute. Where there are disputes, two issues arise: (1) what are the rules for determining who is the Personal Representative?; and (2) who should apply the rules and resolve the dispute?

As to the first issue, the regulations rely on state law. Subject to certain contingencies, this rule defines the term "Personal Representative" to mean an individual appointed by a court of competent jurisdiction as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate. In the event that no Personal Representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the Special Master may, in his discretion, determine that the Personal Representative is the person named by the decedent in the decedent's will as the executor or administrator. In the event no will exists, the Special Master may, in his discretion, determine that the Personal Representative is the first person in the line of succession established by the laws of the state of the decedent's domicile governing intestacy.

Reliance on state law is necessary in part because those who file for recovery under the Fund waive their rights to recover through litigation, in which state law would determine the identity of the appropriate representatives of the decedent, or the decedent's estate, to bring suit. Thus, if the identity of Personal Representatives for purposes of this Fund were determined by federal regulation, there could be many situations in which the representative as defined by state law would choose litigation while the Personal Representative as defined by federal regulation would seek to recover from the Fund.

The second issue raises questions of program administration. Disputes between relatives, former spouses and other interested parties can be exceptionally fact-intensive and time-consuming. Indeed, state courts often spend considerable time and resources resolving such matters. The Special Master cannot accomplish his statutory duties if bogged down with these types of complex disputes. Nor would it be advisable for the Special Master to attempt to step in and supplant state court practice or the testamentary intent of decedents. Consequently, the rule provides that the Special Master has no obligation to arbitrate, litigate or otherwise resolve disputes as to the identity of the Personal Representative. Instead, to ensure that funds are not needlessly tied up due to disputes regarding the identity of the Personal Representative, the regulations provide that the disputing parties may agree in writing to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while those disputing parties work to settle their dispute. In appropriate cases, the Special Master may determine an award, but place the payment in escrow until the dispute regarding the Personal Representative is finally resolved.

Finally, the determination of the Personal Representative is not the same question as the determination of who ultimately will receive the award. In that regard, this rule provides that the Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction.

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Perry, Phil <Phil.Perry@usdoj.gov>; Higbee, David <David.Higbee@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Harris, Paul <Paul.Harris@usdoj.gov>; Miller, Michele <Michele.Miller@usdoj.gov>; Jordan, Bill <Bill.Jordan@usdoj.gov>; Reyes, Luis <Luis.A.Reyes2@usdoj.gov>; Bloemendal, Katherine <Katherine.Bloemendal@usdoj.gov>; Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Jacob, Gregory F <Gregory.F.Jacob@usdoj.gov>; Philbin, Patrick <Patrick.Philbin@usdoj.gov>; Jones, Kevin R <Kevin.R.Jones@usdoj.gov>; Hinchman, Robert <Robert.Hinchman@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Morrison, Richard T. <Richard.T.Morrison@usdoj.gov>; Collins, Dan <Dan.Collins@usdoj.gov>; Hart, Rosemary <Rosemary.Hart@usdoj.gov>; Mei, Vesper <Vesper.Mei@usdoj.gov>; 'Ken Feinberg (E-mail)' <kfeinberg@thefeinberggroup.com>; 'Debbie Greenspan (E-mail)' <dgreenspan@thefeinberggroup.com>; Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>; 'Pete Galvin (E-mail)' <galvin-peter@dol.gov>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; 'Peter Woodin (E-mail)' <pwoodin@feinberggroup.com>; Nathan L. Knuffman/OMB /EOP@EOP [OMB] <Nathan L. Knuffman>
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 READ:UNKNOWN

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TO:"'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN

TO:"'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:"'Peter Woodin (E-mail)'" <pwoodin@feinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Peter Woodin (E-mail)'" <pwoodin@feinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:Nathan L. Knuffman (CN=Nathan L. Knuffman/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

End Original ARMS Header

Attached is the interim final rule as it was sent to the Federal Register. It will be published Friday, but will be made available to the

REV_00138292

public in the reading room sometime before then. Thank you all for working on this.

-----Original Message-----

From: Hart, Rosemary
Sent: Wednesday, December 19, 2001 5:14 PM
To: Wood, John F; Abramidis, Clarisse
Cc: Jacob, Gregory F
Subject: RE: Final Victim Comp Rule

Here's a copy for you all.

- Victims Comp.Fed Reg.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7TN25004_WHO.TXT_1>

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 104

CIV 104P; AG Order No.

RIN: 1105-AA79

September 11th Victim Compensation Fund of 2001

ACTION: Interim final rule with request for comments.

SUMMARY: Shortly after the September 11, 2001 terrorist attacks, the President signed the "September 11 Victim Compensation Fund of 2001" (the "Fund") into law as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") (the "Act"). The Act authorizes compensation to any individual (or the personal representative of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes on that day. The Act provides that the Fund will be administered by a Special Master appointed by the Attorney General. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master.

The Department of Justice, in consultation with the Special Master, is issuing certain procedural rules so the Special Master may commence operations of the program as soon as practicable. In order to allow the Special Master to begin distributing funds, the Department is issuing this rule as an "Interim Final Rule" that will have the force and effect of law immediately upon publication. This rule is designated "interim," however, because the Department is also seeking further comment for a period of 30 days as part of its further review and may expand or adjust aspects of the rule after receiving additional comments.

However, in order to assure that the families of needy victims receive adequate compensation, the regulations further provide that the Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

D. Advance Benefits

In order to comply with the Attorney General's November 26, 2001 instructions to the Special Master to pay benefits to eligible claimants as quickly as possible, these regulations permit claimants to seek immediate "Advance Benefits" in the fixed amount of \$50,000 in the case of deceased individuals and \$25,000 in the case of severely injured individuals who required hospitalization for one week or more.

To qualify for advance benefits, applicants must complete a short form (the "Eligibility Form") identifying basic eligibility and indicating that advance benefits would assist them in confronting current or immediate financial hardships. Such forms will be made available at claims intake centers as they are established, in response to telephone requests (888-714-3385, 202-305-1352, TDD: 888-560-0844), and on the Victims Compensation Fund website at www.usdoj.gov/victimcompensation.

Eligible claimants may apply for and receive advance benefits and then file their lengthier "Personal Injury Compensation Form" or "Death Compensation Form" at any time within the two-year time frame for filing claims under the program. This will allow needy eligible claimants to obtain prompt advance payments even though they may need more time to collect full information regarding the amount of compensation they seek. The 120-day period for determination of compensation will be stayed or tolled until the claimant files the completed "Personal Injury Compensation Form" or "Death Compensation Form" needed to allow the Special Master to determine the amount of the final award. However, once a claimant applies for Advance Benefits and is deemed eligible to recover under the Fund, the claimant will be deemed to have waived the right to file a civil action in state or federal court for damages sustained as a result of the September 11 attacks.

Advance benefits will be treated as advance payments on ultimate awards from the Fund. Thus, the amount of any advance benefits received will be deducted from the claimant's subsequent award.

E. Final awards made by the Fund.

Section 405(b) of the Act provides that the Special Master shall compensate eligible claimants based on the harm to the claimant (including both economic loss and noneconomic losses), the facts of the claim, and the individual circumstances of the claimant. The Act further provides that the Special Master shall determine the claimant's eligibility and the amount of compensation within 120 days.

The Special Master and the Department have studied the language of the Act, the varying public comments, evidence and data about the many victims of the September 11 attacks, and economic and demographic studies and data in fashioning the interim final rule. After this careful consideration, the Special Master and the Department have concluded that the following principal objectives should guide any determination of economic and noneconomic losses.

The first objective is that the process should be efficient, straightforward, and understandable to the claimants. This objective is based in part upon the statutory requirement that the Special Master review each claim and make an award determination within 120 days of filing. More important, however, is that claimants be able to enter the program -- or choose not to enter the program -- with an understanding of how their claims will be treated. This is especially important because the Act provides that, upon submission of a claim, a claimant waives the right to file a civil action for damages sustained as a result of the September 11 attacks. For claimants to make an informed decision regarding this waiver, they should have some understanding of how their award will be calculated and how much they would receive from the Fund should they decide to file a claim.

The second objective is that each claimant should, to the greatest extent possible, be treated fairly based on the claimant's own individual circumstances and relative to other claimants. While the circumstances of death for many victims will differ, those circumstances will in many cases be unknowable. In principle, similarly situated claimants should not receive dramatically differing treatment.

After careful consideration, the Special Master and the Department have concluded that, in order best to achieve these principal objectives, the Special Master should develop a methodology for calculating presumed economic and noneconomic losses that is based on readily identifiable individual circumstances for each claimant, such as age, prior income levels, marital status, and the number and ages of the victim's dependents. A methodology for determining presumed economic and noneconomic losses will also assist the Special Master in making fair and appropriate compensation determinations swiftly and efficiently within the time frame permitted by the Act.

In order to enable claimants to make informed decisions regarding whether to submit a claim under the Fund and, if so, whether to submit evidence of extraordinary individual circumstances that could justify departure from the presumed awards, the interim final rule directs the Special Master to publish schedules, tables, or charts of presumed determinations for economic and noneconomic losses. While these schedules, tables, or charts cannot cover every possible claimant (e.g., injured claimants), they are extensive and detailed enough to provide the majority of potential claimants with a general dollar range into which their awards may fall.

Nonetheless, the Special Master and the Department recognize that it will be impossible to fashion a presumptive methodology that will take into account all of the individual facts and circumstances for every claimant. Rather, some claimants may have extraordinary individual circumstances that justify departure from the presumed awards. Thus, the interim final rule provides that claimants may request that the Special Master depart from the presumed economic and noneconomic losses based upon a

demonstration of extraordinary circumstances that the presumed award methodology does not adequately address.

Economic loss: Determination of economic loss requires a prediction about each claimant's future. This assessment will be, by its nature, somewhat speculative. While the determination of economic loss should be based upon facts regarding the individual victim where those facts are available, some facts cannot be predicted on an individualized basis.

The regulations also provide that the Special Master's schedules, tables, or charts should identify presumed determinations of economic loss up to a salary level commensurate with the 98th percentile of individual income in the United States. The Department recognizes that projecting earnings over worklife for people with extraordinary annual incomes is a very complex exercise, often requiring a detailed evaluation of variable and often complex formulae for nonvariable income, differing work life expectations, often highly volatile industries or markets, and other factors that are not often subject to easy generalization. We have also concluded that the purpose of the Act is not simply to examine economic and noneconomic harm, but also to provide compensation that is just and appropriate in light of the financial needs and resources of claimants. Any methodology that does nothing more than attempt to replicate a theoretically possible future income stream would lead to awards that would be insufficient relative to the needs of some victims' families, and excessive relative to the needs of others. Therefore, a claimant should not assume that he or she will receive an award greater than the presumed award simply because the victim had an income that exceeded the income for the 98th percentile. Indeed, the Act's requirement that the Special Master consider "the individual circumstances of the claimant" indicates that the Special Master may consider a particular claimant's financial needs and resources, just as the Department and the Special Master considered the needs of the claimants in concluding that no claimant bringing a claim on behalf of a deceased victim should receive less than \$500,000 or \$300,000 before collateral source offsets.

If a claimant seeks review of a presumed award, the Special Master may consider a range of information, including demographic information on retirement trends for high wage earners, the individual's historical expenses, savings, and any other factors he deems relevant, including economic trends, information available from the Bureau of Labor Statistics, the Census Bureau and other entities on average income and retirement age for the victim's profession or even for the victim's former employer. Claimants should not expect awards grossly in excess of the highest awards listed on the Special Master's presumed award chart, as the individual circumstances of the wealthiest and highest-income claimants will often indicate that multi-million dollar awards out of the public coffers are not necessary to provide them with a strong economic foundation from which to rebuild their lives.

The Special Master and the Department recognize that the extent of physical injury for those victims who survived the September 11 attacks may vary to a degree that does not lend itself to a schedule, table, or chart. If the claimant's injury causes only a temporary disability, the Special Master may consider evidence regarding the length of time the claimant was absent from his employment in determining the appropriate compensation for economic loss. For those victims who suffered permanent physical disability, the Special Master may rely upon his economic loss methodology, but adjust the award based upon the extent of the physical

disability. In evaluating claims of disability, the Special Master will, in general, make a determination regarding whether the claimant is capable of performing his or her usual profession in light of the injuries.

With respect to claims of total permanent disability, the Special Master may accept a determination of disability made by the Social Security Administration as evidence of disability without any further medical evidence or review. The Special Master may also consider determinations of permanent total disability made by other governmental agencies or private insurers in evaluating the claim. The Special Master may require an evaluation of the claimant's disability and ability to perform his or her occupation from medical experts.

With respect to claims of partial disability, the Special Master may consider evidence of the effect of the partial disability on the claimant's ability to perform his or her usual occupation as well as the effect of the partial disability on the claimant's ability to participate in usual daily activities.

Noneconomic losses: Each person who was killed or injured in the September 11 attacks suffered grievous harm, and each person experienced the unspeakable events of that day in a unique way. Some victims experienced terror for many minutes, as they were held hostage by terrorists on an airplane or trapped in a burning building. Some victims had no warning of what was coming and died within seconds of a plane hitting the building in which they worked. While these circumstances may be knowable in a few extraordinary circumstances, for the vast majority of victims these circumstances are unknowable.

After extensive fact finding, public outreach, and review of public comments, the Special Master and the Department have concluded that the most rational and just way to approach the imponderable task of placing a dollar amount upon the pain, emotional suffering, loss of enjoyment of life, and mental anguish suffered by the thousands of victims of the September 11 attacks is to assess the noneconomic losses for categories of claimants. The most obvious distinction is between those who died and those who suffered physical injury but survived.

The regulations therefore set a presumed award for noneconomic losses sustained. For those victims who died as a result of the September 11 aircraft crashes, the presumed noneconomic losses will be \$250,000, plus an additional \$50,000 for the spouse and each dependent of the deceased victim. That \$250,000 figure is roughly equivalent to the amounts received under existing federal programs by public safety officers who are killed while on duty, or members of our military who are killed in the line of duty while serving our nation. See 38 U.S.C. § 1967 (military personnel); 42 U.S.C. § 3796 (Public Safety Officers Benefit Program). The latter figures -- \$50,000 for the spouse and each dependent -- include a noneconomic component of "replacement services loss."

For those victims who suffered physical injury but survived the September 11 attacks, the Special Master may establish a methodology for estimating their noneconomic losses. The Special Master may determine that it is appropriate to give some percentage of the noneconomic loss award given for victims who died, based upon the extent of the injury.

The Special Master and the Department recognize, however, that no presumed award can take into account all of the unique individual circumstances of each claimant. Accordingly, as noted above, claimants may either accept the presumed award or instead attempt to demonstrate in a hearing before the Special Master extraordinary circumstances that justify departure from the presumed award.

Collateral Sources: Section 405(b)(6) of the Act provides that the Special Master shall

reduce the amount of compensation by the amount of the collateral source compensation "a claimant has received or is entitled to receive" as a result of the terrorist-related aircraft crashes of September 11, 2001. The interim final rule provides that collateral sources will include life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001. While many public commenters voiced strong opposition to the inclusion of some or all of these as collateral source compensation, the Act expressly includes each one within the definition of "collateral sources."

At the same time, the Act does not address whether certain other types of payments constitute collateral source compensation. The interim final rule provides that the following are not collateral source compensation:

(1) The value of services or in-kind charitable gifts such as provision of emergency housing, food, or clothing; and

(2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by private charitable entities; provided, however, that the Special Master may determine that funds provided to victims or their families through a private charitable entity constitute, in substance, a collateral source as described above.

The Department has concluded that charitable contributions should not be considered collateral source compensation within the meaning of the Act because, among other reasons, such charitable contributions are different in kind from the collateral sources listed in the Act. Moreover, because the collateral offset only applies to collateral source compensation that the claimant has received or is entitled to receive, deducting charitable awards from the amount of compensation would have the perverse effect of encouraging potential donors to withhold their giving until after claimants have received their awards from the Fund.

F. The claims evaluation process.

Section 405(b)(4) of the Act provides that a claimant, after the filing of the claim, has the right to present evidence to the Office of the Special Master. The statute specifically provides that the claimant has the right to present witness statements and documents, the right to obtain legal counsel, and such other due process rights as are determined to be appropriate by the Special Master.

The interim final regulations provide claimants with a choice of two Procedural Options -- Track A or Track B. If a claimant selects Track A, the Claims Evaluator will determine eligibility and the claimant's presumed award and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee under § 104.33 of these regulations. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee pursuant to § 104.33. If a claimant opts for a review, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.

If the claimant selects Track B, a Claims Evaluator will determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award. The Claims Evaluator will then notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing pursuant to § 104.33. At such hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

Hearings, when sought, will be held by the Special Master or his designee. These hearings shall be conducted in a nonadversarial manner, the objective of which will be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. Claimants will be permitted, but not required, to present witnesses, including expert witnesses. The hearing officer shall be permitted to examine the credentials of experts.

The hearings shall be limited in length to a time period determined by the Special Master or the relevant hearing officer, but generally not to exceed two hours. The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The claimant shall be entitled to be represented by an attorney in good standing, but it is not necessary that the claimant be represented by an attorney.

G. Assistance to claimants.

In its November 5, 2001 Notice of Inquiry, the Department noted that section 405(a) of the Act establishes some specific requirements with respect to the claim form and the information to be included. The law requires the Special Master to develop a claim form to use in filing claims for compensation under this program. The Special Master is to ensure that the form can be filed electronically if it is determined to be practicable. Moreover, by law, the form must include a statement of the factual basis for eligibility and information regarding income in recent years. In addition, the form is to request information from the claimant as to: (1) the physical harm suffered by a victim, or information confirming the death of the victim, as a result of the terrorist-related aircraft crashes of September 11, 2001; (2) income tax returns for recent years and other records; and (3) documentation regarding collateral source compensation including life insurance policies and government or employment-related programs which have or may provide funds or benefits to the claimant.

The Department believes that it is important that this Fund be accessible to potential claimants who have limited resources and who are not trained in the law. Rather than attempt to address in detail the means by which the Special Master should provide assistance to claimants, these regulations leave the Special Master with discretion to implement steps to provide assistance to claimants and to make this Fund accessible to them.

Because the Act does not provide for payment of legal or other fees by the Fund, these regulations do not impose any limits on the types or amount of fees that claimants may pay their attorneys or others providing assistance. Although the Department's regulations do not set specific limits on attorneys fees separate from those existing in state law or attorney ethical standards, the Department believes that contingency arrangements exceeding 5% of a claimant's recovery from the Fund would not be in the best interest of the claimants.

The Department contemplates that the Special Master will have discretion to inform potential claimants of the nature of the Fund so that they may make informed decisions regarding

the types or amount of fees that they pay for legal or other assistance. For example, the Special Master may notify claimants and potential claimants of the availability of free legal services. Likewise, the Special Master may inform claimants and potential claimants that the Fund is a no-fault, administrative scheme that should not involve the kind of risks and expense that would justify any significant contingency fees.

These regulations similarly do not address the manner in which claimants may use funds that they receive from the Fund, except that the Personal Representatives must agree in an acknowledgment and release form to distribute the award to the beneficiaries of the decedent in accordance with the decedent's will or applicable state law or ruling by a court of competent jurisdiction. While the Department does not believe that it is appropriate for the Special Master to place further legal restrictions on the claimants' or beneficiaries' use of payments from the Fund, the Department does contemplate that the Special Master will have discretion to provide claimants with information regarding annuities or other financial planning devices or to offer structured awards with periodic payments.

Application of various laws and Executive Orders to this rulemaking.

Administrative Procedure Act, 5 U.S.C. 553

This rule provides for compensation to eligible individuals who were physically injured and to the personal representatives of those who were killed as a result of the terrorist-related aircraft crashes of September 11, 2001. In order to provide compensation to eligible claimants as expeditiously as possible, Congress set a short 90-day deadline for the issuance of these regulations. The Department did seek public input on the issues, but it was not possible for the Department to prepare and publish a proposed rule for notice and comment within that very short time period.

The APA provides that an agency need not go through proposed rulemaking and comment before issuing rules to implement benefits programs. 5 U.S.C. 553(a)(2). Moreover, the Department, in consultation with the Special Master, determined that taking the time to draft and publish a proposed rule for notice and comment before this rule took effect would have been impracticable in light of the short time between the enactment of the statute and the deadline for rulemaking, and also would have been contrary to the public interest, which strongly favors prompt disbursement of benefits. Accordingly, the Department has determined that there is "good cause" for exempting this rule from the provision of the Administrative Procedure Act that requires a notice of proposed rulemaking and the opportunity for public comment. 5 U.S.C. 553(b)(B).

For the same reasons, the Department also finds "good cause" for exempting this rule from the provision of the Administrative Procedure Act providing for a delayed effective date. 5 U.S.C. 553(d). Delaying the opportunity for eligible claimants to seek Advance Benefits or to file claims under the Act would be contrary to the public interest.

Congressional Review Act

The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget has designated this interim final rule as a "major rule" as that term is defined by the Congressional Review Act ("CRA"), 5 U.S.C. 801 *et. seq.* Pursuant to section 808(2) of the CRA, the Department finds that "good cause" exists for establishing an effective date for this rule upon publication because delay would be impracticable in light of the short time between the enactment of the statute and the deadline for rulemaking, and also would be contrary to the public interest favoring prompt disbursement of benefits.

Paperwork Reduction Act of 1995

The Department of Justice, Civil Division, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been granted, and this information collection has been assigned OMB control number 1105-0073. The proposed information collection is published to obtain comments from the public and affected agencies. The emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, D.C. 20530.

During the first 60 days of this same review period, a regular review of this information collection will be undertaken. All comments and suggestions, or questions regarding additional information, including obtaining a copy of the proposed information collection instrument with instructions, should be directed to Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530. We request written comments and suggestions from the public and affected agencies concerning the proposed emergency collection of information.

Your comments should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

- (1) **Type of Information Collection:** New Collection
- (2) **Title of the Form/Collection:** Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund.
- (3) **Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:** SM-001, Office of the Special Master , Department of Justice.
- (4) **Affected public who will be asked or required to respond, as well as a brief abstract: Primary:** Individuals who were physically injured and personal representatives of those killed as a result of the terrorist-related aircraft crashes of September 11, 2001. **Abstract:**

The information collected from the Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund will be used to make advance payments to those claimants deemed eligible by the Special Master or his designee.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 5,000 claimants with an average of 6.0 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 30,000 hours annually.

If additional information is required, contact: Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, 601 D Street NW, Suite 1600, Washington, D.C. 20004.

Privacy Act of 1974

The Department of Justice, Civil Division is establishing a new Privacy Act system of records entitled "September 11th Victim Compensation Fund of 2001, JUSTICE/CIV-008." By law, regulations addressing certain administrative matters for the September 11th Victim Compensation Fund of 2001 must be issued within the 90-day period established by Congress. The Privacy Act notice will be published with no routine uses, so that it will be effective on the date published. It is likely that amendments to this notice, including routine uses, will be published at a later date, with the opportunity to comment. In the interim, disclosures necessary to process claims will be made only with the written consent of claimants or as otherwise authorized under 5 U.S.C. 552a(b).

Regulatory Flexibility Act

These regulations set forth procedures by which the Federal government will award compensation benefits to eligible victims of the September 11, 2001 terrorist attacks. Under 5 U.S.C. 601(6), the term "small entity" does not include the Federal government, the party

charged with incurring the costs attendant to the implementation and administration of the Victims Compensation Fund. To the extent that small entities, including small government entities, will be economically affected by the promulgation of these regulations, such effects will likely be minimal. Further, the number of entities that will be affected will, in all probability, fall short of a "substantial number" of small entities. In fact, the Department believes that the promulgation of these rules will play a considerable role in reducing the amount of complex, private litigation, wherein a substantial number of small (and large) entities would undoubtedly be significantly impacted.

Accordingly, the Department has reviewed this rule in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities because it provides compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who were killed as a result of those crashes. This rule provides compensation to individuals, not to entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Executive Order 12866 - Regulatory Planning and Review

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget.

DATES: This interim rule takes effect on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Comments in response to this notice are due by [insert the date 30 days after the date of publication of this notice in the FEDERAL REGISTER].

ADDRESSES: Comments on the interim rule should be submitted by e-mail to: victimcompensation.comments@usdoj.gov, or by telefax to 301-519-5956. Telefaxes should be limited to 15 pages. Comments may also be mailed to Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530. However, the Department encourages commenters to submit their comments by e-mail or telefax. Comments received are public records. The name and address of the commenter should be included with all submissions. The comments will be made available on the Victim Compensation Fund web site, www.usdoj.gov/victimcompensation. Comments will also be available for public inspection at a reading room in Washington, DC. Arrangements to visit the reading room must be made in advance by calling 888-714-3385 (TDD: 888-560-0844).

FOR FURTHER INFORMATION CONTACT: Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530, telephone 888-714-3385 (TDD 888-560-0844).

SUPPLEMENTARY INFORMATION:

Statement by the Special Master

The September 11th Victim Compensation Fund of 2001 is an unprecedented expression of compassion on the part of the American people to the victims and their families devastated by the horror and tragedy of September 11. The Act itself (specifically Title IV – Victim Compensation), and the attached regulations drafted and implemented pursuant to the Act, are designed to bring some measure of financial relief to those most devastated by the events of

Executive Order 13132 - Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. However, the Department of Justice has worked cooperatively with state and local officials in the affected communities in the preparation of this rule. Also, the Department individually notified national associations representing elected officials of the initial request for comment and will be taking similar action in connection with the interim final rule.

List of Subjects in 28 CFR Part 104

Disaster assistance, Disability benefits, Terrorism.

Accordingly, for the reasons set forth in the preamble, Part 104 of chapter I of Title 28 of the Code of Federal Regulations is added to read as follows:

Part 104 -- SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Subpart A – General; Eligibility

- 104.1 Purpose.
- 104.2 Eligibility definitions and requirements.
- 104.3 Other definitions.
- 104.4 Personal Representative.
- 104.5 Foreign claims.
- 104.6 Amendments to this rule.

Subpart B – Filing for Compensation; Application for Advance Benefits

- 104.21 Filing for compensation.
- 104.22 Advance Benefits.

Subpart C - Claim Intake, Assistance, and Review Procedures

- 104.31 Procedure for claims evaluation.
- 104.32 Eligibility review.
- 104.33 Hearing.
- 104.34 Publication of awards.
- 104.35 Claims deemed abandoned by claimants.

Subpart D - Amount of Compensation for Eligible Claimants

- 104.41 Amount of compensation.
- 104.42 Applicable state law.
- 104.43 Determination of presumed economic loss for decedents.
- 104.44 Determination of presumed noneconomic losses for decedents.
- 104.45 Determination of presumed economic loss for claimants who suffered physical harm.
- 104.46 Determination of presumed noneconomic losses for claimants who suffered physical harm.
- 104.47 Collateral sources.

Subpart E - Payment of Claims

- 104.51 Payments to eligible individuals.
- 104.52 Distribution of award to decedent's beneficiaries.

Subpart F - Limitations

- 104.61 Limitation on civil actions.
- 104.62 Time limit on filing claims.
- 104.63 Subrogation.

Subpart G - Measures to Protect the Integrity of the Compensation Program

- 104.71 Procedures to prevent and detect fraud.

Authority: Title IV of Pub. L. 107-42, 115 Stat. 230, 49 U.S.C. 40101 note.

Subpart A - General; Eligibility

§ 104.1 Purpose.

This part implements the provisions of the September 11th Victim Compensation Fund of

2001, Title IV of Public Law 107-42, 115 Stat. 230 (Air Transportation Safety and System Stabilization Act) to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and to the "personal representatives" of those who were killed as a result of the crashes. All compensation provided through the Fund will be on account of personal physical injuries or death.

§ 104.2 Eligibility definitions and requirements.

(a) Eligible claimants. The term eligible claimants means:

(1) Individuals present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who suffered physical harm, as defined herein, as a direct result of the terrorist-related aircraft crashes;

(2) The Personal Representatives of deceased individuals aboard American Airlines flights 11 or 77 and United Airlines flights 93 or 175; and

(3) The Personal Representatives of individuals who were present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who died as a direct result of the terrorist-related aircraft crash.

(4) The term eligible claimants does not include any individual or representative of an individual who is identified to have been a participant or conspirator in the terrorist-related crashes of September 11.

(b) Immediate aftermath. The term immediate aftermath of the crashes shall mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. With respect to rescue workers who assisted in efforts to search for and recover victims, the immediate aftermath shall include the period from the crashes until 96 hours after the crashes.

(c) Physical harm.

(1) The term physical harm shall mean a physical injury to the body that was treated by a

medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue; and

(i) Required hospitalization as an in-patient for at least 24 hours; or

(ii) Caused, either temporarily or permanently, partial or total physical disability, incapacity or disfigurement.

(2) In every case not involving death, the physical injury must be verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

(d) Personal Representative. The term Personal Representative shall mean the person determined to be the Personal Representative under § 104.4 of this part.

(e) Present at the site. The term present at the site (i.e., the World Trade Center, Pentagon, or Shanksville, Pennsylvania site) shall mean physically present at the time of the crashes or in the immediate aftermath:

(1) In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or

(2) In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

§ 104.3 Other definitions.

(a) Beneficiary. The term beneficiary shall mean a person entitled under the laws of the decedent's domicile to receive payments or benefits from the estate of or on behalf of the decedent on whose behalf the claim to the Fund was filed.

(b) Dependents. The Special Master shall identify as dependents those persons so identified by the victim on his or her federal tax return for the year 2000 unless:

(1) The claimant demonstrates that a minor child of the victim was born or adopted on or after January 1, 2001;

(2) Another person became a dependent in accordance with then-applicable law on or after January 1, 2001; or

(3) The victim was not required by law to file a federal income tax return for the year 2000.

(c) Spouse. The Special Master shall identify as the spouse of a victim the person reported as spouse on the victim's federal tax return for the year 2000 unless:

(1) The victim was married or divorced in accordance with applicable state law on or after January 1, 2001; or

(2) The victim was not required by law to file a federal income tax return for the year 2000.

(d) The Act. The Act, as used in this part, shall mean Public Law 107-42, 115 Stat. 230 ("Air Transportation Safety and System Stabilization Act"), 49 U.S.C. 40101 note.

(e) Victim. The term victim shall mean an eligible injured claimant or a decedent on whose behalf a claim is brought by an eligible Personal Representative.

§ 104.4 Personal Representative.

(a) In general. The Personal Representative shall be:

(1) An individual appointed by a court of competent jurisdiction as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate.

(2) In the event that no Personal Representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the Special Master may, in his discretion, determine that the Personal Representative for purposes of compensation by the Fund is the person named by the decedent in

the decedent's will as the executor or administrator of the decedent's estate. In the event no will exists, the Special Master may, in his discretion, determine that the Personal Representative for purposes of compensation by the Fund is the first person in the line of succession established by the laws of the decedent's domicile governing intestacy.

(b) Notice to beneficiaries. Any purported Personal Representative must, before filing an Eligibility Form, provide written notice of the claim (including a designated portion of the Eligibility Form) to the immediate family of the decedent (including, but not limited to, the decedent's spouse, former spouses, children, other dependents, and parents), to the executor, administrator, and beneficiaries of the decedent's will, and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the decedent. Personal delivery or transmission by certified mail, return receipt requested, shall be deemed sufficient notice under this provision. The claim forms shall require that the purported Personal Representative certify that such notice (or other notice that the Special Master deems appropriate) has been given. In addition, as provided in § 104.21(b)(5) of this part, the Special Master may publish a list of individuals who have filed Eligibility Forms and the names of the victims for whom compensation is sought, but shall not publish the content of any such form.

(c) Objections to Personal Representatives. Objections to the authority of an individual to file as the Personal Representative of a decedent may be filed with the Special Master by parties who assert a financial interest in the award up to 30 days following the filing by the Personal Representative. If timely filed, such objections shall be treated as evidence of a "dispute" pursuant to paragraph (d) of this section.

(d) Disputes as to identity. The Special Master shall not be required to arbitrate, litigate, or otherwise resolve any dispute as to the identity of the Personal Representative. In the event of a dispute over the appropriate Personal Representative, the Special Master may suspend

adjudication of the claim or, if sufficient information is provided, calculate the appropriate award and authorize payment, but place in escrow any payment until the dispute is resolved either by agreement of the disputing parties or by a court of competent jurisdiction. Alternatively, the disputing parties may agree in writing to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while the disputing parties work to settle their dispute.

§ 104.5 Foreign claims.

In the case of claims brought by or on behalf of foreign citizens, the Special Master may alter the requirements for documentation set forth herein to the extent such materials are unavailable to such foreign claimants.

§ 104.6 Amendments to this rule.

In the event that amendments are subsequently made to any section of this Part, claimants are entitled to have their claims processed in accordance with the provisions that were in effect at the time that their claims were submitted under § 104.21(d).

Subpart B - Filing for Compensation; Application for Advance Benefits

§ 104.21 Filing for compensation.

(a) Compensation form; "filing." Except for applications for Advance Benefits pursuant to § 104.22, no claim may be considered until the claimant has submitted both an "Eligibility Form" and either a "Personal Injury Compensation Form" or a "Death Compensation Form." A claim shall be deemed "filed" for purposes of section 405(b)(3) of the Act (providing that the Special Master shall issue a determination not later than 120 days after the date on which a claim is filed), and for any time periods in this part, when a Claims Evaluator determines that both the Eligibility Form and either a Personal Injury Compensation Form or a Death Compensation Form are substantially complete. Provided, however, that if a claimant files an Eligibility Form

requesting Advance Benefits pursuant to § 104.22 of this part without filing either a "Personal Injury Compensation Form" or a "Death Compensation Form," the claim shall be deemed "filed" when the Claims Evaluator determines that the Eligibility Form is substantially complete, but the time period for determination and any time periods in this part shall be stayed or tolled as described in § 104.22(g) of this part.

(b) Eligibility Form. The Special Master shall develop an Eligibility Form that will require the claimant to provide information necessary for determining the claimant's eligibility to recover from the Fund.

(1) The Eligibility Form may require that the claimant certify that he or she has dismissed any pending lawsuit seeking damages as a result of the terrorist-related airplane crashes of September 11, 2001 (except for actions seeking collateral source benefits) within 90 days of the effective date of this part pursuant to section 405(c)(3)(B)(ii) of the Act and that there is no pending lawsuit brought by a dependent, spouse, or beneficiary of the victim.

(2) The Special Master may require as part of the notice requirement pursuant to § 104.4(b) that the claimant provide copies of a designated portion of the Eligibility Form to the immediate family of the decedent (including, but not limited to, the spouse, former spouses, children, other dependents, and parents), to the executor, administrator, and beneficiaries of the decedent's will, and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the decedent.

(3) The Eligibility Form may require claimants to provide the following proof:

(i) Proof of death: Death certificate or similar official documentation;

(ii) Proof of presence at site: Documentation sufficient to establish presence at one of the crash sites, which may include, without limitation, a death certificate, records of employment, contemporaneous medical records, contemporaneous records of federal, state, city or local

government, an affidavit or declaration of the decedent's or injured claimant's employer, or other sworn statement (or unsworn statement complying with 28 U.S.C. 1746) regarding the presence of the victim;

(iii) Proof of death on board aircraft: Death certificate or records of American or United Airlines or other sufficient official documentation;

(iv) Proof of physical harm: Contemporaneous medical records of hospitals, clinics, physicians, licensed medical personnel, or registries maintained by federal, state, or local government, and records of all continuing medical treatment;

(v) Personal Representative: Copies of relevant legal documentation, including court orders; letters testamentary or similar documentation; proof of the purported Personal Representative's relationship to the decedent; copies of wills, trusts, or other testamentary documents; and information regarding other possible beneficiaries as requested by the Eligibility Form;

(vi) Any other information that the Special Master deems necessary to determine the claimant's eligibility.

(4) The Special Master may also require waivers, consents, or authorizations from claimants to obtain directly from third parties tax returns, medical information, employment information, or other information that the Special Master deems relevant in determining the claimant's eligibility or award, and may request an opportunity to review originals of documents submitted in connection with the Fund.

(5) Application for Advance Benefits: The Eligibility Form shall include a section allowing claimants to indicate that they wish to apply for Advance Benefits. Claimants who apply for such Advance Benefits must certify on that Form that they have not yet received \$450,000 in collateral source compensation if they are bringing a claim on behalf of a deceased victim with a spouse or dependent, \$250,000 in collateral source compensation if they are

bringing a claim on behalf of a deceased victim who was single with no dependents, or an amount in excess of their lost wages plus out-of-pocket medical expenses if they are an injured claimant. All such claimants also must state on the Form facts establishing financial hardship that would justify a determination that they are in need of Advance Benefits.

(6) The Special Master may publish a list of individuals who have filed Eligibility Forms and the names of the victims for whom compensation is sought, but shall not publish the content of any such form.

(c) Personal Injury Compensation Form and Death Compensation Form. The Special Master shall develop a Personal Injury Compensation Form that each injured claimant must submit. The Special Master shall also develop a Death Compensation Form that each Personal Representative must submit. These forms shall require the claimant to provide certain information that the Special Master deems necessary to determining the amount of any award, including information concerning income, collateral sources, benefits, and other financial information, and shall require the claimant to state the factual basis for the amount of compensation sought. It shall also allow the claimant to submit certain other information that may be relevant, but not necessary, to the determination of the amount of any award.

(1) Claimants shall, at a minimum, submit all tax returns that were filed for the years 1998, 1999, and 2000. The Special Master may, at his discretion, require that claimants submit copies of tax returns or other records for any other period of years he deems appropriate for determination of an award. The Special Master may also require waivers, consents, or authorizations from claimants to obtain directly from third parties medical information, employment information, or other information that the Special Master deems relevant to determining the amount of any award.

(2) Claimants may attach to the "Personal Injury Compensation Form" or "Death Compensation Form" any additional statements, documents or analyses by physicians, experts,

September 11. In one important sense, the Fund symbolizes the commitment of the American people to those most in need. It is an example of how Americans rally around the less fortunate.

The attached regulations have two objectives: (1) to provide fair, predictable and consistent compensation to the victims of September 11 and their families throughout the life of the program; and (2) to do so in an expedited, efficient manner without unnecessary bureaucracy and needless demands on the victims. The regulations highlight a fast track administrative compensation program, eliminating the red tape, time and expense of a traditional lawsuit. Quick payment to eligible claimants characterizes this program.

The Fund offers the eligible claimant an alternative to litigation. To succeed in the courtroom, a victim of the September 11 tragedy, or his or her representative, would be compelled to litigate, probably for many years at excessive cost, and with all the uncertainty of result which is part of the litigation process. Among the hazards of such a court proceeding are: Would liability be demonstrated? Against whom? Would sufficient funds be available to pay in full any resulting tort award? Would the verdict, even if favorable, withstand appellate challenge?

Trade-offs are required in developing Fund procedures that are different than those in the more conventional lawsuit. It is possible to develop an alternative administrative scheme, providing speedy and efficient compensation, which will help bring some closure to the events of September 11. We should not require its victims to revisit the tragic events of September 11 over and over again during the pendency of a lawsuit in our courts.

In formulating the regulations, we heeded the instruction of the Attorney General to help the neediest of victims as quickly as possible. Accordingly, under these regulations, an eligible claimant can receive an immediate advance payment of \$50,000 in cases involving death, or \$25,000 in certain cases involving serious physical injury. These payments are downpayments only, advanced to provide immediate financial assistance to those in need.

advisors, or any other person or entity that the claimant believes may be relevant to a determination of compensation.

(d) Submission of a claim. Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for civil actions to recover collateral source obligations. A claim shall be deemed submitted for purposes of section 405(c)(3)(B) of the Act when the claim is deemed filed pursuant to § 104.21, regardless of whether any time limits are stayed or tolled.

(e) Provisions of information by third parties. Any third party having an interest in a claim brought by a Personal Representative may provide written statements or information regarding the Personal Representative's claim. The Claims Evaluator or the Special Master or his designee may, at his or her discretion, include the written statements or information as part of the claim.

§ 104.22 Advance Benefits.

(a) Advance Benefits. Eligible Claimants may apply for immediate "Advance Benefits" in a fixed amount as follows:

- (1) \$50,000 for Personal Representatives; and
- (2) \$25,000 for injured claimants who meet the requirements of paragraph (d) of this section.

(b) Credit against award. The Advance Benefit shall be credited against any final compensation award so that the amount of the Advance Benefit is deducted from the final award under this program.

(c) Application for Advance Benefits. An otherwise eligible claimant may seek Advance Benefits to alleviate financial hardship faced by the claimant (or financial hardship faced by the

beneficiaries of the decedent) by submitting an Eligibility Form described in § 104.21(b) and indicating thereon that he or she is applying for Advance Benefits.

(d) Eligibility for Advance Benefits. In the case of a Personal Representative, the claimant may be deemed eligible for Advance Benefits if a Claims Evaluator or the Special Master or his designee determines that the claimant is eligible to recover under the Fund. In the case of an injured claimant, the claimant may be deemed eligible for Advance Benefits when the Special Master or his designee determines that the claimant is eligible to recover under the Fund and that the claimant's physical injury required hospitalization for one week or more.

(e) Authorization of payments.

(1) Payment in the amount described in paragraph (a) of this section will be authorized immediately upon a determination that the claimant is eligible for Advance Benefits and the claimant is:

(i) An injured claimant;

(ii) A Personal Representative who was the spouse of the deceased victim on September 11, 2001; or

(iii) A Personal Representative who has obtained the consent of the spouse of the deceased victim (or, if there is no surviving spouse, all of the dependents of the deceased victim) to file for Advance Benefits.

(2) (i) With respect to other Personal Representatives, payment will be authorized within 15 days after the determination that the claimant is eligible for Advance Benefits, provided that no other individual has asserted a colorable conflicting claim as the Personal Representative with respect to the decedent and the Personal Representative identifies and has given notice to the beneficiaries to whom such Advance Benefits will be distributed.

(ii) In the event that a colorable conflicting claim has been asserted, no Advance Benefit will be paid until a final eligibility determination has been made.

(f) Waiver of the right to sue. As set forth in § 104.21(d) of this part, a claim shall be deemed submitted for purposes of section 405(c)(3)(B) of the Act when a claimant has filed an Eligibility Form and is determined by a Claims Evaluator or the Special Master or his designee to be an eligible claimant. The claimant will therefore have waived the right to file a civil action (or to be a party to an action) in any Federal or State Court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for civil actions to recover collateral source obligations.

(g) Tolling of 120-day clock and other time periods. A claimant filing an Eligibility Form requesting Advance Benefits before filing a Personal Injury Compensation Form or Death Compensation Form will be deemed to have waived his right to commencement of the 120-day period in section 405(b)(3) of the Act (providing that the Special Master shall provide notice to the claimant of his determination within 120 days after the date on which a claim is filed). The 120-day period and all other time limitations in this part, except those applicable to Advance Benefit payments, shall be stayed or tolled until such time that a Claims Evaluator determines that the claimant's Personal Injury Compensation Form or Death Compensation Form is substantially complete.

Subpart C - Claim Intake, Assistance, and Review Procedures

§ 104.31 Procedure for claims evaluation.

(a) Initial review. Claims Evaluators shall review the forms filed by the claimant and either deem the claim "filed" (pursuant to 104.21(a)) or notify the claimant of any deficiency in the forms or any required documents.

(b) Procedural tracks. Each claim will be placed on a procedural track, described herein as "Track A" and "Track B," selected by the claimant on the Personal Injury Compensation Form or Death Compensation Form.

(1) Procedure for Track A. The Claims Evaluator shall determine eligibility and the claimant's presumed award pursuant to §§ 104.43 to 104.46 of this part and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee under § 104.33 of this part. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee pursuant to § 104.33. Claimants found to be ineligible may appeal pursuant to § 104.32.

(2) Procedure for Track B. The Claims Evaluator shall determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award; the Claims Evaluator shall notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing pursuant to § 104.33. At such hearing, the Special Master or his designee shall utilize the presumptive award methodology as set forth in §§ 104.43 to 104.46 of this part, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumptive award methodology. There shall be no review or appeal from this determination.

(c) Multiple claims from the same family. The Special Master may treat claims brought by or on behalf of two or more members of the same immediate family as related or consolidated claims for purposes of determining the amount of any award.

§ 104.32 Eligibility review.

Any claimant deemed ineligible by the Claims Evaluator may appeal that decision to the Special Master or his designee by filing an eligibility appeal on forms created by the office of the Special Master.

§ 104.33 Hearing.

(a) Supplemental submissions. The claimant may prepare and file Supplemental Submissions within 21 calendar days from notification of either the presumed award (Track A) or eligibility (Track B). The Special Master shall develop forms appropriate for Supplemental Submissions.

(b) Conduct of hearings. Hearings shall be before the Special Master or his designee. The objective of hearings shall be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. The claimant may request that the Special Master or his designee review any evidence relevant to the determination of the award, including without limitation: factors and variables used in calculating economic loss; the identity of the victim's spouse and dependents; the financial needs of the claimant; facts affecting noneconomic loss; and any factual or legal arguments that the claimant contends should affect the award. Claimants shall be entitled to submit any statements or reports in writing. The Special Master or his designee may require authentication of documents, including medical records and reports, and may request and consider information regarding the financial resources and expenses of the victim's family or other material that the Special Master or his designee deems relevant.

(c) Location and duration of hearings. The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The hearings shall be limited in length to a time period determined by the Special Master or his designee, but generally not to exceed two hours. The claimant may elect whether the hearing shall be public or private.

(d) Witnesses, counsel, and experts. Claimants shall be permitted, but not required, to present witnesses, including expert witnesses. The Special Master or his designee shall be permitted to question witnesses and examine the credentials of experts. The claimant shall be entitled to be represented by an attorney in good standing, but it is not necessary that the claimant be represented by an attorney.

(e) Waivers. The Special Master shall have authority and discretion to require any waivers necessary to obtain more individualized information on specific claimants.

(f) Track A review of presumed award. For proceedings under Track A, the Special Master or his designee shall make a determination whether:

(1) There was an error in determining the presumptive award, either because the claimant's individual criteria were misapplied or for another reason; or

(2) The claimant presents extraordinary circumstances not adequately addressed by the presumptive award.

(g) Determination. The Special Master shall notify the claimant in writing of the final amount of the award, but need not create or provide any written record of the deliberations that resulted in that determination. There shall be no further review or appeal of the Special Master's determination.

§ 104.34 Publication of awards.

In order to assist potential claimants in evaluating their options of either filing a claim with the Special Master or filing a lawsuit in tort, the Special Master reserves the right to publicize the amounts of some or all of the awards, but shall not publish the name of the claimants or victims that received each award. If published, these decisions would be intended by the Special Master as general guides for potential claimants and should not be viewed as precedent binding on the Special Master or his staff.

§ 104.35 Claims deemed abandoned by claimants.

The Special Master and his staff will endeavor to evaluate promptly any information submitted by claimants. Nonetheless, it is the responsibility of the claimant to keep the Special Master informed of his or her current address and to respond within the duration of this two-year program to requests for additional information. Claims outstanding at the end of this program because of a claimant's failure to complete his or her filings shall be deemed abandoned.

Subpart D - Amount of Compensation for Eligible Claimants.

§ 104.41. Amount of compensation.

As provided in section 405(b)(1)(B)(ii) of the Act, in determining the amount of compensation to which a claimant is entitled, the Special Master shall take into consideration the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant. The individual circumstances of the claimant may include the financial needs or financial resources of the claimant or the victim's dependents and beneficiaries. As provided in section 405(b)(6) of the Act, the Special Master shall reduce the amount of compensation by the amount of collateral source compensation the claimant (or, in the case of a Personal Representative, the victim's beneficiaries) has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001. In no event shall an award (before collateral source compensation has been deducted) be less than \$500,000 in any case brought on behalf of a deceased victim with a spouse or dependent, or \$300,000 in any case brought on behalf of a deceased victim who was single with no dependents.

§ 104.42. Applicable state law.

The phrase "to the extent recovery for such loss is allowed under applicable state law," as used in the statute's definition of economic loss in section 402(5) of the Act, is interpreted to mean that the Special Master is not permitted to compensate claimants for those categories or types of economic losses that would not be compensable under the law of the state that would be applicable to any tort claims brought by or on behalf of the victim.

§ 104.43 Determination of presumed economic loss for decedents.

In reaching presumed determinations for economic loss for Personal Representatives bringing claims on behalf of decedents, the Special Master shall consider sums corresponding to the following:

- (a) Loss of earnings or other benefits related to employment. The Special Master, as part

of the process of reaching a "determination" pursuant to section 405(b) of the Act, shall develop a methodology and publish schedules, tables, or charts that will permit prospective claimants to estimate determinations of loss of earnings or other benefits related to employment based upon individual circumstances of the deceased victim, including: the age of the decedent as of September 11, 2001; the number of dependents who survive the decedent; whether the decedent is survived by a spouse; and the amount and nature of the decedent's income for recent years. The decedent's salary/income in 1998-2000 shall be evaluated in a manner that the Special Master deems appropriate. The Special Master may, if he deems appropriate, take an average of income figures for each of those three years. The Special Master's methodology and schedules, tables, or charts shall yield presumed determinations of loss of earnings or other benefits related to employment for annual incomes up to but not beyond the 98th percentile of individual income in the United States for the year 2000. In cases where the victim was a minor child, the Special Master may assume an average income for the child commensurate with the average income of all wage earners in the United States.

(b) Medical expense loss. This loss equals the out-of-pocket medical expenses that were incurred as a result of the physical harm suffered by the victim (i.e., those medical expenses that were not paid for or reimbursed through health insurance). This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the Personal Representative.

(c) Replacement services loss. For decedents who did not have any prior earned income, or who worked only part time outside the home, economic loss may be determined with reference to replacement services and similar measures.

(d) Loss due to death/burial costs. This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the personal representative and includes the out-of-pocket burial costs that were incurred.

(e) Loss of business or employment opportunities. Such losses shall be addressed through the procedure outlined above in paragraph (a) of this section.

§ 104.44 Determination of presumed noneconomic losses for decedents.

The presumed noneconomic losses for decedents shall be \$250,000 plus an additional \$50,000 for the spouse and each dependent of the deceased victim. Such presumed losses include a noneconomic component of replacement services loss.

§ 104.45 Determination of presumed economic loss for claimants who suffered physical harm.

In reaching presumed determinations for economic loss for claimants who suffered physical harm (but did not die), the Special Master shall consider sums corresponding to the following:

(a) Loss of earnings or other benefits related to employment. The Special Master may determine the loss of earnings or other benefits related to employment on a case-by-case basis, using documentation and other information submitted by the claimant, regarding the actual amount of work that the claimant has missed or will miss without compensation. Alternatively, the Special Master may determine the loss of earnings or other benefits related to employment by relying upon the methodology created pursuant to § 104.43(a) and adjusting the loss based upon the extent of the victim's physical harm.

(1) Disability; in general. In evaluating claims of disability, the Special Master will, in general, make a determination regarding whether the claimant is capable of performing his or her usual profession in light of the injuries.

(2) Total permanent disability. With respect to claims of total permanent disability, the Special Master may accept a determination of disability made by the Social Security Administration as evidence of disability without any further medical evidence or review. The Special Master may also consider determinations of permanent total disability made by other

governmental agencies or private insurers in evaluating the claim. The Special Master may require that the claimant submit an evaluation of the claimant's disability and ability to perform his or her occupation prepared by medical experts.

(3) Partial disability. With respect to claims of partial disability, the Special Master may consider evidence of the effect of the partial disability on the claimant's ability to perform his or her usual occupation as well as the effect of the partial disability on the claimant's ability to participate in usual daily activities.

(b) Medical Expense Loss. This loss equals the out-of-pocket medical expenses that were incurred as a result of the physical harm suffered by the victim (*i.e.*, those medical expenses that were not paid for or reimbursed through health insurance). In addition, this loss equals future out-of-pocket medical expenses that will be incurred as a result of the physical harm suffered by the victim (*i.e.*, those medical expenses that will not be paid for or reimbursed through health insurance). These losses shall be calculated on a case-by-case basis, using documentation and other information submitted by the claimant.

(c) Replacement services loss. For injured claimants who did not have any prior earned income, or who worked only part-time outside the home, economic loss may be determined with reference to replacement services and similar measures.

(d) Loss of business or employment opportunities. Such losses shall be addressed through the procedure outlined above in paragraph (a) of this section.

§ 104.46 Determination of presumed noneconomic losses for claimants who suffered physical harm.

The Special Master may determine the presumed noneconomic losses for claimants who suffered physical harm (but did not die) by relying upon the noneconomic losses described in § 104.44 and adjusting the losses based upon the extent of the victim's physical harm. Such presumed losses include any noneconomic component of replacement services loss.

§ 104.47 Collateral sources.

We were required, of course, to adhere to the language which Congress set out in the statute, including the provisions requiring that awards be offset by all collateral source compensation such as benefits from life insurance and other government programs. However, we did find ambiguity in the statute as to gifts provided to victims and their families by private charities. These regulations do not require that awards be offset by such private charitable assistance.

We have concluded that the purpose of the Act is not simply to examine economic and noneconomic harm, but also to provide compensation that is just and appropriate in light of claimants' individual circumstances. We have concluded that any methodology that does nothing more than attempt to replicate a theoretically possible future income stream would lead to awards that would be insufficient relative to the needs of some victims' families, and excessive relative to the needs of others. The statute specifies that individual circumstances beyond economic and noneconomic harm should be taken into account. It is our view that, absent extraordinary circumstances, awards in excess of \$3 million, tax-free, will rarely be appropriate in light of individual needs and resources. At the same time, we want to ensure that victims' families are receiving at least a minimum level of resources to help meet their needs and rebuild their lives. Thus, we have concluded that the families of deceased victims should receive a combined total of at least \$500,000 from this program, other state and federal programs, life insurance policies and other sources of compensation. Similarly, the baseline for single decedents should be \$300,000. This ensures that every needy claimant's total compensation from this program and other sources will be at least equal to these threshold amounts.

In sum, the September 11th Victim Compensation Fund of 2001 is an attempt by the American people to demonstrate their solidarity with, and generosity for, those injured by the terrible September 11 attack on our country. It provides an alternative compensation scheme to the traditional tort system, a method of providing substantial and quick compensation to those who elect to participate.

(a) Payments that constitute collateral source compensation. The amount of compensation shall be reduced by all collateral source compensation, including life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(b) Payments that do not constitute collateral source compensation. The following payments received by claimants do not constitute collateral source compensation:

(1) The value of services or in-kind charitable gifts such as provision of emergency housing, food, or clothing; and

(2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by private charitable entities; provided, however, that the Special Master may determine that funds provided to victims or their families through a private charitable entity constitute, in substance, a payment described in paragraph (a) of this section.

Subpart E - Payment of Claims

§ 104.51 Payments to eligible individuals.

Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under the Fund, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

§ 104.52 Distribution of award to decedent's beneficiaries.

The Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction. The Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the

Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

Subpart F - Limitations

§ 104.61 Limitation on civil actions.

(a) General. Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except that this limitation does not apply to civil actions to recover collateral source obligations. The Special Master shall take appropriate steps to inform potential claimants of section 405(c)(3)(B) of the Act.

(b) Pending actions. Claimants who have filed a civil action or who are a party to such an action as described in paragraph (a) of this section may not file a claim with the Special Master unless they withdraw from such action not later than [PLEASE INSERT DATE WHICH IS 90 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

§ 104.62 Time limit on filing claims.

In accordance with the Act, no claim may be filed under this part after [FEDERAL REGISTER: PLEASE INSERT DATE TWO YEARS AFTER THE EFFECTIVE DATE OF THIS RULE.]

§ 104.63 Subrogation.

Compensation under this Fund does not constitute the recovery of tort damages against a third party nor the settlement of a third party action, and the United States shall be subrogated to all potential claims against third party tortfeasors of any victim receiving compensation from the

Fund. For that reason, no person or entity having paid other benefits or compensation to or on behalf of a victim shall have any right of recovery, whether through subrogation or otherwise, against the compensation paid by the Fund.

Subpart G - Measures to Protect the Integrity of the Compensation Program

§ 104.71 Procedures to prevent and detect fraud.

(a) Review of claims. For the purpose of detecting and preventing the payment of fraudulent claims and for the purpose of assuring accurate and appropriate payments to eligible claimants, the Special Master shall implement procedures to:

- (1) Verify, authenticate, and audit claims;
- (2) Analyze claim submissions to detect inconsistencies, irregularities, duplication, and multiple claimants; and
- (3) Ensure the quality control of claims review procedures.

(b) Quality control. The Special Master shall institute periodic quality control audits designed to evaluate the accuracy of submissions and the accuracy of payments, subject to the oversight of the Inspector General of the Department of Justice.

(c) False or fraudulent claims. The Special Master shall refer all evidence of false or fraudulent claims to appropriate law enforcement authorities.

Date

John Ashcroft
Attorney General

Note: This Appendix will not appear in the Code of Federal Regulations.

**APPENDIX TO PREAMBLE
SUMMARY OF PUBLIC COMMENTS SUBMITTED IN RESPONSE TO THE
NOVEMBER 5, 2001 NOTICE OF INQUIRY AND ADVANCE NOTICE OF
RULEMAKING.**

The following is a summary of the comments the Department of Justice ("the Department") received in response to its Notice of Inquiry published on November 5, 2001. The Notice of Inquiry sought input on numerous issues regarding potential regulations for the "September 11 Victim Compensation Fund of 2001" (the "Fund"), which was signed into law as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act")(the "Act").

Over 800 comments were received by the November 26, 2001 deadline established by the Department. Additionally, hundreds of comments have been received since that date. Every comment was – and continues to be – reviewed, considered, and catalogued into one or more of 72 different topics. While the following summary does not address every issue raised by commenters, it provides a general synopsis of the most often raised issues. The summary is not intended to be an exhaustive illustration of every issue contemplated by the Special Master or the Department. Indeed, as mentioned above, all comments were considered in the promulgation of these interim final rules. Finally, the summarized issues below are not arranged in any particular order of importance or level of volume.

The Effective Date of This Interim Final Rule

While the Act specified that this rule should be issued by December 21, 2001, it did not specify when they should become effective. Accordingly, the Department sought comment on this issue. The Department noted that the Administrative Procedure Act generally provides that rules not go into effect for at least 30 days absent "good cause."

Many commenters favored an immediate effective date so that claims could be filed right away. Many indicated an immediate need for relief and expressed frustration about their experiences with obtaining short-term assistance from other sources. However, some commenters thought an immediate effective date would be difficult to implement because the Special Master would need time to hire personnel and to set up the operation of the program before beginning to process claims.

A number of commenters suggested a compromise – making available some amount of short-term relief on an immediate basis to eligible claimants, and then commencing the more detailed review process necessary to provide a final award. Some suggested using flat amounts for these immediate awards, while another commenter suggested establishing an interest-free line of credit upon which families could draw. Another suggestion was that claims for immediate assistance be prioritized by "need."

Eligibility

In its November 5, 2001, Notice of Inquiry, the Department noted that section 405(b) of the statute requires the Special Master to determine whether a claimant is an "eligible individual" under section 405(c). "Eligibility," in turn, is defined by the Act to include: (1) individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; or (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a result of one of the terrorist-related air crashes. The Department sought comment on whether a Departmental regulation or a statement of policy by the Special Master would be appropriate to clarify these criteria, and if so, what those criteria should be.

The Department specifically invited comment on the following questions related to eligibility:

- How should "present at" be interpreted?
- Should the term "physical harm" be limited to serious injuries, as it is under some other no-fault compensation schemes, (*see, e.g.*, N.Y. Ins. Law § 5102), or should it be construed more broadly?
- Should "physical harm" be limited to currently identifiable injuries?
- Can and should the program address latent, but not yet evident, harm?
- What duration of time is intended by the statutory phrase "immediate aftermath"?

(1) "Present At" And "Immediate Aftermath"

Many of the comments addressed the question of how to define the terms "present at the site" and "immediate aftermath," especially for purposes of those who were in New York at the time of the crashes. Some commenters urged a broad definition of these terms. They recommended that anybody in New York City be considered "present" because the debris and ash from the collapse of the World Trade Towers was widespread. Residents who live near the Ground Zero site in New York urged that they be eligible to recover under the Fund.

In contrast, other commenters argued for a narrower definition of the terms, asserting that the legislation intended to constrain the Fund to the locus of the buildings themselves, and to some very limited time period after the crashes. One comment recommended that "immediate aftermath" be defined as 48 hours after the crashes.

(2) Physical Harm

With respect to the nature of harm involved, some commenters asserted there should be no lower boundary for "nonserious" injuries. Of those who commented on the point, there were disagreements as to whether post-traumatic stress could be considered physical harm for purposes of filing a claim under the Fund. Certain commenters indicated that many people suffered substantial stress from witnessing the attacks and devastation and that they should be eligible to recover from the Fund. However, others argued that the Fund was not intended to cover psychological injury because the language of the statute specifically requires that the claimant suffer "physical harm." These commenters feared that recovery for stress-related injuries would open a Pandora's Box of less serious claims, which, in turn, may reduce the amount of compensation issued to those with the most serious physical injuries.

(3) Latent Harm

Some of the comments focused on the problem of latent injuries and diseases. Several commenters mentioned the coughing they have experienced as a result of exposure to the crash site in New York, and some nearby residents expressed concern about latent harm that might accrue from returning to their homes before the conclusion of the rescue and cleanup efforts. On the other hand, other commenters expressed concern about covering any harms that do not manifest themselves within the two-year lifetime of the Fund. They argued the Fund was not designed to compensate for latent harm primarily because the Fund only exists for two years, and many injuries may not become manifest until after that time.

(4) Eligibility of Victims And Survivors

Some commenters addressed the meaning of the word "victim." For example, some commenters urged that any unborn child who died should be considered eligible for an award as

a victim. With respect to a different group of potential claimants, some commenters argued that illegal aliens should not be eligible for awards. However, other commenters did not think that legal status should preclude an award from the Fund.

With regard to claims on behalf of decedent victims, the comments evidenced a tremendous amount of confusion about whether the statute intended to cover only the losses incurred by the victim or the losses incurred by relatives and others. Some commenters noted that section 405 of the Act provides that only claims on behalf of the victim can be filed with the Fund, presumably leaving to the courts any claims by family members or partners on their own behalf. However, some commenters noted that section 403 of the Act states that its purpose is to provide compensation to any individual "or relatives of a deceased individual" who were killed as a result of the terrorist-related aircraft crashes. The commenters further noted that various types of losses that may be compensated by the Fund pursuant to section 402 are akin to those that in civil actions are normally considered losses to survivors rather than to the victim.

Many commenters commented on the "eligibility" of particular "survivors" of the victim. Some suggested that only a spouse and children be considered "eligible." Others expressed concern as to whether parents, divorced spouses, children of a prior marriage, and others with a legal relationship would be "eligible" for an award under the Fund. In this regard, a number of comments specifically urged that non-married partners and others with a non-traditional relationship be considered "eligible" for an award. Some commenters opposed the idea of extending eligibility under the Fund to those in non-traditional relationships and argued for a narrower definition of eligibility.

Similarly, there were a number of comments about how "eligible" survivors would participate in the decision of whether to submit an application to the Fund, since in their view the application to the Fund would prohibit all of them from filing civil litigation. Some commenters explicitly suggested the law be interpreted to allow claims both on behalf of the decedent's estate and on behalf of any survivors, and suggested that such claims could be consolidated for decision before the Special Master. Others, however, specifically recommended that claims be limited to those on behalf of the estate. Many commenters, presuming that to be the case, recommended that the state courts be responsible for designating the representative to represent the estate, and that any award be distributed in accordance with the requirements of the will or state intestacy law.

Assistance To Claimants

In its Notice of Inquiry of November 5, 2001, the Department noted that it would appear that these requirements -- combined with the statutory time frame for the Special Master to reach a decision once a claim is filed -- contemplate a detailed form and filing. Accordingly, the Department invited comments on whether there are actions the Special Master should be required to take before he can accept a claim, or deem a claim "filed." The Department noted that the statute appeared to provide a very limited time frame for the Special Master to evaluate a claim before making a decision -- 120 days from the date a claim is filed. Accordingly, the Department sought comment on whether the Special Master should be permitted to dismiss a claim as not properly filed for lack of adequate supporting information and, if so, whether an individual should thereafter be permitted to refile the claim. Comments were also solicited on whether it would be advisable to include in the rules a procedure where the time for making a determination could be extended by agreement.

The Department also requested comment on the design and content of the claim forms in light of the statutory requirements, as well as on making the forms and their instructions readable and readily available. The Department also sought comment on how it should implement the statutory requirement that claimants be provided with assistance.

While most of those who commented supported maintaining firm deadlines, many commenters suggested that a claimant be able to "halt the clock" at the claimant's discretion for various purposes (*e.g.*, to provide further evidence before the claim is evaluated, to allow more time to prepare for a hearing, or to allow for an administrative review of an initial award determination). Some suggested that the Special Master also have the authority not to start the clock until the claim contained sufficient information upon which an award determination could be made, or to halt the process for a set period of time to allow for review of an initial determination (provided that the claimant concurred with that decision).

A number of commenters stressed that a claimant should not lose the right to proceed with their claim due to an incomplete file. One commenter suggested the Special Master should have 14 days to review a claim before deciding if there is enough information to proceed. Several commenters suggested that claimants not be required to waive their right to litigation until it was determined the claimant was eligible to recover from the Fund. Similarly, some commenters stated they would have difficulty deciding whether or not to opt into the fund (and thus waive their right to sue) if they did not have some idea or presumption of the range of recovery they might expect from the Fund.

Many commenters urged the Department to establish a simplified procedure for initiating a claim with the Fund. They expressed frustration with the barrage of paperwork required to apply for assistance with other organizations. Some employers offered to provide information on behalf of their employees or survivors in an effort to reduce the paperwork burden on claimants. On the other hand, some noted that -- in light of the pro bono legal assistance that has been offered to the survivors -- claimants would have the option to have the assistance of an attorney to complete the forms. A number of commenters suggested a two-step claims process that would involve a simple initial submission, followed by a more asserted effort to collect additional information with the guidance of claimant assistance personnel from the Office of the Special Master.

A number of commenters had suggestions as to how the Special Master might assist claimants both in filing claims and completing the claims process. Many suggested that local offices be established in New York City, Washington D.C., Pennsylvania, and other cities that served as the domicile of victims. Some urged that outreach efforts be made to locate potential claimants and make them aware of the program's operations. Some mentioned that outreach should include multi-lingual assistance and publications. One group suggested that each Hearing Office have an Applicant's Assistant. Others suggested the Special Master hire victim advocates to assist claimants throughout the process.

The Claims Evaluation Process

The Department solicited comment on whether every claimant should be granted an oral hearing or whether paper hearings may be sufficient, and what types of oral hearing might be practicable in light of the statutory time frames.

Further, the Department sought comment on how evidence might be established and whether it is authorized to enforce requests made by the hearing officer to third parties for

evidence that is necessary to a proceeding (*e.g.*, evidence that might bear on whether all aspects of the claim file on which the decision will be based are accurate and complete). The Department sought comment on whether such proceedings should be recorded, whether such proceedings should be held in a location convenient to the claimant, how to deal with scheduling conflicts, and whether the opportunity for a hearing can be waived by a claimant through inaction or unwarranted delay.

Many commenters had opposing views on the role hearings should play in claims evaluation. Some commenters -- comparing this program to civil litigation -- viewed the hearings as essential to each and every claim. These commenters recommended hearings as a sort of "mini-trial," which would include rules of evidence (albeit relaxed rules) and adversarial questioning of witnesses. Using the same analogy, however, these commenters suggested that many claims could be "settled" based on only the paper submissions. Other comments suggested the hearings be more akin to an opportunity -- for those claimants who want to exercise it -- to make an informal oral presentation of their cases. They viewed the hearing as an opportunity to ensure that the decision maker was aware of their individual circumstances. Many of these commenters also suggested, for various reasons, that not all claimants would want a hearing. Some commenters suggested allowing claimants, upon filing a claim, to elect among different "tracks" -- one that would involve a hearing, and one that would not.

On the question of who should be hired as hearing officers, suggestions included retired trust executives, retired judges, attorneys experienced in handling high volume caseloads, and those experienced in civil litigation. Some commenters recommended there be a panel of hearing officers rather than one hearing officer. A number of commenters also recommended that claimants have the opportunity for review of their award to ensure that the decision maker was aware of their individual circumstances.

Many commenters submitted detailed procedural suggestions for the claims process. Among other things, these suggestions dealt with how eligibility and damages could be established through the use of affidavits under penalty of perjury in the event relevant documents had been lost as a result of the crashes themselves (*e.g.*, designations of beneficiaries maintained by employers). Additionally, a number of commenters suggested the Special Master have the right to subpoena evidence required to make a determination.

Awards Under the Fund

(1) Meeting the 120-day Deadline

The Department invited comment on what means and mechanisms could be implemented to allow just compensation within the statutorily-mandated 120-day period for processing claims. In particular, the Department sought input on whether and how statistical methodologies should be developed and used as a starting point for decision, and whether publication of hypothetical or presumptive awards for classes of individuals would assist potential claimants in determining whether to opt into the Fund. For the most part, these comments were encapsulated in discussions regarding the calculation of damages; namely, economic and noneconomic losses.

(2) Calculating "Economic Losses"

The Department sought specific comment on how the Special Master should determine "economic losses." Although retaining experts is certainly not prohibited, the Special Master will not require any claimant to obtain legal counsel or other experts to assist in proving or presenting evidence of damages. The Special Master may, however, draw on available

information from appropriate specialists in relevant fields to analyze economic losses. The Department invited comment regarding the necessary qualifications for such specialists, the data that should be utilized, the methodologies that should be employed, the documentation that should be required for every claimant, and how state law should bear upon such determinations. In addition, the Department invited comments on how to address the economic losses of individuals whose lost future income streams would have been highly contingent, variable, or unpredictable.

As expected, the range of comments on how best to calculate economic losses was widely varied. One group suggested a minimum value be calculated based on median income and remaining years of work, with flexibility to adjust the award after hearing all the evidence in individual cases. Similarly, certain comments suggested the use of a grid would be appropriate in certain circumstances to identify presumed awards. Others urged that no type of grid be used.

In terms of presumptive valuation, a few commenters recommended that awards mirror the amount a party could anticipate receiving from personal injury or wrongful death actions. Others disagreed. Many recognized the limited opportunities now available to potential plaintiffs filing claims in civil courts arising out of the September 11, 2001 terrorist attacks. At least one commenter argued that the fairest approach in determining economic losses is that which insurance companies use in settling claims.

Some commenters indicated that economic awards should not be based on differences in individual income prior to the crash. Some suggested using a flat dollar figure per surviving family member (*e.g.*, \$250,000 for each survivor). Another suggested a flat amount for death at \$100,000, injury at \$50,000, and various other losses at slated dollar figures. On the other hand, some commenters felt the purpose of the program is to act as a substitute for civil damage actions, and that efforts should be made to determine and take into consideration the amount of income likely lost by a decedent. A large number of comments were received with respect to how to establish such income (*e.g.*, average over a certain number of prior years, plus information supplied by employers on future prospects).

(3) Calculating "Noneconomic Losses"

The Department also sought comment as to "noneconomic losses." Most notably, the Department invited comments regarding whether, and in what manner, the Special Master can or should draw meaningful distinctions between both those victims who died in different locations and those who suffered similar injuries. The Department also invited comments on whether the Department should (as some have suggested) issue regulations determining the amount of noneconomic loss for classes of similarly situated individuals or whether, instead, the Special Master should determine all noneconomic loss on a detailed claim-by-claim basis. Further, the Department requested comment on what facts and circumstances should be considered in determining noneconomic losses for each individual, and what standards should be employed.

Comments regarding noneconomic losses were similarly varied. One commenting association suggested noneconomic losses -- such as pain and suffering -- should be standardized because such losses do not vary by income strata. Numerous commenters advocated a "fixed" noneconomic award, stating that the government should not attempt to draw distinctions in the amount of pain suffered by victims or their survivors. One commenter suggested the most equitable process for determining noneconomic awards would be an elective process. Under this proposed method, a claimant could elect to have the award calculated by use of a matrix, or alternatively, could present evidence at a hearing to establish the amount to which the claimant

Neither this Fund nor any monetary compensation can possibly provide a full measure of relief to those who have suffered as a result of September 11. But the Fund will provide appropriate compensation and some measure of comfort to those whose lives have been torn asunder by the events of September 11.

Background.

The following discussion provides background information and explanation of the regulations promulgated herein. Section A describes the statutory backdrop for the regulations; Section B discusses the Department's rulemaking procedures to date; Section C addresses Eligibility; Section D pertains to Advance Benefits; Section E discusses Final Awards made by the Fund; Section F describes the Special Master's claims evaluation process; and Section G relates to Assistance to Claimants. The text of the regulations is set forth following these explanatory sections. A catalog of public commentary is set forth thereafter as an Appendix. More detailed information regarding the program, including a flow chart of applicable procedures and a table of estimated or "presumed" awards, will be available on the Victims Compensation Fund website at www.usdoj.gov/victimcompensation.

A. The Statute.

The President signed the "September 11th Victim Compensation Fund of 2001" (the "Fund") into law on September 22, 2001, as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") ("the Act"). The purpose of this Fund is to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who died as a result of the crashes. Generally, eligibility is limited to: (1) individuals on the planes at the time of the crashes (other than the terrorists); and (2) individuals present at the World Trade Center, the Pentagon or the site of the crash in Pennsylvania at the time of the crashes or in the immediate aftermath of the crashes.

The Fund is designed to provide a no-fault alternative to tort litigation for individuals who were physically injured or killed as a result of the aircraft hijackings and crashes on September 11, 2001. Others who may have suffered losses as a result of those events (e.g., those without identifiable physical injuries but who lost employment) are not included in this special program. Indeed, compensation will be provided only for losses caused on account of personal physical injuries or death, even though the victims may have suffered other losses, such as property loss. For this reason, the Department and the Special Master anticipate that all awards

believes he or she is entitled. A number of commenters argued that the statute necessitated an entirely individualized determination of noneconomic losses in every case. A group representing survivors of decedents suggested that noneconomic losses must be uncapped and based, in part, on the number and age of any surviving children or dependents, the current and future pain and suffering experienced by the victim's family, and the severity of pain suffered by the victim himself or herself.

(4) Taxation

A number of commenters raised questions about the taxability of various kinds of awards issued under the Fund. Several commenters asserted that compensation from the Fund should be nontaxable under federal law, similar to various types of tort awards. Another commenter stated that state victim compensation fund awards generally are not taxable, either by the state or the federal government. On the other hand, another commenter stated he did not see the purpose of distributing taxpayers' money to victims, and urged taxing the awards so as to return some of the money to the Treasury.

Collateral Sources

The Department sought comments on the issue of collateral sources. Although the Act requires that collateral sources be deducted from awards issued under the Fund (and explicitly outlines examples of certain types of collateral sources), the Department invited comment as to how the term "collateral source" should be defined.

(1) General Comments

Despite the explicit language in the Act, a number of commenters took issue with deducting any collateral sources whatsoever. Although many recognized that both the Department and the Special Master are bound to follow the language in the Act, they nonetheless argued that collateral sources are -- in many states -- not offset in wrongful death suits. Some urged that the type of collateral source offsets should be interpreted narrowly. A number of commenters also suggested that if collateral source benefits to a victim are to be offset, a counter-offset should be made for the premiums or contributions made by the victim to purchase various benefits. Others specifically suggested that only the value of collateral benefits funded by a victim's employer should be offset.

Many commenters, however, asserted that the program should not "unjustly enrich" the victims or their survivors, and supported the use of widespread offsets. Some of these comments mentioned that -- although the statute does not provide either a ceiling or floor for the amount of awards -- the Fund may have only a limited pool of resources to distribute to claimants (akin to the funds being collected and distributed by charitable organizations), and suggested the need to help those most in need. Other comments noted that unjust enrichment should not flow through tax-payer dollars. It was mentioned that many taxpayers -- who ultimately will provide the funds under the program -- also sent in charitable contributions not to unjustly enrich victims or their families, but, rather, solely to help them through these troubled times.

(2) "A claimant has received or is entitled to receive"

Some commenters specifically focused on the word "claimant" in the phrase "a claimant has received or is entitled to receive," and urged that any collateral source benefits not paid or to be paid directly to the claimant not be deducted from the award. These comments were often parallel to those concerning the question of whose losses are to be compensated under the Fund:

only those of the decedent (estate), or those of others as well. (See the discussion of Eligibility.)

A number of comments also focused on the words "entitled to receive." Some recommended that only those collateral benefits scheduled to be paid as a result of contractual or other clear obligations should be deducted from an award. Others recommended that only the present value of any future contingent awards be considered in making any offset.

(3) Life Insurance

Many commenters were frustrated that the Act requires life insurance proceeds to be deducted from awards. Many asserted that deducting life insurance will penalize those who planned ahead. One suggested that life insurance should only be offset if payable to a dependent of the victim, and another group of commenters indicated that only the sums received by the eligible applicant net of all taxes that exceed the premiums -- or other payments made by the applicant -- be deducted. A number suggested that if life insurance is to be offset, the premiums paid should be returned to the victim by reducing the amount of the benefit offset.

(4) Pensions

While similar concerns (as to life insurance) were raised in connection with pensions, a more common comment concerned the meaning of the term "pension." For example, some commenters noted that pensions are not normally considered to be "compensation for a loss" but are instead akin to savings.

(5) Workers Compensation And Victim Assistance Programs

One commenter pointed out that most of the victims may be eligible for workers' compensation benefits because they were killed while on the job. Further, with respect to those receiving benefits under New York law, the compensation insurer can terminate workers' compensation payments -- absent claimants obtaining consent to enter the Fund -- if benefits are being paid to the injured workers or survivors. New York State legal authorities confirmed the noteworthiness of this issue, and recommended that workers' compensation payments not be considered a collateral source to this extent.

With respect to state victim assistance funds, one commenter noted that 42 U.S.C. § 10602(e) -- which generally provides that state crime victim boards may refuse to pay out benefits if another Federal program is paying benefits -- was explicitly amended to exclude payments made under the September 11th Victim Compensation Fund of 2001. The commenter suggested that some programs covered under that code provision -- that have already made payments -- may be entitled to reimbursement as a result.

(6) Charitable Contributions

Many victims of the terrorist-related crashes on September 11, 2001, have or may receive support from special funds set up to assist them, as well as from special programs established by some of their employers to share future profits and the like. Accordingly, whether to reduce Fund awards by the amount of such contributions was one of the issues given the most attention in the comments. Notably, this issue was discussed in a number of news articles at about the time the Notice of Inquiry was issued.

Commenters were heavily divided on this issue. Many were strongly opposed to reducing awards by the amount of charity funding received. This includes some commenters who donated to charities established for this purpose, as well as employers who established funds to help the families of the victims. Many insisted that funds collected by employers solely for the purpose of compensating victims of the September 11 attacks should not be deemed a collateral source. Many drew a distinction between funds provided for short-term assistance and

need, and those designed to compensate victims for their losses.

On the other hand, a number of comments from those who contributed money to various charities viewed the purposes of the charities and the Fund as one and the same; namely, compensating the victims. These commenters asserted they had not intended making contributions to unjustly enrich the families, and would hesitate to make such contributions in the future if their help turns out only to ensure persons maintain a certain lifestyle.

A number of commenters also pointed to the practical difficulties of trying to establish what claimants may have received from charities. Some suggested the Fund should have access to any database of charitable contributions, including one that was reported to be under consideration in New York.

After discussing these factors, some commenters suggested that the Special Master only offset charitable contributions over a certain amount. A few commenters suggested only offsetting charities set up for longer term assistance to the victims (*e.g.*, tuition funds or scholarships for the children of all the victims).

Payment of Awards

Some commenters expressed the view that payments by the fund should be in the form of "structured settlements" or annuities rather than in lump sum. One commenter suggested payments to children should go to a trustee for the benefit of the child. However, other commenters argued for lump sum payments and objected to the government placing any restrictions on the claimants' award.

Limitations on Fees for Assistance And Payment by the Special Master

The Department requested comments on whether the Special Master has the authority to limit the types and amounts of fees that can be charged by counsel, accountants, experts or others who are retained by claimants to assist them to file and pursue compensation claims, and whether such fees can and should be paid by the Special Master directly out of compensation awards. The Department also solicited comments on what limitations, if any, the rules should impose on non-attorney, non-claimant representatives' participation in filing claims.

A number of commenters noted that the right to be represented by counsel is provided by the statute, that not all claimants would be comfortable using pro-bono counsel to represent their interests, and that payment of attorneys' fees is necessary to ensure representation by counsel of choice. Some of these commenters suggested, however, that fees could be limited so as not to exceed 10% of the award to claimant. Paradoxically, some commenters opposed using any amount of money from the Fund to pay legal fees.

from the Fund will be free of federal taxation. See I.R.C. § 104(a)(2) (stating that damages received "on account of personal physical injuries or physical sickness" are excludable from gross income for purposes of federal income taxation).

A claimant who files for compensation waives any right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for actions to recover collateral source obligations.

Determinations on eligibility and the amount of compensation are to be made by the Special Master. After determining whether an individual is an eligible claimant under the Act, the Special Master is to determine the amount of compensation to be awarded based upon the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

The law also provides that the Special Master is to make a final determination on any claim within 120 days from when the claim was filed and, if an award is made, to authorize payment within 20 days thereafter. The determinations of the Special Master are final and are not reviewable by any court. Claims with the Fund must be filed on or before two years after the effective date of these regulations, i.e. [insert date 2 years from date of this publication in the FEDERAL REGISTER]. Payments from the Fund are made by the United States Government, which in turn obtains the right of subrogation to each award.

Pursuant to the Act, regulations addressing certain administrative matters must be issued within 90 days of enactment. Section 407 of the Act provides that the Department, in consultation with the Special Master, promulgate regulations on four matters by December 21, 2001:

- (1) Forms to be used in submitting claims;
- (2) The information to be included in such forms;
- (3) Procedures for hearing and the presentation of evidence; and
- (4) Procedures to assist an individual in filing and pursuing claims under this title.

In addition, section 407 authorizes, but does not require, the Department to issue additional rules to implement the program. This Interim Final Rule addresses issues beyond the four specifically required by the Act in order to create a program that will be efficient, will treat similarly situated claimants alike, and will allow potential claimants to make informed decisions regarding whether to file claims with the Fund. Nonetheless, the Department recognizes that it cannot anticipate all of the issues that will arise over the course of the program and that there will inevitably be many difficult issues that the Special Master will have to resolve in the course of making determinations on individual claims.

B. Rulemaking history to date.

On November 5, 2001, the Department requested public input on a number of issues. 66 FR 55901. The Department noted that, at that time, the Special Master had not yet been appointed, but that it wanted as much public comment as feasible before issuing the regulations by December 21, 2001. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master. As called for by the Act, this interim final rule is promulgated in consultation with the Special Master.

The Department received more than 800 comments in response to the Department's Notice of Inquiry. Some were very brief and only spoke to a single issue; others responded to the Department's questions on a point by point basis. Still others contained detailed analyses, recommendations and even proposed regulatory language.

The range of commenters was very broad. Some commenters identified themselves as citizens, taxpayers or law professors, and many identified themselves as individuals who had contributed to charities for those impacted by the terrorist crashes. Many other commenters identified themselves as members of victims' families, partners or close friends, including some from organizations and groups of survivors. Several commenters identified themselves as employers who lost a significant number of employees in the crashes. A number of commenters identified themselves as residents of housing near "Ground Zero" in New York.

In addition, the Department received comments from many organizations including the American Insurance Association, the American Arbitration Association, the American Bar Association, Trial Lawyers Care, New York Trial Lawyers' Association, New York City Bar Association, Massachusetts Bar Association, National Center for Victims of Crime, National Association of Crime Victim Compensation Boards, the Oklahoma Crime Victim Compensation Board, Consumers Union, Public Citizen, the National Right To Life Committee, the Lambda Legal Defense & Education Fund, the American Civil Liberties Union, the Association of Flight Attendants, the Council on Foundations, the Nonprofit Coordinating Committee of New York, Independent Sector, the Alternative Dispute Resolution of the Federal Bar Association, the Alliance of Fiduciary Consultants, and the Foreign Claims Settlement Commission.

Individual members of Congress, groups of members, and members of the Senate leadership also provided comments. Further, joint comments were submitted on behalf of the New York City Mayor, the New York Governor, and the New York Attorney General, by members of the New York Assembly, and by the Attorney General of Connecticut.

Comments were also submitted by United Airlines and American Airlines, and from various individuals and companies who identified themselves as having expertise or experience in the administration of claims programs.

The Department has read every submission it received in response to this notice, from handwritten notes to scholarly discussions. The Department wants to express its appreciation for the time and careful thought reflected in those submissions.

While the Department has reviewed every submission it received, it will not regulate on every topic addressed in those comments. Over 70 separate topics were identified; almost two dozen full size notebooks are necessary to organize all of the comments by topic. All of the comments will be retained by the Department for subsequent consideration when it reviews comments on this interim final rule, and the comments will remain posted on the Department's web site where they may be reviewed by the public. The Department was pleased to see that some comments responded to others placed on the web site, and hopes this facility will continue to be of interest to the public.

It is not feasible to repeat here all of the suggestions received in the comments, let alone directly respond to each. The Appendix to this interim final rulemaking highlights some of the points raised by commenters in order to indicate the range of views received on how various issues should be approached.

C. Eligibility.

Section 405(b) of the Act requires the Special Master to determine whether a claimant is an "eligible individual" under section 405(c). "Eligibility," in turn, is defined by the Act to include: (1) individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or

in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a result of one of the terrorist-related air crashes. This interim final rule addresses eligibility by defining the terms "present at the site," "immediate aftermath," "physical harm," and "personal representative."

"Present at the site": This rule defines the term "present at the site" (i.e. the World Trade Center, Pentagon, or Shanksville site) to mean physically present at the time of the crashes or immediate aftermath:

(1) In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or

(2) In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or collapse of buildings (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

There are several reasons for this geographic limitation. First, this geographic limitation comports with the plain meaning of the statutory term "present at." Second, this geographic limitation is consistent with the further statutory requirement of physical injury or death, because the zone designated is that in which there was a demonstrable risk of physical harm from falling debris, explosions, or fire.

"Immediate aftermath": This rule defines the term "immediate aftermath" of the crashes to mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. This time frame appears to cover all of those who suffered physical injury or death, with the exception of rescue workers.

With respect to rescue workers who assisted in efforts to search for and recover victims, the regulations define "the immediate aftermath" to include the period from the crashes until 96 hours after the crashes. The regulations provide for this longer time period for rescue workers in recognition of their heroic efforts and their selfless reasons for being at the sites, and responds to a request by the Mayor of New York City that the program recognize the high level of danger and difficulty during the first four days of rescue operations.

"Physical harm": This rule defines the term "physical harm" to mean an objectively verifiable physical injury that was treated by a medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue and either required hospitalization as an in-patient for at least 24 hours or caused, either temporarily or permanently, partial or total physical disability, incapacity, or disfigurement.

There are several reasons for this definition. The statutory term "physical harm" indicates that Congress did not intend for this Fund to compensate those who suffered only emotional harm or property damage. The statutory term "physical harm" also indicates that Congress did not intend for this Fund to cover those who face only a risk of future injury (i.e. latent harm that does not fully manifest itself within the statutory time period for this Fund). Indeed, because participation in this Fund precludes claimants from recovering through tort litigation, those with latent injuries that later became manifest would likely be undercompensated if they sought compensation now from the Fund before the injuries became manifest. Conversely, those who recovered for latent injuries that did not later become manifest could be overcompensated if they recovered from the Fund. While Congress might later consider whether

an administrative program for latent harm caused by the September 11, 2001 terrorist-related aircraft crashes may be appropriate, the language of the statute that created this Fund does not contemplate awards for that purpose.

"Personal Representative": Section 405(c)(2)(C) provides that in the case of an individual who is deceased but who otherwise meets the other criteria for eligibility, a claim can be filed by the Personal Representative of the decedent. Section 405(c)(3)(A) provides that no more than one claim may be submitted by an individual or on behalf of a deceased individual.

In many or most cases, the identity of the "Personal Representative" will not be in dispute. Where there are disputes, two issues arise: (1) what are the rules for determining who is the Personal Representative?; and (2) who should apply the rules and resolve the dispute?

As to the first issue, the regulations rely on state law. Subject to certain contingencies, this rule defines the term "Personal Representative" to mean an individual appointed by a court of competent jurisdiction as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate. In the event that no Personal Representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the Special Master may, in his discretion, determine that the Personal Representative is the person named by the decedent in the decedent's will as the executor or administrator. In the event no will exists, the Special Master may, in his discretion, determine that the Personal Representative is the first person in the line of succession established by the laws of the state of the decedent's domicile governing intestacy.

Reliance on state law is necessary in part because those who file for recovery under the Fund waive their rights to recover through litigation, in which state law would determine the identity of the appropriate representatives of the decedent, or the decedent's estate, to bring suit. Thus, if the identity of Personal Representatives for purposes of this Fund were determined by federal regulation, there could be many situations in which the representative as defined by state law would choose litigation while the Personal Representative as defined by federal regulation would seek to recover from the Fund.

The second issue raises questions of program administration. Disputes between relatives, former spouses and other interested parties can be exceptionally fact-intensive and time-consuming. Indeed, state courts often spend considerable time and resources resolving such matters. The Special Master cannot accomplish his statutory duties if bogged down with these types of complex disputes. Nor would it be advisable for the Special Master to attempt to step in and supplant state court practice or the testamentary intent of decedents. Consequently, the rule provides that the Special Master has no obligation to arbitrate, litigate or otherwise resolve disputes as to the identity of the Personal Representative. Instead, to ensure that funds are not needlessly tied up due to disputes regarding the identity of the Personal Representative, the regulations provide that the disputing parties may agree in writing to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while those disputing parties work to settle their dispute. In appropriate cases, the Special Master may determine an award, but place the payment in escrow until the dispute regarding the Personal Representative is finally resolved.

Finally, the determination of the Personal Representative is not the same question as the determination of who ultimately will receive the award. In that regard, this rule provides that the Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction.

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Perry, Phil <Phil.Perry@usdoj.gov>; Higbee, David <David.Higbee@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Harris, Paul <Paul.Harris@usdoj.gov>; Miller, Michele <Michele.Miller@usdoj.gov>; Jordan, Bill <Bill.Jordan@usdoj.gov>; Reyes, Luis <Luis.A.Reyes2@usdoj.gov>; Bloemendal, Katherine <Katherine.Bloemendal@usdoj.gov>; Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Jacob, Gregory F <Gregory.F.Jacob@usdoj.gov>; Philbin, Patrick <Patrick.Philbin@usdoj.gov>; Jones, Kevin R <Kevin.R.Jones@usdoj.gov>; Hinchman, Robert <Robert.Hinchman@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Morrison, Richard T. <Richard.T.Morrison@usdoj.gov>; Collins, Dan <Dan.Collins@usdoj.gov>; Hart, Rosemary <Rosemary.Hart@usdoj.gov>; Mei, Vesper <Vesper.Mei@usdoj.gov>; 'Ken Feinberg (E-mail)' <kfeinberg@thefeinberggroup.com>; 'Debbie Greenspan (E-mail)' <dgreenspan@thefeinberggroup.com>; Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>; 'Pete Galvin (E-mail)' <galvin-peter@dol.gov>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; 'Peter Woodin (E-mail)' <pwoodin@feinberggroup.com>; Nathan L. Knuffman/OMB /EOP@EOP [OMB] <Nathan L. Knuffman>
Sent: 12/19/2001 12:51:09 PM
Subject: : FW: Final Victim Comp Rule
Attachments: P_FVN25004_OPD.TXT_1.wpd

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:19-DEC-2001 17:51:09.00

SUBJECT:: FW: Final Victim Comp Rule

TO:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:"Jacob, Gregory F" <Gregory.F.Jacob@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jacob, Gregory F" <Gregory.F.Jacob@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
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TO:"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:"Hart, Rosemary" <Rosemary.Hart@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Hart, Rosemary" <Rosemary.Hart@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:"Mei, Vesper" <Vesper.Mei@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Mei, Vesper" <Vesper.Mei@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:"'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:"'Peter Woodin (E-mail)'" <pwoodin@feinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Peter Woodin (E-mail)'" <pwoodin@feinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Nathan L. Knuffman (CN=Nathan L. Knuffman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
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Attached is the interim final rule as it was sent to the Federal Register. It will be published Friday, but will be made available to the

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public in the reading room sometime before then. Thank you all for working on this.

-----Original Message-----

From: Hart, Rosemary
Sent: Wednesday, December 19, 2001 5:14 PM
To: Wood, John F; Abramidis, Clarisse
Cc: Jacob, Gregory F
Subject: RE: Final Victim Comp Rule

Here's a copy for you all.

- Victims Comp.Fed Reg.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FVN25004_OPD.TXT_1>

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 104

CIV 104P; AG Order No.

RIN: 1105-AA79

September 11th Victim Compensation Fund of 2001

ACTION: Interim final rule with request for comments.

SUMMARY: Shortly after the September 11, 2001 terrorist attacks, the President signed the "September 11 Victim Compensation Fund of 2001" (the "Fund") into law as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") (the "Act"). The Act authorizes compensation to any individual (or the personal representative of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes on that day. The Act provides that the Fund will be administered by a Special Master appointed by the Attorney General. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master.

The Department of Justice, in consultation with the Special Master, is issuing certain procedural rules so the Special Master may commence operations of the program as soon as practicable. In order to allow the Special Master to begin distributing funds, the Department is issuing this rule as an "Interim Final Rule" that will have the force and effect of law immediately upon publication. This rule is designated "interim," however, because the Department is also seeking further comment for a period of 30 days as part of its further review and may expand or adjust aspects of the rule after receiving additional comments.

However, in order to assure that the families of needy victims receive adequate compensation, the regulations further provide that the Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

D. Advance Benefits

In order to comply with the Attorney General's November 26, 2001 instructions to the Special Master to pay benefits to eligible claimants as quickly as possible, these regulations permit claimants to seek immediate "Advance Benefits" in the fixed amount of \$50,000 in the case of deceased individuals and \$25,000 in the case of severely injured individuals who required hospitalization for one week or more.

To qualify for advance benefits, applicants must complete a short form (the "Eligibility Form") identifying basic eligibility and indicating that advance benefits would assist them in confronting current or immediate financial hardships. Such forms will be made available at claims intake centers as they are established, in response to telephone requests (888-714-3385, 202-305-1352, TDD: 888-560-0844), and on the Victims Compensation Fund website at www.usdoj.gov/victimcompensation.

Eligible claimants may apply for and receive advance benefits and then file their lengthier "Personal Injury Compensation Form" or "Death Compensation Form" at any time within the two-year time frame for filing claims under the program. This will allow needy eligible claimants to obtain prompt advance payments even though they may need more time to collect full information regarding the amount of compensation they seek. The 120-day period for determination of compensation will be stayed or tolled until the claimant files the completed "Personal Injury Compensation Form" or "Death Compensation Form" needed to allow the Special Master to determine the amount of the final award. However, once a claimant applies for Advance Benefits and is deemed eligible to recover under the Fund, the claimant will be deemed to have waived the right to file a civil action in state or federal court for damages sustained as a result of the September 11 attacks.

Advance benefits will be treated as advance payments on ultimate awards from the Fund. Thus, the amount of any advance benefits received will be deducted from the claimant's subsequent award.

E. Final awards made by the Fund.

Section 405(b) of the Act provides that the Special Master shall compensate eligible claimants based on the harm to the claimant (including both economic loss and noneconomic losses), the facts of the claim, and the individual circumstances of the claimant. The Act further provides that the Special Master shall determine the claimant's eligibility and the amount of compensation within 120 days.

The Special Master and the Department have studied the language of the Act, the varying public comments, evidence and data about the many victims of the September 11 attacks, and economic and demographic studies and data in fashioning the interim final rule. After this careful consideration, the Special Master and the Department have concluded that the following principal objectives should guide any determination of economic and noneconomic losses.

The first objective is that the process should be efficient, straightforward, and understandable to the claimants. This objective is based in part upon the statutory requirement that the Special Master review each claim and make an award determination within 120 days of filing. More important, however, is that claimants be able to enter the program -- or choose not to enter the program -- with an understanding of how their claims will be treated. This is especially important because the Act provides that, upon submission of a claim, a claimant waives the right to file a civil action for damages sustained as a result of the September 11 attacks. For claimants to make an informed decision regarding this waiver, they should have some understanding of how their award will be calculated and how much they would receive from the Fund should they decide to file a claim.

The second objective is that each claimant should, to the greatest extent possible, be treated fairly based on the claimant's own individual circumstances and relative to other claimants. While the circumstances of death for many victims will differ, those circumstances will in many cases be unknowable. In principle, similarly situated claimants should not receive dramatically differing treatment.

After careful consideration, the Special Master and the Department have concluded that, in order best to achieve these principal objectives, the Special Master should develop a methodology for calculating presumed economic and noneconomic losses that is based on readily identifiable individual circumstances for each claimant, such as age, prior income levels, marital status, and the number and ages of the victim's dependents. A methodology for determining presumed economic and noneconomic losses will also assist the Special Master in making fair and appropriate compensation determinations swiftly and efficiently within the time frame permitted by the Act.

In order to enable claimants to make informed decisions regarding whether to submit a claim under the Fund and, if so, whether to submit evidence of extraordinary individual circumstances that could justify departure from the presumed awards, the interim final rule directs the Special Master to publish schedules, tables, or charts of presumed determinations for economic and noneconomic losses. While these schedules, tables, or charts cannot cover every possible claimant (e.g., injured claimants), they are extensive and detailed enough to provide the majority of potential claimants with a general dollar range into which their awards may fall.

Nonetheless, the Special Master and the Department recognize that it will be impossible to fashion a presumptive methodology that will take into account all of the individual facts and circumstances for every claimant. Rather, some claimants may have extraordinary individual circumstances that justify departure from the presumed awards. Thus, the interim final rule provides that claimants may request that the Special Master depart from the presumed economic and noneconomic losses based upon a

demonstration of extraordinary circumstances that the presumed award methodology does not adequately address.

Economic loss: Determination of economic loss requires a prediction about each claimant's future. This assessment will be, by its nature, somewhat speculative. While the determination of economic loss should be based upon facts regarding the individual victim where those facts are available, some facts cannot be predicted on an individualized basis.

The regulations also provide that the Special Master's schedules, tables, or charts should identify presumed determinations of economic loss up to a salary level commensurate with the 98th percentile of individual income in the United States. The Department recognizes that projecting earnings over worklife for people with extraordinary annual incomes is a very complex exercise, often requiring a detailed evaluation of variable and often complex formulae for nonvariable income, differing work life expectations, often highly volatile industries or markets, and other factors that are not often subject to easy generalization. We have also concluded that the purpose of the Act is not simply to examine economic and noneconomic harm, but also to provide compensation that is just and appropriate in light of the financial needs and resources of claimants. Any methodology that does nothing more than attempt to replicate a theoretically possible future income stream would lead to awards that would be insufficient relative to the needs of some victims' families, and excessive relative to the needs of others. Therefore, a claimant should not assume that he or she will receive an award greater than the presumed award simply because the victim had an income that exceeded the income for the 98th percentile. Indeed, the Act's requirement that the Special Master consider "the individual circumstances of the claimant" indicates that the Special Master may consider a particular claimant's financial needs and resources, just as the Department and the Special Master considered the needs of the claimants in concluding that no claimant bringing a claim on behalf of a deceased victim should receive less than \$500,000 or \$300,000 before collateral source offsets.

If a claimant seeks review of a presumed award, the Special Master may consider a range of information, including demographic information on retirement trends for high wage earners, the individual's historical expenses, savings, and any other factors he deems relevant, including economic trends, information available from the Bureau of Labor Statistics, the Census Bureau and other entities on average income and retirement age for the victim's profession or even for the victim's former employer. Claimants should not expect awards grossly in excess of the highest awards listed on the Special Master's presumed award chart, as the individual circumstances of the wealthiest and highest-income claimants will often indicate that multi-million dollar awards out of the public coffers are not necessary to provide them with a strong economic foundation from which to rebuild their lives.

The Special Master and the Department recognize that the extent of physical injury for those victims who survived the September 11 attacks may vary to a degree that does not lend itself to a schedule, table, or chart. If the claimant's injury causes only a temporary disability, the Special Master may consider evidence regarding the length of time the claimant was absent from his employment in determining the appropriate compensation for economic loss. For those victims who suffered permanent physical disability, the Special Master may rely upon his economic loss methodology, but adjust the award based upon the extent of the physical

disability. In evaluating claims of disability, the Special Master will, in general, make a determination regarding whether the claimant is capable of performing his or her usual profession in light of the injuries.

With respect to claims of total permanent disability, the Special Master may accept a determination of disability made by the Social Security Administration as evidence of disability without any further medical evidence or review. The Special Master may also consider determinations of permanent total disability made by other governmental agencies or private insurers in evaluating the claim. The Special Master may require an evaluation of the claimant's disability and ability to perform his or her occupation from medical experts.

With respect to claims of partial disability, the Special Master may consider evidence of the effect of the partial disability on the claimant's ability to perform his or her usual occupation as well as the effect of the partial disability on the claimant's ability to participate in usual daily activities.

Noneconomic losses: Each person who was killed or injured in the September 11 attacks suffered grievous harm, and each person experienced the unspeakable events of that day in a unique way. Some victims experienced terror for many minutes, as they were held hostage by terrorists on an airplane or trapped in a burning building. Some victims had no warning of what was coming and died within seconds of a plane hitting the building in which they worked. While these circumstances may be knowable in a few extraordinary circumstances, for the vast majority of victims these circumstances are unknowable.

After extensive fact finding, public outreach, and review of public comments, the Special Master and the Department have concluded that the most rational and just way to approach the imponderable task of placing a dollar amount upon the pain, emotional suffering, loss of enjoyment of life, and mental anguish suffered by the thousands of victims of the September 11 attacks is to assess the noneconomic losses for categories of claimants. The most obvious distinction is between those who died and those who suffered physical injury but survived.

The regulations therefore set a presumed award for noneconomic losses sustained. For those victims who died as a result of the September 11 aircraft crashes, the presumed noneconomic losses will be \$250,000, plus an additional \$50,000 for the spouse and each dependent of the deceased victim. That \$250,000 figure is roughly equivalent to the amounts received under existing federal programs by public safety officers who are killed while on duty, or members of our military who are killed in the line of duty while serving our nation. See 38 U.S.C. § 1967 (military personnel); 42 U.S.C. § 3796 (Public Safety Officers Benefit Program). The latter figures -- \$50,000 for the spouse and each dependent -- include a noneconomic component of "replacement services loss."

For those victims who suffered physical injury but survived the September 11 attacks, the Special Master may establish a methodology for estimating their noneconomic losses. The Special Master may determine that it is appropriate to give some percentage of the noneconomic loss award given for victims who died, based upon the extent of the injury.

The Special Master and the Department recognize, however, that no presumed award can take into account all of the unique individual circumstances of each claimant. Accordingly, as noted above, claimants may either accept the presumed award or instead attempt to demonstrate in a hearing before the Special Master extraordinary circumstances that justify departure from the presumed award.

Collateral Sources: Section 405(b)(6) of the Act provides that the Special Master shall

reduce the amount of compensation by the amount of the collateral source compensation "a claimant has received or is entitled to receive" as a result of the terrorist-related aircraft crashes of September 11, 2001. The interim final rule provides that collateral sources will include life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001. While many public commenters voiced strong opposition to the inclusion of some or all of these as collateral source compensation, the Act expressly includes each one within the definition of "collateral sources."

At the same time, the Act does not address whether certain other types of payments constitute collateral source compensation. The interim final rule provides that the following are not collateral source compensation:

(1) The value of services or in-kind charitable gifts such as provision of emergency housing, food, or clothing; and

(2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by private charitable entities; provided, however, that the Special Master may determine that funds provided to victims or their families through a private charitable entity constitute, in substance, a collateral source as described above.

The Department has concluded that charitable contributions should not be considered collateral source compensation within the meaning of the Act because, among other reasons, such charitable contributions are different in kind from the collateral sources listed in the Act. Moreover, because the collateral offset only applies to collateral source compensation that the claimant has received or is entitled to receive, deducting charitable awards from the amount of compensation would have the perverse effect of encouraging potential donors to withhold their giving until after claimants have received their awards from the Fund.

F. The claims evaluation process.

Section 405(b)(4) of the Act provides that a claimant, after the filing of the claim, has the right to present evidence to the Office of the Special Master. The statute specifically provides that the claimant has the right to present witness statements and documents, the right to obtain legal counsel, and such other due process rights as are determined to be appropriate by the Special Master.

The interim final regulations provide claimants with a choice of two Procedural Options -- Track A or Track B. If a claimant selects Track A, the Claims Evaluator will determine eligibility and the claimant's presumed award and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee under § 104.33 of these regulations. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee pursuant to § 104.33. If a claimant opts for a review, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.

If the claimant selects Track B, a Claims Evaluator will determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award. The Claims Evaluator will then notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing pursuant to § 104.33. At such hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

Hearings, when sought, will be held by the Special Master or his designee. These hearings shall be conducted in a nonadversarial manner, the objective of which will be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. Claimants will be permitted, but not required, to present witnesses, including expert witnesses. The hearing officer shall be permitted to examine the credentials of experts.

The hearings shall be limited in length to a time period determined by the Special Master or the relevant hearing officer, but generally not to exceed two hours. The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The claimant shall be entitled to be represented by an attorney in good standing, but it is not necessary that the claimant be represented by an attorney.

G. Assistance to claimants.

In its November 5, 2001 Notice of Inquiry, the Department noted that section 405(a) of the Act establishes some specific requirements with respect to the claim form and the information to be included. The law requires the Special Master to develop a claim form to use in filing claims for compensation under this program. The Special Master is to ensure that the form can be filed electronically if it is determined to be practicable. Moreover, by law, the form must include a statement of the factual basis for eligibility and information regarding income in recent years. In addition, the form is to request information from the claimant as to: (1) the physical harm suffered by a victim, or information confirming the death of the victim, as a result of the terrorist-related aircraft crashes of September 11, 2001; (2) income tax returns for recent years and other records; and (3) documentation regarding collateral source compensation including life insurance policies and government or employment-related programs which have or may provide funds or benefits to the claimant.

The Department believes that it is important that this Fund be accessible to potential claimants who have limited resources and who are not trained in the law. Rather than attempt to address in detail the means by which the Special Master should provide assistance to claimants, these regulations leave the Special Master with discretion to implement steps to provide assistance to claimants and to make this Fund accessible to them.

Because the Act does not provide for payment of legal or other fees by the Fund, these regulations do not impose any limits on the types or amount of fees that claimants may pay their attorneys or others providing assistance. Although the Department's regulations do not set specific limits on attorneys fees separate from those existing in state law or attorney ethical standards, the Department believes that contingency arrangements exceeding 5% of a claimant's recovery from the Fund would not be in the best interest of the claimants.

The Department contemplates that the Special Master will have discretion to inform potential claimants of the nature of the Fund so that they may make informed decisions regarding

the types or amount of fees that they pay for legal or other assistance. For example, the Special Master may notify claimants and potential claimants of the availability of free legal services. Likewise, the Special Master may inform claimants and potential claimants that the Fund is a no-fault, administrative scheme that should not involve the kind of risks and expense that would justify any significant contingency fees.

These regulations similarly do not address the manner in which claimants may use funds that they receive from the Fund, except that the Personal Representatives must agree in an acknowledgment and release form to distribute the award to the beneficiaries of the decedent in accordance with the decedent's will or applicable state law or ruling by a court of competent jurisdiction. While the Department does not believe that it is appropriate for the Special Master to place further legal restrictions on the claimants' or beneficiaries' use of payments from the Fund, the Department does contemplate that the Special Master will have discretion to provide claimants with information regarding annuities or other financial planning devices or to offer structured awards with periodic payments.

Application of various laws and Executive Orders to this rulemaking.

Administrative Procedure Act, 5 U.S.C. 553

This rule provides for compensation to eligible individuals who were physically injured and to the personal representatives of those who were killed as a result of the terrorist-related aircraft crashes of September 11, 2001. In order to provide compensation to eligible claimants as expeditiously as possible, Congress set a short 90-day deadline for the issuance of these regulations. The Department did seek public input on the issues, but it was not possible for the Department to prepare and publish a proposed rule for notice and comment within that very short time period.

The APA provides that an agency need not go through proposed rulemaking and comment before issuing rules to implement benefits programs. 5 U.S.C. 553(a)(2). Moreover, the Department, in consultation with the Special Master, determined that taking the time to draft and publish a proposed rule for notice and comment before this rule took effect would have been impracticable in light of the short time between the enactment of the statute and the deadline for rulemaking, and also would have been contrary to the public interest, which strongly favors prompt disbursement of benefits. Accordingly, the Department has determined that there is "good cause" for exempting this rule from the provision of the Administrative Procedure Act that requires a notice of proposed rulemaking and the opportunity for public comment. 5 U.S.C. 553(b)(B).

For the same reasons, the Department also finds "good cause" for exempting this rule from the provision of the Administrative Procedure Act providing for a delayed effective date. 5 U.S.C. 553(d). Delaying the opportunity for eligible claimants to seek Advance Benefits or to file claims under the Act would be contrary to the public interest.

Congressional Review Act

The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget has designated this interim final rule as a "major rule" as that term is defined by the Congressional Review Act ("CRA"), 5 U.S.C. 801 *et. seq.* Pursuant to section 808(2) of the CRA, the Department finds that "good cause" exists for establishing an effective date for this rule upon publication because delay would be impracticable in light of the short time between the enactment of the statute and the deadline for rulemaking, and also would be contrary to the public interest favoring prompt disbursement of benefits.

Paperwork Reduction Act of 1995

The Department of Justice, Civil Division, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been granted, and this information collection has been assigned OMB control number 1105-0073. The proposed information collection is published to obtain comments from the public and affected agencies. The emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, D.C. 20530.

During the first 60 days of this same review period, a regular review of this information collection will be undertaken. All comments and suggestions, or questions regarding additional information, including obtaining a copy of the proposed information collection instrument with instructions, should be directed to Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530. We request written comments and suggestions from the public and affected agencies concerning the proposed emergency collection of information.

Your comments should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

- (1) **Type of Information Collection:** New Collection
- (2) **Title of the Form/Collection:** Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund.
- (3) **Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:** SM-001, Office of the Special Master , Department of Justice.
- (4) **Affected public who will be asked or required to respond, as well as a brief abstract: Primary:** Individuals who were physically injured and personal representatives of those killed as a result of the terrorist-related aircraft crashes of September 11, 2001. **Abstract:**

The information collected from the Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund will be used to make advance payments to those claimants deemed eligible by the Special Master or his designee.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 5,000 claimants with an average of 6.0 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 30,000 hours annually.

If additional information is required, contact: Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, 601 D Street NW, Suite 1600, Washington, D.C. 20004.

Privacy Act of 1974

The Department of Justice, Civil Division is establishing a new Privacy Act system of records entitled "September 11th Victim Compensation Fund of 2001, JUSTICE/CIV-008." By law, regulations addressing certain administrative matters for the September 11th Victim Compensation Fund of 2001 must be issued within the 90-day period established by Congress. The Privacy Act notice will be published with no routine uses, so that it will be effective on the date published. It is likely that amendments to this notice, including routine uses, will be published at a later date, with the opportunity to comment. In the interim, disclosures necessary to process claims will be made only with the written consent of claimants or as otherwise authorized under 5 U.S.C. 552a(b).

Regulatory Flexibility Act

These regulations set forth procedures by which the Federal government will award compensation benefits to eligible victims of the September 11, 2001 terrorist attacks. Under 5 U.S.C. 601(6), the term "small entity" does not include the Federal government, the party

charged with incurring the costs attendant to the implementation and administration of the Victims Compensation Fund. To the extent that small entities, including small government entities, will be economically affected by the promulgation of these regulations, such effects will likely be minimal. Further, the number of entities that will be affected will, in all probability, fall short of a "substantial number" of small entities. In fact, the Department believes that the promulgation of these rules will play a considerable role in reducing the amount of complex, private litigation, wherein a substantial number of small (and large) entities would undoubtedly be significantly impacted.

Accordingly, the Department has reviewed this rule in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities because it provides compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who were killed as a result of those crashes. This rule provides compensation to individuals, not to entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Executive Order 12866 - Regulatory Planning and Review

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget.

DATES: This interim rule takes effect on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Comments in response to this notice are due by [insert the date 30 days after the date of publication of this notice in the FEDERAL REGISTER].

ADDRESSES: Comments on the interim rule should be submitted by e-mail to: victimcompensation.comments@usdoj.gov, or by telefax to 301-519-5956. Telefaxes should be limited to 15 pages. Comments may also be mailed to Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530. However, the Department encourages commenters to submit their comments by e-mail or telefax. Comments received are public records. The name and address of the commenter should be included with all submissions. The comments will be made available on the Victim Compensation Fund web site, www.usdoj.gov/victimcompensation. Comments will also be available for public inspection at a reading room in Washington, DC. Arrangements to visit the reading room must be made in advance by calling 888-714-3385 (TDD: 888-560-0844).

FOR FURTHER INFORMATION CONTACT: Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530, telephone 888-714-3385 (TDD 888-560-0844).

SUPPLEMENTARY INFORMATION:

Statement by the Special Master

The September 11th Victim Compensation Fund of 2001 is an unprecedented expression of compassion on the part of the American people to the victims and their families devastated by the horror and tragedy of September 11. The Act itself (specifically Title IV – Victim Compensation), and the attached regulations drafted and implemented pursuant to the Act, are designed to bring some measure of financial relief to those most devastated by the events of

Executive Order 13132 - Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. However, the Department of Justice has worked cooperatively with state and local officials in the affected communities in the preparation of this rule. Also, the Department individually notified national associations representing elected officials of the initial request for comment and will be taking similar action in connection with the interim final rule.

List of Subjects in 28 CFR Part 104

Disaster assistance, Disability benefits, Terrorism.

Accordingly, for the reasons set forth in the preamble, Part 104 of chapter I of Title 28 of the Code of Federal Regulations is added to read as follows:

Part 104 -- SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Subpart A – General; Eligibility

- 104.1 Purpose.
- 104.2 Eligibility definitions and requirements.
- 104.3 Other definitions.
- 104.4 Personal Representative.
- 104.5 Foreign claims.
- 104.6 Amendments to this rule.

Subpart B – Filing for Compensation; Application for Advance Benefits

- 104.21 Filing for compensation.
- 104.22 Advance Benefits.

Subpart C - Claim Intake, Assistance, and Review Procedures

- 104.31 Procedure for claims evaluation.
- 104.32 Eligibility review.
- 104.33 Hearing.
- 104.34 Publication of awards.
- 104.35 Claims deemed abandoned by claimants.

Subpart D - Amount of Compensation for Eligible Claimants

- 104.41 Amount of compensation.
- 104.42 Applicable state law.
- 104.43 Determination of presumed economic loss for decedents.
- 104.44 Determination of presumed noneconomic losses for decedents.
- 104.45 Determination of presumed economic loss for claimants who suffered physical harm.
- 104.46 Determination of presumed noneconomic losses for claimants who suffered physical harm.
- 104.47 Collateral sources.

Subpart E - Payment of Claims

- 104.51 Payments to eligible individuals.
- 104.52 Distribution of award to decedent's beneficiaries.

Subpart F - Limitations

- 104.61 Limitation on civil actions.
- 104.62 Time limit on filing claims.
- 104.63 Subrogation.

Subpart G - Measures to Protect the Integrity of the Compensation Program

- 104.71 Procedures to prevent and detect fraud.

Authority: Title IV of Pub. L. 107-42, 115 Stat. 230, 49 U.S.C. 40101 note.

Subpart A - General; Eligibility

§ 104.1 Purpose.

This part implements the provisions of the September 11th Victim Compensation Fund of

2001, Title IV of Public Law 107-42, 115 Stat. 230 (Air Transportation Safety and System Stabilization Act) to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and to the "personal representatives" of those who were killed as a result of the crashes. All compensation provided through the Fund will be on account of personal physical injuries or death.

§ 104.2 Eligibility definitions and requirements.

(a) Eligible claimants. The term eligible claimants means:

(1) Individuals present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who suffered physical harm, as defined herein, as a direct result of the terrorist-related aircraft crashes;

(2) The Personal Representatives of deceased individuals aboard American Airlines flights 11 or 77 and United Airlines flights 93 or 175; and

(3) The Personal Representatives of individuals who were present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who died as a direct result of the terrorist-related aircraft crash.

(4) The term eligible claimants does not include any individual or representative of an individual who is identified to have been a participant or conspirator in the terrorist-related crashes of September 11.

(b) Immediate aftermath. The term immediate aftermath of the crashes shall mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. With respect to rescue workers who assisted in efforts to search for and recover victims, the immediate aftermath shall include the period from the crashes until 96 hours after the crashes.

(c) Physical harm.

(1) The term physical harm shall mean a physical injury to the body that was treated by a

medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue; and

(i) Required hospitalization as an in-patient for at least 24 hours; or

(ii) Caused, either temporarily or permanently, partial or total physical disability, incapacity or disfigurement.

(2) In every case not involving death, the physical injury must be verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

(d) Personal Representative. The term Personal Representative shall mean the person determined to be the Personal Representative under § 104.4 of this part.

(e) Present at the site. The term present at the site (i.e., the World Trade Center, Pentagon, or Shanksville, Pennsylvania site) shall mean physically present at the time of the crashes or in the immediate aftermath:

(1) In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or

(2) In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

§ 104.3 Other definitions.

(a) Beneficiary. The term beneficiary shall mean a person entitled under the laws of the decedent's domicile to receive payments or benefits from the estate of or on behalf of the decedent on whose behalf the claim to the Fund was filed.

(b) Dependents. The Special Master shall identify as dependents those persons so identified by the victim on his or her federal tax return for the year 2000 unless:

(1) The claimant demonstrates that a minor child of the victim was born or adopted on or after January 1, 2001;

(2) Another person became a dependent in accordance with then-applicable law on or after January 1, 2001; or

(3) The victim was not required by law to file a federal income tax return for the year 2000.

(c) Spouse. The Special Master shall identify as the spouse of a victim the person reported as spouse on the victim's federal tax return for the year 2000 unless:

(1) The victim was married or divorced in accordance with applicable state law on or after January 1, 2001; or

(2) The victim was not required by law to file a federal income tax return for the year 2000.

(d) The Act. The Act, as used in this part, shall mean Public Law 107-42, 115 Stat. 230 ("Air Transportation Safety and System Stabilization Act"), 49 U.S.C. 40101 note.

(e) Victim. The term victim shall mean an eligible injured claimant or a decedent on whose behalf a claim is brought by an eligible Personal Representative.

§ 104.4 Personal Representative.

(a) In general. The Personal Representative shall be:

(1) An individual appointed by a court of competent jurisdiction as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate.

(2) In the event that no Personal Representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the Special Master may, in his discretion, determine that the Personal Representative for purposes of compensation by the Fund is the person named by the decedent in

the decedent's will as the executor or administrator of the decedent's estate. In the event no will exists, the Special Master may, in his discretion, determine that the Personal Representative for purposes of compensation by the Fund is the first person in the line of succession established by the laws of the decedent's domicile governing intestacy.

(b) Notice to beneficiaries. Any purported Personal Representative must, before filing an Eligibility Form, provide written notice of the claim (including a designated portion of the Eligibility Form) to the immediate family of the decedent (including, but not limited to, the decedent's spouse, former spouses, children, other dependents, and parents), to the executor, administrator, and beneficiaries of the decedent's will, and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the decedent. Personal delivery or transmission by certified mail, return receipt requested, shall be deemed sufficient notice under this provision. The claim forms shall require that the purported Personal Representative certify that such notice (or other notice that the Special Master deems appropriate) has been given. In addition, as provided in § 104.21(b)(5) of this part, the Special Master may publish a list of individuals who have filed Eligibility Forms and the names of the victims for whom compensation is sought, but shall not publish the content of any such form.

(c) Objections to Personal Representatives. Objections to the authority of an individual to file as the Personal Representative of a decedent may be filed with the Special Master by parties who assert a financial interest in the award up to 30 days following the filing by the Personal Representative. If timely filed, such objections shall be treated as evidence of a "dispute" pursuant to paragraph (d) of this section.

(d) Disputes as to identity. The Special Master shall not be required to arbitrate, litigate, or otherwise resolve any dispute as to the identity of the Personal Representative. In the event of a dispute over the appropriate Personal Representative, the Special Master may suspend

adjudication of the claim or, if sufficient information is provided, calculate the appropriate award and authorize payment, but place in escrow any payment until the dispute is resolved either by agreement of the disputing parties or by a court of competent jurisdiction. Alternatively, the disputing parties may agree in writing to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while the disputing parties work to settle their dispute.

§ 104.5 Foreign claims.

In the case of claims brought by or on behalf of foreign citizens, the Special Master may alter the requirements for documentation set forth herein to the extent such materials are unavailable to such foreign claimants.

§ 104.6 Amendments to this rule.

In the event that amendments are subsequently made to any section of this Part, claimants are entitled to have their claims processed in accordance with the provisions that were in effect at the time that their claims were submitted under § 104.21(d).

Subpart B - Filing for Compensation; Application for Advance Benefits

§ 104.21 Filing for compensation.

(a) Compensation form; "filing." Except for applications for Advance Benefits pursuant to § 104.22, no claim may be considered until the claimant has submitted both an "Eligibility Form" and either a "Personal Injury Compensation Form" or a "Death Compensation Form." A claim shall be deemed "filed" for purposes of section 405(b)(3) of the Act (providing that the Special Master shall issue a determination not later than 120 days after the date on which a claim is filed), and for any time periods in this part, when a Claims Evaluator determines that both the Eligibility Form and either a Personal Injury Compensation Form or a Death Compensation Form are substantially complete. Provided, however, that if a claimant files an Eligibility Form

requesting Advance Benefits pursuant to § 104.22 of this part without filing either a "Personal Injury Compensation Form" or a "Death Compensation Form," the claim shall be deemed "filed" when the Claims Evaluator determines that the Eligibility Form is substantially complete, but the time period for determination and any time periods in this part shall be stayed or tolled as described in § 104.22(g) of this part.

(b) Eligibility Form. The Special Master shall develop an Eligibility Form that will require the claimant to provide information necessary for determining the claimant's eligibility to recover from the Fund.

(1) The Eligibility Form may require that the claimant certify that he or she has dismissed any pending lawsuit seeking damages as a result of the terrorist-related airplane crashes of September 11, 2001 (except for actions seeking collateral source benefits) within 90 days of the effective date of this part pursuant to section 405(c)(3)(B)(ii) of the Act and that there is no pending lawsuit brought by a dependent, spouse, or beneficiary of the victim.

(2) The Special Master may require as part of the notice requirement pursuant to § 104.4(b) that the claimant provide copies of a designated portion of the Eligibility Form to the immediate family of the decedent (including, but not limited to, the spouse, former spouses, children, other dependents, and parents), to the executor, administrator, and beneficiaries of the decedent's will, and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the decedent.

(3) The Eligibility Form may require claimants to provide the following proof:

(i) Proof of death: Death certificate or similar official documentation;

(ii) Proof of presence at site: Documentation sufficient to establish presence at one of the crash sites, which may include, without limitation, a death certificate, records of employment, contemporaneous medical records, contemporaneous records of federal, state, city or local

government, an affidavit or declaration of the decedent's or injured claimant's employer, or other sworn statement (or unsworn statement complying with 28 U.S.C. 1746) regarding the presence of the victim;

(iii) Proof of death on board aircraft: Death certificate or records of American or United Airlines or other sufficient official documentation;

(iv) Proof of physical harm: Contemporaneous medical records of hospitals, clinics, physicians, licensed medical personnel, or registries maintained by federal, state, or local government, and records of all continuing medical treatment;

(v) Personal Representative: Copies of relevant legal documentation, including court orders; letters testamentary or similar documentation; proof of the purported Personal Representative's relationship to the decedent; copies of wills, trusts, or other testamentary documents; and information regarding other possible beneficiaries as requested by the Eligibility Form;

(vi) Any other information that the Special Master deems necessary to determine the claimant's eligibility.

(4) The Special Master may also require waivers, consents, or authorizations from claimants to obtain directly from third parties tax returns, medical information, employment information, or other information that the Special Master deems relevant in determining the claimant's eligibility or award, and may request an opportunity to review originals of documents submitted in connection with the Fund.

(5) Application for Advance Benefits: The Eligibility Form shall include a section allowing claimants to indicate that they wish to apply for Advance Benefits. Claimants who apply for such Advance Benefits must certify on that Form that they have not yet received \$450,000 in collateral source compensation if they are bringing a claim on behalf of a deceased victim with a spouse or dependent, \$250,000 in collateral source compensation if they are

bringing a claim on behalf of a deceased victim who was single with no dependents, or an amount in excess of their lost wages plus out-of-pocket medical expenses if they are an injured claimant. All such claimants also must state on the Form facts establishing financial hardship that would justify a determination that they are in need of Advance Benefits.

(6) The Special Master may publish a list of individuals who have filed Eligibility Forms and the names of the victims for whom compensation is sought, but shall not publish the content of any such form.

(c) Personal Injury Compensation Form and Death Compensation Form. The Special Master shall develop a Personal Injury Compensation Form that each injured claimant must submit. The Special Master shall also develop a Death Compensation Form that each Personal Representative must submit. These forms shall require the claimant to provide certain information that the Special Master deems necessary to determining the amount of any award, including information concerning income, collateral sources, benefits, and other financial information, and shall require the claimant to state the factual basis for the amount of compensation sought. It shall also allow the claimant to submit certain other information that may be relevant, but not necessary, to the determination of the amount of any award.

(1) Claimants shall, at a minimum, submit all tax returns that were filed for the years 1998, 1999, and 2000. The Special Master may, at his discretion, require that claimants submit copies of tax returns or other records for any other period of years he deems appropriate for determination of an award. The Special Master may also require waivers, consents, or authorizations from claimants to obtain directly from third parties medical information, employment information, or other information that the Special Master deems relevant to determining the amount of any award.

(2) Claimants may attach to the "Personal Injury Compensation Form" or "Death Compensation Form" any additional statements, documents or analyses by physicians, experts,

September 11. In one important sense, the Fund symbolizes the commitment of the American people to those most in need. It is an example of how Americans rally around the less fortunate.

The attached regulations have two objectives: (1) to provide fair, predictable and consistent compensation to the victims of September 11 and their families throughout the life of the program; and (2) to do so in an expedited, efficient manner without unnecessary bureaucracy and needless demands on the victims. The regulations highlight a fast track administrative compensation program, eliminating the red tape, time and expense of a traditional lawsuit. Quick payment to eligible claimants characterizes this program.

The Fund offers the eligible claimant an alternative to litigation. To succeed in the courtroom, a victim of the September 11 tragedy, or his or her representative, would be compelled to litigate, probably for many years at excessive cost, and with all the uncertainty of result which is part of the litigation process. Among the hazards of such a court proceeding are: Would liability be demonstrated? Against whom? Would sufficient funds be available to pay in full any resulting tort award? Would the verdict, even if favorable, withstand appellate challenge?

Trade-offs are required in developing Fund procedures that are different than those in the more conventional lawsuit. It is possible to develop an alternative administrative scheme, providing speedy and efficient compensation, which will help bring some closure to the events of September 11. We should not require its victims to revisit the tragic events of September 11 over and over again during the pendency of a lawsuit in our courts.

In formulating the regulations, we heeded the instruction of the Attorney General to help the neediest of victims as quickly as possible. Accordingly, under these regulations, an eligible claimant can receive an immediate advance payment of \$50,000 in cases involving death, or \$25,000 in certain cases involving serious physical injury. These payments are downpayments only, advanced to provide immediate financial assistance to those in need.

advisors, or any other person or entity that the claimant believes may be relevant to a determination of compensation.

(d) Submission of a claim. Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for civil actions to recover collateral source obligations. A claim shall be deemed submitted for purposes of section 405(c)(3)(B) of the Act when the claim is deemed filed pursuant to § 104.21, regardless of whether any time limits are stayed or tolled.

(e) Provisions of information by third parties. Any third party having an interest in a claim brought by a Personal Representative may provide written statements or information regarding the Personal Representative's claim. The Claims Evaluator or the Special Master or his designee may, at his or her discretion, include the written statements or information as part of the claim.

§ 104.22 Advance Benefits.

(a) Advance Benefits. Eligible Claimants may apply for immediate "Advance Benefits" in a fixed amount as follows:

- (1) \$50,000 for Personal Representatives; and
- (2) \$25,000 for injured claimants who meet the requirements of paragraph (d) of this section.

(b) Credit against award. The Advance Benefit shall be credited against any final compensation award so that the amount of the Advance Benefit is deducted from the final award under this program.

(c) Application for Advance Benefits. An otherwise eligible claimant may seek Advance Benefits to alleviate financial hardship faced by the claimant (or financial hardship faced by the

beneficiaries of the decedent) by submitting an Eligibility Form described in § 104.21(b) and indicating thereon that he or she is applying for Advance Benefits.

(d) Eligibility for Advance Benefits. In the case of a Personal Representative, the claimant may be deemed eligible for Advance Benefits if a Claims Evaluator or the Special Master or his designee determines that the claimant is eligible to recover under the Fund. In the case of an injured claimant, the claimant may be deemed eligible for Advance Benefits when the Special Master or his designee determines that the claimant is eligible to recover under the Fund and that the claimant's physical injury required hospitalization for one week or more.

(e) Authorization of payments.

(1) Payment in the amount described in paragraph (a) of this section will be authorized immediately upon a determination that the claimant is eligible for Advance Benefits and the claimant is:

(i) An injured claimant;

(ii) A Personal Representative who was the spouse of the deceased victim on September 11, 2001; or

(iii) A Personal Representative who has obtained the consent of the spouse of the deceased victim (or, if there is no surviving spouse, all of the dependents of the deceased victim) to file for Advance Benefits.

(2) (i) With respect to other Personal Representatives, payment will be authorized within 15 days after the determination that the claimant is eligible for Advance Benefits, provided that no other individual has asserted a colorable conflicting claim as the Personal Representative with respect to the decedent and the Personal Representative identifies and has given notice to the beneficiaries to whom such Advance Benefits will be distributed.

(ii) In the event that a colorable conflicting claim has been asserted, no Advance Benefit will be paid until a final eligibility determination has been made.

(f) Waiver of the right to sue. As set forth in § 104.21(d) of this part, a claim shall be deemed submitted for purposes of section 405(c)(3)(B) of the Act when a claimant has filed an Eligibility Form and is determined by a Claims Evaluator or the Special Master or his designee to be an eligible claimant. The claimant will therefore have waived the right to file a civil action (or to be a party to an action) in any Federal or State Court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for civil actions to recover collateral source obligations.

(g) Tolling of 120-day clock and other time periods. A claimant filing an Eligibility Form requesting Advance Benefits before filing a Personal Injury Compensation Form or Death Compensation Form will be deemed to have waived his right to commencement of the 120-day period in section 405(b)(3) of the Act (providing that the Special Master shall provide notice to the claimant of his determination within 120 days after the date on which a claim is filed). The 120-day period and all other time limitations in this part, except those applicable to Advance Benefit payments, shall be stayed or tolled until such time that a Claims Evaluator determines that the claimant's Personal Injury Compensation Form or Death Compensation Form is substantially complete.

Subpart C - Claim Intake, Assistance, and Review Procedures

§ 104.31 Procedure for claims evaluation.

(a) Initial review. Claims Evaluators shall review the forms filed by the claimant and either deem the claim "filed" (pursuant to 104.21(a)) or notify the claimant of any deficiency in the forms or any required documents.

(b) Procedural tracks. Each claim will be placed on a procedural track, described herein as "Track A" and "Track B," selected by the claimant on the Personal Injury Compensation Form or Death Compensation Form.

(1) Procedure for Track A. The Claims Evaluator shall determine eligibility and the claimant's presumed award pursuant to §§ 104.43 to 104.46 of this part and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee under § 104.33 of this part. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee pursuant to § 104.33. Claimants found to be ineligible may appeal pursuant to § 104.32.

(2) Procedure for Track B. The Claims Evaluator shall determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award; the Claims Evaluator shall notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing pursuant to § 104.33. At such hearing, the Special Master or his designee shall utilize the presumptive award methodology as set forth in §§ 104.43 to 104.46 of this part, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumptive award methodology. There shall be no review or appeal from this determination.

(c) Multiple claims from the same family. The Special Master may treat claims brought by or on behalf of two or more members of the same immediate family as related or consolidated claims for purposes of determining the amount of any award.

§ 104.32 Eligibility review.

Any claimant deemed ineligible by the Claims Evaluator may appeal that decision to the Special Master or his designee by filing an eligibility appeal on forms created by the office of the Special Master.

§ 104.33 Hearing.

(a) Supplemental submissions. The claimant may prepare and file Supplemental Submissions within 21 calendar days from notification of either the presumed award (Track A) or eligibility (Track B). The Special Master shall develop forms appropriate for Supplemental Submissions.

(b) Conduct of hearings. Hearings shall be before the Special Master or his designee. The objective of hearings shall be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. The claimant may request that the Special Master or his designee review any evidence relevant to the determination of the award, including without limitation: factors and variables used in calculating economic loss; the identity of the victim's spouse and dependents; the financial needs of the claimant; facts affecting noneconomic loss; and any factual or legal arguments that the claimant contends should affect the award. Claimants shall be entitled to submit any statements or reports in writing. The Special Master or his designee may require authentication of documents, including medical records and reports, and may request and consider information regarding the financial resources and expenses of the victim's family or other material that the Special Master or his designee deems relevant.

(c) Location and duration of hearings. The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The hearings shall be limited in length to a time period determined by the Special Master or his designee, but generally not to exceed two hours. The claimant may elect whether the hearing shall be public or private.

(d) Witnesses, counsel, and experts. Claimants shall be permitted, but not required, to present witnesses, including expert witnesses. The Special Master or his designee shall be permitted to question witnesses and examine the credentials of experts. The claimant shall be entitled to be represented by an attorney in good standing, but it is not necessary that the claimant be represented by an attorney.

(e) Waivers. The Special Master shall have authority and discretion to require any waivers necessary to obtain more individualized information on specific claimants.

(f) Track A review of presumed award. For proceedings under Track A, the Special Master or his designee shall make a determination whether:

(1) There was an error in determining the presumptive award, either because the claimant's individual criteria were misapplied or for another reason; or

(2) The claimant presents extraordinary circumstances not adequately addressed by the presumptive award.

(g) Determination. The Special Master shall notify the claimant in writing of the final amount of the award, but need not create or provide any written record of the deliberations that resulted in that determination. There shall be no further review or appeal of the Special Master's determination.

§ 104.34 Publication of awards.

In order to assist potential claimants in evaluating their options of either filing a claim with the Special Master or filing a lawsuit in tort, the Special Master reserves the right to publicize the amounts of some or all of the awards, but shall not publish the name of the claimants or victims that received each award. If published, these decisions would be intended by the Special Master as general guides for potential claimants and should not be viewed as precedent binding on the Special Master or his staff.

§ 104.35 Claims deemed abandoned by claimants.

The Special Master and his staff will endeavor to evaluate promptly any information submitted by claimants. Nonetheless, it is the responsibility of the claimant to keep the Special Master informed of his or her current address and to respond within the duration of this two-year program to requests for additional information. Claims outstanding at the end of this program because of a claimant's failure to complete his or her filings shall be deemed abandoned.

Subpart D - Amount of Compensation for Eligible Claimants.

§ 104.41. Amount of compensation.

As provided in section 405(b)(1)(B)(ii) of the Act, in determining the amount of compensation to which a claimant is entitled, the Special Master shall take into consideration the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant. The individual circumstances of the claimant may include the financial needs or financial resources of the claimant or the victim's dependents and beneficiaries. As provided in section 405(b)(6) of the Act, the Special Master shall reduce the amount of compensation by the amount of collateral source compensation the claimant (or, in the case of a Personal Representative, the victim's beneficiaries) has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001. In no event shall an award (before collateral source compensation has been deducted) be less than \$500,000 in any case brought on behalf of a deceased victim with a spouse or dependent, or \$300,000 in any case brought on behalf of a deceased victim who was single with no dependents.

§ 104.42. Applicable state law.

The phrase "to the extent recovery for such loss is allowed under applicable state law," as used in the statute's definition of economic loss in section 402(5) of the Act, is interpreted to mean that the Special Master is not permitted to compensate claimants for those categories or types of economic losses that would not be compensable under the law of the state that would be applicable to any tort claims brought by or on behalf of the victim.

§ 104.43 Determination of presumed economic loss for decedents.

In reaching presumed determinations for economic loss for Personal Representatives bringing claims on behalf of decedents, the Special Master shall consider sums corresponding to the following:

- (a) Loss of earnings or other benefits related to employment. The Special Master, as part

of the process of reaching a "determination" pursuant to section 405(b) of the Act, shall develop a methodology and publish schedules, tables, or charts that will permit prospective claimants to estimate determinations of loss of earnings or other benefits related to employment based upon individual circumstances of the deceased victim, including: the age of the decedent as of September 11, 2001; the number of dependents who survive the decedent; whether the decedent is survived by a spouse; and the amount and nature of the decedent's income for recent years. The decedent's salary/income in 1998-2000 shall be evaluated in a manner that the Special Master deems appropriate. The Special Master may, if he deems appropriate, take an average of income figures for each of those three years. The Special Master's methodology and schedules, tables, or charts shall yield presumed determinations of loss of earnings or other benefits related to employment for annual incomes up to but not beyond the 98th percentile of individual income in the United States for the year 2000. In cases where the victim was a minor child, the Special Master may assume an average income for the child commensurate with the average income of all wage earners in the United States.

(b) Medical expense loss. This loss equals the out-of-pocket medical expenses that were incurred as a result of the physical harm suffered by the victim (i.e., those medical expenses that were not paid for or reimbursed through health insurance). This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the Personal Representative.

(c) Replacement services loss. For decedents who did not have any prior earned income, or who worked only part time outside the home, economic loss may be determined with reference to replacement services and similar measures.

(d) Loss due to death/burial costs. This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the personal representative and includes the out-of-pocket burial costs that were incurred.

(e) Loss of business or employment opportunities. Such losses shall be addressed through the procedure outlined above in paragraph (a) of this section.

§ 104.44 Determination of presumed noneconomic losses for decedents.

The presumed noneconomic losses for decedents shall be \$250,000 plus an additional \$50,000 for the spouse and each dependent of the deceased victim. Such presumed losses include a noneconomic component of replacement services loss.

§ 104.45 Determination of presumed economic loss for claimants who suffered physical harm.

In reaching presumed determinations for economic loss for claimants who suffered physical harm (but did not die), the Special Master shall consider sums corresponding to the following:

(a) Loss of earnings or other benefits related to employment. The Special Master may determine the loss of earnings or other benefits related to employment on a case-by-case basis, using documentation and other information submitted by the claimant, regarding the actual amount of work that the claimant has missed or will miss without compensation. Alternatively, the Special Master may determine the loss of earnings or other benefits related to employment by relying upon the methodology created pursuant to § 104.43(a) and adjusting the loss based upon the extent of the victim's physical harm.

(1) Disability; in general. In evaluating claims of disability, the Special Master will, in general, make a determination regarding whether the claimant is capable of performing his or her usual profession in light of the injuries.

(2) Total permanent disability. With respect to claims of total permanent disability, the Special Master may accept a determination of disability made by the Social Security Administration as evidence of disability without any further medical evidence or review. The Special Master may also consider determinations of permanent total disability made by other

governmental agencies or private insurers in evaluating the claim. The Special Master may require that the claimant submit an evaluation of the claimant's disability and ability to perform his or her occupation prepared by medical experts.

(3) Partial disability. With respect to claims of partial disability, the Special Master may consider evidence of the effect of the partial disability on the claimant's ability to perform his or her usual occupation as well as the effect of the partial disability on the claimant's ability to participate in usual daily activities.

(b) Medical Expense Loss. This loss equals the out-of-pocket medical expenses that were incurred as a result of the physical harm suffered by the victim (*i.e.*, those medical expenses that were not paid for or reimbursed through health insurance). In addition, this loss equals future out-of-pocket medical expenses that will be incurred as a result of the physical harm suffered by the victim (*i.e.*, those medical expenses that will not be paid for or reimbursed through health insurance). These losses shall be calculated on a case-by-case basis, using documentation and other information submitted by the claimant.

(c) Replacement services loss. For injured claimants who did not have any prior earned income, or who worked only part-time outside the home, economic loss may be determined with reference to replacement services and similar measures.

(d) Loss of business or employment opportunities. Such losses shall be addressed through the procedure outlined above in paragraph (a) of this section.

§ 104.46 Determination of presumed noneconomic losses for claimants who suffered physical harm.

The Special Master may determine the presumed noneconomic losses for claimants who suffered physical harm (but did not die) by relying upon the noneconomic losses described in § 104.44 and adjusting the losses based upon the extent of the victim's physical harm. Such presumed losses include any noneconomic component of replacement services loss.

§ 104.47 Collateral sources.

We were required, of course, to adhere to the language which Congress set out in the statute, including the provisions requiring that awards be offset by all collateral source compensation such as benefits from life insurance and other government programs. However, we did find ambiguity in the statute as to gifts provided to victims and their families by private charities. These regulations do not require that awards be offset by such private charitable assistance.

We have concluded that the purpose of the Act is not simply to examine economic and noneconomic harm, but also to provide compensation that is just and appropriate in light of claimants' individual circumstances. We have concluded that any methodology that does nothing more than attempt to replicate a theoretically possible future income stream would lead to awards that would be insufficient relative to the needs of some victims' families, and excessive relative to the needs of others. The statute specifies that individual circumstances beyond economic and noneconomic harm should be taken into account. It is our view that, absent extraordinary circumstances, awards in excess of \$3 million, tax-free, will rarely be appropriate in light of individual needs and resources. At the same time, we want to ensure that victims' families are receiving at least a minimum level of resources to help meet their needs and rebuild their lives. Thus, we have concluded that the families of deceased victims should receive a combined total of at least \$500,000 from this program, other state and federal programs, life insurance policies and other sources of compensation. Similarly, the baseline for single decedents should be \$300,000. This ensures that every needy claimant's total compensation from this program and other sources will be at least equal to these threshold amounts.

In sum, the September 11th Victim Compensation Fund of 2001 is an attempt by the American people to demonstrate their solidarity with, and generosity for, those injured by the terrible September 11 attack on our country. It provides an alternative compensation scheme to the traditional tort system, a method of providing substantial and quick compensation to those who elect to participate.

(a) Payments that constitute collateral source compensation. The amount of compensation shall be reduced by all collateral source compensation, including life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(b) Payments that do not constitute collateral source compensation. The following payments received by claimants do not constitute collateral source compensation:

(1) The value of services or in-kind charitable gifts such as provision of emergency housing, food, or clothing; and

(2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by private charitable entities; provided, however, that the Special Master may determine that funds provided to victims or their families through a private charitable entity constitute, in substance, a payment described in paragraph (a) of this section.

Subpart E - Payment of Claims

§ 104.51 Payments to eligible individuals.

Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under the Fund, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

§ 104.52 Distribution of award to decedent's beneficiaries.

The Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction. The Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the

Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

Subpart F - Limitations

§ 104.61 Limitation on civil actions.

(a) General. Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except that this limitation does not apply to civil actions to recover collateral source obligations. The Special Master shall take appropriate steps to inform potential claimants of section 405(c)(3)(B) of the Act.

(b) Pending actions. Claimants who have filed a civil action or who are a party to such an action as described in paragraph (a) of this section may not file a claim with the Special Master unless they withdraw from such action not later than [PLEASE INSERT DATE WHICH IS 90 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

§ 104.62 Time limit on filing claims.

In accordance with the Act, no claim may be filed under this part after [FEDERAL REGISTER: PLEASE INSERT DATE TWO YEARS AFTER THE EFFECTIVE DATE OF THIS RULE.]

§ 104.63 Subrogation.

Compensation under this Fund does not constitute the recovery of tort damages against a third party nor the settlement of a third party action, and the United States shall be subrogated to all potential claims against third party tortfeasors of any victim receiving compensation from the

Fund. For that reason, no person or entity having paid other benefits or compensation to or on behalf of a victim shall have any right of recovery, whether through subrogation or otherwise, against the compensation paid by the Fund.

Subpart G - Measures to Protect the Integrity of the Compensation Program

§ 104.71 Procedures to prevent and detect fraud.

(a) Review of claims. For the purpose of detecting and preventing the payment of fraudulent claims and for the purpose of assuring accurate and appropriate payments to eligible claimants, the Special Master shall implement procedures to:

- (1) Verify, authenticate, and audit claims;
- (2) Analyze claim submissions to detect inconsistencies, irregularities, duplication, and multiple claimants; and
- (3) Ensure the quality control of claims review procedures.

(b) Quality control. The Special Master shall institute periodic quality control audits designed to evaluate the accuracy of submissions and the accuracy of payments, subject to the oversight of the Inspector General of the Department of Justice.

(c) False or fraudulent claims. The Special Master shall refer all evidence of false or fraudulent claims to appropriate law enforcement authorities.

Date

John Ashcroft
Attorney General

Note: This Appendix will not appear in the Code of Federal Regulations.

**APPENDIX TO PREAMBLE
SUMMARY OF PUBLIC COMMENTS SUBMITTED IN RESPONSE TO THE
NOVEMBER 5, 2001 NOTICE OF INQUIRY AND ADVANCE NOTICE OF
RULEMAKING.**

The following is a summary of the comments the Department of Justice ("the Department") received in response to its Notice of Inquiry published on November 5, 2001. The Notice of Inquiry sought input on numerous issues regarding potential regulations for the "September 11 Victim Compensation Fund of 2001" (the "Fund"), which was signed into law as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act")(the "Act").

Over 800 comments were received by the November 26, 2001 deadline established by the Department. Additionally, hundreds of comments have been received since that date. Every comment was – and continues to be – reviewed, considered, and catalogued into one or more of 72 different topics. While the following summary does not address every issue raised by commenters, it provides a general synopsis of the most often raised issues. The summary is not intended to be an exhaustive illustration of every issue contemplated by the Special Master or the Department. Indeed, as mentioned above, all comments were considered in the promulgation of these interim final rules. Finally, the summarized issues below are not arranged in any particular order of importance or level of volume.

The Effective Date of This Interim Final Rule

While the Act specified that this rule should be issued by December 21, 2001, it did not specify when they should become effective. Accordingly, the Department sought comment on this issue. The Department noted that the Administrative Procedure Act generally provides that rules not go into effect for at least 30 days absent "good cause."

Many commenters favored an immediate effective date so that claims could be filed right away. Many indicated an immediate need for relief and expressed frustration about their experiences with obtaining short-term assistance from other sources. However, some commenters thought an immediate effective date would be difficult to implement because the Special Master would need time to hire personnel and to set up the operation of the program before beginning to process claims.

A number of commenters suggested a compromise – making available some amount of short-term relief on an immediate basis to eligible claimants, and then commencing the more detailed review process necessary to provide a final award. Some suggested using flat amounts for these immediate awards, while another commenter suggested establishing an interest-free line of credit upon which families could draw. Another suggestion was that claims for immediate assistance be prioritized by "need."

Eligibility

In its November 5, 2001, Notice of Inquiry, the Department noted that section 405(b) of the statute requires the Special Master to determine whether a claimant is an "eligible individual" under section 405(c). "Eligibility," in turn, is defined by the Act to include: (1) individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; or (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a result of one of the terrorist-related air crashes. The Department sought comment on whether a Departmental regulation or a statement of policy by the Special Master would be appropriate to clarify these criteria, and if so, what those criteria should be.

The Department specifically invited comment on the following questions related to eligibility:

- How should "present at" be interpreted?
- Should the term "physical harm" be limited to serious injuries, as it is under some other no-fault compensation schemes, (*see, e.g.*, N.Y. Ins. Law § 5102), or should it be construed more broadly?
- Should "physical harm" be limited to currently identifiable injuries?
- Can and should the program address latent, but not yet evident, harm?
- What duration of time is intended by the statutory phrase "immediate aftermath"?

(1) "Present At" And "Immediate Aftermath"

Many of the comments addressed the question of how to define the terms "present at the site" and "immediate aftermath," especially for purposes of those who were in New York at the time of the crashes. Some commenters urged a broad definition of these terms. They recommended that anybody in New York City be considered "present" because the debris and ash from the collapse of the World Trade Towers was widespread. Residents who live near the Ground Zero site in New York urged that they be eligible to recover under the Fund.

In contrast, other commenters argued for a narrower definition of the terms, asserting that the legislation intended to constrain the Fund to the locus of the buildings themselves, and to some very limited time period after the crashes. One comment recommended that "immediate aftermath" be defined as 48 hours after the crashes.

(2) Physical Harm

With respect to the nature of harm involved, some commenters asserted there should be no lower boundary for "nonserious" injuries. Of those who commented on the point, there were disagreements as to whether post-traumatic stress could be considered physical harm for purposes of filing a claim under the Fund. Certain commenters indicated that many people suffered substantial stress from witnessing the attacks and devastation and that they should be eligible to recover from the Fund. However, others argued that the Fund was not intended to cover psychological injury because the language of the statute specifically requires that the claimant suffer "physical harm." These commenters feared that recovery for stress-related injuries would open a Pandora's Box of less serious claims, which, in turn, may reduce the amount of compensation issued to those with the most serious physical injuries.

(3) Latent Harm

Some of the comments focused on the problem of latent injuries and diseases. Several commenters mentioned the coughing they have experienced as a result of exposure to the crash site in New York, and some nearby residents expressed concern about latent harm that might accrue from returning to their homes before the conclusion of the rescue and cleanup efforts. On the other hand, other commenters expressed concern about covering any harms that do not manifest themselves within the two-year lifetime of the Fund. They argued the Fund was not designed to compensate for latent harm primarily because the Fund only exists for two years, and many injuries may not become manifest until after that time.

(4) Eligibility of Victims And Survivors

Some commenters addressed the meaning of the word "victim." For example, some commenters urged that any unborn child who died should be considered eligible for an award as

a victim. With respect to a different group of potential claimants, some commenters argued that illegal aliens should not be eligible for awards. However, other commenters did not think that legal status should preclude an award from the Fund.

With regard to claims on behalf of decedent victims, the comments evidenced a tremendous amount of confusion about whether the statute intended to cover only the losses incurred by the victim or the losses incurred by relatives and others. Some commenters noted that section 405 of the Act provides that only claims on behalf of the victim can be filed with the Fund, presumably leaving to the courts any claims by family members or partners on their own behalf. However, some commenters noted that section 403 of the Act states that its purpose is to provide compensation to any individual "or relatives of a deceased individual" who were killed as a result of the terrorist-related aircraft crashes. The commenters further noted that various types of losses that may be compensated by the Fund pursuant to section 402 are akin to those that in civil actions are normally considered losses to survivors rather than to the victim.

Many commenters commented on the "eligibility" of particular "survivors" of the victim. Some suggested that only a spouse and children be considered "eligible." Others expressed concern as to whether parents, divorced spouses, children of a prior marriage, and others with a legal relationship would be "eligible" for an award under the Fund. In this regard, a number of comments specifically urged that non-married partners and others with a non-traditional relationship be considered "eligible" for an award. Some commenters opposed the idea of extending eligibility under the Fund to those in non-traditional relationships and argued for a narrower definition of eligibility.

Similarly, there were a number of comments about how "eligible" survivors would participate in the decision of whether to submit an application to the Fund, since in their view the application to the Fund would prohibit all of them from filing civil litigation. Some commenters explicitly suggested the law be interpreted to allow claims both on behalf of the decedent's estate and on behalf of any survivors, and suggested that such claims could be consolidated for decision before the Special Master. Others, however, specifically recommended that claims be limited to those on behalf of the estate. Many commenters, presuming that to be the case, recommended that the state courts be responsible for designating the representative to represent the estate, and that any award be distributed in accordance with the requirements of the will or state intestacy law.

Assistance To Claimants

In its Notice of Inquiry of November 5, 2001, the Department noted that it would appear that these requirements -- combined with the statutory time frame for the Special Master to reach a decision once a claim is filed -- contemplate a detailed form and filing. Accordingly, the Department invited comments on whether there are actions the Special Master should be required to take before he can accept a claim, or deem a claim "filed." The Department noted that the statute appeared to provide a very limited time frame for the Special Master to evaluate a claim before making a decision -- 120 days from the date a claim is filed. Accordingly, the Department sought comment on whether the Special Master should be permitted to dismiss a claim as not properly filed for lack of adequate supporting information and, if so, whether an individual should thereafter be permitted to refile the claim. Comments were also solicited on whether it would be advisable to include in the rules a procedure where the time for making a determination could be extended by agreement.

The Department also requested comment on the design and content of the claim forms in light of the statutory requirements, as well as on making the forms and their instructions readable and readily available. The Department also sought comment on how it should implement the statutory requirement that claimants be provided with assistance.

While most of those who commented supported maintaining firm deadlines, many commenters suggested that a claimant be able to "halt the clock" at the claimant's discretion for various purposes (*e.g.*, to provide further evidence before the claim is evaluated, to allow more time to prepare for a hearing, or to allow for an administrative review of an initial award determination). Some suggested that the Special Master also have the authority not to start the clock until the claim contained sufficient information upon which an award determination could be made, or to halt the process for a set period of time to allow for review of an initial determination (provided that the claimant concurred with that decision).

A number of commenters stressed that a claimant should not lose the right to proceed with their claim due to an incomplete file. One commenter suggested the Special Master should have 14 days to review a claim before deciding if there is enough information to proceed. Several commenters suggested that claimants not be required to waive their right to litigation until it was determined the claimant was eligible to recover from the Fund. Similarly, some commenters stated they would have difficulty deciding whether or not to opt into the fund (and thus waive their right to sue) if they did not have some idea or presumption of the range of recovery they might expect from the Fund.

Many commenters urged the Department to establish a simplified procedure for initiating a claim with the Fund. They expressed frustration with the barrage of paperwork required to apply for assistance with other organizations. Some employers offered to provide information on behalf of their employees or survivors in an effort to reduce the paperwork burden on claimants. On the other hand, some noted that -- in light of the pro bono legal assistance that has been offered to the survivors -- claimants would have the option to have the assistance of an attorney to complete the forms. A number of commenters suggested a two-step claims process that would involve a simple initial submission, followed by a more asserted effort to collect additional information with the guidance of claimant assistance personnel from the Office of the Special Master.

A number of commenters had suggestions as to how the Special Master might assist claimants both in filing claims and completing the claims process. Many suggested that local offices be established in New York City, Washington D.C., Pennsylvania, and other cities that served as the domicile of victims. Some urged that outreach efforts be made to locate potential claimants and make them aware of the program's operations. Some mentioned that outreach should include multi-lingual assistance and publications. One group suggested that each Hearing Office have an Applicant's Assistant. Others suggested the Special Master hire victim advocates to assist claimants throughout the process.

The Claims Evaluation Process

The Department solicited comment on whether every claimant should be granted an oral hearing or whether paper hearings may be sufficient, and what types of oral hearing might be practicable in light of the statutory time frames.

Further, the Department sought comment on how evidence might be established and whether it is authorized to enforce requests made by the hearing officer to third parties for

evidence that is necessary to a proceeding (*e.g.*, evidence that might bear on whether all aspects of the claim file on which the decision will be based are accurate and complete). The Department sought comment on whether such proceedings should be recorded, whether such proceedings should be held in a location convenient to the claimant, how to deal with scheduling conflicts, and whether the opportunity for a hearing can be waived by a claimant through inaction or unwarranted delay.

Many commenters had opposing views on the role hearings should play in claims evaluation. Some commenters -- comparing this program to civil litigation -- viewed the hearings as essential to each and every claim. These commenters recommended hearings as a sort of "mini-trial," which would include rules of evidence (albeit relaxed rules) and adversarial questioning of witnesses. Using the same analogy, however, these commenters suggested that many claims could be "settled" based on only the paper submissions. Other comments suggested the hearings be more akin to an opportunity -- for those claimants who want to exercise it -- to make an informal oral presentation of their cases. They viewed the hearing as an opportunity to ensure that the decision maker was aware of their individual circumstances. Many of these commenters also suggested, for various reasons, that not all claimants would want a hearing. Some commenters suggested allowing claimants, upon filing a claim, to elect among different "tracks" -- one that would involve a hearing, and one that would not.

On the question of who should be hired as hearing officers, suggestions included retired trust executives, retired judges, attorneys experienced in handling high volume caseloads, and those experienced in civil litigation. Some commenters recommended there be a panel of hearing officers rather than one hearing officer. A number of commenters also recommended that claimants have the opportunity for review of their award to ensure that the decision maker was aware of their individual circumstances.

Many commenters submitted detailed procedural suggestions for the claims process. Among other things, these suggestions dealt with how eligibility and damages could be established through the use of affidavits under penalty of perjury in the event relevant documents had been lost as a result of the crashes themselves (*e.g.*, designations of beneficiaries maintained by employers). Additionally, a number of commenters suggested the Special Master have the right to subpoena evidence required to make a determination.

Awards Under the Fund

(1) Meeting the 120-day Deadline

The Department invited comment on what means and mechanisms could be implemented to allow just compensation within the statutorily-mandated 120-day period for processing claims. In particular, the Department sought input on whether and how statistical methodologies should be developed and used as a starting point for decision, and whether publication of hypothetical or presumptive awards for classes of individuals would assist potential claimants in determining whether to opt into the Fund. For the most part, these comments were encapsulated in discussions regarding the calculation of damages; namely, economic and noneconomic losses.

(2) Calculating "Economic Losses"

The Department sought specific comment on how the Special Master should determine "economic losses." Although retaining experts is certainly not prohibited, the Special Master will not require any claimant to obtain legal counsel or other experts to assist in proving or presenting evidence of damages. The Special Master may, however, draw on available

information from appropriate specialists in relevant fields to analyze economic losses. The Department invited comment regarding the necessary qualifications for such specialists, the data that should be utilized, the methodologies that should be employed, the documentation that should be required for every claimant, and how state law should bear upon such determinations. In addition, the Department invited comments on how to address the economic losses of individuals whose lost future income streams would have been highly contingent, variable, or unpredictable.

As expected, the range of comments on how best to calculate economic losses was widely varied. One group suggested a minimum value be calculated based on median income and remaining years of work, with flexibility to adjust the award after hearing all the evidence in individual cases. Similarly, certain comments suggested the use of a grid would be appropriate in certain circumstances to identify presumed awards. Others urged that no type of grid be used.

In terms of presumptive valuation, a few commenters recommended that awards mirror the amount a party could anticipate receiving from personal injury or wrongful death actions. Others disagreed. Many recognized the limited opportunities now available to potential plaintiffs filing claims in civil courts arising out of the September 11, 2001 terrorist attacks. At least one commenter argued that the fairest approach in determining economic losses is that which insurance companies use in settling claims.

Some commenters indicated that economic awards should not be based on differences in individual income prior to the crash. Some suggested using a flat dollar figure per surviving family member (*e.g.*, \$250,000 for each survivor). Another suggested a flat amount for death at \$100,000, injury at \$50,000, and various other losses at slated dollar figures. On the other hand, some commenters felt the purpose of the program is to act as a substitute for civil damage actions, and that efforts should be made to determine and take into consideration the amount of income likely lost by a decedent. A large number of comments were received with respect to how to establish such income (*e.g.*, average over a certain number of prior years, plus information supplied by employers on future prospects).

(3) Calculating "Noneconomic Losses"

The Department also sought comment as to "noneconomic losses." Most notably, the Department invited comments regarding whether, and in what manner, the Special Master can or should draw meaningful distinctions between both those victims who died in different locations and those who suffered similar injuries. The Department also invited comments on whether the Department should (as some have suggested) issue regulations determining the amount of noneconomic loss for classes of similarly situated individuals or whether, instead, the Special Master should determine all noneconomic loss on a detailed claim-by-claim basis. Further, the Department requested comment on what facts and circumstances should be considered in determining noneconomic losses for each individual, and what standards should be employed.

Comments regarding noneconomic losses were similarly varied. One commenting association suggested noneconomic losses -- such as pain and suffering -- should be standardized because such losses do not vary by income strata. Numerous commenters advocated a "fixed" noneconomic award, stating that the government should not attempt to draw distinctions in the amount of pain suffered by victims or their survivors. One commenter suggested the most equitable process for determining noneconomic awards would be an elective process. Under this proposed method, a claimant could elect to have the award calculated by use of a matrix, or alternatively, could present evidence at a hearing to establish the amount to which the claimant

Neither this Fund nor any monetary compensation can possibly provide a full measure of relief to those who have suffered as a result of September 11. But the Fund will provide appropriate compensation and some measure of comfort to those whose lives have been torn asunder by the events of September 11.

Background.

The following discussion provides background information and explanation of the regulations promulgated herein. Section A describes the statutory backdrop for the regulations; Section B discusses the Department's rulemaking procedures to date; Section C addresses Eligibility; Section D pertains to Advance Benefits; Section E discusses Final Awards made by the Fund; Section F describes the Special Master's claims evaluation process; and Section G relates to Assistance to Claimants. The text of the regulations is set forth following these explanatory sections. A catalog of public commentary is set forth thereafter as an Appendix. More detailed information regarding the program, including a flow chart of applicable procedures and a table of estimated or "presumed" awards, will be available on the Victims Compensation Fund website at www.usdoj.gov/victimcompensation.

A. The Statute.

The President signed the "September 11th Victim Compensation Fund of 2001" (the "Fund") into law on September 22, 2001, as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") ("the Act"). The purpose of this Fund is to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who died as a result of the crashes. Generally, eligibility is limited to: (1) individuals on the planes at the time of the crashes (other than the terrorists); and (2) individuals present at the World Trade Center, the Pentagon or the site of the crash in Pennsylvania at the time of the crashes or in the immediate aftermath of the crashes.

The Fund is designed to provide a no-fault alternative to tort litigation for individuals who were physically injured or killed as a result of the aircraft hijackings and crashes on September 11, 2001. Others who may have suffered losses as a result of those events (e.g., those without identifiable physical injuries but who lost employment) are not included in this special program. Indeed, compensation will be provided only for losses caused on account of personal physical injuries or death, even though the victims may have suffered other losses, such as property loss. For this reason, the Department and the Special Master anticipate that all awards

believes he or she is entitled. A number of commenters argued that the statute necessitated an entirely individualized determination of noneconomic losses in every case. A group representing survivors of decedents suggested that noneconomic losses must be uncapped and based, in part, on the number and age of any surviving children or dependents, the current and future pain and suffering experienced by the victim's family, and the severity of pain suffered by the victim himself or herself.

(4) Taxation

A number of commenters raised questions about the taxability of various kinds of awards issued under the Fund. Several commenters asserted that compensation from the Fund should be nontaxable under federal law, similar to various types of tort awards. Another commenter stated that state victim compensation fund awards generally are not taxable, either by the state or the federal government. On the other hand, another commenter stated he did not see the purpose of distributing taxpayers' money to victims, and urged taxing the awards so as to return some of the money to the Treasury.

Collateral Sources

The Department sought comments on the issue of collateral sources. Although the Act requires that collateral sources be deducted from awards issued under the Fund (and explicitly outlines examples of certain types of collateral sources), the Department invited comment as to how the term "collateral source" should be defined.

(1) General Comments

Despite the explicit language in the Act, a number of commenters took issue with deducting any collateral sources whatsoever. Although many recognized that both the Department and the Special Master are bound to follow the language in the Act, they nonetheless argued that collateral sources are -- in many states -- not offset in wrongful death suits. Some urged that the type of collateral source offsets should be interpreted narrowly. A number of commenters also suggested that if collateral source benefits to a victim are to be offset, a counter-offset should be made for the premiums or contributions made by the victim to purchase various benefits. Others specifically suggested that only the value of collateral benefits funded by a victim's employer should be offset.

Many commenters, however, asserted that the program should not "unjustly enrich" the victims or their survivors, and supported the use of widespread offsets. Some of these comments mentioned that -- although the statute does not provide either a ceiling or floor for the amount of awards -- the Fund may have only a limited pool of resources to distribute to claimants (akin to the funds being collected and distributed by charitable organizations), and suggested the need to help those most in need. Other comments noted that unjust enrichment should not flow through tax-payer dollars. It was mentioned that many taxpayers -- who ultimately will provide the funds under the program -- also sent in charitable contributions not to unjustly enrich victims or their families, but, rather, solely to help them through these troubled times.

(2) "A claimant has received or is entitled to receive"

Some commenters specifically focused on the word "claimant" in the phrase "a claimant has received or is entitled to receive," and urged that any collateral source benefits not paid or to be paid directly to the claimant not be deducted from the award. These comments were often parallel to those concerning the question of whose losses are to be compensated under the Fund:

only those of the decedent (estate), or those of others as well. (See the discussion of Eligibility.)

A number of comments also focused on the words "entitled to receive." Some recommended that only those collateral benefits scheduled to be paid as a result of contractual or other clear obligations should be deducted from an award. Others recommended that only the present value of any future contingent awards be considered in making any offset.

(3) Life Insurance

Many commenters were frustrated that the Act requires life insurance proceeds to be deducted from awards. Many asserted that deducting life insurance will penalize those who planned ahead. One suggested that life insurance should only be offset if payable to a dependent of the victim, and another group of commenters indicated that only the sums received by the eligible applicant net of all taxes that exceed the premiums -- or other payments made by the applicant -- be deducted. A number suggested that if life insurance is to be offset, the premiums paid should be returned to the victim by reducing the amount of the benefit offset.

(4) Pensions

While similar concerns (as to life insurance) were raised in connection with pensions, a more common comment concerned the meaning of the term "pension." For example, some commenters noted that pensions are not normally considered to be "compensation for a loss" but are instead akin to savings.

(5) Workers Compensation And Victim Assistance Programs

One commenter pointed out that most of the victims may be eligible for workers' compensation benefits because they were killed while on the job. Further, with respect to those receiving benefits under New York law, the compensation insurer can terminate workers' compensation payments -- absent claimants obtaining consent to enter the Fund -- if benefits are being paid to the injured workers or survivors. New York State legal authorities confirmed the noteworthiness of this issue, and recommended that workers' compensation payments not be considered a collateral source to this extent.

With respect to state victim assistance funds, one commenter noted that 42 U.S.C. § 10602(e) -- which generally provides that state crime victim boards may refuse to pay out benefits if another Federal program is paying benefits -- was explicitly amended to exclude payments made under the September 11th Victim Compensation Fund of 2001. The commenter suggested that some programs covered under that code provision -- that have already made payments -- may be entitled to reimbursement as a result.

(6) Charitable Contributions

Many victims of the terrorist-related crashes on September 11, 2001, have or may receive support from special funds set up to assist them, as well as from special programs established by some of their employers to share future profits and the like. Accordingly, whether to reduce Fund awards by the amount of such contributions was one of the issues given the most attention in the comments. Notably, this issue was discussed in a number of news articles at about the time the Notice of Inquiry was issued.

Commenters were heavily divided on this issue. Many were strongly opposed to reducing awards by the amount of charity funding received. This includes some commenters who donated to charities established for this purpose, as well as employers who established funds to help the families of the victims. Many insisted that funds collected by employers solely for the purpose of compensating victims of the September 11 attacks should not be deemed a collateral source. Many drew a distinction between funds provided for short-term assistance and

need, and those designed to compensate victims for their losses.

On the other hand, a number of comments from those who contributed money to various charities viewed the purposes of the charities and the Fund as one and the same; namely, compensating the victims. These commenters asserted they had not intended making contributions to unjustly enrich the families, and would hesitate to make such contributions in the future if their help turns out only to ensure persons maintain a certain lifestyle.

A number of commenters also pointed to the practical difficulties of trying to establish what claimants may have received from charities. Some suggested the Fund should have access to any database of charitable contributions, including one that was reported to be under consideration in New York.

After discussing these factors, some commenters suggested that the Special Master only offset charitable contributions over a certain amount. A few commenters suggested only offsetting charities set up for longer term assistance to the victims (*e.g.*, tuition funds or scholarships for the children of all the victims).

Payment of Awards

Some commenters expressed the view that payments by the fund should be in the form of "structured settlements" or annuities rather than in lump sum. One commenter suggested payments to children should go to a trustee for the benefit of the child. However, other commenters argued for lump sum payments and objected to the government placing any restrictions on the claimants' award.

Limitations on Fees for Assistance And Payment by the Special Master

The Department requested comments on whether the Special Master has the authority to limit the types and amounts of fees that can be charged by counsel, accountants, experts or others who are retained by claimants to assist them to file and pursue compensation claims, and whether such fees can and should be paid by the Special Master directly out of compensation awards. The Department also solicited comments on what limitations, if any, the rules should impose on non-attorney, non-claimant representatives' participation in filing claims.

A number of commenters noted that the right to be represented by counsel is provided by the statute, that not all claimants would be comfortable using pro-bono counsel to represent their interests, and that payment of attorneys' fees is necessary to ensure representation by counsel of choice. Some of these commenters suggested, however, that fees could be limited so as not to exceed 10% of the award to claimant. Paradoxically, some commenters opposed using any amount of money from the Fund to pay legal fees.

from the Fund will be free of federal taxation. See I.R.C. § 104(a)(2) (stating that damages received "on account of personal physical injuries or physical sickness" are excludable from gross income for purposes of federal income taxation).

A claimant who files for compensation waives any right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for actions to recover collateral source obligations.

Determinations on eligibility and the amount of compensation are to be made by the Special Master. After determining whether an individual is an eligible claimant under the Act, the Special Master is to determine the amount of compensation to be awarded based upon the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

The law also provides that the Special Master is to make a final determination on any claim within 120 days from when the claim was filed and, if an award is made, to authorize payment within 20 days thereafter. The determinations of the Special Master are final and are not reviewable by any court. Claims with the Fund must be filed on or before two years after the effective date of these regulations, i.e. [insert date 2 years from date of this publication in the FEDERAL REGISTER]. Payments from the Fund are made by the United States Government, which in turn obtains the right of subrogation to each award.

Pursuant to the Act, regulations addressing certain administrative matters must be issued within 90 days of enactment. Section 407 of the Act provides that the Department, in consultation with the Special Master, promulgate regulations on four matters by December 21, 2001:

- (1) Forms to be used in submitting claims;
- (2) The information to be included in such forms;
- (3) Procedures for hearing and the presentation of evidence; and
- (4) Procedures to assist an individual in filing and pursuing claims under this title.

In addition, section 407 authorizes, but does not require, the Department to issue additional rules to implement the program. This Interim Final Rule addresses issues beyond the four specifically required by the Act in order to create a program that will be efficient, will treat similarly situated claimants alike, and will allow potential claimants to make informed decisions regarding whether to file claims with the Fund. Nonetheless, the Department recognizes that it cannot anticipate all of the issues that will arise over the course of the program and that there will inevitably be many difficult issues that the Special Master will have to resolve in the course of making determinations on individual claims.

B. Rulemaking history to date.

On November 5, 2001, the Department requested public input on a number of issues. 66 FR 55901. The Department noted that, at that time, the Special Master had not yet been appointed, but that it wanted as much public comment as feasible before issuing the regulations by December 21, 2001. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master. As called for by the Act, this interim final rule is promulgated in consultation with the Special Master.

The Department received more than 800 comments in response to the Department's Notice of Inquiry. Some were very brief and only spoke to a single issue; others responded to the Department's questions on a point by point basis. Still others contained detailed analyses, recommendations and even proposed regulatory language.

The range of commenters was very broad. Some commenters identified themselves as citizens, taxpayers or law professors, and many identified themselves as individuals who had contributed to charities for those impacted by the terrorist crashes. Many other commenters identified themselves as members of victims' families, partners or close friends, including some from organizations and groups of survivors. Several commenters identified themselves as employers who lost a significant number of employees in the crashes. A number of commenters identified themselves as residents of housing near "Ground Zero" in New York.

In addition, the Department received comments from many organizations including the American Insurance Association, the American Arbitration Association, the American Bar Association, Trial Lawyers Care, New York Trial Lawyers' Association, New York City Bar Association, Massachusetts Bar Association, National Center for Victims of Crime, National Association of Crime Victim Compensation Boards, the Oklahoma Crime Victim Compensation Board, Consumers Union, Public Citizen, the National Right To Life Committee, the Lambda Legal Defense & Education Fund, the American Civil Liberties Union, the Association of Flight Attendants, the Council on Foundations, the Nonprofit Coordinating Committee of New York, Independent Sector, the Alternative Dispute Resolution of the Federal Bar Association, the Alliance of Fiduciary Consultants, and the Foreign Claims Settlement Commission.

Individual members of Congress, groups of members, and members of the Senate leadership also provided comments. Further, joint comments were submitted on behalf of the New York City Mayor, the New York Governor, and the New York Attorney General, by members of the New York Assembly, and by the Attorney General of Connecticut.

Comments were also submitted by United Airlines and American Airlines, and from various individuals and companies who identified themselves as having expertise or experience in the administration of claims programs.

The Department has read every submission it received in response to this notice, from handwritten notes to scholarly discussions. The Department wants to express its appreciation for the time and careful thought reflected in those submissions.

While the Department has reviewed every submission it received, it will not regulate on every topic addressed in those comments. Over 70 separate topics were identified; almost two dozen full size notebooks are necessary to organize all of the comments by topic. All of the comments will be retained by the Department for subsequent consideration when it reviews comments on this interim final rule, and the comments will remain posted on the Department's web site where they may be reviewed by the public. The Department was pleased to see that some comments responded to others placed on the web site, and hopes this facility will continue to be of interest to the public.

It is not feasible to repeat here all of the suggestions received in the comments, let alone directly respond to each. The Appendix to this interim final rulemaking highlights some of the points raised by commenters in order to indicate the range of views received on how various issues should be approached.

C. Eligibility.

Section 405(b) of the Act requires the Special Master to determine whether a claimant is an "eligible individual" under section 405(c). "Eligibility," in turn, is defined by the Act to include: (1) individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or

in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a result of one of the terrorist-related air crashes. This interim final rule addresses eligibility by defining the terms "present at the site," "immediate aftermath," "physical harm," and "personal representative."

"Present at the site": This rule defines the term "present at the site" (i.e. the World Trade Center, Pentagon, or Shanksville site) to mean physically present at the time of the crashes or immediate aftermath:

(1) In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or

(2) In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or collapse of buildings (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

There are several reasons for this geographic limitation. First, this geographic limitation comports with the plain meaning of the statutory term "present at." Second, this geographic limitation is consistent with the further statutory requirement of physical injury or death, because the zone designated is that in which there was a demonstrable risk of physical harm from falling debris, explosions, or fire.

"Immediate aftermath": This rule defines the term "immediate aftermath" of the crashes to mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. This time frame appears to cover all of those who suffered physical injury or death, with the exception of rescue workers.

With respect to rescue workers who assisted in efforts to search for and recover victims, the regulations define "the immediate aftermath" to include the period from the crashes until 96 hours after the crashes. The regulations provide for this longer time period for rescue workers in recognition of their heroic efforts and their selfless reasons for being at the sites, and responds to a request by the Mayor of New York City that the program recognize the high level of danger and difficulty during the first four days of rescue operations.

"Physical harm": This rule defines the term "physical harm" to mean an objectively verifiable physical injury that was treated by a medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue and either required hospitalization as an in-patient for at least 24 hours or caused, either temporarily or permanently, partial or total physical disability, incapacity, or disfigurement.

There are several reasons for this definition. The statutory term "physical harm" indicates that Congress did not intend for this Fund to compensate those who suffered only emotional harm or property damage. The statutory term "physical harm" also indicates that Congress did not intend for this Fund to cover those who face only a risk of future injury (i.e. latent harm that does not fully manifest itself within the statutory time period for this Fund). Indeed, because participation in this Fund precludes claimants from recovering through tort litigation, those with latent injuries that later became manifest would likely be undercompensated if they sought compensation now from the Fund before the injuries became manifest. Conversely, those who recovered for latent injuries that did not later become manifest could be overcompensated if they recovered from the Fund. While Congress might later consider whether

an administrative program for latent harm caused by the September 11, 2001 terrorist-related aircraft crashes may be appropriate, the language of the statute that created this Fund does not contemplate awards for that purpose.

"Personal Representative": Section 405(c)(2)(C) provides that in the case of an individual who is deceased but who otherwise meets the other criteria for eligibility, a claim can be filed by the Personal Representative of the decedent. Section 405(c)(3)(A) provides that no more than one claim may be submitted by an individual or on behalf of a deceased individual.

In many or most cases, the identity of the "Personal Representative" will not be in dispute. Where there are disputes, two issues arise: (1) what are the rules for determining who is the Personal Representative?; and (2) who should apply the rules and resolve the dispute?

As to the first issue, the regulations rely on state law. Subject to certain contingencies, this rule defines the term "Personal Representative" to mean an individual appointed by a court of competent jurisdiction as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate. In the event that no Personal Representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the Special Master may, in his discretion, determine that the Personal Representative is the person named by the decedent in the decedent's will as the executor or administrator. In the event no will exists, the Special Master may, in his discretion, determine that the Personal Representative is the first person in the line of succession established by the laws of the state of the decedent's domicile governing intestacy.

Reliance on state law is necessary in part because those who file for recovery under the Fund waive their rights to recover through litigation, in which state law would determine the identity of the appropriate representatives of the decedent, or the decedent's estate, to bring suit. Thus, if the identity of Personal Representatives for purposes of this Fund were determined by federal regulation, there could be many situations in which the representative as defined by state law would choose litigation while the Personal Representative as defined by federal regulation would seek to recover from the Fund.

The second issue raises questions of program administration. Disputes between relatives, former spouses and other interested parties can be exceptionally fact-intensive and time-consuming. Indeed, state courts often spend considerable time and resources resolving such matters. The Special Master cannot accomplish his statutory duties if bogged down with these types of complex disputes. Nor would it be advisable for the Special Master to attempt to step in and supplant state court practice or the testamentary intent of decedents. Consequently, the rule provides that the Special Master has no obligation to arbitrate, litigate or otherwise resolve disputes as to the identity of the Personal Representative. Instead, to ensure that funds are not needlessly tied up due to disputes regarding the identity of the Personal Representative, the regulations provide that the disputing parties may agree in writing to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while those disputing parties work to settle their dispute. In appropriate cases, the Special Master may determine an award, but place the payment in escrow until the dispute regarding the Personal Representative is finally resolved.

Finally, the determination of the Personal Representative is not the same question as the determination of who ultimately will receive the award. In that regard, this rule provides that the Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction.

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Perry, Phil <Phil.Perry@usdoj.gov>; Higbee, David <David.Higbee@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Harris, Paul <Paul.Harris@usdoj.gov>; Miller, Michele <Michele.Miller@usdoj.gov>; Jordan, Bill <Bill.Jordan@usdoj.gov>; Reyes, Luis <Luis.A.Reyes2@usdoj.gov>; Bloemendal, Katherine <Katherine.Bloemendal@usdoj.gov>; Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Jacob, Gregory F <Gregory.F.Jacob@usdoj.gov>; Philbin, Patrick <Patrick.Philbin@usdoj.gov>; Jones, Kevin R <Kevin.R.Jones@usdoj.gov>; Hinchman, Robert <Robert.Hinchman@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Morrison, Richard T. <Richard.T.Morrison@usdoj.gov>; Collins, Dan <Dan.Collins@usdoj.gov>; Hart, Rosemary <Rosemary.Hart@usdoj.gov>; Mei, Vesper <Vesper.Mei@usdoj.gov>; 'Ken Feinberg (E-mail)' <kfeinberg@thefeinberggroup.com>; 'Debbie Greenspan (E-mail)' <dgreenspan@thefeinberggroup.com>; Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>; 'Pete Galvin (E-mail)' <galvin-peter@dol.gov>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; 'Peter Woodin (E-mail)' <pwoodin@feinberggroup.com>; Nathan L. Knuffman/OMB /EOP@EOP [OMB] <Nathan L. Knuffman>
Sent: 12/19/2001 12:55:37 PM
Subject: : FW: Final Victim Comp Rule
Attachments: P_00O25004_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:19-DEC-2001 17:55:37.00

SUBJECT:: FW: Final Victim Comp Rule

TO:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Higbee, David" <David.Higbee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Higbee, David" <David.Higbee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Harris, Paul" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Harris, Paul" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Miller, Michele" <Michele.Miller@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Miller, Michele" <Michele.Miller@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Reyes, Luis" <Luis.A.Reyes2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Reyes, Luis" <Luis.A.Reyes2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

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TO:"Jacob, Gregory F" <Gregory.F.Jacob@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jacob, Gregory F" <Gregory.F.Jacob@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Philbin, Patrick" <Patrick.Philbin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Philbin, Patrick" <Patrick.Philbin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Jones, Kevin R" <Kevin.R.Jones@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Jones, Kevin R" <Kevin.R.Jones@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Hinchman, Robert" <Robert.Hinchman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Hinchman, Robert" <Robert.Hinchman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Morrison, Richard T." <Richard.T.Morrison@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Morrison, Richard T." <Richard.T.Morrison@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Hart, Rosemary" <Rosemary.Hart@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Hart, Rosemary" <Rosemary.Hart@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"Mei, Vesper" <Vesper.Mei@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Mei, Vesper" <Vesper.Mei@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Ken Feinberg (E-mail)'" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:"'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Debbie Greenspan (E-mail)'" <dgreenspan@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN

TO:"'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Pete Galvin (E-mail)'" <galvin-peter@dol.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

TO:"'Peter Woodin (E-mail)'" <pwoodin@feinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("'Peter Woodin (E-mail)'" <pwoodin@feinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN

TO:Nathan L. Knuffman (CN=Nathan L. Knuffman/OU=OMB/O=EOP@EOP [OMB])
 READ:UNKNOWN

End Original ARMS Header

Attached is the interim final rule as it was sent to the Federal Register. It will be published Friday, but will be made available to the

REV_00138402

public in the reading room sometime before then. Thank you all for working on this.

-----Original Message-----

From: Hart, Rosemary
Sent: Wednesday, December 19, 2001 5:14 PM
To: Wood, John F; Abramidis, Clarisse
Cc: Jacob, Gregory F
Subject: RE: Final Victim Comp Rule

Here's a copy for you all.

- Victims Comp.Fed Reg.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_00025004_WHO.TXT_1>

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 104

CIV 104P; AG Order No.

RIN: 1105-AA79

September 11th Victim Compensation Fund of 2001

ACTION: Interim final rule with request for comments.

SUMMARY: Shortly after the September 11, 2001 terrorist attacks, the President signed the "September 11 Victim Compensation Fund of 2001" (the "Fund") into law as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") (the "Act"). The Act authorizes compensation to any individual (or the personal representative of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes on that day. The Act provides that the Fund will be administered by a Special Master appointed by the Attorney General. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master.

The Department of Justice, in consultation with the Special Master, is issuing certain procedural rules so the Special Master may commence operations of the program as soon as practicable. In order to allow the Special Master to begin distributing funds, the Department is issuing this rule as an "Interim Final Rule" that will have the force and effect of law immediately upon publication. This rule is designated "interim," however, because the Department is also seeking further comment for a period of 30 days as part of its further review and may expand or adjust aspects of the rule after receiving additional comments.

However, in order to assure that the families of needy victims receive adequate compensation, the regulations further provide that the Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

D. Advance Benefits

In order to comply with the Attorney General's November 26, 2001 instructions to the Special Master to pay benefits to eligible claimants as quickly as possible, these regulations permit claimants to seek immediate "Advance Benefits" in the fixed amount of \$50,000 in the case of deceased individuals and \$25,000 in the case of severely injured individuals who required hospitalization for one week or more.

To qualify for advance benefits, applicants must complete a short form (the "Eligibility Form") identifying basic eligibility and indicating that advance benefits would assist them in confronting current or immediate financial hardships. Such forms will be made available at claims intake centers as they are established, in response to telephone requests (888-714-3385, 202-305-1352, TDD: 888-560-0844), and on the Victims Compensation Fund website at www.usdoj.gov/victimcompensation.

Eligible claimants may apply for and receive advance benefits and then file their lengthier "Personal Injury Compensation Form" or "Death Compensation Form" at any time within the two-year time frame for filing claims under the program. This will allow needy eligible claimants to obtain prompt advance payments even though they may need more time to collect full information regarding the amount of compensation they seek. The 120-day period for determination of compensation will be stayed or tolled until the claimant files the completed "Personal Injury Compensation Form" or "Death Compensation Form" needed to allow the Special Master to determine the amount of the final award. However, once a claimant applies for Advance Benefits and is deemed eligible to recover under the Fund, the claimant will be deemed to have waived the right to file a civil action in state or federal court for damages sustained as a result of the September 11 attacks.

Advance benefits will be treated as advance payments on ultimate awards from the Fund. Thus, the amount of any advance benefits received will be deducted from the claimant's subsequent award.

E. Final awards made by the Fund.

Section 405(b) of the Act provides that the Special Master shall compensate eligible claimants based on the harm to the claimant (including both economic loss and noneconomic losses), the facts of the claim, and the individual circumstances of the claimant. The Act further provides that the Special Master shall determine the claimant's eligibility and the amount of compensation within 120 days.

The Special Master and the Department have studied the language of the Act, the varying public comments, evidence and data about the many victims of the September 11 attacks, and economic and demographic studies and data in fashioning the interim final rule. After this careful consideration, the Special Master and the Department have concluded that the following principal objectives should guide any determination of economic and noneconomic losses.

The first objective is that the process should be efficient, straightforward, and understandable to the claimants. This objective is based in part upon the statutory requirement that the Special Master review each claim and make an award determination within 120 days of filing. More important, however, is that claimants be able to enter the program -- or choose not to enter the program -- with an understanding of how their claims will be treated. This is especially important because the Act provides that, upon submission of a claim, a claimant waives the right to file a civil action for damages sustained as a result of the September 11 attacks. For claimants to make an informed decision regarding this waiver, they should have some understanding of how their award will be calculated and how much they would receive from the Fund should they decide to file a claim.

The second objective is that each claimant should, to the greatest extent possible, be treated fairly based on the claimant's own individual circumstances and relative to other claimants. While the circumstances of death for many victims will differ, those circumstances will in many cases be unknowable. In principle, similarly situated claimants should not receive dramatically differing treatment.

After careful consideration, the Special Master and the Department have concluded that, in order best to achieve these principal objectives, the Special Master should develop a methodology for calculating presumed economic and noneconomic losses that is based on readily identifiable individual circumstances for each claimant, such as age, prior income levels, marital status, and the number and ages of the victim's dependents. A methodology for determining presumed economic and noneconomic losses will also assist the Special Master in making fair and appropriate compensation determinations swiftly and efficiently within the time frame permitted by the Act.

In order to enable claimants to make informed decisions regarding whether to submit a claim under the Fund and, if so, whether to submit evidence of extraordinary individual circumstances that could justify departure from the presumed awards, the interim final rule directs the Special Master to publish schedules, tables, or charts of presumed determinations for economic and noneconomic losses. While these schedules, tables, or charts cannot cover every possible claimant (e.g., injured claimants), they are extensive and detailed enough to provide the majority of potential claimants with a general dollar range into which their awards may fall.

Nonetheless, the Special Master and the Department recognize that it will be impossible to fashion a presumptive methodology that will take into account all of the individual facts and circumstances for every claimant. Rather, some claimants may have extraordinary individual circumstances that justify departure from the presumed awards. Thus, the interim final rule provides that claimants may request that the Special Master depart from the presumed economic and noneconomic losses based upon a

demonstration of extraordinary circumstances that the presumed award methodology does not adequately address.

Economic loss: Determination of economic loss requires a prediction about each claimant's future. This assessment will be, by its nature, somewhat speculative. While the determination of economic loss should be based upon facts regarding the individual victim where those facts are available, some facts cannot be predicted on an individualized basis.

The regulations also provide that the Special Master's schedules, tables, or charts should identify presumed determinations of economic loss up to a salary level commensurate with the 98th percentile of individual income in the United States. The Department recognizes that projecting earnings over worklife for people with extraordinary annual incomes is a very complex exercise, often requiring a detailed evaluation of variable and often complex formulae for nonvariable income, differing work life expectations, often highly volatile industries or markets, and other factors that are not often subject to easy generalization. We have also concluded that the purpose of the Act is not simply to examine economic and noneconomic harm, but also to provide compensation that is just and appropriate in light of the financial needs and resources of claimants. Any methodology that does nothing more than attempt to replicate a theoretically possible future income stream would lead to awards that would be insufficient relative to the needs of some victims' families, and excessive relative to the needs of others. Therefore, a claimant should not assume that he or she will receive an award greater than the presumed award simply because the victim had an income that exceeded the income for the 98th percentile. Indeed, the Act's requirement that the Special Master consider "the individual circumstances of the claimant" indicates that the Special Master may consider a particular claimant's financial needs and resources, just as the Department and the Special Master considered the needs of the claimants in concluding that no claimant bringing a claim on behalf of a deceased victim should receive less than \$500,000 or \$300,000 before collateral source offsets.

If a claimant seeks review of a presumed award, the Special Master may consider a range of information, including demographic information on retirement trends for high wage earners, the individual's historical expenses, savings, and any other factors he deems relevant, including economic trends, information available from the Bureau of Labor Statistics, the Census Bureau and other entities on average income and retirement age for the victim's profession or even for the victim's former employer. Claimants should not expect awards grossly in excess of the highest awards listed on the Special Master's presumed award chart, as the individual circumstances of the wealthiest and highest-income claimants will often indicate that multi-million dollar awards out of the public coffers are not necessary to provide them with a strong economic foundation from which to rebuild their lives.

The Special Master and the Department recognize that the extent of physical injury for those victims who survived the September 11 attacks may vary to a degree that does not lend itself to a schedule, table, or chart. If the claimant's injury causes only a temporary disability, the Special Master may consider evidence regarding the length of time the claimant was absent from his employment in determining the appropriate compensation for economic loss. For those victims who suffered permanent physical disability, the Special Master may rely upon his economic loss methodology, but adjust the award based upon the extent of the physical

disability. In evaluating claims of disability, the Special Master will, in general, make a determination regarding whether the claimant is capable of performing his or her usual profession in light of the injuries.

With respect to claims of total permanent disability, the Special Master may accept a determination of disability made by the Social Security Administration as evidence of disability without any further medical evidence or review. The Special Master may also consider determinations of permanent total disability made by other governmental agencies or private insurers in evaluating the claim. The Special Master may require an evaluation of the claimant's disability and ability to perform his or her occupation from medical experts.

With respect to claims of partial disability, the Special Master may consider evidence of the effect of the partial disability on the claimant's ability to perform his or her usual occupation as well as the effect of the partial disability on the claimant's ability to participate in usual daily activities.

Noneconomic losses: Each person who was killed or injured in the September 11 attacks suffered grievous harm, and each person experienced the unspeakable events of that day in a unique way. Some victims experienced terror for many minutes, as they were held hostage by terrorists on an airplane or trapped in a burning building. Some victims had no warning of what was coming and died within seconds of a plane hitting the building in which they worked. While these circumstances may be knowable in a few extraordinary circumstances, for the vast majority of victims these circumstances are unknowable.

After extensive fact finding, public outreach, and review of public comments, the Special Master and the Department have concluded that the most rational and just way to approach the imponderable task of placing a dollar amount upon the pain, emotional suffering, loss of enjoyment of life, and mental anguish suffered by the thousands of victims of the September 11 attacks is to assess the noneconomic losses for categories of claimants. The most obvious distinction is between those who died and those who suffered physical injury but survived.

The regulations therefore set a presumed award for noneconomic losses sustained. For those victims who died as a result of the September 11 aircraft crashes, the presumed noneconomic losses will be \$250,000, plus an additional \$50,000 for the spouse and each dependent of the deceased victim. That \$250,000 figure is roughly equivalent to the amounts received under existing federal programs by public safety officers who are killed while on duty, or members of our military who are killed in the line of duty while serving our nation. See 38 U.S.C. § 1967 (military personnel); 42 U.S.C. § 3796 (Public Safety Officers Benefit Program). The latter figures -- \$50,000 for the spouse and each dependent -- include a noneconomic component of "replacement services loss."

For those victims who suffered physical injury but survived the September 11 attacks, the Special Master may establish a methodology for estimating their noneconomic losses. The Special Master may determine that it is appropriate to give some percentage of the noneconomic loss award given for victims who died, based upon the extent of the injury.

The Special Master and the Department recognize, however, that no presumed award can take into account all of the unique individual circumstances of each claimant. Accordingly, as noted above, claimants may either accept the presumed award or instead attempt to demonstrate in a hearing before the Special Master extraordinary circumstances that justify departure from the presumed award.

Collateral Sources: Section 405(b)(6) of the Act provides that the Special Master shall

reduce the amount of compensation by the amount of the collateral source compensation "a claimant has received or is entitled to receive" as a result of the terrorist-related aircraft crashes of September 11, 2001. The interim final rule provides that collateral sources will include life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001. While many public commenters voiced strong opposition to the inclusion of some or all of these as collateral source compensation, the Act expressly includes each one within the definition of "collateral sources."

At the same time, the Act does not address whether certain other types of payments constitute collateral source compensation. The interim final rule provides that the following are not collateral source compensation:

(1) The value of services or in-kind charitable gifts such as provision of emergency housing, food, or clothing; and

(2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by private charitable entities; provided, however, that the Special Master may determine that funds provided to victims or their families through a private charitable entity constitute, in substance, a collateral source as described above.

The Department has concluded that charitable contributions should not be considered collateral source compensation within the meaning of the Act because, among other reasons, such charitable contributions are different in kind from the collateral sources listed in the Act. Moreover, because the collateral offset only applies to collateral source compensation that the claimant has received or is entitled to receive, deducting charitable awards from the amount of compensation would have the perverse effect of encouraging potential donors to withhold their giving until after claimants have received their awards from the Fund.

F. The claims evaluation process.

Section 405(b)(4) of the Act provides that a claimant, after the filing of the claim, has the right to present evidence to the Office of the Special Master. The statute specifically provides that the claimant has the right to present witness statements and documents, the right to obtain legal counsel, and such other due process rights as are determined to be appropriate by the Special Master.

The interim final regulations provide claimants with a choice of two Procedural Options -- Track A or Track B. If a claimant selects Track A, the Claims Evaluator will determine eligibility and the claimant's presumed award and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee under § 104.33 of these regulations. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee pursuant to § 104.33. If a claimant opts for a review, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.

If the claimant selects Track B, a Claims Evaluator will determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award. The Claims Evaluator will then notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing pursuant to § 104.33. At such hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

Hearings, when sought, will be held by the Special Master or his designee. These hearings shall be conducted in a nonadversarial manner, the objective of which will be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. Claimants will be permitted, but not required, to present witnesses, including expert witnesses. The hearing officer shall be permitted to examine the credentials of experts.

The hearings shall be limited in length to a time period determined by the Special Master or the relevant hearing officer, but generally not to exceed two hours. The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The claimant shall be entitled to be represented by an attorney in good standing, but it is not necessary that the claimant be represented by an attorney.

G. Assistance to claimants.

In its November 5, 2001 Notice of Inquiry, the Department noted that section 405(a) of the Act establishes some specific requirements with respect to the claim form and the information to be included. The law requires the Special Master to develop a claim form to use in filing claims for compensation under this program. The Special Master is to ensure that the form can be filed electronically if it is determined to be practicable. Moreover, by law, the form must include a statement of the factual basis for eligibility and information regarding income in recent years. In addition, the form is to request information from the claimant as to: (1) the physical harm suffered by a victim, or information confirming the death of the victim, as a result of the terrorist-related aircraft crashes of September 11, 2001; (2) income tax returns for recent years and other records; and (3) documentation regarding collateral source compensation including life insurance policies and government or employment-related programs which have or may provide funds or benefits to the claimant.

The Department believes that it is important that this Fund be accessible to potential claimants who have limited resources and who are not trained in the law. Rather than attempt to address in detail the means by which the Special Master should provide assistance to claimants, these regulations leave the Special Master with discretion to implement steps to provide assistance to claimants and to make this Fund accessible to them.

Because the Act does not provide for payment of legal or other fees by the Fund, these regulations do not impose any limits on the types or amount of fees that claimants may pay their attorneys or others providing assistance. Although the Department's regulations do not set specific limits on attorneys fees separate from those existing in state law or attorney ethical standards, the Department believes that contingency arrangements exceeding 5% of a claimant's recovery from the Fund would not be in the best interest of the claimants.

The Department contemplates that the Special Master will have discretion to inform potential claimants of the nature of the Fund so that they may make informed decisions regarding

the types or amount of fees that they pay for legal or other assistance. For example, the Special Master may notify claimants and potential claimants of the availability of free legal services. Likewise, the Special Master may inform claimants and potential claimants that the Fund is a no-fault, administrative scheme that should not involve the kind of risks and expense that would justify any significant contingency fees.

These regulations similarly do not address the manner in which claimants may use funds that they receive from the Fund, except that the Personal Representatives must agree in an acknowledgment and release form to distribute the award to the beneficiaries of the decedent in accordance with the decedent's will or applicable state law or ruling by a court of competent jurisdiction. While the Department does not believe that it is appropriate for the Special Master to place further legal restrictions on the claimants' or beneficiaries' use of payments from the Fund, the Department does contemplate that the Special Master will have discretion to provide claimants with information regarding annuities or other financial planning devices or to offer structured awards with periodic payments.

Application of various laws and Executive Orders to this rulemaking.

Administrative Procedure Act, 5 U.S.C. 553

This rule provides for compensation to eligible individuals who were physically injured and to the personal representatives of those who were killed as a result of the terrorist-related aircraft crashes of September 11, 2001. In order to provide compensation to eligible claimants as expeditiously as possible, Congress set a short 90-day deadline for the issuance of these regulations. The Department did seek public input on the issues, but it was not possible for the Department to prepare and publish a proposed rule for notice and comment within that very short time period.

The APA provides that an agency need not go through proposed rulemaking and comment before issuing rules to implement benefits programs. 5 U.S.C. 553(a)(2). Moreover, the Department, in consultation with the Special Master, determined that taking the time to draft and publish a proposed rule for notice and comment before this rule took effect would have been impracticable in light of the short time between the enactment of the statute and the deadline for rulemaking, and also would have been contrary to the public interest, which strongly favors prompt disbursement of benefits. Accordingly, the Department has determined that there is "good cause" for exempting this rule from the provision of the Administrative Procedure Act that requires a notice of proposed rulemaking and the opportunity for public comment. 5 U.S.C. 553(b)(B).

For the same reasons, the Department also finds "good cause" for exempting this rule from the provision of the Administrative Procedure Act providing for a delayed effective date. 5 U.S.C. 553(d). Delaying the opportunity for eligible claimants to seek Advance Benefits or to file claims under the Act would be contrary to the public interest.

Congressional Review Act

The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget has designated this interim final rule as a "major rule" as that term is defined by the Congressional Review Act ("CRA"), 5 U.S.C. 801 *et. seq.* Pursuant to section 808(2) of the CRA, the Department finds that "good cause" exists for establishing an effective date for this rule upon publication because delay would be impracticable in light of the short time between the enactment of the statute and the deadline for rulemaking, and also would be contrary to the public interest favoring prompt disbursement of benefits.

Paperwork Reduction Act of 1995

The Department of Justice, Civil Division, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been granted, and this information collection has been assigned OMB control number 1105-0073. The proposed information collection is published to obtain comments from the public and affected agencies. The emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, D.C. 20530.

During the first 60 days of this same review period, a regular review of this information collection will be undertaken. All comments and suggestions, or questions regarding additional information, including obtaining a copy of the proposed information collection instrument with instructions, should be directed to Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530. We request written comments and suggestions from the public and affected agencies concerning the proposed emergency collection of information.

Your comments should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

- (1) **Type of Information Collection:** New Collection
- (2) **Title of the Form/Collection:** Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund.
- (3) **Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:** SM-001, Office of the Special Master , Department of Justice.
- (4) **Affected public who will be asked or required to respond, as well as a brief abstract: Primary:** Individuals who were physically injured and personal representatives of those killed as a result of the terrorist-related aircraft crashes of September 11, 2001. **Abstract:**

The information collected from the Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund will be used to make advance payments to those claimants deemed eligible by the Special Master or his designee.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 5,000 claimants with an average of 6.0 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 30,000 hours annually.

If additional information is required, contact: Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, 601 D Street NW, Suite 1600, Washington, D.C. 20004.

Privacy Act of 1974

The Department of Justice, Civil Division is establishing a new Privacy Act system of records entitled "September 11th Victim Compensation Fund of 2001, JUSTICE/CIV-008." By law, regulations addressing certain administrative matters for the September 11th Victim Compensation Fund of 2001 must be issued within the 90-day period established by Congress. The Privacy Act notice will be published with no routine uses, so that it will be effective on the date published. It is likely that amendments to this notice, including routine uses, will be published at a later date, with the opportunity to comment. In the interim, disclosures necessary to process claims will be made only with the written consent of claimants or as otherwise authorized under 5 U.S.C. 552a(b).

Regulatory Flexibility Act

These regulations set forth procedures by which the Federal government will award compensation benefits to eligible victims of the September 11, 2001 terrorist attacks. Under 5 U.S.C. 601(6), the term "small entity" does not include the Federal government, the party

charged with incurring the costs attendant to the implementation and administration of the Victims Compensation Fund. To the extent that small entities, including small government entities, will be economically affected by the promulgation of these regulations, such effects will likely be minimal. Further, the number of entities that will be affected will, in all probability, fall short of a "substantial number" of small entities. In fact, the Department believes that the promulgation of these rules will play a considerable role in reducing the amount of complex, private litigation, wherein a substantial number of small (and large) entities would undoubtedly be significantly impacted.

Accordingly, the Department has reviewed this rule in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities because it provides compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who were killed as a result of those crashes. This rule provides compensation to individuals, not to entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Executive Order 12866 - Regulatory Planning and Review

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget.

DATES: This interim rule takes effect on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Comments in response to this notice are due by [insert the date 30 days after the date of publication of this notice in the FEDERAL REGISTER].

ADDRESSES: Comments on the interim rule should be submitted by e-mail to: victimcompensation.comments@usdoj.gov, or by telefax to 301-519-5956. Telefaxes should be limited to 15 pages. Comments may also be mailed to Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530. However, the Department encourages commenters to submit their comments by e-mail or telefax. Comments received are public records. The name and address of the commenter should be included with all submissions. The comments will be made available on the Victim Compensation Fund web site, www.usdoj.gov/victimcompensation. Comments will also be available for public inspection at a reading room in Washington, DC. Arrangements to visit the reading room must be made in advance by calling 888-714-3385 (TDD: 888-560-0844).

FOR FURTHER INFORMATION CONTACT: Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530, telephone 888-714-3385 (TDD 888-560-0844).

SUPPLEMENTARY INFORMATION:

Statement by the Special Master

The September 11th Victim Compensation Fund of 2001 is an unprecedented expression of compassion on the part of the American people to the victims and their families devastated by the horror and tragedy of September 11. The Act itself (specifically Title IV – Victim Compensation), and the attached regulations drafted and implemented pursuant to the Act, are designed to bring some measure of financial relief to those most devastated by the events of

Executive Order 13132 - Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. However, the Department of Justice has worked cooperatively with state and local officials in the affected communities in the preparation of this rule. Also, the Department individually notified national associations representing elected officials of the initial request for comment and will be taking similar action in connection with the interim final rule.

List of Subjects in 28 CFR Part 104

Disaster assistance, Disability benefits, Terrorism.

Accordingly, for the reasons set forth in the preamble, Part 104 of chapter I of Title 28 of the Code of Federal Regulations is added to read as follows:

Part 104 -- SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Subpart A – General; Eligibility

- 104.1 Purpose.
- 104.2 Eligibility definitions and requirements.
- 104.3 Other definitions.
- 104.4 Personal Representative.
- 104.5 Foreign claims.
- 104.6 Amendments to this rule.

Subpart B – Filing for Compensation; Application for Advance Benefits

- 104.21 Filing for compensation.
- 104.22 Advance Benefits.

Subpart C - Claim Intake, Assistance, and Review Procedures

- 104.31 Procedure for claims evaluation.
- 104.32 Eligibility review.
- 104.33 Hearing.
- 104.34 Publication of awards.
- 104.35 Claims deemed abandoned by claimants.

Subpart D - Amount of Compensation for Eligible Claimants

- 104.41 Amount of compensation.
- 104.42 Applicable state law.
- 104.43 Determination of presumed economic loss for decedents.
- 104.44 Determination of presumed noneconomic losses for decedents.
- 104.45 Determination of presumed economic loss for claimants who suffered physical harm.
- 104.46 Determination of presumed noneconomic losses for claimants who suffered physical harm.
- 104.47 Collateral sources.

Subpart E - Payment of Claims

- 104.51 Payments to eligible individuals.
- 104.52 Distribution of award to decedent's beneficiaries.

Subpart F - Limitations

- 104.61 Limitation on civil actions.
- 104.62 Time limit on filing claims.
- 104.63 Subrogation.

Subpart G - Measures to Protect the Integrity of the Compensation Program

- 104.71 Procedures to prevent and detect fraud.

Authority: Title IV of Pub. L. 107-42, 115 Stat. 230, 49 U.S.C. 40101 note.

Subpart A - General; Eligibility

§ 104.1 Purpose.

This part implements the provisions of the September 11th Victim Compensation Fund of

2001, Title IV of Public Law 107-42, 115 Stat. 230 (Air Transportation Safety and System Stabilization Act) to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and to the "personal representatives" of those who were killed as a result of the crashes. All compensation provided through the Fund will be on account of personal physical injuries or death.

§ 104.2 Eligibility definitions and requirements.

(a) Eligible claimants. The term eligible claimants means:

(1) Individuals present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who suffered physical harm, as defined herein, as a direct result of the terrorist-related aircraft crashes;

(2) The Personal Representatives of deceased individuals aboard American Airlines flights 11 or 77 and United Airlines flights 93 or 175; and

(3) The Personal Representatives of individuals who were present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who died as a direct result of the terrorist-related aircraft crash.

(4) The term eligible claimants does not include any individual or representative of an individual who is identified to have been a participant or conspirator in the terrorist-related crashes of September 11.

(b) Immediate aftermath. The term immediate aftermath of the crashes shall mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. With respect to rescue workers who assisted in efforts to search for and recover victims, the immediate aftermath shall include the period from the crashes until 96 hours after the crashes.

(c) Physical harm.

(1) The term physical harm shall mean a physical injury to the body that was treated by a

medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue; and

(i) Required hospitalization as an in-patient for at least 24 hours; or

(ii) Caused, either temporarily or permanently, partial or total physical disability, incapacity or disfigurement.

(2) In every case not involving death, the physical injury must be verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

(d) Personal Representative. The term Personal Representative shall mean the person determined to be the Personal Representative under § 104.4 of this part.

(e) Present at the site. The term present at the site (i.e., the World Trade Center, Pentagon, or Shanksville, Pennsylvania site) shall mean physically present at the time of the crashes or in the immediate aftermath:

(1) In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or

(2) In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

§ 104.3 Other definitions.

(a) Beneficiary. The term beneficiary shall mean a person entitled under the laws of the decedent's domicile to receive payments or benefits from the estate of or on behalf of the decedent on whose behalf the claim to the Fund was filed.

(b) Dependents. The Special Master shall identify as dependents those persons so identified by the victim on his or her federal tax return for the year 2000 unless:

(1) The claimant demonstrates that a minor child of the victim was born or adopted on or after January 1, 2001;

(2) Another person became a dependent in accordance with then-applicable law on or after January 1, 2001; or

(3) The victim was not required by law to file a federal income tax return for the year 2000.

(c) Spouse. The Special Master shall identify as the spouse of a victim the person reported as spouse on the victim's federal tax return for the year 2000 unless:

(1) The victim was married or divorced in accordance with applicable state law on or after January 1, 2001; or

(2) The victim was not required by law to file a federal income tax return for the year 2000.

(d) The Act. The Act, as used in this part, shall mean Public Law 107-42, 115 Stat. 230 ("Air Transportation Safety and System Stabilization Act"), 49 U.S.C. 40101 note.

(e) Victim. The term victim shall mean an eligible injured claimant or a decedent on whose behalf a claim is brought by an eligible Personal Representative.

§ 104.4 Personal Representative.

(a) In general. The Personal Representative shall be:

(1) An individual appointed by a court of competent jurisdiction as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate.

(2) In the event that no Personal Representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the Special Master may, in his discretion, determine that the Personal Representative for purposes of compensation by the Fund is the person named by the decedent in

the decedent's will as the executor or administrator of the decedent's estate. In the event no will exists, the Special Master may, in his discretion, determine that the Personal Representative for purposes of compensation by the Fund is the first person in the line of succession established by the laws of the decedent's domicile governing intestacy.

(b) Notice to beneficiaries. Any purported Personal Representative must, before filing an Eligibility Form, provide written notice of the claim (including a designated portion of the Eligibility Form) to the immediate family of the decedent (including, but not limited to, the decedent's spouse, former spouses, children, other dependents, and parents), to the executor, administrator, and beneficiaries of the decedent's will, and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the decedent. Personal delivery or transmission by certified mail, return receipt requested, shall be deemed sufficient notice under this provision. The claim forms shall require that the purported Personal Representative certify that such notice (or other notice that the Special Master deems appropriate) has been given. In addition, as provided in § 104.21(b)(5) of this part, the Special Master may publish a list of individuals who have filed Eligibility Forms and the names of the victims for whom compensation is sought, but shall not publish the content of any such form.

(c) Objections to Personal Representatives. Objections to the authority of an individual to file as the Personal Representative of a decedent may be filed with the Special Master by parties who assert a financial interest in the award up to 30 days following the filing by the Personal Representative. If timely filed, such objections shall be treated as evidence of a "dispute" pursuant to paragraph (d) of this section.

(d) Disputes as to identity. The Special Master shall not be required to arbitrate, litigate, or otherwise resolve any dispute as to the identity of the Personal Representative. In the event of a dispute over the appropriate Personal Representative, the Special Master may suspend

adjudication of the claim or, if sufficient information is provided, calculate the appropriate award and authorize payment, but place in escrow any payment until the dispute is resolved either by agreement of the disputing parties or by a court of competent jurisdiction. Alternatively, the disputing parties may agree in writing to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while the disputing parties work to settle their dispute.

§ 104.5 Foreign claims.

In the case of claims brought by or on behalf of foreign citizens, the Special Master may alter the requirements for documentation set forth herein to the extent such materials are unavailable to such foreign claimants.

§ 104.6 Amendments to this rule.

In the event that amendments are subsequently made to any section of this Part, claimants are entitled to have their claims processed in accordance with the provisions that were in effect at the time that their claims were submitted under § 104.21(d).

Subpart B - Filing for Compensation; Application for Advance Benefits

§ 104.21 Filing for compensation.

(a) Compensation form; "filing." Except for applications for Advance Benefits pursuant to § 104.22, no claim may be considered until the claimant has submitted both an "Eligibility Form" and either a "Personal Injury Compensation Form" or a "Death Compensation Form." A claim shall be deemed "filed" for purposes of section 405(b)(3) of the Act (providing that the Special Master shall issue a determination not later than 120 days after the date on which a claim is filed), and for any time periods in this part, when a Claims Evaluator determines that both the Eligibility Form and either a Personal Injury Compensation Form or a Death Compensation Form are substantially complete. Provided, however, that if a claimant files an Eligibility Form

requesting Advance Benefits pursuant to § 104.22 of this part without filing either a "Personal Injury Compensation Form" or a "Death Compensation Form," the claim shall be deemed "filed" when the Claims Evaluator determines that the Eligibility Form is substantially complete, but the time period for determination and any time periods in this part shall be stayed or tolled as described in § 104.22(g) of this part.

(b) Eligibility Form. The Special Master shall develop an Eligibility Form that will require the claimant to provide information necessary for determining the claimant's eligibility to recover from the Fund.

(1) The Eligibility Form may require that the claimant certify that he or she has dismissed any pending lawsuit seeking damages as a result of the terrorist-related airplane crashes of September 11, 2001 (except for actions seeking collateral source benefits) within 90 days of the effective date of this part pursuant to section 405(c)(3)(B)(ii) of the Act and that there is no pending lawsuit brought by a dependent, spouse, or beneficiary of the victim.

(2) The Special Master may require as part of the notice requirement pursuant to § 104.4(b) that the claimant provide copies of a designated portion of the Eligibility Form to the immediate family of the decedent (including, but not limited to, the spouse, former spouses, children, other dependents, and parents), to the executor, administrator, and beneficiaries of the decedent's will, and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the decedent.

(3) The Eligibility Form may require claimants to provide the following proof:

(i) Proof of death: Death certificate or similar official documentation;

(ii) Proof of presence at site: Documentation sufficient to establish presence at one of the crash sites, which may include, without limitation, a death certificate, records of employment, contemporaneous medical records, contemporaneous records of federal, state, city or local

government, an affidavit or declaration of the decedent's or injured claimant's employer, or other sworn statement (or unsworn statement complying with 28 U.S.C. 1746) regarding the presence of the victim;

(iii) Proof of death on board aircraft: Death certificate or records of American or United Airlines or other sufficient official documentation;

(iv) Proof of physical harm: Contemporaneous medical records of hospitals, clinics, physicians, licensed medical personnel, or registries maintained by federal, state, or local government, and records of all continuing medical treatment;

(v) Personal Representative: Copies of relevant legal documentation, including court orders; letters testamentary or similar documentation; proof of the purported Personal Representative's relationship to the decedent; copies of wills, trusts, or other testamentary documents; and information regarding other possible beneficiaries as requested by the Eligibility Form;

(vi) Any other information that the Special Master deems necessary to determine the claimant's eligibility.

(4) The Special Master may also require waivers, consents, or authorizations from claimants to obtain directly from third parties tax returns, medical information, employment information, or other information that the Special Master deems relevant in determining the claimant's eligibility or award, and may request an opportunity to review originals of documents submitted in connection with the Fund.

(5) Application for Advance Benefits: The Eligibility Form shall include a section allowing claimants to indicate that they wish to apply for Advance Benefits. Claimants who apply for such Advance Benefits must certify on that Form that they have not yet received \$450,000 in collateral source compensation if they are bringing a claim on behalf of a deceased victim with a spouse or dependent, \$250,000 in collateral source compensation if they are

bringing a claim on behalf of a deceased victim who was single with no dependents, or an amount in excess of their lost wages plus out-of-pocket medical expenses if they are an injured claimant. All such claimants also must state on the Form facts establishing financial hardship that would justify a determination that they are in need of Advance Benefits.

(6) The Special Master may publish a list of individuals who have filed Eligibility Forms and the names of the victims for whom compensation is sought, but shall not publish the content of any such form.

(c) Personal Injury Compensation Form and Death Compensation Form. The Special Master shall develop a Personal Injury Compensation Form that each injured claimant must submit. The Special Master shall also develop a Death Compensation Form that each Personal Representative must submit. These forms shall require the claimant to provide certain information that the Special Master deems necessary to determining the amount of any award, including information concerning income, collateral sources, benefits, and other financial information, and shall require the claimant to state the factual basis for the amount of compensation sought. It shall also allow the claimant to submit certain other information that may be relevant, but not necessary, to the determination of the amount of any award.

(1) Claimants shall, at a minimum, submit all tax returns that were filed for the years 1998, 1999, and 2000. The Special Master may, at his discretion, require that claimants submit copies of tax returns or other records for any other period of years he deems appropriate for determination of an award. The Special Master may also require waivers, consents, or authorizations from claimants to obtain directly from third parties medical information, employment information, or other information that the Special Master deems relevant to determining the amount of any award.

(2) Claimants may attach to the "Personal Injury Compensation Form" or "Death Compensation Form" any additional statements, documents or analyses by physicians, experts,

September 11. In one important sense, the Fund symbolizes the commitment of the American people to those most in need. It is an example of how Americans rally around the less fortunate.

The attached regulations have two objectives: (1) to provide fair, predictable and consistent compensation to the victims of September 11 and their families throughout the life of the program; and (2) to do so in an expedited, efficient manner without unnecessary bureaucracy and needless demands on the victims. The regulations highlight a fast track administrative compensation program, eliminating the red tape, time and expense of a traditional lawsuit. Quick payment to eligible claimants characterizes this program.

The Fund offers the eligible claimant an alternative to litigation. To succeed in the courtroom, a victim of the September 11 tragedy, or his or her representative, would be compelled to litigate, probably for many years at excessive cost, and with all the uncertainty of result which is part of the litigation process. Among the hazards of such a court proceeding are: Would liability be demonstrated? Against whom? Would sufficient funds be available to pay in full any resulting tort award? Would the verdict, even if favorable, withstand appellate challenge?

Trade-offs are required in developing Fund procedures that are different than those in the more conventional lawsuit. It is possible to develop an alternative administrative scheme, providing speedy and efficient compensation, which will help bring some closure to the events of September 11. We should not require its victims to revisit the tragic events of September 11 over and over again during the pendency of a lawsuit in our courts.

In formulating the regulations, we heeded the instruction of the Attorney General to help the neediest of victims as quickly as possible. Accordingly, under these regulations, an eligible claimant can receive an immediate advance payment of \$50,000 in cases involving death, or \$25,000 in certain cases involving serious physical injury. These payments are downpayments only, advanced to provide immediate financial assistance to those in need.

advisors, or any other person or entity that the claimant believes may be relevant to a determination of compensation.

(d) Submission of a claim. Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for civil actions to recover collateral source obligations. A claim shall be deemed submitted for purposes of section 405(c)(3)(B) of the Act when the claim is deemed filed pursuant to § 104.21, regardless of whether any time limits are stayed or tolled.

(e) Provisions of information by third parties. Any third party having an interest in a claim brought by a Personal Representative may provide written statements or information regarding the Personal Representative's claim. The Claims Evaluator or the Special Master or his designee may, at his or her discretion, include the written statements or information as part of the claim.

§ 104.22 Advance Benefits.

(a) Advance Benefits. Eligible Claimants may apply for immediate "Advance Benefits" in a fixed amount as follows:

- (1) \$50,000 for Personal Representatives; and
- (2) \$25,000 for injured claimants who meet the requirements of paragraph (d) of this section.

(b) Credit against award. The Advance Benefit shall be credited against any final compensation award so that the amount of the Advance Benefit is deducted from the final award under this program.

(c) Application for Advance Benefits. An otherwise eligible claimant may seek Advance Benefits to alleviate financial hardship faced by the claimant (or financial hardship faced by the

beneficiaries of the decedent) by submitting an Eligibility Form described in § 104.21(b) and indicating thereon that he or she is applying for Advance Benefits.

(d) Eligibility for Advance Benefits. In the case of a Personal Representative, the claimant may be deemed eligible for Advance Benefits if a Claims Evaluator or the Special Master or his designee determines that the claimant is eligible to recover under the Fund. In the case of an injured claimant, the claimant may be deemed eligible for Advance Benefits when the Special Master or his designee determines that the claimant is eligible to recover under the Fund and that the claimant's physical injury required hospitalization for one week or more.

(e) Authorization of payments.

(1) Payment in the amount described in paragraph (a) of this section will be authorized immediately upon a determination that the claimant is eligible for Advance Benefits and the claimant is:

(i) An injured claimant;

(ii) A Personal Representative who was the spouse of the deceased victim on September 11, 2001; or

(iii) A Personal Representative who has obtained the consent of the spouse of the deceased victim (or, if there is no surviving spouse, all of the dependents of the deceased victim) to file for Advance Benefits.

(2) (i) With respect to other Personal Representatives, payment will be authorized within 15 days after the determination that the claimant is eligible for Advance Benefits, provided that no other individual has asserted a colorable conflicting claim as the Personal Representative with respect to the decedent and the Personal Representative identifies and has given notice to the beneficiaries to whom such Advance Benefits will be distributed.

(ii) In the event that a colorable conflicting claim has been asserted, no Advance Benefit will be paid until a final eligibility determination has been made.

(f) Waiver of the right to sue. As set forth in § 104.21(d) of this part, a claim shall be deemed submitted for purposes of section 405(c)(3)(B) of the Act when a claimant has filed an Eligibility Form and is determined by a Claims Evaluator or the Special Master or his designee to be an eligible claimant. The claimant will therefore have waived the right to file a civil action (or to be a party to an action) in any Federal or State Court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for civil actions to recover collateral source obligations.

(g) Tolling of 120-day clock and other time periods. A claimant filing an Eligibility Form requesting Advance Benefits before filing a Personal Injury Compensation Form or Death Compensation Form will be deemed to have waived his right to commencement of the 120-day period in section 405(b)(3) of the Act (providing that the Special Master shall provide notice to the claimant of his determination within 120 days after the date on which a claim is filed). The 120-day period and all other time limitations in this part, except those applicable to Advance Benefit payments, shall be stayed or tolled until such time that a Claims Evaluator determines that the claimant's Personal Injury Compensation Form or Death Compensation Form is substantially complete.

Subpart C - Claim Intake, Assistance, and Review Procedures

§ 104.31 Procedure for claims evaluation.

(a) Initial review. Claims Evaluators shall review the forms filed by the claimant and either deem the claim "filed" (pursuant to 104.21(a)) or notify the claimant of any deficiency in the forms or any required documents.

(b) Procedural tracks. Each claim will be placed on a procedural track, described herein as "Track A" and "Track B," selected by the claimant on the Personal Injury Compensation Form or Death Compensation Form.

(1) Procedure for Track A. The Claims Evaluator shall determine eligibility and the claimant's presumed award pursuant to §§ 104.43 to 104.46 of this part and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee under § 104.33 of this part. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee pursuant to § 104.33. Claimants found to be ineligible may appeal pursuant to § 104.32.

(2) Procedure for Track B. The Claims Evaluator shall determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award; the Claims Evaluator shall notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing pursuant to § 104.33. At such hearing, the Special Master or his designee shall utilize the presumptive award methodology as set forth in §§ 104.43 to 104.46 of this part, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumptive award methodology. There shall be no review or appeal from this determination.

(c) Multiple claims from the same family. The Special Master may treat claims brought by or on behalf of two or more members of the same immediate family as related or consolidated claims for purposes of determining the amount of any award.

§ 104.32 Eligibility review.

Any claimant deemed ineligible by the Claims Evaluator may appeal that decision to the Special Master or his designee by filing an eligibility appeal on forms created by the office of the Special Master.

§ 104.33 Hearing.

(a) Supplemental submissions. The claimant may prepare and file Supplemental Submissions within 21 calendar days from notification of either the presumed award (Track A) or eligibility (Track B). The Special Master shall develop forms appropriate for Supplemental Submissions.

(b) Conduct of hearings. Hearings shall be before the Special Master or his designee. The objective of hearings shall be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. The claimant may request that the Special Master or his designee review any evidence relevant to the determination of the award, including without limitation: factors and variables used in calculating economic loss; the identity of the victim's spouse and dependents; the financial needs of the claimant; facts affecting noneconomic loss; and any factual or legal arguments that the claimant contends should affect the award. Claimants shall be entitled to submit any statements or reports in writing. The Special Master or his designee may require authentication of documents, including medical records and reports, and may request and consider information regarding the financial resources and expenses of the victim's family or other material that the Special Master or his designee deems relevant.

(c) Location and duration of hearings. The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The hearings shall be limited in length to a time period determined by the Special Master or his designee, but generally not to exceed two hours. The claimant may elect whether the hearing shall be public or private.

(d) Witnesses, counsel, and experts. Claimants shall be permitted, but not required, to present witnesses, including expert witnesses. The Special Master or his designee shall be permitted to question witnesses and examine the credentials of experts. The claimant shall be entitled to be represented by an attorney in good standing, but it is not necessary that the claimant be represented by an attorney.

(e) Waivers. The Special Master shall have authority and discretion to require any waivers necessary to obtain more individualized information on specific claimants.

(f) Track A review of presumed award. For proceedings under Track A, the Special Master or his designee shall make a determination whether:

(1) There was an error in determining the presumptive award, either because the claimant's individual criteria were misapplied or for another reason; or

(2) The claimant presents extraordinary circumstances not adequately addressed by the presumptive award.

(g) Determination. The Special Master shall notify the claimant in writing of the final amount of the award, but need not create or provide any written record of the deliberations that resulted in that determination. There shall be no further review or appeal of the Special Master's determination.

§ 104.34 Publication of awards.

In order to assist potential claimants in evaluating their options of either filing a claim with the Special Master or filing a lawsuit in tort, the Special Master reserves the right to publicize the amounts of some or all of the awards, but shall not publish the name of the claimants or victims that received each award. If published, these decisions would be intended by the Special Master as general guides for potential claimants and should not be viewed as precedent binding on the Special Master or his staff.

§ 104.35 Claims deemed abandoned by claimants.

The Special Master and his staff will endeavor to evaluate promptly any information submitted by claimants. Nonetheless, it is the responsibility of the claimant to keep the Special Master informed of his or her current address and to respond within the duration of this two-year program to requests for additional information. Claims outstanding at the end of this program because of a claimant's failure to complete his or her filings shall be deemed abandoned.

Subpart D - Amount of Compensation for Eligible Claimants.

§ 104.41. Amount of compensation.

As provided in section 405(b)(1)(B)(ii) of the Act, in determining the amount of compensation to which a claimant is entitled, the Special Master shall take into consideration the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant. The individual circumstances of the claimant may include the financial needs or financial resources of the claimant or the victim's dependents and beneficiaries. As provided in section 405(b)(6) of the Act, the Special Master shall reduce the amount of compensation by the amount of collateral source compensation the claimant (or, in the case of a Personal Representative, the victim's beneficiaries) has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001. In no event shall an award (before collateral source compensation has been deducted) be less than \$500,000 in any case brought on behalf of a deceased victim with a spouse or dependent, or \$300,000 in any case brought on behalf of a deceased victim who was single with no dependents.

§ 104.42. Applicable state law.

The phrase "to the extent recovery for such loss is allowed under applicable state law," as used in the statute's definition of economic loss in section 402(5) of the Act, is interpreted to mean that the Special Master is not permitted to compensate claimants for those categories or types of economic losses that would not be compensable under the law of the state that would be applicable to any tort claims brought by or on behalf of the victim.

§ 104.43 Determination of presumed economic loss for decedents.

In reaching presumed determinations for economic loss for Personal Representatives bringing claims on behalf of decedents, the Special Master shall consider sums corresponding to the following:

- (a) Loss of earnings or other benefits related to employment. The Special Master, as part

of the process of reaching a "determination" pursuant to section 405(b) of the Act, shall develop a methodology and publish schedules, tables, or charts that will permit prospective claimants to estimate determinations of loss of earnings or other benefits related to employment based upon individual circumstances of the deceased victim, including: the age of the decedent as of September 11, 2001; the number of dependents who survive the decedent; whether the decedent is survived by a spouse; and the amount and nature of the decedent's income for recent years. The decedent's salary/income in 1998-2000 shall be evaluated in a manner that the Special Master deems appropriate. The Special Master may, if he deems appropriate, take an average of income figures for each of those three years. The Special Master's methodology and schedules, tables, or charts shall yield presumed determinations of loss of earnings or other benefits related to employment for annual incomes up to but not beyond the 98th percentile of individual income in the United States for the year 2000. In cases where the victim was a minor child, the Special Master may assume an average income for the child commensurate with the average income of all wage earners in the United States.

(b) Medical expense loss. This loss equals the out-of-pocket medical expenses that were incurred as a result of the physical harm suffered by the victim (i.e., those medical expenses that were not paid for or reimbursed through health insurance). This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the Personal Representative.

(c) Replacement services loss. For decedents who did not have any prior earned income, or who worked only part time outside the home, economic loss may be determined with reference to replacement services and similar measures.

(d) Loss due to death/burial costs. This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the personal representative and includes the out-of-pocket burial costs that were incurred.

(e) Loss of business or employment opportunities. Such losses shall be addressed through the procedure outlined above in paragraph (a) of this section.

§ 104.44 Determination of presumed noneconomic losses for decedents.

The presumed noneconomic losses for decedents shall be \$250,000 plus an additional \$50,000 for the spouse and each dependent of the deceased victim. Such presumed losses include a noneconomic component of replacement services loss.

§ 104.45 Determination of presumed economic loss for claimants who suffered physical harm.

In reaching presumed determinations for economic loss for claimants who suffered physical harm (but did not die), the Special Master shall consider sums corresponding to the following:

(a) Loss of earnings or other benefits related to employment. The Special Master may determine the loss of earnings or other benefits related to employment on a case-by-case basis, using documentation and other information submitted by the claimant, regarding the actual amount of work that the claimant has missed or will miss without compensation. Alternatively, the Special Master may determine the loss of earnings or other benefits related to employment by relying upon the methodology created pursuant to § 104.43(a) and adjusting the loss based upon the extent of the victim's physical harm.

(1) Disability; in general. In evaluating claims of disability, the Special Master will, in general, make a determination regarding whether the claimant is capable of performing his or her usual profession in light of the injuries.

(2) Total permanent disability. With respect to claims of total permanent disability, the Special Master may accept a determination of disability made by the Social Security Administration as evidence of disability without any further medical evidence or review. The Special Master may also consider determinations of permanent total disability made by other

governmental agencies or private insurers in evaluating the claim. The Special Master may require that the claimant submit an evaluation of the claimant's disability and ability to perform his or her occupation prepared by medical experts.

(3) Partial disability. With respect to claims of partial disability, the Special Master may consider evidence of the effect of the partial disability on the claimant's ability to perform his or her usual occupation as well as the effect of the partial disability on the claimant's ability to participate in usual daily activities.

(b) Medical Expense Loss. This loss equals the out-of-pocket medical expenses that were incurred as a result of the physical harm suffered by the victim (*i.e.*, those medical expenses that were not paid for or reimbursed through health insurance). In addition, this loss equals future out-of-pocket medical expenses that will be incurred as a result of the physical harm suffered by the victim (*i.e.*, those medical expenses that will not be paid for or reimbursed through health insurance). These losses shall be calculated on a case-by-case basis, using documentation and other information submitted by the claimant.

(c) Replacement services loss. For injured claimants who did not have any prior earned income, or who worked only part-time outside the home, economic loss may be determined with reference to replacement services and similar measures.

(d) Loss of business or employment opportunities. Such losses shall be addressed through the procedure outlined above in paragraph (a) of this section.

§ 104.46 Determination of presumed noneconomic losses for claimants who suffered physical harm.

The Special Master may determine the presumed noneconomic losses for claimants who suffered physical harm (but did not die) by relying upon the noneconomic losses described in § 104.44 and adjusting the losses based upon the extent of the victim's physical harm. Such presumed losses include any noneconomic component of replacement services loss.

§ 104.47 Collateral sources.

We were required, of course, to adhere to the language which Congress set out in the statute, including the provisions requiring that awards be offset by all collateral source compensation such as benefits from life insurance and other government programs. However, we did find ambiguity in the statute as to gifts provided to victims and their families by private charities. These regulations do not require that awards be offset by such private charitable assistance.

We have concluded that the purpose of the Act is not simply to examine economic and noneconomic harm, but also to provide compensation that is just and appropriate in light of claimants' individual circumstances. We have concluded that any methodology that does nothing more than attempt to replicate a theoretically possible future income stream would lead to awards that would be insufficient relative to the needs of some victims' families, and excessive relative to the needs of others. The statute specifies that individual circumstances beyond economic and noneconomic harm should be taken into account. It is our view that, absent extraordinary circumstances, awards in excess of \$3 million, tax-free, will rarely be appropriate in light of individual needs and resources. At the same time, we want to ensure that victims' families are receiving at least a minimum level of resources to help meet their needs and rebuild their lives. Thus, we have concluded that the families of deceased victims should receive a combined total of at least \$500,000 from this program, other state and federal programs, life insurance policies and other sources of compensation. Similarly, the baseline for single decedents should be \$300,000. This ensures that every needy claimant's total compensation from this program and other sources will be at least equal to these threshold amounts.

In sum, the September 11th Victim Compensation Fund of 2001 is an attempt by the American people to demonstrate their solidarity with, and generosity for, those injured by the terrible September 11 attack on our country. It provides an alternative compensation scheme to the traditional tort system, a method of providing substantial and quick compensation to those who elect to participate.

(a) Payments that constitute collateral source compensation. The amount of compensation shall be reduced by all collateral source compensation, including life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(b) Payments that do not constitute collateral source compensation. The following payments received by claimants do not constitute collateral source compensation:

(1) The value of services or in-kind charitable gifts such as provision of emergency housing, food, or clothing; and

(2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by private charitable entities; provided, however, that the Special Master may determine that funds provided to victims or their families through a private charitable entity constitute, in substance, a payment described in paragraph (a) of this section.

Subpart E - Payment of Claims

§ 104.51 Payments to eligible individuals.

Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under the Fund, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

§ 104.52 Distribution of award to decedent's beneficiaries.

The Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction. The Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the

Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

Subpart F - Limitations

§ 104.61 Limitation on civil actions.

(a) General. Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except that this limitation does not apply to civil actions to recover collateral source obligations. The Special Master shall take appropriate steps to inform potential claimants of section 405(c)(3)(B) of the Act.

(b) Pending actions. Claimants who have filed a civil action or who are a party to such an action as described in paragraph (a) of this section may not file a claim with the Special Master unless they withdraw from such action not later than [PLEASE INSERT DATE WHICH IS 90 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

§ 104.62 Time limit on filing claims.

In accordance with the Act, no claim may be filed under this part after [FEDERAL REGISTER: PLEASE INSERT DATE TWO YEARS AFTER THE EFFECTIVE DATE OF THIS RULE.]

§ 104.63 Subrogation.

Compensation under this Fund does not constitute the recovery of tort damages against a third party nor the settlement of a third party action, and the United States shall be subrogated to all potential claims against third party tortfeasors of any victim receiving compensation from the

Fund. For that reason, no person or entity having paid other benefits or compensation to or on behalf of a victim shall have any right of recovery, whether through subrogation or otherwise, against the compensation paid by the Fund.

Subpart G - Measures to Protect the Integrity of the Compensation Program

§ 104.71 Procedures to prevent and detect fraud.

(a) Review of claims. For the purpose of detecting and preventing the payment of fraudulent claims and for the purpose of assuring accurate and appropriate payments to eligible claimants, the Special Master shall implement procedures to:

- (1) Verify, authenticate, and audit claims;
- (2) Analyze claim submissions to detect inconsistencies, irregularities, duplication, and multiple claimants; and
- (3) Ensure the quality control of claims review procedures.

(b) Quality control. The Special Master shall institute periodic quality control audits designed to evaluate the accuracy of submissions and the accuracy of payments, subject to the oversight of the Inspector General of the Department of Justice.

(c) False or fraudulent claims. The Special Master shall refer all evidence of false or fraudulent claims to appropriate law enforcement authorities.

Date

John Ashcroft
Attorney General

Note: This Appendix will not appear in the Code of Federal Regulations.

**APPENDIX TO PREAMBLE
SUMMARY OF PUBLIC COMMENTS SUBMITTED IN RESPONSE TO THE
NOVEMBER 5, 2001 NOTICE OF INQUIRY AND ADVANCE NOTICE OF
RULEMAKING.**

The following is a summary of the comments the Department of Justice ("the Department") received in response to its Notice of Inquiry published on November 5, 2001. The Notice of Inquiry sought input on numerous issues regarding potential regulations for the "September 11 Victim Compensation Fund of 2001" (the "Fund"), which was signed into law as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act")(the "Act").

Over 800 comments were received by the November 26, 2001 deadline established by the Department. Additionally, hundreds of comments have been received since that date. Every comment was – and continues to be – reviewed, considered, and catalogued into one or more of 72 different topics. While the following summary does not address every issue raised by commenters, it provides a general synopsis of the most often raised issues. The summary is not intended to be an exhaustive illustration of every issue contemplated by the Special Master or the Department. Indeed, as mentioned above, all comments were considered in the promulgation of these interim final rules. Finally, the summarized issues below are not arranged in any particular order of importance or level of volume.

The Effective Date of This Interim Final Rule

While the Act specified that this rule should be issued by December 21, 2001, it did not specify when they should become effective. Accordingly, the Department sought comment on this issue. The Department noted that the Administrative Procedure Act generally provides that rules not go into effect for at least 30 days absent "good cause."

Many commenters favored an immediate effective date so that claims could be filed right away. Many indicated an immediate need for relief and expressed frustration about their experiences with obtaining short-term assistance from other sources. However, some commenters thought an immediate effective date would be difficult to implement because the Special Master would need time to hire personnel and to set up the operation of the program before beginning to process claims.

A number of commenters suggested a compromise – making available some amount of short-term relief on an immediate basis to eligible claimants, and then commencing the more detailed review process necessary to provide a final award. Some suggested using flat amounts for these immediate awards, while another commenter suggested establishing an interest-free line of credit upon which families could draw. Another suggestion was that claims for immediate assistance be prioritized by "need."

Eligibility

In its November 5, 2001, Notice of Inquiry, the Department noted that section 405(b) of the statute requires the Special Master to determine whether a claimant is an "eligible individual" under section 405(c). "Eligibility," in turn, is defined by the Act to include: (1) individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; or (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a result of one of the terrorist-related air crashes. The Department sought comment on whether a Departmental regulation or a statement of policy by the Special Master would be appropriate to clarify these criteria, and if so, what those criteria should be.

The Department specifically invited comment on the following questions related to eligibility:

- How should "present at" be interpreted?
- Should the term "physical harm" be limited to serious injuries, as it is under some other no-fault compensation schemes, (*see, e.g.*, N.Y. Ins. Law § 5102), or should it be construed more broadly?
- Should "physical harm" be limited to currently identifiable injuries?
- Can and should the program address latent, but not yet evident, harm?
- What duration of time is intended by the statutory phrase "immediate aftermath"?

(1) "Present At" And "Immediate Aftermath"

Many of the comments addressed the question of how to define the terms "present at the site" and "immediate aftermath," especially for purposes of those who were in New York at the time of the crashes. Some commenters urged a broad definition of these terms. They recommended that anybody in New York City be considered "present" because the debris and ash from the collapse of the World Trade Towers was widespread. Residents who live near the Ground Zero site in New York urged that they be eligible to recover under the Fund.

In contrast, other commenters argued for a narrower definition of the terms, asserting that the legislation intended to constrain the Fund to the locus of the buildings themselves, and to some very limited time period after the crashes. One comment recommended that "immediate aftermath" be defined as 48 hours after the crashes.

(2) Physical Harm

With respect to the nature of harm involved, some commenters asserted there should be no lower boundary for "nonserious" injuries. Of those who commented on the point, there were disagreements as to whether post-traumatic stress could be considered physical harm for purposes of filing a claim under the Fund. Certain commenters indicated that many people suffered substantial stress from witnessing the attacks and devastation and that they should be eligible to recover from the Fund. However, others argued that the Fund was not intended to cover psychological injury because the language of the statute specifically requires that the claimant suffer "physical harm." These commenters feared that recovery for stress-related injuries would open a Pandora's Box of less serious claims, which, in turn, may reduce the amount of compensation issued to those with the most serious physical injuries.

(3) Latent Harm

Some of the comments focused on the problem of latent injuries and diseases. Several commenters mentioned the coughing they have experienced as a result of exposure to the crash site in New York, and some nearby residents expressed concern about latent harm that might accrue from returning to their homes before the conclusion of the rescue and cleanup efforts. On the other hand, other commenters expressed concern about covering any harms that do not manifest themselves within the two-year lifetime of the Fund. They argued the Fund was not designed to compensate for latent harm primarily because the Fund only exists for two years, and many injuries may not become manifest until after that time.

(4) Eligibility of Victims And Survivors

Some commenters addressed the meaning of the word "victim." For example, some commenters urged that any unborn child who died should be considered eligible for an award as

a victim. With respect to a different group of potential claimants, some commenters argued that illegal aliens should not be eligible for awards. However, other commenters did not think that legal status should preclude an award from the Fund.

With regard to claims on behalf of decedent victims, the comments evidenced a tremendous amount of confusion about whether the statute intended to cover only the losses incurred by the victim or the losses incurred by relatives and others. Some commenters noted that section 405 of the Act provides that only claims on behalf of the victim can be filed with the Fund, presumably leaving to the courts any claims by family members or partners on their own behalf. However, some commenters noted that section 403 of the Act states that its purpose is to provide compensation to any individual "or relatives of a deceased individual" who were killed as a result of the terrorist-related aircraft crashes. The commenters further noted that various types of losses that may be compensated by the Fund pursuant to section 402 are akin to those that in civil actions are normally considered losses to survivors rather than to the victim.

Many commenters commented on the "eligibility" of particular "survivors" of the victim. Some suggested that only a spouse and children be considered "eligible." Others expressed concern as to whether parents, divorced spouses, children of a prior marriage, and others with a legal relationship would be "eligible" for an award under the Fund. In this regard, a number of comments specifically urged that non-married partners and others with a non-traditional relationship be considered "eligible" for an award. Some commenters opposed the idea of extending eligibility under the Fund to those in non-traditional relationships and argued for a narrower definition of eligibility.

Similarly, there were a number of comments about how "eligible" survivors would participate in the decision of whether to submit an application to the Fund, since in their view the application to the Fund would prohibit all of them from filing civil litigation. Some commenters explicitly suggested the law be interpreted to allow claims both on behalf of the decedent's estate and on behalf of any survivors, and suggested that such claims could be consolidated for decision before the Special Master. Others, however, specifically recommended that claims be limited to those on behalf of the estate. Many commenters, presuming that to be the case, recommended that the state courts be responsible for designating the representative to represent the estate, and that any award be distributed in accordance with the requirements of the will or state intestacy law.

Assistance To Claimants

In its Notice of Inquiry of November 5, 2001, the Department noted that it would appear that these requirements -- combined with the statutory time frame for the Special Master to reach a decision once a claim is filed -- contemplate a detailed form and filing. Accordingly, the Department invited comments on whether there are actions the Special Master should be required to take before he can accept a claim, or deem a claim "filed." The Department noted that the statute appeared to provide a very limited time frame for the Special Master to evaluate a claim before making a decision -- 120 days from the date a claim is filed. Accordingly, the Department sought comment on whether the Special Master should be permitted to dismiss a claim as not properly filed for lack of adequate supporting information and, if so, whether an individual should thereafter be permitted to refile the claim. Comments were also solicited on whether it would be advisable to include in the rules a procedure where the time for making a determination could be extended by agreement.

The Department also requested comment on the design and content of the claim forms in light of the statutory requirements, as well as on making the forms and their instructions readable and readily available. The Department also sought comment on how it should implement the statutory requirement that claimants be provided with assistance.

While most of those who commented supported maintaining firm deadlines, many commenters suggested that a claimant be able to "halt the clock" at the claimant's discretion for various purposes (*e.g.*, to provide further evidence before the claim is evaluated, to allow more time to prepare for a hearing, or to allow for an administrative review of an initial award determination). Some suggested that the Special Master also have the authority not to start the clock until the claim contained sufficient information upon which an award determination could be made, or to halt the process for a set period of time to allow for review of an initial determination (provided that the claimant concurred with that decision).

A number of commenters stressed that a claimant should not lose the right to proceed with their claim due to an incomplete file. One commenter suggested the Special Master should have 14 days to review a claim before deciding if there is enough information to proceed. Several commenters suggested that claimants not be required to waive their right to litigation until it was determined the claimant was eligible to recover from the Fund. Similarly, some commenters stated they would have difficulty deciding whether or not to opt into the fund (and thus waive their right to sue) if they did not have some idea or presumption of the range of recovery they might expect from the Fund.

Many commenters urged the Department to establish a simplified procedure for initiating a claim with the Fund. They expressed frustration with the barrage of paperwork required to apply for assistance with other organizations. Some employers offered to provide information on behalf of their employees or survivors in an effort to reduce the paperwork burden on claimants. On the other hand, some noted that -- in light of the pro bono legal assistance that has been offered to the survivors -- claimants would have the option to have the assistance of an attorney to complete the forms. A number of commenters suggested a two-step claims process that would involve a simple initial submission, followed by a more asserted effort to collect additional information with the guidance of claimant assistance personnel from the Office of the Special Master.

A number of commenters had suggestions as to how the Special Master might assist claimants both in filing claims and completing the claims process. Many suggested that local offices be established in New York City, Washington D.C., Pennsylvania, and other cities that served as the domicile of victims. Some urged that outreach efforts be made to locate potential claimants and make them aware of the program's operations. Some mentioned that outreach should include multi-lingual assistance and publications. One group suggested that each Hearing Office have an Applicant's Assistant. Others suggested the Special Master hire victim advocates to assist claimants throughout the process.

The Claims Evaluation Process

The Department solicited comment on whether every claimant should be granted an oral hearing or whether paper hearings may be sufficient, and what types of oral hearing might be practicable in light of the statutory time frames.

Further, the Department sought comment on how evidence might be established and whether it is authorized to enforce requests made by the hearing officer to third parties for

evidence that is necessary to a proceeding (*e.g.*, evidence that might bear on whether all aspects of the claim file on which the decision will be based are accurate and complete). The Department sought comment on whether such proceedings should be recorded, whether such proceedings should be held in a location convenient to the claimant, how to deal with scheduling conflicts, and whether the opportunity for a hearing can be waived by a claimant through inaction or unwarranted delay.

Many commenters had opposing views on the role hearings should play in claims evaluation. Some commenters -- comparing this program to civil litigation -- viewed the hearings as essential to each and every claim. These commenters recommended hearings as a sort of "mini-trial," which would include rules of evidence (albeit relaxed rules) and adversarial questioning of witnesses. Using the same analogy, however, these commenters suggested that many claims could be "settled" based on only the paper submissions. Other comments suggested the hearings be more akin to an opportunity -- for those claimants who want to exercise it -- to make an informal oral presentation of their cases. They viewed the hearing as an opportunity to ensure that the decision maker was aware of their individual circumstances. Many of these commenters also suggested, for various reasons, that not all claimants would want a hearing. Some commenters suggested allowing claimants, upon filing a claim, to elect among different "tracks" -- one that would involve a hearing, and one that would not.

On the question of who should be hired as hearing officers, suggestions included retired trust executives, retired judges, attorneys experienced in handling high volume caseloads, and those experienced in civil litigation. Some commenters recommended there be a panel of hearing officers rather than one hearing officer. A number of commenters also recommended that claimants have the opportunity for review of their award to ensure that the decision maker was aware of their individual circumstances.

Many commenters submitted detailed procedural suggestions for the claims process. Among other things, these suggestions dealt with how eligibility and damages could be established through the use of affidavits under penalty of perjury in the event relevant documents had been lost as a result of the crashes themselves (*e.g.*, designations of beneficiaries maintained by employers). Additionally, a number of commenters suggested the Special Master have the right to subpoena evidence required to make a determination.

Awards Under the Fund

(1) Meeting the 120-day Deadline

The Department invited comment on what means and mechanisms could be implemented to allow just compensation within the statutorily-mandated 120-day period for processing claims. In particular, the Department sought input on whether and how statistical methodologies should be developed and used as a starting point for decision, and whether publication of hypothetical or presumptive awards for classes of individuals would assist potential claimants in determining whether to opt into the Fund. For the most part, these comments were encapsulated in discussions regarding the calculation of damages; namely, economic and noneconomic losses.

(2) Calculating "Economic Losses"

The Department sought specific comment on how the Special Master should determine "economic losses." Although retaining experts is certainly not prohibited, the Special Master will not require any claimant to obtain legal counsel or other experts to assist in proving or presenting evidence of damages. The Special Master may, however, draw on available

information from appropriate specialists in relevant fields to analyze economic losses. The Department invited comment regarding the necessary qualifications for such specialists, the data that should be utilized, the methodologies that should be employed, the documentation that should be required for every claimant, and how state law should bear upon such determinations. In addition, the Department invited comments on how to address the economic losses of individuals whose lost future income streams would have been highly contingent, variable, or unpredictable.

As expected, the range of comments on how best to calculate economic losses was widely varied. One group suggested a minimum value be calculated based on median income and remaining years of work, with flexibility to adjust the award after hearing all the evidence in individual cases. Similarly, certain comments suggested the use of a grid would be appropriate in certain circumstances to identify presumed awards. Others urged that no type of grid be used.

In terms of presumptive valuation, a few commenters recommended that awards mirror the amount a party could anticipate receiving from personal injury or wrongful death actions. Others disagreed. Many recognized the limited opportunities now available to potential plaintiffs filing claims in civil courts arising out of the September 11, 2001 terrorist attacks. At least one commenter argued that the fairest approach in determining economic losses is that which insurance companies use in settling claims.

Some commenters indicated that economic awards should not be based on differences in individual income prior to the crash. Some suggested using a flat dollar figure per surviving family member (*e.g.*, \$250,000 for each survivor). Another suggested a flat amount for death at \$100,000, injury at \$50,000, and various other losses at slated dollar figures. On the other hand, some commenters felt the purpose of the program is to act as a substitute for civil damage actions, and that efforts should be made to determine and take into consideration the amount of income likely lost by a decedent. A large number of comments were received with respect to how to establish such income (*e.g.*, average over a certain number of prior years, plus information supplied by employers on future prospects).

(3) Calculating "Noneconomic Losses"

The Department also sought comment as to "noneconomic losses." Most notably, the Department invited comments regarding whether, and in what manner, the Special Master can or should draw meaningful distinctions between both those victims who died in different locations and those who suffered similar injuries. The Department also invited comments on whether the Department should (as some have suggested) issue regulations determining the amount of noneconomic loss for classes of similarly situated individuals or whether, instead, the Special Master should determine all noneconomic loss on a detailed claim-by-claim basis. Further, the Department requested comment on what facts and circumstances should be considered in determining noneconomic losses for each individual, and what standards should be employed.

Comments regarding noneconomic losses were similarly varied. One commenting association suggested noneconomic losses -- such as pain and suffering -- should be standardized because such losses do not vary by income strata. Numerous commenters advocated a "fixed" noneconomic award, stating that the government should not attempt to draw distinctions in the amount of pain suffered by victims or their survivors. One commenter suggested the most equitable process for determining noneconomic awards would be an elective process. Under this proposed method, a claimant could elect to have the award calculated by use of a matrix, or alternatively, could present evidence at a hearing to establish the amount to which the claimant

Neither this Fund nor any monetary compensation can possibly provide a full measure of relief to those who have suffered as a result of September 11. But the Fund will provide appropriate compensation and some measure of comfort to those whose lives have been torn asunder by the events of September 11.

Background.

The following discussion provides background information and explanation of the regulations promulgated herein. Section A describes the statutory backdrop for the regulations; Section B discusses the Department's rulemaking procedures to date; Section C addresses Eligibility; Section D pertains to Advance Benefits; Section E discusses Final Awards made by the Fund; Section F describes the Special Master's claims evaluation process; and Section G relates to Assistance to Claimants. The text of the regulations is set forth following these explanatory sections. A catalog of public commentary is set forth thereafter as an Appendix. More detailed information regarding the program, including a flow chart of applicable procedures and a table of estimated or "presumed" awards, will be available on the Victims Compensation Fund website at www.usdoj.gov/victimcompensation.

A. The Statute.

The President signed the "September 11th Victim Compensation Fund of 2001" (the "Fund") into law on September 22, 2001, as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") ("the Act"). The purpose of this Fund is to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who died as a result of the crashes. Generally, eligibility is limited to: (1) individuals on the planes at the time of the crashes (other than the terrorists); and (2) individuals present at the World Trade Center, the Pentagon or the site of the crash in Pennsylvania at the time of the crashes or in the immediate aftermath of the crashes.

The Fund is designed to provide a no-fault alternative to tort litigation for individuals who were physically injured or killed as a result of the aircraft hijackings and crashes on September 11, 2001. Others who may have suffered losses as a result of those events (e.g., those without identifiable physical injuries but who lost employment) are not included in this special program. Indeed, compensation will be provided only for losses caused on account of personal physical injuries or death, even though the victims may have suffered other losses, such as property loss. For this reason, the Department and the Special Master anticipate that all awards

believes he or she is entitled. A number of commenters argued that the statute necessitated an entirely individualized determination of noneconomic losses in every case. A group representing survivors of decedents suggested that noneconomic losses must be uncapped and based, in part, on the number and age of any surviving children or dependents, the current and future pain and suffering experienced by the victim's family, and the severity of pain suffered by the victim himself or herself.

(4) Taxation

A number of commenters raised questions about the taxability of various kinds of awards issued under the Fund. Several commenters asserted that compensation from the Fund should be nontaxable under federal law, similar to various types of tort awards. Another commenter stated that state victim compensation fund awards generally are not taxable, either by the state or the federal government. On the other hand, another commenter stated he did not see the purpose of distributing taxpayers' money to victims, and urged taxing the awards so as to return some of the money to the Treasury.

Collateral Sources

The Department sought comments on the issue of collateral sources. Although the Act requires that collateral sources be deducted from awards issued under the Fund (and explicitly outlines examples of certain types of collateral sources), the Department invited comment as to how the term "collateral source" should be defined.

(1) General Comments

Despite the explicit language in the Act, a number of commenters took issue with deducting any collateral sources whatsoever. Although many recognized that both the Department and the Special Master are bound to follow the language in the Act, they nonetheless argued that collateral sources are -- in many states -- not offset in wrongful death suits. Some urged that the type of collateral source offsets should be interpreted narrowly. A number of commenters also suggested that if collateral source benefits to a victim are to be offset, a counter-offset should be made for the premiums or contributions made by the victim to purchase various benefits. Others specifically suggested that only the value of collateral benefits funded by a victim's employer should be offset.

Many commenters, however, asserted that the program should not "unjustly enrich" the victims or their survivors, and supported the use of widespread offsets. Some of these comments mentioned that -- although the statute does not provide either a ceiling or floor for the amount of awards -- the Fund may have only a limited pool of resources to distribute to claimants (akin to the funds being collected and distributed by charitable organizations), and suggested the need to help those most in need. Other comments noted that unjust enrichment should not flow through tax-payer dollars. It was mentioned that many taxpayers -- who ultimately will provide the funds under the program -- also sent in charitable contributions not to unjustly enrich victims or their families, but, rather, solely to help them through these troubled times.

(2) "A claimant has received or is entitled to receive"

Some commenters specifically focused on the word "claimant" in the phrase "a claimant has received or is entitled to receive," and urged that any collateral source benefits not paid or to be paid directly to the claimant not be deducted from the award. These comments were often parallel to those concerning the question of whose losses are to be compensated under the Fund:

only those of the decedent (estate), or those of others as well. (See the discussion of Eligibility.)

A number of comments also focused on the words "entitled to receive." Some recommended that only those collateral benefits scheduled to be paid as a result of contractual or other clear obligations should be deducted from an award. Others recommended that only the present value of any future contingent awards be considered in making any offset.

(3) Life Insurance

Many commenters were frustrated that the Act requires life insurance proceeds to be deducted from awards. Many asserted that deducting life insurance will penalize those who planned ahead. One suggested that life insurance should only be offset if payable to a dependent of the victim, and another group of commenters indicated that only the sums received by the eligible applicant net of all taxes that exceed the premiums -- or other payments made by the applicant -- be deducted. A number suggested that if life insurance is to be offset, the premiums paid should be returned to the victim by reducing the amount of the benefit offset.

(4) Pensions

While similar concerns (as to life insurance) were raised in connection with pensions, a more common comment concerned the meaning of the term "pension." For example, some commenters noted that pensions are not normally considered to be "compensation for a loss" but are instead akin to savings.

(5) Workers Compensation And Victim Assistance Programs

One commenter pointed out that most of the victims may be eligible for workers' compensation benefits because they were killed while on the job. Further, with respect to those receiving benefits under New York law, the compensation insurer can terminate workers' compensation payments -- absent claimants obtaining consent to enter the Fund -- if benefits are being paid to the injured workers or survivors. New York State legal authorities confirmed the noteworthiness of this issue, and recommended that workers' compensation payments not be considered a collateral source to this extent.

With respect to state victim assistance funds, one commenter noted that 42 U.S.C. § 10602(e) -- which generally provides that state crime victim boards may refuse to pay out benefits if another Federal program is paying benefits -- was explicitly amended to exclude payments made under the September 11th Victim Compensation Fund of 2001. The commenter suggested that some programs covered under that code provision -- that have already made payments -- may be entitled to reimbursement as a result.

(6) Charitable Contributions

Many victims of the terrorist-related crashes on September 11, 2001, have or may receive support from special funds set up to assist them, as well as from special programs established by some of their employers to share future profits and the like. Accordingly, whether to reduce Fund awards by the amount of such contributions was one of the issues given the most attention in the comments. Notably, this issue was discussed in a number of news articles at about the time the Notice of Inquiry was issued.

Commenters were heavily divided on this issue. Many were strongly opposed to reducing awards by the amount of charity funding received. This includes some commenters who donated to charities established for this purpose, as well as employers who established funds to help the families of the victims. Many insisted that funds collected by employers solely for the purpose of compensating victims of the September 11 attacks should not be deemed a collateral source. Many drew a distinction between funds provided for short-term assistance and

need, and those designed to compensate victims for their losses.

On the other hand, a number of comments from those who contributed money to various charities viewed the purposes of the charities and the Fund as one and the same; namely, compensating the victims. These commenters asserted they had not intended making contributions to unjustly enrich the families, and would hesitate to make such contributions in the future if their help turns out only to ensure persons maintain a certain lifestyle.

A number of commenters also pointed to the practical difficulties of trying to establish what claimants may have received from charities. Some suggested the Fund should have access to any database of charitable contributions, including one that was reported to be under consideration in New York.

After discussing these factors, some commenters suggested that the Special Master only offset charitable contributions over a certain amount. A few commenters suggested only offsetting charities set up for longer term assistance to the victims (*e.g.*, tuition funds or scholarships for the children of all the victims).

Payment of Awards

Some commenters expressed the view that payments by the fund should be in the form of "structured settlements" or annuities rather than in lump sum. One commenter suggested payments to children should go to a trustee for the benefit of the child. However, other commenters argued for lump sum payments and objected to the government placing any restrictions on the claimants' award.

Limitations on Fees for Assistance And Payment by the Special Master

The Department requested comments on whether the Special Master has the authority to limit the types and amounts of fees that can be charged by counsel, accountants, experts or others who are retained by claimants to assist them to file and pursue compensation claims, and whether such fees can and should be paid by the Special Master directly out of compensation awards. The Department also solicited comments on what limitations, if any, the rules should impose on non-attorney, non-claimant representatives' participation in filing claims.

A number of commenters noted that the right to be represented by counsel is provided by the statute, that not all claimants would be comfortable using pro-bono counsel to represent their interests, and that payment of attorneys' fees is necessary to ensure representation by counsel of choice. Some of these commenters suggested, however, that fees could be limited so as not to exceed 10% of the award to claimant. Paradoxically, some commenters opposed using any amount of money from the Fund to pay legal fees.

from the Fund will be free of federal taxation. See I.R.C. § 104(a)(2) (stating that damages received "on account of personal physical injuries or physical sickness" are excludable from gross income for purposes of federal income taxation).

A claimant who files for compensation waives any right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for actions to recover collateral source obligations.

Determinations on eligibility and the amount of compensation are to be made by the Special Master. After determining whether an individual is an eligible claimant under the Act, the Special Master is to determine the amount of compensation to be awarded based upon the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

The law also provides that the Special Master is to make a final determination on any claim within 120 days from when the claim was filed and, if an award is made, to authorize payment within 20 days thereafter. The determinations of the Special Master are final and are not reviewable by any court. Claims with the Fund must be filed on or before two years after the effective date of these regulations, i.e. [insert date 2 years from date of this publication in the FEDERAL REGISTER]. Payments from the Fund are made by the United States Government, which in turn obtains the right of subrogation to each award.

Pursuant to the Act, regulations addressing certain administrative matters must be issued within 90 days of enactment. Section 407 of the Act provides that the Department, in consultation with the Special Master, promulgate regulations on four matters by December 21, 2001:

- (1) Forms to be used in submitting claims;
- (2) The information to be included in such forms;
- (3) Procedures for hearing and the presentation of evidence; and
- (4) Procedures to assist an individual in filing and pursuing claims under this title.

In addition, section 407 authorizes, but does not require, the Department to issue additional rules to implement the program. This Interim Final Rule addresses issues beyond the four specifically required by the Act in order to create a program that will be efficient, will treat similarly situated claimants alike, and will allow potential claimants to make informed decisions regarding whether to file claims with the Fund. Nonetheless, the Department recognizes that it cannot anticipate all of the issues that will arise over the course of the program and that there will inevitably be many difficult issues that the Special Master will have to resolve in the course of making determinations on individual claims.

B. Rulemaking history to date.

On November 5, 2001, the Department requested public input on a number of issues. 66 FR 55901. The Department noted that, at that time, the Special Master had not yet been appointed, but that it wanted as much public comment as feasible before issuing the regulations by December 21, 2001. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master. As called for by the Act, this interim final rule is promulgated in consultation with the Special Master.

The Department received more than 800 comments in response to the Department's Notice of Inquiry. Some were very brief and only spoke to a single issue; others responded to the Department's questions on a point by point basis. Still others contained detailed analyses, recommendations and even proposed regulatory language.

The range of commenters was very broad. Some commenters identified themselves as citizens, taxpayers or law professors, and many identified themselves as individuals who had contributed to charities for those impacted by the terrorist crashes. Many other commenters identified themselves as members of victims' families, partners or close friends, including some from organizations and groups of survivors. Several commenters identified themselves as employers who lost a significant number of employees in the crashes. A number of commenters identified themselves as residents of housing near "Ground Zero" in New York.

In addition, the Department received comments from many organizations including the American Insurance Association, the American Arbitration Association, the American Bar Association, Trial Lawyers Care, New York Trial Lawyers' Association, New York City Bar Association, Massachusetts Bar Association, National Center for Victims of Crime, National Association of Crime Victim Compensation Boards, the Oklahoma Crime Victim Compensation Board, Consumers Union, Public Citizen, the National Right To Life Committee, the Lambda Legal Defense & Education Fund, the American Civil Liberties Union, the Association of Flight Attendants, the Council on Foundations, the Nonprofit Coordinating Committee of New York, Independent Sector, the Alternative Dispute Resolution of the Federal Bar Association, the Alliance of Fiduciary Consultants, and the Foreign Claims Settlement Commission.

Individual members of Congress, groups of members, and members of the Senate leadership also provided comments. Further, joint comments were submitted on behalf of the New York City Mayor, the New York Governor, and the New York Attorney General, by members of the New York Assembly, and by the Attorney General of Connecticut.

Comments were also submitted by United Airlines and American Airlines, and from various individuals and companies who identified themselves as having expertise or experience in the administration of claims programs.

The Department has read every submission it received in response to this notice, from handwritten notes to scholarly discussions. The Department wants to express its appreciation for the time and careful thought reflected in those submissions.

While the Department has reviewed every submission it received, it will not regulate on every topic addressed in those comments. Over 70 separate topics were identified; almost two dozen full size notebooks are necessary to organize all of the comments by topic. All of the comments will be retained by the Department for subsequent consideration when it reviews comments on this interim final rule, and the comments will remain posted on the Department's web site where they may be reviewed by the public. The Department was pleased to see that some comments responded to others placed on the web site, and hopes this facility will continue to be of interest to the public.

It is not feasible to repeat here all of the suggestions received in the comments, let alone directly respond to each. The Appendix to this interim final rulemaking highlights some of the points raised by commenters in order to indicate the range of views received on how various issues should be approached.

C. Eligibility.

Section 405(b) of the Act requires the Special Master to determine whether a claimant is an "eligible individual" under section 405(c). "Eligibility," in turn, is defined by the Act to include: (1) individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or

in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a result of one of the terrorist-related air crashes. This interim final rule addresses eligibility by defining the terms "present at the site," "immediate aftermath," "physical harm," and "personal representative."

"Present at the site": This rule defines the term "present at the site" (i.e. the World Trade Center, Pentagon, or Shanksville site) to mean physically present at the time of the crashes or immediate aftermath:

(1) In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or

(2) In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or collapse of buildings (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

There are several reasons for this geographic limitation. First, this geographic limitation comports with the plain meaning of the statutory term "present at." Second, this geographic limitation is consistent with the further statutory requirement of physical injury or death, because the zone designated is that in which there was a demonstrable risk of physical harm from falling debris, explosions, or fire.

"Immediate aftermath": This rule defines the term "immediate aftermath" of the crashes to mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. This time frame appears to cover all of those who suffered physical injury or death, with the exception of rescue workers.

With respect to rescue workers who assisted in efforts to search for and recover victims, the regulations define "the immediate aftermath" to include the period from the crashes until 96 hours after the crashes. The regulations provide for this longer time period for rescue workers in recognition of their heroic efforts and their selfless reasons for being at the sites, and responds to a request by the Mayor of New York City that the program recognize the high level of danger and difficulty during the first four days of rescue operations.

"Physical harm": This rule defines the term "physical harm" to mean an objectively verifiable physical injury that was treated by a medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue and either required hospitalization as an in-patient for at least 24 hours or caused, either temporarily or permanently, partial or total physical disability, incapacity, or disfigurement.

There are several reasons for this definition. The statutory term "physical harm" indicates that Congress did not intend for this Fund to compensate those who suffered only emotional harm or property damage. The statutory term "physical harm" also indicates that Congress did not intend for this Fund to cover those who face only a risk of future injury (i.e. latent harm that does not fully manifest itself within the statutory time period for this Fund). Indeed, because participation in this Fund precludes claimants from recovering through tort litigation, those with latent injuries that later became manifest would likely be undercompensated if they sought compensation now from the Fund before the injuries became manifest. Conversely, those who recovered for latent injuries that did not later become manifest could be overcompensated if they recovered from the Fund. While Congress might later consider whether

an administrative program for latent harm caused by the September 11, 2001 terrorist-related aircraft crashes may be appropriate, the language of the statute that created this Fund does not contemplate awards for that purpose.

"Personal Representative": Section 405(c)(2)(C) provides that in the case of an individual who is deceased but who otherwise meets the other criteria for eligibility, a claim can be filed by the Personal Representative of the decedent. Section 405(c)(3)(A) provides that no more than one claim may be submitted by an individual or on behalf of a deceased individual.

In many or most cases, the identity of the "Personal Representative" will not be in dispute. Where there are disputes, two issues arise: (1) what are the rules for determining who is the Personal Representative?; and (2) who should apply the rules and resolve the dispute?

As to the first issue, the regulations rely on state law. Subject to certain contingencies, this rule defines the term "Personal Representative" to mean an individual appointed by a court of competent jurisdiction as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate. In the event that no Personal Representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the Special Master may, in his discretion, determine that the Personal Representative is the person named by the decedent in the decedent's will as the executor or administrator. In the event no will exists, the Special Master may, in his discretion, determine that the Personal Representative is the first person in the line of succession established by the laws of the state of the decedent's domicile governing intestacy.

Reliance on state law is necessary in part because those who file for recovery under the Fund waive their rights to recover through litigation, in which state law would determine the identity of the appropriate representatives of the decedent, or the decedent's estate, to bring suit. Thus, if the identity of Personal Representatives for purposes of this Fund were determined by federal regulation, there could be many situations in which the representative as defined by state law would choose litigation while the Personal Representative as defined by federal regulation would seek to recover from the Fund.

The second issue raises questions of program administration. Disputes between relatives, former spouses and other interested parties can be exceptionally fact-intensive and time-consuming. Indeed, state courts often spend considerable time and resources resolving such matters. The Special Master cannot accomplish his statutory duties if bogged down with these types of complex disputes. Nor would it be advisable for the Special Master to attempt to step in and supplant state court practice or the testamentary intent of decedents. Consequently, the rule provides that the Special Master has no obligation to arbitrate, litigate or otherwise resolve disputes as to the identity of the Personal Representative. Instead, to ensure that funds are not needlessly tied up due to disputes regarding the identity of the Personal Representative, the regulations provide that the disputing parties may agree in writing to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while those disputing parties work to settle their dispute. In appropriate cases, the Special Master may determine an award, but place the payment in escrow until the dispute regarding the Personal Representative is finally resolved.

Finally, the determination of the Personal Representative is not the same question as the determination of who ultimately will receive the award. In that regard, this rule provides that the Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/19/2001 1:39:38 PM
Subject: : Gonzales op-ed

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Anne Womack
12/19/2001 06:34:46 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Gonzales op-ed

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06:34 PM -----

Ken Ikenberry <ikenberryk@washpost.com>
12/19/2001 06:29:28 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: Gonzales op-ed

Here it is. Space is tight, so it can't grow. I'll be gone soon. Best to
call Fannie Zollicoffer at 202-334-7486. Her e-mail is
zollicoffe@washpost.com. Fred, of course, is 334-7281.
hiattf@washpost.come.

Best

Ken Ikenberry
202-334-5120

Recently President Bush signed an
executive order to further imple
ment the 1978 Presidential Records
Act, the law that establishes a pro
cess for reviewing and releasing
documents of former presidents.
This order ensures expeditious dis
closure of documents to provide
historians, scholars and the public

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valuable insights into the way our government works.

Freedom and openness are at the core of our government. The president's order was crafted to provide as much information as possible to the public while also drawing on sound legal policy to respect the constitutional rights of former presidents.

For months skeptics have questioned President Bush's motives in establishing these sensible procedures. The order, they said, was an affront to open government and would put procedural roadblocks in the way of disclosure of important historical information. The critics were wrong.

Today, consistent with the president's order, the National Archives and Records Administration will publicly release thousands of pages of records belonging to former President Reagan. These documents represent all that have been forwarded to the administration thus far from the Reagan Library and this is only one of what will be many routine releases of records belonging to former presidents, including otherwise privileged records.

Today's action shows that that President Bush's executive order can and will work as intended to facilitate appropriate and expeditious public release of presidential records consistent with the Constitution and the act.

This is not to say that total disclosure will always happen. At times, certain documents may still be so sensitive that they must remain confidential. In some cases, release of documents could jeopardize our current national security, and while the pursuit of history is invaluable to our society, it should not jeopardize American lives. Nor should it deprive a president of candid advice while making crucial decisions.

Recognizing this, the Presidential Records Act, which provides for the release of documents 12 years after completion of the president's term, expressly provides that former presidents retain the right to assert available privileges over their presidential records after the 12-year period expires. While the executive order says nothing about

whether and under what circumstances a privilege should be asserted, it does recognize the role former presidents play.

Some have been critical of the order's inclusion of former presidents in this process, but former presidents have the right to assert executive privilege based on both Supreme Court precedent and the Presidential Records Act itself. The act would be deemed unconstitutional if it did not allow them to assert available privileges.

Before the Act became law, former chief executives enjoyed complete control over their presidential records. But even without a legal requirement, former presidents have chosen to provide their papers for historical study.

President Bush expects that this tradition will continue. The value of presidential records and the principles of openness and access that their release represents are respected by him and are no doubt just as important to the former presidents whose papers will be subject to the Presidential Records Act.

There is no fair or logical basis for presuming that former presidents subject to the Act will exercise their constitutional and statutory authority to seek withholding of privileged records more aggressively than have earlier presidents. We are confident that, over time, the vast majority of presidential records including otherwise privileged records will be made available to the public.

The executive order states that absent compelling circumstances the current president will defer to the decision of the former president to authorize release of records. This provision largely removes a sitting president as a potential impediment to release of a former president's records. Give that over time former presidents have authorized release of the vast majority of their records, it is clear President Bush intended the order to facilitate the expeditious release of such records.

If a former president should choose to assert privilege over a sensitive record, a requester may challenge the privilege claim in court. Such proceedings are routine when there is disagreement about

the release of Executive Branch records under the Freedom of Information Act (FOIA). Some have argued that the burden should lie with the former president in disputes over disclosure. But this would create the awkward situation of a former president's being forced to sue the current one a suggestion that is neither constitutionally proper nor sound policy.

bybio
The writer is White House counsel.

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/19/2001 2:07:44 PM
Subject: : Gonzales op-ed

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----- Forwarded by Anne Womack/WHO/EOP on 12/19/2001
07:07 PM -----

Fannie Zollicoffer <zollicoffe@washpost.com>
12/19/2001 07:04:51 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: Gonzales op-ed

Here it is again with your changes. Thanks,
Fannie

By Alberto R. Gonzales

Recently President Bush signed an executive order to further implement the 1978 Presidential Records Act, the law that establishes a process for reviewing and releasing documents of former presidents. This order ensures expeditious disclosure of documents to provide historians, scholars and the public valuable insights into the way our government works.

Freedom and openness are at the core of our government. The president's order was crafted to provide as much information as possible to the public while also drawing on sound legal policy to respect the constitutional rights of former presidents.

For months skeptics have questioned President Bush's motives in establishing these sensible procedures. The order, they said, was an affront to open government and would put procedural roadblocks in the way of disclosure of important historical information. The critics were wrong.

Today, consistent with the president's order, the National Archives and Records Administration will publicly release thousands of pages of records belonging to former president Reagan. These documents represent all that have been reviewed by the administration after receipt from the Reagan Library--and this is only one of what will be many routine releases of records belonging to former presidents, including otherwise

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privileged records.

Today's action shows that that President Bush's executive order can and will work as intended--to facilitate appropriate and expeditious public release of presidential records consistent with the Constitution and the act.

At times, certain documents may still be so sensitive that they must remain confidential. In some cases, release of documents could jeopardize our national security, and while the pursuit of history is invaluable to our society, it should not endanger American lives. Nor should it deprive a president of candid advice while making crucial decisions.

Recognizing this, the Presidential Records Act expressly provides that former presidents retain the right to assert available privileges over their presidential records after the act's 12-year period of presumed non-disclosure expires. While the executive order says nothing about whether and under what circumstances a privilege should be asserted, it does recognize a role for former presidents.

Some have been critical of the order's inclusion of former presidents in this process, but former presidents have the right to assert executive privilege based on both Supreme Court precedent and the Presidential Records Act itself. The act would be deemed unconstitutional if it did not allow them to assert available privileges.

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President Bush expects that this tradition will continue. The value of presidential records and the principles of openness and access that their release represents are respected by him and are no doubt just as important to the former presidents whose papers will be subject to the Presidential Records Act.

There is no fair or logical basis for presuming that former presidents subject to the act will exercise their constitutional and statutory authority to seek withholding of privileged records more aggressively than have earlier presidents. We are confident that, over time, the vast majority of presidential records--including otherwise privileged records--will be made available to the public.

The executive order states that "absent compelling circumstances" the current president will defer to the decision of the former president to authorize release of records. This provision largely removes a sitting president as a potential impediment to release of a former president's records. Given that over time former presidents have authorized release of the vast majority of their records, it is clear President Bush intended the order to facilitate the expeditious release of such records.

If a former president should choose to assert privilege over a sensitive record, a requester may challenge the privilege claim in court. Such proceedings are routine when there is disagreement about the release of executive branch records under the Freedom of Information Act. Some have argued that the burden should lie with the former president in disputes over disclosure. But this would create the awkward situation of a former president's being forced to sue the current one--a suggestion that is neither constitutionally proper nor sound policy.

The writer is counsel to the president.

REV_00138461

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 12/19/2001 2:23:05 PM
Subject: : good Hatch on judges on C-Span

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CREATION DATE/TIME: 19-DEC-2001 19:23:05.00

SUBJECT:: good Hatch on judges on C-Span

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 12/19/2001 2:28:19 PM
Subject: : You want direct, here you go

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-DEC-2001 19:28:19.00
SUBJECT:: You want direct, here you go
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

The Washington Post, November 15, 1999

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The Washington Post

November 15, 1999, Monday, Final Edition

SECTION: OP-ED; Pg. A23

LENGTH: 763 words

HEADLINE: To Us, Starr Is an American Hero

BYLINE: Robert J. Bittman; Brett M. Kavanaugh; Solomon J. Wisenberg

BODY:

Richard Cohen's Oct. 26 op-ed broadside, "So Long, Ken Starr," grossly mischaracterizes Ken Starr and his investigation. Cohen ridicules the Lewinsky case, but he ignores the following facts:

Starr uncovered a massive effort by the president to lie under oath and obstruct justice. The House impeached the president. Fifty senators voted to remove the president. Thirty-two other senators who voted to retain the president nonetheless signed a resolution that condemned Bill Clinton for giving "false or misleading testimony" and "impeding discovery of evidence in judicial proceedings" and concluded that he had "violated the trust of the American people." Judge Susan Webber Wright held the president in contempt because he intentionally provided "false, misleading and evasive answers" and "undermined the integrity of the judicial system."

Those conclusions fully vindicate Starr's findings and make Cohen's diatribes against the case ("woe is me, the Republic is in peril") look juvenile. Cohen contends that certain information in Starr's referral to Congress should not have been made public and that Starr threw "everything out on the lawn for all the neighbors to see." But Starr submitted the report to Congress under seal. It was a bipartisan Congress that publicly released the report without even reviewing it beforehand.

Cohen argues that Starr "trapped" the president. Not so. The president "trapped" himself. Clinton knew long before his civil deposition (because Wright repeatedly so ruled) that his other sexual encounters with subordinate employees were relevant to Paula Jones's sexual harassment case. Yet the president decided to roll the dice and lie under oath and obstruct justice.

Starr did not cause this; Clinton did. Nor did Starr cause the president later to lie to the grand jury, to parse the meaning of the words "is" and "sex" and on and on. Clinton did all of this with premeditation and on his own. The word that ordinarily describes such behavior is not "trapped" but "guilty."

Cohen complains that Starr began by investigating Whitewater and "wound up" investigating the Lewinsky matter. But Janet Reno, not Starr, gave the independent counsel jurisdiction over new matters.

Cohen also notes--ominously--that Starr is a Republican. Special prosecutors traditionally have been respected lawyers of the opposite party. Archibald Cox investigated President Richard Nixon. Former senator John C. Danforth is investigating Janet Reno. The reason is simple: A decision not to indict in a politically charged case is more credible if made by a prosecutor of the opposite party. And a conviction requires that 12 citizen jurors vote for conviction, the procedural check on the "aggressive" prosecutor.

As important as what Cohen says is what he does not say. Cohen does not mention Starr's successful investigation of Madison Guaranty Savings and Loan. Starr obtained convictions of Jim and Susan McDougal, of Gov. Jim Guy Tucker (the first conviction this century of a sitting governor) and of former associate attorney general Webster Hubbell.

And Cohen ignores Starr's investigation of the Clintons' involvement in Madison and Whitewater and his investigations of the Vince Foster, travel office and FBI files issues. Why? Starr brought no criminal indictments and submitted no impeachment referrals in those matters. Starr recognized more than anyone that criminal prosecution (or an impeachment referral, in the case of the president) is not a political game--that a prosecutor should not invoke those processes unless the evidence is strong, almost overwhelming.

Cohen also skips past Starr's remarkable legal record. Starr won nearly every dispute: executive privilege, Secret Service privilege, government attorney-client privilege, jurisdictional issues, the list goes on.

Contrary to Cohen's table-thumping, the record establishes that Starr was a thorough,

fair, ethical and successful prosecutor. His record is one of extraordinary accomplishment and integrity. And to us, Starr is an American hero.

Over time, fair-minded people will come to hail Starr's enormous contributions to the country and see the presidentially approved smear campaign against him for what it was: a disgraceful effort to undermine the rule of law, an episode that will forever stand, together with the underlying legal and moral transgressions to which it was connected, as a dark chapter in American presidential history.

The writers served as attorneys in the office of independent counsel Kenneth W. Starr.

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Steve Koebele <Steve.Koebele@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 12/20/2001 3:22:27 AM
Subject: : Judicial Confirmation Working Group Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:20-DEC-2001 08:22:27.00
SUBJECT:: Judicial Confirmation Working Group Meeting
TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00138467

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Due to the holiday, the Judicial Confirmation Working Group will not meet on Monday, December 24 and Monday, December 31, 2001. We will resume our meeting on Monday, January 7, 2002 at 4pm.

REV_00138468

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Steve Koebele <Steve.Koebele@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 12/20/2001 3:29:13 AM
Subject: : Judicial Confirmation Working Group Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:20-DEC-2001 08:29:13.00
SUBJECT:: Judicial Confirmation Working Group Meeting
TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00138469

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Steve Koebeler <Steve.Koebeler@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Steve Koebeler <Steve.Koebeler@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Due to the holiday, the Judicial Confirmation Working Group will not meet on Monday, December 24 and Monday, December 31, 2001. We will resume our meeting on Monday, January 7, 2002 at 4pm.

REV_00138470

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 12/20/2001 4:33:54 AM
Subject: : Letter to Chairman Horn re presidential records executive order

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-DEC-2001 09:33:54.00
SUBJECT:: Letter to Chairman Horn re presidential records executive order
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Libby: please FAX signed copy to Ed and Paul at OLC. thanks.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
12/20/2001 09:33 AM -----

"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>
12/20/2001 09:28:53 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "Whelan, M Edward III" <M.Edward.WheLAN@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
Subject: Letter to Chairman Horn re presidential records executive order

Brett: Has the letter gone out? If so, could you fax me the signed copy
at 305-8524? Thanks.
-- Paul
cc: Ed

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2001 5:15:14 AM
Subject: : Re: upcoming Wash Post editorial on executive privilege

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-DEC-2001 10:15:14.00
SUBJECT:: Re: upcoming Wash Post editorial on executive privilege
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

you go Brett...

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>; Colborn, Paul P
<Paul.P.Colborn@usdoj.gov>; Burton, Faith <Faith.Burton@usdoj.gov>; Chertoff, Michael
<Michael.Chertoff@usdoj.gov>; Horowitz, Michael-CRM
<Michael.Horowitz3@usdoj.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>
CC: Bryant, Dan <Dan.Bryant@usdoj.gov>; Sierra, Bryan <Bryan.Sierra@usdoj.gov>; Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/20/2001 12:44:38 PM
Subject: : Burton

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME:20-DEC-2001 17:44:38.00

SUBJECT:: Burton

TO:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) ("Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Sierra, Bryan" <Bryan.Sierra@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Sierra, Bryan" <Bryan.Sierra@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

was just on FOX criticizing DOJ, the people advising the President, etc.
Theorized that we don't want to provide the documents bc we're covering up
for years of rogue FBI activities.

Carl Thorsen
Deputy Assistant Attorney General

REV_00138473

Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: A. Merrill Hughes/WHO/EOP@EOP [WHO] <A. Merrill Hughes>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 12/20/2001 1:04:48 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-DEC-2001 18:04:48.00
SUBJECT:: Re:
TO:A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

That sounds to me like a question for Brett "Records Boy" Kavanaugh.

From: A. Merrill Hughes on 12/20/2001 05:58:08 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

We are preparing approximately 3,500 thank you letters that Sec. Card is personally signing and sending to all on complex. Is is sufficient for records management keeping purposes to attach a list of all recipients to one signed copy or do I need to get a copy of all 3,500 to RM? Didn't know to which one of my three favorite attys this question should be directed, so I'm hitting all three of you! Thanks--AMH

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <jennifer.newstead@usdoj.gov>;sheila.joy@usdoj.gov @ inet [UNKNOWN] <sheila.joy@usdoj.gov>
Sent: 12/21/2001 4:53:23 AM
Subject: : judicial nomination dates

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-DEC-2001 09:53:23.00
SUBJECT:: judicial nomination dates
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: sheila.joy@usdoj.gov (sheila.joy@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Gang: Senate is not back until January 23 as I understand it.
1. Rachel, as our recess expert, can formal nominations occur before Jan. 23? (Viet: any thoughts?)
2. If not, should we plan to do all the nominations on the 23rd but have them announced on Friday the 18th so that we can say "there were ___ judicial nominations announced during first year"

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>;SIGNAL@whmo.mil [UNKNOWN] <SIGNAL@whmo.mil>;Ashley Estes/WHO/EOP@EOP [WHO] <Ashley Estes>;Josephine B. Robinson/WHO/EOP@EOP [WHO] <Josephine B. Robinson>;Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 12/21/2001 6:38:36 AM
Subject: : reminder re: this afn

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-DEC-2001 11:38:36.00

SUBJECT:: reminder re: this afn

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

REV_00138481

READ:UNKNOWN
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:SIGNAL@whmo.mil (SIGNAL@whmo.mil [UNKNOWN])
READ:UNKNOWN
CC:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Allison is already gone for the day and I am leaving at 3:00 pm.

If you need something today or on Wed or Thur of next week please call the
main line - 456-2632.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/21/2001 7:35:43 AM
Subject: : voice mail and email

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-DEC-2001 12:35:43.00

SUBJECT:: voice mail and email

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

REV_00138483

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Suggestions-

Voice mail: If you are going to be out you have the option of creating a temporary greeting telling callers you are out and when you will return. You can refer them to 456-2632. I don't recommend putting the Signal number on your voice mail- if they need to get you through signal they should already know the number or they can go through the WH operator at 456-1414.

Email: under "actions" - then "mail tools" - then "out of office" is a way to set up a auto reply to folks telling them you are out and when you will be back in. You can customize this as well.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 12/21/2001 3:52:34 AM
Subject: : you have probably seen this but just in case...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-DEC-2001 08:52:34.00
SUBJECT:: you have probably seen this but just in case...
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Fraction of Reagan's Confidential Papers Approved for Release (WPost)
By George Lardner Jr.

The Washington Post, December 21, 2001

The White House announced yesterday that it will make public next month some 8,000 pages of former president Ronald Reagan's confidential papers under the provisions of a hotly debated executive order that President Bush issued last month.

White House counsel Alberto R. Gonzales said the action shows "President Bush intended the order to facilitate the expeditious release of the records."

Critics of the decree, which is being contested in federal court here, said a much bigger batch should have been released last January under the provisions of the 1978 Presidential Records Act and that Bush's order is an illegitimate attempt to amend that law by executive fiat.

Officials at the National Archives and Records Administration, which administers the law through its presidential library system, said the 8,000 pages -- part of a 68,000-page collection of confidential communications between Reagan and his advisers -- will be released Jan. 3 at the Reagan presidential library in Simi Valley, Calif.

They said the documents could not be made public here at the same time because they are in many cases simply pages from larger documents available only at the Reagan library.

Gonzales said in an opinion column in yesterday's Washington Post that the release is "only one of what will be many routine releases of records belonging to former presidents, including otherwise privileged records."

White House spokeswoman Anne Womack said another installment was received from Reagan's representatives Wednesday and is being reviewed by Gonzales's office. She said "a significant amount" of the entire 68,000-page collection should be available by late January.

Under Bush's Nov. 1 order, a former president or a sitting president -- or in some cases the family of a deceased president -- can block the release of records requested by journalists, scholars or others and force them to go to court to challenge such decisions.

Under interpretations of the Presidential Records Act in force before Nov. 1, a former president could claim privilege for particular documents, but the archivist of the United States could overrule him, and the former president would have to go to court to sustain his claim.

Although Reagan's representatives had reviewed the collection in 2000 and voiced no objection to the release last January, as Archives officials had proposed, Gonzales blocked disclosure so Bush could decide whether to invoke "a constitutionally based privilege or take other appropriate action."

Historian Hugh Graham, who had asked for the confidential Reagan records, said he was "underwhelmed" by the forthcoming release and "the main problem remains with the executive order which gives [past and present presidents] the authority to withhold any document without explanation and without time limits."

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REV_00138485

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/21/2001 7:03:52 AM
Subject: : No counsel office staff meeting Dec. 26, 27 or 28

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-DEC-2001 12:03:52.00

SUBJECT:: No counsel office staff meeting Dec. 26, 27 or 28

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Will email late next week with meeting schedule for week of Dec. 31.
Meetings will likely be later in the morning since Senior Staff meetings
are later. Stay tuned...

REV_00138488

From: CN=Garry Malphrus/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/21/2001 7:27:40 AM
Subject: : Re: victim comp lawyers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:21-DEC-2001 12:27:40.00
SUBJECT:: Re: victim comp lawyers
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Could we talk for a few minutes today about this issue and if so what time should I come by your office?
Thanks.

Brett M. Kavanaugh
12/19/2001 08:48:41 PM
Record Type: Record

To: Garry Malphrus/OPD/EOP@EOP
cc:
bcc:
Subject: Re: victim comp lawyers

let's talk Thursday about this.

Garry Malphrus
12/19/2001 01:16:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: robert w. cobb/who/eop@eop
bcc:
Subject: Re: victim comp lawyers

So you think it would be inappropriate for us to talk to Bar Associations to find out exactly what they would be willing to coordinate and whether they would be willing to organize a "desk" of lawyers at the site? Could the Special Master's office do that?

Brett M. Kavanaugh
12/19/2001 01:03:46 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: garry malphrus/opd/eop@eop

REV_00138489

bcc:
Subject: Re: victim comp lawyers

I agree. Indeed, I think we should stay out of the matter altogether since we are the "judge."

Robert W. Cobb
12/19/2001 12:58:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Garry Malphrus/OPD/EOP@EOP
Subject: victim comp lawyers

I have advised Garry Malphrus that instead the WH being involved in trying to develop a list of volunteer lawyers to help with claimants regarding the fund, that its okay for the President to encourage lawyers to volunteer to the relevant bar associations who can match them with claimants. What do you think?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 12/21/2001 7:35:43 AM
Subject: : voice mail and email

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-DEC-2001 12:35:43.00

SUBJECT:: voice mail and email

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

REV_00138491

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Suggestions-

Voice mail: If you are going to be out you have the option of creating a temporary greeting telling callers you are out and when you will return. You can refer them to 456-2632. I don't recommend putting the Signal number on your voice mail- if they need to get you through signal they should already know the number or they can go through the WH operator at 456-1414.

Email: under "actions" - then "mail tools" - then "out of office" is a way to set up a auto reply to folks telling them you are out and when you will be back in. You can customize this as well.

Thanks!

From: Lacy, Terri <terrilacy@akllp.com>
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 12/26/2001 7:11:57 AM
Subject: : RE: Op Ed for Washington Post and request for you to write a letter to editor also

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Lacy, Terri" <terrilacy@akllp.com> ("Lacy, Terri" <terrilacy@akllp.com> [UNKNOWN])
CREATION DATE/TIME:26-DEC-2001 12:11:57.00
SUBJECT:: RE: Op Ed for Washington Post and request for you to write a letter to editor also
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Should I do any follow-up?

-----Original Message-----

From: Elizabeth N. Camp@who.eop.gov
[mailto:Elizabeth_N._Camp@who.eop.gov]
Sent: Wednesday, December 19, 2001 3:21 PM
To: Lacy, Terri
Cc: Brett M. Kavanaugh@who.eop.gov; Alberto R. Gonzales@who.eop.gov
Subject: Op Ed for Washington Post and request for you to write a letter to editor also

Terri -

Please see the attached op ed attached to Anne Womack's email.

The Judge would like for you to work up a letter to the editor of the Washington Post addressing the gubernatorial records. The Judge indicated that this letter needs to be written this week and would appreciate it if you would allow Brett Kavanaugh a chance to review your draft letter prior to submission to the Post. Brett's email address is referenced above.

Thank you and please call me at 202-456-2632 if you have any questions.

Libby Camp

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
12/19/2001
04:18 PM -----

Anne Womack
12/19/2001 04:02:38 PM

Record Type: Record

REV_00138498

To: Elizabeth N. Camp/WHO/EOP@EOP

cc:

Subject:

(See attached file: WP Gonzales Presidential Reocrds draft 2 12.18.doc)

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/28/2001 4:51:00 AM
Subject: : JAB 140 -- H.R. 3507, Coast Guard Authorizations, FY2002 (As Passed by the House) -- Request for Views

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 28-DEC-2001 09:51:00.00

SUBJECT:: JAB 140 -- H.R. 3507, Coast Guard Authorizations, FY2002 (As Passed by the House)

--

Request for Views

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

----- Forwarded by Jason B. Torchinsky/WHO/EOP on
12/28/2001 09:50 AM -----

James A. Brown
12/27/2001 04:28:56 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: JAB 140 -- H.R. 3507, Coast Guard Authorizations, FY2002
(As Passed by the House) --
Request for Views

The full text of H.R. 3507 as passed by the House can be found at
<http://rs9.loc.gov/cgi-bin/query/C?c107:./temp/~c107SPPIXv> . A copy of
the bill's table of contents follows the LRM. Comments are requested by
January 18, 2002.

LRM ID: JAB140
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, December 27, 2001

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Richard E. Green (for) Assistant Director for
Legislative Reference
OMB CONTACT: James A. Brown
PHONE: (202) 395-3473 FAX: (202) 395-3109
SUBJECT: OMB Request for Views on HR3507 Coast Guard
Authorizations, FY2002 (As Passed by the House)

DEADLINE: c.o.b. Friday, January 18, 2002

In accordance with OMB Circular A-19, OMB requests the views of your
agency on the above subject before advising on its relationship to the
program of the President. Please advise us if this item will affect
direct spending or receipts for purposes of the "Pay-As-You-Go" provisions

REV_00138506

of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: The full text of H.R. 3507 as passed by the House can be found at <http://rs9.loc.gov/cgi-bin/query/C?cl07:./temp/~cl07SPPIXv> . A copy of the bill's table of contents is attached. This bill combines provisions previously included in H.R. 2481 (Omnibus Maritime Improvements Act), H.R. 1699 (Coast Guard Authorization), H.R. 1099 (Coast Guard Personnel and Maritime Safety Act), and H.R. 1098 (Maritime Policy Improvement Act). It may also contain new provisions. Agency concerns, if any, should be submitted by the deadline so that they can be circulated, cleared, and transmitted to the Senate Commerce Committee upon its return from recess.

DISTRIBUTION LIST

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036-Federal Communications Commission - Martha Johnston - (202) 418-1900
007-AGRICULTURE - Geraldine Broadway - (202) 720-1518
006-AGRICULTURE (CR) - Wanda Worsham - (202) 720-7095

EOP:

Edward H. Clarke
Steven M. Mertens
Kenneth L. Schwartz
Michael J. Cassidy
Caroline A. Marriott
Richard A. Mertens
Danielle M. Simonetta
Wendell H. Waites
NEC LRM
WHGC LRM
Jay P. Lefkowitz
Steven D. Aitken
John W. Kelly
Carlos E. Bonilla
Marisa K. Medrano
Elizabeth S. Dougherty
Ellen J. Balis
Gary C. Reisner
Ronald E. Jones
Mathew C. Blum
Michael D. Gerich
John M. Ackerly
Douglas J. Holtz-Eakin
Anne R. Stauffer
Anthony B. Wu
Ronald L. Silberman
S. A. Noe
Daniel LaPlaca

LRM ID: JAB140 SUBJECT: OMB Request for Views on HR3507 Coast
Guard Authorizations, FY2002 (As Passed by the House)

RESPONSE TO

LEGISLATIVE REFERRAL

REV_00138507

MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: James A. Brown Phone: 395-3473 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-3454

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

H.R.3507

Coast Guard Authorization Act for Fiscal Year 2002 (Placed on the Calendar in the Senate)

Beginning

SECTION 1. SHORT TITLE.

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 205. Recording and discharging maritime liens.

TITLE III--COAST GUARD PERSONNEL AND MARINE SAFETY

Sec. 324. Merchant mariner documentation requirements.

Sec. 418. Maritime Drug Law Enforcement Act amendments.

TITLE I--AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

REV_00138508

SEC. 101. SHORT TITLE.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

SEC. 103. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

TITLE II--MARITIME POLICY IMPROVEMENT

SEC. 201. SHORT TITLE.

SEC. 202. VESSEL COASTAL VENTURE.

SEC. 203. EXPANSION OF AMERICAN MERCHANT MARINE MEMORIAL WALL OF HONOR.

SEC. 204. DISCHARGE OF AGRICULTURAL CARGO RESIDUE.

SEC. 205. RECORDING AND DISCHARGING NOTICES OF CLAIM OF MARITIME LIEN.

`Sec. 31343. Recording and discharging notices of claim of maritime lien'.

SEC. 206. TONNAGE OF R/V DAVIDSON.

SEC. 207. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

SEC. 208. EXEMPTION FOR VICTORY SHIPS.

SEC. 209. CERTIFICATE OF DOCUMENTATION FOR 3 BARGES.

SEC. 210. CERTIFICATE OF DOCUMENTATION FOR THE EAGLE.

SEC. 211. WAIVER FOR VESSELS IN NEW WORLD CHALLENGE RACE.

SEC. 212. VESSEL ASPHALT COMMANDER.

TITLE III--COAST GUARD PERSONNEL AND MARITIME SAFETY

SEC. 301. SHORT TITLE.

Subtitle A--Personnel Management

SEC. 311. COAST GUARD BAND DIRECTOR RANK.

SEC. 312. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

`Sec. 511. Compensatory absence from duty for military personnel at isolated duty stations

SEC. 313. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Subtitle B--Marine Safety

SEC. 321. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

SEC. 322. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

SEC. 323. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND ADVANCEMENT AUTHORITY.

SEC. 324. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

SEC. 325. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Subtitle C--Renewal of Advisory Groups

SEC. 331. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

SEC. 332. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

SEC. 333. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

SEC. 334. NAVIGATION SAFETY ADVISORY COUNCIL.

SEC. 335. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

SEC. 336. TOWING SAFETY ADVISORY COMMITTEE.

Subtitle D--Miscellaneous

SEC. 341. PATROL CRAFT.

SEC. 342. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES.

`SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.

SEC. 343. CARIBBEAN SUPPORT TENDER.

SEC. 344. PROHIBITION OF NEW MARITIME USER FEES.

SEC. 345. GREAT LAKES LIGHTHOUSES.

SEC. 346. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

SEC. 347. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

SEC. 348. HARBOR SAFETY COMMITTEES.

SEC. 349. MISCELLANEOUS CONVEYANCES.

SEC. 350. BOATING SAFETY.

TITLE IV--OMNIBUS MARITIME IMPROVEMENTS

SEC. 401. SHORT TITLE.

SEC. 402. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

SEC. 403. INVENTORY OF VESSELS FOR CABLE LAYING, MAINTENANCE, AND REPAIR.

SEC. 404. VESSEL ESCORT OPERATIONS AND TOWING ASSISTANCE.

SEC. 405. SEARCH AND RESCUE CENTER STANDARDS.

`Sec. 676. Search and rescue center standards

SEC. 406. VHF COMMUNICATIONS SERVICES.

SEC. 407. LOWER COLUMBIA RIVER MARITIME FIRE AND SAFETY ACTIVITIES.

SEC. 408. CONFORMING REFERENCES TO THE FORMER MERCHANT MARINE AND FISHERIES COMMITTEE.

SEC. 409. RESTRICTION ON VESSEL DOCUMENTATION.

SEC. 410. HYPOTHERMIA PROTECTIVE CLOTHING REQUIREMENT.

SEC. 411. RESERVE OFFICER PROMOTIONS.

SEC. 412. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS;
CONTINUATION UPON FAILURE OF SELECTION FOR PROMOTION.

SEC. 413. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

`Sec. 709a. Reserve student pre-commissioning assistance program

SEC. 414. CONTINUATION ON ACTIVE DUTY BEYOND THIRTY YEARS.

SEC. 415. PAYMENT OF DEATH GRATUITIES ON BEHALF OF COAST GUARD
AUXILIARISTS.

SEC. 416. ALIGN COAST GUARD SEVERANCE PAY AND REVOCATION OF
COMMISSION AUTHORITY WITH DEPARTMENT OF DEFENSE AUTHORITY.

SEC. 417. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.

`Sec. 672b. Long-term lease authority for lighthouse property

SEC. 418. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENTS.

SEC. 419. WING-IN-GROUND CRAFT.

SEC. 420. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS FOR VESSELS.

SEC. 421. DELETION OF THUMBPRINT REQUIREMENT FOR MERCHANT
MARINERS' DOCUMENTS.

SEC. 422. TEMPORARY CERTIFICATES OF DOCUMENTATION FOR
-RECREATIONAL VESSELS.

`Sec. 12103a. Issuance of temporary certificate of documentation by
third parties

SEC. 423. MARINE CASUALTY INVESTIGATIONS INVOLVING -FOREIGN
VESSELS.

SEC. 424. CONVEYANCE OF COAST GUARD PROPERTY IN HAMPTON
TOWNSHIP, MICHIGAN.

SEC. 425. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.

SEC. 426. ANNUAL REPORT ON COAST GUARD CAPABILITIES AND READINESS
TO FULFILL NATIONAL DEFENSE RESPONSIBILITIES.

SEC. 427. EXTENSION OF AUTHORIZATION FOR OIL SPILL RECOVERY
INSTITUTE.

SEC. 428. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

SEC. 429. ICEBREAKING SERVICES.

SEC. 430. FISHING VESSEL SAFETY TRAINING.

SEC. 431. LIMITATION ON LIABILITY OF PILOTS AT COAST GUARD VESSEL
TRAFFIC SERVICES.

`Sec. 2307. Limitation of liability for Coast Guard Vessel Traffic
Service pilots

SEC. 432. ASSISTANCE FOR MARINE SAFETY STATION ON CHICAGO
LAKEFRONT.

SEC. 433. TONNAGE MEASUREMENT FOR PURPOSES OF ELIGIBILITY OF
CERTAIN VESSELS FOR FISHERY ENDORSEMENT.

SEC. 434. EXTENSION OF TIME FOR RECREATIONAL VESSEL AND ASSOCIATED

EQUIPMENT RECALLS.

Message Sent

To:

Tammy D. Croote/OMB/EOP@EOP
Steven M. Mertens/OMB/EOP@EOP
Kenneth L. Schwartz/OMB/EOP@EOP
Michael J. Cassidy/OMB/EOP@EOP
Caroline A. Marriott/OMB/EOP@EOP
Richard A. Mertens/OMB/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
Wendell H. Waites/OMB/EOP@EOP
NEC LRM
WHGC LRM
Jay P. Lefkowitz/OMB/EOP@EOP
Steven D. Aitken/OMB/EOP@EOP
John W. Kelly/OMB/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
Marisa K. Medrano/OPD/EOP@EOP
Elizabeth S. Dougherty/OPD/EOP@EOP
Ellen J. Balis/OMB/EOP@EOP
Gary C. Reisner/OMB/EOP@EOP
Ronald E. Jones/OMB/EOP@EOP
Mathew C. Blum/OMB/EOP@EOP
Michael D. Gerich/OMB/EOP@EOP
John M. Ackerly/OPD/EOP@EOP
Douglas J. Holtz-Eakin/CEA/EOP@EOP
Anne R. Stauffer/OMB/EOP@EOP
Anthony B. Wu/OMB/EOP@EOP
Ronald L. Silberman/OMB/EOP@EOP
S. A. Noe/OMB/EOP@EOP
Daniel LaPlaca/OMB/EOP@EOP
dot.legislation@ost.dot.gov
jane.decell@ost.dot.gov
CLRM@doc.gov
epalrm@epamail.epa.gov
oliafcc@fcc.gov
dodlrs@osdgc.osd.mil
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statelrm@state.gov
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ca.legislation@gsa.gov
scottb@ntsb.gov
laffairs@ustr.gov
CEQ LRM
usdaobpaleg@obpa.usda.gov
usdaocrleg@obpa.usda.gov
adrien.silas@usdoj.gov
peter.oppenheimer@usdoj.gov

REV_00138512

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Perry, Phil <Phil.Perry@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>
Sent: 12/28/2001 6:21:34 AM
Subject: : RE: Public Statements by Special Master

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:28-DEC-2001 11:21:34.00
SUBJECT:: RE: Public Statements by Special Master
TO:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Thanks. I mentioned these two points to Debby Greenspan for her to pass on to Ken.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Saturday, December 22, 2001 1:43 PM
To: Wood, John F; Perry, Phil; Jay_P._Lefkowitz@omb.eop.gov
Subject: Public Statements by Special Master

I note and raise questions about two statements I have seen attributed to the Special Master in the media: (i) encouraging people to waive their rights to sue and to choose the DOJ program; and (ii) telling people to ask for more money in the claims process and seek a hearing [today's NY Times], implying that such money would be available. The first of these statements strikes me as arguably beyond the proper role of an agency adjudicatory official administering an administrative claims process. He can certainly answer questions, but for him to affirmatively advocate a waiver of one's rights seems dubious. The second of these strikes me as arguably either deceptive to the claimants or inconsistent with the regulations. Either way, that seems a potential problem. If I am right about either of these concerns, someone needs to talk to him. If I am wrong, which is entirely possible, just let me know. Thanks.

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Perry, Phil <Phil.Perry@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>
Sent: 12/28/2001 6:22:07 AM
Subject: : RE: Public Statements by Special Master

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:28-DEC-2001 11:22:07.00
SUBJECT:: RE: Public Statements by Special Master
TO:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Thanks. I mentioned these two points to Debby Greenspan for her to pass on to Ken.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Saturday, December 22, 2001 1:43 PM
To: Wood, John F; Perry, Phil; Jay_P._Lefkowitz@omb.eop.gov
Subject: Public Statements by Special Master

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From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 12/28/2001 11:30:42 AM
Subject: : No staff mtg on Monday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-DEC-2001 16:30:42.00

SUBJECT:: No staff mtg on Monday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 12/31/2001 5:05:10 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-DEC-2001 10:05:10.00
SUBJECT::
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ken: This is a Moose issue, I believe. Moose?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
12/31/2001 10:03 AM -----

Ken Mehlman
12/28/2001 05:27:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Several folks who volunteered at the Iowa caucuses want to host a 2 year anniversary party in late January. White House staff will be invited. Does this violate the gift ban?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>
Sent: 12/31/2001 5:30:22 AM
Subject: : Re: fyi

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-DEC-2001 10:30:22.00
SUBJECT:: Re: fyi
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ: UNKNOWN
End Original ARMS Header

wonder if the Chronicle knows that the Founding Fathers kept the
records of the Constitutional Convention under lock and key for 30 years .
. . guess they did that to hide their "misguided or shameful decisions"

Elizabeth N. Camp
12/28/2001 01:26:07 PM
Record Type: Record

To: David S. Addington/OVP/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: fyi

American History: Bush, Cheney would limit ability and right to learn it
(HChron)
Editorial

The Houston Chronicle, December 26, 2001

In a column that appeared on the Chronicle's editorial page Dec. 23,
George F. Will praised Lynn Cheney for championing the study of American
history. But if Cheney's spouse, Vice President Dick Cheney, and his boss,
President Bush, had their way, only a limited history of American
government would be available to coming generations.

The vice president still refuses to tell Americans which energy company
executives he consulted while drafting the Bush administration's national
energy policy, or how much the executives contributed to various campaign
chests for the privilege. President Bush has issued an order giving both
former and sitting presidents the power to deny public access to aging
White House documents that belong by law to the American people.

In her recent talk at Princeton University, Lynn Cheney lamented a survey
that found only 22 percent of seniors at elite college campuses knew that
the words "government of the people, by the people and for the people"
were from Abraham Lincoln's Gettysburg Address. What is worse, however, is
an administration that can quote the Gettysburg Address but declines to be
guided by its themes.

In an article on the Chronicle's Dec. 21 Outlook page, White House counsel
Alberto R. Gonzales defended President Bush's effort to limit public
access to presidential records that are, at minimum, 12 years old.
Gonzales argues that unclassified, decades-old White House documents can
be too sensitive to be shown to the American people who own them. He
misses the point that it is not the documents that endanger national
security, but the misguided or shameful executive decisions they might
reveal.

The president's lawyer says the release of sensitive Reagan administration

REV_00138519

papers could deprive President Bush and future presidents of candid advice. That is laughable on its face. Politicians of both parties fondly allude to the Founding Fathers and their ideals, as Lynn Cheney did at Princeton. Too few are scrupulous enough to act on those ideals, and some appear not to know the difference.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 12/31/2001 7:13:50 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-DEC-2001 12:13:50.00
SUBJECT:: Re:
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

How about this as a proposed schedule:

M - Helgi
Tu - Brett
W - Bart
Th - Noel

Helgard C. Walker
12/31/2001 12:06:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re:

I wholly agree with broadening the base, and if you are willing to be the one to raise the issue I would appreciate your doing so.

Brett M. Kavanaugh
12/31/2001 12:03:43 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re:

we need to get the other 4 or 5 involved. I am happy to talk to Judge/Tim about that if you all agree (or to let one of you do it if you want).

REV_00138522

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 12/31/2001 8:03:23 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-DEC-2001 13:03:23.00
SUBJECT:: Re:
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Didn't TEF say to raise it with the Judge? I think that's what BK had in mind.

Noel J. Francisco
12/31/2001 12:16:34 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re:

I'm happy for you to raise it. Just so you know, I already raised it with Tim just before Christmas.

Brett M. Kavanaugh
12/31/2001 12:03:43 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re:

we need to get the other 4 or 5 involved. I am happy to talk to Judge/Tim about that if you all agree (or to let one of you do it if you want).

REV_00138523

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 12/31/2001 5:05:10 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-DEC-2001 10:05:10.00
SUBJECT: :
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Ken: This is a Moose issue, I believe. Moose?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
12/31/2001 10:03 AM -----

Ken Mehlman
12/28/2001 05:27:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Several folks who volunteered at the Iowa caucuses want to host a 2 year anniversary party in late January. White House staff will be invited. Does this violate the gift ban?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 12/31/2001 10:04:41 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-DEC-2001 15:04:41.00
SUBJECT:: Re:
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

If we can't get anybody else on board (which I really hope we can), this schedule is fine with me. I take it this means spending Monday night, not Sunday night, for me; Brett spending Tuesday night, etc.

H. Christopher Bartolomucci
12/31/2001 12:13:48 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop
bcc:
Subject: Re:

How about this as a proposed schedule:
M - Helgi
Tu - Brett
W - Bart
Th - Noel

Helgard C. Walker
12/31/2001 12:06:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re:

I wholly agree with broadening the base, and if you are willing to be the one to raise the issue I would appreciate your doing so.

Brett M. Kavanaugh

REV_00138528

12/31/2001 12:03:43 PM

Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP

cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop

bcc:

Subject: Re:

we need to get the other 4 or 5 involved. I am happy to talk to Judge/Tim about that if you all agree (or to let one of you do it if you want).

REV_00138529

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/31/2001 7:08:43 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-DEC-2001 12:08:43.00
SUBJECT:: Re:
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Probably not. Who is throwing the party and who will be in attendance?
Do you want me to talk to somebody other than you so you do not have to be
the middleman?

Brett M. Kavanaugh
12/31/2001 10:05:09 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: Ken Mehlman/WHO/EOP@EOP
Subject:

Ken: This is a Moose issue, I believe. Moose?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
12/31/2001 10:03 AM -----

Ken Mehlman
12/28/2001 05:27:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Several folks who volunteered at the Iowa caucuses want to host a 2 year
anniversary party in late January. White House staff will be invited.
Does this violate the gift ban?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 1/2/2002 3:52:55 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JAN-2002 08:52:55.00
SUBJECT:: Re:
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

OK -- assuming Brett can't get the group enlarged. Brett, are you still game to raise this?

H. Christopher Bartolomucci
01/02/2002 08:43:22 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop
bcc:
Subject: Re:

Correct. We have four nights and four people.

Helgard C. Walker
12/31/2001 03:04:40 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop
bcc:
Subject: Re:

If we can't get anybody else on board (which I really hope we can), this schedule is fine with me. I take it this means spending Monday night, not Sunday night, for me; Brett spending Tuesday night, etc.

H. Christopher Bartolomucci
12/31/2001 12:13:48 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop

REV_00138533

bcc:
Subject: Re:

How about this as a proposed schedule:
M - Helgi
Tu - Brett
W - Bart
Th - Noel

Helgard C. Walker
12/31/2001 12:06:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re:

I wholly agree with broadening the base, and if you are willing to be the one to raise the issue I would appreciate your doing so.

Brett M. Kavanaugh
12/31/2001 12:03:43 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re:

we need to get the other 4 or 5 involved. I am happy to talk to Judge/Tim about that if you all agree (or to let one of you do it if you want).

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/2/2002 4:28:15 AM
Subject: : Re: next mtg w/ POTUS for judges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JAN-2002 09:28:15.00
SUBJECT:: Re: next mtg w/ POTUS for judges
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I have one item, but I don't know that we have a critical mass yet as a group. We'll check up on it.

Elizabeth N. Camp
01/02/2002 09:08:52 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP
cc:
Subject: next mtg w/ POTUS for judges

If there is a need to get a meeting on the books w/ the President for next week or the week after it would probably be wise to get our request in sooner rather than later.

If you guys will let me know when/if needed that would be great.

Thanks!

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 1/2/2002 4:29:59 AM
Subject: : What things do you all have ready for POTUS on judicial/U.S. Attorney selection?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JAN-2002 09:29:59.00

SUBJECT:: What things do you all have ready for POTUS on judicial/U.S. Attorney selection?

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We're trying to figure out when we need to set up our next meeting.

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;John Graham/OMB/EOP@EOP [OMB] <John Graham>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alex.Azar@hhs.gov @ inet [UNKNOWN] <Alex.Azar@hhs.gov>;Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Helen.L.Voss@usdoj.gov @ inet [UNKNOWN] <Helen.L.Voss@usdoj.gov>;DTroy@oc.fda.gov @ inet [UNKNOWN] <DTroy@oc.fda.gov>
CC: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Stephen M. Lineberry/CEA/EOP@EOP [CEA] <Stephen M. Lineberry>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>;Mary M. Chuckerel/OMB/EOP@EOP [OMB] <Mary M. Chuckerel>;Dana.Ceasar@hhs.gov [UNKNOWN] <Dana.Ceasar@hhs.gov>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>;JStephen@oc.fda.gov @ inet [UNKNOWN] <JStephen@oc.fda.gov>
BCC: Jay P. Lefkowitz (Jay P. Lefkowitz/OMB/EOP [OMB])
Sent: 1/2/2002 5:37:44 AM
Subject: : Tort Reform Working Group mtg

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 2-JAN-2002 10:37:44.00
SUBJECT:: Tort Reform Working Group mtg
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helen.L.Voss@usdoj.gov (Helen.L.Voss@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:DTroy@oc.fda.gov (DTroy@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

REV_00138537

CC:Mary M. Chuckerel (CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Dana.Ceasar@hhs.gov (Dana.Ceasar@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:JStephen@oc.fda.gov (JStephen@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Jay Lefkowitz will be hosting a working group meeting on Friday, January 4
@ 11:00. Please join him for this meeting. It will take place in Rm. 248
EEOB. If you need clearance into the building or have any questions,
please call me at 395-5044.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/2/2002 6:33:10 AM
Subject: : Next POTUS meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JAN-2002 11:33:10.00
SUBJECT:: Next POTUS meeting
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Having canvassed my colleagues, it looks like we'll have a group of at least 10 and maybe 15 (probably heavier on U.S. Attorneys than judges) ready for the President's considerations by around 1/10. I would recommend trying to get 20-30 minutes for a meeting early in the week of 1/14.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 1/2/2002 6:53:28 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JAN-2002 11:53:28.00

SUBJECT::

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

This LA Times story is somewhat relevant as we look ahead (way ahead) to hearing/confirmation prospects for judges.

"Although the 2002 midterm congressional elections are still 10 months away, a combination of factors) from President Bush's soaring popularity to candidate recruitment) are boosting Republican chances of not only holding control of the House but also retaking the Senate.

"Historically, the party in control of the White House tends to lose seats in Congress two years after a president is elected. But this year's races now appear to be a tossup in the latest surveys, Democratic and Republican strategists say.

"With control of both the House and Senate at stake, both parties are preparing to pour massive funds into a few dozen contests and dispense legislative favors to help shaky incumbents. The tight campaign also will ripple through the congressional agenda, as lawmakers weigh competing pressures: whether to raise money and score political points,

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or cut bipartisan deals. . . .

"Several recent developments have favored Republicans as the party seeks to win back what it briefly held at the outset of 2001: full control of both the executive and legislative branches of government. In the House, the once-a-decade redrawing of 435 district lines to account for population changes in the 2000 census now appears to have favored incumbents to an unusual degree. Analysts say the GOP could pick up one or two seats through the process.

"Those trends would likely bolster the slim 222-211 House Republican majority. In the Senate, an even slimmer 50-49-1 Democratic majority suffered a string of year-end legislative embarrassments. Moreover, party insiders say, Republicans were able to recruit polished candidates to challenge vulnerable Democratic incumbents and compete for three open seats."

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/2/2002 3:01:12 AM
Subject: : we are having 8:15 staff meeting on Wed, Th and Fri

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JAN-2002 08:01:12.00

SUBJECT:: we are having 8:15 staff meeting on Wed, Th and Fri

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 1/2/2002 3:43:25 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JAN-2002 08:43:25.00
SUBJECT:: Re:
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Correct. We have four nights and four people.

Helgard C. Walker
12/31/2001 03:04:40 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop
bcc:
Subject: Re:

If we can't get anybody else on board (which I really hope we can), this schedule is fine with me. I take it this means spending Monday night, not Sunday night, for me; Brett spending Tuesday night, etc.

H. Christopher Bartolomucci
12/31/2001 12:13:48 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop
bcc:
Subject: Re:

How about this as a proposed schedule:
M - Helgi
Tu - Brett
W - Bart
Th - Noel

Helgard C. Walker
12/31/2001 12:06:42 PM
Record Type: Record

REV_00138547

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re:

I wholly agree with broadening the base, and if you are willing to be the one to raise the issue I would appreciate your doing so.

Brett M. Kavanaugh
12/31/2001 12:03:43 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re:

we need to get the other 4 or 5 involved. I am happy to talk to Judge/Tim about that if you all agree (or to let one of you do it if you want).

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
CC: Josh Deckard/WHO/EOP@EOP [WHO] <Josh Deckard>
Sent: 1/2/2002 4:05:58 AM
Subject: : Reminder of JSC meeting today.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JAN-2002 09:05:58.00

SUBJECT:: Reminder of JSC meeting today.

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00138549

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Josh Deckard (CN=Josh Deckard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Usual time/place: 4:00 pm in the Roosevelt.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
CC: Josh Deckard/WHO/EOP@EOP [WHO] <Josh Deckard>
Sent: 1/2/2002 4:05:58 AM
Subject: : Reminder of JSC meeting today.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JAN-2002 09:05:58.00

SUBJECT:: Reminder of JSC meeting today.

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00138551

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Josh Deckard (CN=Josh Deckard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Usual time/place: 4:00 pm in the Roosevelt.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 1/2/2002 4:08:54 AM
Subject: : next mtg w/ POTUS for judges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JAN-2002 09:08:54.00
SUBJECT:: next mtg w/ POTUS for judges
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If there is a need to get a meeting on the books w/ the President for next week or the week after it would probably be wise to get our request in sooner rather than later.

If you guys will let me know when/if needed that would be great.

Thanks!

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: kyle sampson/who/eop@eop [WHO] <kyle sampson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>
Sent: 1/2/2002 4:34:57 AM
Subject: : Re: What things do you all have ready for POTUS on judicial/U.S. Attorney selection?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JAN-2002 09:34:57.00
SUBJECT:: Re: What things do you all have ready for POTUS on judicial/U.S. Attorney selection?
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Nothing for me.

Bradford A. Berenson
01/02/2002 09:29:56 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: What things do you all have ready for POTUS on judicial/U.S. Attorney selection?

We're trying to figure out when we need to set up our next meeting.

Message Sent

To: _____
Kyle Sampson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP

REV_00138558

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;John Graham/OMB/EOP@EOP [OMB] <John Graham>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alex.Azar@hhs.gov @ inet [UNKNOWN] <Alex.Azar@hhs.gov>;Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Helen.L.Voss@usdoj.gov @ inet [UNKNOWN] <Helen.L.Voss@usdoj.gov>;DTroy@oc.fda.gov @ inet [UNKNOWN] <DTroy@oc.fda.gov>
CC: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Stephen M. Lineberry/CEA/EOP@EOP [CEA] <Stephen M. Lineberry>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>;Mary M. Chuckerel/OMB/EOP@EOP [OMB] <Mary M. Chuckerel>;Dana.Ceasar@hhs.gov [UNKNOWN] <Dana.Ceasar@hhs.gov>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>;JStephen@oc.fda.gov @ inet [UNKNOWN] <JStephen@oc.fda.gov>
BCC: Jay P. Lefkowitz (Jay P. Lefkowitz/OMB/EOP [OMB])
Sent: 1/2/2002 5:37:44 AM
Subject: : Tort Reform Working Group mtg

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 2-JAN-2002 10:37:44.00
SUBJECT:: Tort Reform Working Group mtg
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helen.L.Voss@usdoj.gov (Helen.L.Voss@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:DTroy@oc.fda.gov (DTroy@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

REV_00138562

CC:Mary M. Chuckerel (CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Dana.Ceasar@hhs.gov (Dana.Ceasar@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:JStephen@oc.fda.gov (JStephen@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
BCC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Jay Lefkowitz will be hosting a working group meeting on Friday, January 4
@ 11:00. Please join him for this meeting. It will take place in Rm. 248
EEOB. If you need clearance into the building or have any questions,
please call me at 395-5044.

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;John Graham/OMB/EOP@EOP [OMB] <John Graham>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alex.Azar@hhs.gov @ inet [UNKNOWN] <Alex.Azar@hhs.gov>;Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Helen.L.Voss@usdoj.gov @ inet [UNKNOWN] <Helen.L.Voss@usdoj.gov>;DTroy@oc.fda.gov @ inet [UNKNOWN] <DTroy@oc.fda.gov>
CC: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Stephen M. Lineberry/CEA/EOP@EOP [CEA] <Stephen M. Lineberry>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>;Mary M. Chuckerel/OMB/EOP@EOP [OMB] <Mary M. Chuckerel>;Dana.Ceasar@hhs.gov [UNKNOWN] <Dana.Ceasar@hhs.gov>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>;JStephen@oc.fda.gov @ inet [UNKNOWN] <JStephen@oc.fda.gov>
Sent: 1/2/2002 5:40:45 AM
Subject: : Tort Reform Working Group mtg - DISREGARD - LOOKING AT NEW DATE AND TIME

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 2-JAN-2002 10:40:45.00

SUBJECT:: Tort Reform Working Group mtg - DISREGARD - LOOKING AT NEW DATE AND TIME

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helen.L.Voss@usdoj.gov (Helen.L.Voss@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:DTroy@oc.fda.gov (DTroy@oc.fda.gov @ inet [UNKNOWN])

READ:UNKNOWN

CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Mary M. Chuckerel (CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [OMB])

REV_00138564

READ:UNKNOWN
CC:Dana.Ceasar@hhs.gov (Dana.Ceasar@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:JStephen@oc.fda.gov (JStephen@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Jay Lefkowitz will be hosting a working group meeting on Friday, January 4 @ 11:00. Please join him for this meeting. It will take place in Rm. 248 EEOB. If you need clearance into the building or have any questions, please call me at 395-5044.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/2/2002 9:49:23 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JAN-2002 14:49:23.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

someplace, you want me to find it?

Brett M. Kavanaugh
01/02/2002 01:54:23 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

do you have a January 30, 1993, memo from Counsel's office on use of corporate aircraft?

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>; McCallum, Robert
<Robert.McCallum@usdoj.gov>
Sent: 1/2/2002 7:11:19 AM
Subject: : Reagan docs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 2-JAN-2002 12:11:19.00
SUBJECT:: Reagan docs
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"McCallum, Robert" <Robert.McCallum@usdoj.gov> ("McCallum, Robert" <Robert.McCallum@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Brett--

After our conversation this morning I talked further with folks here about where we stand on this. I think it probably would make sense for us to get together initially with a small set of lawyers who could go through some initial boxes and help you all get a quick sense of what sort of written protocol might be suitable. With that in place, a larger review team could then be assembled to use the protocol in an overall initial review, followed by a further OLC review of any documents tagged by the initial reviewers. Does this make sense to you? What is your schedule like tomorrow and Friday?

--Dan

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Collins, Dan <Dan.Collins@usdoj.gov>
Sent: 1/2/2002 8:17:49 AM
Subject: : Re: Reagan docs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JAN-2002 13:17:49.00
SUBJECT:: Re: Reagan docs
TO: "Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

yes, this makes sense; I am available both tomorrow and Friday.

"Collins, Dan" <Dan.Collins@usdoj.gov>
01/02/2002 12:05:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "Whelan, M Edward III" <M.Edward.Whehan@usdoj.gov>, "McCallum, Robert" <Robert.McCallum@usdoj.gov>
Subject: Reagan docs

Brett--

After our conversation this morning I talked further with folks here about where we stand on this. I think it probably would make sense for us to get together initially with a small set of lawyers who could go through some initial boxes and help you all get a quick sense of what sort of written protocol might be suitable. With that in place, a larger review team could then be assembled to use the protocol in an overall initial review, followed by a further OLC review of any documents tagged by the initial reviewers. Does this make sense to you? What is your schedule like tomorrow and Friday?

--Dan

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Collins, Dan <Dan.Collins@usdoj.gov>
Sent: 1/2/2002 8:20:33 AM
Subject: : Re: Reagan docs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JAN-2002 13:20:33.00
SUBJECT:: Re: Reagan docs
TO: "Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

To whom and in what room should the boxes be delivered?

"Collins, Dan" <Dan.Collins@usdoj.gov>
01/02/2002 12:05:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "Whelan, M Edward III" <M.Edward.Whehan@usdoj.gov>, "McCallum, Robert" <Robert.McCallum@usdoj.gov>
Subject: Reagan docs

Brett--

After our conversation this morning I talked further with folks here about where we stand on this. I think it probably would make sense for us to get together initially with a small set of lawyers who could go through some initial boxes and help you all get a quick sense of what sort of written protocol might be suitable. With that in place, a larger review team could then be assembled to use the protocol in an overall initial review, followed by a further OLC review of any documents tagged by the initial reviewers. Does this make sense to you? What is your schedule like tomorrow and Friday?

--Dan

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/2/2002 10:30:17 AM
Subject: : JSC prep starting now....

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JAN-2002 15:30:17.00

SUBJECT:: JSC prep starting now....

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/2/2002 10:30:17 AM
Subject: : JSC prep starting now....

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-JAN-2002 15:30:17.00

SUBJECT:: JSC prep starting now....

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 1/2/2002 12:00:47 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JAN-2002 17:00:47.00
SUBJECT:: Re:
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

please

Robert W. Cobb
01/02/2002 02:49:20 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

someplace, you want me to find it?

Brett M. Kavanaugh
01/02/2002 01:54:23 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

do you have a January 30, 1993, memo from Counsel's office on use of corporate aircraft?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; kyle sampson/who/eop@eop [WHO] <kyle sampson>; laura l. flippin/who/eop@eop [WHO] <laura l. flippin>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 1/3/2002 7:02:04 AM
Subject: : Re: Read this one...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JAN-2002 12:02:04.00

SUBJECT:: Re: Read this one...

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

Professor Lillian BeVier, UVa Law School, 804-924-3132

Rachel L. Brand 01/03/2002 09:50:57 AM

Record Type: Record

To: Allison L. Riepenhoff/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: Read this one...

Professor Charles Fried, Harvard Law School, (617) 495-4636.

I'm happy to e-mail him about it if you'd like.

REV_00138579

Allison L. Riepenhoff
01/03/2002 09:44:06 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Read this one...

Sorry for the weird message, my computer freaked out on me....

What I was asking for was the names of a few reliable law professors who could recommend excellent law students who would be interested in interning with our office this summer. If I could get the names (and phone numbers if possible, if not, I can look it up if you give me the university), asap, that would be great.

Thanks.

Message Sent

To: _____
Rachel Brand
Noel J. Francisco/WHO/EOP@EOP
Kyle Sampson
Laura L. Flippin/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

Message Copied

To: _____
Rachel L. Brand/WHO/EOP@EOP
noel j. francisco/who/eop@eop
Kyle Sampson/WHO/EOP@EOP
laura l. flippin/who/eop@eop
robert w. cobb/who/eop@eop
brett m. kavanaugh/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
courtney s. elwood/who/eop@eop
helgard c. walker/who/eop@eop

From: CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/3/2002 3:48:49 AM
Subject: : NH Event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2002 08:48:49.00
SUBJECT:: NH Event
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

a political event is a political event, correct? handled the way we are currently doing it whether it's a reception or fundraiser--unless, of course, POTUS is the candidate? thanks--amh

----- Forwarded by A. Merrill Hughes/WHO/EOP on
01/03/2002 08:46 AM -----

Alicia W. Davis
01/02/2002 07:34:20 PM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc:
Subject: NH Event

We are having a political reception-- not a fundraiser-- in NH. Who can I talk to about the formula for RNC vs. EOP on the travel costs?

From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: A. Merrill Hughes/WHO/EOP@EOP [WHO] <A. Merrill Hughes>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/3/2002 4:24:09 AM
Subject: : Re: NH Event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2002 09:24:09.00
SUBJECT:: Re: NH Event
TO:A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The event is a Bush-Cheney campaign reunion. There is no fundraiser involved, it is just a chance for New Hampshire and Maine friends to visit with the President. He will arrive, deliver remarks, then mix and mingle with folks. Members of Congress will be invited and the official title of the event is New England Republican Leadership Reception.

From: A. Merrill Hughes on 01/03/2002 09:09:15 AM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc:
Subject: Re: NH Event

See Brett's response below. If you want to give me or Brett more info, looks like we'll want him to make the call...we may have more flexibility than I thought. Thanks--AMH

----- Forwarded by A. Merrill Hughes/WHO/EOP on
01/03/2002 08:54 AM -----

Brett M. Kavanaugh
01/03/2002 08:52:42 AM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc:
bcc:
Subject: Re: NH Event

If it is not a fundraiser, not a state party event, and not an event for a specific candidate, it becomes a close call whether it in fact should be considered a "political event" for these calculation purposes. Do we know more about it? Then, I can double check with my people at Office of Special Counsel to make sure we classify it correctly. It could be an event in the gray area where we have some discretion as to how to classify.

From: A. Merrill Hughes on 01/03/2002 08:48:41 AM

REV_00138587

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: NH Event

a political event is a political event, correct? handled the way we are currently doing it whether it's a reception or fundraiser--unless, of course, POTUS is the candidate? thanks--amh

----- Forwarded by A. Merrill Hughes/WHO/EOP on
01/03/2002 08:46 AM -----

Alicia W. Davis

01/02/2002 07:34:20 PM

Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP

cc:

Subject: NH Event

We are having a political reception-- not a fundraiser-- in NH. Who can I talk to about the formula for RNC vs. EOP on the travel costs?

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 1/3/2002 4:51:07 AM
Subject: : Re: Read this one...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2002 09:51:07.00
SUBJECT:: Re: Read this one...
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Professor Charles Fried, Harvard Law School, (617) 495-4636.
I'm happy to e-mail him about it if you'd like.

Allison L. Riepenhoff
01/03/2002 09:44:06 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Read this one...

Sorry for the weird message, my computer freaked out on me....

What I was asking for was the names of a few reliable law professors who could recommend excellent law students who would be interested in interning with our office this summer. If I could get the names (and

REV_00138589

phone numbers if possible, if not, I can look it up if you give me the university), asap, that would be great.

Thanks.

Message Sent

To:

Rachel Brand

Noel J. Francisco/WHO/EOP@EOP

Kyle Sampson

Laura L. Flippin/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;John Graham/OMB/EOP@EOP [OMB] <John Graham>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alex.Azar@hhs.gov @ inet [UNKNOWN] <Alex.Azar@hhs.gov>;Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Helen.L.Voss@usdoj.gov @ inet [UNKNOWN] <Helen.L.Voss@usdoj.gov>;DTroy@oc.fda.gov @ inet [UNKNOWN] <DTroy@oc.fda.gov>;Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Stephen M. Lineberry/CEA/EOP@EOP [CEA] <Stephen M. Lineberry>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>;Mary M. Chuckerel/OMB/EOP@EOP [OMB] <Mary M. Chuckerel>;Dana.Ceasar@hhs.gov [UNKNOWN] <Dana.Ceasar@hhs.gov>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>;JStephen@oc.fda.gov @ inet [UNKNOWN] <JStephen@oc.fda.gov>;Jennifer D. Field/OVP/EOP@EOP [OVP] <Jennifer D. Field>
BCC: Records Management@EOP (Records Management@EOP [UNKNOWN])
Sent: 1/3/2002 9:00:56 AM
Subject: : Tort Reform Working Group mtg - RESCHEDULED

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 3-JAN-2002 14:00:56.00
SUBJECT:: Tort Reform Working Group mtg - RESCHEDULED
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helen.L.Voss@usdoj.gov (Helen.L.Voss@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:DTroy@oc.fda.gov (DTroy@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

REV_00138591

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Mary M. Chuckerel (CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Dana.Ceasar@hhs.gov (Dana.Ceasar@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:JStephen@oc.fda.gov (JStephen@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Records Management@EOP (Records Management@EOP [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

In order to maximize a variety of schedules the working group mtg will now be held on Tuesday, January 8th @ 1:00 in Rm. 248 EEOB. Please join Jay Lefkowitz at this meeting. If you need clearance into the building or have any questions, please call me at 395-5044.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/3/2002 6:38:05 AM
Subject: : FYI re: Judge's schedule

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JAN-2002 11:38:05.00

SUBJECT:: FYI re: Judge's schedule

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that the Judge is leaving town this afternoon to go to Texas for a couple of days. He will not have his laptop with him but is reachable via phone and blackberry.

If there is something you need him to see before he leaves or read while he is gone please get this to me no later than 3:30 pm today.

He should be back in the office on Monday morning.

Thanks!

REV_00138593

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/3/2002 6:38:05 AM
Subject: : FYI re: Judge's schedule

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JAN-2002 11:38:05.00

SUBJECT:: FYI re: Judge's schedule

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that the Judge is leaving town this afternoon to go to Texas for a couple of days. He will not have his laptop with him but is reachable via phone and blackberry.

If there is something you need him to see before he leaves or read while he is gone please get this to me no later than 3:30 pm today.

He should be back in the office on Monday morning.

Thanks!

REV_00138594

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 1/3/2002 10:53:53 AM
Subject: : Re: Read this one...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2002 15:53:53.00
SUBJECT:: Re: Read this one...
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Michael W. McConnell or Paul G. Cassell
University of Utah College of Law
(801) 581-6833

Allison L. Riepenhoff
01/03/2002 09:44:06 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Read this one...

Sorry for the weird message, my computer freaked out on me....

What I was asking for was the names of a few reliable law professors who could recommend excellent law students who would be interested in interning with our office this summer. If I could get the names (and phone numbers if possible, if not, I can look it up if you give me the university), asap, that would be great.

REV_00138596

Thanks.

Message Sent

To:

Rachel Brand

Noel J. Francisco/WHO/EOP@EOP

Kyle Sampson

Laura L. Flippin/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;John Graham/OMB/EOP@EOP [OMB] <John Graham>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alex.Azar@hhs.gov @ inet [UNKNOWN]
<Alex.Azar@hhs.gov>;Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN]
<Jennifer.Newstead@usdoj.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Helen.L.Voss@usdoj.gov @ inet [UNKNOWN]
<Helen.L.Voss@usdoj.gov>;DTroy@oc.fda.gov @ inet [UNKNOWN]
<DTroy@oc.fda.gov>;Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Stephen M. Lineberry/CEA/EOP@EOP [CEA] <Stephen M. Lineberry>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>;Mary M. Chuckerel/OMB/EOP@EOP [OMB] <Mary M. Chuckerel>;Dana.Ceasar@hhs.gov [UNKNOWN] <Dana.Ceasar@hhs.gov>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Jason.J.Sutton@usdoj.gov [UNKNOWN]
<Jason.J.Sutton@usdoj.gov>;JStephen@oc.fda.gov @ inet [UNKNOWN]
<JStephen@oc.fda.gov>;Jennifer D. Field/OVP/EOP@EOP [OVP] <Jennifer D. Field>
BCC: Records Management@EOP (Records Management@EOP [UNKNOWN])
Sent: 1/3/2002 9:00:56 AM
Subject: : Tort Reform Working Group mtg - RESCHEDULED

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 3-JAN-2002 14:00:56.00

SUBJECT:: Tort Reform Working Group mtg - RESCHEDULED

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helen.L.Voss@usdoj.gov (Helen.L.Voss@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:DTroy@oc.fda.gov (DTroy@oc.fda.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

REV_00138600

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Mary M. Chuckerel (CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Dana.Ceasar@hhs.gov (Dana.Ceasar@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:JStephen@oc.fda.gov (JStephen@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Jennifer D. Field (CN=Jennifer D. Field/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC:Records Management@EOP (Records Management@EOP [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

In order to maximize a variety of schedules the working group mtg will now be held on Tuesday, January 8th @ 1:00 in Rm. 248 EEOB. Please join Jay Lefkowitz at this meeting. If you need clearance into the building or have any questions, please call me at 395-5044.

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/3/2002 1:42:15 PM
Subject: : Re: NEW draft talking points on judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JAN-2002 18:42:15.00

SUBJECT:: Re: NEW draft talking points on judges

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I am out of the office tomorrow. Feel free to circulate after Tim approves.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 1/3/2002 10:02:23 AM
Subject: : presidential papers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2002 15:02:23.00
SUBJECT:: presidential papers
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

thoughts from our meeting with the historians?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/03/2002 03:01 PM -----

"Cannon, Carl" <ccannon@nationaljournal.com>
01/03/2002 02:52:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: presidential papers

Brett,
I am writing another piece about the entire issue of the Presidential Records Act and President George W. Bush's recent Executive Order, and am mentioning that the scholars met in December with the White House counsel's office so the two sides could exchange views. I would like to quote you in a couple of places, but under the ground rules we agreed to, I'm required to get your permission first. The first quote I would like to use, went (according to my notes), like this:
"Give us a little time here. We think you'll be happy with the procedures. We think they will work -- and work well." (You then invited the group to revisit the issue in six months or so, predicting that they might be pleasantly surprise by the results, before concluding....) "We'll work with you."

The other quote I would like to use came after you were asked why this administration got involved so deeply in this issue at all. You replied: "This was the first time (the law) had taken effect. We wanted to write regulations that would stand the test of time."

-- Carl

Carl M. Cannon
White House Correspondent
National Journal
202.739-8413
202.833-8069 (fax)

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/3/2002 10:34:32 AM
Subject: : Re: presidential papers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2002 15:34:32.00
SUBJECT:: Re: presidential papers
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

anyway we can bug him? Deb's deadline is at 4.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 1/3/2002 11:01:48 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2002 16:01:48.00
SUBJECT:: Re:
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I think Noel talked to her, and she said it would start up again
on 1/7. I'll check with Noel on that.

Timothy E. Flanigan
01/03/2002 03:55:08 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re:

Called her yesterday. The others will be read in this week or early
next. Who is going out for us today?

----- Original Message -----
From: Brett M. Kavanaugh/WHO/EOP
To: Timothy E. Flanigan/WHO/EOP@EOP
Cc:
Date: 01/03/2002 03:08:13 PM
Subject:

per my colleagues, a reminder for you to call Nancy about the
remainder of our colleagues

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 1/3/2002 11:58:28 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2002 16:58:28.00
SUBJECT:: Re:
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Not if Brett can help it . . .

Anyway, if historians can't figure out that last e-mail was
tongue-in-cheek, they don't deserve their PhDs.

Kyle Sampson
01/03/2002 04:56:17 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, kyle sampson/who/eop@eop
bcc:
Subject: Re:

Careful. These e-mails will all be disclosed in 12 years.

Bradford A. Berenson
01/03/2002 04:53:39 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: kyle sampson/who/eop@eop
bcc:
Subject: Re:

Hooray! When we're not skewering exceptionally well-qualified prosecutors
for political reasons, we're denying historians and generations of
American schoolchildren important information about their government . . .

Brett M. Kavanaugh
01/03/2002 04:33:56 PM
Record Type: Record

REV_00138630

To: Kyle Sampson/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject:

You have some company; Stanley Kutler blasted me by name on Pres
Records in Chicago Tribune today . . .

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>;Craig Felner/WHO/EOP@EOP [WHO] <Craig Felner>;Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>;Nicole_E._Grodner@who.eop.gov [UNKNOWN] <Nicole_E._Grodner@who.eop.gov>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>
Sent: 1/3/2002 12:59:09 PM
Subject: : agency FOIA requests
Attachments: P_QI3M4003_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JAN-2002 17:59:09.00

SUBJECT:: agency FOIA requests

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Nicole_E._Grodner@who.eop.gov (Nicole_E._Grodner@who.eop.gov [UNKNOWN])

READ:UNKNOWN

CC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

from this week's agency cabinet report submissions.....

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_QI3M4003_WHO.TXT_1>

REV_00138632

SIGNIFICANT AGENCY FOIA REQUESTS***DOE***

- **David McIntosh of Natural Resources Defense Council** requested information related to the new source review program and regulations regarding the Clean Air Act.
- **Ginger Allen of CBS News** requested copy of the DOE Fiscal Year 2000 financial statements.
- **Benjamin Jones of Democratic Senatorial Campaign Committee** requested correspondence between DOE and Cong. Lindsey Graham.
- **Michael Doyle of McClatchy Newspapers** requested copy of the FOIA request log for January 2001 through June 2001.
- **Reece Rushing of OMB Watch** requested records pertaining to the removal of information from DOE websites, reading rooms, depository libraries or any other venue from which the public can retrieve government information after the September 11.

DOI

- **Bald Eagles and Off-Road Vehicles.** The Center for Biological Diversity has submitted a request for materials under the Freedom of Information Act to BLM. As a result, the USGS Forest and Rangeland Ecosystem Science Center, was contacted by the BLM to determine the availability of a 1979 biological opinion related to bald eagles and a proposed off-road-vehicle designation in Tuolumne County, California.

DOJ

- **Christopher Farrell, of Judicial Watch, Inc.,** has requested all records pertaining to George Salem. This is to include any records of meetings he has had with the Department, any records pertaining to political contributions he has made to the Administration, and any records involving litigation with the Holy Land Foundation and the Quranic Literacy Institute.
- **Eliot Kleinberg, of the *Palm Beach Post*,** has requested all records pertaining to "any Florida aspects of [the Department's] investigation into the terrorist attacks of Sept. 11 as well as the anthrax investigation in South Florida."

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/3/2002 1:42:34 PM
Subject: : Re: NEW draft talking points on judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JAN-2002 18:42:34.00

SUBJECT:: Re: NEW draft talking points on judges

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I am out of the office tomorrow. Feel free to circulate after Tim approves.

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 1/4/2002 4:07:47 AM
Subject: : Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])
CREATION DATE/TIME: 4-JAN-2002 09:07:47.00
SUBJECT:: Question
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We are trying to get some extra Blackberrys for the office. If we are able to do so, would you use it? Please let me know so I know who to distribute them to. Thanks.

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Perry, Phil <Phil.Perry@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>
Sent: 1/4/2002 4:46:09 AM
Subject: : RE: Public Statements by Special Master

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-JAN-2002 09:46:09.00
SUBJECT:: RE: Public Statements by Special Master
TO:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Phil spoke w/ Debby Greenspan this morning and reiterated that Ken should not judge the success of the program by the number of claimants who choose to file.

-----Original Message-----

From: Wood, John F
Sent: Friday, December 28, 2001 11:18 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Perry, Phil;
'Jay_P._Lefkowitz@omb.eop.gov'
Subject: RE: Public Statements by Special Master

Thanks. I mentioned these two points to Debby Greenspan for her to pass on to Ken.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Saturday, December 22, 2001 1:43 PM
To: Wood, John F; Perry, Phil; Jay_P._Lefkowitz@omb.eop.gov
Subject: Public Statements by Special Master

I note and raise questions about two statements I have seen attributed to the Special Master in the media: (i) encouraging people to waive their rights to sue and to choose the DOJ program; and (ii) telling people to ask for more money in the claims process and seek a hearing [today's NY Times], implying that such money would be available. The first of these statements strikes me as arguably beyond the proper role of an agency adjudicatory official administering an administrative claims process. He can certainly answer questions, but for him to affirmatively advocate a waiver of one's rights seems dubious. The second of these strikes me as arguably either deceptive to the claimants or inconsistent with the regulations. Either way, that seems a potential problem. If I am right about either of these concerns, someone needs to talk to him. If I am wrong, which is entirely possible, just let me know. Thanks.

REV_00138640

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Perry, Phil <Phil.Perry@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>
Sent: 1/4/2002 4:54:19 AM
Subject: : RE: Public Statements by Special Master

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-JAN-2002 09:54:19.00
SUBJECT:: RE: Public Statements by Special Master
TO:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

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-----Original Message-----

From: Wood, John F
Sent: Friday, December 28, 2001 11:18 AM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Perry, Phil;
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Subject: RE: Public Statements by Special Master

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-----Original Message-----

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[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Saturday, December 22, 2001 1:43 PM
To: Wood, John F; Perry, Phil; Jay_P._Lefkowitz@omb.eop.gov
Subject: Public Statements by Special Master

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REV_00138642

From: CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/4/2002 5:16:16 AM
Subject: : Re: NH Event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 10:16:16.00
SUBJECT:: Re: NH Event
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

What's the determination on this? Grazie.

----- Forwarded by A. Merrill Hughes/WHO/EOP on
01/04/2002 10:16 AM -----

Alicia W. Davis
01/03/2002 09:23:59 AM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: NH Event

The event is a Bush-Cheney campaign reunion. There is no fundraiser involved, it is just a chance for New Hampshire and Maine friends to visit with the President. He will arrive, deliver remarks, then mix and mingle with folks. Members of Congress will be invited and the official title of the event is New England Republican Leadership Reception.

From: A. Merrill Hughes on 01/03/2002 09:09:15 AM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc:
Subject: Re: NH Event

See Brett's response below. If you want to give me or Brett more info, looks like we'll want him to make the call...we may have more flexibility than I thought. Thanks--AMH

----- Forwarded by A. Merrill Hughes/WHO/EOP on
01/03/2002 08:54 AM -----

Brett M. Kavanaugh
01/03/2002 08:52:42 AM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc:
bcc:
Subject: Re: NH Event

If it is not a fundraiser, not a state party event, and not an event for a specific candidate, it becomes a close call whether it in fact should be considered a "political event" for these calculation purposes. Do we know more about it? Then, I can double check with my people at Office of Special Counsel to make sure we classify it correctly. It could be an event in the gray area where we have some discretion as to how to classify.

From: A. Merrill Hughes on 01/03/2002 08:48:41 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: NH Event

a political event is a political event, correct? handled the way we are currently doing it whether it's a reception or fundraiser--unless, of course, POTUS is the candidate? thanks--amh

----- Forwarded by A. Merrill Hughes/WHO/EOP on
01/03/2002 08:46 AM -----

Alicia W. Davis
01/02/2002 07:34:20 PM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc:
Subject: NH Event

We are having a political reception-- not a fundraiser-- in NH. Who can I talk to about the formula for RNC vs. EOP on the travel costs?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: A. Merrill Hughes/WHO/EOP@EOP [WHO] <A. Merrill Hughes>
Sent: 1/4/2002 5:16:35 AM
Subject: : Re: NH Event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 10:16:35.00
SUBJECT:: Re: NH Event
TO: A. Merrill Hughes (CN=A. Merrill Hughes/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

political event.

From: A. Merrill Hughes on 01/04/2002 10:16:07 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: NH Event

What's the determination on this? Grazie.

----- Forwarded by A. Merrill Hughes/WHO/EOP on
01/04/2002 10:16 AM -----

Alicia W. Davis
01/03/2002 09:23:59 AM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: NH Event

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Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc:
Subject: Re: NH Event

See Brett's response below. If you want to give me or Brett more info, looks like we'll want him to make the call...we may have more flexibility than I thought. Thanks--AMH

----- Forwarded by A. Merrill Hughes/WHO/EOP on

REV_00138646

01/03/2002 08:54 AM -----

Brett M. Kavanaugh
01/03/2002 08:52:42 AM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc:
bcc:
Subject: Re: NH Event

If it is not a fundraiser, not a state party event, and not an event for a specific candidate, it becomes a close call whether it in fact should be considered a "political event" for these calculation purposes. Do we know more about it? Then, I can double check with my people at Office of Special Counsel to make sure we classify it correctly. It could be an event in the gray area where we have some discretion as to how to classify.

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: NH Event

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01/03/2002 08:46 AM -----

Alicia W. Davis
01/02/2002 07:34:20 PM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc:
Subject: NH Event

We are having a political reception-- not a fundraiser-- in NH. Who can I talk to about the formula for RNC vs. EOP on the travel costs?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Linda S. DeHart/WHO/EOP@EOP [WHO] <Linda S. DeHart>
Sent: 1/4/2002 8:03:17 AM
Subject: : review of greeting to CPAC

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JAN-2002 13:03:17.00

SUBJECT:: review of greeting to CPAC

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Linda S. DeHart (CN=Linda S. DeHart/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I sent this over to someone yesterday for review but can't remember who to save my life.

If you are the lucky recipient please call Linda DeHart - 6-5505. She needs an answer on this ASAP. Also, please email me to let me know that she (Linda) has closure on this.

If you did not get this no response necessary.

Thanks!

REV_00138649

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Linda S. DeHart/WHO/EOP@EOP [WHO] <Linda S. DeHart>
Sent: 1/4/2002 8:03:17 AM
Subject: : review of greeting to CPAC

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JAN-2002 13:03:17.00

SUBJECT:: review of greeting to CPAC

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Linda S. DeHart (CN=Linda S. DeHart/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

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If you did not get this no response necessary.

Thanks!

REV_00138650

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/4/2002 8:05:16 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JAN-2002 13:05:16.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

i'm in

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
CC: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 1/4/2002 12:46:37 PM
Subject: : one addition

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 17:46:37.00
SUBJECT:: one addition
TO: Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

We will give you notice both when POTUS approves and at the one-week- before-actual-nomination date. You likely will want to make calls at both times.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 1/4/2002 1:35:37 PM
Subject: : reponse to Burton & general strategy

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 18:35:37.00
SUBJECT:: reponse to Burton & general strategy
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Chairman Burton also sent a long letter to the Attorney General, which complicates matters some, or at least makes it evident that we need an overall strategy to address both letters and our next steps. We have scheduled a meeting for Monday at 11:15 in EEOB to discuss all of this with OLC, Chertoff, and DOJ Leg Affairs.

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Burton, Faith <Faith.Burton@usdoj.gov>
CC: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>; Colborn, Paul P
<Paul.P.Colborn@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>
Sent: 1/4/2002 10:31:54 AM
Subject: : Change of Plans

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME: 4-JAN-2002 15:31:54.00

SUBJECT:: Change of Plans

TO:"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

In light of Monday's meeting, we won't respond to Burton (even
perfunctorily) before that.

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

REV_00138654

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/4/2002 11:05:21 AM
Subject: : Terri Lacy called just now

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 16:05:21.00
SUBJECT:: Terri Lacy called just now
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

She talked to NARA who said they read the letter she sent (response) re:
Gubernatorial records. They were happy with it and thought it was
appropriate.

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/4/2002 11:44:56 AM
Subject: : RE: Monday Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME: 4-JAN-2002 16:44:56.00
SUBJECT:: RE: Monday Meeting
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, we'd prefer that.

-----Original Message-----

From: Allison_L._Riepenhoff@who.eop.gov
[mailto:Allison_L._Riepenhoff@who.eop.gov]
Sent: Friday, January 04, 2002 4:28 PM
To: Thorsen, Carl
Cc: Brett_M._Kavanaugh@who.eop.gov
Subject: Monday Meeting

Is 11:15am ok for both of you for the meeting?

(Embedded
image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
to file: 01/04/2002 02:49:49 PM
pic31153.pcx)

Record Type: Record

To: Allison L. Riepenhoff/WHO/EOP@EOP

cc:
Subject: test

Carl Thorsen
Deputy Assistant Attorney General

REV_00138656

Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/4/2002 11:53:44 AM
Subject: : Next meeting w/ POTUS re: judges and US attorneys

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-JAN-2002 16:53:44.00

SUBJECT:: Next meeting w/ POTUS re: judges and US attorneys

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I am submitting a request for time w/ POTUS to discuss judges and US attorneys. We are requesting time on Jan. 10 or 11.

Please let me know asap if you think you will be presenting.

Thanks!

REV_00138658

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/4/2002 5:35:29 PM
Subject: : Re: ABC/executive privilege

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 22:35:29.00
SUBJECT:: Re: ABC/executive privilege
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think the meeting on Monday will be important. We need a coordinated strategy.

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/4/2002 5:42:57 PM
Subject: : Re: PBS debate on Presidential Records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 22:42:57.00
SUBJECT:: Re: PBS debate on Presidential Records
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sounds good.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/5/2002 4:01:19 PM
Subject: : letter from Burton to Ashcroft

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-JAN-2002 21:01:19.00

SUBJECT:: letter from Burton to Ashcroft

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We have a copy of the letter from DOJ to Burton re: executive privilege
but not the letter from Burton to Ashcroft.

Do you have the letter from Burton to Ashcroft?

The Judge wants a copy of this...

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 1/6/2002 8:05:29 AM
Subject: : Re: letter from Burton to Ashcroft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2002 13:05:29.00
SUBJECT:: Re: letter from Burton to Ashcroft
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

yes, just FAXed it over to you . . .

Elizabeth N. Camp
01/05/2002 09:01:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: letter from Burton to Ashcroft

We have a copy of the letter from DOJ to Burton re: executive privilege
but not the letter from Burton to Ashcroft.

Do you have the letter from Burton to Ashcroft?

The Judge wants a copy of this...

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/6/2002 10:16:55 AM
Subject: : Re: letter from Burton to Ashcroft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-JAN-2002 15:16:55.00
SUBJECT:: Re: letter from Burton to Ashcroft
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks

Brett M. Kavanaugh
01/06/2002 01:05:16 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: letter from Burton to Ashcroft

yes, just FAXed it over to you . . .

Elizabeth N. Camp
01/05/2002 09:01:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: letter from Burton to Ashcroft

We have a copy of the letter from DOJ to Burton re: executive privilege
but not the letter from Burton to Ashcroft.

Do you have the letter from Burton to Ashcroft?

The Judge wants a copy of this...

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Steve Koebele <Steve.Koebele@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/7/2002 4:42:45 AM
Subject: : Reminder: The Judicial Confirmation Working Group will meet today at 4pm, Main Justice, Room 4646.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-JAN-2002 09:42:45.00

SUBJECT:: Reminder: The Judicial Confirmation Working Group will meet today at 4pm, Main Justice, Room 4646.

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return

REV_00138667

Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
(Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [
UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) [UNKNOWN])
READ:UNKNOWN
TO:Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
(Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [
UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Steven Garfinkel <steven.garfinkel@nara.gov>
CC: john carlin <john.carlin@nara.gov>; lewis bellardo <lewis.bellardo@nara.gov>; Stephen W. Devine/NSC/EOP@EOP [NSC] <Stephen W. Devine>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/7/2002 3:09:05 AM
Subject: : Re: Possible questions for ISOO candidates

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 7-JAN-2002 08:09:05.00

SUBJECT:: Re: Possible questions for ISOO candidates

TO: Steven Garfinkel <steven.garfinkel@nara.gov> (Steven Garfinkel

<steven.garfinkel@nara.gov> [UNKNOWN])

READ: UNKNOWN

CC: john carlin <john.carlin@nara.gov> (john carlin <john.carlin@nara.gov> [UNKNOWN])

READ: UNKNOWN

CC: lewis bellardo <lewis.bellardo@nara.gov> (lewis bellardo <lewis.bellardo@nara.gov> [

UNKNOWN])

READ: UNKNOWN

CC: Stephen W. Devine (CN=Stephen W. Devine/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Steve: These are excellent questions. Thank you. I'd like to propose a couple of changes to White House participation in the process:

1. I may not be able to make it to some of the interviews. I'd like Deputy NSC Legal Advisor Steve DeVine to attend in my place.
2. In light of the Presidential approval requirement, the WH Counsel's Office would also like Associate Counsel to the President Brett Kavanaugh to attend, schedule permitting.
3. Finally, I'd like to ask that Jerry Schroeder be interviewed as well. Sorry to be slow in getting back about this. Is it too late to add Jerry to the list?

John

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.Rabjohns@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Mindy Tucker <Mindy.Tucker@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Steve Koebele <Steve.Koebele@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/7/2002 4:34:45 AM
Subject: : Reminder: The Judicial Confirmation Working Group will meet today at 4pm, Main Justice, Room 4646.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-JAN-2002 09:34:45.00

SUBJECT:: Reminder: The Judicial Confirmation Working Group will meet today at 4pm, Main Justice, Room 4646.

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM Return

REV_00138670

Requested) (Lori Rabjohns <Lori.Rabjohns@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Mindy Tucker <Mindy.Tucker@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
(Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [
UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) [UNKNOWN])
READ:UNKNOWN
TO:Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
(Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [
UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 1/7/2002 4:58:46 AM
Subject: : Re: fyi

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2002 09:58:46.00
SUBJECT:: Re: fyi
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

good for Boyden . . .

Elizabeth N. Camp
01/07/2002 09:57:37 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP
cc:
Subject: fyi

Bush Administration Under Fire For Claiming Privilege In FBI Informant Case. ABC News (1/6, story 9, Simpson) reported last night, &There's another controversy involving the White House tonight. At issue is the President's decision to block a congressional inquiry into the FBI's use of informants.8 ABC (Gerstein) added, &Joseph Salvati spent decades in prison for murder, even though the FBI knew he was innocent.8 Salvati was shown saying, &The FBI took away 30 years of my life, my family, my wife and my four children. That should never have to happen again.8 ABC added, &The FBI's Boston office kept quiet about Salvati to protect two informants, reputed mobsters Whitey Bulger and Steven Flemmi. While working for the FBI, they allegedly carried out at least 19 murders. Their FBI handler says his actions were authorized by top Justice Department officials.8 Former FBI agent Joseph Connolly was shown saying, &The strike force directed the FBI, my superiors, to confer a special status on Mr. Bulger and Mr. Flemmi. We were told they were to be left alone to continue to do what they were doing.8 ABC added, &Congress opened an investigation into the FBI's handling of top informants, but last month, President Bush invoked executive privilege, ordering the Justice Department not to turn over documents detailing prosecutors' internal discussions about the informants. The move puts Mr. Bush at odds with members of his own party.8 Rep. Dan Burton (R-IN) was shown saying, &If Congress cannot exercise its oversight responsibilities, then you end up with one branch of government, the executive branch, running everything, and they'll be able to control and cover up anything they want to.8 ABC added, &Traditionally, executive privilege has protected a president's right to confidential advice, but one law professor says Mr. Bush is trying to extend the privilege to decisions at all Federal agencies.8 Legal analyst Mark Rozell was shown saying, &I think the Bush

REV_00138673

team is trying to rewrite the rules on executive privilege. They are trying to expand the scope of executive privilege, I think, in almost breathtaking fashion.⁸ ABC added, &Bush Administration officials declined to be interviewed, but one former White House counsel says the President is right to resist.⁸ C. Boyden Gray was shown saying, &The enforcement of the criminal laws is a very unique area. It's one of a few areas that's committed exclusively to the President, who is charged by the Constitution with seeing that the laws are faithfully executed.⁸ ABC added, & Congressman Burton says he will not seek a court fight with the President, but he will hold hearings to expose the FBI's misconduct and to press Mr. Bush to cooperate with Congress.⁸

From: Azar, Alex (HHS ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/7/2002 9:12:21 AM
Subject: : RE: Lunch tomorrow?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Azar, Alex (HHS ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> [UNKNOWN])
CREATION DATE/TIME: 7-JAN-2002 14:12:21.00
SUBJECT:: RE: Lunch tomorrow?
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Will do.

-----Original Message-----

From: Rachel_L._Brand@who.eop.gov [mailto:Rachel_L._Brand@who.eop.gov]
Sent: Monday, January 07, 2002 1:43 PM
To: Azar, Alex (HHS/OS)
Cc: Brett_M._Kavanaugh@who.eop.gov; Noel_J._Francisco@who.eop.gov
Subject: RE: Lunch tomorrow?

There's a cafeteria, such as it is, here in the OEOB. Or we could walk directly across the street to Cosi. Sounds like Brett is in too. Why don't you come to my office (149) when your meeting is out.

(Embedded
image moved "Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
to file: 01/07/2002 01:38:13 PM
pic08981.pcx)

Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP

cc:
Subject: RE: Lunch tomorrow?

Great. I'm meeting with John Graham at 11-12 and then have a Jay meeting at 12:45. How should we hook up to grab a bite? Is there a cafeteria over there in OEOB?

-----OriginalMessage-----

REV_00138675

From: Rachel_L._Brand@who.eop.gov [mailto:Rachel_L._Brand@who.eop.gov]
Sent: Monday, January 07, 2002 1:29 PM
To: Azar, Alex (HHS/OS)
Cc: Brett_M._Kavanaugh@who.eop.gov; Bradford_A._Berenson@who.eop.gov;
john p. mcconnell (e-mail); Noel_J._Francisco@who.eop.gov
Subject: Re: Lunch tomorrow?

yep, I'm available

(Embedded
image moved "Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
to file: 01/07/2002 12:18:42 PM
pic00034.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Lunch tomorrow?

I've got two meetings at OEOB tomorrow (Tuesday) with a brief break from 12 to 12:45. Would any of you be free to grab a very quick bite to eat at or near your shop?

This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

Message Sent

To: _____

Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
"John P. McConnell (E-mail)" <JMcConnell@georgewbush.com>
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

REV_00138676

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Whelan, M Edward III
<M.Edward.Whelan@usdoj.gov>; Smith, George <George.Smith3@usdoj.gov>; Hunt, Jody
<Jody.Hunt@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Reyes, Luis
<Luis.A.Reyes2@usdoj.gov>; Bloemendal, Katherine <Katherine.Bloemendal@usdoj.gov>
CC: McCallum, Robert <Robert.McCallum@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO
<Brett M. Kavanaugh>
Sent: 1/7/2002 9:21:54 AM
Subject: : RE: Reagan Documents

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-JAN-2002 14:21:54.00

SUBJECT:: RE: Reagan Documents

TO:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Smith, George" <George.Smith3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Smith, George" <George.Smith3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Hunt, Jody" <Jody.Hunt@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Hunt, Jody" <Jody.Hunt@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Reyes, Luis" <Luis.A.Reyes2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Reyes, Luis" <Luis.A.Reyes2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Chad--

Terrific. Thanks for your help in getting them over here so soon.

All--

Ed made a great suggestion last week that's worth reiterating: Please leave a written record in the room of which boxes you've taken a look at; this will ensure that at least one person takes a preliminary look at each of the boxes.

REV_00138677

Let's plan to meet either on Thursday morning to assess where we are at that point preliminarily in terms of being able to craft a workable review protocol. What times work best for everyone? My schedule is relatively flexible that morning.

Thanks,

--Dan

-----Original Message-----

From: Boudreaux, Chad

Sent: Monday, January 07, 2002 1:41 PM

To: Whelan, M Edward III; Collins, Dan; Smith, George; Hunt, Jody; Colborn, Paul P; Reyes, Luis; Bloemendal, Katherine

Cc: McCallum, Robert

Subject: Reagan Documents

The Reagan documents are in Rms. 7521/7523.

I am walking up there shortly to open the door and start looking the documents over.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 1/7/2002 5:28:48 AM
Subject: : fyi

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2002 10:28:48.00
SUBJECT:: fyi
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/07/2002 10:28 AM -----

Anne Womack
01/07/2002 10:25:50 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: fyi

Talked to Susan Dryden on Friday night and apparently, Chertoff decided he didn't want anyone from DOJ to be interviewed. they pointed him to the testimony on the subject. I still think we did the right thing, and it was a Sunday night report - no one watches.

----- Forwarded by Anne Womack/WHO/EOP on 01/07/2002
10:24 AM -----

Elizabeth N. Camp
01/07/2002 10:00:56 AM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: fyi

fyi
----- Forwarded by Elizabeth N. Camp/WHO/EOP on
01/07/2002 10:00 AM -----

Elizabeth N. Camp
01/07/2002 09:57:37 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP
cc:
Subject: fyi

Bush Administration Under Fire For Claiming Privilege In FBI Informant Case. ABC News (1/6, story 9, Simpson) reported last night, &There's another controversy involving the White House tonight. At issue is the President's decision to block a congressional inquiry into the FBI's use of informants.8 ABC (Gerstein) added, &Joseph Salvati spent decades in prison for murder, even though the FBI knew he was innocent.8 Salvati was

REV_00138679

shown saying, &The FBI took away 30 years of my life, my family, my wife and my four children. That should never have to happen again.8 ABC added, &The FBI's Boston office kept quiet about Salvati to protect two informants, reputed mobsters Whitey Bulger and Steven Flemmi. While working for the FBI, they allegedly carried out at least 19 murders. Their FBI handler says his actions were authorized by top Justice Department officials.8 Former FBI agent Joseph Connolly was shown saying, &The strike force directed the FBI, my superiors, to confer a special status on Mr. Bulger and Mr. Flemmi. We were told they were to be left alone to continue to do what they were doing.8 ABC added, &Congress opened an investigation into the FBI's handling of top informants, but last month, President Bush invoked executive privilege, ordering the Justice Department not to turn over documents detailing prosecutors' internal discussions about the informants. The move puts Mr. Bush at odds with members of his own party.8 Rep. Dan Burton (R-IN) was shown saying, & If Congress cannot exercise its oversight responsibilities, then you end up with one branch of government, the executive branch, running everything, and they'll be able to control and cover up anything they want to.8 ABC added, &Traditionally, executive privilege has protected a president's right to confidential advice, but one law professor says Mr. Bush is trying to extend the privilege to decisions at all Federal agencies.8 Legal analyst Mark Rozell was shown saying, &I think the Bush team is trying to rewrite the rules on executive privilege. They are trying to expand the scope of executive privilege, I think, in almost breathtaking fashion.8 ABC added, &Bush Administration officials declined to be interviewed, but one former White House counsel says the President is right to resist.8 C. Boyden Gray was shown saying, &The enforcement of the criminal laws is a very unique area. It's one of a few areas that's committed exclusively to the President, who is charged by the Constitution with seeing that the laws are faithfully executed.8 ABC added, & Congressman Burton says he will not seek a court fight with the President, but he will hold hearings to expose the FBI's misconduct and to press Mr. Bush to cooperate with Congress.8

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;John Graham/OMB/EOP@EOP [OMB] <John Graham>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alex.Azar@hhs.gov @ inet [UNKNOWN]
<Alex.Azar@hhs.gov>;Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN]
<Jennifer.Newstead@usdoj.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Helen.L.Voss@usdoj.gov @ inet [UNKNOWN]
<Helen.L.Voss@usdoj.gov>;DTroy@oc.fda.gov @ inet [UNKNOWN]
<DTroy@oc.fda.gov>;Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Kelley J. McCullough/WHO/EOP@EOP [WHO] <Kelley J. McCullough>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>
CC: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Stephen M. Lineberry/CEA/EOP@EOP [CEA] <Stephen M. Lineberry>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>;Mary M. Chuckerel/OMB/EOP@EOP [OMB] <Mary M. Chuckerel>;Teesha.Anderson@hhs.gov Leslie A. Mooney/OPD/EOP@EOP [UNKNOWN] <Teesha.Anderson@hhs.gov Leslie A. Mooney>;Jason.J.Sutton@usdoj.gov [UNKNOWN]
<Jason.J.Sutton@usdoj.gov>;JStephen@oc.fda.gov @ inet [UNKNOWN]
<JStephen@oc.fda.gov>;Karen B. Brooks/NSC/EOP@EOP [NSC] <Karen B. Brooks>;Tiffany L. Barfield/OPD/EOP@EOP [OPD] <Tiffany L. Barfield>
BCC: Records Management@EOP (Records Management@EOP [UNKNOWN])
Sent: 1/7/2002 6:27:21 AM
Subject: : Tort Reform Working Group mtg - WILL NOW BEGIN AT 12:45

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 7-JAN-2002 11:27:21.00

SUBJECT:: Tort Reform Working Group mtg - WILL NOW BEGIN AT 12:45

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helen.L.Voss@usdoj.gov (Helen.L.Voss@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:DTroy@oc.fda.gov (DTroy@oc.fda.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

REV_00138681

TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Mary M. Chuckerel (CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Teesha.Anderson@hhs.gov Leslie A. Mooney (Teesha.Anderson@hhs.gov Leslie A. Mooney/OPD
/EOP@EOP [UNKNOWN])
READ:UNKNOWN
CC:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:JStephen@oc.fda.gov (JStephen@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Karen B. Brooks (CN=Karen B. Brooks/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Records Management@EOP (Records Management@EOP [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

In follow up to my phone calls this morning, the meeting will now begin at
12:45 instead of 1:00.

All other information remains the same - Meeting date: January 8th
Location: Room 248

EEOB

Again, if clearance if needed or there are questions, please call me at
395-5044.

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;John Graham/OMB/EOP@EOP [OMB] <John Graham>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alex.Azar@hhs.gov @ inet [UNKNOWN] <Alex.Azar@hhs.gov>;Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.Newstead@usdoj.gov>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Helen.L.Voss@usdoj.gov @ inet [UNKNOWN] <Helen.L.Voss@usdoj.gov>;DTroy@oc.fda.gov @ inet [UNKNOWN] <DTroy@oc.fda.gov>;Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Kelley J. McCullough/WHO/EOP@EOP [WHO] <Kelley J. McCullough>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>
CC: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Stephen M. Lineberry/CEA/EOP@EOP [CEA] <Stephen M. Lineberry>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>;Mary M. Chuckerel/OMB/EOP@EOP [OMB] <Mary M. Chuckerel>;Teesha.Anderson@hhs.gov Leslie A. Mooney/OPD/EOP@EOP [UNKNOWN] <Teesha.Anderson@hhs.gov Leslie A. Mooney>;Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>;JStephen@oc.fda.gov @ inet [UNKNOWN] <JStephen@oc.fda.gov>;Karen B. Brooks/NSC/EOP@EOP [NSC] <Karen B. Brooks>;Tiffany L. Barfield/OPD/EOP@EOP [OPD] <Tiffany L. Barfield>
BCC: Records Management@EOP (Records Management@EOP [UNKNOWN])
Sent: 1/7/2002 6:27:21 AM
Subject: : Tort Reform Working Group mtg - WILL NOW BEGIN AT 12:45

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 7-JAN-2002 11:27:21.00

SUBJECT:: Tort Reform Working Group mtg - WILL NOW BEGIN AT 12:45

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helen.L.Voss@usdoj.gov (Helen.L.Voss@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:DTroy@oc.fda.gov (DTroy@oc.fda.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

REV_00138683

TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Mary M. Chuckerel (CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Teesha.Anderson@hhs.gov Leslie A. Mooney (Teesha.Anderson@hhs.gov Leslie A. Mooney/OPD
/EOP@EOP [UNKNOWN])
READ:UNKNOWN
CC:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:JStephen@oc.fda.gov (JStephen@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Karen B. Brooks (CN=Karen B. Brooks/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Records Management@EOP (Records Management@EOP [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

In follow up to my phone calls this morning, the meeting will now begin at
12:45 instead of 1:00.

All other information remains the same - Meeting date: January 8th
Location: Room 248

EEOB

Again, if clearance if needed or there are questions, please call me at
395-5044.

From: Azar, Alex (HHS ("Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;John P. McConnell (E-mail) <JMcConnell@georgewbush.com>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/7/2002 7:29:32 AM
Subject: : Lunch tomorrow?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Azar, Alex (HHS ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> [UNKNOWN])

CREATION DATE/TIME: 7-JAN-2002 12:29:32.00

SUBJECT:: Lunch tomorrow?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:"John P. McConnell (E-mail)" <JMcConnell@georgewbush.com> ("John P. McConnell (E-mail)" <JMcConnell@georgewbush.com> [UNKNOWN])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I've got two meetings at OEOB tomorrow (Tuesday) with a brief break from 12 to 12:45. Would any of you be free to grab a very quick bite to eat at or near your shop?

This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

From: Azar, Alex (HHS ("Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;John P. McConnell (E-mail) <JMcConnell@georgewbush.com>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/7/2002 7:30:14 AM
Subject: : Lunch tomorrow?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Azar, Alex (HHS ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> [UNKNOWN])

CREATION DATE/TIME: 7-JAN-2002 12:30:14.00

SUBJECT:: Lunch tomorrow?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:"John P. McConnell (E-mail)" <JMcConnell@georgewbush.com> ("John P. McConnell (E-mail)" <JMcConnell@georgewbush.com> [UNKNOWN])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I've got two meetings at OEOB tomorrow (Tuesday) with a brief break from 12 to 12:45. Would any of you be free to grab a very quick bite to eat at or near your shop?

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REV_00138688

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: HHS ("Azar <Azar, Alex>;Alex (HHS/OS) <Alex.Azar@hhs.gov>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;john p. mcconnell (e-mail) <jmccconnell@georgewbush.com>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 1/7/2002 8:28:39 AM
Subject: : Re: Lunch tomorrow?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2002 13:28:39.00
SUBJECT:: Re: Lunch tomorrow?
TO:"Azar, Alex (HHS ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> [UNKNOWN])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:"john p. mcconnell (e-mail)" <jmccconnell@georgewbush.com> ("john p. mcconnell (e-mail)" <jmccconnell@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

yep, I'm available

"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
01/07/2002 12:18:42 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Lunch tomorrow?

I've got two meetings at OEOB tomorrow (Tuesday) with a brief break from 12 to 12:45. Would any of you be free to grab a very quick bite to eat at or near your shop?

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Message Sent

To:
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
"John P. McConnell (E-mail)" <JMcConnell@georgewbush.com>

REV_00138689

Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 1/7/2002 12:33:12 PM
Subject: : Re: Goodbye to the Torch

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2002 17:33:12.00
SUBJECT:: Re: Goodbye to the Torch
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I agree. How about drinks Friday night at a nearby watering hole?

Bradford A. Berenson
01/07/2002 05:09:57 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Goodbye to the Torch

What can do to provide Jason a suitable sendoff this week? I can't do an afternoon thing on Friday, but I think we should plan something.

Message Sent

To: _____
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 1/7/2002 9:05:14 AM
Subject: : Re: Story on tribunal regs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-JAN-2002 14:05:14.00
SUBJECT:: Re: Story on tribunal regs
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

very brave to circulate that . . .

Helgard C. Walker
01/07/2002 01:58:20 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Story on tribunal regs

http://www.nydailynews.com/2002-01-06/News_and_Views/Beyond_the_City/a-137371.asp

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: Azar, Alex (HHS ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/7/2002 9:09:55 AM
Subject: : RE: Lunch tomorrow?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Azar, Alex (HHS ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> [UNKNOWN])
CREATION DATE/TIME: 7-JAN-2002 14:09:55.00
SUBJECT:: RE: Lunch tomorrow?
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Will do.

-----Original Message-----

From: Rachel_L._Brand@who.eop.gov [mailto:Rachel_L._Brand@who.eop.gov]
Sent: Monday, January 07, 2002 1:43 PM
To: Azar, Alex (HHS/OS)
Cc: Brett_M._Kavanaugh@who.eop.gov; Noel_J._Francisco@who.eop.gov
Subject: RE: Lunch tomorrow?

There's a cafeteria, such as it is, here in the OEOP. Or we could walk directly across the street to Cosi. Sounds like Brett is in too. Why don't you come to my office (149) when your meeting is out.

(Embedded
image moved "Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
to file: 01/07/2002 01:38:13 PM
pic08981.pcx)

Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP

cc:
Subject: RE: Lunch tomorrow?

Great. I'm meeting with John Graham at 11-12 and then have a Jay meeting at 12:45. How should we hook up to grab a bite? Is there a cafeteria over there in OEOP?

-----OriginalMessage-----

REV_00138695

From: Rachel_L._Brand@who.eop.gov [mailto:Rachel_L._Brand@who.eop.gov]
Sent: Monday, January 07, 2002 1:29 PM
To: Azar, Alex (HHS/OS)
Cc: Brett_M._Kavanaugh@who.eop.gov; Bradford_A._Berenson@who.eop.gov;
john p. mcconnell (e-mail); Noel_J._Francisco@who.eop.gov
Subject: Re: Lunch tomorrow?

yep, I'm available

(Embedded
image moved "Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
to file: 01/07/2002 12:18:42 PM
pic00034.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Lunch tomorrow?

I've got two meetings at OEOB tomorrow (Tuesday) with a brief break from 12 to 12:45. Would any of you be free to grab a very quick bite to eat at or near your shop?

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Message Sent

To: _____

Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
"John P. McConnell (E-mail)" <JMcConnell@georgewbush.com>
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

REV_00138696

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 1/7/2002 1:18:47 PM
Subject: : FW: Burton web site

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-JAN-2002 18:18:47.00

SUBJECT:: FW: Burton web site

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

fyi

-----Original Message-----

From: Colborn, Paul P

Sent: Monday, January 07, 2002 6:09 PM

To: Herbert, James; Martens, Matthew; Horowitz, Michael-CRM;
Burton, Faith; Thorsen, Carl; Bryant, Dan; Chertoff, Michael; Ciongoli, Adam; Collins, Daniel P

Cc: Whelan, M Edward III

Subject: FW: Burton web site

In case you don't already have it, I'm forwarding herewith the Burton committee website summary of its interest in the subpoenaed documents, which Burton cites at footnote 1 of his 1/3/02 letter as part of the committee's showing of need for the documents.

-----Original Message-----

From: Whelan, M Edward III

Sent: Monday, January 07, 2002 5:58 PM

To: Colborn, Paul P

Subject: Burton web site

www.house.gov/reform/newindex/subpoena_items.htm

Paul: I've marred my copy with notes, so here's the URL.

REV_00138701

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 1/7/2002 1:19:41 PM
Subject: : FW: Burton web site

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 7-JAN-2002 18:19:41.00
SUBJECT:: FW: Burton web site
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

fyi

-----Original Message-----

From: Colborn, Paul P
Sent: Monday, January 07, 2002 6:09 PM
To: Herbert, James; Martens, Matthew; Horowitz, Michael-CRM;
Burton, Faith; Thorsen, Carl; Bryant, Dan; Chertoff, Michael; Ciongoli,
Adam; Collins, Daniel P
Cc: Whelan, M Edward III
Subject: FW: Burton web site

In case you don't already have it, I'm forwarding herewith the Burton
committee website summary of its interest in the subpoenaed documents,
which Burton cites at footnote 1 of his 1/3/02 letter as part of the
committee's showing of need for the documents.

-----Original Message-----

From: Whelan, M Edward III
Sent: Monday, January 07, 2002 5:58 PM
To: Colborn, Paul P
Subject: Burton web site

www.house.gov/reform/newindex/subpoena_items.htm

Paul: I've marred my copy with notes, so here's the URL.

REV_00138702

From: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
To: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; McMahon, Lori <Lori.McMahon@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; ("Coniglio, Peter J <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/PCONIGLIO%JCON"@intmail.usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Comstock, Barbara <Barbara.Comstock@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
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Media Review - Judicial Nominations

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Bush nominated Estrada in May to the District of Columbia court, often a springboard to the U.S. Supreme Court. Last month, all 49 Republican senators signed a letter urging hearings for Estrada and Washington lawyer John Roberts, another nominee for the same court.

Estrada would be the first Hispanic judge on the D.C. court, and friends and foes say he has a chance to be the first Hispanic on the Supreme Court. White House counsel Alberto Gonzales is also seen as a possible nominee to the high court.

“Estrada is young and smart without a long paper trail, so the Bush administration might think his confirmation will be easier,” said Nan Aron, president of the Alliance for Justice, a coalition of largely liberal advocates opposed to Estrada.

Democrats controlling the Senate have moved on other Bush judgeships, with 28 confirmed since they took control in June -- better than the pace of the GOP Senate during the Clinton years. But they haven't scheduled hearings on Estrada or several other nominees.

‘NO CONSENSUS’

“The Judiciary Committee tried to move as many nominations as possible, and not go to the most difficult ones, where there is no consensus,” said David Carle, a spokesman for Judiciary Chairman Patrick Leahy, D-Vt.

Republicans see foot-dragging and have responded sharply.

“Democrats don't want a Hispanic appointed to this significant court because they understand he could be one of the president's first nominees on the Supreme Court,” said Sen. Jon Kyl, R-Ariz., last month. “They are literally racially profiling this nomination.”

Hispanic groups are generally supportive, but not completely.

The Latino Coalition and the Hispanic Business Roundtable are backing the nomination.

The Mexican American Legal Defense and Education Fund is studying Estrada's record and has not taken a position, said regional counsel Marisa Demeo.

“So often, you hear there are not enough qualified Latinos for these positions, but he is remarkably qualified,” said Gabriela Lemus, spokeswoman for the League of United Latin American Citizens (LULAC). “The Senate should give him a chance.”

APPROACH DESCRIBED

Estrada has written that he is a strict constructionist who would not “make law” as a judge. His backers note that as a lawyer in the solicitor general's office, Estrada strictly followed the provisions of racketeering law in one case, arguing against abortion protesters.

And the American Bar Association has given Estrada a rating of ``well-qualified."

But Bender, a Clinton appointee who supervised appellate litigation in several discrimination cases, said he ``could not trust Estrada's judgment" in following the law.

``He was very, very conservative and outspoken about it -- he felt the law on defendants' right had gone way too far," Bender said.

Bender, a civil rights advocate, said he sometimes disagreed with Roberts -- Bush's other nominee for the D.C. court -- but would support Roberts ``because he is well-qualified."

Michael Gerhardt, who has studied confirmation battles over the years, said the Estrada fight is another episode in the ongoing battle to define the ideological middle ground.

Each side tries to depict the other as outside the mainstream in such fights, Gerhardt said.

``Defining who is really a moderate, who is too ideological, is at the core of the debate," he said.

Op/Eds

The Chief Justice Speaks

The Washington Post

Friday, January 4, 2002

CHIEF JUSTICE William Rehnquist is one of the few prominent Republicans with standing to complain about the way the Democratic-controlled Senate is processing judicial nominations. Back in 1997 Mr. Rehnquist courageously chided Senate Republicans in his year-end report on the judiciary for delays in confirming President Clinton's nominees. "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote," he wrote. "The Senate should act within a reasonable time to confirm or reject them." His principled call then for a fair and expeditious process makes his insistence in this year's report that the Senate "ought to act on each nominee and to do so within a reasonable time" a rarity in the general hypocrisy of the confirmation mess: a consistent position.

Unfortunately, Mr. Rehnquist did not content himself with using his unusual moral authority on the question of judicial nominations to give the process a push. Instead, he began his discussion of the vacancy problem by positing a dubious link between the issue and the war on terrorism. He noted that "the federal courts have functioned through wars, natural disasters, and terrorist attacks" but said that for them "to continue to function effectively and efficiently . . . judicial vacancies must be timely filled with well-qualified candidates." This adoption of what has become standard Republican rhetoric on judges is unnecessary, and the argument itself is unconvincing. No matter how short-staffed a court, any judge is going to drop his other work when the FBI comes in with an emergency search warrant request. The highest-priority matters don't tend to be the work that suffers.

The reason the Senate should consider judges quickly is exactly the same now as it was before Sept. 11. The institutional needs of the judiciary should not be held hostage to politics. And while the Senate's constitutional duty to advise on and consent to the president's nominees may legitimately involve rejecting his nominations, it is an abdication of that duty simply to refuse to consider them. Lengthy, irrational delays are also unfair to the nominees in question and, along with low judicial pay, are among the serious obstacles to recruiting good judges. Mr. Rehnquist is right to speak up on this issue -- irrespective of which party controls the White House and which party controls the Senate. It is no less important for having nothing to do with terrorism.

Senate Holdup; Our Position: The U.S. Senate Should Stop Playing Politics With Judicial Nominations

The Orlando Sentinel
Sunday, January 6, 2001

The U.S. Senate needs to step up the pace to confirm or reject the people nominated to federal judgeships by President George W. Bush.

Prompt action is required because 11 percent -- 94 of the authorized 853 district, trade and appeals-court judgeships -- are vacant. That's the largest number of vacancies since early 1994, when there were 118 empty seats on federal benches. There's one judicial vacancy in Florida's middle district, which includes Orlando. Vacancies increase the back-breaking workload of cases that judges preside over. That workload can contribute to delays throughout the court system. It's not uncommon for individual judges to preside over hundreds of complicated cases during the course of a year.

The situation has become so critical that U.S. Chief Justice William Rehnquist issued a Mayday call for help last week in his annual report on the federal judiciary. He noted that the delays and arduous confirmation process is discouraging some qualified people from accepting a nomination to the federal bench.

The solution rests in the hands of the Senate, which is charged with confirming judicial nominees. Those nominations sometimes become political soccer balls. When the Republicans held the majority during the Democratic administration of President Bill Clinton, his nominations had a difficult time making it through the confirmation process.

Now that the Democrats hold the upper hand in the Senate, nominations made by Mr. Bush, a Republican, are crawling. When the Senate adjourned for the Christmas break, 37 nominees were awaiting action by the Senate.

The prompt and smooth administration of justice in the federal system is much more important than partisan muscle-flexing.

All presidents are entitled to nominate judges with whom they are politically comfortable. That discretion generally should be respected by senators.

The way to avoid logjams in the nomination process is for senators to avoid getting hung up on political differences they may have with individual nominees.

The candidates' fitness to serve in the lifetime judicial positions should be evaluated on the basis of the nominee's integrity, personal background, professional experience, legal knowledge and temperament.

Presidents also have an obligation to avoid nominating people who have weak qualifications for the post. Such nominations are needlessly provocative. They are certain to draw political attacks and cause delays in the confirmation process.

The ongoing international war against terrorism and increasingly complex issues in technology and the business world are sure to create cases that will make the federal courts more important than ever.

Filling the vacancies on the federal bench must be a top priority for senators.

Order for the Courts

The News and Observer
Saturday, January 5, 2002

Anyone watching the bitter nomination and appointment process for federal judgeships has to come away perplexed. Democrats like to point out that President Bush has gotten a higher percentage of his judicial nominees through the Senate grinder at this time than former President Clinton.

But that partisan point, legitimate though it may be, doesn't erase the fact that the federal court system is understaffed on the bench. Chief Justice William H. Rehnquist, in his annual report on the courts at the end of 2001, noted that of 853 federal judgeships, 94 are vacant, about 11 percent. That's not as bad as the Clinton years -- when Republicans also dragged their feet on appointments thanks to their ongoing contentious relationship with Clinton -- but it's too many -- the most at the start of a year since 1994.

Sen. Patrick Leahy of Vermont, chairman of the Judiciary Committee that opens the approval process, blames the tumult in the nation and the Senate, with some justification.

Besides Sept. 11, senators suffered through the emptying of Senate offices due to anthrax and political upheaval with a change in leadership after Sen. James Jeffords of Vermont became an independent and gave the majority to Democrats at mid year.

President Bush, of course, should expect opposition if he goes to the fringes of conservatism to find nominees. Judgeships, after all, are lifetime appointments. Democrats wouldn't be doing their job if they didn't subject nominees to rigorous debate, a logic that holds when Republicans

are the Senate bosses. Federal judges have tremendous power, and those who are granted it must be men and women of sound judgment and reason, qualities than need not have a partisan litmus test.

Bush does have every right to fill judgeships with candidates who share his conservative philosophy.

A well-functioning judiciary is always important. But the war against terrorism has raised a host of basic constitutional issues that the courts likely will have to untangle in the months and years to come.

Now more than ever, Rehnquist seems to say, we need a strong, complete federal judiciary. Seeing to that and making sure the process doesn't get skewed by partisanship is a duty shared equally by the president and Congress.

Reluctant Jurists; Problems with Pay and Confirmation Dampen Top Lawyers' Aspirations to be Federal Judges

Newsday

Saturday, January 5, 2002

Relatively low pay and lengthy confirmation processes have soured many lawyers in private practice on seeking appointment to the federal bench, says the nation's top judge. The Senate and the president should heed the warning of Chief Justice William Rehnquist.

If the pool of potential judicial nominees continues to shrink, the current high quality of the federal bench will eventually be eroded. In the interest of justice, Washington should deliver timely confirmation hearings and votes, and a formula for regular judicial pay raises. Highly qualified nominees who are comfortably in the mainstream of political ideology usually win easy confirmation. It is when a president from one party asks a Senate controlled by the other party to confirm nominees with controversial views that the process runs aground.

A Democratic Senate, its plate full after the Sept. 11 terrorist attacks, confirmed 28 of Republican President George W. Bush's judicial nominees in 2001. But at year's end there were still 94 vacancies. Between 1998 and 2000, with Democrat Bill Clinton in the White House and a Republican Senate, 32 nominees got no confirmation hearings at all.

Presidents impede the process when they try to stack the courts with ideologues. But the acceptable political mainstream must be broad. The courts benefit from ideological diversity and from the presence of judges who follow a variety of career paths to the bench.

Nominees in private practice are the ones most affected by delayed confirmation and lower pay. They lose business while awaiting confirmation because they cannot assure prospective clients that they'll be available to complete their work. And for top lawyers, judicial salaries - \$150,000 for district court judges, \$192,000 for the chief justice - are a pay cut. Lawyers in the nation's top

firms earn that much just a few years out of school. Government can't compete with private-sector compensation. But judges should get raises at regular intervals that exceed the rate of inflation.

Judges perform a demanding, critical public service. Those who do it shouldn't be expected to sacrifice unnecessarily.

Approval Process, Pay for Jurists Need Reform; Highly Political Vetting Process, Low Salaries Could Cripple Federal Judiciary

By Tom Teepen
Dayton Daily News
Friday, January 4, 2002

William H. Rehnquist has a point. Two, actually.

The Chief Justice of the United States, in his annual year-end report, warned that unless pay is boosted sharply and the political vetting of nominees is streamlined, the nation could wind up with a federal judiciary that is substantially bureaucratized and, virtually by definition then, dehumanized. With a scheduled 3.4 percent cost-of-living increase this year, district judges will make \$150,000, courts of appeal judges \$159,100 and Supreme Court associate justices \$184,400. (Rehnquist will pull in \$192,600.)

That's big money to most of us, and it would be easy to dismiss Rehnquist's pitch as the bellyaching of the well-to-do.

But, in fact, big law firms in major cities are paying salaries close to those of district judges to first-year lawyers, youths with law-review ink still on their fingers.

The public can expect federal judges to count the prestige of a judgeship and the opportunity to make an important civic contribution as at least some compensation for lower wages than they could make in private practice. It is unreasonable, however, to expect many of the most able candidates to accept what amounts to financial devastation.

As a result of the lagging pay, Rehnquist notes, an increasing number of federal jurists are coming from public rather than private practice - from prosecuting shops, public-defender programs and such - where the pay is so low \$150,000 offers a lifestyle change.

Attorneys from private practice bring - not universally but typically - a greater real-world understanding of law to the judge's job than do public attorneys who have been practicing stickler's law at the second decimal place. The same can be said, by the way, of many political appointees. In any event, a mix on the federal bench is best.

Rehnquist is right, too, in saying the Senate approval process has become a political torture putting off potential nominees.

As he did in scolding GOP Congresses for sidelining President Bill Clinton's judicial nominees, the chief justice now chides the current Democratic Senate for holding up President George W. Bush's picks, but the larger blame has to go to Rehnquist's own party.

The Senate isn't breaking any speed records with Bush's choices, but neither is it as balky as recent Republican Congresses were. And where Clinton put forward essentially moderate nominees who should have been speedily approved, Bush has proposed a cohort that is one of the most ideologically vivid - lurid? - ever advanced. Careful, indeed skeptical, hearings are called for.

The GOP's right, in an avowed campaign to capture the federal bench, has extended its sly naming game to the judiciary - casting, and dismissing, as 'left-wing' or 'liberal' everyone who is not doctrinally conservative. (And the watchdog media, who bark their fool heads off when some second-tier pol empties the petty-cash drawer, lets the right get away with murdering whole political identities.)

The pay matter can be fixed quickly and cheaply with simple legislation, and should be. The confirmation mess won't end until both parties go back to making moderate appointments and the GOP stops being a willing partner in its right's scheming.

Bush Nominations Delayed

The Herald

Friday, January 4, 2002

The nation is ill served by senatorial foot-dragging in approving presidential nominations for various posts. But the delay is nothing new, and the GOP's self-righteous hand-wringing is more than a little hypocritical. Of the more than 500 executive branch positions that require Senate confirmation, about 350 were filled in 2001. But 70 nominees were left unconfirmed when Congress adjourned in late December.

Nominees were being rubber-stamped by the Republican-controlled Senate early in Bush's first year. But that came to a screeching halt when Vermont Sen. James Jeffords defected from the GOP, declaring himself an independent, thereby handing control of that body to the Democrats.

Some Republicans have advised Bush to use recess appointments while Congress is not in session, which would allow appointees to serve until January 2003 without Senate confirmation. But that tends to cast the nomination in a poor light, indicating the Senate has no confidence in the nominee. It also practically ensures the nominee never will be officially confirmed.

Senate Republicans have, predictably, complained about the delay. Sen. Orrin Hatch of Utah, senior Republican on the Judiciary Committee, said Democrats have made a "systematic and calculated effort to confirm the absolute minimum number of President Bush's judicial nominees

that they believe will be acceptable to the American public."

Hatch also asserted that his party "did not play such games when Bill Clinton was president." Oh, really? The record indicates otherwise. The Senate confirmed 28 judicial nominees last year. In 1996, when Hatch was chairman of the Judiciary Committee, the Senate confirmed only 17.

In 1999, Hatch froze consideration of all nominees for several months to put pressure on Clinton to nominate an attorney Hatch wanted for a district judgeship in Utah. Under the past six years of Republican control of the Senate, confirmations, judicial nominations in particular, slowed to a crawl. Some nominees languished for years. In fact, some slots are open now because nominees weren't confirmed during the Clinton years. So, to some degree, the Democrats are demonstrating that both parties can play that game. Unfortunately, political games impede smoothly functioning government.

The Senate has a responsibility to advise and consent on presidential nominations. And, in some cases, delays may be justified. There are legitimate reasons to be wary of controversial nominations such as Otto Reich, Bush's nominee to be assistant secretary of state for Western Hemisphere affairs, and Eugene Scalia, son of Supreme Court Justice Antonin Scalia and Bush's pick to be the Labor Department's top lawyer.

Clearly, however, the process is flawed. Political spite is not a legitimate reason to hold up presidential nominations. Leaders in both parties need to seek common ground. Nonetheless, it's worth noting that Democrats didn't create this mess, and Republican complaints to the contrary are an attempt to rewrite recent history.

Senate Politics Damage Federal Courts

By Wes Haden
The Chattanooga Times
Friday, January 4, 2001

In the best tradition of blind justice -- that is a court system that does not take sides -- Chief Justice William Rehnquist once again has appealed to the U.S. Senate to put aside its seemingly endless bickering and attend to the business of approving new federal judges.

Though Justice Rehnquist's latest plea is pointedly directed to the sitting Democratic-controlled Senate, it is not a partisan request at all. The chief justice made the same request during the latter part of Bill Clinton's tenure when Republicans controlled the Senate and judicial appointments were, as they are now, caught up in endless political machinations. Justice Rehnquist has sound reason to push recalcitrant legislators. There are nearly 100 vacant federal judgeships around the country, slightly above 10 percent of the total. If federal courts are to provide prompt trials and efficient justice, as they are mandated to do, they must have a full complement of judges. Given the roadblocks put up in the fractious Senate over the past few years, that's unlikely to happen anytime soon.

Warning that the large number of vacancies "were undermining the administration of justice," the chief justice called on the Senate to "act with reasonable promptness" on the president's judicial nominees. The Senate, he correctly implied in his annual report on the federal judiciary, should put the nation's needs ahead of political chicanery.

In the past, pleas for assistance in matters of this kind from the judicial branch to the legislative branch have gone pretty much unheeded. The Senate did as it pleased -- and approved nominees only when it saw fit. That is no longer an acceptable way to conduct business.

Federal court dockets in many places are clogged because of past intransigence on the part of senators. Their persistent refusal to vote on judicial appointees whose ideologies differ with their party's orientation has created a problem that is fast becoming a national scandal.

To make matters worse, the new anti-terrorist laws enacted after Sept. 11 are already spawning litigation that will further tax the federal judicial system. Without the swift action sought by the chief justice, the situation is likely to worsen.

In recent years, the Senate, regardless of the majority party, has preferred to play partisan politics with judicial nominations rather than responsibly fill its role in approving judges for the trial and appellate courts.

It's time for those games to end. America and Americans are living in difficult times and it is more important than ever that the rule of law be paramount. The Senate can assure that it is by voting yea or nay on the judicial nominations when it returns to business on Jan. 23.

Transcripts/Members of Congress

NONE

Interest Groups/Press Releases

NONE

General Judicial Articles

Rehnquist Decries Low Pay, Shrinking Pool of Judge Candidates

By Tony Mauro
Legal Times
Monday, January 7, 2002

The New Year's Day lament from Chief Justice William Rehnquist was familiar: Federal judges are not paid enough, and Congress needs to do something about it.

But in describing the negative impact of low judicial salaries, Rehnquist made a fresh and even surprising new argument. He claimed that the pay situation was shifting the pool of potential judges away from private practitioners and more toward bankruptcy judges, magistrates, state court judges and even prosecutors and public defenders -- for whom a district or appellate judgeship would represent a raise in pay.

And that, Rehnquist bemoaned, could turn the U.S. judiciary into a less-respected European-style civil bureaucracy, in which lawyers become lifelong judges at the start of their careers, unleavened by private law practice.

"We must not drastically shrink the number of judicial nominees who have had substantial experience in private practice," Rehnquist said in his annual year-end report on the judiciary. "We have never had, and should not want, a judiciary composed only of those who are already in the public service."

The argument turned heads, especially coming from a man who was himself an assistant attorney general in the Nixon administration before joining the federal bench as an associate justice in 1971. It also raised the question -- a question Rehnquist himself often asks a lawyer who makes a novel argument at the Supreme Court -- namely, what support is there for his proposition?

Rehnquist offered only nostalgia as evidence. He waxed poetic about judges and justices through

history who had spent most or all of their professional lives in private practice. Rehnquist invoked the names of Louis Brandeis, known as the "people's attorney" before joining the high court in 1916, and Thurgood Marshall, who was a private lawyer and then top lawyer for the NAACP before John F. Kennedy named him to the federal appeals bench. Learned Hand and Byron White were cited as well.

Even more powerfully, Rehnquist also said that John Brown, Richard Rives, Elbert Tuttle, and John Minor Wisdom, "well-known for their courage in enforcing this court's civil rights decisions as judges on the Court of Appeals for the 5th Circuit, all served almost exclusively in private practice before their appointments to the bench."

DOES MONEY MATTER?

Beyond Rehnquist's cavalcade of judicial titans who once hung out a shingle, there does appear to be some statistical evidence backing up his claim. But some judges and academics contacted after Rehnquist's report suggested that the trend is not as strong, lamentable, or salary-driven, as Rehnquist made it out to be.

"The observation may be true, but what difference does it make if we have a judiciary full of lower court judges?" says Washington University political science professor Lee Epstein, a longtime student of the federal judicial system. "I'd want to know more before saying it's a bad thing."

A. Thomas Small, a bankruptcy judge in North Carolina and former president of the Conference of Bankruptcy Judges, has no doubt on that question. "Experience as a bankruptcy judge is a good thing, and I am sure the chief justice appreciates that. But I would agree with him that you don't want to limit the field of nominees just to bankruptcy or magistrate judges."

Sam Joyner, an Oklahoma magistrate judge who also edits the Federal Courts Law Review, adds: "The chief justice is right that the best way to go is for those in private practice to join the judiciary. But a lot of magistrate judges have that experience, plus they have a track record [as judges] that's pretty helpful." Joyner himself was in private practice for 30 years before becoming a magistrate judge in 1995.

The salary of magistrate and bankruptcy judges is set at 92 percent of district judges' salary, which was recently boosted to \$150,000. Thanks to a 3.4 percent cost-of-living adjustment for all Article III judges, an increase that Rehnquist expressed appreciation for in his report, appeals court judges are now paid \$159,100, associate Supreme Court justices get \$184,400, and the chief justice is paid \$192,600.

Joyner, who sits in Tulsa, just lost two fellow magistrate judges -- Claire Eagan and James Payne -- to the district court bench in Oklahoma, so he has seen firsthand the trend that Rehnquist spotlighted.

Eagan and Payne are among the 64 people nominated to district or circuit judgeships so far by

President George W. Bush. Of those 64, nearly half -- 31, to be exact -- were sitting state or federal judges or magistrate judges when nominated. Six more were in state or federal legal jobs, and five were academics or self-employed. Only 22 were partners in private law firms when nominated.

The Bush record is in line with a trend that Sheldon Goldman has seen over many decades.

Goldman, a political science professor at the University of Massachusetts, is the author of "Picking Federal Judges" and is generally regarded as the most reliable keeper of statistics about federal court nominees.

Sixty years ago, Goldman says, about one-third of district court appointees were drawn from the ranks of lower court and state court judges. In recent years, that number has grown to nearly one-half.

"There has been a long-term trend toward a professionalization of the judiciary," says Goldman. But he suggests that the trend has been driven as much by other factors as by salary.

For one thing, incumbent judges and government lawyers have a track record on issues that might be important to the appointing president. For another, they may have already been through the confirmation process -- though, as Goldman notes, that did not help Robert Bork or Clarence Thomas much when they were nominated to the Supreme Court.

The statistics about the jobs that judges held when nominated also obscure the fact that most judges, magistrates, and government attorneys had considerable private practice experience earlier in their careers. Rehnquist, for example, practiced law for 16 years in Phoenix before joining the Justice Department. Bankruptcy and magistrate judges, appointed by district or circuit judges, are required to have practiced law before seeking the jobs.

EUROPE'S WAY

The European experience that Rehnquist offered as an unenviable contrast is far different. Judges are more like lifelong bureaucrats in many European nations, says American University law professor Herman Schwartz, who has studied several judicial systems abroad.

"They cover their asses, they are tightly controlled by appeals courts, and they are low-status and low-income," says Schwartz. "Here, people snap to attention when a federal judge walks into the room."

So how much of a factor is low salary in the judicial selection process? Bush administration officials would not comment publicly on that question or on Rehnquist's thesis. But one top official, when asked how often prospective nominees drop out because of money, says, "It has happened on occasion, but is not frequent."

The American Bar Association and the Federal Bar Association last year issued a report

supporting the chief justice's plea for higher judicial pay, asserting that salary was "the single most important factor discouraging potential candidates from seeking appointment," although it offered only anecdotal evidence.

Goldman says one piece of tangible evidence that salary is an issue is that those nominated to the federal bench tend to be wealthier than in decades past -- and presumably better able to handle a dip in pay. Roughly 40 percent of Clinton appointees to the federal bench reported net worth of \$1 million or more, Goldman calculates. In his 2000 year-end report issued last January, Rehnquist said, "We cannot afford a judiciary made up primarily of the wealthy."

A. Raymond Randolph, a judge on the U.S. Court of Appeals for the D.C. Circuit, says a related tax issue also works as a disincentive for potential nominees.

"Congress needs to look into the problems caused by the transition that some people face when going from private practice to a judgeship," Randolph says. "Often, in order to avoid frequent recusals, a new judge has to convert his or her investments from stocks into mutual funds. They have to take this big hit in capital gains taxes when they do this. Congress should look into granting an exemption in this circumstance."

Those who minimize the salary issue say the honor of a presidential appointment and the prestige of the federal bench -- complete with life tenure, law clerks, and other perks -- still lure top candidates from the private bar.

The story is often told of the lighthearted but revealing exchange of letters nearly two years ago between 4th Circuit Judge J. Michael Luttig and John Roberts Jr., partner at Washington, D.C.'s Hogan & Hartson. Hearing that first-year associate salaries were approaching those of federal judges, Luttig "applied" for a first-year position at Hogan.

Roberts, who is now a Bush appointee to the appeals bench, whimsically turned Luttig down. "First, our associates are expected to work more than one week each month, and we do not give them the entire summer off," Roberts wrote. "Second, while it is always a possibility, we do not guarantee our associates life tenure. Third, while we offer a wide range of support, few of our associates are assigned three full-time law clerks to assist them. And finally, although we have adopted a 'casual Friday' policy, black robes do not qualify as appropriate attire."

Hispanic Nominee No Shoo-In; Estrada's Critics Say He's and Ideologue Unfit for Powerful Bench

By Frank Davies
The Charlotte Observer
Sunday, January 6, 2002

To the Bush administration, Miguel Estrada's nomination for a top federal judgeship is a brilliant opportunity. It combines impressive legal credentials, an immigrant success story and a chance to woo Hispanic voters.

Critics, however, view Estrada, a Honduran American who lacks judicial experience, as a Justice Clarence Thomas in the making - a young lawyer thrust toward the Supreme Court as a conservative ideologue, no more representative of Hispanics than Thomas was of blacks. It means the Estrada nomination to the D.C. Circuit Court of Appeals - the nation's second most powerful court - looms as one of this year's most politically charged nomination struggles in the Senate.

Estrada left Honduras at 17, joined his mother in New York, learned English in two years, graduated with honors from Harvard Law School, clerked for Supreme Court Justice Anthony Kennedy, served as a prosecutor, and worked in the Justice Department for both the Clinton and first Bush administrations.

Now in private practice in Washington, Estrada, 40, is a favorite of conservatives.

He worked for GOP legal strategist Theodore Olson, now solicitor general, and has been a member of the Federalist Society, a right-of-center legal network influential in the current Bush administration.

Leaders of several Hispanic advocacy groups support him.

But a Clinton administration appointee who supervised some of Estrada's work in the Justice Department voiced reservations about him.

"Miguel is too much of an ideologue to be an appellate judge - you could not count on him to be fair or neutral," said Paul Bender, former deputy solicitor general.

With Congress returning Jan. 23, Republicans and conservative groups are pressing the Senate to act. Democrats who remember how the GOP held up one Hispanic judicial nominee, Richard Paez of California, for four years are in no hurry.

"This is a fight where Bush will see a real upside to push for Estrada, but Democratic senators are in no rush - they have long memories," said Michael Gerhardt, author of a recent book on presidential appointments.

Collins Accuses Democrats of Stall Tactics

By George Edmonson
The Atlanta Journal and Constitution
Sunday, January 6, 2002

Rep. Mac Collins (R-Ga.) last week renewed his accusation that Senate Democratic leaders are intentionally delaying President Bush's judicial nominations for political reasons.

Collins said that Majority Leader Tom Daschle (D-S.D.) and Judiciary Committee Chairman

Patrick Leahy (D-Vt.) have been using the process to give Democrats an issue in this year's midterm congressional elections and in the 2004 presidential race.

"Daschle and Leahy are trying to obstruct the president's appointments so that they can show, in some warped twist of logic, that the president has not been an effective leader," Collins said in a statement.

"Daschle has one aim in the process, to lay the groundwork for his 2004 presidential bid and to show ineffective leadership by the Republican Party to increase the Democrats' margin of control in the Senate and to take control of the House," Collins said. "This is unconscionable and endangers our nation." Last year, the congressman accused Sen. Max Cleland (D-Ga.) of helping to delay nominations for political reasons. Cleland said he was only following the procedure the GOP under President Clinton.

But in his latest press release, Collins said Cleland had been responsive in helping to get two vacancies filled in the Middle Georgia district

Collins' statement said, in part, "I appreciate Senator Cleland's responsiveness to my request that he go to bat for the citizens of Georgia."

The Democrats, of course, deny any political skullduggery and, at the same time, say that the Republicans delayed or tried to delay judicial appointments during the Clinton administration.

Defense Lawyers Oppose Cassell Nomination

By Stephen Hunt
The Salt Lake Tribune
Saturday, January 5, 2002

Utah defense attorneys are publicly opposing Paul Cassell's nomination by President Bush to become the state's newest federal judge -- claiming he lacks the proper temperament to sit on the bench.

Cassell, a University of Utah law professor, is an outspoken champion of crime-victim rights, a death-penalty proponent and recently tried to abolish the long-standing rule that forces police to give crime suspects a so-called "Miranda warning" prior to interrogation. Susanne Gustin, president of the Utah Association of Criminal Defense Lawyers, claims Cassell's "habit of inserting himself into high-profile cases" makes him unfit to be a judge.

"We question his ability to provide a fair hearing," Gustin said Friday, the same day her Letter to the Editor about Cassell was published in The Tribune. "He's too much of an advocate and a judge has to be totally in the middle."

Gustin said she also planned to write the Senate Judiciary Committee, which must approve Cassell's nomination.

Most recently, Cassell was involved in the Robert Weitzel homicide case, representing the victims' families in their desire to have 2nd District Judge Thomas Kay removed from Weitzel's second trial. Family members and prosecutors accused Kay of bias against them.

Kay was removed for "apparent bias." But the judge who ordered Kay's recusal said he had "serious questions concerning the good faith" of Cassell and state prosecutors.

Despite similar objections by others, Sen. Orrin Hatch, R-Utah, remains supportive of Cassell, said Hatch's press secretary, Heather Barney.

Parties Locked in Battle Over Hispanic's Bid for Court Seat

By Frank Davies

The Miami Herald

Monday, January 7, 2002

For the Bush administration, the nomination of Miguel Estrada to a top federal judgeship seemed like a sure winner. He possesses impressive legal credentials, his life story offers a dramatic example of success by an immigrant, and Hispanic voters would be favorably impressed by the GOP's selection.

But his nomination has languished in the Senate for months, and as more and more critics voice doubts, the fight to put Estrada on the Court of Appeals for the District of Columbia -- the nation's second most powerful court -- is shaping up as one of this year's most contentious, politically charged struggles in the Senate.

The controversy reflects the importance of the Hispanic vote and the politics of payback, not to mention an ideological battle to define the middle ground of jurisprudence.

Opponents portray Estrada, a Honduran American who lacks judicial experience, as a Clarence Thomas in the making, a young lawyer thrust toward the Supreme Court as a conservative ideologue no more representative of Hispanics than Thomas was of blacks.

A former colleague who supervised some of Estrada's work in the Justice Department said he was "shocked" by Estrada's nomination.

"Miguel is too much of an ideologue to be an appellate judge -- you could not count on him to be fair or neutral," said Paul Bender, who was deputy solicitor general. "He is a terrific oral advocate, but I could not rely on his written work as a neutral statement of the law."

Estrada, like other judicial nominees, declined to discuss his career until a hearing on his nomination is held.

PRESSURE FOR ACTION

With Congress returning Jan. 23, Republicans in Congress and conservative groups are pushing for the Senate to act. Democrats who remember how the GOP held up one Hispanic nominee for a judgeship, Richard Paez of California, for four years are in no hurry.

“This is a fight where Bush will see a real upside to push for Estrada, but Democratic senators are in no rush -- they have long memories of how Republicans blocked Clinton's nominees,” said law professor Michael Gerhardt.

“This nomination shows that ideology does matter, and Estrada's Hispanic background adds an important element and will make a big difference,” said Gerhardt at The College of William & Mary.

But even those who don't like Estrada's politics or his fitness for the job concede that his life story is compelling.

He left Honduras at 17, joined his mother in New York, learned English in two years, achieved magna cum laude honors at Harvard Law School, clerked for Supreme Court Justice Anthony Kennedy, served as a prosecutor, and worked in the Justice Department during the Clinton administration and the first Bush administration.

RIGHT OF CENTER

Now in private practice in Washington, Estrada, 40, is a favorite of conservatives. He worked for GOP legal strategist Theodore Olson, now solicitor general, and has been a member of the Federalist Society, a right-of-center legal network influential in the current Bush administration.

“His life story makes liberals swoon, but his politics make them shudder,” wrote New Republic editor Peter Beinart, who said President Bush is using “diversity games” to disguise a far-right nominee.

Estrada, who opposes abortion and has criticized some affirmative action measures, was hailed as a “star of the conservative legal movement” by William Buckley's National Review. Columnist Robert Novak described Estrada as part of “an all-star conservative team of lawyers.”

MINORITY HIRING

Estrada was one of the few minority group members to be hired as a law clerk by a Supreme Court justice, an issue that has prompted protests by several legal groups. When USA Today in 1998 reported on the very low percentage of minority clerks, Estrada dismissed the statistics.

“If there was some reason for under-representation, it would be something to look into,” Estrada told USA Today. “But I don't have any reason to think it's anything other than a reflection of trends in society.”

From: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
To: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; McMahon, Lori <Lori.McMahon@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; ("Coniglio, Peter J <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/PCONIGLIO%JCON"@intmail.usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Comstock, Barbara <Barbara.Comstock@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
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Bush nominated Estrada in May to the District of Columbia court, often a springboard to the U.S. Supreme Court. Last month, all 49 Republican senators signed a letter urging hearings for Estrada and Washington lawyer John Roberts, another nominee for the same court.

Estrada would be the first Hispanic judge on the D.C. court, and friends and foes say he has a chance to be the first Hispanic on the Supreme Court. White House counsel Alberto Gonzales is also seen as a possible nominee to the high court.

“Estrada is young and smart without a long paper trail, so the Bush administration might think his confirmation will be easier,” said Nan Aron, president of the Alliance for Justice, a coalition of largely liberal advocates opposed to Estrada.

Democrats controlling the Senate have moved on other Bush judgeships, with 28 confirmed since they took control in June -- better than the pace of the GOP Senate during the Clinton years. But they haven't scheduled hearings on Estrada or several other nominees.

‘NO CONSENSUS’

“The Judiciary Committee tried to move as many nominations as possible, and not go to the most difficult ones, where there is no consensus,” said David Carle, a spokesman for Judiciary Chairman Patrick Leahy, D-Vt.

Republicans see foot-dragging and have responded sharply.

“Democrats don't want a Hispanic appointed to this significant court because they understand he could be one of the president's first nominees on the Supreme Court,” said Sen. Jon Kyl, R-Ariz., last month. “They are literally racially profiling this nomination.”

Hispanic groups are generally supportive, but not completely.

The Latino Coalition and the Hispanic Business Roundtable are backing the nomination.

The Mexican American Legal Defense and Education Fund is studying Estrada's record and has not taken a position, said regional counsel Marisa Demeo.

“So often, you hear there are not enough qualified Latinos for these positions, but he is remarkably qualified,” said Gabriela Lemus, spokeswoman for the League of United Latin American Citizens (LULAC). “The Senate should give him a chance.”

APPROACH DESCRIBED

Estrada has written that he is a strict constructionist who would not “make law” as a judge. His backers note that as a lawyer in the solicitor general's office, Estrada strictly followed the provisions of racketeering law in one case, arguing against abortion protesters.

And the American Bar Association has given Estrada a rating of ``well-qualified."

But Bender, a Clinton appointee who supervised appellate litigation in several discrimination cases, said he ``could not trust Estrada's judgment" in following the law.

``He was very, very conservative and outspoken about it -- he felt the law on defendants' right had gone way too far," Bender said.

Bender, a civil rights advocate, said he sometimes disagreed with Roberts -- Bush's other nominee for the D.C. court -- but would support Roberts ``because he is well-qualified."

Michael Gerhardt, who has studied confirmation battles over the years, said the Estrada fight is another episode in the ongoing battle to define the ideological middle ground.

Each side tries to depict the other as outside the mainstream in such fights, Gerhardt said.

``Defining who is really a moderate, who is too ideological, is at the core of the debate," he said.

Op/Eds

The Chief Justice Speaks

The Washington Post

Friday, January 4, 2002

CHIEF JUSTICE William Rehnquist is one of the few prominent Republicans with standing to complain about the way the Democratic-controlled Senate is processing judicial nominations. Back in 1997 Mr. Rehnquist courageously chided Senate Republicans in his year-end report on the judiciary for delays in confirming President Clinton's nominees. "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote," he wrote. "The Senate should act within a reasonable time to confirm or reject them." His principled call then for a fair and expeditious process makes his insistence in this year's report that the Senate "ought to act on each nominee and to do so within a reasonable time" a rarity in the general hypocrisy of the confirmation mess: a consistent position.

Unfortunately, Mr. Rehnquist did not content himself with using his unusual moral authority on the question of judicial nominations to give the process a push. Instead, he began his discussion of the vacancy problem by positing a dubious link between the issue and the war on terrorism. He noted that "the federal courts have functioned through wars, natural disasters, and terrorist attacks" but said that for them "to continue to function effectively and efficiently . . . judicial vacancies must be timely filled with well-qualified candidates." This adoption of what has become standard Republican rhetoric on judges is unnecessary, and the argument itself is unconvincing. No matter how short-staffed a court, any judge is going to drop his other work when the FBI comes in with an emergency search warrant request. The highest-priority matters don't tend to be the work that suffers.

The reason the Senate should consider judges quickly is exactly the same now as it was before Sept. 11. The institutional needs of the judiciary should not be held hostage to politics. And while the Senate's constitutional duty to advise on and consent to the president's nominees may legitimately involve rejecting his nominations, it is an abdication of that duty simply to refuse to consider them. Lengthy, irrational delays are also unfair to the nominees in question and, along with low judicial pay, are among the serious obstacles to recruiting good judges. Mr. Rehnquist is right to speak up on this issue -- irrespective of which party controls the White House and which party controls the Senate. It is no less important for having nothing to do with terrorism.

Senate Holdup; Our Position: The U.S. Senate Should Stop Playing Politics With Judicial Nominations

The Orlando Sentinel
Sunday, January 6, 2001

The U.S. Senate needs to step up the pace to confirm or reject the people nominated to federal judgeships by President George W. Bush.

Prompt action is required because 11 percent -- 94 of the authorized 853 district, trade and appeals-court judgeships -- are vacant. That's the largest number of vacancies since early 1994, when there were 118 empty seats on federal benches. There's one judicial vacancy in Florida's middle district, which includes Orlando. Vacancies increase the back-breaking workload of cases that judges preside over. That workload can contribute to delays throughout the court system. It's not uncommon for individual judges to preside over hundreds of complicated cases during the course of a year.

The situation has become so critical that U.S. Chief Justice William Rehnquist issued a Mayday call for help last week in his annual report on the federal judiciary. He noted that the delays and arduous confirmation process is discouraging some qualified people from accepting a nomination to the federal bench.

The solution rests in the hands of the Senate, which is charged with confirming judicial nominees. Those nominations sometimes become political soccer balls. When the Republicans held the majority during the Democratic administration of President Bill Clinton, his nominations had a difficult time making it through the confirmation process.

Now that the Democrats hold the upper hand in the Senate, nominations made by Mr. Bush, a Republican, are crawling. When the Senate adjourned for the Christmas break, 37 nominees were awaiting action by the Senate.

The prompt and smooth administration of justice in the federal system is much more important than partisan muscle-flexing.

All presidents are entitled to nominate judges with whom they are politically comfortable. That discretion generally should be respected by senators.

The way to avoid logjams in the nomination process is for senators to avoid getting hung up on political differences they may have with individual nominees.

The candidates' fitness to serve in the lifetime judicial positions should be evaluated on the basis of the nominee's integrity, personal background, professional experience, legal knowledge and temperament.

Presidents also have an obligation to avoid nominating people who have weak qualifications for the post. Such nominations are needlessly provocative. They are certain to draw political attacks and cause delays in the confirmation process.

The ongoing international war against terrorism and increasingly complex issues in technology and the business world are sure to create cases that will make the federal courts more important than ever.

Filling the vacancies on the federal bench must be a top priority for senators.

Order for the Courts

The News and Observer
Saturday, January 5, 2002

Anyone watching the bitter nomination and appointment process for federal judgeships has to come away perplexed. Democrats like to point out that President Bush has gotten a higher percentage of his judicial nominees through the Senate grinder at this time than former President Clinton.

But that partisan point, legitimate though it may be, doesn't erase the fact that the federal court system is understaffed on the bench. Chief Justice William H. Rehnquist, in his annual report on the courts at the end of 2001, noted that of 853 federal judgeships, 94 are vacant, about 11 percent. That's not as bad as the Clinton years -- when Republicans also dragged their feet on appointments thanks to their ongoing contentious relationship with Clinton -- but it's too many -- the most at the start of a year since 1994.

Sen. Patrick Leahy of Vermont, chairman of the Judiciary Committee that opens the approval process, blames the tumult in the nation and the Senate, with some justification.

Besides Sept. 11, senators suffered through the emptying of Senate offices due to anthrax and political upheaval with a change in leadership after Sen. James Jeffords of Vermont became an independent and gave the majority to Democrats at mid year.

President Bush, of course, should expect opposition if he goes to the fringes of conservatism to find nominees. Judgeships, after all, are lifetime appointments. Democrats wouldn't be doing their job if they didn't subject nominees to rigorous debate, a logic that holds when Republicans

are the Senate bosses. Federal judges have tremendous power, and those who are granted it must be men and women of sound judgment and reason, qualities than need not have a partisan litmus test.

Bush does have every right to fill judgeships with candidates who share his conservative philosophy.

A well-functioning judiciary is always important. But the war against terrorism has raised a host of basic constitutional issues that the courts likely will have to untangle in the months and years to come.

Now more than ever, Rehnquist seems to say, we need a strong, complete federal judiciary. Seeing to that and making sure the process doesn't get skewed by partisanship is a duty shared equally by the president and Congress.

Reluctant Jurists; Problems with Pay and Confirmation Dampen Top Lawyers' Aspirations to be Federal Judges

Newsday

Saturday, January 5, 2002

Relatively low pay and lengthy confirmation processes have soured many lawyers in private practice on seeking appointment to the federal bench, says the nation's top judge. The Senate and the president should heed the warning of Chief Justice William Rehnquist.

If the pool of potential judicial nominees continues to shrink, the current high quality of the federal bench will eventually be eroded. In the interest of justice, Washington should deliver timely confirmation hearings and votes, and a formula for regular judicial pay raises. Highly qualified nominees who are comfortably in the mainstream of political ideology usually win easy confirmation. It is when a president from one party asks a Senate controlled by the other party to confirm nominees with controversial views that the process runs aground.

A Democratic Senate, its plate full after the Sept. 11 terrorist attacks, confirmed 28 of Republican President George W. Bush's judicial nominees in 2001. But at year's end there were still 94 vacancies. Between 1998 and 2000, with Democrat Bill Clinton in the White House and a Republican Senate, 32 nominees got no confirmation hearings at all.

Presidents impede the process when they try to stack the courts with ideologues. But the acceptable political mainstream must be broad. The courts benefit from ideological diversity and from the presence of judges who follow a variety of career paths to the bench.

Nominees in private practice are the ones most affected by delayed confirmation and lower pay. They lose business while awaiting confirmation because they cannot assure prospective clients that they'll be available to complete their work. And for top lawyers, judicial salaries - \$150,000 for district court judges, \$192,000 for the chief justice - are a pay cut. Lawyers in the nation's top

firms earn that much just a few years out of school. Government can't compete with private-sector compensation. But judges should get raises at regular intervals that exceed the rate of inflation.

Judges perform a demanding, critical public service. Those who do it shouldn't be expected to sacrifice unnecessarily.

Approval Process, Pay for Jurists Need Reform; Highly Political Vetting Process, Low Salaries Could Cripple Federal Judiciary

By Tom Teepen
Dayton Daily News
Friday, January 4, 2002

William H. Rehnquist has a point. Two, actually.

The Chief Justice of the United States, in his annual year-end report, warned that unless pay is boosted sharply and the political vetting of nominees is streamlined, the nation could wind up with a federal judiciary that is substantially bureaucratized and, virtually by definition then, dehumanized. With a scheduled 3.4 percent cost-of-living increase this year, district judges will make \$150,000, courts of appeal judges \$159,100 and Supreme Court associate justices \$184,400. (Rehnquist will pull in \$192,600.)

That's big money to most of us, and it would be easy to dismiss Rehnquist's pitch as the bellyaching of the well-to-do.

But, in fact, big law firms in major cities are paying salaries close to those of district judges to first-year lawyers, youths with law-review ink still on their fingers.

The public can expect federal judges to count the prestige of a judgeship and the opportunity to make an important civic contribution as at least some compensation for lower wages than they could make in private practice. It is unreasonable, however, to expect many of the most able candidates to accept what amounts to financial devastation.

As a result of the lagging pay, Rehnquist notes, an increasing number of federal jurists are coming from public rather than private practice - from prosecuting shops, public-defender programs and such - where the pay is so low \$150,000 offers a lifestyle change.

Attorneys from private practice bring - not universally but typically - a greater real-world understanding of law to the judge's job than do public attorneys who have been practicing stickler's law at the second decimal place. The same can be said, by the way, of many political appointees. In any event, a mix on the federal bench is best.

Rehnquist is right, too, in saying the Senate approval process has become a political torture putting off potential nominees.

As he did in scolding GOP Congresses for sidelining President Bill Clinton's judicial nominees, the chief justice now chides the current Democratic Senate for holding up President George W. Bush's picks, but the larger blame has to go to Rehnquist's own party.

The Senate isn't breaking any speed records with Bush's choices, but neither is it as balky as recent Republican Congresses were. And where Clinton put forward essentially moderate nominees who should have been speedily approved, Bush has proposed a cohort that is one of the most ideologically vivid - lurid? - ever advanced. Careful, indeed skeptical, hearings are called for.

The GOP's right, in an avowed campaign to capture the federal bench, has extended its sly naming game to the judiciary - casting, and dismissing, as 'left-wing' or 'liberal' everyone who is not doctrinally conservative. (And the watchdog media, who bark their fool heads off when some second-tier pol empties the petty-cash drawer, lets the right get away with murdering whole political identities.)

The pay matter can be fixed quickly and cheaply with simple legislation, and should be. The confirmation mess won't end until both parties go back to making moderate appointments and the GOP stops being a willing partner in its right's scheming.

Bush Nominations Delayed

The Herald

Friday, January 4, 2002

The nation is ill served by senatorial foot-dragging in approving presidential nominations for various posts. But the delay is nothing new, and the GOP's self-righteous hand-wringing is more than a little hypocritical. Of the more than 500 executive branch positions that require Senate confirmation, about 350 were filled in 2001. But 70 nominees were left unconfirmed when Congress adjourned in late December.

Nominees were being rubber-stamped by the Republican-controlled Senate early in Bush's first year. But that came to a screeching halt when Vermont Sen. James Jeffords defected from the GOP, declaring himself an independent, thereby handing control of that body to the Democrats.

Some Republicans have advised Bush to use recess appointments while Congress is not in session, which would allow appointees to serve until January 2003 without Senate confirmation. But that tends to cast the nomination in a poor light, indicating the Senate has no confidence in the nominee. It also practically ensures the nominee never will be officially confirmed.

Senate Republicans have, predictably, complained about the delay. Sen. Orrin Hatch of Utah, senior Republican on the Judiciary Committee, said Democrats have made a "systematic and calculated effort to confirm the absolute minimum number of President Bush's judicial nominees

that they believe will be acceptable to the American public."

Hatch also asserted that his party "did not play such games when Bill Clinton was president." Oh, really? The record indicates otherwise. The Senate confirmed 28 judicial nominees last year. In 1996, when Hatch was chairman of the Judiciary Committee, the Senate confirmed only 17.

In 1999, Hatch froze consideration of all nominees for several months to put pressure on Clinton to nominate an attorney Hatch wanted for a district judgeship in Utah. Under the past six years of Republican control of the Senate, confirmations, judicial nominations in particular, slowed to a crawl. Some nominees languished for years. In fact, some slots are open now because nominees weren't confirmed during the Clinton years. So, to some degree, the Democrats are demonstrating that both parties can play that game. Unfortunately, political games impede smoothly functioning government.

The Senate has a responsibility to advise and consent on presidential nominations. And, in some cases, delays may be justified. There are legitimate reasons to be wary of controversial nominations such as Otto Reich, Bush's nominee to be assistant secretary of state for Western Hemisphere affairs, and Eugene Scalia, son of Supreme Court Justice Antonin Scalia and Bush's pick to be the Labor Department's top lawyer.

Clearly, however, the process is flawed. Political spite is not a legitimate reason to hold up presidential nominations. Leaders in both parties need to seek common ground. Nonetheless, it's worth noting that Democrats didn't create this mess, and Republican complaints to the contrary are an attempt to rewrite recent history.

Senate Politics Damage Federal Courts

By Wes Haden
The Chattanooga Times
Friday, January 4, 2001

In the best tradition of blind justice -- that is a court system that does not take sides -- Chief Justice William Rehnquist once again has appealed to the U.S. Senate to put aside its seemingly endless bickering and attend to the business of approving new federal judges.

Though Justice Rehnquist's latest plea is pointedly directed to the sitting Democratic-controlled Senate, it is not a partisan request at all. The chief justice made the same request during the latter part of Bill Clinton's tenure when Republicans controlled the Senate and judicial appointments were, as they are now, caught up in endless political machinations. Justice Rehnquist has sound reason to push recalcitrant legislators. There are nearly 100 vacant federal judgeships around the country, slightly above 10 percent of the total. If federal courts are to provide prompt trials and efficient justice, as they are mandated to do, they must have a full complement of judges. Given the roadblocks put up in the fractious Senate over the past few years, that's unlikely to happen anytime soon.

Warning that the large number of vacancies "were undermining the administration of justice," the chief justice called on the Senate to "act with reasonable promptness" on the president's judicial nominees. The Senate, he correctly implied in his annual report on the federal judiciary, should put the nation's needs ahead of political chicanery.

In the past, pleas for assistance in matters of this kind from the judicial branch to the legislative branch have gone pretty much unheeded. The Senate did as it pleased -- and approved nominees only when it saw fit. That is no longer an acceptable way to conduct business.

Federal court dockets in many places are clogged because of past intransigence on the part of senators. Their persistent refusal to vote on judicial appointees whose ideologies differ with their party's orientation has created a problem that is fast becoming a national scandal.

To make matters worse, the new anti-terrorist laws enacted after Sept. 11 are already spawning litigation that will further tax the federal judicial system. Without the swift action sought by the chief justice, the situation is likely to worsen.

In recent years, the Senate, regardless of the majority party, has preferred to play partisan politics with judicial nominations rather than responsibly fill its role in approving judges for the trial and appellate courts.

It's time for those games to end. America and Americans are living in difficult times and it is more important than ever that the rule of law be paramount. The Senate can assure that it is by voting yea or nay on the judicial nominations when it returns to business on Jan. 23.

Transcripts/Members of Congress

NONE

Interest Groups/Press Releases

NONE

General Judicial Articles

Rehnquist Decries Low Pay, Shrinking Pool of Judge Candidates

By Tony Mauro
Legal Times
Monday, January 7, 2002

The New Year's Day lament from Chief Justice William Rehnquist was familiar: Federal judges are not paid enough, and Congress needs to do something about it.

But in describing the negative impact of low judicial salaries, Rehnquist made a fresh and even surprising new argument. He claimed that the pay situation was shifting the pool of potential judges away from private practitioners and more toward bankruptcy judges, magistrates, state court judges and even prosecutors and public defenders -- for whom a district or appellate judgeship would represent a raise in pay.

And that, Rehnquist bemoaned, could turn the U.S. judiciary into a less-respected European-style civil bureaucracy, in which lawyers become lifelong judges at the start of their careers, unleavened by private law practice.

"We must not drastically shrink the number of judicial nominees who have had substantial experience in private practice," Rehnquist said in his annual year-end report on the judiciary. "We have never had, and should not want, a judiciary composed only of those who are already in the public service."

The argument turned heads, especially coming from a man who was himself an assistant attorney general in the Nixon administration before joining the federal bench as an associate justice in 1971. It also raised the question -- a question Rehnquist himself often asks a lawyer who makes a novel argument at the Supreme Court -- namely, what support is there for his proposition?

Rehnquist offered only nostalgia as evidence. He waxed poetic about judges and justices through

history who had spent most or all of their professional lives in private practice. Rehnquist invoked the names of Louis Brandeis, known as the "people's attorney" before joining the high court in 1916, and Thurgood Marshall, who was a private lawyer and then top lawyer for the NAACP before John F. Kennedy named him to the federal appeals bench. Learned Hand and Byron White were cited as well.

Even more powerfully, Rehnquist also said that John Brown, Richard Rives, Elbert Tuttle, and John Minor Wisdom, "well-known for their courage in enforcing this court's civil rights decisions as judges on the Court of Appeals for the 5th Circuit, all served almost exclusively in private practice before their appointments to the bench."

DOES MONEY MATTER?

Beyond Rehnquist's cavalcade of judicial titans who once hung out a shingle, there does appear to be some statistical evidence backing up his claim. But some judges and academics contacted after Rehnquist's report suggested that the trend is not as strong, lamentable, or salary-driven, as Rehnquist made it out to be.

"The observation may be true, but what difference does it make if we have a judiciary full of lower court judges?" says Washington University political science professor Lee Epstein, a longtime student of the federal judicial system. "I'd want to know more before saying it's a bad thing."

A. Thomas Small, a bankruptcy judge in North Carolina and former president of the Conference of Bankruptcy Judges, has no doubt on that question. "Experience as a bankruptcy judge is a good thing, and I am sure the chief justice appreciates that. But I would agree with him that you don't want to limit the field of nominees just to bankruptcy or magistrate judges."

Sam Joyner, an Oklahoma magistrate judge who also edits the Federal Courts Law Review, adds: "The chief justice is right that the best way to go is for those in private practice to join the judiciary. But a lot of magistrate judges have that experience, plus they have a track record [as judges] that's pretty helpful." Joyner himself was in private practice for 30 years before becoming a magistrate judge in 1995.

The salary of magistrate and bankruptcy judges is set at 92 percent of district judges' salary, which was recently boosted to \$150,000. Thanks to a 3.4 percent cost-of-living adjustment for all Article III judges, an increase that Rehnquist expressed appreciation for in his report, appeals court judges are now paid \$159,100, associate Supreme Court justices get \$184,400, and the chief justice is paid \$192,600.

Joyner, who sits in Tulsa, just lost two fellow magistrate judges -- Claire Eagan and James Payne -- to the district court bench in Oklahoma, so he has seen firsthand the trend that Rehnquist spotlighted.

Eagan and Payne are among the 64 people nominated to district or circuit judgeships so far by

President George W. Bush. Of those 64, nearly half -- 31, to be exact -- were sitting state or federal judges or magistrate judges when nominated. Six more were in state or federal legal jobs, and five were academics or self-employed. Only 22 were partners in private law firms when nominated.

The Bush record is in line with a trend that Sheldon Goldman has seen over many decades.

Goldman, a political science professor at the University of Massachusetts, is the author of "Picking Federal Judges" and is generally regarded as the most reliable keeper of statistics about federal court nominees.

Sixty years ago, Goldman says, about one-third of district court appointees were drawn from the ranks of lower court and state court judges. In recent years, that number has grown to nearly one-half.

"There has been a long-term trend toward a professionalization of the judiciary," says Goldman. But he suggests that the trend has been driven as much by other factors as by salary.

For one thing, incumbent judges and government lawyers have a track record on issues that might be important to the appointing president. For another, they may have already been through the confirmation process -- though, as Goldman notes, that did not help Robert Bork or Clarence Thomas much when they were nominated to the Supreme Court.

The statistics about the jobs that judges held when nominated also obscure the fact that most judges, magistrates, and government attorneys had considerable private practice experience earlier in their careers. Rehnquist, for example, practiced law for 16 years in Phoenix before joining the Justice Department. Bankruptcy and magistrate judges, appointed by district or circuit judges, are required to have practiced law before seeking the jobs.

EUROPE'S WAY

The European experience that Rehnquist offered as an unenviable contrast is far different. Judges are more like lifelong bureaucrats in many European nations, says American University law professor Herman Schwartz, who has studied several judicial systems abroad.

"They cover their asses, they are tightly controlled by appeals courts, and they are low-status and low-income," says Schwartz. "Here, people snap to attention when a federal judge walks into the room."

So how much of a factor is low salary in the judicial selection process? Bush administration officials would not comment publicly on that question or on Rehnquist's thesis. But one top official, when asked how often prospective nominees drop out because of money, says, "It has happened on occasion, but is not frequent."

The American Bar Association and the Federal Bar Association last year issued a report

supporting the chief justice's plea for higher judicial pay, asserting that salary was "the single most important factor discouraging potential candidates from seeking appointment," although it offered only anecdotal evidence.

Goldman says one piece of tangible evidence that salary is an issue is that those nominated to the federal bench tend to be wealthier than in decades past -- and presumably better able to handle a dip in pay. Roughly 40 percent of Clinton appointees to the federal bench reported net worth of \$1 million or more, Goldman calculates. In his 2000 year-end report issued last January, Rehnquist said, "We cannot afford a judiciary made up primarily of the wealthy."

A. Raymond Randolph, a judge on the U.S. Court of Appeals for the D.C. Circuit, says a related tax issue also works as a disincentive for potential nominees.

"Congress needs to look into the problems caused by the transition that some people face when going from private practice to a judgeship," Randolph says. "Often, in order to avoid frequent recusals, a new judge has to convert his or her investments from stocks into mutual funds. They have to take this big hit in capital gains taxes when they do this. Congress should look into granting an exemption in this circumstance."

Those who minimize the salary issue say the honor of a presidential appointment and the prestige of the federal bench -- complete with life tenure, law clerks, and other perks -- still lure top candidates from the private bar.

The story is often told of the lighthearted but revealing exchange of letters nearly two years ago between 4th Circuit Judge J. Michael Luttig and John Roberts Jr., partner at Washington, D.C.'s Hogan & Hartson. Hearing that first-year associate salaries were approaching those of federal judges, Luttig "applied" for a first-year position at Hogan.

Roberts, who is now a Bush appointee to the appeals bench, whimsically turned Luttig down. "First, our associates are expected to work more than one week each month, and we do not give them the entire summer off," Roberts wrote. "Second, while it is always a possibility, we do not guarantee our associates life tenure. Third, while we offer a wide range of support, few of our associates are assigned three full-time law clerks to assist them. And finally, although we have adopted a 'casual Friday' policy, black robes do not qualify as appropriate attire."

Hispanic Nominee No Shoo-In; Estrada's Critics Say He's and Ideologue Unfit for Powerful Bench

By Frank Davies
The Charlotte Observer
Sunday, January 6, 2002

To the Bush administration, Miguel Estrada's nomination for a top federal judgeship is a brilliant opportunity. It combines impressive legal credentials, an immigrant success story and a chance to woo Hispanic voters.

Critics, however, view Estrada, a Honduran American who lacks judicial experience, as a Justice Clarence Thomas in the making - a young lawyer thrust toward the Supreme Court as a conservative ideologue, no more representative of Hispanics than Thomas was of blacks. It means the Estrada nomination to the D.C. Circuit Court of Appeals - the nation's second most powerful court - looms as one of this year's most politically charged nomination struggles in the Senate.

Estrada left Honduras at 17, joined his mother in New York, learned English in two years, graduated with honors from Harvard Law School, clerked for Supreme Court Justice Anthony Kennedy, served as a prosecutor, and worked in the Justice Department for both the Clinton and first Bush administrations.

Now in private practice in Washington, Estrada, 40, is a favorite of conservatives.

He worked for GOP legal strategist Theodore Olson, now solicitor general, and has been a member of the Federalist Society, a right-of-center legal network influential in the current Bush administration.

Leaders of several Hispanic advocacy groups support him.

But a Clinton administration appointee who supervised some of Estrada's work in the Justice Department voiced reservations about him.

"Miguel is too much of an ideologue to be an appellate judge - you could not count on him to be fair or neutral," said Paul Bender, former deputy solicitor general.

With Congress returning Jan. 23, Republicans and conservative groups are pressing the Senate to act. Democrats who remember how the GOP held up one Hispanic judicial nominee, Richard Paez of California, for four years are in no hurry.

"This is a fight where Bush will see a real upside to push for Estrada, but Democratic senators are in no rush - they have long memories," said Michael Gerhardt, author of a recent book on presidential appointments.

Collins Accuses Democrats of Stall Tactics

By George Edmonson
The Atlanta Journal and Constitution
Sunday, January 6, 2002

Rep. Mac Collins (R-Ga.) last week renewed his accusation that Senate Democratic leaders are intentionally delaying President Bush's judicial nominations for political reasons.

Collins said that Majority Leader Tom Daschle (D-S.D.) and Judiciary Committee Chairman

Patrick Leahy (D-Vt.) have been using the process to give Democrats an issue in this year's midterm congressional elections and in the 2004 presidential race.

"Daschle and Leahy are trying to obstruct the president's appointments so that they can show, in some warped twist of logic, that the president has not been an effective leader," Collins said in a statement.

"Daschle has one aim in the process, to lay the groundwork for his 2004 presidential bid and to show ineffective leadership by the Republican Party to increase the Democrats' margin of control in the Senate and to take control of the House," Collins said. "This is unconscionable and endangers our nation." Last year, the congressman accused Sen. Max Cleland (D-Ga.) of helping to delay nominations for political reasons. Cleland said he was only following the procedure the GOP under President Clinton.

But in his latest press release, Collins said Cleland had been responsive in helping to get two vacancies filled in the Middle Georgia district

Collins' statement said, in part, "I appreciate Senator Cleland's responsiveness to my request that he go to bat for the citizens of Georgia."

The Democrats, of course, deny any political skullduggery and, at the same time, say that the Republicans delayed or tried to delay judicial appointments during the Clinton administration.

Defense Lawyers Oppose Cassell Nomination

By Stephen Hunt
The Salt Lake Tribune
Saturday, January 5, 2002

Utah defense attorneys are publicly opposing Paul Cassell's nomination by President Bush to become the state's newest federal judge -- claiming he lacks the proper temperament to sit on the bench.

Cassell, a University of Utah law professor, is an outspoken champion of crime-victim rights, a death-penalty proponent and recently tried to abolish the long-standing rule that forces police to give crime suspects a so-called "Miranda warning" prior to interrogation. Susanne Gustin, president of the Utah Association of Criminal Defense Lawyers, claims Cassell's "habit of inserting himself into high-profile cases" makes him unfit to be a judge.

"We question his ability to provide a fair hearing," Gustin said Friday, the same day her Letter to the Editor about Cassell was published in The Tribune. "He's too much of an advocate and a judge has to be totally in the middle."

Gustin said she also planned to write the Senate Judiciary Committee, which must approve Cassell's nomination.

Most recently, Cassell was involved in the Robert Weitzel homicide case, representing the victims' families in their desire to have 2nd District Judge Thomas Kay removed from Weitzel's second trial. Family members and prosecutors accused Kay of bias against them.

Kay was removed for "apparent bias." But the judge who ordered Kay's recusal said he had "serious questions concerning the good faith" of Cassell and state prosecutors.

Despite similar objections by others, Sen. Orrin Hatch, R-Utah, remains supportive of Cassell, said Hatch's press secretary, Heather Barney.

Parties Locked in Battle Over Hispanic's Bid for Court Seat

By Frank Davies

The Miami Herald

Monday, January 7, 2002

For the Bush administration, the nomination of Miguel Estrada to a top federal judgeship seemed like a sure winner. He possesses impressive legal credentials, his life story offers a dramatic example of success by an immigrant, and Hispanic voters would be favorably impressed by the GOP's selection.

But his nomination has languished in the Senate for months, and as more and more critics voice doubts, the fight to put Estrada on the Court of Appeals for the District of Columbia -- the nation's second most powerful court -- is shaping up as one of this year's most contentious, politically charged struggles in the Senate.

The controversy reflects the importance of the Hispanic vote and the politics of payback, not to mention an ideological battle to define the middle ground of jurisprudence.

Opponents portray Estrada, a Honduran American who lacks judicial experience, as a Clarence Thomas in the making, a young lawyer thrust toward the Supreme Court as a conservative ideologue no more representative of Hispanics than Thomas was of blacks.

A former colleague who supervised some of Estrada's work in the Justice Department said he was "shocked" by Estrada's nomination.

"Miguel is too much of an ideologue to be an appellate judge -- you could not count on him to be fair or neutral," said Paul Bender, who was deputy solicitor general. "He is a terrific oral advocate, but I could not rely on his written work as a neutral statement of the law."

Estrada, like other judicial nominees, declined to discuss his career until a hearing on his nomination is held.

PRESSURE FOR ACTION

With Congress returning Jan. 23, Republicans in Congress and conservative groups are pushing for the Senate to act. Democrats who remember how the GOP held up one Hispanic nominee for a judgeship, Richard Paez of California, for four years are in no hurry.

“This is a fight where Bush will see a real upside to push for Estrada, but Democratic senators are in no rush -- they have long memories of how Republicans blocked Clinton's nominees,” said law professor Michael Gerhardt.

“This nomination shows that ideology does matter, and Estrada's Hispanic background adds an important element and will make a big difference,” said Gerhardt at The College of William & Mary.

But even those who don't like Estrada's politics or his fitness for the job concede that his life story is compelling.

He left Honduras at 17, joined his mother in New York, learned English in two years, achieved magna cum laude honors at Harvard Law School, clerked for Supreme Court Justice Anthony Kennedy, served as a prosecutor, and worked in the Justice Department during the Clinton administration and the first Bush administration.

RIGHT OF CENTER

Now in private practice in Washington, Estrada, 40, is a favorite of conservatives. He worked for GOP legal strategist Theodore Olson, now solicitor general, and has been a member of the Federalist Society, a right-of-center legal network influential in the current Bush administration.

“His life story makes liberals swoon, but his politics make them shudder,” wrote New Republic editor Peter Beinart, who said President Bush is using “diversity games” to disguise a far-right nominee.

Estrada, who opposes abortion and has criticized some affirmative action measures, was hailed as a “star of the conservative legal movement” by William Buckley's National Review. Columnist Robert Novak described Estrada as part of “an all-star conservative team of lawyers.”

MINORITY HIRING

Estrada was one of the few minority group members to be hired as a law clerk by a Supreme Court justice, an issue that has prompted protests by several legal groups. When USA Today in 1998 reported on the very low percentage of minority clerks, Estrada dismissed the statistics.

“If there was some reason for under-representation, it would be something to look into,” Estrada told USA Today. “But I don't have any reason to think it's anything other than a reflection of trends in society.”

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 1/7/2002 2:38:08 PM
Subject: : Re: Goodbye to the Torch

Begin Original ARMS Header #####
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CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

I would be interested in that.

Noel J. Francisco
01/07/2002 05:33:10 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Goodbye to the Torch

I agree. How about drinks Friday night at a nearby watering hole?

Bradford A. Berenson
01/07/2002 05:09:57 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Goodbye to the Torch

What can do to provide Jason a suitable sendoff this week? I can't do an

REV_00138766

afternoon thing on Friday, but I think we should plan something.

Message Sent

To:

Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

Message Copied

To:

brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
timothy e. flanigan/who/eop@eop
rachel l. brand/who/eop@eop
kyle sampson/who/eop@eop

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 1/7/2002 2:52:14 PM
Subject: : Re: Goodbye to the Torch

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-JAN-2002 19:52:14.00

SUBJECT:: Re: Goodbye to the Torch

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I think we'll shoot for some kind of lunch on Friday. Save the lunch hour on Friday and let me know if you can think of any good plan.

Helgard C. Walker
01/07/2002 07:38:06 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Goodbye to the Torch

I would be interested in that.

Noel J. Francisco
01/07/2002 05:33:10 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP

REV_00138768

cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Goodbye to the Torch

I agree. How about drinks Friday night at a nearby watering hole?

Bradford A. Berenson
01/07/2002 05:09:57 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Goodbye to the Torch

What can do to provide Jason a suitable sendoff this week? I can't do an afternoon thing on Friday, but I think we should plan something.

Message Sent

To: _____
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

Message Copied

To: _____
brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
timothy e. flanigan/who/eop@eop
rachel l. brand/who/eop@eop
kyle sampson/who/eop@eop

Message Copied

To: _____
bradford a. berenson/who/eop@eop
brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
timothy e. flanigan/who/eop@eop
rachel l. brand/who/eop@eop
kyle sampson/who/eop@eop

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 1/8/2002 3:13:25 AM
Subject: : Judge's Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-2002 08:13:25.00

SUBJECT:: Judge's Meeting

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

fyi

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
01/08/2002 08:13 AM -----

REV_00138770

Kara G. Figg
01/08/2002 07:51:02 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Judge's Meeting

Libby - The Judge's meeting with the President has been approved. It will take place on Tuesday, January 15, 2002 at 4:30pm. Please let us know if this works! Thanks!

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 1/8/2002 5:36:11 AM
Subject: : Re: political?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2002 10:36:11.00
SUBJECT:: Re: political?
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

They are not a 527. I think we looked into them once before for Adam Goldman's trip to Philly in October. The issue then was whether their 501(c)(4) or their PAC was paying. The 501(c)(4) paid for Adam's trip.

The Republican Jewish Coalition has a PAC registered with the FEC (I believe that if you are required to register with and report all of your activity to the FEC, you do not have to file any additional 527 paperwork with the IRS).

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 1/8/2002 3:13:25 AM
Subject: : Judge's Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-2002 08:13:25.00

SUBJECT:: Judge's Meeting

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

fyi

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
01/08/2002 08:13 AM -----

Kara G. Figg
01/08/2002 07:51:02 AM
Record Type: Record

REV_00138773

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Judge's Meeting

Libby - The Judge's meeting with the President has been approved. It will take place on Tuesday, January 15, 2002 at 4:30pm. Please let us know if this works! Thanks!

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;david s. addington/ovp/eop@eop [OVP] <david s. addington>
Sent: 1/8/2002 9:18:35 AM
Subject: : Re: Allegations re Administrating dealing with Al Qaeda / Afghanistan pipeline
Attachments: P_BBQO4003_WHO.TXT_1.html

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2002 14:18:35.00
SUBJECT:: Re: Allegations re Administrating dealing with Al Qaeda / Afghanistan pipeline
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

Not me.

Rachel L. Brand 01/08/2002 01:18:13 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Allegations re Administrating dealing with Al Qaeda /
Afghanistan pipeline

FYI. Has anybody heard anything about this?

REV_00138775

----- Forwarded by Rachel L. Brand/WHO/EOP on 01/08/2002
01:17 PM -----

Robert C. McNally

01/08/2002 12:51:28 PM

Record Type: Record

To: mspirnak@nsc.eop.gov, John Cloud, David V. Scott/NSC/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Afghanistan, Pipeline, Press Quotes

fyi ... I've never heard of this until now

----- Forwarded by Robert C. McNally/OPD/EOP on
01/08/2002 12:48 PM -----

"Hudome, Randa" <Randa.Hudome@hq.doe.gov>

01/08/2002 10:42:46 AM

Record Type: Record

To: Zalmay M. Khalilzad/NSC/EOP@EOP, Robert C. McNally/OPD/EOP@EOP
cc:
Subject:

Bob or Zal - do you have any background on these quotes??
CNN's Zahn: "An explosive new book published in France alleges that the United States was in negotiations to do a deal with the Taliban for an oil pipeline in Afghanistan ... If these charges are true, this is really big news" ("American Morning," CNN, 1/8).
Ex-U.N. Weapons Inspector Richard Butler: "The most explosive charge is that the Bush administration, just shortly after assuming office, slowed down FBI investigations of al Qaeda and terrorism in Afghanistan in order to do a deal with the Taliban on oil; an oil pipeline across Afghanistan" ("American Morning," CNN, 1/8).

- att1.htm

Message Copied

To: _____
Joel Kaplan
Claire Buchan
Scott McClellan/WHO/EOP@EOP
Andrew D. Lundquist/OVP/EOP@EOP
kknutson@ovp.eop.gov
Rachel Brand
cbolan@ovp.eop.gov

Message Sent

REV_00138776

To: _____

H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BBQO4003_WHO.TXT_1>

Bob or Zal - do you have any background on these quotes??

CNN's Zahn: "An explosive new book published in France alleges that the United States was in negotiations to do a deal with the Taliban for an oil pipeline in Afghanistan ... If these charges are true, this is really big news" ("American Morning," CNN, 1/8).

Ex-U.N. Weapons Inspector **Richard Butler** : "The most explosive charge is that the Bush administration, just shortly after assuming office, slowed down FBI investigations of al Qaeda and terrorism in Afghanistan in order to do a deal with the Taliban on oil; an oil pipeline across Afghanistan" ("American Morning," CNN, 1/8).

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 1/8/2002 5:30:22 AM
Subject: : political?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2002 10:30:22.00
SUBJECT:: political?
TO: Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Is this group a political organization under 26 USC 527(e) ?
----- Forwarded by Robert W. Cobb/WHO/EOP on 01/08/2002
10:27 AM -----

Vickie A. McQuade
01/08/2002 09:59:27 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP, Brett
M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Okay, I'm back to the Republican Jewish Coalition request for Ari. I spoke with them this morning to find out specifically what they want. They want Ari to come down on Friday evening or Saturday to Palm Beach, Florida. On Saturday night they would have a small private high dollar fundraising dinner (with 15-20 couples) with Ari. (They are a 501(c)(4) non-profit organization.) On Sunday they would have two large events w/Ari to help raise membership and get the President's agenda out. Each of these events would have about 250 people in attendance. Are any of the above events a problem?

Also, they are offering travel in a privately owned plane (not a corporate plane). Can Ari do this or must he fly commercial?

From: Timothy_E._Flanigan@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/8/2002 11:38:01 AM
Subject: : The GAO Protocols

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Timothy_E._Flanigan@who.eop.gov (Timothy_E._Flanigan@who.eop.gov [UNKNOWN])

CREATION DATE/TIME: 8-JAN-2002 16:38:01.00

SUBJECT:: The GAO Protocols

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett,

David has just sent to me a copy of a letter dated December 27 from Walker to Rumsfeld enclosing draft agency protocols which are intended to govern the GAO's work with the agencies. I agree with David's initial impression that this cries out for a coordinated response. Please discuss this with Judge Gonzales with a view towards (1) contacting the general counsels to see whether they have received copies of the GAO draft and (2) coordinating a response. We should also get a copy to OLC and get their views ASAP.

Tim

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 1/8/2002 11:54:30 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-2002 16:54:30.00

SUBJECT:: Re:

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I'm in. Count my vote for 11:30.

Lori L. Lorenzi
01/08/2002 04:33:40 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Elizabeth N. Camp/WHO/EOP@EOP, Allison L. Riepenhoff/WHO/EOP@EOP
Subject:

I called to inquire about the conference room in the Mess and it is taken. Old Ebbitt can handle a large party at 11:30 or 1:00 this Friday. Who can make it? What time? I would like to make the reservation tomorrow.

REV_00138784

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Laura L. Flippin/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 1/8/2002 8:16:49 AM
Subject: : GAO inquiries
Attachments: F_NFNO4003_NSC.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2002 13:16:49.00
SUBJECT:: GAO inquiries
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Per the Judge's request, attached is a DRAFT document cataloguing ongoing GAO inquiries involving the EOP. Please let me know if any are missing.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_NFNO4003_NSC.TXT_1>

CATALOGUE OF CURRENT GAO INQUIRIES INVOLVING EOP

- 1) Investigation of allegations of damage to OEOP during Transition (Courtney)
- 2) Investigation of Energy Task Force [FACA] (David)
- 3) Investigation of Homeland Security Issues [By Atlanta office] (Rachel and Ed)
- 4) Investigation of Critical Infrastructure Issues (Rachel and Ed)
- 5) Investigation of use of Satellite Technology

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 1/8/2002 8:16:49 AM
Subject: : GAO inquiries
Attachments: P_NFNO4003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2002 13:16:49.00
SUBJECT:: GAO inquiries
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Per the Judge's request, attached is a DRAFT document cataloguing ongoing GAO inquiries involving the EOP. Please let me know if any are missing.
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NFNO4003_WHO.TXT_1>

CATALOGUE OF CURRENT GAO INQUIRIES INVOLVING EOP

- 1) Investigation of allegations of damage to OEOP during Transition (Courtney)
- 2) Investigation of Energy Task Force [FACA] (David)
- 3) Investigation of Homeland Security Issues [By Atlanta office] (Rachel and Ed)
- 4) Investigation of Critical Infrastructure Issues (Rachel and Ed)
- 5) Investigation of use of Satellite Technology

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/8/2002 2:28:57 PM
Subject: : The Judge's schedule this week

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-2002 19:28:57.00

SUBJECT:: The Judge's schedule this week

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that the Judge is leaving town late afternoon on Thursday and will not return to DC until Sunday afternoon.

Anything that you need him to review, approve or discuss should be handled on Wednesday or as early in the day on Thursday as possible.

Thanks!

REV_00138795

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/8/2002 11:23:56 AM
Subject: : Re: NEED QUICK ANSWER

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2002 16:23:56.00
SUBJECT:: Re: NEED QUICK ANSWER
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I am fine with this, if you are.

Brett M. Kavanaugh
01/08/2002 04:18:59 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: NEED QUICK ANSWER

Judge and Tim: Carl Cannon (president of writers association) was in my meeting with historians. He is writing story for National Journal. He wants to describe the meeting and use the quote below from me from the meeting. Anne was ok with it. I am unsure whether it is good that I be identified publicly, although the horse is unfortunately well out of the barn on that. The quote itself is good, I guess. We could try to have me identified as a "White House lawyer." Let me know.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/08/2002 04:12 PM -----

"Cannon, Carl" <ccannon@nationaljournal.com>
01/08/2002 04:09:47 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: deadline is looming...

so about only this quote (from you to the scholars):

> "Give us a little time here. We think you'll be happy with the
> procedures. We think they will work -- and work well ...We'll work with
> you."
>
> -- Carl
>
> Carl M. Cannon
> White House Correspondent

REV_00138796

> National Journal
> 202.739-8413
> 202.833-8069 (fax)
>

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 1/8/2002 11:43:30 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-2002 16:43:30.00

SUBJECT:: Re:

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I can make either, but 11:30 is better for me.

Lori L. Lorenzi
01/08/2002 04:33:40 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Elizabeth N. Camp/WHO/EOP@EOP, Allison L. Riepenhoff/WHO/EOP@EOP
Subject:

I called to inquire about the conference room in the Mess and it is taken. Old Ebbitt can handle a large party at 11:30 or 1:00 this Friday. Who can make it? What time? I would like to make the reservation tomorrow.

REV_00138804

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Laura L. Flippin/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: david_s._addington@ovp.eop.gov [UNKNOWN] <david_s._addington@ovp.eop.gov>; alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 1/8/2002 11:47:37 AM
Subject: : Re: The GAO Protocols

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2002 16:47:37.00
SUBJECT:: Re: The GAO Protocols
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: david_s._addington@ovp.eop.gov (david_s._addington@ovp.eop.gov [UNKNOWN])
READ: UNKNOWN
CC: alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

will do.

Timothy E. Flanigan
01/08/2002 04:32:17 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc: David_S._Addington@ovp.eop.gov, Alberto R. Gonzales/WHO/EOP@EOP
Subject: The GAO Protocols

Brett,

David has just sent to me a copy of a letter dated December 27 from Walker to Rumsfeld enclosing draft agency protocols which are intended to govern the GAO's work with the agencies. I agree with David's initial impression that this cries out for a coordinated response. Please discuss this with Judge Gonzales with a view towards (1) contacting the general counsels to see whether they have received copies of the GAO draft and (2) coordinating a response. We should also get a copy to OLC and get their views ASAP.

Tim

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 1/8/2002 11:48:15 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-2002 16:48:15.00

SUBJECT:: Re:

TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

I vote that we do 1:00 at Old Ebbitt.

Lori L. Lorenzi
01/08/2002 04:33:40 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Elizabeth N. Camp/WHO/EOP@EOP, Allison L. Riepenhoff/WHO/EOP@EOP
Subject:

I called to inquire about the conference room in the Mess and it is taken. Old Ebbitt can handle a large party at 11:30 or 1:00 this Friday. Who can make it? What time? I would like to make the reservation

REV_00138807

tomorrow.

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Laura L. Flippin/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 1/8/2002 1:51:03 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-2002 18:51:03.00

SUBJECT:: Re:

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I'll be out of town

H. Christopher Bartolomucci

01/08/2002 05:09:16 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re:

REV_00138809

11:30 is good.

Brett M. Kavanaugh
01/08/2002 04:53:16 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re:

fine by me

Helgard C. Walker
01/08/2002 04:51:43 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re:

Along with Noel, I vote for 11:30am. It will take a while to get there, be seated, order, etc., with this large a group, and I worry that if we go at 1pm it is just going to go too late into the afternoon. Otherwise, we could try and think of another place.

Brett M. Kavanaugh
01/08/2002 04:48:12 PM
Record Type: Record

To: Lori L. Lorenzi/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re:

I vote that we do 1:00 at Old Ebbitt.

Lori L. Lorenzi
01/08/2002 04:33:40 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Elizabeth N. Camp/WHO/EOP@EOP, Allison L. Riepenhoff/WHO/EOP@EOP
Subject:

I called to inquire about the conference room in the Mess and it is taken. Old Ebbitt can handle a large party at 11:30 or 1:00 this Friday. Who can make it? What time? I would like to make the reservation tomorrow.

Message Sent
To: _____

REV_00138810

H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

Message Copied

To:
h. christopher bartolomucci/who/eop@eop
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
laura l. flippin/who/eop@eop
noel j. francisco/who/eop@eop
helgard c. walker/who/eop@eop
kyle sampson/who/eop@eop
elizabeth n. camp/who/eop@eop
allison l. riepenhoff/who/eop@eop

Message Copied

To:
lori l. lorenzi/who/eop@eop
h. christopher bartolomucci/who/eop@eop
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
laura l. flippin/who/eop@eop
noel j. francisco/who/eop@eop
helgard c. walker/who/eop@eop
kyle sampson/who/eop@eop
elizabeth n. camp/who/eop@eop
allison l. riepenhoff/who/eop@eop

Message Copied

To:
lori l. lorenzi/who/eop@eop
h. christopher bartolomucci/who/eop@eop
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
laura l. flippin/who/eop@eop
noel j. francisco/who/eop@eop
helgard c. walker/who/eop@eop
kyle sampson/who/eop@eop
elizabeth n. camp/who/eop@eop
allison l. riepenhoff/who/eop@eop

Message Copied

To:
helgard c. walker/who/eop@eop
lori l. lorenzi/who/eop@eop
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop

REV_00138811

courtney s. elwood/who/eop@eop
laura l. flippin/who/eop@eop
noel j. francisco/who/eop@eop
helgard c. walker/who/eop@eop
kyle sampson/who/eop@eop
elizabeth n. camp/who/eop@eop
allison l. riepenhoff/who/eop@eop

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 1/8/2002 1:53:03 PM
Subject: : Reminder of JSC meeting tomorrow

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-2002 18:53:03.00

SUBJECT:: Reminder of JSC meeting tomorrow

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00138813

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Date: Wednesday, Jan. 9
Time: 4:00-5:00 pm
Location: Roosevelt Room

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 1/8/2002 1:53:03 PM
Subject: : Reminder of JSC meeting tomorrow

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-2002 18:53:03.00

SUBJECT:: Reminder of JSC meeting tomorrow

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00138815

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Date: Wednesday, Jan. 9
Time: 4:00-5:00 pm
Location: Roosevelt Room

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/8/2002 1:53:23 PM
Subject: : JSC prep at usual time/place tomorrow

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-2002 18:53:23.00

SUBJECT:: JSC prep at usual time/place tomorrow

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

3:30 pm in the Judge's office

REV_00138817

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/8/2002 4:08:41 PM
Subject: : Help on an immigration matter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-JAN-2002 21:08:41.00
SUBJECT:: Help on an immigration matter
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This one falls btwn the cracks: a friend of mine in KS has a very troubling immigration problem. They need to apply for political asylum and are pursuing this course in KS. The local Congressman wants to write the AG about the matter and they have asked me to call over there to Ayers/Israelite and see if there is anything they can within the confines of legal protocol.

Is there a problem with me asking them to look into this sad ordeal?

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/9/2002 4:27:55 AM
Subject: : Re: Help on an immigration matter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 09:27:55.00
SUBJECT:: Re: Help on an immigration matter
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

My view is that the WH should not be getting involved in this kind of thing. Such involvement would go against the contacts policy which is discourages interference with agencies in individual cases. It may be the proper province of members of congress to contact agencies on behalf of constituents; maybe the member has already done that. It is negative to the story that the person concerned is a friend of yours.

Matthew A. Schlapp
01/08/2002 09:08:39 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Help on an immigration matter

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Is there a problem with me asking them to look into this sad ordeal?

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/9/2002 8:59:22 AM
Subject: : Re: Help on an immigration matter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 13:59:22.00
SUBJECT:: Re: Help on an immigration matter
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

appreciate the feedback you heartless clinicians

Robert W. Cobb
01/09/2002 09:27:49 AM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Help on an immigration matter

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Matthew A. Schlapp
01/08/2002 09:08:39 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Help on an immigration matter

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Is there a problem with me asking them to look into this sad ordeal?

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/9/2002 5:35:47 AM
Subject: : Re: did you call Cannon; he's on deadline

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 10:35:47.00
SUBJECT:: Re: did you call Cannon; he's on deadline
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

just talked to him.

From: CN=Jack Howard/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/9/2002 6:49:54 AM
Subject: : Re: NEED REVIEW OF LETTER TO CHAIRMAN BURTON

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Jack Howard (CN=Jack Howard/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 11:49:54.00
SUBJECT:: Re: NEED REVIEW OF LETTER TO CHAIRMAN BURTON
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Sure. Send it over whenever you can.

Brett M. Kavanaugh
01/09/2002 11:46:44 AM
Record Type: Record

To: Joshua B. Bolten/WHO/EOP@EOP, Jack Howard/WHO/EOP@EOP
cc:
Subject: NEED REVIEW OF LETTER TO CHAIRMAN BURTON

Judge Gonzales would like COS's office and Legislative Affairs to review a letter to Chairman Burton (re executive privilege) that he wants to send this afternoon. It should be ready for review by 1:00. Can you or your staff review the draft? Note that we would like to get the draft back by about 3:30 if we get it to you by 1:00. Thanks very much.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
Sent: 1/9/2002 7:30:12 AM
Subject: : NEED REVIEW OF LETTER TO CHAIRMAN BURTON

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 12:30:12.00
SUBJECT:: NEED REVIEW OF LETTER TO CHAIRMAN BURTON
TO: Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/09/2002 12:30 PM -----

Brett M. Kavanaugh
01/09/2002 11:46:44 AM
Record Type: Record

To: Joshua B. Bolten/WHO/EOP@EOP, Jack Howard/WHO/EOP@EOP
cc:
Subject: NEED REVIEW OF LETTER TO CHAIRMAN BURTON

Judge Gonzales would like COS's office and Legislative Affairs to review a letter to Chairman Burton (re executive privilege) that he wants to send this afternoon. It should be ready for review by 1:00. Can you or your staff review the draft? Note that we would like to get the draft back by about 3:30 if we get it to you by 1:00. Thanks very much.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: colborn, paul p <paul.p.colborn@usdoj.gov>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/9/2002 11:43:16 AM
Subject: : Re: Draft Presidential Records request
Attachments: P_MVZP4003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 16:43:16.00
SUBJECT:: Re: Draft Presidential Records request
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"colborn, paul p" <paul.p.colborn@usdoj.gov> ("colborn, paul p" <paul.p.colborn@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I did do one of these incumbent access requests in conjunction with tobacco. There's really no magic to them, and I don't have any thoughts other than to change the "woulds" to "wills." Has Gary Stern reviewed this? He's the expert on this and will know whether either as a matter of procedure or legal requirement there's anything else or anything different needed. Mine isn't a great template, because we had a complex open-file discovery arrangement that allowed access to lawyers for private litigants subject to post-hoc clawbacks.

Rachel L. Brand 01/09/2002 04:28:04 PM

Record Type: Record

To: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>
cc: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Draft Presidential Records request

Paul:
Attached is a draft of a request to NARA for the Clinton presidential records we discussed this morning.
The last paragraph is meant to track the requirements of 44 USC 2205(2)(B).

Brad -- Paul thought you had done one of these in conjunction with the tobacco litigation. Any suggestions?

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MVZP4003_WHO.TXT_1>

Dear Mr. Stern:

Pursuant to 44 U.S.C. § 2205(2)(B), I am writing to request access to the presidential records described below.

It is my understanding that the International Trade Commission, in conjunction with litigation in *Nippon Steel v. United States* (CIT No. 01-00103), requested that National Archives and Records Administration staff conduct a search of President Clinton's presidential records to locate documents responsive to plaintiffs' discovery requests in that case. I also understand that your staff identified 21 pages of potentially responsive material and provided three of those pages to the ITC.

I request that the National Archives and Records Administration provide the White House with access to the 18 pages identified by your staff but not provided to the ITC. Upon receipt of those documents, we would review them for privilege and would provide non-privileged documents to the ITC for potential use in the litigation.

Although we do not know the nature or contents of the requested documents, we believe that they are not otherwise available to the Administration. Moreover, they are needed for the conduct of current business of the executive branch.

Sincerely,

Alberto R. Gonzales
Counsel to the President

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/9/2002 12:31:40 PM
Subject: : RE: Draft Presidential Records request

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 9-JAN-2002 17:31:40.00
SUBJECT:: RE: Draft Presidential Records request
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Brad: I like that: "post-hoc clawbacks."

Rachel: I'm attaching what I believe is the final of the first of two letters Brad sent to NARA on the tobacco matter. The second letter dealt with the complex open discovery procedure, but the first letter was a straightforward request letter, probably based on a sample or draft provided by NARA. It contains some good language. Also, you'll notice it was signed by Brad, not the Judge.

-----Original Message-----

From: Bradford_A._Berenson@who.eop.gov
[mailto:Bradford_A._Berenson@who.eop.gov]
Sent: Wednesday, January 09, 2002 4:45 PM
To: Rachel_L._Brand@who.eop.gov
Cc: Colborn, Paul P; Brett_M._Kavanaugh@who.eop.gov
Subject: Re: Draft Presidential Records request

I did do one of these incumbent access requests in conjunction with tobacco.
There's really no magic to them, and I don't have any thoughts other than to change the "woulds" to "wills." Has Gary Stern reviewed this? He's the expert on this and will know whether either as a matter of procedure or legal requirement there's anything else or anything different needed. Mine isn't a great template, because we had a complex open-file discovery arrangement that allowed access to lawyers for private litigants subject to post-hoc clawbacks.

Rachel L. Brand 01/09/2002 04:28:04 PM
(Embedded image moved to file: pic05565.pcx)

Record Type: Record

REV_00138833

To: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>

cc: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Draft Presidential Records request (Document link: Bradford A. Berenson)

(See attached file: ITC - Request for Presidential Records.doc)

Paul:

Attached is a draft of a request to NARA for the Clinton presidential records we

discussed this morning.

The last paragraph is meant to track the requirements of 44 USC 2205(2)(B).

Brad -- Paul thought you had done one of these in conjunction with the tobacco

litigation. Any suggestions?

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/9/2002 8:59:22 AM
Subject: : Re: Help on an immigration matter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 13:59:22.00
SUBJECT:: Re: Help on an immigration matter
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

appreciate the feedback you heartless clinicians

Robert W. Cobb
01/09/2002 09:27:49 AM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Help on an immigration matter

My view is that the WH should not be getting involved in this kind of thing. Such involvement would go against the contacts policy which is discourages interference with agencies in individual cases. It may be the proper province of members of congress to contact agencies on behalf of constituents; maybe the member has already done that. It is negative to the story that the person concerned is a friend of yours.

Matthew A. Schlapp
01/08/2002 09:08:39 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Help on an immigration matter

This one falls btwn the cracks: a friend of mine in KS has a very troubling immigration problem. They need to apply for political asylum and are pursuing this course in KS. The local Congressman wants to write the AG about the matter and they have asked me to call over there to Ayers/Israelite and see if there is anything they can within the confines of legal protocol.

Is there a problem with me asking them to look into this sad ordeal?

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/9/2002 9:34:20 AM
Subject: : Re: Help on an immigration matter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 14:34:20.00
SUBJECT:: Re: Help on an immigration matter
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

thank you.

Matthew A. Schlapp
01/09/2002 01:59:15 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Help on an immigration matter

appreciate the feedback you heartless clinicians

Robert W. Cobb
01/09/2002 09:27:49 AM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Help on an immigration matter

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Matthew A. Schlapp
01/08/2002 09:08:39 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Help on an immigration matter

REV_00138837

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Is there a problem with me asking them to look into this sad ordeal?

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/9/2002 10:12:18 AM
Subject: : Advice to Gary Edson re Contacts with Ex-Im Bank

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 9-JAN-2002 15:12:18.00

SUBJECT:: Advice to Gary Edson re Contacts with Ex-Im Bank

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Did one of you have a discussion with Gary Edson regarding his helping the ExIm Bank Vice Chairman to oversee the Bank while its Chairman is ill? Is ExIm covered by the contacts policy? OPIC is covered but ExIm is not on the list.

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/9/2002 10:12:18 AM
Subject: : Advice to Gary Edson re Contacts with Ex-Im Bank

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 9-JAN-2002 15:12:18.00

SUBJECT:: Advice to Gary Edson re Contacts with Ex-Im Bank

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

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From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Jill Davie/WHO/EOP@EOP [WHO] <Jill Davie>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/9/2002 2:17:15 PM
Subject: : help -lots of faxing to members of Congress

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 19:17:15.00
SUBJECT:: help -lots of faxing to members of Congress
TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tomorrow we will need to send a four page fax to all of the Members of Committee on Government Reform.

Do you guys have a database with the name and fax numbers of all these people? Is there someone (perhaps an intern) in leg affairs who can assist in the faxing of all of these members?

Please let me know.

Thanks!

Lib

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 1/9/2002 10:22:12 AM
Subject: : Re: Advice to Gary Edson re Contacts with Ex-Im Bank

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 15:22:12.00
SUBJECT:: Re: Advice to Gary Edson re Contacts with Ex-Im Bank
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I think Kyle may have.

John B. Bellinger
01/09/2002 03:12:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
Subject: Advice to Gary Edson re Contacts with Ex-Im Bank

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From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 1/9/2002 10:22:12 AM
Subject: : Re: Advice to Gary Edson re Contacts with Ex-Im Bank

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 15:22:12.00
SUBJECT:: Re: Advice to Gary Edson re Contacts with Ex-Im Bank
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
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Record Type: Record

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cc:
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From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Douglas L. Hoelscher/WHO/EOP [WHO] <Douglas L. Hoelscher>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/9/2002 2:44:32 PM
Subject: : Re: judicial talking points

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-JAN-2002 19:44:32.00
SUBJECT:: Re: judicial talking points
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

can we spread these widely and through various channels?

Douglas L. Hoelscher
01/09/2002 05:02:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Matthew A. Schlapp/WHO/EOP@EOP
Subject: judicial talking points

Brett,
Do you all have any regular talking points/stats you put together that summarize the status of judicial nominees? If so, would it be ok for Matt and I to receive these regularly? As follow-up, would it be ok to forward these talking points to Jennifer Oschal and Tony Feather who are helping to advocate for the President's nominees?
Thanks,
Doug
6-7016

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>
Sent: 1/10/2002 10:16:24 AM
Subject: : Re: HUD

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-JAN-2002 15:16:24.00
SUBJECT:: Re: HUD
TO: Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Harriet:

You may write a letter to Alfonso Jackson at HUD forwarding the package you received from Acting Mayor Poss. We recommend that you inform Mr. Jackson that you have received this package from Acting Mayor Poss, that it looks to be a serious and important project although you do not know the underlying merits of the loan application, and that you are forwarding it to him for HUD to take action it deems appropriate.

I have confirmed with the HUD general counsel's office that this kind of letter is perfectly appropriate in circumstances such as these with respect to Section 108 loan applications. Please let me know if you have additional questions.

Brett

Harriet Miers
01/08/2002 04:09:30 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: HUD

Absolutely. Thanks for your help. However, I do think if we can help, in some fashion appropriately, it would be a good thing.

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/10/2002 7:09:42 AM
Subject: : RE: Fourth draft of letter to Burton

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME:10-JAN-2002 12:09:42.00
SUBJECT:: RE: Fourth draft of letter to Burton
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 10, 2002 11:45 AM
To: Thorsen, Carl
Subject: RE: Fourth draft of letter to Burton

Tim is going to try.

(Embedded
image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
to file: 01/10/2002 11:15:23 AM
pic02377.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: Fourth draft of letter to Burton

not to be a broken record, but do you think there is any chance tim would
ask
jim at lunch to postpone the hearing on the 23rd for a week or so to see
if we
can work this out between now and then? a number of doj staffers think
that is
a very good idea, a hearing could exacerbate things. thanks.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 10, 2002 9:00 AM
To: Ciongoli, Adam; Thorsen, Carl; Bryant, Dan; Collins, Dan; Burton,
Faith; Whelan, M Edward III; Martens, Matthew; Chertoff, Michael;
Horowitz, Michael-CRM; Colborn, Paul P
Subject: Fourth draft of letter to Burton

REV_00138867

Key change is in last sentence of next to last paragraph. Please
funnel
comments through Ed. (Ed, please try to call me by 10:00 a.m.) Thanks.
(See attached file: letter to Burton 1 10 02 845 am.doc)

From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>; Barrett Aldemeyer/WHO/EOP@EOP [WHO] <Barrett Aldemeyer>; Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>; Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>; A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Ashley Holbrook/WHO/EOP@EOP [WHO] <Ashley Holbrook>; Annabelle J. Romero/WHO/EOP@EOP [WHO] <Annabelle J. Romero>; Michael A. Sanders/WHO/EOP@EOP [WHO] <Michael A. Sanders>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>; Julie A. Lapeyre/WHO/EOP@EOP [WHO] <Julie A. Lapeyre>; David T. Redlin/WHO/EOP@EOP [WHO] <David T. Redlin>; Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>; David A. Carney/WHO/EOP@EOP [WHO] <David A. Carney>; Carrie B. Cabelka/WHO/EOP@EOP [WHO] <Carrie B. Cabelka>; David S. Stern/WHO/EOP@EOP [WHO] <David S. Stern>; Darren W. Bearson/WHO/EOP@EOP [WHO] <Darren W. Bearson>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Kim E. Nickles/WHO/EOP@EOP [WHO] <Kim E. Nickles>; Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Bradley E. Hester/WHO/EOP@EOP [WHO] <Bradley E. Hester>; Elizabeth Hogan/WHO/EOP@EOP [WHO] <Elizabeth Hogan>; Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>; Karen A. Yeager/WHO/EOP@EOP [WHO] <Karen A. Yeager>; Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; G. Timothy Saunders/WHO/EOP@EOP [WHO] <G. Timothy Saunders>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; John C. Gossel/OVP/EOP@EOP [OVP] <John C. Gossel>; Mark E. Frownfelter/OA/EOP@EOP [OA] <Mark E. Frownfelter>; Sharlene M. Savage/OA/EOP@EOP [OA] <Sharlene M. Savage>; Gerald W. Weeks/OA/EOP@EOP [OA] <Gerald W. Weeks>; James T. Taylor/OA/EOP@EOP [OA] <James T. Taylor>; Tricia T. Picard/OA/EOP@EOP [OA] <Tricia T. Picard>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>; gregory.walters@sba.gov @ inet [UNKNOWN]
<gregory.walters@sba.gov>; workjm@emh-497ig.bolling.af.mil @ inet [UNKNOWN]
<workjm@emh-497ig.bolling.af.mil>; LarrisonHJ@state.gov @ inet [UNKNOWN]
<LarrisonHJ@state.gov>; Tim.Braue@usdoj.gov @ inet [UNKNOWN]
<Tim.Braue@usdoj.gov>; latour.lafferty@usdoj.gov @ inet [UNKNOWN]
<latour.lafferty@usdoj.gov>; james.w.carroll@usdoj.gov @ inet [UNKNOWN]
<james.w.carroll@usdoj.gov>; sheila.joy@usdoj.gov @ inet [UNKNOWN]
<sheila.joy@usdoj.gov>; McBrideAB@state.gov @ inet [UNKNOWN]
<McBrideAB@state.gov>; bisdeesc@state.gov @ inet [UNKNOWN]
<bisdeesc@state.gov>; april.lehman@do.treas.gov @ inet [UNKNOWN]
<april.lehman@do.treas.gov>
Sent: 1/10/2002 11:40:57 AM
Subject: : Thank you

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-JAN-2002 16:40:57.00

SUBJECT:: Thank you

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Barrett Aldemeyer (CN=Barrett Aldemeyer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ashley Holbrook (CN=Ashley Holbrook/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00138870

TO:Annabelle J. Romero (CN=Annabelle J. Romero/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Michael A. Sanders (CN=Michael A. Sanders/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Dorothy C. Garvin (CN=Dorothy C. Garvin/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Julie A. Lapeyre (CN=Julie A. Lapeyre/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:David T. Redlin (CN=David T. Redlin/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
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 TO:David A. Carney (CN=David A. Carney/OU=WHO/O=EOP@EOP [WHO])
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 TO:Carrie B. Cabelka (CN=Carrie B. Cabelka/OU=WHO/O=EOP@EOP [WHO])
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 TO:David S. Stern (CN=David S. Stern/OU=WHO/O=EOP@EOP [WHO])
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 TO:Darren W. Bearson (CN=Darren W. Bearson/OU=WHO/O=EOP@EOP [WHO])
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 TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Kim E. Nickles (CN=Kim E. Nickles/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Michael J. Bell (CN=Michael J. Bell/OU=WHO/O=EOP@EOP [WHO])
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 TO:Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])
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 TO:Bradley E. Hester (CN=Bradley E. Hester/OU=WHO/O=EOP@EOP [WHO])
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 TO:Elizabeth Hogan (CN=Elizabeth Hogan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Eric L. Motley (CN=Eric L. Motley/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Karen A. Yeager (CN=Karen A. Yeager/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Rebecca Contreras (CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:G. Timothy Saunders (CN=G. Timothy Saunders/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:John C. Gossel (CN=John C. Gossel/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 TO:Mark E. Frownfelter (CN=Mark E. Frownfelter/OU=OA/O=EOP@EOP [OA])
 READ:UNKNOWN
 TO:Sharlene M. Savage (CN=Sharlene M. Savage/OU=OA/O=EOP@EOP [OA])
 READ:UNKNOWN
 TO:Gerald W. Weeks (CN=Gerald W. Weeks/OU=OA/O=EOP@EOP [OA])
 READ:UNKNOWN
 TO:James T. Taylor (CN=James T. Taylor/OU=OA/O=EOP@EOP [OA])
 READ:UNKNOWN
 TO:Tricia T. Picard (CN=Tricia T. Picard/OU=OA/O=EOP@EOP [OA])
 READ:UNKNOWN
 TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
 READ:UNKNOWN
 TO:gregory.walters@sba.gov (gregory.walters@sba.gov @ inet [UNKNOWN])
 READ:UNKNOWN

TO:workjm@emh-497ig.bolling.af.mil (workjm@emh-497ig.bolling.af.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:LarrisonHJ@state.gov (LarrisonHJ@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Tim.Braue@usdoj.gov (Tim.Braue@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:latour.lafferty@usdoj.gov (latour.lafferty@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:james.w.carroll@usdoj.gov (james.w.carroll@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:sheila.joy@usdoj.gov (sheila.joy@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:McBrideAB@state.gov (McBrideAB@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:bisdeesc@state.gov (bisdeesc@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:april.lehman@do.treas.gov (april.lehman@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

As many of you know, tomorrow is my last day at the White House, as I am moving over to the Department of Justice, Civil Division. It has been an honor to work here; I thank each of you who have made my job a pleasure because of your support.

As of Monday, January 14th and until a new Clearance Counsel is named, please direct all clearance-related inquiries to Allison Riepenhoff, Executive Assistant to the Deputy Counsel, at 456-2632

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; kyle sampson/who/eop@eop [WHO] <kyle sampson>; laura l. flippin/who/eop@eop [WHO] <laura l. flippin>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 1/10/2002 8:19:42 AM
Subject: : Interns

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-JAN-2002 13:19:42.00

SUBJECT:: Interns

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

If anyone else wants to pass professors names along to me that would be able to recommend good students for our summer program, please do so by today.

Thanks.

REV_00138873

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
Sent: 1/10/2002 8:57:01 AM
Subject: : RE: Fourth draft of letter to Burton

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 10-JAN-2002 13:57:01.00

SUBJECT:: RE: Fourth draft of letter to Burton

TO: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

No.

Also, I am told that DOJ should handle the briefing without me present.

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov>

01/10/2002 01:48:42 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Fourth draft of letter to Burton

i have a call into wilson since 12:30. any word from tim?

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Thursday, January 10, 2002 11:45 AM

To: Thorsen, Carl

Subject: RE: Fourth draft of letter to Burton

Tim is going to try.

(Embedded

image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>

to file: 01/10/2002 11:15:23 AM

pic02377.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Fourth draft of letter to Burton

REV_00138881

not to be a broken record, but do you think there is any chance tim would ask jim at lunch to postpone the hearing on the 23rd for a week or so to see if we can work this out between now and then? a number of doj staffers think that is a very good idea, a hearing could exacerbate things. thanks.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 10, 2002 9:00 AM
To: Ciongoli, Adam; Thorsen, Carl; Bryant, Dan; Collins, Dan; Burton, Faith; Whelan, M Edward III; Martens, Matthew; Chertoff, Michael; Horowitz, Michael-CRM; Colborn, Paul P
Subject: Fourth draft of letter to Burton

Key change is in last sentence of next to last paragraph. Please funnel comments through Ed. (Ed, please try to call me by 10:00 a.m.) Thanks.
(See attached file: letter to Burton 1 10 02 845 am.doc)

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: McMahon, Lori <Lori.McMahon@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 1/10/2002 9:15:05 AM
Subject: : FW: Paul Kamenar's NYT op-ed on judges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:10-JAN-2002 14:15:05.00
SUBJECT:: FW: Paul Kamenar's NYT op-ed on judges
TO:"McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI

-----Original Message-----

From: Sales, Nathan
Sent: Wednesday, January 09, 2002 11:24 AM
To: Dinh, Viet; Newstead, Jennifer
Subject: Paul Kamenar's NYT op-ed on judges

Viet and Jen,

FYI: I just spoke with Paul Kamenar of the Washington Legal Foundation, and he told me that he's going to have an op-ed in this Monday's New York Times. It's about judges, and slams Leahy for the slow pace of confirmations. (Viet, you and I talked about the op-ed about three weeks ago, when it was being written.)

Nathan

REV_00138883

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: McMahon, Lori <Lori.McMahon@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 1/10/2002 9:15:25 AM
Subject: : FW: Paul Kamenar's NYT op-ed on judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:10-JAN-2002 14:15:25.00

SUBJECT:: FW: Paul Kamenar's NYT op-ed on judges

TO:"McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI

-----Original Message-----

From: Sales, Nathan

Sent: Wednesday, January 09, 2002 11:24 AM

To: Dinh, Viet; Newstead, Jennifer

Subject: Paul Kamenar's NYT op-ed on judges

Viet and Jen,

FYI: I just spoke with Paul Kamenar of the Washington Legal Foundation, and he told me that he's going to have an op-ed in this Monday's New York Times. It's about judges, and slams Leahy for the slow pace of confirmations. (Viet, you and I talked about the op-ed about three weeks ago, when it was being written.)

Nathan

REV_00138884

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/10/2002 9:15:29 AM
Subject: : RE: Fourth draft of letter to Burton

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME:10-JAN-2002 14:15:29.00
SUBJECT:: RE: Fourth draft of letter to Burton
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

i have a call into wilson since 12:30. any word from tim?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 10, 2002 11:45 AM
To: Thorsen, Carl
Subject: RE: Fourth draft of letter to Burton

Tim is going to try.

(Embedded
image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
to file: 01/10/2002 11:15:23 AM
pic02377.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: Fourth draft of letter to Burton

not to be a broken record, but do you think there is any chance tim would ask
jim at lunch to postpone the hearing on the 23rd for a week or so to see if we
can work this out between now and then? a number of doj staffers think that is
a very good idea, a hearing could exacerbate things. thanks.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 10, 2002 9:00 AM
To: Ciongoli, Adam; Thorsen, Carl; Bryant, Dan; Collins, Dan; Burton, Faith; Whelan, M Edward III; Martens, Matthew; Chertoff, Michael; Horowitz, Michael-CRM; Colborn, Paul P
Subject: Fourth draft of letter to Burton

REV_00138885

Key change is in last sentence of next to last paragraph. Please
funnel
comments through Ed. (Ed, please try to call me by 10:00 a.m.) Thanks.
(See attached file: letter to Burton 1 10 02 845 am.doc)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Megan D. Moran/OVP/EOP@EOP [OVP] <Megan D. Moran>
Sent: 1/10/2002 9:42:12 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2002 14:42:12.00
SUBJECT::
TO:Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
End Original ARMS Header

how was interview?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 1/10/2002 1:56:25 PM
Subject: : Reminder...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-JAN-2002 18:56:25.00

SUBJECT:: Reminder...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

REV_00138888

The Judge left town this afternoon and is not scheduled to return to DC until late Sunday.

He does have his blackberry if you need to get him message urgently. If it is something that will involve a lot of back and forth perhaps you can save the best for last and send him the short but sweet version w/ final recommendations/answers so he doesn't have dozens of lengthy emails re: one subject.

He has his cell also.

Thanks!

From: CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO]
To: Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 1/10/2002 11:23:36 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2002 16:23:36.00
SUBJECT:: Re:
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sounds like 6:00 works for everyone -- we will make our way down at 6:00

Collister W. Johnson
01/10/2002 04:22:20 PM
Record Type: Record

To: Douglas L. Hoelscher/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

sure -
cj

Douglas L. Hoelscher
01/10/2002 04:15:09 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
Subject:

does this work for you?

----- Forwarded by Douglas L. Hoelscher/WHO/EOP on
01/10/2002 04:15 PM -----

Matthew A. Schlapp
01/10/2002 04:06:49 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP, Douglas L. Hoelscher/WHO/EOP
cc:
Subject:

REV_00138891

let me know

----- Forwarded by Matthew A. Schlapp/WHO/EOP on
01/10/2002 04:06 PM -----

Brett M. Kavanaugh
01/10/2002 03:08:08 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc:
Subject:

how's 6:00 today to go over what you anticipate for next year?
feel free to add Hoelscher or whoever else you need.

From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>; Barrett Aldemeyer/WHO/EOP@EOP [WHO] <Barrett Aldemeyer>; Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>; Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>; A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Ashley Holbrook/WHO/EOP@EOP [WHO] <Ashley Holbrook>; Annabelle J. Romero/WHO/EOP@EOP [WHO] <Annabelle J. Romero>; Michael A. Sanders/WHO/EOP@EOP [WHO] <Michael A. Sanders>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>; Julie A. Lapeyre/WHO/EOP@EOP [WHO] <Julie A. Lapeyre>; David T. Redlin/WHO/EOP@EOP [WHO] <David T. Redlin>; Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>; David A. Carney/WHO/EOP@EOP [WHO] <David A. Carney>; Carrie B. Cabelka/WHO/EOP@EOP [WHO] <Carrie B. Cabelka>; David S. Stern/WHO/EOP@EOP [WHO] <David S. Stern>; Darren W. Bearson/WHO/EOP@EOP [WHO] <Darren W. Bearson>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Kim E. Nickles/WHO/EOP@EOP [WHO] <Kim E. Nickles>; Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Bradley E. Hester/WHO/EOP@EOP [WHO] <Bradley E. Hester>; Elizabeth Hogan/WHO/EOP@EOP [WHO] <Elizabeth Hogan>; Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>; Karen A. Yeager/WHO/EOP@EOP [WHO] <Karen A. Yeager>; Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; G. Timothy Saunders/WHO/EOP@EOP [WHO] <G. Timothy Saunders>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; John C. Gossel/OVP/EOP@EOP [OVP] <John C. Gossel>; Mark E. Frownfelter/OA/EOP@EOP [OA] <Mark E. Frownfelter>; Sharlene M. Savage/OA/EOP@EOP [OA] <Sharlene M. Savage>; Gerald W. Weeks/OA/EOP@EOP [OA] <Gerald W. Weeks>; James T. Taylor/OA/EOP@EOP [OA] <James T. Taylor>; Tricia T. Picard/OA/EOP@EOP [OA] <Tricia T. Picard>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>; gregory.walters@sba.gov @ inet [UNKNOWN] <gregory.walters@sba.gov>; workjm@emh-497ig.bolling.af.mil @ inet [UNKNOWN] <workjm@emh-497ig.bolling.af.mil>; LarrisonHJ@state.gov @ inet [UNKNOWN] <LarrisonHJ@state.gov>; Tim.Braue@usdoj.gov @ inet [UNKNOWN] <Tim.Braue@usdoj.gov>; latour.lafferty@usdoj.gov @ inet [UNKNOWN] <latour.lafferty@usdoj.gov>; james.w.carroll@usdoj.gov @ inet [UNKNOWN] <james.w.carroll@usdoj.gov>; sheila.joy@usdoj.gov @ inet [UNKNOWN] <sheila.joy@usdoj.gov>; McBrideAB@state.gov @ inet [UNKNOWN] <McBrideAB@state.gov>; bisdeesc@state.gov @ inet [UNKNOWN] <bisdeesc@state.gov>; april.lehman@do.treas.gov @ inet [UNKNOWN] <april.lehman@do.treas.gov>
Sent: 1/10/2002 11:40:57 AM
Subject: : Thank you

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2002 16:40:57.00
SUBJECT:: Thank you
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
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TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barrett Aldemeyer (CN=Barrett Aldemeyer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ashley Holbrook (CN=Ashley Holbrook/OU=WHO/O=EOP@EOP [WHO])
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TO:Annabelle J. Romero (CN=Annabelle J. Romero/OU=WHO/O=EOP@EOP [WHO])
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 TO:gregory.walters@sba.gov (gregory.walters@sba.gov @ inet [UNKNOWN])
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TO:workjm@emh-497ig.bolling.af.mil (workjm@emh-497ig.bolling.af.mil @ inet [UNKNOWN])
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TO:LarrisonHJ@state.gov (LarrisonHJ@state.gov @ inet [UNKNOWN])
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READ:UNKNOWN
TO:april.lehman@do.treas.gov (april.lehman@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

As many of you know, tomorrow is my last day at the White House, as I am moving over to the Department of Justice, Civil Division. It has been an honor to work here; I thank each of you who have made my job a pleasure because of your support.

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From: CN=Laura L. Flippin/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>; Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>; Barrett Aldemeyer/WHO/EOP@EOP [WHO] <Barrett Aldemeyer>; Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>; Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>; A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Ashley Holbrook/WHO/EOP@EOP [WHO] <Ashley Holbrook>; Annabelle J. Romero/WHO/EOP@EOP [WHO] <Annabelle J. Romero>; Michael A. Sanders/WHO/EOP@EOP [WHO] <Michael A. Sanders>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>; Julie A. Lapeyre/WHO/EOP@EOP [WHO] <Julie A. Lapeyre>; David T. Redlin/WHO/EOP@EOP [WHO] <David T. Redlin>; Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>; David A. Carney/WHO/EOP@EOP [WHO] <David A. Carney>; Carrie B. Cabelka/WHO/EOP@EOP [WHO] <Carrie B. Cabelka>; David S. Stern/WHO/EOP@EOP [WHO] <David S. Stern>; Darren W. Bearson/WHO/EOP@EOP [WHO] <Darren W. Bearson>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Kim E. Nickles/WHO/EOP@EOP [WHO] <Kim E. Nickles>; Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J. Bell>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>; Bradley E. Hester/WHO/EOP@EOP [WHO] <Bradley E. Hester>; Elizabeth Hogan/WHO/EOP@EOP [WHO] <Elizabeth Hogan>; Eric L. Motley/WHO/EOP@EOP [WHO] <Eric L. Motley>; Karen A. Yeager/WHO/EOP@EOP [WHO] <Karen A. Yeager>; Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; G. Timothy Saunders/WHO/EOP@EOP [WHO] <G. Timothy Saunders>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; John C. Gossel/OVP/EOP@EOP [OVP] <John C. Gossel>; Mark E. Frownfelter/OA/EOP@EOP [OA] <Mark E. Frownfelter>; Sharlene M. Savage/OA/EOP@EOP [OA] <Sharlene M. Savage>; Gerald W. Weeks/OA/EOP@EOP [OA] <Gerald W. Weeks>; James T. Taylor/OA/EOP@EOP [OA] <James T. Taylor>; Tricia T. Picard/OA/EOP@EOP [OA] <Tricia T. Picard>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>; gregory.walters@sba.gov @ inet [UNKNOWN] <gregory.walters@sba.gov>; workjm@emh-497ig.bolling.af.mil @ inet [UNKNOWN] <workjm@emh-497ig.bolling.af.mil>; LarrisonHJ@state.gov @ inet [UNKNOWN] <LarrisonHJ@state.gov>; Tim.Braue@usdoj.gov @ inet [UNKNOWN] <Tim.Braue@usdoj.gov>; latour.lafferty@usdoj.gov @ inet [UNKNOWN] <latour.lafferty@usdoj.gov>; james.w.carroll@usdoj.gov @ inet [UNKNOWN] <james.w.carroll@usdoj.gov>; sheila.joy@usdoj.gov @ inet [UNKNOWN] <sheila.joy@usdoj.gov>; McBrideAB@state.gov @ inet [UNKNOWN] <McBrideAB@state.gov>; bisdeesc@state.gov @ inet [UNKNOWN] <bisdeesc@state.gov>; april.lehman@do.treas.gov @ inet [UNKNOWN] <april.lehman@do.treas.gov>
Sent: 1/10/2002 11:40:57 AM
Subject: : Thank you

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])
CREATION DATE/TIME:10-JAN-2002 16:40:57.00
SUBJECT:: Thank you
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
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TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])
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TO:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])
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TO:Barrett Aldemeyer (CN=Barrett Aldemeyer/OU=WHO/O=EOP@EOP [WHO])
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TO:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])
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TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
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READ:UNKNOWN
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
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TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
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TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
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TO:Rebecca Contreras (CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:gregory.walters@sba.gov (gregory.walters@sba.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO:workjm@emh-497ig.bolling.af.mil (workjm@emh-497ig.bolling.af.mil @ inet [UNKNOWN])
READ:UNKNOWN
TO:LarrisonHJ@state.gov (LarrisonHJ@state.gov @ inet [UNKNOWN])
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From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/10/2002 12:51:05 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2002 17:51:05.00
SUBJECT:: Re:
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

First, Kavanaugh is plainly conflicted here. Second, do I recall that, for that Mexican-related event, the RNC paid for it with Brett's approval? We should try to be consistent, in any event. And HHS? What's the connection there?

Robert W. Cobb
01/10/2002 05:46:25 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

I assume this event is at the WH. Maybe if this is a joint WH - Irish American Association program, payment of some of the expenses could be by the outside organization on a co-sponsorship theory. I would not want to have the event look like it was entirely a WH sponsored event if the WH wasn't paying for it. Courtney, have you seen this kind of thing?

Brett M. Kavanaugh
01/10/2002 05:33:47 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

thoughts?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/10/2002 05:32 PM -----

Meredith A. Terpeluk
01/10/2002 05:26:31 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

REV_00138919

Subject: Irish question

Hi Brett --

We are trying to set up the Irish American reception event for St. Patrick's week.

My question for you is if it could be paid for by an outside group, like the Irish-American Republicans maybe?

I had thought about trying to have HHS pay for it, but Israel advised to ask you about an outside group instead.

Please let me know your thoughts.

Thanks, Meredith

From: CN=Rebecca Contreras/OU=WHO/O=EOP [WHO]
To: Ross M. Kyle/WHO/EOP@EOP [WHO] <Ross M. Kyle>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/10/2002 1:05:59 PM
Subject: : Re: Personnel Announcements for 01.11.01
Attachments: P_GR2R4003_WHO.TXT_1.doc; P_GR2R4003_WHO.TXT_2.doc;
P_GR2R4003_WHO.TXT_3.doc; P_GR2R4003_WHO.TXT_4.doc;
P_GR2R4003_WHO.TXT_5.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rebecca Contreras (CN=Rebecca Contreras/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2002 18:05:59.00
SUBJECT:: Re: Personnel Announcements for 01.11.01
TO:Ross M. Kyle (CN=Ross M. Kyle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes it is however the group will not be announced until Wed of next week!

The President is meeting with them on Thur of next week so we don't want to announce until the day before. I had planned to give you and Brett a heads up on Tuesday, didn't know you were going to get this draft announcement request. Call me tomorrow and we can discuss what we say when you or I or both of us make the call to Cooney on Tuesday.

RC

Kyle Sampson
01/10/2002 05:40:11 PM
Record Type: Record

To: Rebecca Contreras/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Personnel Announcements for 01.11.01

Is the bioethics board the "Kass Commission" for which Dr. Cooney was a candidate? If so, where are you on disappointee calls? This is the one Brett and I would like to see go smoothly (as all of yours do!). Please advise as to status of disappointee call so I can weigh whether to call Manus Cooney. Thanks.

----- Forwarded by Kyle Sampson/WHO/EOP on 01/10/2002
04:37 PM -----

Carrie B. Cabelka 01/10/2002 05:27:30 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Personnel Announcements for 01.11.01

REV_00138921

Message Sent

To:

Clay Johnson III/WHO/EOP@EOP
Dorothy C. Garvin/WHO/EOP@EOP
Katja Bullock/WHO/EOP@EOP
Rebecca Contreras/WHO/EOP@EOP
Darren W. Bearson/WHO/EOP@EOP
Edmund C. Moy/WHO/EOP@EOP
Dina Powell/WHO/EOP@EOP
Kim E. Nickles/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Jan E. Williams/WHO/EOP@EOP
Bradley E. Hester/WHO/EOP@EOP
Nicholas E. Calio/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Harriet Miers/WHO/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP
Paul B. Dyck/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
G. Timothy Saunders/WHO/EOP@EOP
Douglas L. Hoelscher/WHO/EOP@EOP
Carrie C. Pauska/WHO/EOP@EOP
Jack Howard/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Jackie Arends/WHO/EOP@EOP
Raquel Cabral/WHO/EOP@EOP
Andrea McDaniel/WHO/EOP@EOP
Christine Anthony/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GR2R4003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GR2R4003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GR2R4003_WHO.TXT_3>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GR2R4003_WHO.TXT_4>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GR2R4003_WHO.TXT_5>

January 11, 2002

MEMORANDUM FOR ARI FLEISCHER

FROM: CLAY JOHNSON III

SUBJECT: PERSONNEL ANNOUNCEMENT

The following personnel announcement is ready for release. Please announce the President's intention to appoint the following individuals as Members of the President's Council on Bioethics for a two-year term:

Elizabeth Helen Blackburn of Australia, vice New Position
Stephen Lisle Carter of Connecticut, vice New Position
Rebecca Susan Dresser of Missouri, vice New Position
Daniel Willett Foster of Texas, vice New Position
Yoshihiro Francis Fukuyama of Virginia, vice New Position
Michael S. Gazzaniga of Vermont, vice New Position
Robert Peter George of New Jersey, vice New Position
Alfonso Gomez-Lobo of Maryland, vice New Position
Mary Ann Glendon of Massachusetts, vice New Position
William Barton Hurlbut of California, vice New Position
Charles Krauthammer of Maryland, vice New Position
William Francis May of Texas, vice New Position
Paul Rodney McHugh of Maryland, vice New Position
Gilbert Carl Meilaender, Jr. of Indiana, vice New Position
Janet Davison Rowley of Illinois, vice New Position
Michael Joseph Sandel of Massachusetts, vice New Position
James Quinn Wilson of California, vice New Position

cc: Alberto R. Gonzales
Nicholas Calio
Harriet Miers
Tim Saunders
Matt Schlapp
Rebecca Contreras

January 11, 2002

MEMORANDUM FOR ARI FLEISCHER

FROM: CLAY JOHNSON III

SUBJECT: PERSONNEL ANNOUNCEMENT

The following personnel announcement is ready for release. Please announce the President's intention to nominate the following individual:

Donald S. Prophete of Kansas, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years, vice Clifford Gregory Stewart.

cc: Alberto R. Gonzales
Nicholas Calio
Harriet Miers
Tim Saunders
Matt Schlapp
Ed Moy

REV_00138924

January 11, 2002

MEMORANDUM FOR ARI FLEISCHER

FROM: CLAY JOHNSON III

SUBJECT: PERSONNEL ANNOUNCEMENT

The following personnel announcement is ready for release. Please announce the President's intention to appoint the following individuals as Members of the President's National Security Telecommunications Advisory Committee:

Thomas Casey of California (Global Crossing), vice Louis V. Gerstner, Jr.
Christopher B. Galvin of Illinois (Motorola), vice John Francis Mitchell
Arun Netravali of New Jersey (Lucent Technologies), vice John H. Mattingly
Edward Earl Whitacre, Jr. (SBC Communications), vice Larry J. Schumann

cc: Alberto R. Gonzales
Nicholas Calio
Harriet Miers
Tim Saunders
Matt Schlapp
Rebecca Contreras

REV_00138925

January 11, 2002

MEMORANDUM FOR ARI FLEISCHER

FROM: CLAY JOHNSON III

SUBJECT: PERSONNEL ANNOUNCEMENT

The following personnel announcement is ready for release. Please announce the President's intention to appoint the following individuals as Members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts for a term expiring 09/01/07:

Lois Betts of New York, vice New Position
Bo Derek of California, vice New Position
David Girard-deCarlo of Pennsylvania, vice New Position
Anne Sewell Johnson of Texas, vice New Position
Kathleen Koll of California, vice New Position
Catherine A. Stevens of Alaska, vice New Postion

cc: Alberto R. Gonzales
Nicholas Calio
Harriet Miers
Tim Saunders
Matt Schlapp
Rebecca Contreras

January 11, 2002

MEMORANDUM FOR ARI FLEISCHER

FROM: CLAY JOHNSON III

SUBJECT: PERSONNEL ANNOUNCEMENT

The following personnel announcement is ready for release. Please announce the President's intention to appoint the following individuals as Members of the Federal Service Impasses Panel:

Richard Barber Ainsworth, Jr. of Ohio, for the remainder of a five-year term expiring 01/10/04, vice David J. Leland.

Andrea Fischer Newman of Michigan, for the remainder of a five-year term expiring 01/10/02 and an additional five-year term expiring 01/10/07, vice John C. Wofford.

Joseph Carter Whitaker of Louisiana, for the remainder of a five-year term expiring 01/10/02 and an additional five-year term expiring 01/10/07, vice Stanley M. Fisher.

In addition, please announce the President's intention to appoint the following candidate as Chairman of the Federal Service Impasses Panel:

Becky Norton Dunlop of Virginia, vice Bonnie Prouty Castrey.

cc: Alberto R. Gonzales
Nicholas Calio
Harriet Miers
Tim Saunders
Matt Schlapp
Rebecca Contreras

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Laura L. Flippin/WHO/EOP@EOP [WHO] <Laura L. Flippin>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 1/10/2002 1:56:25 PM
Subject: : Reminder...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-JAN-2002 18:56:25.00

SUBJECT:: Reminder...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Laura L. Flippin (CN=Laura L. Flippin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

REV_00138928

The Judge left town this afternoon and is not scheduled to return to DC until late Sunday.

He does have his blackberry if you need to get him message urgently. If it is something that will involve a lot of back and forth perhaps you can save the best for last and send him the short but sweet version w/ final recommendations/answers so he doesn't have dozens of lengthy emails re: one subject.

He has his cell also.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Catherine S. Anderson/OA/EOP@EOP [OA]
<Catherine S. Anderson>; m.edward.whelan@usdoj.gov [UNKNOWN]
<m.edward.whelan@usdoj.gov>
Sent: 1/10/2002 4:31:26 PM
Subject: : FOIA status of Office of Administration

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-JAN-2002 21:31:26.00
SUBJECT:: FOIA status of Office of Administration
TO: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
TO: Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
TO: m.edward.whelan@usdoj.gov (m.edward.whelan@usdoj.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Can we meet Friday at 10 at EEOB 156 to discuss this? Or we could
do a conference call with call-in numbers (that is, without speaker
phones) to save you all the trip. Let me know.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Catherine S. Anderson/OA/EOP@EOP [OA]
<Catherine S. Anderson>; m.edward.whelan@usdoj.gov [UNKNOWN]
<m.edward.whelan@usdoj.gov>
Sent: 1/10/2002 4:31:26 PM
Subject: : FOIA status of Office of Administration

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-JAN-2002 21:31:26.00
SUBJECT:: FOIA status of Office of Administration
TO: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
TO: Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
TO: m.edward.whelan@usdoj.gov (m.edward.whelan@usdoj.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Can we meet Friday at 10 at EEOB 156 to discuss this? Or we could
do a conference call with call-in numbers (that is, without speaker
phones) to save you all the trip. Let me know.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Stephen W. Devine/NSC/EOP@EOP [NSC] <Stephen W. Devine>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 1/10/2002 4:39:38 PM
Subject: : Interviews of ISOO candidates

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2002 21:39:38.00
SUBJECT:: Interviews of ISOO candidates
TO:Stephen W. Devine (CN=Stephen W. Devine/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

Although I could not make the interviews yesterday, I would like to interview all 5 ISOO candidates or, if you think that unnecessary, the top candidates. Who should I talk to in order to arrange these?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Stephen W. Devine/NSC/EOP@EOP [NSC] <Stephen W. Devine>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 1/10/2002 4:39:38 PM
Subject: : Interviews of ISOO candidates

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JAN-2002 21:39:38.00
SUBJECT:: Interviews of ISOO candidates
TO:Stephen W. Devine (CN=Stephen W. Devine/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

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From: CN=Erna G. Beverly/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: leanna f. terrell/oa/eop@eop [OA] <leanna f. terrell>
Sent: 1/11/2002 3:06:54 AM
Subject: : Re: upgrade of Presidential Diary System

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Erna G. Beverly (CN=Erna G. Beverly/OU=OA/O=EOP [OA])
CREATION DATE/TIME:11-JAN-2002 08:06:54.00
SUBJECT:: Re: upgrade of Presidential Diary System
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:leanna f. terrell (CN=leanna f. terrell/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Thanks Brett appreciate your coordination of this request. I'll advise
Larry Slaughter.

Brett M. Kavanaugh
01/10/2002 09:08:13 PM
Record Type: Record

To: Leanna F. Terrell/OA/EOP@EOP, Erna G. Beverly/OA/EOP@EOP
cc:
Subject: upgrade of Presidential Diary System

You requested written White House Counsel approval for use of
sample data w/r/t an upgrade of the Presidential Diary system. This is
the written approval.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/11/2002 4:10:58 AM
Subject: : emails/questions/comments for ARG

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-2002 09:10:58.00

SUBJECT:: emails/questions/comments for ARG

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Reminder on emails: if he is bombarded w/ a bunch of cc's he is not likely that he will have time to go through them all. Send him only the groups final draft/comments for his review. It is possible that whatever documents (memos/letters) emailed to him may need to be faxed to him as well. This includes the Enron memo. When you guys are done with your back and forth send me via email the agreed upon draft and I'll fax it to him. If there are specific comments or items you have discussed that he needs to make the final call on we can add that to the fax.

REV_00138938

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher
bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;timothy e. flanigan/who
/eop@eop [WHO] <timothy e. flanigan>
Sent: 1/11/2002 5:35:03 AM
Subject: : Re: Strategy session

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-2002 10:35:03.00

SUBJECT:: Re: Strategy session

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

3:00pm works for Tim.

Bradford A. Berenson
01/11/2002 10:32:19 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP
cc: Timothy E. Flanigan/WHO/EOP@EOP, Allison L.
Riepenhoff/WHO/EOP@EOP
Subject: Strategy session

The Judge just called. He has asked that the three of us spend a little time together discussing our operational strategy with respect to the Enron matter: what we should and shouldn't be doing going forward to maximize our effectiveness and give comfort to the staff that things are under control. After we've reached some decisions, he would like us to sit down with Tim and talk them over and then speak with him late this afternoon.

Are you guys available to talk right after the Jason lunch, around 1:00? Tim, would you be available to meet with the three of us right after our judicial interviews, around 3:00?

REV_00138941

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/11/2002 2:14:10 AM
Subject: : Re: FOIA status of Office of Administration

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])
CREATION DATE/TIME:11-JAN-2002 07:14:10.00
SUBJECT:: Re: FOIA status of Office of Administration
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, either is fine with me.

Brett M. Kavanaugh
01/10/2002 09:31:18 PM
Record Type: Record

To: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>, Catherine S.
Anderson/OA/EOP@EOP, m.edward.whelan@usdoj.gov
cc:
bcc:
Subject: FOIA status of Office of Administration

Can we meet Friday at 10 at EEOB 156 to discuss this? Or we could
do a conference call with call-in numbers (that is, without speaker
phones) to save you all the trip. Let me know.

From: CN=Catherine S. Anderson/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/11/2002 2:14:10 AM
Subject: : Re: FOIA status of Office of Administration

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])
CREATION DATE/TIME:11-JAN-2002 07:14:10.00
SUBJECT:: Re: FOIA status of Office of Administration
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes, either is fine with me.

Brett M. Kavanaugh
01/10/2002 09:31:18 PM
Record Type: Record

To: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>, Catherine S.
Anderson/OA/EOP@EOP, m.edward.whelan@usdoj.gov
cc:
bcc:
Subject: FOIA status of Office of Administration

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phones) to save you all the trip. Let me know.

From: CN=Erna G. Beverly/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: leanna f. terrell/oa/eop@eop [OA] <leanna f. terrell>
Sent: 1/11/2002 3:06:54 AM
Subject: : Re: upgrade of Presidential Diary System

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Erna G. Beverly (CN=Erna G. Beverly/OU=OA/O=EOP [OA])
CREATION DATE/TIME:11-JAN-2002 08:06:54.00
SUBJECT:: Re: upgrade of Presidential Diary System
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:leanna f. terrell (CN=leanna f. terrell/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Thanks Brett appreciate your coordination of this request. I'll advise Larry Slaughter.

Brett M. Kavanaugh
01/10/2002 09:08:13 PM
Record Type: Record

To: Leanna F. Terrell/OA/EOP@EOP, Erna G. Beverly/OA/EOP@EOP
cc:
Subject: upgrade of Presidential Diary System

You requested written White House Counsel approval for use of sample data w/r/t an upgrade of the Presidential Diary system. This is the written approval.

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>;Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>;Patricia C. Zemple/WHO/EOP@EOP [WHO] <Patricia C. Zemple>
Sent: 1/11/2002 7:54:56 AM
Subject: : Thanks

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-2002 12:54:56.00

SUBJECT:: Thanks

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00138946

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Patricia C. Zemple (CN=Patricia C. Zemple/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hey Everyone,

I'm going to be signing out of the computer in a few minutes and I wanted to say thanks for everything. I've really enjoyed my time here with all of you. Please keep in touch (Jason.Torchinsky@usdoj.gov or 616-7920).

Thanks again,
Jason

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/11/2002 4:06:04 AM
Subject: : Meeting w/ POTUS re: judges - new time!

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-2002 09:06:04.00

SUBJECT:: Meeting w/ POTUS re: judges - new time!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

New time for meeting w/ POTUS -2:25pm on Jan.16th.

Previously scheduled for Tuesday, Jan. 15.

REV_00138948

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/11/2002 4:06:04 AM
Subject: : Meeting w/ POTUS re: judges - new time!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-2002 09:06:04.00

SUBJECT:: Meeting w/ POTUS re: judges - new time!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

New time for meeting w/ POTUS -2:25pm on Jan.16th.

Previously scheduled for Tuesday, Jan. 15.

REV_00138949

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>;Craig Felner/WHO/EOP@EOP [WHO] <Craig Felner>;Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>;Nicole_E._Grodner@who.eop.gov [UNKNOWN] <Nicole_E._Grodner@who.eop.gov>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>
Sent: 1/11/2002 4:08:46 AM
Subject: : agency FOIA requests
Attachments: P_CPAR4003_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-2002 09:08:46.00

SUBJECT:: agency FOIA requests

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Nicole_E._Grodner@who.eop.gov (Nicole_E._Grodner@who.eop.gov [UNKNOWN])

READ:UNKNOWN

CC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

from this week's cabinet report submissions....

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_CPAR4003_WHO.TXT_1>

AGENCY FOIA REQUESTS

HHS

- The **Physicians Committee for Responsible Medicine** (PCRM) has filed a lawsuit for information about an experiment involving cats at Ohio State University (OSU) in Columbus. The research is funded by the NIH National Institute on Drug Abuse. PCRM's suit alleges NIH improperly withheld details of OSU veterinarian Michael Podell's work, aimed at developing an animal model for brain damage known to occur in humans who are both drug abusers and infected with the AIDS virus. The suit is being brought in the U.S. District Court for the District of Columbia
- **ACF received the following requests:**
Timothy J. Casey, of the NOW Legal Defense Fund, requested copies of documents in reference to comments received regarding the listening sessions on TANF reauthorization.

Gordy Holt, of the Seattle Post-Intelligencer, requested copies of documents pertaining to all financial audit-reports involving Seattle's 1996 JOLI grant recipient, Black Dollar Days Task Force.

- **HRSA received the following requests:**

Twelve requests for samples of funded Community-Based Abstinence Education Planning or Implementation grant applications.

Riverfront Times, *St. Louis, MO*, requested the 1998, 1999, and 2000 audit reports for Grace Hill Neighborhood Health Centers, also located in St. Louis.

DOI

- **Landmark Legal Foundation v. Department of the Interior.** Landmark Legal Foundation mailed a FOIA request to the BLM on October 24, 2001. The BLM evidently never received the request due to the non-delivery of mail from the Brentwood Post Office after the anthrax incident. Landmark Legal Foundation served this suit on the Department on December 26, 2001, which is the first anyone at the Department or BLM had heard of the request. The BLM is beginning to process the request, which is for numerous documents pertaining to issuance or award of grants or contracts to non-profit organizations, from 1993 to the present. DOI is contacting the U.S. Attorney's Office to determine how to handle the case.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/11/2002 4:10:58 AM
Subject: : emails/questions/comments for ARG

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-2002 09:10:58.00

SUBJECT:: emails/questions/comments for ARG

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Reminder on emails: if he is bombarded w/ a bunch of cc's he is not likely that he will have time to go through them all. Send him only the groups final draft/comments for his review. It is possible that whatever documents (memos/letters) emailed to him may need to be faxed to him as well. This includes the Enron memo. When you guys are done with your back and forth send me via email the agreed upon draft and I'll fax it to him. If there are specific comments or items you have discussed that he needs to make the final call on we can add that to the fax.

REV_00138952

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/11/2002 8:49:33 AM
Subject: : fyi-news report

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-2002 13:49:33.00

SUBJECT:: fyi-news report

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

WASHINGTON _ Circumventing Senate opposition, President Bush signs recess appointments for Otto

Reich and Eugene Scalia, The Associated Press has learned.

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>; Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
Sent: 1/11/2002 4:57:11 AM
Subject: : RE: FOIA status of Office of Administration

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:11-JAN-2002 09:57:11.00
SUBJECT:: RE: FOIA status of Office of Administration
TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) ("
Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

We can do this by conference call using our phones' existing capacities
(w/o using call-in numbers). Paul and I are available at 10 or at any
other time that may suit you. Please confirm what time you want to confer.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 10, 2002 9:31 PM
To: Colborn, Paul P; Whelan, M Edward III;
Catherine_S._Anderson@oa.eop.gov
Subject: FOIA status of Office of Administration

Can we meet Friday at 10 at EEOB 156 to discuss this? Or we could do
a
conference call with call-in numbers (that is, without speaker phones) to
save
you all the trip. Let me know.

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>; Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
Sent: 1/11/2002 4:57:11 AM
Subject: : RE: FOIA status of Office of Administration

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:11-JAN-2002 09:57:11.00
SUBJECT:: RE: FOIA status of Office of Administration
TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) ("
Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

We can do this by conference call using our phones' existing capacities
(w/o using call-in numbers). Paul and I are available at 10 or at any
other time that may suit you. Please confirm what time you want to confer.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 10, 2002 9:31 PM
To: Colborn, Paul P; Whelan, M Edward III;
Catherine_S._Anderson@oa.eop.gov
Subject: FOIA status of Office of Administration

Can we meet Friday at 10 at EEOB 156 to discuss this? Or we could do
a
conference call with call-in numbers (that is, without speaker phones) to
save
you all the trip. Let me know.

REV_00138957

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
Sent: 1/11/2002 5:01:37 AM
Subject: : Re: FOIA status of Office of Administration

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-JAN-2002 10:01:37.00
SUBJECT:: Re: FOIA status of Office of Administration
TO: Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

I will call you in a minute.

Catherine S. Anderson
01/11/2002 07:14:03 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: FOIA status of Office of Administration

Yes, either is fine with me.

Brett M. Kavanaugh
01/10/2002 09:31:18 PM
Record Type: Record

To: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>, Catherine S. Anderson/OA/EOP@EOP, m.edward.whelan@usdoj.gov
cc:
bcc:
Subject: FOIA status of Office of Administration

Can we meet Friday at 10 at EEOB 156 to discuss this? Or we could do a conference call with call-in numbers (that is, without speaker phones) to save you all the trip. Let me know.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>
Sent: 1/11/2002 5:01:37 AM
Subject: : Re: FOIA status of Office of Administration

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-JAN-2002 10:01:37.00
SUBJECT:: Re: FOIA status of Office of Administration
TO: Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

I will call you in a minute.

Catherine S. Anderson
01/11/2002 07:14:03 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: FOIA status of Office of Administration

Yes, either is fine with me.

Brett M. Kavanaugh
01/10/2002 09:31:18 PM
Record Type: Record

To: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>, Catherine S. Anderson/OA/EOP@EOP, m.edward.whelan@usdoj.gov
cc:
bcc:
Subject: FOIA status of Office of Administration

Can we meet Friday at 10 at EEOB 156 to discuss this? Or we could do a conference call with call-in numbers (that is, without speaker phones) to save you all the trip. Let me know.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/11/2002 5:59:47 AM
Subject: : Re: Strategy session

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-JAN-2002 10:59:47.00
SUBJECT:: Re: Strategy session
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

OK to 1:30 and 4:00.

Bradford A. Berenson
01/11/2002 10:58:59 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Strategy session

OK. 1:30 in my office, and 4:00 in Tim's. We'll talk to the judge after that.

Brett M. Kavanaugh
01/11/2002 10:36:35 AM
Record Type: Record

To: Allison L. Riepenhoff/WHO/EOP@EOP
cc: bradford a. berenson/who/eop@eop, brett m. kavanaugh/who/eop@eop, h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re: Strategy session

4:00 is better for me for that; 1:30 is better for 3 of us to discuss

Allison L. Riepenhoff
01/11/2002 10:34:55 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, h. christopher bartolomucci/who/eop@eop, timothy e. flanigan/who/eop@eop
bcc:

REV_00138965

Subject: Re: Strategy session

3:00pm works for Tim.

Bradford A. Berenson
01/11/2002 10:32:19 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP
cc: Timothy E. Flanigan/WHO/EOP@EOP, Allison L.
Riepenhoff/WHO/EOP@EOP
Subject: Strategy session

The Judge just called. He has asked that the three of us spend a little time together discussing our operational strategy with respect to the Enron matter: what we should and shouldn't be doing going forward to maximize our effectiveness and give comfort to the staff that things are under control. After we've reached some decisions, he would like us to sit down with Tim and talk them over and then speak with him late this afternoon.

Are you guys available to talk right after the Jason lunch, around 1:00? Tim, would you be available to meet with the three of us right after our judicial interviews, around 3:00?

Message Copied

To: _____
allison l. riepenhoff/who/eop@eop
bradford a. berenson/who/eop@eop
brett m. kavanaugh/who/eop@eop
h. christopher bartolomucci/who/eop@eop
Elizabeth N. Camp/WHO/EOP@EOP

REV_00138966

From: CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO]
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;laura l. flippin/who/eop@eop [WHO] <laura l. flippin>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;a. morgan middlemas/who/eop@eop [WHO] <a. morgan middlemas>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>;Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>;Patricia C. Zemple/WHO/EOP@EOP [WHO] <Patricia C. Zemple>
Sent: 1/11/2002 7:54:56 AM
Subject: : Thanks

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-2002 12:54:56.00

SUBJECT:: Thanks

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:laura l. flippin (CN=laura l. flippin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:a. morgan middlemas (CN=a. morgan middlemas/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00138968

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Patricia C. Zemple (CN=Patricia C. Zemple/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hey Everyone,

I'm going to be signing out of the computer in a few minutes and I wanted to say thanks for everything. I've really enjoyed my time here with all of you. Please keep in touch (Jason.Torchinsky@usdoj.gov or 616-7920).

Thanks again,
Jason

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/11/2002 8:37:53 AM
Subject: : RE: FW: (no subject)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:11-JAN-2002 13:37:53.00

SUBJECT:: RE: FW: (no subject)

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: FW: (no subject)

Was Read By : Viet.Dinh@usdoj.gov

On : Fri, 11 Jan 2002 14:34:34 -0400

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/11/2002 8:49:33 AM
Subject: : fyi-news report

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-2002 13:49:33.00

SUBJECT:: fyi-news report

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

WASHINGTON _ Circumventing Senate opposition, President Bush signs recess appointments for Otto

Reich and Eugene Scalia, The Associated Press has learned.

REV_00138971

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/11/2002 10:33:40 AM
Subject: : RE: FW: (no subject)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer"
<Jennifer.Newstead@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:11-JAN-2002 15:33:40.00
SUBJECT:: RE: FW: (no subject)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: FW: (no subject)
Was Read By : Jennifer.Newstead@usdoj.gov
On : Fri, 11 Jan 2002 16:21:38 -0400

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.McMahon@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; (Mindy Tucker <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/MTUCKER%JCON"@intmail.usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Steve Koebele <Steve.Koebele@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/14/2002 3:27:12 AM
Subject: : Reminder: The Judicial Confirmation Working Group Meeting will be held today at 4pm Main Justice, Room 4646.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:14-JAN-2002 08:27:12.00

SUBJECT:: Reminder: The Judicial Confirmation Working Group Meeting will be held today at 4pm Main Justice, Room 4646.

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00138984

TO:Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: (Mindy Tucker <"EX=/O=USDOJ/OU=JMD/CN=RECIPIENTS/CN=MAILBOXES /CN=MTUCKER%JCON"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Eleanor L. Gillmor/OU=OPD/O=EOP [OPD]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Rebecca A. Beynon/OMB /EOP@EOP [OMB] <Rebecca A. Beynon>;Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>
Sent: 1/14/2002 5:15:01 AM
Subject: : meeting on Victims of Foreign Terror Legislation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JAN-2002 10:15:01.00

SUBJECT:: meeting on Victims of Foreign Terror Legislation

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Margaret would like to convene a meeting on Victims of Foreign Terror Legislation--would Wednesday afternoon work for everyone? Maybe 2pm? Please let me know, so we can finialize this today. I will send you the location when we have locked down a time.

Thanks,
Eleanor
6-5595

REV_00138986

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Eleanor L. Gillmor/OPD/EOP@EOP [OPD] <Eleanor L. Gillmor>
Sent: 1/14/2002 5:15:35 AM
Subject: : Re: meeting on Victims of Foreign Terror Legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-JAN-2002 10:15:35.00
SUBJECT:: Re: meeting on Victims of Foreign Terror Legislation
TO: Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Wed at 2 works for me.

Eleanor L. Gillmor
01/14/2002 10:14:59 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Carla B. Stone/OMB/EOP@EOP, Ansley C. Tillman/OPD/EOP@EOP
Subject: meeting on Victims of Foreign Terror Legislation

Margaret would like to convene a meeting on Victims of Foreign Terror Legislation--would Wednesday afternoon work for everyone? Maybe 2pm? Please let me know, so we can finalize this today. I will send you the location when we have locked down a time.

Thanks,
Eleanor
6-5595

Message Sent

To:

Diana L. Schacht/OPD/EOP@EOP
Rebecca A. Beynon/OMB/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

REV_00138987

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton <Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.McMahon@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; (Mindy Tucker <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/MTUCKER%JCON"@intmail.usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Steve Koebele <Steve.Koebele@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/14/2002 3:26:16 AM
Subject: : Reminder: The Judicial Confirmation Working Group Meeting will be held today at 4pm Main Justice, Room 4646.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:14-JAN-2002 08:26:16.00

SUBJECT:: Reminder: The Judicial Confirmation Working Group Meeting will be held today at 4pm Main Justice, Room 4646.

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00138989

TO:Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: (Mindy Tucker <"EX=/O=USDOJ/OU=JMD/CN=RECIPIENTS/CN=MAILBOXES /CN=MTUCKER%JCON"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Eleanor L. Gillmor/OU=OPD/O=EOP [OPD]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Rebecca A. Beynon/OMB /EOP@EOP [OMB] <Rebecca A. Beynon>;Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>
Sent: 1/14/2002 5:15:01 AM
Subject: : meeting on Victims of Foreign Terror Legislation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JAN-2002 10:15:01.00

SUBJECT:: meeting on Victims of Foreign Terror Legislation

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Margaret would like to convene a meeting on Victims of Foreign Terror Legislation--would Wednesday afternoon work for everyone? Maybe 2pm? Please let me know, so we can finialize this today. I will send you the location when we have locked down a time.

Thanks,
Eleanor
6-5595

REV_00138993

From: CN=Eleanor L. Gillmor/OU=OPD/O=EOP [OPD]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Rebecca A. Beynon/OMB /EOP@EOP [OMB] <Rebecca A. Beynon>;Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>
Sent: 1/14/2002 5:15:01 AM
Subject: : meeting on Victims of Foreign Terror Legislation

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JAN-2002 10:15:01.00

SUBJECT:: meeting on Victims of Foreign Terror Legislation

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Margaret would like to convene a meeting on Victims of Foreign Terror Legislation--would Wednesday afternoon work for everyone? Maybe 2pm? Please let me know, so we can finialize this today. I will send you the location when we have locked down a time.

Thanks,
Eleanor
6-5595

REV_00138994

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Eleanor L. Gillmor/OPD/EOP@EOP [OPD] <Eleanor L. Gillmor>
CC: diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>;jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;ansley c. tillman/opd/eop@eop [OPD] <ansley c. tillman>
Sent: 1/14/2002 5:21:03 AM
Subject: : Re: meeting on Victims of Foreign Terror Legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:14-JAN-2002 10:21:03.00
SUBJECT:: Re: meeting on Victims of Foreign Terror Legislation
TO:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:ansley c. tillman (CN=ansley c. tillman/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
End Original ARMS Header

2:00 works for Jay.

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 1/14/2002 5:47:14 AM
Subject: : 01-16-02 WHJSC meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-JAN-2002 10:47:14.00
SUBJECT:: 01-16-02 WHJSC meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please email me any items you will have for this week's agenda.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
Sent: 1/14/2002 4:57:06 PM
Subject: : Re: Terrorism Insurance Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-JAN-2002 21:57:06.00
SUBJECT:: Re: Terrorism Insurance Meeting
TO: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

I cannot do 2:30 (our office has a 2:25 meeting with the President), but I could do 3:00.

Leslie A. Mooney
01/14/2002 08:18:05 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Terrorism Insurance Meeting

Marc Sumerlin would like to have a terrorism insurance meeting on Wednesday, 1/16.

The agenda will be: is there still a need for a Federal role in terrorism insurance?

Please let me know if 2:30 works for you. If it does not, please indicate what times you are available.

Thanks,
Leslie

Message Sent

To:

Matthew Kirk/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Peter.Fisher@do.treas.gov @ inet
Sheila.Bair@do.treas.gov @ inet
anna.hart@do.treas.gov @ inet
Lisa D. Branch/CEA/EOP@EOP
Betty.Ann.Hunt@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP

REV_00138999

From: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
To: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>;Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>;Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan
<Dan.Bryant@usdoj.gov>;Ullman, Kristen A <Kristen.A.Ullman@usdoj.gov>;Long, Linda E
<Linda.E.Long@usdoj.gov>;Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>;McMahon, Lori
<Lori.McMahon@usdoj.gov>;Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>;Suit, Neal
<Neal.Suit@usdoj.gov>;("Coniglio, Peter J <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES
/PCONIGLIO%JCON"@intmail.usdoj.gov>;Joy, Sheila <Sheila.Joy@usdoj.gov>;Dinh, Viet
<Viet.Dinh@usdoj.gov>;Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>;O'Brien, Pat
<Pat.O'Brien@usdoj.gov>;Comstock, Barbara <Barbara.Comstock@usdoj.gov>;Bradford A.
Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO
/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO/EOP@EOP [WHO]
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Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Timothy E. Flanigan/WHO/EOP@EOP [WHO]
<Timothy E. Flanigan>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/14/2002 1:14:52 PM
Subject: : judicial media review
Attachments: P_G77T4003_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> ("Schauder, Andrew"
<Andrew.Schauder2@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:14-JAN-2002 18:14:52.00

SUBJECT:: judicial media review

TO:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification
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READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
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REV_00139000

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TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Please see attached review

Media Review - Judicial Nominations

Monday, January 14, 2002

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Interest Groups/Press Releases

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General Judicial Articles

Hicks Sworn in Judge

By Ed Vogel
Las Vegas-Review Journal
Friday, January 11, 2002

Longtime Reno lawyer Larry R. Hicks, 57, formally was sworn in Thursday as Nevada's sixth and newest U.S. District Court judge.

At an investiture ceremony attended by more than 300 people, Hicks joked about how long it

took him to win the federal judgeship. 'If you think this is going on too long,' said Hicks during the 90-minute ceremony, 'then consider we have been waiting 9 ½ years for it.' He originally had been nominated for a federal judgeship by then Rep. Barbara Vucanovich, R-Nev., in 1992.

But that was a presidential election year, and the Senate never confirmed his nomination. President Clinton won the election that year and Hicks' nomination lapsed.

Then in August, Hicks was nominated for a federal judgeship by Sen. John Ensign, R-Nev. He was confirmed by the Senate on Nov. 5 on an 83-0 vote.

As a federal judge, Hicks will be based in Las Vegas, although he will occasionally hear cases in Reno, where he has lived since 1957. His parents, now deceased, operated the Holiday Hotel in downtown Reno. Hicks will be paid \$145,100 a year during the lifetime appointment. Clark County District Judge James Mahan also was nominated for a federal judgeship by Ensign.

Sen. Harry Reid, D-Nev., said during the investiture ceremony that he expects Mahan will be confirmed in a few weeks.

'I will do everything I can to do this job as well and as honestly as possible and with as much integrity as I can,' Hicks said after receiving the black robes of a federal judge.

Speakers called Hicks a man whose character is above reproach.

'As a lawyer, he exuded the term 'gentleman,' ' said Nevada Supreme Court Chief Justice Bill Maupin.

Fellow U.S. District Judge David Hagen remarked on how gracious Hicks was after Hagen was nominated for the post in 1993.

Although Hagen took the judgeship for which Hicks originally had been nominated, Hagen said he sent him federal judge application forms, a step that gave him a three-month head start on winning confirmation.

'Larry Hicks is truly a gentleman,' Hagen said.

Hicks became a lawyer in 1968. One of his first jobs was as a prosecutor in the office of then Washoe County District Attorney Bill Raggio, now the state Senate majority leader.

'If I remember, he never lost a case,' Raggio said. 'Of course, no lawyer remembers losing a case.'

Later Hicks won a four-year term as district attorney. Since 1979 he has been a lawyer and partner with the statewide firm of McDonald, Carano, Wilson, McCune, Bergin, Frankovich & Hicks.

He handled murder cases as district attorney, but Hicks largely has handled civil cases as a

private lawyer. He represented Dow Chemical in a celebrated breast implant case.

Ensign said he knew Hicks less than any person in the office and relied on a nonpartisan process to pick the best qualified lawyers for judgeships.

'This corrects an injustice of 10 years ago,' Ensign said.

In Harmony With the Supremes

By Al Kamen

The Washington Post

Monday, January 14, 2002

Last week was a pretty good one for Washington attorney John G. Roberts Jr., Bush's nominee for a seat on the U.S. Court of Appeals here. No, neither he nor fellow D.C. federal appeals court nominee Miguel A. Estrada got a green light from the Senate Judiciary Committee for a hearing on their nominations pending since spring.

But Roberts, a former deputy solicitor general, did win a big Supreme Court ruling for Toyota that reduced the scope of the Americans With Disabilities Act.

Working to undercut workers' rights likely won't win organized labor votes, but the fact that it was a 9 to 0 ruling written by Justice Sandra Day O'Connor may take out some of the sting.

Much more helpfully, Roberts, a former clerk for Chief Justice William H. Rehnquist, last week argued a high court case for the enviros. The case pitted homeowners and developers against Lake Tahoe planning authorities, who wanted to put a moratorium on development in the lake area.

The usual suspects took up sides: the property rights folks, the National Association of Home Builders, the American Farm Bureau, the Pacific Legal Foundation and the Washington Legal Foundation against the moratorium; the National Audubon Society, the Natural Resources Defense Council, the National Wildlife Federation and the Sierra Club for the halt to development. Roberts was joined by Solicitor General Theodore B. Olson in arguing for the moratorium.

But Roberts, according to those present, missed a key opportunity: He failed to point out the similarities between Lake Tahoe and the even more beautiful, more spectacular, Lake Champlain, conveniently located in Vermont, home of Senate Judiciary Committee Chairman Patrick J. Leahy (D).

Meanwhile, wags have taken to calling Estrada the "Sonia Sotomayor of his generation," reminding people of the GOP-controlled Senate's stall of then-President Bill Clinton's nomination of federal Judge Sonia Sotomayor to an appeals court.

Republicans feared the Hispanic Sotomayor would then be on a fast-track to the Supremes. Now some Democrats worry about putting the staunchly conservative Estrada, also Hispanic, on to a similar launching court.

Op/Eds

Senate Stonewalling; Lawmakers Delaying Judicial Confirmations

By Thomas Jipping

The Washington Times

Monday, January 14, 2002

Unprecedented partisanship drove the Senate's judicial confirmation process last year. Things can go better this year if only Democrats would follow their own standards.

A composite of the last three presidents' first year looks like this: nominations begin in July or August and the Senate confirms about 72 percent, in the first year. Instead, President Bush's first year looked like this: though nominations began in early May, and he made 67 percent more nominations than his predecessors' average, the Senate confirmed just 42 percent in the first year. Despite receiving 53 nominations before September 11, the Senate did not even keep up with judicial attrition; vacancies jumped from 82 on inauguration day to 94 by adjournment day. Eight of the first 11 nominees, named on May 9, have to this day not even received a Judiciary Committee hearing. Deliberate partisanship is the only explanation for this performance. Things need not be this way this year. First, Democrats say the benchmark should be their confirmation performance when running the Senate during President Clinton's first term. In 1994, Mr. Clinton's second year, the Senate Judiciary Committee held 25 confirmation hearings and the Senate confirmed 101 judicial nominees. The pace was so fast, confirmations topped the annual average from the Reagan-Bush years before the August recess. In just the three months leading up to the fall elections, the Senate approved 54 judges; October's tally of 28 is still a single-month record and equaled the previous year's total.

Democrats insisted 1994 was the benchmark long after Republicans captured the Senate. On March 16, 1998, Sen. Patrick Leahy said: "Unfortunately, over the last three years, the Senate has barely matched the one-year total of judges confirmed in 1994." On July 7, 1998, he compared that year's confirmation progress "to our total of judges confirmed in 1994." On April 14, 1999, Mr. Leahy said: "Look at how we have done in the past. Let's go a little backward. In 1994, we confirmed 101." On both Nov. 19, 1999, and Feb. 10, 2000, he used the same language: "In 1994, with a Democratic majority in the Senate, we confirmed 101 judges."

Second, Democrats have demanded that the Senate vote on nominations soon after the president makes them. On July 25, 2000, Sen. Leahy said: "The soon-to-be presidential nominee of the Republican Party has said - and I agree with him - that . . . the Senate ought to vote these people up or down in 60 days . . . One of the things that most Republicans and Democrats ought to be able to agree on is what Governor Bush said: Do it and vote them up or down in 60 days."

Gov. Bush, of course, is now President Bush. Democrats will say this 60-day standard assumed the liberal American Bar Association would evaluate and rate candidates prior to nomination. Since they now do so after nomination, toss in another 30 days - longer than the three weeks the ABA said last year its work should take. The Senate adjourned last year abandoning at least two dozen nominees already past this 90-day limit.

Third, Democrats have demanded that all nominees be confirmed before finally adjourning a two-year Congressional session. Mr. Leahy reminded the majority Republicans of this on Oct. 14, 1998, shortly before the 105th Congress adjourned: "The Democratic Senate majority in the two Congresses of the Bush Administration ended both those Congresses, the 101st and 102nd, without a single judicial nomination on the calendar." One week later, the Senate confirmed 17 judicial nominees in a single group by unanimous consent minutes before adjournment.

Democrats have often cited Chief Justice William Rehnquist's warnings about slow confirmations and high vacancies. In his 1997 annual report, the chief wrote that "vacancies cannot remain at such high levels indefinitely without eroding the quality of justice." Mr. Clinton himself quoted the Rehnquist report in his 1998 State of the Union Address, as have Senate Democrats dozens of times since.

Chief Justice Rehnquist's new report on 2001 repeats the same warning. He wrote: "When I spoke to this issue in 1997, there were 82 judicial vacancies; when the Senate adjourned on December 20th there were 94 vacancies." The situation is even worse than when Democrat said the Senate should heed such warnings.

On July 17, 1998, Mr. Leahy said that filling judicial vacancies "is a constitutional duty that the Senate - and all of its members - are obligated to fulfill." Indeed it is. If only Democrats would follow their own standards in fulfilling that constitutional duty, this will be a very busy year.

Passing Muster

By Jim Hunt

The Orlando Sentinel

Saturday, January 12, 2001

Your Jan. 6 editorial about the pace of judicial nominations erred terribly in the assertion that presidents are entitled to nominate whomever they choose, as long as they're qualified, and that the Senate should respect his choices. Nothing in the Constitution supports your position, which does violence to the very separation of powers upon which this document is based. That politics has been off-limits while the Senate provides its advice and consent to the president has led to the unpleasant situation in which any character flaw of a nominee, no matter how minor or how long ago, must be ferreted out, but "politics" cannot be debated.

The nomination process would be more effective if the Senate were truly to exercise its advice and consent: approving nominations when the nominees are deemed acceptable, and denying them without trepidation when they are not. All presidents are politicians, and this one, like his

predecessor, knows the type of nominee who will pass muster. It is time that presidents started offering realistic nominees instead of complaining about foot-dragging in the Senate.

The Senate's Abdication

The Chicago Tribune

Friday, January 11, 2001

Back in 1997, Chief Justice William Rehnquist complained about the Senate's habit of delaying votes on presidential appointments to the federal bench. "The president should nominate candidates with reasonable promptness," he declared, "and the Senate should act within a reasonable time to confirm or reject them."

That was back in the days when we had a Democratic president and Republican-dominated Senate. But things have changed. Today, we have a Republican president, and Democrats control the Senate. The problem that Rehnquist described has changed as well: It's worse. As Rehnquist notes in his annual report on the state of the federal judiciary, there were 82 judicial vacancies when he complained in 1997. At last count, there are now 97. In 1997, the Senate confirmed only 36 judges--down from 101 in 1994. Last year, it confirmed just 28. That leaves the judiciary well short of fully staffed, which translates into overloaded dockets, long trial delays and added burdens for current judges.

Why are things moving so slowly? The same reason they moved slowly during the Clinton presidency--because the Senate, for one reason or another, refuses to take action on judicial nominations. President Bush moved quickly to fill vacancies, naming 80 judges in his first year. But many of them have yet to get a vote even in the Judiciary Committee. Some highly qualified nominees, such as University of Utah law professor Michael McConnell and longtime Supreme Court litigator John Roberts, have been cooling their heels since May.

Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) insists he's doing the best he can. And it's true that the Senate has moved with impressive dispatch at times. District judges Roger Gregory and Barrington Parker Jr., picked for appellate spots, were both approved quickly. But Gregory and Parker are both African-Americans who were first named to the federal bench by President Clinton. McConnell and Roberts, by contrast, are white males with conservative reputations.

Some Democrats think people like this shouldn't be on the bench because they would be "hostile to the elderly, to minorities, and to choice" on abortion, in the words of Nan Aron of the liberal Alliance for Justice. But if Senate Democrats want to make ideology an issue, as Senate Republicans often did under Clinton, then they should debate what each nominee has said and written and then decide. Instead, the Senate is simply ignoring the nominations in the hope that they'll go away.

It's not only judicial appointments that have gotten this treatment. Senate Democratic Leader Tom Daschle has refused to allow a vote on the nomination of Eugene Scalia to be the top

lawyer for the Labor Department--even though he has more than enough votes to be confirmed.

The Senate is under no obligation to accept every nomination the president sends to Capitol Hill, but it does have a duty to act promptly on each one. When the president makes major appointments, the Constitution says the Senate shall provide "advice and consent." It says nothing about stalling.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/14/2002 3:48:53 PM
Subject: : FYI- judge is out of the office all day Tuesday.

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CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-JAN-2002 20:48:53.00

SUBJECT:: FYI- judge is out of the office all day Tuesday.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

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TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you need to get him a message let me know. Otherwise he can reply to emails, etc. when he is back in the office on Wednesday morning.

Thanks!

REV_00139009

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
Sent: 1/14/2002 4:57:06 PM
Subject: : Re: Terrorism Insurance Meeting

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CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-JAN-2002 21:57:06.00
SUBJECT:: Re: Terrorism Insurance Meeting
TO: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
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I cannot do 2:30 (our office has a 2:25 meeting with the President), but I could do 3:00.

Leslie A. Mooney
01/14/2002 08:18:05 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Terrorism Insurance Meeting

Marc Sumerlin would like to have a terrorism insurance meeting on Wednesday, 1/16.

The agenda will be: is there still a need for a Federal role in terrorism insurance?

Please let me know if 2:30 works for you. If it does not, please indicate what times you are available.

Thanks,
Leslie

Message Sent

To: _____
Matthew Kirk/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Peter.Fisher@do.treas.gov @ inet
Sheila.Bair@do.treas.gov @ inet
anna.hart@do.treas.gov @ inet
Lisa D. Branch/CEA/EOP@EOP
Betty.Ann.Hunt@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP

REV_00139010

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
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Sent: 1/15/2002 3:13:01 AM
Subject: : Another try - Terrorism Insurance Meeting

Begin Original ARMS Header #####
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READ: UNKNOWN
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READ: UNKNOWN
TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
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TO: Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
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TO: Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
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READ: UNKNOWN
End Original ARMS Header

Does 5:30pm on Wednesday 1/16 work? (there were a couple key participants that could not do 2:30)

Thanks

----- Forwarded by Leslie A. Mooney/OPD/EOP on 01/15/2002
08:12 AM -----

Leslie A. Mooney
01/14/2002 08:18:05 PM
Record Type: Record

REV_00139011

To: See the distribution list at the bottom of this message
cc:
Subject: Terrorism Insurance Meeting

Marc Sumerlin would like to have a terrorism insurance meeting on
Wednesday, 1/16.

The agenda will be: is there still a need for a Federal role in terrorism
insurance?

Please let me know if 2:30 works for you. If it does not, please indicate
what times you are available.

Thanks,
Leslie

Message Sent

To: _____
Matthew Kirk/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Peter.Fisher@do.treas.gov @ inet
Sheila.Bair@do.treas.gov @ inet
anna.hart@do.treas.gov @ inet
Lisa D. Branch/CEA/EOP@EOP
Betty.Ann.Hunt@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP

From: CN=Ansley C. Tillman/OU=OPD/O=EOP [OPD]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>; Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>; Eleanor L. Gillmor/OPD/EOP@EOP [OPD] <Eleanor L. Gillmor>; Hatamj@ms.state.gov @ inet [UNKNOWN] <Hatamj@ms.state.gov>
Sent: 1/15/2002 5:11:14 AM
Subject: : Victims of Foreign Terror Legislation Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:15-JAN-2002 10:11:14.00

SUBJECT:: Victims of Foreign Terror Legislation Meeting

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Hatamj@ms.state.gov (Hatamj@ms.state.gov @ inet [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

A meeting to discuss Victims of Foreign Terror Legislation will be held tomorrow, January 16th, at 2 pm in OEOB Room 211. Please let me know if there are any conflicts with this. Thanks.

REV_00139013

From: CN=Ansley C. Tillman/OU=OPD/O=EOP [OPD]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>; Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>; Eleanor L. Gillmor/OPD/EOP@EOP [OPD] <Eleanor L. Gillmor>; Hatamj@ms.state.gov @ inet [UNKNOWN] <Hatamj@ms.state.gov>
Sent: 1/15/2002 5:11:14 AM
Subject: : Victims of Foreign Terror Legislation Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:15-JAN-2002 10:11:14.00

SUBJECT:: Victims of Foreign Terror Legislation Meeting

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC:Hatamj@ms.state.gov (Hatamj@ms.state.gov @ inet [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

A meeting to discuss Victims of Foreign Terror Legislation will be held tomorrow, January 16th, at 2 pm in OEOB Room 211. Please let me know if there are any conflicts with this. Thanks.

REV_00139014

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; anna.hart@do.treas.gov @ inet [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 1/15/2002 3:13:01 AM
Subject: : Another try - Terrorism Insurance Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 15-JAN-2002 08:13:01.00
SUBJECT:: Another try - Terrorism Insurance Meeting
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: anna.hart@do.treas.gov (anna.hart@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
End Original ARMS Header

Does 5:30pm on Wednesday 1/16 work? (there were a couple key participants that could not do 2:30)

Thanks

----- Forwarded by Leslie A. Mooney/OPD/EOP on 01/15/2002
08:12 AM -----

Leslie A. Mooney
01/14/2002 08:18:05 PM
Record Type: Record

REV_00139017

To: See the distribution list at the bottom of this message
cc:
Subject: Terrorism Insurance Meeting

Marc Sumerlin would like to have a terrorism insurance meeting on
Wednesday, 1/16.

The agenda will be: is there still a need for a Federal role in terrorism
insurance?

Please let me know if 2:30 works for you. If it does not, please indicate
what times you are available.

Thanks,
Leslie

Message Sent

To: _____
Matthew Kirk/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Peter.Fisher@do.treas.gov @ inet
Sheila.Bair@do.treas.gov @ inet
anna.hart@do.treas.gov @ inet
Lisa D. Branch/CEA/EOP@EOP
Betty.Ann.Hunt@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; anna.hart@do.treas.gov @ inet [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>
Sent: 1/15/2002 9:31:30 AM
Subject: : Insurance Conference Call tomorrow

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 15-JAN-2002 14:31:30.00
SUBJECT:: Insurance Conference Call tomorrow
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: anna.hart@do.treas.gov (anna.hart@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Instead of a meeting tomorrow we are going to have a conference call at
5:45 PM

Agenda: Is there still a need for a Federal role in terrorism
insurance?

Call-in #: 456-2561
Pass code is 4218

Thanks,
Leslie

REV_00139021

From: CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO]
To: Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jackie Arends/WHO/EOP@EOP [WHO] <Jackie Arends>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Carl Buchholz/WHO/EOP@EOP [WHO] <Carl Buchholz>;Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Barbara C. Chaffee/WHO/EOP@EOP [WHO] <Barbara C. Chaffee>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Frank Cilluffo/WHO/EOP@EOP [WHO] <Frank Cilluffo>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>;John B. Craig/NSC/EOP@EOP [NSC] <John B. Craig>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Richard A. Falkenrath/NSC/EOP@EOP [NSC] <Richard A. Falkenrath>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>;Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>;Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Susan K. Neely/WHO/EOP@EOP [WHO] <Susan K. Neely>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Mary K. Sturtevant/NSC/EOP@EOP [NSC] <Mary K. Sturtevant>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>
CC: Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 1/15/2002 7:38:36 AM
Subject: : Meeting w/Sec. Card on January 23rd at 5:00 pm

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-JAN-2002 12:38:36.00
SUBJECT:: Meeting w/Sec. Card on January 23rd at 5:00 pm
TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jackie Arends (CN=Jackie Arends/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barbara C. Chaffee (CN=Barbara C. Chaffee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Frank Cilluffo (CN=Frank Cilluffo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles Conner (CN=Charles Conner/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Rebecca Contreras (CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Craig (CN=John B. Craig/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Falkenrath (CN=Richard A. Falkenrath/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])

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TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
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TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
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READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
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READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
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TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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READ:UNKNOWN
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TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
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TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
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CC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sec. Card would like to meet with all the Special Assistants to The President on Wednesday, January 23rd at 5:00 pm in room 450 EEOB. He would like to talk about the year ahead and hear from all of you.

Hope you can attend.

From: CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO]
To: Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jackie Arends/WHO/EOP@EOP [WHO] <Jackie Arends>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Carl Buchholz/WHO/EOP@EOP [WHO] <Carl Buchholz>;Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Barbara C. Chaffee/WHO/EOP@EOP [WHO] <Barbara C. Chaffee>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Frank Cilluffo/WHO/EOP@EOP [WHO] <Frank Cilluffo>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>;John B. Craig/NSC/EOP@EOP [NSC] <John B. Craig>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Richard A. Falkenrath/NSC/EOP@EOP [NSC] <Richard A. Falkenrath>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>;Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>;Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Susan K. Neely/WHO/EOP@EOP [WHO] <Susan K. Neely>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Mary K. Sturtevant/NSC/EOP@EOP [NSC] <Mary K. Sturtevant>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>
CC: Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 1/15/2002 7:38:36 AM
Subject: : Meeting w/Sec. Card on January 23rd at 5:00 pm

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-JAN-2002 12:38:36.00
SUBJECT:: Meeting w/Sec. Card on January 23rd at 5:00 pm
TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jackie Arends (CN=Jackie Arends/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
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TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
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TO:Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP@EOP [WHO])
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TO:Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Frank Cilluffo (CN=Frank Cilluffo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles Conner (CN=Charles Conner/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Rebecca Contreras (CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Craig (CN=John B. Craig/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP@EOP [WHO])
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TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
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TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
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TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
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TO:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP@EOP [NSC])
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TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
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TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan K. Neely (CN=Susan K. Neely/OU=WHO/O=EOP@EOP [WHO])
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TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
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READ:UNKNOWN
TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
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TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
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TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP@EOP [NSC])
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TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
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TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
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TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sec. Card would like to meet with all the Special Assistants to The President on Wednesday, January 23rd at 5:00 pm in room 450 EEOB. He would like to talk about the year ahead and hear from all of you.

Hope you can attend.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 1/15/2002 12:24:48 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-JAN-2002 17:24:48.00

SUBJECT::

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.washingtonpost.com/wp-dyn/articles/A48201-2002Jan15.html>

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 1/15/2002 12:28:08 PM
Subject: : JSC reminder tomorrow (Wednesday)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-JAN-2002 17:28:08.00

SUBJECT:: JSC reminder tomorrow (Wednesday)

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00139033

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Usual time and place - 4:00-5:00 pm in the Roosevelt.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 1/15/2002 8:32:20 AM
Subject: : Re: CA9 Watch

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-JAN-2002 13:32:20.00

SUBJECT:: Re: CA9 Watch

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

See also:

Idahoans can smoke pot and drive
Associated Press

SAN FRANCISCO * Marijuana users can drive legally in Idaho as long as they don't drive erratically and can pass a field sobriety test, a federal appeals court ruled Monday.

While it is illegal to drive under the influence of alcohol or narcotics, Idaho law doesn't list marijuana as an narcotic, wrote the three-judge panel for the San Francisco-based 9th U.S. Circuit Court of Appeals.

The ruling overturned an impaired driving conviction against Matthew Patzer, 21, who was stopped for a broken tailgate light in 1998 and admitted to police he'd smoked marijuana at a party.

The appeals court said Patzer could not automatically be presumed impaired; he wasn't driving erratically and passed two field sobriety tests.

Assistant U.S. Attorney Michael J. Fica in Idaho said the government may ask the court to review its decision or request the U.S. Supreme Court hear the case.

01/15/2002 01:15:24 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: CA9 Watch

Don't miss today's 9-0 reversal of CA9 Reinhardt opinion in US v. Arvizu,
a 4th Amendment case.

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

REV_00139036

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 1/15/2002 8:42:00 AM
Subject: : Re: CA9 Watch

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-JAN-2002 13:42:00.00

SUBJECT:: Re: CA9 Watch

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Who was on this panel?

Kyle Sampson

01/15/2002 01:32:17 PM

Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: CA9 Watch

See also:

Idahoans can smoke pot and drive
Associated Press

SAN FRANCISCO * Marijuana users can drive legally in Idaho as long as they don't drive erratically and can pass a field sobriety test, a federal appeals court ruled Monday.

While it is illegal to drive under the influence of alcohol or narcotics, Idaho law doesn't list marijuana as a narcotic, wrote the three-judge panel for the San Francisco-based 9th U.S. Circuit Court of Appeals.

REV_00139037

The ruling overturned an impaired driving conviction against Matthew Patzer, 21, who was stopped for a broken tailgate light in 1998 and admitted to police he'd smoked marijuana at a party.

The appeals court said Patzer could not automatically be presumed impaired; he wasn't driving erratically and passed two field sobriety tests.

Assistant U.S. Attorney Michael J. Fica in Idaho said the government may ask the court to review its decision or request the U.S. Supreme Court hear the case.

H. Christopher Bartolomucci
01/15/2002 01:15:24 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: CA9 Watch

Don't miss today's 9-0 reversal of CA9 Reinhardt opinion in US v. Arvizu, a 4th Amendment case.

Message Sent

To: _____
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

Message Copied

To: _____
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 1/15/2002 1:00:51 PM
Subject: : Re: CA9 Watch

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-JAN-2002 18:00:51.00

SUBJECT:: Re: CA9 Watch

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Two Carters and a Clinton.

Thomas Reavley (of the Fifth Circuit, sitting by designation) wrote it.

Joined by Betty Fletcher and Richard Tallman.

Bradford A. Berenson
01/15/2002 01:41:55 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: CA9 Watch

Who was on this panel?

Kyle Sampson
01/15/2002 01:32:17 PM
Record Type: Record

REV_00139039

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: CA9 Watch

See also:

Idahoans can smoke pot and drive
Associated Press

SAN FRANCISCO * Marijuana users can drive legally in Idaho as long as they don't drive erratically and can pass a field sobriety test, a federal appeals court ruled Monday.

While it is illegal to drive under the influence of alcohol or narcotics, Idaho law doesn't list marijuana as a narcotic, wrote the three-judge panel for the San Francisco-based 9th U.S. Circuit Court of Appeals.

The ruling overturned an impaired driving conviction against Matthew Patzer, 21, who was stopped for a broken tailgate light in 1998 and admitted to police he'd smoked marijuana at a party.

The appeals court said Patzer could not automatically be presumed impaired; he wasn't driving erratically and passed two field sobriety tests.

Assistant U.S. Attorney Michael J. Fica in Idaho said the government may ask the court to review its decision or request the U.S. Supreme Court hear the case.

H. Christopher Bartolomucci
01/15/2002 01:15:24 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: CA9 Watch

Don't miss today's 9-0 reversal of CA9 Reinhardt opinion in US v. Arvizu, a 4th Amendment case.

Message Sent

To: _____
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

Message Copied

To: _____
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop

REV_00139040

noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop

Message Copied

To:

h. christopher bartolomucci/who/eop@eop
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; anna.hart@do.treas.gov @ inet [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>
Sent: 1/15/2002 9:31:30 AM
Subject: : Insurance Conference Call tomorrow

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 15-JAN-2002 14:31:30.00
SUBJECT:: Insurance Conference Call tomorrow
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: anna.hart@do.treas.gov (anna.hart@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Instead of a meeting tomorrow we are going to have a conference call at
5:45 PM

Agenda: Is there still a need for a Federal role in terrorism
insurance?

Call-in #: 456-2561
Pass code is 4218

Thanks,
Leslie

REV_00139042

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>
Sent: 1/15/2002 9:38:15 AM
Subject: : Re: Victims of Foreign Terror Legislation Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-JAN-2002 14:38:15.00
SUBJECT:: Re: Victims of Foreign Terror Legislation Meeting
TO:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

pretty sure that I am not necessary for your meeting, but FYI that
I now have a conflict because counsel's office now has meeting with POTUS
at 2:25 tomorrow.

Ansley C. Tillman
01/15/2002 10:11:09 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Carla B. Stone/OMB/EOP@EOP, Joan Hunerwadel/NSC/EOP@EOP,
Eleanor L. Gillmor/OPD/EOP@EOP, Hatamj@ms.state.gov @ inet
Subject: Victims of Foreign Terror Legislation Meeting

A meeting to discuss Victims of Foreign Terror Legislation will be held
tomorrow, January 16th, at 2 pm in OEOB Room 211. Please let me know if
there are any conflicts with this. Thanks.

Message Sent

To:

Diana L. Schacht/OPD/EOP@EOP
Jay P. Lefkowitz/OMB/EOP@EOP
Rebecca A. Beynon/OMB/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP

REV_00139043

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 1/15/2002 12:28:08 PM
Subject: : JSC reminder tomorrow (Wednesday)

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-JAN-2002 17:28:08.00

SUBJECT:: JSC reminder tomorrow (Wednesday)

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

REV_00139045

READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Usual time and place - 4:00-5:00 pm in the Roosevelt.

From: CN=Brian P. McKaig/OU=OA/O=EOP [OA]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2002 3:55:31 AM
Subject: : Re: Replacement SecurID card for Brett Kavanaugh

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brian P. McKaig (CN=Brian P. McKaig/OU=OA/O=EOP [OA])
CREATION DATE/TIME:16-JAN-2002 08:55:31.00
SUBJECT:: Re: Replacement SecurID card for Brett Kavanaugh
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Lori,

I have assigned a replacement SecurID card for Brett Kavanaugh. The card may be picked up in NEOB 5116. Please bring the broken card.
Sorry for not getting back to you sooner.

Brian,

Lori L. Lorenzi
01/14/2002 09:12:50 AM
Record Type: Record

To: Brian P. McKaig/OA/EOP@EOP
cc:
Subject:

Brett Kavanaugh is in desperate need of a new Secure ID card. You cannot read the numbers on his card. His card number is 361064. Please call me to instruct me what I need to do to handle this.

Lori Lorenzi
6-5298

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2002 4:08:08 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2002 09:08:08.00
SUBJECT:: Re:
TO:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Didn't you and I leave it that he would not do the Saturday event but would do the Sunday event in an official capacity (meaning the travel forms including the travel expense from outside source form -if expenses were going to be paid by the outside organization- would have to be filled out)?

Vickie A. McQuade
01/16/2002 08:57:13 AM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

When we last spoke (last week) you mentioned that you were going to talk to Brett Kavanaugh about Ari's participation with the Republican Jewish Coalition during the Palm Beach weekend in March. They called yesterday and I didn't call them back yet. I want to be able to tell them exactly what Ari can and can't do. Any progress?

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2002 6:39:56 AM
Subject: : Re: fyi re: Brett

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2002 11:39:56.00
SUBJECT:: Re: fyi re: Brett
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Right. He could just excuse himself at the relevant time -- I don't think he needs to skip the entire meeting.

Brent D. Greenfield
01/16/2002 11:35:06 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: fyi re: Brett

He wanted me to let you know that he's recused himself from today's WHJSC meeting.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/16/2002 8:25:32 AM
Subject: : scheduling of interviews - request per the Judge

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JAN-2002 13:25:32.00

SUBJECT:: scheduling of interviews - request per the Judge

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that when you call to schedule interviews these will likely be scheduled late in the day - probably after 5pm.

Thanks!

REV_00139058

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/16/2002 8:52:16 AM
Subject: : Reminder re: 2:10 prep for 2:25 pm POTUS mtg re: judges/us attys/us marshals in Judge's office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JAN-2002 13:52:16.00

SUBJECT:: Reminder re: 2:10 prep for 2:25 pm POTUS mtg re: judges/us attys/us marshals in Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>
Sent: 1/16/2002 10:52:36 AM
Subject: : FEMA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2002 15:52:36.00
SUBJECT:: FEMA
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

OLC should have some info back to me tomorrow on that.

From: Kobach, Kris W <Kris.W.Kobach@usdoj.gov>
To: Burton, Faith <Faith.Burton@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>; Horowitz, Michael-CRM <Michael.Horowitz3@usdoj.gov>; Chertoff, Michael <Michael.Chertoff@usdoj.gov>
CC: Rybicki, James E <James.E.Rybicki@usdoj.gov>; O'Brien, Patrick <Patrick.O'Brien@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2002 10:55:17 AM
Subject: : RE: Draft questions for hearing

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Kobach, Kris W" <Kris.W.Kobach@usdoj.gov> ("Kobach, Kris W" <Kris.W.Kobach@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:16-JAN-2002 15:55:17.00

SUBJECT:: RE: Draft questions for hearing

TO:"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Rybicki, James E" <James.E.Rybicki@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Rybicki, James E" <James.E.Rybicki@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"O'Brien, Patrick" <Patrick.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Patrick" <Patrick.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I can take the first three questions.

Kris

-----Original Message-----

From: Burton, Faith

Sent: Wednesday, January 16, 2002 3:43 PM

REV_00139066

To: Colborn, Paul P; Whelan, M Edward III; Kobach, Kris W; Martens,
Matthew; Horowitz, Michael-CRM; Chertoff, Michael
Cc: O'Brien, Patrick; Rybicki, James E;
'Brett_M._Kavanaugh@who.eop.gov'
Subject: Draft questions for hearing

Who can prepare answers? << File: burton.qs.wpd >>

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/16/2002 12:55:28 PM
Subject: : Re: Executive Authority

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-JAN-2002 17:55:28.00
SUBJECT:: Re: Executive Authority
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

damn

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 1/16/2002 3:51:49 PM
Subject: : We will not have the morning staff meeting on MLK Day (Monday, Jan. 21)

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JAN-2002 20:51:49.00

SUBJECT:: We will not have the morning staff meeting on MLK Day (Monday, Jan. 21)

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; anna.hart@do.treas.gov @ inet [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 1/17/2002 3:28:27 AM
Subject: : Another Terrorism Insurance Call

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 17-JAN-2002 08:28:27.00
SUBJECT:: Another Terrorism Insurance Call
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: anna.hart@do.treas.gov (anna.hart@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
End Original ARMS Header

Marc asked me to set up another Insurance Call for next Friday, 1/25.

Please let me know if 3:00 works for you. If it does not work, please let me know what times in the afternoon would.

Thanks,
Leslie

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Alex.Azar@hhs.gov @ inet [UNKNOWN] <Alex.Azar@hhs.gov>;Dtroy@oc.fda.gov @ inet [UNKNOWN] <Dtroy@oc.fda.gov>;Jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.newstead@usdoj.gov>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Kelley J. McCullough/WHO/EOP@EOP [WHO] <Kelley J. McCullough>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;Stephen S. Ruhlen/OVP/EOP@EOP [OVP] <Stephen S. Ruhlen>;Ronald I. Christie/OVP/EOP@EOP [OVP] <Ronald I. Christie>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Theodore.b.olson@usdoj.gov @ inet [UNKNOWN] <Theodore.b.olson@usdoj.gov>;Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>;Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;John Graham/OMB/EOP@EOP [OMB] <John Graham>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Teesha.Anderson@hhs.gov [UNKNOWN] <Teesha.Anderson@hhs.gov>;JStephen@oc.fda.gov @ inet [UNKNOWN] <JStephen@oc.fda.gov>;Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>;Tiffany L. Barfield/OPD/EOP@EOP [OPD] <Tiffany L. Barfield>;Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Stephen M. Lineberry/CEA/EOP@EOP [CEA] <Stephen M. Lineberry>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>;Mary M. Chuckere/OMB/EOP@EOP [OMB] <Mary M. Chuckere>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Helen.L.Voss@usdoj.gov [UNKNOWN] <Helen.L.Voss@usdoj.gov>
Sent: 1/17/2002 7:32:16 AM
Subject: : Tort Reform meeting - CANCELLED

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:17-JAN-2002 12:32:16.00

SUBJECT:: Tort Reform meeting - CANCELLED

TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Dtroy@oc.fda.gov (Dtroy@oc.fda.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.newstead@usdoj.gov (Jennifer.newstead@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

REV_00139077

TO:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Theodore.b.olson@usdoj.gov (Theodore.b.olson@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Teesha.Anderson@hhs.gov (Teesha.Anderson@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:JStephen@oc.fda.gov (JStephen@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Mary M. Chuckerel (CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Helen.L.Voss@usdoj.gov (Helen.L.Voss@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The tort reform meeting has been cancelled for Friday, Jan. 18 @ 11:00.
It will be rescheduled for sometime late next week. I will get back to
you tomorrow with a date and time.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/17/2002 10:00:27 AM
Subject: : PRA protocol

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-JAN-2002 15:00:27.00

SUBJECT:: PRA protocol

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Judge: I left the draft DOJ protocol re review of Presidential records for your approval. Keep in mind that the protocol is designed simply to help the readers flag documents for review by higher-ups and does not represent a list over which privilege would necessarily be asserted.

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/17/2002 10:04:00 AM
Subject: : RE:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:17-JAN-2002 15:04:00.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE:
Was Read By : Paul.P.Colborn@usdoj.gov
On : Thu, 17 Jan 2002 15:49:57 -0400

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/17/2002 10:04:02 AM
Subject: : RE:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:17-JAN-2002 15:04:02.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE:
Was Read By : M.Edward.Whelan@usdoj.gov
On : Thu, 17 Jan 2002 15:53:45 -0400

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/17/2002 11:14:18 AM
Subject: : reminder to call Senators today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-JAN-2002 16:14:18.00

SUBJECT:: reminder to call Senators today

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 1/17/2002 1:06:13 PM
Subject: : Re: reminder to call Senators today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-JAN-2002 18:06:13.00
SUBJECT:: Re: reminder to call Senators today
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

no deadline, but good to give them some advance warning . . . so
call tomorrow

Kyle Sampson
01/17/2002 06:03:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: reminder to call Senators today

TODAY?

Brett M. Kavanaugh
01/17/2002 06:02:56 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: reminder to call Senators today

you do

Kyle Sampson
01/17/2002 05:58:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: reminder to call Senators today

Who calls the candidates?

Brett M. Kavanaugh
01/17/2002 04:14:11 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: reminder to call Senators today

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

From: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
To: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>;Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>;Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan
<Dan.Bryant@usdoj.gov>;Long, Linda E <Linda.E.Long@usdoj.gov>;Benedi, Lizette D
<Lizette.D.Benedi@usdoj.gov>;McMahon, Lori <Lori.McMahon@usdoj.gov>;Day, Lori Sharpe
<Lori.SharpeDay@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Joy, Sheila
<Sheila.Joy@usdoj.gov>;Dinh, Viet <Viet.Dinh@usdoj.gov>;Carroll, James W (OLP)
<James.W.Carroll@usdoj.gov>;O'Brien, Pat <Pat.O'Brien@usdoj.gov>;Comstock, Barbara
<Barbara.Comstock@usdoj.gov>;Koebele, Steve <Steve.Koebele@usdoj.gov>;Bradford A.
Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO
/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO/EOP@EOP [WHO]
<Heather Wingate>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Tim
Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Timothy E. Flanigan/WHO/EOP@EOP [WHO]
<Timothy E. Flanigan>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/17/2002 1:45:58 PM
Subject: : judicial media review
Attachments: P_RD5W4003_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> ("Schauder, Andrew"

<Andrew.Schauder2@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:17-JAN-2002 18:45:58.00

SUBJECT:: judicial media review

TO:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00139090

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please see attached review

- Judicial Media Review 1-17-02.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RD5W4003_WHO.TXT_1>

REV_00139091

Media Review - Judicial Nominations

Thursday, January 17, 2002

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Interest Groups/Press Releases

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General Judicial Articles

The Hard Sell for a Place on the Bench

By Jonathan Groner
Legal Times
Tuesday, January 15, 2002

Miguel Estrada was not planning on attending President George W. Bush's kickoff for Hispanic Heritage Month last fall. But then the White House called and asked Estrada to come. So the nominee for a seat on the U.S. Court of Appeals for the D.C. Circuit found himself in the East Room, along with Housing and Urban Development Secretary Mel Martinez and New York Mets shortstop Rey Ordoñez, among others.

From the podium, Bush pointed out Estrada. "America needs to have him on the bench," the president said. The nominee took a bow.

It was an extraordinary moment in the nomination of a federal judge, a process that mostly plays out behind the scenes. But in some cases, administration officials and the candidates themselves will step beyond the op-ed articles and political rhetoric in an effort to gain advantage in the confirmation wars.

And as Senate Democrats and the Bush administration prepare for a second year of battle over the future of the federal bench, the Oct. 12 White House event accents an important reality about the politics of judicial nominations: While most nominees will remain barely visible while awaiting confirmation, a handful at the center of the storm will be playing a larger role on their own behalf.

"The vast majority of nominees are requested to do absolutely nothing," says a Bush administration source knowledgeable about the judicial selection process. "They are disabled from speaking with the press or indeed from doing anything to advance their cause. But there is a small minority of nominees against whom forces have mobilized and who are therefore likely to be called in to help counteract those forces."

Estrada, who is seen by liberal critics as an "ultra-conservative" who must be carefully scrutinized, is one nominee who has been enlisted in his own defense. Jeffrey Sutton, a nominee for the 6th Circuit, also reached out after his nomination was announced in May, meeting with members of advocacy groups that are critical of his nomination.

Last fall, Sutton met for about 30 minutes at a restaurant in D.C.'s Union Station with Andrew Imparato, president of the D.C.-based American Association of People With Disabilities.

"I think he wanted to make sure that we knew where he was coming from on the law," says Imparato. "He was a very nice guy, but I remained convinced after the meeting that there are problems with his jurisprudence. I did not change my views on the nomination. We are opposed to it."

Sutton declines to discuss his meetings with interest groups, terming them confidential. But he would not be the only one in recent times to try to disarm his enemies.

Eleanor Acheson, who as assistant attorney general for policy development spearheaded the Clinton administration's judge-picking team, says it was not uncommon for Clinton picks to push their nominations in meetings with lawmakers and others. But she warns that the tactic can backfire.

"If you put the nominees out there, they can blow themselves up," she says, referring to the possibility of a gaffe in a meeting with a key interest group or senator. "You could have someone who would make a great judge, but they have a difficult personality, or blah-blah too much."

Visiting the White House

Earlier on Oct. 12, before the president made a point of mentioning Estrada, the Gibson, Dunn & Crutcher D.C. partner met with several Hispanic leaders in an unpublicized White House session that centered entirely on his nomination.

"We had an opportunity to hear him speak about his background, and several people asked him

follow-up questions," says Marisa Demeo of the Mexican-American Legal Defense Fund, who was present. Like other liberal organizations including the Alliance for Justice and People for the American Way, MALDEF has yet to offer a thumbs up or thumbs down on Estrada.

Estrada's meetings with Hispanic groups have clear political purposes. They are an effort to humanize the nominee, combating what the White House sees as a misconception that he is a hard-liner. They can also be viewed as a way of peeling off the Hispanic organizations from the liberal coalition that for years has opposed conservative choices for the federal courts.

It wasn't the first time that the 40-year-old Estrada, a Honduran-born U.S. citizen, had met with key Hispanic-Americans. Earlier in the fall, he sat down at the D.C. offices of Wilmer, Cutler & Pickering with leaders of the national and D.C. Hispanic bars-a meeting that soon helped him land the endorsement of both bar groups.

"I am happy to be as helpful as the administration wants me to be," says Estrada, who declines to discuss the specifics of the meetings. "If the White House calls me, I'll show up. But I won't take it upon myself to arrange a meeting. That would not be appropriate."

Sutton, the 6th Circuit nominee, has also stepped in to push for his own cause, on the issue that is causing his nomination grief.

A partner in the Columbus, Ohio, office of Jones, Day, Reavis & Pogue, Sutton, 41, has been opposed by disability-rights groups because he has successfully argued cases before the Supreme Court that cut back on the protections of the Americans With Disabilities Act.

Sutton and Bush administration officials insist that these arguments were simply examples of an advocate doing his job, noting that the Supreme Court found that they were clearly based on constitutional principles of federalism. Sutton and his supporters say the cases don't reflect hostility to the rights of the disabled.

A parallel argument is being made on behalf of John Roberts Jr., a Hogan & Hartson partner who has been tapped for the D.C. Circuit. Like Sutton, Roberts, 46, has drawn fire from liberal groups because of his advocacy. While serving as President George H.W. Bush's deputy solicitor general, Roberts wrote a brief in a case involving federal funding for abortion counseling that cast doubt on the existence of a constitutional right to abortion.

Unlike either Estrada or Sutton, Roberts has not made any perceptible effort to meet with critics or move his nomination forward. Roberts declines comment.

Elliot Mincberg, legal director of the liberal People for the American Way, says there's no legal or ethical problem with one-on-one meetings between nominees and hostile interest groups, but he thinks they can be a waste of time.

"I really don't know how much that helps," says Mincberg, a veteran of many confirmation battles who was not discussing any specific nominee. "Historically, it has not made a large

amount of difference. In fact, sometimes if a group is already formally opposed to a nominee, it can be awkward to meet with the nominee."

Several other reasons are often given for why this type of direct persuasion can be problematic. The administration official says the most important point is not to ruffle any feathers in the Senate.

"There's a general concern that if anyone gets too far in front, they'll be perceived as treading on Senate prerogatives. Senators may see this as the equivalent of hearings outside the hearing room. We just don't want them in the fray," says this source.

A lawyer who has been in the confirmation storm says that in addition to the problem of "seeming to interfere with the Senate process," a nominee also has to make sure that he or she "doesn't look as if they're working too hard for it."

In other words, it's best simply to practice law and go on with one's life.

But Acheson says this rule has to be modified under the proper circumstances-if it's a political battle and the nominee can make a good impression.

"When the fight is over ideology," she says, "your time should be spent in doing as much outreach as possible, even if you don't directly change a single mind. You get points just for offering yourself up to meet people, as long as you are someone who has no trouble spending a couple of hours talking about who you are and where you come from."

Acheson has advice for the Bush administration along those lines.

"Even if you know that the interest groups will make war, no matter how tough they can be, the best thing to do is to show that you're not afraid," she says.

Acheson points out that in the late 1990s, Richard Paez – then a U.S. district judge in California who was nominated for a slot on the 9th Circuit – came to Washington, D.C., several times to meet with senators and staff members.

Paez, whose nomination languished for four years before he was confirmed by a 59-39 vote, had drawn fire from the GOP for his views on affirmative action and judicial activism.

"We worked very hard to get him into meetings at which he would explain his background, who he was, and why he was dedicated to public service. The important thing was to address the issues and to respect them," says Acheson.

Paez did not return a call seeking comment.

As one lawyer who has been nominated in the past but asks to remain anonymous says, "Sometimes it's psychologically and emotionally helpful for your opponents if they see you face

to face. These days, there are just too many drive-by shootings by interest groups."

Op/Eds

We Seek a Compromise on Judicial Nominees

By Senators Carl Levin & Debbie Stabenow

The Wall Street

Tuesday, January 15, 2002

Your Jan. 3 editorial unfairly attacked the record of Senate Judiciary Committee Chairman Patrick Leahy and failed to describe accurately the situation surrounding judicial nominations to the Sixth Circuit Court of Appeals.

We have repeatedly stated our support for bipartisan cooperation and under Sen. Leahy's leadership, that is the approach the committee has taken.

In fact, Chairman Leahy has worked tirelessly with members of both parties to consider fairly and confirm judicial nominees despite exceptionally difficult conditions. Consequently, and contrary to assertions contained in your editorial, his efforts have produced results. In the seven months of his judiciary chairmanship the Senate confirmed more judges in 2001 than it did during the first year of Mr. Clinton's first term, a period when Democrats controlled the Senate. With regard to the Sixth Circuit, Sen. Leahy has pursued a compromise solution that respects the prerogatives of both the president and the Senate and leads to a restoration of fairness in the nominating process.

The Republican Senate's treatment of many of President Clinton's nominees was in marked contrast. The Sixth Circuit provides a clear example:

Delaying tactics by Republican members of the Judiciary Committee kept the nominations of Michigan Sixth Circuit nominees Judge Helene White and Ms. Kathleen McCree Lewis pending without hearings for four years and more than one and half years, respectively. This was despite the fact that no concerns were ever raised about either woman's qualifications. Judge White's nominations stood without a hearing for longer than any nominee in Senate history. While not all wrongs can be righted, the unfair treatment of Judge White and Ms. Lewis can be because there are four Michigan vacancies on the Sixth Circuit Court. If this situation is not set right, it is likely that the indefensible treatment of these nominations by the Republican-led Senate could become standard practice.

We have repeatedly sought to reach a compromise and avoid a stalemate on the Sixth Circuit. Unfortunately, the White House rejected our offer to establish a bi-partisan judicial nominating commission to recommend nominees for the four Michigan vacancies on the court. In addition, to date the White House has also failed to act on a second compromise offer made by Chairman Leahy. Despite this, and contrary to the mischaracterization of your editorial, we continue to believe that we can achieve bi-partisan compromise. We urge the White House to work with

both Chairman Leahy and us to accomplish that goal.

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/17/2002 2:17:17 PM
Subject: : Re: GAO

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-JAN-2002 19:17:17.00
SUBJECT:: Re: GAO
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

FYI
----- Forwarded by Timothy E. Flanigan/WHO/EOP on
01/17/2002 06:14 PM -----

Stuart W. Bowen
01/17/2002 06:57:07 PM
Record Type: Record

To: Bruce Overton <OVERTON#032#BRUCE@ustr.gov>
cc: Timothy E. Flanigan/WHO/EOP@EOP
bcc:
Subject: Re: GAO

Hey Bruce

I would start with Tim Flanigan.

He coordinates responses to this kind of query.

His number is 456-6611.

Call me when you get a chance so we can catch up. I have missed you at
The Fellowship.
sb

Bruce Overton <OVERTON#032#BRUCE@ustr.gov>
01/17/2002 06:06:00 PM
Record Type: Record

To: R Federal Record <R@ustr.gov>, Stuart W. Bowen/WHO/EOP@EOP
cc:
Subject: GAO

We have a long standing issue with the GAO and its desire to look into
USTR's deliberative process in certain sensitive trade negotiations. Is
there someone you can connect me with in Counsel's office or the OVP to
see what legal research they have uncovered on the scope of GAO's
authority? To my mind, GAO has been overstepping its separation of powers
boundaries for a long time.

REV_00139098

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Perry, Phil <Phil.Perry@usdoj.gov>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>
Sent: 1/18/2002 4:19:09 AM
Subject: : RE: Public Statements by Special Master

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:18-JAN-2002 09:19:09.00
SUBJECT:: RE: Public Statements by Special Master
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

We saw it and have discussed it with the Special Master.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 17, 2002 9:43 AM
To: Wood, John F
Cc: Perry, Phil; Jay_P._Lefkowitz@omb.eop.gov
Subject: Public Statements by Special Master

See story in Post today.

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2002 5:39:27 AM
Subject: : Protocol

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:18-JAN-2002 10:39:27.00
SUBJECT:: Protocol
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett--

Any word? We also should discuss the two points you raised, which were not entirely clear to me.

Thanks,

--Dan

From: Michael Chertoff <Michael.Chertoff@usdoj.gov>
To: Receipt Notification Requested) (Michael.Horowitz3@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Michael.Horowitz3@usdoj.gov>;Receipt Notification Requested) (Matthew.Martens@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Matthew.Martens@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Receipt Notification Requested) (Daniel.P.Collins@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Daniel.P.Collins@usdoj.gov>;Receipt Notification Requested) (Faith.Burton@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Faith.Burton@usdoj.gov>;Receipt Notification Requested) (Paul.P.Colborn@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Paul.P.Colborn@usdoj.gov>;Receipt Notification Requested) (Kris.W.Kobach@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Kris.W.Kobach@usdoj.gov>;Receipt Notification Requested) (M.Edward.Whelan@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <M.Edward.Whelan@usdoj.gov>
CC: Receipt Notification Requested) (Pat.O'Brien@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Pat.O'Brien@usdoj.gov>
Sent: 1/18/2002 6:27:10 AM
Subject: : Re: Revised draft letter to Burton on privilege log; PLEASE REVIEW ASAP; THIS SHOULD GO, IF AT ALL, TODAY

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Michael Chertoff <Michael.Chertoff@usdoj.gov> (Michael Chertoff

<Michael.Chertoff@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:18-JAN-2002 11:27:10.00

SUBJECT:: Re: Revised draft letter to Burton on privilege log; PLEASE REVIEW ASAP; THIS SHOULD GO, IF AT ALL, TODAY

TO:Michael.Horowitz3@usdoj.gov (Receipt Notification Requested) (

Michael.Horowitz3@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Matthew.Martens@usdoj.gov (Receipt Notification Requested) (Matthew.Martens@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel.P.Collins@usdoj.gov (Receipt Notification Requested) (Daniel.P.Collins@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Faith.Burton@usdoj.gov (Receipt Notification Requested) (Faith.Burton@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Paul.P.Colborn@usdoj.gov (Receipt Notification Requested) (Paul.P.Colborn@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kris.W.Kobach@usdoj.gov (Receipt Notification Requested) (Kris.W.Kobach@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:M.Edward.Whelan@usdoj.gov (Receipt Notification Requested) (M.Edward.Whelan@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:Pat.O'Brien@usdoj.gov (Receipt Notification Requested) (Pat.O'Brien@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Date: 01/18/2002 11:21 am -0500 (Friday)

From: Michael Chertoff

To: "Brett_M._Kavanaugh@who.eop.gov@inetgw".WTGATE2.CRMGW;

"DCollins5".WTGATE2.CRMGW; "FBurton".WTGATE2.CRMGW;

"PColborn".WTGATE2.CRMGW; "wKWKobach".WTGATE2.CRMGW;

"wMWhelan".WTGATE2.CRMGW; Horowitz, Michael-CRM; Martens, Matthew

CC: "wPO'Brien3".WTGATE2.CRMGW

Subject: Re: Revised draft letter to Burton on privilege log; PLEASE REVIEW ASAP; THIS SHOULD GO, IF AT ALL, TODAY

REV_00139103

Matt will run up our changes to you

>>> Burton, Faith 01/18/02 11:04AM >>>

A sentence has been added here to comport with information that could be provided to Mr. Garo; please e-mail responsive comments by 1 p.m.

Thanks. Faith

From: Perry, Phil <Phil.Perry@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2002 2:43:52 AM
Subject: : RE: Public Statements by Special Master

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CREATION DATE/TIME:18-JAN-2002 07:43:52.00
SUBJECT:: RE: Public Statements by Special Master
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Didn't make us happy either.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 17, 2002 9:43 AM
To: Wood, John F
Cc: Perry, Phil; Jay_P._Lefkowitz@omb.eop.gov
Subject: Public Statements by Special Master

See story in Post today.

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Alex.Azar@hhs.gov @ inet [UNKNOWN] <Alex.Azar@hhs.gov>;Dtroy@oc.fda.gov @ inet [UNKNOWN] <Dtroy@oc.fda.gov>;Jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.newstead@usdoj.gov>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Kelley J. McCullough/WHO/EOP@EOP [WHO] <Kelley J. McCullough>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;Stephen S. Ruhlen/OVP/EOP@EOP [OVP] <Stephen S. Ruhlen>;Ronald I. Christie/OVP/EOP@EOP [OVP] <Ronald I. Christie>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Theodore.b.olson@usdoj.gov @ inet [UNKNOWN] <Theodore.b.olson@usdoj.gov>;Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>;Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;John Graham/OMB/EOP@EOP [OMB] <John Graham>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Jay.B.Stephens@usdoj.gov @ inet [UNKNOWN] <Jay.B.Stephens@usdoj.gov>;Paul.D.Clement@usdoj.gov @ inet [UNKNOWN] <Paul.D.Clement@usdoj.gov>;Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>
CC: Teesha.Anderson@hhs.gov [UNKNOWN] <Teesha.Anderson@hhs.gov>;JStephen@oc.fda.gov @ inet [UNKNOWN] <JStephen@oc.fda.gov>;Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>;Tiffany L. Barfield/OPD/EOP@EOP [OPD] <Tiffany L. Barfield>;Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Stephen M. Lineberry/CEA/EOP@EOP [CEA] <Stephen M. Lineberry>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>;Mary M. Chuckere/OMB/EOP@EOP [OMB] <Mary M. Chuckere>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Helen.L.Voss@usdoj.gov [UNKNOWN] <Helen.L.Voss@usdoj.gov>;Peggy.McKenzie@usdoj.gov [UNKNOWN] <Peggy.McKenzie@usdoj.gov>
BCC: Records Management@EOP (Records Management@EOP [UNKNOWN])
Sent: 1/18/2002 7:12:38 AM
Subject: : Tort Reform meeting - RESCHEDULED

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:18-JAN-2002 12:12:38.00

SUBJECT:: Tort Reform meeting - RESCHEDULED

TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Dtroy@oc.fda.gov (Dtroy@oc.fda.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.newstead@usdoj.gov (Jennifer.newstead@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

REV_00139106

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Theodore.b.olson@usdoj.gov (Theodore.b.olson@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay.B.Stephens@usdoj.gov (Jay.B.Stephens@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Paul.D.Clement@usdoj.gov (Paul.D.Clement@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Teesha.Anderson@hhs.gov (Teesha.Anderson@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:JStephen@oc.fda.gov (JStephen@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Mary M. Chuckerel (CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Helen.L.Voss@usdoj.gov (Helen.L.Voss@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Peggy.McKenzie@usdoj.gov (Peggy.McKenzie@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Records Management@EOP (Records Management@EOP [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The tort reform meeting is rescheduled for Friday, Jan. 25 @ 1:45 in Rm.
248.

REV_00139107

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2002 8:07:29 AM
Subject: : Re: reminder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JAN-2002 13:07:29.00
SUBJECT:: Re: reminder
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm happy to do that. I've already given th Repub. Leadership a general heads up, and we mentioned it generally to Makan when he and his staff were down here for a meeting a couple of weeks ago.

From: Burton, Faith <Faith.Burton@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2002 8:09:14 AM
Subject: : Burton staff say that the 1/23 has been postponed; no new date yet.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Burton, Faith" <Faith.Burton@usdoj.gov> ("Burton, Faith" <Faith.Burton@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME:18-JAN-2002 13:09:14.00

SUBJECT:: Burton staff say that the 1/23 has been postponed; no new date yet.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We're stopping all the letter trains for now; more later. Faith

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Perry, Phil <Phil.Perry@usdoj.gov>; Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>
Sent: 1/18/2002 4:11:07 AM
Subject: : RE: Public Statements by Special Master

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:18-JAN-2002 09:11:07.00
SUBJECT:: RE: Public Statements by Special Master
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

We saw it and have discussed it with the Special Master.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, January 17, 2002 9:43 AM
To: Wood, John F
Cc: Perry, Phil; Jay_P._Lefkowitz@omb.eop.gov
Subject: Public Statements by Special Master

See story in Post today.

From: Michael Chertoff <Michael.Chertoff@usdoj.gov>
To: Receipt Notification Requested) (Michael.Horowitz3@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Michael.Horowitz3@usdoj.gov>;Receipt Notification Requested) (Matthew.Martens@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Matthew.Martens@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Receipt Notification Requested) (Daniel.P.Collins@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Daniel.P.Collins@usdoj.gov>;Receipt Notification Requested) (Faith.Burton@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Faith.Burton@usdoj.gov>;Receipt Notification Requested) (Paul.P.Colborn@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Paul.P.Colborn@usdoj.gov>;Receipt Notification Requested) (Kris.W.Kobach@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Kris.W.Kobach@usdoj.gov>;Receipt Notification Requested) (M.Edward.Whelan@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <M.Edward.Whelan@usdoj.gov>
CC: Receipt Notification Requested) (Pat.O'Brien@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Pat.O'Brien@usdoj.gov>
Sent: 1/18/2002 6:27:10 AM
Subject: : Re: Revised draft letter to Burton on privilege log; PLEASE REVIEW ASAP; THIS SHOULD GO, IF AT ALL, TODAY

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Michael Chertoff <Michael.Chertoff@usdoj.gov> (Michael Chertoff

<Michael.Chertoff@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:18-JAN-2002 11:27:10.00

SUBJECT:: Re: Revised draft letter to Burton on privilege log; PLEASE REVIEW ASAP; THIS SHOULD GO, IF AT ALL, TODAY

TO:Michael.Horowitz3@usdoj.gov (Receipt Notification Requested) (

Michael.Horowitz3@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Matthew.Martens@usdoj.gov (Receipt Notification Requested) (Matthew.Martens@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel.P.Collins@usdoj.gov (Receipt Notification Requested) (Daniel.P.Collins@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Faith.Burton@usdoj.gov (Receipt Notification Requested) (Faith.Burton@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Paul.P.Colborn@usdoj.gov (Receipt Notification Requested) (Paul.P.Colborn@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kris.W.Kobach@usdoj.gov (Receipt Notification Requested) (Kris.W.Kobach@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:M.Edward.Whelan@usdoj.gov (Receipt Notification Requested) (M.Edward.Whelan@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:Pat.O'Brien@usdoj.gov (Receipt Notification Requested) (Pat.O'Brien@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Date: 01/18/2002 11:21 am -0500 (Friday)

From: Michael Chertoff

To: "Brett_M._Kavanaugh@who.eop.gov@inetgw".WTGATE2.CRMGW;

"DCollins5".WTGATE2.CRMGW; "FBurton".WTGATE2.CRMGW;

"PColborn".WTGATE2.CRMGW; "wKWKobach".WTGATE2.CRMGW;

"wMWhelan".WTGATE2.CRMGW; Horowitz, Michael-CRM; Martens,

Matthew

CC: "wPO'Brien3".WTGATE2.CRMGW

Subject: Re: Revised draft letter to Burton on privilege log; PLEASE REVIEW ASAP; THIS SHOULD GO, IF AT ALL, TODAY

REV_00139121

Matt will run up our changes to you

>>> Burton, Faith 01/18/02 11:04AM >>>

A sentence has been added here to comport with information that could be provided to Mr. Garo; please e-mail responsive comments by 1 p.m.

Thanks. Faith

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2002 6:37:13 AM
Subject: : Re: Pending Info request from National Journal

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-JAN-2002 11:37:13.00
SUBJECT:: Re: Pending Info request from National Journal
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I'm working up some points based on the Judge's speech, but anything else that comes to mind based on her specific question?

----- Forwarded by Anne Womack/WHO/EOP on 01/18/2002
11:36 AM -----

"Simendinger, Alexis" <asimendinger@nationaljournal.com>
01/18/2002 09:23:39 AM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: Re: Pending Info request from National Journal

Hi Anne,
So, any luck with the Counsel's Office -- Gonzales or Flanigan -- for me and my story?
Question Repeat: Did the President decide coming into office that his White House and his Administration would assertively work to defend executive advice and decisionmaking from congressional oversight? Was there a game plan to try to "repair" the presidency in that regard?

I think I'm going to see Ari for 15 minutes at about 2:30 today, so I will be around in case you have any ideas for me.
Deadline today.

Alexis

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 1/18/2002 10:42:32 AM
Subject: : 01-23-02 WHJSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-JAN-2002 15:42:32.00

SUBJECT:: 01-23-02 WHJSC meeting

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

In light of MLK day, I'm soliciting for info. earlier than usual.

If you know of any items you will have for next week's meeting, please let me know.

Thanks!

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 1/18/2002 11:08:07 AM
Subject: : Re: Nit

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-JAN-2002 16:08:07.00

SUBJECT:: Re: Nit

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I do not disagree

H. Christopher Bartolomucci

01/18/2002 02:47:53 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Nit

Does anyone disagree that the "c" in the term "constitutional rights" should not be capitalized?

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

REV_00139125

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Alex.Azar@hhs.gov @ inet [UNKNOWN] <Alex.Azar@hhs.gov>;Dtroy@oc.fda.gov @ inet [UNKNOWN] <Dtroy@oc.fda.gov>;Jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <Jennifer.newstead@usdoj.gov>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Kelley J. McCullough/WHO/EOP@EOP [WHO] <Kelley J. McCullough>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>;Stephen S. Ruhlen/OVP/EOP@EOP [OVP] <Stephen S. Ruhlen>;Ronald I. Christie/OVP/EOP@EOP [OVP] <Ronald I. Christie>;Charles D. McGrath Jr/OVP/EOP@EOP [OVP] <Charles D. McGrath Jr>;Theodore.b.olson@usdoj.gov @ inet [UNKNOWN] <Theodore.b.olson@usdoj.gov>;Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>;Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;John Graham/OMB/EOP@EOP [OMB] <John Graham>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Jay.B.Stephens@usdoj.gov @ inet [UNKNOWN] <Jay.B.Stephens@usdoj.gov>;Paul.D.Clement@usdoj.gov @ inet [UNKNOWN] <Paul.D.Clement@usdoj.gov>;Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>
CC: Teesha.Anderson@hhs.gov [UNKNOWN] <Teesha.Anderson@hhs.gov>;JStephen@oc.fda.gov @ inet [UNKNOWN] <JStephen@oc.fda.gov>;Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>;Tiffany L. Barfield/OPD/EOP@EOP [OPD] <Tiffany L. Barfield>;Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Stephen M. Lineberry/CEA/EOP@EOP [CEA] <Stephen M. Lineberry>;Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>;Ansley C. Tillman/OPD/EOP@EOP [OPD] <Ansley C. Tillman>;Mary M. Chuckere/OMB/EOP@EOP [OMB] <Mary M. Chuckere>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Helen.L.Voss@usdoj.gov [UNKNOWN] <Helen.L.Voss@usdoj.gov>;Peggy.McKenzie@usdoj.gov [UNKNOWN] <Peggy.McKenzie@usdoj.gov>
BCC: Records Management@EOP (Records Management@EOP [UNKNOWN])
Sent: 1/18/2002 7:12:38 AM
Subject: : Tort Reform meeting - RESCHEDULED

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:18-JAN-2002 12:12:38.00

SUBJECT:: Tort Reform meeting - RESCHEDULED

TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Dtroy@oc.fda.gov (Dtroy@oc.fda.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Jennifer.newstead@usdoj.gov (Jennifer.newstead@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

REV_00139127

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Theodore.b.olson@usdoj.gov (Theodore.b.olson@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay.B.Stephens@usdoj.gov (Jay.B.Stephens@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Paul.D.Clement@usdoj.gov (Paul.D.Clement@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Teesha.Anderson@hhs.gov (Teesha.Anderson@hhs.gov [UNKNOWN])
READ:UNKNOWN
CC:JStephen@oc.fda.gov (JStephen@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Mary M. Chuckerel (CN=Mary M. Chuckerel/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Helen.L.Voss@usdoj.gov (Helen.L.Voss@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:Peggy.McKenzie@usdoj.gov (Peggy.McKenzie@usdoj.gov [UNKNOWN])
READ:UNKNOWN
BCC:Records Management@EOP (Records Management@EOP [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The tort reform meeting is rescheduled for Friday, Jan. 25 @ 1:45 in Rm.
248.

REV_00139128

From: Michael-CRM Horowitz <Michael.Horowitz3@usdoj.gov>
To: Receipt Notification Requested) (Michael.Chertoff@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Michael.Chertoff@usdoj.gov>;Receipt Notification Requested) (Matthew.Martens@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Matthew.Martens@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Receipt Notification Requested) (Daniel.P.Collins@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Daniel.P.Collins@usdoj.gov>;Receipt Notification Requested) (Faith.Burton@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Faith.Burton@usdoj.gov>;Receipt Notification Requested) (Paul.P.Colborn@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Paul.P.Colborn@usdoj.gov>;Receipt Notification Requested) (Kris.W.Kobach@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Kris.W.Kobach@usdoj.gov>;Receipt Notification Requested) (M.Edward.Whelan@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <M.Edward.Whelan@usdoj.gov>
CC: Receipt Notification Requested) (Pat.O'Brien@usdoj.gov (Receipt Notification Requested) [UNKNOWN] <Pat.O'Brien@usdoj.gov>
Sent: 1/18/2002 7:28:17 AM
Subject: : RE: Revised draft letter to Burton on privilege log; PLEASE REVIEW ASAP; THIS SHOULD GO, IF AT ALL, TODAY

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Michael-CRM Horowitz <Michael.Horowitz3@usdoj.gov> (Michael-CRM Horowitz <Michael.Horowitz3@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:18-JAN-2002 12:28:17.00

SUBJECT:: RE: Revised draft letter to Burton on privilege log; PLEASE REVIEW ASAP; THIS SHOULD GO, IF AT ALL, TODAY

TO:Michael.Chertoff@usdoj.gov (Receipt Notification Requested) (Michael.Chertoff@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Matthew.Martens@usdoj.gov (Receipt Notification Requested) (Matthew.Martens@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel.P.Collins@usdoj.gov (Receipt Notification Requested) (Daniel.P.Collins@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Faith.Burton@usdoj.gov (Receipt Notification Requested) (Faith.Burton@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Paul.P.Colborn@usdoj.gov (Receipt Notification Requested) (Paul.P.Colborn@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kris.W.Kobach@usdoj.gov (Receipt Notification Requested) (Kris.W.Kobach@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:M.Edward.Whelan@usdoj.gov (Receipt Notification Requested) (M.Edward.Whelan@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:Pat.O'Brien@usdoj.gov (Receipt Notification Requested) (Pat.O'Brien@usdoj.gov (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Date: 01/18/2002 12:16 pm -0500 (Friday)

From: Michael-CRM Horowitz

To: "Brett_M._Kavanaugh@who.eop.gov@inetgw".WTGATE2.CRMGW;
"DCollins5".WTGATE2.CRMGW; "FBurton".WTGATE2.CRMGW;
"PColborn".WTGATE2.CRMGW; "wKWKobach".WTGATE2.CRMGW;

REV_00139129

"wMWhelan".WTGATE2.CRMGW; Chertoff, Michael; Martens, Matthew

CC: "wPO'Brien3".WTGATE2.CRMGW

Subject: RE: Revised draft letter to Burton on privilege log; PLEASE
REVIEW ASAP; THIS SHOULD GO, IF AT ALL, TODAY

I have a meeting at 12:45. I'll be in my office until then if you want to
have a conference call.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2002 8:02:27 AM
Subject: : Re: reminder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JAN-2002 13:02:27.00
SUBJECT:: Re: reminder
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm happy to do that. I've already given th Repub. Leadership a general heads up, and we mentioned it generally to Makan when he and his staff were down here for a meeting a couple of weeks ago.

From: Burton, Faith <Faith.Burton@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2002 8:09:14 AM
Subject: : Burton staff say that the 1/23 has been postponed; no new date yet.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Burton, Faith" <Faith.Burton@usdoj.gov> ("Burton, Faith" <Faith.Burton@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME:18-JAN-2002 13:09:14.00
SUBJECT:: Burton staff say that the 1/23 has been postponed; no new date yet.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We're stopping all the letter trains for now; more later. Faith

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2002 8:37:37 AM
Subject: : letters from Waxman re: Enron

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JAN-2002 13:37:37.00
SUBJECT:: letters from Waxman re: Enron
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Letters from Congressman Henry Waxman re: Enron
Revised: 1/17/02

1. Jan. 14 Economic Council Director Larry Lindsey
2. Jan. 14 Chief of Staff Andy Card
3. Jan. 15 Secretary Spencer Abraham
4. Jan. 16 Vice President Cheney
5. Jan. 15 OMB Director Mitch Daniels

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2002 9:04:31 AM
Subject: : Re: letters from Waxman re: Enron

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JAN-2002 14:04:31.00
SUBJECT:: Re: letters from Waxman re: Enron
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

In order to get EVERYTHING I think this would need to be a coordinated effort between the following offices.

Counsel
Vice President
Legislative
Correspondence
Office of Policy Development and NEC
and maybe OMB as well.

Brett - any others?

Anne Womack
01/18/2002 01:54:23 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Re: letters from Waxman re: Enron

if there is any way to do so - would leg affairs know?

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/18/2002 9:55:07 AM
Subject: : Re: Nit

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JAN-2002 14:55:07.00
SUBJECT:: Re: Nit
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I feel strongly about this. I also think "Congressional investigation" is bad bad bad.

Courtney S. Elwood
01/18/2002 02:54:00 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re: Nit

I agree: it should NOT be capitalized.

Brett M. Kavanaugh
01/18/2002 02:50:55 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: Courtney S. Elwood/WHO/EOP@EOP
bcc:
Subject: Re: Nit

should not be capitalized in my view, but I defer to Courtney (and few others) on these kinds of issues

H. Christopher Bartolomucci
01/18/2002 02:47:53 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Nit

Does anyone disagree that the "c" in the term "constitutional rights"

REV_00139135

should not be capitalized?

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 1/18/2002 10:42:32 AM
Subject: : 01-23-02 WHJSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-JAN-2002 15:42:32.00

SUBJECT:: 01-23-02 WHJSC meeting

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

In light of MLK day, I'm soliciting for info. earlier than usual.

If you know of any items you will have for next week's meeting, please let me know.

Thanks!

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 1/18/2002 10:45:03 AM
Subject: : Re: Fed Society

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JAN-2002 15:45:03.00
SUBJECT:: Re: Fed Society
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

accurate anyway.

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/18/2002 12:48:32 PM
Subject: : Re: Fed Society

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JAN-2002 17:48:32.00
SUBJECT:: Re: Fed Society
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

One more week like this last one and the title is yours! If I consider the FedSoc's error as confusing you with me, I am the one who should be flattered.

Sent from my BlackBerry Handheld.

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 1/19/2002 3:16:28 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:19-JAN-2002 08:16:28.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett and Brad:

You may want to take a look at United States v. Childs, No 00-3111 (7th Cir. Jan. 18, 2002) ("We took this case en banc to decide whether questioning during the course of lawful custody must be related to the reason for that custody. . . . The full court holds that, because questions are neither searches nor seizures, police need not demonstrate justification for each inquiry. Questions asked during detention may affect the reasonableness of that detention (which is a seizure) to the extent that they prolong custody, but questions that do not increase the length of detention (or that extend it only by a brief time) do not make the custody itself unreasonable or require suppression of evidence found as a result of the answers.")

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 1/19/2002 3:16:28 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])

CREATION DATE/TIME:19-JAN-2002 08:16:28.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett and Brad:

You may want to take a look at United States v. Childs, No 00-3111 (7th Cir. Jan. 18, 2002) ("We took this case en banc to decide whether questioning during the course of lawful custody must be related to the reason for that custody. . . . The full court holds that, because questions are neither searches nor seizures, police need not demonstrate justification for each inquiry. Questions asked during detention may affect the reasonableness of that detention (which is a seizure) to the extent that they prolong custody, but questions that do not increase the length of detention (or that extend it only by a brief time) do not make the custody itself unreasonable or require suppression of evidence found as a result of the answers.")

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: McMahon, Lori <Lori.McMahon@usdoj.gov>
CC: Sutton, Jason <Jason.J.Sutton@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>
Sent: 1/21/2002 6:56:01 AM
Subject: : RE: time for editorials on Wednesday

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:21-JAN-2002 11:56:01.00
SUBJECT:: RE: time for editorials on Wednesday
TO:"McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

These times look fine to me. I do not think that WH will relax the standing bar on backgrounding before Ari's announcement, so Brett, can you make sure that Ari goes at 1:00 and that we are clear to do the PA backgrounder at 1:30? thanks

-----Original Message-----

From: McMahon, Lori
Sent: Friday, January 18, 2002 1:02 AM
To: Dinh, Viet
Cc: Sutton, Jason
Subject: time for editorials on Wednesday

Viet,
I am working from the road. I assume we are still on for WH announcement on Wednesday?
Can we block off time on your schedule for ed boards? Is there anyway the WH will let us begin these before Ari's announcement?
1. We need to to PA first, 1:30-2:30 p.m. if Ari is annoncing at 1pm. Can we ask Ari to do announcements first?
2. Florida (2:45-3:15pm) and Texas (3:30-4 pm) ed boards (I don't want TEexas to ever say we ignore them)
in all 3 we'll include the surrogates on the line towards the last few minutes.

I also think we should do Univison on Wednesday and highlight all of the Hispanic area where we have nominees.

I'll call you in the morning to discuss.
Lori
cell: 202/305-5217

REV_00139150

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 1/21/2002 8:24:17 AM
Subject: : Re: you here?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-JAN-2002 13:24:17.00
SUBJECT:: Re: you here?
TO: Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

here

Matthew A. Schlapp
01/21/2002 01:24:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: you here?

From: CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/21/2002 5:48:31 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:21-JAN-2002 10:48:31.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

In mtg at doj. What number should I call you at around 12 today.

From: CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/21/2002 5:51:01 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:21-JAN-2002 10:51:01.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

In mtg at doj. What number should I call you at around 12 today.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 1/21/2002 8:24:17 AM
Subject: : Re: you here?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-JAN-2002 13:24:17.00
SUBJECT:: Re: you here?
TO: Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

here

Matthew A. Schlapp
01/21/2002 01:24:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: you here?

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Bryant, Dan <Dan.Bryant@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>; Comstock, Barbara <Barbara.Comstock@usdoj.gov>; Sierra, Bryan <Bryan.Sierra@usdoj.gov>; Israelite, David <David.Israelite@usdoj.gov>; Collins, Dan <Dan.Collins@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Burton, Faith <Faith.Burton@usdoj.gov>; Chertoff, Michael <Michael.Chertoff@usdoj.gov>; Horowitz, Michael-CRM <Michael.Horowitz3@usdoj.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>
CC: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
Sent: 1/21/2002 1:35:23 PM
Subject: : Novak Editorial re. Burton Issue

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:21-JAN-2002 18:35:23.00

SUBJECT:: Novak Editorial re. Burton Issue

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sierra, Bryan" <Bryan.Sierra@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sierra, Bryan" <Bryan.Sierra@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Israelite, David" <David.Israelite@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Israelite, David" <David.Israelite@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00139160

TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

<http://www.suntimes.com/output/novak/cst-edt-novak21.html>

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Comstock, Barbara <Barbara.Comstock@usdoj.gov>
Sent: 1/21/2002 1:48:18 PM
Subject: : RE: Novak Editorial re. Burton Issue

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME:21-JAN-2002 18:48:18.00
SUBJECT:: RE: Novak Editorial re. Burton Issue
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

i don't think so. my sense is that burton sold some of these guys their
theory of the case early on. maybe a call from Ari registering
disappointment that they're not even asking us would be useful?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, January 21, 2002 6:36 PM
To: Thorsen, Carl
Subject: Re: Novak Editorial re. Burton Issue

do we get advance notice when someone is about to write an op-ed like
this.
we now have been hit by Safire and Novak without our side even getting any
real
mention.

(Embedded
image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
to file: 01/21/2002 06:32:14 PM
pic28272.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification
Requested)
(IPM Return Requested)
Subject: Novak Editorial re. Burton Issue

<http://www.suntimes.com/output/novak/cst-edt-novak21.html>

REV_00139162

Message Sent

To: _____

"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested)
"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Whelan, M Edward III" <M.Edward.Whehan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Sierra, Bryan" <Bryan.Sierra@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Israelite, David" <David.Israelite@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Brett M. Kavanaugh/WHO/EOP@EOP
David W. Hobbs/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 1/21/2002 1:48:40 PM
Subject: : status of op-ed

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-JAN-2002 18:48:40.00
SUBJECT:: status of op-ed
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Judge: Anne is cutting some and making appropriate tone changes.
She will e-mail to me later tonight. In the morning, Tim and I can review
and then go over with you and Anne to finalize before noon.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/21/2002 2:01:26 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-JAN-2002 19:01:26.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

No problem-- HW

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2002 5:36:01 AM
Subject: : Re: LEG AFFAIRS REVIEW OF DRAFT OP-ED

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2002 10:36:01.00
SUBJECT:: Re: LEG AFFAIRS REVIEW OF DRAFT OP-ED
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Looks great!

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 1/22/2002 6:36:58 AM
Subject: : Re: Files to the Hill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:22-JAN-2002 11:36:58.00
SUBJECT:: Re: Files to the Hill
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Time change:

3:30 to Hollings
4:00 to Daschle

Allison L. Riepenhoff
01/22/2002 11:34:24 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Files to the Hill

I need two files to go to the Hill:

3:00 pm to Sen. Hollings
4:00 pm to Sen. Daschle

Please let me know ASAP who can take them.

REV_00139168

Thanks,
Allison

Message Sent

To: _____

Rachel_L._Brand@who.eop.gov @ inet
Noel_J._Francisco@who.eop.gov @ inet
Kyle_Sampson@who.eop.gov @ inet
Brett_M._Kavanaugh@who.eop.gov @ inet
H._Christopher_Bartolomucci@who.eop.gov @ inet
Bradford A. Berenson/WHO/EOP@EOP
Courtney_S._Elwood@who.eop.gov @ inet
Helgard C. Walker/WHO/EOP@EOP

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 1/22/2002 8:00:59 AM
Subject: : Re: Files to the Hill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:22-JAN-2002 13:00:59.00
SUBJECT:: Re: Files to the Hill
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Still need someone to go to Hollings at 3:30pm. Please let me know who can do it!

Allison L. Riepenhoff
01/22/2002 11:35:35 AM

Record Type: Record

To:
cc: See the distribution list at the bottom of this message
bcc: Records Management@EOP
Subject: Re: Files to the Hill (Document link: Allison L. Riepenhoff)

Time change:

3:30 to Hollings
4:00 to Daschle

REV_00139172

Allison L. Riepenhoff
01/22/2002 11:34:24 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Files to the Hill

I need two files to go to the Hill:

3:00 pm to Sen. Hollings

4:00 pm to Sen. Daschle

Please let me know ASAP who can take them.

Thanks,
Allison

Message Sent

To: _____

Rachel_L._Brand@who.eop.gov @ inet
Noel_J._Francisco@who.eop.gov @ inet
Kyle_Sampson@who.eop.gov @ inet
Brett_M._Kavanaugh@who.eop.gov @ inet
H._Christopher_Bartolomucci@who.eop.gov @ inet
Bradford A. Berenson/WHO/EOP@EOP
Courtney_S._Elwood@who.eop.gov @ inet
Helgard C. Walker/WHO/EOP@EOP

Message Copied

To: _____

rachel_l._brand@who.eop.gov @ inet
noel_j._francisco@who.eop.gov @ inet
kyle_sampson@who.eop.gov @ inet
brett_m._kavanaugh@who.eop.gov @ inet
h._christopher_bartolomucci@who.eop.gov @ inet
bradford a. berenson/who/eop@eop
courtney_s._elwood@who.eop.gov @ inet
helgard c. walker/who/eop@eop

REV_00139173

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 1/22/2002 8:04:41 AM
Subject: : Re: Files to the Hill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:22-JAN-2002 13:04:41.00
SUBJECT:: Re: Files to the Hill
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Still need someone to go to Hollings at 3:30pm. Please let me know who can do it!

Allison L. Riepenhoff
01/22/2002 11:35:35 AM

Record Type: Record

To:
cc: See the distribution list at the bottom of this message
bcc: Records Management@EOP
Subject: Re: Files to the Hill (Document link: Allison L. Riepenhoff)

Time change:

3:30 to Hollings
4:00 to Daschle

REV_00139174

Allison L. Riepenhoff
01/22/2002 11:34:24 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Files to the Hill

I need two files to go to the Hill:

3:00 pm to Sen. Hollings

4:00 pm to Sen. Daschle

Please let me know ASAP who can take them.

Thanks,
Allison

Message Sent

To: _____

Rachel_L._Brand@who.eop.gov @ inet
Noel_J._Francisco@who.eop.gov @ inet
Kyle_Sampson@who.eop.gov @ inet
Brett_M._Kavanaugh@who.eop.gov @ inet
H._Christopher_Bartolomucci@who.eop.gov @ inet
Bradford A. Berenson/WHO/EOP@EOP
Courtney_S._Elwood@who.eop.gov @ inet
Helgard C. Walker/WHO/EOP@EOP

Message Copied

To: _____

rachel_l._brand@who.eop.gov @ inet
noel_j._francisco@who.eop.gov @ inet
kyle_sampson@who.eop.gov @ inet
brett_m._kavanaugh@who.eop.gov @ inet
h._christopher_bartolomucci@who.eop.gov @ inet
bradford a. berenson/who/eop@eop
courtney_s._elwood@who.eop.gov @ inet
helgard c. walker/who/eop@eop

REV_00139175

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2002 5:33:25 AM
Subject: : Re: LEG AFFAIRS REVIEW OF DRAFT OP-ED

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-JAN-2002 10:33:25.00

SUBJECT:: Re: LEG AFFAIRS REVIEW OF DRAFT OP-ED

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Looks great!

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: allison_l._ripenhoff@who.eop.gov [UNKNOWN] <allison_l._ripenhoff@who.eop.gov>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/22/2002 9:35:39 AM
Subject: : Re: PLEASE

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 22-JAN-2002 14:35:39.00

SUBJECT:: Re: PLEASE

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: allison_l._ripenhoff@who.eop.gov (allison_l._ripenhoff@who.eop.gov [UNKNOWN])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

I have a meeting with Dodd staff on election reform at 3:30pm.

Kyle Sampson

01/22/2002 02:28:53 PM

Record Type: Record

To: Allison_L._Riepenhoff@who.eop.gov

cc: courtney s. elwood/who/eop@eop, helgard c. walker/who/eop@eop,

brett m. kavanaugh/who/eop@eop

bcc:

Subject: Re: PLEASE

I have a meeting at DOJ at 3:00 p.m.

Allison_L._Riepenhoff@who.eop.gov

01/22/2002 02:19:12 PM

Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Helgard C. Walker/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: PLEASE

Can someone take the file to Sen. Hollings at 3:30??? You four are the only ones

I haven't heard from Brad. Brad is going to Daschle, Bart is on a conference call,

Rachel is off-site, and Noel is in Hawaii. I really need one of you to do

REV_00139177

it.

Thank you.

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 1/22/2002 6:44:24 AM
Subject: : Files to the Hill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:22-JAN-2002 11:44:24.00
SUBJECT:: Files to the Hill
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I need two files to go to the Hill:

3:00 pm to Sen. Hollings

4:00 pm to Sen. Daschle

Please let me know ASAP who can take them.

Thanks,
Allison

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; anna.hart@do.treas.gov @ inet [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 1/22/2002 7:48:03 AM
Subject: : Terrorism Insurance call-in numbers

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 22-JAN-2002 12:48:03.00
SUBJECT:: Terrorism Insurance call-in numbers
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: anna.hart@do.treas.gov (anna.hart@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
End Original ARMS Header

There will be a terrorism insurance confernce call this Friday at 3:00 pm.

Call-in #: 456-2561
Pass code is: 6955

thanks
Leslie

REV_00139180

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN] <Allison_L._Riepenhoff@who.eop.gov>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/22/2002 9:28:54 AM
Subject: : Re: PLEASE

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-JAN-2002 14:28:54.00
SUBJECT:: Re: PLEASE
TO: Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])
READ: UNKNOWN
CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

I have a meeting at DOJ at 3:00 p.m.

Allison_L._Riepenhoff@who.eop.gov
01/22/2002 02:19:12 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Helgard C. Walker/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: PLEASE

Can someone take the file to Sen. Hollings at 3:30??? You four are the only ones
I haven't heard from. Brad is going to Daschle, Bart is on a conference call,
Rachel is off-site, and Noel is in Hawaii. I really need one of you to do it.

Thank you.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2002 10:21:06 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-JAN-2002 15:21:06.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.wfpsir.com>

From: CN=Mack C. Bayne III/OU=OA/O=EOP [OA]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 1/22/2002 10:38:02 AM
Subject: : BlackBerry Wireless e-mail device.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP [OA])

CREATION DATE/TIME:22-JAN-2002 15:38:02.00

SUBJECT:: BlackBerry Wireless e-mail device.

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

You have been approved to receive a new EOP issued BlackBerry Wireless e-mail device. I am trying to schedule a time with you when a technician can take care of the installation of the unit at your desktop computer. The installation of a BlackBerry takes about 1 hour. The technician will be happy to review the BlackBerry configuration with you and answer any questions you may have.

The technician will need your password several times during the installation. If you do not plan on being available during the installation, please contact Lori Lorenzo so that she may be available to help the technician to log into your PC.

Please return this e-mail to me with a date and time that you would like the technician to perform your install and whether you will or will not be there at the time the technician performs the install. We will do our best to work into your schedule. The installers are normally available from 9:30 to 4:00.

Regards

Mack Bayne
Office of Administration
Computer Specialist

REV_00139183

From: CN=Mack C. Bayne III/OU=OA/O=EOP [OA]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 1/22/2002 10:38:02 AM
Subject: : BlackBerry Wireless e-mail device.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP [OA])

CREATION DATE/TIME:22-JAN-2002 15:38:02.00

SUBJECT:: BlackBerry Wireless e-mail device.

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

You have been approved to receive a new EOP issued BlackBerry Wireless e-mail device. I am trying to schedule a time with you when a technician can take care of the installation of the unit at your desktop computer. The installation of a BlackBerry takes about 1 hour. The technician will be happy to review the BlackBerry configuration with you and answer any questions you may have.

The technician will need your password several times during the installation. If you do not plan on being available during the installation, please contact Lori Lorenzo so that she may be available to help the technician to log into your PC.

Please return this e-mail to me with a date and time that you would like the technician to perform your install and whether you will or will not be there at the time the technician performs the install. We will do our best to work into your schedule. The installers are normally available from 9:30 to 4:00.

Regards

Mack Bayne
Office of Administration
Computer Specialist

REV_00139184

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 1/22/2002 12:17:19 PM
Subject: : Murray and Cantwell

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-JAN-2002 17:17:19.00
SUBJECT:: Murray and Cantwell
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can you collect/copy all of the Murray/Cantwell letters? Thanks
(sorry!)

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2002 12:26:40 PM
Subject: : RE: time for editorials on Wednesday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:22-JAN-2002 17:26:40.00

SUBJECT:: RE: time for editorials on Wednesday

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: time for editorials on Wednesday

Was Read By : Viet.Dinh@usdoj.gov

On : Tue, 22 Jan 2002 17:20:28 -0500

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/22/2002 1:16:26 PM
Subject: : PRA protocol

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:22-JAN-2002 18:16:26.00
SUBJECT:: PRA protocol
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

In light of the upcoming briefing deadline, I just wanted to check when
you anticipate that some version of the protocol will become operative.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
CC: Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>
Sent: 1/22/2002 1:54:05 PM
Subject: : Reminder - JSC meeting on Wed., 4-5pm in the Roosevelt

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-JAN-2002 18:54:05.00

SUBJECT:: Reminder - JSC meeting on Wed., 4-5pm in the Roosevelt

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00139190

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ann Gray (CN=Ann Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Carrie C. Pauska/WHO/EOP@EOP [WHO] <Carrie C. Pauska>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
CC: Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>
Sent: 1/22/2002 1:54:05 PM
Subject: : Reminder - JSC meeting on Wed., 4-5pm in the Roosevelt

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-JAN-2002 18:54:05.00

SUBJECT:: Reminder - JSC meeting on Wed., 4-5pm in the Roosevelt

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carrie C. Pauska (CN=Carrie C. Pauska/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
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TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ann Gray (CN=Ann Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Thanks!

From: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
To: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>;Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>;Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan
<Dan.Bryant@usdoj.gov>;Long, Linda E <Linda.E.Long@usdoj.gov>;Benedi, Lizette D
<Lizette.D.Benedi@usdoj.gov>;McMahon, Lori <Lori.McMahon@usdoj.gov>;Day, Lori Sharpe
<Lori.SharpeDay@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Joy, Sheila
<Sheila.Joy@usdoj.gov>;Dinh, Viet <Viet.Dinh@usdoj.gov>;Carroll, James W (OLP)
<James.W.Carroll@usdoj.gov>;O'Brien, Pat <Pat.O'Brien@usdoj.gov>;Comstock, Barbara
<Barbara.Comstock@usdoj.gov>;Koebele, Steve <Steve.Koebele@usdoj.gov>;Bradford A.
Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO
/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO/EOP@EOP [WHO]
<Heather Wingate>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Tim
Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Timothy E. Flanigan/WHO/EOP@EOP [WHO]
<Timothy E. Flanigan>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/22/2002 3:24:08 PM
Subject: : judicial media review
Attachments: P_JCGZ4003_WHO.TXT_1.wpd

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> ("Schauder, Andrew"

<Andrew.Schauder2@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:22-JAN-2002 20:24:08.00

SUBJECT:: judicial media review

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Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

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Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
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TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
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REV_00139194

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
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READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Please see attached review

- Judicial Media Review 12-20-01.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JCGZ4003_WHO.TXT_1>

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Media Review - Judicial Nominations

Thursday, December 20, 2001

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General Judicial Articles

Another New Face for U.S. Trial Court

By Jonathan Groner
Legal Times

Thursday, December 20, 2001

On Dec. 11, the Senate unanimously confirmed Miller & Chevalier partner John Bates as the newest U.S. district judge for the District of Columbia.

Bates will be the second George W. Bush appointee to be seated on the trial court, following

Judge Reggie Walton. His ascent marks the latest step in a little-noticed phenomenon -- the virtually complete turnover of the court's roster of active judges in less than a decade.

Once the 55-year-old Bates is sworn in to replace retired Judge Stanley Harris, an event that will probably occur late this week, he will be one of 11 active judges out of 14 on the court with less than eight years' experience as a federal judge.

Starting with four judges confirmed on the same day in June 1994, President Bill Clinton appointed nine judges to the D.C. federal trial court. Bush already has picked two.

The process is certain to continue. Richard Leon -- a white collar crime litigator and partner at the D.C. office of Columbus, Ohio's Vorys, Sater, Seymour and Pease -- was nominated Sept. 10 to yet another vacancy. Leon would replace Judge Norma Holloway Johnson, who took senior status last summer.

And Judge Thomas Penfield Jackson has announced his intention to take senior status as well when he becomes eligible at the end of next month. That will create a fourth opportunity for the president to name a judge to the court, which has 15 authorized judgeships.

The nomination of Leon, who has served frequently as counsel to GOP members of the House of Representatives, is not expected to be controversial. Hearings will take place in early 2002.

Leon impressed Deputy Attorney General Larry Thompson in 2000 when he served as a member of the Judicial Review Commission on Foreign Asset Control, a panel that Thompson chaired when he was in private practice. Like Bates and Walton, Leon garnered a "well qualified" rating from the American Bar Association's Standing Committee on the Federal Judiciary, the highest ABA rating.

"I was pleased and honored to be nominated," says Leon, 52. "I look forward to working with the Senate staff and members, and I hope I can move quickly through the process."

Assuming that Leon is confirmed and that the Jackson seat is filled as well, the only judges on the court who served before 1994 will be two Ronald Reagan appointees -- Chief Judge Thomas Hogan, who joined the court in 1982, and Judge Royce Lamberth, who came on in 1987.

Bates, a longtime federal prosecutor in the District who had a lead role on Independent Counsel Kenneth Starr's Whitewater investigative team, is well-regarded by both Democrats and Republicans. He declines comment.

Leon also gets good reviews from members of the opposing party.

"He will be a wonderful federal judge," says litigator Martha Purcell Rogers of Ober, Kaler, Grimes & Shriver, a Democrat. "He has extremely varied experience as a lawyer, which is a good thing. He is an inherently fair person."

Bush's judge-pickers might well wish to look for a woman to fill the fourth vacancy, since they have selected three male candidates so far. The court has only three female judges -- Clinton appointees Gladys Kessler, Colleen Kollar-Kotelly, and Ellen Segal Huvelle.

The two Bush nominees for the U.S. Court of Appeals for the D.C. Circuit, John Roberts Jr. and Miguel Estrada, have not had a hearing, and none has yet been scheduled by Judiciary Committee Chairman Patrick Leahy (D-Vt.).

Daschle Says He Has No Plans To Block Recess Appointments

By Tully
Congressional Quarterly
Tuesday, December 18, 2001

"With the Bush administration indicating it will use recess appointments to fill some executive-branch posts in the coming weeks, Senate Majority Leader Tom Daschle said Tuesday he does not plan to block that effort." Daschle said, "It's not my intention to preclude this administration from using recess appointments as previous administrations have." Daschle said he "does expect to be 'notified and consulted' on such appointments before Congress leaves town for the year. In past years, Republicans angrily criticized former President Bill Clinton for making recess appointments without first notifying them." CQ added a number of Republican senators, "critical of Daschle's handling of judicial and non-judicial nominations, have urged President Bush to use his power to fill positions when Congress is in recess." White House spokesman Ari Fleischer "would not confirm reports that Bush plans to give recess appointments to Eugene Scalia to be solicitor of the Labor Department and Otto Reich to be assistant secretary of state for Western Hemisphere affairs." Fleischer said, "The Constitution does give the president authority to act otherwise, but the president continues to hope the Senate will do what the Senate should do." CQ added lawmakers "made clear the White House is considering that strategy, and numerous Republicans endorsed it." Republicans "expressed concern that Daschle would take steps to prevent recess appointments, such as not officially recessing the Senate when it concludes its business for the year. But the majority leader downplayed that notion on Tuesday."

Op/Eds

Let's Have More Voices, Not Fewer, on New Judges

By Jim Fisher
Lewiston Morning Tribune
Tuesday, December 18, 2001

Republicans say Democratic Sens. Patty Murray and Maria Cantwell are unreasonably blocking the speedy appointment of a new federal judge in the Tacoma area because they did not have a say in the names submitted to President Bush. Democrats say Republican Rep. Jennifer Dunn

had a lot of nerve submitting those names on her own when she knows former Republican Sen. Slade Gorton refused to permit consideration of any judicial nominations in which he did not have a hand. Who's right?

Both sides are.

More importantly, however, both are also wrong.

The tradition of presidents permitting senior senators of their party to choose judicial nominees in their own states is a long one. But that doesn't make it a good one. By permitting one person arbitrarily to decide who gets a lifetime appointment to a federal judgeship, the practice permits senators to reward virtually anyone -- a former law partner for example.

And that is exactly what has happened in both Washington and Idaho.

It gets discouraging to see disputes over this practice play out with each change of administration. That's not because someone -- in this case, Dunn -- is trying to reform the process, but because someone -- in this case, Dunn -- is trying to bend it to her own advantage.

As a House member, Dunn would customarily be out in the cold on the replacement for Judge Robert Bryan of Tacoma. But because both of Washington's senators are Democrats, and not of Bush's party, she called an end run around them. She sent Bush four names not seen, let alone approved, by Murray and Cantwell.

That played as well with the senators as Murray's attempt to bypass Gorton did under the Democratic administration of Bill Clinton. And her recent response echoes Gorton's nearly verbatim:

"We will not have a judge out of the Senate unless Senator Cantwell and I have a say naming the judge."

You can no doubt take that assertion to the bank. Not only do Murray and Cantwell have precedent, including Gorton's own, on their side, but the Senate is now in Democratic hands.

It's time for Dunn to call a strategic retreat, and, as Cantwell suggests, to compromise on a bipartisan commission to help choose Washington's judges, now and in the future. That would help take some of the politics out of the process. And who knows? It might even help put some better judges on the bench. -- J.F.

Transcripts/Members of Congress

News Conference with Senator Lott

FDCH Political Transcripts

Tuesday, October 18, 2001

Excerpt:

QUESTION: Recess appointments for Gene Scalia and Otto Reich, did you talk about this with the president at the leadership meeting this morning, and should he do this?

LOTT: The president did, again, make an appeal to the Senate, specifically to Senator Daschle, to move the nominations. We have a large number of nominations for the administration that are still pending and a large number of judicial nominations that are still pending. We have an opportunity to move a whole lot of those this week, and we certainly should.

If something can't be worked out to get a direct vote on Scalia or -- to go to the Department of Labor, or Otto Reich, we should have a vote on those. But if we don't, I think the administration will consider recess appointments.

But as I did when I was the majority leader in the Clinton administration, there should be notification of the Senate what they're thinking about, and they should work with the Senate leaders as to any recess appointments that do occur.

LOTT: During the Clinton years there were a number of recess appointments, but they were almost always agreed to, with about three exceptions, and obviously one of those was Bill Lann Lee and a couple of others that we objected to strenuously. I really was upset that the president recess appointed a federal judge. That has rarely been done.

So I think that the Bush administration will be careful and will be -- you know, will make an effort to communicate what their thinking is. But if they're not going to be given fair treatment, then they are going to have to consider recess appointments.

Interest Groups/Press Releases

Vicious Attacks on Senators Daschle and Leahy Seek to Force Speedy Confirmations of Judicial Nominees

People for the American Way
Monday, December 17, 2001

Report Documents Right Wing's Campaign to Exploit War on Terrorism,
Short-Circuit Senate Scrutiny of Controversial Bush Nominees to Courts

People For the American Way Foundation today released a report detailing the vicious campaign that right-wing groups have employed since Sept. 11 to try to force quick confirmation of President Bush's judicial nominees. The report, *How Low Will They Go? The Right Wing's Attack Campaign To Advance Judicial Nominations*, documents attacks that go far beyond the usual partisan rhetoric—including attacks that challenge the patriotism and integrity of Senate Majority Leader Tom Daschle, D-S.D., and Senate Judiciary Committee Chairman Patrick Leahy, D-Vt. The PFAWF report is available at: <http://www.pfaw.org/issues/right/HowLow.pdf>

"Nominees for lifetime appointments to our federal courts deserve close and careful scrutiny," said PFAWF President Ralph G. Neas said. "This attack campaign is designed to undercut that scrutiny, which is a critical responsibility that our Constitution confers on the Senate. Even worse, these right-wing groups have stooped to new levels by trying to use the war on terrorism to further their own political agenda for the courts. Senators must resist this campaign of intimidation."

How Low Will They Go? reveals how this attack campaign was first crafted. Detailing a memo written by a Republican staffer and enthusiastically endorsed by at least one person in the White House, the report reveals how the Right has used the Sept. 11 tragedies as a vehicle to press for speedy confirmation of Bush's judicial nominations by falsely claiming these nominees are needed on the bench to order wiretaps and search warrants necessary for fighting terrorism.

In the wake of the terrorist attacks, right-wing groups and their Senate GOP allies have held news

conferences and issued statements to put Senators Daschle and Leahy on notice: confirm the president's judicial nominees or we'll use the war on terrorism to wage war on you. As How Low

Will They Go? explains, the post-Sept. 11 strategies used by the far-right leaders include:

Falsely suggesting that federal appeals court vacancies are having a negative effect on fighting terrorism—even though the judges who serve on these courts do not have responsibility for granting search warrants or approving wiretaps.

Questioning the patriotism and integrity of Senate Democrats, including placing ads in the home state of Senate Majority Leader Tom Daschle that challenge his commitment to fighting terrorism.

Claiming that Senate Democrats are engaging in "racial profiling."

Calling for Senator Leahy's removal as chairman of the Judiciary Committee.

Unsuccessfully attempting to link judicial confirmations to foreign aid.

Our Courts at Risk: Senate Has Power to Stop Ultra-Conservative Bush Nominees

By Linda Berg

National Organization for Women

December, 2001

Although the issue of judicial nominations has been quiet thus far, activists in both parties are preparing for a cataclysmic clash after the first of the year. To date, the Senate Judiciary Committee has held 10 hearings on George W. Bush's nominees, resulting in 27 favorable recommendations to the full Senate. However, there are at least 100 federal court vacancies and a preoccupied Senate charged with confirming new judges.

Republicans are urging quick Senate confirmation of many right-wing judges, using "national security" as their pretext for glossing over the nominees' hostility toward women's rights. These are the same Republicans who, hypocritically, blocked so many of President Clinton's judicial nominees on ideological grounds.

Meanwhile, Democratic Senators have been unwilling to expend political capital opposing more than a few of Bush's conservative jurists. And many commentators are silent, perhaps fearful of being called "unpatriotic" for opposing the President during wartime. NOW has declared this unprecedented onslaught of right-wing judicial nominees an emergency that threatens the rights of women. "The courts should be the guardians of our rights," said Terry O'Neill, Treasurer of NOW's Political Action Committees. "But political and religious extremists have taken aim at the courts in order to dismantle those rights."

Chair of the Senate Judiciary Committee, Patrick Leahy, D-Vt., has thus far managed to hold up the nominations of some of the most egregious candidates; however, we expect the battle lines to be drawn soon after the first of the year.

The fate of reproductive rights, civil rights, lesbian rights, disability rights and so many other gains feminists have fought for in the past 35 years will be in the hands of these judges.

We are also facing the ever-growing threat of a Supreme Court vacancy, and Bush will surely choose a nominee from his stable of right-wing judicial ideologues. Just one new Supreme Court Justice could endanger the future of *Roe v. Wade*, so it is crucial that we do everything within our power to keep opponents of our rights off the bench.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/23/2002 3:18:30 AM
Subject: : Gerald Solomon Red Tag

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CREATION DATE/TIME:23-JAN-2002 08:18:30.00
SUBJECT:: Gerald Solomon Red Tag
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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Brett,

I just wanted to sent a quick reminder that the "Enrolled Bill HR 3392 - Gerald B.H. Solomon Saratoga National Cemetery" red tag is due today at 10:00 AM. You received it sometime this weekend.

Please let me know if you have any questions.

Sincerely,
Patrick

From: CN=David McMaster/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>;matthew e. smith/who/eop@eop [WHO] <matthew e. smith>
Sent: 1/23/2002 5:40:14 AM
Subject: : Re: 2 things/important

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CREATION DATE/TIME:23-JAN-2002 10:40:14.00
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CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
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CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
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Matt has a 3:30. Can we move the meeting please to 4:30 or 4:45?

Dave

Tim Goeglein
01/23/2002 09:51:54 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: matthew a. schlapp/who/eop@eop, matthew e. smith/who/eop@eop,
david mcmaster/who/eop@eop
bcc:
Subject: Re: 2 things/important

4pm is the new time gang; thanks

warmly

tsg

Brett M. Kavanaugh
01/23/2002 09:40:52 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc: matthew a. schlapp/who/eop@eop, matthew e. smith/who/eop@eop,
david mcmaster/who/eop@eop
bcc:
Subject: Re: 2 things/important

Tim: on Friday, I have meetings at 1:45 and 3:00. Could we do
your meeting at 4:00 perhaps?

REV_00139204

Tim Goeglein
01/23/2002 09:37:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP,
Matthew E. Smith/WHO/EOP@EOP, David McMaster/WHO/EOP@EOP
cc:
Subject: 2 things/important

Colleagues:

Two things:

x Let's plan to do a judicial coalition meeting on Friday morning
at 10 am at CSE; Matt Smith: please set up. Brett: please prepare to
brief the minions.

x Brett, and both Matts: may we plan to meet on Friday early
afternoon to discuss judicial coalition framework and other related
topics? Important ground to cover.

I propose meeting in my office at 2pm, Room 189.

Warmly

tsg

From: CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO]
To: Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>;George M. Andricos/NSC/EOP@EOP [NSC] <George M. Andricos>;Jackie Arends/WHO/EOP@EOP [WHO] <Jackie Arends>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>;Carl Buchholz/WHO/EOP@EOP [WHO] <Carl Buchholz>;Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>;Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>;Barbara C. Chaffee/WHO/EOP@EOP [WHO] <Barbara C. Chaffee>;Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>;Frank Cilluffo/WHO/EOP@EOP [WHO] <Frank Cilluffo>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>;John A. Cloud/NSC/EOP@EOP [NSC] <John A. Cloud>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>;John B. Craig/NSC/EOP@EOP [NSC] <John B. Craig>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Richard A. Falkenrath/NSC/EOP@EOP [UNKNOWN] <Richard A. Falkenrath>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Jendayi E. Frazer/NSC/EOP@EOP [NSC] <Jendayi E. Frazer>;Daniel Fried/NSC/EOP@EOP [NSC] <Daniel Fried>;David Frum/WHO/EOP@EOP [WHO] <David Frum>;Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>;Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>;Robert G. Joseph/NSC/EOP@EOP [NSC] <Robert G. Joseph>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>;Zalmay M. Khalilzad/NSC/EOP@EOP [NSC] <Zalmay M. Khalilzad>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>;Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>;Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>;Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>;John F. Maisto/NSC/EOP@EOP [NSC] <John F. Maisto>;K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Franklin C. Miller/NSC/EOP@EOP [NSC] <Franklin C. Miller>;Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>;Susan K. Neely/WHO/EOP@EOP [WHO] <Susan K. Neely>;Torkel L. Patterson/NSC/EOP@EOP [NSC] <Torkel L. Patterson>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>;Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Mary K. Sturtevant/NSC/EOP@EOP [NSC] <Mary K. Sturtevant>;Aguiles F. Suarez/OPD/EOP@EOP [OPD] <Aguiles F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Don R. Willett/WHO/EOP@EOP [WHO] <Don R. Willett>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Desiree T. Sayle/WHO/EOP@EOP [WHO] <Desiree T. Sayle>
Sent: 1/23/2002 2:21:04 AM
Subject: : REMINDER --- Meeting with Sec. Card TODAY at 5:00 p.m. in room 450 EEOB

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])

REV_00139206

CREATION DATE/TIME:23-JAN-2002 07:21:04.00
SUBJECT:: REMINDER --- Meeting with Sec. Card TODAY at 5:00 p.m. in room 450 EEOB
TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jackie Arends (CN=Jackie Arends/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barbara C. Chaffee (CN=Barbara C. Chaffee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Frank Cilluffo (CN=Frank Cilluffo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:John A. Cloud (CN=John A. Cloud/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles Conner (CN=Charles Conner/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Rebecca Contreras (CN=Rebecca Contreras/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Craig (CN=John B. Craig/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard A. Falkenrath (CN=Richard A. Falkenrath/OU=NSC/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John F. Maisto (CN=John F. Maisto/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund C. Moy (CN=Edmund C. Moy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan K. Neely (CN=Susan K. Neely/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Torkel L. Patterson (CN=Torkel L. Patterson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Mary K. Sturtevant (CN=Mary K. Sturtevant/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don R. Willett (CN=Don R. Willett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sec. Card would like to meet with all the Special Assistants to The President on Wednesday, January 23rd at 5:00 pm in room 450 EEOB. He would like to talk about the year ahead and hear from all of you.

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: David McMaster/WHO/EOP@EOP [WHO] <David McMaster>
CC: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 1/23/2002 6:27:49 AM
Subject: : Re: 2 things/important

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2002 11:27:49.00
SUBJECT:: Re: 2 things/important
TO:David McMaster (CN=David McMaster/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can we move the meeting to 430 in my office?

Warmly

tsg

David McMaster
01/23/2002 11:14:38 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 2 things/important

Not from what I have been told. It is supposed to be from 3:30-4:30 at 18th & G. It may get out a little early.

Dave

Tim Goeglein
01/23/2002 11:10:26 AM
Record Type: Record

To: David McMaster/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 2 things/important

will he not be done by 4pm my friend?

tsg

REV_00139210

David McMaster
01/23/2002 10:40:08 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, matthew a. schlapp/who/eop@eop,
matthew e. smith/who/eop@eop
bcc:
Subject: Re: 2 things/important

Matt has a 3:30. Can we move the meeting please to 4:30 or 4:45?

Dave

Tim Goeglein
01/23/2002 09:51:54 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: matthew a. schlapp/who/eop@eop, matthew e. smith/who/eop@eop,
david mcmaster/who/eop@eop
bcc:
Subject: Re: 2 things/important

4pm is the new time gang; thanks

warmly

tsg

Brett M. Kavanaugh
01/23/2002 09:40:52 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc: matthew a. schlapp/who/eop@eop, matthew e. smith/who/eop@eop,
david mcmaster/who/eop@eop
bcc:
Subject: Re: 2 things/important

Tim: on Friday, I have meetings at 1:45 and 3:00. Could we do
your meeting at 4:00 perhaps?

Tim Goeglein
01/23/2002 09:37:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP,
Matthew E. Smith/WHO/EOP@EOP, David McMaster/WHO/EOP@EOP
cc:
Subject: 2 things/important

Colleagues:

Two things:

REV_00139211

x Let's plan to do a judicial coalition meeting on Friday morning at 10 am at CSE; Matt Smith: please set up. Brett: please prepare to brief the minions.

x Brett, and both Matts: may we plan to meet on Friday early afternoon to discuss judicial coalition framework and other related topics? Important ground to cover.

I propose meeting in my office at 2pm, Room 189.

Warmly

tsg

From: Suit, Neal <Neal.Suit@usdoj.gov>
To: Dinh, Viet <Viet.Dinh@usdoj.gov>; Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/23/2002 8:02:15 AM
Subject: : RE: NEW VACANCY NUMBer

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Suit, Neal" <Neal.Suit@usdoj.gov> ("Suit, Neal" <Neal.Suit@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:23-JAN-2002 13:02:15.00

SUBJECT:: RE: NEW VACANCY NUMBer

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

It is 101 vacancies on the web page now (you might have to reload the page) due to the resignation of Joe Kendall in Texas.

-----Original Message-----

From: Dinh, Viet
Sent: Wednesday, January 23, 2002 12:51 PM
To: Suit, Neal; Schauder, Andrew
Cc: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: NEW VACANCY NUMBer

Please check, but I believe that the correct number of vacancies is now 101, not 100. Brett, is this because of the death in Texas?

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>;matthew e. smith/who/eop@eop [WHO] <matthew e. smith>;david mcmaster/who/eop@eop [WHO] <david mcmaster>
Sent: 1/23/2002 4:52:01 AM
Subject: : Re: 2 things/important

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2002 09:52:01.00
SUBJECT:: Re: 2 things/important
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:david mcmaster (CN=david mcmaster/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

4pm is the new time gang; thanks

warmly

tsg

Brett M. Kavanaugh
01/23/2002 09:40:52 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc: matthew a. schlapp/who/eop@eop, matthew e. smith/who/eop@eop,
david mcmaster/who/eop@eop
bcc:
Subject: Re: 2 things/important

Tim: on Friday, I have meetings at 1:45 and 3:00. Could we do
your meeting at 4:00 perhaps?

Tim Goeglein
01/23/2002 09:37:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP,
Matthew E. Smith/WHO/EOP@EOP, David McMaster/WHO/EOP@EOP
cc:
Subject: 2 things/important

Colleagues:

Two things:

REV_00139214

x Let's plan to do a judicial coalition meeting on Friday morning at 10 am at CSE; Matt Smith: please set up. Brett: please prepare to brief the minions.

x Brett, and both Matts: may we plan to meet on Friday early afternoon to discuss judicial coalition framework and other related topics? Important ground to cover.

I propose meeting in my office at 2pm, Room 189.

Warmly

tsg

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
Sent: 1/23/2002 6:13:02 AM
Subject: : Re: Summary

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 23-JAN-2002 11:13:02.00
SUBJECT:: Re: Summary
TO: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

we are circulating new tp's in about 5 minutes to be blasted everywhere. you will be on receipt list.

Matthew E. Smith

01/23/2002 11:00:43 AM

Record Type: Record

To: Brett Kavanaugh
cc:
Subject: Summary

Is the summary put out last week the latest and greatest?

Meaning current numbers and facts.

Karl is doing a call with 350 people this afternoon and we are going to have him bring it up.

Thanks.

Matt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 1/23/2002 9:50:21 AM
Subject: : who in our office was Pickering?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 23-JAN-2002 14:50:21.00

SUBJECT:: who in our office was Pickering?

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 1/23/2002 10:34:29 AM
Subject: : Jim Carroll

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])

CREATION DATE/TIME:23-JAN-2002 15:34:29.00

SUBJECT:: Jim Carroll

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Jim is back on board starting today as our new Clearance Counsel. He is located in 154 OEOB, and can be reached at x66750.

Thanks!

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Dinh, Viet <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/23/2002 2:12:54 PM
Subject: : op-ed

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:23-JAN-2002 19:12:54.00

SUBJECT:: op-ed

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI, Ed reports that Lott's staff is "leaning against" the Lott/Cochran
oped tomorrow on the theory that the Senators should not be directly
responding to Neas.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO /EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 1/24/2002 2:49:12 AM
Subject: : article FYI

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-JAN-2002 07:49:12.00

SUBJECT:: article FYI

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Senate Chairmen Seek Release Of Energy Panel's Records (WPost)

By Dana Milbank

The Washington Post, January 24, 2002

Three Senate committee chairmen yesterday called for the release of White House records detailing development of President Bush's energy policy, and GOP Senate leaders signaled that the administration would back down from its nine-month refusal to provide the records.

In a letter yesterday, the chairmen expressed their support for the investigative arm of Congress, the General Accounting Office, to pursue its efforts to obtain meeting records of the White House energy task force, which was chaired by Vice President Cheney and produced Bush's energy policy.

The letter, to Comptroller General David Walker, who heads the GAO, escalates a congressional bid to discover whether Enron Corp. and other energy companies influenced the task force's recommendations, and how. "Our concern is that we would be setting a dangerous precedent, and would be shirking Congress's oversight responsibilities if these questions are not asked, or if the administration is allowed to avoid answering them," wrote the senators, Governmental Affairs Committee Chairman Joseph I. Lieberman (D-Conn.), Commerce Committee Chairman Ernest F. Hollings (D-S.C.), Armed Services Committee Chairman Carl M. Levin (D-Mich.), who is also chairman of the investigations subcommittee of Governmental Affairs, and Byron L. Dorgan (D-N.D.), chairman of the Commerce Committee's consumer affairs subcommittee.

Reps. Henry A. Waxman (D-Calif.) and John D. Dingell (D-Mich.) first made the request of the GAO to get the meeting records last April, voicing concern that Bush campaign contributors shaped administration energy policy. Cheney's counsel, David S. Addington, said the requests were not valid because they came from minority members of committees, not the panels or their chairmen.

Yesterday's letter undermined that argument. "They're acting in their capacity as chairmen," Dorgan spokesman Barry Piatt said.

The action increased the likelihood that the task force probe could merge with congressional investigations into the Enron bankruptcy. Both the Governmental Affairs and Commerce committees are investigating.

The GAO has said it will decide within the coming weeks whether to take

REV_00139224

the administration to court over its refusal to provide the records. Officials said the GAO has been shopping for law firms and had been hoping for a show of support from Congress such as yesterday's letter. But the White House may relent before the GAO pursues legal action. Asked yesterday about the task force records, Sen. Don Nickles (R-Okla.), the assistant minority leader, said, "I think all this information will come out in the very near future." Senate Minority Leader Trent Lott (R-Miss.) added: "I think Vice President Cheney is going to speak to that in the next few days, and I think that he will respond appropriately." White House press secretary Ari Fleischer said, "There has been no change in the White House position at all." But he left open the possibility the matter could be reconsidered, noting: "I cannot make a prediction about any future and every future circumstance that may or may not come up."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Stephen W. Devine/NSC/EOP@EOP [NSC] <Stephen W. Devine>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 1/24/2002 3:25:47 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JAN-2002 08:25:47.00
SUBJECT::
TO:Stephen W. Devine (CN=Stephen W. Devine/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

On balance, I would be ok with either but Spike is the preference.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Stephen W. Devine/NSC/EOP@EOP [NSC] <Stephen W. Devine>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 1/24/2002 3:25:47 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JAN-2002 08:25:47.00
SUBJECT::
TO:Stephen W. Devine (CN=Stephen W. Devine/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

On balance, I would be ok with either but Spike is the preference.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;mtoner@rnchq.org @ inet [WHO]
<mtoner@rnchq.org>;ken mehlman/who/eop@eop [WHO] <ken mehlman>;katherine g.
marinis/who/eop@eop [WHO] <katherine g. marinis>
Sent: 1/24/2002 3:52:33 AM
Subject: : Re: political travel

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-JAN-2002 08:52:33.00
SUBJECT:: Re: political travel
TO: Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: mtoner@rnchq.org (mtoner@rnchq.org @ inet [WHO])
READ: UNKNOWN
CC: ken mehlman (CN=ken mehlman/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: katherine g. marinis (CN=katherine g. marinis/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

this should be ok, but call me this morning to discuss.

Sara M. Taylor
01/23/2002 02:35:13 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: robert w. cobb/who/eop@eop, mtoner@rnchq.org @ inet, ken
mehlman/who/eop@eop, katherine g. marinis/who/eop@eop
bcc:
Subject: Re: political travel

Yes - they have planes that they regularly use for political travel -
Schwann's ice cream is one example.

Brett M. Kavanaugh
01/23/2002 01:43:54 PM
Record Type: Record

To: Sara M. Taylor/WHO/EOP@EOP
cc: robert w. cobb/who/eop@eop, mtoner@rnchq.org @ inet, ken
mehlman/who/eop@eop, katherine g. marinis/who/eop@eop
bcc:
Subject: Re: political travel

Does Thune campaign have corporate planes that it regularly uses
for these purposes?

REV_00139231

Sara M. Taylor
01/23/2002 01:29:20 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc: mtoner@rnchq.org @ inet, Ken Mehlman/WHO/EOP@EOP, Katherine G.
Marinis/WHO/EOP@EOP
Subject: political travel

I'm trying to get a better understanding of travel procedures when it comes to sending Administration officials to do political events for our Republican candidates. Example:

Secretary Evans has agreed to speak to the SD Chamber of Commerce in Pierre, SD. We would also like him to do a fundraiser for John Thune. Because there would be a fundraiser in the same city as the SD chamber event, the Thune campaign is responsible for travel costs. (I conferred with Toner on FEC law)

FEC law also states that a campaign can use a corporate plane if first class airfare is reimbursed for each person traveling before the plane takes off. Legally, it is ok for Thune to fly Evans on a corporate plane.

But, my question for you is will you allow Evans to fly on a corporate plane?? If we find an owner who allows his plane to be used frequently for political travel and the company doesn't have significant business before the federal government, can we generally operate under the assumption that this will work?? This is particularly important for far away states like SD. Please advise.

Thanks.

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/24/2002 6:25:26 AM
Subject: : RE: Op-Ed on judicial confirmations by White House Counsel, Alberto Gonzales

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-JAN-2002 11:25:26.00
SUBJECT: RE: Op-Ed on judicial confirmations by White House Counsel, Alber to Gonzales
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

the latest.

----- Forwarded by Anne Womack/WHO/EOP on 01/24/2002
11:25 AM -----

"Boot, Max" <Max.Boot@wsj.com>
01/24/2002 11:00:16 AM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: RE: Op-Ed on judicial confirmations by White House Counsel, Alber
to Gonzales

We'll probably run it

-----Original Message-----
From: Anne_Womack@who.eop.gov
[mailto:Anne_Womack@who.eop.gov]
Sent: Thursday, January 24, 2002 10:57 AM
To: Boot, Max
Subject: RE: Op-Ed on judicial confirmations by White
House Counsel, Alber to Gonzales

any news on Judge Gonzales' op-ed?

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>; Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; anna.hart@do.treas.gov @ inet [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 1/24/2002 10:43:27 AM
Subject: : REMINDER - Insurance Conf. Call tomorrow

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME: 24-JAN-2002 15:43:27.00
SUBJECT:: REMINDER - Insurance Conf. Call tomorrow
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: anna.hart@do.treas.gov (anna.hart@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
End Original ARMS Header

Just a reminder that Marc will be hosting an insurance conference call tomorrow at 3:00 pm

Call-in #: 456-2561
pass code: 6955

THANKS!

REV_00139234

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/24/2002 7:57:27 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-JAN-2002 12:57:27.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

of course.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/25/2002 5:19:41 AM
Subject: : Re: Mark Levin executive privilege op-ed

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JAN-2002 10:19:41.00
SUBJECT:: Re: Mark Levin executive privilege op-ed
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

working it . . .

Alberto R. Gonzales
01/25/2002 10:15:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Mark Levin executive privilege op-ed

We need to get other folks to write.
----- Forwarded by Alberto R. Gonzales/WHO/EOP on
01/25/2002 10:15 AM -----

Karen Hughes
01/25/2002 07:48:23 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc:
Subject: Re: Mark Levin executive privilege op-ed

this is helpful -- we need more of this kind of thing!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Jason B. Torchinsky/WHO/EOP@EOP [WHO] <Jason B. Torchinsky>
Sent: 1/25/2002 3:51:09 AM
Subject: : various editorials

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-JAN-2002 08:51:09.00

SUBJECT:: various editorials

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Supreme Patience

By Abner J. Mikva

REV_00139297

The Supreme Court has played different roles in the history of our country. Sometimes it has been a passive branch, resolving mostly private disputes and letting the political branches make and change public policy. Most of the time it has tried to avoid the "political thicket."

In 2000, however, it inserted itself into the granddaddy of all political disputes when it decided that Florida's electoral votes would be awarded to George Bush. While Bush v. Gore was an obvious attention-grabber, there have been others in which the current court has flexed its political muscles:

It has imposed limits on what areas Congress can regulate.

It has cut back substantially on any affirmative action programs that government agencies can conduct, even when legislatively authorized.

And doubt continues to fester on whether the Constitution guarantees a woman's right to terminate a pregnancy.

What makes these court decisions so troublesome, albeit fascinating, is that most have been resolved 5 to 4. With three justices over age 70, speculation about a change in the court's delicate balance is unavoidable. What kind of person would President Bush nominate? And what kind of nominee would the Senate confirm? Suppose the Senate did not confirm anybody. Would that be deemed political conduct? Would that be a responsible exercise of the Senate's constitutional power? I think the answer to both questions is yes.

There is nothing magic about the number nine for the size of the Supreme Court. The Constitution does not suggest a number, and the first court was authorized to have six members. The authorized number has gone up and down during our history, usually for very political reasons. It went to 10 in 1863 and then was reduced to nine because Congress was angry at President Andrew Johnson. In the 1930s when the court continued to strike down New Deal legislation, President Franklin D. Roosevelt threatened to increase the size of the court by one for every justice who was over age 70. The plan failed in passage, but "apostasy and death" caused the court to reverse its doctrinal direction.

Vacancies also have persisted when the Senate was unhappy with the particular nominee that the president sent up for confirmation. While sometimes the retiring justice has continued to serve until a successor was chosen, often the resignation was immediate or the vacancy occurred as a result of death. For example, a vacancy existed for three years because Congress was unhappy with President Lincoln's choices, and then with those of his successor. When Congress was unhappy with Lyndon B. Johnson's effort to promote Abe Fortas to chief justice, a vacancy persisted for more than a year.

The Constitution states that the president is to nominate justices and appoint them "by and with the advice and consent" of the Senate. While presidents seldom request the advice of the Senate in advance of their nominations, it has occurred. President Hoover wanted to appoint a westerner to fill a vacancy, but his ally, Sen. William Borah of Idaho, persuaded him to appoint Justice Benjamin Cardozo instead. President Clinton was discouraged from nominating Sen. George Mitchell at least in part by senators who thought it would be a political mistake.

There are more than a few occasions in which the Senate has exercised its

political powers to help shape the makeup of the court. There are special reasons why the present political climate warrants such an action.

First, this president does not have the mandate of a national plurality. While the court did resolve the dispute about Florida's electoral votes, giving President Bush an electoral college majority, it could not alter the popular vote. Bush lost to Al Gore by more than 500,000 votes. Most of the other appointments the president will make are for finite terms, but his choice to fill a vacancy on the court -- a lifetime appointment -- probably would serve for many years after the people resolve this political anomaly and elect a president who wins the popular vote.

Second, the delicate balance of the court on fundamental issues makes even a single appointment of great moment. During the Warren Court years, when the justices made some fundamental changes in criminal justice, elections and the system of segregation in our public institutions, there were usually substantial majorities supporting the result. The Warren Court did not strike down that many congressional decisions. But seldom in its history has the court invalidated so many acts of Congress by 5 to 4 decisions as at present.

Still another reason that the political climate warrants Senate involvement is that the court itself made the final decision as to who should be president. That judgment raised many doubts about the legitimacy of the court's actions. There was gossip that at least one of the justices was upset by the consequences to the court of a Gore victory, and that one of the justices in the 5 to 4 majority was close to changing his vote. Conservative scholars who favored the result of the case politically have nevertheless criticized the "equal protection" rationale the unsigned majority opinion provided for the decision. While the events of Sept. 11 have stilled much of the controversy about the manner in which the 2000 election was decided, there is still unhappiness, partisan and otherwise, about the court's intervention.

The appointment of Supreme Court justices is a shared responsibility. The Senate has a plenary power to advise and consent. This has never been perceived to be some kind of rubber-stamp function, and it has been used with substantive results on less compelling occasions.

This Supreme Court is in an activist mood. Each year yields a bumper crop of decisions that overrule or modify political choices made by Congress. If there are to be changes in its personnel, they ought to be made by a president who has a popular vote mandate. I think the Senate should not act on any Supreme Court vacancies that might occur until after the next presidential election. Changes in the existing delicate balance could put the very legitimacy of the court as an institution at risk. Other than the black robes and the high bench, that legitimacy is all that the court has going for it.

The writer has served as a Democratic House member from Illinois, as chief judge of the U.S. Court of Appeals for the D.C. Circuit and as White House counsel under President Clinton. He is currently a visiting professor at the University of Chicago Law School.

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The Guantanamo Story

Friday, January 25, 2002; Page A24

REV_00139299

THE BUSH administration has been forced to spend the past several days fending off a wave of international outrage and diplomatic protests about its treatment of al Qaeda and Taliban prisoners at the Guantanamo naval base in Cuba. America-bashers in the European press and human rights community, whose objections to the Afghan military campaign were cut short by the swift U.S. victory, have had a field day trumpeting allegations of "torture," even as their governments summon U.S. ambassadors to deliver lectures about respect for the Geneva Convention. An indignant Secretary of Defense Donald Rumsfeld spent an hour on television refuting "the questions, allegations and breathless reports," which he attributed to "people who are either uninformed, misinformed or poorly informed." That may be true; there is no evidence that the Guantanamo prisoners have been treated inhumanely. But if Guantanamo has been a public relations -- as opposed to human rights -- debacle, then the Bush administration has only itself to blame.

Mr. Rumsfeld has been toasted around Washington for his public reports on the war, but his handling of the prisoner issue has done much to ignite the international controversy. The globally broadcast misinformation about which he complains stems largely from his own policy of strictly limiting media access to Guantanamo while offering accounts of U.S. handling of the prisoners that have been by turns vague, flippant or simply wrong. Mr. Rumsfeld improperly labeled all the prisoners as "unlawful combatants" and said, incorrectly, that they were not covered by the Geneva Convention. He refused to provide a list of the prisoners or the countries they are from, and several times suggested that he was unconcerned about their treatment, which he said was better than what they had dealt out in Afghanistan. Much of what he said suggested that the Bush administration would respect international law only so far as it chose to. In that context, it's not surprising that America's critics read brutalities into the sketchy media pool reports and photos coming from Cuba.

In appearances this week Mr. Rumsfeld and other administration officials have offered some reassuring clarifications. The defense secretary now says that "all detainees" are being treated "consistently with the principles of the Geneva Convention." He acknowledged that the detainees cannot be designated as unlawful combatants -- as opposed to prisoners of war -- without a legal process, and must be released if they are not charged with crimes. He indicated that some could be tried by criminal courts or courts-martial, some released to their home countries, and some sent before military tribunals; under the Geneva Convention, the latter procedure would be legitimate for those legally designated as unlawful combatants. Mr. Rumsfeld also said the Pentagon was studying the "right way" to release information about the identities of the prisoners.

The administration has now suspended the transfer of additional groups of prisoners to Guantanamo, saying it wants to interview the ones it has. That seems a wise course; meanwhile, construction of more sturdy and permanent housing for detainees should be speeded, and more outside observers given a closer look at the facilities that now exist. Most important, the administration should make clear that it will fully respect the Geneva Convention in its handling of all detainees. Doing so would not hamper its ability to prosecute al Qaeda and Taliban members for the crimes they have committed, and might not require any significant change in the treatment of the prisoners. It will, however, make clear that the United States upholds international human rights law -- and it would at least weaken the unnecessary international tempest that has raged over Guantanamo this week.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <jennifer.newstead@usdoj.gov>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;neal.suit@usdoj.gov [UNKNOWN] <neal.suit@usdoj.gov>
Sent: 1/25/2002 8:23:16 AM
Subject: : Letter responding to Leahy floor statement

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JAN-2002 13:23:16.00
SUBJECT:: Letter responding to Leahy floor statement
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:neal.suit@usdoj.gov (neal.suit@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Leahy just made a floor statement in response to the Judge's op-ed ripping the WH for a variety of supposed sins, including lack of consultation. Tim has asked me to do a letter for the Judge to Leahy responding to his floor statement. He'd like the draft today. I am having Brent send to each of you a copy of the floor statement. Would you please shoot me any thoughts, facts, figures, arguments, etc. that you would like to see in the letter? I'll try to incorporate as much as I can.

Also, Jennifer, if you could have Neal Suit send me the latest talking points and statistics for use, that would be great. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; John B. Bellinger/NSC
/EOP@EOP [NSC] <John B. Bellinger>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen
Silverberg>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Daniel J. Keniry/WHO
/EOP@EOP [WHO] <Daniel J. Keniry>
CC: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Rebecca A. Beynon/OMB
/EOP@EOP [OMB] <Rebecca A. Beynon>
Sent: 1/25/2002 5:10:40 AM
Subject: : Meeting on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 25-JAN-2002 10:10:40.00

SUBJECT:: Meeting on Victims of Foreign Terrorism Legislation

TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

Josh and Judge Gonzales have discussed this issue and Judge asked me, in coordination with Jay, to convene a meeting to come to closure on analysis/recommendation. State, Defense, and Treasury will be part of the meeting as well.

Please let me know your availability at the following possible times. After hearing from everyone, I will send you an e-mail today with time and place.

Possible times:

Monday 1/28 at 4:00

Tuesday 1/29 at 11:00

Tuesday 1/29 at 2:00

Wednesday 1/30 at 11:00

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/25/2002 5:12:53 AM
Subject: : Re: Meeting on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JAN-2002 10:12:53.00
SUBJECT:: Re: Meeting on Victims of Foreign Terrorism Legislation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I would prefer one of the 11:00 times. Thank you for including me.

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/25/2002 5:16:06 AM
Subject: : Re: Mark Levin executive privilege op-ed

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JAN-2002 10:16:06.00
SUBJECT:: Re: Mark Levin executive privilege op-ed
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We need to get other folks to write.
----- Forwarded by Alberto R. Gonzales/WHO/EOP on
01/25/2002 10:15 AM -----

Karen Hughes
01/25/2002 07:48:23 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc:
Subject: Re: Mark Levin executive privilege op-ed

this is helpful -- we need more of this kind of thing!

From: CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Bessie M. Weaver/OMB/EOP@EOP [OMB] <Bessie M. Weaver>
Sent: 1/25/2002 5:51:05 AM
Subject: : Re: Meeting on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:25-JAN-2002 10:51:05.00
SUBJECT:: Re: Meeting on Victims of Foreign Terrorism Legislation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bessie M. Weaver (CN=Bessie M. Weaver/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

You need to be much more dictatorial about setting meetings.

I'll make myself available.

Bess: are any of these times truly off limits?

Brett M. Kavanaugh
01/25/2002 10:10:31 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jay P. Lefkowitz/OMB/EOP@EOP, Rebecca A. Beynon/OMB/EOP@EOP
Subject: Meeting on Victims of Foreign Terrorism Legislation

Josh and Judge Gonzales have discussed this issue and Judge asked me, in coordination with Jay, to convene a meeting to come to closure on analysis/recommendation. State, Defense, and Treasury will be part of the meeting as well.

Please let me know your availability at the following possible times. After hearing from everyone, I will send you an e-mail today with time and place.

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Monday 1/28 at 4:00
Tuesday 1/29 at 11:00
Tuesday 1/29 at 2:00
Wednesday 1/30 at 11:00

Message Sent

To: _____
Diana L. Schacht/OPD/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP

REV_00139311

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/25/2002 6:09:02 AM
Subject: : Meeting on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:25-JAN-2002 11:09:02.00

SUBJECT:: Meeting on Victims of Foreign Terrorism Legislation

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Any of those times would work for Jay. Please let me know when it's confirmed. Thank you.

From: CN=Diana L. Schacht/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/25/2002 6:55:35 AM
Subject: : Re: Meeting on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:25-JAN-2002 11:55:35.00
SUBJECT:: Re: Meeting on Victims of Foreign Terrorism Legislation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm out on Mon and Tues, and may not be back until mid afternoon Wed. I might be able to make Wed at 11 but won't know until early next week.

Brett M. Kavanaugh
01/25/2002 10:10:31 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jay P. Lefkowitz/OMB/EOP@EOP, Rebecca A. Beynon/OMB/EOP@EOP
Subject: Meeting on Victims of Foreign Terrorism Legislation

Josh and Judge Gonzales have discussed this issue and Judge asked me, in coordination with Jay, to convene a meeting to come to closure on analysis/recommendation. State, Defense, and Treasury will be part of the meeting as well.

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Possible times:

Monday 1/28 at 4:00

Tuesday 1/29 at 11:00

Tuesday 1/29 at 2:00

Wednesday 1/30 at 11:00

Message Sent

To: _____

Diana L. Schacht/OPD/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP

REV_00139313

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/25/2002 8:41:23 AM
Subject: : RE: 60 Minutes

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME:25-JAN-2002 13:41:23.00
SUBJECT:: RE: 60 Minutes
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

opa will be making these points.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, January 25, 2002 10:19 AM
To: Comstock, Barbara; Thorsen, Carl
Subject: 60 Minutes

Hey, if you think appropriate, can we make sure 60 Minutes knows (i)
that
the Administration has offered the Committee an oral briefing on the
contents of
the disputed prosecution memoranda and has further indicated that it will
listen
to requests for additional information after that oral briefing; and (ii)
the
Administration has been in contact with Salvati's attorney to arrange a
meeting
with him to re-assure him.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/25/2002 10:52:20 AM
Subject: : Fund Raising by PFIAB Member

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JAN-2002 15:52:20.00
SUBJECT:: Fund Raising by PFIAB Member
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

you get political questions. This was the draft answer worked up a non-lawyer detailee in my office. Question is below. PFIAB is a WHO entity (an advisory group). What do you think?
----- Forwarded by Robert W. Cobb/WHO/EOP on 01/25/2002 03:50 PM -----

Patricia C. Zemple
01/25/2002 03:29:01 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

Moose,

This in from Randy.

In my opinion, it appears that Friedman could host a fund-raising reception with certain exceptions:

1. He'd have to hold the reception while not on duty. (Presumably, he'll host the party on a day when he's not here as a PFIAB member.)
2. He could send out the invitation but the invitation could not address the issue of fundraising. Something along the lines of "A party in honor of"
3. He could give a speech or some type of opening remarks, but again, he couldn't solicit political contributions. Another speaker who wasn't bound by Hatch Act would have to do that.
3. The invitation couldn't mention his membership on PFIAB.

I've got a call into OSC to double-check this, but that's my take.

Trish

----- Forwarded by Patricia C. Zemple/WHO/EOP on 01/25/2002 03:20 PM -----

Randy W. Deitering
01/25/2002 02:11:37 PM
Record Type: Record

To: Patricia C. Zemple/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

REV_00139322

Trish:

Steve Friedman called to asked if there are some written rules/guidelines we can provide re: member's involvement in political fund raising. He has been asked by a member of Congress to host a small reception at his home as a venue for campaign fund raising. Can you help?

From: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
To: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>;Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>;Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan
<Dan.Bryant@usdoj.gov>;Long, Linda E <Linda.E.Long@usdoj.gov>;Benedi, Lizette D
<Lizette.D.Benedi@usdoj.gov>;McMahon, Lori <Lori.McMahon@usdoj.gov>;Day, Lori Sharpe
<Lori.SharpeDay@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Joy, Sheila
<Sheila.Joy@usdoj.gov>;Dinh, Viet <Viet.Dinh@usdoj.gov>;Carroll, James W (OLP)
<James.W.Carroll@usdoj.gov>;O'Brien, Pat <Pat.O'Brien@usdoj.gov>;Comstock, Barbara
<Barbara.Comstock@usdoj.gov>;Koebele, Steve <Steve.Koebele@usdoj.gov>;Bradford A.
Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO
/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO/EOP@EOP [WHO]
<Heather Wingate>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Tim
Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>;Timothy E. Flanigan/WHO/EOP@EOP [WHO]
<Timothy E. Flanigan>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/25/2002 10:53:12 AM
Subject: : judicial media review
Attachments: P_PG625003_WHO.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> ("Schauder, Andrew"

<Andrew.Schauder2@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:25-JAN-2002 15:53:12.00

SUBJECT:: judicial media review

TO:"Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Schauder, Andrew" <Andrew.Schauder2@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00139324

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
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This latest dustup is not entirely new for Leighton. In 1992 President George Bush nominated him to be a federal judge. That nomination was delayed and ultimately dropped after Bill Clinton was elected president.

Bush Nominates Tacoma Lawyer to Federal Bench

By Katherine Pfleger
The Associated Press
Thursday, January 24, 2002

President Bush has nominated Tacoma, Wash., lawyer Ronald Leighton to be a federal district judge in Western Washington, over the protests of the state's U.S. senators who say they were excluded from the selection process.

Democratic Sens. Patty Murray and Maria Cantwell have promised to block the nomination with procedural moves unless the White House uses a bipartisan commission to find a replacement for Judge Robert J. Bryan at the U.S. District Court in Tacoma. For instance, Murray has said she will put a "hold" on Leighton's nomination - a maneuver that would prevent the Senate from voting on a judge.

Her spokesman Todd Webster said Murray has been "crystal clear" that any nominee must come from a commission made up of Republicans and Democrats.

"This is a tradition that has served the people of Washington state in getting even-tempered, qualified, balanced judges for lifetime appointments," Webster said Wednesday.

Though the nomination appeared headed for a deadlock, a senior White House official, speaking on condition of anonymity, said the administration is hopeful Leighton will be approved.

"We think, in the end, the Senate's job ... is to focus on the qualifications," the official said. "Mr. Leighton is just an absolute A-plus nominee."

Murray and Cantwell have been sparring with the White House for nearly a year about how the opening would be filled. At the White House's direction, Rep. Jennifer Dunn, R-Wash., formed a Republican selection committee, even though the senators considered the negotiations ongoing.

Dunn said Leighton is a strong candidate who has been vetted twice for federal judicial openings but never approved. She said the senators were invited to appoint people to an evenly divided bipartisan selection commission but the senators didn't want to be bound by the commission's final four candidates.

Murray and Cantwell "have chosen to use a process excuse," Dunn said. "Going backward (with a new commission) would not solve the problem."

Cantwell is a member of the Judiciary Committee, responsible for screening federal judicial

nominees. Her spokesman Jed Lewison said she is "in sync" with Murray on the need for a bipartisan commission.

Cantwell "will take the necessary actions to make sure that a bipartisan process is the one that is used," Lewison said.

Presidents historically have listened to the wishes of home-state senators when filling judicial vacancies. However, three states - Washington, California and Wisconsin - have instead used commissions made up of Republicans and Democrats to fill openings.

White House Counsel Alberto Gonzales has called the states "isolated exceptions." He has said Bush is not generally supportive of the commissions, though he would be willing to use them - under conditions that Murray and Cantwell found objectionable.

Leighton's nomination comes as Bush is working to fill 101 federal judicial openings, including 70 in U.S. district courts.

The opening in Tacoma was created a year ago when Bryan took "senior status," a type of semiretirement that allowed him to significantly limit his cases, though he is carrying a full load until a successor is named.

In a phone interview, Leighton said he asked to be considered because he would love the job, but was cautious about how his nomination would work out.

"The process is a difficult one and fraught with issues that don't involve me," he said.

Leighton is a partner with the Seattle-area law firm of Gordon Thomas Honeywell Malanca Peterson & Danheim.

Bush Names 3 to U.S. District Court

By Torsten Ove
The Pittsburgh Post-Gazette
Thursday, January 24, 2002

President Bush yesterday nominated three local lawyers to judgeships in U.S. District Court.

Bush named Joy Flowers Conti and Art Schwab, both lawyers at the Downtown firm of Buchanan Ingersoll, and Allegheny County Solicitor Terry McVerry to fill long-standing vacancies on the federal bench.

The three must be confirmed by the U.S. Senate, a lengthy process that could be dragged out because of a backlog of nearly 70 other nominees for federal judgeships.

"I'm expecting it could be months," said Conti, who said she was honored to have been chosen

and promised to do her best as a federal judge.

Schwab said he is eager to serve, too.

"My family and I are very joyful," he said. "I'm looking forward to being of service in Western Pennsylvania."

McVerry couldn't be reached yesterday.

The Western District of Pennsylvania has been short of its full complement of 10 judges for years.

Currently there are four vacancies. When U.S. District Judge William Standish takes senior status in March, it will be five. And when U.S. District Judge D. Brooks Smith is confirmed by the Senate for a position on the 3rd U.S. Circuit Court of Appeals, it will be six.

The filling of judicial vacancies nationwide has been hindered repeatedly by partisan bickering. The delay in getting local judgeships filled was rooted in a political dispute between former President Clinton and Pennsylvania's Republican senators, Rick Santorum and Arlen Specter. But now the process seems to be moving forward.

"It's a real breakthrough," said Schwab.

Schwab is chief counsel for complex litigation at Buchanan Ingersoll. A 1968 graduate of Grove City College, he received his law degree from the University of Virginia in 1972.

Conti, a 1973 graduate of Duquesne University law school, is a former tenured professor of law at Duquesne and taught courses on corporations, corporate finance, corporate reorganizations and bankruptcy.

McVerry, a former state legislator, worked as an assistant district attorney and is a former Allegheny County Common Pleas judge.

Pickering Nomination for Federal Court Under Fire

By Jason Straziuso

The Commercial Appeal

Thursday, January 24, 2002

Some advocacy groups are challenging a Bush nominee for a federal appeals court job, claiming the Mississippi judge gave false testimony when he became a district judge a decade ago.

Charles Pickering, a former state senator and the father of Rep. Chip Pickering (R-Miss.), also has come under fire for some of his rulings and his votes in the Legislature during the 1970s.

Senate Minority Leader Trent Lott says Pickering has the support of key Senate Democrats and will have a second hearing before the Senate Judiciary Committee in the next two weeks, following an initial hearing in October. Pickering has been nominated for a seat on the Fifth U.S. Circuit Court of Appeals in New Orleans.

L. A. Warren of the Mississippi NAACP legal division said his group believes Pickering gave false testimony to the Senate during his 1990 confirmation hearing to become a federal judge.

During that hearing, according to Senate records reviewed by The Associated Press, Pickering testified he "never had any contact with the Sovereignty Commission," Mississippi's now-defunct segregation watchdog agency.

However, a 1972 letter in the Sovereignty Commission files includes a reference to three then-state senators, including Pickering, saying they "requested to be advised" about a group organizing pulpwood workers in the state.

The Sovereignty Commission was established in the 1950s to spy on individuals and groups who might threaten the state's official policy of segregation. Its agents also kept tabs on organizations it felt had Communist leanings.

The 1972 letter was addressed to the commission's director, W. Webb Burke, from Edgar C. Fortenberry, one of its investigators assigned to southern Mississippi. Fortenberry's letter did not identify to whom Pickering's request was made.

There was no other documentation in the files to indicate Pickering had direct contact with the commission, which ceased functioning in 1973. Pickering served in the Mississippi Senate from 1972 to 1980.

Pickering, who was given a "well qualified" rating by the American Bar Association, told AP in a telephone interview he was aware of the issues likely to be brought up at his next hearing.

"It is not appropriate for me to comment on the Sovereignty Commission issue or any other issue until I appear before the Judiciary Committee," he said.

Lott (R-Miss.) said he has received "commitments of support" for Pickering from Sens. Patrick Leahy (D-Vt.) the Judiciary Committee Chairman, and Sen. Tom Daschle, the Senate Majority Leader.

"I've been assured they're going to vote on him in early February and he'll be confirmed overwhelmingly," he said.

Lott also said Pickering had "broad support" politically.

Mimi Devlin, a spokesman for the Senate Judiciary Committee, said "no such promises or confirmations from Senator Leahy" were given to Lott. No date has been set for a second

hearing, she said.

The Alliance for Justice, a Washington-based association of advocacy organizations, has monitored judicial nominees since 1984. The self-described "progressive" group on Thursday plans to highlight Pickering's record, which it calls anti-women and anti-minority.

The alliance points to Pickering's political record from the 1970s, including his votes for a Republican Party platform against abortion rights, and his votes as a state senator in the voting rights arena.

Judicial Nominee to Face Questions About Enron Contributions

The Associated Press

Wednesday, January 23, 2002

A federal judicial nominee who wrote a ruling favorable to Enron Corp. after taking campaign money from the now-bankrupt energy trader will get close scrutiny, Vermont Sen. Patrick Leahy said.

Texas Supreme Court Justice Priscilla Owen wrote a unanimous ruling that saved Enron \$225,000 in taxes, two years after taking \$8,600 in campaign contributions from the company, according to the watchdog group Texans for Public Justice. President Bush has tapped Owen to become a member of the 5th U.S. Circuit Court of Appeals in New Orleans. She has been awaiting Senate confirmation.

"The Senate will look at Justice Owen's Enron rulings as part of her overall record," Leahy told The Dallas Morning News in Wednesday's editions.

"She has a right to take contributions, but any judge - liberal or conservative - faces the legitimate question about whether a contribution influenced their thinking," said Leahy, a Democrat.

Owen, a Republican, was the author of a unanimous Texas Supreme Court opinion in 1996 that settled a tax issue in Enron's favor. The opinion rejected the Spring Independent School District's argument that the Enron natural gas inventory should be assessed at a value \$15 million higher than stated by the company.

That decision spared Enron \$225,000 in taxes. It came two years after Owen accepted \$8,600 in Enron contributions, according to Texans for Public Justice. The nonprofit group tracks campaign spending.

Owen has not fielded questions regarding the Enron contribution or her judicial decisions.

Texas Justice's Enron Money Draws Criticism

By Michelle Mittelstadt
The Dallas Morning News
Wednesday, January 23, 2002

An Enron scandal that has proved nettlesome to the executive and legislative branches now is spilling over to the judiciary, with word that a prospect for a prestigious federal appellate court seat received Enron campaign contributions and later authored a Texas Supreme Court opinion favorable to the bankrupt energy trader.

Senators "undoubtedly" will examine Texas Supreme Court Justice Priscilla Owen's dealings with Enron when her nomination to the 5th U.S. Circuit Court of Appeals is considered, the Senate Judiciary Committee chairman said Tuesday.

"The Senate will look at Justice Owen's Enron rulings as part of her overall record," said Sen. Patrick Leahy, D-Vt. "She has a right to take contributions, but any judge _ liberal or conservative _ faces the legitimate question about whether a contribution influenced their thinking." The Republican justice was the author of a unanimous Texas Supreme Court opinion in 1996 that settled an arcane tax issue in Enron's favor, rejecting the Spring Independent School District's argument that the Enron natural gas inventory should be assessed at a value \$15 million higher than stated by the company.

That ruling, which spared Enron \$225,000 in taxes, came two years after she accepted \$8,600 in Enron contributions, said Texans for Public Justice, a nonprofit group that tracks campaign spending.

Liberal advocacy organizations, which already have been geared up for a fight over the Owen nomination, said her Enron ties raise questions about the conservative jurist's candidacy.

"We're talking about a candidate to the second-highest court in the land and for a lifetime appointment," said Nan Aron, president of the Alliance for Justice, which calls Justice Owen and other Bush judicial nominees too extreme. "Already there are several major questions that have been raised concerning her overall bias, as revealed in her opinions in favor of wealthy and powerful interests.

"She will have a very, very tough road ahead."

The judiciary committee has yet to schedule hearings on Justice Owen's nomination.

"I'm not at all saying this is a total disqualification . . . but it is an additional factor that makes her all the more controversial," said Elliot Mincberg, legal director of People for the American Way.

Justice Owen was not fielding questions, but her defenders rejected the notion that the donations should disqualify her.

"Absolutely not," said Sen. Phil Gramm, R-Texas.

At the White House, the Owen criticism was dismissed as partisan posturing.

"Judge Owen is a person of the highest integrity, who is extremely well qualified," said White House spokesman Scott McClellan.

Mr. Gramm noted that Enron, once one of Texas' largest companies, gave to many candidates.

That's the problem, said Craig McDonald, noting that Texas, unlike most states, elects judges and allows them to take contributions from law firms and other interested parties. A Texans for Public Justice study estimates that 43 percent of Justice Owen's campaign contributions have come from interests that have done business before the state's highest court.

Since 1993, Enron has contributed \$134,000 to Texas Supreme Court members, the group says.

"We're all victims of our times, and the Enron scandal has probably just increased the scrutiny over this practice," McDonald said.

While Justice Owen is precluded by judicial ethics from discussing her 1996 opinion, Supreme Court spokesman Osler McCarthy, who spoke for her, said the criticism directed at her was partisan gamemanship.

Her ruling, in a 9-0 decision, affirmed the constitutionality of a law passed 171-1 in the Texas House and 30-1 in the state Senate, he said.

The Fall of Enron; Contributions at Issue in Judge's Confirmation

By Janet Elliot

The Houston Chronicle

Wednesday, January 2002

Enron's political contributions have become an issue in the confirmation battle involving a Texas Supreme Court justice who has been nominated to a federal appellate bench.

Liberal groups concerned about President Bush's nomination of Justice Priscilla Owen to a vacancy on the 5th U.S. Circuit Court of Appeals have seized on a 1996 opinion that saved Enron hundreds of thousands of dollars in property taxes.

Owen took \$ 8,700 in contributions from Enron's political action committee and executives during her 1994 election campaign.

"Now that the Enron scandal has every politician scrambling to clear their name of Enron contributions, I think that the money absolutely will be a key issue in Owen's confirmation," said Craig McDonald, director of Texans for Public Justice, which monitors campaign contributions.

Owen is one of the most conservative members of the all-Republican Supreme Court.

The tax case involved a dispute with Spring Independent School District over the date on which Enron would inventory natural gas stored in a salt dome facility. The inventory volume differed by \$ 15 million worth of gas between Sept. 1, 1989, and Jan. 1, 1990.

Because Enron elected to use the earlier appraisal, the school district claimed it lost \$ 225,000 in tax revenue.

Owen wrote the opinion for a unanimous court that reversed a ruling by Houston's 14th Court of Appeals that a law classifying inventory separately from other property was unconstitutional.

"The winter months are typically a period of peak demand for natural gas. It is not arbitrary or capricious for the Legislature to permit the taxable value of natural gas inventories to be determined on a date other than January 1, when inventories may be higher than at other times of the year," wrote Owen.

Owen's opinion stated that the lost tax revenue was \$ 15 million, but she apparently confused the tax loss with the difference in valuation, said Osler McCarthy, a spokesman for the Supreme Court. McCarthy said the case was a "pretty routine tax case soundly decided based on U.S. Supreme Court precedent."

The school district and its lawyers declined comment on the case. But a lawyer who represented Enron said he's offended at the suggestion that the court decided the case on anything other than the law.

"We won that thing on the merits. That was a clear case of interpretation of legislative ability to give taxpayers the opportunity to reduce their tax burden," said Berry Bowen, a Houston solo practitioner who worked in Enron's legal department from 1990 to 1995.

Elliot Minberg, legal director of People for the American Way, a group that monitors judicial nominations, said Owen's authoring of an opinion after accepting a political contribution "raises an issue about the appearance of impropriety."

"It would be equally a problem if it wasn't Enron. It's an issue regardless of who the corporate contributor would be," said Minberg, whose group has expressed concern but not opposed Owen.

Last May, Bush nominated Owen to the New Orleans-based court, which hears appeals from Texas, Louisiana and Mississippi. The Senate Judiciary Committee has not yet scheduled a hearing on her nomination.

In another 1996 case involving Enron, Owen recused herself.

McCarthy, the court spokesman, said she apparently recused herself because her former law

firm, Andrews & Kurth, was involved in the case.

Justices can legally accept donations from lawyers or parties with cases before the court. Texas has been regularly criticized for its high-dollar Supreme Court races.

"Nobody on this court is going to dispute that the system is broken and needs to be corrected. But it's the system we have until the Texas Legislature gives Texas voters the chance to change it," said McCarthy.

U.S. Bench Nomination Expected for Martinez

By Jay Weaver

The Miami Herald

Wednesday, January 23, 2002

President Bush is expected to nominate Jose "Joe" Martinez as a Miami federal judge as soon as today, capping his career as a legal Naval officer, U.S. prosecutor, drug-enforcement director and top civil lawyer.

The affable Martinez would also bring a sports fanatic's perspective to the bench.

Next to the law, his real passion is his alma mater, the University of Miami. He's crazy about UM baseball, and he calls the Canes football games in Spanish on the Archdiocese of Miami's radio station, WACC. Martinez, born in the Dominican Republic and raised in Miami, was the front-runner over Miami-Dade Circuit Judge Jerald Bagley and Miami federal Magistrate Ted Bandstra, according to sources familiar with the nomination. The lifetime appointment to the Miami federal seat, which pays \$150,000 a year and had been occupied by U.S. District Judge Edward Davis for 21 years, must be confirmed by the U.S. Senate.

"His dedication to this country and this community is incredible," said Thomas D. Wood Sr., a UM trustee. He was Martinez's Naval Reserve commander in 1977 when both went to the U.S. base in Guantanamo Bay to provide legal assistance to military personnel.

"I've never heard him say an ugly word about anyone," said Wood. "Liking people is what enables him to help people."

Martinez, 60, declined to comment about his imminent nomination, saying it would be "inappropriate." The White House, which has scheduled a press conference for today on federal judicial nominations, wouldn't comment either.

Martinez, a Republican, was recommended along with Bagley and Bandstra as finalists last summer for Davis' position by the 22-member Federal Judicial Nominating Commission. The Florida panel's chairman, Roberto Martinez, a former U.S. attorney in Miami, said they were interviewed by the state's Democratic U.S. senators, Bill Nelson and Bob Graham, and then the White House.

Joe Martinez came close to being nominated for the federal bench in 1992, when then-Republican Sen. Connie Mack recommended him to President George Bush. But when Bill Clinton won the White House, Martinez's bid for the bench came to a halt.

This time, his appointment seems certain.

Davis, now chairman of Florida litigation for the Miami-based law firm, Akerman Senterfitt, described Martinez as a "real trial lawyer" who would make a popular choice to replace him. "He'll come on well prepared for the federal job," Davis said. "He's well liked by people who do business with him. You can rely on his word."

Said past Florida Bar President Herman Russomanno: "He has the virtues of a federal judge - integrity, honesty, high moral standards and what I refer to as open-mindedness and impartiality."

Martinez's life is an immigrant's success story.

His parents left the Dominican Republic with Martinez, his sister and their grandmother at the end of World War II. They first settled in New York City, but relocated to Miami in 1949.

His father, though a lawyer in the Dominican Republic, launched an import-export business here. Young Martinez worked his way through the University of Miami, studying marketing.

He dreamed of becoming a Naval pilot, but that was dashed. He reset his sights on law school at UM, graduating in 1965, and married his wife, Mary Anne, the following year.

His first job was as a Naval officer in the Judge Advocate General Corps in Key West. After he left active duty in 1968, he joined the Reserves and retired decades later as a captain.

Martinez quickly made his mark as an assistant U.S. prosecutor in the late 1960s - an era when the nation's war on drugs was in its infancy in Miami. He was tapped to become the regional director of the Office for Drug Abuse Law Enforcement in 1972.

"We were looking for an experienced person who was liked by the agents but also one who was tough enough and could not be conned by the agents," said former ODALE Deputy Director John R. Bartels Jr. "Joe was heads and tails above everyone else in Florida. His name kept coming up."

Since the mid-1970s, Martinez has still kept his hand in criminal law, from tax evasion to racketeering cases. But he has been more active as a corporate civil lawyer, including major product-liability trials, such as the Florida class-action lawsuit against Philip Morris.

Martinez, a father of two grown daughters, lives in Coral Gables.

James Brosnan, *The Commercial Appeal*, January, 24, 2002

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Mays Tapped to Fill Bench; West Tennessee District Court Short-Handed

By James Brosnan

The Commercial Appeal

Thursday, January, 24, 2002

President Bush Thursday nominated Memphis lawyer Hardy Mays to the depleted U.S. District Court for West Tennessee.

Mays, 54, is a partner at Baker Donelson Bearman and Caldwell, and is a former chief of staff to Gov. Don Sundquist.

The Mays nomination came almost two years after the death of Judge Jerome Turner and six months after Mays was recommended for the vacancy by Tennessee's two Republican senators, Fred Thompson and Bill Frist. The district court also has been further short-handed because of the forced six-month leave of absence of Judge Jon McCalla, who last year admitted "improper and intemperate conduct."

His absence has created more work for judges Bernice Donald and Julia Gibbons, who is awaiting Senate action on her nomination to the Sixth Circuit Court of Appeals. The other district judge, James Todd, mostly hears cases in Jackson.

"I'm grateful the President has confidence in me and I hope to justify that," said Mays. "If and when the Senate sees fit to confirm me, I'm ready to go to work."

When the Senate will act is uncertain.

Thompson indicated Thursday he would like to press the Gibbons nomination first.

"We're going to work on it. We've got a big problem with the Sixth Circuit," said Thompson.

The Cincinnati appellate court is down to half its usual complement of 16 judges. None of Bush's nominees has been approved, in part because Michigan's Democratic senators have a "hold" on the Michigan nominees.

Nationwide, only one of Bush's 23 circuit court nominees has gotten a hearing from the Judiciary Committee, Sen. Don Nickles) (R-Okla.) noted Thursday.

Today, four liberal groups are expected to announce opposition to the nomination of U.S. Dist. Judge Charles Pickering of Laurel, Miss., to the Fifth Circuit Court of Appeals.

Nominations

City News Service

Thursday, November 24, 2002

Two lawyers who are former federal prosecutors were nominated by President Bush for positions as U.S. District Court judges.

Bush yesterday named Percy Anderson, 52, a partner at Sonnenschein, Nath & Rosenthal, and John Walter, 57, senior partner at Walter, Finestone & Richter, a firm that he founded. They are the president's first nominations for the District Court in Los Angeles, which has six vacancies. There are 21 federal trial judges in Los Angeles.

Anderson and Walter were nominated for federal judgeships by Bush's father in 1992, but their nominations died without a hearing as the confirmation process ground to a halt in the closing months of the senior Bush's presidency, the Los Angeles Times reported.

Last year, Anderson and Walter were unanimously recommended for the judgeships by a six-member screening committee of both Democratic and Republican attorneys.

Anderson, born and raised in California, graduated from UCLA and UCLA Law School. He worked for two years at San Fernando Valley Legal Assistance before joining the U.S. attorney's office in 1979. Most recently, Anderson has done civil litigation and white-collar criminal defense work.

Walter, a native of Buffalo, N.Y., graduated from Loyola University and Loyola Law School. He was a federal prosecutor from 1970 to 1972. After his government service, he joined a large national firm before founding his own firm.

Bush Names 2 for Judgeships in L.A. Courts: The President's Picks Were Also Tapped By His Father, but no Hearings were Held

By Henry Weinstein
The Los Angeles Times
Thursday, January 24, 2001

President Bush on Wednesday nominated two Republican attorneys from Los Angeles who are former federal prosecutors for prestigious positions as U.S. District Court judges.

Bush tapped Percy Anderson, 52, a partner at Sonnenschein, Nath & Rosenthal, and John F. Walter, 57, senior partner at Walter, Finestone & Richter, a firm that he founded.

They are the president's first nominations for the District Court in Los Angeles, which has six vacancies and where judges are carrying heavy caseloads. There are 21 federal trial judges in Los Angeles. Anderson and Walter were nominated for federal judgeships by Bush's father in 1992, but their nominations died without a hearing as the confirmation process ground to a halt in the closing months of his presidency.

Last year, Anderson and Walter were unanimously recommended for the judgeships by a six-member screening committee of Democratic and Republican attorneys that was created by representatives of the Bush administration and California's two Democratic senators, Barbara Boxer and Dianne Feinstein.

The nominations were among 24 Bush sent to the Senate on Wednesday for judgeships around the country. In recent weeks, Bush has complained about the pace of the confirmation process. When the Senate adjourned Dec. 20, it had confirmed just 28 federal judges. Before Wednesday's action by Bush, there were 23 nominations to federal appeals courts and 14 nominations to District Courts. Both California senators issued statements praising the nominees, which should enhance their prospects for a swift confirmation, said Gerald Parsky, the West Los Angeles attorney who heads Bush's California judicial screening team.

"Mr. Walter and Mr. Anderson both demonstrated strong skills and qualifications to the advisory committee and this bodes well for the nomination process in the Senate," Feinstein said.

Boxer added: "Both are very well qualified to serve on the federal bench."

Walter, a native of Buffalo, N.Y., graduated from Loyola University and Loyola Law School. He was a federal prosecutor from 1970 to 1972 and obtained a conviction in a well-known case involving a group of sophisticated burglars who broke into a Laguna Niguel bank, rifled every safe deposit box and got away with millions of dollars. After his government service, Walter joined a large national law firm and then founded his firm, specializing in complex civil cases.

Anderson, born and raised in California, graduated from UCLA and UCLA Law School. He worked for two years at San Fernando Valley Neighborhood Legal Assistance before joining the U.S. attorney's office in 1979.

Perhaps his most noteworthy case as a government lawyer was the successful 1985 prosecution of Thomas P. Cavanaugh, an engineer who tried to sell the Soviets information about the U.S. Air Force's stealth technology, which makes airplanes invisible to radar. Cavanaugh received a life sentence.

Anderson recently has done civil litigation and white-collar criminal defense work. In addition, he served on the Christopher Commission, which investigated the Los Angeles Police Department in the aftermath of the 1992 riots.

Los Angeles attorney Jan L. Handzlik, who knows both nominees, said they deserve swift confirmation. "They were bridesmaids before," Handzlik said. "Hopefully, the ceremony will be completed this time."

Op/Eds

Confirm Moderate Judges

By Bill Lakin
The Los Angeles Times
Thursday, January 24, 2002

The current impasse in the Senate approval of federal appellate court judges isn't about payback or politics, and it isn't a "game," as suggested in the headline of your Jan. 21 editorial, "Judgeship Game Cycles On." It's about not confirming judges who would set the country's laws back 200 years. The judicial nominees sent down by President Bush were handpicked by the ultra-right-wing Federalist Society, a group of lawyers so extreme they advocate rolling back the law to the 18th century. I don't believe these kinds of people should be part of our judiciary.

The Times recommends bringing all candidates to an immediate Senate confirmation vote. But that's only a short-term solution and won't fix the problem.

Bush should no longer rely on advice from his handlers and should stop being the front man for the Federalist Society. He should withdraw these nominations, go back to using the American Bar Assn.'s recommendations (as our past presidents did) and nominate moderates--Democrat or Republican.

The Leahy Detainees

The Washington Times
Thursday, January 24, 2001

President Bush is planning to place still more human beings into that punishing state of incarceration we've been hearing so much about of late, but Amnesty International won't be staging any protests. Nor will Ramsey Clark be filing suit. The shameful fact is that no human-rights group cares enough to speak out on behalf of this newest lot of detainees - judicial detainees, that is - and the Leahy limbo of neglect and stagnation they now prepare to enter. We used to call such people judicial nominees, but that was back when the federal judicial confirmation process had a beginning, a middle and an end. Since Sen. Patrick Leahy, Vermont Democrat, assumed control of the Judiciary Committee gavel, however, the process has undergone a few fundamental changes. The beginning remains reassuringly the same: Mr. Leahy still allows the president to appoint judges to the federal bench, which is really quite accommodating of him when you think about it. But the middle (the committee hearing) is a dicey thing, and the end (the floor vote) is nowhere in sight. Hence the change in terminology from judicial nominee to Leahy detainee.

It could be that one day we look back upon the Democratic delaying tactics of the last session and see a game of "Mother, May I" next to the mass obstructionism Senate Democrats seem to have in store for the new Congress. Since the president appointed Otto Reich assistant secretary of state for Western Hemisphere affairs and Eugene Scalia solicitor of the Labor Department earlier this month - after Mr. Reich was "detained" for some nine months by the Senate Foreign Relations Committee without a hearing, and Mr. Scalia was denied a floor vote by Senate Majority Leader Tom Daschle - the rhetoric among Senate Democrats regarding all White House

appointees, from ambassadors to humanitarian aid workers to judges, has become downright alarming. As Sen. Joseph Biden put it on NBC's "Meet the Press," even before Mr. Bush made the two recess appointments, several Democratic senators came to him and said, "Communicate to the president that if he does this, we will retaliate with regard to the rest of his nominations."

Sounds like tough-guy, take-no-prisoners talk. But whose side are the Democrats on? By refusing to confirm assorted key players on Mr. Bush's foreign policy team, and by refusing to move forward on dozens of federal judicial nominees urgently needed to fill a precarious 11 percent (and growing) vacancy rate in the federal judiciary, Senate Democrats cannot be said to be fighting for the American people. They are fighting for themselves and their prerogatives - not exactly the noblest causes up for grabs at the moment - and if they win, the country loses. Meanwhile, scores of Americans, willing and able to serve their country, will only be able to serve time.

Bench Politics: Senate Stalls on Judges Who Would Uphold the Constitution

By Roger Pilon

The CATO Institute

Monday, January 21, 2002

Should the Senate Judiciary Committee grill nominees for the federal courts about their ideology and then reject those who fail an ideological litmus test? The implications are breathtaking. Yet Senate Democrats appear prepared to do that-or to reject nominees outright, without a hearing, based simply on their perceived "ideology."

The roots of this effort are deep, going back a century, but the proximate cause is *Bush v. Gore*. Just after the decision came down, the legal academy, overwhelmingly Democratic if not leftist, exploded in a torrent of anger. Some 550 professors from 120 law schools ran a full-page ad in *The New York Times* a year ago claiming that the Court's majority had acted as "political proponents for candidate Bush, not as judges." In op-eds, articles, books, and TV appearances, the venom poured forth. Yale Law School's Bruce Ackerman went so far as to urge Senate Democrats to reject every judicial nominee that the illegitimate President George W. Bush offered up.

They haven't done that, but they're certainly in a confirmation stall. Since Bush took office, there have been 128 vacancies on the 862-member Article III courts. To date, Bush has nominated 65 candidates to fill those vacancies. Only 28 have been confirmed, leaving 100 empty seats, 39 of which are judicial emergency vacancies according to the Administrative Office of the U.S. Courts. On the U.S. Court of Appeals for the 6th Circuit, half the seats today are empty.

In fact, the stall is most evident at the circuit level. Only six of Bush's 29 circuit court nominees have been confirmed, and two of those were Clinton holdovers, re-nominated as a gesture to the Democrats. More telling still, 11 of those nominees have been hanging since May, never having had a hearing, much less a vote.

And we're not talking here about political hacks. Miguel Estrada, Michael McConnell, John Roberts Jr., Jeffrey Sutton-those are just some of the stellar appellate nominees whose names have been before the Senate since May. Their problem, it seems, is that they cannot get through the Democrats ideological filter. Those are some of the same Democrats, recall, who condemned Reagan Republicans for their alleged use of a pro-life litmus test, despite having no evidence of the practice.

What is plain now is that it's not the use of a litmus test that troubles Democrats, but the content of such a test. And they're not at all reluctant to give evidence of their own test.

‘CORE VALUES’ REVEALED

Last June, Sen. Charles Schumer, chairman of the Senate Judiciary Subcommittee on Administrative Oversight and the Courts, wrote an op-ed for *The New York Times*, "Judging by Ideology," which appeared on the same day he held hearings on whether ideology should play a role in the selection and confirmation of judges. He concluded it should, to no one's surprise. In fact, Schumer gave us a three-part test for determining when to invoke ideology: "the extent to which the president himself makes his initial selections on the basis of a particular ideology, the composition of the courts at the time of the nomination and the political climate of the day." One looks in vain for bright lines in that test.

Schumer's aim, however, is clear. It is, expressly, to keep conservatives like Justices Antonio Scalia and Clarence Thomas off our courts. "The Supreme Court's recent 5-4 decisions that constrain Congressional power," Schumer wrote, "are probably the best evidence that the court is dominated by conservatives." Thus, "tilting the court further to the right would push our court sharply away from the core values held by most of our country's citizens."

Never mind, apparently, what the law might say about the scope of congressional power-or anything else, for that matter. What counts, rather, is our citizens' "core values."

That glimpse of the Democratic agenda was embellished two months later, again just prior to another Schumer hearing on ideology, when party elder Joseph Califano Jr. wrote an op-ed for *The Washington Post*, "Yes, Litmus-Test Judges." Complaining that gridlock and big money have long kept Congress from legislating on a wide range of urgent matters, Califano noted that concerned citizens have been petitioning the courts with matters they once took to the political branches, making the courts "increasingly powerful architects of public policy."

Indeed, "who sits in federal district and appellate courts is more important than the struggle over the budget" or virtually anything else today in Washington. For we've all learned, Califano continued, "that what can't be won in the legislative or executive may be achievable in a federal district court where a sympathetic judge sits." "The Senate, therefore, needs to decide, on explicitly ideological grounds, who will be "setting national policy" from the bench.

There you have it. Everything is politics. Nothing is principle. Judges don't simply *apply* law. Sympathetic judges *make* law, like so many legislators, setting national policy in the process.

Meanwhile, our nominal legislators in the Senate are reduced to vetting our true rulers.

Interestingly, the Constitution, which spells out the actual separation of powers, is mentioned not once in Califano's piece. Doubtless, it is an embarrassment, utterly inconsistent with his picture of a thoroughly politicized judiciary.

LOSING SIGHT OF LIMITS

Yet for all that, Califano's picture is too close to the truth to be ignored. He's put his finger on just why the confirmation battles today loom so large. What he and his Democratic colleagues have failed to do, however, is explain, much less justify, this flight from constitutional principle. To get at that, we have to go further back.

The main origins of the problem lie in the Progressive Era, when the social engineers of the time often sought to do through government what the Constitution plainly left to the private sector. Things came to a head during the New Deal when a frustrated Franklin Roosevelt attempted to pack the Supreme Court. The scheme failed, but FDR won the day when a cowed Court began rethinking the Constitution, effectively eviscerating constitutional limits on federal power.

Although the Court that emerged was called "restrained"-by virtue of its deference to the political branches-it was in truth, activist-finding congressional and executive powers nowhere granted, ignoring rights plainly in the Constitution. And the Court's rethinking led ineluctably to a general shift of power to the judicial branch. The shift had two aspects. First, with the political branches now free to rule almost every aspect of our lives, it was only a matter of time before their ever-expanding product ended up in the courts, with the courts asked to sort out the mess that Congress was making. But those who promoted such schemes didn't always win in the political branches. Thus, second, when they lost, they turned increasingly to the courts, trying to win from sympathetic judges what they had failed to win politically. And the Earl Warren and Warren Burger Courts, already deferring to the political pursuit of "social justice," were only too willing to step into the fray, thinking themselves a legislature of nine.

The Rehnquist Court, by contrast, has taken modest steps over the past decade toward resurrecting constitutional principles of limited government. However modest, those steps have alarmed liberal Democrats. They can't imagine anyone thinking that Congress' powers are limited; that if an end is worthy, Congress still might not have the power to pursue it; that James Madison might have meant it when he said that the powers of the new government would be "few and defined."

Thus, when Democrats seek today to subject judicial nominees to an ideological litmus test, they're continuing the work of an earlier generation of their party. The test they would impose has little to do with law or with the ideology of the Constitution-a document understood for 150 years as having instituted limited government. Rather, it has to do with whether the nominee subscribes to the version of the Constitution that the 1937-38 Court invented to allow the modern welfare state to bloom. That version, which encourages judges both to ignore limits on power and to find rights nowhere to be found, requires a judge to be sensitive to "evolving social values"- sometimes even before they've evolved.

Having earlier Politicized the Constitution, Democrats are now bent on politicizing the judiciary. If they succeed, it will mark the triumph of ideology and the death of law.

There is a Purpose to Compromise in Judicial Nominations

By Evan Schultz
The Fulton County Daily Report
Wednesday, January 23, 2002

Michael McConnell, meet Judith McConnell. Or, as their most venomous critics might say, will the highfalutin homophobe please come on over and give a big "howdy-do" to the pervert-loving home-wrecker?

These two lawyers (no relationship, according to Judith) have something in common besides their last names: Both have been put through the wringer after being tapped for federal judgeships. No doubt, it's sad to see distinguished jurists smeared in the name of upholding the Constitution. But maybe there's also something reassuring about it (really).

First, a bit more about the unhappy couple. Judith was nominated in 1994 by President Bill Clinton to be a federal district judge in California. Michael was nominated by President George W. Bush last May for a seat on the 10th U.S. Circuit Court of Appeals. Michael is one of the country's pre-eminent constitutional scholars. Now a professor at the University of Utah College of Law, he previously taught law at the University of Chicago, clerked for Justice William Brennan Jr., and has received endorsements from across the ideological spectrum.

Judith is a widely respected judge who, at the time of her nomination in 1994, had served on the bench of the state superior court in San Diego for 15 years. She had support from the state's conservative chief justice and was named San Diego's judge of the year by one group of lawyers in 1991.

Michael McConnell has drawn fire for advocating a vigorous role for religion in American public life, and for helping the Boy Scouts of America successfully argue in the Supreme Court that they should be allowed to exclude homosexuals.

Judith McConnell was savaged for a 1987 opinion in which she agreed with a 16-year-old boy's wish to live with his dead father's gay partner rather than with his mother. Clinton withdrew support for Judith when Senate Republicans opposed her. Bush is still backing Michael, but the Democratic-controlled Senate has not scheduled a hearing for him.

These situations should make all thinking people shiver. We've perfected the politics of destruction to the point where we slander the sterling records and distort the complex thinking of those who strive to serve the common good. Shame on us. Right?

Not necessarily. The nomination process isn't pretty. But it still serves a crucial purpose:

ensuring that no one branch of government, political party or ideology dominates the judiciary.

Yes, No, No, Yes

Since New Year's, the news here in Washington has been drawn back to the fight over judicial nominations between the Senate and the president. Republican senators (Orrin Hatch of Utah leading the charge) have been beating up on the Democrats for stalling by pointing to what Republicans claim is the small percentage of Bush's judicial nominees on whom the Senate has voted and the large number of vacancies on the federal bench.

At the same time, Democrats (led by Patrick Leahy of Vermont) have insisted that they confirmed a record number of judges in 2001. All this, of course, follows six years of the reverse-the Senate Republicans obstructing while the Democratic president complained.

The statistics, though, cloud the real issue. And that, simply put, is whether the administration backs nominees whom the Senate will approve.

The Constitution gives the president the role of playing offense ("he shall nominate ... Judges of the supreme court, and ... all other Officers of the United States"). And it gives the Senate the job of defense (giving "Advice and Consent"). The historical argument rages over how much power each side should have.

On the one hand, Alexander Hamilton stated in The Federalist No. 66 that "There will, of course, be no exertion of CHOICE on the part of the Senate." On the other hand, the Senate rejected one quarter of presidents' choices for the Supreme Court during the nation's first 100 years, including one of George Washington's nominees for chief justice.

At this point, the situation can be summarized pretty simply. The president can nominate whatever geniuses or morons he wants. And the Senate (or at least the party in charge of the Senate) can let them rot. It's a system that demands negotiating-even more so when the two branches are controlled by different parties. That's especially true for this Senate, with its precarious majority, and this president, with his controversial election.

Unfortunately for the McConnells, that's where the mudslinging comes in. All senators say they want moderate nominees. Whenever they obstruct, they claim that it's only because the president has sent rabid extremists-or, more often, they simply refuse to move the nominees as others fling the accusations.

Listen Up, Mr. President

Harsh as it may be, the rhetoric serves an important role-it signals to the president exactly how much leeway he has. It also tells the president when he needs to sit down and talk to the Senate before going forward.

As former Clinton Justice Department official Eleanor Acheson says, some presidents can be

very insistent "that this is the choice of the president, that 'I will reserve to myself the final choice.' "

Some presidents have a more soft view of that, namely, they can be pretty easily swayed by a strong pitch made by a senator. And some presidents can do both, depending on who they need to be doing business with when the vacancy arises, and depending on the merits of the candidate. So things can be very varied."

Clinton apparently didn't have a tin ear-he withdrew nine nominees in the face of opposition. The result? Despite Bob Dole's claims during the 1996 presidential campaign that Clinton had established a "judicial hall of shame," an academic study of Clinton's judges pegged their rulings from the bench as just a bit more liberal than those of Gerald Ford's judges.

And, so far at least, Bush seems to be following suit. Despite the roar of protest that greeted Michael McConnell and a few other Bush nominees (Miguel Estrada and Jeffrey Sutton, in particular), the first batch, at least, of Bush's nominees was called "more eclectic and conciliatory than most people expected" by The New York Times.

And, as Leahy likes to point out, the Senate has responded by confirming 28 judges, more than it approved in the first year of either the Clinton or the first Bush administration.

So the more the Senate signals the president by accusing a select few nominees of witchcraft, the more the president gets the message that he needs to consult and compromise with the Senate. The upside is that everyone can take credit for appointing "moderate" judges.

As Abner Mikva, former chief judge of the D.C. Circuit, said while serving as Clinton's White House counsel, "Get a good judge, and he'll be good for all seasons."

The downside, though, is the risk of creating a judiciary that, though competent, doesn't shine. As legal commentator Jeffrey Rosen lamented about Clinton's nominees, "there are few standouts. They are largely a group of soldierly and obscure judges and prosecutors."

And the temptation to nominate such people is strong no matter who's in the White House. For instance, look at the 11th Circuit. Clinton's last appointment to that court was Charles Wilson, a former state judge, federal magistrate and U.S. attorney. Bush's first nominee to the same circuit? William Steele, now a federal magistrate in Alabama.

There are two ways around this. One is to nominate as many creative, original thinkers as possible who, by consensus, still count as moderates. Clinton's successful choice of former Yale Law School Dean Guido Calabresi for the 2nd Circuit was along these lines. (Calabresi was confirmed by unanimous consent.)

The other solution lies in the sort of quiet confirmation vote that took place last November for another controversial Bush nominee-Edith Brown Clement. Clement is a member of the Federalist Society whom the National Abortion and Reproductive Rights Action League has

General Judicial Articles

Judicial Nominations Battle Resume

By Jesse Holland
Associated Press
Thursday, January 24, 2002

Judicial nomination politics are back in full swing just two days into a new congressional year.

Liberal groups are preparing attacks on one of President Bush's appellate court nominees, U.S. District Judge Charles Pickering of Mississippi, just as Republicans renew pressure on Democratic senators to move the president's nominees into the 101 vacancies in the federal judiciary system.

Bush on Wednesday added 24 more U.S. District Court nominees to the 66 U.S. Appeals and District Court nominations that the Senate has not yet decided on. Republicans have complained that Democrats stalled Bush's judicial nominees after taking over the Senate in June, confirming just 28 of the president's first 94 nominations. Democrats say they moved as fast as they could, and that Republicans delayed former President Clinton's judicial nominees during his two terms in office.

Republicans say Pickering is a prime example of how Democrats have treated Bush's nominees.

"He's a classic case of how the committee has kicked the can down the road: 'Oh well, yes, we've had one hearing; we may need another one. Oh well, he got all his opinions; how about his unpublished opinions? Oh, by the way, how about his secretaries' notes?'" said Senate Republican Leader Trent Lott, R-Miss. "This is unnecessary and ridiculous harassment."

Bush nominated Pickering to the Fifth U.S. Circuit Court of Appeals in New Orleans in May. But Democratic senators have been lobbied for months to block or stop the nomination.

The nominee, the father of Rep. Chip Pickering, R-Miss., already had one nomination hearing in October, but Democrats have insisted on a second hearing to study his unpublished opinions on civil, reproductive and prisoner rights.

L.A. Warren of the Mississippi branch of the National Association for the Advancement of Colored People said his group believes Pickering gave false testimony during his 1990 confirmation hearing to become a U.S. district judge.

criticized. Yet the Senate approved her by a vote of 99-0.

And for certain confirmable but controversial nominees, Senate opponents still could make their point by letting the fight spill to the floor. The nominee wins-with bruises. This might happen to Michael McConnell.

Moderation in Moderation

Which is to say, getting a moderate judiciary does not mean getting a judiciary composed only of moderates. The vote on Clement shows that the Senate knows this. So does a comment by Sen. Charles Schumer, D-N.Y., in hearings he called last year on the role of ideology in judicial selections. He said, "Having one or even two justices like (Antonin) Scalia and (Clarence) Thomas might be legitimate because it provides the (Supreme) Court with a particular view of constitutional jurisprudence. But having four or five or nine justices like them would skew the court."

This approach-of approving some novel thinkers mixed in with many more middle-of-the-road judges-has the advantage of keeping the bench stable. At least as important, it respects both the ideological characteristics of judging and the constitutional power of the president.

And it opens the way for horse trading: The Senate will approve some Clements if Bush nominates some Clinton choices (as he did with Roger Gregory, whom Clinton had put on the 4th Circuit though a recess appointment) and/or lots of Steeles.

Even better, the approach probably makes for good government-at least the best hope for good government we have in this world. As a recent New Yorker profile summarized the views of 7th Circuit Judge Richard Posner on judicial selections, "One individual judge, Posner reasons, will never be able to put aside his personal disgusts and instincts, so the trick is to have lots of different judges whose instincts clash, and hope that, in the end, their views will cancel out in such a way as to approximate fairness."

The result, the New Yorker article conceded, may not be fair to any particular litigant. It also might have noted that the result is not fair to any particular judicial nominee. But that's the price of living in a diverse society with a government of checks and balances. And it's the pain of being a McConnell.

Transcripts/Members of Congress

Senator Feinstein Statement on Nominations

Senator Feinstein Press Release

Wednesday, January 23, 2002

The nomination by President Bush of Percy Anderson and John Walter to the U.S. District Court for the Central District of California marks the first two nominations to emerge from a bipartisan

screening process to fill open judicial positions in California. These nominees both received 6-0 votes from the Judicial Advisory Committee that was established through an agreement Senator Barbara Boxer and I reached with the White House. In achieving these unanimous votes, Mr. Walter and Mr. Anderson both demonstrated strong skills and qualifications to the Advisory Committee and this bodes well for the nomination process in the Senate. I am hopeful that a hearing will be held by the Judiciary Committee at an early date. I also look forward to early White House action to fill the remaining open seats in California: four more in the Central District and one each in the Eastern and Northern Districts.

Percy Anderson is a partner at the national law firm of Sonnenshine, Nath & Rosenthal, in its Los Angeles office. He received his BA and JD degrees from UCLA, graduating from the law school in 1975. He worked as a Staff Attorney and then Directing Attorney for San Fernando Legal Services from 1975 - 1979. He then became an Assistant U.S. Attorney, specializing in criminal litigation. Within that office, he also acted as First Assistant Division Chief and Chief of the Criminal Complaints Unit. In 1985, he left the U.S. Attorney's Office and went into private practice at the Los Angeles office of Bryan, Cave, McPheeters & McRoberts, then at the Sonnenshine firm.

John Walter is a name partner at the Los Angeles law firm of Walter, Finestone & Richter. He received his bachelor's and law degrees from Loyola University, graduating from the law school in 1969 and being admitted to the bar in 1970. After graduation, he worked at Kindel & Anderson from 1969-70, then spent two years at an Assistant U.S. Attorney in the criminal division before returning to Kindel & Anderson. He formed his own firm in 1976 and practices civil and criminal litigation.

The Judicial Advisory Committee is comprised of four six-member subcommittees -- one for each judicial district in the state. Each subcommittee has one member selected by Senator Boxer, one selected by me and one jointly by both Senator Boxer and myself along with three members named by Gerald Parsky, President Bush's State Chair for judicial appointments.

Interest Groups/Press Releases

People's for Neas, Other Progressive Leaders Urge Senate Judiciary Committee to Reject Appeals Court Nominee Charles Pickering

By Ralph Neas
People for the American Way
January 24, 2002

People For the American Way President Ralph G. Neas called on the Senate Judiciary Committee to reject the nomination of Charles W. Pickering, Sr. to the U.S. Court of Appeals for the 5th Circuit and released a detailed report documenting Pickering's troubling public record on a range of critical issues. At a press conference with other progressive leaders, Neas said PFAW and other groups would launch a grassroots effort against Pickering's nomination, making this the first major judicial confirmation battle of the Bush administration.

"Achieving ideological domination of the federal judiciary is the top goal of right-wing activists inside and outside the Bush administration, and judges like Charles Pickering are the means to that end," said Neas. "Many of our basic rights and freedoms are at risk. The Senate Judiciary Committee should review Judge Pickering's record and reject his elevation to the appeals court."

Neas said Pickering's record makes him an especially problematic choice for the 5th Circuit, which presides over a three-state area with the largest and most diverse minority population in any Circuit in the country, and which has already decided a number of cases restricting civil and reproductive rights.

The PFAW report released today examines Pickering's public record both before and after he became a judge. Among the report's conclusions:

His record demonstrates insensitivity and even hostility toward key principles and remedies that now safeguard civil rights, and indifference toward the problems caused by laws and institutions that have previously created and perpetuated discrimination.

Even conservative appellate court judges have reversed Judge Pickering on a number of occasions for disregarding controlling precedent on constitutional rights and for improperly denying people access to the courts.

He has been a staunch opponent of women's reproductive rights.

He has demonstrated a disregard for the separation of church and state by repeatedly using his position on the bench to promote involvement in religious programs.

"Elevating Pickering to a powerful appellate court position would give him enormous influence on the interpretation of statutory and constitutional provisions that safeguard the rights of all Americans," concludes the report.

Neas noted that the report released today is based on an incomplete record of Judge Pickering's tenure on the District Court, because Pickering has told the Senate Judiciary Committee that approximately 40 percent of his unpublished opinions – as many as 400 – are not available.

"We don't know what's in those missing rulings," said Neas, "but the rulings we do have make it clear that Pickering has opposed basic principles protecting civil rights and has sought to limit their application. He has even denigrated people who have turned to the courts to protect their civil rights."

Pickering has, for example, criticized the fundamental "one-person, one-vote" principle recognized by the Supreme Court under the Fourteenth Amendment. He has also criticized or sought to limit important remedies provided by the Voting Rights Act.

As a state senator, Pickering supported voting-related measures that helped perpetuate

discrimination against African Americans, and voted to appropriate money to fund the Mississippi Sovereignty Commission, a notorious agency created by the state in 1956 to resist desegregation. At his 1990 confirmation hearing, Pickering testified that he had never had any contact with the Sovereignty Commission. But PFAW's report notes that a 1972 memorandum by a Commission investigator to its Director stated that "Senator Charles Pickering" and two other state legislators were "very interested" in a Commission investigation into union activity that had resulted in a strike against a large employer in Pickering's home town.

The report also notes that Pickering did not take the opportunity at his confirmation hearings to repudiate a 1959 article he wrote as a law student advising the state legislature how to fix the state's law criminalizing interracial marriage in response to a state Supreme Court ruling that had rendered the law unenforceable. The legislature took his advice.

The report also cites specific instances in which Pickering was overturned by the 5th Circuit, to which he has been nominated, for violating "well-settled principles of law" involving constitutional issues, civil rights, criminal procedure or labor issues. For example, the conservative 5th Circuit has reversed Pickering's misuse of "dismissal with prejudice" – a severe sanction – against an inmate alleging civil rights violations and against a group of plaintiffs in a toxic torts case against a chemical company.

The report documents Pickering's use of his judicial position to promote religion and religious ministries to those coming before his court. It also documents a decades-long hostility to reproductive choice, including his advocacy of a constitutional amendment to ban abortion.

Neas said the grassroots effort to defeat Pickering's nomination would be the first of many unless

President Bush engages in genuine bipartisan dialogue with members of the Senate. Neas urged senators, especially members of the Judiciary Committee, to fulfill their constitutional responsibilities to carefully scrutinize judicial nominees and reject those who have not demonstrated a commitment to upholding civil rights.

"Right-wing senators perpetuated dozens of appeals court vacancies by carrying out an unprecedented ideological blockade against judges nominated by President Clinton," said Neas. "Now they hope President Bush will take advantage of those vacancies to fill the appeals courts with right-wing nominees like Charles Pickering."

Neas noted that 35 percent of President Clinton's appellate court nominees were blocked from 1995-2000; 45 percent failed to receive a vote in the congressional session during which they were nominated. Republican-nominated judges currently hold a majority on seven of the 13 circuit courts of appeal. If all President Bush's current nominees are approved, such judges will make up a majority on 11 circuit courts. And by the end of 2004, Republican-appointed judges could make up a majority on every one of the 13 circuit courts of appeals.

"A federal judiciary completely dominated by right-wing judges would be a disaster for Americans' rights and freedoms," said Neas. "Senators must be willing to say no to Judge

Pickering and they must be willing to say no to right-wing efforts to pack the federal judiciary."

Opposing the Confirmation of Charles W. Pickering, Sr. to the U.S. Court of Appeals for the Fifth Circuit

People for the American Way

January 24, 2002

Click on link below for report:

<http://www.pfaw.org/issues/democracy/pickering.pdf>

Judicial Nominees Special Report: Our Courts at Risk

National Organization of Women

Thursday, January 24, 2002

Click on link below for report:

<http://www.now.org/issues/legislat/nominees/index.html>

Statement of Kate Michelman Announcing Opposition to Judicial Nominee Charles Pickering.

NARAL

Tuesday, January 22, 2002

Good morning, thank you for coming here today. As you know, this coalition has gathered today to announce our opposition to the nomination by President Bush of Charles Pickering to the U.S. Court of Appeals for the Fifth Circuit.

Charles Pickering's nomination by President Bush is part of a continuing effort to hasten the reversal of Roe and the end of legal abortion. A lifetime appointment to the Court of Appeals for Charles Pickering may lead to a lifetime of disappointment and hardship for women seeking to exercise their constitutional right to choose.

Pickering's record on choice is crystal clear -- during his lifetime as a conservative political activist, Pickering has demonstrated open hostility to a woman's right to choose and has sought to reverse Roe through a constitutional amendment to ban abortion. This fact alone must disqualify him from sitting on the Fifth Circuit - a court that has done more than most courts in recent years to limit that fundamental right.

The Fifth Circuit is one of the most critical courts in the United States to the future of reproductive rights for women. This Circuit - consisting of Louisiana, Mississippi, and Texas -- reviews legislation from an area of the country that is particularly hostile to a woman's right to choose. It is at the center of attempts by state legislatures to restrict abortion and limit women's ability to exercise their constitutionally protected rights under Roe. Indeed, since 1995, the three states in the Fifth Circuit have introduced nearly 175 measures to restrict abortion rights.

The Fifth Circuit has eroded the exercise of choice in prior decisions, and poses a continued threat to these rights in the future. Confirming Pickering would add fuel to the ultra-conservative fire on this court for decades. It's the wrong court for Charles Pickering. And Charles Pickering is the wrong nominee for this court. Close scrutiny of Charles Pickering's record over the last four decades shows someone who should not be confirmed for a circuit court judgeship.

Pickering's career has been notable, not for his record as a judge or as a legal scholar, but as a partisan political activist. Pickering has been at the front lines on some of the most divisive political issues of our time, and repeatedly has pursued a far-right conservative agenda that demonstrates hostility toward reproductive choice, individual rights, and disdain for a federal court system that serves as a guardian of those rights.

As a Mississippi state legislator, he called for a constitutional convention to propose an amendment banning abortion. As Chairman of the Human Rights and Responsibilities subcommittee of the Republican Platform Committee in 1976, he led the fight to have the Republican Party adopt a constitutional amendment to ban abortion in the party platform. That was a major step in providing anti-choice forces a powerful national vehicle through which to organize a roll back of this core right for American women. And while President of the Mississippi Baptist Convention, the organization adopted a resolution calling for legislation to ban abortion except to save the life of the woman.

One hallmark of our free society is the independence of the federal judiciary from politics. This independence allows the federal courts to protect constitutional rights free of political interference - especially important in the area of reproductive choice. Pickering showed little willingness to respect judicial independence - as a Senator, he was eager to amend the Constitution when he disagreed with decisions by the federal courts. In the Mississippi Senate, Pickering co-sponsored legislation calling for a constitutional amendment limiting the tenure of federal judges, and voted for a constitutional amendment to limit federal judges to six-year terms.

He also supported holding constitutional conventions to pass amendments to reverse desegregation and separation of church and state court decisions.

Clearly, he wishes to create a federal judiciary that responds to ultra-conservative political pressure, rather than one which independently interprets the laws and the constitution. Freed from the limitations of the district court, Pickering would be in a position to use a Fifth Circuit seat as a vehicle for his own judicial activism -- where his disdain for precedent and for plaintiffs with the temerity to assert their own civil rights would have broader ramifications. Pickering's career is marked by conservative political activism, not by thoughtful legal jurisprudence.

Because of the large caseload in the federal courts, circuit courts are increasingly for most people the courts of last resort. A die-hard conservative activist with strongly held views on critical constitutional issues, Pickering is exactly the wrong kind of person to serve on an appellate court so pivotal to the lives of so many women.

The Senate's proper role is to consider a nominee's views, and to reject those judges who would roll back the rights of women. The Constitution provides for this and the American people want their Senators to exercise advice as well as consent.

We are issuing a report today to help educate our members on the need to oppose this nomination. We also call on Senators to read our report to understand how critical this nomination is to the future of reproductive freedom and choice. And we trust once they do, they will understand how critical it is for them to reject this nomination.

Click here for a link to the full report on Charles Pickering:

http://www.naral.com/mediaresources/fact/pdfs/pickering_rpt.pdf

LCCR Opposes Pickering Nomination to Fifth Circuit- Serious Concerns About Nominee's Civil Rights Record

Leadership Conference on Civil Rights
Thursday, January 24, 2002

Wade Henderson, Executive Director, Leadership Conference on Civil Rights (LCCR), issued the following statement today regarding President Bush's nomination of Judge Charles W. Pickering, Sr. to the U.S. Court of Appeals for the Fifth Circuit:

"Although I am honored to join my colleagues this morning in defending the integrity of the federal courts, I regret that today's action has been made necessary by the nomination of an individual to the 5th Circuit Court of Appeals whose background, actions and temperament render him unsuitable for elevation to this most important court.

As we know, the federal courts often are called the guardians of the Constitution because their rulings protect the rights and liberties guaranteed by this most hallowed of documents. For many Americans, the federal judiciary is the first line of defense against violations of dearly held constitutional principles; for others, it is the last bastion of hope in a system that has marginalized, mistreated or simply ignored them.

The Leadership Conference strongly believes that the composition of the federal judiciary is a civil rights issue of profound importance to all Americans, because the individuals charged with dispensing justice in our society have a direct impact on civil rights protections for us all.

As such, the federal judiciary must be perceived by the public as an instrument of justice, and the individuals who are selected for this branch of government must be the embodiment of fairness

and impartiality.

Our exhaustive and careful review of Judge Charles W. Pickering Sr.'s public record -- from law student to state legislator to judge, as well as the presentations we have heard today, have left us with little alternative but to oppose his nomination because of his extreme views on important civil rights, women's rights and constitutional issues.

When taken together, these immoderate positions ought to disqualify Judge Pickering from serious consideration for any federal Circuit, much less the important 5th Circuit Court of Appeals.

It is especially important to note that we are discussing this nominee in the context of the Circuit to which he has been appointed. With Mississippi, Texas and Louisiana, the Fifth Circuit has the largest percentage of people of color of any Circuit Court in the country. Unquestionably, much is at stake when it comes to civil rights.

Historically, the Fifth Circuit was the Circuit of "Unlikely Heroes," who in the face of much opposition, issued scores of important opinions that in effect desegregated the South. This is the Circuit of:

John Minor Wisdom who ordered that James Meredith to be admitted to the University of Mississippi;

Richard Rives who outlawed segregation on the Montgomery city buses;

Elbert Tuttle who ordered the integration of the University of Georgia and struck down Louisiana's segregated pupil placement laws; and finally,

John Brown who, in *U.S. v. Mississippi*, wrote that "no nation can survive if it flagrantly denies its citizens the right to vote."

Today, the Fifth Circuit is dramatically different. It is now one of, if not the most hostile appellate courts in the country when it comes to civil rights. The Fifth Circuit is now the Hopwood Court that refused to apply *Bakke* to college admissions, impacting educational opportunities for black and brown students. The Fifth Circuit is now the Reeves Court that issued an opinion about the "intent" standard in employment discrimination cases so extreme it was overturned by the Supreme Court, 9-0. The Fifth circuit is the *LULAC v. Clements* court that held that the Voting rights Act does not apply to at-large judicial elections; again, an opinion so extreme, it was reversed by the U.S. Supreme court.

After our careful review of Judge Pickering's record -- on and off the bench -- we are forced to conclude that he is the wrong man for the Fifth Circuit. This Circuit requires a jurist who will have a moderating influence on the Court. We urge the Senate to consider all of these circumstances and to exercise its constitutional prerogative to reject this nominee cries out for moderation. And we implore President Bush to nominate a moderate for this critical position.

The Case Against the Confirmation of Charles W. Pickering, Sr.

Independent Judiciary

Thursday, January 24, 2001

Click on link below for full report:

<http://www.independentjudiciary.com/news/release.cfm?ReleaseID=13>

According to Senate records reviewed by The Associated Press, Pickering testified he "never had any contact with the Sovereignty Commission," Mississippi's now-defunct segregation watchdog agency. However, a 1972 letter in the commission's files said Pickering, while a state senator, had "requested to be advised" by the commission about a group organizing pulpwood workers.

Pickering said it would inappropriate for him to comment until his next hearing before the Senate Judiciary Committee.

People for the American Way, the Leadership Conference on Civil Rights, the Alliance for Justice and the National Abortion Rights Action League are among the groups planning to speak out against Pickering in Washington Thursday.

John Nowacki, deputy director for the conservative Free Congress Foundation's Center for Law and Democracy, said Pickering is a good choice.

"They're trying to find something to latch onto to oppose nominees and they think they can pull this off," he said. "With Pickering, they think that they have something to hang their hats on, but when you look at it and look at it closely, there's really nothing there."

Bush's Picks for Courts Under Attack

By Tom Brune

Newsday

Thursday, January 24, 2002

The fight over President George W. Bush's choices for federal judgeships, waged behind the scenes since the Sept. 11 attacks, will resurface today as liberal groups declare their first open war on a Bush judicial nomination.

The liberals' target is Charles Pickering, a conservative Mississippi federal judge nominated to fill a vacancy on the Fifth Circuit Court of Appeals who also is a friend and political ally of Senate Minority Leader Trent Lott (R-Miss.). "This is likely to be the opening round in the judicial nomination battle," said Elliot Minberg of People for the American Way, one of the liberal groups that will hold a news conference today to urge the Senate to reject Pickering's nomination.

Pickering is just one of many of Bush's judicial nominees criticized as too conservative by People for the American Way and its allies; he became the first target because Lott is pushing hard for a hearing and confirmation vote, Minberg said.

Lott yesterday called for Pickering's confirmation by Presidents Day, Feb. 18. "He's eminently qualified, supported by a broad group of individuals in our state, including minorities and women and plaintiff's attorneys and defense attorneys, and Republicans and Democrats," Lott said.

Even though the nation's attention was riveted on the Sept. 11 terrorist attacks and the government's frantic follow-up last fall, the ideological battle over Bush's judicial nominations quietly but heatedly continued in the background in the Senate.

Bush has proved to be particularly eager to put his stamp on the federal court, which has more than 100 vacancies, or about 12 percent of the total judgeships.

Yesterday, Bush announced 24 new judicial nominations, bringing his total to 90 during his first year in office. That is much faster than most of his recent predecessors.

Twenty-eight of the nominees have been confirmed by the Senate, all but four of them since Sept. 11, after passing through the Senate Judiciary Committee controlled by Sen. Patrick Leahy (D-Vt.), according to a tally kept by the Justice Department.

The nominations, hearings and confirmations have been fraught with political infighting and dramatic gestures.

Last fall, as the U.S. war on terrorism hit high gear, Senate Republicans led by Lott took a break to make speeches condemning Democrats for not moving fast enough on Bush's choices for judges. Republicans even temporarily blocked the foreign appropriations bill sponsored by Leahy to force Democrats to move more quickly.

Meanwhile, Leahy attempted to demonstrate his willingness to move ahead by holding a hearing on Pickering even though the Senate office buildings closed that day because of the anthrax scare. The hearing was held in the Capitol.

Committee Democrats forced Pickering to provide more information and go through a second hearing because he has published only 95 opinions in 11 years on the bench. That's too few to determine his qualifications, said Sen. Charles Schumer (D-N.Y.).

Republicans charged that Democrats were influenced by liberal groups.

Pickering should be blocked because he "has a troubling record on civil rights and reproductive choice" that is "emblematic" of Bush nominees, according to Alliance for Justice.

Leahy's committee is expected to hold a second hearing on Pickering the first week of February.

President Picks Local Jurist for New Federal Judgeship

By Jon Burstein and Rafael Lorente

Sun-Sentinel

Thursday, January 24, 2002

A Palm Beach County Circuit judge is one step closer to taking a seat on the federal bench.

Circuit Judge Kenneth Marra was one of 24 judicial nominees for slots nationwide whose names were forwarded Wednesday by President Bush to Capitol Hill. The president has picked Marra to fill a newly created judgeship for the U.S. District Court for the Southern District of Florida. "I am humbled and honored by President Bush's nomination of me to a position on the United States District Court," Marra said in a statement. "I look forward to completing the nomination process before the United States Senate and to the many challenges that await me as a United States District Judge."

Bush also nominated Miami lawyer Jose Martinez to replace Senior U.S. District Judge Edward Davis in Miami.

Both nominees went through the 22-member Southern District Judicial Nominating Commission chaired by former Gov. Bob Martinez. They also have been interviewed and approved by Florida's Democratic U.S. Sens. Bob Graham and Bill Nelson.

Support from home-state senators is crucial for nominees to successfully navigate the confirmation process.

"Given their qualifications and with the support of those two home-state senators, I'm confident they will be confirmed quickly," said Alberto Gonzalez, White House legal counsel.

Gonzalez said there is one more empty seat in the southern district that the White House hopes to fill soon.

The lifetime appointments pay \$150,000 a year.

Marra, 50, has been a circuit judge since 1996, serving in the civil, family and criminal divisions. Before that, he spent 12 years practicing commercial litigation with the law firm of Nason, Gildan, Yeager, Gerson & White.

The New York City native got an undergraduate degree from State University of New York, Stony Brook in 1973. He graduated first in his class at Stetson University College of Law in St. Petersburg in 1977.

Liberals Challenge Judicial Nominee; Argue Bush Would 'Pack' Courts With Foes of Civil Rights

By Audrey Hudson
The Washington Times
Thursday, January 24, 2002

Liberal groups today will highlight the record of a conservative judge as part of their campaign to tarnish President Bush's judicial nominees as right-wingers who will "seriously threaten the

rights of all Americans."

Such organizations as People for the American Way, the National Abortion and Reproductive Rights Action League, the Alliance for Justice and the Leadership Conference on Civil Rights plan a press conference on the "problematic record" of Mississippi District Judge Charles W. Pickering.

"Many of President Bush's nominees to the appellate courts, recommended by the Federalist Society and other right-wing advocates, have troubling records and could cause serious damage to our rights and liberties," the groups said in press statement.

The report is expected to include criticism of the pro-life stance of Judge Pickering, who has been nominated to the 5th U.S. Circuit Court of Appeals. Judge Pickering was chairman of the first national Republican platform committee that called for a constitutional amendment to ban abortion. "The Senate should reject far-right court-packing efforts, and should withhold its consent from right-wing nominees who do not demonstrate a commitment to civil rights and liberties," the groups said. "More moderate, mainstream nominees who reflect genuine bipartisan consultation should receive priority in processing."

The criticisms were dismissed by key Senate Republicans who said Judge Pickering had been approved by the American Bar Association.

"He's eminently qualified, supported by a broad group of individuals in our state, including minorities and women and plaintiff's attorneys and defense attorneys, and Republicans and Democrats. He's an outstanding individual," said Senate Minority Leader Trent Lott, Mississippi Republican.

Judge Pickering was nominated in June, and one hearing was held late last year. Another hearing is expected in the coming weeks, and Republicans are pushing for a vote before the Presidents Day recess next month.

Democrats have stalled the vote by asking for additional information and notes, a tactic Mr. Lott describes as "a classic case of how the committee has kicked the can down the road."

"This is unnecessary and ridiculous harassment, and I believe that he will get a hearing and he will be confirmed," Mr. Lott said.

Mr. Bush nominated 64 judges last year, and 28 were confirmed. Yesterday, Mr. Bush nominated an additional 24 judges, bringing the total number now before the Senate to 60.

The groups also are opposing the nominations of Carolyn Kuhl, a California state trial court judge, to the 9th U.S. Circuit Court of Appeals; Jeffrey Sutton to the 6th U.S. Circuit Court of Appeals; and Priscilla Owen, a justice on the Texas Supreme Court, to the 5th U.S. Circuit Court of Appeals.

The chief criticism of these nominees is that all are members of the Federalist Society for Law and Public Policy, a group of conservatives and libertarians.

According to the Federalist Web site (www.fed-soc.org), the group's mission "is founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be."

Sen. Larry E. Craig, Idaho Republican and chairman of the Republican Policy Committee, said Mr. Bush "will appoint exactly who he wants to appoint."

"That is the responsibility of the president; that is what happens when you win the presidency," Mr. Craig said.

Mr. Craig said the organizations had the right to speak out but cautioned them to stick to the facts.

"It's a tragic day in America when you can make political hay by failing to tell the truth," Mr. Craig said.

Since December, the liberal groups and other feminist organizations have been plotting a "nasty and contentious fight" against Mr. Bush's judicial nominees who do not support abortion, according to a memo of the groups' meeting obtained by The Washington Times.

The other organizations include the Ms. Foundation and the National Organization for Women.

Senators Protest Bush Judicial Pick; Murray, Cantwell Miffed at Selection Process, Say They Won't Back Leighton

By Charles Pope
The Seattle Post-Intelligencer
Thursday, January 24, 2002

President Bush yesterday nominated Tacoma attorney Ronald Leighton to be a federal district judge for Western Washington, ignoring strenuous objections by the state's two senators who complained they weren't adequately consulted.

Leighton was selected by an all-Republican selection committee formed with the White House's support by Rep. Jennifer Dunn, R-Wash. That angered Democratic Sens. Patty Murray and Maria Cantwell who said the nominee should be the product of a bipartisan panel. In a letter last month to White House counsel Alberto Gonzales, Murray and Cantwell said "we will not support any nominee for a Washington state federal bench vacancy who has not come through a bipartisan commission process."

That threat could stop Leighton in his tracks in the Senate, where a single objection is all that's required to derail a nomination. "I'm confident the Senate will not confirm a judicial nominee that does not have the support of the state's senators," Murray said.

"This is not about Mr. Leighton. He may well be a good, qualified candidate for judge. I'm sorry he got caught up in the White House's inability to understand that the Senate has a role in confirming judges," Murray said.

Murray added that the bipartisan system she used when Republican Slade Gorton served in the Senate would be a good model. That effort produced nominees that were supported by both parties and who enjoyed quick confirmation.

That is not likely to happen this time.

The nomination intensified a war of wills pitting Murray and Cantwell against Dunn and the White House. Murray insisted that the all-Republican committee broke a well-established practice of using a bipartisan panel to solicit potential nominees.

But Dunn said Cantwell and Murray weren't excluded and were given an opportunity to be "equal partners" in the process. Leighton was one of four candidates selected by Dunn's committee. Aides to Dunn said that a complete resume of each candidate was provided to Murray and Cantwell along with an offer to comment. Dunn said neither senator offered any comment.

Dunn praised the 50-year-old Leighton as a strong nominee whose ability and accomplishments shouldn't be overshadowed by a dispute over the process used to select him. "Sometimes senators make it sound like there is one system that has to be used," she said. "For the senators to use process as an excuse not to give the president his nominee is unfortunate."

If confirmed, Leighton would replace Judge Robert Bryan at the federal court in Tacoma. Bryan announced last year he would take "senior status," meaning he no longer would hear a full docket of cases.

A senior White House official, who spoke only on the condition he not be named, said the administration rejected a bipartisan commission because it would take too long. "There is a judicial vacancy crisis and the president wants to move rapidly," the official said. "This one has been vacant too long."

Murray disputed that claim, saying she, Cantwell and Dunn have been in discussions for a year in an effort to reach agreement on a method for picking judicial nominees.

The White House official added that Leighton is "superbly qualified" and urged that the Senate consider his qualifications rather than how he was selected. "We're confident he is of such high quality that no matter what the process, Ron Leighton would have been at the top of the list."

From: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>
To: Schauder, Andrew <Andrew.Schauder2@usdoj.gov>;Newstead, Jennifer
<Jennifer.Newstead@usdoj.gov>;Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>;Bryant, Dan
<Dan.Bryant@usdoj.gov>;Long, Linda E <Linda.E.Long@usdoj.gov>;Benedi, Lizette D
<Lizette.D.Benedi@usdoj.gov>;McMahon, Lori <Lori.McMahon@usdoj.gov>;Day, Lori Sharpe
<Lori.SharpeDay@usdoj.gov>;Suit, Neal <Neal.Suit@usdoj.gov>;Joy, Sheila
<Sheila.Joy@usdoj.gov>;Dinh, Viet <Viet.Dinh@usdoj.gov>;Carroll, James W (OLP)
<James.W.Carroll@usdoj.gov>;O'Brien, Pat <Pat.O'Brien@usdoj.gov>;Comstock, Barbara
<Barbara.Comstock@usdoj.gov>;Koebele, Steve <Steve.Koebele@usdoj.gov>;Bradford A.
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<Andrew.Schauder2@usdoj.gov> [UNKNOWN])

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Please see attached review

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Thursday, January 24, 2002

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This latest dustup is not entirely new for Leighton. In 1992 President George Bush nominated him to be a federal judge. That nomination was delayed and ultimately dropped after Bill Clinton was elected president.

Bush Nominates Tacoma Lawyer to Federal Bench

By Katherine Pfleger
The Associated Press
Thursday, January 24, 2002

President Bush has nominated Tacoma, Wash., lawyer Ronald Leighton to be a federal district judge in Western Washington, over the protests of the state's U.S. senators who say they were excluded from the selection process.

Democratic Sens. Patty Murray and Maria Cantwell have promised to block the nomination with procedural moves unless the White House uses a bipartisan commission to find a replacement for Judge Robert J. Bryan at the U.S. District Court in Tacoma. For instance, Murray has said she will put a "hold" on Leighton's nomination - a maneuver that would prevent the Senate from voting on a judge.

Her spokesman Todd Webster said Murray has been "crystal clear" that any nominee must come from a commission made up of Republicans and Democrats.

"This is a tradition that has served the people of Washington state in getting even-tempered, qualified, balanced judges for lifetime appointments," Webster said Wednesday.

Though the nomination appeared headed for a deadlock, a senior White House official, speaking on condition of anonymity, said the administration is hopeful Leighton will be approved.

"We think, in the end, the Senate's job ... is to focus on the qualifications," the official said. "Mr. Leighton is just an absolute A-plus nominee."

Murray and Cantwell have been sparring with the White House for nearly a year about how the opening would be filled. At the White House's direction, Rep. Jennifer Dunn, R-Wash., formed a Republican selection committee, even though the senators considered the negotiations ongoing.

Dunn said Leighton is a strong candidate who has been vetted twice for federal judicial openings but never approved. She said the senators were invited to appoint people to an evenly divided bipartisan selection commission but the senators didn't want to be bound by the commission's final four candidates.

Murray and Cantwell "have chosen to use a process excuse," Dunn said. "Going backward (with a new commission) would not solve the problem."

Cantwell is a member of the Judiciary Committee, responsible for screening federal judicial

nominees. Her spokesman Jed Lewison said she is "in sync" with Murray on the need for a bipartisan commission.

Cantwell "will take the necessary actions to make sure that a bipartisan process is the one that is used," Lewison said.

Presidents historically have listened to the wishes of home-state senators when filling judicial vacancies. However, three states - Washington, California and Wisconsin - have instead used commissions made up of Republicans and Democrats to fill openings.

White House Counsel Alberto Gonzales has called the states "isolated exceptions." He has said Bush is not generally supportive of the commissions, though he would be willing to use them - under conditions that Murray and Cantwell found objectionable.

Leighton's nomination comes as Bush is working to fill 101 federal judicial openings, including 70 in U.S. district courts.

The opening in Tacoma was created a year ago when Bryan took "senior status," a type of semiretirement that allowed him to significantly limit his cases, though he is carrying a full load until a successor is named.

In a phone interview, Leighton said he asked to be considered because he would love the job, but was cautious about how his nomination would work out.

"The process is a difficult one and fraught with issues that don't involve me," he said.

Leighton is a partner with the Seattle-area law firm of Gordon Thomas Honeywell Malanca Peterson & Danheim.

Bush Names 3 to U.S. District Court

By Torsten Ove
The Pittsburgh Post-Gazette
Thursday, January 24, 2002

President Bush yesterday nominated three local lawyers to judgeships in U.S. District Court.

Bush named Joy Flowers Conti and Art Schwab, both lawyers at the Downtown firm of Buchanan Ingersoll, and Allegheny County Solicitor Terry McVerry to fill long-standing vacancies on the federal bench.

The three must be confirmed by the U.S. Senate, a lengthy process that could be dragged out because of a backlog of nearly 70 other nominees for federal judgeships.

"I'm expecting it could be months," said Conti, who said she was honored to have been chosen

and promised to do her best as a federal judge.

Schwab said he is eager to serve, too.

"My family and I are very joyful," he said. "I'm looking forward to being of service in Western Pennsylvania."

McVerry couldn't be reached yesterday.

The Western District of Pennsylvania has been short of its full complement of 10 judges for years.

Currently there are four vacancies. When U.S. District Judge William Standish takes senior status in March, it will be five. And when U.S. District Judge D. Brooks Smith is confirmed by the Senate for a position on the 3rd U.S. Circuit Court of Appeals, it will be six.

The filling of judicial vacancies nationwide has been hindered repeatedly by partisan bickering. The delay in getting local judgeships filled was rooted in a political dispute between former President Clinton and Pennsylvania's Republican senators, Rick Santorum and Arlen Specter. But now the process seems to be moving forward.

"It's a real breakthrough," said Schwab.

Schwab is chief counsel for complex litigation at Buchanan Ingersoll. A 1968 graduate of Grove City College, he received his law degree from the University of Virginia in 1972.

Conti, a 1973 graduate of Duquesne University law school, is a former tenured professor of law at Duquesne and taught courses on corporations, corporate finance, corporate reorganizations and bankruptcy.

McVerry, a former state legislator, worked as an assistant district attorney and is a former Allegheny County Common Pleas judge.

Pickering Nomination for Federal Court Under Fire

By Jason Straziuso

The Commercial Appeal

Thursday, January 24, 2002

Some advocacy groups are challenging a Bush nominee for a federal appeals court job, claiming the Mississippi judge gave false testimony when he became a district judge a decade ago.

Charles Pickering, a former state senator and the father of Rep. Chip Pickering (R-Miss.), also has come under fire for some of his rulings and his votes in the Legislature during the 1970s.

Senate Minority Leader Trent Lott says Pickering has the support of key Senate Democrats and will have a second hearing before the Senate Judiciary Committee in the next two weeks, following an initial hearing in October. Pickering has been nominated for a seat on the Fifth U.S. Circuit Court of Appeals in New Orleans.

L. A. Warren of the Mississippi NAACP legal division said his group believes Pickering gave false testimony to the Senate during his 1990 confirmation hearing to become a federal judge.

During that hearing, according to Senate records reviewed by The Associated Press, Pickering testified he "never had any contact with the Sovereignty Commission," Mississippi's now-defunct segregation watchdog agency.

However, a 1972 letter in the Sovereignty Commission files includes a reference to three then-state senators, including Pickering, saying they "requested to be advised" about a group organizing pulpwood workers in the state.

The Sovereignty Commission was established in the 1950s to spy on individuals and groups who might threaten the state's official policy of segregation. Its agents also kept tabs on organizations it felt had Communist leanings.

The 1972 letter was addressed to the commission's director, W. Webb Burke, from Edgar C. Fortenberry, one of its investigators assigned to southern Mississippi. Fortenberry's letter did not identify to whom Pickering's request was made.

There was no other documentation in the files to indicate Pickering had direct contact with the commission, which ceased functioning in 1973. Pickering served in the Mississippi Senate from 1972 to 1980.

Pickering, who was given a "well qualified" rating by the American Bar Association, told AP in a telephone interview he was aware of the issues likely to be brought up at his next hearing.

"It is not appropriate for me to comment on the Sovereignty Commission issue or any other issue until I appear before the Judiciary Committee," he said.

Lott (R-Miss.) said he has received "commitments of support" for Pickering from Sens. Patrick Leahy (D-Vt.) the Judiciary Committee Chairman, and Sen. Tom Daschle, the Senate Majority Leader.

"I've been assured they're going to vote on him in early February and he'll be confirmed overwhelmingly," he said.

Lott also said Pickering had "broad support" politically.

Mimi Devlin, a spokesman for the Senate Judiciary Committee, said "no such promises or confirmations from Senator Leahy" were given to Lott. No date has been set for a second

hearing, she said.

The Alliance for Justice, a Washington-based association of advocacy organizations, has monitored judicial nominees since 1984. The self-described "progressive" group on Thursday plans to highlight Pickering's record, which it calls anti-women and anti-minority.

The alliance points to Pickering's political record from the 1970s, including his votes for a Republican Party platform against abortion rights, and his votes as a state senator in the voting rights arena.

Judicial Nominee to Face Questions About Enron Contributions

The Associated Press

Wednesday, January 23, 2002

A federal judicial nominee who wrote a ruling favorable to Enron Corp. after taking campaign money from the now-bankrupt energy trader will get close scrutiny, Vermont Sen. Patrick Leahy said.

Texas Supreme Court Justice Priscilla Owen wrote a unanimous ruling that saved Enron \$225,000 in taxes, two years after taking \$8,600 in campaign contributions from the company, according to the watchdog group Texans for Public Justice. President Bush has tapped Owen to become a member of the 5th U.S. Circuit Court of Appeals in New Orleans. She has been awaiting Senate confirmation.

"The Senate will look at Justice Owen's Enron rulings as part of her overall record," Leahy told The Dallas Morning News in Wednesday's editions.

"She has a right to take contributions, but any judge - liberal or conservative - faces the legitimate question about whether a contribution influenced their thinking," said Leahy, a Democrat.

Owen, a Republican, was the author of a unanimous Texas Supreme Court opinion in 1996 that settled a tax issue in Enron's favor. The opinion rejected the Spring Independent School District's argument that the Enron natural gas inventory should be assessed at a value \$15 million higher than stated by the company.

That decision spared Enron \$225,000 in taxes. It came two years after Owen accepted \$8,600 in Enron contributions, according to Texans for Public Justice. The nonprofit group tracks campaign spending.

Owen has not fielded questions regarding the Enron contribution or her judicial decisions.

Texas Justice's Enron Money Draws Criticism

By Michelle Mittelstadt
The Dallas Morning News
Wednesday, January 23, 2002

An Enron scandal that has proved nettlesome to the executive and legislative branches now is spilling over to the judiciary, with word that a prospect for a prestigious federal appellate court seat received Enron campaign contributions and later authored a Texas Supreme Court opinion favorable to the bankrupt energy trader.

Senators "undoubtedly" will examine Texas Supreme Court Justice Priscilla Owen's dealings with Enron when her nomination to the 5th U.S. Circuit Court of Appeals is considered, the Senate Judiciary Committee chairman said Tuesday.

"The Senate will look at Justice Owen's Enron rulings as part of her overall record," said Sen. Patrick Leahy, D-Vt. "She has a right to take contributions, but any judge _ liberal or conservative _ faces the legitimate question about whether a contribution influenced their thinking." The Republican justice was the author of a unanimous Texas Supreme Court opinion in 1996 that settled an arcane tax issue in Enron's favor, rejecting the Spring Independent School District's argument that the Enron natural gas inventory should be assessed at a value \$15 million higher than stated by the company.

That ruling, which spared Enron \$225,000 in taxes, came two years after she accepted \$8,600 in Enron contributions, said Texans for Public Justice, a nonprofit group that tracks campaign spending.

Liberal advocacy organizations, which already have been geared up for a fight over the Owen nomination, said her Enron ties raise questions about the conservative jurist's candidacy.

"We're talking about a candidate to the second-highest court in the land and for a lifetime appointment," said Nan Aron, president of the Alliance for Justice, which calls Justice Owen and other Bush judicial nominees too extreme. "Already there are several major questions that have been raised concerning her overall bias, as revealed in her opinions in favor of wealthy and powerful interests.

"She will have a very, very tough road ahead."

The judiciary committee has yet to schedule hearings on Justice Owen's nomination.

"I'm not at all saying this is a total disqualification . . . but it is an additional factor that makes her all the more controversial," said Elliot Minberg, legal director of People for the American Way.

Justice Owen was not fielding questions, but her defenders rejected the notion that the donations should disqualify her.

"Absolutely not," said Sen. Phil Gramm, R-Texas.

At the White House, the Owen criticism was dismissed as partisan posturing.

"Judge Owen is a person of the highest integrity, who is extremely well qualified," said White House spokesman Scott McClellan.

Mr. Gramm noted that Enron, once one of Texas' largest companies, gave to many candidates.

That's the problem, said Craig McDonald, noting that Texas, unlike most states, elects judges and allows them to take contributions from law firms and other interested parties. A Texans for Public Justice study estimates that 43 percent of Justice Owen's campaign contributions have come from interests that have done business before the state's highest court.

Since 1993, Enron has contributed \$134,000 to Texas Supreme Court members, the group says.

"We're all victims of our times, and the Enron scandal has probably just increased the scrutiny over this practice," McDonald said.

While Justice Owen is precluded by judicial ethics from discussing her 1996 opinion, Supreme Court spokesman Osler McCarthy, who spoke for her, said the criticism directed at her was partisan gamemanship.

Her ruling, in a 9-0 decision, affirmed the constitutionality of a law passed 171-1 in the Texas House and 30-1 in the state Senate, he said.

The Fall of Enron; Contributions at Issue in Judge's Confirmation

By Janet Elliot

The Houston Chronicle

Wednesday, January 2002

Enron's political contributions have become an issue in the confirmation battle involving a Texas Supreme Court justice who has been nominated to a federal appellate bench.

Liberal groups concerned about President Bush's nomination of Justice Priscilla Owen to a vacancy on the 5th U.S. Circuit Court of Appeals have seized on a 1996 opinion that saved Enron hundreds of thousands of dollars in property taxes.

Owen took \$ 8,700 in contributions from Enron's political action committee and executives during her 1994 election campaign.

"Now that the Enron scandal has every politician scrambling to clear their name of Enron contributions, I think that the money absolutely will be a key issue in Owen's confirmation," said Craig McDonald, director of Texans for Public Justice, which monitors campaign contributions.

Owen is one of the most conservative members of the all-Republican Supreme Court.

The tax case involved a dispute with Spring Independent School District over the date on which Enron would inventory natural gas stored in a salt dome facility. The inventory volume differed by \$ 15 million worth of gas between Sept. 1, 1989, and Jan. 1, 1990.

Because Enron elected to use the earlier appraisal, the school district claimed it lost \$ 225,000 in tax revenue.

Owen wrote the opinion for a unanimous court that reversed a ruling by Houston's 14th Court of Appeals that a law classifying inventory separately from other property was unconstitutional.

"The winter months are typically a period of peak demand for natural gas. It is not arbitrary or capricious for the Legislature to permit the taxable value of natural gas inventories to be determined on a date other than January 1, when inventories may be higher than at other times of the year," wrote Owen.

Owen's opinion stated that the lost tax revenue was \$ 15 million, but she apparently confused the tax loss with the difference in valuation, said Osler McCarthy, a spokesman for the Supreme Court. McCarthy said the case was a "pretty routine tax case soundly decided based on U.S. Supreme Court precedent."

The school district and its lawyers declined comment on the case. But a lawyer who represented Enron said he's offended at the suggestion that the court decided the case on anything other than the law.

"We won that thing on the merits. That was a clear case of interpretation of legislative ability to give taxpayers the opportunity to reduce their tax burden," said Berry Bowen, a Houston solo practitioner who worked in Enron's legal department from 1990 to 1995.

Elliot Minberg, legal director of People for the American Way, a group that monitors judicial nominations, said Owen's authoring of an opinion after accepting a political contribution "raises an issue about the appearance of impropriety."

"It would be equally a problem if it wasn't Enron. It's an issue regardless of who the corporate contributor would be," said Minberg, whose group has expressed concern but not opposed Owen.

Last May, Bush nominated Owen to the New Orleans-based court, which hears appeals from Texas, Louisiana and Mississippi. The Senate Judiciary Committee has not yet scheduled a hearing on her nomination.

In another 1996 case involving Enron, Owen recused herself.

McCarthy, the court spokesman, said she apparently recused herself because her former law

firm, Andrews & Kurth, was involved in the case.

Justices can legally accept donations from lawyers or parties with cases before the court. Texas has been regularly criticized for its high-dollar Supreme Court races.

"Nobody on this court is going to dispute that the system is broken and needs to be corrected. But it's the system we have until the Texas Legislature gives Texas voters the chance to change it," said McCarthy.

U.S. Bench Nomination Expected for Martinez

By Jay Weaver

The Miami Herald

Wednesday, January 23, 2002

President Bush is expected to nominate Jose "Joe" Martinez as a Miami federal judge as soon as today, capping his career as a legal Naval officer, U.S. prosecutor, drug-enforcement director and top civil lawyer.

The affable Martinez would also bring a sports fanatic's perspective to the bench.

Next to the law, his real passion is his alma mater, the University of Miami. He's crazy about UM baseball, and he calls the Canes football games in Spanish on the Archdiocese of Miami's radio station, WACC. Martinez, born in the Dominican Republic and raised in Miami, was the front-runner over Miami-Dade Circuit Judge Jerald Bagley and Miami federal Magistrate Ted Bandstra, according to sources familiar with the nomination. The lifetime appointment to the Miami federal seat, which pays \$150,000 a year and had been occupied by U.S. District Judge Edward Davis for 21 years, must be confirmed by the U.S. Senate.

"His dedication to this country and this community is incredible," said Thomas D. Wood Sr., a UM trustee. He was Martinez's Naval Reserve commander in 1977 when both went to the U.S. base in Guantanamo Bay to provide legal assistance to military personnel.

"I've never heard him say an ugly word about anyone," said Wood. "Liking people is what enables him to help people."

Martinez, 60, declined to comment about his imminent nomination, saying it would be "inappropriate." The White House, which has scheduled a press conference for today on federal judicial nominations, wouldn't comment either.

Martinez, a Republican, was recommended along with Bagley and Bandstra as finalists last summer for Davis' position by the 22-member Federal Judicial Nominating Commission. The Florida panel's chairman, Roberto Martinez, a former U.S. attorney in Miami, said they were interviewed by the state's Democratic U.S. senators, Bill Nelson and Bob Graham, and then the White House.

Joe Martinez came close to being nominated for the federal bench in 1992, when then-Republican Sen. Connie Mack recommended him to President George Bush. But when Bill Clinton won the White House, Martinez's bid for the bench came to a halt.

This time, his appointment seems certain.

Davis, now chairman of Florida litigation for the Miami-based law firm, Akerman Senterfitt, described Martinez as a "real trial lawyer" who would make a popular choice to replace him. "He'll come on well prepared for the federal job," Davis said. "He's well liked by people who do business with him. You can rely on his word."

Said past Florida Bar President Herman Russomanno: "He has the virtues of a federal judge - integrity, honesty, high moral standards and what I refer to as open-mindedness and impartiality."

Martinez's life is an immigrant's success story.

His parents left the Dominican Republic with Martinez, his sister and their grandmother at the end of World War II. They first settled in New York City, but relocated to Miami in 1949.

His father, though a lawyer in the Dominican Republic, launched an import-export business here. Young Martinez worked his way through the University of Miami, studying marketing.

He dreamed of becoming a Naval pilot, but that was dashed. He reset his sights on law school at UM, graduating in 1965, and married his wife, Mary Anne, the following year.

His first job was as a Naval officer in the Judge Advocate General Corps in Key West. After he left active duty in 1968, he joined the Reserves and retired decades later as a captain.

Martinez quickly made his mark as an assistant U.S. prosecutor in the late 1960s - an era when the nation's war on drugs was in its infancy in Miami. He was tapped to become the regional director of the Office for Drug Abuse Law Enforcement in 1972.

"We were looking for an experienced person who was liked by the agents but also one who was tough enough and could not be conned by the agents," said former ODALE Deputy Director John R. Bartels Jr. "Joe was heads and tails above everyone else in Florida. His name kept coming up."

Since the mid-1970s, Martinez has still kept his hand in criminal law, from tax evasion to racketeering cases. But he has been more active as a corporate civil lawyer, including major product-liability trials, such as the Florida class-action lawsuit against Philip Morris.

Martinez, a father of two grown daughters, lives in Coral Gables.

James Brosnan, *The Commercial Appeal*, January, 24, 2002

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Mays Tapped to Fill Bench; West Tennessee District Court Short-Handed

By James Brosnan

The Commercial Appeal

Thursday, January, 24, 2002

President Bush Thursday nominated Memphis lawyer Hardy Mays to the depleted U.S. District Court for West Tennessee.

Mays, 54, is a partner at Baker Donelson Bearman and Caldwell, and is a former chief of staff to Gov. Don Sundquist.

The Mays nomination came almost two years after the death of Judge Jerome Turner and six months after Mays was recommended for the vacancy by Tennessee's two Republican senators, Fred Thompson and Bill Frist. The district court also has been further short-handed because of the forced six-month leave of absence of Judge Jon McCalla, who last year admitted "improper and intemperate conduct."

His absence has created more work for judges Bernice Donald and Julia Gibbons, who is awaiting Senate action on her nomination to the Sixth Circuit Court of Appeals. The other district judge, James Todd, mostly hears cases in Jackson.

"I'm grateful the President has confidence in me and I hope to justify that," said Mays. "If and when the Senate sees fit to confirm me, I'm ready to go to work."

When the Senate will act is uncertain.

Thompson indicated Thursday he would like to press the Gibbons nomination first.

"We're going to work on it. We've got a big problem with the Sixth Circuit," said Thompson.

The Cincinnati appellate court is down to half its usual complement of 16 judges. None of Bush's nominees has been approved, in part because Michigan's Democratic senators have a "hold" on the Michigan nominees.

Nationwide, only one of Bush's 23 circuit court nominees has gotten a hearing from the Judiciary Committee, Sen. Don Nickles) (R-Okla.) noted Thursday.

Today, four liberal groups are expected to announce opposition to the nomination of U.S. Dist. Judge Charles Pickering of Laurel, Miss., to the Fifth Circuit Court of Appeals.

Nominations

City News Service

Thursday, November 24, 2002

Two lawyers who are former federal prosecutors were nominated by President Bush for positions as U.S. District Court judges.

Bush yesterday named Percy Anderson, 52, a partner at Sonnenschein, Nath & Rosenthal, and John Walter, 57, senior partner at Walter, Finestone & Richter, a firm that he founded. They are the president's first nominations for the District Court in Los Angeles, which has six vacancies. There are 21 federal trial judges in Los Angeles.

Anderson and Walter were nominated for federal judgeships by Bush's father in 1992, but their nominations died without a hearing as the confirmation process ground to a halt in the closing months of the senior Bush's presidency, the Los Angeles Times reported.

Last year, Anderson and Walter were unanimously recommended for the judgeships by a six-member screening committee of both Democratic and Republican attorneys.

Anderson, born and raised in California, graduated from UCLA and UCLA Law School. He worked for two years at San Fernando Valley Legal Assistance before joining the U.S. attorney's office in 1979. Most recently, Anderson has done civil litigation and white-collar criminal defense work.

Walter, a native of Buffalo, N.Y., graduated from Loyola University and Loyola Law School. He was a federal prosecutor from 1970 to 1972. After his government service, he joined a large national firm before founding his own firm.

Bush Names 2 for Judgeships in L.A. Courts: The President's Picks Were Also Tapped By His Father, but no Hearings were Held

By Henry Weinstein
The Los Angeles Times
Thursday, January 24, 2001

President Bush on Wednesday nominated two Republican attorneys from Los Angeles who are former federal prosecutors for prestigious positions as U.S. District Court judges.

Bush tapped Percy Anderson, 52, a partner at Sonnenschein, Nath & Rosenthal, and John F. Walter, 57, senior partner at Walter, Finestone & Richter, a firm that he founded.

They are the president's first nominations for the District Court in Los Angeles, which has six vacancies and where judges are carrying heavy caseloads. There are 21 federal trial judges in Los Angeles. Anderson and Walter were nominated for federal judgeships by Bush's father in 1992, but their nominations died without a hearing as the confirmation process ground to a halt in the closing months of his presidency.

Last year, Anderson and Walter were unanimously recommended for the judgeships by a six-member screening committee of Democratic and Republican attorneys that was created by representatives of the Bush administration and California's two Democratic senators, Barbara Boxer and Dianne Feinstein.

The nominations were among 24 Bush sent to the Senate on Wednesday for judgeships around the country. In recent weeks, Bush has complained about the pace of the confirmation process. When the Senate adjourned Dec. 20, it had confirmed just 28 federal judges. Before Wednesday's action by Bush, there were 23 nominations to federal appeals courts and 14 nominations to District Courts. Both California senators issued statements praising the nominees, which should enhance their prospects for a swift confirmation, said Gerald Parsky, the West Los Angeles attorney who heads Bush's California judicial screening team.

"Mr. Walter and Mr. Anderson both demonstrated strong skills and qualifications to the advisory committee and this bodes well for the nomination process in the Senate," Feinstein said.

Boxer added: "Both are very well qualified to serve on the federal bench."

Walter, a native of Buffalo, N.Y., graduated from Loyola University and Loyola Law School. He was a federal prosecutor from 1970 to 1972 and obtained a conviction in a well-known case involving a group of sophisticated burglars who broke into a Laguna Niguel bank, rifled every safe deposit box and got away with millions of dollars. After his government service, Walter joined a large national law firm and then founded his firm, specializing in complex civil cases.

Anderson, born and raised in California, graduated from UCLA and UCLA Law School. He worked for two years at San Fernando Valley Neighborhood Legal Assistance before joining the U.S. attorney's office in 1979.

Perhaps his most noteworthy case as a government lawyer was the successful 1985 prosecution of Thomas P. Cavanaugh, an engineer who tried to sell the Soviets information about the U.S. Air Force's stealth technology, which makes airplanes invisible to radar. Cavanaugh received a life sentence.

Anderson recently has done civil litigation and white-collar criminal defense work. In addition, he served on the Christopher Commission, which investigated the Los Angeles Police Department in the aftermath of the 1992 riots.

Los Angeles attorney Jan L. Handzlik, who knows both nominees, said they deserve swift confirmation. "They were bridesmaids before," Handzlik said. "Hopefully, the ceremony will be completed this time."

Op/Eds

Confirm Moderate Judges

By Bill Lakin
The Los Angeles Times
Thursday, January 24, 2002

The current impasse in the Senate approval of federal appellate court judges isn't about payback or politics, and it isn't a "game," as suggested in the headline of your Jan. 21 editorial, "Judgeship Game Cycles On." It's about not confirming judges who would set the country's laws back 200 years. The judicial nominees sent down by President Bush were handpicked by the ultra-right-wing Federalist Society, a group of lawyers so extreme they advocate rolling back the law to the 18th century. I don't believe these kinds of people should be part of our judiciary.

The Times recommends bringing all candidates to an immediate Senate confirmation vote. But that's only a short-term solution and won't fix the problem.

Bush should no longer rely on advice from his handlers and should stop being the front man for the Federalist Society. He should withdraw these nominations, go back to using the American Bar Assn.'s recommendations (as our past presidents did) and nominate moderates--Democrat or Republican.

The Leahy Detainees

The Washington Times
Thursday, January 24, 2001

President Bush is planning to place still more human beings into that punishing state of incarceration we've been hearing so much about of late, but Amnesty International won't be staging any protests. Nor will Ramsey Clark be filing suit. The shameful fact is that no human-rights group cares enough to speak out on behalf of this newest lot of detainees - judicial detainees, that is - and the Leahy limbo of neglect and stagnation they now prepare to enter. We used to call such people judicial nominees, but that was back when the federal judicial confirmation process had a beginning, a middle and an end. Since Sen. Patrick Leahy, Vermont Democrat, assumed control of the Judiciary Committee gavel, however, the process has undergone a few fundamental changes. The beginning remains reassuringly the same: Mr. Leahy still allows the president to appoint judges to the federal bench, which is really quite accommodating of him when you think about it. But the middle (the committee hearing) is a dicey thing, and the end (the floor vote) is nowhere in sight. Hence the change in terminology from judicial nominee to Leahy detainee.

It could be that one day we look back upon the Democratic delaying tactics of the last session and see a game of "Mother, May I" next to the mass obstructionism Senate Democrats seem to have in store for the new Congress. Since the president appointed Otto Reich assistant secretary of state for Western Hemisphere affairs and Eugene Scalia solicitor of the Labor Department earlier this month - after Mr. Reich was "detained" for some nine months by the Senate Foreign Relations Committee without a hearing, and Mr. Scalia was denied a floor vote by Senate Majority Leader Tom Daschle - the rhetoric among Senate Democrats regarding all White House

appointees, from ambassadors to humanitarian aid workers to judges, has become downright alarming. As Sen. Joseph Biden put it on NBC's "Meet the Press," even before Mr. Bush made the two recess appointments, several Democratic senators came to him and said, "Communicate to the president that if he does this, we will retaliate with regard to the rest of his nominations."

Sounds like tough-guy, take-no-prisoners talk. But whose side are the Democrats on? By refusing to confirm assorted key players on Mr. Bush's foreign policy team, and by refusing to move forward on dozens of federal judicial nominees urgently needed to fill a precarious 11 percent (and growing) vacancy rate in the federal judiciary, Senate Democrats cannot be said to be fighting for the American people. They are fighting for themselves and their prerogatives - not exactly the noblest causes up for grabs at the moment - and if they win, the country loses. Meanwhile, scores of Americans, willing and able to serve their country, will only be able to serve time.

Bench Politics: Senate Stalls on Judges Who Would Uphold the Constitution

By Roger Pilon

The CATO Institute

Monday, January 21, 2002

Should the Senate Judiciary Committee grill nominees for the federal courts about their ideology and then reject those who fail an ideological litmus test? The implications are breathtaking. Yet Senate Democrats appear prepared to do that-or to reject nominees outright, without a hearing, based simply on their perceived "ideology."

The roots of this effort are deep, going back a century, but the proximate cause is *Bush v. Gore*. Just after the decision came down, the legal academy, overwhelmingly Democratic if not leftist, exploded in a torrent of anger. Some 550 professors from 120 law schools ran a full-page ad in *The New York Times* a year ago claiming that the Court's majority had acted as "political proponents for candidate Bush, not as judges." In op-eds, articles, books, and TV appearances, the venom poured forth. Yale Law School's Bruce Ackerman went so far as to urge Senate Democrats to reject every judicial nominee that the illegitimate President George W. Bush offered up.

They haven't done that, but they're certainly in a confirmation stall. Since Bush took office, there have been 128 vacancies on the 862-member Article III courts. To date, Bush has nominated 65 candidates to fill those vacancies. Only 28 have been confirmed, leaving 100 empty seats, 39 of which are judicial emergency vacancies according to the Administrative Office of the U.S. Courts. On the U.S. Court of Appeals for the 6th Circuit, half the seats today are empty.

In fact, the stall is most evident at the circuit level. Only six of Bush's 29 circuit court nominees have been confirmed, and two of those were Clinton holdovers, re-nominated as a gesture to the Democrats. More telling still, 11 of those nominees have been hanging since May, never having had a hearing, much less a vote.

And we're not talking here about political hacks. Miguel Estrada, Michael McConnell, John Roberts Jr., Jeffrey Sutton-those are just some of the stellar appellate nominees whose names have been before the Senate since May. Their problem, it seems, is that they cannot get through the Democrats ideological filter. Those are some of the same Democrats, recall, who condemned Reagan Republicans for their alleged use of a pro-life litmus test, despite having no evidence of the practice.

What is plain now is that it's not the use of a litmus test that troubles Democrats, but the content of such a test. And they're not at all reluctant to give evidence of their own test.

‘CORE VALUES’ REVEALED

Last June, Sen. Charles Schumer, chairman of the Senate Judiciary Subcommittee on Administrative Oversight and the Courts, wrote an op-ed for *The New York Times*, "Judging by Ideology," which appeared on the same day he held hearings on whether ideology should play a role in the selection and confirmation of judges. He concluded it should, to no one's surprise. In fact, Schumer gave us a three-part test for determining when to invoke ideology: "the extent to which the president himself makes his initial selections on the basis of a particular ideology, the composition of the courts at the time of the nomination and the political climate of the day." One looks in vain for bright lines in that test.

Schumer's aim, however, is clear. It is, expressly, to keep conservatives like Justices Antonio Scalia and Clarence Thomas off our courts. "The Supreme Court's recent 5-4 decisions that constrain Congressional power," Schumer wrote, "are probably the best evidence that the court is dominated by conservatives." Thus, "tilting the court further to the right would push our court sharply away from the core values held by most of our country's citizens."

Never mind, apparently, what the law might say about the scope of congressional power-or anything else, for that matter. What counts, rather, is our citizens' "core values."

That glimpse of the Democratic agenda was embellished two months later, again just prior to another Schumer hearing on ideology, when party elder Joseph Califano Jr. wrote an op-ed for *The Washington Post*, "Yes, Litmus-Test Judges." Complaining that gridlock and big money have long kept Congress from legislating on a wide range of urgent matters, Califano noted that concerned citizens have been petitioning the courts with matters they once took to the political branches, making the courts "increasingly powerful architects of public policy."

Indeed, "who sits in federal district and appellate courts is more important than the struggle over the budget" or virtually anything else today in Washington. For we've all learned, Califano continued, "that what can't be won in the legislative or executive may be achievable in a federal district court where a sympathetic judge sits." "The Senate, therefore, needs to decide, on explicitly ideological grounds, who will be "setting national policy" from the bench.

There you have it. Everything is politics. Nothing is principle. Judges don't simply *apply* law. Sympathetic judges *make* law, like so many legislators, setting national policy in the process.

Meanwhile, our nominal legislators in the Senate are reduced to vetting our true rulers.

Interestingly, the Constitution, which spells out the actual separation of powers, is mentioned not once in Califano's piece. Doubtless, it is an embarrassment, utterly inconsistent with his picture of a thoroughly politicized judiciary.

LOSING SIGHT OF LIMITS

Yet for all that, Califano's picture is too close to the truth to be ignored. He's put his finger on just why the confirmation battles today loom so large. What he and his Democratic colleagues have failed to do, however, is explain, much less justify, this flight from constitutional principle. To get at that, we have to go further back.

The main origins of the problem lie in the Progressive Era, when the social engineers of the time often sought to do through government what the Constitution plainly left to the private sector. Things came to a head during the New Deal when a frustrated Franklin Roosevelt attempted to pack the Supreme Court. The scheme failed, but FDR won the day when a cowed Court began rethinking the Constitution, effectively eviscerating constitutional limits on federal power.

Although the Court that emerged was called "restrained"-by virtue of its deference to the political branches-it was in truth, activist-finding congressional and executive powers nowhere granted, ignoring rights plainly in the Constitution. And the Court's rethinking led ineluctably to a general shift of power to the judicial branch. The shift had two aspects. First, with the political branches now free to rule almost every aspect of our lives, it was only a matter of time before their ever-expanding product ended up in the courts, with the courts asked to sort out the mess that Congress was making. But those who promoted such schemes didn't always win in the political branches. Thus, second, when they lost, they turned increasingly to the courts, trying to win from sympathetic judges what they had failed to win politically. And the Earl Warren and Warren Burger Courts, already deferring to the political pursuit of "social justice," were only too willing to step into the fray, thinking themselves a legislature of nine.

The Rehnquist Court, by contrast, has taken modest steps over the past decade toward resurrecting constitutional principles of limited government. However modest, those steps have alarmed liberal Democrats. They can't imagine anyone thinking that Congress' powers are limited; that if an end is worthy, Congress still might not have the power to pursue it; that James Madison might have meant it when he said that the powers of the new government would be "few and defined."

Thus, when Democrats seek today to subject judicial nominees to an ideological litmus test, they're continuing the work of an earlier generation of their party. The test they would impose has little to do with law or with the ideology of the Constitution-a document understood for 150 years as having instituted limited government. Rather, it has to do with whether the nominee subscribes to the version of the Constitution that the 1937-38 Court invented to allow the modern welfare state to bloom. That version, which encourages judges both to ignore limits on power and to find rights nowhere to be found, requires a judge to be sensitive to "evolving social values"- sometimes even before they've evolved.

Having earlier Politicized the Constitution, Democrats are now bent on politicizing the judiciary. If they succeed, it will mark the triumph of ideology and the death of law.

There is a Purpose to Compromise in Judicial Nominations

By Evan Schultz
The Fulton County Daily Report
Wednesday, January 23, 2002

Michael McConnell, meet Judith McConnell. Or, as their most venomous critics might say, will the highfalutin homophobe please come on over and give a big "howdy-do" to the pervert-loving home-wrecker?

These two lawyers (no relationship, according to Judith) have something in common besides their last names: Both have been put through the wringer after being tapped for federal judgeships. No doubt, it's sad to see distinguished jurists smeared in the name of upholding the Constitution. But maybe there's also something reassuring about it (really).

First, a bit more about the unhappy couple. Judith was nominated in 1994 by President Bill Clinton to be a federal district judge in California. Michael was nominated by President George W. Bush last May for a seat on the 10th U.S. Circuit Court of Appeals. Michael is one of the country's pre-eminent constitutional scholars. Now a professor at the University of Utah College of Law, he previously taught law at the University of Chicago, clerked for Justice William Brennan Jr., and has received endorsements from across the ideological spectrum.

Judith is a widely respected judge who, at the time of her nomination in 1994, had served on the bench of the state superior court in San Diego for 15 years. She had support from the state's conservative chief justice and was named San Diego's judge of the year by one group of lawyers in 1991.

Michael McConnell has drawn fire for advocating a vigorous role for religion in American public life, and for helping the Boy Scouts of America successfully argue in the Supreme Court that they should be allowed to exclude homosexuals.

Judith McConnell was savaged for a 1987 opinion in which she agreed with a 16-year-old boy's wish to live with his dead father's gay partner rather than with his mother. Clinton withdrew support for Judith when Senate Republicans opposed her. Bush is still backing Michael, but the Democratic-controlled Senate has not scheduled a hearing for him.

These situations should make all thinking people shiver. We've perfected the politics of destruction to the point where we slander the sterling records and distort the complex thinking of those who strive to serve the common good. Shame on us. Right?

Not necessarily. The nomination process isn't pretty. But it still serves a crucial purpose:

ensuring that no one branch of government, political party or ideology dominates the judiciary.

Yes, No, No, Yes

Since New Year's, the news here in Washington has been drawn back to the fight over judicial nominations between the Senate and the president. Republican senators (Orrin Hatch of Utah leading the charge) have been beating up on the Democrats for stalling by pointing to what Republicans claim is the small percentage of Bush's judicial nominees on whom the Senate has voted and the large number of vacancies on the federal bench.

At the same time, Democrats (led by Patrick Leahy of Vermont) have insisted that they confirmed a record number of judges in 2001. All this, of course, follows six years of the reverse-the Senate Republicans obstructing while the Democratic president complained.

The statistics, though, cloud the real issue. And that, simply put, is whether the administration backs nominees whom the Senate will approve.

The Constitution gives the president the role of playing offense ("he shall nominate ... Judges of the supreme court, and ... all other Officers of the United States"). And it gives the Senate the job of defense (giving "Advice and Consent"). The historical argument rages over how much power each side should have.

On the one hand, Alexander Hamilton stated in The Federalist No. 66 that "There will, of course, be no exertion of CHOICE on the part of the Senate." On the other hand, the Senate rejected one quarter of presidents' choices for the Supreme Court during the nation's first 100 years, including one of George Washington's nominees for chief justice.

At this point, the situation can be summarized pretty simply. The president can nominate whatever geniuses or morons he wants. And the Senate (or at least the party in charge of the Senate) can let them rot. It's a system that demands negotiating-even more so when the two branches are controlled by different parties. That's especially true for this Senate, with its precarious majority, and this president, with his controversial election.

Unfortunately for the McConnells, that's where the mudslinging comes in. All senators say they want moderate nominees. Whenever they obstruct, they claim that it's only because the president has sent rabid extremists-or, more often, they simply refuse to move the nominees as others fling the accusations.

Listen Up, Mr. President

Harsh as it may be, the rhetoric serves an important role-it signals to the president exactly how much leeway he has. It also tells the president when he needs to sit down and talk to the Senate before going forward.

As former Clinton Justice Department official Eleanor Acheson says, some presidents can be

very insistent "that this is the choice of the president, that 'I will reserve to myself the final choice.' "

Some presidents have a more soft view of that, namely, they can be pretty easily swayed by a strong pitch made by a senator. And some presidents can do both, depending on who they need to be doing business with when the vacancy arises, and depending on the merits of the candidate. So things can be very varied."

Clinton apparently didn't have a tin ear-he withdrew nine nominees in the face of opposition. The result? Despite Bob Dole's claims during the 1996 presidential campaign that Clinton had established a "judicial hall of shame," an academic study of Clinton's judges pegged their rulings from the bench as just a bit more liberal than those of Gerald Ford's judges.

And, so far at least, Bush seems to be following suit. Despite the roar of protest that greeted Michael McConnell and a few other Bush nominees (Miguel Estrada and Jeffrey Sutton, in particular), the first batch, at least, of Bush's nominees was called "more eclectic and conciliatory than most people expected" by The New York Times.

And, as Leahy likes to point out, the Senate has responded by confirming 28 judges, more than it approved in the first year of either the Clinton or the first Bush administration.

So the more the Senate signals the president by accusing a select few nominees of witchcraft, the more the president gets the message that he needs to consult and compromise with the Senate. The upside is that everyone can take credit for appointing "moderate" judges.

As Abner Mikva, former chief judge of the D.C. Circuit, said while serving as Clinton's White House counsel, "Get a good judge, and he'll be good for all seasons."

The downside, though, is the risk of creating a judiciary that, though competent, doesn't shine. As legal commentator Jeffrey Rosen lamented about Clinton's nominees, "there are few standouts. They are largely a group of soldierly and obscure judges and prosecutors."

And the temptation to nominate such people is strong no matter who's in the White House. For instance, look at the 11th Circuit. Clinton's last appointment to that court was Charles Wilson, a former state judge, federal magistrate and U.S. attorney. Bush's first nominee to the same circuit? William Steele, now a federal magistrate in Alabama.

There are two ways around this. One is to nominate as many creative, original thinkers as possible who, by consensus, still count as moderates. Clinton's successful choice of former Yale Law School Dean Guido Calabresi for the 2nd Circuit was along these lines. (Calabresi was confirmed by unanimous consent.)

The other solution lies in the sort of quiet confirmation vote that took place last November for another controversial Bush nominee-Edith Brown Clement. Clement is a member of the Federalist Society whom the National Abortion and Reproductive Rights Action League has

General Judicial Articles

Judicial Nominations Battle Resume

By Jesse Holland
Associated Press
Thursday, January 24, 2002

Judicial nomination politics are back in full swing just two days into a new congressional year.

Liberal groups are preparing attacks on one of President Bush's appellate court nominees, U.S. District Judge Charles Pickering of Mississippi, just as Republicans renew pressure on Democratic senators to move the president's nominees into the 101 vacancies in the federal judiciary system.

Bush on Wednesday added 24 more U.S. District Court nominees to the 66 U.S. Appeals and District Court nominations that the Senate has not yet decided on. Republicans have complained that Democrats stalled Bush's judicial nominees after taking over the Senate in June, confirming just 28 of the president's first 94 nominations. Democrats say they moved as fast as they could, and that Republicans delayed former President Clinton's judicial nominees during his two terms in office.

Republicans say Pickering is a prime example of how Democrats have treated Bush's nominees.

"He's a classic case of how the committee has kicked the can down the road: 'Oh well, yes, we've had one hearing; we may need another one. Oh well, he got all his opinions; how about his unpublished opinions? Oh, by the way, how about his secretaries' notes?'" said Senate Republican Leader Trent Lott, R-Miss. "This is unnecessary and ridiculous harassment."

Bush nominated Pickering to the Fifth U.S. Circuit Court of Appeals in New Orleans in May. But Democratic senators have been lobbied for months to block or stop the nomination.

The nominee, the father of Rep. Chip Pickering, R-Miss., already had one nomination hearing in October, but Democrats have insisted on a second hearing to study his unpublished opinions on civil, reproductive and prisoner rights.

L.A. Warren of the Mississippi branch of the National Association for the Advancement of Colored People said his group believes Pickering gave false testimony during his 1990 confirmation hearing to become a U.S. district judge.

criticized. Yet the Senate approved her by a vote of 99-0.

And for certain confirmable but controversial nominees, Senate opponents still could make their point by letting the fight spill to the floor. The nominee wins-with bruises. This might happen to Michael McConnell.

Moderation in Moderation

Which is to say, getting a moderate judiciary does not mean getting a judiciary composed only of moderates. The vote on Clement shows that the Senate knows this. So does a comment by Sen. Charles Schumer, D-N.Y., in hearings he called last year on the role of ideology in judicial selections. He said, "Having one or even two justices like (Antonin) Scalia and (Clarence) Thomas might be legitimate because it provides the (Supreme) Court with a particular view of constitutional jurisprudence. But having four or five or nine justices like them would skew the court."

This approach-of approving some novel thinkers mixed in with many more middle-of-the-road judges-has the advantage of keeping the bench stable. At least as important, it respects both the ideological characteristics of judging and the constitutional power of the president.

And it opens the way for horse trading: The Senate will approve some Clements if Bush nominates some Clinton choices (as he did with Roger Gregory, whom Clinton had put on the 4th Circuit though a recess appointment) and/or lots of Steeles.

Even better, the approach probably makes for good government-at least the best hope for good government we have in this world. As a recent New Yorker profile summarized the views of 7th Circuit Judge Richard Posner on judicial selections, "One individual judge, Posner reasons, will never be able to put aside his personal disgusts and instincts, so the trick is to have lots of different judges whose instincts clash, and hope that, in the end, their views will cancel out in such a way as to approximate fairness."

The result, the New Yorker article conceded, may not be fair to any particular litigant. It also might have noted that the result is not fair to any particular judicial nominee. But that's the price of living in a diverse society with a government of checks and balances. And it's the pain of being a McConnell.

Transcripts/Members of Congress

Senator Feinstein Statement on Nominations

Senator Feinstein Press Release

Wednesday, January 23, 2002

The nomination by President Bush of Percy Anderson and John Walter to the U.S. District Court for the Central District of California marks the first two nominations to emerge from a bipartisan

screening process to fill open judicial positions in California. These nominees both received 6-0 votes from the Judicial Advisory Committee that was established through an agreement Senator Barbara Boxer and I reached with the White House. In achieving these unanimous votes, Mr. Walter and Mr. Anderson both demonstrated strong skills and qualifications to the Advisory Committee and this bodes well for the nomination process in the Senate. I am hopeful that a hearing will be held by the Judiciary Committee at an early date. I also look forward to early White House action to fill the remaining open seats in California: four more in the Central District and one each in the Eastern and Northern Districts.

Percy Anderson is a partner at the national law firm of Sonnenshine, Nath & Rosenthal, in its Los Angeles office. He received his BA and JD degrees from UCLA, graduating from the law school in 1975. He worked as a Staff Attorney and then Directing Attorney for San Fernando Legal Services from 1975 - 1979. He then became an Assistant U.S. Attorney, specializing in criminal litigation. Within that office, he also acted as First Assistant Division Chief and Chief of the Criminal Complaints Unit. In 1985, he left the U.S. Attorney's Office and went into private practice at the Los Angeles office of Bryan, Cave, McPheeters & McRoberts, then at the Sonnenshine firm.

John Walter is a name partner at the Los Angeles law firm of Walter, Finestone & Richter. He received his bachelor's and law degrees from Loyola University, graduating from the law school in 1969 and being admitted to the bar in 1970. After graduation, he worked at Kindel & Anderson from 1969-70, then spent two years at an Assistant U.S. Attorney in the criminal division before returning to Kindel & Anderson. He formed his own firm in 1976 and practices civil and criminal litigation.

The Judicial Advisory Committee is comprised of four six-member subcommittees -- one for each judicial district in the state. Each subcommittee has one member selected by Senator Boxer, one selected by me and one jointly by both Senator Boxer and myself along with three members named by Gerald Parsky, President Bush's State Chair for judicial appointments.

Interest Groups/Press Releases

People's for Neas, Other Progressive Leaders Urge Senate Judiciary Committee to Reject Appeals Court Nominee Charles Pickering

By Ralph Neas
People for the American Way
January 24, 2002

People For the American Way President Ralph G. Neas called on the Senate Judiciary Committee to reject the nomination of Charles W. Pickering, Sr. to the U.S. Court of Appeals for the 5th Circuit and released a detailed report documenting Pickering's troubling public record on a range of critical issues. At a press conference with other progressive leaders, Neas said PFAW and other groups would launch a grassroots effort against Pickering's nomination, making this the first major judicial confirmation battle of the Bush administration.

"Achieving ideological domination of the federal judiciary is the top goal of right-wing activists inside and outside the Bush administration, and judges like Charles Pickering are the means to that end," said Neas. "Many of our basic rights and freedoms are at risk. The Senate Judiciary Committee should review Judge Pickering's record and reject his elevation to the appeals court."

Neas said Pickering's record makes him an especially problematic choice for the 5th Circuit, which presides over a three-state area with the largest and most diverse minority population in any Circuit in the country, and which has already decided a number of cases restricting civil and reproductive rights.

The PFAW report released today examines Pickering's public record both before and after he became a judge. Among the report's conclusions:

His record demonstrates insensitivity and even hostility toward key principles and remedies that now safeguard civil rights, and indifference toward the problems caused by laws and institutions that have previously created and perpetuated discrimination.

Even conservative appellate court judges have reversed Judge Pickering on a number of occasions for disregarding controlling precedent on constitutional rights and for improperly denying people access to the courts.

He has been a staunch opponent of women's reproductive rights.

He has demonstrated a disregard for the separation of church and state by repeatedly using his position on the bench to promote involvement in religious programs.

"Elevating Pickering to a powerful appellate court position would give him enormous influence on the interpretation of statutory and constitutional provisions that safeguard the rights of all Americans," concludes the report.

Neas noted that the report released today is based on an incomplete record of Judge Pickering's tenure on the District Court, because Pickering has told the Senate Judiciary Committee that approximately 40 percent of his unpublished opinions – as many as 400 – are not available.

"We don't know what's in those missing rulings," said Neas, "but the rulings we do have make it clear that Pickering has opposed basic principles protecting civil rights and has sought to limit their application. He has even denigrated people who have turned to the courts to protect their civil rights."

Pickering has, for example, criticized the fundamental "one-person, one-vote" principle recognized by the Supreme Court under the Fourteenth Amendment. He has also criticized or sought to limit important remedies provided by the Voting Rights Act.

As a state senator, Pickering supported voting-related measures that helped perpetuate

discrimination against African Americans, and voted to appropriate money to fund the Mississippi Sovereignty Commission, a notorious agency created by the state in 1956 to resist desegregation. At his 1990 confirmation hearing, Pickering testified that he had never had any contact with the Sovereignty Commission. But PFAW's report notes that a 1972 memorandum by a Commission investigator to its Director stated that "Senator Charles Pickering" and two other state legislators were "very interested" in a Commission investigation into union activity that had resulted in a strike against a large employer in Pickering's home town.

The report also notes that Pickering did not take the opportunity at his confirmation hearings to repudiate a 1959 article he wrote as a law student advising the state legislature how to fix the state's law criminalizing interracial marriage in response to a state Supreme Court ruling that had rendered the law unenforceable. The legislature took his advice.

The report also cites specific instances in which Pickering was overturned by the 5th Circuit, to which he has been nominated, for violating "well-settled principles of law" involving constitutional issues, civil rights, criminal procedure or labor issues. For example, the conservative 5th Circuit has reversed Pickering's misuse of "dismissal with prejudice" – a severe sanction – against an inmate alleging civil rights violations and against a group of plaintiffs in a toxic torts case against a chemical company.

The report documents Pickering's use of his judicial position to promote religion and religious ministries to those coming before his court. It also documents a decades-long hostility to reproductive choice, including his advocacy of a constitutional amendment to ban abortion.

Neas said the grassroots effort to defeat Pickering's nomination would be the first of many unless

President Bush engages in genuine bipartisan dialogue with members of the Senate. Neas urged senators, especially members of the Judiciary Committee, to fulfill their constitutional responsibilities to carefully scrutinize judicial nominees and reject those who have not demonstrated a commitment to upholding civil rights.

"Right-wing senators perpetuated dozens of appeals court vacancies by carrying out an unprecedented ideological blockade against judges nominated by President Clinton," said Neas. "Now they hope President Bush will take advantage of those vacancies to fill the appeals courts with right-wing nominees like Charles Pickering."

Neas noted that 35 percent of President Clinton's appellate court nominees were blocked from 1995-2000; 45 percent failed to receive a vote in the congressional session during which they were nominated. Republican-nominated judges currently hold a majority on seven of the 13 circuit courts of appeal. If all President Bush's current nominees are approved, such judges will make up a majority on 11 circuit courts. And by the end of 2004, Republican-appointed judges could make up a majority on every one of the 13 circuit courts of appeals.

"A federal judiciary completely dominated by right-wing judges would be a disaster for Americans' rights and freedoms," said Neas. "Senators must be willing to say no to Judge

Pickering and they must be willing to say no to right-wing efforts to pack the federal judiciary."

Opposing the Confirmation of Charles W. Pickering, Sr. to the U.S. Court of Appeals for the Fifth Circuit

People for the American Way

January 24, 2002

Click on link below for report:

<http://www.pfaw.org/issues/democracy/pickering.pdf>

Judicial Nominees Special Report: Our Courts at Risk

National Organization of Women

Thursday, January 24, 2002

Click on link below for report:

<http://www.now.org/issues/legislat/nominees/index.html>

Statement of Kate Michelman Announcing Opposition to Judicial Nominee Charles Pickering.

NARAL

Tuesday, January 22, 2002

Good morning, thank you for coming here today. As you know, this coalition has gathered today to announce our opposition to the nomination by President Bush of Charles Pickering to the U.S. Court of Appeals for the Fifth Circuit.

Charles Pickering's nomination by President Bush is part of a continuing effort to hasten the reversal of Roe and the end of legal abortion. A lifetime appointment to the Court of Appeals for Charles Pickering may lead to a lifetime of disappointment and hardship for women seeking to exercise their constitutional right to choose.

Pickering's record on choice is crystal clear -- during his lifetime as a conservative political activist, Pickering has demonstrated open hostility to a woman's right to choose and has sought to reverse Roe through a constitutional amendment to ban abortion. This fact alone must disqualify him from sitting on the Fifth Circuit - a court that has done more than most courts in recent years to limit that fundamental right.

The Fifth Circuit is one of the most critical courts in the United States to the future of reproductive rights for women. This Circuit - consisting of Louisiana, Mississippi, and Texas -- reviews legislation from an area of the country that is particularly hostile to a woman's right to choose. It is at the center of attempts by state legislatures to restrict abortion and limit women's ability to exercise their constitutionally protected rights under Roe. Indeed, since 1995, the three states in the Fifth Circuit have introduced nearly 175 measures to restrict abortion rights.

The Fifth Circuit has eroded the exercise of choice in prior decisions, and poses a continued threat to these rights in the future. Confirming Pickering would add fuel to the ultra-conservative fire on this court for decades. It's the wrong court for Charles Pickering. And Charles Pickering is the wrong nominee for this court. Close scrutiny of Charles Pickering's record over the last four decades shows someone who should not be confirmed for a circuit court judgeship.

Pickering's career has been notable, not for his record as a judge or as a legal scholar, but as a partisan political activist. Pickering has been at the front lines on some of the most divisive political issues of our time, and repeatedly has pursued a far-right conservative agenda that demonstrates hostility toward reproductive choice, individual rights, and disdain for a federal court system that serves as a guardian of those rights.

As a Mississippi state legislator, he called for a constitutional convention to propose an amendment banning abortion. As Chairman of the Human Rights and Responsibilities subcommittee of the Republican Platform Committee in 1976, he led the fight to have the Republican Party adopt a constitutional amendment to ban abortion in the party platform. That was a major step in providing anti-choice forces a powerful national vehicle through which to organize a roll back of this core right for American women. And while President of the Mississippi Baptist Convention, the organization adopted a resolution calling for legislation to ban abortion except to save the life of the woman.

One hallmark of our free society is the independence of the federal judiciary from politics. This independence allows the federal courts to protect constitutional rights free of political interference - especially important in the area of reproductive choice. Pickering showed little willingness to respect judicial independence - as a Senator, he was eager to amend the Constitution when he disagreed with decisions by the federal courts. In the Mississippi Senate, Pickering co-sponsored legislation calling for a constitutional amendment limiting the tenure of federal judges, and voted for a constitutional amendment to limit federal judges to six-year terms.

He also supported holding constitutional conventions to pass amendments to reverse desegregation and separation of church and state court decisions.

Clearly, he wishes to create a federal judiciary that responds to ultra-conservative political pressure, rather than one which independently interprets the laws and the constitution. Freed from the limitations of the district court, Pickering would be in a position to use a Fifth Circuit seat as a vehicle for his own judicial activism -- where his disdain for precedent and for plaintiffs with the temerity to assert their own civil rights would have broader ramifications. Pickering's career is marked by conservative political activism, not by thoughtful legal jurisprudence.

Because of the large caseload in the federal courts, circuit courts are increasingly for most people the courts of last resort. A die-hard conservative activist with strongly held views on critical constitutional issues, Pickering is exactly the wrong kind of person to serve on an appellate court so pivotal to the lives of so many women.

The Senate's proper role is to consider a nominee's views, and to reject those judges who would roll back the rights of women. The Constitution provides for this and the American people want their Senators to exercise advice as well as consent.

We are issuing a report today to help educate our members on the need to oppose this nomination. We also call on Senators to read our report to understand how critical this nomination is to the future of reproductive freedom and choice. And we trust once they do, they will understand how critical it is for them to reject this nomination.

Click here for a link to the full report on Charles Pickering:

http://www.naral.com/mediaresources/fact/pdfs/pickering_rpt.pdf

LCCR Opposes Pickering Nomination to Fifth Circuit- Serious Concerns About Nominee's Civil Rights Record

Leadership Conference on Civil Rights
Thursday, January 24, 2002

Wade Henderson, Executive Director, Leadership Conference on Civil Rights (LCCR), issued the following statement today regarding President Bush's nomination of Judge Charles W. Pickering, Sr. to the U.S. Court of Appeals for the Fifth Circuit:

"Although I am honored to join my colleagues this morning in defending the integrity of the federal courts, I regret that today's action has been made necessary by the nomination of an individual to the 5th Circuit Court of Appeals whose background, actions and temperament render him unsuitable for elevation to this most important court.

As we know, the federal courts often are called the guardians of the Constitution because their rulings protect the rights and liberties guaranteed by this most hallowed of documents. For many Americans, the federal judiciary is the first line of defense against violations of dearly held constitutional principles; for others, it is the last bastion of hope in a system that has marginalized, mistreated or simply ignored them.

The Leadership Conference strongly believes that the composition of the federal judiciary is a civil rights issue of profound importance to all Americans, because the individuals charged with dispensing justice in our society have a direct impact on civil rights protections for us all.

As such, the federal judiciary must be perceived by the public as an instrument of justice, and the individuals who are selected for this branch of government must be the embodiment of fairness

and impartiality.

Our exhaustive and careful review of Judge Charles W. Pickering Sr.'s public record -- from law student to state legislator to judge, as well as the presentations we have heard today, have left us with little alternative but to oppose his nomination because of his extreme views on important civil rights, women's rights and constitutional issues.

When taken together, these immoderate positions ought to disqualify Judge Pickering from serious consideration for any federal Circuit, much less the important 5th Circuit Court of Appeals.

It is especially important to note that we are discussing this nominee in the context of the Circuit to which he has been appointed. With Mississippi, Texas and Louisiana, the Fifth Circuit has the largest percentage of people of color of any Circuit Court in the country. Unquestionably, much is at stake when it comes to civil rights.

Historically, the Fifth Circuit was the Circuit of "Unlikely Heroes," who in the face of much opposition, issued scores of important opinions that in effect desegregated the South. This is the Circuit of:

John Minor Wisdom who ordered that James Meredith to be admitted to the University of Mississippi;

Richard Rives who outlawed segregation on the Montgomery city buses;

Elbert Tuttle who ordered the integration of the University of Georgia and struck down Louisiana's segregated pupil placement laws; and finally,

John Brown who, in *U.S. v. Mississippi*, wrote that "no nation can survive if it flagrantly denies its citizens the right to vote."

Today, the Fifth Circuit is dramatically different. It is now one of, if not the most hostile appellate courts in the country when it comes to civil rights. The Fifth Circuit is now the Hopwood Court that refused to apply *Bakke* to college admissions, impacting educational opportunities for black and brown students. The Fifth Circuit is now the Reeves Court that issued an opinion about the "intent" standard in employment discrimination cases so extreme it was overturned by the Supreme Court, 9-0. The Fifth circuit is the *LULAC v. Clements* court that held that the Voting rights Act does not apply to at-large judicial elections; again, an opinion so extreme, it was reversed by the U.S. Supreme court.

After our careful review of Judge Pickering's record -- on and off the bench -- we are forced to conclude that he is the wrong man for the Fifth Circuit. This Circuit requires a jurist who will have a moderating influence on the Court. We urge the Senate to consider all of these circumstances and to exercise its constitutional prerogative to reject this nominee cries out for moderation. And we implore President Bush to nominate a moderate for this critical position.

The Case Against the Confirmation of Charles W. Pickering, Sr.

Independent Judiciary

Thursday, January 24, 2001

Click on link below for full report:

<http://www.independentjudiciary.com/news/release.cfm?ReleaseID=13>

According to Senate records reviewed by The Associated Press, Pickering testified he "never had any contact with the Sovereignty Commission," Mississippi's now-defunct segregation watchdog agency. However, a 1972 letter in the commission's files said Pickering, while a state senator, had "requested to be advised" by the commission about a group organizing pulpwood workers.

Pickering said it would inappropriate for him to comment until his next hearing before the Senate Judiciary Committee.

People for the American Way, the Leadership Conference on Civil Rights, the Alliance for Justice and the National Abortion Rights Action League are among the groups planning to speak out against Pickering in Washington Thursday.

John Nowacki, deputy director for the conservative Free Congress Foundation's Center for Law and Democracy, said Pickering is a good choice.

"They're trying to find something to latch onto to oppose nominees and they think they can pull this off," he said. "With Pickering, they think that they have something to hang their hats on, but when you look at it and look at it closely, there's really nothing there."

Bush's Picks for Courts Under Attack

By Tom Brune

Newsday

Thursday, January 24, 2002

The fight over President George W. Bush's choices for federal judgeships, waged behind the scenes since the Sept. 11 attacks, will resurface today as liberal groups declare their first open war on a Bush judicial nomination.

The liberals' target is Charles Pickering, a conservative Mississippi federal judge nominated to fill a vacancy on the Fifth Circuit Court of Appeals who also is a friend and political ally of Senate Minority Leader Trent Lott (R-Miss.). "This is likely to be the opening round in the judicial nomination battle," said Elliot Minberg of People for the American Way, one of the liberal groups that will hold a news conference today to urge the Senate to reject Pickering's nomination.

Pickering is just one of many of Bush's judicial nominees criticized as too conservative by People for the American Way and its allies; he became the first target because Lott is pushing hard for a hearing and confirmation vote, Minberg said.

Lott yesterday called for Pickering's confirmation by Presidents Day, Feb. 18. "He's eminently qualified, supported by a broad group of individuals in our state, including minorities and women and plaintiff's attorneys and defense attorneys, and Republicans and Democrats," Lott said.

Even though the nation's attention was riveted on the Sept. 11 terrorist attacks and the government's frantic follow-up last fall, the ideological battle over Bush's judicial nominations quietly but heatedly continued in the background in the Senate.

Bush has proved to be particularly eager to put his stamp on the federal court, which has more than 100 vacancies, or about 12 percent of the total judgeships.

Yesterday, Bush announced 24 new judicial nominations, bringing his total to 90 during his first year in office. That is much faster than most of his recent predecessors.

Twenty-eight of the nominees have been confirmed by the Senate, all but four of them since Sept. 11, after passing through the Senate Judiciary Committee controlled by Sen. Patrick Leahy (D-Vt.), according to a tally kept by the Justice Department.

The nominations, hearings and confirmations have been fraught with political infighting and dramatic gestures.

Last fall, as the U.S. war on terrorism hit high gear, Senate Republicans led by Lott took a break to make speeches condemning Democrats for not moving fast enough on Bush's choices for judges. Republicans even temporarily blocked the foreign appropriations bill sponsored by Leahy to force Democrats to move more quickly.

Meanwhile, Leahy attempted to demonstrate his willingness to move ahead by holding a hearing on Pickering even though the Senate office buildings closed that day because of the anthrax scare. The hearing was held in the Capitol.

Committee Democrats forced Pickering to provide more information and go through a second hearing because he has published only 95 opinions in 11 years on the bench. That's too few to determine his qualifications, said Sen. Charles Schumer (D-N.Y.).

Republicans charged that Democrats were influenced by liberal groups.

Pickering should be blocked because he "has a troubling record on civil rights and reproductive choice" that is "emblematic" of Bush nominees, according to Alliance for Justice.

Leahy's committee is expected to hold a second hearing on Pickering the first week of February.

President Picks Local Jurist for New Federal Judgeship

By Jon Burstein and Rafael Lorente

Sun-Sentinel

Thursday, January 24, 2002

A Palm Beach County Circuit judge is one step closer to taking a seat on the federal bench.

Circuit Judge Kenneth Marra was one of 24 judicial nominees for slots nationwide whose names were forwarded Wednesday by President Bush to Capitol Hill. The president has picked Marra to fill a newly created judgeship for the U.S. District Court for the Southern District of Florida. "I am humbled and honored by President Bush's nomination of me to a position on the United States District Court," Marra said in a statement. "I look forward to completing the nomination process before the United States Senate and to the many challenges that await me as a United States District Judge."

Bush also nominated Miami lawyer Jose Martinez to replace Senior U.S. District Judge Edward Davis in Miami.

Both nominees went through the 22-member Southern District Judicial Nominating Commission chaired by former Gov. Bob Martinez. They also have been interviewed and approved by Florida's Democratic U.S. Sens. Bob Graham and Bill Nelson.

Support from home-state senators is crucial for nominees to successfully navigate the confirmation process.

"Given their qualifications and with the support of those two home-state senators, I'm confident they will be confirmed quickly," said Alberto Gonzalez, White House legal counsel.

Gonzalez said there is one more empty seat in the southern district that the White House hopes to fill soon.

The lifetime appointments pay \$150,000 a year.

Marra, 50, has been a circuit judge since 1996, serving in the civil, family and criminal divisions. Before that, he spent 12 years practicing commercial litigation with the law firm of Nason, Gildan, Yeager, Gerson & White.

The New York City native got an undergraduate degree from State University of New York, Stony Brook in 1973. He graduated first in his class at Stetson University College of Law in St. Petersburg in 1977.

Liberals Challenge Judicial Nominee; Argue Bush Would 'Pack' Courts With Foes of Civil Rights

By Audrey Hudson
The Washington Times
Thursday, January 24, 2002

Liberal groups today will highlight the record of a conservative judge as part of their campaign to tarnish President Bush's judicial nominees as right-wingers who will "seriously threaten the

rights of all Americans."

Such organizations as People for the American Way, the National Abortion and Reproductive Rights Action League, the Alliance for Justice and the Leadership Conference on Civil Rights plan a press conference on the "problematic record" of Mississippi District Judge Charles W. Pickering.

"Many of President Bush's nominees to the appellate courts, recommended by the Federalist Society and other right-wing advocates, have troubling records and could cause serious damage to our rights and liberties," the groups said in press statement.

The report is expected to include criticism of the pro-life stance of Judge Pickering, who has been nominated to the 5th U.S. Circuit Court of Appeals. Judge Pickering was chairman of the first national Republican platform committee that called for a constitutional amendment to ban abortion. "The Senate should reject far-right court-packing efforts, and should withhold its consent from right-wing nominees who do not demonstrate a commitment to civil rights and liberties," the groups said. "More moderate, mainstream nominees who reflect genuine bipartisan consultation should receive priority in processing."

The criticisms were dismissed by key Senate Republicans who said Judge Pickering had been approved by the American Bar Association.

"He's eminently qualified, supported by a broad group of individuals in our state, including minorities and women and plaintiff's attorneys and defense attorneys, and Republicans and Democrats. He's an outstanding individual," said Senate Minority Leader Trent Lott, Mississippi Republican.

Judge Pickering was nominated in June, and one hearing was held late last year. Another hearing is expected in the coming weeks, and Republicans are pushing for a vote before the Presidents Day recess next month.

Democrats have stalled the vote by asking for additional information and notes, a tactic Mr. Lott describes as "a classic case of how the committee has kicked the can down the road."

"This is unnecessary and ridiculous harassment, and I believe that he will get a hearing and he will be confirmed," Mr. Lott said.

Mr. Bush nominated 64 judges last year, and 28 were confirmed. Yesterday, Mr. Bush nominated an additional 24 judges, bringing the total number now before the Senate to 60.

The groups also are opposing the nominations of Carolyn Kuhl, a California state trial court judge, to the 9th U.S. Circuit Court of Appeals; Jeffrey Sutton to the 6th U.S. Circuit Court of Appeals; and Priscilla Owen, a justice on the Texas Supreme Court, to the 5th U.S. Circuit Court of Appeals.

The chief criticism of these nominees is that all are members of the Federalist Society for Law and Public Policy, a group of conservatives and libertarians.

According to the Federalist Web site (www.fed-soc.org), the group's mission "is founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be."

Sen. Larry E. Craig, Idaho Republican and chairman of the Republican Policy Committee, said Mr. Bush "will appoint exactly who he wants to appoint."

"That is the responsibility of the president; that is what happens when you win the presidency," Mr. Craig said.

Mr. Craig said the organizations had the right to speak out but cautioned them to stick to the facts.

"It's a tragic day in America when you can make political hay by failing to tell the truth," Mr. Craig said.

Since December, the liberal groups and other feminist organizations have been plotting a "nasty and contentious fight" against Mr. Bush's judicial nominees who do not support abortion, according to a memo of the groups' meeting obtained by The Washington Times.

The other organizations include the Ms. Foundation and the National Organization for Women.

Senators Protest Bush Judicial Pick; Murray, Cantwell Miffed at Selection Process, Say They Won't Back Leighton

By Charles Pope
The Seattle Post-Intelligencer
Thursday, January 24, 2002

President Bush yesterday nominated Tacoma attorney Ronald Leighton to be a federal district judge for Western Washington, ignoring strenuous objections by the state's two senators who complained they weren't adequately consulted.

Leighton was selected by an all-Republican selection committee formed with the White House's support by Rep. Jennifer Dunn, R-Wash. That angered Democratic Sens. Patty Murray and Maria Cantwell who said the nominee should be the product of a bipartisan panel. In a letter last month to White House counsel Alberto Gonzales, Murray and Cantwell said "we will not support any nominee for a Washington state federal bench vacancy who has not come through a bipartisan commission process."

That threat could stop Leighton in his tracks in the Senate, where a single objection is all that's required to derail a nomination. "I'm confident the Senate will not confirm a judicial nominee that does not have the support of the state's senators," Murray said.

"This is not about Mr. Leighton. He may well be a good, qualified candidate for judge. I'm sorry he got caught up in the White House's inability to understand that the Senate has a role in confirming judges," Murray said.

Murray added that the bipartisan system she used when Republican Slade Gorton served in the Senate would be a good model. That effort produced nominees that were supported by both parties and who enjoyed quick confirmation.

That is not likely to happen this time.

The nomination intensified a war of wills pitting Murray and Cantwell against Dunn and the White House. Murray insisted that the all-Republican committee broke a well-established practice of using a bipartisan panel to solicit potential nominees.

But Dunn said Cantwell and Murray weren't excluded and were given an opportunity to be "equal partners" in the process. Leighton was one of four candidates selected by Dunn's committee. Aides to Dunn said that a complete resume of each candidate was provided to Murray and Cantwell along with an offer to comment. Dunn said neither senator offered any comment.

Dunn praised the 50-year-old Leighton as a strong nominee whose ability and accomplishments shouldn't be overshadowed by a dispute over the process used to select him. "Sometimes senators make it sound like there is one system that has to be used," she said. "For the senators to use process as an excuse not to give the president his nominee is unfortunate."

If confirmed, Leighton would replace Judge Robert Bryan at the federal court in Tacoma. Bryan announced last year he would take "senior status," meaning he no longer would hear a full docket of cases.

A senior White House official, who spoke only on the condition he not be named, said the administration rejected a bipartisan commission because it would take too long. "There is a judicial vacancy crisis and the president wants to move rapidly," the official said. "This one has been vacant too long."

Murray disputed that claim, saying she, Cantwell and Dunn have been in discussions for a year in an effort to reach agreement on a method for picking judicial nominees.

The White House official added that Leighton is "superbly qualified" and urged that the Senate consider his qualifications rather than how he was selected. "We're confident he is of such high quality that no matter what the process, Ron Leighton would have been at the top of the list."

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>;Craig Felner/WHO/EOP@EOP [WHO] <Craig Felner>;Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>;Nicole_E._Grodner@who.eop.gov [UNKNOWN] <Nicole_E._Grodner@who.eop.gov>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>
Sent: 1/25/2002 11:08:29 AM
Subject: : agency foia requests
Attachments: P_W7725003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JAN-2002 16:08:29.00
SUBJECT:: agency foia requests
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nicole_E._Grodner@who.eop.gov (Nicole_E._Grodner@who.eop.gov [UNKNOWN])
READ:UNKNOWN
CC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

....from this week's cabinet report submissions.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_W7725003_WHO.TXT_1>

SIGNIFICANT AGENCY FOIA REQUESTS

VETERANS

- On January 14, 2002, Mrs. **Lynette Kalsnes, Staff Reporter, *Chicago Tribune***, Chicago, IL requested copies of several Office of Inspector General reports pertaining to the Edward J. Hines, Jr. VA Hospital, Hines, Illinois.
- On January 17, 2002, Mr. **Russell Carollo, Reporter, *Dayton Daily News***, Dayton, Ohio, requested copies of Office of Inspector General report entitled "Healthcare Inspection Alleged Research Improprieties and Quality of Care Issues, VA Medical Center, Miami, FL."

DOE

- **Mary Orndorff, *The Birmingham News*** requests copies of correspondence between DOE and members of the Alabama Congressional Delegation from 2001 to the present that relate to the New Source Review of Power Plants.
- **Tom Hamburger, *Wall Street Journal*** requests copies of correspondence between: 1) members of Congress and any federal agency since January 2001 related to Enron Corporation; and 2) Enron Corporation and any federal agency since January 2001.
- **John Bresnahan, *Roll Call*** requests copies of correspondence between DOE and various Senators and Representatives from January 1, 1997 to the present.
- **Tim Burger, *New York Daily News*** requests information about DOE involvement with Enron Corporation from 1998 to the present, documents between Enron Corporation and the Overseas Private Investment Corporation (OPIC) and applications submitted by Enron Corporation to OPIC.
- **Christopher Farrell, *Judicial Watch*** requests copies of documents related to Enron Corporation Chief Executive Kenneth L. Lay and Secretary of Energy Secretary Spencer Abraham.

EPA

During the week of January 15-21, 2002, the Agency received a total of 347 FOIA requests. Of that total, 46 were received in Headquarters. Significant FOIAs include: (1) a request from the ***Bangor Daily News*** regarding criminal violations of the Clean Water Act at Maine mills; (2) a request from ***Greenwire*** regarding New Source Review information; (3) a request from **NBC 4** regarding the number of reported incidents involving deaths, major effects and minor incidents from Hartz Mountain flea control products and documents from the review of these products; (4) a request from ***The Birmingham News*** regarding Congressional letters concerning New Source Review; (5) a request from Benjamin Jones of the Democratic Senatorial Campaign

Committee regarding Congressional correspondence with John Cooksey from January 1, 1996 to the present; (6) a request from **Heather White of the Environmental Working Group** regarding studies involving human test subjects; and (7) a request from **Thomas Adams of the Oxygenated Fuels Association**, Inc. regarding MTBE.

HHS

ACF reported the following:

- **Renee M. Limoge** requested a copy of all correspondence between the office of Representative Ken Bentsen, Jr. (D- TX) and DHHS from January 1995 to the present.
- **Benjamin Jones, Democratic Senatorial Campaign Committee**, requested a copy of correspondence between Senator Gordon Smith (R-OR) and the Department of Health and Human Services from January 1, 1997, through July 19, 2001.
- **Katherine S. Legg** requested a copy of documents concerning the Infants Adoption Awareness Training Program awards announced on October 15, 2001.
- **Heather J. Christie** requested a copy of documents concerning the FY 2001 Competitive Discretionary Grant Awards for Field Initiated Demonstration Projects Advancing the State of the Art in the Adoption Field.

LABOR

Benjamin Jones, Deputy Research Director, Democratic Senatorial Campaign Committee *is seeking*: all direct correspondence between the following current and former Members of the House of Representatives and United States Senate between the dates listed below:

Jean Carnahan: Sen: 1/1/00 - Present

Mr. Jones is seeking all direct correspondence between the listed members or their staff and [the Department of Labor], including letters, reports, requests and other relevant material. He is not interested in any secondary material such as phone logs, e-mails, notations of conversations. This request is being forwarded to all components of the Department, including the Divisions in the Solicitor's Office for processing. Date request received: Dec. 12, 2001.

TREASURY

- Received 1/10/02 from **Bloomberg News** requested records regarding the Enron Corporation.
- Received 1/11/02 from **The Center for Public Integrity** requested records regarding the Enron Corporation.
- Received 1/11/02 from **the Los Angeles Times** requested records regarding the Enron Corporation.

- Received 1/11/02 from *The Washington Post* requested records regarding the Enron Corporation.
- Received 1/13/02 from the *Associated Press* requested records regarding the Enron Corporation.
- Received 1/14/02 from the *New York Daily News* requested records regarding the Enron Corporation.
- Received 1/15/02 from the *Wall Street Journal* requested records regarding the Enron Corporation.

COMMERCE

- Received 1/18/02 from **Alan C. Miller, *The Los Angeles Times***, requesting a list of all participants in any trade missions led by Secretary Donald L. Evans or any other senior Commerce official between January 22, 2001, and December 31, 2001. The requested information includes: dates of the mission, destinations, itinerary, purpose, number of Commerce participants, number of participants from any other federal agency, number of business or non-governmental participants, and total cost.
- Received 1/17/02 from **Rob Evans, *Guardian Newspaper***, requesting all correspondence from January 20, 2001, to November 28, 2001, between Secretary Evans and ministers in the British government.
- Received 1/17/02 from **Carla J. Christofferson, O'Melveny & Meyers LLP**, requesting all documents relating to laboratory analyses, sampling, and other testing performed by the Auke Bay Laboratory in connection with or in support of any study related to the sampling of beaches in western Prince William Sound. The documents are needed to determine the amount of Exxon Valdez oil remaining in the upper intertidal areas, recovery trends, and if the remaining oil still has the characteristic composition of Exxon Valdez oil since January 2001. Cruise ship logs related to the analysis were also requested.
- Received 1/15/02 from **Richard N. Brown, De Sola & Pate** (Venezuelan Law Firm), requesting records related to the United States Patent and Trademark Office's travel for U.S. Adherence to the Madrid Protocol (WIPO).

From: CN=Mack C. Bayne III/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2002 4:12:04 AM
Subject: : Re: BlackBerry Wireless e-mail device.

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP [OA])
CREATION DATE/TIME:28-JAN-2002 09:12:04.00
SUBJECT:: Re: BlackBerry Wireless e-mail device.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

We had more people on our current list to received BlackBerry's thans we had physical inventory (units). We installed 22 units in two and 1/2 days last week.

Procurement placed an additional order with the vendor on Friday, I expect to recieve the units and have them activated by Thursday this week.

How does Thursday or Friday this week look for you? What time would be good for you on either of those days? The tech will need an hour to complete the install and give you training. He will need your password, or someone there that has it several times during the install.
Thanks!

Mack Bayne

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Mack C. Bayne III/OA/EOP@EOP [OA] <Mack C. Bayne III>
Sent: 1/28/2002 4:13:34 AM
Subject: : Re: BlackBerry Wireless e-mail device.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JAN-2002 09:13:34.00
SUBJECT:: Re: BlackBerry Wireless e-mail device.
TO: Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

How about Thursday at 3?

Mack C. Bayne III
01/28/2002 09:12:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: BlackBerry Wireless e-mail device.

Brett,

We had more people on our current list to receive BlackBerry's than we had physical inventory (units). We installed 22 units in two and 1/2 days last week.

Procurement placed an additional order with the vendor on Friday, I expect to receive the units and have them activated by Thursday this week.

How does Thursday or Friday this week look for you? What time would be good for you on either of those days? The tech will need an hour to complete the install and give you training. He will need your password, or someone there that has it several times during the install.
Thanks!

Mack Bayne

From: Troy, Daniel <DTroy@OC.FDA.GOV>
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Alex.Azar@hhs.gov [UNKNOWN] <Alex.Azar@hhs.gov>; Troy, Daniel <DTroy@OC.FDA.GOV>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>
Sent: 1/28/2002 4:57:50 AM
Subject: : RE: tort reform

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Troy, Daniel" <DTroy@OC.FDA.GOV> ("Troy, Daniel" <DTroy@OC.FDA.GOV> [UNKNOWN])

CREATION DATE/TIME:28-JAN-2002 09:57:50.00

SUBJECT:: RE: tort reform

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov [UNKNOWN])

READ:UNKNOWN

TO:"Troy, Daniel" <DTroy@OC.FDA.GOV> ("Troy, Daniel" <DTroy@OC.FDA.GOV> [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

I'd like to try and attend. Thanks for the invite. Sorry we didnt hook up this weekend.

-----Original Message-----

From: Jay_P._Lefkowitz@omb.eop.gov [mailto:Jay_P._Lefkowitz@omb.eop.gov]

Sent: Monday, January 28, 2002 9:46 AM

To: Alex.Azar@hhs.gov; Dtroy@oc.fda.gov; Brett_M._Kavanaugh@who.eop.gov;

Viet.Dinh@usdoj.gov; Diana_L._Schacht@opd.eop.gov;

Kristen_Silverberg@who.eop.gov; Rebecca_A._Beynon@omb.eop.gov

Subject: tort reform

Professor Richard Epstein will be in town on February 11, and Chris Demuth of

AEI has invited us to spend an hour or so meeting with him and discussing some

of his ideas for civil justice reform. Please let me know if you are interested, and available, to attend. The meeting will be held at AEI, 1150

17th Street, N.W., at 3:30 p.m. on Feb. 11.

Thanks

REV_00139411

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/28/2002 5:14:01 AM
Subject: : Re: tort proposal

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2002 10:14:01.00
SUBJECT:: Re: tort proposal
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

yes -- you're right. they should have been brought to your attention.
we're going to suggest a couple tweaks to process next year -- more WH
involvement in which issues get featured -- so we'll suggest broader
distribution as well.

Brett -- what's your fax? also, I need to talk to you asap about draft
letter from Sec. Card.

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; kyle sampson/who/eop@eop [WHO] <kyle sampson>; alberto_r._gonzales@who.eop.gov [UNKNOWN] <alberto_r._gonzales@who.eop.gov>
Sent: 1/28/2002 2:36:16 AM
Subject: : Re: Leahy "gold standard" quote

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CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JAN-2002 07:36:16.00
SUBJECT:: Re: Leahy "gold standard" quote
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: alberto_r._gonzales@who.eop.gov (alberto_r._gonzales@who.eop.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Got it. Thanks.

Sent from my BlackBerry Handheld.

From: Timothy_E._Flanigan@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 1/28/2002 2:36:46 AM
Subject: : Re: Leahy "gold standard" quote

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Timothy_E._Flanigan@who.eop.gov (Timothy_E._Flanigan@who.eop.gov [UNKNOWN])

CREATION DATE/TIME: 28-JAN-2002 07:36:46.00

SUBJECT:: Re: Leahy "gold standard" quote

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Got it. Thanks.

Sent from my BlackBerry Handheld.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Mack C. Bayne III/OA/EOP@EOP [OA] <Mack C. Bayne III>
Sent: 1/28/2002 2:44:40 AM
Subject: : Re: BlackBerry Wireless e-mail device.

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JAN-2002 07:44:40.00
SUBJECT:: Re: BlackBerry Wireless e-mail device.
TO: Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

Is 2:00 today (Monday) available?

Mack C. Bayne III
01/22/2002 03:38:00 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: BlackBerry Wireless e-mail device.

You have been approved to receive a new EOP issued BlackBerry Wireless e-mail device. I am trying to schedule a time with you when a technician can take care of the installation of the unit at your desktop computer. The installation of a BlackBerry takes about 1 hour. The technician will be happy to review the BlackBerry configuration with you and answer any questions you may have.

The technician will need your password several times during the installation. If you do not plan on being available during the installation, please contact Lori Lorenzo so that she may be available to help the technician to log into your PC.

Please return this e-mail to me with a date and time that you would like the technician to perform your install and whether you will or will not be there at the time the technician performs the install. We will do our best to work into your schedule. The installers are normally available from 9:30 to 4:00.

Regards

Mack Bayne
Office of Administration
Computer Specialist

Message Sent

To: _____
Rachel L. Brand/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

REV_00139417

Kyle Sampson/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2002 2:47:06 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:28-JAN-2002 07:47:06.00
SUBJECT::
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tim and Brett:

In *Public Citizen v. Department of State*, No 00-5387 (DC Cir. Jan 25, 2002), the DC Circuit held that the Department of State's policy in Freedom of Information Act request processing of treating the date of the FOIA request as the cut-off date for records responsive to the request was unreasonable. Passage of note is:

"At the very least, we think that with minimal administrative hassle, the Department could apply a date-of-search cut-off to the Central File. In short, like the CIA in *McGehee*, the State Department has failed to substantiate its claim that an 'administrative nightmare' would result were it unable to apply the date-of-request cut-off policy to Public Citizen's June request. In reaching this conclusion, we emphasize that nothing in this opinion precludes either the Department or any other federal agency from attempting a more compelling justification for imposing a date-of-request cut-off on a particular FOIA request." [italics in original; citation omitted]

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 1/28/2002 3:17:35 AM
Subject: : 01-30-02 WHJSC meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JAN-2002 08:17:35.00
SUBJECT:: 01-30-02 WHJSC meeting
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Please let me know if you have any items for this week's agenda.

Thanks!

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Barbara Comstock
<Barbara.Comstock@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole
<Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton
<Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Linda Long
<Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns
<Lori.McMahon@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Neal Suit
<Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy
<Sheila.Joy@usdoj.gov>; Steve Koebele <Steve.Koebele@usdoj.gov>; Viet Dinh
<Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO
/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO]
<Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E.
Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO]
<Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S.
Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/28/2002 4:01:13 AM
Subject: : Judicial Confirmation Working Group Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie"
<Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:28-JAN-2002 09:01:13.00

SUBJECT:: Judicial Confirmation Working Group Meeting

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Barbara Comstock <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) (Barbara Comstock <Barbara.Comstock@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested)

REV_00139423

(IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
 READ:UNKNOWN
 TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 ##### End Original ARMS Header #####

The Judicial Confirmation Working Group will meet today (Monday, January 28, 2002) at 5:30pm at Main Justice in room 4646. An agenda is forth coming.

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Barbara Comstock
<Barbara.Comstock@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole
<Deloris.L.Cole@usdoj.gov>; James Carroll <James.W.Carroll@usdoj.gov>; Jason Sutton
<Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Linda Long
<Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns
<Lori.McMahon@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Neal Suit
<Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy
<Sheila.Joy@usdoj.gov>; Steve Koebele <Steve.Koebele@usdoj.gov>; Viet Dinh
<Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO
/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO]
<Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E.
Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO]
<Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S.
Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/28/2002 4:01:37 AM
Subject: : Judicial Confirmation Working Group Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie"
<Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:28-JAN-2002 09:01:37.00

SUBJECT:: Judicial Confirmation Working Group Meeting

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Barbara Comstock <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) (Barbara Comstock <Barbara.Comstock@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (James Carroll <James.W.Carroll@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

REV_00139425

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Judicial Confirmation Working Group will meet today (Monday, January 28, 2002) at 5:30pm at Main Justice in room 4646. An agenda is forth coming.

REV_00139426

From: CN=Mack C. Bayne III/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2002 4:12:04 AM
Subject: : Re: BlackBerry Wireless e-mail device.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP [OA])
CREATION DATE/TIME:28-JAN-2002 09:12:04.00
SUBJECT:: Re: BlackBerry Wireless e-mail device.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

We had more people on our current list to received BlackBerry's thans we had physical inventory (units). We installed 22 units in two and 1/2 days last week.

Procurement placed an additional order with the vendor on Friday, I expect to recieve the units and have them activated by Thursday this week.

How does Thursday or Friday this week look for you? What time would be good for you on either of those days? The tech will need an hour to complete the install and give you training. He will need your password, or someone there that has it several times during the install.
Thanks!

Mack Bayne

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Mack C. Bayne III/OA/EOP@EOP [OA] <Mack C. Bayne III>
Sent: 1/28/2002 4:13:34 AM
Subject: : Re: BlackBerry Wireless e-mail device.

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JAN-2002 09:13:34.00
SUBJECT:: Re: BlackBerry Wireless e-mail device.
TO: Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

How about Thursday at 3?

Mack C. Bayne III
01/28/2002 09:12:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: BlackBerry Wireless e-mail device.

Brett,

We had more people on our current list to receive BlackBerry's than we had physical inventory (units). We installed 22 units in two and 1/2 days last week.

Procurement placed an additional order with the vendor on Friday, I expect to receive the units and have them activated by Thursday this week.

How does Thursday or Friday this week look for you? What time would be good for you on either of those days? The tech will need an hour to complete the install and give you training. He will need your password, or someone there that has it several times during the install.
Thanks!

Mack Bayne

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Carroll, James W (OLP) <James.W.Carroll@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Kristen Ullman <Kristen.A.Ullman@usdoj.gov>; Linda Long <Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns <Lori.McMahon@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; (Mindy Tucker <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/MTUCKER%JCON"@intmail.usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; (Peter Coniglio <EX=/USDOJ/JMD/RECIPIENTS/MAILBOXES/PCONIGLIO%JCON"@intmail.usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 1/28/2002 4:39:08 AM
Subject: : IWF editorial

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:28-JAN-2002 09:39:08.00

SUBJECT:: IWF editorial

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Carroll, James W (OLP)" <James.W.Carroll@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Kristen Ullman <Kristen.A.Ullman@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: (Mindy Tucker <"EX=/O=USDOJ/OU=JMD/CN=RECIPIENTS/CN=MAILBOXES /CN=MTUCKER%JCON"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

REV_00139431

READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
(Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: (Peter Coniglio <"EX=/O=USDOJ/OU=JMD/CN=RECIPIENTS/CN=MAILBOXES /CN=PCONIGLIO%JCON"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

is linked here: <http://www.washingtontimes.com/op-ed/20020128-70344878.htm>

From: CN=Mack C. Bayne III/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2002 4:41:09 AM
Subject: : Could we make it 3:30pm on thursday instead of 3:00?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP [OA])

CREATION DATE/TIME:28-JAN-2002 09:41:09.00

SUBJECT:: Could we make it 3:30pm on thursday instead of 3:00?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I only have one installer that day and he is doing Libby Camp's at 2:30. He will go from her to you as soon as he is done.

Thanks

Mack

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CREATION DATE/TIME:28-JAN-2002 09:41:09.00

SUBJECT:: Could we make it 3:30pm on thursday instead of 3:00?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

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Thanks

Mack

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Mack C. Bayne III/OA/EOP@EOP [OA] <Mack C. Bayne III>
Sent: 1/28/2002 4:46:39 AM
Subject: : Re: Could we make it 3:30pm on thursday instead of 3:00?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JAN-2002 09:46:39.00
SUBJECT:: Re: Could we make it 3:30pm on thursday instead of 3:00?
TO: Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

sure

Mack C. Bayne III
01/28/2002 09:41:06 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Could we make it 3:30pm on thursday instead of 3:00?

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To: Mack C. Bayne III/OA/EOP@EOP [OA] <Mack C. Bayne III>
Sent: 1/28/2002 4:46:39 AM
Subject: : Re: Could we make it 3:30pm on thursday instead of 3:00?

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JAN-2002 09:46:39.00
SUBJECT:: Re: Could we make it 3:30pm on thursday instead of 3:00?
TO: Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

sure

Mack C. Bayne III
01/28/2002 09:41:06 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Could we make it 3:30pm on thursday instead of 3:00?

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Thanks

Mack

From: Troy, Daniel <DTroy@OC.FDA.GOV>
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Alex.Azar@hhs.gov [UNKNOWN] <Alex.Azar@hhs.gov>; Troy, Daniel <DTroy@OC.FDA.GOV>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>
Sent: 1/28/2002 4:56:10 AM
Subject: : RE: tort reform

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Troy, Daniel" <DTroy@OC.FDA.GOV> ("Troy, Daniel" <DTroy@OC.FDA.GOV> [UNKNOWN])

CREATION DATE/TIME:28-JAN-2002 09:56:10.00

SUBJECT:: RE: tort reform

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov [UNKNOWN])

READ:UNKNOWN

TO:"Troy, Daniel" <DTroy@OC.FDA.GOV> ("Troy, Daniel" <DTroy@OC.FDA.GOV> [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

I'd like to try and attend. Thanks for the invite. Sorry we didnt hook up this weekend.

-----Original Message-----

From: Jay_P._Lefkowitz@omb.eop.gov [mailto:Jay_P._Lefkowitz@omb.eop.gov]

Sent: Monday, January 28, 2002 9:46 AM

To: Alex.Azar@hhs.gov; Dtroy@oc.fda.gov; Brett_M._Kavanaugh@who.eop.gov;

Viet.Dinh@usdoj.gov; Diana_L._Schacht@opd.eop.gov;

Kristen_Silverberg@who.eop.gov; Rebecca_A._Beynon@omb.eop.gov

Subject: tort reform

Professor Richard Epstein will be in town on February 11, and Chris Demuth of

AEI has invited us to spend an hour or so meeting with him and discussing some

of his ideas for civil justice reform. Please let me know if you are interested, and available, to attend. The meeting will be held at AEI, 1150

17th Street, N.W., at 3:30 p.m. on Feb. 11.

Thanks

REV_00139437

From: Troy, Daniel <DTroy@OC.FDA.GOV>
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Alex.Azar@hhs.gov [UNKNOWN] <Alex.Azar@hhs.gov>; Troy, Daniel <DTroy@OC.FDA.GOV>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>
Sent: 1/28/2002 5:00:37 AM
Subject: : RE: tort reform

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Troy, Daniel" <DTroy@OC.FDA.GOV> ("Troy, Daniel" <DTroy@OC.FDA.GOV> [UNKNOWN])

CREATION DATE/TIME:28-JAN-2002 10:00:37.00

SUBJECT:: RE: tort reform

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov [UNKNOWN])

READ:UNKNOWN

TO:"Troy, Daniel" <DTroy@OC.FDA.GOV> ("Troy, Daniel" <DTroy@OC.FDA.GOV> [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

End Original ARMS Header

I'd like to try and attend. Thanks for the invite. Sorry we didnt hook up this weekend.

-----Original Message-----

From: Jay_P._Lefkowitz@omb.eop.gov [mailto:Jay_P._Lefkowitz@omb.eop.gov]

Sent: Monday, January 28, 2002 9:46 AM

To: Alex.Azar@hhs.gov; Dtroy@oc.fda.gov; Brett_M._Kavanaugh@who.eop.gov;

Viet.Dinh@usdoj.gov; Diana_L._Schacht@opd.eop.gov;

Kristen_Silverberg@who.eop.gov; Rebecca_A._Beynon@omb.eop.gov

Subject: tort reform

Professor Richard Epstein will be in town on February 11, and Chris Demuth of

AEI has invited us to spend an hour or so meeting with him and discussing some

of his ideas for civil justice reform. Please let me know if you are interested, and available, to attend. The meeting will be held at AEI, 1150

17th Street, N.W., at 3:30 p.m. on Feb. 11.

Thanks

REV_00139438

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2002 10:24:14 AM
Subject: : Permission to use WH photos and videotape in promotional material

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2002 15:24:14.00
SUBJECT:: Permission to use WH photos and videotape in promotional material
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Jeanie, generally, we do not allow the image of the White House or President to be used to promote either commercial or non-profit entities. If you give me more details, I can probably give you more specific advice. My extension is 6-5073.

----- Forwarded by Noel J. Francisco/WHO/EOP on
01/28/2002 03:22 PM -----

Brett M. Kavanaugh
01/28/2002 03:19:19 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: Permission to use WH photos and videotape in promotional material

Is this up your alley? By the way, we need also to talk about a related issue.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
01/28/2002 03:19 PM -----

Jeanie S. Mamo
01/28/2002 03:11:48 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Permission to use WH photos and videotape in promotional material

Brett-- the Teach for America press person wants to know if she can use WH photos and WH video in promotional material. Since they are a non-profit, is that a problem?

2. Will we have access to the photos? Will we have permission to use these after the event for future promotional opportunities? If so, to whom do we credit the photo?
3. If not, may we use our own photographer?

If so, may we get a copy of the tape after the event? Will we have permission to use excerpts from the tape as part of future promotional activities?

May we use excerpts from the speech in future promotional materials?

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2002 10:54:48 AM
Subject: : Fund Raising by PFIAB Member

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2002 15:54:48.00
SUBJECT:: Fund Raising by PFIAB Member
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

did you ever get to this one?
----- Forwarded by Robert W. Cobb/WHO/EOP on 01/28/2002
03:54 PM -----

Robert W. Cobb
01/25/2002 03:52:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

you get political questions. This was the draft answer worked up a
non-lawyer detailee in my office. Question is below. PFIAB is a WHO
entity (an advisory group). What do you think?
----- Forwarded by Robert W. Cobb/WHO/EOP on 01/25/2002
03:50 PM -----

Patricia C. Zemple
01/25/2002 03:29:01 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

Moose,

This in from Randy.

In my opinion, it appears that Friedman could host a fund-raising
reception with certain exceptions:

1. He'd have to hold the reception while not on duty. (Presumably, he'll host the party on a day when he's not here as a PFIAB member.)
2. He could send out the invitation but the invitation could not address the issue of fundraising. Something along the lines of "A party in honor of"
3. He could give a speech or some type of opening remarks, but again, he couldn't solicit political contributions. Another speaker who wasn't bound by Hatch Act would have to do that.
3. The invitation couldn't mention his membership on PFIAB.

I've got a call into OSC to double-check this, but that's my take.

Trish

REV_00139444

----- Forwarded by Patricia C. Zemple/WHO/EOP on
01/25/2002 03:20 PM -----

Randy W. Deitering
01/25/2002 02:11:37 PM
Record Type: Record

To: Patricia C. Zemple/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

Trish:

Steve Friedman called to asked if there are some written rules/guidelines we can provide re: member's involvement in political fund raising. He has been asked by a member of Congress to host a small reception at his home as a venue for campaign fund raising. Can you help?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 1/28/2002 10:58:32 AM
Subject: : Re: Fund Raising by PFIAB Member

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JAN-2002 15:58:32.00
SUBJECT:: Re: Fund Raising by PFIAB Member
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I would have OSC opine since PFIAB may be a different status than EOP. But note that EOP officials cannot host fundraisers.

Robert W. Cobb
01/28/2002 03:54:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

did you ever get to this one?
----- Forwarded by Robert W. Cobb/WHO/EOP on 01/28/2002
03:54 PM -----

Robert W. Cobb
01/25/2002 03:52:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

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----- Forwarded by Robert W. Cobb/WHO/EOP on 01/25/2002
03:50 PM -----

Patricia C. Zemple
01/25/2002 03:29:01 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

Moose,

This in from Randy.

In my opinion, it appears that Friedman could host a fund-raising

REV_00139446

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----- Forwarded by Patricia C. Zemple/WHO/EOP on
01/25/2002 03:20 PM -----

Randy W. Deitering
01/25/2002 02:11:37 PM
Record Type: Record

To: Patricia C. Zemple/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

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From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2002 11:06:16 AM
Subject: : Re: Fund Raising by PFIAB Member

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2002 16:06:16.00
SUBJECT:: Re: Fund Raising by PFIAB Member
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

These guys are special Government employees; they advise the President;
PFIAB operates per an executive order as a WHO component.

Brett M. Kavanaugh
01/28/2002 03:58:29 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Fund Raising by PFIAB Member

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EOP. But note that EOP officials cannot host fundraisers.

Robert W. Cobb
01/28/2002 03:54:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

did you ever get to this one?
----- Forwarded by Robert W. Cobb/WHO/EOP on 01/28/2002
03:54 PM -----

Robert W. Cobb
01/25/2002 03:52:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

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non-lawyer detailee in my office. Question is below. PFIAB is a WHO
entity (an advisory group). What do you think?
----- Forwarded by Robert W. Cobb/WHO/EOP on 01/25/2002

REV_00139448

03:50 PM -----

Patricia C. Zemple
01/25/2002 03:29:01 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

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01/25/2002 03:20 PM -----

Randy W. Deitering
01/25/2002 02:11:37 PM
Record Type: Record

To: Patricia C. Zemple/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

Trish:

Steve Friedman called to asked if there are some written rules/guidelines we can provide re: member's involvement in political fund raising. He has been asked by a member of Congress to host a small reception at his home as a venue for campaign fund raising. Can you help?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 1/28/2002 11:10:13 AM
Subject: : Re: Fund Raising by PFIAB Member

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JAN-2002 16:10:13.00
SUBJECT:: Re: Fund Raising by PFIAB Member
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

if that's true, my last e-mail obtains (no fundraiser at his house). See example 1 of 5 CFR 734.303.

Robert W. Cobb
01/28/2002 04:06:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Fund Raising by PFIAB Member

These guys are special Government employees; they advise the President; PFIAB operates per an executive order as a WHO component.

Brett M. Kavanaugh
01/28/2002 03:58:29 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Fund Raising by PFIAB Member

I would have OSC opine since PFIAB may be a different status than EOP. But note that EOP officials cannot host fundraisers.

Robert W. Cobb
01/28/2002 03:54:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

did you ever get to this one?

REV_00139451

----- Forwarded by Robert W. Cobb/WHO/EOP on 01/28/2002
03:54 PM -----

Robert W. Cobb
01/25/2002 03:52:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

you get political questions. This was the draft answer worked up a non-lawyer detailee in my office. Question is below. PFIAB is a WHO entity (an advisory group). What do you think?

----- Forwarded by Robert W. Cobb/WHO/EOP on 01/25/2002
03:50 PM -----

Patricia C. Zemple
01/25/2002 03:29:01 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

Moose,

This in from Randy.

In my opinion, it appears that Friedman could host a fund-raising reception with certain exceptions:

1. He'd have to hold the reception while not on duty. (Presumably, he'll host the party on a day when he's not here as a PFIAB member.)
2. He could send out the invitation but the invitation could not address the issue of fundraising. Something along the lines of "A party in honor of"
3. He could give a speech or some type of opening remarks, but again, he couldn't solicit political contributions. Another speaker who wasn't bound by Hatch Act would have to do that.
3. The invitation couldn't mention his membership on PFIAB.

I've got a call into OSC to double-check this, but that's my take.

Trish

----- Forwarded by Patricia C. Zemple/WHO/EOP on
01/25/2002 03:20 PM -----

Randy W. Deitering
01/25/2002 02:11:37 PM
Record Type: Record

To: Patricia C. Zemple/WHO/EOP@EOP
cc:
Subject: Fund Raising by PFIAB Member

Trish:

Steve Friedman called to asked if there are some written rules/guidelines we can provide re: member's involvement in political fund raising. He has been asked by a member of Congress to host a small reception at his home as a venue for campaign fund raising. Can you help?

REV_00139452

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2002 11:20:25 AM
Subject: : Re: Meeting on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2002 16:20:25.00
SUBJECT:: Re: Meeting on Victims of Foreign Terrorism Legislation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

when is this mtg?

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Juliano, Rich <Rich.Juliano@ost.dot.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2002 11:43:26 AM
Subject: : Re: Michael Jackson question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2002 16:43:26.00
SUBJECT:: Re: Michael Jackson question
TO:"Juliano, Rich" <Rich.Juliano@ost.dot.gov> ("Juliano, Rich" <Rich.Juliano@ost.dot.gov>
[UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We're planning to bring over all of the general counsels for a meeting.
Brett Kavanaugh, who is cc'd on this email, will put this together and
will have written guidelines.

"Juliano, Rich" <Rich.Juliano@ost.dot.gov>
01/28/2002 04:16:19 PM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP
cc:
Subject: Michael Jackson question

You may be asked by Albert Hawkins to call Deputy Secretary Michael Jackson
about some political travel issues. This came up after Karl's presentation
today, and I only caught part of their conversation. Please loop me in on
this if you do end up talking to the Dep Sec. I am attempting to master
the
rules on political travel so that I can give accurate advice here at DOT.

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/28/2002 4:06:01 PM
Subject: : conversation with counsel

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-JAN-2002 21:06:01.00
SUBJECT:: conversation with counsel
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

do you have an answer on this?
----- Forwarded by Matthew A. Schlapp/WHO/EOP on
01/28/2002 07:24 PM -----

Jennifer Oschal <joschal@att.net>
01/28/2002 09:37:45 AM
Please respond to joschal@att.net
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc: dhoelscher@who.eop.gov, David McMaster/WHO/EOP@EOP
Subject: conversation with counsel

schlapp, when can we talk about the discussion you had with counsel's
office
re: mehlman/OPA/PFA? the sooner, the better for our planning purposes.
thanks.

you can always call my office 202-546-4242 x 261

jennifer

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 1/28/2002 4:16:01 PM
Subject: : Greenbriar on Friday??

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-JAN-2002 21:16:01.00

SUBJECT:: Greenbriar on Friday??

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This evening the Judge indicated he might be able to do this if he can go down on Friday morning and maybe return w/ POTUS on Friday right after the lunch speech.

If for some reason it doesn't work we can still explore the option of Tim going down.

Can you have the coordinator of this event call me tomorrow so we can try to work this out? I need some info on airport, drive time/ground transpo, etc.

Brett - heads up that you may need to starting putting some talking points together for this speech.

Thanks!

Libby Camp
456-2632

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 1/29/2002 5:43:03 AM
Subject: : news reports re: corporate jet use
Attachments: P_AH045003_WHO.TXT_1.txt

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-JAN-2002 10:43:03.00

SUBJECT:: news reports re: corporate jet use

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_AH045003_WHO.TXT_1>

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&&b%Austin American-Statesman, 08/28/97:

Ex-Agriculture Secretary Espy indicted

on 39 countsBy Stephen Labaton WASHINGTON -- Mike Espy, President Clinton's first agriculture secretary, was indicted Wednesday by a federal grand jury that said he, his brother and his girlfriend received more than \$35,000 in favors from large companies with important interests before the government. Espy then tried to cover up some of the gifts, the indictment said. Espy, a Mississippi politician who was appointed to a senior position in the administration after lending crucial support to Bill Clinton's first presidential campaign, is the first current or former member of Clinton's Cabinet to be charged with a crime. He was indicted on 39 felony charges that include committing mail and wire fraud, violating the Meat Inspection Act of 1907, taking illegal gratuities, making false statements and tampering with a witness. Prosecutors say Espy broke the law by accepting tickets to professional basketball, football and tennis events as well as other gifts. The gifts included a Waterford crystal bowl, luggage, lavish cross-country trips, cash payments to his girlfriend and a \$10,000 contribution to his brother Henry's unsuccessful campaign for Congress. Espy then failed to report the gifts properly and misled federal investigators and Clinton's chief of staff about them, prosecutors said. They said Espy also asked an Agriculture Department official to alter a document requested by the inspector general about a lobbyist who paid for Espy's and his girlfriend's trip to a National Football League playoff game in Dallas in 1994. Espy's girlfriend, Patricia Dempsey, was named in the indictment but has not been charged. She is said to be talking to investigators in exchange for immunity from prosecution. Henry Espy, also named in the indictment, was acquitted in March on unrelated charges that he lied to a bank to obtain a loan to help repay a campaign debt for his unsuccessful effort to fill the House seat vacated by his brother in 1993. The indictment portrayed Espy as an official who regularly accepted big and small favors from executives of companies regulated by his department. He asked the chairman of Quaker Oats Co., for example, for two tickets worth \$90 to a championship game in 1993 between the Chicago Bulls and the Phoenix Suns. On another occasion, the indictment said, Espy scheduled official events around a weekend in Atlanta in January 1994 so he could attend the Super Bowl at a cost of \$2,200 to a company with issues under consideration by the Agriculture Department. In another case, he improperly kept a car leased to the department near his Mississippi home to use for personal travel. When questions arose about the gifts, the indictment said, Espy either lied to investigators or quickly made restitution and called the matter an oversight. For example, when confronted about his decision to use a corporate jet to fly home after a weekend retreat in Arkansas in 1993 sponsored by Tyson Foods, Espy told investigators he was directed to return to the White House early for dinner with Clinton and that no commercial flights were available. In fact, the indictment said, Espy had planned all along to use the corporate jet even though his staff already had made reservations for him with a commercial airline. White House officials declined comment on the indictment, as did Espy. Indictment criticized As the investigation was expanding near the end of 1994, Espy stepped down as agriculture secretary and returned to practice law in Jackson, Miss., at the firm of Crosthwait Terney. A receptionist at the firm said Wednesday that Espy would not make any statements and referred calls to his lawyer in Washington, Reid Weingarten. Weingarten issued a statement denouncing the indictment without addressing the particulars. Never has so much been made of so little," Weingarten said. In an effort to justify three years and countless millions spent on this investigation, the special prosecutor has stretched criminal statutes beyond recognition and taken trivial, personal and entirely benign activities and attempted to distort them into criminal acts. These efforts will ultimately prove unavailing, and we look forward to going to court and restoring Mike Espy's good name." The indictment did not accuse Espy's Agriculture Department of granting any favors to the companies or changing any policies as a consequence of the gifts. At a news conference Wednesday, t

he leading user of corporate jets. For the last several years, according to his aides, he has traveled on corporate jets on virtually every trip between Washington, D.C., and his home state of Kansas -- a luxury that he learned to enjoy during his unsuccessful 1988 presidential campaign. As a ranking member of the Senate Agriculture Committee, Dole relies heavily on jets provided by big agribusiness firms such as ConAgra, Archer Daniels Midland and U.S. Tobacco Co. All are reimbursed according to federal guidelines. Likewise, Gephardt reported using corporate jets 25 times in the last two years. Dole and Gephardt are by no means the only members of Congress who like corporate jets. In fact, according to congressional sources, the chief reason that Sununu's flights have received so little criticism on Capitol Hill is that most members of Congress themselves enjoy using corporate aircraft for their own transportation. Although federal law expressly forbids Administration officials or members of Congress from soliciting or accepting plane flights or "anything of value" from corporations whose interests they oversee, most officials have found ways to circumvent these laws, too. White House officials contend that even though Sununu flew on planes owned by federal contractors and personally solicited one of those flights, he did not violate the law because the chief of staff has no direct responsibility over the contracts of these firms. For members of Congress it is even easier to skirt the law by soliciting corporate plane flights through their campaign committees. While it is technically illegal for them to solicit such flights in their role as members of Congress, legal experts say, it is perfectly legal for political campaign committees to solicit any contribution, including a plane flight. Legal or not, politicians seem to prefer to keep their use of corporate jets as secret as possible -- especially since Sununu has come under fire. Not all such flights are subject to public disclosure, and some of those involved flatly refuse to talk about it. When asked to disclose the details of the trip that Democratic congressmen took to New York last month aboard three corporate aircraft, Laura Nichols, spokeswoman for the Democratic Congressional Campaign Committee, replied sharply: "I could, but I'm not going to." Likewise, Mary Robbins, a spokesman for ConAgra, declined to discuss her company's policy for flying politicians around the country. "We operate our planes in compliance with the law; we have nothing to say on that subject," she said. Despite the secrecy, the names of the companies willing to provide politicians with corporate jets are widely known in political circles. The Democratic and Republican parties are said to keep lists of available aircraft. As Nichols of the Democratic campaign committee puts it: "We know where to go if we need to procure a plane." As a result, demand for the planes often exceeds supply and some corporate executives say that requests from politicians seeking to use their aircraft are becoming far too frequent. "A lot of CEOs would be very happy if Congress changed the law and said you couldn't do it," said one company official, who declined to be identified. Yet some companies do it gladly. The late John Amos, founder of American Family Life Assurance, made his plane available to politicians primarily because he enjoyed their company and their friendship, according to Kathleen Spencer, a corporate spokeswoman. Thus it was a fitting tribute to Amos that when he died last year, Sens. Strom Thurmond (R-S.C.) and Orrin G. Hatch (R-Utah) and other politicians flew to Georgia aboard the corporate jet to serve as pallbearers at his funeral.

The Associated Press, 06/27/91: Sununu's Hardly Alone When it Comes to Corporate Jetting By JOHN KING

Tennessee Rep. Don Sundquist and

Commerce Secretary Robert Mosbacher hopped aboard a corporate jet last June and headed to Nashville for a dinner honoring the Republican congressman. Sundquist paid Philip Morris \$547 for the flight - the cost of a first-class ticket aboard a commercial carrier but far below what it would cost to charter a jet for the trip. In taking the convenient flight, Sundquist and Mosbacher - far and away the executive branch's most frequent corporate flier - were taking advantage

e of one of Washington's best perks: no-hassle access to corporate aircraft at the same cost of a commercial flight. The Republican National Committee pays for many of Mosbacher's political trips, although its Federal Election Commission reports show no payment to Philip Morris for the trip with Sundquist. The RNC sometimes accepts corporate flights as in-kind contributions to its non-federal accounts, but a spokesman could not immediately say if the Mosbacher flight to the Sundquist event was treated that way. Such travel has gained scrutiny of late because of White House chief of staff John Sununu's use of corporate jets for political trips - after his travel on government planes was sharply restricted by President Bush. Sununu is hardly alone when it comes to calling on big business for travel help. Campaign finance reports and government travel records show frequent use of corporate jets by members of Congress and certain members of the Cabinet. In Congress, House Majority Leader Richard Gephardt, D-Mo., and Senate Republican Leader Bob Dole, R-Kan., appear to lead the list, but dozens of others took at least one corporate flight last year. The lawmakers and senior administration officials defend such flights on grounds they are fully disclosed and paid for with political funds, and allow them to make more effective use of their time. Critics point to the obvious about such cozy travel arrangements - that public officials who fly on corporate jets make themselves captive audiences for the executives and lobbyists who routinely ride along. "I think there is potential conflict of interest, and it's access that the average person doesn't have," said Craig McDonald of Congress Watch, a citizens' group that monitors Congress. "It's a special favor - another gift and perk that government officials are receiving." Gephardt used a jet provided by G.C. Services in August of last year for a five-city, two-day fund-raising and campaign trip, one of two dozen trips he made on corporate planes in 1989 and 1990, according to his campaign reports and office records. Gephardt's political action committee paid the company \$3,320 for use of the plane, but not until five weeks after the trip. Gephardt's office is researching why this and several other payments to corporations were made after the trips, and said in most cases it appears Gephardt's staff believed the campaign he was supporting would pay for the jet. Such payments are by law supposed to be made in advance to prevent corporations from making what amounts to an illegal corporate donation to a federal campaign. "In the overwhelming majority of cases the payments were made on time," said Gephardt spokeswoman Deborah Johns. She said Gephardt uses corporate flights for roughly 30 percent of his travel, most of it on behalf of Democratic colleagues and candidates. "We check to see if commercial flights can accommodate the schedule first," Johns said. Like consumers loyal to a favorite airline, politicians often fly on planes owned by companies with a history of supporting their campaigns and causes. Campaign reports show that Gephardt, D-Mo., and Dole, R-Kan., flew separately last year on jets provided by Archer Daniels Midland, Federal Express and U.S. Tobacco Corp. All three companies have been big supporters of the lawmakers in the past five years. Archer Daniels Midland has donated \$51,000 to Dole and his political action committee, Campaign America, since 1985, and \$11,000 to Gephardt and his PAC, the Effective Government Committee. The Federal Express PAC has given \$34,000 to Dole and Campaign America since 1985; \$27,500 to Gephardt and his PAC. U.S. Tobacco donated \$34,000 to Dole, \$17,500 to Gephardt. Mosbacher's travel records show he often travels on corporate jets several days a week, often tapping former business associates and big GOP donors for use of their jets. Six months after he took office, Mosbacher traveled to Milwaukee for a June 1989 fund-raiser for Wisconsin Gov. Tommy Thompson. Commercial airlines offer more than a half-dozen non-stop flights daily from Washington, but Mosbacher flew on a jet provided by Windway Capital Corp. The company is owned by Terry J. Kohler, now a Thompson nominee for the board of regents at the University of Wisconsin. Kohler and his family and associates are big donors to political campaigns. Mosbacher also flew on a corporate jet last year for a six-day European trip. The plane was provided by Saul Steinberg, a major donor to Bush's 1988 presidential campaign. Others who have supplied jets for Mosbacher's travels include communications companies Northern Telecom and Ameritec

h, along with PepsiCo., Philip Morris, Atlantic Richfield and Enron Corp., on whose board Mosbacher served, plus a handful of universities.

The Washington P

ost, 07/02/91:

Sununu Personally Apologized For Travel Flap, Bush Says By John

E. Yang White House Chief of Staff John H. Sununu has apologized to President Bush for any embarrassment he might have caused the president with the controversy over his use of government planes and automobiles, Bush said today. During a news conference, Bush also gave Sununu his backing and said he wanted to put the issue to rest. "He told me right from the heart that he regretted very much any controversy and anything that this may have done to diminish the ethical standards of this presidency," Bush said as Sununu looked on, nodding in agreement. "He came in and we had a good heart-to-heart talk -- more than one -- about it," Bush continued. "I think John said, 'If mistakes were made, I made them.' What more can a man be asked to say? . . . And I told him, 'Look, I understand this.' . . . He's done the right things in terms of expressing his own personal feelings to me and to our staff and to others." The disclosure in May of Sununu's extensive use of military aircraft for official, personal and political travel led Bush to tighten restrictions on his chief of staff's authority to travel by those means. More criticism followed last month, when Sununu used a government car to attend a stamp auction in New York, and solicited the use of a privately owned corporate jet to fly to a political function in Chicago. The president said he had "full confidence in [Sununu] as we work some very complicated issues through the Congress. I respect him. I value his advice and counsel." Bush seemed impatient with the subject. "Very candidly, no laws having been violated, I think we ought to move on to something more important," he said. "I'd like to see this matter laid to rest."

The New York Times , 06/28/91:

Sununu C

alls Top U.S. Jews To Dispel 'Misperceptions' By ROBERT PEAR, Special to The New York Times John H. Sununu said today that he was "not blaming anybody but myself" for the uproar over his travel, and he called leaders of major American Jewish groups in an effort to dispel "misperceptions" that he held them responsible for some of his troubles. Earlier today President Bush's spokesman, Marlin Fitzwater, said the suggestion that Mr. Sununu, a Lebanese American, had blamed pro-Israel groups for his problems was not "a real issue." Mr. Fitzwater said that news articles including such suggestions had "no attribution," and he described the whole issue as an "insidious and difficult thing." Mr. Sununu, the White House chief of staff, has been widely criticized, by Administration officials and members of Congress, for his extensive use of military jets, Government limousines and corporate aircraft for personal and political trips. Conference Call to Officials In a one-sentence statement issued today by the White House, Mr. Sununu said: "As I told the White House senior staff yesterday, I am not blaming anybody but myself for the flurry of recent events, nor am I engaging at all, in what would be a very non-constructive effort, to suggest any involvement by anyone or any groups in what has taken place or been reported." The columnists Rowland Evans and Robert Novak and other writers have reported in recent days that Mr. Sununu suspects that attacks on him are motivated by his background as a Lebanese-American and, as the columnists put it, by positions that are "not fully supportive of Israel's demands on the United States." Abraham H. Foxman, national director of the Anti-Defamation League of B'nai B'rith, said the suggestion that American Jews had been working for Mr. Sununu's ouster was "pure nonsense and mischief-making of the most dangerous kind." Mr. Sununu placed a conference call to Jewish leaders today to assure them that he was not blaming them for his difficulties. Among those on the call were Mr. Foxman; David Harris

, executive vice president of the American Jewish Committee; Malcolm I. Hoenlein, executive director of the Conference of Presidents of Major American Jewish Organizations; George Klein, co-chairman of the Republican Jewish Coalition, and Mayer Mitchell, president of the American Israel Public Affairs Committee. In identical letters sent today to Mr. Foxman and Mr. Hoenlein, Mr. Sununu said that he wanted to preserve "a good and productive working relationship" with American Jewish groups. "We have disagreed on substance from time to time, and I have found those debates to be helpful and informative," said Mr. Sununu, who, like Mr. Bush, has often expressed concern about the expansion of Israeli settlements in the occupied West Bank. In the letters, Mr. Sununu said: "I value my relationship with the Jewish community and intend to continue working with all of you in an accessible and forthright manner. I know you share my concerns with the misperceptions of the past week, and I appreciate the willingness of you and your colleagues to work together with me to put this issue to rest."

The Boston

Globe, 06/25/91:

Officials too tempted by travel, groups say By Stephen Kur

kjian, Globe Staff Commerce Secretary Robert A. Mosbacher, whose agency oversees trade policy on food brought into this country, used a plane owned by the nation's largest fruit importer to go to Cincinnati last March for an international trade conference. A change in ethics rules allowed Mosbacher to fly as a guest of corporations four times that month, which was when the new policy took effect. While recent public attention has focused on the White House chief of staff, John H. Sununu, other top federal officials also are making frequent use of corporate jets. The new administration policy is simply an expansion of one that has allowed similar travel by congressmen for years. The broadened policy, however, spotlighted by the recent reports surrounding Sununu, is prompting growing concern that it increases the potential for conflicts of interest between policy-makers and the corporations they help regulate. "It is inappropriate for public officials to travel at the expense of private interests, and particularly private interests that have business before those officials," said David Eppler, an attorney for Public Citizen, a consumer group headed by Ralph Nader. "As outrageous as it is for members of Congress and the administration to take frivolous trips at taxpayers' expense, it is even more outrageous to allow lobbyists and corporations to legally bribe them with privately funded travel," Eppler said. Congressmen have always been able to solicit trips on corporate jets from lobbyists and businesses. And, in 1989, Congress went along with a request by the Bush administration - to ensure passage of a pay raise for the lawmakers, some political reformers say - and extended the policy allowing travel on private planes to high officials inside the administration. That change took effect in March. In the first month alone, records show, there were about 100 trips by federal officials aboard corporate planes or reimbursed by businesses or private groups. The practice has drawn the ire of several public interest groups and a handful of congressmen. Many agencies, like the Commerce Department, complain that their travel budgets are limited and their top-level management would be unable to attend conferences, seminars and speeches, which together expand their expertise, were it not for the largesse of corporate America. A spokesman said that Commerce Department lawyers make certain that Mosbacher does not accept trips from any corporations that have cases or special requests pending before the department, and that he never discusses a corporation's particular concerns if he is on a plane that the firm owns. However, one of the other trips that Mosbacher took in March was aboard a corporate jet provided by Transco Energy Co., a natural gas pipeline firm based in Houston with many interests overseen by the Commerce Department. Lobbyists and corporate executives, who have lent their aircraft over the years to members of Congress, have said in recent interviews that they rarely tried to bring up business concerns when a lawmaker or administration official is on board. "It is considered crude and off-limits to talk about business if you're giving a member of Congress a ride somewhere," said John C. White, who represents Coastal Corp., a Houston oil and gas company that

frequently makes its planes available to shuttle congressmen. "But it does build up a reservoir of good will with them that can come in handy someday, maybe to open a door for someone, maybe to listen to another line of reasoning. It doesn't buy anyone any votes, but in the end it can be helpful," White said. While serious business may not be transacted on such trips, some administrative agencies remain wary about the change in the ethics policy and still refuse to allow their employees to accept corporate trips. Spokesmen for both the departments of Agriculture and Housing and Urban Development said their managers are still prohibited from soliciting or accepting corporate trips. "There's just too many possible conflicts of interest. Flying commercially is inconvenient for everyone, but not enough to make it prohibitive," a HUD official recently told reporters. Rep. Robert Wise, a Virginia Democrat who strongly has criticized Sununu for frequent use of military jets, said administration officials should not be allowed to solicit or accept travel paid for or provided by private corporations. A Cabinet member or White House official "just has too much influence on presidential or other important decisions to have put in the path of temptation," Wise said. Why then should the prohibition not extend to congressmen? "I know that seems logical, but the decisions that an individual congressman makes have so much less influence on whether a bill gets passed or not that I don't believe the risk is there to put him on a plane with a lobbyist," Wise said. "Anyway, if a congressman does something wrong, the public has a chance to replace him every two years." Top congressional leaders, particularly the Senate minority leader, Bob Dole of Kansas, and the House majority leader, Richard A. Gephardt of Missouri, make frequent use of corporate jets to shuttle them back to their states and to political events across the country. Records on file at the Federal Election Commission show that Gephardt flew corporate planes 25 times in 1989 and 1990 to various fund-raising and campaign appearances. Dole, meanwhile, has flown corporate or charter jets back to Kansas and elsewhere dozens of times in the past three years. Although a spokesman said Dole is rarely questioned by constituents about the use of the corporate planes, his 1988 presidential campaign did suffer politically when it was disclosed that he used corporate jets as his primary means of travel. Former Gov. Dukakis also drew criticism for using planes provided by the O'Connell Management Corp., a Quincy development firm, and the Thomas H. Lee Co., owned by a Lincoln businessman, for political flights during the 1988 campaign. Federal campaign laws allow candidates for Congress and president to solicit and accept flights aboard corporate jets as long as they pay first-class commercial fares or charter rates to the corporations. However, many public interest groups criticize the practice, since the payments are usually a fraction of the actual cost of the chartered flights. "It's a neat way of allowing corporations to skirt the prohibition against contributing to campaigns" and ought to be stopped, said Fred Wertheimer, president of Common Cause, which has sought to reform federal ethics and campaign laws. Despite that criticism, congressmen continue to line up for corporate jets to avoid the hassle of commercial flights. Despite the distressed economy, numerous corporations remain willing to make their jets available. The four Republican and Democratic campaign committees that provide funding and other resources to candidates for the House and Senate all maintain lists of corporations or private businessmen who are willing to provide planes, often at a moment's notice. Federal Express is often sought out by candidates for both parties, so much so that one former Democratic operative said, "If they offered frequent-flyer mileage, we would have been able to fly around the world 10 times over."

PRIVATEThe Christian

Science Monitor, 06/25/91: Bush Aide's Travel Arrangements Raise Questions of Impropriety

By Marshall Ingwerson, Staff writer of The Christian Science Monitor

Sununu is being criticized for using government cars and planes for frequent personal trips and for soliciting a private corporate jet
PRESIDENT Bush's to

p staff aide, John Sununu, stands accused of arrogance, royalism, insensitivity, poor political judgment, and creating the appearance of impropriety in how he chooses his transportation. The travel modes of White House staff members are not matters of great moment, yet for Mr. Sununu the issue has snowballed to the point of dominating news out of the White House and possibly imperiling his effectiveness - if not his job. Governor Sununu, as the chief of staff is called, is for many an inviting target for criticism in an administration otherwise unstained by scandal. He is especially forceful and abrasive in a job that often requires a take-no-prisoners toughness. His heavy hand helps free the president to be kinder and gentler. Yet Sununu is clearly more than a target of opportunity. His travel arrangements would have most federal bureaucrats facing serious sanctions. The ethical standards of Sununu's travel fall somewhere between the strict requirements for employees of the executive branch and the virtual carte blanche given the president himself to fly at public expense wherever he goes. The complaints against the chief of staff began with his extensive personal and political travel by military aircraft. They were aggravated by a long personal trip using his government car and driver and by his soliciting rides on corporate jets. Last week, in addition, the White House counsel found Sununu or his aides to have misinformed them about who paid for a jet he used. Sununu's travel arrangements have been restricted in ever-tighter increments in recent weeks on the orders of the president. As he has compounded his controversy with new travel, his defenders in Republican circles and the administration have fallen away. They instead have expressed growing frustration at his judgment. This weekend, he made his own first apology and acknowledged his "mistakes." The president himself acknowledged "the appearance of impropriety" last week but continues to indicate that Sununu's job is safe. The travel in question raises two different ethical questions. One concerns the use of military planes and a government car for personal and Republican Party business. The other is the potential for conflict of interest in soliciting jet-rides from corporations with particular business before the government. Sununu is one of two White House staff members allowed to travel in military planes in order to keep in constant, secure communication with the White House. He is one of five staff members given "portal-to-portal authority" - meaning he gets door-to-door service in a government-owned Chrysler sedan with a driver and a telephone. When Sununu takes a military plane to Boston for a dental appointment, for example, he is required to pay a rate comparable to commercial air fares - although these are a small fraction of the actual cost of the trip to the government. Sununu's many such trips "are not a violation of law, just a misappropriation of government property," says G. Calvin MacKenzie, a professor at Colby College who studies the executive branch staff and consults federal agencies on ethical matters. When Mr. Sununu took his government car from Washington to a New York stamp auction early this month, he worked throughout the trip, he says. Since the trip was personal, he is required to pay taxes on the car based on its lease value, the mileage, and the driver's salary. Dr. MacKenzie compares Sununu's arrangements with the recent case of another federal government employee. After using a government car on business all day out of town, he took his collegiate son out to dinner, then dropped him off back at his dormitory. He was reported for using government equipment for nonbusiness and was suspended six weeks without pay. Another comparison is the president himself, for whom the taxpayers foot the bill without complaint for helicopter trips to Camp David each weekend and plane trips to his family retreat at Kennebunkport. The presidency is understood to be a 24-hour responsibility of immense proportions. The public pays for all his travel for the sake of his efficiency and readiness. Extending that privilege to the chief of staff is a decision that rests ultimately with President Bush. The rules for private jets prohibited accepting rides from peoples or companies with direct regulatory or other business before the government. Whether the plane providers seek or get any influence, the gift of the ride creates the appearance of a conflict of interest. Sununu's latest flight in a private jet, to a Republican fund-raising dinner in the Midwest, was solicited from a Washington businessman who lease

d the plane from major contractors in the area. Sununu's request for clearance of the arrangement by the White House counsel listed only the owners and misidentified them. "The standards of ethics in the White House are, and in my opinion have to be, higher than anywhere else in the country," says Bradley Patterson, who served on the Eisenhower, Nixon, and Ford staffs. "The appearance of impropriety is, ipso facto, impropriety."

The San Francisco Chronicle, 06/25/91,
Editorial:

A High Flier Returns to Earth WITH HIS FEET firmly on the ground at last, John Sununu has a chance to receive daily lessons in humility. Now that he is no longer able to commandeer planes or even limousines, Sununu can pick up the morning paper and read about his possible successors as President Bush's chief of staff. Several names are mentioned with some frequency, and some appear to be top flight. Kenneth Duberstein did an excellent job in the post in the last part of the Reagan administration, and Craig Fuller served as Bush's vice presidential chief of staff. Sununu managed to fritter away his immense power, becoming an embarrassing figure when he took a series of trips in military and corporate jets and when he grabbed a White House limousine so he could buy some rare stamps in New York. WHEN HE FOUND himself in trouble, he discovered that the high government officials he had snubbed were unwilling to come to his defense. President Bush has been his one notable defender -- and sometimes the president sounds a bit like a Major League owner who gives his manager a full vote of confidence right up to the moment he fires him. On balance, the criticism over Sununu's travels should have positive results. Whether Sununu remains in the White House or not, his power will be diminished. Other government officials will then have far greater opportunities to carry their views to the president.

The New York Times, 06/23/91:

Travel Perks Are Widespread in Capital By MIC

HAEL WINES with MARTIN TOLCHIN, Special to The New York Times The travel habits of President Bush's chief of staff, John H. Sununu, have spawned renewed criticism of the travel perquisites of high Federal officials, especially the extent to which private organizations finance the trips of policy makers. Reports filed with the Office of Government Ethics show that during March alone, companies and organizations outside the Government paid for at least 85 trips by employees of the White House and other executive branch agencies. That total is almost certainly understated because only four of the 13 Cabinet-level agencies have filed the quarterly reports, which were required under Federal rules issued March 8. In Congress, newly filed financial disclosure statements show that 61 Senators and scores of House members accepted free trips from outside groups in 1990, beyond the extensive travel given them to attend speaking engagements. Federal Election Commission reports also indicate that lawmakers frequently shuttle between Washington and their home states on corporate jets and charters, for weekend visits and re-election barnstorming. The travels of Mr. Sununu and others were all made under a welter of Federal laws and rules that frown on most subsidized travel, but nevertheless permit it under conditions that vary with one's job and rank. The rules are starkly different for Congressional and executive officials, as well as for official and personal business. For example, official Government travel can be privately financed under a 1989 law, the regulations for which were issued in March. But Mr. Sununu's personal and political travels, by military and corporate jet, are effectively unregulated except by the internal White House guidelines that were revised on Friday for the second time in a month. Like the travels of Mr. Sununu, the journeys of other executive-branch officials and legislators appear to be legal. Indeed, many are for clear public purposes, from attendance at scientific seminars to soliciting the views of

citizens outside Washington. Offending the Public The White House also says that security and time pressure require Mr. Sununu and other aides to travel in most cases by charter or Government plane rather than by scheduled airlines. But some legislators and watchdog groups argue that free travel, like any private subsidy of public officials, is by itself an invitation to abuse of privilege and of public faith in government. They say the impression is unavoidable that a public official who benefits from private largesse will be inclined to favor his benefactor in any proceedings. They also maintain that the granting of such private favors, however well intentioned, fosters the image of a privileged class of rulers that is offensive to most Americans. Mr. Sununu, some of them say, is a case in point. "The most important thing about ethics is to start with the premise that simply because it's legal doesn't make it proper," said Michael Josephson, an ethics scholar in Los Angeles. "The point that Sununu has the discretion to use a vehicle doesn't address the question of whether he's properly using it." The Washington lobbying group Common Cause, which has frequently sought to restrict the influence of private money on public officials, said this week that corporate and other outside financing of Government travel should be banned outright. "We should go back to a system where executive branch officials traveling on official business have their expenses paid by the Government, and we do not have private interest groups financing the public activities of public officials," said Fred M. Wertheimer, president of the group. Representative Anthony C. Beilenson, Democrat of California, said, "By and large, all trips abroad are worthwhile." He continued: "But I myself am comfortable only when our own Government is paying. There's always a potential conflict of interest when a private group finances the trip." Mr. Sununu's defenders, as well as many legislators, assert that top officials fly chartered military or private jets for good reason: their packed schedules are at odds with commercial flights, for example, or they need the instant communications and physical security that a private jet provides. But Federal rules also have made the charters available to Government officials at a price that no ordinary citizen could hope to obtain. Federal election regulations allow elected officials to rent corporate and other jets for the price of a first-class commercial airline fare for most trips. The White House has adopted a broadly similar rule for the reimbursements that its employees must pay for using military aircraft. Private and military jets can cost hundreds or thousands of dollars an hour to operate; the remainder is often absorbed by the private plane owners or the military. A Thicket of Laws Private financing of travel for official Government business is controlled by a thicket of Federal laws, regulations and Congressional rules. The regulations issued in March by the General Services Administration authorize the executive branch to permit private sponsorship of Government travel by both employees and their spouses, even when the sponsor has "interests that may be substantially affected" by the traveling employee's actions. The yardstick, the rule states, is whether the Federal agency's interest in the employee's travel "outweighs concern that acceptance of the payment may or may reasonably appear to influence improperly the employee in the performance of his or her official duties." The decision is made by the ethics officer in each agency. Executive Order 12371, issued in October 1990, bars Federal employees from accepting favors from outsiders whose interests they can affect, "except pursuant to such reasonable exceptions as are provided by regulation." It also directs employees "to avoid any actions creating the appearance" that they are violating the law or the ethical standards of the order. House and Senate rules prohibit a private source from paying a lawmaker's travel expenses for more than seven days of international travel and three or four days of local travel. One person is allowed to accompany a legislator. But the rules allow paid travel on "fact-finding" missions related to a lawmaker's duties. And they allow privately financed trips to personal events, like celebrity golf tournaments. On the other hand, private financing of personal and political travel by Executive Branch employees is all but unregulated, except by laws that prohibit bribery and limit acceptance of gifts from outsiders with interests in Government actions. Paying for 'Fact-Finding' Privately fi

nanced trips by members of Congress included a January 1990 tour of Bangkok and Australia by a Tennessee Republican, Representative Don Sundquist, and his wife. The visit was largely paid for by the Australian Meat and Livestock Corporation and a group called American Business in Thailand. In May 1990, he and his wife traveled to Ireland on a "fact-finding" mission courtesy of the Schering-Plough Corporation, a pharmaceuticals company. Mr. Sundquist serves on the Ways and Means committee, which handles trade issues. His press aide, Ralph Perrey, said all the trips included meetings "with government officials and representatives of American companies which had an interest in doing business abroad." Senator Jeff Bingaman, Democrat of New Mexico, flew to Japan last November at the expense of the Shimoda Conference, sponsored by the Japan Society of America and the Japan Center for International Exchange. "It was a topflight group from the United States and Japan," said Mr. Bingaman, chairman of the Armed Services Subcommittee on Defense Industry and Technology. "We had very substantive discussions on the major issues that divide the two countries."

Los Angeles Times,

06/23/91:

AN APOLOGY IS DUE THE CHIEF OF STAFF
SUNUNU WORKS HARDER THAN ANY CO

RPORATE EXECUTIVE AND DESERVES HIS TRAVEL PERKS. By ORRIN G. HATCH, Sen. Orrin

Hatch of Utah is the ranking Republican member of the Labor and Human Resources

Committee. The vitriolic attacks on White House chief of staff John Sununu should not surprise veteran Washington watchers. With President Bush riding a wave of popularity after the Persian Gulf victory, the Administration's critics turned to one of the capital's favorite political blood sports: attack through a proxy target. Unfortunately for him and his family, Sununu has become the lightning rod, under siege not because of what he has done but because of who he works for. As a democratic society, Americans sometimes derive furtive pleasure from seeing the mighty humbled. While few have spoken out against the barrage of media criticism -- including some of the most scathing political cartoons in memory -- partisan critics have engaged in excessive verbal attacks. We need to put the issue of Sununu's travel in perspective. The tip-off that the issue is not advancing ethics but wounding the Administration lies in the recurring nature of the controversy. After Sununu weathered the first attacks, concerning his trips aboard military aircraft, his adversaries lined up another barrage on his use of a government car to travel to New York, then on accepting flights aboard corporate aircraft. Never mind that no laws or even ethical guidelines were broken or that he conducted business on his car phone during most of the trip to New York -- or that many lower-ranking civilian and military officials quite properly have aircraft available for government-related travel. His adversaries were determined, in the Washington tradition, to create an "appearance of impropriety" and force him from office. The real issue, however, is not whether he should accept corporate rides, but why he was ever deprived of military flights. The future of the United States turns on the decisions made by its top political leaders. The demands on their schedules and attention dwarf those of their counterparts in the business world. Their jobs often push them to the brink of physical and mental exhaustion. If we want our leaders to make the right decisions, we should not quibble about providing facilities, such as aircraft for official business, that help them perform their almost impossible tasks while keeping them healthy, rested and family-oriented. Since their actions affect not billions but trillions of dollars of public spending, that is not too high a price to pay. Today's controversy centers not on some petty apparatchik but on a man who holds a critically important office. He orchestrates the President's schedule, weighs in on all important issues, participates in almost every top-level meeting, administers the large staffs of the White House and the Executive Office of the President, travels frequently with the President, represents the Administration at scores of events, rides herd on the vast Washington bureaucracy to advance the President's goals and carries on countless telephone calls with th

the ever-demanding 535 members of Congress who seek his attention. John Sununu spends more time after hours serving the President than most executives spend on the job all day. He has set a standard that will represent a heavy cross to carry for all future chiefs of staff. Yet fulfilling these official responsibilities would deprive anyone of the time needed for family and good health. Virtually all chief executives of Fortune 500 companies have corporate jets at their disposal to economize on travel time. They -- and their stockholders -- know that such conveniences are not pampered privileges but sound business sense. They can make the difference between winning or losing multimillion-dollar deals and sales, between making the right and wrong decisions. We as a nation have an even greater stake in ensuring that balanced and considered judgments determine our great national decisions. Moreover, the critics overlook the fact that Air Force pilots and aircraft must log at least 20 hours of flight time per month, whether or not they have official passengers to transport. In addition, Air Force jets often must be moved around the country as part of the routine deployment schedules of the U.S. Military Airlift Command. Would the country really be better off if these jets flew empty rather than enabling officials such as Sununu to meet the demands of their jobs? I can confirm that the rumors of John Sununu's assertive personality match the reality. Nevertheless, I like and admire him and respect his profound capabilities. The attacks on his character are utterly fallacious. He is a man of great integrity, dedicated to public service and inspired by high-minded idealism. His critics have had their fun and games, but it is now time to stop subjecting him and his family to such gratuitous and baseless personal attacks.

Los Angeles Times, 06/22/91:

TOP BUSH AIDES REPORTED

LY ANGRY OVER SUNUNU FLAP

WHITE HOUSE: GRAY SAID TO BE 'IRRITATED' OVER CHIEF OF STAFF'S ERRONEOUS TRAVEL DATA. QUAYLE, MOSBACHER UPSET BY ADDED SCRUTINY, SOURCES SAY.

By JAMES GERSTENZANG and SARA FRITZ, TIMES STAFF WRITERS Top Bush Administration officials, including Vice President Dan Quayle, White House Counsel C. Boyden Gray and Commerce Secretary Robert A. Mosbacher, have become increasingly embittered by Chief of Staff John H. Sununu's controversial travel habits, sources said Friday. Gray, who serves as President Bush's attorney, was described by White House insiders as being "annoyed and irritated" with the White House chief of staff after his office provided erroneous information about one of Sununu's flights aboard a corporate airplane. Others, including Quayle and Mosbacher, have faced embarrassment as their own travel is subjected to increased scrutiny as a result of Sununu's use of Air Force jets, government automobiles and corporate aircraft. "It never would have come about if it weren't for Sununu," said one White House official, speaking on condition of anonymity. At a White House meeting Thursday evening, he said, "frustration was being vented by everyone over the whole thing." "The essential problem," said a senior White House aide, is that "Sununu's created a lot of trouble for people." The anger, which is emanating from the White House as well as several Cabinet departments, illustrates the most immediate impact of the travel flap: Although Sununu's immediate tenure does not appear at risk, barring new developments, the affair has undermined the harmonious functioning of a White House that prides itself on avoiding the backbiting that prevailed in the Ronald Reagan Administration. The risk, said one Republican with ties to the Administration, "is a White House that won't be able to function very well, with people looking over their shoulders all the time." Within the White House, he said, those in Sununu's office have for the most part "isolated themselves so they're in one camp, and everybody else is in the other." Even within Sununu's office, one White House official said, there is dissension. The chief of staff's deputy, Andrew J. Card, has maintained good relations with others in the White House, the official said, but "eve

he independent counsel in the case, Donald Smaltz, said the laws Espy was charged with breaking did not require such a finding. We do not charge a quid pro quo," Smaltz said. We don't have to under the gratuity statute. A quid pro quo is not required." Sources of gifts Most of the gifts are said to have come from two of the nation's largest agricultural interests, which also have been the focus of the investigation: Sun Diamond Growers of California and Tyson Foods of Springdale, Ark. Last year, Sun Diamond was convicted of illegally giving more than \$9,000 worth of gifts to Espy and was fined \$1.5 million. It is a large cooperative whose 4,500 members produce raisins, walnuts, prunes, figs, hazelnuts and other foods. Tyson, the world's largest poultry producer, was notified this year that it was a target of the investigation and that it could soon be indicted. Ed Nicholson, a Tyson spokesman, called the allegations flimsy." The secretary was never asked by Tyson for any special treatment and none was ever offered or received," Nicholson said. We deplore the independent counsel's apparent view that acts of common hospitality -- consisting of a couple of meals and a football game -- can rise to the level of criminal conduct in the absence of any attempt by our company to exploit its nonexistent special relationship with Mr. Espy." Tyson's former top executive, Don Tyson, has been talking to investigators in exchange for immunity, two people involved in the investigation said Wednesday, and he might be called to testify at Espy's trial. If found guilty on all 39 counts, Espy would face a potential sentence of more than 100 years in prison.

Los Angeles Times, 10/04/94:

ESPY QUILTS AMID PROBE OF ETHICS

CABI

NET: SECRETARY OF AGRICULTURE FACES ALLEGATIONS OF ABUSING PERQUISITES OF OFFICE. HE APPARENTLY HOPED TO SPARE THE ADMINISTRATION EMBARRASSMENT.

By SARA FRIT

Z and DAVID LAUTER, TIMES STAFF WRITERS Agriculture Secretary Mike Espy resigned abruptly Monday, apparently hoping to spare the Clinton Administration the embarrassment of an independent counsel's investigation of allegations that he abused the perquisites of office and improperly accepted sports tickets and trips from businesses. Espy's surprise decision to step down by Dec. 31 ended prematurely the once-promising tenure of the Administration's youngest Cabinet appointee and the first African American to serve as agriculture secretary. With the departure of Defense Secretary Les Aspin, Espy becomes the second Clinton Cabinet official to resign. The decision also proved to be a humiliating admission of defeat for the energetic young Espy, who had vowed to survive what he claimed were politically motivated and unsubstantiated allegations that he violated ethics laws by accepting the hospitality of such companies as Tyson Foods of Arkansas, Quaker Oats of Missouri and Sun Diamond of California. Meanwhile, The Times has learned, another Clinton Cabinet official whose actions are under scrutiny, Housing and Urban Development Secretary Henry G. Cisneros, has told White House officials that he is willing to step down, too, if the Justice Department determines that he misled the FBI before his appointment about payments in excess of \$200,000 to a former woman friend. She has alleged that Cisneros agreed to pay the money to help alleviate damage to her career as a result of a romantic relationship between them some years ago. Espy, 40, a former Mississippi congressman, announced his resignation at a hastily scheduled news conference and insisted that he had not been asked to step down by the President or any other White House official. "This was my choice," he said. Nevertheless, his resignation came as the White House counsel's office was completing work on an internal review of the Espy matter that apparently uncovered reasons to challenge the agriculture secretary's contention that he had done nothing wrong. Among other things, the White House inquiry uncovered a previously unknown \$1,200 "scholarship" that Pat Dempsey, a woman friend of Espy's, received from Tyson Foods. Sources said that White House Chief of Staff Leon E. Panetta and White House Counsel Abner J. Mikva briefed Espy last Friday on the preliminary results of their

ryone knows he's not real happy with the way things are." Gray, the White House counsel, and other senior officials "are just fed up with it -- with the whole situation," said the official, speaking on the condition of anonymity. Gray has been assigned by the President to review Sununu's travel plans, to determine whether his use of Air Force jets for official travel is justified and to determine whether his use of corporate aircraft would pose a conflict of interest. The review process was established on May 9, after disclosures that Sununu had used the military aircraft for political and personal travel -- including a flight to Boston to visit his dentist and another to Colorado on a ski trip -- as well as for official trips. A week ago, it was disclosed that Sununu used a government automobile and driver to attend a stamp auction in New York. Sununu has said that the use of the planes and the car, which are equipped with telephones and, in the case of the aircraft, secure communications facilities, was required so that he could stay in constant contact with Washington. On Wednesday, the White House made available a list of five flights that Sununu took aboard different corporate aircraft, noting that Gray had approved each trip in advance. However, the list misidentified the provider of one of the planes. The White House said the aircraft was made available by Howard Bender, whose firm, Blake Construction Co., is a leading builder of government offices. But a Republican Party official told The Times that the plane had been leased from Bender by Stuart Bernstein, another Washington real estate figure, who, in turn, provided it to Sununu. Based on the erroneous information, Gray, who in the past has allied himself with Sununu on policy issues that divided the White House staff, had approved a flight Sununu made to Chicago on June 11 to attend a fund-raising event for the Republican Governors Assn., for which Sununu's wife, Nancy, works. "It's hard for him (Gray) to look good, having cleared one person and finding out later it was somebody else" who provided the airplane, said one senior White House official, speaking privately. "It's creating suspicion between the offices."

For Sununu, the immediate problem is to halt the increasingly public criticism he is facing -- a difficult job after having angered key figures throughout Washington dozens of times over the last 2 1/2 years with his often abrasive manner. But each time the matter seems about to fade from public scrutiny, a new development comes to light. "He keeps picking the scab off," the senior official said.

The Washington Post, 06/22/91:

Sununu Travel Rules Tightened

Prob

e Finds Counsel Was Misinformed By Ann Devroy, Charles R. Babcock, Washington Post Staff Writers White House Chief of Staff John H. Sununu was ordered last night to follow tough new rules governing his use of corporate airplanes, after an internal inquiry by the White House counsel's office determined he and his aides misinformed presidential counsel C. Boyden Gray about a trip he took to a political fund-raiser in Chicago on June 11, sources said. The new order to Sununu, delivered by Gray with President Bush's knowledge, is the latest of three rebukes dealt the chief of staff over the past six weeks, after questions were raised about his travel habits, first on military jets, then in his government limousine and now on corporate jets. Under last night's new rules, all future airplane travel by Sununu must be requested and approved in advance with an official travel authorization through the White House office of administration, a senior White House official said. Such flights can be arranged only by the "host organization" sponsoring the trip, and cannot be solicited by Sununu or his office. One source, who disagreed with those who described Sununu's actions as misleading, characterized the circumstances of the Chicago flight as a misunderstanding. This source said that the new "rules" were discussed after Sununu asked Gray last night for clarification that would avoid any future confusion. Other

sources said, however, that the incident went well beyond a misunderstanding and had further strained already tense relations between Sununu and other senior White House officials. According to these sources, Sununu, his wife, Nancy Sununu, and his top political aide, Edward Rogers, arranged with a Washington developer and major GOP donor, Stuart A. Bernstein, to provide for a jet -- which Bernstein also paid for -- to take them to Chicago for a Republican Governors Association (RGA) fund-raising event. Under earlier rules set down for the use of corporate aircraft by the chief of staff and other officials last month, Sununu's office was supposed to provide Gray's office with Bernstein's name to check for possible conflicts of interest before the flight was approved. Instead, Sununu's office sent Gray a memorandum naming the plane's owners, Howard and Morton Bender and John Mason. The three, prominent Washington businessmen who own a jet charter company, had leased the plane to Bernstein -- whose name did not appear on the memorandum -- at a regular commercial cost of about \$ 3,000 and apparently had no other involvement in the events. White House press secretary Marlin Fitzwater said last night that Sununu told him yesterday he was not aware that Bernstein -- in addition to arranging the flight -- had paid for it. Accounts of the Chicago trip by informed sources differed. According to those critical of Sununu's actions, Gray raised an immediate question about Howard Bender, asking aide Rogers whether it was the Washington businessman. Bender has extensive government contracts, and is also a director of the now-defunct Madison National Bank here that is being probed by several federal agencies. These sources said Rogers told Gray it was a different man, a "Chicago Bender," who did no business with the government. The counsel, having already rejected three other planes that had been offered for the Chicago trip because all three were owned by firms whose relations with the federal government put them in conflict with Gray's guidelines, approved the latest proposal, partially because the flight was to occur that day, June 11, and Sununu was said to be desperate for approval.

In a separate version of events, however, another source said that Gray had never asked Rogers directly about the identity of Bender. The memorandum sent from Sununu's office to Gray's about the trip "to" Chicago, the source said, mistakenly listed the plane's owners as being "from" Chicago. This week, the senior White House official said Gray began asking questions about the flight after inquiries by The Washington Post about why Bender, the Washington businessman, had been approved to provide the flight when that appeared to violate the existing conflict of interest test because of his federal contracts and the Madison investigation. At the same time, Gray was asked about additional information The Post had received indicating that although Sununu's memorandum had indicated Bender was paying for the flight, it actually had been financed by Bernstein. Gray determined that the Bender in question was, in fact, the Washington businessman. A Sununu flight provided by Bender, sources said, would have violated at least two of the then-existing rules of the White House counsel and would not have been approved if Gray had known. Gray also determined that Bernstein not only had paid for the flight, sources said, but that Bernstein had been solicited personally by Sununu, and had accompanied Sununu's party on the trip to Chicago.

There is no indication that Bernstein would not have been approved as sponsor of the flight if Gray had known of his involvement. Bernstein recently was appointed by Bush to a presidential commission to develop a prime piece of downtown property in Washington. But an examination of public records and other documents indicate no significant reason why Bernstein would have failed Gray's clearance. According to a White House official, Gray then launched an internal inquiry, which culminated yesterday, to determine the circumstances around the flight. He gathered all involved officials, including Sununu and Rogers, for a lengthy session to try to reconcile the various versions. Sununu did not respond to phone calls this week on the flight. Bernstein declined to return phone calls yesterday. Sources provided this account of Gray's internal probe of the Chicago trip. After the RGA asked Sununu to be the speaker at the event, it tried and failed to produce the jet he asked for. On the recommendation of former Illinois governor James R. Thompson, Ameritech Corp., one of the regional phone firms,

agreed to provide the plane, but Gray rejected it because Ameritech is under heavy government regulations it is seeking to alter. Then Nancy Sununu, who raises funds for the RGA, asked Archer-Daniels-Midland Co., which also was rejected by Gray because its agribusiness interests are heavily regulated. Then Rogers contacted a defense contractor, Textron, but it was rejected for the same reasons. Finally, Sununu personally called Bernstein the day before the speech to seek a plane. Bernstein called back the next day, officials said, and informed Sununu he had gotten a plane from the Benders and Mason. The direct solicitation by Sununu violated rules issued by Gray that no direct solicitation should occur, and it directly contradicted White House press secretary Marlin Fitzwater's statement last Wednesday. Asked if there had been any direct solicitation of planes by Sununu, Fitzwater answered, "The governor says no. No solicitation by the governor." After yesterday's meeting, sources said, Gray briefed Bush and informed Sununu that all plane travel by him from today on must be judged under new standards and procedures. In effect, Sununu must now file an official travel authorization procedure that passes through both the White House office of administration and through the counsel's office. Sununu has been informed that he may not solicit directly or indirectly corporate air travel and that only a host organization, such as the RGA, can arrange for his plane. If the host is unable to do so, Sununu will not be able to fly. One source last night described Sununu's handling of the trip as inexplicable, noting that he simply could have taken a commercial plane if he had not found a corporate jet, or offered Bernstein's name for clearance. Sununu's latest problems grew out of a May order by Gray precluding him from using government planes for political travel. To continue his political fund-raising work, Sununu instead used corporate jets instead under procedures imposed by Gray. The new limits had come after the Washington Post and U.S. News & World Report revealed Sununu's frequent flights to political and personal events, such as the dentist and skiing trips, aboard government jets. The May rules required Sununu to submit to Gray the details of his trips, including the name of the corporation or individuals providing the plane. Last night's revelations came at the end of a trying week for Sununu who saw another of his modes of travel -- government limousine -- curtailed after reports of a daylong trip to New York June 12 for a stamp auction and other personal business followed by an evening fund-raiser. Bush, described as angered and upset over the judgment Sununu displayed in taking the New York trip after being the subject of one travel controversy defended him publicly. But Bush acknowledged that Sununu's decision to have his government driver take him on the five-hour trip to New York and spend the day driving him to personal business created an appearance problem and other sources said it would be the last trip of that type Sununu would take. Of the five political trips Sununu has taken the past month under the May rules, the most questions surrounded the Chicago flight. But other flights also featured donors with government contracts, raising questions about the thoroughness of Gray's inquiries. For example, on June 7, Fiber Materials Inc., of Biddeford, Maine, flew Sununu to Portland for a state party fund-raising event. Maurice Subilia Jr., president of the company, told the Los Angeles Times that about 60 percent of his firm's \$40 million a year business is in Defense Department contracts. And on June 12, Beneficial Corp., a New Jersey-based financial services company, chartered a jet to fly Sununu and one of its lobbyists back to Washington after a fund-raiser and Sununu's visit to a stamp auction. Asked how Beneficial, which is reportedly involved in working against some of the administration's new banking regulations, passed muster with Gray, a source said Gray, pressed for time, was not conducting actual investigations of the corporate sponsor, simply cursory checks and relying on verbal orders issued that the sponsors not be heavily regulated by the government, not have business interests with the government that might be directly influenced by Sununu. "It is highly subjective," a source said. Howard Bender is head of Blake Construction, which has built several large federal office buildings in Washington. He was in the news in 1988 for arranging three years earlier to have the Bender Foundation give to a charity \$40,000 a year for three years earmarked for the sa

lary of Ursula Meese, wife of then-Attorney General Edwin Meese. In 1987, Bender and some associates made a 60 percent profit by selling an office building after obtaining a Justice Department lease to house a Justice Department agency there.

WWD, 06/20/91:

Commerce Chief's 'Warnaco flight' fuels debate

Robert

Mosbacher blamed for flying on Warnaco Inc.'s private plane By Steve Farnsworth
WASHINGTON (FNS) -- When Commerce Secretary Robert Mosbacher returned to the U.S. from a recent free-trade promotional tour in southern Mexico, Warnaco, Inc., provided him with a free seat on a private plane. While Mosbacher's April 21 flight back from Huatulco, Mexico, with company president Linda J. Wachner does not violate government regulations, it provides fodder for the continuing controversy over what relationships between government and private business are appropriate. Both Wachner and a Commerce Department spokesman say no favors were requested and none was offered in return for the flight. "We have no special projects in front of the Commerce Department," Wachner said in an interview. Warnaco, a prominent New York-based manufacturer and marketer of women's and men's apparel in the U.S. and Mexico, could benefit from a free-trade agreement between the two countries. So, too, could other businesses -- including Amoco Co., Chicago, and Enron Corp., Houston -- that have given Mosbacher free flights to help promote free trade with Mexico. The airborne Wachner-Mosbacher meeting triggered both admiration and irritation from other lobbyists and executives. Mac L. Cates, first vice president of the American Textile Manufacturers Institute, rejected the theory that no special relationships necessarily develop when a corporation helps a government official. The ATMI, as the organization representing the domestic textile industry, opposes the reduction of trade barriers sought by Mosbacher and Wachner. "I would expect there are some friendships brought to such a situation, wouldn't you?" asked Cates, who is also chief executive officer of Arkwright Mills, Spartanburg, S.C. Cates said the Commerce Department should not be taking such gifts from businesses. "I think we pay enough in taxes for them to be out paying for that on their own hoof," Cates said. However, another observer connected to the domestic textile industry saw nothing suspect in Warnaco providing a flight for Mosbacher. John F. Nash Jr., Washington counsel for Milliken & Co., also of Spartanburg, said: "I would love to be able to do that and would hate for a law to be passed that would keep me from being able to do that." Nash said Mosbacher has been invited to visit the company's plants but has not done so, even though Milliken is one of the few companies to have won the department's Malcolm Baldrige National Quality Award. Milliken would be willing to provide the secretary with transportation, Nash said. The Commerce Department, for its part, said that accepting contributions from private corporations saves taxpayers money. Joseph P. O'Neill, a former president of the National Retail Federation, praised Wachner's ability to get her point across. "She is very adept at that," said O'Neill, now a Washington consultant. "She's very good. She is very creative and she presents her case very forcefully and very articulately." Wachner said she did not know how much Warnaco paid to lease the jet for the trip with Mosbacher. Washington-based corporate jet charter companies offer two-day roundtrips to Mexico City, closer to Washington than Huatulco, for roughly \$ 16,000. The Warnaco flight was unusual for the textile, apparel and retail industries, which generally lobby through regular meetings between industry leaders and government officials in Washington, O'Neill said. The emphasis on executive meetings may seem modest when compared to offers of legislative working vacations at exclusive resorts or posh locales by lobbyists for the tobacco, real estate and other industries, O'Neill said. But CEO meetings with administration officials are quite valuable, particularly in an environment where government executives are increasingly concerned about appearing "owned" by

special interests and shun many of the working vacations offered by industry, O'Neill said. "The most effective lobbyists we have are the CEOs," O'Neill said.

Commerce is one of the few government agencies authorized to accept contributions from private industry. Officials at other agencies with similar authority, such as the Agriculture Department and the Department of Housing and Urban Development, said they always pay their own way because of possible conflicts of interest. In much of the rest of government, ethics rules are far more stringent than at Commerce. Some government agencies, including the Office of the U.S. Trade Representative, refuse to accept even a lunch from domestic manufacturers because of the potential appearance of a conflict of interest. Ethics has become a major issue in Washington in recent months, particularly with the extensive coverage of John Sununu, President Bush's chief of staff, and his use of government planes to travel to his dentist and to the ski slopes. This week, Sununu triggered a new round of criticism for having his government driver take him to a New York stamp auction and for reportedly soliciting corporations to provide him with corporate jets for personal and political trips.

Los Angeles Times,

06/20/91:

BUSH CITES 'APPEARANCE PROBLEM' WITH SUNUNU

ETHICS: THE PRESIDENT CA

LLS HIS AIDE'S CAR TRIP TO NEW YORK APPROPRIATE AS MORE FLIGHTS ON CORPORATE PLANES ARE DISCLOSED. By JAMES GERSTENZANG and SARA FRITZ, TIMES STAFF WRITERS

White House Chief of Staff John H. Sununu's travel arrangements have created "an appearance problem," President Bush said Wednesday, as the White House disclosed that Sununu flew to Chicago last week aboard an airplane owned by a key executive in a construction and real estate company that does extensive business with the U.S. government. With Sununu looking on impassively, Bush told reporters that his top aide's use of a government automobile and driver to travel to New York for a stamp auction "was appropriate," and that what matters is not appearances, but fact. "There's plenty of reason that this was done, and it doesn't set a precedent," he said, adding that Sununu is "doing a first-class job" and has been the victim of "piling-on" by the news media. Still, even as Bush defended his embattled chief of staff, he conceded for the first time that the travel flap created "an appearance problem" for the Administration. As the President moved to douse the latest controversy to swirl around Sununu, there were these developments: -- The White House disclosed that between May 20 and Tuesday evening, Sununu used corporate aircraft five times to attend GOP fund-raising events. One of the trips, to Chicago to raise money for the Republican Governors' Association, was aboard an airplane owned in part by Howard Bender, the White House aide. His company, Blake Construction Co., builds and leases buildings for the government, and Bender figured prominently in a 1988 independent counsel's probe of allegations concerning former Atty. Gen. Edwin Meese III's personal finances. -- It was learned that Sununu used his family car to make a roughly eight-hour round trip from Washington to Williamsburg, Va., to attend a Republican Senate Campaign Committee fund-raising event last Friday and Saturday. The next day, during an appearance on a Sunday talk show, he defended his use of a government car a few days earlier for the New York trip because, he said, his job required him to be in constant touch with the White House. "I have to be able to communicate, to work on sensitive papers, to coordinate the White House activities, even while I'm traveling," Sununu said on the ABC News program "This Week with David Brinkley." For the second day in a row, Sununu's office refused to answer a reporter's questions about his travel. In a speech Tuesday evening in Des Moines -- which he reached aboard an airplane lent by an insurance company -- Sununu showed no inclination to retreat, insisting that he would not take advice from "self-styled experts" on how or when he would travel. The White House on Wednesday said "two or three" of Sununu's requests for approval of other flights aboard corporate planes were rejected by the President's counsel, C. Boyden Gray. It would not disclose the owners of the aircraft or the reasons for rejection.

ng the use of the planes by Sununu, other than to say they involved a potential conflict of interest. Nevertheless, the use of the airplane owned by Bender, whose business has been closely linked to the federal government, spotlighted the difficulty in finding corporate sponsors without raising the potential of a conflict of interest. Bender came under investigation because in 1985 he funded a \$40,000 salary for Meese's wife, Ursula, at the National Capital Chapter of the Multiple Sclerosis Society, at a time when his company was negotiating with the Justice Department to renew a lease on a building he owned. The independent counsel found that, although Bender "may have had ulterior motives" in providing the salary for Ursula Meese, there was no evidence that his efforts played a role in persuading the Justice Department to renew the lease. Bender could not be reached for comment Wednesday. In addition to the flight aboard corporate jets to Chicago on June 11 and Des Moines on Tuesday, the White House said Sununu made these trips: -- To St. Louis and back, on May 20, aboard a jet provided by Donald Bryant, who runs an executive benefits firm, to attend a fund-raising event for Republican Gov. John Ashcroft. -- To Portland, Me., and back, on June 7, aboard an airplane provided by Fiber Materials Inc., of Biddeford, Me., to take part in a fund-raising event for the Maine Republican Party. -- And, as previously disclosed, on June 12, from Morristown, N.J., to Washington, aboard a jet provided by the Beneficial Corp., a credit company, after attending the New York stamp auction and then a GOP fund-raiser in New Jersey. Bryant said he was asked by Missouri Republican Party officials to provide round-trip air transportation for Sununu. He said he agreed because he intended to be in Washington anyway on the day Sununu wanted to fly to St. Louis. Sununu and an aide, Edward M. Rogers, flew with Bryant aboard his Lockheed Jetstar. The plane then took Sununu and Rogers back to Washington later that night and returned to St. Louis without any passengers. Bryant, who estimates that the jet costs \$1,500 an hour to operate, was not reimbursed for the flight. Party officials told Bryant that he was chosen to transport Sununu primarily because he has no business interests with the federal government. "I was not lobbying for anything," he said. Officials of Fiber Materials Inc. did not return telephone calls for comment on the June 7 flight provided for Sununu. One of the company's executives, Maurice Subilia Jr., is an occasional contributor to GOP candidates. He lives in Kennebunkport, Me., near Bush's vacation residence. Bush's comments Wednesday about Sununu's travel were his first in public since Newsweek magazine disclosed that the chief of staff -- whose use of Air Force jets to travel on personal and political business was cut back by Bush on May 9 -- used the government car for the 225-mile trip to New York on June 12. Bush said: "When you look at the facts surrounding this particular trip, this beating that he's taken is unwarranted, in my view. Nobody likes the appearance of impropriety. On the other hand, I think fairness dictates you ought to look at the particular fact about it. "We had heavy -- a lot of very important negotiation on legislation. We have a very important speech that needed fine-tuning. He knew I wasn't happy with that. He made plenty of phone calls." The President gave a speech that night to about 2,000 guests on the White House South Lawn in which he criticized congressional Democrats and pressed for approval of several Administration domestic programs. Bush also said his defense of Sununu "doesn't say anybody that has access to a (government) car can go anywhere anyone wants at any time." The President, speaking with reporters during a picture-taking session at the start of a meeting with House Republican leaders, said he had discussed the matter with Sununu. Staff writers David Lauter and Dwight Morris contributed to this story.

The Boston

Globe, 06/20/91:

Bush cites 'appearance problem' in Sununu trips

White House

backs car use but hints limit

By Michael Kranish and Walter V. Robinson, Globe

Staff President Bush acknowledged yesterday that his chief of staff, John H.

Sununu, has created an "appearance problem" in his travels in government cars a

nd corporate jets. Later, Marlin Fitzwater, the White House spokesman, said he doubted that Sununu would take many more long-distance limousine trips. The spokesman said, however, that there has been no impropriety when Sununu and other administration officials have flown to political events on corporate jets. He said that under administration policy, the White House counsel reviews each corporate-sponsored trip to ensure there is no conflict of interest. In two instances, Sununu has not been allowed to fly on corporate aircraft because the White House counsel determined that there could be a conflict of interest, the White House said yesterday. The corporate sponsors of the two rejected flights were not identified. During a brief exchange with reporters yesterday, Bush said that the former New Hampshire governor's travel was "appropriate . . . given the circumstances." But Bush then added, "I recognize, and I think the governor does, there's an appearance problem." Sununu this year lost some of his government air travel privileges after it was reported that he sometimes flew on personal business, including two trips to a Boston dentist. He became embroiled in a second travel controversy after it was reported that he was driven a week ago in his government limousine to a New York City stamp auction. Sununu returned to Washington aboard a corporate jet. Bush, noting that Sununu placed White House telephone calls while traveling to New York, said: "The facts surrounding this particular trip, this beating that he's taken, is unwarranted, in my view. . . . Nobody likes the appearance of impropriety. On the other hand, I think fairness dictates you ought to look at the particular fact of that." Though Sununu said on Sunday that he would continue to travel in his limousine whenever he wanted, Bush yesterday appeared to contradict him. "It doesn't set a precedent," Bush said. "It doesn't say anyone that has access to a car can go anywhere that anyone wants at any time." Sununu had said he should be able to use his limousine at will because it is "in the national interest" that he have access to a secure telephone so he can conduct business for the president. Fitzwater, referring to Sununu's five-hour limousine drive to New York to conduct personal business, said Bush believes that it would be "a one-time-only thing, or at least a very rare occurrence because of circumstances that day - not something that happens frequently or that we would expect to happen again." Fitzwater, asked if Bush had discussed the appearance of impropriety with Sununu, responded: "The president and the governor discussed this, and they're both concerned about the appearances, and I'm sure the governor will pay attention to that fact." White House officials implied that Sununu would not continue such travel. "Car trips, I doubt if he'll make many more of those," Fitzwater said. Sununu has brushed off the controversy. The chief of staff on Tuesday took his fifth corporate-sponsored flight in the last month, flying to Des Moines to address a Republican fundraiser. The flight was paid for by Kirke/Van Orsdel Inc., an Iowa insurance company. "Frankly we'd rather listen to you than the self-styled experts in Washington, D.C.," Sununu told the 1,500 Republicans. "You can't get here without traveling. I know that's a very complicated concept for some." In the wake of the latest revelations, prominent Republicans said yesterday that the issue has begun to cause Bush some slight political harm and he must move to force Sununu to change his behavior. "People who are very protective of Bush are now raising the alarm at the White House," said one Republican with longstanding ties to Bush. Among those who have spoken to Bush with such a warning, another Republican said, is Secretary of State James A. Baker 3d. In interviews yesterday, several Republicans said Sununu's propensity for stylish travel has ceased being an issue that had Republicans chortling and has become an issue that could cause Bush significant damage if left to fester. The nation's voters, said one of Bush's political advisers, "are extremely frustrated. They feel the government is out of control, that it doesn't do anything, that it doesn't listen to them, that they are paying more in taxes and getting less. And along comes Sununu, and with this issue he personifies all this." However, another Republican, a pollster, said that Sununu's travel habits have yet to undercut Bush politically. But he said Sununu's use of chartered jets and limousines has served to reinforce one of the Republican Party's major perceived negative images. "Having a chief of sta

ff so disconnected from the concerns of average Americans that he takes a limousine to New York to buy stamps at Christie's underscores the image of a political party that is for the rich and the powerful, a party that is out of touch, elitist and privileged," the pollster said. In testimony to the fact that Sununu's power remains largely undiminished, however, none of the Republican critics was willing to be quoted by name. One said he declined to appear this week on a network television interview show, knowing that he would have been asked about the chief of staff's predicament. "If I had defended him, I would have been a hypocrite. If I had criticized him, it would have cost me dearly," this Republican said. Another GOP strategist said he believes the public is starting to pay attention to the issue, following initial disclosures that, he said, had little impact outside Washington. For the public, this strategist said, the limousine ride to New York "had an in-your-face feel to it. I think this is starting to hurt the president." Sununu's behavior, he said, "is now too much in contrast to Bush's own image, as a decent, honorable guy with a strong sense of ethics." This strategist, who said he has discussed the issue recently with Sununu, said the chief of staff "portrays himself as a man wronged, and still willing to confront his adversaries on this."

Newsday, 06/20/91:

President Curbs Sununu's Limo By Susan Page

In another implicit rebuke of his top aide's personal judgment, President George Bush yesterday made it clear that White House Chief of Staff John Sununu no longer would be using his chauffeured government limousine for personal out-of-town travel such as last week's trip to New York for a rare stamp auction. "I recognize, and I think the governor [Sununu] does, there's an appearance problem . . .," Bush told reporters at a picture-taking session in the Cabinet Room. "I think when you have an appearance problem, I think all of us would agree you want to try to avoid it as much as possible." Last month, the president restricted Sununu's access to government planes in the wake of reports he had used them to visit his dentist and go skiing. But the White House continued yesterday to defend the use of corporate planes for political trips by Sununu; by Marilyn Quayle, the wife of Vice President Dan Quayle; and by senior presidential aides. Sununu routinely requires Republican groups and campaigns that want him to appear at fund-raising dinners or other events to arrange a private plane for his use, according to a White House official. Under most states' laws, corporations can provide planes for the use of political organizations and campaigns. Under federal law regulating presidential and congressional campaigns, the corporation must be reimbursed the equivalent of first-class fare aboard a commercial flight - a fraction of the actual cost of operating the private plane. Sununu has been using corporate planes since he lost his authority to command military ones, the White House said. The president, who was surprised and dismayed by that dispute last month, also appeared taken aback by reports over the weekend of Sununu's limousine trip, according to one key adviser. Sununu said on Sunday it was "in the national interest" for him to have used the car on his way to New York so he could make telephone calls to handle government business. However, cellular phones are available on Amtrak and the Washington-New York air shuttle, and Sununu sometimes carries a portable White House telephone. By using the car, he avoided having to pay for a commercial flight, ride Amtrak or pay the government the equivalent of commercial air fare for using a military plane. Sununu caught a ride home on a corporate jet after attending a GOP fund raiser in New Jersey. When Fitzwater was asked if Bush had urged Sununu to be more sensitive to the appearance of impropriety, he replied, "The president and the governor discussed this, and they're both concerned about the appearances, and I'm sure the governor will pay attention to that fact." He added, deadpan: "Car trips, I doubt if he'll make many more of those." But the president

nt didn't directly criticize Sununu, the former New Hampshire governor whose support in 1988 helped rescue Bush's floundering presidential campaign. "He's doing a first-class job," the president said, saying Sununu's job was safe and accusing the news media of "a piling-on syndrome." And Sununu was notably unrepentant at a political fund raiser in Des Moines Tuesday night - a trip made aboard a corporate jet provided by Kirke-Van Orsdel Inc., an insurance company. "You can't get here without traveling," Sununu said sarcastically. "I know that's a very complicated concept for some." According to the White House counsel's office, Sununu also has accepted corporate rides from insurance executive Donald Bryant, for a May 20 trip to St. Louis; Fiber Materials Inc. of Biddeford, Maine, for a June 7 trip to Portland, Maine; and Beneficial Corp., for a June 12 trip from Morristown, N.J.

The Boston Globe, 06/19/91:

Officials' use of corporate

planes hit By Stephen Kurkjian, Globe Staff A new federal travel policy that went into effect in March allows government officials, including the embattled White House chief of staff, John H. Sununu, almost unlimited use of corporate transportation even when its acceptance may appear to constitute a conflict of interest, critics said yesterday. Common Cause, an ethics watchdog group, and Democratic congressmen expressed anger over the practice, which has allowed Sununu, Commerce Secretary Robert A. Mosbacher and other administration officials to accept free plane trips from companies and other private groups. The policy, which took effect on the recommendation of the White House, drew criticism yesterday following the disclosure that Sununu had flown back to Washington from a Republican fund-raiser in New Jersey last week aboard a plane provided by a politically active consumer credit firm. White House officials said yesterday that the flight was one of three or four that had been solicited on Sununu's behalf in recent weeks since the chief of staff was denied access to US military jets to travel to political events or for personal reasons. Among his other corporate flights to political events were round trips to Chicago and St. Louis. Yesterday, President Bush was described as "upset, angry and perplexed" about Sununu's use of a government limousine for a trip to New York, the first leg of the trip from which he returned on a corporate jet, the Washington Post reported. Sources said that Bush contacted a senior political adviser Sunday to discuss how to handle the controversy after learning of Sununu's decision to have a government car and driver take him to New York last Wednesday. Sununu attended a rare stamp auction and conducted other personal business but no official duties there, officials said. Bush apparently made his call after Sununu defended himself on television Sunday. Meanwhile, Sununu traveled aboard a corporate jet to Iowa yesterday to attend another political fund-raiser, according to today's edition of The Los Angeles Times. Sununu, accompanied by his chief deputy, flew to Des Moines aboard an airplane owned by Kirke-Van Orsdel Inc. for the Iowa Republican Party's annual Abraham Lincoln dinner, a \$ 50-a-person fund-raising event. Kirke-Van Orsdel is a 17-year-old insurance company that, according to a source active in Iowa politics, writes group insurance policies. Its chairman, Gerald M. Kirke, has been active in Republican Party circles in recent years, the source said, and the company contributed \$ 5,000 to the Republican National Committee before the 1990 elections. According to federal records, dozens of middle- and upper-level US officials have accepted trips aboard corporate jets or had their travel paid for by corporate sponsors to make speeches, attend seminars or other work-related functions since the government adopted a unified travel policy for federal employees March 1. That policy allows for corporate and other privately reimbursed travel as long as the trips are approved in advance by the ethics officer in an individual department. The ethics officials can allow trips where conflicts of interest might exist, the guidelines show. They say that trips can be accepted if the ethics officials determine the employee's participation in the event outweighs concern that acceptance of the trip may appear to

improperly influence the employee's performance of his or her duties. Among those who have had trips paid for under the new policy were Mosbacher, who has taken eight corporate-sponsored trips since March; Michael J. Boskin, Bush's chief economic adviser, who was flown to a Republican fund-raising breakfast in San Francisco; and D. Allan Bromley, Bush's science adviser, who traveled to Rochester, N.Y., Columbus, Ohio, and Savannah, Ga. Fred Wertheimer, president of Common Cause, the citizens' lobbying group that has fought for reform in political campaigns and lobbying, said the policy, which allows corporate America to finance travel of any federal officials, should be changed. "The argument is being made that the taxpayers are being saved money. The question is at what expense and at whose expense," Wertheimer said. "The Bush administration's weakening of the law was wrong and should be reversed." "It's an invitation for abuse," said Rep. Barney Frank, Democrat of Newton, who chairs the Judiciary subcommittee that routinely examines ethics issues. "If corporate travel is to be allowed, it should be only under the most extreme circumstances." The White House spokesman, Marlin Fitzwater, countered: "It's all fine, according to the law, according to the rules and regulations." He added that "corporations are allowed to donate what's called in-kind services" to political groups or individuals. "And that donation can take the form of use of their private aircraft." The White House instituted a separate travel policy for Sununu last month following the disclosure that he had used US military jets more than 75 times during the past two years to attend official, political and personal functions. Under this separate policy, Sununu can only use the military planes to take him to "official functions," and then only if the travel is authorized by the office of the White House counsel, C. Boyden Gray. If the trips involve "political functions," Sununu must find some other means of transportation. If corporations arrange or pay for his travel, the trips must also be approved by Gray's office. White House officials said that, though they did not know if President Bush was aware that Sununu had been soliciting corporations to assist his travel, last week's flight aboard a plane provided by the Beneficial Corp., of Peapack, N.J., had been approved by the White House counsel's office. The owners and executives of Beneficial, which is actively opposing the administration's bank reform legislation, gave about \$ 175,000 in personal and political action committee contributions to Republican and Democratic congressional candidates in 1989 and 1990. "It was considered and approved as not violating the conflict of interest standards," said one official, who asked not to be identified. "We look to determine if there is a real conflict problem or a problem of perception in accepting these trips, and we've not found any yet." The official said that Gray's office also approved Sununu's round trip to St. Louis on May 20 aboard a plane provided by a Missouri business executive and a round-trip flight provided by an unidentified corporate sponsor to Chicago on June 11 to attend a fund-raiser sponsored by the Republican Governors' Association. According to Republican and White House sources, the trips were solicited on Sununu's behalf by GOP officials, who were anxious to have Sununu attend the fund-raisers. One national GOP official, who declined to be identified, said Sununu's office has told party officials that if they want to schedule him to appear at a fund-raiser they must arrange for him to fly to and from the event on a corporate or chartered plane. Donald Bryant, a Missouri businessman, said Missouri GOP officials prevailed upon him to have Sununu flown to and from St. Louis last month to attend the party's fund-raiser on behalf of Gov. John Ashcroft. The unified travel policy was proposed by Gray in 1989 to a bipartisan task force that was considering changes in the ethics regulations for federal employees. Gray told the task force that the rules on whether federal employees could accept trips on corporate jets or have their travel reimbursed by private firms varied throughout the government. Some departments, such as Commerce and Treasury, allowed their officials to accept the trips from all private companies, while other agencies only allowed their employees to accept travel paid for by nonprofit groups. Still other agencies prohibited their employees from accepting any travel from an outside group. The task force went along with Gray's recommendation. In March, the General Services Administ

review and gave him until Monday to decide how to respond. They were said to have left little doubt that they wanted him to quit. "We didn't want this to linger," said a senior official, adding that White House officials were determined in this case to avoid the criticism they had received for failing to obtain the prompt resignation of Deputy Treasury Secretary Roger C. Altman after he was accused of lying to a congressional committee. In a statement accepting Espy's resignation, the President said he was troubled by the appearance of conflict of interest created by Espy's acceptance of favors from industry sources and he concluded that the secretary's resignation was suitable. "Over the last few weeks . . . the Office of the White House Counsel has reviewed information about Secretary Espy and the actions he took while in office," Clinton said. "Although Secretary Espy has said he has done nothing wrong, I am troubled by the appearance of some of these incidents and believe his decision to leave is appropriate. " Yet because Espy's resignation does not take effect for three months, Clinton will not be forced to face the politically sensitive task of selecting a successor until after the November election. Among the contenders to succeed him are Ruth Harkin, wife of Sen. Tom Harkin (D-Iowa), and Robert Rominger, former California agriculture secretary. While Espy's resignation spares Clinton the political damage of having a sitting Cabinet member under a cloud, it nonetheless does nothing to limit Espy's own legal liability. The investigation of Espy will continue under independent counsel Donald C. Smaltz. Among other things, Smaltz is investigating Espy's acceptance of lodging at the picturesque Tyson Management Center after a speech to the Arkansas Poultry Federation and his return trip to Washington aboard a Tyson corporate jet. Dempsey accompanied him on that trip and also enjoyed the Tyson company's hospitality. In addition, Espy and Dempsey attended a National Football League playoff game as guests of Tyson. For Clinton, the allegations against Espy related to Tyson Foods were the most politically volatile. The President has often been accused of accepting favors from the head of the corporation, Don Tyson, a prominent Democrat in Clinton's home state of Arkansas. In addition, some critics claim that while Espy was accepting personal favors from Tyson Foods, his department was slow to act on proposals to improve poultry industry inspections -- a charge the secretary has vehemently denied. Tyson Foods issued a statement Monday reiterating "that our contacts with the secretary were handled appropriately and that at no time did we ever seek special or preferential treatment from anyone at the USDA." Espy's support at the White House apparently dried up a few days ago when his lawyer, Reid Weingarten, told Clinton's lawyers belatedly about the Tyson "scholarship" for Dempsey. He insisted that she obtained the money without Espy's assistance but White House officials concluded that it had the appearance of an illegal indirect favor to Espy. Dempsey is said to have received the \$1,200 last fall from a foundation run by Tyson, even though Espy has said that he discouraged her at the time from taking it. She recently returned the money after Espy's ethics came under scrutiny, according to one official. Espy has contended that agribusiness gifts to Dempsey did not violate the law. Among the other potential ethical violations being investigated by Smaltz:

- * Espy's alleged request to Quaker Oats to provide him tickets to a Chicago Bulls National Basketball Assn. playoff game.
- * A lavish birthday party for Espy co-hosted by his old college friend, Richard Douglas, a senior vice president of Sun Diamond, a company that benefits from the millions of dollars spent by the Agriculture Department to promote U.S. products overseas.
- * A lucrative Agriculture Department contract given to Patricia Jensen, a friend to Douglas. Douglas and Jensen are known to frequently socialize with Espy and Dempsey.
- * Dempsey's employment by a firm that frequently lobbies the Agriculture Department for agribusiness clients.
- * At least 20 trips that Espy made at government expense to his home state of Mississippi during his first 20 months in office and his decision to charge the government for the lease of a Jeep Cherokee that he drove when he was in Mississippi. While federal ethics laws prohibit all Cabinet members from soliciting gratuities or accepting gifts that might influence them in their official capacity, Espy, as agriculture secretary, is also bound by the even more restrictive provisions of the

ration and the US Office of Government Ethics promulgated the new rules.

New
sday, 06/19/91:

Sununu Finds New Wings

Aide turns to corporate jets after Bush

set limits By Susan Page White House Chief of Staff John Sununu may soon start to wish he had just stayed home. First, he lost his unrestricted use of government jets May 9 after it was reported he had taken dozens of military flights to ski, visit his dentist and go home to New Hampshire. Then, on Sunday, he was forced to defend himself for having used his chauffeured government limousine to go to New York City last week to buy \$ 5,000 worth of rare stamps for his collection. Yesterday, his frequent-flying habits were back in the news with the disclosure in The Los Angeles Times that he has been soliciting free rides on corporate jets since his use of government planes was limited. The day of the rare -stamp auction, it turned out, he asked for and got a ride home on a Beneficial Corp. jet after attending a Republican fund raiser in New Jersey. And, the newspaper reported today that Sununu flew to Des Moines yesterday aboard a corporate airplane for an Iowa Republican party fund-raising dinner. The plane belongs to Kirke-Van Orsdel Inc., an insurance company that is active in Iowa politics . "It's all fine according to the law, according to the rules and regulations," Marlin Fitzwater, President George Bush's press secretary, said yesterday in circumspect public comments that neither criticized Sununu nor offered much of a defense. "There are many cases where it's justified and proper." He went on: "The president has full confidence in the governor. I don't know what he feels about this case." Some advisers close to Bush say they doubt Sununu's latest travel troubles will affect his standing with his boss. "I think right now it appears that there is a piling on John Sununu . . . and I think the president recognizes it," said James Lake, a Republican consultant who was a senior aide in Bush's 1988 campaign. But others, unwilling to be identified by name, say Sununu's stock must be falling with Bush, who put ethical propriety at the top of his priorities when he took office. "I'm sure this will upset him," a former senior White House aide said. "It's unseemly. People who work in the White House are not for sale." And there is considerable speculation about who might be leaking damaging information about Sununu, whose bombastic and overbearing manner has created a large group of suspects. In New Hampshire, where he served as governor, one popular political button once showed Sununu's face and read, "Will Rogers Never Met This Man." Under the 1989 Ethics Reform Act, top administration officials are allowed to accept flights on corporate jets; in some cases, the companies are reimbursed by political organizations that invited the official. The Los Angeles Times reported the state Republican Party in Iowa said it is paying approximately \$ 2,500 toward Sununu's corporate jet trip there yesterday. But some Bush aides expressed wonderment at Sununu's apparent unwillingness to take commercial flights, even after the president's implicit rebuke in restricting the chief of staff's authority to command government planes. They said the corporate flights raise at least the appearance of impropriety. "They say Sununu is n't going to consider issues involving the company [that provides the jet], but that's like saying he's not going to talk about tax policy or environmental policy," scoffed a senior Republican strategist. Beneficial, for instance, has lobbied against the Bush administration's pending banking overhaul. Fitzwater said Sununu has taken at least three or four other flights aboard corporate jets since May 9[***THE FOLLOWING APPEARED IN THE NS VERSION**** that barred him from using government planes on most personal and political trips. But the White House declined to provide a list of the trips or to identify the corporations involved.]

SUNUNU USING CORPORATE JETS FOR FREE TR

AVEL

By SARA FRITZ and DAVID LAUTER, TIMES STAFF WRITERS Ever since the White

House cut back on John H. Sununu's use of military aircraft for leisure and political travel, the controversial chief of staff has been soliciting free trips aboard jets provided by American corporations, White House officials said Monday. In the latest instance, Beneficial Corp., a consumer credit firm headquartered in Peapack, N.J., provided a chartered jet for Sununu to return to Washington from a New York stamp auction and a New Jersey GOP fund-raiser last Wednesday night. Officials said other corporations are being asked to do likewise whenever Sununu makes similar trips. Sununu pays nothing for these corporate flights, which are perfectly legal. Beneficial officials said they expect to receive only partial reimbursement from the New Jersey Republican Party for Sununu's flight last week. In turning to corporations, Sununu is one of a growing number of top Administration officials who have come to rely on American business to provide air travel for trips that previously would have been funded by the government or paid for out of their own pockets. Commerce Secretary Robert A. Mosbacher has taken more than 30 trips on planes provided by corporations since he took office 2 1/2 years ago. Although others have been criticized for flying on corporate jets, officials said Sununu sees no potential conflict of interest in accepting travel accommodations from corporations, even those with intense interest in changing government policies. Beneficial, for example, has been actively involved in battling banking industry reforms proposed by the Bush Administration. Sununu has said that he must rely on corporate jets in order to remain in constant touch with the White House. "I have to be able to communicate, to work on sensitive papers, to coordinate the White House activities, even while I'm traveling," he said on Sunday. But Rep. Barney Frank (D-Mass.), after he was told of Sununu's flight at the expense of Beneficial, said, "I think it's a mistake; that's why you have conflict of interest laws." Frank added, "What would be so terrible about flying in a regular plane like a normal person?" White House officials said Sununu is unlikely to be swayed by such criticism. "Sununu doesn't play by your rules, or our rules, or Washington rules," one official said. "He plays by his rules and he's not going to change." Until recently, it was illegal for top Administration officials to accept free travel from American corporations. But the law was changed to permit such trips at the request of President Bush as part of the Ethics Reform Act, enacted in late 1989. White House officials said Sununu began soliciting flights from corporations shortly after Bush imposed a new White House travel policy May 9 that barred the chief of staff from using military aircraft for all political and most personal trips. Under the previous policy, Sununu had used military aircraft to take a ski vacation and visit his dentist in New Hampshire. The officials said that before the Beneficial flight, Sununu had used corporate jets "three or four times." Although the officials said Beneficial is not the only corporation that has provided transportation for the chief of staff since his use of military aircraft was cut back, they declined to identify the other firms that have done so. As one aide explained, Sununu is in such demand to attend political functions around the country that he has no trouble finding someone to provide him an aircraft. Another official said Sununu's attitude toward the corporations that provide the planes is: "As long as they pay, that's fine." Beneficial spokesman Bob Wade said his company initially was asked to provide a round-trip chartered flight for Sununu to attend the New Jersey GOP fund-raiser last Wednesday night. The event was held at Hamilton Farm, a facility that Beneficial owns in Bedminster, N.J., a town in the horse country of western New Jersey about an hour's drive from New York City. After the company chartered an aircraft for Sununu, Wade said, White House officials said he would use it to return to Washington but not to go to New Jersey. Instead, Sununu traveled in a government-provided limousine first to New York City, where he attended the stamp auction. It was not clear how he then traveled to New Jersey. The limousine returned to Washington without a passenger.

er. A New Jersey state party official, who declined to be identified, said he was told by the White House: " 'Don't worry about getting him here,' just take care of the return trip." Wade said that Beneficial's Washington representative, Gary Perkinson, flew to New Jersey aboard the chartered jet alone, and returned with Sununu. He said Perkinson did some corporate business while he was in the New Jersey area, but he acknowledged that Perkinson would not have flown in a chartered plane had Sununu not requested one. Sununu and Perkinson discussed "everything from hockey to education" on the return flight, according to Wade. He said the subject of banking reform legislation did not come up. Beneficial is a politically active firm whose chairman, Finn M. W. Caspersen, along with his son, made \$42,750 in contributions to Democratic and Republican candidates in the last congressional elections. At the same time, the Beneficial PAC made \$129,475 in contributions to congressional candidates and the company was responsible for \$45,000 in so-called "soft money" contributions to the Democratic and Republican parties. Wade said his firm expects to be reimbursed for Sununu's flight from the state GOP at an amount equivalent to first-class fare, which will not cover the cost of chartering the plane. Under New Jersey law, corporations are permitted to make such contributions to state political parties. Sununu will be billed by the White House for some of the cost of his limousine trip to New York City, according to a White House official. The cost is unknown. He said Sununu is not disturbed that the trip has received attention in the press. "He's got a thick skin," the official said.

Los Angeles Times, 04/26/91: WINGING

IT WITH FREE AIR TRAVEL

COUNTLESS REGULATIONS GOVERN BEHAVIOR FOR U.S. OFFICIAL

S. BUT VIRTUALLY UNADDRESSED IS ONE HUGE PERQUISITE OF PUBLIC LIFE -- FLYING ON

GOVERNMENT AIRCRAFT. By SARA FRITZ, TIMES STAFF WRITER Steven A. White, manager

of nuclear power for the Tennessee Valley Authority until early 1989, commuted every week in a government-chartered jet between his Virginia home and the TVA's headquarters in Tennessee. The cost to the taxpayers: \$172,700. FBI Director William S. Sessions, who travels regularly on a government-owned jet seized from narcotics traffickers, extended one of his business trips in 1989 to enjoy a leisurely day in his hometown of San Antonio. Not until congressional investigators began looking into Sessions' travel did he decide to reimburse the government for his flight. Commerce Secretary Robert A. Mosbacher occasionally travels to speaking engagements on jets provided by American corporations. But there are no federal regulations requiring Mosbacher to disclose such arrangements, even though he may someday be making decisions affecting the companies involved. As the stories of White, Sessions and Mosbacher clearly illustrate, White House Chief of Staff John H. Sununu -- who has been criticized for taking personal trips on military aircraft -- is by no means the only high-ranking official who appears to be taking advantage of this patchwork system of policies governing official travel. While the federal government has written thousands of pages of regulations setting strict operating standards for almost every other aspect of official behavior, one thing that remains virtually unregulated is what may be the biggest perk of public life today: free travel by government aircraft. Although the Office of Management and Budget has set some broad guidelines governing the acquisition and operation of government-owned planes, each agency generally sets its own standards for official travel by high-ranking Administration appointees. As a result, abuses of federally paid travel are believed to be rampant. Federal documents show that officials often travel on expensive government-owned airplanes to locations served regularly by commercial airlines.

Sometimes they do not reimburse the government for the portions designated as personal travel. And there is no guidance available for allowing spouses to accompany officials on such trips. White House officials said Thursday that regardless of what befalls Sununu personally, the flap over the chief of staff's travels almost certainly will spur the President to tighten current guidelines. "The President wants to avoid even the appearance of impropriety," one official said.

ys. "We've got to demand higher standards." The lack of any coherent policy governing high-level travel -- and the resulting abuses, as underscored in recent days by the Sununu affair -- has brought a growing clamor from Congress for the Administration to tighten its guidelines. "There is no consistent policy in the executive branch," complains Rep. Bob Wise (D-W.Va.), who chairs a House Government Operations subcommittee. "There is some flying fast-and-loose out there and it needs to be reined in . . . Our experience is that each agency sets its own policy, and often they don't even have a real, written policy." On Thursday, Rep. Frank Horton (R-N.Y.), a senior Republican on the House Government Operations Committee, called for a broad investigation by the General Accounting Office of the use of airplanes by all senior officials, not just Sununu. He said he wanted to know "whether the policies are consistent and uniform for both branches, whether they are adequate to prevent abuse" and "whether sufficient enforcement safeguards exist to ensure policy compliance." Travel at taxpayer expense is still largely viewed in Washington as a matter of individual preference for Cabinet-level appointees. And most members of Congress are reluctant to make an issue of these abuses since they also are sometimes criticized for using military aircraft to make needless junkets to far-off places. In fact, just last year, lawmakers loyal to House Speaker Thomas S. Foley (D-Wash.) tried to push through legislation that would have given him full-time access to a \$19-million military executive jet. The measure was quickly dropped after nationwide press accounts embarrassed the ordinarily frugal Speaker. Although the General Services Administration has firm regulations governing travel by federal bureaucrats, none of them specifically addresses the unique problems faced by high-level Administration appointees. As a result, most Cabinet-level officials have wide latitude when it comes to deciding how they will travel. Furthermore, many of the GSA's general guidelines governing travel by lower-level officials plainly are outdated. GSA regulation FPMRA 40, for example, authorizes officials to claim government reimbursement for "steamer-chairs, steamer-cushions, steamer-rugs and other expenses." Sununu's case is typical of those in which high-level officials have sought to exempt themselves from policies that apply to other government workers. Although government employees are instructed to rely on commercial airlines whenever possible, most top Administration officials prefer flying on the little-known fleet of more than 1,400 civilian and military aircraft that are available to the White House and most key departments and agencies. Sununu usually flies on one of 43 planes belonging to the 89th Military Air Wing, which is located at Andrews Air Force Base just outside Washington. The fleet includes the President's plane, Air Force One. By law, all the rest are available to the vice president, Cabinet members, members of Congress and "other high-ranking dignitaries." The Air Force spends an estimated \$3,945 an hour to operate the 12-seat C-20 Air Force jet used by Sununu and many other top officials. Current White House policy, which was last revised during the final years of the Ronald Reagan Administration, permits the chief of staff to use one of these planes if it is necessary for him to remain in voice communication with the President during his trip. But Sununu has consistently used Air Force aircraft, even for purely personal trips. Unlike Sununu, most high-level Administration officials do not have carte blanche to travel in Air Force planes whenever they please. The Defense Department enforces an unusually rigid official pecking-order that dictates who will be given first call on these planes on any given day. Even Secretary of State James A. Baker III, who regularly uses Air Force planes for diplomatic missions, cannot always get the plane he wants, and often must take long journeys -- sometimes up to 17 hours in the air -- in windowless converted cargo planes referred to as "flying coffins." Some officials have been known to cancel trips rather than fly in these. Most Cabinet officers use the Air Force planes mainly when they are asked to represent the President at an official occasion, usually in another country. A Times survey of Cabinet members found only one -- Energy Secretary James D. Watkins -- who admitted using a military aircraft solely for convenience. "He had to get a lot of places in a short period of time with a lot of people," a Watkins aide explained. Other Options The secret

aries of Justice, Transportation, Interior and some other agencies -- including the FBI -- don't have to choose solely between military aircraft and commercial travel. They have another option: their departments' own civilian aircraft that frequently are used by high-level Administration officials. Sometimes such usage runs contrary to federal policy. The General Accounting Office, an investigating agency of Congress which frequently has investigated the activities of the civilian air force, estimates that these planes are worth more than \$2 billion and cost in excess of \$750 million annually to operate and maintain. According to GAO officials, government agencies have been acquiring these planes steadily over the past two decades without performing the cost analysis required by OMB guidelines to show that they are needed. GAO also contends that the government planes frequently are used in cases when it would be cheaper for the official to travel by commercial airliner. Among the agencies cited by the GAO for violating government regulations on the use of civilian aircraft are the Justice Department, the FBI, the Army Corps of Engineers, the Department of Energy, the Bureau of Reclamation, the Coast Guard, the Forest Service, the National Aeronautics and Space Administration and the Federal Aviation Administration. Safety Concern In 1990, for example, the GAO found that Atty. Gen. Dick Thornburgh and FBI Director Sessions were flying regularly, without exploring less-expensive options, on three FBI-owned aircraft seized from drug traffickers. The Justice Department replied that the arrangements were necessary for safety reasons. In the year since the GAO made its findings, according to Rep. Wise, the Justice Department still has failed to hammer out a policy that satisfies federal regulations on the use of these planes. Likewise, Transportation Secretary Samuel K. Skinner regularly flies on jets provided by the FAA and the Coast Guard -- both agencies under his department's control. A pilot himself, Skinner occasionally even takes the controls of an FAA Citation aircraft that has been put at his disposal. But he has never been cited by GAO for violating federal regulations. One Cabinet official who spurns travel in government-owned, civilian planes is Secretary of the Interior Manuel Lujan Jr. Even though the Interior Department has a huge fleet of these aircraft, he never takes trips on them because he fears it would generate bad publicity, according to press spokesman Steven Goldstein. No matter how they fly, all top officials face the same dilemma as Sununu: deciding when they must reimburse the government for trips that are partially personal or political. While Sununu reimbursed the Treasury for four of his personal trips and 24 political trips, he allowed taxpayers to pick up the tab for four skiing trips to Colorado and New Hampshire. The cases of Thornburgh and Sessions underscore how widely differing those decisions are. Between August, 1988, and July, 1989, Thornburgh reimbursed the government \$1,032 for three personal trips he made with family members aboard government aircraft. But Sessions did not reimburse the government for his San Antonio jaunt until the GAO uncovered it. There is no government-wide policy dictating when the taxpayers will pay for transportation of a spouse who accompanies a public official on a trip. At the Transportation Department, Skinner's wife is allowed to fly at government expense only when her presence is "unquestionably in the interest of the federal government." In practice, all of her trips with her husband have been deemed to fall into this category. Even when an official does reimburse the government for such air travel, however, it almost never fully covers the actual cost of flying a government plane. For example, officials such as Sununu typically pay the government a rate equivalent to the cost of a commercial airline ticket plus \$1. Such fees inevitably are far below the cost of operating an entire plane. Some government officials have been known to schedule their official travel so that it takes them to their home states on weekends. Such coincidences usually are considered completely legitimate. Nevertheless, it is highly unusual for the government to pay for an official to fly regularly between his home and his work, as did former TVA manager Stevens. In Stevens' case, the TVA agreed to pay for his travel as one of his conditions for employment. A retired Navy admiral with extensive service in the nuclear submarine program, he was hired to improve TVA's management at a time when the agency faced a crisis in its nuclear

power program. After completing an investigation of Stevens' case in September, 1989, the GAO concluded that he was probably liable for federal income taxes on the fair market value of the flights. Even though Stevens' case was highly unusual, it is not unheard of for federal officials to charter airplanes, as the TVA did in his case. Not long ago, in fact, Secretary of Health and Human Services Louis W. Sullivan chartered a small plane when he needed to fly from Pittsburgh to Hampton, Va., in a hurry. There is no way to tell how many top government officials accept free flights on corporate jets, as Mosbacher does -- partly because there currently are no firm requirements that federal officials routinely disclose their travel itineraries. At the Commerce Department, officials insist that Mosbacher does not accept rides on corporate jets unless he is certain that the company involved has no pending business before department officials. Mosbacher's spokesman, Gary Foster, says such flights usually are accepted in cases where Mosbacher is scheduled to speak to employees of the company. In calling for reform of the current system for air travel by top executive branch officials, Wise argues that the officials should be required to disclose all travel on government aircraft, as members of Congress now must do. Staff writer Holly K. Hacker contributed to this story.

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Meat Inspection Act. Enacted in 1907, that law prohibits officials with responsibility for overseeing meat inspections from accepting any gratuity such as travel accommodations or sports tickets. In addition to Rominger, an Espy deputy, and Harkin, who heads the Overseas Private Investment Corp., other potential candidates to replace Espy include Rep. Kika de la Garza (D-Tex.), chairman of the House Agriculture Committee; Rep. Jill Long (D-Ind.), Rep. Dan Glickman (D-Kan.) and Rep. Mike Synar (D-Okla.), who recently lost renomination. Long and Harkin were passed over for the job in January, 1993. Rominger, a former California farmer, is said to be under consideration because of California's political importance to Clinton. De la Garza, if chosen, would be the first Latino agriculture secretary. As for Cisneros, sources said he has told White House officials, "if push comes to shove, he's not going to resist" efforts to persuade him to resign. The Justice Department initiated an investigation recently after Linda Medlar, his former woman friend, released tapes of telephone conversations in which he suggested that he had misled the FBI about the nature of the financial payments when agents investigated his background before his nomination in early 1993. Times staff writers Elizabeth Shogren and Alan C. Miller contributed to this story. * RELATED STORY: A18 Evolution of the Case Some of the main events in the months preceding Mike Espy's resignation, according to press reports and investigators: May 16 1993: Spends night at Arkansas conference center owned by Tyson Foods Inc. Travels next day to Washington on Tyson-owned jet. June 18: Attends Chicago Bulls basketball game using tickets provided by Quaker Oats. Jan. 16 1994: Attends NFL playoff game using tickets provided by Tyson. Jan. 30: Attends Super Bowl, using tickets donated by Atlanta museum, but bills government for travel. March, date uncertain: Following reports of favorable treatment given the poultry industry, Office of Inspector General begins investigating Espy's travel and possible favors from Tyson Foods Inc. April 19: Investigation referred to Justice Department. Aug. 8: Atty. Gen. Janet Reno requests appointment of independent counsel. Sept. 14: Writes first of \$7,600 in personal checks to reimburse for questionable expenses. * Name: Mike Espy * Education: Graduate of Howard University and Santa Clara University Law School. * Experience: U.S. secretary of agriculture; member of Congress; assistant attorney general and director of the Mississippi Division of Consumer Protection; assistant Mississippi secretary of state and director of Division of Public Lands; managing attorney, Central Mississippi Legal Services, Jackson, Miss.; law intern, Reuben Anderson and Fred Banks Law Firm, Jackson, Miss. Source: Times wire reports

Los

Angeles Times, 09/06/94:

ESPY-DOUGLAS ETHICS PROBE A CLOUD OVER DUAL SUCCESSES
POLITICS: OLD SCHOOL PALS FANTASIZED ABOUT POWER -- AND ACHIEVED IT. NOW THEY'RE UNDER FIRE IN AN ERA OF SENSITIVITY.

By ALAN C. MILLER and SARA FRITZ, TIME

STAFF WRITERS As schoolmates at Howard University in the 1970s, Mike Espy and his friend Richard Douglas sometimes sat up deep into the night in their dormitory, drinking beer and fantasizing about a day when they would become powerful figures on the national scene. Two decades later, still close friends, they have succeeded beyond their wildest dreams. Espy entered politics and in 1986 became the first African American elected to Congress from Mississippi since Reconstruction. In 1993, President Clinton named him secretary of agriculture, the first black ever to hold that Cabinet post. Douglas, meantime, became the first African American to earn a doctorate in agriculture from the University of Maryland, served in the Agriculture Department under President Ronald Reagan and today is senior vice president for corporate affairs for Sun Diamond Growers of Pleasanton, Calif., a large raisin, prune, walnut, fig and hazelnut producer. It is, in some ways, a vintage Washington success story: talent, charm and energy yielding power, position and the perquisites that go with them. As their careers have soared, however, Espy and Douglas have become part of an FBI inquiry -

- the sort that is becoming all too familiar in a time of heightened sensitivity over matters of ethical conduct. The FBI is conducting a wide-ranging investigation into whether Espy may have improperly accepted gifts, favors and travel expenses from a variety of private agribusiness firms that receive funding from , and are regulated by, the Agriculture Department, including his friend Douglas and Sun Diamond. Acting on the basis of preliminary FBI findings, Atty. Gen. Janet Reno has asked a three-judge panel of the federal Circuit Court of Appeals to appoint a special prosecutor to take over the case. A decision is expected soon. Espy and Douglas deny any wrongdoing. According to Agriculture Department spokeswoman Ali Webb, Espy views Douglas only as "an old friend" who happens to work for an agricultural firm. Espy, who declined requests for an interview, contends the allegations stem from unhappiness over changes he is attempting to bring to the department. Some of the allegations -- that Espy improperly used a corporate jet, accepted free tickets to professional basketball and football games and fraternized too much with individuals who deal with the government - may seem like minor transgressions, if that. But they represent one of the most important ethics issues in present-day Washington. At a time when even arcane and obscure programs and policy decisions can mean millions of dollars in profits or costs to a business or industry, the existence of close relationships between decision-makers and potential beneficiaries can raise concern about the objectivity and fairness of the process. The President himself helped to create the climate by promising during his campaign to "limit the influence of lobbyists" in his Administration. Government investigators are exploring allegations raised by some Agriculture Department officials, as well as others, that Douglas and Sun Diamond may have traded on their special access to Espy and, in turn, that the secretary has tried to protect a controversial federal program that funds overseas promotion of U.S. agricultural products -- including those of Sun Diamond. The program in question is the department's Marketing Promotion Program, which Douglas was instrumental in devising and Espy has supported in the face of stiff opposition from urban members of Congress and Administration budget-cutters. Over the last decade, Sun Diamond's cooperatives have benefited from more than \$35 million in federal spending from the MPP. In addition, Douglas is credited by some officials with helping to persuade Espy to hire Kim Schnoor, a former Sun Diamond lobbyist, as his chief domestic adviser. And some Agriculture Department appointees have questioned the propriety of a \$24,000, three-month Agriculture Department contract awarded to Douglas' longtime female companion, Patricia Kearney. Espy also has been a vocal defender of the use of methyl bromide, an ozone-depleting chemical favored as a fumigant by California's dried-fruit and nut industry. He has acknowledged his role in persuading the Environmental Protection Agency to delay the elimination of the chemical as a fumigant until 2001. Agriculture Department officials and others say investigators also are looking at a 40th birthday party for Espy that Douglas co-hosted and helped pay for at a Georgetown restaurant, a trip to Greece arranged by Douglas where the secretary addressed the International Nut Council, and numerous New York Knicks basketball games Espy apparently attended as Douglas' guest. As a Cabinet officer, Espy is prohibited from accepting "anything of value" from anyone whose business interests are in any way affected by his department, though the regulations make some exceptions for purely personal gifts from longtime friends. Douglas is known to have told investigators that he and other friends of Espy paid for the birthday party entirely from personal funds to avoid running afoul of ethics laws. He said he kicked in \$500 himself and even cleared the arrangements with the Agriculture Department's ethics officer, James Michael Kelly. During the trip to Greece in May, 1993, Douglas and Espy dined together with their girlfriends and Schnoor. But their friends insist that while Douglas picked up the tab for himself and the two girlfriends, Schnoor wrote a personal check to cover the cost of dinners for Espy and herself. As for the Knicks games, Douglas reportedly told investigators that the tickets were left for the two men by Greg Anthony, a Knicks guard who Douglas claims "is like a son to me" and who idolizes Espy. Originally, the FBI investigation began in response to informati

on received from the Agriculture Department's inspector general that the secretary had flown aboard a corporate jet and accepted lodging and football tickets from Tyson Foods Inc., the Arkansas-based poultry giant with ties to Clinton. The information was referred to the public integrity section of the Justice Department's criminal division, and the FBI was ordered to investigate. As the probe progressed, it broadened to include other matters, including Espy's receipt of Chicago Bulls tickets from an executive of the Quaker Oats Co. and his ties with Douglas. Douglas, who also declined a request for an on-the-record interview, has told friends that he and Sun Diamond actually have been less successful in pursuing federal aid under Espy than they were under his GOP predecessors. He has complained that Espy's prominence has created a political hornet's nest for him: Fellow Republicans view him as disloyal for aiding Espy; Democrats are jealous of his access to the secretary. Likewise, friends of the two men insist Douglas has been especially sensitive to possible conflicts posed by his relationship with Espy, and they suggest that some of the controversy springs from the unusual prominence of Espy and Douglas as two African Americans in a field dominated by whites. In addition, they say allegations involving Douglas are being fueled by the Teamsters Union, which has been involved in a three-year labor dispute at Sun Diamond. There is no question that Douglas enjoys unusual entrée to Espy and his closest advisers. Their parallel careers as advocates for agricultural interests have been intertwined for nearly a decade -- with benefits for both. "These guys are like brothers," said James Lake, a veteran Washington lobbyist who is close to Douglas and active in GOP circles and California agriculture groups. In 1986, when Espy, an attorney reared in a middle-class home in Mississippi, won a seat in Congress, he became an effective proponent for catfish farmers in his poor district and won reelection twice. Douglas, one of six children raised in Washington by a mother who cleaned houses for a living, deliberately chose to make his mark, friends say, in areas where there were few blacks: agriculture and the Republican Party. Douglas advised and contributed to Espy's historic first congressional campaign and then helped show his friend the ropes in Washington. On four occasions, Sun Diamond gave then-Rep. Espy an all-expenses-paid trip to California and a \$2,000 honorarium for attending meetings and making speeches. Clinton's nomination of Espy as agriculture secretary marked a shared triumph for the longtime friends. Douglas, 46, has been portrayed by Agriculture Department officials as a frequent visitor to Espy's second-floor office and a shadow adviser to Espy, along with former California Rep. Tony Coelho, now an investment banker who handles the Sun Diamond pension portfolio. Espy, 40, acknowledges that Douglas recommended Schnoor, a former Coelho aide who has also lobbied for Sun Diamond as an employee of Lake's firm. He also admits that Douglas lobbied him formally at least three times on issues crucial to Sun Diamond. Douglas is said to be particularly sensitive about criticism within the department of the contract that the Agriculture Department's Food and Nutrition Service gave to Kearney, his longtime girlfriend, to help develop a strategic plan for improving the nutritional standards in the school meal programs. Kearney's defenders note that she was well-qualified for the assignment. She is a former chief of staff to Clayton K. Yeutter, George Bush's first agriculture secretary. She earned a degree in nutrition from Harvard University and a master's from Tufts University. Agriculture Department spokesman Neil Flieger insisted neither Espy nor Douglas helped her win the contract and she "was invaluable in helping the department" and worked two extra months without additional pay. Sandy McBride, communications manager for Sun Diamond, dismissed the close relationship between the secretary and Douglas as an accident of fate. "That they were college (friends) is a piece of past history," McBride said. "Richard has a very professional responsibility. He is very careful to keep the two things separate. . . ." Times staff writers Elizabeth Shogren, Ronald J. Ostrow and Dwight Morris contributed to this story.

TYSON GETS GOING-OVER BY MEDIA By JOE STUMPE Like other colorful figures from President Clinton's past, Springdale's Don Tyson is proving irresistible to the media. Two years after the first round of stories analyzing Tyson's relationship with then-Gov. Clinton, the focus now is on Tyson's supposed influence in the Clinton administration. Newsweek, U.S. World News & Report, The New York Times and Los Angeles Times have carried articles on Tyson, Clinton and Agriculture Secretary Mike Espy in recent weeks. U.S. News & World Report devoted five pages to the subject in its July 18 issue. Newsweek devoted two pages. Most of it is not what might be called good press. "The chicken king plays hard-boiled politics ... Another crony from the statehouse years creates problems for the president," reads Newsweek's headline. At the Springdale headquarters of the world's largest poultry producer, Tyson spokesman Archie Schaffer said the publicity is not affecting sales. But the general drift of the articles is clearly not appreciated. "We just think it is ridiculous," said Schaffer, who became known to Arkansans more than two decades ago as the young political wizard who ran the campaigns of his uncle, Dale Bumpers. "The relationship between Mr. Tyson and Mr. Clinton has been greatly exaggerated. There's absolutely no evidence of any preferential treatment." The coverage centers on Espy's treatment of the poultry industry and his receipt of Tyson favors -- a plane ride and football game ticket for which the agriculture secretary and former Mississippi congressman says he reimbursed the company. In June, Department of Justice investigators confirmed they were looking into whether Espy broke the law by accepting a plane ride, meals and two tickets to a Dallas Cowboys playoff game. Congressional investigators reportedly also are probing whether Espy helped Tyson and other U.S. poultry producers in a dispute blocking their products from reaching Puerto Rico. Spokesmen for Espy and Tyson deny wrongdoing. The intervention by Espy in Puerto Rico first occurred in January 1993. Inspectors in the U.S. commonwealth were refusing to let chickens from the mainland onto the island. Espy convinced Puerto Rico's governor to resolve the matter. Schaffer said officials of the National Broiler Council, of which Tyson Foods is a member, brought their concerns to Espy. He said previous agriculture secretaries had taken similar actions. "It's a problem that has been around for at least 10 or 12 or 15 years," Schaffer said. "Mike Espy was only the latest in a long line of agriculture secretaries who intervened on behalf of the U.S. poultry industry. No one at Tyson Foods had any contact with Espy on that." Newsweek reported Tyson Foods "had the most at stake" in the dispute and noted that the company's political-action committee gave \$ 2,000 to the unsuccessful congressional campaign of Espy's brother a short time later. Schaffer said the PAC contributed money because the company's Cleveland, Miss., plant is in the Delta congressional district in which Espy's brother was a candidate. In May 1993, Espy gave a speech to the Arkansas Poultry Federation, spent the night at a Tyson management center and flew back to Washington aboard a Tyson corporate jet. In January, Espy and a companion watched a Dallas playoff game against the New York Giants in Tyson's luxury box at Texas Stadium in Irving, Texas. The FBI has investigated whether Espy's actions violated the 1907 Meat Inspection Act, which prohibits government officials from accepting "a thing of value" from companies they regulate. Espy isn't commenting on the investigation, but aides have said he reimbursed Tyson. The New York Times reported that federal investigators were close to concluding that Espy committed no serious wrongdoing. But the newspaper said Attorney General Janet Reno now is likely to ask for an independent counsel to examine the case and thus avoid criticism of a cover-up. The president recently signed a bill reinstating the independent counsel law. The most recent knock against Espy came with the release last week of proposed new inspection guidelines for the poultry industry. A former Department of Agriculture official accused Espy of delaying tougher standards for the industry earlier this year. When the regulations were released, nonprofit consumer groups expressed disappointment that they weren't tougher. Tom Devine of the Government Accountability Project said Tyson Foods "wi

Il have hit the jackpot" if the rules are adopted. Carol Tucker Foreman of the Safe Food Coalition called them a "modest step forward, not a major improvement in public health protection." But Foreman, an assistant agriculture secretary in the Carter administration and the sister of Gov. Jim Guy Tucker, doesn't see a conspiracy. "I don't tie Tyson and Clinton and the USDA and these regulations together," Foreman said. "That's something the media, in this part of the country at least, seem to be intent on doing. "My objection to the regulations is that the Department of Agriculture portrays them as a massive change when, in fact, it's a very modest change." Providing background for the flurry of stories is the relationship between Clinton and Tyson, which dates back to the 1970s. Tyson, members of his family and company executives have contributed thousands of dollars to Clinton's gubernatorial and presidential campaigns. Clinton and his wife, first lady Hillary Rodham Clinton, used Tyson planes for free transportation on at least nine occasions, including one personal trip. The company's general counsel, James Blair, helped Hillary Clinton make almost \$ 100,000 in the commodities market in the late 1970s. Blair was an outside counsel who represented the company at the time. Under Clinton, the state gave Tyson Foods \$ 7.8 million in tax credits approved by the Legislature. Nonetheless, recent stories suggest a wariness by Clinton toward Tyson. The Los Angeles Times and Newsweek quote a former member of Clinton's Arkansas State Police security detail, Larry Patterson, as saying Clinton warned him of a "dark side" to Tyson. In Springfield, that's just one of the irritants Schaffer is dealing with these days. "That suggestion -- that there is a dark side to Don Tyson and that if Don Tyson ever does something for someone, he expects them to do something in return -- is just nonsense," Schaffer said. "I could give you hundreds or thousands of people Don Tyson has done things for that were not even in a position to do anything for him."

Los Angeles Times, 07/01/91:

FIRMS USE JETS WHEN THEY COURT OFFICIALS IN WASHINGTON

POLITICS: SWIFT TRAVEL IS A CURRENCY MORE VALUABLE THAN CAMPAIGN CONTRIBUTIONS AMONG THOSE SEEKING INFLUENCE. By SARA FRITZ, TIMES STAFF WRITER

As the John H. Sununu travel flap clearly demonstrates, American corporations seeking influence in Washington increasingly are using a currency even more valuable than campaign contributions: the corporate jet. Like White House Chief of Staff Sununu, a number of high-ranking Bush Administration officials and members of Congress often rely on corporate aircraft to ferry them around the country for personal, political or official purposes. They include Commerce Secretary Robert A. Mosbacher, Transportation Secretary Samuel K. Skinner, Senate Minority Leader Bob Dole (R-Kan.), Sen. Phil Gramm (R-Tex.), House Majority Leader Richard A. Gephardt (D-Mo.) and Rep. Vic Fazio (D-Sacramento), among many others.

Likewise, the national Democratic and Republican party organizations rely heavily on corporate jets, usually to transport members of Congress or top Administration officials to fund-raisers around the country. The extensive use of private aircraft underscores the growing dependence of top public officials on the largess of well-heeled constituents and helps explain the resistance to proposed reforms. Sununu may be the most visible example but he is by no means alone. On May 10, for example, a group of Democratic congressmen led by Fazio used three corporate jets provided by the U.S. Tobacco Co., Philip Morris Inc. and the American Family Life Assurance Co. to fly to New York City for a fund-raiser sponsored by the Democratic Congressional Campaign Committee. And a month earlier, Gramm, who chairs the National Republican Senatorial Campaign Committee, used a plane provided by Hobbs Bonded Fiber Co. of Texas to make a 10-stop swing through the South to recruit GOP candidates to run in the 1992 election. Publicly, neither the politicians nor the companies have much to say about this practice. Privately, however, the politicians acknowledge that it enables them to avoid the time-consuming hassles of flying on commercial airliners and company executives.

tives suggest that it gives them a political advantage that mere campaign contributions cannot buy. Indeed, riding on corporate jets has become so popular and so widespread among politicians that Common Cause, the citizens lobby, and other reform groups are currently mounting a new campaign to close the legal loopholes that have allowed this practice to flourish. What disturbs reformers such as Common Cause President Fred Wertheimer is that many corporations never receive any compensation for the flights they provide to politicians and, even when they are reimbursed, the payments rarely cover actual cost. Under federal law, politicians seldom have to pay more than first-class fare for a ride on a corporate jet, even though the true cost of the flight far exceeds that amount. In Wertheimer's view, this constitutes an unreported, under-the-table corporate contribution to the politician who flies on the plane. "There is no justification for these guys getting these planes for anything less than charter rates," he said. "The difference between first-class fare and the actual value of the flight on a corporate jet is a gift." Sununu's trips vividly demonstrate that point. When Sununu flew to a Republican Governors Assn. dinner in Chicago on June 11 aboard a corporate jet provided by Stuart A. Bernstein, a Washington, D.C., developer, the governors' group paid Bernstein \$1,888, or less than half of the flight's actual cost of \$3,986. Bernstein paid the remainder and considered it an in-kind contribution to the GOP. Among top Administration officials, in fact, Sununu's use of corporate aircraft could be considered downright modest compared to that of Commerce Secretary Mosbacher, who has made more than 30 flights aboard corporate jets since he came into office in January, 1990. Sununu has flown on corporate jets five times since his use of military aircraft was restricted last May 9. Private aircraft used by Mosbacher, who was President Bush's chief fund-raiser in 1989, include jets owned by Pepsico, Northern Telecom, Transco, Philip Morris, Enron, Sun, Arco, Laredo National Bank and Ameritech. Not coincidentally, many of the executives who have supplied him with airplanes are members of Team 100, an elite Republican group whose members each contributed \$100,000 to Bush's campaign. Marcy Robinson, Mosbacher's spokesperson, said there is no conflict of interest when her boss hitches rides on these planes because his job is to promote American business, not to regulate it. Although Mosbacher is clearly the leading user of corporate flights in the Cabinet, Transportation Secretary Skinner and Energy Secretary James D. Watkins also have acknowledged having done the same on occasion. Most other Cabinet members have said that they avoid using corporate planes because it creates an appearance of impropriety. Last October, Watkins flew to a fund-raiser in the Northwest on a plane provided by the Bonneville Power Administration. Skinner flew back to Washington on a jet owned by Amoco early last year after a private golf outing in Augusta, Ga., and a few months later he let Smithfield Foods Inc. fly him to a fund-raiser in Williamsburg, Va. Under the law governing such trips, which was liberalized by Congress in 1989 at Bush's request, corporations need not be reimbursed for flying Administration officials to nonpolitical events. None of the companies that provided jets for Mosbacher's nonpolitical trips have received reimbursement. Skinner's aides said that Amoco was repaid \$278 for his flight from Augusta to Washington. For political trips, federal election law states that companies providing corporate jets to politicians should be reimbursed the equivalent to first-class fare. After Watkins' political trip to the Northwest, for example, Bonneville Power received a check for \$1,141.13. But some of these officials have found a way to skirt the federal reimbursement requirement for political trips -- they invoke state laws, which generally do not require reimbursement. When Sununu flew to Maine for a GOP fund-raiser on a plane owned by Fiber Materials Inc. on June 7, the company received no reimbursement. Instead, company president Maurice Subilia Jr. said he was credited with making a \$2,825 in-kind contribution to the Maine Republican Party. Likewise, when Skinner flew to Williamsburg, Smithfield Foods Co. was not reimbursed. Instead, according to Joe Elton, executive director of the Virginia Republican Party, company executives received two free tickets worth a total of \$1,000 that permitted them to attend the fund-raiser where Skinner spoke. Among members of Congress, Dole appears to be t

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: michael j. conway/who/eop@eop [WHO] <michael j. conway>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 1/29/2002 3:00:35 AM
Subject: : Re: Greenbriar on Friday??

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-JAN-2002 08:00:35.00
SUBJECT:: Re: Greenbriar on Friday??
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:michael j. conway (CN=michael j. conway/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Libby, I'll chat with Nick and Z about this at our staff meeting this morning. I think the time the Repub leadership was hoping to address this was during a session on Thursday.... but I will confirm and let you know
HW

Elizabeth N. Camp
01/28/2002 09:15:58 PM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc: Michael J. Conway/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Allison L. Riepenhoff/WHO/EOP@EOP
Subject: Greenbriar on Friday??

This evening the Judge indicated he might be able to do this if he can go down on Friday morning and maybe return w/ POTUS on Friday right after the lunch speech.

If for some reason it doesn't work we can still explore the option of Tim going down.

Can you have the coordinator of this event call me tomorrow so we can try to work this out? I need some info on airport, drive time/ground transpo, etc.

Brett - heads up that you may need to starting putting some talking points together for this speech.

Thanks!

Libby Camp
456-2632

REV_00139497

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/29/2002 5:52:23 AM
Subject: : need you to look over my log of letters to/from Burton re: exec priv

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-JAN-2002 10:52:23.00

SUBJECT:: need you to look over my log of letters to/from Burton re: exec priv

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Can you stop by here and take one minute to make sure I have everything
and that everything I have relates?

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;john b. bellinger/nsc/eop@eop [NSC]
<john b. bellinger>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;ziad s.
ojakli/who/eop@eop [WHO] <ziad s. ojakli>;daniel j. keniry/who/eop@eop [WHO] <daniel j.
keniry>;jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>;rebecca a. beynon/omb
/eop@eop [OMB] <rebecca a. beynon>
Sent: 1/29/2002 7:11:01 AM
Subject: : Meeting on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 29-JAN-2002 12:11:01.00

SUBJECT:: Meeting on Victims of Foreign Terrorism Legislation

TO: diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])

READ: UNKNOWN

TO: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

TO: kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: ziad s. ojakli (CN=ziad s. ojakli/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: daniel j. keniry (CN=daniel j. keniry/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

TO: rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

End Original ARMS Header

Lots of conflicts in availability, but we are going ahead tomorrow
(Wednesday) at 2:00 with meeting on this subject. Will Taft will be
there. I will e-mail you with room shortly.

REV_00139505

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;john b. bellinger/nsc/eop@eop [NSC]
<john b. bellinger>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;ziad s.
ojakli/who/eop@eop [WHO] <ziad s. ojakli>;daniel j. keniry/who/eop@eop [WHO] <daniel j.
keniry>;jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>;rebecca a. beynon/omb
/eop@eop [OMB] <rebecca a. beynon>
Sent: 1/29/2002 7:11:01 AM
Subject: : Meeting on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 29-JAN-2002 12:11:01.00

SUBJECT:: Meeting on Victims of Foreign Terrorism Legislation

TO: diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])

READ: UNKNOWN

TO: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

TO: kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: ziad s. ojakli (CN=ziad s. ojakli/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: daniel j. keniry (CN=daniel j. keniry/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

TO: rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

End Original ARMS Header

Lots of conflicts in availability, but we are going ahead tomorrow
(Wednesday) at 2:00 with meeting on this subject. Will Taft will be
there. I will e-mail you with room shortly.

From: CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/29/2002 7:32:09 AM
Subject: : meeting on victims of foreign terrorism legislation

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME:29-JAN-2002 12:32:09.00
SUBJECT:: meeting on victims of foreign terrorism legislation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

John Bellinger can make it. Where will it be held?
----- Forwarded by Joan Hunerwadel/NSC/EOP on 01/29/2002
12:32 PM -----

John B. Bellinger
01/29/2002 12:12:32 PM
Record Type: Record

To: Joan Hunerwadel/NSC/EOP@EOP
cc:
Subject: meeting on victims of foreign terrorism legislation

----- Forwarded by John B. Bellinger/NSC/EOP on
01/29/2002 12:24 PM -----

Brett M. Kavanaugh
01/29/2002 11:48:33 AM
Record Type: Record

To: John B. Bellinger/NSC/EOP@EOP
cc:
Subject: meeting on victims of foreign terrorism legislation

FYI: We are hoping to meet Wednesday at 2:00 on the victims of
foreign terrorism legislation.

From: CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/29/2002 7:32:09 AM
Subject: : meeting on victims of foreign terrorism legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME:29-JAN-2002 12:32:09.00
SUBJECT:: meeting on victims of foreign terrorism legislation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

John Bellinger can make it. Where will it be held?
----- Forwarded by Joan Hunerwadel/NSC/EOP on 01/29/2002
12:32 PM -----

John B. Bellinger
01/29/2002 12:12:32 PM
Record Type: Record

To: Joan Hunerwadel/NSC/EOP@EOP
cc:
Subject: meeting on victims of foreign terrorism legislation

----- Forwarded by John B. Bellinger/NSC/EOP on
01/29/2002 12:24 PM -----

Brett M. Kavanaugh
01/29/2002 11:48:33 AM
Record Type: Record

To: John B. Bellinger/NSC/EOP@EOP
cc:
Subject: meeting on victims of foreign terrorism legislation

FYI: We are hoping to meet Wednesday at 2:00 on the victims of
foreign terrorism legislation.

From: CN=Diana L. Schacht/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2002 4:15:54 AM
Subject: : Re: Meeting today on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:30-JAN-2002 09:15:54.00
SUBJECT:: Re: Meeting today on Victims of Foreign Terrorism Legislation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

is that on the ground floor somewhere?

Brett M. Kavanaugh
01/30/2002 09:14:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting today on Victims of Foreign Terrorism Legislation

We are scheduled for 2:00 in Room 48-A of EEOB.

Message Sent

To: _____
diana l. schacht/opd/eop@eop
john b. bellinger/nsc/eop@eop
kristen silverberg/who/eop@eop
ziad s. ojakli/who/eop@eop
daniel j. keniry/who/eop@eop
jay p. lefkowitz/omb/eop@eop
rebecca a. beynon/omb/eop@eop
Jonathan R. Scharfen/NSC/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
Sent: 1/30/2002 4:16:57 AM
Subject: : Re: Meeting today on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-JAN-2002 09:16:57.00
SUBJECT:: Re: Meeting today on Victims of Foreign Terrorism Legislation
TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

yes, on ground floor somewhere near 17th St. entrance, I believe.

Diana L. Schacht
01/30/2002 09:15:46 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting today on Victims of Foreign Terrorism
Legislation

is that on the ground floor somewhere?

Brett M. Kavanaugh
01/30/2002 09:14:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting today on Victims of Foreign Terrorism Legislation

We are scheduled for 2:00 in Room 48-A of EEOB.

Message Sent

To:

diana l. schacht/opd/eop@eop
john b. bellinger/nsc/eop@eop
kristen silverberg/who/eop@eop
ziad s. ojakli/who/eop@eop
daniel j. keniry/who/eop@eop
jay p. lefkowitz/omb/eop@eop
rebecca a. beynon/omb/eop@eop
Jonathan R. Scharfen/NSC/EOP@EOP

REV_00139511

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2002 5:42:19 AM
Subject: : Re: reminder - JSC meeting today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2002 10:42:19.00
SUBJECT:: Re: reminder - JSC meeting today
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi
----- Forwarded by Elizabeth N. Camp/WHO/EOP on
01/30/2002 10:42 AM -----

Alison Jones
01/30/2002 10:26:59 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: reminder - JSC meeting today

no one from leg affairs will be there - everyone is at the greenbrier for
the congressional retreat.

Elizabeth N. Camp
01/30/2002 10:10:54 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: reminder - JSC meeting today

4-5 pm in the Roosevelt

Message Sent

To:

Melissa S. Bennett/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

REV_00139513

Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Dee Dee Benkie/WHO/EOP@EOP
andrew.beach@usdoj.gov
amy.petersen@usdoj.gov
adam.ciongoli@usdoj.gov @ inet
Brent D. Greenfield/WHO/EOP@EOP
evelyn.v.long@usdoj.gov
Jennifer.Newstead@usdoj.gov
Viet.Dinh@usdoj.gov
Heather Wingate/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason.J.Sutton@usdoj.gov
Kyle Sampson/WHO/EOP@EOP
Douglas L. Hoelscher/WHO/EOP@EOP
David McMaster/WHO/EOP@EOP
Ann Gray/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;john b. bellinger/nsc/eop@eop [NSC]
<john b. bellinger>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;ziad s.
ojakli/who/eop@eop [WHO] <ziad s. ojakli>;daniel j. keniry/who/eop@eop [WHO] <daniel j.
keniry>;jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>;rebecca a. beynon/omb
/eop@eop [OMB] <rebecca a. beynon>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC]
<Jonathan R. Scharfen>
Sent: 1/30/2002 4:14:36 AM
Subject: : Meeting today on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-JAN-2002 09:14:36.00

SUBJECT:: Meeting today on Victims of Foreign Terrorism Legislation

TO: diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])

READ: UNKNOWN

TO: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

TO: kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: ziad s. ojakli (CN=ziad s. ojakli/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: daniel j. keniry (CN=daniel j. keniry/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

TO: rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

TO: Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

End Original ARMS Header

We are scheduled for 2:00 in Room 48-A of EEOB.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>;john b. bellinger/nsc/eop@eop [NSC]
<john b. bellinger>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;ziad s.
ojakli/who/eop@eop [WHO] <ziad s. ojakli>;daniel j. keniry/who/eop@eop [WHO] <daniel j.
keniry>;jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>;rebecca a. beynon/omb
/eop@eop [OMB] <rebecca a. beynon>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC]
<Jonathan R. Scharfen>
Sent: 1/30/2002 4:14:36 AM
Subject: : Meeting today on Victims of Foreign Terrorism Legislation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-JAN-2002 09:14:36.00

SUBJECT:: Meeting today on Victims of Foreign Terrorism Legislation

TO: diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])

READ: UNKNOWN

TO: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

TO: kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: ziad s. ojakli (CN=ziad s. ojakli/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: daniel j. keniry (CN=daniel j. keniry/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

TO: rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

TO: Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

End Original ARMS Header

We are scheduled for 2:00 in Room 48-A of EEOB.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>; David McMaster/WHO/EOP@EOP [WHO] <David McMaster>; Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>
Sent: 1/30/2002 5:11:14 AM
Subject: : reminder - JSC meeting today

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-JAN-2002 10:11:14.00

SUBJECT:: reminder - JSC meeting today

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00139519

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David McMaster (CN=David McMaster/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ann Gray (CN=Ann Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

4-5 pm in the Roosevelt

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2002 9:29:42 AM
Subject: : AV Culvahouse meeting re: HUD

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2002 14:29:42.00
SUBJECT:: AV Culvahouse meeting re: HUD
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Judge wants you to meet with AV to hear him out on this issue. I sent you a letter from AV explaining the situation.

Do you need my assistance to set this up (he wants the meeting on Friday) or will you be calling them back to take care of it?

Also - they Judge wants to drop in to say hello while you guys are meeting. Please let me know when this will be so I can schedule it.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 1/30/2002 6:49:13 AM
Subject: : Civil Rights Commission moot

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-JAN-2002 11:49:13.00

SUBJECT:: Civil Rights Commission moot

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

End Original ARMS Header

The second round of the moot court today went pretty well. According to the people who were there yesterday, today was a vast improvement, and Susan Rudy incorporated a lot of the comments made yesterday. Everyone now feels relatively comfortable with the argument.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>
Sent: 1/30/2002 7:05:52 AM
Subject: : Re: meeting on victims of foreign terrorism legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-JAN-2002 12:05:52.00
SUBJECT:: Re: meeting on victims of foreign terrorism legislation
TO: Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
End Original ARMS Header

Room 48-A OEOB.

Joan Hunerwadel
01/29/2002 12:32:03 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: meeting on victims of foreign terrorism legislation

John Bellinger can make it. Where will it be held?
----- Forwarded by Joan Hunerwadel/NSC/EOP on 01/29/2002
12:32 PM -----

John B. Bellinger
01/29/2002 12:12:32 PM
Record Type: Record

To: Joan Hunerwadel/NSC/EOP@EOP
cc:
Subject: meeting on victims of foreign terrorism legislation

----- Forwarded by John B. Bellinger/NSC/EOP on
01/29/2002 12:24 PM -----

Brett M. Kavanaugh
01/29/2002 11:48:33 AM
Record Type: Record

To: John B. Bellinger/NSC/EOP@EOP
cc:
Subject: meeting on victims of foreign terrorism legislation

FYI: We are hoping to meet Wednesday at 2:00 on the victims of
foreign terrorism legislation.

REV_00139528

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>
Sent: 1/30/2002 7:05:52 AM
Subject: : Re: meeting on victims of foreign terrorism legislation

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-JAN-2002 12:05:52.00
SUBJECT:: Re: meeting on victims of foreign terrorism legislation
TO: Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
End Original ARMS Header

Room 48-A OEOB.

Joan Hunerwadel
01/29/2002 12:32:03 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: meeting on victims of foreign terrorism legislation

John Bellinger can make it. Where will it be held?
----- Forwarded by Joan Hunerwadel/NSC/EOP on 01/29/2002
12:32 PM -----

John B. Bellinger
01/29/2002 12:12:32 PM
Record Type: Record

To: Joan Hunerwadel/NSC/EOP@EOP
cc:
Subject: meeting on victims of foreign terrorism legislation

----- Forwarded by John B. Bellinger/NSC/EOP on
01/29/2002 12:24 PM -----

Brett M. Kavanaugh
01/29/2002 11:48:33 AM
Record Type: Record

To: John B. Bellinger/NSC/EOP@EOP
cc:
Subject: meeting on victims of foreign terrorism legislation

FYI: We are hoping to meet Wednesday at 2:00 on the victims of
foreign terrorism legislation.

REV_00139530

From: Comstock, Barbara <Barbara.Comstock@usdoj.gov>
To: Burton, Faith <Faith.Burton@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Israelite, David <David.Israelite@usdoj.gov>
Sent: 1/30/2002 7:28:33 AM
Subject: : RE: Draft Response to Jim Wilson's Letter to Ayres

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> ("Comstock, Barbara"

<Barbara.Comstock@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:30-JAN-2002 12:28:33.00

SUBJECT:: RE: Draft Response to Jim Wilson's Letter to Ayres

TO:"Burton, Faith" <Faith.Burton@usdoj.gov> ("Burton, Faith" <Faith.Burton@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> ("Bryant, Dan" <Dan.Bryant@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:"Israelite, David" <David.Israelite@usdoj.gov> ("Israelite, David"

<David.Israelite@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

I agree that this tone is far better -- factually I would still have a few changes because we may even be going too far to say inaccurate info was provided -- we may be better in a "misunderstanding" context or something like that -- I'd like to work with this version and offer a few changes.
thx

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Wednesday, January 30, 2002 12:05 PM

To: Burton, Faith

Cc: Comstock, Barbara; Thorsen, Carl; Bryant, Dan; Israelite, David

Subject: RE: Draft Response to Jim Wilson's Letter to Ayres

I thought the draft letter seemed a little too apologetic and got into extraneous issues. Attached is a shorter re-draft for you to consider as you see fit.

(See attached file: sierra.wpd)

REV_00139532

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/30/2002 1:01:09 PM
Subject: : Re: Political Activity

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JAN-2002 18:01:09.00
SUBJECT:: Re: Political Activity
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

yes, that was the Mack truck response he gave me. You'll enjoy your 30 min calls with J.W.

Brett M. Kavanaugh
01/30/2002 03:02:30 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Political Activity

I know, I know. I was telling Alicia about this. (Notice the last sentence of my e-mail to Clay.)

Matthew A. Schlapp
01/30/2002 02:05:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Political Activity

Are you trying to drive me nuts? That's we need is Jocelyn out there helping us...

----- Forwarded by Matthew A. Schlapp/WHO/EOP on
01/30/2002 01:57 PM -----

Clay Johnson III
01/30/2002 12:04:39 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP
cc:
Subject: Political Activity

Re Jocelyn White: evidently it was kosher for her to confer with OPA while at work.

----- Forwarded by Clay Johnson III/WHO/EOP on 01/30/2002
12:03 PM -----

REV_00139533

Brett M. Kavanaugh
01/30/2002 10:23:35 AM
Record Type: Record

To: Clay Johnson III/WHO/EOP@EOP
cc:
Subject: Political Activity

Tim asked me to respond to you on this. As a matter of law, EOP officials who do not work set hours (in other words, non-career EOP officials) are explicitly authorized to "organize" fundraisers and engage in other political activity, even while on the job, and they also can speak at fundraisers. They cannot, however, directly solicit or receive contributions, host fundraisers, or use their official titles in connection with political activity. Note that it can be difficult, of course, to organize a fundraiser (allowed) without personally soliciting funds (not allowed), and I have talked to Jocelyn about some additional prudential issues beyond the law.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 1/31/2002 8:27:59 AM
Subject: : SOC

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 31-JAN-2002 13:27:59.00

SUBJECT:: SOC

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

[http://www.lasvegassun.com/sunbin/stories/bw-scotus/2002/jan/25/012503363.h
tml](http://www.lasvegassun.com/sunbin/stories/bw-scotus/2002/jan/25/012503363.html)

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>; timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>; david s. addington/ovp/eop@eop [OVP] <david s. addington>
Sent: 1/31/2002 4:28:57 AM
Subject: : Re: GAO's lawyer

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-JAN-2002 09:28:57.00

SUBJECT:: Re: GAO's lawyer

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

End Original ARMS Header

Doesn't worry me.

Bradford A. Berenson
01/31/2002 09:20:02 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: alberto r. gonzales/who/eop@eop, timothy e. flanigan/who/eop@eop, h. christopher bartolomucci/who/eop@eop, david s. addington/ovp/eop@eop
bcc:
Subject: Re: GAO's lawyer

I must say that's very bad news for us.

Brett M. Kavanaugh
01/31/2002 09:04:49 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: GAO's lawyer

apparently is Carter Phillips of Sidley & Austin.

Message Sent

To: _____
Alberto R. Gonzales/WHO/EOP@EOP

REV_00139536

Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>; timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>; david s. addington/ovp/eop@eop [OVP] <david s. addington>
Sent: 1/31/2002 4:47:22 AM
Subject: : Re: GAO's lawyer

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-JAN-2002 09:47:22.00

SUBJECT:: Re: GAO's lawyer

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

End Original ARMS Header

It obviously doesn't change the law, but it does mean that Walker's arguments will be presented in their best possible light. I hope DOJ is being similarly far-sighted and is loading its team up from the get-go with top appellate experts. Carter's hiring clearly reflects that Walker understands this is a deeply law-intensive issue. The research and argumentation we can expect will be top-quality.

H. Christopher Bartolomucci

01/31/2002 09:28:48 AM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP

cc: brett m. kavanaugh/who/eop@eop, alberto r. gonzales/who/eop@eop, timothy e. flanigan/who/eop@eop, david s. addington/ovp/eop@eop

bcc:

Subject: Re: GAO's lawyer

Doesn't worry me.

Bradford A. Berenson

01/31/2002 09:20:02 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: alberto r. gonzales/who/eop@eop, timothy e. flanigan/who/eop@eop, h. christopher bartolomucci/who/eop@eop, david s. addington/ovp/eop@eop

bcc:

Subject: Re: GAO's lawyer

REV_00139538

I must say that's very bad news for us.

Brett M. Kavanaugh
01/31/2002 09:04:49 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: GAO's lawyer

apparently is Carter Phillips of Sidley & Austin.

Message Sent

To: _____
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP

From: CN=Mack C. Bayne III/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/31/2002 5:18:34 AM
Subject: : Test e-mail to your BlackBerry

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP [OA])

CREATION DATE/TIME:31-JAN-2002 10:18:34.00

SUBJECT:: Test e-mail to your BlackBerry

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This is a test, please disregard.

Mack

From: CN=Mack C. Bayne III/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/31/2002 5:18:34 AM
Subject: : Test e-mail to your BlackBerry

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Mack C. Bayne III (CN=Mack C. Bayne III/OU=OA/O=EOP [OA])

CREATION DATE/TIME:31-JAN-2002 10:18:34.00

SUBJECT:: Test e-mail to your BlackBerry

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This is a test, please disregard.

Mack

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 1/31/2002 9:55:08 AM
Subject: : who's got DOE?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 31-JAN-2002 14:55:08.00

SUBJECT:: who's got DOE?

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Scott Stanzel/WHO/EOP@EOP [WHO] <Scott Stanzel>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 1/31/2002 7:05:29 AM
Subject: : Re: PA nominations - fyi

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-JAN-2002 12:05:29.00
SUBJECT:: Re: PA nominations - fyi
TO: Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Delays are caused by the White House! Unbelievable! I called David Urban about 100 times trying to get Sen. Specter's final check off on Marino.

Scott Stanzel

01/31/2002 11:59:46 AM

Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: PA nominations - fyi

Unfortunately, the reporter didn't use the statistics on total # nominated. Instead, he was narrowly focused on the Middle District of PA. I appreciate your help with this yesterday.

Bush expected to fill vacancies
U.S. attorney, judge positions stand empty
Thursday, January 31, 2002
By Brett Lieberman
Of Our Washington Bureau
WASHINGTON -- After months of delay, the Bush administration may be close to filling midstate judicial and U.S. attorney vacancies that have languished, even though candidates have been lined up for the posts. Congressional, legal and law enforcement officials said they expect President Bush to nominate Pennsylvania Liquor Control Board Chairman John E. Jones III and Harrisburg attorney Christopher C. "Kit" Conner as district court judges.

Lycoming County District Attorney Thomas Marino is expected to be nominated to be U.S. attorney in the Middle District, and Mike Regan, a deputy U.S. marshal and head of the United States Marshals Service Dauphin County Fugitive Task Force, is expected to be tapped to be U.S. marshal. The names of the four men have circulated in political, legal and law enforcement circles for weeks, though there has been little action from the White House. But political insiders said there could be movement within 45 days.
"I think it's very close," said one GOP insider. "We're just waiting for the White House to get moving," said a congressional source.
Though Bush is on par or ahead of the first-year nominating paces of former presidents Clinton, Bush, Reagan and Carter, congressional aides said the delays are caused by the White House.

REV_00139549

U.S. Sens. Arlen Specter and Rick Santorum, both R-Pa., have pressed White House officials to move faster.

Last week, Bush announced six judicial nominations in the eastern and western districts, where there are eight vacancies that extend back as far as 1994. Nationally, 99 judicial vacancies remain. The U.S. attorneys in the eastern and western districts had been selected.

Jones and Conner would fill vacancies created when Judges Sylvia H. Rambo and James F. McClure Jr. took senior status last April.

Among the unanswered questions is where each judge would sit. Rambo sits in Harrisburg, while McClure's office is in Williamsport. Jones lives in Schuylkill County but commutes to Harrisburg for LCB work, and Conner lives in Mechanicsburg.

Jones, a Pottsville attorney who ran unsuccessful campaigns for Schuylkill County judge and Congress, was former Gov. Tom Ridge's pick to fill one of the two Middle District judicial vacancies, but Santorum has also taken up his cause.

Jones was an early supporter of Ridge and Santorum, and donated to other Republican candidates, including President Bush. Jones and his wife, Beth, have contributed \$14,357 since 1989 to GOP candidates. They also gave at least \$8,975 to Ridge's campaigns since 1993.

Conner, a Harrisburg native and vice president of the Pennsylvania Bar Association, has contributed at least \$10,450 to GOP candidates since 1990.

Conner coordinates the Mette, Evans & Woodside firm's corporate and commercial litigation practice. He has been active in judicial reform efforts, co-authoring a law review article, "Partisan Elections: The Albatross of Pennsylvania's Appellate Judiciary."

He is due to become president of the state bar association next year.

One oft-cited reason for the nomination delay is that FBI resources have been diverted since the Sept. 11 terrorist attacks. But several political and legal insiders said the FBI background checks and interviews on the candidates were completed weeks, and in some cases months ago.

All four candidates said they interviewed for the respective positions, but they had heard little in recent weeks.

"If they want me, I still am more than anxious," said Marino, adding, "I'm not handing in any resignations. I'm not giving up any jobs."

White House spokesman Scott Stanzel said the administration is working quickly to fill vacancies but would not discuss a timeline.

Brett Lieberman may be reached at (202)383-7833 or blieberman@patriot-news.com.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
Sent: 1/31/2002 1:56:50 PM
Subject: : State Dept Victims Comp legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-JAN-2002 18:56:50.00
SUBJECT:: State Dept Victims Comp legislation
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

John:

We are going to await further word from NSC on the policy need for the restoration of sovereign immunity before finalizing any options/recommendation memo re compensation for victims of terrorism. Should I let Will Taft/Louise Oliver know where this currently stands, or do you want to notify State?

Brett

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: helgard_walker@who.eop.gov@EOP [UNKNOWN] <helgard_walker@who.eop.gov@EOP>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 1/31/2002 10:01:16 AM
Subject: : Re: who's got DOE?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-JAN-2002 15:01:16.00

SUBJECT:: Re: who's got DOE?

TO:helgard_walker@who.eop.gov@EOP (helgard_walker@who.eop.gov@EOP [UNKNOWN])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I do

Helgard C. Walker
01/31/2002 02:54:55 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: who's got DOE?

Message Sent

To:

Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00139552

From: Badger, Doug <Doug.Badger@mail.house.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kenneth A. Lisaius/WHO/EOP@EOP [WHO] <Kenneth A. Lisaius>
CC: mdm@mckay-chadwell.com [UNKNOWN] <mdm@mckay-chadwell.com>
Sent: 1/31/2002 1:41:03 PM
Subject: : judges
Attachments: P_AFM65003_WHO.TXT_1.html

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Badger, Doug" <Doug.Badger@mail.house.gov> ("Badger, Doug"
<Doug.Badger@mail.house.gov> [UNKNOWN])
CREATION DATE/TIME:31-JAN-2002 18:41:03.00
SUBJECT:: judges
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:mdm@mckay-chadwell.com (mdm@mckay-chadwell.com [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

O.k. It's the Walla Walla paper and not the Tacoma News Tribune. But, I couldn't have written it better myself...fyi.

Senators play politics with judicial choice
Jan 28 2002 12:00AM By the Editorial Board of the Union-Bulletin
The power to appoint federal judges is clearly vested in the president. Sens. Patty Murray and Maria Cantwell, both Democrats, are irate over President Bush's selection of Ronald Leighton to be a federal district judge for Western Washington. The senators believe Bush, a Republican, should have made the selection through a ``bipartisan'' process. Funny, we heard the same sort of rant from former Sen. Slade Gorton, a Republican, when President Clinton, a Democrat, was in office. Yet, Murray wasn't too riled about the issue during the Clinton years. Murray's and Cantwell's concerns ring as hollow today as Gorton's did a few years ago. The power to appoint federal judges is clearly vested with the president. The Senate's role in the process is equally clear - it looks at nominees' qualifications to determine if they are fit for the post. However, it is custom that the president consult with the senators from the state where the federal judge will be presiding. Not surprisingly, the president tends to take more seriously the wishes of senators of his own political party. Murray and Cantwell, both seasoned political veterans, should understand that reality. Yet, the pair have promised (or is that threatened?) to block Leighton's nomination unless the White House uses a bipartisan commission to make federal judicial appointments. The tirade is akin to a kid throwing a tantrum at a sandlot baseball game when he vows to take his ball and go home if he doesn't get to play shortstop. The Bush administration is on high ground here. Perhaps, from a standpoint of political expediency, the administration should have catered more to Murray and Cantwell. After all, the Democrats do control the Senate. Nevertheless, the White House has no reason to apologize. Bush asked Rep. Jennifer Dunn, R-Wash., to head a selection committee. Dunn apparently asked Murray and Cantwell to appoint people to the committee, but they declined because the senators did not want to be obligated to support the commission's final four candidates. Ultimately, we would like to see a truly bipartisan process used to select federal judges. But we are also pragmatists. This president, like all

REV_00139574

presidents, is going to take ideology and politics into account when making appointments.

Murray and Cantwell had an opportunity to be involved - to some degree - in the selection process. Instead, they opted to play politics.

Walla Walla Union-Bulletin 2002

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_AFM65003_WHO.TXT_1>

O.k. It's the Walla Walla paper and not the Tacoma News Tribune. But, I couldn't have written it better myself...fyi.

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Murray's and Cantwell's concerns ring as hollow to day as Gorton's did a few years ago.

The power to appoint federal judges is clearly vested with the president. The Senate's role in the process is equally clear - it looks at nominees' qualifications to determine if they are fit for the post.

However, it is custom that the president consult with the senators from the state where the federal judge will be presiding. Not surprisingly, the president tends to take more seriously the wishes of senators of his own political party.

Murray and Cantwell, both seasoned political veterans, should understand that reality.

Yet, the pair have promised (or is that threatened?) to block Leighton's nomination unless the White House uses a bipartisan commission to make federal judicial appointments. The tirade is akin to a kid throwing a tantrum at a sandlot baseball game when he vows to take his ball and go home if he doesn't get to play shortstop.

The Bush administration is on high ground here. Perhaps, from a standpoint of political expediency, the administration should have catered more to Murray and Cantwell. After all, the Democrats do control the Senate.

Nevertheless, the White House has no reason to apologize. Bush asked Rep. Jennifer Dunn, R-Wash., to head a selection committee. Dunn apparently asked Murray and Cantwell to appoint people to the committee, but they declined because the senators did not want to be obligated to support the commission's final four candidates.

Ultimately, we would like to see a truly bipartisan process used to select federal judges. But we are also pragmatists. This president, like all presidents, is going to take ideology and politics into account when making appointments.

Murray and Cantwell had an opportunity to be involved - to some degree - in the selection process. Instead, they opted to play politics.

Walla Walla Union-Bulletin 2002

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
Sent: 1/31/2002 1:56:50 PM
Subject: : State Dept Victims Comp legislation

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:31-JAN-2002 18:56:50.00
SUBJECT:: State Dept Victims Comp legislation
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

John:

We are going to await further word from NSC on the policy need for the restoration of sovereign immunity before finalizing any options/recommendation memo re compensation for victims of terrorism. Should I let Will Taft/Louise Oliver know where this currently stands, or do you want to notify State?

Brett

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/1/2002 2:54:27 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-FEB-2002 07:54:27.00
SUBJECT:: Re:
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks!

----- Original Message -----
From:Melissa S. Bennett/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Elizabeth N. Camp/WHO/EOP@EOP
Date: 02/01/2002 07:45:04 AM
Subject: Re:

This is signed and I just put it upstairs on Libby's chair.

Brett M. Kavanaugh
01/28/2002 07:18:24 PM
Record Type: Record

To: Melissa S. Bennett/WHO/EOP@EOP, Kristen Silverberg/WHO/EOP@EOP
cc:
Subject:

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 2/1/2002 4:10:05 AM
Subject: : More from the New Jersey Lawyer

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])

CREATION DATE/TIME: 1-FEB-2002 09:10:05.00

SUBJECT:: More from the New Jersey Lawyer

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The article I mentioned at the staff meeting also says:

"And in a major development, aides to Torricelli and Corzine said it has been

determined that a vacancy on the 3rd U.S. Circuit Court of Appeals will got to a

New Jerseyan. That appears to put to rest the controversy that erupted after it

was disclosed the president was considering elevating Pennsylvania's [Robreno]...

From: Coffin, Shannen <Shannen.Coffin@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/1/2002 6:25:30 AM
Subject: : FW: Revised AHA brief

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ("Coffin, Shannen"
<Shannen.Coffin@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 1-FEB-2002 11:25:30.00
SUBJECT:: FW: Revised AHA brief
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----

From: Coffin, Shannen
Sent: Friday, February 01, 2002 11:10 AM
To: Katsas, Gregory; Letter, Douglas; Raab, Michael; McCallum,
Robert; Clement, Paul D; Whelan, M Edward III; Colborn, Paul P; Wood, John
F; 'Brett_Kavanaugh@who.eop.gov'
Cc: Blackwell, Craig
Subject: Revised AHA brief

Please filter any comments on the brief through me. Since I think our
justiciability arguments are so strong, I am particularly interested in
any comments on the mertis argument those who might have a better
understanding of the PRA than me might have (and I would guess that is
everyone copied on this message).

Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

From: Comstock, Barbara <Barbara.Comstock@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Sierra, Bryan <Bryan.Sierra@usdoj.gov>; Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Horowitz, Michael-CRM <Michael.Horowitz3@usdoj.gov>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>
Sent: 2/1/2002 6:25:34 AM
Subject: : RE: Burton

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Comstock, Barbara" <Barbara.Comstock@usdoj.gov> ("Comstock, Barbara"

<Barbara.Comstock@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 1-FEB-2002 11:25:34.00

SUBJECT:: RE: Burton

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: "Sierra, Bryan" <Bryan.Sierra@usdoj.gov> ("Sierra, Bryan" <Bryan.Sierra@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC: "Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> ("Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC: David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I suggest we have a strategy meeting on this -- maybe later this afternoon??? There's not a lot to work with here from a press standpoint, and we are going to raise the profile on this.....

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Friday, February 01, 2002 11:07 AM

To: Comstock, Barbara

Cc: Sierra, Bryan; Thorsen, Carl; Horowitz, Michael-CRM;

David_W._Hobbs@who.eop.gov

Subject: RE: Burton

I very much share this concern, but on the other hand, we want to have the best person there to talk re the integrity of these kinds of criminal pros and dec memos. And that is Chertoff, we believe.

(Embedded

image moved "Comstock, Barbara" <Barbara.Comstock@usdoj.gov>

to file: 02/01/2002 10:25:11 AM

pic28180.pcx)

Record Type: Record

REV_00139585

To: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>, "Sierra, Bryan" <Bryan.Sierra@usdoj.gov>

cc: "Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov>, Brett M. Kavanaugh/WHO/EOP@EOP, David W. Hobbs/WHO/EOP@EOP
Subject: RE: Burton

At this point when there is no press interest in this story I don't know why we would want to send Chertoff and increase their ability to get press attention -- while they might be able to generate more before next week at this point we have received ZERO calls on this and the committee itself has had little interest in this....I'm not sure why we want to raise their profile -- particularly with all of the Cheney/GAO stuff going on....

-----Original Message-----

From: Thorsen, Carl
Sent: Friday, February 01, 2002 10:17 AM
To: Comstock, Barbara; Sierra, Bryan
Cc: Horowitz, Michael-CRM; 'brett_m._kavanaugh@who.eop.gov'; 'dhobbs@who.eop.gov'
Subject: Burton

hi. for the time being, let's hold on saying anything on or off the record about the committee's activities pulling mike chertoff away from the terrorism investigation. we want mike to go and testify at the hearing next week. when i conveyed that to wilson yesterday on behalf of the department he mentioned that he'd seen quotes to this effect. (they're considering the request. it will be a fight if they decide to resist it.) thanks.

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

REV_00139586

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/1/2002 2:54:56 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-FEB-2002 07:54:56.00
SUBJECT:: Re:
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks!

----- Original Message -----
From:Melissa S. Bennett/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:Elizabeth N. Camp/WHO/EOP@EOP
Date: 02/01/2002 07:45:04 AM
Subject: Re:

This is signed and I just put it upstairs on Libby's chair.

Brett M. Kavanaugh
01/28/2002 07:18:24 PM
Record Type: Record

To: Melissa S. Bennett/WHO/EOP@EOP, Kristen Silverberg/WHO/EOP@EOP
cc:
Subject:

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 2/1/2002 2:55:57 AM
Subject: : Re: State Dept Victims Comp legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-FEB-2002 07:55:57.00
SUBJECT:: Re: State Dept Victims Comp legislation
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

FYI:
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/01/2002 07:55 AM -----

John B. Bellinger
01/31/2002 07:41:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: jonathan r. scharfen/nsc/eop@eop
bcc:
Subject: Re: State Dept Victims Comp legislation

Per discussion, we'll talk to State and Condi.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 2/1/2002 7:35:17 AM
Subject: : Re: POOL REPORT #2, 02/01/02

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-FEB-2002 12:35:17.00
SUBJECT:: Re: POOL REPORT #2, 02/01/02
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I think that's the correct spelling.

Helgard C. Walker
02/01/2002 12:32:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: POOL REPORT #2, 02/01/02

These spelling mistakes out of parts of the WH are getting embarrassing.
----- Forwarded by Helgard C. Walker/WHO/EOP on
02/01/2002 12:31 PM -----

Rachael L. Sunbarger 02/01/2002 12:09:57 PM

Record Type: Record

To:
cc:
Subject: POOL REPORT #2, 02/01/02

Bush names Jim Towey (spelling is from the press office) to head
faith-based initiatives program

This was a Roosevelt Room event, Bush spoke with the large portrait
of Teddy Roosevelt astride a horse hanging above the white mantle behind
Bush.

REV_00139589

Wearing a dark blue suit, white tie and pale green tie, Bush called on Towey to lead one of ''the great causes'' of the times, ''to rally the armies of compassion'' to help address the nation's problems. (see transcript for remarks).

We were told that the press office was considering putting out a list of some of the people invited, and the pool indicated we would all be most appreciative. The pool was told that invitees included the Cardinal of Philadelphia, the president of United Way, a prominent Imman from Virginia, the head of the Salvation Army and a leader from the Southern Baptists Convention.

Towey made remarks ''I'm deeply grateful to God, and to you, sir,'' he said,

nodding to Bush as Bush stood to Towey's right.

Bush appeared to be enthused both by and about the event. Afterwards he greeted the visitors, many of whom he clearly knew.

''How's the big boy doing,'' Bush asked one man.

''He's in seminary,'' came the reply.

''He's go'n be one big preacher,'' Bush observed.

Bob Deans
Cox Newspapers
887 8310

Message Sent

To: _____

Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 2/1/2002 8:05:35 AM
Subject: : help with 4:30 interview

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])

CREATION DATE/TIME: 1-FEB-2002 13:05:35.00

SUBJECT:: help with 4:30 interview

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Is anyone available to help with a D NJ interview in my office at 4:30?

REV_00139591

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 2/1/2002 4:17:30 AM
Subject: : More from the New Jersey Lawyer

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])

CREATION DATE/TIME: 1-FEB-2002 09:17:30.00

SUBJECT:: More from the New Jersey Lawyer

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The article I mentioned at the staff meeting also says:

"And in a major development, aides to Torricelli and Corzine said it has been

determined that a vacancy on the 3rd U.S. Circuit Court of Appeals will got to a

New Jerseyan. That appears to put to rest the controversy that erupted after it

was disclosed the president was considering elevating Pennsylvania's [Robreno]...

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/1/2002 4:26:35 AM
Subject: : Meeting on Monday re: airplanes

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-FEB-2002 09:26:35.00
SUBJECT:: Meeting on Monday re: airplanes
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

How does 10:30-11:00 am in the Judge's office sound?

Katherine G. Marinis
02/01/2002 09:16:36 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Meeting on monday

Brett mentioned that the Judge and he need to talk to Ken on Monday about corporate airplanes for political use. Do you want to set up a time? Ken would prefer to do it in the morning b/c he has to be at the RNC all afternoon. thanks

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>;Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>;L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>;Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>;Craig Felner/WHO/EOP@EOP [WHO] <Craig Felner>;Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>;Nicole_E._Grodner@who.eop.gov [UNKNOWN] <Nicole_E._Grodner@who.eop.gov>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>
Sent: 2/1/2002 6:24:34 AM
Subject: : agency FOIA requests
Attachments: P_UY175003_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-FEB-2002 11:24:34.00

SUBJECT:: agency FOIA requests

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Craig Felner (CN=Craig Felner/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Nicole_E._Grodner@who.eop.gov (Nicole_E._Grodner@who.eop.gov [UNKNOWN])

READ:UNKNOWN

CC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

as reported in this week's cabinet report submissions.

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_UY175003_WHO.TXT_1>

REV_00139594

SIGNIFICANT AGENCY FOIA REQUESTS

HHS

- **WTTG-TV, Fox 5, Washington, D.C.**, has requested that CDC provide them laboratory results of any and all test conducted on the Senate Hart Office Building since October 17, 2001, and all summaries of the tests.

DOJ

- **Jeffrey Chester, Center for Digital Democracy**, has requested records "concerning meetings between officials of the Federal Trade Commission and the Department of Justice regarding the Anti-Trust merger clearance and allocation process."
- **The Florida House of Representatives** has requested all records from the Department regarding "the involvement of Robert J. Bonanno in the matter of *United States of America v. Charles B. Corces*, Case No. 92-28-CR-T-17, United States District Court, Middle District of Florida, Tampa Division."

EDUCATION

- On January 25, the Department received a request from **Maureen Groppe, Gannett News Service**, for correspondence sent by members of the Indiana congressional delegation to the Department during 2001.
- On January 28, the Department received a request from **Hannah L. Walker** for correspondence between Senator Richard Durbin and the Department, from 1997 to the present.

TREASURY

- Received 1/14/02 from **Judicial Watch** requesting records regarding the Enron Corporation.
- Received 1/18/02 from **Los Angeles Times** requesting records regarding the Enron Corporation.

USDA

- **Greenpeace**, Washington, DC, requested copies of all documents since January 1998 on the field-testing of transgenic plants expressing pharmaceutical proteins when a release permit is required for the field testing of those plants.

LABOR

11(C) CASES

- **Frank Morales, Organizer, Worker Health and Safety, Government Accountability Project (GAP), Washington, D.C., is seeking:** any and all 11(c) cases brought in the United States District Court by the Department of Labor in which there was a final determination by the court or dismissal. Mr. Morales is also requesting any and all documentation enumerating:
 1. the total number of cases filed by the Department of Labor in the District Court on behalf of an employee claiming retaliation under Section 11(c) of the Occupational Safety and Health Act;
 2. the date and the court in which this case was filed; and
 3. the outcome of the case and any relevant award.

In addition, Mr. Morales is seeking the following relevant complaints or case summaries, if the District Court cases do not exist: the total number of active or closed 11(c) cases, that the OSHA Regional Offices recommended to the Solicitor of Labor and the Solicitor of Labor's disposition of the case (i.e. whether to pursue litigation, dismiss, or return to Regional Office for continued investigation or settlement); and information regarding the outcome of 11(c) cases in which the Solicitor of Labor dismissed the case after the Regional Office recommended that the Solicitor of Labor pursue litigation (i.e. the process for challenging the SOL's determination, any resulting settlement, or the return of the case to the Regional Office). This request is currently being processed by the Division of Occupational Safety and Health in the Office of the Solicitor. Date request received: October 29, 2001.

ENRON CORPORATION

- **Katherine DeCelles, Development Coordinator, Nationwide Research & Consulting, Inc., Portland, Maine, is seeking:** copies of all records pertaining to the investigation of Enron Corporation. This request is being forwarded to the Pension Welfare and Benefits Administration for processing. Date request received: January 14, 2002.
- **Stephen Narisi, Reporter, CBS 11, The Eye of Texas, KTVT Television, Dallas and Fort Worth, Texas, is seeking:** any written complaints or inquiries concerning 401k plans made by any ENRON employee in calendar year 2001 and Labor Department resolution of complaints or inquiries. This request is being processed by the Pension Welfare and Benefits Administration in the Dallas Regional Office. Date request received: January 16, 2002.

HALIBURTON

- **Judy Pasternak and Robert Patrick, Staff Writers, Los Angeles Times, Washington Bureau, Washington, D.C., is seeking:** copies of all correspondence to, from and regarding Halliburton and its subsidiaries (Brown and Root Energy Services, Brown and Root Services Group, et al.), including memos, emails, meeting notes and letters,

from January 20, 2001 to the present. Ms. Pasternak and Mr. Patrick is also interested in copies of all phone logs that show calls to or from officials, lobbyists or representatives of Halliburton and/or its subsidiaries, and any notes made of conversations during such calls. In addition, they are interested in schedules showing meetings with any Halliburton and/or subsidiary officials, lobbyists or representatives. This request is being forwarded to all components of the Department, including the Divisions in the Solicitor's Office for processing. Date request received: Jan. 28, 2002.

DOI

- **Potential Environmental Liabilities.** *The Western Silver Lead Corp. (WSLC) of Wallace, Idaho*, filed a request with the Coeur d' Alene, Idaho Field Office seeking documents relating to "the potential for environmental liabilities" with respect to a number of properties in which it had a previous interest. Specifically, WSLC is interested in regulatory agency investigations or enforcement for violations of state or federal environmental codes, including hazardous waste management, contaminated soil and ground water from hazardous substances or petroleum products, underground storage tanks, air, ground, or surface water quality, wetlands, and similar sensitive natural environments, mining reclamation, abandoned mines, or related environmental risks or liabilities. WSLC advised that the information is needed in connection with an audit of its financial statements and asked that it be provided directly to its auditors.
- **River Use and Permit Fees.** *Jason D. Robertson, from American Whitewater*, dated December 11, 2001, requesting documents or records (including memoranda, correspondence, studies and planning documents) prepared or obtained by the National Park Service or Department of Interior since January 1, 1998, which references the following subjects in Dinosaur National Monument and Canyonlands National Park:
 - Proposed fee increases or modifications for river permits, river running, or whitewater recreation on the Green, Yampa, and or Colorado Rivers.
 - Fees collected from non-commercial river visitors (aka "private boaters"), including but not limited to entrance fees, permit fees, and camping fees.
 - Congressional Recreation Fee Demonstration Authority (aka "Fee Demo") and payments made by non-commercial river visitors, including how the fee receipts have been used by the Park Service.

EPA

- During the week of January 22-28, 2002, the Agency received a total of 305 FOIA requests. Of that total, 62 were received in Headquarters. FOIAs that may be of interest include: (1) **OMB WATCH** is asking for records pertaining to the removal of information from the EPA Web site, reading rooms, etc.; (2) **Hannah Walker**, private citizen, is asking for correspondence from Senator Richard Durbin and also correspondence between the office of Senator Levin and EPA from 1997 to present;

(3) ***Beyond Pesticides*** is asking for records regarding recent meetings between EPA and the Wood Preservatives Industry; (4) ***Gannett News Service*** is asking for correspondence between EPA and DuPont Co.; (5) ***Gannett News Service*** is asking for correspondence between EPA and the Delaware Congressional delegation; and (6) ***The Los Angeles Times*** is asking for travel information for last year regarding the Administrator and her staff.

COMMERCE

- Received 1/24/02 from ***Jim Wolf, of Reuters***, requesting any Commerce records, to the exclusion of the International Trade Administration (ITA), relating to:
 - contacts between Commerce and Enron Corporation officials or individuals working on Enron's behalf since January 1, 1994;
 - responses by Commerce to any Enron requests since January 1, 1994;
 - deliberations by Commerce officials on requests from Enron since January 1, 1994; and
 - communications on behalf of Enron between Commerce and government or industry officials in India, Turkey, China, Venezuela or any other nation since January 1, 1994.
- Received 1/22/02 from ***Rob Evans, Guardian Newspaper***, requesting information regarding the June 20, 2001, meeting between David Katz, Minister-Counselor for Commercial Affairs, American Embassy London, Richard Stanbridge, head of the industry team at the American Embassy London, James Heg, Commercial Counselor, and Baroness Liz Symons, British Minister of State for Trade and Industry.

DOE

- **Jeff Bliss, Bloomberg News** requests copies of correspondence between DOE and Enron or any of its subsidiaries from January 1, 1999 to the present.
- **Renee M. Limoge** requests copies of correspondence DOE and Representative Ken Bentsen, Jr. from 1995 to the present.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Stephen_higgins@judiciary.senate.gov @ inet [UNKNOWN]
<Stephen_higgins@judiciary.senate.gov>
Sent: 2/1/2002 6:35:26 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-FEB-2002 11:35:26.00

SUBJECT::

TO: Stephen_higgins@judiciary.senate.gov (Stephen_higgins@judiciary.senate.gov @ inet [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

we are adding all the relevant cites to the talking points and
will forward later today (perhaps monday a.m.)

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/1/2002 6:47:53 AM
Subject: : we now have all three signed letters for Waxman

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-FEB-2002 11:47:53.00

SUBJECT:: we now have all three signed letters for Waxman

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/1/2002 6:49:34 AM
Subject: : Noms talkers

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

CREATION DATE/TIME: 1-FEB-2002 11:49:34.00

SUBJECT:: Noms talkers

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett

The talkers haven't arrived. Please resend (and include that cite we
discussed.)

THANKS.

Stephen

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 2/1/2002 6:53:29 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-FEB-2002 11:53:29.00
SUBJECT::
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

we are planning on sending the 3 Waxman letters today. Any
thoughts on public release or otherwise?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 2/1/2002 7:32:06 AM
Subject: : POOL REPORT #2, 02/01/02

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-FEB-2002 12:32:06.00

SUBJECT:: POOL REPORT #2, 02/01/02

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

These spelling mistakes out of parts of the WH are getting embarrassing.

----- Forwarded by Helgard C. Walker/WHO/EOP on

02/01/2002 12:31 PM -----

Rachael L. Sunbarger 02/01/2002 12:09:57 PM

Record Type: Record

To:

cc:

Subject: POOL REPORT #2, 02/01/02

Bush names Jim Towey (spelling is from the press office) to head faith-based initiatives program

This was a Roosevelt Room event, Bush spoke with the large portrait of Teddy Roosevelt astride a horse hanging above the white mantle behind Bush.

Wearing a dark blue suit, white tie and pale green tie, Bush called on Towey to lead one of ''the great causes'' of the times, ''to rally the armies of compassion'' to help address the nation's problems. (see transcript for remarks).

We were told that the press office was considering putting out a list of some of the

people invited, and the pool indicated we would all be most appreciative. The pool was told that invitees included the Cardinal of Philadelphia, the president of United Way, a prominent Imman from Virginia, the head of the Salvation Army and a leader from the Southern Baptists Convention.

Towey made remarks ''I'm deeply grateful to God, and to you, sir,'' he said,

nodding to Bush as Bush stood to Towey's right.

Bush appeared to be enthused both by and about the event. Afterwards he

REV_00139606

greeted the visitors, many of whom he clearly knew.

"How's the big boy doing," Bush asked one man.

"He's in seminary," came the reply.

"He's go'n be one big preacher," Bush observed.

Bob Deans

Cox Newspapers

887 8310

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 2/1/2002 8:09:51 AM
Subject: : Re: POOL REPORT #2, 02/01/02

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-FEB-2002 13:09:51.00
SUBJECT:: Re: POOL REPORT #2, 02/01/02
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

its correct. I have his card. It says Jim Towey. But its interesting that Rachel Sunbarger caveats with press spelling parenthetical.

H. Christopher Bartolomucci
02/01/2002 12:35:13 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: POOL REPORT #2, 02/01/02

I think that's the correct spelling.

Helgard C. Walker
02/01/2002 12:32:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: POOL REPORT #2, 02/01/02

These spelling mistakes out of parts of the WH are getting embarrassing.

REV_00139611

----- Forwarded by Helgard C. Walker/WHO/EOP on
02/01/2002 12:31 PM -----

Rachael L. Sunbarger 02/01/2002 12:09:57 PM

Record Type: Record

To:
cc:
Subject: POOL REPORT #2, 02/01/02

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''He's go'n be one big preacher,'' Bush observed.

Bob Deans
Cox Newspapers
887 8310

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

Message Copied

To: _____
courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
bradford a. berenson/who/eop@eop
robert w. cobb/who/eop@eop
noel j. francisco/who/eop@eop

REV_00139612

rachel l. brand/who/eop@eop

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 2/1/2002 10:09:02 AM
Subject: : Barak

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-FEB-2002 15:09:02.00
SUBJECT:: Barak
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Yes, acc to Archives, Bruce Lindsey DID in fact review the Barak transcript before it was provided to Burton Committee.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 2/1/2002 11:23:19 AM
Subject: : Suggested text of a memorandum re DOJ Enron request

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-FEB-2002 16:23:19.00

SUBJECT:: Suggested text of a memorandum re DOJ Enron request

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The memo should be sent to all EOP employees unless DOJ specifies some smaller universe. The memo should be sent and dated today from Judge Gonzales by e-mail (Administrative Alert) with a follow-up hard copy over the weekend or on Monday. Suggested text is as follows:

We wish to bring to your attention the following request transmitted to us this afternoon by the Department of Justice. The Department of Justice requests that you do the following:

[set forth operative language of DOJ request verbatim. If the request, includes definitions, those should be set forth following the operative language; if it does not, we should consider supplying some important ones, like a definition of "document"]

We ask that you comply with this request in all respects. There is no need to take any action at this time beyond what has been requested. If you have questions, please do not hesitate to contact my office.

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/1/2002 12:22:01 PM
Subject: : please call.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-FEB-2002 17:22:01.00

SUBJECT:: please call.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/1/2002 1:06:12 PM
Subject: : Moots for Dan and Chertoff

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME: 1-FEB-2002 18:06:12.00
SUBJECT:: Moots for Dan and Chertoff
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Just fyi. Monday 3-5 and Tuesday 10-12.

Also, Dan and I have meetings Morella, LaTourette, Gilman, and Barr for Tuesday, and Chris Shays (we had a good meeting with him the other day) is coming down to meet with the AG.

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/3/2002 10:52:06 AM
Subject: : briefing book'

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME: 3-FEB-2002 15:52:06.00
SUBJECT:: briefing book'
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

our shop is making for you. do you want it before 3 pm tomorrow? i could
have it couriered over.

cpt

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
Sent: 2/4/2002 3:08:12 AM
Subject: : Re: briefing book'

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-2002 08:08:12.00

SUBJECT:: Re: briefing book'

TO: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

if you can, that would be great. I am in 156 OEOB.

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov>

02/03/2002 03:48:14 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: briefing book'

our shop is making for you. do you want it before 3 pm tomorrow? i could have it couriered over.

cpt

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

REV_00139625

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/4/2002 6:29:08 AM
Subject: : Disclosure of Donors to Presidential Libraries

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-FEB-2002 11:29:08.00
SUBJECT:: Disclosure of Donors to Presidential Libraries
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

A House bill now under consideration requires disclosure of the donors and amounts of donations to a Presidential Library Foundation. In the OMB clearance process, I have expressed no objection to this bill on behalf of our Office, but I wanted to flag the issue with you in the event you may have any concerns. (Note that under the statute, the Archivist has the responsibility to raise the necessary money for Presidential Libraries.)

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 2/4/2002 2:34:34 AM
Subject: : fyi

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-2002 07:34:34.00

SUBJECT:: fyi

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Enron Ex-Chairman Lay Backs Out Of Planned Congressional Hearings
(WSJournal)

By GREG HITT and KATHRYN KRANHOLD

The Wall Street Journal, February 04, 2002

WASHINGTON -- Kenneth Lay, the beleaguered former chairman of Enron Corp., and two other former top company executives told lawmakers they won't testify this week, as Congress begins a weeklong series of hearings probing the company's collapse.

In a letter sent late Sunday to the Senate Commerce Committee, where Mr. Lay was scheduled to appear Monday, his lawyer, Earl Silbert, said the atmosphere surrounding the hearing had become "prosecutorial." (Read the letter) Following receipt of the letter, the committee's chairman, Sen. Ernest Hollings (D., S.C.), canceled the hearing, saying that the panel won't proceed without Mr. Lay.

See complete coverage of the Enron saga.

The letter followed an appearance by Sen. Byron Dorgan, a senior member of the Commerce Committee, on NBC's "Meet the Press," in which the North Dakota Democrat voiced sharp concerns about the company. "Once you start peeling away the layers of this onion, it gets pretty ugly," Mr. Dorgan said. On the same NBC news show, Rep. W.J. "Billy" Tauzin (R., La.) said investigators for the House Commerce Committee had found what may "end up being securities fraud."

Mr. Silbert said Mr. Lay had intended to testify until it became clear from the Sunday news shows that "judgments have been reached and the tenor of the hearing will be prosecutorial."

Mr. Lay has stayed out of the public eye since the company's spectacular collapse, and Mr. Silbert wrote that his client's silence amid public allegations of misconduct has been "construed as acquiescence" by some. "They are wrong," Mr. Silbert wrote. "Mr. Lay firmly rejects any allegations that he engaged in wrongful or criminal conduct."

Mr. Silbert also wrote Ohio Rep. Michael Oxley, chairman of the House Financial Services Committee, canceling Mr. Lay's scheduled appearance before that committee Tuesday.

Even before the Sunday shows, it was clear Mr. Lay would face stiff questioning from lawmakers on issues ranging from the controversial web of partnerships that let Enron hide debt, to his handling of whistle-blowers who raised concerns inside the company.

Robert Bennett, Enron's outside counsel, said the company is cooperating with Congress, but he "understands" the concerns raised by Mr. Silbert. "It was unfortunate," Mr. Bennett said. "Mr. Lay was going to testify."

Mr. Lay's expected testimony had been the centerpiece of several congressional hearings this week probing Enron's collapse. Before Mr. Lay backed out of his appearance, the company's former chief financial officer, who organized many of the questionable off-balance-sheet deals that led to Enron's collapse, had indicated he wouldn't cooperate with the

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congressional probe.

Former Enron CFO Andrew Fastow and an aide, Michael Kopper, plan to invoke their Fifth Amendment rights against self-incrimination when called to appear before the House Energy and Commerce Committee Thursday, Mr.

Tauzin, the committee's chairman, said on Meet the Press.

A spokesman for Mr. Fastow declined to comment on whether he will appear this week, and a lawyer for Mr. Kopper didn't return calls. However, a spokesperson for Jeffrey Skilling, Enron's former chief executive, said he intends to appear before Congress and will testify freely.

With his deep personal and political ties to the White House, Mr. Lay's role in Enron's collapse underscores how the matter has become a political liability for President Bush.

On Friday, the Justice Department asked the White House to preserve any Enron-related documents, drawing the administration directly into the probe.

Despite heavy financial support by Enron to Bush campaigns, however, the Justice Department's demand doesn't suggest that it is focusing on possible influence-peddling. Instead, the letter to White House Counsel Alberto Gonzales hints that the focus may be on whether company executives took actions or made private statements about Enron's condition that were at odds with their public statements -- a signal the criminal investigation may be focusing on building a case alleging securities fraud.

"We believe that documents in the possession of the White House, its staff and employees may contain information relevant to our investigation into the financial condition of Enron and statements made by Enron employees and agents relating to its financial condition and business interests," the letter to Mr. Gonzales said. The Commerce, Energy and Treasury departments were also ordered to retain documents.

The department's demand also could raise pressure on the White House to relent in a showdown with Congress over access to White House records. Lawmakers are seeking notes of meetings between Vice President Dick Cheney and Enron executives and other energy-industry officials as a new national energy policy was being drafted. Environmentalists complained that it favored industry solutions, including the kind of changes advocated by Enron, rather than conservation.

Several congressional hearings this week will air aspects of Enron's failure, providing what lawmakers hope will be a detailed accounting of events that led to the firm's bankruptcy. Several current and former Enron executives have been called to appear Thursday before the Energy and Commerce Committee. Among these are Richard Causey, Enron's chief accounting officer, and Richard Buy, the company's chief risk officer. Calls to lawyers for Messrs. Causey and Buy weren't returned. On NBC, the committee's chairman, Mr. Tauzin, said committee investigators are finding evidence of "fraudulent, phony" accounting practices.

The House Financial Services Committee and the Energy and Commerce Committee this week also will hear from William Powers Jr., the University of Texas law-school dean and an Enron director. Mr. Powers leads a special, board-appointed team investigating possible malfeasance at the company. A report on his findings, released over the weekend, raises serious questions about the ethics and judgment of executives who created the maze of partnerships that allowed Enron to report strong profits while sweeping debt off its balance sheet.

Mr. Tauzin said the Powers report is "a good first step," but some lawmakers question whether Mr. Powers is too close to the company to provide objective analysis. Rep. John Dingell (D., Mich.), the Tauzin panel's senior Democrat, is promising to test the report's "bona fides." The Justice Department's request was sent by Richard Wray, a top aide to Deputy Attorney General Larry Thompson. Mr. Thompson is overseeing the investigation; the attorney general, John Ashcroft, recused himself last month because he had accepted campaign contributions from Enron when running for re-election to the Senate from Missouri in 2000.

The department asked that the White House retain "all documents, electronic records and correspondence, computer records and storage devices ... which relate in any way to Enron's financial condition and/or business interests."

The department's request covers the period from Jan. 1, 1999, when Bill Clinton was president, and all of the Bush administration. A White House

spokeswoman said officials acted immediately Friday night to comply with the request.

-- John R. Wilke and Michael Schroeder contributed to this article.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>
Sent: 2/4/2002 3:37:31 AM
Subject: : Judge's meetings on the Hill

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-2002 08:37:31.00

SUBJECT:: Judge's meetings on the Hill

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Wed., Feb. 6 - 1:30-3:00 pm Kohl/Feingold (re: judicial nominees)

Wed., Feb. 6 - 2:15-2:45 pm Conrad/Dorgan (re: judicial nominees)

Wed., Feb. 6 - 3:00-3:15 pm* Cong. DeLay w/ Bart re: Appointment of judges to the new Family Court

Thurs, Feb. 7, 5:30-6:00 pm Levin/Stabenow (re: judicial nominees)

*time change

REV_00139634

We are still working on a date/time for meeting w/ Leahy.

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Comstock, Barbara <Barbara.Comstock@usdoj.gov>; Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Cole, Deloris L <Deloris.L.Cole@usdoj.gov>; Sutton, Jason <Jason.J.Sutton@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; McMahon, Lori <Lori.McMahon@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Koebele, Steve <Steve.Koebele@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 2/4/2002 4:16:30 AM
Subject: : The Judicial Confirmation Working Group will meet today (Monday, February 4, 2002) at 4pm Main Justice Room 4646.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 4-FEB-2002 09:16:30.00

SUBJECT:: The Judicial Confirmation Working Group will meet today (Monday, February 4, 2002) at 4pm Main Justice Room 4646.

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Cole, Deloris L" <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Cole, Deloris L" <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00139638

TO:"McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Comstock, Barbara <Barbara.Comstock@usdoj.gov>; Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Cole, Deloris L <Deloris.L.Cole@usdoj.gov>; Sutton, Jason <Jason.J.Sutton@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; McMahon, Lori <Lori.McMahon@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Koebele, Steve <Steve.Koebele@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 2/4/2002 4:18:17 AM
Subject: : The Judicial Confirmation Working Group will meet today (Monday, February 4, 2002) at 4pm Main Justice Room 4646.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 4-FEB-2002 09:18:17.00

SUBJECT:: The Judicial Confirmation Working Group will meet today (Monday, February 4, 2002) at 4pm Main Justice Room 4646.

TO:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Cole, Deloris L" <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Cole, Deloris L" <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Long, Linda E" <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

REV_00139640

TO:"McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("McMahon, Lori" <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Day, Lori Sharpe" <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Suit, Neal" <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Joy, Sheila" <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/4/2002 4:46:25 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-FEB-2002 09:46:25.00
SUBJECT::
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

are we meeting today with Mehlman et al?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/4/2002 4:51:02 AM
Subject: : Meeting on Monday re: airplanes

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-FEB-2002 09:51:02.00
SUBJECT:: Meeting on Monday re: airplanes
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes - 10:30-11:00 in the Judge's office.

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/04/2002 09:50 AM -----

Elizabeth N. Camp
02/01/2002 09:26:31 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc: Records Management@EOP
Subject: Meeting on Monday re: airplanes

How does 10:30-11:00 am in the Judge's office sound?

Katherine G. Marinis
02/01/2002 09:16:36 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Meeting on monday

Brett mentioned that the Judge and he need to talk to Ken on Monday about corporate airplanes for political use. Do you want to set up a time? Ken would prefer to do it in the morning b/c he has to be at the RNC all afternoon. thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 2/4/2002 4:59:21 AM
Subject: : Re: LRM Reminders

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-FEB-2002 09:59:21.00
SUBJECT:: Re: LRM Reminders
TO: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Thanks. I have responded to these.

Patrick J. Bumatay
02/04/2002 08:34:30 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: LRM Reminders

Brett -

Just a reminder, you have 2 LRMs due at 10 AM today.

- 1) Sec. O'Neil Testimony
- 2) Testimony on Financial Literacy

Patrick

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/4/2002 5:04:03 AM
Subject: : Re: Meeting on Monday re: airplanes

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-FEB-2002 10:04:03.00
SUBJECT:: Re: Meeting on Monday re: airplanes
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Toner/Mehlman/Brett/Moose - and some guy named Charles Spies.

Brett M. Kavanaugh
02/04/2002 09:51:19 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting on Monday re: airplanes

thanks. who's coming?

Elizabeth N. Camp
02/04/2002 09:51:00 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting on Monday re: airplanes

Yes - 10:30-11:00 in the Judge's office.

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/04/2002 09:50 AM -----

Elizabeth N. Camp
02/01/2002 09:26:31 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc: Records Management@EOP
Subject: Meeting on Monday re: airplanes

How does 10:30-11:00 am in the Judge's office sound?

REV_00139668

Katherine G. Marinis
02/01/2002 09:16:36 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Meeting on monday

Brett mentioned that the Judge and he need to talk to Ken on Monday about corporate airplanes for political use. Do you want to set up a time? Ken would prefer to do it in the morning b/c he has to be at the RNC all afternoon. thanks

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Margaret Wilson (E-mail) <mwilson@doc.gov>; Courtney S. Elwood/WHO/EOP@EOP [WHO]
<Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Coffin, Shannen <Shannen.Coffin@usdoj.gov>; Perry, Phil <Phil.Perry@usdoj.gov>
Sent: 2/4/2002 9:23:07 AM
Subject: : Waxman motion for reconsideration

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-FEB-2002 14:23:07.00
SUBJECT:: Waxman motion for reconsideration
TO:"Margaret Wilson (E-mail)" <mwilson@doc.gov> (Receipt Notification Requested) (IPM Return Requested) ("Margaret Wilson (E-mail)" <mwilson@doc.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Perry, Phil" <Phil.Perry@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I just want to give you all a heads up that Federal Programs should soon have a draft motion for reconsideration in the Waxman case. We have a short deadline -- I understand that we need to have this finalized by 1:00 tomorrow. I am going to be out of the office soon for a meeting, so Shannen will circulate the draft. Please cc him on any comments.

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/4/2002 10:00:39 AM
Subject: : Re: Disclosure of Donors to Presidential Libraries

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-FEB-2002 15:00:39.00
SUBJECT:: Re: Disclosure of Donors to Presidential Libraries
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ok

Brett M. Kavanaugh
02/04/2002 11:29:07 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
cc:
Subject: Disclosure of Donors to Presidential Libraries

A House bill now under consideration requires disclosure of the donors and amounts of donations to a Presidential Library Foundation. In the OMB clearance process, I have expressed no objection to this bill on behalf of our Office, but I wanted to flag the issue with you in the event you may have any concerns. (Note that under the statute, the Archivist has the responsibility to raise the necessary money for Presidential Libraries.)

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: courtney_elwood@who.eop.gov@EOP [UNKNOWN] <courtney_elwood@who.eop.gov@EOP>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher
bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who
/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard
c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j.
francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle
sampson>
Sent: 2/4/2002 12:38:39 PM
Subject: : Re: Authorization to administer the oath of office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-2002 17:38:39.00

SUBJECT:: Re: Authorization to administer the oath of office

TO:courtney_elwood@who.eop.gov@EOP (courtney_elwood@who.eop.gov@EOP [UNKNOWN])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I've looked into this.

Courtney S. Elwood
02/04/2002 05:34:14 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Authorization to administer the oath of office

Has anyone prepared a document delegating the President's authority to
administer the oath of office?

----- Forwarded by Courtney S. Elwood/WHO/EOP on
02/04/2002 05:33 PM -----

Timothy_E_Flanigan@who.eop.gov
02/04/2002 04:38:18 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Authorization to administer the oath of office

REV_00139682

Courtney,

Could you prepare a delegation for Albert to administer these oaths?
Ideally,
it would be limited to this group.

Tim

----- Forwarded by Timothy E. Flanigan/WHO/EOP on
02/04/2002
04:42 PM -----

Alberto R. Gonzales
02/04/2002 04:06:31 PM

Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP

cc:
Subject: Authorization to administer the oath of office

please handle

----- Forwarded by Alberto R. Gonzales/WHO/EOP on
02/04/2002
04:06 PM -----

Albert Hawkins
02/04/2002 03:18:39 PM

Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP

cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: Authorization to administer the oath of office

The Dept. of Education has asked me to swear-in the President's Advisory
Committee on Historically Black Colleges and Universities on Tuesday 2/12.
At present, I don't think I am authorized but, I understand that the
President
may authorize others to administer the oath. If that is correct, I
request that
I be authorized.

Message Sent

To:

Brett M. Kavanaugh/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/4/2002 3:51:18 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-2002 20:51:18.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

[http://www.lasvegassun.com/sunbin/stories/bw-scotus/2002/feb/04/020409174.h
tml](http://www.lasvegassun.com/sunbin/stories/bw-scotus/2002/feb/04/020409174.html)

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 2/5/2002 4:55:37 AM
Subject: : Re: Draft letter for Republican Senators

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2002 09:55:37.00
SUBJECT:: Re: Draft letter for Republican Senators
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I like that... I think that's better than sending to Rs and Ds.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 2/5/2002 4:58:15 AM
Subject: : Re: Draft letter for Republican Senators

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2002 09:58:15.00
SUBJECT:: Re: Draft letter for Republican Senators
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I like that... I think that's better than sending to Rs and Ds.

From: CN=Ashley Holbrook/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2002 5:54:20 AM
Subject: : Re: Gonzales letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Holbrook (CN=Ashley Holbrook/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2002 10:54:20.00
SUBJECT:: Re: Gonzales letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Does this sound ok to you?

AH

----- Forwarded by Ashley Holbrook/WHO/EOP on 02/05/2002
10:53 AM -----

Heather Wingate
02/05/2002 10:52:45 AM
Record Type: Record

To: Ashley Holbrook/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Gonzales letter

he really should sign all of them, unless they've got some fancy way of making an electronic signature look real, but I'd say sign them. HW

Ashley Holbrook
02/05/2002 10:21:55 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc:
Subject: Gonzales letter

Is it necessary for Judge Gonzales to sign 49 letters? Brett says he can do it if you want him to, I'm just making sure that that's the way you want to handle it.

AH

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 2/5/2002 4:56:41 AM
Subject: : call me

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2002 09:56:41.00
SUBJECT:: call me
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
Sent: 2/5/2002 5:18:07 AM
Subject: : RE: Dan's DRAFT Opening Statement

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2002 10:18:07.00
SUBJECT:: RE: Dan's DRAFT Opening Statement
TO: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

no word on our leg guys

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
02/05/2002 09:41:53 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Dan's DRAFT Opening Statement

postponed the 10 so he can prepare.

i haven't heard any more on the chertoff issue, but tim and dan, and i believe tim and mike, spoke last night. i also heard that your leg. guys raised this with burton's staff. any word on that?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, February 05, 2002 9:08 AM
To: Thorsen, Carl
Subject: Re: Dan's DRAFT Opening Statement

what's status?

(Embedded
image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
to file: 02/04/2002 08:30:05 PM
pic26751.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message
cc: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification

REV_00139693

Requested)

(IPM Return Requested), "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)

Subject: Dan's DRAFT Opening Statement

Attached is the updated draft reflecting input from today's moot.

Please keep
the edits coming.

Note: Its very possible that tomorrow morning's 10 am moot will be
postponed so
he can use that time to prepare and that we'll do it in the afternoon,
around
5:30 pm. Faith or I will let you know first thing in the morning.

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/5/2002 5:20:09 AM
Subject: : latest on Chertoff

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2002 10:20:09.00
SUBJECT:: latest on Chertoff
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

FYI

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/05/2002 10:18 AM -----

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
02/05/2002 09:41:53 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Dan's DRAFT Opening Statement

postponed the 10 so he can prepare.

i haven't heard any more on the chertoff issue, but tim and dan, and i believe tim and mike, spoke last night. i also heard that your leg. guys raised this with burton's staff. any word on that?

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2002 10:46:16 AM
Subject: : MAE

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 15:46:16.00

SUBJECT:: MAE

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Did you see the Wash Times article today about Estrada & Bender?

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2002 6:50:57 AM
Subject: : School Vouchers Moot

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 11:50:57.00

SUBJECT:: School Vouchers Moot

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Can you attend a moot court in this case at 10 am on either February 14 or 18? (I have off-site duty on the 14th and am out of town on the 18th).
If so, please call Greg Garr. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/5/2002 7:03:20 AM
Subject: : Re: School Vouchers Moot

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2002 12:03:20.00
SUBJECT:: Re: School Vouchers Moot
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

will do; I think Jay may attend as well.

Noel J. Francisco
02/05/2002 11:50:55 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: School Vouchers Moot

Can you attend a moot court in this case at 10 am on either February 14 or 18? (I have off-site duty on the 14th and am out of town on the 18th).
If so, please call Greg Garr. Thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2002 7:05:54 AM
Subject: : ok - goodbye

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 12:05:54.00

SUBJECT:: ok - goodbye

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 2/5/2002 7:10:28 AM
Subject: : Leahy now on C-Span 2 on Judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 12:10:28.00

SUBJECT:: Leahy now on C-Span 2 on Judges

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: moran, megan <mmoran@usaid.gov>
Sent: 2/5/2002 7:29:10 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 12:29:10.00

SUBJECT::

TO: "moran, megan" <mmoran@usaid.gov> ("moran, megan" <mmoran@usaid.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

Hey, just tell me when you need it, and I will get it to you. if
you do not need before Saturday, that's easiest, but just let me know.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2002 8:15:06 AM
Subject: : Victims Comp Fund report on CNN now

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 13:15:06.00

SUBJECT:: Victims Comp Fund report on CNN now

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/5/2002 8:55:52 AM
Subject: : Beck appeal

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 13:55:52.00

SUBJECT:: Beck appeal

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Has DOJ decided to appeal the Beck case? Is the decision publicly known?

REV_00139703

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 2/5/2002 8:57:07 AM
Subject: : PPO

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 13:57:07.00

SUBJECT:: PPO

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I think they should confirm their list of "vices" with the
Executive Clerk's office if they want to be absolutely sure.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
CC: marie vachon/who/eop@eop [WHO] <marie vachon>;ashley e. davis/who/eop@eop [WHO]
<ashley e. davis>
Sent: 2/5/2002 1:58:31 PM
Subject: : Re: Contact in Financial Management?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2002 18:58:31.00
SUBJECT:: Re: Contact in Financial Management?
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:marie vachon (CN=marie vachon/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:ashley e. davis (CN=ashley e. davis/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Excellent! I helped with the formula, not the math for each trip. Kim Douglas is my current AO contact, and she has the contacts in FMD. I can talk to her, or you can do so.

From: Edward McNally on 02/05/2002 06:55:56 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Marie Vachon/WHO/EOP@EOP, Ashley E. Davis/WHO/EOP@EOP
bcc:
Subject: Contact in Financial Management?

Brett -- Thanks your quick help on this. One question -- WHO in Financial Management is the go-to person for doing these financial calculations -- for the percentage, or allocation, of the political vs. the official portion of these travel expenses? We're hearing rumors that some people think YOU do the math. Pls. point us in the right direction. Thanks -- McNally

Brett M. Kavanaugh
02/05/2002 04:12:47 PM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc:
Subject:

Governor's involvement in NYC political event is approved.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 2/5/2002 11:12:49 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2002 16:12:49.00
SUBJECT::
TO: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Governor's involvement in NYC political event is approved.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Melissa S. Bennett/WHO/EOP@EOP [WHO] <Melissa S. Bennett>; Carol J. Thompson/WHO/EOP@EOP [WHO] <Carol J. Thompson>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>; andrew.beach@usdoj.gov [UNKNOWN] <andrew.beach@usdoj.gov>; amy.petersen@usdoj.gov [UNKNOWN] <amy.petersen@usdoj.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; evelyn.v.long@usdoj.gov [UNKNOWN] <evelyn.v.long@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Jason.J.Sutton@usdoj.gov [UNKNOWN] <Jason.J.Sutton@usdoj.gov>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>; David McMaster/WHO/EOP@EOP [WHO] <David McMaster>; Ann Gray/WHO/EOP@EOP [WHO] <Ann Gray>
Sent: 2/5/2002 2:06:07 PM
Subject: : Reminder - JSC from 4-5pm on Wednesday in the Roosevelt

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 19:06:07.00

SUBJECT:: Reminder - JSC from 4-5pm on Wednesday in the Roosevelt

TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

REV_00139710

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:andrew.beach@usdoj.gov (andrew.beach@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:amy.petersen@usdoj.gov (amy.petersen@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:evelyn.v.long@usdoj.gov (evelyn.v.long@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David McMaster (CN=David McMaster/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ann Gray (CN=Ann Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/5/2002 2:07:19 PM
Subject: : JSC prep from 9:30-10:00 am on Wednesday (not the usual 3:30 pm)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 19:07:19.00

SUBJECT:: JSC prep from 9:30-10:00 am on Wednesday (not the usual 3:30 pm)

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/5/2002 3:08:05 PM
Subject: : ps

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-FEB-2002 20:08:05.00

SUBJECT:: ps

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

it was nice of you to say you owed me one day. thanks. i am obvioulsy
going stir crazy here.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 2/5/2002 3:31:46 PM
Subject: : Stay

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-FEB-2002 20:31:46.00
SUBJECT:: Stay
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Given the standard for a stay (difficult), I might suggest that we agree to an expedited briefing schedule of some kind in exchange for joint motion for stay.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 2/6/2002 4:06:14 AM
Subject: : important question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 09:06:14.00
SUBJECT:: important question
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Judge wants to know whether, as a courtesy, we should send Sen.
Leahy a copy of the packet sent to Republican Senators yesterday.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 2/6/2002 3:48:56 AM
Subject: : Victims comp

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 08:48:56.00
SUBJECT:: Victims comp
TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
CC: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

John: Just checking in. Any new developments from
NSC/State/Defense on the issue of restoring sovereign immunity?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 2/6/2002 3:48:56 AM
Subject: : Victims comp

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 08:48:56.00
SUBJECT:: Victims comp
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

John: Just checking in. Any new developments from
NSC/State/Defense on the issue of restoring sovereign immunity?

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 2/6/2002 3:49:07 AM
Subject: : Re: I need to switch with someone

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 08:49:07.00

SUBJECT:: Re: I need to switch with someone

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Shall I record a switch between you two?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 2/6/2002 3:49:31 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 08:49:31.00
SUBJECT::
TO: John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
End Original ARMS Header

Can you shoot me a quick copy of the draft Card memo you mentioned
in voice mail?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 2/6/2002 3:49:31 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 08:49:31.00
SUBJECT::
TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

Can you shoot me a quick copy of the draft Card memo you mentioned
in voice mail?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>
Sent: 2/6/2002 3:50:09 AM
Subject: : Re: I need to switch with someone

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 08:50:09.00
SUBJECT:: Re: I need to switch with someone
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

correct, but consistent with the new Helgard principle, this does
not affect the permanent rotation

H. Christopher Bartolomucci
02/06/2002 08:49:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP
cc:
Subject: Re: I need to switch with someone

Shall I record a switch between you two?

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 4:00:53 AM
Subject: : Morning

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME: 6-FEB-2002 09:00:53.00

SUBJECT:: Morning

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hey, we're leaving here at 9:40 for the Hill. Anything I need to know?

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

From: CN=John B. Wiegmann/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 4:06:28 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME: 6-FEB-2002 09:06:28.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I gather now that someone in your office has already looked at it -- not sure who -- I think Robert Delahunty passed it on. I'll send you a copy anyway -- don't have it electronically. Also, any thoughts on that attorney-client memo I gave you last week?

Brett M. Kavanaugh
02/06/2002 08:49:23 AM
Record Type: Record

To: John B. Wiegmann/NSC/EOP@EOP
cc:
Subject:

Can you shoot me a quick copy of the draft Card memo you mentioned in voice mail?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/6/2002 4:06:48 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 09:06:48.00
SUBJECT::
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

can you confirm that Leg Affairs delivered all packets last night
to Repub Senators? Thanks.

From: Coffin, Shannen <Shannen.Coffin@usdoj.gov>
To: Blackwell, Craig <Craig.Blackwell@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>
CC: Weismann, Anne <Anne.Weismann@usdoj.gov>; Anderson, David
<David.Anderson@usdoj.gov>; Letter, Douglas <Douglas.Letter@usdoj.gov>; Katsas, Gregory
<Gregory.Katsas@usdoj.gov>; Wood, John F <John.F.Wood@usdoj.gov>; Whelan, M Edward III
<M.Edward.Whelan@usdoj.gov>; Raab, Michael <Michael.Raab@usdoj.gov>; Clement, Paul D
<Paul.D.Clement@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; McCallum, Robert
<Robert.McCallum@usdoj.gov>
Sent: 2/6/2002 8:10:18 AM
Subject: : RE: revised draft

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ("Coffin, Shannen"

<Shannen.Coffin@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-FEB-2002 13:10:18.00

SUBJECT:: RE: revised draft

TO:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) (

"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

)

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"Weismann, Anne" <Anne.Weismann@usdoj.gov> (Receipt Notification Requested) ("Weismann,

Anne" <Anne.Weismann@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Anderson, David" <David.Anderson@usdoj.gov> (Receipt Notification Requested) (

"Anderson, David" <David.Anderson@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Letter, Douglas" <Douglas.Letter@usdoj.gov> (Receipt Notification Requested) ("Letter,

Douglas" <Douglas.Letter@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) ("Katsas,

Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Wood, John F" <John.F.Wood@usdoj.gov> (Receipt Notification Requested) ("Wood, John F"

<John.F.Wood@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (

"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) [

UNKNOWN])

READ:UNKNOWN

CC:"Raab, Michael" <Michael.Raab@usdoj.gov> (Receipt Notification Requested) ("Raab,

Michael" <Michael.Raab@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (

"Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (

"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (

"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

)

READ:UNKNOWN

End Original ARMS Header

I'd like to have a meeting at 4:30 today in the Civil Division conference room (3143) in main justice to finalize some big picture issues on the American Historical Ass'n PRA brief, which is due Friday. Please attend if you are able.

Shannen W. Coffin

REV_00139729

Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, February 06, 2002 10:07 AM
To: Blackwell, Craig
Cc: Weismann, Anne; Anderson, David; Letter, Douglas; Katsas, Gregory;
Wood, John F; Whelan, M Edward III; Raab, Michael; Clement, Paul D;
Colborn, Paul P; McCallum, Robert; Coffin, Shannen
Subject: Re: revised draft

I am FAXing my edits/comments to Craig this morning.

(Embedded
image moved "Blackwell, Craig" <Craig.Blackwell@usdoj.gov>
to file: 01/31/2002 05:07:03 PM
pic05565.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc: "Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested), "Anderson, David"
<David.Anderson@usdoj.gov> (Receipt Notification Requested) (IPM
Return
Requested), "Weismann, Anne" <Anne.Weismann@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
Subject: revised draft

Attached is a revised version of our motion to dismiss in AHA v. NARA,
which
takes into account the comments I received on the previous draft.

Please e-mail or call with any thoughts/comments by cob next Tuesday
(2/5). If
I don't hear from you by then, I will assume you are comfortable with the
approach in the draft. The brief is due Friday, 2/8.

Thanks.

Craig

REV_00139730

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
BCC: Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP [WHO])
Sent: 2/6/2002 4:12:15 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 6-FEB-2002 09:12:15.00
SUBJECT::
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Rebecca:

I received your voicemail message about responding to a GAO inquiry for census-related budget documents. I recommend that you consult Associate Counsel to the President Brett Kavanaugh (x6-7984) and Special Counsel Paul Colborn of DOJ/Office of Legal Counsel (514-2048).

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel_L._Brand@who.eop.gov [UNKNOWN] <Rachel_L._Brand@who.eop.gov>
Sent: 2/6/2002 4:17:25 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 09:17:25.00
SUBJECT:: Re:
TO: Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Is it ok?

Rachel_L._Brand@who.eop.gov
02/06/2002 09:10:14 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re:

That might be the memo I raised in our staff meeting yesterday. (It has to do with safeguarding information relating to WMD, whether or not it's classified.)

Brett M. Kavanaugh
02/06/2002 09:08:22 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject:

did someone look at draft Card memo on info security from HSC or NSC?

Message Sent

To: _____

Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

REV_00139734

Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/6/2002 4:20:31 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 09:20:31.00

SUBJECT::

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Judge should send Leahy the packet of information from yesterday
(not including the cover letter) with a short cover letter addressed to
Leahy:

"Enclosed for your information are materials I have provided to
Republican Senators after some requested an update on the judicial
appointments process. I look forward to continuing to work together with
you to resolve the judicial vacancy crisis."

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/6/2002 4:31:06 AM
Subject: : JSC prep postponed to 10:30 am - thanks!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 09:31:06.00

SUBJECT:: JSC prep postponed to 10:30 am - thanks!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
Sent: 2/6/2002 8:37:33 AM
Subject: : Re: new strategy slide

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 13:37:33.00

SUBJECT:: Re: new strategy slide

TO: Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Change lead party to New majority to advance presidents agenda and thereby
lead party to new majority. Ok otherwise

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
CC: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 8:47:18 AM
Subject: : Re: Tort reform and anti-Trust

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 13:47:18.00
SUBJECT:: Re: Tort reform and anti-Trust
TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Noel Francisco of our office has been handling the competition policy working group, and Brett Kavanaugh has been our point-person on liability and tort reform issues. By copy of this e-mail, I am forwarding your inquiry to them to see if they have anything that might be useful to you.

Leslie A. Mooney
02/06/2002 01:41:55 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Tort reform and anti-Trust

Brad -

Patrick said I should contact you. NEC has a new person joining our staff and he will be dealing with tort reform and anti-trust issues. We are trying to put together a briefing book to help bring him up to speed. If you have any background papers, decisions memos, etc. I'd love if you would send me a copy so i can share them with him.

Also, I know there was a Working Group on Competition hosted by Judge Gonzalez in October, were there any papers distributed for that, or were any papers produced because of it.

Thanks so much for your help,
Leslie

From: Blackwell, Craig <Craig.Blackwell@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 5:16:00 AM
Subject: : RE: revised draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> ("Blackwell, Craig"
<Craig.Blackwell@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 6-FEB-2002 10:16:00.00
SUBJECT:: RE: revised draft
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

616-8470.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, February 06, 2002 9:54 AM
To: Blackwell, Craig
Subject: Re: revised draft

What is your FAX number? I am FAXing you edits and comments this morning.

(Embedded
image moved "Blackwell, Craig" <Craig.Blackwell@usdoj.gov>
to file: 01/31/2002 05:07:03 PM
pic01228.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc: "Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Anderson, David" <David.Anderson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Weismann, Anne" <Anne.Weismann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Subject: revised draft

Attached is a revised version of our motion to dismiss in AHA v. NARA, which takes into account the comments I received on the previous draft.

Please e-mail or call with any thoughts/comments by cob next Tuesday (2/5). If I don't hear from you by then, I will assume you are comfortable with the approach in the draft. The brief is due Friday, 2/8.

REV_00139741

Thanks.

Craig

From: Coffin, Shannen <Shannen.Coffin@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 5:32:40 AM
Subject: : RE: revised draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ("Coffin, Shannen"
<Shannen.Coffin@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 6-FEB-2002 10:32:40.00
SUBJECT:: RE: revised draft
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Any major problems you need me to know about?

Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, February 06, 2002 10:07 AM
To: Blackwell, Craig
Cc: Weismann, Anne; Anderson, David; Letter, Douglas; Katsas, Gregory;
Wood, John F; Whelan, M Edward III; Raab, Michael; Clement, Paul D;
Colborn, Paul P; McCallum, Robert; Coffin, Shannen
Subject: Re: revised draft

I am FAXing my edits/comments to Craig this morning.

(Embedded
image moved "Blackwell, Craig" <Craig.Blackwell@usdoj.gov>
to file: 01/31/2002 05:07:03 PM
pic05565.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc: "Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested), "Anderson, David"
<David.Anderson@usdoj.gov> (Receipt Notification Requested) (IPM
Return
Requested), "Weismann, Anne" <Anne.Weismann@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
Subject: revised draft

REV_00139743

Attached is a revised version of our motion to dismiss in AHA v. NARA,
which
takes into account the comments I received on the previous draft.

Please e-mail or call with any thoughts/comments by cob next Tuesday
(2/5). If
I don't hear from you by then, I will assume you are comfortable with the
approach in the draft. The brief is due Friday, 2/8.

Thanks.

Craig

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Rena Johnson' <Rena_Johnson@judiciary.senate.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; 'Ed Haden' <Ed_Haden@judiciary.senate.gov>; 'John Mashburn' <John_Mashburn@lott.senate.gov>; 'steven_wall@lott.senate.gov' <steven_wall@lott.senate.gov>; 'noel_francisco@who.eop.gov' <noel_francisco@who.eop.gov>
CC: 'Alex Dahl' <Alex_Dahl@judiciary.senate.gov>
Sent: 2/6/2002 10:04:03 AM
Subject: : RE: Conference call this afternoon?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-FEB-2002 15:04:03.00

SUBJECT:: RE: Conference call this afternoon?

TO: "O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: 'Rena Johnson' <Rena_Johnson@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ('Rena Johnson' <Rena_Johnson@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: 'Ed Haden' <Ed_Haden@judiciary.senate.gov> (Receipt Notification Requested) ('Ed Haden' <Ed_Haden@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: 'John Mashburn' <John_Mashburn@lott.senate.gov> (Receipt Notification Requested) ('John Mashburn' <John_Mashburn@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'steven_wall@lott.senate.gov'" <steven_wall@lott.senate.gov> (Receipt Notification Requested) ("'steven_wall@lott.senate.gov'" <steven_wall@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'noel_francisco@who.eop.gov'" <noel_francisco@who.eop.gov> (Receipt Notification Requested) (IPM Return Requested) ("'noel_francisco@who.eop.gov'" <noel_francisco@who.eop.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC: 'Alex Dahl' <Alex_Dahl@judiciary.senate.gov> (Receipt Notification Requested) ('Alex Dahl' <Alex_Dahl@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Excellent. I am forwarding this to my assistant Winnie Brinkley to ask her to set up a 6:30 pm call and circulate the number to the group.

-----Original Message-----

From: Rena Johnson [mailto:Rena_Johnson@judiciary.senate.gov]

Sent: Wednesday, February 06, 2002 2:54 PM

To: Newstead, Jennifer; O'Brien, Pat; Heather_Wingate@who.eop.gov;

Brett_M._Kavanaugh@who.eop.gov; Ed Haden; John Mashburn;

steven_wall@lott.senate.gov

Cc: Alex Dahl

Subject: Conference call this afternoon?

I know we are all swamped getting ready for tomorrow's hearing, but I think it would be a good idea for us to touch base late this afternoon to see where

REV_00139755

we
are, collectively. I was thinking in the neighborhood of 6:30 p.m.
Ideally, we
can do a conference call so that we can do this from our respective
offices and
keep it brief. DOJ, do you have the capacity to set this up by e-mailing
us the
number to call?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 2/6/2002 11:05:02 AM
Subject: : draft Card memo

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 16:05:02.00

SUBJECT:: draft Card memo

TO: John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

End Original ARMS Header

We should make sure National Archives (Gary Stern) is aware of the
Card memo either in draft form or when issued.

From: Coffin, Shannen <Shannen.Coffin@usdoj.gov>
To: Wood, John F <John.F.Wood@usdoj.gov>; Whelan, M Edward III
<M.Edward.Whelan@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; McCallum,
Robert <Robert.McCallum@usdoj.gov>; Katsas, Gregory <Gregory.Katsas@usdoj.gov>; Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 7:12:00 AM
Subject: : AHA brief

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ("Coffin, Shannen"
<Shannen.Coffin@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 6-FEB-2002 12:12:00.00
SUBJECT:: AHA brief
TO:"Wood, John F" <John.F.Wood@usdoj.gov> (Receipt Notification Requested) ("Wood, John F"
<John.F.Wood@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) ("
Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) [
UNKNOWN])
READ:UNKNOWN
TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) ("
Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) ("
McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) [UNKNOWN]
)
READ:UNKNOWN
TO:"Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

There is some resistance from the line attorneys to a couple of the arguments being raised in comments today from Doug Letter and Greg Katsas, seconded by Brett. I'd like to have a meeting this afternoon, where we can reach a consensus, or at least impose one if necessary. Is everyone available -- either at 1 pm or 4:30?

Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, February 06, 2002 10:07 AM
To: Blackwell, Craig
Cc: Weismann, Anne; Anderson, David; Letter, Douglas; Katsas, Gregory;
Wood, John F; Whelan, M Edward III; Raab, Michael; Clement, Paul D;
Colborn, Paul P; McCallum, Robert; Coffin, Shannen
Subject: Re: revised draft

I am FAXing my edits/comments to Craig this morning.

REV_00139760

(Embedded
image moved "Blackwell, Craig" <Craig.Blackwell@usdoj.gov>
to file: 01/31/2002 05:07:03 PM
pic05565.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc: "Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested), "Anderson, David"
<David.Anderson@usdoj.gov> (Receipt Notification Requested) (IPM
Return
Requested), "Weismann, Anne" <Anne.Weismann@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
Subject: revised draft

Attached is a revised version of our motion to dismiss in AHA v. NARA,
which
takes into account the comments I received on the previous draft.

Please e-mail or call with any thoughts/comments by cob next Tuesday
(2/5). If
I don't hear from you by then, I will assume you are comfortable with the
approach in the draft. The brief is due Friday, 2/8.

Thanks.

Craig

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Shannen.Coffin@usdoj.gov <Shannen.Coffin@usdoj.gov>
Sent: 2/6/2002 7:28:57 AM
Subject: : Re: AHA brief

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 12:28:57.00
SUBJECT:: Re: AHA brief
TO: <Shannen.Coffin@usdoj.gov> (<Shannen.Coffin@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Either is ok with me

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: O'Brien, Pat <Pat.O'Brien@usdoj.gov>; 'Rena Johnson'
<Rena_Johnson@judiciary.senate.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather
Wingate>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; 'Ed Haden'
<Ed_Haden@judiciary.senate.gov>; 'John Mashburn'
<John_Mashburn@lott.senate.gov>; 'steven_wall@lott.senate.gov'
<steven_wall@lott.senate.gov>
CC: 'Alex Dahl' <Alex_Dahl@judiciary.senate.gov>
Sent: 2/6/2002 11:31:00 AM
Subject: : RE: Conference call this afternoon?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer"
<Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-FEB-2002 16:31:00.00

SUBJECT:: RE: Conference call this afternoon?

TO: "O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) ("O'Brien, Pat"
<Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: 'Rena Johnson' <Rena_Johnson@judiciary.senate.gov> (Receipt Notification Requested) (IPM
Return Requested) ('Rena Johnson' <Rena_Johnson@judiciary.senate.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: 'Ed Haden' <Ed_Haden@judiciary.senate.gov> (Receipt Notification Requested) ('Ed Haden'
<Ed_Haden@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: 'John Mashburn' <John_Mashburn@lott.senate.gov> (Receipt Notification Requested) ('John
Mashburn' <John_Mashburn@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'steven_wall@lott.senate.gov'" <steven_wall@lott.senate.gov> (Receipt Notification
Requested) ("'steven_wall@lott.senate.gov'" <steven_wall@lott.senate.gov> (Receipt
Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC: 'Alex Dahl' <Alex_Dahl@judiciary.senate.gov> (Receipt Notification Requested) ('Alex
Dahl' <Alex_Dahl@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Yes. The conference call has been set for 6:30pm. Telephone # is (202)
353-0879 and Pass Code is 3768.

Winnie

-----Original Message-----

From: Rena Johnson [mailto:Rena_Johnson@judiciary.senate.gov]
Sent: Wednesday, February 06, 2002 2:54 PM
To: Newstead, Jennifer; O'Brien, Pat; Heather_Wingate@who.eop.gov;
Brett_M._Kavanaugh@who.eop.gov; Ed Haden; John Mashburn;
steven_wall@lott.senate.gov
Cc: Alex Dahl
Subject: Conference call this afternoon?

I know we are all swamped getting ready for tomorrow's hearing, but I
think it
would be a good idea for us to touch base late this afternoon to see where
we
are, collectively. I was thinking in the neighborhood of 6:30 p.m.
Ideally, we

REV_00139763

can do a conference call so that we can do this from our respective
offices and
keep it brief. DOJ, do you have the capacity to set this up by e-mailing
us the
number to call?

From: Coffin, Shannen <Shannen.Coffin@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 7:43:16 AM
Subject: : RE: AHA brief

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ("Coffin, Shannen"
<Shannen.Coffin@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 6-FEB-2002 12:43:16.00
SUBJECT:: RE: AHA brief
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks, keep 4:30 open, and I'll let you know.

Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, February 06, 2002 12:19 PM
To: Coffin, Shannen
Subject: Re: AHA brief

Either is ok with me

REV_00139765

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 2/6/2002 11:56:02 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 16:56:02.00
SUBJECT:: Re:
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

We can edit his work and he can ask us if he has a question about whether something should be included. Let's give it a try.

Bradford A. Berenson
02/06/2002 04:54:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop
bcc:
Subject: Re:

I don't think he needs to back-check; I have a pretty high degree of confidence in it right now. I'd love it if he'd carry the project going forward if you guys believe he has sufficient judgment to know what to include and what to leave out. If you do, let's go for it.

Brett M. Kavanaugh
02/06/2002 04:09:54 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
Subject:

I propose that we ask Brent to back-check the chron and to update it daily. This is an assignment right up his alley from his work on campaign and here.

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 2/6/2002 12:02:42 PM
Subject: : Reagan's Birthday

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
CREATION DATE/TIME: 6-FEB-2002 17:02:42.00
SUBJECT:: Reagan's Birthday
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can you believe that 4 Democrats voted against today's congressional resolution wishing President Reagan a happy birthday?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>
Sent: 2/6/2002 12:15:57 PM
Subject: : Re: Problematic Judicial Vacancies and Candidates

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 17:15:57.00

SUBJECT:: Re: Problematic Judicial Vacancies and Candidates

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

can we make it Friday if possible because I would like to be there
for that.

H. Christopher Bartolomucci

02/06/2002 05:14:58 PM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject: Problematic Judicial Vacancies and Candidates

Libby -- The Judge told me he wants to have a meeting to discuss our
problematic judicial vacancies and candidates. I'm guessing that this a 45
minute meeting. Can you identify some time on the schedule for this
purpose? Thanks.

Message Copied

To: _____

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: adavis@rnchq.org [WHO] <adavis@rnchq.org>
Sent: 2/6/2002 8:24:25 AM
Subject: : Re: Quick question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 13:24:25.00
SUBJECT:: Re: Quick question
TO: adavis@rnchq.org (adavis@rnchq.org [WHO])
READ: UNKNOWN
End Original ARMS Header

Maybe. Let me inquire

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
Sent: 2/6/2002 8:24:27 AM
Subject: : Re: new strategy slide

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 13:24:27.00
SUBJECT:: Re: new strategy slide
TO: Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Can you put text in text of email as I am on blackberry

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
CC: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 8:47:18 AM
Subject: : Re: Tort reform and anti-Trust

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 13:47:18.00
SUBJECT:: Re: Tort reform and anti-Trust
TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Noel Francisco of our office has been handling the competition policy working group, and Brett Kavanaugh has been our point-person on liability and tort reform issues. By copy of this e-mail, I am forwarding your inquiry to them to see if they have anything that might be useful to you.

Leslie A. Mooney
02/06/2002 01:41:55 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Tort reform and anti-Trust

Brad -

Patrick said I should contact you. NEC has a new person joining our staff and he will be dealing with tort reform and anti-trust issues. We are trying to put together a briefing book to help bring him up to speed. If you have any background papers, decisions memos, etc. I'd love if you would send me a copy so i can share them with him.

Also, I know there was a Working Group on Competition hosted by Judge Gonzalez in October, were there any papers distributed for that, or were any papers produced because of it.

Thanks so much for your help,
Leslie

REV_00139774

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/6/2002 10:01:00 AM
Subject: : Conference call this afternoon?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 15:01:00.00
SUBJECT:: Conference call this afternoon?
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

for you

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/06/2002 03:00 PM -----

Rena_Johnson@judiciary.senate.gov (Rena Johnson)
02/06/2002 02:51:37 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Alex_Dahl@judiciary.senate.gov (Alex Dahl)
Subject: Conference call this afternoon?

I know we are all swamped getting ready for tomorrow's hearing, but I think it would be a good idea for us to touch base late this afternoon to see where we are, collectively. I was thinking in the neighborhood of 6:30 p.m. Ideally, we can do a conference call so that we can do this from our respective offices and keep it brief. DOJ, do you have the capacity to set this up by e-mailing us the number to call?

Message Sent

To: _____
Pat.O'Brien@usdoj.gov
Jennifer.Newstead@usdoj.gov
Heather Wingate/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Ed_Haden@judiciary.senate.gov (Ed Haden)
John_Mashburn@lott.senate.gov (John Mashburn)
steven_wall@lott.senate.gov

REV_00139784

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Rena Johnson' <Rena_Johnson@judiciary.senate.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; 'Ed Haden' <Ed_Haden@judiciary.senate.gov>; 'John Mashburn' <John_Mashburn@lott.senate.gov>; 'steven_wall@lott.senate.gov' <steven_wall@lott.senate.gov>; 'noel_francisco@who.eop.gov' <noel_francisco@who.eop.gov>
CC: 'Alex Dahl' <Alex_Dahl@judiciary.senate.gov>
Sent: 2/6/2002 10:14:12 AM
Subject: : RE: Conference call this afternoon?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 6-FEB-2002 15:14:12.00

SUBJECT:: RE: Conference call this afternoon?

TO: "O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) ("O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: 'Rena Johnson' <Rena_Johnson@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ('Rena Johnson' <Rena_Johnson@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: 'Ed Haden' <Ed_Haden@judiciary.senate.gov> (Receipt Notification Requested) ('Ed Haden' <Ed_Haden@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: 'John Mashburn' <John_Mashburn@lott.senate.gov> (Receipt Notification Requested) ('John Mashburn' <John_Mashburn@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'steven_wall@lott.senate.gov'" <steven_wall@lott.senate.gov> (Receipt Notification Requested) ("'steven_wall@lott.senate.gov'" <steven_wall@lott.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'noel_francisco@who.eop.gov'" <noel_francisco@who.eop.gov> (Receipt Notification Requested) (IPM Return Requested) ("'noel_francisco@who.eop.gov'" <noel_francisco@who.eop.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC: 'Alex Dahl' <Alex_Dahl@judiciary.senate.gov> (Receipt Notification Requested) ('Alex Dahl' <Alex_Dahl@judiciary.senate.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Excellent. I am forwarding this to my assistant Winnie Brinkley to ask her to set up a 6:30 pm call and circulate the number to the group.

-----Original Message-----

From: Rena Johnson [mailto:Rena_Johnson@judiciary.senate.gov]

Sent: Wednesday, February 06, 2002 2:54 PM

To: Newstead, Jennifer; O'Brien, Pat; Heather_Wingate@who.eop.gov;

Brett_M._Kavanaugh@who.eop.gov; Ed Haden; John Mashburn;

steven_wall@lott.senate.gov

Cc: Alex Dahl

Subject: Conference call this afternoon?

I know we are all swamped getting ready for tomorrow's hearing, but I think it would be a good idea for us to touch base late this afternoon to see where

REV_00139786

we
are, collectively. I was thinking in the neighborhood of 6:30 p.m.
Ideally, we
can do a conference call so that we can do this from our respective
offices and
keep it brief. DOJ, do you have the capacity to set this up by e-mailing
us the
number to call?

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 2/6/2002 10:15:19 AM
Subject: : Washington Update - February 6, 2002

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 15:15:19.00
SUBJECT:: Washington Update - February 6, 2002
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi first item.

warmly

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 02/06/2002
03:14 PM -----

Family Research Council <frcpub@frc.org>
02/06/2002 02:55:36 PM
Please respond to frcpub@frc.org
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: Washington Update - February 6, 2002

From: Ken Connor, President
Date: February 6, 2002-Wednesday
To: Friends of Family Research Council

Senate Continues to Nit-Pick(ering)

Last week, I expressed my frustration that Charles Pickering, one of President Bush's highly-qualified judicial nominees, was being denied a timely Senate hearing. Considering the Judiciary Committee's record thus far, this is no surprise. For the liberal obstructionists, who are stalling this nomination, I would like to point out that Mr. Pickering has spent 11 years as a U.S. district judge with a distinguished record of service that includes putting Klansmen in jail, crafting civil rights compromises, and working to keep young African-Americans out of the criminal justice system. Join me in admonishing Sen. Spector (202-224-4254) and Sen. Dewine (202-224-2315) to support Mr. Pickering's nomination.

REV_00139788

UNFPA: Let's Call it Quits!

As Planned Parenthood and communist China try to drum up support for continued funding, we again urge the president to "zero out" money that would be spent on forced abortions and sterilizations. We encourage you to call the White House at 202-456-1414 and tell President Bush "not one penny" for UNFPA.

Landrieu "Bans" Together with Anti-Cloning Advocates

On Tuesday, Connie Mackey, Vice President for Government Affairs, and I had the opportunity to meet with Senator Mary Landrieu (D-La.) and commend her for her decision to cosponsor the Senate ban on human cloning. Senator Landrieu's anti-cloning leadership is crucial to the debate, particularly as she lends her reputation and bipartisan ethic to the issue. We applaud the Senator for recognizing that the cloning bill transcends party lines and the abortion debate. What matters is a common commitment to scientific research that respects the dignity of human life. This development and others suggest that the pro-cloning crowd is on the defensive. They know, as we do, that the side who best frames the debate will most likely determine the outcome of the argument. Liberals are grasping for "neutral" and obtuse terminology like "somatic cell nuclear transfer" in hopes of changing the public's negative reaction to the word "cloning." In the final analysis, however, it's the basic process of cloning that disturbs the public. Regardless of semantics or terminology, cloning is still cloning. Americans must not forget that what's at stake is nothing less than the sanctity of human life.

Happy Birthday, Mr. President!

Best wishes to Ronald Reagan on his 91st birthday! May God continue to bless him and his wife Nancy as they celebrate this milestone.

You are currently subscribed to washingtonupdate as:
tim_goeglein@who.eop.gov

To remove the above address from this list, please reply to this message or call our order line at 1-800-225-4008.

Family Research Council is located at 801 G Street, N.W.,
Washington, D.C. 20001

Phone: 202-393-2100

Fax: 202-393-2134

<http://www.frc.org>

To donate, go to: <https://secure.frc.org/gifts.cfm>

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: makan_delrahim@judiciary.senate.gov [UNKNOWN] <makan_delrahim@judiciary.senate.gov>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO]), Timothy E. Flanigan (Timothy E. Flanigan/WHO/EOP [WHO])
Sent: 2/6/2002 2:20:01 PM
Subject: : Friday - 2pm

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 19:20:01.00

SUBJECT:: Friday - 2pm

TO:makan_delrahim@judiciary.senate.gov (makan_delrahim@judiciary.senate.gov [UNKNOWN])

READ:UNKNOWN

BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

BCC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Judge is meeting with Leahy (Russell 433) and would like to know if Sen. Hatch can join them.

Can you check into this for me or have Ruth call me at 456-2632 so we can discuss?

Thanks!

Libby Camp

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 2/6/2002 10:43:16 AM
Subject: : CongressDaily on class action hearing today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 15:43:16.00

SUBJECT:: CongressDaily on class action hearing today

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Since you guys have primarily worked the other tort reform issues that have arisen, I thought you'd be interested to see this piece regarding some class action reform legislation that is currently being considered.

----- Forwarded by Bradford A. Berenson/WHO/EOP on
02/06/2002 03:42 PM -----

From: Lisa J. Macecevic on 02/06/2002 03:35:55 PM
Record Type: Record

To: David J. Haun/OMB/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP,
Richard E. Green/OMB/EOP@EOP, James J. Jukes/OMB/EOP@EOP
cc:
Subject: CongressDaily on class action hearing today

Lawmakers Criticize Pending Class Action Legislation

House Judiciary Committee members opposed to class action revisions today offered a new spin on some familiar criticisms, posing their objections against the backdrop of the developing Enron scandal and its impact on consumers. Judiciary ranking member John Conyers, D-Mich., long an opponent of industry efforts to curtail what it considers "abusive" lawsuits, asserted that in the wake of the Enron debacle, "this is an appropriate time to be considering things to create more corporate responsibility, not less. Our citizens need more protection against being swindled, not less." The pending class action legislation, he added, would create more hurdles to justice for injured parties, such as the rank-and-file Enron employees who lost millions of dollars in pension funds. He likened the Enron situation to the savings and loan scandal of the 1980s. "That too was the result of reduced regulations, trimmed and cut and limited, to make it very difficult for (any real recovery for the people who were the true victims," he said.

Conyers also squared off with the witnesses for the Republican majority, dismissing the testimony of a former small businesswoman named in a number of state lawsuits as irrelevant and questioning whether the U.S. Chamber of Commerce had written her testimony. Another witness, Peter Detkin, vice president and general counsel for Intel Corp., testified to the benefit of consolidating class actions in federal court, which is a key aim of the pending bill. Asked Conyers, "Intel is (the largest [computer] chip maker on planet Earth, and here you are explaining to us how we can make class actions better?"

Further reinforcing the link to Enron, the leading witness for the Democratic minority was Arizona attorney Andrew Friedman. Friedman represents individuals who brought a class action lawsuit in state court, on the grounds they were defrauded by the Baptist Foundation of Arizona, which collapsed in 1999. The pending lawsuit charges that the religious

REV_00139791

charity, with the assistance of its outside auditor * Arthur Andersen, which also served as Enron's auditor * hid millions of dollars in losses in off-the-books transactions with sham companies controlled by BFA. "Like Enron, BFA collapsed even though the company had received an unbroken string of supposedly clean audits by its outside accountant," Friedman told the committee. The pending class action bill has a number of cosponsors, including Reps. Bob Goodlatte, R-Va., Rick Boucher, D-Va., and James Moran, D-Va., and Judiciary Chairman Sensenbrenner. Sensenbrenner has yet to articulate a plan for further action on the bill. * by Pamela Barnett

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
Sent: 2/6/2002 2:59:49 PM
Subject: : just returned your call

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 19:59:49.00
SUBJECT:: just returned your call
TO: Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 2/6/2002 11:05:02 AM
Subject: : draft Card memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 16:05:02.00
SUBJECT:: draft Card memo
TO: John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
End Original ARMS Header

We should make sure National Archives (Gary Stern) is aware of the
Card memo either in draft form or when issued.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 2/6/2002 11:10:02 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 16:10:02.00

SUBJECT::

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I propose that we ask Brent to back-check the chron and to update it daily. This is an assignment right up his alley from his work on campaign and here.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 11:13:02 AM
Subject: : Re: WW Tours

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 16:13:02.00
SUBJECT:: Re: WW Tours
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

here is the scoop...

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/06/2002 04:12 PM -----

Colleen Litkenhaus
02/06/2002 04:12:09 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: WW Tours

The will resume this week, maybe by tomorrow. Here are the new rules - navy pass holders only. MUST have one navy pass holder per 6 guests - no exceptions to this rule. Since fewer people will be able to give tours, you don't have to reserve a time. You MUST know the people you are showing around. You can't show people around you don't know. No tours on Monday or Tuesday. Not sure of the exact times for the other days yet.

Elizabeth N. Camp
02/06/2002 04:03:33 PM
Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@EOP
cc:
Subject: WW Tours

Have these resumed yet? I remember a conversation about Tue-Sat after 8pm (?) but didn't know if the green light was ever given. If they have indeed resume is there a new set of rules?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/06/2002 04:02 PM -----

Brett M. Kavanaugh
02/06/2002 04:01:02 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject:

REV_00139797

are West Wing tours available again?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/6/2002 11:15:33 AM
Subject: : RE: Conference call this afternoon?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 16:15:33.00
SUBJECT:: RE: Conference call this afternoon?
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/06/2002 04:15 PM -----

"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov>
02/06/2002 04:08:30 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: 'Alex Dahl' <Alex_Dahl@judiciary.senate.gov> (Receipt Notification Requested)
Subject: RE: Conference call this afternoon?

Yes. The conference call has been set for 6:30pm. Telephone # is (202) 353-0879 and Pass Code is 3768.

Winnie

-----Original Message-----
From: Rena Johnson [mailto:Rena_Johnson@judiciary.senate.gov]
Sent: Wednesday, February 06, 2002 2:54 PM
To: Newstead, Jennifer; O'Brien, Pat; Heather_Wingate@who.eop.gov;
Brett_M._Kavanaugh@who.eop.gov; Ed Haden; John Mashburn;
steven_wall@lott.senate.gov
Cc: Alex Dahl
Subject: Conference call this afternoon?

I know we are all swamped getting ready for tomorrow's hearing, but I think it would be a good idea for us to touch base late this afternoon to see where we are, collectively. I was thinking in the neighborhood of 6:30 p.m. Ideally, we can do a conference call so that we can do this from our respective offices and keep it brief. DOJ, do you have the capacity to set this up by e-mailing us the number to call?

Message Sent

To: _____
"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested)
'Rena Johnson' <Rena_Johnson@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested)
Heather Wingate/WHO/EOP@EOP

REV_00139799

Brett M. Kavanaugh/WHO/EOP@EOP

'Ed Haden' <Ed_Haden@judiciary.senate.gov> (Receipt Notification Requested)

'John Mashburn' <John_Mashburn@lott.senate.gov> (Receipt Notification Requested)

""steven_wall@lott.senate.gov"" <steven_wall@lott.senate.gov> (Receipt Notification Requested)

From: Letter, Douglas <Douglas.Letter@usdoj.gov>
To: Coffin, Shannen <Shannen.Coffin@usdoj.gov>; Blackwell, Craig
<Craig.Blackwell@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>
CC: Weismann, Anne <Anne.Weismann@usdoj.gov>; Anderson, David
<David.Anderson@usdoj.gov>; Katsas, Gregory <Gregory.Katsas@usdoj.gov>; Wood, John F
<John.F.Wood@usdoj.gov>; Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>; Raab,
Michael <Michael.Raab@usdoj.gov>; Clement, Paul D <Paul.D.Clement@usdoj.gov>; Colborn,
Paul P <Paul.P.Colborn@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>
Sent: 2/6/2002 11:53:39 AM
Subject: : RE: revised draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Letter, Douglas" <Douglas.Letter@usdoj.gov> ("Letter, Douglas"
<Douglas.Letter@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 6-FEB-2002 16:53:39.00
SUBJECT:: RE: revised draft
TO:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) (
"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) [UNKNOWN]
)
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Weismann, Anne" <Anne.Weismann@usdoj.gov> (Receipt Notification Requested) ("Weismann,
Anne" <Anne.Weismann@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Anderson, David" <David.Anderson@usdoj.gov> (Receipt Notification Requested) (
"Anderson, David" <David.Anderson@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) ("Katsas,
Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Wood, John F" <John.F.Wood@usdoj.gov> (Receipt Notification Requested) ("Wood, John F"
<John.F.Wood@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (
"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) [
UNKNOWN])
READ:UNKNOWN
CC:"Raab, Michael" <Michael.Raab@usdoj.gov> (Receipt Notification Requested) ("Raab,
Michael" <Michael.Raab@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (
"Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (
"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (
"McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) [UNKNOWN]
)
READ:UNKNOWN
End Original ARMS Header

Shannen: I'm sorry; I had to leave the office early today for a meeting
at my daughter's school. I will be back in tomorrow morning.

-----Original Message-----
From: Coffin, Shannen

REV_00139801

Sent: Wednesday, February 06, 2002 12:58 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Blackwell, Craig
Cc: Weismann, Anne; Anderson, David; Letter, Douglas; Katsas, Gregory;
Wood, John F; Whelan, M Edward III; Raab, Michael; Clement, Paul D;
Colborn, Paul P; McCallum, Robert
Subject: RE: revised draft

I'd like to have a meeting at 4:30 today in the Civil Division conference room (3143) in main justice to finalize some big picture issues on the American Historical Ass'n PRA brief, which is due Friday. Please attend if you are able.

Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, February 06, 2002 10:07 AM
To: Blackwell, Craig
Cc: Weismann, Anne; Anderson, David; Letter, Douglas; Katsas, Gregory;
Wood, John F; Whelan, M Edward III; Raab, Michael; Clement, Paul D;
Colborn, Paul P; McCallum, Robert; Coffin, Shannen
Subject: Re: revised draft

I am FAXing my edits/comments to Craig this morning.

(Embedded
image moved "Blackwell, Craig" <Craig.Blackwell@usdoj.gov>
to file: 01/31/2002 05:07:03 PM
pic05565.pcx)

Record Type: Record

To: See the distribution list at the bottom of this message

cc: "Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Anderson, David" <David.Anderson@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Weismann, Anne" <Anne.Weismann@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Subject: revised draft

Attached is a revised version of our motion to dismiss in AHA v. NARA, which takes into account the comments I received on the previous draft.

Please e-mail or call with any thoughts/comments by cob next Tuesday (2/5). If

REV_00139802

I don't hear from you by then, I will assume you are comfortable with the approach in the draft. The brief is due Friday, 2/8.

Thanks.

Craig

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 2/6/2002 11:54:13 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 16:54:13.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I don't think he needs to back-check; I have a pretty high degree of confidence in it right now. I'd love it if he'd carry the project going forward if you guys believe he has sufficient judgment to know what to include and what to leave out. If you do, let's go for it.

Brett M. Kavanaugh
02/06/2002 04:09:54 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP
cc:
Subject:

I propose that we ask Brent to back-check the chron and to update it daily. This is an assignment right up his alley from his work on campaign and here.

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 2/6/2002 12:02:41 PM
Subject: : correction - Reagan b-dy

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
CREATION DATE/TIME: 6-FEB-2002 17:02:41.00
SUBJECT:: correction - Reagan b-dy
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

They didn't vote against it, they voted "present."
They're still scrooges.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 2/6/2002 12:10:56 PM
Subject: : Judge is meeting with Leahy on Friday at 2pm (Russell 433)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 17:10:56.00
SUBJECT:: Judge is meeting with Leahy on Friday at 2pm (Russell 433)
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 2/6/2002 12:14:23 PM
Subject: : Reagan's Birthday

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
CREATION DATE/TIME: 6-FEB-2002 17:14:23.00
SUBJECT:: Reagan's Birthday
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can you believe that 4 Democrats voted against today's congressional resolution wishing President Reagan a happy birthday?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 2/6/2002 1:12:46 PM
Subject: : Cox's office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-FEB-2002 18:12:46.00

SUBJECT:: Cox's office

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

could you call Peter Uelman in Cox's office at 225-4845 to give
him an update re CD California. Thanks.

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 1:13:52 PM
Subject: : FW: Reagan

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 6-FEB-2002 18:13:52.00
SUBJECT:: FW: Reagan
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI.

-----Original Message-----

From: Collins, Dan
Sent: Wednesday, February 06, 2002 11:56 AM
To: Boudreaux, Chad; Colborn, Paul P
Subject: RE: Reagan

Many thanks. Please send one set to me and a set to Brett Kavanaugh (the contact at the WH Counsel's Office is Laurie Lorenzie (ph); phone # is 456-7900). The third set can be for OLC use.

--Dan

-----Original Message-----

From: Boudreaux, Chad
Sent: Wednesday, February 06, 2002 11:53 AM
To: Collins, Dan; Colborn, Paul P
Subject: RE: Reagan

I don't see why not.

-----Original Message-----

From: Collins, Dan
Sent: Wednesday, February 06, 2002 11:51 AM
To: Boudreaux, Chad; Colborn, Paul P
Subject: RE: Reagan

Chad--

Thanks again. Do you think it would be possible to have three sets made of all of the tabbed documents (leaving the originals, still tabbed, in the proper place in each box), and so that each set would also bear the appropriate tabs?

--Dan

-----Original Message-----

From: Boudreaux, Chad
Sent: Wednesday, February 06, 2002 9:18 AM
To: Colborn, Paul P
Cc: Collins, Dan
Subject: Reagan

Paul, unless we unexpectedly get pulled away for other duties, we will be finished reviewing documents on time. They are all yours Thursday morning. We also will be up in the room all day (and probably some of the night), if you have a busy schedule tomorrow morning and want to do a second batch before Thursday. If you just plan on coming Thursday morning, we can coordinate later today when to meet or when to pass the

REV_00139815

key.

From: CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO]
To: Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>
CC: Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>
Sent: 2/6/2002 1:18:59 PM
Subject: : Presidential Library Exhibit

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 18:18:59.00
SUBJECT:: Presidential Library Exhibit
TO: Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Christa J. Bailey (CN=Christa J. Bailey/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

We will be meeting at 4:00pm Thursday to review the proposed display for the Father -Son exhibit at the Bush Presidential Library. We will notify you tomorrow about the location.

We have photocopies of the exhibit items, and color copies of White House photos, as well as photocopies of gifts which might be used for the display. We hope to send a package of approved photos, artifacts, etc. to the Library on Friday so that the curator can begin finalizing the display. Thank you.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
CC: o'brien, pat <pat.o'brien@usdoj.gov>;'rena johnson' <rena_johnson@judiciary.senate.gov>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;'ed haden' <ed_haden@judiciary.senate.gov>;'john mashburn' <john_mashburn@lott.senate.gov>;'steven_wall@lott.senate.gov' <steven_wall@lott.senate.gov>;'alex dahl' <alex_dahl@judiciary.senate.gov>
Sent: 2/6/2002 1:19:19 PM
Subject: : RE: Conference call this afternoon?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 18:19:19.00
SUBJECT:: RE: Conference call this afternoon?
TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"o'brien, pat" <pat.o'brien@usdoj.gov> (receipt notification requested) ("o'brien, pat" <pat.o'brien@usdoj.gov> (receipt notification requested) [UNKNOWN])
READ:UNKNOWN
CC:'rena johnson' <rena_johnson@judiciary.senate.gov> (receipt notification requested) (ipm return requested) ('rena johnson' <rena_johnson@judiciary.senate.gov> (receipt notification requested) (ipm return requested) [UNKNOWN])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:'ed haden' <ed_haden@judiciary.senate.gov> (receipt notification requested) ('ed haden' <ed_haden@judiciary.senate.gov> (receipt notification requested) [UNKNOWN])
READ:UNKNOWN
CC:'john mashburn' <john_mashburn@lott.senate.gov> (receipt notification requested) ('john mashburn' <john_mashburn@lott.senate.gov> (receipt notification requested) [UNKNOWN])
READ:UNKNOWN
CC:"'steven_wall@lott.senate.gov'" <steven_wall@lott.senate.gov> (receipt notification requested) ("'steven_wall@lott.senate.gov'" <steven_wall@lott.senate.gov> (receipt notification requested) [UNKNOWN])
READ:UNKNOWN
CC:'alex dahl' <alex_dahl@judiciary.senate.gov> (receipt notification requested) ('alex dahl' <alex_dahl@judiciary.senate.gov> (receipt notification requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I will be late getting onto this call, but will jump in as soon as I can.
HW

"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov>
02/06/2002 04:08:30 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: 'Alex Dahl' <Alex_Dahl@judiciary.senate.gov> (Receipt Notification Requested)
Subject: RE: Conference call this afternoon?

Yes. The conference call has been set for 6:30pm. Telephone # is (202) 353-0879 and Pass Code is 3768.

Winnie

REV_00139818

-----Original Message-----

From: Rena Johnson [mailto:Rena_Johnson@judiciary.senate.gov]
Sent: Wednesday, February 06, 2002 2:54 PM
To: Newstead, Jennifer; O'Brien, Pat; Heather_Wingate@who.eop.gov;
Brett_M._Kavanaugh@who.eop.gov; Ed Haden; John Mashburn;
steven_wall@lott.senate.gov
Cc: Alex Dahl
Subject: Conference call this afternoon?

I know we are all swamped getting ready for tomorrow's hearing, but I think it would be a good idea for us to touch base late this afternoon to see where we are, collectively. I was thinking in the neighborhood of 6:30 p.m. Ideally, we can do a conference call so that we can do this from our respective offices and keep it brief. DOJ, do you have the capacity to set this up by e-mailing us the number to call?

Message Sent

To: _____
"O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested)
'Rena Johnson' <Rena_Johnson@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested)
Heather Wingate/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
'Ed Haden' <Ed_Haden@judiciary.senate.gov> (Receipt Notification Requested)
'John Mashburn' <John_Mashburn@lott.senate.gov> (Receipt Notification Requested)
"'steven_wall@lott.senate.gov'" <steven_wall@lott.senate.gov> (Receipt Notification Requested)

REV_00139819

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/6/2002 1:37:05 PM
Subject: : Red Tag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 18:37:05.00
SUBJECT:: Red Tag
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

I just want to make sure you got a red tag labelled "Video Taping - Iowa
Caucus & California State Republican Convention." It is due tonight at 8
PM.

thanks,
Patrick

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 6:47:55 AM
Subject: : RE: Draft letter to Chairman Burton re next step

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME: 7-FEB-2002 11:47:55.00

SUBJECT:: RE: Draft letter to Chairman Burton re next step

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Draft letter to Chairman Burton re
next step

Was Read By : Carl.Thorsen@usdoj.gov

On : Thu, 7 Feb 2002 11:21:29 -0500

REV_00139822

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/7/2002 3:30:46 AM
Subject: : FYI

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-FEB-2002 08:30:46.00

SUBJECT:: FYI

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

A Brave Judge's Name Besmirched (WSJ)

Op-Ed by JAMES CHARLES EVERS

The Wall Street Journal, February 7, 2002

In recent days, I have been saddened and appalled to read many of the allegations that have been put forth about Judge Charles Pickering, whose nomination to the U.S. Court of Appeals for the Fifth Circuit will be the subject of a Senate Judiciary Committee hearing today. These allegations are mostly made by groups with a Washington, D.C., address and a political agenda, not by anyone with real knowledge of Mr. Pickering's long and distinguished record on civil rights.

As someone who knows Judge Pickering and is familiar with his commitment on matters of race, I could not sit by and watch these groups' attempts to destroy a good man. Let me tell you about the Charles Pickering many of us in Mississippi have known for well over 30 years.

REV_00139823

Charles Pickering

In 1967, many locally elected prosecutors in Mississippi looked the other way when faced with allegations of violence against African-Americans and those who supported our struggle for equal treatment under the law. Mr. Pickering was a locally elected prosecutor who took the stand that year and testified in a criminal trial against the imperial wizard of the Ku Klux Klan, who was accused of firebombing a civil rights activist. Mr. Pickering later lost his bid for re-election because he dared to defy the Klan, but he gained my respect and the respect of many others as a man who stands up for what is right.

In 1976, while serving as chairman of the state Republican Party, Mr. Pickering hired its first black political staffer. Mr. Pickering didn't send this person only into the African-American community to look for votes. He felt that the Republican Party's message should be delivered by the same individual to all communities, regardless of skin color. I may not have agreed with the Republican Party's message then or even now, but I certainly admire and agree with Mr. Pickering's inclusive approach to politics.

In the 1980s, Mr. Pickering was in private practice as a lawyer, and became known as a person who took on difficult cases. One such case involved an African-American man accused of robbing at knifepoint a 16-year-old white girl while she operated a rural grocery store. Mr. Pickering believed the man was not guilty, and took on his case. Very few others in Mississippi would have believed the same thing. After two trials, the man was acquitted.

Since he was selected and confirmed to the federal bench in 1990, Judge Pickering has continued to amass a record of working to improve race relations in Mississippi and throughout the U.S. After President Clinton held a town hall meeting on race at the University of Mississippi in 1998, Mr. Pickering and Gov. William Winter led the effort to encourage Chancellor Robert Khayat to establish the Institute of Racial Reconciliation at Ole Miss.

Judge Pickering sat on the executive committee of the institute, whose goal is to promote understanding and goodwill between people of different races. Mr. Khayat also chose Mr. Pickering to serve on the institute's board of directors, not only because of his role in helping to shape its mission, but also because he has led a life which exemplifies the institute's primary objective -- eliminating racism.

As someone who has spent all my adult life fighting for equal treatment of African-Americans, I can tell you with certainty that Charles Pickering has an admirable record on civil rights issues. He has taken tough stands at tough times in the past, and the treatment he and his record are receiving at the hands of certain interest groups is shameful.

In my view, picking judges should be about finding the right person for the job, someone who respects the Constitution, instead of distorting the record of good people for political purposes. I am afraid that is what is happening to Judge Pickering.

Those in Washington and New York who criticize Judge Pickering are the same people who have always looked down on Mississippi and its people, and have done very little for our state's residents. I urge the Senate to confirm Judge Pickering.

Mr. Evers, the brother of slain civil rights leader Medgar Evers, manages a radio station in Jackson, Miss.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 2/7/2002 8:11:46 AM
Subject: : EO on P's New Freedom Commission on Mental Health

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-FEB-2002 13:11:46.00

SUBJECT:: EO on P's New Freedom Commission on Mental Health

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Just got this on red tag, and it states WHCO does not object. Did any of you work on this before?

From: Moran, Megan <MMoran@usaid.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 5:17:37 AM
Subject: :
Attachments: P_FAAB5003_WHO.TXT_1.html

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Moran, Megan" <MMoran@usaid.gov> ("Moran, Megan" <MMoran@usaid.gov> [UNKNOWN])
CREATION DATE/TIME: 7-FEB-2002 10:17:37.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you!

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_FAAB5003_WHO.TXT_1>

Thank you!

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 5:42:46 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 7-FEB-2002 10:42:46.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Yep...

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN]
<Stephen_Higgins@judiciary.senate.gov>
Sent: 2/7/2002 5:53:24 AM
Subject: : Re: Two things

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 10:53:24.00
SUBJECT:: Re: Two things
TO: Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Hey, I am out of town yesterday and today; I know I need to e-mail you the talking points, but I cannot access them from here. Did you all get the packet?

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 6:24:14 AM
Subject: : RE: Draft letter to Chairman Burton re next step

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-FEB-2002 11:24:14.00

SUBJECT:: RE: Draft letter to Chairman Burton re next step

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Draft letter to Chairman Burton re
next step

Was Read By : Dan.Collins@usdoj.gov

On : Thu, 7 Feb 2002 11:19:11 -0500

REV_00139850

From: Burton, Faith <Faith.Burton@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 6:47:48 AM
Subject: : RE: Draft letter to Chairman Burton re next step

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Burton, Faith" <Faith.Burton@usdoj.gov> ("Burton, Faith" <Faith.Burton@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME: 7-FEB-2002 11:47:48.00
SUBJECT:: RE: Draft letter to Chairman Burton re next step
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Draft letter to Chairman Burton re
next step
Was Read By : Faith.Burton@usdoj.gov
On : Thu, 7 Feb 2002 11:27:46 -0500

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 6:47:58 AM
Subject: : RE: Draft letter to Chairman Burton re next step

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 7-FEB-2002 11:47:58.00
SUBJECT:: RE: Draft letter to Chairman Burton re next step
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Draft letter to Chairman Burton re
next step
Was Read By : M.Edward.Whelan@usdoj.gov
On : Thu, 7 Feb 2002 11:28:15 -0500

REV_00139853

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 7:15:19 AM
Subject: : RE: Draft letter to Chairman Burton re next step

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 7-FEB-2002 12:15:19.00
SUBJECT:: RE: Draft letter to Chairman Burton re next step
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Draft letter to Chairman Burton re
next step
Was Read By : Paul.P.Colborn@usdoj.gov
On : Thu, 7 Feb 2002 12:01:23 -0500

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher
bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 2/7/2002 11:32:50 AM
Subject: : Re: DECISION

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-FEB-2002 16:32:50.00

SUBJECT:: Re: DECISION

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

That word was meant tongue in cheek. Sorry the tone did not convey as it was intended.

H. Christopher Bartolomucci

02/07/2002 04:30:30 PM

Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP

cc: brett m. kavanaugh/who/eop@eop, h. christopher
bartolomucci/who/eop@eop

bcc:

Subject: Re: DECISION

Please stop with the crap about the injustice to you, even if you believe it. Brett, Noel, and I have spent a lot more time there than you. Although you started going before the other newbies, you have spent a grand total of one day more out there than Rachel, Kyle, and Bradl.

Maybe we should revisit the total time served issue first suggested by Brett. Brett, Noel and I would love to have you four go there for two nights every other week for the next two months or until you catch up to us.

Helgard C. Walker

02/07/2002 04:23:31 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: h. christopher bartolomucci/who/eop@eop

bcc:

Subject: Re: DECISION

I agree that we should just decide what the rule is. And of course, I favor my rule -- even if it won't be applied retroactively to remedy the injustice of my being moved ahead in the rotation on a permanent basis due to my switch with Noel...

REV_00139855

Brett M. Kavanaugh
02/07/2002 04:16:49 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP
bcc:
Subject: Re: DECISION

what's to consider? (I am cc'ing Helgi on this as well.)

H. Christopher Bartolomucci
02/07/2002 04:04:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: DECISION

Nothing has been decided. The issue is being considered by the administrator. There is no need to decide now. The next schedule is set. And for the schedule after that, Brad said that he would switch back with you, so that you would return to where you are in the current schedule.

Brett M. Kavanaugh
02/07/2002 03:53:48 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
Subject: DECISION

Can you tell me what has been decided on order of rotation? I have asked several times. Thx.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/7/2002 12:25:21 PM
Subject: : fyi re: Murray and Cantwell

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 17:25:21.00
SUBJECT:: fyi re: Murray and Cantwell
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I spoke to Murraray's schedule, April, today and request the meeting for next week.

She said she would get back with me.

I'll keep you posted.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 2/7/2002 8:57:03 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-FEB-2002 13:57:03.00

SUBJECT::

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

please e-mail me the latest judicial talking points I had sent you (from Feb. 5) ASAP. I cannot access from here.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/7/2002 1:24:33 PM
Subject: : Tom Jipping on Judges on Newshour (PBS -- Ch. 22) in a couple minutes

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 18:24:33.00
SUBJECT:: Tom Jipping on Judges on Newshour (PBS -- Ch. 22) in a couple minutes
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard_C._Walker@who.eop.gov [UNKNOWN] <Helgard_C._Walker@who.eop.gov>
Sent: 2/7/2002 9:37:11 AM
Subject: : Re: Test trying out new

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 14:37:11.00
SUBJECT:: Re: Test trying out new
TO: Helgard_C._Walker@who.eop.gov (Helgard_C._Walker@who.eop.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

yes

Helgard_C._Walker@who.eop.gov
02/07/2002 02:31:33 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Test trying out new

Blackberry

This message has been sent from my Blackberry Wireless Device.

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 10:04:33 AM
Subject: : Re: Review of Reagan Records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 7-FEB-2002 15:04:33.00
SUBJECT:: Re: Review of Reagan Records
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: Review of Reagan Records
Was Read By : M.Edward.Whelan@usdoj.gov
On : Thu, 7 Feb 2002 14:57:29 -0500

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 10:44:11 AM
Subject: : Re: Review of Reagan Records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 7-FEB-2002 15:44:11.00
SUBJECT:: Re: Review of Reagan Records
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: Review of Reagan Records
Was Read By : Paul.P.Colborn@usdoj.gov
On : Thu, 7 Feb 2002 15:31:22 -0500

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 2/7/2002 11:16:58 AM
Subject: : Re: DECISION

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 16:16:58.00
SUBJECT:: Re: DECISION
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

what's to consider? (I am cc'ing Helgi on this as well.)

H. Christopher Bartolomucci
02/07/2002 04:04:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: DECISION

Nothing has been decided. The issue is being considered by the administrator. There is no need to decide now. The next schedule is set. And for the schedule after that, Brad said that he would switch back with you, so that you would return to where you are in the current schedule.

Brett M. Kavanaugh
02/07/2002 03:53:48 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc:
Subject: DECISION

Can you tell me what has been decided on order of rotation? I have asked several times. Thx.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 11:31:53 AM
Subject: : Political Red Tag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 16:31:53.00
SUBJECT:: Political Red Tag
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -

Just faxed over a Red Tag for a McCallum FR. Please let me know if you do not received it soon. It is due at 6:30 PM.

Thanks,
Patrick

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 2/7/2002 11:32:13 AM
Subject: : Re: Political Red Tag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 16:32:13.00
SUBJECT:: Re: Political Red Tag
TO: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

to where did you FAX it

Patrick J. Bumatay
02/07/2002 04:31:43 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Political Red Tag

Brett -

Just faxed over a Red Tag for a McCallum FR. Please let me know if you do not received it soon. It is due at 6:30 PM.

Thanks,
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 11:33:23 AM
Subject: : Re: Political Red Tag

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 16:33:23.00
SUBJECT:: Re: Political Red Tag
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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866-270-3598.

it is where I always fax someone off-campus.

Brett M. Kavanaugh
02/07/2002 04:32:05 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Political Red Tag

to where did you FAX it

Patrick J. Bumatay
02/07/2002 04:31:43 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Political Red Tag

Brett -

Just faxed over a Red Tag for a McCallum FR. Please let me know if you do not received it soon. It is due at 6:30 PM.

Thanks,
Patrick

REV_00139888

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 11:46:22 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 16:46:22.00
SUBJECT::
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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my last 2 e-mails were not Presidential records as they did not relate to official business. Whoever is reviewing them in 2021 should not release them. And they also relate to national security issues in any event.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 11:54:49 AM
Subject: : LRM AER284 - - TREASURY Oversight Testimony on Cuba Travel
Attachments: P_EYUB5003_WHO.TXT_1.doc

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CREATION DATE/TIME: 7-FEB-2002 16:54:49.00
SUBJECT:: LRM AER284 - - TREASURY Oversight Testimony on Cuba Travel
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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02/07/2002 04:54 PM -----

From: Annette E. Rooney on 02/07/2002 04:48:06 PM
Record Type: Record

To: NSC LRM, statelrm@state.gov , CLRM@doc.gov ,
justice.lrm@usdoj.gov
cc: See the distribution list at the bottom of this message
Subject: LRM AER284 - - TREASURY Oversight Testimony on Cuba Travel

Please provide comments/clearance on the attached Treasury/OFAC testimony
by 3:30 PM, Friday, February 8th. State will also be testifying at this
hearing before the Senate Approps. Treasury s/c. (see LRM AER283). If you
do not respond by the deadline, we will presume that your agency has no
comment.
- testimonymcubatravel.doc

LRM ID: AER284
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, February 7, 2002

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: John D. Burnim (for) Assistant Director for
Legislative Reference
OMB CONTACT: Annette E. Rooney
PHONE: (202)395-7300 FAX: (202)395-5691
SUBJECT: TREASURY Oversight Testimony on Cuba Travel

DEADLINE: 3:30 PM Friday, February 8, 2002
In accordance with OMB Circular A-19, OMB requests the views of your
agency on the above subject before advising on its relationship to the
program of the President. Please advise us if this item will affect
direct spending or receipts for purposes of the "Pay-As-You-Go" provisions
of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:

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LRM ID: AER284 SUBJECT: TREASURY Oversight Testimony on Cuba
Travel
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Annette E. Rooney Phone: 395-7300 Fax: 395-5691
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-6194

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

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REV_00139893

Robin Cleveland/OMB/EOP@EOP
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Alexandra Gianinno/OMB/EOP@EOP
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Shannon Richter/OMB/EOP@EOP
John D. Burnim/OMB/EOP@EOP
McGavock D. Reed/OMB/EOP@EOP
WHGC LRM
John B. Bellinger/NSC/EOP@EOP
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_EYUB5003_WHO.TXT_1>

Restrictions on Travel to Cuba: Administration and Enforcement

Prepared Statement of

R. Richard Newcomb
Director, Office of Foreign Assets Control
United States Department of the Treasury

before the Subcommittee on
Treasury and General Government Appropriations

Committee on Appropriations
United States Senate
Washington, D.C.

February 11, 2002

{PRIVATE }I. Introduction{tc \l 1 "I. Introduction"}

Chairman Dorgan, members of the subcommittee,

Thank you for the opportunity today to address issues concerning the administration and enforcement of restrictions on travel-related transactions involving Cuba. As you know, the Treasury Department's Office of Foreign Assets Control ("OFAC") is currently responsible for administering and enforcing 24 economic sanctions programs, most recently the President's September 23 Executive Order targeting persons who commit, threaten to commit, or support terrorism. To demonstrate the extent of these programmatic responsibilities, I have appended two charts that set forth the programs in alphabetical order, one referencing the relevant Executive orders and statutory

this program. (Tab 6) The Miami office also investigates alleged violations of the Regulations and processes enforcement referrals from the U.S. Customs Service and the Coast Guard.

The remaining license applications are processed at OFAC's main office in Washington, DC, along with all non-travel license applications involving Cuba relating to everything from blocked estates to international corporate acquisitions. The travel-related applications include those relating to professional research and attendance at professional meetings not covered by the general license, educational exchanges not involving academic study pursuant to a degree program, participation in a public performance, clinic, workshop, athletic or other competition, or exhibition in Cuba, support for the Cuban people as provided in the CDA, humanitarian projects, activities of private foundations or research or educational institutes, and exports of medicine or medical supplies and certain telecommunications equipment or reexports of U.S.-origin agricultural commodities from a third country to Cuba. Three licensing officers are devoted full-time to processing these applications, with many other OFAC staff involved to various degrees. During calendar year 2001, OFAC's Washington, DC staff handled 1,283 license applications for travel in these various categories and the attendant telephone calls.

We endeavor to process license applications within two weeks absent the need for interagency review, and most travel-related applications fall within this category. There are many instances, however, where a given application falls short of meeting the applicable licensing criteria. Depending upon the circumstances, the licensing officer may contact the applicant to request additional information or clarification, or the situation may result in a "return-without-action" or a letter of denial. Certain applications may have been delayed by the anthrax scare, which caused the main Treasury Department mailroom to shut down for several weeks. Mail continues to be delayed for up to two months because of the decontamination process since put into place.

2. Licensing Criteria With respect to OFAC's licensing record, I believe various recent developments have given rise to unrealistic expectations on the part of the U.S. public regarding travel to Cuba. Travel for purposes of tourism or most business transactions remains strictly prohibited, yet any bookstore offers numerous volumes that portray Cuba as just another Caribbean tourist destination. The Pope's visit to Cuba in 1998, President Clinton's 1999 people-to-people initiative, the recent surge in popularity of Cuban music and culture and the Elian Gonzales case have all served to focus the American

public's interest and attention on this country. It appears that a great deal of the current frustration regarding the denial of license applications involves a disconnect between the agency's and the applicant's view of what constitutes an "educational exchange" or "people-to-people contact." These "buzzwords" are often used in license applications that fail to demonstrate any eligibility in any substantive respect to the applicable licensing criteria. In the context of the policy review called for by the President on January 17, we will endeavor to further streamline these licensing criteria while at the same time promote greater transparency and understanding by the public.

Educational exchanges not involving academic study pursuant to a degree program must take place under the auspices of an organization that sponsors and organizes such programs to promote people-to-people contact. We have published explanatory guidelines on our website. (Tab 7) These guidelines provide, in part, that people-to-people contact normally entails direct interaction between U.S. and Cuban individuals not affiliated with the Cuban government, and would normally not involve meetings with Cuban government officials. OFAC also evaluates whether the U.S. participants have received a briefing or educational materials about Cuba and the Cuban people prior to

the trip, and whether each traveler will be fully participating in all of the proposed people-to-people activities.

Educational exchange involving people-to-people contact does not include travel for purposes of, for example: railroad hobbyists' desire to see aging locomotives in Cuba; a U.S. city's desire to establish a sister city relationship with Cuban government officials, or a group of architects getting together to take a walking tour of Havana. Such proposed itineraries are not made more acceptable by a commitment to distribute a few bottles of aspirin, or to visit a Cuban clergyman or dissident.

Two-year licenses issued at the advent of the people-to-people initiative for such exchanges are also now coming up for renewal, and we are discovering that some activities undertaken pursuant to those licenses during the past two years may not have entirely conformed to the spirit if not the letter of the applicable licensing and regulatory criteria. This includes licensees that allowed other groups to travel to Cuba under the authority of their licensees when that particular use of the license was not contemplated in the original submission to OFAC. Accordingly, we are exercising a heightened degree of scrutiny with regard to these requests for renewals, and are incorporating reporting requirements to better ensure compliance.

Finally, there has also been confusion with respect to licensing criteria applicable to applications to permit persons to travel to Cuba in conjunction with the exportation of agricultural commodities authorized by the Department of Commerce. Consistent with the TSRA, the Regulations provide that travel and other transactions that are directly incident to the "marketing, sales negotiation, accompanied delivery, or servicing of exports that appear consistent with the export licensing policy of the Department of Commerce" may be authorized by specific license.³ This licensing criteria does not include trade missions to discuss transactions that may not currently be authorized, such as direct U.S. financing, with a view toward the eventual end of the embargo. It also does not permit individuals with no apparent nexus to this criteria to join the trip, simply out of personal interest or a familial relationship to another traveler. While there is no limitation on numbers of participants in any given group, this nexus must

³ General transportation services relating to these exports are authorized by general license. Vessels are authorized by another OFAC general license to carry goods to Cuba that are authorized for export by the Department of Commerce provided that: (1) they have not engaged in trade or purchased or provided services in Cuba within 180 days or; (2) the vessels are not otherwise carrying goods or passengers in which Cuba or a Cuban national has an interest. Vessels not qualifying for this general authorization may be specifically licensed. Financing of these exports is restricted by the TSRA to payment of cash in advance or to financing by third country financial institutions, except that such financing may be confirmed or

exist between each traveler and the activity in which he or she seeks to engage. Large numbers are often an indication that it does not. We have just issued explanatory guidelines on our website to provide additional guidance to persons applying for these licenses. (Tab 8)

III. Enforcement

A. Historical Context

Prior to 1992, OFAC lacked civil penalty authority to enforce the Cuban embargo. Criminal prosecution of travel-related violations was extremely rare. U.S. Attorney to this day do not accept Cuba travel violations for criminal prosecution absent other illegal commercial or financial transactions by the traveler involving Cuba or Cuban nationals. The lack of criminal prosecutions is widely reported in the media and in almost any travel publication that discusses Cuba.

With the passage of the CDA in 1992, the Trading With the Enemy Act ("TWEA") was amended to provide that fines of up to \$50,000 (now adjusted for inflation to \$55,000) could be levied for violations of the Regulations. The CDA also required that the Secretary of the Treasury impose such penalties "only on the

advised by a United States financial institution.

record after opportunity for an agency hearing . . . with the right to pre-hearing discovery." In February 1997, OFAC promulgated proposed regulations to govern the hearings and in March 1998 published final regulations. The regulations provide for an extensive pre-hearing phase to include significant discovery and motions. Judicial review is available once the Administrative Law Judge's civil penalty determination is made final.

No administrative review process is currently in place, despite repeated requests for funding and proposed arrangements with other agencies over the past few years to "borrow" their Administrative Law Judges. The Secretary, however, recently approved a proposal for Treasury Department funding of two Administrative Law Judges with the necessary support staff, as well as office space and an operating budget.

For many reasons, including those previously articulated, increasingly large numbers of Americans purposely flout the law and travel to Cuba purely for tourism. Interest in Cuba on the part of otherwise law-abiding Americans has also been unscrupulously exploited by certain foreign travel agencies that advertise trips to Cuba claiming that such travel is legal. OFAC has endeavored to counteract this misrepresentation by contacting these foreign companies directly and placing warnings on our website. (Tab 9)

Beyond mere tourism, certain organizations and individuals view travel to Cuba as an act of civil disobedience. Organized challenges to the embargo have taken the form of protests involving unlicensed travel transactions and the unlicensed export of goods. In one reoccurring case, an organization of ministers periodically sponsors and organizes vehicle caravans in a protest of the Cuba sanctions. Having collected donations throughout the United States for "humanitarian export to Cuba," the group crosses the U.S. border bound for Cuba, defying OFAC and the U.S. Customs service. Treasury officials attempted to meet with members of the organization in an effort to assist in lawful and orderly exportation of goods, but the group routinely refuses to apply for a license for their exports.

Nevertheless, upon having ascertained that some of the items were qualified to be exported to Cuba, OFAC *sua sponte* provided a letter authorizing the export of those articles for use by the group's intended recipient, the Martin Luther King Memorial Center. The articles included school supplies, clothing, bicycles (and bicycle parts), manual typewriters and other office equipment, nonprescription medications, and various common medical supplies. The export of these goods to the King Center was determined to be consistent with the CDA and current U.S. policy with respect to Cuba. The organization also attempted to cross the border with unauthorized prescription

medicines and other goods requiring a license. These were seized by the Customs Service and later licensed, consistent with provisions of the CDA, and shipped to Cuba.

There are passionate constituencies on both sides of this issue, those who believe that we do not do enough to stem the flow of U.S. tourist travel to Cuba and those who believe that any regulation of travel is an infringement of constitutional rights.

B. Investigation

The majority of OFAC's enforcement actions concern individuals who engage in unauthorized travel transactions related to Cuba tourism. OFAC has worked hard to develop procedures with the Customs Service to identify unlicensed travelers returning to the U.S. from Cuba. We have endeavored to enforce these restrictions in a very evenhanded manner that is consistent with our responsibilities under the law. As returning Cuba travelers are identified by Customs agents and inspectors at ports of entry in the United States or at U.S. Customs Preclearance Facilities in Canada or the Bahamas, those travelers who do not claim a general or specific license from OFAC to engage in Cuba travel-related transactions are routinely referred to OFAC for investigation and civil penalty action.

The result is an extremely heavy workload for OFAC that requires resources that would otherwise be devoted to more complex commercial and financial cases involving Cuba and other programs.

C. Civil Penalties

When an enforcement case is referred for civil penalty consideration, the administrative record either contains evidence of a transaction(s) involving Cuba or the prepenalty notice is premised upon a rebuttable presumption that an individual traveling to Cuba necessarily engaged in transactions involving Cuba. This presumption may be rebutted by documentation establishing that the traveler was fully hosted by a Cuban or third-country national. A prepenalty notice is then issued alleging a violation(s) of the embargo, attaching a statement of Rights and Procedures. (Tab 10)

Typical penalty assessments for unauthorized travel range from \$5,000 to \$7,500, but the majority of cases are settled in amounts ranging from roughly \$1,000 to \$5,000, depending upon the circumstances. A significant number of prepenalty notice recipients, however, request administrative hearings and are awaiting the funding and selection of Administrative Law Judges.

underpinnings and the other the basic elements of each program.

(Tab 1) In the process of developing, implementing, administering, and enforcing these programs, OFAC maintains a close working relationship with numerous other federal departments and agencies to ensure that our mandate is properly implemented and effectively enforced. Among these agencies are: the State Department for foreign policy guidance in promulgating regulations and on sensitive cases; the Commerce Department on issues regarding exports; the National Security Council staff on significant policy questions and regulatory changes; the Customs Service for assistance in the many enforcement matters involving exports, imports, transportation, and travel; and the bank regulatory agencies to assure bank compliance with financial restrictions.

Of all these programs, it is the embargo against Cuba, particularly the restrictions governing transactions related to travel, that has been and remains one of the most controversial and contested programs on the books. It is not my place nor my role to address this controversy insofar as it concerns the underlying policy debate with regard to the embargo generally and travel-related transactions in particular. The President, as recently a January 17, has reasserted his commitment to the use of the embargo and travel restrictions to encourage a rapid transition to democracy in Cuba. (Tab 2)

I have appended a chart that depicts our Cuba travel enforcement case openings and referrals for civil penalty review, as well as the number of Cuba travel Prepenalty Notices issued, for the period of January 1996 through June 2001. (Tab 11) As shown, 4,535 travel cases were opened for investigation; 1,690 cases were referred for civil penalty review; and Prepenalty Notices were issued in 947 cases.

III. Conclusion

At this time, OFAC devotes approximately 11% of its budget and 7 full-time equivalent positions to the administration and enforcement of restrictions involving travel to Cuba. To the extent these restrictions were lifted or modified, those resources could be immediately reassigned to other administration priorities, particularly the President's initiative against terrorism.

As long as the current law remains unchanged, however, OFAC remains obligated to carrying out the President's mandate that enforcement of the Cuba embargo be enhanced, and continues to direct its limited resources into the administration and enforcement of the restrictions on travel-related transactions involving Cuba in a manner that is timely, fair, and consistent with the law and prior agency practice.

Thank you.

My job is to continue doing what I have done during my tenure as Director of OFAC, from one administration to another, and that is to ensure the integrity of OFAC's administrative process and rulings, whether related to licensing or civil penalties. It is worth noting that the Judicial Review Commission on Foreign Asset Control, constituted by Congress pursuant to the Foreign Narcotics Kingpin Designation Act, in its final report to Congress dated January 2001, formally concluded that, and I quote: ". . . the Director of OFAC and his staff administer the economic sanctions programs under OFAC's jurisdiction in good faith and with the utmost professionalism, particularly given the limited resources currently available to OFAC." It is my belief that we have upheld this standard with respect to the Cuba travel program. While the license application denials and the prepenalty and penalty notices we have issued under existing law are proper fodder for the debate as concerns that law, I ask that my office not be made the scapegoat of choice simply because we have the task of administering and enforcing that law. It is exactly this political process from which I have endeavored to insulate the my office to ensure the administrative integrity of its procedures and its rulings.

One final note before I turn toward OFAC's licensing regime. When I speak about travel, I refer specifically to

restrictions on *transactions* related to travel," rather than simply to "restrictions on travel." OFAC's jurisdiction under the Trading With the Enemy Act ("TWEA") is to prohibit or regulate commercial or financial transactions, not travel *per se*. The licensing criteria set forth in the Cuban Assets Control Regulations, 31 CFR Part 515 (the "Regulations"), implemented under the authority of this statute, address transactions incident to travel and other transactions that are directly incident to those activities deemed consistent with U.S. foreign policy.

We enforce against transactions engaged in by persons subject to U.S. jurisdiction when those transactions are entered into without authorization. In contrast, travel to Cuba that is fully hosted by Cuban or third-country nationals, where nothing of value is provided in return, is beyond OFAC's jurisdiction. For those who believe that the legal bases for these controls are questionable or strain credibility, OFAC's jurisdiction under TWEA to regulate these classes of transactions has withstood judicial review and been confirmed by the United States Supreme Court.¹

¹ The Supreme Court upheld restrictions on travel-related transactions with Cuba in Regan v. Wald, 468 U.S. 111 (1984). The Court held that TWEA provides an adequate statutory basis for the 1982 amendment to the Regulations restricting the scope of permissible travel-related transactions with Cuba and Cuban nationals. The Court rejected the argument that such a regulation violates the right to travel guaranteed by the Due Process Clause of the Fifth Amendment to the Constitution. It held that, given the traditional deference given to executive

II. Licensing

A. Historical Context

The licensing regime applicable to transactions involving Cuba travel took its present form toward the end of the last administration, with an emphasis on people-to-people contact and family reunification. This is only the most recent permutation in administration policy on the subject, however, and the current status of Cuba travel is very much a legacy of both political parties. I have appended a chronology demonstrating how often the policy has shifted with respect to Cuba travel.

(Tab 3) In 1977, for example, President Carter lifted restrictions on travel to Cuba in their entirety, such that all travel-related transactions involving Cuba were authorized under a general license. General licenses in OFAC parlance constitute blanket authorization for those transactions set forth in the general license in OFAC's regulations, and are self-executing.

judgment in the realm of foreign policy, the Fifth Amendment right to travel did not overcome the foreign policy justifications supporting the President's decision to curtail the flow of currency to Cuba by restricting financial transactions relating to travel to Cuban travel. The Court rejected the respondents' argument that a restriction on travel was inappropriate because, in their view, there was no "emergency" at the time with respect to Cuba and that the relations between Cuba and the United States were then subject to "only the "normal" tensions inherent in contemporary international affairs." 468 U.S. at 242. The Court declined to second-guess the Executive branch on this foreign policy issue. Id.

No further case-specific permission is required to engage in transactions covered by that general license. Then, in 1982, the pendulum swung the other direction, and President Reagan reimposed a prohibition on all travel-related transactions. The pre-existing general license was limited to official U.S. or foreign government travel, visits to close relatives, and travel related to journalism and professional research. Public performances, exhibitions, and similar activities were specifically licensed on a case-by-case basis.

In 1994, responding in part to Cuban policies that resulted in thousands of Cuban rafters crossing the Florida Straights, President Clinton further tightened OFAC's licensing regime to require specific licenses, or case-by-case review resulting in either denial or authorization, for all but diplomats or full-time journalists. U.S. persons seeking to visit close relatives in Cuba instantly became by far the largest category of license applications. The following year, the general license was reinstated for professional research and the first family visit during any given calendar year, but only in circumstances of "extreme humanitarian need."

Subsequent to the Pope's visit to Cuba in 1998, President Clinton announced a new policy in 1999 to promote increased people-to-people contacts in support of the Cuban people. The result of this policy shift is reflected in the existing twelve

categories of activities for which travel-related and other transactions are authorized either by general or specific license. General licenses continue to apply to journalism and the first family visit per calendar year, but without a requirement that the visit take place under circumstances of extreme humanitarian need. New categories were added, most requiring case-by-case authorization, including educational exchanges, religious activities, athletic competition and public performances and exhibitions. In addition, consistent with an overall policy development applicable to most sanctions programs generally, travel and other transactions directly incident to the marketing, sales negotiation, accompanied delivery or servicing of agricultural exports to Cuba licensed for export by the Department of Commerce were authorized by specific license.

Congress has also been actively involved in the formulation of policy with regard to Cuba generally, and Cuba travel in particular. In 1992, Congress passed the Cuban Democracy Act (the "CDA"), calling for the creation of an administrative hearing process for civil penalty cases and the creation of an OFAC satellite office in Miami to assist in administering and enforcing this program. The Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996 provided that the underlying prohibitions as set forth in the Regulations shall remain in place until there is a transition to a democratically-elected

government in Cuba.² Finally, in 2000, Congress passed the Trade Sanctions Reform and Export Enhancement Act (the "TSRA"), restricting the President's discretionary authority to authorize certain travel-related transactions to, from, or within Cuba. Under the TSRA, that authority, ultimately delegated to OFAC, is restricted to travel-related transactions related to activities ". . . expressly authorized in paragraphs (1) through (12) of section 515.560 of title 31, Code of Federal Regulations, or in any section referred to in any of such paragraphs (1) through (12) (as such sections were in effect on June 1, 2000)." The TSRA also expressly provided for case-by-case review of license applications for travel in support of agricultural exports - an activity referred to in paragraph (12) of section 515.560 of the Regulations -- but in so doing restricted the President's discretion to generally license such trips. "Tourist activities" were defined in the Act to encompass any activity falling outside of these twelve categories. I have appended a synopsis of these twelve categories to this testimony for ease of reference. (Tab 4) I have also appended our brochure on Cuba entitled: "What You Need to Know About the U.S. Embargo," which covers all facets of this economic sanctions program. (Tab 5)

² [discuss]

B. Licensing

1. Administrative process OFAC processes a large number of license applications relating to the Cuba embargo, the majority of which concern travel. License applications relating to subsequent family visits, free-lance journalism, educational activities by accredited U.S. academic institutions, religious activities, informational materials and agricultural and other exports are processed by OFAC's Miami office. During calendar year 2001, the Miami office, with a current staff of five, handled 19,045 license applications for travel in these various categories, particularly family visits, handling at least as many attendant telephone calls. Another of the office's primary responsibilities is to regulate 182 entities nationwide, almost two-thirds of which are headquartered in Miami. These entities are currently licensed to: (1) provide travel and carrier services to authorized travelers; and (2) remit funds to Cuba on behalf of individuals who are subject to U.S. jurisdiction to close relatives or Cuban households in amounts authorized under the Regulations. Integral to this regulatory program is the licensing and compliance oversight of the direct charter flights to Cuba currently authorized from Miami, Los Angeles and New York to carry authorized travelers. I have appended a copy of OFAC's Circular 2001, setting forth guidelines applicable to

From: Blackwell, Craig <Craig.Blackwell@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 11:55:08 AM
Subject: : Re: revised draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> ("Blackwell, Craig"
<Craig.Blackwell@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 7-FEB-2002 16:55:08.00
SUBJECT:: Re: revised draft
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: revised draft
Was Read By : Craig.Blackwell@usdoj.gov
On : Thu, 7 Feb 2002 16:38:26 -0500

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 2/7/2002 11:55:35 AM
Subject: : Re: McCallum for Governor Reception Remarks

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 16:55:35.00
SUBJECT:: Re: McCallum for Governor Reception Remarks
TO: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

correct

Patrick J. Bumatay
02/07/2002 04:52:41 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: McCallum for Governor Reception Remarks

I assume so, but I want to double check with you.

----- Forwarded by Patrick J. Bumatay/WHO/EOP on
02/07/2002 04:52 PM -----

Michelle N. Brawer
02/07/2002 04:46:22 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc:
bcc:
Subject: Re: McCallum for Governor Reception Remarks

ok, as Political, do you mean?

Patrick J. Bumatay
02/07/2002 04:45:04 PM
Record Type: Record

To: Michelle N. Brawer/WHO/EOP@EOP
cc:
Subject: McCallum for Governor Reception Remarks

Michelle,

No comments from the Counsel's Office re: the above speech.

Thanks,
Patrick

REV_00139918

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 2/7/2002 11:58:42 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 16:58:42.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Neither were mine.

Brett M. Kavanaugh
02/07/2002 04:46:14 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject:

my last 2 e-mails were not Presidential records as they did not relate to official business. Whoever is reviewing them in 2021 should not release them. And they also relate to national security issues in any event.

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 12:18:52 PM
Subject: : Re: revised draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 7-FEB-2002 17:18:52.00
SUBJECT:: Re: revised draft
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: revised draft
Was Read By : Paul.P.Colborn@usdoj.gov
On : Thu, 7 Feb 2002 17:01:12 -0500

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 12:38:43 PM
Subject: : Re: fyi re: Murray and Cantwell

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 17:38:43.00
SUBJECT:: Re: fyi re: Murray and Cantwell
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I called Murray's scheduler and asked her to work with Cantwell (as you know the junior senator) scheduler to find a couple of times that work for them both and to let me know so we can work it out.

Brett M. Kavanaugh
02/07/2002 05:27:04 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: fyi re: Murray and Cantwell

how about Cantwell?

Elizabeth N. Camp
02/07/2002 05:25:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP
cc:
Subject: fyi re: Murray and Cantwell

I spoke to Murraray's schedule, April, today and request the meeting for next week.

She said she would get back with me.

I'll keep you posted.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/7/2002 12:44:08 PM
Subject: : Re: fyi re: Murray and Cantwell

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 17:44:08.00
SUBJECT:: Re: fyi re: Murray and Cantwell
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

perfect

Elizabeth N. Camp
02/07/2002 05:38:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: fyi re: Murray and Cantwell

I called Murray's scheduler and asked her to work with Cantwell (as you know the junior senator) scheduler to find a couple of times that work for them both and to let me know so we can work it out.

Brett M. Kavanaugh
02/07/2002 05:27:04 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: fyi re: Murray and Cantwell

how about Cantwell?

Elizabeth N. Camp
02/07/2002 05:25:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP
cc:
Subject: fyi re: Murray and Cantwell

I spoke to Murraray's schedule, April, today and request the meeting for next week.

REV_00139924

She said she would get back with me.

I'll keep you posted.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 2/7/2002 4:46:35 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 21:46:35.00
SUBJECT:: Re:
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/07/2002 09:43 PM -----

Robert W. Cobb
02/07/2002 09:46:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

Talk to Courtney if we're talking about Presidential auction program.

Brett M. Kavanaugh
02/07/2002 08:52:20 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

5 CFR 734.208 example 8. Your view?

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 12:57:27 PM
Subject: : Fax

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 17:57:27.00
SUBJECT:: Fax
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI - Libby just sent you over a fax.

Patrick

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
Sent: 2/7/2002 1:11:13 PM
Subject: : Legal Concern: Signed Photo from POTUS

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 18:11:13.00
SUBJECT:: Legal Concern: Signed Photo from POTUS
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I think that may be ok, depending on how it is done, but this is really a
Moose issue

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/07/2002 06:07 PM -----

Collister W. Johnson
02/07/2002 05:32:24 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Legal Concern: Signed Photo from POTUS

Brett:
Leibovitz photo is being put up for auction to benefit scholarship fund at
Landon -
Please note that this is NOT the fund I am involved with - but the school
is writing me for guidance.

I imagine POTUS cannot sign the picture before the auction - as we are not
allowing his signature to be used for auctions.
But could we have him sign it after the auction is over?

Counsel's guidance when you have a moment?
you are, as always, the Man - thanks Brett -

cj

-----Original Message-----
From: Dick Walker <Dick_Walker@landon.net>
To: Cuddy Johnson <CWJohnson@rnchq.org>
Sent: Wed Feb 06 16:13:48 2002
Subject: RE: Presentation

Cuddy:

Annie Liebovitz has done a photo of President Bush and his war management
team for the cover
of Vanity FAir. Annie's nephew is a student and she is donating a
copy of the photo to our auction which takes place on Saturday, February
23.
The proceeds from the auction of this photo will support a new scholarship
fund at Landon named for Richard Gabriel, the Landon parent who died in the
crash at the Pentagon. We would like, if possible to have the President

REV_00139928

and
the others in the photo sign it. Would it be possible for you to see about
having this done?

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
CC: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO]), COS (COS/WHLs [UNKNOWN])
Sent: 2/7/2002 1:27:10 PM
Subject: : Regular Political Briefings

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 18:27:10.00
SUBJECT:: Regular Political Briefings
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:COS (CN=COS/O=WHLs [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Today, Regina Scofield at HHS put together an excellent briefing for all of the political appointees (Schedule Cs, DAS, Assistant Secretaries, etc.). Among the topics covered at the meeting, I did a political briefing, going over the top races, latest polls, etc. Last year, I did the same thing at many of the agencies.

Because this is a political year, regular, updated information will be important and interesting. We want to discuss targets, how people can help, our plan for coordinated activities, and (most importantly) what's appropriate and legal. To that end:

1. Your general counsels will be invited to a meeting at the White House next week with White House counsel to go over ground rules. Brett Kavanaugh will be in touch with your counsels about this.
2. We will again begin our regular informational briefings at the White House. I hope that you can attend.
3. If appropriate, Matt Schlapp or I would like to do a quarterly meeting with all of your political appointees (Schedule Cs, PAS, Assistant Secretaries) to provide regular updates.
4. We are getting many inquiries from people about how they might be able to help out on campaigns. Consistent with the approval of counsel, there will be one person at the RNC who can place interested staff in campaigns. We will forward the name to you shortly.

Thanks, Kate Marinis will be in touch with your assistants to schedule these.

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 1:58:43 PM
Subject: : RE: Reagan Documents

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 7-FEB-2002 18:58:43.00

SUBJECT:: RE: Reagan Documents

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Reagan Documents

Was Read By : Dan.Collins@usdoj.gov

On : Thu, 7 Feb 2002 18:53:04 -0500

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 2/7/2002 3:52:28 PM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-FEB-2002 20:52:28.00
SUBJECT::
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

5 CFR 734.208 example 8. Your view?

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/7/2002 4:46:15 PM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-FEB-2002 21:46:15.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Talk to Courtney if we're talking about Presidential auction program.

Brett M. Kavanaugh
02/07/2002 08:52:20 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

5 CFR 734.208 example 8. Your view?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/8/2002 5:31:12 AM
Subject: : Re: fyi re: Murray and Cantwell

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2002 10:31:12.00
SUBJECT:: Re: fyi re: Murray and Cantwell
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI that I called them again this morning to "check in" on this before I left town. We can say we have placed two calls to set this up and we are waiting for the senators to get back to us with a time.

Thanks!

Elizabeth N. Camp
02/07/2002 05:38:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc: Records Management@EOP
Subject: Re: fyi re: Murray and Cantwell

I called Murray's scheduler and asked her to work with Cantwell (as you know the junior senator) scheduler to find a couple of times that work for them both and to let me know so we can work it out.

Brett M. Kavanaugh
02/07/2002 05:27:04 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: fyi re: Murray and Cantwell

how about Cantwell?

REV_00139935

Elizabeth N. Camp
02/07/2002 05:25:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP
cc:
Subject: fyi re: Murray and Cantwell

I spoke to Murraray's schedule, April, today and request the meeting for next week.

She said she would get back with me.

I'll keep you posted.

Thanks!

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/8/2002 2:56:56 AM
Subject: : Re: Fax

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2002 07:56:56.00
SUBJECT:: Re: Fax
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

it was the document that you emailed to Libby and Allison yesterday to
print out. we will re-send it shortly.

Brett M. Kavanaugh
02/07/2002 07:31:30 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Fax

did not get it

Patrick J. Bumatay
02/07/2002 05:57:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fax

FYI - Libby just sent you over a fax.

Patrick

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/8/2002 3:09:41 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2002 08:09:41.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I need a little more information than this.

Brett M. Kavanaugh
02/07/2002 09:46:27 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Re:

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/07/2002 09:43 PM -----

Robert W. Cobb
02/07/2002 09:46:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

Talk to Courtney if we're talking about Presidential auction program.

Brett M. Kavanaugh
02/07/2002 08:52:20 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

5 CFR 734.208 example 8. Your view?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Michael L. Goad/OMB/EOP [OMB] <Michael L. Goad>
Sent: 2/8/2002 7:36:33 AM
Subject: RECEIVED: LRM MLG178 - - JUSTICE Oversight Testimony on Eco-Terrorism

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-FEB-2002 12:36:33.00

SUBJECT: RECEIVED: LRM MLG178 - - JUSTICE Oversight Testimony on Eco-Terrorism

TO: Michael L. Goad (CN=Michael L. Goad/OU=OMB/O=EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

RETURN RECEIPT

Your Document:

LRM MLG178 - - JUSTICE Oversight Testimony on Eco-Terrorism

was successfully received by:

CN=Brett M. Kavanaugh/OU=WHO/O=EOP

at:

02/08/2002 12:34:22 PM

REV_00139944

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Collins, Dan <Dan.Collins@usdoj.gov>; Coffin, Shannen <Shannen.Coffin@usdoj.gov>; Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/8/2002 7:57:48 AM
Subject: : RE: IMPORTANT: Reagan Documents

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 8-FEB-2002 12:57:48.00
SUBJECT:: RE: IMPORTANT: Reagan Documents
TO:"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) ("Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I defer to Chad on that question.

-----Original Message-----

From: Collins, Dan
Sent: Friday, February 08, 2002 12:38 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Coffin, Shannen; Boudreaux, Chad; Colborn, Paul P
Subject: RE: IMPORTANT: Reagan Documents
Importance: High

Chad or Paul, do you know the answer to Brett's question?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, February 08, 2002 12:29 PM
To: Collins, Dan; Coffin, Shannen
Subject: IMPORTANT: Reagan Documents

Is it correct to say we have cleared approximately 59,000 of the approximately 60,000 remaining pages for release?

REV_00139945

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 2/8/2002 5:05:48 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2002 10:05:48.00
SUBJECT:: Re:
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thx. This was my question. Appreciate it

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 2/8/2002 5:06:42 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2002 10:06:42.00
SUBJECT:: Re:
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thx. This was my question. Appreciate it

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>
Sent: 2/8/2002 6:05:36 AM
Subject: : Re: Conservative News Service on Pickering

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2002 11:05:36.00
SUBJECT:: Re: Conservative News Service on Pickering
TO: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Anne, is there anyway that we can get a transcript of the NPR piece this morning? I think it was in the 7:00-7:30 time slot, and was about a 9 min. piece.

Matthew E. Smith

02/08/2002 11:00:44 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Conservative News Service on Pickering

Democrats Blast Bush Judicial Nominee
By Susan Jones
CNSNews.com Morning Editor
February 08, 2002

(CNSNews.com) - Republicans accuse Democrats of demonizing another one of President Bush's judicial appointees - U.S. District Judge Charles Pickering, who's been asked by President Bush to serve on the 5th U.S. Circuit Court of Appeals in New Orleans.

In an unusual move, the Senate Judiciary Committee asked Pickering to appear for a second confirmation hearing on Thursday. His first hearing took place in October.

At Thursday's hearing, Democrats on the Senate Judiciary Committee accused Pickering of ethical lapses and questioned his record on civil rights and abortion.

REV_00139950

Liberal interest groups strenuously oppose the nomination of Pickering because of his conservative positions, and one Republican Senator accused his fellow Democrats of serving as the mud-flinging tools of those liberal groups.

Sen. Orrin Hatch of Utah, the ranking Republican on the Senate Judiciary Committee, said Thursday, "I am troubled by what appears to be a national agenda by a coalition of left-wing interest groups who have spent months hunting around for an excuse to use the Pickering nomination as a way to attempt to paint the administration's nominees as extremist."

Press reports note that representatives of those liberal interest groups - including People for the American Way, the Alliance for Justice, and the National Association for the Advancement of Colored People - were present at Thursday's hearing.

As Sen. Hatch indicated, the issue is larger than Pickering. Analysts say that by demonizing all of President Bush's judicial nominees as "conservative extremists," liberal groups are sharpening their claws for the real battle - the future direction of the U.S. Supreme Court.

Although there are no vacancies on the court, that could change at any time, giving President Bush the opportunity to appoint another conservative to the bench. In the meantime, Republicans accuse Democrats of foot-dragging in getting Bush's judicial nominees confirmed.

So far, the Democrat-led Senate has approved only one-third of President Bush's judicial nominees.

On Thursday, Pickering told the Judiciary Committee he was there to set the record straight: "I have a record of standing up for equal protection, respecting the rule of law and making efforts to promote racial harmony for more than four decades."

His supporters say Pickering's record speaks for itself, but they worry that liberal efforts to distort the facts will sully his "exemplary" record.

Sen. Patrick Leahy (D-Vt.), the chairman of the Judiciary Committee, did not say when his panel might vote on sending Pickering's nomination to the full Senate. However, he did give committee members another week to submit additional questions to Pickering - this time in writing.

Message Sent

To: _____
Tim Goeglein/WHO/EOP
Heather Wingate/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett Kavanaugh
Brent D. Greenfield/WHO/EOP@EOP

From: Blackwell, Craig <Craig.Blackwell@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/8/2002 11:07:51 AM
Subject: : RE: REVIEW Draft letter ASAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> ("Blackwell, Craig"
<Craig.Blackwell@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 8-FEB-2002 16:07:51.00
SUBJECT:: RE: REVIEW Draft letter ASAP
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett--I'm assuming you're comfortable with the brief since I haven't
heard to the contrary. I'm planning to file at 6 tonight.
Craig

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, February 08, 2002 12:34 PM
To: Blackwell, Craig
Cc: Katsas, Gregory; Colborn, Paul P; Coffin, Shannen
Subject: REVIEW Draft letter ASAP

please review ASAP and give me any comments before 1:30

(See attached file: Letter Gary Stern february 8.doc)

REV_00139952

From: Blackwell, Craig <Craig.Blackwell@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Katsas, Gregory <Gregory.Katsas@usdoj.gov>; Colborn, Paul P
<Paul.P.Colborn@usdoj.gov>; Coffin, Shannen <Shannen.Coffin@usdoj.gov>
Sent: 2/8/2002 7:57:45 AM
Subject: : RE: REVIEW Draft letter ASAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> ("Blackwell, Craig"
<Craig.Blackwell@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 8-FEB-2002 12:57:45.00
SUBJECT:: RE: REVIEW Draft letter ASAP
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) ("Katsas,
Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) ("
Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) ("Coffin,
Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I have no problem with the letter

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, February 08, 2002 12:34 PM
To: Blackwell, Craig
Cc: Katsas, Gregory; Colborn, Paul P; Coffin, Shannen
Subject: REVIEW Draft letter ASAP

please review ASAP and give me any comments before 1:30

(See attached file: Letter Gary Stern february 8.doc)

REV_00139953

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Blackwell, Craig <Craig.Blackwell@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>
CC: Katsas, Gregory <Gregory.Katsas@usdoj.gov>; Coffin, Shannen
<Shannen.Coffin@usdoj.gov>; Collins, Dan <Dan.Collins@usdoj.gov>; Boudreaux, Chad
<Chad.Boudreaux@usdoj.gov>
Sent: 2/8/2002 7:57:47 AM
Subject: : RE: REVIEW Draft letter ASAP

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 8-FEB-2002 12:57:47.00

SUBJECT:: RE: REVIEW Draft letter ASAP

TO:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) ("Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) ("Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) ("Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

The letter is fine with me, but I defer to Civil on the accuracy of the 59,000 estimate.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov

[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Friday, February 08, 2002 12:34 PM

To: Blackwell, Craig

Cc: Katsas, Gregory; Colborn, Paul P; Coffin, Shannen

Subject: REVIEW Draft letter ASAP

please review ASAP and give me any comments before 1:30

(See attached file: Letter Gary Stern february 8.doc)

REV_00139954

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Coffin, Shannen <Shannen.Coffin@usdoj.gov>; Boudreaux, Chad
<Chad.Boudreaux@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/8/2002 7:57:51 AM
Subject: : RE: IMPORTANT: Reagan Documents

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 8-FEB-2002 12:57:51.00
SUBJECT:: RE: IMPORTANT: Reagan Documents
TO:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) ("Coffin, Shannen" <Shannen.Coffin@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Chad or Paul, do you know the answer to Brett's question?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, February 08, 2002 12:29 PM
To: Collins, Dan; Coffin, Shannen
Subject: IMPORTANT: Reagan Documents

Is it correct to say we have cleared approximately 59,000 of the
approximately 60,000 remaining pages for release?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/8/2002 8:02:06 AM
Subject: : Re: meeting at 11:00

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-FEB-2002 13:02:06.00

SUBJECT:: Re: meeting at 11:00

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message has been sent from my Blackberry Wireless Device.

From: CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jan E. Williams/WHO/EOP@EOP [WHO] <Jan E. Williams>
CC: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 2/8/2002 8:47:55 AM
Subject: : Looking for a friendly female judge for WH Fellows Program

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-FEB-2002 13:47:55.00

SUBJECT:: Looking for a friendly female judge for WH Fellows Program

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Jan E. Williams (CN=Jan E. Williams/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

PPO and OPA are currently working on the WH Fellows Board and is looking for a friendly female judge -- it can be a current or retired judge (federal or state) -- do any of you have some people you would recommend? Names with contact information is very helpful and any bio info. is a great help. Unfortunately there is a time crunch on this one, so any ideas you have today please forward along. Thanks for any help/ideas you can provide.

-Doug

6-7016

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Blackwell, Craig
<Craig.Blackwell@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>
CC: Katsas, Gregory <Gregory.Katsas@usdoj.gov>; Coffin, Shannen
<Shannen.Coffin@usdoj.gov>; Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>
Sent: 2/8/2002 9:05:03 AM
Subject: : RE: REVIEW Draft letter ASAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 8-FEB-2002 14:05:03.00
SUBJECT:: RE: REVIEW Draft letter ASAP
TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> ("Blackwell, Craig" <Craig.Blackwell@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Katsas, Gregory" <Gregory.Katsas@usdoj.gov> ("Katsas, Gregory" <Gregory.Katsas@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ("Coffin, Shannen" <Shannen.Coffin@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> ("Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

There is an extra "you" in the last sentence of the letter.

In the brief, we should probably refer to "the Administration" as conducting the review, rather than the "White House".

-----Original Message-----

From: Colborn, Paul P
Sent: Friday, February 08, 2002 12:47 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'; Blackwell, Craig
Cc: Katsas, Gregory; Coffin, Shannen; Collins, Dan; Boudreaux, Chad
Subject: RE: REVIEW Draft letter ASAP

The letter is fine with me, but I defer to Civil on the accuracy of the 59,000 estimate.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, February 08, 2002 12:34 PM
To: Blackwell, Craig
Cc: Katsas, Gregory; Colborn, Paul P; Coffin, Shannen
Subject: REVIEW Draft letter ASAP

please review ASAP and give me any comments before 1:30

(See attached file: Letter Gary Stern february 8.doc)

REV_00139961

From: Coffin, Shannen <Shannen.Coffin@usdoj.gov>
To: Blackwell, Craig <Craig.Blackwell@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>
CC: Katsas, Gregory <Gregory.Katsas@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
Sent: 2/8/2002 9:16:58 AM
Subject: : RE: REVIEW Draft letter ASAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ("Coffin, Shannen"
<Shannen.Coffin@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 8-FEB-2002 14:16:58.00
SUBJECT:: RE: REVIEW Draft letter ASAP
TO:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Katsas, Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) ("Katsas,
Gregory" <Gregory.Katsas@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) ("
Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Sorry, I have been out. That is my understanding, but I'm searching for
Chad to confirm.

Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

-----Original Message-----

From: Blackwell, Craig
Sent: Friday, February 08, 2002 12:47 PM
To: 'Brett_M_Kavanaugh@who.eop.gov'
Cc: Katsas, Gregory; Colborn, Paul P; Coffin, Shannen
Subject: RE: REVIEW Draft letter ASAP

I have no problem with the letter

-----Original Message-----

From: Brett_M_Kavanaugh@who.eop.gov
[mailto:Brett_M_Kavanaugh@who.eop.gov]
Sent: Friday, February 08, 2002 12:34 PM
To: Blackwell, Craig
Cc: Katsas, Gregory; Colborn, Paul P; Coffin, Shannen
Subject: REVIEW Draft letter ASAP

please review ASAP and give me any comments before 1:30

(See attached file: Letter Gary Stern february 8.doc)

REV_00139963

From: CN=Carla B. Stone/OU=OMB/O=EOP [OMB]
To: Alex.Azar@hhs.gov @ inet [UNKNOWN] <Alex.Azar@hhs.gov>; Dtroy@oc.fda.gov @ inet [UNKNOWN] <Dtroy@oc.fda.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Viet.Dinh@usdoj.gov @ inet [UNKNOWN] <Viet.Dinh@usdoj.gov>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>
Sent: 2/8/2002 10:31:30 AM
Subject: : Meeting w/Jay

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 8-FEB-2002 15:31:30.00
SUBJECT:: Meeting w/Jay
TO:Alex.Azar@hhs.gov (Alex.Azar@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Dtroy@oc.fda.gov (Dtroy@oc.fda.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Jay asked me to send out a reminder that he will be meeting w/Richard Epstein, Jack Calfee & Chris DeMuth re: tort reform on Monday, February 11 @ 3:30 pm. Please let me know if you will be attending as I would like to get back to Mr. DeMuth.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/8/2002 11:04:21 AM
Subject: : LRM - Cuban Travel

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2002 16:04:21.00
SUBJECT:: LRM - Cuban Travel
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett-

The LRM on Treasury was due at 3:30 PM just a reminder.

Patrick

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <jennifer.newstead@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/8/2002 11:14:39 AM
Subject: : Important meeting next Wednesday before JSC

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-FEB-2002 16:14:39.00

SUBJECT:: Important meeting next Wednesday before JSC

TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

A couple of Senate leadership staffers would like to meet privately with the 5 of us next week to discuss some ideas they have about how we might work more effectively with, and coax more discipline out of, the Senate on the judicial confirmation front. We have tentatively decided to meet in my office at 3:00 p.m. next Wednesday the 13th, for the hour just before JSC. Please let me know if this will work for you. Although this is sort of an off-the-record meeting and whether there will be any follow-up will be entirely up to us based on how we evaluate the ideas presented, my sense is that this meeting could potentially be important and helpful.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Blackwell, Craig <Craig.Blackwell@usdoj.gov>
Sent: 2/8/2002 11:25:52 AM
Subject: : RE: REVIEW Draft letter ASAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2002 16:25:52.00
SUBJECT:: RE: REVIEW Draft letter ASAP
TO: "Blackwell, Craig" <Craig.Blackwell@usdoj.gov> ("Blackwell, Craig"
<Craig.Blackwell@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

yes

"Blackwell, Craig" <Craig.Blackwell@usdoj.gov>
02/08/2002 04:00:38 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: REVIEW Draft letter ASAP

Brett--I'm assuming you're comfortable with the brief since I haven't
heard to the contrary. I'm planning to file at 6 tonight.
Craig

-----Original Message-----
From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, February 08, 2002 12:34 PM
To: Blackwell, Craig
Cc: Katsas, Gregory; Colborn, Paul P; Coffin, Shannen
Subject: REVIEW Draft letter ASAP

please review ASAP and give me any comments before 1:30

(See attached file: Letter Gary Stern february 8.doc)

REV_00139967

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>
Sent: 2/8/2002 12:04:53 PM
Subject: : Re: Guess Who's 60 Years Old?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2002 17:04:53.00
SUBJECT:: Re: Guess Who's 60 Years Old?
TO: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

i'll stop by; how late will it go do you think?

James R. Wilkinson
02/05/2002 11:52:20 AM
Record Type: Record

To: Shannon_Burkhart@who.eop.gov
cc:
Subject: Guess Who's 60 Years Old?

Brian Besanceney and Nicolle Devenish that's who!

Both Brian and Nicolle are 30 this week -- and we will be honoring all 60 years by hosting a happy hour this Friday night at the Oval Room at 6:30 p.m. Please let me know if you will be attending!

From: CN=James R. Wilkinson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/8/2002 12:44:02 PM
Subject: : Re: Guess Who's 60 Years Old?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-FEB-2002 17:44:02.00
SUBJECT:: Re: Guess Who's 60 Years Old?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

not sure. 7:30 at least.

Brett M. Kavanaugh
02/08/2002 05:04:42 PM
Record Type: Record

To: James R. Wilkinson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Guess Who's 60 Years Old?

i'll stop by; how late will it go do you think?

James R. Wilkinson
02/05/2002 11:52:20 AM
Record Type: Record

To: Shannon_Burkhart@who.eop.gov
cc:
Subject: Guess Who's 60 Years Old?

Brian Besanceney and Nicolle Devenish that's who!

Both Brian and Nicolle are 30 this week -- and we will be honoring all 60 years by hosting a happy hour this Friday night at the Oval Room at 6:30 p.m. Please let me know if you will be attending!

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;[REDACTED] PRA 6 Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Sutton, Jason <Jason.J.Sutton@usdoj.gov>;Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 2/8/2002 5:24:41 PM
Subject: : RE:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 8-FEB-2002 22:24:41.00

SUBJECT:: RE:

TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:[REDACTED] PRA 6 (Receipt Notification Requested) ([REDACTED] PRA 6 (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

thanks, matt. Jason, please block if I am free.

-----Original Message-----

From: Matthew_E._Smith@who.eop.gov [mailto:Matthew_E._Smith@who.eop.gov]

Sent: Thursday, February 07, 2002 7:35 AM

To: Matthew_A._Schlapp@who.eop.gov; [REDACTED] PRA 6

Brett_M._Kavanaugh@who.eop.gov; Bradford_A._Berenson@who.eop.gov

Cc: Tim_Goeglein@who.eop.gov

Subject:

We will be having a very important Judicial Coalition Meeting on February 21, 2002.

We will get back to you with more details, location and time soon. Please plan to attend.

Thanks.

REV_00139972

From: CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/9/2002 9:38:08 AM
Subject: : Voucher argument

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-FEB-2002 14:38:08.00
SUBJECT:: Voucher argument
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

can you get me a seat and can i go with you?

From: CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/9/2002 10:08:52 AM
Subject: : Re: Voucher argument

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-FEB-2002 15:08:52.00
SUBJECT:: Re: Voucher argument
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Great and what time do we leave?

Brett M. Kavanaugh
02/09/2002 02:41:47 PM
Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Voucher argument

yes and yes.

Stuart W. Bowen
02/09/2002 02:37:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Voucher argument

can you get me a seat and can i go with you?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/11/2002 6:47:06 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-FEB-2002 11:47:06.00
SUBJECT: :
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Brad is talking to Judge this afternoon.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2002 4:09:32 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-FEB-2002 09:09:32.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Absolutely agree.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2002 4:09:33 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-FEB-2002 09:09:33.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I will check.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Michael L. Goad/OMB/EOP [OMB] <Michael L. Goad>
Sent: 2/11/2002 4:45:24 AM
Subject: RECEIVED: LRM MLG179 - - AGRICULTURE Oversight Testimony on Eco-Terrorism

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-FEB-2002 09:45:24.00
SUBJECT: RECEIVED: LRM MLG179 - - AGRICULTURE Oversight Testimony on Eco-Terrorism
TO: Michael L. Goad (CN=Michael L. Goad/OU=OMB/O=EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
LRM MLG179 - - AGRICULTURE Oversight Testimony on Eco-Terrorism
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
02/11/2002 09:43:02 AM

From: CN=Sara M. Taylor/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2002 5:09:09 AM
Subject: : McCallum event tonight

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-FEB-2002 10:09:09.00

SUBJECT:: McCallum event tonight

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett - We are headed to Milwaukee tonight. McCallum's film crew would like to be in the press pool, which we have said was fine. Just wanted to make sure that was ok with you? Thanks.

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 2/11/2002 5:47:48 AM
Subject: : RE: Draft letter to Ose

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:11-FEB-2002 10:47:48.00
SUBJECT:: RE: Draft letter to Ose
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Looks fine.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, February 11, 2002 10:15 AM
To: Colborn, Paul P
Cc: Robert_W._Cobb@who.eop.gov
Subject: Draft letter to Ose

Paul:

We wanted your thoughts on the following draft letter, which should be self-explanatory. The Ose Subcommittee has sought testimony from Ms. Hair regarding Presidential gifts policy. We decided to keep the letter short and sweet.

We need to send the letter this morning if possible. Thanks.

(See attached file: ose letter 2 11 01.doc)

From: Herbert, James <James.Herbert@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2002 6:09:06 AM
Subject: : RE: Draft letter to Chairman Burton re next step

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Herbert, James" <James.Herbert@usdoj.gov> ("Herbert, James"
<James.Herbert@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:11-FEB-2002 11:09:06.00
SUBJECT:: RE: Draft letter to Chairman Burton re next step
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Draft letter to Chairman Burton re
next step
Was Read By : James.Herbert@usdoj.gov
On : Mon, 11 Feb 2002 10:57:19 -0500

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 2/11/2002 6:14:34 AM
Subject: : Reagan records

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-FEB-2002 11:14:34.00
SUBJECT:: Reagan records
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

We have less than a box of Reagan records that need NSC review before authorization for release. These are documents that were never classified, but that OLC has identified as worthy of NSC review. Can you identify someone who can do this today and tomorrow? Thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>
Sent: 2/11/2002 6:16:15 AM
Subject: : addendum

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-FEB-2002 11:16:15.00
SUBJECT:: addendum
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett-

Please see the attached email from Brian Montgomery. This is an addendum to the memo he sent over last week seeking guidance on advance activities.

Thanks!

Lib

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/11/2002 11:15 AM -----

Brian D. Montgomery
02/11/2002 11:10:58 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: addendum

I would like to add an additional query to my memo to Judge Gonzales regarding clarification of the Hatch Act (dated 2/5/02):

- Can advance staff paid by a political entity (i.e. RNC) plan and participate in official events on behalf of the President?

Thank you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 2/11/2002 6:27:33 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 11-FEB-2002 11:27:33.00

SUBJECT::

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

per your Q, I also have not received any tax documents yet

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2002 6:35:59 AM
Subject: : Re: Reagan records

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:11-FEB-2002 11:35:59.00

SUBJECT:: Re: Reagan records

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: William H. Leary/NSC/EOP@EOP [NSC] <William H. Leary>; John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 2/11/2002 6:36:35 AM
Subject: : Re: Reagan records

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME: 11-FEB-2002 11:36:35.00
SUBJECT:: Re: Reagan records
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: William H. Leary (CN=William H. Leary/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
CC: John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
End Original ARMS Header

Bill/Brad: Can you work with Brett on review/release of these documents?
John

Brett M. Kavanaugh
02/11/2002 11:14:25 AM
Record Type: Record

To: John B. Bellinger/NSC/EOP@EOP
cc:
Subject: Reagan records

We have less than a box of Reagan records that need NSC review before authorization for release. These are documents that were never classified, but that OLC has identified as worthy of NSC review. Can you identify someone who can do this today and tomorrow? Thanks.

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: William H. Leary/NSC/EOP@EOP [NSC] <William H. Leary>; John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 2/11/2002 6:36:35 AM
Subject: : Re: Reagan records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME: 11-FEB-2002 11:36:35.00
SUBJECT:: Re: Reagan records
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: William H. Leary (CN=William H. Leary/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
CC: John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
End Original ARMS Header

Bill/Brad: Can you work with Brett on review/release of these documents?
John

Brett M. Kavanaugh
02/11/2002 11:14:25 AM
Record Type: Record

To: John B. Bellinger/NSC/EOP@EOP
cc:
Subject: Reagan records

We have less than a box of Reagan records that need NSC review before authorization for release. These are documents that were never classified, but that OLC has identified as worthy of NSC review. Can you identify someone who can do this today and tomorrow? Thanks.

From: Brinkley, Winnie <Winnie.Brinkley@usdoj.gov>
To: Adam Ciongoli <Adam.Ciongoli@usdoj.gov>; Barbara Comstock
<Barbara.Comstock@usdoj.gov>; Brian Benczkowski <Brian.A.Benczkowski@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Deloris Cole <Deloris.L.Cole@usdoj.gov>; Jason Sutton
<Jason.J.Sutton@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Linda Long
<Linda.E.Long@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori Rabjohns
<Lori.McMahon@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Neal Suit
<Neal.Suit@usdoj.gov>; Patrick O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy
<Sheila.Joy@usdoj.gov>; Steve Koebele <Steve.Koebele@usdoj.gov>; Viet Dinh
<Viet.Dinh@usdoj.gov>; Winnie Brinkley <Winnie.Brinkley@usdoj.gov>; Allison L. Riepenhoff/WHO
/EOP@EOP [WHO] <Allison L. Riepenhoff>; Bradford A. Berenson/WHO/EOP@EOP [WHO]
<Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E.
Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO]
<Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S.
Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
CC: Washington, Tracy T <Tracy.T.Washington@usdoj.gov>
Sent: 2/11/2002 7:05:25 AM
Subject: : Judicial Confirmation Working Group

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Brinkley, Winnie" <Winnie.Brinkley@usdoj.gov> ("Brinkley, Winnie"
<Winnie.Brinkley@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:11-FEB-2002 12:05:25.00

SUBJECT:: Judicial Confirmation Working Group

TO:Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Adam Ciongoli <Adam.Ciongoli@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Barbara Comstock <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) (Barbara Comstock <Barbara.Comstock@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brian Benczkowski <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) (Brian Benczkowski <Brian.A.Benczkowski@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Dan Bryant <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) [UNKNOWN])

READ:UNKNOWN

TO:Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Deloris Cole <Deloris.L.Cole@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Jason Sutton <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) (Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Linda Long <Linda.E.Long@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) (Lori Rabjohns <Lori.McMahon@usdoj.gov> (Receipt Notification Requested) (IPM

REV_00140044

Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Neal Suit <Neal.Suit@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Patrick O'Brien <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Sheila Joy <Sheila.Joy@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Steve Koebele <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Viet Dinh <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) (Winnie Brinkley <Winnie.Brinkley@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:"Washington, Tracy T" <Tracy.T.Washington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Washington, Tracy T" <Tracy.T.Washington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The Judicial Confirmation Working Group meeting for today has been rescheduled for Tuesday, February 12 at 4pm, Main Justice Room 4646.

REV_00140045

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 2/11/2002 7:28:30 AM
Subject: : NY Times story on records

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-FEB-2002 12:28:30.00
SUBJECT:: NY Times story on records
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Libby: Can you make sure Judge sees a copy of today's NY Times story on Gubernatorial and Presidential Records? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Clement, Paul D <Paul.D.Clement@usdoj.gov>
Sent: 2/11/2002 7:33:27 AM
Subject: : ticket for SCt argument

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-FEB-2002 12:33:27.00
SUBJECT:: ticket for SCt argument
TO: "Clement, Paul D" <Paul.D.Clement@usdoj.gov> ("Clement, Paul D"
<Paul.D.Clement@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Stuart Bowen, Deputy Staff Secretary to President, would like to
attend the argument in vouchers case. Can your office get him a seat?
Thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Helen R. Mobley/WHO/EOP@EOP [WHO] <Helen R. Mobley>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2002 12:39:15 PM
Subject: : scheduling correspondence

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-FEB-2002 17:39:15.00
SUBJECT:: scheduling correspondence
TO:Helen R. Mobley (CN=Helen R. Mobley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hey Helen:

Here are responses to a few scheduling items you sent over for Counsel's office review. Let me know if this is sufficient for you.

1) Victor Garo letter of Jan. 16 re: Mr. Joseph Salvati (criminal case) - this is being sent to Brett Kavanaugh so he can draft a response. BRETT - please bcc me on the response letter so we can close the loop with Helen.

2) Letter for D. Michael Wallach on 4/26/01 re: Texas Association of Defense Counsel event in April 2002. Knowing that POTUS would not likely preach to the choir (a group of conservative lawyers from Texas) the Judge has accepted their invite to speak to them. His speech will be on Thursday, April 4th at 7pm.

3) Letter for Dr. Donal A. Cabana from Univ. of Southern Mississippi re: April 2002 banquet. The Judge doesn't know anything about this university or the program so he doesn't really have any comments. If you would like for me to send this to one of our lawyers (probably Chris Bartolomucci) for his review and comments I would be happy to. Just let me know.

Thanks!!!

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>;jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <jennifer.newstead@usdoj.gov>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/11/2002 10:28:28 AM
Subject: : **CHANGE OF DATE/TIME for important meeting with Hill staff**

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-FEB-2002 15:28:28.00
SUBJECT:: **CHANGE OF DATE/TIME for important meeting with Hill staff**
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Our meeting with Stuart Verdery et al. to hear thoughts on organizing the judicial push on the Hill has been moved to Thursday morning at 9:00 a.m. in my office. Sorry for the inconvenience.

From: CN=Jason R. Cole/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2002 12:03:15 PM
Subject: : Approval for 3/1 Fundraiser

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason R. Cole (CN=Jason R. Cole/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 11-FEB-2002 17:03:15.00

SUBJECT:: Approval for 3/1 Fundraiser

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

As soon as you approve the invitation for the the Latham fundraiser on 3/1
call me at 60345 and I will pick it up.

Thanks,
Jason

From: CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2002 4:07:14 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-FEB-2002 21:07:14.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks

Brett M. Kavanaugh
02/11/2002 08:30:04 PM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
Subject:

just left you a few invites; 1 for Sara and 2 for DT. I left the
invites on your chair since I did not see either of them in office.

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2002 2:46:58 PM
Subject: : Question on Pictures from Political Events

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-FEB-2002 19:46:58.00
SUBJECT:: Question on Pictures from Political Events
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett:

The Photo Office has no idea how to handle these questions, so I bring them back to you, unfortunately:

1) On two recent trips into the field, the President met with "Grassroots Activists" and held a photo line of about 60 people each (in WV and NC, respectively). These events were not fundraisers; just a general "thank you" to activists who have worked on behalf of his agenda. The events did include, though, some donors to his 2000 campaign. I am now holding the White House Photographer's photos from those events - am i free to send them out to the people who posed with the President?

2) On actual Fundraising events (to take place shortly), the President will hold photo-lines with attendees. In those cases, the campaigns (who benefit from the fundraisers) should pay for the photographers/photos/etc., right?

cj

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2002 2:51:58 PM
Subject: : Re: Question on Pictures from Political Events

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-FEB-2002 19:51:58.00
SUBJECT:: Re: Question on Pictures from Political Events
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

you are so much the Man, it's scary -
cj

Brett M. Kavanaugh
02/11/2002 07:50:04 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Question on Pictures from Political Events

ok, I will talk to them again. On question 1, yes. On question
2, let me talk to them and get back to you.

Collister W. Johnson
02/11/2002 07:46:56 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Question on Pictures from Political Events

Brett:

The Photo Office has no idea how to handle these questions, so I bring
them back to you, unfortunately:

1) On two recent trips into the field, the President met with "Grassroots
Activists" and held a photo line of about 60 people each (in WV and NC,
respectively). These events were not fundraisers; just a general "thank
you" to activists who have worked on behalf of his agenda. The events did
include, though, some donors to his 2000 campaign. I am now holding the
White House Photographer's photos from those events - am i free to send
them out to the people who posed with the President?

2) On actual Fundraising events (to take place shortly), the President
will hold photo-lines with attendees. In those cases, the campaigns (who
benefit from the fundraisers) should pay for the
photographers/photos/etc., right?

REV_00140061

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 2/11/2002 3:03:56 PM
Subject: : Ose letter faxed again - this time to SubComm fax-confirmation was received on both

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-FEB-2002 20:03:56.00

SUBJECT:: Ose letter faxed again - this time to SubComm fax-confirmation was received on both

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
Sent: 2/11/2002 3:30:06 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 11-FEB-2002 20:30:06.00

SUBJECT::

TO: Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

just left you a few invites; 1 for Sara and 2 for DT. I left the
invites on your chair since I did not see either of them in office.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
Sent: 2/12/2002 5:08:28 AM
Subject: : Re: OPA Staff meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-FEB-2002 10:08:28.00
SUBJECT:: Re: OPA Staff meeting
TO: Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

would Thursday morning work instead?

Katherine G. Marinis
02/12/2002 10:06:31 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: OPA Staff meeting

Brett- Ken wanted to know if you could come to our staff meeting tomorrow morning either at 7:30 or 8 am to discuss political travel. thanks

From: CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 2/12/2002 6:00:45 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-FEB-2002 11:00:45.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Linda is asking---any decision on the loan agreement for the items to go to the Bush Library for the exhibit? Thanks for your help.

From: CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2002 5:06:34 AM
Subject: : OPA Staff meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-FEB-2002 10:06:34.00

SUBJECT:: OPA Staff meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett- Ken wanted to know if you could come to our staff meeting tomorrow morning either at 7:30 or 8 am to discuss political travel. thanks

From: CN=Irene Kho/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2002 5:15:51 AM
Subject: : TT-0090-A LRM IKK158 - - TREASURY Testimony on HR3162 USA PATRIOT ACT:
Investigating Patterns of Terrorist Financing

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Irene Kho (CN=Irene Kho/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:12-FEB-2002 10:15:51.00
SUBJECT:: TT-0090-A LRM IKK158 - - TREASURY Testimony on HR3162 USA PATRIOT ACT:
Investigating Patterns of Terrorist Financing
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Good morning Brett,

I forwarded your comment to Treasury, they didn't understand your second question. Also, they wanted to know what did you mean by your first inquiry. Please see their comment.
Let me know if your comment were mere inquiry, and not so much required changes. Thanks.

Irene:

I'm not sure I understand your 2nd sentence in your 2nd paragraph 2, below, re the reference to the evidence. It's a little too cryptic.

If that is what my folks thought, and now believe differently, why shouldn't they say it. If others have different information they can say. Also, in light of the last sentence, i.e. that credit card concerns have not been eliminated, what are we missing or saying incorrectly.

Anything more specific?

Ron

-----Original Message-----

From: Irene_Kho@omb.eop.gov [mailto:Irene_Kho@omb.eop.gov]
Sent: Tuesday, February 12, 2002 9:30 AM
To: ronald.levy@do.treas.gov
Subject: Re: LRM IKK158 - - TREASURY Testimony on HR3162 USA PATRIOT ACT: Investigating Patterns of Terrorist Financing

Good morning Rong,
Here is a comment from WHGC. I'm still waiting for more comments from agencies.

White House Counsel's Office has no objection. We question the reference to the evidence related to September 11 at the top of page 15. On page 21, there is a reference to "both such lessons" when there are three.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
Sent: 2/12/2002 5:23:07 AM
Subject: : Re: OPA Staff meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-FEB-2002 10:23:07.00
SUBJECT:: Re: OPA Staff meeting
TO: Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

good, can we do 7:45 a.m. so that I can get to my office's staff meeting at 8:15?

Katherine G. Marinis
02/12/2002 10:20:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OPA Staff meeting

sure- 8 am in ken's office.

Brett M. Kavanaugh
02/12/2002 10:08:25 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OPA Staff meeting

would Thursday morning work instead?

Katherine G. Marinis
02/12/2002 10:06:31 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: OPA Staff meeting

Brett- Ken wanted to know if you could come to our staff meeting tomorrow morning either at 7:30 or 8 am to discuss political travel. thanks

REV_00140077

From: CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2002 5:25:59 AM
Subject: : Re: OPA Staff meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-FEB-2002 10:25:59.00
SUBJECT:: Re: OPA Staff meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ken has a breakfast thurs, which usually runs an hour. what about Friday
at 7:45 am?

Brett M. Kavanaugh
02/12/2002 10:23:04 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OPA Staff meeting

good, can we do 7:45 a.m. so that I can get to my office's staff
meeting at 8:15?

Katherine G. Marinis
02/12/2002 10:20:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OPA Staff meeting

sure- 8 am in ken's office.

Brett M. Kavanaugh
02/12/2002 10:08:25 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OPA Staff meeting

would Thursday morning work instead?

Katherine G. Marinis
02/12/2002 10:06:31 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: OPA Staff meeting

Brett- Ken wanted to know if you could come to our staff meeting tomorrow morning either at 7:30 or 8 am to discuss political travel. thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
Sent: 2/12/2002 5:35:30 AM
Subject: : Re: OPA Staff meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-FEB-2002 10:35:30.00
SUBJECT:: Re: OPA Staff meeting
TO: Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Friday at 7:45 it is.

Katherine G. Marinis
02/12/2002 10:25:56 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OPA Staff meeting

Ken has a breakfast thurs, which usually runs an hour. what about Friday at 7:45 am?

Brett M. Kavanaugh
02/12/2002 10:23:04 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OPA Staff meeting

good, can we do 7:45 a.m. so that I can get to my office's staff meeting at 8:15?

Katherine G. Marinis
02/12/2002 10:20:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OPA Staff meeting

sure- 8 am in ken's office.

REV_00140082

Brett M. Kavanaugh
02/12/2002 10:08:25 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: OPA Staff meeting

would Thursday morning work instead?

Katherine G. Marinis
02/12/2002 10:06:31 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: OPA Staff meeting

Brett- Ken wanted to know if you could come to our staff meeting tomorrow morning either at 7:30 or 8 am to discuss political travel. thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 2/12/2002 5:52:18 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-FEB-2002 10:52:18.00

SUBJECT::

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brent: Can you collect for me the e-mail addresses of the general counsels for each of the Cabinet departments (only the Cabinet departments, not all of the sub-agencies). Libby may have these. Thanks. I need them to set up a meeting next week on political activity issues.

From: Burton, Faith <Faith.Burton@usdoj.gov>
To: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>; Colborn, Paul P
<Paul.P.Colborn@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>; Chertoff, Michael <Michael.Chertoff@usdoj.gov>; Horowitz, Michael-CRM
<Michael.Horowitz3@usdoj.gov>; Martens, Matthew
<Matthew.Martens@usdoj.gov>; 'attyadv.opca@fbi.gov' <attyadv.opca@fbi.gov>
CC: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
Sent: 2/12/2002 5:53:32 AM
Subject: : Burton Hearings this week

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Burton, Faith" <Faith.Burton@usdoj.gov> ("Burton, Faith" <Faith.Burton@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME:12-FEB-2002 10:53:32.00

SUBJECT:: Burton Hearings this week

TO:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) ("Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"'attyadv.opca@fbi.gov'" <attyadv.opca@fbi.gov> (Receipt Notification Requested) (IPM
Return Requested) ("'attyadv.opca@fbi.gov'" <attyadv.opca@fbi.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Chairman Burton plans 2 days of hearings this week on the Boston FBI
matter and, particularly, the Department's role in the 1971 Cal.
prosecution of Barboza for a murder, which he allegedly committed while in
the WitSec program. Harrington, Rico, and Condon testified on his behalf
at sentencing to confirm threats against his life by mobsters while he was
in the program.

The Committee's 2/11 letter, which is being circulated now via fax,
requests a DOJ witness for each day of the hearings, but our informal
information indicates that a single DOJ witness on the 2nd day, who will
appear alone on the 2nd panel, will suffice. More later.

REV_00140086

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
Sent: 2/12/2002 6:01:04 AM
Subject: : Re: Regular Political Briefings

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-FEB-2002 11:01:04.00
SUBJECT:: Re: Regular Political Briefings
TO: Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I would bet about 20-25 lawyers show up. Should we pick another time Wednesday (2:00 for example) when 180 would be available?

Katherine G. Marinis
02/12/2002 10:57:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Regular Political Briefings

How many are there? Room 180, 476, 472, and 450 are being used. Does Counsel's office have a conference room?

Brett M. Kavanaugh
02/12/2002 10:53:00 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Regular Political Briefings

I plan today to send an e-mail directly to all the general counsels if that is ok with you.

Katherine G. Marinis
02/11/2002 03:55:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Regular Political Briefings

we can do it then. I am happy to set it up if you send me the list of

REV_00140087

people that should be invited. Do you have a list of all the counsels?
If not, then we can have someone down here put one together. thanks

Brett M. Kavanaugh
02/11/2002 01:38:19 PM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Regular Political Briefings

Can we do Wed. the 20th at 11:00. It should be less than an hour. Let me know if that time works. Should I set up or are you?

Katherine G. Marinis
02/07/2002 06:37:28 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Regular Political Briefings

please let me know when you want to find a time for the counsel meeting.
thanks

----- Forwarded by Katherine G. Marinis/WHO/EOP on
02/07/2002 06:37 PM -----

Ken Mehlman
02/07/2002 06:27:02 PM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP
cc: Matthew A. Schlapp/WHO/EOP@EOP, Katherine G. Marinis/WHO/EOP@EOP, Edward Ingle/WHO/EOP@EOP, Adrian G. Gray/WHO/EOP@EOP
Subject: Regular Political Briefings

Today, Regina Scofield at HHS put together an excellent briefing for all of the political appointees (Schedule Cs, DAS, Assistant Secretaries, etc.). Among the topics covered at the meeting, I did a political briefing, going over the top races, latest polls, etc. Last year, I did the same thing at many of the agencies.

Because this is a political year, regular, updated information will be important and interesting. We want to discuss targets, how people can help, our plan for coordinated activities, and (most importantly) what's appropriate and legal. To that end:

1. Your general counsels will be invited to a meeting at the White House next week with White House counsel to go over ground rules. Brett Kavanaugh will be in touch with your counsels about this.
2. We will again begin our regular informational briefings at the White House. I hope that you can attend.
3. If appropriate, Matt Schlapp or I would like to do a quarterly meeting with all of your political appointees (Schedule Cs, PAS, Assistant Secretaries) to provide regular updates.
4. We are getting many inquiries from people about how they might be able to help out on campaigns. Consistent with the approval of counsel, there will be one person at the RNC who can place interested staff in campaigns. We will forward the name to you shortly.

Thanks, Kate Marinis will be in touch with your assistants to schedule

REV_00140088

these.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 2/12/2002 6:07:38 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-FEB-2002 11:07:38.00
SUBJECT:: Re:
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

not yet. shortly.

Mary Ann Hanusa
02/12/2002 11:00:42 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

Linda is asking--any decision on the loan agreement for the items to go to the Bush Library for the exhibit? Thanks for your help.

From: CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2002 6:23:00 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-FEB-2002 11:23:00.00
SUBJECT:: Re:
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

thanks

Brett M. Kavanaugh
02/12/2002 11:07:36 AM
Record Type: Record

To: Mary Ann Hanusa/WHO/EOP@EOP
cc: robert w. cobb/who/eop@eop
bcc:
Subject: Re:

not yet. shortly.

Mary Ann Hanusa
02/12/2002 11:00:42 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

Linda is asking---any decision on the loan agreement for the items to go to the Bush Library for the exhibit? Thanks for your help.

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2002 6:52:46 AM
Subject: : Response to letter about the Harrington Memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME:12-FEB-2002 11:52:46.00
SUBJECT:: Response to letter about the Harrington Memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We got a response from Burton. Its being faxed to you right now.
Predictably, he demands the memo now without a briefing.
We're drafting a letter from the AG back to him, you'll get a copy of the
draft within an hour or so.

Any thoughts on whether or not we could find a way to lean in his
direction?

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/12/2002 11:07:51 AM
Subject: : JSC meeting - CAN WE POSTPONE/CANCEL THIS WEEK?

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-FEB-2002 16:07:51.00

SUBJECT:: JSC meeting - CAN WE POSTPONE/CANCEL THIS WEEK?

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Most of the senior staff will be out late tomorrow afternoon attending a meeting.

We would like to cancel the meeting tomorrow (Wednesday, Feb. 13) and discuss the agenda items next Wednesday (Feb. 20th).

If you have an objection please let me know asap. Otherwise no response necessary.

Thanks!

REV_00140093

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/12/2002 12:07:09 PM
Subject: : Keys

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-FEB-2002 17:07:09.00

SUBJECT:: Keys

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Our offices will be getting new locks. They may be able to work on our area tomorrow during the day. If this is the case I will need to obtain keys to your current locks and turn them in so we can get issued new keys. Once our area has a set time, I'll send out an e-mail so I can be sure to get your keys. Thanks.

Lori

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2002 8:41:14 AM
Subject: : Re: info needed

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-FEB-2002 13:41:14.00
SUBJECT:: Re: info needed
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

April 30, 1992

Brett M. Kavanaugh
02/12/2002 01:21:26 PM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc:
Subject: info needed

When exactly was Ron Leighton (WD Washington) nominated by
President George H.W. Bush in 1991 or 1992?

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2002 9:21:04 AM
Subject: : Judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-FEB-2002 14:21:04.00

SUBJECT:: Judges

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

When are we going to have another POTUS mtg?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Heather Wingate/WHO
/EOP@EOP [WHO] <Heather Wingate>;Bradford A. Berenson/WHO/EOP@EOP [WHO]
<Bradford A. Berenson>
Sent: 2/12/2002 9:41:15 AM
Subject: : today's 4:00 meeting at DOJ

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-FEB-2002 14:41:15.00
SUBJECT:: today's 4:00 meeting at DOJ
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I now cannot participate due to a conflicting meeting that has
arisen, and so I must leave it to you three. (Matt, I do not have a car
reserved.)

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: matthew e. smith/who/eop@eop [WHO] <matthew e. smith>;heather wingate/who/eop@eop [WHO] <heather wingate>
Sent: 2/12/2002 9:50:34 AM
Subject: : Re: today's 4:00 meeting at DOJ

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-FEB-2002 14:50:34.00
SUBJECT:: Re: today's 4:00 meeting at DOJ
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I might or might not be able to go.

Brett M. Kavanaugh
02/12/2002 02:41:13 PM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP,
Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: today's 4:00 meeting at DOJ

I now cannot participate due to a conflicting meeting that has
arisen, and so I must leave it to you three. (Matt, I do not have a car
reserved.)

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
CC: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>
Sent: 2/12/2002 10:48:04 AM
Subject: : who should handle this inquiry?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-FEB-2002 15:48:04.00

SUBJECT:: who should handle this inquiry?

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know. Thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/12/2002 03:46 PM -----

Peter M. Rowan
02/12/2002 03:45:16 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject:

Libby,

Myrna from Rep. Steve Buyer's (R) office called and was looking for some information that her boss could use when defending the administration's current debate with GAO over the Energy Task force. Basically, why we have acted within the law.

She would like a call from someone to quickly walk her through it.

Thanks. Her number is 225-5037. That is Buyer's main office line.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: elizabeth_camp@who.eop.gov@EOP [UNKNOWN] <elizabeth_camp@who.eop.gov@EOP>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;anne womack/who/eop@eop [WHO] <anne womack>;michael j. conway/who/eop@eop [WHO] <michael j. conway>;noel_francisco@who.eop.gov@EOP [UNKNOWN] <noel_francisco@who.eop.gov@EOP>
Sent: 2/12/2002 11:06:46 AM
Subject: : Re: who should handle this inquiry?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-FEB-2002 16:06:46.00
SUBJECT:: Re: who should handle this inquiry?
TO:elizabeth_camp@who.eop.gov@EOP (elizabeth_camp@who.eop.gov@EOP [UNKNOWN])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:anne womack (CN=anne womack/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:michael j. conway (CN=michael j. conway/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel_francisco@who.eop.gov@EOP (noel_francisco@who.eop.gov@EOP [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

David or Noel

Elizabeth N. Camp
02/12/2002 03:48:01 PM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Bradford A. Berenson/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP
cc: Anne Womack/WHO/EOP@EOP, Michael J. Conway/WHO/EOP@EOP
Subject: who should handle this inquiry?

Please let me know. Thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/12/2002 03:46 PM -----

Peter M. Rowan
02/12/2002 03:45:16 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject:

Libby,

Myrna from Rep. Steve Buyer's (R) office called and was looking for some

REV_00140104

information that her boss could use when defending the administration's current debate with GAO over the Energy Task force. Basically, why we have acted within the law.

She would like a call from someone to quickly walk her through it.

Thanks. Her number is 225-5037. That is Buyer's main office line.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC /EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/12/2002 11:07:51 AM
Subject: : JSC meeting - CAN WE POSTPONE/CANCEL THIS WEEK?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-FEB-2002 16:07:51.00
SUBJECT:: JSC meeting - CAN WE POSTPONE/CANCEL THIS WEEK?
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Most of the senior staff will be out late tomorrow afternoon attending a meeting.

We would like to cancel the meeting tomorrow (Wednesday, Feb. 13) and discuss the agenda items next Wednesday (Feb. 20th).

If you have an objection please let me know asap. Otherwise no response necessary.

Thanks!

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2002 11:38:09 AM
Subject: : Re: Draft letter to Chairman Burton on Harrington memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:12-FEB-2002 16:38:09.00
SUBJECT:: Re: Draft letter to Chairman Burton on Harrington memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: Draft letter to Chairman Burton on
Harrington memo
Was Read By : Paul.P.Colborn@usdoj.gov
On : Tue, 12 Feb 2002 16:29:36 -0500

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2002 11:50:19 AM
Subject: : Re: Draft letter to Chairman Burton on Harrington memo

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:12-FEB-2002 16:50:19.00

SUBJECT:: Re: Draft letter to Chairman Burton on Harrington memo

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: Draft letter to Chairman Burton on
Harrington memo

Was Read By : Dan.Collins@usdoj.gov

On : Tue, 12 Feb 2002 16:42:23 -0500

From: Burton, Faith <Faith.Burton@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2002 12:33:41 PM
Subject: : Re: Draft letter to Chairman Burton on Harrington memo

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Burton, Faith" <Faith.Burton@usdoj.gov> ("Burton, Faith" <Faith.Burton@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME:12-FEB-2002 17:33:41.00

SUBJECT:: Re: Draft letter to Chairman Burton on Harrington memo

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: Draft letter to Chairman Burton on
Harrington memo

Was Read By : Faith.Burton@usdoj.gov

On : Tue, 12 Feb 2002 17:29:01 -0500

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 2/13/2002 4:52:48 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2002 09:52:48.00
SUBJECT::
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

hey, don't mention the Jeffreys thing to you know who because that
is still somewhat of a secret. thanks!

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2002 5:15:29 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2002 10:15:29.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

of course...

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2002 5:21:54 AM
Subject: : Political use of Gov't Cars

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2002 10:21:54.00
SUBJECT:: Political use of Gov't Cars
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -

I am not sure if this you or Moose, but Krista Ritacco in Karen Hughes' office would like a short briefing on when she can use a gov't car to shuttle Karen to different speaking engagements to political and nonpolitical groups.

Krista Ritacco
6-7910

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/13/2002 6:25:57 AM
Subject: : Re: Paperwork Reduction Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-FEB-2002 11:25:57.00
SUBJECT:: Re: Paperwork Reduction Act
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

This is another way of describing the Presidential Records Act.
Can you send her the Judge's memo from last year for starters -- and if
they then need a follow-up I will do it.

Elizabeth N. Camp
02/13/2002 11:21:59 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Janet P. Walker/OPD/EOP@EOP
Subject: Paperwork Reduction Act

Brett - any ideas?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/13/2002 11:21 AM -----

Janet P. Walker
02/13/2002 11:16:35 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Paperwork Reduction Act

Hi Libby! Can you drop me a line with who is the expert on Paperwork
Reduction? We'd like to have them stop by one of our staff meetings and
discuss records -- what to keep, what can be tossed -- as a refresher for
our team.

Many thanks!
Janet

From: Matthew.Martens@usdoj.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2002 4:13:32 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Matthew.Martens@usdoj.gov (Matthew.Martens@usdoj.gov [UNKNOWN])

CREATION DATE/TIME:13-FEB-2002 09:13:32.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message :

Was Read By : Matthew.Martens@usdoj.gov

On : Wed, 13 Feb 2002 9:06:00 -0500

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: William H. Leary/NSC/EOP@EOP [NSC] <William H. Leary>
Sent: 2/13/2002 8:36:27 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-FEB-2002 13:36:27.00

SUBJECT::

TO:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

how's the progress?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/13/2002 4:48:01 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-FEB-2002 09:48:01.00
SUBJECT::
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

fyi that I had tried to get this ball rolling yesterday as well .
..

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/13/2002 09:47 AM -----

Brett M. Kavanaugh
02/12/2002 02:29:37 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject:

We think it's time to schedule another POTUS judges meeting,
probably after he returns from the Far East.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 2/13/2002 5:28:21 AM
Subject: : Re: Political use of Gov't Cars

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2002 10:28:21.00
SUBJECT:: Re: Political use of Gov't Cars
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I just talked to her

Patrick J. Bumatay
02/13/2002 10:21:46 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Political use of Gov't Cars

Brett -

I am not sure if this you or Moose, but Krista Ritacco in Karen Hughes' office would like a short briefing on when she can use a gov't car to shuttle Karen to different speaking engagements to political and nonpolitical groups.

Krista Ritacco
6-7910

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2002 5:38:17 AM
Subject: : RE:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])

CREATION DATE/TIME:13-FEB-2002 10:38:17.00

SUBJECT:: RE:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE:

Was Read By : Carl.Thorsen@usdoj.gov

On : Wed, 13 Feb 2002 10:10:52 -0500

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/13/2002 9:55:39 AM
Subject: : Burton Review of Harrington Memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-FEB-2002 14:55:39.00
SUBJECT:: Burton Review of Harrington Memo
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

FYI
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/13/2002 02:55 PM -----

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
02/13/2002 02:47:25 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Burton Review of Harrington Memo

Burton's staff just called, they asked that unless we hear back from them (after they've discussed our letter with the Chairman I presume) we bring it up at 4:30 PM today for their review. Unless someone disagrees, I'll plan to do that alone so Faith and Matt can participate in Jay's prep session.

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Message Sent
To: _____

REV_00140136

"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Whelan, M Edward III" <M.Edward.WheLAN@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Burton, Faith" <Faith.Burton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Brett M. Kavanaugh/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>
Sent: 2/13/2002 6:22:06 AM
Subject: : Paperwork Reduction Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2002 11:22:06.00
SUBJECT:: Paperwork Reduction Act
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Brett - any ideas?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/13/2002 11:21 AM -----

Janet P. Walker
02/13/2002 11:16:35 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Paperwork Reduction Act

Hi Libby! Can you drop me a line with who is the expert on Paperwork Reduction? We'd like to have them stop by one of our staff meetings and discuss records -- what to keep, what can be tossed -- as a refresher for our team.

Many thanks!
Janet

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/13/2002 11:05:00 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-FEB-2002 16:05:00.00

SUBJECT::

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Judge: I recommend that you review your December 12 letter again before your meeting with Senators Murray and Cantwell. The entire correspondence is in your in-box.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
Sent: 2/13/2002 11:05:40 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-FEB-2002 16:05:40.00
SUBJECT: :
TO: Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Mr. Special Assistant: Are you attending the AEI dinner tonight?

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2002 7:20:06 AM
Subject: : RE:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:13-FEB-2002 12:20:06.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE:
Was Read By : Paul.P.Colborn@usdoj.gov
On : Wed, 13 Feb 2002 11:46:55 -0500

From: CN=William H. Leary/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2002 9:14:47 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:13-FEB-2002 14:14:47.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brad will call you. I passed on to him the results of our review.

From: CN=William H. Leary/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2002 9:14:47 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:13-FEB-2002 14:14:47.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brad will call you. I passed on to him the results of our review.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/13/2002 10:06:01 AM
Subject: : AEI

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2002 15:06:01.00
SUBJECT:: AEI
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Would you be willing to pick me up on your way to the dinner? I'm on my own this evening. I live close to the Hilton; I'm going to run home quickly to change just before dinner.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/13/2002 10:31:47 AM
Subject: : call by Tim to Congresswoman Dunn

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2002 15:31:47.00
SUBJECT:: call by Tim to Congresswoman Dunn
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Her office says that Tim owes the Congresswoman a call. This is
not related to judges. Doug Badger is her Chief of Staff at 225-7220.
You might call him first to get the lay of the land.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/13/2002 12:00:32 PM
Subject: : Meeting re: GAO investigations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-FEB-2002 17:00:32.00

SUBJECT:: Meeting re: GAO investigations

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tomorrow morning there will be a meeting in the Judge's office from 9-10am to discuss the various GAO inquiries/requests/investigations.

As of right now the following people will be in attendance: Judge, David, Tim, Rachel and Ed.

If you are also involved in these matters please be there.

Thanks!

REV_00140155

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
Sent: 2/13/2002 12:00:48 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2002 17:00:48.00
SUBJECT:: Re:
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I will be there see you then

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>
Sent: 2/13/2002 12:11:41 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-FEB-2002 17:11:41.00
SUBJECT:: Re:
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I will be there see you then

From: Burton, Faith <Faith.Burton@usdoj.gov>
To: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>; Collins, Dan <Dan.Collins@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Chertoff, Michael <Michael.Chertoff@usdoj.gov>
CC: Bybee, Jay <Jay.Bybee@usdoj.gov>; Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
Sent: 2/13/2002 1:12:02 PM
Subject: : RE: Jay Bybee's opening remarks for hearing

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Burton, Faith" <Faith.Burton@usdoj.gov> ("Burton, Faith" <Faith.Burton@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:13-FEB-2002 18:12:02.00
SUBJECT:: RE: Jay Bybee's opening remarks for hearing
TO:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

I have a car for Jay, Carl, Paul and me at 9:45 a.m. at 9th & Penn. tomorrow.

-----Original Message-----

From: Colborn, Paul P
Sent: Wednesday, February 13, 2002 6:06 PM
To: Thorsen, Carl; Martens, Matthew; Whelan, M Edward III; Collins, Dan; Bryant, Dan; Burton, Faith; 'brett_m._kavanaugh@who.eop.gov'; Chertoff, Michael

REV_00140160

Cc: Bybee, Jay; Whelan, M Edward III
Subject: RE: Jay Bybee's opening remarks for hearing

Jay does not plan to submit an opening statement at the hearing, but he does plan to give the attached brief remarks before taking questions. (This would not be submitted to the Committee ahead of time.) Please give me any comments you have by 9:00 tomorrow morning.

<< File: burton.jay'sstatement.wpd >>

-----Original Message-----

From: Thorsen, Carl
Sent: Wednesday, February 13, 2002 2:47 PM
To: Martens, Matthew; Colborn, Paul P; Whelan, M Edward III;
Collins, Dan; Bryant, Dan; Burton, Faith; 'brett_m._kavanaugh@who.eop.gov'
Subject: Burton Review of Harrington Memo

Burton's staff just called, they asked that unless we hear back from them (after they've discussed our letter with the Chairman I presume) we bring it up at 4:30 PM today for their review. Unless someone disagrees, I'll plan to do that alone so Faith and Matt can participate in Jay's prep session.

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

REV_00140161

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Dan.Collins@usdoj.gov <Dan.Collins@usdoj.gov>; Paul.P.Colborn@usdoj.gov
<Paul.P.Colborn@usdoj.gov>; Carl.Thorsen@usdoj.gov
<Carl.Thorsen@usdoj.gov>; M.Edward.Whelan@usdoj.gov
<M.Edward.Whelan@usdoj.gov>; Dan.Bryant@usdoj.gov
<Dan.Bryant@usdoj.gov>; Faith.Burton@usdoj.gov
<Faith.Burton@usdoj.gov>; Matthew.Martens@usdoj.gov <Matthew.Martens@usdoj.gov>; Brett
M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Michael.Chertoff@usdoj.gov
<Michael.Chertoff@usdoj.gov>
CC: Jay.Bybee@usdoj.gov <Jay.Bybee@usdoj.gov>
Sent: 2/13/2002 1:37:34 PM
Subject: : Re: Jay Bybee's opening remarks for hearing

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-FEB-2002 18:37:34.00
SUBJECT:: Re: Jay Bybee's opening remarks for hearing
TO: <Dan.Collins@usdoj.gov> (<Dan.Collins@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
TO: <Paul.P.Colborn@usdoj.gov> (<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
TO: <Carl.Thorsen@usdoj.gov> (<Carl.Thorsen@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
TO: <M.Edward.Whelan@usdoj.gov> (<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
TO: <Dan.Bryant@usdoj.gov> (<Dan.Bryant@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
TO: <Faith.Burton@usdoj.gov> (<Faith.Burton@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
TO: <Matthew.Martens@usdoj.gov> (<Matthew.Martens@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: <Michael.Chertoff@usdoj.gov> (<Michael.Chertoff@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
CC: <Jay.Bybee@usdoj.gov> (<Jay.Bybee@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

That is important

From: CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;scastillo@rnchq.org @ inet [UNKNOWN] <scastillo@rnchq.org>
Sent: 2/14/2002 3:58:45 AM
Subject: : Re: URGENT rnc media advisory

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2002 08:58:45.00
SUBJECT:: Re: URGENT rnc media advisory
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:scastillo@rnchq.org (scastillo@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Thanks Brett

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2002 5:38:04 AM
Subject: : Meeting with ARG/Tim re confirmation action plan

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-FEB-2002 10:38:04.00

SUBJECT:: Meeting with ARG/Tim re confirmation action plan

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

2:15 p.m. next Wednesday in Judge's office.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
Sent: 2/14/2002 6:43:46 AM
Subject: : Ose

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 14-FEB-2002 11:43:46.00

SUBJECT:: Ose

TO: GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

The Ose special access request about which you left me a message
this morning is cleared for NARA to provide to Congress.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/14/2002 3:43:12 AM
Subject: : GAO meeting now 11am-12N (instead of 9am) in the Judge's office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-FEB-2002 08:43:12.00

SUBJECT:: GAO meeting now 11am-12N (instead of 9am) in the Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/14/2002 3:43:12 AM
Subject: : GAO meeting now 11am-12N (instead of 9am) in the Judge's office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-FEB-2002 08:43:12.00

SUBJECT:: GAO meeting now 11am-12N (instead of 9am) in the Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/14/2002 3:47:01 AM
Subject: : Medical Privacy meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-FEB-2002 08:47:01.00

SUBJECT:: Medical Privacy meeting

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Can any of you cover this meeting at 11 a.m. today? I have a scheduling conflict. I know nothing about the subject matter, so there is no "background" that you'll be lacking.

----- Forwarded by Courtney S. Elwood/WHO/EOP on
02/14/2002 08:45 AM -----

Mary M. Chuckerel
02/08/2002 10:50:37 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Medical Privacy meeting

I have been asked to schedule a meeting to discuss the coordination of the HHS medical privacy rule... This meeting has been scheduled for Feb. 14 at 11:00 a.m. in rm 180 of the EEOB. If you are not able to attend, please send an alternate.

Message Sent

To:

Stuart Shapiro/OMB/EOP@EOP
John F. Morrall III/OMB/EOP@EOP
Donald R. Arbuckle/OMB/EOP@EOP
Daniel J. Chenok/OMB/EOP@EOP
Eva Kleederman/OMB/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Richard M. Russell/OSTP/EOP@EOP
John M. Ackerly/OPD/EOP@EOP
Anne E. Phelps/OPD/EOP@EOP
Mark McClellan/CEA/EOP@EOP

REV_00140170

James C. Capretta/OMB/EOP@EOP
Rebecca A. Beynon/OMB/EOP@EOP

Message Copied

To:

Lisa M. Jones/OMB/EOP@EOP
Carolyn Swinney/OMB/EOP@EOP
Carla B. Stone/OMB/EOP@EOP
Karen S. Dooley/OMB/EOP@EOP
Veronica Vargas/OMB/EOP@EOP
Paul R. Noe/OMB/EOP@EOP

From: Brett_M._Kavanaugh@who.eop.gov [UNKNOWN]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2002 4:17:42 AM
Subject: : Re: Medical Privacy meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett_M._Kavanaugh@who.eop.gov (Brett_M._Kavanaugh@who.eop.gov [UNKNOWN])

CREATION DATE/TIME: 14-FEB-2002 09:17:42.00

SUBJECT:: Re: Medical Privacy meeting

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

True enough

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel_L._Brand@who.eop.gov [UNKNOWN] <Rachel_L._Brand@who.eop.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2002 4:22:06 AM
Subject: : Re: Medical Privacy meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-FEB-2002 09:22:06.00
SUBJECT:: Re: Medical Privacy meeting
TO: Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

True enough

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 2/14/2002 5:11:06 AM
Subject: : fcfnnn021402 Inside: Paul Weyrich's Commentary: Same Old Excuses / William S. Lind's Commentary: How Not To Improve Domestic Security

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-FEB-2002 10:11:06.00

SUBJECT:: fcfnnn021402 Inside: Paul Weyrich's Commentary: Same Old Excuses / William S. Lind's Commentary: How Not To Improve Domestic Security

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

fyi

warmly

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 02/14/2002
10:10 AM -----

Notable News Now <NotableNewsNow@freecongress.org>

02/13/2002 11:23:41 PM

Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP

cc:

Subject: fcfnnn021402 Inside: Paul Weyrich's Commentary: Same Old Excuses / William S. Lind's Commentary: How Not To Improve Domestic Security

Free Congress Foundation's

Notable News Now

February 14, 2002

Tom Jipping takes a look at some of the eyebrow-raising decisions made by Bill Clinton's most radical judges on the left coast in today's "Respectful

REV_00140181

Dissent" column in <www.WorldNetDaily.com> And wonders how these judges ever got to where they were in the first place.

It's a question worth asking - especially given the current tactics of Senate Democrats considering President Bush's nominees.

Getting the answers about why West Coast justice is out of whack starts with reading Tom Jipping's column. Just one click and you're in:

<http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=26449

[Link not active until 1:30 AM Thursday, Eastern Time.]

Tom Jipping's "Respectful Dissent" column appears every Thursday in www.WorldNetDaily.com

For media inquiries, contact Steve Lilienthal
slilienthal@freecongress.org

For other questions or comments, or to unsubscribe contact Notable News Now
NotableNewsNow@freecongress.org

Visit Our Website at: <http://www.FreeCongress.org>

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Free Congress Foundation * 717 Second Street, NE * Washington, DC 20002 *
Phone: 202.546.3000 // Fax: 202.544.2819

Project Manager: Angela Wheeler

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From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;viet.dinh@usdoj.gov @
inet [UNKNOWN] <viet.dinh@usdoj.gov>
Sent: 2/14/2002 5:52:07 AM
Subject: : Save these times

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-FEB-2002 10:52:07.00

SUBJECT:: Save these times

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Tim Goeglein asked me to pass along the following information concerning
important judicial coalition organizational activities next week in which
he would like us to participate:

Weds 3:00 p.m. conference call (30 mins.)

Thurs 1:00-3:00 p.m. meetings

From: CN=Krista L. Ritacco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2002 6:28:40 AM
Subject: : Another Car Situation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-FEB-2002 11:28:40.00

SUBJECT:: Another Car Situation

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

On February 28th, Karen Hughes is speaking to a group of Congressional Communications Staff at a luncheon organized by the Heritage Foundation to be held at the Capitol Hill Club.

Would it be OK for her to take a WH car to this? Please advise. Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>
Sent: 2/14/2002 6:31:03 AM
Subject: : Re: Another Car Situation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-FEB-2002 11:31:03.00
SUBJECT:: Re: Another Car Situation
TO: Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

official event for her. yes, she can use the WH car.

Krista L. Ritacco
02/14/2002 11:28:32 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Another Car Situation

On February 28th, Karen Hughes is speaking to a group of Congressional Communications Staff at a luncheon organized by the Heritage Foundation to be held at the Capitol Hill Club.
Would it be OK for her to take a WH car to this? Please advise. Thanks!

From: CN=Krista L. Ritacco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2002 6:39:55 AM
Subject: : Re: Another Car Situation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2002 11:39:55.00
SUBJECT:: Re: Another Car Situation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks!

Brett M. Kavanaugh
02/14/2002 11:30:54 AM
Record Type: Record

To: Krista L. Ritacco/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Another Car Situation

official event for her. yes, she can use the WH car.

Krista L. Ritacco
02/14/2002 11:28:32 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Another Car Situation

On February 28th, Karen Hughes is speaking to a group of Congressional Communications Staff at a luncheon organized by the Heritage Foundation to be held at the Capitol Hill Club.
Would it be OK for her to take a WH car to this? Please advise. Thanks!

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2002 11:04:33 AM
Subject: : Red Tags

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2002 16:04:33.00
SUBJECT:: Red Tags
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Just a quick reminder, the 2 red tags for Press Availabilities are due at 4 Pm.

Thanks,
Patrick

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 2/14/2002 8:24:42 AM
Subject: : Leaving...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])

CREATION DATE/TIME:14-FEB-2002 13:24:42.00

SUBJECT:: Leaving...

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James W. Carroll (CN=James W. Carroll/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I am heading out today around 2:00 pm to go to Salt Lake for a few days.

Lib

and Patrick should be able to help you, but I will also have my

Blackberry. I

will be back Tuesday.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>
Sent: 2/14/2002 8:48:23 AM
Subject: : Re: it's me again...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-FEB-2002 13:48:23.00
SUBJECT:: Re: it's me again...
TO: Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

will do and will do

Kimberly A. Douglass 02/14/2002 11:53:14 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: it's me again...

hey there! may I stop by to get the blue sheet I dropped off last night?
I've already had two emails today about this laptop...ugh.

also, (yes, it's time for me to bug you again...) any chance I could get those trip summaries by late tomorrow morning? I am leaving the office at noon tomorrow and won't be back until Wednesday. I am just trying to keep the OA folks from having a meltdown while I am away. If you can pull it off, there's a reward in it for you...more blue sheets!!!! Now there's incentive for you...

Thanks!!!

Kim

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2002 8:58:23 AM
Subject: : Re: Chron

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-FEB-2002 13:58:23.00

SUBJECT:: Re: Chron

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I thought Brent was now in charge of the chron. I have not been adding to it since we discussed assigning this to him.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 2/14/2002 9:43:02 AM
Subject: RECEIVED: Former Administration E-mails

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2002 14:43:02.00
SUBJECT:RECEIVED: Former Administration E-mails
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Former Administration E-mails
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
02/14/2002 02:42:06 PM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 2/14/2002 9:43:02 AM
Subject: RECEIVED: Former Administration E-mails

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2002 14:43:02.00
SUBJECT:RECEIVED: Former Administration E-mails
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Former Administration E-mails
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
02/14/2002 02:42:06 PM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 2/14/2002 9:43:11 AM
Subject: : Re: Chron

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-FEB-2002 14:43:11.00
SUBJECT:: Re: Chron
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

no and no. why don't I speak to him and have him do it. I'll
take care of that if that is ok plan with you all.

Bradford A. Berenson
02/14/2002 02:09:12 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Chron

I haven't seen any new entries other than my own, which is why I
inquired. Did anyone actually speak to Brent and instruct him? I know I
didn't.

H. Christopher Bartolomucci
02/14/2002 01:55:29 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M.
Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Chron

I thought Brent was now in charge of the chron. I have not been adding to
it since we discussed assigning this to him.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

REV_00140198

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/14/2002 10:12:11 AM
Subject: : I'll distribute your keys tomorrow. I'll come down to your office.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-FEB-2002 15:12:11.00

SUBJECT:: I'll distribute your keys tomorrow. I'll come down to your office.

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

We're going to be getting new locks tomorrow morning. Please have keys in outbox or someplace that I can get access them to turn them in for new keys.

Lori

----- Forwarded by Lori L. Lorenzi/WHO/EOP on 02/14/2002

03:11 PM -----

Urbieta A. Swallow 02/14/2002 03:08:04 PM

Record Type: Record

To: Lori L. Lorenzi/WHO/EOP@EOP

cc:
Subject: I'll distribute your keys tomorrow. I'll come down to your office.

The locksmith will be installing the new locks tomorrow morning.

Thanks,
Beth

REV_00140202

From: CN=Ansley C. Tillman/OU=OPD/O=EOP [OPD]
To: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>;Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
CC: Lauren J. Vestewig/OPD/EOP@EOP [OPD] <Lauren J. Vestewig>
Sent: 2/14/2002 11:30:14 AM
Subject: : Victims Rights Meeting - TIME CHANGE

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:14-FEB-2002 16:30:14.00
SUBJECT:: Victims Rights Meeting - TIME CHANGE
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Lauren J. Vestewig (CN=Lauren J. Vestewig/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

The meeting next Thursday has been moved to 12 noon. Please let me know if there are any conflicts. Thanks.

----- Forwarded by Ansley C. Tillman/OPD/EOP on
02/14/2002 04:29 PM -----

Ansley C. Tillman
02/13/2002 02:46:07 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Victims Rights Meeting

Diana will be holding a meeting on Victims Rights with Viet Dinh next Thursday, February 21st, at 12:30 p.m. in Room 211. Please let me know if there are any conflicts with this. Thanks.

Message Sent

To: _____
Jay P. Lefkowitz/OMB/EOP@EOP
Robert Marsh/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Garry Malphrus/OPD/EOP@EOP

REV_00140214

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>
Sent: 2/14/2002 11:43:22 AM
Subject: : reminder

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 14-FEB-2002 16:43:22.00

SUBJECT:: reminder

TO: Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

political amounts for trips thus far -- if I can get today if
possible -- thanks

From: CN=Kimberly A. Douglass/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2002 11:58:56 AM
Subject: : Re: reminder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2002 16:58:56.00
SUBJECT:: Re: reminder
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks...am awaiting info from FMD. Should have shortly.

Brett M. Kavanaugh
02/14/2002 04:43:16 PM
Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@EOP
cc:
Subject: reminder

political amounts for trips thus far -- if I can get today if possible -- thanks

From: CN=Kimberly A. Douglass/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2002 12:44:38 PM
Subject: : Re: reminder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2002 17:44:38.00
SUBJECT:: Re: reminder
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FMD sent me the wrong info...hope to have correct numbers soon...

Brett M. Kavanaugh
02/14/2002 04:43:16 PM
Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@EOP
cc:
Subject: reminder

political amounts for trips thus far -- if I can get today if possible -- thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 2/14/2002 12:45:56 PM
Subject: : any luck on e-mails for Cabinet general counsels?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2002 17:45:56.00
SUBJECT:: any luck on e-mails for Cabinet general counsels?
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Kimberly A. Douglass/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2002 1:01:38 PM
Subject: : Re: political expenses

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-FEB-2002 18:01:38.00
SUBJECT:: Re: political expenses
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This should give you a good idea of the average costs. However, according to Jacque in FMD, expenses for trips after September 11th (eg. Orlando) have increased significantly. So, we may want to consider increasing the deposit request. I can give you an update on trip costs as soon as the bills are processed for the trip summaries you signed today.

Let me know if you need more info.

Kim

----- Forwarded by Kimberly A. Douglass/WHO/EOP on
02/14/2002 05:58 PM -----

Jacque J. Hightower
02/14/2002 05:54:54 PM
Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@EOP
cc:
bcc:
Subject: Re: political expenses

Kim,

Based on the political percentages assigned to the perspective trips, the following identifies the total amount billed:

LOCATION TOTAL

Little Rock, AK \$11,143.58

Birmingham, AL \$8,708.81

Denver, CO \$9,503.23

Albuquerque, NM \$3,763.12

Orlando, FL \$23,878.45

Call me if you have any questions.

Jacque

Kimberly A. Douglass 02/14/2002 04:07:35 PM

REV_00140230

Record Type: Record

To: Jacque J. Hightower/OA/EOP@EOP
cc: Andris Kalnins/OA/EOP@EOP
Subject: political expenses

Hi, Jacque

As we just discussed, I am trying to find out the political expense totals for the four mixed trips that occurred in 2001 (calendar year.) I need to provide this info to Counsel by COB today. Thanks!!

Kim

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel_L._Brand@who.eop.gov [UNKNOWN] <Rachel_L._Brand@who.eop.gov>
Sent: 2/15/2002 4:21:11 AM
Subject: : Re: reminder

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-FEB-2002 09:21:11.00
SUBJECT:: Re: reminder
TO: Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

great, thanks.

Rachel_L._Brand@who.eop.gov
02/15/2002 09:19:58 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: reminder

I know - I called Grassley about it last week

Brett M. Kavanaugh
02/15/2002 09:09:14 AM

Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc:
Subject: reminder

With Melloy's elevation, there is now an official vacancy in ND Iowa.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>
Sent: 2/15/2002 7:50:00 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-FEB-2002 12:50:00.00

SUBJECT::

TO: Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

we owe you a few answers; we'll have those later today or over
weekend at latest.

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 4:34:30 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-FEB-2002 09:34:30.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Wall Street Journal

&St. John,s Reform.8 &The President has been hinting he'll sign this assault on free speech, and that made sense when his hints told Members of Congress that what they voted for might actually pass. They needed to know they didn't have a free vote. But now that this monstrosity might become law, Mr. Bush has to think about the oath he took to protect the Constitution. The easy political decision is to sign anything that hits his desk,8 but &that would also be a Constitutional abdication of the first order. In the 2000 campaign, Mr. Bush ran as a reformer, too, but by advocating very different principles than those favored by Mr. McCain or Al Gore. Mr. Bush won, yet his opponents' principles are the ones contained in the bill that has now passed the House and the Senate.8

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: tkassinger@doc.gov @ inet [UNKNOWN] <tkassinger@doc.gov>; brian.jones@ed.gov @ inet [UNKNOWN] <brian.jones@ed.gov>; lee.otis@hq.doe.gov @ inet [UNKNOWN] <lee.otis@hq.doe.gov>; alex.azar@hhs.gov @ inet [UNKNOWN] <alex.azar@hhs.gov>; Richard_a._hauser@hud.gov @ inet [UNKNOWN] <Richard_a._hauser@hud.gov>; William_myersIII@ios.doi.gov @ inet [UNKNOWN] <William_myersIII@ios.doi.gov>; adam.ciongoli@usdoj.gov @ inet [UNKNOWN] <adam.ciongoli@usdoj.gov>; scalia-eugene@dol.gov @ inet [UNKNOWN] <scalia-eugene@dol.gov>; taftwh@ms.state.gov @ inet [UNKNOWN] <taftwh@ms.state.gov>; kvantine@dot.ost.gov @ inet [UNKNOWN] <kvantine@dot.ost.gov>; david.aufhauser@do.treas.gov @ inet [UNKNOWN] <david.aufhauser@do.treas.gov>; tim.mcclain@mail.va.gov @ inet [UNKNOWN] <tim.mcclain@mail.va.gov>; j_michael.kelly@usda.gov @ inet [UNKNOWN] <j_michael.kelly@usda.gov>; hayneswj@osdgc.osd.mil @ inet [UNKNOWN] <hayneswj@osdgc.osd.mil>
Sent: 2/15/2002 4:59:21 AM
Subject: : Meeting of Department General Counsels on political activity rules and issues

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-FEB-2002 09:59:21.00

SUBJECT:: Meeting of Department General Counsels on political activity rules and issues

TO: tkassinger@doc.gov (tkassinger@doc.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: brian.jones@ed.gov (brian.jones@ed.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: lee.otis@hq.doe.gov (lee.otis@hq.doe.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: alex.azar@hhs.gov (alex.azar@hhs.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: Richard_a._hauser@hud.gov (Richard_a._hauser@hud.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: William_myersIII@ios.doi.gov (William_myersIII@ios.doi.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: adam.ciongoli@usdoj.gov (adam.ciongoli@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: scalia-eugene@dol.gov (scalia-eugene@dol.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: taftwh@ms.state.gov (taftwh@ms.state.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: kvantine@dot.ost.gov (kvantine@dot.ost.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: david.aufhauser@do.treas.gov (david.aufhauser@do.treas.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: tim.mcclain@mail.va.gov (tim.mcclain@mail.va.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: j_michael.kelly@usda.gov (j_michael.kelly@usda.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: hayneswj@osdgc.osd.mil (hayneswj@osdgc.osd.mil @ inet [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

The White House Counsel's office requests that you and/or a designated high-level attorney in your office attend a meeting next Wednesday the 20th at 3:00 in Room 180 of the EEOB. At the meeting, we will review political activity rules and issues, as well as answer any questions you may have. The meeting should last less than an hour.

Please let me know by reply e-mail who from your office will attend. Clearance information should be provided to Lori Lorenzi at 456-7900.

Ken Mehlman of the White House Office of Political Affairs also

REV_00140280

will be in contact with the Chiefs of Staffs of your departments about this meeting.

From: Joy, Sheila <Sheila.Joy@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 9:08:13 AM
Subject: : RE:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Joy, Sheila" <Sheila.Joy@usdoj.gov> ("Joy, Sheila" <Sheila.Joy@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:15-FEB-2002 14:08:13.00

SUBJECT:: RE:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE:

Was Read By : Sheila.Joy@usdoj.gov

On : Fri, 15 Feb 2002 14:03:46 -0500

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 9:08:15 AM
Subject: : RE:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer"
<Jennifer.Newstead@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:15-FEB-2002 14:08:15.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE:
Was Read By : Jennifer.Newstead@usdoj.gov
On : Fri, 15 Feb 2002 13:54:35 -0500

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 9:40:49 AM
Subject: : Bradford A. Berenson/WHO/EOP is out of the office.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-FEB-2002 14:40:49.00

SUBJECT:: Bradford A. Berenson/WHO/EOP is out of the office.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I will be out of the office from 02/15/2002 until 02/19/2002.

If the matter is urgent and requires my personal attention, please call the Counsel's Office at (202) 456-2632, which will be able to reach me at all times. Otherwise, I will respond to your message when I return.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 2/15/2002 6:06:22 AM
Subject: : Meeting of Department General Counsels on political activity rules and issues

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-FEB-2002 11:06:22.00

SUBJECT:: Meeting of Department General Counsels on political activity rules and issues

TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

please FAX to Miers

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/15/2002 10:31 AM -----

Brett M. Kavanaugh
02/15/2002 09:59:13 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting of Department General Counsels on political
activity rules and issues

The White House Counsel's office requests that you and/or a designated high-level attorney in your office attend a meeting next Wednesday the 20th at 3:00 in Room 180 of the EEOB. At the meeting, we will review political activity rules and issues, as well as answer any questions you may have. The meeting should last less than an hour.

Please let me know by reply e-mail who from your office will attend. Clearance information should be provided to Lori Lorenzi at 456-7900.

Ken Mehlman of the White House Office of Political Affairs also will be in contact with the Chiefs of Staffs of your departments about this meeting.

Message Sent

To: _____
tkassinger@doc.gov @ inet
brian.jones@ed.gov @ inet
lee.otis@hq.doe.gov @ inet
alex.azar@hhs.gov @ inet
Richard_a_hauser@hud.gov @ inet
William_myersIII@ios.doi.gov @ inet
adam.ciongoli@usdoj.gov @ inet
scalia-eugene@dol.gov @ inet
taftwh@ms.state.gov @ inet
kvantine@dot.ost.gov @ inet
david.aufhauser@do.treas.gov @ inet
tim.mcclain@mail.va.gov @ inet
j_michael.kelly@usda.gov @ inet
hayneswj@osdgc.osd.mil @ inet

REV_00140290

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kirk.vantine@dot.ost.gov @ inet [UNKNOWN] <kirk.vantine@dot.ost.gov>
Sent: 2/15/2002 6:06:26 AM
Subject: : Meeting of Department General Counsels on political activity rules and issues

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-FEB-2002 11:06:26.00

SUBJECT:: Meeting of Department General Counsels on political activity rules and issues

TO: kirk.vantine@dot.ost.gov (kirk.vantine@dot.ost.gov @ inet [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/15/2002 10:32 AM -----

Brett M. Kavanaugh
02/15/2002 09:59:13 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting of Department General Counsels on political
activity rules and issues

The White House Counsel's office requests that you and/or a designated high-level attorney in your office attend a meeting next Wednesday the 20th at 3:00 in Room 180 of the EEOB. At the meeting, we will review political activity rules and issues, as well as answer any questions you may have. The meeting should last less than an hour.

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Ken Mehlman of the White House Office of Political Affairs also will be in contact with the Chiefs of Staffs of your departments about this meeting.

Message Sent

To: _____
tkassinger@doc.gov @ inet
brian.jones@ed.gov @ inet
lee.otis@hq.doe.gov @ inet
alex.azar@hhs.gov @ inet
Richard_a._hauser@hud.gov @ inet
William_myersIII@ios.doi.gov @ inet
adam.ciongoli@usdoj.gov @ inet
scalia-eugene@dol.gov @ inet
taftwh@ms.state.gov @ inet
kvantine@dot.ost.gov @ inet
david.aufhauser@do.treas.gov @ inet
tim.mcclain@mail.va.gov @ inet
j_michael.kelly@usda.gov @ inet
hayneswj@osdgc.osd.mil @ inet

REV_00140292

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 2/15/2002 6:07:05 AM
Subject: : GC meeting -- status

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-FEB-2002 11:07:05.00
SUBJECT:: GC meeting -- status
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

good response from the GCs so far. Most seem to be planning to attend themselves.

From: Postmaster@ios.doi.gov [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 6:44:45 AM
Subject: : DELIVERY FAILURE: User William_myersIII (William_myersIII@ios.doi.gov) not listed in public Name & Address Book

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Postmaster@ios.doi.gov (Postmaster@ios.doi.gov [OA])
CREATION DATE/TIME:15-FEB-2002 11:44:45.00
SUBJECT:: DELIVERY FAILURE: User William_myersIII (William_myersIII@ios.doi.gov) not listed in public Name & Address Book
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Your message

Subject: Meeting of Department General Counsels on political activity rules and issues

was not delivered to:

William_myersIII@ios.doi.gov

because:

User William_myersIII (William_myersIII@ios.doi.gov) not listed in public Name & Address Book

Reporting-MTA: dns;iossmtpl.ios.doi.gov

Final-Recipient: rfc822;William_myersIII@ios.doi.gov

Action: failed

Status: 5.1.1

Diagnostic-Code: X-Notes; User William_myersIII

(William_myersIII@ios.doi.gov) not listed in public Name & Address Book

Received: from eop2.eop.gov ([198.137.241.53]) by iossmtpl.ios.doi.gov (Lotus Domino Release 5.0.8) with ESMTP id 2002021510004641:4524 ; Fri, 15 Feb 2002 10:00:46 -0500

Received: from conversion.EOP2.EOP.GOV by EOP.GOV (PMDF V5.2-33 #41060) id <01KEAS038LI899GDOL@EOP.GOV> for William_myersIII@ios.doi.gov; Fri, 15 Feb 2002 10:00:12 EST

Received: from mhub2.eop.gov ([198.137.241.10]) by EOP.GOV (PMDF V5.2-33 #41061) with ESMTP id <01KEARYTR0LW9AMH6R@EOP.GOV>; Fri, 15 Feb 2002 09:59:53 -0500 (EST)

Received: from sgeop01.eop.gov ([165.119.1.33]) by mhub.eop.gov (PMDF V5.2-33 #40371) with SMTP id <01KEARYEZDCC91Y0MC@mhub.eop.gov>; Fri, 15 Feb 2002 09:59:33 -0500 (EST)

Received: by sgeop01.eop.gov (Lotus SMTP MTA v4.6.7 (934.1 12-30-1999)) id 85256B61.0052581B ; Fri, 15 Feb 2002 09:59:25 -0500

Date: Fri, 15 Feb 2002 09:59:13 -0500

From: Brett_M._Kavanaugh@who.eop.gov

Subject: Meeting of Department General Counsels on political activity rules and issues

To: tkassinger@doc.gov, brian.jones@ed.gov, lee.otis@hq.doe.gov, alex.azar@hhs.gov, Richard_a._hauser@hud.gov, William_myersIII@ios.doi.gov, adam.ciongoli@usdoj.gov, scalia-eugene@dol.gov, taftwh@ms.state.gov, kvantine@dot.ost.gov, david.aufhauser@do.treas.gov, tim.mcclain@mail.va.gov, j_michael.kelly@usda.gov, hayneswj@osdgc.osd.mil
Message-id: <85256B61.0052565D.00@sgeop01.eop.gov>

MIME-version: 1.0

Content-type: text/plain; charset=us-ascii

Content-disposition: inline

REV_00140300

Content-transfer-encoding: 7BIT

X-MIMETrack: Itemize by SMTP Server on IOSSMTP1/OS/DOI (Release 5.0.8 | June 18, 2001) at 02/15/2002 10:00:46 AM, Serialize by Router on IOSSMTP1/OS/DOI (Release 5.0.8 | June 18, 2001) at 02/15/2002 10:00:48 AM, Serialize complete at 02/15/2002 10:00:48 AM

X-Lotus-FromDomain: EOP

The White House Counsel's office requests that you and/or a designated high-level attorney in your office attend a meeting next Wednesday the 20th at

3:00 in Room 180 of the EEOB. At the meeting, we will review political activity

rules and issues, as well as answer any questions you may have. The meeting

should last less than an hour.

Please let me know by reply e-mail who from your office will attend. Clearance information should be provided to Lori Lorenzi at 456-7900.

Ken Mehlman of the White House Office of Political Affairs also will be in contact with the Chiefs of Staffs of your departments about this meeting.

From: TKassinger@doc.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 6:44:47 AM
Subject: : Re: Meeting of Department General Counsels on political activity rules and issues

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:TKassinger@doc.gov (TKassinger@doc.gov [UNKNOWN])

CREATION DATE/TIME:15-FEB-2002 11:44:47.00

SUBJECT:: Re: Meeting of Department General Counsels on political activity rules and issues

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I likely will be out of the country. I will ask Deputy GC Margaret Wilson to attend.

Regards, Ted

From: Azar, Alex (HHS ("Azar, Alex (HHS/OS) <Alex.Azar@hhs.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 6:44:49 AM
Subject: : RE: Meeting of Department General Counsels on political activity rules and issues

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Azar, Alex (HHS ("Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov> [UNKNOWN])
CREATION DATE/TIME:15-FEB-2002 11:44:49.00
SUBJECT:: RE: Meeting of Department General Counsels on political activity rules and issues
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ladd Wiley and I will both attend. Good timing. We start our mandatory political activity training program that I commissioned the week after next.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, February 15, 2002 9:59 AM
To: tkassinger@doc.gov; brian.jones@ed.gov; lee.otis@hq.doe.gov; Azar, Alex (HHS/OS); Richard_a._hauser@hud.gov; William_myersIII@ios.doi.gov; adam.ciongoli@usdoj.gov; scalia-eugene@dol.gov; taftwh@ms.state.gov; kvantine@dot.ost.gov; david.aufhauser@do.treas.gov; tim.mcclain@mail.va.gov; j_michael.kelly@usda.gov; hayneswj@osdgc.osd.mil
Subject: Meeting of Department General Counsels on political activity rules and issues

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Ken Mehlman of the White House Office of Political Affairs also will be in contact with the Chiefs of Staffs of your departments about this meeting.

From: McClain, Tim <tim.mcclain@mail.va.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 6:44:57 AM
Subject: : RE: Meeting of Department General Counsels on political activity rules and issues

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"McClain, Tim" <tim.mcclain@mail.va.gov> ("McClain, Tim" <tim.mcclain@mail.va.gov>
[UNKNOWN])

CREATION DATE/TIME:15-FEB-2002 11:44:57.00

SUBJECT:: RE: Meeting of Department General Counsels on political activity rules and issues

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Mr. Kavanaugh,
I will be attending the meeting next Wed. at 3:00pm.

Tim S. McClain
General Counsel
Dept. of Veterans Affairs
202-273-6660

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett_M_Kavanaugh@who.eop.gov]
Sent: Friday, February 15, 2002 9:59 AM
To: tkassinger@doc.gov; brian.jones@ed.gov; lee.otis@hq.doe.gov;
alex.azar@hhs.gov; Richard_a._hauser@hud.gov;
William_myersIII@ios.doi.gov; adam.ciongoli@usdoj.gov;
scalia-eugene@dol.gov; taftwh@ms.state.gov; kvantine@dot.ost.gov;
david.aufhauser@do.treas.gov; tim.mcclain@mail.va.gov;
j_michael.kelly@usda.gov; hayneswj@osdgc.osd.mil
Subject: Meeting of Department General Counsels on political activity
rules and issues

The White House Counsel's office requests that you and/or a designated
high-level attorney in your office attend a meeting next Wednesday the 20th
at
3:00 in Room 180 of the EEOB. At the meeting, we will review political
activity
rules and issues, as well as answer any questions you may have. The
meeting
should last less than an hour.

Please let me know by reply e-mail who from your office will attend.
Clearance information should be provided to Lori Lorenzi at 456-7900.

Ken Mehlman of the White House Office of Political Affairs also will
be
in
contact with the Chiefs of Staffs of your departments about this meeting.

REV_00140304

From: Vanniere, Sheryl L <Sheryl.L.Vanniere@ed.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 6:45:02 AM
Subject: : Meeting of Department General Counsels on political activity rules and issues
Attachments: P_RFT5003_WHO.TXT_1.html

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Vanniere, Sheryl L" <Sheryl.L.Vanniere@ed.gov> ("Vanniere, Sheryl L"
<Sheryl.L.Vanniere@ed.gov> [UNKNOWN])

CREATION DATE/TIME:15-FEB-2002 11:45:02.00

SUBJECT:: Meeting of Department General Counsels on political activity rule s and issues

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brian W. Jones, General Counsel at the Department of Education, will attend
the meeting of Department General Counsels on Wednesday, February 20 at
3:00

pm.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_RFT5003_WHO.TXT_1>

Brian W. Jones, General Counsel at the Department of Education, will attend the meeting of Department General Counsels on Wednesday, February 20 at 3:00 pm.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 2/15/2002 7:49:11 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-FEB-2002 12:49:11.00
SUBJECT::
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

interesting new FCC rules on broadband. They would level the
playing field between telcos and cable cos, which is all that telcos had
ever asked for.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Estrada, Miguel A. <mestrada@gibsondunn.com>
Sent: 2/15/2002 11:56:06 AM
Subject: : Re: PRESS BRIEFING BY ARI FLEISCHER

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-FEB-2002 16:56:06.00
SUBJECT:: Re: PRESS BRIEFING BY ARI FLEISCHER
TO: "Estrada, Miguel A." <mestrada@gibsondunn.com> ("Estrada, Miguel A." <mestrada@gibsondunn.com> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

yes

"Estrada, Miguel A." <mestrada@gibsondunn.com>
02/15/2002 04:52:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: PRESS BRIEFING BY ARI FLEISCHER

Did you see the National Journal piece on your boss that just came out.

=====
===

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.
"PLEASE NOTE: Our e-mail and web site address has changed to gibsondunn.com"

=====
===

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN]
<Stephen_Higgins@judiciary.senate.gov>
Sent: 2/15/2002 8:02:07 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-FEB-2002 13:02:07.00
SUBJECT::
TO: Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

great memo from your boss.

From: Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 8:53:09 AM
Subject: : Re:<no subject>

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

CREATION DATE/TIME:15-FEB-2002 13:53:09.00

SUBJECT:: Re:<no subject>

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>
CC: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>
Sent: 2/15/2002 9:33:29 AM
Subject: : Judicial Emergencies

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-FEB-2002 14:33:29.00
SUBJECT:: Judicial Emergencies
TO: Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Regarding the question you took at your press briefing today, 36 of the 95 current judicial vacancies have been declared "judicial emergencies" by the Judicial Conference of the United States.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 10:43:51 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-FEB-2002 15:43:51.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Still on hold per Judge.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>; jennifer.newstead@usdoj.gov @ inet [UNKNOWN] <jennifer.newstead@usdoj.gov>
Sent: 2/15/2002 10:49:02 AM
Subject: : Re: PRESS BRIEFING BY ARI FLEISCHER

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-FEB-2002 15:49:02.00
SUBJECT:: Re: PRESS BRIEFING BY ARI FLEISCHER
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Already in process...

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Jay P. Lefkowitz/OMB
/EOP@EOP [OMB] <Jay P. Lefkowitz>; Rebecca A. Beynon/OMB/EOP@EOP [OMB]
<Rebecca A. Beynon>
Sent: 2/15/2002 11:44:23 AM
Subject: : preemption case pending in Supreme Court

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-FEB-2002 16:44:23.00
SUBJECT:: preemption case pending in Supreme Court
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

Sprietsma v. Mercury Marine, cert granted 1/22/02

Does Federal Boat Safety Act preempt state common law claims that recreational motor boat was defectively designed because it lacked propeller guard when:
(a) act expressly provides that "[c]ompliance with this chapter or standards, regulations, or orders prescribed under this chapter does not relieve a person from liability at common law or under State law," 46 U.S.C. § 4311(g); (2) U.S. Coast Guard has never adopted any standard or regulation with respect to propeller guards; and
(3) United States has taken position that common law no-propeller-guard claims do not conflict with or otherwise frustrate any federal statutory or regulatory purpose?"

From: CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>
Sent: 2/15/2002 11:46:48 AM
Subject: : Re: preemption case pending in Supreme Court

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:15-FEB-2002 16:46:48.00
SUBJECT:: Re: preemption case pending in Supreme Court
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
End Original ARMS Header

Hopefully this one will come out the right way. Do you know what the lower court held, or whether there's a split?

Brett M. Kavanaugh
02/15/2002 04:44:15 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Jay P. Lefkowitz/OMB/EOP@EOP,
Rebecca A. Beynon/OMB/EOP@EOP
cc:
Subject: preemption case pending in Supreme Court

Sprietsma v. Mercury Marine, cert granted 1/22/02

Does Federal Boat Safety Act preempt state common law claims that recreational motor boat was defectively designed because it lacked propeller guard when:
(a) act expressly provides that "[c]ompliance with this chapter or standards, regulations, or orders prescribed under this chapter does not relieve a person from liability at common law or under State law," 46 U.S.C. § 4311(g); (2) U.S. Coast Guard has never adopted any standard or regulation with respect to propeller guards; and
(3) United States has taken position that common law no-propeller-guard claims do not conflict with or otherwise frustrate any federal statutory or regulatory purpose?"

From: Estrada, Miguel A. <mestrada@gibsondunn.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 11:59:44 AM
Subject: : Re: PRESS BRIEFING BY ARI FLEISCHER

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Estrada, Miguel A." <mestrada@gibsondunn.com> ("Estrada, Miguel A."
<mestrada@gibsondunn.com> [UNKNOWN])
CREATION DATE/TIME:15-FEB-2002 16:59:44.00
SUBJECT:: Re: PRESS BRIEFING BY ARI FLEISCHER
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Did you see the National Journal piece on your boss that just came out.

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This message may contain confidential and privileged information. If it
has been sent to you in error, please reply to advise the sender of the
error and then immediately delete this message.

"PLEASE NOTE: Our e-mail and web site address has changed to
gibsondunn.com"

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From: CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 1:04:56 PM
Subject: : Re: preemption case pending in Supreme Court

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:15-FEB-2002 18:04:56.00

SUBJECT:: Re: preemption case pending in Supreme Court

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Did you ever run accross the Fitzpatrick case out of Pa. Court of appeals.
It is largely on point.

From: CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>;Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>;Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>
Sent: 2/15/2002 2:40:25 PM
Subject: : Loan Agreement between The White House and National Archives

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-FEB-2002 19:40:25.00

SUBJECT:: Loan Agreement between The White House and National Archives

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Christa J. Bailey (CN=Christa J. Bailey/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hey, you groovy Counsel gurus, the National Archives has a truck leaving Washington on Wednesday, February 20, destined for College Station. I believe that some of the items we will loan to the Archives will go on the truck. Would it be possible to have a loan agreement in place before we send some of our items on this truck?
Thank you for your help!!!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Christa J. Bailey/WHO/EOP@EOP [WHO] <Christa J. Bailey>; Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>
Sent: 2/15/2002 3:39:13 PM
Subject: : Re: Loan Agreement between The White House and National Archives

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-FEB-2002 20:39:13.00
SUBJECT:: Re: Loan Agreement between The White House and National Archives
TO: Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Christa J. Bailey (CN=Christa J. Bailey/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Yes, we can and will do that.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/15/2002 4:26:35 PM
Subject: : Re: Loan Agreement between The White House and National Archives

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-FEB-2002 21:26:35.00
SUBJECT:: Re: Loan Agreement between The White House and National Archives
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think just putting your 3 points in a letter will do it. I do not believe a loan doc is required.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/18/2002 4:49:01 AM
Subject: : Assail

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-FEB-2002 09:49:01.00
SUBJECT:: Assail
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Left message for garre that you are covering the moot today. Let me know
how it goes

From: CN=Darren W. Bearson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/18/2002 6:01:14 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Darren W. Bearson (CN=Darren W. Bearson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-FEB-2002 11:01:14.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett:

Department and Agencies have boards and commissions that require bipartisan membership. A couple of the agencies have asked that I check their candidates political affiliation registration through the RNC so they can ensure that they a bipartisan membership. When conducting these checks for other personnel matters I use my RNC laptop to email the RNC this information after I have typed in the information on my laptop.

2 questions.

1. Can I run these checks for the departments and agencies?
2. If I can do this, then is it possible for me to send them the format for that these checks must be in? (They already have this information from the normal application process.) I would have them send the spread sheet to my White House Account and then I would forward the information to my RNC laptop and then send the information along to the RNC.

If you need further information please feel free to call or email me.

Thanks,
Darren

6-5275

From: CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/18/2002 6:57:22 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-FEB-2002 11:57:22.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

yes- sorry- I was out of town on Friday.

Brett M. Kavanaugh
02/15/2002 10:10:57 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
Subject:

just to confirm that we have 180 reserved fro 3:00 to 4:00 next
Wednesday the 20th. I have sent out the e-mail to the GC's.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 2/19/2002 6:12:32 AM
Subject: : Re: 202-844-1111

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-FEB-2002 11:12:32.00

SUBJECT:: Re: 202-844-1111

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

ok, sounds good. let's all try to leave our desks when our
computers hit 8:09 (or 8:39 this week) each day . . . and no running!!

From: Scalia Eugene <scalia-eugene@dol.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Radzely Howard <Radzely-Howard@dol.gov>
Sent: 2/19/2002 2:21:15 AM
Subject: : Meeting re political activities

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Scalia Eugene <scalia-eugene@dol.gov> (Scalia Eugene <scalia-eugene@dol.gov> [UNKNOWN])

CREATION DATE/TIME:19-FEB-2002 07:21:15.00

SUBJECT:: Meeting re political activities

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Radzely Howard <Radzely-Howard@dol.gov> (Radzely Howard <Radzely-Howard@dol.gov> [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Brett, for the general counsels meeting on political activities, I would like to send a career lawyer who handles ethics issues for us. Is that alright? (His name is Bob Shapiro.) We have an internal management conference that day, with top Solicitor's folks from around the country flying in, so it is hard for Howard or me to attend.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 2/19/2002 7:46:15 AM
Subject: : Re: Political/official travel

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 12:46:15.00
SUBJECT:: Re: Political/official travel
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

this is a question for me; does she have a phone number?

Patrick J. Bumatay
02/19/2002 12:17:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Political/official travel

Brett,

Peggy Love of EPA called requesting a memo that details the ethical guidelines when combining official and political travel for government officials.
One of EPA's regional administrators is visiting the TX regional office and also wants to attend a political fundraiser. They claimed that a memo already exists on this subject. Do you have it or is this a Moose question?

Patrick

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 2/19/2002 4:50:30 AM
Subject: : Re: question: Map of circuits

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-FEB-2002 09:50:30.00
SUBJECT:: Re: question: Map of circuits
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

<http://www.uscourts.gov/links.html>

Heather Wingate
02/19/2002 09:46:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP
cc:
Subject: question: Map of circuits

Do either of you have an electronic version of a list or map of the
Circuits? or do you know a web site that would have this? map or list
would be fine.

Thanks! HW

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 2/19/2002 4:52:52 AM
Subject: : Re: 202-844-1111

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-FEB-2002 09:52:52.00

SUBJECT:: Re: 202-844-1111

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

It doesn't really matter what time the "844" number says, if the Judge's clocks are different. In any event, however, I just checked the "844" number, and it said the same time that is on my watch and on the computers -- the times I go by, and which are consistent with the Judge's phone clock. So I think we all agree on the principle (don't get there early); and it may be, Brett, as simple as you needing to adjust your watch.

Brett M. Kavanaugh
02/19/2002 09:48:58 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 202-844-1111

ok, gang, I suggest that when necessary, we call the phone number above to get the exact time; it's starting to get a little ridiculous again with the staff meeting starting earlier and earlier because a few eager-beavers get to the waiting area many, many minutes before the official 8:15 start (8:45 start this week); if anyone is that eager to start at 8:00 or 8:10, let's do that explicitly so that all have fair notice. (Note that the clocks on our computers appear to be synchronized to the correct time.)

Message Sent

REV_00140362

To: _____

Bradford A. Berenson/WHO/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2002 5:06:57 AM
Subject: : Re: question: Map of circuits

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 10:06:57.00
SUBJECT:: Re: question: Map of circuits
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thank you!

Brett M. Kavanaugh
02/19/2002 09:50:28 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc: kyle sampson/who/eop@eop
bcc:
Subject: Re: question: Map of circuits

<http://www.uscourts.gov/links.html>

Heather Wingate
02/19/2002 09:46:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP
cc:
Subject: question: Map of circuits

Do either of you have an electronic version of a list or map of the Circuits? or do you know a web site that would have this? map or list would be fine.

Thanks! HW

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 2/19/2002 9:34:24 AM
Subject: : Fwd:Notice of Full Committee Hearing 2/26/02
Attachments: P_RPMJ5003_WHO.TXT_1.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 14:34:24.00
SUBJECT:: Fwd:Notice of Full Committee Hearing 2/26/02
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI -- judges hearing set for next Tuesday.

----- Forwarded by Kyle Sampson/WHO/EOP on 02/19/2002
02:31 PM -----

Alex_Dahl@judiciary.senate.gov (Alex Dahl)
02/19/2002 02:24:23 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
Subject: Fwd:Notice of Full Committee Hearing 2/26/02

Forward Header
Subject: Notice of Full Committee Hearing 2/26/02
Author: Jane Butterfield
Date: 2/19/02 2:22 PM

2/19/02at 12:00 p.m.

February 19, 2002

NOTICE OF HEARING

REV_00140370

The Senate Committee on the Judiciary will hold a hearing on Tuesday, February 26, 2002 at 10:00 a.m. in Dirksen Room 226, on "Judicial Nominations."

Senator Feingold will preside

By order of the Chairman

- 2-26.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_RPMJ5003_WHO.TXT_1>

2/19/02at 12:00 p.m.

February 19, 2002

NOTICE OF HEARING

The Senate Committee on the Judiciary will hold a hearing on Tuesday, February 26, 2002 at 10:00 a.m. in Dirksen Room 226, on "Judicial Nominations."

Senator Feingold will preside

By order of the Chairman

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2002 5:42:32 AM
Subject: : Judge Gonzales is giving a speech in Morristown, New Jersey...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 10:42:32.00
SUBJECT:: Judge Gonzales is giving a speech in Morristown, New Jersey...
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

on Saturday evening. The group is the NJ Hispanic Bar Association.

If there is anything that we need to know re: NJ/Hispanics please email me the details so that I may pass them along to the Judge.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 2/19/2002 6:05:49 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-FEB-2002 11:05:49.00
SUBJECT: :
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

fyi: I sent this to Judge Saturday.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/19/2002 11:05 AM -----

Brett M. Kavanaugh
02/16/2002 02:18:55 PM
Record Type: Record

To: AGonzalez@who.eop.gov
cc:
Subject:

Zahira 202 965 2300

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2002 6:16:13 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-FEB-2002 11:16:13.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks Mr. Gates.

Brett M. Kavanaugh
02/19/2002 11:05:46 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject:

fyi: I sent this to Judge Saturday.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/19/2002 11:05 AM -----

Brett M. Kavanaugh
02/16/2002 02:18:55 PM
Record Type: Record

To: AGonzalez@who.eop.gov
cc:
Subject:

Zahira 202 965 2300

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/19/2002 6:32:10 AM
Subject: : Re: 202-844-1111

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:19-FEB-2002 11:32:10.00
SUBJECT:: Re: 202-844-1111
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

These e-mails are providing endless amusement and really brightening my morning out here.

Brett M. Kavanaugh
02/19/2002 11:12:30 AM

Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: 202-844-1111 (Document link: Rachel L. Brand)

ok, sounds good. let's all try to leave our desks when our computers hit
8:09 (or 8:39 this week) each day . . . and no running!!

Message Copied
To: _____

REV_00140376

bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
kyle sampson/who/eop@eop
helgard c. walker/who/eop@eop
noel j. francisco/who/eop@eop

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2002 7:17:04 AM
Subject: : Political/official travel

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 12:17:04.00
SUBJECT:: Political/official travel
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Peggy Love of EPA called requesting a memo that details the ethical guidelines when combining official and political travel for government officials.
One of EPA's regional administrators is visiting the TX regional office and also wants to attend a political fundraiser. They claimed that a memo already exists on this subject. Do you have it or is this a Moose question?

Patrick

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 2/19/2002 8:11:12 AM
Subject: : OLP Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-FEB-2002 13:11:12.00

SUBJECT:: OLP Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Are you guys going to Viet's shop for the 4:00 meeting? If so, have you reserved a car?

From: CN=John D. Estes/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2002 8:12:41 AM
Subject: : Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 13:12:41.00
SUBJECT:: Cattlemen's Legal Question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

The National Cattlemen's Beef Association wants to know if they can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. They video was shot at the convention by their own crew and the entire trip and convention was paid for by NCBA. They would like to know if there are any legal questions that need to be addressed before the do anything.

Thanks,

JD

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 2/19/2002 8:39:11 AM
Subject: : Re: OLP Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 13:39:11.00
SUBJECT:: Re: OLP Meeting
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Undecided, and no.

H. Christopher Bartolomucci
02/19/2002 01:11:02 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP
cc:
Subject: OLP Meeting

Are you guys going to Viet's shop for the 4:00 meeting? If so, have you reserved a car?

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 2/19/2002 12:50:30 PM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 17:50:30.00
SUBJECT:: Re: Cattlemen's Legal Question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I am going to recuse myself from this one because, believe it or not, I once represented the Cattlemen's Association.

Brett M. Kavanaugh
02/19/2002 04:57:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 2/19/2002 12:56:11 PM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-FEB-2002 17:56:11.00
SUBJECT:: Re: Cattlemen's Legal Question
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

who has the answer?

Courtney S. Elwood
02/19/2002 05:50:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

I am going to recuse myself from this one because, believe it or not, I once represented the Cattlemen's Association.

Brett M. Kavanaugh
02/19/2002 04:57:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2002 9:16:21 AM
Subject: : 2/20 Mtg. FYI

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 14:16:21.00
SUBJECT:: 2/20 Mtg. FYI
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This is the list that I have so far for tomorrow's meeting. I have clearance info on all of these individuals. Kate has reserved 180 and I have reserved 450.

1.2. David Aufhauser will not be able to attend; George Wolfe and Kenneth Schmalzback will attend on his behalf

3. 4. William Haynes and Paul Cobb

5. DOE - Brian Jones

6. Vet Affairs - Tim McClain

7. 8. HHS - Alex Azar and Lad Wiley

9. 10. USDA - John Surina and James Kelly

Lori

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/19/2002 3:33:51 PM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-FEB-2002 20:33:51.00
SUBJECT:: Re: Cattlemen's Legal Question
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

also, I need to provide a rationale.

Noel J. Francisco
02/19/2002 06:15:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

No.

Brett M. Kavanaugh
02/19/2002 04:57:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 2/19/2002 3:35:42 PM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-FEB-2002 20:35:42.00
SUBJECT:: Re: Cattlemen's Legal Question
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Does the President ever appear at events that are fundraisers in the sense that the organization charges more than cost for attendance? If so, that seems rather indistinguishable from this scenario. Also, why isn't the answer: "We do not approve or authorize, but we also cannot prohibit."

Courtney S. Elwood
02/19/2002 07:09:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: Re: Cattlemen's Legal Question

As hard as it is to keep my mouth shut, I express no views on Moose's opinion.

----- Forwarded by Courtney S. Elwood/WHO/EOP on
02/19/2002 07:08 PM -----

Robert W. Cobb
02/19/2002 07:06:57 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

Moooooo se's answer is: why not? As a legal matter, I do not think the Gov't has any proprietary rights over the use of the film. Now, if we want to put a stop to it, I would think we could (and this, I believe is Noel's area of expertise.) As a practical matter, political should be given a chance to see the video and see if we like the content. In terms of telling them to not do it, we could assert that profiteering off of the Presidential visit was not part of the bargain.

REV_00140396

Courtney S. Elwood
02/19/2002 05:57:17 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

Noel and Moose will be able to answer this, I think.

Brett M. Kavanaugh
02/19/2002 05:56:08 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

who has the answer?

Courtney S. Elwood
02/19/2002 05:50:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

I am going to recuse myself from this one because, believe it or not, I once represented the Cattlemen's Association.

Brett M. Kavanaugh
02/19/2002 04:57:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 2/19/2002 11:57:40 AM
Subject: : Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-FEB-2002 16:57:40.00
SUBJECT:: Cattlemen's Legal Question
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John D. Estes/WHO/EOP@EOP [WHO] <John D. Estes>
Sent: 2/19/2002 11:57:51 AM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-FEB-2002 16:57:51.00
SUBJECT:: Re: Cattlemen's Legal Question
TO: John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

checking on this.

02/19/2002 01:12 PM
John D. Estes
John D. Estes
John D. Estes
02/19/2002 01:12 PM
02/19/2002 01:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

Brett,

The National Cattlemen's Beef Association wants to know if they can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. They video was shot at the convention by their own crew and the entire trip and convention was paid for by NCBA. They would like to know if there are any legal questions that need to be addressed before they do anything.

Thanks,

JD

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 2/19/2002 12:57:21 PM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-FEB-2002 17:57:21.00
SUBJECT:: Re: Cattlemen's Legal Question
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Noel and Moose will be able to answer this, I think.

Brett M. Kavanaugh
02/19/2002 05:56:08 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

who has the answer?

Courtney S. Elwood
02/19/2002 05:50:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

I am going to recuse myself from this one because, believe it or not, I once represented the Cattlemen's Association.

Brett M. Kavanaugh
02/19/2002 04:57:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

REV_00140401

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2002 3:33:17 PM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 20:33:17.00
SUBJECT:: Re: Cattlemen's Legal Question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No.

Brett M. Kavanaugh
02/19/2002 04:57:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/19/2002 3:33:20 PM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-FEB-2002 20:33:20.00
SUBJECT:: Re: Cattlemen's Legal Question
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

meaning they cannot sell it?

Noel J. Francisco
02/19/2002 06:15:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

No.

Brett M. Kavanaugh
02/19/2002 04:57:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/19/2002 3:33:50 PM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 20:33:50.00
SUBJECT:: Re: Cattlemen's Legal Question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes.

Brett M. Kavanaugh
02/19/2002 06:16:13 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

meaning they cannot sell it?

Noel J. Francisco
02/19/2002 06:15:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

No.

Brett M. Kavanaugh
02/19/2002 04:57:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

REV_00140410

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/19/2002 3:34:00 PM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 20:34:00.00
SUBJECT:: Re: Cattlemen's Legal Question
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

is it fair to say this is longstanding WH policy?

Noel J. Francisco
02/19/2002 06:22:02 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

It is against our policy to allow an outside group to commercially market the President's words.

Brett M. Kavanaugh
02/19/2002 06:21:27 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

also, I need to provide a rationale.

Noel J. Francisco
02/19/2002 06:15:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

No.

Brett M. Kavanaugh
02/19/2002 04:57:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/19/2002 3:35:34 PM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 20:35:34.00
SUBJECT:: Re: Cattlemen's Legal Question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

As hard as it is to keep my mouth shut, I express no views on Moose's opinion.

----- Forwarded by Courtney S. Elwood/WHO/EOP on
02/19/2002 07:08 PM -----

Robert W. Cobb
02/19/2002 07:06:57 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

Moooooooo se's answer is: why not? As a legal matter, I do not think the Gov't has any proprietary rights over the use of the film. Now, if we want to put a stop to it, I would think we could (and this, I believe is Noel's area of expertise.) As a practical matter, political should be given a chance to see the video and see if we like the content. In terms of telling them to not do it, we could assert that profiteering off of the Presidential visit was not part of the bargain.

Courtney S. Elwood
02/19/2002 05:57:17 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

Noel and Moose will be able to answer this, I think.

Brett M. Kavanaugh
02/19/2002 05:56:08 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP

REV_00140416

cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

who has the answer?

Courtney S. Elwood
02/19/2002 05:50:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

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Brett M. Kavanaugh
02/19/2002 04:57:37 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Cattlemen's Legal Question

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John D. Estes/WHO/EOP@EOP [WHO] <John D. Estes>
CC: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/19/2002 3:51:25 PM
Subject: : Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 20:51:25.00
SUBJECT:: Cattlemen's Legal Question
TO:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

JD:
Noel Francisco usually handles these kinds of questions for our
Office. I checked with him, and the general White House policy is not to
give WH permission or approval for commercial exploitation or marketing of
the President's words (at least absent extraordinary circumstances).

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>
CC: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/19/2002 4:33:11 PM
Subject: : oral argument

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-FEB-2002 21:33:11.00
SUBJECT:: oral argument
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Stuart: Noel has a car for 9:10 that will take you to Court.
Noel: Do not leave Stuart behind.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/20/2002 6:29:27 AM
Subject: : meeting with ARG on judicial strategy

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 20-FEB-2002 11:29:27.00

SUBJECT:: meeting with ARG on judicial strategy

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Can we meet with Judge after staff meeting tomorrow on judicial strategy?

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>
Sent: 2/20/2002 3:29:43 AM
Subject: : Re: Cattlemen's Legal Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2002 08:29:43.00
SUBJECT:: Re: Cattlemen's Legal Question
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Expressing no views on the application in this case, the basic rule is that government employees are not allowed to use their public office for the private gain of another. While this rule arguably does not apply to the principals, we urge them to voluntarily abide by it. There are, however, certain exceptions to this rule -- in particular and on rare occasions for charities that the Bushes feel particularly strongly about and that they personally decide to support (i.e., not their staffs) by making a donation or appearing at fundraiser. It is this rule/policy that is the basis for the general rule against donating auction items to charities.

Brett M. Kavanaugh
02/19/2002 07:33:04 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, noel j. francisco/who/eop@eop,
Robert W. Cobb/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

Does the President ever appear at events that are fundraisers in the sense that the organization charges more than cost for attendance? If so, that seems rather indistinguishable from this scenario. Also, why isn't the answer: "We do not approve or authorize, but we also cannot prohibit."

Courtney S. Elwood
02/19/2002 07:09:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: Re: Cattlemen's Legal Question

REV_00140423

As hard as it is to keep my mouth shut, I express no views on Moose's opinion.

----- Forwarded by Courtney S. Elwood/WHO/EOP on
02/19/2002 07:08 PM -----

Robert W. Cobb
02/19/2002 07:06:57 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Cattlemen's Legal Question

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Courtney S. Elwood
02/19/2002 05:57:17 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

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Brett M. Kavanaugh
02/19/2002 05:56:08 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

who has the answer?

Courtney S. Elwood
02/19/2002 05:50:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, robert w. cobb/who/eop@eop
bcc:
Subject: Re: Cattlemen's Legal Question

I am going to recuse myself from this one because, believe it or not, I once represented the Cattlemen's Association.

Brett M. Kavanaugh
02/19/2002 04:57:37 PM

REV_00140424

Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP

cc:

Subject: Cattlemen's Legal Question

Thoughts on this: The National Cattlemen's Beef Association wants to know if it can sell a video of the President's speech that he gave to their membership on the 8th in Colorado. The video was shot at the convention by the NCBA crew, and the entire convention was paid for by NCBA.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 2/20/2002 7:33:06 AM
Subject: : Re: tort reform meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-FEB-2002 12:33:06.00
SUBJECT:: Re: tort reform meeting
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

agree

Courtney S. Elwood
02/20/2002 12:06:57 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: tort reform meeting

Let me check with Rebecca to see if her memo was ever put in final form.
If it was, I think we should take another look at it and have a prep
meeting with the Judge before the 2/28 meeting. Do you agree?

Brett M. Kavanaugh
02/20/2002 12:05:15 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: tort reform meeting

thoughts?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/20/2002 12:05 PM -----

Elizabeth N. Camp
02/20/2002 12:02:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: tort reform meeting

FYI that the Judge will be attending the below meeting. If he needs any
info from you in advance please send it to me.

Thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on

REV_00140432

02/20/2002 12:01 PM -----

Eleanor L. Gillmor
02/20/2002 11:59:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jay P. Lefkowitz/OMB/EOP@EOP, Margaret M. Spellings/OPD/EOP@EOP
Subject: tort reform meeting

Just to confirm, there will be a meeting on tort reform on Thursday, 2/28
in the Roosevelt Room from 5-6pm.

Attendees:

Karen or Dan
Josh
Nick
Karl
Al Gonzales (tentative)
Larry Lindsey (tentative)
Mitch (will send a surrogate)
Dr. Hubbard (tentative)
Margaret
Jay

Please let me know if you have any questions. Thanks. Eleanor

Message Sent

To: _____
Carol J. Thompson/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Krista L. Ritacco/WHO/EOP@EOP
Christina D. Roberts/WHO/EOP@EOP
Jean M. Russell/OPD/EOP@EOP
Alice H. Williams/CEA/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Lois E. Altoft/OMB/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP

From: CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>
Sent: 2/20/2002 5:10:24 AM
Subject: : Re: Loan Agreement between The White House and National Archives

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2002 10:10:24.00
SUBJECT:: Re: Loan Agreement between The White House and National Archives
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you for your hard work on this. Unfortunately, the truck for College Station left early this morning, and we weren't able to send our treasures. So, I will be a pack camel next week and take the items to Texas. Still need the agreement, of course, so let me know if there's something I need to convey to the Library, or there's something I can do to help. Thanks again.

Brett M. Kavanaugh
02/19/2002 09:14:24 PM
Record Type: Record

To: Mary Ann Hanusa/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Loan Agreement between The White House and National Archives

I will confirm with Gary Stern at NARA in morning, but all systems should be a go.

Mary Ann Hanusa
02/15/2002 07:40:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP, Christa J. Bailey/WHO/EOP@EOP, Terry W. Good/WHO/EOP@EOP
Subject: Loan Agreement between The White House and National Archives

Hey, you groovy Counsel gurus, the National Archives has a truck leaving Washington on Wednesday, February 20, destined for College Station. I believe that some of the items we will loan to the Archives will go on the truck. Would it be possible to have a loan agreement in place before we send some of our items on this truck?
Thank you for your help!!!

REV_00140434

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>
CC: linda m. gambatesa/who/eop@eop [WHO] <linda m. gambatesa>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 2/20/2002 5:23:33 AM
Subject: : Re: Loan Agreement between The White House and National Archives

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-FEB-2002 10:23:33.00
SUBJECT:: Re: Loan Agreement between The White House and National Archives
TO: Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: linda m. gambatesa (CN=linda m. gambatesa/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

ok. NARA general counsel is supposed to confirm with us this morning. (I do not understand why you have to trek down there, but I'll leave that to you to decide.)

Mary Ann Hanusa
02/20/2002 10:10:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP
bcc:
Subject: Re: Loan Agreement between The White House and National Archives

Thank you for your hard work on this. Unfortunately, the truck for College Station left early this morning, and we weren't able to send our treasures. So, I will be a pack camel next week and take the items to Texas. Still need the agreement, of course, so let me know if there's something I need to convey to the Library, or there's something I can do to help. Thanks again.

Brett M. Kavanaugh
02/19/2002 09:14:24 PM
Record Type: Record

To: Mary Ann Hanusa/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Loan Agreement between The White House and National Archives

I will confirm with Gary Stern at NARA in morning, but all systems should be a go.

REV_00140436

Mary Ann Hanusa
02/15/2002 07:40:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP, Christa J. Bailey/WHO/EOP@EOP,
Terry W. Good/WHO/EOP@EOP
Subject: Loan Agreement between The White House and National
Archives

Hey, you groovy Counsel gurus, the National Archives has a truck leaving
Washington on Wednesday, February 20, destined for College Station. I
believe that some of the items we will loan to the Archives will go on the
truck. Would it be possible to have a loan agreement in place before we
send some of our items on this truck?
Thank you for your help!!!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 2/20/2002 5:41:35 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-FEB-2002 10:41:35.00

SUBJECT::

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brent is now officially handling the chron.

From: CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/20/2002 5:47:14 AM
Subject: : Re: Loan Agreement between The White House and National Archives

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-FEB-2002 10:47:14.00
SUBJECT:: Re: Loan Agreement between The White House and National Archives
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I just left you an email---I have to run out for a short errand, but I will leave the folder I need you to review on my chair. Feel free to use my office if you want to look it over there. Thanks again, and don't worry about the "MOU". Karen Hughes wants some of these things hand carried, and I was going to CS anyway, so I'll just add a few other things. No worries at all.

Brett M. Kavanaugh
02/20/2002 10:23:26 AM
Record Type: Record

To: Mary Ann Hanusa/WHO/EOP@EOP
cc: linda m. gambatesa/who/eop@eop, Robert W. Cobb/WHO/EOP@EOP
bcc:
Subject: Re: Loan Agreement between The White House and National Archives

ok. NARA general counsel is supposed to confirm with us this morning. (I do not understand why you have to trek down there, but I'll leave that to you to decide.)

Mary Ann Hanusa
02/20/2002 10:10:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP
bcc:
Subject: Re: Loan Agreement between The White House and National Archives

Thank you for your hard work on this. Unfortunately, the truck for College Station left early this morning, and we weren't able to send our treasures. So, I will be a pack camel next week and take the items to Texas. Still need the agreement, of course, so let me know if there's something I need to convey to the Library, or there's something I can do to help. Thanks again.

Brett M. Kavanaugh
02/19/2002 09:14:24 PM
Record Type: Record

To: Mary Ann Hanusa/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Loan Agreement between The White House and National Archives

I will confirm with Gary Stern at NARA in morning, but all systems should be a go.

Mary Ann Hanusa
02/15/2002 07:40:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP, Christa J. Bailey/WHO/EOP@EOP, Terry W. Good/WHO/EOP@EOP
Subject: Loan Agreement between The White House and National Archives

Hey, you groovy Counsel gurus, the National Archives has a truck leaving Washington on Wednesday, February 20, destined for College Station. I believe that some of the items we will loan to the Archives will go on the truck. Would it be possible to have a loan agreement in place before we send some of our items on this truck?
Thank you for your help!!!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 2/20/2002 7:31:45 AM
Subject: : tort reform meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-FEB-2002 12:31:45.00

SUBJECT:: tort reform meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that the Judge will be attending the below meeting. If he needs any info from you in advance please send it to me.

Thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/20/2002 12:01 PM -----

Eleanor L. Gillmor
02/20/2002 11:59:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jay P. Lefkowitz/OMB/EOP@EOP, Margaret M. Spellings/OPD/EOP@EOP
Subject: tort reform meeting

Just to confirm, there will be a meeting on tort reform on Thursday, 2/28 in the Roosevelt Room from 5-6pm.

Attendees:

Karen or Dan
Josh
Nick
Karl
Al Gonzales (tentative)
Larry Lindsey (tentative)
Mitch (will send a surrogate)
Dr. Hubbard (tentative)
Margaret
Jay

Please let me know if you have any questions. Thanks. Eleanor

Message Sent

To:
Carol J. Thompson/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Krista L. Ritacco/WHO/EOP@EOP
Christina D. Roberts/WHO/EOP@EOP
Jean M. Russell/OPD/EOP@EOP
Alice H. Williams/CEA/EOP@EOP

REV_00140444

Elizabeth N. Camp/WHO/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Lois E. Altoft/OMB/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 2/20/2002 7:33:00 AM
Subject: : tort reform meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-FEB-2002 12:33:00.00
SUBJECT:: tort reform meeting
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

thoughts?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/20/2002 12:05 PM -----

Elizabeth N. Camp
02/20/2002 12:02:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: tort reform meeting

FYI that the Judge will be attending the below meeting. If he needs any
info from you in advance please send it to me.

Thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/20/2002 12:01 PM -----

Eleanor L. Gillmor
02/20/2002 11:59:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jay P. Lefkowitz/OMB/EOP@EOP, Margaret M. Spellings/OPD/EOP@EOP
Subject: tort reform meeting

Just to confirm, there will be a meeting on tort reform on Thursday, 2/28
in the Roosevelt Room from 5-6pm.

Attendees:

Karen or Dan
Josh
Nick
Karl
Al Gonzales (tentative)
Larry Lindsey (tentative)
Mitch (will send a surrogate)
Dr. Hubbard (tentative)
Margaret
Jay

Please let me know if you have any questions. Thanks. Eleanor

REV_00140446

Message Sent

To:

Carol J. Thompson/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Krista L. Ritacco/WHO/EOP@EOP
Christina D. Roberts/WHO/EOP@EOP
Jean M. Russell/OPD/EOP@EOP
Alice H. Williams/CEA/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Lois E. Altoft/OMB/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/20/2002 7:33:05 AM
Subject: : Re: tort reform meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2002 12:33:05.00
SUBJECT:: Re: tort reform meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Let me check with Rebecca to see if her memo was ever put in final form.
If it was, I think we should take another look at it and have a prep
meeting with the Judge before the 2/28 meeting. Do you agree?

Brett M. Kavanaugh
02/20/2002 12:05:15 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: tort reform meeting

thoughts?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/20/2002 12:05 PM -----

Elizabeth N. Camp
02/20/2002 12:02:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: tort reform meeting

FYI that the Judge will be attending the below meeting. If he needs any
info from you in advance please send it to me.

Thanks!

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
02/20/2002 12:01 PM -----

Eleanor L. Gillmor
02/20/2002 11:59:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jay P. Lefkowitz/OMB/EOP@EOP, Margaret M. Spellings/OPD/EOP@EOP
Subject: tort reform meeting

Just to confirm, there will be a meeting on tort reform on Thursday, 2/28
in the Roosevelt Room from 5-6pm.

REV_00140448

Attendees:

Karen or Dan
Josh
Nick
Karl
Al Gonzales (tentative)
Larry Lindsey (tentative)
Mitch (will send a surrogate)
Dr. Hubbard (tentative)
Margaret
Jay

Please let me know if you have any questions. Thanks. Eleanor

Message Sent

To: _____
Carol J. Thompson/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Krista L. Ritacco/WHO/EOP@EOP
Christina D. Roberts/WHO/EOP@EOP
Jean M. Russell/OPD/EOP@EOP
Alice H. Williams/CEA/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Lois E. Altoft/OMB/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Rebecca A. Beynon/OMB
/EOP@EOP [OMB] <Rebecca A. Beynon>;Kristen Silverberg/WHO/EOP@EOP [WHO]
<Kristen Silverberg>
Sent: 2/20/2002 7:33:21 AM
Subject: : Victims Comp

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2002 12:33:21.00
SUBJECT:: Victims Comp
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

any update?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: Jay P. Lefkowitz/OMB/EOP@EOP [OMB] <Jay P. Lefkowitz>;Rebecca A. Beynon/OMB
/EOP@EOP [OMB] <Rebecca A. Beynon>;Kristen Silverberg/WHO/EOP@EOP [WHO]
<Kristen Silverberg>
Sent: 2/20/2002 7:33:21 AM
Subject: : Victims Comp

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2002 12:33:21.00
SUBJECT:: Victims Comp
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

any update?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Amy M. Bilyeau/OA/EOP@EOP [OA] <Amy M. Bilyeau>
Sent: 2/20/2002 12:31:00 PM
Subject: : Re: This Week's Legal Times and National Journal Article on Judge G.

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-FEB-2002 17:31:00.00
SUBJECT:: Re: This Week's Legal Times and National Journal Article on Judge G.
TO: Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

that would be great; I'm in 156

Amy M. Bilyeau
02/20/2002 04:58:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: This Week's Legal Times and National Journal Article on
Judge G.

I was just wondering if you want me to send these to you, I know Jason
used to run a search everyday for you guys, do you want a copies of these
articles? - Amy

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/20/2002 11:40:02 AM
Subject: : Next mtg. w/ POTUS re: judges/us attys

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-FEB-2002 16:40:02.00

SUBJECT:: Next mtg. w/ POTUS re: judges/us attys

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thursday, February 28, 2002

4:00pm Meeting with Judge Gonzales Oval

Office

(20 min)

REV_00140547

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/20/2002 11:40:02 AM
Subject: : Next mtg. w/ POTUS re: judges/us attys

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-FEB-2002 16:40:02.00

SUBJECT:: Next mtg. w/ POTUS re: judges/us attys

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thursday, February 28, 2002

4:00pm Meeting with Judge Gonzales Oval

Office

(20 min)

REV_00140548

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/20/2002 11:56:59 AM
Subject: : pin #

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-FEB-2002 16:56:59.00

SUBJECT:: pin #

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I hate to bother you guys, but the computer people are slacking just a bit. I need to get the pin # for your blackberries for the WW files. Could you please e-mail me that information? Thanks.

Lori

From: CN=Amy M. Bilyeau/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/20/2002 11:58:21 AM
Subject: : This Week's Legal Times and National Journal Article on Judge G.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP [OA])
CREATION DATE/TIME:20-FEB-2002 16:58:21.00
SUBJECT:: This Week's Legal Times and National Journal Article on Judge G.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I was just wondering if you want me to send these to you, I know Jason used to run a search everyday for you guys, do you want a copies of these articles? - Amy

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Amy M. Bilyeau/OA/EOP@EOP [OA] <Amy M. Bilyeau>
Sent: 2/20/2002 12:31:00 PM
Subject: : Re: This Week's Legal Times and National Journal Article on Judge G.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-FEB-2002 17:31:00.00
SUBJECT:: Re: This Week's Legal Times and National Journal Article on Judge G.
TO: Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

that would be great; I'm in 156

Amy M. Bilyeau
02/20/2002 04:58:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: This Week's Legal Times and National Journal Article on
Judge G.

I was just wondering if you want me to send these to you, I know Jason
used to run a search everyday for you guys, do you want a copies of these
articles? - Amy

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: garym.stern@nara.gov @ inet [UNKNOWN] <garym.stern@nara.gov>
CC: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 2/20/2002 12:38:31 PM
Subject: : Loan to President George H.W. Bush Library

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-FEB-2002 17:38:31.00
SUBJECT:: Loan to President George H.W. Bush Library
TO:garym.stern@nara.gov (garym.stern@nara.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

With respect to the loan of materials from this Administration and President Bush to the National Archives and Records Administration for display in the President George H.W. Bush Library, this e-mail is to confirm the following:

- (i) the materials to be provided are records of President George W. Bush's Administration, official gifts to the United States, personal gifts to President Bush, or personal materials belonging to President Bush;
- (ii) the materials are being loaned to the National Archives and Records Administration for use in a display in the President George H.W. Bush Library; and
- (iii) President George W. Bush retains all applicable official and personal rights and privileges with respect to these materials.

Please let me know if this is consistent with your understanding.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel_L._Brand@who.eop.gov [UNKNOWN] <Rachel_L._Brand@who.eop.gov>
Sent: 2/20/2002 12:49:28 PM
Subject: : Re: off-campus schedule

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-FEB-2002 17:49:28.00
SUBJECT:: Re: off-campus schedule
TO: Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

I affirmatively offered to Bart to take 2 make-up days at the end of this rotation, but I also told Bart that I would (of course) be happy to live with the windfall. I left it up to him to decide how to handle -- as he is the maestro. I am pretty happy for the moment however.

Rachel_L._Brand@who.eop.gov
02/20/2002 05:45:46 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: off-campus schedule

You really lucked out. Waiting to see if Brad throws a fit because he's getting screwed by having switched with you.

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/20/2002 12:53:52 PM
Subject: : Re: Hatch Act Coverage

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:20-FEB-2002 17:53:52.00
SUBJECT:: Re: Hatch Act Coverage
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: Hatch Act Coverage
Was Read By : M.Edward.Whelan@usdoj.gov
On : Wed, 20 Feb 2002 17:47:51 -0500

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: dwm@usda.gov @ inet [UNKNOWN] <dwm@usda.gov>; phillip.bond@ta.doc.gov [UNKNOWN]
<phillip.bond@ta.doc.gov>; larry.dirita@osd.pentagon.mil [UNKNOWN]
<larry.dirita@osd.pentagon.mil>; kyle.mcslarrow@hq.doe.gov @ inet [UNKNOWN]
<kyle.mcslarrow@hq.doe.gov>; mcginnis.eileen@epa.gov @ inet [UNKNOWN]
<mcginnis.eileen@epa.gov>; robert.wood@hhs.gov @ inet [UNKNOWN]
<robert.wood@hhs.gov>; daniel_r._murphy@hud.gov @ inet [UNKNOWN]
<daniel_r._murphy@hud.gov>; brian_waidmann@ios.doi.gov @ inet [UNKNOWN]
<brian_waidmann@ios.doi.gov>; david.t.ayres@usdoj.gov @ inet [UNKNOWN]
<david.t.ayres@usdoj.gov>; law-steven@dol.gov @ inet [UNKNOWN]
<law-steven@dol.gov>; b.smullen@state.gov @ inet [UNKNOWN]
<b.smullen@state.gov>; john.flaherty@ost.dot.gov @ inet [UNKNOWN]
<john.flaherty@ost.dot.gov>; tim.adams@do.treas.gov @ inet [UNKNOWN]
<tim.adams@do.treas.gov>; nora.egan@mail.va.gov @ inet [UNKNOWN]
<nora.egan@mail.va.gov>; john.danielson@ed.gov [UNKNOWN]
<john.danielson@ed.gov>; robert_l._woodson@hud.gov [UNKNOWN]
<robert_l._woodson@hud.gov>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Cynthia R. Mendi/WHO/EOP@EOP
[WHO] <Cynthia R. Mendi>; Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>; L.
Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>; Ali H. Tulbah/WHO
/EOP@EOP [WHO] <Ali H. Tulbah>; Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A.
Oldham>; Catherine M. Hargraves/WHO/EOP@EOP [WHO] <Catherine M. Hargraves>; Melissa
L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>; Erin Benit/WHO/EOP@EOP [WHO]
<Erin Benit>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Katherine G. Marinis/WHO
/EOP@EOP [WHO] <Katherine G. Marinis>
Sent: 2/20/2002 12:58:05 PM
Subject: : Next Chief of Staff Meeting -- March 1 at 3pm

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 20-FEB-2002 17:58:05.00

SUBJECT:: Next Chief of Staff Meeting -- March 1 at 3pm

TO: dwm@usda.gov (dwm@usda.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: phillip.bond@ta.doc.gov (phillip.bond@ta.doc.gov [UNKNOWN])

READ: UNKNOWN

TO: larry.dirita@osd.pentagon.mil (larry.dirita@osd.pentagon.mil [UNKNOWN])

READ: UNKNOWN

TO: kyle.mcslarrow@hq.doe.gov (kyle.mcslarrow@hq.doe.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: mcginnis.eileen@epa.gov (mcginnis.eileen@epa.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: robert.wood@hhs.gov (robert.wood@hhs.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: daniel_r._murphy@hud.gov (daniel_r._murphy@hud.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: brian_waidmann@ios.doi.gov (brian_waidmann@ios.doi.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: david.t.ayres@usdoj.gov (david.t.ayres@usdoj.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: law-steven@dol.gov (law-steven@dol.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: b.smullen@state.gov (b.smullen@state.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: john.flaherty@ost.dot.gov (john.flaherty@ost.dot.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: tim.adams@do.treas.gov (tim.adams@do.treas.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: nora.egan@mail.va.gov (nora.egan@mail.va.gov @ inet [UNKNOWN])

READ: UNKNOWN

TO: john.danielson@ed.gov (john.danielson@ed.gov [UNKNOWN])

REV_00140562

READ:UNKNOWN
TO:robert_l._woodson@hud.gov (robert_l._woodson@hud.gov [UNKNOWN])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Catherine M. Hargraves (CN=Catherine M. Hargraves/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Erin Benit (CN=Erin Benit/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The next face-to-face Chief of Staff meeting has been scheduled for Friday, March 1 at 3pm in room 180 of the EEOB.

Brett Kavanaugh (White House Counsel's Office) and Ken Mehlman (White House Political Affairs) will be on hand to provide advice and counsel with regard to the do's and don'ts regarding your participation in politically-related activities, as well as your politically-related discussions with your respective Secretaries. We will also cover the do's and don'ts of PAS participation in politically-related activities (including the Secretary and Schedule Cs), since the rules for PASs are somewhat different than those related to you as a non-career SES. Brett is meeting tomorrow with your respective General Counsels to go over these issues.

While there will be a strong need this election year for the legal and responsible participation of political appointees in the political process, we want to make sure that we are all on the same page regarding the rules of the road given the enormous amount of public scrutiny on this Administration's political activities going forward. We would also ask that you bring your White House Liaisons with you for this meeting given they will also be involved in helping your agency's political appointees understand the rules. Cathy Hargraves of Cabinet Affairs will be contacting your assistants to confirm your attendance. Thank you.

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; anna.hart@do.treas.gov @ inet [UNKNOWN] <anna.hart@do.treas.gov>; Lisa D. Branch/CEA/EOP@EOP [CEA] <Lisa D. Branch>; Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN] <Betty.Ann.Hunt@do.treas.gov>
Sent: 2/20/2002 1:00:39 PM
Subject: : Terrorism Insurance Conference Call

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:20-FEB-2002 18:00:39.00
SUBJECT:: Terrorism Insurance Conference Call
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:anna.hart@do.treas.gov (anna.hart@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Betty.Ann.Hunt@do.treas.gov (Betty.Ann.Hunt@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Marc wants to set up an Insurance Call this Friday.

Please let me know if 4:00 works for you.

Thanks,
Leslie

REV_00140564

From: Koffsky, Daniel L <Daniel.L.Koffsky@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/20/2002 1:12:18 PM
Subject: : Re: Hatch Act Coverage

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Koffsky, Daniel L" <Daniel.L.Koffsky@usdoj.gov> ("Koffsky, Daniel L"
<Daniel.L.Koffsky@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:20-FEB-2002 18:12:18.00
SUBJECT:: Re: Hatch Act Coverage
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: Hatch Act Coverage
Was Read By : Daniel.L.Koffsky@usdoj.gov
On : Wed, 20 Feb 2002 17:59:02 -0500

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/20/2002 1:21:43 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 20-FEB-2002 18:21:43.00

SUBJECT::

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

starr was just complimentary of your performance at moot court; i
told him it must have been aberrational

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
BCC: Matthew E. Smith (Matthew E. Smith/WHO/EOP [WHO])
Sent: 2/21/2002 3:49:34 AM
Subject: : Re: SC Case

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2002 08:49:34.00
SUBJECT:: Re: SC Case
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

B

Can you tell me where we can get that transcript; I would like Matt Smith to send it everywhere this am?

Warmly

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 02/21/2002
08:49 AM -----

Bradford A. Berenson
02/21/2002 08:25:44 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Tim Goeglein/WHO/EOP@EOP
Subject: Re: SC Case

Brett, see Tim's request below.

----- Forwarded by Bradford A. Berenson/WHO/EOP on
02/21/2002 08:25 AM -----

Tim Goeglein
02/21/2002 08:20:54 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Re: SC Case

B2

How may I get the transcript of the Solicitor General yesterday in the school choice case? I would like to send widely.

Warmly

tsg

REV_00140580

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett Kavanaugh [WHO] <Brett Kavanaugh>
CC: Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>
Sent: 2/21/2002 4:45:20 AM
Subject: : Re: SC Case

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2002 09:45:20.00
SUBJECT:: Re: SC Case
TO:Brett Kavanaugh (Brett Kavanaugh [WHO])
READ:UNKNOWN
CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I notice on the website that the last posted transcript is 1/16/02.
----- Forwarded by Matthew E. Smith/WHO/EOP on 02/21/2002
09:44 AM -----

Tim Goeglein
02/21/2002 08:49:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: SC Case

B

Can you tell me where we can get that transcript; I would like Matt Smith
to send it everywhere this am?

Warmly

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 02/21/2002
08:49 AM -----

Bradford A. Berenson
02/21/2002 08:25:44 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Tim Goeglein/WHO/EOP@EOP
Subject: Re: SC Case

Brett, see Tim's request below.
----- Forwarded by Bradford A. Berenson/WHO/EOP on
02/21/2002 08:25 AM -----

Tim Goeglein
02/21/2002 08:20:54 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:

REV_00140587

Subject: Re: SC Case

B2

How may I get the transcript of the Solicitor General yesterday in the school choice case? I would like to send widely.

Warmly

tsg

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
CC: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 2/21/2002 5:04:09 AM
Subject: : Re: SC Case

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-FEB-2002 10:04:09.00
SUBJECT:: Re: SC Case
TO: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I do not think they are available for several days, but I have a call into the SG's office at Justice to find out for sure.

Matthew E. Smith

02/21/2002 09:45:12 AM

Record Type: Record

To: Brett Kavanaugh
cc: Tim Goeglein/WHO/EOP
Subject: Re: SC Case

I notice on the website that the last posted transcript is 1/16/02.
----- Forwarded by Matthew E. Smith/WHO/EOP on 02/21/2002
09:44 AM -----

Tim Goeglein
02/21/2002 08:49:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: SC Case

B

Can you tell me where we can get that transcript; I would like Matt Smith to send it everywhere this am?

Warmly

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 02/21/2002
08:49 AM -----

Bradford A. Berenson
02/21/2002 08:25:44 AM
Record Type: Record

REV_00140589

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Tim Goeglein/WHO/EOP@EOP
Subject: Re: SC Case

Brett, see Tim's request below.

----- Forwarded by Bradford A. Berenson/WHO/EOP on
02/21/2002 08:25 AM -----

Tim Goeglein
02/21/2002 08:20:54 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Re: SC Case

B2

How may I get the transcript of the Solicitor General yesterday in the
school choice case? I would like to send widely.

Warmly

tsg

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/21/2002 5:29:53 AM
Subject: : Re: SC Case

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2002 10:29:53.00
SUBJECT:: Re: SC Case
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

And I also will be taking it to one of the Legal Assistants who lives with a friend of mine.

Brett M. Kavanaugh
02/21/2002 10:28:37 AM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc: Tim Goeglein/WHO/EOP@EOP
bcc:
Subject: Re: SC Case

It usually takes a week to 10 days, but DOJ is contacting the court reporter to get an expedited transcript. It may still take a few days. (In case you were wondering, there have been lots of stories written about the SCT's stone age media/communications structure, of which this is a prime example.)

Matthew E. Smith

02/21/2002 09:45:12 AM

Record Type: Record

To: Brett Kavanaugh
cc: Tim Goeglein/WHO/EOP
Subject: Re: SC Case

I notice on the website that the last posted transcript is 1/16/02.
----- Forwarded by Matthew E. Smith/WHO/EOP on 02/21/2002
09:44 AM -----

Tim Goeglein
02/21/2002 08:49:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: SC Case

REV_00140596

B

Can you tell me where we can get that transcript; I would like Matt Smith to send it everywhere this am?

Warmly

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 02/21/2002
08:49 AM -----

Bradford A. Berenson
02/21/2002 08:25:44 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Tim Goeglein/WHO/EOP@EOP
Subject: Re: SC Case

Brett, see Tim's request below.

----- Forwarded by Bradford A. Berenson/WHO/EOP on
02/21/2002 08:25 AM -----

Tim Goeglein
02/21/2002 08:20:54 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Re: SC Case

B2

How may I get the transcript of the Solicitor General yesterday in the school choice case? I would like to send widely.

Warmly

tsg

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/21/2002 11:07:40 AM
Subject: : Re: SC Case

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2002 16:07:40.00
SUBJECT:: Re: SC Case
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ugh

tsg

Brett M. Kavanaugh
02/21/2002 10:28:37 AM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc: Tim Goeglein/WHO/EOP@EOP
bcc:
Subject: Re: SC Case

It usually takes a week to 10 days, but DOJ is contacting the court reporter to get an expedited transcript. It may still take a few days. (In case you were wondering, there have been lots of stories written about the SCt's stone age media/communications structure, of which this is a prime example.)

Matthew E. Smith

02/21/2002 09:45:12 AM

Record Type: Record

To: Brett Kavanaugh
cc: Tim Goeglein/WHO/EOP
Subject: Re: SC Case

I notice on the website that the last posted transcript is 1/16/02.
----- Forwarded by Matthew E. Smith/WHO/EOP on 02/21/2002
09:44 AM -----

Tim Goeglein
02/21/2002 08:49:26 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:

REV_00140609

Subject: Re: SC Case

B

Can you tell me where we can get that transcript; I would like Matt Smith to send it everywhere this am?

Warmly

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 02/21/2002
08:49 AM -----

Bradford A. Berenson
02/21/2002 08:25:44 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Tim Goeglein/WHO/EOP@EOP
Subject: Re: SC Case

Brett, see Tim's request below.

----- Forwarded by Bradford A. Berenson/WHO/EOP on
02/21/2002 08:25 AM -----

Tim Goeglein
02/21/2002 08:20:54 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Re: SC Case

B2

How may I get the transcript of the Solicitor General yesterday in the school choice case? I would like to send widely.

Warmly

tsg

From: CN=Elliott Abrams/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/21/2002 8:01:44 AM
Subject: : Oral argument

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:21-FEB-2002 13:01:44.00

SUBJECT:: Oral argument

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brad mentioned to me that you are looking to see if you can get a transcript of yesterday's oral argument on the voucher case. If you do, can you let me have a copy or let me know how to get one?
Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>
Sent: 2/21/2002 9:10:07 AM
Subject: : Re: Oral argument

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2002 14:10:07.00
SUBJECT:: Re: Oral argument
TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

Will do believe it or not it takes a few days

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elliott Abrams/NSC/EOP@EOP [NSC] <Elliott Abrams>
Sent: 2/21/2002 9:10:07 AM
Subject: : Re: Oral argument

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2002 14:10:07.00
SUBJECT:: Re: Oral argument
TO:Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

Will do believe it or not it takes a few days

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Harriet L. Ross/OA/EOP [OA] <Harriet L. Ross>
Sent: 2/21/2002 11:05:00 AM
Subject: RECEIVED: Fire Alarm Installation Access

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-FEB-2002 16:05:00.00
SUBJECT: RECEIVED: Fire Alarm Installation Access
TO: Harriet L. Ross (CN=Harriet L. Ross/OU=OA/O=EOP [OA])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Fire Alarm Installation Access
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
02/21/2002 04:03:31 PM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Harriet L. Ross/OA/EOP [OA] <Harriet L. Ross>
Sent: 2/21/2002 11:05:00 AM
Subject: RECEIVED: Fire Alarm Installation Access

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2002 16:05:00.00
SUBJECT:RECEIVED: Fire Alarm Installation Access
TO:Harriet L. Ross (CN=Harriet L. Ross/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Fire Alarm Installation Access
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
02/21/2002 04:03:31 PM

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 2/21/2002 11:22:54 AM
Subject: : Letter to Judge Gonzales

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-FEB-2002 16:22:54.00
SUBJECT:: Letter to Judge Gonzales
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

who might know something about this?
----- Forwarded by Anne Womack/WHO/EOP on 02/21/2002
04:22 PM -----

Jeanie S. Mamo
02/21/2002 03:51:16 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: Letter to Judge Gonzales

Jane Bussey, Miami Herald, has called and left a message re: Carlos Loumiet, a lawyer at Greenburg, Traurig sent a letter to Judge Gonzales and to Sec. Paul O'Neill to complain about the behavior of the Office of the Comptroller of the Currency and their supervision of Hamilton Bank. The letter was sent 4/20/2001. The reporter is asking if Judge Gonzales responded. Is this familiar to you? (sounds like this is something that would have been referred to Treasury, yes?)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>
Sent: 2/21/2002 11:24:12 AM
Subject: : Re: Letter to Judge Gonzales

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-FEB-2002 16:24:12.00
SUBJECT:: Re: Letter to Judge Gonzales
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

me, this is not a White House issue. refer to Treasury.

Anne Womack
02/21/2002 04:22:26 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP
cc:
Subject: Letter to Judge Gonzales

who might know something about this?
----- Forwarded by Anne Womack/WHO/EOP on 02/21/2002
04:22 PM -----

Jeanie S. Mamo
02/21/2002 03:51:16 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: Letter to Judge Gonzales

Jane Bussey, Miami Herald, has called and left a message re: Carlos Loumiet, a lawyer at Greenburg, Traurig sent a letter to Judge Gonzales and to Sec. Paul O'Neill to complain about the behavior of the Office of the Comptroller of the Currency and their supervision of Hamilton Bank. The letter was sent 4/20/2001. The reporter is asking if Judge Gonzales responded. Is this familiar to you? (sounds like this is something that would have been referred to Treasury, yes?)

From: CN=Harriet L. Ross/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/21/2002 11:29:40 AM
Subject: : THANKS!

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Harriet L. Ross (CN=Harriet L. Ross/OU=OA/O=EOP [OA])

CREATION DATE/TIME:21-FEB-2002 16:29:40.00

SUBJECT:: THANKS!

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett,

Memo rec'd. - Thanks!

Harriet

From: CN=Harriet L. Ross/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/21/2002 11:29:40 AM
Subject: : THANKS!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Harriet L. Ross (CN=Harriet L. Ross/OU=OA/O=EOP [OA])

CREATION DATE/TIME:21-FEB-2002 16:29:40.00

SUBJECT:: THANKS!

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett,

Memo rec'd. - Thanks!

Harriet

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Kenneth A. Lisaius/WHO/EOP@EOP [WHO] <Kenneth A. Lisaius>; Scott Stanzel/WHO/EOP@EOP [WHO] <Scott Stanzel>; Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 2/21/2002 12:48:18 PM
Subject: : Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 21-FEB-2002 17:48:18.00

SUBJECT:: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage

TO: Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Arkansas Democrat-Gazette
Justice held hostage

EDITORIAL
February 21, 2002

IT WAS about a year ago now that President Dubya nominated Lavenski Smith--one of Arkansas' best and brightest--to fill a vacancy on the Eighth Circuit Court of Appeals. We still believe what we said when the announcement was made: Lavenski Smith is the right man for the job. He understands what the law requires of our judges--scholarship, care, labor, personal responsibility, restraint, patience and the courage to make decisions that may not please everyone or even anyone.

We also said something else: "Lavenski R. Smith will offer the Senate Judiciary Committee a splendid opportunity to do the right thing." That was in May of 2001.

As of this date, the Senate Judiciary Committee hasn't even bothered to schedule a confirmation hearing, let alone do the right thing.

Why not? The record is replete with testimonials to Judge Smith. He's described--accurately--as a man of integrity, intelligence and compassion. Governors, judges, senators--all have applauded Vince Smith's nomination. The praise is bipartisan, bicameral, bi-extraordinary.

Lavenski Smith isn't alone. Although the president has nominated some 90 judges for vacancies across the country, the U.S. Senate has refused to confirm--or even reject--a majority of them. Like Arkansas' own Vince Smith, these nominees have been left in limbo while the U.S. Senate plays politics.

It wouldn't be the first time.

Back in 1997, William Rehnquist, the chief justice of the U.S. Supreme Court, was forced to chide the Republicans in the Senate for not confirming another president's nominations. "Whatever the size of the federal judiciary," Justice Rehnquist wrote, "the president should nominate candidates with reasonable promptness, and the Senate should act within a reasonable time to confirm or reject them."

REV_00140650

The Democrats in the Senate, who were in the minority then, agreed. Loudly. To quote Patrick Leahy, now the chairman of the Senate Judiciary Committee: "Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges."

Well said, senator. But were you listening? Now you're the one presiding over the Senate's graveyard of judicial nominations. How memory can fade, and words spoil, in the blink of a campaign year. Now that Chairman Leahy controls the Judiciary Committee, and a rascally Republican is president, Patrick Leahy seems to have forgotten his former concern about the slow wheels of justice.

By now the situation has gone from slow to nearly stopped, from embarrassment to emergency. Back in 1998, when Senator Leahy said we faced a "judicial vacancy crisis," there were 50 vacant judgeships. Today, there are nearly a hundred. And the Senate seems to have time for everything but doing its duty.

Judge Gilbert Merritt of the Sixth Circuit Court of Appeals got fed up. He complained to the Judiciary Committee, noting that a fourth of the 16 seats on his court remained unoccupied. "The Court is hurting badly," he wrote, "and will not be able to keep up with its work load ... Our Court should not be treated in this fashion. The public's business should not be treated this way."

The good judge wrote that letter in March of 2000, when there were only four vacancies by his count. Now there are eight. The Sixth Circuit is working at half strength. And still the Senate fiddles.

Both of this state's U.S. senators have praised Lavenski Smith's nomination. It was Tim Hutchinson who suggested Judge Smith to the president. Blanche Lincoln hasn't objected. Though as a Democrat, she might do more. She could go to her colleagues--Chairman Patrick Leahy and the majority leader, Tom Daschle--and ask why they're holding up justice in these parts. And why they're snubbing a good man like Lavenski Smith. She might point out that holding judicial nominees hostage for political gain is just as unseemly when Democrats do it. She might even tell them that the public's business ought to come before the partisan's. Even in an election year.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/21/2002 1:26:32 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 21-FEB-2002 18:26:32.00

SUBJECT::

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

we need to talk in morning about Burton/Harrington memo.

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
Sent: 2/21/2002 2:58:34 PM
Subject: : Re: Victims Comp

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:21-FEB-2002 19:58:34.00

SUBJECT:: Re: Victims Comp

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

CC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

I will review all of these e-mails and get back to you with comments tomorrow.

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OMB] <jay p. lefkowitz>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
Sent: 2/21/2002 2:58:34 PM
Subject: : Re: Victims Comp

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:21-FEB-2002 19:58:34.00

SUBJECT:: Re: Victims Comp

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

CC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

I will review all of these e-mails and get back to you with comments tomorrow.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>
Sent: 2/21/2002 4:52:56 PM
Subject: : Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 21-FEB-2002 21:52:56.00

SUBJECT:: Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage

TO: Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

This is superb.

From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/22/2002 4:13:42 AM
Subject: : Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-FEB-2002 09:13:42.00

SUBJECT:: Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Didn't you or Brad talk with Chris Battle at the Ark. Dem. Gazette?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Sara Taylor <Staylor@georgewbush.com>
CC: kmehlman@georgewbush.com [WHO] <kmehlman@georgewbush.com>
Sent: 2/22/2002 4:56:07 AM
Subject: : Re: FW: Listings for Presidential Event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-FEB-2002 09:56:07.00
SUBJECT: : Re: FW: Listings for Presidential Event
TO: Sara Taylor <Staylor@georgewbush.com> (Sara Taylor <Staylor@georgewbush.com> [UNKNOWN])
READ: UNKNOWN
CC: kmehlman@georgewbush.com (kmehlman@georgewbush.com [WHO])
READ: UNKNOWN
End Original ARMS Header

I prefer listings as individuals unless you have different thoughts.

Sara Taylor <Staylor@georgewbush.com>
02/22/2002 08:33:28 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: kmehlman@georgewbush.com
Subject: FW: Listings for Presidential Event

Brett - Your thoughts on this??

-----Original Message-----

From: Jan Unstad [mailto:junstad@colemanforsenate.com]
Sent: Thursday, February 21, 2002 4:51 PM
To: Sara Taylor (E-mail)
Subject: Listings for Presidential Event

Sara-we have lots of companies/PAC's etc who are jumping into this Presidential event. Do you have an opinion/preference on steering them toward being listed as a host in the program as a person or as a company?

e.g.-Do you prefer 3M Company or Jim McNerney? And is only one way acceptable?

jan

Jan Unstad
Coleman for U.S. Senate
1410 Energy Park Drive, Suite 11
St. Paul MN 55108
651.645.0766, ext. 13
651.646.1387 fax
junstad@colemanforsenate.com

REV_00140658

From: Sara Taylor <Staylor@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: kmehlman@georgewbush.com [WHO] <kmehlman@georgewbush.com>
Sent: 2/22/2002 5:56:06 AM
Subject: : RE: FW: Listings for Presidential Event

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sara Taylor <Staylor@georgewbush.com> (Sara Taylor <Staylor@georgewbush.com> [UNKNOWN])

CREATION DATE/TIME:22-FEB-2002 10:56:06.00

SUBJECT:: RE: FW: Listings for Presidential Event

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:kmehlman@georgewbush.com (kmehlman@georgewbush.com [WHO])

READ:UNKNOWN

End Original ARMS Header

I have no strong opinions, I agree with you that it's better to list individuals especially in the age of Enron.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett M. Kavanaugh@who.eop.gov]
Sent: Friday, February 22, 2002 9:56 AM
To: Sara Taylor
Cc: kmehlman@georgewbush.com
Subject: Re: FW: Listings for Presidential Event

I prefer listings as individuals unless you have different thoughts.

(Embedded
image moved Sara Taylor <Staylor@georgewbush.com>
to file: 02/22/2002 08:33:28 AM
pic19783.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc: kmehlman@georgewbush.com
Subject: FW: Listings for Presidential Event

Brett - Your thoughts on this??

-----Original Message-----

From: Jan Unstad [mailto:junstad@colemanforsenate.com]
Sent: Thursday, February 21, 2002 4:51 PM
To: Sara Taylor (E-mail)
Subject: Listings for Presidential Event

Sara-we have lots of companies/PAC's etc who are jumping into this

REV_00140660

Presidential event. Do you have an opinion/preference on steering them toward being listed as a host in the program as a person or as a company?

e.g.-Do you prefer 3M Company or Jim McNerney? And is only one way acceptable?

jan

Jan Unstad
Coleman for U.S. Senate
1410 Energy Park Drive, Suite 11
St. Paul MN 55108
651.645.0766, ext. 13
651.646.1387 fax
junstad@colemanforsenate.com

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 2/22/2002 3:23:14 AM
Subject: : Staff meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-FEB-2002 08:23:14.00
SUBJECT:: Staff meeting
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The staff meeting this morning is cancelled.

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 2/22/2002 3:26:55 AM
Subject: : STAFF MEETING CANCELED

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:22-FEB-2002 08:26:55.00
SUBJECT:: STAFF MEETING CANCELED
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: Sara Taylor <Staylor@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: kmehlman@georgewbush.com [WHO] <kmehlman@georgewbush.com>
Sent: 2/22/2002 3:42:17 AM
Subject: : FW: Listings for Presidential Event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sara Taylor <Staylor@georgewbush.com> (Sara Taylor <Staylor@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:22-FEB-2002 08:42:17.00
SUBJECT:: FW: Listings for Presidential Event
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:kmehlman@georgewbush.com (kmehlman@georgewbush.com [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett - Your thoughts on this??

-----Original Message-----

From: Jan Unstad [mailto:junstad@colemanforsenate.com]
Sent: Thursday, February 21, 2002 4:51 PM
To: Sara Taylor (E-mail)
Subject: Listings for Presidential Event

Sara-we have lots of companies/PAC's etc who are jumping into this Presidential event. Do you have an opinion/preference on steering them toward being listed as a host in the program as a person or as a company?

e.g.-Do you prefer 3M Company or Jim McNerney? And is only one way acceptable?

jan

Jan Unstad
Coleman for U.S. Senate
1410 Energy Park Drive, Suite 11
St. Paul MN 55108
651.645.0766, ext. 13
651.646.1387 fax
junstad@colemanforsenate.com

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
Sent: 2/22/2002 7:49:36 AM
Subject: : Re: Victims Rights

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-FEB-2002 12:49:36.00
SUBJECT:: Re: Victims Rights
TO: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

will do

Garry Malphrus
02/22/2002 11:45:03 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Victims Rights

If anyone has any concerns with the text of the victims rights constitutional amendment as Viet presented it to us, please let me know by the end of the day on Wednesday. As we discussed at the meeting, the Department is interested in potentially having a White House ceremony announcing the President's support for the amendment during National Crime Victims Week, which is April 21-27. Thank you.

Message Sent

To:
Diana L. Schacht/OPD/EOP@EOP
Jay p. lefkowitz/omb/eop@eop
robert marsh/who/eop@eop
heather wingate/who/eop@eop
brett m. kavanaugh/who/eop@eop
joel d. kaplan/who/eop@eop

REV_00140665

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/22/2002 8:11:59 AM
Subject: : letter -- more

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-FEB-2002 13:11:59.00
SUBJECT:: letter -- more
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

we made another good change that we can discuss

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/22/2002 8:20:27 AM
Subject: : RE: Draft letter to Burton on Condon dep accommodation for review(009)asap

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:22-FEB-2002 13:20:27.00
SUBJECT:: RE: Draft letter to Burton on Condon dep accommodation for review(009)asap
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Draft letter to Burton on Condon
dep accommodation for review(009)asap
Was Read By : M.Edward.Whelan@usdoj.gov
On : Fri, 22 Feb 2002 13:08:14 -0500

REV_00140667

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 2/22/2002 4:54:38 AM
Subject: : Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-FEB-2002 09:54:38.00
SUBJECT:: Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

not me.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/22/2002 09:54 AM -----

Jeanie S. Mamo
02/22/2002 09:13:35 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re:
Justice held hostage

Didn't you or Brad talk with Chris Battle at the Ark. Dem. Gazette?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>
Sent: 2/22/2002 4:58:31 AM
Subject: : Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-FEB-2002 09:58:31.00
SUBJECT:: Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage
TO: Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

not me.

Jeanie S. Mamo
02/22/2002 09:13:35 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re:
Justice held hostage

Didn't you or Brad talk with Chris Battle at the Ark. Dem. Gazette?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: William H. Leary/NSC/EOP@EOP [NSC] <William H. Leary>
Sent: 2/22/2002 5:01:11 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-FEB-2002 10:01:11.00

SUBJECT::

TO:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Any update on when we will have final word on the Reagan documents
from the agencies?

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/22/2002 5:39:48 AM
Subject: : RE:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:22-FEB-2002 10:39:48.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I think the 3 of us should sit down together. I can't do it today. How does Monday look?

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, February 22, 2002 10:03 AM
To: Collins, Dan
Subject:

Should you, Colborn, and I sit down and discuss the tabbed documents together? What do you think makes the most sense? Could you do it today? I have reviewed them.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>
Sent: 2/22/2002 5:51:38 AM
Subject: : Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-FEB-2002 10:51:38.00
SUBJECT:: Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re: Justice held hostage
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Me neither.

Brett M. Kavanaugh
02/22/2002 09:54:30 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re:
Justice held hostage

not me.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/22/2002 09:54 AM -----

Jeanie S. Mamo
02/22/2002 09:13:35 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Arkansas Democrat Gazette EDITORIAL (2/21/02) re:
Justice held hostage

Didn't you or Brad talk with Chris Battle at the Ark. Dem. Gazette?

From: CN=Garry Malphrus/OU=OPD/O=EOP [OPD]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Jay p. lefkowitz/omb/eop@eop [OPD] <Jay p. lefkowitz>; robert marsh/who/eop@eop [WHO] <robert marsh>; heather wingate/who/eop@eop [WHO] <heather wingate>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; joel d. kaplan/who/eop@eop [WHO] <joel d. kaplan>
Sent: 2/22/2002 6:45:11 AM
Subject: : Victims Rights

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:22-FEB-2002 11:45:11.00
SUBJECT:: Victims Rights
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Jay p. lefkowitz (CN=Jay p. lefkowitz/OU=omb/O=eop@eop [OPD])
READ:UNKNOWN
TO:robert marsh (CN=robert marsh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:joel d. kaplan (CN=joel d. kaplan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

If anyone has any concerns with the text of the victims rights constitutional amendment as Viet presented it to us, please let me know by the end of the day on Wednesday. As we discussed at the meeting, the Department is interested in potentially having a White House ceremony announcing the President's support for the amendment during National Crime Victims Week, which is April 21-27. Thank you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 2/22/2002 10:45:46 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 22-FEB-2002 15:45:46.00

SUBJECT::

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

did you give Heather any suggestions yet on her docs?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 2/22/2002 7:51:00 AM
Subject: : letter to Burton

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-FEB-2002 12:51:00.00
SUBJECT:: letter to Burton
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We deleted second sentence of second paragraph. Otherwise, it's
good to go.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 2/22/2002 10:03:57 AM
Subject: : call me

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 22-FEB-2002 15:03:57.00

SUBJECT:: call me

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Paula M. Sherry/OU=OA/O=EOP [OA]
To: Chris Hornbarger/WHO/EOP@EOP [WHO] <Chris Hornbarger>;Darryl L. Thomas/ONDCP /EOP@EOP [ONDCP] <Darryl L. Thomas>;William T. Griffin/WHO/EOP@EOP [WHO] <William T. Griffin>;Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>;Michael Davis/WHO/EOP@EOP [WHO] <Michael Davis>;Edward A. Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>;Wendy L. Nipper/WHO/EOP@EOP [WHO] <Wendy L. Nipper>;Janet M. Philips/WHO/EOP@EOP [WHO] <Janet M. Philips>;Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Sarah E. Youssef/OPD /EOP@EOP [OPD] <Sarah E. Youssef>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee Benkie>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Taylor S. Gross/WHO/EOP@EOP [WHO] <Taylor S. Gross>;Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Charles H. Huettner/OSTP/EOP@EOP [OSTP] <Charles H. Huettner>;Bretton S. Alexander/OSTP /EOP@EOP [OSTP] <Bretton S. Alexander>;Richard M. Russell/OSTP/EOP@EOP [OSTP] <Richard M. Russell>;Rachel E. Levinson/OSTP/EOP@EOP [OSTP] <Rachel E. Levinson>;Daniel Schecter/ONDCP/EOP@EOP [ONDCP] <Daniel Schecter>;Vigdor L. Teplitz/OSTP/EOP@EOP [OSTP] <Vigdor L. Teplitz>;Darlind J. Davis/ONDCP/EOP@EOP [ONDCP] <Darlind J. Davis>
CC: Jennifer L. Jones/OA/EOP@EOP [OA] <Jennifer L. Jones>;Kimberly S. Anderson/OA /EOP@EOP [OA] <Kimberly S. Anderson>;Dorothy Crumling/OA/EOP@EOP [OA] <Dorothy Crumling>
Sent: 2/22/2002 10:50:59 AM
Subject: : Your Lotus Notes Mail File.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Paula M. Sherry (CN=Paula M. Sherry/OU=OA/O=EOP [OA])

CREATION DATE/TIME:22-FEB-2002 15:50:59.00

SUBJECT:: Your Lotus Notes Mail File.

TO:Chris Hornbarger (CN=Chris Hornbarger/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Darryl L. Thomas (CN=Darryl L. Thomas/OU=ONDCP/O=EOP@EOP [ONDCP])

READ:UNKNOWN

TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Michael Davis (CN=Michael Davis/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Janet M. Philips (CN=Janet M. Philips/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP [WHO])

REV_00140685

READ:UNKNOWN
TO:Charles H. Huettner (CN=Charles H. Huettner/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Bretton S. Alexander (CN=Bretton S. Alexander/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Richard M. Russell (CN=Richard M. Russell/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Daniel Schecter (CN=Daniel Schecter/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Vigdor L. Teplitz (CN=Vigdor L. Teplitz/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:Darlind J. Davis (CN=Darlind J. Davis/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
CC:Jennifer L. Jones (CN=Jennifer L. Jones/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Kimberly S. Anderson (CN=Kimberly S. Anderson/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Dorothy Crumling (CN=Dorothy Crumling/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Our records indicate that your MailBox will soon exceed 1 GB of data and your account will freeze when the limit is reached. You will then need to contact our technical staff to enable your account to receive e-mails again. In order to avoid this from happening, we request that you delete as many unneeded e-mails as soon as possible. Lotus Notes offers an "All By Size" feature which allows you to delete your largest files first and we've provided instructions on that feature below.

We also request that you empty your trash bin and make this a weekly practice. If you have any further questions, please contact your Agency's Customer Service Representative or our Help Desk at 5-7370.

Using All-By-Size:

This feature can be found within your Notes folders listing toward the bottom of the list. By clicking on this folder you will get a listing of all your messages in order of size. You can also click on the Document Preview button under View (top line on the menu) to view the contents of each document before marking it for deletion. Once you have selected - using checkmarks - the files for deletion, just click on the delete button as usual. And please make sure you have also emptied your trashcan folder since they aren't really gone until that is empty.

Thank you.

From: Collins, Dan <Dan.Collins@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/22/2002 12:45:24 PM
Subject: : RE: Reagan documents discussion

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Collins, Dan" <Dan.Collins@usdoj.gov> ("Collins, Dan" <Dan.Collins@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:22-FEB-2002 17:45:24.00

SUBJECT:: RE: Reagan documents discussion

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: Reagan documents discussion

Was Read By : Dan.Collins@usdoj.gov

On : Fri, 22 Feb 2002 17:32:31 -0500

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>
CC: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>
Sent: 2/22/2002 3:41:52 PM
Subject: : Re: Victims Comp

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:22-FEB-2002 20:41:52.00

SUBJECT:: Re: Victims Comp

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])

READ:UNKNOWN

End Original ARMS Header

We are still waiting for guidance from Dr. Rice, who has been away with the President. I would recommend that OMB go ahead and circulate the State draft to agencies for formal views, with a notation that the FSI issue remains to be resolved and may be the discussion of an interagency meeting led by the NSC. This will at least allow us to get more formal views from DoD and Treasury, who have string equities here.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Rebecca A. Beynon/OMB
/EOP@EOP [OMB] <Rebecca A. Beynon>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;john b. bellinger/nsc/eop@eop
[NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>
Sent: 2/23/2002 5:32:58 AM
Subject: : Re: Victims Comp

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-FEB-2002 10:32:58.00
SUBJECT:: Re: Victims Comp
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])
READ:UNKNOWN
End Original ARMS Header

I think that josh felt strongly that state rec should not be circulated.
I recommend circulating plan b. If Dr. Rice has strong feelings about
state rec. we can circulate it after she and josh discuss.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Rebecca A. Beynon/OMB
/EOP@EOP [OMB] <Rebecca A. Beynon>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;john b. bellinger/nsc/eop@eop
[NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>
Sent: 2/23/2002 5:34:10 AM
Subject: : Re: Victims Comp

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-FEB-2002 10:34:10.00
SUBJECT:: Re: Victims Comp
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])
READ:UNKNOWN
End Original ARMS Header

I think that josh felt strongly that state rec should not be circulated.
I recommend circulating plan b. If Dr. Rice has strong feelings about
state rec. we can circulate it after she and josh discuss.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Rebecca A. Beynon/OMB
/EOP@EOP [OMB] <Rebecca A. Beynon>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;john b. bellinger/nsc/eop@eop
[NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>
Sent: 2/23/2002 5:35:36 AM
Subject: : Re: Victims Comp

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-FEB-2002 10:35:36.00
SUBJECT:: Re: Victims Comp
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])
READ:UNKNOWN
End Original ARMS Header

I think that josh felt strongly that state rec should not be circulated.
I recommend circulating plan b. If Dr. Rice has strong feelings about
state rec. we can circulate it after she and josh discuss.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 2/25/2002 5:00:54 AM
Subject: : 02-27-02 WHJSC meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-FEB-2002 10:00:54.00
SUBJECT:: 02-27-02 WHJSC meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please let me know if you have any items for this week's agenda.

Thanks.

From: CN=Linda M. Gambatesa/OU=WHO/O=EOP [WHO]
To: Mary Ann Hanusa/WHO/EOP@EOP [WHO] <Mary Ann Hanusa>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; christa j. bailey/who/eop@eop [WHO] <christa j. bailey>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>
Sent: 2/25/2002 5:05:59 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-FEB-2002 10:05:59.00
SUBJECT:: Re:
TO:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:christa j. bailey (CN=christa j. bailey/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please let's make sure that the loan agreement specifically enumerates all the items included and a return date, i.e. they are to be returned to the White House by no later than August 15, 2002. I would like to have a copy on file for the duration of the loan in case there are any questions.

Thanks.

Mary Ann Hanusa
02/25/2002 09:47:10 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP, Christa J. Bailey/WHO/EOP@EOP
Subject:

We will start to fedex some of the loaned items to the Library today. The loan "agreement" 's in place, right? Thanks.
The Bush Family Bible has been added to the list of items the President approved for loan.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>; john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>
Sent: 2/25/2002 10:22:50 AM
Subject: : Re: Victims Comp

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-FEB-2002 15:22:50.00
SUBJECT:: Re: Victims Comp
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])
READ: UNKNOWN
CC: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])
READ: UNKNOWN
End Original ARMS Header

We clearly need to meet. I will email shortly.

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>; Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>; Patricia C. Zemple/WHO/EOP@EOP [WHO] <Patricia C. Zemple>; Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>; Barrett Aldemeyer/WHO/EOP@EOP [WHO] <Barrett Aldemeyer>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; Magda E. Angulo/WHO/EOP@EOP [WHO] <Magda E. Angulo>
Sent: 2/25/2002 10:25:45 AM
Subject: : Birthday lunch...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])

CREATION DATE/TIME:25-FEB-2002 15:25:45.00

SUBJECT:: Birthday lunch...

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James W. Carroll (CN=James W. Carroll/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patricia C. Zemple (CN=Patricia C. Zemple/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Barrett Aldemeyer (CN=Barrett Aldemeyer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

REV_00140716

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Magda E. Angulo (CN=Magda E. Angulo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Due to ever changing schedules, the Brett, Brad, Ed, and Patrick birthday lunch will be tomorrow at AV at 1:00 pm.

Please let me know who will attend, and who can drive.

Lori will be taking orders (as I have to place them in the next few hours). Probably ordering several pizzas and splitting them will be the best way to go, as they have asked us to simplify the order being that we are potentially coming in with 20+ people.

Thanks!

Allison

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>; Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>; Patricia C. Zemple/WHO/EOP@EOP [WHO] <Patricia C. Zemple>; Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>; Barrett Aldemeyer/WHO/EOP@EOP [WHO] <Barrett Aldemeyer>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; Magda E. Angulo/WHO/EOP@EOP [WHO] <Magda E. Angulo>
Sent: 2/25/2002 10:37:02 AM
Subject: : Birthday lunch...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])

CREATION DATE/TIME:25-FEB-2002 15:37:02.00

SUBJECT:: Birthday lunch...

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:James W. Carroll (CN=James W. Carroll/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patricia C. Zemple (CN=Patricia C. Zemple/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Barrett Aldemeyer (CN=Barrett Aldemeyer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

REV_00140718

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Magda E. Angulo (CN=Magda E. Angulo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Due to ever changing schedules, the Brett, Brad, Ed, and Patrick birthday lunch will be tomorrow at AV at 1:00 pm.

Please let me know who will attend, and who can drive.

Lori will be taking orders (as I have to place them in the next few hours). Probably ordering several pizzas and splitting them will be the best way to go, as they have asked us to simplify the order being that we are potentially coming in with 20+ people.

Thanks!

Allison

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2002 11:06:59 AM
Subject: : Re: Mtg on doc requests

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-FEB-2002 16:06:59.00
SUBJECT:: Re: Mtg on doc requests
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

OK. How does tomorrow morning after the staff meeting look?

H. Christopher Bartolomucci
02/25/2002 03:57:19 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Re: Mtg on doc requests

I can't. I'm on the hill.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>
Sent: 2/25/2002 11:20:42 AM
Subject: : Re: Victims Comp

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-FEB-2002 16:20:42.00

SUBJECT:: Re: Victims Comp

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])

READ:UNKNOWN

End Original ARMS Header

We clearly need to meet. I will email shortly.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 2/25/2002 1:24:41 PM
Subject: : JSC prep on Wednesday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-FEB-2002 18:24:41.00

SUBJECT:: JSC prep on Wednesday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Right now we aren't sure if we are having JSC meeting on Wednesday b/c of a non-existant notebook.

If we do have it JSC prep will be held immediately following staff meeting (9:15 ish) so please plan on sticking around.

I'll keep you posted.

Thanks!

REV_00140817

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 2/25/2002 1:24:41 PM
Subject: : JSC prep on Wednesday

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-FEB-2002 18:24:41.00

SUBJECT:: JSC prep on Wednesday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Right now we aren't sure if we are having JSC meeting on Wednesday b/c of a non-existant notebook.

If we do have it JSC prep will be held immediately following staff meeting (9:15 ish) so please plan on sticking around.

I'll keep you posted.

Thanks!

REV_00140818

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>;Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>;Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
Sent: 2/25/2002 1:52:06 PM
Subject: : Victims Comp Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-FEB-2002 18:52:06.00
SUBJECT:: Victims Comp Meeting
TO:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
TO:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

Can everyone on this e-mail participate in a meeting at 11:00
tomorrow morning for no more than 30 minutes? If not, how about 2:30?
(Dan: could you call in for this?)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>;Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>;Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
Sent: 2/25/2002 1:52:06 PM
Subject: : Victims Comp Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-FEB-2002 18:52:06.00

SUBJECT:: Victims Comp Meeting

TO:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])

READ:UNKNOWN

TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Can everyone on this e-mail participate in a meeting at 11:00
tomorrow morning for no more than 30 minutes? If not, how about 2:30?
(Dan: could you call in for this?)

From: CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
BCC: Joan Hunerwadel (Joan Hunerwadel/NSC/EOP [NSC])
Sent: 2/25/2002 2:19:48 PM
Subject: : Re: Victims Comp Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:25-FEB-2002 19:19:48.00

SUBJECT:: Re: Victims Comp Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

BCC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Brett,
John and I are free at 1100 but can not meet in the afternoon.
Thank you. Jock

From: CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
BCC: Joan Hunerwadel (Joan Hunerwadel/NSC/EOP [NSC])
Sent: 2/25/2002 2:19:48 PM
Subject: : Re: Victims Comp Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:25-FEB-2002 19:19:48.00

SUBJECT:: Re: Victims Comp Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

BCC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Brett,
John and I are free at 1100 but can not meet in the afternoon.
Thank you. Jock

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2002 2:20:13 PM
Subject: : Re: Victims Comp Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:25-FEB-2002 19:20:13.00
SUBJECT:: Re: Victims Comp Meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I have LSG at 11:15. What about 8 to 8:30?

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:kristen silverberg/who/eop@eop,
rebecca a. beynon/omb/eop@eop,
john b. bellinger/nsc/eop@eop,
jay p. lefkowitz/omb/eop@eop,
Daniel J. Keniry/WHO/EOP@EOP,
Scott McClellan/WHO/EOP@EOP,
Jonathan R. Scharfen/NSC/EOP@EOP
Cc:
Date: 02/25/2002 06:52:04 PM
Subject: Victims Comp Meeting

Can everyone on this e-mail participate in a meeting at 11:00 tomorrow morning for no more than 30 minutes? If not, how about 2:30? (Dan: could you call in for this?)

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2002 2:33:25 PM
Subject: : Re: Victims Comp Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-FEB-2002 19:33:25.00

SUBJECT:: Re: Victims Comp Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Yes. LSG doesn't start until 11:10.

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/25/2002 2:38:32 PM
Subject: : Re: Victims Comp Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-FEB-2002 19:38:32.00

SUBJECT:: Re: Victims Comp Meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Yes. LSG doesn't start until 11:10.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>;daniel j. keniry/who/eop@eop [WHO] <daniel j. keniry>;scott mcclellan/who/eop@eop [WHO] <scott mcclellan>;jonathan r. scharfen/nsc/eop@eop [NSC] <jonathan r. scharfen>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 2/25/2002 4:06:49 PM
Subject: : Victims Comp Meeting: Can you meet at 10:30 a.m. Tuesday?

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-FEB-2002 21:06:49.00

SUBJECT:: Victims Comp Meeting: Can you meet at 10:30 a.m. Tuesday?

TO:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])

READ:UNKNOWN

TO:daniel j. keniry (CN=daniel j. keniry/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:scott mcclellan (CN=scott mcclellan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:jonathan r. scharfen (CN=jonathan r. scharfen/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>;daniel j. keniry/who/eop@eop [WHO] <daniel j. keniry>;scott mccllellan/who/eop@eop [WHO] <scott mccllellan>;jonathan r. scharfen/nsc/eop@eop [NSC] <jonathan r. scharfen>;Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 2/25/2002 4:06:49 PM
Subject: : Victims Comp Meeting: Can you meet at 10:30 a.m. Tuesday?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 25-FEB-2002 21:06:49.00

SUBJECT:: Victims Comp Meeting: Can you meet at 10:30 a.m. Tuesday?

TO: kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

TO: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

TO: jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])

READ: UNKNOWN

TO: daniel j. keniry (CN=daniel j. keniry/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: scott mccllellan (CN=scott mccllellan/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

TO: jonathan r. scharfen (CN=jonathan r. scharfen/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>; Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>; Patricia C. Zemple/WHO/EOP@EOP [WHO] <Patricia C. Zemple>; Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>; Barrett Aldemeyer/WHO/EOP@EOP [WHO] <Barrett Aldemeyer>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; Magda E. Angulo/WHO/EOP@EOP [WHO] <Magda E. Angulo>
Sent: 2/26/2002 3:54:37 AM
Subject: : Birthday lunch today...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])

CREATION DATE/TIME:26-FEB-2002 08:54:37.00

SUBJECT:: Birthday lunch today...

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:James W. Carroll (CN=James W. Carroll/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Patricia C. Zemple (CN=Patricia C. Zemple/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Barrett Aldemeyer (CN=Barrett Aldemeyer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

REV_00140829

READ:UNKNOWN
CC:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Magda E. Angulo (CN=Magda E. Angulo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Let's meet at the West Basement today at 12:45pm. Can everyone who can drive please bring you car keys? Thanks.

-Allison

Allison L. Riepenhoff
02/25/2002 12:30:09 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Birthday lunch...

Due to ever changing schedules, the Brett, Brad, Ed, and Patrick birthday lunch will be tomorrow at AV at 1:00 pm.

Please let me know who will attend, and who can drive.

Lori will be taking orders (as I have to place them in the next few hours). Probably ordering several pizzas and splitting them will be the best way to go, as they have asked us to simplify the order being that we are potentially coming in with 20+ people.

Thanks!

Allison

Message Sent

To: _____

Rachel_L._Brand@who.eop.gov @ inet
Noel_J._Francisco@who.eop.gov @ inet
Robert_W._Cobb@who.eop.gov @ inet
Kyle_Sampson@who.eop.gov @ inet
Brett_M._Kavanaugh@who.eop.gov @ inet
Bradford A. Berenson/WHO/EOP@EOP
H._Christopher_Bartolomucci@who.eop.gov @ inet
Courtney_S._Elwood@who.eop.gov @ inet
Helgard C. Walker/WHO/EOP@EOP
James W. Carroll/WHO/EOP@EOP
Patrick_J._Bumatay@who.eop.gov @ inet

REV_00140830

Lori L. Lorenzi/WHO/EOP@EOP
Brent Greenfield
Elizabeth N. Camp/WHO/EOP@EOP
Ann L. Loughlin/WHO/EOP@EOP
Patricia C. Zemple/WHO/EOP@EOP
Larry Cote/WHO/EOP@EOP
Barrett Aldemeyer/WHO/EOP@EOP
David_S._Addington@ovp.eop.gov @ inet
John_B._Bellinger@nsc.eop.gov @ inet
Edward McNally/WHO/EOP@EOP
Magda E. Angulo/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;jay p. lefkowitz/omb/eop@eop [OPD] <jay p. lefkowitz>;daniel j. keniry/who/eop@eop [WHO] <daniel j. keniry>;scott mccllellan/who/eop@eop [WHO] <scott mccllellan>;jonathan r. scharfen/nsc/eop@eop [NSC] <jonathan r. scharfen>;ziad s. ojakli/who/eop@eop [WHO] <ziad s. ojakli>
Sent: 2/26/2002 3:54:46 AM
Subject: : VICTIMS COMP MEETING

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-FEB-2002 08:54:46.00
SUBJECT:: VICTIMS COMP MEETING
TO:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
TO:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
TO:jay p. lefkowitz (CN=jay p. lefkowitz/OU=omb/O=eop@eop [OPD])
READ:UNKNOWN
TO:daniel j. keniry (CN=daniel j. keniry/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:scott mccllellan (CN=scott mccllellan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:jonathan r. scharfen (CN=jonathan r. scharfen/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
TO:ziad s. ojakli (CN=ziad s. ojakli/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

We'll meet at 10:30 in Jay Lefkowitz's office on WW second floor.

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>; Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>; Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Ann L. Loughlin/WHO/EOP@EOP [WHO] <Ann L. Loughlin>; Patricia C. Zemple/WHO/EOP@EOP [WHO] <Patricia C. Zemple>; Larry Cote/WHO/EOP@EOP [WHO] <Larry Cote>; Barrett Aldemeyer/WHO/EOP@EOP [WHO] <Barrett Aldemeyer>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; Magda E. Angulo/WHO/EOP@EOP [WHO] <Magda E. Angulo>
Sent: 2/26/2002 4:01:54 AM
Subject: : Birthday lunch today...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])

CREATION DATE/TIME:26-FEB-2002 09:01:54.00

SUBJECT:: Birthday lunch today...

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:James W. Carroll (CN=James W. Carroll/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Patricia C. Zemple (CN=Patricia C. Zemple/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Larry Cote (CN=Larry Cote/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Barrett Aldemeyer (CN=Barrett Aldemeyer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

REV_00140833

READ:UNKNOWN
CC:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Magda E. Angulo (CN=Magda E. Angulo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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Allison L. Riepenhoff
02/25/2002 12:30:09 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
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Thanks!

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Message Sent

To: _____

Rachel_L._Brand@who.eop.gov @ inet
Noel_J._Francisco@who.eop.gov @ inet
Robert_W._Cobb@who.eop.gov @ inet
Kyle_Sampson@who.eop.gov @ inet
Brett_M._Kavanaugh@who.eop.gov @ inet
Bradford A. Berenson/WHO/EOP@EOP
H._Christopher_Bartolomucci@who.eop.gov @ inet
Courtney_S._Elwood@who.eop.gov @ inet
Helgard C. Walker/WHO/EOP@EOP
James W. Carroll/WHO/EOP@EOP
Patrick_J._Bumatay@who.eop.gov @ inet

REV_00140834

Lori L. Lorenzi/WHO/EOP@EOP
Brent Greenfield
Elizabeth N. Camp/WHO/EOP@EOP
Ann L. Loughlin/WHO/EOP@EOP
Patricia C. Zemple/WHO/EOP@EOP
Larry Cote/WHO/EOP@EOP
Barrett Aldemeyer/WHO/EOP@EOP
David_S._Addington@ovp.eop.gov @ inet
John_B._Bellinger@nsc.eop.gov @ inet
Edward McNally/WHO/EOP@EOP
Magda E. Angulo/WHO/EOP@EOP

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 2/26/2002 4:38:19 AM
Subject: : Washington Post - Today - Business Section - E1

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-FEB-2002 09:38:19.00

SUBJECT:: Washington Post - Today - Business Section - E1

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

Insuring Against Terror Costly
Mall of America Feels Repercussions

By Jackie Spinner
Washington Post Staff Writer
Tuesday, February 26, 2002; Page E01

Large business and property owners around the country are having increasing difficulty obtaining insurance for terrorist acts, creating problems that could ripple through the economy, according to a General Accounting Office report that is to be released tomorrow.

Losing terrorism insurance could put many companies and properties in technical default of their loans and mortgages, because lenders would have no guarantee of getting paid back in the event of an attack.

REV_00140836

One example, although not mentioned in the report, is the Mall of America in Minnesota -- the nation's largest shopping center -- which went to court to prevent the holder of its mortgage from forcing it to buy a very expensive and limited terrorism policy.

The market for terrorism insurance has dried up for large commercial policyholders since the Sept. 11 attacks, prompting insurers and business leaders to call for federal action. But Congress adjourned in December without enacting legislation that would have created a system to help pay future terrorism claims and thus provide some incentive for insurers to return to the market. Congress has not revisited the issue this year.

After the beginning of the year, the majority of reinsurance contracts expired, leaving primary insurers without their backup coverage. "The economic burden of another terrorist attack would fall increasingly on policyholders as the insurance industry sheds or limits its risks to such exposures, raising the potential for more devastating economic consequences should such an event occur," according to excerpts from the report, which were released yesterday by the House Financial Services Committee. "The potential for more severe economic impacts is increasing as the level of uninsured risk climbs." The committee plans to hold a hearing on the issue tomorrow.

Because commercial real estate drives so much of business in any community -- primarily through tax revenue and job creation -- financial experts predict the fallout from the insurance issue could spread much farther than the real estate and lending sectors.

The Mall of America's troubles stem from a dispute with GMAC Commercial Mortgage Corp. over whether its loan agreement requires terrorism insurance. Simon Property Group, an Indianapolis-based real estate investment trust that owns the Mall of America, said in a statement that the agreement does not have such a requirement.

A judge in Hennepin County District Court in Minneapolis granted Simon Property Group a temporary restraining order last week to prevent GMAC from forcing the mall to buy a separate terrorism insurance policy as a condition of its lending agreement.

In its statement, Simon said that GMAC was able to find limited terrorism coverage for the mall but that the coverage was inadequate and expensive, costing three times what Simon pays for all property insurance on the mall.

That amount would be "a commercially unreasonable sum, which will only increase the financial burden on the mall's tenants, many of whom are small business owners," the statement said.

Although GMAC would not comment specifically on the Mall of America agreement, its chairman, David E. Creamer, said yesterday that GMAC's loan contracts generally require that "all risks" be insured.

"If you as a lender or a bondholder made a loan or bought a bond, and you had a property that is fully insured and a new policy comes in without terrorism coverage, then you have a risk you didn't buy into or you didn't pay for," he said.

According to the GAO report, the Mall of America's experience is not unique. The report concluded that "large companies, businesses of any size perceived to be in or near a target location or those with some concentration of personnel or facilities are unlikely to be able to obtain a meaningful level of terrorism coverage at an economically viable price."

Deborah B. Beck, executive vice president of the Real Estate Board of New York, said many large real estate deals have been stopped as a result.

"To say the problem is huge is an underestimate," Beck said. "It's stopping some transactions. It's holding up refinancing in situations that would be routine, and it's impacting new construction."

William McCahill, executive vice president of Fleet Bank, which has \$22 billion in real estate loans, said the firm has put two financing transactions on hold in New York because the properties do not have adequate terrorism insurance.

One is a \$300 million loan for the purchase of an existing building, and the other is a construction loan of approximately \$100 million.

"It comes into play in every major deal now," McCahill said, adding that projects requiring more than \$100 million in financing face the biggest hurdles in getting loans.

Matthew Ostrower, vice president of Morgan Stanley Dean Witter, said he does not expect lenders to foreclose on properties that do not have adequate terrorism insurance. But he does expect that owners will have higher loan costs and may have difficulty getting new financing when their current lending agreements expire.

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"It's more of a water torture process," he said. "It's one drip at a time. It's not a floodgate but it's getting worse one month at a time. This is quickly becoming a crisis."

From: CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>
Sent: 2/26/2002 3:18:02 AM
Subject: : Re: Victims Comp Meeting: Can you meet at 10:30 a.m. Tuesday?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:26-FEB-2002 08:18:02.00

SUBJECT:: Re: Victims Comp Meeting: Can you meet at 10:30 a.m. Tuesday?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Brett,
John Bellinger and I can make the 10:30 meeting.
Jock

From: CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>
Sent: 2/26/2002 3:18:02 AM
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Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:26-FEB-2002 08:18:02.00

SUBJECT:: Re: Victims Comp Meeting: Can you meet at 10:30 a.m. Tuesday?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Brett,
John Bellinger and I can make the 10:30 meeting.
Jock

From: CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>
Sent: 2/26/2002 3:39:09 AM
Subject: : Re: Victims Comp Meeting: Can you meet at 10:30 a.m. Tuesday?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:26-FEB-2002 08:39:09.00

SUBJECT:: Re: Victims Comp Meeting: Can you meet at 10:30 a.m. Tuesday?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Brett,
Where will the meeting be held? Thx. Jock

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Peter.Fisher@do.treas.gov @ inet [UNKNOWN] <Peter.Fisher@do.treas.gov>;Sheila.Bair@do.treas.gov @ inet [UNKNOWN] <Sheila.Bair@do.treas.gov>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 2/26/2002 4:38:19 AM
Subject: : Washington Post - Today - Business Section - E1

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-FEB-2002 09:38:19.00

SUBJECT:: Washington Post - Today - Business Section - E1

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

Insuring Against Terror Costly
Mall of America Feels Repercussions

By Jackie Spinner
Washington Post Staff Writer
Tuesday, February 26, 2002; Page E01

Large business and property owners around the country are having increasing difficulty obtaining insurance for terrorist acts, creating problems that could ripple through the economy, according to a General Accounting Office report that is to be released tomorrow.

Losing terrorism insurance could put many companies and properties in technical default of their loans and mortgages, because lenders would have no guarantee of getting paid back in the event of an attack.

REV_00140850

One example, although not mentioned in the report, is the Mall of America in Minnesota -- the nation's largest shopping center -- which went to court to prevent the holder of its mortgage from forcing it to buy a very expensive and limited terrorism policy.

The market for terrorism insurance has dried up for large commercial policyholders since the Sept. 11 attacks, prompting insurers and business leaders to call for federal action. But Congress adjourned in December without enacting legislation that would have created a system to help pay future terrorism claims and thus provide some incentive for insurers to return to the market. Congress has not revisited the issue this year.

After the beginning of the year, the majority of reinsurance contracts expired, leaving primary insurers without their backup coverage. "The economic burden of another terrorist attack would fall increasingly on policyholders as the insurance industry sheds or limits its risks to such exposures, raising the potential for more devastating economic consequences should such an event occur," according to excerpts from the report, which were released yesterday by the House Financial Services Committee. "The potential for more severe economic impacts is increasing as the level of uninsured risk climbs." The committee plans to hold a hearing on the issue tomorrow.

Because commercial real estate drives so much of business in any community -- primarily through tax revenue and job creation -- financial experts predict the fallout from the insurance issue could spread much farther than the real estate and lending sectors.

The Mall of America's troubles stem from a dispute with GMAC Commercial Mortgage Corp. over whether its loan agreement requires terrorism insurance. Simon Property Group, an Indianapolis-based real estate investment trust that owns the Mall of America, said in a statement that the agreement does not have such a requirement.

A judge in Hennepin County District Court in Minneapolis granted Simon Property Group a temporary restraining order last week to prevent GMAC from forcing the mall to buy a separate terrorism insurance policy as a condition of its lending agreement.

In its statement, Simon said that GMAC was able to find limited terrorism coverage for the mall but that the coverage was inadequate and expensive, costing three times what Simon pays for all property insurance on the mall.

That amount would be "a commercially unreasonable sum, which will only increase the financial burden on the mall's tenants, many of whom are small business owners," the statement said.

Although GMAC would not comment specifically on the Mall of America agreement, its chairman, David E. Creamer, said yesterday that GMAC's loan contracts generally require that "all risks" be insured.

"If you as a lender or a bondholder made a loan or bought a bond, and you had a property that is fully insured and a new policy comes in without terrorism coverage, then you have a risk you didn't buy into or you didn't pay for," he said.

According to the GAO report, the Mall of America's experience is not unique. The report concluded that "large companies, businesses of any size perceived to be in or near a target location or those with some concentration of personnel or facilities are unlikely to be able to obtain a meaningful level of terrorism coverage at an economically viable price."

Deborah B. Beck, executive vice president of the Real Estate Board of New York, said many large real estate deals have been stopped as a result.

"To say the problem is huge is an underestimate," Beck said. "It's stopping some transactions. It's holding up refinancing in situations that would be routine, and it's impacting new construction."

William McCahill, executive vice president of Fleet Bank, which has \$22 billion in real estate loans, said the firm has put two financing transactions on hold in New York because the properties do not have adequate terrorism insurance.

One is a \$300 million loan for the purchase of an existing building, and the other is a construction loan of approximately \$100 million.

"It comes into play in every major deal now," McCahill said, adding that projects requiring more than \$100 million in financing face the biggest hurdles in getting loans.

Matthew Ostrower, vice president of Morgan Stanley Dean Witter, said he does not expect lenders to foreclose on properties that do not have adequate terrorism insurance. But he does expect that owners will have higher loan costs and may have difficulty getting new financing when their current lending agreements expire.

"It's not just bad for landlords," he said. "It's bad for tenants. These costs get shared." Creamer, of GMAC, said the problem is slowly getting worse as long as Congress does not act.

"It's more of a water torture process," he said. "It's one drip at a time. It's not a floodgate but it's getting worse one month at a time. This is quickly becoming a crisis."

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/26/2002 5:05:38 AM
Subject: : JSC prep for Wed., Feb. 27 cancelled (was set for after am staff mtg.)

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-FEB-2002 10:05:38.00

SUBJECT:: JSC prep for Wed., Feb. 27 cancelled (was set for after am staff mtg.)

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 2/26/2002 5:05:38 AM
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-FEB-2002 10:05:38.00

SUBJECT:: JSC prep for Wed., Feb. 27 cancelled (was set for after am staff mtg.)

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Kyle Sampson [WHO] <Kyle Sampson>
Sent: 2/26/2002 11:54:16 AM
Subject: : FYI-Judge is meeting w/ Leahy at 10am on Friday (Russell 433)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-FEB-2002 16:54:16.00

SUBJECT:: FYI-Judge is meeting w/ Leahy at 10am on Friday (Russell 433)

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Kyle Sampson (Kyle Sampson [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 2/26/2002 12:42:00 PM
Subject: : TIME CHANGE for POTUS mtg re: Judges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 26-FEB-2002 17:42:00.00
SUBJECT:: TIME CHANGE for POTUS mtg re: Judges
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/26/2002 05:41 PM -----

Elizabeth N. Camp
02/26/2002 05:41:12 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: TIME CHANGE for POTUS mtg re: Judges

New time is Tuesday, March 5th at 4:00 pm.

Please remove the Thursday, Feb. 27 meeting date/time from your schedule.

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

REV_00140871

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jennifer Millerwise/OVP/EOP@EOP [OVP] <Jennifer Millerwise>
Sent: 2/26/2002 2:20:12 PM
Subject: : Re: FW: Law Day Luncheon

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 26-FEB-2002 19:20:12.00
SUBJECT:: Re: FW: Law Day Luncheon
TO: Jennifer Millerwise (CN=Jennifer Millerwise/OU=OVP/O=EOP@EOP [OVP])
READ: UNKNOWN
End Original ARMS Header

I should note that my plan would be to try to get Judge Gonzales to do this.

Jennifer Millerwise
02/26/2002 07:01:33 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Law Day Luncheon

is this something your shop ever does?
----- Forwarded by Jennifer Millerwise/OVP/EOP on
02/26/2002 07:00 PM -----

"Dillon, Arlene" <ADD@cbsnews.com>
02/13/2002 03:02:57 PM
Record Type: Record

To: Jennifer Millerwise/OVP/EOP@EOP
cc:
Subject: FW: Law Day Luncheon

Jennifer --
This is from a VERY dear friend of mine. We were best friends in college. Anyway, he's a lawyer in Montgomery County, MD and as you can see from his e-mail, a VERY GOOD REPUBLICAN. Would you take a look and let me know what I should advise him to do? I realize it won't be Pres or VP but there must be someone over there who might be able to do this. It's local so no travel involved and there is a pretty decent audience to address. What do you think?
thanks,
arlene

-----Original Message-----
From: Harry C. Storm [mailto:HCStorm@awsdlaw.com]
Sent: Wednesday, February 13, 2002 3:07 PM
To: Dillon, Arlene
Subject: Law Day Luncheon

REV_00140880

Arlene -- sorry I missed your call and sorry to hear about Danny's father. Things sounded pretty crazy in the background and am sorry to add one more thing to your list. Anyway, the details are these: Our County Bar Association has its Law Day luncheon on the first Friday in May, which is May 3rd. We usually have between 350-500 attend. We need a speaker to speak for no more than 20 minutes. Being the good Republican that I am in a county full of Democrats, and because this luncheon is when the gavel is turned over to me as president of the association, I thought that it would be great to have someone from the White House. Unsure of how high to go or just who might be interested, if anyone. President, Vice-President, White House Counsel, White House maid or butler... whoever. Anyway, I had thought about this months ago, but then sort of gave up on it after September 11th. Now, however, as the date is approaching I would really like to see if this could still work. Any ideas on a person to talk to would be great. I might add that I was a precinct chairman in Montgomery County for Bush-Cheney.

Arlene, thank you again. Give my best to Danny. Hope the girls are doing well. Look forward to seeing you soon. Harry

From: John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN]
To: Pat.O'Brien@usdoj.gov [UNKNOWN] <Pat.O'Brien@usdoj.gov>; Noel J. Francisco/WHO /EOP@EOP [WHO] <Noel J. Francisco>; lizette.d.benedi@usdoj.gov [UNKNOWN] <lizette.d.benedi@usdoj.gov>; Jennifer.Newstead@usdoj.gov [UNKNOWN] <Jennifer.Newstead@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brian.A.Benczkowski@usdoj.gov [UNKNOWN] <Brian.A.Benczkowski@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN] <Ed_Haden@judiciary.senate.gov>; Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN] <Rena_Johnson@judiciary.senate.gov>
Sent: 2/26/2002 2:31:25 PM
Subject: : CBC Anti-Pickering Press Event on Wed

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: John_Mashburn@lott.senate.gov (John Mashburn) (John_Mashburn@lott.senate.gov (John Mashburn) [UNKNOWN])

CREATION DATE/TIME: 26-FEB-2002 19:31:25.00

SUBJECT:: CBC Anti-Pickering Press Event on Wed

TO: Pat.O'Brien@usdoj.gov (Pat.O'Brien@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: lizette.d.benedi@usdoj.gov (lizette.d.benedi@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Jennifer.Newstead@usdoj.gov (Jennifer.Newstead@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brian.A.Benczkowski@usdoj.gov (Brian.A.Benczkowski@usdoj.gov [UNKNOWN])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Ed_Haden@judiciary.senate.gov (Ed Haden) (Ed_Haden@judiciary.senate.gov (Ed Haden) [UNKNOWN])

READ: UNKNOWN

TO: Rena_Johnson@judiciary.senate.gov (Rena Johnson) (Rena_Johnson@judiciary.senate.gov (Rena Johnson) [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

10 a.m. -- (PICKERING/NOMINATION/HOUSE) NEWS CONFERENCE -- Reps. Louise Slaughter (D-N.Y.) and Juanita Millender-McDonald (D-Calif.) hold a news conference to oppose the nomination of Charles Pickering to the 5th Circuit of Appeals. Also participating are House Democratic Chief Deputy Whip Rosa DeLauro (D-Conn.) and Reps. Stephanie Tubbs-Jones (D-Ohio) and Jan Schakowsky (D-Ill.).

Location: The Capitol, Room HC-9

REV_00140891

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/26/2002 5:24:13 PM
Subject: : Re: TIME CHANGE for POTUS mtg re: Judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-FEB-2002 22:24:13.00

SUBJECT:: Re: TIME CHANGE for POTUS mtg re: Judges

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I guess this means you are off the hook, although I still wish you'd take
1 night for me...

Sent from my BlackBerry Handheld.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 2/26/2002 6:40:37 PM
Subject: : Re: TIME CHANGE for POTUS mtg re: Judges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 26-FEB-2002 23:40:37.00
SUBJECT:: Re: TIME CHANGE for POTUS mtg re: Judges
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Not now

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
Sent: 2/27/2002 2:50:51 AM
Subject: : Re: Victims Rights

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-FEB-2002 07:50:51.00
SUBJECT:: Re: Victims Rights
TO: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Do you have the text in e-mail format. need to forward to another here.

Garry Malphrus
02/22/2002 11:45:03 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Victims Rights

If anyone has any concerns with the text of the victims rights constitutional amendment as Viet presented it to us, please let me know by the end of the day on Wednesday. As we discussed at the meeting, the Department is interested in potentially having a White House ceremony announcing the President's support for the amendment during National Crime Victims Week, which is April 21-27. Thank you.

Message Sent

To: _____
Diana L. Schacht/OPD/EOP@EOP
Jay p. lefkowitz/omb/eop@eop
robert marsh/who/eop@eop
heather wingate/who/eop@eop
brett m. kavanaugh/who/eop@eop
joel d. kaplan/who/eop@eop

REV_00140894

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
Sent: 2/27/2002 5:56:30 AM
Subject: : VICTIMS COMP: another meeting at 4:30 in Jay's office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-FEB-2002 10:56:30.00

SUBJECT:: VICTIMS COMP: another meeting at 4:30 in Jay's office

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Robert_W._Cobb@who.eop.gov [UNKNOWN] <Robert_W._Cobb@who.eop.gov>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/27/2002 4:12:09 AM
Subject: : IDU Leaders' Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-FEB-2002 09:12:09.00
SUBJECT:: IDU Leaders' Meeting
TO: Robert_W._Cobb@who.eop.gov (Robert_W._Cobb@who.eop.gov [UNKNOWN])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Moose and Brett,

Please review and let me know if you think there are obstacles to our hosting this event.

Tim
----- Forwarded by Timothy E. Flanigan/WHO/EOP on
02/27/2002 08:07 AM -----

From: Barry S. Jackson on 02/27/2002 08:42:48 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc: Allison L. Riepenhoff/WHO/EOP@EOP, Colleen Litkenhaus/WHO/EOP@EOP
Subject: IDU Leaders' Meeting

Tim - Joe Hagin suggested I visit with you about the upcoming International Democratic Union Leaders' Meeting which POTUS has agreed to host. This is an organization of center and center-right parties. The last time the US hosted this event was under President Reagan in 1985. The Republican National Committee is the dues payer for the American membership, which is held by the American Democratic Union, chaired by Haley Barbour.

Let me know if there's a time that's convenient for me to stop by. I will forward a separate email with background information on the Conference and IDU.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
CC: whelan, m edward iii <m.edward.whelan@usdoj.gov>
Sent: 2/27/2002 8:14:46 AM
Subject: : Re: FW: any word back from wh cns1?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-FEB-2002 13:14:46.00
SUBJECT:: Re: FW: any word back from wh cns1?
TO: "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
CC: "whelan, m edward iii" <m.edward.whelan@usdoj.gov> (receipt notification requested) (ipm
return requested) ("whelan, m edward iii" <m.edward.whelan@usdoj.gov> (receipt
notification requested) (ipm return requested) [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

yes, I talked to Ed.

"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>
02/27/2002 01:09:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested)
Subject: FW: any word back from wh cns1?

Brett, does your office have a reaction to our accommodation proposal yet?

-----Original Message-----

From: Thorsen, Carl
Sent: Wednesday, February 27, 2002 12:59 PM
To: Colborn, Paul P
Cc: Whelan, M Edward III
Subject: RE: any word back from wh cns1?

fyi the AP is running with a story that Burton intends to introduce his
contempt resolution very soon. the administration needs to make a
decision soon on this probably.

-----Original Message-----

From: Colborn, Paul P
Sent: Wednesday, February 27, 2002 11:44 AM
To: Thorsen, Carl
Cc: Whelan, M Edward III
Subject: RE: any word back from wh cns1?

Ed & I talked to Brett right after our meeting yesterday. He was going to
talk to Tim and the Judge and get back to us. We haven't heard back yet.

-----Original Message-----

From: Thorsen, Carl
Sent: Wednesday, February 27, 2002 10:45 AM
To: Colborn, Paul P
Subject: any word back from wh cns1?

REV_00140898

Carl Thorsen
Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

From: Timothy_E._Flanigan@who.eop.gov [UNKNOWN]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/27/2002 4:15:41 AM
Subject: : IDU Leaders' Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy_E._Flanigan@who.eop.gov (Timothy_E._Flanigan@who.eop.gov [UNKNOWN])
CREATION DATE/TIME: 27-FEB-2002 09:15:41.00
SUBJECT:: IDU Leaders' Meeting
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Moose and Brett,

Please review and let me know if you think there are obstacles to our hosting this event.

Tim
----- Forwarded by Timothy E. Flanigan/WHO/EOP on
02/27/2002
08:07 AM -----

From: Barry S. Jackson on 02/27/2002 08:42:48 AM

Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP

cc: Allison L. Riepenhoff/WHO/EOP@EOP, Colleen Litkenhaus/WHO/EOP@EOP
Subject: IDU Leaders' Meeting

Tim - Joe Hagin suggested I visit with you about the upcoming International Democratic Union Leaders' Meeting which POTUS has agreed to host. This is an organization of center and center-right parties. The last time the US hosted this event was under President Reagan in 1985. The Republican National Committee is the dues payer for the American membership, which is held by the American Democratic Union, chaired by Haley Barbour.

Let me know if there's a time that's convenient for me to stop by. I will forward a separate email with background information on the Conference and IDU.

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: jay p. lefkowitz/opd/eop@eop [OPD] <jay p. lefkowitz>;rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>
Sent: 2/27/2002 4:51:55 AM
Subject: : Re: Victims comp

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:27-FEB-2002 09:51:55.00
SUBJECT:: Re: Victims comp
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
End Original ARMS Header

How about 4:30 if that's better for KS. We can hold Taft off another day if need be. Brett, can you coordinate with leg and comm.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
Sent: 2/27/2002 5:56:30 AM
Subject: : VICTIMS COMP: another meeting at 4:30 in Jay's office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-FEB-2002 10:56:30.00

SUBJECT:: VICTIMS COMP: another meeting at 4:30 in Jay's office

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

From: CN=Garry Malphrus/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/27/2002 11:35:29 AM
Subject: : Re: victims rights

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-FEB-2002 16:35:29.00

SUBJECT:: Re: victims rights

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

sure

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: joschal@att.net @ inet [UNKNOWN] <joschal@att.net>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 2/27/2002 11:15:46 AM
Subject: : Pickering may withdraw????????

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-FEB-2002 16:15:46.00
SUBJECT:: Pickering may withdraw????????
TO:joschal@att.net (joschal@att.net @ inet [UNKNOWN])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

colleagues

fyi

warmly

tsg

LOTT HINTS PICKERING MIGHT WITHDRAW IF LOSS LIKELY IN JUDICIARY COMMITTEE

Senate Minority Leader Trent Lott, Miss., indicated today that Charles W. Pickering Sr., an embattled Mississippi nominee for the 5th U.S. Circuit Court of Appeals, might withdraw if it becomes clear the Judiciary Committee will reject his nomination. Lott, who yesterday obtained a one-week delay in the committee's vote on Pickering's nomination, said he still hopes the panel will send the nomination to the full Senate. But he said Pickering has to think about his choices. "I'm not advocating this, but he's got to decide whether he wants to go forward with a vote if the votes aren't there, whether he wants to terminate the process," Lott said. He also said after meeting with President Bush this morning that Bush is "disgusted" with the way Senate Democrats have treated Pickering's nomination. Lott said the president expressed concern about the slow

REV_00140913

pace
of action on appellate court nominees in general and "weighed in on a
personal basis" on Pickering.

From: CN=Garry Malphrus/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/27/2002 11:35:29 AM
Subject: : Re: victims rights

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-FEB-2002 16:35:29.00

SUBJECT:: Re: victims rights

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

sure

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 2/28/2002 6:10:17 AM
Subject: : Re: 9/11 victims comp

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-FEB-2002 11:10:17.00
SUBJECT:: Re: 9/11 victims comp
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Per our request, OLC (Sheldon Bradshaw) is doing something in coordination with Noel and Faith-Based Office. I will find out where it stands.

Jay P. Lefkowitz
02/28/2002 11:07:47 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 9/11 victims comp

by the way, whatever happened to the Seattle program?

Brett M. Kavanaugh
02/28/2002 11:02:36 AM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@EOP
cc:
Subject: 9/11 victims comp

Wood mentioned that non-economics may be raised for each family member from 50K to 100K. You ok with that?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 2/28/2002 2:18:57 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-FEB-2002 07:18:57.00
SUBJECT::
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

no problem to call those reps re the alley; thanks for heads up

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 2/28/2002 2:18:57 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-FEB-2002 07:18:57.00
SUBJECT::
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

no problem to call those reps re the alley; thanks for heads up

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: jonathan r. scharfen/nsc/eop@eop [NSC] <jonathan r. scharfen>
Sent: 2/28/2002 6:29:29 AM
Subject: : Re: you have John Kim's number?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-FEB-2002 11:29:29.00
SUBJECT:: Re: you have John Kim's number?
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:jonathan r. scharfen (CN=jonathan r. scharfen/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
End Original ARMS Header

I just talked to him. Very interesting. I will talk to Judge and then report back to you.

John B. Bellinger
02/28/2002 11:21:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: jonathan r. scharfen/nsc/eop@eop
Subject: Re: you have John Kim's number?

647-2201. John is actually in the Legal Adviser's office, supporting legislation issues. He's the expert but if you need definitive view, he works for Will Taft. Let me know if you need help.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
CC: jonathan r. scharfen/nsc/eop@eop [NSC] <jonathan r. scharfen>
Sent: 2/28/2002 6:29:29 AM
Subject: : Re: you have John Kim's number?

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-FEB-2002 11:29:29.00
SUBJECT:: Re: you have John Kim's number?
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:jonathan r. scharfen (CN=jonathan r. scharfen/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
End Original ARMS Header

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John B. Bellinger
02/28/2002 11:21:57 AM
Record Type: Record

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cc: jonathan r. scharfen/nsc/eop@eop
Subject: Re: you have John Kim's number?

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 2/28/2002 7:23:35 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-FEB-2002 12:23:35.00
SUBJECT: :
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

I filled Judge and then Jay in on latest; Jay plans to talk to you and Josh.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 2/28/2002 8:46:16 AM
Subject: : Burton stories

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-FEB-2002 13:46:16.00
SUBJECT:: Burton stories
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/28/2002 01:46 PM -----

"Goodling, Monica" <Monica.Goodling@usdoj.gov>
02/28/2002 11:55:47 AM
Record Type: Record

To: "Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Burton stories

Brett - Hi, I'm the senior counsel in Barbara's office at DOJ Public Affairs. Here are some of the relevant Burton stories you thought everyone should be emailed. I'll send a daily email with additions on the subject. Take care.

The Associated Press, February 27, 2002
HEADLINE: Congressman Wants FBI Records
BYLINE: MELISSA B. ROBINSON

Faced with a contempt threat, the Justice Department agreed Wednesday to give a congressional committee records on the Boston FBI's handling of mob informants in the 1960s, the committee chairman said.

"My committee has been investigating this tragic case for over a year," said House Government Reform Chairman Dan Burton. "We've finally reached an agreement with the Justice Department to see the documents we need to see to move forward with this investigation."

A department spokesman declined comment, saying he was reviewing the details.

For now, the agreement settles the showdown between Burton and the White House over its use of executive privilege to shield prosecutorial documents from congressional scrutiny. The dispute had led to charges by both Democrats and Republicans that Bush was trying to run an "imperial" presidency.

At a committee hearing Wednesday, Burton said he might try to hold President Bush in contempt because he and Attorney General John Ashcroft had yet to comply with a subpoena for the documents.

After department officials and committee aides met later, the department agreed to provide five documents in question, the aides said. The committee had sought 10 records, but four were found to be irrelevant to the case or not responsive to the subpoena. One was provided earlier. Executive privilege is a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear it will become public.

Bush invoked it in December when he ordered Ashcroft not to turn the Boston records over. He argued that releasing the records could have a

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chilling effect on prosecutors' willingness to discuss criminal matters. Burton has focused on revelations that Joseph Salvati of Boston spent 30 years in prison for a murder he did not commit even though the FBI had evidence of his innocence.

LOAD-DATE: February 27, 2002

The Associated Press, February 27, 2002

HEADLINE: Burton drafting contempt citation against Bush to get FBI records from the 1960s

BYLINE: By MELISSA B. ROBINSON, Associated Press Writer

The chairman of a House committee said Wednesday he may try to hold President Bush in contempt of Congress for failing to turn over Justice Department records on the FBI's handling of mob informants in Boston in the 1960s.

Rep. Dan Burton, R-Ind., chairman of the Government Reform Committee, said during a hearing on the Boston case that his panel's legal staff "is preparing a contempt citation."

If Bush and Attorney General John Ashcroft "continue to be recalcitrant, I hope everyone on this committee will support me in getting the House to move this forward," Burton said.

It's unclear how long Burton will wait for the documents before deciding to bring the citation before his committee for consideration. If he does, and the committee approves it, he would then have to convince the House's Republican leaders to bring the citation against a GOP president to the full House for a vote.

Bush ordered Ashcroft to withhold the documents from the committee in December. He cited executive privilege, a doctrine recognized by the courts that ensures presidents can get candid advice in private without fear it will become public.

Bush argued that releasing records could have a chilling effect on prosecutors' willingness to discuss criminal matters.

Committee members of both parties have argued the documents should be released to Congress so it can fulfill its responsibility of monitoring the executive branch's activities.

With regard to the Boston case, they want to ensure that past excesses of the FBI aren't repeated. Among the facts Burton's committee has learned since it began looking into the issue is the FBI's knowledge that an innocent man was convicted of a murder actually committed by an FBI informant.

LOAD-DATE: February 28, 2002

The Boston Globe, February 27, 2002

SECTION: NATIONAL/FOREIGN; Pg. A3

HEADLINE: UNLIKELY FRIENDS, ENEMIES BURTON PROBE RILES BUSH, WINS PRAISE FROM DEMOCRATS

BYLINE: By Wayne Washington, Globe Staff

WASHINGTON - Dan Burton is a conservative Republican who has been liberal in his scorn for Democrats.

Few Republicans in Congress are seen by their Democratic counterparts as more partisan, more scandal-raking than Burton, a 10-term representative from Indiana. As chairman of the House Committee on Government Reform, he has conducted hearings on Bill Clinton's White House and presidential pardons, Democratic fund-raising, and the Clinton administration's handling of the FBI raid in Waco, Texas.

So how come Massachusetts Democrats have started saying such nice things about Burton? Representative William D. Delahunt of Quincy calls him "passionate." Representative Barney Frank of Newton says some of Burton's recent actions have been "impressive."

The surprising praise stems from Burton's investigation into how the false testimony of a murderous FBI informant sent four men to prison in 1967 for

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slaying Edward "Teddy" Deegan in Chelsea, a crime they did not commit. Two of the men died in prison. Two served about 30 years each before their convictions were overturned.

Burton will continue digging into the case today, when another committee hearing is scheduled.

For more than a year now, the Government Reform Committee has trained a sharp focus on what the FBI knew about the informant, the lengths it went to protect him, and its willingness to allow innocent men to be imprisoned on testimony the agency knew to be false. That focus has put Burton at odds with the Justice Department and the Bush White House.

Delahunt, a former Norfolk County district attorney with an interest in the case, says he originally preferred to have the House Judiciary Committee do the investigating. Three Massachusetts congressmen - Delahunt, Frank, and Martin T. Meehan - serve on Judiciary, and they would have surely gotten involved in a Boston-related case.

Republicans control the House, however, and that panel's Republican chairman, F. James Sensenbrenner Jr. of Wisconsin, had little interest in pursuing a case that would almost certainly be a headache for the Bush administration.

To the surprise of many Democrats, Burton pressed ahead. He decided to conduct hearings and invited the Massachusetts Democrats to participate. The invitation was more than mere congressional courtesy. Delahunt, for example, was dispatched to Boston last week to take the deposition of a retired FBI agent who declined to travel to Washington to provide testimony.

Delahunt said his working relationship with Burton has been terrific.

"He's treated me with respect, and we've gotten full cooperation,"

Delahunt said.

Mark Corallo, spokesman for the Government Reform Committee, said fairness and justice are Burton's main interests.

"Contrary to popular belief, the chairman has always believed you have to look at the issues objectively," Corallo said. Democrats "know he's still a conservative Republican, but there are instances where everybody can come together," he said.

Well, not everybody.

The Justice Department has refused to comply with a committee subpoena for FBI records in the case. President Bush has issued an order contending that executive privilege allows his administration to keep the documents secret.

That position has infuriated Burton, who contends officials at the highest levels of the FBI, including then-director J. Edgar Hoover, knew the men being convicted were not guilty.

"He knew it, and his name should not be emblazoned on the FBI's headquarters," Burton said on "60 Minutes" last month. "We ought to change the name of that building."

Such fiery rhetoric is typically aimed at Democrats.

"Burton's willingness to take on the Bush administration has been impressive," Frank said. "His willingness to go after the memory of J. Edgar Hoover is impressive."

In the past, Frank has been one of Burton's sharpest critics.

"I thought his Clinton stuff was wacky," he said. "I'm critical of his positions. I'm less critical now of his motives."

Frank said he's particularly struck by the timing of Burton's actions.

"We've been in this atmosphere where we're giving more power to law enforcement," Frank said. "We should give law enforcement more power. They're the good guys. They're protecting us. But Burton is showing what can happen when that power is abused."

Still, some Democrats squirm at the news that Burton is getting praise from members of their party. Frank said colleagues have told him, "Don't be so nice to the guy."

Frank said he and his Massachusetts colleagues are giving praise where praise is due.

"Yes, I dislike Dan Burton," Frank said. "If he went back to doing some of the Clinton stuff, I'd be critical. But what goal is served by not encouraging him to go after these FBI abuses? Why would I not want to encourage that?"

Delahunt said he has sensed no reluctance from Burton about confronting the administration.

"In my mind, Dan Burton has proven himself beyond any reasonable doubt that he's interested in the facts of this case," Delahunt said. Corallo, the Government Reform Committee spokesman, said Burton, who spent last week at home in Indiana with his sick wife, feels vindicated by the praise of Democrats. The relationship between Burton and Democrats has gone a long way toward bridging a partisan gap that developed during the Clinton administration, Corallo said. "When you can start smiling at each other in the halls again, that's nice," Corallo said.

GRAPHIC: PHOTO, AP PHOTO

LOAD-DATE: February 27, 2002

Knight Ridder Washington Bureau, February 26, 2002, Tuesday
HEADLINE: Bush White House, Congress in a Tug-of-War over Balance of Power
BYLINE: By James Kuhnenn

WASHINGTON -- The Bush White House provoked a major lawsuit and is angering even its political allies in a campaign to increase its control over federal spending and public information. At stake are public access to White House deliberations, the fate of federal projects in communities across America, and the ever-shifting balance of power between Congress and the presidency. Last week, the General Accounting Office, the investigative arm of Congress, sued Vice President Dick Cheney to learn who participated in meetings he chaired while formulating the administration's energy policy. The suit was the latest move in a series of clashes that illustrate the administration's determination to reverse what it believes is a decades-long erosion of presidential authority. Congress is fighting back on other fronts as well. Some influential lawmakers, including senior Republicans, are bristling at efforts by the White House Office of Management and Budget to limit spending on projects in their home districts. And when the White House rejected a request by Rep. Dan Burton, R-Ind., for Justice Department documents on organized crime dating to 1967, Burton threatened to hold President Bush in contempt of Congress. Power struggles between Congress and the White House date to the nation's founders. But the current quarrels are distinguished by the administration's unyielding stance and the bipartisan furor it has aroused. They are especially noteworthy given a president who promised an administration characterized by openness and affability. "It's hard to be an open populist when you're trying to protect presidential power," said Marshall Wittmann, a Republican strategist and fellow at the Hudson Institute, a conservative policy research center. But for Cheney and Bush, fortifying the presidency is as much a policy goal as cutting taxes and building up the nation's defenses. "One of the things that I feel an obligation on, and I know the president does, too ... is to pass on our offices in better shape than we found them," Cheney said recently on ABC's "This Week." "We are weaker today as an institution because of the unwise compromises that have been made over the last 30 or 35 years." That view has brought the GAO lawsuit and the thundering contempt-of-Congress threat from Burton, the chairman of the House Government Reform Committee. It has also led to a confrontation over what many lawmakers maintain is their fundamental right under the Constitution -- the power to decide how to spend taxpayers' money. The White House and its budget office are out to limit Congress' practice of adding to spending legislation special projects for the folks back home. Upon delivering the budget to Congress earlier this month, White House Budget Director Mitchell Daniels declared that such spending "has gotten out of hand." The administration took a swipe at Congress in the budget document, singling out an \$ 80,000 grant to a Wisconsin county sheriff's department for the purchase of an Ice Angel Windsled, used for winter rescues on frozen Lake Superior.

It was no coincidence that the Republican Bush administration zeroed in on a project championed by the ranking Democrat on the Appropriations Committee, Wisconsin's David Obey. Obey was furious. But Daniels had angered Republicans, too. To make up for a shortfall in a federal education program, he wanted to eliminate hundreds of health and education projects that members inserted into spending legislation last year.

Appropriations Committee Chairman Bill Young, R-Fla., fumed.

"All wisdom on the allocation of federal grant funding does not reside in the executive branch," he wrote Daniels on Feb. 6. "Unless the Constitution is amended, Congress will continue to exercise its discretion over federal funds and will earmark those funds for purposes we deem appropriate."

National moods, scandals and the personalities of the individuals occupying the White House have dictated the power swings from White House to Congress over the years. Congress was at its peak of power in the post-Watergate period.

"As time has passed, it has swung back to the executive," said Gary Bass, executive director of OMB Watch, a research group that advocates openness in government. "And this administration has put much greater stock in protecting executive turf."

In the end, the Bush White House may not win all these confrontations. But by drawing a line across Pennsylvania Avenue and daring Congress to cross it, Bush and Cheney have done more to assert presidential power than previous administrations.

But the White House faces significant political risks. The public may be more likely to believe that a president is hiding something rather than protecting a constitutional principle.

Among the energy industry executives who advised Cheney last year was Kenneth Lay, then Enron Corp. chairman, and a major fund-raiser for Bush's presidential campaign. By fighting the GAO, the White House gives fuel to critics who say that Cheney, a former energy company executive himself, was drafting a policy to benefit the administration's industry friends. Others say that Enron and energy policy aside, a successful White House stand could dramatically alter how Congress performs its job as a check on the executive branch.

"This could have huge, huge policy implications," said Bass of OMB Watch.

"I do believe that Cheney and the White House are pursuing a principled issue on the energy task force. ...This is beyond Enron and the work of the Cheney task force. This is an issue about executive power."

LOAD-DATE: February 26, 2002

The Washington Post, February 26, 2002, Tuesday, Final Edition
SECTION: A SECTION; Pg. A19; WHITE HOUSE NOTEBOOK DANA MILBANK
HEADLINE: Pizza Crust, Principles and Politics
BYLINE: Dana Milbank

It was the modern political equivalent of Moses and the Burning Bush. On Inauguration Day 2001, Bush presidential aides entered the White House to discover the Miracle of the Warm Pizza Crust.

The famous crust was found, appropriately enough, in a pizza box that had been left on a desk when a Bush aide arrived for work on the new administration's first day. The discovery was included in a list of alleged vandalism of White House offices by departing Clinton aides, furnished by the Bush White House to the investigative arm of Congress, the General Accounting Office. But when presented with the warm-crust allegation, Clinton officials pointed out that no Clinton aides assigned to that office were even in the White House complex after Jan. 19 -- the day before inauguration.

This means that even if the Clinton aides left at midnight the night before and the Bush aides showed up at noon on Inauguration Day, the pizza crust stayed warm for 12 hours.

That the Bush administration would cooperate so freely in the GAO investigation of such matters as pizza temperature in the Clinton White House stands in stark contrast to the administration's stand against another GAO investigation, this one involving Vice President Cheney's

energy task force. In protecting the identities and requests of outsiders who met with the task force, top White House officials have indicated they may challenge the constitutionality of the law empowering the GAO -- a move that, if successful, would pretty much put the 80-year-old office out of business.

In the GAO's Clinton vandalism probe, due to wrap up in April, the Bush administration has furnished the agency with a list of allegations.

"We are saddened that especially after the events of September 11, 2001, the White House continues to push this matter," two former Clinton aides in charge of White House administration, Mark Lindsay and Mike Malone, wrote to the GAO last month.

Lindsay and Malone pointed out some apparent flaws in the catalogue of Clinton vandalism, including the Warm Pizza Crust incident. The Bush team gave the GAO a photo of a dirty room in the White House complex, but the Clinton aides wrote that "the office featured in the photograph was vacated at least one week prior to Inauguration Day, and had been in fact completely cleaned by the morning of January 20th."

Then there was the case of Room 145 in the building next to the White House. The Bush administration said "historical artifacts" had been taken from the office. "We understand that at least one of the artifacts, an historic fireplace mirror, can be found hanging over the fireplace in [Bush] Chief of Staff [Andrew H.] Card's office," Lindsay and Malone wrote. The GAO itself, in its suit filed last week against Cheney over the energy task force records, argues that the White House worked to "facilitate the investigation" into alleged Clinton vandalism. The suit points out that before President Bush came to office, "the executive branch has complied with countless GAO requests for information." The Clinton White House gave GAO the names of outside consultants who met with its health care task force and "thousands of documents" from a task force on trade relations with China.

Even the Nixon administration, no standard of transparency, relented during the Watergate years when the GAO wished to examine White House records. "To litigate the GAO's authority would bring only negative publicity and defeat," former Nixon counsel John Dean has said.

Apples and oranges, says the Bush White House. Previous GAO requests did not involve requests for information about meetings of the president or vice president, Bush aides say, while the current request is for meetings held by Cheney in his role as head of the task force. "This would be something we've never seen before," a senior Bush aide says.

But that principle is a bit murky. While the GAO had not previously asked the current White House for information regarding the contacts of the president or vice president, the Bush White House has been quick to relinquish to Congress such information from the Clinton White House. Last September, Rep. Dan Burton (R-Ind.), chairman of the House Government Reform Committee, asked for e-mails from the Clinton White House to see whether campaign contributors had inappropriate influence over President Bill Clinton and Vice President Al Gore. The National Archives, noting that Bush "agreed to this release," turned over 2,000 pages of e-mails two months later, including those to Gore from his staff and between senior Gore staff.

Also last year, Bush raised no objection to handing over to Burton's committee 2,475 pages of Clinton documents related to the Marc Rich pardon -- including phone records, a list of visitors cleared to enter the White House and notes of Clinton conversations with a foreign leader.

Clinton did not object. But such flexibility was learned the hard way. Lanny Davis, who was Clinton's special counsel, says Bush is right to stiff the GAO, and Clinton was right to try to block earlier congressional "encroachments," too. Problem is, it never works.

"Been there, done that," Davis said. "We abandoned principle under the pressure of politics, and unfortunately, that's going to happen here."

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TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/28/2002 6:12:40 AM
Subject: : Re: 9/11 victims comp

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:28-FEB-2002 11:12:40.00
SUBJECT:: Re: 9/11 victims comp
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks

Brett M. Kavanaugh
02/28/2002 11:10:08 AM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@EOP
cc:
bcc:
Subject: Re: 9/11 victims comp

Per our request, OLC (Sheldon Bradshaw) is doing something in coordination with Noel and Faith-Based Office. I will find out where it stands.

Jay P. Lefkowitz
02/28/2002 11:07:47 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 9/11 victims comp

by the way, whatever happened to the Seattle program?

Brett M. Kavanaugh
02/28/2002 11:02:36 AM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@EOP
cc:
Subject: 9/11 victims comp

Wood mentioned that non-economics may be raised for each family member from 50K to 100K. You ok with that?

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: dwm@usda.gov @ inet [UNKNOWN] <dwm@usda.gov>; phillip.bond@ta.doc.gov @ inet [UNKNOWN] <phillip.bond@ta.doc.gov>; larry.dirita@osd.pentagon.mil @ inet [UNKNOWN] <larry.dirita@osd.pentagon.mil>; kyle.mcslarrow@hq.doe.gov @ inet [UNKNOWN] <kyle.mcslarrow@hq.doe.gov>; mcginnis.eileen@epa.gov @ inet [UNKNOWN] <mcginnis.eileen@epa.gov>; robert.wood@hhs.gov @ inet [UNKNOWN] <robert.wood@hhs.gov>; daniel_r._murphy@hud.gov @ inet [UNKNOWN] <daniel_r._murphy@hud.gov>; brian_waidmann@ios.doi.gov @ inet [UNKNOWN] <brian_waidmann@ios.doi.gov>; david.t.ayres@usdoj.gov @ inet [UNKNOWN] <david.t.ayres@usdoj.gov>; law-steven@dol.gov @ inet [UNKNOWN] <law-steven@dol.gov>; b.smullen@state.gov @ inet [UNKNOWN] <b.smullen@state.gov>; john.flaherty@ost.dot.gov @ inet [UNKNOWN] <john.flaherty@ost.dot.gov>; tim.adams@do.treas.gov @ inet [UNKNOWN] <tim.adams@do.treas.gov>; nora.egan@mail.va.gov @ inet [UNKNOWN] <nora.egan@mail.va.gov>; john.danielson@ed.gov @ inet [UNKNOWN] <john.danielson@ed.gov>; robert_l._woodson@hud.gov @ inet [UNKNOWN] <robert_l._woodson@hud.gov>
CC: Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Cynthia R. Mendi/WHO/EOP@EOP [WHO] <Cynthia R. Mendi>; Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>; L. Camille Welborn/WHO/EOP@EOP [WHO] <L. Camille Welborn>; Ali H. Tulbah/WHO/EOP@EOP [WHO] <Ali H. Tulbah>; Cheryl A. Oldham/WHO/EOP@EOP [WHO] <Cheryl A. Oldham>; Catherine M. Hargraves/WHO/EOP@EOP [WHO] <Catherine M. Hargraves>; Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>
Sent: 2/28/2002 11:23:25 AM
Subject: : *** Chief of Staff Meeting CHANGED to MONDAY, MARCH 4th at 3pm in EEOB 472

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-FEB-2002 16:23:25.00

SUBJECT:: *** Chief of Staff Meeting CHANGED to MONDAY, MARCH 4th at 3pm in EEOB 472

TO:dwm@usda.gov (dwm@usda.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:phillip.bond@ta.doc.gov (phillip.bond@ta.doc.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:larry.dirita@osd.pentagon.mil (larry.dirita@osd.pentagon.mil @ inet [UNKNOWN])

READ:UNKNOWN

TO:kyle.mcslarrow@hq.doe.gov (kyle.mcslarrow@hq.doe.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:mcginnis.eileen@epa.gov (mcginnis.eileen@epa.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:robert.wood@hhs.gov (robert.wood@hhs.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:daniel_r._murphy@hud.gov (daniel_r._murphy@hud.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:brian_waidmann@ios.doi.gov (brian_waidmann@ios.doi.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:david.t.ayres@usdoj.gov (david.t.ayres@usdoj.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:law-steven@dol.gov (law-steven@dol.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:b.smullen@state.gov (b.smullen@state.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:john.flaherty@ost.dot.gov (john.flaherty@ost.dot.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:tim.adams@do.treas.gov (tim.adams@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:nora.egan@mail.va.gov (nora.egan@mail.va.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:john.danielson@ed.gov (john.danielson@ed.gov @ inet [UNKNOWN])

READ:UNKNOWN

REV_00140946

TO:robert_l._woodson@hud.gov (robert_l._woodson@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Catherine M. Hargraves (CN=Catherine M. Hargraves/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The face-to-face Chief of Staff meeting (on political activity guidance) has been changed from tomorrow to Monday, March 4 at 3pm in room 472 of the EEOB. Ken Mehlman has to go to Iowa tomorrow for a funeral. Please let me know ASAP if the new meeting time on Monday does not work for you. Also please remember to bring your WH Liaisons to the meeting on Monday. Thank you.

----- Forwarded by Edward Ingle/WHO/EOP on 02/28/2002
04:12 PM -----

Brett Kavanaugh (White House Counsel's Office) and Ken Mehlman (White House Political Affairs) will be on hand to provide advice and counsel with regard to the do's and don'ts regarding your participation in politically-related activities, as well as your politically-related discussions with your respective Secretaries. We will also cover the do's and don'ts of PAS participation in politically-related activities (including the Secretary and Schedule Cs), since the rules for PASs are somewhat different than those related to you as a non-career SES. Brett is meeting tomorrow with your respective General Counsels to go over these issues.

While there will be a strong need this election year for the legal and responsible participation of political appointees in the political process, we want to make sure that we are all on the same page regarding the rules of the road given the enormous amount of public scrutiny on this Administration's political activities going forward. We would also ask that you bring your White House Liaisons with you for this meeting given they will also be involved in helping your agency's political appointees understand the rules. Cathy Hargraves of Cabinet Affairs will be contacting your assistants to confirm your attendance. Thank you.

Message Sent

To:
dwm@usda.gov @ inet
phillip.bond@ta.doc.gov @ inet
larry.dirita@osd.pentagon.mil @ inet
kyle.mcslarrow@hq.doe.gov @ inet
mcginnis.eileen@epa.gov @ inet
robert.wood@hhs.gov @ inet
daniel_r._murphy@hud.gov @ inet
brian_waidmann@ios.doi.gov @ inet
david.t.ayres@usdoj.gov @ inet

REV_00140947

law-steven@dol.gov @ inet
b.smullen@state.gov @ inet
john.flaherty@ost.dot.gov @ inet
tim.adams@do.treas.gov @ inet
nora.egan@mail.va.gov @ inet
john.danielson@ed.gov @ inet
robert_l._woodson@hud.gov @ inet

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 2/28/2002 7:23:35 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-FEB-2002 12:23:35.00
SUBJECT::
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

I filled Judge and then Jay in on latest; Jay plans to talk to you
and Josh.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/28/2002 12:46:19 PM
Subject: : Re: REPORT OF THE DEPARTMENT OF THE TREASURY ON EMPLOYER STOCK IN 401(K) PLANS

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-FEB-2002 17:46:19.00

SUBJECT:: Re: REPORT OF THE DEPARTMENT OF THE TREASURY ON EMPLOYER STOCK IN 401(K) PLANS

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I always send Treasury issues to you, however, general 401(k) issues have been going to Helgi. This specific Treasury 401k memo was not staffed to Counsel's Office to my knowledge. I looked in my LRM and red tag files and it is not here.

Brett M. Kavanaugh
02/28/2002 05:31:44 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc:
Subject: REPORT OF THE DEPARTMENT OF THE TREASURY ON EMPLOYER STOCK
IN 401(K) PLANS

Is this my issue? I had not seen this. I am supposed to be
Treasury although sometimes I know we shift things.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/28/2002 05:05 PM -----

Rachael L. Sunbarger 02/28/2002 05:03:10 PM

Record Type: Record

To:
cc:
Subject: REPORT OF THE DEPARTMENT OF THE TREASURY ON EMPLOYER STOCK
IN 401(K) PLANS

REPORT OF THE DEPARTMENT OF THE TREASURY

ON

EMPLOYER STOCK IN 401(k) PLANS

February 28, 2002

REV_00140950

Executive Summary

The Department of the Treasury, as head of the President's Retirement Security Task Force, has undertaken a review and analysis of the impact of placing a percentage cap on employer stock holdings by 401(k) participants. In formulating its conclusions, the Treasury Department has examined information provided by the Department of Labor, reviewed surveys of 401(k) participants conducted by the Employee Benefits Research Institute (EBRI) and the Investment Company Institute, and held discussions with a number of benefit administrators of plans that hold employer stock. Based on this review, the Department concludes that placing arbitrary caps on individual 401(k) account holdings in employer stock would have a widespread impact on 401(k) plan participants and potentially severe disruptive effects on the stock prices of several major companies. Data show that as many as 1 in 5 of 401(k) participants would be forced to change their investment allocations if employer stock holdings were limited to 20 percent. Moreover, at one major company, for example, enforcement of a 20 percent limit on employer stock holding would precipitate the sale of hundreds of millions of shares, an amount equal to almost 16 times the daily trading volume. At another company, it would be 37 times daily trading volume.

Background and History

Pension schemes in the United States have always been voluntary. Private pensions, as a form of employee compensation, have been a competitive tool employed by firms to attract employees. The nation's pension system has evolved in recent years into one that emphasizes two of the country's quintessential values: personal responsibility and freedom of choice. This evolution provides workers much greater opportunity than ever before to build retirement savings, but also imposes a greater degree of individual responsibility in preparing for retirement.

Since 1974 the labor and financial markets have undergone major change. As the economy has evolved from one based on heavy industry to one based on the provision of information and services, the work force has become increasingly mobile and highly educated. For the typical American worker, job and even career changes have become commonplace. During the same period, as a result of deregulation, financial markets have made a wide array of new investment vehicles available to consumers. This has provided the average consumer the opportunity to build wealth through a broader range of investments offering higher rates of return for long-term savings than the traditional passbook account. As the relationships between workers and employers and consumers and financial markets have evolved so has the pension system. This is reflected through current federal policies that provide incentives for retirement wealth development through tax advantaged portable vehicles like Individual Retirement Accounts and defined contribution plans.

Since today's workers are less likely to be tied to an individual firm for their entire careers than their parents were, they must increasingly look to their own resources to build sufficient wealth for a secure retirement. Today's workers need plans that allow them to undertake retirement planning independently. Under defined benefit plans, most retirement planning and investment decisions are left to the employer. Pension contributions for employees are placed in a common fund that is controlled by the employer. The employer decides on the size of contributions, their timing, and the choice of assets in which the fund is invested. This results in a one-size-fits-all type of system that does not account for differences in employees, preferences for saving and the timing of consumption during their lifetime. And because all contributions become part of a consolidated overall fund, employees may have no sense of ownership of pension assets and no feeling of building personal wealth for the future. Since defined benefit plans are tied directly to employment with a specific firm they tend not to be portable when employees change jobs. Defined benefit plans offer the advantage of

security in that benefits are guaranteed at a certain level. However, moving to a new job from one with a defined benefit plan often means a major sacrifice in future benefits, whether or not the move is voluntary.

Defined Contribution Plans

Defined contribution plans, about half of which are 401(k) plans, return most decision making to the individual. For purposes of this report we will refer to 401(k) plans, but the discussion and recommendations generally apply to all defined contribution plans. There are about 50 million defined contribution plan participants, of which about 42 million are 401(k) participants. Some workers may participate in more than one type of defined contribution plan. Under a defined contribution plan individual employees have their own accounts in which they can build their own wealth. Employees are allowed, within limits set in the tax code, to choose the level of their pension plan contributions. In order to encourage higher rates of retirement saving, these limits were expanded by the Economic Growth and Tax Relief Reconciliation Act signed by the President last year.

Employees also have more latitude in choosing the timing of contributions with defined contribution plans. As an individual's circumstances change, 401(k) plans allow for higher contributions in some years than others. In virtually all plans, employees have the ability to choose the investment options in which their own contributions are invested, and in many others they can allocate both their own and their employer's contributions into investments of their own choosing. This freedom to allocate among investments allows employees to choose the tradeoff between risk and return that suits them best. It also allows individuals to adjust their portfolios from one with higher potential returns and higher risk early in their careers to one that provides smaller but surer returns as they approach retirement.

The Role of Employer Stock in Defined Contribution Plans

Employer stock is an integral part of many 401(k) plans, particularly among those sponsored by America's largest firms. It may be offered as one of a number of investment options to which employees may allocate 401(k) assets. Employers may make matching contributions to employees' accounts in the form of company stock. Employees may be given specific incentives to invest in company stock. For example, some firms offer matches in the form of company stock or cash, but provide a higher match if the employee chooses his or her employer's stock. Some plans allow employees to sell matching contributions of employer stock at any time. Other plans require that employer stock provided by the employer as a matching contribution be held for an extended period of time.

Providing matching contributions in the form of company stock can have a number of benefits for both employers and employees. Companies may benefit from tax and cash flow advantages. Many companies believe that giving employees company stock builds their employees' loyalty to the company and gives them a greater economic incentive to work to promote the company's long-term economic prospects. Employees benefit directly when employers provide greater matching contributions to their 401(k) accounts. Also, research shows that employees themselves are more likely to participate in their company's 401(k) plan when their employer offers matching contributions.

Most defined contribution plans that include employer stock as an investment option or as a matching contribution are found in very large companies. For instance, for plans with fewer than 500 participants, the overall percentage of assets held in employer stock is less than 1 percent. In contrast, for plans with more than 5,000 participants, the overall percentage of assets held in employer stock is 26.6 percent. Large companies are also the ones more likely to offer their workers other retirement savings vehicles such as a defined benefit pension plan.

Issues and Conclusion

Recently introduced legislation on retirement security proposes to limit the holdings of company stock by individual plan participants in their 401(k) accounts. These proposed limits are expressed as a maximum percentage of the value of all 401(k) assets that an individual can hold in the form of company stock. The caps that have been discussed are 10 percent, which is the limit placed on company stock in defined benefits plans, or 20 percent. The proposals exempt employee stock ownership plans (ESOPs) from these restrictions.

In preparing its recommendations on enhancing retirement security, the President's Retirement Security Task Force sought to enhance workers' investment options, including their ability to diversify their 401(k) accounts according to their individual situations. The Task Force rejected the idea of imposing federal limitations on those options by arbitrarily setting a ceiling on the amount of employer stock a worker may hold in his or her own 401(k) plan. Also, the Task Force wanted to avoid establishing rules that discouraged employers from matching workers' own contributions to their 401(k) accounts. The Task Force -- and the President -- concluded that the most appropriate public policy is to give workers as much flexibility as possible while encouraging employers to provide matching contributions, and to give employees regular disclosures regarding their accounts and financial education so that employees make informed investment decisions.

The next section explains the President's proposal and the following section sets forth in greater detail why the Administration opposes arbitrary, federally imposed caps on workers' holdings of employer stock in their 401(k) plans.

The President's Recommendation for Enhancing Worker Choice

Asset diversification is a bedrock principle of prudent long-term investing. Congress established 401(k) plans to promote individual retirement saving. But a plan requirement mandating that all or a portion of an employee's 401(k) account be invested in employer stock runs counter to this diversification principle. Concentration of employer stock in a worker's retirement plan creates a double risk for workers -- if their company fails, they lose their jobs and that portion of their retirement savings. At the same time, employer matching contributions are a form of compensation and as such an employee should have a right to invest them as the employee sees fit.

The President has recommended that Congress require that employees be free to sell company stock contributed to their 401(k) plan by their employer at any time after they have been participating in the company's 401(k) plan for three years. An employee stock ownership plan (ESOP) will not be subject to the diversification rules as long as no (1) participant elective contributions (i.e. 401(k) contributions), (2) matching contributions, or (3) employer contributions which are used to pass the 401(k) nondiscrimination tests, are made to the plan.

This change balances the desire of some companies to offer company stock as matching contributions with employees' freedom to pursue a retirement savings plan appropriate to their situations. Allowing employees to freely hold or sell employer stock would have a disciplining effect on companies -- employees will want to hold stock in good companies. In most 401(k) plans, workers already have considerable autonomy to diversify both their own contributions and their employer's matching contribution, except for employer stock. This change ensures that autonomy extends to all assets in a worker's 401(k) plan.

The three-year period is not a requirement. Some companies today give their workers immediate freedom to sell employer stock. These companies should be applauded and their practices would be unaffected by the change we are proposing. For other companies, however, the proposed change is a

substantial departure from their current practice. In particular, many of these companies want their workers to feel directly invested in their company's future prospects by giving them an equity stake in the company. A three-year wait before guaranteeing workers' freedom to diversify allows employers to build that incentive without locking in a substantial portion of a worker's retirement security to employer stock.

Congress Should Not Arbitrarily Limit Employees' Investment Options in 401(k) Plans

Arbitrary caps have serious drawbacks. They fail to consider that workers make investment decisions regarding their 401(k) accounts in the broader context of their household's complete portfolio of retirement savings. Caps imposed on 401(k) accounts may be easily circumvented, both by employers and employees, and may in fact create incentives for both to do so. Arbitrary caps also would cause disruption in the market for certain large company stock, as substantial amounts of stock in certain companies would have to be sold at once. Caps may also discourage employer contributions to their employees' accounts, leaving the employees worse off. In turn, reduction in employer contributions may discourage workers' participation. Finally, assets in 401(k) accounts belong to the workers and the government should not arbitrarily restrict how they choose to invest their funds.

Arbitrary caps ignore workers total retirement portfolios.

For some individuals, holding higher levels of employer stock within their 401(k) plan may be desirable, particularly if they are well diversified outside of their 401(k) plan. Purchasing employer stock through a 401(k) plan is a tax-effective way for employees to make that investment.

Many 401(k) participants also have defined benefit plans, profit sharing plans, IRAs and personal savings as part of their retirement savings. Thus, participants who may appear to be overly concentrated in employer stock when their 401(k) accounts are viewed alone may be diversified over their portfolio of retirement assets. For instance, a spouse may have retirement assets that the couple took into account when deciding on their asset allocation in the other spouse's 401(k) account. Or a worker may have 401(k) or other retirement assets through a previous employer.

Data gathered in a survey of 401(k) participants undertaken by the Investment Company Institute 401(k) Plan Participants: Characteristics, Contributions, and Account Activity, Spring 2000, The Investment Company Institute. The study is based on a random digit dialing sample of telephone exchanges. Sample size is 1,181. Margin of error is plus or minus 2 percent. Half of all households surveyed had only bank or thrift deposits outside their company sponsored plans, 39 percent had stocks, bonds, annuities, mutual funds or real estate besides their primary residence. indicate that:

ú Thirty nine percent are covered by a defined benefit plan in addition to their 401(k) plan. (The same survey indicates that employees are likely to hold a higher percentage of total assets in company stock if their employer also offers a defined benefit plan. Respondents who have a defined benefit plan invest an average of 24 percent of overall assets in company stock, while those with none invest only 13 percent in company stock.);

ú Thirty three percent have IRAs; and

ú Twenty eight percent have spouses who are covered by a 401(k) plan, a defined benefit plan, or both.

Data from a recent survey by EBRI Vanderhi, Jack L., EBRI Special Report, Company Stock in 401(k) Plans: Results of a Survey of ISCEBS Members, January 31, 2002, Employee Benefit Research Institute. This was a survey of members of the International Society of Certified Employee Benefit

Specialists. Since the sample is not representative of all 401(k) plans, the results should be interpreted as suggestive of, rather than representative of, the wider population of 401(k) plans. suggest that 401(k) plans are more likely to include company stock as an option if the company also offers a defined benefit plan. In the survey, 60 percent of all 401(k) plans in which there is also a defined benefit plan offer employer stock as a 401(k) option, while only 35 percent of plans without a defined benefit plan do so.

Arbitrary caps will be difficult to administer.

Unlike the 10 percent cap on employer securities held in defined benefit plans, caps in defined contribution plans must be enforced on a participant-by-participant basis. In a large plan, this would necessitate tens of thousands of individual computations annually (or even more frequently). It would also require divestment of employer stock on a participant-by-participant basis, with each participant then needing to give the plan administrator instructions on how to reinvest those proceeds. Efforts to minimize that complexity by using a plan-wide arbitrary cap do not recognize that individuals may have allocations far below the cap. Changes in the value of employer stock and the value of all other assets in the plan further complicate these calculations and complicate the asset allocation decisions each participant must make.

Arbitrary caps will require a large number of 401(k) participants to sell employer stock that they currently own.

We estimate that one out of every five 401(k) participants may have to sell employer stock if caps were imposed. This calculation is based on a BLS estimate of the fraction of participants with the option of investing in employer stock and an EBRI/ICI estimate of the fraction of participants with the option of investing in employer stock who report holding assets above the proposed cap. The proposed caps would require divestiture at a specified point in time after it has been determined that the cap has been exceeded. Forcing sales of all stock above the cap at a point in time could disrupt the market for those stocks where the amount that must be sold is sufficiently large to affect the stock price. At one major company, for example, enforcement of a 20 percent limit on employer stock holding would precipitate the sale of hundreds of millions of shares, an amount equal to almost 16 times the daily trading volume. At another company, it would be 37 times daily trading volume.

Increases in the market value of company stock could trigger the caps, forcing employees to sell the stock during periods in which it is outperforming other 401(k) assets. This dynamic could particularly disadvantage lower income workers who cannot afford to save outside the 401(k) plans. Higher paid workers would, of course, have the option of using assets outside the plan to purchase the stock once the caps were triggered.

Arbitrary caps may discourage company matches.

If most employees hold company stock that is already near the cap, the company will not be able to provide generous matches for new contributions in company stock without exceeding the cap. As a result, rather than making a matching contribution in cash, some companies may choose to reduce or eliminate the employer match. Clearly, workers are better off receiving employer stock as matching contributions to their own 401(k) contributions than receiving no matching contribution at all. Reductions in company matches would likely lead to reductions in the amount of employee savings. Studies show that the amount of a company's match is a key determinant of employee contribution rates.

401(k) accounts represent a form of compensation and property that belong to the employees.

Arbitrary caps on employees 401(k) investment choices challenge fundamental notions of private property rights. 401(k) participant

contributions and matching contributions are a form of employee compensation, and government should not restrict or limit employees ability to invest their assets as they see fit. Rather, government policies should promote the ability of employees to make informed, educated decisions about how they wish to allocate their assets. This is why the President's retirement security proposals include a renewed call for incentives for employers to provide employees with free, professional investment advice. It is also why the President is calling for quarterly statements of 401(k) plan performance to empower employees to track and manage their 401(k) assets in a manner best suited to their own individual retirement needs.

Workers and firms using other tax-preferred vehicles may easily circumvent arbitrary caps.

Imposing an arbitrary cap on employer stock provides an incentive for companies to use ESOPs instead of company matching with employer stock in a 401(k) plan. Also, with an arbitrary cap on employer stock in 401(k) plans, workers would still be able to invest retirement savings in employer stock through IRA accounts.

ADDENDUM

EBRI Survey Result Summary Vanderhi, Jack L., EBRI Special Report, Company Stock in 401(k) Plans: Results of a Survey of ISCEBS Members, January 31, 2002, Employee Benefit Research Institute.

(Survey Sample Drawn from 3,300 Members of the International Society of Certified Employee Benefit Specialists. Number of respondents: 375.)
Note since this data was gathered from a sample survey it is subject to sampling error.

Responses to Factual Questions

ú 48 percent of all firms represented in the survey offer company stock as an investment option.

ú Restrictions on sale of employee stock.

ú 13 percent of firms that provide employer stock as a matching contribution do not restrict the sale of employer stock. 27 percent restrict sales as long as an employee is a participant in the plan; 60 percent lift restrictions after age or service requirements have been met.

ú Average percent of company stock in employees, 401(k) accounts in those plans in which company stock is an investment option:

ú In 39 percent of the companies surveyed, employees hold an average of less than 10 percent of their 401(k) assets in the form of company stock.

ú In 42 percent of the companies surveyed, employees hold an average of between 10 and 50 percent of their 401(k) assets in the form of company stock.

ú In 18 percent of the companies surveyed, employees hold an average of more than 50 percent of their 401(k) assets in the form of company stock.

ú Only 14 percent of firms represented in the survey restrict the amount or percentage of employer stock that employees can hold in their 401(k) accounts.

ú Blackouts

ú 74 percent of respondents reported that their plans have undergone a blackout.

ú 30 percent of the respondents whose plans have undergone a blackout reported that the blackout period lasted two weeks or less, 39 percent reported that the period lasted between two weeks and one month, 31 percent reported that the period lasted more than one month.

Responses to Opinion Questions

ú 63 percent of respondents think that the government should limit a plan sponsor,s ability to require that matching contributions be invested in company stock.

ú 32 percent of respondents think that the government should limit an employee,s ability to invest in company stock.

ú 93 percent of respondents think that plan sponsors should advise their employees to diversify if company stock is offered as an investment option.

ú 61 percent of respondents think that problems resulting from employees investing their own contributions in company stock would be mitigated if employers could provide independent investment advice.

ú The respondents are sympathetic with the concept of blackouts. 79 percent think blackouts are fair to employees if they are required for a plan conversion and there is no company stock in the plan. If company stock is part of the plan that percentage falls to 72 percent.

ú 43 percent of respondents think there would be a decrease in matching contributions if matching contributions could consist of no more than 50 percent employer stock.

###

From: Anderson, Carl A <Carl.A.Anderson@usdoj.gov>
To: Anderson, Carl A <Carl.A.Anderson@usdoj.gov>; Schauder, Andrew
<Andrew.Schauder2@usdoj.gov>; Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Long, Linda E <Linda.E.Long@usdoj.gov>; Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; McMahon, Lori <Lori.McMahon@usdoj.gov>; Day, Lori Sharpe <Lori.SharpeDay@usdoj.gov>; Suit, Neal <Neal.Suit@usdoj.gov>; Joy, Sheila <Sheila.Joy@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; O'Brien, Pat <Pat.O'Brien@usdoj.gov>; Comstock, Barbara <Barbara.Comstock@usdoj.gov>; Koebele, Steve <Steve.Koebele@usdoj.gov>; Ho, James <James.Ho@usdoj.gov>; Goodling, Monica <Monica.Goodling@usdoj.gov>; Willett, Don <Don.Willett@usdoj.gov>; Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>
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("Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
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Thursday, February 28, 2002

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conflicts of interest from liberal opponents. "The strategy is one of defeat through caricature," says Thomas Jipping, a judicial expert at the Free Congress Foundation, a group that supports Pickering and other Bush nominees.

The new intensity of struggle over judicial nominees also reflects the realization that the federal bench profoundly affects US life, of course. Bush has been open about his desire to make US courts more conservative - as were his father and Ronald Reagan before him.

Pickering's future now turns on Democratic unity. If all 10 Democrats on the judiciary panel vote "no," his nomination won't make it to the Senate floor. "He will not be confirmed," predicted panel member Sen. Dianne Feinstein (D) of California on Feb. 24.

Senate postpones vote on Pickering nomination

Ben Bryant

The Sun Herald

February 27, 2002, Wednesday

At the request of Senate Minority Leader Trent Lott, R-Miss., the Senate Judiciary Committee has postponed a vote on the nomination of Judge Charles W. Pickering Sr. to the 5th U.S. Circuit Court of Appeals.

The vote, originally scheduled for Thursday, will take place "sometime next week," said Mimi Devlin, a spokesman for the committee's Democratic majority. Lott said he asked for the postponement to give Pickering more time to respond to written questions submitted to the judge by committee members three weeks ago. He said one senator, whom he did not identify, gave Pickering 78 questions. "I think that Judge Pickering has been treated very poorly," Lott said.

Meanwhile, four Pickering opponents from Mississippi took their case to Lott and Sen. Thad Cochran, R-Miss., in private meetings Tuesday. One of the judge's foes, Kathy Eglund of Gulfport, Miss., said his confirmation would mean "retrogression" on civil rights issues.

Eglund said the news media has distorted the level of support among Mississippi blacks for the judge, who has been endorsed by blacks in his hometown of Laurel and by Charles Evers, brother of slain civil rights leader Medgar Evers. But Pickering's

home-state black proponents are more loud than large, said Eglund, a veteran of the NAACP who is serving her second term on the organization's national board of directors.

"Charles Pickering would open a gateway of horror in our own back yards," she said, citing decisions Pickering issued against plaintiffs in employment discrimination cases. "I can't speak for anybody else, what's on their hearts."

Pickering's nomination has been criticized by Democratic senators and interest groups that have

called his legal record "insensitive and sometimes even hostile" to civil rights. They have also questioned whether he violated judicial ethics by intervening on behalf of a cross-burning suspect in 1995.

Egland and the rest of the four-person delegation from Mississippi assailed the judge for calling the cross burning, which took place in Walthall County, Miss., in 1993, a drunken prank."

Pickering asked federal prosecutors to reduce the charges against one of the three suspects, whom he deemed less responsible for the crime than the others.

"That (Pickering) would call burning a cross 'a drunken prank,' I can't tell you how offensive that is to me," said Richard Glisson, president of Students Envisioning Equality through Diversity at the University of Mississippi. "In fact, I'll go far enough to say that Sen. Lott is racially insensitive for nominating him."

Glisson and Egland were joined by Jolivet Anderson and Betty Thompson, both of Jackson, Miss., for the meetings with Lott and Cochran, who both said they still support Pickering.

But staffers for the Democratic senators on the Senate Judiciary Committee predicted the vote would go against the judge and said the delay would make no difference in the vote.

"We're pretty unified on this side," one said, echoing comments made Sunday by Sen. Dianne Feinstein, D-Calif., a committee member.

Campaign-finance bill will pass this year, Daschle vows

Paul Leavitt

USA TODAY

February 27, 2002, Wednesday,

Senate Majority Leader Tom Daschle, D-S.D., promised Tuesday that legislation revamping campaign-finance laws will be passed this year, and Sen. Mitch McConnell, R-Ky., who has been the bill's leading opponent, signaled that he won't try to block passage with a filibuster. Supporters want the Senate to pass the version that cleared the House last month. That would avoid a conference committee of House and Senate members to iron out differences. President Bush has indicated he likely would sign the legislation. -- Jim Drinkard

Senate battling over judicial nominations

U.S. District Judge D. Brooks Smith defended his record at his Senate confirmation hearing for the 3rd U.S. Circuit Court of Appeals in Philadelphia. Opponents say Smith ruled in a case in which he had a financial interest. He oversaw for a month a trial in 1997 in which Mid-State Bank was accused of complicity in a defendant's fraud scheme. His wife, Karen, was a bank officer, and he had stock in the bank. Smith said Mid-State's role wasn't apparent, but when it

arose, he took himself off the case. "None of the parties, lawyers or judges, nor the trustee has questioned my conduct," Smith said.

The Judiciary Committee delayed a vote on another nominee, Charles Pickering of Mississippi, for a seat on the 5th U.S. Circuit Court of Appeals in New Orleans. Senate Minority Leader Trent Lott, R-Miss., sought the delay so Pickering could respond to more questions. Critics question his views on civil rights, but some blacks in his state have come to his defense.

Bush pushes marriage in welfare plan

President Bush's proposed changes to welfare include new federal spending on programs to promote marriage and sexual abstinence. He wants to spend \$ 200 million in federal money and \$ 100 million from states on programs such as premarital counseling and education. He also wants \$ 135 million to discourage premarital sex among youth. Abstinence prevents "unwanted pregnancies and sexually transmitted diseases," he said. "When our children face a choice between self-restraint and self-destruction, government should not be neutral." -- Judy Keen

Federal Panel Imposes Miss. Redistricting Plan; Outcome Favors Republican Rep. Pickering

Thomas B. Edsall
The Washington Post
February 27, 2002, Wednesday,

A three-judge federal panel yesterday imposed a Mississippi congressional redistricting plan putting Rep. Charles W. "Chip" Pickering Jr. (R) and Rep. Ronnie Shows (D) together in a district that favors the Republican.

An appeal to Supreme Court Justice Antonin Scalia was rejected hours later.

The outcome infuriated Democrats and civil rights advocates who argued that black voters will have far less influence under the federal court plan than they would have under a state court plan ruled unconstitutional by the federal panel. The state and federal courts entered the dispute after the state legislature was unable to agree on new congressional district lines. The federal court acted in part because the Justice Department had delayed granting "preclearance" approval to the state plan as required

by the Voting Rights Act of 1965. Districts had to be in place so that candidates preparing to run could meet the March 1 filing deadline for federal office in Mississippi.

Rep. Martin Frost (D-Tex.), who has overseen national Democratic redistricting strategy, attacked political appointees at the Justice Department, charging they "cynically manipulated the Voting Rights Act to help Republicans by hurting African American voters. . . . The Bush Justice Department has abused its most fundamental duty -- fairly enforcing America's civil rights."

Yesterday, Senate Judiciary Committee Chairman Patrick J. Leahy (D-Vt.) submitted written questions to Attorney General John D. Ashcroft asking whether career attorneys recommended approval of the state plan and whether they were overruled by political appointees.

Asked whether that was the case, Justice Department spokesman Dan Nelson said, "We don't comment on internal deliberative documents," referring to recommendations made by the career staff. "I couldn't give you any guidance on that." He said no one from the White House tried to influence departmental consideration of the Mississippi case.

Career lawyers in the voting rights division at Justice declined to discuss their recommendations or views about the Mississippi case. Former career lawyers contended, however, that the preclearance delays were based on questions that are not a legitimate part of a voting rights review. The questions raised by Justice involved the legality of a Mississippi Chancery Court ordering a redistricting plan.

Paul Hancock, a former deputy assistant attorney general for civil rights, said preclearance review is limited to just one question: "only whether the submitted plan is retrogressive in purpose or effect." He said the Justice letter questioning the state court plan "seems to be much more political in nature than programatic."

The three-judge panel, all GOP appointees, went substantially beyond the preclearance issue in ordering its own plan into effect.

The federal judges -- E. Grady Jolly, Henry T. Wingate and David C. Bramlette -- wrote that under Article 1, Section 4 of the Constitution -- "The Times, Places and manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof" -- the state court had no authority to draw new congressional districts.

"We can only conclude that the requirements [of the Constitution] were not met in this case, as there has been no indication that the chancery court had any legislative authority to draw the state's districts."

Under the rejected state court plan, Shows and Pickering would have been placed in a district in which blacks, a heavily Democratic constituency, made up 37.5 percent of the voting age population. Under the federal court plan, blacks make up 30 percent.

Scalia, who handles emergency appeals from the 5th U.S. Circuit Court of Mississippi, Louisiana and Texas, has a number of ties to the Pickering family. In 1997, the Associated Press reported that Scalia presided over Pickering's first congressional swearing-in ceremony and that Pickering's father, U.S. District Judge Charles Pickering, arranged a trip for Scalia to Mississippi to give a speech.

Scalia Denies Miss. Dems' Appeal

Emily Wagster
AP Online
February 26, 2002 Tuesday

A U.S. Supreme Court justice on Tuesday denied an emergency appeal filed by Democrats in Mississippi's congressional redistricting dispute, which could clear the way for the state to use a map drawn up by three GOP-appointed judges.

After a decade of slow population growth, Mississippi must give up one of its five U.S. House seats.

Supreme Court Justice Antonin Scalia on Tuesday denied the appeal filed by attorney Robert McDuff of Jackson. McDuff wanted the court to order the state to use a congressional map drawn by Hinds County Chancery Judge Patricia Wise that was backed by Democrats. Scalia's denial came hours after three federal judges in Jackson ordered that the state use a map they drew. All three federal judges were appointed by Republicans.

McDuff immediately refiled his emergency appeal with Justice David H. Souter. The attorney said Souter can take up the appeal or, more likely, forward it to the full court.

He said he expected some word from the court either later this week or early next week.

No matter which plan is used, Rep. Chip Pickering, a Republican, and Rep. Ronnie Shows, a Democrat, will meet in a new consolidated district.

The federal judges' plan is thought to favor Pickering, while the rival plan was thought to favor Shows.

"We're obviously very pleased that the U.S. Supreme Court denied the emergency petition of the Democrats," said Grant Fox of Tupelo, an attorney who has represented Republicans in state and federal court redistricting fights.

McDuff said he also would ask the full Supreme Court to consider his appeal. He said it could be heard in the fall.

"This is obviously a setback," McDuff said.

Congressional candidates' qualifying deadline is Friday. Primaries are June 4 and the general election is Nov. 5.

Scalia handles emergency appeals from the 5th U.S. Circuit of Mississippi, Louisiana and Texas.

Scalia presided over Pickering's first swearing-in ceremony to Congress in 1997.

The justice also has spoken in Mississippi several times since the early 1990s. One trip in 1996 was arranged by Pickering's father, U.S. District Judge Charles Pickering, who is awaiting Senate action on his nomination to the 5th U.S. Circuit Court of Appeals.

Mississippi redistricting landed in the courts after state lawmakers were unable to agree on their own map. Democrats sued in chancery court and Republicans sued in federal court.

In ordering that their map be used, the three federal judges said it's unconstitutional for a chancery judge rather than the Legislature to draw a redistricting plan.

The federal judges said their plan would be used until the state produces a redistricting map that the Justice Department agrees is fair to minorities.

The federal judges' plan puts heavily Republican, suburban Jackson precincts in the new district where Pickering and Shows will face off.

Wise's plan puts those precincts in a district that dips down from northern Mississippi and gives the new district a higher concentration of black voters, who often vote Democratic.

Panel Grills Pa. Judge on Ethics

Jesse Holland

AP Online

February 26, 2002 Tuesday

A Pennsylvania judge who is up for a promotion told senators Tuesday he did nothing unethical by temporarily overseeing a fraud case involving a bank where his wife worked.

U.S. District Judge D. Brooks Smith said during his confirmation hearing for the 3rd U.S. Circuit Court of Appeals in Philadelphia that he recused himself from the trial after a month because of the appearance, even though he wasn't required to.

"I wish I had recused myself earlier, but I did it because it was the right thing to do," Smith said.

Democrats and liberal groups have questioned Smith's qualifications for the court, which covers Pennsylvania, New Jersey, Delaware and the Virgin Islands. Some senators are worried about his chances in front of the Democratic-controlled Senate Judiciary Committee. "I'm just hoping they'll be fair when the time comes," said Sen. Jon Kyl, R-Ariz.

Smith's supporters said his record is being distorted and he deserves to be on the higher court. "There is a lot of misinformation about him out there," Sen. Rick Santorum, R-Pa., told the committee.

Sen. Arlen Specter, R-Pa., who sits on the committee, said, "I'm satisfied that Judge Smith has completely responded and answered any questions that have been raised."

It was not immediately known when the committee will vote on Smith.

The committee also delayed a planned Thursday confirmation vote for U.S. District Judge Charles Pickering of Mississippi, whose conservative record has brought criticism by liberal groups.

Sen. John Edwards, D-N.C., said Tuesday he would join Sen. Dianne Feinstein, D-Calif., in announcing publicly their intention to vote against Pickering. His "record as a judge clearly demonstrates that he is willing to put his own views above the law," Edwards said.

Senate Minority Leader Trent Lott, R-Miss., asked the committee to give Pickering extra time to answer a "long list" of written questions submitted to him by senators after his second confirmation hearing.

It will be next week at the earliest before Pickering, who wants to be elevated to the 5th U.S. Circuit Appeals Court in New Orleans, is considered.

"Judge Pickering should have the opportunity to respond to the questions," Lott said.

Justice Department officials told the committee they expected Pickering to finish answering the questions before the day was out, a committee spokesman said. "There's been no indication from the White House or the Department of Justice that there would be any difficulty in Judge Pickering responding to the written questions," spokesman David Carle said.

Democrats questioned Smith, 50, for overseeing for a month in 1997 a fraud trial involving Mid-State Bank.

Smith's wife, Karen Smith, was the vice president of the lending department at Mid-State Bank at the time. The Smiths also held Mid-State stock.

Smith said Tuesday there was nothing at the outset of the case that indicated that Mid-State Bank would be involved, and there wasn't enough of a conflict later on to trigger an automatic disqualification.

"I was still satisfied ... there was no specific information that had been presented to me that was sufficient to suggest a basis for recusal," Smith said.

Smith issued several rulings before taking himself out of the trial, but the Justice Department

cleared him of any wrongdoing.

Sen. Russ Feingold, D-Wis., questioned Smith taking paid educational trips, saying Smith has taken more such trips than all but four judges in the nation. Feingold said the trips' total value was about \$30,000, and some were to resort locations like Hilton Head Island, S.C.

Smith said the trips were purely education-related but he would not attend similar seminars if elevated to the appeals court unless he was sure it would not cause an appearance problem.

Sen. Joseph Biden, D-Del., threatened to filibuster Smith if he refused to answer questions because he might have to make a ruling on the issues later. Biden pointed out that in 1993 Smith talked about the Violence Against Women Act, which was going to be challenged in court, in front of the conservative Federalist Society.

"If you suggest to me that you cannot respond in the same way you responded as a sitting federal judge on the Violence Against Women Act, then I will do everything in my power to defeat you, including moving to the Senate floor to take an action I've never taken in my life as a United States senator, a filibuster," Biden said.

Biden left before Smith could respond. It was not immediately known whether Smith, like Pickering, would be required to come to a second hearing.

The Senate also confirmed two U.S. District Court judges on Tuesday: Cindy Jorgenson of Arizona and Robert Blackburn of Colorado. They were both confirmed by 98-0 votes.

U.S. Supreme Court denies Dems' initial redistricting appeal

Emily Wagster

The Associated Press State & Local Wire

February 26, 2002, Tuesday

A U.S. Supreme Court justice on Tuesday denied an emergency appeal filed by Democrats in Mississippi's congressional redistricting dispute, possibly clearing the way for the state to use a map drawn up by three GOP-appointed judges.

After a decade of slow population growth, Mississippi must give up one of its five U.S. House seats.

Supreme Court Justice Antonin Scalia denied the appeal filed by attorney Robert McDuff of Jackson. McDuff wanted the court to order the state to use a congressional map drawn by Hinds County Chancery Judge Patricia Wise that was backed by Democrats. Scalia handles emergency appeals from the 5th U.S. Circuit Court of Appeals, which includes Mississippi, Louisiana and

Texas.

His denial came hours after three Republican-appointed federal judges in Jackson ordered that the state use a map they drew.

McDuff immediately refiled his emergency appeal with Justice David H. Souter. The attorney said Souter can take up the appeal or, more likely, forward it to the full Supreme Court.

McDuff said he expected some word from the court either later this week or early next week.

No matter which plan is used, the state's two junior congressmen - Republican Chip Pickering and Democrat Ronnie Shows - will meet in a new consolidated district.

The federal judges' plan is thought to favor Pickering, while the rival plan was thought to favor Shows.

Scalia presided over Pickering's first congressional swearing-in ceremony to Congress.

The justice also has spoken in Mississippi several times since the early 1990s. One trip in 1996 was arranged by Pickering's father, U.S. District Judge Charles Pickering, who is awaiting Senate action on his nomination to the 5th U.S. Circuit Court of Appeals.

Shows spokeswoman Cassie Sheldon would not comment on Scalia's connections to the Pickering family.

Speaking for Shows, she said of Scalia's denial of Democrats' initial appeal: "We're disappointed but we're not going to give up the fight for what's fair. We are going to run no matter what and we are going to win."

Chip Pickering's campaign manager, Henry Barbour, said Scalia has been hunting with Judge Pickering but the Pickerings' acquaintance with the justice has nothing to do with the redistricting case.

"This is an issue of the facts and the law," Barbour said. "If the other side wants to whine or complain, I think people are getting tired of that."

Barbour also said Chip Pickering plans to run "an aggressive, strong, grass-roots campaign."

During a budget hearing in Washington Tuesday, U.S. Sen. Patrick Leahy, D-Vt., gave Attorney General John Ashcroft a list of questions about the Justice Department, including its handling of Mississippi redistricting, said Leahy spokesman David Carle.

Leahy is chairman of the Senate Judiciary Committee, where Judge Pickering's confirmation is pending.

Grant Fox of Tupelo, an attorney who has represented Republicans in state and federal court redistricting fights, said he expects the federal court's plan to be used in this year's elections.

"We're obviously very pleased that the U.S. Supreme Court denied the emergency petition of the Democrats," Fox said.

McDuff said he also will ask the full U.S. Supreme Court to consider more extensive arguments on Mississippi redistricting. He said those arguments could be heard in the fall.

"This is obviously a setback," McDuff said Tuesday. "We knew that an emergency application to the Supreme Court was an uphill ride and the hill has just gotten little steeper with this initial denial."

Congressional candidates' qualifying deadline is Friday. Primaries are June 4 and the general election is Nov. 5.

Mississippi redistricting bounced into the courts after state lawmakers were unable to agree on their own map. Democrats sued in chancery court and Republicans sued in federal court.

In ordering that their map be used, the three federal judges said it's unconstitutional for a chancery judge rather than the Legislature to draw a redistricting plan.

McDuff said previous court rulings from other states show the federal judges' ruling Tuesday is "totally wrong."

He said the state court didn't steal legislators' ability to draw a map.

"The Legislature dropped the ball and walked away," McDuff said.

The federal judges said their plan would be used until the state produces a redistricting map that the Justice Department agrees is fair to minorities.

The federal judges' plan puts heavily Republican, suburban Jackson precincts in the new central district where Pickering and Shows will face off.

Wise's plan puts those precincts in a district that dips down from northern Mississippi and gives the new central district a higher concentration of black voters, who often vote Democratic.

The three federal judges in Jackson said last week that they would order their plan to be used if the U.S. Justice Department by late Monday didn't approve Wise's map. That approval didn't come.

The Justice Department has been checking Wise's plan to ensure it's fair to minorities. The federal judges' plan does not need Justice clearance.

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Democrats, including Shows, have accused the Justice Department of stalling on the state map to give Republicans an edge.

Mississippi has had one of the nation's most contentious redistricting fights, and the outcome could help determine the partisan balance of power on Capitol Hill.

Judiciary Democrats grill Pa. judge on ethics; Pickering vote delayed for a week

Jesse Holland

The Associated Press State & Local Wire

February 26, 2002, Tuesday

A Pennsylvania judge who is up for a promotion told senators Tuesday he did nothing unethical by temporarily overseeing a fraud case involving a bank where his wife worked.

U.S. District Judge D. Brooks Smith said during his confirmation hearing for the 3rd U.S. Circuit Court of Appeals in Philadelphia that he recused himself from the trial after a month because of the appearance, even though he wasn't required to.

"I wish I had recused myself earlier, but I did it because it was the right thing to do," Smith said.

Democrats and liberal groups have questioned Smith's qualifications for the court, which covers Pennsylvania, New Jersey, Delaware and the Virgin Islands. Some senators are worried about his chances in front of the Democratic-controlled Senate Judiciary Committee. "I'm just hoping they'll be fair when the time comes," said Sen. Jon Kyl, R-Ariz.

Smith's supporters said his record is being distorted and he deserves to be on the higher court. "There is a lot of misinformation about him out there," Sen. Rick Santorum, R-Pa., told the committee.

Sen. Arlen Specter, R-Pa., who sits on the committee, said, "I'm satisfied that Judge Smith has completely responded and answered any questions that have been raised."

It was not immediately known when the committee will vote on Smith.

The committee also delayed a planned Thursday confirmation vote for U.S. District Judge Charles Pickering of Mississippi, whose conservative record has brought criticism by liberal groups.

Sen. John Edwards, D-N.C., said Tuesday he would join Sen. Dianne Feinstein, D-Calif., in announcing publicly their intention to vote against Pickering. His "record as a judge clearly demonstrates that he is willing to put his own views above the law," Edwards said.

Senate Minority Leader Trent Lott, R-Miss., asked the committee to give Pickering extra time to answer a "long list" of written questions submitted to him by senators after his second confirmation hearing.

It will be next week at the earliest before Pickering, who wants to be elevated to the 5th U.S. Circuit Appeals Court in New Orleans, is considered.

"Judge Pickering should have the opportunity to respond to the questions," Lott said.

Justice Department officials told the committee they expected Pickering to finish answering the questions before the day was out, a committee spokesman said. "There's been no indication from the White House or the Department of Justice that there would be any difficulty in Judge Pickering responding to the written questions," spokesman David Carle said.

Democrats questioned Smith, 50, for overseeing for a month in 1997 a fraud trial involving Mid-State Bank.

Smith's wife, Karen Smith, was the vice president of the lending department at Mid-State Bank at the time. The Smiths also held Mid-State stock.

Smith said Tuesday there was nothing at the outset of the case that indicated that Mid-State Bank would be involved, and there wasn't enough of a conflict later on to trigger an automatic disqualification.

"I was still satisfied ... there was no specific information that had been presented to me that was sufficient to suggest a basis for recusal," Smith said.

Smith issued several rulings before taking himself out of the trial, but the Justice Department cleared him of any wrongdoing.

Sen. Russ Feingold, D-Wis., questioned Smith taking paid educational trips, saying Smith has taken more such trips than all but four judges in the nation. Feingold said the trips' total value was about \$30,000, and some were to resort locations like Hilton Head Island, S.C.

Smith said the trips were purely education-related but he would not attend similar seminars if elevated to the appeals court unless he was sure it would not cause an appearance problem.

Sen. Joseph Biden, D-Del., threatened to filibuster Smith if he refused to answer questions because he might have to make a ruling on the issues later. Biden pointed out that in 1993 Smith talked about the Violence Against Women Act, which was going to be challenged in court, in front of the conservative Federalist Society.

"If you suggest to me that you cannot respond in the same way you responded as a sitting

federal judge on the Violence Against Women Act, then I will do everything in my power to defeat you, including moving to the Senate floor to take an action I've never taken in my life as a United States senator, a filibuster," Biden said.

Biden left before Smith could respond. It was not immediately known whether Smith, like Pickering, would be required to come to a second hearing.

The Senate also confirmed two U.S. District Court judges on Tuesday: Cindy Jorgenson of Arizona and Robert Blackburn of Colorado. They were both confirmed by 98-0 votes.

Pickering Defeat Looms as Democrats Hold to Tough Line

James W. Brosnan

The Commercial Appeal (Memphis, TN)

February 26, 2002 Tuesday

President Bush faces defeat for one of his judicial picks Thursday, when the Senate Judiciary Committee is scheduled to vote on the nomination of Mississippian Charles Pickering to the Fifth U.S. Circuit Court of Appeals.

One Democrat, Dianne Feinstein of California, is predicting Pickering's defeat and that seems to be borne out in the tough line taken by Democrats, who hold a 10-9 majority, in written questions submitted to Pickering, a 64-year-old U.S. District Court judge, in the wake of two contentious hearings.

Sen. Herb Kohl (D-Wis.), who has been reticent about Pickering in public, asked the judge about his statement in a 1993 voting rights case that the one-person, one-vote doctrine might be "obtrusive" and give people "more government than they want." "What could be more important in this country than an equal right to vote?" wrote Kohl.

Several Democrats asked Pickering about a 1994 cross-burning case in which he forced Justice Department prosecutors to drop one charge against defendant Daniel Swan. Pickering did not want to sentence Swan to 7 years in prison as required by sentencing guidelines.

According to a memo from Linda Davis, head of the criminal section of the Justice Department's civil rights division, Pickering told prosecutors "that in the current racial climate in that part of the state, such a harsh sentence would serve only to divide the community."

Sen. Joe Biden (D-Del.) asked Pickering if the sentence would be more divisive "than the act of burning a cross on the lawn of a minority or mixed-race family."

In a letter sent to Sen. Orrin Hatch (R-Utah), Pickering said that unlike a 17-year-old

co-defendant, who pled guilty and got probation, Swan had no history of racial violence.

"As repugnant as this crime was, I nevertheless felt this was the worst case of disparate sentencing that had come before me during my tenure on the bench," said Pickering.

He also said there was a split in the appellate courts about whether the most serious charge, use of a fire in commission of a felony, applied in cross-burning case.

"A Fair-Minded Judge"

Byron York
National Review
February 26, 2002

In a new twist in the battle over the nomination of Charles Pickering to a place on the Fifth Circuit Court of Appeals, a former top Clinton Justice Department official - who also happens to be former Vice President Al Gore's brother-in-law - has given the Senate Judiciary Committee a strong endorsement of Pickering's character.

The former official is Frank Hunger, who headed the Justice Department's Civil Division from 1993 until 1999. Like Pickering, Hunger is a Mississippian, and the two men have known each other for almost 30 years. Hunger is the man Pickering called in early 1995 when Pickering, a federal district judge in southern Mississippi, was trying to decide how to sentence a man convicted in a cross burning case. Pickering had become frustrated by the Justice Department's reluctance to answer questions about sentencing practices for similar crimes and complained to Hunger, who told him the problem was outside his area of responsibility. Democratic senator John Edwards, in a harsh interrogation at Pickering's February 7 confirmation hearing, accused Pickering of violating judicial ethics by calling Hunger. In a February 12 letter to committee chairman Patrick Leahy

and ranking Republican Orrin Hatch, Hunger takes issue with those allegations. "I have little or no recollection of the call," Hunger writes. "The significance of this to me is had I felt at the time that there was anything inappropriate or improper about Judge Pickering's call I would most assuredly remember it today." Hunger says he has read Pickering's account of the matter and has "no reason whatsoever to take issue with anything he [Pickering] has said about the call."

Hunger's letter continues with an endorsement of Pickering as a judge and a man. "I have known Judge Pickering for nearly thirty years and have the utmost respect for him as a fair-minded judge who would never knowingly do anything improper or unethical," Hunger writes. "He is a person of great integrity, strong moral character, courage and compassion who treats all who come before him in a fair and dignified way." Hunger concludes by saying that Pickering has been "a distinguished judge and I think it most regrettable that his nomination has become controversial."

Despite the lift provided by Hunger's letter, there is increasing pessimism among Republicans about Pickering's chances. Many were deeply discouraged on Sunday after the appearance of Democratic Sen. Dianne Feinstein on NBC's Meet the Press, in which Feinstein declared her opposition to Pickering and said every Democrat on the committee agreed with her. "I believe that there's virtually unanimous opinion on the Democratic side of the Judiciary Committee that he will not be confirmed," Feinstein said. "In other words, he will not be voted out of the Judiciary Committee."

"So all ten Democrats will oppose him?" host Tim Russert asked.

"I believe so," Feinstein answered.

From a Republican perspective, what is even more disturbing than the fate of the Pickering nomination is the fear that Democrats are making good on threats to adopt a no-conservatives-allowed policy of evaluating nominations to the federal bench. "I've looked rather carefully at [Pickering's] background, and I think you have a person who has very strong right-wing views, both politically and personally," Feinstein said. "The question always comes: Can you put those views entirely aside? This is a lifetime appointment. If you can't be assured that the individual is really going to put those views aside, what happens is two years into the term those views creep forward again."

Finally, in the most disheartening development for Republicans, Feinstein returned to an argument against President Bush that Democrats have not used publicly in many months, certainly not since Sept. 11: the contention that the narrowness of Bush's victory in the 2000 election disqualifies him from appointing conservatives to the bench. "President Bush did not have a large mandate," Feinstein said. "There is no mandate, in my view, to skew the courts to the right. And so I think you're going to see a Judiciary Committee that's really going to be looking for mainstream judges, and those judges that they find outside of the mainstream I do not believe will have Democratic support."

A committee vote on Pickering is likely by March 7, but some key Republicans now believe Pickering's defeat is just a formality. "I still had hope until Sunday," said one GOP aide after watching Feinstein on Meet the Press. Now, that hope appears to be gone.

Unwarranted charges of racism

Stanley Kurtz

National Review

February 26, 2002, Tuesday

Racism is wrong. That's for certain. The trouble is, accusations of racism have also been turned into easily abused tools of personal destruction.

We've seen how opponents of Charles Pickering's appointment to the federal bench have tried to ruin him by pretending to discover in his judicial conservatism the taint of personal racism. Now a false charge of racism has brought a call for the dismissal of Candace de Russy, an outspoken trustee of the State University of New York, who dared to publicly criticize the SUNY system's African-American-studies programs for political bias and lack of rigor. The United University Professions, the 27,000-member union of faculty and staff at the SUNY system, has passed a resolution calling for de Russy's dismissal from the board. De Russy's crime was to be quoted in Newsday arguing that most black studies departments have become "flabby feel-good programs that carry an anti-American bias and do little to advance knowledge." De Russy happily concedes that

there has been a good deal of distinguished African-American scholarship in recent years, pointing to the work of William Julius Wilson, for example. What bothers her is that black-studies departments have come under the control of professors with a single point of view, pushing students to come to predetermined political conclusions. The views of conservative black scholars such as Shelby Steele and Thomas Sowell, for example, are rarely presented.

Of course, the de Russy affair is only the latest in a long line of incidents in which open critics of black studies programs are tarred with charges of racism. Readers will recall the dust-up at Harvard over President Lawrence Summers's criticisms of Cornel West, but the problem has a much longer history. Last year, there were the attacks on the offices of student papers that had published the David Horowitz ad opposing slave reparations.

And remember the attempts to silence Harvey Mansfield's campaign against grade inflation at Harvard, simply because he argued that affirmative action played a role in promoting the practice? A lesser-known incident was the assault last November on Professor Barry Shain of Colgate University. Like de Russy, Shain had expressed concerns about black-studies courses that focused more on politically tinged consciousness raising than on mastery of a body of knowledge. And like de Russy, Shain

was worried that such courses tempted students with easy grades for de facto group-therapy sessions. Seventy students, many of them black, occupied the Colgate admissions office and put their demands against Shain.

As with the de Russy flap, the real motive in the Shain affair was to destroy the one professor at Colgate who regularly shows the courage to criticize the plans and programs of a left-leaning faculty.

The list of such incidents and tactics can be extended indefinitely, going back to the origins of black-studies programs in the late sixties. At SUNY Stony Brook, for example, the black-studies program was instituted in 1968 after black students shut down the campus for days. The most famous incident of all was at Cornell in 1969, where black radicals armed with shotguns took over an administration building and threatened the lives of faculty who opposed their demands for, among other things, a program in black studies.

There can be no doubt that slavery and racism together constitute the most shameful chapter in American history. The study of that sad past, like the study of the struggles and positive

achievements of black Americans, was unjustly neglected prior to the late sixties. But there is plenty of room for legitimate disagreement about the best way to integrate the study of minorities and

women into the academic curriculum. The legacy of slavery and racism is tragic, real and important. Yet in the last 35 years, another disturbing legacy has taken root in the United States. It is the legacy of intimidation launched against any who dare to demur at the demands of organized minorities. We shall know that racism has finally been defeated in the United States when the "demands" of America's minorities can be subject to the same sort of rough and tumble criticism as the views of anyone else. In the meantime, we must do what we can to defend the freedom and integrity of brave souls like Barry Shain and Candace de Russy.

President to propose changes to welfare

Paul Leavitt and Richard Benedetto
USA TODAY
February 26, 2002, Tuesday

EXCERPT

The Senate Judiciary Committee takes up two controversial judicial nominations this week.

The American Bar Association said D. Brooks Smith is qualified to be a judge on the 3rd U.S. Circuit Court of Appeals in Philadelphia, but opponents say he wrongfully made rulings in a case in which he and his wife had a financial interest. Smith oversaw for a month a fraud trial in 1997 involving Mid-State Bank, which was accused of complicity in fraud. Smith's wife, Karen, was a bank officer. He also listed \$ 100,000 to \$ 250,000 of the bank's stock on his financial disclosure form. Smith later took himself off the case, and the Justice Department cleared him of wrongdoing.

Later this week, the committee is scheduled to vote on Charles Pickering for a seat on the 5th Circuit Court of Appeals in New Orleans. Opponents say he is hostile to civil right issues. Supporters say he testified against the Ku Klux Klan in Mississippi and has worked at racial reconciliation in the state.

More Questions for Pickering With confirmation vote looming, senators have new queries for 5th Circuit nominee.

Johnathan Groner
Legal Times
February 25, 2002

With a Senate Judiciary Committee vote on Charles Pickering Sr. slated for Feb. 28, the appeals court nominee appears to be headed for a narrow party-line rejection, Senate observers say.

In their last chance to screen Pickering, several senators have submitted written questions for the district judge from Mississippi to answer before the vote. Nothing in the questions seems likely to arouse hopes among Pickering's backers that a Democrat or two would cross party lines and support him.

At a Feb. 7 hearing, Democrats, who hold a 10-9 edge on the committee, queried Pickering intensively about his views on racial issues, his rulings as a trial judge, and his views on the Constitution and the right to privacy. The vast majority of the written questions came from Democrats with serious reservations about Pickering's nomination. The queries track many of the issues raised at the hearing, but some new allegations also emerged.

Sen. Herb Kohl of Wisconsin, the only Democrat who did not attend the Feb. 7 hearing, posed six questions that suggest Kohl shares many of his colleagues' concerns.

Kohl cited a Pickering voting rights decision from 1993 in which the judge expressed doubt about whether federal law requires drawing lines that divide towns and communities in order to equalize the population of voting districts. He concluded in *Fairley v. Forrest County* that he was "bound to follow the precedents established by prior controlling judicial decisions."

But he also wondered "if we are not giving the people more government than they want and more than is required in defining one-man, one-vote too precisely."

Commenting on this language, Kohl asked, "What could be more important in this country than an equal right to vote?"

Pickering, with the help of officials at the Justice Department's Office of Legal Policy, has sent in some written responses. But Mimi Devlin, a committee spokeswoman, says Chairman Patrick Leahy (D-Vt.) will not release the replies until all have been received.

Pickering declines comment. On his behalf, Justice Department Director of Public Affairs Barbara Comstock says, "Judge Pickering takes the inquiries of the Senate Judiciary Committee very seriously and is working diligently to provide them with thorough and accurate responses as quickly as possible."

Both Kohl and Sen. Edward Kennedy (D-Mass.) asked about Pickering's support in 1974 of a resolution asking Congress to repeal the Occupational Safety and Health Act. Pickering was then a state senator in Mississippi.

According to Kohl and Kennedy, the resolution referred to OSHA as "ridiculous, outrageous, and wasteful" and assailed the act as unduly burdensome to business.

"Do you still hold those views about OSHA?" Kohl asked. "Do your views expressed toward OSHA demonstrate your thoughts generally about the role of the federal government in issues concerning worker safety?"

Though Pickering's written response was not available at press time, a Department of Justice official rejects the implication that Pickering is opposed to OSHA enforcement.

"Thirty years after OSHA was first passed, Judge Pickering believes that the federal government has an important role to play in ensuring the safety of America's workers," the official says. "As a practicing lawyer in the 1980s, Judge Pickering remembers using OSHA regulations and standards to protect the rights of workers."

Adds the official: "It is the responsibility of federal judges to enforce statutory enactments. The judge did so as a district court judge and intends to do so as a circuit court judge, if given the opportunity."

Sen. Russ Feingold (D-Wis.), the lone Judiciary Committee Democrat to support the nomination of Attorney General John Ashcroft, questioned why Judge Pickering dismissed a number of pro se cases filed by federal prisoners as frivolous and threatened to impose sanctions against the prisoners.

The senator pointed out that a 1996 law specified two types of sanctions against prisoners' frivolous claims. He queried why Pickering authorized other sanctions-such as ordering prison officials to restrict the inmate's prison privileges-without citing any basis in federal law.

"On what specific legal authority were you relying when you threatened to impose these sanctions?" Feingold asked.

The only Republican to ask questions was Sen. Jeff Sessions of Alabama, whose queries were framed in broad terms, unlike the confrontational tone that many Democrats adopted.

"Please describe your views on the availability of habeas corpus relief to prisoners," Sessions asked.

While Pickering appears to lack support from any committee Democrats, some observers speculate that Leahy may agree to send the nomination to the Senate floor with a negative recommendation rather than bottle it up in committee.

Pickering has strong support from Minority Leader Trent Lott (R-Miss.), and at least two Democrats in the closely divided Senate-Ernest Hollings of South Carolina and Zell Miller of Georgia-have said that they would vote to confirm Pickering if his name reached the floor.

Members of Leahy's staff declined comment on whether Pickering's name would get out of committee if he is voted down. Ron Bonjean, Lott's press secretary, declines comment.

Pickering Battles Face Decisions on Two Fronts

Paul Kane

Roll Call

February 25, 2002

With charges and countercharges flying from Mississippi to Capitol Hill, the father-son duo of U.S. District Judge Charles Pickering and Rep. Chip Pickering (R-Miss.) may face their respective political days of reckoning this week.

In decisions that will have ripple effects throughout all three branches of the federal government, the Pickerings are engaged in racially charged fights, with interest groups on both sides mounting furious campaigns.

Judge Pickering, seeking an elevation to the U.S. 5th Circuit Court of Appeals, has faced a nearly endless volley of charges that he has been racially insensitive as a state politician and on the federal bench. The Senate Judiciary Committee is tentatively slated to vote on Pickering Thursday, with his nomination desperately in need of support from one Democrat on the panel to gain a vote on the Senate floor. Rep. Pickering is facing a redistricting battle that will pit him against Rep. Ronnie Shows (D-Miss.) in the fall, but a legal fight between state and federal courts has not yet resolved the precise shape of the new district. If the Justice Department does not sign off on a state-backed plan by today, a three-judge federal panel has said it will impose its own district - which is much more favorable to Chip Pickering because of its lower percentage of voting-age black residents - by tomorrow, in time for the March 1 filing deadline.

While the two cases are seemingly independent of each other, the cast of characters waging fights over the Pickerings' futures are virtually the same, and each side has made vague allegations against the other about linking the two battles for its own advantage.

Rep. Bennie Thompson (D-Miss.), who has been the most outspoken Congressional Black Caucus opponent of Judge Pickering's and the CBC leader in the redistricting fight, went to great lengths to note that the redistricting plan favoring Republicans was designed by three GOP-nominated judges. One of the three, U.S. District Judge Henry Wingate, wrote a letter to the Judiciary Committee in support of Judge Pickering's nomination, and another, District Judge David Bramlett, serves with Wingate and Pickering on the same federal court.

"And now they craft a plan that's more favorable to their colleague's son than the [state-backed plan] that's under review by the Justice Department," Thompson said, adding that it's not too far a stretch to say the judges are seeking retribution for Democratic opposition to the judicial nomination. "It certainly could be made to [look] that way."

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Rep. Pickering, who has been the most outspoken supporter on behalf of his father's nomination, has argued just the opposite, that Congressional Democrats are holding up Judge Pickering's nomination as leverage in the redistricting battle.

The nomination fight has become a pivotal one in the Senate, with Minority Leader Trent Lott (R-Miss.) - a friend of Judge Pickering's for 30 years and former boss of Rep. Pickering - vowing retribution if Democrats defeat the judicial nomination. Some Senate Republicans have even talked of holding up all legislative matters through parliamentary tactics, freezing the Senate floor, if the Pickering nomination goes down, according to aides.

But interest groups from the People for the American Way to the NAACP have ratcheted up the pressure on Judiciary Democrats, arguing that Pickering's record as a state Senator and federal judge is replete with insensitivity to civil rights.

According to one aide to a Judiciary Democrat, the anti-Pickering coalition began a fax, phone and e-mail campaign Thursday, with form letters from across Texas, Louisiana and Mississippi accusing Pickering of "insensitive and extreme views."

Despite favorable stories in the national press about home-state support for Pickering among blacks, the coalition is arguing that those supporters only know Pickering as a person, not as a judge. "We're not looking into his heart, we're looking into his record," said Ralph Neas, president of People for the American Way.

Judiciary Chairman Patrick Leahy (D-Vt.) has scheduled a business meeting to vote on nominations Thursday, when it is "likely" Pickering's nomination will be handled, according to David Carle, Leahy's spokesman.

Aides and observers noted that a decision to hold a vote so quickly after the return from the Presidents' Day recess does not bode well for Pickering's chances. But, Carle stressed, "No final agenda [for the hearing] will be set until closer to Thursday."

By that time, Rep. Pickering's future may already be virtually certain. The Justice Department, under the Voting Rights Act, must approve any redistricting plan in Mississippi, and originally faced a deadline today for approving or rejecting the state-backed plan. But two weeks ago Justice's Civil Rights Division requested more information from Mississippi regarding its plan, which would leave a Pickering-Shows district with 37 percent of the voting-age population being African-American.

Justice thus created a new 60-day deadline for later in the spring, but the filing deadline for candidates continues to be March 1. The three-judge panel, however, has drawn up its own district - 30 percent African-American - and said that redistricting must be in place by the filing deadline, requiring the federal map to be imposed Tuesday if Justice does not clear the state-backed plan by today.

Thompson, Shows and Mississippi Democrats have accused Justice of intentionally delaying its

decisions on the state plan to guarantee that the map more favorable to the GOP would be imposed by the federal court.

If the redistricting fight isn't connected to the judicial battle, it is, at a minimum, dirty politics, they contend. "I have never seen such blatant political manipulation. Instead of enforcing the Voting Rights Act, they are carrying the water of Chip Pickering," said Rob McDuff, a Democratic attorney from Jackson, Miss.

Democrats fear that a district with only a 30 percent African-American voting population may not even be competitive for Shows, whose current district has a population of 43 percent black voters.

Republicans contend that the plan violates the civil rights laws because it was written up by a local judge, an African-American voted into office as an independent from an overwhelmingly Democratic region. A local judge should not be drawing up a statewide Congressional map, Republicans contend, an allegation Justice has been inclined to listen to so far. "That's something that has never been done before," said Dan Nelson, a department spokesman.

Nelson said the various political scenarios will not be a factor in the decision, but he couldn't guarantee a decision will come in time to avoid the federal judges' takeover of the redistricting process.

Judge Defends Ethics in Handling of Case

The Commercial Appeal (Memphis, TN)

February 27, 2002 Wednesday

A Pennsylvania judge who is up for a promotion told senators Tuesday he did nothing unethical by temporarily overseeing a fraud case involving a bank where his wife worked.

U.S. Dist. Judge D. Brooks Smith said during his confirmation hearing for the 3rd U.S. Circuit Court of Appeals in Philadelphia that he recused himself from the trial after a month because of the appearance of conflict of interest, even though he wasn't required to.

"I wish I had recused myself earlier, but I did it because it was the right thing to do," Smith said.

Democrats and liberal groups have questioned Smith's qualifications for the court, which covers Pennsylvania, New Jersey, Delaware and the Virgin Islands. Some senators are worried about his chances in front of the Democratic-controlled Senate Judiciary Committee.

"I'm just hoping they'll be fair when the time comes," said Sen. Jon Kyl (R-Ariz.).

It was not immediately known when the committee will vote on Smith.

Democrats questioned Smith, 50, for overseeing for a month in 1997 a fraud trial involving Mid-State Bank.

Smith's wife, Karen Smith, was vice president of the lending department at Mid-State Bank at the time. The Smiths also held Mid-State stock.

Smith said there was nothing at the outset of the case that indicated that Mid-State Bank would be involved.

"I was still satisfied . . . there was no specific information that had been presented to me that was sufficient to suggest a basis for recusal," Smith said.

Judge wins Senate approval

The Denver Post

February 27, 2002 Wednesday

EXCERPT

The U.S. Senate on Tuesday voted 98-0 to approve Robert Blackburn's nomination to serve as a judge on the U.S. District Court in Colorado.

Blackburn, 51, of Las Animas was appointed as a state district judge in Bent County in 1988. He practiced law for 13 years before that. He earned his law degree at the University of Colorado.

He will be sworn in sometime in April, said Sean Conway, spokesman for Sen. Wayne Allard, R-Colo.

Enviros Criticize Third Judicial Nomination, Two others; Head to Senate

Brian Stempeck

Greenwire

February 27, 2002

As two controversial appeals court nominations head before the Senate Judiciary Committee this week, environmental groups are raising concerns about President Bush's nomination for the U.S. Court of Federal Claims. Bush's pick is an extremist when it comes to decisions related to the Fifth Amendment's takings clause, according to the groups, though property rights advocates say the nominee actually holds moderate views.

In a letter to Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.), 23 environmental groups, including Defenders of Wildlife, American Rivers and Friends of the Earth, expressed concerns about Lawrence Block, nominated to the Court of Federal

Claims. The court is almost solely responsible for many takings decisions, said Glenn Sugameli, senior legislative counsel for the Earthjustice Legal Defense Fund, another of the groups involved in the letter. Property owners often argue a 'taking' occurs when a government regulation or seizure causes a major loss in revenue or development ability, though there is no set rule for what constitutes a taking. Conservation groups worry

that changing definitions of takings would force state and federal governments to pay landowners for meeting environmental standards. "Mr. Block's record and his answers to the Senate Judiciary Committee Questionnaire for Judicial Nominees suggest... that he

would apply an extreme approach to takings law that would conflict with unanimous Supreme Court rulings," the groups said in the letter. "An ultra-conservative interpretation of the Takings Clause could be extremely damaging, redefining property

rights at the expense of neighboring property, public health, and the environment. Federal Claims Court rulings could require that taxpayers fund prohibitively expensive windfall payments to property owners who obey pollution-control and other laws. The

cost of these payments would chill enforcement and implementation of a wide array of laws that protect the American people."

Sugameli called Block a "very strong, outspoken advocate of expansive private property takings provisions." As senior counsel to former Judiciary Committee Chairman Orrin Hatch (R-Utah), Block worked on a bill backed by the National Home Builders Association, said Sugameli. That bill "would have changed the standards and procedures for takings claims against local governments," he said, and if passed, would have been "a hammer to the head of local officials."

Sugameli said he fears Block would not follow precedents, based on strong opinions he has put forth in personal statements, during his time with Hatch, and in the nominees questionnaire. "The problem is he either is unable to tell what precedent is or unwilling to admit it," said Sugameli.

But conservative groups say Earthjustice and the others are exaggerating Block's record. Chuck Cushman, executive director of the American Land Rights Association, said he didn't think the Bush administration would nominate an extremist to any court. "They don't have a record of appointing extremists to anything," he said. Environmentalist claims accusing Block of extremism are "nonsense," said Cushman. "I don't have any sense of that at all."

Cushman said he had spoken to Block on a number of occasions when Block was with Hatch and called constituents. "I have a sense of his views on some of these things," said Cushman. "He sounds like a pretty moderate guy to me."

Other conservative groups similarly supported Block. "What I find shocking about those environmentalists who oppose property rights is how little they understand the issue," said Roger

Pilan, vice president of legal affairs for the Cato Institute. "They don't seem to appreciate that environmentalism is rooted in property rights theory. The whole of nuisance law -- which is environmentalism writ small -- is about protecting the rights of some property owners from the abuses that might follow from the uses that other owners of their property. Property rights constitute the foundation of environmental protection," he added.

PICKERING, BROOKS GO BEFORE SENATE

Though Block will not go before the Senate Judiciary Committee for several weeks, two other controversial appeals court nominations are slated for review this week.

Judge Charles Pickering, the Bush administration's pick for the Fifth Circuit Court of Appeals, goes before the committee Thursday. Pickering has a history of denying citizens access to federal courts, according to Earthjustice, such as when he dismissed "claims filed by victims in toxic tort cases concerning an EPA Superfund site." The real controversy surrounding Pickering, however, is related to his civil rights record, which could prevent his passage. Sen. Dianne Feinstein (D-Calif.) said on NBC's "Meet the Press" that the 10 Democrats on the committee will oppose Pickering's nomination.

Environmental groups have also criticized Judge D. Brooks Smith, nominated to the Third Circuit Court of Appeals, saying he is lax on punishing polluters (Greenwire, Feb. 14).

But similar to Pickering's situation, other aspects of Smith's background may prevent his affirmation. In 1997, Smith presided over an investment fraud case for nearly a month, without revealing that his wife and he had a financial interest in the case, as was reported in the Washington Post and other papers. Smith appeared before the committee yesterday and was questioned on the fraud case and his views opposing the Violence Against Women Act, according to David Carle, press secretary to Chairman Patrick Leahy (D-Vt.). A vote on Smith's confirmation has not yet been scheduled, he said.

Lott gains a delay on vote for Bush judicial nominee; Postponement gives GOP time to counter criticism

Michael Petrocelli
The Houston Chronicle
February 27, 2002, Wednesday

WASHINGTON - Scrambling to salvage President Bush's nominee to the 5th U.S. Circuit Court of Appeals, Senate Republican leader Trent Lott won a delay Tuesday on a critical vote by the Democrat-controlled Judiciary Committee.

The committee - which must clear all judicial nominations before they reach the full Senate - had been scheduled to vote Thursday on the nomination of Charles Pickering, but committee chairman Patrick Leahy, D-Vt., pushed the vote back to next week.

David Carle, a spokesman for Leahy, said the chairman agreed to postpone the vote "as a courtesy" to Lott, a Mississippi Republican.

Pickering's nomination to fill a vacant seat on the 5th Circuit, which includes Texas, Louisiana and Mississippi, has been embroiled in questions about his record on race relations and abortion rights. The nomination of Pickering, 64, who currently is a federal judge in Mississippi, is the first of what is expected to be a number of tough confirmation fights for Bush judicial nominees.

A Pennsylvania judge who is up for another appeals court seat told senators Tuesday that he did nothing unethical while overseeing a fraud case involving a bank where his wife worked. Democrats and liberal groups have questioned U.S. District Judge D. Brooks Smith's qualifications for the 3rd U.S. Circuit Court of Appeals in Philadelphia.

Democrats questioned Smith, 50, about his waiting a month before stepping down from a 1997 fraud trial involving a bank at which his wife was vice president of the lending department. The judge and his wife also owned stock in the bank.

Tuesday's postponement of the vote on Pickering gives Lott and fellow Republicans another week to counter growing criticism of the nomination, but it may only delay an inevitable rejection by the Judiciary Committee or the Senate.

Sen. Dianne Feinstein, D-Calif., a member of the committee, predicted Sunday on NBC's Meet the Press that Pickering's nomination would not make it to the Senate floor.

"I believe that there's virtually unanimous opinion on the Democratic side of the Judiciary Committee that he will not be confirmed. In other words he will not be voted out of the Judiciary Committee," she said.

Democrats hold a 10-9 advantage on the committee.

White House spokesman Ari Fleischer said Bush will fight to get Pickering confirmed. "The president continues to have every bit of confidence in Judge Pickering and will continue to support him and urge his passage," Fleischer said.

"I think what you're seeing is an unfortunate part of the politicization of the way judges, circuit court judges are picked in this country," he said.

A spokesman said Lott asked for the delay to give Pickering time to respond to questions submitted last week by Sen. Joseph Biden, D-Del., a member of the committee.

The announcement of the delay came on the same day a group of activists from Texas was making the rounds on Capitol Hill, urging Senators to reject Pickering.

The confirmation fight has revisited chapters from Mississippi's resistance to racial integration.

Pickering's supporters have sought to portray him as a courageous proponent of civil rights, while his opponents have painted him as a barely-reconstructed segregationist.

The NAACP has challenged Pickering on an article he wrote in 1959 as a University of Mississippi law student, encouraging tougher laws against interracial marriage. He also has drawn criticism for his contacts with the Mississippi Sovereignty Commission, a state agency that was created to help maintain segregation.

During Judiciary Committee hearings into his nomination, Pickering acknowledged that in a case before his court in 1994, he opposed a mandatory five-year sentence for a man convicted of burning a cross on the lawn of an interracial couple. The judge also acknowledged contacting a Justice Department official urging prosecutors to agree to a lighter sentence than required by law.

Pickering's supporters have pointed to the fact that in 1967, as a county attorney in Laurel, Miss., he testified against a Ku Klux Klan leader on trial for the murder of a civil rights leader. Doing so cost him his re-election, they say, and put him in physical danger in a town with many people sympathetic to the Klan.

Edwards opposes Bush nominee

John Wagner

The News and Observer (Raleigh, NC)

February 27, 2002 Wednesday

Washington -- U.S. Sen. John Edwards on Tuesday formally outlined his objections to elevating a Mississippi judge to a federal appeals court, contending that President Bush's nominee would "put his own views above the law."

Edwards, a North Carolina Democrat, was among the most aggressive questioners earlier this month when Judge Charles Pickering appeared before the Senate Judiciary Committee for his confirmation hearing. Bush has nominated Pickering, a U.S. District Court judge, to a seat on the 5th U.S. Circuit Court of Appeals.

During the hearing, Edwards strongly implied that Pickering had acted inappropriately in a 1994 case that involved a cross-burning on the lawn of an interracial couple. Several days later, Edwards touted his tough posture during a political appearance in California that was designed to showcase him as a potential 2004 presidential candidate. Although Edwards' questioning of Pickering drew praise from Democratic leaders, his tactics were heavily criticized by Richard "Dickie" Scruggs, a well-known Democratic trial lawyer from Mississippi, who said Edwards badly distorted Pickering's record.

Edwards also drew fire from conservatives, with The Wall Street Journal accusing him of "race-baiting to liberal crowds" in an editorial Tuesday. "This is a man who wants to be President," the editorial stated.

On Tuesday, Edwards released statements from three law school professors, all of whom concluded Pickering acted inappropriately in the 1994 case.

During his questioning at the hearing, Edwards implied that Pickering violated a judicial code of conduct, first by meeting privately with one side of the case and then by intervening at the U.S. Justice Department.

Pickering maintained that he was merely expressing frustration at a situation in which prosecutors had gone easy on the main culprit in exchange for a guilty plea but come down much harder on a lesser player.

The three law professors who backed up Edwards on Tuesday were Stephen Gillers of New York University, John Leubsdorf of Rutgers University and Stephen Lubet of Northwestern University.

In his statement Tuesday, Edwards also noted that Pickering's rulings in other cases have been reversed 15 times by the 5th U.S. Circuit Court of Appeals for his failure to follow "well-established principles of law."

Pickering's supporters maintain that such a figure is not unusual, given that he has issued thousands of opinions during his tenure.

The confirmation of Pickering has become a highly partisan fight between Senate Democrats and President Bush. Senate Minority Leader Trent Lott, a Mississippi Republican, is a staunch supporter of Pickering and has threatened to retaliate against Democrats if Pickering is not confirmed.

The Judiciary Committee had scheduled a vote on Pickering's nomination Thursday, but it now appears the vote will be put off at least until next week. Some Democrats on the committee have predicted that Pickering's nomination will not be cleared by the panel.

In his statement, Edwards also noted that he has voted to confirm all 38 other individuals nominated by President Bush for federal judgeships.

That total, however, does not include Judge Terrence Boyle of North Carolina, whom Bush has nominated to the 4th U.S. Circuit Court of Appeals. Edwards has blocked Boyle from receiving a confirmation hearing as part of a long-running feud with U.S. Sen. Jesse Helms over nominees from North Carolina.

Another confirmation fight is brewing, with Democrats expressing concern about a fraud case

involving a bank where the nominee's wife worked.

Judge D. Brooks Smith, who temporarily oversaw the case, said he recused himself a month into the trial even though he didn't have to. Smith is up for a position on the 3rd U.S. Circuit Court of Appeals, which covers Pennsylvania, New Jersey, Delaware and the Virgin Islands.

Thornburgh Fails to Make Case Against Judge's Critics

Pittsburgh Post-Gazette

February 27, 2002 Wednesday

Lawyers know judges professionally better than anyone else. Yet if you're a reporter profiling a judge, and you go in search of lawyers who will make on-the-record comments, two things are bound to happen:

Those with positive things to say will be glad to say them for attribution, and those with critical opinions will either keep their mouths shut or speak only on condition that they not be identified, which means their quotes are unlikely to appear.

Newspapers, by and large, are loath to publish anonymous quotes, with good reason. It's too easy to take potshots for which one cannot be held accountable. But the lack of counterbalance has a tendency to skew judicial profiles in the judges' favor. If, for example, I were doing a piece on Allegheny County Common Pleas Judge Patrick McFalls, and I went out today in search of lawyers' input, I'd have no problem getting anecdotes about his good humor and great storytelling. But if I asked about judges getting drunk and taking off their pants in neighborhood bars, I'd be hard-pressed to get a single disapproval on the record.

This kind of reticence is a simple fact of self-preservation. No lawyers in their right minds are going to antagonize the very people who determine the fates of their cases, clients and careers.

Sucking up, on the other hand, never hurts.

Objection, your honor! No fair characterizing lawyers as suck-ups just because they happen to sincerely like a judge or truly believe that she or he is fair, honorable and upright.

OK, withdrawn. Such wholesale damnation is out of bounds.

By the same token, given that lawyers don't feel safe in going public with negative comments about a judicial nominee, it is every bit as out of bounds to dismiss all criticism from other organizations as the illegitimate ravings of "extreme interest groups."

Yet that is what Dick Thornburgh did this week in his op-ed defense of D. Brooks Smith, the chief judge of U.S. District Court here whose nomination to the 3rd Circuit Court of Appeals is drawing some opposition fire.

Thornburgh, who entered politics as a moderate Republican and then grew increasingly conservative during his tenure as Ronald Reagan's and George Bush's attorney general, used the phrase "extreme interest groups" not once but three times in attacking Smith's critics.

How convenient for him that these groups -- extreme or not -- were the only ones in a position to publicly raise questions about Smith's propensity for luxury trips paid for by corporate sponsors, and his failure to immediately recuse himself from the John Gardner Black fraud case involving the bank where his wife was a vice president.

These are legitimate areas of inquiry. And given the array of accolades heaped upon Smith by Republicans and Democrats alike, you wouldn't think that a closer look would be seen as so outrageously partisan.

Because Thornburgh was a trustee of the defrauded school districts in the Black case, he was in a unique position to give his opinion of the judge's actions in that case. He should have stopped there. But the old pol just couldn't resist piling on.

Ah well, give him this much: At long last, the former attorney general has found a reason to come out against partisan critics of a president's judicial picks.

Too bad he didn't feel the need to speak up in defense of Democrats John Binger and Lynette Norton. Both are highly regarded and highly qualified lawyers from Pittsburgh. Both were nominated -- twice -- to the federal bench by President Clinton. Both were blocked by Republican Sen. Rick Santorum in a bare-knuckle act of political aggression.

But while Little Ricky was crossing his arms and taunting the president with the equivalent of "Bil-ly, you've got some 'splainin' to do!" Thornburgh never wrote a single op-ed piece defending Binger or Norton, or lamenting the undue harm that Santorum's partisanship was inflicting on the grossly understaffed district court in this region.

Now that the nominee is a Republican with longtime ties to Thornburgh, the ex-AG has suddenly gotten religion on this matter. But his criticism of Smith's opponents would carry a lot more weight if, when the chips were down for two well-regarded Democratic nominees, he'd stood up to Santorum, an extreme interest group of one.

Pittsburgh Post-Gazette

February 27, 2002 Wednesday

CORRECTION/CLARIFICATION

National. A Post-Gazette story last Wednesday may have left the wrong impression about two

Nora Cusack, Madison, <i>Capital Times</i> , February 26, 2002 Tuesday	
"Judge's Views Make Him Unfit"	<u>65</u>
Renae Sieling, Oregon, <i>Capital Times</i> , February 26, 2002 Tuesday	
"Questions for Judge Smith"	<u>66</u>
<i>The Washington Post</i> , February 26, 2002, Tuesday	
"Judge Smith and Pickering on their work; Choice of president's nominees should not be a political decision"	<u>67</u>
Thomas L. Jipping, <i>The Washington Times</i> , February 26, 2002, Tuesday	
<i>Pittsburgh Post-Gazette</i> , February 28, 2002 Thursday	<u>69</u>
"Judge Smith Should Have Recognized This Conflict of Interest"	<u>69</u>
<i>Pittsburgh Post-Gazette</i> , February 26, 2002 Tuesday	
"A Model of Fairness"	<u>70</u>
<i>Pittsburgh Post-Gazette</i> , February 26, 2002 Tuesday	
"Judging Judge Smith; He Owes the Senate An Apology of Black Cases"	<u>71</u>
<i>Pittsburgh Post-Gazette</i> , February 26, 2002 Tuesday	
"Setting the Record Straight on Judge D. Brooks Smith"	<u>72</u>
<i>Pittsburgh Post-Gazette</i> , February 26, 2002 Tuesday	
"Judge Smith and Pickering on their work; Choice of president's nominees should not be a political decision"	<u>74</u>
Thomas L. Jipping, <i>The Washington Times</i> , February 26, 2002, Tuesday	
"Egg on the Brain"	<u>76</u>
<i>Nation (The)</i> , March 04, 2002	
"Judging personal beliefs"	<u>78</u>
Thomas L. Jipping, <i>WorldNetDaily.com</i> , February 28, 2002	

Transcripts/Members of Congress

"Kyl Lauds Confirmation of Tucsonan Cindy Jorgenson for Federal Judgeship, Senator Says Help is on the Way for Overworked Federal District Court."	<u>80</u>
Senator John Kyl, <i>Congressional Press Releases</i> , February 26, 2002, Tuesday	
<i>FOX SPECIAL REPORT WITH BRIT HUME</i>	<u>81</u>
February 26, 2002 Tuesday	

aspects of U.S. District Judge D. Brooks Smith's handling of the John Gardner Black investment fraud case, a subject of Smith's confirmation hearing in the Senate yesterday.

The controversy has to do with whether Smith recused himself quickly enough after it became clear that Mid-State Bank, where his wife was an officer and where he and his wife had invested more than \$100,000, might have helped Black hide losses from investments he managed for dozens of Pennsylvania school districts and a handful of municipalities. The Securities and Exchange Commission sued Black Sept. 26, 1997, and was granted a temporary restraining order freezing all assets in question. A month later, at the request of the SEC and court-appointed trustee Dick Thornburgh, Smith allowed investors access to half of their assets, pending a final resolution as to how much each district was owed.

In doing so, Smith continued to treat similarly those districts whose assets sat in a pooled account at Mid-State Bank, where most of the investment losses occurred, and those whose assets were placed elsewhere and had not incurred heavy losses. The Feb. 20 story described this as Smith "pooling" the assets of all districts but might more accurately have described it as continuing to pool their losses, just as the original freeze had done.

The story went on to point out that Smith's ruling did not stand, suggesting that U.S. District Judge Donetta Ambrose, who took over the case after Smith recused himself, found fault with Smith's October order. In fact, Ambrose approved his order in December.

It was not until five months later, after receiving new information on remaining assets and a flurry of legal briefs, that Ambrose rearranged the case. She ruled that the districts whose assets had not been pooled at Mid-State be given access to all their holdings. Those who suffered losses in the pooled account at Mid-State would get 90 percent of their share of the assets that remained.

The 3rd U.S. Circuit Court of Appeals upheld her decision in December 1998 and said the non-pooled assets should not have been frozen. Therefore, while Smith's ruling did not ultimately stand, it was initially upheld and altered only after the case had progressed.

Altoona Judge Fails to Satisfy Biden's Concerns; Lack of Candidness Could Spur Filibuster

Ann McFeatters
Pittsburgh Post-Gazette
February 27, 2002 Wednesday

District Court Judge D. Brooks Smith of Altoona, fighting hard to win Senate confirmation as President Bush's nominee for the 3rd U.S. Circuit Court of Appeals, still faces a barrage of questions from Sen. Joseph Biden, who warned yesterday that he would filibuster against the

judge on the Senate floor if Smith were not "candid" in his replies.

Time ran out at yesterday's hearing for Smith before the Senate Judiciary Committee, as several senators who said they still had questions for the nominee had to hasten to the floor for votes. Smith's hearing finally was adjourned when Biden, D-Del., was delayed, and Smith was told that he would get a batch of written questions next Tuesday. But the impact of answers to written questions is rarely as great as an open hearing's give-and-take between lawmakers and witnesses. Pennsylvania's two Republican senators, Arlen Specter and Rick Santorum, both spoke strongly on behalf of Smith, 50, whom President Ronald Reagan named to the District Court in 1988, when the nominee was 36. Santorum said Smith has "incredible support" from an "incredible array" of people," including 17 members of Congress. He said "national interest groups" -- representing environmental, civil rights and women's issues -- were "weighing in" to try to discredit the judge.

Smith was accompanied by a phalanx of supporters, including nearly a dozen lawyers. Among the group were Timothy Lewis, a former 3rd Circuit judge who returned to private practice in 1999, quitting the seat that Smith has been nominated to fill; Duquesne University law professor Ken Gormley; and Reps. Melissa Hart, R-Bradford Woods, and William Coyne, D-Oakland.

The concerns raised yesterday over Smith's nomination were from Democrats and focused on three areas: His legal seminar attendance at resorts, judicial philosophy and his delay in recusing himself in a controversial case.

Sen. Russell Feingold, D-Wis., characterized the 12 seminars at resorts around the country that Smith attended as intended to influence judges in cases affecting large corporations. Feingold said only four other federal judges have attended more such seminars.

Smith responded that it is his job to hear "different points of view on a daily basis; it's what we're about. I can hear these points of view without being influenced."

When Feingold asked why Smith hadn't reported the seminars' value, which were estimated to be worth about \$30,000, the judge said it was his understanding that he didn't have to. He said he had made "more than one phone call" to try to discover the seminars' funding and learned that they came from 'dead men's [foundation] money.' "

When Feingold noted that Bethlehem Steel had been a sponsor of at least one and that Smith had presided in several cases involving that company, the judge said he hadn't been aware of that sponsorship. But Smith sought to assure the committee that in the future, "until I can be satisfied that funding is not a problem, I won't attend" such seminars.

Biden asked about a 1993 speech that Smith gave to the Pittsburgh Federalist Society, in which Smith raised constitutional questions about the Violence Against Women Act. The measure, which the senator had sponsored, gave women the right to seek federal court redress under civil rights laws. The Supreme Court later struck down part of the law.

In his speech, Smith had laid out a view of federalism asserting that if the Constitution doesn't specifically grant a power to the federal government, Congress can't pass a law dealing with it. Some critics suggest that if such a view were to prevail on the federal bench, it would negate many civil rights and environmental laws.

Biden said he accepted Specter's word that Smith has the temperament and character for the appellate job, but he still had other questions for Smith. Biden said that if he felt Smith were not being candid or advanced the argument that he couldn't discuss issues that might come before him, "I'll filibuster on the floor of the Senate" to defeat Smith, even though he had "never taken that step in my life." Biden and Smith appeared to differ sharply in their view of states rights vs. federal rights.

Several senators asked Smith why he hadn't recused himself sooner in a case involving a U.S. Securities and Exchange Commission's suit against former Altoona investor J. Gardner Black, now serving 41 months in jail for defrauding 75 school districts through risky investments. Black's bank, Mid-State, which employed Smith's wife and in which the couple had at least \$100,000 of stock, was involved in the case, though not a direct party. Still, the bank later had to pay a settlement of \$51 million to the districts.

Because it was not a party to the suit, Smith said, he saw no sufficient reason to recuse himself under federal law until he saw a report by Dick Thornburgh, the case's trustee and a former Pennsylvania governor and U.S. attorney general. Thornburgh said the bank might be more involved in the case than it had seemed at first. Smith said he had issued rulings in the case for a month, some of which seemed to favor the bank, "with the belief that Mid-State Bank was nothing more than a depository."

Four days after receiving Thornburgh's report, he recused himself, citing his wife's employment but not his own financial interest. The law does not require judges to give a reason for stepping aside.

Later, Smith also presided for about five months in a criminal case the federal government brought against Black until the defendant himself requested that the judge recuse himself.

Smith's supporters maintain that he acted properly. But under continued Feingold questioning, Smith himself said, "With the benefit of hindsight, I wish I had recused earlier."

Specter noted that of 5,298 cases Smith has handled as a federal judge, only 526 were appealed and 53 reversed -- just about a 10 percent reversal rate. That, he said approvingly, is less than the 11.7 percent rate for the 3rd Circuit as a whole.

Judge Defends Role In Seminars, Bank; Senators Question Appellate Nominee

Edward Walsh
The Washington Post
February 27, 2002, Wednesday

U.S. District Judge D. Brooks Smith defended himself before the Senate Judiciary Committee yesterday as Democratic senators questioned his expense-paid attendance at legal seminars sponsored by conservative groups and his handling of a 1997 case that involved a bank where his wife worked and in which he had a substantial financial interest.

Smith, who has been nominated by President Bush for a seat on the 3rd U.S. Circuit Court of Appeals, said the seminars were "educational" but had not influenced his judicial views. "Judges are accustomed to hearing different points of view," he said. "It's

what we do." Defending his decision to preside over the 1997 case for a month before he removed himself, Smith said he did not think at the outset of the proceeding that Mid-State Bank of Altoona, Pa., was anything more than the "depository" for funds that an investment adviser was accused of defrauding from several school districts in western Pennsylvania.

But after a while, Smith said, he "became uneasy" about the bank's role in the case and recused himself, citing his wife's job. He said he did not disclose his financial interest in the bank because he did not consider the bank to be financially liable in the case.

Smith's wife, Karen, was a vice president of Mid-State at the time. The couple jointly owned at least \$ 100,000 in stock in a holding company that controlled the bank.

While most of the questions at yesterday's hearing concerned Smith's travels to the seminars and the 1997 fraud case, the most serious threat to his nomination was voiced by Sen. Joseph R. Biden Jr. (D-Del.).

Biden said he was most concerned about Smith's "judicial philosophy" and warned the judge that if he attempted to duck questions by saying that the issues might come before him on the circuit court, "I will do everything I can to defeat you," including resort to a filibuster.

But during the 10 minutes allotted to him, Biden asked only one question, then left the hearing room before Smith could answer and did not return for a second round of questioning.

Sen. Russell Feingold (D-Wis.) said that between 1992 and 2000, Smith attended 12 seminars sponsored by the Foundation for Research on Economics and the Environment and George Mason University's Law and Economics Center, which espouse conservative legal views and paid about \$ 30,000 to cover Smith's expenses.

Smith said he would not attend such seminars again unless he were satisfied that funding for groups sponsoring them did not come from corporations or others who had issues before his court.

Smith, 50, chief judge of the U.S. District Court for Western Pennsylvania, has come under fire

from several liberal groups that accused him of too often siding with "powerful interests" while neglecting "the rights and needs of ordinary Americans." The groups have cited a 1993 speech Smith gave to the Federalist Society of Pittsburgh that assailed the constitutionality of the Violence Against Women Act, a portion of which was later struck down by the Supreme Court. Smith said yesterday that he was "absolutely committed to adhering" to the portions of the law that were not struck down.

Republicans on the committee defended Smith throughout the questioning, which Sen. Orrin G. Hatch (R-Utah) said was inspired by "the usual liberal lobbyists and interest groups in Washington."

Meanwhile yesterday, the committee postponed for a week a vote on the nomination of U.S. District Judge Charles W. Pickering to the 5th U.S. Circuit Court of Appeals.

2nd judicial nominee hit in Senate; Democrats criticize Smith; GOP cries foul over 'pattern'

Audrey Hudson
The Washington Times
February 27, 2002, Wednesday

Senate Democrats yesterday broadened their criticisms of President Bush's judicial nominees to another circuit court candidate, in what Republicans said was a growing pattern of delay and character assassination.

District Judge D. Brooks Smith, chief judge of the Western District of Pennsylvania, faced tough questioning from Judiciary Committee Democrats, as a vote on another embattled nominee was delayed.

"It is absolutely a pattern," said Sen. Jeff Sessions, Alabama Republican and Judiciary Committee member.

"They are taking a series of insignificant and isolated events in a person's life and creating a caricature of that person. Then they ask the Senate to vote down the caricature, not the person," Mr. Sessions said. Led by People for the American Way, liberal groups oppose Judge Smith's views on states' rights, civil rights, the environment and consumer protection. The groups and Democrats also question the conservative nominee's judicial ethics and recusal from a fraud case.

Sen. Joseph R. Biden Jr. said he would maintain an open mind with regard to Judge Smith's nomination, but in the same breath threatened to defeat the nominee if he were not completely forthcoming to all questions from Democrats.

"I will do everything in my power to defeat you, including moving to the Senate floor to take

action I've never taken in my life as a United States senator, a filibuster," Mr. Biden said.

In a 1993 speech to the Pittsburgh Federalist Society, Judge Smith criticized the Delaware Democrat and his efforts to pass the Violence Against Women Act, some portions of which were overturned by the U.S. Supreme Court.

Judge Smith maintains that states, not the federal government, have power over domestic-violence laws.

Mr. Biden recognized that Judge Smith's foresight was correct but said he was more interested in the nominee's future behavior.

"I care about your judicial philosophy. I don't care where you went; I care about where you are going," Mr. Biden said.

Senate Minority Leader Trent Lott, Mississippi Republican, agrees that a pattern is emerging with regard to circuit judge nominations that are delayed or not even considered by Democrats who control the Senate.

The Senate has approved 33 district judges and seven circuit judges, including two confirmed yesterday by a 98-0 vote: Robert Blackburn to the U.S. District of Colorado and Cindy K. Jorgenson to the U.S. District of Arizona. Still pending in committee are 22 circuit judges and 28 district judges.

"I'm not satisfied with the way the president's nominees for the federal judiciary are being treated," Mr. Lott said.

Mr. Lott requested that a committee vote tomorrow on District Judge Charles W. Pickering to a circuit post be postponed one week to allow him more time to answer additional written questions from Democratic senators.

"I do think that Judge Pickering has been treated very poorly," Mr. Lott said. Judge Pickering is one of five nominees who have had hearings but no committee votes.

In addition to two hearings and an intense examination of hundreds of Judge Pickering's written opinions, Mr. Lott said, one Democrat has submitted a list of 78 questions the Mississippi jurist is still answering.

"I think that at least Judge Pickering should have the opportunity to respond to the questions," Mr. Lott said.

Sen. Patrick J. Leahy, Vermont Democrat and Judiciary Committee chairman, said the process would move more quickly if the White House would work with home-state senators "to identify fair-minded, non-ideological, consensus nominees to fill these

court vacancies."

"As we move forward, I have urged the White House to show greater inclusiveness and flexibility and to help make this a truly bipartisan enterprise," Mr. Leahy said.

Democrats peppered Judge Smith with numerous questions about the number of judicial seminars he had attended, a case in which he recused himself and the Federalist Society speech. A committee vote on the Smith nomination has not been scheduled.

"Anyone who has been reading the newspapers in the past few weeks knows that it would be impossible to comment on Judge Smith's credentials without mentioning the attack he has come under from the usual liberal lobbyist interest groups in Washington," said Sen. Orrin G. Hatch of Utah, the Judiciary Committee's ranking Republican.

"As President Reagan would say, 'There they go again,'" Mr. Hatch said.

Judge Smith took an untold number of trips to seminars totaling \$30,000. Such trips are opposed by Sen. Russell D. Feingold, Wisconsin Democrat and a sponsor of legislation to ban such trips. Judge Smith told the committee he would not take any trips as a circuit court judge if they appeared improper or created a conflict of interest.

Judge Smith recused himself during a 1997 fraud case involving Mid-State Bank, where his wife, Karen, was vice president of lending. The Smiths also held \$100,000 to \$250,000 of Mid-State Bank stock and a 401(k) fund with the bank in the same amount.

The fraud charge was not leveled at the bank, but a client was accused of defrauding dozens of Pennsylvania school districts.

"At no time did I have an actual conflict of interest that required my automatic disqualification," Judge Smith said.

To avoid an appearance of a conflict of interest, Judge Smith said, he recused himself in the middle of the case, but the rulings he already had made were "neither illegal nor unethical."

"None of the parties, lawyers or judges nor the trustee has questioned my conduct," Judge Smith said.

Sen. John Edwards, North Carolina Democrat, asked numerous questions of state versus congressional authority, including whether Congress had the right to pass legislation making terrorist hoaxes illegal and to criminalize drug use.

"Absolutely," Judge Smith answered each time.

Mr. Sessions cited the American Bar Association's unanimous rating of Judge Smith as "well

qualified" as a reason to support the judge.

"He will follow the law, even if he does not agree with it," Mr. Sessions said.

By opposing Pickering, Democrats deal blow to Lott

Ana Radelat

Gannett News Service

February 26, 2002, Tuesday

WASHINGTON -- Democrats may bury Judge Charles Pickering's nomination to the 5th U.S. Circuit Court of Appeals this week, dealing a blow to the White House and to the judge's chief champion on Capitol Hill -- Sen. Trent Lott, R-Miss.,

Lott, a 30-year friend and political ally of the Hattiesburg-based federal judge, promoted Pickering's candidacy at the White House and pressured the Democratic-controlled Senate to move on the nomination.

But Lott angered Senate Democrats -- especially Sen. Patrick Leahy, D-Vt., head of the Senate Judiciary Committee -- by accusing them of dragging their feet on consideration of nearly 100 other Bush judicial nominees. Lott also threatened to block legislation if Leahy's committee failed to schedule hearings on Bush nominees.

Democrats say they're processing Bush's candidates more quickly than Republicans handled President Clinton's judicial nominees when the GOP controlled the chamber. The fight over judicial nominations has left both sides bitter and may have strengthened Democratic resolve to oppose Pickering's candidacy. "In politics the cliché 'what goes around comes around' is truer than in any other field," said Martin Wiseman, head of the Stennis Institute at Mississippi State University.

The Senate Judiciary Committee -- composed 10 Democrats and nine Republicans -- may vote Thursday on Pickering's nomination. Only two committee members say they'll vote "no" on the nomination -- Sens. Chuck Schumer, D-N.Y., and Dianne Feinstein, D-Calif.

But Feinstein said "there is virtually unanimous opinion on the Democratic side" of the panel that Pickering will not be confirmed.

"I think that people on our side believe that it would be a tremendous mistake to put someone as polarizing in this position now," Feinstein said during a Sunday "Meet the Press" interview.

Democrats on the Judiciary Committee -- some of the most liberal members of their party -- and dozens of special interest groups ranging from the National Association for the Advancement of

Colored People to the American Association of University Women, are concerned Pickering would increase the 5th U.S. Circuit Court of Appeal's conservative tilt. Those opposed to his nomination hope it is buried by an unfavorable vote in the Judiciary Committee and the full Senate never has a chance to consider his candidacy.

But the fight over Pickering has other implications for the White House and for Lott, whose job as Senate minority leader is to promote Bush's judicial nominations.

Pickering's defeat would pave the way for the derailment of other controversial judicial candidates, including D. Brooks Smith, nominated for a seat on the 3rd U.S. Circuit Court of Appeals; Miguel Estrada, a nominee for the District of Columbia Circuit of the U.S. Court of Appeals; and Jeffrey Sutton, a nominee for the 6th U.S. Circuit Court of Appeals.

Wiseman said Pickering would not have had a problem if the Senate had not changed hands in the summer when Sen. Jim Jeffords, I-Vt., bolted from the GOP, throwing the majority to the Democrats. If the GOP had retained control of the Judiciary Committee, it's likely it would have swiftly approved the 64-year-old federal judge whom detractors have dubbed "Lott's judge."

There's some indication Lott thinks the partisan fight over the judgeship has a personal angle. He has accused Pickering's opponents of taking a "snooker shot" at him.

Lott spokesman Lee Youngblood hinted at retribution.

"I'm sure that if they don't confirm Pickering ... that Senator Lott will be fairly angry and will consider appropriate action," Youngblood said.

Wiseman said opposition to Pickering was an unusually tough challenge for Lott, who personally lobbied many Senate Judiciary Committee Democrats -- as well as the sole Republican on the panel who appears to have reservations about Pickering, Sen. Arlen Specter, R-Pa.

"As good as he is at behind the scene deal making, he's had problems with this one," Wiseman said. "And (Lott's) not been asleep at the wheel."

Meanwhile Democratic resolve to block Pickering seems to be hardening. The judge has received dozens of written questions from panel Democrats -- most about the same issues raised during a grueling Feb. 7 Judiciary Committee hearing on the confirmation. Pickering's written responses will not be released until later this week.

In addition, Sen. Russ Feingold, D-Wis., has circulated a letter from Stephen Gillers, a vice dean at New York University's School of Law, that said it was improper for Pickering to solicit letters in support of his nomination from lawyers who regularly appear before him.

"Judge Pickering's conduct creates the appearance of impropriety, in part, because of the power

federal judges, and particularly federal trial judges, have over matters that come before them," Gillers wrote.

Senate Confirms Robert E. Blackburn For Federal Bench in Denver

States News Service

February 26, 2002, Tuesday

The Senate officially confirmed State District Judge Robert E. Blackburn of Las Animas for a seat on the federal bench in Denver with a 98-0 vote on Tuesday morning.

Blackburn, 51, currently holds court in Crowley, Otero and Bent Counties. President Bush first nominated Blackburn for the position on Sept. 10 of this year.

The onetime Black Angus cattle rancher has practiced law as a private lawyer, a deputy district attorney, and state judge. Colorado Gov. Roy Romer, a Democrat, first named Blackburn to the state bench in 1988.

Blackburn is expected to be sworn in sometime this spring and for a spot with the U.S. District Court of Colorado in Denver that has been vacant since 1998.

Colorado's two Republican senators, Ben Nighthorse Campbell and Wayne Allard, first suggested Blackburn to the White House as a possible nominee to the federal bench following a recommendation from an independent judicial review committee formed by the two lawmakers.

Both Colorado Senators praised Blackburn following the final Senate confirmation vote.

"Tough, fair, and engaged in his work, Judge Blackburn is an asset to the judicial system," said Sen. Ben Nighthorse Campbell, R-Colo. "These professional qualities are important characteristics that have served him well and will continue to do so in his new endeavors."

Noting that the federal bench in Denver has been in need of new judges, Allard enthusiastically welcomed Blackburn's final confirmation.

"For too long the people of Colorado have gone without their full compliment of judges," Allard said. "Today's Senate confirmation of Judge Blackburn, along with it's earlier confirmation of U.S. Bankruptcy Judge Marcia Krieger, will help greatly in addressing the delays citizens have been experiencing due to those unfilled vacancies on Colorado's District Court."

Lott delays vote on judge Pickering

Ben Bryant

The Sun Herald

"CAPITOL HILL HEARING TESTIMONY –Senator Patrick Leahy"
Federal Document Clearing House Congressional Testimony
February 26, 2002, Tuesday

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Interest Groups/Press Releases

"Alliance For Justice Raises Serious Concerns About Judge D. Brooks Smith,
His Nomination To U.S. Court Of Appeals For 3rd Circuit"
Nan Aron, *U.S. Newswire*, February 26, 2002 Tuesday

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General Judicial Articles

Judiciary Democrats Grill Pa. Judge

Jesse Holland
AP Online
February 27, 2002 Wednesday

Two Republican judges looking to step up to the Court of Appeals level will have to wait at least until next week before finding out whether the Democrat-controlled Senate Judiciary Committee will send their nominations to the full Senate.

U.S. District Judge D. Brooks Smith faced grilling from Judiciary Democrats on Tuesday at his nomination hearing. They questioned his failure to step down immediately when a fraud case involving a bank where his wife worked came before his court. Smith, whom President Bush has nominated for the 3rd U.S. Circuit Court of Appeals in Philadelphia, said he disqualified himself after a month because of the appearance of conflict of interest, although he wasn't required to.

"I wish I had recused myself earlier," Smith said.

Under committee rules, senators now must wait at least a week before they can even bring up Smith's nomination for a vote.

The committee also put off a vote scheduled Thursday on U.S. District Judge Charles Pickering, whose conservative record as a state lawmaker and a federal judge has been questioned by Democrats.

It will be next week at the earliest before the panel considers Pickering's nomination by Bush to the 5th U.S. Circuit Court of Appeals in New Orleans.

Senate Minority Leader Trent Lott, R-Miss., asked the committee to give Pickering extra time to answer a "long list" of written questions submitted by senators after his second confirmation hearing.

February 28, 2002, Thursday

WASHINGTON _ At the request of Senate Minority Leader Trent Lott, R-Miss., the Senate Judiciary Committee has postponed a vote on the nomination of Judge Charles W. Pickering Sr. to the 5th U.S. Circuit Court of Appeals.

The vote, originally scheduled for Thursday, will take place "sometime next week," said Mimi Devlin, a spokesman for the committee's Democratic majority. Lott said he asked for the postponement to give Pickering more time to respond to written questions submitted to the judge by committee members three weeks ago. He said one senator, whom he did not identify, gave Pickering 78 questions. "I think that Judge Pickering has been treated very poorly," Lott said.

Meanwhile, four Pickering opponents from Mississippi took their case to Lott and Sen. Thad Cochran, R-Miss., in private meetings Tuesday. One of the judge's foes, Kathy Eglund of Gulfport, Miss., said his confirmation would mean "retrogression" on civil rights issues.

Eglund said the news media has distorted the level of support among Mississippi blacks for the judge, who has been endorsed by blacks in his hometown of Laurel and by Charles Evers, brother of slain civil rights leader Medgar Evers. But Pickering's home-state black proponents are more loud than numerous, said Eglund, a veteran of the NAACP who is serving her second term on the organization's national board of directors.

"Charles Pickering would open a gateway of horror in our own back yards," she said, citing decisions Pickering issued against plaintiffs in employment discrimination cases. "I can't speak for anybody else, what's on their hearts." Pickering's nomination has been criticized by Democratic senators and interest groups that have called his legal record "insensitive and sometimes even hostile" to civil rights. They have also questioned whether he violated judicial ethics by intervening on behalf of a cross-burning suspect in 1995. Eglund and the rest of the four-person delegation from Mississippi assailed the judge for calling the cross burning, which took place in Walthall County in 1993, a "drunken prank."

Pickering asked federal prosecutors to reduce the charges against one of the three suspects, whom he deemed less responsible for the crime than the others.

"That (Pickering) would call burning a cross 'a drunken prank,' I can't tell you how offensive that is to me," said Richard Glisson, president of Students Envisioning Equality through Diversity at the University of Mississippi. "In fact, I'll go far enough to say that Sen. Lott is racially insensitive for nominating him."

Glisson and Eglund were joined by Jolivet Anderson and Betty Thompson, both of Jackson, for the meetings with Lott and Cochran, who both said they still support Pickering.

But staffers for the Democratic senators on the Senate Judiciary Committee predicted the vote would go against the judge and said the delay would make no difference in the vote.

"We're pretty unified on this side," one said, echoing comments made Sunday by Sen. Dianne Feinstein, D-Calif., a committee member.

Judicial gridlock in Senate: same story, different setting

Noelle Straub

The Hill

February 27, 2002 Wednesday

Despite Republican accusations that Senate Democrats are moving too slowly on President Bush's judicial nominees, legal experts say the nominations are proceeding at a pace roughly on a par with previous congresses.

However, the same experts argue that the confirmation process still needs reforming, citing the fact that 95 of the 844 federal circuit and district court judgeships, or about 11 percent of the total, remain vacant.

For more than a decade, each party has blamed the other for holding up nominees on ideological grounds, a debate currently focused on Bush's controversial nomination of District Judge Charles Pickering of Mississippi to the 5th Circuit Court of Appeals, and likely to grow louder if Bush has the opportunity to fill any vacancies on the U.S. Supreme Court.

The GOP complaints echo those made by Democrats in the 1990s, when many of President Clinton's nominees were held up for months or even years or never given a hearing by a Republican Senate.

But legal experts say this is a case of the pot calling the kettle black, with both sides treating nominees roughly the same when in control of the Senate. Sarah Binder, a fellow at the Brookings Institution and political science professor at George Washington

University, said that much like previous years, the Senate is confirming district court nominees while nominees to higher-profile appellate courts get bogged down.

But Binder asserted that the parties do not hold up nominees solely for revenge. "My sense is that the Democrats aren't playing tit for tat. Both sides did it because they care deeply about the ideological makeup of the courts."

Michael Gerhardt, law professor at the College of William and Mary and author of *The Federal Appointments Process*, noted that the Senate Judiciary Committee faced an unprecedented situation in the past year. Democrats suddenly took control of the

Senate in June and Vermont's Patrick Leahy (D) replaced Utah's Orrin Hatch (R) as chairman, and the panel had to expedite antiterrorism legislation after Sept. 11.

Democrats also insisted on waiting for the American Bar Association (ABA) to provide ratings

on nominees before acting on them. Last March, Bush ended the 50-year practice of sending the names of judicial nominees to the ABA before sending them to the Senate.

"I don't think we're off the chart with anything terribly unusual going on [in the Judiciary Committee]," Gerhardt said. "I don't think either side is without some blame. ... The pattern over the last decade has been that judicial selections have been relatively slow and filled with a lot of payback."

As of Monday, there were 50 Bush nominees for circuit and district court slots pending before the Judiciary Committee.

But the average number of days from nomination to confirmation for judicial nominees - a good indication of how quickly the panel is acting - has improved this session.

It took an average of 106 days for the process when Democrats controlled the Senate during President Reagan's last two years in the White House in 1987-88, according to Judiciary Committee statistics.

That number remained fairly steady during the next two Congresses - 106 days and 114 days - when Democrats still controlled the Senate and acted on the first President Bush's nominees.

The average dropped to 80 days during President Clinton's first two years in office but rose again after Republicans took back the Senate in 1994, peaking at 225 during 1997-98.

Since Democrats took control of the Senate last June, that number has again fallen, according to Sheldon Goldman, professor of political science at the University of Massachusetts at Amherst and author of *Picking Federal Judges: Lower Court Selection from Roosevelt through Reagan*.

"The average number of days for those confirmed in 2001 is some 25 or 30 days less than what it took the Republicans during the previous Congress," he said.

Goldman stressed that, although Leahy and his staff are moving quickly on the noncontroversial nominees, the system needs an overhaul.

"That is so badly needed, because we've come to a crisis point where there is obstruction and delay instead of advise and consent on the part of a number of senators," he said. "It's not Senator Leahy who is obstructing and delaying, just as it was not Senator Hatch who was. But they cannot unilaterally change the rules."

With rising concern over the vacancy rate, both Leahy and Hatch, now the ranking member, cite different statistics to bolster their argument that they treated judicial nominees fairly.

Leahy points out that from the day Democrats took control of the Senate through the end of 2001, the chamber had confirmed 28 of Bush's nominees. That increased to 37 by the start of the President's Day recess.

By contrast, the Senate confirmed 27 of President Clinton's nominees his first year in office, and 15 of former President Bush's nominees in his first year, 1989.

"In the six years that a Republican majority was considering President Clinton's judicial nominations, more than 50 nominees never received a hearing and a committee vote," Leahy told the Senate last month. "During those years, the Republican majority in the Senate went entire sessions without confirming a single judge for the Courts of Appeals."

But Republicans point to nominees who have not yet been given hearings and to the 50 Bush circuit and district court nominees pending before the Judiciary Committee.

Charles Fried, solicitor general under the first President Bush, said that Leahy's refusal to schedule hearings on George W. Bush's judicial nominees is "disgraceful and unjustified."

He added, "Which isn't to say that the Republicans didn't do the same thing, but I don't think they did it as much."

Hatch defends his record vigorously. Soon after Democrats took control of the Senate in June, he told the Judiciary

Committee, "I would like to address some recent attempts to reinvent history by repeating the convenient myth that I, as chairman, blocked President Clinton's judicial nominees on the basis of political ideology."

Hatch cited the overall rate of confirmations under his watch. During Clinton's two administrations, the Senate confirmed 377 judicial nominees, only five short of the all-time record of 382 confirmed under President Reagan.

Goldman urged the Democratic and Republican leadership to change the ground rules for nominations, guaranteeing every nominee a hearing and vote no matter who controls the Senate and White House.

But he predicted the process will only be changed if both sides accept fault for the current situation.

"Everyone plays the blame game," he said. "You can trace it back to the 1980s. But there's no question that in the 1990s the Republicans ratcheted up the stakes here. ... The Democrats very understandably don't want to do this unilaterally because that's not going to solve the problem."

The situation has reached a crisis point, according to Dick Carelli, spokesman for the Administrative Office of the U.S. Courts.

"Vacancies now are at a level that is problematic for the federal courts," he said. "So is the lack of new judgeships. The Congress and the executive have not provided for a new judgeship bill since 1990. The caseload of the federal judiciary has mushroomed since 1990."

In the end, the controversy over the judicial nomination process comes down to specific seats that are left open for long periods of time because of controversial nominees.

"It's gotten to the point where we're jeopardized the ability of the judicial branch of government to do its job," Goldman said. "The process of obstruction and delay should end."

Mixed Signals in Senate Battle Over Appeals Court Nominee

Neil A. Lewis
The New York Times
February 28, 2002, Thursday

For a time, it appeared today that Senator Trent Lott, the Republican leader, was sending a classic Washington public hint to a friend.

Mr. Lott told reporters that Judge Charles W. Pickering Sr. would have to decide on his own whether to continue his efforts to be confirmed to the United States Court of Appeals for the Fifth Circuit, based in New Orleans. "I'm not advocating this, but he's got to decide whether he wants to go forward with a vote if the votes aren't there, whether he wants to terminate the process," said Mr. Lott, a Mississippi Republican.

The Senate Judiciary Committee postponed a vote scheduled for Thursday on the Pickering nomination at Mr. Lott's request as it appeared increasingly likely that the committee's Democrats, who hold a 10-to-9 majority, would band together and reject the nomination.

But this evening, Judge Pickering's son, Representative Charles W. Pickering Jr., said Senator Lott had assured him that he did not intend to nudge his father to withdraw. Aides to Mr. Lott said the same thing.

"My father has no intent of withdrawing," said Representative Pickering, Republican of Mississippi, "and we believe it's still a winnable fight and the right fight to have."

The Pickering nomination has turned into the Bush administration's first major judicial confirmation battle. Liberal groups have portrayed Judge Pickering, who has been a federal trial judge in Mississippi for 11 years, as hostile to civil rights plaintiffs. His supporters say that this is unfair and that Judge Pickering is a leading figure in racial reconciliation efforts.

Judge Pickering's son signaled a possible strategy for getting his father confirmed when he said his father deserved a vote on the full Senate floor. That means that even if the Judiciary Committee votes against the nomination, Judge Pickering's supporters would seek to have the nomination reported to the full Senate. The Democrats hold a one-vote majority there, but the Pickering forces would try to win one or more Democrats to their cause.

Bush Makes Plea for Pickering Vote

Mark Preston
Roll Call
February 28, 2002

With tempers flaring in the Senate over the controversial circuit court nomination of U.S. District Judge Charles Pickering, President Bush made a personal plea yesterday to Majority Leader Thomas Daschle (D-S.D.) to confirm the Mississippian.

The President's request for Pickering's quick confirmation came in the context of a larger conversation on the pace of judicial nominations in the Senate during a semiregular breakfast meeting with Congressional leaders at the White House.

"The President raised the subject and I expressed my concerns to Daschle, and the President joined in," said Senate Minority Leader Trent Lott (R-Miss.), who noted this is the first time Bush has weighed in on the Pickering nomination "on a personal basis."

"In the case of Charles Pickering, I expressed my disappointment and my hurt," Lott said of remarks he made to Daschle during the meeting. "This really has become an attack on my state, and it is a very unfair characterization of the judge."

But Daschle disputed Lott's claim that the President made a personal plea to confirm Pickering, who has been a lightning rod for controversy since he was nominated for the 5th Circuit Court of Appeals in September 2001.

"Senator Lott's and my recollection of the conversation is different," Daschle said. "The President didn't ask for a floor vote, he asked what the prospects were, and I said I didn't know."

"There wasn't any request of me to take it to the floor. He made his general views known about the need to move ahead on judges, and expressed the hope that we could confirm as many as possible."

A White House source supported Lott's account of what was discussed in the meeting.

"The President is very concerned about the way Charles Pickering is being treated," the source said. "He is a good man. He is worthy of confirmation and the President believes he should be confirmed."

For now, Pickering's confirmation hearings have been put on hold at Lott's request, providing the Minority Leader with at least one more week to devise a strategy to move his friend's nomination to the floor. But Lott acknowledged that Pickering and Bush must mull their options, including the possibility of having the Mississippian voluntarily step aside to avoid defeat.

"I am not advocating this, but he has got to decide whether he wants to go forward with a vote if the votes aren't there," said Lott, who added that Bush must also assess "whether he wants to terminate the process or go to other people.

"You deal with the issues as they come to a head. Right now we are still hoping for and expecting a vote to report him out."

Even though the Senate confirmed two judges Tuesday, the Pickering battle has highlighted the deep ideological divide between Republicans and Democrats over judicial nominees. But a resolution on the Pickering nomination is unlikely to cool tempers in the chamber. In fact, earlier this week, Democrats and Republicans locked horns over

another nomination, that of U.S. District Court Judge D. Brooks Smith to the 3rd Circuit Court of Appeals.

While Lott said there is some progress being made on district court judges, he charged that the Democrat-controlled Judiciary Committee is purposely dragging its feet on circuit court nominees.

"They are trying their best to delay and not act on those circuit judges," Lott said. "In fact, a lot of those circuit judges were nominated last May and they have not even had a hearing."

A spokesman for Judiciary Chairman Patrick Leahy (D-Vt.) defended the pace, suggesting it had been going much quicker since a Democrat assumed the gavel last summer.

"Under Democratic leadership ... the Judiciary Committee has returned to regular hearings and has a solid record of bringing nominations to the Senate for confirmation," said David Carle, Leahy's spokesman.

So far the Senate has approved seven circuit court and 32 district court judges. There are currently 22 circuit court and 28 district court nominations pending in the Judiciary Committee.

As for his conversation with Bush about Pickering, Daschle said that they discussed the "history of the debate on judges over the years.

"But what I said was that that's a matter for the Judiciary Committee. If the Judiciary Committee doesn't vote the nomination, with or without recommendation, to the floor, then I would be hard-pressed to do anything on the floor. I respect the Judiciary Committee's decisions, and we have to accept those."

While Daschle said he would not push for Pickering to get a hearing if the nominee is voted down in committee, the Majority Leader did reiterate his pledge to allow a vote by the full Senate on any Supreme Court nominee regardless of the Judiciary panel's recommendation.

"I'm reluctant to do that, but I think that matters of that [importance] oftentimes require that the full Senate have an opportunity to be heard," Daschle said. "But I can't extend that to all the nominees from the Judiciary Committee or you wouldn't have to have a Judiciary Committee; you'd just come to the floor with everything.

"And, of course, that's not a luxury that the Republicans afforded us when they were in the majority. But that's not the reason. The reason is it's just important for us to respect the jurisdiction and the responsibilities of the Judiciary Committee."

Op/Eds

The Next Dixiecrats

WALL STREET JOURNAL

February 26, 2002, Tuesday

ABSTRACT

Editorial criticizes US Senate 'borking' of appellate court nominee Charles Pickering Sr by alleging he has racist leanings, particularly 'liberals' who 'have history of turning judicial hearings into political bloodsport'; says the 'vicious' liberal attacks have made the Pickering battle a 'potential watershed'

Judge Pickering's Record on the Right to Choose

The Washington Post

February 26, 2002, Tuesday

Opposition to the nomination of Charles Pickering for the 5th Circuit Court of Appeals stems from his hostility to a woman's right to choose, a record he has never repudiated. Mr. Pickering helped lead the Republican Party to its antiabortion stance at the 1976 convention and has twice sought constitutional amendments to ban abortion.

The states of the 5th Circuit -- Mississippi, Louisiana and Texas -- are among the most active in restricting a woman's right to choose; indeed, Louisiana sought in 1991 to reenact a criminal ban on abortion. Today, these states are enacting laws that attempt to regulate clinics out of existence and encourage ruinous lawsuits against them. Mr. Pickering says he is bound to follow precedent, but nothing in his record or his judicial philosophy suggests that he would see these infringements as unconstitutional. Judges who hold Mr. Pickering's views pose a double threat to

equality, for the laws being enacted in the 5th Circuit fall particularly heavily on poor women and women of color. The Senate Judiciary Committee should not countenance such views by confirming Charles Pickering.

KATE MICHELMAN

President, The National Abortion and Reproductive Rights Action League (NARAL)

His Words Convict Him

Los Angeles Times

February 27, 2002 Wednesday

In two days of testimony earlier this month, Judge Charles Pickering made clearer than ever why the Senate Judiciary Committee should block his elevation to the U.S. 5th Circuit Court of Appeals. One question remains. After poring over Pickering's record and grilling him during the hearing, will the senators who pronounced themselves "troubled" match their rhetoric with the "no" votes this nomination deserves? Responding to sometimes testy questions from committee members, Pickering tried but failed to justify two glaring ethical lapses: Why, as a judge, did he have a forbidden conversation with

prosecutors in 1994 to get a reduced sentence for a convicted cross burner, and why, in recent months, did he lean on lawyers who have appeared before him to write letters supporting his nomination?

Senators also took Pickering back over now-familiar ground: his court decisions that reveal his predisposition to disbelieve claims of racial discrimination, sexual harassment and voting rights violations, and his outspoken and unrelenting opposition as a

Mississippi state senator to abortion, except to save the pregnant woman's life.

Pickering's answers didn't help his case, and since the hearing some Democratic committee members have announced their intention to vote against his nomination, probably next month. Democrats hold a 10-9 majority on the committee. But as

opposition to Pickering mounts, so does the ire of Senate Minority Leader Trent Lott, who has vowed that his friend and fellow Mississippian will be confirmed "or else."

Lott insists that this confirmation fight is about churlish Democrats who, by imposing litmus tests on judicial nominees, seek to deny a Republican president his prerogative to make appointments. It's not. It's about a nominee whose past actions and judicial record amply show him to be at odds with the principles of fairness, independence and equal opportunity that guide our courts and our nation.

If Democrats sink Pickering's nomination in committee, Lott is reportedly considering asking the full Senate for a "motion to discharge" the nomination from the Judiciary Committee, clearing the way for a vote on the floor that he is likely to win. The use

of such a motion would be unprecedented in a judicial nomination fight, not to mention a baldfaced affront to the integrity of the Senate's committee structure.

If Republicans mean what they say about wanting to avoid a polarizing contest, President Bush should withdraw Pickering's nomination. If Lott's pigheadedness pushes the matter to a final battle on the floor, responsible senators must vote no.

It shouldn't come to that. The Constitution's drafters meant the Senate to be a check on the president, and the confirmation process a way to ensure that federal judgeship nominations are more than just payback for political favors. That means when a nominee isn't up to the job--and Pickering isn't--senators on the Judiciary Committee must reject him or her no matter the arm-twisting, no matter the menacing threats of retribution.

Substandard; Pickering's performance on the bench shows why he shouldn't be ratified for federal judge.

Newsday (New York, NY)

February 27, 2002 Wednesday

When Bill Clinton was in the White House, Senate Republicans often let his judicial nominations die without so much as a hearing. Yet lately, Republicans have had the gall to complain about the Senate's allegedly slow pace in dealing with President George W. Bush's choices for federal judgeships.

Not yesterday, though. Yesterday, Republican Minority Leader Trent Lott actually asked the Senate to postpone a decision on promoting a fellow Mississippian from a trial court to the appellate level, to give the nominee more time to answer a long list of questions. And no wonder. The nomination of U.S. District Court Judge Charles Pickering Sr. to the Fifth Circuit Court of Appeals is in serious trouble, as it deserves to be. His record on the bench has been undistinguished at best. In one cross-burning case involving guilty pleas by two out of three defendants, he lobbied the Justice Department vigorously to reduce the mandatory sentence of the third, who had been convicted on three charges. As a state legislator, he was more supportive of civil rights than many, but even there the evaluations are mixed; while many hometown blacks approve of his nomination, the state NAACP does not. To call his record "exemplary," as a Lott spokesman did yesterday, is to ignore too many inconvenient facts.

The Senate Judiciary Committee's obligation is to give Bush's judicial nominees due consideration and come to a decision on each. It is not to rubber-stamp them. A cabinet or White House appointee departs with the president, but a federal judge, once appointed, serves at his own pleasure or his maker's.

That said, a committee with a fragile 10-9 Democratic majority shouldn't try to block every judge nominated by a Republican president. It should embrace nominees who are clearly in the wide mainstream of American jurisprudence and have demonstrated the skills and temperament

"Judge Pickering should have the opportunity to respond to the questions," Lott said.

At least two Democrats aren't waiting on Pickering's answers. Sen. John Edwards of North Carolina joined California Sen. Dianne Feinstein in going public with his intention to vote against Pickering.

His "record as a judge clearly demonstrates that he is willing to put his own views above the law," Edwards said.

The Senate confirmed without dissent two new district judges on Tuesday: Cindy Jorgenson of Arizona and Robert Blackburn of Colorado. They were confirmed by 98-0 votes.

Like Pickering, Smith's supporters said the judge's record is being distorted, and he deserves to be on the higher court. "There is a lot of misinformation about him out there," Sen. Rick Santorum, R-Pa., told the committee.

Democrats questioned Smith, 50, for overseeing for a month in 1997 a fraud trial involving Mid-State Bank.

Smith's wife, Karen Smith, was vice president of the lending department at Mid-State Bank at the time. The Smiths also held Mid-State stock.

Smith said Tuesday he didn't know Mid-State Bank would be involved, and there wasn't enough of a conflict later on to trigger an automatic disqualification.

"I was still satisfied ... there was no specific information that had been presented to me that was sufficient to suggest a basis for recusal," Smith said.

Smith issued several rulings before taking himself out of the trial, but the Justice Department cleared him of any wrongdoing.

Sen. Russ Feingold, D-Wis., questioned Smith's frequency of taking paid educational trips. He said Smith has taken more such trips than all but four judges in the nation. Feingold said the trips' total value was about \$30,000, and some were to resort locations like Hilton Head Island, S.C.

Smith said the trips were purely for educational purposes, but he would not attend similar seminars if elevated to the appeals court unless he was sure it would not cause an appearance of conflict of interest.

Dems Lose in Redistricting Fight

Emily Wagster

appropriate to the job. Judge Pickering's substandard performance on the bench offers scant cause for promotion.

Yet a White House spokesman said yesterday that Bush "believes in Judge Pickering and will fight for Judge Pickering." If so, it's a fight the president deserves to lose.

Who Is Charles Pickering?

Blackelectorate.com

Monday, February 25, 2002

Stacey Barney

This week the nomination of U.S. District Court Judge Charles Pickering, Sr. to the 5th Circuit Court of Appeals will be brought before the Senate Judiciary Committee for a deciding vote, and it is unlikely that the Pickering nomination will be confirmed. But the question as to why Pickering would not be the correct fit for the 5th circuit has become something of a media - flamed political spectacle, which should give any observer pause to wonder what is this really all about?

The NAACP would have us believe the blocking of the Pickering nomination is an honorable effort to maintain the integrity of civil rights legislation, while other groups such as the Alliance for Justice, People for the American Way, and the National Abortion and Reproductive Rights Action League (NARAL) point with worry lines etched across their brows to Pickering's "consistently conservative record on employment, discrimination, voting rights, abortion, and criminal law (Jonathan Groner of Legal Times, 2002)."

However, Republicans who support Pickering tell a different story. Plainly they call the scrutiny of Charles Pickering and his judicial record character assassination. In fact, Sen. Mitch McConnell (R-Kent) says this about the judge: "The record of Charles Pickering can be expressed in two words: moral courage. When victims of racial injustice looked for justice, they found it in one man, Jones County Attorney Charles Pickering." Yet, still others daresay the grumblings blocking Pickering's judicial promotion is nothing more than a round of political payback for democrats who remember "three Clinton appointees who were denied [even] the courtesy of a hearing, much less a vote, when Republicans controlled the Senate (Philip Terzian of Pittsburgh Post Gazette, 2002)."

So who is to be believed? Is the Pickering nomination in fact the good fight to be fought and won in the name of civil rights or is it simply new political battleground ripe for partisan posturing? Well, the first question to ask really is who is Charles Pickering, anyway? Is he the champion of minority civil rights who braved the danger of testifying against Ku Klux Klan members during the height of racially motivated slayings or is he the segregationist throwback, a bigot who has written in support of criminalizing interracial

marriages? It's really hard to say, since his record tells us that Pickering is both these men.

To my mind this fact in and of itself necessitates if not demands the careful character scrutiny that Judge Pickering has been subjected to since his first Senate hearing on October 18th - the same scrutiny that some on Capitol Hill are calling regrettable character assassination.

In these hearings we have discovered that yes, Pickering has testified against Klan members. And yes, as Johnny Magee, an African American Laurel business man and member of city council defends, Pickering has even helped Laurel, Mississippi "civic leaders...develop after-school programs to keep Black males from coming into his court on criminal charges." But as Eugene Bryant, President of the NAACP Mississippi State Conference points out, Pickering (when a senator) has "also voted to support the Sovereignty Commission, a state - funded agency established to thwart desegregation efforts resulting from the landmark Brown v. Board of Education." Additionally, Pickering, according to Bryant, has also blocked "the implementation of the 1965 Voting Rights Act, keeping the Mississippi Legislative all white until" 1980. Furthermore, Bryant censures Pickering for referring to "the fundamental 'one-person, one-vote' principle as obtrusive" and "[criticizing] the creation of majority-black districts as 'affirmative segregation.'" While all this and more seems to be true of Charles Pickering, the final nail in his coffin was, ironically, a burning cross.

In 1994 Mickey Herbert Thomas (25), Daniel Swan (20), and a 17-year-old who was charged as a juvenile were suspected of burning a cross on the lawn of a Black homeowner in Pickering's jurisdiction. Thomas and the juvenile offender both reached plea agreements with sentences of supervised release without prison time. Swan, however, went to trial and was convicted. He faced 7 ½ years before Judge Pickering complained to the Department of Justice. Although, the Department of Justice declined to assist Pickering, prosecutors in the case did end up dropping one charge against Swan, and Pickering subsequently sentenced the young man to 27 months instead of the 7 and a half years initially sought by state prosecutors. Pickering defends his actions by pointing out what he believes was a disparity in sentencing among the three assailants. It was the juvenile defendant, Pickering claims, who was in fact the ringleader, and it disturbed Pickering that this defendant did not receive one day in jail. While I agree that the point regarding sentencing disparity is a good one - all should have received prison sentences, I am less sure that this disparity justifies Pickering granting a more lenient punishment to Daniel Swan, a not only culpable defendant (though perhaps arguable in degree), but a convicted defendant. The criminal system rarely treats African American youth with the same consideration.

But perhaps most troubling in regards to Pickering's court decisions in discrimination and civil rights cases aside from the fact that "[Pickering] has often ruled against civil rights claims (Jonathan Groner of Legal Times, 2002)," are the opinions rendered in these cases. Pickering's opponents suggest that often these opinions reflect the judge's personal biases and characterize the language Pickering chooses as harsh and insensitive to plaintiffs.

In Foxworth, et al. v. Merchants Co., a case involving two Blacks who jointly owned a grocery store, and sought damages under the civil rights laws against a supplier who stopped extending

credit, Pickering wrote: "When an adverse action is taken affecting one covered by [civil rights] laws, there is a tendency on the part of the person affected to spontaneously react that discrimination caused the action. All of us have difficulty accepting the fact that we sometimes create our own problems."

In *Seeley v. City of Hattiesburg*, a case involving a Black firefighter who was terminated, and also sought damages under the protection of civil rights laws, Pickering wrote: "The fact that a Black employee is terminated does not automatically indicate discrimination...This case has all the hallmarks of a case that is filed simply because an adverse employment decision was made in regard to a protected minority."

Elliot Minberg, legal director of People for the American Way raises an eyebrow at such statements, and their presence in court opinions saying, "When [Pickering] writes that this case is an unwanted effect of the anti-discrimination laws, this reflects a hostile attitude and sends a message to future plaintiffs. That's very troubling to us."

With all this before us, it makes sense then that the NAACP, along with the Magnolia Bar Association (a predominately Black Mississippi bar group), and a host of other groups looking to protect the rights guaranteed by the constitution, would dare to question and block the nomination of this man, Charles Pickering. His record is one that tells two tales, and while the nuggets regarding Ku Klux Klan testimony and an after-school program for African American youth sound nice, there are too many other aspects of his record that are just plain doubtful and troubling. In looking at Pickering's record it is all the more important to remember that racism did not die with Malcolm X or Martin Luther King Jr. In fact, racism is far more potent as it has become almost a seamless part of American society, especially within the context of our nation's governing bodies.

No, racism did not die. It simply became institutionalized. And it is this institutional racism that keeps Black youth in the penal system without rehabilitation efforts that address the phenomena of miseducation and poverty, which first put our youth in jails and on death row. If confirmed would Charles Pickering be an agent to combat this reality of institutional racism or would he enable it? I'm not so sure. His record doesn't tell me he would be a combatant against racism. His record just makes me nervous.

The second significant question to be asked concerning the Pickering nomination is in regards to the real importance of the 5th Circuit seat, a seat with authority in Louisiana, Mississippi and Texas - densely populated Black territory. If Dianne Feinstein (D-Calif) is to be believed, "...this 5th Circuit seat is as important as a Supreme Court seat...The 5th Circuit once served as a trailblazer for the protection of individual rights - voting rights, employment discrimination. So this becomes a pivotal position for people who have fought for these rights for decades." Pickering's record certainly does not strike me as that of a civil rights trailblazer. At best, perhaps he is a racial progressive, but yet not a fit for this "pivotal" 5th Circuit seat.

So, in the end, who is Charles Pickering? A segregationist racist or a man of moral courage who

is an unfortunate political scapegoat? If these fundamental questions can't be answered with any sense of surety, then Pickering does not belong on the 5th Circuit bench.

Pickering's Fault is Temperament, Not Race

Thomas Oliphant

The Boston Globe

February 26, 2002, Tuesday

WASHINGTON - THE FIRST SERIOUS FEDERAL JUDGE FIGHT OF GEORGE W. BUSH'S PRESIDENCY IS TAKING A WELCOME TURN TOWARD THE UNUSUAL.

The nomination of US District Judge Charles Pickering of Mississippi to the US Court of Appeals for the Fifth Circuit in New Orleans (a simple piece of Trent Lott patronage) started out as a typical left-right tussle - a battle over characterization more than character, in this case unfairly involving race.

But as the Pickering nomination moves toward a vote in the Senate Judiciary Committee, it looks as though his fate will be determined by a standard capable of being applied to nominees regardless of ideology - temperament.

The nomination is in serious trouble. But not because Pickering is a conservative political and social issue activist. It's in trouble because a voluminous paper trail shows that Pickering took his political activism into the judiciary in a manner that is incompatible with his current job and dangerous in a potential appellate judge a rung below the Supreme Court. Almost from the moment Senate Republican leader Lott engineered Pickering's nomination, interest groups on the left mobilized against it, focusing initially on race.

It was poorly thought through and unjust in its imputation of racism. Fortunately, an initial portrait of a garden-variety segregationist 40 years ago turned into a more nuanced picture of a man who not only changed but opposed racists and eventually became part of Mississippi's reconciliation process.

The same guy, however, was an early figure in post-segregation conservative activism and has spent the last dozen years on the bench venting at the laws and doctrines he gets paid to apply.

And he would bring not only a well-known opposition to abortion rights but a record of intense activity on behalf of ending those rights. Pickering was a visible figure in Mississippi's pivotal delegation to the 1976 convention that chose Gerald Ford over Ronald Reagan. As a platform subcommittee chairman at Kansas City, then state senator, Pickering was a leader of efforts to overturn *Roe v. Wade* by constitutional amendment and block support of the Equal Rights Amendment. He also was president of the Mississippi Baptist Convention when it opposed abortion rights even in cases of rape and incest.

Pickering's confirmation hearing pledge to be impartial might have credibility if he didn't violate it continually as a district judge, well known locally for his compulsive commentary on law and precedent outside the boundaries of the cases before him. He's

done it on voting rights cases, privacy issues, employment discrimination matters, habeas corpus petitions, and a criminal case involving a cross-burning incident.

In documents made public as Pickering went before the Judiciary Committee a second time this month, it was revealed that he had leaned on both the prosecutors and the Justice Department to seek a lesser sentence for one of three men who burned a cross on the lawn of a mixed-race couple and then fired shots into their home, where a baby was asleep.

Upset at sentencing guidelines calling for seven years in jail, he leaned on the prosecutors in an out-of-court meeting to recommend a shorter sentence, then contacted their superiors. In the end, the offender got 27 months.

Every confirmation hearing has its "moment," and Pickering's came when Democratic Senator John Edwards of North Carolina led him through the command of judicial ethics that contact with one side in a case is a no-no. The judge was visibly stunned, and his claim not to remember threatening to order a new trial has no credibility.

Lott has no cause to bellyache about Pickering's treatment. His two hearings and an imminent vote stand in contrast to the treatment of President Clinton's nominees to the all-white Fifth Circuit (both Hispanics in an area that is almost half poor and nonwhite); each suffered death by delay and GOP inaction.

Nor should cries of victimization from the Republicans or Mississippi partisans be heeded, even on race. It was Pickering, after all, who got caught in a 1978 US Senate primary spreading the slander in the black community that his opponent, Thad Cochran, had been on the racist White Citizens Council. Cochran, Lott's senior colleague and a man of impeccable conservatism as well as integrity, trounced Pickering.

This is simply a bad nomination and will only be supported by moderate Republicans out of enforced loyalty to Lott, not by dedication to high standards for the federal appellate judiciary.

Wall Street Journal

Tuesday, February 26, 2002

"A fascinating thing has happened on the way to the Senate 'borking' of appellate court nominee Charles Pickering Sr. Taking orders from their interest groups, Beltway Democrats have tried to portray the Mississippian as a modern Lester Maddox. But the African-Americans back in the judge's hometown of Laurel have responded that nothing could be further from the truth. So whom to believe? The people who know Judge Pickering personally and have watched him in court and local politics for years? Or the national liberal lobbies that have a history of turning judicial hearings into political bloodsport?"

Keep Pickering Off Appeals Court

Nora Cusack, Madison
Capital Times (Madison, WI)
February 26, 2002 Tuesday

Dear Editor: The process of confirming President Bush's judicial nominees should not be rushed. Their records need to be carefully examined. Judge Charles Pickering Sr., Bush's nominee to the 5th U.S. Circuit Court of Appeals, has a proven record of opposing civil and reproductive rights. The 5th Circuit is one of the most critical courts in the United States for women's reproductive rights.

As a conservative political activist, Pickering has demonstrated open hostility to a woman's right to choose. Twice he has sought constitutional amendments to ban abortion. This alone should disqualify him from sitting on the 5th Circuit Court of Appeals.

Federal judges serve for life. Both of our senators serve on the Senate Judiciary Committee, which will determine whether Pickering's nomination comes to a vote.

All committee members need to carefully consider Pickering's positions on basic constitutional freedoms, civil rights and reproductive rights.

I ask Sen. Herb Kohl and Sen. Russ Feingold to vote against Pickering's confirmation. All who support reproductive rights need to contact both our senators and urge them to vote against Pickering.

Judge's Views Make Him Unfit

Renae Sieling, Oregon
Capital Times (Madison, WI)
February 26, 2002 Tuesday

Dear Editor: In the past weeks, we have heard quite a bit about the need to speed the judicial nomination process. Missing from this discussion, however, is the fact that many of the Bush administration's judicial nominees hold radical views not shared by the American public. Judge Charles Pickering, judicial candidate for the 5th Circuit Court of Appeals, is just such a nominee. A fervent opponent of a woman's right to choose, he has voted to ban abortion, stop public funding of family planning clinics and against the Equal Rights Amendment. An adversary of civil rights, Pickering has criticized principles protecting civil rights, sought to limit their application and denigrated those who seek to invoke civil rights laws.

Judges with beliefs so out of line with the American public do not belong in a federal appellate

court. With both of our senators sitting on the Senate Judiciary Committee, we in Wisconsin are in a unique position to use our voices to keep Pickering off the bench. Please contact Sens. Russ Feingold and Herb Kohl today and ask them to oppose the appointment of Charles Pickering.

Questions for Judge Smith

The Washington Post

February 26, 2002, Tuesday

THE SENATE Judiciary Committee today takes up the nomination of D. Brooks Smith to the 3rd Circuit Court of Appeals. Judge Smith, who currently serves on a federal district court in Pennsylvania, has not sparked the same hot controversy as President Bush's nominee to the 5th Circuit, Charles Pickering. But senators ought not let his nomination slip through without probing carefully certain aspects of Judge Smith's record. They might start with his opinion in *United States v. Pennsylvania* -- a case in which the federal government sued the state over allegedly substandard conditions in a home for the mentally retarded. Though care was, in Judge Smith's words, "frequently not optimal" -- maggots were found in one resident's ear, ants on others' bodies -- the judge found these to be "isolated incidents" redressed by the facility, and he concluded that there was no constitutional problem. Judge Smith's decisions have often been reversed by the court to which he has been nominated. In one case, for example, the 3rd Circuit wrote that he had "ignored both the letter and spirit of our mandate."

Senators should also ask him about a speech he gave in 1993 on federalism. During the Clinton administration, conservatives blasted appeals court nominee Richard Paez for a speech that, in passing, criticized a nascent ballot initiative in California repealing affirmative action. If intrusion into the political process is the issue, Judge Smith's remarks make those of Judge Paez seem tame. The Smith speech was an argument against the constitutionality of the Violence Against Women Act, then pending

in Congress. Portions of that law did have problems and were later struck down by the Supreme Court. But Judge Smith's speech is particularly disturbing for the remarkably constricted vision of federal power that he embraces. The power to regulate commerce -- a pillar of much federal civil rights law -- was intended by the Founders only "to permit the national government to eliminate trade barriers," he said. Judge Smith went on to lay out his own "brief principles for determining the scope of federal jurisdiction. First, ask whether the subject matter at issue is within the power of the national government by express delegation in the text of the Constitution, or impliedly through a historically honest reading of the necessary and proper clause. If not, stop!" Senators should ask him how such an understanding can be squared -- if it can -- with modern civil rights and environmental statutes.

Finally, Judge Smith should be given an opportunity to clear the air about his decision to preside over a case involving a bank at which his wife was an officer and in whose parent company the two owned large amounts of stock. While the bank was not a party to the litigation, its financial interest in the case seems -- at least in retrospect -- obvious. Judge Smith, however, did not

initially recuse himself, and some of his rulings before he finally did so seemed to be in the bank's interests.

Judge Smith and Pickering on their work; Choice of president's nominees should not be a political decision

Thomas L. Jipping
The Washington Times
February 26, 2002, Tuesday

A truly rare event occurs today in the U.S. Senate Judiciary Committee - a hearing on one of President Bush's appeals court nominees. Only three of even the first 11 nominees named last May have been so blessed.

On the other hand, a now-familiar pattern of abuse is emerging as the far left tries to smear another honorable man and distinguished nominee. This time it's D. Brooks Smith, chief U.S. district judge for the Western District of Pennsylvania and nominee to the U.S. Court of Appeals for the Third Circuit. Judge Smith has experience in private practice, as a prosecutor, an elected state court judge (receiving both Democratic and Republican nominations), and 14 years as a federal judge. He has served on criminal-procedure rules committees for both the state and federal judiciaries and on the board of directors of the

Federal Judges Association. He is a former board member of the Salvation Army and the county Legal Services Corp., Domestic Abuse Project and Society for Crippled Children and Adults. The liberal American Bar Association gave him its highest rating for appointment to the appeals court.

All of this, and the fact that the Constitution lets presidents appoint judges, is apparently not enough. The far left believes judges exist to impose a political agenda, to deliver the political goods. In their world, judges base decisions on political interests rather than the law; they are just supposed to rule the right (or, rather, the left) way in the end. That's why a nominee's personal opinions, values, beliefs and ideology are so important and why they believe only liberals are qualified to be federal judges.

Their attacks on Bush nominees aim to keep individuals not liberal enough off the bench today and to dissuade the president from nominating someone not liberal enough to the Supreme Court in the future. The truth alone, however, won't accomplish the goal. Hence the smear.

The liberal Washington Post's Sept. 17 editorial about appeals court nominee Charles Pickering (the Judiciary Committee votes on him Thursday) correctly described the elements of the smear campaign. It's an "ugly affair" in which the nominee's attackers focus "not on his qualifications, temperament, approach to judging or on the quality of his judicial work." Instead, they try to "paint him" a particular way they believe will make ordinary people recoil and senators vote no.

"To do so," The Post said, "they have plucked a number of unconnected incidents from a long

career. None of these incidents, when examined closely, amounts to much, but opponents string them together, gloss over their complexities and self-righteously present a caricature of an unworthy candidate." It's actually worse than that. When examined closely, it's obvious the far left actually distorts and even makes up those unconnected and irrelevant incidents that form the fake caricature.

They accuse Judge Smith, for example, of failing to recuse himself soon enough in a 1997 lawsuit against an investment adviser who had defrauded school districts and municipalities. Some of the funds had been deposited in a bank employing Judge Smith's wife and in whose parent company the Smiths owned stock. Judge Smith did recuse himself a few weeks into the case. He did so on his own; neither party in the case asked him to. Nor was he required to because the bank was not a party in the case and his wife worked in an unrelated department. Yet Judge Smith's attackers know most normal folks don't know the vagaries and standards of judicial recusal decisions and won't be able to evaluate their false claims.

Judge Smith issued an order that half of the defendant's funds which had been frozen be distributed to the defrauded clients. His attackers' spin is that he maintained the freeze on the other half of the funds. Beyond being just a silly half-empty-or-half-full spin game, they never say that releasing the funds was not Judge Smith's idea at all. He approved the joint recommendation of the Securities and Exchange Commission and Richard Thornburgh, former Pennsylvania governor and U.S. attorney general, who had been appointed trustee and alone controlled the funds.

You'd think that, if anyone, the plaintiff would be most sensitive about Judge Smith's brief involvement in this case. Yet the plaintiffs' lawyer wrote in the Feb. 22 Pittsburgh Post-Gazette that "we are not aware of any impropriety, or even appearance of impropriety, on the part of Judge Smith."

This pattern is clear and disturbing. Some Washington-based group makes a distorted and misleading charge, and those in Western Pennsylvania who know the truth have to set the record straight. Writing in the Feb. 17 Post-Gazette, two Democratic members of the Western Pennsylvania bar wrote that other deceptive claims by Judge Smith's attackers "are misinformed at best" and part of a "dangerous political strategy." Writing in the Feb. 14 issue, the Women's Bar Association of Western Pennsylvania endorsed Judge Smith "without reservation" in response to a feminist group's false claim.

The Washington Post's observation about the Pickering nomination applies across the board: "The need on the part of liberal groups and Democratic senators to portray him as a Neanderthal - all the while denying they are doing so - in order to justify voting him down is the latest example of the degradation of the confirmation process." Today's hearing on Judge Smith and Thursday's vote on Judge Pickering are the chance to change course before it's too late.

Thomas L. Jipping is director of the Free Congress Foundation's Judicial Selection Monitoring Project.

Pittsburgh Post-Gazette
February 28, 2002 Thursday

EXCERPT

A solid reputation We have been dismayed to read of the efforts of certain Washington-based lobbying groups that have mounted a campaign, largely on ideological grounds, against President Bush's recent nomination of U.S. District Judge D. Brooks Smith for a position on the 3rd U.S. Circuit Court of Appeals ("Appeals Court Nominee Targeted," Feb. 9). Rules of judicial ethics make it very difficult for Judge Smith to defend himself against such charges.

As registered Democrats, and as trial lawyers who have practiced before and have known Judge Smith for a number of years, we believe that these groups with political agendas are completely out of line. Throughout his career, Judge Smith has demonstrated that he is an honest and hard-working jurist who does not have a political agenda and is completely without bias. His reputation among lawyers in this community is superb. He is regarded as bright, compassionate, careful, fair, objective, knowledgeable about the law, decisive, thorough, independent and unfailingly courteous to counsel and parties who appear before him.

Judge Smith embodies everything that a federal judge should be; he would be an outstanding member of the court of appeals.

DANIEL I. BOOKER
Shadyside

Judge Smith Should Have Recognized This Conflict of Interest

Pittsburgh Post-Gazette
February 26, 2002 Tuesday

Richard A. Finberg's defense of a ruling by U.S. District Judge D. Brooks Smith in SEC vs. Black that advanced Mr. Finberg's clients' interests at the expense of other Pennsylvania school districts misses the point ("Judge Smith's Rulings in No Way Hint at Favoritism Toward Bank in Black Case," Feb. 22 letters).

In addition to the Oct. 27, 1997, partial distribution of assets discussed by Mr. Finberg, Judge Smith, on Oct. 30, denied motions by Penn Manor and other districts that were wise enough to stop John Gardner Black from depositing their money at Mid-State Bank. These districts demanded all their money back; Judge Smith gave them half, and only if they waived their right to challenge the freeze on the remaining money.

U.S. District Judge Donetta Ambrose, who took over the case in November 1997, ruled in May 1998 that the court had to release this non-Mid-State money. Denying an appeal brought by Mr.

A new Mississippi congressional map drawn by three Republican-appointed judges is moving closer to becoming a reality.

Supreme Court Justice Antonin Scalia denied an emergency appeal filed by an attorney who wants a Democrat-backed map drawn by a state judge. Scalia's denial on Tuesday came hours after the three federal judges in Jackson ordered that the state use their map. The lawyer, Robert McDuff of Jackson, immediately refiled his emergency appeal with Justice David H. Souter. McDuff said Souter can take up the appeal or, more likely, forward it to the full court.

"This is obviously a setback," said McDuff, who expected some word from the court within a week.

Mississippi was forced to give up one of its five U.S. House seats after Census figures showed slowing population growth in the 1990s.

The redistricting ended up in the courts after state lawmakers were unable to agree on their own map. Democrats sued in chancery court and Republicans sued in federal court.

Hinds County Chancery Judge Patricia Wise drew up the plan backed by Democrats, while the federal judges came up with their own.

In ordering that their map be used, the federal judges said it's unconstitutional for a chancery judge rather than the Legislature to draw a redistricting plan.

The federal judges said their plan would be used until the state produces a redistricting map that the Justice Department agrees is fair to minorities.

"We're obviously very pleased that the U.S. Supreme Court denied the emergency petition of the Democrats," said Grant Fox of Tupelo, an attorney who has represented Republicans in state and federal court redistricting fights.

No matter which plan is used, Rep. Chip Pickering, a Republican, and Rep. Ronnie Shows, a Democrat, will meet in a new consolidated district.

The federal judges' plan puts heavily Republican, suburban Jackson precincts in the new district where Pickering and Shows will face off.

Wise's plan puts those precincts in a district that dips down from northern Mississippi and gives the new district a higher concentration of black voters, who often vote Democratic.

Congressional candidates' qualifying deadline is Friday. Primaries are June 4 and the general election is Nov. 5.

Finberg and others, the 3rd U.S. Circuit Court of Appeals agreed, calling the continued freeze on these assets "improper."

Judge Smith's denial of Penn Manor's motion advanced the interests of Mr. Finberg's clients, who lost their money at Mid-State and who were seeking to have non-Mid-State districts share their \$70 million in losses. Mr. Finberg advocated that all districts share the losses "pro-rata," a ruling that would have reduced the Mid-State districts' losses to about \$34 million. This, in turn, would have significantly reduced the bank's exposure to losses in suits brought by its clients, claims the bank ultimately settled for \$51 million.

No one has alleged that Judge Smith intentionally ruled the way he did to protect his wife's job or his stock interest in the bank. He may never even have recognized that his order accrued to Mid-State's benefit.

But the fact remains that, long after Judge Smith should have recognized that Mid-State Bank was involved in the fraud at issue in SEC vs. Black, he ruled on a contested motion in a way that advanced the bank's interests. This exacerbates the already serious legal and ethical issues that stem from Judge Smith's decision to issue orders in two cases involving the fraud perpetuated at the bank.

DOUG KENDALL
Executive Director
Community Rights Counsel
Washington, D.C.

A Model of Fairness

Pittsburgh Post-Gazette
February 26, 2002 Tuesday

I recently received the commentary written by Ken Gormley and Frederick W. Thieman regarding the appointment of Judge D. Brooks Smith to the 3rd U.S. Circuit Court of Appeals ("A Case Without Merit," Feb. 17 Forum).

I am a lawyer practicing in Blair County, where I have maintained a practice since 1975. During the late 1970s, Judge Smith and I served together in the Blair County district attorney's office.

Shortly after, he was appointed to head that office and later was appointed to the bench to fill a vacancy. When he ran for the office, I was his opponent. During this time, I came to know his abilities, legal and ethical.

Judge Smith has always been regarded by the Blair County bar as a judge with superior legal knowledge and fairness. Even during the time we were campaigning against each other, I

continued to practice before him, never concerned that our opposition in the political arena would ever, in any way, influence his decision in any case brought before him.

He continues to be a credit to his community, and we take great pride in his accomplishments. His appointment to the 3rd Circuit would only enhance the quality of the federal judiciary, and I applaud the sentiments of Mr. Gormley and Mr. Thieman.

I would just like to expand their statement that "Judge Smith will be a credit to all lawyers, judges and citizens of Western Pennsylvania" to include some very proud lawyers, judges and citizens of Blair County.

SUSAN P. REA
Hollidaysburg

Judging Judge Smith; He Owes the Senate An Apology of Black Cases

Pittsburgh Post-Gazette
February 26, 2002 Tuesday

Today the Judiciary Committee of the U.S. Senate is scheduled to hold a hearing on President Bush's nomination of D. Brooks Smith, the chief judge of the U.S. District Court here, to the 3rd U.S. Circuit Court of Appeals.

A few weeks ago it looked as if the hearing would be a mere formality, despite some overheated objections from liberal interest groups to the confirmation of Judge Smith, who has broad support in the local legal community.

That all changed when one of those interest groups publicized the fact that Judge Smith was bafflingly slow to remove himself from two cases in which a bank that employed his wife -- and in which the couple owned at least \$100,000 worth of stock -- was a major player.

*

The two cases, one a civil case brought by the Securities and Exchange Commission, the other a criminal trial, grew out of a fraud perpetrated on dozens of Pennsylvania school districts by John Gardner Black, a financial adviser now in a federal penitentiary. According to federal regulators, Black misled his clients and invested their funds in chancy securities. Much of the money entrusted to Black by several school districts was deposited at the Mid-State Bank, a prominent financial institution in Altoona, Judge Smith's hometown. In September 1997, after performing an audit, the SEC began proceedings to suspend Black's securities license and to have a court take control of the assets of his clients. The complaint mentioned that Black used several accounts at Mid-State.

Here is where the problem arises. Not only was Judge Smith's wife, Karen, a Mid-State officer, but also Judge Smith owned a significant amount of stock in the bank's holding company. Nevertheless, the judge did not immediately remove himself from the SEC case.

The Community Rights Counsel, a Washington-based public interest group that has criticized Judge Smith on other grounds, has constructed an elaborate explanation of how Judge Smith might have benefited financially from an order he issued maintaining a freeze on some school districts' assets not only in Mid-State but also in other banks. The group downplays the fact that the terms of Judge Smith's order were suggested by the SEC and former Gov. Dick Thornburgh, a trustee in the case.

But that's not the point. Under federal law, a judge must remove himself from a case in which he knows that he "has a financial interest in the subject matter in controversy or in a party to the proceeding or any other interest that could be substantially affected by the outcome of the proceeding." A separate provision in federal law requires that a judge recuse -- that is, remove -- himself whenever his "impartiality might be reasonably questioned."

Judge Smith did just that in these two cases, but belatedly. In the civil case brought by the SEC in 1997, the judge issued more than a dozen orders before stepping down in favor of a colleague, but without citing his own financial interest in Mid-State Bank (which he did include in standard financial disclosure forms). In the 1999 criminal case against John Gardner Black, the judge complied with a request by Black's attorney that he recuse himself, but in doing so he again did not specify his financial interest in Mid-State.

Obviously, the Senate Judiciary Committee must question Judge Smith about his slowness to recuse himself. It may be that the judge was simply obtuse about appearances, or, convinced in his own mind that he would be impartial, he hesitated to turn work over to colleagues on an understaffed bench. Such explanations don't alter the fact that his slowness to pull out of these matters violates the spirit if not the letter of federal law. We hope Judge Smith acknowledges as much in his testimony before the Judiciary Committee.

That committee and the full Senate have the responsibility not only to scrutinize Judge Smith's conduct in these matters but also to weigh his qualifications as a whole. As Stephen Gillers, a professor of legal ethics at New York University, told the

Post-Gazette: "The fact the judge has made a mistake of this kind is a fact the Senate should consider. But there are other factors that go on the scale."

*

Those other factors include the esteem in which Judge Smith is held by lawyers -- liberal and conservative, Republican and Democratic -- who have appeared before him. His legal philosophy is also a legitimate subject of inquiry, though the Judiciary Committee should be aware that lawyers in Pittsburgh dispute the depiction of Judge Smith as a conservative in the mold of Clarence Thomas or Antonin Scalia.

While it may have been the suspicion that Judge Smith was an extremist that inspired the Community Rights Counsel and other critics to launch a fishing expedition into his record, the fact is that they landed a big one in his conduct in the John Gardner Black cases. A judge with significant financial interest in a bank -- a bank that employs his wife -- should not be sitting in a case in which that bank is even a peripheral actor.

Judge Smith needs to make it clear to the Senate that, in retrospect, he realizes he should have refused from the outset to touch these matters with a 10-foot pole.

Setting the Record Straight on Judge D. Brooks Smith

Pittsburgh Post-Gazette
February 26, 2002 Tuesday

Today the Senate Judiciary Committee will consider President Bush's nomination of Chief U.S. District Judge D. Brooks Smith for the 3rd U.S. Circuit Court of Appeals, headquartered in Philadelphia.

For 18 years, Judge Smith has served Pennsylvanians with distinction. Judge Smith boasts first-rate credentials in addition to his years of judicial experience, and the American Bar Association unanimously gave him its highest rating. Over 100 Democrats and Republicans alike have signed letters of support to the Senate Judiciary Committee. These letters from judges, public officials and leaders of civil liberties, labor, and women's organizations all praise Judge Smith's fairness and impartiality. The Post-Gazette has detailed the campaign against Judge Smith by the Community Rights Counsel and other extreme interest groups. Just as night follows day, it seems the usual suspects are lining up for another effort to "Bork" a distinguished judge. Specifically, critics argue that Judge Smith should have immediately recused himself from a 1997 municipal fraud case involving an investment adviser later convicted of defrauding several Pennsylvania school districts. Critics say recusal was necessary as Judge Smith's wife worked at Mid-State Bank, where some of the defendants' assets were deposited, and the Smiths held stock in Mid-State's parent company.

Please allow me to set the record straight. I served as the trustee for the defrauded schools and bore a fiduciary duty to safeguard their funds. And I can say with front-row, firsthand knowledge that Judge Smith acted with absolute integrity, independence and honor.

First, Mid-State Bank was not a party to the case, and nothing at the outset suggested Mid-State was complicit in any fraudulent scheme. It was therefore unlikely that Judge Smith's wife, who worked in an unrelated part of the bank, would become a material witness. Since the complaint did not allege any wrongdoing by the bank holding the defendants' funds, any stock the Smiths owned in its parent company was immaterial. As trustee, I had sole possession of and control over the assets, and Judge Smith's initial order distributing 50 percent of frozen funds to

defrauded school districts just approved an interim plan proposed jointly by me and the Securities and Exchange Commission while the case proceeded.

When Judge Smith later received information that Mid-State could, in the future, conceivably play a role in the litigation, out of an excess of caution he immediately recused himself sua sponte, without being asked by either party. The actions that Judge

Smith took prior to his recusal in the civil case did nothing to limit Mid-State's eventual liability exposure or impact the victims' rights of recovery.

In fact, the attacks by interest groups ignore the fact that no funds were even deposited at Mid-State at the time Judge Smith granted his last orders. As trustee, I had transferred the assets to another bank several days before this order. Nothing that occurred between this order and Judge Smith's recusal days later benefited Mid-State. Judge Donetta Ambrose, who obtained the case after Judge Smith's recusal, agreed. She wrote to the Senate Judiciary Committee to say, "There was never any suggestion by me or the Court of Appeals that Judge Smith acted inappropriately or unethically. Rather, he acted prudently and cautiously. . . . The allegations of unethical conduct in the context of this case are without foundation."

Partisan critics also improperly fault Judge Smith for temporarily handling a later criminal case against the investment adviser. Nobody involved in the case has alleged that Judge Smith issued any improper orders or took any inappropriate action. The

case was assigned to Judge Smith only after lawyers in the case agreed that it was unrelated to the SEC's civil case. Mid-State Bank was not a party. The U.S. attorney's office never sought recusal, and defense counsel did not seek recusal until four months later, when Judge Smith immediately recused himself.

As governor of Pennsylvania in 1984, I had the honor of originally nominating Brooks Smith to sit on the Court of Common Pleas in Blair County. In 1988, while attorney general of the United States, I had the honor of seeing the U.S. Senate unanimously confirm Brooks Smith as a federal judge. This year, I hope to see the same Senate set aside the recent attacks of extreme interest groups and honor Judge Smith's long record of judicial service with a swift and unanimous approval to the 3rd Circuit.

By any measure of judicial merit, Brooks Smith is qualified to serve. Like the president who nominated him, Brooks Smith has rallied a broad coalition of support. It would be wrong to allow extreme interest groups to delay his confirmation by even one day. However, I am optimistic that this will not occur. Judge Smith acquired his reputation for honesty, uprightness and professionalism the old-fashioned way -- he earned it. And it will see him through.

Dick Thornburgh, a former governor of Pennsylvania, served as U.S. attorney general under Presidents Ronald Reagan and George H.W. Bush.

Judge Smith and Pickering on their work; Choice of president's nominees should not be a political decision

Thomas L. Jipping
The Washington Times
February 26, 2002, Tuesday

A truly rare event occurs today in the U.S. Senate Judiciary Committee - a hearing on one of President Bush's appeals court nominees. Only three of even the first 11 nominees named last May have been so blessed.

On the other hand, a now-familiar pattern of abuse is emerging as the far left tries to smear another honorable man and distinguished nominee. This time it's D. Brooks Smith, chief U.S. district judge for the Western District of Pennsylvania and nominee to the U.S. Court of Appeals for the Third Circuit. Judge Smith has experience in private practice, as a prosecutor, an elected state court judge (receiving both Democratic and Republican nominations), and 14 years as a federal judge. He has served on criminal-procedure rules committees for both the state and federal judiciaries and on the board of directors of the

Federal Judges Association. He is a former board member of the Salvation Army and the county Legal Services Corp., Domestic Abuse Project and Society for Crippled Children and Adults. The liberal American Bar Association gave him its highest rating for appointment to the appeals court.

All of this, and the fact that the Constitution lets presidents appoint judges, is apparently not enough. The far left believes judges exist to impose a political agenda, to deliver the political goods. In their world, judges base decisions on political interests rather than the law; they are just supposed to rule the right (or, rather, the left) way in the end. That's why a nominee's personal opinions, values, beliefs and ideology are so important and why they believe only liberals are qualified to be federal judges.

Their attacks on Bush nominees aim to keep individuals not liberal enough off the bench today and to dissuade the president from nominating someone not liberal enough to the Supreme Court in the future. The truth alone, however, won't accomplish the goal. Hence the smear.

The liberal Washington Post's Sept. 17 editorial about appeals court nominee Charles Pickering (the Judiciary Committee votes on him Thursday) correctly described the elements of the smear campaign. It's an "ugly affair" in which the nominee's attackers

focus "not on his qualifications, temperament, approach to judging or on the quality of his judicial work." Instead, they try to "paint him" a particular way they believe will make ordinary people recoil and senators vote no.

"To do so," The Post said, "they have plucked a number of unconnected incidents from a long career. None of these incidents, when examined closely, amounts to much, but opponents string them together, gloss over their complexities and self-righteously

present a caricature of an unworthy candidate." It's actually worse than that. When examined

closely, it's obvious the far left actually distorts and even makes up those unconnected and irrelevant incidents that form the fake caricature.

They accuse Judge Smith, for example, of failing to recuse himself soon enough in a 1997 lawsuit against an investment adviser who had defrauded school districts and municipalities. Some of the funds had been deposited in a bank employing Judge

Smith's wife and in whose parent company the Smiths owned stock. Judge Smith did recuse himself a few weeks into the case. He did so on his own; neither party in the case asked him to. Nor was he required to because the bank was not a party in the case and his wife worked in an unrelated department. Yet Judge Smith's attackers know most normal folks don't know the vagaries and standards of judicial recusal decisions and won't be able to evaluate their false claims.

Judge Smith issued an order that half of the defendant's funds which had been frozen be distributed to the defrauded clients. His attackers' spin is that he maintained the freeze on the other half of the funds. Beyond being just a silly half-empty-or-half-full spin game, they never say that releasing the funds was not Judge Smith's idea at all. He approved the joint recommendation of the Securities and Exchange Commission and Richard Thornburgh, former Pennsylvania governor and U.S. attorney general, who had been appointed trustee and alone controlled the funds.

You'd think that, if anyone, the plaintiff would be most sensitive about Judge Smith's brief involvement in this case. Yet the plaintiffs' lawyer wrote in the Feb. 22 Pittsburgh Post-Gazette that "we are not aware of any impropriety, or even appearance of impropriety, on the part of Judge Smith."

This pattern is clear and disturbing. Some Washington-based group makes a distorted and misleading charge, and those in Western Pennsylvania who know the truth have to set the record straight. Writing in the Feb. 17 Post-Gazette, two Democratic members of the Western Pennsylvania bar wrote that other deceptive claims by Judge Smith's attackers "are misinformed at best" and part of a "dangerous political strategy." Writing in the Feb. 14 issue, the Women's Bar Association of Western Pennsylvania endorsed Judge Smith "without reservation" in response to a feminist group's false claim.

The Washington Post's observation about the Pickering nomination applies across the board: "The need on the part of liberal groups and Democratic senators to portray him as a Neanderthal - all the while denying they are doing so - in order to justify voting him down is the latest example of the degradation of the confirmation process." Today's hearing on Judge Smith and Thursday's vote on Judge Pickering are the chance to change course before it's too late.

Thomas L. Jipping is director of the Free Congress Foundation's Judicial Selection Monitoring Project.

Egg on the Brain

Nation (The)
March 04, 2002

Katha Pollitt weighs in on recent news issues relating to reproductive freedom and the religious right

It may look as if domestic politics no longer exists in the new America--the one in which there is no money for anything besides guns and prisons but we don't care because we are all bowling together against the Axis of Evil. But that's not true. As long as there is a fertilized egg somewhere in this great land of ours, there will be domestic politics. George Bush may not be able to bring about the Kingdom of Heaven on Earth for the religious right, who gave him one in four of his votes. He may even realize that a serious victory for religious conservatives--significantly restricting the legality of abortion, say--would hurt the Republican Party, because California has more people than Utah. But he is doing what he can to keep the fundamentalists happy. It must be frustrating for him--just when we're all supposed to pretend to love our differently faithed neighbor even if we know he's bound for hell, Christians keep saying weird things. First there was Jerry Falwell's remark that God let terrorists blow up the World Trade Center because he was fed up with "the pagans, and the abortionists, and the feminists, and the gays and the lesbians...[and] the ACLU" Falwell apologized, only to express the same thought a bit more obliquely on November 11 at a Florida church: "If the church had been awake and performing that duty"--proselytizing the ungodly--"I can tell you that we wouldn't be in the mess we're in today." God, says Falwell, "even loves the Taliban"--it's just liberals he can't stand.

And then there's Attorney General John Ashcroft, who burqaed the semi-nude statue of the Spirit of Justice because he felt upstaged by her perky breast at press conferences, and who thinks calico cats are emissaries of the devil, when everyone knows it's black cats. Ashcroft is in trouble with Arab-Americans for offering this proof of the superiority of Christianity to Islam as quoted by conservative columnist Cal Thomas on his radio show on November 9 (and belatedly denied by a Justice Department spokeswoman): "Islam is a religion in which God requires you to send your son to die for him. Christianity is a faith in which God sends his son to die for you." Not to get too wound up in theology here, but if the Christian God sent his own son to die doesn't that make him, according to Ashcroft's definition, a Muslim?

Fortunately, the fertilized egg can be rolled onstage to distract us from such knotty questions. In keeping with the strategy of rebranding antichoice as prochild, the Bush Administration plans to use the CHIP program for poor children to provide healthcare to children "from conception to age nineteen," a neat way of defining zygotes as kids. The women in whom these fine young people are temporarily ensconced will remain uninsured--perhaps they can apply for federal funds by redefining themselves as ambulances or seeing-eye dogs. After all, somebody has to get those fetuses to the doctor's office. As for the 8 million uninsured postbirth children, not to mention the 27 million uninsured adults, who told them to leave the womb?

But wait, there's more. In a highly unusual move, the Justice Department has weighed in on the side of Ohio's "partial-birth abortion" ban, which has been on ice thanks to a federal court ruling

that found it did not make enough allowance for a woman's health, as required by the 2000 Supreme Court decision in *Carhart v. Nebraska*. The Ohio law would permit the operation only to save her life or avoid "serious risk of the substantial and irreversible impairment of a major bodily function." Gee, what about considerable risk of moderate and long-term impairment of a bodily function of only middling importance? Should the Ohio state legislature (seventy-five men, twenty-four women) decide how much damage a woman should suffer on behalf of a fetus? Shouldn't she have something to say about it?

To please fanatical antichoice Representative Chris Smith of New Jersey, Bush is holding back \$34 million from UN family planning programs. To return the favor, Congressional Republicans have revived the Child Custody Protection Act, which would bar anyone but a parent from taking a minor across state lines for an abortion. The parental-notification-and-consent laws of a pregnant teen's home state would follow her wherever she goes, like killer bees, or the Furies--and unlike any other law.

Bush is also stacking with social conservatives commissions that have nothing to do with abortion per se but raise issues of sex, gender and reproduction. The cloning commission, called the Council on Bioethics (fourteen men, four women), is headed by bioethicist Leon Kass, a former opponent of in vitro fertilization who's associated with the American Enterprise Institute. There's room around the table for antichoice columnist Charles Krauthammer antichoice law professor Mary Ann Glendon, the Vatican's representative at the UN conference on women, in Beijing and social theorist Francis Fukuyama, who wrote in a New York Times Op-Ed that the thirty-years-overdue introduction of the pill in Japan in 1999 spelled the downfall of the Japanese family, because now women will just run wild. But there are only four research scientists, and no advocates for patients with diseases that the cloning of stem cells might someday help cure. Similarly, the newly reconfigured AIDS commission is said to be stacked with religious conservatives and will be headed by former Representative Tom Coburn, whose claim to fame is his rejection of condoms, which sometimes fail, in favor of "monogamy," which never does.

Finally, there's the nomination of Charles Pickering for the Court of Appeals for the Fifth Circuit. Rated unqualified by the American Bar Association, Pickering, an ardent segregationist when it counted, opposed the ERA, has been a lifelong opponent of legal abortion and won't discuss his antichoice record in Senate hearings. The Fifth Circuit includes Texas, Louisiana and Mississippi, states where the right to abortion is already compromised by conservative legislatures in 1999 Texas tied with Michigan for most new antichoice laws enacted (seven). Traditionally the federal courts offer hope of redress for victims of state laws--in this case, some of the poorest women in the country. What are the chances that Pickering will champion their rights and their health?

My money's on the fertilized egg.

Judging personal beliefs

Thomas L. Jipping
WorldNetDaily.com
February 28, 2002

Senate Democrats were to have continued their scorched-earth confirmation obstruction campaign today by defeating, on a straight party-line vote, the nomination of Charles Pickering to the U.S. Court of Appeals for the Fifth Circuit. The final vote has been postponed until next week.

Appearing last Sunday on NBC's "Meet the Press," Sen. Dianne Feinstein, California Democrat and Judiciary Committee member, predicted Judge Pickering's demise. That will be odd since several members of the committee helped unanimously confirm him to the U.S. District Court in 1990. The liberal American Bar Association – considered by Democrats the "gold standard" for evaluating judicial nominees – upped its rating from "qualified" in 1990 to "well qualified" today.

While you can't help but step in some hypocrisy like that in Washington, it's actually Sen. Feinstein's reason for opposing Judge Pickering that's significant. She opposes him because he has "right-wing views, both politically and personally." That's a lot more significant than it might sound.

If Judge Pickering were running again for the Mississippi State Senate, his political and personal views would obviously be relevant. A political candidate promises to translate those views into law. But why are political and personal views relevant to a judicial nominee? Like most liberals and some conservatives, Sen. Feinstein apparently sees no difference between judges and politicians. Political and personal views, rather than law, drive judicial decisions. Good judges have correct views and translate them into law.

Last year, though, Sen. Feinstein was among those lecturing John Ashcroft about putting aside the political and personal views he used as a legislator should he become attorney general. Those views, they said, are irrelevant in the executive branch, where he must enforce even laws with which he disagrees.

Political and personal views should be especially irrelevant to the judicial branch. As Chief Justice John Marshall wrote in *Marbury vs. Madison*, judges are there to say "what the law is," not what it should be. Judges don't make law, or even enforce it, so their political or personal views not only don't matter, they must not matter. Only then can the judiciary be, as America's founders intended and our liberty requires, the "weakest" and "least dangerous branch."

By saying what our laws mean, judges can say what our laws are. If anyone's political and personal views are to determine what our laws are, it's certainly not a small band of unelected judges. If "we the people" are to run the country and define the culture, judges must simply follow the law and leave the politics to us.

Scalia handles emergency appeals from the 5th U.S. Circuit Court of Appeals, which covers Mississippi, Louisiana and Texas.

Scalia presided over Pickering's first swearing-in ceremony to Congress in 1997.

The justice also has spoken in Mississippi several times since the early 1990s. One trip in 1996 was arranged by Pickering's father, U.S. District Judge Charles Pickering, who is awaiting Senate action on his nomination to the 5th Circuit.

War begins over bench nominees

Peter Grier and Seth Stern
The Christian Science Monitor
February 27, 2002, Wednesday

The nomination of a little-known Mississippi judge to a federal appeals-court seat has mushroomed into the Bush administration's first big judicial-choice battle.

The fight over Charles Pickering Sr. hasn't reached the intensity of a full-scale struggle over a Supreme Court nominee, such as the one sparked by Clarence Thomas in 1991. But it does seem like something of a warm-up for skirmishes to come. All the familiar elements are there, from the pugnacious conservative Senate defenders to the attack coalition of liberal groups that says it is outraged by the nominee's past record.

There are some interesting twists on that lineup in this case - but more on that later. First, the main substantive issue. What's more important: the person Judge Pickering once was, or the man he has become?

A key Senate Judiciary Committee vote on the nomination could come this week.

"This is a very public debate over a candidate's record," says Nan Aron, president of the Alliance for Justice, one of the groups that opposes the Pickering nomination.

Aron and other opponents say that Pickering's past actions position him far to the right of the American mainstream, particularly in regard to minority rights.

They point, for instance, to a 1959 law review article Pickering wrote suggesting changes in Mississippi's law banning interracial marriage that would make it more effective.

In 1964, critics add, Pickering - then a state senator - bolted the Democratic party in part because he opposed efforts to integrate the Mississippi delegation to the Democratic National Convention.

The controversy over Judge Pickering's nomination shows just what an "ugly affair" this can be. That's what the liberal Washington Post called it. Those "personal and political views" on which liberals base confirmation votes include religious views. The leftist People for the American Way's report on Judge Pickering focused on his Christian faith and church leadership. Translation: Conservative evangelical Christians hold incorrect views that disqualify them for judicial service. That's religious bigotry, and contrary to the Constitution's prohibition on a religious test for public office. But that type of intolerance and exclusion is inevitable when basing judicial selection decisions on a nominee's political and personal views.

Sen. Feinstein's criterion of political and personal views might sound familiar. Last year, Sen. Charles Schumer held hearings to promote his view that senators can base confirmation votes on a nominee's "ideology." Same thing. A judicial nominee's ideology will predict his rulings as a judge. Not surprisingly, Sens. Feinstein and Schumer were the first two Judiciary Committee Democrats to announce opposition to Judge Pickering.

Perhaps there's still a chance for Judge Pickering. In March 1997, Sen. Joseph Biden said that "it is not ... appropriate not to ... bring [nominees] to the [Senate] floor" for a vote. Maybe, just maybe, he will apply this same principle to Republican nominees as well. Whatever the outcome, the far-left gloves have come off and the response by the Bush administration and Senate Republicans will chart the road ahead.

The way out of this political and personal swamp is to refuse to muck around in it at all. Instead, Republicans must offer the American people a different view altogether of judges and how to choose them. That view is what America's founders offered, impartial judges who trust the people to make political decisions. Judges who do their job so we the people can do ours.

Thomas L. Jipping is vice president for Legal Policy at the Free Congress Research & Education Foundation in Washington, D.C.

Transcripts/Members of Congress

Kyl Lauds Confirmation of Tucsonan Cindy Jorgenson for Federal Judgeship, Senator Says Help is on the Way for Overworked Federal District Court.

Senator John Kyl
Congressional Press Releases
February 26, 2002, Tuesday

Kyl Lauds Confirmation Of Tucsonan Cindy Jorgenson For Federal Judgeship Senator Says Help Is On The Way For Overworked Federal District Court

WASHINGTON, D.C. - U.S. Senator Jon Kyl today commended the Senate for unanimously approving the nomination of Pima County Judge Cindy Jorgenson for a seat on the U.S. District

Court for the District of Arizona.

"The good news for Arizona's overworked federal district court is that help is on the way," said Kyl today. "I am very pleased that the Senate has approved Judge Jorgenson's nomination to help ease the tremendous backlog of cases in Arizona, and look forward to filling the final vacancy on the court in the near future."

Judge Jorgenson is currently Presiding Judge for the family law bench at the Pima County Superior Court. Prior to her judgeship, she served as prosecutor in Tucson and became an Assistant United States Attorney in 1986. In 1995, Jorgenson received the Governor's Recognition Award for work on jury reform. She also was awarded the United States Department of Justice Special Achievement Award in 1987, 1989, 1991 and 1993. Judge Jorgenson is a graduate of the University of Arizona Law School.

Also today, the Senate Judiciary Committee held a hearing on Tucsonan David Bury to fill the remaining vacancy on the U.S. District Court. Mr. Bury is a founding partner and shareholder in the firm of Bury, Moeller, O'Meara & Gage P.C. of Tucson, Arizona. He has practiced as a trial lawyer for over 34 years.

Both Jorgenson and Bury were selected to fulfill vacancies that were deemed "judicial emergencies" by the administrative office of the courts.

FOX SPECIAL REPORT WITH BRIT HUME

February 26, 2002 Tuesday

EXCERPT

Brit Hume, James Rosen, Carl Cameron, Jim Angle, Bret Baier

HUME: The Justice Department issued a statement after the hearing expressing confidence in -- quote -- "the independence and absolute integrity of Deputy Attorney General Thompson" and said that ethics officials agreed that there is no basis to remove him from the Enron investigation.

Another Bush judicial nominee has faced tough questions from Senate Democrats. Judge Brooks Smith is the currently the chief federal judge for western Pennsylvania. And the president has nominated him to the federal appellate bench in Philadelphia.

Opponents say Smith failed to recuse himself in a timely fashion in certain cases where he had a conflict of interest. But his supporters, including the American Bar Association, say he's served with integrity.

Chief political correspondent Carl Cameron has the story. All right, we have got a little audio problem there. But we'll try to get that package ready to go and come back to you after a break.

Still to come also, the Pentagon's propaganda effort ends before it ever got started. We'll explain that after a break.

(COMMERCIAL BREAK)

HUME: We're going to take another crack at showing you Carl Cameron's report on Federal Judge Brooks Smith, whose confirmation hearing was held today. He is under attack from the left. Here's that report, we hope with sound.

(BEGIN VIDEOTAPE)

CARL CAMERON, FOX NEWS CHIEF POLITICAL CORRESPONDENT (voice-over): U.S. District Judge D. Brooks Smith of Pennsylvania is the latest of President Bush's judicial nominees to face fierce opposition from liberal special interest groups. Legally, critics call him too conservative and pro-business. Democrat Joe Biden threaten to scuttle Smith's nomination to the Third Circuit Court of Appeals if he refused to answer any questions because he might someday have to rule on them.

SEN. JOSEPH BIDEN (D), DELAWARE: I will do everything in my power to defeat you, including moving to the Senate floor to take an action I've never taken in my life as a United States senator, a filibuster.

CAMERON: Biden's friction with Smith goes back to 1993 when Smith harshly criticized the senator's provision in the Violence Against Women Act that would have let the federal government decide which domestic violence laws states must enforce. Smith called it unconstitutional. And eventually, the Supreme Court agreed.

Biden said though that dispute is over, there are other concerns. Democrats cited a fraud case, involving the bank where Smith's wife was vice president and he had investments. He stepped aside when the conflict was discovered, but not soon enough for critics.

UNIDENTIFIED MALE: Would you like to explain why?

BROOKS SMITH, JUDICIAL NOMINEE: With the benefit of hindsight, I wish I had recused earlier. But I did recuse. And I did it because I knew it was the right thing to do.

CAMERON: Smith noted that parties to that case have never complained, only liberal outside groups opposed to his nomination. But Democrats zeroed in on the nominee's association with conservative outside groups and his acceptance of trips to their legal conferences. Smith called them educational seminars attended by most jurists and said they do not influence a judge's fairness.

SMITH: Federal judges are accustomed by training and by experience to hearing on a day-to-day basis different points of view. It's what we do. It's what we're about.

CAMERON: Republican Orrin Hatch accused liberal special interest groups of election year partisanship and mocked their objections to Smith's attendance at conservative functions.

SEN. ORRIN HATCH (R), UTAH: It seems that the criticism is not so much that you've attended some seminars, at least the outside criticism, but rather that you attended the wrong seminars. It's a terrible thing to do that, I'm sure. Of course, I'm being sarcastic.

(END VIDEOTAPE)

CAMERON: It actually took a minute for some in the room to realize that Hatch was joking, perhaps an indication that that might be, in fact, what's going on. Republicans are confident that ultimately that they will be able to get Smith's nomination confirmed.

That is not the case, however, for District Judge Charles Pickering, who was supposed to face a vote in the Senate Judiciary Committee this Thursday. That's now been put off until next week. And Republicans are increasingly pessimistic about being able to get that through, Brit.

HUME: Carl, thanks very much.

Federal Document Clearing House Congressional Testimony
February 26, 2002, Tuesday

CAPITOL HILL HEARING TESTIMONY –Senator Patrick Leahy

Statement of Senator Patrick Leahy

Hearing on Judicial Nominations

February 26, 2002

I thank Senator Feingold for chairing this important hearing on judicial nominations.

The Judiciary Committee has continued to hold regular judicial nominations hearings throughout this session, as we have since the shift in majority last summer. We held the first January confirmation hearing in seven years on the second day of this session.

Today the Judiciary Committee holds its second February judicial confirmation hearing. In 1997, 1999 and 2001, the Republican majority held no confirmation hearings in either January or February. Today's hearing is the fourteenth hearing involving judicial nominations since the change in majority last summer. That is more hearings within the last seven months than the Republican majority ever held in any calendar year in which it was recently in the majority. Today's hearing follows the tradition of including a Court of Appeals nominee as well as a number of District Court nominees. Unfortunately, because the White House has been slow to send nominations to the many vacancies in the federal District Courts, the federal trial courts across the country, today's hearing includes a fewer number of District Court nominees than the

Committee was willing to consider. Indeed, the Committee is virtually out of District Court nominees to include at such confirmation hearings. After today, 35 of the 36 District Court nominees with ABA peer reviews will have participated in hearings. We are in the process of scheduling a hearing on the most controversial District Court nominee currently pending.

Of course more than two-thirds of the federal court vacancies continue to be on the District Courts and 35 are still without a nominee. The Administration has acted very slowly in making nominations to the vacancies on the federal trial courts. In the last

five months of last year, the Senate confirmed a higher percentage of the President's trial court nominees, 22 out of 36, than a Republican majority had allowed the Senate to confirm in the first session of either of the last two Congresses with a Democratic President.

Last year the President did not make nominations to almost 80 percent of the trial court vacancies that existed at the beginning of this year. As we began this session, 55 out of 69 District Court vacancies were without a nominee. Finally, in late January the White House sent up names for some of those trial court vacancies. Unfortunately, none have completed the paperwork needed to be included in hearings and none has yet received an ABA peer review.

Because the White House last year unilaterally changed the practice of nine Republican and Democratic Presidents and will no longer allow the ABA to begin its peer reviews during the selection process, ABA peer reviews on these new nominations are not likely to become available for some time to come. In the interim, we have already reached the point where the lack of available nominations for District Courts vacancies is holding back the number of judicial nominees the Judiciary Committee and the Senate could be considering. We experienced the same problem when the majority shifted last summer and we did not have enough District Court nominations ready for hearings in July through September last year.

After the Committee receives the indication that a judicial nominee has the support of his or her home state Senators and after the Committee has received ABA peer reviews, the nomination will then be eligible to be considered for inclusion in Committee hearings. Because the White House shifted the time at which the ABA does its evaluation of nominees to the post-nomination period, this year's nominees are unlikely to have completed files ready for evaluation until after the Easter recess. Of course, even then, over two and one-half dozen of the current federal trial court vacancies, 35, may still be without nominees.

To make real progress will take the cooperation of the White House. That is what I have been urging since the shift in majority. That is what I, again, called for when I spoke to the Senate on January 25, 2001. That cooperation is still not forthcoming.

We will make the most progress, most quickly if the White House would begin working with home state Senators to identify fair- minded, nonideological, consensus nominees to fill these court vacancies. One of the reasons that the Committee was able to work as quickly as it did and Senate was able to confirm 39 judges, as it has in the last seven months, was because those nominations were strongly supported as consensus nominees by people from across the political and legal spectrums.

I have heard of too many situations in too many states involving too many reasonable and moderate home state Senators in which the White House has demonstrated no willingness to work with home state Senators to fill judicial vacancies cooperatively. As we move forward, I have urged the White House to show greater inclusiveness and flexibility and to help make this a truly bipartisan enterprise. Logjams exist in a number of settings. To make real progress, repair the damage that has been done over previous years, and build bridges toward a more cooperative process, there is much that the White House could do to work more cooperatively with all home state Senators, including Democratic Senators.

In addition, as I have noted, the White House could help speed the Committee process if it would restore the ABA peer review participation to an earlier stage in the process. For more than 50 years the ABA was able to conduct its peer reviews simultaneously with the FBI background check procedures. This meant that when nominations were sent to the Senate, the FBI report and informal ABA peer review were completed and followed very quickly. Together with the endorsement of the nominee's home state Senators, the basic requirements of the nominations file were available to be reviewed by the Committee

much more quickly than they are now. This process allowed hearings to be scheduled soon after nominations were received in many instances. One of the consequences of the White House's unilateral decision last year to discontinue this longstanding bipartisan practice is that nominations are now not available to be considered or scheduled for hearings until many weeks have passed and these basic background materials can be assembled and submitted to the Committee. That is unfortunate and unnecessary.

There were occasions last year when we proceeded with hearings including fewer District Court nominees than I would have liked because recent nominees' files were not yet complete. I noted in my statement to begin this year that I feared that same circumstance being repeated this year. It already is. That is regrettable.

I have urged the White House to rethink its recent changes in traditional practices that were initially instituted by President Eisenhower and worked well for Presidents Kennedy, Johnson, Nixon, Ford, Carter, Reagan, (George Herbert Walker) Bush and Clinton. I suggest that the White House reconsider the delays caused by the abandonment of the traditional practice and that this Administration consider returning to the tried and true practice of sharing information with the ABA earlier in the process so that it can begin and complete its peer reviews by the time the nomination is made to the Senate.

Just as no Senator is bound by the recommendations of the ABA, so, too, the White House can make clear that it is reinstituting the traditional practice not because it intends to be bound by the results of that peer review or even take it into account, but solely to remove an element of delay that its actions introduced into the confirmation process. The White House can expressly ask the ABA not even to send the results of its peer review to the Executive Office, but only transmit them to the Committee, if it chooses. Whether or not the White House considers the ABA peer reviews, they are considered by many

Senators. For example, a number of Republican Senators cited favorable peer reviews for

judicial nominations as an indication that they merit the Senate's support. On the other hand, the fact that they are advisory and not binding on Senators is seen from the recent action confirming a nominee who received a "not qualified" rating from the ABA and the many nominees of this Administration who have been confirmed with mixed ratings.

As Chairman, I have sought to work with all Senators. In scheduling hearings for nominations, chairmen traditionally consider a number of factors, including the consensus of support for the nominee, the needs of the court to which the person is nominated, and the interests of the home state Senators. We have a number of nominees for whom individual Senators have expressed personal interest. I will continue to take that into account and seek to accommodate Senators in as orderly a process as possible.

Judicial nominations have never been scheduled for hearings based solely on the date of their nomination. Certainly there was no first-in-first-out rule during the six and one-half years that preceded my chairmanship, when it could take years to get a hearing and more than 50 judicial nominees never received a nominations hearing at all.

I hope to integrate a number of nominations received before I became Chairman into hearings throughout this session. I anticipate that not all those nominations will be regarded as consensus candidates. We can anticipate that the more controversial nominations will occasion more review and more Senators raising questions that concern them during the course of our hearings.

In our first full week in session we proceeded with a hearing on the nomination of Judge Charles Pickering to the 5th Circuit. Senator Lott is very supportive of this nomination and even though his was not among the first sent to the Senate by President Bush last spring, we have tried to move forward to consideration of the nomination in recognition of the strong interest of the Republican leader.

Similarly, I knew of Senator Specter's strong interest in the Committee scheduling a hearing as soon as possible on the nomination of Judge D. Brooks Smith to a vacancy on the 3rd Circuit. Judge Smith was not nominated until September 10 and the Committee did not receive his peer review from the ABA until October 31, 2001. Although there were 44 judicial nominees nominated before Judge Smith, of which several remain pending, I have sought to accommodate Senator Specter by including Judge Smith in our hearing today. Of course, the previous nominee for this vacancy was Judge Robert Cindrich, also a District Judge in the Western District of Pennsylvania. Although he was nominated in February 2000, received a well qualified peer review rating by the ABA and was pending for more than 10 months, he was never included in a confirmation hearing. His nomination was returned to the President without any action having been taken by the Senate.

Likewise, other Senators, Republicans and Democrats, have asked me to give priority to various nominees. Senator Enzi requested attention to the nomination of Terrence O'Brien to the 10th Circuit, for example, and I will be trying to accommodate him, as well. I tried to take those requests into account in the last seven months and expect to continue to do so. Such interest was a factor in the scheduling of hearings for Judge Prost to the Federal Circuit, Judge Gregory to the

4th Circuit, Judge Clement to the 5th Circuit, Judge Riley to the 8th Circuit, Judge Harris to the 10th Circuit and Judge Melloy to the 8th Circuit.

It was considered in the cases of Judge Mills in Mississippi, Judge Wooten in South Carolina, Judge Robinson in Kansas, the four judges the Senate confirmed last year for Oklahoma, the three judges the Senate confirmed for Kentucky, the two judges the Senate confirmed for Montana, the two judges the Committee confirmed for Alabama, and in connection with many of the 44 judicial nominees on whom the Committee has been holding hearings in the last seven months.

I expect to continue to try to accommodate Senators from both sides of the aisle in this regard. In so doing, I have tried to be forthright with Senators if a nominee has generated concerns. Not all of the judicial nominations scheduled for hearings have been without detractors, many are proving to be controversial.

A general impression, heightened by the White House's refusal to work cooperatively with some home state Democratic Senators in spite of precedent in that regard and its disdain for suggestions to proceed to assemble recommendations through bipartisan commissions as has been the tradition in many States, such as mine, is that the White House and some in the Senate are intent on an ideological takeover of the courts. With the Circuits so evenly split in so many places, nominees to the Courts of Appeals may have a significant impact on the development of the law for decades to come. Some of us are concerned that the Administration not orchestrate a roll back in the protections of individual rights, civil rights, consumer rights and privacy rights through its judicial nominations.

In addition to Judge Smith of Pennsylvania, this hearing includes another nominee to a District Court vacancy in Arizona, the third included in a hearing since the shift in majority last summer, another nominee for a District Court vacancy in Texas after the confirmation of Judge Martinez earlier this year, and a nominee for a vacancy in Alaska whose file was not completed until this year. I give my thanks to all Senators who have worked with the Committee to schedule this confirmation hearing and especially to Senator Feingold for chairing today.

Interest Groups/Press Releases

Alliance For Justice Raises Serious Concerns About Judge D. Brooks Smith, His Nomination To U.S. Court Of Appeals For 3rd Circuit

Nan Aron

U.S. Newswire

February 26, 2002 Tuesday

Following is a statement by Nan Aron, president, Alliance for Justice:

Like many of President Bush's nominees to the federal judiciary, Pennsylvania district court

Judge D. Brooks Smith's record raises troubling concerns across a wide spectrum of legal issues including those affecting workers, the disabled, and the environment. He is emblematic of President Bush's nominees who will turn back the clock on progress Americans cherish.

In order for the Senate to make a judgment on any federal judge, that nominee's record must be thoroughly reviewed. Judge Smith appears to have a large body of unpublished opinions. In his over 13 years on the bench, Judge Smith has been reversed 52 times, with published opinions in only six of those cases. This suggests strongly that he has issued a large number of unpublished opinions overall, the vast majority of which have been unavailable for review. And the rulings that are available for review show a disturbing pattern of bias in favor of powerful interests and disregard for the rights and protections of ordinary Americans.

Judge Smith also spoke out against the Violence Against Women Act (VAWA) in a speech to the Federalist Society in 1994. His views on the division of power between states and the federal government are antithetical to many of our country's civil rights and environmental protections and if he were to issue decisions as an appellate judge that reflected those views, the effect could be a further dismantling of critical laws passed by Congress to ensure these protections.

The U.S. Senate must insist on its constitutional, co-equal role and work to maintain a fair and independent judiciary. No nominee is presumptively entitled to a lifetime seat on the federal judiciary. It is the nominee's duty and obligation to prove that he or she is fit to serve this esteemed, lifetime judgeship. Their record must be an open-book so the Committee has the tools necessary to decide whether or not to confirm.

We need fair judges. We need compassionate judges. We need judges not afraid to publish an opinion because they know their reasons will stand up to scrutiny.

Alliance for Justice urges the Senate Judiciary Committee to undertake a thorough review of Judge Smith's record before voting on whether to confirm.

Since his appointment to the federal bench, he has criticized the creation of largely African-American political districts as a means to remedy past racial discrimination. Critics question his record on job discrimination and other civil rights cases.

"The bottom line is that we believe he is a right-wing ideologue," says Ralph Neas, president of People for the American Way.

Pickering's defenders point out that many of the objections to his record deal with items in the long-ago past, when white Southern politicians operated in a very different political context.

Nor do the criticisms tell the whole story, they say. In 1967 Pickering lost a reelection race for county attorney after testifying against a Ku Klux Klan leader on trial for killing a civil rights leader.

Furthermore - and here's where the twist part comes in - the black establishment in Pickering's hometown of Laurel, Miss., overwhelmingly supports his elevation to the appeals bench. They consider him someone who has at least tried to foster racial reconciliation by supporting the funding of medical clinics in poor districts, and other actions.

The Senate Judiciary Committee has received some 27 letters of support for Pickering from members of the African-American community, said Sen. Orrin Hatch (R) of Utah, ranking GOP member of the panel, at the opening of a Feb. 7 hearing on the nomination. "Those fighting Pickering's nomination, in contrast, seem to consist primarily of a host of Washington lobbyists," said Sen. Hatch.

A FEW years ago, the Pickering nomination might have attracted much less attention. It doesn't involve the power and prestige of the Supreme Court, for one thing.

As a close friend of the top-ranking Republican in the Senate, Sen. Trent Lott of Mississippi, he might reasonably have expected to be whooped through confirmation on grounds of senatorial courtesy.

But the bitter battles over such high court picks as Robert Bork, the Reagan nominee who was defeated in 1987, and Clarence Thomas, the eventually-confirmed choice of George H. W. Bush, have left behind an ideological infrastructure of judicial confrontation.

Both conservative and liberal groups have institutionalized "opposition research" for court nominees, consisting of detailed scrutiny of past decisions and writings, including unpublished ones. The result: a sort of rote warfare that now extends down several layers deep into choices for lower-level federal courts.

Pickering is not the only appeals court pick who will face opposition, for instance. Nominee D. Brooks Smith, a Pennsylvania judge, is now facing charges of misconduct involving financial

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Richard.Clarida@do.treas.gov [UNKNOWN] <Richard.Clarida@do.treas.gov>; edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; Gerry.Hughes@do.treas.gov [UNKNOWN] <Gerry.Hughes@do.treas.gov>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; martha.ellet@do.treas.gov [UNKNOWN] <martha.ellet@do.treas.gov>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; pat.cave@do.treas.gov [UNKNOWN] <pat.cave@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kent.Smetters@do.treas.gov [UNKNOWN] <Kent.Smetters@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN] <Mario.Ugoletti@do.treas.gov>; Mark.Warshawsky@do.treas.gov [UNKNOWN] <Mark.Warshawsky@do.treas.gov>
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Subject: : FW: Morgan Stanley analysis
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CREATION DATE/TIME:28-FEB-2002 18:00:48.00

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READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Richard.Clarida@do.treas.gov (Richard.Clarida@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Gerry.Hughes@do.treas.gov (Gerry.Hughes@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:martha.ellet@do.treas.gov (martha.ellet@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:pat.cave@do.treas.gov (pat.cave@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Kent.Smetters@do.treas.gov (Kent.Smetters@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mark.Warshawsky@do.treas.gov (Mark.Warshawsky@do.treas.gov [UNKNOWN])

READ:UNKNOWN

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Thought this was pretty good, in case you haven't seen.

Marc, I think we need to have another call on this. I'd like to bring everyone up to date on our conversations with Schumer's office.

Also, what would the group think about my setting up a meeting with Bob Hunter of CFA to talk with him and try to share perspectives? His skepticism on this issue is hurting us with some of the key players on the Dem side. I think it would be helpful to have White House representation at such a meeting.

Let me know.

Sheila

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Equity Research
North America

Industry

Financial Institutions

Alice Schroeder
Henry H. McVey
Gregory J. Whyte
Matthew Ostrower
Vinay Saqi
Robert Stevenson
Chris Winans

Industry Overview

February 27, 2002

Assessing Terror and Related Legislative Risks

- **Earnings and valuation risks are real**
We assess potential impact on real estate, banking, brokerage and nonlife insurance sectors of another 9/11-size attack and the government response.
- **Current valuations don't seem to reflect attack risk**
In all these sectors, we think current valuations do not reflect impact of another attack without a terrorism bill in place.
- **Insurance stocks most vulnerable to attacks with no bill**
Insurers, lacking data, may be allowing exposures to expand with insufficient safeguards; reinsurers are managing exposures better.
- **REITs are caught in the middle**
Lenders and insurers can impose higher rates, and REITs and landlords can pass along only some of the increased costs.
- **Capital markets-focused firms seem least exposed**
Fallout on borrowers could ripple through mortgage-backed market; however, investment banks could come up with innovative products as alternatives.

Potential winners/losers. We believe all REITs would experience significant negative short-term valuation impacts if a terror attack were to occur in the absence of any terrorism insurance legislation. Investor fears about further equity losses in the event of future attacks, potentially unavailable terrorism insurance, higher borrowing spreads and the limited availability of debt capital would cause significant multiple contraction. This phenomenon would likely occur most for the most sensitive property sectors. These negative effects would likely be greatly mitigated if the federal government were to quickly enact a terrorism insurance backstop/bailout following the second attack.

Scenario 4: A bill is passed, an attack occurs. Despite the passage of a terrorism bill, whereby there is a federally funded backstop, we believe overall costs of obtaining insurance after an attack will likely rise — particularly for the affected asset type(s). From the landlord's perspective, we believe the impact from this scenario includes:

- Higher property operating expenses
- Higher borrowing costs on debt renewal, as the asset class is seen to be riskier, both in the CMBS and corporate borrowing arena
- Security costs rise again.
- The secured lending market would probably become even more focused on adequate insurance coverage for loan collateral.

Potential winners/losers. The passage of a terrorism insurance bill (and the more extensive, affordable terrorism insurance and debt capital) likely would not prevent some negative valuation impact if another terror attack were to occur. In this case, we believe REITs with skyline and high profile assets would clearly be most impacted, while their lower profile peers would likely be spared. It is worth mentioning, however, that the more sensitive companies would likely be deemed winners in between the passage of the insurance bill and the actual attack.

Banks, Brokers and Asset Managers

Initial Conclusions. We think that investors may be too focused on credit issues (Enron, K-Mart and now Global Crossing) and off-balance sheet disclosures to think about the implications of the passage / non-passage of the terrorism bill. We do not fault them, but we do believe that the outcome of the terrorism bill legislation could have a significant impact on banking and brokerage stocks. A key issue, as we see it, is whether lenders will continue to lend

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to what are perceived to be high-risk properties if the real estate companies cannot secure adequate insurance protection. Also, if the commercial mortgage-backed market does slow, what does this mean for trading profits for the BIG fixed income players in this area?

In evaluating the possible impact on the stocks in our universe based on the four scenarios, our primary conclusion is that in all scenarios, capital markets based firms seem to fare slightly better than the credit sensitive firms (except if a major terrorist attack does irrevocable damage to the securities industry's infrastructure).

On the other hand, we do think that traditional lending companies face marginal risks if the bill is not passed and another attack occurs. Under this scenario, more properties would be damaged potentially limiting the repayment of those loans to some banks and the insurance industry may become increasingly fragile limiting the effectiveness of current insurance policies. Longer term, credit spreads against commercial real estate would also likely rise, although the positive impact to the income statement would be offset by a slower pace of real estate activity.

According to Betsy Daniels, who is working on picking up the regional banks, banks are thinking through how they want to approach lending in a world without terrorism coverage on property. There is no "one-size-fits-all" approach. The banks can take several paths, ranging from renewing the loan, changing the terms on the loan, asking the borrower to get a terrorism rider, asking the borrower to self-insure for terrorism, or pulling the loan. Banks are choosing what makes sense for them given their business mix and risk appetite and decisions are likely to be made on a loan-by-loan basis. The key point is that the banks are thinking about these issues and are trying to create a game-plan to limit their exposure to further terrorist property destruction.

These issues are more likely to impact the traditional lending companies than the capital markets companies. Construction and commercial real estate loans were 19.5% of total average loans at US commercial banks as of September 30, 2001. At JPM and Citigroup, though, these loans represent just a fraction of overall business. Indeed, based on our analysis, we think that around 0.99% of Citi's total loans are related to domestic real estate, while we believe that 2.27% of JPM's total loans are related to domestic real estate (at the end of 3Q01, latest available

data). At the moment, we retain our Neutral rating on JPM and maintain our Outperform on Citigroup.

Within the brokerage sector, we think that Lehman Brothers (LEH, \$56, Outperform-V, target \$73) and Goldman Sachs (GS, \$81, Outperform-V, target \$92) are most levered to the commercial mortgage back industry (which would obviously slow if real estate companies were not able to obtain financing at will), ranking second and fourth,

respectively, in U.S. public and Rule 144A CMBS (collateralized mortgage backed securities) offerings. However, Goldman is traditionally not a major player in this market (i.e., the company had some big trades at the end of the 2001 that boosted it in the rankings). Separately, Credit Suisse First Boston (a unit of Credit Suisse), ranked first in this CMBS market in 2001. All told, according to Thomson Financial Securities Data, \$63.0 billion of CMBS were offered in 2001 (Exhibit 8).

Exhibit 8

U.S. Public and Rule 144A CMBS Offerings

	Proceeds (\$ M)	Rank	Market share	No. of tranches
CSFB	9,366.1	1	14.9	146
Lehman Brothers	7,813.5	2	12.4	91
Morgan Stanley	7,720.4	3	12.3	107
Goldman Sachs & Co	7,257.2	4	11.5	130
Deutsche Bank AG	6,196.4	5	9.8	105
JP Morgan	6,171.7	6	9.8	86
Banc of America Sec.	4,126.1	7	6.6	42
Bear Stearns & Co Inc	4,116.4	8	6.5	49
Wachovia Corp	3,498.7	9	5.6	91
Citigroup/SSB	3,017.8	10	4.8	30
Merrill Lynch & Co Inc	2,186.8	11	3.5	55
Industry Total	62,990.8	-	100	749

Source: Thomson Financial Securities Data

Interest rate impact. Looking at the big picture, we also are intrigued by the possible impact of the passage of the terrorism bill on the treasury market. If the terrorism bill is passed, the Federal Government becomes the reinsurer of terrorism related risks. Would government bondholders demand a terrorism risk free premium? If yes, then would the long-term *benchmark* risk free rate rise significantly? An increase in the benchmark rate would increase lending costs for all borrowers, which could be a negative for companies with high leverage ratios. Also, if real estate companies (REITS) were not able to secure mortgage financing and had to use the capital markets via straight debt issuance, we actually think that this opportunity could be an interesting one for the capital markets that we cover, particularly firms with a strong presence in the investment grade market.

Scenario Analysis: Banks and Brokers

Scenario 1: A bill is in place, no attack occurs. We believe that the passage of the bill with no incidence of further terrorist attacks in the near future would be a marginal positive for the credit sensitive names like C and JPM. Key to our thinking is government protection would allow lenders to still allocate capital to real estate companies with little residual impact from “event risks” like the tragic events of September 11, 2001. Separately, we believe that this scenario would entail healthier economic growth and stronger equity markets (due to the absence of any external shocks) — a significant positive for the broker/dealers and equity focused asset managers in our universe. In addition, the factors favoring economic growth (lower costs of doing business — specifically, insurance and security costs) would also positively impact the expense lines for all the stocks we cover. However, we do expect a

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Please see the important disclosures at the end of this report.

marginal increase in documentation costs for banks as lending agreements incorporate various terrorism related clauses, and a marginal increase in insurance rates for policyholders.

Potential winners/losers. We think that this scenario would be a marginal positive for all the stocks in our group for the reasons highlighted above. As such, under this scenario, we do feel comfortable reiterating our investment thesis: From a macro perspective, we continue to believe that capital markets firms outpace credit sensitive and fee-based companies. In diversified financials we continue to favor Citigroup (C, \$44, Outperform, target \$59) over JPMorgan Chase (JPM, \$29, Neutral). In the small cap asset management arena, we remain bullish across the board: Affiliated Managers (AMG, \$67, Outperform, target \$73), BlackRock (BLK, \$44, Outperform, target \$48), Waddell & Reed (WDR, \$30, Outperform, target \$35), and Federated Investors (FIL, \$31, Strong Buy, target \$35). Finally, we have a mixed bag on the Arms Dealers. Specifically, we like companies like Investment Technology Group (ITG, \$45, Outperform, target \$46) (play on cost, speed, globalization, and value-added), while we remain cautious on other names, including Instinet (INET, \$7, not rated).

Scenario 2: No bill is passed, no attack occurs. Our second scenario would essentially entail continuation of the status quo (we don't have a terrorism bill and fortunately there have been no more terrorist attacks). As we think that investors in our stocks have not yet focused on these issues, we do not expect any major impact on stock prices. However, we expect companies to spend more on security especially since terrorism related insurance coverage would be more difficult to secure.

Lenders continue to expect insurance against terrorist acts on the credits they extend — either through insurance policy coverage or through borrower self-insurance. Some lenders may look to cash in some of their “bad chips” by charging higher rates or refusing to extend funds to some credits on the grounds that they are not willing to underwrite loans that do not have terrorism related coverage. We believe that lenders may selectively take this approach towards certain credits. We do not expect widespread application, as it would result in the lender self-selecting out of the real estate lending market. Targeted pruning could marginally improve asset quality at some lenders.

Another related development would be a slowdown in some sectors of the CMBS market — especially for securities backed by high profile assets like tall office buildings and big regional malls. As a result we expect real estate firms to borrow funds at the corporate level rather than accessing capital markets through asset backed securities leading to a 20 to 30 basis point increase in their cost of funds. We think that investment banks will look upon this development as an opportunity and would come up with innovative financial products to solve the financing needs of real estate firms.

Potential winners/losers. Given that this scenario entails continuation of the Status Quo and the additional risk of muted revenue growth for the credit sensitive names, we are sticking to our investment theme (as highlighted in scenario 1). However we do want to point out that as in scenario 1, credit sensitive firms with lower credit standards could display higher growth rates than peers who have tighter credit standards.

Scenario 3: No bill is in place, an attack occurs. Our third scenario, which is also our worst case scenario, evaluates the impact of a major terrorist attack in case the terrorism bill has not been passed. As in scenario 4, the development could be a significant negative for firms like GS, MER (\$47), and LEH if it leads to another disruption in the nation's capital markets. For the credit sensitive names, we expect major credit losses as a direct result of the attack as most exposures would not be backed by insurance. In addition, the shock to the economy could lead to a deterioration in the overall credit situation, driving both provisions and credit costs materially higher. The shock to the equity markets could also depress earnings at capital markets based firms and equity focused asset managers. The occurrence of another attack would also lead to increased security expenses by businesses.

Potential winners/losers. We believe that credit sensitive names will come under the most pressure under such a scenario. Although we believe that the federal government would intervene to prevent a breakdown of the financial system, we believe that credit sensitive names could experience a “double whammy”. Specifically, in addition to the direct credit losses they would experience as a result of the attack, the external shock to the nation's economy would increase credit costs going forward (even if the companies had no exposure to the areas/ businesses directly impacted by the attack). We would expect capital markets

firms to outperform other financials, as the rebuilding effort would require a significant amount of capital to be raised. Within asset managers, we believe that fixed income focused firms would outperform their equity focused counterparts.

Scenario 4: A bill is passed, an attack occurs. Irrespective of whether a terrorism bill has been passed, we believe that the initial reaction of the market will be negative for most of the stocks in our coverage universe. The development could be a significant negative for capital markets based firms if it leads to another disruption in the nation's capital markets.

However we do not expect any major credit losses at the credit sensitive firms as a direct result of the attack as most exposures would be backed by insurance. That said the shock to the economy could lead to a deterioration in the overall credit situation, leading to higher credit costs at the firms we cover. In addition, the shock to the equity markets could depress earnings at capital markets based firms and equity focused asset managers. The occurrence of another attack would also lead to higher insurance rates for policyholders and increased security expenses by businesses.

Potential winners/losers. If the attack does not lead to a disruption in the nation's capital markets and equity markets rebound soon after the attack, we believe that capital markets firms will outperform credit sensitive and fee-based companies (as happened after 9/11). We also expect capital markets firms to outperform other financials, as the rebuilding effort would require a significant amount of capital to be raised. We think that the attack could amount to another external shock to the nation's economy, leading to a deterioration in credit that could raise credit costs at Citigroup and JPMorgan Chase. Within the credit sensitive names, we would expect firms with better credit management practices to significantly outperform their peers because of two reasons: 1) they would have pruned their uninsured terrorism risk exposure, and 2) they would also have lower credit costs if the economy were to head into a recession.

The Property/Casualty Sector

As noted in the February 22, 2002, issue of *P/C Insurance & Risk Briefing*, we believe the equity markets generally do not appear to be discounting in insurers' material risk from terrorism in the absence of a terrorism bill. Nevertheless, we believe many primary commercial lines insurers (and, to *Financial Institutions* – February 27, 2002

a lesser extent, personal lines insurers) retain considerable residual terrorism risk. Therefore, we believe that investors need to reconcile their willingness to accept terrorism risk, other offsetting factors they may find attractive in a stock, and their return requirement.

Initial conclusions. We believe that most primary insurers and some reinsurers cannot adequately measure their exposure aggregations from a hypothetical event. They are only just beginning to gather exposure information, such as employee locations for workers' compensation. Meantime, virtually all primary insurers talk about limiting exposure as much as they can, but they do not provide enough information to determine how a particular insurer would fare under a worst-case scenario. They do not, for example, provide a probable maximum loss estimate (PML) as they ordinarily do with other types of catastrophic risks. Nor are we aware of any insurer taking an across-the-board approach of simply non-renewing policies without terrorism losses excluded.

Insurers imposing exclusions using nonadmitted policy forms are assuming that the ban on exclusions in some states is trumped by their nonadmittance status. There is a slight risk, however, that policyholders and regulators might challenge that interpretation in an effort to broaden available coverage after the fact. We also believe insurers are assuming they can invoke the war exclusion in another attack; however, we assume that issue would ultimately be litigated. Additionally, we believe that the primary exclusions that have been approved may be insufficient to prevent insurer insolvency, especially for insurers that write workers' compensation, group life, and significant amounts of property insurance (Exhibits 9 and 10).

In short, we think investors cannot assess the risk of terrorism in a portfolio of insurance stocks any better than an insurer can assess the terrorism risk in its insurance portfolio. However, investors can control their exposure to risk, by limiting the amount they invest in such stocks to an amount within their risk tolerance from such an event. Accordingly, we are not averse to investing in terrorism-exposed insurance stocks, but we believe investors should not over-concentrate in these stocks. We also believe that investors should require a higher return in exchange for this additional, and unquantifiable, risk. Comparisons to historical valuations should take note of this higher level of risk. We would consider stocks with the same valuation as pre-9/11 as now more "expensive."

This approach to investing is similar to one we would follow for cat-exposed insurers that do not buy earthquake or hurricane reinsurance, although with added uncertainties:

1) we do not know as much about the level of risk for individual insurers as we normally do for other types of catastrophic risks; 2) we know nothing about the overall frequency and severity of terrorism risk.

Exhibit 9

**Top 20 Workers' Compensation Insurers
Ranked by 2000 Net Premiums Written**

Workers' Compensation Market		2000
Company	Premiums	Mkt Share
Liberty Mutual	\$2,313,115	8.2%
State Comp Ins Fund of CA	\$1,789,807	6.4%
American International Group	\$1,554,411	5.5%
CNA	\$1,417,875	5.0%
Zurich/Farmers	\$1,228,744	4.4%
Kemper	\$1,081,883	3.9%
Travelers/Citigroup Companies	\$1,065,492	3.8%
Hartford Financial	\$1,023,565	3.6%
Fremont General	\$965,611	3.4%
Royal & SunAlliance USA	\$823,032	2.9%
St Paul Companies	\$592,393	2.1%
Fairfax Financial (US)	\$533,962	1.9%
CGU	\$496,860	1.8%
Chubb	\$413,702	1.5%
GE Capital	\$393,322	1.4%
SAFECO	\$388,117	1.4%
Allianz of America	\$379,380	1.4%
FCCI	\$342,370	1.2%
Zenith National	\$314,157	1.1%
Texas Workers' Comp	\$299,875	1.1%
Top 10 Total	\$13,263,535	47.2%
Top 20 Total	\$17,417,673	62.0%
Top 30 Total	\$19,602,224	69.8%
Total WC Market	\$28,098,870	

Source: Statutory financial statements and Morgan Stanley estimates

Exhibit 10

Top 16 Global P-C Insurers**Top 16 Global P-C Insurers Ranked by 2000 Revenues**

Company	Revenues		Earnings		Earnings/Revenues	
	Millions	% Chg. from 1999	Millions	% Chg. from 1999	E/R	% Chg. from 1999
Allianz	\$71,022	-4%	\$3,198	34%	5%	1%
State Farm	\$47,863	7%	\$408	-61%	1%	0%
AIG	\$45,972	13%	\$5,636	11%	12%	2%
Munich Re	\$40,672	6%	\$1,617	34%	4%	1%
Zurich Fincl. Services	\$37,431	-6%	\$2,328	-29%	6%	1%
Berkshire Hathaway	\$33,976	41%	\$3,328	114%	10%	2%
Allstate	\$29,134	8%	\$2,211	-19%	8%	2%
Royal & Sun Alliance	\$25,570	-2%	(\$21)	-115%	0%	0%
Loews	\$20,670	-1%	\$1,877	417%	9%	3%
Swiss Re	\$18,688	-5%	\$1,757	-5%	9%	2%
Tokio Marine & Fire	\$17,762	-3%	\$378	22%	2%	1%
Liberty Mutual	\$16,438	6%	\$287	-43%	2%	1%
Groupama-Gan	\$14,851	-16%	\$37	35%	0%	0%
Nationwide	\$14,762	9%	\$411	-20%	3%	0%
Hartford Fincl. Services	\$14,703	9%	\$974	13%	7%	1%
Yasuda Fire & Marine	\$12,166	-1%	\$129	2%	1%	0%
Top 16 Total	\$449,514		\$24,426			

Source: Fortune

Scenario Analysis: Property/Casualty Insurers

Scenario 1: A bill is in place, no attack occurs. This is the second-best scenario for short-term earnings and the best case for valuation. Reinsurers and property insurers would have greater certainty about their exposures and could price accordingly.

While rates might not rise as sharply as without a bill, the existence of a federal backstop would remove a large balance sheet vulnerability. Under this scenario, we assume no WTC-size event occurs this year, presumably giving insurers that much time to rebuild surplus — including additional capital-raising. Brokers' earnings upside from commissions and fees might be slightly muted, taking their portion of rates that might not be as sharply higher as they would be without a terror bill. Valuations could probably be

higher with a terror bill in place because of the perception of reduced shock-loss risk and volatility. However, since we believe the market is not discounting terrorism risk, the impact could be limited.

Potential Winners/Losers. Our current market-weight position on the brokers would stand. For the commercial primary insurers, this could be a positive, removing the uncertainty. Our position on the reinsurers would also shift toward the positive.

Scenario 2: No bill is passed, no attack occurs. This is the best-case scenario from an earnings perspective in the short term and the second-best scenario from a valuation perspective. It is also the current scenario, and our current market-weight position on the commercial insurance industry reflects this status quo. In our view, this is a

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positive for reinsurers and brokers and for property insurers on non-customized coverages. Insurers and reinsurers are charging steeper rates for more restricted coverage of an unpredictable risk that under this scenario does not recur this year.

The more prudent insurers are excluding the coverage altogether. Some are offering it as a steeply priced add-on with much tighter limits on what they perceive to be the most exposed properties. Terrorism is a negative for valuation, however, because the risk premium should be higher to cover the uncertainty of another costly attack occurring without a federal backstop in place. We would expect this premium to decline over time, as risk declines.

Potential winners/losers. We think that only the most disciplined commercial insurers and reinsurers with the strongest balance sheets, best ratings and compelling valuations are desirable amid the protracted uncertainty of no federal backstop and no guarantees that terrorists will never again strike with the ferocity of 9/11. We are skeptical that exclusions will remain as firm as they are currently.

Scenario 3: No bill is in place, an attack occurs. Rates likely would soar, we believe, along with demand, but capacity would likely shrink as losses mounted. Earnings, in our view, would be depressed for many large commercial insurers and reinsurers, and net investment income would come under pressure from the likely impact on capital markets in the wake of another attack. The government might step in with some form of emergency funding, with an uncertain and possibly inequitable impact. The capital markets might be reluctant after the second major attack to commit another round of funding. In a second attack, some of the stronger players, in our view, could have impaired balance sheets and have difficulty maintaining their financial strength and credit ratings. A capacity crisis could develop. The post-9/11 measures taken to limit exposures would probably have a minimal effect, because we think

those measures would not have had a chance to permeate insurers entire books. The following legal questions could quickly arise under this scenario:

- Was the attack an act of war, and excludable?
- Might states try to force policies written on an excess & surplus lines basis to cover terrorism after the fact?
- Would anyone bear liability exposure?
- Would Congress be more inclined to grant liability relief from terrorism-related events?
- Would foreign insurers and reinsurers doing business in the US follow US laws and practices?

Potential winners/losers. We would expect reinsurance and insurance broker stocks to gain under this scenario and primary insurer stocks to lose. We think reinsurers, which are not subject to state regulation on terrorism coverage exclusions, have generally been reducing their exposures to terror risk faster than primary writers and writing new contracts that offer more limited coverages at high rates. Brokers, again as the intermediaries, would benefit from what we think would be another surge in rates, as well as demand. Primary insurers, in our view, would be much more vulnerable, having achieved limited success in excluding terrorist losses and in finding affordable, effective reinsurance.

Scenario 4: A bill is passed, an attack occurs. This could actually be one of the better scenarios for earnings, again depending on the shape of the bill passed, and third best for valuation. We view this scenario as a net positive. Underwriters would know exactly where their exposures begin and end, and could price and set deductibles, limits and exclusions more accurately. Yet the private market would still bear the insurable portion of the risk.

Potential winners/losers. We assume the impact on insurers and reinsurers would be far more predictable than without a bill—analogueous to any other catastrophe (i.e., positive).

V = More volatile. We estimate that this stock has more than a 25% chance of a price move (up or down) of more than 25% in a month, based on a quantitative assessment of historical data, or in the analyst's view, it is likely to become materially more volatile over the next 1-12 months compared with the past three years. Stocks with less than one year of trading history are automatically rated as more volatile (unless otherwise noted). We note that securities that we do not currently consider "volatile" can still perform in that manner.

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The Americas

1585 Broadway
New York, NY 10036-8293
United States
Tel: +1 (1)212 761 4000

Europe

25 Cabot Square, Canary Wharf
London E14 4QA
United Kingdom
Tel: +44 (0)20 7513 8000

Japan

20-3, Ebisu 4-chome
Shibuya-ku,
Tokyo 150-6008, Japan
Tel: +81 (0)3 5424 5000

Asia/Pacific

Three Exchange Square
Central
Hong Kong
Tel: +852 2848 5200

Assessing Terror and Related Legislative Risks

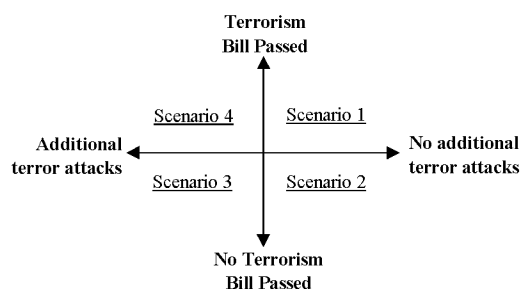
Summary

September 11 changed the world's perception of risk. Insurers and reinsurers were the first to react, moving to exclude losses from future terrorist attacks in policy language. Congress immediately began work on a bill to provide the coverage but failed to pass legislation before year-end. The issue is back before Congress but passage of a bill is uncertain. Whether another terrorist attack occurs with or without a bill in place has significant implications for the banking, brokerage, asset management, real estate and insurance industries' earnings and valuations.

Morgan Stanley's analysts who cover these sectors have produced this report to weigh the likely impact on these sectors of a federal terrorism insurance bill passing or not, depending on whether another World Trade Center-size attack occurs in the US. (For discussion purposes, we are ignoring the worst-case scenario of a major nuclear, chemical or bio-terrorism attack because of the enormous, unpredictable consequences on the economy and society. Only the government can address this risk, in our view.) We assume that if a bill were to pass, it would resemble some compromise between the current House bill and last year's failed Senate version (under which the federal government would pay as much as \$90 billion of terror attack losses over a three-year period, with insurers paying the first \$10 billion of losses). Our aim is to identify the degree to which stocks are discounting in terrorism and the winners and losers under the four possible scenarios (Exhibit 1):

Exhibit 1

The Terrorism Matrix



Source: Morgan Stanley Research

We are currently in Scenario 2. No bill has passed (and the likelihood of one passing this year remains uncertain

without action from the Senate). No follow-up massive attack has occurred although some seem to have been averted (and investors — and even some businesses — seem to be assuming that none will occur any time soon). The government has indicated that terrorism remains a very real risk, and our aim is to provide investors with a framework for thinking about the implications of the four possible scenarios, without necessarily assigning probabilities to whether a bill will pass or another massive attack occurs.

The 9/11 event by itself showed that the terrorists are much more coordinated, capable and determined than was generally thought prior to the event. Since then, the government's stepped-up efforts to gather intelligence has turned up new evidence that the terrorists are determined to plan and execute additional attacks. Preventive efforts also have been ramped up and appear to have thwarted some attacks. The risk of terrorism should be reduced over time; however, in a recent speech, former CIA Director Robert Gates indicated it would be at least 5-10 years before the level of terrorism risk is economically insurable. Accordingly, we believe the message in all this new information is that the risk of massive losses from terrorism in the near future needs to be weighed in terms of its impact on property owners, lenders, insurers and their investors.

Investment conclusion. Our overall conclusion is that the stocks currently reflect the assumption that no terrorism insurance bill will pass, and no WTC-size loss will be repeated any time soon. Weighing the business and stock valuation impact of political behavior and terrorist attacks is tricky for the same reason we believe terrorism losses are uninsurable. It is practically impossible to assign a probability of recurrence to an unprecedented event of the magnitude of the September 11 attacks. One thing we now believe, however, is that such a massive attack *is* possible. In all our scenario analysis, we think a negative scenario — another attack occurring today without a terrorism bill in place — is the one investors need to think about most, because this is the one scenario we think is currently least priced into the market. Under this scenario, we believe:

- The property/casualty insurance companies (the first derivative in the financial sector chain of events) and their stocks would suffer the greatest blow, offset by further acceleration in insurance rate increases. We

believe the primary insurers would likely take a significantly bigger hit than reinsurers, with the insurance brokers, as non-risk-bearing intermediaries, possibly gaining. Government intervention financially, however, would probably be swift and might reverse the valuation dynamics. The question is whether the government would restore capital as well as pay claims. We also do not think capital would rush into the industry as quickly as it did after 9/11, because the level of risk would be perceived as greater. The financial impact of a second event could be more severe than the impact of the WTC event for some companies, assuming a comparable amount of losses despite post-9/11 efforts to reduce exposures, because of the already weakened financial condition of certain insurer balance sheets.

- Real estate investment trusts (REITs), in addition to incurring the actual loss of property, could be hit by both lower liquidity and lower real estate values as well as by higher borrowing costs, higher security costs and higher insurance costs and reduced insurance availability for properties that most closely fit the profile of the terrorists' targets. Developers might find asset-backed financing harder to complete and be forced to move toward corporate debt issuance, which can be costlier.
- Lower down on the impact scale would be credit-sensitive financials, depending on whether another wave of attacks would negatively affect interest rates. We think interest rates could be vulnerable in the aftermath of another attack without a terrorism bill in place, depending on the size of the losses and the method the government would use to fund those losses under financial-crisis conditions. Offsetting this impact would be how the event could lead to stricter credit standards, higher loan interest rates and an acceleration of efforts to improve loan portfolios in terms of credit quality. Individual financial institutions that have excess concentrations in affected properties would suffer losses.
- Capital markets financials could be hurt by the impact on the collateralized mortgage backed securities market as well as any post-attack weakness in the equity markets akin to what happened after 9/11. At the same time, another attack might create the opportunity to generate innovative property financing alternatives created by the impacts on the real estate market and interest rates.

Exhibit 2

Escalating Terrorism

Date	Event	Fatalities
1985	Air India explosion	325
1987	Korean Airlines sabotage	115
1988	Pan Am Flight 103	270
1989	UTA flight crash	171
1993	Beirut truck bombing	241
1993	Bombay car bombing	300
1994	Algerian Eiffel Tower plot*	-
1995	Oklahoma City bombing	168
		1,590

* Plot to use hijacked aircraft as a weapon and massacre civilians was foiled

Source: "How Did This Happen? Terrorism and the New War" Gregg Easterbrook; edited by James F. Hoge Jr. and Gideon Rose

Who holds the risk? Our view is that the bulk of the financial risk in a terrorist attack resides with those who finance and own commercial real estate, the companies that occupy the space, and those who insure real estate and the businesses and lives of the people who occupy those spaces. This would include central business district real estate, regional shopping malls, and large hotels. This does not mean, however, that the risk is non-existent for suburban offices, small hotels and shopping centers — only that the risk may be lower in those locations.

We are aware, for example, that insurers are not excluding terrorism coverage on properties and businesses that do not seem like obvious terrorist targets — a motel on a sparsely populated highway. On the other hand, we think it is a mistake to assume that only major cities like New York and trophy real estate like the World Trade Center constitute the *only* potential targets. As a recent Swiss Re report pointed out, a terrorist destroyed a major federal office building in Oklahoma City — not an especially high-profile property in a medium-sized city.

Exhibit 3 gives an indication of how much value is tied up in US commercial property and how much property-related financing was outstanding at year-end 2000. This represents the total value at risk — to varying but essentially unknowable degrees — in a terrorist attack. This does not cover residential real estate, but once again, that does not mean we think residences are immune to terrorist actions. For example, terrorists are known to have worked on launching attacks involving nuclear, biological and chemical weapons. Many insurers and reinsurers are specifically excluding losses from these types of attacks, but

fire losses following a nuclear attack are not excluded, and fire following any act of terrorism is not excludable in 29 states, including the major industrial states such as California and New York. Nor can workers' compensation losses or group life be excluded. Nuclear, chemical, and biological terrorism may not be excluded from personal insurance. Life and disability covers all risks.

Exhibit 3

Commercial Real Estate Landscape of Risk (\$, Billions)

US office space under construction ¹	44.0
US office space ¹	573.8
Structure Replacement Costs	\$5,532.9
Inventory	\$1,403.9
Equipment & Software	\$3,698.7
Real Estate	\$7,091.5
Real Estate, Inventory and Equipment	\$12,194.1
Leases Receivable	\$170.9
Real Estate/Mortgage Loans ²	\$6,937.4
Industrial Loans	\$1,082.7
Total assets	\$12,194
Total debt ³	\$8,191

¹ Square feet in millions (source: Cushman & Wakefield).

² Includes commercial and residential loans.

³ Excludes commercial/industrial loans that may be secured by inventory and equipment

Source: FDIC, Federal Reserve, Morgan Stanley research estimates

Exhibit 4 shows the extent to which some of the sectors referred to in this report are exposed to commercial real estate in terms of equity and debt ownership. Not surprisingly, the commercial banking sector has the largest exposure to commercial real estate loans, while corporations have the largest exposure to real estate owned.

Insurance covers only a fraction of value. Perhaps the most striking reality is the relatively small amount of net premiums US property/casualty insurers collect — \$19.8 billion in 2000 — for commercial multiperil coverage, which includes insuring the \$5.5 trillion replacement value of all US commercial structures plus another \$5.1 trillion in inventory, equipment and software. This also compares to total property/casualty industry capital ("surplus") of about \$282 billion at year-end 2001, which is the entire US property/casualty industry's capacity to pay claims of all types (including personal coverages). We estimate the capital of the commercial lines industry, for all types of coverages including casualty, is about \$125 billion. The

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premiums collected for commercial multiperil are 13.4% of all commercial lines premiums. To put these numbers in context, for covering every dollar of commercial-structure replacement value and contents, property insurers collect about two tenths of a penny of premium and maintain surplus of approximately the same amount.

Exhibit 4

Commercial Real Estate Assets by Sector (\$, Billions)

	Asset
Commercial Banks	
Financed lease receivables	\$166.7
Non-farm real estate loans	\$465.5
Industrial loans	\$1,048.2
Subtotal	\$1,680.4
Savings Institutions	
Financed lease receivables	\$4.3
Industrial Loans	\$34.4
Real estate loans	\$59.7
Subtotal	\$98.4
REITS	
Enterprise value for equity REITs	\$260.0
Enterprise value for mortgage REITS	\$17.0
Subtotal	\$277.0
Brokers	
Collateralized mortgage backed securities	\$63.0
Subtotal	\$63.0
Non-Farm Corporations	
Inventory owned	\$1,333.7
Equipment & software owned	\$3,170.6
Real estate owned	\$4,796.2
Subtotal	\$9,300.5
Non-Corporations	
Inventory owned	\$70.2
Equipment & software owned	\$412.0
Real estate owned	\$1,070.2
Subtotal	\$1,552.4
Non-Profits	
Equipment & software owned	\$116.1
Real estate owned	\$1,225.1
Subtotal	\$1,341.2
Commercial P-C Insurers	
Mortgage loans	\$0.8
Real estate investments	\$1.1
Real estate owned and occupied	\$2.4
Subtotal	\$4.3
Life Insurers	
Real estate owned for debt satisfaction	\$1.6
Real estate owned and occupied	\$6.2
Real estate investments	\$15.8
Mortgage loans (includes residential)	\$229.8
Subtotal	\$253.4
Total	\$14,570.6

Source: FDIC, Federal Reserve statutory data, Morgan Stanley research estimates

Please see the important disclosures at the end of this report.

While insurance performs an extremely important economic function, by design it covers a finite amount of risk that is, in the aggregate, somewhat predictable over time. Events that fall outside this definition of insurability due to their potential size and lack of predictability are not insurable because the economic cost to set aside capital to cover such a risk is too high for the economy to bear. This is the point at which the government steps in, and this is what the debate over terrorism is all about.

Terror bill background. The September 11 terrorist attacks brought to light a new level of risk that clearly had not been previously contemplated. Nearly every kind of insurance coverage was triggered — including personal and commercial property (with business interruption), aviation liability, workers' compensation, personal and commercial auto, commercial property, liability and others, along with life insurance and accident & health. It involved an unprecedented concentration of property loss, economic losses and loss of life — more than 3,000 lives, four commercial airliners, hundreds of companies and thousands of their employees who survived but were affected in various ways.

Reinsurers immediately began to notify clients they would renew expiring contracts with exclusions for claims from future similar terrorist attack losses. At the same time, however, reinsurers as well as insurers quietly started looking for ways to write the coverage in limited ways and away from locations they deemed to be obvious terrorist targets — high-profile urban trophy properties, power plants, airports, and major events. Publicity focused on the immediate threat of property owners and developers and commercial enterprises facing potential default notices from lenders citing the lack of terrorism coverage.

Starting in October, Congressional aides began to write legislation to provide a government guarantee to cover such losses, without which it was assumed banks would be unwilling to make any commercial and industrial real estate loans. At that time, no one seemed to question the assumption that the inability to get terrorism coverage would lead to an economic crisis triggered by lenders calling in property loans with covenants requiring the coverage. The bill that emerged would authorize the Treasury Department to pay as much as \$90 billion of losses above the first \$10 billion that the insurance industry would cover.

By the end of the year, the bill had stumbled. The two parties split over a provision for tort reform, which President Bush had set as a requirement for his signature. The inability to compromise on this point killed the bill. Once it was clear there would be no bill by year-end, a reinsurance renewal logjam, caused by the wait-and-see over the terror bill, broke open.

Bill's current status. The urgency to pass a bill diminished after year-end, partly because no obvious evidence emerged of a brewing economic crisis. Bank regulators and industry trade associations indicated that lenders were not wholesale calling in loans or turning away borrowers over terror insurance exclusions. Examples of deals derailed by lack of terror-cover availability were the exception rather than the rule. However, as of this writing, the House Financial Services Committee was reconvening hearings on a bill, including testimony from the Government Accounting Office pointing to the need for a federal backstop. Still, we think that the farther away we get from September 11 without another catastrophic event, the harder it gets to push a bill through Congress. Meanwhile, insurers, developers and lenders keep finding ways to do business — essentially by increasing their exposures and costs — without a backstop.

Why a bill is still needed. We believe, however, that such a bill is as necessary as ever. Repeated terrorist attacks of the WTC magnitude are essentially uninsurable risks. It is practically impossible to estimate the probability of recurrence. Politically motivated intentional criminal acts resist actuarial analysis. The lack of a bill puts property and business owners in the position of having to pay much higher insurance rates — 50-100% and greater for central business district real estate — for less coverage and self-funding the balance of the exposure under pressure from lenders.

If and when a catastrophic event occurs, these owners will absorb a far greater share of the loss than they did on 9/11. As a result, some businesses could fail, unless they tied up much more capital in advance to cover the risk — capital that normally would be available to finance normal operations and growth. Without a terror bill, we think lenders will be imposing stricter requirements on an increasing portion of their loan portfolios as those portfolios mature. Insurers, meanwhile, are still over-exposed, because they can exclude only as much terrorism coverage as state governments allow (which is not a lot) and can buy

very little reinsurance affordably to limit their exposure. In effect, all these businesses collectively are gambling on either dodging the next massive attack or having the government step in after the fact and efficiently provide the capital.

Most important to recognize is that the 9/11 attack was not a fluke, nor was it entirely unforeseen. It was a second attempt on the same property perpetrated by sophisticated, well-funded terrorists. Since 1968, more than 10,000 acts of terrorism have been recorded, including 14 events with more than 100 fatalities. In 1999, the Hart-Rudman Commission on National Security in the 21st Century concluded “Americans will die on American soil, possibly in large numbers” as a result of terrorism. The National Commission on Terrorism in June 2001 said the “#1 priority” of the US should be to address loose affiliations of transnational terrorists seeking to inflict large numbers of casualties.

Yet the economy continues to absorb such exposure. In the end, we think it would be better for the federal government to establish a structure for covering uninsurable losses from the next major attack than to do nothing. Any after-the-fact response would probably involve emergency funding that could have inequitable outcomes. Congress has been widely criticized for bailing out the airlines just 10 days after 9/11, then not acting on other parts of the economy. Such disparate outcomes are avoidable.

Experts have noted that the historical roots of the current Islamist terrorism to some extent lie in the distant past. For example, Osama bin Laden refers to Western culture as “Crusaders.”

Exhibit 5

Timeline of Mideast Turmoil

Date	Event
612 AD	Prophet Muhammed begins to preach in Mecca
632	Death of Muhammed
637	Muslims defeat Persia
638	Jerusalem falls under Muslim rule
641	Muslims defeat Byzantium; conquer Egypt, Palestine & Syria
1099	Jerusalem taken by Christians in First Crusade
1839-42	First Afghan War (Britain vs. Russia)
1878-81	Second Afghan War
1917	Third Afghan War
1948	Founding of Israel
1972	Biological Weapons Convention signed
1979	Soviet Union invades Afghanistan
1980s	Osama bin Laden fights in Afghan-Soviet war
1989	Biological Weapons Act passed in US
1990-91	bin Laden concludes US wants to dominate Middle East
April 1992	Taliban begins rule of Afghanistan
1992	Islamist activists send "Memorandum of Advice" to Saudi
1993	World Trade Center bombing
1994	bin Laden stripped of Saudi citizenship; moves to Sudan
November 1995	Car bombing of US military training mission in Riyadh. Numerous fatalities; perpetrator claims inspired by bin Laden
June 1996	Car bombing of Khobar Towers in Saudi Eastern Province
1996	bin Laden moves to Afghanistan
1996	US Anti-Terrorism Act passed
September 1996	bin Laden issues fatwa against "Crusader-Zionist Alliance"
February 1998	Unites with Sunni radicals in Egypt, Bangladesh & Pakistan
August 1998	Car bombing of US embassies in Kenya and Tanzania
1989-2000	Major TV networks close foreign bureaus, cut foreign news content by two-thirds
January 2000	"World affairs" ranks 20th in importance in presidential
October 2000	Bombing of destroyer USS Cole in Aden, Yemen
February 2001	CIA Director George Tenet testifies before US Senate Intelligence Committee that bin Laden's network is the most immediate and serious threat to US security
June 2001	Persian Gulf on high alert during joint US-Jordanian military exercises; cut short due to terrorism threat
September 11	Attack on America; more than 3,000 fatalities
October 7 2001	Second Khobar Tower bombing; two fatalities
October 2001	50 people infected by anthrax spores sent through US mail
December 23	Richard Reid prevented from blowing up American Flight 63
January 2002	President Bush discusses "Axis of Evil" in State of the Union

Source: "Holy War, Inc." Peter L. Bergen, "How Did This Happen? Terrorism and the New War" Gregg Easterbrook; edited by James F. Hoge Jr. and Gideon Rose, "Inside Terrorism" Bruce Hoffman, Morgan Stanley Research

The Scenarios

Exhibit 6 shows the winners and losers in each scenario, reflecting our collaborative thinking and analysis of the

earnings and valuation implications under each scenario for property/casualty insurers, REITs and mortgage lenders. Detailed summaries for each of these segments follow.

Exhibit 6

Winners and Losers Under Four Scenarios

		Terrorism Bill Passed		
Attacks Occur	Scenario 4: Winners: Primary insurers and reinsurers; insurance brokers; brokers without equity market exposure; capital markets-focused firms (assuming no significant infrastructure damage). Losers: REITs; credit-sensitive firms.	Scenario 1: Winners: Insurers, reinsurers, insurance brokers; REITs (especially BXP, BPO, EOP, VNO, RSE, SPG); marginally positive for capital markets based firms, less so for credit-sensitive firms and banks; C, JPM. Losers: None	No Attack Occurs	
	Scenario 3: Winners: Capital markets-focused firms (assuming no significant infrastructure damage), asset managers with a fixed-income focus; reinsurers; insurance brokers. Losers: Primary insurers; REITs; credit-sensitive firms; asset managers with an equity focus.	Scenario 2: Winners: Insurers (although still assuming risk); reinsurers; insurance brokers; marginally positive for capital markets based firms, less so for credit-sensitive firms and banks; C, JPM. Losers: The weaker commercial insurers with lower financial strength ratings; REITs.		
		No Terrorism Bill Passed		

Source: Company data, Morgan Stanley Research

Real Estate Investment Trusts

The current lack of affordable terrorism insurance coverage for many types of real estate has already generated negative impacts for a variety of REITs. Significant uncertainty continues to surround the possibility of government intervention as well as the possibility of another terror attack. In order to help investors better navigate these uncertainties, we provide some initial conclusions about the prospects of the real estate industry (as well as various property sectors and REITs). (See *Terrorism and Insurance*

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Risks: Assessing Sensitivities by Gregory Whyte, Matthew Ostrower and Robert Stevenson being published simultaneously with this report.).

Initial conclusions. The terrorist attacks of September 11 and the enormous and tragic loss of human life and property that accompanied them led to significant new uncertainties in the real estate sector, which was already beginning to feel the brunt of a national economic downturn. Among these uncertainties was how real estate owners would continue to obtain insurance coverage for their assets, particularly those

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with high rise (“skyline”) characteristics. This issue was exacerbated by: 1) the fact that most insurance policies (and the terrorism insurance that has traditionally been a part of them) expire on December 31 of each year, and 2) most secured loans (mortgages) would fall into technical default without some kind of ongoing terrorism insurance.

With no backstop legislation in place, the negative consequences of no terrorism coverage have begun to set in for real estate landlords, and, we believe, ultimately tenants as well. Certain real estate asset types and companies are clearly more affected than others are (Exhibit 7). However, we believe it is possible to draw some broad conclusions. We believe the current lack of terrorism legislation has, and will continue to have several negative effects:

- 1) Real estate borrowing will likely become more difficult and more expensive. We expect mortgage spreads to rise in response to increased insurance risk, the collateralized mortgage-backed securities (CMBS) market may continue to balk at single loans with trophy/skyline collateral, and REITs will likely increasingly resort more to the (generally) higher spread corporate market.
- 2) General insurance costs will likely continue to remain higher than pre-9/11 levels (we believe earthquake insurance is already up sharply, with meaningfully higher deductibles). We expect these costs to continue to rise, but to rise less dramatically if a terrorism insurance bill is eventually passed.
- 3) Building security costs will likely remain higher

Exhibit 7

Terrorism Issue Sensitivity Spectrum

More Sensitive	Relevant Tickers
"Skyline" CBD Office	BPO, BXP, EOP, VNO
Lower-Profile CBD Office	CRE, RA, TZH
All Other CBD Real Estate	ASN, AVB, HOT, HMT
High Profile Regional Mall	RSE, SPG, TCO
Large Hotels	HMT, HOT
Suburban Office	
Low Profile Regional Mall	
Multifamily / Small Hotels	
Community Shopping Center	
Self Storage	
Less Sensitive	

Source: Company data, Morgan Stanley Research

- 4) The absence of suitable insurance coverage will likely affect the general real estate lending market, which could impact real estate valuations, particularly for asset types

seen as vulnerable to attack: central business district (CBD) office buildings, certain regional malls, and assets located near sites perceived as risky.

Issue Sensitivity Spectrum

In the event terrorism insurance legislation is ultimately passed, we believe the short-term impacts will be lower insurance and debt costs, providing the most relief to those companies and asset types that were most adversely affected by the current lack of coverage. Given the negative impacts on the real estate industry in just the past 8-10 weeks, we now believe that a bill is more likely today than it would have appeared even four weeks ago. We believe even the passage of a bill and no new attack will still see the real estate industry worse off than pre-9/11, but it is still the best case scenario. In an effort to assess the degree of negative impact, we have outlined the consequences of each of four different scenarios on the industry below. We believe companies in the most sensitive sectors (e.g. BXP, BPO, EOP, VNO, RSE, and SPG) will be the biggest winners in positive scenarios (such as Scenario 1) and the biggest losers in the negative scenarios (Scenario 3). (*Current prices: BXP \$37, BPO \$18, EOP \$28, VNO \$42, RSE \$30, SPG \$31.*)

Scenario Analysis: Real Estate and REITs

Scenario 1: A bill is in place, no attack occurs. As it pertains to the real estate industry, and with particular focus on the landlord (often time the public landlords are REITs), we believe:

- After rising to exorbitant rates post 9/11 (and becoming unavailable in many circumstances) market rates on new terrorism insurance policies begin to fall. Terrorism insurance again becomes widely available.
- The passage of a bill would eventually see the return of liquidity to mortgage and single asset CMBS markets, particularly those involving higher profile “trophy” assets (e.g. skyline CBD assets).
- Although some asset classes allow for occupancy costs to be billed back to tenants (e.g. commercial and retail), we believe higher insurance costs are effectively shared by landlords and tenants regardless of property type. For this reason, the somewhat lower costs that would likely accompany a terrorism bill would benefit both landlords and tenants.

Potential winners/losers. We believe valuations of companies in the most sensitive sectors already reflect some of the negatives associated with the current lack of easily available terrorism insurance (though they do not appear to reflect any major discount as a result of potential exposure to another terrorist event). The passage of a terror bill would lead to more extensive insurance coverage, and potentially lower insurance and borrowing costs for companies such as BXP, BPO, EOP, VNO, RSE, SPG, etc. Less sensitive companies/sectors that are currently experiencing fewer impacts would benefit, but to a lesser extent.

Scenario 2: No bill is passed, no attack occurs. The absence of any passage of a terrorism bill, even without an additional terror attack, is clearly a negative for the REIT sector. We believe this scenario would lead to:

- A sharp rise in operating expenses to cover extremely high insurance and security costs. Landlords begin to question the ability of insurers to meet future terror claims.
- Some landlords may choose to forego expensive terrorism insurance, which would have ramifications on borrowing conditions:
 - 1) Borrowers may fall into technical default on secured loans, which could precipitate some adjustment to both terms and rate.
 - 2) Rating agencies might respond with cuts to credit ratings, making alternative, non-secured borrowing more costly and less accessible.
 - 3) Construction financing and takeout financing become landlord headaches.
- CMBS liquidity becomes more limited and may even dry up, particularly for those real estate assets perceived as more vulnerable. Initiating new single skyline asset CMBS transactions becomes impossible; rates on multi asset CMBS deals also go up, reflecting higher risks.
- Reduced liquidity in the real estate market negatively impacts real estate valuations, particularly for those assets typically financed with secured debt.
- Banks likely eventually begin originating secured loans, but increasingly seek cross-collateralization or recourse when high profile assets are involved.
- Rental rates slow further than they already have as tenants respond to rising occupancy costs.

- For the tenants, occupancy costs may rise up to or even exceed expense stops. Most affected assets will likely be office/high-rise, or other perceived-to-be-vulnerable properties (e.g. regional malls).

Potential winners/losers. The lack of a terrorism insurance bill (despite the lack of terror attack) would serve to raise operating and borrowing costs as well as cause the most exposed companies to take on more risk by self-insuring. We believe that the values of stocks in the most sensitive sectors only partially reflect these negatives, and could therefore face more multiple contraction if it becomes clear that no affordable terrorism insurance will become available. As in Scenario 1, the less sensitive sectors will also be negatively affected, but to a lesser extent.

Scenario 3: No bill is in place, an attack occurs. This represents the worst scenario for real estate owners. In assessing the impact on the industry (and on REITs specifically), we believe it is necessary to examine the *initial* and *longer term* impacts:

- Initial impacts:
 - 1) There will be a sharp rise in operating costs due to much higher insurance costs (expect tenants to experience higher occupancy costs up to the entire expense stop limitation).
 - 2) The CMBS market (both single- and multi-asset transactions) likely freezes for all asset types, but particularly for the skyline assets and the asset class targeted in the attack.
 - 3) Landlords assess the value of continuing with terrorism insurance coverage given the potential inability of insurers to meet future claims.
 - 4) Secured borrowing rates spike, limiting liquidity in this market.
 - 5) Non-secured corporate borrowing for REITs is the only remaining alternative, but higher perceived risk drive rates up sharply after rating agencies focus on ratings.
 - 6) Real estate values fall sharply due to limited insurability and dramatic drop in real estate debt liquidity.
- Longer-term impacts:
 - 1) Congress ultimately establishes some sort of federal backstop or “Pool Re” program.
 - 2) This will likely result in the return of some normalcy in the real estate markets, with values appreciating, but operating costs still higher than pre-9/11 levels.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Richard.Clarida@do.treas.gov [UNKNOWN] <Richard.Clarida@do.treas.gov>; edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; Gerry.Hughes@do.treas.gov [UNKNOWN] <Gerry.Hughes@do.treas.gov>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; martha.ellet@do.treas.gov [UNKNOWN] <martha.ellet@do.treas.gov>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; pat.cave@do.treas.gov [UNKNOWN] <pat.cave@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kent.Smetters@do.treas.gov [UNKNOWN] <Kent.Smetters@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN] <Mario.Ugoletti@do.treas.gov>; Mark.Warshawsky@do.treas.gov [UNKNOWN] <Mark.Warshawsky@do.treas.gov>
Sent: 2/28/2002 1:15:50 PM
Subject: : FW: Morgan Stanley analysis
Attachments: P_403R5003_OPD.TXT_1.pdf

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CREATION DATE/TIME:28-FEB-2002 18:15:50.00
SUBJECT:: FW: Morgan Stanley analysis
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READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Richard.Clarida@do.treas.gov (Richard.Clarida@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Gerry.Hughes@do.treas.gov (Gerry.Hughes@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:martha.ellet@do.treas.gov (martha.ellet@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:pat.cave@do.treas.gov (pat.cave@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Kent.Smetters@do.treas.gov (Kent.Smetters@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Mark.Warshawsky@do.treas.gov (Mark.Warshawsky@do.treas.gov [UNKNOWN])
READ:UNKNOWN

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Thought this was pretty good, in case you haven't seen.

Marc, I think we need to have another call on this. I'd like to bring everyone up to date on our conversations with Schumer's office.

Also, what would the group think about my setting up a meeting with Bob Hunter of CFA to talk with him and try to share perspectives? His skepticism on this issue is hurting us with some of the key players on the Dem side. I think it would be helpful to have White House representation at such a meeting.

Let me know.

Sheila

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Equity Research
North America

Industry

Financial Institutions

Alice Schroeder
Henry H. McVey
Gregory J. Whyte
Matthew Ostrower
Vinay Saqi
Robert Stevenson
Chris Winans

Industry Overview

February 27, 2002

Assessing Terror and Related Legislative Risks

- **Earnings and valuation risks are real**
We assess potential impact on real estate, banking, brokerage and nonlife insurance sectors of another 9/11-size attack and the government response.
- **Current valuations don't seem to reflect attack risk**
In all these sectors, we think current valuations do not reflect impact of another attack without a terrorism bill in place.
- **Insurance stocks most vulnerable to attacks with no bill**
Insurers, lacking data, may be allowing exposures to expand with insufficient safeguards; reinsurers are managing exposures better.
- **REITs are caught in the middle**
Lenders and insurers can impose higher rates, and REITs and landlords can pass along only some of the increased costs.
- **Capital markets-focused firms seem least exposed**
Fallout on borrowers could ripple through mortgage-backed market; however, investment banks could come up with innovative products as alternatives.

Potential winners/losers. We believe all REITs would experience significant negative short-term valuation impacts if a terror attack were to occur in the absence of any terrorism insurance legislation. Investor fears about further equity losses in the event of future attacks, potentially unavailable terrorism insurance, higher borrowing spreads and the limited availability of debt capital would cause significant multiple contraction. This phenomenon would likely occur most for the most sensitive property sectors. These negative effects would likely be greatly mitigated if the federal government were to quickly enact a terrorism insurance backstop/bailout following the second attack.

Scenario 4: A bill is passed, an attack occurs. Despite the passage of a terrorism bill, whereby there is a federally funded backstop, we believe overall costs of obtaining insurance after an attack will likely rise — particularly for the affected asset type(s). From the landlord's perspective, we believe the impact from this scenario includes:

- Higher property operating expenses
- Higher borrowing costs on debt renewal, as the asset class is seen to be riskier, both in the CMBS and corporate borrowing arena
- Security costs rise again.
- The secured lending market would probably become even more focused on adequate insurance coverage for loan collateral.

Potential winners/losers. The passage of a terrorism insurance bill (and the more extensive, affordable terrorism insurance and debt capital) likely would not prevent some negative valuation impact if another terror attack were to occur. In this case, we believe REITs with skyline and high profile assets would clearly be most impacted, while their lower profile peers would likely be spared. It is worth mentioning, however, that the more sensitive companies would likely be deemed winners in between the passage of the insurance bill and the actual attack.

Banks, Brokers and Asset Managers

Initial Conclusions. We think that investors may be too focused on credit issues (Enron, K-Mart and now Global Crossing) and off-balance sheet disclosures to think about the implications of the passage / non-passage of the terrorism bill. We do not fault them, but we do believe that the outcome of the terrorism bill legislation could have a significant impact on banking and brokerage stocks. A key issue, as we see it, is whether lenders will continue to lend

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to what are perceived to be high-risk properties if the real estate companies cannot secure adequate insurance protection. Also, if the commercial mortgage-backed market does slow, what does this mean for trading profits for the BIG fixed income players in this area?

In evaluating the possible impact on the stocks in our universe based on the four scenarios, our primary conclusion is that in all scenarios, capital markets based firms seem to fare slightly better than the credit sensitive firms (except if a major terrorist attack does irrevocable damage to the securities industry's infrastructure).

On the other hand, we do think that traditional lending companies face marginal risks if the bill is not passed and another attack occurs. Under this scenario, more properties would be damaged potentially limiting the repayment of those loans to some banks and the insurance industry may become increasingly fragile limiting the effectiveness of current insurance policies. Longer term, credit spreads against commercial real estate would also likely rise, although the positive impact to the income statement would be offset by a slower pace of real estate activity.

According to Betsy Daniels, who is working on picking up the regional banks, banks are thinking through how they want to approach lending in a world without terrorism coverage on property. There is no "one-size-fits-all" approach. The banks can take several paths, ranging from renewing the loan, changing the terms on the loan, asking the borrower to get a terrorism rider, asking the borrower to self-insure for terrorism, or pulling the loan. Banks are choosing what makes sense for them given their business mix and risk appetite and decisions are likely to be made on a loan-by-loan basis. The key point is that the banks are thinking about these issues and are trying to create a game-plan to limit their exposure to further terrorist property destruction.

These issues are more likely to impact the traditional lending companies than the capital markets companies. Construction and commercial real estate loans were 19.5% of total average loans at US commercial banks as of September 30, 2001. At JPM and Citigroup, though, these loans represent just a fraction of overall business. Indeed, based on our analysis, we think that around 0.99% of Citi's total loans are related to domestic real estate, while we believe that 2.27% of JPM's total loans are related to domestic real estate (at the end of 3Q01, latest available

data). At the moment, we retain our Neutral rating on JPM and maintain our Outperform on Citigroup.

Within the brokerage sector, we think that Lehman Brothers (LEH, \$56, Outperform-V, target \$73) and Goldman Sachs (GS, \$81, Outperform-V, target \$92) are most levered to the commercial mortgage back industry (which would obviously slow if real estate companies were not able to obtain financing at will), ranking second and fourth,

respectively, in U.S. public and Rule 144A CMBS (collateralized mortgage backed securities) offerings. However, Goldman is traditionally not a major player in this market (i.e., the company had some big trades at the end of the 2001 that boosted it in the rankings). Separately, Credit Suisse First Boston (a unit of Credit Suisse), ranked first in this CMBS market in 2001. All told, according to Thomson Financial Securities Data, \$63.0 billion of CMBS were offered in 2001 (Exhibit 8).

Exhibit 8

U.S. Public and Rule 144A CMBS Offerings

	Proceeds (\$ M)	Rank	Market share	No. of tranches
CSFB	9,366.1	1	14.9	146
Lehman Brothers	7,813.5	2	12.4	91
Morgan Stanley	7,720.4	3	12.3	107
Goldman Sachs & Co	7,257.2	4	11.5	130
Deutsche Bank AG	6,196.4	5	9.8	105
JP Morgan	6,171.7	6	9.8	86
Banc of America Sec.	4,126.1	7	6.6	42
Bear Stearns & Co Inc	4,116.4	8	6.5	49
Wachovia Corp	3,498.7	9	5.6	91
Citigroup/SSB	3,017.8	10	4.8	30
Merrill Lynch & Co Inc	2,186.8	11	3.5	55
Industry Total	62,990.8	-	100	749

Source: Thomson Financial Securities Data

Interest rate impact. Looking at the big picture, we also are intrigued by the possible impact of the passage of the terrorism bill on the treasury market. If the terrorism bill is passed, the Federal Government becomes the reinsurer of terrorism related risks. Would government bondholders demand a terrorism risk free premium? If yes, then would the long-term *benchmark* risk free rate rise significantly? An increase in the benchmark rate would increase lending costs for all borrowers, which could be a negative for companies with high leverage ratios. Also, if real estate companies (REITS) were not able to secure mortgage financing and had to use the capital markets via straight debt issuance, we actually think that this opportunity could be an interesting one for the capital markets that we cover, particularly firms with a strong presence in the investment grade market.

Scenario Analysis: Banks and Brokers

Scenario 1: A bill is in place, no attack occurs. We believe that the passage of the bill with no incidence of further terrorist attacks in the near future would be a marginal positive for the credit sensitive names like C and JPM. Key to our thinking is government protection would allow lenders to still allocate capital to real estate companies with little residual impact from “event risks” like the tragic events of September 11, 2001. Separately, we believe that this scenario would entail healthier economic growth and stronger equity markets (due to the absence of any external shocks) — a significant positive for the broker/dealers and equity focused asset managers in our universe. In addition, the factors favoring economic growth (lower costs of doing business — specifically, insurance and security costs) would also positively impact the expense lines for all the stocks we cover. However, we do expect a

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marginal increase in documentation costs for banks as lending agreements incorporate various terrorism related clauses, and a marginal increase in insurance rates for policyholders.

Potential winners/losers. We think that this scenario would be a marginal positive for all the stocks in our group for the reasons highlighted above. As such, under this scenario, we do feel comfortable reiterating our investment thesis: From a macro perspective, we continue to believe that capital markets firms outpace credit sensitive and fee-based companies. In diversified financials we continue to favor Citigroup (C, \$44, Outperform, target \$59) over JPMorgan Chase (JPM, \$29, Neutral). In the small cap asset management arena, we remain bullish across the board: Affiliated Managers (AMG, \$67, Outperform, target \$73), BlackRock (BLK, \$44, Outperform, target \$48), Waddell & Reed (WDR, \$30, Outperform, target \$35), and Federated Investors (FIL, \$31, Strong Buy, target \$35). Finally, we have a mixed bag on the Arms Dealers. Specifically, we like companies like Investment Technology Group (ITG, \$45, Outperform, target \$46) (play on cost, speed, globalization, and value-added), while we remain cautious on other names, including Instinet (INET, \$7, not rated).

Scenario 2: No bill is passed, no attack occurs. Our second scenario would essentially entail continuation of the status quo (we don't have a terrorism bill and fortunately there have been no more terrorist attacks). As we think that investors in our stocks have not yet focused on these issues, we do not expect any major impact on stock prices. However, we expect companies to spend more on security especially since terrorism related insurance coverage would be more difficult to secure.

Lenders continue to expect insurance against terrorist acts on the credits they extend — either through insurance policy coverage or through borrower self-insurance. Some lenders may look to cash in some of their “bad chips” by charging higher rates or refusing to extend funds to some credits on the grounds that they are not willing to underwrite loans that do not have terrorism related coverage. We believe that lenders may selectively take this approach towards certain credits. We do not expect widespread application, as it would result in the lender self-selecting out of the real estate lending market. Targeted pruning could marginally improve asset quality at some lenders.

Another related development would be a slowdown in some sectors of the CMBS market — especially for securities backed by high profile assets like tall office buildings and big regional malls. As a result we expect real estate firms to borrow funds at the corporate level rather than accessing capital markets through asset backed securities leading to a 20 to 30 basis point increase in their cost of funds. We think that investment banks will look upon this development as an opportunity and would come up with innovative financial products to solve the financing needs of real estate firms.

Potential winners/losers. Given that this scenario entails continuation of the Status Quo and the additional risk of muted revenue growth for the credit sensitive names, we are sticking to our investment theme (as highlighted in scenario 1). However we do want to point out that as in scenario 1, credit sensitive firms with lower credit standards could display higher growth rates than peers who have tighter credit standards.

Scenario 3: No bill is in place, an attack occurs. Our third scenario, which is also our worst case scenario, evaluates the impact of a major terrorist attack in case the terrorism bill has not been passed. As in scenario 4, the development could be a significant negative for firms like GS, MER (\$47), and LEH if it leads to another disruption in the nation's capital markets. For the credit sensitive names, we expect major credit losses as a direct result of the attack as most exposures would not be backed by insurance. In addition, the shock to the economy could lead to a deterioration in the overall credit situation, driving both provisions and credit costs materially higher. The shock to the equity markets could also depress earnings at capital markets based firms and equity focused asset managers. The occurrence of another attack would also lead to increased security expenses by businesses.

Potential winners/losers. We believe that credit sensitive names will come under the most pressure under such a scenario. Although we believe that the federal government would intervene to prevent a breakdown of the financial system, we believe that credit sensitive names could experience a “double whammy”. Specifically, in addition to the direct credit losses they would experience as a result of the attack, the external shock to the nation's economy would increase credit costs going forward (even if the companies had no exposure to the areas/ businesses directly impacted by the attack). We would expect capital markets

firms to outperform other financials, as the rebuilding effort would require a significant amount of capital to be raised. Within asset managers, we believe that fixed income focused firms would outperform their equity focused counterparts.

Scenario 4: A bill is passed, an attack occurs. Irrespective of whether a terrorism bill has been passed, we believe that the initial reaction of the market will be negative for most of the stocks in our coverage universe. The development could be a significant negative for capital markets based firms if it leads to another disruption in the nation's capital markets.

However we do not expect any major credit losses at the credit sensitive firms as a direct result of the attack as most exposures would be backed by insurance. That said the shock to the economy could lead to a deterioration in the overall credit situation, leading to higher credit costs at the firms we cover. In addition, the shock to the equity markets could depress earnings at capital markets based firms and equity focused asset managers. The occurrence of another attack would also lead to higher insurance rates for policyholders and increased security expenses by businesses.

Potential winners/losers. If the attack does not lead to a disruption in the nation's capital markets and equity markets rebound soon after the attack, we believe that capital markets firms will outperform credit sensitive and fee-based companies (as happened after 9/11). We also expect capital markets firms to outperform other financials, as the rebuilding effort would require a significant amount of capital to be raised. We think that the attack could amount to another external shock to the nation's economy, leading to a deterioration in credit that could raise credit costs at Citigroup and JPMorgan Chase. Within the credit sensitive names, we would expect firms with better credit management practices to significantly outperform their peers because of two reasons: 1) they would have pruned their uninsured terrorism risk exposure, and 2) they would also have lower credit costs if the economy were to head into a recession.

The Property/Casualty Sector

As noted in the February 22, 2002, issue of *P/C Insurance & Risk Briefing*, we believe the equity markets generally do not appear to be discounting in insurers' material risk from terrorism in the absence of a terrorism bill. Nevertheless, we believe many primary commercial lines insurers (and, to *Financial Institutions* – February 27, 2002

a lesser extent, personal lines insurers) retain considerable residual terrorism risk. Therefore, we believe that investors need to reconcile their willingness to accept terrorism risk, other offsetting factors they may find attractive in a stock, and their return requirement.

Initial conclusions. We believe that most primary insurers and some reinsurers cannot adequately measure their exposure aggregations from a hypothetical event. They are only just beginning to gather exposure information, such as employee locations for workers' compensation. Meantime, virtually all primary insurers talk about limiting exposure as much as they can, but they do not provide enough information to determine how a particular insurer would fare under a worst-case scenario. They do not, for example, provide a probable maximum loss estimate (PML) as they ordinarily do with other types of catastrophic risks. Nor are we aware of any insurer taking an across-the-board approach of simply non-renewing policies without terrorism losses excluded.

Insurers imposing exclusions using nonadmitted policy forms are assuming that the ban on exclusions in some states is trumped by their nonadmittance status. There is a slight risk, however, that policyholders and regulators might challenge that interpretation in an effort to broaden available coverage after the fact. We also believe insurers are assuming they can invoke the war exclusion in another attack; however, we assume that issue would ultimately be litigated. Additionally, we believe that the primary exclusions that have been approved may be insufficient to prevent insurer insolvency, especially for insurers that write workers' compensation, group life, and significant amounts of property insurance (Exhibits 9 and 10).

In short, we think investors cannot assess the risk of terrorism in a portfolio of insurance stocks any better than an insurer can assess the terrorism risk in its insurance portfolio. However, investors can control their exposure to risk, by limiting the amount they invest in such stocks to an amount within their risk tolerance from such an event. Accordingly, we are not averse to investing in terrorism-exposed insurance stocks, but we believe investors should not over-concentrate in these stocks. We also believe that investors should require a higher return in exchange for this additional, and unquantifiable, risk. Comparisons to historical valuations should take note of this higher level of risk. We would consider stocks with the same valuation as pre-9/11 as now more "expensive."

This approach to investing is similar to one we would follow for cat-exposed insurers that do not buy earthquake or hurricane reinsurance, although with added uncertainties:

1) we do not know as much about the level of risk for individual insurers as we normally do for other types of catastrophic risks; 2) we know nothing about the overall frequency and severity of terrorism risk.

Exhibit 9

**Top 20 Workers' Compensation Insurers
Ranked by 2000 Net Premiums Written**

Workers' Compensation Market		2000
Company	Premiums	Mkt Share
Liberty Mutual	\$2,313,115	8.2%
State Comp Ins Fund of CA	\$1,789,807	6.4%
American International Group	\$1,554,411	5.5%
CNA	\$1,417,875	5.0%
Zurich/Farmers	\$1,228,744	4.4%
Kemper	\$1,081,883	3.9%
Travelers/Citigroup Companies	\$1,065,492	3.8%
Hartford Financial	\$1,023,565	3.6%
Fremont General	\$965,611	3.4%
Royal & SunAlliance USA	\$823,032	2.9%
St Paul Companies	\$592,393	2.1%
Fairfax Financial (US)	\$533,962	1.9%
CGU	\$496,860	1.8%
Chubb	\$413,702	1.5%
GE Capital	\$393,322	1.4%
SAFECO	\$388,117	1.4%
Allianz of America	\$379,380	1.4%
FCCI	\$342,370	1.2%
Zenith National	\$314,157	1.1%
Texas Workers' Comp	\$299,875	1.1%
Top 10 Total	\$13,263,535	47.2%
Top 20 Total	\$17,417,673	62.0%
Top 30 Total	\$19,602,224	69.8%
Total WC Market	\$28,098,870	

Source: Statutory financial statements and Morgan Stanley estimates

Exhibit 10

Top 16 Global P-C Insurers**Top 16 Global P-C Insurers Ranked by 2000 Revenues**

Company	Revenues		Earnings		Earnings/Revenues	
	Millions	% Chg. from 1999	Millions	% Chg. from 1999	E/R	% Chg. from 1999
Allianz	\$71,022	-4%	\$3,198	34%	5%	1%
State Farm	\$47,863	7%	\$408	-61%	1%	0%
AIG	\$45,972	13%	\$5,636	11%	12%	2%
Munich Re	\$40,672	6%	\$1,617	34%	4%	1%
Zurich Fincl. Services	\$37,431	-6%	\$2,328	-29%	6%	1%
Berkshire Hathaway	\$33,976	41%	\$3,328	114%	10%	2%
Allstate	\$29,134	8%	\$2,211	-19%	8%	2%
Royal & Sun Alliance	\$25,570	-2%	(\$21)	-115%	0%	0%
Loews	\$20,670	-1%	\$1,877	417%	9%	3%
Swiss Re	\$18,688	-5%	\$1,757	-5%	9%	2%
Tokio Marine & Fire	\$17,762	-3%	\$378	22%	2%	1%
Liberty Mutual	\$16,438	6%	\$287	-43%	2%	1%
Groupama-Gan	\$14,851	-16%	\$37	35%	0%	0%
Nationwide	\$14,762	9%	\$411	-20%	3%	0%
Hartford Fincl. Services	\$14,703	9%	\$974	13%	7%	1%
Yasuda Fire & Marine	\$12,166	-1%	\$129	2%	1%	0%
Top 16 Total	\$449,514		\$24,426			

Source: Fortune

Scenario Analysis: Property/Casualty Insurers

Scenario 1: A bill is in place, no attack occurs. This is the second-best scenario for short-term earnings and the best case for valuation. Reinsurers and property insurers would have greater certainty about their exposures and could price accordingly.

While rates might not rise as sharply as without a bill, the existence of a federal backstop would remove a large balance sheet vulnerability. Under this scenario, we assume no WTC-size event occurs this year, presumably giving insurers that much time to rebuild surplus — including additional capital-raising. Brokers' earnings upside from commissions and fees might be slightly muted, taking their portion of rates that might not be as sharply higher as they would be without a terror bill. Valuations could probably be

higher with a terror bill in place because of the perception of reduced shock-loss risk and volatility. However, since we believe the market is not discounting terrorism risk, the impact could be limited.

Potential Winners/Losers. Our current market-weight position on the brokers would stand. For the commercial primary insurers, this could be a positive, removing the uncertainty. Our position on the reinsurers would also shift toward the positive.

Scenario 2: No bill is passed, no attack occurs. This is the best-case scenario from an earnings perspective in the short term and the second-best scenario from a valuation perspective. It is also the current scenario, and our current market-weight position on the commercial insurance industry reflects this status quo. In our view, this is a

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positive for reinsurers and brokers and for property insurers on non-customized coverages. Insurers and reinsurers are charging steeper rates for more restricted coverage of an unpredictable risk that under this scenario does not recur this year.

The more prudent insurers are excluding the coverage altogether. Some are offering it as a steeply priced add-on with much tighter limits on what they perceive to be the most exposed properties. Terrorism is a negative for valuation, however, because the risk premium should be higher to cover the uncertainty of another costly attack occurring without a federal backstop in place. We would expect this premium to decline over time, as risk declines.

Potential winners/losers. We think that only the most disciplined commercial insurers and reinsurers with the strongest balance sheets, best ratings and compelling valuations are desirable amid the protracted uncertainty of no federal backstop and no guarantees that terrorists will never again strike with the ferocity of 9/11. We are skeptical that exclusions will remain as firm as they are currently.

Scenario 3: No bill is in place, an attack occurs. Rates likely would soar, we believe, along with demand, but capacity would likely shrink as losses mounted. Earnings, in our view, would be depressed for many large commercial insurers and reinsurers, and net investment income would come under pressure from the likely impact on capital markets in the wake of another attack. The government might step in with some form of emergency funding, with an uncertain and possibly inequitable impact. The capital markets might be reluctant after the second major attack to commit another round of funding. In a second attack, some of the stronger players, in our view, could have impaired balance sheets and have difficulty maintaining their financial strength and credit ratings. A capacity crisis could develop. The post-9/11 measures taken to limit exposures would probably have a minimal effect, because we think

those measures would not have had a chance to permeate insurers entire books. The following legal questions could quickly arise under this scenario:

- Was the attack an act of war, and excludable?
- Might states try to force policies written on an excess & surplus lines basis to cover terrorism after the fact?
- Would anyone bear liability exposure?
- Would Congress be more inclined to grant liability relief from terrorism-related events?
- Would foreign insurers and reinsurers doing business in the US follow US laws and practices?

Potential winners/losers. We would expect reinsurance and insurance broker stocks to gain under this scenario and primary insurer stocks to lose. We think reinsurers, which are not subject to state regulation on terrorism coverage exclusions, have generally been reducing their exposures to terror risk faster than primary writers and writing new contracts that offer more limited coverages at high rates. Brokers, again as the intermediaries, would benefit from what we think would be another surge in rates, as well as demand. Primary insurers, in our view, would be much more vulnerable, having achieved limited success in excluding terrorist losses and in finding affordable, effective reinsurance.

Scenario 4: A bill is passed, an attack occurs. This could actually be one of the better scenarios for earnings, again depending on the shape of the bill passed, and third best for valuation. We view this scenario as a net positive. Underwriters would know exactly where their exposures begin and end, and could price and set deductibles, limits and exclusions more accurately. Yet the private market would still bear the insurable portion of the risk.

Potential winners/losers. We assume the impact on insurers and reinsurers would be far more predictable than without a bill—analogous to any other catastrophe (i.e., positive).

V = More volatile. We estimate that this stock has more than a 25% chance of a price move (up or down) of more than 25% in a month, based on a quantitative assessment of historical data, or in the analyst's view, it is likely to become materially more volatile over the next 1-12 months compared with the past three years. Stocks with less than one year of trading history are automatically rated as more volatile (unless otherwise noted). We note that securities that we do not currently consider "volatile" can still perform in that manner.

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The Americas

1585 Broadway
New York, NY 10036-8293
United States
Tel: +1 (1)212 761 4000

Europe

25 Cabot Square, Canary Wharf
London E14 4QA
United Kingdom
Tel: +44 (0)20 7513 8000

Japan

20-3, Ebisu 4-chome
Shibuya-ku,
Tokyo 150-6008, Japan
Tel: +81 (0)3 5424 5000

Asia/Pacific

Three Exchange Square
Central
Hong Kong
Tel: +852 2848 5200

Assessing Terror and Related Legislative Risks

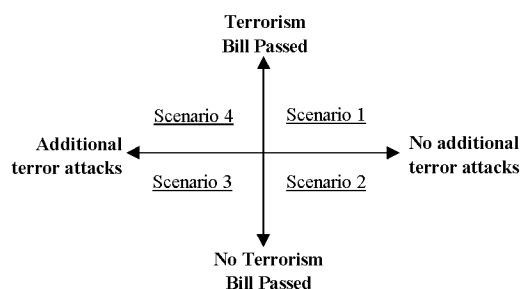
Summary

September 11 changed the world's perception of risk. Insurers and reinsurers were the first to react, moving to exclude losses from future terrorist attacks in policy language. Congress immediately began work on a bill to provide the coverage but failed to pass legislation before year-end. The issue is back before Congress but passage of a bill is uncertain. Whether another terrorist attack occurs with or without a bill in place has significant implications for the banking, brokerage, asset management, real estate and insurance industries' earnings and valuations.

Morgan Stanley's analysts who cover these sectors have produced this report to weigh the likely impact on these sectors of a federal terrorism insurance bill passing or not, depending on whether another World Trade Center-size attack occurs in the US. (For discussion purposes, we are ignoring the worst-case scenario of a major nuclear, chemical or bio-terrorism attack because of the enormous, unpredictable consequences on the economy and society. Only the government can address this risk, in our view.) We assume that if a bill were to pass, it would resemble some compromise between the current House bill and last year's failed Senate version (under which the federal government would pay as much as \$90 billion of terror attack losses over a three-year period, with insurers paying the first \$10 billion of losses). Our aim is to identify the degree to which stocks are discounting in terrorism and the winners and losers under the four possible scenarios (Exhibit 1):

Exhibit 1

The Terrorism Matrix



Source: Morgan Stanley Research

We are currently in Scenario 2. No bill has passed (and the likelihood of one passing this year remains uncertain

without action from the Senate). No follow-up massive attack has occurred although some seem to have been averted (and investors — and even some businesses — seem to be assuming that none will occur any time soon). The government has indicated that terrorism remains a very real risk, and our aim is to provide investors with a framework for thinking about the implications of the four possible scenarios, without necessarily assigning probabilities to whether a bill will pass or another massive attack occurs.

The 9/11 event by itself showed that the terrorists are much more coordinated, capable and determined than was generally thought prior to the event. Since then, the government's stepped-up efforts to gather intelligence has turned up new evidence that the terrorists are determined to plan and execute additional attacks. Preventive efforts also have been ramped up and appear to have thwarted some attacks. The risk of terrorism should be reduced over time; however, in a recent speech, former CIA Director Robert Gates indicated it would be at least 5-10 years before the level of terrorism risk is economically insurable. Accordingly, we believe the message in all this new information is that the risk of massive losses from terrorism in the near future needs to be weighed in terms of its impact on property owners, lenders, insurers and their investors.

Investment conclusion. Our overall conclusion is that the stocks currently reflect the assumption that no terrorism insurance bill will pass, and no WTC-size loss will be repeated any time soon. Weighing the business and stock valuation impact of political behavior and terrorist attacks is tricky for the same reason we believe terrorism losses are uninsurable. It is practically impossible to assign a probability of recurrence to an unprecedented event of the magnitude of the September 11 attacks. One thing we now believe, however, is that such a massive attack *is* possible. In all our scenario analysis, we think a negative scenario — another attack occurring today without a terrorism bill in place — is the one investors need to think about most, because this is the one scenario we think is currently least priced into the market. Under this scenario, we believe:

- The property/casualty insurance companies (the first derivative in the financial sector chain of events) and their stocks would suffer the greatest blow, offset by further acceleration in insurance rate increases. We

believe the primary insurers would likely take a significantly bigger hit than reinsurers, with the insurance brokers, as non-risk-bearing intermediaries, possibly gaining. Government intervention financially, however, would probably be swift and might reverse the valuation dynamics. The question is whether the government would restore capital as well as pay claims. We also do not think capital would rush into the industry as quickly as it did after 9/11, because the level of risk would be perceived as greater. The financial impact of a second event could be more severe than the impact of the WTC event for some companies, assuming a comparable amount of losses despite post-9/11 efforts to reduce exposures, because of the already weakened financial condition of certain insurer balance sheets.

- Real estate investment trusts (REITs), in addition to incurring the actual loss of property, could be hit by both lower liquidity and lower real estate values as well as by higher borrowing costs, higher security costs and higher insurance costs and reduced insurance availability for properties that most closely fit the profile of the terrorists' targets. Developers might find asset-backed financing harder to complete and be forced to move toward corporate debt issuance, which can be costlier.
- Lower down on the impact scale would be credit-sensitive financials, depending on whether another wave of attacks would negatively affect interest rates. We think interest rates could be vulnerable in the aftermath of another attack without a terrorism bill in place, depending on the size of the losses and the method the government would use to fund those losses under financial-crisis conditions. Offsetting this impact would be how the event could lead to stricter credit standards, higher loan interest rates and an acceleration of efforts to improve loan portfolios in terms of credit quality. Individual financial institutions that have excess concentrations in affected properties would suffer losses.
- Capital markets financials could be hurt by the impact on the collateralized mortgage backed securities market as well as any post-attack weakness in the equity markets akin to what happened after 9/11. At the same time, another attack might create the opportunity to generate innovative property financing alternatives created by the impacts on the real estate market and interest rates.

Exhibit 2

Escalating Terrorism

Date	Event	Fatalities
1985	Air India explosion	325
1987	Korean Airlines sabotage	115
1988	Pan Am Flight 103	270
1989	UTA flight crash	171
1993	Beirut truck bombing	241
1993	Bombay car bombing	300
1994	Algerian Eiffel Tower plot*	-
1995	Oklahoma City bombing	168
		1,590

* Plot to use hijacked aircraft as a weapon and massacre civilians was foiled

Source: "How Did This Happen? Terrorism and the New War" Gregg Easterbrook; edited by James F. Hoge Jr. and Gideon Rose

Who holds the risk? Our view is that the bulk of the financial risk in a terrorist attack resides with those who finance and own commercial real estate, the companies that occupy the space, and those who insure real estate and the businesses and lives of the people who occupy those spaces. This would include central business district real estate, regional shopping malls, and large hotels. This does not mean, however, that the risk is non-existent for suburban offices, small hotels and shopping centers — only that the risk may be lower in those locations.

We are aware, for example, that insurers are not excluding terrorism coverage on properties and businesses that do not seem like obvious terrorist targets — a motel on a sparsely populated highway. On the other hand, we think it is a mistake to assume that only major cities like New York and trophy real estate like the World Trade Center constitute the *only* potential targets. As a recent Swiss Re report pointed out, a terrorist destroyed a major federal office building in Oklahoma City — not an especially high-profile property in a medium-sized city.

Exhibit 3 gives an indication of how much value is tied up in US commercial property and how much property-related financing was outstanding at year-end 2000. This represents the total value at risk — to varying but essentially unknowable degrees — in a terrorist attack. This does not cover residential real estate, but once again, that does not mean we think residences are immune to terrorist actions. For example, terrorists are known to have worked on launching attacks involving nuclear, biological and chemical weapons. Many insurers and reinsurers are specifically excluding losses from these types of attacks, but

fire losses following a nuclear attack are not excluded, and fire following any act of terrorism is not excludable in 29 states, including the major industrial states such as California and New York. Nor can workers' compensation losses or group life be excluded. Nuclear, chemical, and biological terrorism may not be excluded from personal insurance. Life and disability covers all risks.

Exhibit 3

Commercial Real Estate Landscape of Risk (\$, Billions)

US office space under construction ¹	44.0
US office space ¹	573.8
Structure Replacement Costs	\$5,532.9
Inventory	\$1,403.9
Equipment & Software	\$3,698.7
Real Estate	\$7,091.5
Real Estate, Inventory and Equipment	\$12,194.1
Leases Receivable	\$170.9
Real Estate/Mortgage Loans ²	\$6,937.4
Industrial Loans	\$1,082.7
Total assets	\$12,194
Total debt ³	\$8,191

¹ Square feet in millions (source: Cushman & Wakefield).

² Includes commercial and residential loans.

³ Excludes commercial/industrial loans that may be secured by inventory and equipment

Source: FDIC, Federal Reserve, Morgan Stanley research estimates

Exhibit 4 shows the extent to which some of the sectors referred to in this report are exposed to commercial real estate in terms of equity and debt ownership. Not surprisingly, the commercial banking sector has the largest exposure to commercial real estate loans, while corporations have the largest exposure to real estate owned.

Insurance covers only a fraction of value. Perhaps the most striking reality is the relatively small amount of net premiums US property/casualty insurers collect — \$19.8 billion in 2000 — for commercial multiperil coverage, which includes insuring the \$5.5 trillion replacement value of all US commercial structures plus another \$5.1 trillion in inventory, equipment and software. This also compares to total property/casualty industry capital ("surplus") of about \$282 billion at year-end 2001, which is the entire US property/casualty industry's capacity to pay claims of all types (including personal coverages). We estimate the capital of the commercial lines industry, for all types of coverages including casualty, is about \$125 billion. The

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premiums collected for commercial multiperil are 13.4% of all commercial lines premiums. To put these numbers in context, for covering every dollar of commercial-structure replacement value and contents, property insurers collect about two tenths of a penny of premium and maintain surplus of approximately the same amount.

Exhibit 4

Commercial Real Estate Assets by Sector (\$, Billions)

	Asset
Commercial Banks	
Financed lease receivables	\$166.7
Non-farm real estate loans	\$465.5
Industrial loans	\$1,048.2
Subtotal	\$1,680.4
Savings Institutions	
Financed lease receivables	\$4.3
Industrial Loans	\$34.4
Real estate loans	\$59.7
Subtotal	\$98.4
REITS	
Enterprise value for equity REITs	\$260.0
Enterprise value for mortgage REITS	\$17.0
Subtotal	\$277.0
Brokers	
Collateralized mortgage backed securities	\$63.0
Subtotal	\$63.0
Non-Farm Corporations	
Inventory owned	\$1,333.7
Equipment & software owned	\$3,170.6
Real estate owned	\$4,796.2
Subtotal	\$9,300.5
Non-Corporations	
Inventory owned	\$70.2
Equipment & software owned	\$412.0
Real estate owned	\$1,070.2
Subtotal	\$1,552.4
Non-Profits	
Equipment & software owned	\$116.1
Real estate owned	\$1,225.1
Subtotal	\$1,341.2
Commercial P-C Insurers	
Mortgage loans	\$0.8
Real estate investments	\$1.1
Real estate owned and occupied	\$2.4
Subtotal	\$4.3
Life Insurers	
Real estate owned for debt satisfaction	\$1.6
Real estate owned and occupied	\$6.2
Real estate investments	\$15.8
Mortgage loans (includes residential)	\$229.8
Subtotal	\$253.4
Total	\$14,570.6

Source: FDIC, Federal Reserve statutory data, Morgan Stanley research estimates

Please see the important disclosures at the end of this report.

While insurance performs an extremely important economic function, by design it covers a finite amount of risk that is, in the aggregate, somewhat predictable over time. Events that fall outside this definition of insurability due to their potential size and lack of predictability are not insurable because the economic cost to set aside capital to cover such a risk is too high for the economy to bear. This is the point at which the government steps in, and this is what the debate over terrorism is all about.

Terror bill background. The September 11 terrorist attacks brought to light a new level of risk that clearly had not been previously contemplated. Nearly every kind of insurance coverage was triggered — including personal and commercial property (with business interruption), aviation liability, workers' compensation, personal and commercial auto, commercial property, liability and others, along with life insurance and accident & health. It involved an unprecedented concentration of property loss, economic losses and loss of life — more than 3,000 lives, four commercial airliners, hundreds of companies and thousands of their employees who survived but were affected in various ways.

Reinsurers immediately began to notify clients they would renew expiring contracts with exclusions for claims from future similar terrorist attack losses. At the same time, however, reinsurers as well as insurers quietly started looking for ways to write the coverage in limited ways and away from locations they deemed to be obvious terrorist targets — high-profile urban trophy properties, power plants, airports, and major events. Publicity focused on the immediate threat of property owners and developers and commercial enterprises facing potential default notices from lenders citing the lack of terrorism coverage.

Starting in October, Congressional aides began to write legislation to provide a government guarantee to cover such losses, without which it was assumed banks would be unwilling to make any commercial and industrial real estate loans. At that time, no one seemed to question the assumption that the inability to get terrorism coverage would lead to an economic crisis triggered by lenders calling in property loans with covenants requiring the coverage. The bill that emerged would authorize the Treasury Department to pay as much as \$90 billion of losses above the first \$10 billion that the insurance industry would cover.

By the end of the year, the bill had stumbled. The two parties split over a provision for tort reform, which President Bush had set as a requirement for his signature. The inability to compromise on this point killed the bill. Once it was clear there would be no bill by year-end, a reinsurance renewal logjam, caused by the wait-and-see over the terror bill, broke open.

Bill's current status. The urgency to pass a bill diminished after year-end, partly because no obvious evidence emerged of a brewing economic crisis. Bank regulators and industry trade associations indicated that lenders were not wholesale calling in loans or turning away borrowers over terror insurance exclusions. Examples of deals derailed by lack of terror-cover availability were the exception rather than the rule. However, as of this writing, the House Financial Services Committee was reconvening hearings on a bill, including testimony from the Government Accounting Office pointing to the need for a federal backstop. Still, we think that the farther away we get from September 11 without another catastrophic event, the harder it gets to push a bill through Congress. Meanwhile, insurers, developers and lenders keep finding ways to do business — essentially by increasing their exposures and costs — without a backstop.

Why a bill is still needed. We believe, however, that such a bill is as necessary as ever. Repeated terrorist attacks of the WTC magnitude are essentially uninsurable risks. It is practically impossible to estimate the probability of recurrence. Politically motivated intentional criminal acts resist actuarial analysis. The lack of a bill puts property and business owners in the position of having to pay much higher insurance rates — 50-100% and greater for central business district real estate — for less coverage and self-funding the balance of the exposure under pressure from lenders.

If and when a catastrophic event occurs, these owners will absorb a far greater share of the loss than they did on 9/11. As a result, some businesses could fail, unless they tied up much more capital in advance to cover the risk — capital that normally would be available to finance normal operations and growth. Without a terror bill, we think lenders will be imposing stricter requirements on an increasing portion of their loan portfolios as those portfolios mature. Insurers, meanwhile, are still over-exposed, because they can exclude only as much terrorism coverage as state governments allow (which is not a lot) and can buy

very little reinsurance affordably to limit their exposure. In effect, all these businesses collectively are gambling on either dodging the next massive attack or having the government step in after the fact and efficiently provide the capital.

Most important to recognize is that the 9/11 attack was not a fluke, nor was it entirely unforeseen. It was a second attempt on the same property perpetrated by sophisticated, well-funded terrorists. Since 1968, more than 10,000 acts of terrorism have been recorded, including 14 events with more than 100 fatalities. In 1999, the Hart-Rudman Commission on National Security in the 21st Century concluded “Americans will die on American soil, possibly in large numbers” as a result of terrorism. The National Commission on Terrorism in June 2001 said the “#1 priority” of the US should be to address loose affiliations of transnational terrorists seeking to inflict large numbers of casualties.

Yet the economy continues to absorb such exposure. In the end, we think it would be better for the federal government to establish a structure for covering uninsurable losses from the next major attack than to do nothing. Any after-the-fact response would probably involve emergency funding that could have inequitable outcomes. Congress has been widely criticized for bailing out the airlines just 10 days after 9/11, then not acting on other parts of the economy. Such disparate outcomes are avoidable.

Experts have noted that the historical roots of the current Islamist terrorism to some extent lie in the distant past. For example, Osama bin Laden refers to Western culture as “Crusaders.”

Exhibit 5

Timeline of Mideast Turmoil

Date	Event
612 AD	Prophet Muhammed begins to preach in Mecca
632	Death of Muhammed
637	Muslims defeat Persia
638	Jerusalem falls under Muslim rule
641	Muslims defeat Byzantium; conquer Egypt, Palestine & Syria
1099	Jerusalem taken by Christians in First Crusade
1839-42	First Afghan War (Britain vs. Russia)
1878-81	Second Afghan War
1917	Third Afghan War
1948	Founding of Israel
1972	Biological Weapons Convention signed
1979	Soviet Union invades Afghanistan
1980s	Osama bin Laden fights in Afghan-Soviet war
1989	Biological Weapons Act passed in US
1990-91	bin Laden concludes US wants to dominate Middle East
April 1992	Taliban begins rule of Afghanistan
1992	Islamist activists send "Memorandum of Advice" to Saudi
1993	World Trade Center bombing
1994	bin Laden stripped of Saudi citizenship; moves to Sudan
November 1995	Car bombing of US military training mission in Riyadh. Numerous fatalities; perpetrator claims inspired by bin Laden
June 1996	Car bombing of Khobar Towers in Saudi Eastern Province
1996	bin Laden moves to Afghanistan
1996	US Anti-Terrorism Act passed
September 1996	bin Laden issues fatwa against "Crusader-Zionist Alliance"
February 1998	Unites with Sunni radicals in Egypt, Bangladesh & Pakistan
August 1998	Car bombing of US embassies in Kenya and Tanzania
1989-2000	Major TV networks close foreign bureaus, cut foreign news content by two-thirds
January 2000	"World affairs" ranks 20th in importance in presidential
October 2000	Bombing of destroyer USS Cole in Aden, Yemen
February 2001	CIA Director George Tenet testifies before US Senate Intelligence Committee that bin Laden's network is the most immediate and serious threat to US security
June 2001	Persian Gulf on high alert during joint US-Jordanian military exercises; cut short due to terrorism threat
September 11	Attack on America; more than 3,000 fatalities
October 7 2001	Second Khobar Tower bombing; two fatalities
October 2001	50 people infected by anthrax spores sent through US mail
December 23	Richard Reid prevented from blowing up American Flight 63
January 2002	President Bush discusses "Axis of Evil" in State of the Union

Source: "Holy War, Inc." Peter L. Bergen, "How Did This Happen? Terrorism and the New War" Gregg Easterbrook; edited by James F. Hoge Jr. and Gideon Rose, "Inside Terrorism" Bruce Hoffman, Morgan Stanley Research

The Scenarios

Exhibit 6 shows the winners and losers in each scenario, reflecting our collaborative thinking and analysis of the

earnings and valuation implications under each scenario for property/casualty insurers, REITs and mortgage lenders. Detailed summaries for each of these segments follow.

Exhibit 6

Winners and Losers Under Four Scenarios

		Terrorism Bill Passed		
Attacks Occur	Scenario 4: Winners: Primary insurers and reinsurers; insurance brokers; brokers without equity market exposure; capital markets-focused firms (assuming no significant infrastructure damage). Losers: REITs; credit-sensitive firms.	Scenario 1: Winners: Insurers, reinsurers, insurance brokers; REITs (especially BXP, BPO, EOP, VNO, RSE, SPG); marginally positive for capital markets based firms, less so for credit-sensitive firms and banks; C, JPM. Losers: None	No Attack Occurs	
	Scenario 3: Winners: Capital markets-focused firms (assuming no significant infrastructure damage), asset managers with a fixed-income focus; reinsurers; insurance brokers. Losers: Primary insurers; REITs; credit-sensitive firms; asset managers with an equity focus.	Scenario 2: Winners: Insurers (although still assuming risk); reinsurers; insurance brokers; marginally positive for capital markets based firms, less so for credit-sensitive firms and banks; C, JPM. Losers: The weaker commercial insurers with lower financial strength ratings; REITs.		
		No Terrorism Bill Passed		

Source: Company data, Morgan Stanley Research

Real Estate Investment Trusts

The current lack of affordable terrorism insurance coverage for many types of real estate has already generated negative impacts for a variety of REITs. Significant uncertainty continues to surround the possibility of government intervention as well as the possibility of another terror attack. In order to help investors better navigate these uncertainties, we provide some initial conclusions about the prospects of the real estate industry (as well as various property sectors and REITs). (See *Terrorism and Insurance*

Financial Institutions – February 27, 2002

Risks: Assessing Sensitivities by Gregory Whyte, Matthew Ostrower and Robert Stevenson being published simultaneously with this report.).

Initial conclusions. The terrorist attacks of September 11 and the enormous and tragic loss of human life and property that accompanied them led to significant new uncertainties in the real estate sector, which was already beginning to feel the brunt of a national economic downturn. Among these uncertainties was how real estate owners would continue to obtain insurance coverage for their assets, particularly those

Please see the important disclosures at the end of this report.

with high rise (“skyline”) characteristics. This issue was exacerbated by: 1) the fact that most insurance policies (and the terrorism insurance that has traditionally been a part of them) expire on December 31 of each year, and 2) most secured loans (mortgages) would fall into technical default without some kind of ongoing terrorism insurance.

With no backstop legislation in place, the negative consequences of no terrorism coverage have begun to set in for real estate landlords, and, we believe, ultimately tenants as well. Certain real estate asset types and companies are clearly more affected than others are (Exhibit 7). However, we believe it is possible to draw some broad conclusions. We believe the current lack of terrorism legislation has, and will continue to have several negative effects:

- 1) Real estate borrowing will likely become more difficult and more expensive. We expect mortgage spreads to rise in response to increased insurance risk, the collateralized mortgage-backed securities (CMBS) market may continue to balk at single loans with trophy/skyline collateral, and REITs will likely increasingly resort more to the (generally) higher spread corporate market.
- 2) General insurance costs will likely continue to remain higher than pre-9/11 levels (we believe earthquake insurance is already up sharply, with meaningfully higher deductibles). We expect these costs to continue to rise, but to rise less dramatically if a terrorism insurance bill is eventually passed.
- 3) Building security costs will likely remain higher

Exhibit 7

Terrorism Issue Sensitivity Spectrum

More Sensitive		Relevant Tickers
↑	"Skyline" CBD Office	BPO, BXP, EOP, VNO
	Lower-Profile CBD Office	CRE, RA, TZH
	All Other CBD Real Estate	ASN, AVB, HOT, HMT
	High Profile Regional Mall	RSE, SPG, TCO
	Large Hotels	HMT, HOT
	Suburban Office	
	Low Profile Regional Mall	
	Multifamily / Small Hotels	
	Community Shopping Center	
	Self Storage	
Less Sensitive		

Source: Company data, Morgan Stanley Research

- 4) The absence of suitable insurance coverage will likely affect the general real estate lending market, which could impact real estate valuations, particularly for asset types

seen as vulnerable to attack: central business district (CBD) office buildings, certain regional malls, and assets located near sites perceived as risky.

Issue Sensitivity Spectrum

In the event terrorism insurance legislation is ultimately passed, we believe the short-term impacts will be lower insurance and debt costs, providing the most relief to those companies and asset types that were most adversely affected by the current lack of coverage. Given the negative impacts on the real estate industry in just the past 8-10 weeks, we now believe that a bill is more likely today than it would have appeared even four weeks ago. We believe even the passage of a bill and no new attack will still see the real estate industry worse off than pre-9/11, but it is still the best case scenario. In an effort to assess the degree of negative impact, we have outlined the consequences of each of four different scenarios on the industry below. We believe companies in the most sensitive sectors (e.g. BXP, BPO, EOP, VNO, RSE, and SPG) will be the biggest winners in positive scenarios (such as Scenario 1) and the biggest losers in the negative scenarios (Scenario 3). (*Current prices: BXP \$37, BPO \$18, EOP \$28, VNO \$42, RSE \$30, SPG \$31.*)

Scenario Analysis: Real Estate and REITs

Scenario 1: A bill is in place, no attack occurs. As it pertains to the real estate industry, and with particular focus on the landlord (often time the public landlords are REITs), we believe:

- After rising to exorbitant rates post 9/11 (and becoming unavailable in many circumstances) market rates on new terrorism insurance policies begin to fall. Terrorism insurance again becomes widely available.
- The passage of a bill would eventually see the return of liquidity to mortgage and single asset CMBS markets, particularly those involving higher profile “trophy” assets (e.g. skyline CBD assets).
- Although some asset classes allow for occupancy costs to be billed back to tenants (e.g. commercial and retail), we believe higher insurance costs are effectively shared by landlords and tenants regardless of property type. For this reason, the somewhat lower costs that would likely accompany a terrorism bill would benefit both landlords and tenants.

Potential winners/losers. We believe valuations of companies in the most sensitive sectors already reflect some of the negatives associated with the current lack of easily available terrorism insurance (though they do not appear to reflect any major discount as a result of potential exposure to another terrorist event). The passage of a terror bill would lead to more extensive insurance coverage, and potentially lower insurance and borrowing costs for companies such as BXP, BPO, EOP, VNO, RSE, SPG, etc. Less sensitive companies/sectors that are currently experiencing fewer impacts would benefit, but to a lesser extent.

Scenario 2: No bill is passed, no attack occurs. The absence of any passage of a terrorism bill, even without an additional terror attack, is clearly a negative for the REIT sector. We believe this scenario would lead to:

- A sharp rise in operating expenses to cover extremely high insurance and security costs. Landlords begin to question the ability of insurers to meet future terror claims.
- Some landlords may choose to forego expensive terrorism insurance, which would have ramifications on borrowing conditions:
 - 1) Borrowers may fall into technical default on secured loans, which could precipitate some adjustment to both terms and rate.
 - 2) Rating agencies might respond with cuts to credit ratings, making alternative, non-secured borrowing more costly and less accessible.
 - 3) Construction financing and takeout financing become landlord headaches.
- CMBS liquidity becomes more limited and may even dry up, particularly for those real estate assets perceived as more vulnerable. Initiating new single skyline asset CMBS transactions becomes impossible; rates on multi asset CMBS deals also go up, reflecting higher risks.
- Reduced liquidity in the real estate market negatively impacts real estate valuations, particularly for those assets typically financed with secured debt.
- Banks likely eventually begin originating secured loans, but increasingly seek cross-collateralization or recourse when high profile assets are involved.
- Rental rates slow further than they already have as tenants respond to rising occupancy costs.

- For the tenants, occupancy costs may rise up to or even exceed expense stops. Most affected assets will likely be office/high-rise, or other perceived-to-be-vulnerable properties (e.g. regional malls).

Potential winners/losers. The lack of a terrorism insurance bill (despite the lack of terror attack) would serve to raise operating and borrowing costs as well as cause the most exposed companies to take on more risk by self-insuring. We believe that the values of stocks in the most sensitive sectors only partially reflect these negatives, and could therefore face more multiple contraction if it becomes clear that no affordable terrorism insurance will become available. As in Scenario 1, the less sensitive sectors will also be negatively affected, but to a lesser extent.

Scenario 3: No bill is in place, an attack occurs. This represents the worst scenario for real estate owners. In assessing the impact on the industry (and on REITs specifically), we believe it is necessary to examine the *initial* and *longer term* impacts:

- Initial impacts:
 - 1) There will be a sharp rise in operating costs due to much higher insurance costs (expect tenants to experience higher occupancy costs up to the entire expense stop limitation).
 - 2) The CMBS market (both single- and multi-asset transactions) likely freezes for all asset types, but particularly for the skyline assets and the asset class targeted in the attack.
 - 3) Landlords assess the value of continuing with terrorism insurance coverage given the potential inability of insurers to meet future claims.
 - 4) Secured borrowing rates spike, limiting liquidity in this market.
 - 5) Non-secured corporate borrowing for REITs is the only remaining alternative, but higher perceived risk drive rates up sharply after rating agencies focus on ratings.
 - 6) Real estate values fall sharply due to limited insurability and dramatic drop in real estate debt liquidity.
- Longer-term impacts:
 - 1) Congress ultimately establishes some sort of federal backstop or “Pool Re” program.
 - 2) This will likely result in the return of some normalcy in the real estate markets, with values appreciating, but operating costs still higher than pre-9/11 levels.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
Sent: 3/1/2002 6:59:13 AM
Subject: : Re: Terrorism Insurance Conference Call

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAR-2002 11:59:13.00
SUBJECT:: Re: Terrorism Insurance Conference Call
TO: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

good

Leslie A. Mooney
03/01/2002 10:17:25 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: anna.hart@do.treas.gov, Lisa D. Branch/CEA/EOP@EOP,
Betty.Ann.Hunt@do.treas.gov, Stephen M. Lineberry/CEA/EOP@EOP
Subject: Terrorism Insurance Conference Call

Marc would like to hold another Insurance Call next Tuesday.

Please let me know if Tuesday (3/5) at 1:00 works for you.

Thanks
Leslie

Message Sent

To: _____
Peter.Fisher@do.treas.gov @ inet
Randall S. Kroszner/CEA/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Matthew Kirk/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP

REV_00141254

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>
CC: adam f. greenstone/oa/eop@eop [OA] <adam f. greenstone>
Sent: 3/1/2002 10:03:28 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAR-2002 15:03:28.00
SUBJECT:: Re:
TO: Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: adam f. greenstone (CN=adam f. greenstone/OU=oa/O=eop@eop [OA])
READ: UNKNOWN
End Original ARMS Header

2:00 Tuesday in 156

Kimberly A. Douglass 03/01/2002 02:53:23 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: adam f. greenstone/oa/eop@eop
bcc:
Subject: Re:

absolutely. when and where?

Brett M. Kavanaugh
03/01/2002 02:40:09 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Kimberly A. Douglass/WHO/EOP@EOP
cc:
Subject:

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are working and see what improvements should be/can be made?

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Brett M. Kavanaugh/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP

REV_00141270

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 3/1/2002 7:06:07 AM
Subject: : Re:

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAR-2002 12:06:07.00
SUBJECT:: Re:
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I am out for hour plus. Can you send email in text

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>;Kimberly A. Douglass/WHO
/EOP@EOP [WHO] <Kimberly A. Douglass>
Sent: 3/1/2002 9:40:29 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-MAR-2002 14:40:29.00

SUBJECT::

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

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2:00 Tuesday in 156

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To: James F. Daniel/OA/EOP@EOP [OA] <James F. Daniel>; Andris Kalnins/OA/EOP@EOP [OA] <Andris Kalnins>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>
BCC: Phillip Larsen (Phillip Larsen/OA/EOP [OA])
Sent: 3/1/2002 10:09:40 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 1-MAR-2002 15:09:40.00
SUBJECT:: Re:
TO:James F. Daniel (CN=James F. Daniel/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Andris Kalnins (CN=Andris Kalnins/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Brett/Kim--That time is fine for me.

Jim--This will be an opportunity to discuss and move forward any apportionment issues. Would be terrific if CFO can be represented.

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<Andris Kalnins>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kimberly A.
Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>
BCC: Phillip Larsen (Phillip Larsen/OA/EOP [OA])
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03/01/2002 03:03:06 PM
Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@EOP
cc: adam f. greenstone/oa/eop@eop
bcc:
Subject: Re:

2:00 Tuesday in 156

Kimberly A. Douglass 03/01/2002 02:53:23 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: adam f. greenstone/oa/eop@eop
bcc:
Subject: Re:

absolutely. when and where?

Brett M. Kavanaugh
03/01/2002 02:40:09 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Kimberly A. Douglass/WHO/EOP@EOP
cc:
Subject:

Can 3 of us meet to review how the political travel reimbursements
are working and see what improvements should be/can be made?

From: CN=Scott McClellan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/1/2002 10:49:42 AM
Subject: : Re: Victims Comp

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CREATOR:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAR-2002 15:49:42.00
SUBJECT:: Re: Victims Comp
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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As long as it is consistent w/ pub safety officers.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: Goodling, Monica <Monica.Goodling@usdoj.gov>
To: Comstock, Barbara <Barbara.Comstock@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>; Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Bryant, Dan <Dan.Bryant@usdoj.gov>; Collins, Dan <Dan.Collins@usdoj.gov>; Burton, Faith <Faith.Burton@usdoj.gov>; Bybee, Jay <Jay.Bybee@usdoj.gov>; Colborn, Paul P <Paul.P.Colborn@usdoj.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>; Chertoff, Michael <Michael.Chertoff@usdoj.gov>; Horowitz, Michael-CRM <Michael.Horowitz3@usdoj.gov>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>
Sent: 3/1/2002 11:36:40 AM
Subject: : New Burton stories

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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CREATION DATE/TIME: 1-MAR-2002 16:36:40.00

SUBJECT:: New Burton stories

TO:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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READ:UNKNOWN

CC:"Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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CC:"Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Collins, Dan" <Dan.Collins@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

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READ:UNKNOWN

CC:"Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bybee, Jay" <Jay.Bybee@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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CC:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Chertoff, Michael" <Michael.Chertoff@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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CC:"Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Horowitz, Michael-CRM" <Michael.Horowitz3@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

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READ:UNKNOWN

CC:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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Salon.com, March 2, 2002 Saturday

HEADLINE: A Democratic senator goes nuclear on the White House

BYLINE: By Jake Tapper

HIGHLIGHT:

Nevada's Harry Reid talks with Salon about why he joined the GAO lawsuit against Dick Cheney and why he called George W. Bush a liar.

BODY:

It's nuclear war. Or nuclear waste war, at any rate. It began on Feb. 15, when President Bush announced that he would formally recommend Yucca Mountain, 100 miles northwest of Las Vegas, as the site where the United States would bury its nuclear waste. And it has accelerated this week, as Sen. Harry Reid of Nevada, the No. 2 Democrat in the Senate, filed a "friend of the court" brief with the General Accounting Office's lawsuit against Vice President Dick Cheney. The GAO -- and Sen. Reid -- want to know more about the private meetings Cheney held with energy executives as the administration was developing its energy policy.

That information, Reid believes, will explain the Yucca Mountain decision. "President Bush has broken his promise," said an angry Reid shortly after the White House decision. "All Americans should be concerned, not just because he lied to me or the people of Nevada and indeed all Americans, but because the president's decision threatens American lives."

The next day, according to a knowledgeable source, White House chief of staff Andrew Card called Reid three times to discuss why the senator had called the president a liar. Reid did not return any of the calls. But Reid obviously stands by his words. During the presidential campaign, Bush assured Nevada's citizens that he would not ship nuclear waste to any proposed site "unless it's been deemed scientifically safe" -- a vow, says Reid, that he made to win Nevada, a state whose electoral votes he desperately needed (and ended up carrying by just 3.4 percent).

Nevada politicians have long fought attempts to turn their state into a dumping ground for the 77,000 tons of nuclear waste stockpiled throughout the country (as well as the 2,000 tons of new waste generated each year). Since Congress picked Nevada's Yucca Mountain as a nuclear waste site in 1987, more than \$4 billion has been spent, by some estimates, on studying the suitability of the site. Energy Secretary Spencer Abraham told reporters, "It is my strong belief the science supports the safe use of this repository." But Reid cites the General Accounting Office, the Inspector General of the Department of Energy, the Inspector General of the Nuclear Regulatory Commission, and the Nuclear Waste Technical Review Board as all having raised various concerns about the decision to proceed with the Yucca Mountain site.

The decision is anything but final; GOP Nevada Gov. Kenny Guinn has 60 days to object to the decision; he is expected to formally file his objections to the choice by April. Congress will then have approximately three months to override Guinn's objections, which promises to be a tough fight.

In the meantime, Reid is convinced that the task force list will explain what went wrong. "There is no question that Vice President Cheney met on several occasions with nuclear power executives," Reid said on Monday. He charged that after energy executives met with Cheney's task force, Bush "flip-flopped on the issue, and I think these meetings had something to do with it."

The White House vehemently denies Reid's assertions. "The president made the right decision for the country, after a thorough review by the EPA and the Department of Energy found the site to be scientifically safe," White House spokesman Scott McClellan told Salon. "As far as the issue of the lawsuit, we welcome the opportunity to fight for the important principle of the president being able to get open and candid advice to make sound public policy decisions."

On Thursday afternoon, Salon talked with Sen. Reid about the growing legal battle with the White House.

It's a fairly bold move, suing the administration. How did you make this decision?

I feel that President Bush was elected president of the United States because he carried Nevada. And he carried Nevada in an unusual way. He came to Nevada once during the entire campaign. He came to Lake Tahoe. And he refused to answer questions from reporters because of the nuclear waste issue. Al Gore was way out in front on the nuclear waste issue, and he was way out in front in state polls. So later in the campaign Bush sent Cheney to the state a couple times to say that they would be just like Clinton and Gore on the issue and the decision would be only based on sound science.

Since then there have been scientific reports about Yucca Mountain. GAO reported that there are 292 investigative reports about the site that have not been done. The Nuclear Waste Review Board has said that the science surrounding the decision to store waste at Yucca Mountain is poor. But Energy Secretary Abraham has said the opposite.

There is an absolute, determined conflict of interest at the Department of Energy because Spence Abraham gets legal advice from the law firm Winston and Strawn, which is also advising the Nuclear Energy Institute, which is the umbrella for the nuclear power industry.

Anyway, the reason I've taken this step is because I feel that the president misled the state of Nevada. He didn't tell the truth. I also believe that the meetings Vice President Cheney had with energy executives where he came up with the energy policy of this country could have been a determining factor in the recommendation President Bush gave about Yucca Mountain. We do know that Cheney met with a significant number of nuclear power generators. We want to find out who he met with, what happened in the meetings, what they discussed.

The Democrats in the Senate and the House have been criticized by some commentators for being timid in their criticisms of Bush and Cheney. You, on the other hand, are suing them.

Here's how I feel about that: I know a war is going on. I understand that; I appreciate that. And I think the Democratic leadership has been coming together to try to solve our problems. But despite the war going on, this is not a dictatorship. The government is three separate but equal branches of government. I have just as much of a right to speak out as the president does. The fact that he's popular right now doesn't mean I won't speak out about things I disagree with him on.

What's been the reaction from your fellow Democrats to the lawsuit?

I have heard from my friends in just the last few days. They've told me that they're glad I did it. It's kind of "Follow me, I'm right behind ya." Any reaction from Republican colleagues?

I haven't had any of those coming over and patting me on the back.

There are risks involved in suing the administration. You might be known as litigious. Might be dismissed that way. Have any political consultants expressed to you a fear of your becoming the Dan Burton of the Senate?

No, that doesn't bother me. I'm a lawyer; I've been to court lots and lots of times. It was my business 20 years ago. I try to be judicious when I criticize courts or when I attempt in some manner to use the courts.

Do you actually suspect that something fishy occurred during those energy task force meetings?

Of course I do, absolutely. I think this administration is so tight with the oil companies and the powerful utilities in our nation that we have an energy policy that's been dictated through Cheney that is now the word on the street that the administration is pushing. Sure it's fishy. Why are they refusing to give us this information? If it isn't fishy then it appears fishy just because they won't give us the stuff.

Now Bush supporters behind the scenes are arguing that Congress has exempted itself from many of the laws requiring the disclosure of deliberative advice, the Freedom of Information Act, and other sunshine laws that require politicians to disclose whom they get advice from. Is it fair to ask the White House to live up to a standard from which Congress exempted itself?

This is such an old-fashioned statement. It sounds like they've gone back and picked a page or two from Newt Gingrich's notebook. We're a separate but equal branch of government. The president has the right through his tremendous powers to do all kinds of things when it comes to rulemaking and meetings held. And we have the right to ask about it. For them to ask

why don't we disclose is so amateurish it's hardly worth a retort. The White House considers itself to be fighting for a principle, that the president ought to be able to receive open and candid advice without interference from others. That they should be able to make public policy decisions free from politics.

There's no question that the president and the vice president receive tons of private information to help them develop policy. Either one-on-one people come to see them, or from their staff after people come to visit with their staff.

But here it's a different situation. The president of the United States set up an energy task force to come up with an energy plan for the nation. He assigned as the head of that Cheney. You remember the bucket of tears they cried when Hillary Clinton was coming up with the healthcare policy and she was forced to turn over her records. You can't speak out of both sides of your mouth on this. What's good for the goose is good for the gander.

It's totally different from information they receive to come up with the policy for Afghanistan. It's different than the policy as to what he's doing with the Cabinet and those meetings -- those are private. We understand that. But this is different, this is a task force.

An argument I've heard you make is that the action of shipping nuclear waste across the country -- requiring maybe 100,000 trucks going through 42 states -- is dangerous. But others argue that tons of high-level, highly radioactive nuclear waste have been shipped cross-country without incident. Have there been incidents that alarm you?

There are a number of examples of environmental groups following these trucks, knowing where they are, and they easily could have done something mischievous or something very bad to these trucks. Frankly I can't think of any incidents with high-level nuclear waste but we recently had one with low-level nuclear waste in West Wendover on the Utah-Nevada border. A truck was leaking nuclear waste; it just happens. And that example is one we know about; there are a number we don't know about because they keep 'em quiet. There was a serious incident they found with nuclear waste being shipped from West Valley, N.Y. So the answer is yes, I know of incidents.

And go back a few short months ago. There was a tunnel in Baltimore that caught fire and burned for a week. Trains go through that; that was a train tunnel. This will be 77,000 spent fuel rods going through the country. With Sept. 11, with terrorists looking for targets of opportunity, this will be thousands of trucks and thousands of trains and thousands of targets of opportunity. We know you can pierce one of these canisters with a military weapon, one that an individual can fire. But is keeping the waste where it is necessarily any safer? There are 131 nuclear power plants in 39 states. "More than 161 million people live within 75 miles of one or more of these sites," Abraham said, arguing that it would be better to secure the waste in one location than in 131 different locations.

This guy's a Harvard Law grad; he should go work on his script a little better. He uses this argument, that we've gotta have it in one site instead of 130. But we're always gonna have those 130 sites - they're still producing energy! They're not going to go away. This is simply foolish.

Another thing these people, these Harvard lawyers, say is, "Well then what should we do with it?" Leave it where it is. These are dry cast storage containers that are easy to secure, and cheap to secure for the next 100 years. I'm confident that then the great scientific minds of America can determine something over the next few decades as to what to do with the spent fuel rods.

The one question you haven't asked me is, am I afraid of White House retribution. Of course I am but you do what you have to sometimes. One last one then. Your state went for Bush in 2000. You think that will happen in 2004?

Not a chance. And we've got one more electoral vote now. He doesn't care; he doesn't need Nevada anymore -- I guess that's the reasoning. But he would not be president without having carried Nevada.

Howey Political Report (3/1) joined ABC News correspondent Jackie Judd for

REV_00141285

an interview of Rep. Dan Burton, Chairman of the House Government Reform Committee. Asked by Judd if he has requested that the Administration relent in its opposition to releasing Justice Department documents relating to possible FBI corruption in mafia informant cases, Burton said, "Oh, have I ever. I've had the Justice Department before my committee I think two or three times now. I contacted and talked with Mr. Gonzalez, chief counsel to the President. I've met with Attorney General Ashcroft and his chief lieutenants over at the Justice Department. I think all presidents don't like the thought of Congress looking over their shoulder." Asked about the Administration's secrecy, Burton said, "I think they're going too far. I have very high regard for President Bush. I think he's doing a good job with the war and getting the economy moving again. But he's getting some very bad advice on executive privilege and the use of his executive power." Asked if there was "irony" in the fact that he is "proving you're an equal opportunity bitch," Burton said, "No. I think I have a death wish. I don't think I want anybody to like me." Asked by HPR's Brian Howey about the White House's lawsuit with the General Accounting Office, Burton said, "It looks like they're trying to keep something from the public. I don't think they have anything to hide, but that doubt is there. The Democrats are not going to let up on that. The war may wind down and people are going to start looking at the economy, unless there's another terrorist attack. If the Democrats keep beating on that drum, it could be a major factor in the election. I want there to be openness. President Bush senior, his popularity was about 90 percent after the Gulf War. He lost. This is three years from the next election. The President's popularity is sky high, but that could change in 30 days. I think they're building up a lot of good will, but could go down if the American people start to distrust him. I don't want that to happen." Asked how much longer he planned to remain in Congress, Burton said, "I'm one of the senior members on International Relations. We have a new procedure now for picking a new chairman. They are elected by the caucus. Henry Hyde had told me he's going to run one more term and I would like to be considered for the chairmanship."

LOAD-DATE: March 1, 2002

THE HARTFORD COURANT, February 28, 2002

SECTION: MAIN; Pg. A1

HEADLINE: CONGRESS HEARS A SORDID FBI TALE

BYLINE: EDMUND H. MAHONY; Courant Staff Writer

A former chief Connecticut prosecutor, in testimony that at times was taunting and at others dripped with sarcasm, told Congress Wednesday that groundbreaking organized crime investigations were sabotaged by renegade FBI agents.

Austin J. McGuigan, chief state's attorney from 1978 to 1985, described to stunned members of the House Committee on Government Reform how gangsters penetrated the state's fledgling parimutuel gambling industry in the 1970s and '80s, then murdered potential witnesses to throw investigators off the track.

McGuigan's most compelling testimony concerned his belief that corrupt FBI agents working in Boston deliberately withheld evidence from state and local authorities around the country in an effort to destroy investigations associated with the jai alai industry -- and protect the killers, who were their informants.

"It is clear that major organized crime figures operating as informants were permitted to engage in racketeering activities with a wink from, if not the tacit approval of, federal agents," McGuigan said.

Over the past year, committee members have learned during hearings that one of those agents, H. Paul Rico, who retired from the FBI in 1975, was hired a year later as vice president and director of security for World Jai Alai of Miami, which operated jai alai frontons in south Florida and Hartford.

During an appearance before the committee last spring, an unrepentant Rico argued with members when confronted with evidence that he helped frame four innocent men for murder. During a second appearance earlier this month, he invoked the Fifth Amendment and declined to answer questions. On Wednesday, McGuigan reserved some of his sharpest sarcasm for Rico, who he

said allowed mobsters to be employed by World Jai Alai, contrary to his apparent duties as security director.

"I was somewhat puzzled by that," McGuigan said, adding that "quite frankly, from our perspective, organized crime was being made to feel at home by World Jai Alai."

McGuigan and a few other veteran organized crime investigators have spoken privately for years about the bizarre set of circumstances surrounding mob penetration of Connecticut's jai alai industry. But listeners couldn't believe that the FBI, an institution then long judged to be above reproach, was behind it all.

McGuigan said that when three key witnesses in the jai alai cases were murdered in the 1980s, he would have laughed off any suggestion that one day he would be asked to address Congress on the subject.

"We thought the bad guys had won," he said. "To me, today, it is touching that I'm here and that so many people who worked so long to uncover the truth have passed away and have not seen justice done."

After nearly a year of hearings into improper behavior involving FBI agents and their informants, members of the committee gave McGuigan a warm reception.

"I consider these hearings some of the most important hearings that Congress can have," said Rep. Christopher Shays, R-4th District.

Previous efforts to examine the mob penetration of the jai alai industry have sputtered because of the difficulty of keeping track of the wide cast of characters.

As McGuigan, who in 1973 became the first Connecticut prosecutor with statewide jurisdiction over organized crime and corruption, testified about his experience, committee members listened raptly, sometimes goggle-eyed. Chairman Dan Burton, R-Ind., periodically interrupted to demand relevant documents from the Department of Justice.

In a related development, Burton announced late Wednesday that he had reached an agreement with the Bush administration that will allow his committee to review Justice Department documents related to its investigation of FBI misconduct in Boston.

In December, President Bush asserted executive privilege to block the committee from reviewing internal Justice Department documents, sparking a face-off over the constitutionality of congressional oversight. Bush argued that congressional review of deliberative documents could lead to political second-guessing of decisions in criminal matters.

Internal FBI memos and other federal documents the committee and others already have obtained back up McGuigan's central contention -- that mobsters from Boston's Winter Hill Gang tried to take over World Jai Alai in order to skim profits. At the center of the plot were the Winter Hill Gang's co-leaders, James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. Bulger and Flemmi were multiple murderers who also served, collectively for decades, as top informants for the FBI's Boston office. Rico was instrumental in recruiting Flemmi as an informant. Recently, a special Justice Department task force indicted Bulger and Flemmi for the three jai alai murders, including that of World Jai Alai owner Roger Wheeler Sr. of Tulsa, Okla.

A compelling body of evidence gathered by the committee and others suggests that some FBI agents in Boston obstructed investigations -- including those involving jai alai -- to protect Bulger and Flemmi from arrest. McGuigan said Bulger and Flemmi were part of a "war on organized crime that went amok."

"Violent crimes, including murders by so-called informants, were ignored at the whim of law enforcement agents who were, apparently, accountable to no one," McGuigan said. "In the name of intelligence-gathering, state and local prosecutions of violent criminals were undermined and investigations were betrayed."

When Connecticut investigators began following organized crime into World Jai Alai, agents in Boston withheld crucial information, McGuigan said. Moreover, he said, they tipped off targets of the investigation. Finally when potential witnesses began being killed, he said, federal authorities in Boston undercut Connecticut investigators.

At one point, McGuigan said, Rico, using information from police sources in Boston, tipped off an investigative target to information collected by the Connecticut State Police. The target was John B. Callahan, a reputed Winter Hill associate who became president of World Jai Alai and was later

murdered in Florida. Callahan's body was dumped at the Miami airport on the day McGuigan and state police detectives arrived, hoping to persuade him to cooperate.

"They tanked our investigation," McGuigan said. "I realized we weren't playing for the same team."

Rep. William Delahunt, D-Mass., asked if McGuigan began to smell a rat:

"Did the smell become more putrid at that point?"

"Yes," McGuigan said. "It was troubling."

McGuigan said charges probably never would have been filed in the jai alai murders if Flemmi had not been arrested in 1995 and used his informant status as a defense.

"These are murders that seemed unsolvable, and it seemed the coverup had succeeded," McGuigan said, "until ... Flemmi decided to claim that he had a free pass on the crime train, because of his status as an FBI informant."

GRAPHIC: PHOTO 1: COLOR, Associated Press; PHOTOS 2-5: (b&w) mugs; PHOTO 1: AUSTIN J. MCGUIGAN / FORMER CONNECTICUT CHIEF STATE'S ATTORNEY, LEFT, TESTIFYING WEDNESDAY. PHOTO 2: BULGER; PHOTO 3: CALLAHAN; PHOTO 4: FLEMMI; PHOTO 5: WHEELER

LOAD-DATE: February 28, 2002

United Press International, February 28, 2002, Thursday

HEADLINE: Justice relents on FBI files

BYLINE: By P. MITCHELL PROTHERO

The Justice Department has agreed to allow investigators from a House committee access to some documents related to FBI criminal investigations. After President Bush claimed executive privilege in December, the House Government Reform Committee threatened to hold the administration in contempt of Congress.

Most of the documents relate to several FBI scandals concerning the use of informants in organized crime investigations in New England during the 1960s and 1970s.

"I want to thank the attorney general and the White House for working with us as we have been trying to uncover the corruption that existed in the Boston FBI for four decades and do our part to right a tragic wrong," said Committee Chairman Dan Burton, R-Ind.

The committee had subpoenaed as many as 15 documents and prosecution memos involving the use of testimony by Joe "The Animal" Barboza in several Mafia trials in the late 1960s and the use of two Boston mobsters as confidential informants, James "Whitey" Bulger and Steve "The Rifleman" Flemmi, from 1975 to 1995.

Bulger and Flemmi are suspected of having ordered or committed as many as 20 slayings during that period as the men allegedly consolidated control over the Boston organized crime community, despite working with the FBI. Burton has demanded any documents that discuss the decision by the Justice Department not to prosecute the men until 1995 despite the widespread belief they were using their FBI relationship to help the criminal enterprise.

In a related case being looked at by investigators, it appears the FBI knowingly allowed four men to be convicted in 1967 of a murder, despite clear evidence the men were not involved.

In the Senate, Sens. Charles Grassley, R-Iowa; and Patrick Leahy, D-Vt., have introduced legislation to increase oversight of the FBI and to give the Justice Department inspector general the authority to investigate abuses within the bureau.

LOAD-DATE: March 1, 2002

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/1/2002 12:53:24 PM
Subject: : LRM KCT116 - - VETERANS AFFAIRS Testimony on Health Resources Sharing Between DoD and VA
Attachments: P_A51S5003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAR-2002 17:53:24.00
SUBJECT:: LRM KCT116 - - VETERANS AFFAIRS Testimony on Health Resources Sharing Between DoD and VA
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by Patrick J. Bumatay/WHO/EOP on
03/01/2002 05:53 PM -----

From: Kathryn C. Thompson on 03/01/2002 05:50:03 PM
Record Type: Record

To: dodlrs@osdgc.osd.mil , lrm@hhs.gov , ocl@ios.doi.gov
cc: See the distribution list at the bottom of this message
Subject: LRM KCT116 - - VETERANS AFFAIRS Testimony on Health Resources Sharing Between DoD and VA

The following is LRM ID: KCT116 -- Veterans Affairs Testimony on Health Resources Sharing Between DoD and VA. The testimony is attached below in Word format and it consists of 13 pages.

Please comment on the VA testimony by 2 p.m., Monday, March 4th. If you do not respond by the deadline, I will assume that you have no objection to the testimony.

LRM ID: KCT116
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Friday, March 1, 2002

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Ingrid M. Schroeder (for) Assistant Director for Legislative Reference
OMB CONTACT: Kathryn C. Thompson
PHONE: (202)395-7596 FAX: (202)395-6148

SUBJECT: VETERANS AFFAIRS Testimony on Health Resources Sharing Between DoD and VA

DEADLINE: 2 p.m. Monday, March 4, 2002

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

REV_00141289

COMMENTS: This VA testimony was prepared for a March 7th hearing before a House Armed Services subcommittee and a House Veterans' Affairs subcommittee. The testimony discusses health resources sharing between DoD and VA. DoD will also testify at this hearing and their testimony will be circulated for comment at a later time.

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Danielle M. Simonetta
Lauren C. Lobrano
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Daniel J. Keniry
Robert Marsh
WHGC LRM
OVP LRM
Robert J. Pellicci
Ingrid M. Schroeder
James J. Jukes
LRM ID: KCT116 SUBJECT: VETERANS AFFAIRS Testimony on Health
Resources Sharing Between DoD and VA
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Kathryn C. Thompson Phone: 395-7596 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):

REV_00141290

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

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 Danielle M. Simonetta/OMB/EOP@EOP
 Lauren C. Lobrano/OMB/EOP@EOP
 Marisa K. Medrano/OPD/EOP@EOP
 Layton Skelly/OPD/EOP@EOP
 Daniel J. Keniry/WHO/EOP@EOP
 Robert Marsh/WHO/EOP@EOP
 WHGC LRM
 OVP LRM
 Robert J. Pellicci/OMB/EOP@EOP
 Ingrid M. Schroeder/OMB/EOP@EOP
 James J. Jukes/OMB/EOP@EOP
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 File attachment <P_A51S5003_WHO.TXT_1>

Statement of
Dr. Leo S. Mackay, Jr.
Deputy Secretary
Department of Veterans Affairs
on
VA-DoD Health Care Sharing
Before the
Subcommittee on Military Personnel
Committee on Armed Services
aAnd the
Subcommittee on Health
Committee on Veterans' Affairs
U. S. House of Representatives

March 7, 2002

—

Thank you for the opportunity to speak to you this morning about the status of ~~sharing-coordinating~~ health care resources between the Department of Veterans Affairs (VA) and the Department of Defense (DoD). As you know, President Bush ~~is committed to improving access and quality of health care delivered to our nation's veterans and military beneficiaries.~~ ~~t~~The President has ~~made-expanded-identified~~ expanded collaboration operation between the VA and DoD health care delivery systems as a top priority for his Administration, listing improved interagency coordination between VA and DoD as one of his top management agenda items to benefit both VA and DoD beneficiaries. Additionally, ~~on Memorial Day 2001,~~ ~~T~~the President further demonstrated his personal commitment to veterans ~~and military retirees~~ by signing an Executive Order on Memorial Day 2001 establishing the President's Task Fforce to ~~improve~~ Health Care Delivery for ~~O~~ur Nations Veterans (PTF).

You will hear more about the ~~The~~ PTF this morning from Dr. Gail Wilensky, Co-Chair of the President's Task Force; however, I want to ~~is~~ reexpress the Department of Veterans Affairs strong commitment to supporting the activities and deliberations of the PTF as the Members reviewing barriers to

Sharing and Interoperability; and collaboration for a VA/DoD Consolidated Mail Order Pharmacy (CMOP) pilot.

~~—The complexity and magnitude of the two health care delivery systems and their health information systems present a challenge in building health data repositories for each organization that can handle the large number of health records, appropriately ensure privacy and security, and support sharing of information.~~

Sharing Capital Assets

For a number of years, consideration of potential sharing with local DoD facilities has been part of VA's Major Construction planning process. As a result, and several joint facilities —discussed later in the statement—are currently in operation. VA recently completed a review of cCapital aAsset requirements infrastructure in the Chicago area and plans to complete reviews of needs for the rest of the country during the next two years. As we conduct these reviews we will involve DoD counterparts at both the local and national levels to assure that we do not miss opportunities to better serve our beneficiaries.

VA and DoD collaboration in the North Chicago area provides As an outstanding example of the mutual benefit of interagency capital asset sharing. The VA and the Secretary of the Navy and I Department recently signed an agreement to transfer 48 acres of VA land at the North Chicago VA Medical Center to the Navy Great Lakes Naval Recruit Training Ceenter. The land will help the Navy modernize their recruit training facility and, in exchange for the land, the Navy has agreed to purchase electricity and steam-steam from a VA-sponsored co-generation energy center that will result in substantial energy savings in the future. Additionally, through a special North Chicago Task Force established by the Co-chairs of the VA/DoD Health Executive Council and the Surgeon General of the Navy, the VA and the NavyDoD are also continuing to explore short and long term options for improved coordination of health care delivery, including review of the possibility of establishing a joint medical facility serving both veterans and Navy Great Lakes personnel at the North Chicago VA campus.

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Regional VA-DoD Resource Sharing

As the VA/DoD Health Executive Council has established a number of work groups to make recommendations to improve cooperation, including a group specifically reviewing joint facility utilization and resource sharing, VHA and DoD leadership across the country have begun to engage in more vigorous coordination initiatives. For example, On a regional level, DoD's Mid-Atlantic Region (Region 2) and VA's Veterans Integrated Service Network (VISN) 6 recently met in November 2001 to discuss potential measures to maximize interagency use of federal resources in the area. The group plans to build on successful collaboration efforts in laboratory and pathology. Laboratory and pathology "Centers of Excellence" have been designated for facilities to purchase laboratory and pathology services at considerable savings. Region 2/VISN 6 are currently exploring establishing a joint community based outpatient clinic in eastern North Carolina and consolidated surgery services in the Portsmouth/Hampton, Virginia area.

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Also, VHA's VISN 20 and DoD's Northwest Region 11 held meetings in the fall and winter of 2001 to discuss additional opportunities for improved coordination. Many areas of promise were identified including: physician staff support in a number of specialties; nursing support and education; VA use of DoD operating rooms, VA clinics' use of DoD military treatment facilities (MTFs) for referral laboratory services, inpatient urology, and emergency hospitalizations; VA's use of DoD's contract for referral laboratory services; and examining 220 region contracts in excess of \$24 million to consolidate procurements and make use of existing shared-use contracts.

Local VA-DoD Sharing

Although the senior leadership of VA and DoD are attempting to provide greater leadership support and direction for improved interagency

coordination at all levels of interaction, sharing between VA and DoD at the local level is not a new or static concept. As a matter of fact, health care officials almost universally declare that "health care is local," making facility level coordination efforts extremely important to improving health care delivery to our beneficiary populations. The recognition of the value of interagency collaboration between VA and DoD is at least 20 years old and the nature of collaboration over the past two decades has been dynamic, reflecting changes in law, changes in leadership, and changes in the way we deliver health care in the United States.

As you know, Congress passed the "VA and DoD Health Care Resources Sharing and Emergency Operations Act" in 1982, and amended it in 1992.

Innovative leadership at the local and regional levels has leveraged this authority to benefit military and veteran beneficiaries.

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~~Prior to TRICARE, it was easy for local officials to develop an agreement to share health care resources. Under TRICARE, sharing with VA became more complicated. At many locations, VA can provide outstanding specialty care and advanced diagnostics but does not currently have the capacity to provide primary care to large numbers of TRICARE beneficiaries. However, under TRICARE, if a provider does not supply primary care services, referrals are less likely to be made to that provider for specialty care and advanced diagnostics.~~

Currently, there are 165 VA Medical Centers with at least one sharing agreement with a DoD partner. Most MTFs also participate. At the close of FY 2001 tThere were 604 agreements covering 6,602 services ~~at the close of FY 2004~~. Most agreements cover diagnostic and ancillary services such as clinical pathology, radiology, audiology, and nuclear medicine. These agreements provide both VA and MTFs with a cost effective mechanism to secure expanded capacity to meet the health care needs of their beneficiary populations and also provide both departments with an alternative to TRICARE provider networks procuring services through potentially more costly private sector sources.

It should be noted, however, that the direct sharing relationship between VA and DoD has changed over the years and is currently in decline. The number

of agreements has declined from nearly 1,000 to 604 from FY 1998 to FY 2001 while the total number of services covered in all agreements dropped from nearly 10,000 to 6,602 in the same time period. Total VA reimbursable collections from agreements reached a high figure of \$32.5 million in FY 1999, declining to \$27.9 million in FY 2001. VA purchased from DoD \$23.9 million in services in FY 1999. This figure declined to \$20.4 million in FY 2001. With the DoD roll-out of the TRICARE managed care support contract program, use of mMany of these direct sharing agreements between local facilities are not being used have been suspended, but VA (even though the departments still lists these agreements as “active”) because MTFs local facilities frequently do not formally cancel their interagency direct sharing agreements them.

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We also have many VA/DoD agreements that involve reserve units from the {Army, Army National Guard, Naval Reserve, Air Force Reserve, and Air Force National Guard}. Eighteen of VHA's 21 Veterans Integrated Service Networkss (VISNs) have agreements to provide physicals to Army Reservists working with the Department of Health and Human Services' Federal Office of Occupational Health.

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~~The number of agreements has declined from nearly 1,000 to 604 from FY 1998 to FY 2001 while the total number of services covered in all agreements dropped from nearly 10,000 to 6,602 in the same period.~~

~~—— Total VA reimbursable collections from agreements reached a high figure of \$32.5 million in FY 1999, declining to \$27.9 million in FY 2001. VA purchased from DoD \$23.9 million in services in FY 1999. This figure declined to \$20.4 million in FY 2001. The reason for this decline is that TRICARE vendors now influence military beneficiaries' use of VA facilities.~~

~~VA administrative costs are much higher under TRICARE than with sharing agreements established directly between a DOD facility and a VA medical center. Moreover, the government usually pays more for the services provided under TRICARE than is required because of profit~~

argins that the vendor must realize. MTFs should have the flexibility of using TRICARE dollars as a funding source to provide services to DOD beneficiaries without going through TRICARE provider networks. In essence, TRICARE contracts and their copayment structure should encourage beneficiaries to obtain health care from VA and the Military Health System.

Joint Ventures

Joint ventures are designed to avoid duplication of medical facilities, expand access to services for federal beneficiaries, and to curtail federal health expenditures through 'economies of scale.' The seven main VA/DoD joint venture sites are listed below:

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JOINT VENTURE SITES			
Partner	Host	Beds	Clinics
Albuquerque, NM Kirtland AF, Clinic	VAMC	Joint admission privileges	AF has outpatient, dental clinics Joint staffs provide services
El Paso, TX Clinic	Beaumont Army	VA purchases	VA has outpatient clinic VA, Army surgeons share
Las Vegas, NV VA clinic	Air Force	VA- 52 beds AF-42 beds	Surgery and Medicine staffs are integrated
Anchorage, AK VA clinic	Air Force	VA-10 bed ICU AF-25 beds	Joint staffing of most services
Key West, FL VA shares space	Navy (clinic)	VA occupies 10% of space	Joint staffing of full range of clinical services
Honolulu, HI VA clinic	Tripler Army	VA purchases	VA provides inpatient psychiatry Army staffs other services
Fairfield, CA., VA clinic	Travis AF	VA purchases	AF provides most services including outpatient specialty

Recently, this list of joint ventures has been informally expanded to include an eighth site, recognizing the significant collaboration efforts between the VAMC Lawton, OK and Ft. Sill.

The VA/DoD Health Executive Council Joint Facility Utilization and Resource Sharing Work Group has been tasked to make recommendations for improved coordination of services where VAMCs and MTFs are in close

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proximity as well as in those areas where either a VA or DoD health care facility may be used to provide medical care to the beneficiaries of both departments.

TRICARE and VA

In 1995, DoD established the TRICARE program to deliver health care services to its beneficiary population through regionally based managed care support contracts. VA provides services to TRICARE beneficiaries as long as veteran beneficiaries are not negatively impacted. VA Medical Centers currently have 134 contracts to provide services. TRICARE earnings, still relatively small, are steadily increasing (\$ in millions):

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<u>FY 1996</u>	<u>FY 1997</u>	<u>FY 1998</u>	<u>FY 1999</u>	<u>FY 2000</u>	<u>FY 2001</u>
<u>\$1.9</u>	<u>\$2.8</u>	<u>\$3.5</u>	<u>\$4.9</u>	<u>\$6.5</u>	<u>\$9.8</u>

However, as of September 30, 2001, only 90 VA Medical Centers reported reimbursable earnings from TRICARE. The degree of participation varies considerably from one facility to another based on a number of factors.

Prior to implementation of the TRICARE program, it was relatively easy for local VA and DoD officials to develop an interagency agreement to share health care resources. Under TRICARE, however, the nature of interagency sharing has shifted from direct sharing between equal federal partners to VA primarily functioning in a subcontractor role, making sharing between DoD and VA more complicated.

Many VA facilities do not have the capacity to offer primary care to large numbers of TRICARE beneficiaries in some areas, even though VA can provide outstanding specialty care and advanced diagnostics in the same area. However, under TRICARE, if a provider does not supply primary care services, referrals are less likely to be made to that provider for specialty care and advanced diagnostics. While not a universal trend, this tends to limit the referrals for specialty treatment as well. In, in some other locales, TRICARE

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contractors have been less than enthusiastic in welcoming VA participation when they already have well established networks of providers or, in some instances, there are exclusive contracts or special relationships with other providers.

Finally, VA Medical Centers have had difficulty in performing administrative functions and have made uneven progress toward eliminating TRICARE billing inefficiencies such as collection of co-payments at the point of service, data and coding accuracy, and billing of other “primary” health insurance (after which TRICARE is secondary payer). However, progress is being made. VHA is plans to issue a directive outlining proper TRICARE billing procedures. A variety of different formats are being explored using a variety of methods such as training software, videotapes for individual training credit, and satellite broadcasts. In FY 2001, 21 VAMCs were reimbursed at least \$100,000, up from 19 in FY 2000.

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We are continuing to work with DoD to assure that To meet the President’s objective of enhancing health care for both VA and DoD beneficiaries through improved interagency coordination and resource utilization, VA believes that future TRICARE beneficiaries can avail themselves of health care from VA. Over one million veterans are dually eligible for both VA and DoD health services, and we believe there are opportunities to better serve them and to do so cost effectively. VA believes that it would be most cost effective for DoD to view VAMCs VA Medical Center Agreement on the appropriate future role of VA in the DoD TRICARE program is important to future collaboration between VA and DoD. This issue is also under discussion with the President’s Task Force.

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TRICARE earnings, still relatively small, are steadily increasing (\$ in millions):

FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
\$1.9	\$2.8	\$3.5	\$4.9	\$6.5	\$9.8

We appreciate being allowed to participate in DoD's discussions concerning the next generation of TRICARE contracts. VA is represented on the TRICARE Management Activity's Steering Committee on the Next Generation of TRICARE Contracts. This committee is currently making decisions on how future TRICARE contracts will be structured.

VA believes that it would be most cost effective for DoD to view VA Medical Centers as extensions of the Military Health System in the next round of TRICARE contracts. One way to maximize the use of federal dollars would be to eliminate cost sharing for TRICARE beneficiaries who select VAMCs Medical Centers as is now the case when a TRICARE beneficiary is treated in an MTF. If DoD were to agree to this proposal, TRICARE Program costs would likely be reduced and beneficiaries would also save out of pocket expenses.

VA administrative costs are much higher under TRICARE than with sharing agreements established directly between a DOD facility and a VA medical center. Moreover, the government usually pays more for the services provided under TRICARE than is required because of profit margins that the vendor must realize. MTFs should have the flexibility of using TRICARE dollars as a funding source to provide services to DOD beneficiaries without going through TRICARE provider networks. In essence, TRICARE contracts and their copayment structure should encourage beneficiaries to obtain health care from VA and the Military Health System.

Conclusion

VA and DoD are working at all levels to expand and improve our sharing relationships. In addition to those specifically discussed, we continue to cooperate on homeland security, contingency planning, and emergency management. is working with senior leadership from DoD to expand and improve our sharing relationships. We have made progress in recent years, but I believe we can do more. Dr. Chu and I have have committed to ensuring that both our departments work together as effectively as possible.

This concludes my statement. My colleagues and I will be pleased to
answer any questions members of the SubCommittees may have.

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VA and DoD cooperation and will identify opportunities for improved partnerships. As the lead executive agency charged by the President with providing support to the PTF, VA funds PTF operations, provides primary and subject matter expert staff support, and supplies the PTF with information and data as requested. We view the work of the PTF as vital to shaping our future relationship with DoD and Work groups have been formed in acquisitions and purchasing, benefits services, facilities, IM/IT, leadership and productivity, pharmacy, and resources/budget process. Four “critical” areas are currently being explored: policy barriers to conducting business; coordinated resource planning; facility/regional planning and business development; and barriers at the facility level. We look forward to receiving the interim report fromef_ the PTF this summer and the final report in March 2003.

There is no question enhanced collaboration between VA and DoD has the potential to improve services to our respective beneficiary populations, increase government efficiencies by decreasing the costs of providing bifurcated health care services and veteran’s benefits to DoD and VA beneficiaries, and improve utilization of our health care facilities. Over the years VA and DoD have been actively engaged and have enjoyed successes; however, much work remains to be done and VA welcomes the opportunity to expand our partnership with the Department of Defense. As a matter of fact, the Secretary of Veterans Affairs recently identified for the President eight areas of emphasis for increased coordination of services between VA and DoD. –and I understand that DoD has also proposed additional opportunities for increasing efficiency and coordination of benefits between our two departments. I am confident that working together, we will reach agreement on developing a common set of recommendations that our Departments can implement and our beneficiaries can endorse.

To accomplish the goal of improving coordination to achieve greater benefits for our beneficiary populations, the Departments have established two joint executive councils to explore areas where we can improve or enhance sharing activities. The VA/DoD Health Executive Council is an ongoing collaborative venue between the leadership of the Veterans Health

Administration and the Department of Defense health care executives DoD Health Affairs. This council and has been reinvigorated in the last year through establishment of new goals, work groups, and accountability. Based on the successful Health Executive Council model, the VA/DoD Benefits Executive Council was recently established to provide an official forum for senior level interaction between the Veterans Benefits Administration and the DoD Office of Force Management Policy.

To increase the tempo of interaction between substantive actions taken by our two Departments and demonstrate leadership commitment to providing our beneficiaries with a seamless transition from military to veteran status, Dr. David S.C. Chu, Under Secretary of Defense for Personnel and Readiness, and I have recently begun to hold joint meetings of the Executive Councils to ensure that we receive regular updates on joint strategic planning activities and initiatives, provide guidance and policy direction on collaborative initiatives, and ensure that Department level administrative issues are not overlooked in individual Executive Council discussions. We plan to hold these joint meetings on a quarterly basis.

I was privileged to host our first joint meeting on February 11, 2002, at the Department of Veterans Affairs. During our inaugural meeting we had an opportunity to focus on several key issues that have direct impact on the future success of our VA/DoD collaborative initiatives. The specific areas of discussion included: –standardized billing and reimbursement rates; joint procurement initiatives; computer based patient medical record initiatives; Defense Enrollment Eligibility System (DEERS); coordination of capital Investments; and planning for the receipt of the recommendations of the Presidential Task Force to Improve Health Care Delivery for Our Nation’s Veterans.

While much work remains to be done and we will target our future studies to improve health care services, benefits delivery, information sharing and capital asset coordination, it is important to note that, – Dr. David Chu, DoD’s Deputy Secretary for Personnel and Readiness, and I recently initiated the Secretarial level VA-DoD Executive and Health Benefits Councils. These two panels will

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meet quarterly and will work together to improve coordination between the Departments in such areas as health care services, benefits delivery, information sharing and capital asset coordination.

However, VA and DoD executive leadership at the National, regional, and local levels have been working jointly for several years to improve and expand sharing with significant ~~and much progress has been accomplishments to credit~~. ed. Nationally, VA and DoD have made progress in the joint development of clinical practice guidelines. ~~The two Departments have~~ The VA has taken a leadership roles in the promotion of patient safety and DoD has benefited from our experience and is adopting our program. We are saving significant taxpayer dollars through joint procurement efforts, primarily in pharmaceuticals. We are pursuing better transmission of health data between the two agencies, improved coordination of capital facilities planning and use, and improved resource sharing between our regional organizations and local facilities as well as increased VHA treatment of DoD TRICARE ~~icare~~ beneficiaries.

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Joint Procurement

Although we will need to engage in significant discussions to iron out potential implementation details, both VA and DoD have identified improved partnering for health care procurement as an action needed to ensure better coordination of DoD and VA services. Experience has clearly demonstrated that our combined purchasing power results in significant financial savings to both VA and DoD, allowing us to better utilize our budgets to the benefit of our respective beneficiary populations. For example, -VA and DoD entered into a Memorandum of Agreement (MOA) with DoD in December 1999 to combine the overall purchasing power of our the two Departments and eliminate redundancies. The

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MOA has two completed appendices, one dealing with pharmaceuticals, the second, encompassing medical and surgical supplies. A third appendix covering high-tech medical equipment is being finalized.

~~To reduce duplication between the two departments,~~ As part of the MOA and in an attempt to reduce duplication between the two departments, DoD agreed to eliminate their Distribution and Purchasing Agreements (DAPAs) for pharmaceuticals and to rely upon VA's Federal Supply Schedule (FSS) for pharmaceuticals by ~~in~~-late 2000. As a result, DoD's DAPAs were eliminated in January 2001 for all pharmaceuticals that are available under VA's FSS program. Under VA's FSS pharmaceutical program, combined expenditures for Fiscal Year (FY) 2001 were \$3.5 billion (\$2.5 billion purchased by VA and \$1 billion purchased by DoD). This same process, converting DoD DAPAs to VA's FSS program, is being utilized for medical and surgical supplies. The first data feed was completed in December 2001 and conversion is expected to be completed by December 2002. Once the appendix for high-tech medical equipment is signed, contracting responsibilities will alternate between the Departments and will allow both Agencies to place orders against the resulting contracts.

Another important area of the MOA focuses on joint procurement of pharmaceuticals. As of February 20, 2002, there were 57 joint-VA/DoD joint contracts for pharmaceuticals; 35 additional joint contracts are pending award; and 30 proposed joint contracts are ~~are~~ waiting to be processed. The ~~total~~-estimated cost savings in FY 2001 for both Departments from these contracts were ~~were~~ totaled \$98.3 million (\$80.1 million for VA and \$18.2 million for DoD). These savings were obtained from 43 contracts. We have not yet received the actual cost savings figures for the contracts awarded to date during this fiscal year, but believe savings will continue to grow. ~~and i.~~ It is difficult to project how much additional savings will be achieved due to the dynamics of the pharmaceutical market place. For example, future pharmaceutical costs are strongly impacted by non-procurement related actions such as, i.e., branded products going generic and the clinical strategies employed by both Departments in the provision of their drug benefit. On the other hand, upcoming pharmaceutical Many of

~~these contracts will be considered for joint VA/DoD contracting activity as the contract period expires for individual contracts and we are optimistic that significant savings will continue to be calculated.~~

~~To further improve collaboration and reduce health care costs for both departments~~Also, VA is proposing legislation to allow DoD to directly utilize the VA Revolving Supply Fund for medical supplies, equipment and services procurement. ~~We believe that enactment of this provision~~ This amendment will facilitate cooperative management of significant VA/DoD acquisition programs.

Information Technology

~~The development of compatible information technology systems may be one of the most important areas that VA and DoD address in an interagency manner in the coming year. Both VA and DoD spend significant amounts of taxpayer funds annually on the information technology and information management programs supporting our two missions. Yet, in spite of our best efforts to date and the requirements of both departments for similar information over the life-cycle of a member of the armed services, incompatibility of VA and DoD information management and technology systems is one of the most frequently noted impediments to increased coordination between the two departments, resulting in duplication of workload, promulgation of inefficiencies, and inability to communicate critical data in an efficient manner. As the Government~~General Accounting Office (GAO) noted in ~~their~~ a recent report, we currently do not have a complete single repository of active service members' and veterans' health data that can be used to ensure continuity of care, improve health care delivery, and provide valid, reliable data for disability claims.

~~Last fall, however, VA, DoD, the Indian Health Service, and other agencies began a substantially expanded health information system, entitled Health~~People, whose purpose is to improve sharing of health information; develop and adopt common standards; seek appropriate opportunities for joint procurements and/or building of systems; work toward improved, model health

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information systems; and explore the potential convergence of VA and DoD health information software applications.

The improvement in information technology compatibility and establishment of a single electronic patient record top the VA/DoD coordination agenda of this Administration. With respect to information technology coordination and health data repositories or databases, specific actions are being taken through the VA/DoD Health Executive Council and are being monitored by senior department leadership through our Joint Executive Councils forum.

For example, -
the VA/DoD Health Executive Council Information Management and Information Technology Work Group manages the VA/DoD interagency Government Computer-based Patient Record (GCPR) program, recently renamed the Federal Health Information Exchange (FHIE) to better reflect the intent of the program. The goal of FHIE is to make DoD data available to VA clinicians with the highest functionality at the lowest cost. VA and DoD are establishing a national repository under the Government Computer-based Patient Record (GCPR)/FHIE Project that allows for sharing of select DoD patient data at VHA locations. The transfer of DoD data to VA is in the testing phase. In this fiscal year, VA and DoD are developing a joint business case and implementation to address the interoperability of GCPR/FHIE with CHCS II, DoD's new system in development, and VistA, VA's patient information system. It is anticipated that aAdditional phases of this project will support DoD viewing of VHA information.

Other information technology sharing efforts already underway between DoD and VA through the VA/DoD Health Executive Council include: Health Insurance Portability and Accountability Act of 1996 (HIPAA) --; standards development; pharmacy initiatives; technology integration laboratories; VA/DoD Laboratory Data Sharing and Interoperability; and collaboration for a VA/DoD Consolidated Mail Order Pharmacy (CMOP) pilot.

While these ongoing efforts are significant and we hope to realize substantial progress through them in moving toward more seamless information transfer, we are continuing to explore additional opportunities for collaboration to

improve delivery of care at the patient level and to better utilize taxpayer dollars. For example, DoD is establishing a national patient record using a Health Data Repository product from a commercial vendor. VA intends to pursue a comparable solution and has staff working with DoD on a regular basis. VA also intends to explore the potential with DoD to create a second phase to this effort that supports creation of government-owned repository architecture/software, not dependent on vendor technology. This architecture/software could also be used throughout government to create health care repositories that can easily share patient information.

Looking to the future, last fall VA, DoD, the Indian Health Service, and other agencies began to look at the potential for a substantially expanded health information system, entitled HealthPeople, whose purpose is to improve sharing of health information; develop and adopt common standards; seek appropriate opportunities for joint procurements and/or building of systems; work toward improved, model health information systems; and explore the potential convergence of VA and DoD health information software applications.

—As we pursue the short, mid and long term goals of delivering health care and maintaining adequate medical records for our nation's military and veterans in a seamless fashion, it is important to recognize the magnitude of the undertaking and remain focused. The complexity and magnitude of the two health care delivery systems and their health information systems present a challenge in building health data repositories for each organization that can handle the large number of health records, appropriately ensure privacy and security, and support sharing of information. To address these unique challenges in establishing better linkage between the VA and DoD information management and technology, DoD and VA are currently considering separate data repositories to ensure privacy and security and to reduce the consequence of any failures. It is our expectation that both repositories will be operational before 2005, with common data standards to support retention of records from DoD and VA.

GCPR is being renamed the Federal Health Information Exchange (FHIE) to convey more accurately the original and current intention of this interagency activity.

- ~~DoD is establishing a national patient record using a Health Data Repository product from 3M. VA intends to pursue a comparable solution and has staff working with DoD on a regular basis.~~
- ~~DoD and VA are currently considering separate repositories to ensure privacy and security and to reduce the consequence of any failures. We expect both repositories to be operational before 2005, with common data standards to support retention of records from DoD and VA.~~
- ~~VA intends to explore potential with DoD to create a second phase to this effort that supports creation of government-owned repository architecture/software, not dependent on vendor technology. This architecture/software could also be used throughout government to create health care repositories that can easily share patient information.~~

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~~— The VA/DoD Executive Council Information Management and Information Technology Work Group manages the VA/DoD interagency GCPR/FHIE program. The goal is to make DoD data available to VA clinicians with the highest functionality at the lowest cost. The transfer of DoD data to VA is in the testing phase. In FY 2002, VA and DoD are developing a joint business case and implementation plan to address the interoperability of GCPR/FHIE with CHCS II (DoD's new system in development) and VistA (VA's patient information system).~~

~~— Other information technology sharing efforts underway between DoD and VA include: Health Insurance Portability and Accountability Act of 1996 (HIPAA); standards development; pharmacy initiatives; technology integration laboratories; VA/DoD Laboratory Data~~

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
Sent: 3/4/2002 5:27:40 AM
Subject: : Re: comments on victims rights proposal

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAR-2002 10:27:40.00
SUBJECT:: Re: comments on victims rights proposal
TO: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Thanks. I will defer to you on the need for another meeting, but it cannot hurt. I would be interested first in seeing OLP's memo on how the amdt might be enforced.

Garry Malphrus
03/04/2002 10:25:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: comments on victims rights proposal

It looks like the most recent draft fully addresses the questions you asked. Do you think Viet should come back over late this week to talk about the final version?

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; ken mehlman/who/eop@eop [WHO] <ken mehlman>
Sent: 3/4/2002 4:50:23 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAR-2002 09:50:23.00
SUBJECT:: Re:
TO: Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: ken mehlman (CN=ken mehlman/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

my office.

Matthew A. Schlapp
03/04/2002 09:49:43 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: ken mehlman/who/eop@eop
bcc:
Subject: Re:

should we count on 11:00? Let me know where.

Brett M. Kavanaugh
03/04/2002 09:31:03 AM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP
cc:
Subject:

If you guys need to get together for a few minutes, let me know.
I am free except for an 11:30 meeting.

From: CN=Garry Malphrus/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/4/2002 5:25:18 AM
Subject: : Re: comments on victims rights proposal

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 4-MAR-2002 10:25:18.00

SUBJECT:: Re: comments on victims rights proposal

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

It looks like the most recent draft fully addresses the questions you asked. Do you think Viet should come back over late this week to talk about the final version?

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/4/2002 9:46:58 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-MAR-2002 14:46:58.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

474

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/4/2002 2:07:15 PM
Subject: : Re: cert -- money involved

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAR-2002 19:07:15.00
SUBJECT:: Re: cert -- money involved
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

indeed. you'll note, however, that i did not dispute your general proposition, i just made a different prediction....

but you get CREDIT CREDIT CREDIT for being so prescient, you wonder child, you. :)

Brett M. Kavanaugh
03/04/2002 04:49:58 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject: Re: cert -- money involved

good thing I keep these :)

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/04/2002 04:49 PM -----

Helgard C. Walker
07/20/2001 09:45:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: cert -- money involved

What I never disputed is that money can and sometimes is a factor in the cert process. But my prediction is that they won't grant cert b/c, notwithstanding \$ value at issue, there is no split, it involves a novel question of law, and they just denied in a similar case.

Brett M. Kavanaugh
07/20/2001 09:42:08 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re: cert -- money involved

REV_00141319

I thought you said unequivocally at staff meeting today "They are not going to grant cert." That may well be true, but it does not strike me as self-evident by any stretch.

Helgard C. Walker
07/20/2001 09:37:24 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: cert -- money involved

Doubtless true, and no one (at least not me) disputed that. We'll see what happens although it's interesting that the Ct already denied cert in the very similar Metro PCS case.

Brett M. Kavanaugh
07/20/2001 09:34:33 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: cert -- money involved

I am not passing judgment on the merits or ultimate outcome of the Nextwave case (about which I know nothing), but for purposes of the cert predictions, it does bear mention that, according to Stern & Gressman, the money involved could be a factor in whether the Supreme Court grants cert: "The fact that especially large amounts of money are involved in litigation over the issue of statutory construction may also be a persuasive factor, though normally not sufficient by itself unless the amount is enormous." P. 188.

Message Sent

To: _____
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/4/2002 12:09:04 PM
Subject: : Re: Maguire Oil Company - correspondence in need of a response

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-MAR-2002 17:09:04.00
SUBJECT:: Re: Maguire Oil Company - correspondence in need of a response
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

It was sent to Brett and Brad on Feb 4.

Patrick

Bradford A. Berenson
03/04/2002 04:54:30 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, patrick j. bumatay/who/eop@eop,
karen d. cruson/who/eop@eop
bcc:
Subject: Re: Maguire Oil Company - correspondence in need of a
response

I did not get this correspondence -- it must have gone to someone else.
Since I am spelunking for the next three days, the only way I could help
on this is if you were to fax it to me.

Elizabeth N. Camp
03/04/2002 04:40:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP
cc: Patrick J. Bumatay/WHO/EOP@EOP, Karen D. Cruson/WHO/EOP@EOP
Subject: Maguire Oil Company - correspondence in need of a response

On Feb. 4 you were forwarded a peice of correspondence from Cary Maguire
of Dallas. Please draft an appropriate response as soon as possible and
send it to Patrick so that he can work with Karen in Harriet's shop to get
this out.

Thanks!

REV_00141324

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
03/04/2002 04:39 PM -----

Karen D. Cruson
03/03/2002 07:34:38 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Maguire Oil Company

Do you know the status of reply for the letter from Cary M. Maguire, dated
Januar 18, 2002 from the Maguire Oil Company? Thanks (forwarded from
Harriet on February 4, 2002). --Karen

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 3/5/2002 4:20:33 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2002 09:20:33.00
SUBJECT::
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

confirming; what time is our meeting with POTUS?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/5/2002 4:38:07 AM
Subject: : naming of schools after FLOTUS

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2002 09:38:07.00
SUBJECT:: naming of schools after FLOTUS
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If you are dealing with anything having to do with the naming of a school in Leander, Texas after the First Lady let me know.

If not no reply necessary.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/5/2002 5:28:22 AM
Subject: : POTUS mtg time and Prep

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 10:28:22.00

SUBJECT:: POTUS mtg time and Prep

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Prep meeting - 2:30 pm*

POTUS meeting - 3:55 pm

For the Prep meeting at 2:30 the Judge would like update stats on where we are with the nomination of judges, marshals and US attorneys.

REV_00141331

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/5/2002 4:38:07 AM
Subject: : naming of schools after FLOTUS

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 09:38:07.00

SUBJECT:: naming of schools after FLOTUS

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are dealing with anything having to do with the naming of a school in Leander, Texas after the First Lady let me know.

If not no reply necessary.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/5/2002 5:28:22 AM
Subject: : POTUS mtg time and Prep

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 10:28:22.00

SUBJECT:: POTUS mtg time and Prep

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Prep meeting - 2:30 pm*

POTUS meeting - 3:55 pm

For the Prep meeting at 2:30 the Judge would like update stats on where we are with the nomination of judges, marshals and US attorneys.

REV_00141377

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 3/5/2002 5:34:13 AM
Subject: : Re: POTUS mtg time and Prep

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2002 10:34:13.00
SUBJECT:: Re: POTUS mtg time and Prep
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ: UNKNOWN
CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

I have stats for judges. I assume Kyle/Bart/Helgi will have stats for USAs and USMs.

Elizabeth N. Camp
03/05/2002 10:28:19 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:

REV_00141378

Subject: POTUS mtg time and Prep

Prep meeting - 2:30 pm*

POTUS meeting - 3:55 pm

For the Prep meeting at 2:30 the Judge would like update stats on where we are with the nomination of judges, marshals and US attorneys.

Message Sent

To:

David S. Addington/OVP/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

John B. Bellinger/NSC/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Timothy E. Flanigan/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Edward McNally/WHO/EOP@EOP

Allison L. Riepenhoff/WHO/EOP@EOP

REV_00141379

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 3/5/2002 5:34:13 AM
Subject: : Re: POTUS mtg time and Prep

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 10:34:13.00

SUBJECT:: Re: POTUS mtg time and Prep

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

I have stats for judges. I assume Kyle/Bart/Helgi will have stats for USAs and USMs.

Elizabeth N. Camp
03/05/2002 10:28:19 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:

REV_00141380

Subject: POTUS mtg time and Prep

Prep meeting - 2:30 pm*

POTUS meeting - 3:55 pm

For the Prep meeting at 2:30 the Judge would like update stats on where we are with the nomination of judges, marshals and US attorneys.

Message Sent

To:

David S. Addington/OVP/EOP@EOP

H. Christopher Bartolomucci/WHO/EOP@EOP

John B. Bellinger/NSC/EOP@EOP

Bradford A. Berenson/WHO/EOP@EOP

Rachel L. Brand/WHO/EOP@EOP

Robert W. Cobb/WHO/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Timothy E. Flanigan/WHO/EOP@EOP

Noel J. Francisco/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Kyle Sampson/WHO/EOP@EOP

Helgard C. Walker/WHO/EOP@EOP

Edward McNally/WHO/EOP@EOP

Allison L. Riepenhoff/WHO/EOP@EOP

REV_00141381

From: Harry C. Storm <HCStorm@awsdlaw.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2002 6:42:32 AM
Subject: : Judge Gonzales -- Law Day

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Harry C. Storm" <HCStorm@awsdlaw.com> ("Harry C. Storm" <HCStorm@awsdlaw.com> [UNKNOWN])
CREATION DATE/TIME: 5-MAR-2002 11:42:32.00
SUBJECT:: Judge Gonzales -- Law Day
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett -- thanks so much for your help with Law Day. In speaking with Beverly Mondin (the Bar Association Executive Director) this morning, she asked if I could obtain a photo and biographical summary of Judge Gonzales for inclusion in the next newsletter. Any help on this would be appreciated. The deadline for submitting the newsletter to the printer is March 15th. My address here is:

Harry C. Storm
Abrams, West & Storm, P.C.
4550 Montgomery Avenue, Suite 760
Bethesda, MD 20814
301-951-1560
301-951-1543 (facsimile)

Probably best to send any information to me. I will be sure it gets to the right person at the Association. Thanks again. Kind personal regards. Harry

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Todd Baustert) (twbaustert@progressforamerica.org (Todd Baustert) [UNKNOWN]
<twbaustert@progressforamerica.org>
CC: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 3/5/2002 7:36:14 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 12:36:14.00

SUBJECT::

TO: twbaustert@progressforamerica.org (Todd Baustert) (twbaustert@progressforamerica.org
(Todd Baustert) [UNKNOWN])

READ: UNKNOWN

CC: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Can you coordinate with Lori Lorenzi to get her the names, birth
dates, and social security numbers of all those who need to be cleared in
tomorrow. We are on for 10:30 in the Indian Treaty Room.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2002 11:44:43 AM
Subject: : Re: CA6

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 16:44:43.00

SUBJECT:: Re: CA6

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I believe it's the slowest circuit (or perhaps second slowest) in the country. There's a year's backlog on death penalty cases because they can't assign visitors or district judges to those.

Brett M. Kavanaugh
03/05/2002 04:43:28 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: CA6

just checking out some stats on the judiciary AO web site. median time from filing to disposition in CA6 was 15.3 months last year, 40% above the 10.9 month national average.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: HCStorm@awsdlaw.com @ inet [UNKNOWN] <HCStorm@awsdlaw.com>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2002 8:14:47 AM
Subject: : Info on Judge Gonzales
Attachments: P_S32U5003_WHO.TXT_1.doc; P_S32U5003_WHO.TXT_2.jpg; P_S32U5003_WHO.TXT_3.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2002 13:14:47.00
SUBJECT:: Info on Judge Gonzales
TO:HCStorm@awsdlaw.com (HCStorm@awsdlaw.com @ inet [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_S32U5003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_S32U5003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_S32U5003_WHO.TXT_3>

Standard Introduction
The Honorable Alberto R. Gonzales
Counsel to the President

Justice Al Gonzales was commissioned as Counsel to the President in January of 2001. Prior to his service in the White House, Justice Gonzales sat on the Supreme Court of Texas. Before his appointment to the Supreme Court by then Governor Bush, Justice Gonzales served as the 100th Secretary of State of Texas.

Prior to his appointment as Secretary of State, Justice Gonzales served as General Counsel to Governor Bush for three years. Before joining the Governor's staff, Justice Gonzales was a partner with the law firm of Vinson & Elkins in Houston, Texas.

Justice Gonzales was born in San Antonio, Texas and raised in Houston. He is a graduate of Texas public schools, Rice University, and Harvard Law School. Justice Gonzales is an Air Force veteran, and he attended the United States Air Force Academy.

Among his many professional and civic activities, Justice Gonzales served as a board director for the State Bar of Texas, President of the Houston Hispanic Bar Association and President of Leadership Houston. He was chosen as one of the Five Outstanding Young Texans by the Texas Jaycees in 1994 and as the Outstanding Young Lawyer of Texas by the Texas Young Lawyers Association in 1992.

January - 2002

REV_00141412



ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

1600 Pennsylvania Avenue, NW
Washington, DC 20502

Phone (202) 456-2632

PROFESSIONAL CAREER

Counsel to President George W. Bush, January 2001 to present
Justice, The Supreme Court of Texas, January 1999 to December 2000
Secretary of State, State of Texas, December 1997 to January 1999
General Counsel to Governor George W. Bush, January 1995 to December 1997
Partner, Vinson & Elkins L.L.P., Houston, Texas
(Joined firm in June 1982 as an associate and resigned partnership in January 1995)

EDUCATION

Harvard Law School, Cambridge, Massachusetts, J.D., 1982
Rice University, Houston, Texas, B.A., 1979
United States Air Force Academy, Colorado Springs, Colorado, 1975 to 1977

PROFESSIONAL AND CIVIC ACTIVITIES

Member, The American Law Institute, 1999 to present
Trustee, Texas Bar Foundation, 1996 to 1999
Member, Texas Judicial Districts Board, 1996 to 1997
Director, State Bar of Texas, 1991 to 1994
Director, United Way of the Texas Gulf Coast, 1993 to 1994
President, Leadership Houston, 1993 to 1994
Chair, Commission for District Decentralization of the Houston Independent School District, 1994
Chairman, Republican National Hispanic Assembly of Harris County, 1992 to 1993
President, Houston Hispanic Bar Association, 1990 to 1991
President, Houston Hispanic Forum, 1990 to 1991
Chair, Advisory Committee of the Texas Real Estate Center, 1989 to 1990
Director, Big Brothers Big Sisters, Houston, Texas, 1985 to 1991
Director, Catholic Charities, Houston, Texas, 1989 to 1993
Special Legal Counsel, Houston Host Committee, 1990 Summit of Industrialized Nations

PROFESSIONAL AND CIVIC AWARDS

Outstanding Achievement Award, 2000, Texas League of United Latin American Citizens
Texas Leader, 1999, Leadership Houston
Latino Lawyer of the Year, 1999, Hispanic National Bar Association
100 Most Influential Hispanics, 1999 and 2001, *Hispanic Business*
Presidential Citation, 1997, State Bar of Texas
One of Five Outstanding Young Texans, 1994, Texas Junior Chamber of Commerce
One of Five Outstanding Young Houstonians, 1994, Houston Junior Chamber of Commerce
Commitment to Leadership Award, 1993, United Way of the Texas Gulf Coast
Outstanding Young Lawyer of Texas, 1992, Texas Young Lawyers Association
Woodrow Seals Outstanding Young Lawyer, 1992, Houston Young Lawyers Association
Hispanic Salute, 1989, Houston Metro Ford Dealers and Ford Division, Ford Motor Company
President's Award, 1989, Houston Bar Association

PERSONAL

Date and Place of Birth: August 4, 1955, San Antonio, Texas
Military Service: U.S. Air Force, 1973 to 1975
Spouse: Rebecca Turner Gonzales

January - 2002

REV_00141414

From: CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To: Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;adrian g. gray/who/eop@eop [WHO] <adrian g. gray>;ken mehlman/who/eop@eop [WHO] <ken mehlman>
Sent: 3/5/2002 8:30:14 AM
Subject: : Re: thanks

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2002 13:30:14.00
SUBJECT:: Re: thanks
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:adrian g. gray (CN=adrian g. gray/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:ken mehlman (CN=ken mehlman/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

yes but the information I gave is highly suspect!

From: Edward Ingle on 03/05/2002 10:51:04 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP,
Adrian G. Gray/WHO/EOP@EOP
cc: Ken Mehlman/WHO/EOP@EOP
Subject: thanks

brett and matt: thanks again for a good session yesterday with the
COSs. they found it very helpful. and matt, thanks for working it so
that ken was out of town. you were much more informative than ken
would've been!!

ed

From: Harry C. Storm <HCStorm@awsdlaw.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2002 8:58:49 AM
Subject: : Re: Judge Gonzales -- Law Day

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Harry C. Storm" <HCStorm@awsdlaw.com> ("Harry C. Storm" <HCStorm@awsdlaw.com> [UNKNOWN])
CREATION DATE/TIME: 5-MAR-2002 13:58:49.00
SUBJECT:: Re: Judge Gonzales -- Law Day
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you. Harry

Brett_M._Kavanaugh@who.eop.gov wrote:

> Harry: Elizabeth Camp will be forwarding that information to you.
>
>
> (Embedded
> image moved "Harry C. Storm" <HCStorm@awsdlaw.com>
> to file: 03/05/2002 11:46:12 AM
> pic10295.pcx)
>
>
> Record Type: Record
>
> To: Brett M. Kavanaugh/WHO/EOP@EOP
>
> cc:
> Subject: Judge Gonzales -- Law Day
>
> Brett -- thanks so much for your help with Law Day. In speaking with
> Beverly Mondin (the Bar Association Executive Director) this morning,
> she asked if I could obtain a photo and biographical summary of Judge
> Gonzales for inclusion in the next newsletter. Any help on this would be
> appreciated. The deadline for submitting the newsletter to the printer
> is March 15th. My address here is:
>
> Harry C. Storm
> Abrams, West & Storm, P.C.
> 4550 Montgomery Avenue, Suite 760
> Bethesda, MD 20814
> 301-951-1560
> 301-951-1543 (facsimile)
>
> Probably best to send any information to me. I will be sure it gets to
> the right person at the Association. Thanks again. Kind personal
> regards. Harry
>
>

> Name: pic10295.pcx
> pic10295.pcx Type: PCX Image Document
> (application/x-unknown-content-type-PCXImage.Document)
> Encoding: BASE64

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/5/2002 9:05:19 AM
Subject: : JSC Prep - Wed., 1:30-2pm in the Judge's office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 14:05:19.00

SUBJECT:: JSC Prep - Wed., 1:30-2pm in the Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/5/2002 9:05:19 AM
Subject: : JSC Prep - Wed., 1:30-2pm in the Judge's office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 14:05:19.00

SUBJECT:: JSC Prep - Wed., 1:30-2pm in the Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>;adrian g. gray/who/eop@eop [WHO] <adrian g. gray>
Sent: 3/5/2002 9:54:52 AM
Subject: : Re: thanks

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2002 14:54:52.00
SUBJECT:: Re: thanks
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:adrian g. gray (CN=adrian g. gray/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

he always is!

From: Edward Ingle on 03/05/2002 10:51:04 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP,
Adrian G. Gray/WHO/EOP@EOP
cc: Ken Mehlman/WHO/EOP@EOP
Subject: thanks

brett and matt: thanks again for a good session yesterday with the
COSs. they found it very helpful. and matt, thanks for working it so
that ken was out of town. you were much more informative than ken
would've been!!

ed

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/5/2002 10:46:26 AM
Subject: : reminder-3:55 pm POTUS mtg re Judges

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 15:46:26.00

SUBJECT:: reminder-3:55 pm POTUS mtg re Judges

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Gather here and you guys can walk down stairs together

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/5/2002 10:46:26 AM
Subject: : reminder-3:55 pm POTUS mtg re Judges

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 15:46:26.00

SUBJECT:: reminder-3:55 pm POTUS mtg re Judges

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Gather here and you guys can walk down stairs together

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2002 11:30:39 AM
Subject: : RE:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 16:30:39.00

SUBJECT:: RE:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

She sent the list to me and I am waiting on 4 more names (21 total). I will add Viet.

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2002 12:01:10 PM
Subject: : today's POTUS sign-offs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2002 17:01:10.00
SUBJECT:: today's POTUS sign-offs
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Please let me know where your candidates would like to receive their BI materials.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>; Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 3/5/2002 1:34:13 PM
Subject: : meeting tomorrow

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2002 18:34:13.00
SUBJECT:: meeting tomorrow
TO: Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

can we move it to 11:30? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>; Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 3/5/2002 1:34:13 PM
Subject: : meeting tomorrow

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-MAR-2002 18:34:13.00

SUBJECT:: meeting tomorrow

TO: Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ: UNKNOWN

End Original ARMS Header

can we move it to 11:30? Thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/5/2002 6:47:19 PM
Subject: : Fw: Pickering & guests are now w/ POTUS 10:35am (not 10:00am)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-MAR-2002 23:47:19.00
SUBJECT:: Fw: Pickering & guests are now w/ POTUS 10:35am (not 10:00am)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Fyi

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

----- Original Message -----

From:Alison Jones/WHO/EOP
To:Anne Womack/WHO/EOP@EOP,
Elizabeth N. Camp/WHO/EOP@EOP
Cc:
Date: 03/05/2002 07:56:23 PM
Subject: Pickering & guests are now w/ POTUS 10:35am (not 10:00am)

Rumsfeld and Gen. Franks are at 10am now.

From: CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2002 5:42:11 AM
Subject: : Terrorist Victims Compensation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 6-MAR-2002 10:42:11.00
SUBJECT:: Terrorist Victims Compensation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by Rebecca A. Beynon/OMB/EOP on
03/06/2002 10:41 AM -----

LOliver@ms.state.gov
03/06/2002 10:37:05 AM
Record Type: Record

To: Rebecca A. Beynon/OMB/EOP@EOP
cc:
Subject: Terrorist Victims Compensation

Rebecca -
Just to let you know, we have changed the project to make participation on an opt-in basis, and have revised the wording of the waiver to be more in accord with that used in the Sept. 11 program.
I've also received Brett's comments - thanks for passing them along - and have, mostly, adopted his suggestions.
There was concern, however, about Brett's suggested deletion of eligibility of compensation for non-economic losses. This would depart from the Sept. 11 model, and might also prevent compensation from being awarded to shorter-term hostages who were not physically injured. We would rather not make this change - but please let me know how you feel about this.
I'm standing by, per your request, until I hear from you about the judgment fund issue.
Regards -
Louise

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2002 10:59:36 AM
Subject: : Chicago Bar Assoc. speech invite

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2002 15:59:36.00
SUBJECT:: Chicago Bar Assoc. speech invite
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Krista - I am forwarding this letter to Brett Kavanaugh for his review and comments.

Brett- heads up that this is headed your way.

Lib

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/6/2002 9:20:32 AM
Subject: : Murray-Cantwell Letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2002 14:20:32.00
SUBJECT:: Murray-Cantwell Letter
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I just read it -- great letter.

----- Forwarded by Kyle Sampson/WHO/EOP on 03/06/2002
02:20 PM -----

Kyle Sampson
03/06/2002 02:11:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Murry-Cantwell Letter

Saw Makan up at the Senate; said they got a copy of the Murray-Cantwell letter and loved it. Can I get a copy?

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 3/6/2002 4:18:44 PM
Subject: : RE: DOJ event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 6-MAR-2002 21:18:44.00
SUBJECT:: RE: DOJ event
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Our press office already alerted the press to the Thur. 2:00 schedule, but presumably that can be rescheduled. I don't know Feinberg's schedule for Friday, but I think we had told him previously that it could be Thur. or Fri., so I assume either would work. Feinberg's preference would be Thur., as you can imagine.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, March 06, 2002 9:07 PM
To: Jay_P._Lefkowitz@opd.eop.gov
Cc: Wood, John F
Subject: Re: DOJ event

note: John's email is john.f.wood@usdoj.gov. John, do you have an answer?

Jay P. Lefkowitz
03/06/2002 09:03:22 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@EOP
cc: john.wood@usdoj.gov
Subject: Re: DOJ event

The WH event is set for 1:15 -1:30, so, assuming DOJ goes tomorrow, 2 or even better, 3, is fine. One question -- if communications wanted Feinberg to go Friday, is it really too late for such a change. I do not expect a request for one, but want to know status of DOJ event. John -- pls advise. Tks.

REV_00141495

From: Wood, John F <John.F.Wood@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 3/6/2002 4:19:40 PM
Subject: : RE: DOJ event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wood, John F" <John.F.Wood@usdoj.gov> ("Wood, John F" <John.F.Wood@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 6-MAR-2002 21:19:40.00
SUBJECT:: RE: DOJ event
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Our press office already alerted the press to the Thur. 2:00 schedule, but presumably that can be rescheduled. I don't know Feinberg's schedule for Friday, but I think we had told him previously that it could be Thur. or Fri., so I assume either would work. Feinberg's preference would be Thur., as you can imagine.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, March 06, 2002 9:07 PM
To: Jay_P._Lefkowitz@opd.eop.gov
Cc: Wood, John F
Subject: Re: DOJ event

note: John's email is john.f.wood@usdoj.gov. John, do you have an answer?

Jay P. Lefkowitz
03/06/2002 09:03:22 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@EOP
cc: john.wood@usdoj.gov
Subject: Re: DOJ event

The WH event is set for 1:15 -1:30, so, assuming DOJ goes tomorrow, 2 or even better, 3, is fine. One question -- if communications wanted Feinberg to go Friday, is it really too late for such a change. I do not expect a request for one, but want to know status of DOJ event. John -- pls advise. Tks.

REV_00141497

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 3/6/2002 1:57:32 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-MAR-2002 18:57:32.00

SUBJECT::

TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

End Original ARMS Header

DOJ/OLC has looked into whether aliens can receive compensation
under the 9/11 fund? Call me when you can.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
CC: john.wood@usdoj.gov [UNKNOWN] <john.wood@usdoj.gov>
Sent: 3/6/2002 3:59:29 PM
Subject: : DOJ event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2002 20:59:29.00
SUBJECT:: DOJ event
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:john.wood@usdoj.gov (john.wood@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The DOJ event is planned (and already publicly noticed) for 2:00
tomorrow. The event is a Feinberg press conference at DOJ. Is that ok?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
CC: john.f.wood@usdoj.gov [UNKNOWN] <john.f.wood@usdoj.gov>
Sent: 3/6/2002 4:06:31 PM
Subject: : Re: DOJ event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2002 21:06:31.00
SUBJECT:: Re: DOJ event
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
CC: john.f.wood@usdoj.gov (john.f.wood@usdoj.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

note: John's email is john.f.wood@usdoj.gov. John, do you have an answer?

Jay P. Lefkowitz
03/06/2002 09:03:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@EOP
cc: john.wood@usdoj.gov
Subject: Re: DOJ event

The WH event is set for 1:15 -1:30, so, assuming DOJ goes tomorrow, 2 or even better, 3, is fine. One question -- if communications wanted Feinberg to go Friday, is it really too late for such a change. I do not expect a request for one, but want to now status of DOJ event. John -- pls advise. Tks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;jay p. lefkowitz/opd/eop@eop [OPD] <jay p. lefkowitz>
Sent: 3/6/2002 4:10:00 PM
Subject: : Re: Alien issue

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-MAR-2002 21:10:00.00
SUBJECT:: Re: Alien issue
TO:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:jay p. lefkowitz (CN=jay p. lefkowitz/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
End Original ARMS Header

I just talked to John Wood. Right now, there is nothing in the regulation addressing this issue. But Feinberg may be asked about it, and my current understanding is that DOJ is awaiting a policy view from here on the question. So the ball may be in our court.

Brett M. Kavanaugh
03/06/2002 08:51:11 PM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc: Jay P. Lefkowitz/OPD/EOP@EOP
Subject: Alien issue

Tim: I just talked again to Jay Lefkowitz (cc'ed on this e-mail) who said he had talked to Diana who in turn had talked to Jay Stephens. Bottom line is that we should hear further word from DOJ at some point soon. Jay Lefkowitz asked that we notify him by e-mail as soon as we hear anything from DOJ, and I said that we would.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 3/7/2002 4:47:45 AM
Subject: : Re: LRM LJM73 - - TREASURY Testimony on HR3717 Federal Deposit Insurance Reform Act of 2002
Attachments: P_WLYV5003_WHO.TXT_1.doc; P_WLYV5003_WHO.TXT_2.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAR-2002 09:47:45.00
SUBJECT:: Re: LRM LJM73 - - TREASURY Testimony on HR3717 Federal Deposit Insurance Reform Act of 2002
TO: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

FYI: I responded to this one without objection.

Patrick J. Bumatay
03/05/2002 11:15:49 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: LRM LJM73 - - TREASURY Testimony on HR3717 Federal Deposit Insurance Reform Act of 2002

----- Forwarded by Patrick J. Bumatay/WHO/EOP on
03/05/2002 11:15 AM -----

From: Lisa J. Macecevic on 03/05/2002 11:14:33 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: LRM LJM73 - - TREASURY Testimony on HR3717 Federal Deposit Insurance Reform Act of 2002

Attached is a letter from Treasury Secretary O'Neill to the House Financial Services Committee Chairman and Ranking Member on H.R. 3717. The bill will be marked up by the Financial Services Committee on Thursday, March 7th. The letter outlines the Administration priorities for deposit insurance reform and supports the provisions of H.R. 3717 that correspond with those priorities. Please respond with any comments by 4:00 PM TODAY. Thank you. (Also attached is the bill text of H.R. 3717 for your information.)

- oneill_lafalcexxx.doc

LRM ID: LJM73
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, March 5, 2002

REV_00141537

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: Lisa J. Macecevic
PHONE: (202)395-1092 FAX: (202)395-3109
SUBJECT: TREASURY Testimony on HR3717 Federal Deposit Insurance Reform Act of 2002

DEADLINE: 4:00 P.M. TODAY Tuesday, March 5, 2002

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Attached is a letter from Treasury Secretary O'Neill to the House Financial Services Committee Chairman and Ranking Member on H.R. 3717. The bill will be marked up by the Financial Services Committee on Thursday, March 7th. The letter outlines the Administration priorities for deposit insurance reform and supports the provisions of H.R. 3717 that correspond with those priorities. Please respond with any comments by 4:00 PM TODAY. Thank you.

DISTRIBUTION LIST

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James J. Jukes

LRM ID: LJM73 SUBJECT: TREASURY Testimony on HR3717 Federal Deposit Insurance Reform Act of 2002

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

REV_00141538

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Lisa J. Macecevic Phone: 395-1092 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-3454

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Sent

To: _____
Hitesh Vyas/OMB/EOP@EOP
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WLYV5003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_WLYV5003_WHO.TXT_2>

The Honorable John J. LaFalce
Ranking Member
Committee on Financial Services
U.S. House of Representatives
Washington, DC 20515

Dear John:

Thank you for your letter of February 28 regarding the Administration's views on deposit insurance reform.

The Administration applauds the House Financial Services Committee's efforts to move forward with this important issue. We support several provisions of H.R. 3717 that would accomplish objectives consistent with the recommendations that Assistant Secretary Bair outlined in testimony last year and as re-affirmed in the President's 2003 Budget. Merging the bank and thrift insurance funds would improve the system's capacity to diversify its risks. Allowing the insurance fund reserve ratio to fluctuate within a range and eliminating triggers that could cause sharp changes in premiums would reduce the pricing structure's pro-cyclical bias. Improving the FDIC's premium-setting authority should ensure that institutions with rapid insured deposit growth appropriately compensate the fund while taking into account the past contributions of many institutions to build insurance fund reserves.

However, the Administration continues to believe that the deposit insurance coverage level should remain unchanged. There is no evidence that an increase in the coverage level would promote competition or materially improve the ability of community banks to obtain funds. An increase in coverage would primarily benefit high net worth individuals and do little for the great majority of savers, who have deposit balances far below the current coverage limit. For those with substantial deposits, ample opportunities already exist to obtain FDIC coverage equal to several multiples of \$100,000. Moreover, raising coverage could weaken market discipline and increase risk to the FDIC and, ultimately, taxpayers.

Thank you again for writing. We look forward to working with the Congress, the FDIC, and others in the coming year to achieve a stronger and fairer deposit insurance system.

Sincerely,

Paul H. O'Neill

cc: Mike Oxley

The Honorable Michael G. Oxley
Chairman
Committee on Financial Services
U.S. House of Representatives
Washington, DC 20515

Dear Mike:

Enclosed is my response to a letter from John LaFalce asking for the Administration's views on deposit insurance reform, including higher coverage limits.

As we discussed at lunch recently, I applaud your efforts to move forward with deposit insurance reform. Several provisions of H.R. 3717 would advance objectives that we strongly support. Nonetheless, the Administration continues to believe that the deposit insurance coverage level should remain unchanged.

We look forward to working with you, the Committee, the Congress, and the FDIC to reach a consensus on a reform package that will make our deposit insurance system stronger and fairer.

Sincerely,

Paul H. O'Neill

Attachment

HR 3717 IH

107th CONGRESS

2d Session

H. R. 3717

To reform the Federal deposit insurance system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 12, 2002

Mr. BACHUS (for himself, Mr. OXLEY, Mr. GILLMOR, Mr. LEACH, Mrs. ROUKEMA, Mr. ROYCE, Mr. NEY, Mr. KING, Mr. WELDON of Florida, Mr. RILEY, Mr. JONES of North Carolina, Mr. MANZULLO, Mr. TIBERI, Mrs. BIGGERT, Mr. THUNE, and Ms. HART) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To reform the Federal deposit insurance system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Federal Deposit Insurance Reform Act of 2002'.

SEC. 2. MERGING THE BIF AND SAIF.

(a) IN GENERAL-

(1) MERGER- The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund.

(2) DISPOSITION OF ASSETS AND LIABILITIES- All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) NO SEPARATE EXISTENCE- The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease on the effective date of the merger thereof under this section.

December 31, 1996 (including all predecessors of such insured depository institution in existence on such date) bears to the market share of insured deposits of all depository institutions (as of such date) (including all predecessors of such institutions in existence on such date).

`(D) TOTAL TRANSITION CREDIT AMOUNT- For purposes of subparagraph (C), the term `total transition credit amount' means that portion of the balance in the Deposit Insurance Fund (as of the effective date of the merger of the Bank Insurance Fund and Savings Association Insurance Fund) that is equal to income earned by the Fund on premiums paid less expenses (as of the effective date of such merger).

`(E) PREDECESSOR DEFINED- For purposes of this paragraph, the term `predecessor', when used with respect to any insured depository institution, includes any other insured depository institution acquired by or merged with such insured depository institution.'.

SEC. 10. DEPOSIT INSURANCE FUND RESTORATION PLANS.

Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1917(b)(3)) (as amended by section 7(a) of this Act) is amended by adding at the end the following new subparagraph:

`(F) DIF RESTORATION PLANS-

`(i) IN GENERAL- Whenever--

`(I) the actual ratio of the balance in the Deposit Insurance Fund to the estimated insured deposits is less than 0.1 percent greater than the minimum amount permitted for the designated reserve ratio (or is projected to fall to a ratio that is less than 0.1 percent greater than such minimum designated reserve ratio) in any calendar year; and

`(II) the actual ratio of the balance in such Fund to estimated insured deposits has failed to meet or exceed the designated reserve ratio for the 2 preceding calendar years,

the Corporation shall immediately establish and implement a Deposit Insurance Fund Restoration Plan that will ensure that the Fund has, or will have within a reasonable period of time, adequate reserves for all projected contingencies and that the actual reserve ratio will be maintained at not less than minimum amount permitted for the designated reserve ratio, on such basis and after taking into account such factors as the Corporation determines to be appropriate.

`(ii) TRANSPARENCY- Not more than 90 days after the Corporation establishes and implements a restoration plan under clause (i), the

Corporation shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.'.

SEC. 11. STUDIES OF FDIC ADMINISTRATIVE STRUCTURE AND EXPENSES AND CERTAIN ACTIVITIES AND FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.

(a) STUDY BY COMPTROLLER GENERAL-

(1) STUDY REQUIRED- The Comptroller General shall conduct a study of the following issues concerning the Federal Deposit Insurance Corporation:

(A) The efficiency and effectiveness of the administration of the prompt corrective action program under section 38 of the Federal Deposit Insurance Act, including the degree of effectiveness of the Corporation in identifying troubled depository institutions and the degree of accuracy of the risk assessments made by the Corporation.

(B) The appropriateness of the administrative structure of the Federal Deposit Insurance Corporation for the mission of the Corporation, taking into account the current size and complexity of the business of insured depository institutions (as such term is defined in section 3 of the Federal Deposit Insurance Act).

(C) The extent to which the administrative structure contributes to or reduces administrative inefficiencies that increase administrative costs and the effectiveness of internal controls on administrative costs.

(2) REPORT TO THE CONGRESS- The Comptroller General shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Comptroller General with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(b) INTERNAL STUDY BY THE FDIC-

(1) STUDY REQUIRED- Concurrently with the study required to be conducted by the Comptroller General under subsection (a), the Federal Deposit Insurance Corporation shall conduct an internal study of the same conditions and factors included in the study under subsection (a).

(2) REPORT TO THE CONGRESS- The Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Board of Directors of

the Corporation may determine to be appropriate.

(c) STUDY OF FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM-

(1) STUDY REQUIRED- The Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each conduct a study of the following:

(A) The feasibility of establishing a voluntary deposit insurance system for deposits in excess of the maximum amount of deposit insurance for any depositor and the potential benefits and the potential adverse consequences

that may result from the establishment of any such system.

(B) The feasibility of privatizing all deposit insurance at insured depository institutions and insured credit unions.

(2) REPORT- Before the end of the 1-year period beginning on the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each submit a report to the Congress on the study required under paragraph (1) containing the findings and conclusions of the reporting agency together with such recommendations for legislative or administrative changes as the agency may determine to be appropriate.

SEC. 12. TECHNICAL AND CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT RELATING TO THE MERGER OF THE BIF AND SAIF.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended--

(1) in section 3(a)(1) (12 U.S.C. 1813(a)(1)), by striking subparagraph (B) and inserting the following:

“(B) includes any former savings association.”;

(2) in section 5(b)(5) (12 U.S.C. 1815(b)(5)), by striking “the Bank Insurance Fund or the Savings Association Insurance Fund;” and inserting “the Deposit Insurance Fund;”;

(3) in section 5(c)(4), by striking “deposit insurance fund” and inserting “Deposit Insurance Fund”;

(4) in section 5(d) (12 U.S.C. 1815(d)), by striking paragraphs (2) and (3);

(5) in section 5(d)(1) (12 U.S.C. 1815(d)(1))--

(A) in subparagraph (A), by striking `reserve ratios in the Bank Insurance Fund and the Savings Association Insurance Fund as required by section 7' and inserting `the reserve ratio of the Deposit Insurance Fund';

(B) by striking subparagraph (B) and inserting the following:

`(2) FEE CREDITED TO THE DEPOSIT INSURANCE FUND- The fee paid by the depository institution under paragraph (1) shall be credited to the Deposit Insurance Fund.';

(C) by striking `(1) UNINSURED INSTITUTIONS- ';

(D) by redesignating subparagraphs (A) and (C) as paragraphs (1) and (3), respectively, and moving the left margins 2 ems to the left;

(6) in section 5(e) (12 U.S.C. 1815(e))--

(A) in paragraph (5)(A), by striking `Bank Insurance Fund or the Savings Association Insurance Fund' and inserting `Deposit Insurance Fund';

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively;

(7) in section 6(5) (12 U.S.C. 1816(5)), by striking `Bank Insurance Fund or the Savings Association Insurance Fund' and inserting `Deposit Insurance Fund';

(8) in section 7(b) (12 U.S.C. 1817(b))--

(A) in paragraph (1)(C), by striking `deposit insurance fund' each place that term appears and inserting `Deposit Insurance Fund';

(B) in paragraph (1)(D), by striking `each deposit insurance fund' and inserting `the Deposit Insurance Fund';

(C) in paragraph (2)(A)(i)(I), by striking `each deposit insurance fund' and inserting `the Deposit Insurance Fund'; and

(D) in paragraph (6)--

(i) by striking `any such assessment' and inserting `any such assessment is necessary';

(ii) by striking subparagraph (B);

(iii) in subparagraph (A)--

(I) by striking `(A) is necessary--';

(II) by striking `Bank Insurance Fund Members' and inserting `insured depository institutions'; and

(III) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving the margins 2 ems to the left; and

(iv) in subparagraph (C) (as redesignated)--

(I) by inserting `that' before `the Corporation'; and

(II) by striking `; and' and inserting a period;

(9) in section 7(j)(7)(F) (12 U.S.C. 1817(j)(7)(F)), by striking `Bank Insurance Fund or the Savings Association Insurance Fund' and inserting `Deposit Insurance Fund';

(10) in section 8(t)(2)(C) (12 U.S.C. 1818(t)(2)(C)), by striking `deposit insurance fund' and inserting `Deposit Insurance Fund';

(11) in section 11 (12 U.S.C. 1821), by striking `deposit insurance fund' each place that term appears and inserting `Deposit Insurance Fund';

(12) in section 11(f)(1) (12 U.S.C. 1821(f)(1)), by striking `, except that--' and all that follows through the end of the paragraph and inserting a period;

(13) in section 11(i)(3) (12 U.S.C. 1821(i)(3))--

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (B); and

(C) in subparagraph (B) (as redesignated), by striking `subparagraphs (A) and (B)' and inserting `subparagraph (A)';

(14) in section 11(p)(2)(B) (12 U.S.C. 1821(p)(2)(B)), by striking `institution, any' and inserting `institution, the';

(15) in section 11A(a) (12 U.S.C. 1821a(a))--

(A) in paragraph (2), by striking `LIABILITIES- ' and all that follows through `Except' and inserting `LIABILITIES- Except';

(B) by striking paragraph (2)(B); and

(C) in paragraph (3), by striking `the Bank Insurance Fund, the Savings Association Insurance Fund,' and inserting `the Deposit Insurance Fund';

(16) in section 11A(b) (12 U.S.C. 1821a(b)), by striking paragraph (4);

(17) in section 11A(f) (12 U.S.C. 1821a(f)), by striking `Savings Association Insurance Fund' and inserting `Deposit Insurance Fund';

(18) in section 12(f)(4)(E)(iv) (12 U.S.C. 1822(f)(4)(E)(iv)), by striking `Federal deposit insurance funds' and inserting `the Deposit Insurance Fund';

(19) in section 13 (12 U.S.C. 1823)--

(A) by striking `deposit insurance fund' each place that term appears and inserting `Deposit Insurance Fund';

(B) in subsection (a)(1), by striking `Bank Insurance Fund, the Savings Association Insurance Fund,' and inserting `Deposit Insurance Fund';

(C) in subsection (c)(4)(E)--

(i) in the subparagraph heading, by striking `FUNDS' and inserting `FUND'; and

(ii) in clause (i), by striking `any insurance fund' and inserting `the Deposit Insurance Fund';

(D) in subsection (c)(4)(G)(ii)--

(i) by striking `appropriate insurance fund' and inserting `Deposit Insurance Fund';

(ii) by striking `the members of the insurance fund (of which such institution is a member)' and inserting `insured depository institutions';

(iii) by striking `each member's' and inserting `each insured depository institution's'; and

(iv) by striking `the member's' each place that term appears and inserting `the institution's';

(E) in subsection (c), by striking paragraph (11);

(F) in subsection (h), by striking `Bank Insurance Fund' and inserting `Deposit Insurance Fund';

(G) in subsection (k)(4)(B)(i), by striking `Savings Association Insurance Fund'

and inserting `savings association'; and

(H) in subsection (k)(5)(A), by striking `Savings Association Insurance Fund' and inserting `savings association';

(20) in section 14(a) (12 U.S.C. 1824(a)), in the 5th sentence--

(A) by striking `Bank Insurance Fund or the Savings Association Insurance Fund' and inserting `Deposit Insurance Fund'; and

(B) by striking `each such fund' and inserting `the Deposit Insurance Fund';

(21) in section 14(b) (12 U.S.C. 1824(b)), by striking `Bank Insurance Fund or Savings Association Insurance Fund' and inserting `Deposit Insurance Fund';

(22) in section 14(c) (12 U.S.C. 1824(c)), by striking paragraph (3);

(23) in section 14(d) (12 U.S.C. 1824(d))--

(A) by striking `Bank Insurance Fund member' each place that term appears and inserting `insured depository institution';

(B) by striking `Bank Insurance Fund members' each place that term appears and inserting `insured depository institutions';

(C) by striking `Bank Insurance Fund' each place that term appears (other than in connection with a reference to a Bank Insurance Fund member) and inserting `Deposit Insurance Fund';

(D) by striking the subsection heading and inserting the following:

`(d) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM INSURED DEPOSITORY INSTITUTIONS- ';

(E) in paragraph (3), in the paragraph heading, by striking `BIF' and inserting `THE DEPOSIT INSURANCE FUND'; and

(F) in paragraph (5), in the paragraph heading, by striking `BIF MEMBERS' and inserting `INSURED DEPOSITORY INSTITUTIONS';

(24) in section 14 (12 U.S.C. 1824) by adding at the end the following:

`(e) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM FEDERAL HOME LOAN BANKS-

`(1) IN GENERAL- The Corporation may borrow from the Federal home loan banks, with the concurrence of the Federal Housing Finance Board, such funds as the

Corporation considers necessary for the use of the Deposit Insurance Fund.

`(2) TERMS AND CONDITIONS- Any loan from any Federal home loan bank under paragraph (1) to the Deposit Insurance Fund shall--

`(A) bear a rate of interest of not less than the current marginal cost of funds to that bank, taking into account the maturities involved;

`(B) be adequately secured, as determined by the Federal Housing Finance Board;

`(C) be a direct liability of the Deposit Insurance Fund; and

`(D) be subject to the limitations of section 15(c).';

(25) in section 15(c)(5) (12 U.S.C. 1825(c)(5))--

(A) by striking `the Bank Insurance Fund or Savings Association Insurance Fund, respectively' each place that term appears and inserting `the Deposit Insurance Fund'; and

(B) in subparagraph (B), by striking `the Bank Insurance Fund or the Savings Association Insurance Fund, respectively' and inserting `the Deposit Insurance Fund';

(26) in section 17(a) (12 U.S.C. 1827(a))--

(A) in the subsection heading, by striking `BIF, SAIF,' and inserting `THE DEPOSIT INSURANCE FUND'; and

(B) in paragraph (1)--

(i) by striking `the Bank Insurance Fund, the Savings Association Insurance Fund,' each place that term appears and inserting `the Deposit Insurance Fund'; and

(ii) in subparagraph (D), by striking `each insurance fund' and inserting `each such fund';

(27) in section 17(d) (12 U.S.C. 1827(d)), by striking `, the Bank Insurance Fund, the Savings Association Insurance Fund,' each place that term appears and inserting `the Deposit Insurance Fund';

(28) in section 18(m)(3) (12 U.S.C. 1828(m)(3))--

(A) by striking `Savings Association Insurance Fund' each place that term appears and inserting `Deposit Insurance Fund'; and

(B) in subparagraph (C), by striking `or the Bank Insurance Fund';

(29) in section 18(o) (12 U.S.C. 1828(o)), by striking `deposit insurance funds' and `deposit insurance fund' each place those terms appear and inserting `Deposit Insurance Fund';

(30) in section 18(p) (12 U.S.C. 1828(p)), by striking `deposit insurance funds' and inserting `Deposit Insurance Fund';

(31) in section 24 (12 U.S.C. 1831a)--

(A) in subsections (a)(1) and (d)(1)(A), by striking `appropriate deposit insurance fund' each place that term appears and inserting `Deposit Insurance Fund';

(B) in subsection (e)(2)(A), by striking `risk to' and all that follows through the period and inserting `risk to the Deposit Insurance Fund.'; and

(C) in subsections (e)(2)(B)(ii) and (f)(6)(B), by striking `the insurance fund of which such bank is a member' each place that term appears and inserting `the Deposit Insurance Fund';

(32) in section 28 (12 U.S.C. 1831e), by striking `affected deposit insurance fund' each place that term appears and inserting `Deposit Insurance Fund';

(33) by striking section 31 (12 U.S.C. 1831h);

(34) in section 36(i)(3) (12 U.S.C. 1831m(i)(3)), by striking `affected deposit insurance fund' and inserting `Deposit Insurance Fund';

(35) in section 37(a)(1)(C) (12 U.S.C. 1831n(a)(1)(C)), by striking `insurance funds' and inserting `Deposit Insurance Fund';

(36) in section 38 (12 U.S.C. 1831o), by striking `the deposit insurance fund' each place that term appears and inserting `the Deposit Insurance Fund';

(37) in section 38(a) (12 U.S.C. 1831o(a)), in the subsection heading, by striking `FUNDS' and inserting `FUND';

(38) in section 38(k) (12 U.S.C. 1831o(k))--

(A) in paragraph (1), by striking `a deposit insurance fund' and inserting `the Deposit Insurance Fund';

(B) in paragraph (2), by striking `A deposit insurance fund' and inserting `The Deposit Insurance Fund'; and

(C) in paragraphs (2)(A) and (3)(B), by striking `the deposit insurance fund's outlays' each place that term appears and inserting `the outlays of the Deposit Insurance Fund'; and

(39) in section 38(o) (12 U.S.C. 1831o(o))--

(A) by striking `ASSOCIATIONS- ' and all that follows through `Subsections (e)(2)' and inserting `ASSOCIATIONS- Subsections (e)(2)';

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving the margins 2 ems to the left; and

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the left.

SEC. 13. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) SECTION 5136 OF THE REVISED STATUTES- The paragraph designated the `Eleventh' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended in the 5th sentence, by striking `affected deposit insurance fund' and inserting `Deposit Insurance Fund'.

(b) INVESTMENTS PROMOTING PUBLIC WELFARE; LIMITATIONS ON AGGREGATE INVESTMENTS- The 23d undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended in the 4th sentence, by striking `affected deposit insurance fund' and inserting `Deposit Insurance Fund'.

(c) ADVANCES TO CRITICALLY UNDERCAPITALIZED DEPOSITORY INSTITUTIONS- Section 10B(b)(3)(A)(ii) of the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking `any deposit insurance fund in' and inserting `the Deposit Insurance Fund of'.

(d) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985- Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended--

(1) by striking `Bank Insurance Fund' and inserting `Deposit Insurance Fund'; and

(2) by striking `Federal Deposit Insurance Corporation, Savings Association Insurance Fund,'.

(e) AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT- The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended--

(1) in section 11(k) (12 U.S.C. 1431(k))--

(b) REPEAL OF OUTDATED MERGER PROVISION- Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is repealed.

(c) EFFECTIVE DATE- This section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 3. INCREASE IN DEPOSIT INSURANCE COVERAGE.

(a) IN GENERAL- Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended--

(1) by striking subparagraph (B) and inserting the following new subparagraph:

`(B) NET AMOUNT OF INSURED DEPOSIT- The net amount due to any depositor at an insured depository institution shall not exceed the standard maximum deposit insurance amount as determined in accordance with subparagraphs (C), (D), (E) and (F) and paragraph (3).'; and

(2) by adding at the end the following new subparagraphs:

`(E) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED- For purposes of this Act, the term 'standard maximum deposit insurance amount' means--

`(i) until the end of the first calendar quarter that ends on or after the end of the 90-day period beginning on the date of the enactment of the Federal Deposit Insurance Reform Act of 2002, \$100,000; and

`(ii) after the end of the calendar quarter referred to in clause (i), \$130,000, adjusted as provided under subparagraph (F).

`(F) INFLATION ADJUSTMENT-

`(i) IN GENERAL- As of January 1, 2010, and the 1st day of each subsequent 10-year period, the standard maximum deposit insurance amount applicable to any depositor at an insured depository institution shall be increased by the product of--

`(I) the amount described in subparagraph (E)(ii); and

`(II) the cost of living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 at the beginning of each such 10-year period, in accordance with clause (ii).

`(ii) RULE OF APPLICATION- Section 1(f)(3)(B) of the Internal Revenue Code of 1986 shall be applied, for purposes of clause (i), by

(A) in the subsection heading, by striking `SAIF' and inserting `THE DEPOSIT INSURANCE FUND'; and

(B) by striking `Savings Association Insurance Fund' each place that term appears and inserting `Deposit Insurance Fund';

(2) in section 21 (12 U.S.C. 1441)--

(A) in subsection (f)(2), by striking `, except that' and all that follows through the end of the paragraph and inserting a period; and

(B) in subsection (k), by striking paragraph (4);

(3) in section 21A(b)(4)(B) (12 U.S.C. 1441a(b)(4)(B)), by striking `affected deposit insurance fund' and inserting `Deposit Insurance Fund';

(4) in section 21A(b)(6)(B) (12 U.S.C. 1441a(b)(6)(B))--

(A) in the subparagraph heading, by striking `SAIF-INSURED BANKS' and inserting `CHARTER CONVERSIONS'; and

(B) by striking `Savings Association Insurance Fund member' and inserting `savings association';

(5) in section 21A(b)(10)(A)(iv)(II) (12 U.S.C. 1441a(b)(10)(A)(iv)(II)), by striking `Savings Association Insurance Fund' and inserting `Deposit Insurance Fund';

(6) in section 21A(n)(6)(E)(iv) (12 U.S.C. 1441(n)(6)(E)(iv)) by striking `Federal deposit insurance funds' and inserting `The Deposit Insurance Fund';

(7) in section 21B(e) (12 U.S.C. 1441b(e))--

(A) in paragraph (5), by inserting `as of the date of funding' after `Savings Association Insurance Fund members' each place that term appears; and

(B) by striking paragraphs (7) and (8); and

(8) in section 21B(k) (12 U.S.C. 1441b(k))--

(A) by inserting before the colon `, the following definitions shall apply';

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

(f) AMENDMENTS TO THE HOME OWNERS' LOAN ACT- The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended--

(1) in section 5 (12 U.S.C. 1464)--

(A) in subsection (c)(5)(A), by striking `that is a member of the Bank Insurance Fund';

(B) in subsection (c)(6), by striking `As used in this subsection--' and inserting `For purposes of this subsection, the following definitions shall apply:';

(C) in subsection (o)(1), by striking `that is a Bank Insurance Fund member';

(D) in subsection (o)(2)(A), by striking `a Bank Insurance Fund member until such time as it changes its status to a Savings Association Insurance Fund member' and inserting `insured by the Deposit Insurance Fund';

(E) in subsection (t)(5)(D)(iii)(II), by striking `affected deposit insurance fund' and inserting `Deposit Insurance Fund';

(F) in subsection (t)(7)(C)(i)(I), by striking `affected deposit insurance fund' and inserting `Deposit Insurance Fund'; and

(G) in subsection (v)(2)(A)(i), by striking `the Savings Association Insurance Fund' and inserting `or the Deposit Insurance Fund'; and

(2) in section 10 (12 U.S.C. 1467a)--

(A) in subsection (c)(6)(D), by striking `this title' and inserting `this Act';

(B) in subsection (e)(1)(B), by striking `Savings Association Insurance Fund or Bank Insurance Fund' and inserting `Deposit Insurance Fund';

(C) in subsection (e)(2), by striking `Savings Association Insurance Fund or the Bank Insurance Fund' and inserting `Deposit Insurance Fund';

(D) in subsection (e)(4)(B), by striking `subsection (1)' and inserting `subsection (l)';

(E) in subsection (g)(3)(A), by striking `(5) of this section' and inserting `(5) of this subsection';

(F) in subsection (i), by redesignating paragraph (5) as paragraph (4);

(G) in subsection (m)(3), by striking subparagraph (E), and by redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively;

(H) in subsection (m)(7)(A), by striking `during period' and inserting `during the period'; and

(I) in subsection (o)(3)(D), by striking `sections 5(s) and (t) of this Act' and inserting `subsections (s) and (t) of section 5'.

(g) AMENDMENTS TO THE NATIONAL HOUSING ACT- The National Housing Act (12 U.S.C. 1701 et seq.) is amended--

(1) in section 317(b)(1)(B) (12 U.S.C. 1723i(b)(1)(B)), by striking `Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations' and inserting `Deposit Insurance Fund'; and

(2) in section 536(b)(1)(B)(ii) (12 U.S.C. 1735f-14(b)(1)(B)(ii)), by striking `Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations' and inserting `Deposit Insurance Fund'.

(h) AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989- The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended--

(1) in section 951(b)(3)(B) (12 U.S.C. 1833a(b)(3)(B)), by striking `Bank Insurance Fund, the Savings Association Insurance Fund,' and inserting `Deposit Insurance Fund'; and

(2) in section 1112(c)(1)(B) (12 U.S.C. 3341(c)(1)(B)), by striking `Bank Insurance Fund, the Savings Association Insurance Fund,' and inserting `Deposit Insurance Fund'.

(i) AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956- The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended--

(1) in section 2(j)(2) (12 U.S.C. 1841(j)(2)), by striking `Savings Association Insurance Fund' and inserting `Deposit Insurance Fund'; and

(2) in section 3(d)(1)(D)(iii) (12 U.S.C. 1842(d)(1)(D)(iii)), by striking `appropriate deposit insurance fund' and inserting `Deposit Insurance Fund'.

(j) AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT- Section 114 of the Gramm-Leach-Bliley Act (12 U.S.C. 1828a) is amended by striking `any Federal deposit insurance fund', in subsection (a)(1)(B), paragraphs (2)(B) and (4)(B) of subsection (b), and subsection (c)(1)(B), each place that term appears and inserting `the Deposit Insurance Fund'.

END

substituting `calendar year 2002' for `calendar year 1992'.

`(iii) ROUNDING- If the amount determined under clause (ii) for any period is not a multiple of \$10,000, the amount so determined shall be rounded to the nearest \$10,000 that is less than the amount so determined.

`(iv) PUBLICATION- Before the end of the 30-day period beginning on the date the Board of Directors determines under clause (i) that the standard maximum insurance amount applicable to any depositor has increased, the Board of Directors shall publish in the Federal Register the maximum net amount which may be due to any depositor at an insured depository institution as so determined.'.

(b) DOUBLING OF DEPOSIT INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS- Section 11(a)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(3)(A)) is amended by striking `\$100,000' and inserting `2 times the standard maximum deposit insurance amount (as determined under paragraph (1))'.

(c) INCREASED INSURANCE COVERAGE FOR MUNICIPAL DEPOSITS- Section 11(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(2)) is amended by adding at the end the following:

`(C) MUNICIPAL DEPOSITORS-

`(i) IN GENERAL- Notwithstanding subparagraph (A), the deposits of in-State municipal depositors at an insured depository institution shall be insured in an aggregate amount not to exceed the total equity capital of the institution.

`(ii) DEFINITIONS- In this subparagraph--

`(I) the term `in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured depository institution at which the deposits of that depositor are held; and

`(II) the term `municipal depositor' means a depositor described in any of clauses (i) through (v) of subparagraph (A).'

(d) TECHNICAL AND CONFORMING AMENDMENT RELATING TO INSURANCE OF TRUST FUNDS- Paragraphs (1) and (3) of section 7(i)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) are each amended by striking `\$100,000' and inserting `the standard maximum deposit insurance amount (as determined under section 11(a)(1))'.

(e) OTHER TECHNICAL AND CONFORMING AMENDMENTS-

(1) Section 11(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(2)) is

amended by striking '\$100,000' the first place such term appears and all that follows through the period at the end and inserting 'the standard maximum deposit insurance amount per account'.

(2) Section 11(m)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(m)(6)) is amended by striking '\$100,000' and inserting 'an amount equal to the standard maximum deposit insurance amount'.

(3) Section 18(a)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)(1)(B)) is amended by striking '\$100,000' and inserting 'the standard maximum deposit insurance amount in effect at the time'.

(4) Section 43(d) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(d)) is amended by striking '\$100,000' and inserting 'an amount equal to the standard maximum deposit insurance amount'.

(5) Section 6 of the International Banking Act of 1978 (12 U.S.C. 3104(b)) is amended--

(A) by striking '\$100,000' each place such term appears and inserting 'an amount equal to the standard maximum deposit insurance amount'; and

(B) by adding at the end the following new subsection:

`(e) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED- For purposes of this section, the term 'standard maximum deposit insurance amount' means the amount of the maximum amount of deposit insurance as determined under section 11(a)(1) of the Federal Deposit Insurance Act.'

(f) CONFORMING CHANGE TO SHARE INSURANCE FUND-

(1) IN GENERAL- Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended--

(A) in paragraph (1), by striking '\$100,000.' and inserting 'the standard maximum share insurance amount, as determined in accordance with paragraph (4).'; and

(B) by adding at the end the following new paragraphs:

`(4) STANDARD MAXIMUM SHARE INSURANCE AMOUNT DEFINED- For purposes of this Act, the term 'standard maximum share insurance amount' means--

`(A) until the end of the first calendar quarter that ends on or after the end of the 90-day period beginning on the date of the enactment of the Federal Deposit Insurance Reform Act of 2002, \$100,000; and

`(B) after the end of the calendar quarter referred to in clause (i), \$130,000, adjusted as provided under paragraph (5).

`(5) INFLATION ADJUSTMENT-

`(A) IN GENERAL- As of January 1, 2010, and the 1st day of each subsequent 10-year period, the standard maximum share insurance amount applicable to any insured account shall be increased by the product of--

`(i) the amount described in subparagraph (4)(B); and

`(ii) the cost of living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 at the beginning of each such 10-year period, in accordance with subparagraph (B).

`(B) RULE OF APPLICATION- Section 1(f)(3)(B) of the Internal Revenue Code of 1986 shall be applied, for purposes of subparagraph (A), by substituting 'calendar year 2002' for 'calendar year 1992'.

`(C) ROUNDING- If the amount determined under subparagraph (B) for any period

is not a multiple of \$10,000, the amount so determined shall be rounded to the nearest \$10,000 that is less than the amount so determined.

`(D) PUBLICATION- Not later than January 15 of the 1st year of each 10-year period referred to in clause (ii), the Board shall publish in the Federal Register the maximum net amount which may be due with respect to any insured account during such 10-year period.'.

(2) DOUBLING OF SHARE INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS- Section 107(k)(3) of the Federal Credit Union Act (12 U.S.C. 1787(k)(3)) is amended by striking '\$100,000' and inserting '2 times the standard maximum share insurance amount (as determined under paragraph (1))'.

(3) TECHNICAL AND CONFORMING AMENDMENT- Section 11(k)(2)(A) of the Federal Credit Union Act (12 U.S.C. 1787(k)(2)(A)) is amended by striking '\$100,000' and inserting 'the standard maximum share insurance amount (as determined under paragraph (1))'.

SEC. 4. EXPANDED INVESTMENTS AUTHORIZED FOR DEPOSIT INSURANCE FUND.

Section 13(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1823(a)(1)) is amended by striking 'shall be invested' and all that follows through the period and inserting 'shall be invested. Such investments shall be limited to the following types of investments:

`(A) Obligations of the United States or any agency of the United States.

`(B) Obligations guaranteed as to principal and interest by the United States.

`(C) Such other comparable obligations as the Secretary of the Treasury specifically authorizes upon the Secretary's own initiative or at the request of the Chairperson of the Board of Directors.'

SEC. 5. REPEAL OF SPECIAL RULE RELATING TO MINIMUM ASSESSMENTS.

Subsection (b)(2) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended--

(1) by striking subparagraphs (B), (E), and (F); and

(2) by redesignating subparagraphs (C), (G), and (H) as subparagraphs (B), (C), and (D), respectively.

SEC. 6. REPEAL OF FREE DEPOSIT INSURANCE.

Section 7(b)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)) is amended--

(1) by striking clauses (iii) and (v); and

(2) by redesignating clause (iv) as clause (iii).

SEC. 7. REPLACEMENT OF FIXED DESIGNATED RESERVE RATIO WITH RESERVE RANGE.

(a) IN GENERAL- Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) is amended to read as follows:

`(3) DESIGNATED RESERVE RATIO-

`(A) ESTABLISHMENT- Before the beginning of each calendar year, the Board of Directors shall designate, by regulation after opportunity for comment, the reserve ratio applicable for such year.

`(B) RANGE- The reserve ratio designated by the Board of Directors for any year--

`(i) may not exceed 1.5 percent of estimated insured deposits; and

`(ii) may not be less than 1.0 percent of estimated insured deposits.

`(C) FACTORS- In designating a reserve ratio for any year, the Board of Directors shall--

`(i) take into account the risk of losses to the deposit insurance fund in such year and future years, based on an analysis of historic experience and potential losses from identifiable insured depository institutions that are in a troubled condition (as defined by the Corporation);

`(ii) take into account economic conditions generally affecting insured depository institutions so as to allow the designated reserve ratio to increase during more favorable economic conditions and to decrease during less favorable economic conditions, notwithstanding the increased risks of loss that may exist during such less favorable conditions;

`(iii) seek to prevent sharp swings in the assessment rates for insured depository institutions; and

`(iv) take into account such other factors as the Board of Directors may determine to be appropriate, consistent with the requirements of this subparagraph.

`(D) PUBLICATION OF PROPOSED CHANGE IN RATIO- In soliciting comment on any proposed change in the designated reserve ratio in accordance with subparagraph (A), the Board of Directors shall include in the published proposal a detailed analysis of the data and projections on which the proposal is based.'.

(b) TECHNICAL AND CONFORMING AMENDMENTS-

(1) Paragraph (3) of section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) is amended to read as follows:

`(3) DESIGNATED RESERVE RATIO- The term `designated reserve ratio' means the reserve ratio designated by the Board of Directors for each year in accordance with section 7(b)(3).'

(2) Section 7(b)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)) is amended by striking clause (iii) (as so redesignated by section 6 of this Act).

SEC. 8. REQUIREMENTS APPLICABLE TO THE RISK-BASED ASSESSMENT SYSTEM.

Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended by adding at the end the following new subparagraphs:

“(E) INFORMATION CONCERNING RISK OF LOSS AND ECONOMIC CONDITIONS-

“(i) SOURCES OF INFORMATION- For purposes of determining risk of losses at insured depository institutions and economic conditions generally affecting depository institutions, the Corporation shall collect information from appropriate sources, including reports of condition, inspection reports, and other information from all Federal banking agencies, any information available from State bank supervisors, State insurance and securities regulators, the Securities and Exchange Commission (including information described in section 35), Secretary of the Treasury, Commodity Futures Trading Commission, Farm Credit Administration, Federal Trade Commission, any Federal reserve bank or Federal home loan bank, and other regulators of financial institutions, and any information available from credit rating entities, and other private economic and business analysts.

“(ii) RULE OF CONSTRUCTION- No provision of this paragraph shall be construed as providing any new authority for the Corporation to require submission of information by insured depository institutions to the Corporation.

“(F) MODIFICATIONS TO THE RISK-BASED ASSESSMENT SYSTEM ALLOWED ONLY AFTER NOTICE AND COMMENT- In revising or modifying the risk-based assessment system at any time after the date of the enactment of the Federal Deposit Insurance Reform Act of 2002, the Board of Directors may implement such revisions or modification in final form only after notice and opportunity for comment.’.

SEC. 9. REFUNDS, REBATES, AND CREDITS FROM DEPOSIT INSURANCE FUND.

Subsection (e) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended to read as follows:

“(e) REFUNDS, REBATES, AND CREDITS-

“(1) REFUNDS OF OVERPAYMENTS- In the case of any payment of an assessment by an insured depository institution in excess of the amount due to the Corporation, the Corporation may--

“(A) refund the amount of the excess payment to the insured depository institution; or

“(B) credit such excess amount toward the payment of subsequent semiannual assessments until such credit is exhausted.

`(2) REBATES OF EXCESS AMOUNTS IN DEPOSIT INSURANCE FUND-

`(A) FUND BALANCE IN EXCESS OF 1.5 PERCENT OF ESTIMATED INSURED DEPOSITS- Whenever the balance in the Deposit Insurance Fund equals or exceeds the amount equal to 1.5 percent of estimated insured deposits, the Corporation shall rebate the amount in the Fund in excess of the amount required to maintain a balance at the designated reserve ratio in effect at such time, to insured depository institutions in such manner and on such conditions as the Corporation shall prescribe by regulation, after notice and opportunity for comment.

`(B) FUND BALANCE IN EXCESS OF 1.4 PERCENT OF ESTIMATED INSURED DEPOSITS- Whenever the balance in the Deposit Insurance Fund is equal to or greater than the amount equal to 1.4 percent of estimated insured deposits and less than 1.5 percent of such deposits, the Corporation may credit or rebate the amount in excess of the amount required to maintain a balance at the designated reserve ratio in effect at such time, to insured depository institutions in such manner and on such conditions as the Corporation shall prescribe by regulation, after notice and opportunity for comment.

`(3) TRANSITIONAL CREDIT FOR CERTAIN DEPOSITORY INSTITUTIONS-

`(A) IN GENERAL- The individual transition credit amount (as determined under subparagraph (C)) for each eligible depository institution shall be available for credit by the Corporation against assessments under subsection (b) on the eligible depository institution which become due for semiannual assessment periods beginning after the effective date of the merger of the Bank Insurance Fund and Savings Association Insurance Fund into the Deposit Insurance Fund.

`(B) ELIGIBLE DEPOSITORY INSTITUTIONS DEFINED- For purposes of this paragraph, the term 'eligible depository institution' means an insured depository institution that--

`(i) received, in the most recent examination of the institution before the effective date of the merger of the Bank Insurance Fund and the Savings Association Insurance Fund, a CAMEL composite rating of 1 or 2 under the Uniform Financial Institutions Rating System, or an equivalent rating under a comparable rating system; and

`(ii) paid assessments (or any predecessor of which paid assessments) under this section for any semiannual assessment period beginning after December 31, 1989, and ending before January 1, 1997.

`(C) AMOUNT OF INDIVIDUAL TRANSITION CREDIT- The individual transition credit amount for each eligible depository institution shall be the amount that bears the same ratio to the total transition credit amount as the ratio of the market share of insured deposits of the eligible depository institution as of

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/7/2002 1:44:38 PM
Subject: : Re: can one of you.....

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-MAR-2002 18:44:38.00
SUBJECT:: Re: can one of you.....
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett can you come along?

From: Lacy, Terri <terrilacy@akllp.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/8/2002 7:52:18 AM
Subject: : RE:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Lacy, Terri" <terrilacy@akllp.com> ("Lacy, Terri" <terrilacy@akllp.com> [UNKNOWN])
CREATION DATE/TIME: 8-MAR-2002 12:52:18.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks-and don't forget my retention schedule issue. Have a good weekend. Terri

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, March 08, 2002 11:00 AM
To: Lacy, Terri
Cc: Mary_Ann_Hanusa@who.eop.gov
Subject:

Sorry for the delay. Yes, all appropriate parties have now reviewed the Gubernatorial records in question, and they have been ok'ed.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: joschal@att.net [UNKNOWN] <joschal@att.net>
Sent: 3/8/2002 6:37:28 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAR-2002 11:37:28.00
SUBJECT::
TO:joschal@att.net (joschal@att.net [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Did you collect up a list of surrogates for tv and op-eds, both
for Washington and regionally? Anne needs such information, and I seem to
recall that you have done this.

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/8/2002 10:41:25 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 8-MAR-2002 15:41:25.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The VP parts of this PRA opposition are fine with me.

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
CC: joschal@att.net [UNKNOWN] <joschal@att.net>;matthew e. smith/who/eop@eop [WHO]
<matthew e. smith>;matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>;anne
womack/who/eop@eop [WHO] <anne womack>;brett m. kavanaugh/who/eop@eop [WHO]
<brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;viet
dinh <viet.dinh@usdoj.gov>;jennifer newstead <jennifer.newstead@usdoj.gov>;kenneth a.
lisaius/who/eop@eop [WHO] <kenneth a. lisaius>
Sent: 3/8/2002 11:38:47 AM
Subject: : Re: ABA letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAR-2002 16:38:47.00
SUBJECT:: Re: ABA letter
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:joschal@att.net (joschal@att.net [UNKNOWN])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anne womack (CN=anne womack/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:viet dinh <viet.dinh@usdoj.gov> (viet dinh <viet.dinh@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:jennifer newstead <jennifer.newstead@usdoj.gov> (jennifer newstead
<jennifer.newstead@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
CC:kenneth a. lisaius (CN=kenneth a. lisaius/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

what does the letter say? all I have is a bio of the author.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Melissa Price - Legal <MPrice@rnchq.org>
CC: viet.dinh@usdoj.gov [UNKNOWN] <viet.dinh@usdoj.gov>;tim goeglein/who/eop@eop [WHO] <tim goeglein>;joschal@att.net [UNKNOWN] <joschal@att.net>;matthew e. smith/who/eop@eop [WHO] <matthew e. smith>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;matther_a._schlapp@who.eop.gov [UNKNOWN] <matther_a._schlapp@who.eop.gov>;anne womack/who/eop@eop [WHO] <anne womack>;kenneth a. lisaius/who/eop@eop [WHO] <kenneth a. lisaius>;michael toner - legal <mtoner@rnchq.org>
Sent: 3/8/2002 8:34:37 AM
Subject: : Re: Enron contributions to the Senate Judiciary Committee
Attachments: P_D2BX5003_WHO.TXT_1.htm; P_D2BX5003_WHO.TXT_2.doc; P_D2BX5003_WHO.TXT_3.pdf

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAR-2002 13:34:37.00
SUBJECT:: Re: Enron contributions to the Senate Judiciary Committee
TO:Melissa Price - Legal <MPrice@rnchq.org> (Melissa Price - Legal <MPrice@rnchq.org> [UNKNOWN])
READ:UNKNOWN
CC:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
CC:tim goeglein (CN=tim goeglein/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joschal@att.net (joschal@att.net [UNKNOWN])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matther_a._schlapp@who.eop.gov (matther_a._schlapp@who.eop.gov [UNKNOWN])
READ:UNKNOWN
CC:anne womack (CN=anne womack/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kenneth a. lisaius (CN=kenneth a. lisaius/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:michael toner - legal <mtoner@rnchq.org> (michael toner - legal <mtoner@rnchq.org> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

thank you!

Melissa Price - Legal <MPrice@rnchq.org>
03/08/2002 11:03:27 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Michael Toner - Legal <MToner@rnchq.org>
Subject: Enron contributions to the Senate Judiciary Committee

Attached please find a memo regarding Enron contributions to Senate Judiciary Committee members, as well as a list of all Senate recipients of

REV_00141574

Enron contributions.

Melissa R. Price
Special Projects Coordinator, Counsel's Office
Republican National Committee
310 First Street, Southeast
Washington, DC 20003
Phone 202.863.8638
Fax 202.863.8654
mprice@rnchq.org

- att1.htm
- Senate Judiciary Committee.doc
- Senate Contributions.pdf

Message Sent

To:

Viet.Dinh@usdoj.gov
Tim Goeglein/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
joschal@att.net
Matthew E. Smith/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Matther_A._Schlapp@who.eop.gov
Anne Womack/WHO/EOP@EOP
Kenneth A. Lisaius/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_D2BX5003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_D2BX5003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_D2BX5003_WHO.TXT_3>

REV_00141575

Attached please find a memo regarding Enron contributions to Senate Judiciary Committee members , as well as a list of all Senate recipients of Enron contributions.

Melissa R. Price

Special Projects Coordinator, Counsel's Office
Republican National Committee
310 First Street, Southeast
Washington, DC 20003
Phone 202.863.8638
Fax 202.863.8654
mprice@rnchq.org

MEMORANDUM

TO: INTERESTED PARTIES

FROM: MICHAEL TONER
MELISSA PRICE

DATE: 8 MARCH 2001

RE: Enron contributions to the Senate Judiciary Committee

Enron, its subsidiaries, PAC, and employees contributed a total of \$5,951,570 to Federal Candidates and Parties between 1989 and 2001. \$529,743 of that amount was given to Senate Candidates, of which **\$39,883** was given to the current Senate Judiciary Committee Members.

The current Democratic members of the Senate Judiciary Committee received **\$22,933** in contributions from Enron, its subsidiaries, PAC, and employees between 1989 and 2001. Current Republican members of the Senate Judiciary Committee received **\$16,950** in contributions from Enron. Two of the ten Democratic and seven of the nine Republican members of the committee have received contributions from Enron.

Attached is a list of the Enron contributions to current Senate Judiciary Committee members, as well as a detailed list of Enron contributions to Senate Candidates, including contributions by Ken Lay and Jeffrey Skilling. Andrew Fastow made no contributions to the current members of the Senate Judiciary Committee.

Interestingly, Senator Schumer is the fourth highest Senate recipient of Enron contributions, at \$21,933. Senator Daschle is 21st on the list of highest Senate recipients of Enron contributions.

Enron Contributions to Current Senate Judiciary Committee Members

Democrats

Leahy	\$0
Kennedy	\$1,000
Biden	\$0
Kohl	\$0
Feinstein	\$0
Feingold	\$0
Schumer	\$21,933
Durbin	\$0
Cantwell	\$0
Edwards	\$0
TOTAL	\$22,933

Republicans

Hatch	\$3,000
Thurmond	\$1,000
Grassley	\$3,250
Specter	\$0
Kyl	\$2,450
DeWine	\$1,500
Sessions	\$0
Brownback	\$2,750
McConnell	\$3,000
	\$16,950

Ken Lay Contributions to Senate Judiciary Committee (1990-2002)

Contributor	Occupation	Date	Amount	Recipient
LAY, KENNETH L HOUSTON, TX 77019	ENRON CORP	5/29/1998	\$1,000	Schumer, Charles E
LAY, LINDA P HOUSTON, TX 77019	RE DEVELOPER	5/29/1998	\$1,000	Schumer, Charles E
LAY, KENNETH L HOUSTON, TX 77019	ENRON CORPORATION	5/1/2000	\$1,000	Hatch, Orrin G

2000 cycle data downloaded from FEC on February 1, 2002.

2002 cycle data downloaded from FEC on February 19, 2002. Date of request: March 7, 2002

Jeffrey Skilling Contributions to Senate Judiciary Committee (1990-2002)

Contributor	Occupation	Date	Amount	Recipient
SKILLING, JEFFREY K HOUSTON, TX 77002	ENRON	6/15/1998	\$1,000	Schumer, Charles E
SKILLING, JEFFREY K HOUSTON, TX 77002	ENRON	10/16/1998	\$1,000	Schumer, Charles E

2000 cycle data downloaded from FEC on February 1, 2002.

2002 cycle data downloaded from FEC on February 19, 2002. Date of request: March 7, 2002

Enron Total Contributions to Federal Candidates and Parties, 1989-2001*

Election Cycle	Total Contributions	Soft Money Contributions	Contributions from PACs	Contributions from Individuals	% to Dems	% to Repubs
1990	\$163,250	N/A	\$130,250	\$33,000	42%	58%
1992	\$281,009	\$75,109	\$130,550	\$75,350	42%	58%
1994	\$520,996	\$136,292	\$189,565	\$195,139	42%	58%
1996	\$1,141,016	\$687,445	\$171,671	\$281,900	18%	81%
1998	\$1,049,942	\$691,950	\$212,643	\$145,349	21%	79%
2000	\$2,441,398	\$1,671,555	\$280,043	\$489,800	28%	72%
2002	\$353,959	\$304,909	\$32,000	\$17,050	6%	94%
TOTAL	\$5,951,570	\$3,567,260	\$1,146,722	\$1,237,588	26%	74%
					\$1,547,408	\$4,404,162

NOTE: Soft money contributions were not publicly disclosed until the 1991-92 election cycle.

*Based on FEC data downloaded 1/1/02.

Top Congressional Recipients of Enron Contributions, 1989-2001*

Contributions to Current Members of Congress, 1989-2001*

SENATE	# of Members	Average Contribution	Total Contributions	Total to Senate Judiciary Comm.
Democrats	29	\$3,845	\$111,513	\$22,933
Republicans	41	\$10,140	\$415,730	\$16,950
Independent	1	\$2,500	\$2,500	
TOTAL	71	\$7,472	\$529,743	\$39,883

*Based on FEC data downloaded 1/2/02. Totals include contributions from Enron's PAC and its employees. **Totals do NOT reflect contributions recently returned.**

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Presidential Recipients

Congressional Committees

Lobbying, Texas

Contributions and Other

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*Total Contributions

Total to Congress

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Lobbying, Texas

Contributions and Other

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The Fall of a Giant: Enron's
Campaign Contributions and
Lobbying (11/9/01)

Enron Contributions to
Attorney General Ashcroft
(1/10/02)

Enron: A Look at the
Company's Lobbying in
2001 (1/14/02)

Arthur Andersen: The Enron
Scandal's Other Big Donor
(1/16/02)

Enron Understated Its
Lobbying Expenditures,
CRP Analysis Finds
(1/29/02)

The Accounting Industry:
Campaign Contributions and
Lobbying (1/30/02)

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Senate Recipients of Enron Contributions, 1989-2001*

Name	Grand Total	89-90	91-92	93-94	95-96	97-98	99-00	01-02
Daniel K. Akaka (D-Hawaii)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Wayne Allard (R-Colo)	\$1,000	\$0	\$0	\$0	\$1,000	\$0	\$0	\$0
George Allen (R-Va)	\$3,500	\$0	\$0	\$0	\$0	\$0	\$3,500	\$0
Max Baucus (D-Mont)	\$2,250	\$1,000	\$0	\$250	\$1,000	\$0	\$0	\$0
Evan Bayh (D-Ind)	\$2,000	\$0	\$0	\$0	\$0	\$2,000	\$0	\$0
Robert F. Bennett (R-Utah)	\$8,053	\$0	\$2,000	\$0	\$5,053	\$1,000	\$0	\$0
Joseph R. Biden Jr (D-Del)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Jeff Bingaman (D-NM)	\$14,124	\$0	\$0	\$2,000	\$1,000	\$0	\$11,124	\$0
Christopher S. Bond (R-Mo)	\$17,000	\$0	\$1,000	\$0	\$2,000	\$14,000	\$0	\$0
Barbara Boxer (D-Calif)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
John B. Breaux (D-La)	\$11,100	\$0	\$3,100	\$0	\$1,000	\$7,000	\$0	\$0
Sam Brownback (R-Kan)	\$2,750	\$0	\$0	\$250	\$1,500	\$1,000	\$0	\$0
Jim Bunning (R-Ky)	\$769	\$0	\$0	\$0	\$0	\$1,769	(\$1,000)	\$0
Conrad Burns (R-Mont)	\$23,200	\$1,500	\$1,000	\$8,000	(\$1,000)	\$0	\$13,700	\$0
Robert C. Byrd (D-WVa)	\$1,000	\$0	\$0	\$1,000	\$0	\$0	\$0	\$0
Ben Nighthorse Campbell (R-Colo)	\$2,300	\$300	\$0	\$1,000	\$0	\$1,000	\$0	\$0
Maria Cantwell (D-Wash)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Jean Carnahan (D-Mo)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Thomas R. Carper (D-Del)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Lincoln D. Chafee (R-RI)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Max Cleland (D-Ga)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Hillary Rodham Clinton (D-NY)	\$950	\$0	\$0	\$0	\$0	\$0	\$950	\$0
Thad Cochran (R-Miss)	\$3,000	\$1,000	\$0	\$0	\$2,000	\$0	\$0	\$0
Susan Collins (R-Maine)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Kent Conrad (D-ND)	\$5,650	\$0	\$2,650	\$2,000	\$0	\$0	\$1,000	\$0
Jon Corzine (D-NJ)	\$1,250	\$0	\$0	\$0	\$0	\$0	\$1,250	\$0
Larry E. Craig (R-Idaho)	\$7,250	\$1,000	\$0	\$0	\$4,250	\$2,000	\$0	\$0
Michael D. Crapo (R-Idaho)	\$18,689	\$0	\$0	\$500	\$5,500	\$12,500	\$189	\$0
Tom Daschle (D-SD)	\$6,000	\$0	\$1,000	\$0	\$0	\$5,000	\$0	\$0
Mark Dayton (D-Minn)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Mike DeWine (R-Ohio)	\$1,500	\$0	\$0	\$500	\$0	\$0	\$1,000	\$0
Christopher J. Dodd (D-Conn)	\$2,000	\$0	\$0	\$0	\$1,000	\$1,000	\$0	\$0
Pete V. Domenici (R-NM)	\$12,000	\$3,000	\$0	\$0	\$5,000	\$0	\$4,000	\$0
Byron L.	\$3,500	\$1,000	\$1,000	\$0	\$0	\$1,500	\$0	\$0

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Contributions and Other

ARTHUR ANDERSEN

*Total Contributions
Total to Congress
House Recipients
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Contributions and Other

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The Fall of a Giant: Enron's Campaign Contributions and Lobbying (11/9/01)

Enron Contributions to Attorney General Ashcroft (1/10/02)

Senate Recipients of Enron Contributions, 1989-2001*

Name	Grand Total	89-90	91-92	93-94	95-96	97-98	99-00	01-02
Daniel K. Akaka (D-Hawaii)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Wayne Allard (R-Colo)	\$1,000	\$0	\$0	\$0	\$1,000	\$0	\$0	\$0
George Allen (R-Va)	\$3,500	\$0	\$0	\$0	\$0	\$0	\$3,500	\$0
Max Baucus (D-Mont)	\$2,250	\$1,000	\$0	\$250	\$1,000	\$0	\$0	\$0
Evan Bayh (D-Ind)	\$2,000	\$0	\$0	\$0	\$0	\$2,000	\$0	\$0
Robert F. Bennett (R-Utah)	\$8,053	\$0	\$2,000	\$0	\$5,053	\$1,000	\$0	\$0
Joseph R. Biden Jr (D-Del)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Jeff Bingaman (D-NM)	\$14,124	\$0	\$0	\$2,000	\$1,000	\$0	\$11,124	\$0
Christopher S. Bond (R-Mo)	\$17,000	\$0	\$1,000	\$0	\$2,000	\$14,000	\$0	\$0

Orrin G. Hatch (R-Utah)	\$3,000	\$0	\$0	\$2,000	\$0	\$0	\$1,000	\$0
Jesse Helms (R-NC)	\$2,000	\$0	\$0	\$0	\$2,000	\$0	\$0	\$0
Ernest F. Hollings (D-SC)	\$3,500	\$0	\$1,500	\$0	\$0	\$2,000	\$0	\$0
Tim Hutchinson (R-Ark)	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$500
Kay Bailey Hutchison (R-Texas)	\$101,500	\$0	\$0	\$62,000	\$4,000	\$24,250	\$11,250	\$0
James M. Inhofe (R-Okla)	\$2,550	\$550	\$0	\$0	\$2,000	\$0	\$0	\$0
Daniel K. Inouye (D-Hawaii)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
James M. Jeffords (I-Vt)	\$2,500	\$0	\$0	\$0	\$0	\$0	\$2,500	\$0
Tim Johnson (D-SD)	\$1,756	\$0	\$0	\$500	\$1,000	\$256	\$0	\$0
Edward M. Kennedy (D-Mass)	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0
John Kerry (D-Mass)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Herb Kohl (D-Wis)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Jon L. Kyl (R-Ariz)	\$2,450	\$300	\$650	\$1,000	\$0	\$0	\$500	\$0
Mary L. Landrieu (D-La)	\$2,500	\$0	\$0	\$0	\$0	\$1,500	\$0	\$1,000
Patrick J. Leahy (D-Vt)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Carl Levin (D-Mich)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Joseph I. Lieberman (D-Conn)	\$2,000	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0
Blanche Lambert Lincoln (D-Ark)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Trent Lott (R-Miss)	\$2,000	\$0	\$0	\$1,000	\$0	\$0	\$1,000	\$0
Richard G. Lugar (R-Ind)	\$5,750	\$0	\$1,000	\$0	\$2,750	\$0	\$2,000	\$0
John McCain (R-Ariz)	\$9,500	\$0	\$2,000	\$0	\$0	\$5,000	\$2,500	\$0
Mitch McConnell (R-Ky)	\$3,000	\$500	\$0	\$0	\$2,500	\$0	\$0	\$0
Barbara A. Mikulski (D-Md)	\$1,000	\$0	\$1,000	\$0	\$0	\$0	\$0	\$0
Zell Miller (D-Ga)	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0
Frank H. Murkowski (R-Alaska)	\$2,500	\$0	\$1,000	\$500	\$0	\$1,000	\$0	\$0
Patty Murray (D-Wash)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Ben Nelson (D-Neb)	\$6,000	\$0	\$0	\$0	\$3,000	\$0	\$3,000	\$0
Bill Nelson	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0

(D-Fla)								
Don Nickles (R-Okla)	\$7,000	\$0	\$4,000	\$0	\$0	\$3,000	\$0	\$0
Jack Reed (D-Rl)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Harry Reid (D-Nev)	\$1,000	\$0	\$0	\$0	\$0	\$1,000	\$0	\$0
Pat Roberts (R-Kan)	\$8,000	\$1,000	\$500	\$1,000	\$3,000	\$0	\$0	\$2,500
John D. Rockefeller IV (D-WVa)	\$2,000	\$2,000	\$0	\$0	\$0	\$0	\$0	\$0
Rick Santorum (R-Pa)	\$1,000	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0
Paul S. Sarbanes (D-Md)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Charles E. Schumer (D- NY)	\$21,933	\$0	\$0	\$0	\$0	\$24,433	(\$2,500)	\$0
Jeff Sessions (R- Ala)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Richard C. Shelby (R- Ala)	\$3,500	\$0	\$2,500	\$0	\$0	\$1,000	\$0	\$0
Gordon Smith (R- Ore)	\$14,500	\$0	\$0	\$0	\$2,000	\$9,500	\$2,000	\$1,000
Robert C. Smith (R- NH)	\$1,000	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0
Olympia J. Snowe (R- Maine)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Arlen Specter (R- Pa)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Deborah Ann Stabenow (D-Mich)	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
Ted Stevens (R-Alaska)	\$3,000	\$2,000	\$0	\$0	\$1,000	\$0	\$0	\$0
Craig Thomas (R- Wyo)	\$7,000	\$1,100	\$1,400	\$2,500	\$0	\$1,000	\$1,000	\$0
Fred Thompson (R-Tenn)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Strom Thurmond (R-SC)	\$1,000	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0
Robert G. Torricelli (D- NJ)	\$2,000	\$0	\$0	\$0	\$0	\$0	\$2,000	\$0
George V. Voinovich (R-Ohio)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
John W. Warner (R- Va)	\$2,000	\$1,000	\$0	\$0	\$1,000	\$0	\$0	\$0
Paul Wellstone (D-Minn)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Ron Wyden (D-Ore)	\$4,000	\$0	\$0	\$0	\$1,000	\$3,000	\$0	\$0

*Based on FEC data downloaded 1/2/02. Totals include contributions from ~~Enron's~~ ^{Enron's} PAC and its employees. **Totals do NOT reflect contributions recently returned.**

*UPDATED 1/24/01

•The Issue

Top Senate Recipients of Enron Contributions, 1989-2001*

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Name	Grand Total	89-90	91-92	93-94	95-96	97-98	99-00	01-02
Kay Bailey Hutchison (R-Texas)	\$101,500	\$0	\$0	\$62,000	\$4,000	\$24,250	\$11,250	\$0
Phil Gramm (R-Texas)	\$101,350	\$15,350	\$250	\$13,750	\$60,000	\$8,000	\$4,000	\$0
Conrad Burns (R-Mont)	\$23,200	\$1,500	\$1,000	\$8,000	(\$1,000)	\$0	\$13,700	\$0
Charles E. Schumer (D-NY)	\$21,933	\$0	\$0	\$0	\$0	\$24,433	(\$2,500)	\$0
Michael D. Crapo (R-Idaho)	\$18,689	\$0	\$0	\$500	\$5,500	\$12,500	\$189	\$0
Christopher S. Bond (R-Mo)	\$17,000	\$0	\$1,000	\$0	\$2,000	\$14,000	\$0	\$0
Gordon Smith (R-Ore)	\$14,500	\$0	\$0	\$0	\$2,000	\$9,500	\$2,000	\$1,000
Jeff Bingaman (D-NM)	\$14,124	\$0	\$0	\$2,000	\$1,000	\$0	\$11,124	\$0
Chuck Hagel (R-Neb)	\$13,331	\$0	\$0	\$0	\$7,450	\$2,881	\$2,000	\$1,000
Pete V. Domenici (R-NM)	\$12,000	\$3,000	\$0	\$0	\$5,000	\$0	\$4,000	\$0
John B. Breaux (D-La)	\$11,100	\$0	\$3,100	\$0	\$1,000	\$7,000	\$0	\$0
John McCain (R-Ariz)	\$9,500	\$0	\$2,000	\$0	\$0	\$5,000	\$2,500	\$0
Robert F. Bennett (R-Utah)	\$8,053	\$0	\$2,000	\$0	\$5,053	\$1,000	\$0	\$0
Pat Roberts (R-Kan)	\$8,000	\$1,000	\$500	\$1,000	\$3,000	\$0	\$0	\$2,500
Bob Graham (D-Fla)	\$8,000	\$3,000	\$2,000	\$0	\$0	\$3,000	\$0	\$0
John Ensign (R-Nev)	\$7,500	\$0	\$0	\$0	\$500	\$1,000	\$6,000	\$0
Larry E. Craig (R-Idaho)	\$7,250	\$1,000	\$0	\$0	\$4,250	\$2,000	\$0	\$0
Don Nickles (R-Okla)	\$7,000	\$0	\$4,000	\$0	\$0	\$3,000	\$0	\$0
Craig Thomas (R-Wyo)	\$7,000	\$1,100	\$1,400	\$2,500	\$0	\$1,000	\$1,000	\$0
Ben Nelson (D-Neb)	\$6,000	\$0	\$0	\$0	\$3,000	\$0	\$3,000	\$0
Tom Daschle (D-SD)	\$6,000	\$0	\$1,000	\$0	\$0	\$5,000	\$0	\$0

21

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[House Recipients](#)
[Senate Recipients](#)
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[Lobbying, Texas](#)
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RELEASES, ALERTS, ETC.

[The Fall of a Giant: Enron's Campaign Contributions and Lobbying \(11/9/01\)](#)

[Enron Contributions to Attorney General Ashcroft \(1/10/02\)](#)

[Enron: A Look at the Company's Lobbying in 2001 \(1/14/02\)](#)

[Arthur Andersen: The Enron Scandal's Other Big Donor \(1/16/02\)](#)

[Enron Understated Its Lobbying Expenditures, CRP Analysis Finds \(1/29/02\)](#)

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*Based on FEC data downloaded 1/2/02. Totals include contributions from Enron's PAC and its employees. **Totals do NOT reflect contributions recently returned.**

From: CN=Paul B. Dyck/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/8/2002 8:44:17 AM
Subject: : Invite on website?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAR-2002 13:44:17.00

SUBJECT:: Invite on website?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The Lindsey Graham campaign has asked if the can post their invite to the POTUS FR (3/27 in Greenville, SC) on their website. What say you?

Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Paul B. Dyck/WHO/EOP@EOP [WHO] <Paul B. Dyck>
Sent: 3/8/2002 8:44:57 AM
Subject: : Re: Invite on website?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAR-2002 13:44:57.00
SUBJECT:: Re: Invite on website?
TO: Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

no problem.

Paul B. Dyck
03/08/2002 01:44:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Invite on website?

The Lindsey Graham campaign has asked if the can post their invite to the POTUS FR (3/27 in Greenville, SC) on their website. What say you?
Thanks.

From: CN=Susan K. Neely/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: nicholas e. calio/who/eop@eop [WHO] <nicholas e. calio>;christine ciccone/who/eop@eop [WHO] <christine ciccone>;daniel j. bartlett/who/eop@eop [WHO] <daniel j. bartlett>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;susan k. neely/who/eop@eop [WHO] <susan k. neely>;mark holman/who/eop@eop [WHO] <mark holman>;wendy j. grubbs/who/eop@eop [WHO] <wendy j. grubbs>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanagan/who/eop@eop [WHO] <timothy e. flanagan>
Sent: 3/8/2002 10:28:20 AM
Subject: : Re: SECOND DRAFT of letter to Sens. Byrd and Stevens
Attachments: P_MCGX5003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan K. Neely (CN=Susan K. Neely/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-MAR-2002 15:28:20.00
SUBJECT:: Re: SECOND DRAFT of letter to Sens. Byrd and Stevens
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:nicholas e. calio (CN=nicholas e. calio/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:christine ciccone (CN=christine ciccone/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:daniel j. bartlett (CN=daniel j. bartlett/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:susan k. neely (CN=susan k. neely/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:mark holman (CN=mark holman/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:wendy j. grubbs (CN=wendy j. grubbs/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanagan (CN=timothy e. flanagan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I think that this letter works from the media standpoint. It reiterates the three arguments for not testifying that the Governor has expressed to the media since he was sworn in.

Brett M. Kavanaugh
03/08/2002 02:38:26 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: SECOND DRAFT of letter to Sens. Byrd and Stevens

March 8, 2002

REV_00141587

Dear Chairman Byrd and Senator Stevens:

Thank you for your letter earlier this week to Assistant to the President for Homeland Security Tom Ridge. The President and the Administration greatly appreciate the continued interest and involvement of you, the Committee on Appropriations, and the entire Congress in the critical homeland security issues facing the Nation. And we share your view that it is essential for Federal, state, and local governments to work together closely as part of the significant and sustained national effort to defend the United States and the American people.

The Administration is committed, moreover, to ensuring that you and the Congress receive the appropriate information you need with respect to the Administration's homeland security policies and practices. As you know, the various Executive Branch departments and agencies with responsibility for homeland security continue to provide substantial amounts of information to Congress. Executive Branch officials such as Attorney General Ashcroft, Director Mueller of the Federal Bureau of Investigation, and Director Allbaugh of the Federal Emergency Management Agency have regularly testified before Congress about homeland security and other issues. Director Daniels of the Office of Management and Budget has regularly testified and provided information on issues related to the budget. OMB and the relevant department heads have line responsibility, of course, for their budgets. In addition, Governor Ridge and other Presidential advisors have met with and provided briefings on homeland security and budgetary issues to many Members of Congress and their staffs on innumerable occasions in the last six months. Governor Ridge also has met with the entire Senate recently by speaking at lunches with the respective party caucuses. These kinds of activities -- all of which are designed to ensure that Congress has the information it needs to perform its constitutional functions -- will continue in the future.

In your letter, you also request that Governor Ridge formally testify before your Committee. The long-standing position of Presidents of both parties, a position long respected by Congress, is that members of the President's staff do not ordinarily testify before congressional committees. This position, which is rooted in the Constitution's separation of powers, has long applied to Presidential advisors such as the Chief of Staff, the Counsel, the National Security Advisor, and the other immediate advisors of the President, such as Governor Ridge. Therefore, we respectfully must decline your invitation for Governor Ridge to formally testify before the Committee, but also wish to emphasize that Governor Ridge remains available to meet with you and your colleagues as appropriate.

The Administration will continue to work closely with the Congress and provide Congress appropriate information on issues related to homeland security. Thank you again for your letter and for your work on these critical issues, and please do not hesitate to contact me with any questions.

Sincerely,

Nicholas E. Calio
Assistant to the President for Legislative Affairs

Message Sent

To:

nicholas.e.calio/who/eop@eop
christine.ciccione/who/eop@eop
daniel.j.bartlett/who/eop@eop
edward.mcnally/who/eop@eop
susan.k.neely/who/eop@eop
mark.holman/who/eop@eop

REV_00141588

wendy j. grubbs/who/eop@eop
alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MCGX5003_WHO.TXT_1>

March 8, 2002

Dear Chairman Byrd and Senator Stevens:

Thank you for your letter earlier this week to Assistant to the President for Homeland Security Tom Ridge. The President and the Administration greatly appreciate the continued interest and involvement of you, the Committee on Appropriations, and the entire Congress in the critical homeland security issues facing the Nation. And we share your view that it is essential for Federal, state, and local governments to work together closely as part of the significant and sustained national effort to defend the United States and the American people.

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Sincerely,

Nicholas E. Calio
Assistant to the President for Legislative Affairs

From: CN=Ann L. Loughlin/OU=WHO/O=EOP [WHO]
To: Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Charles S. Abbot/OVP/EOP@EOP [OVP] <Charles S. Abbot>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Mark Holman/WHO/EOP@EOP [WHO] <Mark Holman>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Carl Buchholz/WHO/EOP@EOP [WHO] <Carl Buchholz>; Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Barbara C. Chaffee/WHO/EOP@EOP [WHO] <Barbara C. Chaffee>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Frank Cilluffo/WHO/EOP@EOP [WHO] <Frank Cilluffo>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Richard Falkenrath/WHO/EOP@EOP [WHO] <Richard Falkenrath>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Susan K. Neely/WHO/EOP@EOP [WHO] <Susan K. Neely>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Matthew A. Schlapp/WHO/EOP@EOP [WHO]

<Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 3/8/2002 2:29:55 PM
Subject: : Ethics Training Reminder

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAR-2002 19:29:55.00

SUBJECT:: Ethics Training Reminder

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Charles S. Abbot (CN=Charles S. Abbot/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

REV_00141593

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark Holman (CN=Mark Holman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
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TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP@EOP [WHO])
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TO:Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
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CC:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
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This is to remind you that the mandatory ethics briefing for all commissioned officers is scheduled for March 14, 2002, at 9:00 a.m. in Room 450, EEOB. The ethics briefing will cover several topics, including the rules on seeking employment and post-employment, how to meet your annual financial disclosure obligations, and political activity. You should have already received a packet with a copy of your financial disclosure report from last year, a blank financial disclosure report and some tips on how to complete your report. If you have not received your packet, please e-mail me or call x6-5067 or x6-5071.
Thank you.

From: CN=Ann L. Loughlin/OU=WHO/O=EOP [WHO]
To: Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Lawrence A. Fleischer/WHO/EOP@EOP [WHO] <Lawrence A. Fleischer>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Clay Johnson III/WHO/EOP@EOP [WHO] <Clay Johnson III>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Charles S. Abbot/OVP/EOP@EOP [OVP] <Charles S. Abbot>; Andrea G. Ball/WHO/EOP@EOP [WHO] <Andrea G. Ball>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; John M. Bridgeland/OPD/EOP@EOP [OPD] <John M. Bridgeland>; Don E. Eberly/WHO/EOP@EOP [WHO] <Don E. Eberly>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Mark Holman/WHO/EOP@EOP [WHO] <Mark Holman>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Carl Buchholz/WHO/EOP@EOP [WHO] <Carl Buchholz>; Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>; Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>; Barbara C. Chaffee/WHO/EOP@EOP [WHO] <Barbara C. Chaffee>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Frank Cilluffo/WHO/EOP@EOP [WHO] <Frank Cilluffo>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Rebecca Contreras/WHO/EOP@EOP [WHO] <Rebecca Contreras>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>; Richard Falkenrath/WHO/EOP@EOP [WHO] <Richard Falkenrath>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kelley Gannon/WHO/EOP@EOP [WHO] <Kelley Gannon>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Edmund C. Moy/WHO/EOP@EOP [WHO] <Edmund C. Moy>; Susan K. Neely/WHO/EOP@EOP [WHO] <Susan K. Neely>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Craig Ray/WHO/EOP@EOP [WHO] <Craig Ray>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Matthew A. Schlapp/WHO/EOP@EOP [WHO]

<Matthew A. Schlapp>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>;James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 3/8/2002 2:29:55 PM
Subject: : Ethics Training Reminder

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Ann L. Loughlin (CN=Ann L. Loughlin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAR-2002 19:29:55.00

SUBJECT:: Ethics Training Reminder

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lawrence A. Fleischer (CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])

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TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])

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TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])

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TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
End Original ARMS Header

This is to remind you that the mandatory ethics briefing for all commissioned officers is scheduled for March 14, 2002, at 9:00 a.m. in Room 450, EEOB. The ethics briefing will cover several topics, including the rules on seeking employment and post-employment, how to meet your annual financial disclosure obligations, and political activity. You should have already received a packet with a copy of your financial disclosure report from last year, a blank financial disclosure report and some tips on how to complete your report. If you have not received your packet, please e-mail me or call x6-5067 or x6-5071.
Thank you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 3/9/2002 4:42:00 AM
Subject: : Re: Draft SAP on HR2341 - class action

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-MAR-2002 09:42:00.00
SUBJECT:: Re: Draft SAP on HR2341 - class action
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

See today's wash post editorial on this bill!!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kim E. Nickles/WHO/EOP@EOP [WHO] <Kim E. Nickles>
BCC: jay lefkowitz (jay lefkowitz [OPD])
Sent: 3/9/2002 2:23:19 PM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-MAR-2002 19:23:19.00
SUBJECT::
TO:Kim E. Nickles (CN=Kim E. Nickles/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:jay lefkowitz (jay lefkowitz [OPD])
READ:UNKNOWN
End Original ARMS Header

Kim: Just checking in to see if there is any update on status of
Darryl Joseffer for GC of SBA. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 3/9/2002 2:38:47 PM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-MAR-2002 19:38:47.00
SUBJECT::
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Noel: Any recent update on that FEMA matter that OLC has been examining?

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 3/10/2002 4:32:26 AM
Subject: : Re: staff hiring

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-MAR-2002 09:32:26.00
SUBJECT:: Re: staff hiring
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
CC: alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Would you be willing to have a preliminary conversation with Jen?

From: Washington, Tracy T <Tracy.T.Washington@usdoj.gov>
To: Barbara Comstock <Barbara.Comstock@usdoj.gov>; Brian Benczkowski <Brian.A.Benczkowski@usdoj.gov>; Dan Bryant <Dan.Bryant@usdoj.gov>; Don Willett <Don.Willett@usdoj.gov>; Jennifer Newstead <Jennifer.Newstead@usdoj.gov>; Lizette Benedi <Lizette.D.Benedi@usdoj.gov>; Lori McMahon <Lori.McMahon@usdoj.gov>; Lori SharpeDay <Lori.SharpeDay@usdoj.gov>; Monica Goodling <Monica.Goodling@usdoj.gov>; Neal Suit <Neal.Suit@usdoj.gov>; Pat O'Brien <Pat.O'Brien@usdoj.gov>; Sheila Joy <Sheila.Joy@usdoj.gov>; Steve Koebele <Steve.Koebele@usdoj.gov>; Viet Dinh <Viet.Dinh@usdoj.gov>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>
Sent: 3/11/2002 3:25:57 AM
Subject: : Judicial Confirmation Working Group Meeting today @ 4:00 p.m. in Room 4646

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Washington, Tracy T" <Tracy.T.Washington@usdoj.gov> ("Washington, Tracy T" <Tracy.T.Washington@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:11-MAR-2002 08:25:57.00

SUBJECT:: Judicial Confirmation Working Group Meeting today @ 4:00 p.m. in Room 4646

TO:Barbara Comstock <Barbara.Comstock@usdoj.gov> (Barbara Comstock

<Barbara.Comstock@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Brian Benczkowski <Brian.A.Benczkowski@usdoj.gov> (Brian Benczkowski

<Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Dan Bryant <Dan.Bryant@usdoj.gov> (Dan Bryant <Dan.Bryant@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Don Willett <Don.Willett@usdoj.gov> (Don Willett <Don.Willett@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Jennifer Newstead <Jennifer.Newstead@usdoj.gov> (Jennifer Newstead

<Jennifer.Newstead@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Lizette Benedi <Lizette.D.Benedi@usdoj.gov> (Lizette Benedi

<Lizette.D.Benedi@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Lori McMahon <Lori.McMahon@usdoj.gov> (Lori McMahon <Lori.McMahon@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Lori SharpeDay <Lori.SharpeDay@usdoj.gov> (Lori SharpeDay <Lori.SharpeDay@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Monica Goodling <Monica.Goodling@usdoj.gov> (Monica Goodling

<Monica.Goodling@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Neal Suit <Neal.Suit@usdoj.gov> (Neal Suit <Neal.Suit@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Pat O'Brien <Pat.O'Brien@usdoj.gov> (Pat O'Brien <Pat.O'Brien@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Sheila Joy <Sheila.Joy@usdoj.gov> (Sheila Joy <Sheila.Joy@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Steve Koebele <Steve.Koebele@usdoj.gov> (Steve Koebele <Steve.Koebele@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Viet Dinh <Viet.Dinh@usdoj.gov> (Viet Dinh <Viet.Dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

REV_00141609

READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: Whelan, M Edward III <M.Edward.Whelan@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2002 5:09:42 AM
Subject: : RE: Burton

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> ("Whelan, M Edward III"
<M.Edward.Whelan@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:11-MAR-2002 10:09:42.00
SUBJECT:: RE: Burton
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Will this be a letter to Burton? A memorandum to Judge Gonzales? A memo to the file? Please let us know what you'd like.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Saturday, March 09, 2002 3:26 PM
To: Whelan, M Edward III
Cc: Timothy_E._Flanigan@who.eop.gov
Subject: Burton

Ed:
As we had discussed previously, we think it would be appropriate for OLC to prepare a memorandum that explains/summarizes the dispute with Burton and the precedent reaffirmed in that matter.
This is obviously not urgent. Thanks.

REV_00141611

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel_L._Brand@who.eop.gov [UNKNOWN] <Rachel_L._Brand@who.eop.gov>
Sent: 3/11/2002 5:42:47 AM
Subject: : Re: small business red tag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 10:42:47.00
SUBJECT:: Re: small business red tag
TO: Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

I am doing.

Rachel_L._Brand@who.eop.gov
03/11/2002 09:40:58 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: small business red tag

Who looked at this? Pippa Malmgren left me a msg looking for counsel's response.

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP

REV_00141612

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2002 5:53:34 AM
Subject: : Re: reminder - Judge needs talking points for tort reform speech

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAR-2002 10:53:34.00
SUBJECT:: Re: reminder - Judge needs talking points for tort reform speech
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You might want to clarify with her.

Brett M. Kavanaugh
03/11/2002 10:47:04 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
bcc:
Subject: Re: reminder - Judge needs talking points for tort reform speech

when I have a draft, obviously will circulate to you; sounds to me like he may want a draft speech, not just talking points; libby's e-mail did not quite capture that . . .

Courtney S. Elwood
03/11/2002 10:42:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: reminder - Judge needs talking points for tort reform speech

Let me know if you need any help on this.
----- Forwarded by Courtney S. Elwood/WHO/EOP on
03/11/2002 10:42 AM -----

Elizabeth N. Camp
03/11/2002 09:20:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: reminder - Judge needs talking points for tort reform speech

If we can get a draft from you two sometime today that would be great.

REV_00141613

Thanks !

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adrian G. Gray/WHO/EOP@EOP [WHO] <Adrian G. Gray>
Sent: 3/11/2002 3:03:15 AM
Subject: : Re: Janet Ashcroft -- Draft Invitation
Attachments: P_DQ3Y5003_WHO.TXT_1.html; P_DQ3Y5003_WHO.TXT_2.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 08:03:15.00
SUBJECT:: Re: Janet Ashcroft -- Draft Invitation
TO: Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

This is ok from here, but we need to be sure that Dept of Justice has signed off on her participation in this.

From: Adrian G. Gray on 03/11/2002 07:59:43 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Janet Ashcroft -- Draft Invitation

Brett - Can you OK the attached political invite?
----- Forwarded by Adrian G. Gray/WHO/EOP on 03/11/2002
07:59 AM -----

Jen Woodbury <jen.woodbury@talentforsenate.com>
03/10/2002 04:07:18 PM
Record Type: Record

To: Adrian G. Gray/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Janet Ashcroft -- Draft Invitation

Adrian, Please find attached a draft invitation for Janet Ashcroft Women for Talent in Springfield. In order to have 2 weeks to mail and for turn around time, I have to get this to the Printer by Tuesday COB. Your help in turning this around as quickly as possible is most appreciated.

Please let me know what you will need from us as you begin to prepare Mrs. Ashcroft for the trip. What worked well for Mary Matalin and Karen Hughes was a very detailed schedule of all events (Women for Talent luncheon and press opportunities) and luncheon script (which included bios on all participants and talking points). Let me know if that is what you would also like; Rich Chrismer (press), Miriam Stonebraker (political) and Esther Munch (scheduler) will be able to give you whatever you need.

Also, may we release Mrs. Ashcroft's visit to the press this week?

Jen
- att1.htm
- Invite - luncheon with Janet Ashcroft.doc

REV_00141615

Message Copied

To:

'Coddy Johnson' <cjohnson@georgewbush.com>

Andrew W. McGarrity/WHO/EOP@EOP

'Miriam Stonebraker' <miriam.stonebraker@talentforsenate.com>

'Rich Chrismer' <Rich.Chrismer@talentforsenate.com>

'Esther Munch' <esther.munch@talentforsenate.com>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_DQ3Y5003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_DQ3Y5003_WHO.TXT_2>

Adrian, Please find attached a draft invitation for Janet Ashcroft Women for Talent in Springfield. In order to have 2 weeks to mail and for turn around time, I have to get this to the Printer by Tuesday COB. Your help in turning this around as quickly as possible is most appreciated.

Please let me know what you will need from us as you begin to prepare Mrs. Ashcroft for the trip. What worked well for Mary Matalin and Karen Hughes was a very detailed schedule of all events (Women for Talent luncheon and press opportunities) and luncheon script (which included bios on all participants and talking points). ~~Let me know if that is what you would also like; Rich Chrismer (press), Miriam Stonebraker (political) and Esther Munch (scheduler) will be able to give you whatever you need.~~

-

~~Also, may we release Mrs. Ashcroft's visit to the press this week?~~

-

Jen

The Women for Talent Steering Committee

*Invites you to its kickoff luncheon
with our special guest*

Janet Ashcroft
In honor of

Jim Talent
candidate for United States Senate

Wednesday, April 3, 2002

*Bass Pro Shops
1935 S. Campbell
Springfield, Missouri
White River Room*

*Reception begins at 11:30 a.m.
Lunch begins at 12:00 noon*

Paid for and authorized by Talent for Senate
Garrett M. Lott, Treasurer



*Women for Talent Kickoff Luncheon with Janet Ashcroft
Wednesday, April 3, 2002*

Seating is limited so make your reservation today!

_____ Yes, I would like to attend the luncheon for \$20 per person.

_____ Yes, I would like to sponsor a table of 8 at the luncheon and attend the private photo opportunity with Janet Ashcroft and Jim Talent for \$250.

_____ Yes, I would like to attend the luncheon and the private photo opportunity with Janet Ashcroft and Jim Talent for \$250.

_____ No, I cannot attend the event, but I do want to help. Please list my name as a Woman for Talent.

For additional information, contact Molley McCombs

toll-free at (866) 889-2002 or (314) 453-0344

fax toll-free at (866) 705-2002 or (314) 453-0805

email at women4talent@talentforsenate.com

visit our website www.talentforsenate.com

(See reverse side for additional information)



To attend the Women for Talent event, provide us with the following information:

Names(s) _____

Address _____

City, State, Zip _____

Phone (home) _____ (office) _____

E-mail address _____ Employer _____

Are you self-employed? Yes _____ No _____ Signature _____

RSVP required by Friday, March 29.

Please make checks payable to Talent for Senate.

-or-

Charge to: __ Mastercard __ Visa

Account No. _____ Exp. Date _____ Amount \$ _____

Attendance by Talent Senate Council Members is complimentary

The Talent Senate Council is Jim Talent's major donor program. The first \$1000 is designated for the primary election and the second \$1000 is designated to the general election. This is the maximum amount allowed (per candidate, per individual) by law.

Paid for and authorized by Talent for Senate, Garrett M. Lott, Treasurer.

Donations are not deductible as charitable contributions for federal income tax purposes.

(See reverse side for additional information)

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2002 3:24:02 AM
Subject: : Re: draft letter to Sens Byrd and Stevens

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:11-MAR-2002 08:24:02.00
SUBJECT:: Re: draft letter to Sens Byrd and Stevens
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett--fine with me, but I wonder if we ought to try telephone calls first
-- to avoid the inevitable confrontation and press hoo-rah that comes with
the written response.

From: CN=Cathy Alix/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Eric W. Terrell/WHO/EOP@EOP [WHO] <Eric W. Terrell>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>
Sent: 3/11/2002 8:18:52 AM
Subject: : Travel Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 13:18:52.00
SUBJECT:: Travel Meeting
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Eric W. Terrell (CN=Eric W. Terrell/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

Please reference your calendars for your availability to attend a meeting tomorrow, Tuesday, March 12th at 5 p.m. in the Ward Room. Once I have all responses, I will send a confirming email. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 3/11/2002 5:42:31 AM
Subject: : Re: reminder - Judge needs talking points for tort reform speech

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 10:42:31.00
SUBJECT:: Re: reminder - Judge needs talking points for tort reform speech
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

isn't the speech on the 14th?

Elizabeth N. Camp
03/11/2002 09:20:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: reminder - Judge needs talking points for tort reform
speech

If we can get a draft from you two sometime today that would be great.

Thanks!

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2002 5:42:38 AM
Subject: : reminder - Judge needs talking points for tort reform speech

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAR-2002 10:42:38.00
SUBJECT:: reminder - Judge needs talking points for tort reform speech
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Let me know if you need any help on this.
----- Forwarded by Courtney S. Elwood/WHO/EOP on
03/11/2002 10:42 AM -----

Elizabeth N. Camp
03/11/2002 09:20:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: reminder - Judge needs talking points for tort reform
speech

If we can get a draft from you two sometime today that would be great.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 3/11/2002 5:47:06 AM
Subject: : Re: reminder - Judge needs talking points for tort reform speech

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 10:47:06.00
SUBJECT:: Re: reminder - Judge needs talking points for tort reform speech
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

when I have a draft, obviously will circulate to you; sounds to me like he may want a draft speech, not just talking points; libby's e-mail did not quite capture that . . .

Courtney S. Elwood
03/11/2002 10:42:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: reminder - Judge needs talking points for tort reform speech

Let me know if you need any help on this.
----- Forwarded by Courtney S. Elwood/WHO/EOP on
03/11/2002 10:42 AM -----

Elizabeth N. Camp
03/11/2002 09:20:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: reminder - Judge needs talking points for tort reform speech

If we can get a draft from you two sometime today that would be great.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2002 6:09:21 AM
Subject: : ATRA speech on Thursday morning

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-MAR-2002 11:09:21.00

SUBJECT:: ATRA speech on Thursday morning

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Remarks 15-20 minutes then approx 10 minutes of Q&A.

Judge asked that you go ahead and draft the whole speech.

I have requested from Tiger Joyce a copy of the agenda so that we can see who else is speaking at this conference.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa J. Macecevic/OMB/EOP [OMB] <Lisa J. Macecevic>
Sent: 3/11/2002 10:32:45 AM
Subject: RECEIVED: OVP Comment on Class Action SAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAR-2002 15:32:45.00
SUBJECT:RECEIVED: OVP Comment on Class Action SAP
TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
OVP Comment on Class Action SAP
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/11/2002 03:32:28 PM

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 3/11/2002 7:21:57 AM
Subject: : New Circuit Vacancy

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 12:21:57.00
SUBJECT:: New Circuit Vacancy
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Obituary: Carol Los Mansmann / Respected judge with long list of career
firsts
Monday, March 11, 2002
By Marylynne Pitz, Post-Gazette Staff Writer

Carol Los Mansmann, the first woman appointed to the federal bench in
Pittsburgh, won friends with her lively personality and the respect of
judges and lawyers with thorough, well-reasoned opinions.

A judicial centrist who served three years in U.S. District Court before
her elevation to a federal appeals court in 1985, Mrs. Mansmann, 59, of
Sewickley, died Saturday at UPMC-Montefiore of breast cancer. In 1996, she
underwent a bone marrow transplant.

After President Ronald Reagan appointed her to the U.S. District Court in
1982, the 39-year-old was sworn in by Supreme Court Justice Sandra Day
O'Connor. She told well-wishers at the time that she had come a long way
for a Polish girl from Dormont.

In September, O'Connor came to Duquesne University to receive the first
Carol Los Mansmann Award for distinguished public service, where she
described Mrs. Mansmann as one of "a distinguished class of jurists."

As a tireless trailblazer, Mrs. Mansmann put in long hours.

"She worked constantly. I could never figure out how she could accomplish so many things in one day," recalled Barbara M. Carlin, who was Mrs. Mansmann's first law clerk after she took the federal bench and one of her many proteges.

A 1996 opinion on an affirmative action case written by Mrs. Mansmann for the 3rd U.S. Circuit Court of Appeal drew national attention.

She held that the Piscataway, N.J., school board violated the 1964 Civil Rights Act by retaining a black high school teacher and laying off a white teacher of equal seniority and qualifications. The judge wrote that "a nonremedial affirmative action plan, even with a laudable purpose, cannot pass muster."

Some affirmative action supporters were frightened by the judge's conclusion that racial "diversity" was not an objective of the Civil Rights Act. The case was headed to the U.S. Supreme Court before it was settled, and civil rights groups feared that the Supreme Court would use it to outlaw racial preferences in employment.

From the start of her career, Mrs. Mansmann excelled and enjoyed a succession of firsts. She was one of only two women graduates in Duquesne law school's class of 1967. But only one local law firm granted her an interview and it did not hire her.

After Allegheny County District Attorney Robert Dugan gave her a job in 1968, she became the first female prosecutor in Allegheny County to try a murder case.

Chief U.S. Magistrate Judge Kenneth Benson recalled why Mrs. Mansmann took the challenge of prosecuting a homicide.

From 1968 to 1972, she worked in the appeals division of the district attorney's office, where she defended prosecutors' legal positions. In that job, she had the luxury of reading trial transcripts and began second-guessing her colleagues, asking them why they failed to raise objections or make certain requests of the trial judge.

The queries frustrated assistant district attorneys, who insisted to Mrs. Mansmann that she did not understand how difficult it was to always think clearly during the heat of a trial. So, she tried a case and won a first-degree murder conviction.

Afterward, Benson said, she conceded that her colleagues were right. From then on, he added, Mrs. Mansmann simply defended her fellow prosecutors while drafting appeal briefs. That experience and her appellate expertise paved the way for her trip to the U.S. Supreme Court on April 27, 1970. On that date, she became the youngest woman to argue before the nation's highest court, and won a significant constitutional case that Benson still teaches his students today.

In its decision in the case, *Chambers vs. Marone*, the high court broadened the power of police to search automobiles once they had arrested a driver and passengers.

From 1974 to 1979, Mrs. Mansmann was employed as a special assistant attorney general. During that same period, she maintained a private practice with the now defunct law firm McVerry Baxter & Mansmann, that included her husband, attorney J. Jerome "Jerry" Mansmann. Long before her elevation to the federal appeals court, Mrs. Mansmann encouraged women to pursue careers in the law. While finishing a bachelor's degree at Duquesne in 1964, she befriended a freshman named Donetta Wypiski, who planned to become a teacher. With Mrs. Mansmann's encouragement, Wypiski obtained a scholarship, earned a law degree, became a prosecutor and was elected to the state bench in Westmoreland County. In January 1994, Donetta Wypiski Ambrose rose to the federal bench in

Pittsburgh.

Looking back on the early days of their friendship, Ambrose recalled why she looked up to Mrs. Mansmann.

"She was smart. She was nice. She was popular. She was friendly. She was Polish. I was Polish. It was a connection," Ambrose said.

Mrs. Mansmann took pride in her ethnic heritage and once began a speech to a Christian Mothers group at a Polish church by greeting them in Polish. The audience, Carlin said, went wild with approval. Even as she maintained a law practice, Mrs. Mansmann also served as an associate professor at Duquesne's law school from 1974 to 1983. From 1987 to 1994, she was an adjunct professor of law.

In that academic post, she encouraged a whole generation of women to pursue legal careers. U.S. Magistrate Judge Ila Jeanne Sensenich said she was indebted to Mrs. Mansmann, personally and professionally.

"I remember one evening we were returning together by plane from a meeting we had attended. I was exhausted and anxious to get home and relax," Sensenich said. "Judge Mansmann was leaving for another meeting early the next morning and her secretary was meeting her at her home that evening for a few hours work."

Carlin, now a prosecutor with the U.S. attorney's office in Pittsburgh, said the judge taught her some important lessons.

"The law doesn't have all the answers in black and white. You have to look at the situation. You have to look at the people involved and above all, to apply the law in a very fair manner," she said.

While on the district court bench, Mrs. Mansmann displayed a special knack for settling civil cases.

During conciliation conferences, Carlin said, "she listened very intently to both sides, never dismissing anyone's position as ridiculous, out of hand, or unwarranted. She treated all the parties with absolute dignity."

On one occasion, Carlin recalled, Mrs. Mansmann quickly granted a one-day recess in a trial so that a lawyer could take his disabled son to college.

"She never forgot that she had been a practicing lawyer and that there was a life outside the law. I think that was because she was so very family oriented. She came from a large family," Carlin said.

Mrs. Mansmann's death is a loss to the bench and bar as well as to the community, said U.S. District Judge Donald Ziegler.

"She was a teacher in every aspect of her life. She lived her life with truth, kindness and wisdom, as instructed in Proverbs. She is now counsel to the angels," he added.

Senior U.S. District Judge Maurice B. Cohill Jr. said Mrs. Mansmann was "an extremely bright and cheerful person. Even at times when I know that she was under stress, she never lost that pleasant way of hers."

Friends will be received from 2 to 4 and 7 to 9 p.m. tomorrow and Wednesday at the H. Samson funeral home, 537 N. Neville St., Oakland. There also will be visitation Thursday from 9 until the 11 a.m. Mass at St. James Church, 200 Walnut St., Sewickley.

In addition to her husband of 32 years, survivors include their children, Michael, Casey and Patrick Mansmann, all of Sewickley, and Megan Gallagher of Los Angeles; sisters Gloria Baytosh of Orange, Calif., Patricia Burke and Kathleen Los, both of Gulf Port, Fla., and Rosemary Lieberman of Lake Havasu, Ariz.; and brother Larry Los of Santa Maria, Calif.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>
Sent: 3/11/2002 7:53:50 AM
Subject: : Re: Travel meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 12:53:50.00
SUBJECT:: Re: Travel meeting
TO: Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

that is time of our weekly Judicial Selection meeting, at which I
am a required participant. sorry!

Cathy Alix
03/11/2002 12:52:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Scott McClellan/WHO/EOP@EOP,
Eric W. Terrell/WHO/EOP@EOP, Phillip Larsen/OA/EOP@EOP
cc: Hector F. Irastorza/WHO/EOP
Subject: Travel meeting

Please check your calendars and confirm if you can attend a meeting on
Wednesday, March 13th at 4 p.m. in the Ward Room. Thanks.

From: CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB]
To: Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; philip j. perry/omb/eop@eop [OMB] <philip j. perry>; diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; lauren c. lobrano/omb/eop@eop [OMB] <lauren c. lobrano>; richard e. green/omb/eop@eop [OMB] <richard e. green>
Sent: 3/11/2002 11:58:31 AM
Subject: : DoJ suggested edit to Class Action SAP

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:11-MAR-2002 16:58:31.00

SUBJECT:: DoJ suggested edit to Class Action SAP

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:philip j. perry (CN=philip j. perry/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

TO:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:lauren c. lobrano (CN=lauren c. lobrano/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

TO:richard e. green (CN=richard e. green/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

End Original ARMS Header

The DoJ edit overlaps with OMB GC's edit. Sorry - I didn't look at it close enough before.

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
03/11/2002 04:57 PM -----

From: Lisa J. Macecevic on 03/11/2002 04:54:07 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Lauren C. Lobrano/OMB/EOP@EOP, Richard E. Green/OMB/EOP@EOP

Subject: DoJ suggested edit to Class Action SAP

Please let me know if this suggested edit from the Justice Dept. is OK with you. Thanks!

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
03/11/2002 04:12 PM -----

The first paragraph touches upon the possible bias against out-of-State plaintiffs with regard to settlements. However, the SAP should stress that we are trying to protect plaintiffs and defendants from the disadvantages flowing from class action litigation filed against them in States in which they do not reside. Specifically, our interest is in protecting them from having a State with which they have little contact decide their rights and responsibilities with regard to one another.

The Justice Department would add in the final sentence a reference to plaintiffs. So, the sentence would read something like this: "Federal jurisdiction for major class actions of this kind also would help protect out-of-State defendants, as well as out-of-State plaintiff class members, from local biases in cases that affect their substantial interests and therefore is consistent with and fulfills the Constitution's original design."

REV_00141635

Message Sent

To:

Rebecca A. Beynon/OMB/EOP@EOP

Philip J. Perry/OMB/EOP@EOP

Diana L. Schacht/OPD/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

From: CN=Cathy Alix/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Eric W. Terrell/WHO/EOP@EOP [WHO] <Eric W. Terrell>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>
Sent: 3/11/2002 8:18:52 AM
Subject: : Travel Meeting

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 13:18:52.00
SUBJECT:: Travel Meeting
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Eric W. Terrell (CN=Eric W. Terrell/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

Please reference your calendars for your availability to attend a meeting tomorrow, Tuesday, March 12th at 5 p.m. in the Ward Room. Once I have all responses, I will send a confirming email. Thanks.

From: Ben Wittes <wittesb@washpost.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2002 9:28:11 AM
Subject: : update on Presidential Records Act stuff...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ben Wittes <wittesb@washpost.com> (Ben Wittes <wittesb@washpost.com> [UNKNOWN])
CREATION DATE/TIME:11-MAR-2002 14:28:11.00
SUBJECT:: update on Presidential Records Act stuff...
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Curious about PRA stuff: At this point, how many of the 68,000 pages have been processed and, of those processed, how many have privilege issues so far? And how many have been released?

/b

Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269

From: CN=Cathy Alix/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradley A. Blakeman/WHO/EOP@EOP [WHO] <Bradley A. Blakeman>; Phillip Larsen/OA/EOP@EOP [OA] <Phillip Larsen>; Sandra K. Evans/WHO/EOP@EOP [WHO] <Sandra K. Evans>; Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>
BCC: Hector F. Irastorza (Hector F. Irastorza/WHO/EOP [WHO])
Sent: 3/11/2002 11:39:22 AM
Subject: : Political Travel Meeting

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAR-2002 16:39:22.00
SUBJECT:: Political Travel Meeting
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Phillip Larsen (CN=Phillip Larsen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Sandra K. Evans (CN=Sandra K. Evans/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A meeting to discuss political travel has been scheduled for Wednesday, March 13th at 10:30 a.m. in the Ward Room. Jack Oliver, Michael Toner and Jay Banning of the RNC will be in attendance as well. Please RSVP at your earliest convenience. Thank you.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>
CC: rebecca a. beynon/omb/eop@eop [OMB] <rebecca a. beynon>; philip j. perry/omb/eop@eop [OMB] <philip j. perry>; diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; lauren c. lobrano/omb/eop@eop [OMB] <lauren c. lobrano>; richard e. green/omb/eop@eop [OMB] <richard e. green>
Sent: 3/11/2002 11:58:19 AM
Subject: : Re: DoJ suggested edit to Class Action SAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 16:58:19.00
SUBJECT: : Re: DoJ suggested edit to Class Action SAP
TO: Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: rebecca a. beynon (CN=rebecca a. beynon/OU=omb/O=eop@eop [OMB])
READ: UNKNOWN
CC: philip j. perry (CN=philip j. perry/OU=omb/O=eop@eop [OMB])
READ: UNKNOWN
CC: diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])
READ: UNKNOWN
CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: lauren c. lobrano (CN=lauren c. lobrano/OU=omb/O=eop@eop [OMB])
READ: UNKNOWN
CC: richard e. green (CN=richard e. green/OU=omb/O=eop@eop [OMB])
READ: UNKNOWN
End Original ARMS Header

I am fine with making the point this way.

From: Lisa J. Macecevic on 03/11/2002 04:54:07 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Lauren C. Lobrano/OMB/EOP@EOP, Richard E. Green/OMB/EOP@EOP
Subject: DoJ suggested edit to Class Action SAP

Please let me know if this suggested edit from the Justice Dept. is OK with you. Thanks!

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
03/11/2002 04:12 PM -----

The first paragraph touches upon the possible bias against out-of-State plaintiffs with regard to settlements. However, the SAP should stress that we are trying to protect plaintiffs and defendants from the disadvantages flowing from class action litigation filed against them in States in which they do not reside. Specifically, our interest is in protecting them from having a State with which they have little contact decide their rights and responsibilities with regard to one another.

The Justice Department would add in the final sentence a reference to plaintiffs. So, the sentence would read something like this: "Federal jurisdiction for major class actions of this kind also would help protect out-of-State defendants, as well as out-of-State plaintiff class members, from local biases in cases that affect their substantial interests and therefore is consistent with and fulfills the Constitution's original design."

Message Sent

To:

Rebecca A. Beynon/OMB/EOP@EOP

Philip J. Perry/OMB/EOP@EOP

Diana L. Schacht/OPD/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

From: CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB]
To: Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>; philip j. perry/omb/eop@eop [OMB] <philip j. perry>; diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; lauren c. lobrano/omb/eop@eop [OMB] <lauren c. lobrano>; richard e. green/omb/eop@eop [OMB] <richard e. green>
Sent: 3/11/2002 11:58:31 AM
Subject: : DoJ suggested edit to Class Action SAP

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:11-MAR-2002 16:58:31.00

SUBJECT:: DoJ suggested edit to Class Action SAP

TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:philip j. perry (CN=philip j. perry/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

TO:diana l. schacht (CN=diana l. schacht/OU=opd/O=eop@eop [OPD])

READ:UNKNOWN

TO:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

TO:lauren c. lobrano (CN=lauren c. lobrano/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

TO:richard e. green (CN=richard e. green/OU=omb/O=eop@eop [OMB])

READ:UNKNOWN

End Original ARMS Header

The DoJ edit overlaps with OMB GC's edit. Sorry - I didn't look at it close enough before.

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
03/11/2002 04:57 PM -----

From: Lisa J. Macecevic on 03/11/2002 04:54:07 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Lauren C. Lobrano/OMB/EOP@EOP, Richard E. Green/OMB/EOP@EOP

Subject: DoJ suggested edit to Class Action SAP

Please let me know if this suggested edit from the Justice Dept. is OK with you. Thanks!

----- Forwarded by Lisa J. Macecevic/OMB/EOP on
03/11/2002 04:12 PM -----

The first paragraph touches upon the possible bias against out-of-State plaintiffs with regard to settlements. However, the SAP should stress that we are trying to protect plaintiffs and defendants from the disadvantages flowing from class action litigation filed against them in States in which they do not reside. Specifically, our interest is in protecting them from having a State with which they have little contact decide their rights and responsibilities with regard to one another.

The Justice Department would add in the final sentence a reference to plaintiffs. So, the sentence would read something like this: "Federal jurisdiction for major class actions of this kind also would help protect out-of-State defendants, as well as out-of-State plaintiff class members, from local biases in cases that affect their substantial interests and therefore is consistent with and fulfills the Constitution's original design."

REV_00141645

Message Sent

To:

Rebecca A. Beynon/OMB/EOP@EOP

Philip J. Perry/OMB/EOP@EOP

Diana L. Schacht/OPD/EOP@EOP

Courtney S. Elwood/WHO/EOP@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2002 1:29:24 PM
Subject: : RE: GAO Protocols

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:11-MAR-2002 18:29:24.00
SUBJECT:: RE: GAO Protocols
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The DOJ letter went out last week. I'll fax you a copy. I've reviewed some other agency drafts. A number were minor. The most significant comments were from State and Defense. State's has gone up, and Ben Cohen at DOD is checking to see whether DOD's has too.

-----Original Message-----

From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Saturday, March 09, 2002 6:00 PM
To: Colborn, Paul P
Subject: Re: GAO Protocols

status on these?

(Embedded
image moved "Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>
to file: 02/12/2002 10:59:52 AM
pic23627.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP

cc:
Subject: GAO Protocols

David & Brett: Here's the current DOJ draft response. Any comments?
(FYI, I'm
currently working with Defense and State on their responses, which may be
fairly
strong.)
-- Paul

REV_00141648

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 3/11/2002 1:39:28 PM
Subject: : Re: how old are you again?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 18:39:28.00
SUBJECT:: Re: how old are you again?
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

for what purpose?

Elizabeth N. Camp
03/11/2002 06:27:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: how old are you again?

Yes.

Brett M. Kavanaugh
03/11/2002 06:26:41 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: how old are you again?

37. Was this a serious question?

Elizabeth N. Camp
03/11/2002 06:24:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: how old are you again?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/11/2002 1:42:33 PM
Subject: : Re: how old are you again?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAR-2002 18:42:33.00
SUBJECT:: Re: how old are you again?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Comparison.

Brett M. Kavanaugh
03/11/2002 06:39:26 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: how old are you again?

for what purpose?

Elizabeth N. Camp
03/11/2002 06:27:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: how old are you again?

Yes.

Brett M. Kavanaugh
03/11/2002 06:26:41 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: how old are you again?

37. Was this a serious question?

Elizabeth N. Camp
03/11/2002 06:24:01 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
CC:
Subject: how old are you again?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>
Sent: 3/11/2002 1:49:16 PM
Subject: : Re: OVP Comment on Class Action SAP

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-MAR-2002 18:49:16.00
SUBJECT:: Re: OVP Comment on Class Action SAP
TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

can you e-mail me the underlying bill again? thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 3/11/2002 4:50:30 PM
Subject: : Counsel Approval Needed for White House E-mail Updates

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-MAR-2002 21:50:30.00
SUBJECT:: Counsel Approval Needed for White House E-mail Updates
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

you or me?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/11/2002 09:50 PM -----

Neil H. Zimmerman

03/11/2002 02:08:09 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP
cc:
Subject: Counsel Approval Needed for White House E-mail Updates

IS&T has completed an e-mail system meeting Strategic Initiative's core requirements for sending mass e-mail updates. This system is in the final review stage before going up on the White House Web site. Before it goes up I'd like to have the Counsel's office review and sign off on the White House E-mail Updates system (Web site subscription form, confirmation and welcome messages, the frequently asked questions section, and methods of operation). I also want to make sure the system complies with the White House Web site privacy policy.

The subscription forms are available internally at this address: (the address will eventually be www.whitehouse.gov/email)
<http://staging.eop.gov/email/>

The FAQ section:
<http://staging.eop.gov/email/faq.html>

This system is active, allowing you to go through the subscription process, including the e-mail confirmation and welcome messages.

I also have print outs of the process if you would prefer to review it in hard copy format.

I am available for any questions you may have and will also be happy to arrange for any technical questions to be answered by IS&T.

Please let me know if I can assist with your review process in any way.

Thanks,
NEIL
x6-7465

REV_00141674

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 3/12/2002 2:59:29 AM
Subject: : Judge's afternoon schedule - trip to the Hill

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-MAR-2002 07:59:29.00

SUBJECT:: Judge's afternoon schedule - trip to the Hill

TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

2:45-3:00 pm Drive WH to Hill

3:00-3:30 pm Mtg. w/ Sen. Feinstein

3:30-4:00 pm Work out of VP's Hill Office

4:00-4:30 pm Pre-meeting briefing with Calio, Heather and Z

4:30-5:30 pm Meeting with Lott, Kyl, McConnell, Nickles, Kyl

5:45-6:00 pm Return from Hill to WH

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/12/2002 4:53:20 AM
Subject: : Re: Response to New York Times editorial

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAR-2002 09:53:20.00
SUBJECT:: Re: Response to New York Times editorial
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Do it.

Brett M. Kavanaugh
03/12/2002 09:36:35 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
cc:
Subject: Response to New York Times editorial

Anne and Karl think we need an op-ed response to Sunday's NYT editorial. Anne says they want the Judge to author it. I am happy to do the first draft along with Anne (that is what Anne wants). I think this could be a good opportunity to flesh out the dual process/substance message to frame the debate in the post-Pickering world. Let me know.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>
Sent: 3/12/2002 3:55:18 AM
Subject: : Frame

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-MAR-2002 08:55:18.00
SUBJECT:: Frame
TO: Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Government can pay.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 3/12/2002 9:32:46 AM
Subject: : call me

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-MAR-2002 14:32:46.00
SUBJECT:: call me
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Dorothy Crumling/OA/EOP [OA] <Dorothy Crumling>
Sent: 3/12/2002 6:03:31 AM
Subject: RECEIVED: Large Mail File

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAR-2002 11:03:31.00
SUBJECT:RECEIVED: Large Mail File
TO:Dorothy Crumling (CN=Dorothy Crumling/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Large Mail File
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/12/2002 11:02:28 AM

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/12/2002 10:17:11 AM
Subject: : John Roberts

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-MAR-2002 15:17:11.00

SUBJECT:: John Roberts

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

John has had 36 Supreme Court arguments and will do #37 on April 24.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Krista L. Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/12/2002 11:16:17 AM
Subject: : Re: Ethics Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAR-2002 16:16:17.00
SUBJECT:: Re: Ethics Question
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

She probably can do it if this is a political event and her attendance is being provided by the political organization. There is a specific exception in the gift rules for this type of activity.

Krista L. Ritacco
03/12/2002 03:16:47 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Ethics Question

Karen Hughes got an invitation ("Comp") from ARMPAC (Congressman Arme's Political Action Committee) for an event at a woman's home on Friday. The event is being sponsored by 5 corporations. I assume this is something she cannot do?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa J. Macecevic/OMB/EOP [OMB] <Lisa J. Macecevic>
Sent: 3/12/2002 9:17:27 AM
Subject: RECEIVED: HR2341, Class Action Fairness - SAP

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-MAR-2002 14:17:27.00

SUBJECT: RECEIVED: HR2341, Class Action Fairness - SAP

TO: Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

RETURN RECEIPT

Your Document:

HR2341, Class Action Fairness - SAP

was successfully received by:

CN=Brett M. Kavanaugh/OU=WHO/O=EOP

at:

03/12/2002 02:15:36 PM

REV_00141687

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lauren C. Lobrano/OMB/EOP [OMB] <Lauren C. Lobrano>
Sent: 3/12/2002 9:53:07 AM
Subject: RECEIVED: FINAL CLEARANCE - HR 2341 The Class Action Fairness Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-MAR-2002 14:53:07.00
SUBJECT: RECEIVED: FINAL CLEARANCE - HR 2341 The Class Action Fairness Act
TO: Lauren C. Lobrano (CN=Lauren C. Lobrano/OU=OMB/O=EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
FINAL CLEARANCE - HR 2341 The Class Action Fairness Act
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/12/2002 02:52:48 PM

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;ann l. loughlin/who/eop@eop [WHO] <ann l. loughlin>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;larry cote/who/eop@eop [WHO] <larry cote>;barrett aldemeyer/who/eop@eop [WHO] <barrett aldemeyer>;james w. carroll/who/eop@eop [WHO] <james w. carroll>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 3/12/2002 9:57:31 AM
Subject: : Easter Egg Roll

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-MAR-2002 14:57:31.00

SUBJECT:: Easter Egg Roll

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:ann l. loughlin (CN=ann l. loughlin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:larry cote (CN=larry cote/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:barrett aldemeyer (CN=barrett aldemeyer/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:james w. carroll (CN=james w. carroll/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

For anyone not using all of your tickets, please consider dedicating them to the Flanigan family. Thanks!

REV_00141696

From: CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/12/2002 10:27:27 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:12-MAR-2002 15:27:27.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

sorry. he said he wanted to stick with his original suggested language based on olc's comments.

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/12/2002 10:41:37 AM
Subject: : Re: John Roberts now has 36 Supreme Court arguments, not 33

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-MAR-2002 15:41:37.00
SUBJECT:: Re: John Roberts now has 36 Supreme Court arguments, not 33
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I took him out. I had to cut words. sorry.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>; elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>; ann l. loughlin/who/eop@eop [WHO] <ann l. loughlin>; kyle sampson/who/eop@eop [WHO] <kyle sampson>; larry cote/who/eop@eop [WHO] <larry cote>; barrett aldemeyer/who/eop@eop [WHO] <barrett aldemeyer>; james w. carroll/who/eop@eop [WHO] <james w. carroll>; patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 3/12/2002 10:54:38 AM
Subject: : Re: Easter Egg roll clarification

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 12-MAR-2002 15:54:38.00

SUBJECT:: Re: Easter Egg roll clarification

TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: ann l. loughlin (CN=ann l. loughlin/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: larry cote (CN=larry cote/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: barrett aldemeyer (CN=barrett aldemeyer/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: james w. carroll (CN=james w. carroll/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

More corrections (I am afraid Lori's source has been misinformed): (1) the Visitor's Office has not decided how it will distribute to tix to staff or in what numbers, but it is very likely that some tickets will be distributed to staff; you will not need to line up with the public for NPS distribution. (2) Most of the events will NOT occur on the Ellipse.

REV_00141702

Lori L. Lorenzi
03/12/2002 03:27:50 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Easter Egg roll clarification

The Visitor's Office is doing things differently this year. We will not get tickets. If you want tickets, the National Park Service will distribute free South Lawn tickets on two dates. The majority of the tickets will be available on Saturday, March 30, 2002, beginning at 8 a.m. The remaining tickets will be available on Monday, April 1, 2002, beginning at 7 a.m. These tickets will be distributed on a first-come, first-served basis at the Ellipse Visitor Pavilion at the southeast corner of 15th and E Streets, NW. Tickets will have timed-entries from approximately 10 a.m. - 2 p.m. Tickets are required for every attendee, including small children.

In our Admin meeting they mentioned that people line up for tickets really early.

Most of the festivities will happen on the Ellipse. You do not need a ticket for that.

Message Sent

To:

Allison L. Riepenhoff/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Ann L. Loughlin/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Larry Cote/WHO/EOP@EOP
Barrett Aldemeyer/WHO/EOP@EOP
James W. Carroll/WHO/EOP@EOP
Patrick J. Bumatay/WHO/EOP@EOP

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/12/2002 12:22:39 PM
Subject: : Blackberry (BB) Security
Attachments: P_4K106003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-MAR-2002 17:22:39.00
SUBJECT: : Blackberry (BB) Security
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Could you take a look at Tim Campen's draft re Blackberry use?
----- Forwarded by Timothy E. Flanigan/WHO/EOP on
03/12/2002 05:23 PM -----

Timothy Campen
03/12/2002 02:08:03 PM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc:
Subject: Blackberry (BB) Security

I've gotten several questions about BB security lately and there is a lot of confusion on the topic. So I thought I'd set the record straight....
My plan would be to email this to all BB users.
Could you have someone take a look at it and let me know if you have any comments or changes?

Thanks- Tim

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4K106003_WHO.TXT_1>

Frequently Asked Questions about Blackberry Devices

Q: What is a Blackberry? Is it simply a wireless e-mail device?

A: A Blackberry device is actually much more than a simple e-mail device. Internally it is an actual computer (i386 compatible), and is vulnerable to things like Trojan horses and viruses.

Q: Are all Blackberry devices the same?

A: No. Although they look alike, there are several different versions being sold. The EOP has two Blackberry versions, the PAR – Presidential Archive Records, and FAR – Federal Archives Records. PAR Blackberries are generally issued to White House users, while all other EOP users get the FAR models.

Q: What is the difference between the PAR and FAR devices?

A: Both devices look identical. The difference is their capabilities. The PAR Blackberries have a service enabled that allows them to communicate directly with other PAR Blackberries (called the “PIN to PIN” operation). This allows communication between the devices without going through the EOP communications system. **This mode of operation is only allowed during emergency situations.** When using this feature, it is important to remember that the emails are not encrypted and thus are susceptible to intercept. Thus, extra caution is called for when using the “PIN to PIN” mode of transmission. In order to comply with federal records management requirements, emails sent via the FAR Blackberry do not have the “PIN to PIN” mode enabled.

Q: Are Blackberry messages secure?

A: Not always. Although Blackberry devices do use encryption, the encryption is not always invoked. Email sent from your Blackberry to another EOP address will be encrypted and secure. However, email sent to all non-EOP addresses are unencrypted and non-secure when transmitted out to the INTERNET. You should not send sensitive or private information via your Blackberry to non-EOP addresses. Blackberry devices are not approved for transmitting or storing any type of classified information.

Q: Are Blackberry messages secure while they are on the Blackberry unit?

A: Only if you use the password feature to gain access to your unit. **Users must always remember to protect their Blackberry device from unauthorized use by storing it in a secure location and enabling its password feature.**

Q: What kind of information can be gathered remotely from a Blackberry unit?

A: Sensitive information can be gathered very easily within the broadcast range of the Blackberry device. This information includes: the individual device PIN number, and the To/From message addresses. Since a Blackberry device routinely transmits, a “hacker” that has associated a PIN number to an individual can then track the user location through the Blackberry device.

Q: Can blackberry devices be brought into Sensitive Compartment Information Facilities or other classified areas.

A: No. Blackberry devices are not allowed to be taken into in any Sensitive Compartment Information Facility (SCIF) or in any areas where the processing of classified information is allowed.

EOP Policies and Guidelines for Blackberry devices (Including other PDAs)

1. Classified information is not allowed to be stored or processed on any Blackberry. **There are no exceptions to this rule.**
2. Sensitive information, such as (EOP safe combinations, network passwords, or other access codes) may not be stored on Blackberry devices.
3. Personally owned Blackberry devices are not allowed to be connected to the EOP network, either remotely or locally.
4. Government issued Blackberry devices must be used in accordance with the EOP policy on Limited Unofficial Use of Government Office Equipment Including Information Technology, dated February 21, 2001.
5. Information entered or stored on government Blackberry devices may be searched, copied or removed at any time by authorized EOP personnel.
6. Material that is inappropriate for the workplace will not be downloaded or maintained.
7. Passwords must be used on Blackberry devices to protect them from unauthorized use.
8. The configuration of EOP Blackberry devices will be controlled by the Office of the Chief Information Office, Information Systems and Technology Division (IS&T). The CIO/IS&T support staff are the only authorized individual to add applications to EOP Blackberry devices. Any unauthorized software may be removed from any PDA without warning.
9. Use of interactive service ("PIN to PIN" or "Blackberry to Blackberry"), Internet messaging, voicemail and fax messaging capability on Blackberry devices) are authorized only during emergency situations. (Applicable to only the PAR Blackberry devices)
10. Information from Blackberry devices that should be preserved in office files as a record of official activities will be maintained by each user. Required information will be copied and stored in office files on a minimum of a monthly basis. Each user must comply with the record keeping policies of their respective EOP office or agency.
11. The OA/CIO/IST Customer Support Help Desk (202 395-7370) must be contacted if the following occurs:
 - The Blackberry is lost or stolen,
 - The Blackberry is damaged or becomes inoperable,
 - There is a change in employment status that effects the authorization to use the EOP issued PDA.

From: Colborn, Paul P <Paul.P.Colborn@usdoj.gov>
To: Comstock, Barbara <Barbara.Comstock@usdoj.gov>
CC: Thorsen, Carl <Carl.Thorsen@usdoj.gov>; Whelan, M Edward III
<M.Edward.Whelan@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>
Sent: 3/13/2002 6:41:41 AM
Subject: : Press inquiry on Burton matter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov> ("Colborn, Paul P"
<Paul.P.Colborn@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:13-MAR-2002 11:41:41.00
SUBJECT:: Press inquiry on Burton matter
TO:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Whelan, M Edward III" <M.Edward.Whelan@usdoj.gov> (Receipt
Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Barbara, fyi, I have received a voice mail message from Vanessa Blum at
Legal Times (828-0342), asking me to talk to her, on or off the record,
about the resolution of the Burton matter and the background of the
dispute. She said she is working on a Thursday afternoon deadline. I do
not plan to return the call, and if she calls again, I'll just refer the
call to Public Affairs.

-- Paul

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 3/13/2002 6:45:04 AM
Subject: : CALL ME!!

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-MAR-2002 11:45:04.00
SUBJECT:: CALL ME!!
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/13/2002 7:30:22 AM
Subject: : Daschle renews request today that Gov. Ridge testify

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-MAR-2002 12:30:22.00
SUBJECT:: Daschle renews request today that Gov. Ridge testify
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

FYI, as the drumbeats accelerate, we're told that at his press dugout late this morning Sen. Daschle went "on and on" about "the need for Gov. Ridge to testify." The press office is expecting questions on this.

----- Forwarded by Edward McNally/WHO/EOP on 03/13/2002
12:33 PM -----

Wendy J. Grubbs
03/13/2002 11:23:44 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Daschle just went on and on at his press dugout

about the need for Ridge to testify....heads up for press....

Message Sent

To: _____
Susan K. Neely/WHO/EOP@EOP
Gordon D. Johndroe/WHO/EOP@EOP
Christine Ciccone/WHO/EOP@EOP
Jack Howard/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP

REV_00141710

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 3/13/2002 4:05:49 AM
Subject: : call me

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-MAR-2002 09:05:49.00
SUBJECT:: call me
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/13/2002 5:22:55 AM
Subject: : Reminder - JSC prep at 3:30 in the Judge's office

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2002 10:22:55.00

SUBJECT:: Reminder - JSC prep at 3:30 in the Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/13/2002 5:22:55 AM
Subject: : Reminder - JSC prep at 3:30 in the Judge's office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2002 10:22:55.00

SUBJECT:: Reminder - JSC prep at 3:30 in the Judge's office

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/13/2002 12:58:12 PM
Subject: : Civil Justice
Attachments: P_00516003_WHO.TXT_1.doc; P_00516003_WHO.TXT_2.doc;
P_00516003_WHO.TXT_3.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-MAR-2002 17:58:12.00
SUBJECT:: Civil Justice
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

This was final memo (more to come)

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/13/2002 05:58 PM -----

Jay P. Lefkowitz
02/27/2002 03:39:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Civil Justice

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_00516003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_00516003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_00516003_WHO.TXT_3>

CIVIL JUSTICE REFORM

The first part of this memorandum outlines the foundation for the Administration's civil justice reform initiative. In order for the Administration to make progress in reforming America's civil justice system, the American people must understand the enormous costs that lawsuit abuse imposes on them as consumers, shareholders, and employees. In addition, they must understand that the Administration's proposals will protect legitimate victims' rights to obtain just compensation for their injuries and will strengthen the rights of consumers in securing counsel.

The second part of this memorandum describes a number of civil justice reform initiatives that we recommend the Administration either support or initiate. The Administration should frame the debate around popular, commonsense reforms (e.g., the Client's Bill of Rights, limits on the liability of small businesses), setting up a favorable negotiating dynamic for the more complex areas involving federalism and forum-shopping. Moreover, the Administration's support of these larger, more sweeping reform initiatives will complement the push for reforms in specific legislative areas (e.g., the Patient's Bill of Rights, terrorism insurance).

Reform of our current tort system is pro-growth, pro-job creation, pro-small business, and pro-productivity. The current system imposes an unnecessary, regressive, burdensome tax on workers, consumers, shareholders, and even victims of wrongdoing. And that must change.

I. The Case for Civil Justice Reform, Now More than Ever

The civil justice system must strongly protect consumers by ensuring that legitimate victims of corporate negligence or malfeasance have the ability to use the legal system to obtain justice and to receive fair and just compensation. But the existing regime is characterized by excessive payouts, lottery-style awards, and often, an inequitable division of the spoils among claimants and counsel. It not only fails properly to deter unsafe conduct, but it also often fails to compensate victims fully for their losses.

Escalating lawsuit abuse imposes enormous and varied costs on our economy. Consumers pay higher prices for fewer products. Shareholders lose value when stock prices drop as a result of a spurious lawsuit. Management's focus is diverted from building shareholder value to developing litigation strategies. Employees lose their jobs or receive reduced compensation as the companies for which they work are forced to cover excess litigation expense. Our jobs, income, and retirement savings are all ultimately tied to the performance of the companies that do business in America.

Excessive litigation results in a burdensome tax that threatens our economy's welfare – and ultimately the welfare of the American consumer. America's civil justice system is the most expensive in the industrialized world:

- The overall cost of our system is conservatively estimated at nearly \$180 billion annually, or about 2 percent of GDP.

- A fund could be difficult to administer (who will handle claims, how will it be funded, what will be the standard for injury).
- If the public understands the FDA preemption rule and the fund to be a package deal, and legislation creating the fund is not enacted, then there may be calls to rescind the FDA preemption rule.

2. **FDA Policy Statement on Preemption of Fraud-on-the-FDA Claims.** In *Buckman Co. v. Plaintiffs' Legal Committee*, 531 U.S. 341 (2001), the Supreme Court ruled that federal law preempted a plaintiff's state-law claim that a medical device manufacturer had committed fraud on the FDA (that is, had knowingly misled the agency by submitting false documents or withholding information). The FDA could issue a policy statement stating that it understands the Supreme Court's decision to extend to drugs and biologics, as well as to negligence per se claims.

RECOMMENDATION: FDA should issue a policy statement extending *Buckman*.

PROS

- Although a policy statement is not binding on courts, many courts will take an FDA policy statement seriously.
- Issuing a policy statement is administratively simple.

CONS

- The public may view an FDA policy statement as a power grab that threatens the public health by limiting plaintiffs' access to the courts.
- Courts are beginning to extend *Buckman* on their own, and an FDA policy statement might be unnecessary and result chiefly in negative publicity. See, e.g., *Nathan Kimmel, Inc. v. DowElanco*, 275 F.3d 1199 (9th Cir. 2001). (extending *Buckman* to fraud on the EPA); *Brasher v. Sandoz Pharms. Corp.*, 2001 U.S. Dist. LEXIS 18364 (N.D. Ala. Sept. 21, 2001) (extending *Buckman* to fraud-on-the-FDA claim in a drug case).

C. Other Measures

1. **Adoption of Legislation Checklist.** In 1991, President George H.W. Bush's civil justice reform working group proposed the adoption of a "legislation checklist." See 1991 Agenda for Civil Justice Reform in America. A list of common errors to be avoided in legislation would be developed and applied in the review of all proposed laws.

RECOMMENDATION: The President should issue an Executive Order directing federal agencies to evaluate proposed legislation in view of a checklist. In addition, the Executive Order could be used to highlight the deficiencies in our current civil justice system. Legislation would be evaluated for drafting problems (e.g., whether it adequately addresses statute of limitations or standards of proof issues). In addition, any legislation that addresses damages should be reviewed to ensure that punitive and non-economic damages are unavailable/limited and that exhaustion of administrative remedies is required.

2. **Modifications to the Federal Rules.** The Federal Rules of Civil Procedure could be strengthened to limit lawsuit abuse in federal courts. Modifications could include:
- Strengthening of Rule 11;
 - “Three strikes and you’re out” law to punish lawyers who file frivolous claims,
 - Tightening of discovery rules to allow inquiry only into issues actually in dispute; and
 - Amendment of Rule 68 to clarify that if damages awarded after trial are less than a settlement offer, the plaintiff must pay the defendant’s post-settlement offer attorneys’ fees. Federal courts typically interpret Rule 68 to require the payment of costs to mean court costs (*e.g.*, filing, witness fees), but not attorneys’ fees.

RECOMMENDATION: DOJ should initiate amendment of the Federal Rules by introducing amendments to the appropriate advisory committee of the Judicial Conference. Since this can be a lengthy process (it generally takes around three years to amend a rule from initial consideration by an advisory committee of the Judicial Conference through Congressional review), this action should be undertaken promptly.

3. **Auto Choice Reform.** A version of auto choice reform was endorsed by President George H.W. Bush in 1992. H.R. 1704 (Sponsor: Armey, 7 co-sponsors), the most recent version of this measure, would give consumers a choice between their state’s current auto insurance system or less expensive personal protection insurance (PPI), which provides no-fault coverage for economic damages only. Some economists estimate the scheme could reduce auto insurance costs by 24 percent. But some respected law-and-economics experts oppose it (George Priest).

RECOMMENDATION: A sub-working group that includes economists should be established to evaluate the issue.

- Costs have grown steadily over time, up from only 1.3% of GDP in 1970, and approximately 0.6% in 1950.
- By some estimates, 30% of the price of a stepladder, 55% of the price of a football helmet, and 95% of the price of a childhood vaccine is attributable to costs associated with litigation risk.
- Between 10 percent to 30 percent or more of medical diagnostic tests ordered in the United States are ordered as a precaution against possible charges of malpractice, not because the doctor needs the tests for a diagnosis.
- Less than one-half of the economic costs incurred in the course of litigation ultimately go to claimants.

The current system imposes what is essentially a “litigation” or “tort” tax on all goods and services that flow through the economy. Businesses, large and small, pass this tax along to consumers, employees, and other stakeholders. Large enterprises with deep pockets are clearly susceptible to frivolous plaintiffs’ claims. Small businesses are also significantly affected. This litigation tax limits small businesses’ ability to form, innovate, and be the primary source of new job creation. With three out of four new jobs likely to come from small businesses, this tax is one that the U.S. economy can ill afford.

Low-income Americans also pay a disproportionate share of the tax, with larger shares of their disposable income going to higher insurance premiums, increased medical costs, reductions in employment compensation and benefits, and increases in the prices of goods and services. This tax increases daily, undermining the Administration’s efforts to strengthen the economic recovery.

Class action lawsuits are particularly ripe targets for reform. The large lawsuits that threaten our economy very often do not benefit the plaintiffs in whose names claims are brought. The plaintiffs’ lawyers too often reap a disproportionate share of the bounty. Using a token representative plaintiff to get into court, entrepreneurial lawyers sue a defendant, gain the court’s permission to represent a large class, and negotiate a settlement. Because litigating is risky and costly, companies often settle even cases that have no merit. Lawyers may walk off with millions in fees while class members individually receive pennies on the dollar – or nothing at all – for alleged harms.

- For example, lawyers in Florida settled a class-action lawsuit, filed by flight attendants, against tobacco companies over secondhand smoke. The attendants received no money at all. Some of the money went to a nonprofit foundation to research smoking-related diseases, while lawyers made out with \$46 million in fees.
- According to the *Wall Street Journal*, Bill Lerach, one of the most prominent plaintiffs’ lawyers, noted recently: “I have the greatest practice of law in the world. I have no clients.”

A majority of Americans intuitively understand that the current system is broken. And the better they understand the inequities of the system, the more inclined they will be to view the Administration’s reform package favorably.

II. Reforms the Administration Should Support or Initiate

A. Legislative Measures

- 1. Class Action Lawsuit Reform.** A handful of State courts, through their certification and settlement of large-scale class action lawsuits, are effectively making law and dictating corporate behavior for 49 other States. Currently, a class action lawsuit brought in State court may be removed to federal court only if there is *full* diversity among the defendants and the named plaintiffs – *i.e.*, no plaintiff is a citizen of the same State as any defendant. In addition, *each class member's* claim alone must exceed \$75,000, even if the aggregate amount in controversy far exceeds this amount. These requirements make it easy for plaintiffs' lawyers to bring large class actions in favorable state forums, even where these lawsuits have significant interstate commerce implications and involve the residents and laws of multiple states.

The individual consumers on whose behalf these suits are brought often receive only a few dollars each from a class action settlement. Frequently, they do not even get cash, but instead receive a "coupon" for a noncash discount on one of the defendant's products. By contrast, the lawyers who bring the suits often negotiate very large fees.

Pending Legislation: The Class Action Fairness Bill. Two bills currently pending in Congress address these issues (H.R. 2341 (Sponsor: Goodlatte, 43 co-sponsors), S. 1712 (Sponsor: Grassley; co-sponsors: Carper, Hatch, Specter, Voinovich, Chafee, Kohl, Thurmond)). On February 6, 2002, the House Judiciary Committee held a hearing, and a mark-up of the bill is expected in late February. The Administration's support would help push these measures into the spotlight, although Senator Leahy and others can be expected to oppose any Senate action on these issues.

The bills' commonsense provisions include establishing a consumer class action bill of rights, requiring (1) notice of a lawsuit to class members in "plain English"; (2) judicial review of "coupon" settlements; and (3) prohibitions against court approval of proposed settlements providing for preferential payments to certain designated members of the class. In addition, the bills call for modification of diversity requirements for federal jurisdiction over class actions, such that cases would be removable if the aggregate amount in controversy exceeds \$2,000,000 and there is minimal diversity (at least one plaintiff representative and one defendant are from different states), unless a "substantial majority" of the plaintiffs and defendants are from the same State.

RECOMMENDATION: The Administration should support the class action reform measures, with particular focus on the protection of rights of potential victims.

PROS

- The bills' notice and judicial review provisions would provide some consumer protections against the plaintiffs' bar.
- The bills could be used very effectively to highlight abuses of the trial lawyers (*e.g.*, class actions where the class members ended up paying lawyers' fees, or received cereal

coupons when their lawyers received millions in fees), demonstrating that the Administration is strongly on the side of potential claimants.

- Diversity reform would give federal courts – which are accountable to the entire country – jurisdiction over what are essentially interstate controversies with a substantial impact on the nation’s economy.
- Without diversity reform, a few state courts will continue to make law and dictate corporate behavior nationwide, causing a ‘race to the bottom’ of standards and resulting behavior. This is inconsistent with federalism principles and the purpose of federal diversity jurisdiction itself (*i.e.*, provision of a federal forum that is less susceptible to local political pressures).

CONS

- The Administration’s support of the bills may be criticized as a favor to big business, which, it will be argued, will be the chief beneficiaries of the diversity reform measures. (Small businesses typically are not defendants in these lawsuits, since they are not the kind of deep pockets targeted by the plaintiffs’ bar.)
- The bills’ notice and judicial review provisions may be criticized as window dressing for a diversity reform bill that benefits big business.

2. **Drafted Legislation: Client’s Bill of Rights** Senator McConnell has drafted, but has not introduced, legislation that would create a “Client’s Bill of Rights.” Complementing the class action bill of rights legislation that is pending (above), such a law would require plaintiffs’ lawyers to give injured consumers full information about their services, as well as ensure that consumers pay reasonable fees for lawyers’ services. HALT, an organization of Americans for legal reform, also advocates such legislation.

The proposal’s commonsense reforms include the following elements: (1) a lawyer must provide a written agreement that informs the consumer of the likelihood of prevailing in a lawsuit; expected recovery; and all fee agreements; (2) injured consumers may not be contacted by lawyers or defendants’ insurance companies for 45 days after an event resulting personal injury or death; and (3) a class member has the right affirmatively to “opt into” a potential class action before being included in such a case, rather than having to affirmatively “opt out” in order to pursue an individual remedy.

Currently, the bill contains a provision that would give a plaintiff the right to an objective review of a contingent fee by a court or bar association to assure “fairness and reasonableness.” We believe that review of contingent fees for fairness may be administratively difficult and interfere with free market negotiations between lawyers and clients.

RECOMMENDATION: The Administration should support the Client’s Bill of Rights package, if the bill’s language is modified to emphasize fee disclosure rather than fee regulation.

PROS

- Makes clear that the Administration is on the side of the consumer and potential victims.
- Provides a vehicle for demonstrating plaintiffs' bar abuses.

CONS

- Would be vigorously opposed by the plaintiffs' bar and many members of Congress.
- Public may not view this as an issue of significant concern, since, for most people, dealing with a personal injury lawyer is an unusual event.
- May be legally vulnerable to challenge as exceeding Congress's Commerce Clause authority.

3. **Liability & Diversity Reform Package.** Current punitive damages and joint and several liability rules have the potential to impose unfair and excessive costs on defendants, which in turn affect consumers through higher prices and a burdened economy. In addition, federal courts do not have jurisdiction over many cases that implicate substantial federal interests – *e.g.*, cases in which the amount in controversy is large (with a corresponding potential to affect the nation's economy), there is the possibility of numerous inconsistent state court judgments (*e.g.*, in mass tort cases), or citizens of numerous states seek to sue defendants in multiple states.

Pending Legislation: Two currently pending bills address liability and diversity reform issues.

Small Business Liability Reform Act. First, S. 865 (Sponsor: McConnell; co-sponsors: Lieberman, Fitzgerald, Hutchinson, Voinovich) and companion bill H.R. 1805 (Sponsor: Hutchinson, introduced with six original co-sponsors (3Ds, 2Rs, one I)) would address the particular liability concerns of small businesses with 25 or fewer employees.

Specifically, the measure would, for federal and state courts, (1) modify the “joint and several liability” rule so that a small business defendant would be held liable only for the damages directly attributable to that defendant; (2) require punitive damages to be established by clear and convincing evidence; and (3) limit punitive damages to the lesser of \$250,000 or three times compensatory damages. The bill also holds certain culpable sellers of products exclusively liable when their conduct is responsible for harm. This reduces the exposure of innocent product re-sellers that are simply a part of a product's chain of distribution.

NFIB and NAM have endorsed the bill. Arguably, S. 865 should be expanded to cover larger businesses, which are more affected by excessive punitive damages awards and joint and several liability rules.¹ In addition, a measure limited to very small businesses could be challenged as outside of Congress's Commerce Clause authority, since small businesses may

¹ 14 States permit unlimited joint and several liability; 11 States have abolished it completely; and 25 States have limited the scope of joint and several liability rules. 29 States do not limit punitive damages awards; 6 States have abolished punitive damages; and 15 States have limited punitive damages in some way.

have a relatively small effect on interstate commerce. But a law targeted at small businesses would likely be popular.

The Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act. A pending diversity reform measure is H.R. 860 (Sponsor: Sensenbrenner, no co-sponsors) proposes federal diversity reform provision that would give federal courts jurisdiction over mass disasters (*e.g.*, air crashes). As discussed below (*see* II.A.6), this bill also would amend section 1407.

RECOMMENDATION AND ISSUE FOR DECISION: The Administration should initiate a liability package and diversity reform package. The diversity portion of the package should (1) create a single federal forum for mass tort cases (the measure that is part of H.R. 860); and (2) permit removal of cases where the amount in controversy exceeds \$500,000, even if only minimal diversity exists. The Administration must decide whether to take the more politically popular approach of proposing liability reform solely for small businesses (as in S. 865/H.R. 1805), or to expand coverage to larger businesses.

PROS

- The measure could be heralded as part of the Administration's new job-creating, small business initiative. Economic evidence indicates that liability reform, if enacted, would greatly benefit the economy, ultimately resulting in lower costs to consumers and more jobs.
- Even if the measure is not enacted, the Administration could use the measure to educate the public about the costs that the current system imposes on them.
- Without diversity reform, a few state courts will continue to dictate the outcome of interstate controversies that have the potential substantially to affect the nation's economy.

CONS

- The plaintiffs' bar will argue that punitive damages and joint and several liability rules serve to protect the consumer. Although we can demonstrate that consumers will ultimately benefit from liability reform through lower costs and more jobs, the public may view liability reform as measure that will primarily protect big business. As such, we must consider the threshold size of the firm, if any, at which we would forego structural reforms. The more 'special protection' we offer to small businesses, the weaker the opposition's case will be.
 - States may object that limiting a plaintiff's state law remedy impermissibly interferes in State affairs, and convincing Congress and the public that these measures are necessary will require taking a position that is critical of some state courts.
 - It may be difficult to characterize diversity reform as benefiting consumers, and the public may conclude it, too, more directly benefits big business.
4. **Asbestos Litigation Reform.** Asbestos claims are not abating, even though virtually all of the traditional asbestos defendants – and some companies that at one time were considered peripheral defendants – are bankrupt. Almost 60,000 new claims were filed in 2000, and new filings have accelerated in 2001. The overwhelming majority of these claims have been filed on behalf of people who are not sick. If these trends continue, it is inevitable that many

people who ultimately develop cancer and other serious diseases in the future will go uncompensated.

Drafted Legislation: Asbestos Claims Priorities and Compensation Act. The National Association of Manufacturers (which represents a large coalition of asbestos defendants) has drafted a bill that would make “physical impairment,” defined under AMA guidelines, an essential element of an asbestos-related claim. It would also liberalize statutes of limitations to remove incentives for plaintiffs to file before they are ill, prohibit case consolidations (which can force defendants into settling large cases), and, to minimize forum-shopping, restrict plaintiffs to filing suit in the state in which they reside or where the exposure occurred. NAM believes that some members of the asbestos plaintiffs’ bar will not oppose their bill. They have Republican support for the bill in the Senate, and when they get Democratic support, they will introduce it.

NAM’s proposal is far more limited than legislation proposed by Congressman Hyde and Senator Ashcroft in 1999 and 2000, which established a defendant-supported fund from which victims’ claims would be paid.

RECOMMENDATION: The Administration should support the asbestos litigation reform bill, particularly in the context of other reform measures in this memorandum.

PROS

- Will preserve funds for victims who ultimately do become ill.
- Will reduce filings against asbestos defendants by unjustified claimants and avoid unnecessary bankruptcies with their corresponding effects on claimants, employees, shareholders, communities, and the economy.

CONS

- Asbestos reform has fallen apart before, and the Administration risks entering into a losing battle in which it is criticized for supporting legislation that would limit recovery for asbestos victims and let asbestos defendants off the hook.

- 5. Expansion of the National Vaccine Injury Compensation Program.** The Vaccine Injury Compensation Program, 42 U.S.C. 300aa-10 et seq., is a no-fault alternative to the traditional tort system for resolving vaccine injury claims, whether the vaccine is administered in the public or private sector. The VICP is administered jointly by HHS, DOJ, and the U.S. Court of Federal Claims, and covers all vaccines recommended by the Center for Disease Control for routine administration to children, such as diphtheria, tetanus, measles, mumps, and rubella. A tax (\$0.75 per antigen) is levied on vaccines and held in a fund. Compensation is determined either by settlement between plaintiffs’ attorney and DOJ lawyers or by a special master appointed by the Court. Awards include economic costs, pain and suffering, estimated costs of future care and attorneys fees. Compensation for vaccine-related death and pain and suffering and emotional damages are capped at \$250,000. Punitive damages are unavailable.

RECOMMENDATION: The Administration should support legislation to expand the National Injury Compensation Program to cover vaccines that are in the “national interest,” such as anthrax or smallpox.

PROS

- By reducing their liability risk, manufacturers will not be discouraged from developing vaccines that will be needed in the event of bioterrorist attack.

CONS

- The Administration lobbied against inclusion of this measure in the bioterrorism legislation, and its support for the legislation in a different context could be viewed as an awkward policy shift.
- There is no track record for new vaccines from which to build the injury tables needed under the program that are used for compensation determinations. Without this experiential knowledge base, it would be very difficult to develop an appropriate schedule for compensation, which could lead to an outcry from consumers and the plaintiffs’ bar.

6. **Modification of Federal Case Consolidation Requirements.** Under 28 U.S.C. § 1407, the multi-district panel assigns similar cases to a transferee court only for consolidated *pre*-trial proceedings. *See Lexecon Inc. v. Milberg Weiss*, 523 U.S. 26 (1998) (ruling that transferee courts may rule only on pre-trial issues such as motions to dismiss and summary judgment and they may not conduct trial). A more efficient approach would permit a transferee court to rule on the merits of consolidated cases, because a single court could uniformly handle many more aspects of similar cases.

Pending Legislation: The Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act H.R. 860 (Sponsor: Sensenbrenner, no co-sponsors) would amend section 1407 to permit transferee courts to retain jurisdiction over a case for trial purposes, with damages determined by the transferor court. H.R. 860’s amendment to section 1407 is coupled with a federal diversity reform provision that would give federal courts jurisdiction over mass disasters (*e.g.*, air crashes). Senator Leahy opposes the diversity reform provision, and he has said he is unwilling to schedule H.R. 860 unless the House indicates that it would recede on the mass disaster provision.

RECOMMENDATION: The Administration should support passage of a measure that would amend section 1407.

PROS

- Amendment of section 1407 would enable federal courts to handle consolidated cases more efficiently, saving the litigants time and money.

CONS

- The public may view amendment of section 1407 as a modest reform measure that addresses a technical federal procedural issue.

B. Administrative Measures

1. **FDA Drug Labeling Safe Harbor.** The FDA reviews and approves every word on the label of any prescription drug product, and it requires manufacturers to obtain approval before modifying a drug label. Yet many courts permit lawsuits based on a claim that a drug manufacturer's label did not warn of a certain risk – even though the label fully complied with all federal safety requirements. Such lawsuits essentially allow a jury to second guess the FDA's judgment regarding a product's label. Empirical evidence shows that these decisions actually jeopardize the public health, since labels that are too complicated or long lead to consumers' ignoring *all* warnings.

RECOMMENDATION: FDA should promulgate a regulation expressly preempting tort failure-to-warn and other claims based on alleged deficiencies in a drug's label. FDA is currently drafting a final rule that will extensively revise drug-labeling requirements. It will promulgate the rule next year. To allow FDA to address preemption of all FDA-approved prescription drugs in this final rule, FDA should issue a notice this spring asking for comment on a preemption regulation, and it could issue the preemption regulation as part of the final drug-labeling rule.

In addition, some pharmaceutical manufacturers have proposed that the Administration consider initiating or supporting legislation that would create a fund to compensate injured victims as part of this preemption approach. Manufacturers would pay into this fund, which would be distributed to consumers injured by a manufacturer's product.

PROS

- FDA's revised labeling requirements will result in simpler, more focused labels that will better protect the general public health. Preemption of failure-to-warn claims that essentially assert the FDA's labeling decision was inadequate preserves the FDA's regulatory authority.
- Preemption of failure-to-warn claims will ensure that manufacturers are not asked to comply with inconsistent state and federal requirements.
- Giving manufacturers certainty regarding their potential liability will ultimately result in lower drug costs.
- Seeking comment on the preemption regulation will ensure that the regulation is not overturned by a court for APA reasons.
- Making a fund part of this plan will ensure that injured consumers are fairly compensated for their injuries.

CONS

- The plaintiffs' bar will characterize the preemption as less protective of the public health, pointing out that, in the past, many courts and the FDA itself have called FDA labeling requirements a "floor," not a "ceiling."
- Issuing a public notice asking for comment on a preemption regulation may galvanize the plaintiffs' bar into seeking congressional action to block FDA from taking this action.
- States may object to FDA preemption of state claims as inconsistent with federalism principles and an encroachment on their ability to protect their citizens' health.

State Joint and Several Liability Provisions

- **Fourteen states and the District of Columbia allow unlimited joint and several liability:**

AL, AR, DE, DC, HI, IL, ME, MD, NC, PA, RI, SC, VT and VA.

- **Eleven states have abolished joint and several liability completely:**

AK, AZ, CO, IN, KS, KY, LA, ND, OR, TN and WY.

- **Twenty-five states have limited joint and several liability:**

CA: Joint liability has been abolished for noneconomic damages only.

CT: Defendants are generally only liable in proportion to their share of responsibility. If a defendant is insolvent or its share is otherwise uncollectible, the remaining defendants may be required to pay that defendant's share of the damages according to their percentages of negligence.

FL: If plaintiff is at fault, joint liability is abolished for: (a) any defendant found 10% or less at fault; (b) economic damages in excess of \$200,000 for any defendant found to be more than 10% but less than 25% at fault; (c) economic damages in excess of \$500,000 for any defendant found at least 25% but no more than 50% at fault; (d) economic damages in excess of \$1 million for any defendant found more than 50% at fault. If plaintiff is not at fault, joint liability abolished for: (a) any defendant found to be less than 10% at fault; (b) economic damages for any defendant found at least 10% but less than 25% at fault; (c) economic damages in excess of \$500,000 for any defendant found at least 25% but not more than 50% at fault; (d) economic damages in excess of \$1 million for any defendant found at least 25% but not more than 50% at fault; and (e) economic damages in excess of \$2 million for any defendant found more than 50% at fault. Joint liability does not apply to any defendant who is found to be less at fault than the plaintiff.

GA: Joint liability applies, but can be disregarded in certain cases where the plaintiff is partially at fault.

ID: Joint liability has been abolished, except in cases arising out of a violation of any state or federal law or regulation related to hazardous or toxic waste or substances or solid waste disposal sites, or any cause of action arising from the manufacture of any medical devices or pharmaceutical products.

IA: Joint liability has been abolished for non-economic damages. Joint liability has been abolished for economic damages for defendants less than 50% at fault.

- MA: Each defendant is liable to the extent of that defendant's proportionate share of the entire common liability, without regard to his relative degree of fault. Thus, in a two-defendant case, a defendant found 1% negligent can be compelled to pay 50% of the judgment.
- MI: Joint liability has been abolished, except in medical malpractice cases or criminal conduct involving gross negligence or the use of drugs or alcohol.
- MN: A defendant whose fault is 15% or less is only liable up to four times that defendant's percentage of fault.
- MS: Joint liability has been abolished to the extent needed for the plaintiff to recover 50% of damages.
- MO: If the plaintiff was at fault, joint liability is limited to two times the defendant's percentage of fault.
- MT: Joint liability has been abolished except for defendants found to be more than 50% at fault, except that joint liability shall apply in actions arising from an act or omission that violates a state environmental law relating to hazardous or deleterious substances.
- NE: Joint liability has been abolished for non-economic damages.
- NV: Joint liability has been abolished for defendants less at fault than the plaintiff, except in products liability actions, strict liability actions, or actions involving the emission, disposal or spillage of a toxic or hazardous substance.
- NH: Joint liability has been abolished for defendants less than 50% at fault.
- NJ: Joint liability has been abolished for defendants less than 60% at fault.
- NM: Joint liability has been abolished, except in strict liability cases, cases involving vicarious liability, or "situations not covered by any of the foregoing and having a sound basis in public policy."
- NY: Joint liability has been abolished for non-economic damages for defendants less than 50% at fault, except when the defendant is found liable for: (1) use, operation, or ownership of a motor vehicle; (2) having acted with reckless disregard for the safety of others; (3) certain provisions of labor law; (4) unlawfully releasing hazardous substances; and (5) product liability actions where the manufacturer of the product is not a party to the action, jurisdiction over the manufacturer could not be obtained, and liability would have been imposed on the manufacturer through strict liability.

- OH: Joint liability has been abolished for non-economic damages, but only if the plaintiff was contributorily negligent or impliedly assumed the risk that caused the harm.
- OK: Joint liability is abolished if the plaintiff was at fault.
- SD: Joint liability is limited to two times the percentage of fault of any defendant found to be less than 50% at fault.
- TX: Joint liability has been abolished except for defendants found to be more than 50% at fault. In cases involving toxic torts, a defendant is jointly liable if that defendant's fault is 15% or greater.
- WA: Joint liability has been abolished if the plaintiff is found to be at fault.
- WV: In medical malpractice actions, joint liability has been abolished for defendants found to be less than 25% at fault.
- WI: Joint liability has been abolished for defendants found to be less than 51% at fault.

State Punitive Damages Provisions

- **Twenty-nine states and the District of Columbia have no limits on punitive damage awards (except by constitutional standards):**

AZ, AR, CA, DE, DC, HI, ID, IL, IA, KY, ME, MD, MN, MS, MO, MT, NM, NY, OH, OR, PA, RI, SC, SD, TN, UT, VT, WV, WI and WY.

- **Six states have abolished punitive damages completely:**

LA, MA, MI, NE, NH and WA.

- **Fifteen states have limited punitive damage awards:**

AL: In nonphysical injury cases against large businesses, punitive damages are limited to the greater of three times compensatory damages or \$500,000; in nonphysical injury cases against small businesses with a net worth of less than \$2 million, limited to \$50,000 or 10% of net worth up to \$200,000; in personal injury cases, limited to the greater of three times compensatory damages or \$1.5 million. Limits to be adjusted Jan. 1, 2003, and at three year intervals thereafter in accordance with the Consumer Price Index.

AK: Punitive damages are limited to the greater of three times compensatory damages or \$500,000. In cases involving actual malice, punitive damages are limited to the greater of four times compensatory damages or four times aggregate amount of financial gain that the defendant received as a result of its conduct or \$7 million.

CO: Punitive damages may not exceed compensatory damages.

CT: Punitive damages in product liability actions are limited to two times compensatory damages.

FL: Punitive damages are limited to the greater of three times compensatory damages or \$500,000; if the trier of fact finds the defendant's conduct was "motivated solely by unreasonable financial gain" punitive damages may be awarded up to the greater of four times compensatory damages or \$2 million; no cap applies if the defendant had a "specific intent to harm the claimant." Punitive damages may not be awarded more than once for a single act or course of conduct unless the court finds by clear and convincing evidence that the prior award was insufficient to punish the defendant.

GA: Punitive damages are limited to \$250,000 unless the plaintiff demonstrated that the defendant acted with a specific intent to harm.

- IN: Punitive damages are limited to the greater of three times compensatory damages or \$50,000.
- KS: Punitive damages are limited to the lesser of \$5 million or the defendant's annual gross income. If the court finds that the profitability of the conduct exceeds the amount of the general limitation, the court may award an amount equal to 1½ times the amount of the profit which the defendant gained or is expected to gain as a result of the conduct.
- NV: Punitive damages are limited to three times compensatory damages if the amount of compensatory damages is \$100,000 or more; and \$300,000 if the amount of compensatory damages is less than \$100,000. Limits do not apply to an insurer who acts in bad faith regarding its obligations to provide insurance coverage or in product liability actions.
- NJ: Punitive damages are limited to greater of five times compensatory damages or \$350,000.
- NC: Punitive damages are limited to the greater of three times compensatory damages or \$250,000.
- ND: Punitive damages are limited to the greater of two times compensatory damages or \$250,000.
- OK: Punitive damages may not exceed the greater of \$100,000 or compensatory damages. Where the jury finds by clear and convincing evidence that the defendant acted with malice or an insurer intentionally acted in bad faith, punitive damages may not exceed the greater of \$500,000 or two times compensatory damages or the amount of the increased financial gain to the defendant.
- TX: Punitive damages limited to the greater of two times economic damages plus amount equal to non-economic damages up to \$750,000, or \$200,000.
- VA: Punitive damages may not exceed \$350,000.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 3/13/2002 1:13:48 PM
Subject: : Re: Remarks and papers for tomorrow

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2002 18:13:48.00

SUBJECT:: Re: Remarks and papers for tomorrow

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I'm around until at least 8, although I may grab a bite at some point in there. Just let me know what you need, and maybe I'll munch as I review.

Elizabeth N. Camp
03/13/2002 05:51:50 PM
Record Type: Record

REV_00141756

To: See the distribution list at the bottom of this message
cc: Patrick J. Bumatay/WHO/EOP@EOP
Subject: Remarks and papers for tomorrow

We need to have someone around a little later this evening to review red tags relating to meetings tomorrow. One will be re: Inter-American Bank (Rachel).

If you are planning to be here past 7pm tonight please let me know.

Lib

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
03/13/2002 05:43 PM -----

Alberto R. Gonzales
03/13/2002 05:42:11 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Remarks and papers for tomorrow

----- Forwarded by Alberto R. Gonzales/WHO/EOP on
03/13/2002 05:42 PM -----

Harriet Miers
03/13/2002 05:11:00 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Remarks and papers for tomorrow

There are items that will need to be staffed this evening for meetings tomorrow. The response time will be short. I would appreciate your making arrangements in your offices to have someone available to handle these staffings. If you would let us know special arrangements, I would appreciate it. Thanks.

Message Sent

To: _____
Richard B. Cheney/OVP/EOP@EOP
Andrew H. Card/WHO/EOP@EOP
Bradley A. Blakeman/WHO/EOP@EOP
Joshua B. Bolten/WHO/EOP@EOP
Nicholas E. Calio/WHO/EOP@EOP
James Connaughton/CEQ/EOP@EOP
Mitchell Daniels/OMB/EOP@EOP
Lawrence A. Fleischer/WHO/EOP@EOP
Michael J. Gerson/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Joseph W. Hagin/WHO/EOP@EOP
Albert Hawkins/WHO/EOP@EOP
Glenn Hubbard/CEA/EOP@EOP
Karen Hughes/WHO/EOP@EOP
Hector F. Irastorza/WHO/EOP@EOP
Clay Johnson III/WHO/EOP@EOP
Lawrence B. Lindsey/OPD/EOP@EOP
Condoleezza Rice/NSC/EOP@EOP
Karl C. Rove/WHO/EOP@EOP
Margaret M. Spellings/OPD/EOP@EOP

REV_00141757

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lauren C. Lobrano/OMB/EOP [OMB] <Lauren C. Lobrano>
Sent: 3/13/2002 9:47:39 AM
Subject: RECEIVED: Re: FINAL CLEARANCE - HR 2341 The Class Action Fairness Act

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 13-MAR-2002 14:47:39.00

SUBJECT: RECEIVED: Re: FINAL CLEARANCE - HR 2341 The Class Action Fairness Act

TO: Lauren C. Lobrano (CN=Lauren C. Lobrano/OU=OMB/O=EOP [OMB])

READ: UNKNOWN

End Original ARMS Header

RETURN RECEIPT

Your Document:

Re: FINAL CLEARANCE - HR 2341 The Class Action Fairness Act

was successfully received by:

CN=Brett M. Kavanaugh/OU=WHO/O=EOP

at:

03/13/2002 02:45:02 PM

REV_00141761

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Andrew D. Lundquist/OVP/EOP@EOP [OVP] <Andrew D. Lundquist>; Karen Y. Knutson/OVP/EOP@EOP [OVP] <Karen Y. Knutson>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; James Connaughton/CEQ/EOP@EOP [CEQ] <James Connaughton>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>; Phil Cooney/CEQ/EOP@EOP [CEQ] <Phil Cooney>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 3/13/2002 9:54:22 AM
Subject: : Item from today's DOE's cab report regarding release of NEP documents

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2002 14:54:22.00

SUBJECT:: Item from today's DOE's cab report regarding release of NEP documents

TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Andrew D. Lundquist (CN=Andrew D. Lundquist/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Karen Y. Knutson (CN=Karen Y. Knutson/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:James Connaughton (CN=James Connaughton/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Phil Cooney (CN=Phil Cooney/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

End Original ARMS Header

FYI.

DOE to release documents relating to National Energy Policy Development Group pursuant to court order in NRDC case on March 22. In a FOIA action brought by Judicial Watch and NRDC, the court ordered DOE to provide plaintiffs with a package of non-exempt records, and parts of records, no

REV_00141762

later than March 25, 2002 with the expectation that the release include the bulk of the relevant documents. A final, smaller package of the remaining non-exempt records must be released by April 10, 2002 and a Vaughn Index describing any withheld records to be due by April 25, 2002. DOE is on track to release all records relating to the NRDC request, as well as all other similar FOIA requests from other media organizations relating to the NEP, in a single "document dump" by close-of-business on Friday, March 22.

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnally/who/eop@eop [WHO] <edward mcnally>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 3/13/2002 3:00:33 PM
Subject: : Re: Remarks and papers for tomorrow

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2002 20:00:33.00

SUBJECT:: Re: Remarks and papers for tomorrow

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnally (CN=edward mcnally/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I'm around til late also Lib -- pls. let me know if there's anything I can do to help. -- McNally

Bradford A. Berenson

REV_00141764

03/13/2002 06:13:39 PM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: Remarks and papers for tomorrow

I'm around until at least 8, although I may grab a bite at some point in there. Just let me know what you need, and maybe I'll munch as I review.

Elizabeth N. Camp

03/13/2002 05:51:50 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Patrick J. Bumatay/WHO/EOP@EOP

Subject: Remarks and papers for tomorrow

We need to have someone around a little later this evening to review red tags relating to meetings tomorrow. One will be re: Inter-American Bank (Rachel).

If you are planning to be here past 7pm tonight please let me know.

Lib

----- Forwarded by Elizabeth N. Camp/WHO/EOP on

03/13/2002 05:43 PM -----

Alberto R. Gonzales

03/13/2002 05:42:11 PM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP

cc:

Subject: Remarks and papers for tomorrow

----- Forwarded by Alberto R. Gonzales/WHO/EOP on

03/13/2002 05:42 PM -----

Harriet Miers

03/13/2002 05:11:00 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Remarks and papers for tomorrow

There are items that will need to be staffed this evening for meetings tomorrow. The response time will be short. I would appreciate your making arrangements in your offices to have someone available to handle these staffings. If you would let us know special arrangements, I would appreciate it. Thanks.

Message Sent

To:

Richard B. Cheney/OVP/EOP@EOP

Andrew H. Card/WHO/EOP@EOP

REV_00141765

Bradley A. Blakeman/WHO/EOP@EOP
Joshua B. Bolten/WHO/EOP@EOP
Nicholas E. Calio/WHO/EOP@EOP
James Connaughton/CEQ/EOP@EOP
Mitchell Daniels/OMB/EOP@EOP
Lawrence A. Fleischer/WHO/EOP@EOP
Michael J. Gerson/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Joseph W. Hagin/WHO/EOP@EOP
Albert Hawkins/WHO/EOP@EOP
Glenn Hubbard/CEA/EOP@EOP
Karen Hughes/WHO/EOP@EOP
Hector F. Irastorza/WHO/EOP@EOP
Clay Johnson III/WHO/EOP@EOP
Lawrence B. Lindsey/OPD/EOP@EOP
Condoleezza Rice/NSC/EOP@EOP
Karl C. Rove/WHO/EOP@EOP
Margaret M. Spellings/OPD/EOP@EOP

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
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Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP

Message Copied

To:

david s. addington/ovp/eop@eop
h. christopher bartolomucci/who/eop@eop
john b. bellinger/nsc/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
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edward mcnelly/who/eop@eop
allison l. riepenhoff/who/eop@eop
patrick j. bumatay/who/eop@eop

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/13/2002 11:28:12 AM
Subject: : Re: called and left her a message

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-2002 16:28:12.00

SUBJECT:: Re: called and left her a message

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I would never say this to anyone else, but that's you and me!!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/13/2002 3:39:34 PM
Subject: : Re: Tort reform draft speech
Attachments: P_BY916003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-MAR-2002 20:39:34.00
SUBJECT:: Re: Tort reform draft speech
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thank you.

Brett M. Kavanaugh
03/13/2002 06:15:27 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP
cc: Courtney S. Elwood/WHO/EOP@EOP
Subject: Tort reform draft speech

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BY916003_WHO.TXT_1>

Speech to ATRA

March 14, 2002

[Acknowledgements]

Thank you all for inviting me here today. I would like to talk to you this morning about my job as Counsel to the President and also about the Administration's approach to civil justice reform issues. And then I would be happy to answer questions that you may have about any subject.

First of all, I could not help but notice that you have a panel later this morning that will discuss judicial elections. I will say definitively that I am very happy that I no longer have to run in judicial elections. Raising money is no fun. And without stealing any thunder, let me add my two cents to your panel: I personally oppose the election of judges.

I. Role of Counsel to the President

Of course, to me, running for elective office seems a part of the distant past. I have been President Bush's counsel in the White House for nearly 14 months. And a lot has happened. Thinking back over the last 14 months, what has really struck me is how important the integrity and honesty of the President are to the proper functioning of the Administration in general and the Counsel's office in particular. During the campaign, President Bush pledged repeatedly that he would uphold not just the laws of the land, but also the honor and dignity of the Presidency. And I think we all can be grateful that President Bush is as advertised: a man of integrity and of his word whom all Americans can respect and look to for principled leadership in times of peace and, as now, in times of war.

As Counsel to President Bush, much of my day-to-day job is necessarily reactive, responding to the crisis or issue at hand. But that said, standing here with the benefit of over a

year of service, I can say that two core principles guide me in serving the Presidency and this President.

The first is fidelity to the rule of law. Several prior Counsels to the President have been criticized -- or worse -- for dis-serving the Presidency: for subordinating the rule of law to the political and personal interests. Knowing this history, the lawyers on my staff and I fully understand that the first principle that must influence and determine everything we do is fidelity to the rule of law.

The second principle is preservation and defense of the constitutional prerogatives of the Presidency. Those prerogatives are constantly tested and challenged: Congressional requests for documents of internal policy debates, Senatorial demands regarding nomination of judges, congressional attempts to ensure that certain Executive Branch agencies, or at least certain Executive Branch officers, operate independently of the President. One of the most important jobs we have in the Counsel's office is to preserve the powers and prerogatives of the Presidency against inappropriate congressional incursions.

II. Civil Justice Reform

Another aspect of my job is to participate, in conjunction with the President's domestic policy advisors and the relevant departments and agencies, in the development of legal policy. Civil justice reform is one part of that. So let me turn to that subject.

A. Background

We cannot begin to achieve meaningful civil justice reform without first convincing the American people and the Congress that there is a problem that needs fixing. When the issue of civil justice reform is described -- as is often is -- as big business against consumer or big business against labor, we have seen that meaningful reform is not likely to get very far.

So the first imperative continues to be educational -- to educate the Congress and the public on the problem and to show that proposals for reform will benefit consumers, labor, and shareholders.

The civil justice system must strongly protect consumers by ensuring that legitimate victims of corporate malfeasance can obtain justice and receive fair and just compensation. The issue is one of balance. We do not want a tort system that unduly sacrifices product development and innovation -- new drugs and new vaccines, for example. But we also do not want a legal system that unduly sacrifices safety -- allowing new drugs that have deadly side effects, for example. Finding the right balance so as to ensure appropriate standards of liability and appropriate damages awards is therefore a critical function of the tort system.

Apart from substance, we also want sensible and efficient litigation *procedures* to ensure that shareholders, employees, and plaintiffs are not penalized by waste and undue inefficiency in the litigation process.

On both substance and procedure, there is surely room for improvement. The existing tort regime is often characterized by excessive payouts, lottery-style awards, and an inequitable division of the spoils among claimants and counsel. It not only fails properly to deter unsafe conduct, but also often fails to compensate victims fully for their losses.

Escalating lawsuit abuse imposes enormous and varied costs on our economy. Consumers pay higher prices for fewer products. Shareholders lose value when stock prices drop as a result of a spurious lawsuit. Employees lose their jobs or receive reduced compensation as the companies for which they work are forced to cover excess litigation expense.

America's civil justice system is the most expensive in the industrialized world. The overall cost of our system is conservatively estimated at nearly \$180 billion annually, or about 2 percent of GDP. And costs have grown steadily over time, up from only 1.3% of GDP in 1970, and approximately 0.6% in 1950.

Americans understand that the current system is broken. The better they understand the inequities of the system, the more inclined they will be to view civil justice reform favorably.

Of course, when we talk about the civil justice "system" in the singular, we ignore one major issue -- federalism. Lawsuits to recover damages for injuries are traditionally governed by state substantive law. And many in my party are appropriately cautious about the federal government stepping in to override substantive state law. To justify federal tort reform measures that would alter state tort law, therefore, one must convincingly show the relationship and effect of state tort law on the national economy and interstate markets.

B. Administration's Approach to Congress

Let me turn to the Administration's views on the civil justice reform outlook in Congress. The President spoke to this issue yesterday at his press conference and stated: "I am for reducing the number of lawsuits in our society. I think everybody will have their day in court, but I think a society that is so kind of litigious-oriented is one that is bad for jobs, bad for the creation of jobs. And . . . I will support reforms which reduce lawsuits and at the same time provide -- give people the opportunity to take their case to court."

On civil justice reform, as with any matter requiring legislation, we work very closely with Congress and must be aware of the views of Congress. It appears that meaningful civil justice reform in Congress is most likely to be accomplished not through one massive tort reform bill covering a slew of often controversial issues, but rather through targeted measures on

specific bills related to specific issues -- whether that be a class action bill, a terrorism insurance bill, a patients bill of rights, a vaccine liability bill.

With that in mind, I want to focus on two pieces of proposed legislation that the Administration strongly supports and that are now before the Congress.

1. Class Action Legislation

The first relates to class action reform. As you know, one of today's major civil justice problems is class-action litigation. In many cases, defending on the merits is a bet-the-company strategy, as Judge Richard Posner noted some years ago. The threat of class certification inevitably leads to settlement because every good lawyer or savvy client knows that markets will respond to certification with a major drop in the stock price.

Right now, moreover, a handful of State courts, through their certification and settlement of large-scale class action lawsuits, are effectively making law and dictating corporate behavior for 49 other States. A class action lawsuit brought in State court may be removed to federal court only if there is *full* diversity among the defendants and the named plaintiffs. In addition, *each class member's* claim alone must exceed \$75,000, even if the aggregate amount in controversy far exceeds this amount. These requirements make it easy for plaintiffs' lawyers to bring large class actions in favorable state forums, even where these lawsuits have significant interstate commerce implications and involve the residents and laws of multiple states.

The individual consumers on whose behalf these suits are brought often receive only a few dollars each from a class action settlement. Frequently, they do not even get cash, but instead receive a "coupon" for a noncash discount on one of the defendant's products. By contrast, the lawyers who bring the suits often negotiate very large fees.

To address these problems, the Administration strongly supports the Class Action Fairness Bill, H.R. 2341, currently before the House. The commonsense provisions in that bill include (1) notice of a lawsuit to class members in “plain English”; (2) judicial review of “coupon” settlements; and (3) prohibitions against court approval of proposed settlements providing for preferential payments to certain designated members of the class.

In addition, this bill calls for modification of diversity requirements for federal jurisdiction over class actions, such that cases would be removable if the aggregate amount in controversy exceeds \$2,000,000 and there is minimal diversity. Federal jurisdiction for major class actions of this kind would help protect out-of-state defendants, as well as out-of-State plaintiff class members, from local biases in cases that affect their substantial interests and therefore is consistent with and fulfills the Constitution’s original design.

2. Procedures for mass tort terrorism cases.

I also want to talk briefly about one other important issue currently being debated in Congress -- the legal system’s handling of mass terrorism incidents. Congress has been debating for months how the legal system and the insurance industry will cope with additional terrorist attacks.

As to insurance, the Administration and most in Congress agree that some level of government backstop is necessary so that the insurance industry can manage the risk of future terrorism incidents and continue to provide coverage for major building projects, stadiums, air carriers, and the like.

A sticking point in passing any bill has concerned the appropriate litigation procedures for mass tort terrorism incidents. The Administration has proposed that sensible litigation procedures for mass terrorism incidents be part of any terrorism insurance bill.

Sensible litigation procedures for mass tort *terrorism* incidents are necessary for several reasons.

First, sensible litigation procedures will help reduce the substantial uncertainty faced by the insurance industry in pricing terrorism risk. The largest piece of the terrorism risk to insurers is likely to be the liability component of property and casualty insurance.

Second, absent sensible litigation procedures, the resources of liable defendants, including resources from their liability insurance policies, will not suffice to compensate the class of successful plaintiff-victims in mass tort terrorism incidents.

Third, the number and variety of cases, plaintiffs, defendants, causes of action, liability standards, and damages rules in mass tort terrorism cases will overwhelm the ordinary legal system and cause extraordinary delays.

The Administration advanced four proposals to respond to these issues.

First, tort cases arising out of a mass tort terrorism incident should be consolidated in a single federal court. This is a common procedure in mass tort cases and was a central feature of the legislation recently enacted by Congress for the tort cases arising out of the September 11 attacks.

Second, there should be no punitive damage awards in mass tort terrorism cases. In mass tort cases, only a limited pool of resources will be available to plaintiffs who prove liability (whether because of bankruptcy or settlement). Because of the limited pool of resources, it would be grossly inequitable and unfair to allow one plaintiff or class of plaintiffs to receive an excessive award -- including a punitive component entirely unrelated to the plaintiff's injuries and unnecessary to compensate the plaintiff -- that could greatly limit or outright preclude recovery by other plaintiffs.

Third, there should be no joint and several liability for non-economic damages in mass tort terrorism cases, but rather should be proportional fault for recovery of non-economic damages. Without such a provision, a court could hold any defendant “jointly and severally” liable for the full amount of the plaintiff’s non-economic damages, *even for those damages attributable to the terrorists’ acts* and unrelated to the defendant’s actions.

Fourth, the plaintiff’s recovery in mass terrorism cases should be offset by the amount of first-party insurance received by the plaintiff. This will ensure that injured parties receive appropriate compensation, but also preserve the pool of defendant assets and thereby allow equitable recovery for all injured parties.

I am pleased to report that the House of Representatives agreed with the Administration’s four proposals (and even added a fifth proposal to limit attorneys’ fees) and passed a strong bill at the end of last year.

That leaves the Senate.

In negotiations with the Senate, we thought we had achieved a good bipartisan agreement. The Administration -- along with key members of the Banking Committee, Democrat Senators Sarbanes and Dodd and Republican Senators Gramm and Enzi -- agreed that some sensible litigation procedures should be part of any terrorism insurance bill. In particular, there was a bipartisan agreement for two provisions: consolidation of claims in a single court and the elimination of punitive damages.

But just when we thought there was agreement, Senator Daschle intervened at the 11th hour and overrode his Senators, Sarbanes and Dodd, and prevented the bill from coming to the Senate floor. The sole ground on which Senator Daschle took this action were the liability procedures, modest and limited as they are.

The Administration remains deeply disappointed that Senate leadership took this extraordinary step and prevented the Senate from considering a bill that had wide bipartisan agreement. We are continuing to support a terrorism insurance bill with sensible litigation management procedures. But what happened in the Senate shows us all that any civil justice reform, no matter how sensible the proposal in question, will be a real fight in the Senate.

III. Conclusion

In closing, let me say how much we appreciate your efforts on behalf of reform. And please know that the Administration is committed to supporting sensible litigation procedures that will make our legal system as effective as possible. With that, I would be happy to answer questions.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 3/13/2002 1:22:22 PM
Subject: : New York Times op-ed status

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-MAR-2002 18:22:22.00
SUBJECT:: New York Times op-ed status
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

The NYT rejected the op-ed.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 3/13/2002 1:31:50 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 13-MAR-2002 18:31:50.00

SUBJECT::

TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

what kind of talkers if any do you want from us for tomorrow; we had talked earlier and I have some as you suggested but wanted to know where this stands after POTUS press conference (and you may have other good talkers; there are so many flying around!)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 3/13/2002 3:29:45 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-MAR-2002 20:29:45.00
SUBJECT:: Re:
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Sounds good and I will finalize tps with anne and you in am

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
BCC: Magda E. Angulo (Magda E. Angulo/WHO/EOP [WHO])
Sent: 3/13/2002 3:39:43 PM
Subject: : Reuters: Daschle Says Ridge Must Testify

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-MAR-2002 20:39:43.00
SUBJECT:: Reuters: Daschle Says Ridge Must Testify
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
BCC: Magda E. Angulo (CN=Magda E. Angulo/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Daschle: Ridge Must Inform Congress on Security

By Joanne Kenen

WASHINGTON (Reuters) - Senate Majority Leader Tom Daschle said on Wednesday he was considering how to persuade or compel Homeland Security Director Tom Ridge to testify before Congress and cited a recent snafu over giving student visas to dead hijackers as showing an embarrassing lapse in domestic defense.

Ridge, who has requested \$38 billion for homeland defense next year, has declined to testify before House or Senate committees, although he has given informal briefings. The White House has said he does not have to testify because he is a presidential adviser, not a Cabinet secretary or agency head.

"He doesn't have to testify, he's part of my staff," President Bush told a news conference on Wednesday. "That's part of the prerogative of the executive branch of government, and we hold that very dear."

But Daschle said of Ridge, "He claims to be a simple adviser, and yet he's administering the entire war on terror, the homeland security effort is under his command."

The revelation this week that a Florida flight school had just received word of approval of student visas for the two men who piloted jets into the World Trade Center six months ago was "a major embarrassment and a recognition that we still have a lot of work to do," Daschle told reporters.

"We can't feel secure so long as mistakes of this magnitude are happening," the South Dakota Democrat added.

"If we can't have better communication in times of tranquillity, can you imagine what they will be in times of real crisis? I think you've got to ask those questions and again I am criticized for asking questions."

Daschle last month provoked a storm of Republican criticism when he questioned the future expansion of the war on terrorism. He praised Bush's leadership on the war so far, but called on the president to clarify its direction.

BUSH SAYS BREAKS BREAD WITH BOTH SIDES

Bush, who said he was "stunned and not happy" about the student visas for the pilots, said he does keep Congress informed on defense and security, partly through regular breakfasts with Daschle and other congressional leaders.

"I break bread with both Republicans and Democrats right back here in the Oval Office and have a good, honest discussion about plans, objectives,

REV_00141804

what's taking place, what's not taking place," he said.

Daschle said he was considering options including a Senate resolution urging Ridge to testify, a subpoena compelling his testimony, or legislation that would give the Homeland Security office statutory authority. Those options are not mutually exclusive, he said, adding that he personally did favor legislation to outline the office's statutory authority.

Several prominent Republicans have expressed concern about Ridge's reluctance to testify as well, and Daschle said he hopes any Senate action will be bipartisan.

Daschle said he was particularly perturbed because when Democrats and Republicans were squabbling in December about homeland defense funds, Ridge disagreed with Democrats' spending proposals for a data bank to track student visas.

Asked if he thought Ridge was doing a poor job, Daschle said he was inclined to give him the benefit of the doubt.

"I don't think anyone can say with any real competence how good a job he's doing or the office is doing, because we have such little information. I'm going to assume -- I'm going to certainly give Mr. Ridge and the administration the benefit of the doubt here," he said.

Daschle said he can understand why Ridge might not want to appear before dozens of House and Senate panels but should explain his plans and priorities to a few key ones.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 3/13/2002 3:46:48 PM
Subject: : Reuters: Daschle Says Ridge Must Testify

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-MAR-2002 20:46:48.00
SUBJECT:: Reuters: Daschle Says Ridge Must Testify
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

fyi

Daschle: Ridge Must Inform Congress on Security

By Joanne Kenen

WASHINGTON (Reuters) - Senate Majority Leader Tom Daschle said on Wednesday he was considering how to persuade or compel Homeland Security Director Tom Ridge to testify before Congress and cited a recent snafu over giving student visas to dead hijackers as showing an embarrassing lapse in domestic defense.

Ridge, who has requested \$38 billion for homeland defense next year, has declined to testify before House or Senate committees, although he has given informal briefings. The White House has said he does not have to testify because he is a presidential adviser, not a Cabinet secretary or agency head.

"He doesn't have to testify, he's part of my staff," President Bush told a news conference on Wednesday. "That's part of the prerogative of the executive branch of government, and we hold that very dear."

But Daschle said of Ridge, "He claims to be a simple adviser, and yet he's administering the entire war on terror, the homeland security effort is under his command."

The revelation this week that a Florida flight school had just received word of approval of student visas for the two men who piloted jets into the World Trade Center six months ago was "a major embarrassment and a recognition that we still have a lot of work to do," Daschle told reporters.

"We can't feel secure so long as mistakes of this magnitude are happening," the South Dakota Democrat added.

"If we can't have better communication in times of tranquillity, can you imagine what they will be in times of real crisis? I think you've got to ask those questions and again I am criticized for asking questions."

Daschle last month provoked a storm of Republican criticism when he questioned the future expansion of the war on terrorism. He praised Bush's leadership on the war so far, but called on the president to clarify its direction.

BUSH SAYS BREAKS BREAD WITH BOTH SIDES

Bush, who said he was "stunned and not happy" about the student visas for the pilots, said he does keep Congress informed on defense and security, partly through regular breakfasts with Daschle and other congressional leaders.

"I break bread with both Republicans and Democrats right back here in the Oval Office and have a good, honest discussion about plans, objectives, what's taking place, what's not taking place," he said.

Daschle said he was considering options including a Senate resolution urging Ridge to testify, a subpoena compelling his testimony, or legislation that would give the Homeland Security office statutory

REV_00141806

authority. Those options are not mutually exclusive, he said, adding that he personally did favor legislation to outline the office's statutory authority.

Several prominent Republicans have expressed concern about Ridge's reluctance to testify as well, and Daschle said he hopes any Senate action will be bipartisan.

Daschle said he was particularly perturbed because when Democrats and Republicans were squabbling in December about homeland defense funds, Ridge disagreed with Democrats' spending proposals for a data bank to track student visas.

Asked if he thought Ridge was doing a poor job, Daschle said he was inclined to give him the benefit of the doubt.

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Daschle said he can understand why Ridge might not want to appear before dozens of House and Senate panels but should explain his plans and priorities to a few key ones.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/14/2002 5:08:17 AM
Subject: : Re: Congressman Graham

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-MAR-2002 10:08:17.00
SUBJECT:: Re: Congressman Graham
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I assume that this is fine and routine.
----- Forwarded by Courtney S. Elwood/WHO/EOP on
03/14/2002 10:08 AM -----

Anne Heiligenstein
03/14/2002 08:46:33 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Re: Congressman Graham

Courtney, is this OK. POTUS is doing a fund raiser for him.
----- Forwarded by Anne Heiligenstein/WHO/EOP on
03/14/2002 08:46 AM -----

Margaret M. Spellings
03/14/2002 08:44:05 AM
Record Type: Record

To: Anne Heiligenstein/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Congressman Graham

yes, check with legal re useage -- i assume he wants to use it politically

Anne Heiligenstein
03/13/2002 06:32:57 PM
Record Type: Record

To: Margaret M. Spellings/OPD/EOP@EOP
cc:
Subject: Congressman Graham

Fine with me. You OK? If so I'll check with legal.
----- Forwarded by Anne Heiligenstein/WHO/EOP on
03/13/2002 06:32 PM -----

Sonya E. Medina
03/13/2002 03:58:56 PM
Record Type: Record

REV_00141808

To: Anne Heiligenstein/WHO/EOP@EOP

cc:

Subject: Congressman Graham

Congressman Lindsey Graham's office called and want to know if their campaign office can have a copy of the picture that was taken at the Teacher Conference of him and Mrs. Bush. Please let me know. SEM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 3/14/2002 5:09:06 AM
Subject: : Re: Congressman Graham

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-MAR-2002 10:09:06.00
SUBJECT:: Re: Congressman Graham
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

correct.

Courtney S. Elwood
03/14/2002 10:08:08 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Congressman Graham

I assume that this is fine and routine.
----- Forwarded by Courtney S. Elwood/WHO/EOP on
03/14/2002 10:08 AM -----

Anne Heiligenstein
03/14/2002 08:46:33 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Re: Congressman Graham

Courtney, is this OK. POTUS is doing a fund raiser for him.
----- Forwarded by Anne Heiligenstein/WHO/EOP on
03/14/2002 08:46 AM -----

Margaret M. Spellings
03/14/2002 08:44:05 AM
Record Type: Record

To: Anne Heiligenstein/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Congressman Graham

yes, check with legal re useage -- i assume he wants to use it politically

Anne Heiligenstein
03/13/2002 06:32:57 PM
Record Type: Record

REV_00141810

To: Margaret M. Spellings/OPD/EOP@EOP
cc:
Subject: Congressman Graham

Fine with me. You OK? If so I'll check with legal.
----- Forwarded by Anne Heiligenstein/WHO/EOP on
03/13/2002 06:32 PM -----

Sonya E. Medina
03/13/2002 03:58:56 PM
Record Type: Record

To: Anne Heiligenstein/WHO/EOP@EOP
cc:
Subject: Congressman Graham

Congressman Lindsey Graham's office called and want to know if their campaign office can have a copy of the picture that was taken at the Teacher Conference of him and Mrs. Bush. Please let me know. SEM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 3/14/2002 7:06:38 AM
Subject: : need to meet with you this afternoon on new matter . . .

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-MAR-2002 12:06:38.00
SUBJECT:: need to meet with you this afternoon on new matter . . .
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

how's 2:00 in my office?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
Sent: 3/14/2002 6:57:36 AM
Subject: : Re: Reagan Withdrawal Sheets

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-MAR-2002 11:57:36.00
SUBJECT:: Re: Reagan Withdrawal Sheets
TO: GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

I see; ok, can you still shoot them over to us? are they
FAXable? if so, 456-5104.

GaryM Stern <garym.stern@nara.gov>
03/14/2002 10:50:51 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Reagan Withdrawal Sheets

But just to clarify, the withdrawal sheets for all Reagan records,
including the 68,000, have been openly available for years to any
researcher who comes in and looks through the boxes or asks for them.

>>> <Brett_M._Kavanaugh@who.eop.gov> 3/13/02 6:06:30 PM >>>
Please make sure we see the release sheets for the 150 before they
are made
publicly available. Thanks.

(Embedded
image moved GaryM Stern <garym.stern@nara.gov>
to file: 03/13/2002 05:28:37 PM
pic30638.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Reagan Withdrawal Sheets

FYI, in light of significant interest in the Friday opening, the Reagan

REV_00141813

Library
will be releasing in advance an inventory list of the documents that we
will be
opening. In addition, the Library has received requests for the withdrawal
sheets on the remaining 150 pages. These sheets are publicly available
information, which we regularly make available upon request, and we intend
to do
so now.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/14/2002 7:02:58 AM
Subject: : New Vacancy

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-MAR-2002 12:02:58.00

SUBJECT:: New Vacancy

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I've learned that Henry Woods of E.D. Ark. just passed away.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 3/14/2002 8:17:35 AM
Subject: RECEIVED: Re: need to meet with you this afternoon on new matter . . .

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-MAR-2002 13:17:35.00
SUBJECT:RECEIVED: Re: need to meet with you this afternoon on new matter . . .
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Re: need to meet with you this afternoon on new matter . . .
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/14/2002 01:17:17 PM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 3/14/2002 8:17:35 AM
Subject: RECEIVED: Re: need to meet with you this afternoon on new matter . . .

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-MAR-2002 13:17:35.00
SUBJECT: RECEIVED: Re: need to meet with you this afternoon on new matter . . .
TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Re: need to meet with you this afternoon on new matter . . .
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/14/2002 01:17:17 PM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 3/14/2002 8:17:59 AM
Subject: : Re: need to meet with you this afternoon on new matter . . .

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-MAR-2002 13:17:59.00
SUBJECT:: Re: need to meet with you this afternoon on new matter . . .
TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

I need to know how we would go about getting e-mail searches done.

Adam F. Greenstone
03/14/2002 01:12:40 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: need to meet with you this afternoon on new matter . . .

Sure. Anything I can do to prepare?

Brett M. Kavanaugh
03/14/2002 12:06:30 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
Subject: need to meet with you this afternoon on new matter . . .

how's 2:00 in my office?

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/14/2002 9:49:27 AM
Subject: : Draft Memo & Certification
Attachments: P_THX16003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:14-MAR-2002 14:49:27.00
SUBJECT:: Draft Memo & Certification
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header #####

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_THX16003_WHO.TXT_1>

Draft: March __, 2002

MEMORANDUM FOR [SELECTED] WHITE HOUSE STAFF

FROM: TIMOTHY E. FLANIGAN
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: COOPERATION WITH DEPARTMENT OF JUSTICE
CRIMINAL INVESTIGATION

The White House is cooperating with, and fully supports, a criminal investigation being conducted by the United States Attorney for the Northern District of Illinois and the Federal Bureau of Investigation relating to the disclosure last year of confidential government information concerning the blocking and freezing of the assets of the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation.

To assist the Justice Department's investigation, you are hereby directed to complete and return to the head of your office the Certification attached hereto no later than March 22, 2002.

You are also directed to produce all documents in your possession (including e-mails and internal memoranda) that:

- (a) were created (or are dated) between September 11, 2001 and on or before September 30, 2001, and indicate that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen by the United States government; or
- (b) were created (or are dated) on or before December 4, 2001, and indicate that the Holy Land Foundation was being considered for inclusion on a list of suspected terrorist fund-raising organizations or would otherwise have its assets blocked or frozen by the United States government; or
- (c) were created (or are dated) on or before December 14, 2001, and indicate that the Global Relief Foundation was to be searched or would have its assets frozen or blocked on or about December 14, 2001 or which discusses the expected date and time of any such action.

Please deliver all responsive documents to _____ no later than March 22, 2002.

If you have any questions, please call _____.

CERTIFICATION

I hereby certify, to the best of my knowledge, that

_____ I had access

_____ I did not have access

- (a) on or before September 30, 2001, to the information that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen; or
- (b) on or before December 3, 2001, to the information that a search would be conducted of (or that a blocking action would be taken against) the Holy Land Foundation on December 4, 2001; or
- (c) on or before December 13, 2001, to the information that a blocking action would be taken against (or that a search would be conducted of) the Global Relief Foundation on December 14, 2001.

I further certify that

_____ I have produced to the Counsel's Office all documents in my possession (including e-mails and internal memoranda) responsive to the document production directive in the March 15, 2002 memorandum to which this Certification was attached.

_____ I have conducted a search and determined that I have no such documents.

I understand that the information and documents I provide to the Counsel's Office are likely to be disclosed to the U.S. Department of Justice for use in its criminal investigation and that the Counsel's Office is not acting as my private attorney in this matter.

NAME (please print):

SIGNATURE:

DATE:

WHITE HOUSE OR EOP OFFICE:

PHONE NUMBER:

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/14/2002 1:22:14 PM
Subject: : Lawmakers Slam White House 'Attitude Problem'

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 14-MAR-2002 18:22:14.00
SUBJECT:: Lawmakers Slam White House 'Attitude Problem'
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Lawmakers Slam White House 'Attitude Problem'
WASHINGTON (Reuters) - Lawmakers from both parties blistered the Bush administration on Thursday for "a severe attitude problem" in its dealings with Congress, citing a public campaign against their pet projects and Homeland Security chief Tom Ridge's refusal to testify on Capitol Hill. Appearing before a House of Representatives Appropriations subcommittee, White House Budget Director Mitch Daniels apologized for any "inadvertent" impression created that the White House was slighting Congress' constitutional role, but defended the effort to restrict the so-called earmarking of budget funds for programs in individual lawmakers' districts. "You and several others in the administration, in my view, have a severe attitude problem," said Wisconsin Rep. David Obey, the top Democrat on the Appropriations Committee, which wields considerable power through its control of the federal government's purse strings. "I sense you and other Cabinet members feel you could get about the people's business better if it wasn't for the small-minded and inconsequential rabble on Capitol Hill that you have to deal with," Obey said. The administration angered many lawmakers when it ridiculed a range of earmarked projects, including an \$80,000 rescue sled backed by Obey for use on frozen lakes, in its recent budget request. The move was part of a drive to cut their numbers, which have doubled over the last two years to over 7,800. That anger has been fed by Ridge's refusal to testify on how the tens of billions of dollars set aside for U.S. homeland security efforts are being spent. The White House maintains he does not have to appear before Congress because he is a presidential adviser, not a Cabinet secretary or agency head.
BIPARTISAN CRITICISM
"I have to be direct, I am dissatisfied with both the quantity and quality of information coming out of the administration as it relates to homeland security," said Oklahoma Republican Rep. Ernest Istook, who chairs the Appropriations subcommittee on Treasury and General Government, which controls the White House's budget. "I hope that the lack of necessary information does not compel us to withhold funds for the priorities established by the president," he said. Obey added, "No information, no money." In response Daniels said that while he now hoped to mend fences with Congress on the earmarking question and it might be time "to let this subject go," lawmakers would also have to accept that times had changed since Sept. 11. "There are transcendent priorities; the protection of America and the defeat of a foe that's out to harm us," he said. "Individual and provincial and

territorial priorities, however important they may be in isolation, may have to give way this year, will have to give way."

Daniels acknowledged the question of how Ridge should interact with Congress was a legitimate one, but said he could shed little light on it because it was outside his particular area.

"I will say this, I know ... the president and his support team absolutely affirm the constitutional importance of the Congress," he said. "There may be differences of interpretation when it gets to a single job."

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 3/15/2002 4:31:53 AM
Subject: : Reagan recs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-MAR-2002 09:31:53.00
SUBJECT:: Reagan recs
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

The document that lists the records "still under review" is being FAXed to you now. Take a look and see what you think and call me.
Thanks.

From: Timothy_E._Flanigan@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 3/15/2002 5:51:27 AM
Subject: : Minor edits to Cover memo and certification
Attachments: P_XAN26003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy_E._Flanigan@who.eop.gov (Timothy_E._Flanigan@who.eop.gov [UNKNOWN])
CREATION DATE/TIME: 15-MAR-2002 10:51:27.00
SUBJECT:: Minor edits to Cover memo and certification
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

(See attached file: aa-Leak Investigation Memo & Cert TEF Comments.doc)

- aa-Leak Investigation Memo & Cert TEF Comments.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XAN26003_WHO.TXT_1>

March 15, 2002

MEMORANDUM FOR PERSONNEL IN THE WHITE HOUSE OFFICE
AND THE NATIONAL SECURITY COUNCIL

FROM: TIMOTHY E. FLANIGAN
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: COOPERATION WITH DEPARTMENT OF JUSTICE
CRIMINAL INVESTIGATION

The White House is cooperating with a criminal investigation being conducted by the United States Attorney for the Northern District of Illinois and the Federal Bureau of Investigation relating to the unauthorized disclosure last year of confidential government information concerning the blocking and freezing of the assets of the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation. The White House is one of several government offices that have been asked to assist in this investigation.

To assist the Justice Department's investigation, we ask that you complete the Certification attached hereto and return it to my office (2nd Floor, West Wing) no later than March 22, 2002.

You are also asked to produce all official documents in your possession (including any e-mails and internal memoranda you have) that:

- (a) were created (or are dated) between September 11, 2001 and on or before September 30, 2001, and indicate that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen by the United States government; or
- (b) were created (or are dated) on or before December 4, 2001, and indicate that the Holy Land Foundation was being considered for inclusion on a list of suspected terrorist fund-raising organizations or would otherwise have its assets blocked or frozen by the United States government; or
- (c) were created (or are dated) on or before December 14, 2001, and indicate that the Global Relief Foundation was to be searched or would have its assets frozen or blocked on or about December 14, 2001 or which discusses the expected date and time of any such action.

Please deliver all responsive documents to my office no later than March 22, 2002.

If you have any questions, please call me (6-6611), Brett Kavanaugh (6-7984) or Chris Bartolomucci (6-7963).

REV_00141830

CERTIFICATION

I certify, to the best of my knowledge, that

_____ I had access

_____ I did not have access

- (a) on or before September 30, 2001, to the information that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen; or
- (b) on or before December 3, 2001, to the information that a search would be conducted of (or that a blocking action would be taken against) the Holy Land Foundation on December 4, 2001; or
- (c) on or before December 13, 2001, to the information that a blocking action would be taken against (or that a search would be conducted of) the Global Relief Foundation on December 14, 2001.

I further certify, to the best of my knowledge, that

_____ I have produced to the Office of the Counsel to the President all official documents in my possession (including any e-mails and internal memoranda I have) responsive to the document production directive in the March 15, 2002 memorandum to which this Certification was attached.

_____ I have conducted a search and determined that I have no such documents.

I understand that the information and documents I provide to the Office of the Counsel to the President are likely to be disclosed to the U.S. Department of Justice for use in its criminal investigation and that the Counsel's Office is not acting as my private attorney in this matter.

I further understand that this Certification is for purposes of a federal criminal investigation and that intentional false statements may result in criminal penalties or other sanctions.

NAME (please print):

SIGNATURE:

DATE:

OFFICE:

PHONE NUMBER:

From: Ben Wittes <wittesb@washpost.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/15/2002 5:47:02 AM
Subject: : also, on another subject....

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ben Wittes <wittesb@washpost.com> (Ben Wittes <wittesb@washpost.com> [UNKNOWN])

CREATION DATE/TIME: 15-MAR-2002 10:47:02.00

SUBJECT:: also, on another subject....

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

...Need to talk to you about Estrada.

Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269

From: CN=Brian Bravo/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: claire e. buchan/who/eop@eop [WHO] <claire e. buchan>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/15/2002 8:04:34 AM
Subject: : here are some more that I have found

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-MAR-2002 13:04:34.00

SUBJECT:: here are some more that I have found

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:claire e. buchan (CN=claire e. buchan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

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The Washington Post

September 25, 2001, Tuesday, Final Edition

A SECTION; Pg. A08

Past Efforts to Stop Money Flow Ineffective; Coordination of U.S. Approach
May Be Key

By Karen DeYoung, Washington Post Staff Writer

Measures announced yesterday by President Bush to choke off terrorist finances have lengthened the list of people and organizations whose U.S. assets can be seized and expanded the legal basis for seizing them. Bush's executive order also made clear the administration's determination to punish those countries and overseas financial institutions that fail to respond to U.S. requests for help in finding and destroying the terrorist money trail.

But many of the financial weapons heralded yesterday, as well as other actions taken since the Sept. 11 attacks at the World Trade Center and the Pentagon, have been available for years in anti-terrorist law and the orders of previous presidents, or have lain dormant in dusty piles of United Nations resolutions and treaties.

A large part of the reason why those weapons have so far been unable to "starve the terrorists of funding," as Bush put it, is because the task is an extremely difficult one. Nine of the 27 groups and individuals Bush named yesterday, including, of course, Osama bin Laden and his al Qaeda organization, were already on lists long maintained by the State and Treasury departments. If anything will now make a difference, it is likely to be the amount of determination behind the administration's efforts to consolidate the U.S. effort and to put real muscle behind long-standing tools available to punish those here and abroad who fail to cooperate in the anti-terrorism fight. Until Sept. 11, the record of success was not an encouraging one under any administration, including the current one.

In addition to the sheer complication of the task, the search for funds in this country belonging to or destined for bin Laden and his associates, as well as a host of other terrorist groups, has always been hampered by lack of cooperation among U.S. government agencies.

Whether because of disbelief that a terrorist attack of such sophistication and magnitude could ever occur on U.S. soil, or a

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persistent inability to overcome barriers between the intelligence and law enforcement agencies on one side and the financial entities on the other, numerous previous efforts have failed to create an effective melding of disparate U.S. government effort.

In June 2000, a congressionally mandated commission examining U.S. counterterrorism efforts found that agencies all across the government had "information and authority that could be used to thwart terrorist fundraising." Yet the commission said that such information was often underused because agencies tended to distrust each other and because "there is no single entity that tracks and analyzes all the data available to the various agencies on terrorist fundraising in the United States."

The commission recommended the establishment of a joint task force consisting of all agencies with useful knowledge and databases. But although Congress provided money to establish the Foreign Terrorist Asset Tracking Center last October, there was no significant effort to get it up and running until two weeks ago.

On the international front, Secretary of State Colin L. Powell said yesterday, "we're going to take this initiative into the United Nations" to seek resolutions applying the U.S. financial actions worldwide. But previous, strongly worded U.N. Security Council resolutions, which have the force of international law, have failed to accomplish much.

In October 1999, the Security Council "demanded" that Afghanistan's ruling Taliban turn over bin Laden to a country where he had been indicted -- specifically, the United States, which had charged bin Laden with responsibility for the 1998 bombing of U.S. embassies in East Africa. A resolution last December repeated that demand and called on all U.N. member states "to freeze without delay funds and other financial assets of Usama bin Laden and individuals and entities associated with him."

In his announcement, Bush noted that the United States "has signed, but not yet ratified, two international conventions, one of which is designed to set international standards for freezing financial assets." The treaty, which the United States helped write, provides a framework for international cooperation in finding and freezing terrorist money.

But during the nearly two years since the United States signed it, neither the Clinton nor the Bush administration made any effort to press a disinterested Senate to ratify the accord.

In letters last week to Powell and Attorney General John D. Ashcroft, Sen. Joseph R. Biden Jr. (D-Del.), chairman of the Foreign Relations Committee, asked for quick submission of the treaty-implementing legislation needed for ratification. Passing Biden's letter in the mail was a missive from the State Department declaring the treaty "important," noting that "we would like to see prompt advice and consent" and promising that the necessary legislation would be provided "shortly."

The most attention-getting part of Bush's executive order was a renewed prohibition against all financial transactions with named terrorist individuals and organizations, and the freezing of any assets that belonged to or were destined for them. But finding and freezing the money in the past has proven far easier said than done.

In a 1995 executive order, Clinton released a list of 12 "foreign terrorist" organizations, all of them operating in the context of the Israeli-Palestinian dispute. He ordered their U.S. assets seized and prohibited "any transaction or dealing by United States persons or within the United States in property or interests in property of the persons designated." A separate order in 1999 added bin Laden and his al Qaeda organization to the list.

So far, the number of cases brought under those orders can be counted on little more than one hand. Nearly all have involved individuals and organizations whose money was allegedly being funneled to the Palestinian

groups Hezbollah and Hamas. None of it has related directly to bin Laden or al Qaeda.

The first, and still the most well-known case was that of Mohammed Salah (not the Muhammad Salah named on yesterday's new list), a U.S. citizen associated with the Quranic Literacy Institute, a Chicago-based Islamic group whose public mission was to translate the Koran into English.

Salah, who served time in Israel on a terrorism charge, had long been considered a senior operative for Hamas. Although he was never charged with a crime in this country, federal prosecutors in 1998 seized about \$ 100,000 from his bank account, along with about \$ 1 million from the Institute.

Today, although it never got its money back, the institute continues to translate the Koran, and Salah, according to his attorney, drives a Chicago taxi.

Most recently, on Sept. 5, 80 federal agents raided InfoCom Corp., a Texas-based Internet-services company, and seized information from the office computers. The Palestinian-owned company, which serves as host for a number of Arab Web sites, is tied both through its directorate and its across-the-street location in Richardson, Tex., to the Holy Land Foundation, which provides charitable assistance to the needy in the Middle East. American Jewish groups have long alleged that the foundation funnels money to Hamas, but U.S. officials have lacked proof and no federal action has been taken against it.

Government sources said that the raid was part of an investigation of possible terrorist financial activity, but all records relating to the case have been sealed in a Dallas federal court.

The Washington Post
September 25, 2001, Tuesday, Final Edition
A SECTION; Pg. A01
Bush Moves to Cut Terrorists' Support; Foreign Banks Urged to Help Freeze Assets of 27 Entities
By Mike Allen and Paul Blustein, Washington Post Staff Writers

President Bush yesterday ordered U.S. financial institutions to freeze any assets belonging to Osama bin Laden and 26 other people and groups suspected of funding terrorists, and threatened retribution against overseas banks that do not follow suit.

With special operations troops and aircraft carriers heading toward Afghanistan in the biggest military mobilization since the Persian Gulf War, Bush said he will use "all the elements of our national and international power" to "starve the terrorists of funding."

The president acknowledged that most of the money fueling bin Laden's al Qaeda network is beyond U.S. borders. And experts on money-laundering pointed out that past efforts to cripple bin Laden, including a 1998 executive order by President Bill Clinton, have failed in part because the sources of his financing are so hard to find.

But administration officials said Bush's effort, which he called "the international financial equivalent of law enforcement's 'Most Wanted' list," is broader than the three anti-terrorist executive orders issued by Clinton. Bush's version expands the targets from terrorists operating in the Middle East to those operating anywhere in the world, enlarges the coverage to those who support the groups and promises to deny access to U.S. financial markets to foreign banks that do not cooperate. Bush and other administration officials have repeatedly held bin Laden responsible for the Sept. 11 attacks on the Pentagon and World Trade Center. But the president said yesterday that he will not authorize release of all the information gathered by the administration that establishes a direct link between bin Laden and the attacks. Bush said that in assembling the

financial targets and naming bin Laden as the prime suspect in the attacks, the United States is "acting based on clear evidence, much of which is classified, so it will not be disclosed."

Secretary of State Colin L. Powell said Sunday on ABC's "This Week" that the administration would "put before the world, the American people, a persuasive case" that bin Laden's network was responsible.

But Powell, appearing with Bush, seconded the president's observation that most of the information is classified. He said that as the information is reviewed, if unclassified details are found "and it will allow us to share this information with the public, we will do so."

White House press secretary Ari Fleischer, in a humorous reference to Washington jargon, said he was told such disclosures can be expected "State Department soon," suggesting they are not imminent.

Bush said he chose yesterday's formal Rose Garden setting for his announcement on asset seizures as a way to underscore that the war on terrorism will be fought on many fronts and to remind the American people that patience will be required.

"You bet there's a concern about whether or not we'll be able to wrap up every financial instrument used to fund terrorism," he said. "But make no mistake about it: We're going after them all. And we'll win, we're going to win. Terrorists are going to realize they can't face down freedom. Terrorists are going to realize they made a big mistake, they miscalculated America. And I think they miscalculate a lot of our allies and friends, too."

Later in the day, Bush formally notified Congress of his deployment of troops and hardware to the Central and Pacific Command areas. He said he may "find it necessary to order additional forces into these and other areas of the world."

Most of the groups targeted by Bush are based in Africa, the Middle East and Central Asia. One, Abu Sayyaf Group, operates from the Philippines.

Three groups -- Makhtab Al-Khidamat/Al Kifah, Al Rashid Trust and the Wafa Humanitarian Organization -- are described by the Treasury Department as "would-be charitable organizations." Fleischer said Americans may have unwittingly contributed to them.

Not on the list are three groups -- Hamas, Hezbollah and Islamic Jihad -- that are frequently denounced by the United States. Still, they receive support from countries seen as potential members of the coalition Bush is trying to build against bin Laden.

"We're putting banks and financial institutions around the world on notice," Bush said. "We will work with their governments, ask them to freeze or block terrorists' ability to access funds in foreign accounts. If they fail to help us by sharing information or freezing accounts, the Department of the Treasury now has the authority to freeze their banks' assets and transactions in the United States."

Treasury officials said that under yesterday's order, the U.S. entity holding the funds may not transfer them to anyone else. Banking officials said the money will probably be held in escrow, earning interest, until the block is lifted. In past cases, the money has been used to pay off debts to U.S. creditors.

A former senior Clinton administration official called the move "an incremental, useful step, but not a silver bullet." The official said the move would "dry up the legitimate banking system for bin Laden, although we've pretty much done that," but said it cannot prevent his use of underground and Islamic banking systems.

Jack Blum, a Washington lawyer and money-laundering expert who is a former

special counsel to the Senate Foreign Relations Committee, said Bush's order breaks new ground because the United States has "been reluctant to impose sanctions on foreign financial institutions, and the sanctions could be very effective." Blum called the measure a useful start, but compared it to catching water in a sieve.

Some diplomats said it was too early to know how their governments would react to the financial demands by the administration, but a European Union diplomat was enthusiastic. "We're doing exactly the same as the U.S.," said Matthew King, financial attache at the EU delegation in Washington. "Quite a lot of significant actions have taken place recently -- a number of accounts were closed down in London over the weekend."

Thomas L. Farmer, general counsel of the Bankers' Association for Finance and Trade, which represents the international interests of U.S. banks, said his members "are relieved to be told what they're expected to do" and said they already have begun adjusting their software to help them comply.

Continuing his consultations with foreign leaders, Bush yesterday had lunch with Canadian Prime Minister Jean Chretien and discussed ways to make the border less permeable for terrorists. As the two posed for photographers, Bush brought up his failure to mention Chretien in his address to Congress last week, which was taken as a snub by some in Ottawa. "I didn't necessarily think it was important to praise a brother," Bush said. "After all, we're talking about family."

Bush, who spoke for nearly an hour on Saturday with Russian President Vladimir Putin, revealed that on the day of the attacks Putin had agreed not to heighten the alert status of his troops in response to the higher U.S. alert status -- evidence, Bush said, that Putin "understands the Cold War is over."

Early today, Reuters reported that Saudi Arabia had cut its ties with the Taliban leaders in Afghanistan, where bin Laden is believed to be living.

"Because the Taliban government did not pay attention to all the contacts and attempts made by the Kingdom of Saudi Arabia to persuade it to stop harbouring criminals and terrorists . . . the government of the kingdom of Saudi Arabia announces cutting off all its relations with the Taliban government," an official Saudi statement said.

Bush also met privately with about 50 relatives of the passengers and crew of United Flight 93, which crashed in Pennsylvania Sept. 11 after a group of passengers apparently rushed the hijackers after hearing that other hijacked planes had been flown into the World Trade Center.

On the legislative front, Bush narrowed his request to Congress concerning the waiving of U.S. economic sanctions against Pakistan and India. In a presidential directive Saturday night, Bush had activated waiver provisions in sanctions that have restricted economic assistance to both countries since they exploded nuclear devices in 1998.

The new request would allow the United States to provide military assistance to Pakistan that is currently prohibited because of its 1999 military coup, and because it has not paid outstanding debts to the United States. Neither of those congressionally mandated sanctions contains presidential waiver authority.

The new proposal, sent to Capitol Hill late yesterday morning, replaced a much broader request for five-year presidential waiver authority over all existing U.S. aid sanctions against any country, if Bush determined it would help the war against terrorism.

The blanket provision would have allowed Bush to waive existing sanctions in every category, including human rights abuses, state-sponsored terrorism and nuclear weapons proliferation.

The New York Times
October 1, 2001, Monday, Late Edition - Final
Section A; Page 1; Column 3; National Desk
A NATION CHALLENGED: THE INVESTIGATION;
U.S. SET TO WIDEN FINANCIAL ASSAULT
By JUDITH MILLER with KURT EICHENWALD

Widening the financial assault on Osama bin Laden, administration officials are preparing to freeze the assets of about two dozen more charities and other organizations that are suspected of providing money and support to his terrorist operations, government officials said yesterday.

Officials tracking Mr. bin Laden's Al Qaeda network say they have found a sophisticated financial infrastructure that stretches from the United Arab Emirates to Europe to Indonesia, and uses mechanisms as varied as charitable organizations, manufacturing companies and credit card fraud to raise money and move it around the globe. Investigators say one focus of their hunt is Mustafa Ahmad, who they contend helped arrange the financing of the Sept. 11 attacks and plays a broader role in the finances of Mr. bin Laden's group. Federal agents have evidence that money was wired between Mr. Ahmad and Mohamed Atta, identified as a leading figure in the plot, in the days before the attacks.

Two other hijacking suspects wired Mr. Ahmad more than \$10,000 just hours before their deaths, investigative documents show.

The authorities in the United Arab Emirates have said Mr. Ahmad, who had been visiting the country on a Saudi Arabian passport, left for Pakistan that day.

Federal officials say their effort to choke off Mr. bin Laden's money is an important front in the war on terrorism. Last week, the Bush administration froze the assets of 27 individuals and organizations linked to Mr. bin Laden.

The new list of suspect organizations, now under review by a group of officials led by Treasury Department representatives, includes charities in Saudi Arabia and Chicago, an Arab bank and at least three "hawalas," the informal money-lending networks common in the Arab world. The list is expected to be announced within two weeks.

Privately, Treasury Department officials are urging other governments to freeze assets in the countries that are linked to Mr. bin Laden. "That is the key to this entire effort," one administration official said.

In addition, officials said they were investigating more than 200 other financial entities suspected of aiding or being used by Mr. Bin Laden.

The list of entities is considered delicate, officials said, because the administration wants to prevent suspected individuals and institutions from moving their assets to safety before the targets are officially unveiled. When officials announced the list of organizations last week, they knew few had assets in this country, but an official said some assets overseas had been moved to safety.

The administration is taking aim at organizations with links to Mr. bin Laden's operations. But senior officials decided at a meeting late last week that to monitor and control Al Qaeda's financial assets, the United States and its allies would have to track the broader financial networks of Hamas, Hezbollah and other terrorist groups that Mr. bin Laden occasionally taps for his activities.

Investigators have found traces of money they contend are connected to Mr. bin Laden's activities in a variety of entities. There is evidence that representatives of terrorist groups affiliated with the terror network

have trained operatives in the United States to raise money by running credit card scams and food stamp fraud. Also, government officials say, terrorist groups have used wealthy commercial ventures as fronts for moving money, as well as people, around the world.

American officials have long suspected that worldwide charitable organizations have provided critical financial or logistical support to a number of international terrorist attacks. But the government has found it difficult to strike at them. Most of the groups, especially those affiliated with Arab governments, one official said, support legitimate relief efforts and terrorist activities. Sometimes, he added, only a small number of officials in the charity are involved in terrorism. But the Sept. 11 attacks have changed the United States' stance toward those groups.

One organization that officials have strongly recommended including on the list being circulated within the administration is the Benevolence International Foundation. The group has portrayed itself as a purely humanitarian organization. The Saudi-based group, with offices in Waterloo, Ontario, and in Palos Hills, Ill., raised almost \$2.2 million in the United States last year, according to its financial statements.

The group says it is dedicated to helping those harmed by war or natural disaster, and "is currently on the ground in Manhattan trying to determine how best BIF can assist aid and relief efforts to the victims" of the terrorist attack at the World Trade Center.

But statements by the organization's representatives, as well as videos and written information distributed by it, repeatedly glorify martyrdom by Muslims in pursuit of jihad, or holy war, said Steve Emerson, a writer and commentator on terrorism who has long pressed Washington to crack down on this charity and other Islamic nonprofit groups that he says support terrorism.

One video circulated by the group, Mr. Emerson says, features an interview with a father of an Arab-Afghan holy warrior who died in Zenica, Bosnia, near the regional headquarters of Benevolence International.

"I was blessed with his martyrdom," the father says, according to a translation provided by Mr. Emerson. "Our history is glorious and our religion is mighty."

According to one of the group's newsletters last year, seven of the charity's officers were killed in battle last year in Chechnya and Bosnia.

A telephone message left yesterday at Benevolence International's office in Palos Hills was not answered.

Prince Bandar bin Sultan, the Saudi ambassador to the United States, said in an interview for a New York Times/"Frontline" documentary that giving money to charity was required by Islam and that Riyadh had no evidence that money from any Saudi-based charity went to Al Qaeda. He also said Saudi efforts to trace suspect money went from the kingdom to Europe, and in many cases, to the United States, where the trail ended.

Administration officials are also recommending that an American charity be included on the new list -- the Global Relief Foundation, which provides emergency relief, medical aid and engages in other humanitarian efforts around the world.

Global Relief, based in Bridgeview, Ill., long a hub of militant Islamic activity, is also making an appeal on its Web site for victims of the catastrophes at the World Trade Center and the Pentagon, though it does not refer to them as terrorist attacks.

Global Relief was originally included two years ago on a list circulated by the Clinton administration of 30 organizations with suspected ties to terrorism. But in an interview last year Stanley Cohen, a lawyer for

Global Relief, called the investigations of the foundation "another of the government's pathetic attempts to sully committed Islamic organizations."

From: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/15/2002 9:13:02 AM
Subject: : RE: Meeting of Department General Counsels on political activity rules and issues

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Ciongoli, Adam" <Adam.Ciongoli@usdoj.gov> ("Ciongoli, Adam"
<Adam.Ciongoli@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:15-MAR-2002 14:13:02.00
SUBJECT:: RE: Meeting of Department General Counsels on political activity rules and issues
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

what ever happened with this?

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett M. Kavanaugh@who.eop.gov]
Sent: Friday, February 15, 2002 9:59 AM
To: Ciongoli, Adam; tkassinger@doc.gov; brian.jones@ed.gov;
lee.otis@hq.doe.gov; alex.azar@hhs.gov; Richard_a._hauser@hud.gov;
William_myersIII@ios.doi.gov; scalia-eugene@dol.gov;
taftwh@ms.state.gov; kvantine@dot.ost.gov; david.aufhauser@do.treas.gov;
tim.mcclain@mail.va.gov; j_michael.kelly@usda.gov;
hayneswj@osdgc.osd.mil
Subject: Meeting of Department General Counsels on political activity
rules and issues

The White House Counsel's office requests that you and/or a designated high-level attorney in your office attend a meeting next Wednesday the 20th at 3:00 in Room 180 of the EEOB. At the meeting, we will review political activity rules and issues, as well as answer any questions you may have. The meeting should last less than an hour.

Please let me know by reply e-mail who from your office will attend. Clearance information should be provided to Lori Lorenzi at 456-7900.

Ken Mehlman of the White House Office of Political Affairs also will be in contact with the Chiefs of Staffs of your departments about this meeting.

REV_00141871

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 3/15/2002 11:05:21 AM
Subject: : Timing of letter to Leahy??

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-MAR-2002 16:05:21.00
SUBJECT:: Timing of letter to Leahy??
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I know you're in a meeting but I wanted to make sure you knew that the Judge's schedule is free for the rest of the day so it is possible he will flee earlier than usual.

If you still think this letter should go out tonight then we need to get moving.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/15/2002 11:57:52 AM
Subject: : Noel J. Francisco/WHO/EOP is out of the office.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-MAR-2002 16:57:52.00

SUBJECT:: Noel J. Francisco/WHO/EOP is out of the office.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I will be out of the office from 03/15/2002 until 03/25/2002.

I will be out of the office from Friday, March 15 through Friday, March 22, and will return Monday, March 25. If you need assistance before then, please call (202) 456-2632.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 3/16/2002 9:25:05 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 16-MAR-2002 14:25:05.00
SUBJECT::
TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

Update. The search will not begin until Monday at earliest.
Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 3/16/2002 9:25:05 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAR-2002 14:25:05.00
SUBJECT::
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Update. The search will not begin until Monday at earliest.
Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 3/16/2002 9:40:57 AM
Subject: RECEIVED: Re:

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-MAR-2002 14:40:57.00
SUBJECT:RECEIVED: Re:
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Re:
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/16/2002 02:41:00 PM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 3/18/2002 5:03:17 AM
Subject: : draft admin alert

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2002 10:03:17.00
SUBJECT:: draft admin alert
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The United States Attorney for the Northern District of Illinois and the Federal Bureau of Investigation are conducting a criminal investigation relating to the unauthorized disclosure last year of confidential government information concerning the blocking and freezing of the assets of the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation. The White House is one of several federal government offices that have been asked to assist in this investigation, and the White House will cooperate fully.

To assist the Justice Department,s investigation, you soon will receive a memorandum through inter-office mail that will instruct you to complete and sign a certification and produce relevant official documents you may possess to the Counsel,s office (2nd Floor, West Wing) no later than March 25, 2002.

Thank you for your cooperation.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 3/18/2002 5:27:45 AM
Subject: : NEW draft admin alert

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2002 10:27:45.00
SUBJECT:: NEW draft admin alert
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The United States Attorney for the Northern District of Illinois and the Federal Bureau of Investigation are conducting a criminal investigation relating to the unauthorized disclosure last year of confidential government information concerning suspected terrorist fund-raising organizations (specifically concerning the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation). The White House is one of several federal government offices that have been asked to assist in this investigation, and the White House will cooperate fully.

To assist the Justice Department,s investigation, you soon will receive a memorandum through inter-office mail that will instruct you to complete and sign a certification and produce relevant official documents you may possess to the Counsel,s office (2nd Floor, West Wing) no later than March 25, 2002.

Thank you for your cooperation.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 3/18/2002 4:02:40 AM
Subject: : Re: Priscilla Owen ALERT -- Sen. Leahy comments

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-MAR-2002 09:02:40.00
SUBJECT:: Re: Priscilla Owen ALERT -- Sen. Leahy comments
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/18/2002 09:02 AM -----

Alberto R. Gonzales
03/16/2002 06:11:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Priscilla Owen ALERT -- Sen. Leahy comments

He has mentioned it twice to me.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 3/18/2002 4:03:11 AM
Subject: : fyi

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-MAR-2002 09:03:11.00

SUBJECT:: fyi

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

<http://www.usatoday.com/hphoto.htm>

REV_00141950

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 3/18/2002 5:38:07 AM
Subject: : Re: NEW draft admin alert

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-MAR-2002 10:38:07.00
SUBJECT:: Re: NEW draft admin alert
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Looks good to me.

Brett M. Kavanaugh
03/18/2002 10:27:43 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc: H. Christopher Bartolomucci/WHO/EOP@EOP
Subject: NEW draft admin alert

The United States Attorney for the Northern District of Illinois and the Federal Bureau of Investigation are conducting a criminal investigation relating to the unauthorized disclosure last year of confidential government information concerning suspected terrorist fund-raising organizations (specifically concerning the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation). The White House is one of several federal government offices that have been asked to assist in this investigation, and the White House will cooperate fully.

To assist the Justice Department's investigation, you soon will receive a memorandum through inter-office mail that will instruct you to complete and sign a certification and produce relevant official documents you may possess to the Counsel's office (2nd Floor, West Wing) no later than March 25, 2002.

Thank you for your cooperation.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>
Sent: 3/18/2002 5:43:44 AM
Subject: : Re: NEW draft admin alert

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2002 10:43:44.00
SUBJECT:: Re: NEW draft admin alert
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Looks good.

Brett M. Kavanaugh
03/18/2002 10:27:43 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc: H. Christopher Bartolomucci/WHO/EOP@EOP
Subject: NEW draft admin alert

The United States Attorney for the Northern District of Illinois and the Federal Bureau of Investigation are conducting a criminal investigation relating to the unauthorized disclosure last year of confidential government information concerning suspected terrorist fund-raising organizations (specifically concerning the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation). The White House is one of several federal government offices that have been asked to assist in this investigation, and the White House will cooperate fully.

To assist the Justice Department,s investigation, you soon will receive a memorandum through inter-office mail that will instruct you to complete and sign a certification and produce relevant official documents you may possess to the Counsel,s office (2nd Floor, West Wing) no later than March 25, 2002.

Thank you for your cooperation.

From: CN=Gordon D. Johndroe/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/18/2002 6:23:13 AM
Subject: : Does Glenn Hubbard testify on The Hill?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2002 11:23:13.00
SUBJECT:: Does Glenn Hubbard testify on The Hill?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

a reporter says he testifies all the time.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>
Sent: 3/18/2002 6:39:56 AM
Subject: : FW: Senator Schumer's Draft Terrorism Insurance Legislation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2002 11:39:56.00
SUBJECT:: FW: Senator Schumer's Draft Terrorism Insurance Legislation
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

the plot thickens.....

-----Original Message-----

From: dbeck@rebny.com [mailto:dbeck@rebny.com]
Sent: Friday, March 15, 2002 3:54 PM
To: timothy.hanford@us.pwcglobal.com; Steve Renna; tedwards@nareit.com; swechsler@nareit.com; lgoold@realtors.org; kenneth.j.kies@us.pwcglobal.com; cnriddle@nmhc.org; Jeff DeBoer; jarbury@nmhc.org; sgross@rhtax.com; spector@naiop.org; raffaelli@naiop.org; dbeck@rebny.com
Subject: Senator Schumer's Draft Terrorism Insurance Legislation

Attached FYI and to get co sponsors. Comments welcome. D
New York's Senator
CHARLES E. SCHUMER

313 Hart Senate Office Building ? Washington, DC 20510
Phone: (202)224-7433 ? Fax: (202)228-1218

March 15, 2002

Dear Community Leader:

As you may know, the lack of a government backstop for terrorism insurance is causing insurance rates to skyrocket and, even worse, preventing new projects from going forward. Last year, we came close to a legislative solution, but it foundered on the shoals of tort reform.

I have worked with Treasury Secretary O'Neill on a new approach that should avoid these perils. The approach is a simple one. The federal government will pick up uninsured losses if there is another terrorist attack. I believe it can receive bipartisan support in both houses of Congress.

REV_00141955

I am sending you a copy of this proposal. If you support it, please let your senators and congressmen know. If you have any questions, please contact Kate Scheeler in my Washington office at 202-224-6542. And, as always, please let me know if I can be of help to you in any way.

Sincerely,

Charles Schumer
U.S. Senate
SCHUMER PROPOSAL

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Act of 2002."

SEC. 2. TERRORISM RISK INSURANCE PROGRAM AUTHORIZED.--

The Secretary of the Treasury is authorized to establish a terrorism risk insurance program to compensate U.S. persons for up to \$100,000,000,000 in aggregate economic losses of the type that are typically covered under property and casualty insurance policies, including business interruption coverage, resulting from any act of terrorism that occurs on or after the date of enactment of this Act through June 30, 2005. The Secretary shall compensate persons pursuant to this Act only if both the person and the appropriate State insurance commissioner certify that the person has not been able to obtain reasonably priced insurance coverage in the private sector for economic losses resulting from acts of terrorism. The Secretary has discretionary authority to assess premiums on those certified. Any determination of the Secretary as to whether or not to pay compensation, or as to the appropriate amount of any compensation, under this Act shall be final and shall not be subject to judicial review.

SEC. 3. ACT OF TERRORISM DEFINED.--

(a) CERTIFICATION.--The term Act of terrorism@ means any act that is certified by the Secretary -- (1) to be a violent act or an act that is dangerous to human life, property, or infrastructure; (2) to have resulted in damage within the United States, or to an air carrier (as defined in section 40102 of title 49, United States Code) regardless of where the loss occurs; and (3) to have been committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

(b) LIMITATION.--No act or event shall be certified by the Secretary as an act of terrorism if (1) the act or event is committed in the course of a war declared by the Congress; or (2) losses resulting from the act or event, in the aggregate, do not exceed \$5,000,000.

(c) DETERMINATIONS FINAL.-- Any certification of, or determination not to certify, an act or event as an act of terrorism under this paragraph shall be final and shall not be subject to judicial review.

SEC. 4. PAYMENT AUTHORITY.-- This Act constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal

Government to pay up to \$100,000,000,000 in compensation for economic losses determined by the Secretary to be covered under this Act.

SEC. 5. GENERAL AUTHORITIES.--The Secretary shall have the powers and authorities necessary to implement this Act, including authority to prescribe regulations and procedures. Such regulations and procedures may include, but not be limited to, guidelines for certification and for assessment of premiums. The United States shall have the right of subrogation with respect to any payment made by the United States under this

Act.

Explanation of Proposed Terrorism Risk Insurance Act of 2002

The proposed bill authorizes the Secretary of the Treasury to establish a temporary (3 year) terrorism risk insurance program to protect taxpayers and reduce economic instability caused by the current lack of affordable commercial property and casualty insurance coverage for terrorism risk in the wake of the September 11 attacks on the World Trade Center and the Pentagon.

The proposed bill recognizes the federal government's interest in stabilizing the economy during this period of uncertainty about possible future terrorist attacks. It offers a simpler, yet effective, alternative to other terrorism insurance bills.

Specifically, the proposed terrorism risk insurance program would --

- ~ provide compensation to U.S. persons, up to an aggregate cap of \$100 billion, for economic losses, of the type typically covered under property and casualty insurance for future acts of terrorism, subject to certification by that person or persons and by the appropriate state insurance commissioner, that the person or persons have been unable to obtain reasonably priced insurance coverage for losses resulting from acts of terrorism

- ~ limit federal government exposure by narrowly defining the term "act of terrorism," requiring federal certification by the Secretary of the Treasury that an act of terrorism has occurred, limiting the duration of the program and providing a federal right of subrogation with respect to any payment made under the Act

- ~ provide congressional payment authority for the program, and

- ~ authorize the Secretary of the Treasury to implement the Act and the program, including authority to prescribe regulations and procedures

Under the proposed bill, the terrorism risk insurance program would provide direct compensation for victims of future terrorist attacks who have been unable to secure private sector insurance coverage. The Secretary of the Treasury would have discretionary authority to charge a premium for such coverage. By providing direct, full compensation for economic losses, the proposed bill: 1) recognizes the responsibility of the federal government to

assure insurance protection against potential future attacks 2) avoids issues raised last year regarding the level and amount of private insurers' retention and 3) reflects what appeared to be the consensus reached last year that taxpayer dollars should not be used to compensate for non-economic losses, such as punitive damage

Deborah B. Beck
Executive Vice President
Real Estate Board of New York
570 Lexington Avenue, 2nd Floor
New York, N.Y. 10022
Tel (212) 532-3129
Fax (212) 779-8774

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 3/18/2002 6:55:13 AM
Subject: : call me

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-MAR-2002 11:55:13.00

SUBJECT:: call me

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/18/2002 7:59:02 AM
Subject: : 03-20-02 WHJSC meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-MAR-2002 12:59:02.00

SUBJECT:: 03-20-02 WHJSC meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know if you have any items for this week's agenda.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/18/2002 1:15:22 PM
Subject: : test

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2002 18:15:22.00
SUBJECT:: test
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/18/2002 12:53:41 PM
Subject: : Re: Victims rights

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-MAR-2002 17:53:41.00

SUBJECT:: Re: Victims rights

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

But your ofc does support amend?

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 3/18/2002 1:26:01 PM
Subject: : FW: GAO Request for State Documents related to China WTO accessi o n n

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2002 18:26:01.00
SUBJECT:: FW: GAO Request for State Documents related to China WTO accessi o n n
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READ:UNKNOWN
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READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
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READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The second in the series.

----- Forwarded by Bradford A. Berenson/WHO/EOP on
03/18/2002 06:21 PM -----

"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>
03/15/2002 02:28:15 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: FW: GAO Request for State Documents related to China WTO accessi
o n n

Per my message of moments ago.

-----Original Message-----

From: BOREKJS@ms.state.gov [mailto:BOREKJS@ms.state.gov]
Sent: Tuesday, March 12, 2002 5:38 PM
To: Colborn, Paul P
Subject: FYI: GAO Request for State Documents related to China WTO
accessi o n n
Importance: High

-----Original Message-----

From: Kinney, Stephanie S (RM/CFO)
Sent: Tuesday, March 12, 2002 5:15 PM
To: Borek, Jamison S (Internet); Loken, Keith N (Internet); Schnitker, John P (Internet); Tarnowka Mary E (Main State 4318); Shields, Daniel L (Main State 4318)
Cc: Wertman, Douglas A (H); Polt, Michael C (H); Chang, Michael B (H); Namm, Adam E (M); Kaplan, Sid L (RM/F); Bodde, Peter W (M/P); Carter, Michelle H; Burnham, Christopher B (RM/CFO); Shinnick, Richard J (M)
Subject: RE: GAO Request for State Documents related to China WTO accessio n n
Importance: High

Funny you all should be on this. I was just collecting a package of data to discuss with Jami, but I will share it here.

Here's the whole picture as I got it this morning from GAO's Carolyn Black Bagdoyan, who called to push for an entry meeting this week on China job 320104:

The following GAO work program on China and WTO has been requested on a bipartisan basis by the Chairs of the Senate Finance Committee (Bacchus and Grassley) and the Chairs of the House Ways and Means Committee (Thomas and Rangel). When I asked whether the elected officials had really work out such detail and inquired what staffers GAO had worked with, Carolyn said that the GAO work program on China WTO had actually been developed with Ted

Posner, Trade Majority Trade Counsel for the Senate Finance Subcommittee on Trade; Richard Khriss, the Subcommittee's Minority Trade Counsel; Angela Ellard, Staff Director (for Ways and Means or one of its Subcommittees?) and

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* Five different GAO jobs of which four will be repeated annually from now until 2005, i.e. four reports each.

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* XXX-the yet to be announced annual business survey that will supplant #320047

I asked Carolyn to send me a one page GAO summary of the above to ensure that I can accurately represent it and can explain it to people here. She said she would have to check with her boss as to whether she could do this. I told her that we could not possibly organize the entry meeting for #320104

this week as she hoped, but that we would aim for the latter part of the first week in April when she and her group return from China. In the meantime, she said, she hoped we would be pulling the documentation GAO has requested together so that some of it would be available at the April entry meeting. (We are trying to get an electronic copy of the four page faxed

REV_00141969

request dated March 11 so that we can share it more easily in the Department.) Among other things, it requests what it says they have requested from USTR:

- * records of communication between US and Chinese officials;
- * Instructions and "talking points"/"backgrounders" prepared for US delegations to China and Geneva...
- * Information about other WTO members' actions and positions...
- * Documentation of the activities of the Trade Policy Staff Committee Subcommittee on China WTO Compliance
- * ETC.

In particular, Carolyn asked about the possibility of getting electronic versions of the six categories of cables they want, asking why we could not make such available when ITA does. (I said I no idea about ITA but that only people on our system can get electronic cables and GAO is not on our system.) Carolyn also noted that GAO wants a monthly cable update on China WTO from now until 2005. Since I had not seen the document request, in addition to dismissing the possibility of electronic cable takes, I simply flagged my consternation and concern about GAO is doing so many jobs on one subject (GAO insists each segment is a stand alone.) and that it presumes to do real time monitoring of negotiations, as opposed to evaluating/auditing past actions. Carolyn took umbrage at my question of whether GAO might not have the right to do real time monitoring of China WTO and said she would have to refer that issue to their attorney. I noted that further discussion of this whole work program will probably be necessary because of the questions/issues it raises but that we will aim for an entry meeting on #320104 in early April.

ACTION PROPOSED: I think we need a meeting of L, H, EAP, M, M/P, RM and EB on this package to assess State's interests and determine whether the timing and the issues are such that we need to 1) pick a fight on this one or whether we want to 2) make book on this for the Senior Dialogue (hopefully in April) or 3) just get on with it and bear the burden GAO is levying on the China Desk and turn over anything GAO wants on China WTO. The last option is simplest, in which case I also suggest that we save the taxpayer the cost of having two teams do China WTO and instead fire the current group and hire the one that Congress will listen to and take briefings from, providing that they are also prepared to do all the other work involved as well.

Please let me know your thoughts and reactions vis a vis the China WTO GAO work program and whether the proposed meeting makes sense. The real point here is that any contention of GAOs right to anything on this is likely to bring big guns into play and State leadership will need to be prepared to hang tough and wither the fire. How ready for a fight are we? What are our chances of winning? at what cost? Stephanie

-----Original Message-----

From: BOREKJS@ms.state.gov
Sent: Tuesday, March 12, 2002 12:48 PM
To: LOKENKN@ms.state.gov; SchnitkerJP@ms.state.gov; KinneySS@state.gov
Subject: RE: GAO Request for State Documents related to China WTO
accessio n

REV_00141970

I think these are policy questions also and we need to decide on an overall approach in a larger context.

-----Original Message-----

From: Loken, Keith N (Internet)
Sent: Tuesday, March 12, 2002 10:26 AM
To: Loken, Keith N (Internet); Borek, Jamison S (Internet); Schnitker, John P (Internet)
Subject: RE: GAO Request for State Documents related to China WTO accessio n

In the meantime, a couple of questions:

-- I interpret this request to cover not only relevant cables, but also other relevant records (e.g., e-mail). Do you agree?

-- GAO makes a prospective request for cables to be produced, on a monthly basis, for the duration of the investigation (open-ended). Is it our practice to comply with such requests?

thanks

-----Original Message-----

From: Loken, Keith N (Internet)
Sent: Tuesday, March 12, 2002 10:15 AM
To: Borek, Jamison S (Internet); Schnitker, John P (Internet)
Subject: RE: GAO Request for State Documents related to China WTO accessio n

I have left a message with USTR's China office.

-----Original Message-----

From: Borek, Jamison S (Internet)
Sent: Tuesday, March 12, 2002 10:00 AM
To: Loken, Keith N (Internet); Schnitker, John P (Internet)
Subject: RE: GAO Request for State Documents related to China WTO accessio n

Keith - Have you spoken w/ USTR about this and what they plan to do with it?

I think that is necessary info.

-----Original Message-----

From: Loken, Keith N (Internet)
Sent: Monday, March 11, 2002 5:35 PM
To: Borek, Jamison S (Internet); Schnitker, John P (Internet)
Subject: FW: GAO Request for State Documents related to China WTO accessio n
Importance: High

Jami/John - FYI.

-----Original Message-----

From: Tarnowka Mary E(Main State 4318)
Sent: Monday, March 11, 2002 5:10 PM
To: Loken, Keith N (Internet)
Cc: Shields, Daniel L(Main State 4318); Hergen, James G (Internet); Levinson, Sandy W (Internet)
Subject: FW: GAO Request for State Documents related to China WTO accessio n
Importance: High

Keith, we just received this today as a heads up; the formal request will come via Michelle Carter (RM - former FMP). I would like to discuss ASAP, particularly since a GAO del is traveling to Beijing this weekend and will be in China for two weeks. I think it is important that we work out what and how we share soonest. Please give me a call. Thanks, Mary

CLASSIFICATION: UNCLASSIFIED

This email is unclassified based on the definitions provided in E.O. 12958.

Mary Tarnowka
Office of Chinese and Mongolian Affairs
Department of State
tel (202) 647-6798, fax (202) 647-6820

-----Original Message-----

From: Carolyn B Bagdoyan [mailto:BagdoyanC@GAO.GOV]
mailto:BagdoyanC@GAO.GOV]
Sent: Monday, March 11, 2002 4:16 PM
To: Shieldsdl@state.gov; TarnowkaME@state.gov
Cc: Adam R Cowles; Matthew E Helm; Simin Ho; Michelle A Sager; Richard Seldin
Subject: State Document Request

InterScan has scanned the attachment (STATEDOC.DOC),
and no viruses were found.
*****_*****

Dan and Mary,

Please find attached a copy of a letter faxed over to Michelle Carter today regarding documents GAO is requesting in support of our work under China WTO Obligations (320088) and China WTO Implementation (320104). We hope we can discuss the request when we have our entrance with you on the implementation job.

Thanks,

Carolyn Black-Bagdoyan

Carolyn Black-Bagdoyan
Senior International Affairs Analyst
General Accounting Office
441 G. St. N.W.
Room 4G48
Washington, D.C. 20548
(202) 512-9646
(202) 512-5351 (fax)
bagdoyanc@gao.gov

REV_00141972

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 3/18/2002 1:26:01 PM
Subject: : FW: GAO Request for State Documents related to China WTO accessi o n n

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-MAR-2002 18:26:01.00
SUBJECT:: FW: GAO Request for State Documents related to China WTO accessi o n n
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
End Original ARMS Header

The second in the series.

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"Colborn, Paul P" <Paul.P.Colborn@usdoj.gov>
03/15/2002 02:28:15 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: FW: GAO Request for State Documents related to China WTO accessi
o n n

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To: Colborn, Paul P
Subject: FYI: GAO Request for State Documents related to China WTO
accessi o n n
Importance: High

REV_00141973

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From: Kinney, Stephanie S (RM/CFO)
Sent: Tuesday, March 12, 2002 5:15 PM
To: Borek, Jamison S (Internet); Loken, Keith N (Internet); Schnitker, John P (Internet); Tarnowka Mary E(Main State 4318); Shields, Daniel L(Main State 4318)
Cc: Wertman, Douglas A(H); Polt, Michael C(H); Chang, Michael B(H); Namm, Adam E(M); Kaplan, Sid L(RM/F); Bodde, Peter W(M/P); Carter, Michelle H; Burnham, Christopher B(RM/CFO); Shinnick, Richard J(M)
Subject: RE: GAO Request for State Documents related to China WTO accessio n n
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REV_00141974

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REV_00141975

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From: Loken, Keith N (Internet)
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To: Loken, Keith N (Internet); Borek, Jamison S (Internet); Schnitker, John P (Internet)
Subject: RE: GAO Request for State Documents related to China WTO accessio n

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Subject: FW: GAO Request for State Documents related to China WTO accessio n
Importance: High

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Sent: Monday, March 11, 2002 5:10 PM
To: Loken, Keith N (Internet)
Cc: Shields, Daniel L(Main State 4318); Hergen, James G (Internet); Levinson, Sandy W (Internet)
Subject: FW: GAO Request for State Documents related to China WTO accessio n
Importance: High

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CLASSIFICATION: UNCLASSIFIED

This email is unclassified based on the definitions provided in E.O. 12958.

Mary Tarnowka
Office of Chinese and Mongolian Affairs
Department of State
tel (202) 647-6798, fax (202) 647-6820

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mailto:BagdoyanC@GAO.GOV]
Sent: Monday, March 11, 2002 4:16 PM
To: Shieldsdl@state.gov; TarnowkaME@state.gov
Cc: Adam R Cowles; Matthew E Helm; Simin Ho; Michelle A Sager; Richard Seldin
Subject: State Document Request

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Thanks,

Carolyn Black-Bagdoyan

Carolyn Black-Bagdoyan
Senior International Affairs Analyst
General Accounting Office
441 G. St. N.W.
Room 4G48
Washington, D.C. 20548
(202) 512-9646
(202) 512-5351 (fax)
bagdoyanc@gao.gov

REV_00141977

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/18/2002 1:40:15 PM
Subject: : Victims rights

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-MAR-2002 18:40:15.00

SUBJECT:: Victims rights

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Dou know Judge's view?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 3/19/2002 4:10:15 AM
Subject: : E-mail search

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 09:10:15.00
SUBJECT:: E-mail search
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Can we meet at 10?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 3/19/2002 4:41:52 AM
Subject: : Next week

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-MAR-2002 09:41:52.00

SUBJECT:: Next week

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that Judge Gonzales, Tim and I will be out all of next week (March 25-29). The Judge and I both depart Friday afternoon.

If you have something that needs to be taken care of by let's try to get it wrapped up before 12N on Friday.

REV_00141982

Allison and Patrick will be in the WW 2nd fl. office all of next week and will have our contact information.

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 3/19/2002 5:14:26 AM
Subject: : a couple of things

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-MAR-2002 10:14:26.00

SUBJECT:: a couple of things

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

1) We will have JSC meeting this week at 4pm in the Roosevelt. Brett- per the Judge please put something together on strategy. JSC prep at the usual time - 3:30 pm in the Judge's office.

2) We will not have JSC next Wednesday (March 27th).

REV_00141985

3) Even though the Judge and Tim will be out the 8:15 am staff meetings will occur every day next week except for Friday (Good Friday). David Addington will lead the Counsel staff meetings.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 3/19/2002 6:46:01 AM
Subject: : ASAP request; thanks
Attachments: P_21V46003_WHO.TXT_1.html

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-MAR-2002 11:46:01.00
SUBJECT: : ASAP request; thanks
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

This is Murray and Cantwell letter of yesterday; please FAX to me as well. Thanks.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/19/2002 11:45 AM -----

"Badger, Doug" <Doug.Badger@mail.house.gov>
03/19/2002 11:01:22 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: letter

Any chance you could fax us a copy of the letter from the Senators? Fax number is 225-8673. Thanks, Brett.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_21V46003_WHO.TXT_1>

Any chance you could fax us a copy of the letter f rom the Senators? Fax number is 225-8673. Thanks, Brett.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 3/19/2002 6:55:58 AM
Subject: : call me re victims rights

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-MAR-2002 11:55:58.00
SUBJECT:: call me re victims rights
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>
Sent: 3/19/2002 3:03:51 AM
Subject: : victims comp proposal

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 08:03:51.00
SUBJECT:: victims comp proposal
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

did the LRM go out? where does this stand? just checking in.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 3/19/2002 4:10:15 AM
Subject: : E-mail search

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 09:10:15.00
SUBJECT:: E-mail search
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Can we meet at 10?

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;wendy j. grubbs/who/eop@eop [WHO] <wendy j. grubbs>
Sent: 3/19/2002 4:10:51 AM
Subject: : Re: extremely revised talking points - still in process
Attachments: P_1EL46003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 09:10:51.00
SUBJECT:: Re: extremely revised talking points - still in process
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:wendy j. grubbs (CN=wendy j. grubbs/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks Christine. We (OHS counsel) will have a revised text to you shortly this a.m..

Christine Ciccone
03/18/2002 10:35:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Edward McNally/WHO/EOP@EOP,
Wendy J. Grubbs/WHO/EOP@EOP
cc:
Subject: extremely revised talking points - still in process

we would love to add a statistic if you have any.

TALKING POINTS
REQUEST FOR GOVERNOR RIDGE TO TESTIFY

Governor Ridge has been asked to testify before Congress. The Administration believes strongly that the Governor) as one of the President,s closest advisors) should be held to the long-standing practice that precludes such advisors from testifying.

The Administration recognizes the needs of Congress to receive information to perform its constitutional responsibilities. Governor Ridge has offered and held numerous meetings and briefings with Members of Congress. The Governor will continue to work closely with Congress, including the relevant Committees, in a manner consistent with this long-standing practice (well-established).

Why the Director of Homeland Security should not testify
ú Presidents of both parties, for over 50 years, have taken the position that their closest advisers cannot be forced to testify before Congress on policy matters. This position, based on the Constitution's separation of powers, has long been accepted by the Congress.

ú Governor Ridge is the President,s chief advisor on homeland

REV_00141996

security issues. As an Assistant to the President, a non-confirmed position, he has no authority to hire or fire, except in his immediate office.

ú The Director of Homeland Security serves as a coordinator between various agencies and departments. The National Security Advisor, who has a similar coordinating role between agencies does not testify, nor does the White House Chief of Staff.

ú Administrations of both parties have adhered to this position, except for instances involving substantial allegations of personal or official wrongdoing.

ú There are White House officials who regularly testify before Congress. These include statutorily created offices that involve positions requiring Senate confirmation, such as the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisors, and the Director of the Office of National Drug Control Policy.

Meeting Congress, Need for Information

The Administration and Governor Ridge have regularly met with Congress and provided extensive information on homeland security.

ú Administration officials with operational and budgetary authority, including the Secretary of Defense and the Attorney General, have repeatedly testified before Congress on homeland security matters. They have also provided Members of Congress with periodic briefings.

ú Governor Ridge, although he does not have operational authority, has made himself available to meet with Members of Congress on an ongoing basis. He has repeatedly reached out to the bipartisan leadership of the Senate, and most recently met with the Senate caucuses of both parties.

Moving forward in the future.

ú The Administration and Governor Ridge recognize that the country faces significant issues regarding homeland security and that it will take the cooperation of both branches working together to solve them.

ú The Administration is committed to meeting Congressional needs for information consistent with constitutional principles, and will continue to meet with Members of Congress and brief committees on an ongoing basis.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1EL46003_WHO.TXT_1>

TALKING POINTS

REQUEST FOR GOVERNOR RIDGE TO TESTIFY

Governor Ridge has been asked to testify before Congress. The Administration believes strongly that the Governor – as one of the President’s closest advisors – should be held to the long-standing practice that precludes such advisors from testifying.

The Administration recognizes the needs of Congress to receive information to perform its constitutional responsibilities. Governor Ridge has offered and held numerous meetings and briefings with Members of Congress. The Governor will continue to work closely with Congress, including the relevant Committees, in a manner consistent with this long-standing practice (well-established).

Why the Director of Homeland Security should not testify

- Presidents of both parties, for over 50 years, have taken the position that their closest advisers cannot be forced to testify before Congress on policy matters. This position, based on the Constitution's separation of powers, has long been accepted by the Congress.
- Governor Ridge is the President’s chief advisor on homeland security issues. As an Assistant to the President, a non-confirmed position, he has no authority to hire or fire, except in his immediate office.
- The Director of Homeland Security serves as a coordinator between various agencies and departments. The National Security Advisor, who has a similar coordinating role between agencies does not testify, nor does the White House Chief of Staff.
- Administrations of both parties have adhered to this position, except for instances involving substantial allegations of personal or official wrongdoing.
- There are White House officials who regularly testify before Congress. These include statutorily created offices that involve positions requiring Senate confirmation, such as the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisors, and the Director of the Office of National Drug Control Policy.

Meeting Congress’ Need for Information

The Administration and Governor Ridge have regularly met with Congress and provided extensive information on homeland security.

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- Governor Ridge, although he does not have operational authority, has made himself available to meet with Members of Congress on an ongoing basis. He has repeatedly

reached out to the bipartisan leadership of the Senate, and most recently met with the Senate caucuses of both parties.

Moving forward in the future.

- The Administration and Governor Ridge recognize that the country faces significant issues regarding homeland security and that it will take the cooperation of both branches working together to solve them.
- The Administration is committed to meeting Congressional needs for information consistent with constitutional principles, and will continue to meet with Members of Congress and brief committees on an ongoing basis.

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H. Zimmerman>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/19/2002 8:40:30 AM
Subject: : Re: Can we meet to review White House E-mail Updates

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 13:40:30.00
SUBJECT:: Re: Can we meet to review White House E-mail Updates
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I could meet today at 5:30 or anytime tomorrow morning.

Neil H. Zimmerman

03/19/2002 12:27:28 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP
cc:
Subject: Can we meet to review White House E-mail Updates

Need to go over the following:
the sign up process via the White House Web site
the e-mail confirmation process
the privacy policy

I'll bring print outs of the Web pages and e-mail messages. A mockup is available online @ <http://staging.eop.gov/email/>

Please let me know when we can meet, I'm available at your soonest convenience I've included Rachel so she can review any privacy policy issues the White House E-mail Updates may present.

Thanks,
NEIL
x6-7465

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>
Sent: 3/19/2002 4:47:54 AM
Subject: : request for talking points on Ridge testimony

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 09:47:54.00
SUBJECT:: request for talking points on Ridge testimony
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Christine:

Ed Haden with Senator Sessions would like us to e-mail a copy of the talking points on this issue to him when they are finalized. His e-mail is ed_haden@judiciary.senate.gov. Thanks.

Brett

From: CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO]
To: Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;harriet miers/who/eop@eop [WHO] <harriet miers>;blake gottesman/who/eop@eop [WHO] <blake gottesman>
Sent: 3/19/2002 4:54:33 AM
Subject: : Re: Propsoed Admin Alert
Attachments: P_72046003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mary Ann Hanusa (CN=Mary Ann Hanusa/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 09:54:33.00
SUBJECT:: Re: Propsoed Admin Alert
TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:harriet miers (CN=harriet miers/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:blake gottesman (CN=blake gottesman/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Maybe change "program from the Ford's Theatre event" to "a" to make it sound more general.

Linda M. Gambatesa
03/19/2002 09:46:32 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc: Harriet Miers/WHO/EOP@EOP, Blake Gottesman/WHO/EOP@EOP, Mary Ann Hanusa/WHO/EOP@EOP
Subject: Propsoed Admin Alert

Brett, would you please review the proposed admin alert I drafted and let me know if okay to send. The intent is to make sure the collection of this information is on everyone's radar screen and takes place in a systematic fashion so that there is as much material as possible from which to establish a Bush Library at the appropriate time.

Thanks.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_72046003_WHO.TXT_1>

D R A F T: Proposed Administrative Alert
BUSH LIBRARY MATERIALS

We would appreciate your help collecting items related to presidential events and sending one original of each to us for possible inclusion in the future Bush Library. These would include items of special historical interest as well as some of the routine items your office might produce as project officer for an event.

For example, we need everything from backdrops from events to items the President has worn to participate in events to tickets and/or invitations to events. Examples include:

- caps/hats he has worn at events
- jackets worn (to throw out first pitch at World Series)
- the ball he pitched at the World Series
- a tool belt worn to work on a project
- tickets to T-Ball games
- program for the Ford's Theater event
- menus from state dinners and other special occasions
- invitations to events
- brochures that highlight issues/programs
- nicely bound/printed copies of Presidential speeches/remarks
- samples of all mementos/trinkets developed for the Administration

Please send these items to me as you collect them, and we will store them safely. When in doubt about whether something would be useful, please send it anyway.

Thanks for your cooperation in planning ahead to make the future Bush Presidential Library as visually compelling as possible. Your comments are also welcome.

Linda Gambatesa
West Wing – 1st Floor

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 3/19/2002 5:14:26 AM
Subject: : a couple of things

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-MAR-2002 10:14:26.00

SUBJECT:: a couple of things

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

1) We will have JSC meeting this week at 4pm in the Roosevelt. Brett- per the Judge please put something together on strategy. JSC prep at the usual time - 3:30 pm in the Judge's office.

2) We will not have JSC next Wednesday (March 27th).

REV_00142004

3) Even though the Judge and Tim will be out the 8:15 am staff meetings will occur every day next week except for Friday (Good Friday). David Addington will lead the Counsel staff meetings.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 3/19/2002 5:23:49 AM
Subject: RECEIVED: Re: E-mail search

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 10:23:49.00
SUBJECT:RECEIVED: Re: E-mail search
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Re: E-mail search
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/19/2002 10:23:47 AM

From: CN=Christine Ciccone/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; Gordon D. Johndroe/WHO/EOP@EOP [WHO] <Gordon D. Johndroe>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>; Jack Howard/WHO/EOP@EOP [WHO] <Jack Howard>; Nicholas E. Calio/WHO/EOP@EOP [WHO] <Nicholas E. Calio>; Julie L. Nichols/WHO/EOP@EOP [WHO] <Julie L. Nichols>
Sent: 3/19/2002 6:46:54 AM
Subject: : Homeland talking points to be provided at todays Republican policy lunch
Attachments: P_X2V46003_WHO.TXT_1.doc; P_X2V46003_WHO.TXT_2.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 11:46:54.00
SUBJECT:: Homeland talking points to be provided at todays Republican policy lunch
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jack Howard (CN=Jack Howard/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Julie L. Nichols (CN=Julie L. Nichols/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_X2V46003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_X2V46003_WHO.TXT_2>

TALKING POINTS

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 3/19/2002 10:47:54 AM
Subject: RECEIVED: Re: Correction ARMS search estimate

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-MAR-2002 15:47:54.00
SUBJECT: RECEIVED: Re: Correction ARMS search estimate
TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Re: Correction ARMS search estimate
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/19/2002 03:46:55 PM

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: jennifer.newstead@usdoj.gov @ inet [UNKNOWN]
<jennifer.newstead@usdoj.gov>; viet.dinh@usdoj.gov @ inet [UNKNOWN]
<viet.dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/19/2002 6:49:32 AM
Subject: : John Mashburn request

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 11:49:32.00
SUBJECT:: John Mashburn request
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Heads up: John Mashburn will be calling OLP today looking for a summary of the likely charges and responses against the May 9 judges. Lott is going to begin working this on the floor and wants to be prepared for a bit of back and forth over the 8 nominees.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Robert J. Delahunty/WHO/EOP@EOP [WHO] <Robert J. Delahunty>
Sent: 3/19/2002 6:54:52 AM
Subject: : Homeland talking points to be provided at todays Republican policy lunch
Attachments: P_OJV46003_WHO.TXT_1.doc; P_OJV46003_WHO.TXT_2.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-MAR-2002 11:54:52.00
SUBJECT:: Homeland talking points to be provided at todays Republican policy lunch
TO: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Robert J. Delahunty (CN=Robert J. Delahunty/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

you are ok with the Dawson et al points, I gather?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/19/2002 11:54 AM -----

Christine Ciccone
03/19/2002 11:46:50 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Homeland talking points to be provided at todays
Republican policy lunch

Message Sent

To: _____
Brett M. Kavanaugh/WHO/EOP@EOP
Wendy J. Grubbs/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Gordon D. Johndroe/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP
Jack Howard/WHO/EOP@EOP
Nicholas E. Calio/WHO/EOP@EOP
Julie L. Nichols/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OJV46003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OJV46003_WHO.TXT_2>

REV_00142016

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 3/19/2002 6:55:58 AM
Subject: : call me re victims rights

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 11:55:58.00
SUBJECT:: call me re victims rights
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 3/19/2002 8:16:50 AM
Subject: : Fundraising Event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 13:16:50.00
SUBJECT:: Fundraising Event
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thoughts?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/19/2002 01:16 PM -----

Israel Hernandez
03/19/2002 01:08:37 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Fundraising Event

The Joint Center for Political and Economic Studies is hosting the biggest Gala of the year. They have invited the President to speak. The concern is that the dinner is a fundraising event. This information is a follow-up to what you were requesting.

The organization is an Afrucan-American "think tank." The are a 501-3 (c) not for profit entity.

Here are the table levels:

\$50,000 Leadership
\$30,000 Chairman
\$15,000 Sponsor
\$10,000 Patron

Individual tickets: \$500

They are expecting 1,000 - 1,200 attendees.

The dinner is slated for March 26, 2002.

Let me know if there is a conflict of interest.

Thanks again for your help.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: ed_haden@judiciary.senate.gov @ inet [UNKNOWN] <ed_haden@judiciary.senate.gov>
Sent: 3/19/2002 8:20:38 AM
Subject: :
Attachments: P_AXZ46003_WHO.TXT_1.doc; P_AXZ46003_WHO.TXT_2.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 19-MAR-2002 13:20:38.00

SUBJECT: :

TO: ed_haden@judiciary.senate.gov (ed_haden@judiciary.senate.gov @ inet [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_AXZ46003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_AXZ46003_WHO.TXT_2>

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From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/19/2002 12:30:23 PM
Subject: : LRM IKK176 - - TREASURY Testimony on Tax Shelter Transactions
Attachments: P_7QD56003_WHO.TXT_1.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 17:30:23.00
SUBJECT:: LRM IKK176 - - TREASURY Testimony on Tax Shelter Transactions
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by Patrick J. Bumatay/WHO/EOP on
03/19/2002 05:30 PM -----

From: Irene Kho on 03/19/2002 04:27:41 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: LRM IKK176 - - TREASURY Testimony on Tax Shelter Transactions

Attached is Treasury testimony on tax shelter transactions for a hearing before the Senate Finance Committee on Thursday, March 21st, at 10:00 AM. Please review and provide comments by 11:00 AM, tomorrow, Wednesday, March 20th.

LRM ID: IKK176
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, March 19, 2002

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: Irene Kho
PHONE: (202)395-5858 FAX: (202)395-3109
SUBJECT: TREASURY Testimony on Tax Shelter Transactions

DEADLINE: 11:00 AM Wednesday, March 20, 2002

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Attached is Treasury testimony on tax shelter transactions for a hearing before the Senate Finance Committee on Thursday, March 21st, at 10:00 AM. Please review and provide comments by 11:00 AM, tomorrow, Wednesday, March 20th.

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Transaction
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LEGISLATIVE REFERRAL
MEMORANDUM

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SENATE FINANCE COMMITTEE
Testimony Statement of Mark Weinberger
Assistant Secretary of the Treasury for Tax Policy

March 21, 2002

Mr. Chairman, Mr. Ranking Member and other members of the Committee, thank you for inviting the Treasury Department to testify today on the important issue of abusive tax avoidance transactions. We appreciate the role that your Committee has taken in considering these matters. Through your statements and the release of staff draft legislative proposals, you have take the lead in the public discussion about how to best address tax avoidance transactions.

The problem is that taxpayers are taking advantage of complexities in the law to obtain tax benefits not intended by Congress. Abusive tax avoidance transactions pose a threat to the integrity of our self-assessment tax system by eroding the public's respect for the tax law. They also waste public and private resources and harm the public fisc.

As you know, the Treasury Department has been evaluating the effect of the current enforcement regime, particularly the effect of the disclosure regulations issued in February 2000, before initiating a new course of administrative actions and making legislative proposals. We appreciate very much, Mr. Chairman, that the Committee has given us the time to complete our evaluation because we believe that what we have learned will result in more effective rules. Treasury's testimony today will highlight the measures necessary to address abusive tax avoidance transactions. Our proposals include administrative actions we already are beginning to undertake, as well as legislative proposals. Our administrative and legislative initiatives are similar in many respects to the proposals considered by your staff in the draft legislation they previously produced.

The goal we all share is to ensure that each taxpayer pays its fair share of tax. We do not wish to interfere with legitimate business tax planning, but we must curb abusive

concerned about. These include transactions that generate large tax losses, transactions that generate significant book-tax differences, transactions that involve holding assets for brief periods of time in order to obtain tax credits, and transactions marketed on a confidential basis. We also are developing a new disclosure form, so that the IRS will be able to identify specific information needed to evaluate abusive avoidance transactions.

We recognize that these rules will capture legitimate transactions, and we are eager to work with taxpayers to ensure that these rules are appropriately tailored. Simplicity and clarity, however, will always remain our paramount goal.

While we believe that this web of rules truly will make taxpayers think twice about participating in a transaction that they believe they can hide from IRS scrutiny, Treasury will seek substantially stiffer penalties for those taxpayers who seek to hide.

Legislative Proposals

Our legislative proposals focus on enhanced penalties for those taxpayers and promoters who fail to follow the new, clearer rules for disclosure, registration, and list-keeping. We are seeking a new, and substantial, penalty for taxpayers who fail to disclose transactions we already have identified as tax avoidance transactions. A corporate taxpayer, for instance, will pay a penalty of \$200,000 for failure to disclose certain transactions, regardless of whether or not the undisclosed transaction was a proper one. Further, if the taxpayer also loses on the merits, it will owe a new strict liability penalty of 25% of its claimed tax savings.

For promoters, we are recommending legislation that will enhance the existing penalty for the failure to register a transaction. A promoter who fails to register a transaction will be subject to fines equal to \$200,000 or 50% of its fees, whichever is higher.

Because we want to make sure that promoters identify taxpayers who have invested in these transactions, we are seeking an escalating penalty that will go up by \$10,000 for each day that a promoter fails to turn over a list of investors. We are facing too many delaying tactics, and this needs to stop.

Although Treasury's initiative focuses on expanding the disclosure, registration and list-keeping rules, with significantly enhanced penalties for those who disregard these rules, Treasury believes that other important steps must be taken to curb abusive tax practices.

Treasury believes that tax opinions need to be regulated because taxpayers rely on opinions for assurance that transactions are proper and will not be subject to penalties. We are taking steps administratively to regulate opinions and to fine and censure practitioners who violate our new rules. We believe we have authority to regulate this area, but urge Congress to confirm our power.

Our proposal also includes two substantive law changes. Our first substantive proposal would amend Section 901(k) of the Code to deal with trading in foreign tax credits. Under our proposed rule, a minimum holding period would be required for taxpayers to claim underlying tax credits associated with the property. Our second substantive proposal would add a new provision to create a tax regime to deal with a broad range of income stripping transactions. The new provision would address a variety of stripping transactions in a manner that would match taxes and economics.

Details of our administrative and legislative proposals are attached.

Conclusion

In conclusion, the Treasury Department and the IRS are committed to combating

abusive tax avoidance transactions. Treasury and the IRS believe the complexity of the current tax system provides too many opportunities for abusive tax practices. The best way to eliminate these practices is to simplify the tax law and improve transparency so that questionable transactions are disclosed and subject to IRS review. The Treasury Department has set forth a number of administrative and legislative proposals that provide clear and simple rules for disclosure, registration and list maintenance. We also propose new and increased penalties for failure to comply with these rules. Treasury and the IRS are moving forward to implement the administrative actions, as a number of them can be undertaken without further action by Congress. Nevertheless, we urge Congress to move forward with Treasury's legislative proposals. If enacted, these proposals would improve the effectiveness of the disclosure, registration and list maintenance rules thereby changing the risk/reward analysis for taxpayers who would play the audit lottery to avoid paying their fair share of taxes.

Thank you again, Mr. Chairman, for giving me the opportunity to speak today. The Treasury Department looks forward to working with Senate Finance Committee in the important task of shutting down abusive tax avoidance transactions. I will gladly answer any questions the Committee may have.

tax practices that take advantage of a complex tax code to obtain tax benefits that Congress did not intend. The objectives of the measures I will describe are transparency and certainty. Transparency means that questionable transactions are disclosed for the IRS to review. Certainty means that taxpayers and promoters that sell these product have clear rules indicating the types of transactions they must disclose, register, and maintain list for, and that taxpayers and promoters know that appropriate enforcement activity will occur with respect to questionable transactions.

Certainty also means that taxpayers and promoters cannot avoid detection. The measures we present today will create a web of rules that will reinforce each other by requiring information reporting to the IRS about a questionable transaction both by the taxpayers participating in the transaction and by the promoter. These disclosure rules will allow the IRS to identify promoters from taxpayer disclosures, and other taxpayers from promoter disclosures. Taxpayers and promoters who fail to provide the required disclosure will be subject to significant penalties.

Before providing details about our new course of administrative actions and our legislative proposals, I think it would be helpful first to provide a context for our measures by describing the actions that Treasury and the IRS are currently taking to combat abusive tax avoidance transactions, and why we have concluded that more needs to be done. In the final analysis, however, we all must recognize that the complexity of our tax code is the fundamental reason why taxpayers have the opportunity to engage in abusive transactions, and only by simplifying the entire system will such opportunities be eradicated.

Current Enforcement Status

Treasury and the IRS are working together more closely than ever to combat abusive tax practices. Recent important steps have been directed at all aspects of this

problem, from increased disclosure and consistent penalty application, to improved resource allocation and inter-agency coordination, to intensified enforcement efforts against the promoters of abusive tax avoidance transactions. These actions are having an effect, and Treasury and the IRS will continue pursuing steps that will enhance the Government's ability to curb abusive tax avoidance transactions.

Encouraged Additional Disclosure and Provided for Consistent Penalty Consideration

The IRS recently issued Announcement 2002-2, which provides an incentive for taxpayers to disclose questionable transactions. Under this program, which runs through April 23, 2002, the IRS will waive the accuracy-related penalty if a disclosed transaction results in an underpayment. The taxpayer, however, still will be liable for the additional tax and interest. In order to obtain the benefits of the program, the taxpayer must disclose to the IRS all relevant information about the transaction, including the identity of any promoter. Almost 150 transactions already have been disclosed, and the IRS expects many additional disclosures in the coming weeks. The IRS will be using the information that is disclosed to identify promoters and taxpayers who have not disclosed transactions. For example, one recent IRS inquiry of a promoter led to the disclosure of 17 investors – all of which should have disclosed their participation to the IRS. Only 5 of the 17, however, actually disclosed.

Along with this disclosure initiative, the IRS announced new penalty guidelines that will be used by the IRS' Large and Mid-Size Business Division. These guidelines make clear that the IRS considers penalties an important tool to encourage voluntary compliance. The new guidelines require IRS agents to consider the appropriateness of penalties with respect to certain transactions, and require an agent's decision to assert or

not assert penalties to be reviewed by one of 17 Directors of Field Operations. The guidelines will ensure that penalties will be impartially, fairly, and consistently considered in all tax avoidance cases.

Evaluated Additional Transactions

Treasury and the IRS are continually evaluating additional transactions as they are brought to the government's attention. Treasury and the IRS are working to expedite the issuance of additional notices and guidance because the process so far has moved entirely too slowly to be effective. Recent actions taken by the Treasury Department to address specific tax avoidance transactions include (i) the publication of a notice warning taxpayers that the IRS will challenge transactions using a loan assumption agreement to claim an inflated basis in assets acquired from another party, (ii) the publication of a notice warning taxpayers that the IRS will challenge transactions improperly shifting basis from one party to another, (iii) the publication of a notice announcing Treasury's intention to promulgate regulations that prevent the duplication of losses by a consolidated group, and (iv) the promulgation of final regulations on hedging transactions that prevent employers from getting full tax deferral on deferred executive compensation.

Re-deployed and Coordinated Resources

Treasury and the IRS realize that Government resources must be used as efficiently and effectively as possible. Treasury has worked with the IRS to issue published guidance in areas, such as accounting method and timing issues, that have consumed significant IRS examination resources. According to the IRS's Large and Midsized Business Division, these areas previously used as much as 40% of large case enforcement resources across industry groups. Treasury and the IRS believes these

resources are better used to address abusive tax avoidance transactions. The IRS also is working with the Department of Justice to ensure that the Government has a single, coordinated approach to cases in court.

Improved the Exchange of Information with Offshore Financial Centers

The Administration has made a concerted effort to establish information-sharing agreements with offshore financial centers that serve as havens for those who wish to hide income from the IRS. Agreements recently have been reached with three key offshore financial centers – the Cayman Islands, Antigua and Barbuda, and The Bahamas.

Targeted Promoters of Abusive Tax Avoidance Transactions

Promoters proliferate abusive tax avoidance transactions by developing them and marketing them to a large number of taxpayers. Because promoters are critical to the existence of abusive tax avoidance transactions, the IRS is taking vigorous actions to curb their activities with respect to both corporations and individuals.

The IRS has contacted 30 promoters of corporate tax avoidance transactions and is working with the Department of Justice to ensure that these promoters provide us with information on questionable transactions, including the identity of the taxpayers who participated in them. The IRS and the Department of Justice are ready to go to court to ensure that promoters comply with the IRS' requests for information. Once the IRS obtains from the promoters the identity of participating taxpayers, the IRS will initiate appropriate enforcement action against those taxpayers, including examinations and penalty consideration. In addition, the IRS has opened 14 penalty audits with respect to promoters of corporate tax avoidance transactions.

The IRS also is focusing on promoters of tax scams that are directed primarily at

individuals and small businesses. Although often less sophisticated than corporate tax avoidance transactions, these scams are equally damaging to the fairness of our tax system. The IRS, working with the Department of Justice, already has obtained 6 injunctions against promoters of these schemes, and 12 other cases have been or soon will be filed. The IRS also is working to expose a major tax scam involving offshore accounts that allows United States residents to hide assets in a tax haven country while using a credit card to spend that money in the U.S. The IRS, again in coordination with the Department of Justice, has issued summonses to some of the major credit card networks and to vendors to identify the thousands, and potentially tens of thousands, of taxpayers who are participating in these schemes.

Treasury's Approach for Changing The Current Enforcement Regime

A key component of this enforcement regime is taxpayer disclosure. Disclosure allows the IRS to identify potentially abusive transactions early in the process, to evaluate those transactions, to provide guidance on whether those transactions are proper, and, if necessary, to change the regulations or recommend legislative changes to shut down abusive transactions. Disclosure also helps the IRS identify taxpayers who participate in abusive transactions and promoters who market abusive transaction. Absent disclosure, the IRS may not be able to identify and shut down abusive transactions until years after they have been undertaken. Effective disclosure rules also are important to deter taxpayers from engaging in abusive tax avoidance transactions. A disclosure regime that increases the probability of IRS detection will change the taxpayer's risk/reward analysis for playing the audit lottery.

For the year 2000 corporate returns, which were filed primarily in the fall 2001 filing season, only 272 transactions were disclosed by 99 corporate taxpayers. For the

period between July 1997 and December 2001, only 3,652 transactions were registered. More than 3,000 of the registered transactions related to leasing or low income housing. Treasury and the IRS have been disappointed with the small number of disclosures and registrations and with promoter compliance with the list maintenance rules. Some promoters are claiming they are not required to maintain investor lists or are refusing to provide the lists to the IRS in a timely manner.

After reviewing the operation of the current rules, the Treasury Department and IRS have concluded significant changes to the rules are necessary. The Treasury Department and IRS' review identified what has proven effective and what has proven ineffective. Based on the review, the Treasury Department and IRS are proposing changes that build on what has proven effective and that avoid the ineffective.

The heart of an effective regime is certainty - certainty that problematic transactions will be identified, certainty that the rules will be enforced, and certainty that the penalties that Congress enacted to deter abusive tax avoidance transactions will be imposed in appropriate circumstances. The current rules do not provide the necessary certainty.

The rules for disclosing, registering, and maintaining customer lists for tax shelter transactions differ, which introduces a certain amount of complexity. In addition, the disclosure regulations set forth a series of filters and exceptions that taxpayers are parsing to avoid disclosure. For example, taxpayers are interpreting the filters identifying reportable transactions narrowly, and the exceptions broadly. Our new rules eliminate the exceptions, including exceptions in the current rules that allow taxpayers not to disclose if there exists a "generally accepted understanding" that the tax benefits are permitted, or if there exists "no reasonable basis" for IRS denial.

The rules as they exist today were intended to create a web that would allow the IRS to identify and halt problematic tax avoidance transactions, but the complexity of the rules and differences among the rules - essentially, holes in the web - do not afford certainty of disclosure, identification, or enforcement, or the deterrent effect that that certainty would bring.

The Treasury Department and IRS have concluded a more effective system would include a single set of rules applicable to disclosure, registration, and maintenance of customer lists that is simpler to apply. That single set of rules should apply on a clear, bright line basis that leaves no room for interpretation and is not based on subjective inquiries. Moreover, a single set of rules should create a more perfect web that increases the certainty of IRS detection of failure to register, failure to disclose, and failure to maintain customer lists, and thus deters tax shelter activities.

The Treasury Department and IRS have concluded that failure to disclose should result in specific penalties, including penalties more severe than the penalties that would apply to a disclosing taxpayer. Moreover, taxpayers that disregard IRS rules and regulations and fail to disclose should not be able to hide behind an opinion to escape penalties that would otherwise apply. Taxpayers who fail to disclose certain transactions and lose on the merits would be subject, under our proposals, to a new strict liability penalty.

Administrative Changes

Yesterday, Treasury announced an initiative to improve disclosure through a combination of administrative actions already underway and new legislative proposals. This initiative extends disclosure requirements to partnerships, S corporations, trusts, and some individuals. We expect it to greatly enhance disclosure, registration, and

list-keeping by imposing clear, consistent rules. Clear rules coupled with clear consequences for noncompliance will be much more effective than vague standards coupled with uncertain consequences. Greater certainty of penalties, for example, will be more effective than higher penalties of uncertain application.

Many of our administrative actions involve making the rules governing taxpayer disclosure and promoter registration and list keeping clearer and consistent. This will do two things. First, consistent definitions and bright lines will stop taxpayers, promoters, and their advisors from interpreting and manipulating the requirements and the exceptions in the existing regulations to avoid disclosing and registering transactions. More importantly, these new rules will ensure that we have a web of rules that will allow us to move quickly from the disclosure of a transaction by a taxpayer to the promoter, and from there to the promoter's list of investors to find other taxpayers who have engaged in questionable transactions. We believe that taxpayers and promoters today are betting that they can hide from scrutiny, and we want to make that a losing bet.

I would like to point out that the complexity of our tax Code in many cases gives rise to corporate tax benefits. If a taxpayer is willing to fully disclose the details of a transaction and defend it on the merits, that is all we can ask. For those transactions that produce tax benefits under the Code but should not, early detection will allow us to quickly seek legislative changes.

We are deliberately casting a broader net than exists under the current rules. Under current rules, transactions that the IRS has identified as a tax avoidance, or listed, transactions, must be disclosed and registered, and we will keep that rule. We are replacing, however, the multi-factor 2-of-5 test and related exceptions in the current rules, with clear categories designed to capture the types of transactions we are most

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Tuesday, March 19, 2002

LEGISLATIVE REFERRAL MEMORANDUM

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**THE TREASURY DEPARTMENT'S ENFORCEMENT PROPOSALS
FOR ABUSIVE TAX AVOIDANCE TRANSACTIONS**

The Treasury Department is announcing an initiative that will ensure that the Treasury Department and the IRS have the information and the tools to combat abusive tax avoidance transactions. A vast majority of taxpayers and their advisors do their best to comply with the law. Unfortunately, some practitioners and firms in the tax, accounting, and financial fields are encouraging taxpayers to engage in abusive tax avoidance transactions that are structured to generate tax benefits not intended by Congress. Fairness requires that the Treasury Department and the IRS identify these questionable transactions (along with the taxpayers who invest in them and the persons who promote them), evaluate the tax positions taken, and take appropriate enforcement actions.

Rules that provide for the allocation of income and losses among partners, the deduction of interest, the crediting for foreign taxes paid, the increase to tax basis in assets – all rules that have important and legitimate uses – are just some of the rules that may be used in these transactions to create unintended tax benefits. These abusive transactions harm the public fisc, erode the public's respect for the tax laws, and consume valuable IRS resources.

Transparency – insuring that questionable transactions are disclosed and subject to IRS review – is critical to the Government's ability to address abusive tax avoidance practices. The Treasury Department believes that clear rules mandating transparency and vigorous enforcement are essential to curbing abusive tax avoidance transactions. If a promoter is comfortable with selling a transaction, a taxpayer is comfortable with entering into that transaction, and a tax practitioner is comfortable with advising that the transaction is proper, then they all should be comfortable with the IRS knowing about and understanding the transaction.

The existing enforcement provisions in the Internal Revenue Code (Code) for tax avoidance transactions, along with the temporary regulations issued in February 2000, are designed to give the Treasury Department and the IRS the opportunity to evaluate questionable transactions. Section 6111 of the Code requires promoters who market transactions to register with the IRS transactions that either will generate a certain level of tax benefit or are corporate tax avoidance transactions that are marketed on a confidential basis. Section 6112 requires that promoters maintain lists of investors in registered transactions as well as other potential tax avoidance transactions. The regulations under Section 6011 require corporate taxpayers to disclose on their tax returns transactions that the IRS has identified as tax avoidance transactions or that have certain characteristics common to tax avoidance transactions.

Since the beginning of this Administration, the Treasury Department has made clear its commitment to curtailing abusive tax practices. The Treasury Department in particular wanted to evaluate the return disclosures from the 2000 corporate filing season, which ended in the fall of 2001, to determine whether the existing enforcement regime is

- **Transactions that are Marketed under Conditions of Confidentiality and that Provide Minimum Tax Benefits** – Any transaction that is promoted under conditions of confidentiality, if the transaction results in, or is reasonably expected to result in (i) a reduction in taxable income of any individual taxpayer of at least \$250,000 in any combination of years, (ii) a reduction in taxable income of any corporate taxpayer of at least \$500,000 in any combination of years, or (iii) a reduction in the tax liability of any taxpayer (or any combination of partners, shareholder, or beneficiaries in the case of a partnership, S corporation, or trust) of at least \$250,000 in any combination of years.

The Treasury Department recognizes that this definition of a reportable transaction potentially will cover many transactions that may not be abusive tax avoidance transactions. This definition, however, will enable the Treasury Department and the IRS to accomplish two important objectives. First, this definition will give the Treasury Department and the IRS information needed to evaluate promptly potentially questionable transactions. Equally important, this definition will allow the Treasury Department and the IRS to identify problems and anomalies with existing rules and regulations for which statutory or regulatory changes should be considered.

4. **Clarify the Definition of a Listed Transaction** – Under current law, a “listed transaction” includes any transaction that is the same or “substantially similar” to a transaction identified by the IRS in published guidance as a tax avoidance transaction. The Treasury Department and the IRS will amend the regulations under Section 6011 of the Code to clarify that a listed transaction includes any *similar* transaction. For this purpose, a similar transaction will include any transaction that is designed to obtain the same or similar types of tax benefits and that is either factually similar or based on the same or similar tax strategy. Further, the revised regulations will provide that the term “similar” must be broadly construed in favor of disclosure. A transaction, for example, would be similar to the basis-shifting transactions described in IRS Notice 2001-45 if the transaction relies on Sections 318 and 302 to shift basis from one person to another in a factual situation similar to the one in the notice.

Reason for Proposal: Some taxpayers and promoters have applied the “substantially similar” standard in an overly narrow manner to avoid disclosure. Some taxpayers and promoters, for example, have made subtle, but insignificant, changes to a listed transaction in order to claim that their transaction is not subject to disclosure. Others have taken the position that their transaction is not substantially similar to a listed transaction because they have an opinion concluding that the transaction is proper. The Treasury Department believes that these types of interpretation are improper.

5. **Impose Strict Liability for Accuracy-Related Penalties for Listed Transactions that are not Disclosed** – Under current law, taxpayers may claim a defense to the accuracy-related penalty, even for an undisclosed listed transaction resulting in an underpayment, based on an opinion regarding the tax consequences of the transaction. The Treasury Department and the IRS will amend the regulations under Sections 6662 and 6664 of the Code to provide that (i) a taxpayer cannot rely on an opinion as a defense to the imposition of the accuracy-related penalty under Section 6662 if a listed transaction is not disclosed and results in an underpayment and (ii) that any underpayment resulting from a listed transaction that the taxpayer has failed to disclose will be treated as an underpayment attributable to negligence or disregard of rules or regulations for purposes of Section 6662. Taxpayers would be deemed not to have good faith and reasonable cause under Section 6664(c) of the Code for listed transactions that are not disclosed. In addition, individual taxpayers would be deemed not to have reasonable belief under Section 6662(d)(2)(C)(i)(II) for listed transactions that are not disclosed.

Reason for Proposal: The Treasury Department believes that many listed transactions are not being disclosed. Promoters are advising taxpayers to disregard the disclosure requirements on grounds that an opinion will be sufficient to avoid accuracy-related penalties even if a listed transaction is identified during audit and results in an underpayment. The Treasury Department believes there should be strict liability for accuracy-related penalties in cases where a listed transaction is not disclosed, regardless of the amount of the understatement.

6. **Impose Strict Liability for Accuracy-Related Penalties for Transactions Based on the Invalidity of a Regulation that are not Disclosed** – Some promoters are advising taxpayers to participate in certain tax avoidance transactions based on opinions that conclude that a contrary regulation is invalid. The Treasury Department and the IRS will amend the regulations under Sections 6662 and 6664 of the Code to provide that a taxpayer cannot rely on an opinion as a defense to the imposition of the accuracy-related penalty under Section 6662 for any underpayment attributable to the disregard of rules or regulations if the underlying transaction or item (whether or not a “tax shelter” as defined by Section 6662) was not adequately disclosed. The defenses to the penalty under Sections 6662(d)(2)(B) and 6664(c) would not be available in these cases.

Reason for Proposal: Taxpayers and promoters should not be permitted to rely on opinions – rendered for penalty protection – that conclude that one or more regulations are invalid unless the taxpayer discloses that its position is based on the invalidity of a regulation. Although the Treasury Department believes that such opinions currently are insufficient to establish a defense to the penalty, some promoters nevertheless are encouraging participation in (and nondisclosure of) transactions based on such

opinions. The Treasury Department believes that this practice is improper for all transactions regardless of whether they are reportable transactions.

7. **Broaden the Range of Persons who are Required to Register Reportable Transactions and Maintain Lists of Investors** – The Treasury Department and the IRS will amend the regulations under Sections 6111 and 6112 of the Code to clarify that all parties materially involved with a reportable transaction, including a promoter's or a taxpayer's independent advisors, must register a transaction and maintain lists of investors or ensure that the registration and list maintenance occurs. Material participation will be measured by the fees received, or expected to be received, as a result of the transaction or a series of related transactions (e.g., fees in excess of \$250,000 for corporate transactions, or in excess of \$100,000 for individual transactions). In addition, a material participant may include a return preparer if the return preparer materially participated in the promotion of the transaction, or if the return preparer or an affiliated party receives fees based in part on the taxpayer's participation in the transaction.

In order to avoid unnecessary burden, the Treasury Department and the IRS would allow otherwise obligated persons to agree to have a single person register a transaction on behalf of a group of promoters and advisors so long as the registration identifies all of the promoters and advisors subject to the agreement. The IRS would not be precluded from imposing a penalty on any obligated party otherwise required to register a transaction if the transaction is not registered. A promoter or advisor would always have the option of registering a transaction on its own. Each promoter or advisor, however, would be required to maintain its own list of investors. Clarifying legislation to coordinate the language in Section 6111 and 6112 may be requested. See Legislative Proposal No. 9, below.

Reason for Proposal: The IRS is dealing with many situations where promoters have not registered transactions or maintained lists of investors. Some promoters, for example, have argued that they are merely "advisors" or "return preparers" (and not an organizer or seller) for a transaction and therefore are not subject to the registration and list-maintenance requirements. In other instances, the promoting parties use or create a separate entity that they claim promotes the transactions. Afterwards, this separate entity ceases doing business, and there is no registration or investor list. The Treasury Department believes that these practices are improper.

8. **Establish Standards for Opinions in Circular 230** – Circular 230 provides standards and ethical rules for practice before the IRS. In January 2001, the Treasury Department and the IRS issued proposed amendments to Circular 230 that would establish new rules and standards for opinions that are used to support tax avoidance transactions. These amendments reflect Treasury's concern that many of

these opinions were being written to promote a transaction without reaching a firm conclusion about the validity of the transaction, were inadequately discussing important legal issues, were reaching inconsistent conclusions on issues, or were assuming questionable factual assertions by taxpayers. The Treasury Department believes that practitioners have a duty to the integrity of the tax system as well to their clients, and in the case of opinions used to promote or support tax avoidance transactions, a higher degree of diligence and analysis is appropriate.

The Treasury Department and the IRS are evaluating these proposed amendments in light of the extensive comments received from the major tax professional organizations and will issue revised proposed amendments shortly. In addition, the Treasury Department and the IRS will finalize other proposed amendments to Circular 230 that were issued in January 2001.

Reason for Proposal: Tax avoidance transactions require opinions by tax professionals that the transactions are legitimate and proper. Many taxpayers will not participate in these transactions without opinions, either as a basis for participating in a transaction or as protection from penalties. Some tax professionals are rendering opinions that fall short of the minimum standards that the Treasury Department believes are appropriate. This proposal would address this problem by establishing minimum standards for these types of opinions.

9. **Provide a Consistent Form for Return Disclosures** – The IRS will issue a disclosure form, to be submitted by taxpayers as part of their returns and to the IRS' Office of Tax Shelter Analysis, that will clearly identify the information required to be disclosed for reportable transactions. These forms will require taxpayers to disclose information relevant to the IRS' evaluation of a transaction (e.g., the participation of a tax-indifferent entity in a transaction giving rise to a tax loss claimed by the taxpayer).

Reason for Proposal: Although existing rules require that certain information be included as part of a disclosure, the Treasury Department believes that a standard form will ensure that all relevant information is provided to the IRS.

10. **Establish Procedures for Early Examinations of Potential Tax Avoidance Transactions** – The IRS will establish procedures for the early examination of potential tax avoidance transactions while allowing for the examination of other issues at a later time. This process will allow the IRS to quickly identify, evaluate, and shut down abusive tax avoidance transactions.

Reason for Proposal: Although existing rules under Section 7605 of the Code permit the early examination of a particular issue, the Treasury Department believes that these procedures should be

clarified to emphasize the availability of an early examination of potential tax avoidance transactions. This action will ensure that the IRS will be able to act quickly on disclosures and registrations of reportable transactions, while allowing for the examination of other issues as part of the regular audit process.

11. **Target Abusive Tax Avoidance Schemes** – The IRS will re-deploy resources to identify and shut down abusive tax avoidance schemes. For example, the IRS' Small Business/Self Employed Division (SBSE) is finalizing the establishment of a centralized organization charged with developing leads on these schemes. As part of this effort, SBSE will establish a dedicated network of at least one examination group/collection group team in each of the 16 SBSE areas to work on abusive tax scheme cases; establish a new executive position to focus solely on abusive tax schemes, money laundering and fraud; implement additional monitoring of the Internet and other media outlets where abusive tax schemes often are advertised; increase efforts to educate the public about why these schemes are illegal; and increase efforts to shut down promoters.

Reason for Proposal: Many abusive tax avoidance schemes that are targeted at individuals and small businesses are marketed through a number of different mass media outlets. The Treasury Department believes that increased monitoring of these media outlets, as well as increased publicity about the dangers of these schemes, will help curb these tax avoidance schemes.

TREASURY'S LEGISLATIVE PROPOSALS

1. **Impose a Penalty for the Failure to Disclose Reportable Transactions** – The Treasury Department will seek legislation that would:
 - Impose a penalty on corporate taxpayers for each failure to disclose a listed transaction equal to the sum of (i) \$200,000 and (ii) 5% of any underpayment resulting from the listed transaction.
 - Impose a penalty of \$50,000 on corporate taxpayers for each failure to disclose a reportable transaction (other than listed transactions).
 - Impose a penalty of \$200,000 on partnerships, S corporations, and trusts for each failure to disclose a listed transaction, and \$50,000 for each failure to disclose other reportable transactions.
 - Impose a penalty on individual taxpayers for each failure to disclose a listed transaction equal to the sum of (i) \$100,000 and (ii) 5% of any underpayment resulting from the listed transaction.

The portion of this proposed penalty that is dependent on the amount of any underpayment will be incorporated as an enhancement to the existing accuracy-related penalty under Section 6662.

The IRS would be given the discretion to waive all or a portion of the penalty imposed if the taxpayer can demonstrate that (i) the failure to disclose a reportable transaction was due to reasonable cause and (ii) the taxpayer's income from the transaction was properly reported. The IRS would not have the discretion to waive the penalty for listed transactions.

Reason for Proposal: Although the failure to disclose a transaction is a factor in determining whether an accuracy-related penalty should be imposed, current law does not impose a penalty for the mere failure to disclose a reportable transaction on a return. The Treasury Department believes that nondisclosure should be subject to a separate sanction because it undermines the IRS' ability to evaluate questionable transactions.

2. **Require Public Disclosure by Corporate Taxpayers of Penalties for the Failure to Disclose Listed Transactions and Accuracy-Related Penalties Resulting from an Undisclosed Listed Transactions** – The Treasury Department will seek legislation requiring corporate taxpayers to disclose, in their filings with the Securities and Exchange Commission, any penalty for the failure to disclose a listed transaction and any accuracy-related penalty resulting from an undisclosed listed transaction.

Reason for Proposal: The Treasury Department believes that a corporation should be required to disclose to its shareholders the corporation's participation in a listed transactions if the corporation incurs any penalties as a result of not disclosing the transaction to the IRS.

3. **Amend the Penalty for the Failure to Register a Reportable Transaction** – The Treasury Department will seek legislation that would amend Section 6707 of the Code, which provides for the penalty on promoters for the failure to register a transaction under Section 6111. The amendment would:
- Impose, for listed transactions, a penalty equal to the greater of 50% of the fees paid to the promoter or \$200,000. This penalty would be increased to 75% for the intentional failure to register a transaction or the intentional failure to provide complete or true information as part of a registration. For transactions that are marketed before a transaction is identified by the IRS as a listed transaction, this penalty would apply only if the transaction is not registered within 90 days after the transaction becomes a listed transaction.
 - Impose, for the failure to register all other reportable transactions, a penalty of \$50,000.

Reason for Proposal: The Treasury Department believes that a significant penalty should be imposed on the failure to register a reportable transaction.

4. **Increase the Penalty for the Failure to Timely Turn Over Investor Lists** – The Treasury Department will seek legislation that would replace the existing penalty in Section 6708 of the Code for a promoter’s failure to maintain lists of investors in a reportable transaction. Under the Treasury Department’s proposal, the penalty would be changed so that if a promoter fails to provide the IRS with a list of investors within 20 business days after receipt of the IRS’ written request, the promoter would be subject to a penalty of \$10,000 for each additional business day that the requested information is not provided. This penalty would be imposed for each investor list that a promoter fails to maintain or delays in providing to the IRS. The IRS would have the discretion to extend the deadline or waive all or a portion of the penalty for good cause shown.

Reason for Proposal: Too many promoters are using delaying tactics to avoid turning over investor lists. The Treasury Department believes that the penalty statute must be structured to sanction this type of behavior.

5. **Permit Injunction Actions against Promoters who Repeatedly Disregard the Registration and List-Maintenance Requirements** – The Treasury Department will seek legislation to amend Section 7408 of the Code to allow the Government to enjoin promoters after the repeated disregard of the rules requiring the registration of reportable transactions under Section 6111 of the Code and the maintenance of investor lists under Section 6112 of the Code. An injunction would place a promoter under court order to abide by the registration and list-maintenance requirements. The promoter then would be in contempt of court if it violates these rules in the future.

Reason for Proposal: One of the persistent problems faced by the Treasury Department and the IRS is the fact that some promoters are ignoring the rules even in the face of penalties. The Treasury Department believes that the threat of an injunction will enable the Treasury Department and the IRS to curb the most egregious behavior by promoters.

6. **Impose a Penalty for the Failure to Report an Interest in a Foreign Financial Account** – The Treasury Department will seek legislation that will impose, in addition to existing criminal penalties, a civil penalty of \$5,000 for the failure to comply with the rules and regulations requiring the reporting of information requested on the “Report of Foreign Bank and Financial Accounts” (Form TD F 90-22.1). The IRS would have the ability to waive the penalty, in whole or in part, if the taxpayer paid all U.S. tax due with respect to the taxpayer’s foreign accounts and the taxpayer demonstrates that the failure to file this form was due to reasonable cause.

Reason for Proposal: The Treasury Department believes that many taxpayers are not filing Forms TD F 90-22.1 even though

they have an obligation to do so. Because many tax avoidance transactions involve foreign financial accounts, information about a taxpayer's interest in a foreign financial account will enhance the IRS' ability to identify participants in tax avoidance transactions.

7. **Increase the Penalty for Frivolous Return Positions** – The Treasury Department, in its 2003 fiscal year budget, has proposed to increase the penalty for frivolous tax returns from \$500 to \$5,000. This amendment would further deter individual taxpayers from taking positions that have no basis in law or fact, such as claims that the Federal income tax is unconstitutional and claims for slavery reparations. The IRS would publish, at least annually, a listing of positions, arguments, requests, and proposals deemed frivolous for purposes of the statute.

Reason for Proposal: The IRS has been faced with a significant number of individuals who are filing returns based on frivolous arguments or who are seeking to hinder tax administration by filing returns that are patently incorrect. The IRS must address such frivolous arguments through statutorily mandated procedures, which result in delay and additional administrative burden and expense. The Treasury Department believes that enhanced penalties would deter egregious taxpayer behavior and enable the IRS to utilize its resources more efficiently.

8. **Permit a Single Definition of a Reportable Transaction for Disclosure, Registration, and List-Maintenance Requirements** – The Treasury Department will seek legislation amending the statutory definition of a transaction that must be registered under Section 6111 of the Code (currently, a “tax shelter” as defined in Section 6111(c) and (d)) using the existing definition under section 6112(b)(2) – i.e., “any entity, investment plan or arrangement or other plan or arrangement which of a type which the Secretary determines by regulations as having a potential for tax avoidance or evasion.” Among other things, this would eliminate the “conditions of confidentiality” requirement in Section 6111(d). In addition, the registration requirements under Section 6111 would be expanded to cover transactions entered into by individuals, partnerships, S corporations, and trusts.

Reason for Proposal: This proposal will allow for regulations that will establish a single definition of a “reportable transaction” for purposes of disclosure, registration and list maintenance. See Administrative Action No. 3, above.

9. **Confirm the Treasury Department and the IRS' Ability to Expand the Number of Persons Required to Register Reportable Transactions and Maintain Investor Lists** – The Treasury Department will seek legislation confirming that the registration requirements under Section 6111 of the Code apply to all organizers and sellers of a reportable transaction, including persons who assist

such persons, and confirming the Treasury Department and the IRS' authority to impose conditions on agreements among promoting parties to have only one person (on behalf of a group of promoters) register a reportable transaction and maintain lists of investors. See Administrative Action No. 7, above.

10. **Confirm the IRS' Ability to Regulate Tax Avoidance Transaction Opinions** – The Treasury Department will seek legislation that would confirm the Treasury Department and the IRS' power to mandate and enforce standards for opinions used to support tax avoidance transactions. The Treasury Department and the IRS currently are revising proposed amendments to Circular 230 that would regulate these types of opinions. See Administrative Action No. 8, above. This legislative proposal would confirm that providers of opinions could be subject to censure and/or disbarment from practice before the IRS for violation of Circular 230, and would authorize the imposition of fines.

Reason for Proposal: Although the Treasury Department believes that the regulation of opinions used to promote a tax avoidance transaction or avoid penalties is authorized by existing statutes, some tax practitioners have questioned this authority. The Treasury Department believes that confirming legislation is desirable to make clear that the Treasury Department and the IRS has the authority to regulate these types of opinions.

11. **Expand Section 901(k)** – The Treasury Department will seek legislation that will amend Section 901(k) of the Code to cover income streams other than dividends (which already are covered by the statute) that are subject to foreign withholding taxes. Other income streams that may be subject to foreign withholding taxes include interest and royalties. The amendment would require a minimum holding period for the underlying property generating the income and deny foreign tax credits with respect to any withheld foreign taxes if the minimum holding periods are not satisfied.

Reason for Proposal: The Treasury Department is concerned that the recent appellate decisions in Compaq and IES may cause taxpayers to renew their efforts to trade in foreign tax credits to reduce their U.S. tax liability. While Section 901(k) of the Code already addresses the specific type of transaction at issue in these cases, this section should be expanded to cover other similar transactions.

12. **Curb Abusive Income-Separation Transactions** – The Treasury Department will seek legislation to curb abusive “income-separation” transactions that are structured to create immediate tax losses or to convert current ordinary income into deferred capital gain. These transactions are similar to the bond-stripping transactions that were prohibited by Section 1286 of the Code almost two decades ago and preferred

stock-stripping transactions that were prohibited by Section 305(e) nearly a decade ago.

Reason for Proposal: Subsequent to the enactment of Section 1286, which applies only to bonds, and Section 305(e), which applies only to preferred stock, taxpayers have been engaging in essentially identical transactions using similar assets – i.e., assets providing for relatively stable, periodic income and with substantial future value. The Treasury Department believes that these transactions are abusive. Although the IRS is pursuing these transactions under existing tax principles, legislation is needed to create a more comprehensive, consistent tax regime.

In a common form of these types of transactions, a taxpayer acquires shares in a money-market mutual fund, which provide for a periodic income stream and which have a constant redemption value (e.g., \$1 per share). The taxpayer separates the right to receive the income stream over a specific period (e.g., 15 years) from the right to the underlying shares at the end of that period. When the future right to the shares is sold, the parties claim that under the technical rules (i) the taxpayer has a large tax loss on the sale of the future right to the shares (this is accomplished through the allocation of the entire tax basis solely to the future right to the shares), and (ii) the buyer, rather than recognizing ordinary income periodically as the future right to the shares increases in value over time, claims that it is entitled to defer income until a future sale, at which time the buyer will claim that its income is capital gain. Other types of assets used in these income-stripping transactions include leases and service contracts.

The Treasury Department will propose legislation that will treat an income-separation transaction as a secured borrowing, not a separation of ownership. Debt characterization will ensure that the parties' ongoing accounting treatment from the transaction clearly reflects income.

working and, if not, what additional measures are required. This review is complete, and the apparent willingness of taxpayers to parse words to narrow requirements and expand exceptions has been disappointing. Significant changes must be made to discourage these practices.

The Treasury Department's proposals, which include both administrative actions and legislative changes, will significantly enhance the current enforcement regime and will curtail the use of abusive tax avoidance transactions to obtain unintended tax benefits. These proposals focus on increased transparency, because transparency is central to the Treasury Department and the IRS' ability to evaluate promptly new tax avoidance transactions and to move quickly to close them down.

The Treasury Department believes that an effective enforcement regime must create a web of rules that will reinforce each other by requiring information about a questionable transaction to be provided to the IRS both by the taxpayers participating in these transactions and by the promoters and their advisors. Promoters and advisors will be required to maintain lists of investors and will be subject to significantly increased penalties if they fail to do so. These rules will allow the IRS to identify promoters who failed to register based on taxpayer disclosures, and other taxpayers who failed to disclose based on promoter investor lists.

One of the primary goals of these proposals is certainty. Clearer disclosure rules, without exceptions and perceived loopholes, will be easier for taxpayers and their advisors to apply, harder for taxpayers and their advisors to manipulate, and easier for the IRS to administer and enforce. The Treasury Department's proposals, for example, will broaden and align the rules and regulations for disclosure, registration, and list keeping under Sections 6011, 6111, and 6112 of the Code. The IRS will have multiple sources of information about questionable transactions, including the identity of the participants. Taxpayers and promoters no longer will be able to avoid IRS scrutiny.

The Treasury Department also proposes enhanced penalties for the failure to disclose and maintain the information required by the IRS to enforce the tax laws. The Treasury Department, for instance, will seek legislation creating strict liability for a new penalty for a taxpayer's failure to disclose a listed transaction. This penalty for the first time would sanction taxpayers for failure to follow the disclosure rules. More generally, taxpayers and promoters who disregard the rules for disclosure, registration and list-keeping will run the risk of being sanctioned.

2001 Taxpayer Return Disclosures

The corporate returns that were filed during the fall 2001 filing season were the first to be fully covered by the revised disclosure regulations under Section 6011 of the Code. To date, 99 corporate taxpayers have disclosed 272 transactions.

- Only 64 listed transactions were disclosed. Listed transactions are transactions that previously have been identified by the IRS in published

guidance as tax avoidance transactions. The Treasury Department and the IRS have reason to believe that a far greater number of listed transactions were undertaken.

- The remaining 208 disclosures were for transactions that satisfy a multi-factor test designed to identify transactions that have at least two of five characteristics common to tax avoidance transactions (the 2-of-5 filter test). Two types of transactions, however, account for 159 of these disclosures. The Treasury Department and the IRS believe that taxpayers and promoters are manipulating the requirements and exceptions to the 2-of-5 filter test to avoid disclosure.

The small amount of disclosure was disappointing. From the information the Treasury Department has seen, this disclosure also is a small segment of the universe of transactions that should have been disclosed. The Treasury Department has concluded that a number of factors have led to insufficient disclosure, registration, and list-keeping.

First, the rules in Sections 6011, 6111, and 6112 of the Code do not contain a consistent definition of a transaction that must be disclosed and registered, and for which investor lists must be maintained. While this situation is due, in part, to differing statutory requirements, it also reflects the desire, when these rules were drafted, to exclude legitimate business transactions and minimize taxpayer administrative burden. The result, unfortunately, is a set of elegantly constructed, but complicated, rules. The Treasury Department's proposals would create a single, clear definition of a transaction that must be disclosed and registered, and for which lists must be maintained.

Second, the rules and regulations under Section 6011, 6111, and 6112 contain a number of exceptions intended to ensure that the rules are narrowly tailored. For instance, the disclosure requirements contain an exception for transactions in the ordinary course of business in a form consistent with customary commercial practice. Another disclosure exception is for transactions that the IRS has "no reasonable basis" to challenge.

The Treasury Department believes that many taxpayers and promoters have read the exceptions broadly to cover virtually everything and interpreted the requirements narrowly to cover virtually nothing. While some of these positions are being taken in good faith, others are attempts to encourage taxpayers to engage in tax avoidance transactions without scrutiny. The Treasury Department's proposals would eliminate these exceptions.

Third, the penalties for the failure to comply with the existing enforcement regime may be insufficient to deter efforts to avoid IRS scrutiny. For example, there currently is no penalty for the failure to disclose a transaction subject to the disclosure requirements, although nondisclosure may be a factor in determining if an accuracy-related penalty applies to any underpayment. The Treasury Department's proposals would create a new, and significant, penalty for the failure to disclose transactions, and would significantly

increase the penalty imposed on promoters who delay in providing investor lists to the IRS.

Finally, many taxpayers and promoters believe that they can disregard the rules and avoid detection. As described below, the IRS already is taking steps to increase detection, and these proposals will enhance the IRS' ongoing efforts.

Ongoing Efforts to Combat Abusive Tax Avoidance Transactions and Their Promoters

The Treasury Department and the IRS recently have taken a number of important, additional steps to combat abusive tax practices. The Treasury Department and the IRS are committed to making sure that the necessary time, effort, and resources are committed to this important issue.

- Encouraged Voluntary Disclosure – IRS Announcement 2002-2, which was issued last December, gives taxpayers an incentive to disclose questionable transactions and other items that may have resulted in an underpayment. Under the Announcement, if a taxpayer discloses a questionable transaction before April 23, 2002, the IRS will waive the accuracy-related penalty if additional tax ultimately is due. In order to obtain this relief, a taxpayer must disclose all relevant information about the transaction, including the identity of any promoter. The IRS already has received almost 150 disclosures and expects many additional disclosures in the coming weeks. The IRS will use the information it receives to pursue promoters, identify taxpayers that have not disclosed reportable transactions, and evaluate the new types of transactions that are identified.
- Issued Penalty Guidelines – Along with the disclosure initiative, the IRS issued penalty guidelines for tax avoidance transactions, including guidelines for the coordination of penalty consideration with the IRS' Office of Tax Shelter Analysis. These guidelines will ensure that penalties are impartially, fairly, and consistently considered in all tax avoidance transaction cases.
- Evaluated Additional Transactions for Identification as Listed Transactions – The IRS recently issued Notice 2002-21, which identifies the so-called Custom Adjustable Rate Debt (CARD) transaction as a listed transaction, and a number of other transactions currently are under review. The Treasury Department and the IRS, however, recognize the critical need to expedite the process for reviewing questionable transactions and are working to meet this objective.
- Made Additional Resources Available to Address Abusive Tax Avoidance Transactions – Recent published guidance in areas that have consumed significant IRS audit resources, such as accounting method and timing issues, will allow the IRS to devote more of its audit resources to tax avoidance transactions.

- Developed a Mandatory IDR for LMSB Cases – The IRS’ Large and Midsize Business Division (LMSB) has developed an information document request (IDR) that will be used for all LMSB audits beginning in April 2002. This mandatory IDR will request information regarding the taxpayer’s listed transactions.
- Increased Coordination with the Department of Justice – In order to coordinate the Government’s efforts against abusive tax avoidance practices and conserve resources, The Treasury Department and the IRS have increased their coordination with the Department of Justice on tax avoidance transaction cases.
- Entered into Tax Information Exchange Agreements (TIEAs) - The Treasury Department has mounted a concerted effort to enter into agreements covering the exchange of tax information with significant foreign financial centers where the possibility of hiding income or assets poses a serious problem. Agreements recently have been reached with three key offshore financial centers – the Cayman Islands, Antigua and Barbuda, and The Bahamas.

The IRS is vigorously pursuing actions against the promoters of corporate and individual tax avoidance transactions. The IRS’ objectives are to curb the most egregious promoters, penalize non-compliance, and obtain investor lists that will allow the IRS to target and examine those taxpayers who have engaged in potential tax avoidance transactions.

The IRS has contacted some 30 promoters of corporate tax avoidance transactions in connection with their marketing activities.

- “Soft Letters” – The IRS has requested, through so-called “soft letters,” information from these promoters. These letters request investor lists as well as information regarding compliance with the registration requirements under Section 6111. A number of promoters already have provided the IRS with a significant amount of information, including investor lists.
- Summonses – The IRS, in cooperation with the Department of Justice, is using summonses to force promoters to provide investor lists and other materials related to their promotion of tax avoidance transactions. These summonses already are proving to be a valuable tool, and additional summonses are being prepared. The IRS and the Department of Justice will seek to enforce all summonses in court, if necessary.
- Penalty Audits – The IRS has begun more than a dozen promoter penalty audits and expects to begin additional audits in the coming weeks.

The IRS also has intensified its enforcement efforts against promoters of abusive tax avoidance transactions and scams directed primarily at individuals and small businesses. These schemes include claims that the federal income tax is unconstitutional, claims that individuals are citizens of the States and therefore not subject to federal income tax, claims that U.S. citizens are not subject to U.S. income tax because of Section 861 of the Code (so-called “Zero Tax” schemes), and credit claims for slavery

reparations. The Treasury Department believes that these schemes are especially pernicious because the individuals targeted often have a poor understanding of their legal duties and obligations. Recent and ongoing actions include:

- Injunctions Granted – The Department of Justice has obtained injunctions against six promoters of abusive tax avoidance schemes, including a preliminary injunction that was issued on February 20, 2002.
- Pending Cases – The Department of Justice has filed an additional eight actions against promoters of abusive tax avoidance schemes.
- Future Cases – The IRS has referred a number of additional promoter cases to the Department of Justice in order to initiate legal action against these promoters.

In addition, the IRS is pursuing a major initiative against promoters of abusive offshore trust schemes. These schemes use banks located in offshore tax havens to help U.S. individuals hide income while at the same time allowing these individuals to access their offshore money in the U.S. by using credit cards issued by the offshore banks. The IRS believes that thousands, and potentially tens of thousands, of individuals are using these schemes to evade tax. In addition to an extensive publicity campaign to educate the public about the dangers of these schemes, the IRS is working to shut them down.

- Summonses to Credit Card Networks – Summonses have been issued to two credit card networks to obtain transaction information that will allow the IRS to identify individuals who are using credit cards issued by foreign banks to evade tax.
- Summonses to Vendors – Although information obtained from the credit card networks may identify the names of some individuals, these schemes are set up so that the credit card networks often do not have information identifying specific persons. Summonses will be issued to vendors that maintain identification information for credit card transactions. The IRS expects to identify thousands of individuals through these vendor summonses.
- IRS Audits - The IRS will initiate audits of individuals who are identified as potential participants in these schemes. If an identified individual is already under audit, this information will be provided to the auditor.
- Criminal Prosecution – The IRS and the Department of Justice will initiate, where appropriate, criminal proceedings against individuals who have violated the criminal laws by participating in these schemes.

These Treasury Department and IRS actions at both the corporate and individual level are having an effect. Aggressive enforcement and continuous taxpayer education will continue to be keys to the Government's efforts to close down the tax schemes being marketed to individuals and small businesses. For the more sophisticated tax avoidance transactions, increased transparency, supported by stiffer penalties, are needed.

* * *

The Treasury Department's enforcement proposals are divided into administrative actions and legislative proposals. These proposals, collectively, will enhance and expand the efforts to combat abusive tax avoidance transactions.

TREASURY'S ADMINISTRATIVE ACTIONS

1. **Require Individuals, Partnerships, S Corporations, and Trusts to Disclose Reportable Transactions** – The Treasury Department and the IRS will amend the regulations under Section 6011 of the Code to require individual taxpayers, partnerships, S corporations, and trusts to disclose “reportable transactions,” as described in Administrative Action No. 3, below. This requirement, however, will not affect individuals unless they engage in specifically identified tax avoidance transactions or other transactions resulting, for example, in claimed losses of \$2 million or more.

Reason for Proposal: Under current law, only corporate taxpayers are required to disclose reportable transactions on a tax return. The Treasury Department believes that potentially abusive tax avoidance transactions are increasingly being used by high net-worth individuals. Individuals, for example, have used transactions modeled after those described in Notice 2000-44 (the so-called “Son of Boss” transaction) and Notice 2001-45 (basis-shifting transaction) to avoid paying income tax. In addition, potentially abusive transactions by both corporations and individuals often employ partnerships and trusts. The Treasury Department believes that individuals, partnerships, S corporations, and trusts should be required to disclose questionable transactions even if the same transaction would be required to be disclosed multiple times.

2. **Centralize the Receipt and Review of Disclosures by Individuals, Partnerships, S Corporations, and Trusts** – Disclosures of transactions must be submitted as part of a taxpayer's return. The Treasury Department and the IRS currently require that copies of disclosures also be sent to a single location so that the IRS' Office of Tax Shelter Analysis can coordinate their review. This centralized filing requirement for disclosures will be expanded to disclosures required for individuals, partnerships, S corporations, and trusts and will permit the expeditious review of all disclosures.

Reason for Proposal: The Treasury Department believes that the review of all disclosures, whether by individuals, partnerships, S corporations, trusts, or corporations, must be centralized and coordinated. The coordinated review of these disclosures will allow The Treasury Department and the IRS to identify trends and new types of transactions and will ensure the consistent evaluation of disclosed transactions.

3. **Establish a Consistent Definition of a “Reportable Transaction” for Return Disclosure, Registration and List-Maintenance Purposes** – The Treasury Department and the IRS will amend the regulations under Sections 6011, 6111, and 6112 of the Code to establish a single definition of the types of transactions (reportable transactions) that must be disclosed by taxpayers and registered by promoters, and for which lists of investors must be maintained by promoters.¹

The current regulations under Section 6011 require taxpayers to disclose (i) listed transactions (*i.e.*, tax avoidance transactions identified by the IRS in published guidance), subject to a minimum tax effect requirement; and (ii) transactions that satisfy the 2-of-5 filter test, subject to a number of exceptions. Under new regulations, the 2-of-5 filter test would be replaced by clearer rules that will be easier for taxpayers and their advisors to apply and the IRS to administer. In addition, the tax effect requirement for listed transactions and the exceptions to the 2-of-5 filter test, including the exception for transactions in the ordinary course of business in a form consistent with customary commercial practice, would be eliminated.

Under this proposal, this same definition of a reportable transaction will be used to identify those transactions that must be registered by promoters under Section 6111 and for which lists must be maintained pursuant to Section 6112 of the Code.

The Treasury Department recognizes that clearer rules will have the effect of broadening the list of transactions that will need to be reported to the IRS. The IRS therefore will have the ability to issue published guidance to identify those transactions that would not be treated as reportable transactions. In addition, the IRS will establish expedited procedures whereby taxpayers (and particularly those taxpayers who enter into multiple transactions of the same type) can seek a determination from the IRS that their transactions are not reportable transactions.

Reason for Proposal: Taxpayers and promoters are reading the exceptions in the current rules liberally and interpreting the requirements narrowly. The Treasury Department believes that a clear and consistent rule for disclosure, registration, and list-maintenance will ensure that the IRS has multiple sources of information about a reportable transaction. If a taxpayer fails to disclose a reportable transaction, the IRS must have the ability to move quickly from a registration to an investor list in order to identify that taxpayer and other non-disclosing taxpayers. Similarly, the IRS must be able to move quickly from a taxpayer disclosure of a reportable transaction to a promoter that did not

¹ In order to allow for the full conformity of the definition of a reportable transaction for purposes of Sections 6011, 6111, and 6112 of the Code, certain legislative changes would be required. See Legislative Proposal No. 8, below

register the transaction, and from there to other taxpayers that did not disclose the transaction. This web of disclosure will increase the likelihood that taxpayers who fail to disclose and promoters who fail to register will be identified.

A reportable transaction would be defined as a transaction (which will be defined to include any series of related transactions) falling into one or more of the following categories:

- Listed Transactions – Any transaction specifically identified by the IRS in published guidance as a tax avoidance transaction. The projected tax effect limitation in the existing regulations would be eliminated. The IRS' identification of listed transactions under existing regulations has played an important role in compelling disclosure of existing transactions, discouraging future participation in these transactions, and guiding IRS examination of these transactions in the field.
- Loss Transactions – Any portion of any transaction resulting in, or that is reasonably expected to result in, a tax loss under Section 165 of the Code of at least \$10 million (for corporate taxpayers) or \$2 million (for individual taxpayers) in any single taxable year, or of at least \$20 million (for corporate taxpayers) or \$4 million (for individual taxpayers) in any combination of taxable years.

Loss transactions also will include any portion of any partnership or S corporation transaction resulting in, or that is reasonably expected to result in, a tax loss under Section 165 of at least \$10 million in any combination of years.

Loss transactions further will include any portion of any trust transaction resulting in, or that is reasonably expected to result in, a tax loss under Section 165 of at least \$2 million in any single year or \$4 million in any combination of years, whether or not any losses flow through to one or more beneficiaries.

- Transactions with Brief Asset Holding Periods – Any transaction resulting in a tax credit (including a foreign tax credit) if the underlying asset giving rise to the credit was held by the taxpayer for less than 45 days. This definition would be limited to transactions resulting in tax credits exceeding \$500,000.
- Significant Book-Tax Differences – Any book-tax difference of at least \$10 million, subject to specific exceptions for book-tax differences that are not indicative of potentially abusive tax avoidance practices. The Treasury Department expects that these exceptions will include, among others, book-tax differences resulting from depreciation, depletion, amortization, bad-debt reserves, state and local taxes, and employee compensation.

SENATE FINANCE COMMITTEE
Testimony Statement of Mark Weinberger
Assistant Secretary of the Treasury for Tax Policy

March 21, 2002

Mr. Chairman, Mr. Ranking Member and other members of the Committee, thank you for inviting the Treasury Department to testify today on the important issue of abusive tax avoidance transactions. We appreciate the role that your Committee has taken in considering these matters. Through your statements and the release of staff draft legislative proposals, you have take the lead in the public discussion about how to best address tax avoidance transactions.

The problem is that taxpayers are taking advantage of complexities in the law to obtain tax benefits not intended by Congress. Abusive tax avoidance transactions pose a threat to the integrity of our self-assessment tax system by eroding the public's respect for the tax law. They also waste public and private resources and harm the public fisc.

As you know, the Treasury Department has been evaluating the effect of the current enforcement regime, particularly the effect of the disclosure regulations issued in February 2000, before initiating a new course of administrative actions and making legislative proposals. We appreciate very much, Mr. Chairman, that the Committee has given us the time to complete our evaluation because we believe that what we have learned will result in more effective rules. Treasury's testimony today will highlight the measures necessary to address abusive tax avoidance transactions. Our proposals include administrative actions we already are beginning to undertake, as well as legislative proposals. Our administrative and legislative initiatives are similar in many respects to the proposals considered by your staff in the draft legislation they previously produced.

The goal we all share is to ensure that each taxpayer pays its fair share of tax. We do not wish to interfere with legitimate business tax planning, but we must curb abusive

concerned about. These include transactions that generate large tax losses, transactions that generate significant book-tax differences, transactions that involve holding assets for brief periods of time in order to obtain tax credits, and transactions marketed on a confidential basis. We also are developing a new disclosure form, so that the IRS will be able to identify specific information needed to evaluate abusive avoidance transactions.

We recognize that these rules will capture legitimate transactions, and we are eager to work with taxpayers to ensure that these rules are appropriately tailored. Simplicity and clarity, however, will always remain our paramount goal.

While we believe that this web of rules truly will make taxpayers think twice about participating in a transaction that they believe they can hide from IRS scrutiny, Treasury will seek substantially stiffer penalties for those taxpayers who seek to hide.

Legislative Proposals

Our legislative proposals focus on enhanced penalties for those taxpayers and promoters who fail to follow the new, clearer rules for disclosure, registration, and list-keeping. We are seeking a new, and substantial, penalty for taxpayers who fail to disclose transactions we already have identified as tax avoidance transactions. A corporate taxpayer, for instance, will pay a penalty of \$200,000 for failure to disclose certain transactions, regardless of whether or not the undisclosed transaction was a proper one. Further, if the taxpayer also loses on the merits, it will owe a new strict liability penalty of 25% of its claimed tax savings.

For promoters, we are recommending legislation that will enhance the existing penalty for the failure to register a transaction. A promoter who fails to register a transaction will be subject to fines equal to \$200,000 or 50% of its fees, whichever is higher.

Because we want to make sure that promoters identify taxpayers who have invested in these transactions, we are seeking an escalating penalty that will go up by \$10,000 for each day that a promoter fails to turn over a list of investors. We are facing too many delaying tactics, and this needs to stop.

Although Treasury's initiative focuses on expanding the disclosure, registration and list-keeping rules, with significantly enhanced penalties for those who disregard these rules, Treasury believes that other important steps must be taken to curb abusive tax practices.

Treasury believes that tax opinions need to be regulated because taxpayers rely on opinions for assurance that transactions are proper and will not be subject to penalties. We are taking steps administratively to regulate opinions and to fine and censure practitioners who violate our new rules. We believe we have authority to regulate this area, but urge Congress to confirm our power.

Our proposal also includes two substantive law changes. Our first substantive proposal would amend Section 901(k) of the Code to deal with trading in foreign tax credits. Under our proposed rule, a minimum holding period would be required for taxpayers to claim underlying tax credits associated with the property. Our second substantive proposal would add a new provision to create a tax regime to deal with a broad range of income stripping transactions. The new provision would address a variety of stripping transactions in a manner that would match taxes and economics.

Details of our administrative and legislative proposals are attached.

Conclusion

In conclusion, the Treasury Department and the IRS are committed to combating

abusive tax avoidance transactions. Treasury and the IRS believe the complexity of the current tax system provides too many opportunities for abusive tax practices. The best way to eliminate these practices is to simplify the tax law and improve transparency so that questionable transactions are disclosed and subject to IRS review. The Treasury Department has set forth a number of administrative and legislative proposals that provide clear and simple rules for disclosure, registration and list maintenance. We also propose new and increased penalties for failure to comply with these rules. Treasury and the IRS are moving forward to implement the administrative actions, as a number of them can be undertaken without further action by Congress. Nevertheless, we urge Congress to move forward with Treasury's legislative proposals. If enacted, these proposals would improve the effectiveness of the disclosure, registration and list maintenance rules thereby changing the risk/reward analysis for taxpayers who would play the audit lottery to avoid paying their fair share of taxes.

Thank you again, Mr. Chairman, for giving me the opportunity to speak today. The Treasury Department looks forward to working with Senate Finance Committee in the important task of shutting down abusive tax avoidance transactions. I will gladly answer any questions the Committee may have.

tax practices that take advantage of a complex tax code to obtain tax benefits that Congress did not intend. The objectives of the measures I will describe are transparency and certainty. Transparency means that questionable transactions are disclosed for the IRS to review. Certainty means that taxpayers and promoters that sell these product have clear rules indicating the types of transactions they must disclose, register, and maintain list for, and that taxpayers and promoters know that appropriate enforcement activity will occur with respect to questionable transactions.

Certainty also means that taxpayers and promoters cannot avoid detection. The measures we present today will create a web of rules that will reinforce each other by requiring information reporting to the IRS about a questionable transaction both by the taxpayers participating in the transaction and by the promoter. These disclosure rules will allow the IRS to identify promoters from taxpayer disclosures, and other taxpayers from promoter disclosures. Taxpayers and promoters who fail to provide the required disclosure will be subject to significant penalties.

Before providing details about our new course of administrative actions and our legislative proposals, I think it would be helpful first to provide a context for our measures by describing the actions that Treasury and the IRS are currently taking to combat abusive tax avoidance transactions, and why we have concluded that more needs to be done. In the final analysis, however, we all must recognize that the complexity of our tax code is the fundamental reason why taxpayers have the opportunity to engage in abusive transactions, and only by simplifying the entire system will such opportunities be eradicated.

Current Enforcement Status

Treasury and the IRS are working together more closely than ever to combat abusive tax practices. Recent important steps have been directed at all aspects of this

problem, from increased disclosure and consistent penalty application, to improved resource allocation and inter-agency coordination, to intensified enforcement efforts against the promoters of abusive tax avoidance transactions. These actions are having an effect, and Treasury and the IRS will continue pursuing steps that will enhance the Government's ability to curb abusive tax avoidance transactions.

Encouraged Additional Disclosure and Provided for Consistent Penalty Consideration

The IRS recently issued Announcement 2002-2, which provides an incentive for taxpayers to disclose questionable transactions. Under this program, which runs through April 23, 2002, the IRS will waive the accuracy-related penalty if a disclosed transaction results in an underpayment. The taxpayer, however, still will be liable for the additional tax and interest. In order to obtain the benefits of the program, the taxpayer must disclose to the IRS all relevant information about the transaction, including the identity of any promoter. Almost 150 transactions already have been disclosed, and the IRS expects many additional disclosures in the coming weeks. The IRS will be using the information that is disclosed to identify promoters and taxpayers who have not disclosed transactions. For example, one recent IRS inquiry of a promoter led to the disclosure of 17 investors – all of which should have disclosed their participation to the IRS. Only 5 of the 17, however, actually disclosed.

Along with this disclosure initiative, the IRS announced new penalty guidelines that will be used by the IRS' Large and Mid-Size Business Division. These guidelines make clear that the IRS considers penalties an important tool to encourage voluntary compliance. The new guidelines require IRS agents to consider the appropriateness of penalties with respect to certain transactions, and require an agent's decision to assert or

not assert penalties to be reviewed by one of 17 Directors of Field Operations. The guidelines will ensure that penalties will be impartially, fairly, and consistently considered in all tax avoidance cases.

Evaluated Additional Transactions

Treasury and the IRS are continually evaluating additional transactions as they are brought to the government's attention. Treasury and the IRS are working to expedite the issuance of additional notices and guidance because the process so far has moved entirely too slowly to be effective. Recent actions taken by the Treasury Department to address specific tax avoidance transactions include (i) the publication of a notice warning taxpayers that the IRS will challenge transactions using a loan assumption agreement to claim an inflated basis in assets acquired from another party, (ii) the publication of a notice warning taxpayers that the IRS will challenge transactions improperly shifting basis from one party to another, (iii) the publication of a notice announcing Treasury's intention to promulgate regulations that prevent the duplication of losses by a consolidated group, and (iv) the promulgation of final regulations on hedging transactions that prevent employers from getting full tax deferral on deferred executive compensation.

Re-deployed and Coordinated Resources

Treasury and the IRS realize that Government resources must be used as efficiently and effectively as possible. Treasury has worked with the IRS to issue published guidance in areas, such as accounting method and timing issues, that have consumed significant IRS examination resources. According to the IRS's Large and Midsized Business Division, these areas previously used as much as 40% of large case enforcement resources across industry groups. Treasury and the IRS believes these

resources are better used to address abusive tax avoidance transactions. The IRS also is working with the Department of Justice to ensure that the Government has a single, coordinated approach to cases in court.

Improved the Exchange of Information with Offshore Financial Centers

The Administration has made a concerted effort to establish information-sharing agreements with offshore financial centers that serve as havens for those who wish to hide income from the IRS. Agreements recently have been reached with three key offshore financial centers – the Cayman Islands, Antigua and Barbuda, and The Bahamas.

Targeted Promoters of Abusive Tax Avoidance Transactions

Promoters proliferate abusive tax avoidance transactions by developing them and marketing them to a large number of taxpayers. Because promoters are critical to the existence of abusive tax avoidance transactions, the IRS is taking vigorous actions to curb their activities with respect to both corporations and individuals.

The IRS has contacted 30 promoters of corporate tax avoidance transactions and is working with the Department of Justice to ensure that these promoters provide us with information on questionable transactions, including the identity of the taxpayers who participated in them. The IRS and the Department of Justice are ready to go to court to ensure that promoters comply with the IRS' requests for information. Once the IRS obtains from the promoters the identity of participating taxpayers, the IRS will initiate appropriate enforcement action against those taxpayers, including examinations and penalty consideration. In addition, the IRS has opened 14 penalty audits with respect to promoters of corporate tax avoidance transactions.

The IRS also is focusing on promoters of tax scams that are directed primarily at

individuals and small businesses. Although often less sophisticated than corporate tax avoidance transactions, these scams are equally damaging to the fairness of our tax system. The IRS, working with the Department of Justice, already has obtained 6 injunctions against promoters of these schemes, and 12 other cases have been or soon will be filed. The IRS also is working to expose a major tax scam involving offshore accounts that allows United States residents to hide assets in a tax haven country while using a credit card to spend that money in the U.S. The IRS, again in coordination with the Department of Justice, has issued summonses to some of the major credit card networks and to vendors to identify the thousands, and potentially tens of thousands, of taxpayers who are participating in these schemes.

Treasury's Approach for Changing The Current Enforcement Regime

A key component of this enforcement regime is taxpayer disclosure. Disclosure allows the IRS to identify potentially abusive transactions early in the process, to evaluate those transactions, to provide guidance on whether those transactions are proper, and, if necessary, to change the regulations or recommend legislative changes to shut down abusive transactions. Disclosure also helps the IRS identify taxpayers who participate in abusive transactions and promoters who market abusive transaction. Absent disclosure, the IRS may not be able to identify and shut down abusive transactions until years after they have been undertaken. Effective disclosure rules also are important to deter taxpayers from engaging in abusive tax avoidance transactions. A disclosure regime that increases the probability of IRS detection will change the taxpayer's risk/reward analysis for playing the audit lottery.

For the year 2000 corporate returns, which were filed primarily in the fall 2001 filing season, only 272 transactions were disclosed by 99 corporate taxpayers. For the

period between July 1997 and December 2001, only 3,652 transactions were registered. More than 3,000 of the registered transactions related to leasing or low income housing. Treasury and the IRS have been disappointed with the small number of disclosures and registrations and with promoter compliance with the list maintenance rules. Some promoters are claiming they are not required to maintain investor lists or are refusing to provide the lists to the IRS in a timely manner.

After reviewing the operation of the current rules, the Treasury Department and IRS have concluded significant changes to the rules are necessary. The Treasury Department and IRS' review identified what has proven effective and what has proven ineffective. Based on the review, the Treasury Department and IRS are proposing changes that build on what has proven effective and that avoid the ineffective.

The heart of an effective regime is certainty - certainty that problematic transactions will be identified, certainty that the rules will be enforced, and certainty that the penalties that Congress enacted to deter abusive tax avoidance transactions will be imposed in appropriate circumstances. The current rules do not provide the necessary certainty.

The rules for disclosing, registering, and maintaining customer lists for tax shelter transactions differ, which introduces a certain amount of complexity. In addition, the disclosure regulations set forth a series of filters and exceptions that taxpayers are parsing to avoid disclosure. For example, taxpayers are interpreting the filters identifying reportable transactions narrowly, and the exceptions broadly. Our new rules eliminate the exceptions, including exceptions in the current rules that allow taxpayers not to disclose if there exists a "generally accepted understanding" that the tax benefits are permitted, or if there exists "no reasonable basis" for IRS denial.

The rules as they exist today were intended to create a web that would allow the IRS to identify and halt problematic tax avoidance transactions, but the complexity of the rules and differences among the rules - essentially, holes in the web - do not afford certainty of disclosure, identification, or enforcement, or the deterrent effect that that certainty would bring.

The Treasury Department and IRS have concluded a more effective system would include a single set of rules applicable to disclosure, registration, and maintenance of customer lists that is simpler to apply. That single set of rules should apply on a clear, bright line basis that leaves no room for interpretation and is not based on subjective inquiries. Moreover, a single set of rules should create a more perfect web that increases the certainty of IRS detection of failure to register, failure to disclose, and failure to maintain customer lists, and thus deters tax shelter activities.

The Treasury Department and IRS have concluded that failure to disclose should result in specific penalties, including penalties more severe than the penalties that would apply to a disclosing taxpayer. Moreover, taxpayers that disregard IRS rules and regulations and fail to disclose should not be able to hide behind an opinion to escape penalties that would otherwise apply. Taxpayers who fail to disclose certain transactions and lose on the merits would be subject, under our proposals, to a new strict liability penalty.

Administrative Changes

Yesterday, Treasury announced an initiative to improve disclosure through a combination of administrative actions already underway and new legislative proposals. This initiative extends disclosure requirements to partnerships, S corporations, trusts, and some individuals. We expect it to greatly enhance disclosure, registration, and

list-keeping by imposing clear, consistent rules. Clear rules coupled with clear consequences for noncompliance will be much more effective than vague standards coupled with uncertain consequences. Greater certainty of penalties, for example, will be more effective than higher penalties of uncertain application.

Many of our administrative actions involve making the rules governing taxpayer disclosure and promoter registration and list keeping clearer and consistent. This will do two things. First, consistent definitions and bright lines will stop taxpayers, promoters, and their advisors from interpreting and manipulating the requirements and the exceptions in the existing regulations to avoid disclosing and registering transactions. More importantly, these new rules will ensure that we have a web of rules that will allow us to move quickly from the disclosure of a transaction by a taxpayer to the promoter, and from there to the promoter's list of investors to find other taxpayers who have engaged in questionable transactions. We believe that taxpayers and promoters today are betting that they can hide from scrutiny, and we want to make that a losing bet.

I would like to point out that the complexity of our tax Code in many cases gives rise to corporate tax benefits. If a taxpayer is willing to fully disclose the details of a transaction and defend it on the merits, that is all we can ask. For those transactions that produce tax benefits under the Code but should not, early detection will allow us to quickly seek legislative changes.

We are deliberately casting a broader net than exists under the current rules. Under current rules, transactions that the IRS has identified as a tax avoidance, or listed, transactions, must be disclosed and registered, and we will keep that rule. We are replacing, however, the multi-factor 2-of-5 test and related exceptions in the current rules, with clear categories designed to capture the types of transactions we are most

From: CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/19/2002 8:54:04 AM
Subject: : Re: Can we meet to review White House E-mail Updates

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 13:54:04.00
SUBJECT:: Re: Can we meet to review White House E-mail Updates
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

OSI is putting on a Long Range Planning (Strategy) meeting today at 5:30. Is 9:30 or 10:00 AM tomorrow okay?

I will see if Barry Jackson and/or Jimmy Orr want to attend.

Rachel L. Brand 03/19/2002 01:40:25 PM

Record Type: Record

To: Neil H. Zimmerman/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Can we meet to review White House E-mail Updates

I could meet today at 5:30 or anytime tomorrow morning.

Neil H. Zimmerman

03/19/2002 12:27:28 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP
cc:
Subject: Can we meet to review White House E-mail Updates

Need to go over the following:
the sign up process via the White House Web site
the e-mail confirmation process
the privacy policy

I'll bring print outs of the Web pages and e-mail messages. A mockup is available online @ <http://staging.eop.gov/email/>

Please let me know when we can meet, I'm available at your soonest convenience I've included Rachel so she can review any privacy policy issues the White House E-mail Updates may present.

Thanks,

REV_00142076

NEIL
x6-7465

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 3/19/2002 8:56:04 AM
Subject: : search terms

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 13:56:04.00
SUBJECT:: search terms
TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

Global Relief Foundation
GRF
Bridgeview
Holy Land Foundation
HLF
Holy Land
Holyland
Benevolence International Foundation
BIF
Judith Miller
Kurt Eichenwald
Philip Shenon
OFAC

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 3/19/2002 9:12:38 AM
Subject: : period for search terms

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-MAR-2002 14:12:38.00

SUBJECT:: period for search terms

TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

September 11-December 14 inclusive

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>
Sent: 3/19/2002 9:12:38 AM
Subject: : period for search terms

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 14:12:38.00
SUBJECT:: period for search terms
TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

September 11-December 14 inclusive

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/19/2002 9:39:02 AM
Subject: : Re: Friday's Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 14:39:02.00
SUBJECT:: Re: Friday's Meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I heard it was fairly constructive....Tim will download later.

Brett M. Kavanaugh
03/19/2002 02:31:26 PM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Friday's Meeting

anything happen yesterday?

Matthew E. Smith

03/19/2002 02:25:22 PM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: Friday's Meeting

The next Judicial Nominations Meeting

Friday, March 22, 2002
Time: 10:45 a.m.
Room: 472 EEOB

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 3/19/2002 9:56:06 AM
Subject: : Homeland talking points to be provided at todays Republican policy lunch
Attachments: P_UX456003_WHO.TXT_1.doc; P_UX456003_WHO.TXT_2.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-MAR-2002 14:56:06.00
SUBJECT:: Homeland talking points to be provided at todays Republican policy lunch
TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ: UNKNOWN
End Original ARMS Header

FYI
----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/19/2002 02:55 PM -----

Christine Ciccone
03/19/2002 11:46:50 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Homeland talking points to be provided at todays
Republican policy lunch

Message Sent

To: _____
Brett M. Kavanaugh/WHO/EOP@EOP
Wendy J. Grubbs/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Gordon D. Johndroe/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP
Jack Howard/WHO/EOP@EOP
Nicholas E. Calio/WHO/EOP@EOP
Julie L. Nichols/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UX456003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UX456003_WHO.TXT_2>

TALKING POINTS

REQUEST FOR GOVERNOR RIDGE TO TESTIFY

Governor Ridge has been asked to testify before Congress. The Administration believes strongly that the Governor – as one of the President’s closest White House advisors – should adhere to the long-standing practice under which such close Presidential advisors do not testify before Congress.

The Administration recognizes the needs of Congress to receive information to perform its constitutional responsibilities. Governor Ridge has offered and held numerous meetings and briefings with Members of Congress. The Governor will continue to work closely with Congress, including the relevant Committees, in a manner consistent with this long-standing practice. Just as significantly, each of the departments and agencies with operational and budget authority will also continue to work with and testify before the Congress.

Why the Director of Homeland Security should not testify

- Presidents of both parties, for at least 50 years, have taken the position that their closest advisers cannot be forced to and ordinarily will not testify before Congress on policy matters. This position, based on the Constitution's separation of powers, has long been accepted by the Congress.
- Governor Ridge is the President’s chief advisor on homeland security issues. As an Assistant to the President, a non-confirmed position, he has no authority to hire or fire, except in his immediate office.
- The Director of Homeland Security serves as a coordinator between various agencies and departments. The National Security Advisor, who has a similar coordinating role between agencies, does not testify, nor do the White House Chief of Staff, Counsel, and other officials.
- Administrations of both parties have adhered to this position, except for instances involving substantial evidence of personal or official wrongdoing. Three examples have been cited where White House officials have testified during WWII, all of which involve congressional investigations of personal or official wrongdoing. Donald Nelson testified in response to an inquiry into numerous allegations of financial corruption within the government’s war effort. Donald Dawson was investigated for accepting cash and other favors for providing favorable treatment on loan applications. Jonathan Daniels was called to testify regarding allegations that he had improperly forced the head of the REA to resign over a particular decision.
- Officials within the Executive Office of the President that serve in Senate confirmed positions in statutorily-created agencies regularly testify before Congress. These offices include the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisors, and the Director of the Office of National Drug Control Policy.

Meeting Congress' Need for Information

- The Administration and Governor Ridge have regularly met with Congress and provided extensive information on homeland security.
- Governor Ridge assumed his responsibilities October 8, 2001. Since that time Governor Ridge and his staff have held over 100 meetings with Members of Congress and staff, and briefed various committees in the House and Senate. He has also repeatedly reached out to the bipartisan leadership of the Senate, and most recently met with the Senate caucuses of both parties. And, he has offered to meet with the committees of jurisdiction in a non-testimonial format at their convenience.
- During this short period of time, Governor Ridge has been working with the relevant executive branch departments and agencies on important homeland security issues such as Border Reorganization, the Threat Alert System, anthrax and bioterrorism, food safety, and ensuring security at home at events such as the Olympics, and the Super Bowl.
- Governor Ridge does not have operational or budget authority over any federal agency except his own office within the White House. The Threat Alert System is an example of an initiative that the Governor coordinated with various agencies which was ultimately turned over to DOJ for a period of comment, and DOJ will eventually handle the actual operation of the program.
- Administration officials with operational and budgetary authority, including the Secretary of Defense and the Attorney General, have repeatedly testified before Congress on homeland security matters. They have also provided Members of Congress with periodic briefings.

Moving forward in the future.

- The Administration and Governor Ridge recognize that the country faces significant issues regarding homeland security and that it will take the cooperation of both branches working together to solve them.
- The Administration is committed to meeting Congressional needs for information consistent with the principle of separation of powers.
- Governor Ridge looks forward to continuing to meet with Members of Congress, the 14 committees with jurisdiction over homeland security, and to brief committees on an ongoing basis.

Response to Specific Examples of testimony during WWII

Questions have been raised about three Presidential advisors who testified during World War II. Those examples only support the conclusion that Presidential advisors do not ordinarily testify on policy matters.

The three examples raised all appear to involve congressional investigations of personal or official wrongdoing, which is the one situation in which Presidential advisors often have testified in the past and which is distinct from testimony about policy matters.

- Donald Nelson apparently was one of the corporate executive "dollar a year" men whom Congress investigated as part of its inquiry into numerous allegations of financial corruption within the government's war effort. In addition, Nelson held a position as head of the War Production Board that, under the executive order creating it, gave him a degree of formal authority over agencies that close Presidential advisors ordinarily do not possess.
- Donald Dawson was investigated for accepting cash and other favors for providing favorable treatment on loan applications.
- Jonathan Daniels was called to testify regarding allegations that he had improperly forced the head of the REA to resign over a particular decision.

From: CN=William T. Griffin/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>
Sent: 3/19/2002 1:20:09 PM
Subject: : Radio Tomorrow

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 18:20:09.00
SUBJECT:: Radio Tomorrow
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Here's what we've got lined up for tomorrow for you on judicial nominations. You have some flexibility on the times, so let me know what works best for you.

Taylor

1. Jerry Bowyer Show (PITTSBURGH, PA) -- TIME: 9:30 AM to 12:00 PM
Morning general interest talk radio program. Haven't been following judicial nominations closely, so we can do allot of the shaping here. This will be live, over the phone. (<http://www.1360wptt.com/bowyer/>)

2. Ken Hamblin Show -- TIME: 3:30 or 5:00 (your choice, let me know what works for you)
Nationally syndicated conservative talk radio show featuring a conservative african-american host. Supports the President strongly. Ken is interested in a general discussion of the issues surrounding judicial nominations. The show aires on the following stations:

LIVE, Monday-Friday
KFBC, Cheyenne, WY LIVE, 1 TO 4 PM, Mountain Time
WBMQ, Savannah, GA LIVE, 1 TO 4 PM, Mountain Time
WVOJ, Jacksonville, FL LIVE, 1 TO 4 PM, Mountain Time
KSCB, Liberal, KS LIVE, 1 TO 4 PM, Mountain Time
KMLB, Monroe, LA LIVE, 1 TO 3 PM, Mountain Time
WASO, New Orleans, LA LIVE, 2 TO 3 PM, Mountain Time
KTCR, Kennewick, WA LIVE, 1 TO 3 PM, Mountain Time

Recorded
KVI, Seattle, WA M-F, 2 TO 5 AM, Sat & Sun 1-5 AM, Pacific Time
WSB, Atlanta, GA T-F, 2 TO 4 AM, Eastern Time
KTEM, Temple, TX M-F, 9 TO 11 PM, Central Time
KCBQ, SanDiego, CA M-F, 10PM-12AM, 4 TO 5 AM, Pacific Time
KSFO, SanFrancisco, CA SAT 10PM-1AM,

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/19/2002 1:44:29 PM
Subject: : Re: JSC meeting schedule

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-MAR-2002 18:44:29.00
SUBJECT:: Re: JSC meeting schedule
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

fyi
----- Forwarded by Elizabeth N. Camp/WHO/EOP on
03/19/2002 06:44 PM -----

Susan B. Ralston
03/19/2002 06:40:37 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: JSC meeting schedule

Karl has a conflict and cannot attend.

Elizabeth N. Camp
03/19/2002 06:15:56 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: JSC meeting schedule

We will have JSC tomorrow at the normal time and place - 4pm in the Roosevelt.

There will be no JSC meeting on Wednesday, March 27th.

Thanks!

Libby Camp
456-2632

Message Sent

To:
Melissa S. Bennett/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Alison Jones/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP

REV_00142103

John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Dee Dee Benkie/WHO/EOP@EOP
andrew.beach@usdoj.gov
amy.petersen@usdoj.gov
adam.ciongoli@usdoj.gov @ inet
Brent D. Greenfield/WHO/EOP@EOP
evelyn.v.long@usdoj.gov
Jennifer.Newstead@usdoj.gov
Viet.Dinh@usdoj.gov
Heather Wingate/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jason.J.Sutton@usdoj.gov
Kyle Sampson/WHO/EOP@EOP
Douglas L. Hoelscher/WHO/EOP@EOP
David McMaster/WHO/EOP@EOP
Ann Gray/WHO/EOP@EOP
don.willet@usdoj.gov
Albert.Brewster@usdoj.gov
Tracy.T.Washington@usdoj.gov

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 3/20/2002 6:26:29 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 20-MAR-2002 11:26:29.00

SUBJECT::

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

re DA leading our office next week: If I have any serious issues, I would ordinarily plan to track you down for variety of reasons, including that we have different clients, as DA himself makes clear often. Please advise.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/20/2002 11:23 AM -----

Elizabeth N. Camp
03/19/2002 10:14:23 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: a couple of things

1) We will have JSC meeting this week at 4pm in the Roosevelt. Brett- per the Judge please put something together on strategy. JSC prep at the usual time - 3:30 pm in the Judge's office.

2) We will not have JSC next Wednesday (March 27th).

3) Even though the Judge and Tim will be out the 8:15 am staff meetings will occur every day next week except for Friday (Good Friday). David Addington will lead the Counsel staff meetings.

Thanks!

Message Sent

To:
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

REV_00142105

Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Patrick J. Bumatay/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 3/20/2002 3:55:51 AM
Subject: : Re: rewritten opening

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-MAR-2002 08:55:51.00
SUBJECT:: Re: rewritten opening
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

thanks; I think State as a noun is capitalized, but not as an adjective??

Courtney S. Elwood
03/20/2002 08:43:40 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: rewritten opening

My suggestions are below in bold. Take what you like, and leave the rest.

Brett M. Kavanaugh
03/19/2002 08:19:30 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: rewritten opening

I would appreciate your comments. Please be critical:

A Federal court may assert jurisdiction over a case that involves State-law claims if the plaintiffs and defendants are citizens of different States and the amount in controversy exceeds a certain amount (now \$75,000). The Constitution provides for so-called "diversity jurisdiction" to prevent State-court discrimination against out-of-state defendants.

This constitutional purpose is often frustrated in class action cases. First, the \$75,000 requirement has been interpreted to require that each plaintiff,s claim exceed \$75,000 no matter how much might be at stake for an out-of-state defendant from thousands or even millions of claims each individually worth less than \$75,000. Second, courts have required all named plaintiffs to be citizens of different States than the defendants (not simply one plaintiff and one defendant), a requirement easily evaded by an energetic plaintiff,s counsel who can manage to find one plaintiff from the same State as the defendant.

REV_00142107

The consequence of these two legal interpretations has been that huge, bet-the-company class actions remain in State court. That contravenes the historic purpose of diversity jurisdiction. Plaintiffs, attorneys have feasted on the legal loophole, choosing to file class actions against out-of-state defendants in friendly local courts (often with elected trial judges), which in turn has often coerced defendants to agree to massive settlements entirely unrelated to the merits of the claims. The phenomenon has now prompted action by the House.

A separate problem with class actions has been that the individual consumers

From: CN=Shannon Burkhart/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 3/20/2002 7:57:11 AM
Subject: : Re: RNC Florida Trip

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Shannon Burkhart (CN=Shannon Burkhart/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2002 12:57:11.00
SUBJECT:: Re: RNC Florida Trip
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I believe it has, but I will have to check on that. Kirk Blalock and Brian Conklin are going as well.
I'll start the travel forms and send them over to Rachel as soon as Jim is back from this afternoon's event.
Thanks again.

Robert W. Cobb
03/20/2002 12:47:24 PM
Record Type: Record

To: Shannon Burkhart/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP
bcc:
Subject: Re: RNC Florida Trip

The travel expenses from outside sources form should be filled out and approved in advance of the travel. Rachel Brand takes care of those. Has this been coordinated with political affairs?

Shannon Burkhart
03/20/2002 12:43:25 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: RNC Florida Trip

Hi Moose-

Jim has been invited to go to Florida this weekend on an RNC trip and he'd like to go. He'll speak at a session on Saturday afternoon and attend 2 baseball games with their group. Is there any paperwork that I need to fill out for him to report the trip? Please let me know whenever you get a moment. Thanks a million!

REV_00142109

-Shannon

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2002 8:22:35 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-MAR-2002 13:22:35.00
SUBJECT:: Re:
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Timothy E. Flanigan/WHO/EOP on
03/20/2002 01:20 PM -----

Alberto R. Gonzales
03/20/2002 01:14:55 PM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

agreed.

Timothy E. Flanigan
03/20/2002 11:29:25 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc: alberto r. gonzales/who/eop@eop
bcc:
Subject: Re:

My two cents: DA's role is simply to "sit in the chair" at counsel's office staff mtgs. I would think that Brett should represent us at the Sen Staff mtg and should track us down as any real issues arise.

Brett M. Kavanaugh
03/20/2002 11:26:24 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
cc:
Subject:

re DA leading our office next week: If I have any serious issues, I would ordinarily plan to track you down for variety of reasons, including that we have different clients, as DA himself makes clear often. Please advise.

REV_00142111

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/20/2002 11:23 AM -----

Elizabeth N. Camp
03/19/2002 10:14:23 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: a couple of things

1) We will have JSC meeting this week at 4pm in the Roosevelt. Brett- per the Judge please put something together on strategy. JSC prep at the usual time - 3:30 pm in the Judge's office.

2) We will not have JSC next Wednesday (March 27th).

3) Even though the Judge and Tim will be out the 8:15 am staff meetings will occur every day next week except for Friday (Good Friday). David Addington will lead the Counsel staff meetings.

Thanks!

Message Sent

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
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Brent D. Greenfield/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Patrick J. Bumatay/WHO/EOP@EOP

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2002 6:33:26 AM
Subject: : Counsel Ruling re: Political Contributions

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2002 11:33:26.00
SUBJECT:: Counsel Ruling re: Political Contributions
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I had something from state on hatch act requirements. Do you have this in connection with the response you will be giving to Susan?

----- Forwarded by Robert W. Cobb/WHO/EOP on 03/20/2002
11:32 AM -----

Susan B. Ralston
03/20/2002 10:56:15 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Counsel Ruling re: Political Contributions

Can you please give Karl a memo about the rules regarding political contributions from Ambassadors?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/20/2002 6:40:00 AM
Subject: : Re: 2:30pm, Wed. 20, 2002
Attachments: P_62686003_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2002 11:40:00.00
SUBJECT:: Re: 2:30pm, Wed. 20, 2002
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett Kavanaugh is the person in Counsel's office who has dealt with the airlines/insurance issues.

The Judge would like for him to attend as the Counsel's Office representative.

Is that okay with your shop?

Jean M. Russell 03/20/2002 10:41:58 AM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: 2:30pm, Wed. 20, 2002

Today at 2:30pm there will be a meeting on Foreign Sales Corporation (FSC) in his office. During staff meeting he asked if you could send someone from your office to attend the meeting. It is a Principals meeting and will last for 45 minutes to an hour.

Let me know who from your office is able to attend.
Jeannie

----- Forwarded by Jean M. Russell/OPD/EOP on 03/20/2002
10:40 AM -----

Jean M. Russell 03/19/2002 06:25:35 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 2:30pm, Wed. 20, 2002

Here's the memo for tomorrow's Economic Principals Meeting

Message Sent

To:

Suzanne.scruggs@ost.dot.gov @ inet
Linda.figura@do.treas.gov @ inet
anna.hart@do.treas.gov @ inet
bvosburgh@doc.gov @ inet
kreaves@doc.gov @ inet
Michael J. Conway/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Alice H. Williams/CEA/EOP@EOP
Douglas J. Holtz-Eakin/CEA/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Lois E. Altoft/OMB/EOP@EOP
Leslie A. Mooney/OPD/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
barbara.lucas@ost.dot.gov @ inet

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_62686003_OPD.TXT_1>

REV_00142117

MARCH 19, 2002

MEMORANDUM TO NEC PRINCIPALS

FROM: CARLOS BONILLA

SUBJECT: AVIATION WAR & TERRORISM INSURANCE

As part of the Air Transportation and System Stabilization Act, the Federal Government began to directly provide war and terrorism insurance to the nation's airlines (and through the airlines indirectly to the airports, vendors and contractors who do business with the airlines). At the time the Act was passed, the nation faced a transportation crisis as the world's insurers had exercised their prerogative to cancel war and terrorism policies on seven day's notice. Airlines will not fly without insurance, either because their lenders and lessors will not permit the planes to be flown without insurance or because their Boards of Directors will not allow the carrier to operate without it. This federal insurance was understood by all the parties to be of a temporary nature.

Since September 11, a certain measure of stability has been achieved in the insurance markets. To be sure, prices have increased since September 11, but carriers are readily able to secure insurance should their planes be involved in an incident. The key exception is that insurance coverage for third party losses from acts of war and terrorism (the occupants of the World Trade Center, for example) has been limited to \$50 million. Prior to September 11, the carriers were able to secure approximately \$1.5 billion in coverage for all perils at about five cents a passenger. Today the much more limited private coverage which is in force costs about \$1.25 a passenger.

This memo outlines the three options that are under discussion to address the problem of third party losses from acts of war and terrorism:

- Private Insurance: One insurer, AIG, has come forward with a proposal to underwrite approximately \$1 billion in war and terrorism coverage at an additional cost of \$1.50-\$1.85 a passenger.
- Equitime: The airline industry is attempting to create a captive insurer that would be capitalized by the industry and, over time, accumulate reserves to replace the federal insurance program.
- War Principles: This position argues that war (of which terrorism is a subset) should not be paid for through the tort and insurance system. The correct position is not to debate how to best pay for insurance against third-party losses but rather to recognize them as costs to be borne by society not litigated by the trial lawyers. This would require a legislative solution removing a third party's right to sue for losses suffered from acts of war and terrorism.

On March 11 the Department of Transportation announced a 60 day extension in its current war risk insurance program. The clear understanding was that this time would be used to adopt a long-term solution to the problem, if needed.

The Private Market Option

Following September 11, the Administration formulated several core principles to guide policymaking efforts related to the federal provision of terrorism insurance in the context of property-casualty losses. These fundamental principles apply with equal force to the aviation industry. These principles included:

- The primary goal of government policy should be to help build private sector capacity: The private insurance market has, in the past, proven its ability to expand capacity in response to new risks. Private insurance markets have the ability to effectively spread risk, while simultaneously providing proper incentives for risk mitigation and loss containment through pricing. However, limited government intervention may be appropriate to provide some additional capacity and certainty to private markets during a transition period.
- Private sector capacity is already beginning to develop. Already, a number of private insurance groups, including AIG, Berkshire Hathaway, and Allianz, have entered the international market for third party liability war risk insurance since the end of September 2001. Berkshire Hathaway and AIG are making package offers to a group of British airlines, with AIG currently offering up to \$1 billion per occurrence coverage (excess of \$50 million) for approximately *75 cents per passenger*. This is significantly lower than the \$1.85 per passenger that has been assumed in many U.S. discussions – a price that appears to have been “floated” shortly after 9/11 – suggesting that market forces are beginning to work and that offer prices are falling.
- The presence of the government in the private market likely dampens competition and distorts pricing. We cannot assume that today’s distribution of observed prices for insurance is a market equilibrium, because the market cannot operate efficiently while the government provides insurance at prices below the actuarially fair level. In fact, there really is no true observed pricing distribution available in the U.S. at this time because no U.S. airline has sought out an official quote from the leading insurers. This lack of pricing requests is due to the existence of the FAA program.
- Given an opportunity, market forces will continue to drive prices down. If AIG, for example, offers insurance at unreasonably high prices, other insurers (e.g., Berkshire Hathaway, Allianz) will have the profit incentive to come in to undercut AIG. It is important to bear in mind, however, that if expected losses from a terrorist related airline event could average \$1 billion per year, as suggested in a recent DOT memo, then the total premia collected for that market should reasonably be expected to be at least \$1 billion per year.
- Government policy should promote proper incentives for risk mitigation and loss containment: If the government provides excess loss insurance at taxpayer-subsidized rates, economic actors will not face the proper economic incentives. This distortion may result in sub-optimal investment in security or other prevention activities.

- Any government involvement should be strictly limited to a short transition period: The federal government should seek to limit the duration of its participation in insurance markets to the shortest possible time frame so as to encourage restoration of private markets.

The EQUITIME Solution

Through their trade association, the Air Transport Association (ATA), the major U.S. airlines have proposed forming a risk retention group (RRG) to provide passenger and third party war risk liability insurance. The RRG is tentatively named Equitime. It would provide direct insurance to its members, charging a premium and providing up to \$2 billion in coverage. While Equitime accumulates sufficient reserves to cover potential claims, it would purchase reinsurance from the FAA. If commercial reinsurance becomes reasonably available, Equitime would purchase it and phase out FAA coverage. On February 28, the ATA board unanimously agreed to proceed with implementation of Equitime. ATA has stated to the FAA that Equitime could be operational as early as June. An international RRG is also being discussed by member states of the International Civil Aviation Organization (ICAO), but if ultimately approved by ICAO, implementation would take much longer than Equitime. In early March, the Association of European Airlines stated that it also is considering forming an RRG for its members.

If implemented, Equitime would provide war risk liability coverage to ground handlers and other vendors, agents and subcontractors of air carriers for appropriate premiums. The formation of Equitime would provide ground handlers and others with a competitive option in negotiating lower premium rates and higher coverage limits.

FAA EXIT OBJECTIVE

FAA war risk insurance is currently being provided as an emergency measure “necessary in the interest of air commerce.” The FAA’s long-term goal is to help to reestablish a private insurance market that provides aviation war risk insurance on reasonable terms. However, the means to achieve that goal should not derogate air commerce vital to the U.S. economy. In developing its exit strategy, the FAA should encourage competition among private insurers to the maximum degree possible while providing airlines and passengers with sufficient time to acclimate to the increased cost of war risk insurance.

In view of the present state of the private insurance market, the Department of Transportation has recommended that authorization for FAA insurance should be extended for a six-month period. The six-month extension would allow time to facilitate a transition by the FAA first to a reduced role in providing insurance, and eventually to an exit from the market.

During the six-month extension period, the FAA would pursue two paths. First, a six-month extension would provide Equitime and the participating U.S. carriers with a

sufficient certainty to continue their efforts and make the necessary capital contributions to implement the RRG, with some assurance that there would not be an abrupt reversal of U.S. policy. Under Equitime, the FAA would act as a reinsurer and as Equitime's reserves grow, FAA's participation would decrease. FAA support for Equitime would not preclude support for an ICAO-sponsored RRG if it is formed. In addition, in either structure, FAA reinsurance would be replaced by private insurance if it became available on similar terms.

Second, DOT recommends that the FAA begin a phased withdrawal from providing direct war risk insurance. A six-month extension would facilitate such a phase out by minimizing the disruption likely to result from this change and by giving insurers additional time to return to the market. Such a phased exit would allow the FAA to better gauge, in steps, how quickly and to what degree private insurers were prepared to compete for the airlines' business. An initial step would likely be to raise the premium charged by the FAA. The FAA could subsequently begin raising the floor above which it writes insurance, now at \$50 million, thereby requiring U.S. air carriers, in steps, to secure increased coverage from the private market.

DOT believes that both of these approaches would stimulate competition and hasten the return of the private market. Equitime would effectively inject a new competitor into the market, and, because it threatens to lock up a significant piece of the insurance business for a one-year period, may stimulate private insurers to attempt to preempt its formation by offering rates competitive with Equitime. Equitime could also stimulate insurers to offer reinsurance rates in competition with the FAA, thus hastening FAA's departure from the field.

The War Principles Option

Current US law does not differentiate between torts caused by normal forces, economic or otherwise, and acts of war, including terrorism. Individuals and corporations can be subject to the same processes we criticize as abusive in the normal course of business. No airline in the country, or its lenders, felt confident that juries would consistently reject the argument had they only acted in a certain manner – arming flight attendants for example – we could have avoided the disaster of September 11. The airlines, indeed all of American business, can deal with its own losses. It cannot and should not have to deal with the economy wide costs of war.

In the immediate aftermath of September 11, the Federal Government had a limited number of options. Notably, it could not retrospectively take away a perceived right to sue even when the cause of harm was an act of war or terrorism. For any future acts of war and terrorism, however, we currently have a clean slate to define the legal and social landscape for American society to operate under. The solution is to abolish the right to sue other individuals simply because they came before you in the chain of events that constituted an act of war.

This position argues that the costs of war are a societal obligation and that it is society not individuals (corporate or otherwise) who should shoulder the costs of war and terrorism. It was the fear of a torrent of litigation which gave rise to the structure of the airline stabilization act, notably its provision creating a special master to provide financial assistance to individuals harmed by the attack. A key point in the provision was the permanent exclusion from the fund of any individual who first tried to seek restitution through the tort system.

It is instructive to note that the Victims Compensation Fund had been offering settlement averaging \$1.65 million to the victims of 9/11 and raised the average to \$1.85 million after those settlements were criticized as inadequate. It is highly unlikely that more than a handful of these victims carried that much personal insurance. We are setting a dangerous precedent that acts of war should yield greater compensation than individuals are willing to provide for themselves.

In addition, the War Principles option will create a measure of fairness and uniformity in victim assistance. Under current practice, where individuals search for a deep pocket to blame, financial assistance is dependent on the success or failure of that search. Individuals "fortunate enough" to be the victims of an attack which uses a Fortune 500 corporation as its instrument of war can expect to be highly compensated. Others may receive no compensation.

At the same time, it is not desirable to abolish all individual responsibility for acts of war and terrorism. We should encourage individuals to provide for their own financial compensation for their own losses and acquire insurance to cover those personal losses. Moreover, lien holders will likely continue to demand such coverage. Similarly, there is no reason why the federal government should offer more financial assistance to an individual who dies in a terrorist attack than we do to an individual who dies prematurely of a heart attack. We should continue to encourage these efforts, if for no other reason than to create a climate of individual responsibility.

Conversely, a system such as we have today can prove to be a stifling force. Businesses and individuals may very well curtail their activities, abandoning urban areas for example, if the costs of having to insure against the catastrophic and unpredictable costs of war may be placed on their shoulders.

Finally, a large incident would likely overwhelm the resources of the insurance system. When those resources are exhausted there will be no option but for the federal government to intervene with both compensation and legal remedies. Rather than wait until such a time it makes more sense to act preemptively and enhance market confidence.

Any such move must be accompanied by a clear statement that in the event of an act of war the federal government will step in to assist those members of society who have been harmed. The amount of assistance will depend on the extent of the losses suffered and cannot be set in advance, for we cannot know the costs of war in advance. In small

incidents we will be able to make everyone whole. In larger incidents we may only be able to offer partial remedies.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2002 6:48:09 AM
Subject: : Re: 2:30pm, Wed. 20, 2002
Attachments: P_3H686003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2002 11:48:09.00
SUBJECT:: Re: 2:30pm, Wed. 20, 2002
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can you attend this 2:30 pm meeting?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
03/20/2002 11:48 AM -----

Jean M. Russell 03/20/2002 11:44:23 AM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
bcc:
Subject: Re: 2:30pm, Wed. 20, 2002

sounds good!

Elizabeth N. Camp
03/20/2002 11:39:55 AM
Record Type: Record

To: Jean M. Russell/OPD/EOP@EOP
cc:
bcc:
Subject: Re: 2:30pm, Wed. 20, 2002

Brett Kavanaugh is the person in Counsel's office who has dealt with the airlines/insurance issues.

The Judge would like for him to attend as the Counsel's Office representative.

Is that okay with your shop?

Jean M. Russell 03/20/2002 10:41:58 AM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: 2:30pm, Wed. 20, 2002

REV_00142124

Today at 2:30pm there will be a meeting on Foreign Sales Corporation (FSC) in his office. During staff meeting he asked if you could send someone from your office to attend the meeting. It is a Principals meeting and will last for 45 minutes to an hour.

Let me know who from your office is able to attend.
Jeannie

----- Forwarded by Jean M. Russell/OPD/EOP on 03/20/2002
10:40 AM -----

Jean M. Russell 03/19/2002 06:25:35 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 2:30pm, Wed. 20, 2002

Here's the memo for tomorrow's Economic Principals Meeting

Message Sent

To:

Suzanne.scruggs@ost.dot.gov @ inet
Linda.figura@do.treas.gov @ inet
anna.hart@do.treas.gov @ inet
bvosburgh@doc.gov @ inet
kreaves@doc.gov @ inet
Michael J. Conway/WHO/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Alice H. Williams/CEA/EOP@EOP
Douglas J. Holtz-Eakin/CEA/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Lois E. Altoft/OMB/EOP@EOP
Leslie A. Mooney/OPD/EOP@EOP
Carlos E. Bonilla/OPD/EOP@EOP
barbara.lucas@ost.dot.gov @ inet

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_3H686003_WHO.TXT_1>

REV_00142125

MARCH 19, 2002

MEMORANDUM TO NEC PRINCIPALS

FROM: CARLOS BONILLA

SUBJECT: AVIATION WAR & TERRORISM INSURANCE

As part of the Air Transportation and System Stabilization Act, the Federal Government began to directly provide war and terrorism insurance to the nation's airlines (and through the airlines indirectly to the airports, vendors and contractors who do business with the airlines). At the time the Act was passed, the nation faced a transportation crisis as the world's insurers had exercised their prerogative to cancel war and terrorism policies on seven day's notice. Airlines will not fly without insurance, either because their lenders and lessors will not permit the planes to be flown without insurance or because their Boards of Directors will not allow the carrier to operate without it. This federal insurance was understood by all the parties to be of a temporary nature.

Since September 11, a certain measure of stability has been achieved in the insurance markets. To be sure, prices have increased since September 11, but carriers are readily able to secure insurance should their planes be involved in an incident. The key exception is that insurance coverage for third party losses from acts of war and terrorism (the occupants of the World Trade Center, for example) has been limited to \$50 million. Prior to September 11, the carriers were able to secure approximately \$1.5 billion in coverage for all perils at about five cents a passenger. Today the much more limited private coverage which is in force costs about \$1.25 a passenger.

This memo outlines the three options that are under discussion to address the problem of third party losses from acts of war and terrorism:

- Private Insurance: One insurer, AIG, has come forward with a proposal to underwrite approximately \$1 billion in war and terrorism coverage at an additional cost of \$1.50-\$1.85 a passenger.
- Equitime: The airline industry is attempting to create a captive insurer that would be capitalized by the industry and, over time, accumulate reserves to replace the federal insurance program.
- War Principles: This position argues that war (of which terrorism is a subset) should not be paid for through the tort and insurance system. The correct position is not to debate how to best pay for insurance against third-party losses but rather to recognize them as costs to be borne by society not litigated by the trial lawyers. This would require a legislative solution removing a third party's right to sue for losses suffered from acts of war and terrorism.

On March 11 the Department of Transportation announced a 60 day extension in its current war risk insurance program. The clear understanding was that this time would be used to adopt a long-term solution to the problem, if needed.

The Private Market Option

Following September 11, the Administration formulated several core principles to guide policymaking efforts related to the federal provision of terrorism insurance in the context of property-casualty losses. These fundamental principles apply with equal force to the aviation industry. These principles included:

- The primary goal of government policy should be to help build private sector capacity: The private insurance market has, in the past, proven its ability to expand capacity in response to new risks. Private insurance markets have the ability to effectively spread risk, while simultaneously providing proper incentives for risk mitigation and loss containment through pricing. However, limited government intervention may be appropriate to provide some additional capacity and certainty to private markets during a transition period.
- Private sector capacity is already beginning to develop. Already, a number of private insurance groups, including AIG, Berkshire Hathaway, and Allianz, have entered the international market for third party liability war risk insurance since the end of September 2001. Berkshire Hathaway and AIG are making package offers to a group of British airlines, with AIG currently offering up to \$1 billion per occurrence coverage (excess of \$50 million) for approximately *75 cents per passenger*. This is significantly lower than the \$1.85 per passenger that has been assumed in many U.S. discussions – a price that appears to have been “floated” shortly after 9/11 – suggesting that market forces are beginning to work and that offer prices are falling.
- The presence of the government in the private market likely dampens competition and distorts pricing. We cannot assume that today’s distribution of observed prices for insurance is a market equilibrium, because the market cannot operate efficiently while the government provides insurance at prices below the actuarially fair level. In fact, there really is no true observed pricing distribution available in the U.S. at this time because no U.S. airline has sought out an official quote from the leading insurers. This lack of pricing requests is due to the existence of the FAA program.
- Given an opportunity, market forces will continue to drive prices down. If AIG, for example, offers insurance at unreasonably high prices, other insurers (e.g., Berkshire Hathaway, Allianz) will have the profit incentive to come in to undercut AIG. It is important to bear in mind, however, that if expected losses from a terrorist related airline event could average \$1 billion per year, as suggested in a recent DOT memo, then the total premia collected for that market should reasonably be expected to be at least \$1 billion per year.
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incidents we will be able to make everyone whole. In larger incidents we may only be able to offer partial remedies.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Shannon Burkhart/WHO/EOP@EOP [WHO] <Shannon Burkhart>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 3/20/2002 7:47:30 AM
Subject: : Re: RNC Florida Trip

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2002 12:47:30.00
SUBJECT:: Re: RNC Florida Trip
TO:Shannon Burkhart (CN=Shannon Burkhart/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The travel expenses from outside sources form should be filled out and approved in advance of the travel. Rachel Brand takes care of those. Has this been coordinated with political affairs?

Shannon Burkhart

03/20/2002 12:43:25 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: RNC Florida Trip

Hi Moose-

Jim has been invited to go to Florida this weekend on an RNC trip and he'd like to go. He'll speak at a session on Saturday afternoon and attend 2 baseball games with their group. Is there any paperwork that I need to fill out for him to report the trip? Please let me know whenever you get a moment. Thanks a million!

-Shannon

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Terry W. Good/WHO/EOP@EOP [WHO] <Terry W. Good>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; philip c. droege/who/eop@eop [WHO] <philip c. droege>
Sent: 3/20/2002 7:57:36 AM
Subject: : Re: Request for Information

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2002 12:57:36.00
SUBJECT:: Re: Request for Information
TO:Terry W. Good (CN=Terry W. Good/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:philip c. droege (CN=philip c. droege/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Of course. When is a good time to meet? I have meetings today from 3:30 until about 4:30 or 4:45.

Terry W. Good 03/20/2002 12:50:35 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP
cc: Philip C. Droege/WHO/EOP@EOP
Subject: Request for Information

In previous administrations, when requests of a legal nature were given to the WHO, ORM had an understanding with the Counsel's Office about the procedures that we would follow in searching for any relevant documents in our custody.

Would you have 15 minutes to meet with Phil and me to discuss this matter?

Thanks,

Terry

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2002 8:14:37 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-MAR-2002 13:14:37.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Agreed.

Brett M. Kavanaugh
03/20/2002 11:26:24 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
cc:
Subject:

re DA leading our office next week: If I have any serious issues,
I would ordinarily plan to track you down for variety of reasons,
including that we have different clients, as DA himself makes clear
often. Please advise.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/20/2002 11:23 AM -----

Elizabeth N. Camp
03/19/2002 10:14:23 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: a couple of things

1) We will have JSC meeting this week at 4pm in the Roosevelt. Brett- per
the Judge please put something together on strategery. JSC prep at the
usual time - 3:30 pm in the Judge's office.

2) We will not have JSC next Wednesday (March 27th).

3) Even though the Judge and Tim will be out the 8:15 am staff meetings
will occur every day next week except for Friday (Good Friday). David
Addington will lead the Counsel staff meetings.

Thanks!

Message Sent

REV_00142137

To:

David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Patrick J. Bumatay/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/20/2002 9:48:53 AM
Subject: : fyi - JSC will be very short today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-MAR-2002 14:48:53.00

SUBJECT:: fyi - JSC will be very short today

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Judge has another meeting at 4:15 pm.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/20/2002 9:48:53 AM
Subject: : fyi - JSC will be very short today

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:20-MAR-2002 14:48:53.00

SUBJECT:: fyi - JSC will be very short today

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Judge has another meeting at 4:15 pm.

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2002 11:10:33 AM
Subject: : Blackberry FAQs

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])

CREATION DATE/TIME:20-MAR-2002 16:10:33.00

SUBJECT:: Blackberry FAQs

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tim said he'd sent this to you to review... get to it yet?

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/20/2002 11:10:33 AM
Subject: : Blackberry FAQs

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])

CREATION DATE/TIME:20-MAR-2002 16:10:33.00

SUBJECT:: Blackberry FAQs

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tim said he'd sent this to you to review... get to it yet?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 3/20/2002 11:21:03 AM
Subject: : Re: do you know what Roberts' ABA rating is?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-MAR-2002 16:21:03.00
SUBJECT:: Re: do you know what Roberts' ABA rating is?
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

WQ

Anne Womack
03/20/2002 03:05:30 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: do you know what Roberts' ABA rating is?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 3/21/2002 4:15:30 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAR-2002 09:15:30.00
SUBJECT::
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

Just want to be sure that you can follow up on checking re the
Sandy Berger and other example in Post story of this morning. Thanks.

From: Blackwell, Craig <Craig.Blackwell@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2002 3:49:53 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Blackwell, Craig" <Craig.Blackwell@usdoj.gov> ("Blackwell, Craig"
<Craig.Blackwell@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:21-MAR-2002 08:49:53.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Are you comfortable with the draft reply? The draft really hasn't changed since I emailed it to you: I received minor comments from Doug Letter (which you saw) and from Paul Colborn/Ed Whelan (typos, mostly).

Craig

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 3/21/2002 4:15:30 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:21-MAR-2002 09:15:30.00

SUBJECT::

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

End Original ARMS Header

Just want to be sure that you can follow up on checking re the
Sandy Berger and other example in Post story of this morning. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 3/21/2002 4:21:42 AM
Subject: : PRESS office just called me on Berger example

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAR-2002 09:21:42.00
SUBJECT:: PRESS office just called me on Berger example
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2002 4:46:02 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:21-MAR-2002 09:46:02.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

checking. You may want to check with Paul Colborn as well.

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2002 4:46:02 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:21-MAR-2002 09:46:02.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

checking. You may want to check with Paul Colborn as well.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 3/21/2002 5:54:58 AM
Subject: : Re: class actions

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-MAR-2002 10:54:58.00
SUBJECT:: Re: class actions
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

no idea . . .

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
03/21/2002 10:54 AM -----

Stuart W. Bowen
03/21/2002 10:43:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: class actions

Memo was staffed to COounsel's Office. It is on hold.

Brett M. Kavanaugh
03/21/2002 10:14:40 AM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: class actions

-- We never saw Diana's memo.
-- Who has the action for making changes at this point?
-- I agree on 1.
-- On 2, the point, I believe, is not to challenge those long-standing SCT interpretations in ordinary cases; it is the rules' application to modern nationwide class actions that created the wacky situation, which I think can fairly be described as an unintended loophole that is being badly abused. Anyway, I did not sense confusion on that point in the memo, but adding "modern" before "class-action cases" in the third sentence may help clarify.
-- On 3, Marshall, J., probably could not dream of some of the modern class action abuses. Anyway, the point about certain state trial courts remains a strong policy point, in my judgment. In addition, the point you raise about uniformity and efficiency is an excellent one and was not in either the first draft I saw of this memo or in this one. I would definitely add whatever you and Diana think best on that on uniformity and efficiency.

Kristen Silverberg
03/21/2002 09:37:43 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jill Davie/WHO/EOP@EOP
Subject: class actions

I just saw the red dot on class actions. If it did not yet go to the President, I would suggest a few changes/ additions:

Memo should mention that the President endorsed the minimal diversity change during the campaign and again in a recent SAP so that he doesn't get the impression that his position on the bill is up for grabs. First para should mention that the complete diversity requirement and amount in controversy requirement are products of longstanding SCt law (I think that the rules are something like 196 yrs old and 80+ yrs old respectively). The memo leaves the impression that we're fixing some wacky court interpretations -- especially the line that plaintiff's lawyers are feasting on a "legal loophole."
As Diana and I have discussed, I don't think we should pin our support for the bill on the view that the complete diversity requirement frustrates or contravenes a constl purpose. The SCt (starting with Marshall, J.) doesn't think so. The const allows for either minimal or complete diversity rules; starting with the first judiciary act, Congress chose to adopt a complete diversity requirement that would leave some out-of-state defts subject to the bias of in-state courts. I think we should presume that this 200-year old rule was fully consistent with (though not required by) the intent of the framers, but that we have policy reasons for wanting to change the rule. "We distrust state courts" is a less persuasive policy argument for reform than our interest in uniformity and efficiency (especially if our audience is the President). I think that Diana had a good description of the problem with the current state of the law in her earlier draft of the memo.

Message Sent

To: _____
Jay P. Lefkowitz/OPD/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

Message Copied

To: _____
jay p. lefkowitz/opd/eop@eop
diana l. schacht/opd/eop@eop
brian c. conklin/who/eop@eop
stuart w. bowen/who/eop@eop
courtney s. elwood/who/eop@eop
jill davie/who/eop@eop

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2002 6:14:57 AM
Subject: : Re: Congressional Testimony by you and Berger

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME: 21-MAR-2002 11:14:57.00
SUBJECT:: Re: Congressional Testimony by you and Berger
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by John B. Bellinger/NSC/EOP on
03/21/2002 11:28 AM -----

Roger W. Cressey
03/21/2002 10:54:29 AM
Record Type: Record

To: John B. Bellinger/NSC/EOP@EOP
cc: richard a. clarke/nsc/eop@eop, Paul Nicholas/WHO/EOP@EOP
bcc:
Subject: Re: Congressional Testimony by you and Berger

Not accurate; he only "briefed." Big difference. Paul Nicholas wrote up
some press guidance, I'll have him send it to you

John B. Bellinger
03/21/2002 09:45:13 AM
Record Type: Record

To: Richard A. Clarke/NSC/EOP@EOP
cc: Roger W. Cressey/NSC/EOP@EOP
Subject: Congressional Testimony by you and Berger

Today's Washington Post (Federal page) reports that you and Sandy Berger
have previously "testified" before Congress. Is this accurate? This is
being cited by Congress as precedent for the Congressional insistence that
Governor Ridge testify.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel_L._Brand@who.eop.gov [UNKNOWN] <Rachel_L._Brand@who.eop.gov>; Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2002 11:44:52 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-MAR-2002 16:44:52.00
SUBJECT:: Re:
TO: Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
READ: UNKNOWN
TO: Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

This is not permissible.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/21/2002 11:48:39 AM
Subject: : Re: Mixed trips - able to accept donated vehicles?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAR-2002 16:48:39.00
SUBJECT:: Re: Mixed trips - able to accept donated vehicles?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Okay troublemaker. Let's meet in your office.

Brett M. Kavanaugh
03/21/2002 04:41:57 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Mixed trips - able to accept donated vehicles?

Want to discuss further

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/21/2002 12:10:56 PM
Subject: : Re: Mixed trips - able to accept donated vehicles?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAR-2002 17:10:56.00
SUBJECT:: Re: Mixed trips - able to accept donated vehicles?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Where are you? I spoke to Moose again, and we are firmly convinced that accepting a donation of a car for a motorcade is a bad idea. So, unless I hear from you, I am going to tell them "no" in S.C., and you and Moose can discuss the issue more thoroughly when you speak to the Advance Office.

Brett M. Kavanaugh
03/21/2002 04:41:57 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Mixed trips - able to accept donated vehicles?

Want to discuss further

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 3/21/2002 12:55:23 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-MAR-2002 17:55:23.00
SUBJECT:: Re:
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Baltimore

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 3/21/2002 12:55:47 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-MAR-2002 17:55:47.00
SUBJECT:: Re:
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Baltimore

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel_L._Brand@who.eop.gov [UNKNOWN] <Rachel_L._Brand@who.eop.gov>; Alicia W. Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/21/2002 11:45:04 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 21-MAR-2002 16:45:04.00
SUBJECT:: Re:
TO: Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
READ: UNKNOWN
TO: Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

This is not permissible.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/21/2002 11:48:39 AM
Subject: : Re: Mixed trips - able to accept donated vehicles?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAR-2002 16:48:39.00
SUBJECT:: Re: Mixed trips - able to accept donated vehicles?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Okay troublemaker. Let's meet in your office.

Brett M. Kavanaugh
03/21/2002 04:41:57 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Mixed trips - able to accept donated vehicles?

Want to discuss further

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>
Sent: 3/21/2002 11:59:43 AM
Subject: : Re: Housing Statement

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAR-2002 16:59:43.00
SUBJECT:: Re: Housing Statement
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Thanks.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/21/2002 12:10:56 PM
Subject: : Re: Mixed trips - able to accept donated vehicles?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-MAR-2002 17:10:56.00
SUBJECT:: Re: Mixed trips - able to accept donated vehicles?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Where are you? I spoke to Moose again, and we are firmly convinced that accepting a donation of a car for a motorcade is a bad idea. So, unless I hear from you, I am going to tell them "no" in S.C., and you and Moose can discuss the issue more thoroughly when you speak to the Advance Office.

Brett M. Kavanaugh
03/21/2002 04:41:57 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Robert W. Cobb/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Mixed trips - able to accept donated vehicles?

Want to discuss further

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>
Sent: 3/22/2002 4:11:31 AM
Subject: : Re: 10:00am meeting tomorrow.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-MAR-2002 09:11:31.00
SUBJECT:: Re: 10:00am meeting tomorrow.
TO: Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

I'll be there.

Jean M. Russell 03/22/2002 08:23:10 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 10:00am meeting tomorrow.

Brett--Larry wanted to see if you could attend this meeting today in his office.
again, sorry for the late notice.

jeannie
----- Forwarded by Jean M. Russell/OPD/EOP on 03/22/2002
08:22 AM -----

Jean M. Russell 03/21/2002 09:03:43 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 10:00am meeting tomorrow.

Tomorrow there will be an Economic Principals Meeting to discuss Terrorism Insurance Strategy at 10:00am in Larry Lindsey's office. The meeting is Plus one and will last from 45 minutes to an hour. (mike and susan--this is the same meeting I emailed you all about, sorry for any confusion.)

Attendees:
Secretary O'Neill
Secretary Evans
Larry Lindsey
Karl Rove
Nick Calio
Josh Bolten
Glenn Hubbard
Mitch Daniels

Message Sent

REV_00142201

To: _____
Linda.figura@do.treas.gov @ inet
Bvosburgh@doc.gov @ inet
kreaves@doc.gov @ inet
Leslie A. Mooney/OPD/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Alice H. Williams/CEA/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Lois E. Altoft/OMB/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 3/22/2002 8:02:43 AM
Subject: RECEIVED: Re: ARMS search Status

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAR-2002 13:02:43.00
SUBJECT:RECEIVED: Re: ARMS search Status
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Re: ARMS search Status
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/22/2002 01:01:43 PM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>
Sent: 3/22/2002 4:11:31 AM
Subject: : Re: 10:00am meeting tomorrow.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-MAR-2002 09:11:31.00
SUBJECT:: Re: 10:00am meeting tomorrow.
TO: Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

I'll be there.

Jean M. Russell 03/22/2002 08:23:10 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 10:00am meeting tomorrow.

Brett--Larry wanted to see if you could attend this meeting today in his office.
again, sorry for the late notice.

jeannie
----- Forwarded by Jean M. Russell/OPD/EOP on 03/22/2002
08:22 AM -----

Jean M. Russell 03/21/2002 09:03:43 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 10:00am meeting tomorrow.

Tomorrow there will be an Economic Principals Meeting to discuss Terrorism Insurance Strategy at 10:00am in Larry Lindsey's office. The meeting is Plus one and will last from 45 minutes to an hour. (mike and susan--this is the same meeting I emailed you all about, sorry for any confusion.)

Attendees:
Secretary O'Neill
Secretary Evans
Larry Lindsey
Karl Rove
Nick Calio
Josh Bolten
Glenn Hubbard
Mitch Daniels

Message Sent

REV_00142204

To: _____
Linda.figura@do.treas.gov @ inet
Bvosburgh@doc.gov @ inet
kreaves@doc.gov @ inet
Leslie A. Mooney/OPD/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Carol J. Thompson/WHO/EOP@EOP
Alice H. Williams/CEA/EOP@EOP
Karen E. Keller/OMB/EOP@EOP
Lois E. Altoft/OMB/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/22/2002 5:37:03 AM
Subject: : please check...

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAR-2002 10:37:03.00

SUBJECT:: please check...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please check to make sure you did not walk away from staff meeting with a two page memo re: campaign finance.

This is very important and very time sensitive.

If you don't have this memo no response to me is necessary.

If you do have it please have it walked over to WW ASAP!

Thanks!

REV_00142206

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 3/22/2002 5:37:03 AM
Subject: : please check...

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAR-2002 10:37:03.00

SUBJECT:: please check...

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please check to make sure you did not walk away from staff meeting with a two page memo re: campaign finance.

This is very important and very time sensitive.

If you don't have this memo no response to me is necessary.

If you do have it please have it walked over to WW ASAP!

Thanks!

REV_00142207

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 3/22/2002 5:49:04 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAR-2002 10:49:04.00

SUBJECT::

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

On what the 3 of us just discussed, some of the preliminary info we had received from DOJ turns out to have been unreliable. I will get in touch with each of you shortly after I get out of a meeting I have now.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/22/2002 7:46:35 AM
Subject: : Re: ARMS search Status

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:22-MAR-2002 12:46:35.00
SUBJECT:: Re: ARMS search Status
TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Tony--To help Brett our here, can you estimate the number of boxes that were due to the bulk hits? Since each bulk hit would be a file of all the bulkl e-mail for that day, is it likely the majority of the boxes would be bulk e-mail, and if so how many?

DANIEL A.
BARRY
03/22/2002 12:37:02 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: ARMS search Status

Adam, Brett;

Even though I did not get an E-mail from you confirming your agreement with the terms and scope of the ARMS search we discussed on Wed 3/20/02, I went ahead and started the search anyway.

The search jobs have completed and the following are the results by agency/Month. I separated the hits against the Bulk mail so you could decide if you want it delivered or not.

I strongly recommend delivery via CD rather than via paper (Expressed on Wed as your preference) because the quantity is fairly large, I have estimated the number of boxes on the grid below.

Please let me know the following.

- a) How you want delivery (CD, URL, Paper)
- b) If you want the Bulk mail included or not

I will not proceed in either direction until I hear from you.

Thanks

Later... Tony

REV_00142213

DANIEL A.
BARRY
03/20/2002 03:12:37 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: ARMS search estimate

Adam, Bret;

I need your OK to proceed with the attached.

Thanks.

Later... Tony

----- Forwarded by Daniel A. Barry/OA/EOP on 03/20/2002
03:11 PM -----

DANIEL A.
BARRY
03/19/2002 03:23:18 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: ARMS search estimate

Adam, Brett;

The following is a search definition, estimate and schedule for the ARMS search request we discussed this afternoon. Please review this to make sure it is what you want and let me know how to proceed.

Search Definition:

Search all ARMS records in the WHO,OPD,NSC and DEFAULT buckets created or received between Sep 1 2001 and December 31 2001 (4 months) for the following search string combinations:

Global and relief and foundation
or
" GRF "
or
bridgeview
or
holy and land and foundation
or
" HLF "
or
holy and land
or
benevolence and international and foundation
or
" BIF "
or
judith and miller
or
kurt and eichenwald
or
philip and shenon
or
" OFAC "

Note 1 Case does not matter in this search

REV_00142214

Note 2 The term "holyland" is covered by the terms holy and land
Note 3 There is a space character before and after the abbreviation terms.

Note 4 The search will produce a hit when any of these string combinations is found anywhere in the ARMS record.

Note 5 The Bulk mail in the WHO bucket will be included with this search.

Search Estimate:

Setup and delivery time 8 hours at \$40 per
hour \$ 320

Runtime:

WHO 4 X 8 CPU hours

OPD 4 X 4 CPU hours

NSC 4 X 4 CPU hours

DEFAULT 4 x 2 CPU hours

Total 72 CPU hours @ \$600 per CPU

hour \$43,200

Miscellaneous

\$ 100

Total

cost

\$43,620

Search Schedule:

This search will take 1 day to run and another day to assemble the results. I will start the search as soon as I get word from you to proceed. Assuming that is tomorrow, I should have results by Friday 3/22/02

Later... Tony

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/22/2002 7:46:35 AM
Subject: : Re: ARMS search Status

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:22-MAR-2002 12:46:35.00
SUBJECT:: Re: ARMS search Status
TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Tony--To help Brett our here, can you estimate the number of boxes that were due to the bulk hits? Since each bulk hit would be a file of all the bulk e-mail for that day, is it likely the majority of the boxes would be bulk e-mail, and if so how many?

DANIEL A.
BARRY
03/22/2002 12:37:02 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: ARMS search Status

Adam, Brett;

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- a) How you want delivery (CD, URL, Paper)
- b) If you want the Bulk mail included or not

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Thanks

Later... Tony

DANIEL A.
BARRY
03/20/2002 03:12:37 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: ARMS search estimate

Adam, Bret;

I need your OK to proceed with the attached.

Thanks.

Later... Tony

----- Forwarded by Daniel A. Barry/OA/EOP on 03/20/2002
03:11 PM -----

DANIEL A.
BARRY
03/19/2002 03:23:18 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: ARMS search estimate

Adam, Brett;

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or
" GRF "
or
bridgeview
or
holy and land and foundation
or
" HLF "
or
holy and land
or
benevolence and international and foundation
or
" BIF "
or
judith and miller
or
kurt and eichenwald
or
philip and shenon
or
" OFAC "

Note 1 Case does not matter in this search

REV_00142217

Note 2 The term "holyland" is covered by the terms holy and land
Note 3 There is a space character before and after the abbreviation terms.

Note 4 The search will produce a hit when any of these string combinations is found anywhere in the ARMS record.

Note 5 The Bulk mail in the WHO bucket will be included with this search.

Search Estimate:

Setup and delivery time 8 hours at \$40 per
hour \$ 320

Runtime:

WHO 4 X 8 CPU hours

OPD 4 X 4 CPU hours

NSC 4 X 4 CPU hours

DEFAULT 4 x 2 CPU hours

Total 72 CPU hours @ \$600 per CPU

hour \$43,200

Miscellaneous

\$ 100

Total
cost
\$43,620

Search Schedule:

This search will take 1 day to run and another day to assemble the results. I will start the search as soon as I get word from you to proceed. Assuming that is tomorrow, I should have results by Friday 3/22/02

Later... Tony

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 3/22/2002 8:02:43 AM
Subject: RECEIVED: Re: ARMS search Status

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-MAR-2002 13:02:43.00
SUBJECT: RECEIVED: Re: ARMS search Status
TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Re: ARMS search Status
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
03/22/2002 01:01:43 PM

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 3/22/2002 8:05:36 AM
Subject: : Re: I'm outta here!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:22-MAR-2002 13:05:36.00

SUBJECT:: Re: I'm outta here!

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I am also outta here: I will be on leave next Monday and Tuesday. Brad Wiegmann will be acting Legal Adviser.

REV_00142220

From: CN=John B. Bellinger/OU=NSC/O=EOP [NSC]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 3/22/2002 8:05:36 AM
Subject: : Re: I'm outta here!

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:22-MAR-2002 13:05:36.00

SUBJECT:: Re: I'm outta here!

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I am also outta here: I will be on leave next Monday and Tuesday. Brad Wiegmann will be acting Legal Adviser.

REV_00142221

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/22/2002 12:17:25 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAR-2002 17:17:25.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Probably widely distributed to Hill/GOP supporters -- so they could do battle for us in the media.
But probably not publicly.
Susan Neely (OHS press sec.) or Gordon Johndroe (deputy) would know the details if you want to call them direct. Or if you prefer I can.

Brett M. Kavanaugh
03/22/2002 03:52:03 PM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc:
Subject:

Have we distributed the Ridge talking points publicly?

From: CN=Susan K. Neely/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/22/2002 12:17:50 PM
Subject: : Re: Ridge/Byrd letter ready to go?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan K. Neely (CN=Susan K. Neely/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAR-2002 17:17:50.00
SUBJECT:: Re: Ridge/Byrd letter ready to go?
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes. Dan Bartlett and I agreed on communication strategy. As soon as appropriate person gives me greenlight, I will give to Ron Fornier of AP. White House Press will make available to others after that.

From: Edward McNally on 03/22/2002 05:14:13 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Susan K. Neely/WHO/EOP@EOP
bcc:
Subject: Ridge/Byrd letter ready to go?

Usually not. We have typically let the Hill folks give them out.
Susan -- I had the sense that this one was different -- that we (the WH) WILL be making these letters public today ourselves -- yes?
The final draft approved by Tim, Nick, Wendy, Abbot, me is now being formatted for faxing to the Gov. in Mexico, by Morgan in room 176. I don't have the electrons -- but please wander by if you'd like a sanity read.

Brett M. Kavanaugh
03/22/2002 03:53:16 PM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc:
Subject: another Q

also, are the Calio and Card letters public? trying to figure out what can be distributed in a packet to an interested outsider.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/22/2002 8:59:33 AM
Subject: : Re: ARMS search Status

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:22-MAR-2002 13:59:33.00
SUBJECT:: Re: ARMS search Status
TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Tony--Thanks. Please understand that if Brett requires printouts to suit an outside authority, this will be necessary.

DANIEL A.
BARRY
03/22/2002 01:00:23 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
bcc:
Subject: Re: ARMS search Status

Adam;

Per your request, here is an updated grid segregating the Bulk mail hits from the regular hits.

Let me know if you need any further information.

Later... Tony

Adam F. Greenstone
03/22/2002 12:46:31 PM

Record Type: Record

To: Daniel A. Barry/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: ARMS search Status

Tony--To help Brett out here, can you estimate the number of boxes that were due to the bulk hits? Since each bulk hit would be a file of all the

REV_00142224

bulkl e-mail for that day, is it likely the majority of the boxes would be bulk e-mail, and if so how many?

DANIEL A.
BARRY
03/22/2002 12:37:02 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: ARMS search Status

Adam, Brett;

Even though I did not get an E-mail from you confirming your agreement with the terms and scope of the ARMS search we discussed on Wed 3/20/02, I went ahead and started the search anyway.

The search jobs have completed and the following are the results by agency/Month. I separated the hits against the Bulk mail so you could decide if you want it delivered or not.

I strongly recommend delivery via CD rather than via paper (Expressed on Wed as your preference) because the quantity is fairly large, I have estimated the number of boxes on the grid below.

Please let me know the following.

- a) How you want delivery (CD, URL, Paper)
- b) If you want the Bulk mail included or not

I will not proceed in either direction until I hear from you.

Thanks

Later... Tony

DANIEL A.
BARRY
03/20/2002 03:12:37 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: ARMS search estimate

Adam, Bret;

I need your OK to proceed with the attached.

Thanks.

Later... Tony

----- Forwarded by Daniel A. Barry/OA/EOP on 03/20/2002
03:11 PM -----

DANIEL A.
BARRY
03/19/2002 03:23:18 PM

REV_00142225

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: ARMS search estimate

Adam, Brett;

The following is a search definition, estimate and schedule for the ARMS search request we discussed this afternoon. Please review this to make sure it is what you want and let me know how to proceed.

Search Definition:

Search all ARMS records in the WHO,OPD,NSC and DEFAULT buckets created or received between Sep 1 2001 and December 31 2001 (4 months) for the following search string combinations:

Global and relief and foundation
or
" GRF "
or
bridgeview
or
holy and land and foundation
or
" HLF "
or
holy and land
or
benevolence and international and foundation
or
" BIF "
or
judith and miller
or
kurt and eichenwald
or
philip and shenon
or
" OFAC "

Note 1 Case does not matter in this search

Note 2 The term "holyland" is covered by the terms holy and land

Note 3 There is a space character before and after the abbreviation terms.

Note 4 The search will produce a hit when any of these string combinations is found anywhere in the ARMS record.

Note 5 The Bulk mail in the WHO bucket will be included with this search.

Search Estimate:

Setup and delivery time 8 hours at \$40 per
hour \$ 320

Runtime:

WHO 4 X 8 CPU hours

OPD 4 X 4 CPU hours

NSC 4 X 4 CPU hours

DEFAULT 4 x 2 CPU hours

Total 72 CPU hours @ \$600 per CPU

hour \$43,200

Miscellaneous

\$ 100

Total

cost

\$43,620

Search Schedule:

This search will take 1 day to run and another day to assemble the results. I will start the search as soon as I get word from you to proceed. Assuming that is tomorrow, I should have results by Friday 3/22/02

Later... Tony

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/22/2002 8:59:33 AM
Subject: : Re: ARMS search Status

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:22-MAR-2002 13:59:33.00
SUBJECT:: Re: ARMS search Status
TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Tony--Thanks. Please understand that if Brett requires printouts to suit an outside authority, this will be necessary.

DANIEL A.
BARRY
03/22/2002 01:00:23 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
bcc:
Subject: Re: ARMS search Status

Adam;

Per your request, here is an updated grid segregating the Bulk mail hits from the regular hits.

Let me know if you need any further information.

Later... Tony

Adam F. Greenstone
03/22/2002 12:46:31 PM

Record Type: Record

To: Daniel A. Barry/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: ARMS search Status

Tony--To help Brett out here, can you estimate the number of boxes that were due to the bulk hits? Since each bulk hit would be a file of all the

REV_00142228

bulkl e-mail for that day, is it likely the majority of the boxes would be bulk e-mail, and if so how many?

DANIEL A.
BARRY
03/22/2002 12:37:02 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: ARMS search Status

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Later... Tony

DANIEL A.
BARRY
03/20/2002 03:12:37 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: ARMS search estimate

Adam, Bret;

I need your OK to proceed with the attached.

Thanks.

Later... Tony
----- Forwarded by Daniel A. Barry/OA/EOP on 03/20/2002
03:11 PM -----

DANIEL A.
BARRY
03/19/2002 03:23:18 PM

REV_00142229

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: ARMS search estimate

Adam, Brett;

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or
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or
bridgeview
or
holy and land and foundation
or
" HLF "
or
holy and land
or
benevolence and international and foundation
or
" BIF "
or
judith and miller
or
kurt and eichenwald
or
philip and shenon
or
" OFAC "

Note 1 Case does not matter in this search

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hour \$ 320

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OPD 4 X 4 CPU hours

NSC 4 X 4 CPU hours

DEFAULT 4 x 2 CPU hours

Total 72 CPU hours @ \$600 per CPU

hour \$43,200

Miscellaneous

\$ 100

Total

cost

\$43,620

Search Schedule:

This search will take 1 day to run and another day to assemble the results. I will start the search as soon as I get word from you to proceed. Assuming that is tomorrow, I should have results by Friday 3/22/02

Later... Tony

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Susan K. Neely/WHO/EOP@EOP [WHO] <Susan K. Neely>
Sent: 3/22/2002 12:13:58 PM
Subject: : Ridge/Byrd letter ready to go?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-MAR-2002 17:13:58.00
SUBJECT:: Ridge/Byrd letter ready to go?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Susan K. Neely (CN=Susan K. Neely/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Usually not. We have typically let the Hill folks give them out.
Susan -- I had the sense that this one was different -- that we (the WH)
WILL be making these letters public today ourselves -- yes?
The final draft approved by Tim, Nick, Wendy, Abbot, me is now being
formatted for faxing to the Gov. in Mexico, by Morgan in room 176. I
don't have the electrons -- but please wander by if you'd like a sanity
read.

Brett M. Kavanaugh
03/22/2002 03:53:16 PM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc:
Subject: another Q

also, are the Calio and Card letters public? trying to figure out
what can be distributed in a packet to an interested outsider.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
Sent: 3/25/2002 5:19:39 AM
Subject: : Re: Terrorism Insurance Event Planning Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-MAR-2002 10:19:39.00
SUBJECT:: Re: Terrorism Insurance Event Planning Meeting
TO: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

I will be there.

Leslie A. Mooney
03/25/2002 10:18:39 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Terrorism Insurance Event Planning Meeting

There is a proposed Terrorism Insurance Event on the President's schedule for April 8th.

Marc would like to have an event planning meeting tomorrow at 4:30 to discuss what outside groups/participants should be invited.

The meeting will take place in EEOB 180

If you can not attend, but would like to send a list of participants who you feel should be invited please send me a list.

Thanks,
Leslie

Message Sent

To: _____
Matthew Kirk/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Augustine T. Smythe/OMB/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Peter.Fisher@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Lisa D. Branch/CEA/EOP@EOP
Rebecca E. Davis/OMB/EOP@EOP
Marty P. Smith/OPD/EOP@EOP
anna.hart@do.treas.gov @ inet
Betty.Ann.Hunt@do.treas.gov @ inet

REV_00142234

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 3/25/2002 7:13:09 AM
Subject: : Re: CFR

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAR-2002 12:13:09.00
SUBJECT:: Re: CFR
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I have not heard anything about this.

Helgard C. Walker
03/25/2002 09:54:58 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Re: CFR

Anybody have responsibility for VMI? Noel, is this you?
----- Forwarded by Helgard C. Walker/WHO/EOP on
03/25/2002 09:54 AM -----

Jay P. Lefkowitz
03/25/2002 08:57:07 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re: CFR

Helgi?

are you aware of the prayer litigation involving VMI right now?

REV_00142242

Is someone in your office tracking it?

Helgard C. Walker
03/25/2002 08:53:57 AM
Record Type: Record

To: Diana L. Schacht/OPD/EOP@EOP
cc: jay p. lefkowitz/opd/eop@eop
bcc:
Subject: Re: CFR

Thanks!

Diana L. Schacht
03/25/2002 08:36:43 AM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@EOP
cc: Helgard C. Walker/WHO/EOP@EOP
Subject: CFR

Just one minor item -- the bill we will receive will not be S. 27 - it will be H.R. 2356, the 'Bipartisan Campaign Reform Act of 2002'.

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00142243

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: LOliver@ms.state.gov [OMB] <LOliver@ms.state.gov>
Sent: 3/25/2002 4:57:52 AM
Subject: : Request from White House Counsel

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-MAR-2002 09:57:52.00
SUBJECT:: Request from White House Counsel
TO: LOliver@ms.state.gov (LOliver@ms.state.gov [OMB])
READ: UNKNOWN
End Original ARMS Header

Louise: Can you pass along to Legal Advisor's office a request from White House Counsel. For guidance purposes, we need a memo summarizing current legal and State Dept. restrictions on the political activities of Ambassadors. If you could pass this request along and either e-mail or FAX the appropriate memo to me at 456-5104, that would be great. (My phone is 456-7984.)
Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 3/25/2002 5:09:30 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAR-2002 10:09:30.00
SUBJECT::
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Who has LRM JAB 178?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 3/25/2002 5:18:00 AM
Subject: : Re: LRM JAB 178 -- OMB Request for Views on S1994 Combined 8(a) and HubZone Preference Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAR-2002 10:18:00.00
SUBJECT:: Re: LRM JAB 178 -- OMB Request for Views on S1994 Combined 8(a) and HubZone Preference Act
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Sorry, I meant JAB 189.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
Sent: 3/25/2002 5:19:39 AM
Subject: : Re: Terrorism Insurance Event Planning Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-MAR-2002 10:19:39.00
SUBJECT:: Re: Terrorism Insurance Event Planning Meeting
TO: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

I will be there.

Leslie A. Mooney
03/25/2002 10:18:39 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Terrorism Insurance Event Planning Meeting

There is a proposed Terrorism Insurance Event on the President's schedule for April 8th.

Marc would like to have an event planning meeting tomorrow at 4:30 to discuss what outside groups/participants should be invited.

The meeting will take place in EEOB 180

If you can not attend, but would like to send a list of participants who you feel should be invited please send me a list.

Thanks,
Leslie

Message Sent

To: _____
Matthew Kirk/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
K. Philippa Malmgren/OPD/EOP@EOP
Augustine T. Smythe/OMB/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Sheila.Bair@do.treas.gov @ inet
Peter.Fisher@do.treas.gov @ inet
Kristen Silverberg/WHO/EOP@EOP
Lisa D. Branch/CEA/EOP@EOP
Rebecca E. Davis/OMB/EOP@EOP
Marty P. Smith/OPD/EOP@EOP
anna.hart@do.treas.gov @ inet
Betty.Ann.Hunt@do.treas.gov @ inet

REV_00142247

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 3/25/2002 5:24:00 AM
Subject: : IGNORE LAST E-MAIL; Noel is the guy

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 25-MAR-2002 10:24:00.00

SUBJECT:: IGNORE LAST E-MAIL; Noel is the guy

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Scott Jennings <scott.jennings@mcconnell02.com>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/25/2002 7:06:30 AM
Subject: : Re: gwb letter
Attachments: P_VMA96003_WHO.TXT_1.html

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAR-2002 12:06:30.00
SUBJECT:: Re: gwb letter
TO:Scott Jennings <scott.jennings@mcconnell02.com> (Scott Jennings
<scott.jennings@mcconnell02.com> [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks Scott - running this question by our legal folks.

Brett:
GOP of kentucky wants to run the President's Lincoln day Dinner letter on
their website - he wrote and sent it last month - sound cool?

cj

Scott Jennings <scott.jennings@mcconnell02.com>
03/25/2002 11:51:40 AM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
Subject: gwb letter

CJ-

Can we print the text of the President's letter to the Kentucky Lincoln
Day Dinner on our website?

jtrain

J. Scott Jennings
Political Director
McConnell Senate Committee '02
Office: (502) 473-1888
Fax: (502) 473-8338
www.mcconnell02.com

- att1.htm

REV_00142253

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VMA96003_WHO.TXT_1>

CJ—

Can we print the text of the President's letter to the Kentucky Lincoln Day Dinner on our website?

jtrain

J. Scott Jennings
Political Director
McConnell Senate Committee '02
Office: (502) 473-1888
Fax: (502) 473-8338
[www.mcconnell02.c om](http://www.mcconnell02.com)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>
Sent: 3/25/2002 7:10:16 AM
Subject: : Re: gwb letter
Attachments: P_OUA96003_WHO.TXT_1.html

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-MAR-2002 12:10:16.00
SUBJECT:: Re: gwb letter
TO: Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

That's fine.

Collister W. Johnson
03/25/2002 12:06:28 PM
Record Type: Record

To: Scott Jennings <scott.jennings@mccconnell02.com>
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: gwb letter

Thanks Scott - running this question by our legal folks.

Brett:
GOP of kentucky wants to run the President's Lincoln day Dinner letter on their website - he wrote and sent it last month - sound cool?

cj

Scott Jennings <scott.jennings@mccconnell02.com>
03/25/2002 11:51:40 AM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
Subject: gwb letter

CJ-

Can we print the text of the President's letter to the Kentucky Lincoln Day Dinner on our website?

jtrain

J. Scott Jennings
Political Director

REV_00142256

McConnell Senate Committee '02
Office: (502) 473-1888
Fax: (502) 473-8338
www.mcconnell02.com

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OUA96003_WHO.TXT_1>

CJ—

Can we print the text of the President's letter to the Kentucky Lincoln Day Dinner on our website?

jtrain

J. Scott Jennings
Political Director
McConnell Senate Committee '02
Office: (502) 473-1888
Fax: (502) 473-8338
[www.mcconnell02.c om](http://www.mcconnell02.com)

From: CN=Matthew C. Waxman/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/25/2002 11:42:21 AM
Subject: : Re: ok on deadline; keep me posted

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Matthew C. Waxman (CN=Matthew C. Waxman/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME:25-MAR-2002 16:42:21.00
SUBJECT:: Re: ok on deadline; keep me posted
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks, will do.

Brett M. Kavanaugh
03/25/2002 03:49:30 PM
Record Type: Record

To: Matthew C. Waxman/NSC/EOP@EOP
cc:
Subject: ok on deadline; keep me posted

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew C. Waxman/NSC/EOP@EOP [NSC] <Matthew C. Waxman>
Sent: 3/25/2002 10:49:32 AM
Subject: : ok on deadline; keep me posted

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 25-MAR-2002 15:49:32.00
SUBJECT: : ok on deadline; keep me posted
TO: Matthew C. Waxman (CN=Matthew C. Waxman/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew C. Waxman/NSC/EOP@EOP [NSC] <Matthew C. Waxman>
Sent: 3/25/2002 10:49:32 AM
Subject: : ok on deadline; keep me posted

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAR-2002 15:49:32.00
SUBJECT:: ok on deadline; keep me posted
TO:Matthew C. Waxman (CN=Matthew C. Waxman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

From: CN=Matthew C. Waxman/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/25/2002 11:42:21 AM
Subject: : Re: ok on deadline; keep me posted

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Matthew C. Waxman (CN=Matthew C. Waxman/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:25-MAR-2002 16:42:21.00

SUBJECT:: Re: ok on deadline; keep me posted

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

thanks, will do.

Brett M. Kavanaugh
03/25/2002 03:49:30 PM
Record Type: Record

To: Matthew C. Waxman/NSC/EOP@EOP
cc:
Subject: ok on deadline; keep me posted

From: CN=Stephen W. Devine/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/25/2002 1:14:38 PM
Subject: : Doc't call -- due 3/25

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Stephen W. Devine (CN=Stephen W. Devine/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:25-MAR-2002 18:14:38.00

SUBJECT:: Doc't call -- due 3/25

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I have certifications for NSC's John Gibson and myself (and some potentially responsive dox). Do you want these delivered to your office? NSC Records (closed already)? Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 3/25/2002 3:04:41 PM
Subject: : Political Contributions by Ambassadors

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-MAR-2002 20:04:41.00
SUBJECT:: Political Contributions by Ambassadors
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I have conferred with the Legal Adviser at the Department of State because Ambassadors must comply with a variety of additional State Department restrictions beyond those imposed by statute and general regulation. These State Department restrictions substantially limit political activity by Ambassadors -- particularly at their posts. However, the State Department expressly permits Ambassadors to make financial contributions to political candidates, parties, or organizations, including to campaign committees or party committees, subject to applicable state and federal limitations.

Please let me know if you have additional questions or requests.

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Jeanie S. Mamo/WHO/EOP@EOP [WHO] <Jeanie S. Mamo>
CC: kenneth a. lisaius/who/eop@eop [WHO] <kenneth a. lisaius>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;anne womack/who/eop@eop [WHO] <anne womack>;matthew e. smith/who/eop@eop [WHO] <matthew e. smith>
Sent: 3/26/2002 2:40:16 AM
Subject: : Re: Pinehurst (NC) Pilot re: Sen. Edwards on Pickering

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-MAR-2002 07:40:16.00
SUBJECT:: Re: Pinehurst (NC) Pilot re: Sen. Edwards on Pickering
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:kenneth a. lisaius (CN=kenneth a. lisaius/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anne womack (CN=anne womack/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew e. smith (CN=matthew e. smith/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

"The North Carolina way?" Do writers still write that way?

Warmly

tsg

Jeanie S. Mamo
03/25/2002 11:24:42 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Pinehurst (NC) Pilot re: Sen. Edwards on Pickering

FYI.

Pinehurst Pilot's Hackney writes, "I wasn't exactly shocked when my phone rang" 3/20 and it was Edwards. Two days earlier, a Pilot editorial criticized him for his opposition to Judge Charles Pickering's nomination. The "editorial raised the suggestion that by opposing Pickering, Edwards was kowtowing to left wing" Dems. During the "20-minute conversation, Edwards didn't rant and rave. On the contrary, he was entirely cordial and said he merely wanted to make it clear to me why he voted against Pickering. He did not ask that his side of the story be published and made it a point to say he was making no such request." He "insisted at the outset that he opposed Pickering as a matter of principle, not in an effort to endear himself to liberal Democrats." Before the Senate Jud Cmte held hearings, Edwards said, "I didn't even know who he was." As the proceedings continued, Edwards "said, he became troubled by several aspects of Pickering's handling of" a cross-burning case. Edwards said

REV_00142274

Pickering "acted illegally or improperly" in several instances: "When the law was in conflict with what he wanted to do, he ignored the law." Edwards: "I didn't want to be the champion of Northern liberals against a Southern judicial nominee. I never accused him of being a racist or of being racially insensitive. And I haven't gone Washington." Edwards "noted that Pickering is the first" Bush's judicial nominees he's opposed. We "aren't taking back" our editorial. But Edwards' "insistence that he did what he did out of conscience and not due to presidential aspirations rings true." So "maybe he hasn't gone Washington. After all, he went to the trouble to pick up the phone, call his hometown paper and clarify where he was coming from. That's the North Carolina way" (3/22).

Message Sent

To:

Kenneth A. Lisaius/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Anne Womack/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Tim Goeglein/WHO/EOP@EOP

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: dickersonmc@state.gov @ inet [UNKNOWN] <dickersonmc@state.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/26/2002 4:10:12 AM
Subject: : State Memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:26-MAR-2002 09:10:12.00
SUBJECT:: State Memo
TO:dickersonmc@state.gov (dickersonmc@state.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ms. Dickerson: I discussed your inquiry with my colleagues and, while it is true that legal advice re these matters should be obtained from State, we do have a copy of the State Dep't memo in question, which we would be pleased to forward to you. Brett Kavanaugh will be in touch with you about how to get you the document.

Thanks.

From: Dickerson, Margaret C <DickersonMC@state.gov>
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/26/2002 4:34:14 AM
Subject: : RE: State Memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dickerson, Margaret C" <DickersonMC@state.gov> ("Dickerson, Margaret C"
<DickersonMC@state.gov> [UNKNOWN])
CREATION DATE/TIME:26-MAR-2002 09:34:14.00
SUBJECT:: RE: State Memo
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you.

> -----Original Message-----
> From: Helgard_C._Walker@who.eop.gov
[SMTP:Helgard_C._Walker@who.eop.gov]
> Sent: March 26, 2002 3:20 PM
> To: dickersonmc@state.gov
> Cc: Brett_M._Kavanaugh@who.eop.gov
> Subject: State Memo
>
> Ms. Dickerson: I discussed your inquiry with my colleagues and, while it
> is
> true that legal advice re these matters should be obtained from State, we
> do
> have a copy of the State Dep't memo in question, which we would be
pleased
> to
> forward to you. Brett Kavanaugh will be in touch with you about how to
> get you
> the document.
>
> Thanks.
>

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;ann l. loughlin/who/eop@eop [WHO] <ann l. loughlin>;larry cote/who/eop@eop [WHO] <larry cote>;barrett aldemeyer/who/eop@eop [WHO] <barrett aldemeyer>;james w. carroll/who/eop@eop [WHO] <james w. carroll>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 3/26/2002 8:54:32 AM
Subject: : Re: Admin Mtg.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAR-2002 13:54:32.00

SUBJECT:: Re: Admin Mtg.

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:ann l. loughlin (CN=ann l. loughlin/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:larry cote (CN=larry cote/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:barrett aldemeyer (CN=barrett aldemeyer/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:james w. carroll (CN=james w. carroll/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

REV_00142281

Kyle: Tim and the Judge will each get an additional allotment of 20 tix, above and beyond their initial 20. So you might see if Libby and/or Allison are willing to give you one out of that 40.

Kyle Sampson
03/26/2002 01:49:46 PM
Record Type: Record

To: Lori L. Lorenzi/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Admin Mtg.

I need a couple of tickets. I know Tim has locked up most of the excess tickets, but would be much obliged for any consideration you can give.

Lori L. Lorenzi
03/26/2002 01:44:55 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Admin Mtg.

Re. parking on Monday, please refer to the Admin alert.

Staff will be issued 4 tickets to use for the Easter Egg Roll. A passholder is allowed to pick up tickets for only one other staff member (must have signed permission slip). This will be strictly enforced. Everyone (passholder included) who wants to get to the South Lawn must have a ticket. Staff will not be turned away if they do not have children in their group. Everyone is reminded that this is a children's event. There will be a staff distribution of the wooden eggs and the Historical Society will be selling the eggs starting April 2nd.

Message Sent

To:

Allison L. Riepenhoff/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Ann L. Loughlin/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Larry Cote/WHO/EOP@EOP
Barrett Aldemeyer/WHO/EOP@EOP
James W. Carroll/WHO/EOP@EOP

REV_00142282

Message Copied

To:

allison l. riepenhoff/who/eop@eop
elizabeth n. camp/who/eop@eop
robert w. cobb/who/eop@eop
brett m. kavanaugh/who/eop@eop
h. christopher bartolomucci/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
courtney s. elwood/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
brent d. greenfield/who/eop@eop
ann l. loughlin/who/eop@eop
larry cote/who/eop@eop
barrett aldemeyer/who/eop@eop
james w. carroll/who/eop@eop
patrick j. bumatay/who/eop@eop

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/26/2002 8:02:21 AM
Subject: DELIVERY FAILURE: Invalid Address specified in the To: CC: or BCC: field/s

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT)
CREATOR:MailRouter (MailRouter [SYS])
CREATION DATE/TIME:26-MAR-2002 13:02:21.00
SUBJECT:DELIVERY FAILURE: Invalid Address specified in the To: CC: or BCC: field/s
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

DELIVERY FAILURE REPORT

Your Document:
RE: Enron/Owen Options
could not be delivered to:
"willett, don" <don.willett@usdoj.gov> (receipt notification requested) (ipm return requested)
because:
Invalid Address specified in the To: CC: or BCC: field/s
Routing Path:
CN=Mail2/O=EOP;CN=SGEOP01/O=EOP;CN=SGEOP01/O=EOP%sgelop01.eop.gov (SMTP/MIME MTA);CN=SGEOP01/O=EOP;CN=Mail2/O=EOP

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
CC: allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>; elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>; robert w. cobb/who/eop@eop [WHO] <robert w. cobb>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>; bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; helgard c. walker/who/eop@eop [WHO] <helgard c. walker>; courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>; ann l. loughlin/who/eop@eop [WHO] <ann l. loughlin>; larry cote/who/eop@eop [WHO] <larry cote>; barrett aldemeyer/who/eop@eop [WHO] <barrett aldemeyer>; james w. carroll/who/eop@eop [WHO] <james w. carroll>; patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 3/26/2002 8:49:49 AM
Subject: : Re: Admin Mtg.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 26-MAR-2002 13:49:49.00

SUBJECT:: Re: Admin Mtg.

TO: Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: ann l. loughlin (CN=ann l. loughlin/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: larry cote (CN=larry cote/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: barrett aldemeyer (CN=barrett aldemeyer/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: james w. carroll (CN=james w. carroll/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

I need a couple of tickets. I know Tim has locked up most of the excess tickets, but would be much obliged for any consideration you can give.

REV_00142310

Lori L. Lorenzi
03/26/2002 01:44:55 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Admin Mtg.

Re. parking on Monday, please refer to the Admin alert.

Staff will be issued 4 tickets to use for the Easter Egg Roll. A passholder is allowed to pick up tickets for only one other staff member (must have signed permission slip). This will be strictly enforced. Everyone (passholder included) who wants to get to the South Lawn must have a ticket. Staff will not be turned away if they do not have children in their group. Everyone is reminded that this is a children's event. There will be a staff distribution of the wooden eggs and the Historical Society will be selling the eggs starting April 2nd.

Message Sent

To:

Allison L. Riepenhoff/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
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Noel J. Francisco/WHO/EOP@EOP
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Ann L. Loughlin/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Larry Cote/WHO/EOP@EOP
Barrett Aldemeyer/WHO/EOP@EOP
James W. Carroll/WHO/EOP@EOP
Patrick J. Bumatay/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/26/2002 2:54:58 PM
Subject: : test

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAR-2002 19:54:58.00

SUBJECT:: test

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 3/27/2002 4:17:37 AM
Subject: : rules on use of vacation time

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-MAR-2002 09:17:37.00
SUBJECT:: rules on use of vacation time
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Do you have past guidance on the use of vacation time for
political activity -- for both political appointees and non-political
appointees?

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/27/2002 4:47:18 AM
Subject: : one more thing on the letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-MAR-2002 09:47:18.00
SUBJECT:: one more thing on the letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

went back and reread one of the paragraphs: 4th full paragraph on page two, beginning with "Fourth..."

third sentence, beginning with "Indeed" - don't think it should be included.
Last sentence should be reworked. I recognize the point, but a little too defensive.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Eric W. Terrell/WHO/EOP@EOP [WHO] <Eric W. Terrell>
Sent: 3/27/2002 9:58:25 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-MAR-2002 14:58:25.00
SUBJECT: :
TO: Eric W. Terrell (CN=Eric W. Terrell/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Call me at 67984 re amex.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>
Sent: 3/27/2002 8:31:54 AM
Subject: : Re: Question re frequent flyer miles

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAR-2002 13:31:54.00

SUBJECT:: Re: Question re frequent flyer miles

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

maybe not a quick bead, but I'll take it.

Bradford A. Berenson
03/27/2002 01:08:16 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: David S. Addington/OVP/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
Subject: Question re frequent flyer miles

I've received an inquiry from the travel office about the propriety of WH staff receiving frequent flyer miles for trips aboard the press charter (where the seats are paid for by the press). I know some of you have worked on travel-related and frequent flyer issues in the past. If this seems like something one of you would have a quick bead on, let me know and I'll refer it over. If not, I'll handle. Thanks.

Message Sent

To: _____
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP

REV_00142336

Courtney S. Elwood/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;david s. addington/ovp/eop@eop [OVP] <david s. addington>
Sent: 3/27/2002 12:56:59 PM
Subject: : Re: Another Congressional Question on Volunteers

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAR-2002 17:56:59.00

SUBJECT:: Re: Another Congressional Question on Volunteers

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

End Original ARMS Header

You should be very careful about this response. For one thing, I do not think you can get away with saying you don't "employ" volunteers, just because you don't pay them. "Employ" can mean "to use." Plus, it's too cute.

Robert W. Cobb
03/27/2002 05:48:46 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Another Congressional Question on Volunteers

Any thoughts on a response to this? For background, Adam Greenstone has told me that there are two types of volunteers: those who are not

REV_00142338

considered to be WH staff and those who are. The former is not counted towards FTE caps while the latter are.

----- Forwarded by Robert W. Cobb/WHO/EOP on 03/27/2002
05:35 PM -----

Lauren McCord
03/27/2002 05:29:23 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc: Desiree T. Sayle/WHO/EOP@EOP
Subject: Another Congressional Question on Volunteers

Moose. Desiree asked me to pass this through you before responding to Liz with volunteer information. As you see below I've been asked again for numbers of volunteers for a Congressional office. The last time there was a request for numbers of volunteers that were paid by the White House. I always thought those terms were mutually exclusive.

The first part of this request also uses that term -- employed. We do not employ any volunteers. We do, however, have a roll of approximately 815 volunteers -- not all of which are being utilized. They are used in Correspondence's various departments, the First Lady's office, the Vice President and Mrs. Cheney's offices, Visitor's office, NEC, Scheduling, Photo office, Faith-based, Political Affairs, White House Fellows, PPO, Conference Center, Freedom Corps, AIDS Policy Office, Press Office, Records Mgmt, Public Liaison and others that I may not even know about. This information is due back to Liz by cob tomorrow. Would you mind recommending a response? I'd appreciate it.

Thanks.
Laurie

----- Forwarded by Lauren McCord/WHO/EOP on 03/27/2002
05:18 PM -----

Elizabeth Gelfer
03/27/2002 10:54:56 AM

Record Type: Record

To: Lauren McCord/WHO/EOP@EOP
cc: James F. Daniel/OA/EOP@EOP, Monique L. Dilworth/OA/EOP@EOP
Subject: Another Congressional Question on Volunteers

Laurie:
We received the following question for the record from Congressman Steny H. Hoyer as a result of an appropriations hearing held March 14 on the EOP's FY 2003 budget request:

How many volunteers are currently employed within the Executive Office of the President?

From the HRM database, I can retrieve the "Student Volunteer" numbers for all of EOP, but for those volunteers that fall outside of the HRM database, mainly White House Office volunteers, I need your assistance. For the record, can you provide the number and types of volunteers currently serving the White House Office as of March 15th? We will not provide the types of jobs they have, but we may need that for later. None of this information will be released to the Congressman prior to White House Counsel approval. Please provide the volunteer numbers and types by close of business, Thursday, March 28. If you have any questions or concerns, please call or email me.

REV_00142339

Thanks.
Liz Gelfer
5-7624

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 3/27/2002 9:39:21 AM
Subject: : Government Cars: DoD Proposal

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAR-2002 14:39:21.00

SUBJECT:: Government Cars: DoD Proposal

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I know that various people in this office have worked on issues relating to the use of government vehicles for home-to-work transportation. Please let me know if you have any comments on the following DoD proposal, which is working its way through the OMB process. Thanks.

SEC. ____ . PASSENGER CARRIER
USE.

Paragraph (5) of section 1344(b) of title 31, United States Code, is amended by inserting "the commanders of combatant commands assigned under section 164 of title 10," after "Joint Chiefs of Staff,".

Section-by-Section Analysis

Section 1344 of title 31, United States Code, authorizes domicile-to-duty vehicle transportation for the Deputy Secretary of Defense and the Under Secretaries of Defense, the Secretary of the Air Force, the Secretary of the Army, the Secretary of the Navy, the members and Vice Chairman of the Joint Chiefs of Staff, and the Commandant of the Coast Guard.

This proposal serves to enhance safety and security for these important senior military leaders. It would add the Commanders of Combatant Commands as authorized users of domicile-to-duty transportation.

Currently, officers not listed in section 1344 are required to submit requests to the Secretary of Defense, every 90 days, for permission to use

REV_00142341

domicile-to-duty vehicle transportation support. Once domicile-to-duty request is approved, The Secretary of Defense is required to provide officials with written authorization, not to exceed a 90 period. This proposal will eliminate three levels of redundant administrative processing (at CINC, CJCS, and OSD levels) associated with seeking Secretary of Defense approval every 90 days to permit domicile-to-duty transportation for these senior military leaders.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G. Marinis>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/27/2002 1:31:14 PM
Subject: : Re: Fundraiser for McCrery Leadership PAC

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:27-MAR-2002 18:31:14.00
SUBJECT:: Re: Fundraiser for McCrery Leadership PAC
TO:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

If the PAC is the source of Ken's ticket, he can take it.

Brett M. Kavanaugh
03/27/2002 06:16:48 PM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc: robert w. cobb/who/eop@eop
bcc:
Subject: Re: Fundraiser for McCrery Leadership PAC

OK to attend. Do not use invite on title. Moose can answer how the value of the ticket to the concert should be handled.

Katherine G. Marinis
03/27/2002 05:54:23 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Robert W. Cobb/WHO/EOP@EOP
Subject: Fundraiser for McCrery Leadership PAC

Ken has been asked to attend a fundraiser for McCrery's Leadership PAC on April 23rd. The event is actually going to be the Paul McCartney concert at the MCI center. It will be about 18 people sitting in a suite who pay \$2500 to McCrery's PAC. They will probably send out a flyer. I told them to put "the honorable ken mehlman", but they wanted to add "political director for George W. Bush".

Is it ok for him to attend this? (i was worried that the ticket would be a gift)
Is it ok to add the title on the invite?

thanks.

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/28/2002 5:10:39 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAR-2002 10:10:39.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please don't try and filter, brett. Just convey the precise language use. Think ministerial rather than discretionary.

From: CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/28/2002 5:28:17 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAR-2002 10:28:17.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please don't try and filter, brett. Just convey the precise language use. Think ministerial rather than discretionary.

From: CN=Carlos E. Bonilla/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;jane.molloy@mail.doc.gov [UNKNOWN] <jane.molloy@mail.doc.gov>;kathleen.cooper@esa.doc.gov [UNKNOWN] <kathleen.cooper@esa.doc.gov>;kirk.vantine@ost.dot.gov [UNKNOWN] <kirk.vantine@ost.dot.gov>;Cesar Conda/OVP/EOP@EOP [OVP] <Cesar Conda>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>;Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>;Douglas J. Holtz-Eakin/CEA/EOP@EOP [CEA] <Douglas J. Holtz-Eakin>;mark.warshawsky@do.treas.gov [UNKNOWN] <mark.warshawsky@do.treas.gov>
Sent: 3/28/2002 5:52:30 AM
Subject: : Draft

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:28-MAR-2002 10:52:30.00
SUBJECT:: Draft
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:jane.molloy@mail.doc.gov (jane.molloy@mail.doc.gov [UNKNOWN])
READ:UNKNOWN
TO:kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])
READ:UNKNOWN
TO:kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Douglas J. Holtz-Eakin (CN=Douglas J. Holtz-Eakin/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:mark.warshawsky@do.treas.gov (mark.warshawsky@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

The good news is that we no longer have time with the President next Thursday, thus the paper I am late getting to you is no longer as time critical as it was earlier.

I will be sending a draft for further discussion this afternoon. In the interim, could you each please let me know your availability over the next ten days, as well as that of your Principal. I recognize that a lot of us would like to take a little break around now, so I'd like to try to work around everyone's calendars.

Carlos

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edmund A. Walsh/WHO/EOP@EOP [WHO] <Edmund A. Walsh>
Sent: 3/28/2002 4:40:44 AM
Subject: : Re: Judges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-MAR-2002 09:40:44.00
SUBJECT:: Re: Judges
TO:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I assume that was not in prepared remarks?

Edmund A. Walsh
03/28/2002 09:18:05 AM
Record Type: Record

To: Anne E. Campbell/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Judges

The President rarely gets this partisan. This issue must have hit a chord:

There is no more fundamental issue than to making sure we have a judiciary of people that do not interpret the law from the bench; people who do not try to write law from the bench. (Applause.) People who interpret the law and not try to write it.

And I put up a good man from Mississippi the other day. And I don't remember the senior senator from Georgia defending this man's honor. And we're going to have more fights when it comes to the judiciary. And I'm going to put strict constructionists on the bench. And I expect people in the United States Senate from a great state like Georgia to do what Zell Miller did, and stood up and defended the honor and integrity of Judge Pickering. And that's what Saxby Chambliss is going to do. (Applause.)

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: ken mehlman/who/eop@eop [WHO] <ken mehlman>; anne womack/who/eop@eop [WHO] <anne womack>; daniel j. bartlett/who/eop@eop [WHO] <daniel j. bartlett>; matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>; heather wingate/who/eop@eop [WHO] <heather wingate>
Sent: 3/28/2002 4:44:46 AM
Subject: : Re: President's comments on judges at Chambliss event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-MAR-2002 09:44:46.00
SUBJECT:: Re: President's comments on judges at Chambliss event
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:ken mehlman (CN=ken mehlman/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anne womack (CN=anne womack/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:daniel j. bartlett (CN=daniel j. bartlett/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

B -

We have sent far and wide; the feedback is extraordinary.

Warmly

tsg

Brett M. Kavanaugh
03/27/2002 07:23:43 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: President's comments on judges at Chambliss event

There is no more fundamental issue than to making sure we have a judiciary of people that do not interpret the law from the bench; people who do not try to write law from the bench. (Applause.) People who interpret the law and not try to write it.

And I put up a good man from Mississippi the other day. And I don't remember the senior senator from Georgia defending this man's honor. And we're going to have more fights when it comes to the judiciary. And I'm going to put strict constructionists on the bench. And I expect people in the United States Senate from a great state like Georgia to do what Zell Miller did, and stood up and defended the honor and integrity of Judge Pickering. And that's what Saxby Chambliss is going to do. (Applause.)

REV_00142362

Message Sent

To:

Ken Mehlman/WHO/EOP@EOP

Anne Womack/WHO/EOP@EOP

Daniel J. Bartlett/WHO/EOP@EOP

Matthew A. Schlapp/WHO/EOP@EOP

Tim Goeglein/WHO/EOP@EOP

Heather Wingate/WHO/EOP@EOP

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;ziad s. ojakli/who/eop@eop [WHO] <ziad s. ojakli>;jack howard/who/eop@eop [WHO] <jack howard>;christine ciccone/who/eop@eop [WHO] <christine ciccone>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>
Sent: 3/28/2002 8:09:47 AM
Subject: : Re: Meeting with Sen. Thompson staff 11:15 a.m. 167 OEOB

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAR-2002 13:09:47.00

SUBJECT:: Re: Meeting with Sen. Thompson staff 11:15 a.m. 167 OEOB

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:ziad s. ojakli (CN=ziad s. ojakli/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jack howard (CN=jack howard/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:christine ciccone (CN=christine ciccone/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

how did this meeting go? I was up on the Hill 'til I tracked you guys down on another issue, but let me know how you think that's going. I'm going to meet with Richard today on another issue, so let me know if I need to make a point or two. HW

Bradford A. Berenson
03/28/2002 10:20:33 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting with Sen. Thompson staff 11:15 a.m. 167 OEOB

There will be a meeting with Rich Hertling and Bill Outhier of Sen. Thompson's Gov't Affairs staff to discuss the Lieberman letter request to Andy Card at 11:15 a.m. in my office (167 OEOB). Agenda is to discuss committee dynamics and to get their views on possible responses. I don't know who the right person is for this in Leg, but whoever it is should feel free to attend.

Message Sent

To:
H. Christopher Bartolomucci/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP

REV_00142367

Ziad S. Ojakli/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP
Jack Howard/WHO/EOP@EOP
Christine Ciccone/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>;ken mehlman/who/eop@eop [WHO] <ken mehlman>;anne womack/who/eop@eop [WHO] <anne womack>;daniel j. bartlett/who/eop@eop [WHO] <daniel j. bartlett>;heather wingate/who/eop@eop [WHO] <heather wingate>
Sent: 3/28/2002 10:24:43 AM
Subject: : Re: more today -- PRESIDENT'S REMARKS ON JUDGES IN DALLAS, TEXAS

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-MAR-2002 15:24:43.00
SUBJECT:: Re: more today -- PRESIDENT'S REMARKS ON JUDGES IN DALLAS, TEXAS
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:ken mehlman (CN=ken mehlman/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:anne womack (CN=anne womack/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:daniel j. bartlett (CN=daniel j. bartlett/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Sent to Kingdom Come...and two days in a row, too.

Warmly

tsg

Brett M. Kavanaugh
03/28/2002 03:16:06 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: more today -- PRESIDENT'S REMARKS ON JUDGES IN DALLAS, TEXAS

. . . This is an important election for Texas. And it's an important election for the country. We've got to have a man like John Cornyn representing our state in Washington. And there are a lot of reasons why.

First, we've got to get good, conservative judges appointed to the bench and approved by the United States Senate. (Applause.) I want people on the bench who don't try to use their position to legislate from the bench. We want people to interpret the law, not try to make law and write law. And I sent such a man up from Mississippi the other day -- a good, honest, honorable man, who had been approved unanimously by the United States Senate earlier -- and, yet, did not get a vote on the floor of the United States Senate.

We need people like John Cornyn in the United States Senate, who will work with the White House to have a solid judiciary, to make sure

REV_00142369

that the judges do what they're supposed to do in the United States and not overstep their bounds. (Applause.) . . .

Message Sent

To:

Tim Goeglein/WHO/EOP@EOP

Matthew A. Schlapp/WHO/EOP@EOP

Ken Mehlman/WHO/EOP@EOP

Anne Womack/WHO/EOP@EOP

Daniel J. Bartlett/WHO/EOP@EOP

Heather Wingate/WHO/EOP@EOP

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/28/2002 11:50:37 AM
Subject: : Re: Interesting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:28-MAR-2002 16:50:37.00
SUBJECT:: Re: Interesting
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Also, state-run arbitration systems exist in the telecommunications context. Under the '96 Telecom Act, incumbent local exchange carriers and new competitors privately negotiate interconnection rates, and if the parties have a dispute in the course of the negotiation of those agreements, the state steps in to arbitrate the disagreement between them and to help them arrive at an agreement. 47 USC 252. In that case, the state is not a party to the dispute but rather it is only the decisionmaker, in an adjudicatory but non-judicial way.

Still have not come up with an example of a FEDERAL government-run arbitration system where the government is not a party. (Cf. Federal Employees Compensation Act, under which the Secretary of Labor hears workers compensation claims (against itself) from federal employees).

Also am talking with Brett about question of exclusivity of an administrative process. We'll give you a call shortly.

Kristen Silverberg
03/28/2002 04:08:55 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject: Re: Interesting

that is interesting -- thank you

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 3/28/2002 12:07:42 PM
Subject: : Indemnification of Contractor re: Decontamination of Brentwood Postal Facility

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAR-2002 17:07:42.00

SUBJECT:: Indemnification of Contractor re: Decontamination of Brentwood Postal Facility

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Please let me know if you or someone else in WHC's office has been involved in this issue. The Postmaster General has contacted Gov. Ridge and Mitch Daniels about seeking help for indemnification of the contractors.

REV_00142373

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN] <Allison_L._Riepenhoff@who.eop.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/29/2002 5:00:56 AM
Subject: : Re: Let me know

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-MAR-2002 10:00:56.00
SUBJECT:: Re: Let me know
TO:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Incomplete? Why is that? Doesn't Cathy Alix have a way of listing all staff in those units?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/29/2002 5:48:23 AM
Subject: : Re: New York Times story today on judges

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-MAR-2002 10:48:23.00
SUBJECT:: Re: New York Times story today on judges
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Isn't it great working for a President like this?

Brett M. Kavanaugh
03/29/2002 10:44:56 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: New York Times story today on judges

Bush Vows To Seek Conservative Judges (NYT)
By ELISABETH BUMILLER

The New York Times, March 29, 2002

CRAWFORD, Tex., March 28 - In his first substantive response to the Democratic rejection of Judge Charles W. Pickering Sr. of Mississippi for a federal appeals court post, President Bush hit back today at the leadership of the Senate and said that he would continue to push for "good, conservative judges" on the nation's highest courts.

Mr. Bush spoke in Dallas at a lunch that raised \$1.8 million for the Texas Republican Party and the Senate campaign of John Cornyn, the state's attorney general, before returning here to his 1,600-acre ranch. The lunch capped a two-day, three-state presidential swing that raised more than \$4.3 million for Republican candidates and the party.

"We've got to get good, conservative judges appointed to the bench and approved by the United States Senate," Mr. Bush said to more than 1,000 people at the Hyatt Regency Hotel. On Wednesday night at a fundraiser in Atlanta, Mr. Bush said that "we're going to have more fights when it comes to the judiciary," and "I'm going to put strict constructionists on the bench."

Mr. Bush's words were a defiant response to Senate Democrats, who on March 14 rejected Judge Pickering, the president's nominee and his first judicial defeat, as too conservative. The Democrats said at the time that they also wanted to send a message that their majority in the Senate gave them the power to block his choices and that Mr. Bush should send up more moderates.

"We want to compromise with the president," Senator Charles E. Schumer, Democrat of New York, who is a member of the Judiciary Committee, said today. "If the president sends us judge after judge who is way out of the mainstream, it's going to create gridlock. The view that it's 'my way or the highway' is not going to get us anywhere."

Mr. Bush made clear today and on Wednesday night that he would not

REV_00142376

acquiesce, and that his solution was to aggressively raise money for his party's candidates in an effort to regain Republican control of the Senate in the November midterm elections.

"We need people like John Cornyn in the United States Senate, who will work with the White House to have a solid judiciary, to make sure that the judges do what they're supposed to do in the United States and not overstep their bounds," Mr. Bush said at the fund-raiser for Mr. Cornyn, repeating his frequent call for conservative judges who strictly interpret the Constitution.

"I want people on the bench who don't try to use their position to legislate from the bench," Mr. Bush said. "We want people to interpret the law, not try to make law and write law."

During his presidential campaign in November 1999, Mr. Bush said that the most important qualification of a judge was whether the judge would "strictly interpret the Constitution of the United States." He also singled out Justices Antonin Scalia and Clarence M. Thomas, the court's two most conservative members, as justices whom he held in high regard. Today in Dallas, Mr. Bush was appearing at his third fund-raiser for Republican Senate candidates in two days. The president's schedule showed how much the White House wanted Republicans to win control of the Senate, which has stymied crucial parts of Mr. Bush's legislative agenda. The White House says that five Senate seats, in South Dakota, Minnesota, Iowa, Missouri and Georgia, are vulnerable to Republican takeover.

Today, Mr. Bush helped raise \$1.4 million in \$1,000 contributions for Mr. Cornyn, and \$400,000 in unlimited soft-money donations to the Texas Republican Party. Earlier this week, White House officials said that the lunch for Mr. Cornyn could bring in \$1.2 million to \$1.5 million, but today David Beckwith, Mr. Cornyn's campaign spokesman, said that the event raised more than expected. Mr. Bush is an enormous draw on the Republican fund-raising circuit.

On Wednesday night in Atlanta, Mr. Bush helped raise more than \$1.4 million for the Georgia Republican Party and the Senate campaign of Representative Saxby Chambliss, who is facing a primary challenge before he can run against Max Cleland, a Democrat who is the state's senior senator. The White House is backing Mr. Chambliss, even though supporters of state Representative Bob Irvin of Atlanta, Mr. Chambliss's primary opponent, have asked the president to stay out of the primary.

In some of his most partisan remarks since Sept. 11, Mr. Bush said in Atlanta that he had nominated a "a good man from Mississippi," a reference to Judge Pickering, who is a federal trial judge, "and I don't remember the senior senator from Georgia defending this man's honor."

Mr. Bush arrived at his ranch late on Wednesday, left today at 10 a.m. on Marine One for the one-hour helicopter flight to Dallas, met briefly with firefighters and rescue workers, made a 21-minute speech at the lunch for Mr. Cornyn, and was back at his ranch by midafternoon.

The president is to remain at his ranch through Easter morning, with no public events, and is to return to the White House on Sunday.

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

REV_00142377

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: H._Christopher_Bartolomucci@who.eop.gov [UNKNOWN]
<H._Christopher_Bartolomucci@who.eop.gov>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 3/29/2002 4:20:13 AM
Subject: : Re: Let me know

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:29-MAR-2002 09:20:13.00
SUBJECT:: Re: Let me know
TO:H._Christopher_Bartolomucci@who.eop.gov (H._Christopher_Bartolomucci@who.eop.gov [UNKNOWN])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

He passed those on to me, but they are incomplete.

H._Christopher_Bartolomucci@who.eop.gov
03/29/2002 09:13:16 AM
Record Type: Record

To: Allison L. Riepenhoff/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Let me know

I gave Brent lists I obtained from Cathy Alix of all employees in WHO, NSC, and OPD. I also obtained a list of all OVP staff but didn't give a copy to Brent.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: H._Christopher_Bartolomucci@who.eop.gov [UNKNOWN]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/29/2002 5:12:15 AM
Subject: : Re: Let me know

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H._Christopher_Bartolomucci@who.eop.gov (H._Christopher_Bartolomucci@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:29-MAR-2002 10:12:15.00
SUBJECT:: Re: Let me know
TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Incomplete? Why is that? Doesn't Cathy Alix have a way of listing all
staff in
those units?

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/1/2002 5:28:41 AM
Subject: : In re CA4

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-APR-2002 10:28:41.00

SUBJECT:: In re CA4

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

&Behold the turtle. He makes progress only
when he sticks his neck out.8

*JAMES BRYANT CONANT

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
Sent: 4/1/2002 5:38:50 AM
Subject: : Re: Blackberry FAQs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-APR-2002 10:38:50.00
SUBJECT:: Re: Blackberry FAQs
TO: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

doing today. thanks.

Timothy Campen
04/01/2002 10:35:02 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Blackberry FAQs

Had a chance to review this yet? Hagin's asking me about it..
----- Forwarded by Timothy Campen/OA/EOP on 04/01/2002
10:34 AM -----

Timothy Campen
03/20/2002 04:10:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Blackberry FAQs

Tim said he'd sent this to you to review... get to it yet?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
Sent: 4/1/2002 5:38:50 AM
Subject: : Re: Blackberry FAQs

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-APR-2002 10:38:50.00
SUBJECT:: Re: Blackberry FAQs
TO: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

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04/01/2002 10:35:02 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
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10:34 AM -----

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03/20/2002 04:10:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Blackberry FAQs

Tim said he'd sent this to you to review... get to it yet?

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/1/2002 5:41:03 AM
Subject: : Re: Blackberry FAQs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 1-APR-2002 10:41:03.00
SUBJECT:: Re: Blackberry FAQs
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

thanks...sorry to bug you about it...but getting lots of questions about
BB security and Joe wanted someting sent to all users so we could get the
right info to all at the same time.

Brett M. Kavanaugh
04/01/2002 10:38:48 AM
Record Type: Record

To: Timothy Campen/OA/EOP@EOP
cc:
bcc:
Subject: Re: Blackberry FAQs

doing today. thanks.

Timothy Campen
04/01/2002 10:35:02 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Blackberry FAQs

Had a chance to review this yet? Hagin's asking me about it..
----- Forwarded by Timothy Campen/OA/EOP on 04/01/2002
10:34 AM -----

Timothy Campen
03/20/2002 04:10:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Blackberry FAQs

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From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/1/2002 5:41:03 AM
Subject: : Re: Blackberry FAQs

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 1-APR-2002 10:41:03.00
SUBJECT:: Re: Blackberry FAQs
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

thanks...sorry to bug you about it...but getting lots of questions about
BB security and Joe wanted someting sent to all users so we could get the
right info to all at the same time.

Brett M. Kavanaugh
04/01/2002 10:38:48 AM
Record Type: Record

To: Timothy Campen/OA/EOP@EOP
cc:
bcc:
Subject: Re: Blackberry FAQs

doing today. thanks.

Timothy Campen
04/01/2002 10:35:02 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Blackberry FAQs

Had a chance to review this yet? Hagin's asking me about it..
----- Forwarded by Timothy Campen/OA/EOP on 04/01/2002
10:34 AM -----

Timothy Campen
03/20/2002 04:10:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Blackberry FAQs

Tim said he'd sent this to you to review... get to it yet?

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>
Sent: 4/1/2002 1:56:50 PM
Subject: : Re: question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-APR-2002 18:56:50.00
SUBJECT:: Re: question
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Call off the hunt -- I found an annotation on point. There are state cts on both sides of the issue (although I'm going to claim that I'm mostly right). Thanks for the responses.

Kristen Silverberg
04/01/2002 06:23:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: question

Josh and I have a very dumb legal question.

Suppose a physician leaves a sponge in a patient's stomach. The patient sues for and recovers \$100K claiming that the sponge caused him to incur certain medical expenses and to miss weeks of work. A few months later, but still w/in the SOL, the patient dies b/c of complications caused by the sponge that were unknown to the patient at the time of his first suit. Can his heirs bring a wrongful death suit for additional damages b/c he is now dead?

I say that res judicata bars the second suit. Can you confirm or refute?

Message Sent

To: _____
Brett M. Kavanaugh/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

REV_00142399

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Willett, Don <Don.Willett@usdoj.gov>
Sent: 4/1/2002 11:25:59 AM
Subject: : Re: ARG letter to Leahy

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-APR-2002 16:25:59.00
SUBJECT:: Re: ARG letter to Leahy
TO: "Willett, Don" <Don.Willett@usdoj.gov> ("Willett, Don" <Don.Willett@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

being edited by boss

"Willett, Don" <Don.Willett@usdoj.gov>
04/01/2002 03:55:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: ARG letter to Leahy

Has it gone out yet? If so, can you pls. shoot over the final, as-sent version?

fax: 353-7682

Thanks.

Fear the Turtle, blah, blah, blah.

DRW

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>
Sent: 4/1/2002 1:37:07 PM
Subject: : Re: question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-APR-2002 18:37:07.00
SUBJECT:: Re: question
TO:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I am assuming this is PBOR-related, and I thus will assume it is Rachel's to opine unless I hear otherwise from you all.

Kristen Silverberg
04/01/2002 06:23:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: question

Josh and I have a very dumb legal question.

Suppose a physician leaves a sponge in a patient's stomach. The patient sues for and recovers \$100K claiming that the sponge caused him to incur certain medical expenses and to miss weeks of work. A few months later, but still w/in the SOL, the patient dies b/c of complications caused by the sponge that were unknown to the patient at the time of his first suit. Can his heirs bring a wrongful death suit for additional damages b/c he is now dead?

I say that res judicata bars the second suit. Can you confirm or refute?

Message Sent

To: _____
Brett M. Kavanaugh/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP

REV_00142402

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2002 3:51:52 AM
Subject: : FOIA Requests

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2002 08:51:52.00
SUBJECT:: FOIA Requests
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Brett,

Could you contact Colonel Murphy and get involved in this?

Tim

----- Forwarded by Timothy E. Flanigan/WHO/EOP on
04/02/2002 08:54 AM -----

"Murphy, Michael D." <MDMurphy@whmo.mil>
04/02/2002 08:39:59 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP
cc:
Subject: FOIA Requests

Sir, I understand that FOIA requests may be coming in re: some of our
Special Air Missions. If such is the case, and if I may help you do
some of the trench work, please let me know.

V/R

MM

MIKE MURPHY, Colonel, USAF
General Counsel
White House Military Office
(202) 757-2450
(202) 757-8868 (CP)

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2002 4:05:47 AM
Subject: : Holy Land Correspondence

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2002 09:05:47.00
SUBJECT:: Holy Land Correspondence
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

Have you received the Letter from Correspondence re: the Holy Land Foundation (a Catholic one)? Would it be appropriate to send it out?

Patrick

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: Christina D. Roberts/WHO/EOP@EOP [WHO] <Christina D. Roberts>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2002 9:10:00 AM
Subject: : Re: Texas A&M

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
CREATION DATE/TIME: 2-APR-2002 14:10:00.00
SUBJECT:: Re: Texas A&M
TO:Christina D. Roberts (CN=Christina D. Roberts/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

That will be ok. But this all needs to be approved on a TEFOS form.

Christina D. Roberts
04/02/2002 12:39:41 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Rachel L. Brand/WHO/EOP@EOP

cc:
Subject: Texas A&M

Regarding Karen's commencement address at A&M:

There is a university plane that can take her from Houston to College Station and back. The round trip cost to operate the plane is \$670. This is a service they provide to all commencement speakers. Just wanted to double check before giving A&M the ok.

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2002 5:48:02 AM
Subject: : Faith-Based office on the road... (?)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-APR-2002 10:48:02.00

SUBJECT:: Faith-Based office on the road... (?)

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

When do you want to talk about concerns on this?

thanks man -

cj

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/2/2002 10:59:33 AM
Subject: : fax

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-APR-2002 15:59:33.00
SUBJECT:: fax
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

what's your fax -- I'll send info on parsonage exemption

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2002 7:16:54 AM
Subject: : Follow up re: Yesterday's Indictment of ex-DoT official

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2002 12:16:54.00

SUBJECT:: Follow up re: Yesterday's Indictment of ex-DoT official

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From Today's Chicago Sun Times

Work for Illinois GOP led to White House job

Tapped early on by the Bush administration, Richard Juliano quickly accepted a top job in the Transportation Department, moving his family from Park Ridge to the Washington suburbs.

As the Transportation Department's White House liaison, Juliano, 34, was the chief overseer of political appointments, handling a full range of personnel functions.

Juliano voluntarily resigned from the post on Friday, aware that an indictment was coming from the U.S. attorney. Juliano will plead guilty to one count of mail fraud stemming from when he was the deputy manager for Ryan's 1998 campaign for governor. He is cooperating with authorities.

The department said in a statement that Transportation Secretary Norman Mineta "has the highest personal regards for Rich who, from his first day on the job, served the department ably and with distinction."

Juliano arrived in Washington after a career tied to Gov. Ryan and aide Scott Fawell. In a statement from Juliano's lawyer, Fawell was called Juliano's "boss and political mentor. ... Mr. Juliano regrets not exercising appropriate judgement and independence during that period."

Juliano ran the Illinois Bush-Cheney campaign. He served in several positions when Ryan was Illinois secretary of state, managing his 1994 election and other political races where Ryan had a stake in the outcome.

REV_00142440

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/3/2002 5:00:12 AM
Subject: : Judge's schedule

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2002 10:00:12.00

SUBJECT:: Judge's schedule

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that the Judge is slammed today and tomorrow. He will leave the office approx 10:30 am on Friday morning to catch a flight to Texas where he will be all weekend.

Tim is also going to be out of the office all day Thursday and Friday. He will be in the office for a very short while on Monday morning then

REV_00142442

leaving again and will be out Monday and Tuesday. He returns to the office on Wednesday morning.

My point - if you have something that requires their attention, approval, review, whatever - let us know asap so we can get it in front of them sooner rather than later.

Thanks!

Lib

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/3/2002 5:00:12 AM
Subject: : Judge's schedule

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2002 10:00:12.00

SUBJECT:: Judge's schedule

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FYI that the Judge is slammed today and tomorrow. He will leave the office approx 10:30 am on Friday morning to catch a flight to Texas where he will be all weekend.

Tim is also going to be out of the office all day Thursday and Friday. He will be in the office for a very short while on Monday morning then

REV_00142444

leaving again and will be out Monday and Tuesday. He returns to the office on Wednesday morning.

My point - if you have something that requires their attention, approval, review, whatever - let us know asap so we can get it in front of them sooner rather than later.

Thanks!

Lib

From: CN=Blake Gottesman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2002 6:25:46 AM
Subject: : can you give me a call at x6-1886 when you get a chance, pls? thanks.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2002 11:25:46.00

SUBJECT:: can you give me a call at x6-1886 when you get a chance, pls? thanks.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Barry S. Jackson/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/3/2002 12:30:51 PM
Subject: : Re: Web Site costs

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2002 17:30:51.00
SUBJECT:: Re: Web Site costs
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

no rush - thanks - thought i was covering my bases with brett and you -
can't keep my counselors straight!

Rachel L. Brand 04/03/2002 05:07:46 PM

Record Type: Record

To: Barry S. Jackson/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc:
Subject: Re: Web Site costs

this would be a question for Moose. He's out until Monday. Do you need an
answer before then?

From: Barry S. Jackson on 04/03/2002 03:58:42 PM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Web Site costs

Would it be allowable to have the RNC pay for a user survey of the WH
website? The company doing the survey would place a cookie in the WH site
that would randomly select a predetermined number of users - those users
would be asked if they'd like to participate in a survey on the usability,
functionality and content of the WH site - if they say no, they go back to
their original WH screen - if they say yes, they'll be transferred to
another web site to complete the survey and then will be taken back to the
WH site.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>
Sent: 4/3/2002 8:33:05 AM
Subject: : Bloomberg Today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2002 13:33:05.00

SUBJECT:: Bloomberg Today

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

BC-Bush-Terrorism-Insurance

Bush Plans to Renew Push for Terrorism Insurance Bill Next Week By Rob Wells

c.2002 Bloomberg News

Washington, April 3 (Bloomberg) -- The White House will try again to win passage of terrorism insurance legislation when Congress returns from its spring recess next week, industry lobbyists said.

President George W. Bush will speak Monday about the need to provide incentives for companies to sell affordable insurance against terrorist acts at a White House event featuring labor, business and insurance company executives, said Darren McKinney, spokesman for the National Association of Manufacturers.

Invited guests include the Building and Construction Trades Department of the AFL-CIO, which says the lack of terrorism insurance is stalling real estate projects.

"It's getting to where you just can't build a major construction project," Ray Abernathy, the union's spokesman, said. "The owners and developers are just scared to death of the liability." Abernathy said he couldn't provide an estimate of lost jobs or stalled projects.

Insurance to cover terrorism-related property damage became scarce and expensive after the Sept. 11 attacks, with some companies raised rates as much as 500 percent. The House passed a bill last year to provide government loans to the insurance industry when losses exceed \$1 billion. The bill is a priority for insurers such as Hartford Financial Services Group Inc., Chubb Corp., and real estate developers.

REV_00142453

Senate Stuck

The Senate failed to act because of a dispute over the Bush administration's request to include a cap on damages in lawsuits resulting from terrorism. Apart from that dispute, Republicans and Democrats should be able to reach an agreement on the bill, industry lobbyists said. "We don't have a major clash on what is 90 percent of this legislation," Joel Wood, senior vice president of government affairs at the Council of Insurance Agents and Brokers, said. In February, the House Financial Services Committee heard from lenders, developers and insurance executives who described problems obtaining insurance for high-profile real estate projects that could become terrorist targets. The president and chief executive officer of Column Financial Inc., a unit of Credit Suisse First Boston, told the committee he's turned down six loans valued at about \$300 million because borrowers lacked terrorism insurance.

White House officials declined to discuss Monday's event or preview the president's remarks.

"The administration has been pushing for the Congress to act on terrorism insurance because we believe it's important for there to be a federal backstop," White House spokeswoman Claire Buchan said. The issue "is about jobs, it's about new construction."

Buchan said passage of terrorism insurance "would minimize risk in the event that there were another terrorist attack. If the buildings were insured, there would be less uncertainty." --Rob Wells in the Washington newsroom (202) 624-1933 or rwellsbloomberg.net. Editor: Willen -0- (BN)

Apr/03/2002 17:20 GMT
AP-NY-04-03-02 1221EST

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2002 9:41:01 AM
Subject: : Re: fyi

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2002 14:41:01.00
SUBJECT:: Re: fyi
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Am aware of that. Thanks.

Brett M. Kavanaugh
04/03/2002 02:36:22 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: fyi

new WD LA vacancy is listed on future vacancies site. F.A. Little
going senior on 5/30/02.

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A. Schlapp>
Sent: 4/3/2002 10:42:22 AM
Subject: : RE: From this week's Texas Lawyer

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2002 15:42:22.00
SUBJECT:: RE: From this week's Texas Lawyer
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

B

Mazelthof.

Warmly

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 04/03/2002
03:41 PM -----

Anne Womack
04/03/2002 01:16:55 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: RE: From this week's Texas Lawyer

Brett Kavanugh is to thank. He talked to Ruben.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2002 10:47:07 AM
Subject: : Ron Amott-Dpty COS at VA

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2002 15:47:07.00
SUBJECT:: Ron Amott-Dpty COS at VA
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Update on status of FOIA request on Principi travel.

Ron- **PRA 6**

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2002 12:09:59 PM
Subject: : Re: LRM EPH132 - - VETERANS AFFAIRS Testimony on HR 3253 and HR 3254

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2002 17:09:59.00
SUBJECT:: Re: LRM EPH132 - - VETERANS AFFAIRS Testimony on HR 3253 and HR 3254
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by Patrick J. Bumatay/WHO/EOP on
04/03/2002 05:09 PM -----

Robert Marsh
04/03/2002 04:59:28 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Re: LRM EPH132 - - VETERANS AFFAIRS Testimony on HR 3253
and HR 3254

Message Sent

To:
Erin P. Hassing/OMB/EOP@EOP
dodlrs@osdgc.osd.mil
justice.lrm@usdoj.gov
NSC LRM
lrm@hhs.gov
legis@fema.gov
energy.gc71@hq.doe.gov
legteam@oge.gov
ola@opm.gov

Message Copied

To:
WHGC LRM
OVP LRM
OHS LRM
Robin Cleveland/OMB/EOP@EOP
Kathleen Peroff/OMB/EOP@EOP
Toni S. Hustead/OMB/EOP@EOP
Danny A. Ermann/OMB/EOP@EOP
John J. Bartrum/OMB/EOP@EOP
Lourdes M. Lamela/OMB/EOP@EOP
Cameron M. Leuthy/OMB/EOP@EOP
Wendell H. Waites/OMB/EOP@EOP
Thomas Reilly/OMB/EOP@EOP
Mark Vinkenes/OMB/EOP@EOP
Patrick Aylward/OMB/EOP@EOP
Elizabeth L. Rossman/OMB/EOP@EOP
Rosalyn J. Rettman/OMB/EOP@EOP
Michael F. Crowley/OMB/EOP@EOP

Sarah S. Lee/OMB/EOP@EOP
Lisa B. Fairhall/OMB/EOP@EOP
Meredith G. Benson/OMB/EOP@EOP
Lori A. Krauss/OMB/EOP@EOP
Stuart Shapiro/OMB/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
Lauren C. Lobrano/OMB/EOP@EOP
Aquiles F. Suarez/OPD/EOP@EOP
Kathryn C. Thompson/OMB/EOP@EOP
Ingrid M. Schroeder/OMB/EOP@EOP
James J. Jukes/OMB/EOP@EOP

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2002 3:19:19 PM
Subject: : Hatch Compliance

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2002 20:19:19.00
SUBJECT:: Hatch Compliance
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Libby said that you might be able to help. Lucy works in the Civil
Division at DOJ.

----- Forwarded by Lori L. Lorenzi/WHO/EOP on 04/03/2002
06:46 PM -----

Lucy G. Clark
04/03/2002 06:40:09 PM
Record Type: Record

To: Lori L. Lorenzi/WHO/EOP@EOP
cc:
Subject: Hatch Compliance

Hello. I'm an attorney in OHS' General Counsel's office. I'm wondering
if you know whether there are any extant guidance memos on Hatch Act
compliance for federal employees? There's a rumor that DoJ did one at
some point. If you do, I would love to have a copy.

Thanks in advance for your time.

Lucy Clark
612-1857 (tel)
PRA 6 (cell)
612-1653 (fax)

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2002 3:19:55 PM
Subject: : Re: Judicial event

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-APR-2002 20:19:55.00

SUBJECT:: Re: Judicial event

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

great. bye bye.

From: Thorsen, Carl <Carl.Thorsen@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/3/2002 3:27:18 PM
Subject: : RE: New Contact Information

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Thorsen, Carl" <Carl.Thorsen@usdoj.gov> ("Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
[UNKNOWN])
CREATION DATE/TIME: 3-APR-2002 20:27:18.00
SUBJECT:: RE: New Contact Information
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Right back at you. Thanks for everything, Brett.

-----Original Message-----

From: Brett M. Kavanaugh@who.eop.gov
[mailto:Brett M. Kavanaugh@who.eop.gov]
Sent: Wednesday, April 03, 2002 2:29 PM
To: Thorsen, Carl
Subject: Re: New Contact Information

Congrats! I look forward to continuing to work with you (and seeing
you
out on the town).

(Embedded
image moved "Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
to file: 04/03/2002 02:08:59 PM
pic29749.pcx)

Record Type: Record

To: "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification
Requested)
(IPM Return Requested)

cc: "'carl.thorsen@mail.house.gov'"

<"/S=carl.thorsen#064#mail.house.gov/O=JCON/P=GOV+DOJ/A=TELEMAIL/C=US/"@int
mail.usdoj.gov>

(Receipt Notification Requested) (IPM Return Requested)
Subject: New Contact Information

For the past 14 action-packed months it has been my privilege to serve in
the
Bush Administration at the Department of Justice. Starting tomorrow, I
will be

REV_00142476

joining House Majority Whip Tom DeLay's staff as Administrative Assistant & Counsel. Please note my new contact information below.

Best,
Carl

2370 Rayburn House Office Building &
H-107 U.S. Capitol
Washington, D.C. 20510
202/225-5951
carl.thorsen@mail.house.gov

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 4/3/2002 4:02:16 PM
Subject: : Federal Circuit lunch

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-APR-2002 21:02:16.00
SUBJECT:: Federal Circuit lunch
TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Rachel asked me to sub for her at Monday's Federal Circuit lunch.
Can you tell me what I need to do?

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2002 2:30:59 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 07:30:59.00

SUBJECT:: Re:

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

You might ask Viet to contact the National Centr for State Cts in Wmsbrg.

Sent from my BlackBerry Handheld.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>
Sent: 4/4/2002 6:42:57 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 11:42:57.00
SUBJECT::
TO:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
End Original ARMS Header

Just checking in on likely timing of draft remarks. Thanks.

From: CN=Susan B. Ralston/OU=WHO/O=EOP [WHO]
To: Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;jason r. cole/who/eop@eop [WHO] <jason r. cole>
Sent: 4/4/2002 7:42:42 AM
Subject: : Re: WI invite

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 12:42:42.00
SUBJECT:: Re: WI invite
TO:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jason r. cole (CN=jason r. cole/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Will do. I'm going to lunch at 1 PM.

Sara M. Taylor
04/04/2002 12:34:45 PM
Record Type: Record

To: Susan B. Ralston/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jason R. Cole/WHO/EOP@EOP
Subject: WI invite

Jason Cole, who works with me, will drop off an invite for the WI GOP.
Karl is the featured guest. Could the two of you please take a look at
this and sign-off today. Thanks very much.

I am leaving for St. Louis soon, so if you could let him know (he works in
my office; his number is 6-0345) today that would be great.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/4/2002 4:01:09 AM
Subject: : cell phone numbers for potential judicial nominee interviews/appointments

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 09:01:09.00

SUBJECT:: cell phone numbers for potential judicial nominee interviews/appointments

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Whenever you are gathering contact info for judicial interviews please get their cell numbers. Sometimes we need to tweak the interview times a little at the last minute and having cell numbers to reach these folks would probably make this a little easier.

Thanks!

REV_00142487

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2002 4:05:04 AM
Subject: : Holy Land Letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 09:05:04.00
SUBJECT:: Holy Land Letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Hey Brett,

Correspondence is asking about that letter I sent you to the Holy Land Foundation (Catholic, not Muslim). They want to know if it would alright to send that letter since there is some controversy with the name of the organization.

Patrick

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Mark Holman/WHO/EOP@EOP [WHO] <Mark Holman>; Charles S. Abbot/OVP/EOP@EOP [OVP] <Charles S. Abbot>; Julie L. Nichols/WHO/EOP@EOP [WHO] <Julie L. Nichols>; Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>; Susan K. Neely/WHO/EOP@EOP [WHO] <Susan K. Neely>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; robert.j.delahunty@usdoj.gov [UNKNOWN] <robert.j.delahunty@usdoj.gov>
Sent: 4/4/2002 4:07:26 AM
Subject: : Dept. Officials to Accompany Gov. Ridge at Any Public House Briefings?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 09:07:26.00
SUBJECT:: Dept. Officials to Accompany Gov. Ridge at Any Public House Briefings?
TO:Mark Holman (CN=Mark Holman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charles S. Abbot (CN=Charles S. Abbot/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Julie L. Nichols (CN=Julie L. Nichols/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan K. Neely (CN=Susan K. Neely/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:robert.j.delahunty@usdoj.gov (robert.j.delahunty@usdoj.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Mark and Julie -- Just to make sure that we are on the same page, is it correct that if any of the House committee chairman agree to make next week's briefngs by the Governor open to the public and the press, the WH game plan is unchanged -- meaning -- it would be our expectation that Gov. Ridge would be accompanied by either Cabinet officials and/or senior, Senate-confirmed Dept. officials (INS? Customs?) and OMB officials who the Governor could turn to as Members ask questions concerning operational and budgetary issues? I'm assuming there's nothing about the House plans that would change the game plan set forth in Gov. Ridge's letter to Sen. Byrd (about the appearance of other Exec. Branch officials), but please confirm that this understanding is correct. Many thanks -- Ed

Ridge Expected To Propose Merging INS, Customs. The Atlanta Journal-Constitution (4/4, Plummer) reports, &President Bush will receive a multiyear plan for homeland security by July 1, the director of that office said Wednesday. A proposal to combine portions of the Immigration and Naturalization Service with the Customs Service for border security is expected to be part of the recommendations.⁸ The Journal-Constitution reports, &Homeland Security Director Tom Ridge said he will discuss elements of that +strategic blueprint, during open House committee hearings, beginning next week. (Merging some of the more than 40 agencies now responsible for portions of the federal response to terrorism is likely, but Ridge would not specify which agencies are on his list.⁸

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; robert.j.delahunty@usdoj.gov [UNKNOWN] <robert.j.delahunty@usdoj.gov>
Sent: 4/4/2002 4:09:55 AM
Subject: : Updates re: Gov. Ridge Testimony

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 09:09:55.00

SUBJECT:: Updates re: Gov. Ridge Testimony

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: robert.j.delahunty@usdoj.gov (robert.j.delahunty@usdoj.gov [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

Ridge Will & Brief 8 Congress But Won't Be Forced Into Testimony. The Washington Post (4/4, A15, Miller) reports, & Homeland Security Director Tom Ridge, embroiled in controversy recently over his refusal to testify before Congress, said yesterday he will meet informally with two congressional committees and answer questions about the Bush administration's plans to deal with terrorism threats. 8 The Post adds, & The sessions, which Ridge described as +briefings,, will mark the first time he has appeared before congressional committees since taking office six months ago. 8 The Post adds, & From Ridge's standpoint, they signify his willingness to be accessible and accountable. But they failed to end the controversy over whether Congress can compel Ridge to appear under oath. 8

The New York Times (4/4, Becker) reports that & the two sessions, with committees that are Republican-controlled, will be informal, and Congressional aides said that at least the first of them would be held behind closed doors, to ensure that informality. 8 The Times adds, & That will do little to diminish the rift between the White House and the Democratic-controlled Senate over who is responsible for explaining domestic security efforts before Congress. (But with concern that the conflict in the Middle East could pose a threat to civilians in the United States, the demand for Mr. Ridge to testify is growing.

The AP (4/4, Lindlaw) reports, & Ridge said Wednesday he will informally brief members of the House Government Affairs Committee on April 11, and the House Energy and Commerce Committee in the near future. A spokesman for Energy and Commerce said that probably would come this month. 8 The AP reports, & It was not clear Wednesday how Ridge's briefing will differ from formal testimony. (Testimony generally is given in a public hearing, with members of the public and news media present, said Tom Gavin, a spokesman for Byrd. John Droeg did not know whether the April 11 session will be accessible to the public and reporters. 8

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>
Sent: 4/4/2002 4:56:36 AM
Subject: : REUTERS - Terrorism Insurance

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 09:56:36.00
SUBJECT:: REUTERS - Terrorism Insurance
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

By Mark Felsenthal

WASHINGTON, April 3 (Reuters) - President George W. Bush plans to ramp up pressure on Congress to pass legislation providing federal backing for insurance companies in the event of another attack on the United States, industry officials said on Wednesday.

The president is expected to argue at an event next week that failure to pass an insurance backstop bill has led to higher insurance premiums and canceled coverage, hobbling the economy just as it emerges from recession.

"We anticipate they (the White House) will step up their efforts pretty dramatically," said Joe Rubin, director of congressional and public affairs at the U.S. Chamber of Commerce.

The White House declined comment on whether Bush would hold an event on Monday on terrorism insurance but said the issue was important to the Bush administration.

"Terrorism insurance is a very important issue and it is one we have been working with Congress and trying to get passed in the wake of Sept. 11," said White House spokeswoman Claire Buchan.

The insurance industry hopes the President's involvement will jump start an issue that lost urgency after some of the dire predictions about insurance

REV_00142493

problems failed to occur.

"It's just a huge boost to have the president come out and do something public," said Gary Karr, a spokesman for the American Insurance Association.

Insurers have testified to Congress that they could pay claims associated with the Sept. 11 hijack attacks but could not survive a repeat of that event.

Businesses had warned they would become particularly vulnerable to rapid increases in premiums and canceled policies after Jan. 1, when many insurance contracts came up for renewal.

There has been particular concern in the building industry where loans are usually conditioned on possession of insurance.

Congress last year worked on bills that would have required the government to step in after as little as \$1 billion in claims, but the measure foundered on partisan differences over liability curbs.

A consumer advocate said the federal backstop by taxpayers is unwarranted because, despite sporadic instances of companies struggle to find or pay for insurance, the private market has largely stepped into the breach.

"Many of the doomsday scenarios predicted since Dec. 31 have not occurred --
for the most part banks are lending; for the most part there hasn't been an economic drag," said Travis Plunkett, legislative director of the Consumer Federation of America.

U.S. Federal Reserve Chairman Alan Greenspan told Congress in late February he had seen no evidence up to that point that difficulties in obtaining insurance were hurting the economy.

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2002 5:34:31 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 10:34:31.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks, Brett. Sorry to leave you in a lurch this week. I really appreciate your email

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;mercedes m. viana/who/eop@eop [WHO] <mercedes m. viana>;leonard b. rodriguez/who/eop@eop [WHO] <leonard b. rodriguez>;matthew a. schlapp/who/eop@eop [WHO] <matthew a. schlapp>;jeanie s. mammo/who/eop@eop [WHO] <jeanie s. mammo>
Sent: 4/4/2002 5:58:00 AM
Subject: : Re: looks like the DMN editorial page navarettes column yesterday with their own editorial on Estrada

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 10:58:00.00

SUBJECT:: Re: looks like the DMN editorial page navarettes column yesterday with their own editorial on Estrada

TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:mercedes m. viana (CN=mercedes m. viana/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:leonard b. rodriguez (CN=leonard b. rodriguez/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:matthew a. schlapp (CN=matthew a. schlapp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:jeanie s. mammo (CN=jeanie s. mammo/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Excellent: we have sent far and wide.

tsg

Anne Womack

04/04/2002 10:50:09 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: looks like the DMN editorial page navarettes column yesterday with their own editorial on Estrada

Give him his day: Miguel Estrada deserves Senate hearing

04/04/2002

As one can tell by looking at the people around him, President Bush has a knack for seeking out diversity) without giving up on quality.

That evidently steams Senate Democrats, some of whom covet Mr. Bush's job and think that one way to get it is to portray their party as the only source of opportunity for women and minorities. In their frustration, Democrats apparently are not above taking hostages.

It has been nearly a year since Mr. Bush announced his selection of Miguel Estrada and 10 other nominees to seats on the federal

REV_00142496

bench. To date, only three of those 11 nominees have been given hearings. They do not include Mr. Estrada, who the president thinks would be the perfect choice to fill an opening on the prestigious U.S. Circuit Court of Appeals for the District of Columbia. The best that Senate Judiciary Committee Chairman Patrick Leahy could do is to suggest that Miguel Estrada could get his day in Congress some time later this year.

It is easy to see why Democrats are in no hurry to make Mr Estrada's acquaintance. His biography is a bit intimidating. The 40-year-old lawyer was born in Honduras and immigrated to the United States at age 17. He taught himself English, and did such a good job that he graduated Phi Beta Kappa from Columbia University and magna cum laude from Harvard Law School, where he was editor of the law review.

Mr. Estrada then served as a law clerk to Supreme Court Justice Anthony Kennedy before becoming an assistant U.S. attorney and assistant to the U.S. solicitor general in both the Bush and Clinton administrations. He has argued 15 cases before the U.S. Supreme Court) and won 10.

Then there is the allure of making history. If confirmed, Mr. Estrada would be the first Hispanic ever appointed to the circuit court and) perhaps more important) well positioned to become the first Hispanic appointed to the Supreme Court. Breaking either barrier is bound to increase President Bush's popularity with Hispanic voters. And that, understandably, makes some Democrats nervous.

They need to get over it. Every chief executive deserves to have his judicial nominees considered in a timely manner. And, given his life's accomplishments alone, Miguel Estrada deserves better treatment than the United States Senate has given him. The man deserves a hearing. Now.

Message Sent

To:

Brett M. Kavanaugh/WHO/EOP@EOP
Mercedes M. Viana/WHO/EOP@EOP
Leonard B. Rodriguez/WHO/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP
Jeanie S. Mamo/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 4/4/2002 6:27:08 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 11:27:08.00

SUBJECT::

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

with Moose gone, does anyone know the rule on using personal frequent flier miles to upgrade to first class on an official trip? PLEASE RESPOND ASAP if you do.

From: CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Rachel Brand [WHO] <Rachel Brand>; Noel Francisco [WHO] <Noel Francisco>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/4/2002 6:30:41 AM
Subject: : Rebecca Beynon

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 4-APR-2002 11:30:41.00

SUBJECT:: Rebecca Beynon

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel Brand (Rachel Brand [WHO])

READ: UNKNOWN

TO: Noel Francisco (Noel Francisco [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

It would be great if you could stop by if you have time.

----- Forwarded by Rebecca A. Beynon/OMB/EOP on

04/04/2002 11:29 AM -----

Carla B. Stone

04/04/2002 11:05:22 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: OMB Assistants to Policy Officials, Lauren J.

Vestewig/OPD/EOP@EOP, Philip J. Perry/OMB/EOP@EOP

Subject: Rebecca Beynon

Rebecca Beynon's last day at OMB is tomorrow, April 5. She has taken a position with the Faith Based and Community Initiatives office.

We are having bagels, danish, coffee, tea and juice tomorrow after senior staff (around 9:15) in Phil Perry's office (Rm. 254) to say goodbye and wish her well.

Message Sent

To:

OMB PADS and Policy Officials

Rosalyn J. Rettman/OMB/EOP@EOP

McGavock D. Reed/OMB/EOP@EOP

William S. Laragy/OMB/EOP@EOP

Matthew J. Schneider/OMB/EOP@EOP

Jay P. Lefkowitz/OPD/EOP@EOP

Diana L. Schacht/OPD/EOP@EOP

Anne E. Phelps/OPD/EOP@EOP

REV_00142502

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 4/4/2002 6:37:16 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 11:37:16.00
SUBJECT::
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

quick reminder to e-mail the agenda. thanks again.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 4/4/2002 6:40:49 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 11:40:49.00
SUBJECT::
TO: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Yes, it is ok to use personal frequent flier miles to upgrade on
official trip.

From: CN=Sara M. Taylor/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Jason R. Cole/WHO/EOP@EOP [WHO] <Jason R. Cole>
Sent: 4/4/2002 7:34:52 AM
Subject: : WI invite

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 12:34:52.00
SUBJECT:: WI invite
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Jason R. Cole (CN=Jason R. Cole/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Jason Cole, who works with me, will drop off an invite for the WI GOP.
Karl is the featured guest. Could the two of you please take a look at
this and sign-off today. Thanks very much.

I am leaving for St. Louis soon, so if you could let him know (he works in
my office; his number is 6-0345) today that would be great.

From: CN=John P. McConnell/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2002 7:42:52 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP [OVP])

CREATION DATE/TIME: 4-APR-2002 12:42:52.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Probably early tomorrow. We'll call you today, though.

Brett M. Kavanaugh
04/04/2002 11:42:51 AM
Record Type: Record

To: John P. McConnell/OVP/EOP@EOP
cc:
Subject:

Just checking in on likely timing of draft remarks. Thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
CC: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Magda E. Angulo/WHO/EOP@EOP [WHO] <Magda E. Angulo>
Sent: 4/4/2002 9:01:55 AM
Subject: : Judge wants to meet this aftn re: Ridge briefing/testimony

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 14:01:55.00

SUBJECT:: Judge wants to meet this aftn re: Ridge briefing/testimony

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Magda E. Angulo (CN=Magda E. Angulo/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Let's try for 4:30 pm in the Judge's office.

Let me know if this doesn't work for you.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>
Sent: 4/4/2002 9:16:58 AM
Subject: : BNA Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 14:16:58.00
SUBJECT:: BNA Today
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thursday April 4, 2002

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ISSN 1523-567X

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Insurance

President Bush Expected to Urge

Senate to Act on Terrorism Insurance

The Senate must act to pass terrorism insurance legislation quickly in order

to go to conference with the House on the issue or risk jeopardizing the U.S. economy, President Bush is expected to say at a White House event scheduled for April 8, industry and government sources told BNA April 3.

Although Bush's appearance with business leaders representing both large and small business interests has yet to be confirmed by White House staff, sources told BNA that Bush will speak out in an effort to pressure Senate Majority Leader Thomas Daschle (D-S.D.) to bring the matter to the Senate

REV_00142529

floor.

The issue is "very important" to the president, White House Deputy Press Secretary Claire Buchan told BNA. "The House has passed terrorism insurance legislation. The Senate needs to act now. We want to see the Senate act so that they can get to a conference."

A last-ditch effort to bring terrorism insurance legislation to the Senate floor failed Dec. 20 after Republicans and Democrats could not agree on provisions related to tort reform, particularly limits on punitive damages. The House passed its version of a terrorism insurance bill (H.R. 3210) Nov. 29, but the Senate has yet to take it up formally. The White House has said the tort provisions are essential if Bush is to sign the legislation.

Daschle 'Priority.'

"Senator Daschle has listed it as a priority," a Daschle spokesman told BNA.

"We are trying to find a way to pass it, but we can't seem to make any progress."

Specifically, the representative said tort reform remains a critical blocking point between Democrats and Republicans. Republicans argue that capping punitive damages is necessary to avoid economic fallout in the wake of potential new terrorist attacks, but Democrats argue that the issue should be debated separately.

Before the House passed its version of terrorism insurance legislation, House leaders broadened the measure's tort reform provisions to include a cap on noneconomic damages for the private sector. In the last moments of Senate debate over the bill, Sens. Phil Gramm (R-Texas) and Christopher Dodd (D-Conn.) attempted to scale back these provisions, but their effort to compromise failed. Gramm's and Dodd's proposal would have shielded only the U.S. government from having to absorb costs associated with punitive damages resulting from terrorist acts.

"There has been no progress made to remove comprehensive tort reform from the bill," Daschle's spokesperson said. "We could even support the Dodd-Gramm proposal for limited tort reform."

However, unless the flap over tort reform is dealt with, Democrats are likely to filibuster the legislation, the spokesman said. "This will not pass if comprehensive tort reform is included."

No New Plan in Works

Meanwhile, industry sources told BNA that there is no alternative solution in the works. "There is no new proposal," a major trade group lobbyist told BNA. "There has been no active consideration of this legislation for months."

Since Jan. 1, industry and other interested parties have stepped up their efforts to lobby Congress to pass legislation establishing a federal backstop to cover losses that could result from additional terrorist acts on U.S. soil.

A flurry of reports, including one from the General Accounting Office, have cited the increasing lack of terrorism coverage as dead weight on the economy. In New York City and Washington, D.C., the lack of available affordable coverage is being blamed for higher business expenses and slowed real estate development.

The insurance industry's current inability to assess and price terrorism-related risk is a threat to the U.S. economy, Sheila C. Bair, assistant secretary for financial institutions at the Treasury Department,

said in a December speech.

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By Adam Wasch and Nancy Ognanovich

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<http://pubs.bna.com/ip/BNA/DER.NSF/ad4703181694785785256497006d0f82?OpenNav>

igator>

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: helgard_walker@who.eop.gov@EOP [UNKNOWN] <helgard_walker@who.eop.gov@EOP>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 4/4/2002 1:20:17 PM
Subject: : Re: STATEMENT BY THE PRESS SECRETARY

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 18:20:17.00

SUBJECT:: Re: STATEMENT BY THE PRESS SECRETARY

TO:helgard_walker@who.eop.gov@EOP (helgard_walker@who.eop.gov@EOP [UNKNOWN])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I reviewed it.

Helgard C. Walker
04/04/2002 05:57:49 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: STATEMENT BY THE PRESS SECRETARY

Did anybody see this?

----- Forwarded by Helgard C. Walker/WHO/EOP on
04/04/2002 05:57 PM -----

Rachael L. Sunbarger 04/04/2002 05:51:47 PM

Record Type: Record

To:
cc:
Subject: STATEMENT BY THE PRESS SECRETARY

THE WHITE HOUSE

Office of the Press Secretary

REV_00142532

STATEMENT BY THE PRESS SECRETARY

The President today declared a major disaster exists in the Commonwealth of Kentucky and ordered Federal aid to supplement commonwealth and local recovery efforts in the area struck by severe storms and flooding on March 17-21, 2002.

The President's action makes Federal funding available to affected individuals in Bath, Bell, Bourbon, Boyd, Carter, Clay, Elliott, Fleming, Greenup, Harlan, Knox, Laurel, Lawrence, Letcher, Leslie, Lewis, McCreary, Menifee, Montgomery, Morgan, Nicholas, Perry, Rowan, and Whitley Counties and local governments in Bath, Bell, Boyd, Breathitt, Carter, Clay, Elliot, Fleming, Greenup, Harlan, Johnson, Knott, Knox, Lawrence, Leslie, McCreary, Magoffin, Perry, Rowan, Wayne and Whitley Counties.

Assistance can include disaster housing, grants, low-cost loans to cover uninsured property losses, and other programs to help individuals and business owners recover from the effects of the disaster.

Federal funding also is available to eligible local governments on a cost-sharing basis for the repair or replacement of public facilities damaged by the severe storms and flooding. Federal funding is also available on a cost share basis for hazard mitigation measures.

Joe M. Allbaugh, Director of the Federal Emergency Management Agency (FEMA), named Michael Bolch as the Federal Coordinating Officer for Federal recovery operations in the affected area.

The Agency said that damage surveys are continuing in other areas, and additional counties may be added after the assessments are completed.

The Agency said that residents and business owners who sustained losses in the designated counties can begin applying for assistance tomorrow by calling 1-800-621-FEMA(3362), or 1-800-462-7585 (TTY) for the hearing and speech impaired. The toll-free telephone numbers will operate from 8 a.m. to 6 p.m. seven days a week until further notice.

FOR FURTHER INFORMATION CONTACT: FEMA (202) 646-4600.

###

Message Sent

To:

Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00142533

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
CC: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 4/4/2002 1:29:28 PM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 18:29:28.00
SUBJECT::
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Smith did disclose the club membership on the Senate questionnaire.

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 4/4/2002 10:40:49 AM
Subject: : Donations for Bart

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 15:40:49.00
SUBJECT:: Donations for Bart
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Bart has asked that in lieu of flowers, we send donations to the Humane Society of Vero Beach. Please let me know if you would like to contribute. If you would like to give cash/checks to me, I can then write one check to cover all of the donations and send it down. Please get money to me by Monday. Thanks.

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 4/4/2002 10:40:49 AM
Subject: : Donations for Bart

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 15:40:49.00
SUBJECT:: Donations for Bart
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Bart has asked that in lieu of flowers, we send donations to the Humane Society of Vero Beach. Please let me know if you would like to contribute. If you would like to give cash/checks to me, I can then write one check to cover all of the donations and send it down. Please get money to me by Monday. Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 4/4/2002 3:01:39 PM
Subject: : Re: Govt Reform Hearing on Thursday the 11th

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 20:01:39.00
SUBJECT:: Re: Govt Reform Hearing on Thursday the 11th
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Judge and I were . . .

Anne Womack
04/04/2002 08:00:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Govt Reform Hearing on Thursday the 11th

were we?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>
Sent: 4/4/2002 4:44:09 PM
Subject: : Re: Terrorism insurance memo

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 21:44:09.00
SUBJECT:: Re: Terrorism insurance memo
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

no problem; a harmless error; I was overly agitated in my earlier
e-mail . . .

Rachel L. Brand
04/04/2002 09:19:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Patrick J. Bumatay/WHO/EOP@EOP,
Rachel L. Brand/WHO/EOP@EOP
cc:
Subject: Re: Terrorism insurance memo

I read the memo and mentioned to patrick that I thought it was your issue
Sorry shouldve sent it straight to you

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 4/4/2002 12:57:55 PM
Subject: : STATEMENT BY THE PRESS SECRETARY

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 17:57:55.00

SUBJECT:: STATEMENT BY THE PRESS SECRETARY

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Did anybody see this?

----- Forwarded by Helgard C. Walker/WHO/EOP on
04/04/2002 05:57 PM -----

Rachael L. Sunbarger 04/04/2002 05:51:47 PM

Record Type: Record

To:

cc:

Subject: STATEMENT BY THE PRESS SECRETARY

THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE

April 4, 2002

STATEMENT BY THE PRESS SECRETARY

The President today declared a major disaster exists in the Commonwealth of Kentucky and ordered Federal aid to supplement commonwealth and local recovery efforts in the area struck by severe storms and flooding on March 17-21, 2002.

The President's action makes Federal funding available to affected individuals in Bath, Bell, Bourbon, Boyd, Carter, Clay, Elliott, Fleming, Greenup, Harlan, Knox, Laurel, Lawrence, Letcher, Leslie, Lewis, McCreary, Menifee, Montgomery, Morgan, Nicholas, Perry, Rowan, and Whitley Counties

REV_00142601

and local governments in Bath, Bell, Boyd, Breathitt, Carter, Clay, Elliot, Fleming, Greenup, Harlan, Johnson, Knott, Knox, Lawrence, Leslie, McCreary, Magoffin, Perry, Rowan, Wayne and Whitley Counties.

Assistance can include disaster housing, grants, low-cost loans to cover uninsured property losses, and other programs to help individuals and business owners recover from the effects of the disaster.

Federal funding also is available to eligible local governments on a cost-sharing basis for the repair or replacement of public facilities damaged by the severe storms and flooding. Federal funding is also available on a cost share basis for hazard mitigation measures.

Joe M. Allbaugh, Director of the Federal Emergency Management Agency (FEMA), named Michael Bolch as the Federal Coordinating Officer for Federal recovery operations in the affected area.

The Agency said that damage surveys are continuing in other areas, and additional counties may be added after the assessments are completed.

The Agency said that residents and business owners who sustained losses in the designated counties can begin applying for assistance tomorrow by calling 1-800-621-FEMA(3362), or 1-800-462-7585 (TTY) for the hearing and speech impaired. The toll-free telephone numbers will operate from 8 a.m. to 6 p.m. seven days a week until further notice.

FOR FURTHER INFORMATION CONTACT: FEMA (202) 646-4600.

###

From: Koebele, Steve <Steve.Koebele@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2002 12:58:16 PM
Subject: : please call

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Koebele, Steve" <Steve.Koebele@usdoj.gov> ("Koebele, Steve"
<Steve.Koebele@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-APR-2002 17:58:16.00
SUBJECT:: please call
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

PRA 6 Thank you. Steve.

From: Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2002 1:22:32 PM
Subject: : Victims' Rights Amendment

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> ("Benedi, Lizette D"
<Lizette.D.Benedi@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 4-APR-2002 18:22:32.00
SUBJECT:: Victims' Rights Amendment
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,

We are trying to schedule a final VRA conference call with Hill staffers and Viet wants to ensure that you participate in the meeting. Could you please let me know as soon as possible if you would be available on Tuesday from 1:00-1:45pm? If this doesn't work for you, I will run some other times by the rest of the group. Thanks!

Lizette

PRA 6

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 4/4/2002 1:35:44 PM
Subject: : Govt Reform Hearing on Thursday the 11th

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 18:35:44.00
SUBJECT:: Govt Reform Hearing on Thursday the 11th
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Weren't we just discussing . . .

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/04/2002 06:35 PM -----

Kirsten A. Chadwick
04/04/2002 06:30:20 PM
Record Type: Record

To: Jack Howard/WHO/EOP@EOP, David W. Hobbs/WHO/EOP@EOP, Nicholas
E. Calio/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Govt Reform Hearing on Thursday the 11th

Burton is holding a hearing on Thursday afternoon with one panel on "lack
of access to Presidential Records"

Apparently there is some conference of historians in town next week - so
some of these folks will be witnesses to say how important access is for
research - they dont have a witness list yet.

kirsten

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>
Sent: 4/4/2002 1:49:56 PM
Subject: : Re: Govt Reform Hearing on Thursday the 11th

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 18:49:56.00
SUBJECT:: Re: Govt Reform Hearing on Thursday the 11th
TO: Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Will they want an Administration witness? If so, I need to alert DOJ.

Kirsten A. Chadwick
04/04/2002 06:30:20 PM
Record Type: Record

To: Jack Howard/WHO/EOP@EOP, David W. Hobbs/WHO/EOP@EOP, Nicholas E. Calio/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Govt Reform Hearing on Thursday the 11th

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Apparently there is some conference of historians in town next week - so some of these folks will be witnesses to say how important access is for research - they dont have a witness list yet.

kirsten

From: CN=Kirsten A. Chadwick/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2002 1:50:57 PM
Subject: : Re: Govt Reform Hearing on Thursday the 11th

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 18:50:57.00
SUBJECT:: Re: Govt Reform Hearing on Thursday the 11th
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

they did not mention that they wanted admin people

Brett M. Kavanaugh
04/04/2002 06:49:50 PM
Record Type: Record

To: Kirsten A. Chadwick/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Govt Reform Hearing on Thursday the 11th

Will they want an Administration witness? If so, I need to alert DOJ.

Kirsten A. Chadwick
04/04/2002 06:30:20 PM
Record Type: Record

To: Jack Howard/WHO/EOP@EOP, David W. Hobbs/WHO/EOP@EOP, Nicholas E. Calio/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Govt Reform Hearing on Thursday the 11th

Burton is holding a hearing on Thursday afternoon with one panel on "lack of access to Presidential Records"

Apparently there is some conference of historians in town next week - so some of these folks will be witnesses to say how important access is for research - they dont have a witness list yet.

kirsten

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: GaryM Stern <garym.stern@nara.gov>
Sent: 4/4/2002 1:51:21 PM
Subject: : COG Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 18:51:21.00

SUBJECT:: COG Meeting

TO: GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

Apologies for being out of communication on this. We have had a
lot going on. Anyway, let's talk Friday and figure out a good time.
Thanks for your patience.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: John P. McConnell/OVP/EOP@EOP [OVP] <John P. McConnell>
Sent: 4/4/2002 2:12:13 PM
Subject: : left you a message ...

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 19:12:13.00
SUBJECT:: left you a message . . .
TO:John P. McConnell (CN=John P. McConnell/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
End Original ARMS Header

I am at 456-7984

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>
Sent: 4/4/2002 2:39:38 PM
Subject: : Re: Victims' Rights Amendment

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-APR-2002 19:39:38.00
SUBJECT:: Re: Victims' Rights Amendment
TO: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> ("Benedi, Lizette D"
<Lizette.D.Benedi@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

that's good by me; what do I need to do/read ahead of time?

"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov>
04/04/2002 06:10:46 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Victims' Rights Amendment

Brett,

We are trying to schedule a final VRA conference call with Hill staffers and Viet wants to ensure that you participate in the meeting. Could you please let me know as soon as possible if you would be available on Tuesday from 1:00-1:45pm? If this doesn't work for you, I will run some other times by the rest of the group. Thanks!

Lizette

PRA 6

From: CN=Lauren K. Allgood/OU=OMB/O=EOP [OMB]
To: Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; Robin Cleveland/OMB/EOP@EOP [OMB] <Robin Cleveland>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>; Karyn T. Carson/OMB/EOP@EOP [OMB] <Karyn T. Carson>; Lauren J. Vestewig/OPD/EOP@EOP [OPD] <Lauren J. Vestewig>; Bessie M. Weaver/OMB/EOP@EOP [OMB] <Bessie M. Weaver>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>
Sent: 4/4/2002 3:00:53 PM
Subject: : Victims of Terrorism Fund Meeting

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Lauren K. Allgood (CN=Lauren K. Allgood/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 4-APR-2002 20:00:53.00

SUBJECT:: Victims of Terrorism Fund Meeting

TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Robin Cleveland (CN=Robin Cleveland/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Karyn T. Carson (CN=Karyn T. Carson/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Lauren J. Vestewig (CN=Lauren J. Vestewig/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

CC: Bessie M. Weaver (CN=Bessie M. Weaver/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

There will be a meeting Wednesday, April 10 at 4:00pm in 252 EEOB (Nancy Dorn's Office) to discuss the Victims of Terrorism fund. Please let me know if you will be able to attend and if others should be included.

Thanks,
Lauren
5-4742

REV_00142614

From: CN=Lauren K. Allgood/OU=OMB/O=EOP [OMB]
To: Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; Robin Cleveland/OMB/EOP@EOP [OMB] <Robin Cleveland>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Rebecca A. Beynon/OMB/EOP@EOP [OMB] <Rebecca A. Beynon>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>; Karyn T. Carson/OMB/EOP@EOP [OMB] <Karyn T. Carson>; Lauren J. Vestewig/OPD/EOP@EOP [OPD] <Lauren J. Vestewig>; Bessie M. Weaver/OMB/EOP@EOP [OMB] <Bessie M. Weaver>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>
Sent: 4/4/2002 3:00:53 PM
Subject: : Victims of Terrorism Fund Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Lauren K. Allgood (CN=Lauren K. Allgood/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 4-APR-2002 20:00:53.00
SUBJECT:: Victims of Terrorism Fund Meeting
TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Robin Cleveland (CN=Robin Cleveland/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: Karyn T. Carson (CN=Karyn T. Carson/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: Lauren J. Vestewig (CN=Lauren J. Vestewig/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
CC: Bessie M. Weaver (CN=Bessie M. Weaver/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

There will be a meeting Wednesday, April 10 at 4:00pm in 252 EEOB (Nancy Dorn's Office) to discuss the Victims of Terrorism fund. Please let me know if you will be able to attend and if others should be included.

Thanks,
Lauren
5-4742

REV_00142615

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2002 3:04:47 PM
Subject: : Re: Govt Reform Hearing on Thursday the 11th

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-APR-2002 20:04:47.00

SUBJECT:: Re: Govt Reform Hearing on Thursday the 11th

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I thought I was further losing my mind.

From: GaryM Stern <garym.stern@nara.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/4/2002 3:42:41 PM
Subject: : Re: COG Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: GaryM Stern <garym.stern@nara.gov> (GaryM Stern <garym.stern@nara.gov> [UNKNOWN])

CREATION DATE/TIME: 4-APR-2002 20:42:41.00

SUBJECT:: Re: COG Meeting

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Thanks for getting back to me. Actually, I am off on Friday, and the FEMA guy is on travel all next week, so on Monday can we try to set up a specific time for the following week?

>>> <Brett_M._Kavanaugh@who.eop.gov> 04/04/02 18:50 PM >>>

Apologies for being out of communication on this. We have had a lot going

on. Anyway, let's talk Friday and figure out a good time. Thanks for your patience.

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 4/5/2002 4:20:51 AM
Subject: : ethics question

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])

CREATION DATE/TIME: 5-APR-2002 09:20:51.00

SUBJECT:: ethics question

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Since Moose is out, I've gotten a couple inquiries re whether people can attend the WH correspondents' dinner - specifically, whether this falls within the widely-attended-gathering exception. I seem to recall that this came up last year and that the answer was yes. Does anyone else remember?

REV_00142631

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 4/5/2002 4:25:45 AM
Subject: : please change date on letter to April 5

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-APR-2002 09:25:45.00
SUBJECT:: please change date on letter to April 5
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 4/5/2002 8:38:49 AM
Subject: : Jeb Bush Seeks To Trademark Name

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-APR-2002 13:38:49.00

SUBJECT:: Jeb Bush Seeks To Trademark Name

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

This is an interesting development, relevant to some of Noel's work and also 1A questions in general.

<http://www.washingtonpost.com/wp-dyn/articles/A993-2002Apr5.html>

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/5/2002 4:43:57 AM
Subject: : Judge needs to see you asap

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-APR-2002 09:43:57.00

SUBJECT:: Judge needs to see you asap

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/5/2002 8:46:08 AM
Subject: : Diet Pepsi

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-APR-2002 13:46:08.00

SUBJECT:: Diet Pepsi

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

in the fridge

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lauren K. Allgood/OMB/EOP@EOP [OMB] <Lauren K. Allgood>
Sent: 4/5/2002 8:58:39 AM
Subject: : Re: Victims of Terrorism Fund Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-APR-2002 13:58:39.00
SUBJECT:: Re: Victims of Terrorism Fund Meeting
TO: Lauren K. Allgood (CN=Lauren K. Allgood/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

5:00 would be perfect.

Lauren K. Allgood
04/05/2002 01:48:02 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Victims of Terrorism Fund Meeting

Brett, if we move the meeting to 4:30 or 5, could you attend?

Brett M. Kavanaugh
04/04/2002 08:03:52 PM
Record Type: Record

To: Lauren K. Allgood/OMB/EOP@EOP
cc: Nancy Dorn/OMB/EOP@EOP, Philip J. Perry/OMB/EOP@EOP
bcc:
Subject: Re: Victims of Terrorism Fund Meeting

I will not be able to attend. That is the time for our weekly
judicial selection meeting.

Lauren K. Allgood
04/04/2002 08:01:10 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Victims of Terrorism Fund Meeting

There will be a meeting Wednesday, April 10 at 4:00pm in 252 EEOB (Nancy Dorn's Office) to discuss the Victims of Terrorism fund. Please let me know if you will be able to attend and if others should be included.

REV_00142637

Thanks,
Lauren
5-4742

Message Sent

To:

Philip J. Perry/OMB/EOP@EOP
Robin Cleveland/OMB/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Rebecca A. Beynon/OMB/EOP@EOP

Message Copied

To:

Carla B. Stone/OMB/EOP@EOP
Karyn T. Carson/OMB/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Bessie M. Weaver/OMB/EOP@EOP
Alison Jones/WHO/EOP@EOP

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/5/2002 5:00:14 AM
Subject: : Re: further explanation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-APR-2002 10:00:14.00
SUBJECT:: Re: further explanation
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Thanks. I would like to get a copy of the final letter (by Blackberry)
when it is done.

Sent from my BlackBerry Handheld.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/5/2002 5:52:23 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-APR-2002 10:52:23.00
SUBJECT::
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Libby: Can you arrange for Brad and me to be in a staff car in
VP's motorcade to speech at the DC Courthouse on Monday afternoon.
Thanks.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 4/5/2002 10:26:23 AM
Subject: : Congress Daily Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-APR-2002 15:26:23.00
SUBJECT:: Congress Daily Today
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Senate Majority Leader Daschle has no intention of bringing a terrorism insurance bill to the floor next week because no agreements have yet been reached on the measure's tort reform language, a Daschle spokeswoman reiterated today in response to a published report. Proponents of reform continue to insist that a federal insurance program limit the ability of terrorism victims to seek punitive damages against businesses. While saying the federal reinsurance measure remains a priority for Daschle this Congress, the spokeswoman said no agreement has been reached that would clear the measure for action. "We still hope to get this done in the next work period, by Memorial Day," she said, but added: "He will not bring it to the floor until the issue of comprehensive tort reform is resolved. There's very limited time

REV_00142642

left in this Congress [and]
that would be sure to provoke a very long debate if not a filibuster. It
has to be worked out before
the floor." Daschle has made some concessions and remains supportive of a
reinsurance
measure introduced last year by Sens. Christopher Dodd, D-Conn., and Phil
Gramm, R-Texas,
she added. Daschle "would even be willing to accept [the bill's] limited
tort reforms strictly related
to terrorist incidents," she said.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 4/5/2002 6:28:53 AM
Subject: : going-aways

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-APR-2002 11:28:53.00

SUBJECT:: going-aways

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I think we need to establish some kind of nice tradition for sending off lawyers who are leaving (one event for Moose, one event for Courtney, and one event for Rachel). I think these events are nicest when the departee's colleagues host it. Informal happy hours? Organized happy hours, e.g. rent a room at say Old Ebbitt, and e-mail a big list of WH people? The downside to the latter could be cost. Let me know your thoughts. I suppose we could have one combined event for the three of them, although that is not quite as good in my view.

NOTE THAT I DID NOT INCLUDE MOOSE, COURTNEY, AND RACHEL ON THIS E-MAIL.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>
Sent: 4/5/2002 6:37:14 AM
Subject: : American Banker Magazine - 4-5-02 issue

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-APR-2002 11:37:14.00
SUBJECT:: American Banker Magazine - 4-5-02 issue
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Viewpoints/Letters

Viewpoint: Terror,s Economic Impact On Commercial Real Estate

Friday, April 5, 2002
By David E. Creamer

The rebound since Sept. 11 has lulled us into a false sense of security. Many economic effects of the terror attack have yet to be felt. The impact on America, s commercial real estate market is just becoming evident.

Real estate is the heartbeat of the American economy. We are all invested in real estate much more than we realize. Take a look at the balance sheet of any Fortune 500 company and see the real estate exposure shown therein. And balance sheets only show the amortized value *

replacement values are often extremely higher. Also, pension funds and insurance companies invest heavily in commercial property.

A crisis is brewing in the commercial real estate industry. While nowhere near as dramatic as the tragedy of Sept. 11, an attack that the commercial property industry faces could have a devastating impact on our economy. And it all relates to terrorism. The question is: Who bears the risk of the next terrorist attack?

Before Sept. 11, the risk of terror strikes was borne by the insurance industry. Covered by all risk policies generally required by lenders, it was ordinary business practice for this risk to be insured. From the insurer's viewpoint, the cost of providing this coverage was not significant. After all, there had only been two major acts of terrorism in the United States. One, the Oklahoma City bombing, was of a federal building that was self-insured by the government. So the only domestic act of terrorism that had resulted in an insurance payout was the 1993 bombing of the World Trade Center.

Since Sept. 11, the insurance industry has withdrawn terrorist coverage from all-risk policies * it is generally not available. Where offered, it is only at exorbitant rates. One insurer recently said it would provide such coverage only in limited face amounts at rates of 5% to 25% of the value of the property as an annual premium!

So who bears the risk of terrorist acts in the wake of Sept. 11? The natural assumption is the property owner. Where the owner is a major corporation, this is generally true. For those headquarters buildings and factories owned and operated by corporations, the owner often bears the risk. But most U.S. commercial real estate is financed on a nonrecourse basis to the owner. In the event of a default by the owner/borrower, the lender's only recourse is to the underlying real estate. This means that in the event the property is destroyed by an act of terror, the lender is left holding the bag.

So why take pity on the lenders? When we think of real estate lenders, we assume they are large, deep-pocketed money center banks. But the fact is banks do not extend most of the commercial property lending in this country. It is average investors that usually provide the capital for this financing. Fixed-income funds. Pension plans. Insurance companies. 401(k) investments. Our rainy-day and retirement funds.

We invest these funds expecting them to be secure, safe investments collateralized by real estate * commercial property insured against destruction. We invest these funds without intending to bear this type of risk. And now that the money is invested, suddenly the rules of the game are changing.

It gets worse. Unlike your home mortgage that is paid off in full when the loan matures, commercial property mortgages usually have a sizable sum outstanding when the loan becomes due. The loan is expected to be repaid out of sale proceeds or a refinancing of the property.

In either case, a new loan is required. The lender's dilemma is straightforward: Do you make a new mortgage without the requirement of insurance for terrorist acts? If lenders do not finance the sale or provide a refinancing, the loan will default upon maturity.

It is here that the true crisis has arisen. The impact is not limited to the commercial real estate industry. Other sectors would feel the effects. The U.S. labor market would be hit hard. The current construction boom could grind to a halt in the big cities and malls. Many construction workers and skilled tradesmen would start to feel the pinch; all the new jobs these projects create would be lost.

The potential impact on our commercial property industry and entire economy is so severe that it is difficult to comprehend. Remember, if the loan goes into default upon maturity for failure to sell or refinance, the lender's only recourse is to recoup on the value of the collateral. But what is the value of the real estate if potential purchasers cannot get financing? The impact on commercial real estate values would be reminiscent of the savings-and-loan crisis of prior decades.

Clearly, everyone hopes that confidence in our nation's security will return to more comfortable levels and that the insurance industry will reasonably price this type of risk. "Let market forces prevail!" is the cry. The problem is that market forces do not always intelligently address a problem before it becomes severe. In fact, the market tends to wait for crises to escalate and opportunities to present themselves.

Our federal government is already poised to take a big hit if matters continue on their present path. If property values plummet and lenders begin to suffer losses, the government stands behind many of these lenders or loans: FDIC-insured lending institutions, PBGC-insured pension plans, HUD-insured multifamily properties and Fannie Mae-and Freddie Mac-owned or -guaranteed loans. The problem is that this would be more like a bailout: shoring up an industry after it has suffered massive losses. The preferred path would be for the government to take less-expensive steps up front to prevent these losses.

The time for action is now. Before property values plummet. Before our retirement assets are depreciated. The government has considered taking steps to provide a stopgap measure to partially insure against losses from terrorist acts. Supported by the White House, the House of Representatives passed a measure addressing this issue, but the Senate failed to support it, allowing a handful of senators to tie up the legislation and bogging down on unrelated issues. Congress must take precautionary measures to prevent an even greater disaster.

The General Accounting Office has recognized the seriousness of the problem, enumerating many instances where the lack of terrorism insurance is having an adverse effect and expressing concern that this could become a drag on our economic recovery. Federal Reserve Chairman Alan Greenspan recently observed that Congress should stipulate that the federal government cover this risk. The warning signs are clear. The potential for a severe impact is real. Congress should act now, before the terrorists win their war on the U.S.

economy without making another move.

Mr. Creamer is the chairman and chief executive officer of General Motors' GMAC Commercial Holding Corp. in Horsham, Pa.

From: Willett, Don <Don.Willett@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/5/2002 6:39:24 AM
Subject: : RE: 2 items

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Willett, Don" <Don.Willett@usdoj.gov> ("Willett, Don" <Don.Willett@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 5-APR-2002 11:39:24.00

SUBJECT:: RE: 2 items

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : RE: 2 items

Was Read By : Don.Willett@usdoj.gov

On : Fri, 5 Apr 2002 11:18:42 -0500

From: CN=A. Merrill Hughes/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/5/2002 6:49:05 AM
Subject: : Re: 2 documents

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:A. Merrill Hughes (CN=A. Merrill Hughes/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 5-APR-2002 11:49:05.00
SUBJECT:: Re: 2 documents
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks Brett.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 4/5/2002 10:50:41 AM
Subject: : Next mtg re: judges/us attys/marshals with POTUS

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-APR-2002 15:50:41.00

SUBJECT:: Next mtg re: judges/us attys/marshals with POTUS

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Meeting has been approved for Thursday, April 11, 2002 at 3:30pm for 25 minutes.

REV_00142653

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 4/5/2002 9:21:26 AM
Subject: : Re: Donations for Bart

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-APR-2002 14:21:26.00
SUBJECT:: Re: Donations for Bart
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Please remember to get me money as soon as possible. Thanks!

Allison L. Riepenhoff
04/04/2002 03:40:41 PM

REV_00142656

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Donations for Bart

Bart has asked that in lieu of flowers, we send donations to the Humane Society of Vero Beach. Please let me know if you would like to contribute. If you would like to give cash/checks to me, I can then write one check to cover all of the donations and send it down. Please get money to me by Monday. Thanks.

Message Copied

To:

david s. addington/ovp/eop@eop
john b. bellinger/nsc/eop@eop
bradford a. berenson/who/eop@eop
kyle sampson/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
timothy e. flanigan/who/eop@eop
edward mcnelly/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop
brent d. greenfield/who/eop@eop
lori l. lorenzi/who/eop@eop
patrick j. bumatay/who/eop@eop

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 4/5/2002 9:21:26 AM
Subject: : Re: Donations for Bart

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-APR-2002 14:21:26.00
SUBJECT:: Re: Donations for Bart
CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Please remember to get me money as soon as possible. Thanks!

Allison L. Riepenhoff
04/04/2002 03:40:41 PM

REV_00142658

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Donations for Bart

Bart has asked that in lieu of flowers, we send donations to the Humane Society of Vero Beach. Please let me know if you would like to contribute. If you would like to give cash/checks to me, I can then write one check to cover all of the donations and send it down. Please get money to me by Monday. Thanks.

Message Copied

To:

david s. addington/ovp/eop@eop
john b. bellinger/nsc/eop@eop
bradford a. berenson/who/eop@eop
kyle sampson/who/eop@eop
rachel l. brand/who/eop@eop
robert w. cobb/who/eop@eop
courtney s. elwood/who/eop@eop
timothy e. flanigan/who/eop@eop
edward mcnelly/who/eop@eop
noel j. francisco/who/eop@eop
brett m. kavanaugh/who/eop@eop
helgard c. walker/who/eop@eop
brent d. greenfield/who/eop@eop
lori l. lorenzi/who/eop@eop
patrick j. bumatay/who/eop@eop

From: CN=Lauren K. Allgood/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/5/2002 10:14:46 AM
Subject: : Re: Victims of Terrorism Fund Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 5-APR-2002 15:14:46.00
SUBJECT:: Re: Victims of Terrorism Fund Meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I would lose too many people moving the meeting to 5pm. I'm going to keep it at 4pm. Sorry. Please stop by if you can.

Brett M. Kavanaugh
04/05/2002 01:58:30 PM
Record Type: Record

To: Lauren K. Allgood/OMB/EOP@EOP
cc:
bcc:
Subject: Re: Victims of Terrorism Fund Meeting

5:00 would be perfect.

Lauren K. Allgood
04/05/2002 01:48:02 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Victims of Terrorism Fund Meeting

Brett, if we move the meeting to 4:30 or 5, could you attend?

Brett M. Kavanaugh
04/04/2002 08:03:52 PM
Record Type: Record

To: Lauren K. Allgood/OMB/EOP@EOP
cc: Nancy Dorn/OMB/EOP@EOP, Philip J. Perry/OMB/EOP@EOP
bcc:
Subject: Re: Victims of Terrorism Fund Meeting

I will not be able to attend. That is the time for our weekly judicial selection meeting.

REV_00142662

Lauren K. Allgood
04/04/2002 08:01:10 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Victims of Terrorism Fund Meeting

There will be a meeting Wednesday, April 10 at 4:00pm in 252 EEOB (Nancy Dorn's Office) to discuss the Victims of Terrorism fund. Please let me know if you will be able to attend and if others should be included.

Thanks,
Lauren
5-4742

Message Sent

To:
Philip J. Perry/OMB/EOP@EOP
Robin Cleveland/OMB/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Rebecca A. Beynon/OMB/EOP@EOP

Message Copied

To:
Carla B. Stone/OMB/EOP@EOP
Karyn T. Carson/OMB/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Bessie M. Weaver/OMB/EOP@EOP
Alison Jones/WHO/EOP@EOP

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/5/2002 2:22:15 PM
Subject: : Re: victims rights amendment

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 5-APR-2002 19:22:15.00

SUBJECT:: Re: victims rights amendment

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tks. Date for event is 19th.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 4/5/2002 10:26:23 AM
Subject: : Congress Daily Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-APR-2002 15:26:23.00
SUBJECT:: Congress Daily Today
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Senate Majority Leader Daschle has no intention of bringing a terrorism insurance bill to the floor next week because no agreements have yet been reached on the measure's tort reform language, a Daschle spokeswoman reiterated today in response to a published report. Proponents of reform continue to insist that a federal insurance program limit the ability of terrorism victims to seek punitive damages against businesses. While saying the federal reinsurance measure remains a priority for Daschle this Congress, the spokeswoman said no agreement has been reached that would clear the measure for action. "We still hope to get this done in the next work period, by Memorial Day," she said, but added: "He will not bring it to the floor until the issue of comprehensive tort reform is resolved. There's very limited time

REV_00142667

left in this Congress [and]
that would be sure to provoke a very long debate if not a filibuster. It
has to be worked out before
the floor." Daschle has made some concessions and remains supportive of a
reinsurance
measure introduced last year by Sens. Christopher Dodd, D-Conn., and Phil
Gramm, R-Texas,
she added. Daschle "would even be willing to accept [the bill's] limited
tort reforms strictly related
to terrorist incidents," she said.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 4/5/2002 10:50:41 AM
Subject: : Next mtg re: judges/us attys/marshals with POTUS

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-APR-2002 15:50:41.00

SUBJECT:: Next mtg re: judges/us attys/marshals with POTUS

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Meeting has been approved for Thursday, April 11, 2002 at 3:30pm for 25 minutes.

REV_00142669

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/5/2002 11:05:26 AM
Subject: : I missed Jesse Holland today. He apparently left early. It's probably better on Monday anyway.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-APR-2002 16:05:26.00

SUBJECT:: I missed Jesse Holland today. He apparently left early. It's probably better on Monday anyway.

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>
To: Clement, Paul D <Paul.D.Clement@usdoj.gov>; Ho, James <James.Ho@usdoj.gov>; Coughlin, Robert <Robert.Coughlin@usdoj.gov>; 'Stwist@viad.com' <Stwist@viad.com>; 'Stephen_Higgins@judiciary.senate.gov' <Stephen_Higgins@judiciary.senate.gov>; Receipt Notification Requested) (IPM Return Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN] <Matthew_Lamberti@judiciary.senate.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Sutton, Jason <Jason.J.Sutton@usdoj.gov>; 'dshay@viad.com' <dshay@viad.com>
Sent: 4/5/2002 3:28:01 PM
Subject: : VRA Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 5-APR-2002 20:28:01.00

SUBJECT:: VRA Meeting

TO: "Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return Requested) ("'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: "Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC: "'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM Return Requested) ("'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Still no time that works for everyone. Can you please let me know as soon as possible of your availability on Tuesday from 3:00-4:00pm? If that doesn't work, I will get more available times to you on Monday. Once again, thanks for your cooperation and patience.

REV_00142675

Lizette

PRA 6

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 4/7/2002 7:53:18 AM
Subject: : Re: going-aways

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-APR-2002 11:53:18.00

SUBJECT:: Re: going-aways

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I agree this is a nice thing to do. Libby, one other possible nice thing to do that you might mention to the Judge: I'm pretty sure that when Townsend McNitt left the WH, Nick arranged for the President to receive her in the Oval for a couple minutes to thank her for her service and do a quick photo op. I'm not positive that was done, but if it was, and if ARG thinks this is an ok idea, it might be worth pursuing as another nice adjunct to the farewell ritual.

Brett M. Kavanaugh
04/05/2002 11:28:45 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: going-aways

I think we need to establish some kind of nice tradition for sending off lawyers who are leaving (one event for Moose, one event for Courtney, and one event for Rachel). I think these events are nicest when the departee's colleagues host it. Informal happy hours? Organized happy hours, e.g. rent a room at say Old Ebbitt, and e-mail a big list of WH people? The downside to the latter could be cost. Let me know your thoughts. I suppose we could have one combined event for the three of them, although that is not quite as good in my view.

NOTE THAT I DID NOT INCLUDE MOOSE, COURTNEY, AND RACHEL ON THIS E-MAIL.

Message Copied

To: _____

REV_00142677

Noel J. Francisco/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 4/7/2002 11:29:23 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 7-APR-2002 15:29:23.00
SUBJECT::
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Neil Lewis' story ran today in NYT

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>
Sent: 4/8/2002 4:04:06 AM
Subject: : Re: Presidential Records Act Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 08:04:06.00
SUBJECT:: Re: Presidential Records Act Question
TO: Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

They do not need to be retained. One caveat: If the notes concern a subject under investigation, they should be retained.

Janet P. Walker
04/08/2002 07:40:41 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Presidential Records Act Question

Good morning! Just want to double check a point regarding personal notes. If one takes personal notes at a meeting or jots down action items that need to be taken care of -- in both cases for personal use only -- do they have to be retained?

Many thanks!
Janet

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/8/2002 5:08:37 AM
Subject: : article

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 09:08:37.00

SUBJECT:: article

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Crackdown On Terror Funding Is Questioned (LAT)

Finance: U.S. officials say a lack of evidence and fighting among agencies have hampered the drive.

By JOSH MEYER and ERIC LICHTBLAU

The Los Angeles, April 7, 2002

WASHINGTON -- The U.S. government's much-touted financial war on terrorism has been hamstrung by bitter turf battles among federal agencies, questionable evidence against targeted Middle Eastern groups and a lack of cooperation by foreign allies, senior government officials said.

In recent months, President Bush and his top Cabinet members have hailed the U.S. government's effort to "shut down the money pipeline" as an increasingly important, and successful, component of the broad counter-terrorism strategy in the United States and abroad.

But privately some administration officials are voicing growing concern that the strategy isn't working as advertised.

"You read the papers and it seems like everything is going great," said one senior law enforcement official. "But this is no way to run an investigation. And the worst part is that this is the biggest case in existence. And so much is at stake."

Debate over the problems has occurred at the highest levels, according to interviews with more than a dozen law enforcement, intelligence and counter-terrorism officials familiar with the financial crackdown. Among the concerns:

Infighting between the Justice and Treasury departments has spawned two parallel and often conflicting bureaucracies pursuing financial investigations of suspected terrorists, sending confusing signals to law enforcement and intelligence agencies here and abroad over who is in charge.

Privately, some Treasury and Justice officials blame each other for refusing to work together, withholding information and lacking the required financial training, even as both concede that the current system squanders precious resources, money, time and investigative leads.

At least some of the financial crackdowns on groups with suspected terrorist ties, resulting in the freezing of tens of millions of dollars in assets, were launched prematurely or based on insufficient evidence. The asset seizures have triggered lawsuits from targeted groups, as well as a backlash from Muslims who say they are being unfairly branded as

REV_00142684

terrorists. Some prosecutors now say they are concerned about whether the seizure cases will hold up in court.

The United States is receiving far less cooperation than it needs from many allied nations, which have pledged to help choke off the terrorist money supply but lack the political will, technical know-how and legal framework to make that happen.

As a result, the financial crackdown risks being little more than a symbolic effort because only a tiny fraction of the money believed to be supporting terrorist activity resides within U.S. financial institutions. Key financial provisions of last year's Patriot Act, which granted authorities broader powers to track suspected terrorist money, are too unwieldy and unrealistic.

The law subjects an array of businesses--from currency transfer and exchange firms to pawnbrokers and even car dealerships--to new auditing and reporting requirements to help authorities detect potential terrorist activity. The legislation gives an April 24 deadline for the new regulations, but many businesses say they have no system for taking on their expanded role as money cops, and authorities complain that they will be overloaded with information.

Leaders of the financial war on terrorism acknowledge the investigations' shortcomings, but they point to success in some areas.

The campaign has been instrumental, for instance, in determining who was behind the Sept. 11 attacks and in establishing connections among the 19 hijackers and other co-conspirators around the world. It also has provided a clearer picture of how Osama bin Laden's Al Qaeda network and other terrorist organizations operate, officials said, adding that the financial component of the war on terrorism ultimately could prove to be instrumental in U.S. efforts to avert another attack.

"Naturally, there are a few growing pains, but I don't detect a systemic problem here," Deputy Treasury Secretary Kenneth Dam said Friday. "No doubt there will be glitches here and there, but that doesn't detract from the point that it's just an incredible joint effort, and it's made a major impact on Al Qaeda and their ability to finance themselves."

Last week, FBI Director Robert Mueller said the crackdown has damaged the ability of Bin Laden and other suspected terrorists to keep their operations going.

Dam, Mueller and other high-ranking leaders say they base those assessments on classified information, intelligence and other indicators that, as Al Qaeda's funding dries up, its cells are withering on the vine. So far, authorities have frozen more than \$100 million in alleged terrorist money, about \$70 million of it overseas. Several major charities have been targeted for allegedly helping terrorist organizations, as have currency transfer businesses that are popular means of routing money from the United States to Africa and the Middle East.

But others involved in the investigation say they couldn't name any cases in which criminal charges have been brought in the United States directly related to the post-Sept. 11 funding of terrorism.

And some said Al Qaeda's operations are too shrouded in secrecy to gauge the effectiveness of the crackdown, particularly since terrorists frequently use gold, diamonds and other noncurrency transactions to fund their activities.

"I would have no idea [how successful the effort has been], and I have no idea how they would know," one senior law enforcement official said of those who claim Al Qaeda has been financially crippled. Like many others involved in the money-tracking effort, the official declined to be identified by name or even by agency, citing political sensitivities and interagency conflicts.

Agencies Can't Get Together

That official and others said the financial counter-terrorism effort has been faltering on operational and policy levels. Many fear that the problems will only get worse unless something is done to streamline--and de-politicize--the entire initiative.

A bewildering array of law enforcement squads is involved in the financial investigations, not to mention committees set up to oversee them, including a high-level panel so secretive that no one will even disclose its name.

The FBI set up its money-tracking Financial Review Group within days of the attacks and invited other agencies, including Treasury, the CIA and

the National Security Council, to join.

Within weeks, however, the Treasury Department created Green Quest, headed by Customs Commissioner Robert C. Bonner, a former U.S. attorney in Los Angeles. It said the multi-agency panel would lead the effort to track terrorist financing.

Bonner and Treasury officials say they were following Bush's Sept. 23 executive order that sought to freeze the U.S.-based assets of individuals and organizations involved with terrorism.

Justice officials counter that the Treasury Department has interpreted its role too broadly and that the FBI, which is part of the Justice Department, is supposed to be leading the global effort to staunch the flow of terrorist funds. The Treasury and Justice departments have opened hundreds of financial investigations independent of each other.

Things have degenerated to the point where the two FBI positions on the customs panel are vacant, and the two customs agents in the FBI unit left and never came back, according to people close to the investigations.

Treasury's Dam and other top officials said the interagency conflicts are minimal and simply the natural outgrowth of forcing two massive law enforcement and intelligence-gathering bureaucracies to work together and share sensitive and often classified information.

But others remain concerned.

"I just find it absurd, especially in light of what we're going through, that the agencies can't put this petty [conflict] behind them," said one law enforcement official.

At a Feb. 12 congressional hearing, Rep. Doug Bereuter (R-Neb.) questioned the "behind-the-scenes tug of war" between Treasury and Justice.

"I am concerned that if parallel financial intelligence databases are set up, the U.S. government will both spend money unnecessarily and decrease investigative and enforcement efficiency," Bereuter said.

FBI officials have confidentially proposed merging the two panels, but the Treasury Department has consistently rejected that idea, sources said.

Treasury Undersecretary for Enforcement Jimmy Gurule says the groups perform important but separate functions. He says the Treasury Department is responsible for the broader financial investigation into terrorism, while the FBI pursues the Sept. 11 investigation and other law enforcement actions.

FBI Request to View Records Is Denied

The two camps are often working at cross-purposes. A few weeks ago, the Treasury Department denied FBI requests to look at financial records that the department seized from a New Jersey charity with suspected terrorist ties. FBI agents had to go to the charity itself to seek permission to see the records.

Matthew Piers, an attorney for the Benevolence International Foundation USA, agreed to the request because, he said, the charity has nothing to hide. Piers said the episode struck him as bizarre and symptomatic of what he described as the flimsy case the Treasury Department has brought against the charity in freezing \$800,000 in assets and crippling the organization's relief efforts in Asia and Europe.

He called the Treasury Department's methods draconian and noted that no criminal charges have been filed against the charity or its employees. The Treasury Department alleges that Benevolence's chief executive has ties to radical Islamic fundamentalists.

"They're wrong," Piers said. "It's just plain and simple a case of mistaken identity."

If authorities think the executive has suspected terrorist ties, Piers asked, "why have they not even questioned him? Why haven't they picked him up?"

Treasury officials refuse to discuss the case or details about any of the orders blocking the assets of more than 190 individuals, charities and businesses. The orders are often based on evidence that Treasury officials say is classified and not available to the accused.

On Friday, a federal judge in Chicago supported the use of such evidence when he allowed government attorneys to present their case against another charity, Global Relief Foundation, without its lawyers present. The hearing was part of Global Relief's lawsuit to recover about \$1 million in frozen assets.

Dam and Treasury General Counsel David Aufhauser said they are satisfied that there is ample evidence underlying all of the Treasury Department's

searches and its orders freezing assets. Aufhauser also said all of the orders were issued after thorough investigations and consultation with the Justice Department.

But others within the administration dispute that. Sources who asked not to be identified said the Justice Department has expressed concerns to senior Treasury officials about the strength of the asset-freezing cases, as well as the lack of coordination.

Some officials fear that any evidentiary weakness will become an embarrassment when organizations whose assets are frozen bring cases in court here and overseas--and the Justice Department has to defend the government's position.

"There are going to be huge problems," one law enforcement official said. In many of the cases, "I don't think there's a lot there. . . . It's pretty thin."

An official at a separate agency said that, although there may be legitimate reasons to target many of these groups, he believes the Treasury Department's rush to take action last fall may have been "politically driven" and premature. "They were running and gunning," the official said.

Treasury officials disputed the charge. "The last thing we want to engage in is political theater," Aufhauser said.

In fact, the Treasury Department has had complaints of its own: Officials say the FBI repeatedly hampered cooperation. For example, when it requested intelligence information from the FBI last fall to prepare orders for freezing assets, some of those requests were never acted on, officials said. Only when higher-ups intervened did the Treasury Department get the requested information.

A Parade of Official Visits to U.S. Allies

Several senior law enforcement officials complained that the tug of war extends overseas as well.

As evidence that U.S. allies are getting mixed messages about the U.S. operation, they cited the separate trips to Europe and Asia by Atty. Gen. John Ashcroft, FBI Director Mueller, Treasury Secretary Paul H. O'Neill and other top-level officials to talk up the financial war on terrorism. The Treasury and Justice departments also have been quietly sending employees overseas to press U.S. allies into doing more to help in the financial crackdown. Those include legal experts who are trying to help the countries establish the legal frameworks needed to follow through on any seizures. And technical consultants are working with those governments and private banks to set up the appropriate computer systems, officials said.

Other nations "are asking for additional proof" of wrongdoing by suspected terrorists, charities and other businesses before acting, Aufhauser said. One of those countries is Switzerland. On a recent trip to Washington, Switzerland's attorney general, Valentin Roschacher, complained that U.S. officials told him to freeze the assets of several suspected terrorist organizations but then said they couldn't hand over the underlying evidence because it is classified.

U.S. officials also said some of their allies, including some suspected of having a major terrorist presence, such as Saudi Arabia, Pakistan and the United Arab Emirates, are dragging their feet for fear of a backlash from their Muslim populations.

Amid all the logistical problems, an even more troubling question has begun to emerge: How much good can tracking terrorist money really do? Everyone agrees that financial investigations are critically important in uncovering, and even thwarting, terrorist activity. Credit card, phone and travel records and other forms of payment can be used to identify those involved in a conspiracy, to establish links between them and other co-conspirators and to gather evidence.

But much of the current focus appears to be on examining the entire universe of financial transactions for signs of terrorist activity, which many investigators liken to searching for a needle in a haystack the size of Nebraska.

Authorities note that the 19 hijackers were able to carry out the Sept. 11 attacks on a budget of about \$500,000, without any of their financial transactions triggering red flags.

"This was the Super Bowl of terrorist acts, and even in retrospect, knowing what we do now, we would never have caught that," one law

enforcement official said.

Oliver "Buck" Revell, a former top FBI official and counter-terrorism expert, was equally skeptical that monitoring the flow of money will prevent another terrorist attack: "I think you need to do it, but it's not going to stop them."

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
Sent: 4/8/2002 6:20:13 AM
Subject: : anybody have # for makin at senate judic?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 10:20:13.00

SUBJECT:: anybody have # for makin at senate judic?

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 4/8/2002 6:27:10 AM
Subject: : Re: Missing Doorknobs in Moose's Old Office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 10:27:10.00

SUBJECT:: Re: Missing Doorknobs in Moose's Old Office

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I was in on 1/21/01.

Rachel L. Brand
04/08/2002 09:10:28 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Re: Missing Doorknobs in Moose's Old Office

I was in the offices the 21st.

----- Original Message -----

From:Courtney S. Elwood/WHO/EOP

To:Brett M. Kavanaugh/WHO/EOP@EOP,

Rachel L. Brand/WHO/EOP@EOP,

Noel J. Francisco/WHO/EOP@EOP,

Robert W. Cobb/WHO/EOP@EOP,

Stuart W. Bowen/WHO/EOP@EOP,

Helgard C. Walker/WHO/EOP@EOP,

H. Christopher Bartolomucci/WHO/EOP@EOP

Cc:

Date: 04/07/2002 04:43:27 PM

Subject: Missing Doorknobs in Moose's Old Office

REV_00142690

The preliminary draft of the GAO report claims that the former occupant of Moose's old office says that a bookshelf covered the doors (which later were found to have no doorknobs) until he left at 11 a.m. on January 20, and thus he doesn't know if there were ever doorknobs there. Does anyone recall there being any bookshelves in front of those doors? Also, did any of you go in our offices on Sunday, January 21?

Message Sent

To:

Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP

From: CN=Alison Jones/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/8/2002 7:02:32 AM
Subject: : Re: participant clarification

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alison Jones (CN=Alison Jones/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 11:02:32.00
SUBJECT:: Re: participant clarification
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

nickles and kyl will be invited too. sorry.

Elizabeth N. Camp
04/08/2002 10:31:27 AM
Record Type: Record

To: Alison Jones/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: participant clarification

Hey - one more thing.

I had the following people down as attending tomorrow's meeting - Lott, Kyl, McConnell, Nickles, Kyl.

Will change it to reflect:
Judge
Ashcroft
Hatch
McConnell
Lott

Seems like this will be a meeting in which the participants are forever changing. Please do keep me posted on participants so the Judge knows who to expect.

And one more question- who else from the WH will be going to these meetings? Any of our lawyers? What about Z and/or Heather?

Thanks!

Lib

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>
CC: rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 4/8/2002 7:06:46 AM
Subject: : Re: Missing Doorknobs in Moose's Old Office

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 11:06:46.00
SUBJECT:: Re: Missing Doorknobs in Moose's Old Office
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

so was i.

Stuart W. Bowen
04/08/2002 10:27:08 AM
Record Type: Record

To: Rachel L. Brand/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Missing Doorknobs in Moose's Old Office

I was in on 1/21/01.

Rachel L. Brand
04/08/2002 09:10:28 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Re: Missing Doorknobs in Moose's Old Office

I was in the offices the 21st.

REV_00142694

----- Original Message -----

From: Courtney S. Elwood/WHO/EOP
To: Brett M. Kavanaugh/WHO/EOP@EOP,
Rachel L. Brand/WHO/EOP@EOP,
Noel J. Francisco/WHO/EOP@EOP,
Robert W. Cobb/WHO/EOP@EOP,
Stuart W. Bowen/WHO/EOP@EOP,
Helgard C. Walker/WHO/EOP@EOP,
H. Christopher Bartolomucci/WHO/EOP@EOP
Cc:
Date: 04/07/2002 04:43:27 PM
Subject: Missing Doorknobs in Moose's Old Office

The preliminary draft of the GAO report claims that the former occupant of Moose's old office says that a bookshelf covered the doors (which later were found to have no doorknobs) until he left at 11 a.m. on January 20, and thus he doesn't know if there were ever doorknobs there. Does anyone recall there being any bookshelves in front of those doors? Also, did any of you go in our offices on Sunday, January 21?

Message Sent

To: _____
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP

Message Copied

To: _____
courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
robert w. cobb/who/eop@eop
helgard c. walker/who/eop@eop
h. christopher bartolomucci/who/eop@eop

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>
Sent: 4/8/2002 4:04:06 AM
Subject: : Re: Presidential Records Act Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 08:04:06.00
SUBJECT:: Re: Presidential Records Act Question
TO: Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

They do not need to be retained. One caveat: If the notes concern a subject under investigation, they should be retained.

Janet P. Walker
04/08/2002 07:40:41 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Presidential Records Act Question

Good morning! Just want to double check a point regarding personal notes. If one takes personal notes at a meeting or jots down action items that need to be taken care of -- in both cases for personal use only -- do they have to be retained?

Many thanks!
Janet

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/8/2002 8:16:11 AM
Subject: : Kyle - ext. 7-0112

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 12:16:11.00

SUBJECT:: Kyle - ext. 7-0112

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 4/8/2002 5:18:07 AM
Subject: : Re: Missing Doorknobs in Moose's Old Office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 09:18:07.00

SUBJECT:: Re: Missing Doorknobs in Moose's Old Office

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I was in the offices the 21st.

----- Original Message -----

From: Courtney S. Elwood/WHO/EOP

To: Brett M. Kavanaugh/WHO/EOP@EOP,

Rachel L. Brand/WHO/EOP@EOP,

Noel J. Francisco/WHO/EOP@EOP,

Robert W. Cobb/WHO/EOP@EOP,

Stuart W. Bowen/WHO/EOP@EOP,

Helgard C. Walker/WHO/EOP@EOP,

H. Christopher Bartolomucci/WHO/EOP@EOP

Cc:

Date: 04/07/2002 04:43:27 PM

Subject: Missing Doorknobs in Moose's Old Office

The preliminary draft of the GAO report claims that the former occupant of Moose's old office says that a bookshelf covered the doors (which later were found to have no doorknobs) until he left at 11 a.m. on January 20, and thus he doesn't know if there were ever doorknobs there. Does anyone recall there being any bookshelves in front of those doors? Also, did any of you go in our offices on Sunday, January 21?

REV_00142707

From: CN=Lauren K. Allgood/OU=OMB/O=EOP [OMB]
To: Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; Robin Cleveland/OMB/EOP@EOP [OMB] <Robin Cleveland>; David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Rebecca A. Beynon/OMB/EOP@EOP [UNKNOWN] <Rebecca A. Beynon>
CC: Carla B. Stone/OMB/EOP@EOP [OMB] <Carla B. Stone>; Karyn T. Carson/OMB/EOP@EOP [OMB] <Karyn T. Carson>; Lauren J. Vestewig/OPD/EOP@EOP [OPD] <Lauren J. Vestewig>; Bessie M. Weaver/OMB/EOP@EOP [OMB] <Bessie M. Weaver>; Alison Jones/WHO/EOP@EOP [WHO] <Alison Jones>
Sent: 4/8/2002 10:08:15 AM
Subject: : Victims of Terrorism Fund Meeting - CHANGE

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Lauren K. Allgood (CN=Lauren K. Allgood/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 8-APR-2002 14:08:15.00

SUBJECT:: Victims of Terrorism Fund Meeting - CHANGE

TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Robin Cleveland (CN=Robin Cleveland/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=OMB/O=EOP@EOP [UNKNOWN])

READ: UNKNOWN

CC: Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Karyn T. Carson (CN=Karyn T. Carson/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Lauren J. Vestewig (CN=Lauren J. Vestewig/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

CC: Bessie M. Weaver (CN=Bessie M. Weaver/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Sorry for the inconvenience. We need to move this meeting to later in the day. It will now take place on Wednesday, April 10 at 6:00 pm in 252 EEOB.

Please let me know if you are unable to attend.

Thanks,
Lauren

----- Forwarded by Lauren K. Allgood/OMB/EOP on
04/08/2002 09:43 AM -----

REV_00142708

Lauren K. Allgood
04/04/2002 08:01:10 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Victims of Terrorism Fund Meeting

There will be a meeting Wednesday, April 10 at 4:00pm in 252 EEOB (Nancy Dorn's Office) to discuss the Victims of Terrorism fund. Please let me know if you will be able to attend and if others should be included.

Thanks,
Lauren
5-4742

Message Sent

To:

Philip J. Perry/OMB/EOP@EOP
Robin Cleveland/OMB/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Rebecca A. Beynon/OMB/EOP@EOP

Message Copied

To:

Carla B. Stone/OMB/EOP@EOP
Karyn T. Carson/OMB/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Bessie M. Weaver/OMB/EOP@EOP
Alison Jones/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/8/2002 6:10:29 AM
Subject: : Patrick is out of the office today and Tuesday

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 10:10:29.00

SUBJECT:: Patrick is out of the office today and Tuesday

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you need something call me or Allison on 6-2632.

Thanks!

REV_00142710

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 4/8/2002 6:34:51 AM
Subject: : Re: participant clarification

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 10:34:51.00
SUBJECT:: Re: participant clarification
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I thought the meeting was Thursday?

Elizabeth N. Camp
04/08/2002 10:31:27 AM
Record Type: Record

To: Alison Jones/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: participant clarification

Hey - one more thing.

I had the following people down as attending tomorrow's meeting - Lott, Kyl, McConnell, Nickles, Kyl.

Will change it to reflect:
Judge
Ashcroft
Hatch
McConnell
Lott

Seems like this will be a meeting in which the participants are forever changing. Please do keep me posted on participants so the Judge knows who to expect.

And one more question- who else from the WH will be going to these meetings? Any of our lawyers? What about Z and/or Heather?

Thanks!

Lib

From: CN=Brooks L. Bash/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 4/8/2002 6:57:19 AM
Subject: : Investigation

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME: 8-APR-2002 10:57:19.00
SUBJECT:: Investigation
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
End Original ARMS Header

Brett,
I initially responded that I had access to the Holy Land information, but as I review the Email that I received, I note that the Email containing information was sent to me at 7:21 a.m. on December 4. I believe the initial inquiry asked whether I had access before December 4. I have received your letter with the questionnaire--do I need to complete it? Do I need to complete a new form to replace the previous one I submitted. Please let me know. Thanks, Brooks Bash x69466.

From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: edward mcNally/who/eop@eop [WHO] <edward mcNally>
Sent: 4/8/2002 7:34:58 AM
Subject: : Re: Draft letter from Nick Calio to Sen. Lieberman re Ridge testimony

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 11:34:58.00
SUBJECT:: Re: Draft letter from Nick Calio to Sen. Lieberman re Ridge testimony
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:edward mcNally (CN=edward mcNally/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Ed, let's discuss.

Brett M. Kavanaugh
04/08/2002 10:53:05 AM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc: Edward McNally/WHO/EOP@EOP
bcc:
Subject: Re: Draft letter from Nick Calio to Sen. Lieberman re
Ridge testimony

Wendy: We previously have not thought it a good idea for the
official who receives the testimony request to sign the response letter.
Maybe you can chat with Ed about that.

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/8/2002 8:06:31 AM
Subject: : 04-10-02 WHJSC meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 12:06:31.00
SUBJECT:: 04-10-02 WHJSC meeting
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Please let me know if you have any items for the agenda.

Thanks.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/8/2002 12:57:55 PM
Subject: : Re: 4:30 Tuesday

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 16:57:55.00
SUBJECT:: Re: 4:30 Tuesday
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'll be there.

Matthew E. Smith

04/08/2002 04:14:35 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett Kavanaugh
cc:
Subject: 4:30 Tuesday

Gentlemen,

CSE is bringing into town tonight a group of 20 citizen lobbyists who are meeting with targetted Senators on the Hill about Judicial Nominations.

We would like to provide an update to them and host them here in the White House for a meeting.

Date: Tuesday, April 9, 2002
Time: 4:30 p.m.
Location: Room 180

Are either of you available?

Thanks.

Matt

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/8/2002 10:44:03 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 14:44:03.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes what?

Brett M. Kavanaugh
04/08/2002 02:42:54 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject: Re:

Yes

Sent from my BlackBerry Handheld.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 4/8/2002 10:52:15 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 14:52:15.00
SUBJECT:: Re:
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Yes

Sent from my BlackBerry Handheld.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/8/2002 11:22:18 AM
Subject: : Re: confirmation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 15:22:18.00
SUBJECT:: Re: confirmation
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Motorcade folks need to gather on West Exec at 3:35 pm instead of 3:45.

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
04/08/2002 03:21 PM -----

Jose A. Fuentes
04/08/2002 03:20:54 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Re: confirmation

just a reminder the motorcade will meet on west exec at 3:35pm

thanks!
jose

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/8/2002 11:36:51 AM
Subject: : Tuesday's Counsel staff mtg will be at 10:00 am

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 15:36:51.00

SUBJECT:: Tuesday's Counsel staff mtg will be at 10:00 am

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/8/2002 11:36:51 AM
Subject: : Tuesday's Counsel staff mtg will be at 10:00 am

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 15:36:51.00

SUBJECT:: Tuesday's Counsel staff mtg will be at 10:00 am

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thanks!

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Richard.Clarida@do.treas.gov [UNKNOWN] <Richard.Clarida@do.treas.gov>; edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; Gerry.Hughes@do.treas.gov [UNKNOWN] <Gerry.Hughes@do.treas.gov>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; martha.ellet@do.treas.gov [UNKNOWN] <martha.ellet@do.treas.gov>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; pat.cave@do.treas.gov [UNKNOWN] <pat.cave@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kent.Smetters@do.treas.gov [UNKNOWN] <Kent.Smetters@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN] <Mario.Ugoletti@do.treas.gov>; Mark.Warshawsky@do.treas.gov [UNKNOWN] <Mark.Warshawsky@do.treas.gov>
Sent: 4/8/2002 11:44:16 AM
Subject: : FW: Examples of Problems in Obtaining Terrorism Risk Insurance
Attachments: P_4DAK6003_OPD.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME: 8-APR-2002 15:44:16.00

SUBJECT:: FW: Examples of Problems in Obtaining Terrorism Risk Insurance

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Richard.Clarida@do.treas.gov (Richard.Clarida@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Gerry.Hughes@do.treas.gov (Gerry.Hughes@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:martha.ellet@do.treas.gov (martha.ellet@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:pat.cave@do.treas.gov (pat.cave@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Kent.Smetters@do.treas.gov (Kent.Smetters@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mark.Warshawsky@do.treas.gov (Mark.Warshawsky@do.treas.gov [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

Here is the final list of examples prepared by Treasury of entities that have been adversely impacted by the lack of a federal program for terrorism risk insurance. It has been provided to our press office for release after the President's remarks later today.

Many thanks to Ed Demarco, Gerry Hughes, and John Horowitz for all their help in preparing this.

Sheila

> <<InsExamples-4082.doc>>

- InsExamples-4082.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_4DAK6003_OPD.TXT_1>

Lack of Terrorism Insurance Coverage: A National Problem Requiring a National Solution

The President today drew attention to the economic ramifications of the lack of adequate commercial property and casualty insurance for terrorism risk. The economic consequences are widespread, affecting all parts of the country and many industries, non-profit organizations, and municipalities. While many entities are reluctant to publicly discuss the difficulties they have had in securing insurance coverage for terrorism risk, some have stepped forward. The following examples demonstrate the national scope and diversity of the problem.

Prior to January 1st 2002, **Gwinnett County, GA**, in Atlanta's metropolitan area paid approximately \$349,000 for \$1.8 billion of property-casualty insurance, including \$300 million of terrorism coverage. At renewal, Gwinnett secured only \$500 million in property-casualty insurance for the county's jail, police headquarters, sewage treatment plants, government center, and other municipal buildings from its primary carrier, and only \$1 million of terrorism insurance coverage. Additionally, the county's premiums climbed to \$502,000 per year. Gwinnett County then went out and purchased a \$50 million terrorism insurance policy from Lloyds of London for \$390,000.

After discussions with over 40 different insurance companies for general liability coverage, the **U.S. Olympic Committee (USOC)** received quotes from only two companies just days before the Salt Lake City Games were to begin. Both quotes excluded terrorism coverage. The day before the Olympic Winter Games began, the USOC secured a minimal amount of terrorism risk coverage – 5 percent of its expiring general liability limit, for the full price of the broader coverage – a 20-fold increase in cost per dollar of coverage. The USOC is currently negotiating a policy for 3 U.S. Olympic training sites, for an April 16 renewal. So far, it has received 5 quotes for insurance coverage, but none of them includes terrorism coverage.

The **Metropolitan Transportation Authority for New York City** was able to obtain only \$150 million in terrorism coverage for its tunnels, bridges, and subways worth over \$1.5 billion.

Terrorism insurance coverage for the **Mall of America** was finally re-obtained in late March. For the real estate company, which owns the Mall and many other trophy properties, certain coverage limits are now 1/100th of what they were prior to January 1st. At times terrorism coverage costs more than 10 times what all risk coverage had cost prior to January 1st. The company is prohibited from revealing the exact price terms.

The LeFrak Organization, owner of a **new large office building in Jersey City**, New Jersey, experienced difficulty obtaining mortgage financing because of the high cost of terror coverage. Self-insurance was not an option since all of LeFrak's lenders, including the securitization market, required terrorism insurance. After an extensive search, LeFrak was able to obtain terrorism coverage. But this came at a substantially higher cost – \$400,000 for standard property-casualty coverage and another \$400,000 for terrorism insurance. Prior to 9/11, the entire cost of the coverage for this building, including terrorism coverage, was \$60,000.

The **Golden Gate Bridge** in San Francisco has lost its terrorism risk coverage. For its non-terrorism coverage, premiums recently rose from \$500,000 to \$1.1 million and coverage was reduced from \$125 million to \$25 million. The Golden Gate Bridge District's CFO is contemplating toll increases to pay for the premium hikes.

The United Jewish Appeal-Federation of Jewish Philanthropies of New York sponsors **hospitals, major medical teaching centers, nursing homes**, and many other facilities throughout New York State. None of these institutions has been able to obtain terrorism risk insurance.

The **Newark Museum's** fine arts insurance premium recently doubled, increasing from \$21,000 to \$42,500. According to the Museum's insurance agent, this increase was primarily due to concerns about potential terrorism, exacerbated by the institution's proximity to New York City.

The Hyatt Corporation has purchased a site for a **new office building in downtown Chicago** at a cost of roughly \$400 million. The company is now trying to obtain financing for this project but is being told that nobody will make loans without insurance for terrorism, yet adequate terrorism insurance is unavailable. As a result, construction on the project has not been able to begin. The project will lead to the creation of 2500 jobs -- if the Hyatt Corporation can get insurance and proceed with the project.

Amtrak was unable to obtain terrorism coverage when its \$500 million property insurance policy came up for renewal on December 1st. Terrorism coverage of that magnitude was not available, and the amount of terrorism coverage that was available was priced so high that it was beyond consideration. Amtrak believes that only limited amounts of terrorism coverage are available today, and that limited coverage is at extremely high rates.

Major hotel companies, including such well-known brands as Embassy Suites, Hilton, Holiday Inn, Hyatt, Marriott, Sheraton, Westin and others, have lost or will soon lose within the next 60 days terrorism coverage under their property insurance programs. These companies are finding that whatever replacement terrorism insurance coverage is available is inadequate to meet their insurance needs. These companies employ millions of Americans, including people working in the hotels, building the hotels and all the other indirect jobs that are required to support hotel properties.

The **Cleveland Municipal School District** has been notified that there will be an exclusion for terrorist risk when its policy comes up for renewal in July. The School District is concerned that not only will it be losing coverage for terrorism risk, but that the language of the exclusion is written very broadly.

The **Wisconsin Energy Corporation** has been informed by its insurer that coverage will no longer be available for acts of terrorism when its policy comes up for renewal in July. In seeking to fill this void, the company has found only very limited, and extremely expensive, coverage available from other insurance companies. With this limited coverage, the company's non-nuclear power plants would be grossly underinsured for the potential risk.

In a recent insurance renewal, **Baylor University** was able to get only half the coverage for twice the price, and its terrorism risk coverage was even more limited. Last year, Baylor's coverage was \$1 billion, including terrorism coverage, for a \$500,000 premium. This year, they have several separate policies totaling \$600 million in coverage, and the premium has risen to \$1 million. The terrorism coverage is only \$60 million.

The State of Florida is requiring all insurance policies for homeowners and small businesses to include terror coverage. But the availability of such insurance is in jeopardy because the insurance companies cannot obtain reinsurance on **coastal commercial properties in Florida**.

A **prominent Las Vegas developer** has been unable to obtain financing for a \$2 billion project due to lack of insurance; once financing is obtained, the project will provide 16,000 jobs.

The **National Football League** and individual teams and stadiums have experienced difficulty acquiring terrorism coverage. The Miami Dolphins and New York Giants have joined the ranks of other teams around the country that have lost terrorism coverage in the wake of the 9/11 attacks. Many teams and stadiums are faced with the choice of going "bare" or paying the exorbitant prices being charged by insurers for minimal coverage.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Richard.Clarida@do.treas.gov [UNKNOWN] <Richard.Clarida@do.treas.gov>; edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; Gerry.Hughes@do.treas.gov [UNKNOWN] <Gerry.Hughes@do.treas.gov>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; martha.ellet@do.treas.gov [UNKNOWN] <martha.ellet@do.treas.gov>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; pat.cave@do.treas.gov [UNKNOWN] <pat.cave@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kent.Smetters@do.treas.gov [UNKNOWN] <Kent.Smetters@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN] <Mario.Ugoletti@do.treas.gov>; Mark.Warshawsky@do.treas.gov [UNKNOWN] <Mark.Warshawsky@do.treas.gov>
Sent: 4/8/2002 11:44:16 AM
Subject: : FW: Examples of Problems in Obtaining Terrorism Risk Insurance
Attachments: P_4DAK6003_CEA.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME: 8-APR-2002 15:44:16.00

SUBJECT:: FW: Examples of Problems in Obtaining Terrorism Risk Insurance

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Richard.Clarida@do.treas.gov (Richard.Clarida@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Gerry.Hughes@do.treas.gov (Gerry.Hughes@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:martha.ellet@do.treas.gov (martha.ellet@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:pat.cave@do.treas.gov (pat.cave@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Kent.Smetters@do.treas.gov (Kent.Smetters@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mark.Warshawsky@do.treas.gov (Mark.Warshawsky@do.treas.gov [UNKNOWN])

READ:UNKNOWN

REV_00142770

End Original ARMS Header

Here is the final list of examples prepared by Treasury of entities that have been adversely impacted by the lack of a federal program for terrorism risk insurance. It has been provided to our press office for release after the President's remarks later today.

Many thanks to Ed Demarco, Gerry Hughes, and John Horowitz for all their help in preparing this.

Sheila

> <<InsExamples-4082.doc>>

- InsExamples-4082.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_4DAK6003_CEA.TXT_1>

Lack of Terrorism Insurance Coverage: A National Problem Requiring a National Solution

The President today drew attention to the economic ramifications of the lack of adequate commercial property and casualty insurance for terrorism risk. The economic consequences are widespread, affecting all parts of the country and many industries, non-profit organizations, and municipalities. While many entities are reluctant to publicly discuss the difficulties they have had in securing insurance coverage for terrorism risk, some have stepped forward. The following examples demonstrate the national scope and diversity of the problem.

Prior to January 1st 2002, **Gwinnett County, GA**, in Atlanta's metropolitan area paid approximately \$349,000 for \$1.8 billion of property-casualty insurance, including \$300 million of terrorism coverage. At renewal, Gwinnett secured only \$500 million in property-casualty insurance for the county's jail, police headquarters, sewage treatment plants, government center, and other municipal buildings from its primary carrier, and only \$1 million of terrorism insurance coverage. Additionally, the county's premiums climbed to \$502,000 per year. Gwinnett County then went out and purchased a \$50 million terrorism insurance policy from Lloyds of London for \$390,000.

After discussions with over 40 different insurance companies for general liability coverage, the **U.S. Olympic Committee (USOC)** received quotes from only two companies just days before the Salt Lake City Games were to begin. Both quotes excluded terrorism coverage. The day before the Olympic Winter Games began, the USOC secured a minimal amount of terrorism risk coverage – 5 percent of its expiring general liability limit, for the full price of the broader coverage – a 20-fold increase in cost per dollar of coverage. The USOC is currently negotiating a policy for 3 U.S. Olympic training sites, for an April 16 renewal. So far, it has received 5 quotes for insurance coverage, but none of them includes terrorism coverage.

The **Metropolitan Transportation Authority for New York City** was able to obtain only \$150 million in terrorism coverage for its tunnels, bridges, and subways worth over \$1.5 billion.

Terrorism insurance coverage for the **Mall of America** was finally re-obtained in late March. For the real estate company, which owns the Mall and many other trophy properties, certain coverage limits are now 1/100th of what they were prior to January 1st. At times terrorism coverage costs more than 10 times what all risk coverage had cost prior to January 1st. The company is prohibited from revealing the exact price terms.

The LeFrak Organization, owner of a **new large office building in Jersey City**, New Jersey, experienced difficulty obtaining mortgage financing because of the high cost of terror coverage. Self-insurance was not an option since all of LeFrak's lenders, including the securitization market, required terrorism insurance. After an extensive search, LeFrak was able to obtain terrorism coverage. But this came at a substantially higher cost – \$400,000 for standard property-casualty coverage and another \$400,000 for terrorism insurance. Prior to 9/11, the entire cost of the coverage for this building, including terrorism coverage, was \$60,000.

The **Golden Gate Bridge** in San Francisco has lost its terrorism risk coverage. For its non-terrorism coverage, premiums recently rose from \$500,000 to \$1.1 million and coverage was reduced from \$125 million to \$25 million. The Golden Gate Bridge District's CFO is contemplating toll increases to pay for the premium hikes.

The United Jewish Appeal-Federation of Jewish Philanthropies of New York sponsors **hospitals, major medical teaching centers, nursing homes**, and many other facilities throughout New York State. None of these institutions has been able to obtain terrorism risk insurance.

The **Newark Museum's** fine arts insurance premium recently doubled, increasing from \$21,000 to \$42,500. According to the Museum's insurance agent, this increase was primarily due to concerns about potential terrorism, exacerbated by the institution's proximity to New York City.

The Hyatt Corporation has purchased a site for a **new office building in downtown Chicago** at a cost of roughly \$400 million. The company is now trying to obtain financing for this project but is being told that nobody will make loans without insurance for terrorism, yet adequate terrorism insurance is unavailable. As a result, construction on the project has not been able to begin. The project will lead to the creation of 2500 jobs -- if the Hyatt Corporation can get insurance and proceed with the project.

Amtrak was unable to obtain terrorism coverage when its \$500 million property insurance policy came up for renewal on December 1st. Terrorism coverage of that magnitude was not available, and the amount of terrorism coverage that was available was priced so high that it was beyond consideration. Amtrak believes that only limited amounts of terrorism coverage are available today, and that limited coverage is at extremely high rates.

Major hotel companies, including such well-known brands as Embassy Suites, Hilton, Holiday Inn, Hyatt, Marriott, Sheraton, Westin and others, have lost or will soon lose within the next 60 days terrorism coverage under their property insurance programs. These companies are finding that whatever replacement terrorism insurance coverage is available is inadequate to meet their insurance needs. These companies employ millions of Americans, including people working in the hotels, building the hotels and all the other indirect jobs that are required to support hotel properties.

The **Cleveland Municipal School District** has been notified that there will be an exclusion for terrorist risk when its policy comes up for renewal in July. The School District is concerned that not only will it be losing coverage for terrorism risk, but that the language of the exclusion is written very broadly.

The **Wisconsin Energy Corporation** has been informed by its insurer that coverage will no longer be available for acts of terrorism when its policy comes up for renewal in July. In seeking to fill this void, the company has found only very limited, and extremely expensive, coverage available from other insurance companies. With this limited coverage, the company's non-nuclear power plants would be grossly underinsured for the potential risk.

In a recent insurance renewal, **Baylor University** was able to get only half the coverage for twice the price, and its terrorism risk coverage was even more limited. Last year, Baylor's coverage was \$1 billion, including terrorism coverage, for a \$500,000 premium. This year, they have several separate policies totaling \$600 million in coverage, and the premium has risen to \$1 million. The terrorism coverage is only \$60 million.

The State of Florida is requiring all insurance policies for homeowners and small businesses to include terror coverage. But the availability of such insurance is in jeopardy because the insurance companies cannot obtain reinsurance on **coastal commercial properties in Florida**.

A **prominent Las Vegas developer** has been unable to obtain financing for a \$2 billion project due to lack of insurance; once financing is obtained, the project will provide 16,000 jobs.

The **National Football League** and individual teams and stadiums have experienced difficulty acquiring terrorism coverage. The Miami Dolphins and New York Giants have joined the ranks of other teams around the country that have lost terrorism coverage in the wake of the 9/11 attacks. Many teams and stadiums are faced with the choice of going "bare" or paying the exorbitant prices being charged by insurers for minimal coverage.

From: Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>
To: Sutton, Jason <Jason.J.Sutton@usdoj.gov>; Clement, Paul D <Paul.D.Clement@usdoj.gov>; Ho, James <James.Ho@usdoj.gov>; Coughlin, Robert <Robert.Coughlin@usdoj.gov>; 'Stwist@viad.com' <Stwist@viad.com>; 'Stephen_Higgins@judiciary.senate.gov' <Stephen_Higgins@judiciary.senate.gov>; Receipt Notification Requested) (IPM Return Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN] <Matthew_Lamberti@judiciary.senate.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: 'dshay@viad.com' <dshay@viad.com>
Sent: 4/8/2002 3:48:43 PM
Subject: : RE: VRA Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> ("Benedi, Lizette D"

<Lizette.D.Benedi@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 8-APR-2002 19:48:43.00

SUBJECT:: RE: VRA Meeting

TO:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return Requested) ("'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM Return Requested) ("'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

As it turns out, 3:00pm does not entirely work for everyone and because Viet wants to ensure that everyone is able to discuss the remaining issues, he has changed his schedule and moved a 4:00pm meeting. So, can

REV_00142775

everyone make it for a conference call at 4:00pm on Tuesday, April 9?

Lizette

-----Original Message-----

From: Sutton, Jason
Sent: Monday, April 08, 2002 6:31 PM
To: Benedi, Lizette D; 'Stwist@viad.com';
'Stephen_Higgins@judiciary.senate.gov';
'Matthew_Lamberti@judiciary.senate.gov'; Clement, Paul D; Ho, James;
Martens, Matthew; Coughlin, Robert; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: 'dshay@viad.com'
Subject: RE: VRA Meeting
Importance: High

the call-in number for tomorrow's (Tuesday) 3:00 conference call is:
202.353.0879
passcode is 4691

thanks.

-----Original Message-----

From: Benedi, Lizette D
Sent: Friday, April 05, 2002 6:25 PM
To: 'Stwist@viad.com'; 'Stephen_Higgins@judiciary.senate.gov';
'Matthew_Lamberti@judiciary.senate.gov'; Clement, Paul D; Ho, James;
Martens, Matthew; Coughlin, Robert; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Sutton, Jason; 'dshay@viad.com'
Subject: VRA Meeting

Still no time that works for everyone. Can you please let me know as soon as possible of your availability on Tuesday from 3:00-4:00pm? If that doesn't work, I will get more available times to you on Monday. Once again, thanks for your cooperation and patience.

Lizette
(202) 514-3824

REV_00142776

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/8/2002 4:33:13 PM
Subject: : Re: Nominees

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 20:33:13.00
SUBJECT:: Re: Nominees
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/8/2002 4:33:44 PM
Subject: : Re: Lieberman

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 20:33:44.00

SUBJECT:: Re: Lieberman

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Nine is OK by me.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/8/2002 12:45:55 PM
Subject: : Re: 4:30 Tuesday

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 16:45:55.00
SUBJECT:: Re: 4:30 Tuesday
TO: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I'm available

Matthew E. Smith

04/08/2002 04:14:35 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett Kavanaugh
cc:
Subject: 4:30 Tuesday

Gentlemen,

CSE is bringing into town tonight a group of 20 citizen lobbyists who are meeting with targetted Senators on the Hill about Judicial Nominations.

We would like to provide an update to them and host them here in the White House for a meeting.

Date: Tuesday, April 9, 2002
Time: 4:30 p.m.
Location: Room 180

Are either of you available?

Thanks.

Matt

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Brett Kavanaugh [WHO] <Brett Kavanaugh>; Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>
Sent: 4/8/2002 1:37:23 PM
Subject: : Jipping

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 17:37:23.00

SUBJECT:: Jipping

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett Kavanaugh (Brett Kavanaugh [WHO])

READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tom Jipping has landed at Concerned Women for America.

From: Rebecca Seidel) (Rebecca_Seidel@judiciary.senate.gov (Rebecca Seidel) [UNKNOWN]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brett M. Kavanaugh/WHO/EOP@EOP
[WHO] <Brett M. Kavanaugh>
Sent: 4/8/2002 2:39:45 PM
Subject: : Terrorism Insurance

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rebecca_Seidel@judiciary.senate.gov (Rebecca Seidel) (

Rebecca_Seidel@judiciary.senate.gov (Rebecca Seidel) [UNKNOWN])

CREATION DATE/TIME: 8-APR-2002 18:39:45.00

SUBJECT:: Terrorism Insurance

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

GW was pretty vocal on this issue today! I recall the WH supported the Gramm measure in December (even though it didn't have everything you asked for), can you guys keep me in the loop if there is anything in the works to negotiate with Daschle? or if there is any new SAP or press release from the WH? My boss has been getting alot of input from the state and he is considering whether to cosponsor Gramm. Your input is helpful in his determination. my direct dial is 224-7986 or you can email me. Thanks guys!

From: Sutton, Jason <Jason.J.Sutton@usdoj.gov>
To: Clement, Paul D <Paul.D.Clement@usdoj.gov>; Ho, James <James.Ho@usdoj.gov>; Coughlin, Robert <Robert.Coughlin@usdoj.gov>; 'Stwist@viad.com' <Stwist@viad.com>; 'Stephen_Higgins@judiciary.senate.gov' <Stephen_Higgins@judiciary.senate.gov>; Receipt Notification Requested) (IPM Return Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN] <Matthew_Lamberti@judiciary.senate.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/8/2002 2:39:47 PM
Subject: : FW: VRA Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 8-APR-2002 18:39:47.00
SUBJECT:: FW: VRA Meeting
TO:"Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return Requested) ("'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Correction:

because it is imperative that all participants are able to take part in tomorrow's call, viet has rescheduled a 4:00 meeting so we can have the 4:00 VRA conference call. please let me know if 4:00 pm does not work for you. thank you. -jason sutton

-----Original Message-----

From: Sutton, Jason
Sent: Monday, April 08, 2002 6:31 PM
To: Benedi, Lizette D; 'Stwist@viad.com';
'Stephen_Higgins@judiciary.senate.gov';
'Matthew_Lamberti@judiciary.senate.gov'; Clement, Paul D; Ho, James;
Martens, Matthew; Coughlin, Robert; 'Brett_M._Kavanaugh@who.eop.gov'

REV_00142782

Cc: 'dshay@viad.com'
Subject: RE: VRA Meeting
Importance: High

the call-in number for tomorrow's (Tuesday) conference call is:
202.353.0879
passcode is 4691

thanks.

-----Original Message-----

From: Benedi, Lizette D
Sent: Friday, April 05, 2002 6:25 PM
To: 'Stwist@viad.com'; 'Stephen_Higgins@judiciary.senate.gov';
'Matthew_Lamberti@judiciary.senate.gov'; Clement, Paul D; Ho, James;
Martens, Matthew; Coughlin, Robert; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Sutton, Jason; 'dshay@viad.com'
Subject: VRA Meeting

Still no time that works for everyone. Can you please let me know as soon as possible of your availability on Tuesday from 3:00-4:00pm? If that doesn't work, I will get more available times to you on Monday. Once again, thanks for your cooperation and patience.

Lizette
(202) 514-3824

From: Sutton, Jason <Jason.J.Sutton@usdoj.gov>
To: Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Clement, Paul D
<Paul.D.Clement@usdoj.gov>; Ho, James <James.Ho@usdoj.gov>; Coughlin, Robert
<Robert.Coughlin@usdoj.gov>; 'Stwist@viad.com'
<Stwist@viad.com>; 'Stephen_Higgins@judiciary.senate.gov'
<Stephen_Higgins@judiciary.senate.gov>; Receipt Notification Requested) (IPM Return
Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN] <Matthew_Lamberti@judiciary.senate.gov>; Martens, Matthew
<Matthew.Martens@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>
CC: 'dshay@viad.com' <dshay@viad.com>
Sent: 4/8/2002 2:39:48 PM
Subject: : RE: VRA Meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Sutton, Jason" <Jason.J.Sutton@usdoj.gov> ("Sutton, Jason"

<Jason.J.Sutton@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 8-APR-2002 18:39:48.00

SUBJECT:: RE: VRA Meeting

TO:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
("Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
[UNKNOWN])

READ:UNKNOWN

TO:"Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return
Requested) ("'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt
Notification Requested) (IPM Return Requested) ("'Stephen_Higgins@judiciary.senate.gov'"
<Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return
Requested) [UNKNOWN])

READ:UNKNOWN

TO:Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return
Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM Return
Requested) ("'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

the call-in number for tomorrow's (Tuesday) 3:00 conference call is:

202.353.0879

passcode is 4691

REV_00142784

thanks.

-----Original Message-----

From: Benedi, Lizette D

Sent: Friday, April 05, 2002 6:25 PM

To: 'Stwist@viad.com'; 'Stephen_Higgins@judiciary.senate.gov';
'Matthew_Lamberti@judiciary.senate.gov'; Clement, Paul D; Ho, James;
Martens, Matthew; Coughlin, Robert; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: Sutton, Jason; 'dshay@viad.com'

Subject: VRA Meeting

Still no time that works for everyone. Can you please let me know as soon as possible of your availability on Tuesday from 3:00-4:00pm? If that doesn't work, I will get more available times to you on Monday. Once again, thanks for your cooperation and patience.

Lizette

(202) 514-3824

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: tim goeglein/who/eop@eop [WHO] <tim goeglein>; viet.dinh@doj.gov @ inet [UNKNOWN]
<viet.dinh@doj.gov>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/8/2002 4:07:56 PM
Subject: : Re: Brooks Smith

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 8-APR-2002 20:07:56.00
SUBJECT:: Re: Brooks Smith
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: tim goeglein (CN=tim goeglein/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: viet.dinh@doj.gov (viet.dinh@doj.gov @ inet [UNKNOWN])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

we tried to pitch some radio today, but there wasn't interest in PA. They weren't covering the NOW story, so we let it lie after all. One of the conservative talk shows wants to do something with it tomorrow and I think I'm going to ask Mindy to do it. She's perfect.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 4/8/2002 4:25:32 PM
Subject: : Lieberman

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-APR-2002 20:25:32.00

SUBJECT:: Lieberman

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Let's the 3 of us meet Tuesday a.m. to discuss various issues. How about
9?

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/9/2002 4:31:16 AM
Subject: : Congress Daily AM Today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 08:31:16.00

SUBJECT:: Congress Daily AM Today

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

FINANCE

As Bush Urges Action, Senate Skirmishes On Terror Coverage

Declaring the economy itself may be in the balance, President

Bush demanded immediate

Senate action Monday on legislation to provide federal terrorism insurance guarantees. Democrats

said late Monday they had attempted to do just that, but were thwarted by members of the president's

party. Democratic aides said their party had tried to move a bill offered by Sens. Christopher Dodd,

D-Conn., and Phil Gramm, R-Texas, but were blocked by Republicans.

A spokeswoman for Senate Majority Leader Daschle said Majority

Whip Reid, with Daschle's

support, had sought unanimous consent for the legislation, but Minority

Whip Nickles had objected.

Neither Nickles nor Senate Minority Leader Lott's office was available for comment. An administration

official said the White House, as it has in the past, supports the

Dodd-Gramm bill, including modifications

proposed late last year by Sen. Charles Schumer, D-N.Y. "The White House

likes to take potshots at us

for stonewalling, but it's the Republican side that is not moving this

legislation," said one senior Senate Democratic aide.

The Senate legislation includes narrower liability protections for businesses than were written into companion legislation passed by the House. The administration official indicated that although the White House is not satisfied with the extent of the liability protections being discussed as part of the Senate legislation, it could live with them to get the bill to conference, where changes would be made. "We've shown tremendous flexibility," the official said.

On Friday, Daschle's office had declared he would not bring the bill to the floor this week because of the absence of an agreement on tort reform language. Instead, Daschle had predicted the measure would pass by Memorial Day. "He will not bring it to the floor until the issue of comprehensive tort reform is resolved," Daschle's spokeswoman said at the time.

Bush said he believed the Dodd-Grumm bill would pass if it made it to the floor. Although the issue is a major concern in the business community, Bush's carefully staged White House appearance looked like a union rally.

Introduced by AFL-CIO Building and Construction Trades Department President Ed Sullivan, the president was flanked on stage by construction workers wearing hardhats. On hand in the audience was Teamsters' President James Hoffa.

In calling for action, Bush touched on several hot-button issues, saying a federal backstop for terrorism insurance was needed to create jobs, safeguard the economy and preserve pensions.

"It would make it really hard for our economy to recover a second time if there's an attack without adequate terrorism insurance," Bush said.

The president asserted that because companies are having trouble getting insurance, "new construction is dropping dramatically." Bush said nonresidential construction is down 3 percent compared to January of this year and 17 percent compared to February 2001.

Pension funds that hold real estate assets "may experience lower rates of return because of higher terrorism insurance costs," Bush said. Hoffa indicated after the event that he does not object to attaching some kind of liability limits to the legislation. "I believe that people should have their redress in courts, but I do believe that there are certain catastrophes that speak for themselves--that it's just not a liability thing," he said. Hoffa said he has not talked to Daschle about the issue, but he plans to do so.

Reacting to Bush's presentation on the issue, consumer advocates called on him to drop his support for legislation that would "give away" insurance in the event of future terrorism attacks and work instead to spur the creation of private alternatives.

"In an attempt to justify taxpayer assistance for insurers, the president is overlooking a lot of good news in the market," said Travis Plunkett of the Consumer Federation of America. "There is plenty of evidence that a dynamic market for terror insurance is developing." Meanwhile, American Insurance Industry President Robert Vagley said U.S. insurers "stand solidly" with the president in urging the Senate to finish the task of creating a federal terrorism insurance backstop.

"Such a mechanism would provide critical financial security to public and private entities of all kinds and sizes ... and to the workers who fuel much of our nation's economy," said Vagley. Keith Koffler, with

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: anne womack/who/eop@eop [WHO] <anne womack>; viet.dinh@doj.gov @ inet [UNKNOWN]
<viet.dinh@doj.gov>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
BCC: Matthew E. Smith (Matthew E. Smith/WHO/EOP [WHO])
Sent: 4/9/2002 4:31:53 AM
Subject: : Re: Brooks Smith

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 08:31:53.00
SUBJECT:: Re: Brooks Smith
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:anne womack (CN=anne womack/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:viet.dinh@doj.gov (viet.dinh@doj.gov @ inet [UNKNOWN])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
BCC:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

H-

Yes, Smith is on our target list. But let's speak today.

Warmly

tsg

Heather Wingate
04/08/2002 07:46:04 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Anne Womack/WHO/EOP@EOP,
viet.dinh@doj.gov @ inet, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Brooks Smith

He's in real trouble. We need to have a conference call or meeting just on him.

Tim, are the outside groups (Jennifer) doing anything on him? If not, can we get them engaged pronto. Specter doesn't have a single Dem committed to supporting him. HW

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/9/2002 4:33:49 AM
Subject: : Bush Says Shortage of Terrorism Insurance Affecting Economy

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 08:33:49.00

SUBJECT:: Bush Says Shortage of Terrorism Insurance Affecting Economy

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

Bush Says Shortage of Terrorism Insurance Affecting Economy
2002-04-08 18:26 (New York)

Bush Says Shortage of Terrorism Insurance Affecting Economy

Washington, April 8 (Bloomberg) -- President George W. Bush said the U.S. economy is being hurt by a shortage of terrorism insurance for businesses, and he urged the Senate to break a deadlock over providing a federal backstop for insurers. Flanked by hard-hat wearing union workers, Bush told an audience of about 125 business executives the shortfall of terrorism coverage since Sept. 11 is making it difficult for companies such as Hyatt Corp. to finance construction projects. ``It's a jobs issue,''' Bush said. ``If they don't build a project, then somebody is not going to be working.''' Terrorism insurance has become scarce and expensive since the attacks in the U.S. About 70 percent of policies covering damage claims from terrorist acts expired on Jan. 1; witnesses at a February House hearing said premiums, if the insurance is available, increased from 58 percent to 280 percent. Bush said a shortage of terrorism coverage contributed to the 3 percent decline in nonresidential construction since January

REV_00142796

2002 and a 17 percent decline since February 2001.

``Washington must deal with it, and deal with it in a hurry, because the pace of new construction is dropping dramatically in America,'' he said.

The Republican-controlled House passed a bill last year that would provide loans to the insurance industry to cover losses from terrorist attacks. Bush is backing legislation that would have the U.S. government pay 90 percent of terrorism-related claims of more than \$10 billion, with a ceiling at \$100 billion.

Senate Democrats have held up action on the measure because Bush wants to include limits on lawsuits resulting from terrorist attacks.

Business and Labor

Bush presented a united front of business and labor leaders calling on the Senate to act. Those joining Bush at the Old Executive Office Building event included J. Willard Marriott Jr., chairman and chief executive officer of the Marriott hotel chain; Nelson C. Rising, chairman and chief executive of Catellus Development Corp., a real estate concern; and David Creamer, chairman of GMAC Commercial Mortgage Corp.

James P. Hoffa Jr., president of the International Brotherhood of Teamsters, and Edward Sullivan, president of the Construction Trades Department, AFL-CIO, also attended. White House economic adviser Lawrence Lindsey and Office of Homeland Security Director Tom Ridge were on hand as well.

Sullivan said afterward that ``tens of thousands'' of union construction jobs are in limbo because a lack of insurance is halting construction projects.

``We have a lot of jobs ready to go and the financial people can't loan the money because they can't get terrorist insurance,'' Sullivan said.

Projects Held Up

Marriott said his company has \$6 billion in hotel construction projects ready to go in the next year, which could employ between 25,000 to 30,000 people.

``Many of these hotels may not be able to get financed unless there is some terrorist insurance passed,'' Marriott said.

Government agencies are affected as well. The New York Metropolitan Transportation Authority in New York City, for example, has \$150 million in terrorism coverage for tunnels, subways and bridges worth more than \$1.5 billion, White House spokesman Ari Fleischer said.

Senate Majority Leader Tom Daschle said Republicans were using the bill to push forward Bush's longstanding proposal to limit damages in civil suits. Lawyers and law firms, many of whom oppose such limits, contributed about \$78 million to Democratic candidates in the 2000 elections, 69 percent of their political donations, according to the Center for Responsive Politics.

`Room for Agreement'

Daschle spokeswoman Molly Rowley said there's been no agreement reached to bring the bill to the Senate floor. ``What will not pass and cannot pass in the Senate is comprehensive tort reform,'' she said. Daschle is open to negotiating on the liability issues and would support ``limited reforms that are strictly limited to terrorism incidents,'' she said.

The Bush administration and lobbyists viewed this as a sign of flexibility. Sheila Bair, assistant Treasury Secretary for financial markets, said in an interview Friday that while ``the devil's in the details,'' the Daschle position shows ``there's room for agreement.''

Opponents say they are skeptical of White House claims that building projects and jobs hang in the balance.

``There just isn't any evidence that the insurance problems are so significant that taxpayers need to be on the hook for future losses,'' said Travis Plunkett, a lobbyist for the Consumer Federation of America. The group said companies are finding terrorism insurance, albeit at a high price and with reduced coverage.

``Little by little, the insurance industry is figuring out creative ways to cover terror insurance,'' he said.

--Rob Wells and Richard Keil in Washington (202) 624-1933 or
rwells@bloomberg.net. with reporting by Holly Rosenkrantz Editor:
Sobczyk

Story illustration: To chart the Standard & Poor's property-casualty index, see {SPPROP <Index> GP <GO>}.

MAR US <Equity>
CDX US <Equity>
24956Z US <Equity>

NI TRE
NI FRX
NI TAX
NI LOAN
NI BNK
NI GBN
NI BON
NI MMK
NI POL
NI US
NI GOV
NI ECO
NI EXE
NI CNG
NI STK
NI INS
NI FIN
NY REL
NI MOR
NI CST
NI LOD
NI MD
NI TERROR

#<329634>#

-0- (BN) Apr/08/2002 22:26 GMT

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 4/9/2002 4:48:12 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME: 9-APR-2002 08:48:12.00
SUBJECT::
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

In *Tattered Cover, Inc. v. City of Thornton*, No. 01SA205 (Colorado, April 8, 2002), mentioned in this morning's Washington Post, the case involved a police investigation of a trailer in Thornton, Colorado that police and the DEA suspected was home to a methamphetamine lab. During a trash cover at the trailer site, the police found a mailing envelope from Tattered Cover, Inc. (a local bookstore) to a named suspect who lived in the trailer that had the invoice number, order number, and customer number. The next day (based on other information) the police executed a search warrant at the trailer, found a meth lab in it and some meth, and various other things, including two new-in-appearance books entitled "Advanced Techniques of Clandestine Psychedelic and Amphetamine Manufacture" and "The Construction and Operation of Clandestine Drug Laboratories." Hoping to connect the suspect named on the bookstore mailing envelope to the two books and hence to the meth lab and meth, the police obtained from a local judge a search warrant for the bookstore for information related to the transaction itemized on the mailing envelope and for any other transaction involving the suspect in the 30-day period preceding the trailer search. When the police went to execute the warrant, the bookstore's attorney contacted the Denver District Attorney's office, which persuaded the police not to execute the warrant until the bookstore could litigate the validity of the warrant.

The Colorado Constitution states: "No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact. "

The Colorado Supreme Court held:

"We hold that the Colorado Constitution requires that the innocent bookseller be afforded an opportunity for an adversarial hearing prior to execution of a search warrant seeking customer purchase records. At that

hearing, the court must apply a balancing test to determine whether the law enforcement need for the search warrant outweighs the harm to constitutional interests caused by its execution. In order for law enforcement officials to prevail, they must demonstrate a compelling governmental need for the specific customer purchase records that they seek. When conducting that balancing test, the court may consider whether there are reasonable alternative methods of meeting the government's asserted need, whether the search warrant is unduly broad, and whether law enforcement officials seek the purchase records for reasons related to the content of the books bought by any particular customer."

Applying the test to the facts of the particular case, the Court stated:

". . . [w]e conclude that the City has failed to demonstrate that its need for the Tattered Cover's customer purchase record is sufficiently compelling to outweigh the harm that would be caused to constitutional interests if the search warrant were executed."

The opinion is available on the Colorado Supreme Court website at <http://www.courts.state.co.us/supct/supctcas02.htm>.

From: CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 6:03:17 AM
Subject: : Is Brett coming to staff mtg???

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 10:03:17.00

SUBJECT:: Is Brett coming to staff mtg???

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 7:19:08 AM
Subject: : Coordination meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 11:19:08.00

SUBJECT:: Coordination meeting

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Colborn is working toward a 2:00 p.m. Friday meeting. If you wish to attend, please pencil in that time on your calendars.

From: CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 3:56:57 AM
Subject: : Meeting with Ken on Asset Deployment

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 07:56:57.00

SUBJECT:: Meeting with Ken on Asset Deployment

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Could you meet this week?

----- Forwarded by Katherine G. Marinis/WHO/EOP on
04/09/2002 07:58 AM -----

Katherine G. Marinis
04/03/2002 09:00:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting with Ken on Asset Deployment

Brett- Ken would love to meet with you as soon as possible to go over his ideas on asset deployment. He could do it tomorrow before he leaves for St. Louis (9 -10 am or 12- 1 pm) or we could pick any day next week.

What does your schedule look like?

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 4/9/2002 4:10:27 AM
Subject: : Re: Lieberman

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 08:10:27.00
SUBJECT:: Re: Lieberman
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

OK by me.

Brett M. Kavanaugh
04/08/2002 08:25:29 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP
cc:
Subject: Lieberman

Let's the 3 of us meet Tuesday a.m. to discuss various issues. How about
9?

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/9/2002 4:31:16 AM
Subject: : Congress Daily AM Today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 08:31:16.00

SUBJECT:: Congress Daily AM Today

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

FINANCE

As Bush Urges Action, Senate Skirmishes On Terror Coverage

Declaring the economy itself may be in the balance, President

Bush demanded immediate

Senate action Monday on legislation to provide federal terrorism insurance guarantees. Democrats

said late Monday they had attempted to do just that, but were thwarted by members of the president's

party. Democratic aides said their party had tried to move a bill offered by Sens. Christopher Dodd,

D-Conn., and Phil Gramm, R-Texas, but were blocked by Republicans.

A spokeswoman for Senate Majority Leader Daschle said Majority

Whip Reid, with Daschle's

support, had sought unanimous consent for the legislation, but Minority

Whip Nickles had objected.

Neither Nickles nor Senate Minority Leader Lott's office was available for comment. An administration

official said the White House, as it has in the past, supports the

Dodd-Gramm bill, including modifications

proposed late last year by Sen. Charles Schumer, D-N.Y. "The White House

likes to take potshots at us

for stonewalling, but it's the Republican side that is not moving this

legislation," said one senior Senate Democratic aide.

The Senate legislation includes narrower liability protections for businesses than were written into companion legislation passed by the House. The administration official indicated that although the White House is not satisfied with the extent of the liability protections being discussed as part of the Senate legislation, it could live with them to get the bill to conference, where changes would be made. "We've shown tremendous flexibility," the official said.

On Friday, Daschle's office had declared he would not bring the bill to the floor this week because of the absence of an agreement on tort reform language. Instead, Daschle had predicted the measure would pass by Memorial Day. "He will not bring it to the floor until the issue of comprehensive tort reform is resolved," Daschle's spokeswoman said at the time.

Bush said he believed the Dodd-Grumm bill would pass if it made it to the floor. Although the issue is a major concern in the business community, Bush's carefully staged White House appearance looked like a union rally.

Introduced by AFL-CIO Building and Construction Trades Department President Ed Sullivan, the president was flanked on stage by construction workers wearing hardhats. On hand in the audience was Teamsters' President James Hoffa.

In calling for action, Bush touched on several hot-button issues, saying a federal backstop for terrorism insurance was needed to create jobs, safeguard the economy and preserve pensions.

"It would make it really hard for our economy to recover a second time if there's an attack without adequate terrorism insurance," Bush said.

The president asserted that because companies are having trouble getting insurance, "new construction is dropping dramatically." Bush said nonresidential construction is down 3 percent compared to January of this year and 17 percent compared to February 2001.

Pension funds that hold real estate assets "may experience lower rates of return because of higher terrorism insurance costs," Bush said. Hoffa indicated after the event that he does not object to attaching some kind of liability limits to the legislation. "I believe that people should have their redress in courts, but I do believe that there are certain catastrophes that speak for themselves--that it's just not a liability thing," he said. Hoffa said he has not talked to Daschle about the issue, but he plans to do so.

Reacting to Bush's presentation on the issue, consumer advocates called on him to drop his support for legislation that would "give away" insurance in the event of future terrorism attacks and work instead to spur the creation of private alternatives.

"In an attempt to justify taxpayer assistance for insurers, the president is overlooking a lot of good news in the market," said Travis Plunkett of the Consumer Federation of America. "There is plenty of evidence that a dynamic market for terror insurance is developing." Meanwhile, American Insurance Industry President Robert Vagley said U.S. insurers "stand solidly" with the president in urging the Senate to finish the task of creating a federal terrorism insurance backstop.

"Such a mechanism would provide critical financial security to public and private entities of all kinds and sizes ... and to the workers who fuel much of our nation's economy," said Vagley. Keith Koffler, with

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/9/2002 4:33:49 AM
Subject: : Bush Says Shortage of Terrorism Insurance Affecting Economy

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 08:33:49.00

SUBJECT:: Bush Says Shortage of Terrorism Insurance Affecting Economy

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

Bush Says Shortage of Terrorism Insurance Affecting Economy
2002-04-08 18:26 (New York)

Bush Says Shortage of Terrorism Insurance Affecting Economy

Washington, April 8 (Bloomberg) -- President George W. Bush said the U.S. economy is being hurt by a shortage of terrorism insurance for businesses, and he urged the Senate to break a deadlock over providing a federal backstop for insurers. Flanked by hard-hat wearing union workers, Bush told an audience of about 125 business executives the shortfall of terrorism coverage since Sept. 11 is making it difficult for companies such as Hyatt Corp. to finance construction projects. ``It's a jobs issue,''' Bush said. ``If they don't build a project, then somebody is not going to be working.''' Terrorism insurance has become scarce and expensive since the attacks in the U.S. About 70 percent of policies covering damage claims from terrorist acts expired on Jan. 1; witnesses at a February House hearing said premiums, if the insurance is available, increased from 58 percent to 280 percent. Bush said a shortage of terrorism coverage contributed to the 3 percent decline in nonresidential construction since January

REV_00142812

2002 and a 17 percent decline since February 2001.

``Washington must deal with it, and deal with it in a hurry, because the pace of new construction is dropping dramatically in America,'' he said.

The Republican-controlled House passed a bill last year that would provide loans to the insurance industry to cover losses from terrorist attacks. Bush is backing legislation that would have the U.S. government pay 90 percent of terrorism-related claims of more than \$10 billion, with a ceiling at \$100 billion.

Senate Democrats have held up action on the measure because Bush wants to include limits on lawsuits resulting from terrorist attacks.

Business and Labor

Bush presented a united front of business and labor leaders calling on the Senate to act. Those joining Bush at the Old Executive Office Building event included J. Willard Marriott Jr., chairman and chief executive officer of the Marriott hotel chain; Nelson C. Rising, chairman and chief executive of Catellus Development Corp., a real estate concern; and David Creamer, chairman of GMAC Commercial Mortgage Corp.

James P. Hoffa Jr., president of the International Brotherhood of Teamsters, and Edward Sullivan, president of the Construction Trades Department, AFL-CIO, also attended. White House economic adviser Lawrence Lindsey and Office of Homeland Security Director Tom Ridge were on hand as well.

Sullivan said afterward that ``tens of thousands'' of union construction jobs are in limbo because a lack of insurance is halting construction projects.

``We have a lot of jobs ready to go and the financial people can't loan the money because they can't get terrorist insurance,'' Sullivan said.

Projects Held Up

Marriott said his company has \$6 billion in hotel construction projects ready to go in the next year, which could employ between 25,000 to 30,000 people.

``Many of these hotels may not be able to get financed unless there is some terrorist insurance passed,'' Marriott said.

Government agencies are affected as well. The New York Metropolitan Transportation Authority in New York City, for example, has \$150 million in terrorism coverage for tunnels, subways and bridges worth more than \$1.5 billion, White House spokesman Ari Fleischer said.

Senate Majority Leader Tom Daschle said Republicans were using the bill to push forward Bush's longstanding proposal to limit damages in civil suits. Lawyers and law firms, many of whom oppose such limits, contributed about \$78 million to Democratic candidates in the 2000 elections, 69 percent of their political donations, according to the Center for Responsive Politics.

`Room for Agreement'

Daschle spokeswoman Molly Rowley said there's been no agreement reached to bring the bill to the Senate floor. ``What will not pass and cannot pass in the Senate is comprehensive tort reform,'' she said. Daschle is open to negotiating on the liability issues and would support ``limited reforms that are strictly limited to terrorism incidents,'' she said.

The Bush administration and lobbyists viewed this as a sign of flexibility. Sheila Bair, assistant Treasury Secretary for financial markets, said in an interview Friday that while ``the devil's in the details,'' the Daschle position shows ``there's room for agreement.''

Opponents say they are skeptical of White House claims that building projects and jobs hang in the balance.

``There just isn't any evidence that the insurance problems are so significant that taxpayers need to be on the hook for future losses,'' said Travis Plunkett, a lobbyist for the Consumer Federation of America. The group said companies are finding terrorism insurance, albeit at a high price and with reduced coverage.

``Little by little, the insurance industry is figuring out creative ways to cover terror insurance,'' he said.

--Rob Wells and Richard Keil in Washington (202) 624-1933 or
rwells@bloomberg.net. with reporting by Holly Rosenkrantz Editor:
Sobczyk

Story illustration: To chart the Standard & Poor's property-casualty index, see {SPPROP <Index> GP <GO>}.

MAR US <Equity>
CDX US <Equity>
24956Z US <Equity>

NI TRE
NI FRX
NI TAX
NI LOAN
NI BNK
NI GBN
NI BON
NI MMK
NI POL
NI US
NI GOV
NI ECO
NI EXE
NI CNG
NI STK
NI INS
NI FIN
NY REL
NI MOR
NI CST
NI LOD
NI MD
NI TERROR

#<329634>#

-0- (BN) Apr/08/2002 22:26 GMT

From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/9/2002 5:09:32 AM
Subject: : Re: Congress Daily AM Today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 09:09:32.00

SUBJECT:: Re: Congress Daily AM Today

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

This is a very unfortunate story. After as much progress as we made yesterday with the event and the action in the Senate, to have an "administration" official quoted saying we would live without liability significantly undermines our efforts. If that was the case we could have passed a bill in December of 01.

We'll continue to work. Hopefully we'll get a UC this week or next.

Sent from my BlackBerry Handheld.

REV_00142815

From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Karl C. Rove/WHO/EOP@EOP [WHO]
<Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen
Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO]
<Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN]
<sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN]
<peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J.
Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA]
<Randall S. Kroszner>
Sent: 4/9/2002 5:14:20 AM
Subject: : Re: Congress Daily AM Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 09:14:20.00
SUBJECT:: Re: Congress Daily AM Today
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

This is a very unfortunate story. After as much progress as we made yesterday with the event and the action in the Senate, to have an "administration" official quoted saying we would live without liability significantly undermines our efforts. If that was the case we could have passed a bill in December of 01.

We'll continue to work. Hopefully we'll get a UC this week or next.

Sent from my BlackBerry Handheld.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
Sent: 4/9/2002 9:14:28 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 13:14:28.00
SUBJECT:: Re:
TO: Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

CSE, I believe?

Tim Goeglein
04/09/2002 01:13:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

What is the 430 pm one my friend?

Warmly

tsg

Brett M. Kavanaugh
04/09/2002 11:51:16 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc: anne womack/who/eop@eop
bcc:
Subject: Re:

Is there a meeting today? I know about the 4:30, but only about that one.

Tim Goeglein
04/09/2002 10:52:52 AM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

REV_00142817

A and B:

Do we have all the information on the targeted judges ready to hand out today?

Warmly

tsg

From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>;Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/9/2002 5:14:47 AM
Subject: : Re: Congress Daily AM Today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 09:14:47.00

SUBJECT:: Re: Congress Daily AM Today

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

This is a very unfortunate story. After as much progress as we made yesterday with the event and the action in the Senate, to have an "administration" official quoted saying we would live without liability significantly undermines our efforts. If that was the case we could have passed a bill in December of 01.

We'll continue to work. Hopefully we'll get a UC this week or next.

Sent from my BlackBerry Handheld.

From: CN=Garry Malphrus/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 9:17:48 AM
Subject: : victims rights amendment

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-APR-2002 13:17:48.00

SUBJECT:: victims rights amendment

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Has the Counsel's Office signed off the final lanugage for the victims rights amendment, #15?

Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>
Sent: 4/9/2002 5:26:24 AM
Subject: : Re: What's new on

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 09:26:24.00
SUBJECT:: Re: What's new on
TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
End Original ARMS Header

We are meeting with Lieberman's staff on Thursday; nothing has happened yet, so I suggest that you sit tight for now to see what develops.

Philip J. Perry
04/09/2002 07:46:39 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: What's new on

the Gov'tal Affairs' requests.

From: CN=Erin P. Hassing/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/9/2002 5:55:16 AM
Subject: : RE: LRM KCT 140- VA report on S. 1042

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Erin P. Hassing (CN=Erin P. Hassing/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 9-APR-2002 09:55:16.00
SUBJECT:: RE: LRM KCT 140- VA report on S. 1042
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett-

Does WHGC have any comments on this? Thanks.

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;mtucker@rnchq.org [NSC]
<mtucker@rnchq.org>;Katherine G. Marinis/WHO/EOP@EOP [WHO] <Katherine G.
Marinis>;Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>;Joseph W.
Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>
Sent: 4/9/2002 6:38:51 AM
Subject: : Re: Fw: Guidance on political events
Attachments: F_AYWK6003_NSC.TXT_1.htm

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 10:38:51.00
SUBJECT:: Re: Fw: Guidance on political events
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:mtucker@rnchq.org (mtucker@rnchq.org [NSC])
READ:UNKNOWN
CC:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We need to get together to develop an appropriate response to this. Joe Hagin, or his representative, should also be part of this. We should try to do sooner rather than later.

Anne Womack
04/09/2002 09:57:20 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Ken Mehlman/WHO/EOP@EOP
Subject: Fw: Guidance on political events

----- Forwarded by Anne Womack/WHO/EOP on 04/09/2002
09:56 AM -----

Ken Mehlman
04/08/2002 07:29:11 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: Fw: Guidance on political events

let's work on this together.
----- Forwarded by Ken Mehlman/WHO/EOP on 04/08/2002
07:27 PM -----

REV_00142823

Ken Mehlman <kmehlman@georgewbush.com>

04/08/2002 07:23:02 PM

Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP

cc:

Subject: Fw: Guidance on political events

Guidance on political events

----- Original Message -----

From: Jim Dyke - Communications

To: Ken Mehlman

Cc: Mindy Tucker - Communications

Sent: Monday, April 08, 2002 6:52 PM

Subject: Guidance on political events

we continue to get calls, the most recent from Bloomberg, on how much potus pays for political trips. how we calculate costs for air force one, how much the white house pays, who pays, etc. I would like to get a stock answer/process.

i would suggest the rnc say:

- 1) no taxpayer funds are used to pay for political activities.
- 2) the rnc receives a deposit for political events prior to the event from a campaign or other host.
- 3) the rnc refunds the excess amount.
- 4) the formula for these calculations has been used consistently dating back to president reagan.

all questions on cost of air force one, other details we would refer to the wh. travel or legal offices.

note: the amount of deposit will show up on our financial report, in the case of bloomberg inquiry for the march 1 trip to iowa, in two weeks. should we disclose the amount of deposit? or just, if pressed, tell them it will be on our financial disclosure form?

i assume wh legal and rnc legal will have to sign-off on this approach?

thanks.

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <F_AYWK6003_NSC.TXT_1>

REV_00142824

----- Original Message -----

From: Jim Dyke - Communications

To: Ken Mehlman

Cc: Mindy Tucker - Communications

Sent: Monday, April 08, 2002 6:52 PM

Subject: Guidance on political events

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i assume wh legal and rnc legal will have to sign-off on this approach?

thanks.

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 6:52:55 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 10:52:55.00
SUBJECT::
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A and B:

Do we have all the information on the targeted judges ready to hand out today?

Warmly

tsg

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;mtucker@rnchq.org [NSC]
<mtucker@rnchq.org>;katherine g. marinis/who/eop@eop [WHO] <katherine g. marinis>;colleen
litkenhaus/who/eop@eop [WHO] <colleen litkenhaus>;joseph w. hagin/who/eop@eop [WHO]
<joseph w. hagin>
Sent: 4/9/2002 6:55:16 AM
Subject: : Re: Fw: Guidance on political events

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 10:55:16.00
SUBJECT:: Re: Fw: Guidance on political events
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:mtucker@rnchq.org (mtucker@rnchq.org [NSC])
READ:UNKNOWN
CC:katherine g. marinis (CN=katherine g. marinis/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:colleen litkenhaus (CN=colleen litkenhaus/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joseph w. hagin (CN=joseph w. hagin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

we have already been working with Joe and Hector to get budget numbers,
average range cost of trips, etc. we have already provided Bloomberg with
that info. They have come back asking for costs from a specific date,
which Brett is working with OA. don't know if we'll be able to provide to
Bloomberg or not. After we get the facts that can be assmebled, I'll give
you a call before we go any further.

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;mtucker@rnchq.org [NSC]
<mtucker@rnchq.org>;katherine g. marinis/who/eop@eop [WHO] <katherine g. marinis>;colleen
litkenhaus/who/eop@eop [WHO] <colleen litkenhaus>;joseph w. hagin/who/eop@eop [WHO]
<joseph w. hagin>
Sent: 4/9/2002 6:55:16 AM
Subject: : Re: Fw: Guidance on political events

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 10:55:16.00
SUBJECT:: Re: Fw: Guidance on political events
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:mtucker@rnchq.org (mtucker@rnchq.org [NSC])
READ:UNKNOWN
CC:katherine g. marinis (CN=katherine g. marinis/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:colleen litkenhaus (CN=colleen litkenhaus/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:joseph w. hagin (CN=joseph w. hagin/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

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which Brett is working with OA. don't know if we'll be able to provide to
Bloomberg or not. After we get the facts that can be assmebled, I'll give
you a call before we go any furher.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>; Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Randall S. Kroszner/CEA /EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/9/2002 6:56:10 AM
Subject: : RE: Congress Daily AM Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 9-APR-2002 10:56:10.00
SUBJECT:: RE: Congress Daily AM Today
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

Kirk -- I have not seen this article. Can you forward to me? FYI. I talked with some reporters yesterday on deep background as I indicated to you in an e-mail, and said that we could live with an up or down vote on the tort reforms in the Senate, because we were still in a strong position going into conference because of the comprehensive tort measures passed by the House. I was EXTREMELY careful to emphasize that we had to have claims consolidation and punitives in the final bill. I do not know if the Congress Daily article is based on what I said, but if it so characterized my statements, it is wrong.

Sheila

-----Original Message-----

REV_00142830

From: Matthew_Kirk@who.eop.gov [mailto:Matthew_Kirk@who.eop.gov]
Sent: Tuesday, April 09, 2002 9:08 AM
To: Kirk_Blalock@who.eop.gov; Karl_C._Rove@who.eop.gov;
D._Marcus_Sumerlin@opd.eop.gov; Kristen_Silverberg@who.eop.gov;
Brian_C._Conklin@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov;
sheila.bair@do.treas.gov; peter.fisher@do.treas.gov;
Ken_Mehlman@who.eop.gov; Lezlee_J._Westine@who.eop.gov;
Randall_S._Kroszner@cea.eop.gov
Subject: Re: Congress Daily AM Today

This is a very unfortunate story. After as much progress as we made yesterday with the event and the action in the Senate, to have an "administration" official quoted saying we would live without liability significantly undermines our efforts. If that was the case we could have passed a bill in December of 01.

We'll continue to work. Hopefully we'll get a UC this week or next.

Sent from my BlackBerry Handheld.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>; Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Randall S. Kroszner/CEA /EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/9/2002 6:56:27 AM
Subject: : RE: Congress Daily AM Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME: 9-APR-2002 10:56:27.00
SUBJECT:: RE: Congress Daily AM Today
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

Kirk -- I have not seen this article. Can you forward to me? FYI. I talked with some reporters yesterday on deep background as I indicated to you in an e-mail, and said that we could live with an up or down vote on the tort reforms in the Senate, because we were still in a strong position going into conference because of the comprehensive tort measures passed by the House. I was EXTREMELY careful to emphasize that we had to have claims consolidation and punitives in the final bill. I do not know if the Congress Daily article is based on what I said, but if it so characterized my statements, it is wrong.

Sheila

-----Original Message-----

REV_00142832

From: Matthew_Kirk@who.eop.gov [mailto:Matthew_Kirk@who.eop.gov]
Sent: Tuesday, April 09, 2002 9:08 AM
To: Kirk_Blalock@who.eop.gov; Karl_C._Rove@who.eop.gov;
D._Marcus_Sumerlin@opd.eop.gov; Kristen_Silverberg@who.eop.gov;
Brian_C._Conklin@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov;
sheila.bair@do.treas.gov; peter.fisher@do.treas.gov;
Ken_Mehlman@who.eop.gov; Lezlee_J._Westine@who.eop.gov;
Randall_S._Kroszner@cea.eop.gov
Subject: Re: Congress Daily AM Today

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We'll continue to work. Hopefully we'll get a UC this week or next.

Sent from my BlackBerry Handheld.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
CC: anne womack/who/eop@eop [WHO] <anne womack>
Sent: 4/9/2002 7:51:18 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 11:51:18.00
SUBJECT:: Re:
TO: Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: anne womack (CN=anne womack/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Is there a meeting today? I know about the 4:30, but only about that one.

Tim Goeglein
04/09/2002 10:52:52 AM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

A and B:

Do we have all the information on the targeted judges ready to hand out today?

Warmly

tsg

From: CN=Garry Malphrus/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 9:17:48 AM
Subject: : victims rights amendment

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-APR-2002 13:17:48.00

SUBJECT:: victims rights amendment

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Has the Counsel's Office signed off the final lanugage for the victims rights amendment, #15?

Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
Sent: 4/9/2002 9:18:16 AM
Subject: : Re: victims rights amendment

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 13:18:16.00
SUBJECT:: Re: victims rights amendment
TO: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

yes

Garry Malphrus
04/09/2002 01:17:45 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: victims rights amendment

Has the Counsel's Office signed off the final lanugage for the victims rights amendment, #15?
Thanks.

From: CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 4/9/2002 9:22:59 AM
Subject: : Re: Meeting with Ken on Asset Deployment

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 13:22:59.00
SUBJECT:: Re: Meeting with Ken on Asset Deployment
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

how about 10 am? thanks

Brett M. Kavanaugh
04/09/2002 12:57:03 PM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting with Ken on Asset Deployment

best day is Friday. Whole day is free now except lunch.

Katherine G. Marinis
04/09/2002 07:56:54 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting with Ken on Asset Deployment

Could you meet this week?
----- Forwarded by Katherine G. Marinis/WHO/EOP on
04/09/2002 07:58 AM -----

Katherine G. Marinis
04/03/2002 09:00:17 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting with Ken on Asset Deployment

Brett- Ken would love to meet with you as soon as possible to go over his ideas on asset deployment. He could do it tomorrow before he leaves for St. Louis (9 -10 am or 12- 1 pm) or we could pick any day next week.

REV_00142841

What does your schedule look like?

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: anne womack/who/eop@eop [WHO] <anne womack>;tim goeglein/who/eop@eop [WHO] <tim goeglein>;heather wingate/who/eop@eop [WHO] <heather wingate>
Sent: 4/9/2002 9:23:53 AM
Subject: : Re: TODAY

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 13:23:53.00
SUBJECT:: Re: TODAY
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:anne womack (CN=anne womack/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:tim goeglein (CN=tim goeglein/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Happy Anniversary!

Brett M. Kavanaugh
04/09/2002 01:15:40 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP, Tim Goeglein/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP
cc: Bradford A. Berenson/WHO/EOP@EOP
Subject: TODAY

is the 11-month anniversary for the 8 remaining nominees from the original 11.

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 1:55:58 PM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 17:55:58.00
SUBJECT::
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

can you find out if this organization is a 26 USC 527(e) organization?
----- Forwarded by Robert W. Cobb/WHO/EOP on 04/09/2002
05:55 PM -----

Brett M. Kavanaugh
04/09/2002 04:25:24 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

How do I find out if Repub Ntl Lawyers Assn is a political
organization?

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>; Willett, Don <Don.Willett@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 10:25:02 AM
Subject: : RE: Baylson Talkers

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer"
<Jennifer.Newstead@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 9-APR-2002 14:25:02.00

SUBJECT:: RE: Baylson Talkers

TO: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I'm fine with the Adams Mark talkers. Also with the McDade, subject to the
comments I gave Lizette a few minutes ago. JN

-----Original Message-----

From: Benedi, Lizette D
Sent: Tuesday, April 09, 2002 10:25 AM
To: Newstead, Jennifer; Willett, Don
Cc: 'Brett_M._Kavanaugh@who.eop.gov'
Subject: Baylson Talkers

Attached are responsive talking points on the McDade and Adams Mark
allegations. Wendy and I will hold off on sending these until we have
clearance. Thanks.

<< File: McDade.wpd >> << File: Adams Mark Hotel.wpd >>

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 11:08:37 AM
Subject: : come see ARG re: judges now.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])

CREATION DATE/TIME: 9-APR-2002 15:08:37.00

SUBJECT:: come see ARG re: judges now.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 4/9/2002 11:38:51 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 15:38:51.00

SUBJECT::

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

End Original ARMS Header

Has anyone heard about FOIA requests relating to travel directed to cabinet level officers? I have an inquiry from Energy about this.

REV_00142851

From: Sutton, Jason <Jason.J.Sutton@usdoj.gov>
To: Clement, Paul D <Paul.D.Clement@usdoj.gov>; Benedi, Lizette D
<Lizette.D.Benedi@usdoj.gov>; Ho, James <James.Ho@usdoj.gov>; Coughlin, Robert
<Robert.Coughlin@usdoj.gov>; Martens, Matthew
<Matthew.Martens@usdoj.gov>; 'Stwist@viad.com'
<Stwist@viad.com>; 'Stephen_Higgins@judiciary.senate.gov'
<Stephen_Higgins@judiciary.senate.gov>; Receipt Notification Requested) (IPM Return
Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN] <Matthew_Lamberti@judiciary.senate.gov>; Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; 'dshay@viad.com'
<dshay@viad.com>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
CC: Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>
Sent: 4/9/2002 4:05:11 PM
Subject: : VRA Conference Call with AAG Viet Dinh

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Sutton, Jason" <Jason.J.Sutton@usdoj.gov> ("Sutton, Jason"

<Jason.J.Sutton@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 9-APR-2002 20:05:11.00

SUBJECT:: VRA Conference Call with AAG Viet Dinh

TO: "Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
("Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
[UNKNOWN])

READ:UNKNOWN

TO: "Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return
Requested) ("'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt
Notification Requested) (IPM Return Requested) ("'Stephen_Higgins@judiciary.senate.gov'"
<Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return
Requested) [UNKNOWN])

READ:UNKNOWN

TO: Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return
Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: "'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM Return
Requested) ("'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: Christina C. Wilson (CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

REV_00142852

End Original ARMS Header

A VRA conference call has been scheduled for tomorrow (Wednesday) at 5:30 pm. Please let me know if you will be able to participate. Call-in number and passcode will be provided tomorrow. Thank you.

Jason Sutton
Special Assistant to the Assistant Attorney General
202.514.9148

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 4/9/2002 12:09:59 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 16:09:59.00
SUBJECT:: Re:
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ: UNKNOWN
End Original ARMS Header

That's me.

Sent from my BlackBerry Handheld.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: christine ciccone/who/eop@eop [WHO] <christine ciccone>
Sent: 4/9/2002 12:27:08 PM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 16:27:08.00
SUBJECT::
TO:christine ciccone (CN=christine ciccone/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

What is status of letter?

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Richard.Clarida@do.treas.gov [UNKNOWN] <Richard.Clarida@do.treas.gov>; edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; Gerry.Hughes@do.treas.gov [UNKNOWN] <Gerry.Hughes@do.treas.gov>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; martha.ellet@do.treas.gov [UNKNOWN] <martha.ellet@do.treas.gov>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; pat.cave@do.treas.gov [UNKNOWN] <pat.cave@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kent.Smetters@do.treas.gov [UNKNOWN] <Kent.Smetters@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN] <Mario.Ugoletti@do.treas.gov>; Mark.Warshawsky@do.treas.gov [UNKNOWN] <Mark.Warshawsky@do.treas.gov>
Sent: 4/9/2002 12:27:17 PM
Subject: : Call from Greg Serio

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME: 9-APR-2002 16:27:17.00

SUBJECT:: Call from Greg Serio

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Richard.Clarida@do.treas.gov (Richard.Clarida@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Gerry.Hughes@do.treas.gov (Gerry.Hughes@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:martha.ellet@do.treas.gov (martha.ellet@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:pat.cave@do.treas.gov (pat.cave@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Kent.Smetters@do.treas.gov (Kent.Smetters@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mark.Warshawsky@do.treas.gov (Mark.Warshawsky@do.treas.gov [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

NY State Insurance Superintendent Greg Serio called to let us know that he will be putting out a statement tomorrow refuting today's NY times article which suggested that terrorism insurance is becoming more widely available. He will state just the opposite -- that there is a brewing crisis that is becoming more and more critical, and that Congress needs to enact a backstop program promptly.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Richard.Clarida@do.treas.gov [UNKNOWN] <Richard.Clarida@do.treas.gov>; edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; Gerry.Hughes@do.treas.gov [UNKNOWN] <Gerry.Hughes@do.treas.gov>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; martha.ellet@do.treas.gov [UNKNOWN] <martha.ellet@do.treas.gov>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; pat.cave@do.treas.gov [UNKNOWN] <pat.cave@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kent.Smetters@do.treas.gov [UNKNOWN] <Kent.Smetters@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN] <Mario.Ugoletti@do.treas.gov>; Mark.Warshawsky@do.treas.gov [UNKNOWN] <Mark.Warshawsky@do.treas.gov>
Sent: 4/9/2002 12:29:38 PM
Subject: : Call from Greg Serio

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME: 9-APR-2002 16:29:38.00

SUBJECT:: Call from Greg Serio

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Richard.Clarida@do.treas.gov (Richard.Clarida@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Gerry.Hughes@do.treas.gov (Gerry.Hughes@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:martha.ellet@do.treas.gov (martha.ellet@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roberta.McInerney@do.treas.gov (Roberta.McInerney@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:pat.cave@do.treas.gov (pat.cave@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:Kent.Smetters@do.treas.gov (Kent.Smetters@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mario.Ugoletti@do.treas.gov (Mario.Ugoletti@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Mark.Warshawsky@do.treas.gov (Mark.Warshawsky@do.treas.gov [UNKNOWN])

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NY State Insurance Superintendent Greg Serio called to let us know that he will be putting out a statement tomorrow refuting today's NY times article which suggested that terrorism insurance is becoming more widely available. He will state just the opposite -- that there is a brewing crisis that is becoming more and more critical, and that Congress needs to enact a backstop program promptly.

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To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Richard.Clarida@do.treas.gov [UNKNOWN] <Richard.Clarida@do.treas.gov>; edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; Gerry.Hughes@do.treas.gov [UNKNOWN] <Gerry.Hughes@do.treas.gov>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; martha.ellet@do.treas.gov [UNKNOWN] <martha.ellet@do.treas.gov>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Roberta.McInerney@do.treas.gov [UNKNOWN] <Roberta.McInerney@do.treas.gov>; pat.cave@do.treas.gov [UNKNOWN] <pat.cave@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; Kent.Smetters@do.treas.gov [UNKNOWN] <Kent.Smetters@do.treas.gov>; Mario.Ugoletti@do.treas.gov [UNKNOWN] <Mario.Ugoletti@do.treas.gov>; Mark.Warshawsky@do.treas.gov [UNKNOWN] <Mark.Warshawsky@do.treas.gov>
Sent: 4/9/2002 12:40:42 PM
Subject: : Call from Greg Serio

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME: 9-APR-2002 16:40:42.00

SUBJECT:: Call from Greg Serio

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Sent: 4/9/2002 12:55:03 PM
Subject: : Here is a copy of the Dodd substitute referenced in today's trade press.
Attachments: P_N1HL6003_CEA.TXT_1.pdf

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
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CREATION DATE/TIME: 9-APR-2002 16:55:03.00
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I have not yet had a chance to review.

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ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_N1HL6003_CEA.TXT_1>

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for a complete substitute.

IN THE SENATE OF THE UNITED STATES—107th Cong., 1st Sess.

H.R. 3210

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. DODD

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Terrorism Risk Insur-
5 ance Act of 2001”.

6 **SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) property and casualty insurance firms are
9 important financial institutions, the products of
10 which allow mutualization of risk and the efficient

1 act of terrorism occurring during the period be-
2 ginning on January 1, 2003 and ending at mid-
3 night on December 31, 2003, if the Program is
4 extended in accordance with section 6.

5 (8) PERSON.—The term “person” means any
6 individual, business or nonprofit entity (including
7 those organized in the form of a partnership, limited
8 liability company, corporation, or association), trust
9 or estate, or a State or political subdivision of a
10 State or other governmental unit.

11 (9) PROGRAM.—The term “Program” means
12 the Terrorism Insured Loss Shared Compensation
13 Program established by this Act.

14 (10) PROPERTY AND CASUALTY INSURANCE.—
15 The term “property and casualty insurance”—

16 (A) means commercial lines of property
17 and casualty insurance;

18 (B) includes personal lines of property and
19 casualty insurance, if a notification is made in
20 accordance with paragraph (6)(B); and

21 (C) does not include—

22 (i) Federal crop insurance issued or
23 reinsured under the Federal Crop Insur-
24 ance Act (7 U.S.C. 1501 et seq.); or

1 (ii) private mortgage insurance, as
2 that term is defined in section 2 of the
3 Homeowners Protection Act of 1998 (12
4 U.S.C. 4901).

5 (11) SECRETARY.—The term “Secretary”
6 means the Secretary of the Treasury.

7 (12) STATE.—The term “State” means any
8 State of the United States, the District of Columbia,
9 the Commonwealth of Puerto Rico, the Common-
10 wealth of the Northern Mariana Islands, American
11 Samoa, Guam, and each of the United States Virgin
12 Islands.

13 (13) UNITED STATES.—The term “United
14 States” means all States of the United States.

15 **SEC. 4. TERRORISM INSURED LOSS SHARED COMPENSA-**
16 **TION PROGRAM.**

17 (a) ESTABLISHMENT OF PROGRAM.—

18 (1) IN GENERAL.—There is established in the
19 Department of the Treasury the Terrorism Insured
20 Loss Shared Compensation Program.

21 (2) AUTHORITY OF THE SECRETARY.—Notwith-
22 standing any other provision of State or Federal
23 law, the Secretary shall administer the Program,
24 and shall pay the Federal share of compensation for
25 insured losses in accordance with subsection (e).

1 (b) CONDITIONS FOR FEDERAL PAYMENTS.—No
2 payment may be made by the Secretary under subsection
3 (e), unless—

4 (1) a person that suffers an insured loss, or a
5 person acting on behalf of that person, files a claim
6 with a participating insurance company;

7 (2) the participating insurance company pro-
8 vides clear and conspicuous disclosure to the policy-
9 holder of the premium charged for insured losses
10 covered by the Program and the Federal share of
11 compensation for insured losses under the
12 Program—

13 (A) in the case of any policy covering an
14 insured loss that is issued on or after the date
15 of enactment of this Act, in the policy, at the
16 time of offer, purchase, and renewal of the pol-
17 icy; and

18 (B) in the case of any policy that is issued
19 before the date of enactment of this Act, not
20 later than 90 days after that date of enactment;

21 (3) the participating insurance company proc-
22 esses the claim for the insured loss in accordance
23 with its standard business practices, and any reason-
24 able procedures that the Secretary may prescribe;
25 and

1 (4) the participating insurance company sub-
2 mits to the Secretary, in accordance with such rea-
3 sonable procedures as the Secretary may establish—

4 (A) a claim for payment of the Federal
5 share of compensation for insured losses under
6 the Program;

7 (B) written verification and certification—

8 (i) of the underlying claim; and

9 (ii) of all payments made for insured
10 losses; and

11 (C) certification of its compliance with the
12 provisions of this subsection.

13 (c) MANDATORY PARTICIPATION; MANDATORY
14 AVAILABILITY.—Each insurance company that meets the
15 definition of a participating insurance company under sec-
16 tion 3—

17 (1) shall participate in the Program;

18 (2) shall make available in all of its property
19 and casualty insurance policies (in all of its partici-
20 pating lines), coverage for insured losses; and

21 (3) shall make available property and casualty
22 insurance coverage for insured losses that does not
23 differ materially from the terms, amounts, and other
24 coverage limitations applicable to losses arising from
25 events other than acts of terrorism.

1 (d) PARTICIPATION BY SELF INSURED ENTITIES.—

2 (1) DETERMINATION BY THE SECRETARY.—

3 The Secretary may, in consultation with the NAIC,
4 establish procedures to allow participation in the
5 Program by municipalities and other governmental
6 or quasi-governmental entities (and by any other en-
7 tity, as the Secretary deems appropriate) operating
8 through self insurance arrangements that were in
9 existence on September 11, 2001, but only if the
10 Secretary makes a determination with regard to par-
11 ticipation by any such entity before the occurrence
12 of an act of terrorism in which the entity incurs an
13 insured loss.

14 (2) PARTICIPATION.—If the Secretary makes a
15 determination to allow an entity described in para-
16 graph (1) to participate in the Program, all reports,
17 conditions, requirements, and standards established
18 by this Act for participating insurance companies
19 shall apply to any such entity, as determined to be
20 appropriate by the Secretary.

21 (e) SHARED INSURANCE LOSS COVERAGE.—

22 (1) FEDERAL SHARE.—

23 (A) IN GENERAL.—Subject to the cap on
24 liability under paragraph (2) and the limitation
25 under paragraph (6), the Federal share of com-

1 pensation under the Program to be paid by the
2 Secretary for insured losses resulting from an
3 act of terrorism occurring during the period be-
4 ginning on the date of enactment of this Act
5 and ending at midnight on December 31,
6 2002—

7 (i) shall be equal to 80 percent of that
8 portion of the amount of aggregate insured
9 losses that—

10 (I) exceeds the participating in-
11 surance company deductibles required
12 to be paid for those insured losses;
13 and

14 (II) does not exceed
15 \$10,000,000,000; and

16 (ii) shall be equal to 90 percent of
17 that portion of the amount of aggregate in-
18 sured losses that—

19 (I) exceeds the participating in-
20 surance company deductibles required
21 to be paid for those insured losses;
22 and

23 (II) exceeds \$10,000,000,000.

24 (B) EXTENSION PERIOD.—If the Program
25 is extended in accordance with section 6, the

1 Federal share of compensation under the Pro-
2 gram to be paid by the Secretary for insured
3 losses resulting from an act of terrorism occur-
4 ring during the period beginning on January 1,
5 2003 and ending at midnight on December 31,
6 2003, shall be calculated in accordance with
7 clauses (i) and (ii) of subparagraph (A), subject
8 to the cap on liability in paragraph (2) and the
9 limitation under paragraph (6).

10 (C) PRO RATA SHARE.—If, during the pe-
11 riod described in subparagraph (A) (or during
12 the period described in subparagraph (B), if the
13 Program is extended in accordance with section
14 6), the aggregate insured losses for that period
15 exceed \$10,000,000,000, the Secretary shall de-
16 termine the pro rata share for each partici-
17 pating insurance company of the Federal share
18 of compensation for insured losses calculated
19 under subparagraph (A).

20 (2) CAP ON ANNUAL LIABILITY.—Notwith-
21 standing paragraph (1), or any other provision of
22 Federal or State law, if the aggregate insured losses
23 exceed \$100,000,000,000 during any period referred
24 to in subparagraph (A) or (B) of paragraph (1)—

1 (A) the Secretary shall not make any pay-
2 ment under this Act for any portion of the
3 amount of such losses that exceeds
4 \$100,000,000,000; and

5 (B) participating insurance companies
6 shall not be liable for the payment of any por-
7 tion of the amount that exceeds
8 \$100,000,000,000.

9 (3) NOTICE TO CONGRESS.—The Secretary
10 shall notify the Congress if estimated or actual ag-
11 gregate insured losses exceed \$100,000,000,000 in
12 any period described in paragraph (1), and the Con-
13 gress shall determine the procedures for and the
14 source of any such excess payments.

15 (4) FINAL NETTING.—The Secretary shall have
16 sole discretion to determine the time at which claims
17 relating to any insured loss or act of terrorism shall
18 become final.

19 (5) DETERMINATIONS FINAL.—Any determina-
20 tion of the Secretary under this subsection shall be
21 final, and shall not be subject to judicial review.

22 (6) IN-FORCE REINSURANCE AGREEMENTS.—
23 For policies covered by reinsurance contracts in
24 force on the date of enactment of this Act, until the
25 in-force reinsurance contract is renewed, amended,

1 or has reached its 1-year anniversary date, any Fed-
2 eral share of compensation due to a participating in-
3 surance company for insured losses during the effec-
4 tive period of the Program shall be shared—

5 (A) with all reinsurance companies to
6 which the participating insurance company has
7 ceded some share of the insured loss pursuant
8 to an in-force reinsurance contract; and

9 (B) in a manner that distributes the Fed-
10 eral share of compensation for insured losses
11 between the participating insurance company
12 and the reinsurance company or companies in
13 the same proportion as the insured losses would
14 have been distributed if the Program did not
15 exist.

16 **SEC. 5. GENERAL AUTHORITY AND ADMINISTRATION OF**
17 **CLAIMS.**

18 (a) GENERAL AUTHORITY.—The Secretary shall have
19 the powers and authorities necessary to carry out the Pro-
20 gram, including authority—

21 (1) to investigate and audit all claims under the
22 Program; and

23 (2) to prescribe regulations and procedures to
24 implement the Program.

1 (b) INTERIM RULES AND PROCEDURES.—The Sec-
2 retary shall issue interim final rules or procedures speci-
3 fying the manner in which—

4 (1) participating insurance companies may file,
5 verify, and certify claims under the Program;

6 (2) the Secretary shall publish or otherwise
7 publicly announce the applicable percentage of in-
8 sured losses that is the responsibility of participating
9 insurance companies and the percentage that is the
10 responsibility of the Federal Government under the
11 Program;

12 (3) the Federal share of compensation for in-
13 sured losses will be paid under the Program, includ-
14 ing payments based on estimates of or actual aggre-
15 gate insured losses;

16 (4) the Secretary may, at any time, seek repay-
17 ment from or reimburse any participating insurance
18 company, based on estimates of insured losses under
19 the Program, to effectuate the insured loss sharing
20 provisions contained in section 4;

21 (5) each participating insurance company that
22 incurs insured losses shall pay its pro rata share of
23 insured losses, in accordance with section 4; and

24 (6) the Secretary will determine any final net-
25 ting of payments for actual insured losses under the

1 use of financial resources and enhance the ability of
2 the economy to maintain stability, while responding
3 to a variety of economic, political, environmental,
4 and other risks with a minimum of disruption;

5 (2) the ability of businesses and individuals to
6 obtain property and casualty insurance at reasonable
7 and predictable prices, in order to spread the risk of
8 both routine and catastrophic loss, is critical to eco-
9 nomic growth, urban development, and the construc-
10 tion and maintenance of public and private housing,
11 as well as to the promotion of United States exports
12 and foreign trade in an increasingly interconnected
13 world;

14 (3) the ability of the insurance industry to
15 cover the unprecedented financial risks presented by
16 potential acts of terrorism in the United States can
17 be a major factor in the recovery from terrorist at-
18 tacks, while maintaining the stability of the econ-
19 omy;

20 (4) widespread financial market uncertainties
21 have arisen following the terrorist attacks of Sep-
22 tember 11, 2001, including the absence of informa-
23 tion from which financial institutions can make sta-
24 tistically valid estimates of the probability and cost
25 of future terrorist events, and therefore the size,

1 Program, including payments owed to the Federal
2 Government from any participating insurance com-
3 pany and any Federal share of compensation for in-
4 sured losses owed to any participating insurance
5 company, to effectuate the insured loss sharing pro-
6 visions contained in section 4.

7 (c) SUBROGATION RIGHTS.—The United States shall
8 have the right of subrogation with respect to any payment
9 made by the United States under the Program.

10 (d) CONTRACTS FOR SERVICES.—The Secretary may
11 employ persons or contract for services as may be nec-
12 essary to implement the Program.

13 (e) CIVIL PENALTIES.—The Secretary may assess
14 civil money penalties for violations of this Act or any rule,
15 regulation, or order issued by the Secretary under this Act
16 relating to the submission of false or misleading informa-
17 tion for purposes of the Program, or any failure to repay
18 any amount required to be reimbursed under regulations
19 or procedures described in section 5(b). The authority
20 granted under this subsection shall continue during any
21 period in which the Secretary's authority under section
22 6(d) is in effect.

23 **SEC. 6. TERMINATION OF PROGRAM; DISCRETIONARY EX-**
24 **TENSION.**

25 (a) TERMINATION OF PROGRAM.—

1 (1) IN GENERAL.—The Program shall termi-
2 nate at midnight on December 31, 2002, unless the
3 Secretary—

4 (A) determines, after considering the re-
5 port and finding required by this section, that
6 the Program should be extended for one addi-
7 tional year, until midnight on December 31,
8 2003; and

9 (B) promptly notifies the Congress of such
10 determination and the reasons therefor.

11 (2) DETERMINATION FINAL.—The determina-
12 tion of the Secretary under paragraph (1) shall be
13 final, and shall not be subject to judicial review.

14 (3) TERMINATION AFTER EXTENSION.—If the
15 Program is extended under paragraph (1), the Pro-
16 gram shall terminate at midnight on December 31,
17 2003.

18 (b) REPORT TO CONGRESS.—Not later than 9
19 months after the date of enactment of this Act, the Sec-
20 retary shall submit a report to Congress—

21 (1) regarding—

22 (A) the availability of insurance coverage
23 for acts of terrorism;

1 (B) the affordability of such coverage, in-
2 cluding the effect of such coverage on pre-
3 miums; and

4 (C) the capacity of the insurance industry
5 to absorb future losses resulting from acts of
6 terrorism, taking into account the profitability
7 of the insurance industry; and

8 (2) that considers—

9 (A) the impact of the Program on each of
10 the factors described in paragraph (1); and

11 (B) the probable impact on such factors
12 and on the United States economy if the Pro-
13 gram terminates at midnight on December 31,
14 2002.

15 (c) FINDING REQUIRED.—A determination under
16 subsection (a) to extend the Program shall be based on
17 a finding by the Secretary that—

18 (1) widespread market uncertainties con-
19 tinue to disrupt the ability of insurance compa-
20 nies to price insurance coverage for losses re-
21 sulting from acts of terrorism, thereby resulting
22 in the continuing unavailability of affordable in-
23 surance for consumers; and

24 (2) extending the Program for an addi-
25 tional year would likely encourage economic sta-

1 bilization and facilitate a transition to a viable
2 market for private terrorism risk insurance.

3 (d) CONTINUING AUTHORITY TO PAY OR ADJUST
4 COMPENSATION.—Following the termination of the Pro-
5 gram under subsection (a), the Secretary may take such
6 actions as may be necessary to ensure payment, reim-
7 bursement, or adjustment of compensation for insured
8 losses arising out of any act of terrorism occurring during
9 the period in which the Program was in effect under this
10 Act, in accordance with the provisions of section 4 and
11 regulations promulgated thereunder.

12 (e) REPEAL; SAVINGS CLAUSE.—This Act is repealed
13 at midnight on the final termination date of the Program
14 under subsection (a), except that such repeal shall not be
15 construed—

16 (1) to prevent the Secretary from taking, or
17 causing to be taken, such actions under subsection
18 (d) of this section and sections 4(e)(4), 4(e)(5),
19 5(a)(1), 5(c), and 5(e) (as in effect on the day be-
20 fore the date of such repeal), and applicable regula-
21 tions promulgated thereunder, during any period in
22 which the authority of the Secretary under sub-
23 section (d) of this section is in effect; or

24 (2) to prevent the availability of funding under
25 section 10(b) during any period in which the author-

1 ity of the Secretary under subsection (d) of this sec-
2 tion is in effect.

3 (f) SENSE OF THE CONGRESS.—It is the sense of the
4 Congress that the Secretary should make any determina-
5 tion under subsection (a) in sufficient time to enable par-
6 ticipating insurance companies to include coverage for acts
7 of terrorism in their policies for 2003.

8 (g) STUDY AND REPORT ON SCOPE OF THE PRO-
9 GRAM.—

10 (1) STUDY.—The Secretary, after consultation
11 with the NAIC, representatives of the insurance in-
12 dustry, and other experts in the insurance field,
13 shall conduct a study of the potential effects of acts
14 of terrorism on the availability of life insurance and
15 other lines of insurance coverage.

16 (2) REPORT.—Not later than 9 months after
17 the date of enactment of this Act, the Secretary
18 shall submit a report to the Congress on the results
19 of the study conducted under paragraph (1).

20 (h) REPORTS REGARDING TERRORISM RISK INSUR-
21 ANCE PREMIUMS.—

22 (1) REPORT TO THE NAIC.—Beginning 6
23 months after the date of enactment of this Act, and
24 every 6 months thereafter, each participating insur-
25 ance company shall submit a report to the NAIC

1 that states the premium rates charged by that par-
2 ticipating insurance company during the preceding
3 6-month period for insured losses covered by the
4 Program, and includes an explanation of and jus-
5 tification for those rates.

6 (2) REPORTS FORWARDED.—The NAIC shall
7 promptly forward copies of each report submitted
8 under paragraph (1) to the Secretary, the Secretary
9 of Commerce, the Chairman of the Federal Trade
10 Commission, and the Comptroller General of the
11 United States.

12 (3) AGENCY REPORTS TO CONGRESS.—

13 (A) IN GENERAL.—The Secretary, the Sec-
14 retary of Commerce, and the Chairman of the
15 Federal Trade Commission shall submit joint
16 reports to Congress and the Comptroller Gen-
17 eral of the United States summarizing and eval-
18 uating the reports forwarded under paragraph
19 (2).

20 (B) TIMING.—The reports required under
21 subparagraph (A) shall be submitted—

22 (i) 9 months after the date of enact-
23 ment of this Act; and

24 (ii) 12 months after the date of sub-
25 mission of the first report under clause (i).

1 (4) GAO EVALUATION AND REPORT.—

2 (A) EVALUATION.—The Comptroller Gen-
3 eral of the United States shall evaluate each re-
4 port submitted under paragraph (3), and upon
5 request, the Secretary, the Secretary of Com-
6 merce, the Chairman of the Federal Trade
7 Commission, and the NAIC shall provide to the
8 Comptroller all documents, records, and any
9 other information that the Comptroller deems
10 necessary to carry out such evaluation.

11 (B) REPORT TO CONGRESS.—Not later
12 than 90 days after receipt of each report sub-
13 mitted under paragraph (3), the Comptroller
14 General of the United States shall submit to
15 Congress a report of the evaluation required by
16 subparagraph (A).

17 **SEC. 7. PRESERVATION OF STATE LAW.**

18 Nothing in this Act shall affect the jurisdiction or
19 regulatory authority of the insurance commissioner (or
20 any agency or office performing like functions) of any
21 State over any participating insurance company or other
22 person—

23 (1) except as specifically provided in this Act;

24 and

25 (2) except that—

1 (A) the definition of the term “act of ter-
2 rorism” in section 3 shall be the exclusive defi-
3 nition of that term for purposes of compensa-
4 tion for insured losses under this Act, and shall
5 preempt any provision of State law that is in-
6 consistent with that definition, to the extent
7 that such provision of law would otherwise
8 apply to any type of insurance covered by this
9 Act;

10 (B) during the period beginning on the
11 date of enactment of this Act and ending at
12 midnight on December 31, 2002, rates for ter-
13 rorism risk insurance covered by this Act and
14 filed with any State shall not be subject to prior
15 approval or a waiting period, under any law of
16 a State that would otherwise be applicable, ex-
17 cept that nothing in this Act affects the ability
18 of any State to invalidate a rate as excessive,
19 inadequate, or unfairly discriminatory; and

20 (C) during the period beginning on the
21 date of enactment of this Act and for so long
22 as the Program is in effect, as provided in sec-
23 tion 6 (including any period during which the
24 authority of the Secretary under section 6(d) is
25 in effect), books and records of any partici-

1 pating insurance company that are relevant to
2 the Program shall be provided, or caused to be
3 provided, to the Secretary or the designee of the
4 Secretary, upon request by the Secretary or
5 such designee, notwithstanding any provision of
6 the laws of any State prohibiting or limiting
7 such access.

8 **SEC. 8. SENSE OF THE CONGRESS REGARDING CAPACITY**
9 **BUILDING.**

10 It is the sense of the Congress that the insurance in-
11 dustry should build capacity and aggregate risk to provide
12 affordable property and casualty insurance coverage for
13 terrorism risk.

14 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS; PAYMENT**
15 **AUTHORITY.**

16 (a) ADMINISTRATIVE EXPENSES.—There are author-
17 ized to be appropriated to the Secretary, out of funds in
18 the Treasury not otherwise appropriated, such sums as
19 may be necessary for administrative expenses of the Pro-
20 gram, to remain available until expended.

21 (b) PAYMENT AUTHORITY.—This Act constitutes
22 payment authority in advance of appropriation Acts, and
23 represents the obligation of the Federal Government to
24 provide for the Federal share of compensation for insured
25 losses under the Program.

1 **SEC. 10. PROCEDURES FOR CIVIL ACTIONS.**

2 (a) **FEDERAL CAUSE OF ACTION.**—

3 (1) **IN GENERAL.**—There shall exist a Federal
4 cause of action for property damage, personal injury,
5 or death arising out of or resulting from an act of
6 terrorism, which shall be the exclusive cause of ac-
7 tion and remedy for claims for such property dam-
8 age, personal injury, or death, except as provided in
9 subsection (d).

10 (2) **PREEMPTION OF STATE ACTIONS.**—All
11 State causes of action of any kind for property dam-
12 age, personal injury, or death arising out of or re-
13 sulting from an act of terrorism that are otherwise
14 available under State law, are hereby preempted, ex-
15 cept as provided in subsection (d).

16 (b) **GOVERNING LAW.**—The substantive law for deci-
17 sion in an action described in subsection (a)(1) shall be
18 derived from the law, including applicable choice of law
19 principles, of the State in which the act of terrorism giving
20 rise to the action occurred, except to the extent that—

21 (1) the law, including choice of law principles,
22 of another State is determined to be applicable to
23 the action by the district court hearing the action;
24 or

25 (2) otherwise applicable State law (including
26 that determined pursuant to paragraph (1)), is in-

1 funding, and allocation of the risk of loss caused by
2 such acts of terrorism;

3 (5) a decision by property and casualty insurers
4 to deal with such uncertainties, either by termi-
5 nating property and casualty coverage for losses
6 arising from terrorist events, or by radically esca-
7 lating premium coverage to compensate for risks of
8 loss that are not readily predictable, could seriously
9 hamper ongoing and planned construction, property
10 acquisition, and other business projects, generate a
11 dramatic increase in rents, and otherwise suppress
12 economic activity; and

13 (6) the United States Government should pro-
14 vide temporary financial compensation to insured
15 parties, contributing to the stabilization of the
16 United States economy in a time of national crisis,
17 while the financial services industry develops the sys-
18 tems, mechanisms, products, and programs nec-
19 essary to create a viable financial services market for
20 private terrorism risk insurance.

21 (b) PURPOSE.—The purpose of this Act is to estab-
22 lish a temporary Federal program that provides for a
23 transparent system of shared public and private com-
24 pensation for insured losses resulting from acts of ter-
25 rorism, in order to—

1 consistent with or otherwise preempted by Federal
2 law.

3 (c) PUNITIVE DAMAGES.—Any amounts awarded in
4 a civil action described in subsection (a)(1) that are attrib-
5 utable to punitive damages shall not count as insured
6 losses for purposes of this Act.

7 (d) CLAIMS AGAINST TERRORISTS.—Nothing in this
8 section shall in any way be construed to limit the ability
9 of any plaintiff to seek any form of recovery from any per-
10 son, government, or other entity that was a participant
11 in, or aider and abettor of, any act of terrorism.

12 (e) EFFECTIVE PERIOD.—This section shall apply
13 only to actions described in subsection (a)(1) arising out
14 of or resulting from acts of terrorism that occur during
15 the effective period of the Program, including, if applica-
16 ble, any extension period provided for under section 6.

1 (1) protect consumers by addressing market
2 disruptions and ensure the continued widespread
3 availability and affordability of property and cas-
4 ualty insurance for terrorism risk; and

5 (2) allow for a transitional period for the pri-
6 vate markets to stabilize, resume pricing of such in-
7 surance, and build capacity to absorb any future
8 losses, while preserving State insurance regulation
9 and consumer protections.

10 **SEC. 3. DEFINITIONS.**

11 In this Act, the following definitions shall apply:

12 (1) ACT OF TERRORISM.—

13 (A) CERTIFICATION.—The term “act of
14 terrorism” means any act that is certified by
15 the Secretary, in concurrence with the Sec-
16 retary of State, and the Attorney General of the
17 United States—

18 (i) to be a violent act or an act that
19 is dangerous to—

20 (I) human life;

21 (II) property; or

22 (III) infrastructure;

23 (ii) to have resulted in damage within
24 the United States, or outside the United

1 States in the case of an air carrier de-
2 scribed in paragraph (3)(A)(ii); and

3 (iii) to have been committed by an in-
4 dividual or individuals acting on behalf of
5 any foreign person or foreign interest, as
6 part of an effort to coerce the civilian pop-
7 ulation of the United States or to influence
8 the policy or affect the conduct of the
9 United States Government by coercion.

10 (B) LIMITATION.—No act or event shall be
11 certified by the Secretary as an act of terrorism
12 if—

13 (i) the act or event is committed in
14 the course of a war declared by the Con-
15 gress; or

16 (ii) losses resulting from the act or
17 event, in the aggregate, do not exceed
18 \$5,000,000.

19 (C) DETERMINATIONS FINAL.—Any certifi-
20 cation of, or determination not to certify, an act
21 or event as an act of terrorism under this para-
22 graph shall be final, and shall not be subject to
23 judicial review.

24 (2) BUSINESS INTERRUPTION COVERAGE.—The
25 term “business interruption coverage”—

1 (A) means coverage of losses for temporary
2 relocation expenses and ongoing expenses, in-
3 cluding ordinary wages, where—

4 (i) there is physical damage to the
5 business premises of such magnitude that
6 the business cannot open for business;

7 (ii) there is physical damage to other
8 property that totally prevents customers or
9 employees from gaining access to the busi-
10 ness premises; or

11 (iii) the Federal, State, or local gov-
12 ernment shuts down an area due to phys-
13 ical or environmental damage, thereby pre-
14 venting customers or employees from gain-
15 ing access to the business premises; and

16 (B) does not include lost profits, other
17 than in the case of a small business concern (as
18 defined in section 3 of the Small Business Act
19 (15 U.S.C. 632) and applicable regulations
20 thereunder) in any case described in clause (i),
21 (ii), or (iii) of subparagraph (A).

1 (3) INSURED LOSS.—The term “insured loss”—

2 (A) means any loss resulting from an act
3 of terrorism that is covered by primary property
4 and casualty insurance, including business
5 interruption coverage, issued by a participating
6 insurance company, if such loss—

7 (i) occurs within the United States; or

8 (ii) occurs to an air carrier (as de-
9 fined in section 40102 of title 49, United
10 States Code) or to a United States flag
11 vessel (or a vessel based principally in the
12 United States, on which United States in-
13 come tax is paid and whose insurance cov-
14 erage is subject to regulation in the United
15 States), regardless of where the loss oc-
16 curs; and

17 (B) excludes coverage under any life or
18 health insurance.

19 (4) MARKET SHARE.—

20 (A) IN GENERAL.—The “market share” of
21 a participating insurance company shall be cal-
22 culated using the total amount of direct written
23 property and casualty insurance premiums for
24 the participating insurance company during the
25 2-year period preceding the year in which the

1 subject act of terrorism occurred (or during
2 such other period for which adequate data are
3 available, as determined by the Secretary), as a
4 percentage of the aggregate of all such property
5 and casualty insurance premiums industry-wide
6 during that period.

7 (B) ADJUSTMENTS.—The Secretary may
8 adjust the market share of a participating in-
9 surance company under subparagraph (A), as
10 necessary to reflect current market participa-
11 tion of that participating insurance company.

12 (5) NAIC.—The term “NAIC” means the Na-
13 tional Association of Insurance Commissioners.

14 (6) PARTICIPATING INSURANCE COMPANY.—
15 The term “participating insurance company” means
16 any insurance company, including any subsidiary or
17 affiliate thereof—

18 (A) that—

19 (i) is licensed or admitted to engage
20 in the business of providing primary insur-
21 ance in any State, and was so licensed or
22 admitted on September 11, 2001; or

23 (ii) is not licensed or admitted as de-
24 scribed in clause (i), if it is an eligible sur-
25 plus line carrier listed on the Quarterly

1 Listing of Alien Insurers of the NAIC, or
2 any successor thereto;

3 (B) that receives direct premiums for any
4 type of commercial property and casualty insur-
5 ance coverage or that, not later than 21 days
6 after the date of enactment of this Act, submits
7 written notification to the Secretary of its in-
8 tent to participate in the Program with regard
9 to personal lines of property and casualty insur-
10 ance; and

11 (C) that meets any other criteria that the
12 Secretary may reasonably prescribe.

13 (7) PARTICIPATING INSURANCE COMPANY DE-
14 DUCTIBLE.—The term “participating insurance com-
15 pany deductible” means—

16 (A) a participating insurance company’s
17 market share, multiplied by \$10,000,000,000,
18 with respect to insured losses resulting from an
19 act of terrorism occurring during the period be-
20 ginning on the date of enactment of this Act
21 and ending at midnight on December 31, 2002;
22 and

23 (B) a participating insurance company’s
24 market share, multiplied by \$15,000,000,000,
25 with respect to insured losses resulting from an

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 1:54:46 PM
Subject: : NRCC Tax Summit

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 17:54:46.00
SUBJECT:: NRCC Tax Summit
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

----- Forwarded by Robert W. Cobb/WHO/EOP on 04/09/2002
05:54 PM -----

Shannon Burkhardt

04/09/2002 03:32:06 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: NRCC Tax Summit

Moose,

Jim Wilkinson has been asked to speak on the "White House & Tax Policy" at the NRCC's 2002 Tax Summit breakfast on May 23, 2002. It will be a legislative briefing for the NRCC's major donor programs and last year's event raised more that \$1 million. He is available to speak but wanted me to check with you to see that he is able to. I have the official faxed invite if you'd like to see that. Please let me know whenever you can. Thank you!

-Shannon

From: CN=Christine Ciccone/OU=WHO/O=EOP [WHO]
To: Maureen R. O'Brien/OSTP/EOP@EOP [OSTP] <Maureen R. O'Brien>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 1:55:13 PM
Subject: : Re: Q&A -- prep for hearing tomorrow

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 17:55:13.00
SUBJECT:: Re: Q&A -- prep for hearing tomorrow
TO:Maureen R. O'Brien (CN=Maureen R. O'Brien/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett Kavanaugh may have more thoughts but I think the answer should include the fact that Dr. Marburger serves in a Senate confirmed position and is a director of a congressionally created office, not an Assistant to the President.

Maureen R. O'Brien
04/09/2002 02:59:39 PM
Record Type: Record

To: Jack Howard/WHO/EOP@EOP, Christine Ciccone/WHO/EOP@EOP, Ziad S. Ojakli/WHO/EOP@EOP
cc: Wendy J. Grubbs/WHO/EOP@EOP
Subject: Q&A -- prep for hearing tomorrow

Dr. Marburger is scheduled to testify before Senate Armed Services tomorrow morning on technology for combatting terrorism. Want to make sure we're prepared w/ the right answer if anyone asks why OSTP testifies and not Ridge. I've been in contact w/ OHS and they sent talking points, which I drew from for this Q&A -- can you please take a quick look to make sure this is what you would want us to say? Please call me if you have concerns with this....Thanks, Maureen 6-6037

Q: Dr. Marburger, you are the Science Advisor to the President, and the Director of OSTP in the White House. Why is it that you can come testify to Congress on homeland security matters, but the Director of Homeland Security in the White House says he cannot? What is the difference between you and Gov. Ridge?

A: As I outlined in my testimony, OSTP acts as interface for science and technology policy on a number of levels, within the White House as well as with the external community and Congress. We do provide technical assistance to the White House and advice on scientific matters. However, we also have a significant and active role in coordinating research among agencies, in soliciting input from the external research community and in interacting with the private sector and Congress on science and technology policy questions. I would liken Gov. Ridge's role more closely with the National Security Advisor. The distinction is that the President can and should be able to have special assistants on sensitive national and homeland security matters, devoted to providing advice solely to the President.

(if pressed further....)

REV_00142898

A: I can only testify to you today on what my role is; I am not prepared to provide testimony on the functions of other EOP offices or officials.
(the end)

From: CN=Shannon Burkhart/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 2:00:04 PM
Subject: : Re: NRCC Tax Summit

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Shannon Burkhart (CN=Shannon Burkhart/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 18:00:04.00
SUBJECT:: Re: NRCC Tax Summit
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Great! Thanks a million. I'll let them know, and ask them to send over and official invites and/or program listings for your approval.

Brett M. Kavanaugh
04/09/2002 05:57:30 PM
Record Type: Record

To: Shannon Burkhart/WHO/EOP@EOP
cc: Robert W. Cobb/WHO/EOP@EOP
Subject: NRCC Tax Summit

He can speak, but he should NOT use allow his official title to appear in any invites. We should approve the draft invite IN ADVANCE. Thanks!

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/09/2002 05:55 PM -----

Robert W. Cobb
04/09/2002 05:54:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: NRCC Tax Summit

----- Forwarded by Robert W. Cobb/WHO/EOP on 04/09/2002
05:54 PM -----

Shannon Burkhart
04/09/2002 03:32:06 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: NRCC Tax Summit

Moose,

Jim Wilkinson has been asked to speak on the "White House & Tax Policy" at the NRCC's 2002 Tax Summit breakfast on May 23, 2002. It will be a legislative briefing for the NRCC's major donor programs and last year's event raised more than \$1 million. He is available to speak but wanted me to check with you to see that he is able to. I have the official faxed invite if you'd like to see that. Please let me know whenever you can. Thank you!

-Shannon

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/9/2002 2:47:33 PM
Subject: : Alberto Gonzales

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 18:47:33.00
SUBJECT:: Alberto Gonzales
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

EEEEK.
----- Forwarded by Anne Womack/WHO/EOP on 04/09/2002
06:47 PM -----

Ryan Lizza <rlizza@tnr.com>
04/09/2002 03:08:56 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: Alberto Gonzales

Anne,

How are you?

I'm writing a long piece about Alberto Gonzales that will cover both his career in Texas and time in Washington. It is currently slated to be a cover story.

I want to interview Gonzales and perhaps some of his senior aides. What are the chances of making that happen? This is going to be a fairly exhaustive profile, and I can't imagine doing it without speaking to him.

Ideally, I would like to talk to him within the next week, but I can certainly be flexible. Thanks for considering this request, and let me know if you have any questions about the piece.

Best,
Ryan Lizza
The New Republic
202-508-4465 (w)
202-494-2208 (cell)
202-628-9383 (fax)

From: CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 2:49:38 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 18:49:38.00
SUBJECT:: Re:
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Brett should handle this.

Sent from my BlackBerry Handheld.

----- Original Message -----
From: Robert W. Cobb/WHO/EOP
To: Timothy E. Flanigan/WHO/EOP@EOP
Cc:
Date: 04/09/2002 06:00:10 PM
Subject: Re:

I received a call from Susan Beard, a line ethics official at DOEnergy about FOIA request from LATimes about travel. Do want me to do anything with it? 586-3413 is her number.
----- Forwarded by Robert W. Cobb/WHO/EOP on 04/09/2002 05:58 PM -----

David S. Addington
04/09/2002 04:42:38 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Re:

Moose:

Yes -- Tim Flanigan is worrying this subject.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>
CC: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 4/9/2002 5:03:36 PM
Subject: : Re: STATUS: Draft letter from Nick Calio to Sen. Lieberman re Ridge testimony

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-APR-2002 21:03:36.00

SUBJECT:: Re: STATUS: Draft letter from Nick Calio to Sen. Lieberman re Ridge testimony

TO: Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

yes, if you could FAX one to Libby at 6-6279 and one to me at
6-5104. Thanks much.

Christine Ciccone
04/09/2002 06:57:51 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: STATUS: Draft letter from Nick Calio to Sen.
Lieberman re Ridge testimony

The letter was sent, let me know if you need a copy.

From: Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>
To: Sutton, Jason <Jason.J.Sutton@usdoj.gov>; Clement, Paul D <Paul.D.Clement@usdoj.gov>; Ho, James <James.Ho@usdoj.gov>; Coughlin, Robert <Robert.Coughlin@usdoj.gov>; Martens, Matthew <Matthew.Martens@usdoj.gov>; 'Stwist@viad.com' <Stwist@viad.com>; 'Stephen_Higgins@judiciary.senate.gov' <Stephen_Higgins@judiciary.senate.gov>; Receipt Notification Requested) (IPM Return Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN] <Matthew_Lamberti@judiciary.senate.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; 'dshay@viad.com' <dshay@viad.com>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
CC: Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>
Sent: 4/9/2002 5:09:39 PM
Subject: : RE: VRA Conference Call with AAG Viet Dinh
Attachments: P_CEPL6003_OPD.TXT_1.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> ("Benedi, Lizette D"

<Lizette.D.Benedi@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 9-APR-2002 21:09:39.00

SUBJECT:: RE: VRA Conference Call with AAG Viet Dinh

TO: "Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sutton, Jason" <Jason.J.Sutton@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return Requested) ("'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: "'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM Return Requested) ("'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])

REV_00142905

READ:UNKNOWN

CC:Christina C. Wilson (CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Attached is a new Draft which reflects the discussions we had earlier today. Any language that was previously redlined in Draft 15/DOJ Suggested Revision, but that was agreed to by all the parties today, is now in bold typeface.

In the places where we still have outstanding issues to discuss tomorrow, I have left the redline in and capitalized the phrases. Specifically, no agreement has been reached on: the language in section 2 pertaining to "decisions"; the reprieve/pardon language in section 4; and the entirety of section 5 and whether the ratification language should be in the text of the amendment itself or in the joint resolution.

Feel free to give me a call (202-514-3824) if you have any questions. Thanks!

-----Original Message-----

From: Sutton, Jason

Sent: Tuesday, April 09, 2002 5:12 PM

To: Clement, Paul D; Martens, Matthew; Benedi, Lizette D; Ho, James;

Coughlin, Robert; 'Stwist@viad.com';

'Stephen_Higgins@judiciary.senate.gov';

'Matthew_Lamberti@judiciary.senate.gov'; 'Brett_M._Kavanaugh@who.eop.gov';

'dshay@viad.com'; 'dschacht@opd.eop.gov'

Cc: 'cwilson@opd.eop.gov'

Subject: VRA Conference Call with AAG Viet Dinh

Importance: High

A VRA conference call has been scheduled for tomorrow (Wednesday) at 5:30 pm. Please let me know if you will be able to participate. Call-in number and passcode will be provided tomorrow. Thank you.

Jason Sutton

Special Assistant to the Assistant Attorney General

202.514.9148

- newlanguage_APRIL 19.doj edits.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_CEPL6003_OPD.TXT_1>

REV_00142906

*** DOJ SUGGESTED REVISION***

9 April 2002

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States
to protect the rights of crime victims.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States ~~within seven years from the date of its submission by the Congress, and which~~ **shall take effect on the 180th day after ratification of this article:**

"ARTICLE —

"SECTION 1. The rights of victims of violent crime, being capable of protection without denying the constitutional rights of those accused of victimizing them, are hereby established and shall not be denied by any State or the United States and may be restricted only as provided in this article.

"SECTION 2. A victim of violent crime shall have the right to reasonable and timely notice of any public proceeding involving the crime and of any release or escape of the accused; the rights not to be excluded from such public proceeding and reasonably to be heard at public release, plea, sentencing, **reprieve**, and pardon proceedings; and the right to ~~adjudicative~~ decisions IN SUCH PUBLIC PROCEEDING that duly consider the victim's safety, interest in avoiding unreasonable delay, and just and timely claims to restitution from the offender. These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity.

"SECTION 3. Nothing in this article shall be construed to provide grounds for a new trial or to authorize any claim for damages. Only the victim or the victim's lawful representative may assert the rights established by this article, and no person accused of the crime may obtain any form of relief hereunder.

"SECTION 4. Congress shall have power to enforce by appropriate legislation the provisions of this article, ~~except those pertaining to federal pardon and commutation proceedings.~~ NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AFFECT THE PRESIDENT'S AUTHORITY TO GRANT REPRIEVES OR PARDONS.

"SECTION 5. THIS ARTICLE SHALL BE INOPERATIVE UNLESS IT

SHALL HAVE BEEN RATIFIED AS AN AMENDMENT TO THE
CONSTITUTION BY THE LEGISLATURES OF THREE-FOURTHS OF THE
SEVERAL STATES WITHIN SEVEN YEARS FROM THE DATE OF ITS
SUBMISSION TO THE STATES BY THE CONGRESS."

From: Sutton, Jason <Jason.J.Sutton@usdoj.gov>
To: Clement, Paul D <Paul.D.Clement@usdoj.gov>; Benedi, Lizette D
<Lizette.D.Benedi@usdoj.gov>; Ho, James <James.Ho@usdoj.gov>; Coughlin, Robert
<Robert.Coughlin@usdoj.gov>; Martens, Matthew
<Matthew.Martens@usdoj.gov>; 'Stwist@viad.com'
<Stwist@viad.com>; 'Stephen_Higgins@judiciary.senate.gov'
<Stephen_Higgins@judiciary.senate.gov>; Receipt Notification Requested) (IPM Return
Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN] <Matthew_Lamberti@judiciary.senate.gov>; Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; 'dshay@viad.com'
<dshay@viad.com>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
CC: Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>
Sent: 4/9/2002 6:10:58 PM
Subject: : VRA Conference Call with AAG Viet Dinh

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Sutton, Jason" <Jason.J.Sutton@usdoj.gov> ("Sutton, Jason"
<Jason.J.Sutton@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 9-APR-2002 22:10:58.00

SUBJECT:: VRA Conference Call with AAG Viet Dinh

TO: "Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Clement, Paul D" <Paul.D.Clement@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
("Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
[UNKNOWN])

READ:UNKNOWN

TO: "Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Coughlin, Robert" <Robert.Coughlin@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Martens, Matthew" <Matthew.Martens@usdoj.gov> (Receipt Notification
Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM Return
Requested) ("'Stwist@viad.com'" <Stwist@viad.com> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: "'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt
Notification Requested) (IPM Return Requested) ("'Stephen_Higgins@judiciary.senate.gov'"
<Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return
Requested) [UNKNOWN])

READ:UNKNOWN

TO: Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return
Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: "'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM Return
Requested) ("'dshay@viad.com'" <dshay@viad.com> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])

READ:UNKNOWN

TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: Christina C. Wilson (CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

REV_00142919

End Original ARMS Header

A VRA conference call has been scheduled for tomorrow (Wednesday) at 5:30 pm. Please let me know if you will be able to participate. Call-in number and passcode will be provided tomorrow. Thank you.

Jason Sutton
Special Assistant to the Assistant Attorney General
202.514.9148

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/9/2002 6:37:48 PM
Subject: : Re: Congress Daily Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 9-APR-2002 22:37:48.00
SUBJECT:: Re: Congress Daily Today
TO: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

this idea has been a common proposal for punis reform in past. Problem is that it can create very perverse incentives for juries -- and the government. And it does not help deal with the problem of uncertainty for defendants and a limited pool of defendant resources because punis awards will remain -- and arguably be even higher.

Sent from my BlackBerry Handheld.

----- Original Message -----
From: D. Marcus Sumerlin/OPD/EOP
To: Kristen Silverberg/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/09/2002 09:51:25 PM
Subject: FW: Congress Daily Today

What are your thoughts on Peter's idea below. Instead of banning all punitive damages -- have all punitive damages go to the federal treasury.

----- Forwarded by D. Marcus Sumerlin/OPD/EOP on
04/09/2002 09:50 PM -----

Peter.Fisher@do.treas.gov
04/05/2002 03:38:09 PM
Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject: FW: Congress Daily Today

Marc:

How about we seriously propose that it's ok if punitive damages are left in place but that any punitive damages just be paid over the federal government. after all, the purpose of punitive damages is just to punish, not to

REV_00142921

compensate or
award victims.

peter f.

-----Original Message-----

From: Kirk_Blalock@who.eop.gov [mailto:Kirk_Blalock@who.eop.gov]
Sent: Friday, April 05, 2002 3:26 PM
To: Karl_C._Rove@who.eop.gov; D._Marcus_Sumerlin@opd.eop.gov;
Kristen_Silverberg@who.eop.gov; Matthew_Kirk@who.eop.gov;
Brian_C._Conklin@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov;
sheila.bair@do.treas.gov; peter.fisher@do.treas.gov;
Ken_Mehlman@who.eop.gov; Lezlee_J._Westine@who.eop.gov;
Randall_S._Kroszner@cea.eop.gov; Nicolle_Devenish@who.eop.gov;
Susan_B._Ralston@who.eop.gov
Subject: Congress Daily Today

Senate Majority Leader Daschle has no intention of bringing a terrorism insurance bill to the floor next week because no agreements have yet been reached on the measure's tort reform language, a Daschle spokeswoman reiterated today in response to a published report. Proponents of reform continue to insist that a federal insurance program limit the ability of terrorism victims to seek punitive damages against businesses. While saying the federal reinsurance measure remains a priority for Daschle this Congress, the spokeswoman said no agreement has been reached that would clear the measure for action. "We still hope to get this done in the next work period, by Memorial Day," she said, but added: "He will not bring it to the floor until the issue of comprehensive tort reform is resolved. There's very limited time left in this Congress [and] that would be sure to provoke a very long debate if not a filibuster. It has to be worked out before the floor." Daschle has made some concessions and remains supportive of a reinsurance measure introduced last year by Sens. Christopher Dodd, D-Conn., and Phil Gramm, R-Texas, she added. Daschle "would even be willing to accept [the bill's] limited tort reforms strictly related to terrorist incidents," she said.

REV_00142922

From: Republican National Lawyers Association <RNLA@rnchq.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 3:35:17 AM
Subject: : Request for Bio and Thank You

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Republican National Lawyers Association <RNLA@rnchq.org> (Republican National Lawyers Association <RNLA@rnchq.org> [UNKNOWN])
CREATION DATE/TIME:10-APR-2002 07:35:17.00
SUBJECT:: Request for Bio and Thank You
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Dear Mr. Kavanaugh,

Thank you again for agreeing to speak at the Republican National Lawyers Association Conference on April 19 at 11:30 a.m. on the judicial nomination process.

Are there any materials that Mr. Berenson or you would like to include in the materials that the RNLA will be distributing regarding the conference? The RNLA will be applying for CLE credit for your presentation and will be pulling together all the relevant material in the next couple days. (I have been also talking to Mr. Berenson about this as well.)

Also, could you email or fax us a biography to include in the conference materials? (Fax number is 703-248-0470.)

Thanks again for agreeing to speak at the conference. It should be our largest and best attended ever. If you can arrive a little early Senator Hatch will be speaking immediately before you and may be of interest to you or Mr. Berenson. (You are, of course, free to attend and enjoy any portion of the conference including the reception afterwards.)

Thank you again,

--Michael Thielen
Executive Director
RNLA
phone AND fax 703-248-0470
email: rnla@rnchq.org <mailto:rnla@rnchq.org>

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 4:07:03 AM
Subject: : Re: Holy Land Letter

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 08:07:03.00
SUBJECT:: Re: Holy Land Letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

They are not 100% sure it is not the same entity. They thought that they
"better be safe than sorry."

Brett M. Kavanaugh
04/04/2002 06:54:45 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Holy Land Letter

Are they 100% sure it is not the same entity? Or are we supposed
to research that?

Patrick J. Bumatay
04/04/2002 09:04:57 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Holy Land Letter

Hey Brett,

Correspondence is asking about that letter I sent you to the Holy Land
Foundation (Catholic, not Muslim). They want to know if it would alright
to send that letter since there is some controversy with the name of the
organization.

Patrick

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>
Sent: 4/10/2002 5:20:14 AM
Subject: : Re: Alberto Gonzales

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 09:20:14.00
SUBJECT:: Re: Alberto Gonzales
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I really just don't care for the publication and have worked with the reporter in the past and have found it rather frustrating.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 4/10/2002 7:22:11 AM
Subject: : Terrorism Insurance Call TONIGHT

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-APR-2002 11:22:11.00
SUBJECT:: Terrorism Insurance Call TONIGHT
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Can you make? I cannot because of a Victims Right Amendment meeting.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/10/2002 11:21 AM -----

Leslie A. Mooney
04/10/2002 10:26:52 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Terrorism Insurance Call TONIGHT

There will be a terrorism insurance call tonight at 5:30pm.

call-in #s: 456-6777 and 456-6799
pass code is 3770

Thanks,
Leslie

Message Sent

To: _____
Matthew Kirk/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
Augustine T. Smythe/OMB/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Sheila.Bair@do.treas.gov
Peter.Fisher@do.treas.gov
Kristen Silverberg/WHO/EOP@EOP
Lisa D. Branch/CEA/EOP@EOP
Rebecca E. Davis/OMB/EOP@EOP
Marty P. Smith/OPD/EOP@EOP
anna.hart@do.treas.gov
Betty.Ann.Hunt@do.treas.gov

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/10/2002 7:37:47 AM
Subject: : Congress Daily Today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-APR-2002 11:37:47.00

SUBJECT:: Congress Daily Today

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

FINANCE

Parties May Reopen Talks On Terrorism Insurance Measure

;;;;;For proponents of a federal terrorism reinsurance program, this may turn out to be a big week.

;;;;;Monday featured a carefully staged White House media event, where President Bush, flanked by representatives of labor and business, exhorted the Senate to pass a bill.

;;;;;It also included an impromptu exchange of unanimous consent proposals by Senate Democratic and Republican leaders--the first such public conversation since the bill was shelved in December.

;;;;;The Senate bill, which would have provided a short-term, coinsurance arrangement between the private insurance market and the federal government, stalled last year mostly because of differences over its tort reform language.

;;;;;Proponents of reform continue to insist that the federal insurance program limit the ability of terrorism victims to seek punitive damages against businesses or the federal government or both, while opponents of limiting damages are expected to hold fast.

;;;;;Sources on both sides of the aisle conceded that the exchange Monday between Majority Whip Reid and Minority Whip Nickles was, in essence, little more than posturing, since it effectively replayed offers both

sides
had made and rejected in December.
;;;;;Nevertheless, their conversation on the Senate floor constituted an "opening gambit" that signals the onset of the new phase of talks, one Senate Democratic source said.
;;;;;Daschle has said repeatedly that he wants to move the reinsurance bill
by Memorial Day, and he is sticking to that goal, a Daschle spokeswoman said Tuesday.
;;;;;Although no leadership meetings are currently scheduled, "genuine and bipartisan" efforts are going on to reach a procedural agreement, she added. But she said: "Republicans are going to have to decide if they want to get a bill done. Right now, they seem more interested in making this a tort reform bill."
;;;;;Senate Republican aides countered the criticism, characterizing Democrats as slavishly devoted to the trial bar. "They're just going to have to get over it," the staffer said.
;;;;;Senate Banking ranking member Phil Gramm, R-Texas, a lead negotiator, told reporters Tuesday he expected the principals would meet soon.
;;;;;Gramm said he hoped to reach unanimous consent to bring up a "compromise" reinsurance bill he introduced last year. That bill is essentially identical to a measure he had crafted with Sen. Christopher Dodd, D-Conn., and other members of the Senate Banking and Commerce committees.
;;;;;The bill contains some narrow lawsuit limitations. But Gramm said Tuesday he hoped for a "jump ball" on the liability issue, with each side able to offer its own amendments on the subject.
;;;;;"I think eventually a compromise will be worked out," said Gramm.
;;;;;Reid offered Monday to use a compromise bill written in December by Dodd, Senate Banking Chairman Sarbanes and Sen. Charles Schumer, D-N.Y., as
the starting point. That measure also contains some narrow tort reforms.
;;;;;Sen. Mitch McConnell, R-Ky., who rejected the Democratic offer last year, said Tuesday he was inclined to accept a reinsurance bill that barred
punitive damages.
;;;;;Meanwhile, observers on all sides of the issue applauded Bush as having struck what they said was just the right tone at Monday's event. Although he urged Senate action, Bush avoided personal attacks on Democratic leaders.
;;;;;Bush also refrained from mentioning the controversy surrounding the bill's tort reform language or taking shots at the trial bar, which is concerned the bill will be used to curtail legal rights. Instead, Bush cast
the bill as vital to preserving jobs and national security. Pamela Barnett

From: CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO]
To: Eric A. Draper/WHO/EOP@EOP [WHO] <Eric A. Draper>; Marilyn R. Jacanin/WHO/EOP@EOP [WHO] <Marilyn R. Jacanin>; Paul L. Morse/WHO/EOP@EOP [WHO] <Paul L. Morse>
CC: Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Sara M. Taylor/WHO/EOP [WHO] <Sara M. Taylor>; becky.beach@legis.state.ia.us [UNKNOWN] <becky.beach@legis.state.ia.us>
Sent: 4/10/2002 7:40:57 AM
Subject: : POTUS Wheaties Box

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-APR-2002 11:40:57.00

SUBJECT:: POTUS Wheaties Box

TO:Eric A. Draper (CN=Eric A. Draper/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Marilyn R. Jacanin (CN=Marilyn R. Jacanin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Paul L. Morse (CN=Paul L. Morse/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

CC:becky.beach@legis.state.ia.us (becky.beach@legis.state.ia.us [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

After speaking with Kavanaugh on the POTUS Wheaties Box, we should NOT pursue this idea.

Thanks

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 4/10/2002 4:08:38 AM
Subject: : Re: Congress Daily Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 08:08:38.00
SUBJECT:: Re: Congress Daily Today
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

I'm not sure it addresses either side's concerns. We'd still be allowing terrorism lawsuits to exhaust deft resources and they would still have to vote for difficult precedent.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 4/10/2002 4:12:46 AM
Subject: : Re: Congress Daily Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 08:12:46.00
SUBJECT:: Re: Congress Daily Today
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

I'm not sure it addresses either side's concerns. We'd still be allowing terrorism lawsuits to exhaust deft resources and they would still have to vote for difficult precedent.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@EOP [WHO] <Wendy J. Grubbs>; Sally Canfield/WHO/EOP@EOP [WHO] <Sally Canfield>
CC: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 4:51:41 AM
Subject: : Draft of Mitch Daniel's testimony

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 08:51:41.00
SUBJECT:: Draft of Mitch Daniel's testimony
TO:Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sally Canfield (CN=Sally Canfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Tim Flanigan needs a copy of the most recent draft testimony. Can someone email this to me, please?

Thanks!

Libby Camp
456-2632

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 5:11:34 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-APR-2002 09:11:34.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Robert W. Cobb/WHO/EOP on 04/10/2002
09:11 AM -----

Timothy E. Flanigan
04/09/2002 06:42:18 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP
cc:
Subject: Re:

Brett should handle this.

Sent from my BlackBerry Handheld.

----- Original Message -----

From:Robert W. Cobb/WHO/EOP
To:Timothy E. Flanigan/WHO/EOP@EOP
Cc:
Date: 04/09/2002 06:00:10 PM
Subject: Re:

I received a call from Susan Beard, a line ethics official at DOEnergy
about FOIA request from LATimes about travel. Do want me to do anything
with it? 586-3413 is her number.

----- Forwarded by Robert W. Cobb/WHO/EOP on 04/09/2002
05:58 PM -----

David S. Addington
04/09/2002 04:42:38 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Re:

Moose:

Yes -- Tim Flanigan is worrying this subject.

REV_00142939

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 9:24:00 AM
Subject: : Judge talked to KBH this morning re: Owen

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 13:24:00.00
SUBJECT:: Judge talked to KBH this morning re: Owen
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

We sent her the below note along with the letter sent to Leahy on April 5. Hatch, Gramm and Hutchison were all cc'd on the letter but apparently she had not seen it.

Dear Senator Hutchison:

As we discussed, attached is the letter to Senator Leahy regarding campaign contributions to Justice Owen.

Please call me if you have any questions.

Sincerely,

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 9:25:51 AM
Subject: : Re: Ticket text

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 13:25:51.00
SUBJECT:: Re: Ticket text
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett - are political fundraisers "official events"?
----- Forwarded by Elizabeth N. Camp/WHO/EOP on
04/10/2002 01:25 PM -----

Noel J. Francisco
04/10/2002 01:25:04 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: Ticket text

Ask Brett about that. I doubt that political fundraisers count as
official government events to which 18 USC 1001 would be applicable.

Elizabeth N. Camp
04/10/2002 01:16:08 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Ticket text

Are political fundraiser "official events" or are all events "official
events"?

I am asking b/c I think they use these for photo ops at fundraisers as
well.

Noel J. Francisco
04/10/2002 12:53:21 PM
Record Type: Record

To: Carolyn Nelson/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP, Adam F. Greenstone/OA/EOP@EOP
Subject: Re: Ticket text

Here is the advice of Adam Greenstone (an attorney in the Office of

REV_00142941

Administration's General Counsel's Office), in which I concur.
----- Forwarded by Noel J. Francisco/WHO/EOP on
04/10/2002 12:51 PM -----

Adam F. Greenstone
04/09/2002 06:33:14 PM

Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Ticket text

Looks to me like providing a copy of a ticket to try to obtain admission to an official Presidential event would be punishable under 18 U.S.C. 1001. Perhaps we can say something like:

"Only original tickets will be accepted for admission to Presidential events. It is a violation of Federal law to attempt to gain admission to this event by duplicating or reproducing this ticket."

On a completely different topic, you may want to check out Newsmax.com. If you take a look at the upper left hand corner of the home page, they're selling what appears to be the official portrait of the President with the U.S. seal.

Noel J. Francisco
04/09/2002 03:09:46 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc:
Subject: Ticket text

Any ideas on this? Thanks.
----- Forwarded by Noel J. Francisco/WHO/EOP on
04/09/2002 03:09 PM -----

Elizabeth N. Camp
04/09/2002 03:04:19 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: Carolyn Nelson/WHO/EOP@EOP
Subject: Ticket text

Any ideas for Carrie on this issue?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
04/09/2002 03:04 PM -----

Carolyn Nelson 04/09/2002 02:50:45 PM
Record Type: Record

REV_00142942

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Ticket text

Libby,

I'm re-designing our presidential event tickets and would like to add a "do not duplicate or else" disclaimer to the back of the ticket to discourage counterfeiting. Do you all have an official federal government sentence that would match this request?

Thanks,
Carrie

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>; gerry.hughes@do.treas.gov [UNKNOWN] <gerry.hughes@do.treas.gov>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>; kent.smetters@do.treas.gov [UNKNOWN] <kent.smetters@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; mario.ugoletti@do.treas.gov [UNKNOWN] <mario.ugoletti@do.treas.gov>; mark.warshawsky@do.treas.gov [UNKNOWN] <mark.warshawsky@do.treas.gov>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; pat.cave@do.treas.gov [UNKNOWN] <pat.cave@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; richard.clarida@do.treas.gov [UNKNOWN] <richard.clarida@do.treas.gov>; roberta.mcinerney@do.treas.gov [UNKNOWN] <roberta.mcinerney@do.treas.gov>
Sent: 4/10/2002 5:42:39 AM
Subject: : Second Dodd Substitute
Attachments: P_YIYL6003_OPD.TXT_1.pdf

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:10-APR-2002 09:42:39.00

SUBJECT:: Second Dodd Substitute

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:gerry.hughes@do.treas.gov (gerry.hughes@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:john.duncan@do.treas.gov (john.duncan@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:kent.smetters@do.treas.gov (kent.smetters@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:mario.ugoletti@do.treas.gov (mario.ugoletti@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:mark.warshawsky@do.treas.gov (mark.warshawsky@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:pat.cave@do.treas.gov (pat.cave@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

TO:richard.clarida@do.treas.gov (richard.clarida@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:roberta.mcinerney@do.treas.gov (roberta.mcinerney@do.treas.gov [UNKNOWN])

REV_00142944

READ:UNKNOWN

End Original ARMS Header

> <<Adobe Acrobat PDF>>

Here is Dodd 2.

Sheila

- AYO01_B44.pdf

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_YIYL6003_OPD.TXT_1>

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for a complete substitute.

IN THE SENATE OF THE UNITED STATES—107th Cong., 1st Sess.

H.R. 3210

To ensure the continued financial capacity of insurers to
provide coverage for risks from terrorism.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. DODD

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Terrorism Risk Insur-
5 ance Act of 2001”.

6 **SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) property and casualty insurance firms are
9 important financial institutions, the products of
10 which allow mutualization of risk and the efficient

1 act of terrorism occurring during the period be-
2 ginning on January 1, 2003 and ending at mid-
3 night on December 31, 2003, if the Program is
4 extended in accordance with section 6.

5 (8) PERSON.—The term “person” means any
6 individual, business or nonprofit entity (including
7 those organized in the form of a partnership, limited
8 liability company, corporation, or association), trust
9 or estate, or a State or political subdivision of a
10 State or other governmental unit.

11 (9) PROGRAM.—The term “Program” means
12 the Terrorism Insured Loss Shared Compensation
13 Program established by this Act.

14 (10) PROPERTY AND CASUALTY INSURANCE.—
15 The term “property and casualty insurance”—

16 (A) means commercial lines of property
17 and casualty insurance;

18 (B) includes personal lines of property and
19 casualty insurance, if a notification is made in
20 accordance with paragraph (6)(B); and

21 (C) does not include—

22 (i) Federal crop insurance issued or
23 reinsured under the Federal Crop Insur-
24 ance Act (7 U.S.C. 1501 et seq.); or

1 (ii) private mortgage insurance, as
2 that term is defined in section 2 of the
3 Homeowners Protection Act of 1998 (12
4 U.S.C. 4901).

5 (11) SECRETARY.—The term “Secretary”
6 means the Secretary of the Treasury.

7 (12) STATE.—The term “State” means any
8 State of the United States, the District of Columbia,
9 the Commonwealth of Puerto Rico, the Common-
10 wealth of the Northern Mariana Islands, American
11 Samoa, Guam, and each of the United States Virgin
12 Islands.

13 (13) UNITED STATES.—The term “United
14 States” means all States of the United States.

15 **SEC. 4. TERRORISM INSURED LOSS SHARED COMPENSA-**
16 **TION PROGRAM.**

17 (a) ESTABLISHMENT OF PROGRAM.—

18 (1) IN GENERAL.—There is established in the
19 Department of the Treasury the Terrorism Insured
20 Loss Shared Compensation Program.

21 (2) AUTHORITY OF THE SECRETARY.—Notwith-
22 standing any other provision of State or Federal
23 law, the Secretary shall administer the Program,
24 and shall pay the Federal share of compensation for
25 insured losses in accordance with subsection (e).

1 (b) CONDITIONS FOR FEDERAL PAYMENTS.—No
2 payment may be made by the Secretary under subsection
3 (e), unless—

4 (1) a person that suffers an insured loss, or a
5 person acting on behalf of that person, files a claim
6 with a participating insurance company;

7 (2) the participating insurance company pro-
8 vides clear and conspicuous disclosure to the policy-
9 holder of the premium charged for insured losses
10 covered by the Program and the Federal share of
11 compensation for insured losses under the
12 Program—

13 (A) in the case of any policy covering an
14 insured loss that is issued on or after the date
15 of enactment of this Act, in the policy, at the
16 time of offer, purchase, and renewal of the pol-
17 icy; and

18 (B) in the case of any policy that is issued
19 before the date of enactment of this Act, not
20 later than 90 days after that date of enactment;

21 (3) the participating insurance company proc-
22 esses the claim for the insured loss in accordance
23 with its standard business practices, and any reason-
24 able procedures that the Secretary may prescribe;
25 and

1 (4) the participating insurance company sub-
2 mits to the Secretary, in accordance with such rea-
3 sonable procedures as the Secretary may establish—

4 (A) a claim for payment of the Federal
5 share of compensation for insured losses under
6 the Program;

7 (B) written verification and certification—

8 (i) of the underlying claim; and

9 (ii) of all payments made for insured
10 losses; and

11 (C) certification of its compliance with the
12 provisions of this subsection.

13 (c) MANDATORY PARTICIPATION; MANDATORY
14 AVAILABILITY.—Each insurance company that meets the
15 definition of a participating insurance company under sec-
16 tion 3—

17 (1) shall participate in the Program;

18 (2) shall make available in all of its property
19 and casualty insurance policies (in all of its partici-
20 pating lines), coverage for insured losses; and

21 (3) shall make available property and casualty
22 insurance coverage for insured losses that does not
23 differ materially from the terms, amounts, and other
24 coverage limitations applicable to losses arising from
25 events other than acts of terrorism.

1 (d) PARTICIPATION BY SELF INSURED ENTITIES.—

2 (1) DETERMINATION BY THE SECRETARY.—

3 The Secretary may, in consultation with the NAIC,
4 establish procedures to allow participation in the
5 Program by municipalities and other governmental
6 or quasi-governmental entities (and by any other en-
7 tity, as the Secretary deems appropriate) operating
8 through self insurance arrangements that were in
9 existence on September 11, 2001, but only if the
10 Secretary makes a determination with regard to par-
11 ticipation by any such entity before the occurrence
12 of an act of terrorism in which the entity incurs an
13 insured loss.

14 (2) PARTICIPATION.—If the Secretary makes a
15 determination to allow an entity described in para-
16 graph (1) to participate in the Program, all reports,
17 conditions, requirements, and standards established
18 by this Act for participating insurance companies
19 shall apply to any such entity, as determined to be
20 appropriate by the Secretary.

21 (e) SHARED INSURANCE LOSS COVERAGE.—

22 (1) FEDERAL SHARE.—

23 (A) IN GENERAL.—Subject to the cap on
24 liability under paragraph (2) and the limitation
25 under paragraph (6), the Federal share of com-

1 pensation under the Program to be paid by the
2 Secretary for insured losses resulting from an
3 act of terrorism occurring during the period be-
4 ginning on the date of enactment of this Act
5 and ending at midnight on December 31,
6 2002—

7 (i) shall be equal to 80 percent of that
8 portion of the amount of aggregate insured
9 losses that—

10 (I) exceeds the participating in-
11 surance company deductibles required
12 to be paid for those insured losses;
13 and

14 (II) does not exceed
15 \$10,000,000,000; and

16 (ii) shall be equal to 90 percent of
17 that portion of the amount of aggregate in-
18 sured losses that—

19 (I) exceeds the participating in-
20 surance company deductibles required
21 to be paid for those insured losses;
22 and

23 (II) exceeds \$10,000,000,000.

24 (B) EXTENSION PERIOD.—If the Program
25 is extended in accordance with section 6, the

1 Federal share of compensation under the Pro-
2 gram to be paid by the Secretary for insured
3 losses resulting from an act of terrorism occur-
4 ring during the period beginning on January 1,
5 2003 and ending at midnight on December 31,
6 2003, shall be calculated in accordance with
7 clauses (i) and (ii) of subparagraph (A), subject
8 to the cap on liability in paragraph (2) and the
9 limitation under paragraph (6).

10 (C) PRO RATA SHARE.—If, during the pe-
11 riod described in subparagraph (A) (or during
12 the period described in subparagraph (B), if the
13 Program is extended in accordance with section
14 6), the aggregate insured losses for that period
15 exceed \$10,000,000,000, the Secretary shall de-
16 termine the pro rata share for each partici-
17 pating insurance company of the Federal share
18 of compensation for insured losses calculated
19 under subparagraph (A).

20 (2) CAP ON ANNUAL LIABILITY.—Notwith-
21 standing paragraph (1), or any other provision of
22 Federal or State law, if the aggregate insured losses
23 exceed \$100,000,000,000 during any period referred
24 to in subparagraph (A) or (B) of paragraph (1)—

1 (A) the Secretary shall not make any pay-
2 ment under this Act for any portion of the
3 amount of such losses that exceeds
4 \$100,000,000,000; and

5 (B) participating insurance companies
6 shall not be liable for the payment of any por-
7 tion of the amount that exceeds
8 \$100,000,000,000.

9 (3) NOTICE TO CONGRESS.—The Secretary
10 shall notify the Congress if estimated or actual ag-
11 gregate insured losses exceed \$100,000,000,000 in
12 any period described in paragraph (1), and the Con-
13 gress shall determine the procedures for and the
14 source of any such excess payments.

15 (4) FINAL NETTING.—The Secretary shall have
16 sole discretion to determine the time at which claims
17 relating to any insured loss or act of terrorism shall
18 become final.

19 (5) DETERMINATIONS FINAL.—Any determina-
20 tion of the Secretary under this subsection shall be
21 final, and shall not be subject to judicial review.

22 (6) IN-FORCE REINSURANCE AGREEMENTS.—
23 For policies covered by reinsurance contracts in
24 force on the date of enactment of this Act, until the
25 in-force reinsurance contract is renewed, amended,

1 or has reached its 1-year anniversary date, any Fed-
2 eral share of compensation due to a participating in-
3 surance company for insured losses during the effec-
4 tive period of the Program shall be shared—

5 (A) with all reinsurance companies to
6 which the participating insurance company has
7 ceded some share of the insured loss pursuant
8 to an in-force reinsurance contract; and

9 (B) in a manner that distributes the Fed-
10 eral share of compensation for insured losses
11 between the participating insurance company
12 and the reinsurance company or companies in
13 the same proportion as the insured losses would
14 have been distributed if the Program did not
15 exist.

16 **SEC. 5. GENERAL AUTHORITY AND ADMINISTRATION OF**
17 **CLAIMS.**

18 (a) GENERAL AUTHORITY.—The Secretary shall have
19 the powers and authorities necessary to carry out the Pro-
20 gram, including authority—

21 (1) to investigate and audit all claims under the
22 Program; and

23 (2) to prescribe regulations and procedures to
24 implement the Program.

1 (b) INTERIM RULES AND PROCEDURES.—The Sec-
2 retary shall issue interim final rules or procedures speci-
3 fying the manner in which—

4 (1) participating insurance companies may file,
5 verify, and certify claims under the Program;

6 (2) the Secretary shall publish or otherwise
7 publicly announce the applicable percentage of in-
8 sured losses that is the responsibility of participating
9 insurance companies and the percentage that is the
10 responsibility of the Federal Government under the
11 Program;

12 (3) the Federal share of compensation for in-
13 sured losses will be paid under the Program, includ-
14 ing payments based on estimates of or actual aggre-
15 gate insured losses;

16 (4) the Secretary may, at any time, seek repay-
17 ment from or reimburse any participating insurance
18 company, based on estimates of insured losses under
19 the Program, to effectuate the insured loss sharing
20 provisions contained in section 4;

21 (5) each participating insurance company that
22 incurs insured losses shall pay its pro rata share of
23 insured losses, in accordance with section 4; and

24 (6) the Secretary will determine any final net-
25 ting of payments for actual insured losses under the

1 use of financial resources and enhance the ability of
2 the economy to maintain stability, while responding
3 to a variety of economic, political, environmental,
4 and other risks with a minimum of disruption;

5 (2) the ability of businesses and individuals to
6 obtain property and casualty insurance at reasonable
7 and predictable prices, in order to spread the risk of
8 both routine and catastrophic loss, is critical to eco-
9 nomic growth, urban development, and the construc-
10 tion and maintenance of public and private housing,
11 as well as to the promotion of United States exports
12 and foreign trade in an increasingly interconnected
13 world;

14 (3) the ability of the insurance industry to
15 cover the unprecedented financial risks presented by
16 potential acts of terrorism in the United States can
17 be a major factor in the recovery from terrorist at-
18 tacks, while maintaining the stability of the econ-
19 omy;

20 (4) widespread financial market uncertainties
21 have arisen following the terrorist attacks of Sep-
22 tember 11, 2001, including the absence of informa-
23 tion from which financial institutions can make sta-
24 tistically valid estimates of the probability and cost
25 of future terrorist events, and therefore the size,

1 Program, including payments owed to the Federal
2 Government from any participating insurance com-
3 pany and any Federal share of compensation for in-
4 sured losses owed to any participating insurance
5 company, to effectuate the insured loss sharing pro-
6 visions contained in section 4.

7 (c) SUBROGATION RIGHTS.—The United States shall
8 have the right of subrogation with respect to any payment
9 made by the United States under the Program.

10 (d) CONTRACTS FOR SERVICES.—The Secretary may
11 employ persons or contract for services as may be nec-
12 essary to implement the Program.

13 (e) CIVIL PENALTIES.—The Secretary may assess
14 civil money penalties for violations of this Act or any rule,
15 regulation, or order issued by the Secretary under this Act
16 relating to the submission of false or misleading informa-
17 tion for purposes of the Program, or any failure to repay
18 any amount required to be reimbursed under regulations
19 or procedures described in section 5(b). The authority
20 granted under this subsection shall continue during any
21 period in which the Secretary's authority under section
22 6(d) is in effect.

23 **SEC. 6. TERMINATION OF PROGRAM; DISCRETIONARY EX-**
24 **TENSION.**

25 (a) TERMINATION OF PROGRAM.—

1 (1) IN GENERAL.—The Program shall termi-
2 nate at midnight on December 31, 2002, unless the
3 Secretary—

4 (A) determines, after considering the re-
5 port and finding required by this section, that
6 the Program should be extended for one addi-
7 tional year, until midnight on December 31,
8 2003; and

9 (B) promptly notifies the Congress of such
10 determination and the reasons therefor.

11 (2) DETERMINATION FINAL.—The determina-
12 tion of the Secretary under paragraph (1) shall be
13 final, and shall not be subject to judicial review.

14 (3) TERMINATION AFTER EXTENSION.—If the
15 Program is extended under paragraph (1), the Pro-
16 gram shall terminate at midnight on December 31,
17 2003.

18 (b) REPORT TO CONGRESS.—Not later than 9
19 months after the date of enactment of this Act, the Sec-
20 retary shall submit a report to Congress—

21 (1) regarding—

22 (A) the availability of insurance coverage
23 for acts of terrorism;

1 (B) the affordability of such coverage, in-
2 cluding the effect of such coverage on pre-
3 miums; and

4 (C) the capacity of the insurance industry
5 to absorb future losses resulting from acts of
6 terrorism, taking into account the profitability
7 of the insurance industry; and

8 (2) that considers—

9 (A) the impact of the Program on each of
10 the factors described in paragraph (1); and

11 (B) the probable impact on such factors
12 and on the United States economy if the Pro-
13 gram terminates at midnight on December 31,
14 2002.

15 (c) FINDING REQUIRED.—A determination under
16 subsection (a) to extend the Program shall be based on
17 a finding by the Secretary that—

18 (1) widespread market uncertainties con-
19 tinue to disrupt the ability of insurance compa-
20 nies to price insurance coverage for losses re-
21 sulting from acts of terrorism, thereby resulting
22 in the continuing unavailability of affordable in-
23 surance for consumers; and

24 (2) extending the Program for an addi-
25 tional year would likely encourage economic sta-

1 bilization and facilitate a transition to a viable
2 market for private terrorism risk insurance.

3 (d) CONTINUING AUTHORITY TO PAY OR ADJUST
4 COMPENSATION.—Following the termination of the Pro-
5 gram under subsection (a), the Secretary may take such
6 actions as may be necessary to ensure payment, reim-
7 bursement, or adjustment of compensation for insured
8 losses arising out of any act of terrorism occurring during
9 the period in which the Program was in effect under this
10 Act, in accordance with the provisions of section 4 and
11 regulations promulgated thereunder.

12 (e) REPEAL; SAVINGS CLAUSE.—This Act is repealed
13 at midnight on the final termination date of the Program
14 under subsection (a), except that such repeal shall not be
15 construed—

16 (1) to prevent the Secretary from taking, or
17 causing to be taken, such actions under subsection
18 (d) of this section and sections 4(e)(4), 4(e)(5),
19 5(a)(1), 5(c), and 5(e) (as in effect on the day be-
20 fore the date of such repeal), and applicable regula-
21 tions promulgated thereunder, during any period in
22 which the authority of the Secretary under sub-
23 section (d) of this section is in effect; or

24 (2) to prevent the availability of funding under
25 section 10(b) during any period in which the author-

1 ity of the Secretary under subsection (d) of this sec-
2 tion is in effect.

3 (f) SENSE OF THE CONGRESS.—It is the sense of the
4 Congress that the Secretary should make any determina-
5 tion under subsection (a) in sufficient time to enable par-
6 ticipating insurance companies to include coverage for acts
7 of terrorism in their policies for 2003.

8 (g) STUDY AND REPORT ON SCOPE OF THE PRO-
9 GRAM.—

10 (1) STUDY.—The Secretary, after consultation
11 with the NAIC, representatives of the insurance in-
12 dustry, and other experts in the insurance field,
13 shall conduct a study of the potential effects of acts
14 of terrorism on the availability of life insurance and
15 other lines of insurance coverage.

16 (2) REPORT.—Not later than 9 months after
17 the date of enactment of this Act, the Secretary
18 shall submit a report to the Congress on the results
19 of the study conducted under paragraph (1).

20 (h) REPORTS REGARDING TERRORISM RISK INSUR-
21 ANCE PREMIUMS.—

22 (1) REPORT TO THE NAIC.—Beginning 6
23 months after the date of enactment of this Act, and
24 every 6 months thereafter, each participating insur-
25 ance company shall submit a report to the NAIC

1 that states the premium rates charged by that par-
2 ticipating insurance company during the preceding
3 6-month period for insured losses covered by the
4 Program, and includes an explanation of and jus-
5 tification for those rates.

6 (2) REPORTS FORWARDED.—The NAIC shall
7 promptly forward copies of each report submitted
8 under paragraph (1) to the Secretary, the Secretary
9 of Commerce, the Chairman of the Federal Trade
10 Commission, and the Comptroller General of the
11 United States.

12 (3) AGENCY REPORTS TO CONGRESS.—

13 (A) IN GENERAL.—The Secretary, the Sec-
14 retary of Commerce, and the Chairman of the
15 Federal Trade Commission shall submit joint
16 reports to Congress and the Comptroller Gen-
17 eral of the United States summarizing and eval-
18 uating the reports forwarded under paragraph
19 (2).

20 (B) TIMING.—The reports required under
21 subparagraph (A) shall be submitted—

22 (i) 9 months after the date of enact-
23 ment of this Act; and

24 (ii) 12 months after the date of sub-
25 mission of the first report under clause (i).

1 (4) GAO EVALUATION AND REPORT.—

2 (A) EVALUATION.—The Comptroller Gen-
3 eral of the United States shall evaluate each re-
4 port submitted under paragraph (3), and upon
5 request, the Secretary, the Secretary of Com-
6 merce, the Chairman of the Federal Trade
7 Commission, and the NAIC shall provide to the
8 Comptroller all documents, records, and any
9 other information that the Comptroller deems
10 necessary to carry out such evaluation.

11 (B) REPORT TO CONGRESS.—Not later
12 than 90 days after receipt of each report sub-
13 mitted under paragraph (3), the Comptroller
14 General of the United States shall submit to
15 Congress a report of the evaluation required by
16 subparagraph (A).

17 **SEC. 7. PRESERVATION OF STATE LAW.**

18 Nothing in this Act shall affect the jurisdiction or
19 regulatory authority of the insurance commissioner (or
20 any agency or office performing like functions) of any
21 State over any participating insurance company or other
22 person—

23 (1) except as specifically provided in this Act;

24 and

25 (2) except that—

1 (A) the definition of the term “act of ter-
2 rorism” in section 3 shall be the exclusive defi-
3 nition of that term for purposes of compensa-
4 tion for insured losses under this Act, and shall
5 preempt any provision of State law that is in-
6 consistent with that definition, to the extent
7 that such provision of law would otherwise
8 apply to any type of insurance covered by this
9 Act;

10 (B) during the period beginning on the
11 date of enactment of this Act and ending at
12 midnight on December 31, 2002, rates for ter-
13 rorism risk insurance covered by this Act and
14 filed with any State shall not be subject to prior
15 approval or a waiting period, under any law of
16 a State that would otherwise be applicable, ex-
17 cept that nothing in this Act affects the ability
18 of any State to invalidate a rate as excessive,
19 inadequate, or unfairly discriminatory; and

20 (C) during the period beginning on the
21 date of enactment of this Act and for so long
22 as the Program is in effect, as provided in sec-
23 tion 6 (including any period during which the
24 authority of the Secretary under section 6(d) is
25 in effect), books and records of any partici-

1 pating insurance company that are relevant to
2 the Program shall be provided, or caused to be
3 provided, to the Secretary or the designee of the
4 Secretary, upon request by the Secretary or
5 such designee, notwithstanding any provision of
6 the laws of any State prohibiting or limiting
7 such access.

8 **SEC. 8. SENSE OF THE CONGRESS REGARDING CAPACITY**
9 **BUILDING.**

10 It is the sense of the Congress that the insurance in-
11 dustry should build capacity and aggregate risk to provide
12 affordable property and casualty insurance coverage for
13 terrorism risk.

14 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS; PAYMENT**
15 **AUTHORITY.**

16 (a) ADMINISTRATIVE EXPENSES.—There are author-
17 ized to be appropriated to the Secretary, out of funds in
18 the Treasury not otherwise appropriated, such sums as
19 may be necessary for administrative expenses of the Pro-
20 gram, to remain available until expended.

21 (b) PAYMENT AUTHORITY.—This Act constitutes
22 payment authority in advance of appropriation Acts, and
23 represents the obligation of the Federal Government to
24 provide for the Federal share of compensation for insured
25 losses under the Program.

1 **SEC. 10. PROCEDURES FOR CIVIL ACTIONS.**

2 (a) **FEDERAL CAUSE OF ACTION.**—

3 (1) **IN GENERAL.**—There shall exist a Federal
4 cause of action for property damage, personal injury,
5 or death arising out of or resulting from an act of
6 terrorism, which shall be the exclusive cause of ac-
7 tion and remedy for claims for such property dam-
8 age, personal injury, or death, except as provided in
9 subsection (d).

10 (2) **PREEMPTION OF STATE ACTIONS.**—All
11 State causes of action of any kind for property dam-
12 age, personal injury, or death arising out of or re-
13 sulting from an act of terrorism that are otherwise
14 available under State law, are hereby preempted, ex-
15 cept as provided in subsection (d).

16 (b) **GOVERNING LAW.**—The substantive law for deci-
17 sion in an action described in subsection (a)(1) shall be
18 derived from the law, including applicable choice of law
19 principles, of the State in which the act of terrorism giving
20 rise to the action occurred, except to the extent that—

21 (1) the law, including choice of law principles,
22 of another State is determined to be applicable to
23 the action by the district court hearing the action;
24 or

25 (2) otherwise applicable State law (including
26 that determined pursuant to paragraph (1)), is in-

1 funding, and allocation of the risk of loss caused by
2 such acts of terrorism;

3 (5) a decision by property and casualty insurers
4 to deal with such uncertainties, either by termi-
5 nating property and casualty coverage for losses
6 arising from terrorist events, or by radically esca-
7 lating premium coverage to compensate for risks of
8 loss that are not readily predictable, could seriously
9 hamper ongoing and planned construction, property
10 acquisition, and other business projects, generate a
11 dramatic increase in rents, and otherwise suppress
12 economic activity; and

13 (6) the United States Government should pro-
14 vide temporary financial compensation to insured
15 parties, contributing to the stabilization of the
16 United States economy in a time of national crisis,
17 while the financial services industry develops the sys-
18 tems, mechanisms, products, and programs nec-
19 essary to create a viable financial services market for
20 private terrorism risk insurance.

21 (b) PURPOSE.—The purpose of this Act is to estab-
22 lish a temporary Federal program that provides for a
23 transparent system of shared public and private com-
24 pensation for insured losses resulting from acts of ter-
25 rorism, in order to—

1 consistent with or otherwise preempted by Federal
2 law.

3 (c) PUNITIVE DAMAGES.—Any amounts awarded in
4 a civil action described in subsection (a)(1) that are attrib-
5 utable to punitive damages shall not count as insured
6 losses for purposes of this Act.

7 (d) CLAIMS AGAINST TERRORISTS.—Nothing in this
8 section shall in any way be construed to limit the ability
9 of any plaintiff to seek any form of recovery from any per-
10 son, government, or other entity that was a participant
11 in, or aider and abettor of, any act of terrorism.

12 (e) EFFECTIVE PERIOD.—This section shall apply
13 only to actions described in subsection (a)(1) arising out
14 of or resulting from acts of terrorism that occur during
15 the effective period of the Program, including, if applica-
16 ble, any extension period provided for under section 6.

1 (1) protect consumers by addressing market
2 disruptions and ensure the continued widespread
3 availability and affordability of property and cas-
4 ualty insurance for terrorism risk; and

5 (2) allow for a transitional period for the pri-
6 vate markets to stabilize, resume pricing of such in-
7 surance, and build capacity to absorb any future
8 losses, while preserving State insurance regulation
9 and consumer protections.

10 **SEC. 3. DEFINITIONS.**

11 In this Act, the following definitions shall apply:

12 (1) ACT OF TERRORISM.—

13 (A) CERTIFICATION.—The term “act of
14 terrorism” means any act that is certified by
15 the Secretary, in concurrence with the Sec-
16 retary of State, and the Attorney General of the
17 United States—

18 (i) to be a violent act or an act that
19 is dangerous to—

20 (I) human life;

21 (II) property; or

22 (III) infrastructure;

23 (ii) to have resulted in damage within
24 the United States, or outside the United

1 States in the case of an air carrier de-
2 scribed in paragraph (3)(A)(ii); and

3 (iii) to have been committed by an in-
4 dividual or individuals acting on behalf of
5 any foreign person or foreign interest, as
6 part of an effort to coerce the civilian pop-
7 ulation of the United States or to influence
8 the policy or affect the conduct of the
9 United States Government by coercion.

10 (B) LIMITATION.—No act or event shall be
11 certified by the Secretary as an act of terrorism
12 if—

13 (i) the act or event is committed in
14 the course of a war declared by the Con-
15 gress; or

16 (ii) losses resulting from the act or
17 event, in the aggregate, do not exceed
18 \$5,000,000.

19 (C) DETERMINATIONS FINAL.—Any certifi-
20 cation of, or determination not to certify, an act
21 or event as an act of terrorism under this para-
22 graph shall be final, and shall not be subject to
23 judicial review.

24 (2) BUSINESS INTERRUPTION COVERAGE.—The
25 term “business interruption coverage”—

1 (A) means coverage of losses for temporary
2 relocation expenses and ongoing expenses, in-
3 cluding ordinary wages, where—

4 (i) there is physical damage to the
5 business premises of such magnitude that
6 the business cannot open for business;

7 (ii) there is physical damage to other
8 property that totally prevents customers or
9 employees from gaining access to the busi-
10 ness premises; or

11 (iii) the Federal, State, or local gov-
12 ernment shuts down an area due to phys-
13 ical or environmental damage, thereby pre-
14 venting customers or employees from gain-
15 ing access to the business premises; and

16 (B) does not include lost profits, other
17 than in the case of a small business concern (as
18 defined in section 3 of the Small Business Act
19 (15 U.S.C. 632) and applicable regulations
20 thereunder) in any case described in clause (i),
21 (ii), or (iii) of subparagraph (A).

1 (3) INSURED LOSS.—The term “insured loss”—

2 (A) means any loss resulting from an act
3 of terrorism that is covered by primary property
4 and casualty insurance, including business
5 interruption coverage, issued by a participating
6 insurance company, if such loss—

7 (i) occurs within the United States; or

8 (ii) occurs to an air carrier (as de-
9 fined in section 40102 of title 49, United
10 States Code) or to a United States flag
11 vessel (or a vessel based principally in the
12 United States, on which United States in-
13 come tax is paid and whose insurance cov-
14 erage is subject to regulation in the United
15 States), regardless of where the loss oc-
16 curs; and

17 (B) excludes coverage under any life or
18 health insurance.

19 (4) MARKET SHARE.—

20 (A) IN GENERAL.—The “market share” of
21 a participating insurance company shall be cal-
22 culated using the total amount of direct written
23 property and casualty insurance premiums for
24 the participating insurance company during the
25 2-year period preceding the year in which the

1 subject act of terrorism occurred (or during
2 such other period for which adequate data are
3 available, as determined by the Secretary), as a
4 percentage of the aggregate of all such property
5 and casualty insurance premiums industry-wide
6 during that period.

7 (B) ADJUSTMENTS.—The Secretary may
8 adjust the market share of a participating in-
9 surance company under subparagraph (A), as
10 necessary to reflect current market participa-
11 tion of that participating insurance company.

12 (5) NAIC.—The term “NAIC” means the Na-
13 tional Association of Insurance Commissioners.

14 (6) PARTICIPATING INSURANCE COMPANY.—
15 The term “participating insurance company” means
16 any insurance company, including any subsidiary or
17 affiliate thereof—

18 (A) that—

19 (i) is licensed or admitted to engage
20 in the business of providing primary insur-
21 ance in any State, and was so licensed or
22 admitted on September 11, 2001; or

23 (ii) is not licensed or admitted as de-
24 scribed in clause (i), if it is an eligible sur-
25 plus line carrier listed on the Quarterly

1 Listing of Alien Insurers of the NAIC, or
2 any successor thereto;

3 (B) that receives direct premiums for any
4 type of commercial property and casualty insur-
5 ance coverage or that, not later than 21 days
6 after the date of enactment of this Act, submits
7 written notification to the Secretary of its in-
8 tent to participate in the Program with regard
9 to personal lines of property and casualty insur-
10 ance; and

11 (C) that meets any other criteria that the
12 Secretary may reasonably prescribe.

13 (7) PARTICIPATING INSURANCE COMPANY DE-
14 DUCTIBLE.—The term “participating insurance com-
15 pany deductible” means—

16 (A) a participating insurance company’s
17 market share, multiplied by \$10,000,000,000,
18 with respect to insured losses resulting from an
19 act of terrorism occurring during the period be-
20 ginning on the date of enactment of this Act
21 and ending at midnight on December 31, 2002;
22 and

23 (B) a participating insurance company’s
24 market share, multiplied by \$15,000,000,000,
25 with respect to insured losses resulting from an

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/10/2002 9:43:28 AM
Subject: : Lieberman meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-APR-2002 13:43:28.00

SUBJECT:: Lieberman meeting

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

-- 11:30 tomorrow up there.

-- I am not sure who should go; I assume all 4 of us.

-- We need to discuss how to involve Rich Hertling of Thompson's staff. I propose that I call Cindy Lesser back and tell her that Sen. Thompson's staff had inquired about any meetings and that we think it appropriate and best for them to participate in the meeting. Let me know if you agree.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 6:29:12 AM
Subject: : can we chat for a minute next time you are over here.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-APR-2002 10:29:12.00

SUBJECT:: can we chat for a minute next time you are over here.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I want to go over atty assignments and want your opinion on some suggestions on reassigning some of the agencies.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 4/10/2002 6:30:02 AM
Subject: : Re: can we chat for a minute next time you are over here.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-APR-2002 10:30:02.00
SUBJECT:: Re: can we chat for a minute next time you are over here.
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

sure

Elizabeth N. Camp
04/10/2002 10:29:10 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: can we chat for a minute next time you are over here.

I want to go over atty assignments and want your opinion on some suggestions on reassigning some of the agencies.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 10:35:46 AM
Subject: : Re: prep for Lieberman staff meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 14:35:46.00
SUBJECT:: Re: prep for Lieberman staff meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The Judge has another 8:45 meeting - how about 9:15?

Brett M. Kavanaugh
04/10/2002 02:31:53 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E.
Flanigan/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP, Allison L.
Riepenhoff/WHO/EOP@EOP
Subject: prep for Lieberman staff meeting

I propose that we meet tomorrow at 8:45 (or post-staff-meeting)
for 15-20 minutes to discuss strategy for the meeting at 11:30 with
Lieberman's staff.

From: MailRouter [SYS]
To: Brett M. Kavanaugh/WHO/EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 6:56:32 AM
Subject: DELIVERY FAILURE: Invalid Address specified in the To: CC: or BCC: field/s

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT)
CREATOR:MailRouter (MailRouter [SYS])
CREATION DATE/TIME:10-APR-2002 10:56:32.00
SUBJECT:DELIVERY FAILURE: Invalid Address specified in the To: CC: or BCC: field/s
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

DELIVERY FAILURE REPORT

Your Document:
Re: FW: 6th circuit talkers (revised)
could not be delivered to:
"willett, don" <don.willett@usdoj.gov> (receipt notification requested) (ipm return requested)
because:
Invalid Address specified in the To: CC: or BCC: field/s
Routing Path:
CN=Mail2/O=EOP;CN=SGEOP01/O=EOP;CN=SGEOP01/O=EOP%sgelop01.eop.gov(SMTP/MIME MTA);CN=SGEOP01/O=EOP;CN=Mail2/O=EOP

From: CN=Tim Goeglein/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 7:04:17 AM
Subject: : Judicial Material

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 11:04:17.00
SUBJECT:: Judicial Material
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

B-

Jipping is representative of people all around the country who are eager for your good material; we promise to make very good use of it.

Warmly

tsg

----- Forwarded by Tim Goeglein/WHO/EOP on 04/10/2002
11:03 AM -----

Matthew E. Smith

04/10/2002 10:08:26 AM

Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc: Tim Goeglein/WHO/EOP
Subject: Judicial Material

Anne,

Do you have an idea when the material will be ready? I am able to pdf.
write from my computer if that helps you.

We are very eager to get the info out to our friends.

Thanks.

Matt

----- Forwarded by Matthew E. Smith/WHO/EOP on 04/10/2002
10:07 AM -----

Tom Jipping <Tjipping@cwfa.org>
04/10/2002 09:47:50 AM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject:

I am anxious to get the material discussed at the meeting yesterday. I believe it was Anne who it would be available in .pdf format first, perhaps

REV_00142981

this morning, and it will be very helpful for a column I am writing.

Thomas L. Jipping, J.D.
Senior Fellow in Legal Studies
Concerned Women for America
1015 15th Street, NW
Washington, D.C. 20005
(202) 488-7000

From: Suit, Neal <Neal.Suit@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 7:30:31 AM
Subject: : Re: FW: 6th circuit talkers (revised)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Suit, Neal" <Neal.Suit@usdoj.gov> ("Suit, Neal" <Neal.Suit@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:10-APR-2002 11:30:31.00

SUBJECT:: Re: FW: 6th circuit talkers (revised)

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: FW: 6th circuit talkers (revised)

Was Read By : Neal.Suit@usdoj.gov

On : Wed, 10 Apr 2002 11:08:33 -0400

From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 8:10:46 AM
Subject: : Re: FW: 6th circuit talkers (revised)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> ("Newstead, Jennifer"
<Jennifer.Newstead@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:10-APR-2002 12:10:46.00
SUBJECT:: Re: FW: 6th circuit talkers (revised)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This message is a Read Receipt Notification

Your Message : Re: FW: 6th circuit talkers (revised)
Was Read By : Jennifer.Newstead@usdoj.gov
On : Wed, 10 Apr 2002 11:51:08 -0400

From: CN=Vickie A. McQuade/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 8:19:45 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-APR-2002 12:19:45.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Libby referred me to you.

Ari is going on a trip at the end of May. He is flying up to White Plains, NY to do a keynote speech for the Westchester County Association (still need to have approved). He then is going to fly from White Plains probably on Friday morning and hook up with the President for his commencement speech to West Point. He then will leave on Friday and travel to Middlebury, VT for a college reunion. He will then return home on Sunday. Who should pay for what?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>
Sent: 4/10/2002 8:24:50 AM
Subject: : Re: Terrorism Insurance Call TONIGHT

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-APR-2002 12:24:50.00
SUBJECT:: Re: Terrorism Insurance Call TONIGHT
TO: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

This time is set, I assume.

Leslie A. Mooney
04/10/2002 10:26:52 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Terrorism Insurance Call TONIGHT

There will be a terrorism insurance call tonight at 5:30pm.

call-in #s: 456-6777 and 456-6799
pass code is 3770

Thanks,
Leslie

Message Sent

To: _____
Matthew Kirk/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Randall S. Kroszner/CEA/EOP@EOP
Augustine T. Smythe/OMB/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kirk Blalock/WHO/EOP@EOP
Sheila.Bair@do.treas.gov
Peter.Fisher@do.treas.gov
Kristen Silverberg/WHO/EOP@EOP
Lisa D. Branch/CEA/EOP@EOP
Rebecca E. Davis/OMB/EOP@EOP
Marty P. Smith/OPD/EOP@EOP
anna.hart@do.treas.gov
Betty.Ann.Hunt@do.treas.gov

REV_00142997

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 4/10/2002 9:53:06 AM
Subject: : Re: Lieberman meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 10-APR-2002 13:53:06.00

SUBJECT:: Re: Lieberman meeting

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

End Original ARMS Header

Good point. I think your suggestion is probably more likely to lead to proper result.

Timothy E. Flanigan
04/10/2002 01:48:58 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
cc: Allison L. Riepenhoff/WHO/EOP@EOP
Subject: Re: Lieberman meeting

Alternative would be to make Hertling aware and have him ask to attend. It is more diff for them to turn Thompson down directly.

Sent from my BlackBerry Handheld.

----- Original Message -----

From: Brett M. Kavanaugh/WHO/EOP
To: Bradford A. Berenson/WHO/EOP@EOP,
H. Christopher Bartolomucci/WHO/EOP@EOP,
Timothy E. Flanigan/WHO/EOP@EOP
Cc: Allison L. Riepenhoff/WHO/EOP@EOP
Date: 04/10/2002 01:43:26 PM
Subject: Lieberman meeting

-- 11:30 tomorrow up there.
-- I am not sure who should go; I assume all 4 of us.
-- We need to discuss how to involve Rich Hertling of Thompson's staff. I propose that I call Cindy Lesser back and tell her that Sen. Thompson's staff had inquired about any meetings and that we think it

REV_00143003

appropriate and best for them to participate in the meeting. Let me know if you agree.

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 10:35:47 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 14:35:47.00
SUBJECT:: Re:
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

They are a 527 organization.
(http://eforms.irs.gov/pac_list.asp?irs_pac_key=521395855)

Robert W. Cobb
04/09/2002 05:55:56 PM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject:

can you find out if this organization is a 26 USC 527(e) organization?
----- Forwarded by Robert W. Cobb/WHO/EOP on 04/09/2002
05:55 PM -----

Brett M. Kavanaugh
04/09/2002 04:25:24 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

How do I find out if Repub Ntl Lawyers Assn is a political
organization?

From: CN=Carlos E. Bonilla/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;jane.molloy@mail.doc.gov [UNKNOWN] <jane.molloy@mail.doc.gov>;kathleen.cooper@esa.doc.gov [UNKNOWN] <kathleen.cooper@esa.doc.gov>;kirk.vantine@ost.dot.gov [UNKNOWN] <kirk.vantine@ost.dot.gov>;Cesar Conda/OVP/EOP@EOP [OVP] <Cesar Conda>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>;Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>;Douglas J. Holtz-Eakin/CEA/EOP@EOP [CEA] <Douglas J. Holtz-Eakin>;mark.warshawsky@do.treas.gov [UNKNOWN] <mark.warshawsky@do.treas.gov>;lucy.huffman@do.treas.gov [UNKNOWN] <lucy.huffman@do.treas.gov>
Sent: 4/10/2002 12:27:20 PM
Subject: : Insurance

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:10-APR-2002 16:27:20.00
SUBJECT:: Insurance
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:jane.molloy@mail.doc.gov (jane.molloy@mail.doc.gov [UNKNOWN])
READ:UNKNOWN
TO:kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])
READ:UNKNOWN
TO:kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Amy C. Smith (CN=Amy C. Smith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Douglas J. Holtz-Eakin (CN=Douglas J. Holtz-Eakin/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:mark.warshawsky@do.treas.gov (mark.warshawsky@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:lucy.huffman@do.treas.gov (lucy.huffman@do.treas.gov [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

My apologies for the delay in getting the next draft out to everyone. I've been overwhelmed with other tasks but will be circulating a next draft tomorrow. Thanks for all your comments.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 4/10/2002 2:08:54 PM
Subject: : Re: prep for Lieberman staff meeting

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-APR-2002 18:08:54.00

SUBJECT:: Re: prep for Lieberman staff meeting

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Agreed.

Brett M. Kavanaugh
04/10/2002 02:31:53 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP, Allison L. Riepenhoff/WHO/EOP@EOP
Subject: prep for Lieberman staff meeting

I propose that we meet tomorrow at 8:45 (or post-staff-meeting)
for 15-20 minutes to discuss strategy for the meeting at 11:30 with
Lieberman's staff.

REV_00143014

From: CN=Mercedes M. Viana/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 3:03:24 PM
Subject: : Re: FYI - Senator Leahy comments on Miguel Estrada

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 19:03:24.00
SUBJECT:: Re: FYI - Senator Leahy comments on Miguel Estrada
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

let me look for them.

Brett M. Kavanaugh
04/10/2002 07:00:50 PM
Record Type: Record

To: Mercedes M. Viana/WHO/EOP@EOP
cc: anne womack/who/eop@eop, leonard b. rodriguez/who/eop@eop
bcc:
Subject: Re: FYI - Senator Leahy comments on Miguel Estrada

Do we have Schumer comments?

Mercedes M. Viana
04/10/2002 07:00:17 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Leonard B. Rodriguez/WHO/EOP@EOP
Subject: FYI - Senator Leahy comments on Miguel Estrada

Comments Of Sen. Patrick Leahy,
Chairman, Senate Judiciary Committee,
On Assertions Made
About The Nomination Of Miguel Estrada

April 10, 2002

Today a few interest groups and Republican Senators chose to criticize the Democratic members of the Judiciary Committee because one of President Bush's nominees has not yet been formally scheduled for a hearing.

To contend that Mr. Estrada, a young attorney with no judicial experience, is the only Hispanic who could be a nominee to a potential vacancy on the Supreme Court of the United States does a disservice to the many outstanding Hispanic judges serving in our federal and state courts.

The Republican campaign to paint a picture of unfairness in the handling of this or other judicial nominees is pure partisan bunk that is flatly refuted
by

REV_00143015

the record.

Most offensive of all is the insinuation that Mr. Estrada has been treated unfairly and that his Hispanic heritage is the reason.

Let's look for a moment at the comparative record on diversity in the federal courts.

It is Democrats who have long championed diversity in the federal courts. Seeking diversity on the bench is the principal characteristic of President Bill Clinton's work in filling judicial vacancies, and it is a proud legacy that Democrats in the Senate have worked hard to sustain.

It was Senate Democrats who fought for four years to convince Republicans to finally allow a vote on Richard Paez' nomination for the 9th Circuit Court of Appeals.

It was Democrats who pushed for more than a year for a vote on the nomination of Sonia Sotomayor for the Second Circuit.

It was Senate Democrats who fought for Judge Ronnie White, who Republicans defeated on a party-line vote.

It is Democrats who have already led the way to the confirmation of three of President Bush's Hispanic judicial nominees.

Hispanic Americans and all Americans have a stake in deciding who is selected and confirmed to sit on our courts, and especially to the D.C. Circuit Court of Appeals, which sets law affecting all Americans. The D.C. Circuit is in a position to decide how clean our water and air will be, how safe our workplaces will be, and how our civil rights and voting rights laws will be enforced.

Despite their record in blocking not one but several nominees to this very same federal circuit court, Senate Republicans asked for a pledge of a hearing on the Estrada nomination. In January, as part of the good-faith steps that Democrats have taken to repair the damage done over the last six years by Republican inaction on so many nominees - and especially, so many nominees to the D.C. Circuit - I gave that pledge. Certainly the Republican senators who made statements today are aware of that announcement.

Republicans refused to act on more than 50 of President Clinton's nominations that they deemed controversial. Democrats are giving hearings and votes even to controversial nominees.

President Clinton appointed 23 Hispanic Americans to federal judgeships. Unfortunately the Republican-led Senate killed the nominations of Jorge Rangel, Enrique Moreno, Ricardo Morado, Christine Arguello and Anabelle Rodriguez through inaction.

Since the change in majority last summer, we have proceeded to confirm Christina Armijo, Philip Martinez and Randy Crane to federal judgeships in New Mexico and Texas.

The Republicans' strategy has been to create a vacancy crisis, by refusing to act on earlier nominations to the courts, and then to point fingers to try to shift the blame.

Democrats inherited these vacancies, and Democrats have turned the trend around by restoring steadiness to the hearing process and by confirming, in just nine months, 42 judicial nominees. We have made the process more open,

and we have ended the era of secret holds.

The partisanship and politicization of the judicial nominations process was made clear again today by Republican Senators who referred to nominees' political ideology as a principal credential. I have urged the Administration to work with the Senate to fill judicial vacancies with consensus nominees who will make fair-minded judges rather than to pursue an ideologically driven court-packing agenda.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 3:09:08 PM
Subject: : Re: FYI - Senator Leahy comments on Miguel Estrada

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 19:09:08.00
SUBJECT:: Re: FYI - Senator Leahy comments on Miguel Estrada
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You should forward this to Karl, Chris, and Matt.

Brett M. Kavanaugh
04/10/2002 07:05:06 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FYI - Senator Leahy comments on Miguel Estrada

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/10/2002 07:04 PM -----

Mercedes M. Viana
04/10/2002 07:00:17 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Leonard B. Rodriguez/WHO/EOP@EOP
Subject: FYI - Senator Leahy comments on Miguel Estrada

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Chairman, Senate Judiciary Committee,
On Assertions Made
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REV_00143018

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Let's look for a moment at the comparative record on diversity in the federal courts.

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Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
Sent: 4/10/2002 3:09:53 PM
Subject: : Re: FYI - Senator Leahy comments on Miguel Estrada

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-APR-2002 19:09:53.00
SUBJECT:: Re: FYI - Senator Leahy comments on Miguel Estrada
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

already done.

Courtney S. Elwood
04/10/2002 07:09:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: FYI - Senator Leahy comments on Miguel Estrada

You should forward this to Karl, Chris, and Matt.

Brett M. Kavanaugh
04/10/2002 07:05:06 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FYI - Senator Leahy comments on Miguel Estrada

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/10/2002 07:04 PM -----

Mercedes M. Viana
04/10/2002 07:00:17 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Leonard B. Rodriguez/WHO/EOP@EOP
Subject: FYI - Senator Leahy comments on Miguel Estrada

Comments Of Sen. Patrick Leahy,
Chairman, Senate Judiciary Committee,
On Assertions Made
About The Nomination Of Miguel Estrada

April 10, 2002

Today a few interest groups and Republican Senators chose to criticize the

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Democratic members of the Judiciary Committee because one of President Bush's nominees has not yet been formally scheduled for a hearing.

To contend that Mr. Estrada, a young attorney with no judicial experience, is the only Hispanic who could be a nominee to a potential vacancy on the Supreme Court of the United States does a disservice to the many outstanding Hispanic judges serving in our federal and state courts.

The Republican campaign to paint a picture of unfairness in the handling of this or other judicial nominees is pure partisan bunk that is flatly refuted by the record.

Most offensive of all is the insinuation that Mr. Estrada has been treated unfairly and that his Hispanic heritage is the reason.

Let's look for a moment at the comparative record on diversity in the federal courts.

It is Democrats who have long championed diversity in the federal courts. Seeking diversity on the bench is the principal characteristic of President Bill Clinton's work in filling judicial vacancies, and it is a proud legacy that Democrats in the Senate have worked hard to sustain.

It was Senate Democrats who fought for four years to convince Republicans to finally allow a vote on Richard Paez' nomination for the 9th Circuit Court of Appeals.

It was Democrats who pushed for more than a year for a vote on the nomination of Sonia Sotomayor for the Second Circuit.

It was Senate Democrats who fought for Judge Ronnie White, who Republicans defeated on a party-line vote.

It is Democrats who have already led the way to the confirmation of three of President Bush's Hispanic judicial nominees.

Hispanic Americans and all Americans have a stake in deciding who is selected and confirmed to sit on our courts, and especially to the D.C. Circuit Court of Appeals, which sets law affecting all Americans. The D.C. Circuit is in a position to decide how clean our water and air will be, how safe our workplaces will be, and how our civil rights and voting rights laws will be enforced.

Despite their record in blocking not one but several nominees to this very same federal circuit court, Senate Republicans asked for a pledge of a hearing on the Estrada nomination. In January, as part of the good-faith steps that Democrats have taken to repair the damage done over the last six years by Republican inaction on so many nominees - and especially, so many nominees to the D.C. Circuit - I gave that pledge. Certainly the Republican senators who made statements today are aware of that announcement.

Republicans refused to act on more than 50 of President Clinton's nominations that they deemed controversial. Democrats are giving hearings and votes even to controversial nominees.

President Clinton appointed 23 Hispanic Americans to federal judgeships. Unfortunately the Republican-led Senate killed the nominations of Jorge Rangel, Enrique Moreno, Ricardo Morado, Christine Arguello and Anabelle Rodriguez through inaction.

Since the change in majority last summer, we have proceeded to confirm Christina Armijo, Philip Martinez and Randy Crane to federal judgeships in New Mexico and Texas.

The Republicans' strategy has been to create a vacancy crisis, by refusing to act on earlier nominations to the courts, and then to point fingers to try to shift the blame.

Democrats inherited these vacancies, and Democrats have turned the trend around by restoring steadiness to the hearing process and by confirming, in just nine months, 42 judicial nominees. We have made the process more open, and we have ended the era of secret holds.

The partisanship and politicization of the judicial nominations process was made clear again today by Republican Senators who referred to nominees' political ideology as a principal credential. I have urged the Administration to work with the Senate to fill judicial vacancies with consensus nominees who will make fair-minded judges rather than to pursue an ideologically driven court-packing agenda.

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP

REV_00143023

From: CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 3:53:54 PM
Subject: : Political filming event

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-APR-2002 19:53:54.00

SUBJECT:: Political filming event

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

The event has been approved for Tuesday afternoon, so I assume that the higher ups are ok with the potential criticism. Do you want to raise with others in Counsel's office just in case?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colleen Litkenhaus/WHO/EOP@EOP [WHO] <Colleen Litkenhaus>
Sent: 4/10/2002 4:25:12 PM
Subject: :

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 20:25:12.00
SUBJECT::
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I signed/approved the blue sheet for that event some time ago. I might suggest you contact Kim Douglas in Room 1, who probably will know current status. Thanks. And definitely call me if you need any help running this down.

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/10/2002 4:25:52 PM
Subject: : Re:

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CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-APR-2002 20:25:52.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

thanks

Brett M. Kavanaugh
04/10/2002 08:25:09 PM
Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@EOP
cc:
Subject:

I signed/approved the blue sheet for that event some time ago. I might suggest you contact Kim Douglas in Room 1, who probably will know current status. Thanks. And definitely call me if you need any help running this down.

From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher
bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 4/11/2002 4:52:58 AM
Subject: : Re: prep for Lieberman staff meeting

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2002 08:52:58.00

SUBJECT:: Re: prep for Lieberman staff meeting

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Car 11, 11:15 from West Basement.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/11/2002 5:31:12 AM
Subject: : POTUS Prep at 2pm in Judge's Ofc

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2002 09:31:12.00

SUBJECT:: POTUS Prep at 2pm in Judge's Ofc

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>;Dinah Bear/CEQ/EOP@EOP [CEQ]
<Dinah Bear>;Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>;Edward A.
Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>;Amy M. Bilyeau/OA/EOP [OA] <Amy M.
Bilyeau>;Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>;Melinda A.
Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>;Adam F. Greenstone/OA/EOP@EOP [OA]
<Adam F. Greenstone>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C.
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Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>;Zakia Mull/OA/EOP@EOP [OA] <Zakia
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/EOP@EOP [OPD] <Edwina C. Rogers>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D.
Marcus Sumerlin>;Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>;Michael J.
Napolitano/WHO/EOP@EOP [WHO] <Michael J. Napolitano>;Joel D. Kaplan/WHO/EOP@EOP
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T. Griffin/WHO/EOP@EOP [WHO] <William T. Griffin>;Taylor S. Gross/WHO/EOP@EOP [WHO]
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Walsh/WHO/EOP@EOP [WHO] <Edmund A. Walsh>;James R. Wilkinson/WHO/EOP@EOP [WHO]
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Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>;Paul B. Dyck/WHO/EOP@EOP [WHO]
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Benkie>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Israel Hernandez/WHO
/EOP@EOP [WHO] <Israel Hernandez>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine

-) search public records databases to verify names, addresses, and more?
-) use the recent enhancements to the lexis.com service?
-) track pending legislation, locate committee hearing transcripts, find historic presidential documents?

Our LexisNexis representative, Cindy Sullivan, and research consultant, Maggie Huber, will be on hand to answer your questions, provide search tips, do informal training, and hear your wish list for future LexisNexis enhancements. Please join us!

Light refreshments will be provided.

Contact Martha Schiele (x57000) with any questions, or to request WAVES clearance.

Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO
 /EOP@EOP [WHO] <Michael Shannon>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H.
 Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Stanley W.
 Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Melissa L. McAdoo/WHO
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 <Kristen L. Hughes>;John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>;Deborah A.
 Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Nikky Cogdell/OA/EOP@EOP [OA
] <Nikky Cogdell>;David R. Anderson/CEQ/EOP@EOP [CEQ] <David R. Anderson>;Kameran
 L. Bailey/CEQ/EOP@EOP [CEQ] <Kameran L. Bailey>;William Perhach/CEQ/EOP@EOP [CEQ]
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 Thernstrom>;Natalie Towcimak/CEQ/EOP@EOP [CEQ] <Natalie Towcimak>;Brian R.
 Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Elizabeth S. Dougherty/OPD
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 Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Kristine Simmons/OPD/EOP@EOP [OPD]
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 Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Sarah E. Youssef/OPD/EOP@EOP [OPD]
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 Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L.
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 Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO]
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 Fritz/WHO/EOP@EOP [WHO] <Angela I. Fritz>;Ellen W. McCathran/WHO/EOP@EOP [WHO]
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 Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Harriet Miers/WHO/EOP@EOP [WHO]
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 Fern/WHO/EOP@EOP [WHO] <Charlene E. Fern>;Andrea McDaniel/WHO/EOP@EOP [WHO]
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 Anton/NSC/EOP@EOP [NSC] <Michael N. Anton>;Jane E. Baker/PFIAB/EOP@EOP [PFIAB]
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 B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Rebecca A. Beynon/WHO/EOP@EOP
 [WHO] <Rebecca A. Beynon>;Felisha D. Bullock/ONDCP/EOP@EOP [ONDCP] <Felisha D.
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 /EOP@EOP [ONDCP] <Juan Cardenas>;Lynore M. Carnes/ONDCP/EOP@EOP [ONDCP]
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 Davis/ONDCP/EOP@EOP [ONDCP] <Darlind J. Davis>;Randy W. Deitering/PFIAB/EOP@EOP
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 Gordon/ONDCP/EOP@EOP [ONDCP] <Robert S. Gordon>;Mark S. Graham/ONDCP
 /EOP@EOP [ONDCP] <Mark S. Graham>;Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy
 E. Gray>;Mark C. Hallisey/ONDCP/EOP@EOP [ONDCP] <Mark C. Hallisey>;Lynnda J.
 Harley/ONDCP/EOP@EOP [ONDCP] <Lynnda J. Harley>;Robert J. Hindle/PFIAB/EOP@EOP [PFIAB]
 <Robert J. Hindle>;Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan
 Hunerwadel>;Tammye D. Johnson/ONDCP/EOP@EOP [ONDCP] <Tammye D.
 Johnson>;Edward H. Jurith/ONDCP/EOP@EOP [ONDCP] <Edward H. Jurith>;Brigitte R.
 LaFontant/ONDCP/EOP@EOP [ONDCP] <Brigitte R. LaFontant>;Rafael E. Lemaitre/ONDCP
 /EOP@EOP [ONDCP] <Rafael E. Lemaitre>;Alan M. Levitt/ONDCP/EOP@EOP [ONDCP]

<Alan M. Levitt>;Christopher M. Marston/ONDCP/EOP@EOP [ONDCP] <Christopher M. Marston>;Sonyia Matthews/NSC/EOP@EOP [NSC] <Sonyia Matthews>;Sean I. McCormack/NSC/EOP@EOP [NSC] <Sean I. McCormack>;Brendan G. Melley/NSC /EOP@EOP [NSC] <Brendan G. Melley>;David W. Murray/ONDCP/EOP@EOP [ONDCP] <David W. Murray>;James F. O'Gara/ONDCP/EOP@EOP [ONDCP] <James F. O'Gara>;Linda B. Oliver/OMB/EOP@EOP [OMB] <Linda B. Oliver>;Anna M. Perez/NSC/EOP@EOP [NSC] <Anna M. Perez>;Daniel R. Petersen/ONDCP/EOP@EOP [ONDCP] <Daniel R. Petersen>;Linda V. Priebe/ONDCP/EOP@EOP [ONDCP] <Linda V. Priebe>;Anne M. Pritchett/ONDCP/EOP@EOP [ONDCP] <Anne M. Pritchett>;McGavock D. Reed/OMB /EOP@EOP [OMB] <McGavock D. Reed>;Matthew R. Rees/NSC/EOP@EOP [NSC] <Matthew R. Rees>;Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>;Bonnie L. Robinson/ONDCP/EOP@EOP [ONDCP] <Bonnie L. Robinson>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>;Lawrence J. Scherer/ONDCP /EOP@EOP [ONDCP] <Lawrence J. Scherer>;Catherine Shaw/ONDCP/EOP@EOP [ONDCP] <Catherine Shaw>;David A. Shull/ONDCP/EOP@EOP [ONDCP] <David A. Shull>;June S. Sivilli/ONDCP/EOP@EOP [ONDCP] <June S. Sivilli>;William T. Smith/ONDCP/EOP@EOP [ONDCP] <William T. Smith>;Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>;Jaime Vega/ONDCP/EOP@EOP [ONDCP] <Jaime Vega>;Matthew C. Waxman/NSC /EOP@EOP [NSC] <Matthew C. Waxman>;Troy T. White/ONDCP/EOP@EOP [ONDCP] <Troy T. White>;John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>;Natalie S. Wozniak/NSC/EOP@EOP [NSC] <Natalie S. Wozniak>;Katherine J. Fertakis/NSC/EOP@EOP [NSC] <Katherine J. Fertakis>;Brian Gillis/OMB/EOP@EOP [OMB] <Brian Gillis>;Michael K. Gottlieb/ONDCP/EOP@EOP [ONDCP] <Michael K. Gottlieb>;Roosevelt A. Roy/PFIAB /EOP@EOP [PFIAB] <Roosevelt A. Roy>

Sent: 4/11/2002 9:04:59 AM
Subject: : LexisNexis Open House at the EEOB Library

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP [OA])

CREATION DATE/TIME:11-APR-2002 13:04:59.00

SUBJECT:: LexisNexis Open House at the EEOB Library

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP [OA])

READ:UNKNOWN

TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Zakia Mull (CN=Zakia Mull/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
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TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
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TO:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
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TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
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TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
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TO:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
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TO:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
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TO:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
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TO:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
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TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
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TO:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
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TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Bell (CN=Michael J. Bell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Lorraine Nisbet (CN=Lorraine Nisbet/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Stephen K. Replogle (CN=Stephen K. Replogle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:John M. Ackerly (CN=John M. Ackerly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Nikky Cogdell (CN=Nikky Cogdell/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN

TO:David R. Anderson (CN=David R. Anderson/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TO:Kameran L. Bailey (CN=Kameran L. Bailey/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TO:William Perhach (CN=William Perhach/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TO:Samuel A. Thernstrom (CN=Samuel A. Thernstrom/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TO:Natalie Towcimak (CN=Natalie Towcimak/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Sarah Gesiriech (CN=Sarah Gesiriech/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Layton Skelly (CN=Layton Skelly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Caroline Boeckel (CN=Caroline Boeckel/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Charles Conner (CN=Charles Conner/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN
TO:Daniel D. Heath (CN=Daniel D. Heath/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
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TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
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TO:Andrew D. Sacher (CN=Andrew D. Sacher/OU=OPD/O=EOP@EOP [OPD])
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TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])
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TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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TO:Andrew D. Ciafardini (CN=Andrew D. Ciafardini/OU=WHO/O=EOP@EOP [WHO])
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TO:Ellen W. McCathran (CN=Ellen W. McCathran/OU=WHO/O=EOP@EOP [WHO])
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TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
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TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
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TO:Charlene E. Fern (CN=Charlene E. Fern/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea McDaniel (CN=Andrea McDaniel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael N. Anton (CN=Michael N. Anton/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Jane E. Baker (CN=Jane E. Baker/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
TO:Mark W. Beddoes (CN=Mark W. Beddoes/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
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TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=WHO/O=EOP@EOP [WHO])
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TO:Felisha D. Bullock (CN=Felisha D. Bullock/OU=ONDCP/O=EOP@EOP [ONDCP])
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TO:Gerard Burns (CN=Gerard Burns/OU=ONDCP/O=EOP@EOP [ONDCP])
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TO:Juan Cardenas (CN=Juan Cardenas/OU=ONDCP/O=EOP@EOP [ONDCP])
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TO:Lynore M. Carnes (CN=Lynore M. Carnes/OU=ONDCP/O=EOP@EOP [ONDCP])
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TO:Randy W. Deitering (CN=Randy W. Deitering/OU=PFIAB/O=EOP@EOP [PFIAB])
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TO:Martin C. Dougherty (CN=Martin C. Dougherty/OU=ONDCP/O=EOP@EOP [ONDCP])
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TO:Edward H. Jurith (CN=Edward H. Jurith/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Brigitte R. LaFontant (CN=Brigitte R. LaFontant/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Rafael E. Lemaitre (CN=Rafael E. Lemaitre/OU=ONDCP/O=EOP@EOP [ONDCP])
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TO:James F. O'Gara (CN=James F. O'Gara/OU=ONDCP/O=EOP@EOP [ONDCP])

READ:UNKNOWN
TO:Linda B. Oliver (CN=Linda B. Oliver/OU=OMB/O=EOP@EOP [OMB])
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TO:Matthew R. Rees (CN=Matthew R. Rees/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Bonnie L. Robinson (CN=Bonnie L. Robinson/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Lawrence J. Scherer (CN=Lawrence J. Scherer/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Catherine Shaw (CN=Catherine Shaw/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:David A. Shull (CN=David A. Shull/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:June S. Sivilli (CN=June S. Sivilli/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:William T. Smith (CN=William T. Smith/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Jaime Vega (CN=Jaime Vega/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Matthew C. Waxman (CN=Matthew C. Waxman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Troy T. White (CN=Troy T. White/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Natalie S. Wozniak (CN=Natalie S. Wozniak/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian Gillis (CN=Brian Gillis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael K. Gottlieb (CN=Michael K. Gottlieb/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Roosevelt A. Roy (CN=Roosevelt A. Roy/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
End Original ARMS Header

Open House at the EEOB Library

Wednesday, April 17, 2002
1 p.m.) 3 p.m.
Room 308 EEOB

Do you know how to

) track an issue in the news, using the &e-mail alert feature8?

REV_00143037

From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 4/11/2002 5:16:39 AM
Subject: : Calendar

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 09:16:39.00
SUBJECT:: Calendar
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

So far I don't have any interviews listed for next week.

Lori

From: CN=Sara M. Taylor/OU=WHO/O=EOP [WHO]
To: Leonard B. Rodriguez/WHO/EOP@EOP [WHO] <Leonard B. Rodriguez>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/11/2002 9:19:35 AM
Subject: : Re: Wheaties Box

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 13:19:35.00
SUBJECT:: Re: Wheaties Box
TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes - I've gotten two or three calls on this myself. They understand that this can not be distributed.

Leonard B. Rodriguez
04/11/2002 01:14:09 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Sara M. Taylor/WHO/EOP
Subject: Wheaties Box

Brett--

Though we spoke about this, everyone really likes the idea of doing the Wheaties Box with the President. The idea is ONE Wheaties gift box with the President's action-shot image to be presented to the him privately. Apparently, they did this for former President Bush. Your direction on this one more time...

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/11/2002 5:31:12 AM
Subject: : POTUS Prep at 2pm in Judge's Ofc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2002 09:31:12.00

SUBJECT:: POTUS Prep at 2pm in Judge's Ofc

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/11/2002 9:34:54 AM
Subject: : Re: Red Tag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 13:34:54.00
SUBJECT:: Re: Red Tag
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No; please give to someone else

Patrick J. Bumatay
04/11/2002 12:55:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Red Tag

Brett,

I know that you were at the Hill, but have you had a chance to review the Talking points for Tax Day. It was due at 11 AM.

Thanks,
Patrick

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2002 9:41:56 AM
Subject: : Re: Red Tag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 13:41:56.00
SUBJECT:: Re: Red Tag
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

re-assigned.

Brett M. Kavanaugh
04/11/2002 01:34:50 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Red Tag

No; please give to someone else

Patrick J. Bumatay
04/11/2002 12:55:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Red Tag

Brett,

I know that you were at the Hill, but have you had a chance to review the Talking points for Tax Day. It was due at 11 AM.

Thanks,
Patrick

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2002 10:11:32 AM
Subject: : am I driving you crazy?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2002 14:11:32.00

SUBJECT:: am I driving you crazy?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2002 10:19:47 AM
Subject: : Re: question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 14:19:47.00
SUBJECT:: Re: question
TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I do not see a problem with this.

Jean M. Russell 04/11/2002 02:16:54 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: question

Moose--Larry is planning on going to New York for a RNC sponsered event. He has a friend in New York that invited him to stay at his house rather than get a hotel room (his private residence.) This friend that he would like to stay with is also having the RNC event at his house. Is that alright with you and counsel's office?

Jeannie

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2002 6:42:28 AM
Subject: : called you about a couple things

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-APR-2002 10:42:28.00
SUBJECT:: called you about a couple things
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Trip cost and Presidential Records hearing and legislation.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 4/11/2002 11:22:27 AM
Subject: : POTUS MTG ALERT!!

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2002 15:22:27.00

SUBJECT:: POTUS MTG ALERT!!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are presenting today you need to be in the Judge's office at 3:30 pm sharp. POTUS may be ready for this meeting before 3:45 so you need to be over here and ready to go.

BRENT AND LORI - please walk around and make sure everyone got the message.

Andrew Card, Chief of Staff

REV_00143046

Judge Alberto R. Gonzales, Counsel to the President
Karl Rove, Senior Advisor to the President
Timothy Flanigan, Deputy Counsel to the President
Chris Bartolomucci, Associate Counsel to the President
Brad Berenson, Associate Counsel to the President
Rachel Brand, Associate Counsel to the President
Noel Francisco, Associate Counsel to the President
Brett Kavanaugh, Associate Counsel to the President
Kyle Sampson, Associate Counsel to the President
Helgi Walker, Associate Counsel to the President

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>
Sent: 4/11/2002 11:22:27 AM
Subject: : POTUS MTG ALERT!!

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2002 15:22:27.00

SUBJECT:: POTUS MTG ALERT!!

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you are presenting today you need to be in the Judge's office at 3:30 pm sharp. POTUS may be ready for this meeting before 3:45 so you need to be over here and ready to go.

BRENT AND LORI - please walk around and make sure everyone got the message.

Andrew Card, Chief of Staff

REV_00143048

Judge Alberto R. Gonzales, Counsel to the President
Karl Rove, Senior Advisor to the President
Timothy Flanigan, Deputy Counsel to the President
Chris Bartolomucci, Associate Counsel to the President
Brad Berenson, Associate Counsel to the President
Rachel Brand, Associate Counsel to the President
Noel Francisco, Associate Counsel to the President
Brett Kavanaugh, Associate Counsel to the President
Kyle Sampson, Associate Counsel to the President
Helgi Walker, Associate Counsel to the President

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2002 7:30:03 AM
Subject: : Re: Next 4

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 11:30:03.00
SUBJECT:: Re: Next 4
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

oops. didn't look at my map.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 4/11/2002 7:43:09 AM
Subject: : catholics

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-APR-2002 11:43:09.00
SUBJECT:: catholics
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

which of our May 9th guys/gals are Catholics?

From: CN=Brooks L. Bash/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Virginia R. Neumann/NSC/EOP@EOP [NSC] <Virginia R. Neumann>
Sent: 4/11/2002 12:11:08 PM
Subject: : Investigation

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 11-APR-2002 16:11:08.00

SUBJECT:: Investigation

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: Virginia R. Neumann (CN=Virginia R. Neumann/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

End Original ARMS Header

Brett, I spoke with Jock and he thought that these circumstances would indicated that I do not need to complete the 13 page questionnaire. Do you concur? Also, Virginia Neumann, also in my office, falls under these same circumstances. Please let us know if we need to stop by to complete a new form to indicate this change. Thanks, Brooks Bash

----- Forwarded by Brooks L. Bash/NSC/EOP on 04/11/2002 04:08 PM -----

Brooks L. Bash
04/08/2002 10:57:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: John B. Bellinger/NSC/EOP@EOP
Subject: Investigation

Brett,
I initially responded that I had access to the Holy Land information, but as I review the Email that I received, I note that the Email containing information was sent to me at 7:21 a.m. on December 4. I believe the initial inquiry asked whether I had access before December 4. I have received your letter with the questionnaire--do I need to complete it? Do I need to complete a new form to replace the previous one I submitted. Please let me know. Thanks, Brooks Bash x69466.

From: CN=Garry Malphrus/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2002 8:24:08 AM
Subject: : victims

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-APR-2002 12:24:08.00

SUBJECT:: victims

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

What is the status of the provision of the victims rights constitutional amendment that Counsel's Office still had the concern with yesterday? The plan now is to do the victims rights event on Tuesday.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Cathy Alix/WHO/EOP@EOP [WHO] <Cathy Alix>; Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; David S. Addington/OVP /EOP@EOP [OVP] <David S. Addington>; A. Merrill Hughes/OVP/EOP@EOP [OVP] <A. Merrill Hughes>; Claire M. O'Donnell/OVP/EOP@EOP [OVP] <Claire M. O'Donnell>
Sent: 4/11/2002 12:50:10 PM
Subject: : Airplane Memos

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 11-APR-2002 16:50:10.00

SUBJECT:: Airplane Memos

TO: Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

CC: A. Merrill Hughes (CN=A. Merrill Hughes/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

CC: Claire M. O'Donnell (CN=Claire M. O'Donnell/OU=OVP/O=EOP@EOP [OVP])

READ: UNKNOWN

End Original ARMS Header

Cathy and Kim -- I have discussed with Brett the two airplane memos (WHICH NEITHER DAVID NOR I WROTE, despite our names being on them). No one seems to know who drafted these. But in all events, Brett believes that a final form of one or both of the memos was prepared, and he may have an e-mail to that effect to or from Merrill. He will await your call (6-7984) to discuss. -- Courtney

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;cathy alix/who/eop@eop [WHO] <cathy alix>;kimberly a. douglass/who/eop@eop [WHO] <kimberly a. douglass>;a. merrill hughes/ovp/eop@eop [OVP] <a. merrill hughes>
Sent: 4/11/2002 12:55:36 PM
Subject: : Re: Airplane Memos

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 16:55:36.00
SUBJECT:: Re: Airplane Memos
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:cathy alix (CN=cathy alix/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:kimberly a. douglass (CN=kimberly a. douglass/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:a. merrill hughes (CN=a. merrill hughes/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

These actually were prepared in draft form by our Office last July. I do not understand what the current issue is. Someone please call me to explain. 6-7984.

Courtney S. Elwood
04/11/2002 04:50:04 PM
Record Type: Record

To: Cathy Alix/WHO/EOP@EOP, Kimberly A. Douglass/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP, A. Merrill Hughes/OVP/EOP@EOP, Claire M. O'Donnell/OVP/EOP@EOP
Subject: Airplane Memos

Cathy and Kim -- I have discussed with Brett the two airplane memos (WHICH NEITHER DAVID NOR I WROTE, despite our names being on them). No one seems to know who drafted these. But in all events, Brett believes that a final form of one or both of the memos was prepared, and he may have an e-mail to that effect to or from Merrill. He will await your call (6-7984) to discuss. -- Courtney

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>;Dinah Bear/CEQ/EOP@EOP [CEQ]
<Dinah Bear>;Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>;Edward A.
Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>;Amy M. Bilyeau/OA/EOP [OA] <Amy M.
Bilyeau>;Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>;Melinda A.
Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>;Adam F. Greenstone/OA/EOP@EOP [OA]
<Adam F. Greenstone>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C.
Hawthorne>;Karen E. Kaufmann/OA/EOP@EOP [OA] <Karen E. Kaufmann>;Cynthia J.
Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>;Zakia Mull/OA/EOP@EOP [OA] <Zakia
Mull>;Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>;Stephen M.
Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>;Carlos E. Bonilla/OPD/EOP@EOP [OPD]
<Carlos E. Bonilla>;James E. Carter/OPD/EOP@EOP [OPD] <James E. Carter>;Dylan
C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;K. Philippa Malmgren/OPD/EOP@EOP [OPD]
<K. Philippa Malmgren>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C.
McNally>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Edwina C. Rogers/OPD
/EOP@EOP [OPD] <Edwina C. Rogers>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D.
Marcus Sumerlin>;Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>;Michael J.
Napolitano/WHO/EOP@EOP [WHO] <Michael J. Napolitano>;Joel D. Kaplan/WHO/EOP@EOP
[WHO] <Joel D. Kaplan>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen
Silverberg>;Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>;Tucker A.
Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Michael J. Gerson/WHO/EOP@EOP [WHO]
<Michael J. Gerson>;Gregory Goss/WHO/EOP@EOP [WHO] <Gregory Goss>;William
T. Griffin/WHO/EOP@EOP [WHO] <William T. Griffin>;Taylor S. Gross/WHO/EOP@EOP [WHO]
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Lisaius/WHO/EOP@EOP [WHO] <Kenneth A. Lisaius>;Jeanie S. Mamo/WHO/EOP@EOP [WHO]
<Jeanie S. Mamo>;Wendy L. Nipper/WHO/EOP@EOP [WHO] <Wendy L.
Nipper>;Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>;Krista L.
Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Scott N. Sforza/WHO/EOP@EOP [WHO]
<Scott N. Sforza>;Scott Stanzel/WHO/EOP@EOP [WHO] <Scott Stanzel>;Edmund A.
Walsh/WHO/EOP@EOP [WHO] <Edmund A. Walsh>;James R. Wilkinson/WHO/EOP@EOP [WHO]
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M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Alison M. Harden/WHO/EOP@EOP [WHO]
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Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>;Anne Trenolone/WHO/EOP@EOP [WHO]
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Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A.
Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Elizabeth N.
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<Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S.
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Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Alberto R. Gonzales/WHO
/EOP@EOP [WHO] <Alberto R. Gonzales>;Brent D. Greenfield/WHO/EOP@EOP [WHO]
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Kavanaugh>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Helgard C.
Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jill Davie/WHO/EOP@EOP [WHO]
<Jill Davie>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Alicia W.
Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>;Paul B. Dyck/WHO/EOP@EOP [WHO]
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Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO]
<Leonard B. Rodriguez>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A.
Schlapp>;Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>;David M. Thomas/WHO
/EOP@EOP [WHO] <David M. Thomas>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J.
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/EOP@EOP [WHO] <Adrian G. Gray>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee
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Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO
/EOP@EOP [WHO] <Michael Shannon>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H.

Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP@EOP [WHO] <Kristen L. Hughes>;John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Nikky Cogdell/OA/EOP@EOP [OA] <Nikky Cogdell>;David R. Anderson/CEQ/EOP@EOP [CEQ] <David R. Anderson>;Kameron L. Bailey/CEQ/EOP@EOP [CEQ] <Kameron L. Bailey>;William Perhach/CEQ/EOP@EOP [CEQ] <William Perhach>;Samuel A. Thernstrom/CEQ/EOP@EOP [CEQ] <Samuel A. Thernstrom>;Natalie Towcimak/CEQ/EOP@EOP [CEQ] <Natalie Towcimak>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Eleanor L. Gillmor/OPD/EOP@EOP [OPD] <Eleanor L. Gillmor>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Kristine Simmons/OPD/EOP@EOP [OPD] <Kristine Simmons>;Layton Skelly/OPD/EOP@EOP [OPD] <Layton Skelly>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Sarah E. Youssef/OPD/EOP@EOP [OPD] <Sarah E. Youssef>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Caroline Boeckel/OPD/EOP@EOP [OPD] <Caroline Boeckel>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Daniel D. Heath/OPD/EOP@EOP [OPD] <Daniel D. Heath>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Andrew D. Sacher/OPD/EOP@EOP [OPD] <Andrew D. Sacher>;Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>;Jeannette B. Reilly/WHO/EOP@EOP [WHO] <Jeannette B. Reilly>;Michelle N. Brawer/WHO/EOP@EOP [WHO] <Michelle N. Brawer>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Lindsay Hayes/WHO/EOP@EOP [WHO] <Lindsay Hayes>;Emily L. Kropp/WHO/EOP@EOP [WHO] <Emily L. Kropp>;Ann M. Molinaro/WHO/EOP@EOP [WHO] <Ann M. Molinaro>;Gail Randall/WHO/EOP@EOP [WHO] <Gail Randall>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Rory J. Diamond/WHO/EOP@EOP [WHO] <Rory J. Diamond>;Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kathryn J. Hayes/WHO/EOP@EOP [WHO] <Kathryn J. Hayes>;Andrew D. Ciafardini/WHO/EOP@EOP [WHO] <Andrew D. Ciafardini>;Angela I. Fritz/WHO/EOP@EOP [WHO] <Angela I. Fritz>;Ellen W. McCathran/WHO/EOP@EOP [WHO] <Ellen W. McCathran>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Jill C. Rowley/WHO/EOP@EOP [WHO] <Jill C. Rowley>;Charlene E. Fern/WHO/EOP@EOP [WHO] <Charlene E. Fern>;Andrea McDaniel/WHO/EOP@EOP [WHO] <Andrea McDaniel>;Steven D. Aitken/OMB/EOP@EOP [OMB] <Steven D. Aitken>;Michael N. Anton/NSC/EOP@EOP [NSC] <Michael N. Anton>;Jane E. Baker/PFIAB/EOP@EOP [PFIAB] <Jane E. Baker>;Mark W. Beddoes/ONDCP/EOP@EOP [ONDCP] <Mark W. Beddoes>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Rebecca A. Beynon/WHO/EOP@EOP [WHO] <Rebecca A. Beynon>;Felisha D. Bullock/ONDCP/EOP@EOP [ONDCP] <Felisha D. Bullock>;Gerard Burns/ONDCP/EOP@EOP [ONDCP] <Gerard Burns>;Juan Cardenas/ONDCP/EOP@EOP [ONDCP] <Juan Cardenas>;Lynore M. Carnes/ONDCP/EOP@EOP [ONDCP] <Lynore M. Carnes>;Janie B. Dargan/ONDCP/EOP@EOP [ONDCP] <Janie B. Dargan>;Timothy J. David/ONDCP/EOP@EOP [ONDCP] <Timothy J. David>;Darlind J. Davis/ONDCP/EOP@EOP [ONDCP] <Darlind J. Davis>;Randy W. Deitering/PFIAB/EOP@EOP [PFIAB] <Randy W. Deitering>;Martin C. Dougherty/ONDCP/EOP@EOP [ONDCP] <Martin C. Dougherty>;John D. Gibson/NSC/EOP@EOP [NSC] <John D. Gibson>;Robert S. Gordon/ONDCP/EOP@EOP [ONDCP] <Robert S. Gordon>;Mark S. Graham/ONDCP/EOP@EOP [ONDCP] <Mark S. Graham>;Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>;Mark C. Hallisey/ONDCP/EOP@EOP [ONDCP] <Mark C. Hallisey>;Lynnnda J. Harley/ONDCP/EOP@EOP [ONDCP] <Lynnnda J. Harley>;Robert J. Hindle/PFIAB/EOP@EOP [PFIAB] <Robert J. Hindle>;Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>;Tammye D. Johnson/ONDCP/EOP@EOP [ONDCP] <Tammye D. Johnson>;Edward H. Jurith/ONDCP/EOP@EOP [ONDCP] <Edward H. Jurith>;Brigitte R. LaFontant/ONDCP/EOP@EOP [ONDCP] <Brigitte R. LaFontant>;Rafael E. Lemaitre/ONDCP/EOP@EOP [ONDCP] <Rafael E. Lemaitre>;Alan M. Levitt/ONDCP/EOP@EOP [ONDCP] <Alan M. Levitt>;Christopher M. Marston/ONDCP/EOP@EOP [ONDCP] <Christopher M. Marston>;Sonyia Matthews/NSC/EOP@EOP [NSC] <Sonyia Matthews>;Sean I. McCormack/NSC/EOP@EOP [NSC] <Sean I. McCormack>;Brendan G. Melley/NSC/EOP@EOP [NSC] <Brendan G. Melley>;David W. Murray/ONDCP/EOP@EOP [ONDCP] <David W. Murray>;James F. O'Gara/ONDCP/EOP@EOP [ONDCP] <James F. O'Gara>;Linda

B. Oliver/OMB/EOP@EOP [OMB] <Linda B. Oliver>;Anna M. Perez/NSC/EOP@EOP [NSC]
<Anna M. Perez>;Daniel R. Petersen/ONDCP/EOP@EOP [ONDCP] <Daniel R.
Petersen>;Linda V. Priebe/ONDCP/EOP@EOP [ONDCP] <Linda V. Priebe>;Anne M.
Pritchett/ONDCP/EOP@EOP [ONDCP] <Anne M. Pritchett>;McGavock D. Reed/OMB
/EOP@EOP [OMB] <McGavock D. Reed>;Matthew R. Rees/NSC/EOP@EOP [NSC]
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Rettman>;Bonnie L. Robinson/ONDCP/EOP@EOP [ONDCP] <Bonnie L. Robinson>;Jonathan
R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>;Lawrence J. Scherer/ONDCP
/EOP@EOP [ONDCP] <Lawrence J. Scherer>;Catherine Shaw/ONDCP/EOP@EOP [ONDCP]
<Catherine Shaw>;David A. Shull/ONDCP/EOP@EOP [ONDCP] <David A. Shull>;June S.
Sivilli/ONDCP/EOP@EOP [ONDCP] <June S. Sivilli>;William T. Smith/ONDCP/EOP@EOP [
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Vargas>;Jaime Vega/ONDCP/EOP@EOP [ONDCP] <Jaime Vega>;Matthew C. Waxman/NSC
/EOP@EOP [NSC] <Matthew C. Waxman>;Troy T. White/ONDCP/EOP@EOP [ONDCP]
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Wozniak/NSC/EOP@EOP [NSC] <Natalie S. Wozniak>;Katherine J. Fertakis/NSC/EOP@EOP [
NSC] <Katherine J. Fertakis>;Brian Gillis/OMB/EOP@EOP [OMB] <Brian Gillis>;Michael K.
Gottlieb/ONDCP/EOP@EOP [ONDCP] <Michael K. Gottlieb>;Roosevelt A. Roy/PFIAB
/EOP@EOP [PFIAB] <Roosevelt A. Roy>

Sent: 4/11/2002 9:04:59 AM
Subject: : LexisNexis Open House at the EEOB Library

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP [OA])

CREATION DATE/TIME:11-APR-2002 13:04:59.00

SUBJECT:: LexisNexis Open House at the EEOB Library

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP [OA])

READ:UNKNOWN

TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Zakia Mull (CN=Zakia Mull/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

REV_00143058

TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
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TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
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TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
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TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
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TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
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TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

TO:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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READ:UNKNOWN
TO:Roosevelt A. Roy (CN=Roosevelt A. Roy/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
End Original ARMS Header

Open House at the EEOB Library

Wednesday, April 17, 2002
1 p.m.) 3 p.m.
Room 308 EEOB

Do you know how to

-) track an issue in the news, using the e-mail alert feature?
-) search public records databases to verify names, addresses, and more?
-) use the recent enhancements to the lexis.com service?
-) track pending legislation, locate committee hearing transcripts, find historic presidential documents?

Our LexisNexis representative, Cindy Sullivan, and research consultant, Maggie Huber, will be on hand to answer your questions, provide search tips, do informal training, and hear your wish list for future LexisNexis enhancements. Please join us!

Light refreshments will be provided.

Contact Martha Schiele (x57000) with any questions, or to request WAVES clearance.

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>;Dinah Bear/CEQ/EOP@EOP [CEQ]
<Dinah Bear>;Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>;Edward A.
Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>;Amy M. Bilyeau/OA/EOP [OA] <Amy M.
Bilyeau>;Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>;Melinda A.
Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>;Adam F. Greenstone/OA/EOP@EOP [OA]
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Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>;Zakia Mull/OA/EOP@EOP [OA] <Zakia
Mull>;Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>;Stephen M.
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C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;K. Philippa Malmgren/OPD/EOP@EOP [OPD]
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McNally>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Edwina C. Rogers/OPD
/EOP@EOP [OPD] <Edwina C. Rogers>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D.
Marcus Sumerlin>;Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>;Michael J.
Napolitano/WHO/EOP@EOP [WHO] <Michael J. Napolitano>;Joel D. Kaplan/WHO/EOP@EOP
[WHO] <Joel D. Kaplan>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen
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B. Oliver/OMB/EOP@EOP [OMB] <Linda B. Oliver>;Anna M. Perez/NSC/EOP@EOP [NSC]
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Pritchett/ONDCP/EOP@EOP [ONDCP] <Anne M. Pritchett>;McGavock D. Reed/OMB
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R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>;Lawrence J. Scherer/ONDCP
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Gottlieb/ONDCP/EOP@EOP [ONDCP] <Michael K. Gottlieb>;Roosevelt A. Roy/PFIAB
/EOP@EOP [PFIAB] <Roosevelt A. Roy>

Sent: 4/11/2002 9:04:59 AM
Subject: : LexisNexis Open House at the EEOB Library

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP [OA])

CREATION DATE/TIME:11-APR-2002 13:04:59.00

SUBJECT:: LexisNexis Open House at the EEOB Library

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

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TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP [OA])

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TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

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TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Layton Skelly (CN=Layton Skelly/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Caroline Boeckel (CN=Caroline Boeckel/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Charles Conner (CN=Charles Conner/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Daniel D. Heath (CN=Daniel D. Heath/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Andrew D. Sacher (CN=Andrew D. Sacher/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Marty P. Smith (CN=Marty P. Smith/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Jeannette B. Reilly (CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Michelle N. Brawer (CN=Michelle N. Brawer/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Lindsay Hayes (CN=Lindsay Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Emily L. Kropp (CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Ann M. Molinaro (CN=Ann M. Molinaro/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rory J. Diamond (CN=Rory J. Diamond/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dorothy C. Garvin (CN=Dorothy C. Garvin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew D. Ciafardini (CN=Andrew D. Ciafardini/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela I. Fritz (CN=Angela I. Fritz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ellen W. McCathran (CN=Ellen W. McCathran/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jill C. Rowley (CN=Jill C. Rowley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charlene E. Fern (CN=Charlene E. Fern/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea McDaniel (CN=Andrea McDaniel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael N. Anton (CN=Michael N. Anton/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jane E. Baker (CN=Jane E. Baker/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
TO:Mark W. Beddoes (CN=Mark W. Beddoes/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Felisha D. Bullock (CN=Felisha D. Bullock/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Gerard Burns (CN=Gerard Burns/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Juan Cardenas (CN=Juan Cardenas/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Lynore M. Carnes (CN=Lynore M. Carnes/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Janie B. Dargan (CN=Janie B. Dargan/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Timothy J. David (CN=Timothy J. David/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Darlind J. Davis (CN=Darlind J. Davis/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Randy W. Deitering (CN=Randy W. Deitering/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
TO:Martin C. Dougherty (CN=Martin C. Dougherty/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Robert S. Gordon (CN=Robert S. Gordon/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN

TO:Mark S. Graham (CN=Mark S. Graham/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mark C. Hallisey (CN=Mark C. Hallisey/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Lynnda J. Harley (CN=Lynnda J. Harley/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Robert J. Hindle (CN=Robert J. Hindle/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
TO:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Tammye D. Johnson (CN=Tammye D. Johnson/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Edward H. Jurith (CN=Edward H. Jurith/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Briggitte R. LaFontant (CN=Briggitte R. LaFontant/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Rafael E. Lemaitre (CN=Rafael E. Lemaitre/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Alan M. Levitt (CN=Alan M. Levitt/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Christopher M. Marston (CN=Christopher M. Marston/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Sonyia Matthews (CN=Sonyia Matthews/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sean I. McCormack (CN=Sean I. McCormack/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brendan G. Melley (CN=Brendan G. Melley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David W. Murray (CN=David W. Murray/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:James F. O'Gara (CN=James F. O'Gara/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Linda B. Oliver (CN=Linda B. Oliver/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Daniel R. Petersen (CN=Daniel R. Petersen/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Linda V. Priebe (CN=Linda V. Priebe/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Anne M. Pritchett (CN=Anne M. Pritchett/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Matthew R. Rees (CN=Matthew R. Rees/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Bonnie L. Robinson (CN=Bonnie L. Robinson/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Lawrence J. Scherer (CN=Lawrence J. Scherer/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Catherine Shaw (CN=Catherine Shaw/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:David A. Shull (CN=David A. Shull/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:June S. Sivilli (CN=June S. Sivilli/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:William T. Smith (CN=William T. Smith/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Jaime Vega (CN=Jaime Vega/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN

TO:Matthew C. Waxman (CN=Matthew C. Waxman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Troy T. White (CN=Troy T. White/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Natalie S. Wozniak (CN=Natalie S. Wozniak/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian Gillis (CN=Brian Gillis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael K. Gottlieb (CN=Michael K. Gottlieb/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Roosevelt A. Roy (CN=Roosevelt A. Roy/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
End Original ARMS Header

Open House at the EEOB Library

Wednesday, April 17, 2002
1 p.m.) 3 p.m.
Room 308 EEOB

Do you know how to

-) track an issue in the news, using the e-mail alert feature?
-) search public records databases to verify names, addresses, and more?
-) use the recent enhancements to the lexis.com service?
-) track pending legislation, locate committee hearing transcripts, find historic presidential documents?

Our LexisNexis representative, Cindy Sullivan, and research consultant, Maggie Huber, will be on hand to answer your questions, provide search tips, do informal training, and hear your wish list for future LexisNexis enhancements. Please join us!

Light refreshments will be provided.

Contact Martha Schiele (x57000) with any questions, or to request WAVES clearance.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>
CC: cathy alix/who/eop@eop [WHO] <cathy alix>;kimberly a. douglass/who/eop@eop [WHO]
<kimberly a. douglass>;a. merrill hughes/ovp/eop@eop [OVP] <a. merrill hughes>
Sent: 4/11/2002 1:06:39 PM
Subject: : Re: Airplane Memos

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-APR-2002 17:06:39.00
SUBJECT:: Re: Airplane Memos
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: cathy alix (CN=cathy alix/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: kimberly a. douglass (CN=kimberly a. douglass/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: a. merrill hughes (CN=a. merrill hughes/OU=ovp/O=eop@eop [OVP])
READ: UNKNOWN
End Original ARMS Header

To further explain, these memos were prepared by some combination of Merrill and me (and maybe some others). And I understand that Airlift Ops has been following the procedures.

Courtney S. Elwood
04/11/2002 04:58:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: cathy alix/who/eop@eop, kimberly a. douglass/who/eop@eop, a. merrill hughes/ovp/eop@eop
bcc:
Subject: Re: Airplane Memos

Although they were apparently NOT drafted over my name, so it remains a mystery how my name got on it.

Brett M. Kavanaugh
04/11/2002 04:55:32 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, cathy alix/who/eop@eop, kimberly a. douglass/who/eop@eop, a. merrill hughes/ovp/eop@eop
cc:
bcc:
Subject: Re: Airplane Memos

REV_00143074

These actually were prepared in draft form by our Office last July. I do not understand what the current issue is. Someone please call me to explain. 6-7984.

Courtney S. Elwood
04/11/2002 04:50:04 PM
Record Type: Record

To: Cathy Alix/WHO/EOP@EOP, Kimberly A. Douglass/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP,
A. Merrill Hughes/OVP/EOP@EOP, Claire M. O'Donnell/OVP/EOP@EOP
Subject: Airplane Memos

Cathy and Kim -- I have discussed with Brett the two airplane memos (WHICH NEITHER DAVID NOR I WROTE, despite our names being on them). No one seems to know who drafted these. But in all events, Brett believes that a final form of one or both of the memos was prepared, and he may have an e-mail to that effect to or from Merrill. He will await your call (6-7984) to discuss. -- Courtney

From: CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Sara M. Taylor/WHO/EOP [WHO] <Sara M. Taylor>
Sent: 4/11/2002 9:14:14 AM
Subject: : Wheaties Box

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 13:14:14.00
SUBJECT:: Wheaties Box
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett--

Though we spoke about this, everyone really likes the idea of doing the Wheaties Box with the President. The idea is ONE Wheaties gift box with the President's action-shot image to be presented to the him privately. Apparently, they did this for former President Bush. Your direction on this one more time...

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
Sent: 4/11/2002 9:35:20 AM
Subject: : Re: victims

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-APR-2002 13:35:20.00
SUBJECT:: Re: victims
TO: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Judge Gonzales is reviewing.

Garry Malphrus
04/11/2002 12:24:04 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: victims

What is the status of the provision of the victims rights constitutional amendment that Counsel's Office still had the concern with yesterday? The plan now is to do the victims rights event on Tuesday.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 4/11/2002 2:04:29 PM
Subject: : per your message

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 18:04:29.00
SUBJECT:: per your message
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

What do you want in the way of talking points? I could do a "myth
v. fact" sheet as well if that were helpful. Just give me your wish list
(as well as timing), and I will get it done.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/11/2002 10:31:06 AM
Subject: : POTUS MTG MOVED TO 3:45-4:05 PM.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2002 14:31:06.00

SUBJECT:: POTUS MTG MOVED TO 3:45-4:05 PM.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/11/2002 10:31:06 AM
Subject: : POTUS MTG MOVED TO 3:45-4:05 PM.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2002 14:31:06.00

SUBJECT:: POTUS MTG MOVED TO 3:45-4:05 PM.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 4/11/2002 10:55:36 AM
Subject: : Wheaties Box

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-APR-2002 14:55:36.00
SUBJECT:: Wheaties Box
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

thoughts?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/11/2002 02:54 PM -----

Leonard B. Rodriguez
04/11/2002 01:14:09 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Sara M. Taylor/WHO/EOP
Subject: Wheaties Box

Brett--

Though we spoke about this, everyone really likes the idea of doing the Wheaties Box with the President. The idea is ONE Wheaties gift box with the President's action-shot image to be presented to the him privately. Apparently, they did this for former President Bush. Your direction on this one more time...

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>;Diana L. Schacht/OPD /EOP@EOP [OPD] <Diana L. Schacht>;Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>;Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
Sent: 4/11/2002 11:22:26 AM
Subject: : Victims Rights Amendment update

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 15:22:26.00
SUBJECT:: Victims Rights Amendment update
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Counsel is ok with the latest language.

From: CN=Collister W. Johnson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Denherder-David@dol.gov @ inet [UNKNOWN] <Denherder-David@dol.gov>
Sent: 4/11/2002 12:33:18 PM
Subject: : Talent and Chao
Attachments: P_4KON6003_WHO.TXT_1.html

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 16:33:18.00
SUBJECT:: Talent and Chao
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Denherder-David@dol.gov (Denherder-David@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Brett -
question from our friends at Labor and the Talent folks -
what is the legality on this?
thank you sir (!)
cj

----- Forwarded by Collister W. Johnson/WHO/EOP on
04/11/2002 04:32 PM -----

Denherder David <Denherder-David@dol.gov>
04/11/2002 03:57:24 PM
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
Subject: Talent

Coddy-

The Talent folks would like a picture and a quote from Secretary Chao for
their web site. Can we do this? Can we give them an official photo or
would we need to give them a different photo. Please advise?

Thanks,
Dave

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_4KON6003_WHO.TXT_1>

Coddy-

The Talent folks would like a picture and a quote from Secretary Chao for their web site. Can we do this? Can we give them an official photo or would we need to give them a different photo. Please advise?

Thanks,
Dave

From: CN=A. Merrill Hughes/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;cathy alix/who/eop@eop [WHO] <cathy alix>;kimberly a. douglass/who/eop@eop [WHO] <kimberly a. douglass>;a. merrill hughes/ovp/eop@eop [OVP] <a. merrill hughes>
Sent: 4/11/2002 1:10:46 PM
Subject: : Re: Airplane Memos

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:A. Merrill Hughes (CN=A. Merrill Hughes/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:11-APR-2002 17:10:46.00
SUBJECT:: Re: Airplane Memos
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:cathy alix (CN=cathy alix/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kimberly a. douglass (CN=kimberly a. douglass/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:a. merrill hughes (CN=a. merrill hughes/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

By verbal agreement. To my knowledge those memos were never finalized.

Brett M. Kavanaugh
04/11/2002 05:06:35 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: cathy alix/who/eop@eop, kimberly a. douglass/who/eop@eop, a. merrill hughes/ovp/eop@eop
bcc:
Subject: Re: Airplane Memos

To further explain, these memos were prepared by some combination of Merrill and me (and maybe some others). And I understand that Airlift Ops has been following the procedures.

Courtney S. Elwood
04/11/2002 04:58:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: cathy alix/who/eop@eop, kimberly a. douglass/who/eop@eop, a. merrill hughes/ovp/eop@eop
bcc:
Subject: Re: Airplane Memos

Although they were apparently NOT drafted over my name, so it remains a mystery how my name got on it.

REV_00143087

Brett M. Kavanaugh
04/11/2002 04:55:32 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, cathy alix/who/eop@eop,
kimberly a. douglass/who/eop@eop, a. merrill hughes/ovp/eop@eop
cc:
bcc:
Subject: Re: Airplane Memos

These actually were prepared in draft form by our Office last
July. I do not understand what the current issue is. Someone please call
me to explain. 6-7984.

Courtney S. Elwood
04/11/2002 04:50:04 PM
Record Type: Record

To: Cathy Alix/WHO/EOP@EOP, Kimberly A. Douglass/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, David S. Addington/OVP/EOP@EOP,
A. Merrill Hughes/OVP/EOP@EOP, Claire M. O'Donnell/OVP/EOP@EOP
Subject: Airplane Memos

Cathy and Kim -- I have discussed with Brett the two airplane memos (WHICH
NEITHER DAVID NOR I WROTE, despite our names being on them). No one seems
to know who drafted these. But in all events, Brett believes that a final
form of one or both of the memos was prepared, and he may have an e-mail
to that effect to or from Merrill. He will await your call (6-7984) to
discuss. -- Courtney

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 4/11/2002 2:04:29 PM
Subject: : per your message

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:11-APR-2002 18:04:29.00
SUBJECT:: per your message
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

What do you want in the way of talking points? I could do a "myth
v. fact" sheet as well if that were helpful. Just give me your wish list
(as well as timing), and I will get it done.

From: CN=Mark Holman/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/11/2002 3:00:49 PM
Subject: : Mark Holman/WHO/EOP is out of the office.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Mark Holman (CN=Mark Holman/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-APR-2002 19:00:49.00

SUBJECT:: Mark Holman/WHO/EOP is out of the office.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I will be out of the office from 04/11/2002 until 04/22/2002.

If you have an emergency or need immediate assistance, please contact
Heather West @ (202) 456-6721 or BJ Goergen at (202) 456-7063.

From: Goodling, Monica <Monica.Goodling@usdoj.gov>
To: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>; Dinh, Viet <Viet.Dinh@usdoj.gov>; Willett, Don <Don.Willett@usdoj.gov>; Sales, Nathan <Nathan.Sales@usdoj.gov>; Comstock, Barbara <Barbara.Comstock@usdoj.gov>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Scott Stanzel/WHO/EOP@EOP [WHO] <Scott Stanzel>
CC: Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; 'Makan_Delrahim@judiciary.senate.gov' <Makan_Delrahim@judiciary.senate.gov>; Margarita Tapia (E-mail) <margarita_tapia@judiciary.senate.gov>; Rena Johnson (E-mail) <rena_johnson@judiciary.senate.gov>; 'Jennifer Oschal' <joschal@att.net>; 'Barbara_Ledeen@src.senate.gov' <Barbara_Ledeen@src.senate.gov>
Sent: 4/11/2002 6:19:03 PM
Subject: : Pittsburgh Post-Gazette DOJ reaction story on NOW's allegations re Brooks Smith

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ("Goodling, Monica"

<Monica.Goodling@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:11-APR-2002 22:19:03.00

SUBJECT:: Pittsburgh Post-Gazette DOJ reaction story on NOW's allegations re Brooks Smith

TO:"Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Newstead, Jennifer" <Jennifer.Newstead@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested) ("Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Comstock, Barbara" <Barbara.Comstock@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"'Makan_Delrahim@judiciary.senate.gov'" <Makan_Delrahim@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Makan_Delrahim@judiciary.senate.gov'" <Makan_Delrahim@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Margarita Tapia (E-mail)" <margarita_tapia@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("Margarita Tapia (E-mail)"

<margarita_tapia@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ:UNKNOWN

CC:"Rena Johnson (E-mail)" <rena_johnson@judiciary.senate.gov> (Receipt Notification

REV_00143094

Requested) (IPM Return Requested) ("Rena Johnson (E-mail)"
<rena_johnson@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested)
[UNKNOWN])
READ:UNKNOWN
CC:'Jennifer Oschal' <joschal@att.net> (Receipt Notification Requested) (IPM Return
Requested) ('Jennifer Oschal' <joschal@att.net> (Receipt Notification Requested) (IPM
Return Requested) [UNKNOWN])
READ:UNKNOWN
CC:"'Barbara_Ledeen@src.senate.gov'" <Barbara_Ledeen@src.senate.gov> (Receipt Notification
Requested) (IPM Return Requested) ("'Barbara_Ledeen@src.senate.gov'"
<Barbara_Ledeen@src.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [
UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

[Please disregard if you have copies of this already.] As many of you
know, Ann McFeathers' Pittsburgh Post-Gazette NOW story last week was
written without input from either DOJ or the WH. Following complaints
logged with her editors by Viet and I, they did print yesterday a story
based on some of my comments. It does not show up on their online
website, and while they apparently published this instead of the
correction we had hoped for, I thought you should have an electronic
version FYI for your constituencies if you haven't seen. Thanks, take
care. MMG

"Justice Defends Judge on Gun Club"
Pittsburgh Post-Gazette
April 10, 2002 (A8)

The US Department of Justice is defending U.S. District Judge D.
Brooks Smith's handling of his one-time membership in an all-male gun club
against charges by the National Organization of Women's Pennsylvania
chapter that Smith violated the judicial code of ethics.

Smith has been nominated by President Bush for the 3rd U.S.
Circuit Court of Appeals, and Pennsylvania NOW last week came out in
opposition to Smith's elevation in part because of how he dealt with his
Spuce Creek Rod and Gun Club membership.

Smith told the Senate in 1988, before he was confirmed as a
district judge, that he would try to change the club's all-male policy to
resign, which he did in 1999. Pennsylvania NOW said Smtih violated
judicial ethics by remaining in an organization that practiced
discrimination for more than two years after attempting to change its
policy.

Monica Goodling, senior counsel in the Justice Department's Office
of Public Affairs, said Smith did try to change the club's policy but was
not obliged to resign because the club was purely social -- an exemption
provided for in the Code of Judicial Conduct. The two-year limit on
membership therefore does not apply either and, in any case, was not in
effect when Smith was confirmed as a district judge in 1988, she said.

"Judge Smith has a long record supporting equality for women and
combating domestic violence and has been endosed without reservation" by
various women's groups, including the Women's Bar Association of Western
Pennsylvania, Goodling added.

NOW contends that the Spruce Creek club provides important
business contacts for its members and thus does fall under the judicial
code's prohibition on membership organizations that discriminate.

From: CN=Heather Wingate/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/12/2002 5:19:02 AM
Subject: : Re: Do you have a car?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 09:19:02.00
SUBJECT:: Re: Do you have a car?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I'm calling for one right now leaving from the West basement at 9:50.
Anne, you're catching a ride, too? right?

Brett M. Kavanaugh
04/12/2002 09:16:53 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc:
Subject: Do you have a car?

From: CN=Kirsten A. Chadwick/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/12/2002 5:19:35 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 09:19:35.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

have 930 but will call later

Brett M. Kavanaugh
04/12/2002 09:04:24 AM
Record Type: Record

To: Kirsten A. Chadwick/WHO/EOP@EOP
cc:
Subject:

Can we talk re the Presidential Records Act legislation introduced yesterday to discuss what, if anything, we should do pro-actively. My number is 6-7984.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP [OA] <Adam F. Greenstone>
Sent: 4/12/2002 5:31:54 AM
Subject: RECEIVED: FW: PROPOSAL ON WHITE HOUSE APPOINTMENT SYSTEM REPLACEMENT

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-APR-2002 09:31:54.00
SUBJECT: RECEIVED: FW: PROPOSAL ON WHITE HOUSE APPOINTMENT SYSTEM REPLACEMENT
TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
FW: PROPOSAL ON WHITE HOUSE APPOINTMENT SYSTEM REPLACEMENT
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
04/12/2002 09:31:07 AM

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: heather wingate/who/eop@eop [WHO] <heather wingate>
Sent: 4/12/2002 5:34:29 AM
Subject: : Re: Do you have a car?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-APR-2002 09:34:29.00
SUBJECT:: Re: Do you have a car?
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: heather wingate (CN=heather wingate/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

We can all go in Heather's car at 9:50.

Anne Womack
04/12/2002 09:26:25 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Re: Do you have a car?

catching a ride with Brett.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/12/2002 6:17:36 AM
Subject: : Schedule text

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 10:17:36.00
SUBJECT:: Schedule text
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Any ideas?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
04/12/2002 10:17 AM -----

Carolyn Nelson 04/12/2002 09:32:17 AM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Schedule text

Libby,

We are wondering what phrase we can add to our schedules to let people know that they need to dispose of schedules properly after an event. Should I check with the security office about this request?

Thanks!
Carrie

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brooks L. Bash/NSC/EOP@EOP [NSC] <Brooks L. Bash>
CC: jonathan r. scharfen/nsc/eop@eop [NSC] <jonathan r. scharfen>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;virginia r. neumann/nsc/eop@eop [NSC] <virginia r. neumann>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 4/12/2002 7:19:49 AM
Subject: : Re: Investigation

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-APR-2002 11:19:49.00
SUBJECT:: Re: Investigation
TO: Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
CC: jonathan r. scharfen (CN=jonathan r. scharfen/OU=nsc/O=eop@eop [NSC])
READ: UNKNOWN
CC: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ: UNKNOWN
CC: virginia r. neumann (CN=virginia r. neumann/OU=nsc/O=eop@eop [NSC])
READ: UNKNOWN
CC: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I agree with Jock. Please contact Brent Greenfield (6-5081) and complete a new form.

Brooks L. Bash
04/11/2002 04:11:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jonathan R. Scharfen/NSC/EOP@EOP, John B. Bellinger/NSC/EOP@EOP, Virginia R. Neumann/NSC/EOP@EOP
Subject: Investigation

Brett, I spoke with Jock and he thought that these circumstances would indicated that I do not need to complete the 13 page questionnaire. Do you concur? Also, Virginia Neumann, also in my office, falls under these same circumstances. Please let us know if we need to stop by to complete a new form to indicate this change. Thanks, Brooks Bash
----- Forwarded by Brooks L. Bash/NSC/EOP on 04/11/2002 04:08 PM -----

Brooks L. Bash
04/08/2002 10:57:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: John B. Bellinger/NSC/EOP@EOP
Subject: Investigation

Brett,
I initially responded that I had access to the Holy Land information, but as I review the Email that I received, I note that the Email containing information was sent to me at 7:21 a.m. on December 4. I believe the

REV_00143102

initial inquiry asked whether I had access before December 4. I have received your letter with the questionnaire--do I need to complete it? Do I need to complete a new form to replace the previous one I submitted. Please let me know. Thanks, Brooks Bash x69466.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brooks L. Bash/NSC/EOP@EOP [NSC] <Brooks L. Bash>
CC: jonathan r. scharfen/nsc/eop@eop [NSC] <jonathan r. scharfen>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;virginia r. neumann/nsc/eop@eop [NSC] <virginia r. neumann>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 4/12/2002 7:19:49 AM
Subject: : Re: Investigation

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 11:19:49.00
SUBJECT:: Re: Investigation
TO:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
CC:jonathan r. scharfen (CN=jonathan r. scharfen/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:virginia r. neumann (CN=virginia r. neumann/OU=nsc/O=eop@eop [NSC])
READ:UNKNOWN
CC:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I agree with Jock. Please contact Brent Greenfield (6-5081) and complete a new form.

Brooks L. Bash
04/11/2002 04:11:05 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jonathan R. Scharfen/NSC/EOP@EOP, John B. Bellinger/NSC/EOP@EOP, Virginia R. Neumann/NSC/EOP@EOP
Subject: Investigation

Brett, I spoke with Jock and he thought that these circumstances would indicated that I do not need to complete the 13 page questionnaire. Do you concur? Also, Virginia Neumann, also in my office, falls under these same circumstances. Please let us know if we need to stop by to complete a new form to indicate this change. Thanks, Brooks Bash
----- Forwarded by Brooks L. Bash/NSC/EOP on 04/11/2002 04:08 PM -----

Brooks L. Bash
04/08/2002 10:57:16 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: John B. Bellinger/NSC/EOP@EOP
Subject: Investigation

Brett,
I initially responded that I had access to the Holy Land information, but as I review the Email that I received, I note that the Email containing information was sent to me at 7:21 a.m. on December 4. I believe the

REV_00143104

initial inquiry asked whether I had access before December 4. I have received your letter with the questionnaire--do I need to complete it? Do I need to complete a new form to replace the previous one I submitted. Please let me know. Thanks, Brooks Bash x69466.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 4/12/2002 7:28:38 AM
Subject: : reminder to talk to Cathi

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-APR-2002 11:28:38.00
SUBJECT:: reminder to talk to Cathi
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Cathy Alix/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;cathy alix/who/eop@eop [WHO] <cathy alix>;kimberly a. douglass/who/eop@eop [WHO] <kimberly a. douglass>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;a. merrill hughes/ovp/eop@eop [OVP] <a. merrill hughes>;claire m. o'donnell/ovp/eop@eop [OVP] <claire m. o'donnell>
Sent: 4/12/2002 3:30:41 AM
Subject: : Re: Airplane Memos

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cathy Alix (CN=Cathy Alix/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 07:30:41.00
SUBJECT:: Re: Airplane Memos
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:cathy alix (CN=cathy alix/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kimberly a. douglass (CN=kimberly a. douglass/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:a. merrill hughes (CN=a. merrill hughes/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:claire m. o'donnell (CN=claire m. o'donnell/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

At my monthly Airlift Ops briefings, I have been repeatedly asked by Airlift Ops for finalized policies -- they only have drafts. My request to Kim to locate the memos and prepare them for signature has prompted this discussion. I agree with Brett, we should continue to follow the procedures as outlined, I only want those procedures to be finalized. Brett - to my knowledge, there are no issues with those procedures other than they have been given to Airlift Ops as "draft".

Sorry, for all the confusion.

Thanks.

Brett M. Kavanaugh
04/12/2002 12:20:20 AM
Record Type: Record

To: David S. Addington/OVP/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Airplane Memos

I think they are not the same. For Presidential travel, Airlift Ops should follow the procedures they have been following since last year. If there is some issue with those procedures, Cathy or Kim, please bring it to my attention. (I remain unsure of what has prompted this discussion other than someone inserting Courtney's name into some draft document, thereby

REV_00143107

prompting her understandable confusion.)

Sent from my BlackBerry Handheld.

Message Copied

To:

cathy alix/who/eop@eop

kimberly a. douglass/who/eop@eop

brett m. kavanaugh/who/eop@eop

a. merrill hughes/ovp/eop@eop

claire m. o'donnell/ovp/eop@eop

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/12/2002 3:36:21 AM
Subject: : Re: Airplane Memos

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:12-APR-2002 07:36:21.00
SUBJECT:: Re: Airplane Memos
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett:

When you have a chance, please fill me in on what it is that is being changed from the 1994 guidance.

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/12/2002 3:36:32 AM
Subject: : Re: per your message

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:12-APR-2002 07:36:32.00
SUBJECT:: Re: per your message
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

both would be great. I'd like to circulate to our group Monday if possible, so that we can get around to members on the hill early next week.

Brett M. Kavanaugh
04/11/2002 06:04:24 PM
Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject: per your message

What do you want in the way of talking points? I could do a "myth v. fact" sheet as well if that were helpful. Just give me your wish list (as well as timing), and I will get it done.

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/12/2002 7:56:09 AM
Subject: : Re: reminder to talk to Cathi

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 11:56:09.00
SUBJECT:: Re: reminder to talk to Cathi
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

called, left message and emailed as well.

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;cathy alix/who/eop@eop [WHO]
<cathy alix>;kimberly a. douglass/who/eop@eop [WHO] <kimberly a. douglass>;brett m.
kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;a. merrill hughes/ovp/eop@eop [OVP]
<a. merrill hughes>;claire m. o'donnell/ovp/eop@eop [OVP] <claire m. o'donnell>
Sent: 4/12/2002 4:04:18 AM
Subject: : Re: Airplane Memos

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 08:04:18.00
SUBJECT:: Re: Airplane Memos
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:cathy alix (CN=cathy alix/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kimberly a. douglass (CN=kimberly a. douglass/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:a. merrill hughes (CN=a. merrill hughes/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:claire m. o'donnell (CN=claire m. o'donnell/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

Kim and Cathy contacted me because they want them to put in final form.
That's all I know.

Brett M. Kavanaugh
04/12/2002 12:20:20 AM
Record Type: Record

To: David S. Addington/OVP/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Airplane Memos

I think they are not the same. For Presidential travel, Airlift Ops should follow the procedures they have been following since last year. If there is some issue with those procedures, Cathy or Kim, please bring it to my attention. (I remain unsure of what has prompted this discussion other than someone inserting Courtney's name into some draft document, thereby prompting her understandable confusion.)

Sent from my BlackBerry Handheld.

Message Copied

To:
cathy alix/who/eop@eop
kimberly a. douglass/who/eop@eop
brett m. kavanaugh/who/eop@eop
a. merrill hughes/ovp/eop@eop
claire m. o'donnell/ovp/eop@eop

REV_00143114

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 4/12/2002 4:44:01 AM
Subject: : BI forms

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 08:44:01.00
SUBJECT:: BI forms
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please let me know where your candidates would like their forms sent.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kirsten A. Chadwick/WHO/EOP@EOP [WHO] <Kirsten A. Chadwick>
Sent: 4/12/2002 5:04:28 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-APR-2002 09:04:28.00

SUBJECT::

TO:Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Can we talk re the Presidential Records Act legislation introduced yesterday to discuss what, if anything, we should do pro-actively. My number is 6-7984.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 4/12/2002 5:06:31 AM
Subject: : need a copy of proposed legislation on Pres Records introduced yesterday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-APR-2002 09:06:31.00

SUBJECT:: need a copy of proposed legislation on Pres Records introduced yesterday

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: nathan.sales@usdoj.gov @ inet [UNKNOWN] <nathan.sales@usdoj.gov>
Sent: 4/12/2002 9:15:05 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 13:15:05.00
SUBJECT::
TO:nathan.sales@usdoj.gov (nathan.sales@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

What is Barbara Lerdeen's phone number? Also, she expressed
interest in knowing the names of specific people in groups in PA for next
Wednesday. Have you given those to her?

Also, are you the person who knows the most about the Club issue?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Vickie A. McQuade/WHO/EOP@EOP [WHO] <Vickie A. McQuade>
Sent: 4/12/2002 9:16:56 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-APR-2002 13:16:56.00
SUBJECT:: Re:
TO: Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Is this Westchester Assn a political assn/trip? Or is that an official trip? Also, does he fly from White Plains to West Point? From where does he fly to Middlebury?

Vickie A. McQuade
04/10/2002 12:19:43 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

Libby referred me to you.

Ari is going on a trip at the end of May. He is flying up to White Plains, NY to do a keynote speech for the Westchester County Association (still need to have approved). He then is going to fly from White Plains probably on Friday morning and hook up with the President for his commencement speech to West Point. He then will leave on Friday and travel to Middlebury, VT for a college reunion. He will then return home on Sunday. Who should pay for what?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 4/12/2002 5:16:57 AM
Subject: : Do you have a car?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-APR-2002 09:16:57.00
SUBJECT:: Do you have a car?
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/12/2002 5:26:29 AM
Subject: : Re: Do you have a car?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 09:26:29.00
SUBJECT:: Re: Do you have a car?
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

catching a ride with Brett.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>;Diana L. Schacht/OPD /EOP@EOP [OPD] <Diana L. Schacht>;Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
Sent: 4/12/2002 5:30:17 AM
Subject: : Victims' Rights Amendment draft
Attachments: P_1C4O6003_OPD.TXT_1.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-APR-2002 09:30:17.00
SUBJECT: : Victims' Rights Amendment draft
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

FYI.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/12/2002 09:29 AM -----

Matthew_Lamberti@judiciary.senate.gov (Matthew Lamberti)
04/11/2002 07:20:55 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: "'dshay@viad.com'" <dshay@viad.com> (IPM Return Requested)
Subject: Victims' Rights Amendment draft

Here is the latest (and hopefully final) draft. Changes are bolded. We still have concerns about some of the additional language but in the interest of closure and to reach consensus, we will agree to it at the present time.

In addition, given the short amount of time available, we plan to circulate this draft with the representation that it has been approved by both Ashcroft and Bush. Let me know if this presents any problems.

-Matt

- newlanguage_v15_bolded.wpd

Message Sent

To: _____
"Benedi; Lizette D" <Lizette.D.Benedi@usdoj.gov>
Stephen_Higgins@judiciary.senate.gov (Stephen Higgins)
"Ho; James" <James.Ho@usdoj.gov> (IPM Return Requested)
"Sutton; Jason" <Jason.J.Sutton@usdoj.gov> (IPM Return Requested)

REV_00143122

"Clement; Paul D" <Paul.D.Clement@usdoj.gov> (IPM Return Requested)
"Coughlin; Robert" <Robert.Coughlin@usdoj.gov> (IPM Return Requested)
"Dinh; Viet" <Viet.Dinh@usdoj.gov> (IPM Return Requested)
"Martens; Matthew" <Matthew.Martens@usdoj.gov> (IPM Return Requested)
"'Stwist (a)viad.com'" <Stwist@viad.com> (IPM Return Requested)
Brett M. Kavanaugh/WHO/EOP@EOP
David_Hantman@judiciary.senate.gov (David Hantman)

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1C406003_OPD.TXT_1>

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States
to protect the rights of crime victims.

*Resolved by the Senate and House of Representatives of the United States of
America in Congress assembled (two-thirds of each House concurring therein),*

That the following article is proposed as an amendment to the Constitution of the
United States, which shall be valid for all intents and purposes as part of the
Constitution when ratified by the legislatures of three-fourths of the several States,
and which shall take effect on the 180th day after ratification of this article:

"ARTICLE —

"SECTION 1. The rights of victims of violent crime, being capable of
protection without denying the constitutional rights of those accused of victimizing
them, are hereby established and shall not be denied by any State or the United
States and may be restricted only as provided in this article.

"SECTION 2. A victim of violent crime shall have the right to reasonable and
timely notice of any public proceeding involving the crime and of any release or
escape of the accused; the rights not to be excluded from such public proceeding
and reasonably to be heard at public release, plea, sentencing, **reprieve**, and pardon
proceedings; and the right to decisions **in such public proceeding** that duly
consider the victim's safety, interest in avoiding unreasonable delay, and just and
timely claims to restitution from the offender. These rights shall not be restricted
except when and to the degree dictated by a substantial interest in public safety or
the administration of criminal justice, or by compelling necessity.

"SECTION 3. Nothing in this article shall be construed to provide grounds for
a new trial or to authorize any claim for damages. Only the victim or the victim's
lawful representative may assert the rights established by this article, and no person
accused of the crime may obtain any form of relief hereunder.

"SECTION 4. Congress shall have power to enforce by appropriate
legislation the provisions of this article. **Nothing in this article shall affect the
President's authority to grant reprieves or pardons.**

"SECTION 5. **This article shall be inoperative unless it shall have been
ratified as an amendment to the Constitution by the legislatures of three-
fourths of the several States within seven years from the date of its submission
to the States by the Congress."**

From: CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA]
To: Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>
CC: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;jane.molloy@mail.doc.gov [UNKNOWN] <jane.molloy@mail.doc.gov>;kathleen.cooper@esa.doc.gov [UNKNOWN] <kathleen.cooper@esa.doc.gov>;kirk.vantine@ost.dot.gov [UNKNOWN] <kirk.vantine@ost.dot.gov>;cesar conda/ovp/eop@eop [OVP] <cesar conda>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;amy c. smith/omb/eop@eop [OMB] <amy c. smith>;douglas j. holtz-eakin/cea/eop@eop [CEA] <douglas j. holtz-eakin>;mark.warshawsky@do.treas.gov [UNKNOWN] <mark.warshawsky@do.treas.gov>;lucy.huffman@do.treas.gov [UNKNOWN] <lucy.huffman@do.treas.gov>;ado a. machida/ovp/eop@eop [OVP] <ado a. machida>
Sent: 4/12/2002 12:12:46 PM
Subject: : Re:
Attachments: P_YFOO6003_WHO.TXT_1.doc; P_YFOO6003_WHO.TXT_2.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME:12-APR-2002 16:12:46.00
SUBJECT:: Re:
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jane.molloy@mail.doc.gov (jane.molloy@mail.doc.gov [UNKNOWN])
READ:UNKNOWN
CC:kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])
READ:UNKNOWN
CC:kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
CC:cesar conda (CN=cesar conda/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:amy c. smith (CN=amy c. smith/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:douglas j. holtz-eakin (CN=douglas j. holtz-eakin/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:mark.warshawsky@do.treas.gov (mark.warshawsky@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:lucy.huffman@do.treas.gov (lucy.huffman@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:ado a. machida (CN=ado a. machida/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

Carlos,
This memo is much improved. I do, however, have some suggested edits,
which are enclosed.
Jeff

Carlos E. Bonilla

04/12/2002 02:50:38 PM
Record Type: Record

To: See the distribution list at the bottom of this message

REV_00143128

cc:
Subject:

I'd like to circulate this document to principals if you all approve. I'd welcome your comments.

Message Sent

To: _____
Kristen Silverberg/WHO/EOP@EOP
jane.molloy@mail.doc.gov
kathleen.cooper@esa.doc.gov
kirk.vantine@ost.dot.gov
Cesar Conda/OVP/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Jeffrey R. Brown/CEA/EOP@EOP
Douglas J. Holtz-Eakin/CEA/EOP@EOP
mark.warshawsky@do.treas.gov
lucy.huffman@do.treas.gov
Ado A. Machida/OVP/EOP@EOP

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_YFOO6003_WHO.TXT_2>

APRIL 12, 2002

TO: NEC PRINCIPALS

FROM: CARLOS BONILLA

RE: FEDERAL ROLE IN THE AVIATION TERRORISM INSURANCE
MARKET

Background

Aviation Insurance provides three primary types of insurance, under a variety of different circumstances:

- 1) Insurance for the loss of the airplane, referred to as hull insurance.
- 2) Insurance for losses suffered by the passengers on that plane.
- 3) Insurance for losses caused to other people and property.

Broadly speaking, we can define this insurance as being provided under three circumstances:

- 1) For losses incurred during normal peacetime operations.
- 2) For losses incurred in times of war.
- 3) For losses incurred from acts of terrorism.

The private insurance market currently functions well for all three perils during both peace and war. Moreover, during war it imposes important discipline on the carriers by virtue of the fact that the coverage is cancelable on short notice. This allows the insurance to be appropriately re-priced to reflect the higher risk and provides the carriers a limited window during which they can remove their vulnerable assets from the war zone.

The insurance market even operates quite efficiently when the threat is terrorism. Although terrorism can pose a worldwide threat, making it impossible to relocate assets to a safe haven, the market has shown that it can price the risk for hull and passenger losses as these are known risks – maximum loss is limited to the value of the plane and the number of passengers it carries times the average compensation paid those passengers. The problem arises in liability for third party losses from acts of terrorism. The most notable such example is the loss of life in the World Trade Center attack.

Staff recommends that any action we take acknowledge that the insurance market has shown itself well capable of providing coverage for all other perils in all other circumstances and should be allowed to operate as it historically has. Thus, the only open issue is how to deal with third party losses resulting from an act of terrorism.

The policy question before the Administration is what role, if any, the federal government should continue to play in the market for aviation insurance against terrorist events.

Current State of the Market

Prior to the attacks of 9/11, airlines were paying approximately 5 cents a passenger to secure \$1.5 billion of insurance coverage against all perils. That cost has since risen to \$1.25 per passenger, with a limitation of \$50 million in third party losses.

Immediately after the terrorist attacks of 9/11, private insurers invoked cancellation clauses in their policies, leaving airlines without coverage. The Air Transportation Safety and System Stabilization Act authorized the federal government to provide insurance coverage. The Act capped third party liability at \$100 million, and the FAA agreed to provide coverage above the first \$50 million of losses for a charge of \$7.50 per takeoff, approximately 8 cents per passenger. While the liability cap expired on March 20, the Secretary of Transportation extended the FAA insurance element for 60 days.

A private insurance consortium, headed by AIG, has expressed strong interest in providing this insurance coverage to the airline industry. This would provide \$1b in third party coverage. The price initially quoted was \$1.85 per passenger, although market pressures may, over time, serve to attenuate that price. This offer of coverage, like the coverage which was offered prior to 9/11, would be cancelable at the discretion of the insurer, possibly forcing us to again revisit this issue in the future should another event occur.

At the same time, the airline industry is advancing a concept they refer to as Equitime. This would be a risk retention group that would provide insurance services to the industry. Starting this venture would require a medium term commitment to provide reinsurance through the federal government. Equitime is intended to provide coverage not just for the third party losses from terrorism but for all the industry's insurance needs.

It is important to note that neither the private insurance market nor the Equitime solution will cover all losses from a large event. Private aviation insurance from the 9/11 attack was approximately \$6-8 billion. The Stabilization Act directly spent \$40 billion in addition to establishing an open-ended Victim's Compensation Fund that could cost another \$5-6 billion. A federal financial role will clearly exist in the wake of another incident.

Recommendation From Principals

A consensus was reached at the first Principals meeting that the appropriate solution was to limit third party liability from acts of terrorism. This was accompanied by the recognition that only legislative action could achieve this goal and that such action was unlikely in the current session of Congress. This requires that decisions be made on how to meet insurance needs of the industry in the medium term.

Decisions Required by Principals

1) Should we seek legislative action in the next Congress to limit third party liability from acts of terrorism?

Discussion: This decision may be premature and it may be desirable to await the conclusion of congressional action on the broader terrorism insurance bill. Note that the coverage limits in the bill under discussion in the Congress call for private insurance coverage of the first \$10 billion of an event and that this far exceeds the coverage the airlines formerly carried or feel they could afford to carry today. Thus direct action on the aviation insurance question may still be necessary even with the passage of a broader terrorism bill.

2) On March 20th, The Department of Transportation extended for 60 days the third party liability insurance it offers through the FAA. Upon expiration of those 60 days should we:

- Exit market immediately and let airlines obtain private coverage.
- Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the “deductible.”
- Keep existing FAA program in place “as is” for a period of time.
- Explicitly back the airline industry Equitime proposal.

Discussion: This is the most difficult and contentious issue. The arguments fall into three camps summarized below:

Costs of Terrorism are a social cost: If one subscribes to the view that the costs of terrorist acts should be borne by society as a whole then that goal can be met by continuing to provide the insurance through the FAA and providing it at below market rates while we attempt to limit liability.

Market Failure: If the goal is to ensure that insurance is available and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles (e.g., Equitime) or providing the insurance through the Federal Government and attempting to price it at the “appropriate” rate. A market failure position is also consistent with a continuation of the existing FAA insurance program with the cost of that insurance increased either in response to market conditions or in a pre-defined phased-in path to increase market performance.

Private Markets as the Optimal Solution: If the goal is to foster market participation then we should promptly announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

- 4) If an endorsement is made of the Equitime proposal should that endorsement, with its attendant federal role as a reinsurer, should that endorsement be:
- As a reinsurer to the full Equitime proposal
 - Limited so as not to subsidize competition for that portion of the insurance market which is functioning properly—i.e., provide support only for third party losses from acts of terrorism.
 - Only provide reinsurance to Equitime if we provide reinsurance on these same terms to other private parties.

Discussion: Equitime is a very major intrusion into the operation of private insurance markets. It would provide one entity preferred status in the market by virtue of its federal support and it would provide federal subsidies for the replacement of a private market in those parts of the insurance market which are working well. The staff recommendation is that any Equitime endorsement be limited to the third party liability issue and be conditioned on providing comparable reinsurance to all parties seeking to compete against Equitime.

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The policy question before the Administration is what role, if any, the federal government should continue to play in the market for aviation insurance against terrorist events.

Current State of the Market

Prior to the attacks of 9/11, airlines were paying approximately 5 cents a passenger to secure \$1.5 billion of insurance coverage against all perils. (This 5 cents number makes me nervous – this is Delta’s estimate, right? Can we get any independent verification of pre 9/11 costs. My take is that TOTAL insurance costs rose 2-3 times, not 25-fold has this would imply). That cost has since risen to \$1.25 per passenger, with a limitation of \$50 million in third party losses.

Immediately after the terrorist attacks of 9/11, private insurers invoked cancellation clauses in their policies, leaving airlines without coverage. The Air Transportation Safety and System Stabilization Act authorized the federal government to provide insurance coverage. The Act capped third party liability at \$100 million, and the FAA agreed to provide coverage above the first \$50 million of losses for a charge of \$7.50 per takeoff, approximately 8 cents per passenger. While the liability cap expired on March 20, the Secretary of Transportation extended the FAA insurance element for 60 days.

A private insurance consortium, headed by AIG, has expressed strong interest in providing this insurance coverage to the airline industry. This would provide \$1b in third party coverage. The price initially quoted was \$1.85 per passenger, although market pressures may, over time, serve to attenuate that price. This offer of coverage, like the coverage which was offered prior to 9/11, would be cancelable at the discretion of the insurer, possibly forcing us to again revisit this issue in the future should another event occur. It is important to note that it is difficult to assess the actual premium costs that would arise in a private market, as the presence of the FAA in this market has limited the ability of the private market to provide accurate price quotes. Based on international experience, however, it is reasonable to assume that AIG would be willing to provide third party coverage at a rate substantially less than \$1.85. In the UK, AIG has agreed to provide such coverage for only 75 cents per passenger, subject to a maximum industry exposure of \$2 billion.

At the same time, the airline industry is advancing a captive insurer concept they refer to as Equitime. This would be a risk retention group that would provide insurance services to the industry. The airlines believe that starting this venture would require a medium term commitment for the federal government to provide excess-of-loss coverage reinsurance through the federal government. Equitime is intended to provide coverage not just for the third party losses from terrorism but for all the industry’s insurance needs.

It is important to note that neither the private insurance market nor the Equitime solution will cover all losses from a large event. Private aviation insurance from the 9/11 attack was approximately \$6-8 billion. The Stabilization Act directly spent \$40 billion in addition to establishing an open-ended Victim’s Compensation Fund that could cost another \$5-6 billion. A federal financial role will clearly exist in the wake of another incident. (This paragraph does not seem needed. It seems to confuse aviation versus other forms of insurance, etc.)

Recommendation From Principals

A consensus was reached at the first Principals meeting that the appropriate solution was to limit third party liability from acts of terrorism. This was accompanied by the recognition that only legislative action could achieve this goal and that such action was unlikely in the current session of Congress. This requires that decisions be made on how to meet insurance needs of the industry in the medium term.

Decisions Required by Principals

1) Should we seek legislative action in the next Congress to limit third party liability from acts of terrorism?

Discussion: This decision may be premature and it may be desirable to await the conclusion of congressional action on the broader terrorism insurance bill. Note that the coverage limits in the bill under discussion in the Congress cover all property and casualty losses (not just those for aviation) and call for private insurance coverage of the first \$10 billion of an event. ~~and that~~ This far exceeds the coverage the airlines formerly carried or feel they could afford to carry today. It is an open question whether ~~Thus~~ direct action on the aviation insurance question may still be necessary even with the passage of a broader terrorism bill.

2) On March 20th, The Department of Transportation extended for 60 days the third party liability insurance it offers through the FAA. Upon expiration of those 60 days should we:

- Exit market immediately and let airlines obtain private coverage.
- Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the “deductible.”
- Keep existing FAA program in place “as is” ~~for a period of time~~ while pursuing liability limitations.
- Explicitly back the airline industry Equitime proposal.

Discussion: This is the most difficult and contentious issue. ~~The arguments fall into three camps~~ are summarized below: (This discussion should be in the same order as the options listed above. And the “camps” should map to the four options. Currently, a government phase-out is linked to Equitime, but it could also be linked to phase to private markets.)

Immediate Private Market Solution: If the goal is to provide appropriate incentives for the private sector to mitigate the risk and cost of future terrorist attacks, then a well-functioning private insurance market is best able to do this. Thus, we should announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

Gradually phase to a private market solution: Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the “deductible.” This approach seeks to strike a balance between the desire for private sector risk mitigation incentives, and the recognition that, in the short-run, private insurers may not be able to provide coverage above \$1 billion.

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Costs of Terrorism are a social cost: If one subscribes to the view that the costs of terrorist acts should be borne by society as a whole then that goal can be met by continuing to provide the insurance through the FAA and providing it a below market rates while we attempt to limit liability.

Equitime: If the goal is to ensure that insurance is available, and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles such as Equitime.

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Market Failure: If the goal is to ensure that insurance is available and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles (e.g., Equitime) or providing the insurance through the Federal Government and attempting to price it at the “appropriate” rate. A market failure position is also consistent with a continuation of the existing FAA insurance program with the cost of that insurance increased either in response to market conditions or in a pre-defined phased-in path to increase market performance.

Private Markets as the Optimal Solution: If the goal is to foster market participation then we should promptly announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

- 4) If an endorsement is made of the Equitime proposal, ~~should that endorsement~~, with its attendant federal role as a reinsurer, should that endorsement be:
- As a reinsurer to the full Equitime proposal
 - Limited so as not to subsidize competition for that portion of the insurance market which is functioning properly—i.e., provide support only for third party losses from acts of terrorism.
 - Only provide reinsurance to Equitime if we provide reinsurance on these same terms to other private ~~insurers~~ parties.

Discussion: Equitime is a very major intrusion into the operation of private insurance markets. It would provide one entity preferred status in the market by virtue of its federal support and it would provide federal subsidies for the replacement of a private market in those parts of the insurance market which are working well. The staff recommendation is that any Equitime endorsement be limited to the third party liability issue and be conditioned on providing comparable reinsurance to all parties seeking to compete against Equitime.

From: CN=Brooks L. Bash/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/12/2002 8:25:59 AM
Subject: : Re: Investigation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brooks L. Bash (CN=Brooks L. Bash/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:12-APR-2002 12:25:59.00

SUBJECT:: Re: Investigation

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Thank you.

From: CN=Carlos E. Bonilla/OU=OPD/O=EOP [OPD]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;jane.molloy@mail.doc.gov [UNKNOWN] <jane.molloy@mail.doc.gov>;kathleen.cooper@esa.doc.gov [UNKNOWN] <kathleen.cooper@esa.doc.gov>;kirk.vantine@ost.dot.gov [UNKNOWN] <kirk.vantine@ost.dot.gov>;Cesar Conda/OVP/EOP@EOP [OVP] <Cesar Conda>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Amy C. Smith/OMB/EOP@EOP [OMB] <Amy C. Smith>;Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>;Douglas J. Holtz-Eakin/CEA/EOP@EOP [CEA] <Douglas J. Holtz-Eakin>;mark.warshawsky@do.treas.gov [UNKNOWN] <mark.warshawsky@do.treas.gov>;lucy.huffman@do.treas.gov [UNKNOWN] <lucy.huffman@do.treas.gov>;Ado A. Machida/OVP/EOP@EOP [OVP] <Ado A. Machida>
Sent: 4/12/2002 10:50:41 AM
Subject: :
Attachments: P_QGKO6003_CEA.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:12-APR-2002 14:50:41.00
SUBJECT::
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:jane.molloy@mail.doc.gov (jane.molloy@mail.doc.gov [UNKNOWN])
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TO:kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])
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I'd like to circulate this document to principals if you all approve. I'd welcome your comments.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_QGKO6003_OPD.TXT_1>

REV_00143145

APRIL 12, 2002

TO: NEC PRINCIPALS

FROM: CARLOS BONILLA

RE: FEDERAL ROLE IN THE AVIATION TERRORISM INSURANCE
MARKET

Background

Aviation Insurance provides three primary types of insurance, under a variety of different circumstances:

- 1) Insurance for the loss of the airplane, referred to as hull insurance.
- 2) Insurance for losses suffered by the passengers on that plane.
- 3) Insurance for losses caused to other people and property.

Broadly speaking, we can define this insurance as being provided under three circumstances:

- 1) For losses incurred during normal peacetime operations.
- 2) For losses incurred in times of war.
- 3) For losses incurred from acts of terrorism.

The private insurance market currently functions well for all three perils during both peace and war. Moreover, during war it imposes important discipline on the carriers by virtue of the fact that the coverage is cancelable on short notice. This allows the insurance to be appropriately re-priced to reflect the higher risk and provides the carriers a limited window during which they can remove their vulnerable assets from the war zone.

The insurance market even operates quite efficiently when the threat is terrorism. Although terrorism can pose a worldwide threat, making it impossible to relocate assets to a safe haven, the market has shown that it can price the risk for hull and passenger losses as these are known risks – maximum loss is limited to the value of the plane and the number of passengers it carries times the average compensation paid those passengers. The problem arises in liability for third party losses from acts of terrorism. The most notable such example is the loss of life in the World Trade Center attack.

Staff recommends that any action we take acknowledge that the insurance market has shown itself well capable of providing coverage for all other perils in all other circumstances and should be allowed to operate as it historically has. Thus, the only open issue is how to deal with third party losses resulting from an act of terrorism.

The policy question before the Administration is what role, if any, the federal government should continue to play in the market for aviation insurance against terrorist events.

Current State of the Market

Prior to the attacks of 9/11, airlines were paying approximately 5 cents a passenger to secure \$1.5 billion of insurance coverage against all perils. That cost has since risen to \$1.25 per passenger, with a limitation of \$50 million in third party losses.

Immediately after the terrorist attacks of 9/11, private insurers invoked cancellation clauses in their policies, leaving airlines without coverage. The Air Transportation Safety and System Stabilization Act authorized the federal government to provide insurance coverage. The Act capped third party liability at \$100 million, and the FAA agreed to provide coverage above the first \$50 million of losses for a charge of \$7.50 per takeoff, approximately 8 cents per passenger. While the liability cap expired on March 20, the Secretary of Transportation extended the FAA insurance element for 60 days.

A private insurance consortium, headed by AIG, has expressed strong interest in providing this insurance coverage to the airline industry. This would provide \$1b in third party coverage. The price initially quoted was \$1.85 per passenger, although market pressures may, over time, serve to attenuate that price. This offer of coverage, like the coverage which was offered prior to 9/11, would be cancelable at the discretion of the insurer, possibly forcing us to again revisit this issue in the future should another event occur.

At the same time, the airline industry is advancing a concept they refer to as Equitime. This would be a risk retention group that would provide insurance services to the industry. Starting this venture would require a medium term commitment to provide reinsurance through the federal government. Equitime is intended to provide coverage not just for the third party losses from terrorism but for all the industry's insurance needs.

It is important to note that neither the private insurance market nor the Equitime solution will cover all losses from a large event. Private aviation insurance from the 9/11 attack was approximately \$6-8 billion. The Stabilization Act directly spent \$40 billion in addition to establishing an open-ended Victim's Compensation Fund that could cost another \$5-6 billion. A federal financial role will clearly exist in the wake of another incident.

Recommendation From Principals

A consensus was reached at the first Principals meeting that the appropriate solution was to limit third party liability from acts of terrorism. This was accompanied by the recognition that only legislative action could achieve this goal and that such action was unlikely in the current session of Congress. This requires that decisions be made on how to meet insurance needs of the industry in the medium term.

Decisions Required by Principals

1) Should we seek legislative action in the next Congress to limit third party liability from acts of terrorism?

Discussion: This decision may be premature and it may be desirable to await the conclusion of congressional action on the broader terrorism insurance bill. Note that the coverage limits in the bill under discussion in the Congress call for private insurance coverage of the first \$10 billion of an event and that this far exceeds the coverage the airlines formerly carried or feel they could afford to carry today. Thus direct action on the aviation insurance question may still be necessary even with the passage of a broader terrorism bill.

2) On March 20th, The Department of Transportation extended for 60 days the third party liability insurance it offers through the FAA. Upon expiration of those 60 days should we:

- Exit market immediately and let airlines obtain private coverage.
- Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the “deductible.”
- Keep existing FAA program in place “as is” for a period of time.
- Explicitly back the airline industry Equitime proposal.

Discussion: This is the most difficult and contentious issue. The arguments fall into three camps summarized below:

Costs of Terrorism are a social cost: If one subscribes to the view that the costs of terrorist acts should be borne by society as a whole then that goal can be met by continuing to provide the insurance through the FAA and providing it at below market rates while we attempt to limit liability.

Market Failure: If the goal is to ensure that insurance is available and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles (e.g., Equitime) or providing the insurance through the Federal Government and attempting to price it at the “appropriate” rate. A market failure position is also consistent with a continuation of the existing FAA insurance program with the cost of that insurance increased either in response to market conditions or in a pre-defined phased-in path to increase market performance.

Private Markets as the Optimal Solution: If the goal is to foster market participation then we should promptly announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

- 4) If an endorsement is made of the Equitime proposal should that endorsement, with its attendant federal role as a reinsurer, should that endorsement be:
- As a reinsurer to the full Equitime proposal
 - Limited so as not to subsidize competition for that portion of the insurance market which is functioning properly—i.e., provide support only for third party losses from acts of terrorism.
 - Only provide reinsurance to Equitime if we provide reinsurance on these same terms to other private parties.

Discussion: Equitime is a very major intrusion into the operation of private insurance markets. It would provide one entity preferred status in the market by virtue of its federal support and it would provide federal subsidies for the replacement of a private market in those parts of the insurance market which are working well. The staff recommendation is that any Equitime endorsement be limited to the third party liability issue and be conditioned on providing comparable reinsurance to all parties seeking to compete against Equitime.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>
CC: cesar conda/ovp/eop@eop [OVP] <cesar conda>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;jeffrey r. brown/cea/eop@eop [CEA] <jeffrey r. brown>;douglas j. holtz-eakin/cea/eop@eop [CEA] <douglas j. holtz-eakin>
Sent: 4/12/2002 10:57:58 AM
Subject: : Re:
Attachments: P_1TKO6003_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:12-APR-2002 14:57:58.00
SUBJECT:: Re:
TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:cesar conda (CN=cesar conda/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jeffrey r. brown (CN=jeffrey r. brown/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:douglas j. holtz-eakin (CN=douglas j. holtz-eakin/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
End Original ARMS Header

do you think it makes sense to set up time monday to discuss?

Carlos E. Bonilla

04/12/2002 02:50:38 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

I'd like to circulate this document to principals if you all approve. I'd welcome your comments.

Message Sent

To: _____
Kristen Silverberg/WHO/EOP@EOP
jane.molloy@mail.doc.gov
kathleen.cooper@esa.doc.gov
kirk.vantine@ost.dot.gov
Cesar Conda/OVP/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Jeffrey R. Brown/CEA/EOP@EOP
Douglas J. Holtz-Eakin/CEA/EOP@EOP
mark.warshawsky@do.treas.gov
lucy.huffman@do.treas.gov
Ado A. Machida/OVP/EOP@EOP

REV_00143156

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_1TKO6003_OPD.TXT_1>

APRIL 12, 2002

TO: NEC PRINCIPALS

FROM: CARLOS BONILLA

RE: FEDERAL ROLE IN THE AVIATION TERRORISM INSURANCE
MARKET

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From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/12/2002 1:57:19 PM
Subject: : you put the idea in my head, so I'm going to use my second guest pass at SCLA tonight rather than going to WSC.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-APR-2002 17:57:19.00

SUBJECT:: you put the idea in my head, so I'm going to use my second guest pass at SCLA tonight rather than going to WSC.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Neil H. Zimmerman/WHO/EOP [WHO] <Neil H. Zimmerman>
Sent: 4/12/2002 2:53:45 PM
Subject: RECEIVED: Questions on database use

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-APR-2002 18:53:45.00
SUBJECT: RECEIVED: Questions on database use
TO: Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
Questions on database use
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
04/12/2002 06:48:51 PM

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Matthew_Lamberti@judiciary.senate.gov [UNKNOWN]
<Matthew_Lamberti@judiciary.senate.gov>;'David_Hantman@judiciary.senate.gov'
<David_Hantman@judiciary.senate.gov>;'Stephen_Higgins@judiciary.senate.gov'
<Stephen_Higgins@judiciary.senate.gov>;'stwist@viad.com' <stwist@viad.com>
CC: Ho, James <James.Ho@usdoj.gov>;Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>;Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Garry Malphrus/OPD/EOP@EOP
[OPD] <Garry Malphrus>
Sent: 4/13/2002 6:29:06 AM
Subject: : Re: can we talk Sat morning?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:13-APR-2002 10:29:06.00

SUBJECT:: Re: can we talk Sat morning?

TO:Matthew_Lamberti@judiciary.senate.gov (Matthew_Lamberti@judiciary.senate.gov [UNKNOWN])

READ:UNKNOWN

TO:"'David_Hantman@judiciary.senate.gov'" <David_Hantman@judiciary.senate.gov> ("'David_Hantman@judiciary.senate.gov'" <David_Hantman@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:"'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> ("'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:"'stwist@viad.com'" <stwist@viad.com> ("'stwist@viad.com'" <stwist@viad.com> [UNKNOWN])

READ:UNKNOWN

CC:"Ho, James" <James.Ho@usdoj.gov> ("Ho, James" <James.Ho@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Lizette is coordinating for noon. Can each one of you call 5145000 and give your number where you will be at noon and the command center will call you to link in the conference call. Thanks.

--- Sent from my BlackBerry.

-----Original Message-----

From: Matthew Lamberti

</DDV=Matthew_Lamberti@judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/>

To: Dinh, Viet <Viet.Dinh@USDOJ.gov>; David Hantman <David_Hantman@judiciary.senate.gov>; Stephen Higgins <Stephen_Higgins@judiciary.senate.gov>; 'stwist(a)viad.com' <stwist@viad.com>

CC: Ho, James.Ho@USDOJ.gov>; Benedi, Lizette D <Lizette.D.Benedi@USDOJ.gov>; 'brett(u)m.(u)kavanaugh(a)who.eop.gov' <brett_m._kavanaugh@who.eop.gov>; 'gary(u)malphrus(a)opd.eop.gov' <gary_malphrus@opd.eop.gov>

Sent: Sat Apr 13 00:59:21 2002

Subject: Re[2]: can we talk Sat morning?

I left a message at 514-5000 but they are having trouble reaching you. Let's do the conference call at noon. At this point, we are fine with the time

REV_00143175

limitation being in section 5. However, we do want to be sure that Tribe is on board and so need to talk about the "decisions" issue.

Reply Separator

Subject: Re: can we talk Sat morning?
Author: "Dinh; Viet" <Viet.Dinh@usdoj.gov>
Date: 4/12/2002 7:14 PM

This is very troubling given that presidential schedule has been predicated on closure! But I am willing to talk. You can reach me at 5145000 tell me if I need to set up the conf cal. Call in will be at same number
--- Sent from my BlackBerry.
Received: from mailsims2.senate.gov ([156.33.203.11]) by mailexch.senate.gov with SMTP (IMA Internet Exchange 3.13) id 001DC0F6; Fri, 12 Apr 2002 19:14:44 -0400
Received: from wdcsun022.usdoj.gov (wdcsun4.usdoj.gov) by mailsims2.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10) with SMTP id <0GUH00K7UA30P9@mailsims2.senate.gov>; Fri, 12 Apr 2002 19:19:00 -0400 (EDT)
Received: from wt6.usdoj.gov (localhost [127.0.0.1]) by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15) with ESMTP id GUH9WH03.80C; Fri, 12 Apr 2002 19:14:41 -0400
Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3) id TAA13213; Fri, 12 Apr 2002 19:14:41 -0400 (EDT)
Received: by TELEMAIL; Fri, 12 Apr 2002 19:14:18 -0400
Date: Fri, 12 Apr 2002 19:14:19 -0400
From: "Dinh, Viet" <Viet.Dinh@usdoj.gov>
Subject: Re: can we talk Sat morning?
To: Matthew_Lamberti@judiciary.senate.gov, "'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov>, "'stwist@viad.com'" <stwist@viad.com>, "'David_Hantman@judiciary.senate.gov'" <David_Hantman@judiciary.senate.gov>
Cc: "Ho, James" <James.Ho@usdoj.gov>, "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov>, "'brett_m._kavanaugh@who.eop.gov'" <brett_m._kavanaugh@who.eop.gov>, "'gary_malphrus@opd.eop.gov'" <gary_malphrus@opd.eop.gov>
Message-id: <"JMD0081-020412231418Z-286290*/PRMD=USDOJ-JCON/ADMD=/C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: Re: can we talk
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-p0)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
UA-content-id: Re: can we talk
X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US;/JMD0081-020412231418Z-286290]
X-Priority: 3 (Normal)

REV_00143176

From: Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>
To: Dinh, Viet <Viet.Dinh@usdoj.gov>; Receipt Notification Requested) (IPM Return Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN]
<Matthew_Lamberti@judiciary.senate.gov>; 'David_Hantman@judiciary.senate.gov'
<David_Hantman@judiciary.senate.gov>; 'Stephen_Higgins@judiciary.senate.gov'
<Stephen_Higgins@judiciary.senate.gov>; 'stwist@viad.com' <stwist@viad.com>
CC: Ho, James <James.Ho@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
Sent: 4/13/2002 6:36:07 AM
Subject: : RE: can we talk Sat morning?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> ("Benedi, Lizette D"

<Lizette.D.Benedi@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 13-APR-2002 10:36:07.00

SUBJECT: : RE: can we talk Sat morning?

TO: "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) (Matthew_Lamberti@judiciary.senate.gov (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "'David_Hantman@judiciary.senate.gov'" <David_Hantman@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("'David_Hantman@judiciary.senate.gov'" <David_Hantman@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) ("'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

TO: "'stwist@viad.com'" <stwist@viad.com> (Receipt Notification Requested) (IPM Return Requested) ("'stwist@viad.com'" <stwist@viad.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

CC: "Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Ho, James" <James.Ho@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

End Original ARMS Header

Actually, it is going to be at 1:00 today. I already have numbers for Matt, Stephen Higgins, and Steve Twist but the others need to call command center at 514-5000 and give them your numbers ahead of time. Tell them you are participating in the VRA call.

-----Original Message-----

From: Dinh, Viet

Sent: Saturday, April 13, 2002 10:23 AM

To:

'/DDV=Matthew_Lamberti@judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+D

OJ/A=TELEMAIL/C=US/'; 'David_Hantman@judiciary.senate.gov';

'Stephen_Higgins@judiciary.senate.gov'; 'stwist@viad.com'

Cc: Ho, James; Benedi, Lizette D; 'brett_m._kavanaugh@who.eop.gov';

'garry_malphrus@opd.eop.gov'

REV_00143178

Subject: Re: can we talk Sat morning?

Lizette is coordinating for noon. Can each one of you call 5145000 and give your number where you will be at noon and the command center will call you to link in the conference call. Thanks.

--- Sent from my BlackBerry.

-----Original Message-----

From: Matthew Lamberti

</DDV=Matthew_Lamberti@judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/>

To: Dinh, Viet <Viet.Dinh@USDOJ.gov>; David Hantman <David_Hantman@judiciary.senate.gov>; Stephen Higgins <Stephen_Higgins@judiciary.senate.gov>; 'stwist(a)viad.com' <stwist@viad.com>

CC: Ho, James <James.Ho@USDOJ.gov>; Benedi, Lizette D <Lizette.D.Benedi@USDOJ.gov>; 'brett(u)m.(u)kavanaugh(a)who.eop.gov' <brett_m._kavanaugh@who.eop.gov>; 'gary(u)malphrus(a)opd.eop.gov' <gary_malphrus@opd.eop.gov>

Sent: Sat Apr 13 00:59:21 2002

Subject: Re[2]: can we talk Sat morning?

I left a message at 514-5000 but they are having trouble reaching you.

Let's do

the conference call at noon. At this point, we are fine with the time limitation being in section 5. However, we do want to be sure that Tribe is on

board and so need to talk about the "decisions" issue.

Reply Separator

Subject: Re: can we talk Sat morning?

Author: "Dinh; Viet" <Viet.Dinh@usdoj.gov>

Date: 4/12/2002 7:14 PM

This is very troubling given that presidential schedule has been predicated on

closure! But I am willing to talk. You can reach me at 5145000 tell me if I need

to set up the conf cal. Call in will be at same number

--- Sent from my BlackBerry.

Received: from mailsims2.senate.gov ([156.33.203.11]) by mailexch.senate.gov

with SMTP

(IMA Internet Exchange 3.13) id 001DC0F6; Fri, 12 Apr 2002 19:14:44 -0400

Received: from wdcsun022.usdoj.gov (wdcsun4.usdoj.gov)

by mailsims2.senate.gov (Sun Internet Mail Server

sims.3.5.2000.03.23.18.03.p10)

with SMTP id <0GUH00K7UA30P9@mailsims2.senate.gov>; Fri,

12 Apr 2002 19:19:00 -0400 (EDT)

Received: from wt6.usdoj.gov (localhost [127.0.0.1])

by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)

with ESMTP id GUH9WH03.80C; Fri, 12 Apr 2002 19:14:41 -0400

Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)

id TAA13213; Fri, 12 Apr 2002 19:14:41 -0400 (EDT)

Received: by TELEMAIL; Fri, 12 Apr 2002 19:14:18 -0400

Date: Fri, 12 Apr 2002 19:14:19 -0400

From: "Dinh, Viet" <Viet.Dinh@usdoj.gov>

Subject: Re: can we talk Sat morning?

To: Matthew_Lamberti@judiciary.senate.gov,

"Stephen_Higgins@judiciary.senate.gov"

<Stephen_Higgins@judiciary.senate.gov>, "'stwist@viad.com'"

<stwist@viad.com>,

"David_Hantman@judiciary.senate.gov"

<David_Hantman@judiciary.senate.gov>

Cc: "Ho, James" <James.Ho@usdoj.gov>,

"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov>,

"brett_m._kavanaugh@who.eop.gov" <brett_m._kavanaugh@who.eop.gov>,

REV_00143179

"'gary_malphrus@opd.eop.gov'" <gary_malphrus@opd.eop.gov>
Message-id: <"JMD0081-020412231418Z-286290*/PRMD=USDOJ-JCON/ADMD=
/C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: Re: can we talk
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-p0)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
UA-content-id: Re: can we talk
X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US/;JMD0081-020412231418Z-286290]
X-Priority: 3 (Normal)

From: Matthew Lamberti) (Matthew_Lamberti@judiciary.senate.gov (Matthew Lamberti) [UNKNOWN]
To: Dinh; Viet <Viet.Dinh@usdoj.gov>; David Hantman) (David_Hantman@judiciary.senate.gov (David Hantman) [UNKNOWN] <David_Hantman@judiciary.senate.gov>; Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>; 'stwist@viad.com' <stwist@viad.com>
CC: Ho; James <James.Ho@usdoj.gov>; Benedi; Lizette D <Lizette.D.Benedi@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
Sent: 4/13/2002 6:38:47 AM
Subject: : Re[2]: can we talk Sat morning?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Matthew_Lamberti@judiciary.senate.gov (Matthew Lamberti) (Matthew_Lamberti@judiciary.senate.gov (Matthew Lamberti) [UNKNOWN])

CREATION DATE/TIME:13-APR-2002 10:38:47.00

SUBJECT:: Re[2]: can we talk Sat morning?

TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> ("Dinh; Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:David_Hantman@judiciary.senate.gov (David Hantman) (David_Hantman@judiciary.senate.gov (David Hantman) [UNKNOWN])

READ:UNKNOWN

TO:Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN])

READ:UNKNOWN

TO:"'stwist@viad.com'" <stwist@viad.com> ("'stwist@viad.com'" <stwist@viad.com> [UNKNOWN])

READ:UNKNOWN

CC:"Ho; James" <James.Ho@usdoj.gov> ("Ho; James" <James.Ho@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:"Benedi; Lizette D" <Lizette.D.Benedi@usdoj.gov> ("Benedi; Lizette D" <Lizette.D.Benedi@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Stephen Higgins can't do at noon, so we are going to try it for 1:00 p.m.

Reply Separator

Subject: Re: can we talk Sat morning?

Author: "Dinh; Viet" <Viet.Dinh@usdoj.gov>

Date: 4/13/2002 10:23 AM

Lizette is coordinating for noon. Can each one of you call 5145000 and give your number where you will be at noon and the command center will call you to link in the conference call. Thanks.
--- Sent from my BlackBerry.

-----Original Message-----

From: Matthew Lamberti

</DDV=Matthew_Lamberti@judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TEL

EMAIL/C=US/>

To: Dinh, Viet <Viet.Dinh@USDOJ.gov>; David Hantman <David_Hantman@judiciary.senate.gov>; Stephen Higgins <Stephen_Higgins@judiciary.senate.gov>; 'stwist(a)viad.com' <stwist@viad.com>

CC: Ho, James <James.Ho@USDOJ.gov>; Benedi, Lizette D <Lizette.D.Benedi@USDOJ.gov>; 'brett(u)m.(u)kavanaugh(a)who.eop.gov'

REV_00143181

<brett_m._kavanaugh@who.eop.gov>; 'gary(u)malphrus(a)opd.eop.gov'
<gary_malphrus@opd.eop.gov>
Sent: Sat Apr 13 00:59:21 2002
Subject: Re[2]: can we talk Sat morning?

I left a message at 514-5000 but they are having trouble reaching you.
Let's do
the conference call at noon. At this point, we are fine with the time
limitation being in section 5. However, we do want to be sure that Tribe
is on
board and so need to talk about the "decisions" issue.

Reply Separator

Subject: Re: can we talk Sat morning?
Author: "Dinh; Viet" <Viet.Dinh@usdoj.gov>
Date: 4/12/2002 7:14 PM

This is very troubling given that presidential schedule has been
predicated on
closure! But I am willing to talk. You can reach me at 5145000 tell me if
I need
to set up the conf cal. Call in will be at same number
--- Sent from my BlackBerry.
Received: from mailsims2.senate.gov ([156.33.203.11]) by
mailexch.senate.gov
with SMTP
(IMA Internet Exchange 3.13) id 001DC0F6; Fri, 12 Apr 2002 19:14:44 -0400
Received: from wdcsun022.usdoj.gov (wdcsun4.usdoj.gov)
by mailsims2.senate.gov (Sun Internet Mail Server
sims.3.5.2000.03.23.18.03.p10)
with SMTP id <0GUH00K7UA30P9@mailsims2.senate.gov>; Fri,
12 Apr 2002 19:19:00 -0400 (EDT)
Received: from wt6.usdoj.gov (localhost [127.0.0.1])
by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)
with ESMTP id GUH9WH03.80C; Fri, 12 Apr 2002 19:14:41 -0400
Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)
id TAA13213; Fri, 12 Apr 2002 19:14:41 -0400 (EDT)
Received: by TELEMAIL; Fri, 12 Apr 2002 19:14:18 -0400
Date: Fri, 12 Apr 2002 19:14:19 -0400
From: "Dinh, Viet" <Viet.Dinh@usdoj.gov>
Subject: Re: can we talk Sat morning?
To: Matthew_Lamberti@judiciary.senate.gov,
"Stephen_Higgins@judiciary.senate.gov"
<Stephen_Higgins@judiciary.senate.gov>, "stwist@viad.com"
<stwist@viad.com>,
"David_Hantman@judiciary.senate.gov"
<David_Hantman@judiciary.senate.gov>
Cc: "Ho, James" <James.Ho@usdoj.gov>,
"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov>,
"brett_m._kavanaugh@who.eop.gov" <brett_m._kavanaugh@who.eop.gov>,
"gary_malphrus@opd.eop.gov" <gary_malphrus@opd.eop.gov>
Message-id: <"JMD0081-020412231418Z-286290"/PRMD=USDOJ-JCON/ADMD=
/C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: Re: can we talk
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-p0)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
UA-content-id: Re: can we talk
X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US;/JMD0081-020412231418Z-286290]
X-Priority: 3 (Normal)
Received: from mailsims2.senate.gov ([156.33.203.11]) by
IMAEXC2.senate.gov with
SMTP

(IMA Internet Exchange 3.13) id 002A7A2D; Sat, 13 Apr 2002 10:23:51 -0400
Received: from wdcsun022.usdoj.gov (wdcsun4.usdoj.gov)
by mailsims2.senate.gov (Sun Internet Mail Server
sims.3.5.2000.03.23.18.03.p10)
with SMTP id <0GUI00L02G6WW9@mailsim2.senate.gov>; Sat,
13 Apr 2002 10:28:08 -0400 (EDT)
Received: from wt6.usdoj.gov (localhost [127.0.0.1])
by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)
with ESMTP id GUIFZO03.01C; Sat, 13 Apr 2002 10:23:49 -0400
Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)
id KAA28644; Sat, 13 Apr 2002 10:23:48 -0400 (EDT)
Received: by TELEMAIL; Sat, 13 Apr 2002 10:23:17 -0400
Date: Sat, 13 Apr 2002 10:23:17 -0400
From: "Dinh, Viet" <Viet.Dinh@usdoj.gov>
Subject: Re: can we talk Sat morning?
To: Matthew_Lamberti@judiciary.senate.gov,
"David_Hantman@judiciary.senate.gov"
<David_Hantman@judiciary.senate.gov>,
"Stephen_Higgins@judiciary.senate.gov"
<Stephen_Higgins@judiciary.senate.gov>, "'stwist@viad.com'"
<stwist@viad.com>
Cc: "Ho, James" <James.Ho@usdoj.gov>,
"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov>,
"'brett_m._kavanaugh@who.eop.gov'" <brett_m._kavanaugh@who.eop.gov>,
"'garry_malphrus@opd.eop.gov'" <garry_malphrus@opd.eop.gov>
Message-id: <"JMD0081-020413142317Z-286400"/PRMD=USDOJ-JCON/ADMD=
/C=US/"@MHS>
Autoforwarded: FALSE
Content-identifier: Re: can we talk
MIME-version: 1.0
X-Mailer: NetJunction (NetJunction 5.1.1-p0)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
UA-content-id: Re: can we talk
X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US;/JMD0081-020413142317Z-286400]
X-Priority: 3 (Normal)

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Matthew_Lamberti@judiciary.senate.gov [UNKNOWN]
<Matthew_Lamberti@judiciary.senate.gov>;'David_Hantman@judiciary.senate.gov'
<David_Hantman@judiciary.senate.gov>;'Stephen_Higgins@judiciary.senate.gov'
<Stephen_Higgins@judiciary.senate.gov>;'stvist@viad.com' <stvist@viad.com>
CC: Ho, James <James.Ho@usdoj.gov>;Benedi, Lizette D <Lizette.D.Benedi@usdoj.gov>;Brett M.
Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Garry Malphrus/OPD/EOP@EOP
[OPD] <Garry Malphrus>
Sent: 4/13/2002 8:24:35 PM
Subject: : Re: can we talk Sat morning?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:14-APR-2002 00:24:35.00

SUBJECT:: Re: can we talk Sat morning?

TO:Matthew_Lamberti@judiciary.senate.gov (Matthew_Lamberti@judiciary.senate.gov [UNKNOWN])

READ:UNKNOWN

TO:"'David_Hantman@judiciary.senate.gov'" <David_Hantman@judiciary.senate.gov> ("'David_Hantman@judiciary.senate.gov'" <David_Hantman@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:"'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> ("'Stephen_Higgins@judiciary.senate.gov'" <Stephen_Higgins@judiciary.senate.gov> [UNKNOWN])

READ:UNKNOWN

TO:"'stvist@viad.com'" <stvist@viad.com> ("'stvist@viad.com'" <stvist@viad.com> [UNKNOWN])

READ:UNKNOWN

CC:"Ho, James" <James.Ho@usdoj.gov> ("Ho, James" <James.Ho@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> ("Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

All clear with VRA. Thank you so much.

--- Sent from my BlackBerry.

-----Original Message-----

From: Dinh, Viet <Viet.Dinh@USDOJ.gov>

To:

'/DDV=Matthew_Lamberti@judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/'

</DDV=Matthew_Lamberti@judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/>; 'David_Hantman@judiciary.senate.gov'

<David_Hantman@judiciary.senate.gov>;

'Stephen_Higgins@judiciary.senate.gov'

<Stephen_Higgins@judiciary.senate.gov>; 'stvist@viad.com' <stvist@viad.com>

CC: Ho, James <James.Ho@USDOJ.gov>; Benedi, Lizette D

<Lizette.D.Benedi@USDOJ.gov>; 'brett_m._kavanaugh@who.eop.gov'

<brett_m._kavanaugh@who.eop.gov>; 'garry_malphrus@opd.eop.gov'

<garry_malphrus@opd.eop.gov>

Sent: Sat Apr 13 10:23:17 2002

Subject: Re: can we talk Sat morning?

Lizette is coordinating for noon. Cam each one of you call 5145000 and give your number where you will be at noon and the command center will call you to link in the conference call. Thanks.

REV_00143184

--- Sent from my BlackBerry.

-----Original Message-----

From: Matthew Lamberti

</DDV=Matthew_Lamberti@judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/>

To: Dinh, Viet <Viet.Dinh@USDOJ.gov>; David Hantman
<David_Hantman@judiciary.senate.gov>; Stephen Higgins
<Stephen_Higgins@judiciary.senate.gov>; 'stwist(a)viad.com'
<stwist@viad.com>

CC: Ho, James <James.Ho@USDOJ.gov>; Benedi, Lizette D
<Lizette.D.Benedi@USDOJ.gov>; 'brett(u)m.(u)kavanaugh(a)who.eop.gov'
<brett_m._kavanaugh@who.eop.gov>; 'gary(u)malphrus(a)opd.eop.gov'
<gary_malphrus@opd.eop.gov>

Sent: Sat Apr 13 00:59:21 2002

Subject: Re[2]: can we talk Sat morning?

I left a message at 514-5000 but they are having trouble reaching you.

Let's do

the conference call at noon. At this point, we are fine with the time
limitation being in section 5. However, we do want to be sure that Tribe
is on

board and so need to talk about the "decisions" issue.

Reply Separator

Subject: Re: can we talk Sat morning?

Author: "Dinh; Viet" <Viet.Dinh@usdoj.gov>

Date: 4/12/2002 7:14 PM

This is very troubling given that presidential schedule has been
predicated on

closure! But I am willing to talk. You can reach me at 5145000 tell me if
I need

to set up the conf cal. Call in will be at same number

--- Sent from my BlackBerry.

Received: from mailsims2.senate.gov ([156.33.203.11]) by
mailexch.senate.gov

with SMTP

(IMA Internet Exchange 3.13) id 001DC0F6; Fri, 12 Apr 2002 19:14:44 -0400

Received: from wdcsun022.usdoj.gov (wdcsun4.usdoj.gov)

by mailsims2.senate.gov (Sun Internet Mail Server
sims.3.5.2000.03.23.18.03.p10)

with SMTP id <0GUH00K7UA3OP9@mailsims2.senate.gov>; Fri,
12 Apr 2002 19:19:00 -0400 (EDT)

Received: from wt6.usdoj.gov (localhost [127.0.0.1])

by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15)

with ESMTP id GUH9WH03.80C; Fri, 12 Apr 2002 19:14:41 -0400

Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3 (PHNE_18546)/8.9.3)
id TAA13213; Fri, 12 Apr 2002 19:14:41 -0400 (EDT)

Received: by TELEMAIL; Fri, 12 Apr 2002 19:14:18 -0400

Date: Fri, 12 Apr 2002 19:14:19 -0400

From: "Dinh, Viet" <Viet.Dinh@usdoj.gov>

Subject: Re: can we talk Sat morning?

To: Matthew_Lamberti@judiciary.senate.gov,

"Stephen_Higgins@judiciary.senate.gov"

<Stephen_Higgins@judiciary.senate.gov>, "'stwist@viad.com'"
<stwist@viad.com>,

"David_Hantman@judiciary.senate.gov"

<David_Hantman@judiciary.senate.gov>

Cc: "Ho, James" <James.Ho@usdoj.gov>,

"Benedi, Lizette D" <Lizette.D.Benedi@usdoj.gov>,

"brett_m._kavanaugh@who.eop.gov" <brett_m._kavanaugh@who.eop.gov>,

"gary_malphrus@opd.eop.gov" <gary_malphrus@opd.eop.gov>

Message-id: <"JMD0081-020412231418Z-286290*/PRMD=USDOJ-JCON/ADMD=
/C=US/"@MHS>

Autoforwarded: FALSE

Content-identifier: Re: can we talk

MIME-version: 1.0

REV_00143185

X-Mailer: NetJunction (NetJunction 5.1.1-p0)/MIME
Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal
Original-encoded-information-types: IA5-Text
Priority: Normal
Precedence: first-class
UA-content-id: Re: can we talk
X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US/;JMD0081-020412231418Z-286290]
X-Priority: 3 (Normal)

From: CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/14/2002 11:09:16 AM
Subject: : did you see this?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:14-APR-2002 15:09:16.00

SUBJECT:: did you see this?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

White House Lobbied Rehnquist And O'Connor To Stay Until November.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/15/2002 6:20:44 AM
Subject: : USATODAY - Terror insurance goes up and away.htm

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-APR-2002 10:20:44.00

SUBJECT:: USATODAY - Terror insurance goes up and away.htm

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

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Terror insurance goes up and away

By John Ritter, USA TODAY

The Golden Gate Bridge is a tempting target for terrorists.

SAN FRANCISCO - Outside New York and Washington, not many terrorist targets are as juicy as the Golden Gate Bridge. The grand Art Deco span with the killer views is a landmark known worldwide. Tourists gambol between its red towers year-round. And with more than 115,000 vehicles crossing daily, it's a key link in a major commuter artery. If the bridge goes down, the Bay Area

won't just be disrupted, its pride will be crushed.

So it was no surprise that insurance companies weren't eager to offer terrorism policies on the 65-year-old structure. In fact, only one did: \$100

million worth of coverage for \$1.7 million a year. Bridge officials said no thanks, \$100 million wouldn't cover much of the \$2.1 billion it would cost to replace all that steel and concrete if terrorists destroyed it.

"We're taking a gamble on a risk that you're not sure what, if anything, would ever happen," bridge spokeswoman Mary Currie says.

REV_00143188

Hard to get coverage

Far from the rubble of Ground Zero, fallout from the Sept. 11 terrorist attacks is keenly felt by owners of high-profile structures that could be in terrorists' cross hairs.

Before the attacks, virtually every insurance policy in America provided terrorism coverage. It was a risk included in standard all-risk policies.

But since the attacks, insurers have stripped terrorism coverage from those policies. Now it's pricey and hard to get.

Many owners of trophy properties are deciding they can't afford terrorism insurance, or they're buying much less coverage with higher deductibles. At the same time, regular property and liability premiums are skyrocketing.

The effects are unclear seven months after the attacks. Higher tolls had already been expected for Golden Gate Bridge users, but the steep rise in insurance rates could mean an even bigger hike. The current \$3 two-way toll could go as high as \$5.

Owners are expected to pass higher insurance costs on to tenants. Residents as well as commercial occupants in Chicago's John Hancock tower could face higher rents and fees because of insurance.

Businesses are wary of talking about their coverage. Representatives of the Empire State Building and Rockefeller Center in New York, Chicago's Sears Tower, Salt Lake City's Mormon Temple, Detroit's Ambassador Bridge, the San Francisco Giants' Pacific Bell Park and Seattle's Space Needle decline to discuss premiums.

"A large entity with a mouse as a mascot is a perfect example of that," says

P.J. Crowley, vice president of the Insurance Information Institute, an industry group. A Disney spokesperson says the company has terrorism insurance on its parks and resorts but declines to provide details.

Taxpayers are also affected.

The U.S. government "self-insures" its holdings, meaning Congress would dip into the Treasury to replace federal property destroyed by terrorism. At least \$775 million in tax dollars is being spent to rebuild the Pentagon.

Local or state taxpayers are also liable elsewhere.

"The last time we had to renew, three years ago, the market was soft," says Steve Coleman, spokesman for the Port Authority of New York and New Jersey, owners of bridges, tunnels and three major New York-area airports. "Now it's

very hard, so we anticipate about a 300% increase." Current coverage of \$1.5

billion cost \$6.1 million a year.

Among public entities, few shoulder more perceived risk than New York's Metropolitan Transit Authority, owners of the Long Island Rail Road, seven bridges, including the Verrazano Narrows, and the New York City subway.

The World Trade Center attacks left MTA with an estimated \$1 billion in losses, mostly in subway damage in Lower Manhattan. Its insurance policy expired six weeks after the tragedy. All the losses were covered.

MTA officials decided they could afford just \$70 million in terrorism coverage on a new policy, and that kicks in only after MTA pays the first \$30 million in claims. Premium cost: \$7.5 million a year.

"We got quotations for \$100 million in coverage, but it was too

prohibitive," says Lauren Gregory, director of risk and insurance management.

MTA had expected a 10% increase in property and casualty coverage because of rising premiums industrywide. The expiring policy's \$1.5 billion coverage limit had cost about \$6 million a year. But after the attacks, the best MTA could get was a \$500 million limit for \$18 million. It has since been able to buy \$250 million more in coverage for \$2 million.

"New York makes underwriters a lot more nervous," Gregory says. "I get calls all the time from bridge and tunnel authorities and subways. I just spoke to a manager in Upstate New York, and she's getting socked with increases similar to what we had."

The industry says Congress' failure to create a \$100 billion fund to back up terrorism losses is hurting economic recovery because banks won't make loans for projects that don't have terrorism coverage.

A General Accounting Office official told a House panel in February that the real estate and commercial lending industries are "beginning to experience difficulties" because they can't get terrorism coverage and that the situation could worsen as more policies come up for renewal this year.

But critics oppose a federal handout without evidence of widespread problems.

Losses from the attacks, first estimated as high as \$70 billion, were half that. The industry has recouped the money it will pay out in claims resulting from Sept. 11 and then some. The Consumer Federation of America says the impact on the industry's bottom line was a loss of 7.2% of its surplus, only slightly more than after Hurricane Andrew. Yet the damage from that 1992 disaster was less than half that of Sept. 11.

Insurance rates had been going up briskly before Sept. 11, but a consumer federation study in January found that the attacks sped up the price increases in what some analysts "see as gouging."

'Pretty extreme' reaction

"Underwriters' zeal to make themselves healthy after the disaster caused them to do some pretty extreme things," says Jeff Mann, vice president of Driver Alliant Insurance Services, a large brokerage based in Carlsbad, Calif., that specializes in arranging coverage for municipalities.

There's fear that lenders holding mortgages on high-risk properties will demand that owners buy terrorism insurance. The owner of Mall of America in Bloomington, Minn., won a temporary restraining order after its lender tried to force it to buy terrorism coverage. The dispute was settled when the owner, Simon Property Group, agreed to buy a \$100 million policy.

One of the nation's largest trusts, Equity Office Properties, reportedly paid \$4.5 million for \$200 million in terrorism insurance to protect its 670 buildings. But Equity has a number of trophy buildings whose individual values alone exceed \$200 million, including One Market Street in San Francisco and Rowes Wharf in Boston.

Commercial Mortgage Alert, a real-estate industry newsletter, reported last month that the "terrorism insurance crisis seems to be easing." A handful of

global companies are offering coverage, though it's expensive. But the newsletter said many policies don't cover chemical and biological attacks.

Robert Hunter, author of the consumer federation study, says a "taxpayer-funded bailout of this super-rich industry" is unwarranted.

The industry has complained for years about government interference and pushed for deregulation. "It's just like your kid, always testing your limits and always saying, 'I'm a big boy now,' " he says. "But as soon as there's any trouble, they run to Mommy."

chartInsurance costs soar

Operators of public facilities such as bridges and airports are paying higher premiums and getting less insurance since the Sept. 11 terrorist attacks. Many policies now exclude coverage for loss by terrorism.

Coverage before Sept. 11 Annual premium before Sept. 11

Coverage after Sept. 11 Annual premium after Sept. 11

Metropolitan Transit Authority, N.Y. (Subways, Long Island Railroad, 7 bridges)* \$1.5 billion \$6 million \$750M

\$20M

Port Authority of N.Y., N.J. (3 bridges, 2 tunnels, Newark, LaGuardia, Kennedy airports, rapid transit system) \$1.5 billion \$6.1

million Up

for renewal in June

Golden Gate Bridge, San Francisco \$125M \$500,000

\$50M

\$1.1M

Los Angeles International Airport \$750 million \$1.31

million Up

for renewal in June; carrier

dropped terrorism coverage after Sept. 11

(*) Supplemental terrorism policy provides \$70 million coverage after MTA pays first \$30 million in claims. Annual premium is \$7.5 million.

Source: USA TODAY reporting by John Ritter

From: Matthew Lamberti) (Matthew_Lamberti@judiciary.senate.gov (Matthew Lamberti) [UNKNOWN]
To: Dinh; Viet <Viet.Dinh@usdoj.gov>;David Hantman) (David_Hantman@judiciary.senate.gov (David Hantman) [UNKNOWN] <David_Hantman@judiciary.senate.gov>;Stephen Higgins) (Stephen_Higgins@judiciary.senate.gov (Stephen Higgins) [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>;'stwist@viad.com' <stwist@viad.com>
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Sent: 4/15/2002 6:35:16 AM
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Attachments: P_H9FP6003_OPD.TXT_1.pdf

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READ:UNKNOWN
CC:Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
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Here is the proposed amendment Senators Feinstein and Kyl intend to introduce today.

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File attachment <P_H9FP6003_OPD.TXT_1>

107TH CONGRESS
2^D SESSION

S. J. RES. _____

IN THE SENATE OF THE UNITED STATES

introduced the following joint resolution; which was
read twice and referred to the Committee on _____

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United
States relative to protect the rights of crime victims.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled (two-*
3 *thirds of each House concurring therein), That the fol-*
4 lowing article is proposed as an amendment to the Con-
5 stitution of the United States, which shall be valid to all
6 intents and purposes as part of the Constitution when
7 ratified by the legislatures of three-fourths of the several
8 States, and which shall take effect on the 180th day after
9 ratification of this article:

1 “ARTICLE —

2 “SECTION 1. The rights of victims of violent crime,
3 being capable of protection without denying the constitu-
4 tional rights of those accused of victimizing them, are
5 hereby established and shall not be denied by any State
6 or the United States and may be restricted only as pro-
7 vided in this article.

8 “SECTION 2. A victim of violent crime shall have the
9 right to reasonable and timely notice of any public pro-
10 ceeding involving the crime and of any release or escape
11 of the accused; the rights not to be excluded from such
12 public proceeding and reasonably to be heard at public re-
13 lease, plea, sentencing, reprieve, and pardon proceedings;
14 and the right to adjudicative decisions that duly consider
15 the victim’s safety, interest in avoiding unreasonable
16 delay, and just and timely claims to restitution from the
17 offender. These rights shall not be restricted except when
18 and to the degree dictated by a substantial interest in pub-
19 lic safety or the administration of criminal justice, or by
20 compelling necessity.

21 “SECTION 3. Nothing in this article shall be con-
22 strued to provide grounds for a new trial or to authorize
23 any claim for damages. Only the victim or the victim’s
24 lawful representative may assert the rights established by

1 this article, and no person accused of the crime may obtain
2 any form of relief hereunder.

3 “SECTION 4. Congress shall have power to enforce
4 by appropriate legislation the provisions of this article.
5 Nothing in this article shall affect the President’s author-
6 ity to grant reprieves or pardons.

7 “SECTION 5. This article shall be inoperative unless
8 it shall have been ratified as an amendment to the Con-
9 stitution by the legislatures of three-fourths of the several
10 States within seven years from the date of its submission
11 to the States by the Congress.”.

From: CN=Mercedes M. Viana/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: scastillo@rnchq.org @ inet [UNKNOWN] <scastillo@rnchq.org>;mtucker@rnchq.org @ inet [NSC] <mtucker@rnchq.org>;rfernandez@rnchq.org @ inet [UNKNOWN] <rfernandez@rnchq.org>
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Subject: : The Washington Post: White House Pushing Harder to Confirm Judges

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The Washington Post

White House Pushing Harder to Confirm Judges
Senate Committee's Rejection of Pickering Turned Into GOP Campaign Theme

By Amy Goldstein
Washington Post Staff Writer
Monday, April 15, 2002; Page A06

In the weeks since the Senate Judiciary Committee rejected Charles W. Pickering as an appeals court judge, the White House has begun to pursue a more aggressive course to try to push conservative judicial nominees through a skeptical Senate and onto the federal bench.

President Bush, Vice President Cheney and the White House's top political adviser, Karl Rove, have each sought to convert the failed judicial nomination into a useful political theme, saying that Pickering's defeat illustrates why voters this fall should tip the Senate back into GOP control.

In recent days, the White House also has held strategy sessions with Senate Republicans and sympathetic interest groups, urging them to speak out earlier and more forcefully on behalf of the people Bush has named as judges -- in an attempt to counteract opposition from liberal organizations and Senate Democrats. "We want to make sure [allies] are armed with the most complete and current information," said a senior administration official.

Pickering's defeat "told the administration they need to have a deliberate confirmation strategy as well as a deliberate nomination strategy," said Thomas L. Jipping, who until recently directed the Free Congress Foundation's Judicial Selection Monitoring Project.

As part of that strategy, the administration official said, the White House "wants to talk with citizenry around the country," encouraging voters to convey their support for Bush's nominees to their senators. White House officials also are considering assigning someone to work full time in the counsel's office to coordinate efforts to win judicial confirmations.

Together, these efforts represent an unconciliatory response to the defeat last month of Pickering by a single vote on the Senate Judiciary Committee.

Since that March 14 vote, in which the Mississippi district court judge was defeated along party lines, Bush and his senior aides have said repeatedly that they do not intend to deviate from the conservative cast they are working to give the federal judiciary through the nominations they began sending the Senate 11 months ago. "We are going to continue to nominate the same kind of people," White House Counsel Alberto R. Gonzales said in an interview. He said the dozens of nominees for appellate circuit courts and federal district courts are "well-qualified and in the mainstream," a characterization the administration's ideological opponents dispute.

Instead of selecting potential judges that Senate Democrats might find more appealing, the administration and its allies are ratcheting up their advocacy, accusing the Judiciary Committee of obstructionism and trying to inject the issue of judges into this year's congressional campaigns, particularly in the South.

Two days in a row last month, Bush broached Pickering's defeat at political events he attended in Georgia and Texas. "We're going to have more fights when it comes to the judiciary," he said at a fundraiser for Rep. C. Saxby Chambliss (Ga.), who is running for the Senate. Bush said the Senate needs more Republicans such as Chambliss who, he said, would have "stood up and defended the honor and integrity" of Pickering.

GOP strategists contend that the future of the judiciary -- while not a top-rung issue such as national security, the economy, education and health care -- nevertheless may prove potent in the midterm elections among the voters the White House is seeking to reach. "It's potentially a very significant campaign issue, particularly in generating intensity among Republican voters," said Whit Ayres, a GOP pollster based in Atlanta. "It also has salience for independent voters who hate Washington gridlock."

"It's just one more thing people can point to -- back in Washington, you are not getting things done," said Dan Allen, spokesman for the National Republican Senatorial Committee.

At least one prominent GOP candidate has picked up the theme. Two weeks after Lamar Alexander decided to run for the Senate from Tennessee, he chose the defeat of Pickering, whom he has known for years, as the topic for his first radio spot.

"President Bush was right about Judge Pickering. And he's right about fixing schools, cutting taxes and creating jobs," Alexander, a former U.S. education secretary and presidential aspirant, tells the radio audience. "I'm running for the Senate to support him."

And in the first overt sign that the more aggressive strategy is starting to play out on Capitol Hill, a group of prominent Senate Republicans last week sought to make the handling of one nominee a cause célèbre, suggesting that Democrats were racist in not yet scheduling a hearing on Miguel A. Estrada, a Hispanic Washington attorney, for the U.S. Court of Appeals for the D.C. Circuit.

Sen. Orrin G. Hatch (Utah), the panel's ranking Republican, said Judiciary Democrats "will simply not accept a Hispanic, an African American or even women who do not tow the line of the left of main center, liberal interest groups." Judiciary Chairman Patrick J. Leahy (D-Vt.), who has said he plans to hold a hearing on Estrada, responded that the GOP was spreading "pure partisan bunk that is flatly refuted by the record."

Two days later, Hatch lambasted Democrats and their allies again, saying "the stoves of the special interest groups are readying to boil up an attack" on a circuit court nominee who has had a confirmation hearing, D.

Brooks Smith of Pennsylvania. Opponents have criticized Smith for belonging to an all-male club, attending legal seminars by conservative groups and handling a case that involved a bank where his wife worked.

The intensified politics surrounding judges come as Senate Democrats say that the records and ideology of several nominees before the committee are producing qualms. "There are more than a few who are extremely problematic," said David Carle, a spokesman for Leahy. Democrats have concerns about additional circuit court nominations in the first wave that Bush announced in May. Besides Estrada and Smith, they include Jeffrey S. Sutton for the Ohio-based 6th Circuit; Michael W. McConnell of Utah for the 10th Circuit; and Priscilla R. Owen of Texas for the 5th Circuit.

Still, Leahy has put forth statistics suggesting the committee, which he has led since last summer, is moving more swiftly on Bush's nominees than the panel did when it was run by Republicans during much of the Clinton administration. Leahy says he has sought to act on as many nominees as possible who are relatively noncontroversial, and has confirmed 42 -- nearly half of those the White House has sent to the Senate.

The White House and Bush's outside allies, however, have produced rival statistics portraying the committee as obstructionist. They contend the committee is unfairly blocking hearings and votes on nominees who, they say, would be likely to win confirmation on the Senate floor.

Cheney picked up this theme last week. He said the Senate was exacerbating a "vacancy crisis" in the federal courts through "inexcusable" delays in hearings and votes on Bush's nominees.

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From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>
CC: carlos e. bonilla/opd/eop@eop [OPD] <carlos e. bonilla>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;jane.molloy@mail.doc.gov [UNKNOWN] <jane.molloy@mail.doc.gov>;kathleen.cooper@esa.doc.gov [UNKNOWN] <kathleen.cooper@esa.doc.gov>;kirk.vantine@ost.dot.gov [UNKNOWN] <kirk.vantine@ost.dot.gov>;cesar conda/ovp/eop@eop [OVP] <cesar conda>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;amy c. smith/omb/eop@eop [OMB] <amy c. smith>;douglas j. holtz-eakin/cea/eop@eop [CEA] <douglas j. holtz-eakin>;mark.warshawsky@do.treas.gov [UNKNOWN] <mark.warshawsky@do.treas.gov>;lucy.huffman@do.treas.gov [UNKNOWN] <lucy.huffman@do.treas.gov>;ado a. machida/ovp/eop@eop [OVP] <ado a. machida>
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CREATION DATE/TIME:15-APR-2002 13:01:53.00
SUBJECT:: Re:
TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:carlos e. bonilla (CN=carlos e. bonilla/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jane.molloy@mail.doc.gov (jane.molloy@mail.doc.gov [UNKNOWN])
READ:UNKNOWN
CC:kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])
READ:UNKNOWN
CC:kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
CC:cesar conda (CN=cesar conda/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:amy c. smith (CN=amy c. smith/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:douglas j. holtz-eakin (CN=douglas j. holtz-eakin/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:mark.warshawsky@do.treas.gov (mark.warshawsky@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:lucy.huffman@do.treas.gov (lucy.huffman@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:ado a. machida (CN=ado a. machida/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

I had a few questions; I added them to Jeff's draft.

Jeffrey R. Brown
04/12/2002 04:12:41 PM
Record Type: Record

To: Carlos E. Bonilla/OPD/EOP@EOP
cc: See the distribution list at the bottom of this message

REV_00143206

bcc:
Subject: Re:

Carlos,
This memo is much improved. I do, however, have some suggested edits,
which are enclosed.
Jeff

Carlos E. Bonilla

04/12/2002 02:50:38 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

I'd like to circulate this document to principals if you all approve. I'd
welcome your comments.

Message Sent

To:
Kristen Silverberg/WHO/EOP@EOP
jane.molloy@mail.doc.gov
kathleen.cooper@esa.doc.gov
kirk.vantine@ost.dot.gov
Cesar Conda/OVP/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Jeffrey R. Brown/CEA/EOP@EOP
Douglas J. Holtz-Eakin/CEA/EOP@EOP
mark.warshawsky@do.treas.gov
lucy.huffman@do.treas.gov
Ado A. Machida/OVP/EOP@EOP

Message Copied

To:
kristen silverberg/who/eop@eop
jane.molloy@mail.doc.gov
kathleen.cooper@esa.doc.gov
kirk.vantine@ost.dot.gov
cesar conda/ovp/eop@eop
brett m. kavanaugh/who/eop@eop
amy c. smith/omb/eop@eop
douglas j. holtz-eakin/cea/eop@eop
mark.warshawsky@do.treas.gov
lucy.huffman@do.treas.gov
ado a. machida/ovp/eop@eop

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LONP6003_CEA.TXT_1>

REV_00143207

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LONP6003_CEA.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LONP6003_CEA.TXT_3>

APRIL 12, 2002

TO: NEC PRINCIPALS
FROM: CARLOS BONILLA
RE: FEDERAL ROLE IN THE AVIATION TERRORISM INSURANCE
MARKET

Background

Aviation Insurance provides three primary types of insurance, under a variety of different circumstances:

- 1) Insurance for the loss of the airplane, referred to as hull insurance.
- 2) Insurance for losses suffered by the passengers on that plane.
- 3) Insurance for losses caused to other people and property.

Broadly speaking, we can define this insurance as being provided under three circumstances:

- 1) For losses incurred during normal peacetime operations.
- 2) For losses incurred in times of war.
- 3) For losses incurred from acts of terrorism.

The private insurance market currently functions well for all three perils during both peace and war. Moreover, during war it imposes important discipline on the carriers by virtue of the fact that the coverage is cancelable on short notice. This allows the insurance to be appropriately re-priced to reflect the higher risk and provides the carriers a limited window during which they can remove their vulnerable assets from the war zone.

The insurance market even operates quite efficiently when the threat is terrorism. Although terrorism can pose a worldwide threat, making it impossible to relocate assets to a safe haven, the market has shown that it can price the risk for hull and passenger losses as these are known risks – maximum loss is limited to the value of the plane and the number of passengers it carries times the average compensation paid those passengers. The problem arises in liability for third party losses from acts of terrorism. The most notable such example is the loss of life in the World Trade Center attack.

Staff recommends that any action we take acknowledge that the insurance market has shown itself well capable of providing coverage for all other perils in all other circumstances and should be allowed to operate as it historically has. Thus, the only open issue is how to deal with third party losses resulting from an act of terrorism.

The policy question before the Administration is what role, if any, the federal government should continue to play in the market for aviation insurance against terrorist events.

Current State of the Market

Prior to the attacks of 9/11, airlines were paying approximately 5 cents a passenger to secure \$1.5 billion of insurance coverage against all perils. (This 5 cents number makes me nervous – this is Delta’s estimate, right? Can we get any independent verification of pre 9/11 costs. My take is that TOTAL insurance costs rose 2-3 times, not 25-fold has this would imply). That cost has since risen to \$1.25 per passenger, with a limitation of \$50 million in third party losses.

Immediately after the terrorist attacks of 9/11, private insurers invoked cancellation clauses in their policies, leaving airlines without coverage. The Air Transportation Safety and System Stabilization Act authorized the federal government to provide insurance coverage. The Act capped third party liability at \$100 million, and the FAA agreed to provide coverage above the first \$50 million of losses for a charge of \$7.50 per takeoff, approximately 8 cents per passenger. While the liability cap expired on March 20, the Secretary of Transportation extended the FAA insurance element for 60 days.

A private insurance consortium, headed by AIG, has expressed strong interest in providing this insurance coverage to the airline industry. This would provide \$1b in third party coverage. The price initially quoted was \$1.85 per passenger, although market pressures may, over time, serve to attenuate that price. This offer of coverage, like the coverage which was offered prior to 9/11, would be cancelable at the discretion of the insurer, possibly forcing us to again revisit this issue in the future should another event occur. It is important to note that it is difficult to assess the actual premium costs that would arise in a private market, as the presence of the FAA in this market has limited the ability of the private market to provide accurate price quotes. Based on international experience, however, it is reasonable to assume that AIG would be willing to provide third party coverage at a rate substantially less than \$1.85. In the UK, AIG has agreed to provide such coverage for only 75 cents per passenger, subject to a maximum industry exposure of \$2 billion.

At the same time, the airline industry is advancing a captive insurer concept they refer to as Equitime. This would be a risk retention group that would provide insurance services to the industry. The airlines believe that starting this venture would require a medium term commitment for the federal government to provide excess-of-loss coverage reinsurance through the federal government. Equitime is intended to provide coverage not just for the third party losses from terrorism but for all the industry’s insurance needs.

It is important to note that neither the private insurance market nor the Equitime solution will cover all losses from a large event. Private aviation insurance from the 9/11 attack was approximately \$6-8 billion. The Stabilization Act directly spent \$40 billion in addition to establishing an open-ended Victim’s Compensation Fund that could cost another \$5-6 billion. A federal financial role will clearly exist in the wake of another incident. (This paragraph does not seem needed. It seems to confuse aviation versus other forms of insurance, etc.)

Recommendation From Principals

A consensus was reached at the first Principals meeting that the appropriate solution was to limit third party liability from acts of terrorism. This was accompanied by the recognition that only legislative action could achieve this goal and that such action was unlikely in the current session of Congress. This requires that decisions be made on how to meet insurance needs of the industry in the medium term.

Decisions Required by Principals

1) Should we seek legislative action in the next Congress to limit third party liability from acts of terrorism?

Discussion: This decision may be premature and it may be desirable to await the conclusion of congressional action on the broader terrorism insurance bill. Note that the coverage limits in the bill under discussion in the Congress cover all property and casualty losses (not just those for aviation) and call for private insurance coverage of the first \$10 billion of an event. ~~and that~~ This far exceeds the coverage the airlines formerly carried or feel they could afford to carry today. It is an open question whether ~~Thus~~ direct action on the aviation insurance question may still be necessary even with the passage of a broader terrorism bill.

2) On March 20th, The Department of Transportation extended for 60 days the third party liability insurance it offers through the FAA. Upon expiration of those 60 days should we:

- Exit market immediately and let airlines obtain private coverage.
- Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the “deductible.”
- Keep existing FAA program in place “as is” ~~for a period of time~~ while pursuing liability limitations.
- Explicitly back the airline industry Equitime proposal.

Discussion: This is the most difficult and contentious issue. ~~The arguments fall into three camps~~ are summarized below: (This discussion should be in the same order as the options listed above. And the “camps” should map to the four options. Currently, a government phase-out is linked to Equitime, but it could also be linked to phase to private markets.)

Immediate Private Market Solution: If the goal is to provide appropriate incentives for the private sector to mitigate the risk and cost of future terrorist attacks, then a well-functioning private insurance market is best able to do this. Thus, we should announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

Gradually phase to a private market solution: Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the “deductible.” This approach seeks to strike a balance between the desire for private sector risk mitigation incentives, and the recognition that, in the short-run, private insurers may not be able to provide coverage above \$1 billion.

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Costs of Terrorism are a social cost: If one subscribes to the view that the costs of terrorist acts should be borne by society as a whole then that goal can be met by continuing to provide the insurance through the FAA and providing it a below market rates while we attempt to limit liability.

Equitime: If the goal is to ensure that insurance is available, and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles such as Equitime.

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Market Failure: If the goal is to ensure that insurance is available and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles (e.g., Equitime) or providing the insurance through the Federal Government and attempting to price it at the “appropriate” rate. A market failure position is also consistent with a continuation of the existing FAA insurance program with the cost of that insurance increased either in response to market conditions or in a pre-defined phased-in path to increase market performance.

Private Markets as the Optimal Solution: If the goal is to foster market participation then we should promptly announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

- 4) If an endorsement is made of the Equitime proposal, ~~should that endorsement~~, with its attendant federal role as a reinsurer, should that endorsement be:
- As a reinsurer to the full Equitime proposal
 - Limited so as not to subsidize competition for that portion of the insurance market which is functioning properly—i.e., provide support only for third party losses from acts of terrorism.
 - Only provide reinsurance to Equitime if we provide reinsurance on these same terms to other private ~~insurers~~ parties.

Discussion: Equitime is a very major intrusion into the operation of private insurance markets. It would provide one entity preferred status in the market by virtue of its federal support and it would provide federal subsidies for the replacement of a private market in those parts of the insurance market which are working well. The staff recommendation is that any Equitime endorsement be limited to the third party liability issue and be conditioned on providing comparable reinsurance to all parties seeking to compete against Equitime.

APRIL 12, 2002

TO: NEC PRINCIPALS

FROM: CARLOS BONILLA

RE: FEDERAL ROLE IN THE AVIATION TERRORISM INSURANCE
MARKET

Background

Aviation Insurance provides three primary types of insurance, under a variety of different circumstances:

- 1) Insurance for the loss of the airplane, referred to as hull insurance.
- 2) Insurance for losses suffered by the passengers on that plane.
- 3) Insurance for losses caused to other people and property.

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The private insurance market currently functions well for all three perils during both peace and war. Moreover, during war it imposes important discipline on the carriers by virtue of the fact that the coverage is cancelable on short notice. This allows the insurance to be appropriately re-priced to reflect the higher risk and provides the carriers a limited window during which they can remove their vulnerable assets from the war zone.

The insurance market even operates quite efficiently when the threat is terrorism. Although terrorism can pose a worldwide threat, making it impossible to relocate assets to a safe haven, the market has shown that it can price the risk for hull and passenger losses as these are known risks – maximum loss is limited to the value of the plane and the number of passengers it carries times the average compensation paid those passengers. The problem arises in liability for third party losses from acts of terrorism. The most notable such example is the loss of life in the World Trade Center attack.

Staff recommends that any action we take acknowledge that the insurance market has shown itself well capable of providing coverage for all other perils in all other circumstances and should be allowed to operate as it historically has. Thus, the only open issue is how to deal with third party losses resulting from an act of terrorism.

The policy question before the Administration is what role, if any, the federal government should continue to play in the market for aviation insurance against terrorist events.

Current State of the Market

Prior to the attacks of 9/11, airlines were paying approximately 5 cents a passenger to secure \$1.5 billion of insurance coverage against all perils. That cost has since risen to \$1.25 per passenger, with a limitation of \$50 million in third party losses.

Immediately after the terrorist attacks of 9/11, private insurers invoked cancellation clauses in their policies, leaving airlines without coverage. The Air Transportation Safety and System Stabilization Act authorized the federal government to provide insurance coverage. The Act capped third party liability at \$100 million, and the FAA agreed to provide coverage above the first \$50 million of losses for a charge of \$7.50 per takeoff, approximately 8 cents per passenger. While the liability cap expired on March 20, the Secretary of Transportation extended the FAA insurance element for 60 days.

A private insurance consortium, headed by AIG, has expressed strong interest in providing this insurance coverage to the airline industry. This would provide \$1b in third party coverage. The price initially quoted was \$1.85 per passenger, although market pressures may, over time, serve to attenuate that price. This offer of coverage, like the coverage which was offered prior to 9/11, would be cancelable at the discretion of the insurer, possibly forcing us to again revisit this issue in the future should another event occur.

At the same time, the airline industry is advancing a concept they refer to as Equitime. This would be a risk retention group that would provide insurance services to the industry. Starting this venture would require a medium term commitment to provide reinsurance through the federal government. Equitime is intended to provide coverage not just for the third party losses from terrorism but for all the industry's insurance needs.

It is important to note that neither the private insurance market nor the Equitime solution will cover all losses from a large event. Private aviation insurance from the 9/11 attack was approximately \$6-8 billion. The Stabilization Act directly spent \$40 billion in addition to establishing an open-ended Victim's Compensation Fund that could cost another \$5-6 billion. A federal financial role will clearly exist in the wake of another incident.

Recommendation From Principals

A consensus was reached at the first Principals meeting that the appropriate solution was to limit third party liability from acts of terrorism. This was accompanied by the recognition that only legislative action could achieve this goal and that such action was unlikely in the current session of Congress. This requires that decisions be made on how to meet insurance needs of the industry in the medium term.

Decisions Required by Principals

1) Should we seek legislative action in the next Congress to limit third party liability from acts of terrorism?

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2) On March 20th, The Department of Transportation extended for 60 days the third party liability insurance it offers through the FAA. Upon expiration of those 60 days should we:

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- Keep existing FAA program in place “as is” for a period of time.
- Explicitly back the airline industry Equitime proposal.

Discussion: This is the most difficult and contentious issue. The arguments fall into three camps summarized below:

Costs of Terrorism are a social cost: If one subscribes to the view that the costs of terrorist acts should be borne by society as a whole then that goal can be met by continuing to provide the insurance through the FAA and providing it at below market rates while we attempt to limit liability.

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Decisions Required by Principals

1) Should we seek legislative action in the next Congress to limit third party liability from acts of terrorism? [why is this question on the table? Can the principles make this decision now? Won't it depend on lots of intervening events like a) whether we get another event; b) whether we keep the House or win back the Senate; c) whether we get a risk insurance bill. KS]

Discussion: This decision may be premature and it may be desirable to await the conclusion of congressional action on the broader terrorism insurance bill. Note that the coverage limits in the bill under discussion in the Congress cover all property and casualty losses (not just those for aviation) and call for private insurance coverage of the first \$10 billion of an event, and that ~~that~~ This far exceeds the coverage the airlines formerly carried or feel they could afford to carry today. [I don't understand this pt. In the broader risk insurance bill, the \$10b industry retention was for all P&C carriers. Airline insurers would be entitled to a pro rata payment depending on their share of the \$10b. If the ratios of airline insurance losses to other industry losses was the same as for the WTC, the airline industry retention would be less than \$2b. Am I missing something? KS]. It is an open question whether ~~Thus~~ direct action on the aviation insurance question may still be necessary even with the passage of a broader terrorism bill.

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From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/15/2002 6:20:44 AM
Subject: : USATODAY - Terror insurance goes up and away.htm

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2002 10:20:44.00
SUBJECT:: USATODAY - Terror insurance goes up and away.htm
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

Terror insurance goes up and away
By John Ritter, USA TODAY

The Golden Gate Bridge is a tempting target for terrorists.

SAN FRANCISCO - Outside New York and Washington, not many terrorist targets are as juicy as the Golden Gate Bridge. The grand Art Deco span with the killer views is a landmark known worldwide. Tourists gambol between its red towers year-round. And with more than 115,000 vehicles crossing daily, it's a key link in a major commuter artery. If the bridge goes down, the Bay Area won't just be disrupted, its pride will be crushed.

So it was no surprise that insurance companies weren't eager to offer terrorism policies on the 65-year-old structure. In fact, only one did: \$100 million worth of coverage for \$1.7 million a year. Bridge officials said no thanks, \$100 million wouldn't cover much of the \$2.1 billion it would cost to replace all that steel and concrete if terrorists destroyed it.

"We're taking a gamble on a risk that you're not sure what, if anything, would ever happen," bridge spokeswoman Mary Currie says.

Hard to get coverage

Far from the rubble of Ground Zero, fallout from the Sept. 11 terrorist attacks is keenly felt by owners of high-profile structures that could be in terrorists' cross hairs.

Before the attacks, virtually every insurance policy in America provided terrorism coverage. It was a risk included in standard all-risk policies.

But since the attacks, insurers have stripped terrorism coverage from those policies. Now it's pricey and hard to get.

Many owners of trophy properties are deciding they can't afford terrorism insurance, or they're buying much less coverage with higher deductibles. At the same time, regular property and liability premiums are skyrocketing.

The effects are unclear seven months after the attacks. Higher tolls had already been expected for Golden Gate Bridge users, but the steep rise in insurance rates could mean an even bigger hike. The current \$3 two-way toll could go as high as \$5.

Owners are expected to pass higher insurance costs on to tenants. Residents as well as commercial occupants in Chicago's John Hancock tower could face higher rents and fees because of insurance.

Businesses are wary of talking about their coverage. Representatives of the Empire State Building and Rockefeller Center in New York, Chicago's Sears Tower, Salt Lake City's Mormon Temple, Detroit's Ambassador Bridge, the San Francisco Giants' Pacific Bell Park and Seattle's Space Needle decline to discuss premiums.

"A large entity with a mouse as a mascot is a perfect example of that," says

P.J. Crowley, vice president of the Insurance Information Institute, an industry group. A Disney spokesperson says the company has terrorism insurance on its parks and resorts but declines to provide details.

Taxpayers are also affected.

The U.S. government "self-insures" its holdings, meaning Congress would dip into the Treasury to replace federal property destroyed by terrorism. At least \$775 million in tax dollars is being spent to rebuild the Pentagon.

Local or state taxpayers are also liable elsewhere.

"The last time we had to renew, three years ago, the market was soft," says Steve Coleman, spokesman for the Port Authority of New York and New Jersey, owners of bridges, tunnels and three major New York-area airports. "Now it's

very hard, so we anticipate about a 300% increase." Current coverage of \$1.5

billion cost \$6.1 million a year.

Among public entities, few shoulder more perceived risk than New York's Metropolitan Transit Authority, owners of the Long Island Rail Road, seven bridges, including the Verrazano Narrows, and the New York City subway.

The World Trade Center attacks left MTA with an estimated \$1 billion in losses, mostly in subway damage in Lower Manhattan. Its insurance policy expired six weeks after the tragedy. All the losses were covered.

MTA officials decided they could afford just \$70 million in terrorism coverage on a new policy, and that kicks in only after MTA pays the first \$30 million in claims. Premium cost: \$7.5 million a year.

"We got quotations for \$100 million in coverage, but it was too

prohibitive," says Lauren Gregory, director of risk and insurance management.

MTA had expected a 10% increase in property and casualty coverage because of rising premiums industrywide. The expiring policy's \$1.5 billion coverage limit had cost about \$6 million a year. But after the attacks, the best MTA could get was a \$500 million limit for \$18 million. It has since been able to buy \$250 million more in coverage for \$2 million.

"New York makes underwriters a lot more nervous," Gregory says. "I get calls all the time from bridge and tunnel authorities and subways. I just spoke to a manager in Upstate New York, and she's getting socked with increases similar to what we had."

The industry says Congress' failure to create a \$100 billion fund to back up terrorism losses is hurting economic recovery because banks won't make loans for projects that don't have terrorism coverage.

A General Accounting Office official told a House panel in February that the real estate and commercial lending industries are "beginning to experience difficulties" because they can't get terrorism coverage and that the situation could worsen as more policies come up for renewal this year.

But critics oppose a federal handout without evidence of widespread problems.

Losses from the attacks, first estimated as high as \$70 billion, were half that. The industry has recouped the money it will pay out in claims resulting from Sept. 11 and then some. The Consumer Federation of America says the impact on the industry's bottom line was a loss of 7.2% of its surplus, only slightly more than after Hurricane Andrew. Yet the damage from that 1992 disaster was less than half that of Sept. 11.

Insurance rates had been going up briskly before Sept. 11, but a consumer federation study in January found that the attacks sped up the price increases in what some analysts "see as gouging."

'Pretty extreme' reaction

"Underwriters' zeal to make themselves healthy after the disaster caused them to do some pretty extreme things," says Jeff Mann, vice president of Driver Alliant Insurance Services, a large brokerage based in Carlsbad, Calif., that specializes in arranging coverage for municipalities.

There's fear that lenders holding mortgages on high-risk properties will demand that owners buy terrorism insurance. The owner of Mall of America in Bloomington, Minn., won a temporary restraining order after its lender tried to force it to buy terrorism coverage. The dispute was settled when the owner, Simon Property Group, agreed to buy a \$100 million policy.

One of the nation's largest trusts, Equity Office Properties, reportedly paid \$4.5 million for \$200 million in terrorism insurance to protect its 670 buildings. But Equity has a number of trophy buildings whose individual values alone exceed \$200 million, including One Market Street in San Francisco and Rowes Wharf in Boston.

Commercial Mortgage Alert, a real-estate industry newsletter, reported last month that the "terrorism insurance crisis seems to be easing." A handful of

global companies are offering coverage, though it's expensive. But the newsletter said many policies don't cover chemical and biological attacks.

Robert Hunter, author of the consumer federation study, says a "taxpayer-funded bailout of this super-rich industry" is unwarranted.

The industry has complained for years about government interference and pushed for deregulation. "It's just like your kid, always testing your limits and always saying, 'I'm a big boy now,' " he says. "But as soon as there's any trouble, they run to Mommy."

chartInsurance costs soar

Operators of public facilities such as bridges and airports are paying higher premiums and getting less insurance since the Sept. 11 terrorist attacks. Many policies now exclude coverage for loss by terrorism.

Coverage before Sept. 11 Annual premium before Sept. 11

Coverage after Sept. 11 Annual premium after Sept. 11

Metropolitan Transit Authority, N.Y. (Subways, Long Island Railroad, 7 bridges)* \$1.5 billion \$6 million \$750M

\$20M

Port Authority of N.Y., N.J. (3 bridges, 2 tunnels, Newark, LaGuardia, Kennedy airports, rapid transit system) \$1.5 billion \$6.1

million Up

for renewal in June

Golden Gate Bridge, San Francisco \$125M \$500,000

\$50M

\$1.1M

Los Angeles International Airport \$750 million \$1.31

million Up

for renewal in June; carrier

dropped terrorism coverage after Sept. 11

(*) Supplemental terrorism policy provides \$70 million coverage after MTA pays first \$30 million in claims. Annual premium is \$7.5 million.

Source: USA TODAY reporting by John Ritter

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 4/15/2002 7:31:33 AM
Subject: : 04-17-02 WHJSC meeting

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2002 11:31:33.00
SUBJECT:: 04-17-02 WHJSC meeting
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please let me know if you have any items for this week's agenda.

Thanks!

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
BCC: Bradford A. Berenson (Bradford A. Berenson/WHO/EOP [WHO])
Sent: 4/15/2002 8:13:45 AM
Subject: : Re: Member tours

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2002 12:13:45.00
SUBJECT:: Re: Member tours
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
BCC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

No legal issues here at all as far as I can tell. Unless Brett has a different view, I'd say you can be guided here solely by communications considerations.

Anne Womack
04/15/2002 12:08:33 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP
cc:
Subject: Member tours

Karen thought this was fine, but wanted to make sure I checked to make sure we weren't compromising any principles. I will forward her email as well.

----- Forwarded by Anne Womack/WHO/EOP on 04/15/2002
12:07 PM -----

Anne Womack
04/15/2002 10:57:35 AM
Record Type: Record

To: Karen Hughes/WHO/EOP@EOP, Andrea G. Ball/WHO/EOP@EOP, Ken
Mehlman/WHO/EOP@EOP
cc: Julieanne H. Thomas/WHO/EOP@EOP, Krista L. Ritacco/WHO/EOP@EOP
Subject: Member tours

AP has requested the members of Congress who have brought individuals to the White House for tours. The inquiry is the result of an article in the Tulsa World that claimed that Rep. Tom Davis called a former Rep. Gov. of Kansas asking him to be the Chair of a new GOP business group. In the message that was left for the Gov, it mentioned that if he donated and accepted the Chairmanship, one of the benefits would be a White House tour. We worked that individual situation out last week, but it has led to other questions.

The facts are actually decent - 68 members or their wives have brought

REV_00143230

individuals or small groups (no more than 6 at a time), and more D's have been on tours than R's. AP also wanted the names of the guests they brought, but I think it's more appropriate that the individuals members make decisions about that information.

Just want to check with you before I give the info out.

From: CN=Ken Mehlman/OU=WHO/O=EOP [WHO]
To: Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Todd W. Beyer/WHO/EOP@EOP [WHO] <Todd W. Beyer>; Scott Stanzel/WHO/EOP@EOP [WHO] <Scott Stanzel>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; kr@georgewbush.com @ inet [UNKNOWN] <kr@georgewbush.com>; staylor@georgewbush.com @ inet [WHO] <staylor@georgewbush.com>
Sent: 4/15/2002 12:19:57 PM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-APR-2002 16:19:57.00

SUBJECT::

TO: Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Todd W. Beyer (CN=Todd W. Beyer/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: kr@georgewbush.com (kr@georgewbush.com @ inet [UNKNOWN])

READ: UNKNOWN

CC: staylor@georgewbush.com (staylor@georgewbush.com @ inet [WHO])

READ: UNKNOWN

End Original ARMS Header

John Thune is about to send out tickets for the SD rally and wants to send out a letter to state party supporters informing them of where to get tickets. This will help make sure that our people are getting the tickets. Are you ok with his sending this out, provided that it's ok with counsel? It makes clear that the rally is paid for by the SD GOP.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>
CC: carlos e. bonilla/opd/eop@eop [OPD] <carlos e. bonilla>;kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;jane.molloy@mail.doc.gov [UNKNOWN] <jane.molloy@mail.doc.gov>;kathleen.cooper@esa.doc.gov [UNKNOWN] <kathleen.cooper@esa.doc.gov>;kirk.vantine@ost.dot.gov [UNKNOWN] <kirk.vantine@ost.dot.gov>;cesar conda/ovp/eop@eop [OVP] <cesar conda>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;amy c. smith/omb/eop@eop [OMB] <amy c. smith>;douglas j. holtz-eakin/cea/eop@eop [CEA] <douglas j. holtz-eakin>;mark.warshawsky@do.treas.gov [UNKNOWN] <mark.warshawsky@do.treas.gov>;lucy.huffman@do.treas.gov [UNKNOWN] <lucy.huffman@do.treas.gov>;ado a. machida/ovp/eop@eop [OVP] <ado a. machida>
Sent: 4/15/2002 9:01:53 AM
Subject: : Re:
Attachments: P_LONP6003_OPD.TXT_1.doc; P_LONP6003_OPD.TXT_2.doc; P_LONP6003_OPD.TXT_3.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2002 13:01:53.00
SUBJECT:: Re:
TO:Jeffrey R. Brown (CN=Jeffrey R. Brown/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
CC:carlos e. bonilla (CN=carlos e. bonilla/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jane.molloy@mail.doc.gov (jane.molloy@mail.doc.gov [UNKNOWN])
READ:UNKNOWN
CC:kathleen.cooper@esa.doc.gov (kathleen.cooper@esa.doc.gov [UNKNOWN])
READ:UNKNOWN
CC:kirk.vantine@ost.dot.gov (kirk.vantine@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
CC:cesar conda (CN=cesar conda/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:amy c. smith (CN=amy c. smith/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:douglas j. holtz-eakin (CN=douglas j. holtz-eakin/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN
CC:mark.warshawsky@do.treas.gov (mark.warshawsky@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:lucy.huffman@do.treas.gov (lucy.huffman@do.treas.gov [UNKNOWN])
READ:UNKNOWN
CC:ado a. machida (CN=ado a. machida/OU=ovp/O=eop@eop [OVP])
READ:UNKNOWN
End Original ARMS Header

I had a few questions; I added them to Jeff's draft.

Jeffrey R. Brown
04/12/2002 04:12:41 PM
Record Type: Record

To: Carlos E. Bonilla/OPD/EOP@EOP

REV_00143249

cc: See the distribution list at the bottom of this message
bcc:
Subject: Re:

Carlos,
This memo is much improved. I do, however, have some suggested edits,
which are enclosed.
Jeff

Carlos E. Bonilla

04/12/2002 02:50:38 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

I'd like to circulate this document to principals if you all approve. I'd
welcome your comments.

Message Sent

To:
Kristen Silverberg/WHO/EOP@EOP
jane.molloy@mail.doc.gov
kathleen.cooper@esa.doc.gov
kirk.vantine@ost.dot.gov
Cesar Conda/OVP/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Jeffrey R. Brown/CEA/EOP@EOP
Douglas J. Holtz-Eakin/CEA/EOP@EOP
mark.warshawsky@do.treas.gov
lucy.huffman@do.treas.gov
Ado A. Machida/OVP/EOP@EOP

Message Copied

To:
kristen silverberg/who/eop@eop
jane.molloy@mail.doc.gov
kathleen.cooper@esa.doc.gov
kirk.vantine@ost.dot.gov
cesar conda/ovp/eop@eop
brett m. kavanaugh/who/eop@eop
amy c. smith/omb/eop@eop
douglas j. holtz-eakin/cea/eop@eop
mark.warshawsky@do.treas.gov
lucy.huffman@do.treas.gov
ado a. machida/ovp/eop@eop

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REV_00143250

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File attachment <P_LONP6003_OPD.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LONP6003_OPD.TXT_3>

APRIL 12, 2002

TO: NEC PRINCIPALS
FROM: CARLOS BONILLA
RE: FEDERAL ROLE IN THE AVIATION TERRORISM INSURANCE
MARKET

Background

Aviation Insurance provides three primary types of insurance, under a variety of different circumstances:

- 1) Insurance for the loss of the airplane, referred to as hull insurance.
- 2) Insurance for losses suffered by the passengers on that plane.
- 3) Insurance for losses caused to other people and property.

Broadly speaking, we can define this insurance as being provided under three circumstances:

- 1) For losses incurred during normal peacetime operations.
- 2) For losses incurred in times of war.
- 3) For losses incurred from acts of terrorism.

The private insurance market currently functions well for all three perils during both peace and war. Moreover, during war it imposes important discipline on the carriers by virtue of the fact that the coverage is cancelable on short notice. This allows the insurance to be appropriately re-priced to reflect the higher risk and provides the carriers a limited window during which they can remove their vulnerable assets from the war zone.

The insurance market even operates quite efficiently when the threat is terrorism. Although terrorism can pose a worldwide threat, making it impossible to relocate assets to a safe haven, the market has shown that it can price the risk for hull and passenger losses as these are known risks – maximum loss is limited to the value of the plane and the number of passengers it carries times the average compensation paid those passengers. The problem arises in liability for third party losses from acts of terrorism. The most notable such example is the loss of life in the World Trade Center attack.

Staff recommends that any action we take acknowledge that the insurance market has shown itself well capable of providing coverage for all other perils in all other circumstances and should be allowed to operate as it historically has. Thus, the only open issue is how to deal with third party losses resulting from an act of terrorism.

The policy question before the Administration is what role, if any, the federal government should continue to play in the market for aviation insurance against terrorist events.

Current State of the Market

Prior to the attacks of 9/11, airlines were paying approximately 5 cents a passenger to secure \$1.5 billion of insurance coverage against all perils. (This 5 cents number makes me nervous – this is Delta’s estimate, right? Can we get any independent verification of pre 9/11 costs. My take is that TOTAL insurance costs rose 2-3 times, not 25-fold has this would imply). That cost has since risen to \$1.25 per passenger, with a limitation of \$50 million in third party losses.

Immediately after the terrorist attacks of 9/11, private insurers invoked cancellation clauses in their policies, leaving airlines without coverage. The Air Transportation Safety and System Stabilization Act authorized the federal government to provide insurance coverage. The Act capped third party liability at \$100 million, and the FAA agreed to provide coverage above the first \$50 million of losses for a charge of \$7.50 per takeoff, approximately 8 cents per passenger. While the liability cap expired on March 20, the Secretary of Transportation extended the FAA insurance element for 60 days.

A private insurance consortium, headed by AIG, has expressed strong interest in providing this insurance coverage to the airline industry. This would provide \$1b in third party coverage. The price initially quoted was \$1.85 per passenger, although market pressures may, over time, serve to attenuate that price. This offer of coverage, like the coverage which was offered prior to 9/11, would be cancelable at the discretion of the insurer, possibly forcing us to again revisit this issue in the future should another event occur. It is important to note that it is difficult to assess the actual premium costs that would arise in a private market, as the presence of the FAA in this market has limited the ability of the private market to provide accurate price quotes. Based on international experience, however, it is reasonable to assume that AIG would be willing to provide third party coverage at a rate substantially less than \$1.85. In the UK, AIG has agreed to provide such coverage for only 75 cents per passenger, subject to a maximum industry exposure of \$2 billion.

At the same time, the airline industry is advancing a captive insurer concept they refer to as Equitime. This would be a risk retention group that would provide insurance services to the industry. The airlines believe that starting this venture would require a medium term commitment for the federal government to provide excess-of-loss coverage reinsurance through the federal government. Equitime is intended to provide coverage not just for the third party losses from terrorism but for all the industry’s insurance needs.

It is important to note that neither the private insurance market nor the Equitime solution will cover all losses from a large event. Private aviation insurance from the 9/11 attack was approximately \$6-8 billion. The Stabilization Act directly spent \$40 billion in addition to establishing an open-ended Victim’s Compensation Fund that could cost another \$5-6 billion. A federal financial role will clearly exist in the wake of another incident. (This paragraph does not seem needed. It seems to confuse aviation versus other forms of insurance, etc.)

Recommendation From Principals

A consensus was reached at the first Principals meeting that the appropriate solution was to limit third party liability from acts of terrorism. This was accompanied by the recognition that only legislative action could achieve this goal and that such action was unlikely in the current session of Congress. This requires that decisions be made on how to meet insurance needs of the industry in the medium term.

Decisions Required by Principals

1) Should we seek legislative action in the next Congress to limit third party liability from acts of terrorism?

Discussion: This decision may be premature and it may be desirable to await the conclusion of congressional action on the broader terrorism insurance bill. Note that the coverage limits in the bill under discussion in the Congress cover all property and casualty losses (not just those for aviation) and call for private insurance coverage of the first \$10 billion of an event. ~~and that~~ This far exceeds the coverage the airlines formerly carried or feel they could afford to carry today. It is an open question whether ~~Thus~~ direct action on the aviation insurance question may still be necessary even with the passage of a broader terrorism bill.

2) On March 20th, The Department of Transportation extended for 60 days the third party liability insurance it offers through the FAA. Upon expiration of those 60 days should we:

- Exit market immediately and let airlines obtain private coverage.
- Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the “deductible.”
- Keep existing FAA program in place “as is” ~~for a period of time~~ while pursuing liability limitations.
- Explicitly back the airline industry Equitime proposal.

Discussion: This is the most difficult and contentious issue. ~~The arguments fall into three camps~~ are summarized below: (This discussion should be in the same order as the options listed above. And the “camps” should map to the four options. Currently, a government phase-out is linked to Equitime, but it could also be linked to phase to private markets.)

Immediate Private Market Solution: If the goal is to provide appropriate incentives for the private sector to mitigate the risk and cost of future terrorist attacks, then a well-functioning private insurance market is best able to do this. Thus, we should announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

Gradually phase to a private market solution: Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the “deductible.” This approach seeks to strike a balance between the desire for private sector risk mitigation incentives, and the recognition that, in the short-run, private insurers may not be able to provide coverage above \$1 billion.

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Costs of Terrorism are a social cost: If one subscribes to the view that the costs of terrorist acts should be borne by society as a whole then that goal can be met by continuing to provide the insurance through the FAA and providing it a below market rates while we attempt to limit liability.

Equitime: If the goal is to ensure that insurance is available, and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles such as Equitime.

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Market Failure: If the goal is to ensure that insurance is available and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles (e.g., Equitime) or providing the insurance through the Federal Government and attempting to price it at the “appropriate” rate. A market failure position is also consistent with a continuation of the existing FAA insurance program with the cost of that insurance increased either in response to market conditions or in a pre-defined phased-in path to increase market performance.

Private Markets as the Optimal Solution: If the goal is to foster market participation then we should promptly announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

- 4) If an endorsement is made of the Equitime proposal, ~~should that endorsement~~, with its attendant federal role as a reinsurer, should that endorsement be:
- As a reinsurer to the full Equitime proposal
 - Limited so as not to subsidize competition for that portion of the insurance market which is functioning properly—i.e., provide support only for third party losses from acts of terrorism.
 - Only provide reinsurance to Equitime if we provide reinsurance on these same terms to other private ~~insurers~~ parties.

Discussion: Equitime is a very major intrusion into the operation of private insurance markets. It would provide one entity preferred status in the market by virtue of its federal support and it would provide federal subsidies for the replacement of a private market in those parts of the insurance market which are working well. The staff recommendation is that any Equitime endorsement be limited to the third party liability issue and be conditioned on providing comparable reinsurance to all parties seeking to compete against Equitime.

APRIL 12, 2002

TO: NEC PRINCIPALS

FROM: CARLOS BONILLA

RE: FEDERAL ROLE IN THE AVIATION TERRORISM INSURANCE
MARKET

Background

Aviation Insurance provides three primary types of insurance, under a variety of different circumstances:

- 1) Insurance for the loss of the airplane, referred to as hull insurance.
- 2) Insurance for losses suffered by the passengers on that plane.
- 3) Insurance for losses caused to other people and property.

Broadly speaking, we can define this insurance as being provided under three circumstances:

- 1) For losses incurred during normal peacetime operations.
- 2) For losses incurred in times of war.
- 3) For losses incurred from acts of terrorism.

The private insurance market currently functions well for all three perils during both peace and war. Moreover, during war it imposes important discipline on the carriers by virtue of the fact that the coverage is cancelable on short notice. This allows the insurance to be appropriately re-priced to reflect the higher risk and provides the carriers a limited window during which they can remove their vulnerable assets from the war zone.

The insurance market even operates quite efficiently when the threat is terrorism. Although terrorism can pose a worldwide threat, making it impossible to relocate assets to a safe haven, the market has shown that it can price the risk for hull and passenger losses as these are known risks – maximum loss is limited to the value of the plane and the number of passengers it carries times the average compensation paid those passengers. The problem arises in liability for third party losses from acts of terrorism. The most notable such example is the loss of life in the World Trade Center attack.

Staff recommends that any action we take acknowledge that the insurance market has shown itself well capable of providing coverage for all other perils in all other circumstances and should be allowed to operate as it historically has. Thus, the only open issue is how to deal with third party losses resulting from an act of terrorism.

The policy question before the Administration is what role, if any, the federal government should continue to play in the market for aviation insurance against terrorist events.

Current State of the Market

Prior to the attacks of 9/11, airlines were paying approximately 5 cents a passenger to secure \$1.5 billion of insurance coverage against all perils. That cost has since risen to \$1.25 per passenger, with a limitation of \$50 million in third party losses.

Immediately after the terrorist attacks of 9/11, private insurers invoked cancellation clauses in their policies, leaving airlines without coverage. The Air Transportation Safety and System Stabilization Act authorized the federal government to provide insurance coverage. The Act capped third party liability at \$100 million, and the FAA agreed to provide coverage above the first \$50 million of losses for a charge of \$7.50 per takeoff, approximately 8 cents per passenger. While the liability cap expired on March 20, the Secretary of Transportation extended the FAA insurance element for 60 days.

A private insurance consortium, headed by AIG, has expressed strong interest in providing this insurance coverage to the airline industry. This would provide \$1b in third party coverage. The price initially quoted was \$1.85 per passenger, although market pressures may, over time, serve to attenuate that price. This offer of coverage, like the coverage which was offered prior to 9/11, would be cancelable at the discretion of the insurer, possibly forcing us to again revisit this issue in the future should another event occur.

At the same time, the airline industry is advancing a concept they refer to as Equitime. This would be a risk retention group that would provide insurance services to the industry. Starting this venture would require a medium term commitment to provide reinsurance through the federal government. Equitime is intended to provide coverage not just for the third party losses from terrorism but for all the industry's insurance needs.

It is important to note that neither the private insurance market nor the Equitime solution will cover all losses from a large event. Private aviation insurance from the 9/11 attack was approximately \$6-8 billion. The Stabilization Act directly spent \$40 billion in addition to establishing an open-ended Victim's Compensation Fund that could cost another \$5-6 billion. A federal financial role will clearly exist in the wake of another incident.

Recommendation From Principals

A consensus was reached at the first Principals meeting that the appropriate solution was to limit third party liability from acts of terrorism. This was accompanied by the recognition that only legislative action could achieve this goal and that such action was unlikely in the current session of Congress. This requires that decisions be made on how to meet insurance needs of the industry in the medium term.

Decisions Required by Principals

1) Should we seek legislative action in the next Congress to limit third party liability from acts of terrorism?

Discussion: This decision may be premature and it may be desirable to await the conclusion of congressional action on the broader terrorism insurance bill. Note that the coverage limits in the bill under discussion in the Congress call for private insurance coverage of the first \$10 billion of an event and that this far exceeds the coverage the airlines formerly carried or feel they could afford to carry today. Thus direct action on the aviation insurance question may still be necessary even with the passage of a broader terrorism bill.

2) On March 20th, The Department of Transportation extended for 60 days the third party liability insurance it offers through the FAA. Upon expiration of those 60 days should we:

- Exit market immediately and let airlines obtain private coverage.
- Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the “deductible.”
- Keep existing FAA program in place “as is” for a period of time.
- Explicitly back the airline industry Equitime proposal.

Discussion: This is the most difficult and contentious issue. The arguments fall into three camps summarized below:

Costs of Terrorism are a social cost: If one subscribes to the view that the costs of terrorist acts should be borne by society as a whole then that goal can be met by continuing to provide the insurance through the FAA and providing it at below market rates while we attempt to limit liability.

Market Failure: If the goal is to ensure that insurance is available and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles (e.g., Equitime) or providing the insurance through the Federal Government and attempting to price it at the “appropriate” rate. A market failure position is also consistent with a continuation of the existing FAA insurance program with the cost of that insurance increased either in response to market conditions or in a pre-defined phased-in path to increase market performance.

Private Markets as the Optimal Solution: If the goal is to foster market participation then we should promptly announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

- 4) If an endorsement is made of the Equitime proposal should that endorsement, with its attendant federal role as a reinsurer, should that endorsement be:
- As a reinsurer to the full Equitime proposal
 - Limited so as not to subsidize competition for that portion of the insurance market which is functioning properly—i.e., provide support only for third party losses from acts of terrorism.
 - Only provide reinsurance to Equitime if we provide reinsurance on these same terms to other private parties.

Discussion: Equitime is a very major intrusion into the operation of private insurance markets. It would provide one entity preferred status in the market by virtue of its federal support and it would provide federal subsidies for the replacement of a private market in those parts of the insurance market which are working well. The staff recommendation is that any Equitime endorsement be limited to the third party liability issue and be conditioned on providing comparable reinsurance to all parties seeking to compete against Equitime.

APRIL 12, 2002

TO: NEC PRINCIPALS
FROM: CARLOS BONILLA
RE: FEDERAL ROLE IN THE AVIATION TERRORISM INSURANCE
MARKET

Background

Aviation Insurance provides three primary types of insurance, under a variety of different circumstances:

- 1) Insurance for the loss of the airplane, referred to as hull insurance.
- 2) Insurance for losses suffered by the passengers on that plane.
- 3) Insurance for losses caused to other people and property. [why is it necessary to distinguish between 2 and 3? In the rest of the memo, there isn't a distinction made between different types of third-party liability]

Broadly speaking, we can define this insurance as being provided under three circumstances:

- 1) For losses incurred during normal peacetime operations.
- 2) For losses incurred in times of war.
- 3) For losses incurred from acts of terrorism.

The private insurance market currently functions well for all three perils during both peace and war. Moreover, during war it imposes important discipline on the carriers by virtue of the fact that the coverage is cancelable on short notice. This allows the insurance to be appropriately re-priced to reflect the higher risk and provides the carriers a limited window during which they can remove their vulnerable assets from the war zone.

The insurance market even operates quite efficiently when the threat is terrorism. Although terrorism can pose a worldwide threat, making it impossible to relocate assets to a safe haven, the market has shown that it can price the risk for hull and passenger losses as these are known risks – maximum loss is limited to the value of the plane and the number of passengers it carries times the average compensation paid those passengers. The problem arises in liability for third party losses from acts of terrorism. The most notable such example is the loss of life in the World Trade Center attack.

Staff recommends that any action we take acknowledge that the insurance market has shown itself well capable of providing coverage for all other perils in all other circumstances and should be allowed to operate as it historically has. Thus, the only open issue is how to deal with third party losses resulting from an act of terrorism.

The policy question before the Administration is what role, if any, the federal government should continue to play in the market for aviation insurance against terrorist events.

Current State of the Market

Prior to the attacks of 9/11, airlines were paying approximately 5 cents a passenger to secure \$1.5 billion of insurance coverage against all perils. (This 5 cents number makes me nervous – this is Delta’s estimate, right? Can we get any independent verification of pre 9/11 costs. My take is that TOTAL insurance costs rose 2-3 times, not 25-fold as this would imply). That cost has since risen to \$1.25 per passenger, with a limitation of \$50 million in third party losses.

Immediately after the terrorist attacks of 9/11, private insurers invoked cancellation clauses in their policies, leaving airlines without coverage. The Air Transportation Safety and System Stabilization Act authorized the federal government to provide insurance coverage. The Act capped third party liability at \$100 million, and the FAA agreed to provide coverage above the first \$50 million of losses for a charge of \$7.50 per takeoff, approximately 8 cents per passenger. While the liability cap expired on March 20, the Secretary of Transportation extended the FAA insurance element for 60 days.

A private insurance consortium, headed by AIG, has expressed strong interest in providing this insurance coverage to the airline industry. This would provide \$1b in third party coverage. The price initially quoted was \$1.85 per passenger, although market pressures may, over time, serve to ~~attenuate~~ lower that price. This offer of coverage, like the coverage which was offered prior to 9/11, would be cancelable at the discretion of the insurer, possibly forcing us to again revisit this issue in the future should another event occur. It is important to note that it is difficult to assess the actual premium costs that would arise in a private market, as the presence of the FAA in this market has limited the ability of the private market to provide accurate price quotes. Based on international experience, however, it is reasonable to assume that AIG would be willing to provide third party coverage at a rate substantially less than \$1.85. In the UK, AIG has agreed to provide such coverage for only 75 cents per passenger, subject to a maximum industry exposure of \$2 billion.

At the same time, the airline industry is advancing a captive insurer concept they refer to as Equitime. This would be a risk retention group that would provide insurance services to the industry. The airlines believe that starting this venture would require a medium term commitment for the federal government to provide excess-of-loss coverage reinsurance through the federal government. Equitime is intended to provide coverage not just for the third party losses from terrorism but for all the industry’s insurance needs.

~~It is important to note that neither the private insurance market nor the Equitime solution will cover all losses from a large event. Private aviation insurance from the 9/11 attack was approximately \$6-8 billion. The Stabilization Act directly spent \$40 billion in addition to establishing an open-ended Victim’s Compensation Fund that could cost~~

~~another \$5-6 billion. A federal financial role will clearly exist in the wake of another incident. (This paragraph does not seem needed. It seems to confuse aviation versus other forms of insurance, etc.)~~

Recommendation From Principals

A consensus was reached at the first Principals meeting that the appropriate solution was to limit third party liability from acts of terrorism. This was accompanied by the recognition that only legislative action could achieve this goal and that such action was unlikely in the current session of Congress. This requires that decisions be made on how to meet insurance needs of the industry in the medium term.

Decisions Required by Principals

1) Should we seek legislative action in the next Congress to limit third party liability from acts of terrorism? [why is this question on the table? Can the principles make this decision now? Won't it depend on lots of intervening events like a) whether we get another event; b) whether we keep the House or win back the Senate; c) whether we get a risk insurance bill. KS]

Discussion: This decision may be premature and it may be desirable to await the conclusion of congressional action on the broader terrorism insurance bill. Note that the coverage limits in the bill under discussion in the Congress cover all property and casualty losses (not just those for aviation) and call for private insurance coverage of the first \$10 billion of an event, and that ~~that~~ This far exceeds the coverage the airlines formerly carried or feel they could afford to carry today. [I don't understand this pt. In the broader risk insurance bill, the \$10b industry retention was for all P&C carriers. Airline insurers would be entitled to a pro rata payment depending on their share of the \$10b. If the ratios of airline insurance losses to other industry losses was the same as for the WTC, the airline industry retention would be less than \$2b. Am I missing something? KS]. It is an open question whether ~~Thus~~ direct action on the aviation insurance question may still be necessary even with the passage of a broader terrorism bill.

2) On March 20th, The Department of Transportation extended for 60 days the third party liability insurance it offers through the FAA. Upon expiration of those 60 days should we:

- Exit market immediately and let airlines obtain private coverage.
- Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the "deductible."
- Keep existing FAA program in place "as is" ~~for a period of time~~ while pursuing liability limitations.
- Explicitly back the airline industry Equitime proposal.

Discussion: This is the most difficult and contentious issue. ~~The arguments fall into three camps~~ are summarized below: (This discussion should be in the same order as the options listed above. And the "camps" should map to the four options. Currently, a

government phase-out is linked to Equitime, but it could also be linked to phase to private markets.)

Immediate Private Market Solution: If the goal is to provide appropriate incentives for the private sector to mitigate the risk and cost of future terrorist attacks, then a well-functioning private insurance market is best able to do this. Thus, we should announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

Gradually phase to a private market solution: Keep existing FAA program in place but gradually transition out of the market by raising premiums and/or increasing the “deductible.” This approach seeks to strike a balance between the desire for private sector risk mitigation incentives, and the recognition that, in the short-run, private insurers may not be able to provide coverage above \$1 billion.

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Costs of Terrorism are a social cost: If one subscribes to the view that the costs of terrorist acts should be borne by society as a whole then that goal can be met by continuing to provide the insurance through the FAA and providing it a below market rates while we attempt to limit liability.

Equitime: If the goal is to ensure that insurance is available, and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles such as Equitime.

Formatted

~~Market Failure:~~ If the goal is to ensure that insurance is available and one does not believe the private insurance market will or can properly price the product, then the case can be made for either advancing alternate vehicles (e.g., Equitime) or providing the insurance through the Federal Government and attempting to price it at the “appropriate” rate. A market failure position is also consistent with a continuation of the existing FAA insurance program with the cost of that insurance increased either in response to market conditions or in a pre-defined phased-in path to increase market performance.

~~Private Markets as the Optimal Solution:~~ If the goal is to foster market participation then we should promptly announce our intention to exit the direct provision of insurance and make clear that we will not subsidize Equitime.

- 4) If an endorsement is made of the Equitime proposal, should that endorsement, with its attendant federal role as a reinsurer, should that endorsement be:
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 - Only provide reinsurance to Equitime if we provide reinsurance on these same terms to other private insurers/parties.

Discussion: Equitime is a very major intrusion into the operation of private insurance markets. It would provide one entity preferred status in the market by virtue of its federal support and it would provide federal subsidies for the replacement of a private market in those parts of the insurance market which are working well. The staff recommendation is that any Equitime endorsement be limited to the third party liability issue and be conditioned on providing comparable reinsurance to all parties seeking to compete against Equitime.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 4/15/2002 1:17:46 PM
Subject: : Re: legal reform

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-APR-2002 17:17:46.00
SUBJECT:: Re: legal reform
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
CC: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I don't think we want to mention PBOR or risk insurance as "legal reform" issues -- we've been making the case that neither one is tort reform in disguise.

I would say:

Teacher Protection Act, one of campaign commitments, was enacted as part of education bill
Changes to diversity legislation and removal rules, important campaign proposals, are being pursued as part of class action reform bill.
President has consistently opposed legislation that would expose consumers to the costs of excessive, expensive litigation (Senate version of PBOR, versions of corporate governance bills, versions of genetics legislation)
And President has nominated judges who will interpret, rather than make law from the bench, which is an important step in controlling runaway litigation costs.

Jay P. Lefkowitz
04/15/2002 05:00:34 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: legal reform

I am responding to Scott. Let me know if you have candidates?
----- Forwarded by Jay P. Lefkowitz/OPD/EOP on 04/15/2002
05:00 PM -----

REV_00143265

Scott McClellan
04/15/2002 04:56:28 PM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@EOP
cc: Anne Womack/WHO/EOP@EOP
Subject: legal reform

jay -- see below. thoughts? pls let us know asap.
----- Forwarded by Scott McClellan/WHO/EOP on 04/15/2002
04:55 PM -----

Anne Womack
04/15/2002 04:52:37 PM
Record Type: Record

To: Scott McClellan/WHO/EOP@EOP, Lawrence A. Fleischer/WHO/EOP@EOP
cc:
Subject: legal reform

vandehi is working on a story on political activity for tomorrow. he interviewed Mehlman today. story looks ugly. One thing that jim hooked on to was the idea that we've adjusted some policy priorities based on changes in the political landscape. One example he seized upon is legal reform. He is pointing to the frequent mention of legal reform during the campaign, but he believes that it's not advantageous to be perceived as too "pro-business" and that may be the reason he believes legal reform has dropped of the radar screen.

I believe there have been elements of legal reform in several things that we have pushed - Mehlman mentioned Terrorism Insurance and PBOR, but aren't there others that I can point to?

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2002 1:55:02 PM
Subject: : Re: April 16th Victims Rights Amend 10:15 am event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2002 17:55:02.00
SUBJECT:: Re: April 16th Victims Rights Amend 10:15 am event
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

His email seems to imply that you riding in the staff van should be fine.

Departs South Lawn 9:50 AM so you should be down there by 9:35 am.

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
04/15/2002 05:54 PM -----

Brian R. Besanceney
04/15/2002 05:51:44 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Re: April 16th Victims Rights Amend 10:15 am event

I think there's plenty of space and I may not go myself....

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 4/15/2002 2:31:58 PM
Subject: : Justice Byron White dead at 84

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-APR-2002 18:31:58.00

SUBJECT:: Justice Byron White dead at 84

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 4/15/2002 2:39:42 PM
Subject: : Justice White

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-APR-2002 18:39:42.00
SUBJECT:: Justice White
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Byron White was a legend at the Kennedy Justice Department for his role as Deputy Attorney General. The President may want to mention Justice White briefly tomorrow when speaking at DOJ on crime victims amendment.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 4/15/2002 3:03:29 PM
Subject: : Re: Justice White

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2002 19:03:29.00
SUBJECT:: Re: Justice White
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Here is some raw material. Use as you see fit.
"Yesterday, we lost a man, Byron White, who devoted his life to this country and to justice, including service in World War II ... as a Supreme Court Justice for three decades ... and as Deputy Attorney General under Robert Kennedy, the man for whom this building is now named. Today, as we look forward to make this country better and safer, let us not forget the past ... especially the heroism of the greatest generation ... and one of its strongest and proudest members, Byron White."

Jay P. Lefkowitz
04/15/2002 06:40:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Justice White

can you give me an appropriate one or two sentences and I will mention it.

Brett M. Kavanaugh
04/15/2002 06:39:39 PM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@EOP
cc:
Subject: Justice White

Byron White was a legend at the Kennedy Justice Department for his role as Deputy Attorney General. The President may want to mention Justice White briefly tomorrow when speaking at DOJ on crime victims amendment.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Garry Malphrus/OPD/EOP@EOP [OPD] <Garry Malphrus>
Sent: 4/15/2002 3:05:44 PM
Subject: : Re: VICTIMS RIGHTS Fact Sheet for Tomorrow
Attachments: P_5N5Q6003_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-APR-2002 19:05:44.00
SUBJECT: : Re: VICTIMS RIGHTS Fact Sheet for Tomorrow
TO: Garry Malphrus (CN=Garry Malphrus/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

call me at 6-7984; a few thoughts . . .

Garry Malphrus
04/15/2002 06:44:33 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: VICTIMS RIGHTS Fact Sheet for Tomorrow

Is this okay with you?

----- Forwarded by Garry Malphrus/OPD/EOP on 04/15/2002
06:44 PM -----

Garry Malphrus
04/15/2002 06:43:50 PM
Record Type: Record

To: Brian R. Besanceney/OPD/EOP@EOP
cc: jay p. lefkowitz/opd/eop@eop, diana l. schacht/opd/eop@eop,
garry malphrus/opd/eop@eop, lauren j. vestewig/opd/eop@eop
Subject: Re: VICTIMS RIGHTS Fact Sheet for Tomorrow

Suggested red line edits to Fact Sheet.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5N5Q6003_OPD.TXT_1>

REV_00143272

President Calls for Crime Victims' Rights Amendment

Today's Presidential Action

- In a speech at the Department of Justice, President Bush announced his support of a Federal Constitutional amendment ~~for to protect~~ victims of violent crime. This amendment would ensure that victims' rights ~~the rights of victims are~~ would be fully protected ~~recognized~~ under the Constitution.

Background on Today's Presidential Action

- In 2000 alone, 6.3 million Americans were victims of violent crime. [START NEW BULLET POINT:] During the Presidential campaign, President Bush announced his support for a Federal Constitutional amendment to protect crime victims. Texas is one of 32 states that have state constitutional amendments guaranteeing rights for victims.
- While the states and the federal ~~Federal~~ government have enacted legal protections for crime victims, those laws are insufficient to fully vindicate victims' rights in the criminal justice system.
- Because rights of the accused are specifically included in the Constitution, it is only just and proper that victims' rights be included in the Constitution as well. Further, because victims' rights vary from state to state, the Constitutional amendment would ensures that every ~~all victims citizen have has~~ at least a minimum level of rights in the legal system ~~to victims on the state and Federal level~~.
- Today, the President announced his support for the bipartisan Crime Victims Rights Amendment that has been introduced by Senators Feinstein and Kyl. The amendment would provide victims of violent crime in ~~federal~~ Federal or state court the right to:
 - reasonable and timely notice of any public proceeding involving the crime or the release or escape of the accused;
 - not be excluded from such public proceedings;
 - reasonably be heard at public release, plea, sentencing, reprieve, and pardon proceedings; and
 - decisions that duly consider the victim's: (1) safety; (2) interest in avoiding unreasonable delay; and (3) just and timely claims to restitution from the offender.
- These rights could not be restricted "except when and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity." The amendment would not provide the grounds for a new trial, or authorize any claim for damages.
- Any effort to amend the Constitution must be undertaken with great care. The specific language of the Feinstein-Kyl amendment strikes the proper balance in fully protecting victims' rights in America's legal system.

Formatted: Bullets and Numbering

For more information on the President's initiatives, please visit www.whitehouse.gov

From: CN=Nicolle Devenish/OU=WHO/O=EOP [WHO]
To: Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>
CC: brian d. montgomery/who/eop@eop [WHO] <brian d. montgomery>;todd w. beyer/who/eop@eop [WHO] <todd w. beyer>;scott stanzel/who/eop@eop [WHO] <scott stanzel>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;karl c. rove/who/eop@eop [WHO] <karl c. rove>;kr@georgewbush.com @ inet [UNKNOWN] <kr@georgewbush.com>;staylor@georgewbush.com @ inet [WHO] <staylor@georgewbush.com>
Sent: 4/15/2002 12:24:45 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2002 16:24:45.00
SUBJECT:: Re:
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brian d. montgomery (CN=brian d. montgomery/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:todd w. beyer (CN=todd w. beyer/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:scott stanzel (CN=scott stanzel/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:karl c. rove (CN=karl c. rove/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kr@georgewbush.com (kr@georgewbush.com @ inet [UNKNOWN])
READ:UNKNOWN
CC:staylor@georgewbush.com (staylor@georgewbush.com @ inet [WHO])
READ:UNKNOWN
End Original ARMS Header

fine with me.

Ken Mehlman
04/15/2002 04:19:54 PM
Record Type: Record

To: Nicolle Devenish/WHO/EOP@EOP, Brian D. Montgomery/WHO/EOP@EOP,
Todd W. Beyer/WHO/EOP@EOP, Scott Stanzel/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Karl C. Rove/WHO/EOP@EOP,
kr@georgewbush.com @ inet, staylor@georgewbush.com @ inet
Subject:

John Thune is about to send out tickets for the SD rally and wants to send out a letter to state party supporters informing them of where to get tickets. This will help make sure that our people are getting the tickets. Are you ok with his sending this out, provided that it's ok with counsel? It makes clear that the rally is paid for by the SD GOP.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 4/15/2002 1:17:46 PM
Subject: : Re: legal reform

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 15-APR-2002 17:17:46.00
SUBJECT:: Re: legal reform
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
CC: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I don't think we want to mention PBOR or risk insurance as "legal reform" issues -- we've been making the case that neither one is tort reform in disguise.

I would say:

Teacher Protection Act, one of campaign commitments, was enacted as part of education bill
Changes to diversity legislation and removal rules, important campaign proposals, are being pursued as part of class action reform bill.
President has consistently opposed legislation that would expose consumers to the costs of excessive, expensive litigation (Senate version of PBOR, versions of corporate governance bills, versions of genetics legislation)
And President has nominated judges who will interpret, rather than make law from the bench, which is an important step in controlling runaway litigation costs.

Jay P. Lefkowitz
04/15/2002 05:00:34 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: legal reform

I am responding to Scott. Let me know if you have candidates?
----- Forwarded by Jay P. Lefkowitz/OPD/EOP on 04/15/2002
05:00 PM -----

REV_00143275

Scott McClellan
04/15/2002 04:56:28 PM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@EOP
cc: Anne Womack/WHO/EOP@EOP
Subject: legal reform

jay -- see below. thoughts? pls let us know asap.
----- Forwarded by Scott McClellan/WHO/EOP on 04/15/2002
04:55 PM -----

Anne Womack
04/15/2002 04:52:37 PM
Record Type: Record

To: Scott McClellan/WHO/EOP@EOP, Lawrence A. Fleischer/WHO/EOP@EOP
cc:
Subject: legal reform

vandehi is working on a story on political activity for tomorrow. he interviewed Mehlman today. story looks ugly. One thing that jim hooked on to was the idea that we've adjusted some policy priorities based on changes in the political landscape. One example he seized upon is legal reform. He is pointing to the frequent mention of legal reform during the campaign, but he believes that it's not advantageous to be perceived as too "pro-business" and that may be the reason he believes legal reform has dropped of the radar screen.

I believe there have been elements of legal reform in several things that we have pushed - Mehlman mentioned Terrorism Insurance and PBOR, but aren't there others that I can point to?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 4/15/2002 1:38:23 PM
Subject: : roll call vote on O'Brien (CA10) is at 5:30 today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-APR-2002 17:38:23.00

SUBJECT:: roll call vote on O'Brien (CA10) is at 5:30 today

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>
CC: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Abel Guerra/WHO/EOP@EOP [WHO] <Abel Guerra>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/15/2002 2:26:58 PM
Subject: : Cathy Jones = People Espanol

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2002 18:26:58.00
SUBJECT:: Cathy Jones = People Espanol
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

She will be here at 2pm on Tuesday (tomorrow) to visit with the Judge for 10-15 minutes.

Thanks!

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 4/15/2002 3:03:29 PM
Subject: : Re: Justice White

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:15-APR-2002 19:03:29.00
SUBJECT:: Re: Justice White
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Here is some raw material. Use as you see fit.
"Yesterday, we lost a man, Byron White, who devoted his life to this country and to justice, including service in World War II ... as a Supreme Court Justice for three decades ... and as Deputy Attorney General under Robert Kennedy, the man for whom this building is now named. Today, as we look forward to make this country better and safer, let us not forget the past ... especially the heroism of the greatest generation ... and one of its strongest and proudest members, Byron White."

Jay P. Lefkowitz
04/15/2002 06:40:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Justice White

can you give me an appropriate one or two sentences and I will mention it.

Brett M. Kavanaugh
04/15/2002 06:39:39 PM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@EOP
cc:
Subject: Justice White

Byron White was a legend at the Kennedy Justice Department for his role as Deputy Attorney General. The President may want to mention Justice White briefly tomorrow when speaking at DOJ on crime victims amendment.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/16/2002 5:51:58 AM
Subject: : Tour of WW for Supreme Court Clerks

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-APR-2002 09:51:58.00

SUBJECT:: Tour of WW for Supreme Court Clerks

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

On Thursday, April 25th at 7:30 pm we are going to take the Supreme Court Clerks on a tour of the West Wing.

If you are interested in hanging around for this to either tag along or actually guide one of the groups (six people each) please let me know.

Thanks!

REV_00143283

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/16/2002 5:51:58 AM
Subject: : Tour of WW for Supreme Court Clerks

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-APR-2002 09:51:58.00

SUBJECT:: Tour of WW for Supreme Court Clerks

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

On Thursday, April 25th at 7:30 pm we are going to take the Supreme Court Clerks on a tour of the West Wing.

If you are interested in hanging around for this to either tag along or actually guide one of the groups (six people each) please let me know.

Thanks!

REV_00143284

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/16/2002 6:39:00 AM
Subject: : CFO.com Today - Terrorism Insurance

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-APR-2002 10:39:00.00
SUBJECT:: CFO.com Today - Terrorism Insurance
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

Uneasy Feeling: CFOs Worried About Terror Attacks

Finance chiefs more concerned about attacks at home than abroad.
Stephen Taub, CFO.com
April 16, 2002

More than seven months after the September attacks on U.S. soil, finance executives still fear domestic terrorism attacks.

In fact, about two-thirds of chief financial officers in the United States believe their companies, domestic assets are more of a target than their assets overseas, according to a recent survey commissioned by insurance giant Lloyd's of London and conducted by Harris Interactive. Traditionally, U.S. corporates have seen the Middle East and South America as bigger risks for terrorism.

Of even more significance: 64 percent of CFOs have little or no confidence in the insurance industry's ability to provide a comprehensive package to protect against any future terrorist attacks.

REV_00143285

September 11 has led to a sea change in attitudes toward the need for terrorism cover in the U.S. The attacks showed, with chilling efficiency, how terrorists can strike at the heart of U.S. business interests,⁸ says David James, terrorism underwriter for Ascot Underwriting at Lloyd's. &As a result, insurance buyers have become more focused on the risks, not only in terms of protecting property, but in having access to funds to offset business-interruption concerns. Similarly, insurers and reinsurers have realized this is a separate risk that needs to be studied, rated, and priced separately.⁸

In fact, prior to September 11, the United States accounted for as little as 1 percent of the typical terrorism insurer's book of business. But after September 11, North America has accounted for 80 percent of Ascot's terrorism business, according to Lloyd's.

So how much attention should CFOs pay to business interruption? Hard to say. Lloyd's did note that \$10 billion in claims*about 25 percent of the overall World Trade Center insurance bill*can be attributed to business-interruption coverage.

(Editor's Note: On May 1, CFO.com will examine if another 9/11 would derail the U.S. economic recovery and how such an attack would change the business plans of U.S. corporations.)

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>;elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>
Sent: 4/16/2002 4:25:56 AM
Subject: : Re: BEST OPTION

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-APR-2002 08:25:56.00

SUBJECT:: Re: BEST OPTION

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Here is my proposal.

On Friday, we go to Ortanique from 6-8 pm to celebrate Moose and Lori's departure.

On Saturday, Jim will throw a little shenidig for Moose at his house. (he wants to do this no matter what we do)

Sometime in early May, we have a going-away/baby shower breakfast for Courtney (and maybe Noel).

For Ortanique, if we all pay \$20 (excluding Moose, Lori, McNally, Addington, & Bellinger), they will give us a nice appetizer spread and then everything else will be cash bar.

Allison L. Riepenhoff
04/16/2002 08:14:57 AM
Record Type: Non-Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: patrick j. bumatay/who/eop@eop, elizabeth n. camp/who/eop@eop,
allison l. riepenhoff/who/eop@eop
bcc:
Subject: Re: BEST OPTION

For the first time ever, I agree with Brett.

Brett M. Kavanaugh
04/15/2002 07:34:39 PM

REV_00143287

Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc: elizabeth n. camp/who/eop@eop, allison l.
riepenhoff/who/eop@eop
bcc:
Subject: Re: BEST OPTION

I think I vote for this option (6:00 to 8:00 pm) because many WH people will not be able to come to Jim Carroll's. What say the rest of you?

Patrick J. Bumatay
04/15/2002 06:52:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: elizabeth n. camp/who/eop@eop, allison l.
riepenhoff/who/eop@eop
bcc:
Subject: BEST OPTION

Okay, this is the best deal I've come across.

Ortanique (Libby loves this place)
730 11 St., NW

They can rope off a section of their 2nd floor lounge just for us. No price for bartender or room charge. Cash bar and we pay \$200-\$300 for appetizers and they will give us what they can for that price.

Patrick

Brett M. Kavanaugh
04/15/2002 06:27:17 PM
Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@EOP
cc: elizabeth n. camp/who/eop@eop, allison l.
riepenhoff/who/eop@eop
bcc:
Subject: Re: Going away Party

I say that is insufficient. Several people outside the Office have asked me about this, saying they want to come. I think we could have a large crowd if we e-mail around (and I think Moose deserves as much). If we rent a room at Old Ebbitt, we lawyers pay \$30 each and we get a room. Right? Is the room available this Friday from 6 to 8?

Patrick J. Bumatay
04/15/2002 06:22:53 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Allison L. Riepenhoff/WHO/EOP@EOP
cc:
Subject: Going away Party

REV_00143288

Okay so we have only 5 days to put this together and not much of a budget - one suggestion, we can have a happy hour at Red Sage where we occupy the bar area from 5 - 7 pm on Friday. They can't "rope" off a section for us but we will pretty much take over the whole place with our size. This way we pay nothing except for food/drinks. I have told Red Sage to expect us so that they won't plan any happy hours during the time. What do you all say?

Please note: I've never been to this part of Red Sage so I don't know what the bar looks like.

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/16/2002 7:01:21 AM
Subject: : Re: victims' rights amendment

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-APR-2002 11:01:21.00

SUBJECT:: Re: victims' rights amendment

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tks for all your help. Good event.

From: CN=Britta Farahati/OU=WHO/O=EOP [WHO]
To: Charles S. Abbot/OVP/EOP@EOP [OVP] <Charles S. Abbot>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Carl Buchholz/WHO/EOP@EOP [WHO] <Carl Buchholz>; Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>; Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Frank Cilluffo/WHO/EOP@EOP [WHO] <Frank Cilluffo>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Susan K. Neely/WHO/EOP@EOP [WHO] <Susan K. Neely>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>; Margaret M. Spellings/OPD/EOP@EOP [OPD] <Margaret M. Spellings>; Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
BCC: Britta Farahati (Britta Farahati/WHO/EOP@EOP [WHO])
Sent: 4/16/2002 11:09:13 AM
Subject: : Your Public Financial Disclosure Report

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Britta Farahati (CN=Britta Farahati/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-APR-2002 15:09:13.00
SUBJECT:: Your Public Financial Disclosure Report

REV_00143293

TO:Charles S. Abbot (CN=Charles S. Abbot/OU=OVP/O=EOP@EOP [OVP])
 READ:UNKNOWN
 TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
 READ:UNKNOWN
 TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
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 TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
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 TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
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TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
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TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
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TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
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TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
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TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
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TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
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TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
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TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
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TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
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TO:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
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TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
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TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
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TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Britta Farahati (CN=Britta Farahati/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The deadline for filing your annual Public Financial Disclosure Report ("SF 278") is right around the corner, May 15, 2002. Don't miss this deadline. File your SF 278 with our office as soon as possible before May 15, so that you avoid missing the deadline. Your Public Financial Disclosure Report should be submitted to the Office of Counsel to the President, EEOB, Room 158.

You should have received a package of information from our office containing general instructions for filling out the report, your report from last year, and a copy of a blank SF 278 form. If you have any questions in connection with your filing obligations, please contact me in Counsel's Office at 456-5071.

Britta Farahati
Ethics Advisor
Office of Counsel to the President

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/16/2002 7:14:50 AM
Subject: : Re: victims' rights amendment

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-APR-2002 11:14:50.00

SUBJECT:: Re: victims' rights amendment

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Tks for all your help. Good event.

From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: James Connaughton/CEQ/EOP@EOP [CEQ] <James Connaughton>; John L. Howard Jr./CEQ/EOP@EOP [CEQ] <John L. Howard Jr.>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; Elizabeth A. Stolpe/CEQ/EOP@EOP [CEQ] <Elizabeth A. Stolpe>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Phil Cooney/CEQ/EOP@EOP [CEQ] <Phil Cooney>; Samuel A. Thernstrom/CEQ/EOP@EOP [CEQ] <Samuel A. Thernstrom>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; John Graham/OMB/EOP@EOP [OMB] <John Graham>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Karen Y. Knutson/OVP/EOP@EOP [OVP] <Karen Y. Knutson>; Karen_Knutson@Vp.Senate.gov @ inet [UNKNOWN] <Karen_Knutson@Vp.Senate.gov>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>
Sent: 4/16/2002 7:24:07 AM
Subject: : EPA Talking Points for tomorrow's announcement/response to clean air court remands
Attachments: P_45MQ6003_OPD.TXT_1.wpd; P_45MQ6003_OPD.TXT_2.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-APR-2002 11:24:07.00

SUBJECT:: EPA Talking Points for tomorrow's announcement/response to clean air court remands

TO:James Connaughton (CN=James Connaughton/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:John L. Howard Jr. (CN=John L. Howard Jr./OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])

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TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Elizabeth A. Stolpe (CN=Elizabeth A. Stolpe/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Phil Cooney (CN=Phil Cooney/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Samuel A. Thernstrom (CN=Samuel A. Thernstrom/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Paul R. Noe (CN=Paul R. Noe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Karen Y. Knutson (CN=Karen Y. Knutson/OU=OVP/O=EOP@EOP [OVP])

REV_00143298

READ:UNKNOWN

TO:Karen_Knutson@Vp.Senate.gov (Karen_Knutson@Vp.Senate.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

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10:46 AM -----

Spencer.Susan@epamail.epa.gov
04/16/2002 10:13:29 AM
Record Type: Record

To: Edward Ingle/WHO/EOP@EOP
cc:
Subject: Talking Points

----- Forwarded by Susan Spencer/DC/USEPA/US on 04/16/02 10:13 AM -----

Jessica Furey
To: Susan
Spencer/DC/USEPA/US@EPA
04/16/02 10:05 cc:
AM Subject: Talking Points

----- Forwarded by Jessica Furey/DC/USEPA/US on 04/16/02 10:05 AM -----

Lydia Wegman
To: Jessica
Furey/DC/USEPA/US@EPA, John
04/15/02 04:05 Valeri/DC/USEPA/US@EPA
PM cc: Richard
Ossias/DC/USEPA/US@EPA, Kevin
McLean/DC/USEPA/US@EPA,
Howard Hoffman/DC/USEPA/US@EPA, Jan

Cortelyoulee/RTP/USEPA/US@EPA, Doug Grano/RTP/USEPA/US@EPA,
Carla
Oldham/RTP/USEPA/US@EPA, Caroline

REV_00143299

Petti/DC/USEPA/US@EPA,
Kevin Culligan/DC/USEPA/US@EPA,
Dwight
Alpern/DC/USEPA/US@EPA
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Jan Cortelyoulee
To: Lydia
Wegman/RTP/USEPA/US@EPA
04/15/02 04:00 PM cc: Barbara
Bess/RTP/USEPA/US@EPA, Carla
Oldham/RTP/USEPA/US@EPA,
Doug Grano/RTP/USEPA/US@EPA, Tom
Helms/RTP/USEPA/US@EPA
Subject: Talking Points

Revised as you requested -

(See attached file: talking points3.wpd) (See attached file: backgrd
harmony-growth2.wpd)

Jan Cortelyou Lee
United States Environmental Protection Agency
Office of Air Quality Planning and Standards
MD-C404-03
109 TW Alexander Drive
Research Triangle Park, NC 27709
phone: 919-541-5393
FAX: 919-541-2464

- talking points3.wpd
- backgrd harmony-growth2.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_45MQ6003_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_45MQ6003_OPD.TXT_2>

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From: CN=Edward Ingle/OU=WHO/O=EOP [WHO]
To: James Connaughton/CEQ/EOP@EOP [CEQ] <James Connaughton>; John L. Howard Jr./CEQ /EOP@EOP [CEQ] <John L. Howard Jr.>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; Elizabeth A. Stolpe/CEQ/EOP@EOP [CEQ] <Elizabeth A. Stolpe>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Phil Cooney/CEQ/EOP@EOP [CEQ] <Phil Cooney>; Samuel A. Thernstrom/CEQ/EOP@EOP [CEQ] <Samuel A. Thernstrom>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; John Graham/OMB /EOP@EOP [OMB] <John Graham>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Karen Y. Knutson/OVP/EOP@EOP [OVP] <Karen Y. Knutson>; Karen_Knutson@Vp.Senate.gov @ inet [UNKNOWN] <Karen_Knutson@Vp.Senate.gov>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>
Sent: 4/16/2002 7:24:07 AM
Subject: : EPA Talking Points for tomorrow's announcement/response to clean air court remands
Attachments: P_45MQ6003_WHO.TXT_1.wpd; P_45MQ6003_WHO.TXT_2.wpd

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-APR-2002 11:24:07.00

SUBJECT:: EPA Talking Points for tomorrow's announcement/response to clean air court remands

TO:James Connaughton (CN=James Connaughton/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:John L. Howard Jr. (CN=John L. Howard Jr./OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Elizabeth A. Stolpe (CN=Elizabeth A. Stolpe/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Phil Cooney (CN=Phil Cooney/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

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READ:UNKNOWN

TO:Karen Y. Knutson (CN=Karen Y. Knutson/OU=OVP/O=EOP@EOP [OVP])

REV_00143305

READ:UNKNOWN

TO:Karen_Knutson@Vp.Senate.gov (Karen_Knutson@Vp.Senate.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])

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04/16/2002 10:13:29 AM
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To: Edward Ingle/WHO/EOP@EOP
cc:
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Jessica Furey
To: Susan
Spencer/DC/USEPA/US@EPA
04/16/02 10:05 cc:
AM Subject: Talking Points

----- Forwarded by Jessica Furey/DC/USEPA/US on 04/16/02 10:05 AM -----

Lydia Wegman
To: Jessica
Furey/DC/USEPA/US@EPA, John
04/15/02 04:05 Valeri/DC/USEPA/US@EPA
PM cc: Richard
Ossias/DC/USEPA/US@EPA, Kevin
McLean/DC/USEPA/US@EPA,
Howard Hoffman/DC/USEPA/US@EPA, Jan

Cortelyoulee/RTP/USEPA/US@EPA, Doug Grano/RTP/USEPA/US@EPA,
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REV_00143306

Petti/DC/USEPA/US@EPA,
Kevin Culligan/DC/USEPA/US@EPA,
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Alpern/DC/USEPA/US@EPA
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Helms/RTP/USEPA/US@EPA
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Revised as you requested -

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harmony-growth2.wpd)

Jan Cortelyou Lee
United States Environmental Protection Agency
Office of Air Quality Planning and Standards
MD-C404-03
109 TW Alexander Drive
Research Triangle Park, NC 27709
phone: 919-541-5393
FAX: 919-541-2464

- talking points3.wpd
- backgrd harmony-growth2.wpd

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_45MQ6003_WHO.TXT_1>

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Nancy Dorn/OMB/EOP@EOP [OMB] <Nancy Dorn>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
CC: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 4/16/2002 8:02:52 AM
Subject: : Terrorism Victims Compensation issues

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 16-APR-2002 12:02:52.00

SUBJECT:: Terrorism Victims Compensation issues

TO: Nancy Dorn (CN=Nancy Dorn/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

End Original ARMS Header

1. The Allen-Harkin-Smith bill apparently is being announced at 3:00 today.

2. In addition, as you know, State circulated through the OMB clearance process a proposed letter on section 15(e) in HR 3210, the provision on use of blocked assets to satisfy judgments.

3. I assume our approach is (i) States should not send the letter on HR 3210; and (ii) at appropriate time, State will oppose Allen-Harkin-Smith. If that is not the case, or there needs to be further discussion, we obviously should meet and/or discuss.

4. On the issue whether Administration should propose a terrorism victims compensation plan, I understand that State sent a memo to Nancy. If there has been any change in thinking, or we need to discuss again, we should meet about that as well. If not, I assume we will await further developments in Congress.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Nancy Dorn/OMB/EOP@EOP [OMB] <Nancy Dorn>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>; Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>
CC: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 4/16/2002 8:02:52 AM
Subject: : Terrorism Victims Compensation issues

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 16-APR-2002 12:02:52.00

SUBJECT:: Terrorism Victims Compensation issues

TO: Nancy Dorn (CN=Nancy Dorn/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

End Original ARMS Header

1. The Allen-Harkin-Smith bill apparently is being announced at 3:00 today.

2. In addition, as you know, State circulated through the OMB clearance process a proposed letter on section 15(e) in HR 3210, the provision on use of blocked assets to satisfy judgments.

3. I assume our approach is (i) States should not send the letter on HR 3210; and (ii) at appropriate time, State will oppose Allen-Harkin-Smith. If that is not the case, or there needs to be further discussion, we obviously should meet and/or discuss.

4. On the issue whether Administration should propose a terrorism victims compensation plan, I understand that State sent a memo to Nancy. If there has been any change in thinking, or we need to discuss again, we should meet about that as well. If not, I assume we will await further developments in Congress.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/16/2002 12:39:08 PM
Subject: : Congress Daily PM Today

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-APR-2002 16:39:08.00
SUBJECT:: Congress Daily PM Today
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

The Council of Insurance Agents and Brokers says it has gathered data that confirms last week's announcement by President Bush that Congress' failure to enact a federal backstop for terrorist acts is causing widespread economic distress. The Council's commercial insurance market index, released today, indicates that insurers "have responded to the Sept. 11 attacks by placing sharp restrictions on their risk exposures * not only to terrorism, but also to a variety of hazards, including asbestos, mold, windstorms, earthquakes and others. The survey data shows the marketplace, which had been hardening more than two years before the attacks, is experiencing sharply higher premiums, higher deductions, lower limits and restricted capacity from coast to coast and across the major lines of commercial insurance." The House passed legislation last November, but the Senate has yet to act. "We're seeing the trickle-down effect of rate increases," said Ken Crerar, president of the Council, adding: "Over the last three months, we have moved beyond initial difficulty with high-profile or high-exposure properties to an environment where

the broader marketplace is affected. Leaders from throughout the industry have warned Congress that action is needed and needed now.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 4/16/2002 9:26:00 AM
Subject: : Re: NYT Balance of Power story

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 16-APR-2002 13:26:00.00
SUBJECT:: Re: NYT Balance of Power story
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

-- I think we could use more info about her focus.
-- Also, on Olson, he knows this stuff cold. But Olson's history might make it a little odd for him to talk for the Administration about this. He was head of OLC and advised asserting executive privilege over certain EPA documents; an independent counsel later was appointed to investigate whether he made false statements in a congressional investigation of Justice's privilege assertion; Olson then challenged the constitutionality of the IC statute, which was resolved against him (7-1) by Supreme Court in Morrison v. Olson (1988). In some ways, he symbolizes what can happen when executive-congressional relations melt down.

Anne Womack
04/16/2002 01:15:47 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: NYT Balance of Power story

a thought:
Just talked to Susan Dryden about this story. What about Ted Olsen on the legal principles?
----- Forwarded by Anne Womack/WHO/EOP on 04/16/2002
01:14 PM -----

Anne Womack
04/16/2002 01:10:16 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: NYT Balance of Power story

Allison Mitchell is working on a large story about the balance of power. She has asked to talk to the Judge, but was interested in talking to anyone who might be able to offer some insight into our thinking.

As I remember, in the past, we have referred to the need to restore an appropriate balance of power, but haven't gone into much detail. It's always been a component of another issue. I know she wants to talk about the specific ways we see that executive power eroded during the Clinton administration, etc.

REV_00143317

She also mentioned the VP's interest in the issue.

I certainly think someone (the Judge) should talk with her, but need some input on approach.

Thanks.

Message Sent

To:

Daniel J. Bartlett/WHO/EOP@EOP
Lawrence A. Fleischer/WHO/EOP@EOP
Mary J. Matalin/OVP/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

Message Sent

To:

Daniel J. Bartlett/WHO/EOP@EOP
Mary J. Matalin/OVP/EOP@EOP
Lawrence A. Fleischer/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/16/2002 1:28:22 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-APR-2002 17:28:22.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

6-2561 x2371

From: CN=Britta Farahati/OU=WHO/O=EOP [WHO]
To: Charles S. Abbot/OVP/EOP@EOP [OVP] <Charles S. Abbot>; Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>; Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Joshua B. Bolten/WHO/EOP@EOP [WHO] <Joshua B. Bolten>; Carlos E. Bonilla/OPD/EOP@EOP [OPD] <Carlos E. Bonilla>; Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Carl Buchholz/WHO/EOP@EOP [WHO] <Carl Buchholz>; Katja Bullock/WHO/EOP@EOP [WHO] <Katja Bullock>; Andrew H. Card/WHO/EOP@EOP [WHO] <Andrew H. Card>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Frank Cilluffo/WHO/EOP@EOP [WHO] <Frank Cilluffo>; Richard A. Clarke/NSC/EOP@EOP [NSC] <Richard A. Clarke>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Nicolle Devenish/WHO/EOP@EOP [WHO] <Nicolle Devenish>; Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>; Gary R. Edson/NSC/EOP@EOP [NSC] <Gary R. Edson>; Tucker A. Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Linda M. Gambatesa/WHO/EOP@EOP [WHO] <Linda M. Gambatesa>; Michael J. Gerson/WHO/EOP@EOP [WHO] <Michael J. Gerson>; Dylan C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Stephen J. Hadley/NSC/EOP@EOP [NSC] <Stephen J. Hadley>; Joseph W. Hagin/WHO/EOP@EOP [WHO] <Joseph W. Hagin>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>; Chris Henick/WHO/EOP@EOP [WHO] <Chris Henick>; Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>; Karen Hughes/WHO/EOP@EOP [WHO] <Karen Hughes>; Hector F. Irastorza/WHO/EOP@EOP [WHO] <Hector F. Irastorza>; Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Daniel J. Keniry/WHO/EOP@EOP [WHO] <Daniel J. Keniry>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; David Kuo/WHO/EOP@EOP [WHO] <David Kuo>; Laura S. Lawlor/WHO/EOP@EOP [WHO] <Laura S. Lawlor>; Dirksen Lehman/WHO/EOP@EOP [WHO] <Dirksen Lehman>; Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>; Lawrence B. Lindsey/OPD/EOP@EOP [OPD] <Lawrence B. Lindsey>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; K. Philippa Malmgren/OPD/EOP@EOP [OPD] <K. Philippa Malmgren>; Robert Marsh/WHO/EOP@EOP [WHO] <Robert Marsh>; Mary J. Matalin/OVP/EOP@EOP [OVP] <Mary J. Matalin>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>; Brian D. Montgomery/WHO/EOP@EOP [WHO] <Brian D. Montgomery>; Susan K. Neely/WHO/EOP@EOP [WHO] <Susan K. Neely>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Dina Powell/WHO/EOP@EOP [WHO] <Dina Powell>; Condoleezza Rice/NSC/EOP@EOP [NSC] <Condoleezza Rice>; Mark V. Rosenker/WHO/EOP@EOP [WHO] <Mark V. Rosenker>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>; Scott N. Sforza/WHO/EOP@EOP [WHO] <Scott N. Sforza>; Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>; Margaret M. Spellings/OPD/EOP@EOP [OPD] <Margaret M. Spellings>; Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>; Peter H. Wehner/WHO/EOP@EOP [WHO] <Peter H. Wehner>; James R. Wilkinson/WHO/EOP@EOP [WHO] <James R. Wilkinson>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>
BCC: Britta Farahati (Britta Farahati/WHO/EOP@EOP [WHO])
Sent: 4/16/2002 11:09:13 AM
Subject: : Your Public Financial Disclosure Report

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Britta Farahati (CN=Britta Farahati/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-APR-2002 15:09:13.00
SUBJECT:: Your Public Financial Disclosure Report

REV_00143322

TO:Charles S. Abbot (CN=Charles S. Abbot/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
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TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Frank Cilluffo (CN=Frank Cilluffo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
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TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Linda M. Gambatesa (CN=Linda M. Gambatesa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
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TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Hector F. Irastorza (CN=Hector F. Irastorza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
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TO:Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
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TO:Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP@EOP [WHO])
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TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
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TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
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TO:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan K. Neely (CN=Susan K. Neely/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Margaret M. Spellings (CN=Margaret M. Spellings/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Aquiles F. Suarez (CN=Aquiles F. Suarez/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Britta Farahati (CN=Britta Farahati/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The deadline for filing your annual Public Financial Disclosure Report ("SF 278") is right around the corner, May 15, 2002. Don't miss this deadline. File your SF 278 with our office as soon as possible before May 15, so that you avoid missing the deadline. Your Public Financial Disclosure Report should be submitted to the Office of Counsel to the President, EEOB, Room 158.

You should have received a package of information from our office containing general instructions for filling out the report, your report from last year, and a copy of a blank SF 278 form. If you have any questions in connection with your filing obligations, please contact me in Counsel's Office at 456-5071.

Britta Farahati
Ethics Advisor
Office of Counsel to the President

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/16/2002 12:16:31 PM
Subject: : \$ for party

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-APR-2002 16:16:31.00
SUBJECT:: \$ for party
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett-

Can you talk to the lawyers and determine whether or not they will all be contributing or not? Some are not able to attend (Brad, Helgi, David) and I don't know if they will want to chip in or not.

We are attempting to get a ballpark figure on what we can expect to raise so we can order appetizers.

PS - Moose and Lori both gave us a list of folks to invite. (Moose - 30 and Lori - 10). With POTUS out of town and IMF rallys I really don't expect that everyone will come but they wanted to at least extend and invite.

Thanks!

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/16/2002 12:39:08 PM
Subject: : Congress Daily PM Today

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:16-APR-2002 16:39:08.00
SUBJECT:: Congress Daily PM Today
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])
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TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
End Original ARMS Header

The Council of Insurance Agents and Brokers says it has gathered data that confirms last week's announcement by President Bush that Congress' failure to enact a federal backstop for terrorist acts is causing widespread economic distress. The Council's commercial insurance market index, released today, indicates that insurers "have responded to the Sept. 11 attacks by placing sharp restrictions on their risk exposures * not only to terrorism, but also to a variety of hazards, including asbestos, mold, windstorms, earthquakes and others. The survey data shows the marketplace, which had been hardening more than two years before the attacks, is experiencing sharply higher premiums, higher deductions, lower limits and restricted capacity from coast to coast and across the major lines of commercial insurance." The House passed legislation last November, but the Senate has yet to act. "We're seeing the trickle-down effect of rate increases," said Ken Crerar, president of the Council, adding: "Over the last three months, we have moved beyond initial difficulty with high-profile or high-exposure properties to an environment where

REV_00143332

the broader marketplace is affected. Leaders from throughout the industry have warned Congress that action is needed and needed now.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Irene Kho/OMB/EOP@EOP [OMB] <Irene Kho>
CC: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/16/2002 4:11:14 PM
Subject: : LRM IKK186 - - Statement of Administration Policy on HR586 - Fairness for Foster Care Families Act of 2001
Attachments: P_EFCR6003_WHO.TXT_1.wpd

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 16-APR-2002 20:11:14.00
SUBJECT:: LRM IKK186 - - Statement of Administration Policy on HR586 - Fairness for Foster Care Families Act of 2001
TO: Irene Kho (CN=Irene Kho/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
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White House Counsel's Office has no objection.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/16/2002 08:11 PM -----

Patrick J. Bumatay
04/16/2002 05:38:58 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: LRM IKK186 - - Statement of Administration Policy on HR586
- Fairness for Foster Care Families Act of 2001

----- Forwarded by Patrick J. Bumatay/WHO/EOP on
04/16/2002 05:38 PM -----

From: Irene Kho on 04/16/2002 05:32:24 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: LRM IKK186 - - Statement of Administration Policy on HR586
- Fairness for Foster Care Families Act of 2001

H.R. 586 is being used as a vehicle for consideration of the Tax Relief Guarantee Act, which would make the President's tax relief plan permanent and provide for increased taxpayer protection and Internal Revenue Service accountability. The bill is expected to be considered by the House Rules Committee on Wednesday, April 17th, and is scheduled to be considered on the House floor on Thursday, April 18th. Attached is a draft SAP that addresses the Tax Relief Guarantee Act. Please review and provide comments by 10:30 AM, Wednesday, April 17th.

Tuesday, April 16, 2002

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below

FROM: Richard E. Green (for) Assistant Director for
Legislative Reference

OMB CONTACT: Irene Kho

PHONE: (202)395-5858 FAX: (202)395-3109

SUBJECT: Statement of Administration Policy on HR586 - Fairness for
Foster Care Families Act of 2001

DEADLINE: 10:30 AM Wednesday, April 17, 2002

In accordance with OMB Circular A-19, OMB requests the views of your
agency on the above subject before advising on its relationship to the
program of the President. Please advise us if this item will affect
direct spending or receipts for purposes of the "Pay-As-You-Go" provisions
of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: H.R. 586 is being used as a vehicle for consideration of the Tax
Relief Guarantee Act, which would make the President's tax relief plan
permanent and provide for increased taxpayer protection and Internal
Revenue Service accountability. The bill is expected to be considered by
the House Rules Committee on Wednesday, April 17th, and is scheduled to be
considered on the House floor on Thursday, April 18th. Attached is a
draft SAP that addresses the Tax Relief Guarantee Act. Please review and
provide comments by 10:30 AM, Wednesday, April 17th.

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EOP:

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Attia Little
Robert W. Kilpatrick
Richard P. Emery Jr.
Steven M. Mertens
Kathryn B. Stack
Maureen Walsh
Larry R. Matlack
Mark McClellan

LRM ID: IKK186 SUBJECT: Statement of Administration Policy on
HR586 - Fairness for Foster Care Families Act of 2001
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Irene Kho Phone: 395-5858 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-3454

FROM: _____ (Date)

_____ (Name)

REV_00143342

Cristal A. Thomas/OMB/EOP@EOP
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James J. Jukes/OMB/EOP@EOP
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Larry R. Matlack/OMB/EOP@EOP
Mark McClellan/CEA/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_EFCR6003_WHO.TXT_1>

April 17, 2002
(House Rules)

H.R. 586 - Fairness for Foster Care Families Act of 2001

(Rep. Lewis (R) Kentucky and 49 cosponsors)

The Administration strongly supports House passage of the Tax Relief Guarantee Act of 2002. The Administration understands that H.R. 586 is now being used as a vehicle for consideration of the Tax Relief Guarantee Act. The Administration is particularly pleased that the House is acting to make the President's tax relief plan permanent.

The Economic Growth and Tax Relief Reconciliation Act of 2001 provides much needed tax relief to the American people and lays the foundation for further long-term economic growth. The key elements of this relief are: a reduction in income tax rates, including a new low 10 percent rate; elimination of the death tax; an increase in the child tax credit from \$500 to \$1,000 per child; and a reduction in the marriage penalty. Unfortunately, this relief expires at the end of 2010. Failure to make this tax relief permanent would penalize:

- 43 million married couples whose taxes, on average, would be increased by \$1,730;
- 38 million families with children who would suffer an average tax increase of \$1,463, losing money that goes to education, childcare, and other expenses;
- 11 million single mothers with children who would lose, on average, \$780 of their income;
- 13 million seniors whose taxes would be increased by \$924 on average; and
- 3.9 million individuals and families who would have to start paying income taxes again.

The Administration urges quick action in the Congress so that Americans can make their plans for the future today.

The Administration is also pleased that the legislation includes taxpayer protection and Internal Revenue Service (IRS) accountability provisions proposed in the President's budget, notably the 15-day filing extension for electronically filed tax returns.

Pay-As-You-Go-Scoring

Any law that would reduce receipts or increase direct spending is subject to the PAYGO

requirements of the Balanced Budget and Emergency Deficit Control Act (BEA) and could cause a sequester of mandatory programs in any fiscal year through 2006. The requirement to score PAYGO costs expires on September 30, 2002, and there are no discretionary caps beyond 2002. Until there is agreement on extending the BEA, the Administration will consider the President's budget as a binding budgetary constraint. The cost of this bill exceeds the President's budget. The Administration will work with Congress to return to budget surpluses and to ensure that any unintended sequester of spending does not occur.

* * * * *

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>
Sent: 4/16/2002 4:27:07 PM
Subject: :

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 16-APR-2002 20:27:07.00

SUBJECT::

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

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From Leg Affairs: Congressman Delay wants to be helpful on Presidential Records Act.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/17/2002 5:33:06 AM
Subject: : Congress Daily Today - What do we need to do on TI?

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-APR-2002 09:33:06.00

SUBJECT:: Congress Daily Today - What do we need to do on TI?

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

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TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

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TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

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TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

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Border Security, Terrorism Reinsurance Negotiations Stall
Senators from both sides of the aislesignaled Tuesday that
border security legislation
probably would not be back on the agenda before next week, as bill
sponsors struggled to
find common ground with Sen. Robert Byrd, D-W.Va.
Byrd has signaled he will offer more than one amendment, and
some are expected to
be contentious. Sen. Jon Kyl, R-Ariz., one of the sponsors of the border
security bill, told reporters
an attempt would be made to work with Byrd to resolve his "big" concerns
ahead of time.
Byrd has indicated dissatisfaction with the legislation on many
counts, and Kyl said he had
reports that Byrd also might seek to offer an amendment on restructuring
the Immigration and
Naturalization Service.
The Senate Judiciary Committee is in the midst of crafting an
INS restructuring bill.
While noting it was "possible" the Senate could return to the
issue this week, Majority
Leader Daschle said discussions about the bill were between Judiciary

REV_00143348

Immigration

Subcommittee Chairman Edward Kennedy, D-Mass., and Byrd.

Meanwhile, senators working on legislation pertaining to terrorism reinsurance

appear to have different impressions of where the debate stands.

Daschle said Tuesday no compromise had yet been reached to

bring the

measure to the floor.

However, Senate Banking ranking member Phil Gramm, R-Texas,

insisted that

he thought he and Daschle had reached an agreement last week. He said he

was

surprised by press reports to the contrary.

According to Gramm, he and Daschle had agreed the Senate would

use a

compromise version of the legislation they and other senators brokered

late last year,

as the starting point for floor action.

Various "compromise" versions were in the works at that time,

but Gramm

said the compromise he was referring to had called for a kind of "private

insurance

program."

That bill was largely silent on liability issues because

senators were in the

midst of hammering out the details when "everything blew up last year,"

Gramm

said.

Gramm said he had spoken to Daschle about using the bill as the

base text

and seeking some sort of accord on the liability issue, "or a jump ball. I

thought that

was acceptable," Gramm said.

Sen. Bill Nelson, D-Fla., a former insurance commissioner who

tried to broker

a compromise of his own last year, was pessimistic

Tuesday when asked about the reinsurance bill's prospects. "I think

it's a

nonstarter," he said.

Pamela Barnett

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>;Dinah Bear/CEQ/EOP@EOP [CEQ]
<Dinah Bear>;Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>;Edward A.
Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>;Amy M. Bilyeau/OA/EOP [OA] <Amy M.
Bilyeau>;Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>;Melinda A.
Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>;Adam F. Greenstone/OA/EOP@EOP [OA]
<Adam F. Greenstone>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C.
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Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>;Zakia Mull/OA/EOP@EOP [OA] <Zakia
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/EOP@EOP [OPD] <Edwina C. Rogers>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D.
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Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Michael J. Gerson/WHO/EOP@EOP [WHO]
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<Jeanie S. Mamo>;Wendy L. Nipper/WHO/EOP@EOP [WHO] <Wendy L.
Nipper>;Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>;Krista L.
Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Scott N. Sforza/WHO/EOP@EOP [WHO]
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Walsh/WHO/EOP@EOP [WHO] <Edmund A. Walsh>;James R. Wilkinson/WHO/EOP@EOP [WHO]
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M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Alison M. Harden/WHO/EOP@EOP [WHO]
<Alison M. Harden>;Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne
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Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>;Anne Trenolone/WHO/EOP@EOP [WHO]
<Anne Trenolone>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H.
Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A.
Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Elizabeth N.
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<Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S.
Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Noel J.
Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Alberto R. Gonzales/WHO
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Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jill Davie/WHO/EOP@EOP [WHO]
<Jill Davie>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Alicia W.
Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>;Paul B. Dyck/WHO/EOP@EOP [WHO]
<Paul B. Dyck>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Ken
Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO]
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Bell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jan E. Williams/WHO
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Bravo>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Adrian G. Gray/WHO
/EOP@EOP [WHO] <Adrian G. Gray>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee
Benkie>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Israel Hernandez/WHO
/EOP@EOP [WHO] <Israel Hernandez>;Lorraine Nisbet/WHO/EOP@EOP [WHO] <Lorraine
Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO
/EOP@EOP [WHO] <Michael Shannon>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H.

Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP@EOP [WHO] <Kristen L. Hughes>;John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Nikky Cogdell/OA/EOP@EOP [OA] <Nikky Cogdell>;David R. Anderson/CEQ/EOP@EOP [CEQ] <David R. Anderson>;Kameron L. Bailey/CEQ/EOP@EOP [CEQ] <Kameron L. Bailey>;William Perhach/CEQ/EOP@EOP [CEQ] <William Perhach>;Samuel A. Thernstrom/CEQ/EOP@EOP [CEQ] <Samuel A. Thernstrom>;Natalie Towcimak/CEQ/EOP@EOP [CEQ] <Natalie Towcimak>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Eleanor L. Gillmor/OPD/EOP@EOP [OPD] <Eleanor L. Gillmor>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Kristine Simmons/OPD/EOP@EOP [UNKNOWN] <Kristine Simmons>;Layton Skelly/OPD/EOP@EOP [OPD] <Layton Skelly>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Sarah E. Youssef/OPD/EOP@EOP [OPD] <Sarah E. Youssef>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Caroline Boeckel/OPD/EOP@EOP [OPD] <Caroline Boeckel>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Daniel D. Heath/OPD/EOP@EOP [OPD] <Daniel D. Heath>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Andrew D. Sacher/OPD/EOP@EOP [OPD] <Andrew D. Sacher>;Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>;Jeannette B. Reilly/WHO/EOP@EOP [WHO] <Jeannette B. Reilly>;Michelle N. Brawer/WHO/EOP@EOP [WHO] <Michelle N. Brawer>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Lindsay Hayes/WHO/EOP@EOP [WHO] <Lindsay Hayes>;Emily L. Kropp/WHO/EOP@EOP [WHO] <Emily L. Kropp>;Ann M. Molinaro/WHO/EOP@EOP [WHO] <Ann M. Molinaro>;Gail Randall/WHO/EOP@EOP [WHO] <Gail Randall>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Rory J. Diamond/WHO/EOP@EOP [WHO] <Rory J. Diamond>;Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kathryn J. Hayes/WHO/EOP@EOP [WHO] <Kathryn J. Hayes>;Andrew D. Ciafardini/WHO/EOP@EOP [WHO] <Andrew D. Ciafardini>;Angela I. Fritz/WHO/EOP@EOP [WHO] <Angela I. Fritz>;Ellen W. McCathran/WHO/EOP@EOP [WHO] <Ellen W. McCathran>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Jill C. Rowley/WHO/EOP@EOP [WHO] <Jill C. Rowley>;Charlene E. Fern/WHO/EOP@EOP [WHO] <Charlene E. Fern>;Andrea McDaniel/WHO/EOP@EOP [WHO] <Andrea McDaniel>;Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>;Steven D. Aitken/OMB/EOP@EOP [OMB] <Steven D. Aitken>;Michael N. Anton/NSC/EOP@EOP [NSC] <Michael N. Anton>;Jane E. Baker/PFIAB/EOP@EOP [PFIAB] <Jane E. Baker>;Mark W. Beddoes/ONDCP/EOP@EOP [ONDCP] <Mark W. Beddoes>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Rebecca A. Beynon/WHO/EOP@EOP [WHO] <Rebecca A. Beynon>;Felisha D. Bullock/ONDCP/EOP@EOP [ONDCP] <Felisha D. Bullock>;Gerard Burns/ONDCP/EOP@EOP [ONDCP] <Gerard Burns>;Juan Cardenas/ONDCP/EOP@EOP [ONDCP] <Juan Cardenas>;Lynore M. Carnes/ONDCP/EOP@EOP [ONDCP] <Lynore M. Carnes>;Janie B. Dargan/ONDCP/EOP@EOP [ONDCP] <Janie B. Dargan>;Timothy J. David/ONDCP/EOP@EOP [ONDCP] <Timothy J. David>;Darlind J. Davis/ONDCP/EOP@EOP [ONDCP] <Darlind J. Davis>;Randy W. Deitering/PFIAB/EOP@EOP [PFIAB] <Randy W. Deitering>;Martin C. Dougherty/ONDCP/EOP@EOP [ONDCP] <Martin C. Dougherty>;John D. Gibson/NSC/EOP@EOP [NSC] <John D. Gibson>;Robert S. Gordon/ONDCP/EOP@EOP [ONDCP] <Robert S. Gordon>;Mark S. Graham/ONDCP/EOP@EOP [ONDCP] <Mark S. Graham>;Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>;Mark C. Hallisey/ONDCP/EOP@EOP [ONDCP] <Mark C. Hallisey>;Lynnnda J. Harley/ONDCP/EOP@EOP [ONDCP] <Lynnnda J. Harley>;Robert J. Hindle/PFIAB/EOP@EOP [PFIAB] <Robert J. Hindle>;Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>;Tammye D. Johnson/ONDCP/EOP@EOP [ONDCP] <Tammye D. Johnson>;Edward H. Jurith/ONDCP/EOP@EOP [ONDCP] <Edward H. Jurith>;Brigitte R. LaFontant/ONDCP/EOP@EOP [ONDCP] <Brigitte R. LaFontant>;Rafael E. Lemaitre/ONDCP/EOP@EOP [ONDCP] <Rafael E. Lemaitre>;Alan M. Levitt/ONDCP/EOP@EOP [ONDCP] <Alan M. Levitt>;Christopher M. Marston/ONDCP/EOP@EOP [ONDCP] <Christopher M. Marston>;Sonyia Matthews/NSC/EOP@EOP [NSC] <Sonyia Matthews>;Sean I. McCormack/NSC/EOP@EOP [NSC] <Sean I. McCormack>;Brendan G. Melley/NSC/EOP@EOP [NSC] <Brendan G. Melley>;David W. Murray/ONDCP/EOP@EOP [ONDCP]

<David W. Murray>;James F. O'Gara/ONDCP/EOP@EOP [ONDCP] <James F. O'Gara>;Linda B. Oliver/OMB/EOP@EOP [OMB] <Linda B. Oliver>;Anna M. Perez/NSC/EOP@EOP [NSC] <Anna M. Perez>;Daniel R. Petersen/ONDCP/EOP@EOP [ONDCP] <Daniel R. Petersen>;Linda V. Priebe/ONDCP/EOP@EOP [ONDCP] <Linda V. Priebe>;Anne M. Pritchett/ONDCP/EOP@EOP [ONDCP] <Anne M. Pritchett>;McGavock D. Reed/OMB /EOP@EOP [OMB] <McGavock D. Reed>;Matthew R. Rees/NSC/EOP@EOP [NSC] <Matthew R. Rees>;Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>;Bonnie L. Robinson/ONDCP/EOP@EOP [ONDCP] <Bonnie L. Robinson>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>;Lawrence J. Scherer/ONDCP /EOP@EOP [ONDCP] <Lawrence J. Scherer>;Catherine Shaw/ONDCP/EOP@EOP [ONDCP] <Catherine Shaw>;David A. Shull/ONDCP/EOP@EOP [ONDCP] <David A. Shull>;June S. Sivilli/ONDCP/EOP@EOP [ONDCP] <June S. Sivilli>;William T. Smith/ONDCP/EOP@EOP [ONDCP] <William T. Smith>;Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>;Jaime Vega/ONDCP/EOP@EOP [ONDCP] <Jaime Vega>;Matthew C. Waxman/NSC /EOP@EOP [NSC] <Matthew C. Waxman>;Troy T. White/ONDCP/EOP@EOP [ONDCP] <Troy T. White>;John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>;Natalie S. Wozniak/NSC/EOP@EOP [NSC] <Natalie S. Wozniak>;Katherine J. Fertakis/NSC/EOP@EOP [NSC] <Katherine J. Fertakis>;Brian Gillis/OMB/EOP@EOP [OMB] <Brian Gillis>;Michael K. Gottlieb/ONDCP/EOP@EOP [ONDCP] <Michael K. Gottlieb>;Roosevelt A. Roy/PFIAB /EOP@EOP [PFIAB] <Roosevelt A. Roy>

Sent: 4/17/2002 8:21:11 AM
Subject: : LexisNexis Open House Reminder

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP [OA])

CREATION DATE/TIME:17-APR-2002 12:21:11.00

SUBJECT:: LexisNexis Open House Reminder

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP [OA])

READ:UNKNOWN

TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Zakia Mull (CN=Zakia Mull/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])

REV_00143353

READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
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TO:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
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TO:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
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TO:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
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TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
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TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
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TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
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TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
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TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
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TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
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TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
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TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
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TO:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
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TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
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TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
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TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
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TO:Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
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TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
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TO:Stanley W. Carlson-Thies (CN=Stanley W. Carlson-Thies/OU=WHO/O=EOP@EOP [WHO])

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TO:Charles Conner (CN=Charles Conner/OU=OPD/O=EOP@EOP [OPD])
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TO:Daniel D. Heath (CN=Daniel D. Heath/OU=OPD/O=EOP@EOP [OPD])
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TO:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])
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TO:Jean M. Russell (CN=Jean M. Russell/OU=OPD/O=EOP@EOP [OPD])
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TO:Andrew D. Sacher (CN=Andrew D. Sacher/OU=OPD/O=EOP@EOP [OPD])
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TO:Jeannette B. Reilly (CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [WHO])
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TO:Ann M. Molinaro (CN=Ann M. Molinaro/OU=WHO/O=EOP@EOP [WHO])
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TO:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rory J. Diamond (CN=Rory J. Diamond/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dorothy C. Garvin (CN=Dorothy C. Garvin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew D. Ciafardini (CN=Andrew D. Ciafardini/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela I. Fritz (CN=Angela I. Fritz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ellen W. McCathran (CN=Ellen W. McCathran/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jill C. Rowley (CN=Jill C. Rowley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charlene E. Fern (CN=Charlene E. Fern/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea McDaniel (CN=Andrea McDaniel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina C. Wilson (CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael N. Anton (CN=Michael N. Anton/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jane E. Baker (CN=Jane E. Baker/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
TO:Mark W. Beddoes (CN=Mark W. Beddoes/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Felisha D. Bullock (CN=Felisha D. Bullock/OU=ONDCP/O=EOP@EOP [ONDCP])
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TO:Gerard Burns (CN=Gerard Burns/OU=ONDCP/O=EOP@EOP [ONDCP])
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TO:Lynore M. Carnes (CN=Lynore M. Carnes/OU=ONDCP/O=EOP@EOP [ONDCP])
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READ:UNKNOWN
TO:Timothy J. David (CN=Timothy J. David/OU=ONDCP/O=EOP@EOP [ONDCP])
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TO:Daniel R. Petersen (CN=Daniel R. Petersen/OU=ONDCP/O=EOP@EOP [ONDCP])
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TO:Brian Gillis (CN=Brian Gillis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael K. Gottlieb (CN=Michael K. Gottlieb/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Roosevelt A. Roy (CN=Roosevelt A. Roy/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
End Original ARMS Header

LexisNexis Open House

Today, April 17 from 1 pm to 3 pm

EEOB Library, Room 308 EEOB

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/17/2002 9:16:16 AM
Subject: : NYT

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-APR-2002 13:16:16.00

SUBJECT:: NYT

TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I would like to have the Judge talk to Allison Mitchell for the balance of power story this afternoon or earlier in the day tomorrrw.

Allison checked the Judge's calendar and it appears that he has some time late this afternoon. Is that enough head's up time?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Catherine S. Anderson/OA/EOP [OA] <Catherine S. Anderson>
Sent: 4/17/2002 5:22:49 AM
Subject: RECEIVED: RE: Draft answer to Judicial Watch v. FEMA et al.

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-APR-2002 09:22:49.00
SUBJECT:RECEIVED: RE: Draft answer to Judicial Watch v. FEMA et al.
TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP [OA])
READ:UNKNOWN
End Original ARMS Header

RETURN RECEIPT

Your Document:
RE: Draft answer to Judicial Watch v. FEMA et al.
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
04/17/2002 09:23:00 AM

REV_00143361

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/17/2002 5:33:06 AM
Subject: : Congress Daily Today - What do we need to do on TI?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-APR-2002 09:33:06.00

SUBJECT:: Congress Daily Today - What do we need to do on TI?

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

Border Security, Terrorism Reinsurance Negotiations Stall
Senators from both sides of the aislesignaled Tuesday that
border security legislation
probably would not be back on the agenda before next week, as bill
sponsors struggled to
find common ground with Sen. Robert Byrd, D-W.Va.
Byrd has signaled he will offer more than one amendment, and
some are expected to
be contentious. Sen. Jon Kyl, R-Ariz., one of the sponsors of the border
security bill, told reporters
an attempt would be made to work with Byrd to resolve his "big" concerns
ahead of time.
Byrd has indicated dissatisfaction with the legislation on many
counts, and Kyl said he had
reports that Byrd also might seek to offer an amendment on restructuring
the Immigration and
Naturalization Service.
The Senate Judiciary Committee is in the midst of crafting an
INS restructuring bill.
While noting it was "possible" the Senate could return to the
issue this week, Majority
Leader Daschle said discussions about the bill were between Judiciary

REV_00143362

Immigration

Subcommittee Chairman Edward Kennedy, D-Mass., and Byrd.

Meanwhile, senators working on legislation pertaining to terrorism reinsurance

appear to have different impressions of where the debate stands.

Daschle said Tuesday no compromise had yet been reached to

bring the

measure to the floor.

However, Senate Banking ranking member Phil Gramm, R-Texas,

insisted that

he thought he and Daschle had reached an agreement last week. He said he was

surprised by press reports to the contrary.

According to Gramm, he and Daschle had agreed the Senate would

use a

compromise version of the legislation they and other senators brokered

late last year,

as the starting point for floor action.

Various "compromise" versions were in the works at that time,

but Gramm

said the compromise he was referring to had called for a kind of "private

insurance

program."

That bill was largely silent on liability issues because

senators were in the

midst of hammering out the details when "everything blew up last year,"

Gramm

said.

Gramm said he had spoken to Daschle about using the bill as the

base text

and seeking some sort of accord on the liability issue, "or a jump ball. I

thought that

was acceptable," Gramm said.

Sen. Bill Nelson, D-Fla., a former insurance commissioner who

tried to broker

a compromise of his own last year, was pessimistic

Tuesday when asked about the reinsurance bill's prospects. "I think

it's a

nonstarter," he said.

Pamela Barnett

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/17/2002 10:58:25 AM
Subject: : Re: Justice White Funeral; Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-APR-2002 14:58:25.00
SUBJECT:: Re: Justice White Funeral; Question
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
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READ:UNKNOWN
CC:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I got the identical question from Sally a short while ago. Allison has relayed it to Tim, who is getting the answer and passing it back to Sally. Does this take care of it?

H. Christopher Bartolomucci
04/17/2002 02:55:17 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Justice White Funeral; Question

Sally Rider, the Administrative Assistant to Chief Justice Rehnquist, has asked whether any White House officials plan to attend Justice White's funeral on Friday. She said that, if there is a White House plane going to Colorado, at least three of the Justices (plus a spouse or two) would like to ride along.

REV_00143367

Message Sent

To:

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>;Dinah Bear/CEQ/EOP@EOP [CEQ]
<Dinah Bear>;Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>;Edward A.
Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>;Amy M. Bilyeau/OA/EOP [OA] <Amy M.
Bilyeau>;Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>;Melinda A.
Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>;Adam F. Greenstone/OA/EOP@EOP [OA]
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Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>;Zakia Mull/OA/EOP@EOP [OA] <Zakia
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C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;K. Philippa Malmgren/OPD/EOP@EOP [OPD]
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/EOP@EOP [OPD] <Edwina C. Rogers>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D.
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Napolitano/WHO/EOP@EOP [WHO] <Michael J. Napolitano>;Joel D. Kaplan/WHO/EOP@EOP
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/EOP@EOP [WHO] <Alberto R. Gonzales>;Brent D. Greenfield/WHO/EOP@EOP [WHO]
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<Jill Davie>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Alicia W.
Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>;Paul B. Dyck/WHO/EOP@EOP [WHO]
<Paul B. Dyck>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Ken
Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO]
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Schlapp>;Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>;David M. Thomas/WHO
/EOP@EOP [WHO] <David M. Thomas>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J.
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/EOP@EOP [WHO] <Jan E. Williams>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian
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Benkie>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Israel Hernandez/WHO
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Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO
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Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP@EOP [WHO] <Kristen L. Hughes>;John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Nikky Cogdell/OA/EOP@EOP [OA] <Nikky Cogdell>;David R. Anderson/CEQ/EOP@EOP [CEQ] <David R. Anderson>;Kameron L. Bailey/CEQ/EOP@EOP [CEQ] <Kameron L. Bailey>;William Perhach/CEQ/EOP@EOP [CEQ] <William Perhach>;Samuel A. Thernstrom/CEQ/EOP@EOP [CEQ] <Samuel A. Thernstrom>;Natalie Towcimak/CEQ/EOP@EOP [CEQ] <Natalie Towcimak>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Eleanor L. Gillmor/OPD/EOP@EOP [OPD] <Eleanor L. Gillmor>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Kristine Simmons/OPD/EOP@EOP [UNKNOWN] <Kristine Simmons>;Layton Skelly/OPD/EOP@EOP [OPD] <Layton Skelly>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Sarah E. Youssef/OPD/EOP@EOP [OPD] <Sarah E. Youssef>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Caroline Boeckel/OPD/EOP@EOP [OPD] <Caroline Boeckel>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Daniel D. Heath/OPD/EOP@EOP [OPD] <Daniel D. Heath>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Andrew D. Sacher/OPD/EOP@EOP [OPD] <Andrew D. Sacher>;Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>;Jeannette B. Reilly/WHO/EOP@EOP [WHO] <Jeannette B. Reilly>;Michelle N. Brawer/WHO/EOP@EOP [WHO] <Michelle N. Brawer>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Lindsay Hayes/WHO/EOP@EOP [WHO] <Lindsay Hayes>;Emily L. Kropp/WHO/EOP@EOP [WHO] <Emily L. Kropp>;Ann M. Molinaro/WHO/EOP@EOP [WHO] <Ann M. Molinaro>;Gail Randall/WHO/EOP@EOP [WHO] <Gail Randall>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Rory J. Diamond/WHO/EOP@EOP [WHO] <Rory J. Diamond>;Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kathryn J. Hayes/WHO/EOP@EOP [WHO] <Kathryn J. Hayes>;Andrew D. Ciafardini/WHO/EOP@EOP [WHO] <Andrew D. Ciafardini>;Angela I. Fritz/WHO/EOP@EOP [WHO] <Angela I. Fritz>;Ellen W. McCathran/WHO/EOP@EOP [WHO] <Ellen W. McCathran>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Jill C. Rowley/WHO/EOP@EOP [WHO] <Jill C. Rowley>;Charlene E. Fern/WHO/EOP@EOP [WHO] <Charlene E. Fern>;Andrea McDaniel/WHO/EOP@EOP [WHO] <Andrea McDaniel>;Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>;Steven D. Aitken/OMB/EOP@EOP [OMB] <Steven D. Aitken>;Michael N. Anton/NSC/EOP@EOP [NSC] <Michael N. Anton>;Jane E. Baker/PFIAB/EOP@EOP [PFIAB] <Jane E. Baker>;Mark W. Beddoes/ONDCP/EOP@EOP [ONDCP] <Mark W. Beddoes>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Rebecca A. Beynon/WHO/EOP@EOP [WHO] <Rebecca A. Beynon>;Felisha D. Bullock/ONDCP/EOP@EOP [ONDCP] <Felisha D. Bullock>;Gerard Burns/ONDCP/EOP@EOP [ONDCP] <Gerard Burns>;Juan Cardenas/ONDCP/EOP@EOP [ONDCP] <Juan Cardenas>;Lynore M. Carnes/ONDCP/EOP@EOP [ONDCP] <Lynore M. Carnes>;Janie B. Dargan/ONDCP/EOP@EOP [ONDCP] <Janie B. Dargan>;Timothy J. David/ONDCP/EOP@EOP [ONDCP] <Timothy J. David>;Darlind J. Davis/ONDCP/EOP@EOP [ONDCP] <Darlind J. Davis>;Randy W. Deitering/PFIAB/EOP@EOP [PFIAB] <Randy W. Deitering>;Martin C. Dougherty/ONDCP/EOP@EOP [ONDCP] <Martin C. Dougherty>;John D. Gibson/NSC/EOP@EOP [NSC] <John D. Gibson>;Robert S. Gordon/ONDCP/EOP@EOP [ONDCP] <Robert S. Gordon>;Mark S. Graham/ONDCP/EOP@EOP [ONDCP] <Mark S. Graham>;Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>;Mark C. Hallisey/ONDCP/EOP@EOP [ONDCP] <Mark C. Hallisey>;Lynnnda J. Harley/ONDCP/EOP@EOP [ONDCP] <Lynnnda J. Harley>;Robert J. Hindle/PFIAB/EOP@EOP [PFIAB] <Robert J. Hindle>;Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>;Tammye D. Johnson/ONDCP/EOP@EOP [ONDCP] <Tammye D. Johnson>;Edward H. Jurith/ONDCP/EOP@EOP [ONDCP] <Edward H. Jurith>;Brigitte R. LaFontant/ONDCP/EOP@EOP [ONDCP] <Brigitte R. LaFontant>;Rafael E. Lemaitre/ONDCP/EOP@EOP [ONDCP] <Rafael E. Lemaitre>;Alan M. Levitt/ONDCP/EOP@EOP [ONDCP] <Alan M. Levitt>;Christopher M. Marston/ONDCP/EOP@EOP [ONDCP] <Christopher M. Marston>;Sonyia Matthews/NSC/EOP@EOP [NSC] <Sonyia Matthews>;Sean I. McCormack/NSC/EOP@EOP [NSC] <Sean I. McCormack>;Brendan G. Melley/NSC/EOP@EOP [NSC] <Brendan G. Melley>;David W. Murray/ONDCP/EOP@EOP [ONDCP]

<David W. Murray>;James F. O'Gara/ONDCP/EOP@EOP [ONDCP] <James F. O'Gara>;Linda B. Oliver/OMB/EOP@EOP [OMB] <Linda B. Oliver>;Anna M. Perez/NSC/EOP@EOP [NSC] <Anna M. Perez>;Daniel R. Petersen/ONDCP/EOP@EOP [ONDCP] <Daniel R. Petersen>;Linda V. Priebe/ONDCP/EOP@EOP [ONDCP] <Linda V. Priebe>;Anne M. Pritchett/ONDCP/EOP@EOP [ONDCP] <Anne M. Pritchett>;McGavock D. Reed/OMB/EOP@EOP [OMB] <McGavock D. Reed>;Matthew R. Rees/NSC/EOP@EOP [NSC] <Matthew R. Rees>;Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>;Bonnie L. Robinson/ONDCP/EOP@EOP [ONDCP] <Bonnie L. Robinson>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>;Lawrence J. Scherer/ONDCP/EOP@EOP [ONDCP] <Lawrence J. Scherer>;Catherine Shaw/ONDCP/EOP@EOP [ONDCP] <Catherine Shaw>;David A. Shull/ONDCP/EOP@EOP [ONDCP] <David A. Shull>;June S. Sivilli/ONDCP/EOP@EOP [ONDCP] <June S. Sivilli>;William T. Smith/ONDCP/EOP@EOP [ONDCP] <William T. Smith>;Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>;Jaime Vega/ONDCP/EOP@EOP [ONDCP] <Jaime Vega>;Matthew C. Waxman/NSC/EOP@EOP [NSC] <Matthew C. Waxman>;Troy T. White/ONDCP/EOP@EOP [ONDCP] <Troy T. White>;John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>;Natalie S. Wozniak/NSC/EOP@EOP [NSC] <Natalie S. Wozniak>;Katherine J. Fertakis/NSC/EOP@EOP [NSC] <Katherine J. Fertakis>;Brian Gillis/OMB/EOP@EOP [OMB] <Brian Gillis>;Michael K. Gottlieb/ONDCP/EOP@EOP [ONDCP] <Michael K. Gottlieb>;Roosevelt A. Roy/PFIAB/EOP@EOP [PFIAB] <Roosevelt A. Roy>

Sent: 4/17/2002 8:21:11 AM
Subject: : LexisNexis Open House Reminder

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP [OA])

CREATION DATE/TIME:17-APR-2002 12:21:11.00

SUBJECT:: LexisNexis Open House Reminder

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP [OA])

READ:UNKNOWN

TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Zakia Mull (CN=Zakia Mull/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])

REV_00143519

READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
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TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
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TO:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
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TO:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
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TO:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
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TO:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
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TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
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TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
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TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
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TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

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TO:Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lindsay Hayes (CN=Lindsay Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Emily L. Kropp (CN=Emily L. Kropp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ann M. Molinaro (CN=Ann M. Molinaro/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rory J. Diamond (CN=Rory J. Diamond/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dorothy C. Garvin (CN=Dorothy C. Garvin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
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TO:Angela I. Fritz (CN=Angela I. Fritz/OU=WHO/O=EOP@EOP [WHO])
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TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Jill C. Rowley (CN=Jill C. Rowley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charlene E. Fern (CN=Charlene E. Fern/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea McDaniel (CN=Andrea McDaniel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina C. Wilson (CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])
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TO:Michael N. Anton (CN=Michael N. Anton/OU=NSC/O=EOP@EOP [NSC])
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TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])

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READ:UNKNOWN
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READ:UNKNOWN
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TO:Brian Gillis (CN=Brian Gillis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael K. Gottlieb (CN=Michael K. Gottlieb/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Roosevelt A. Roy (CN=Roosevelt A. Roy/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
End Original ARMS Header

LexisNexis Open House

Today, April 17 from 1 pm to 3 pm

EEOB Library, Room 308 EEOB

From: CN=Martha B. Schiele/OU=OA/O=EOP [OA]
To: Ellen Athas/CEQ/EOP@EOP [CEQ] <Ellen Athas>;Dinah Bear/CEQ/EOP@EOP [CEQ]
<Dinah Bear>;Horst Greczmiel/CEQ/EOP@EOP [CEQ] <Horst Greczmiel>;Edward A.
Boling/CEQ/EOP@EOP [CEQ] <Edward A. Boling>;Amy M. Bilyeau/OA/EOP [OA] <Amy M.
Bilyeau>;Jacqueline C. Cragg/OA/EOP@EOP [OA] <Jacqueline C. Cragg>;Melinda A.
Garroway/OA/EOP@EOP [OA] <Melinda A. Garroway>;Adam F. Greenstone/OA/EOP@EOP [OA]
<Adam F. Greenstone>;Susan C. Hawthorne/OA/EOP@EOP [OA] <Susan C.
Hawthorne>;Karen E. Kaufmann/OA/EOP@EOP [OA] <Karen E. Kaufmann>;Cynthia J.
Lizik/OA/EOP@EOP [OA] <Cynthia J. Lizik>;Zakia Mull/OA/EOP@EOP [OA] <Zakia
Mull>;Catherine S. Anderson/OA/EOP@EOP [OA] <Catherine S. Anderson>;Stephen M.
Garrison/OPD/EOP@EOP [OPD] <Stephen M. Garrison>;Carlos E. Bonilla/OPD/EOP@EOP [OPD]
<Carlos E. Bonilla>;James E. Carter/OPD/EOP@EOP [OPD] <James E. Carter>;Dylan
C. Glenn/OPD/EOP@EOP [OPD] <Dylan C. Glenn>;K. Philippa Malmgren/OPD/EOP@EOP [OPD]
<K. Philippa Malmgren>;Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C.
McNally>;Eric H. Otto/OPD/EOP@EOP [OPD] <Eric H. Otto>;Edwina C. Rogers/OPD
/EOP@EOP [OPD] <Edwina C. Rogers>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D.
Marcus Sumerlin>;Janet P. Walker/OPD/EOP@EOP [OPD] <Janet P. Walker>;Michael J.
Napolitano/WHO/EOP@EOP [WHO] <Michael J. Napolitano>;Joel D. Kaplan/WHO/EOP@EOP
[WHO] <Joel D. Kaplan>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen
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Eskew/WHO/EOP@EOP [WHO] <Tucker A. Eskew>;Michael J. Gerson/WHO/EOP@EOP [WHO]
<Michael J. Gerson>;Gregory Goss/WHO/EOP@EOP [WHO] <Gregory Goss>;William
T. Griffin/WHO/EOP@EOP [WHO] <William T. Griffin>;Taylor S. Gross/WHO/EOP@EOP [WHO]
<Taylor S. Gross>;Erin E. Healy/WHO/EOP@EOP [WHO] <Erin E. Healy>;Kenneth A.
Lisaius/WHO/EOP@EOP [WHO] <Kenneth A. Lisaius>;Jeanie S. Mamo/WHO/EOP@EOP [WHO]
<Jeanie S. Mamo>;Wendy L. Nipper/WHO/EOP@EOP [WHO] <Wendy L.
Nipper>;Christopher J. Orr/WHO/EOP@EOP [WHO] <Christopher J. Orr>;Krista L.
Ritacco/WHO/EOP@EOP [WHO] <Krista L. Ritacco>;Scott N. Sforza/WHO/EOP@EOP [WHO]
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M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>;Alison M. Harden/WHO/EOP@EOP [WHO]
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Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>;Anne Trenolone/WHO/EOP@EOP [WHO]
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Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A.
Berenson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Elizabeth N.
Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Robert W. Cobb/WHO/EOP@EOP [WHO]
<Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S.
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Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Alberto R. Gonzales/WHO
/EOP@EOP [WHO] <Alberto R. Gonzales>;Brent D. Greenfield/WHO/EOP@EOP [WHO]
<Brent D. Greenfield>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M.
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Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Jill Davie/WHO/EOP@EOP [WHO]
<Jill Davie>;Blake Gottesman/WHO/EOP@EOP [WHO] <Blake Gottesman>;Alicia W.
Davis/WHO/EOP@EOP [WHO] <Alicia W. Davis>;Paul B. Dyck/WHO/EOP@EOP [WHO]
<Paul B. Dyck>;Collister W. Johnson/WHO/EOP@EOP [WHO] <Collister W. Johnson>;Ken
Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Leonard B. Rodriguez/WHO/EOP@EOP [WHO]
<Leonard B. Rodriguez>;Matthew A. Schlapp/WHO/EOP@EOP [WHO] <Matthew A.
Schlapp>;Sara M. Taylor/WHO/EOP@EOP [WHO] <Sara M. Taylor>;David M. Thomas/WHO
/EOP@EOP [WHO] <David M. Thomas>;Michael J. Bell/WHO/EOP@EOP [WHO] <Michael J.
Bell>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jan E. Williams/WHO
/EOP@EOP [WHO] <Jan E. Williams>;Brian Bravo/WHO/EOP@EOP [WHO] <Brian
Bravo>;Matthew E. Smith/WHO/EOP@EOP [WHO] <Matthew E. Smith>;Adrian G. Gray/WHO
/EOP@EOP [WHO] <Adrian G. Gray>;Dee Dee Benkie/WHO/EOP@EOP [WHO] <Dee Dee
Benkie>;Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>;Israel Hernandez/WHO
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Nisbet>;Kasey S. Pipes/WHO/EOP@EOP [WHO] <Kasey S. Pipes>;Michael Shannon/WHO
/EOP@EOP [WHO] <Michael Shannon>;Neil H. Zimmerman/WHO/EOP@EOP [WHO] <Neil H.

Zimmerman>;Stephen K. Replogle/WHO/EOP@EOP [WHO] <Stephen K. Replogle>;Stanley W. Carlson-Thies/WHO/EOP@EOP [WHO] <Stanley W. Carlson-Thies>;Melissa L. McAdoo/WHO/EOP@EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP@EOP [WHO] <Kristen L. Hughes>;John M. Ackerly/OPD/EOP@EOP [OPD] <John M. Ackerly>;Deborah A. Spagnoli/WHO/EOP@EOP [WHO] <Deborah A. Spagnoli>;Nikky Cogdell/OA/EOP@EOP [OA] <Nikky Cogdell>;David R. Anderson/CEQ/EOP@EOP [CEQ] <David R. Anderson>;Kameron L. Bailey/CEQ/EOP@EOP [CEQ] <Kameron L. Bailey>;William Perhach/CEQ/EOP@EOP [CEQ] <William Perhach>;Samuel A. Thernstrom/CEQ/EOP@EOP [CEQ] <Samuel A. Thernstrom>;Natalie Towcimak/CEQ/EOP@EOP [CEQ] <Natalie Towcimak>;Brian R. Besanceney/OPD/EOP@EOP [OPD] <Brian R. Besanceney>;Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>;Sarah Gesiriech/OPD/EOP@EOP [OPD] <Sarah Gesiriech>;Eleanor L. Gillmor/OPD/EOP@EOP [OPD] <Eleanor L. Gillmor>;Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>;Kristine Simmons/OPD/EOP@EOP [UNKNOWN] <Kristine Simmons>;Layton Skelly/OPD/EOP@EOP [OPD] <Layton Skelly>;Aquiles F. Suarez/OPD/EOP@EOP [OPD] <Aquiles F. Suarez>;Sarah E. Youssef/OPD/EOP@EOP [OPD] <Sarah E. Youssef>;Charles P. Blahous/OPD/EOP@EOP [OPD] <Charles P. Blahous>;Caroline Boeckel/OPD/EOP@EOP [OPD] <Caroline Boeckel>;Charles Conner/OPD/EOP@EOP [OPD] <Charles Conner>;Daniel D. Heath/OPD/EOP@EOP [OPD] <Daniel D. Heath>;Leslie A. Mooney/OPD/EOP@EOP [OPD] <Leslie A. Mooney>;Jean M. Russell/OPD/EOP@EOP [OPD] <Jean M. Russell>;Andrew D. Sacher/OPD/EOP@EOP [OPD] <Andrew D. Sacher>;Marty P. Smith/OPD/EOP@EOP [OPD] <Marty P. Smith>;Jeannette B. Reilly/WHO/EOP@EOP [WHO] <Jeannette B. Reilly>;Michelle N. Brawer/WHO/EOP@EOP [WHO] <Michelle N. Brawer>;Jane M. Cook/WHO/EOP@EOP [WHO] <Jane M. Cook>;Lindsay Hayes/WHO/EOP@EOP [WHO] <Lindsay Hayes>;Emily L. Kropp/WHO/EOP@EOP [WHO] <Emily L. Kropp>;Ann M. Molinaro/WHO/EOP@EOP [WHO] <Ann M. Molinaro>;Gail Randall/WHO/EOP@EOP [WHO] <Gail Randall>;Matthew O. Scully/WHO/EOP@EOP [WHO] <Matthew O. Scully>;Carrie W. Click/WHO/EOP@EOP [WHO] <Carrie W. Click>;David Kuo/WHO/EOP@EOP [WHO] <David Kuo>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Rory J. Diamond/WHO/EOP@EOP [WHO] <Rory J. Diamond>;Dorothy C. Garvin/WHO/EOP@EOP [WHO] <Dorothy C. Garvin>;Jeffrey T. Jezierski/WHO/EOP@EOP [WHO] <Jeffrey T. Jezierski>;Kathryn J. Hayes/WHO/EOP@EOP [WHO] <Kathryn J. Hayes>;Andrew D. Ciafardini/WHO/EOP@EOP [WHO] <Andrew D. Ciafardini>;Angela I. Fritz/WHO/EOP@EOP [WHO] <Angela I. Fritz>;Ellen W. McCathran/WHO/EOP@EOP [WHO] <Ellen W. McCathran>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;Thais C. Conway/WHO/EOP@EOP [WHO] <Thais C. Conway>;Harriet Miers/WHO/EOP@EOP [WHO] <Harriet Miers>;Jill C. Rowley/WHO/EOP@EOP [WHO] <Jill C. Rowley>;Charlene E. Fern/WHO/EOP@EOP [WHO] <Charlene E. Fern>;Andrea McDaniel/WHO/EOP@EOP [WHO] <Andrea McDaniel>;Christina C. Wilson/OPD/EOP@EOP [OPD] <Christina C. Wilson>;Steven D. Aitken/OMB/EOP@EOP [OMB] <Steven D. Aitken>;Michael N. Anton/NSC/EOP@EOP [NSC] <Michael N. Anton>;Jane E. Baker/PFIAB/EOP@EOP [PFIAB] <Jane E. Baker>;Mark W. Beddoes/ONDCP/EOP@EOP [ONDCP] <Mark W. Beddoes>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Rebecca A. Beynon/WHO/EOP@EOP [WHO] <Rebecca A. Beynon>;Felisha D. Bullock/ONDCP/EOP@EOP [ONDCP] <Felisha D. Bullock>;Gerard Burns/ONDCP/EOP@EOP [ONDCP] <Gerard Burns>;Juan Cardenas/ONDCP/EOP@EOP [ONDCP] <Juan Cardenas>;Lynore M. Carnes/ONDCP/EOP@EOP [ONDCP] <Lynore M. Carnes>;Janie B. Dargan/ONDCP/EOP@EOP [ONDCP] <Janie B. Dargan>;Timothy J. David/ONDCP/EOP@EOP [ONDCP] <Timothy J. David>;Darlind J. Davis/ONDCP/EOP@EOP [ONDCP] <Darlind J. Davis>;Randy W. Deitering/PFIAB/EOP@EOP [PFIAB] <Randy W. Deitering>;Martin C. Dougherty/ONDCP/EOP@EOP [ONDCP] <Martin C. Dougherty>;John D. Gibson/NSC/EOP@EOP [NSC] <John D. Gibson>;Robert S. Gordon/ONDCP/EOP@EOP [ONDCP] <Robert S. Gordon>;Mark S. Graham/ONDCP/EOP@EOP [ONDCP] <Mark S. Graham>;Wendy E. Gray/NSC/EOP@EOP [NSC] <Wendy E. Gray>;Mark C. Hallisey/ONDCP/EOP@EOP [ONDCP] <Mark C. Hallisey>;Lynnnda J. Harley/ONDCP/EOP@EOP [ONDCP] <Lynnnda J. Harley>;Robert J. Hindle/PFIAB/EOP@EOP [PFIAB] <Robert J. Hindle>;Joan Hunerwadel/NSC/EOP@EOP [NSC] <Joan Hunerwadel>;Tammye D. Johnson/ONDCP/EOP@EOP [ONDCP] <Tammye D. Johnson>;Edward H. Jurith/ONDCP/EOP@EOP [ONDCP] <Edward H. Jurith>;Brigitte R. LaFontant/ONDCP/EOP@EOP [ONDCP] <Brigitte R. LaFontant>;Rafael E. Lemaitre/ONDCP/EOP@EOP [ONDCP] <Rafael E. Lemaitre>;Alan M. Levitt/ONDCP/EOP@EOP [ONDCP] <Alan M. Levitt>;Christopher M. Marston/ONDCP/EOP@EOP [ONDCP] <Christopher M. Marston>;Sonyia Matthews/NSC/EOP@EOP [NSC] <Sonyia Matthews>;Sean I. McCormack/NSC/EOP@EOP [NSC] <Sean I. McCormack>;Brendan G. Melley/NSC/EOP@EOP [NSC] <Brendan G. Melley>;David W. Murray/ONDCP/EOP@EOP [ONDCP]

<David W. Murray>;James F. O'Gara/ONDCP/EOP@EOP [ONDCP] <James F. O'Gara>;Linda B. Oliver/OMB/EOP@EOP [OMB] <Linda B. Oliver>;Anna M. Perez/NSC/EOP@EOP [NSC] <Anna M. Perez>;Daniel R. Petersen/ONDCP/EOP@EOP [ONDCP] <Daniel R. Petersen>;Linda V. Priebe/ONDCP/EOP@EOP [ONDCP] <Linda V. Priebe>;Anne M. Pritchett/ONDCP/EOP@EOP [ONDCP] <Anne M. Pritchett>;McGavock D. Reed/OMB /EOP@EOP [OMB] <McGavock D. Reed>;Matthew R. Rees/NSC/EOP@EOP [NSC] <Matthew R. Rees>;Rosalyn J. Rettman/OMB/EOP@EOP [OMB] <Rosalyn J. Rettman>;Bonnie L. Robinson/ONDCP/EOP@EOP [ONDCP] <Bonnie L. Robinson>;Jonathan R. Scharfen/NSC/EOP@EOP [NSC] <Jonathan R. Scharfen>;Lawrence J. Scherer/ONDCP /EOP@EOP [ONDCP] <Lawrence J. Scherer>;Catherine Shaw/ONDCP/EOP@EOP [ONDCP] <Catherine Shaw>;David A. Shull/ONDCP/EOP@EOP [ONDCP] <David A. Shull>;June S. Sivilli/ONDCP/EOP@EOP [ONDCP] <June S. Sivilli>;William T. Smith/ONDCP/EOP@EOP [ONDCP] <William T. Smith>;Veronica Vargas/OMB/EOP@EOP [OMB] <Veronica Vargas>;Jaime Vega/ONDCP/EOP@EOP [ONDCP] <Jaime Vega>;Matthew C. Waxman/NSC /EOP@EOP [NSC] <Matthew C. Waxman>;Troy T. White/ONDCP/EOP@EOP [ONDCP] <Troy T. White>;John B. Wiegmann/NSC/EOP@EOP [NSC] <John B. Wiegmann>;Natalie S. Wozniak/NSC/EOP@EOP [NSC] <Natalie S. Wozniak>;Katherine J. Fertakis/NSC/EOP@EOP [NSC] <Katherine J. Fertakis>;Brian Gillis/OMB/EOP@EOP [OMB] <Brian Gillis>;Michael K. Gottlieb/ONDCP/EOP@EOP [ONDCP] <Michael K. Gottlieb>;Roosevelt A. Roy/PFIAB /EOP@EOP [PFIAB] <Roosevelt A. Roy>

Sent: 4/17/2002 8:21:11 AM
Subject: : LexisNexis Open House Reminder

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Martha B. Schiele (CN=Martha B. Schiele/OU=OA/O=EOP [OA])

CREATION DATE/TIME:17-APR-2002 12:21:11.00

SUBJECT:: LexisNexis Open House Reminder

TO:Ellen Athas (CN=Ellen Athas/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Dinah Bear (CN=Dinah Bear/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Horst Greczmiel (CN=Horst Greczmiel/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Edward A. Boling (CN=Edward A. Boling/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

TO:Amy M. Bilyeau (CN=Amy M. Bilyeau/OU=OA/O=EOP [OA])

READ:UNKNOWN

TO:Jacqueline C. Cragg (CN=Jacqueline C. Cragg/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Melinda A. Garroway (CN=Melinda A. Garroway/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Susan C. Hawthorne (CN=Susan C. Hawthorne/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Karen E. Kaufmann (CN=Karen E. Kaufmann/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Cynthia J. Lizik (CN=Cynthia J. Lizik/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Zakia Mull (CN=Zakia Mull/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Catherine S. Anderson (CN=Catherine S. Anderson/OU=OA/O=EOP@EOP [OA])

READ:UNKNOWN

TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Carlos E. Bonilla (CN=Carlos E. Bonilla/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])

REV_00143528

READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Edwina C. Rogers (CN=Edwina C. Rogers/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Janet P. Walker (CN=Janet P. Walker/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
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TO:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
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TO:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
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TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
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TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
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TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
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TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
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TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN
TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
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TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
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TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
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TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
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TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
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TO:Jill Davie (CN=Jill Davie/OU=WHO/O=EOP@EOP [WHO])
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TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
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TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
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TO:Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
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TO:Michael J. Bell (CN=Michael J. Bell/OU=WHO/O=EOP@EOP [WHO])
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TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
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TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
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TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
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TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
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TO:Jeannette B. Reilly (CN=Jeannette B. Reilly/OU=WHO/O=EOP@EOP [WHO])
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TO:David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
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TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
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TO:Rory J. Diamond (CN=Rory J. Diamond/OU=WHO/O=EOP@EOP [WHO])
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TO:Jeffrey T. Jezierski (CN=Jeffrey T. Jezierski/OU=WHO/O=EOP@EOP [WHO])
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TO:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
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TO:Andrew D. Ciafardini (CN=Andrew D. Ciafardini/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Angela I. Fritz (CN=Angela I. Fritz/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ellen W. McCathran (CN=Ellen W. McCathran/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Thais C. Conway (CN=Thais C. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jill C. Rowley (CN=Jill C. Rowley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charlene E. Fern (CN=Charlene E. Fern/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrea McDaniel (CN=Andrea McDaniel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christina C. Wilson (CN=Christina C. Wilson/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael N. Anton (CN=Michael N. Anton/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Jane E. Baker (CN=Jane E. Baker/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
TO:Mark W. Beddoes (CN=Mark W. Beddoes/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rebecca A. Beynon (CN=Rebecca A. Beynon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Felisha D. Bullock (CN=Felisha D. Bullock/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Gerard Burns (CN=Gerard Burns/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Juan Cardenas (CN=Juan Cardenas/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Lynore M. Carnes (CN=Lynore M. Carnes/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Janie B. Dargan (CN=Janie B. Dargan/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Timothy J. David (CN=Timothy J. David/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Darlind J. Davis (CN=Darlind J. Davis/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Randy W. Deitering (CN=Randy W. Deitering/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
TO:Martin C. Dougherty (CN=Martin C. Dougherty/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN
TO:Robert S. Gordon (CN=Robert S. Gordon/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Mark S. Graham (CN=Mark S. Graham/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Mark C. Hallisey (CN=Mark C. Hallisey/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Lynnda J. Harley (CN=Lynnda J. Harley/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Robert J. Hindle (CN=Robert J. Hindle/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
TO:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Tammye D. Johnson (CN=Tammye D. Johnson/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Edward H. Jurith (CN=Edward H. Jurith/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Briggitte R. LaFontant (CN=Briggitte R. LaFontant/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Rafael E. Lemaitre (CN=Rafael E. Lemaitre/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Alan M. Levitt (CN=Alan M. Levitt/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Christopher M. Marston (CN=Christopher M. Marston/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Sonya Matthews (CN=Sonya Matthews/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Sean I. McCormack (CN=Sean I. McCormack/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brendan G. Melley (CN=Brendan G. Melley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:David W. Murray (CN=David W. Murray/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:James F. O'Gara (CN=James F. O'Gara/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Linda B. Oliver (CN=Linda B. Oliver/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Daniel R. Petersen (CN=Daniel R. Petersen/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Linda V. Priebe (CN=Linda V. Priebe/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Anne M. Pritchett (CN=Anne M. Pritchett/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Matthew R. Rees (CN=Matthew R. Rees/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Bonnie L. Robinson (CN=Bonnie L. Robinson/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Lawrence J. Scherer (CN=Lawrence J. Scherer/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Catherine Shaw (CN=Catherine Shaw/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:David A. Shull (CN=David A. Shull/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:June S. Sivilli (CN=June S. Sivilli/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:William T. Smith (CN=William T. Smith/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Veronica Vargas (CN=Veronica Vargas/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN
TO:Jaime Vega (CN=Jaime Vega/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Matthew C. Waxman (CN=Matthew C. Waxman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Troy T. White (CN=Troy T. White/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:John B. Wiegmann (CN=John B. Wiegmann/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Natalie S. Wozniak (CN=Natalie S. Wozniak/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Brian Gillis (CN=Brian Gillis/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Michael K. Gottlieb (CN=Michael K. Gottlieb/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO:Roosevelt A. Roy (CN=Roosevelt A. Roy/OU=PFIAB/O=EOP@EOP [PFIAB])
READ:UNKNOWN
End Original ARMS Header

LexisNexis Open House

Today, April 17 from 1 pm to 3 pm

EEOB Library, Room 308 EEOB

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>
Sent: 4/17/2002 9:22:20 AM
Subject: : Re: NYT

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 17-APR-2002 13:22:20.00

SUBJECT:: Re: NYT

TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I think tomorrow morning would be better. That way, I can gather the benefit of OLC's full analysis of the issue (almost, but not completely done), which could be useful for briefing Judge before the interview. But if that does not work, let me know.

Anne Womack
04/17/2002 01:16:12 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: NYT

I would like to have the Judge talk to Allison Mitchell for the balance of power story this afternoon or earlier in the day tomorrw.

Allison checked the Judge's calendar and it appears that he has some time late this afternoon. Is that enough head's up time?

From: CN=Elizabeth A. Stolpe/OU=CEQ/O=EOP [CEQ]
To: James Connaughton/CEQ/EOP@EOP [CEQ] <James Connaughton>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; David R. Anderson/CEQ/EOP@EOP [CEQ] <David R. Anderson>; Samuel A. Thernstrom/CEQ/EOP@EOP [CEQ] <Samuel A. Thernstrom>
CC: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; John Graham/OMB/EOP@EOP [OMB] <John Graham>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Karen Y. Knutson/OVP/EOP@EOP [OVP] <Karen Y. Knutson>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>
Sent: 4/17/2002 1:46:28 PM
Subject: : EPA announcement: Stay Tuned

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth A. Stolpe (CN=Elizabeth A. Stolpe/OU=CEQ/O=EOP [CEQ])
CREATION DATE/TIME:17-APR-2002 17:46:28.00
SUBJECT:: EPA announcement: Stay Tuned
TO:James Connaughton (CN=James Connaughton/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David R. Anderson (CN=David R. Anderson/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN
TO:Samuel A. Thernstrom (CN=Samuel A. Thernstrom/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN
CC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Paul R. Noe (CN=Paul R. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Karen Y. Knutson (CN=Karen Y. Knutson/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A final decision on the announcement day for EPA's NOx SIP rules (section 126 'harmonization' and the growth rate calculation) is still up in the air. Call me if you have any questions. Thanks, E. 5-7425

REV_00143538

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>; Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Sent: 4/17/2002 2:07:06 PM
Subject: : Lance Africk confirmed today (44 of 98 now confirmed)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-APR-2002 18:07:06.00
SUBJECT:: Lance Africk confirmed today (44 of 98 now confirmed)
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Robert W. Cobb/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: alberto r. gonzales/who/eop@eop [WHO] <alberto r. gonzales>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/17/2002 11:09:08 AM
Subject: : Re: Justice White Funeral; Question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-APR-2002 15:09:08.00
SUBJECT:: Re: Justice White Funeral; Question
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI: One of my sisters (who is friends of the family) told me that there would be some sort of Washington service, but not until fall.

H. Christopher Bartolomucci
04/17/2002 02:55:17 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Justice White Funeral; Question

Sally Rider, the Administrative Assistant to Chief Justice Rehnquist, has asked whether any White House officials plan to attend Justice White's funeral on Friday. She said that, if there is a White House plane going to Colorado, at least three of the Justices (plus a spouse or two) would like to ride along.

Message Sent

REV_00143540

To: _____

Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/17/2002 11:10:59 AM
Subject: : do you have a phone number for Byron York?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-APR-2002 15:10:59.00

SUBJECT:: do you have a phone number for Byron York?

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/17/2002 11:29:49 AM
Subject: : Re: do you have a phone number for Byron York?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 17-APR-2002 15:29:49.00
SUBJECT:: Re: do you have a phone number for Byron York?
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

busted.

From: CN=Elizabeth A. Stolpe/OU=CEQ/O=EOP [CEQ]
To: James Connaughton/CEQ/EOP@EOP [CEQ] <James Connaughton>; Edward Ingle/WHO/EOP@EOP [WHO] <Edward Ingle>; Scott McClellan/WHO/EOP@EOP [WHO] <Scott McClellan>; David R. Anderson/CEQ/EOP@EOP [CEQ] <David R. Anderson>; Samuel A. Thernstrom/CEQ/EOP@EOP [CEQ] <Samuel A. Thernstrom>
CC: Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Roland N. Litterst/WHO/EOP@EOP [WHO] <Roland N. Litterst>; Christine Ciccone/WHO/EOP@EOP [WHO] <Christine Ciccone>; Robert C. McNally/OPD/EOP@EOP [OPD] <Robert C. McNally>; Marcus Peacock/OMB/EOP@EOP [OMB] <Marcus Peacock>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; John Graham/OMB/EOP@EOP [OMB] <John Graham>; Paul R. Noe/OMB/EOP@EOP [OMB] <Paul R. Noe>; Augustine T. Smythe/OMB/EOP@EOP [OMB] <Augustine T. Smythe>; Karen Y. Knutson/OVP/EOP@EOP [OVP] <Karen Y. Knutson>; Albert Hawkins/WHO/EOP@EOP [WHO] <Albert Hawkins>
Sent: 4/17/2002 1:46:28 PM
Subject: : EPA announcement: Stay Tuned

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth A. Stolpe (CN=Elizabeth A. Stolpe/OU=CEQ/O=EOP [CEQ])
CREATION DATE/TIME:17-APR-2002 17:46:28.00
SUBJECT:: EPA announcement: Stay Tuned
TO:James Connaughton (CN=James Connaughton/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David R. Anderson (CN=David R. Anderson/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN
TO:Samuel A. Thernstrom (CN=Samuel A. Thernstrom/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN
CC:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
CC:Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Paul R. Noe (CN=Paul R. Noe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Karen Y. Knutson (CN=Karen Y. Knutson/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
CC:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A final decision on the announcement day for EPA's NOx SIP rules (section 126 'harmonization' and the growth rate calculation) is still up in the air. Call me if you have any questions. Thanks, E. 5-7425

REV_00143546

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; John Graham/OMB/EOP@EOP [OMB] <John Graham>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
Sent: 4/17/2002 3:12:45 PM
Subject: : Thank you.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:17-APR-2002 19:12:45.00
SUBJECT:: Thank you.
TO:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Thank you so much for all your help in clearing the emergency INS rule.
This will greatly strengthen the hands of the SG to represent the United States as he pursues the appeal and emergency relief actions.

From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; John Graham/OMB/EOP@EOP [OMB] <John Graham>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
Sent: 4/17/2002 3:14:49 PM
Subject: : Thank you.

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME:17-APR-2002 19:14:49.00

SUBJECT:: Thank you.

TO:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:John Graham (CN=John Graham/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

End Original ARMS Header

Thank you so much for all your help in clearing the emergency INS rule.
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From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
CC: Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>
Sent: 4/18/2002 4:37:17 AM
Subject: : Congress Daily AM Today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-APR-2002 08:37:17.00

SUBJECT:: Congress Daily AM Today

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FINANCE

Govs Urge Terror Insurance, Execs Point To Private Market
Eighteen governors, including Republican Gov. Jeb Bush of Florida, sent a letter to House and Senate leaders Wednesday, urging them to act on federal legislation to mitigate the high cost

of insurance coverage of terrorist attacks.

"Since late December, the lack of a financial backstop has started to ripple through the economy and will continue to do so," they wrote.

"As governors, we are facing many critical issues resulting from the Sept. 11 crisis. The emerging problem in insurance coverage only serves to exacerbate our recovery efforts," they added.

However, a different view emanated from the private sector this week. Not only is terrorism insurance available, but the price has fallen in the past six months, according to executives associated with the Lloyd's of London syndicate, BestWire news service reported Wednesday.

REV_00143549

"It's been frustrating to see a lot of press coverage about the unavailability of terror cover, when, in fact, there's a very active and maturing market," said David James, terrorism underwriter for Ascot Underwriting Ltd. at Lloyd's. He also said he did not believe a U.S. government-backed terrorism backstop was necessary.

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/18/2002 4:17:37 AM
Subject: : cemetary

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-APR-2002 08:17:37.00

SUBJECT:: cemetary

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Nor urgency

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
CC: Ruben S. Barrales/WHO/EOP@EOP [WHO] <Ruben S. Barrales>
Sent: 4/18/2002 4:37:17 AM
Subject: : Congress Daily AM Today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-APR-2002 08:37:17.00

SUBJECT:: Congress Daily AM Today

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

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TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

CC:Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

FINANCE

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"As governors, we are facing many critical issues resulting from the Sept. 11 crisis. The emerging problem in insurance coverage only serves to exacerbate our recovery efforts," they added.

However, a different view emanated from the private sector this week. Not only is terrorism insurance available, but the price has fallen in the past six months, according to executives associated with the Lloyd's of London syndicate, BestWire news service reported Wednesday.

REV_00143552

"It's been frustrating to see a lot of press coverage about the unavailability of terror cover, when, in fact, there's a very active and maturing market," said David James, terrorism underwriter for Ascot Underwriting Ltd. at Lloyd's. He also said he did not believe a U.S. government-backed terrorism backstop was necessary.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lauren C. Lobrano/OMB/EOP@EOP [OMB] <Lauren C. Lobrano>
CC: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/18/2002 6:06:58 AM
Subject: : FINAL CLEARANCE - HR 586 -
Attachments: P_LUQS6003_WHO.TXT_1.wpd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-APR-2002 10:06:58.00
SUBJECT:: FINAL CLEARANCE - HR 586 -
TO: Lauren C. Lobrano (CN=Lauren C. Lobrano/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
CC: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

No objection.

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/18/2002 10:07 AM -----

Patrick J. Bumatay
04/18/2002 09:19:20 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FINAL CLEARANCE - HR 586 -

Brett,

They need final sign off on this ASAP.

Thanks,
Patrick

----- Forwarded by Patrick J. Bumatay/WHO/EOP on
04/18/2002 09:19 AM -----

Lauren C. Lobrano
04/17/2002 04:28:55 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FINAL CLEARANCE - HR 586 -

Attached for your final clearance is the SAP for HR 586, Fairness for Foster Care Families Act, which is being used as a vehicle for The Tax Relief Guarantee Act of 2002. The bill will be on the House floor tomorrow. Therefore, please respond to me with your comments/clearance by 8:00 am, tomorrow, Thursday, April 18. Please let me know if you have any questions.

Thanks,
Lauren
(54790)

REV_00143554

April 18, 2002

(House)

H.R. 586 - Fairness for Foster Care Families Act of 2001
(Rep. Lewis (R) Kentucky and 49 cosponsors)

The Administration strongly supports House passage of the Tax Relief Guarantee Act of 2002. The Administration understands that H.R. 586 is now being used as a vehicle for consideration of the Tax Relief Guarantee Act. The Administration is particularly pleased that the House is acting to make the President's tax relief plan permanent.

The Economic Growth and Tax Relief Reconciliation Act of 2001 provides much needed tax relief to the American people and lays the foundation for further long-term economic growth. The key elements of this relief are: a reduction in income tax rates, including a new low 10 percent rate; elimination of the death tax; an increase in the child tax credit from \$500 to \$1,000 per child; and a reduction in the marriage penalty. Unfortunately, this relief expires at the end of 2010. Failure to make this tax relief permanent would penalize:

-- 43 million married couples whose taxes, on average, would be increased by \$1,730;

-- 11 million single mothers with children who would lose, on average, \$780 of their income;

-- 13 million seniors whose taxes would be increased by \$924 on average; and

-- 3.9 million individuals and families who would have to start paying income taxes again.

The Administration urges quick action in the Congress so that Americans can make their plans for the future today.

The Administration is also pleased that the legislation includes taxpayer protection and Internal Revenue Service (IRS) accountability provisions proposed in the President's budget, notably the 15-day filing extension for electronically filed tax returns.

Pay-As-You-Go-Scoring

Any law that would reduce receipts or increase direct spending is subject to the PAYGO requirements of the Balanced Budget and Emergency Deficit Control Act (BEA) and could cause a sequester of mandatory programs in any fiscal year through 2006. The requirement to score PAYGO costs expires on September 30, 2002, and there are no discretionary caps beyond 2002. The Administration will work with Congress to ensure fiscal discipline consistent with the President's budget and a quick return to budget surpluses. The Administration will also work with Congress to ensure that any unintended sequester of spending does not occur.

* * * * *

(Do Not Distribute Outside the Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Kho), in consultation with the Departments of Commerce (Levitt), Education (Kristy), Justice (Jones), Labor (Otte), and the Treasury (Dorsey); Office of Government Ethics (Cook), Small Business Administration (Laverdy), CEA (Holtz-Eakin) NEC (Lindsey/Sumerlin), OVP (Wolff/Addington), WHGC (Kavanaugh), EP (Smith), and TCJS (Mahaffie).

OMB/LA Clearance:

Administration Position to Date

The Administration has not previously taken a position on H.R. 586. Our understanding is that H.R. 586 is being used as a vehicle for consideration of the Tax Relief Guarantee Act, which would repeal the sunset provision of last year's tax bill and provide for increased taxpayer protection and Internal Revenue Service accountability. The bill is scheduled to be considered on the House floor on Thursday, April 18th. Our understanding of the provisions of the Tax Relief Guarantee Act is based on information from the Department of the Treasury.

Major Provisions of the Tax Relief Guarantee Act

The Economic Growth and Tax Relief Reconciliation Act (EGTRRA) of 2001 (P.L. 107-16 enacted June 7, 2001) reduces individual income tax rates, increases the child tax credit, eliminates the estate tax, reduces the marriage penalty, expands Education IRAs, and makes several other changes to provisions of tax law, including retirement savings and pension provisions, other education provisions, and benefits relating to children. The provisions of EGTRRA sunset on December 31, 2010. The Tax Relief Guarantee Act would make these provisions permanent. The Tax Relief Guarantee Act also includes proposals from H.R. 3991, the Taxpayer Protection and IRS Accountability Act, which was defeated by a vote of 205-219 on the House floor on April 10th. The bill that was defeated included a provision to eliminate certain campaign reporting requirements under section 527 of the Internal Revenue Code. This provision is not part of the Tax Relief Guarantee Act.

Tax Reductions Made Permanent

Following are short descriptions of the major provisions of EGTRRA that would be made permanent, along with the Joint Committee on Taxation's (JCT) very preliminary estimates of the revenue effect of making them permanent.

Marginal Rate Reduction. EGTRRA establishes a 10-percent rate bracket for the first \$6,000 of taxable income for single individuals (\$7,000 for 2008 and thereafter), the first \$10,000 of taxable income for heads of households, and the first \$12,000 for married couples filing joint returns (\$14,000 for 2008 and thereafter). Also, under EGTRRA, the regular individual income tax rates of 28 percent, 31 percent, 36 percent, and 39.6 percent are phased down over six years to 25 percent, 28 percent, 33 percent, and 35 percent. (JCT estimated revenue effect for FY 2011: -\$83.1 billion; FY 2012: -\$123.8 billion; and FY 2002-2012: -\$206.9 billion.)

Increase and Expansion of the Child Tax Credit. EGTRRA increases the child tax credit from \$500 to \$1,000, phased-in over a ten-year period. EGTRRA makes the child credit refundable for up to 10 percent of a taxpayer's earned income in excess of \$10,000 for calendar years 2001-2004. This percentage is increased to 15 percent for calendar years 2005 and thereafter. (JCT estimated revenue effect for FY 2011: -\$6.0 billion; FY 2012: -\$30.0 billion; and FY 2002-2012: -\$36.0 billion.)

Estate and Gift Taxes Reduction and Estate Tax Repeal. EGTRRA reduces estate, gift, and generation-skipping transfer taxes over ten years and repeal these taxes for estates of decedents dying and for gifts and generation-skipping transfers made after December 31, 2010. (JCT estimated revenue effect for FY 2003: -\$1.2 billion; FY 2003-2007: -\$9.2 billion; and FY 2003-2012: -\$99.4 billion.)

Marriage Penalty Relief Provisions. EGTRRA increases the basic standard deduction for a married couple filing a joint return to twice the basic standard deduction for an unmarried individual filing a single return. This increase is phased-in over five years beginning in 2005 and would be

fully phased-in for 2009 and thereafter. Also, EGTRRA increases the end point of the 15-percent regular income tax rate bracket for a married couple filing a joint return to twice the size of the corresponding rate bracket for an unmarried individual filing a single return. (JCT estimated revenue effect for FY 2011: -\$5.7 billion; FY 2012: -\$10.4 billion; and FY 2002-2012: -\$16.1 billion.)

Retirement Savings and Pensions. EGTRRA makes numerous changes to pension and retirement savings laws. It modifies the individual retirement account (IRA) contribution limits by: (1) increasing the annual limit for IRA contributions from \$2,000 to \$3,000 in 2002, \$4,000 in 2005, and \$5,000 in 2008; and (2) allowing individuals who have attained age 50 before the end of the taxable year an additional "catch-up" contribution of \$500 in years 2002 through 2005, and \$1,000 in 2006 and thereafter. (JCT estimated revenue effect for FY 2011: -\$2.5 billion; FY 2012: -\$5.1 billion; and FY 2002-2012: -\$7.6 billion.)

Education Incentives Provisions. EGTRRA permits taxpayers a deduction for qualified higher education expenses paid by the taxpayer during a taxable year. Also, EGTRRA increases the limit on annual contributions to Education (Ed) IRAs for a beneficiary from \$500 to \$2,000, and increases the income phase-out ranges for eligibility for the student loan interest deduction. (JCT estimated revenue effect for FY 2011: -\$2.4 billion; FY 2012: -\$3.2 billion; and FY 2002-2012: -\$5.6 billion.)

Taxpayer Protection and IRS Accountability

Major provisions related to taxpayer protection and IRS accountability includes the following.

Application of Federal Tax Deposit Penalty. Under current law, a penalty is imposed on taxpayers who fail to make deposits of Federal taxes owed. A 10 percent penalty rate automatically applies if a deposit is not made in the manner required. The bill would provide that the 10 percent penalty rate would only apply in cases where the failure to deposit extends for more than 15 days. This provision of the bill would be effective on the date of enactment. (Joint Committee on Taxation (JCT) estimated revenue effect for FY 2002: loss of less than \$500,000; FY 2003: -\$5 million; FYs 2002-2007: -\$27 million; FYs 2002-2012: -\$54 million.)

Failure to Pay Estimated Tax. Under current law, a penalty is imposed if taxpayers failed to make quarterly deposits of estimated taxes. Taxpayers do not have to pay a penalty for failure to pay estimated tax when the amount of tax owed is less than \$1,000. The bill would convert the penalty for failure to pay estimated tax into an interest provision. The bill would increase from \$1,000 to \$2,000 the amount of taxes owed before interest would be applied. This provision of the bill would be effective for estimated tax payments made for taxable years beginning after December 31, 2002. (JCT estimated revenue effect for FY 2002: \$0; FY 2003: \$0; FYs 2002-2007: -\$300 million; FYs 2002-2012: -\$728 million.)

Interest on Overpayments of Income Tax by Individuals. Under current law, interest paid to taxpayers on overpayments of Federal income tax is included in gross income. The bill would exclude payment of overpayment interest from gross income. The exclusion from income of overpayment interest would not apply if the Secretary determines that the taxpayer's principal purpose for overpaying his or her tax is to take advantage of the exclusion. This provision of the bill would be effective for interest received in calendar years beginning after the date of enactment. (JCT estimated revenue effect for FY 2002: \$0; FY 2003: \$963 million; FYs 2002-2007: \$559 million; FYs 2002-2012: -\$22 million.)

Abatement of Interest. Current law allows the Treasury to abate interest in certain circumstances. The rule abating interest in the case of erroneous refunds does not apply if the amount of the erroneous refund exceeds \$50,000. The bill would eliminate the \$50,000 threshold for

abatement of interest on erroneous refunds. The bill would require Treasury to abate interest on any erroneous refund, provided the taxpayer has not in any way caused the erroneous refund to occur. Also, the bill would require Treasury to abate interest on an underpayment where the underpayment is attributable to erroneous advice furnished to the taxpayer in writing by an officer or employee of the IRS acting in his or her official capacity. The changes made by these provisions would be effective with respect to interest accruing on or after the date of enactment. (JCT estimated revenue effect for FY 2002: -\$0; FY 2003: less than \$500,000; FYs 2002-2007: -\$5 million; FYs 2002-2012: -\$18 million.)

Cash Deposits. Under current law, interest on underpayments and overpayments continues to accrue during the period that a taxpayer and the IRS dispute a liability. The bill would allow a taxpayer to deposit cash with the IRS that the could subsequently be used to pay an underpayment of income, gift, estate, generation-skipping, or certain excise taxes. Under the bill, interest would not be charged on the portion of underpayment that is paid by the deposited amount for the period the amount is on deposit. This provision of the bill would apply to deposits made after the date of enactment. Amounts already on deposit as of the date of enactment would be treated as deposited on the date the taxpayer identifies the amount as a deposit made pursuant to this provision. (JCT estimated revenue effect for FY 2002: \$19 million; FY 2003: \$76 million; FYs 2002-2007: \$130 million; FYs 2002-2012: \$104 million.)

Waiver of Certain Penalties for First-Time Unintentional Minor Errors. The bill would explicitly permit the IRS to waive penalties for unintentional minor errors that are committed by a taxpayer with a good history of tax compliance and the penalty for which would be disproportionate to the amount involved. This provision of the bill would be effective after December 31, 2002. (JCT estimated revenue effect for FY 2002: \$0; FY 2003: -\$15 million; FYs 2002-2007: -\$78 million; FYs 2002-2012: -\$168 million.)

Installment Agreements for Partial Payment. Under current law, the IRS can permit a taxpayer to pay taxes owed through installment payments; however, the installment agreement must provide for the full repayment of the amount owed. The bill would allow the IRS to enter into installment agreements that do not provide for the full repayment of the taxpayer's liability. This provision of the bill would be effective for installment agreements entered into on or after the date of enactment. (JCT estimated revenue effect for FY 2002: \$11 million; FY 2003: \$30 million; FYs 2002-2007: \$61 million; FYs 2002-2012: \$63 million.)

Extend Time Limit for Contesting IRS Levy. Current law authorizes the IRS to return property that has been wrongfully levied upon. In general, monetary proceeds may be returned within 9 months of the date of the levy. The bill would extend the period during which a taxpayer may contest an IRS levy from 9 months to 2 years. This provision of the bill would be effective on the date of enactment. (JCT estimated revenue effect for FY 2002: \$0; FY 2003: -\$1 million; FYs 2002-2007: -\$11 million; FYs 2002-2012: -\$29 million.)

Confirmation of Tax Court Authority to Apply Equitable Recoupment. Under current law, "equitable recoupment" generally allows a taxpayer to defeat a claim by demonstrating that he or she has an offsetting claim from the same transaction, even when that offsetting claim would normally be barred due to the statute of limitations. The bill would permit the U.S. Tax Court to apply the principle of "equitable recoupment" in the same manner that it is currently applied in Federal civil tax cases in the U.S. District Court or the U.S. Court of Claims. This provision of the bill would be effective for any action or proceeding in the Tax Court with respect to which a decision has not become final as of the date of enactment.

Collection Due Process Cases in the Tax Court. The bill would consolidate all judicial review of collection due process determinations in the United States Tax Court. Currently, these cases can be heard in tax courts or

Federal courts. This provision of the bill would apply to judicial appeals filed after the date of enactment.

Office of Chief Counsel Review of Offers-in-Compromise. The bill would repeal the requirement that an offer-in-compromise of \$50,000 or more must be supported by a written opinion from the Office of Chief Counsel. Under the bill, written opinions must only be provided if the Secretary determines that an opinion is required with respect to a compromise. This provision of the bill would apply to offers-in-compromise submitted or pending on or after the date of enactment.

Extend the Due Date for Electronically Filed Tax Returns. Under current law, individuals must file their income tax returns and pay the full amount owed by April 15. The bill would extend the due date for filing and paying individual income taxes to April 30 provided that the taxpayer files the return electronically and pays the entire balance due electronically by that date. The due date for filing by any other method, or for filing electronically but paying the balance due by non-electronic means, would not be changed. This provision of the bill would be effective for returns filed after December 31, 2002.

Requests for Disclosure of Collection Activities. Current law requires a former spouse to submit a written request in order to obtain information regarding collection activities relating to a joint return. The bill would eliminate the written request requirement from former spouse. This provision of the bill would apply to requests made after the date of enactment.

Disclosure of Non-Party Information in Tax Proceedings. The bill would require that information in the tax return of an individual who is not party to a proceeding be disclosed only when it directly relates to the resolution of the issue in dispute. Under the bill, the nonparty taxpayer would have to be notified (or a reasonable effort made to give notice) and the nonparty taxpayer could request that certain information in the return not be disclosed. This provision of the bill would apply to proceedings commenced after the date of enactment.

Compliance By Contractors with Confidentiality Safeguards. Current law permits the disclosure of returns and return information to State agencies, as well as to other Federal agencies for specified purposes. The bill would require that a State and Federal agencies conduct annual on-site reviews of all of their contractors receiving Federal returns and return information. The bill would require each State and Federal agency to submit a report of its findings to the IRS and certify annually that all contractors are in compliance with the requirements to safeguard the confidentiality of Federal returns and return information. This provision of the bill would be effective for disclosures made after December 31, 2002. The first certification would be required to be made with respect to calendar year 2003.

Higher Standards for Requests for and Consents to Disclosure. The bill would provide that a consent form authorizing the disclosure of an individual's tax return information to a third party must designate a recipient for the information and be dated at the time of execution in order to be valid. The bill would impose civil and criminal penalties for violators. The bill would require third parties receiving the information to ensure that the information will be kept confidential, used only for the purpose for which it was requested, and not further disclosed except to accomplish the purpose for which it was requested. Also, the bill would require the inspector general for tax administration to submit a report to Congress with 18 months of enactment on compliance with these requirements. This provision of the bill would apply to requests and consents made after 3 months after the date of enactment.

Unauthorized Browsing of Taxpayer Returns. The bill would require the IRS to notify a taxpayer that his or her return has been disclosed or

inspected without authorization when the inspector general determines that such an unauthorized disclosure or inspection has taken place. (Under current law, this notification occurs only when the offender has been criminally charged.) Under the bill, the inspector general would also be required to include in its public annual report to the Joint Committee on Taxation information on all unauthorized disclosures or inspections. This provision of the bill would be effective upon date of enactment as it relates to notifying the taxpayer of determinations of an unlawful disclosure or inspection. The annual report requirement provision would be effective for calendar years ending after the date of enactment.

Pay-As-You-Go Scoring

According to BRD (Barth), the Tax Relief Guarantee Act would affect receipts and direct spending; therefore, it would be subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. The Treasury Department has not yet completed estimates of the revenue provisions of the Tax Relief Guarantee Act. The Joint Committee on Taxation's very preliminary estimates are that the revenue provisions of the Tax Relief Guarantee Act would have a net budget savings \$30 million in FY 2002, and net budget costs of \$102 million in FY 2003, \$8.9 billion over six years from FYs 2002-2007, and \$373.7 billion over eleven years from FYs 2002-2012.

LEGISLATIVE REFERENCE DIVISION
April 18, 2002

Message Sent

To:

Nicholas E. Calio/WHO/EOP@EOP
Jack Howard/WHO/EOP@EOP
David W. Hobbs/WHO/EOP@EOP
Kirsten A. Chadwick/WHO/EOP@EOP
Brian C. Conklin/WHO/EOP@EOP
Daniel J. Keniry/WHO/EOP@EOP
Roland N. Litterst/WHO/EOP@EOP
Mark A. Phelan/WHO/EOP@EOP
Christal R. West/WHO/EOP@EOP
Michael J. Conway/WHO/EOP@EOP
Virginia T. Gregory/WHO/EOP@EOP
Peter M. Rowan/OVP/EOP@EOP
Stephen S. Ruhlen/OVP/EOP@EOP
Amy C. Smith/OMB/EOP@EOP
Augustine T. Smythe/OMB/EOP@EOP
D. Marcus Sumerlin/OPD/EOP@EOP
Kristen Silverberg/WHO/EOP@EOP
Leslie A. Mooney/OPD/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Lauren K. Allgood/OMB/EOP@EOP
Eric C. Pelletier/OMB/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
John Oxford/OMB/EOP@EOP
Lauren C. Lobrano/OMB/EOP@EOP
Patrick J. Bumatay/WHO/EOP@EOP
Harriet Miers/WHO/EOP@EOP

REV_00143560

Stuart W. Bowen/WHO/EOP@EOP
Karen D. Cruson/WHO/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP
Barbara A. Barclay/WHO/EOP@EOP
Debra D. Bird/WHO/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LUQS6003_WHO.TXT_1>

April 18, 2002
(House)

H.R. 586 - Fairness for Foster Care Families Act of 2001

(Rep. Lewis (R) Kentucky and 49 cosponsors)

The Administration strongly supports House passage of the Tax Relief Guarantee Act of 2002. The Administration understands that H.R. 586 is now being used as a vehicle for consideration of the Tax Relief Guarantee Act. The Administration is particularly pleased that the House is acting to make the President's tax relief plan permanent.

The Economic Growth and Tax Relief Reconciliation Act of 2001 provides much needed tax relief to the American people and lays the foundation for further long-term economic growth. The key elements of this relief are: a reduction in income tax rates, including a new low 10 percent rate; elimination of the death tax; an increase in the child tax credit from \$500 to \$1,000 per child; and a reduction in the marriage penalty. Unfortunately, this relief expires at the end of 2010. Failure to make this tax relief permanent would penalize:

- 43 million married couples whose taxes, on average, would be increased by \$1,730;
- 11 million single mothers with children who would lose, on average, \$780 of their income;
- 13 million seniors whose taxes would be increased by \$924 on average; and
- 3.9 million individuals and families who would have to start paying income taxes again.

The Administration urges quick action in the Congress so that Americans can make their plans for the future today.

The Administration is also pleased that the legislation includes taxpayer protection and Internal Revenue Service (IRS) accountability provisions proposed in the President's budget, notably the 15-day filing extension for electronically filed tax returns.

Pay-As-You-Go-Scoring

Any law that would reduce receipts or increase direct spending is subject to the PAYGO requirements of the Balanced Budget and Emergency Deficit Control Act (BEA) and could cause a sequester of mandatory programs in any fiscal year through 2006. The requirement to score PAYGO costs expires on September 30, 2002, and there are no discretionary caps beyond 2002.

The Administration will work with Congress to ensure fiscal discipline consistent with the President's budget and a quick return to budget surpluses. The Administration will also work with Congress to ensure that any unintended sequester of spending does not occur.

* * * * *

(Do Not Distribute Outside the Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Kho), in consultation with the Departments of Commerce (Levitt), Education (Kristy), Justice (Jones), Labor (Otte), and the Treasury (Dorsey); Office of Government Ethics (Cook), Small Business Administration (Laverdy), CEA (Holtz-Eakin) NEC (Lindsey/Sumerlin), OVP (Wolff/Addington), WHGC (Kavanaugh), EP (Smith), and TCJS (Mahaffie).

OMB/LA Clearance:

Administration Position to Date

The Administration has not previously taken a position on H.R. 586. Our understanding is that H.R. 586 is being used as a vehicle for consideration of the Tax Relief Guarantee Act, which would repeal the sunset provision of last year's tax bill and provide for increased taxpayer protection and Internal Revenue Service accountability. The bill is scheduled to be considered on the House floor on Thursday, April 18th. Our understanding of the provisions of the Tax Relief Guarantee Act is based on information from the Department of the Treasury.

Major Provisions of the Tax Relief Guarantee Act

The Economic Growth and Tax Relief Reconciliation Act (EGTRRA) of 2001 (P.L. 107-16 enacted June 7, 2001) reduces individual income tax rates, increases the child tax credit, eliminates the estate tax, reduces the marriage penalty, expands Education IRAs, and makes several other changes to provisions of tax law, including retirement savings and pension provisions, other education provisions, and benefits relating to children. The provisions of EGTRRA sunset on December 31, 2010. The Tax Relief Guarantee Act would make these provisions permanent. The Tax Relief Guarantee Act also includes proposals from H.R. 3991, the Taxpayer Protection and IRS Accountability Act, which was defeated by a vote of 205-219 on the House floor on April 10th. The bill that was defeated included a provision to eliminate certain campaign reporting requirements under section 527 of the Internal Revenue Code. This provision is not part of the Tax Relief Guarantee Act.

Tax Reductions Made Permanent

Following are short descriptions of the major provisions of EGTRRA that would be made permanent, along with the Joint Committee on Taxation's (JCT) very preliminary estimates of the revenue effect of making them permanent.

Marginal Rate Reduction. EGTRRA establishes a 10-percent rate bracket for the first \$6,000 of taxable income for single individuals (\$7,000 for 2008 and thereafter), the first \$10,000 of taxable income for heads of households, and the first \$12,000 for married couples filing joint returns (\$14,000 for 2008 and thereafter). Also, under EGTRRA, the regular individual income tax rates of 28 percent, 31 percent, 36 percent, and 39.6 percent are phased down over six years to 25 percent, 28 percent, 33 percent, and 35 percent. (JCT estimated revenue effect for FY 2011: -\$83.1 billion; FY 2012: -\$123.8 billion; and FY 2002-2012: -\$206.9 billion.)

Increase and Expansion of the Child Tax Credit. EGTTTRA increases the child tax credit from \$500 to \$1,000, phased-in over a ten-year period. EGTRRA makes the child credit refundable for up to 10 percent of a taxpayer's earned income in excess of \$10,000 for calendar years 2001-2004. This percentage is increased to 15 percent for calendar years 2005 and thereafter. (JCT estimated revenue effect for FY 2011: -\$6.0 billion; FY 2012: -\$30.0 billion; and FY 2002-2012: -\$36.0 billion.)

Estate and Gift Taxes Reduction and Estate Tax Repeal. EGTTTRA reduces estate, gift, and generation-skipping transfer taxes over ten years and repeal these taxes for estates of decedents dying and for gifts and generation-skipping transfers made after December 31, 2010. (JCT estimated revenue effect for FY 2003: -\$1.2 billion; FY 2003-2007: -\$9.2 billion; and FY 2003-2012: -\$99.4 billion.)

Marriage Penalty Relief Provisions. EGTRRA increases the basic standard deduction for a married couple filing a joint return to twice the basic standard deduction for an unmarried individual filing a single return. This increase is phased-in over five years beginning in 2005 and would be fully phased-in for 2009 and thereafter. Also, EGTRRA increases the end point of the 15-percent regular income tax rate bracket for a married couple filing a joint return to twice the size of the corresponding rate bracket for an unmarried individual filing a single return. (JCT estimated revenue effect for FY 2011: -\$5.7 billion; FY 2012: -\$10.4 billion; and FY 2002-2012: -\$16.1 billion.)

Retirement Savings and Pensions. EGTRRA makes numerous changes to pension and retirement savings laws. It modifies the individual retirement account (IRA) contribution limits by: (1) increasing the annual limit for IRA contributions from \$2,000 to \$3,000 in 2002, \$4,000 in 2005, and \$5,000 in 2008; and (2) allowing individuals who have attained age 50 before the end of the taxable year an additional "catch-up" contribution of \$500 in years 2002 through 2005, and \$1,000 in 2006 and thereafter. (JCT estimated revenue effect for FY 2011: -\$2.5 billion; FY 2012: -\$5.1 billion; and FY 2002-2012: -\$7.6 billion.)

Education Incentives Provisions. EGTRRA permits taxpayers a deduction for qualified higher education expenses paid by the taxpayer during a taxable year. Also, EGTRRA increases the limit on annual contributions to Education (Ed) IRAs for a beneficiary from \$500 to \$2,000, and increases the income phase-out ranges for eligibility for the student loan interest deduction. (JCT estimated revenue effect for FY 2011: -\$2.4 billion; FY 2012: -\$3.2 billion; and FY 2002-2012: -\$5.6 billion.)

Taxpayer Protection and IRS Accountability

Major provisions related to taxpayer protection and IRS accountability includes the following.

Application of Federal Tax Deposit Penalty. Under current law, a penalty is imposed on taxpayers who fail to make deposits of Federal taxes owed. A 10 percent penalty rate automatically applies if a deposit is not made in the manner required. The bill would provide that the 10 percent penalty rate would only apply in cases where the failure to deposit extends for

more than 15 days. This provision of the bill would be effective on the date of enactment. (Joint Committee on Taxation (JCT) estimated revenue effect for FY 2002: loss of less than \$500,000; FY 2003: -\$5 million; FYs 2002-2007: -\$27 million; FYs 2002-2012: -\$54 million.)

Failure to Pay Estimated Tax. Under current law, a penalty is imposed if taxpayers failed to make quarterly deposits of estimated taxes. Taxpayers do not have to pay a penalty for failure to pay estimated tax when the amount of tax owed is less than \$1,000. The bill would convert the penalty for failure to pay estimated tax into an interest provision. The bill would increase from \$1,000 to \$2,000 the amount of taxes owed before interest would be applied. This provision of the bill would be effective for estimated tax payments made for taxable years beginning after December 31, 2002.

(JCT estimated revenue effect for FY 2002: \$0; FY 2003: \$0; FYs 2002-2007: -\$300 million; FYs 2002-2012: -\$728 million.)

Interest on Overpayments of Income Tax by Individuals. Under current law, interest paid to taxpayers on overpayments of Federal income tax is included in gross income. The bill would exclude payment of overpayment interest from gross income. The exclusion from income of overpayment interest would not apply if the Secretary determines that the taxpayer's principal purpose for overpaying his or her tax is to take advantage of the exclusion. This provision of the bill would be effective for interest received in calendar years beginning after the date of enactment. (JCT estimated revenue effect for FY 2002: \$0; FY 2003: \$963 million; FYs 2002-2007: \$559 million; FYs 2002-2012: -\$22 million.)

Abatement of Interest. Current law allows the Treasury to abate interest in certain circumstances. The rule abating interest in the case of erroneous refunds does not apply if the amount of the erroneous refund exceeds \$50,000. The bill would eliminate the \$50,000 threshold for abatement of interest on erroneous refunds. The bill would require Treasury to abate interest on any erroneous refund, provided the taxpayer has not in any way caused the erroneous refund to occur. Also, the bill would require Treasury to abate interest on an underpayment where the underpayment is attributable to erroneous advice furnished to the taxpayer in writing by an officer or employee of the IRS acting in his or her official capacity. The changes made by these provisions would be effective with respect to interest accruing on or after the date of enactment. (JCT estimated revenue effect for FY 2002: -\$0; FY 2003: less than \$500,000; FYs 2002-2007: -\$5 million; FYs 2002-2012: -\$18 million.)

Cash Deposits. Under current law, interest on underpayments and overpayments continues to accrue during the period that a taxpayer and the IRS dispute a liability. The bill would allow a taxpayer to deposit cash with the IRS that the could subsequently be used to pay an underpayment of income, gift, estate, generation-skipping, or certain excise taxes. Under the bill, interest would not be charged on the portion of underpayment that is paid by the deposited amount for the period the amount is on deposit. This provision of the bill would apply to deposits made after the date of enactment. Amounts already on deposit as of the date of enactment would be treated as deposited on the date the taxpayer identifies the amount as a deposit made pursuant to this provision. (JCT estimated revenue effect for FY 2002: \$19 million; FY 2003: \$76 million; FYs 2002-2007: \$130 million; FYs 2002-2012: \$104 million.)

Waiver of Certain Penalties for First-Time Unintentional Minor Errors. The bill would explicitly permit the IRS to waive penalties for unintentional minor errors that are committed by a taxpayer

with a good history of tax compliance and the penalty for which would be disproportionate to the amount involved. This provision of the bill would be effective after December 31, 2002. (JCT estimated revenue effect for FY 2002: \$0; FY 2003: -\$15 million; FYs 2002-2007: -\$78 million; FYs 2002-2012: -\$168 million.)

Installment Agreements for Partial Payment. Under current law, the IRS can permit a taxpayer to pay taxes owed through installment payments; however, the installment agreement must provide for the full repayment of the amount owed. The bill would allow the IRS to enter into installment agreements that do not provide for the full repayment of the taxpayer's liability. This provision of the bill would be effective for installment agreements entered into on or after the date of enactment. (JCT estimated revenue effect for FY 2002: \$11 million; FY 2003: \$30 million; FYs 2002-2007: \$61 million; FYs 2002-2012: \$63 million.)

Extend Time Limit for Contesting IRS Levy. Current law authorizes the IRS to return property that has been wrongfully levied upon. In general, monetary proceeds may be returned within 9 months of the date of the levy. The bill would extend the period during which a taxpayer may contest an IRS levy from 9 months to 2 years. This provision of the bill would be effective on the date of enactment. (JCT estimated revenue effect for FY 2002: \$0; FY 2003: -\$1 million; FYs 2002-2007: -\$11 million; FYs 2002-2012: -\$29 million.)

Confirmation of Tax Court Authority to Apply Equitable Recoupment. Under current law, "equitable recoupment" generally allows a taxpayer to defeat a claim by demonstrating that he or she has an offsetting claim from the same transaction, even when that offsetting claim would normally be barred due to the statute of limitations. The bill would permit the U.S. Tax Court to apply the principle of "equitable recoupment" in the same manner that it is currently applied in Federal civil tax cases in the U.S. District Court or the U.S. Court of Claims. This provision of the bill would be effective for any action or proceeding in the Tax Court with respect to which a decision has not become final as of the date of enactment.

Collection Due Process Cases in the Tax Court. The bill would consolidate all judicial review of collection due process determinations in the United States Tax Court. Currently, these cases can be heard in tax courts or Federal courts. This provision of the bill would apply to judicial appeals filed after the date of enactment.

Office of Chief Counsel Review of Offers-in-Compromise. The bill would repeal the requirement that an offer-in-compromise of \$50,000 or more must be supported by a written opinion from the Office of Chief Counsel. Under the bill, written opinions must only be provided if the Secretary determines that an opinion is required with respect to a compromise. This provision of the bill would apply to offers-in-compromise submitted or pending on or after the date of enactment.

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LEGISLATIVE REFERENCE DIVISION
April 18, 2002

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/18/2002 11:34:25 AM
Subject: : Terrorism Insurance - D&O Coverage Now Affected

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-APR-2002 15:34:25.00

SUBJECT:: Terrorism Insurance - D&O Coverage Now Affected

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

Terrorism Insurance: Directors & Officers (D&O) Coverage - The New Reality

Following the September 11th attacks, several dominant insurers who underwrite Directors & Officers (D&O) insurance for large organizations are successfully applying a "failure to maintain adequate insurance" exclusion on D&O policies.

This exclusion should be particularly troubling to those directors & officers of leading organizations who either purchase inadequate terrorism insurance or refuse to purchase the insurance.

Specifically, directors & officers could be personally exposed to a shareholder action for diminution of share value due to the lack of adequate terrorism insurance.

The D&O exclusion for failure to maintain adequate insurance could affect corporate governance practices and may prompt directors and officers to examine the impact inadequate terrorism insurance coverage could have on their personal liability.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/18/2002 1:39:00 PM
Subject: : call me

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-APR-2002 17:39:00.00

SUBJECT:: call me

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/18/2002 10:38:37 AM
Subject: : Moody's CMBS 1Q Report
Attachments: P_3S5T6003_OPD.TXT_1.pdf

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-APR-2002 14:38:37.00

SUBJECT:: Moody's CMBS 1Q Report

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

Attached is a copy of Moody's 1st quarter CMBS report. The highlights are as follows:

* We should be at the bottom of the cycle, but the recovery should be uneven. The consumer lead sectors (multi-family and retail) should spring back 1st while the corporate lead sectors (office and industrial) should lag

* We update some key terrorism insurance issues. At this point virtually all terrorism insurance policies have some major gap, including carve-outs for certain types of terrorism and 30 day cancellation clauses. While the availability and cost of policies have improved of late, investors and lenders still have less protection than they did prior to 9/11. However, we see the chances of a federal backstop as having improved.

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* Retail has had a mixed performance, with discounters (except Kmart) doing well and mall type tenants (department stores, apparel) doing poorly

* The hotel recovery is now well underway in most markets. As a result we will shortly published a revised approach to hotel liquidity reserves

* During the 1st quarter we launched a new quantitative tool, the MOST score, to forecast rating outlooks, and it will now be a regular feature in future quarterlies. The results show that upgrades should still exceed downgrades, but by a declining margin.

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CMBS 1Q 2002: Rocky Road to Recovery Ahead

AUTHOR:

Tad Philipp
Managing Director
(212) 553-1992
Tad.Philipp@moodys.com

CONTACT:***Investor Liaison***

Vernessa Pool
All Asset Backed and
Residential Mortgage
Backed Securities
(212) 553-4796
Vernessa.Pool@moodys.com

WEBSITE:

www.moodys.com

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The author thanks the following colleagues for their valuable contributions: Sally Gordon, Dan Rubock, EJ Park, Natalka Purij, Meena Pursnani, Andrea Daniels, Pam Dent, Sandra Ruffin, Duo Tang and Linda La.

OVERVIEW: THE RECESSION THAT WASN'T?

CMBS was braced for a downturn that is turning out to be milder than expected. Given the long and powerful growth of the US economy over much of the last decade, including the excesses of the dot com era, most observers were questioning the potential depth and duration of a recession, not if one would occur. This downturn might not qualify for the formal designation of recession, but we may not be out of the woods yet. The recovery period may be rocky, prolonged, and bears some risk of backsliding.

Moody's new Red-Yellow-Green® cycle scoring system indicates that we should be about at the bottom of this real estate credit cycle. It is interesting to note that the US property sector as a whole should be back into the green band after only a one-year dip into yellow. During the last downturn the property market as a whole spent about a decade in the yellow band, and in 1986 it came perilously close to the red zone (see *Figure 1*).



Appendix 2
First Quarter 2002 Rating Actions

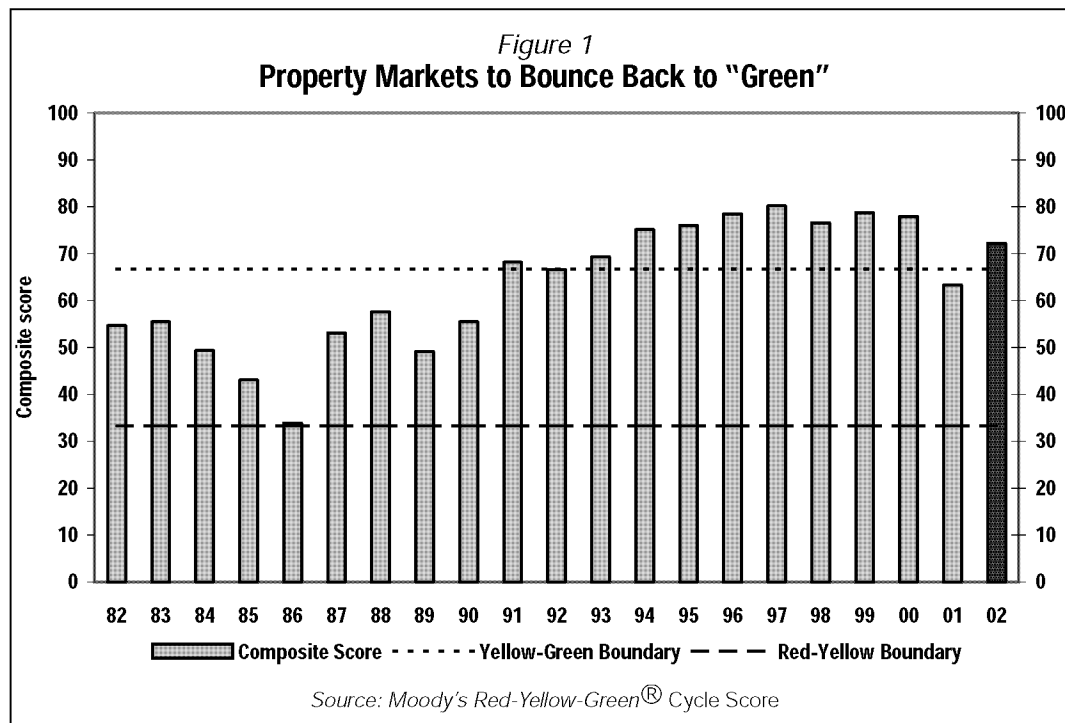
Issue Name	Deal Type	Date of Action	Class	Rating Action	Previous Rating	Current Rating
Kmart 1995-K1/K2	CTL	1/14/02		Downgrade	Ba2	B2
Kmart 1995-K3/K4	CTL	1/14/02		Downgrade	Ba2	B2
Kmart Funding Series F&G	CTL	1/14/02		Downgrade	Ba2	B2
Brandon Development 7.87% Due 2016	CTL	1/14/02		Downgrade	Ba2	B2
Lake Mary Development 7.87% Due 2016	CTL	1/14/02		Downgrade	Ba2	B2
KMS III Realty Limited Partnership	CTL	1/14/02		Downgrade	Ba2	B2
MLMI 1998-ASP1	Single Borrower	1/15/02	A-2	Affirm	Aaa	Aaa
			B	Upgrade	Aa2	Aaa
			C	Upgrade	A2	Aa2
			D	Affirm	Baa2	Baa2
Times Square Hotel Trust	Single Asset	1/15/02		Confirm	Baa3	Baa3
CSFB 1998-FL1	Floating Rate	1/17/02	F	Upgrade	A3	Aaa
			G	Upgrade	Ba1	Baa2
			H	Upgrade	B2	Ba2
			AX	Affirm	Aaa	Aaa
Kmart 1995-K1/K2	CTL	1/22/02		Downgrade	B2	Caa2
Kmart 1995-K3/K4	CTL	1/22/02		Downgrade	B2	Caa2
Kmart Funding Series F&G	CTL	1/22/02		Downgrade	B2	Caa2
Brandon Development 7.87% Due 2016	CTL	1/22/02		Downgrade	B2	Caa2
Lake Mary Development 7.87% Due 2016	CTL	1/22/02		Downgrade	B2	Caa2
KMS III Realty Limited Partnership	CTL	1/22/02		Downgrade	B2	Caa2
Brandon Development 7.87% Due 2016	CTL	2/7/02		Downgrade	Caa2	Ca
Lake Mary Development 7.87% Due 2016	CTL	2/7/02		Downgrade	Caa2	Ca
BSCMS 1999-WYN1	Single Borrower	2/14/02	A	Affirm	Aaa	Aaa
			B	Affirm	Aa2	Aa2
			C	Affirm	A2	A2
			D	Affirm	Baa1	Baa1
			E	Affirm	Baa2	Baa2
SASCO 2000-C2	Floating Rate	3/1/02	A	Affirm	Aaa	Aaa
			B	Affirm	Aaa	Aaa
			C	Upgrade	Aa2	Aaa
			D	Upgrade	Aa2	Aaa
			E	Upgrade	Aa3	Aa1
			F	Upgrade	A2	Aa3
			G	Upgrade	A3	A1
			H	Upgrade	Baa1	A2
			J	Upgrade	Baa2	A3
			K	Upgrade	Baa3	Baa1
FDIC 1994-C1	Conduit	3/1/02	I-B	Affirm	Aaa	Aaa
			I-C	Affirm	Aaa	Aaa
			II-D	Affirm	Aaa	Aaa
			II-E	Affirm	Aaa	Aaa
			II-F	Upgrade	Aa1	Aaa
			II-G	Upgrade	Aa2	Aaa
FDIC 1996-C1	Conduit	3/1/02	I-A	Affirm	Aaa	Aaa
			I-B	Affirm	Aaa	Aaa
			I-C	Upgrade	Aa2	Aaa

Appendix 2 (Continued)
First Quarter 2002 Rating Actions

Issue Name	Deal Type	Date of Action	Class	Rating Action	Previous Rating	Current Rating
FDIC 1996-C1 <i>(continued)</i>			I-D	Upgrade	Baa1	Aaa
			II-A	Affirm	Aaa	Aaa
			II-B	Affirm	Aaa	Aaa
			II-C	Upgrade	Aa2	Aaa
DLJ 1993-MF17	Conduit	3/1/02	A-2	Upgrade	A1	Aaa
			S-2	Upgrade	A1	Aaa
			B-1	Upgrade	A3	Aaa
Nortel Networks 2001-1	CTL	3/13/02		Downgrade	Baa2	Baa3
Hilton Hotels Pool Trust 2000-HLT	Single Borrower	3/14/02	A-1	Affirm	Aaa	Aaa
			A-2	Affirm	Aaa	Aaa
			B	Affirm	Aaa	Aaa
			X	Affirm	Aaa	Aaa
			C	Downgrade	Aa2	Aa3
			D	Downgrade	A1	A3
			E	Downgrade	A2	Baa1
			F	Downgrade	A3	Baa3
MLMI 1995-C2	Conduit	3/19/02	A1	Affirm	Aaa	Aaa
			A2	Affirm	Aaa	Aaa
			IO	Affirm	Aaa	Aaa
			B	Affirm	Aa1	Aa1
			C	Affirm	A1	A1
			D	Affirm	Baa2	Baa2
			E	Affirm	Ba2	Ba2
			F	Downgrade	B2	B3
GSMS 1998-GL II	Large Loan	3/22/02	A-1	Affirm	Aaa	Aaa
			A-2	Affirm	Aaa	Aaa
			X	Affirm	Aaa	Aaa
			B	Affirm	Aa2	Aa2
			C	Affirm	A2	A2
			D	Affirm	Baa2	Baa2
			E	Affirm	Baa3	Baa3
			F	Affirm	Ba2	Ba2
			G	Affirm	B2	B2

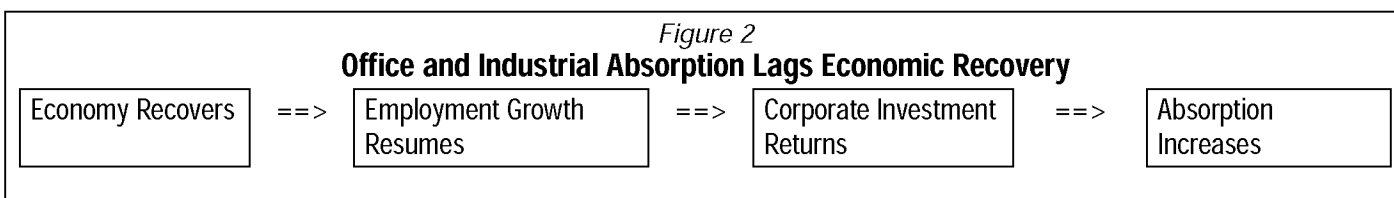
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Moody's expects the US property markets as a whole to bounce back to green, but each sector and location will recover at its own pace. Multi-family and retail are expected to bounce back well into the green band in the near term; office and industrial are expected to linger in the yellow band for several quarters longer.

This downturn was largely led by the corporate sector, which produced the challenges now faced by the office and industrial asset classes. Corporations have not yet resumed a level of investment that would stimulate the recovery and make it more sustainable. The office sector, in particular, may continue to take some time to work off the presently high level of vacancy. The multi-step process required for the corporate sector to increase demand for office and industrial is illustrated in *Figure 2*:



The consumer sector (which drives about two-thirds of all purchases of goods and services) had a more benign downturn. Several major economic indicators, such as consumer confidence, did not fall to the low levels seen in previous recessions. As a result the consumer driven sectors, retail and multi-family, are poised to bounce back more quickly.

Although the signs for recovery are positive, the economy and CMBS may still face near term challenges. There is still some risk of a double dip or a jobless recovery, in which profits stabilize but employers are slow to add workers. Also, a fragile recovery is more vulnerable to slipping back into downturn if another terrorist event or sovereign default were to occur. Lastly, given the lag between the performance of the economy and the performance of commercial real estate, delinquencies could persist even as the economy recovers.

IMPACT OF DOWNTURN ON DEAL PERFORMANCE AND ISSUANCE

We are seeing several notable effects of the downturn on CMBS deal performance and issuance.

There has been a celebration of sorts as to how well CMBS has performed during this downturn relative to other fixed income sectors. However, given the mildness of the test, high fives may be a little premature. CMBS are structured to withstand more stress than the recent downturn to be sure, and such tests may be yet to come.

With enhancement levels having already having been adjusted downward to reflect the lower likelihood of a repeat of the early 1990s scenario in which they were conceived, current transactions have more balanced levels of protection. They should not be expected to have as high an upgrade/downgrade ratio as has been recently experienced. Furthermore, as transactions become more concentrated by both number of loans and by type of assets (especially office and retail), delinquencies could remain low on average, but be more prone to spike up in given transactions.

Delinquencies still have room to rise slightly, but in general have been running at or below expectations. This is supported by several metrics from our new Enhanced Performance Reports (EPRs) as discussed below.

Some Bumps Ahead

CMBS issuance could be choppy over the next year, with loans on properties of some types (office) and in some markets (Northern California) having more trouble pencilling out to the borrowers' desired proceeds levels. Further constraining issuance is that multi-family remains highly competitive and that hotel has not yet come out of the penalty box (see *figure 4*).

Lastly, at this stage of the economic cycle, interest rates are more likely to rise than fall. However, lenders and borrowers in the CMBS industry do not suffer from a lack of creativity. We may see more floaters and loan structures like earn outs helping keep issuance moving along.

Moody's is spending much more time thinking about "bottom of cycle" issues than we have for years. In the recent past we were focused on rents which had spiked to levels above what we deemed to be sustainable, and we marked them down accordingly. However, we are now increasingly seeing cases where in-place rents are below sustainable. We are developing an approach to this issue to be published shortly.

TERRORISM INSURANCE - POLICY GAPS POSE RISKS TO INVESTORS

Although premiums for terrorism insurance have been coming down over the last month and availability has increased somewhat, there are still material gaps in protection that can pose risk to investors. However, there are a few positive signs coming from Washington that a federal backstop may be forthcoming that would help mitigate some of these issues.

At this point, many of the smaller (under \$20 million) properties in CMBS transactions have some form of terrorism coverage. For larger properties the results for obtaining adequate terrorism coverage have been mixed.

However, virtually all terrorism insurance policies have some form of deficiency that leaves lenders and investors with less protection than they had prior to 9/11.

Carve Outs Are An Issue

One significant issue is that most policies still carve out risk from several types of terrorist acts, including those relating to the use of biological and chemical agents. Rather limited coverage for these may be available in some cases, but for yet another pricey premium. Such forms of terrorism are unlikely to physically destroy a building, but the clean-up costs, resulting loss of tenants and market stigma that could occur may have economic consequences that are nearly as severe.

Also, many terrorism policies are cancelable by the insurer on short notice. Therefore, if another major terrorist act were to occur anywhere on US soil, policies on many buildings would likely be yanked by insurers as they took time to reconsider risk metrics and pricing.

Terrorism insurance capacity may ultimately become an additional issue in some markets. As there are only a handful of insurers providing terrorism coverage, and as most have some limit of exposure in a given radius (say several miles), capacity could become constrained in some of the larger urban areas.

How Much Security Does A Blanket Provide?

We have noted that many borrowers are seeking coverage for terrorist acts via blanket policies, and we have observed that some blanket policies are more effective than others:

- First, blanket policies issued today (post 9/11) tend to be structured differently than in the recent past. In particular, the per occurrence language has been modified in many cases to limit the insurer's aggregate risk over a given time period.

- Second, Moody's has concerns in cases where coverage that appears adequate for a given building in a CMBS transaction may be at risk of being utilized by another property not in the CMBS transaction (especially if it is high profile) that is also covered under the same blanket.

Terrorism Insurance and Monitoring

Terrorism insurance remains one of the most challenging monitoring issues. We remind investors that the tranching ratings of single asset CMBS transactions depend almost entirely on the value of the collateral under various stress scenarios, not IF there is collateral. The terrorism policy gaps mentioned above provide cause for concern in this regard.

Absent a well-crafted federal backstop or the availability of significantly improved insurance policies, risks will have been transferred to lenders and bondholders that are not in keeping with the credit profile at the time of issuance. The fact that many insurance companies are no longer willing to accept terrorism risk, or if they will they seek carve-outs and cancellation clauses, sends a clear message in and of itself.

Servicers have begun to send Moody's numerous proposals where the original "all risk" insurance has lapsed and some alternative form of terrorism insurance is to be provided. Many of these situations are complex and require a case by case review process. For the immediate term we are amenable to less than perfect interim solutions.

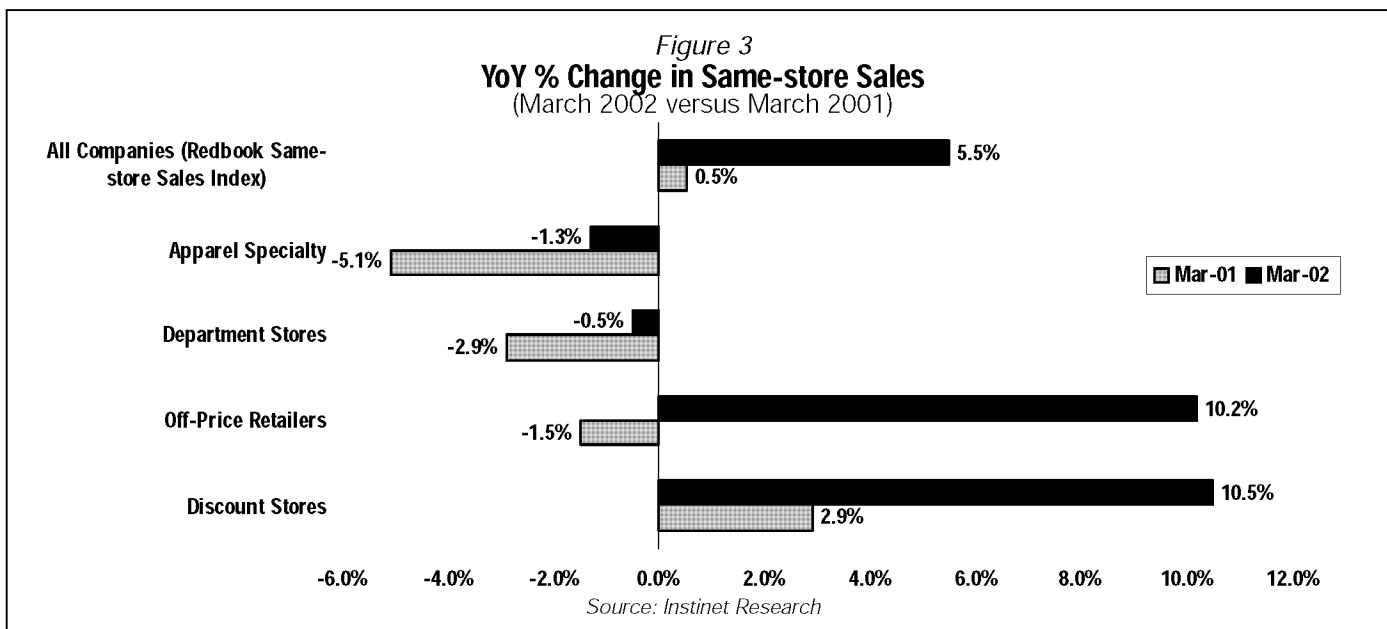
However, we remain concerned that, absent an improved insurance market or federal backstop, bondholders may bear risk inconsistent with the long-term credit outlook reflected in ratings. Moody's will take this into account in a review of large loans during the later part of the second quarter barring positive developments from Washington as discussed below.

This Just in From Washington

During the week of April 8, 2002, members of Moody's CMBS group were invited to attend informational talks on the subject of terrorism insurance with officials from the White House and Congress and to present our already published opinions. We found that there is positive momentum to move forward a bill in the Senate (the House already has one) introducing a federal backstop for terrorism insurance. It appears likely at this time that the Senate bill will be introduced in the next few weeks, but the details remain sketchy. Major open issues to be dealt with include tort reform, whether or not the federal backstop should take the form of a loan, and how long a backstop would remain in effect.

RETAIL - DISCOUNTERS (WITH ONE BIG EXCEPTION) UP AND MALL TENANTS DOWN

For retail, March 2002 same store sales were up about 5.5% versus one year ago. However, as shown in *Figure 3*, there is a significant bifurcation of performance by type of tenant. Most noteworthy: the type of tenants found in malls (apparel, department stores) have suffered declines, while the type of tenants found in community and power centers--discounters (with the notable exception of Kmart) and off price retailers--have shown healthy increases.



Closing the Gap(s)

The Gap, a mall mainstay, continues to struggle and has had 23 consecutive monthly same store sales declines. Moody's downgraded the Gap during the first quarter from **Baa3** (low investment grade) to **Ba2** (speculative grade). In light of this performance, it is not surprising that they have announced store closings. It is expected that they will focus on stores with expiring leases to avoid lease termination expenses and will be paying close attention to occupancy cost. Occupancy cost has long been a key driver of Moody's analysis of whether mall tenants are paying sustainable rents, and our approach to occupancy cost will be included in a forthcoming article.

For department stores, only one chain (Neiman Marcus) posted a gain in 2001, and that was a slender 1%. As a result, consolidation among department stores is likely as they compete to lower costs and more effectively compete with discounters. One such example is the proposed merger of Federated and May.

Discounters Hold Their Own

For February 2002 several discounters posted strong results, with Wal-Mart up 10.3% in same store sales and Target up 8.5% versus the same period of last year. Of course some of this gain came at the expense of Kmart, which filed for Chapter 11 bankruptcy protection and announced the closing of 284 stores. The closed stores cover 271 Kmart's and 12 superstores in 40 states and represent 13% of the chain's 2,114 stores.

HOTEL - RECOVERY UNDERWAY IN MANY MARKETS

Some positive signs have begun to emerge for hotels, the hardest hit CMBS sector following September 11. Many of the top 25 markets are now within 10% of where their RevPAR was one year ago. As a result, we will be shortly revisiting our interim liquidity and tranching approaches.

For the week of 9/16/01, the first full week following the events of 9/11 and the initial travel disruptions, RevPAR in the US as a whole was down by 37%. For the week of 9/16/01 only one market (Houston) out of the top 25 had a decline in RevPAR of less than 25%.

However, during the past four weeks most of the top 25 markets have been running 5%-10% lower RevPAR than a year ago. Only three markets are still down 25% or more versus the same period one year ago (Boston, Oahu, and San Francisco) as compared with 24 of the top 25 six months ago. Four markets have even turned positive (Houston, Atlanta, Norfolk and Nashville).

With RevPAR expected to be flat to slightly lower for the rest of the year, it should return to about the levels of 1998 or 1999. As Moody's viewed 2000 levels generally as being unsustainable, the net result of the last six months may be a correction back to more balanced fundamentals. As 1998-1999 RevPAR was utilized in our analysis of hotel transactions over the past few years, the return to these levels has resulted in relatively few downgrades.

Full Service Suffers

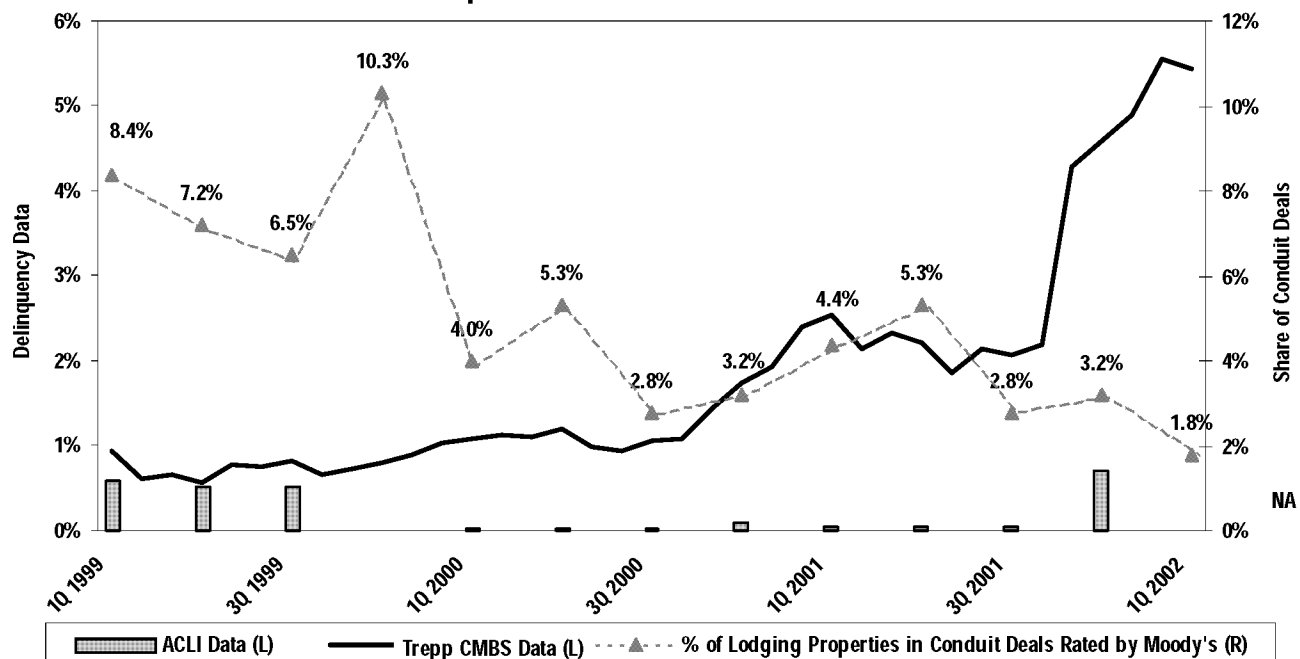
The pace of the recovery in hotels is not uniform and varies based on price point, location, and demand profile. In particular, full service hotels located in prominent gateway cities have suffered disproportionately due to their reliance on the weakened corporate and convention sectors. For the last four weeks the average year over year RevPAR decline for the upper upscale segment was 15%, while limited service was down by 5%.

Hotel delinquencies in CMBS, which had been rising slowly for the past few years, showed a sharp spike in the fourth quarter of 2001, as expected, due to the sudden drop in travel post 9/11. It is interesting to note the bifurcation of delinquency results reported by the ACLI and the CMBS industry via the Trepp database (see *Figure 4*).

Both reported about 1% delinquency from 1Q 1999 through 3Q 1999. At that point, however, the reported ACLI delinquencies fell to negligible levels through 3Q 2001 while CMBS delinquencies continued to rise to 2%. Both spiked in the 4th quarter of 2001 due to 9/11, but the ACLI levels returned only to the previous 1% while CMBS hotel delinquencies shot up to about 5%.

We believe that the hotel delinquency rates shown in the CMBS database, which are subject to public scrutiny, will ultimately prove to be the more reliable indicators of credit performance and are more reflective of the current distress in the hotel market.

Figure 4
Hotel Delinquencies Rise and Issuance Falls Post 9/11

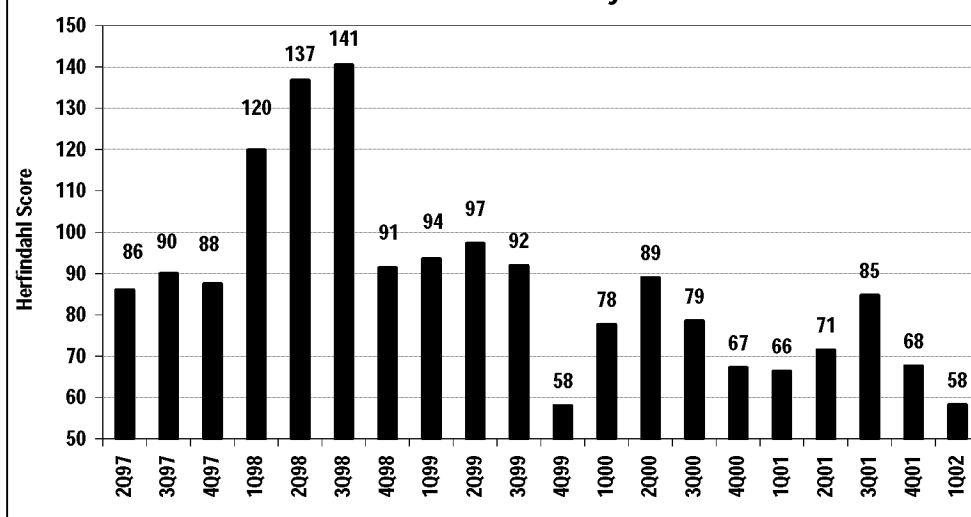


CONDUIT LTVS STABLE, BUT DIVERSITY SLIPS

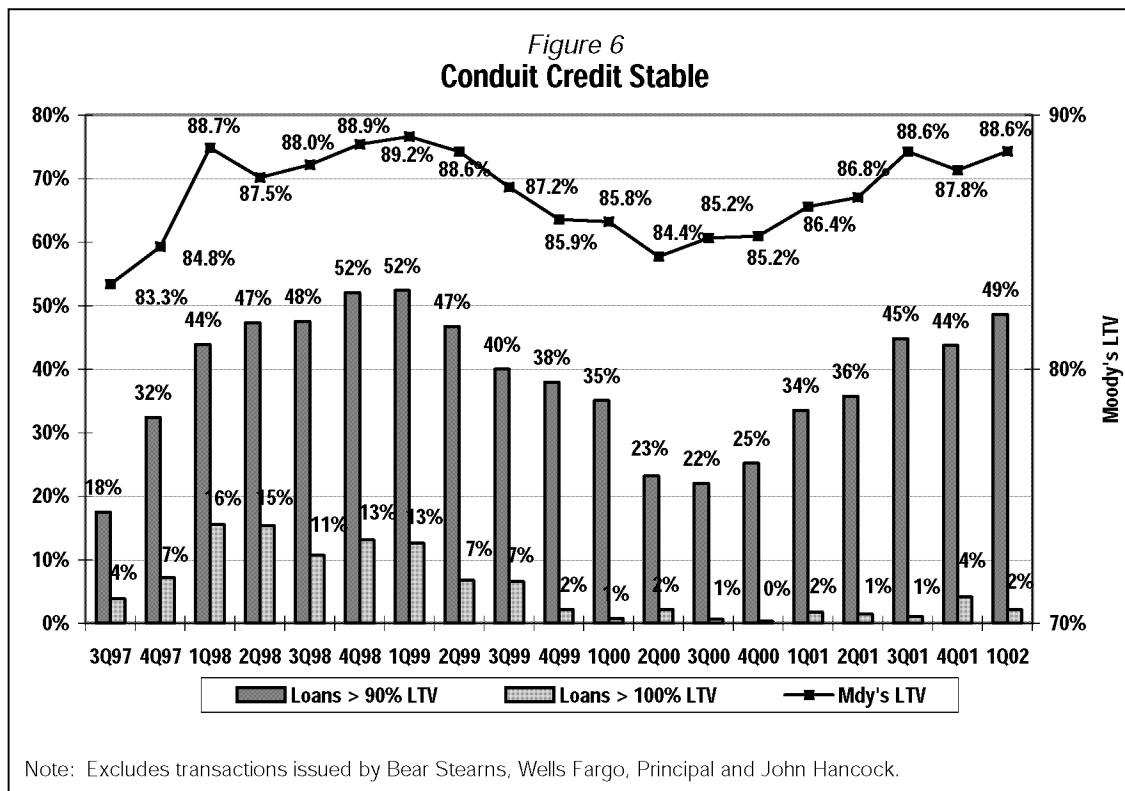
Moody's rated five conduit transactions during the first quarter that fit the profile of those included in our ongoing study of conduit leverage and diversity.

For loan level diversity, the Herfindahl score for first quarter transactions was 58, tied for the lowest level since 1997 (see Figure 5). The Herfindahl scores for the five Moody's rated conduits fell in a band of 51 to 66.

Figure 5
U.S. Conduit Loan Diversity Trends



Conduit LTVs on average have been holding steady in the high 80s on a Moody's basis for the past two years, and averaged 88.6% during the most recent quarter (see Figure 6). The LTVs for all five first quarter conduits were tightly clustered between 87.9% and 89.2%. "Offenders"-- those loans with greater than 100% Moody's LTV--declined to 2% from 4% the period before. The offenders in the five conduits ranged between 0% and 4.6% of pool balance.



EPRs SIGNAL MORE BALANCED OUTLOOK FOR NEAR TERM RATING ACTIONS

During the first quarter Moody's introduced Enhanced Performance Reports (EPRs), a new CMBS monitoring system. In addition to providing a high level of reporting on bond and loan performance, EPRs include MOST™ scores, an analytical tool designed to provide a quantitative measure of CMBS credit risk.

Moody's initially posted EPRs for 80 transactions to its web site and has subsequently added another 40. The balance of monitored transactions are expected to be available by the end of the second quarter.

Adding MOST™ Score Data to Outlooks

One benefit of the new EPR's and Most™ scores is that they provide additional inputs for forecasting monitoring trends. As a result, future quarterly reports will feature EPR based outlooks.

EPRs incorporate Moody's Red-Yellow-Green® property market score in a variety of ways, including calculating the portion of collateral located in markets with the scores in the lower band of the red designation. Fortunately, CMBS has fairly limited exposure to such markets. 80% of the transactions for which EPRs have been prepared to date had 15% or less exposure to the lower end of red markets. 18% of transactions had NO exposure to lower red markets.

CMBS Tracking Performance Expectations

The majority of CMBS conduit transactions are performing at or slightly above expectations as evidenced by their current Most™ scores. 53% of the conduit transactions for which EPRs are available to date had Most™ scores between 45 and 55, the center of the 100 point scale, while 8% had scores lower than 45 and 39% had scores higher than 55. The trend of upgrades outweighing downgrades thus appears likely to continue, but the ratio of upgrades to downgrades seems likely to decline.

The sub-components of the Most™ score provide additional color on this trend. The score for adjusted credit support (credit support increased by payoffs and defeasance and decreased for unrealized losses) showed 62% of deals had scores between 45 and 55 with 34% above and 4% below. The delinquency history score, which measures the timing of losses in relation to expectations, shows 49% of transactions in the 45-55 band with 26 % above and 25% below.

There were relatively few fixed rate transactions with total Most™ scores above 75 or below 25, the levels that most clearly indicate the potential for upgrade or downgrade. Therefore, fewer rating changes should be expected over the near term, and those that do occur are less likely to involve multiple notches. Please note that after Moody's takes a rating action, whether upgrade or downgrade, the Most™ score for that transaction will be recalibrated back to 50. Future trends will thus be benchmarked from the rating a transaction currently holds as opposed to its original one.

We will continue to refine Most™ scores over time to make them as predictive as possible. Investor comments on the Most™ score, or other features they would like to see added to our suite of cmbs credit tools, are invited.

SURVEILLANCE - UPGRADES PREVAIL EX K MART

During the 1st quarter Moody's took rating actions on 26 cmbs transactions with a total of 80 tranches. In all there were 20 downgrades, 21 upgrades and 39 affirmations. 14 of the 20 downgrades were related to the downgrade of Kmart's corporate debt, including several transactions that had their ratings moved more than once. As the Kmart ratings moved deeper into below investment grade the role of the collateral in the ratings of their CTL based transactions became increasingly important. In some cases the collateral was of poor quality and was dark even before Kmart declared bankruptcy, and those ratings tended to closely follow the corporate ones given a lack of superior recovery characteristics.

Several other Kmart backed CTL transactions involved properties on the initial closure list, and properties securing the balance of the CTL's maintain ongoing operations. Although Kmart's corporate credit is now **Ca**, several CTL transactions retain ratings a few notches higher reflecting their superior recovery profile.

The non-Kmart-related downgrades were attributable to a variety of causes. One was attributable to a corporate downgrade (Nortel), one to rising delinquency in a conduit (MLMI 1995-C2), and a third to concentration in the beleaguered hotel sector (with the largest properties in some of the slowest markets to recover).

The affirmations had a variety of drivers as well, including of course the affirmation of **Aaa** tranches in deals where the subordinate tranches were upgraded. Of particular note were the many all hotel transactions that DID NOT get downgraded. In most of these cases the hotels had floating rate loans, and actual debt service dropped enough due to the low interest rate environment to offset RevPAR declines. This helped the hotels buy time until the recovery was more firmly underway.

SAVE THE DATE

Moody's will be hosting its 4th annual CMBS conference on October 25, 2002, at the Roosevelt Hotel in Manhattan. There will be presentations on credit and market trends from 3 to 5, followed by a cocktail reception. We look forward to seeing you there.

Appendix 1 First Quarter New Ratings		
Deal Name	Date	Country
CS First Boston Mortgage Securities Corp., 2002-FL1	1/14/2002	US
GMAC Commercial Mortgage Securities, 2002-C1	1/22/2002	US
Washington Mutual Multifamily Mortgage, 2001-1	1/23/2002	US
Bear Stearns Commercial Mortgage Securities Inc., 2002-HOME	1/29/2002	US
Merrill Lynch Financial Assets Inc., 2002-BC2P	1/29/2002	Canada
Canary Wharf Finance II plc	2/4/2002	England
First Union National Bank Commercial Mortgage Trust, 2002-C1	2/13/2002	US
Banc of America Large Loan Inc., 2002-FLT1	2/13/2002	US
Calwest Industrial Trust, 2002-CALW	2/14/2002	US
East Realty Co., Ltd.	2/17/2002	Japan
Shinjuku Square Tower Special Purpose Company	2/20/2002	Japan
Next Capital Co., Ltd.	2/21/2002	Japan
Silver Maple Investment Corporation Ltd	2/26/2002	Singapore
GMAC Commercial Mortgage Securities, Inc., 2002-FL1	2/27/2002	US
GMAC Commercial Mortgage Securities, 2002-LT	2/28/2002	US
CSFB Commercial Mortgage Trust, 2002-CKP1	3/1/2002	US
Real Value One (Westdeutsche Immobilienbank)	3/5/2002	Global
Bear Stearns Commercial Mortgage Securities Trust, 2002-TOP6	3/5/2002	US
Reinforce Capital Ltd.	3/6/2002	Japan
Morgan Stanley Dean Witter Capital I Trust, 2002-HQ	3/14/2002	US
Woodfield Mall Trust, 2002-WM	3/26/2002	US
STRIPs CDO Ltd., 2002-1	3/26/2002	US

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/18/2002 11:34:25 AM
Subject: : Terrorism Insurance - D&O Coverage Now Affected

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-APR-2002 15:34:25.00

SUBJECT:: Terrorism Insurance - D&O Coverage Now Affected

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

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TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

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Terrorism Insurance: Directors & Officers (D&O) Coverage - The New Reality

Following the September 11th attacks, several dominant insurers who underwrite Directors & Officers (D&O) insurance for large organizations are successfully applying a "failure to maintain adequate insurance" exclusion on D&O policies.

This exclusion should be particularly troubling to those directors & officers of leading organizations who either purchase inadequate terrorism insurance or refuse to purchase the insurance.

Specifically, directors & officers could be personally exposed to a shareholder action for diminution of share value due to the lack of adequate terrorism insurance.

The D&O exclusion for failure to maintain adequate insurance could affect corporate governance practices and may prompt directors and officers to examine the impact inadequate terrorism insurance coverage could have on their personal liability.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/18/2002 1:14:56 PM
Subject: : your welcome - goodbye

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:18-APR-2002 17:14:56.00

SUBJECT:: your welcome - goodbye

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>; gerry.hughes@do.treas.gov [UNKNOWN] <gerry.hughes@do.treas.gov>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>; kent.smetters@do.treas.gov [UNKNOWN] <kent.smetters@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; mario.ugoletti@do.treas.gov [UNKNOWN] <mario.ugoletti@do.treas.gov>; mark.warshawsky@do.treas.gov [UNKNOWN] <mark.warshawsky@do.treas.gov>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; pat.cave@do.treas.gov [UNKNOWN] <pat.cave@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; richard.clarida@do.treas.gov [UNKNOWN] <richard.clarida@do.treas.gov>; roberta.mcinerney@do.treas.gov [UNKNOWN] <roberta.mcinerney@do.treas.gov>
Sent: 4/18/2002 4:43:28 PM
Subject: : FW: Terrorism Insurance Survey by The Bond Market Association
Attachments: P_EYIT6003_OPD.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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READ:UNKNOWN

TO:roberta.mcinerney@do.treas.gov (roberta.mcinerney@do.treas.gov [UNKNOWN])

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READ:UNKNOWN

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Regards,
Donna

Donna K. Alexander
Vice President
The Bond Market Association
1399 New York Avenue, N.W.
Eighth Floor
Washington, D.C. 20005
Tel: 202.434.8400
Fax: 202.434.8441

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- Terrorism Insurance Press 041802.doc
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Research

APRIL 18, 2002

MICHAEL DECKER
SENIOR VICE PRESIDENT
RESEARCH AND
POLICY ANALYSIS

LORI A. TRAWINSKI
VICE PRESIDENT,
RESEARCH

MARCELO VIEIRA
MANAGER, MARKET
STATISTICS

TIFFANY COLN
RESEARCH ANALYST

HEADQUARTERS
212.440.9400
40 BROAD STREET
NEW YORK, NY
10004-2373

WASHINGTON OFFICE
202.434.8400
1399 NEW YORK AVE., NW
WASHINGTON, DC
20005-4711

EUROPEAN OFFICE
44.20.77 43 93 01
ST. MICHAEL'S HOUSE
1 GEORGE YARD
LONDON EC3V 9DH
ENGLAND

Lack of Terrorism Insurance Hurts the CMBS Market

A recent survey by The Bond Market Association found that large lenders have placed on hold or canceled more than \$7 billion—or 10 percent of the 2001 large loan volume—in commercial mortgage loans, citing the difficulty and expense for property owners trying to find terrorism insurance coverage.¹ These cancelled or delayed loans represent lost construction jobs and missed cost savings for property owners hoping to refinance at lower interest rates.

Most large commercial loans are repackaged as bonds known as commercial mortgage-backed securities, or CMBS. Similar to residential mortgage-backed securities, the principal and interest payments for CMBS flow from mortgage payments. The difference is that CMBS are backed solely by mortgages on commercial buildings. Investors in this \$270 billion market include pension funds, insurance companies and other institutions. In 2001, the volume of large loans totaled \$73.8 billion, \$72 billion of which became CMBS. The \$7 billion in loans on hold or cancelled so far this year likely means \$7 billion less in CMBS will be issued in 2002. As the Association completed its survey in March, the actual number of incomplete deals—and lost CMBS issuance—could be even higher.

As with any mortgage, lenders require the owner of the property, which is the loan collateral, to obtain insurance coverage. Prior to the terrorist attacks on New York and Washington last September 11, such policies routinely included coverage for losses related to acts of terrorism. In the wake of the destruction of the World Trade Center towers and the damage to the surrounding area in lower Manhattan, most insurers of commercial property are either refusing to provide the same coverage, or else pricing the coverage high enough to render the real estate deal uneconomic.

Terrorism coverage for many large properties has been difficult to find, according to a General Accounting Office report issued in February. While property owners continue to make mortgage payments that flow through to CMBS investors, the lack of terrorism coverage can place the property owner in technical default on their loans. This could lead rating agencies that monitor the pools of mortgages underlying CMBS to downgrade the credit quality of the securities. Institutional investors such as life insurance companies could see their regulatory capital erode if they have large CMBS holdings.

¹ The Bond Market Association surveyed leading CMBS underwriters and received responses from CMBS underwriters that accounted for nearly 75 percent of CMBS issuance in 2001.



Research

DAY, MONTH DATE, YEAR
PAGE 2

It is imperative that Congress appreciate the potential fallout from the financing problems facing the commercial real estate industry. In October of last year, the House and Senate each developed separate proposals to deal with the problem. Both would have made the federal government—either through loan guarantees or direct payments—a reinsurer of last resort for insurance companies faced with overwhelming terrorism-related claims. Efforts to reach a compromise on the legislation last fall ultimately failed. It is critical Congress act to shore up the terrorism insurance market immediately.

Please contact Donna Alexander or Michael Williams at 202.434.8400 if you have any questions.

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Sent: 4/18/2002 4:43:28 PM
Subject: : FW: Terrorism Insurance Survey by The Bond Market Association
Attachments: P_EYIT6003_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:18-APR-2002 20:43:28.00

SUBJECT:: FW: Terrorism Insurance Survey by The Bond Market Association

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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REV_00143593

READ:UNKNOWN

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Research

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READ:UNKNOWN

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Sheila

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Regards,
Donna

Donna K. Alexander
Vice President
The Bond Market Association
1399 New York Avenue, N.W.
Eighth Floor
Washington, D.C. 20005
Tel: 202.434.8400
Fax: 202.434.8441

<<Terrorism Insurance Press 041802.doc>>

- Terrorism Insurance Press 041802.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_EYIT6003_CEA.TXT_1>



Research

APRIL 18, 2002

MICHAEL DECKER
SENIOR VICE PRESIDENT
RESEARCH AND
POLICY ANALYSIS

LORI A. TRAWINSKI
VICE PRESIDENT,
RESEARCH

MARCELO VIEIRA
MANAGER, MARKET
STATISTICS

TIFFANY COLN
RESEARCH ANALYST

HEADQUARTERS
212.440.9400
40 BROAD STREET
NEW YORK, NY
10004-2373

WASHINGTON OFFICE
202.434.8400
1399 NEW YORK AVE., NW
WASHINGTON, DC
20005-4711

EUROPEAN OFFICE
44.20.77 43 93 01
ST. MICHAEL'S HOUSE
1 GEORGE YARD
LONDON EC3V 9DH
ENGLAND

Lack of Terrorism Insurance Hurts the CMBS Market

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Terrorism coverage for many large properties has been difficult to find, according to a General Accounting Office report issued in February. While property owners continue to make mortgage payments that flow through to CMBS investors, the lack of terrorism coverage can place the property owner in technical default on their loans. This could lead rating agencies that monitor the pools of mortgages underlying CMBS to downgrade the credit quality of the securities. Institutional investors such as life insurance companies could see their regulatory capital erode if they have large CMBS holdings.

¹ The Bond Market Association surveyed leading CMBS underwriters and received responses from CMBS underwriters that accounted for nearly 75 percent of CMBS issuance in 2001.



Research

DAY, MONTH DATE, YEAR
PAGE 2

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Please contact Donna Alexander or Michael Williams at 202.434.8400 if you have any questions.

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; edward.demarco@do.treas.gov [UNKNOWN] <edward.demarco@do.treas.gov>; Martha.Ellett@do.treas.gov [UNKNOWN] <Martha.Ellett@do.treas.gov>; gerry.hughes@do.treas.gov [UNKNOWN] <gerry.hughes@do.treas.gov>; Jeffrey R. Brown/CEA/EOP@EOP [CEA] <Jeffrey R. Brown>; john.duncan@do.treas.gov [UNKNOWN] <john.duncan@do.treas.gov>; kent.smetters@do.treas.gov [UNKNOWN] <kent.smetters@do.treas.gov>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; mario.ugoletti@do.treas.gov [UNKNOWN] <mario.ugoletti@do.treas.gov>; mark.warshawsky@do.treas.gov [UNKNOWN] <mark.warshawsky@do.treas.gov>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; pat.cave@do.treas.gov [UNKNOWN] <pat.cave@do.treas.gov>; peter.fisher@do.treas.gov [UNKNOWN] <peter.fisher@do.treas.gov>; Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>; richard.clarida@do.treas.gov [UNKNOWN] <richard.clarida@do.treas.gov>; roberta.mcinerney@do.treas.gov [UNKNOWN] <roberta.mcinerney@do.treas.gov>
Sent: 4/18/2002 5:01:37 PM
Subject: : FW: Terrorism Insurance Survey by The Bond Market Association
Attachments: P_V4JT6003_WHO.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:18-APR-2002 21:01:37.00

SUBJECT:: FW: Terrorism Insurance Survey by The Bond Market Association

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:edward.demarco@do.treas.gov (edward.demarco@do.treas.gov [UNKNOWN])

READ:UNKNOWN

TO:Martha.Ellett@do.treas.gov (Martha.Ellett@do.treas.gov [UNKNOWN])

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READ:UNKNOWN

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REV_00143601

READ:UNKNOWN

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Research

APRIL 18, 2002

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Sent: 4/18/2002 6:08:37 PM
Subject: : FW: Terrorism Insurance Survey by The Bond Market Association
Attachments: P_ZIJT6003_CEA.TXT_1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])

CREATION DATE/TIME:18-APR-2002 22:08:37.00

SUBJECT:: FW: Terrorism Insurance Survey by The Bond Market Association

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READ:UNKNOWN

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Research

APRIL 18, 2002

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SENIOR VICE PRESIDENT
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LORI A. TRAWINSKI
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 4/19/2002 5:30:18 AM
Subject: : RELAX!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-APR-2002 09:30:18.00
SUBJECT: : RELAX!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 4/19/2002 5:37:39 AM
Subject: :

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CREATION DATE/TIME: 19-APR-2002 09:37:39.00
SUBJECT: :
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Just joking.

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/19/2002 6:03:28 AM
Subject: : Congress Daily - AM

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-2002 10:03:28.00

SUBJECT:: Congress Daily - AM

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

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FINANCE

Terrorism Insurance Facing Senate Hurdle

Senate leaders in the midst of crafting a unanimous consent agreement on terrorism reinsurance

legislation are weighing requests from more than one Democratic senator wanting to offer substitute

legislation, sources on and off Capitol Hill said Thursday.

Chief among those Democrats is Commerce Chairman Hollings.

According to sources, Hollings

is in the process of revamping a comprehensive reinsurance measure he introduced last November.

He hopes to offer it as an amendment to the pending bill.

Hollings, who has expressed concern that the final Senate package not constitute a "bailout" of

the insurance industry, is "standing firm" in his desire to offer his

amendment, said one source familiar

with the senator's efforts. Hollings' office did not respond to requests for more information.

According to sources, Sen. Bill Nelson, D-Fla., a former state insurance commissioner and a

member of the Commerce Committee, also is working on a substitute in the form of an amendment. So

may be Sen. Barbara Boxer, D-Calif., said sources. Boxer, also a Commerce Committee member, was a chief cosponsor of Hollings' bill in November. Spokesmen for Nelson and Boxer did not respond to requests for comment. As of Thursday, it remained unclear what bill Senate leaders intended to use as the floor vehicle. Senate Minority Whip Nickles sought last week to bring up a House-passed bill for amendment. But central figures from both parties seem to agree on a compromise version written as the base bill late last year by Senate Majority Leader Daschle and members of the Senate Banking Committee. Senate and industry supporters of passing legislation had expressed an interest in completing floor action on the reinsurance legislation by late April. However, that timetable would appear somewhat optimistic at this point, sources said this week. Although he did not mention he was drafting a bill, Nelson earlier this month characterized reinsurance legislation coming before the Senate as having "a gross omission ... and that is, the consumer needs to be protected from the rates being jacked up so high using terrorism as an excuse," he said. Hollings' November bill would have created an insurer-funded national pool to pay for the first \$50 billion in losses, and then would provide government assistance for losses up to \$100 billion. No tort provisions were in that version. However, sources said they expect Hollings is updating his legislation based on new information gleaned since late last year. Although his office would not confirm it, sources also said Hollings might be considering raising the deductible and possibly offering some "very limited" tort reform. Hollings again may seek cooperation from Commerce ranking member John McCain, R-Ariz., who introduced his own terrorism insurance bill last year. However, sources said the two legislators do not currently appear to be working together on the reinsurance issue. In another development, the Bond Market Association released a survey Thursday that it said shows large lenders have placed on hold or canceled more than \$7 billion in commercial mortgage loans, because of "the difficulty and expense" for property owners trying to find terrorism insurance coverage. Pamela Barnett

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Rachel_L._Brand@who.eop.gov [UNKNOWN] <Rachel_L._Brand@who.eop.gov>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>
Sent: 4/19/2002 4:50:16 AM
Subject: : Re: Moose's last day lunch

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-APR-2002 08:50:16.00
SUBJECT:: Re: Moose's last day lunch
TO:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I think it's a great idea, and I'm in! Moose, what do you say?

Rachel_L._Brand@who.eop.gov
04/19/2002 08:41:37 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Moose's last day lunch

Following up on the conversation a few minutes ago...

The back round table in the Mess is booked for lunch today, so if we want to
commandeer the staff table, we should probably head over there about 11:50.

REV_00143613

Message Sent

To:

H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: DeVere R. Patton/OA/EOP@EOP [OA] <DeVere R. Patton>
Sent: 4/19/2002 9:27:38 AM
Subject: : Re: 1:00 Meeting with Tim Campen and Adam Greenstone

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-APR-2002 13:27:38.00
SUBJECT:: Re: 1:00 Meeting with Tim Campen and Adam Greenstone
TO: DeVere R. Patton (CN=DeVere R. Patton/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
End Original ARMS Header

sorry, I just back from a meeting but it cannot be today. I
apologize greatly.

DeVere R. Patton
04/19/2002 12:14:34 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 1:00 Meeting with Tim Campen and Adam Greenstone

Mr. Kavanaugh,

Haven't heard back from you on this request. Is 1:00 a good time for you
to meet, or would you rather meet later in the day?

Thank you.

v/r,

DeVere Patton
x5-1234

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/19/2002 5:49:47 AM
Subject: : Tim and Allison are both out all day.

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-2002 09:49:47.00

SUBJECT:: Tim and Allison are both out all day.

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If you need something please call 456-2632.

Thanks!

REV_00143620

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/19/2002 6:03:28 AM
Subject: : Congress Daily - AM

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-2002 10:03:28.00

SUBJECT:: Congress Daily - AM

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

FINANCE

Terrorism Insurance Facing Senate Hurdle

Senate leaders in the midst of crafting a unanimous consent agreement on terrorism reinsurance

legislation are weighing requests from more than one Democratic senator wanting to offer substitute

legislation, sources on and off Capitol Hill said Thursday.

Chief among those Democrats is Commerce Chairman Hollings.

According to sources, Hollings

is in the process of revamping a comprehensive reinsurance measure he introduced last November.

He hopes to offer it as an amendment to the pending bill.

Hollings, who has expressed concern that the final Senate package not constitute a "bailout" of

the insurance industry, is "standing firm" in his desire to offer his amendment, said one source familiar

with the senator's efforts. Hollings' office did not respond to requests for more information.

According to sources, Sen. Bill Nelson, D-Fla., a former state insurance commissioner and a

member of the Commerce Committee, also is working on a substitute in the form of an amendment. So

may be Sen. Barbara Boxer, D-Calif., said sources. Boxer, also a Commerce Committee member, was a chief cosponsor of Hollings' bill in November. Spokesmen for Nelson and Boxer did not respond to requests for comment. As of Thursday, it remained unclear what bill Senate leaders intended to use as the floor vehicle. Senate Minority Whip Nickles sought last week to bring up a House-passed bill for amendment. But central figures from both parties seem to agree on a compromise version written as the base bill late last year by Senate Majority Leader Daschle and members of the Senate Banking Committee. Senate and industry supporters of passing legislation had expressed an interest in completing floor action on the reinsurance legislation by late April. However, that timetable would appear somewhat optimistic at this point, sources said this week. Although he did not mention he was drafting a bill, Nelson earlier this month characterized reinsurance legislation coming before the Senate as having "a gross omission ... and that is, the consumer needs to be protected from the rates being jacked up so high using terrorism as an excuse," he said. Hollings' November bill would have created an insurer-funded national pool to pay for the first \$50 billion in losses, and then would provide government assistance for losses up to \$100 billion. No tort provisions were in that version. However, sources said they expect Hollings is updating his legislation based on new information gleaned since late last year. Although his office would not confirm it, sources also said Hollings might be considering raising the deductible and possibly offering some "very limited" tort reform. Hollings again may seek cooperation from Commerce ranking member John McCain, R-Ariz., who introduced his own terrorism insurance bill last year. However, sources said the two legislators do not currently appear to be working together on the reinsurance issue. In another development, the Bond Market Association released a survey Thursday that it said shows large lenders have placed on hold or canceled more than \$7 billion in commercial mortgage loans, because of "the difficulty and expense" for property owners trying to find terrorism insurance coverage. Pamela Barnett

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2002 6:22:58 AM
Subject: : LRM EPH139 - - OMB Request for Views on HR3838 To amend the Charter of the Veterans of Foreign Wars of the U. S. organization to Make Members of the Armed Forces who Receive Special Pay for Duty Subject to Hostile Fire or Imminent Danger Eligible for Membership in the Organization.
Attachments: P_HNTT6003_WHO.TXT_1.txt

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-2002 10:22:58.00

SUBJECT:: LRM EPH139 - - OMB Request for Views on HR3838 To amend the Charter of the Veterans of Foreign Wars of the U. S. organization to Make Members of the Armed Forces who Receive Special Pay for Duty Subject to Hostile Fire or Imminent Danger Eligible for Membership in the Organization.

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Patrick J. Bumatay/WHO/EOP on
04/19/2002 10:22 AM -----

From: Erin P. Hassing on 04/19/2002 10:12:02 AM
Record Type: Record

To: justice.lrm@usdoj.gov , valrm@mail.va.gov ,
dodlrs@osdgc.osd.mil
cc: See the distribution list at the bottom of this message
Subject: LRM EPH139 - - OMB Request for Views on HR3838 To amend
the Charter of the Veterans of Foreign Wars of the U. S. organization to
Make Members of the Armed Forces who Receive Special Pay for Duty Subject
to Hostile Fire or Imminent Danger Eligible for Membership in the
Organization.

LRM ID: EPH139
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, April 18, 2002

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Ingrid M. Schroeder (for) Assistant Director for
Legislative Reference
OMB CONTACT: Erin P. Hassing
PHONE: (202)395-3459 FAX: (202)395-6148
SUBJECT: OMB Request for Views on HR3838 To amend the Charter of
the Veterans of Foreign Wars of the U. S. organization to Make Members of
the Armed Forces who Receive Special Pay for Duty Subject to Hostile Fire
or Imminent Danger Eligible for Membership in the Organization.

DEADLINE: COB Wednesday, April 24, 2002
In accordance with OMB Circular A-19, OMB requests the views of your
agency on the above subject before advising on its relationship to the
program of the President. Please advise us if this item will affect
direct spending or receipts for purposes of the "Pay-As-You-Go" provisions
of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: On April 17th, the House Judiciary Subcommittee on Immigration

REV_00143628

and Claims marked up HR 3838. The measure passed by voice vote and no amendments were offered. This bill would extend membership into the Veterans of Foreign Wars of the United States to those individuals who, during their service, were entitled to receive special pay for duty subject to hostile fire or imminent danger.

DISTRIBUTION LIST

AGENCIES:

061-JUSTICE - Daniel Bryant - (202) 514-2141
129-VETERANS AFFAIRS - John H. Thompson - (202) 273-6666
029-DEFENSE - Samuel T. Brick Jr. - (703) 697-1305

EOP:

WHGC LRM

OVP LRM

Toni S. Hustead

Winifred Y. Chang

Kelli A. Hagen

Cameron M. Leuthy

Wendell H. Waites

Sarah S. Lee

Aquiles F. Suarez

Lauren C. Lobrano

Danielle M. Simonetta

Robert Marsh

Matthew J. Schneider

Ingrid M. Schroeder

LRM ID: EPH139 SUBJECT: OMB Request for Views on HR3838 To amend the Charter of the Veterans of Foreign Wars of the U. S. organization to Make Members of the Armed Forces who Receive Special Pay for Duty Subject to Hostile Fire or Imminent Danger Eligible for Membership in the Organization.

RESPONSE TO

LEGISLATIVE REFERRAL

MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be

connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Erin P. Hassing Phone: 395-3459 Fax: 395-6148

Office of Management and Budget

Branch-Wide Line (to reach legislative assistant):

395-7362

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Copied

To: _____

WHGC LRM

OVP LRM

Toni S. Hustead/OMB/EOP@EOP

Winifred Y. Chang/OMB/EOP@EOP

Kelli A. Hagen/OMB/EOP@EOP

Cameron M. Leuthy/OMB/EOP@EOP

Wendell H. Waites/OMB/EOP@EOP

Sarah S. Lee/OMB/EOP@EOP

Aquiles F. Suarez/OPD/EOP@EOP

Lauren C. Lobrano/OMB/EOP@EOP

Danielle M. Simonetta/OMB/EOP@EOP

Robert Marsh/WHO/EOP@EOP

Matthew J. Schneider/OMB/EOP@EOP

Ingrid M. Schroeder/OMB/EOP@EOP

James J. Jukes/OMB/EOP@EOP

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_HNNTT6003_WHO.TXT_1>

107th CONGRESS

2d Session

H. R. 3838

To amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 4, 2002

Mr. SMITH of New Jersey (for himself and Mr. EVANS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO VETERANS OF FOREIGN WARS OF THE UNITED STATES CHARTER.

(a) ELIGIBILITY FOR MEMBERSHIP OF INDIVIDUALS RECEIVING SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER- Section 230103 of title 36, United States Code, is amended--

(1) by striking 'or' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting '; or'; and

(3) by adding at the end the following new paragraph:

'(3) in an area which entitled the individual to receive special pay for duty subject to hostile fire or imminent danger under section 310 of title 37.'

(b) CLARIFICATION OF PURPOSES OF THE CORPORATION- Section 230102 of such title is amended in the matter preceding paragraph (1) by inserting 'charitable,' before 'and educational,'.

END

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/19/2002 7:59:07 AM
Subject: : AIG Statement on Terrorism Insurance
Attachments: P_4RYT6003_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-2002 11:59:07.00

SUBJECT:: AIG Statement on Terrorism Insurance

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

- Terrorism Statement.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_4RYT6003_WHO.TXT_1>

News

AIG American International Group, Inc.
70 Pine Street New York, NY 10270

Contact: Joe Norton
Director of Public Relations
212/770-3144

NEW YORK, April 19, 2002 - American International Group, Inc. (AIG) Chairman M. R. Greenberg has issued the following statement regarding statements attributed to an executive with AIG's new Lloyd's syndicate:

"Recent statements attributed to an executive with Ascot Underwriting, Ltd. suggest that a U.S. Government-led solution to the severe shortage of terrorism insurance is no longer necessary.

"While AIG and a number of other insurers have created a limited market for terrorism insurance in the wake of September 11, there is still an urgent need for the Federal Government to create a reinsurance backstop facility to provide the capacity to cover all businesses that could suffer terror losses. There is simply not enough capacity in the private market to address what is still an infinite risk. AIG believes that the Congress should act quickly to pass terrorism insurance legislation, which is necessary for economic growth and job creation.

"Ascot Underwriting Ltd. serves as the managing agent for AIG's Lloyd's syndicate, and Ascot Underwriting Ltd. employees are not authorized to speak for AIG."

#

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/19/2002 7:59:07 AM
Subject: : AIG Statement on Terrorism Insurance
Attachments: P_4RYT6003_OPD.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-2002 11:59:07.00

SUBJECT:: AIG Statement on Terrorism Insurance

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

- Terrorism Statement.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_4RYT6003_OPD.TXT_1>

News

AIG American International Group, Inc.
70 Pine Street New York, NY 10270

Contact: Joe Norton
Director of Public Relations
212/770-3144

NEW YORK, April 19, 2002 - American International Group, Inc. (AIG) Chairman M. R. Greenberg has issued the following statement regarding statements attributed to an executive with AIG's new Lloyd's syndicate:

"Recent statements attributed to an executive with Ascot Underwriting, Ltd. suggest that a U.S. Government-led solution to the severe shortage of terrorism insurance is no longer necessary.

"While AIG and a number of other insurers have created a limited market for terrorism insurance in the wake of September 11, there is still an urgent need for the Federal Government to create a reinsurance backstop facility to provide the capacity to cover all businesses that could suffer terror losses. There is simply not enough capacity in the private market to address what is still an infinite risk. AIG believes that the Congress should act quickly to pass terrorism insurance legislation, which is necessary for economic growth and job creation.

"Ascot Underwriting Ltd. serves as the managing agent for AIG's Lloyd's syndicate, and Ascot Underwriting Ltd. employees are not authorized to speak for AIG."

#

From: CN=DeVere R. Patton/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2002 8:14:39 AM
Subject: : 1:00 Meeting with Tim Campen and Adam Greenstone

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:DeVere R. Patton (CN=DeVere R. Patton/OU=OA/O=EOP [OA])
CREATION DATE/TIME:19-APR-2002 12:14:39.00
SUBJECT:: 1:00 Meeting with Tim Campen and Adam Greenstone
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Mr. Kavanaugh,

Haven't heard back from you on this request. Is 1:00 a good time for you to meet, or would you rather meet later in the day?

Thank you.

v/r,

DeVere Patton
x5-1234

From: CN=DeVere R. Patton/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2002 9:40:17 AM
Subject: : Re: 1:00 Meeting with Tim Campen and Adam Greenstone

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:DeVere R. Patton (CN=DeVere R. Patton/OU=OA/O=EOP [OA])

CREATION DATE/TIME:19-APR-2002 13:40:17.00

SUBJECT:: Re: 1:00 Meeting with Tim Campen and Adam Greenstone

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Got your message. Thanks for the reply. We'll try to reschedule another time.

From: CN=DeVere R. Patton/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2002 9:40:17 AM
Subject: : Re: 1:00 Meeting with Tim Campen and Adam Greenstone

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:DeVere R. Patton (CN=DeVere R. Patton/OU=OA/O=EOP [OA])

CREATION DATE/TIME:19-APR-2002 13:40:17.00

SUBJECT:: Re: 1:00 Meeting with Tim Campen and Adam Greenstone

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Got your message. Thanks for the reply. We'll try to reschedule another time.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2002 10:45:25 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:19-APR-2002 14:45:25.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Boy ... Could have used you at lunch. I take back what I said about the
roving disaster zone.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
Sent: 4/19/2002 11:08:03 AM
Subject: : Re: Jacksonville Times Union (4/19/02) EDITORIAL re: Miguel Estrada

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-APR-2002 15:08:03.00
SUBJECT:: Re: Jacksonville Times Union (4/19/02) EDITORIAL re: Miguel Estrada
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

did not see this distribution list the first time around, but
thanks. . . . I think the world is about to end outside.

Anne Womack
04/19/2002 12:16:55 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Jacksonville Times Union (4/19/02) EDITORIAL re: Miguel
Estrada

GO BRETT!!!
----- Forwarded by Anne Womack/WHO/EOP on 04/19/2002
12:15 PM -----

Jeanie S. Mamo
04/19/2002 12:15:14 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Jacksonville Times Union (4/19/02) EDITORIAL re: Miguel
Estrada

Friday, April 19, 2002

SUPREME COURT: Negative action
EDITORIAL
Jacksonville (FL) Times Union

Despite weak denials by the U.S. Senate's leadership, it's clear that
Miguel Estrada is a victim of racial bias.

Estrada is an American success story. He came to this country as a
teenager, speaking virtually no English, and ended up arguing cases before
the Supreme Court for both Republican and Democratic administrations.

When he was nominated for a spot on the D.C. Court of Appeals, it was
widely assumed that was a steppingstone toward appointing him to the
Supreme Court when a vacancy develops. That would make Estrada, considered

REV_00143682

one of the nation's most brilliant legal minds, the first Hispanic ever to serve on the high court.

The Senate's Democratic leadership, however, has his nomination bottled up in committee. Pressed to act, one senator growled that he wouldn't be stampeded into voting on anyone. But Estrada was nominated a year ago. Since then, 42 others have been confirmed -- yet Estrada still hasn't been given the courtesy of a hearing.

Democrats say they oppose Estrada because he favors interpreting the Constitution to mean only what it says. They prefer someone who will interpret it as necessary to arrive at the rulings they prefer.

But the Constitution has no meaning at all, and thus offers no protections to anyone, if it is subject to change at the whim of lifetime appointees. Estrada merely wants to uphold constitutional, representative democracy -- hardly a legitimate reason to exclude him from the federal bench.

As the Democrats have often argued, there should be no philosophical litmus test for a federal judge. Approval should be based purely on judicial temperament and expertise. The American Bar Association has rated Estrada well qualified, and the Democrats themselves called the ABA ratings the "gold standard."

Even Al Gore's lawyer publicly endorsed Estrada.

There are four vacancies on the D.C. Court of Appeals, yet the Senate continues to stall.

Democrats don't oppose the idea of a Hispanic judge, of course. They just don't want one who is both competent and conservative, particularly if he might one day become the first Hispanic on the high court. They prefer to avoid the message that would send, no matter how much inconvenience it may cause to litigants awaiting justice.

Message Sent

To:

Anne Womack/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Nicolle Devenish/WHO/EOP@EOP
Mercedes M. Viana/WHO/EOP@EOP
Kenneth A. Lisaius/WHO/EOP@EOP

Message Sent

To:

Brett M. Kavanaugh/WHO/EOP@EOP
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Daniel J. Bartlett/WHO/EOP@EOP
Mercedes M. Viana/WHO/EOP@EOP
Leonard B. Rodriguez/WHO/EOP@EOP

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2002 11:38:00 AM
Subject: : Re: Blunt Embassy Employees Bill

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:19-APR-2002 15:38:00.00
SUBJECT:: Re: Blunt Embassy Employees Bill
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can we meet monday?

From: CN=David S. Addington/OU=OVP/O=EOP [OVP]
To: James A. Brown/OMB/EOP@EOP [OMB] <James A. Brown>
BCC: Rachel L. Brand (Rachel L. Brand/WHO/EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 4/19/2002 11:41:58 AM
Subject: : Re: LRM JAB 201- Request for Views on HR4231 Small Business Advocacy Improvement Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])
CREATION DATE/TIME:19-APR-2002 15:41:58.00
SUBJECT:: Re: LRM JAB 201- Request for Views on HR4231 Small Business Advocacy Improvement Act
TO:James A. Brown (CN=James A. Brown/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I recommend the following as the Statement of Administration Policy:

"The Administration supports House passage of H.R. 4231, which will assist in ensuring that Federal agencies properly take account of the needs of small businesses in the regulatory process.

"The Administration will continue to work in the legislative process to ensure that subsections 4(8) and 5(b) of the bill are amended to be consistent with the Constitution's commitment to the President of authority to supervise the unitary executive branch and to recommend to Congress such measures as he judges necessary and expedient. The Administration also notes that, because the Deputy Chief Counsels of the Office of Advocacy will be appointed by the Chief Counsel rather than the President or the head of a department, they are not officers and therefore cannot, consistent with the Constitution's Appointment Clause, exercise significant authority pursuant to the laws of the United States. Accordingly, the Chief Counsel will not be able to assign to the Deputy Counsels the duty of exercising the Chief Counsel's authority to waive the requirements of certain statutes (5 U.S.C. 609(e)) and to appear as of right as amicus curiae in any court of the United States reviewing a rule (5 U.S.C. 612(b))."

From: John Abegg) (John_Abegg@mcconnell.senate.gov (John Abegg) [UNKNOWN]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Brett M. Kavanaugh/WHO
/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/19/2002 2:12:45 PM
Subject: : Re[2]: Berenson remarks

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: John_Abegg@mcconnell.senate.gov (John Abegg) (John_Abegg@mcconnell.senate.gov
(John Abegg) [UNKNOWN])
CREATION DATE/TIME: 19-APR-2002 18:12:45.00
SUBJECT:: Re[2]: Berenson remarks
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Thanks. (I'm working on getting a C-Span transcript.)

Kudos to you and Brett on your fine performance.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/22/2002 4:11:19 AM
Subject: : Re: Red Flag

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2002 08:11:19.00
SUBJECT:: Re: Red Flag
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Agree with Brett.

Brett M. Kavanaugh
04/20/2002 10:58:28 AM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Red Flag

I agree with this and think you should send the e mail to heather wingate.
Staff meetings would be a set up at this point.

Sent from my BlackBerry Handheld.

From: CN=William S. Laragy/OU=OMB/O=EOP [OMB]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 5:27:46 AM
Subject: : Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:William S. Laragy (CN=William S. Laragy/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:22-APR-2002 09:27:46.00
SUBJECT:: Meeting
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brad-
Phil Perry would like to meet with you today for fifteen minutes.
Do you have any time available?
Thanks
Scott

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Rachel_L._Brand@who.eop.gov [UNKNOWN] <Rachel_L._Brand@who.eop.gov>
Sent: 4/22/2002 7:36:13 AM
Subject: : Re: Do we know when the next POTUS mtg re judges will be?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-APR-2002 11:36:13.00
SUBJECT:: Re: Do we know when the next POTUS mtg re judges will be?
TO: Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

do you have people who are ready?

Rachel_L._Brand@who.eop.gov
04/22/2002 11:33:57 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Do we know when the next POTUS mtg re judges will be?

From: Postmaster@washpost.com [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 7:44:14 AM
Subject: : DELIVERY FAILURE: Enhanced Mail System Status Code (RFC1893): 5.3.0

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Postmaster@washpost.com (Postmaster@washpost.com [OA])
CREATION DATE/TIME:22-APR-2002 11:44:14.00
SUBJECT:: DELIVERY FAILURE: Enhanced Mail System Status Code (RFC1893): 5.3.0
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Your message

Subject: Fax

was not delivered to:

bwittes@filtered.washpost.com

because:

Enhanced Mail System Status Code (RFC1893): 5.3.0

Original-Envelope-Id: 01KGV2HVXVDM9CGWGG@EOP.GOV
Reporting-MTA: dns; mercury.washpost.com
Received-From-MTA: DNS; eop151.eop.gov
Arrival-Date: Mon, 22 Apr 2002 11:35:19 -0400

Original-Recipient: rfc822;bwittes@washpost.com
Final-Recipient: RFC822; bwittes@filtered.washpost.com
Action: failed
Status: 5.3.0

Last-Attempt-Date: Mon, 22 Apr 2002 11:35:21 -0400
Return-path: <Brett_M._Kavanaugh@who.eop.gov>
Received: from eop1.eop.gov (eop151.eop.gov [198.137.241.51]) by
mercury.washpost.com (AIX4.3/8.9.3/8.9.3) with ESMTP id LAA79020 for
<bwittes@washpost.com>; Mon, 22 Apr 2002 11:35:19 -0400
Received: from CONVERSION-DAEMON by EOP.GOV (PMDF V5.2-33 #41062) id
<01KGV2HTYJWW9CGWGG@EOP.GOV> for bwittes@washpost.com; Mon, 22 Apr 2002
11:33:40 EDT
Received: from mhub2.eop.gov ([198.137.241.11]) by EOP.GOV (PMDF V5.2-33
#41062) with ESMTP id <01KGV2HHE5O69EIHD6@EOP.GOV> for
bwittes@washpost.com; Mon, 22 Apr 2002 11:33:21 -0400 (EDT)
Received: from sgeop01.eop.gov ([165.119.1.33]) by mhub.eop.gov (PMDF
V5.2-33 #40371) with SMTP id <01KGV2GUPW7C925ZTJ@mhub.eop.gov> for
bwittes@washpost.com; Mon, 22 Apr 2002 11:32:51 -0400 (EDT)
Received: by sgeop01.eop.gov (Lotus SMTP MTA v4.6.7 (934.1 12-30-1999)) id
85256BA3.00556599 ; Mon, 22 Apr 2002 11:32:45 -0400
Date: Mon, 22 Apr 2002 11:32:41 -0400
From: Brett_M._Kavanaugh@who.eop.gov
Subject: Fax

To: bwittes@washpost.com
Message-id: <85256BA3.00556493.00@sgeop01.eop.gov>
MIME-version: 1.0
Content-type: text/plain; charset=us-ascii
Content-disposition: inline
Content-transfer-encoding: 7BIT
X-Lotus-FromDomain: EOP

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/22/2002
11:32 AM -----

REV_00143693

Lori L. Lorenzi
04/22/2002 11:31:40 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Fax

Still unable to have the fax go through for Ben Whittes. The line just rings.

Do we have a phone number for him?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>
Sent: 4/22/2002 3:45:09 AM
Subject: : stats update

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2002 07:45:09.00
SUBJECT:: stats update
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

As of today, President has nominated 99 (it is 99 after Gardner's nomination today for ED PA). The Senate has confirmed 45 judges (most recent confirmation was Legrome Davis last Thursday). There are 54 remaining nominees for approximately 95 vacancies. Therefore, there are about 40 vacancies for which President has not yet submitted formal nominations.

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 7:47:51 AM
Subject: : Do we know when the next POTUS mtg re judges will be?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])

CREATION DATE/TIME: 22-APR-2002 11:47:51.00

SUBJECT:: Do we know when the next POTUS mtg re judges will be?

TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

From: CN=Daniel A. Barry/OU=OA/O=EOP [OA]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>;Brett M. Kavanaugh/WHO
/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 4:53:45 AM
Subject: : Search print status

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP [OA])
CREATION DATE/TIME:22-APR-2002 08:53:45.00
SUBJECT:: Search print status
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Adam, Brett;

The search printing has not yet completed ! The printing started on Thursday evening and continued through the weekend. There are currently 52 boxes of paper printing and probably another 30 to go.

Do you want me to continue printing ? Please note that this is the prining without the bulk mail.

I am reviewing my original estimate to see why it was so far off.

Later... Tony

From: CN=Daniel A. Barry/OU=OA/O=EOP [OA]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>;Brett M. Kavanaugh/WHO
/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 4:53:45 AM
Subject: : Search print status

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP [OA])
CREATION DATE/TIME:22-APR-2002 08:53:45.00
SUBJECT:: Search print status
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Adam,Brett;

The search printing has not yet completed ! The printing started on Thursday evening and continued through the weekend. There are currently 52 boxes of paper printing and probably another 30 to go.

Do you want me to continue printing ? Please note that this is the prining without the bulk mail.

I am reviewing my original estimate to see why it was so far off.

Later... Tony

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>
CC: adam.f.greenstone/oa/eop@eop [OA] <adam.f.greenstone>
Sent: 4/22/2002 4:54:44 AM
Subject: : Re: Search print status

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2002 08:54:44.00
SUBJECT:: Re: Search print status
TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:adam.f.greenstone (CN=adam.f.greenstone/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Yes, please continue printing.

DANIEL A.
BARRY
04/22/2002 08:53:42 AM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Search print status

Adam,Brett;

The search printing has not yet completed ! The printing started on Thursday evening and continued through the weekend. There are currently 52 boxes of paper printing and probably another 30 to go.

Do you want me to continue printing ? Please note that this is the prining without the bulk mail.

I am reviewing my original estimate to see why it was so far off.

Later... Tony

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>
Sent: 4/22/2002 4:59:32 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-APR-2002 08:59:32.00

SUBJECT::

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I am sure we have asked this before, but what percentage of all of
President Clinton's court of appeals nominees was confirmed? Thanks.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 5:15:06 AM
Subject: : Room 450 on May 3rd

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2002 09:15:06.00
SUBJECT:: Room 450 on May 3rd
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

FYI that Matt Smith has 450 reserved for Natl. Religious Broadcasters event until 11am on Friday, May 3rd.

Kara indicated that the Law Day event will probably need to be in 450 and will likely be scheduled for 10:30 am. I brought this to Matt's attention this morning and he said we'll need to talk about since the President will likely drop by his NRB event. Wanted to give you a heads up on this location timing conflict.

Because of the Judge's schedule the 10:30 am start time for Law Day event in 450 is greatly desired. He has a Montgomery Co. Law Day speech in Gaithersburg (45 minutes each way) that is occurring between two events with the President that day so his schedule is already really tight. Obviously we'll do whatever works best for the President.

xoxo

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 5:31:18 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2002 09:31:18.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

12 received hearings.

Brett M. Kavanaugh
04/22/2002 09:23:09 AM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

Of the 41 who were not confirmed, how many of them received hearings?

Brent D. Greenfield
04/22/2002 09:12:31 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

61.3% (65 of 106 confirmed)
(this statistic does not include his January 2001 recess appointments)

Brett M. Kavanaugh
04/22/2002 08:59:31 AM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc:
Subject:

I am sure we have asked this before, but what percentage of all of President Clinton's court of appeals nominees was confirmed? Thanks.

REV_00143707

From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 10:58:45 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-APR-2002 14:58:45.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Hav you had a chance to look at that CT GOP press release with Karl's name on it?

From: CN=William S. Laragy/OU=OMB/O=EOP [OMB]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 7:12:08 AM
Subject: : Re: Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:William S. Laragy (CN=William S. Laragy/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:22-APR-2002 11:12:08.00
SUBJECT:: Re: Meeting
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

630?
----- Forwarded by William S. Laragy/OMB/EOP on
04/22/2002 11:15 AM -----

Philip J. Perry
04/22/2002 11:02:15 AM
Record Type: Record

To: William S. Laragy/OMB/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

i'm really sorry, but could we please make this 6:30?

William S. Laragy
04/22/2002 10:18:28 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Philip J. Perry/OMB/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Meeting

Brad-
Phil would still like to meet @ 6 in your office.
Thanks
Scott

From: CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 4/22/2002 7:38:21 AM
Subject: : 04-24-02 WHJSC meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2002 11:38:21.00
SUBJECT:: 04-24-02 WHJSC meeting
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Please let me know if you have any items for this week's agenda.

Thanks.

From: Postmaster@washpost.com [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 7:44:14 AM
Subject: : DELIVERY FAILURE: Enhanced Mail System Status Code (RFC1893): 5.3.0

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Postmaster@washpost.com (Postmaster@washpost.com [OA])
CREATION DATE/TIME:22-APR-2002 11:44:14.00
SUBJECT:: DELIVERY FAILURE: Enhanced Mail System Status Code (RFC1893): 5.3.0
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Your message

Subject: Fax

was not delivered to:

bwittes@filtered.washpost.com

because:

Enhanced Mail System Status Code (RFC1893): 5.3.0

Original-Envelope-Id: 01KGV2HVXVDM9CGWGG@EOP.GOV
Reporting-MTA: dns; mercury.washpost.com
Received-From-MTA: DNS; eop151.eop.gov
Arrival-Date: Mon, 22 Apr 2002 11:35:19 -0400

Original-Recipient: rfc822;bwittes@washpost.com
Final-Recipient: RFC822; bwittes@filtered.washpost.com
Action: failed
Status: 5.3.0

Last-Attempt-Date: Mon, 22 Apr 2002 11:35:21 -0400
Return-path: <Brett_M._Kavanaugh@who.eop.gov>
Received: from eop1.eop.gov (eop151.eop.gov [198.137.241.51]) by
mercury.washpost.com (AIX4.3/8.9.3/8.9.3) with ESMTP id LAA79020 for
<bwittes@washpost.com>; Mon, 22 Apr 2002 11:35:19 -0400
Received: from CONVERSION-DAEMON by EOP.GOV (PMDF V5.2-33 #41062) id
<01KGV2HTYJWW9CGWGG@EOP.GOV> for bwittes@washpost.com; Mon, 22 Apr 2002
11:33:40 EDT
Received: from mhub2.eop.gov ([198.137.241.11]) by EOP.GOV (PMDF V5.2-33
#41062) with ESMTP id <01KGV2HHE5O69EIH6@EOP.GOV> for
bwittes@washpost.com; Mon, 22 Apr 2002 11:33:21 -0400 (EDT)
Received: from sgeop01.eop.gov ([165.119.1.33]) by mhub.eop.gov (PMDF
V5.2-33 #40371) with SMTP id <01KGV2GUPW7C925ZTJ@mhub.eop.gov> for
bwittes@washpost.com; Mon, 22 Apr 2002 11:32:51 -0400 (EDT)
Received: by sgeop01.eop.gov (Lotus SMTP MTA v4.6.7 (934.1 12-30-1999)) id
85256BA3.00556599 ; Mon, 22 Apr 2002 11:32:45 -0400
Date: Mon, 22 Apr 2002 11:32:41 -0400
From: Brett_M._Kavanaugh@who.eop.gov
Subject: Fax
To: bwittes@washpost.com
Message-id: <85256BA3.00556493.00@sgeop01.eop.gov>
MIME-version: 1.0
Content-type: text/plain; charset=us-ascii
Content-disposition: inline
Content-transfer-encoding: 7BIT
X-Lotus-FromDomain: EOP

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/22/2002
11:32 AM -----

REV_00143717

Lori L. Lorenzi
04/22/2002 11:31:40 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Fax

Still unable to have the fax go through for Ben Whittes. The line just rings.

Do we have a phone number for him?

From: Postmaster@washpost.com [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 7:44:16 AM
Subject: : DELIVERY FAILURE: Enhanced Mail System Status Code (RFC1893): 5.1.1

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Postmaster@washpost.com (Postmaster@washpost.com [OA])
CREATION DATE/TIME:22-APR-2002 11:44:16.00
SUBJECT:: DELIVERY FAILURE: Enhanced Mail System Status Code (RFC1893): 5.1.1
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Your message

Subject: Fax

was not delivered to:

bwittes@filtered.washpost.com

because:

Enhanced Mail System Status Code (RFC1893): 5.1.1

Reporting-MTA: dns; mercury.washpost.com
Arrival-Date: Mon, 22 Apr 2002 11:35:20 -0400

Final-Recipient: RFC822; bwittes@filtered.washpost.com
Action: failed
Status: 5.1.1
Last-Attempt-Date: Mon, 22 Apr 2002 11:35:20 -0400
Return-path: <Brett_M._Kavanaugh@who.eop.gov>
Received: (from root@localhost) by mercury.washpost.com
(AIX4.3/8.9.3/8.9.3) id LAA82942 for bwittes@filtered.washpost.com; Mon,
22 Apr 2002 11:35:20 -0400
Received: from eopl1.eop.gov (eopl151.eop.gov [198.137.241.51]) by
mercury.washpost.com (AIX4.3/8.9.3/8.9.3) with ESMTP id LAA79020 for
<bwittes@washpost.com>; Mon, 22 Apr 2002 11:35:19 -0400
Received: from CONVERSION-DAEMON by EOP.GOV (PMDF V5.2-33 #41062) id
<01KGV2HTYJWW9CGWGG@EOP.GOV> for bwittes@washpost.com; Mon, 22 Apr 2002
11:33:40 EDT
Received: from mhub2.eop.gov ([198.137.241.11]) by EOP.GOV (PMDF V5.2-33
#41062) with ESMTP id <01KGV2HHE5O69EIH6@EOP.GOV> for
bwittes@washpost.com; Mon, 22 Apr 2002 11:33:21 -0400 (EDT)
Received: from sgeop01.eop.gov ([165.119.1.33]) by mhub.eop.gov (PMDF
V5.2-33 #40371) with SMTP id <01KGV2GUPW7C925ZTJ@mhub.eop.gov> for
bwittes@washpost.com; Mon, 22 Apr 2002 11:32:51 -0400 (EDT)
Received: by sgeop01.eop.gov (Lotus SMTP MTA v4.6.7 (934.1 12-30-1999)) id
85256BA3.00556599 ; Mon, 22 Apr 2002 11:32:45 -0400
Date: Mon, 22 Apr 2002 11:32:41 -0400
From: Brett_M._Kavanaugh@who.eop.gov
Subject: Fax
To: bwittes@washpost.com
Message-id: <85256BA3.00556493.00@sgeop01.eop.gov>
MIME-version: 1.0
Content-type: text/plain; charset=us-ascii
Content-disposition: inline
Content-transfer-encoding: 7BIT
X-Lotus-FromDomain: EOP

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/22/2002
11:32 AM -----

REV_00143719

Lori L. Lorenzi
04/22/2002 11:31:40 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Fax

Still unable to have the fax go through for Ben Whittes. The line just rings.

Do we have a phone number for him?

From: Postmaster@washpost.com [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 7:44:16 AM
Subject: : DELIVERY FAILURE: Enhanced Mail System Status Code (RFC1893): 5.1.1

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Postmaster@washpost.com (Postmaster@washpost.com [OA])
CREATION DATE/TIME:22-APR-2002 11:44:16.00
SUBJECT:: DELIVERY FAILURE: Enhanced Mail System Status Code (RFC1893): 5.1.1
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Your message

Subject: Fax

was not delivered to:

bwittes@filtered.washpost.com

because:

Enhanced Mail System Status Code (RFC1893): 5.1.1

Reporting-MTA: dns; mercury.washpost.com
Arrival-Date: Mon, 22 Apr 2002 11:35:20 -0400

Final-Recipient: RFC822; bwittes@filtered.washpost.com
Action: failed
Status: 5.1.1
Last-Attempt-Date: Mon, 22 Apr 2002 11:35:20 -0400
Return-path: <Brett_M._Kavanaugh@who.eop.gov>
Received: (from root@localhost) by mercury.washpost.com
(AIX4.3/8.9.3/8.9.3) id LAA82942 for bwittes@filtered.washpost.com; Mon,
22 Apr 2002 11:35:20 -0400
Received: from eopl1.eop.gov (eopl151.eop.gov [198.137.241.51]) by
mercury.washpost.com (AIX4.3/8.9.3/8.9.3) with ESMTP id LAA79020 for
<bwittes@washpost.com>; Mon, 22 Apr 2002 11:35:19 -0400
Received: from CONVERSION-DAEMON by EOP.GOV (PMDF V5.2-33 #41062) id
<01KGV2HTYJWW9CGWGG@EOP.GOV> for bwittes@washpost.com; Mon, 22 Apr 2002
11:33:40 EDT
Received: from mhub2.eop.gov ([198.137.241.11]) by EOP.GOV (PMDF V5.2-33
#41062) with ESMTP id <01KGV2HHE5O69EIHD6@EOP.GOV> for
bwittes@washpost.com; Mon, 22 Apr 2002 11:33:21 -0400 (EDT)
Received: from sgeop01.eop.gov ([165.119.1.33]) by mhub.eop.gov (PMDF
V5.2-33 #40371) with SMTP id <01KGV2GUPW7C925ZTJ@mhub.eop.gov> for
bwittes@washpost.com; Mon, 22 Apr 2002 11:32:51 -0400 (EDT)
Received: by sgeop01.eop.gov (Lotus SMTP MTA v4.6.7 (934.1 12-30-1999)) id
85256BA3.00556599 ; Mon, 22 Apr 2002 11:32:45 -0400
Date: Mon, 22 Apr 2002 11:32:41 -0400
From: Brett_M._Kavanaugh@who.eop.gov
Subject: Fax
To: bwittes@washpost.com
Message-id: <85256BA3.00556493.00@sgeop01.eop.gov>
MIME-version: 1.0
Content-type: text/plain; charset=us-ascii
Content-disposition: inline
Content-transfer-encoding: 7BIT
X-Lotus-FromDomain: EOP

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/22/2002
11:32 AM -----

REV_00143721

Lori L. Lorenzi
04/22/2002 11:31:40 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: Fax

Still unable to have the fax go through for Ben Whittes. The line just rings.

Do we have a phone number for him?

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: William S. Laragy/OMB/EOP@EOP [OMB] <William S. Laragy>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/22/2002 7:51:24 AM
Subject: : Re: Meeting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2002 11:51:24.00
SUBJECT:: Re: Meeting
TO:William S. Laragy (CN=William S. Laragy/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Fine with me.

William S. Laragy
04/22/2002 11:12:28 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Re: Meeting

630?
----- Forwarded by William S. Laragy/OMB/EOP on
04/22/2002 11:15 AM -----

Philip J. Perry
04/22/2002 11:02:15 AM
Record Type: Record

To: William S. Laragy/OMB/EOP@EOP
cc:
bcc:
Subject: Re: Meeting

i'm really sorry, but could we please make this 6:30?

William S. Laragy
04/22/2002 10:18:28 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Philip J. Perry/OMB/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Meeting

Brad-
Phil would still like to meet @ 6 in your office.
Thanks
Scott

REV_00143723

From: CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>; rachel l. brand/who/eop@eop [WHO] <rachel l. brand>; noel j. francisco/who/eop@eop [WHO] <noel j. francisco>; brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; kyle sampson/who/eop@eop [WHO] <kyle sampson>; elizabeth n. camp/who/eop@eop [WHO] <elizabeth n. camp>; allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>; patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 4/22/2002 12:13:40 PM
Subject: : Re: Where's Helgard?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-APR-2002 16:13:40.00
SUBJECT:: Re: Where's Helgard?
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: elizabeth n. camp (CN=elizabeth n. camp/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Has anyone tried to reach her on her cell phone?

H. Christopher Bartolomucci
04/22/2002 04:00:00 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Where's Helgard?

Does anyone know where Helgi is? I thought she was at the off-site location, but they just called and said she has not been there today.

Message Sent

To: _____
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

REV_00143725

Elizabeth N. Camp/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Patrick J. Bumatay/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Oscar Gonzalez/OMB/EOP@EOP [OMB] <Oscar Gonzalez>
CC: matthew j. schneider/omb/eop@eop [OMB] <matthew j. schneider>;randolph m. lyon/omb/eop@eop [OMB] <randolph m. lyon>;beatrice a. reaud/omb/eop@eop [OMB] <beatrice a. reaud>
Sent: 4/22/2002 2:39:28 PM
Subject: : Re: 4/24 hearing on Presidential Records Act

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2002 18:39:28.00
SUBJECT:: Re: 4/24 hearing on Presidential Records Act
TO:Oscar Gonzalez (CN=Oscar Gonzalez/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:matthew j. schneider (CN=matthew j. schneider/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:randolph m. lyon (CN=randolph m. lyon/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
CC:beatrice a. reaud (CN=beatrice a. reaud/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
End Original ARMS Header

We and DOJ have decided that Administration witnesses will not testify.

From: Oscar Gonzalez on 04/22/2002 03:12:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Matthew J. Schneider/OMB/EOP@EOP, Randolph M. Lyon/OMB/EOP@EOP, Beatrice A. Reaud/OMB/EOP@EOP
cc:
Subject: 4/24 hearing on Presidential Records Act

FYI:
Presidential Records Access
House Government Reform Committee -
Subcommittee on Government Efficiency, Financial
Management and Intergovernmental Relations
Subcommittee Hearing
Agenda: HR 4187 - Presidential Records Act
Amendments of 2002
Date: April 24, 10:00 A.M., 2154 Rayburn Building

I'm trying to find out whether Administration witnesses have been asked to present testimony.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Israel Hernandez/WHO/EOP@EOP [WHO] <Israel Hernandez>
CC: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 4/22/2002 2:50:19 PM
Subject: : May 3 event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:22-APR-2002 18:50:19.00
SUBJECT:: May 3 event
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

On the May 3 scheduling request: I think the invited guests should not include law clerks, who work for the judiciary and should not be part of this kind of event. I also do not think law students add much. Rather, I think we should invite (i) selected bar leaders from around the country; (ii) leaders of certain groups that care about this issue; and (iii) bipartisan supporters of the key nominees.

From: CN=Lindsey C. Kozberg/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 7:20:31 PM
Subject: : Re: IMPORTANT: Your certification needed on attached Department of Justice form

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lindsey C. Kozberg (CN=Lindsey C. Kozberg/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:22-APR-2002 23:20:31.00
SUBJECT:: Re: IMPORTANT: Your certification needed on attached Department of Justice form
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I was informed that as a detailee I was not required to complete. Please advise and I will follow suit accordingly.

Please pardon my spelling and grammar, this message was sent from a handheld pager.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 4:25:23 PM
Subject: : Law Day

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-APR-2002 20:25:23.00

SUBJECT:: Law Day

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I need the latest info on Law Day plans. I've been working on the Proclamation with DOJ but there is apparently confusion over scheduling and what, if anything, we want DOJ or the AG to do. May 1 is Law Day by statute, so if POTUS does an event May 3, it can't technically be a Law Day event. Please fill me in on where things are with this. There are a couple folks in OLP who really need guidance.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/22/2002 4:30:58 PM
Subject: : Re: Law Day

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-APR-2002 20:30:58.00
SUBJECT:: Re: Law Day
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

What I know:

He's doing an event/speech on May 3 in Room 450 that will be a Law Day event. (For what it is worth, the Montgomery County Law Day event is May 3, so we have some cover. I am sure there are others that do not occur on May 1 itself.) And to reference Law Day, he can just begin by noting that "This week, we have celebrated ____." But the speech will largely be about judges, as I understand it. John McConnell et al are apparently in charge of the drafting, as I understand it.

Also, he is having Senate Judiciary Committee Republicans to White House on May 9. There will be open press at top and he will make remarks on the 1-year anniversary.

Bradford A. Berenson
04/22/2002 08:25:20 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Law Day

I need the latest info on Law Day plans. I've been working on the Proclamation with DOJ but there is apparently confusion over scheduling and what, if anything, we want DOJ or the AG to do. May 1 is Law Day by statute, so if POTUS does an event May 3, it can't technically be a Law Day event. Please fill me in on where things are with this. There are a couple folks in OLP who really need guidance.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
BCC: gilbert aguirre (gilbert aguirre [WHO]), linus amorsingh (linus amorsingh [UNKNOWN]), Steven Atkiss (Steven Atkiss [WHO]), robert bailey (robert bailey [WHO]), jane baker (jane baker [PFIAB]), kathleen becker (kathleen becker [UNKNOWN]), Latoya Benson (Latoya Benson [WHO]), kirk blaylock (kirk blaylock [UNKNOWN]), mary brooke (mary brooke [WHO]), emmerson buie (emmerson buie [UNKNOWN]), j.christopher bunting (j.christopher bunting [UNKNOWN]), Therese Burch (Therese Burch [WHO]), shannon burkhart (shannon burkhart [WHO]), catherin byrne (catherin byrne [UNKNOWN]), marica caler (marica caler [UNKNOWN]), anne campbell (anne campbell [WHO]), frances campbell (frances campbell [WHO]), lois cassano (lois cassano [WHO]), rachel comte (rachel comte [UNKNOWN]), charles conner (charles conner [OPD]), colby cooper (colby cooper [NSC]), bernard crawford (bernard crawford [NSC]), anthony crawford (anthony crawford [NSC]), michael davis (michael davis [WHO]), Randy Deitering (Randy Deitering [PFIAB]), Robert Deservi (Robert Deservi [WHO]), reed dickens (reed dickens [WHO]), Elizabeth digregrio (Elizabeth digregrio [UNKNOWN]), katherine disston (katherine disston [WHO]), philp droege (philp droege [UNKNOWN]), jonathan dworken (jonathan dworken [NSC]), jennifer edwards (jennifer edwards [OPD]), j.d. estes (j.d. estes [UNKNOWN]), madalene evans (madalene evans [WHO]), katherine fertaki (katherine fertaki [UNKNOWN]), jennifer foley (jennifer foley [WHO]), myra freeman (myra freeman [WHO]), reed galen (reed galen [WHO]), theodore gangsei (theodore gangsei [WHO]), gregory goss (gregory goss [WHO]), michael green (michael green [NSC]), thomas greenwood (thomas greenwood [NSC]), virginia gregory (virginia gregory [WHO]), judy grier (judy grier [WHO]), taylor gross (taylor gross [WHO]), abel guerra (abel guerra [WHO]), Alison Harden (Alison Harden [WHO]), jacquelyn hayes-bird (jacquelyn hayes-bird [UNKNOWN]), ern healy (ern healy [UNKNOWN]), mike heath (mike heath [UNKNOWN]), anne heilgenstein (anne heilgenstein [UNKNOWN]), israel hernandez (israel hernandez [WHO]), curtis jablonka (curtis jablonka [WHO]), theodoric james (theodoric james [UNKNOWN]), gregory jenkins (gregory jenkins [WHO]), Crystal Jones (Crystal Jones [WHO]), deborah jones (deborah jones [WHO]), Jean-Francois kalka (Jean-Francois kalka [NSC]), Taeshonnda King (Taeshonnda King [WHO]), lindzey kozberg (lindzey kozberg [UNKNOWN]), mary lambert (mary lambert [OPD]), mary latimer (mary latimer [NSC]), donni leboeuf (donni leboeuf [WHO]), flynt leverett (flynt leverett [NSC]), darin lezotte (darin lezotte [WHO]), laura lineberry (laura lineberry [NSC]), Jose Mallea (Jose Mallea [WHO]), david mark (david mark [WHO]), david mcArthur (david mcArthur [WHO]), kendall mcculloch (kendall mcculloch [WHO]), broan merchant (broan merchant [UNKNOWN]), ja (ja [UNKNOWN]), es miller (es miller [UNKNOWN]), helen mobley (helen mobley [WHO]), marcus mollman (marcus mollman [UNKNOWN]), brian montgomery (brian montgomery [WHO]), james moriarity (james moriarity [UNKNOWN]), paul morse (paul morse [WHO]), charles nash (charles nash [WHO]), paul newell (paul newell [WHO]), j. paul nicholas (j. paul nicholas [UNKNOWN]), tiffany olson (tiffany olson [NSC]), doris parker (doris parker [WHO]), Nicole Petrosino (Nicole Petrosino [WHO]), sarah pfeifer (sarah pfeifer [UNKNOWN]), dina powell (dina powell [WHO]), kathy prendergast (kathy prendergast [UNKNOWN]), kristopher purcell (kristopher purcell [WHO]), susan ralston (susan ralston [WHO]), gail randall (gail randall [WHO]), james rodriguez (james rodriguez [UNKNOWN]), leonard rodriguez (leonard rodriguez [WHO]), noelia rodriguez (noelia rodriguez [WHO]), mark rosenkir (mark rosenkir [UNKNOWN]), roosevelt roy (roosevelt roy [PFIAB]), kathryn rust (kathryn rust [WHO]), angela sailor (angela sailor [WHO]), wendell samuels (wendell samuels [WHO]), david scott (david scott [NSC]), elizabeth selva (elizabeth selva [NSC]), robert shea (robert shea [OMB]), leslie shockey (leslie shockey [UNKNOWN]), cytnhia shourds (cytnhia shourds [UNKNOWN]), Wandra Simpson (Wandra Simpson [WHO]), ashley snee (ashley snee [WHO]), louella snyder (louella snyder [WHO]), lynden steele (lynden steele [WHO]), Jack Sulser (Jack Sulser [UNKNOWN]), rhonda taylor (rhonda taylor [OPD]), r. cornell teague (r. cornell teague [UNKNOWN]), eric terrell (eric terrell [WHO]), phyllis tucker (phyllis tucker [WHO]), cynthia vanderberg (cynthia vanderberg [UNKNOWN]), Randall viedgar (Randall viedgar [UNKNOWN]), patricia ware (patricia ware [OPD]), camille welborn (camille welborn [UNKNOWN]), matthew wendell (matthew wendell [UNKNOWN]), howard westray (howard westray [WHO]), john brad wiegmann (john brad wiegmann [UNKNOWN]), cindi williams (cindi williams [UNKNOWN]), Patricia Young (Patricia Young [WHO]), reginald young (reginald young [UNKNOWN]), tracy young (tracy young [WHO])
Sent: 4/22/2002 5:44:36 PM

Subject: : IMPORTANT: Your certification needed on attached Department of Justice form
Attachments: P_F4TV6003_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-APR-2002 21:44:36.00

SUBJECT:: IMPORTANT: Your certification needed on attached Department of Justice form

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:gilbert aguirre (gilbert aguirre [WHO])

READ:UNKNOWN

BCC:linus amorsingh (linus amorsingh [UNKNOWN])

READ:UNKNOWN

BCC:Steven Atkiss (Steven Atkiss [WHO])

READ:UNKNOWN

BCC:robert bailey (robert bailey [WHO])

READ:UNKNOWN

BCC:jane baker (jane baker [PFIAB])

READ:UNKNOWN

BCC:kathleen becker (kathleen becker [UNKNOWN])

READ:UNKNOWN

BCC:Latoya Benson (Latoya Benson [WHO])

READ:UNKNOWN

BCC:kirk blaylock (kirk blaylock [UNKNOWN])

READ:UNKNOWN

BCC:mary brooke (mary brooke [WHO])

READ:UNKNOWN

BCC:emmerison buie (emmerison buie [UNKNOWN])

READ:UNKNOWN

BCC:j.christopher bunting (j.christopher bunting [UNKNOWN])

READ:UNKNOWN

BCC:Therese Burch (Therese Burch [WHO])

READ:UNKNOWN

BCC:shannon burkhart (shannon burkhart [WHO])

READ:UNKNOWN

BCC:catherin byrne (catherin byrne [UNKNOWN])

READ:UNKNOWN

BCC:marica caler (marica caler [UNKNOWN])

READ:UNKNOWN

BCC:anne campbell (anne campbell [WHO])

READ:UNKNOWN

BCC:frances campbell (frances campbell [WHO])

READ:UNKNOWN

BCC:lois cassano (lois cassano [WHO])

READ:UNKNOWN

BCC:rachel comte (rachel comte [UNKNOWN])

READ:UNKNOWN

BCC:charles conner (charles conner [OPD])

READ:UNKNOWN

BCC:colby cooper (colby cooper [NSC])

READ:UNKNOWN

BCC:bernard crawford (bernard crawford [NSC])

READ:UNKNOWN

BCC:anthony crawford (anthony crawford [NSC])

READ:UNKNOWN

BCC:michael davis (michael davis [WHO])

READ:UNKNOWN

BCC:Randy Deitering (Randy Deitering [PFIAB])

READ:UNKNOWN

BCC:Robert Deservi (Robert Deservi [WHO])

READ:UNKNOWN

BCC:reed dickens (reed dickens [WHO])

READ:UNKNOWN

BCC:Elizabeth digregrio (Elizabeth digregrio [UNKNOWN])

READ:UNKNOWN

REV_00143756

BCC:katherine disston (katherine disston [WHO])
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BCC:jonathan dworken (jonathan dworken [NSC])
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BCC:jennifer edwards (jennifer edwards [OPD])
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BCC:j.d. estes (j.d. estes [UNKNOWN])
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BCC:wendell samuels (wendell samuels [WHO])
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BCC:Jack Sulser (Jack Sulser [UNKNOWN])
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BCC:rhonda taylor (rhonda taylor [OPD])
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BCC:reginald young (reginald young [UNKNOWN])
READ:UNKNOWN
BCC:tracy young (tracy young [WHO])
READ:UNKNOWN
End Original ARMS Header

According to our records, we have not received a signed certification from you on the form that is attached to this e-mail. The form relates to the Department of Justice's criminal investigation of the unauthorized disclosure last year of confidential government information concerning the blocking and freezing of the assets of the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation. Please complete and sign the attached form and return it to Brent Greenfield in Room 160 1/2 no later than close of business Wednesday, April 24. If you have any questions or cannot complete the form in that time frame, please contact me at 6-7984.

As part of the certification, you are also asked to produce all

REV_00143759

official documents in your possession (including any e-mails and internal memoranda you have retained) that:

a) were created (or are dated) between September 11, 2001 and on or before September 30, 2001, and indicate that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen by the United States government; or

b) were created (or are dated) on or before December 4, 2001, and indicate that the Holy Land Foundation was being considered for inclusion on a list of suspected terrorist fund-raising organizations or would otherwise have its assets blocked or frozen by the United States government; or

c) were created (or are dated) on or before December 14, 2001, and indicate that the Global Relief Foundation was to be searched or would have its assets frozen or blocked on or about December 14, 2001 or which discusses the expected date and time of any such action.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F4TV6003_WHO.TXT_1>

CERTIFICATION

I certify, to the best of my knowledge, that

_____ I had access

_____ I did not have access

- a) on or before September 30, 2001, to the information that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen; or
- b) on or before December 3, 2001, to the information that a search would be conducted of (or that a blocking action would be taken against) the Holy Land Foundation on December 4, 2001; or
- c) on or before December 13, 2001, to the information that a blocking action would be taken against (or that a search would be conducted of) the Global Relief Foundation on December 14, 2001.

I further certify, to the best of my knowledge, that

_____ I have produced to the Office of the Counsel to the President all official documents in my possession (including any e-mails and internal memoranda I have) responsive to the document production directive in the e-mail memorandum to which this Certification was attached.

_____ I have conducted a search and determined that I have no such documents.

I understand that the information and documents I provide to the Office of the Counsel to the President are likely to be disclosed to the U.S. Department of Justice for use in its criminal investigation and that the Counsel's Office is not acting as my private attorney in this matter.

I further understand that this Certification is for purposes of a federal criminal investigation and that intentional false statements may result in criminal penalties or other sanctions.

NAME (please print):

SIGNATURE:

DATE:

OFFICE:

PHONE NUMBER:

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
BCC: gilbert aguirre (gilbert aguirre [WHO]), linus amorsingh (linus amorsingh [UNKNOWN]), Steven Atkiss (Steven Atkiss [WHO]), robert bailey (robert bailey [WHO]), jane baker (jane baker [PFIAB]), kathleen becker (kathleen becker [UNKNOWN]), Latoya Benson (Latoya Benson [WHO]), kirk blaylock (kirk blaylock [UNKNOWN]), mary brooke (mary brooke [WHO]), emmerson buie (emmerson buie [UNKNOWN]), j.christopher bunting (j.christopher bunting [UNKNOWN]), Therese Burch (Therese Burch [WHO]), shannon burkhart (shannon burkhart [WHO]), catherin byrne (catherin byrne [UNKNOWN]), marica caler (marica caler [UNKNOWN]), anne campbell (anne campbell [WHO]), frances campbell (frances campbell [WHO]), lois cassano (lois cassano [WHO]), rachel comte (rachel comte [UNKNOWN]), charles conner (charles conner [OPD]), colby cooper (colby cooper [NSC]), bernard crawford (bernard crawford [NSC]), anthony crawford (anthony crawford [NSC]), michael davis (michael davis [WHO]), Randy Deitering (Randy Deitering [PFIAB]), Robert Deservi (Robert Deservi [WHO]), reed dickens (reed dickens [WHO]), Elizabeth digregrio (Elizabeth digregrio [UNKNOWN]), katherine disston (katherine disston [WHO]), philp droege (philp droege [UNKNOWN]), jonathan dworken (jonathan dworken [NSC]), jennifer edwards (jennifer edwards [OPD]), j.d. estes (j.d. estes [UNKNOWN]), madalene evans (madalene evans [WHO]), katherine fertaki (katherine fertaki [UNKNOWN]), jennifer foley (jennifer foley [WHO]), myra freeman (myra freeman [WHO]), reed galen (reed galen [WHO]), theodore gangsei (theodore gangsei [WHO]), gregory goss (gregory goss [WHO]), michael green (michael green [NSC]), thomas greenwood (thomas greenwood [NSC]), virginia gregory (virginia gregory [WHO]), judy grier (judy grier [WHO]), taylor gross (taylor gross [WHO]), abel guerra (abel guerra [WHO]), Alison Harden (Alison Harden [WHO]), jacquelyn hayes-bird (jacquelyn hayes-bird [UNKNOWN]), ern healy (ern healy [UNKNOWN]), mike heath (mike heath [UNKNOWN]), anne heilgenstein (anne heilgenstein [UNKNOWN]), israel hernandez (israel hernandez [WHO]), curtis jablonka (curtis jablonka [WHO]), theodoric james (theodoric james [UNKNOWN]), gregory jenkins (gregory jenkins [WHO]), Crystal Jones (Crystal Jones [WHO]), deborah jones (deborah jones [WHO]), Jean-Francois kalka (Jean-Francois kalka [NSC]), Taeshonnda King (Taeshonnda King [WHO]), lindzey kozberg (lindzey kozberg [UNKNOWN]), mary lambert (mary lambert [OPD]), mary latimer (mary latimer [NSC]), donni leboeuf (donni leboeuf [WHO]), flynt leverett (flynt leverett [NSC]), darin lezotte (darin lezotte [WHO]), laura lineberry (laura lineberry [NSC]), Jose Mallea (Jose Mallea [WHO]), david mark (david mark [WHO]), david mcArthur (david mcArthur [WHO]), kendall mcculloch (kendall mcculloch [WHO]), broan merchant (broan merchant [UNKNOWN]), ja (ja [UNKNOWN]), es miller (es miller [UNKNOWN]), helen mobley (helen mobley [WHO]), marcus mollman (marcus mollman [UNKNOWN]), brian montgomery (brian montgomery [WHO]), james moriarity (james moriarity [UNKNOWN]), paul morse (paul morse [WHO]), charles nash (charles nash [WHO]), paul newell (paul newell [WHO]), j. paul nicholas (j. paul nicholas [UNKNOWN]), tiffany olson (tiffany olson [NSC]), doris parker (doris parker [WHO]), Nicole Petrosino (Nicole Petrosino [WHO]), sarah pfeifer (sarah pfeifer [UNKNOWN]), dina powell (dina powell [WHO]), kathy prendergast (kathy prendergast [UNKNOWN]), kristopher purcell (kristopher purcell [WHO]), susan ralston (susan ralston [WHO]), gail randall (gail randall [WHO]), james rodriguez (james rodriguez [UNKNOWN]), leonard rodriguez (leonard rodriguez [WHO]), noelia rodriguez (noelia rodriguez [WHO]), mark rosenkir (mark rosenkir [UNKNOWN]), roosevelt roy (roosevelt roy [PFIAB]), kathryn rust (kathryn rust [WHO]), angela sailor (angela sailor [WHO]), wendell samuels (wendell samuels [WHO]), david scott (david scott [NSC]), elizabeth selva (elizabeth selva [NSC]), robert shea (robert shea [OMB]), leslie shockey (leslie shockey [UNKNOWN]), cytnhia shourds (cytnhia shourds [UNKNOWN]), Wandra Simpson (Wandra Simpson [WHO]), ashley snee (ashley snee [WHO]), louella snyder (louella snyder [WHO]), lynden steele (lynden steele [WHO]), Jack Sulser (Jack Sulser [UNKNOWN]), rhonda taylor (rhonda taylor [OPD]), r. cornell teague (r. cornell teague [UNKNOWN]), eric terrell (eric terrell [WHO]), phyllis tucker (phyllis tucker [WHO]), cynthia vanderberg (cynthia vanderberg [UNKNOWN]), Randall viedgar (Randall viedgar [UNKNOWN]), patricia ware (patricia ware [OPD]), camille welborn (camille welborn [UNKNOWN]), matthew wendell (matthew wendell [UNKNOWN]), howard westray (howard westray [WHO]), john brad wiegmann (john brad wiegmann [UNKNOWN]), cindi williams (cindi williams [UNKNOWN]), Patricia Young (Patricia Young [WHO]), reginald young (reginald young [UNKNOWN]), tracy young (tracy young [WHO])
Sent: 4/22/2002 5:44:36 PM

Subject: : IMPORTANT: Your certification needed on attached Department of Justice form
Attachments: F_F4TV6003_NSC.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-APR-2002 21:44:36.00

SUBJECT:: IMPORTANT: Your certification needed on attached Department of Justice form

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

BCC:gilbert aguirre (gilbert aguirre [WHO])

READ:UNKNOWN

BCC:linus amorsingh (linus amorsingh [UNKNOWN])

READ:UNKNOWN

BCC:Steven Atkiss (Steven Atkiss [WHO])

READ:UNKNOWN

BCC:robert bailey (robert bailey [WHO])

READ:UNKNOWN

BCC:jane baker (jane baker [PFIAB])

READ:UNKNOWN

BCC:kathleen becker (kathleen becker [UNKNOWN])

READ:UNKNOWN

BCC:Latoya Benson (Latoya Benson [WHO])

READ:UNKNOWN

BCC:kirk blaylock (kirk blaylock [UNKNOWN])

READ:UNKNOWN

BCC:mary brooke (mary brooke [WHO])

READ:UNKNOWN

BCC:emmerison buie (emmerison buie [UNKNOWN])

READ:UNKNOWN

BCC:j.christopher bunting (j.christopher bunting [UNKNOWN])

READ:UNKNOWN

BCC:Therese Burch (Therese Burch [WHO])

READ:UNKNOWN

BCC:shannon burkhart (shannon burkhart [WHO])

READ:UNKNOWN

BCC:catherin byrne (catherin byrne [UNKNOWN])

READ:UNKNOWN

BCC:marica caler (marica caler [UNKNOWN])

READ:UNKNOWN

BCC:anne campbell (anne campbell [WHO])

READ:UNKNOWN

BCC:frances campbell (frances campbell [WHO])

READ:UNKNOWN

BCC:lois cassano (lois cassano [WHO])

READ:UNKNOWN

BCC:rachel comte (rachel comte [UNKNOWN])

READ:UNKNOWN

BCC:charles conner (charles conner [OPD])

READ:UNKNOWN

BCC:colby cooper (colby cooper [NSC])

READ:UNKNOWN

BCC:bernard crawford (bernard crawford [NSC])

READ:UNKNOWN

BCC:anthony crawford (anthony crawford [NSC])

READ:UNKNOWN

BCC:michael davis (michael davis [WHO])

READ:UNKNOWN

BCC:Randy Deitering (Randy Deitering [PFIAB])

READ:UNKNOWN

BCC:Robert Deservi (Robert Deservi [WHO])

READ:UNKNOWN

BCC:reed dickens (reed dickens [WHO])

READ:UNKNOWN

BCC:Elizabeth digregrio (Elizabeth digregrio [UNKNOWN])

READ:UNKNOWN

REV_00143763

BCC:katherine disston (katherine disston [WHO])
READ:UNKNOWN
BCC:philp droege (philp droege [UNKNOWN])
READ:UNKNOWN
BCC:jonathan dworken (jonathan dworken [NSC])
READ:UNKNOWN
BCC:jennifer edwards (jennifer edwards [OPD])
READ:UNKNOWN
BCC:j.d. estes (j.d. estes [UNKNOWN])
READ:UNKNOWN
BCC:madalene evans (madalene evans [WHO])
READ:UNKNOWN
BCC:katherine fertaki (katherine fertaki [UNKNOWN])
READ:UNKNOWN
BCC:jennifer foley (jennifer foley [WHO])
READ:UNKNOWN
BCC:myra freeman (myra freeman [WHO])
READ:UNKNOWN
BCC:reed galen (reed galen [WHO])
READ:UNKNOWN
BCC:theodore gangsei (theodore gangsei [WHO])
READ:UNKNOWN
BCC:gregory goss (gregory goss [WHO])
READ:UNKNOWN
BCC:michael green (michael green [NSC])
READ:UNKNOWN
BCC:thomas greenwood (thomas greenwood [NSC])
READ:UNKNOWN
BCC:virginia gregory (virginia gregory [WHO])
READ:UNKNOWN
BCC:judy grier (judy grier [WHO])
READ:UNKNOWN
BCC:taylor gross (taylor gross [WHO])
READ:UNKNOWN
BCC:abel guerra (abel guerra [WHO])
READ:UNKNOWN
BCC:Alison Harden (Alison Harden [WHO])
READ:UNKNOWN
BCC:jacquelyn hayes-bird (jacquelyn hayes-bird [UNKNOWN])
READ:UNKNOWN
BCC:ern healy (ern healy [UNKNOWN])
READ:UNKNOWN
BCC:mike heath (mike heath [UNKNOWN])
READ:UNKNOWN
BCC:anne heilgenstein (anne heilgenstein [UNKNOWN])
READ:UNKNOWN
BCC:israel hernandez (israel hernandez [WHO])
READ:UNKNOWN
BCC:curtis jablonka (curtis jablonka [WHO])
READ:UNKNOWN
BCC:theodoric james (theodoric james [UNKNOWN])
READ:UNKNOWN
BCC:gregory jenkins (gregory jenkins [WHO])
READ:UNKNOWN
BCC:Crystal Jones (Crystal Jones [WHO])
READ:UNKNOWN
BCC:deborah jones (deborah jones [WHO])
READ:UNKNOWN
BCC:Jean-Francois kalka (Jean-Francois kalka [NSC])
READ:UNKNOWN
BCC:Taeshonnda King (Taeshonnda King [WHO])
READ:UNKNOWN
BCC:lindzey kozberg (lindzey kozberg [UNKNOWN])
READ:UNKNOWN
BCC:mary lambert (mary lambert [OPD])
READ:UNKNOWN
BCC:mary latimer (mary latimer [NSC])
READ:UNKNOWN

BCC:donni leboeuf (donni leboeuf [WHO])
READ:UNKNOWN
BCC:flynt leverett (flynt leverett [NSC])
READ:UNKNOWN
BCC:darin lezotte (darin lezotte [WHO])
READ:UNKNOWN
BCC:laura lineberry (laura lineberry [NSC])
READ:UNKNOWN
BCC:Jose Mallea (Jose Mallea [WHO])
READ:UNKNOWN
BCC:david mark (david mark [WHO])
READ:UNKNOWN
BCC:david mcArthur (david mcArthur [WHO])
READ:UNKNOWN
BCC:kendall mcculloch (kendall mcculloch [WHO])
READ:UNKNOWN
BCC:broan merchant (broan merchant [UNKNOWN])
READ:UNKNOWN
BCC:ja (ja [UNKNOWN])
READ:UNKNOWN
BCC:es miller (es miller [UNKNOWN])
READ:UNKNOWN
BCC:helen mobley (helen mobley [WHO])
READ:UNKNOWN
BCC:marcus mollman (marcus mollman [UNKNOWN])
READ:UNKNOWN
BCC:brian montgomery (brian montgomery [WHO])
READ:UNKNOWN
BCC:james moriarity (james moriarity [UNKNOWN])
READ:UNKNOWN
BCC:paul morse (paul morse [WHO])
READ:UNKNOWN
BCC:charles nash (charles nash [WHO])
READ:UNKNOWN
BCC:paul newell (paul newell [WHO])
READ:UNKNOWN
BCC:j. paul nicholas (j. paul nicholas [UNKNOWN])
READ:UNKNOWN
BCC:tiffany olson (tiffany olson [NSC])
READ:UNKNOWN
BCC:doris parker (doris parker [WHO])
READ:UNKNOWN
BCC:Nicole Petrosino (Nicole Petrosino [WHO])
READ:UNKNOWN
BCC:sarah pfeifer (sarah pfeifer [UNKNOWN])
READ:UNKNOWN
BCC:dina powell (dina powell [WHO])
READ:UNKNOWN
BCC:kathy prendergast (kathy prendergast [UNKNOWN])
READ:UNKNOWN
BCC:kristopher purcell (kristopher purcell [WHO])
READ:UNKNOWN
BCC:susan ralston (susan ralston [WHO])
READ:UNKNOWN
BCC:gail randall (gail randall [WHO])
READ:UNKNOWN
BCC:james rodriguez (james rodriguez [UNKNOWN])
READ:UNKNOWN
BCC:leonard rodriguez (leonard rodriguez [WHO])
READ:UNKNOWN
BCC:noelia rodriguez (noelia rodriguez [WHO])
READ:UNKNOWN
BCC:mark rosenkir (mark rosenkir [UNKNOWN])
READ:UNKNOWN
BCC:roosevelt roy (roosevelt roy [PFIAB])
READ:UNKNOWN
BCC:kathryn rust (kathryn rust [WHO])
READ:UNKNOWN

BCC:angela sailor (angela sailor [WHO])
READ:UNKNOWN
BCC:wendell samuels (wendell samuels [WHO])
READ:UNKNOWN
BCC:david scott (david scott [NSC])
READ:UNKNOWN
BCC:elizabeth selva (elizabeth selva [NSC])
READ:UNKNOWN
BCC:robert shea (robert shea [OMB])
READ:UNKNOWN
BCC:leslie shockey (leslie shockey [UNKNOWN])
READ:UNKNOWN
BCC:cytnhia shourds (cytnhia shourds [UNKNOWN])
READ:UNKNOWN
BCC:Wandra Simpson (Wandra Simpson [WHO])
READ:UNKNOWN
BCC:ashley snee (ashley snee [WHO])
READ:UNKNOWN
BCC:louella snyder (louella snyder [WHO])
READ:UNKNOWN
BCC:lynden steele (lynden steele [WHO])
READ:UNKNOWN
BCC:Jack Sulser (Jack Sulser [UNKNOWN])
READ:UNKNOWN
BCC:rhonda taylor (rhonda taylor [OPD])
READ:UNKNOWN
BCC:r. cornell teague (r. cornell teague [UNKNOWN])
READ:UNKNOWN
BCC:eric terrell (eric terrell [WHO])
READ:UNKNOWN
BCC:phyllis tucker (phyllis tucker [WHO])
READ:UNKNOWN
BCC:cynthia vanderberg (cynthia vanderberg [UNKNOWN])
READ:UNKNOWN
BCC:Randall viedgar (Randall viedgar [UNKNOWN])
READ:UNKNOWN
BCC:patricia ware (patricia ware [OPD])
READ:UNKNOWN
BCC:camille welborn (camille welborn [UNKNOWN])
READ:UNKNOWN
BCC:matthew wendell (matthew wendell [UNKNOWN])
READ:UNKNOWN
BCC:howard westray (howard westray [WHO])
READ:UNKNOWN
BCC:john brad wiegmann (john brad wiegmann [UNKNOWN])
READ:UNKNOWN
BCC:cindi williams (cindi williams [UNKNOWN])
READ:UNKNOWN
BCC:Patricia Young (Patricia Young [WHO])
READ:UNKNOWN
BCC:reginald young (reginald young [UNKNOWN])
READ:UNKNOWN
BCC:tracy young (tracy young [WHO])
READ:UNKNOWN
End Original ARMS Header

According to our records, we have not received a signed certification from you on the form that is attached to this e-mail. The form relates to the Department of Justice's criminal investigation of the unauthorized disclosure last year of confidential government information concerning the blocking and freezing of the assets of the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation. Please complete and sign the attached form and return it to Brent Greenfield in Room 160 1/2 no later than close of business Wednesday, April 24. If you have any questions or cannot complete the form in that time frame, please contact me at 6-7984.

As part of the certification, you are also asked to produce all

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official documents in your possession (including any e-mails and internal memoranda you have retained) that:

a) were created (or are dated) between September 11, 2001 and on or before September 30, 2001, and indicate that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen by the United States government; or

b) were created (or are dated) on or before December 4, 2001, and indicate that the Holy Land Foundation was being considered for inclusion on a list of suspected terrorist fund-raising organizations or would otherwise have its assets blocked or frozen by the United States government; or

c) were created (or are dated) on or before December 14, 2001, and indicate that the Global Relief Foundation was to be searched or would have its assets frozen or blocked on or about December 14, 2001 or which discusses the expected date and time of any such action.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_F4TV6003_NSC.TXT_1>

CERTIFICATION

I certify, to the best of my knowledge, that

_____ I had access

_____ I did not have access

- a) on or before September 30, 2001, to the information that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen; or
- b) on or before December 3, 2001, to the information that a search would be conducted of (or that a blocking action would be taken against) the Holy Land Foundation on December 4, 2001; or
- c) on or before December 13, 2001, to the information that a blocking action would be taken against (or that a search would be conducted of) the Global Relief Foundation on December 14, 2001.

I further certify, to the best of my knowledge, that

_____ I have produced to the Office of the Counsel to the President all official documents in my possession (including any e-mails and internal memoranda I have) responsive to the document production directive in the e-mail memorandum to which this Certification was attached.

_____ I have conducted a search and determined that I have no such documents.

I understand that the information and documents I provide to the Office of the Counsel to the President are likely to be disclosed to the U.S. Department of Justice for use in its criminal investigation and that the Counsel's Office is not acting as my private attorney in this matter.

I further understand that this Certification is for purposes of a federal criminal investigation and that intentional false statements may result in criminal penalties or other sanctions.

NAME (please print):

SIGNATURE:

DATE:

OFFICE:

PHONE NUMBER:

From: CN=Lindsey C. Kozberg/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/22/2002 7:16:37 PM
Subject: : Re: IMPORTANT: Your certification needed on attached Department of Justice form

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Lindsey C. Kozberg (CN=Lindsey C. Kozberg/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:22-APR-2002 23:16:37.00
SUBJECT:: Re: IMPORTANT: Your certification needed on attached Department of Justice form
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I was informed that as a detailee I was not required to complete. Please advise and I will follow suit accordingly.

Please pardon my spelling and grammar, this message was sent from a handheld pager.

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;h. christopher
bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;timothy e. flanigan/who
/eop@eop [WHO] <timothy e. flanigan>;allison l. riepenhoff/who/eop@eop [WHO] <allison l.
riepenhoff>
Sent: 4/23/2002 5:59:02 AM
Subject: : Re: Mtg. today will be 11:00-11:45 am in the Judge's Office

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2002 09:59:02.00

SUBJECT:: Re: Mtg. today will be 11:00-11:45 am in the Judge's Office

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I can do 11:30.

Elizabeth N. Camp
04/23/2002 09:57:40 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, h. christopher
bartolomucci/who/eop@eop, timothy e. flanigan/who/eop@eop, allison l.
riepenhoff/who/eop@eop
bcc:
Subject: Re: Mtg. today will be 11:00-11:45 am in the Judge's
Office

Can you do it at 11:30 or 12:00 ?

Bradford A. Berenson
04/23/2002 09:50:03 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, h. christopher
bartolomucci/who/eop@eop, timothy e. flanigan/who/eop@eop, allison l.
riepenhoff/who/eop@eop
bcc:
Subject: Re: Mtg. today will be 11:00-11:45 am in the Judge's
Office

I can't do an 11:00 a.m. I have a scheduled conference call with Chris

REV_00143778

Henick and Charlie Black. Is this the same meeting we were planning to do at 4:45 or is this different (in other words is 4:45 on or off)?

Elizabeth N. Camp
04/23/2002 09:48:24 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
cc: Allison L. Riepenhoff/WHO/EOP@EOP
Subject: Mtg. today will be 11:00-11:45 am in the Judge's Office

I believe the topic is the Lieberman investigation but I'm not sure.

Thanks!

From: CN=Daniel A. Barry/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: James B. Wright/OA/EOP@EOP [OA] <James B. Wright>;Bruce O'Dell/OA/EOP@EOP [OA] <Bruce O'Dell>
Sent: 4/23/2002 6:30:12 AM
Subject: : Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-APR-2002 10:30:12.00
SUBJECT:: Search Delivery
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:James B. Wright (CN=James B. Wright/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Bruce O'Dell (CN=Bruce O'Dell/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Brett, Adam;

Eventhough the search results are still printing, I would like to begin the delivery process. To where should the boxes be delivered ?

Later... Tony

From: CN=Edward McNally/OU=WHO/O=EOP [WHO]
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 4/23/2002 6:53:45 AM
Subject: : Karen Hughes resigning as White House counselor

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2002 10:53:45.00

SUBJECT:: Karen Hughes resigning as White House counselor

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

End Original ARMS Header

04/23/2002 - Updated 10:19 AM ET

Karen Hughes resigning as White House counselor

WASHINGTON (AP) * White House counselor Karen Hughes said Tuesday she's resigning from the White House to return to Texas, but will continue advising President Bush from afar.

Hughes has worked for Bush since his days as Texas governor and is one of his closest confidants.

"Later this summer, I'm going to be changing the way in which I serve the president. My husband and I have made a difficult but we

REV_00143781

think right decision to
move our family home back to Texas," Hughes said in a
surprise announcement
in the White House briefing room

"Our roots are there," she said. "I guess we're a little
homesick."

Hughes and political aide Karl Rove were critical to
Bush's rise from a
two-term Texas governor to the presidency.

Hughes said she plans to advise the White House from
Texas on big-picture
communication strategies, but will likely leave the
federal payroll in the summer.

She made the decision now, Hughes said, because of a May
1 deadline to
decide whether her son, Robert, would remain in
Washington schools. She has
a daughter in Austin. Her son traveled with Hughes aboard
the campaign plane.

She said Bush was not surprised by the move. "He accepted
my decision and
respected it," she said.

"The is a family friendly White House," she said. "And
this is a family-friendly
decision."

From: CN=Alicia W. Davis/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 6:56:14 AM
Subject: :

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2002 10:56:14.00

SUBJECT::

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Have you had a chance to look at that CT press release with Karl's name on it?

From: CN=Laura E. Lineberry/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 3:30:28 AM
Subject: : Re: IMPORTANT: Your certification needed on attached Department of Justice form

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME:23-APR-2002 07:30:28.00

SUBJECT:: Re: IMPORTANT: Your certification needed on attached Department of Justice form

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I signed this document and sent it to records on March 20th. I have a copy that I can send if necessary. liz

From: CN=Daniel A. Barry/OU=OA/O=EOP [OA]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;james b. wright/oa/eop@eop [OA] <james b. wright>;bruce o'dell/oa/eop@eop [OA] <bruce o'dell>
Sent: 4/23/2002 8:50:18 AM
Subject: : Re: Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-APR-2002 12:50:18.00
SUBJECT:: Re: Search Delivery
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james b. wright (CN=james b. wright/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:bruce o'dell (CN=bruce o'dell/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Adam;

It is very difficult to give an estimate that has any accuracy to it because the quantity of print depends on the formatting of each record and that is impossible to predict.

We currently have 95 boxes of paper in the EOPDC and the printing is probably 75% complete.

The printing is currently stopped because the printer is down for repairs.

I would like to start the delivery process

Later... Tony

Adam F. Greenstone
04/23/2002 10:46:49 AM

Record Type: Record

To: Daniel A. Barry/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, james b. wright/oa/eop@eop, bruce o'dell/oa/eop@eop
bcc:
Subject: Re: Search Delivery

Any idea what happened here yet?

DANIEL A.
BARRY
04/23/2002 10:30:08 AM

REV_00143785

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Adam F. Greenstone/OA/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: Search Delivery

Brett, Adam;

Eventhough the search results are still printing, I would like to begin the delivery process. To where should the boxes be delivered ?

Later... Tony

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/23/2002 4:52:26 AM
Subject: : Re: Law Day

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 23-APR-2002 08:52:26.00
SUBJECT:: Re: Law Day
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I'd think no on the second question. On the first question, I still have my some doubts about him as a spokesman on this issue just because of his prior role.

Bradford A. Berenson
04/23/2002 07:57:13 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Law Day

Is there anything we want the AG to do on Law Day itself? Any other support we need or would like from DOJ?

Brett M. Kavanaugh
04/22/2002 08:30:56 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Law Day

What I know:

He's doing an event/speech on May 3 in Room 450 that will be a Law Day event. (For what it is worth, the Montgomery County Law Day event is May 3, so we have some cover. I am sure there are others that do not occur on May 1 itself.) And to reference Law Day, he can just begin by noting that "This week, we have celebrated ____." But the speech will largely be about judges, as I understand it. John McConnell et al are apparently in charge of the drafting, as I understand it.

Also, he is having Senate Judiciary Committee Republicans to White House on May 9. There will be open press at top and he will make remarks on the 1-year anniversary.

Bradford A. Berenson
04/22/2002 08:25:20 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Law Day

I need the latest info on Law Day plans. I've been working on the Proclamation with DOJ but there is apparently confusion over scheduling and what, if anything, we want DOJ or the AG to do. May 1 is Law Day by statute, so if POTUS does an event May 3, it can't technically be a Law Day event. Please fill me in on where things are with this. There are a couple folks in OLP who really need guidance.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;james b. wright/oa/eop@eop [OA] <james b. wright>;bruce o'dell/oa/eop@eop [OA] <bruce o'dell>
Sent: 4/23/2002 9:31:42 AM
Subject: : Re: Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-APR-2002 13:31:42.00
SUBJECT:: Re: Search Delivery
TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james b. wright (CN=james b. wright/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:bruce o'dell (CN=bruce o'dell/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Somehow I'm not surprised that the printer needs repairs. What I'm wondering here is whether we have over 100 boxes of responsive material, or whether a computer "phenomenon" did something like translate certain attachments into a bunch of incomprehensible code that prints one character per page. Given the specificity of the search and the brief time period, I am surprised by this volume. Any idea?

DANIEL A.
BARRY
04/23/2002 12:02:26 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, james b. wright/oa/eop@eop,
bruce o'dell/oa/eop@eop
bcc:
Subject: Re: Search Delivery

Adam;

It is very difficult to give an estimate that has any accuracy to it because the quantity of print depends on the formatting of each record and that is impossible to predict.

We currently have 95 boxes of paper in the EOPDC and the printing is probably 75% complete.

The printing is currently stopped because the printer is down for repairs.

I would like to start the delivery process

Later... Tony

Adam F. Greenstone
04/23/2002 10:46:49 AM

Record Type: Record

To: Daniel A. Barry/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, james b. wright/oa/eop@eop, bruce
o'dell/oa/eop@eop
bcc:
Subject: Re: Search Delivery

Any idea what happened here yet?

DANIEL A.
BARRY
04/23/2002 10:30:08 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Adam F. Greenstone/OA/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: Search Delivery

Brett, Adam;

Eventhough the search results are still printing, I would like to begin
the delivery process. To where should the boxes be delivered ?

Later... Tony

From: CN=Daniel A. Barry/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: adam f. greenstone/oa/eop@eop [OA] <adam f. greenstone>;daniel a. barry/oa/eop@eop [OA] <daniel a. barry>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;james b. wright/oa/eop@eop [OA] <james b. wright>;bruce o'dell/oa/eop@eop [OA] <bruce o'dell>
Sent: 4/23/2002 9:41:06 AM
Subject: : Re: Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-APR-2002 13:41:06.00
SUBJECT:: Re: Search Delivery
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:adam f. greenstone (CN=adam f. greenstone/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:daniel a. barry (CN=daniel a. barry/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james b. wright (CN=james b. wright/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:bruce o'dell (CN=bruce o'dell/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Brett,Adam;

I think it would be very beneficial to review the results electronically and print the responsive ones. Printing has never been a good option because of the nature and variety of E-mail.

As in the past, there are probably some of the E-mail that extend across several boxes of paper because of formatting characters within the E-mail or attachments, As to their responsiveness, only a manual review can tell.

I would like to deliver some of it, To where should it be delivered.

Later... Tony

I

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>
Sent: 4/23/2002 9:57:30 AM
Subject: : Gaziano testimony on PRA
Attachments: P_NSF6003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 23-APR-2002 13:57:30.00
SUBJECT: : Gaziano testimony on PRA
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ: UNKNOWN
End Original ARMS Header

looks excellent as well.

- PRA Testimony 4-24-02(D).doc

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NSF6003_WHO.TXT_1>

TESTIMONY OF {PRIVATE }

TODD F. GAZIANO

SENIOR FELLOW IN LEGAL STUDIES AND
DIRECTOR, CENTER FOR LEGAL AND JUDICIAL STUDIES

THE HERITAGE FOUNDATION*

214 MASSACHUSETTS AVENUE, NE
WASHINGTON, DC 20002

BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES

COMMITTEE ON GOVERNMENT REFORM

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY,
FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

REGARDING

H.R. 4187, THE "PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2002"
AND OTHER PROCEEDURES FOR THE INVOCATION OF EXECUTIVE PRIVILEGE

24 APRIL 2002

*The Heritage Foundation is a public policy, research, and educational organization. It is privately supported, and receives no funds from any government at any level; nor does it perform any government or other contract work. The Heritage Foundation is the most broadly supported think tank in the United States. During 2001, it had more than 152,000 individual, foundation, and corporate supporters representing every state. Its 2001 contributions came from the following sources: individuals and bequests (61%), foundations (27%), corporations (7%), investment income (2%), publication sales and other (3%). Staff of The Heritage Foundation testify as individuals. The views expressed are their own, and do not reflect an institutional position for The Heritage Foundation or its board of trustees.

Congress has broad discretion to restrict or overrule presidential executive orders that are based solely on a statutorily conferred power, although there still are some limits to the congressional micro-management of the President's execution of the laws. In other words, the greater power does not always include all lesser controls. *See INS v. Chadha*, 462 U.S. 919 (1983).

Congress has some power to regulate executive directives based on shared constitutional powers, but it would depend on the facts, circumstances, and clauses at issue. With regard to the war powers, Congress may condition when and how the President shall call up reserves to serve in the armed forces of the United States, but as explained above, it could not dictate how the President communicates his tactical commands to troops in the field of battle.

With regard to powers conferred solely to the President by the Constitution, Congress has practically no authority to interfere with the President's management directives. The President may issue secret pardons or he may pardon whole categories of individuals in an executive order, as President Andrew Johnson did with regard to former confederate soldiers. *See* Legal Memorandum No. 2, *supra* at 11 (noting that the Supreme Court upheld President Johnson's blanket pardon).

Section 3 of H.R. 4187 states that E.O. 13233 "shall have no force and effect." Although E.O. 13233 relates to the implementation of the PRA, at its core, it establishes procedures for the invocation of presidential powers (executive privilege claims) that Congress cannot alter. It is axiomatic that the President's authority to implement his constitutional powers is "vested in [him] by the Constitution." *See* E.O. 13233, Preamble. Thus, E.O. 13233 contains the President's public statement regarding how he will exercise his constitutional power (and respect the constitutional power of former Presidents) within the framework of the PRA. It also contains his instructions to the Archivist in such matters.

H.R. 4187 does not purport to amend the framework of the PRA that is within Congress's power, but it is an attempt to modify, condition, and partially nullify incumbent and former Presidents constitutional powers. In these respects, H.R. 4187 would be void even if it were passed. In sum, it is H.R. 4187 that "shall have no force and effect," not E.O. 13233.

The Combined Defects of H.R. 4187

The combined defects of H.R. 4187 render it even more constitutionally questionable, in part because each defect compounds the rest. A 20-40 day initial review period is an even greater burden on a former President if he must also secure a court order within the next 20 days to enforce his privilege claims. Congress's attempt to elevate the Archivist over the President (with regard to constitutionally based privilege claims) is based on the mistaken premise that Congress can overrule a presidential management directive.

I have no doubt that this Subcommittee and full Committee have proceeded with their oversight and legislative hearings in good faith. But a President has a responsibility to vigorously resist any serious erosion in the power of his Office. Separation of powers principles require no less. If I were still in the Office of Legal Counsel, I would strongly urge the President to veto any legislation similar to H.R. 4187. I think the Department of Justice under any President would take the same position.

Conclusion

My belief that H.R. 4187 is a dead letter does not mean that the Subcommittee's hearings have served no constructive purpose. By highlighting the concerns of historians, journalists, and others

regarding the time in which the President reviews documents subject to release under the PRA, I hope you have helped convince the White House to speed up its review process (although waging war is cause for some delay). But my sincere and respectful advice to this Subcommittee is that further progress must be based on a polite exchange with the White House rather than legislation that purports to dictate terms to the President.

If the Subcommittee continues pursuing H.R. 4187 or similar legislation, it will engage in a futile act that will waste its time, and possibly that of the President and the courts. But if the Subcommittee properly engages the White House on this issue, I am confident that the White House will reach some appropriate accommodation regarding the Subcommittee's concerns.

Thank you Chairman Horn and Members of the Subcommittee for inviting me to testify today on H.R. 4187. I will also be testifying more broadly on the procedures for the invocation of executive privilege under the Presidential Records Act and the resolution of those claims. As a former chief counsel of another subcommittee of the Government Reform Committee, I know that the Members of this Subcommittee, particularly its Chairman, are genuinely interested in hearing all relevant views and are open to them. That is fortunate for me, because I must reluctantly disagree with my friends who are testifying today and express my grave doubts about the constitutionality of H.R. 4187, the “Presidential Records Act Amendments of 2002.”

For the record, I am a Senior Fellow in Legal Studies and Director of the Center for Legal and Judicial Studies at The Heritage Foundation, a nonpartisan research and educational organization. I am a graduate of the University of Chicago Law School and a former law clerk to the U.S. Fifth Circuit Court of Appeals. Of special relevance today, I also served in the U.S. Department of Justice, Office of Legal Counsel (OLC), during separate periods in the Reagan, Bush, and Clinton Administrations, where I provided constitutional advice to the White House and four Attorneys General. Among its duties, OLC helps draft the President’s executive orders and is primarily responsible for advising him on matters relating to claims of executive privilege.

The Most Open Branch

Let me begin with an important observation about the relative openness of the three branches of government with regard to internal, deliberative documents. This observation runs counter to the impression several historians have conveyed in their testimony at previous hearings before this Subcommittee and full Committee. All three branches create and make available some public documents that announce proposed actions and final decisions, and these documents often contain an explanation for the proposed or final action. For example, courts issue legal opinions that explain the rationale for their decisions. Executive branch agencies publish proposed regulations with an explanation of why it is being proposed and final regulations with a statement of how public comments were taken into account. Congressional committees publish committee reports with the committees’ recommendations or conclusions, and most legislative acts are public.

But the executive is by far the most open of the federal branches in terms of the release of internal, deliberative documents—and almost every other kind of document. When President Lyndon Johnson signed the Freedom of Information Act, he granted broad access to most executive branch documents. That Act was significantly strengthened and made judicially enforceable in 1974. *See* 5 U.S.C. 552. Even without being asked, executive agencies routinely release countless documents and raw data, ranging from weather reports to crime statistics and from hearing records to tide charts.

With regard to presidential documents, the Supreme Court ruled in 1977 that most presidential papers are the personal property of each President. When President Carter signed the Presidential Records Act of 1978 (PRA), he made the presidential papers of all future Presidents public documents. Pub. L. 95-591, § 2(a) (further references are to the PRA as codified at 44 U.S.C. 2201-2207; § 2202 confers ownership to the United States). As a result, all presidential documents from President Reagan’s administration onward will eventually be released to the public. The PRA provides that a President may restrict access to certain types of sensitive presidential records for up to 12 years. *See* § 2204. After that, the majority of presidential documents are subject to release if a request is made. Some documents containing national security secrets may remain exempt from disclosure at that time, but are subject to eventual release after being declassified under the national security laws. Even

documents which are subject to a valid claim of executive privilege will eventually be released, generally no later than thirty years after they are created.

Moreover, the President does not have the final say over whether his claim of privilege is valid or whether it will prevail over a given requester. His claim of executive privilege is presumptively valid, as it must be, but it may be overridden by a court with proper jurisdiction. In *United States v. Nixon*, 418 U.S. 683, 713 (1974), the Supreme Court held that a party seeking to overcome a constitutionally based privilege must first establish a “specific need” for the particular records at issue. That may turn on the nature of the proceeding or request and the importance of that information to the proceeding or other use. If such a showing is made, the court will weigh the President’s interest in maintaining the confidentiality of the particular documents against the asserted need of the requester.

Thus, a special prosecutor or a congressional committee with subpoena power might well be able to overcome a weak claim of executive privilege if it is shown that specific documents are relevant and important to an official investigation. By contrast, a broad fishing expedition launched by a voyeur or conspiracy theorist would be insufficient. Nevertheless, the Supreme Court has explained that the executive branch’s interest in confidentiality wanes continually with the passage of time. After thirty years or so, such an interest might be easily defeated by a routine inquiry. In sum, every presidential document eventually will be released, and even in the short run, the President does not have the final word over the confidentiality of documents he claims are privileged.

The Most Dangerous Branch

In contrast, almost no documents maintained by individual Members of Congress, even those created with public funds, are subject to public release, and very few are released without the voluntary assent of the Member. If *The New York Times* wanted a copy of the internal memos that Senate staff wrote to Senators about some momentous public issue, it has no legal means to obtain them (even if the documents are more than twelve years old). If historians or members of the press wanted a copy of a Representative’s confidential calendar or if they wanted a copy of staff notes taken when particular interest groups met with the Member, it would have no legal recourse to get them. With enactment of new campaign finance legislation, a majority of both houses of Congress seem to have accepted the argument (mistaken in my view) that the potential for special interest groups to corrupt Members of Congress is great. Yet, the public has no enforceable right to examine correspondence between such special interest groups and Members of Congress. No matter how historically relevant or vital that information might be to an informed public, it’s our tough luck because no law or court can force their release (absent special circumstances such as a properly constituted criminal investigation).

Many of us also would be quite interested in reading the memoranda Supreme Court law clerks wrote to the justices that employ them. Historians and legal scholars would find memoranda one justice sent to another to be particularly valuable, even if the memos were about cases decided a decade or more ago. But none of us has any legally enforceable right to such memoranda, notwithstanding that these documents were produced with public funds and involve important decisions that have a tremendous impact on our lives. Even fifty years after a given case was decided, the heirs of a deceased justice have complete control over his or her official court papers. We get to see only what they want us to see.

I am not surprised that you have chosen to keep your internal staff documents and at least some of your communications with your colleagues confidential. My testimony today is in support of your secretive communications and private strategy sessions. I don’t think it would be prudent for you to

force your fellow Members of Congress to release such documents. Although it would keep us better informed about your individual decision making processes and what influenced your decisions, it would not serve the overall public interest. The most probing legislative analysis is crystallized in writing, and good note taking is essential to almost any productive office. I don't want to inhibit your staff from giving you valuable and candid written advice, and I don't want to chill communications between you and your constituents or interest groups, whether they are "special" or not. But if Congress did force the release of such information, at least that would not violate the constitutional separation of powers. Congress probably can inflict such wounds upon itself.

Yet, the constitutional separation of powers does impose limits on Congress's attempts to invade or interfere with the private sphere of the other two co-equal branches. The separation of powers is not an amorphous, unwritten aspect of the Constitution. It is contained in the structure of our written Constitution and in many explicit provisions of the Constitution, including the vesting clauses of Article I, II, and III. As the framers made clear, its ultimate purpose is to protect individual liberty by preventing any one branch, or two branches together, from usurping authority and prerogatives that were granted to another branch. James Madison lamented that the separation of powers had broken down at the state level, and that the price of failure at the federal level was nothing less than tyranny. *Federalist Nos. 47-48*. It is easy for one branch to discount the harm that flows from the violation of this principle, but the separation of powers itself was designed to counter this bias. Indeed, the framers observed that the legislative branch was throughout history "the most dangerous branch," and they tried to strengthen the President's hand by creating an office with "energy in the [executive]." *Federalist Nos. 48 and 70*, respectively.

Executive Privilege and the Separation of Powers

Such refinements in separation of powers design take many forms and are among the most important innovations of the U.S. Constitution. The Supreme Court of the United States correctly recognized that constitutionally based privileges, including the executive privilege, are necessarily rooted in the separation of powers. Just as Congress may not order justices of the Supreme Court to release drafts of their opinions (even after they have been superseded by a published opinion), there are limits to how far Congress may invade the deliberative process and national security decisions of the President and his senior staff.

The Presidential Records Act made no attempt to expand or contract claims of executive privilege. Instead, it recognizes in subsection 2204(c)(2), and elsewhere, that Presidents will assert executive privilege with regard to some documents that are otherwise subject to release under the PRA. That subsection provides that "[n]othing in [the PRA] shall be construed to confirm, limit, or expand any constitutionally-based privilege which may be available to an incumbent or former President."

As Congress knew, the Supreme Court ruled in *Nixon v. Administrator of General Services*, 433 U.S. 425, 449 (1977), that some constitutionally based privileges "survive[] the individual President's tenure." Thus, former President Richard Nixon could continue to exercise the executive privilege with regard to documents from his administration. That decision also set forth the constitutional basis for including confidential communications within the privilege. "Unless [a President] can give his advisers some assurance of confidentiality, a President could not expect to receive the full and frank submissions of facts and opinions upon which effective discharge of his duties depend." *Id.* at 448-49.

The Supreme Court cited the practice of the framers during the Constitutional Convention, who ensured that the records of the Convention would be “sealed for more than 30 years.” *Id.* at 447 n.11. The framers did this for two reasons: (1) to promote vigorous and candid debate at the Convention, and (2) to permit the participants to present a unified front in support of the final product. A modern President has the same need to ensure confidential communications, especially among his senior advisors and cabinet officers. To get unvarnished advice, he must give assurances that the advice will remain confidential for some reasonable length of time. To ensure success in his administration, he must also ensure that the vigorous debate we want to take place on important matters does not leak out prematurely and undercut the implementation of what is ultimately decided.

Several historians who have testified before this Committee or commented publicly on E.O. 13233 have expressed skepticism about the proposition that presidential advisers would either trim their advice out of fear of criticism or grandstand with the eye toward history. The historian-objectors’ view conflicts with the Hawthorne Effect (a consequence of the Heisenberg Uncertainty Principle) of science and human affairs, which provides that the mere act of examining something or someone alters its/his character or behavior. The historians’ statements also have a self-contradictory quality, for they appear simultaneously to assert that the public remains tremendously interested in such confidential communications twelve or more years after the events have transpired but that none of the participants would ever bear that in mind. Apparently, the historians would have us believe that no high-ranking public official ever maintained a diary with the thought of using it for memoir.

This self-interested group of historians imply that they are the only ones who would be conscious enough of an historic moment to think about how future generations would react to it. Yet, the careers and reputations of government officials often extend beyond twelve years, and they are very conscious of this. The automatic release of deliberative documents, even after twelve years, would undoubtedly affect the advice a President receives when he most desperately needs frank advice: when the stakes are momentous and when the matter being debated is highly sensitive or subject to disagreement.

Even if the historian-objectors (who may represent a small subset of all historians) are correct, their argument should be addressed to the Supreme Court. It is the Supreme Court that held the executive privilege extends to confidential communications and deliberative documents. It was the Court that decided this was necessary to ensure candid and complete deliberations (correctly in my view). The objectors’ ire is misdirected at the President.

Executive Order 13233

President George W. Bush is the first President who has had to implement certain aspects of the PRA because he is the first President in office twelve years after the conclusion of the first administration (President Reagan’s) covered by the PRA. Last fall, President George W. Bush issued Executive Order No. 13233 to establish neutral procedures for the incumbent and former President to review documents subject to release and invoke constitutionally based privileges. The bulk of E.O. 13233 is not only lawful and prudent, but it is—with minor exceptions—practically the only way to implement the PRA consistent with the incumbent and former President’s constitutional obligations.

E.O. 13233 identifies several types of documents subject to constitutionally based privilege (state secrets, presidential communications, deliberative process documents). These are often thought of as subsets of the executive privilege. Separate laws govern the release of state secrets and national security information, and there is not much dispute that access to these documents should remain

restricted. Some have argued, however, that all such documents are removed by the Archivist and his staff before a request under the PRA is processed. With all due respect to the staff of the Archivist and the Archivist himself, the President and former President have an independent duty to ensure that no classified documents that would harm national security are released. And in at least some cases, the President's and former President's access to other national security information would put them in a much better position to know whether a particular document implicates our national security or not.

Most of the outside criticism focuses on a former President's invocation of privilege with respect to documents that contain confidential communications or that reflect high-level, executive branch deliberations. But it is even more important for a former President to review these types of documents. It is possible, even likely, that only he is aware of the sensitive nature of many presidential documents from his administration. The incumbent President might be from another party and be unfamiliar with the relationships between the advisors and other officers in the former President's administration more than twelve years past. Moreover, the former President may have a direct recollection of the particular debate or discussion that the documents reflects. He may even remember specific requests for confidentiality or other reasons why the documents reveal a sensitive communication or deliberation.

The Supreme Court was not troubled that a former President might, in some cases, invoke executive privilege to protect former administration officials from embarrassment. Indeed, it is the former President's obligation to shield officials from embarrassment (with regard to confidential communications or high-level deliberations) if he thinks that course is necessary to preserve a confidential atmosphere within which future Presidents can receive complete and frank advice when they need it.

Accordingly, E.O. 13233 establishes procedures for the incumbent and former Presidents to review all documents that are being sought under the PRA for potentially privileged documents. The review period for a request made by a non-governmental party is up to 90 days, but it may be extended if the request is "unduly burdensome." E.O. 13222, § 3(b). The review period for a request originating from Congress or the Courts is 21 days, but it too may be extended if the request is "burdensome." *Id.*, § 6. In the executive order, President Bush also instructs the Archivist to withhold all documents that either the incumbent or former President assert are privileged. *Id.*, § 3(d). Finally, the executive order states that "[a]bsent compelling circumstances, the incumbent President will concur in the privilege decision of the former President" to release documents under the PRA. *Id.*, § 4.

Executive Order 13233 and D.C. Circuit Law

A witness at the Subcommittee's earlier hearing asserted that *Public Citizen v. Burke*, 843 F.2d 1473 (D.C. Cir. 1988), was inconsistent with a former President's exercise of executive privilege in E.O. 13233, but that is not correct. In *Burke*, the D.C. Circuit Court struck down a Justice Department directive that was similar in some respects to E.O. 13233, § 3(d), but distinguishable in two other critical respects. The Justice Department directive instructed the Archivist to defer to any claim of privilege asserted by former President Nixon. In *Nixon v. Administrator of GSA*, the Supreme Court made clear that a former President could continue to assert executive privilege over documents from his administration, but that case did not consider a possible clash with the incumbent President. What if the incumbent President disagreed with a former President's privilege claim and instructed the Archivist not to honor the position of the former President? The D.C. Circuit believed that the Archivist's obligation to the incumbent President was paramount, and that he need not defer to a former president's claim if he concluded it was not proper.

Although I think the D.C. Circuit may have erred in *Burke*, E.O. 13233 is nevertheless fully consistent with it. The D.C. Circuit may have erred because I think the Archivist probably does have a responsibility to treat a former President's privilege claims as presumptively valid (pending resolution by a court), even if the incumbent President disagrees. That said, the D.C. Circuit was principally concerned about the Archivist's duty if he received conflicting instructions from the former President and the incumbent President. The Justice Department directive did not come from President Reagan himself, so a hypothetical conflict was possible.

In contrast, E.O. 13233 is an order from the incumbent President to the Archivist, instructing the Archivist to honor any privilege claim by a former president unless and until it is withdrawn or overturned by a court with proper jurisdiction. The executive order further states that "the incumbent President will support that privilege claim [by the former President] in any forum in which the privilege is challenged." § 4. To the extent that *Burke* rested on the Archivist's obligation to the incumbent President, that obligation is clear in E.O. 13233. Under E.O. 13233, the Archivist never has to take orders from a former President, but he does have to follow orders from the incumbent President. In effect, President George W. Bush has announced to the Archivist in advance that he will ratify and enforce a former President's claim of privilege whenever it is asserted. The result is that the Archivist is acting under the combined constitutional authority of the former President (who clearly retains some constitutional authority as against outside parties) and the incumbent President. *Burke* has nothing to say about that situation.

Analysis of H.R. 4187

With the preceding framework in mind, there are several provisions of H.R. 4187 that appear to be flatly unconstitutional and others raise serious constitutional concerns. These defects tend to compound each other, so that taken together, they render the entire bill even more clearly unconstitutional. The four most serious problems are analyzed below.

Subsection (c): Nullifying a Former President's Executive Order Authority

Subsection (c) of the proposed new section 2208 of title 44 is the most constitutionally problematic. The historian-objectors before this Committee and Subcommittee have expressed particular angst that the Supreme Court has allowed former presidents to continue to invoke executive privilege with regard to documents from their administrations. Subsection (c) provides that a former President's assertion of such privilege is good for only twenty days. After that period, the Archivist of the United States must release the documents unless the former President has already secured a court order barring the release.

Subsection (c) would effectively nullify a former President's right to assert executive privilege over documents from his administration—if it were constitutional. It would convert an executive privilege that is presumptively valid and can only be overturned by an affirmative court order into a right to delay the release for twenty days. The President's opportunity to seek court action does not cure the constitutional defect, because Congress simply has no power to take an exclusive presidential power and condition it on the assent of another branch. That is a basic tenet of separation of powers doctrine. It should be self evident that a power which flows from the separation of powers (the executive privilege) cannot be conditioned on approval from the courts (subsection (c)).

Subsection (c) may be predicated on the belief that the former President is in a better position to bear the cost of litigation than the requester. There are four logical responses to this notion. First, it is not true with regard to large media corporations. Second, Congress could subsidize such litigation, but in failing to do so, it makes more sense for the person who seeks to profit by such information to bear the cost of litigation—regardless of relative wealth. Third, the former President already must devote substantial amounts of time reviewing burdensome document requests for potentially privileged documents; he should not also have to bear the burden of initiating litigation when a requester might be perfectly satisfied with what is released. Fourth, and most important, a policy concern—no matter how well founded—cannot trump a constitutional right.

Subsection (a)(3): Inadequate and Inflexible Deadlines

When the President is exercising a power derived from the Constitution, as opposed to a statutory power, Congress has very limited authority to micromanage the timing of his actions. Congress could not pass a law requiring the President to make a pardon decision within 20 days after receipt of any such request from the Department of Justice. Nor could Congress require a President to decide whether to sign a treaty within 20 days of any international treaty convention. Many other examples are equally illustrative of the basic point: if the President derives a particular power from the Constitution and there is no time limit on the exercise of that power in the Constitution (such as a veto), Congress cannot impose one on his exercise of that power.

Nevertheless, subsection (a)(3) purports to grant the incumbent President and former President only 20 days, with the possibility of a 20-day extension, within which to assert any constitutionally based privilege claims. It does not matter what number of documents is being requested by an outside party or group of parties—be they 1,000 or 100,000. It does not matter that the President may be engaged in prosecuting a war or responding to a terrorist attack. It does not matter whether the former President is recovering from a stroke or is traveling on an important diplomatic mission. Moreover, subsection (a)(4) requires that the incumbent and former President personally sign every claim of privilege, so they must personally review each potentially privileged document.

An inflexible 20-40 day time frame for the review of thousands of documents and the invocation of privilege is imprudent to say the least. To the extent that it artificially burdens the President's need to exercise his executive privilege power and perform other vital obligations of his office, subsection (a)(3) is constitutionally dubious.

Several years ago, Congress extended the time President Clinton and future Presidents would have to fill vacancies in Senate-confirmed offices with acting appointments from 120 to 210 days, and that period can be further extended. 5 U.S.C. 3345-49. E.O. 13233 provides for an initial 21- or 90-day review period, with the possibility of an extension. I see no reason to interfere with this scheme, particularly for documents that are already twelve years or more old (although I understand the contrary argument).

If there was a vital need to place some outer limit on the President's initial review of documents, I think the most Congress could do is to authorize some sort of court supervision if the President failed to act within a reasonable length of time (say, 180 days). Such a proceeding might be analogous to a mandamus action to force an agency to rule on a petition under 5 U.S.C. 553(e). Since a proper court can overrule a claim of executive privilege, it might (with appropriate legislation) be able to force a President to make a decision that will trigger the potential litigation. Such a process is

also more likely to be upheld by the Supreme Court because the lower court will have had the opportunity to consider the special facts and circumstances of each request and the length of delay.

Making the Archivist Superior to the President

Several provisions of H.R. 4187 violate a separate aspect of Article II and separation of powers doctrine when they attempt to make the Archivist the President's superior. The Constitution provides that "[t]he executive Power shall be vested in a President," not *some* of it. Art. II, § 1, cl. 1 (emphasis added). The Framers debated and rejected the creation of a plural executive in favor of a unitary executive. Their conscious design was to vest "the execution of [the laws] a single hand." *Federalist No. 37*. The Supreme Court properly held that this requires the President's control over all officers who exercise significant executive power. *Meyers v. United States*, 272 U.S. 52 (1926).

Subsection (a)(3)(B) requires the Archivist to deny the President an additional 20-days to review the requested documents unless *the Archivist* determines that "such an extension is necessary to allow an adequate review of the record." Imagine the following letter to the President from the Archivist: "Sorry Mr. President, but I just can't determine in good faith that an extension is 'necessary,' given that the confidential calendar you sent over for next week includes a golf outing, a fundraising banquet, and a trip to Europe (again!). Better luck next time."

Subsection (a)(4) requires the President to communicate his claim of executive privilege to the Archivist in a particular way, the failure of which purports to require the Archivist to treat the President's claim as invalid. Congress could not pass a law telling the President he must communicate all military orders in triplicate, using only approve congressional memo pads. The President may communicate his orders to his subordinates any way he wishes, orally or in writing, in polite terms or peppered with profanity. But according to subsection (a)(4), if the President does not dot all "i"s and cross all "t"s, the Archivist must treat his command to withhold the documents as a nullity.

Morrison v. Olson, 272 U.S. 654 (1988) muddies the constitutional waters somewhat, because it created an exception to the rule in *Meyers* for independent counsel under the now expired Ethics in Government Act. (Other exceptions for "independent" regulatory commissions are distinguishable because the Court concluded they do not exercise the executive authority.) Many constitutional scholars who used to defend *Morrison v. Olson* have ceased to do so in recent years, and perhaps the Court would rule differently today. But surely even the *Morrison v. Olson* Court would not sanction so basic a violation of the unitary executive doctrine in order to further the comparatively unimportant interest identified in H.R. 4187.

Attempting to Overrule E.O. 13233

A President may issue an executive order or other directive to implement any of the powers properly conferred to him. See generally Todd Gaziano, Legal Memorandum No. 2, "The Use and Abuse of Executive Orders and Other Presidential Directives," The Heritage Foundation, Feb. 21, 2001 (available at <http://www.heritage.org/library/testimony/test032201.html>). Congress's power to modify or overrule a presidential directive depends on the font of the President's authority over the subject matter of the directive. See *id.* at 4; *Youngstown Sheet & Tube v. Sawyer*, 343 U.S. 579 (1952) (the "Steel Seizure Case"). The President has express and implied powers conferred to him by the Constitution (e.g., the pardon power), powers that are shared with Congress under the Constitution (e.g., war powers), and powers that are conferred exclusively by statute (e.g., appropriations).

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/23/2002 5:58:24 AM
Subject: : Revised Enron Questionnaire
Attachments: P_Q02W6003_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2002 09:58:24.00

SUBJECT:: Revised Enron Questionnaire

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_Q02W6003_WHO.TXT_1>

Draft: April 23, 2002

April __, 2002

MEMORANDUM FOR ALL PERSONNEL IN [list WHO/EOP units]

FROM: ALBERTO R. GONZALES
 COUNSEL TO THE PRESIDENT

SUBJECT: SENATE GOVERNMENTAL AFFAIRS COMMITTEE
 REQUEST REGARDING ENRON

As you may know, the Chairman of the Senate Committee on Governmental Affairs, Joseph Lieberman, has sent the White House a letter requesting certain information relating to Enron Corporation. The White House is cooperating with the Committee, and to the extent possible we intend to provide the Committee with appropriate information critical to its inquiry.

Accordingly, we ask that you complete the attached Questionnaire and return it to my office (West Wing, Second Floor) no later than May 17, 2002.

It is important that you read the Questionnaire carefully and make a good faith effort to answer each question to the best of your knowledge and recollection. If in answering any question it would help you to review any notes, documents, or e-mail to which you have reasonable access, you are expected to do so. We are not, however, asking you to provide copies of such materials to Counsel's Office at this time.

To minimize the immediate burden on you, the Questionnaire has been written so that you can respond to each question with a yes-or-no answer, and we are not asking for further explanation at this time. Instead, depending on your answers, the Counsel's Office may contact you for the purpose of obtaining additional information.

The Committee has not requested copies of completed Questionnaires, and therefore at this time we do not intend to provide them to the Committee. Please be aware, however, that it is possible the Committee will seek access to completed Questionnaires at a later date.

Please also be aware that the Counsel's Office and its members represent the President and White House staff in their official capacities and thus cannot represent you with respect to any personal interests you might have relating to this matter.

If you have any questions, please call me (6-1918), Tim Flanigan (6-6627), Brett Kavanaugh (6-7984), Brad Berenson (6-2318), or Chris Bartolomucci (6-7963).

REV_00143836

QUESTIONNAIRE

- 1(a) Between January 20, 2001, and December 2, 2001, did you have any official communications as a federal government employee with any person known by you to be an officer, director, employee, representative, or agent of Enron Corporation or any Enron-related entity relating to any law, regulation, policy, loan, loan guarantee, insurance, or financial assistance administered or enforced by any of the following: the U.S. Securities Exchange Commission; the U.S. Commodities Futures Trading Commission; the U.S. Federal Energy Regulatory Commission; the U.S. Department of Labor; the U.S. Department of Commerce; the U.S. Department of Energy; the Overseas Private Investment Corporation; the Export-Import Bank of the United States?

YES _____

NO _____

- 1(b) Between January 1, 1992, and January 20, 2001, did you have any official communications as a federal government employee with any person known by you to be an officer, director, employee, representative, or agent of Enron Corporation or any Enron-related entity relating to any law, regulation, policy, loan, loan guarantee, insurance, or financial assistance administered or enforced by any of the following: the U.S. Securities Exchange Commission; the U.S. Commodities Futures Trading Commission; the U.S. Federal Energy Regulatory Commission; the U.S. Department of Labor; the U.S. Department of Commerce; the U.S. Department of Energy; the Overseas Private Investment Corporation; the Export-Import Bank of the United States?

YES _____

NO _____

- 2(a) Between January 20, 2001, and December 2, 2001, did you have any communications with any official or employee of any federal department or agency (not including officials or employees of the White House or the Executive Office of the President) relating to Enron Corporation or any Enron-related entity, and that also related to any law, regulation, policy, loan, loan guarantee, insurance, or financial assistance administered or enforced by any of the following: the U.S. Securities Exchange Commission; the U.S. Commodities Futures Trading Commission; the U.S. Federal Energy Regulatory Commission; the U.S. Department of Labor; the U.S. Department of Commerce; the U.S. Department of Energy; the Overseas Private Investment Corporation; the Export-Import Bank of the United States?

YES _____

NO _____

- 2(b) Between January 1, 1992, and January 20, 2001, did you have any communications with any official or employee of any federal department or agency (not including officials or employees of the White House or the Executive Office of the President) relating to Enron Corporation or any Enron-related entity, and that also related to any law, regulation, policy, loan, loan guarantee, insurance, or financial assistance administered or enforced by any of the following: the U.S. Securities Exchange Commission; the U.S. Commodities Futures Trading Commission; the U.S. Federal Energy Regulatory Commission; the U.S. Department of Labor; the U.S. Department of Commerce; the U.S. Department of Energy; the Overseas Private Investment Corporation; the Export-Import Bank of the United States?

YES _____

NO _____

[QUESTION #3 IS FOR DISCUSSION PURPOSES AND IS NOT RECOMMENDED]

- 3(a) Between January 20, 2001, and December 2, 2001, did you have any communications with any person known by you to be an officer, director, employee, representative, or agent of Enron Corporation or any Enron-related entity in which such person sought to secure or prevent the nomination or appointment of a particular individual by the President to any of the following: the U.S. Securities Exchange Commission; the U.S. Commodities Futures Trading Commission; the U.S. Federal Energy Regulatory Commission; the U.S. Department of Labor; the U.S. Department of Commerce; the U.S. Department of Energy; the Overseas Private Investment Corporation; the Export-Import Bank of the United States?

YES _____

NO _____

- 3(b) Between January 1, 1992, and January 20, 2001, did you have any communications with any person known by you to be an officer, director, employee, representative, or agent of Enron Corporation or any Enron-related entity in which such person sought to secure or prevent the nomination or appointment of a particular individual by the President to any of the following: the U.S. Securities Exchange Commission; the U.S. Commodities Futures Trading Commission; the U.S. Federal Energy Regulatory Commission; the U.S. Department of Labor; the U.S. Department of Commerce; the U.S. Department of Energy; the Overseas Private Investment Corporation; the Export-Import Bank of the United States?

YES _____

NO _____

[QUESTION #4 IS FOR DISCUSSION PURPOSES AND IS NOT RECOMMENDED]

4. Between January 20, 2001, and [date NEPDG ceased to exist], did you have any communications with any person known by you to be an officer, director, employee, representative, or agent of Enron Corporation or any Enron-related entity relating to the development of the May 2001 Report of the National Energy Policy Development Group and one or more policies contained therein?

YES _____

NO _____

5. Are there any e-mails sent or received by you to which you no longer have access on your White House computer and that you believe would be of substantial assistance to you in answering any of the foregoing questions if they could be retrieved?

YES _____

NO _____

CERTIFICATION

I certify that I made a good faith effort to answer the foregoing questions to the best of my knowledge and recollection, including a review, if necessary, of relevant documentation to which I have reasonable access.

I understand that the information I have provided may be provided to the Senate Committee on Governmental Affairs.

I further understand that the Office of the Counsel to the President is not acting as my private attorney in this matter.

NAME (please print):

SIGNATURE:

DATE:

WHITE HOUSE OR EOP OFFICE:

PHONE NUMBER:

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 10:04:23 AM
Subject: : Draft Enron Survey
Attachments: P_25GW6003_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2002 14:04:23.00

SUBJECT:: Draft Enron Survey

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P_25GW6003_WHO.TXT_1>

Draft: April 23, 2002

April __, 2002

MEMORANDUM FOR ALL PERSONNEL IN [list WHO/EOP units]

FROM: ALBERTO R. GONZALES
 COUNSEL TO THE PRESIDENT

SUBJECT: ENRON SURVEY

The Chairman of the Senate Committee on Governmental Affairs, Joseph Lieberman, has sent the White House a letter requesting certain information relating to Enron Corporation. The White House is cooperating with the Committee, and to the extent possible we will provide appropriate and responsive information.

Accordingly, we ask that you complete the attached survey and return it to my office (West Wing, Second Floor) no later than May 17, 2002.

You are expected to answer the survey to best of your knowledge and recollection. If it would help you to review any notes, documents, or e-mail you have, you should do so.

The survey question can be answered with a yes or a no, and we are not asking for further explanation at this time. Instead, depending on your answer, the Counsel's Office may contact you to obtain additional information.

The Committee has not requested copies of completed surveys, and therefore we do not intend to provide them to the Committee. Please be aware, however, that it is possible the Committee will seek completed surveys at a later date.

Please also be aware that the Counsel's Office represents the President and the White House and thus cannot act as your personal attorney in this matter.

If you have any questions, please call me (6-1918), Tim Flanigan (6-6627), Brett Kavanaugh (6-7984), Brad Berenson (6-2318), or Chris Bartolomucci (6-7963).

REV_00143841

ENRON SURVEY

[OPTION ONE]

Since you joined the White House staff, has Enron ever asked you for help regarding the company's financial difficulties?

YES _____ NO _____

Note that "Enron" means anyone you knew was working for, or on behalf of, Enron Corporation or a related business.

[OPTION TWO]

Since you joined the White House staff, have you had any communications with Enron relating to any of the following:

- The U.S. Securities Exchange Commission;
- The U.S. Commodities Futures Trading Commission;
- The U.S. Federal Energy Regulatory Commission;
- The U.S. Department of Labor;
- The U.S. Department of Commerce;
- The U.S. Department of Energy;
- The Overseas Private Investment Corporation; or
- The Export-Import Bank of the United States.

YES _____ NO _____

Note that "Enron" means anyone you knew was working for, or on behalf of, Enron Corporation or a related business.

NAME (please print):

SIGNATURE:

DATE:

WHITE HOUSE OR EOP OFFICE:

PHONE NUMBER:

From: CN=Daniel A. Barry/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: James B. Wright/OA/EOP@EOP [OA] <James B. Wright>;Bruce O'Dell/OA/EOP@EOP [OA] <Bruce O'Dell>
Sent: 4/23/2002 6:30:12 AM
Subject: : Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-APR-2002 10:30:12.00
SUBJECT:: Search Delivery
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:James B. Wright (CN=James B. Wright/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:Bruce O'Dell (CN=Bruce O'Dell/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Brett, Adam;

Eventhough the search results are still printing, I would like to begin the delivery process. To where should the boxes be delivered ?

Later... Tony

From: CN=Rachel L. Brand/OU=WHO/O=EOP [WHO]
To: bradford_berenson@who.eop.gov@EOP [UNKNOWN]
<bradford_berenson@who.eop.gov@EOP>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;kyle sampson/who/eop@eop [WHO] <kyle sampson>
Sent: 4/23/2002 6:39:31 AM
Subject: : Re: NEWS FLASH

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2002 10:39:31.00

SUBJECT:: Re: NEWS FLASH

TO:bradford_berenson@who.eop.gov@EOP (bradford_berenson@who.eop.gov@EOP [UNKNOWN])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I heard about it earlier this a.m. - word was that she was going to "stay involved" - i got the impression she was going to continue to come to a lot of mtgs over here

Bradford A. Berenson
04/23/2002 10:33:00 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: NEWS FLASH

Karen Hughes has resigned to return to Texas. No word on why or on replacement.

Message Sent

To: _____
Brett M. Kavanaugh/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

REV_00143844

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>; H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>; Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
Sent: 4/23/2002 6:41:32 AM
Subject: : Re: NEWS FLASH

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])

CREATION DATE/TIME: 23-APR-2002 10:41:32.00

SUBJECT:: Re: NEWS FLASH

TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I heard about it earlier this a.m. - word was that she was going to "stay involved" - i got the impression she was going to continue to come to a lot of mtgs over here

Bradford A. Berenson
04/23/2002 10:33:00 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: NEWS FLASH

Karen Hughes has resigned to return to Texas. No word on why or on replacement.

Message Sent
To: _____

Brett M. Kavanaugh/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP

REV_00143845

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Daniel A. Barry/OA/EOP@EOP [OA] <Daniel A. Barry>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;james b. wright/oa/eop@eop [OA] <james b. wright>;bruce o'dell/oa/eop@eop [OA] <bruce o'dell>
Sent: 4/23/2002 6:47:00 AM
Subject: : Re: Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-APR-2002 10:47:00.00
SUBJECT:: Re: Search Delivery
TO:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james b. wright (CN=james b. wright/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:bruce o'dell (CN=bruce o'dell/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Any idea what happened here yet?

DANIEL A.
BARRY
04/23/2002 10:30:08 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Adam F. Greenstone/OA/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: Search Delivery

Brett, Adam;

Eventhough the search results are still printing, I would like to begin the delivery process. To where should the boxes be delivered ?

Later... Tony

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 7:00:27 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2002 11:00:27.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

again, i do not (never have) doubted that.

Brett M. Kavanaugh
04/23/2002 10:46:01 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

understood. just wanted you to know that there is substantial
scientific opinion that exercise saves lives, wards off disease, etc.

Helgard C. Walker
04/23/2002 10:44:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: courtney s. elwood/who/eop@eop
bcc:
Subject: Re:

II have no doub that exercise is a "good thing." That, however, is
besides the point that CSE and I were making.

Brett M. Kavanaugh
04/23/2002 10:38:35 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject:

<http://www.washingtonpost.com/wp-dyn/articles/A28363-2002Apr22.html>

REV_00143851

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 7:00:41 AM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2002 11:00:41.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

just don't try and make me go running

:)

Brett M. Kavanaugh
04/23/2002 10:46:01 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

understood. just wanted you to know that there is substantial
scientific opinion that exercise saves lives, wards off disease, etc.

Helgard C. Walker
04/23/2002 10:44:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: courtney s. elwood/who/eop@eop
bcc:
Subject: Re:

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Brett M. Kavanaugh
04/23/2002 10:38:35 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP, Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject:

<http://www.washingtonpost.com/wp-dyn/articles/A28363-2002Apr22.html>

REV_00143853

From: CN=Stephen M. Lineberry/OU=CEA/O=EOP [CEA]
To: Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: Lauren J. Vestewig/OPD/EOP@EOP [OPD] <Lauren J. Vestewig>; Layton Skelly/OPD/EOP@EOP [OPD] <Layton Skelly>
Sent: 4/23/2002 11:50:06 AM
Subject: : Medical Malpractice Meeting tomorrow morning 7:45am, room 48a

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME: 23-APR-2002 15:50:06.00

SUBJECT:: Medical Malpractice Meeting tomorrow morning 7:45am, room 48a

TO: Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])

READ: UNKNOWN

TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Lauren J. Vestewig (CN=Lauren J. Vestewig/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

CC: Layton Skelly (CN=Layton Skelly/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

End Original ARMS Header

There will be a Medical Malpractice meeting in room 48a of the OEOB tomorrow morning at 7:45 am. The meeting should last approx. one hour. Please let me know if you will not attend. Thanks.

-Steve
395-5036

REV_00143890

From: CN=Daniel A. Barry/OU=OA/O=EOP [OA]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;james b. wright/oa/eop@eop [OA] <james b. wright>;bruce o'dell/oa/eop@eop [OA] <bruce o'dell>
Sent: 4/23/2002 8:50:18 AM
Subject: : Re: Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-APR-2002 12:50:18.00
SUBJECT:: Re: Search Delivery
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james b. wright (CN=james b. wright/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:bruce o'dell (CN=bruce o'dell/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Adam;

It is very difficult to give an estimate that has any accuracy to it because the quantity of print depends on the formatting of each record and that is impossible to predict.

We currently have 95 boxes of paper in the EOPDC and the printing is probably 75% complete.

The printing is currently stopped because the printer is down for repairs.

I would like to start the delivery process

Later... Tony

Adam F. Greenstone
04/23/2002 10:46:49 AM

Record Type: Record

To: Daniel A. Barry/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, james b. wright/oa/eop@eop, bruce o'dell/oa/eop@eop
bcc:
Subject: Re: Search Delivery

Any idea what happened here yet?

DANIEL A.
BARRY
04/23/2002 10:30:08 AM

REV_00143924

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Adam F. Greenstone/OA/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: Search Delivery

Brett, Adam;

Eventhough the search results are still printing, I would like to begin the delivery process. To where should the boxes be delivered ?

Later... Tony

From: CN=Stephen M. Lineberry/OU=CEA/O=EOP [CEA]
To: Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Michal M. Rehavi/CEA/EOP@EOP [CEA] <Michal M. Rehavi>
Sent: 4/23/2002 12:50:50 PM
Subject: : Malpractice Meeting information
Attachments: P_MEPW6003_WHO.TXT_1.doc; P_MEPW6003_WHO.TXT_2

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME: 23-APR-2002 16:50:50.00
SUBJECT: : Malpractice Meeting information
TO: Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Michal M. Rehavi (CN=Michal M. Rehavi/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
End Original ARMS Header

Please find background information for tomorrow's 7:45am meeting attached below.

-Steve
x55036

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MEPW6003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MEPW6003_WHO.TXT_2>

REV_00143926

COUNCIL OF ECONOMIC ADVISERS
April 23, 2002

Update on Malpractice Cost Increases

Background

- **Rising liability costs are a concern not only to health care providers but also to the Federal government.** For example, Medicare incorporates malpractice costs its provider payment calculations. Most state Medicaid plans also account for some part of liability costs – and to the extent they do not, providers may refuse to treat Medicaid patients. Higher liability costs are also incorporated in private insurance premiums, which are tax-subsidized. Thus, eventually, a large share of the costs of higher liability are eventually borne by the Federal government.
- **The cause of rising liability costs is rapidly rising malpractice awards – to the point that some malpractice carriers are refusing to offer insurance altogether.** The second section of this memo describes the serious problems that providers are facing in many states.
- **The national medical malpractice combined ratio (the ratio of paid claims to premiums) is nearing the level experienced at the height of the 1980s medical malpractice crisis.** In 2001, insurers likely paid out \$1.40 in claims for every dollar of premiums, compared with \$1.60 in claims at the height of the 1980s' crisis.
- **Jury awards for malpractice have skyrocketed in recent years.** The median malpractice award grew 60% between 1997 and 1999 (from \$500,000 to \$800,000). In 1999 the median punitive damage award for medical malpractice cases was \$515,000. The only cases with a higher median award were products liability suits (\$2 million), where defendants are often large corporations.
- St. Paul (the largest medical malpractice insurance writer in the U.S. prior to its exit from the market in December 2001) saw twice as many claims for \$1 million or more in 2000 than they did in 1999. Only 1.5% of all claims paid in 1990 were for \$1 million or more, while 4.5% in 1998 were. Many analysts view this rapid and difficult-to-predict trend as a driving factor in the decision by St. Paul to pull back from the malpractice insurance markets (see below). Its exit will affect 42,000 physicians.
- The number of medical malpractice payment reports increased in 1999 and 2000 after falling at an average rate of 4% per year between 1996 and 1998. In the past 5 years the number of “reportable action reports” increased by almost 10% while the number of medical malpractice payment reports only increased by 1%.
- **A rising number of large awards is thus the main contributing factor to the increase in malpractice costs for doctors.** In 2000, median malpractice payments (by state) ranged from \$55,000 (California) to \$262,000 (Maine). The mean malpractice payment (by state) ranged from \$142,637 (California) to \$584,338 (Washington DC). Kansas was the only state

in which the mean malpractice payment was less than the median. 40% of all jury awards are over \$1 million, compared with 35% in the period from 1993 to 1995.

- High awards are generally related to poor outcomes that follow complex procedures – and in most cases are not the result of care that medical experts judge to be negligent. The highest average and median malpractice payments are for obstetrics and the most malpractice payments were made for claims that were diagnosis or surgery related.
- **Medical malpractice premiums skyrocketed in recent years.** In an AMA survey 8 States (AR, CT, IL, NV, NC, OH, PA & TX) reported premium increases of over 30% in 2002. The Texas Medical Liability Trust has raised rates by 100% over the last 2.5 years. New Jersey hospital medical malpractice insurance premiums jumped an average of 250% from 1999 to 2002.
- Considerable research indicates that higher malpractice premiums cause doctors to practice more “defensive medicine,” such as ordering extra tests or unnecessary procedures to provide legal cover in case a patient has a bad outcome. In a recent survey, roughly three quarters of physicians acknowledged that fear of litigation lead them to order more tests and more frequently refer patients to specialists than they would based only on their professional judgement of what is medically necessary. The excess health care costs resulting from defensive medicine are much greater than the direct costs of the malpractice system – potentially adding 2 to 4 percent each year to the costs of the entire health care system.
- Malpractice liability also leads to worse care and worse health for other reasons. As noted below, high malpractice costs are significantly threatening access to care in many parts of the country. And health care providers are reluctant to undertake initiatives to eliminate medical errors and improve quality, for fear that any information they develop on opportunities to improve care will be used against them in court. Additionally, 61% of physicians have noticed physicians being reluctant to make what they categorize as humane choices at the end of a patient’s life due to a fear of litigation.

Long Term Care

- **Rising liability costs in nursing homes are a major cause of rapid growth in the cost of nursing home care, which is mostly financed by Medicaid and Medicare.** Between 1990 and 2001 general liability and professional liability (GL/PL) loss costs increased from \$240 per annual occupied skilled nursing bed to \$2,360 per bed. Most of this increase took place after 1995. Florida (\$11,000) and Texas (\$5,500) had the highest per bed costs in 2001.
- **Nursing home malpractice costs are rising because of rapid increases in both the number of lawsuits and the size of awards.** Between 1990 and 2001, the average size of a GL/PL claim tripled and the average number of claims for long term care operators increased from 3.6 claims per 1000 beds to 11 claims per 1000 beds.
- **A very large share of these liability costs go to lawyers.** Altogether, 47% of the total GL/PL claims costs goes to attorneys (this includes the defendant’s legal costs, which are roughly 40% of the total dollars that attorneys get).

- **Even excluding “high cost” states, GL/PL loss costs are increasing at a rate of 20% per year.** This is much faster growth than in other industries, where GL/PL claim costs tend to increase between 5% and 10% per year.

State Malpractice Laws Have Major Implications for Malpractice Costs, Federal Health Care Spending, and Access to Care

California

- California (like Utah, New Mexico, and other states) has a cap on jury awards for pain and suffering. California limits such awards to \$250,000.
- The 5 largest California insurers requested malpractice insurance rate increases of only 2% to 8% for 2002, while the rest of the country faced increases of 10% to 30%. Furthermore, the rates in California are already relatively low. The base rate for a California obstetrician is around \$35,000 per year. The same doctor would pay between \$80,000 and \$120,000 in Pennsylvania. (*San Francisco Business Times*, October 15, 2001).
- Medical malpractice insurance is only about 10% of doctors’ revenues in California, down from 25%. Nationally, premiums generally average between 10% and 25% of a physician’s gross revenues. The premium for an obstetrician in PA would be more than twice as much as it would be for the same obstetrician in CA.

Pennsylvania

- Ohio, Pennsylvania, West Virginia have relatively high medical malpractice costs, and have faced significant cost increases this year.
- The PA Medical Association found that it costs \$96,199 to cover an orthopedic surgeon in PA and less than \$40,000 to cover one in Delaware and New Jersey. According to the president of the PA Medical Society, their 2001 survey found that 72% of doctors deferred purchasing new medical equipment or didn’t hire needed staff because of “sudden and sharp increases” in malpractice insurance premiums.
- PA has recently taken legislative steps to try to curb the cost increases (including the partial privatization and eventual phase-out of the PA CAT fund, shortening the statute of limitations, and allowing judges to lower awards in some cases).

Nevada

- Malpractice Insurance Availability in Nevada:
 - The Nevada Division of Insurance conducted a survey of 11 insurers offering medical malpractice insurance in Nevada. The respondents indicated that punitive damages were the largest contributor to the cost of claims, followed by legal fees.

- St. Paul, the largest insurer, pulled out of Nevada in 2001 and 4 other insurers left the market in 2002. Those 5 insurers provided 70% of the State's malpractice coverage.
- The Governor's Plan:
 - It was concluded at a state hearing in March, 2002 that medical malpractice insurance was not readily available in Nevada, so the state was designated as the insurer of last resort. Beginning on April 15, 2002, Nevada will sell medical malpractice insurance through the newly established Medical Liability Association of Nevada. This is meant to be a stop-gap measure, and the Governor intends to work with the Legislature to institute market reforms.
 - Premiums will be set to cover projected losses and expenses and are not expected to be below the rates available in the private market. The Association will have the right to refuse to insure physicians deemed to be an "unacceptable risk." Participating medical professionals will each be assessed a one-time fee to cover any Association losses. The Board will also develop a "cost stabilization option" so that each physician could choose to pay a fee in lieu of any end of the year assessments. The plans offered by the State will not cover prior acts. According to local newspapers, physicians expect to pay as much as \$100,000 for "tail coverage."
- Anecdotes from Nevada Newspapers:
 - "More than half of the surgeons working at Southern Nevada's only trauma center are poised to quit if Gov. Kenny doesn't soon commit to limiting malpractice liability in Nevada" (*Las Vegas Review-Journal*, March 21, 2002).
 - Over 20% of Clark County's OB-GYNs are actively considering leaving Nevada (i.e. calling medical boards in other states to transfer certification, looking for other jobs, etc) because malpractice rates are going from \$40,000 to as much as \$200,000. 78% of Clark County physicians responding to a survey by a researcher at the University of Nevada School of Medicine indicated that they will leave the State if the legislature does not undertake tort reform. These physicians represent 40% of the OB-GYNs in Clark County (*Las Vegas Review-Journal*, March 23, 2002)

Common Good
Fear of Litigation Study
The Impact on Medicine

Final Report

April 11, 2002

Conducted for:

Common Good

Field Dates:
March 4-20, 2002

Project Managers:

Humphrey Taylor, Chairman, *The Harris Poll*
David Krane, Senior Vice President
Amy Cottreau, Project Manager
Diana Gravitch, Senior Research Associate



Conversations with colleagues appear to be impacted by the fear of litigation. While more than two-thirds of both physicians and nurses report that frank discussions of an adverse event or error at least sometimes helps them or a colleague avoid making a similar mistake in an actual medical case, many report that their colleagues are often uncomfortable having such conversations.

- **Only one-fourth or fewer of physicians, nurses and hospital administrators think that their colleagues are very comfortable discussing adverse events or uncertainty about proper treatment with them.**
- **Even fewer – roughly 5% -- think that their colleagues are very comfortable discussing medical errors with them.**

Fear of liability is cited by physicians and hospital administrators as the leading factor that discourages medical professionals from openly discussing and thinking of ways to reduce medical errors. By comparison, nurses are more likely to point to not wanting to upset or criticize a colleague as a main reason. Although hospital administrators and nurses somewhat disagree, **physicians feel that fear of liability at least sometimes also leads to hospitals avoiding disclosing quality deficiencies and is the primary reason why hospitals do not share the results of inquiries into patient injury cases.** [See Tables 14-19]

Patient relationships also appear to be somewhat impacted by litigation concerns. While the overwhelming majority of nurses report that malpractice concerns have not impacted their patient relations and discussions at all, **significant numbers of physicians feel that malpractice concerns have made their relationships with patients less personal (38%) and caused them to be more candid in their conversations with patients (43%).** Interestingly, perceptions differ greatly between hospital administrators and physicians and nurses on whether physicians have become more likely to admit errors and apologize. While half (51%) of all hospital administrators think that physicians have become more likely to admit errors and apologize, only one-fourth of nurses and physicians themselves think this is true. [See Tables 20-23]

One area where there is clear agreement is the influence of the fear of litigation on administrative issues. Well over three-fourths of all physicians and nurses (84% and 81%, respectively) report that they **spend more time on paper work**, such as medical record documentation, because of malpractice concerns than they would based solely on the patient's clinical needs. Additionally, **nearly all physicians (94%) believe that written descriptions of cases are very often or sometimes influenced by the fear of litigation.** [See Tables 24-25]

Physicians, nurses and hospital administrators were somewhat divided on whether or not their interpretation of the November 1999 Institute of Medicine reports which suggested that between 44,000 and 98,000 patients die annually in the United States as a result of preventable hospital errors however they generally disagreed with this finding. Their views on malpractice claims were more common. **The clear majority of physicians, nurses and hospital administrators all feel that malpractice claims occur mainly from adverse results rather than actual error.** Physicians see the patient/physician relationship as the most important factors in determining whether or not an injured patient brings a lawsuit or not. Quality of communications as well as greed and the patient's financial status are also noted as important factors by physicians, nurses and hospital administrators. *[See Tables 28-30]*

That many medical professionals behavior is clearly influenced by the fear of litigation can perhaps be explained by the finding that **the overwhelming majority of physicians (83%) and hospital administrators (72%) do not feel that physicians can trust the current system of justice to achieve a reasonable result if sued.** When coupled with the previously noted finding that most feel that malpractice claims occur mainly from adverse results rather than actual error this sense of distrust in the current system is underscored. It is not surprising then, that physicians nearly unanimously, as well as at least three-fourths of nurses and hospital administrators would **instead favor switching to a medical court presided over by independent medical professionals and other experts that would have authority to review and decide injury cases.**

Suggestions by physicians and hospital administrators for improving the malpractice and patient safety situation include a number of legal reforms such as caps on judgments/ liability, general tort reform, as well as improved communication with patients. Nurses were more likely to look to improved patient communication and staff education improvements for possible improvement. **While changes in levels of career satisfaction have caused roughly half of physicians, nurses, and hospital administrators to consider leaving medicine, changes made by HMOs as well as those brought about by the threat of malpractice liability have had nearly as great an impact upon physicians.** *[See Tables 26, 27, & 31-33]*

In summary, it is clear that the practice of medicine and the delivery of medical care are significantly influenced and shaped by fear of malpractice claims and perceived unreliability of the current system of justice. With adverse consequences ranging from cost implications to quality of care the impact of the fear of litigation cannot be ignored and is an area that should be included in any efforts to improve medicine in America today and restore health to health care.

DETAILED ANALYSIS OF RESULTS

Table 1**Quality of Medical Care Over Past Five Years**

Although feelings are mixed both within and across sample groups, half of all physicians feel that the ability to provide quality medical care to patients has gotten worse over the past five years. In contrast, the plurality of nurses and hospital administrators feel that things have improved.

Q205 Setting aside improvements in technology or medical knowledge, do you think the ability of physicians and nurses to provide quality medical care to patients has improved, has gotten worse or is it about the same as it was five years ago?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
	%	%	%
Improved	31	44	55
Worse	51	28	24
About the same	17	28	19

Table 2**Impact on Providing Quality Patient Care**

While physicians, nurses and hospital administrators generally agree on the impact of various influences on their ability to provide quality care, physicians are more likely to feel that managed care plans have hurt their ability to provide quality care. Nurses are more likely to feel that patient advocacy groups have made a positive impact on their ability to provide quality care and are less likely to have personally felt a negative impact because of concerns about malpractice litigation.

Q211 In recent years, has each of the following helped, hurt or not made a difference in your ability to provide quality patient care?

Base: All respondents

	Physicians			Nurses			Hospital Administrators		
	Hurt	Helped	No Difference	Hurt	Helped	No Difference	Hurt	Helped	No Difference
	%	%	%	%	%	%	%	%	%
Managed care plans	87	5	8	62	14	24	66	9	21
Patient advocacy groups	12	33	54	6	56	33	9	43	44
The Internet	6	71	23	5	58	33	1	80	19
Concern about malpractice litigation	76	4	21	41	6	51	63	6	30

Table 3**Awareness of Malpractice Liability**

Experience clearly has increased the awareness and concern among all respondents about the risks of malpractice liability. Perhaps not surprisingly, nurses are less likely to report an increase with one-third saying their views haven't changed since the beginning of their career.

Q225 Since the beginning of your career, would you say your concern or awareness about the risks of malpractice liability has . . . ?

Base: All respondents

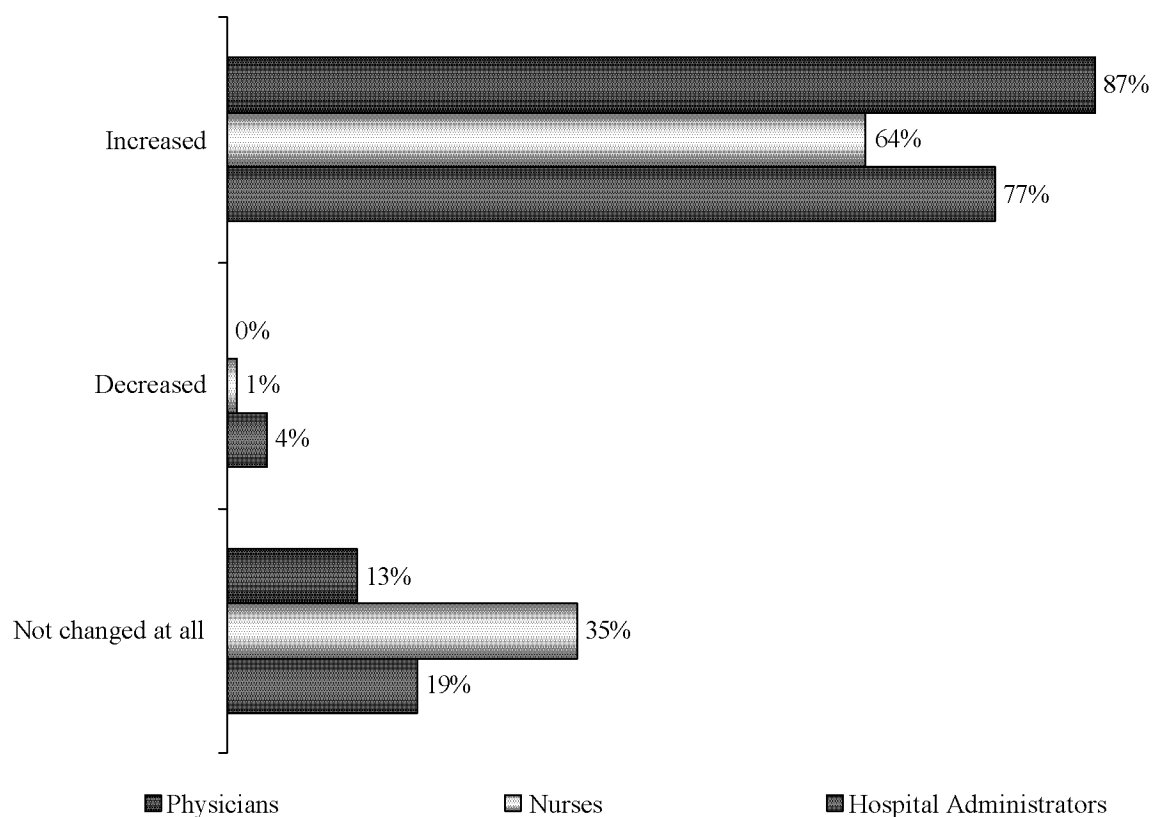


Table 4**Avoided Specialty For Fear of Legal Exposure?**

While the majority of physicians have not shied away from an interest in a specialty due to concerns about higher legal exposure, a significant minority of nearly one in three have avoided an area due to liability concerns.

Q235 Have you ever been interested in a certain specialty but shied away from it because you thought you'd have higher legal exposure?

Base: All physicians

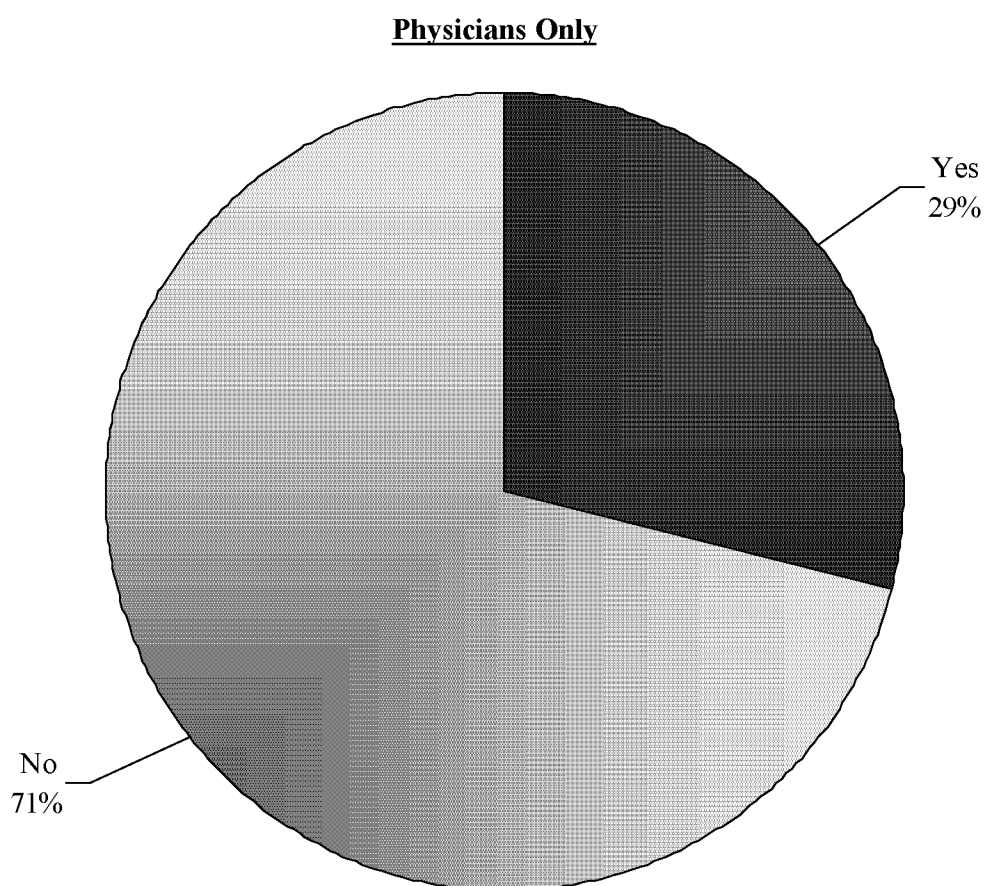


Table 5**Willingness to Assist When Off-Duty**

Liability concerns impact behavior outside of the hospital or office environment as just over half of all physicians know of those who hesitate or are reluctant to assist an injured person when off-duty and one-third say they know of an instance where a physician did not volunteer to help because of the fear of litigation.

Q241 Do you have personal knowledge of . . . ?

Base: All physicians

Physicians Only
% “Yes”

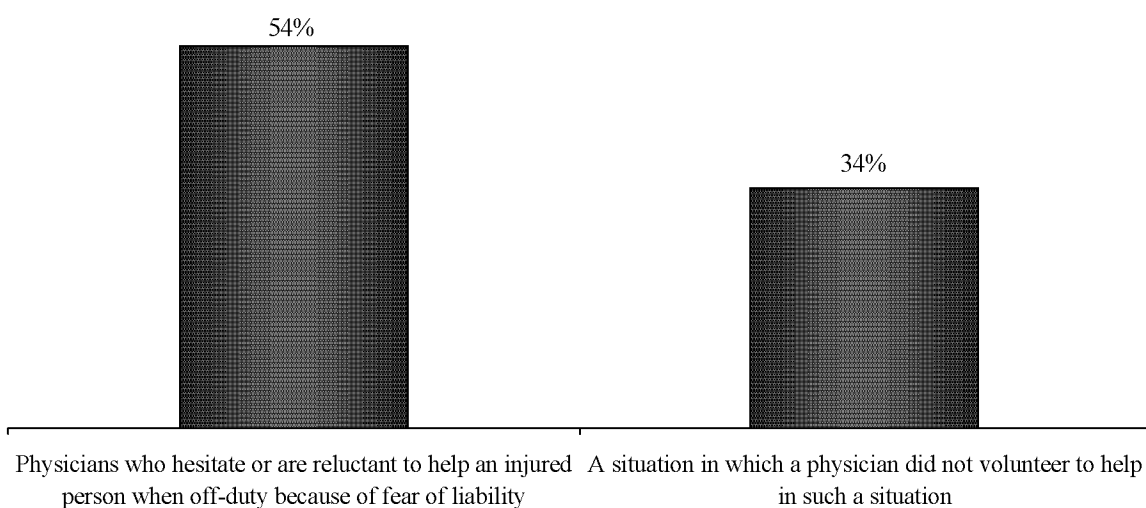


Table 6**Impact of Liability Concerns on Tests and Procedures**

Physicians and hospital administrators strongly agree that the fear of medical malpractice causes physicians to act much differently than they would based solely on their professional medical judgment. Nurses generally share this view, but are less strong in their agreement.

Q306 Based on your experience, have you noticed the fear of malpractice liability causing physicians to . . . ?

Base: All respondents

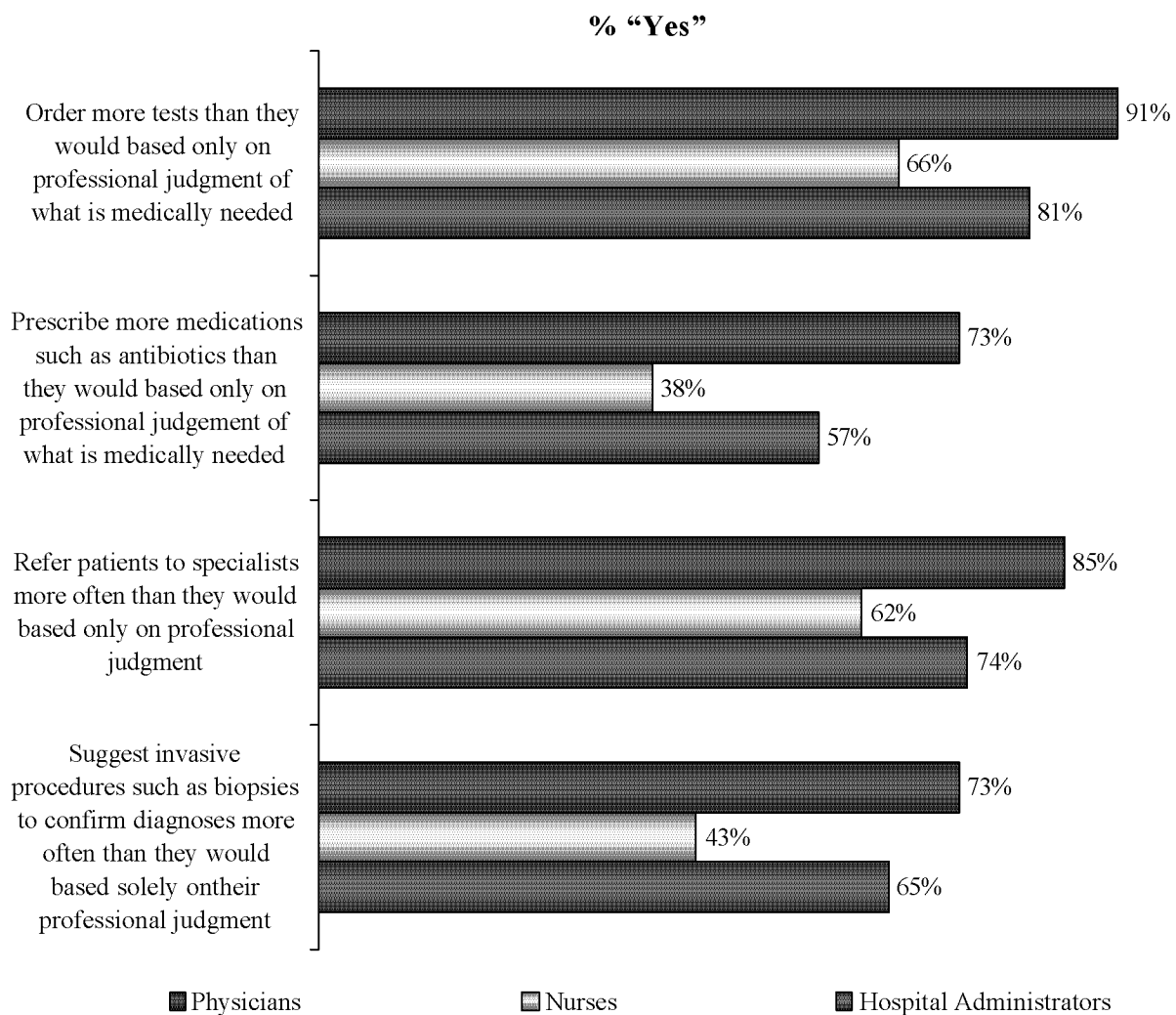


Table 7**Impact of Liability Concerns on Physicians Personal Behavior**

When talking about their own behavior, physicians report that they personally often do more than they feel is medically needed because of concerns about malpractice liability. Compared with their observations of physicians in general, physicians were somewhat less likely to report that they themselves had their behavior influenced in this way – particularly when it came to prescribing more medications and ordering invasive procedures.

Q306 Based on your experience, have you noticed the fear of malpractice liability causing physicians to . . . ?

Base: All respondents

Q311 Do concerns about malpractice liability ever cause you to . . . ?

Base: All physicians

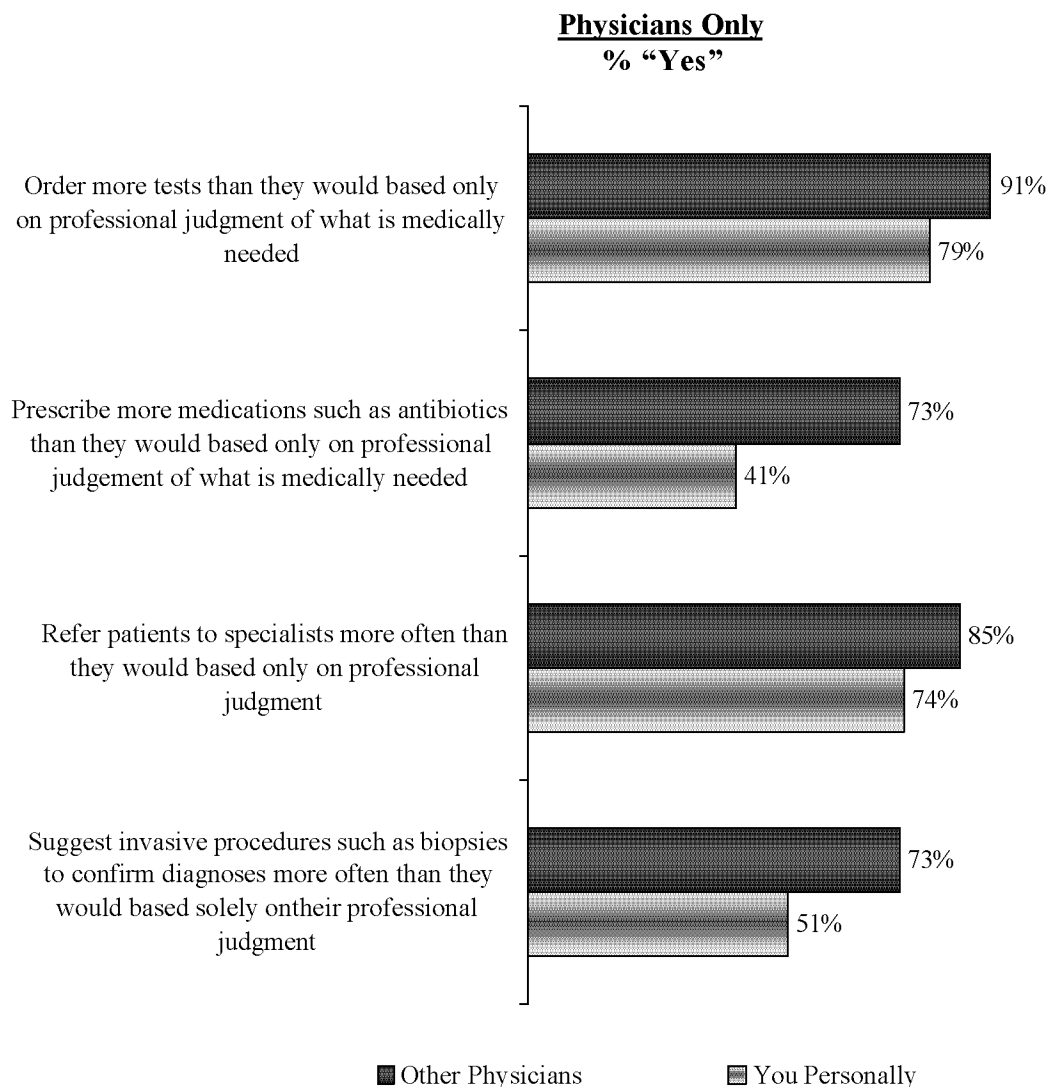


Table 8**Impact on Health Care Costs**

Given the high rate at which physicians, nurses and hospital administrators report that extra tests, referrals and procedures are being done, it is not surprising that they are viewed as having a significant impact on health care costs.

Q315 Do you think such extra tests, referrals or procedures contribute in a significant way to health care costs?

Base: All respondents

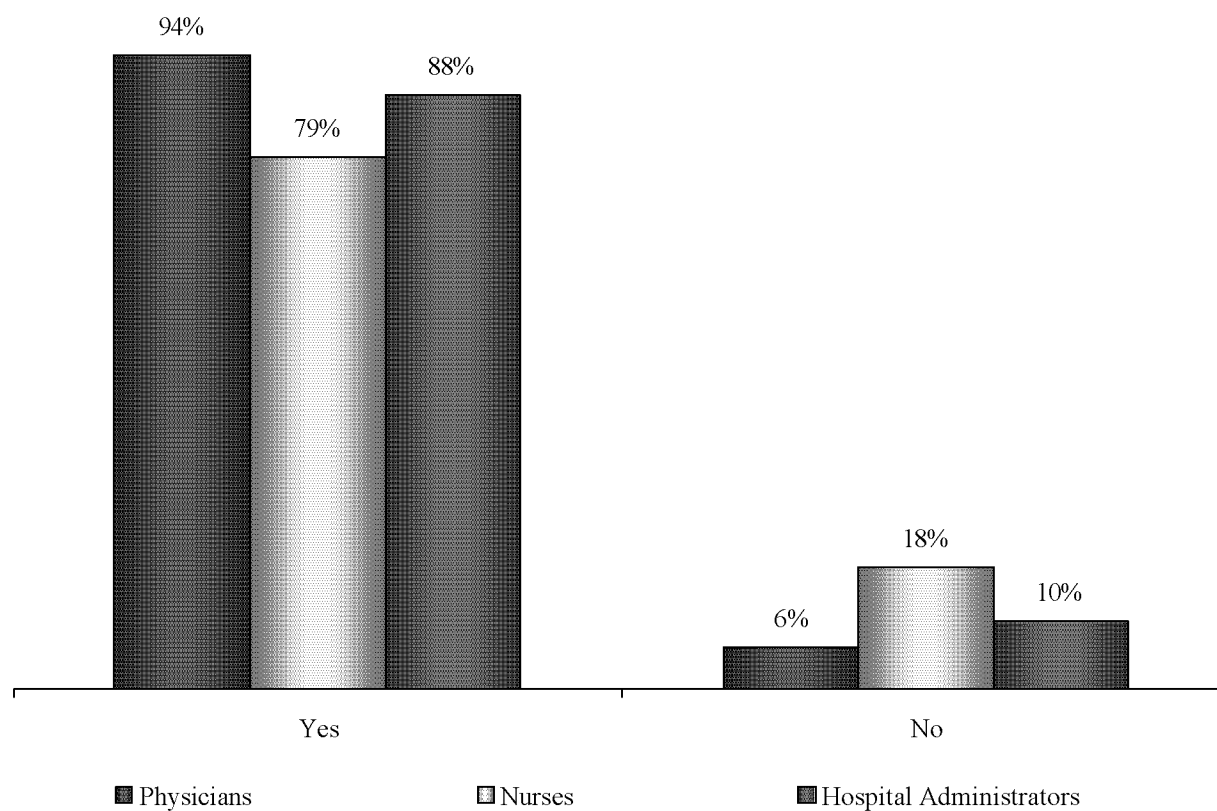


Table 9**Impact of Liability Concerns on End of Life Issues**

Liability concerns also impact decisions made by physicians at the end of a patient's life. Roughly half of all physicians and nearly as many nurses and hospital administrators report that they are aware of physicians resorting to aggressive treatments, being reluctant to make humane choices, and even going against a patient's expressed wishes due to liability concerns.

Q321 Based on your experience, have you noticed . . . ?

Base: All respondents

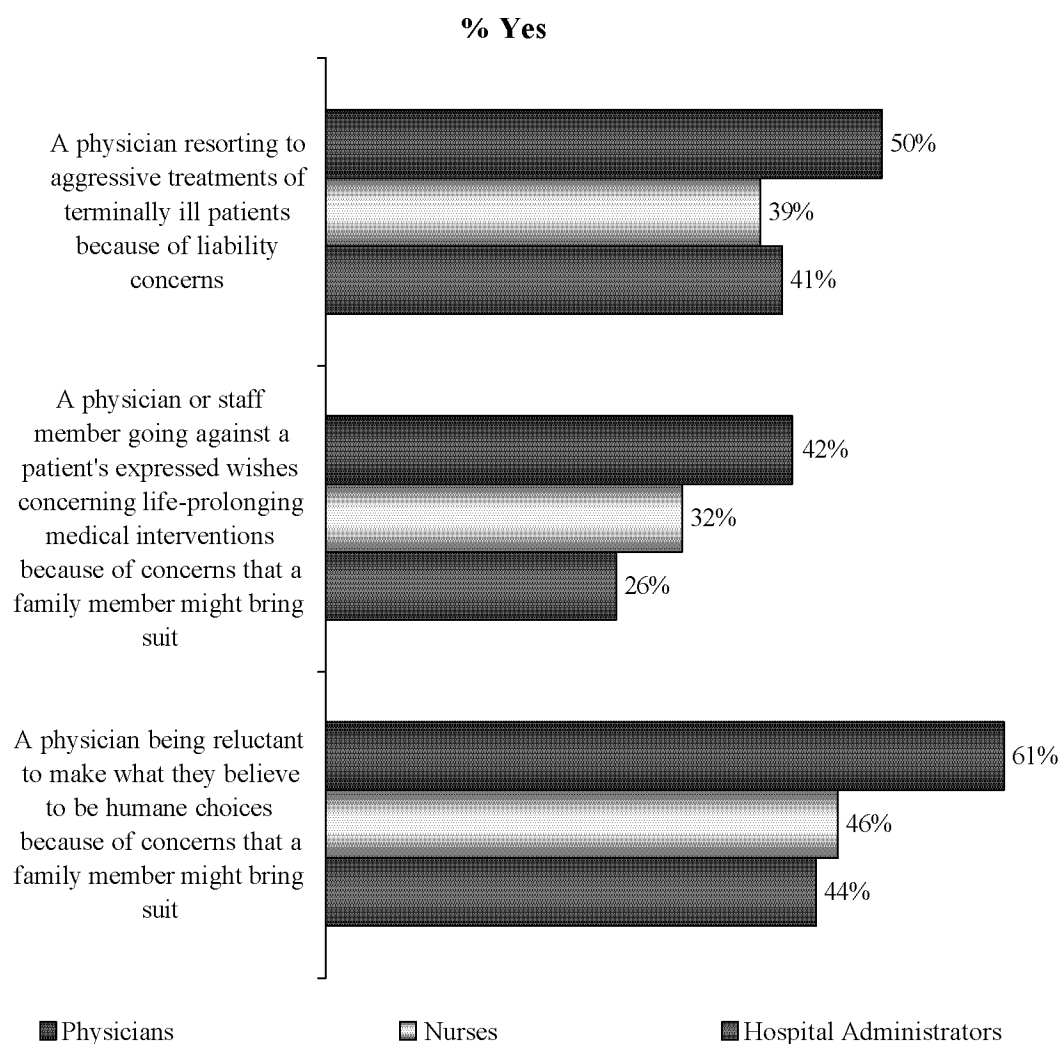


Table 10**Excessive Care Provided Due to Fear of Medical Liability**

In summary, physicians clearly feel that unnecessary or excessive care is at least sometimes provided due to malpractice concerns. Hospital administrators agree with physicians while thinking it is slightly less of an issue. Nurses however, view this as occurring more rarely.

Q325 Based on your experience, how often do you think unnecessary or excessive care is provided because of the fear of medical liability?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Very Often/Sometimes (Net)	94	66	84
Very often	38	18	20
Sometimes	56	48	64
Rarely/Never (Net)	6	32	15
Rarely	5	30	13
Never	*	2	2

Table 11**Nurses Views on Impact of Liability Protection Rules or Protocols**

Although not a major obstacle for most nurses, nearly half of all nurses feel that rules or protocol established for liability protection prohibit or discourage them at least sometimes from doing what they feel is right for the patient.

Q330 How often do you feel prohibited or discouraged from doing what you think is right for the patient because of rules or protocols set up for liability protection – would you say very often, sometimes, rarely or never?

Base: All nurses

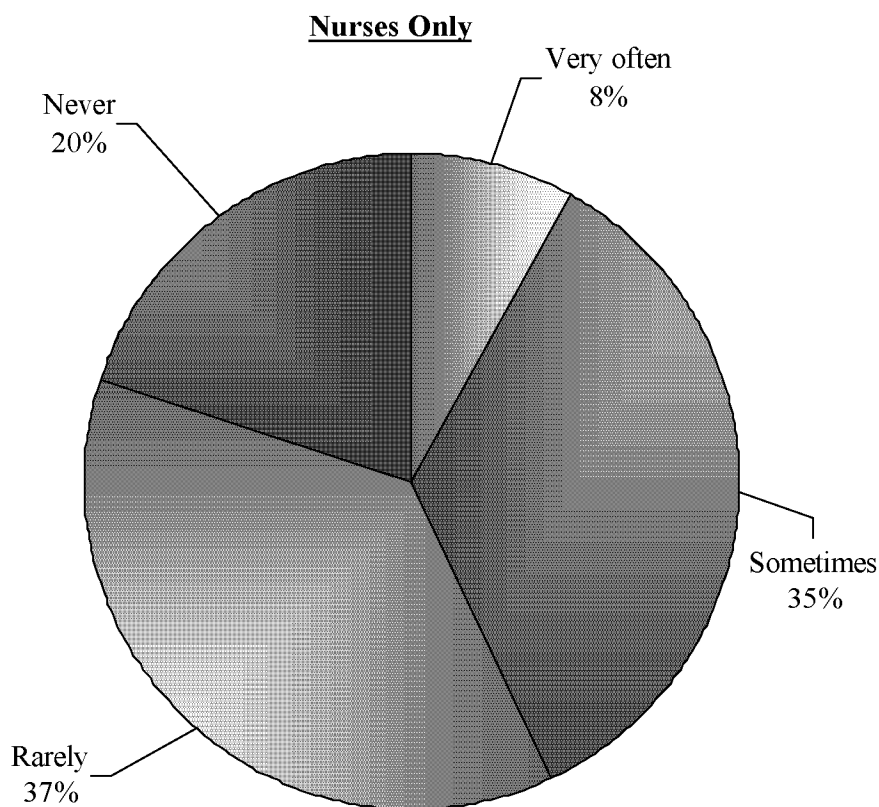


Table 12**Hospital Administrators Views on Creation of Liability Protection Rules or Protocols**

While hospital administrators feel that established rules and protocol have improved or enhanced patient safety, they also think that unnecessary rules of protocol are often created because of liability concerns.

Q335 In establishing procedures, to what extent do you think unnecessary rules of protocol are created out of a concern about liability protection – would you say very often, sometimes, rarely or never?

Q337 To what extent do you think that established rules or protocol have improved or enhanced patient safety - would you say a lot, a little, or not at all?

Base: All hospital administrators

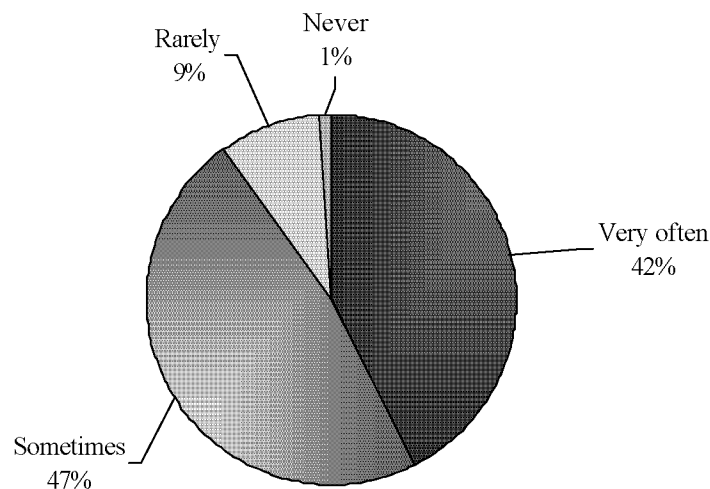
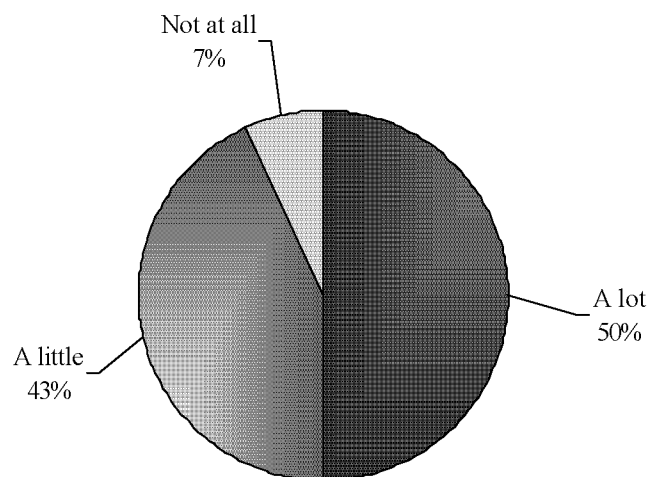
Hospital Administrators Only**Creation of Unnecessary****Impact on Patient**

Table 13**Hospital Environment for Reporting Medical Errors**

While nearly all nurses and hospital administrators feel their hospitals encourage the reporting of medical errors, physicians are somewhat less likely to feel this way with roughly one-third reporting an environment that neither encourages nor discourages error reporting.

Q220 On the whole, in your hospital, or the hospital to which the majority of our patients are admitted, are staff encouraged to or discouraged from reporting medical errors, including dispensing incorrect medications or medication doses, surgical mistakes and human error in interpreting results of diagnostic tests?

Base: All respondents

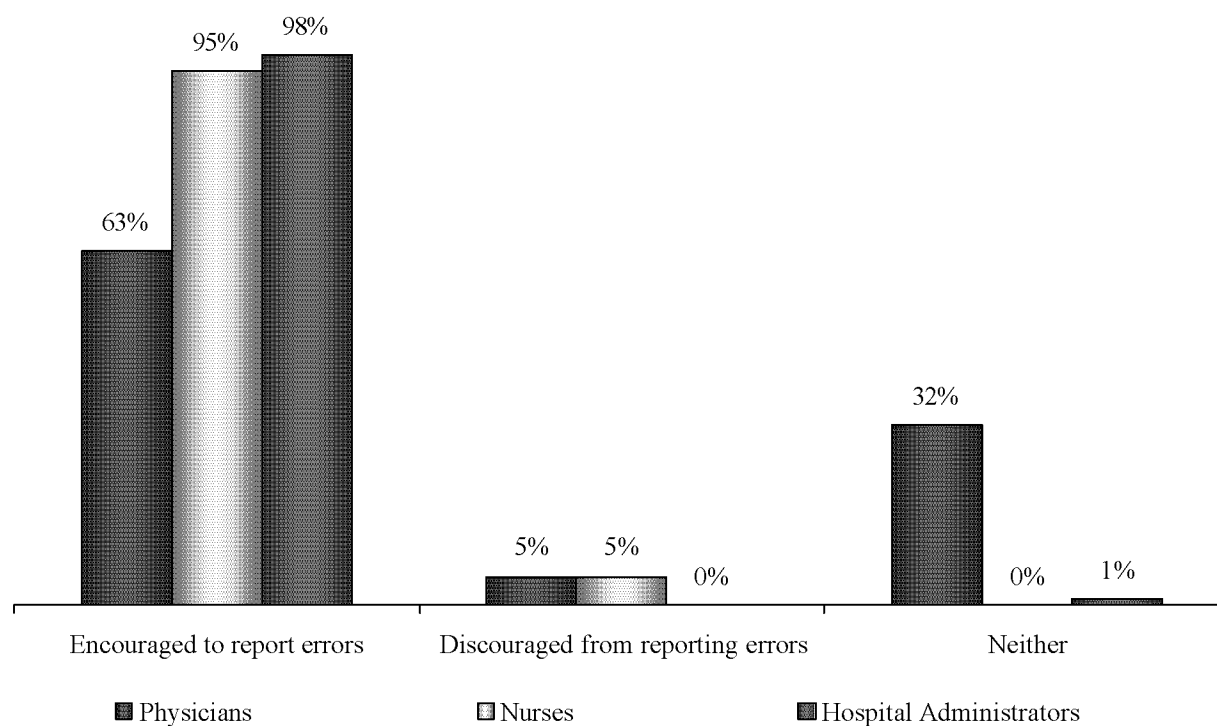


Table 14**Discussing Adverse Events With Colleagues**

Nurses and hospital administrators are somewhat more likely than physicians to report that their colleagues are comfortable discussing adverse events with them.

Q405 How comfortable do you think your colleagues are discussing adverse events or uncertainty about proper treatment with you?

Base: All respondents

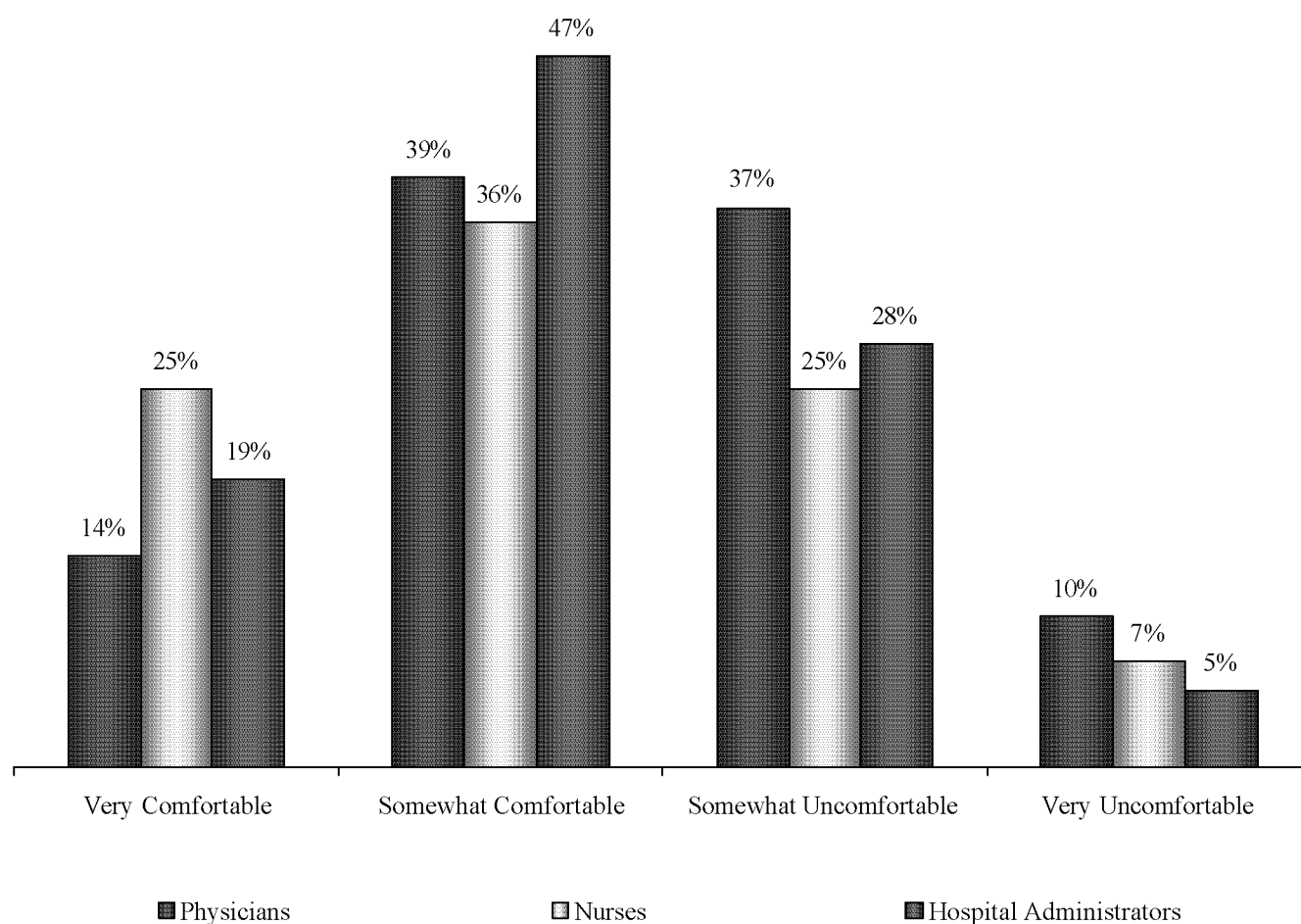


Table 15**Discussing Medical Errors With Colleagues**

While the majority of all groups feel that colleagues are uncomfortable discussing medical errors, physicians and nurses are even more likely to report feeling this way.

Q410 How comfortable do you think your colleagues are discussing medical errors with you?

Base: All respondents

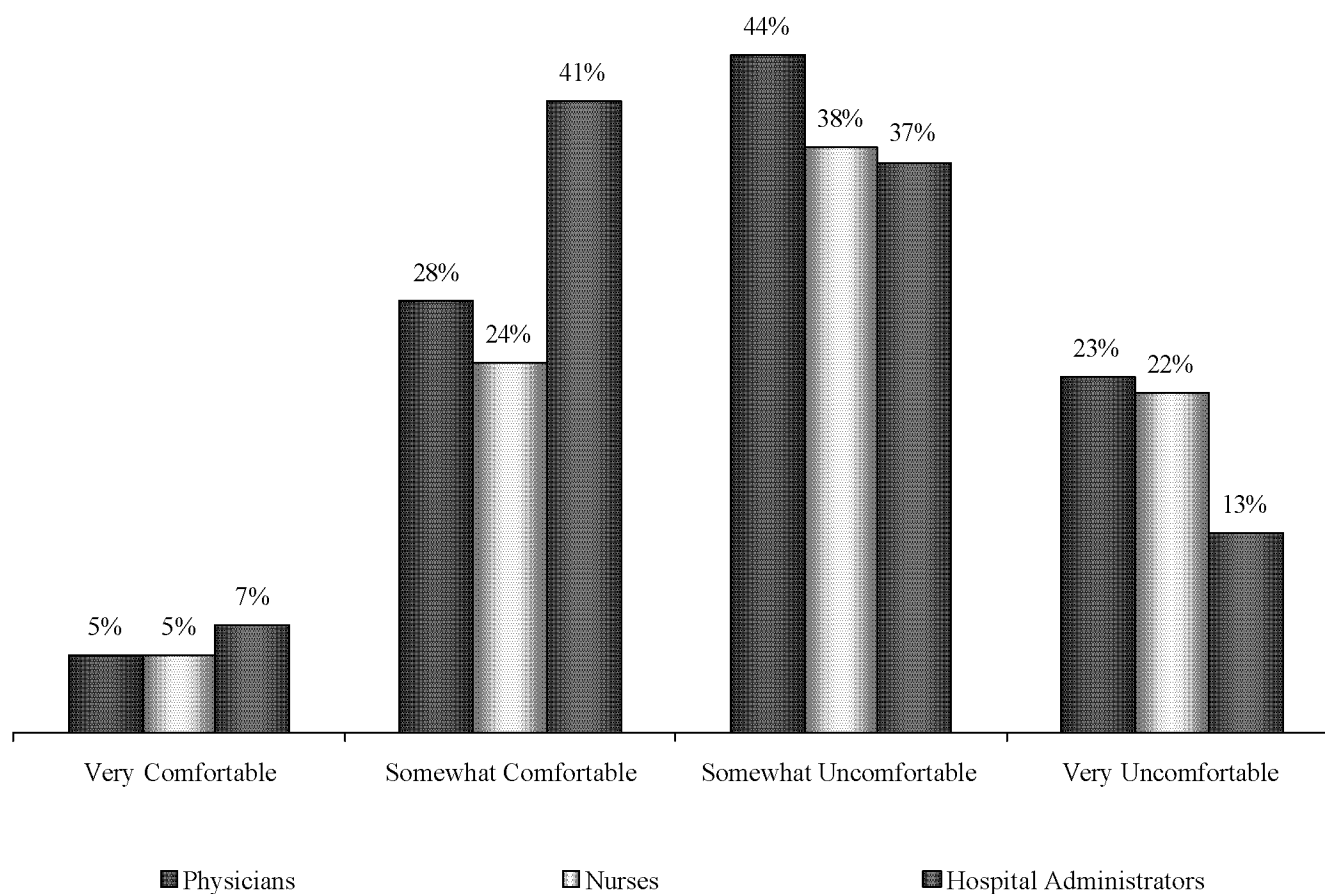


Table 16**Impact of Discussing Medical Errors in Avoiding Similar Mistakes**

Despite the previously noted finding that many are uncomfortable discussing adverse events and errors, physicians and nurses both report that such discussions are very often or sometimes helpful in avoiding making similar mistakes in actual medical cases.

Q415 How often does a frank discussion of an adverse event or error helped you or a colleague avoid making a similar mistake in an actual medical case?

Base: Physicians and Nurses

	Physicians	Nurses
Base:	300	100
	%	%
Very Often/Sometimes (Net)	73	69
Very often	12	18
Sometimes	61	51
Rarely/Never (Net)	27	30
Rarely	24	25
Never	3	5

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Table 17**Impact on Discussions About Medical Errors**

Among physicians and hospital administrators, fear of liability is the leading factor that discourages open discussions about how to reduce medical errors. While fear of liability is also significant for nurses, not wanting to upset or criticize a colleague is seen as slightly more important in discouraging these discussions.

Q421 Generally speaking, how much do you think that each of the following discourages medical professionals from openly discussing and thinking of ways to reduce medical errors?

Base: All respondents

	Physicians			Nurses			Hospital Administrators		
	A	A	Not At	A	A	Not At	A	A	Not
	Lot	Little	All	Lot	Little	All	Lot	Little	At All
	%	%	%	%	%	%	%	%	%
Fear of liability	59	35	6	22	52	25	25	57	17
Not wanting to upset or criticize a colleague	34	60	5	24	57	17	23	65	10
The environment in your hospital	16	49	36	14	43	43	3	46	51

Table 18**Impact of Fear of Liability on Disclosing Quality Deficiencies**

Unlike hospital administrators and nurses, three-fourths of physicians see fear of liability as at least sometimes leading hospitals to avoid disclosing quality deficiencies.

Q425 How often do you think that fear of liability leads hospitals to avoiding disclosing quality deficiencies?

Base: All respondents

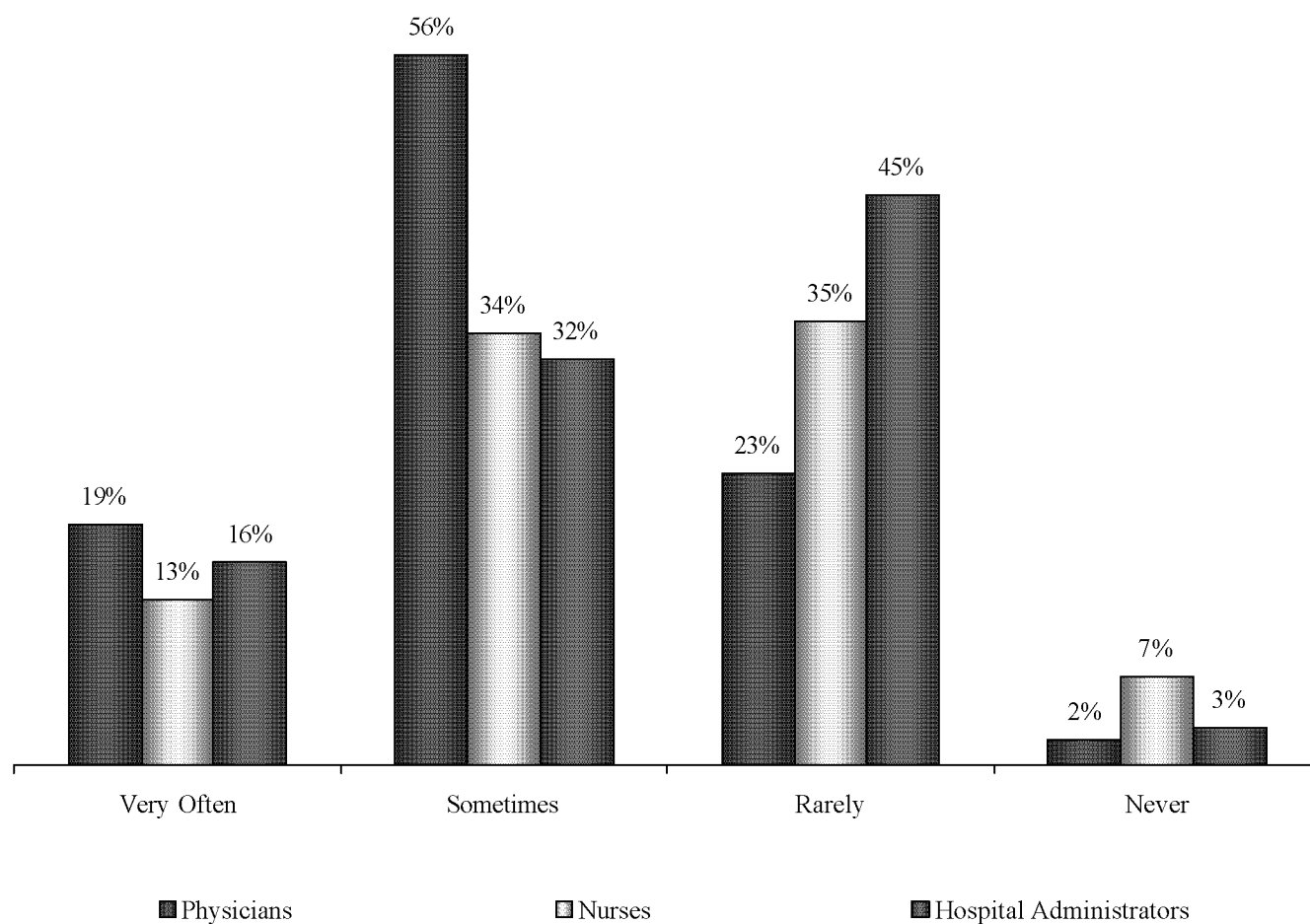


Table 19**Impact of Fear of Liability on Sharing Patient Inquiry Results**

Physicians again have a stronger view on the significance of liability concerns on impacting hospital behavior. More than half feel that liability concerns are the primary reason why hospitals do not share the results of inquiries into patient injury cases. Nurses and hospital administrators generally agree but are more likely to feel it is a minor reason.

Q430 How significant of a factor do you think liability concerns are in hospitals not sharing the results of inquiries into patient injury cases?

Base: All respondents

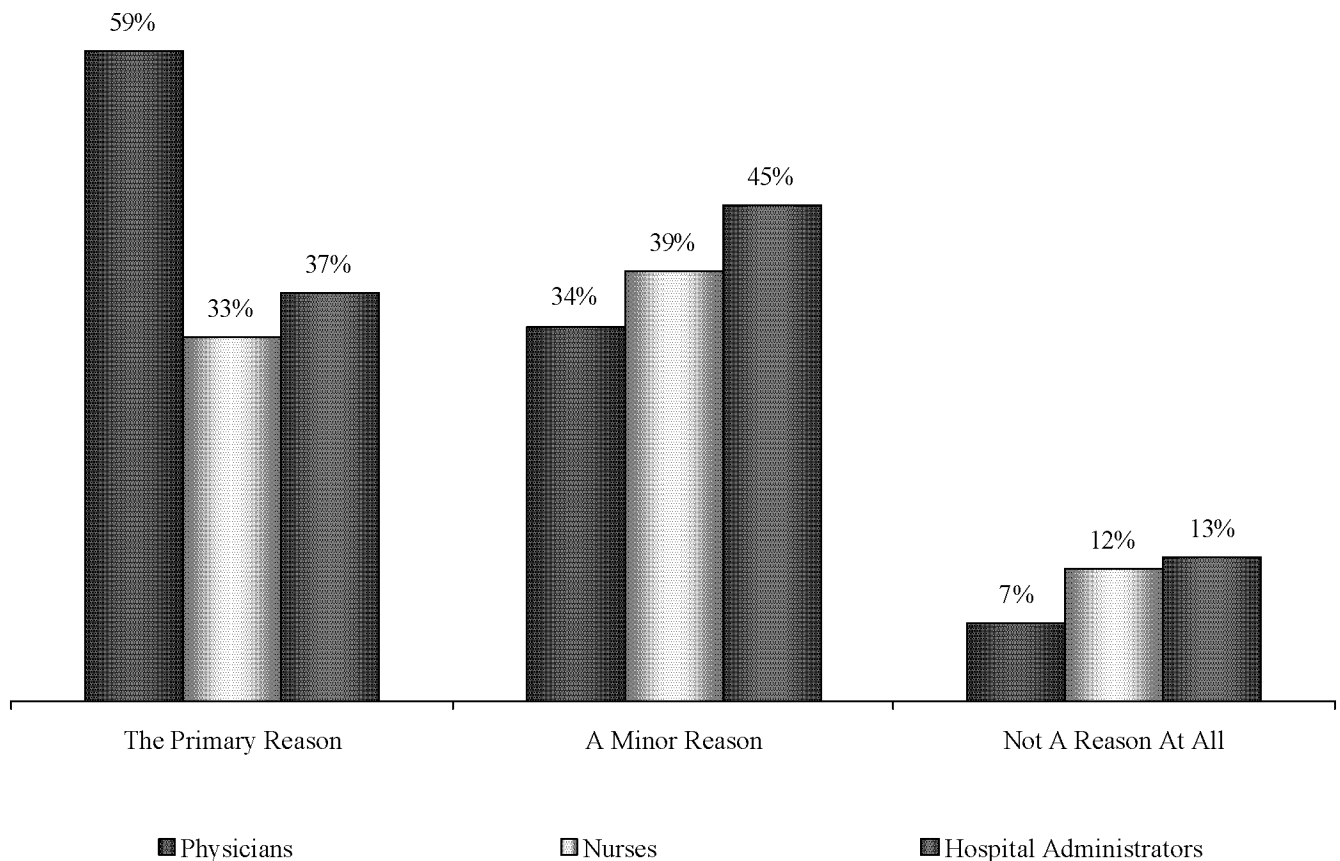


Table 20**Impact on Relationship With Patients**

Nurses overwhelmingly report that malpractice concerns have not impacted their relationships with patients. Physicians however, display a more mixed response. Although many report no impact on patient relations, over one-third say that malpractice concerns have made their relationships less personal. One in six feel their relationships with patients have become more personal as a result of these concerns.

Q505 Would you say that concerns about malpractice have made your relationship with your patients . . . ?

Base: Physicians and Nurses

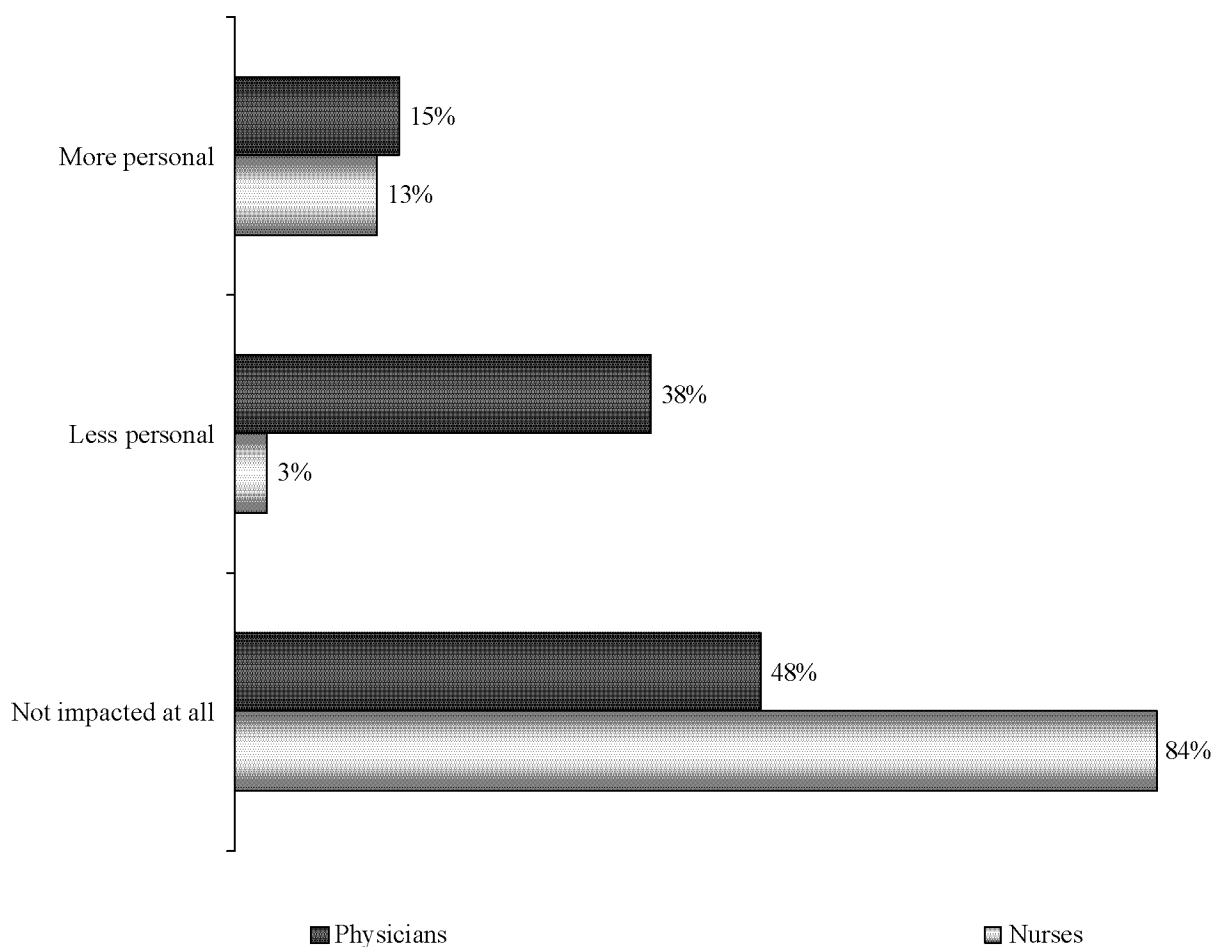


Table 21**Impact on Discussions With Patients**

Once again, most nurses don't feel their discussions with patients have been impacted at all by malpractice concerns. Nearly half of all physicians say they are more candid in their discussions with patients because of malpractice worries. Only one in six physicians feel that malpractice concerns have caused them to be less candid with patients.

Q510 Would you say that concerns about malpractice have caused you to be . . . ?

Base: Physicians and Nurses

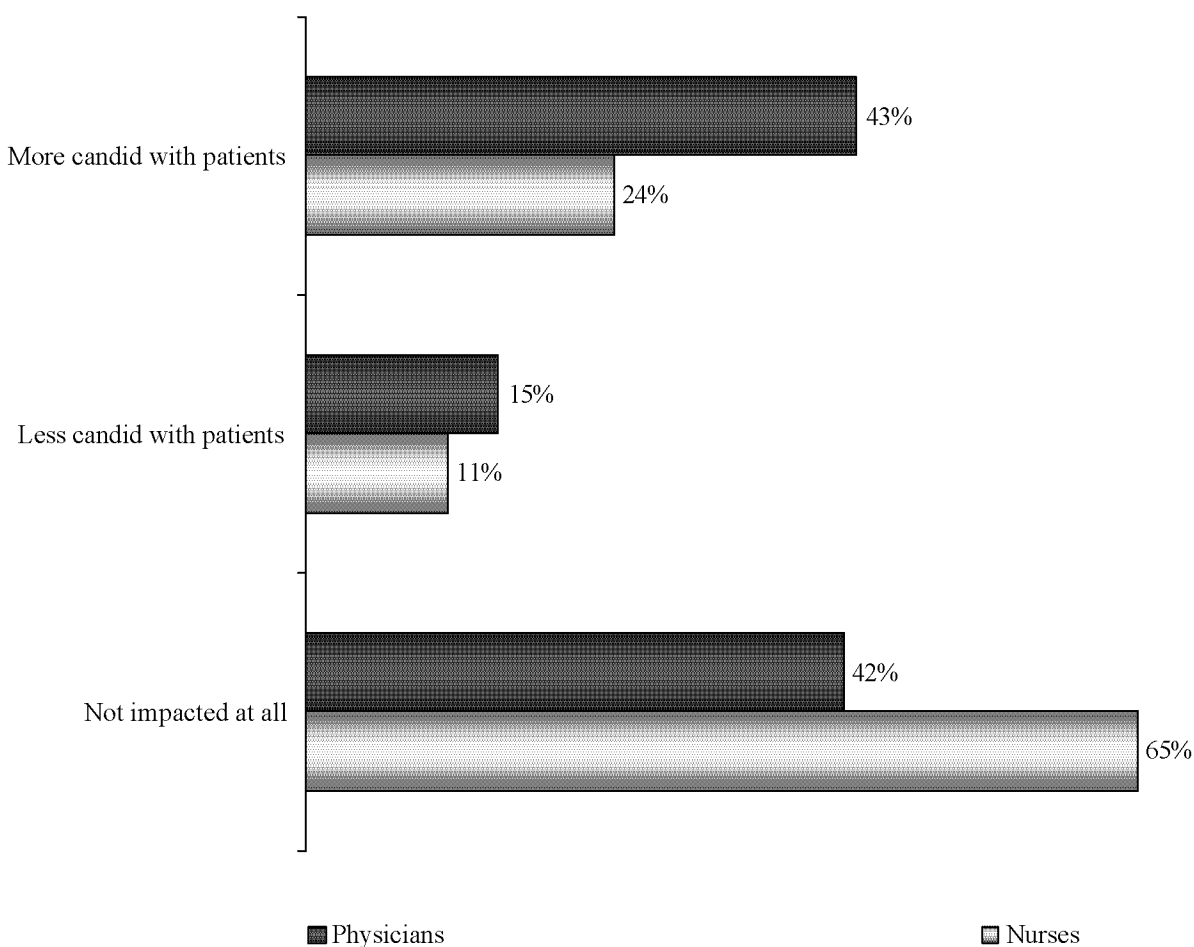


Table 22**Use of Fear of Litigation to Avoid Difficult Discussions**

Most physicians themselves think that fear of litigation is rarely or never used as an excuse or way to avoid difficult discussions of errors with patients. Hospital administrators and nurses are more likely to think that physicians do this.

Q515 Some people have argued that physicians may use the fear of litigation as an excuse or way to avoid difficult discussions of errors with patients. How often do you think physicians do this?

Base: All respondents

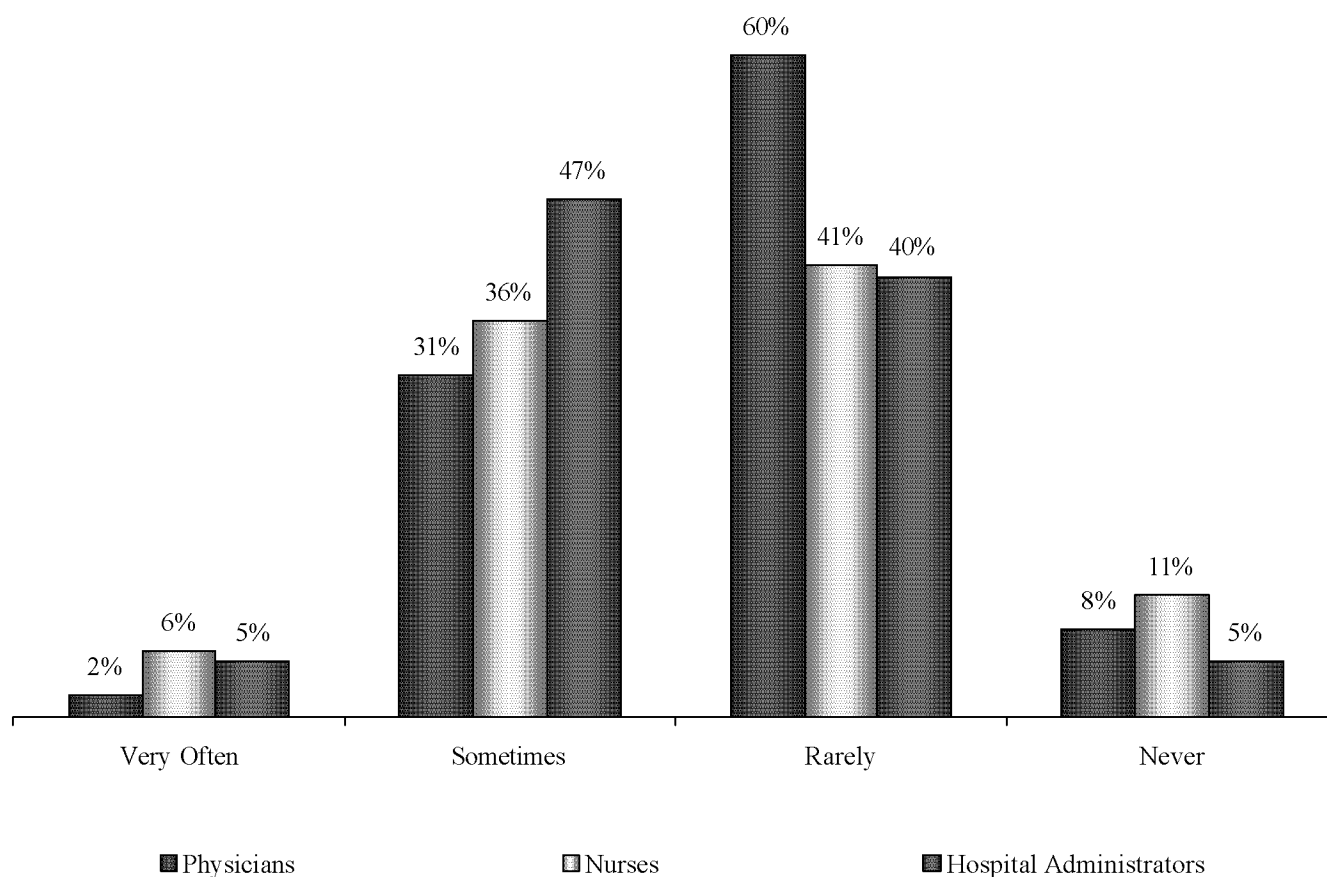


Table 23**Physicians Admitting Errors and Apologizing to Patients**

Views among the three groups differ greatly when it comes to physicians admitting errors and apologizing. Hospital administrators think that this has become more likely to occur. Physicians feel that since they have been practicing it has become less likely or not changed at all. Most nurses have not seen any change in this at all during the years that they have been practicing.

Q520 In the years that you have been practicing, do you think that physicians have become more likely to admit errors and apologize to patients, less likely, or hasn't this changed at all?

Base: All respondents

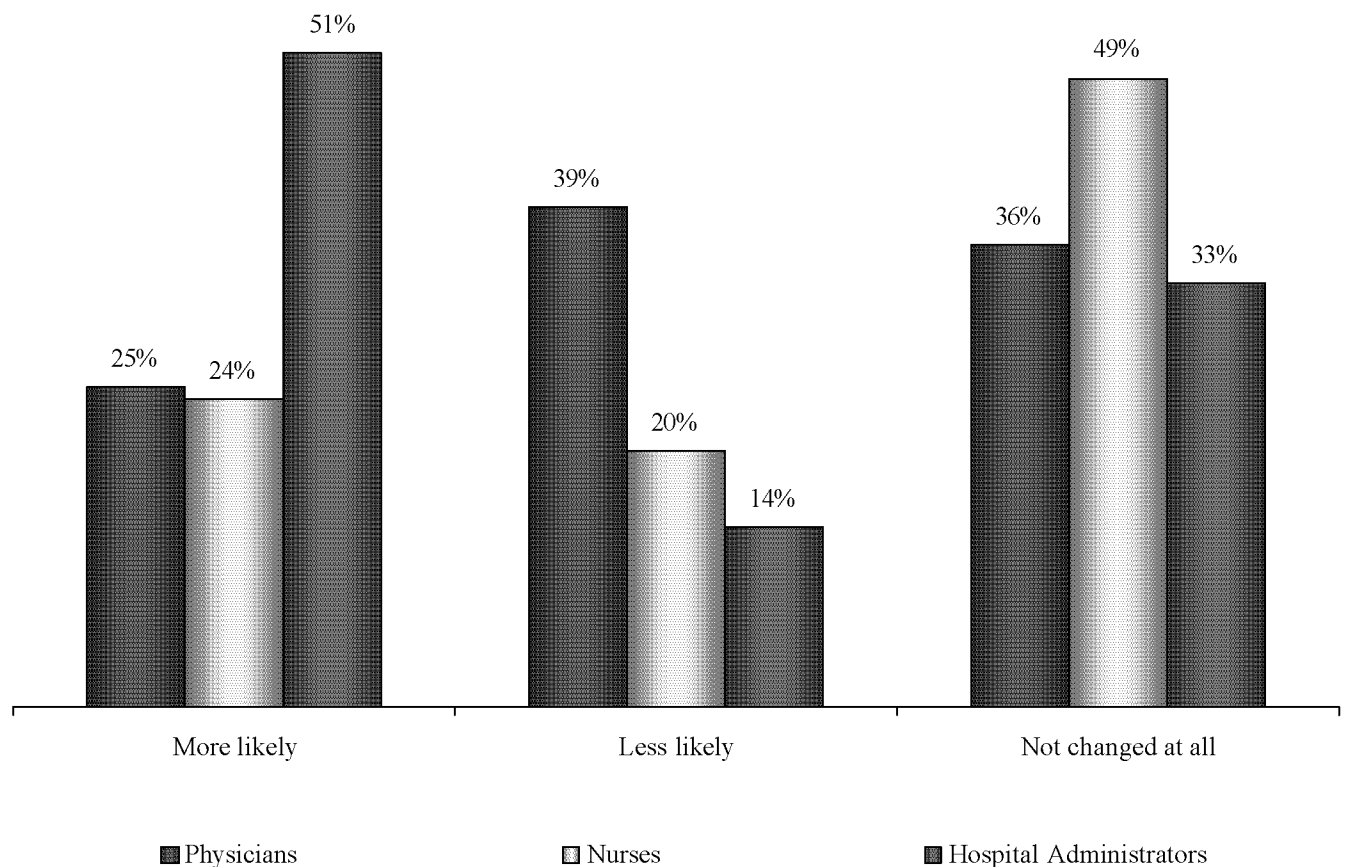


Table 24**Time Spent on Paperwork Due to Malpractice Concerns**

Both physicians and nurses are nearly unanimous that malpractice concerns cause them to spend more time on paper work than they otherwise would.

Q605 Would you say that you spend more time on paper work, such as medical record documentation, because of malpractice concerns than you would based solely on the patient's clinical needs?

Base: All respondents

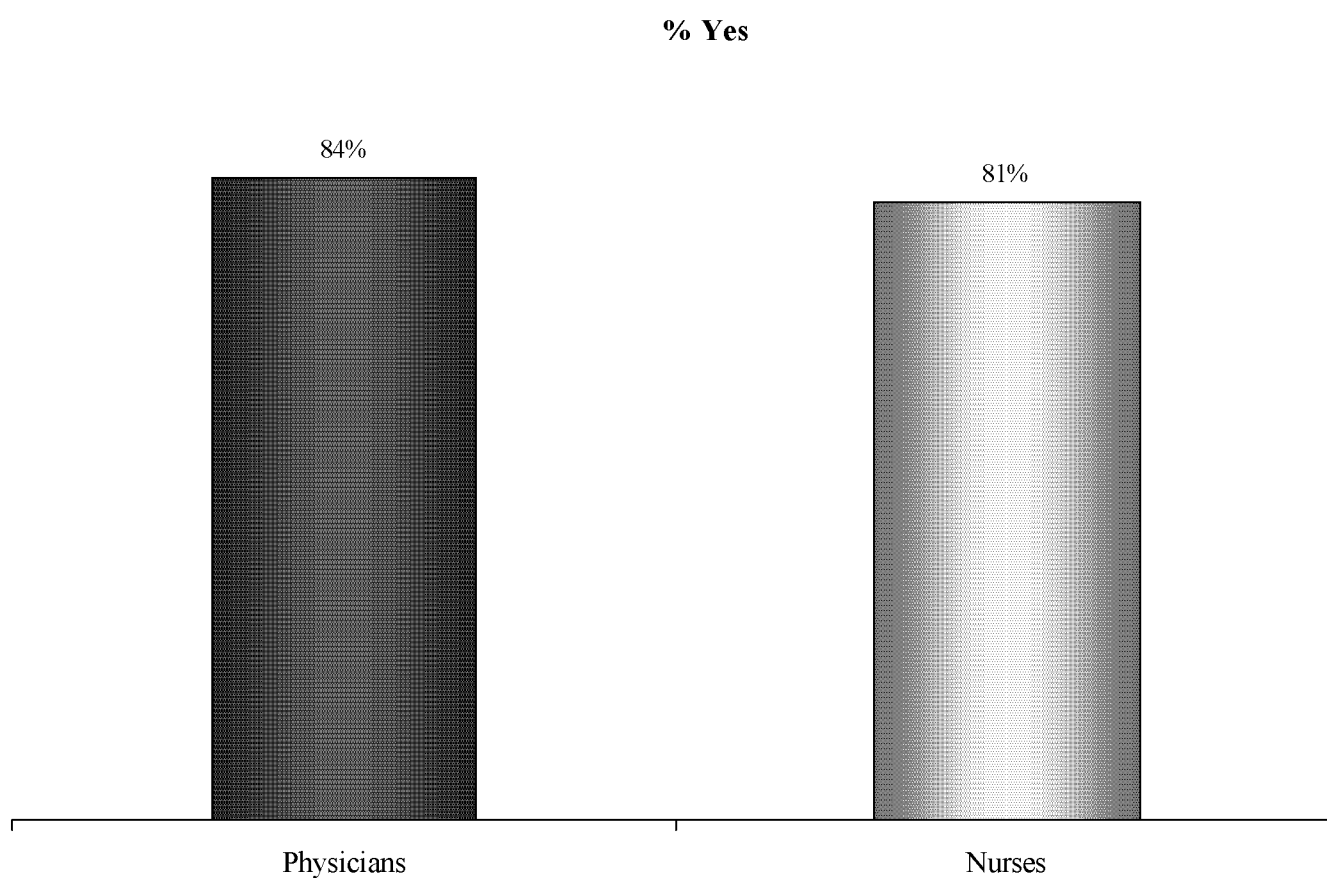


Table 25**Case Documentation Influenced by Fear of Litigation?**

Fear of litigation not only impacts the amount of paper work, but also content. Nearly all physicians report that written descriptions of cases are influenced by malpractice concerns. Nurses and hospital administrators also agree with this perception.

Q610 How often do you think physicians' written description of cases are influenced by fear of litigation?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Very Often/Sometimes (Net)	93	72	79
Very often	45	31	33
Sometimes	48	41	46
Rarely/Never (Net)	7	24	20
Rarely	7	21	19
Never	-	3	1

Table 26**Trust the Justice System in the Event of Law Suit**

Perhaps because they are somewhat shielded from litigation concerns, nurses are most likely to think that physicians can trust the current justice system. Physicians and hospital administrators on the other hand disagree that physicians can expect to achieve a reasonable result if sued.

Q705 If sued, do you agree or disagree that physicians can trust the current system of justice to achieve a reasonable result?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Strongly/Somewhat Agree (Net)	17	48	28
Strongly agree	2	5	8
Somewhat agree	16	43	20
Somewhat/Strongly Disagree (Net)	83	45	72
Somewhat disagree	40	28	32
Strongly disagree	42	17	40

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Table 27**Views on Change to Independent Medical Court System**

Switching to a medical court presided over by independent medical professionals and other experts gets wide support by physicians nurses and hospital administrators. Physicians are particularly strong in their support of this idea.

Q710 Instead of the current lay court system, would you favor or oppose a medical court presided over by independent medical professionals and other experts that would have authority to review and decide injury cases?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Strongly/Somewhat Favor (Net)	94	75	81
Strongly favor	49	24	40
Somewhat favor	45	51	41
Somewhat/Strongly Oppose (Net)	6	18	17
Somewhat oppose	5	11	7
Strongly oppose	1	7	10

Table 28**Assessment of Institute of Medicine's 1999 Report on Medical Errors**

Although opinion is clearly divided, most physicians, nurses and hospital administrators do not think the problem of medical errors in the United States is as large as the Institute of Medicine's 1999 report suggests.

Q215 In November 1999, the Institute of Medicine (IOM) released two reports dealing with the problem of medical errors in the U.S. saying that between 44,000 and 98,000 patients annually die as a result of preventable hospital errors. Do you agree or disagree that the problem of medical errors in the U.S. is as significant as the IOM report suggests?

Base: All respondents

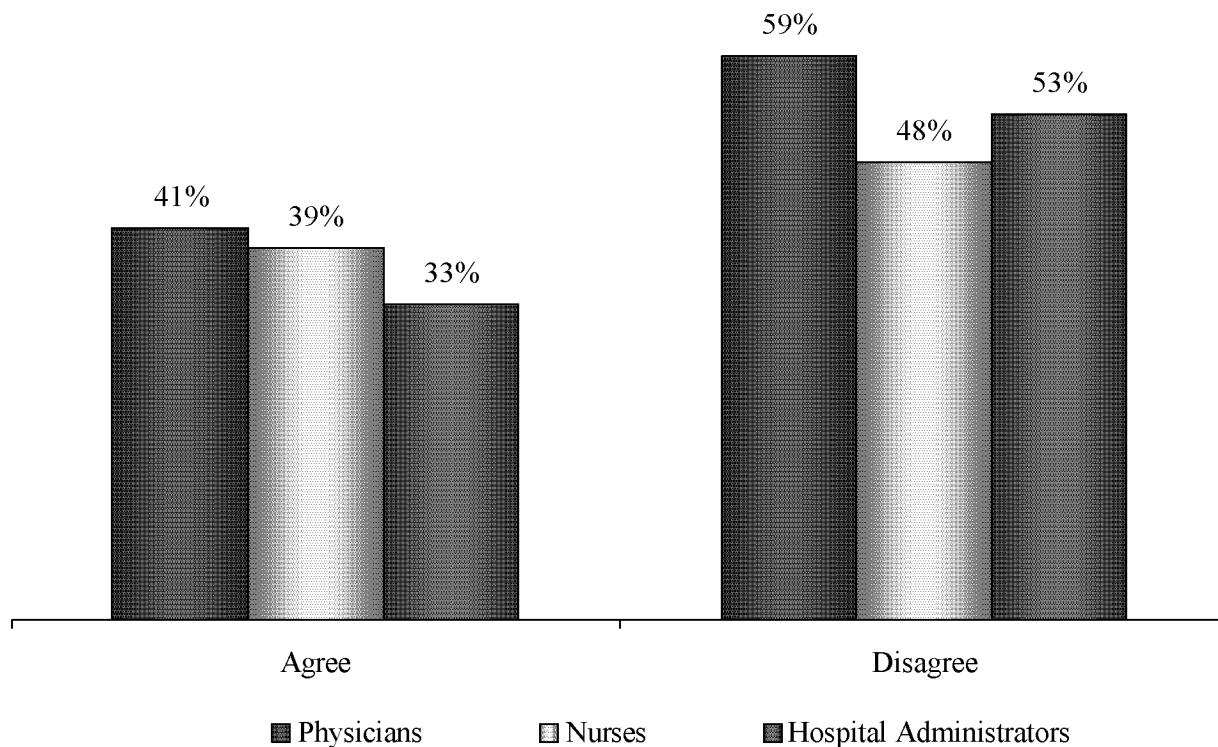


Table 29**Perceived Cause of Malpractice Claims**

All three respondent groups feel that malpractice claims occur mainly from adverse results -- physicians are even more likely to feel this way.

Q712 Do you think that malpractice claims occur mainly from actual error or mainly from adverse results?

Base: All respondents

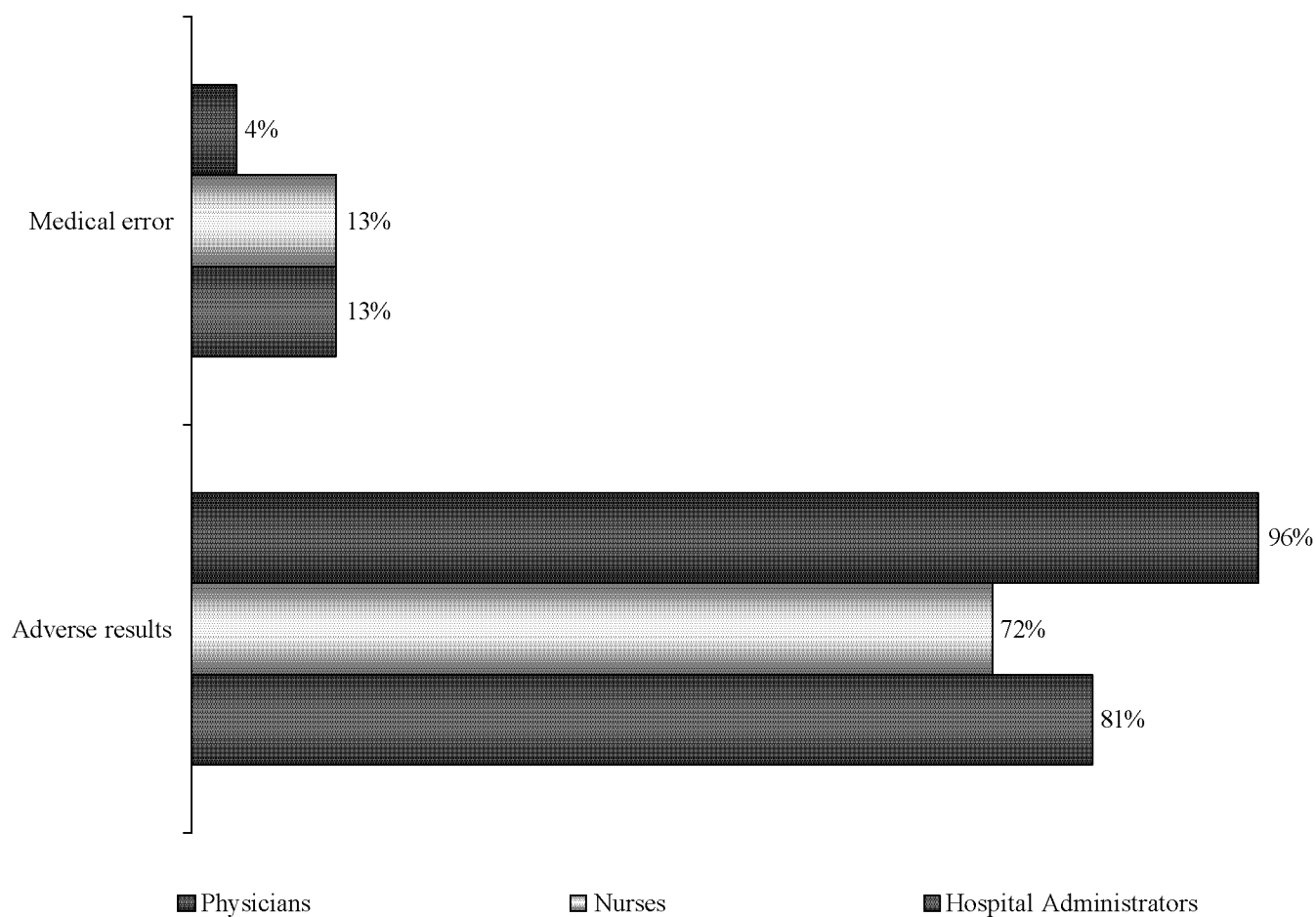


Table 30**Important Factors in Patient's Decision to Bring Lawsuit**

While the specific characterizations of are seen as the key factors in an injured patient's decision to bring or not to bring a lawsuit differ across the three respondent groups, the quality of the relationship and patient/physician communication are clearly key.

Q715 What do you think are the most important factors in an injured patient's decision to bring or not bring a lawsuit ?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Patient physician relationship	47	5	13
Greed/patient's financial status	28	26	23
Adverse outcome/unexpected outcome	14	7	7
Failed/poor communication between physician and patient	13	8	39
Patient's perception of doctor (he doesn't care/he's not honest)	11	6	11
Lawyers	9	3	19
Anger with physician/hospital	9	1	8
Patient's not educated as to results/outcomes	6	10	14
Pressure/advice from family/friends	5	3	12
Severity/degree of injury	4	21	17
Open/informative/honest communication between physician and patient	4	20	36
Actual cause (real malpractice/dangerous drug/etc.)	4	14	4
Unreasonable expectations	4	5	5
Degree of trust	4	3	3
Litigious society/litigious individual	4	2	7
Doctor/staff attitude (arrogant/ dishonest/ uncaring)	2	5	9
Patient's sense of being wronged/a victim	3	2	8
That the patient loses nothing by suing/contingency fees	2	1	1
Patient's lack of personal responsibility	2	-	1
Dissatisfaction	2	-	-

Other

12

12

4

Table 31**Improvements for Malpractice/Patient Safety Situation**

Physicians and hospital administrators both would look to make changes to the legal system in order to improve the malpractice/patient safety situation in the United States. Improved communication and discussion of errors are also seen as important. Leading improvements noted by nurses include better informed patients, increased hospital staff, increased staff education as well as liability judgment caps.

Q720 What do you think could be done to improve the malpractice/patient safety situation in the United States?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Cap on judgments/liability	25	12	44
Create medical court/independent skilled panel not jury/physician judges/medical review of suits	22	6	10
Tort reform/change legal system	16	1	17
Better communication between patient and physician	10	8	6
Discuss errors honestly/non-punitively	9	3	14
Allow doctor to spend more time with patient (decrease workload/increase compensation)	7	8	6
Error reporting/quality control processes	7	4	4
Limit lawyers fees	7	1	6
Loser (patient and/or lawyer must pay costs)	7	-	6
Eliminate contingency fees	7	-	1
Better informed patients/realistic expectations	6	16	12
Provide for sanctions against lawyers/frivolous suits	5	-	2
Education of doctors/nurses/staff	4	12	1
Decrease frivolous suits	4	4	9
Remove/limit lawyers	4	1	6
Arbitration	4	-	7
A no fault malpractice systems	3	-	6
Change health care system	3	-	-
Eliminate HMO's/managed care	2	3	2

More staff/nurses	1	14	4
Restrict malpractice advertising	1	3	-
Nothing can be done	1	3	-
Develop universal standards of care	1	-	-
Make it harder to sue	1	-	-
Other	23	15	13

Table 32**Actual Case Descriptions Where Fear Of Liability Contributed to Bad Result**

While many respondents could not cite a specific case, prolonged life support with not chance of survival or against a patient's wishes as well as unnecessary testing and procedures were the most noted among those physicians and hospital administrators. Nurses most often described a case where death or severe reaction occurred due to over medication or incorrect medication.

Q725 Please describe the worst case you have knowledge of in which you think that fear of liability contributed to a bad result for the patient.

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Life support of a patient with no chance of survival/DNR	10	4	6
Excessive/unnecessary tests/procedures resulting in adverse consequences	10	1	8
Death or severe reaction due to over medication/incorrect medication	2	9	1
Surgeon's mistake	3	2	2
Only negative result has been increased cost	2	-	3
Failure to diagnose/misdiagnosis	1	5	-
Complications from unnecessary placement of cardiac catheter	3	-	-
Delay/other problem involving labor and delivery	-	4	4
Unnecessary biopsy	3	-	-
Hiding a medical error/lying to family	1	-	4
Severe reaction from cat scan contrast medium	2	-	-
Unnecessary induction of labor/caesarian section	2	-	-
Don't work in acute care/doesn't apply	-	1	3
Doctors don't think of liability, they do their best	-	-	2
Other	15	14	4
Not sure	44	60	59

Decline to answer

3

4

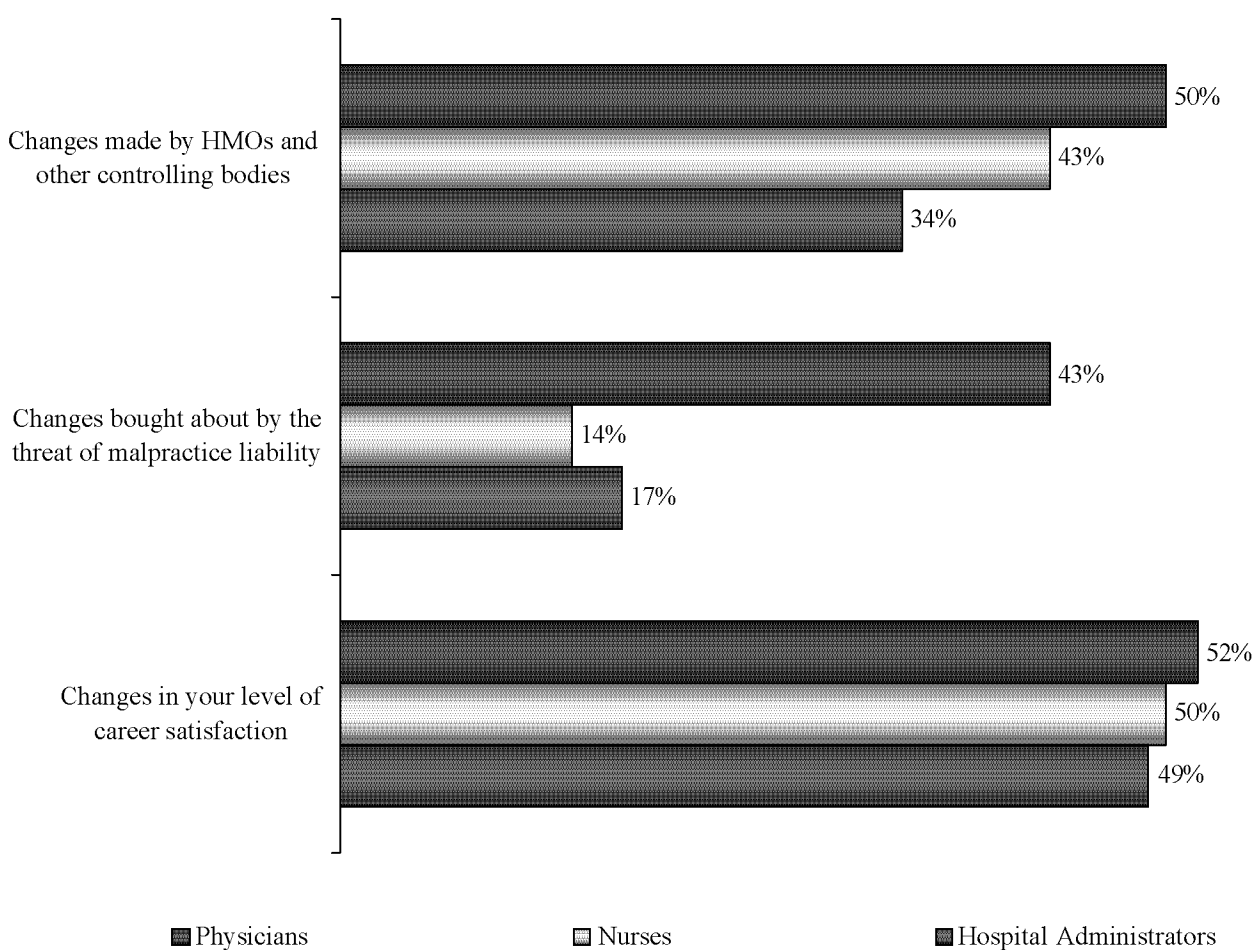
9

Table 33**Considered Leaving the Medical Profession**

While changes in levels of career satisfaction have caused roughly half of all respondent groups to consider leaving medicine, changes made by HMOs as well as those brought about by the threat of malpractice liability have had nearly as great an impact upon physicians.

Q120 Have you ever considered leaving the medical profession because of . . . ?

Base: All respondents



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APPENDIX A: METHODOLOGY

METHODOLOGY

AN OVERVIEW

The Fear of Litigation Study – The Impact on Medicine was conducted for Common Good by Harris Interactive Inc. The final results are based on interviews with representative samples of 300 physicians, 100 hospital-based nurses, and 100 hospital administrators. Interviews averaging 15 minutes in length took place between March 4 and 20, 2002. The physicians interviews were conducted online and the results were weighted using the AMA Physician Masterfile to be representative of physicians in the United States. The nurses and hospital administrators were interviewed by telephone. The following provides a more detailed description of the sampling and interviewing procedures used.

HARRIS POLL ONLINE OVERVIEW

Harris Interactive's online interviewing of physicians utilized The Harris Interactive Physician Panel Online which consists of practicing physicians involved in "hands-on" patient care in the United States who have agreed to participate in online research about healthcare-related issues. In addition to Primary Care Physicians, every major medical specialty and sub-specialty are represented among the members of the Panel.

Interviews conducted online utilized Harris Interactive's proprietary technology for e-mailing to large groups of respondents and enabling large numbers of respondents to simultaneously complete the survey online; and utilized advanced survey interviewing techniques, adapted to the online environment, including password protection, skip patterns, and visually-appealing fonts and formatting.

Randomly selected Harris Interactive Physician Panel members received email invitations with unique IDs and passwords, along with a link to the survey site. Physicians were offered an honorarium of \$50 or \$65 for their participation. Data were weighted to reflect the general population of general practitioners and specialist physicians. The AMA Physician Masterfile was used to create weighting targets, which included medical specialty, sex and geographic region.

ONLINE INTERVIEWING PROCEDURES

Physician interviews are conducted using a self-administered, online questionnaire, via proprietary, web-assisted interviewing software. The HPOL interviewing system permits online data entry of interviews by the respondents.

Questionnaires are programmed into the system with the following checks:

1. Question and response series
2. Skip pattern
3. Question rotation
4. Range checks
5. Mathematical checks
6. Consistency checks
7. Special edit procedures

All data are tabulated, checked for internal consistency and processed by computer. A series of computer-generated tables is then produced for each of the key sample groups showing the results of each survey question, both by the total number of respondents and by the key subgroups.

CONTROL OF THE SAMPLE

To maintain the reliability and integrity in the sample, the following procedures are used:

1. Password protection. Each invitation contains a password that is uniquely assigned to that e-mail address. A respondent is required to enter the password at the beginning of the survey to gain access into the survey. Password protection ensures that a respondent completes the survey only one time.
2. Reminder invitations. To increase the number of respondents in the survey and to improve overall response rates, up to two additional reminder invitations are typically mailed at 2-4 day intervals to those respondents who have not yet participated in the survey. For this study, two reminders were sent to respondents.

EDITING AND CLEANING THE DATA

The data-processing staff perform machine edits and additional cleaning for the entire data set. Our edit programs act as a verification of the skip instructions and other data checks that are written into the online program. The edit programs list any errors by case number, question number and type. These are then resolved by senior personnel, who inspect the original file and made appropriate corrections. Complete records are kept of all such procedures.

SIGNIFICANCE TESTING*Reliability of Survey Percentages*

It is important to bear in mind that the results from any sample survey are subject to sampling variation. The magnitude of this variation (or error) is affected both by the number of interviews—the base size—and by the level of the percentages expressed in the results.

Table A-1 shows the possible sample variation that applies to percentage results for this survey. The chances are 95 in 100 that a survey result does not vary, plus or minus, by more than the indicated number of percentage points from the result that would have been obtained if interviews were conducted with all persons in the universe represented by the sample. For example, if the response for a sample size of 300 is 30%, then in 95 cases out of 100, the response in the total population would have been between 25% and 35% (+/-5%). Note that survey results based on subgroups of small size can be subject to large sampling error.

Table A-1**Recommended Allowance for Sampling Error of Proportions (Plus or Minus)**

Sample Size	Survey Percentage Result				
	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
300	3	5	5	6	6
200	4	6	6	7	7
100	6	8	9	10	10
50	8	11	13	14	14

Significance of Differences Between Proportions

Sampling tolerances are also involved in the comparison of results from different surveys or from different parts of a sample from the same survey (subgroup analysis). Table A-2 shows the percentage difference that must be obtained before a difference can be considered statistically significant. These figures, too, represent the 95% confidence level.

To illustrate, suppose the two percentages in question are 34% and 25%. More specifically, suppose that one group of 300 has a response of 34% “yes” to a question, and an independent group has a response of 25% to the same question, for an observed difference of 9 percentage points. According to the table, this difference is subject to a potential sampling error of 6-7 percentage points. Since the observed difference is greater than the sampling error, the observed difference is significant.

Table A-2
Sampling Error of Difference Between Proportions
 Approximate Sampling Tolerances (at 95% Confidence Level)
 To Use in Evaluating Differences Between Two Percentage Results

Sample Sizes		Survey Percentage Result				
		10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
300 v.	300	5	6	7	8	8
	200	5	7	8	9	9
	100	7	9	10	11	11
	50	9	12	14	15	15
200 v.	200	6	8	9	10	10
	100	7	10	11	12	12
	50	9	12	14	15	15
100 v.	100	8	11	13	14	14
	50	10	14	16	17	17
50 v.	50	12	16	18	19	20

Sampling error of the type so far discussed is only one type of error. Survey research is also susceptible to other types of error, such as refusals to be interviewed (non-response error), question wording and question order, interviewer error, and weighting by demographic control data. Although difficult or impossible to quantify these types of error, the procedures followed by Harris Interactive, Inc. keep errors of these types to a minimum.

APPENDIX B: DATASHEETED QUESTIONNAIRE

HARRIS INTERACTIVE
111 FIFTH AVENUE
NEW YORK, NY 10003

Project Manager: Amy Cottreau
EMAIL: acottreau@harrisinteractive.com
PHONE: (703) 288-9424

J15780

March 29, 2002

Study Number: T:\15xxx\157xx\15780 Fear of Litigation\Edit Master\J15780a_QA.doc

Field Period: March 4 – 12, 2002

FINAL DATASHEET

PHYSICIANS, NURSES, AND HOSPITAL ADMINISTRATORS DATA

SUBJECTS FOR QUESTIONNAIRE

SECTION 200: GENERAL
SECTION 300: JUDGMENTS ABOUT TEST AND MEDICINE
SECTION 400: DISCUSSIONS WITH OTHER PHYSICIANS
SECTION 500: INTERACTION WITH PATIENTS
SECTION 600: PAPERWORK ISSUES
SECTION 700: PROPOSALS FOR CHANGE
SECTION 100: DEMOGRAPHICS

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SECTION 200: GENERAL**BASE: ALL RESPONDENTS**

Q200 The status bar at top right indicates approximately what portion of the survey you have completed

BASE: ALL RESPONDENTS

Q205 Thank you for agreeing to participate in this survey. The questions that we will ask are about important medical care issues.

Setting aside improvements in technology or medical knowledge, do you think the ability of physicians and nurses to provide quality medical care to patients has improved, has gotten worse or is it about the same as it was five years ago?

	Physicians	Nurses	Hospital Administrators
Improved	31	44	55
Worse	51	28	24
About The Same	17	28	19
Not sure	NA	-	1
Decline to answer	NA	-	1

BASE: ALL RESPONDENTS

Q210 In recent years, has each of the following helped, hurt or not made a difference in your ability to provide quality patient care?

(ROTATE)

Q211	<u>Hurt</u>	<u>Helped</u>	<u>No Difference</u>	<u>Not Sure</u>	<u>Decline to Answer</u>
1 Managed care plans					
Physicians	87	5	8	NA	NA
Nurses	62	14	24	-	-
Hospital Administrators	66	9	21	2	2
2 Patient advocacy groups					
Physicians	12	33	54	NA	NA
Nurses	6	56	33	5	-
Hospital Administrators	9	43	44	3	1
3 The Internet					
Physicians	6	71	23	NA	NA
Nurses	5	58	33	4	-
Hospital Administrators	1	80	19	-	-
4 Concern about malpractice litigation					
Physicians	76	4	21	NA	NA
Nurses	41	6	51	2	-
Hospital Administrators	63	6	30	1	-

BASE: ALL RESPONDENTS

Q215 In November 1999, the Institute of Medicine (IOM) released two reports dealing with the problem of medical errors in the U.S. saying that between 44,000 and 98,000 patients annually die as a result of preventable hospital errors. Do you agree or disagree that the problem of medical errors in the U.S. is as significant as the IOM report suggests?

	Physicians	Nurses	Hospital Administrators
Agree	41	39	33
Disagree	59	48	53
Not sure	NA	13	13
Decline to answer	NA	-	1

BASE: ALL RESPONDENTS

Q220 On the whole, in your hospital, or the hospital to which the majority of your patients are admitted, are staff encouraged to or discouraged from reporting medical errors, including dispensing incorrect medications or medication doses, surgical mistakes and human error in interpreting results of diagnostic tests?

	Physicians	Nurses	Hospital Administrators
Encouraged to report errors	63	95	98
Discouraged from reporting errors	5	5	-
Neither	33	-	1
Not sure	NA	-	1
Decline to answer	NA	-	-

BASE: ALL RESPONDENTS

Q225 Since the beginning of your career, would you say your concern or awareness about the risks of malpractice liability has . . . ?

	Physicians	Nurses	Hospital Administrators
Increased	87	64	77
Decreased	-	1	4
Not changed at all	13	35	19
Not sure	NA	-	-
Decline to answer	NA	-	-

BASE: ALL PHYSICIANS

Q235 Have you ever been interested in a certain specialty but shied away from it because you thought you'd have higher legal exposure?

	Physicians
Yes	29
No	71

BASE: ALL PHYSICIANS

Q240 Do you have personal knowledge of . . . ?

Q241	<u>Yes</u>	<u>No</u>
1 Physicians who hesitate or are reluctant to help an injured person when off-duty because of fear of liability	56	44
2 A situation in which a physician did not volunteer to help in such a situation	33	67

INTRODUCTION

The Fear of Litigation Study – The Impact on Medicine was conducted for Common Good among a national sample of physicians, nurses and hospital administrators. This survey sought to provide some insight into the impact of the fear of litigation on the practice of medicine and the delivery of medical care. Broadly the survey focused on the following areas:

- Judgments about tests and medical care
- Interactions with patients and other physicians
- Proposals for change

METHODOLOGICAL OVERVIEW

Interviews for *The Fear of Litigation Study – The Impact on Medicine* were conducted both via telephone as well as online. 300 physicians were interviewed online using Harris Interactive's Physician Panel. 100 hospital-based nurses and 100 hospital administrators were interviewed by telephone. Interviews averaging 15 minutes in length took place between March 4 and 20, 2002.

The three sample groups were selected not only because they make up the key constituents in the delivery of medical care, but also because we thought that they might have different views on the subject matter and perhaps even different abilities or incentives to be either forthcoming or reserved on the subject matter.

One of the interesting and rather surprising findings of the study was the willingness of physicians to fully disclose not only their views on how the fear of litigation impacts the behavior of physicians in general, but also their own behavior.

A detailed survey methodology including a description of the sampling and survey administration procedures is contained in Appendix A. The complete data-sheeted questionnaire is found in Appendix B.

NOTES ON READING TABLES

The base on each question is the total number of respondents answering that question. An asterisk (*) on a table signifies a value of less than one-half percent (0.5%). A dash represents a value of zero. Percentages may not always add up to 100% because of computer rounding or the acceptance of multiple answers from respondents answering that question. Note that in some cases results may be based on small sample sizes. Caution should be used in drawing any conclusion from results based on these small samples.

SECTION 300: JUDGMENTS ABOUT TESTS AND MEDICINE

BASE: ALL RESPONDENTS**Q305** Based on your experience, have you noticed the fear of malpractice liability causing physicians to . . . ?**Q306**

	<u>Yes</u>	<u>No</u>	<u>Not sure</u>	<u>Decline to Answer</u>
(ROTATE)				
1 Order more tests than they would based only on professional judgment of what is medically needed				
Physicians	91	9	NA	NA
Nurses	66	30	4	-
Hospital Administrators	81	19	-	-
2 Prescribe more medications such as antibiotics than they would based only on professional judgment of what is medically needed				
Physicians	73	27	NA	NA
Nurses	38	51	11	-
Hospital Administrators	57	33	10	-
3 Refer patients to specialists more often than they would based only on professional judgment				
Physicians	85	15	NA	NA
Nurses	62	29	9	-
Hospital Administrators	74	20	5	1
4 Suggest invasive procedures such as biopsies to confirm diagnoses more often than they would based solely on their professional judgment				
Physicians	73	27	NA	NA
Nurses	43	48	9	-
Hospital Administrators	65	24	9	2

BASE: ALL PHYSICIANS**Q310** Do concerns about malpractice liability ever cause you to . . . ?**Q311**Yes No

(ROTATE SAME AS Q305/Q306)

1	Order more tests than you would based only on professional judgment of what is medically needed Physicians	79	21
2	Prescribe more medications such as antibiotics than you would based only on professional judgment of what is medically needed Physicians	41	59
3	Refer patients to specialists more often than you would based only on professional judgment Physicians	74	26
4	Suggest invasive procedures such as biopsies to confirm diagnoses more often than you would based solely on your professional judgment Physicians	51	49

BASE: ALL RESPONDENTS**Q315** Do you think such extra tests, referrals or procedures contribute in a significant way to health care costs?

	Physicians	Nurses	Hospital Administrators
Yes	94	79	88
No	6	18	10
Not sure	NA	3	1
Decline to answer	NA	-	1

BASE: ALL RESPONDENTS**Q320** Based on your experience, have you noticed . . . ?

[DO NOT ROTATE]

Q321

	<u>Yes</u>	<u>No</u>	<u>Not sure</u>	<u>Decline to Answer</u>
1 A physician resorting to aggressive treatments of terminally ill patients because of liability concerns				
Physicians	50	50	NA	NA
Nurses	39	49	11	1
Hospital Administrators	41	49	9	1
2 A physician or staff member going against a patient's expressed wishes concerning life-prolonging medical interventions because of concerns that a family member might bring suit				
Physicians	42	58	NA	NA
Nurses	32	64	4	-
Hospital Administrators	26	68	6	-
3 A physician being reluctant to make what they believe to be humane choices because of concerns that a family member might bring suit				
Physicians	61	39	NA	NA
Nurses	46	50	4	-
Hospital Administrators	44	50	6	-

BASE: ALL RESPONDENTS**Q325** Based on your experience, how often do you think unnecessary or excessive care is provided because of the fear of medical liability?

	Physicians	Nurses	Hospital Administrators
Very often	38	18	20
Sometimes	56	48	64
Rarely	5	30	13
Never	*	2	2
Not sure	NA	2	1
Decline to answer	NA	-	-

BASE: ALL HOSPITAL ADMINISTRATORS

Q335 In establishing procedures, to what extent do you think unnecessary rules or protocol are created out of a concern about liability protection – would you say very often, sometimes, rarely or never?

	Hospital Administrators
Very often	42
Sometimes	47
Rarely	9
Never	1
Not sure	-
Decline to answer	1

BASE: ALL HOSPITAL ADMINISTRATORS

Q337 To what extent do you think that established rules or protocol have improved or enhanced patient safety – would you say a lot, a little or not at all?

	Hospital Administrators
A lot	50
A little	43
Not at all	7
Not sure	-
Decline to answer	-

SECTION 400: DISCUSSIONS WITH OTHER PHYSICIANS**BASE: ALL RESPONDENTS**

Q405 How comfortable do you think your colleagues are discussing adverse events or uncertainty about proper treatment with you?

	Physicians	Nurses	Hospital Administrators
Very comfortable	14	25	19
Somewhat comfortable	39	36	47
Somewhat uncomfortable	37	25	28
Very uncomfortable	10	7	5
Not sure	NA	6	1
Decline to answer	NA	1	-

BASE: ALL RESPONDENTS

Q410 How comfortable do you think your colleagues are discussing medical errors with you?

	Physicians	Nurses	Hospital Administrators
Very comfortable	5	5	7
Somewhat comfortable	28	24	41
Somewhat uncomfortable	44	38	37
Very uncomfortable	23	22	13
Not sure	NA	10	2
Decline to answer	NA	1	-

BASE: ALL PHYSICIANS AND NURSES

Q415 How often has a frank discussion of an adverse event or error helped you or a colleague avoid making a similar mistake in an actual medical case?

	Physicians	Nurses
Very often	12	18
Sometimes	61	51
Rarely	24	25
Never	3	5
Not sure	NA	1
Decline to answer	NA	-

BASE: ALL RESPONDENTS

Q420 Generally speaking, how much do you think that each of the following discourages medical professionals from openly discussing and thinking of ways to reduce medical errors?

Q421

[ROTATE]		<u>A Lot</u>	<u>A Little</u>	<u>Not at All</u>	<u>Not Sure</u>	<u>Decline to Answer</u>
1	Fear of liability					
	Physicians	59	35	6	NA	NA
	Nurses	22	52	25	1	-
	Hospital Administrators	25	57	17	1	-
2	Not wanting to upset or criticize a colleague					
	Physicians	34	60	5	NA	NA
	Nurses	24	57	17	2	-
	Hospital Administrators	23	65	10	2	-
3	The environment in your hospital					
	Physicians	16	49	36	NA	NA
	Nurses	14	43	43	-	-
	Hospital Administrators	3	46	51	-	-

BASE: ALL RESPONDENTS

Q425 How often do you think that fear of liability leads hospitals to avoiding disclosing quality deficiencies?

	Physicians	Nurses	Hospital Administrators
Very often	19	13	16
Sometimes	56	34	32
Rarely	23	35	45
Never	2	7	3
Not sure	NA	10	3
Decline to answer	NA	1	1

BASE: ALL RESPONDENTS

Q430 How significant of a factor do you think liability concerns are in hospitals not sharing the results of inquiries into patient injury cases?

	Physicians	Nurses	Hospital Administrators
The primary reason	59	33	37
A minor reason	34	39	45
Not a reason at all	7	12	13
Not sure	NA	13	4
Decline to answer	NA	3	1

SECTION 500: INTERACTIONS WITH PATIENTS**BASE: ALL PHYSICIANS AND NURSES**

Q505 Would you say that concerns about malpractice have made your relationship with your patients. . . ?

	Physicians	Nurses
More personal	15	13
Less personal	38	3
Not impacted it at all	48	84
Not sure	NA	-
Decline to answer	NA	-

BASE: ALL PHYSICIANS AND NURSES

Q510 Would you say that concerns about malpractice have caused you to be . . . ?

	Physicians	Nurses
More candid with patients	43	24
Less candid with patients	15	11
Not impacted it at all	42	65
Not sure	NA	-
Decline to answer	NA	-

BASE: ALL RESPONDENTS

Q515 Some people have argued that physicians may use the fear of litigation as an excuse or way to avoid difficult discussions of errors with patients. How often do you think physicians do this?

	Physicians	Nurses	Hospital Administrators
Very often	2	6	5
Sometimes	31	36	47
Rarely	60	41	40
Never	8	11	5
Not sure	NA	5	3
Decline to answer	NA	1	-

BASE: ALL RESPONDENTS

Q520 In the years that you have been practicing, do you think that physicians have become more likely to admit errors and apologize to patients, less likely, or hasn't this changed at all?

	Physicians	Nurses	Hospital Administrators
More likely	25	24	51
Less likely	39	20	14
Not changed at all	36	49	33
Not sure	NA	6	1
Decline to answer	NA	1	1

SECTION 600: PAPERWORK ISSUES**BASE: ALL PHYSICIANS AND NURSES**

Q605 Would you say that you spend more time on paper work, such as medical record documentation, because of malpractice concerns than you would based solely on the patient's clinical needs?

	Physicians	Nurses
Yes, spend more time than would based on clinical needs	84	81
No, do not spend more time than would based on clinical needs	16	19
Not sure	NA	-
Decline to answer	NA	-

BASE: ALL RESPONDENTS

Q610 How often do you think physicians' written descriptions of cases are influenced by fear of litigation?

	Physicians	Nurses	Hospital Administrators
Very often	45	31	33
Sometimes	48	41	46
Rarely	7	21	19
Never	-	3	1
Not sure	NA	4	1
Decline to answer	NA	-	-

SECTION 700: PROPOSALS FOR CHANGE**BASE: ALL RESPONDENTS**

Q705 If sued, do you agree or disagree that physicians can trust the current system of justice to achieve a reasonable result?

	Physicians	Nurses	Hospital Administrators
Strongly agree	2	5	8
Somewhat agree	16	43	20
Somewhat disagree	40	28	32
Strongly disagree	42	17	40
Not sure	NA	7	-
Decline to answer	NA	-	-

BASE: ALL RESPONDENTS

Q710 Instead of the current lay court system, would you favor or oppose a medical court presided over by independent medical professionals and other experts that would have authority to review and decide injury cases?

	Physicians	Nurses	Hospital Administrators
Strongly favor	49	24	40
Somewhat favor	45	51	41
Somewhat oppose	5	11	7
Strongly oppose	1	7	10
Not sure	NA	6	2
Decline to answer	NA	1	-

BASE: ALL RESPONDENTS

Q712 Do you think that malpractice claims occur mainly from actual error or mainly from adverse results?

	Physicians	Nurses	Hospital Administrators
Medical error	4	13	13
Adverse results	96	72	81
Not sure	NA	15	5
Decline to answer	NA	-	1

BASE: ALL RESPONDENTS**Q715** What do you think are the most important factors in an injured patient's decision to bring or not to bring a lawsuit?

	Physicians	Nurses	Hospital Administrators
Patient physician relationship	47	5	13
Greed/patient's financial status	28	26	23
Adverse outcome/unexpected outcome	14	7	7
Failed/poor communication between physician & patient	13	8	39
Patient's perception of doctor (he doesn't care/he's not honest)	11	6	11
Lawyers	9	3	19
Anger with physician/hospital	9	1	8
Patient not educated as to results/outcomes	6	10	14
Pressure/advice from family/friend	5	3	12
Open/informative/honest communication between physician & patient	4	20	36
Severity/degree of injury	4	21	17
Actual cause (real malpractice/dangerous drug/etc.	4	14	4
Degree of trust	4	3	3
Unreasonable expectations	4	5	5
Litigious society/litigious individual	4	2	7
Patient's sense of being wronged/a victim	3	2	8
Doctor/staff attitude (arrogant/dis honest/uncaring)	2	5	9
That the patient loses nothing by suing/contingency fees	2	1	1
Patient's lack of personal Responsibility	2	-	-
Dissatisfaction	2	-	-
The quality of care	-	3	3

PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS

The Harris team responsible for the design and analysis of *The Fear of Litigation Study – The Impact on Medicine* included Humphrey Taylor, Chairman *The Harris Poll*, David Krane, Senior Vice President and Amy Cottreau, Project Manager. We would like to acknowledge Philippa Dunne for her invaluable contribution to the design, content, focus and analysis of the project. Harris Interactive is responsible for the final determination of topics, question wording, collection of the data, statistical analysis and interpretation in the report.

PUBLIC RELEASE OF SURVEY FINDINGS

All Harris surveys are designed to comply with the code and standards of the Council of American Survey Research Organizations (CASRO) and the code of the National Council of Public Polls (NCPP). Should data from the survey be released to the public, any release must stipulate that the complete report is also available.

Other	12	12	4
Not sure	*	2	1
Decline to answer	-	-	-

BASE: ALL RESPONDENTS**Q720** What do you think could be done to improve the malpractice/patient safety situation in the United States?

	Physicians	Nurses	Hospital Administrators
Cap on judgments/liability	25	12	44
Create medical court/independent skilled panel not jury/physician judges/medical review of suits	22	6	10
Tort reform/change legal system	16	1	17
Better informed patients/realistic expectations	6	16	12
Discuss errors honestly/non-punitively	9	3	14
Better communication between patient and physician	10	8	6
Allow doctor to spend more time with patient (decrease work load/increase compensation)	7	8	6
Education of doctors/nurses/staff	4	12	1
Decrease frivolous suits	4	4	9
More staff/nurses	1	14	4
Eliminate contingency fees	7	-	1
Remove/limit lawyers	4	1	6
Arbitration	4	-	7
Provide for sanctions against lawyers/frivolous suits	5	-	2
A no fault malpractice system	3	-	6
Eliminate HMO's/managed care	2	3	2
Change health care system	3	-	-
Restrict malpractice advertising	1	3	-
Nothing can be done	1	3	-
Develop universal standards of care	1	-	-
Make it harder to sue	1	-	-
Other	23	15	13
Not sure	3	7	3

Decline to answer

-

-

-

BASE: ALL RESPONDENTS

Q725 Please describe the worst case you have knowledge of in which you think that fear of liability contributed to a bad result for the patient.

	Physicians	Nurses	Hospital Administrators
Life support of a patient with no chance of survival/DNR	10	4	6
Excessive/unnecessary tests/procedures resulting in adverse consequences	10	1	8
Complications from unnecessary placement of cardiac catheter	3	-	-
Surgeon's mistake	3	2	2
Unnecessary biopsy	3	-	-
Death or severe reaction due to over medication/incorrect medication	2	9	1
Only negative result has been increased cost	2	-	3
Severe reaction from cat scan contrast medium	2	-	-
Unnecessary induction of labor/caesarian section	2	-	-
Failure to diagnose/misdiagnosis	1	5	-
Hiding a medical error/lying to family	1	-	4
Delay/other problem involving labor and delivery	-	4	4
Don't work in acute care/doesn't apply	-	1	3
Doctors don't think of liability, they do their best	-	-	2
Other	15	14	4
Not sure	44	60	59
Decline to answer	3	4	9

BASE: ALL RESPONDENTS

Q730 In order to get more information about the relationship between serious medical errors and lawsuits, could you please tell us if there was a lawsuit in this case?

	Physicians	Nurses	Hospital Administrators
Yes, there was a lawsuit	5	9	11
No, there was not a lawsuit	21	20	8
Not sure	32	42	44
Decline to answer	42	29	37

SECTION 100: DEMOGRAPHICS**BASE: ALL PHYSICIANS AND NURSES****Q105** For how many years have you been practicing?

	Physicians	Nurses
1-9 years	33	23
10-19 years	35	33
20 years +	32	44
MEAN =	15 YEARS	18 YEARS
MEDIAN =	14 YEARS	17 YEARS

BASE: ALL RESPONDENTS**Q110** Are you a specialist or primary care provider?

	Physicians
Specialist	73
Primary Care Provider	27

BASE: ALL PHYSICIANS**Q115** How many physicians are associated with your medical group?

	Physicians
Solo practice	20
2-10	44
11-20	12
21-30	4
31-50	6
More than 50	13

BASE: ALL RESPONDENTS**Q120** Have you ever considered leaving the medical profession because of . . . ?

Q121		Decline to			
		<u>Yes</u>	<u>No</u>	<u>Not Sure</u>	<u>Answer</u>
1	Changes made by HMOs and other controlling bodies				
	Physicians	50	50	NA	NA
	Nurses	43	57	-	-
	Hospital Administrators	34	66	-	-
2	Changes brought about by the threat of malpractice liability				
	Physicians	43	57	NA	NA
	Nurses	14	86	-	-
	Hospital Administrators	17	83	-	-
3	Changes in your level of career satisfaction				
	Physicians	52	48	NA	NA
	Nurses	50	49	1	-
	Hospital Administrators	49	51	-	-

BASE: ALL PHYSICIANS**Q125** Which of the following income categories best describes your 2001 pre-tax income from your medical practice?

	Physicians
\$75,000 or less	8
\$75,001 to \$100,000	7
\$100,001 to \$125,000	13
\$125,001 to \$150,000	12
\$150,001 to \$175,000	9
\$175,001 to \$200,000	11
\$200,001 to \$300,000	10
More than \$300,000	9
Not sure	2
Decline to answer	18

BASE: ALL RESPONDENTS**Q130** Are you... ?

	Physicians	Nurses	Hospital Administrators
Male	77	10	85
Female	23	90	15

EXECUTIVE SUMMARY

Medicine is clearly a highly dynamic and ever-changing field. Technological and scientific advances, the development of HMOs and managed care, as well as societal changes all shape it on an on-going basis. Although malpractice litigation has its roots back in the mid-1800s, one area of interest is how the increasingly litigious nature of American society today is influencing the field of medicine. Rather than explore the number of suits, the size of jury awards, or the costs of malpractice insurance, this survey sought to explore -- through interviews with physicians, nurses and hospital administrators -- how the fear of litigation affects the practice of medicine and the delivery of medical care.

The results are striking. Concerns about liability are influencing medical decision-making on many levels. From the increased ordering of tests, medications, referrals, and procedures to increased paperwork and reluctance to offer off-duty medical assistance, the impact of the fear of litigation is far-reaching and profound.

Broadly, **half (51%) of all physicians think that their ability to provide quality medical care to patients has gotten worse in the past five years**. Further, more than three-fourths of physicians feel that **concern about malpractice litigation (76%) has hurt their ability to provide quality care in recent years**. All respondent groups report increased levels of concern or awareness about the risks of malpractice liability over their career and **nearly one-third (29%) of physicians state that they have been interested in a certain specialty but shied away from it due to fear of higher legal exposure**. These findings seem to suggest that the broad impact of the fear of litigation is significant and growing. [See Tables 1 - 4]

Some of the more arresting study findings are on the impact of liability concerns on the provision of medical care. Broadly, **nearly all physicians and hospital administrators feel that unnecessary or excessive care is very often or sometimes provided because of fear about litigation**. More specifically, physicians report that the fear of malpractice claims causes themselves and/or other physicians to:

- **Order more tests than they would based only on professional judgment of what is medically needed**. (91% have noticed other physicians, and 79% report they themselves do this due to concerns about malpractice liability)
- **Refer patients to specialists more often** than they would based only on their professional judgment of what is medically needed. (85% have noticed other physicians, and 74% report they themselves do this due to concerns about malpractice liability)

- **Suggest invasive procedures such as biopsies to confirm diagnoses more often** than they would based only on their professional judgment of what is medically needed. (73% have noticed other physicians, and 51% report they themselves do this due to concerns about malpractice liability)
- **Prescribe more medications such as antibiotics** than they would based only on their professional judgment of what is medically needed. (73% have noticed other physicians, and 41% report they themselves do this due to concerns about malpractice liability)

A similar, although slightly less dramatic trend is seen when looking at patient end of life issues.

- **Just under two-thirds (61%) of physicians have noticed physicians being reluctant to make what they believe to be humane choices because of concerns that a family member might bring suit.**
- **Half (50%) have noticed a physician resorting to aggressive treatments of terminally ill patients because of liability concerns.**
- **Just under half (42%) have noticed a physician or staff member going against a patient's expressed wishes concerning life-prolonging medical interventions** because of concerns that a family member might bring suit.

Not surprisingly, there is **nearly unanimous agreement among physicians, nurses and hospital administrators that these extra tests, referrals and procedures contribute in a significant way to health care costs issues.** [See Tables 6-10]

Views on the conducive nature of the hospital environment are mixed when it comes to issues of medical errors and liability protocol. Strong majorities of hospital administrators and nurses feel that staff in their hospital are encouraged to report medical errors such as dispensing incorrect medication or medication doses, surgical mistakes and human error in interpreting results of diagnostic tests. Only two thirds (63%) of physicians, however, agree perhaps due to a greater sense of personal exposure. [See Tables 11-13]

- **Hospital administrators feel that while established rules and protocol have clearly improved or enhanced patient safety, they also believe that unnecessary rules of protocol are often created** out of a concern about liability protection.
- **Nearly half (43%) of all nurses also feel prohibited or discouraged from doing what they think is right for the patient** because of rules or protocols set up for liability protection.

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 9:23:59 AM
Subject: : Re: May 3 event

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2002 13:23:59.00
SUBJECT:: Re: May 3 event
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

did you get any response on this?

Brett M. Kavanaugh
04/22/2002 06:50:17 PM
Record Type: Record

To: Israel Hernandez/WHO/EOP@EOP
cc: Alberto R. Gonzales/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP
Subject: May 3 event

On the May 3 scheduling request: I think the invited guests should not include law clerks, who work for the judiciary and should not be part of this kind of event. I also do not think law students add much. Rather, I think we should invite (i) selected bar leaders from around the country; (ii) leaders of certain groups that care about this issue; and (iii) bipartisan supporters of the key nominees.

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 1:31:19 PM
Subject: : Re: Query

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-APR-2002 17:31:19.00

SUBJECT:: Re: Query

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

That would be very helpful. Please send as text message in case I am working on speech at home.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: barry s. jackson/who/eop@eop [WHO] <barry s. jackson>;alicia p. clark/who/eop@eop [WHO] <alicia p. clark>;jay p. lefkowitz/opd/eop@eop [OPD] <jay p. lefkowitz>;joel d. kaplan/who/eop@eop [WHO] <joel d. kaplan>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/23/2002 1:32:09 PM
Subject: : Re: question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2002 17:32:09.00
SUBJECT:: Re: question
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:barry s. jackson (CN=barry s. jackson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alicia p. clark (CN=alicia p. clark/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:joel d. kaplan (CN=joel d. kaplan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Woodrow the White House Mouse.

Kristen Silverberg
04/23/2002 04:59:22 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: question

What are your favorite books or movies about the White House? I need some ideas for an article I am writing for my law school alumni magazine.

Message Sent

To: _____
Barry S. Jackson/WHO/EOP@EOP
Alicia P. Clark/WHO/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

REV_00144009

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: daniel a. barry/oa/eop@eop [OA] <daniel a. barry>;brett m. kavanaugh/who/eop@eop [WHO]
<brett m. kavanaugh>;james b. wright/oa/eop@eop [OA] <james b. wright>;bruce o'dell/oa/eop@eop [OA] <bruce o'dell>
Sent: 4/23/2002 9:34:16 AM
Subject: : Re: Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 23-APR-2002 13:34:16.00
SUBJECT:: Re: Search Delivery
TO: Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ: UNKNOWN
CC: daniel a. barry (CN=daniel a. barry/OU=oa/O=eop@eop [OA])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
CC: james b. wright (CN=james b. wright/OU=oa/O=eop@eop [OA])
READ: UNKNOWN
CC: bruce o'dell (CN=bruce o'dell/OU=oa/O=eop@eop [OA])
READ: UNKNOWN
End Original ARMS Header

I am stunned. Something strange must be occurring, as Adam suggests.

Adam F. Greenstone
04/23/2002 01:31:40 PM

Record Type: Record

To: Daniel A. Barry/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, james b. wright/oa/eop@eop, bruce o'dell/oa/eop@eop
bcc:
Subject: Re: Search Delivery

Somehow I'm not surprised that the printer needs repairs. What I'm wondering here is whether we have over 100 boxes of responsive material, or whether a computer "phenomenon" did something like translate certain attachments into a bunch of incomprehensible code that prints one character per page. Given the specificity of the search and the brief time period, I am surprised by this volume. Any idea?

DANIEL A.
BARRY
04/23/2002 12:02:26 PM

Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, james b. wright/oa/eop@eop, bruce o'dell/oa/eop@eop
bcc:

REV_00144010

Subject: Re: Search Delivery

Adam;

It is very difficult to give an estimate that has any accuracy to it because the quantity of print depends on the formatting of each record and that is impossible to predict.

We currently have 95 boxes of paper in the EOPDC and the printing is probably 75% complete.

The printing is currently stopped because the printer is down for repairs.

I would like to start the delivery process

Later... Tony

Adam F. Greenstone
04/23/2002 10:46:49 AM

Record Type: Record

To: Daniel A. Barry/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, james b. wright/oa/eop@eop, bruce o'dell/oa/eop@eop
bcc:
Subject: Re: Search Delivery

Any idea what happened here yet?

DANIEL A.
BARRY
04/23/2002 10:30:08 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Adam F. Greenstone/OA/EOP@EOP
cc: James B. Wright/OA/EOP@EOP, Bruce O'Dell/OA/EOP@EOP
Subject: Search Delivery

Brett, Adam;

Eventhough the search results are still printing, I would like to begin the delivery process. To where should the boxes be delivered ?

Later... Tony

From: CN=Daniel A. Barry/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: adam f. greenstone/oa/eop@eop [OA] <adam f. greenstone>;daniel a. barry/oa/eop@eop [OA] <daniel a. barry>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;james b. wright/oa/eop@eop [OA] <james b. wright>;bruce o'dell/oa/eop@eop [OA] <bruce o'dell>
Sent: 4/23/2002 9:41:06 AM
Subject: : Re: Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Daniel A. Barry (CN=Daniel A. Barry/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-APR-2002 13:41:06.00
SUBJECT:: Re: Search Delivery
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:adam f. greenstone (CN=adam f. greenstone/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:daniel a. barry (CN=daniel a. barry/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:james b. wright (CN=james b. wright/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
CC:bruce o'dell (CN=bruce o'dell/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Brett,Adam;

I think it would be very beneficial to review the results electronically and print the responsive ones. Printing has never been a good option because of the nature and variety of E-mail.

As in the past, there are probably some of the E-mail that extend across several boxes of paper because of formatting characters within the E-mail or attachments, As to their responsiveness, only a manual review can tell.

I would like to deliver some of it, To where should it be delivered.

Later... Tony

I

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Colby J. Cooper/NSC/EOP@EOP [NSC] <Colby J. Cooper>
Sent: 4/23/2002 10:17:35 AM
Subject: : Re: IMPORTANT: Your certification needed on attached Department of Justice form
Attachments: F_SXGW6003_NSC.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 23-APR-2002 14:17:35.00
SUBJECT:: Re: IMPORTANT: Your certification needed on attached Department of Justice form
TO: Colby J. Cooper (CN=Colby J. Cooper/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
End Original ARMS Header

yes, thank you.

Colby J. Cooper
04/23/2002 02:16:40 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: IMPORTANT: Your certification needed on attached
Department of Justice form

I sent my paperwork to Bill Leary in NSC Records who I understand is
sending you this information shortly.

Brett M. Kavanaugh
04/22/2002 09:44:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: IMPORTANT: Your certification needed on attached
Department of Justice form

According to our records, we have not received a signed
certification from you on the form that is attached to this e-mail. The
form relates to the Department of Justice's criminal investigation of the
unauthorized disclosure last year of confidential government information
concerning the blocking and freezing of the assets of the Global Relief
Foundation, the Benevolence International Foundation, and the Holy Land
Foundation. Please complete and sign the attached form and return it to
Brent Greenfield in Room 160 1/2 no later than close of business
Wednesday, April 24. If you have any questions or cannot complete the
form in that time frame, please contact me at 6-7984.

As part of the certification, you are also asked to produce all
official documents in your possession (including any e-mails and internal
memoranda you have retained) that:

a) were created (or are dated) between September 11, 2001 and on or
before September 30, 2001, and indicate that the Global Relief Foundation

REV_00144014

and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen by the United States government; or

b) were created (or are dated) on or before December 4, 2001, and indicate that the Holy Land Foundation was being considered for inclusion on a list of suspected terrorist fund-raising organizations or would otherwise have its assets blocked or frozen by the United States government; or

c) were created (or are dated) on or before December 14, 2001, and indicate that the Global Relief Foundation was to be searched or would have its assets frozen or blocked on or about December 14, 2001 or which discusses the expected date and time of any such action.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_SXGW6003_NSC.TXT_1>

CERTIFICATION

I certify, to the best of my knowledge, that

_____ I had access

_____ I did not have access

- a) on or before September 30, 2001, to the information that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen; or
- b) on or before December 3, 2001, to the information that a search would be conducted of (or that a blocking action would be taken against) the Holy Land Foundation on December 4, 2001; or
- c) on or before December 13, 2001, to the information that a blocking action would be taken against (or that a search would be conducted of) the Global Relief Foundation on December 14, 2001.

I further certify, to the best of my knowledge, that

_____ I have produced to the Office of the Counsel to the President all official documents in my possession (including any e-mails and internal memoranda I have) responsive to the document production directive in the e-mail memorandum to which this Certification was attached.

_____ I have conducted a search and determined that I have no such documents.

I understand that the information and documents I provide to the Office of the Counsel to the President are likely to be disclosed to the U.S. Department of Justice for use in its criminal investigation and that the Counsel's Office is not acting as my private attorney in this matter.

I further understand that this Certification is for purposes of a federal criminal investigation and that intentional false statements may result in criminal penalties or other sanctions.

NAME (please print):

SIGNATURE:

DATE:

OFFICE:

PHONE NUMBER:

From: CN=Jonathan T. Dworken/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 11:03:58 AM
Subject: : Re: IMPORTANT: Your certification needed on attached Department of Justice form
Attachments: P_NCJW6003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jonathan T. Dworken (CN=Jonathan T. Dworken/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME:23-APR-2002 15:03:58.00
SUBJECT:: Re: IMPORTANT: Your certification needed on attached Department of Justice form
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The form was part of a package with the materials in my files. because of the sensitivities of the materials, it was sent to NSC Records to be forwarded on.

Jonathan

Brett M. Kavanaugh
04/22/2002 09:44:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: IMPORTANT: Your certification needed on attached
Department of Justice form

According to our records, we have not received a signed certification from you on the form that is attached to this e-mail. The form relates to the Department of Justice's criminal investigation of the unauthorized disclosure last year of confidential government information concerning the blocking and freezing of the assets of the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation. Please complete and sign the attached form and return it to Brent Greenfield in Room 160 1/2 no later than close of business Wednesday, April 24. If you have any questions or cannot complete the form in that time frame, please contact me at 6-7984.

As part of the certification, you are also asked to produce all official documents in your possession (including any e-mails and internal memoranda you have retained) that:

a) were created (or are dated) between September 11, 2001 and on or before September 30, 2001, and indicate that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen by the United States government; or

b) were created (or are dated) on or before December 4, 2001, and indicate that the Holy Land Foundation was being considered for inclusion on a list of suspected terrorist fund-raising organizations or would otherwise have its assets blocked or frozen by the United States government; or

c) were created (or are dated) on or before December 14, 2001, and

REV_00144017

indicate that the Global Relief Foundation was to be searched or would have its assets frozen or blocked on or about December 14, 2001 or which discusses the expected date and time of any such action.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NCJW6003_WHO.TXT_1>

CERTIFICATION

I certify, to the best of my knowledge, that

_____ I had access

_____ I did not have access

- a) on or before September 30, 2001, to the information that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen; or
- b) on or before December 3, 2001, to the information that a search would be conducted of (or that a blocking action would be taken against) the Holy Land Foundation on December 4, 2001; or
- c) on or before December 13, 2001, to the information that a blocking action would be taken against (or that a search would be conducted of) the Global Relief Foundation on December 14, 2001.

I further certify, to the best of my knowledge, that

_____ I have produced to the Office of the Counsel to the President all official documents in my possession (including any e-mails and internal memoranda I have) responsive to the document production directive in the e-mail memorandum to which this Certification was attached.

_____ I have conducted a search and determined that I have no such documents.

I understand that the information and documents I provide to the Office of the Counsel to the President are likely to be disclosed to the U.S. Department of Justice for use in its criminal investigation and that the Counsel's Office is not acting as my private attorney in this matter.

I further understand that this Certification is for purposes of a federal criminal investigation and that intentional false statements may result in criminal penalties or other sanctions.

NAME (please print):

SIGNATURE:

DATE:

OFFICE:

PHONE NUMBER:

From: CN=Jonathan T. Dworken/OU=NSC/O=EOP [NSC]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 11:03:58 AM
Subject: : Re: IMPORTANT: Your certification needed on attached Department of Justice form
Attachments: F_NCJW6003_NSC.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Jonathan T. Dworken (CN=Jonathan T. Dworken/OU=NSC/O=EOP [NSC])
CREATION DATE/TIME:23-APR-2002 15:03:58.00
SUBJECT:: Re: IMPORTANT: Your certification needed on attached Department of Justice form
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

The form was part of a package with the materials in my files. because of the sensitivities of the materials, it was sent to NSC Records to be forwarded on.

Jonathan

Brett M. Kavanaugh
04/22/2002 09:44:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: IMPORTANT: Your certification needed on attached
Department of Justice form

According to our records, we have not received a signed certification from you on the form that is attached to this e-mail. The form relates to the Department of Justice's criminal investigation of the unauthorized disclosure last year of confidential government information concerning the blocking and freezing of the assets of the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation. Please complete and sign the attached form and return it to Brent Greenfield in Room 160 1/2 no later than close of business Wednesday, April 24. If you have any questions or cannot complete the form in that time frame, please contact me at 6-7984.

As part of the certification, you are also asked to produce all official documents in your possession (including any e-mails and internal memoranda you have retained) that:

a) were created (or are dated) between September 11, 2001 and on or before September 30, 2001, and indicate that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen by the United States government; or

b) were created (or are dated) on or before December 4, 2001, and indicate that the Holy Land Foundation was being considered for inclusion on a list of suspected terrorist fund-raising organizations or would otherwise have its assets blocked or frozen by the United States government; or

c) were created (or are dated) on or before December 14, 2001, and

REV_00144020

indicate that the Global Relief Foundation was to be searched or would have its assets frozen or blocked on or about December 14, 2001 or which discusses the expected date and time of any such action.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_NCJW6003_NSC.TXT_1>

CERTIFICATION

I certify, to the best of my knowledge, that

_____ I had access

_____ I did not have access

- a) on or before September 30, 2001, to the information that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen; or
- b) on or before December 3, 2001, to the information that a search would be conducted of (or that a blocking action would be taken against) the Holy Land Foundation on December 4, 2001; or
- c) on or before December 13, 2001, to the information that a blocking action would be taken against (or that a search would be conducted of) the Global Relief Foundation on December 14, 2001.

I further certify, to the best of my knowledge, that

_____ I have produced to the Office of the Counsel to the President all official documents in my possession (including any e-mails and internal memoranda I have) responsive to the document production directive in the e-mail memorandum to which this Certification was attached.

_____ I have conducted a search and determined that I have no such documents.

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I further understand that this Certification is for purposes of a federal criminal investigation and that intentional false statements may result in criminal penalties or other sanctions.

NAME (please print):

SIGNATURE:

DATE:

OFFICE:

PHONE NUMBER:

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Bruce O'Dell/OA/EOP@EOP [OA] <Bruce O'Dell>
Sent: 4/23/2002 11:20:30 AM
Subject: : Re: Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-APR-2002 15:20:30.00
SUBJECT:: Re: Search Delivery
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bruce O'Dell (CN=Bruce O'Dell/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Brett--I have discussed with senior management in IS&T and they will see what they can do to assess what happened.

DANIEL A.
BARRY
04/23/2002 01:40:57 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Search Delivery

Brett,Adam;

I think it would be very beneficial to review the results electronically and print the responsive ones. Printing has never been a good option because of the nature and variety of E-mail.

As in the past, there are probably some of the E-mail that extend across several boxes of paper because of formatting characters within the E-mail or attachments, As to their responsiveness, only a manual review can tell.

I would like to deliver some of it, To where should it be delivered.

Later... Tony

I

Message Copied

To:
adam f. greenstone/oa/eop@eop
daniel a. barry/oa/eop@eop
brett m. kavanaugh/who/eop@eop
james b. wright/oa/eop@eop
bruce o'dell/oa/eop@eop

REV_00144023

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Bruce O'Dell/OA/EOP@EOP [OA] <Bruce O'Dell>
Sent: 4/23/2002 11:20:30 AM
Subject: : Re: Search Delivery

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:23-APR-2002 15:20:30.00
SUBJECT:: Re: Search Delivery
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bruce O'Dell (CN=Bruce O'Dell/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
End Original ARMS Header

Brett--I have discussed with senior management in IS&T and they will see what they can do to assess what happened.

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BARRY
04/23/2002 01:40:57 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
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To:
adam f. greenstone/oa/eop@eop
daniel a. barry/oa/eop@eop
brett m. kavanaugh/who/eop@eop
james b. wright/oa/eop@eop
bruce o'dell/oa/eop@eop

REV_00144024

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/23/2002 12:26:36 PM
Subject: : Re: Victoria Toensing

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2002 16:26:36.00
SUBJECT:: Re: Victoria Toensing
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

that sounds great. thanks for reaching out to her. any luck on the uva
guy?

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 4:47:09 PM
Subject: : Re: Query

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-APR-2002 20:47:09.00

SUBJECT:: Re: Query

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This is very helpful. Thank you. NOW, if only you could draft the section on halacha . . .

From: CN=Stephen M. Lineberry/OU=CEA/O=EOP [CEA]
To: Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>; Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Michal M. Rehavi/CEA/EOP@EOP [CEA] <Michal M. Rehavi>
Sent: 4/23/2002 12:50:50 PM
Subject: : Malpractice Meeting information
Attachments: P_MEPW6003_OPD.TXT_1.doc; P_MEPW6003_OPD.TXT_2

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME: 23-APR-2002 16:50:50.00
SUBJECT: : Malpractice Meeting information
TO: Mark McClellan (CN=Mark McClellan/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Diana L. Schacht (CN=Diana L. Schacht/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Michal M. Rehavi (CN=Michal M. Rehavi/OU=CEA/O=EOP@EOP [CEA])
READ: UNKNOWN
End Original ARMS Header

Please find background information for tomorrow's 7:45am meeting attached below.

-Steve
x55036

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MEPW6003_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_MEPW6003_OPD.TXT_2>

REV_00144027

COUNCIL OF ECONOMIC ADVISERS
April 23, 2002

Update on Malpractice Cost Increases

Background

- **Rising liability costs are a concern not only to health care providers but also to the Federal government.** For example, Medicare incorporates malpractice costs its provider payment calculations. Most state Medicaid plans also account for some part of liability costs – and to the extent they do not, providers may refuse to treat Medicaid patients. Higher liability costs are also incorporated in private insurance premiums, which are tax-subsidized. Thus, eventually, a large share of the costs of higher liability are eventually borne by the Federal government.
- **The cause of rising liability costs is rapidly rising malpractice awards – to the point that some malpractice carriers are refusing to offer insurance altogether.** The second section of this memo describes the serious problems that providers are facing in many states.
- **The national medical malpractice combined ratio (the ratio of paid claims to premiums) is nearing the level experienced at the height of the 1980s medical malpractice crisis.** In 2001, insurers likely paid out \$1.40 in claims for every dollar of premiums, compared with \$1.60 in claims at the height of the 1980s' crisis.
- **Jury awards for malpractice have skyrocketed in recent years.** The median malpractice award grew 60% between 1997 and 1999 (from \$500,000 to \$800,000). In 1999 the median punitive damage award for medical malpractice cases was \$515,000. The only cases with a higher median award were products liability suits (\$2 million), where defendants are often large corporations.
- St. Paul (the largest medical malpractice insurance writer in the U.S. prior to its exit from the market in December 2001) saw twice as many claims for \$1 million or more in 2000 than they did in 1999. Only 1.5% of all claims paid in 1990 were for \$1 million or more, while 4.5% in 1998 were. Many analysts view this rapid and difficult-to-predict trend as a driving factor in the decision by St. Paul to pull back from the malpractice insurance markets (see below). Its exit will affect 42,000 physicians.
- The number of medical malpractice payment reports increased in 1999 and 2000 after falling at an average rate of 4% per year between 1996 and 1998. In the past 5 years the number of “reportable action reports” increased by almost 10% while the number of medical malpractice payment reports only increased by 1%.
- **A rising number of large awards is thus the main contributing factor to the increase in malpractice costs for doctors.** In 2000, median malpractice payments (by state) ranged from \$55,000 (California) to \$262,000 (Maine). The mean malpractice payment (by state) ranged from \$142,637 (California) to \$584,338 (Washington DC). Kansas was the only state

in which the mean malpractice payment was less than the median. 40% of all jury awards are over \$1 million, compared with 35% in the period from 1993 to 1995.

- High awards are generally related to poor outcomes that follow complex procedures – and in most cases are not the result of care that medical experts judge to be negligent. The highest average and median malpractice payments are for obstetrics and the most malpractice payments were made for claims that were diagnosis or surgery related.
- **Medical malpractice premiums skyrocketed in recent years.** In an AMA survey 8 States (AR, CT, IL, NV, NC, OH, PA & TX) reported premium increases of over 30% in 2002. The Texas Medical Liability Trust has raised rates by 100% over the last 2.5 years. New Jersey hospital medical malpractice insurance premiums jumped an average of 250% from 1999 to 2002.
- Considerable research indicates that higher malpractice premiums cause doctors to practice more “defensive medicine,” such as ordering extra tests or unnecessary procedures to provide legal cover in case a patient has a bad outcome. In a recent survey, roughly three quarters of physicians acknowledged that fear of litigation lead them to order more tests and more frequently refer patients to specialists than they would based only on their professional judgement of what is medically necessary. The excess health care costs resulting from defensive medicine are much greater than the direct costs of the malpractice system – potentially adding 2 to 4 percent each year to the costs of the entire health care system.
- Malpractice liability also leads to worse care and worse health for other reasons. As noted below, high malpractice costs are significantly threatening access to care in many parts of the country. And health care providers are reluctant to undertake initiatives to eliminate medical errors and improve quality, for fear that any information they develop on opportunities to improve care will be used against them in court. Additionally, 61% of physicians have noticed physicians being reluctant to make what they categorize as humane choices at the end of a patient’s life due to a fear of litigation.

Long Term Care

- **Rising liability costs in nursing homes are a major cause of rapid growth in the cost of nursing home care, which is mostly financed by Medicaid and Medicare.** Between 1990 and 2001 general liability and professional liability (GL/PL) loss costs increased from \$240 per annual occupied skilled nursing bed to \$2,360 per bed. Most of this increase took place after 1995. Florida (\$11,000) and Texas (\$5,500) had the highest per bed costs in 2001.
- **Nursing home malpractice costs are rising because of rapid increases in both the number of lawsuits and the size of awards.** Between 1990 and 2001, the average size of a GL/PL claim tripled and the average number of claims for long term care operators increased from 3.6 claims per 1000 beds to 11 claims per 1000 beds.
- **A very large share of these liability costs go to lawyers.** Altogether, 47% of the total GL/PL claims costs goes to attorneys (this includes the defendant’s legal costs, which are roughly 40% of the total dollars that attorneys get).

- **Even excluding “high cost” states, GL/PL loss costs are increasing at a rate of 20% per year.** This is much faster growth than in other industries, where GL/PL claim costs tend to increase between 5% and 10% per year.

State Malpractice Laws Have Major Implications for Malpractice Costs, Federal Health Care Spending, and Access to Care

California

- California (like Utah, New Mexico, and other states) has a cap on jury awards for pain and suffering. California limits such awards to \$250,000.
- The 5 largest California insurers requested malpractice insurance rate increases of only 2% to 8% for 2002, while the rest of the country faced increases of 10% to 30%. Furthermore, the rates in California are already relatively low. The base rate for a California obstetrician is around \$35,000 per year. The same doctor would pay between \$80,000 and \$120,000 in Pennsylvania. (*San Francisco Business Times*, October 15, 2001).
- Medical malpractice insurance is only about 10% of doctors’ revenues in California, down from 25%. Nationally, premiums generally average between 10% and 25% of a physician’s gross revenues. The premium for an obstetrician in PA would be more than twice as much as it would be for the same obstetrician in CA.

Pennsylvania

- Ohio, Pennsylvania, West Virginia have relatively high medical malpractice costs, and have faced significant cost increases this year.
- The PA Medical Association found that it costs \$96,199 to cover an orthopedic surgeon in PA and less than \$40,000 to cover one in Delaware and New Jersey. According to the president of the PA Medical Society, their 2001 survey found that 72% of doctors deferred purchasing new medical equipment or didn’t hire needed staff because of “sudden and sharp increases” in malpractice insurance premiums.
- PA has recently taken legislative steps to try to curb the cost increases (including the partial privatization and eventual phase-out of the PA CAT fund, shortening the statute of limitations, and allowing judges to lower awards in some cases).

Nevada

- Malpractice Insurance Availability in Nevada:
 - The Nevada Division of Insurance conducted a survey of 11 insurers offering medical malpractice insurance in Nevada. The respondents indicated that punitive damages were the largest contributor to the cost of claims, followed by legal fees.

- St. Paul, the largest insurer, pulled out of Nevada in 2001 and 4 other insurers left the market in 2002. Those 5 insurers provided 70% of the State's malpractice coverage.
- The Governor's Plan:
 - It was concluded at a state hearing in March, 2002 that medical malpractice insurance was not readily available in Nevada, so the state was designated as the insurer of last resort. Beginning on April 15, 2002, Nevada will sell medical malpractice insurance through the newly established Medical Liability Association of Nevada. This is meant to be a stop-gap measure, and the Governor intends to work with the Legislature to institute market reforms.
 - Premiums will be set to cover projected losses and expenses and are not expected to be below the rates available in the private market. The Association will have the right to refuse to insure physicians deemed to be an "unacceptable risk." Participating medical professionals will each be assessed a one-time fee to cover any Association losses. The Board will also develop a "cost stabilization option" so that each physician could choose to pay a fee in lieu of any end of the year assessments. The plans offered by the State will not cover prior acts. According to local newspapers, physicians expect to pay as much as \$100,000 for "tail coverage."
- Anecdotes from Nevada Newspapers:
 - "More than half of the surgeons working at Southern Nevada's only trauma center are poised to quit if Gov. Kenny doesn't soon commit to limiting malpractice liability in Nevada" (*Las Vegas Review-Journal*, March 21, 2002).
 - Over 20% of Clark County's OB-GYNs are actively considering leaving Nevada (i.e. calling medical boards in other states to transfer certification, looking for other jobs, etc) because malpractice rates are going from \$40,000 to as much as \$200,000. 78% of Clark County physicians responding to a survey by a researcher at the University of Nevada School of Medicine indicated that they will leave the State if the legislature does not undertake tort reform. These physicians represent 40% of the OB-GYNs in Clark County (*Las Vegas Review-Journal*, March 23, 2002)

Common Good
Fear of Litigation Study
The Impact on Medicine

Final Report

April 11, 2002

Conducted for:

Common Good

Field Dates:
March 4-20, 2002

Project Managers:

Humphrey Taylor, Chairman, *The Harris Poll*
David Krane, Senior Vice President
Amy Cottreau, Project Manager
Diana Gravitch, Senior Research Associate



Conversations with colleagues appear to be impacted by the fear of litigation. While more than two-thirds of both physicians and nurses report that frank discussions of an adverse event or error at least sometimes helps them or a colleague avoid making a similar mistake in an actual medical case, many report that their colleagues are often uncomfortable having such conversations.

- **Only one-fourth or fewer of physicians, nurses and hospital administrators think that their colleagues are very comfortable discussing adverse events or uncertainty about proper treatment with them.**
- **Even fewer – roughly 5% -- think that their colleagues are very comfortable discussing medical errors with them.**

Fear of liability is cited by physicians and hospital administrators as the leading factor that discourages medical professionals from openly discussing and thinking of ways to reduce medical errors. By comparison, nurses are more likely to point to not wanting to upset or criticize a colleague as a main reason. Although hospital administrators and nurses somewhat disagree, **physicians feel that fear of liability at least sometimes also leads to hospitals avoiding disclosing quality deficiencies and is the primary reason why hospitals do not share the results of inquiries into patient injury cases.** [See Tables 14-19]

Patient relationships also appear to be somewhat impacted by litigation concerns. While the overwhelming majority of nurses report that malpractice concerns have not impacted their patient relations and discussions at all, **significant numbers of physicians feel that malpractice concerns have made their relationships with patients less personal (38%) and caused them to be more candid in their conversations with patients (43%).** Interestingly, perceptions differ greatly between hospital administrators and physicians and nurses on whether physicians have become more likely to admit errors and apologize. While half (51%) of all hospital administrators think that physicians have become more likely to admit errors and apologize, only one-fourth of nurses and physicians themselves think this is true. [See Tables 20-23]

One area where there is clear agreement is the influence of the fear of litigation on administrative issues. Well over three-fourths of all physicians and nurses (84% and 81%, respectively) report that they **spend more time on paper work**, such as medical record documentation, because of malpractice concerns than they would based solely on the patient's clinical needs. Additionally, **nearly all physicians (94%) believe that written descriptions of cases are very often or sometimes influenced by the fear of litigation.** [See Tables 24-25]

Physicians, nurses and hospital administrators were somewhat divided on whether or not their interpretation of the November 1999 Institute of Medicine reports which suggested that between 44,000 and 98,000 patients die annually in the United States as a result of preventable hospital errors however they generally disagreed with this finding. Their views on malpractice claims were more common. **The clear majority of physicians, nurses and hospital administrators all feel that malpractice claims occur mainly from adverse results rather than actual error.** Physicians see the patient/physician relationship as the most important factors in determining whether or not an injured patient brings a lawsuit or not. Quality of communications as well as greed and the patient's financial status are also noted as important factors by physicians, nurses and hospital administrators. *[See Tables 28-30]*

That many medical professionals behavior is clearly influenced by the fear of litigation can perhaps be explained by the finding that **the overwhelming majority of physicians (83%) and hospital administrators (72%) do not feel that physicians can trust the current system of justice to achieve a reasonable result if sued.** When coupled with the previously noted finding that most feel that malpractice claims occur mainly from adverse results rather than actual error this sense of distrust in the current system is underscored. It is not surprising then, that physicians nearly unanimously, as well as at least three-fourths of nurses and hospital administrators would **instead favor switching to a medical court presided over by independent medical professionals and other experts that would have authority to review and decide injury cases.**

Suggestions by physicians and hospital administrators for improving the malpractice and patient safety situation include a number of legal reforms such as caps on judgments/ liability, general tort reform, as well as improved communication with patients. Nurses were more likely to look to improved patient communication and staff education improvements for possible improvement. **While changes in levels of career satisfaction have caused roughly half of physicians, nurses, and hospital administrators to consider leaving medicine, changes made by HMOs as well as those brought about by the threat of malpractice liability have had nearly as great an impact upon physicians.** *[See Tables 26, 27, & 31-33]*

In summary, it is clear that the practice of medicine and the delivery of medical care are significantly influenced and shaped by fear of malpractice claims and perceived unreliability of the current system of justice. With adverse consequences ranging from cost implications to quality of care the impact of the fear of litigation cannot be ignored and is an area that should be included in any efforts to improve medicine in America today and restore health to health care.

DETAILED ANALYSIS OF RESULTS

Table 1**Quality of Medical Care Over Past Five Years**

Although feelings are mixed both within and across sample groups, half of all physicians feel that the ability to provide quality medical care to patients has gotten worse over the past five years. In contrast, the plurality of nurses and hospital administrators feel that things have improved.

Q205 Setting aside improvements in technology or medical knowledge, do you think the ability of physicians and nurses to provide quality medical care to patients has improved, has gotten worse or is it about the same as it was five years ago?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
	%	%	%
Improved	31	44	55
Worse	51	28	24
About the same	17	28	19

Table 2**Impact on Providing Quality Patient Care**

While physicians, nurses and hospital administrators generally agree on the impact of various influences on their ability to provide quality care, physicians are more likely to feel that managed care plans have hurt their ability to provide quality care. Nurses are more likely to feel that patient advocacy groups have made a positive impact on their ability to provide quality care and are less likely to have personally felt a negative impact because of concerns about malpractice litigation.

Q211 In recent years, has each of the following helped, hurt or not made a difference in your ability to provide quality patient care?

Base: All respondents

	Physicians			Nurses			Hospital Administrators		
	Hurt	Helped	No Difference	Hurt	Helped	No Difference	Hurt	Helped	No Difference
	%	%	%	%	%	%	%	%	%
Managed care plans	87	5	8	62	14	24	66	9	21
Patient advocacy groups	12	33	54	6	56	33	9	43	44
The Internet	6	71	23	5	58	33	1	80	19
Concern about malpractice litigation	76	4	21	41	6	51	63	6	30

Table 3**Awareness of Malpractice Liability**

Experience clearly has increased the awareness and concern among all respondents about the risks of malpractice liability. Perhaps not surprisingly, nurses are less likely to report an increase with one-third saying their views haven't changed since the beginning of their career.

Q225 Since the beginning of your career, would you say your concern or awareness about the risks of malpractice liability has . . . ?

Base: All respondents

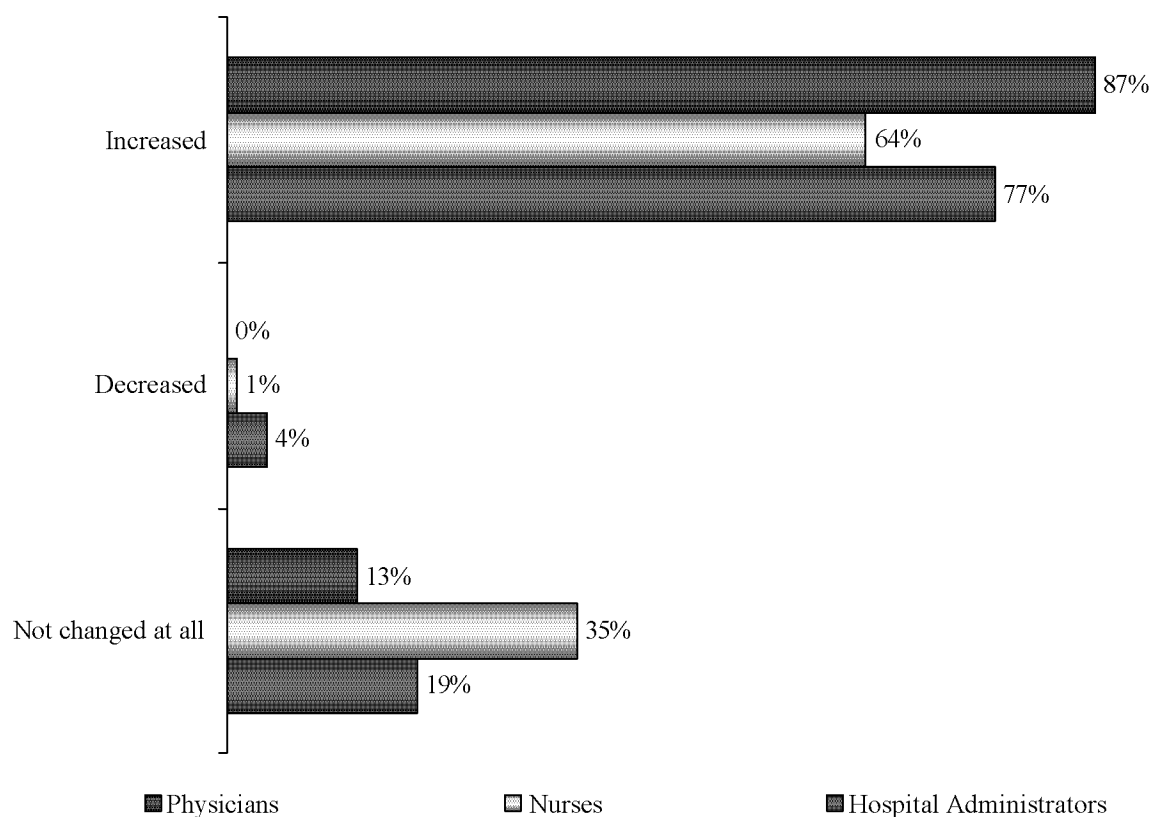


Table 4**Avoided Specialty For Fear of Legal Exposure?**

While the majority of physicians have not shied away from an interest in a specialty due to concerns about higher legal exposure, a significant minority of nearly one in three have avoided an area due to liability concerns.

Q235 Have you ever been interested in a certain specialty but shied away from it because you thought you'd have higher legal exposure?

Base: All physicians

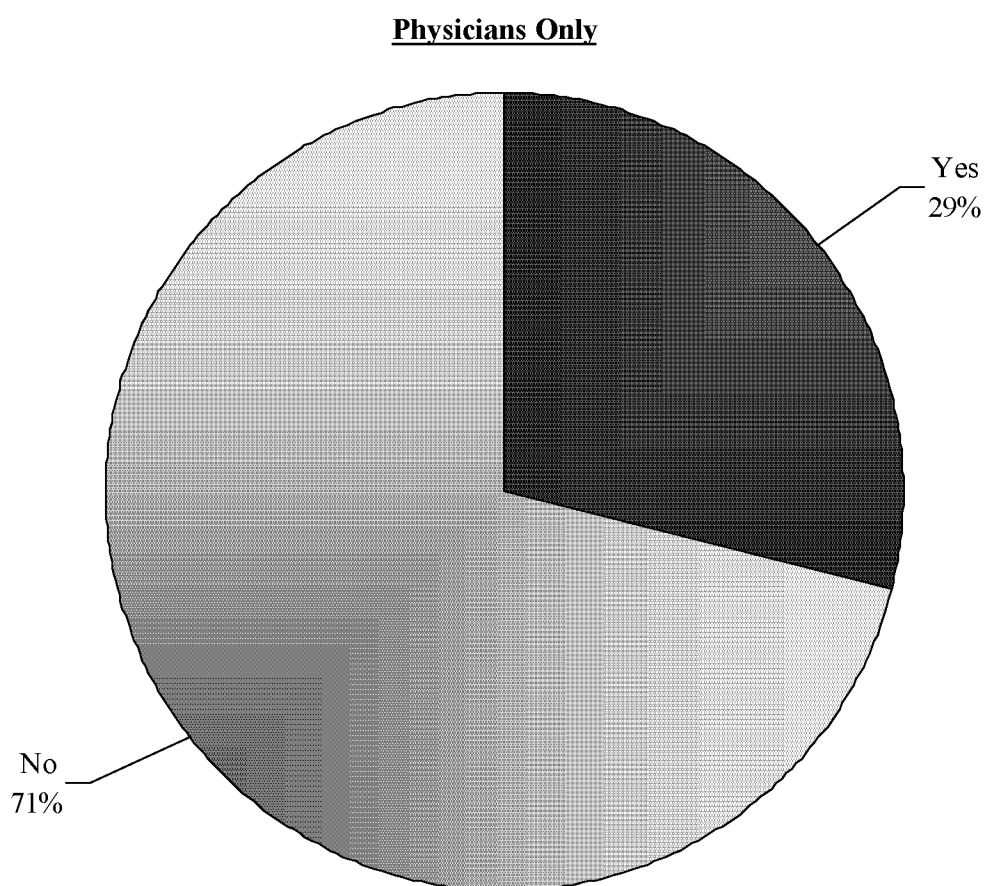


Table 5**Willingness to Assist When Off-Duty**

Liability concerns impact behavior outside of the hospital or office environment as just over half of all physicians know of those who hesitate or are reluctant to assist an injured person when off-duty and one-third say they know of an instance where a physician did not volunteer to help because of the fear of litigation.

Q241 Do you have personal knowledge of . . . ?

Base: All physicians

Physicians Only
% “Yes”

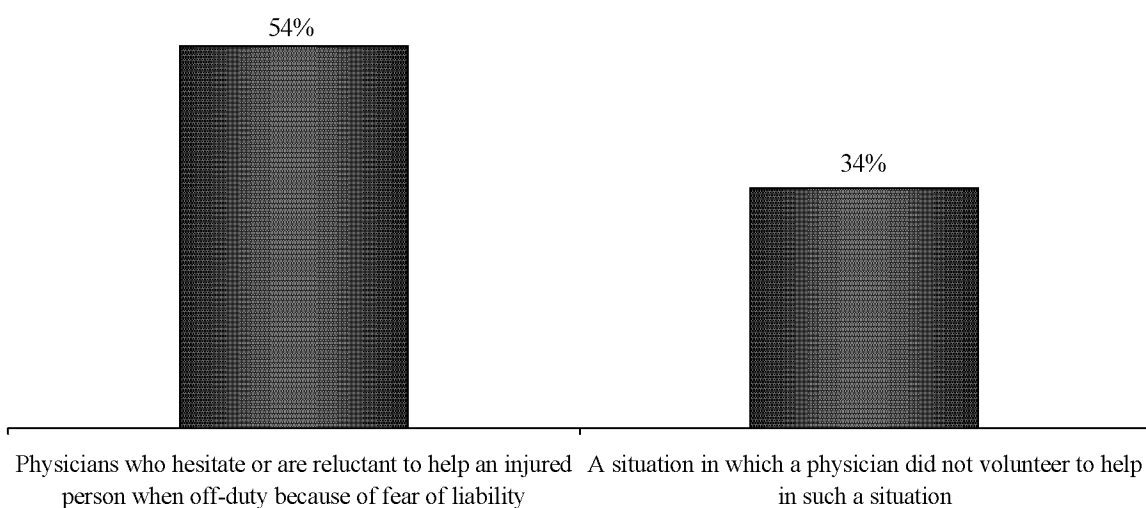


Table 6**Impact of Liability Concerns on Tests and Procedures**

Physicians and hospital administrators strongly agree that the fear of medical malpractice causes physicians to act much differently than they would based solely on their professional medical judgment. Nurses generally share this view, but are less strong in their agreement.

Q306 Based on your experience, have you noticed the fear of malpractice liability causing physicians to . . . ?

Base: All respondents

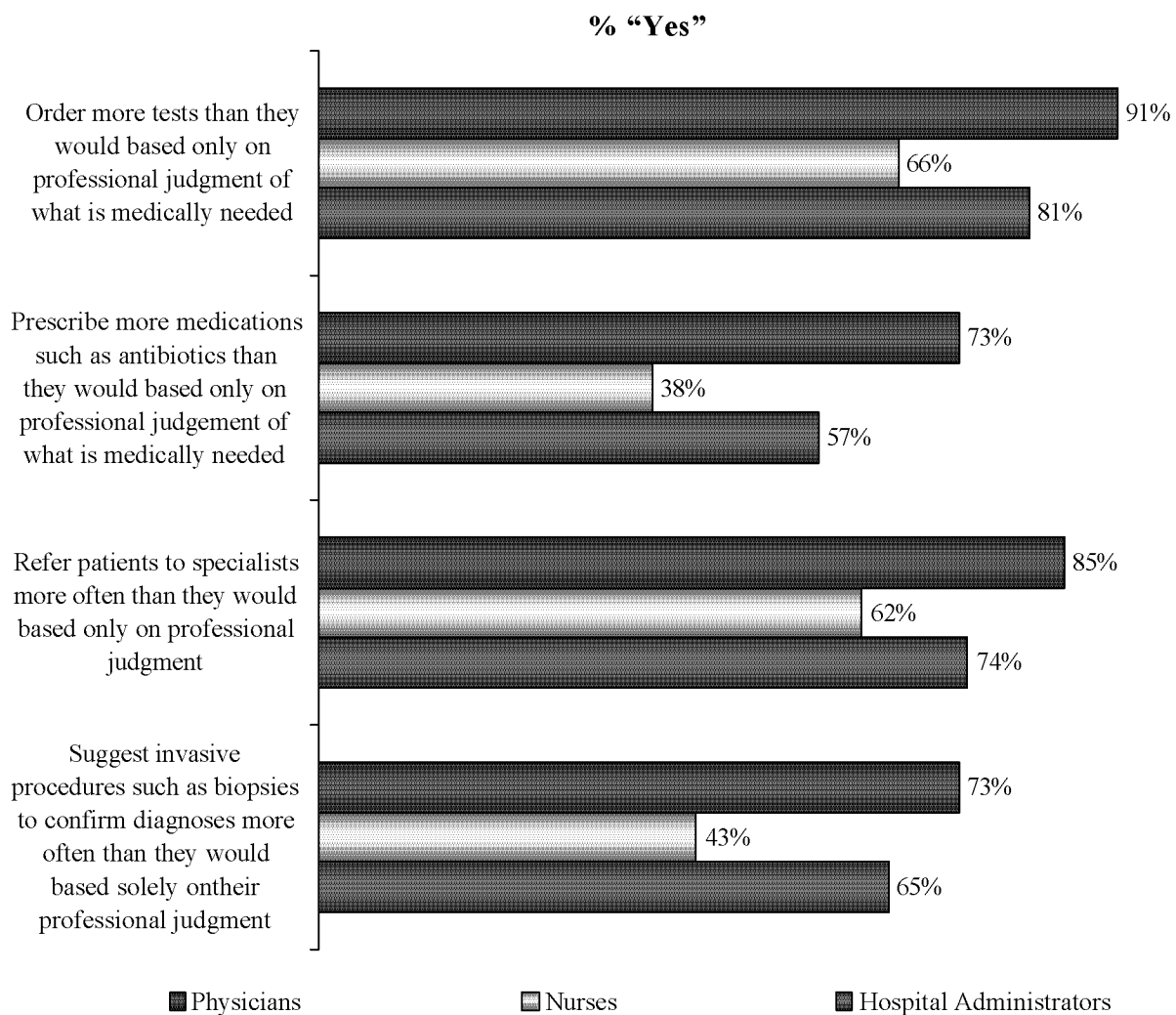


Table 7**Impact of Liability Concerns on Physicians Personal Behavior**

When talking about their own behavior, physicians report that they personally often do more than they feel is medically needed because of concerns about malpractice liability. Compared with their observations of physicians in general, physicians were somewhat less likely to report that they themselves had their behavior influenced in this way – particularly when it came to prescribing more medications and ordering invasive procedures.

Q306 Based on your experience, have you noticed the fear of malpractice liability causing physicians to . . . ?

Base: All respondents

Q311 Do concerns about malpractice liability ever cause you to . . . ?

Base: All physicians

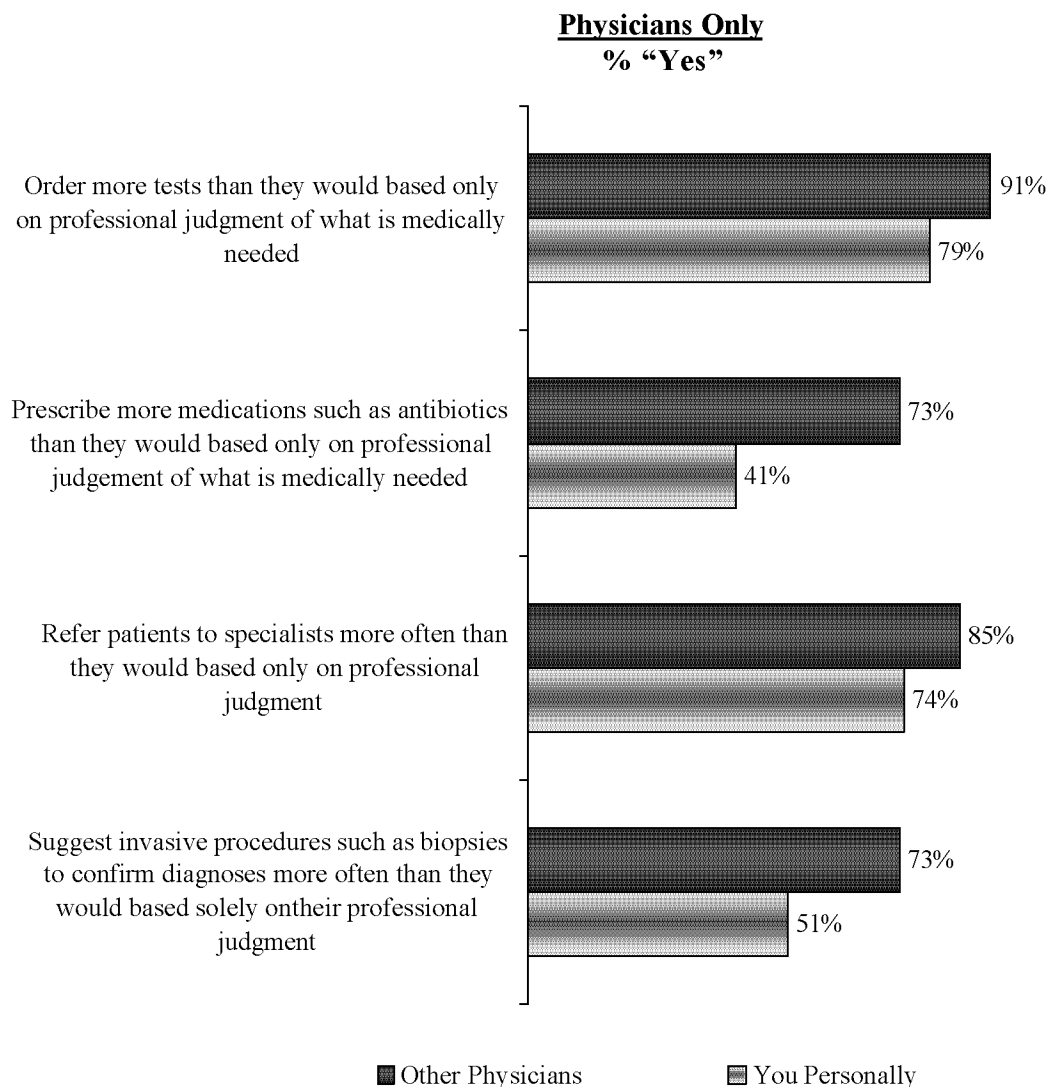


Table 8**Impact on Health Care Costs**

Given the high rate at which physicians, nurses and hospital administrators report that extra tests, referrals and procedures are being done, it is not surprising that they are viewed as having a significant impact on health care costs.

Q315 Do you think such extra tests, referrals or procedures contribute in a significant way to health care costs?

Base: All respondents

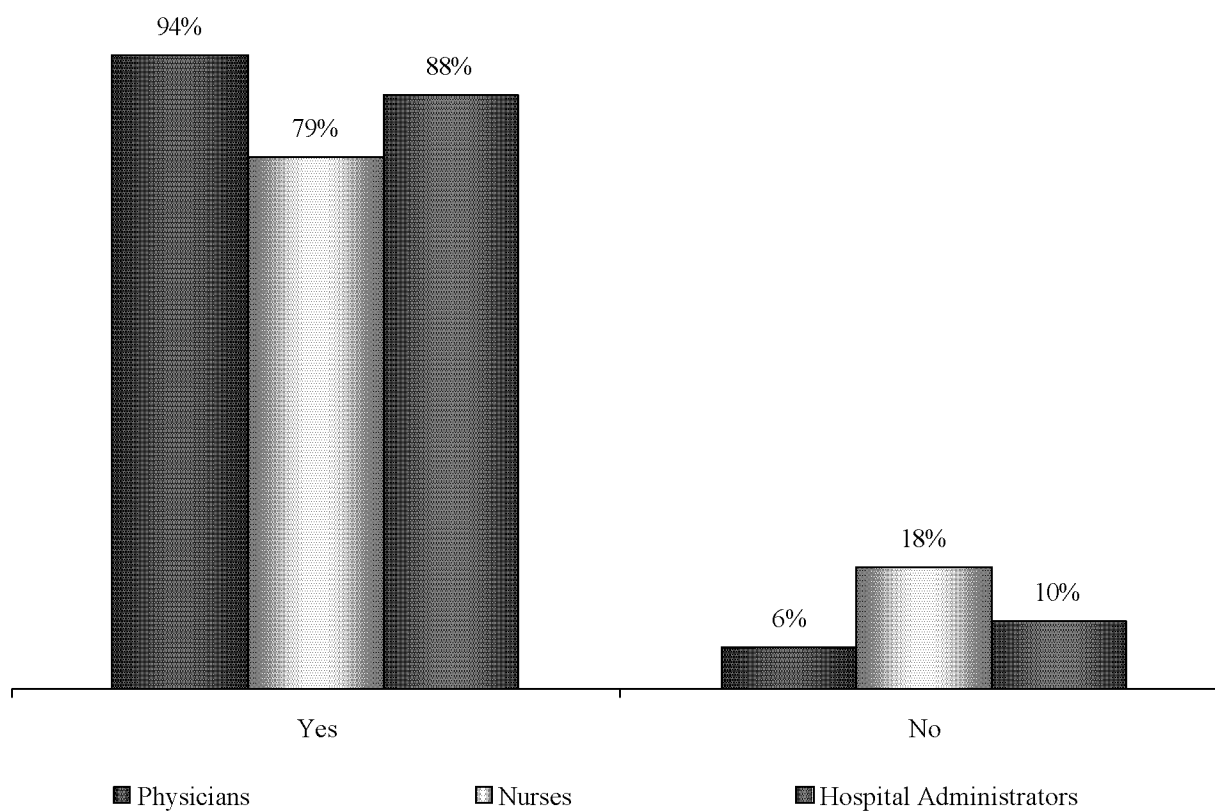


Table 9**Impact of Liability Concerns on End of Life Issues**

Liability concerns also impact decisions made by physicians at the end of a patient's life. Roughly half of all physicians and nearly as many nurses and hospital administrators report that they are aware of physicians resorting to aggressive treatments, being reluctant to make humane choices, and even going against a patient's expressed wishes due to liability concerns.

Q321 Based on your experience, have you noticed . . . ?

Base: All respondents

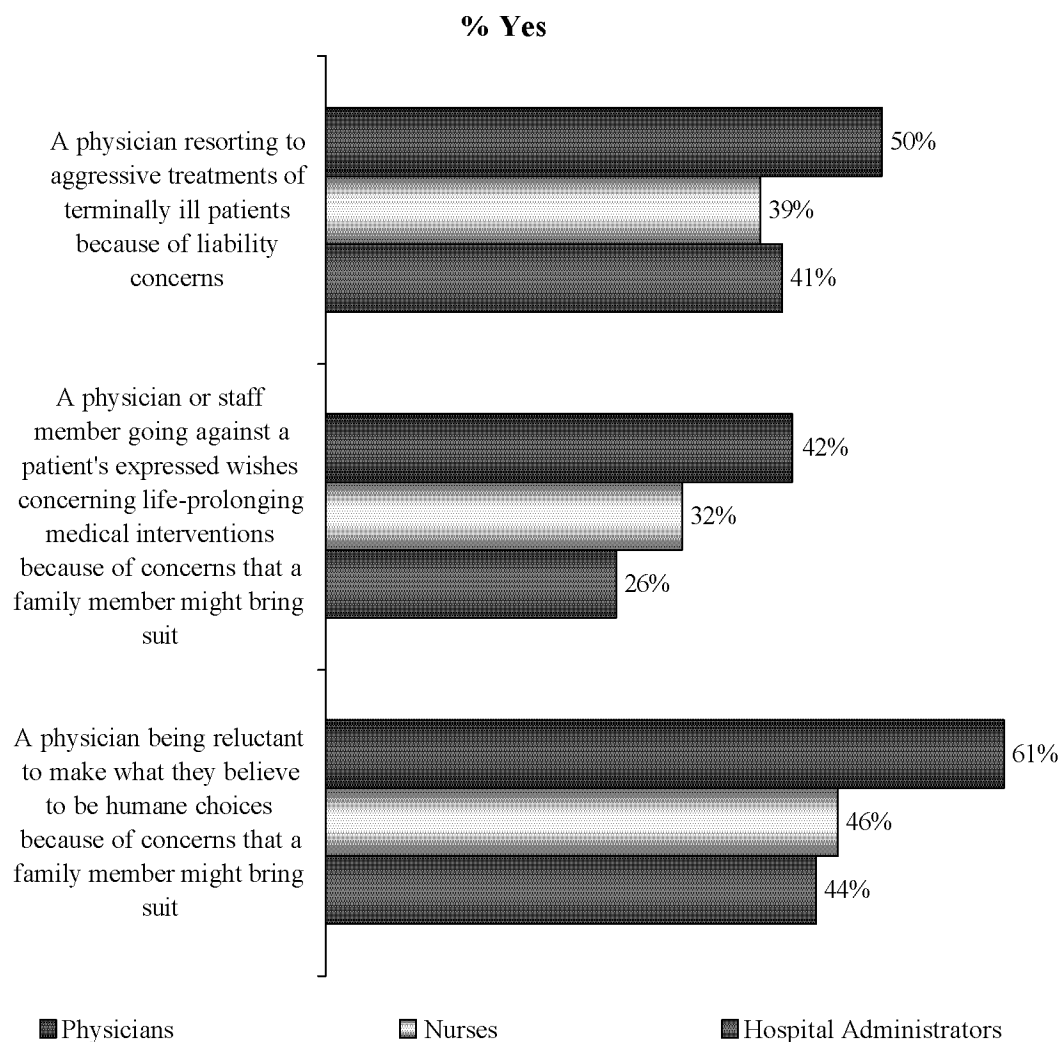


Table 10**Excessive Care Provided Due to Fear of Medical Liability**

In summary, physicians clearly feel that unnecessary or excessive care is at least sometimes provided due to malpractice concerns. Hospital administrators agree with physicians while thinking it is slightly less of an issue. Nurses however, view this as occurring more rarely.

Q325 Based on your experience, how often do you think unnecessary or excessive care is provided because of the fear of medical liability?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Very Often/Sometimes (Net)	94	66	84
Very often	38	18	20
Sometimes	56	48	64
Rarely/Never (Net)	6	32	15
Rarely	5	30	13
Never	*	2	2

Table 11**Nurses Views on Impact of Liability Protection Rules or Protocols**

Although not a major obstacle for most nurses, nearly half of all nurses feel that rules or protocol established for liability protection prohibit or discourage them at least sometimes from doing what they feel is right for the patient.

Q330 How often do you feel prohibited or discouraged from doing what you think is right for the patient because of rules or protocols set up for liability protection – would you say very often, sometimes, rarely or never?

Base: All nurses

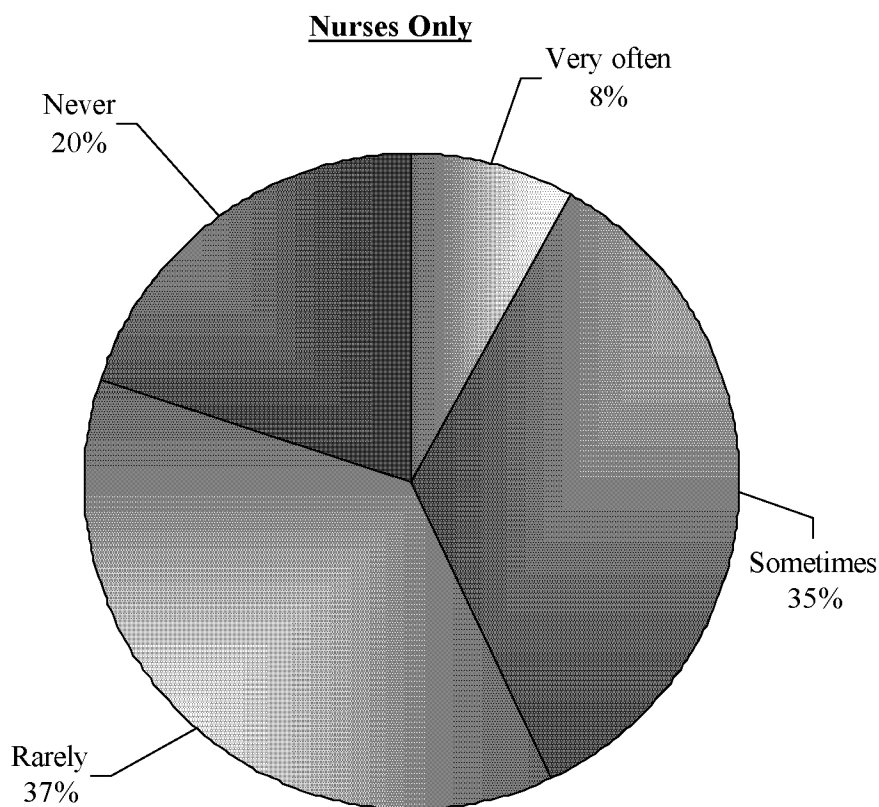


Table 12**Hospital Administrators Views on Creation of Liability Protection Rules or Protocols**

While hospital administrators feel that established rules and protocol have improved or enhanced patient safety, they also think that unnecessary rules of protocol are often created because of liability concerns.

Q335 In establishing procedures, to what extent do you think unnecessary rules of protocol are created out of a concern about liability protection – would you say very often, sometimes, rarely or never?

Q337 To what extent do you think that established rules or protocol have improved or enhanced patient safety - would you say a lot, a little, or not at all?

Base: All hospital administrators

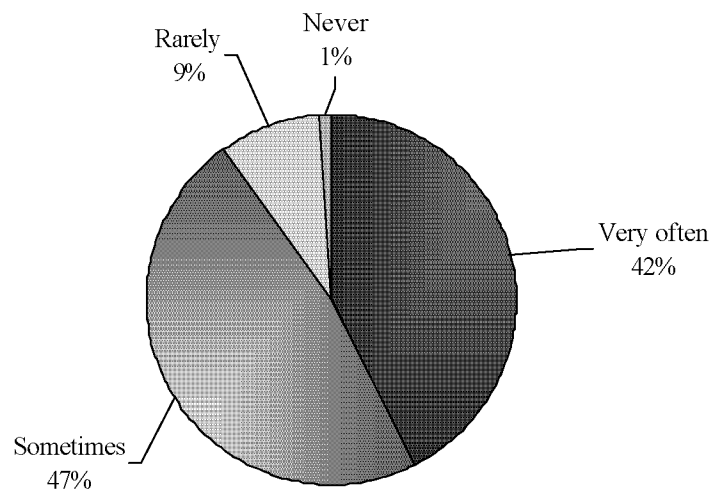
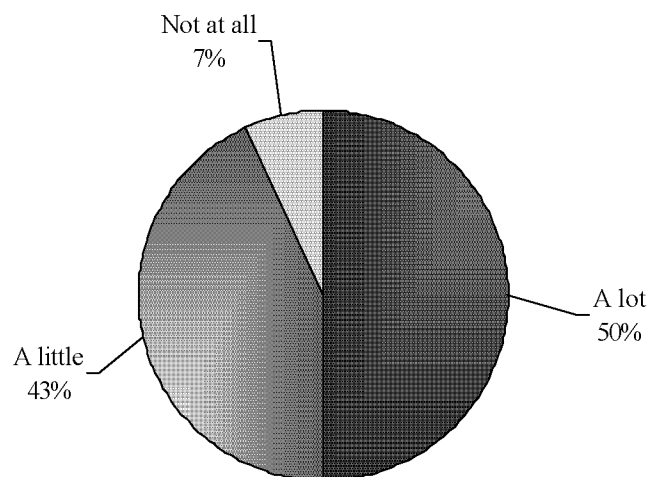
Hospital Administrators Only**Creation of Unnecessary****Impact on Patient**

Table 13**Hospital Environment for Reporting Medical Errors**

While nearly all nurses and hospital administrators feel their hospitals encourage the reporting of medical errors, physicians are somewhat less likely to feel this way with roughly one-third reporting an environment that neither encourages nor discourages error reporting.

Q220 On the whole, in your hospital, or the hospital to which the majority of our patients are admitted, are staff encouraged to or discouraged from reporting medical errors, including dispensing incorrect medications or medication does, surgical mistakes and human error in interpreting results of diagnostic tests?

Base: All respondents

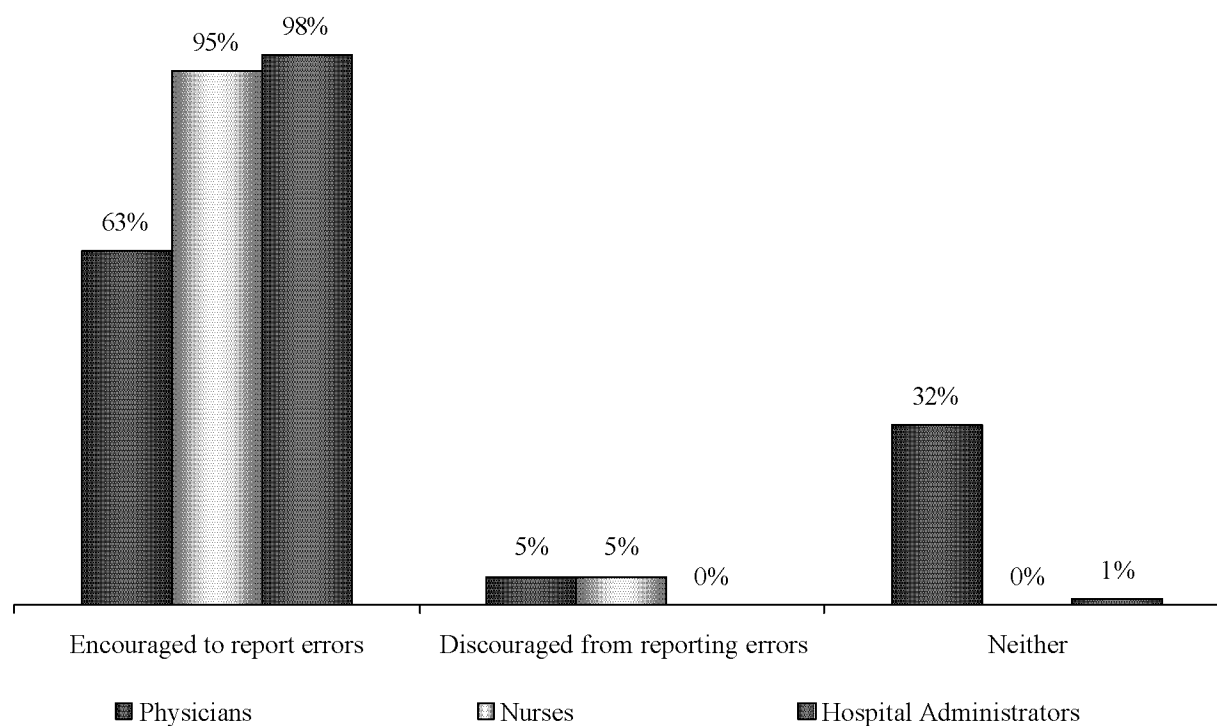


Table 14**Discussing Adverse Events With Colleagues**

Nurses and hospital administrators are somewhat more likely than physicians to report that their colleagues are comfortable discussing adverse events with them.

Q405 How comfortable do you think your colleagues are discussing adverse events or uncertainty about proper treatment with you?

Base: All respondents

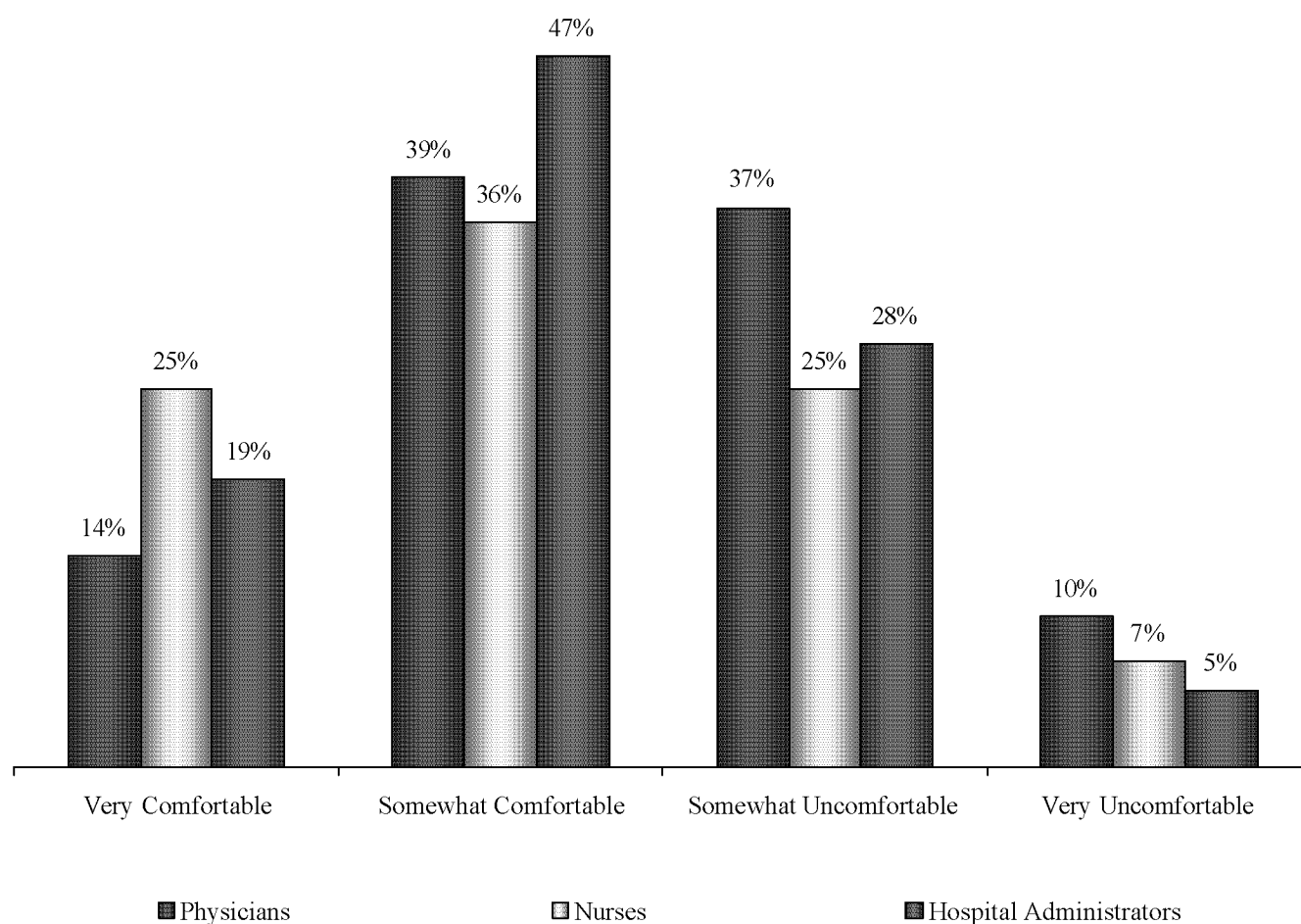


Table 15**Discussing Medical Errors With Colleagues**

While the majority of all groups feel that colleagues are uncomfortable discussing medical errors, physicians and nurses are even more likely to report feeling this way.

Q410 How comfortable do you think your colleagues are discussing medical errors with you?

Base: All respondents

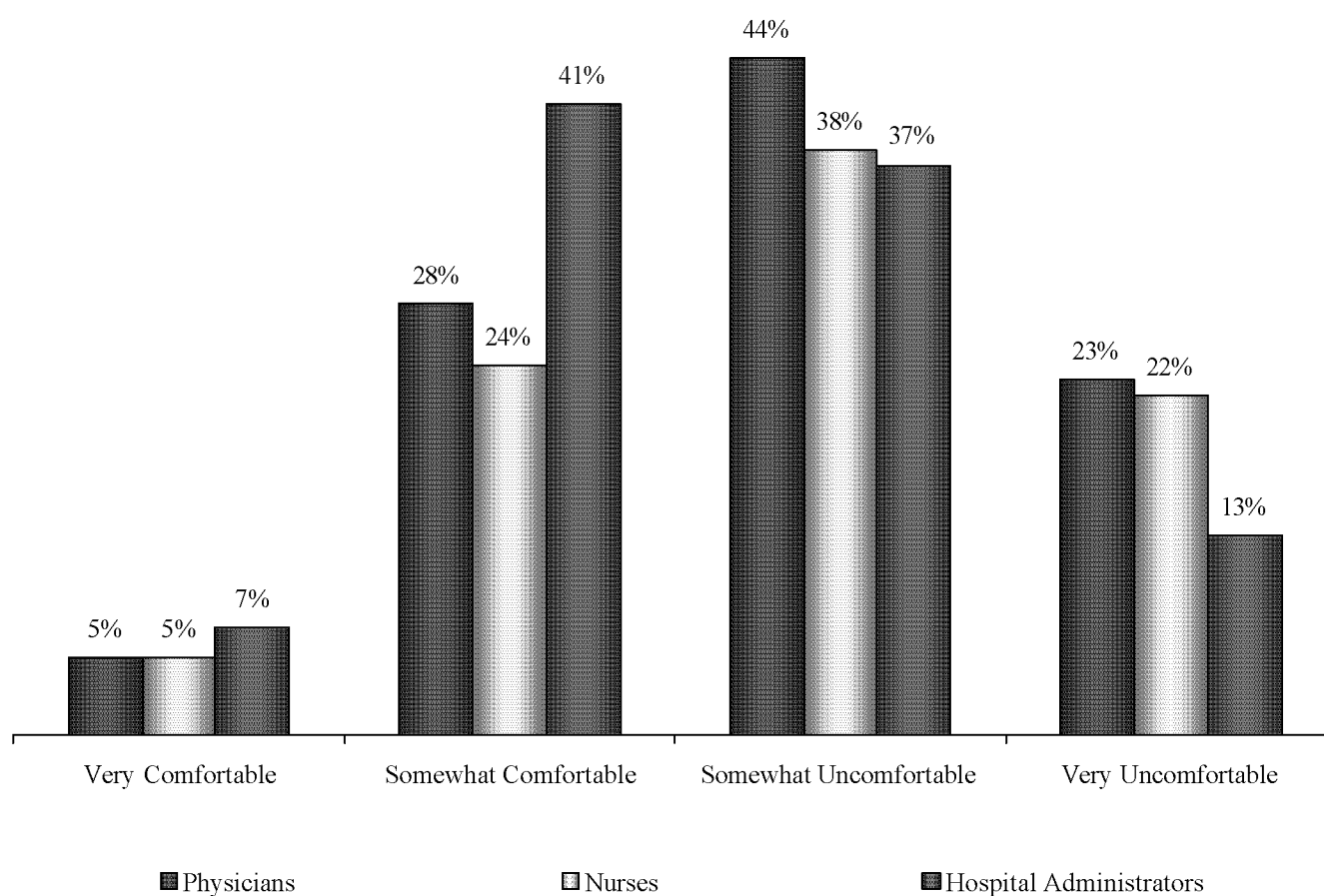


Table 16**Impact of Discussing Medical Errors in Avoiding Similar Mistakes**

Despite the previously noted finding that many are uncomfortable discussing adverse events and errors, physicians and nurses both report that such discussions are very often or sometimes helpful in avoiding making similar mistakes in actual medical cases.

Q415 How often does a frank discussion of an adverse event or error helped you or a colleague avoid making a similar mistake in an actual medical case?

Base: Physicians and Nurses

	Physicians	Nurses
Base:	300	100
	%	%
Very Often/Sometimes (Net)	73	69
Very often	12	18
Sometimes	61	51
Rarely/Never (Net)	27	30
Rarely	24	25
Never	3	5

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Table 17**Impact on Discussions About Medical Errors**

Among physicians and hospital administrators, fear of liability is the leading factor that discourages open discussions about how to reduce medical errors. While fear of liability is also significant for nurses, not wanting to upset or criticize a colleague is seen as slightly more important in discouraging these discussions.

Q421 Generally speaking, how much do you think that each of the following discourages medical professionals from openly discussing and thinking of ways to reduce medical errors?

Base: All respondents

	Physicians			Nurses			Hospital Administrators		
	A	A	Not At	A	A	Not At	A	A	Not
	Lot	Little	All	Lot	Little	All	Lot	Little	At All
	%	%	%	%	%	%	%	%	%
Fear of liability	59	35	6	22	52	25	25	57	17
Not wanting to upset or criticize a colleague	34	60	5	24	57	17	23	65	10
The environment in your hospital	16	49	36	14	43	43	3	46	51

Table 18**Impact of Fear of Liability on Disclosing Quality Deficiencies**

Unlike hospital administrators and nurses, three-fourths of physicians see fear of liability as at least sometimes leading hospitals to avoid disclosing quality deficiencies.

Q425 How often do you think that fear of liability leads hospitals to avoiding disclosing quality deficiencies?

Base: All respondents

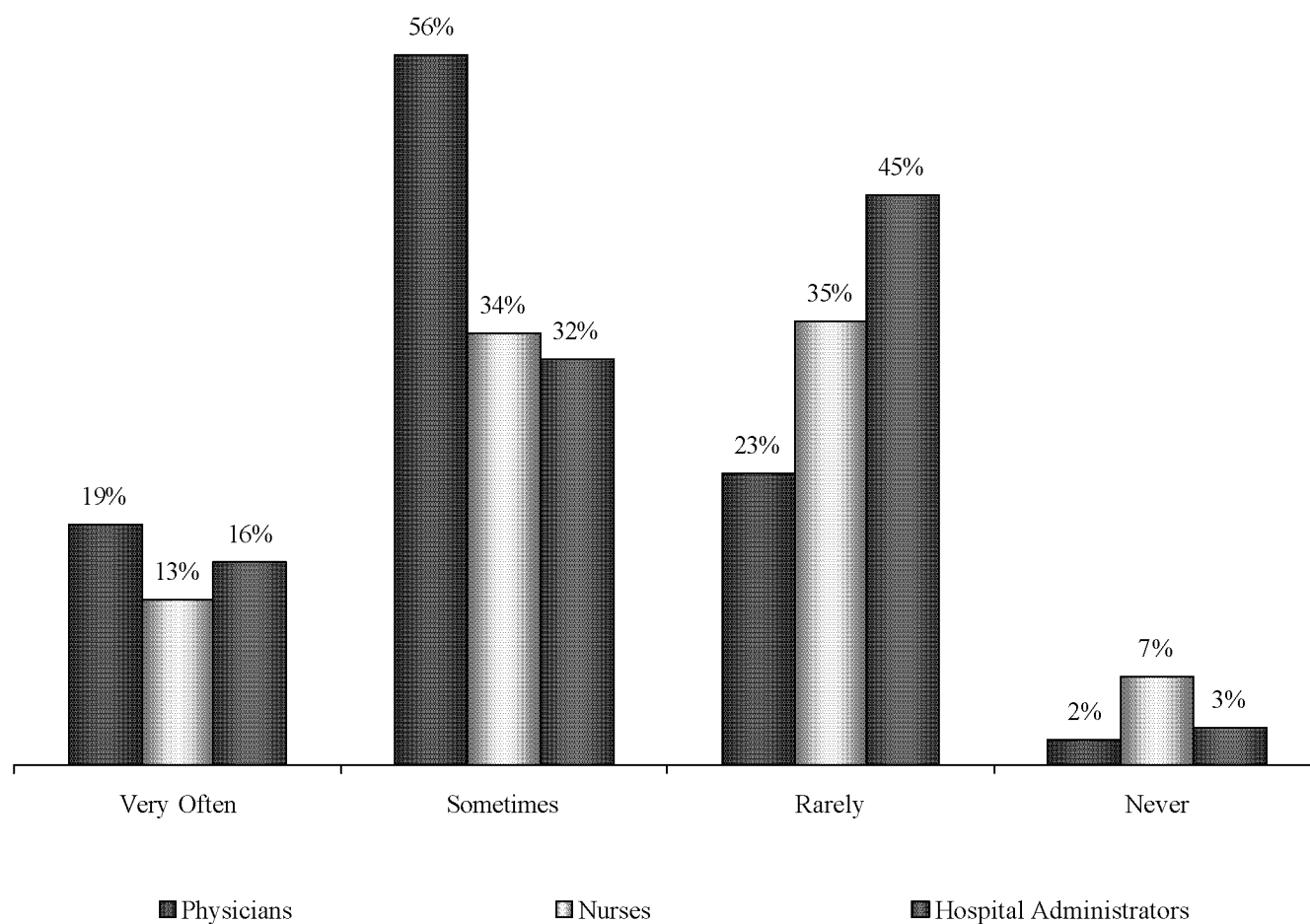


Table 19**Impact of Fear of Liability on Sharing Patient Inquiry Results**

Physicians again have a stronger view on the significance of liability concerns on impacting hospital behavior. More than half feel that liability concerns are the primary reason why hospitals do not share the results of inquiries into patient injury cases. Nurses and hospital administrators generally agree but are more likely to feel it is a minor reason.

Q430 How significant of a factor do you think liability concerns are in hospitals not sharing the results of inquiries into patient injury cases?

Base: All respondents

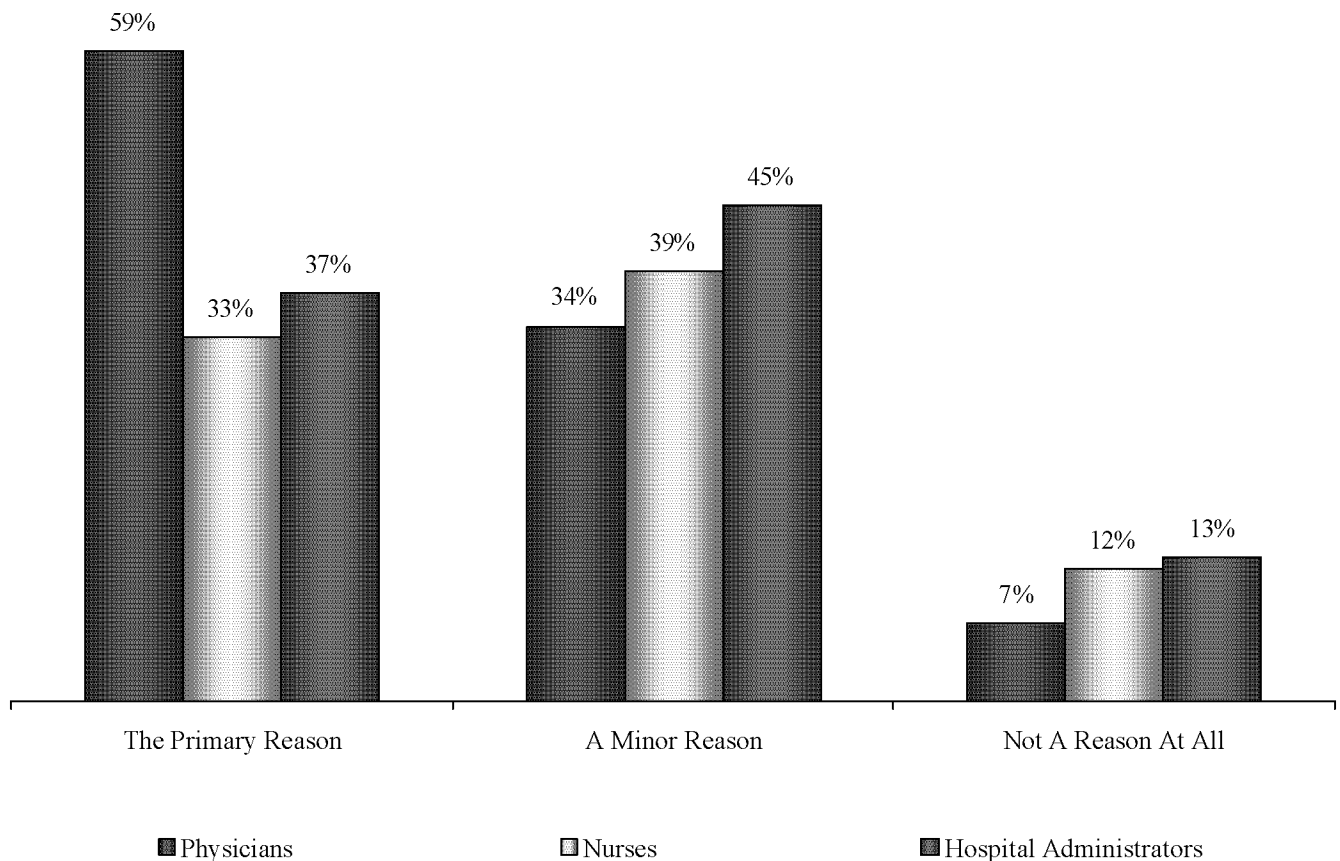


Table 20**Impact on Relationship With Patients**

Nurses overwhelmingly report that malpractice concerns have not impacted their relationships with patients. Physicians however, display a more mixed response. Although many report no impact on patient relations, over one-third say that malpractice concerns have made their relationships less personal. One in six feel their relationships with patients have become more personal as a result of these concerns.

Q505 Would you say that concerns about malpractice have made your relationship with your patients . . . ?

Base: Physicians and Nurses

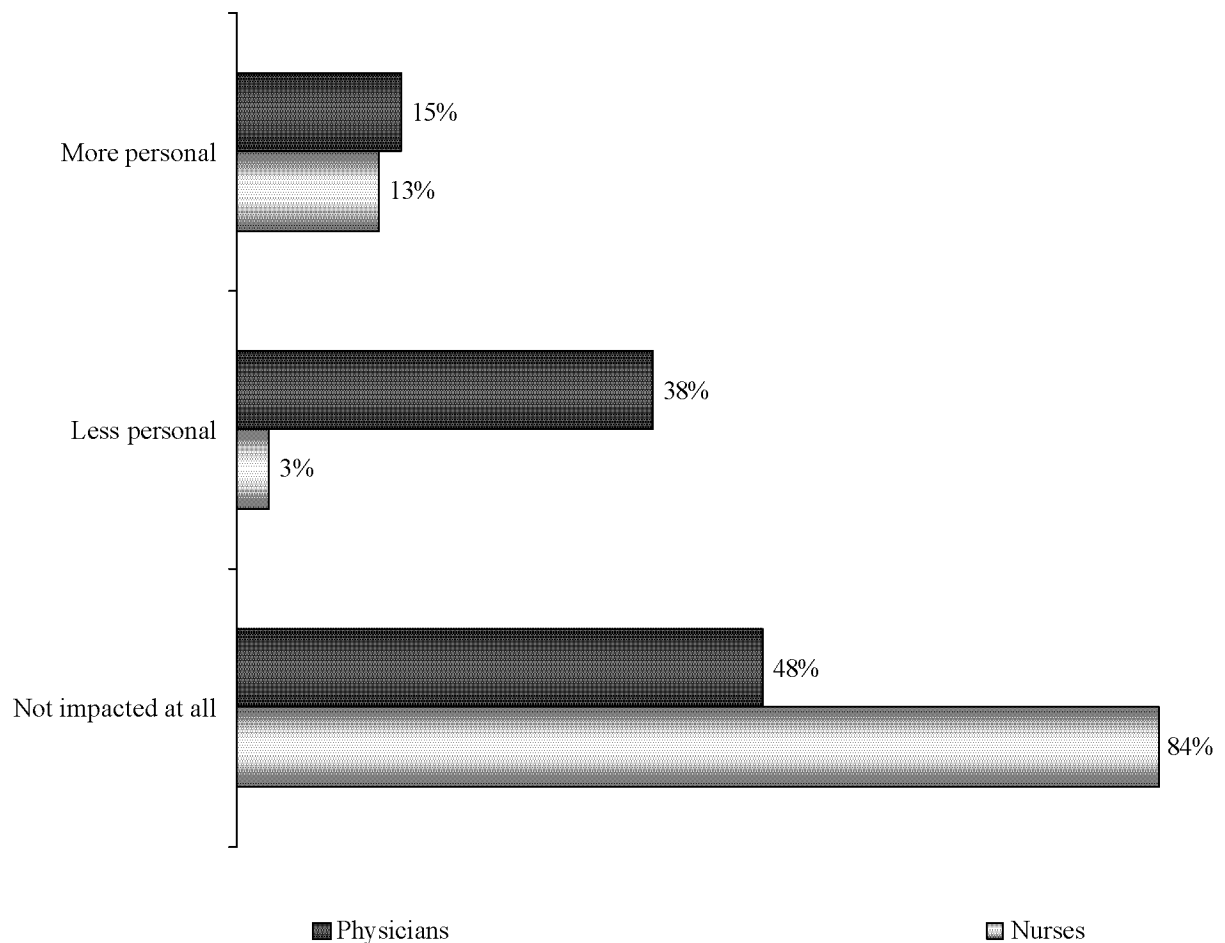


Table 21**Impact on Discussions With Patients**

Once again, most nurses don't feel their discussions with patients have been impacted at all by malpractice concerns. Nearly half of all physicians say they are more candid in their discussions with patients because of malpractice worries. Only one in six physicians feel that malpractice concerns have caused them to be less candid with patients.

Q510 Would you say that concerns about malpractice have caused you to be . . . ?

Base: Physicians and Nurses

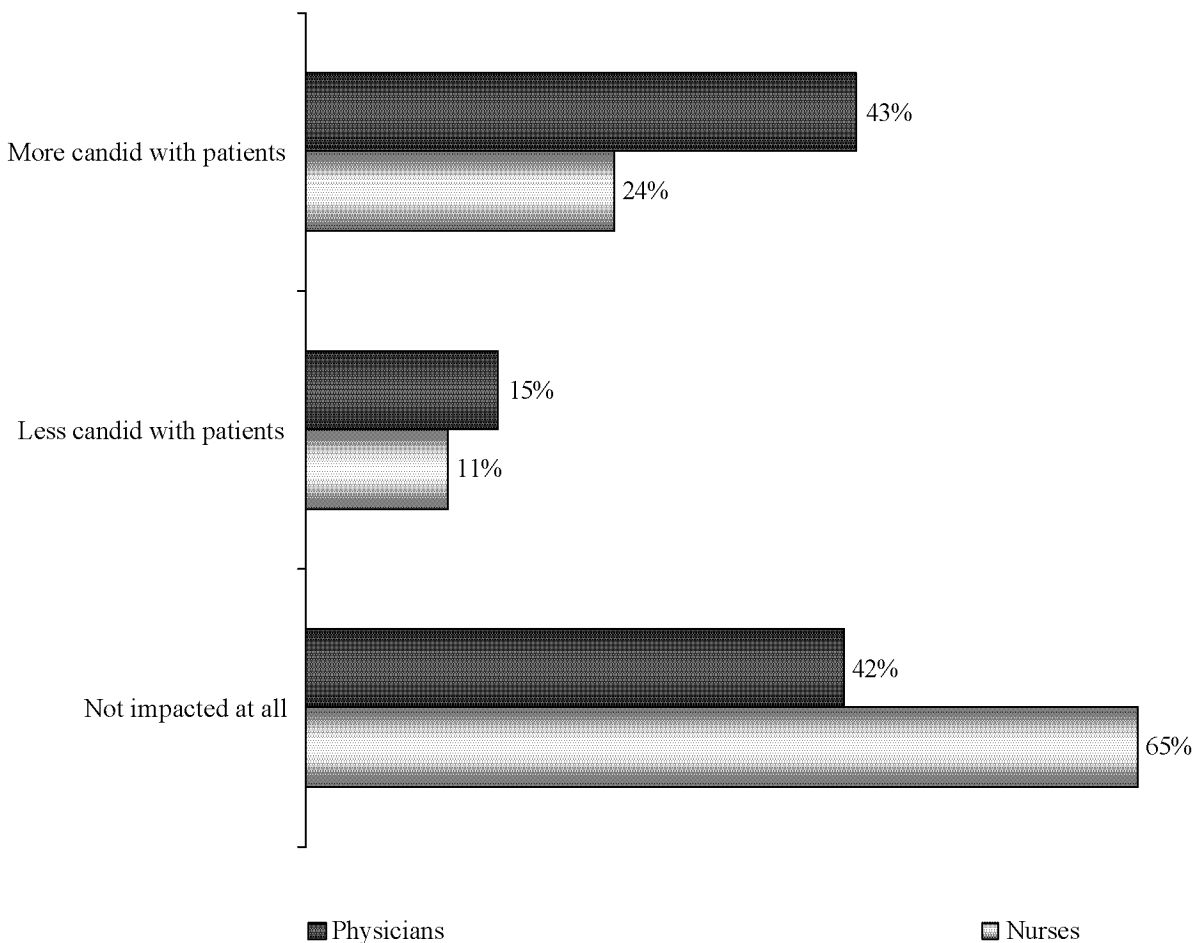


Table 22**Use of Fear of Litigation to Avoid Difficult Discussions**

Most physicians themselves think that fear of litigation is rarely or never used as an excuse or way to avoid difficult discussions of errors with patients. Hospital administrators and nurses are more likely to think that physicians do this.

Q515 Some people have argued that physicians may use the fear of litigation as an excuse or way to avoid difficult discussions of errors with patients. How often do you think physicians do this?

Base: All respondents

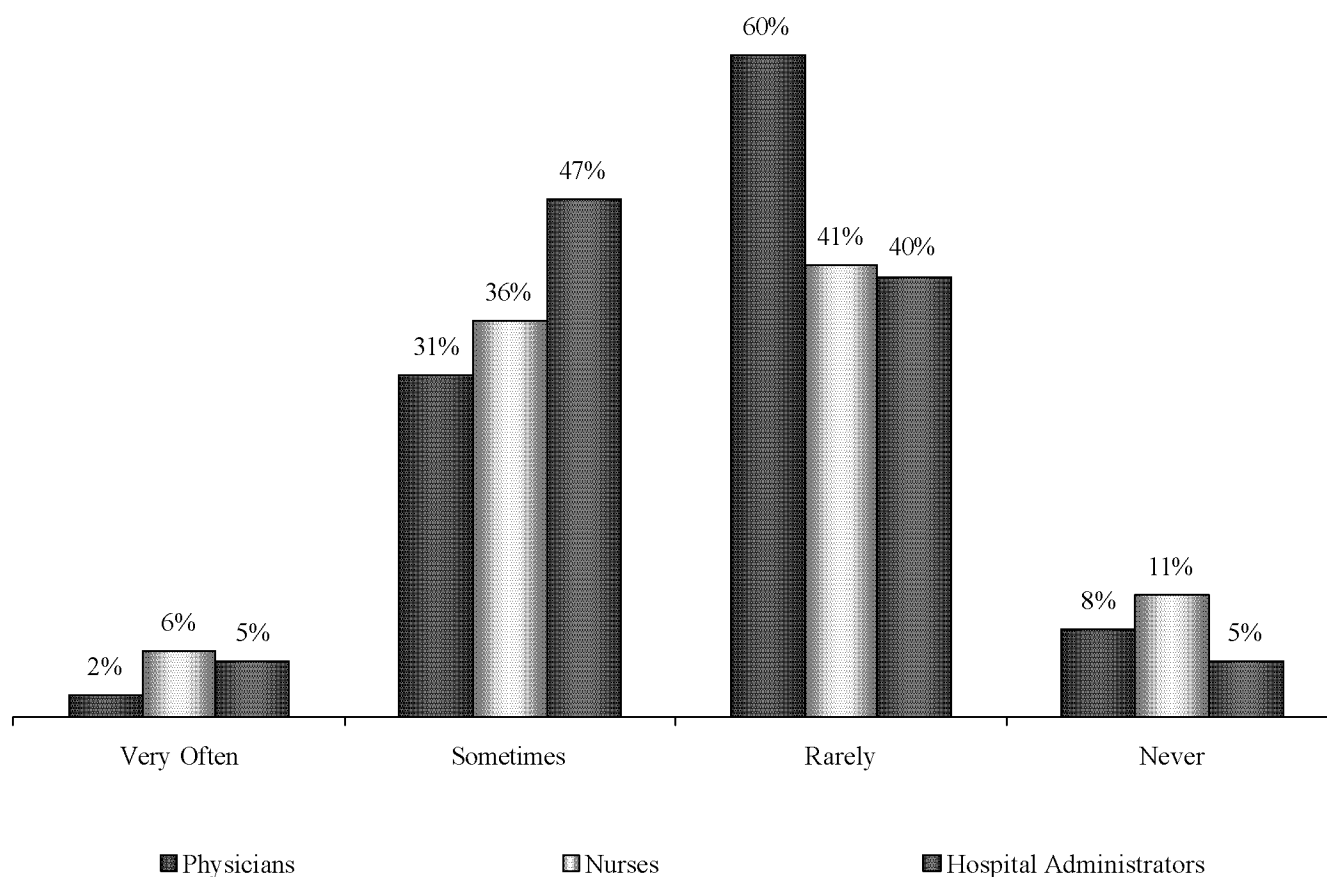


Table 23**Physicians Admitting Errors and Apologizing to Patients**

Views among the three groups differ greatly when it comes to physicians admitting errors and apologizing. Hospital administrators think that this has become more likely to occur. Physicians feel that since they have been practicing it has become less likely or not changed at all. Most nurses have not seen any change in this at all during the years that they have been practicing.

Q520 In the years that you have been practicing, do you think that physicians have become more likely to admit errors and apologize to patients, less likely, or hasn't this changed at all?

Base: All respondents

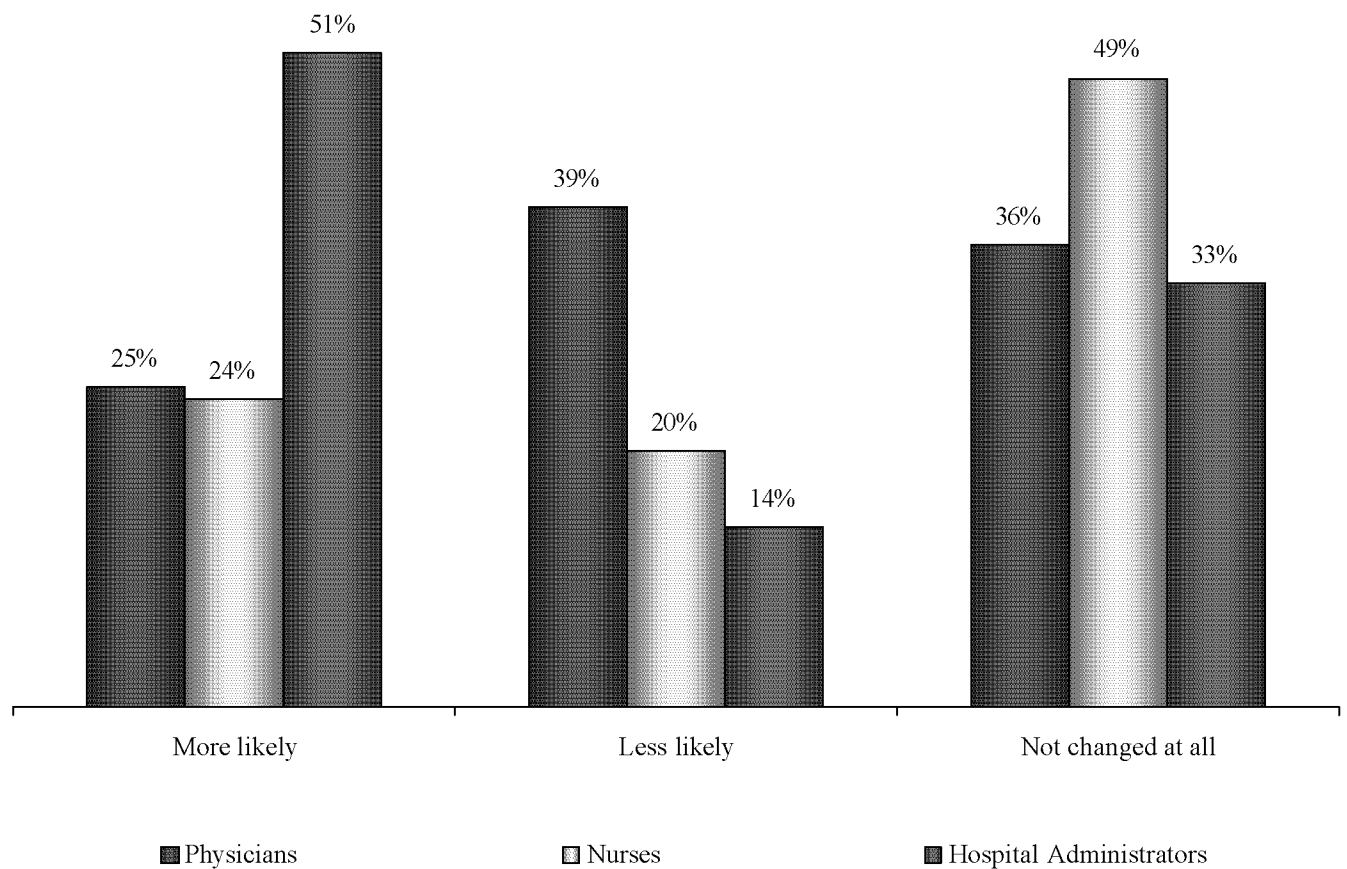


Table 24**Time Spent on Paperwork Due to Malpractice Concerns**

Both physicians and nurses are nearly unanimous that malpractice concerns cause them to spend more time on paper work than they otherwise would.

Q605 Would you say that you spend more time on paper work, such as medical record documentation, because of malpractice concerns than you would based solely on the patient's clinical needs?

Base: All respondents

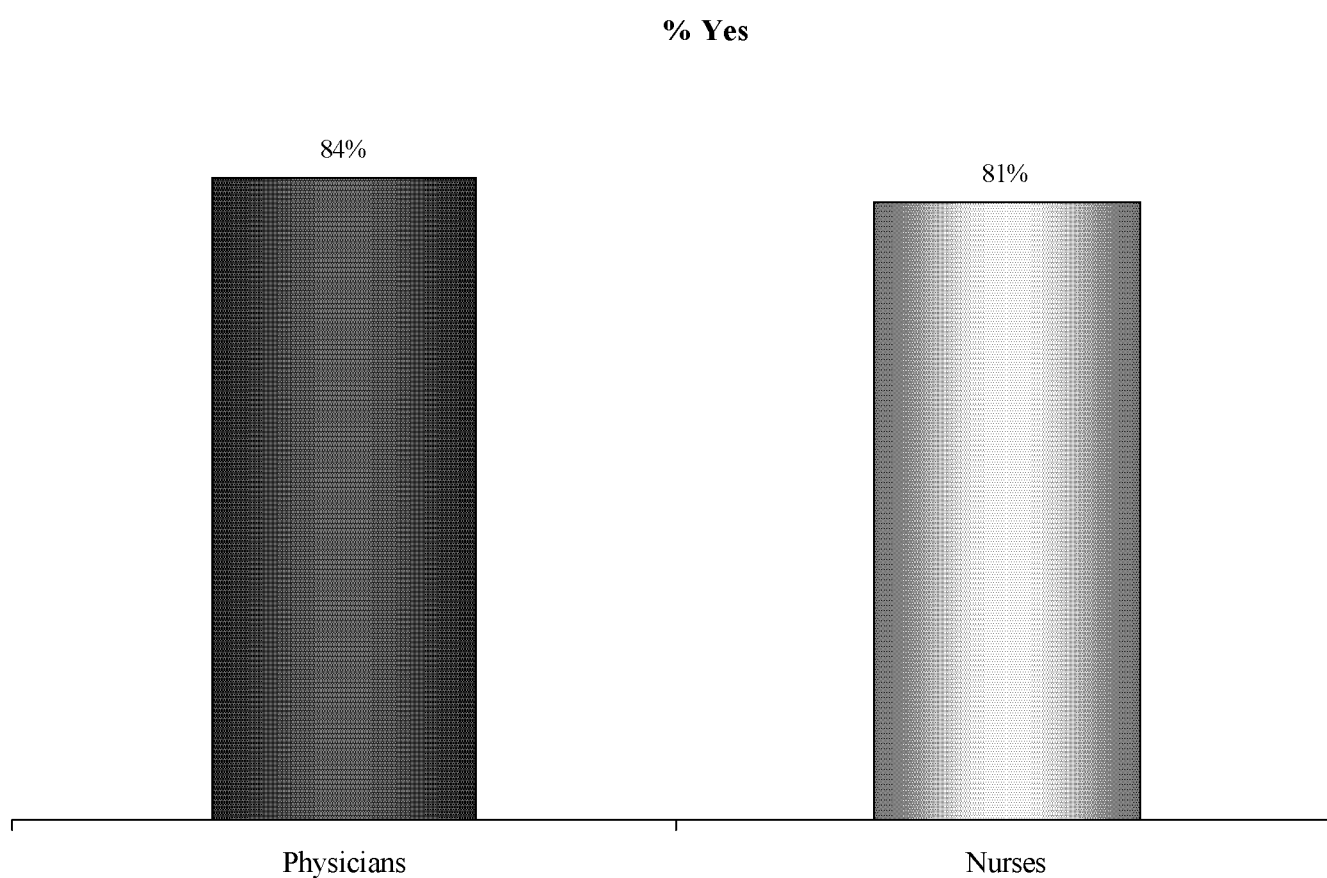


Table 25**Case Documentation Influenced by Fear of Litigation?**

Fear of litigation not only impacts the amount of paper work, but also content. Nearly all physicians report that written descriptions of cases are influenced by malpractice concerns. Nurses and hospital administrators also agree with this perception.

Q610 How often do you think physicians' written description of cases are influenced by fear of litigation?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Very Often/Sometimes (Net)	93	72	79
Very often	45	31	33
Sometimes	48	41	46
Rarely/Never (Net)	7	24	20
Rarely	7	21	19
Never	-	3	1

Table 26**Trust the Justice System in the Event of Law Suit**

Perhaps because they are somewhat shielded from litigation concerns, nurses are most likely to think that physicians can trust the current justice system. Physicians and hospital administrators on the other hand disagree that physicians can expect to achieve a reasonable result if sued.

Q705 If sued, do you agree or disagree that physicians can trust the current system of justice to achieve a reasonable result?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Strongly/Somewhat Agree (Net)	17	48	28
Strongly agree	2	5	8
Somewhat agree	16	43	20
Somewhat/Strongly Disagree (Net)	83	45	72
Somewhat disagree	40	28	32
Strongly disagree	42	17	40

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Table 27**Views on Change to Independent Medical Court System**

Switching to a medical court presided over by independent medical professionals and other experts gets wide support by physicians nurses and hospital administrators. Physicians are particularly strong in their support of this idea.

Q710 Instead of the current lay court system, would you favor or oppose a medical court presided over by independent medical professionals and other experts that would have authority to review and decide injury cases?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Strongly/Somewhat Favor (Net)	94	75	81
Strongly favor	49	24	40
Somewhat favor	45	51	41
Somewhat/Strongly Oppose (Net)	6	18	17
Somewhat oppose	5	11	7
Strongly oppose	1	7	10

Table 28**Assessment of Institute of Medicine's 1999 Report on Medical Errors**

Although opinion is clearly divided, most physicians, nurses and hospital administrators do not think the problem of medical errors in the United States is as large as the Institute of Medicine's 1999 report suggests.

Q215 In November 1999, the Institute of Medicine (IOM) released two reports dealing with the problem of medical errors in the U.S. saying that between 44,000 and 98,000 patients annually die as a result of preventable hospital errors. Do you agree or disagree that the problem of medical errors in the U.S. is as significant as the IOM report suggests?

Base: All respondents

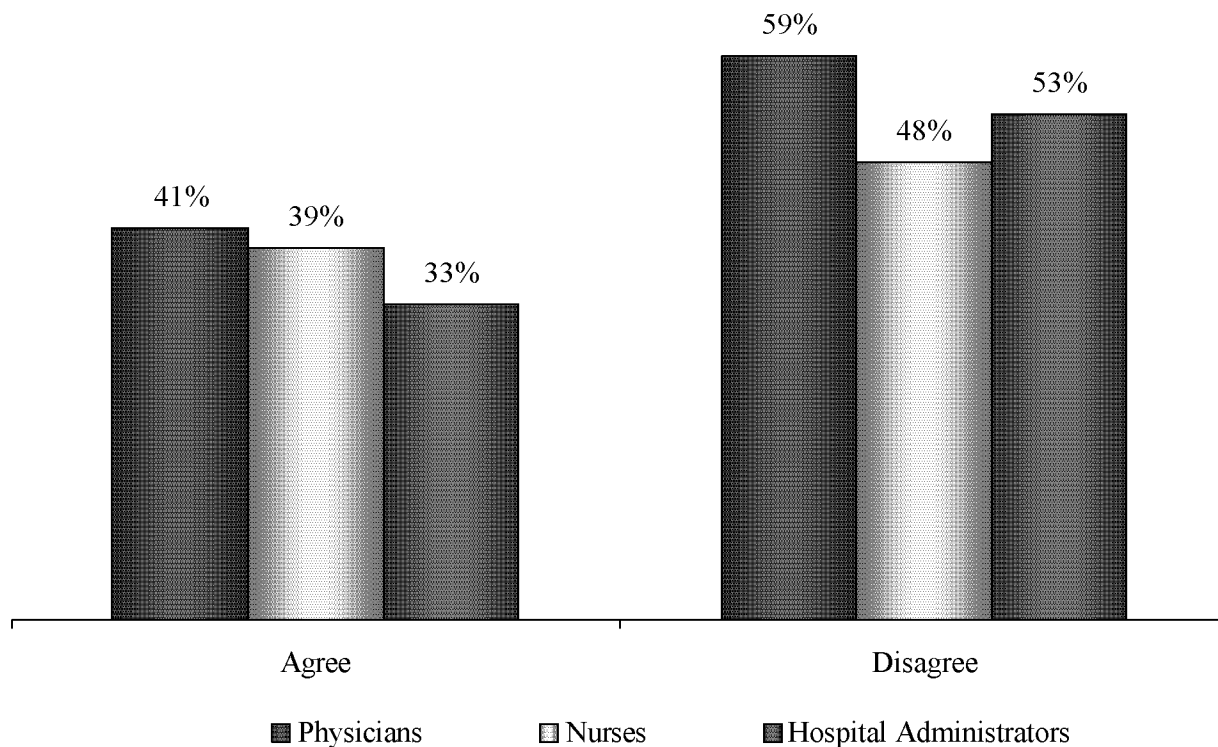


Table 29**Perceived Cause of Malpractice Claims**

All three respondent groups feel that malpractice claims occur mainly from adverse results -- physicians are even more likely to feel this way.

Q712 Do you think that malpractice claims occur mainly from actual error or mainly from adverse results?

Base: All respondents

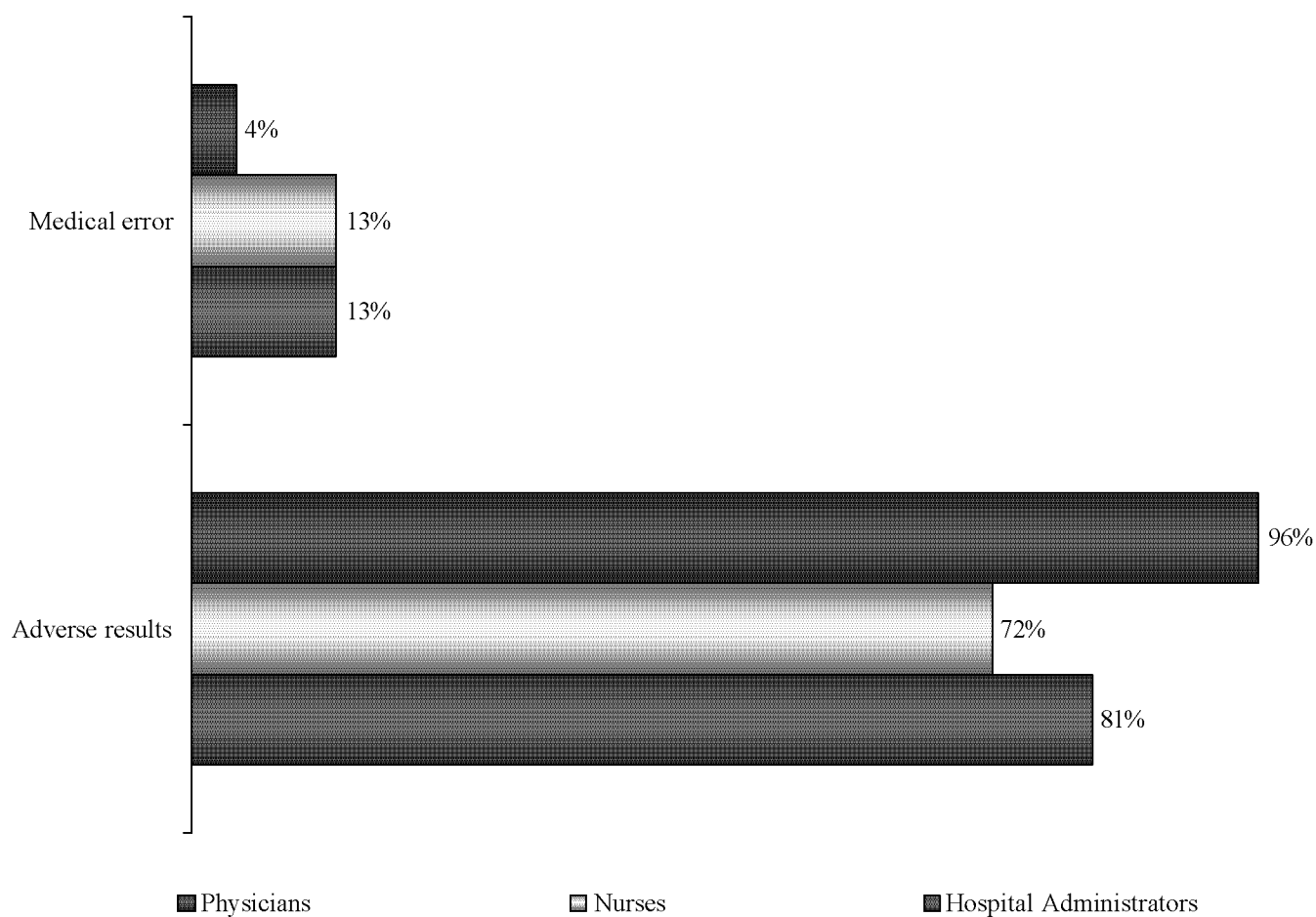


Table 30**Important Factors in Patient's Decision to Bring Lawsuit**

While the specific characterizations of are seen as the key factors in an injured patient's decision to bring or not to bring a lawsuit differ across the three respondent groups, the quality of the relationship and patient/physician communication are clearly key.

Q715 What do you think are the most important factors in an injured patient's decision to bring or not bring a lawsuit ?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Patient physician relationship	47	5	13
Greed/patient's financial status	28	26	23
Adverse outcome/unexpected outcome	14	7	7
Failed/poor communication between physician and patient	13	8	39
Patient's perception of doctor (he doesn't care/he's not honest)	11	6	11
Lawyers	9	3	19
Anger with physician/hospital	9	1	8
Patient's not educated as to results/outcomes	6	10	14
Pressure/advice from family/friends	5	3	12
Severity/degree of injury	4	21	17
Open/informative/honest communication between physician and patient	4	20	36
Actual cause (real malpractice/dangerous drug/etc.)	4	14	4
Unreasonable expectations	4	5	5
Degree of trust	4	3	3
Litigious society/litigious individual	4	2	7
Doctor/staff attitude (arrogant/ dishonest/ uncaring)	2	5	9
Patient's sense of being wronged/a victim	3	2	8
That the patient loses nothing by suing/contingency fees	2	1	1
Patient's lack of personal responsibility	2	-	1
Dissatisfaction	2	-	-

Other	12	12	4
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Table 31**Improvements for Malpractice/Patient Safety Situation**

Physicians and hospital administrators both would look to make changes to the legal system in order to improve the malpractice/patient safety situation in the United States. Improved communication and discussion of errors are also seen as important. Leading improvements noted by nurses include better informed patients, increased hospital staff, increased staff education as well as liability judgment caps.

Q720 What do you think could be done to improve the malpractice/patient safety situation in the United States?

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Cap on judgments/liability	25	12	44
Create medical court/independent skilled panel not jury/physician judges/medical review of suits	22	6	10
Tort reform/change legal system	16	1	17
Better communication between patient and physician	10	8	6
Discuss errors honestly/non-punitively	9	3	14
Allow doctor to spend more time with patient (decrease workload/increase compensation)	7	8	6
Error reporting/quality control processes	7	4	4
Limit lawyers fees	7	1	6
Loser (patient and/or lawyer must pay costs)	7	-	6
Eliminate contingency fees	7	-	1
Better informed patients/realistic expectations	6	16	12
Provide for sanctions against lawyers/frivolous suits	5	-	2
Education of doctors/nurses/staff	4	12	1
Decrease frivolous suits	4	4	9
Remove/limit lawyers	4	1	6
Arbitration	4	-	7
A no fault malpractice systems	3	-	6
Change health care system	3	-	-
Eliminate HMO's/managed care	2	3	2

More staff/nurses	1	14	4
Restrict malpractice advertising	1	3	-
Nothing can be done	1	3	-
Develop universal standards of care	1	-	-
Make it harder to sue	1	-	-
Other	23	15	13

Table 32**Actual Case Descriptions Where Fear Of Liability Contributed to Bad Result**

While many respondents could not cite a specific case, prolonged life support with not chance of survival or against a patient's wishes as well as unnecessary testing and procedures were the most noted among those physicians and hospital administrators. Nurses most often described a case where death or severe reaction occurred due to over medication or incorrect medication.

Q725 Please describe the worst case you have knowledge of in which you think that fear of liability contributed to a bad result for the patient.

Base: All respondents

	Physicians	Nurses	Hospital Administrators
Base:	300	100	100
	%	%	%
Life support of a patient with no chance of survival/DNR	10	4	6
Excessive/unnecessary tests/procedures resulting in adverse consequences	10	1	8
Death or severe reaction due to over medication/incorrect medication	2	9	1
Surgeon's mistake	3	2	2
Only negative result has been increased cost	2	-	3
Failure to diagnose/misdiagnosis	1	5	-
Complications from unnecessary placement of cardiac catheter	3	-	-
Delay/other problem involving labor and delivery	-	4	4
Unnecessary biopsy	3	-	-
Hiding a medical error/lying to family	1	-	4
Severe reaction from cat scan contrast medium	2	-	-
Unnecessary induction of labor/caesarian section	2	-	-
Don't work in acute care/doesn't apply	-	1	3
Doctors don't think of liability, they do their best	-	-	2
Other	15	14	4
Not sure	44	60	59

Decline to answer

3

4

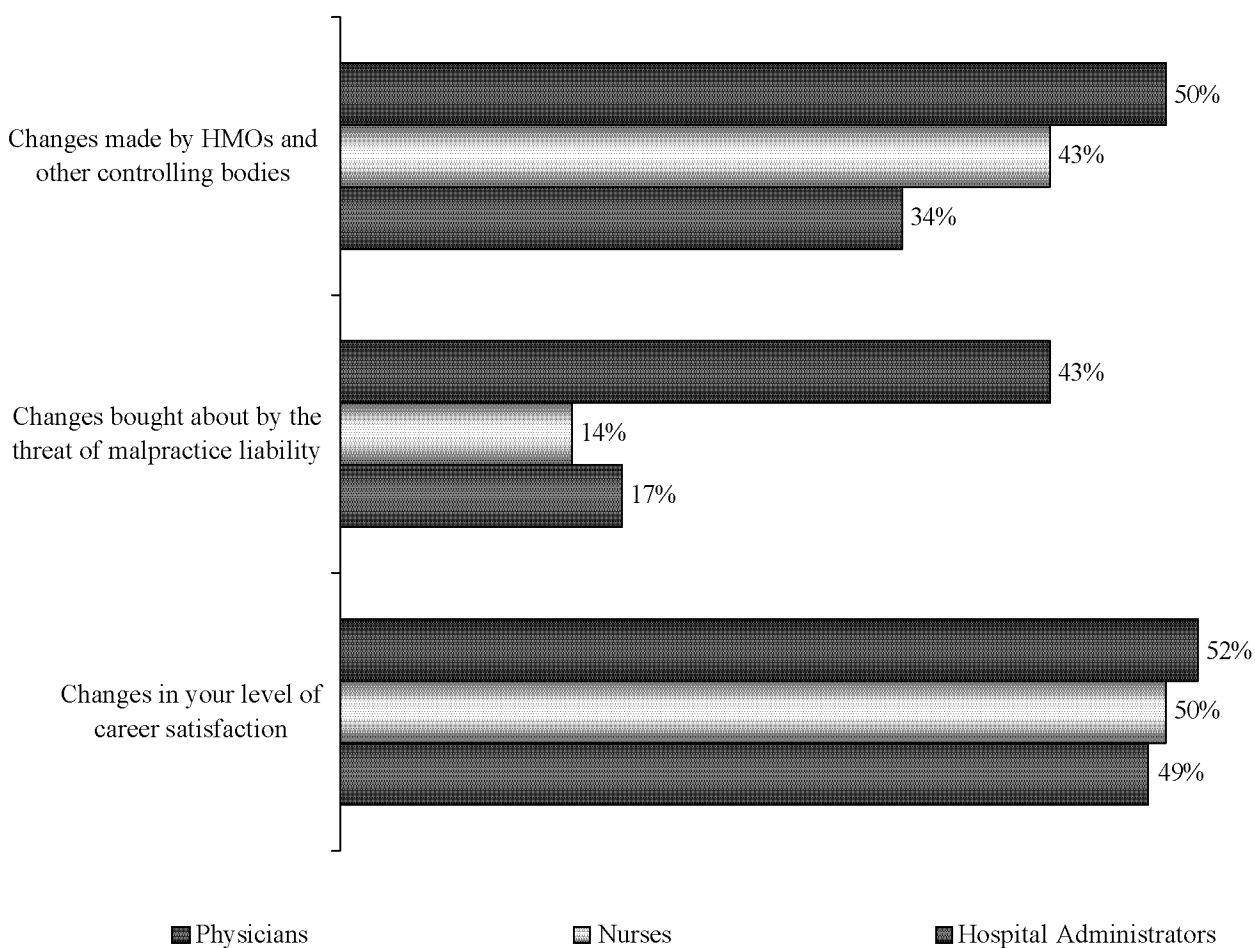
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Table 33**Considered Leaving the Medical Profession**

While changes in levels of career satisfaction have caused roughly half of all respondent groups to consider leaving medicine, changes made by HMOs as well as those brought about by the threat of malpractice liability have had nearly as great an impact upon physicians.

Q120 Have you ever considered leaving the medical profession because of . . . ?

Base: All respondents



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APPENDIX A: METHODOLOGY

METHODOLOGY

AN OVERVIEW

The Fear of Litigation Study – The Impact on Medicine was conducted for Common Good by Harris Interactive Inc. The final results are based on interviews with representative samples of 300 physicians, 100 hospital-based nurses, and 100 hospital administrators. Interviews averaging 15 minutes in length took place between March 4 and 20, 2002. The physicians interviews were conducted online and the results were weighted using the AMA Physician Masterfile to be representative of physicians in the United States. The nurses and hospital administrators were interviewed by telephone. The following provides a more detailed description of the sampling and interviewing procedures used.

HARRIS POLL ONLINE OVERVIEW

Harris Interactive's online interviewing of physicians utilized The Harris Interactive Physician Panel Online which consists of practicing physicians involved in "hands-on" patient care in the United States who have agreed to participate in online research about healthcare-related issues. In addition to Primary Care Physicians, every major medical specialty and sub-specialty are represented among the members of the Panel.

Interviews conducted online utilized Harris Interactive's proprietary technology for e-mailing to large groups of respondents and enabling large numbers of respondents to simultaneously complete the survey online; and utilized advanced survey interviewing techniques, adapted to the online environment, including password protection, skip patterns, and visually-appealing fonts and formatting.

Randomly selected Harris Interactive Physician Panel members received email invitations with unique IDs and passwords, along with a link to the survey site. Physicians were offered an honorarium of \$50 or \$65 for their participation. Data were weighted to reflect the general population of general practitioners and specialist physicians. The AMA Physician Masterfile was used to create weighting targets, which included medical specialty, sex and geographic region.

ONLINE INTERVIEWING PROCEDURES

Physician interviews are conducted using a self-administered, online questionnaire, via proprietary, web-assisted interviewing software. The HPOL interviewing system permits online data entry of interviews by the respondents.

Questionnaires are programmed into the system with the following checks:

1. Question and response series
2. Skip pattern
3. Question rotation
4. Range checks
5. Mathematical checks
6. Consistency checks
7. Special edit procedures

All data are tabulated, checked for internal consistency and processed by computer. A series of computer-generated tables is then produced for each of the key sample groups showing the results of each survey question, both by the total number of respondents and by the key subgroups.

CONTROL OF THE SAMPLE

To maintain the reliability and integrity in the sample, the following procedures are used:

1. Password protection. Each invitation contains a password that is uniquely assigned to that e-mail address. A respondent is required to enter the password at the beginning of the survey to gain access into the survey. Password protection ensures that a respondent completes the survey only one time.
2. Reminder invitations. To increase the number of respondents in the survey and to improve overall response rates, up to two additional reminder invitations are typically mailed at 2-4 day intervals to those respondents who have not yet participated in the survey. For this study, two reminders were sent to respondents.

EDITING AND CLEANING THE DATA

The data-processing staff perform machine edits and additional cleaning for the entire data set. Our edit programs act as a verification of the skip instructions and other data checks that are written into the online program. The edit programs list any errors by case number, question number and type. These are then resolved by senior personnel, who inspect the original file and made appropriate corrections. Complete records are kept of all such procedures.

SIGNIFICANCE TESTING*Reliability of Survey Percentages*

It is important to bear in mind that the results from any sample survey are subject to sampling variation. The magnitude of this variation (or error) is affected both by the number of interviews—the base size—and by the level of the percentages expressed in the results.

Table A-1 shows the possible sample variation that applies to percentage results for this survey. The chances are 95 in 100 that a survey result does not vary, plus or minus, by more than the indicated number of percentage points from the result that would have been obtained if interviews were conducted with all persons in the universe represented by the sample. For example, if the response for a sample size of 300 is 30%, then in 95 cases out of 100, the response in the total population would have been between 25% and 35% (+/-5%). Note that survey results based on subgroups of small size can be subject to large sampling error.

Table A-1**Recommended Allowance for Sampling Error of Proportions (Plus or Minus)**

Sample Size	Survey Percentage Result				
	10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
300	3	5	5	6	6
200	4	6	6	7	7
100	6	8	9	10	10
50	8	11	13	14	14

Significance of Differences Between Proportions

Sampling tolerances are also involved in the comparison of results from different surveys or from different parts of a sample from the same survey (subgroup analysis). Table A-2 shows the percentage difference that must be obtained before a difference can be considered statistically significant. These figures, too, represent the 95% confidence level.

To illustrate, suppose the two percentages in question are 34% and 25%. More specifically, suppose that one group of 300 has a response of 34% “yes” to a question, and an independent group has a response of 25% to the same question, for an observed difference of 9 percentage points. According to the table, this difference is subject to a potential sampling error of 6-7 percentage points. Since the observed difference is greater than the sampling error, the observed difference is significant.

Table A-2
Sampling Error of Difference Between Proportions
 Approximate Sampling Tolerances (at 95% Confidence Level)
 To Use in Evaluating Differences Between Two Percentage Results

Sample Sizes		Survey Percentage Result				
		10% or 90%	20% or 80%	30% or 70%	40% or 60%	50%
300 v.	300	5	6	7	8	8
	200	5	7	8	9	9
	100	7	9	10	11	11
	50	9	12	14	15	15
200 v.	200	6	8	9	10	10
	100	7	10	11	12	12
	50	9	12	14	15	15
100 v.	100	8	11	13	14	14
	50	10	14	16	17	17
50 v.	50	12	16	18	19	20

Sampling error of the type so far discussed is only one type of error. Survey research is also susceptible to other types of error, such as refusals to be interviewed (non-response error), question wording and question order, interviewer error, and weighting by demographic control data. Although difficult or impossible to quantify these types of error, the procedures followed by Harris Interactive, Inc. keep errors of these types to a minimum.

APPENDIX B: DATASHEETED QUESTIONNAIRE

HARRIS INTERACTIVE
111 FIFTH AVENUE
NEW YORK, NY 10003

Project Manager: Amy Cottreau
EMAIL: acottreau@harrisinteractive.com
PHONE: (703) 288-9424

J15780

March 29, 2002

Study Number: T:\15xxx\157xx\15780 Fear of Litigation\Edit Master\J15780a_QA.doc

Field Period: March 4 – 12, 2002

FINAL DATASHEET

PHYSICIANS, NURSES, AND HOSPITAL ADMINISTRATORS DATA

SUBJECTS FOR QUESTIONNAIRE

SECTION 200: GENERAL
SECTION 300: JUDGMENTS ABOUT TEST AND MEDICINE
SECTION 400: DISCUSSIONS WITH OTHER PHYSICIANS
SECTION 500: INTERACTION WITH PATIENTS
SECTION 600: PAPERWORK ISSUES
SECTION 700: PROPOSALS FOR CHANGE
SECTION 100: DEMOGRAPHICS

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SECTION 200: GENERAL**BASE: ALL RESPONDENTS**

Q200 The status bar at top right indicates approximately what portion of the survey you have completed

BASE: ALL RESPONDENTS

Q205 Thank you for agreeing to participate in this survey. The questions that we will ask are about important medical care issues.

Setting aside improvements in technology or medical knowledge, do you think the ability of physicians and nurses to provide quality medical care to patients has improved, has gotten worse or is it about the same as it was five years ago?

	Physicians	Nurses	Hospital Administrators
Improved	31	44	55
Worse	51	28	24
About The Same	17	28	19
Not sure	NA	-	1
Decline to answer	NA	-	1

BASE: ALL RESPONDENTS

Q210 In recent years, has each of the following helped, hurt or not made a difference in your ability to provide quality patient care?

(ROTATE)

Q211	<u>Hurt</u>	<u>Helped</u>	<u>No Difference</u>	<u>Not Sure</u>	<u>Decline to Answer</u>
1 Managed care plans					
Physicians	87	5	8	NA	NA
Nurses	62	14	24	-	-
Hospital Administrators	66	9	21	2	2
2 Patient advocacy groups					
Physicians	12	33	54	NA	NA
Nurses	6	56	33	5	-
Hospital Administrators	9	43	44	3	1
3 The Internet					
Physicians	6	71	23	NA	NA
Nurses	5	58	33	4	-
Hospital Administrators	1	80	19	-	-
4 Concern about malpractice litigation					
Physicians	76	4	21	NA	NA
Nurses	41	6	51	2	-
Hospital Administrators	63	6	30	1	-

BASE: ALL RESPONDENTS

Q215 In November 1999, the Institute of Medicine (IOM) released two reports dealing with the problem of medical errors in the U.S. saying that between 44,000 and 98,000 patients annually die as a result of preventable hospital errors. Do you agree or disagree that the problem of medical errors in the U.S. is as significant as the IOM report suggests?

	Physicians	Nurses	Hospital Administrators
Agree	41	39	33
Disagree	59	48	53
Not sure	NA	13	13
Decline to answer	NA	-	1

BASE: ALL RESPONDENTS

Q220 On the whole, in your hospital, or the hospital to which the majority of your patients are admitted, are staff encouraged to or discouraged from reporting medical errors, including dispensing incorrect medications or medication doses, surgical mistakes and human error in interpreting results of diagnostic tests?

	Physicians	Nurses	Hospital Administrators
Encouraged to report errors	63	95	98
Discouraged from reporting errors	5	5	-
Neither	33	-	1
Not sure	NA	-	1
Decline to answer	NA	-	-

BASE: ALL RESPONDENTS

Q225 Since the beginning of your career, would you say your concern or awareness about the risks of malpractice liability has . . . ?

	Physicians	Nurses	Hospital Administrators
Increased	87	64	77
Decreased	-	1	4
Not changed at all	13	35	19
Not sure	NA	-	-
Decline to answer	NA	-	-

BASE: ALL PHYSICIANS

Q235 Have you ever been interested in a certain specialty but shied away from it because you thought you'd have higher legal exposure?

	Physicians
Yes	29
No	71

BASE: ALL PHYSICIANS

Q240 Do you have personal knowledge of . . . ?

Q241

	<u>Yes</u>	<u>No</u>
1 Physicians who hesitate or are reluctant to help an injured person when off-duty because of fear of liability	56	44
2 A situation in which a physician did not volunteer to help in such a situation	33	67

INTRODUCTION

The Fear of Litigation Study – The Impact on Medicine was conducted for Common Good among a national sample of physicians, nurses and hospital administrators. This survey sought to provide some insight into the impact of the fear of litigation on the practice of medicine and the delivery of medical care. Broadly the survey focused on the following areas:

- Judgments about tests and medical care
- Interactions with patients and other physicians
- Proposals for change

METHODOLOGICAL OVERVIEW

Interviews for *The Fear of Litigation Study – The Impact on Medicine* were conducted both via telephone as well as online. 300 physicians were interviewed online using Harris Interactive's Physician Panel. 100 hospital-based nurses and 100 hospital administrators were interviewed by telephone. Interviews averaging 15 minutes in length took place between March 4 and 20, 2002.

The three sample groups were selected not only because they make up the key constituents in the delivery of medical care, but also because we thought that they might have different views on the subject matter and perhaps even different abilities or incentives to be either forthcoming or reserved on the subject matter.

One of the interesting and rather surprising findings of the study was the willingness of physicians to fully disclose not only their views on how the fear of litigation impacts the behavior of physicians in general, but also their own behavior.

A detailed survey methodology including a description of the sampling and survey administration procedures is contained in Appendix A. The complete data-sheeted questionnaire is found in Appendix B.

NOTES ON READING TABLES

The base on each question is the total number of respondents answering that question. An asterisk (*) on a table signifies a value of less than one-half percent (0.5%). A dash represents a value of zero. Percentages may not always add up to 100% because of computer rounding or the acceptance of multiple answers from respondents answering that question. Note that in some cases results may be based on small sample sizes. Caution should be used in drawing any conclusion from results based on these small samples.

SECTION 300: JUDGMENTS ABOUT TESTS AND MEDICINE

BASE: ALL RESPONDENTS**Q305** Based on your experience, have you noticed the fear of malpractice liability causing physicians to . . . ?**Q306**

	<u>Yes</u>	<u>No</u>	<u>Not sure</u>	<u>Decline to Answer</u>
(ROTATE)				
1 Order more tests than they would based only on professional judgment of what is medically needed				
Physicians	91	9	NA	NA
Nurses	66	30	4	-
Hospital Administrators	81	19	-	-
2 Prescribe more medications such as antibiotics than they would based only on professional judgment of what is medically needed				
Physicians	73	27	NA	NA
Nurses	38	51	11	-
Hospital Administrators	57	33	10	-
3 Refer patients to specialists more often than they would based only on professional judgment				
Physicians	85	15	NA	NA
Nurses	62	29	9	-
Hospital Administrators	74	20	5	1
4 Suggest invasive procedures such as biopsies to confirm diagnoses more often than they would based solely on their professional judgment				
Physicians	73	27	NA	NA
Nurses	43	48	9	-
Hospital Administrators	65	24	9	2

BASE: ALL PHYSICIANS**Q310** Do concerns about malpractice liability ever cause you to . . . ?**Q311**Yes No

(ROTATE SAME AS Q305/Q306)

1	Order more tests than you would based only on professional judgment of what is medically needed Physicians	79	21
2	Prescribe more medications such as antibiotics than you would based only on professional judgment of what is medically needed Physicians	41	59
3	Refer patients to specialists more often than you would based only on professional judgment Physicians	74	26
4	Suggest invasive procedures such as biopsies to confirm diagnoses more often than you would based solely on your professional judgment Physicians	51	49

BASE: ALL RESPONDENTS**Q315** Do you think such extra tests, referrals or procedures contribute in a significant way to health care costs?

	Physicians	Nurses	Hospital Administrators
Yes	94	79	88
No	6	18	10
Not sure	NA	3	1
Decline to answer	NA	-	1

BASE: ALL RESPONDENTS**Q320** Based on your experience, have you noticed . . . ?

[DO NOT ROTATE]

Q321

	<u>Yes</u>	<u>No</u>	<u>Not sure</u>	<u>Decline to Answer</u>
1 A physician resorting to aggressive treatments of terminally ill patients because of liability concerns				
Physicians	50	50	NA	NA
Nurses	39	49	11	1
Hospital Administrators	41	49	9	1
2 A physician or staff member going against a patient's expressed wishes concerning life-prolonging medical interventions because of concerns that a family member might bring suit				
Physicians	42	58	NA	NA
Nurses	32	64	4	-
Hospital Administrators	26	68	6	-
3 A physician being reluctant to make what they believe to be humane choices because of concerns that a family member might bring suit				
Physicians	61	39	NA	NA
Nurses	46	50	4	-
Hospital Administrators	44	50	6	-

BASE: ALL RESPONDENTS**Q325** Based on your experience, how often do you think unnecessary or excessive care is provided because of the fear of medical liability?

	Physicians	Nurses	Hospital Administrators
Very often	38	18	20
Sometimes	56	48	64
Rarely	5	30	13
Never	*	2	2
Not sure	NA	2	1
Decline to answer	NA	-	-

BASE: ALL HOSPITAL ADMINISTRATORS

Q335 In establishing procedures, to what extent do you think unnecessary rules or protocol are created out of a concern about liability protection – would you say very often, sometimes, rarely or never?

	Hospital Administrators
Very often	42
Sometimes	47
Rarely	9
Never	1
Not sure	-
Decline to answer	1

BASE: ALL HOSPITAL ADMINISTRATORS

Q337 To what extent do you think that established rules or protocol have improved or enhanced patient safety – would you say a lot, a little or not at all?

	Hospital Administrators
A lot	50
A little	43
Not at all	7
Not sure	-
Decline to answer	-

SECTION 400: DISCUSSIONS WITH OTHER PHYSICIANS**BASE: ALL RESPONDENTS**

Q405 How comfortable do you think your colleagues are discussing adverse events or uncertainty about proper treatment with you?

	Physicians	Nurses	Hospital Administrators
Very comfortable	14	25	19
Somewhat comfortable	39	36	47
Somewhat uncomfortable	37	25	28
Very uncomfortable	10	7	5
Not sure	NA	6	1
Decline to answer	NA	1	-

BASE: ALL RESPONDENTS

Q410 How comfortable do you think your colleagues are discussing medical errors with you?

	Physicians	Nurses	Hospital Administrators
Very comfortable	5	5	7
Somewhat comfortable	28	24	41
Somewhat uncomfortable	44	38	37
Very uncomfortable	23	22	13
Not sure	NA	10	2
Decline to answer	NA	1	-

BASE: ALL PHYSICIANS AND NURSES

Q415 How often has a frank discussion of an adverse event or error helped you or a colleague avoid making a similar mistake in an actual medical case?

	Physicians	Nurses
Very often	12	18
Sometimes	61	51
Rarely	24	25
Never	3	5
Not sure	NA	1
Decline to answer	NA	-

BASE: ALL RESPONDENTS

Q420 Generally speaking, how much do you think that each of the following discourages medical professionals from openly discussing and thinking of ways to reduce medical errors?

Q421

[ROTATE]		<u>A Lot</u>	<u>A Little</u>	<u>Not at All</u>	<u>Not Sure</u>	<u>Decline to Answer</u>
1	Fear of liability					
	Physicians	59	35	6	NA	NA
	Nurses	22	52	25	1	-
	Hospital Administrators	25	57	17	1	-
2	Not wanting to upset or criticize a colleague					
	Physicians	34	60	5	NA	NA
	Nurses	24	57	17	2	-
	Hospital Administrators	23	65	10	2	-
3	The environment in your hospital					
	Physicians	16	49	36	NA	NA
	Nurses	14	43	43	-	-
	Hospital Administrators	3	46	51	-	-

BASE: ALL RESPONDENTS

Q425 How often do you think that fear of liability leads hospitals to avoiding disclosing quality deficiencies?

	Physicians	Nurses	Hospital Administrators
Very often	19	13	16
Sometimes	56	34	32
Rarely	23	35	45
Never	2	7	3
Not sure	NA	10	3
Decline to answer	NA	1	1

BASE: ALL RESPONDENTS

Q430 How significant of a factor do you think liability concerns are in hospitals not sharing the results of inquiries into patient injury cases?

	Physicians	Nurses	Hospital Administrators
The primary reason	59	33	37
A minor reason	34	39	45
Not a reason at all	7	12	13
Not sure	NA	13	4
Decline to answer	NA	3	1

SECTION 500: INTERACTIONS WITH PATIENTS**BASE: ALL PHYSICIANS AND NURSES**

Q505 Would you say that concerns about malpractice have made your relationship with your patients. . . ?

	Physicians	Nurses
More personal	15	13
Less personal	38	3
Not impacted it at all	48	84
Not sure	NA	-
Decline to answer	NA	-

BASE: ALL PHYSICIANS AND NURSES

Q510 Would you say that concerns about malpractice have caused you to be . . . ?

	Physicians	Nurses
More candid with patients	43	24
Less candid with patients	15	11
Not impacted it at all	42	65
Not sure	NA	-
Decline to answer	NA	-

BASE: ALL RESPONDENTS

Q515 Some people have argued that physicians may use the fear of litigation as an excuse or way to avoid difficult discussions of errors with patients. How often do you think physicians do this?

	Physicians	Nurses	Hospital Administrators
Very often	2	6	5
Sometimes	31	36	47
Rarely	60	41	40
Never	8	11	5
Not sure	NA	5	3
Decline to answer	NA	1	-

BASE: ALL RESPONDENTS

Q520 In the years that you have been practicing, do you think that physicians have become more likely to admit errors and apologize to patients, less likely, or hasn't this changed at all?

	Physicians	Nurses	Hospital Administrators
More likely	25	24	51
Less likely	39	20	14
Not changed at all	36	49	33
Not sure	NA	6	1
Decline to answer	NA	1	1

SECTION 600: PAPERWORK ISSUES**BASE: ALL PHYSICIANS AND NURSES**

Q605 Would you say that you spend more time on paper work, such as medical record documentation, because of malpractice concerns than you would based solely on the patient's clinical needs?

	Physicians	Nurses
Yes, spend more time than would based on clinical needs	84	81
No, do not spend more time than would based on clinical needs	16	19
Not sure	NA	-
Decline to answer	NA	-

BASE: ALL RESPONDENTS

Q610 How often do you think physicians' written descriptions of cases are influenced by fear of litigation?

	Physicians	Nurses	Hospital Administrators
Very often	45	31	33
Sometimes	48	41	46
Rarely	7	21	19
Never	-	3	1
Not sure	NA	4	1
Decline to answer	NA	-	-

SECTION 700: PROPOSALS FOR CHANGE**BASE: ALL RESPONDENTS**

Q705 If sued, do you agree or disagree that physicians can trust the current system of justice to achieve a reasonable result?

	Physicians	Nurses	Hospital Administrators
Strongly agree	2	5	8
Somewhat agree	16	43	20
Somewhat disagree	40	28	32
Strongly disagree	42	17	40
Not sure	NA	7	-
Decline to answer	NA	-	-

BASE: ALL RESPONDENTS

Q710 Instead of the current lay court system, would you favor or oppose a medical court presided over by independent medical professionals and other experts that would have authority to review and decide injury cases?

	Physicians	Nurses	Hospital Administrators
Strongly favor	49	24	40
Somewhat favor	45	51	41
Somewhat oppose	5	11	7
Strongly oppose	1	7	10
Not sure	NA	6	2
Decline to answer	NA	1	-

BASE: ALL RESPONDENTS

Q712 Do you think that malpractice claims occur mainly from actual error or mainly from adverse results?

	Physicians	Nurses	Hospital Administrators
Medical error	4	13	13
Adverse results	96	72	81
Not sure	NA	15	5
Decline to answer	NA	-	1

BASE: ALL RESPONDENTS**Q715** What do you think are the most important factors in an injured patient's decision to bring or not to bring a lawsuit?

	Physicians	Nurses	Hospital Administrators
Patient physician relationship	47	5	13
Greed/patient's financial status	28	26	23
Adverse outcome/unexpected outcome	14	7	7
Failed/poor communication between physician & patient	13	8	39
Patient's perception of doctor (he doesn't care/he's not honest)	11	6	11
Lawyers	9	3	19
Anger with physician/hospital	9	1	8
Patient not educated as to results/outcomes	6	10	14
Pressure/advice from family/friend	5	3	12
Open/informative/honest communication between physician & patient	4	20	36
Severity/degree of injury	4	21	17
Actual cause (real malpractice/dangerous drug/etc.	4	14	4
Degree of trust	4	3	3
Unreasonable expectations	4	5	5
Litigious society/litigious individual	4	2	7
Patient's sense of being wronged/a victim	3	2	8
Doctor/staff attitude (arrogant/dis honest/uncaring)	2	5	9
That the patient loses nothing by suing/contingency fees	2	1	1
Patient's lack of personal Responsibility	2	-	-
Dissatisfaction	2	-	-
The quality of care	-	3	3

PROJECT RESPONSIBILITY AND ACKNOWLEDGEMENTS

The Harris team responsible for the design and analysis of *The Fear of Litigation Study – The Impact on Medicine* included Humphrey Taylor, Chairman *The Harris Poll*, David Krane, Senior Vice President and Amy Cottreau, Project Manager. We would like to acknowledge Philippa Dunne for her invaluable contribution to the design, content, focus and analysis of the project. Harris Interactive is responsible for the final determination of topics, question wording, collection of the data, statistical analysis and interpretation in the report.

PUBLIC RELEASE OF SURVEY FINDINGS

All Harris surveys are designed to comply with the code and standards of the Council of American Survey Research Organizations (CASRO) and the code of the National Council of Public Polls (NCPP). Should data from the survey be released to the public, any release must stipulate that the complete report is also available.

Other	12	12	4
Not sure	*	2	1
Decline to answer	-	-	-

BASE: ALL RESPONDENTS**Q720** What do you think could be done to improve the malpractice/patient safety situation in the United States?

	Physicians	Nurses	Hospital Administrators
Cap on judgments/liability	25	12	44
Create medical court/independent skilled panel not jury/physician judges/medical review of suits	22	6	10
Tort reform/change legal system	16	1	17
Better informed patients/realistic expectations	6	16	12
Discuss errors honestly/non-punitively	9	3	14
Better communication between patient and physician	10	8	6
Allow doctor to spend more time with patient (decrease work load/increase compensation)	7	8	6
Education of doctors/nurses/staff	4	12	1
Decrease frivolous suits	4	4	9
More staff/nurses	1	14	4
Eliminate contingency fees	7	-	1
Remove/limit lawyers	4	1	6
Arbitration	4	-	7
Provide for sanctions against lawyers/frivolous suits	5	-	2
A no fault malpractice system	3	-	6
Eliminate HMO's/managed care	2	3	2
Change health care system	3	-	-
Restrict malpractice advertising	1	3	-
Nothing can be done	1	3	-
Develop universal standards of care	1	-	-
Make it harder to sue	1	-	-
Other	23	15	13
Not sure	3	7	3

Decline to answer

-

-

-

BASE: ALL RESPONDENTS

Q725 Please describe the worst case you have knowledge of in which you think that fear of liability contributed to a bad result for the patient.

	Physicians	Nurses	Hospital Administrators
Life support of a patient with no chance of survival/DNR	10	4	6
Excessive/unnecessary tests/procedures resulting in adverse consequences	10	1	8
Complications from unnecessary placement of cardiac catheter	3	-	-
Surgeon's mistake	3	2	2
Unnecessary biopsy	3	-	-
Death or severe reaction due to over medication/incorrect medication	2	9	1
Only negative result has been increased cost	2	-	3
Severe reaction from cat scan contrast medium	2	-	-
Unnecessary induction of labor/caesarian section	2	-	-
Failure to diagnose/misdiagnosis	1	5	-
Hiding a medical error/lying to family	1	-	4
Delay/other problem involving labor and delivery	-	4	4
Don't work in acute care/doesn't apply	-	1	3
Doctors don't think of liability, they do their best	-	-	2
Other	15	14	4
Not sure	44	60	59
Decline to answer	3	4	9

BASE: ALL RESPONDENTS

Q730 In order to get more information about the relationship between serious medical errors and lawsuits, could you please tell us if there was a lawsuit in this case?

	Physicians	Nurses	Hospital Administrators
Yes, there was a lawsuit	5	9	11
No, there was not a lawsuit	21	20	8
Not sure	32	42	44
Decline to answer	42	29	37

SECTION 100: DEMOGRAPHICS**BASE: ALL PHYSICIANS AND NURSES****Q105** For how many years have you been practicing?

	Physicians	Nurses
1-9 years	33	23
10-19 years	35	33
20 years +	32	44
MEAN =	15 YEARS	18 YEARS
MEDIAN =	14 YEARS	17 YEARS

BASE: ALL RESPONDENTS**Q110** Are you a specialist or primary care provider?

	Physicians
Specialist	73
Primary Care Provider	27

BASE: ALL PHYSICIANS**Q115** How many physicians are associated with your medical group?

	Physicians
Solo practice	20
2-10	44
11-20	12
21-30	4
31-50	6
More than 50	13

BASE: ALL RESPONDENTS**Q120** Have you ever considered leaving the medical profession because of . . . ?

Q121		Decline to			
		<u>Yes</u>	<u>No</u>	<u>Not Sure</u>	<u>Answer</u>
1	Changes made by HMOs and other controlling bodies				
	Physicians	50	50	NA	NA
	Nurses	43	57	-	-
	Hospital Administrators	34	66	-	-
2	Changes brought about by the threat of malpractice liability				
	Physicians	43	57	NA	NA
	Nurses	14	86	-	-
	Hospital Administrators	17	83	-	-
3	Changes in your level of career satisfaction				
	Physicians	52	48	NA	NA
	Nurses	50	49	1	-
	Hospital Administrators	49	51	-	-

BASE: ALL PHYSICIANS**Q125** Which of the following income categories best describes your 2001 pre-tax income from your medical practice?

	Physicians
\$75,000 or less	8
\$75,001 to \$100,000	7
\$100,001 to \$125,000	13
\$125,001 to \$150,000	12
\$150,001 to \$175,000	9
\$175,001 to \$200,000	11
\$200,001 to \$300,000	10
More than \$300,000	9
Not sure	2
Decline to answer	18

BASE: ALL RESPONDENTS**Q130** Are you... ?

	Physicians	Nurses	Hospital Administrators
Male	77	10	85
Female	23	90	15

EXECUTIVE SUMMARY

Medicine is clearly a highly dynamic and ever-changing field. Technological and scientific advances, the development of HMOs and managed care, as well as societal changes all shape it on an on-going basis. Although malpractice litigation has its roots back in the mid-1800s, one area of interest is how the increasingly litigious nature of American society today is influencing the field of medicine. Rather than explore the number of suits, the size of jury awards, or the costs of malpractice insurance, this survey sought to explore -- through interviews with physicians, nurses and hospital administrators -- how the fear of litigation affects the practice of medicine and the delivery of medical care.

The results are striking. Concerns about liability are influencing medical decision-making on many levels. From the increased ordering of tests, medications, referrals, and procedures to increased paperwork and reluctance to offer off-duty medical assistance, the impact of the fear of litigation is far-reaching and profound.

Broadly, **half (51%) of all physicians think that their ability to provide quality medical care to patients has gotten worse in the past five years**. Further, more than three-fourths of physicians feel that **concern about malpractice litigation (76%) has hurt their ability to provide quality care in recent years**. All respondent groups report increased levels of concern or awareness about the risks of malpractice liability over their career and **nearly one-third (29%) of physicians state that they have been interested in a certain specialty but shied away from it due to fear of higher legal exposure**. These findings seem to suggest that the broad impact of the fear of litigation is significant and growing. [See Tables 1 - 4]

Some of the more arresting study findings are on the impact of liability concerns on the provision of medical care. Broadly, **nearly all physicians and hospital administrators feel that unnecessary or excessive care is very often or sometimes provided because of fear about litigation**. More specifically, physicians report that the fear of malpractice claims causes themselves and/or other physicians to:

- **Order more tests than they would based only on professional judgment of what is medically needed**. (91% have noticed other physicians, and 79% report they themselves do this due to concerns about malpractice liability)
- **Refer patients to specialists more often** than they would based only on their professional judgment of what is medically needed. (85% have noticed other physicians, and 74% report they themselves do this due to concerns about malpractice liability)

- **Suggest invasive procedures such as biopsies to confirm diagnoses more often** than they would based only on their professional judgment of what is medically needed. (73% have noticed other physicians, and 51% report they themselves do this due to concerns about malpractice liability)
- **Prescribe more medications such as antibiotics** than they would based only on their professional judgment of what is medically needed. (73% have noticed other physicians, and 41% report they themselves do this due to concerns about malpractice liability)

A similar, although slightly less dramatic trend is seen when looking at patient end of life issues.

- **Just under two-thirds (61%) of physicians have noticed physicians being reluctant to make what they believe to be humane choices because of concerns that a family member might bring suit.**
- **Half (50%) have noticed a physician resorting to aggressive treatments of terminally ill patients because of liability concerns.**
- **Just under half (42%) have noticed a physician or staff member going against a patient's expressed wishes concerning life-prolonging medical interventions** because of concerns that a family member might bring suit.

Not surprisingly, there is **nearly unanimous agreement among physicians, nurses and hospital administrators that these extra tests, referrals and procedures contribute in a significant way to health care costs issues.** [See Tables 6-10]

Views on the conducive nature of the hospital environment are mixed when it comes to issues of medical errors and liability protocol. Strong majorities of hospital administrators and nurses feel that staff in their hospital are encouraged to report medical errors such as dispensing incorrect medication or medication doses, surgical mistakes and human error in interpreting results of diagnostic tests. Only two thirds (63%) of physicians, however, agree perhaps due to a greater sense of personal exposure. [See Tables 11-13]

- **Hospital administrators feel that while established rules and protocol have clearly improved or enhanced patient safety, they also believe that unnecessary rules of protocol are often created** out of a concern about liability protection.
- **Nearly half (43%) of all nurses also feel prohibited or discouraged from doing what they think is right for the patient** because of rules or protocols set up for liability protection.

From: CN=Kristen Silverberg/OU=WHO/O=EOP [WHO]
To: Barry S. Jackson/WHO/EOP@EOP [WHO] <Barry S. Jackson>; Alicia P. Clark/WHO/EOP@EOP [WHO] <Alicia P. Clark>; Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Joel D. Kaplan/WHO/EOP@EOP [WHO] <Joel D. Kaplan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>; Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 4/23/2002 12:59:25 PM
Subject: : question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 23-APR-2002 16:59:25.00
SUBJECT:: question
TO: Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
TO: Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

What are your favorite books or movies about the White House? I need some ideas for an article I am writing for my law school alumni magazine.

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/23/2002 1:09:05 PM
Subject: : Query

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:23-APR-2002 17:09:05.00
SUBJECT:: Query
TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Did you have chance to think about some case examplars?

From: CN=Helgard C. Walker/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: barry s. jackson/who/eop@eop [WHO] <barry s. jackson>;alicia p. clark/who/eop@eop [WHO] <alicia p. clark>;jay p. lefkowitz/opd/eop@eop [OPD] <jay p. lefkowitz>;joel d. kaplan/who/eop@eop [WHO] <joel d. kaplan>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>
Sent: 4/23/2002 1:17:36 PM
Subject: : Re: question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2002 17:17:36.00
SUBJECT:: Re: question
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:barry s. jackson (CN=barry s. jackson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alicia p. clark (CN=alicia p. clark/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:joel d. kaplan (CN=joel d. kaplan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I liked Bob Woodward's most recent book concerning the WH, Shadow (re the last 5 Presidents and the legacy of Watergate).

Kristen Silverberg
04/23/2002 04:59:22 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: question

What are your favorite books or movies about the White House? I need some ideas for an article I am writing for my law school alumni magazine.

Message Sent

To: _____
Barry S. Jackson/WHO/EOP@EOP
Alicia P. Clark/WHO/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>
Sent: 4/23/2002 1:20:49 PM
Subject: : Re: question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 23-APR-2002 17:20:49.00
SUBJECT:: Re: question
TO: Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

that was my answer

Jay P. Lefkowitz
04/23/2002 05:19:40 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: question

The Starr Report?

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/23/2002 1:24:33 PM
Subject: : Query

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-APR-2002 17:24:33.00

SUBJECT:: Query

TO:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

Did you have chance to think about some case examplars?

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 1:31:19 PM
Subject: : Re: Query

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-APR-2002 17:31:19.00

SUBJECT:: Re: Query

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

That would be very helpful. Please send as text message in case I am working on speech at home.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
CC: barry s. jackson/who/eop@eop [WHO] <barry s. jackson>;alicia p. clark/who/eop@eop [WHO] <alicia p. clark>;jay p. lefkowitz/opd/eop@eop [OPD] <jay p. lefkowitz>;joel d. kaplan/who/eop@eop [WHO] <joel d. kaplan>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/23/2002 1:32:09 PM
Subject: : Re: question

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2002 17:32:09.00
SUBJECT:: Re: question
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:barry s. jackson (CN=barry s. jackson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:alicia p. clark (CN=alicia p. clark/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jay p. lefkowitz (CN=jay p. lefkowitz/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
CC:joel d. kaplan (CN=joel d. kaplan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Woodrow the White House Mouse.

Kristen Silverberg
04/23/2002 04:59:22 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: question

What are your favorite books or movies about the White House? I need some ideas for an article I am writing for my law school alumni magazine.

Message Sent

To: _____
Barry S. Jackson/WHO/EOP@EOP
Alicia P. Clark/WHO/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Joel D. Kaplan/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP

REV_00144114

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
Sent: 4/23/2002 2:45:42 PM
Subject: : Re: Meeting with Shattan on Law Day speech

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 23-APR-2002 18:45:42.00
SUBJECT:: Re: Meeting with Shattan on Law Day speech
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

that works

Bradford A. Berenson
04/23/2002 06:43:44 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting with Shattan on Law Day speech

Does 3:00 p.m. tomorrow afternoon work for you to meet with Joe Shattan re the Law Day speech? If not, what time tomorrow afternoon works?

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/23/2002 2:55:38 PM
Subject: : Re: Enron Survey
Attachments: P_O4VW6003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2002 18:55:38.00
SUBJECT:: Re: Enron Survey
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Either way is fine with me. Just let me know what Judge and Tim want.

H. Christopher Bartolomucci
04/23/2002 06:52:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A.
Berenson/WHO/EOP@EOP
cc:
Subject: Enron Survey

I think this is ready for circulation to the Judge, Tim, and David.
Should we try to meet tonight or wait until tomorrow?

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_O4VW6003_WHO.TXT_1>

REV_00144117

Draft: April 23, 2002

April __, 2002

MEMORANDUM FOR ALL PERSONNEL IN [list WHO/EOP units]

FROM: ALBERTO R. GONZALES
 COUNSEL TO THE PRESIDENT

SUBJECT: ENRON SURVEY

The Chairman of the Senate Committee on Governmental Affairs, Joseph Lieberman, has sent the White House a letter requesting certain information relating to Enron Corporation. The White House is cooperating with the Committee, and to the extent possible we will provide appropriate and responsive information.

Accordingly, we ask that you complete the attached survey and return it to my office (West Wing, Second Floor) no later than May 17, 2002.

You are expected to answer the survey to best of your knowledge and recollection. If it would help you to review any notes, documents, or e-mail you have, you should do so.

The survey question can be answered with a yes or a no, and we are not asking for further explanation at this time. Instead, depending on your answer, the Counsel's Office may contact you to obtain additional information.

The Committee has not requested copies of completed surveys, and therefore we do not intend to provide them to the Committee. Please be aware, however, that it is possible the Committee will seek completed surveys at a later date.

Please also be aware that the Counsel's Office represents the President and the White House and thus cannot act as your personal attorney in this matter.

If you have any questions, please call me (6-1918), Tim Flanigan (6-6627), Brett Kavanaugh (6-7984), Brad Berenson (6-2318), or Chris Bartolomucci (6-7963).

REV_00144118

ENRON SURVEY

[OPTION ONE]

Since you joined the White House staff, has Enron ever asked you for help of any kind in connection with the company's financial difficulties?

YES _____ NO _____

Note that "Enron" means anyone you knew was working for, or on behalf of, Enron Corporation or a related business.

[OPTION TWO]

Since you joined the White House staff, have you had any communications with Enron relating to any issue or matter (other than presidential appointments) involving any of the following:

- The U.S. Securities Exchange Commission;
- The U.S. Commodities Futures Trading Commission;
- The U.S. Federal Energy Regulatory Commission;
- The U.S. Department of Labor;
- The U.S. Department of Commerce;
- The U.S. Department of Energy;
- The Overseas Private Investment Corporation;
- The Export-Import Bank of the United States; or
- The National Energy Policy Development Group

YES _____ NO _____

Note that "Enron" means anyone you knew was working for, or on behalf of, Enron Corporation or a related business.

NAME (please print):

SIGNATURE:

DATE:

WHITE HOUSE OR EOP OFFICE:

PHONE NUMBER:

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Joseph J. Shattan/WHO/EOP@EOP [WHO] <Joseph J. Shattan>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 2:58:26 PM
Subject: : Meeting on Law Day speech

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-APR-2002 18:58:26.00
SUBJECT:: Meeting on Law Day speech
TO:Joseph J. Shattan (CN=Joseph J. Shattan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett and I are both free at 3:00 p.m. tomorrow to discuss the speech. If that works for you, why don't you come to my office, 167 OEOB, and we can talk and provide you some background materials.

Brett, if you have an extra copy of the Womack binder, you should probably bring that along.

Joe, you may want to find out as much as you can about what the event in question will actually involve. I look forward to meeting you.

Brad

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Dinh, Viet <Viet.Dinh@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 3:27:55 PM
Subject: : NYT on Estrada

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-APR-2002 19:27:55.00

SUBJECT:: NYT on Estrada

TO:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ("Dinh, Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

have you heard anything on Neil Lewis working on a story on Estrada?

From: CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 4:52:36 PM
Subject: : Re: Query

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Jay P. Lefkowitz (CN=Jay P. Lefkowitz/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-APR-2002 20:52:36.00

SUBJECT:: Re: Query

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

This is very helpful. Thank you. NOW, if only you could draft the section on halacha . . .

From: CN=Israel Hernandez/OU=WHO/O=EOP [WHO]
To: OPL - Public Liaison [UNKNOWN] <OPL - Public Liaison>; OSI - Strategic Initiatives [UNKNOWN] <OSI - Strategic Initiatives>; IGA Intergovernmental Affairs [UNKNOWN] <IGA Intergovernmental Affairs>; OPA - Political Affairs [UNKNOWN] <OPA - Political Affairs>
CC: Noelia Rodriguez/WHO/EOP@EOP [WHO] <Noelia Rodriguez>; Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/23/2002 6:55:20 PM
Subject: : Approved Activities

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 23-APR-2002 22:55:20.00

SUBJECT:: Approved Activities

TO: OPL - Public Liaison (OPL - Public Liaison [UNKNOWN])

READ: UNKNOWN

TO: OSI - Strategic Initiatives (OSI - Strategic Initiatives [UNKNOWN])

READ: UNKNOWN

TO: IGA Intergovernmental Affairs (IGA Intergovernmental Affairs [UNKNOWN])

READ: UNKNOWN

TO: OPA - Political Affairs (OPA - Political Affairs [UNKNOWN])

READ: UNKNOWN

CC: Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Tuesday, April 30, 2002

Remarks to the Commonwealth Clubs of California and the Churchill Club

Parkside Hall

San Jose, CA

40 minutes

Open Press

Mrs. Bush will not participate

Contact: David Thomas

Tuesday, April 30, 2002

Finance Luncheon Event for Bill Simon

Santa Clara Convention Center

Santa Clara, CA

1 hour

Photo-Op: Closed

Remarks: Pool

Mrs. Bush will not participate

Contact: David Thomas

Friday, May 3, 2002

Briefing and Remarks on Federal Judicial Nominees

10:30am, 20 minutes

Room 450 EEOB

Open Press

Mrs. Bush will not participate

Contact: Matt Smith and Libby Camp

REV_00144123

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 4/24/2002 3:44:40 AM
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-APR-2002 07:44:40.00
SUBJECT::
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I will not be at med mal meeting. Have to go see my boss.

Sent from my BlackBerry Handheld.

From: CN=Noel J. Francisco/OU=WHO/O=EOP [WHO]
To: Rachel_L._Brand@who.eop.gov [UNKNOWN] <Rachel_L._Brand@who.eop.gov>
CC: h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;david s. addington/ovp/eop@eop [OVP] <david s. addington>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>
Sent: 4/24/2002 5:00:21 AM
Subject: : Re: federalization of state law enforcement officials?

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-APR-2002 09:00:21.00

SUBJECT:: Re: federalization of state law enforcement officials?

TO:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

End Original ARMS Header

I suspect this would raise constitutional problems under Printz v. United States and New York v. United States, which prohibit the federal government from "commandeering" state officials to carry out federal programs.

Rachel_L._Brand@who.eop.gov

04/24/2002 08:54:25 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: federalization of state law enforcement officials?

Has anyone looked at the type of question posed by Bob (below)? I doubt

REV_00144125

it's
something anyone would want to pursue as a policy matter, but I'd like to
be
able to answer his legal question.
The context is that DOE needs to ship plutonium from Colorado to a federal
facility in South Carolina, and the South Carolina Governor has threatened
to
use state troopers to block the shipments at the state border. (He has
even been
staging blockade "exercises" with the state police.)

----- Forwarded by Rachel L. Brand/WHO/EOP on 04/24/2002
08:52
AM -----

Robert C. McNally
04/24/2002 06:47:23 AM

Record Type: Record

To: Rachel Brand

cc:
Subject: SD

Rachel, does the President have authority to federalize SC law enforcement
officials, or other public safety officials the Governor might use to
obstruct
shipments? Would it be legally possible for the President to direct, say,
the
Attorney General to assume control of SC officials for the express purpose
of
and for no longer than the time needed to ensure the safe and successful
transport of plutonium?

Message Sent

To: _____
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP
John B. Bellinger/NSC/EOP@EOP

REV_00144126

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/24/2002 5:42:17 AM
Subject: : do we have any letters of support for Gibbons?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 09:42:17.00
SUBJECT:: do we have any letters of support for Gibbons?
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/24/2002 5:45:59 AM
Subject: : Re: Next Off-Site Schedule

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 09:45:59.00
SUBJECT:: Re: Next Off-Site Schedule
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Let's add Nanette.

H. Christopher Bartolomucci
04/24/2002 09:43:53 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Next Off-Site Schedule

Absolutely. She deserves the full associate counsel to the president experience.

Brett M. Kavanaugh
04/24/2002 09:41:34 AM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Next Off-Site Schedule

LET'S ADD JENNIFER TO THE FUN!!!

REV_00144128

H. Christopher Bartolomucci
04/24/2002 09:40:06 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Next Off-Site Schedule

Here is the next schedule:

May 6-8: Rachel
May 8-10: Brad
May 13-15: Kyle**
May 15-17: Helgi**
May 20-22: Brett
May 22-24: Bart
May 27-29: Noel

**There will be two two-day training/table-top exercise sessions held at the off-site location on May 13-14 and 15-16. Plan accordingly if you want to be there (or not be there) for one of these sessions.

Message Sent

To: _____
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

Message Copied

To: _____
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
kyle sampson/who/eop@eop
helgard c. walker/who/eop@eop

Message Copied

To: _____
bradford a. berenson/who/eop@eop
rachel l. brand/who/eop@eop
noel j. francisco/who/eop@eop
kyle sampson/who/eop@eop
helgard c. walker/who/eop@eop

From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/24/2002 5:56:11 AM
Subject: : Re: Next Off-Site Schedule

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 09:56:11.00
SUBJECT:: Re: Next Off-Site Schedule
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I will record the trade.

Bradford A. Berenson
04/24/2002 09:54:47 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc: H. Christopher Bartolomucci/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
bcc:
Subject: Re: Next Off-Site Schedule

Thank you very much. consider it a done deal.

Noel J. Francisco
04/24/2002 09:48:39 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Next Off-Site Schedule

I will.

Bradford A. Berenson
04/24/2002 09:42:58 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: Next Off-Site Schedule

REV_00144130

Would one of you guys be open to a switch with me? I've got family coming into town during my allotted days.

----- Forwarded by Bradford A. Berenson/WHO/EOP on
04/24/2002 09:42 AM -----

H. Christopher Bartolomucci
04/24/2002 09:40:06 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Next Off-Site Schedule

Here is the next schedule:

May 6-8: Rachel
May 8-10: Brad
May 13-15: Kyle**
May 15-17: Helgi**
May 20-22: Brett
May 22-24: Bart
May 27-29: Noel

**There will be two two-day training/table-top exercise sessions held at the off-site location on May 13-14 and 15-16. Plan accordingly if you want to be there (or not be there) for one of these sessions.

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: William W. McCathran/WHO/EOP@EOP [WHO] <William W. McCathran>
CC: g. timothy saunders/who/eop@eop [WHO] <g. timothy saunders>;david e. kalbaugh/who/eop@eop [WHO] <david e. kalbaugh>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>
Sent: 4/24/2002 7:13:00 AM
Subject: : Re: USCJ - First Circuit - Confirmed by the Senate

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 11:13:00.00
SUBJECT:: Re: USCJ - First Circuit - Confirmed by the Senate
TO:William W. McCathran (CN=William W. McCathran/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:g. timothy saunders (CN=g. timothy saunders/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:david e. kalbaugh (CN=david e. kalbaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Per Brett - go ahead!

William W. McCathran

04/24/2002 11:06:27 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: G. Timothy Saunders/WHO/EOP@EOP, David E. Kalbaugh/WHO/EOP@EOP
Subject: USCJ - First Circuit - Confirmed by the Senate

Jeffrey R. Howard, United States Circuit Judge for the First Circuit was confirmed by the Senate on 4/23/02. Ok to appoint?

tk,
Bill
Clerk's Office

From: CN=Rhonda L. Taylor/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/24/2002 7:50:01 AM
Subject: : Re: IMPORTANT: Your certification needed on attached Department of Justice form
Attachments: P_XKDX6003_WHO.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rhonda L. Taylor (CN=Rhonda L. Taylor/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:24-APR-2002 11:50:01.00
SUBJECT:: Re: IMPORTANT: Your certification needed on attached Department of Justice form
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I received this message addressed to Brett Kavanaugh from you. I was instructed that I did not have to complete the form originally because I did not work at the White House in the time period covered by the inquiry. I started work at the White House in February as a detailee from the Corporation for National and Community Service. Rhonda Taylor

Brett M. Kavanaugh
04/22/2002 09:44:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: IMPORTANT: Your certification needed on attached
Department of Justice form

According to our records, we have not received a signed certification from you on the form that is attached to this e-mail. The form relates to the Department of Justice's criminal investigation of the unauthorized disclosure last year of confidential government information concerning the blocking and freezing of the assets of the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation. Please complete and sign the attached form and return it to Brent Greenfield in Room 160 1/2 no later than close of business Wednesday, April 24. If you have any questions or cannot complete the form in that time frame, please contact me at 6-7984.

As part of the certification, you are also asked to produce all official documents in your possession (including any e-mails and internal memoranda you have retained) that:

a) were created (or are dated) between September 11, 2001 and on or before September 30, 2001, and indicate that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen by the United States government; or

b) were created (or are dated) on or before December 4, 2001, and indicate that the Holy Land Foundation was being considered for inclusion on a list of suspected terrorist fund-raising organizations or would otherwise have its assets blocked or frozen by the United States government; or

c) were created (or are dated) on or before December 14, 2001, and indicate that the Global Relief Foundation was to be searched or would have its assets frozen or blocked on or about December 14, 2001 or which

REV_00144133

discusses the expected date and time of any such action.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XKDX6003_WHO.TXT_1>

CERTIFICATION

I certify, to the best of my knowledge, that

_____ I had access

_____ I did not have access

- a) on or before September 30, 2001, to the information that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen; or
- b) on or before December 3, 2001, to the information that a search would be conducted of (or that a blocking action would be taken against) the Holy Land Foundation on December 4, 2001; or
- c) on or before December 13, 2001, to the information that a blocking action would be taken against (or that a search would be conducted of) the Global Relief Foundation on December 14, 2001.

I further certify, to the best of my knowledge, that

_____ I have produced to the Office of the Counsel to the President all official documents in my possession (including any e-mails and internal memoranda I have) responsive to the document production directive in the e-mail memorandum to which this Certification was attached.

_____ I have conducted a search and determined that I have no such documents.

I understand that the information and documents I provide to the Office of the Counsel to the President are likely to be disclosed to the U.S. Department of Justice for use in its criminal investigation and that the Counsel's Office is not acting as my private attorney in this matter.

I further understand that this Certification is for purposes of a federal criminal investigation and that intentional false statements may result in criminal penalties or other sanctions.

NAME (please print):

SIGNATURE:

DATE:

OFFICE:

PHONE NUMBER:

From: Rachel_L._Brand@who.eop.gov [UNKNOWN]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 4/24/2002 5:10:03 AM
Subject: : federalization of state law enforcement officials?

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Rachel_L._Brand@who.eop.gov (Rachel_L._Brand@who.eop.gov [UNKNOWN])

CREATION DATE/TIME:24-APR-2002 09:10:03.00

SUBJECT:: federalization of state law enforcement officials?

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

End Original ARMS Header

Has anyone looked at the type of question posed by Bob (below)? I doubt it's something anyone would want to pursue as a policy matter, but I'd like to be able to answer his legal question. The context is that DOE needs to ship plutonium from Colorado to a federal facility in South Carolina, and the South Carolina Governor has threatened to use state troopers to block the shipments at the state border. (He has even been staging blockade "exercises" with the state police.)

----- Forwarded by Rachel L. Brand/WHO/EOP on 04/24/2002
08:52
AM -----

REV_00144142

Robert C. McNally
04/24/2002 06:47:23 AM

Record Type: Record

To: Rachel Brand

cc:
Subject: SD

Rachel, does the President have authority to federalize SC law enforcement officials, or other public safety officials the Governor might use to obstruct shipments? Would it be legally possible for the President to direct, say, the Attorney General to assume control of SC officials for the express purpose of and for no longer than the time needed to ensure the safe and successful transport of plutonium?

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/24/2002 5:41:37 AM
Subject: : Re: Prof. Steve Smith -- surrogate

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 09:41:37.00
SUBJECT:: Re: Prof. Steve Smith -- surrogate
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

That's perfect. you rock.

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/24/2002 5:50:07 AM
Subject: : Re: do we have any letters of support for Gibbons?

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-APR-2002 09:50:07.00
SUBJECT:: Re: do we have any letters of support for Gibbons?
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

The DOJ folks have culled the best blurbs from support letters and have posted them at: <http://www.usdoj.gov/olp/gibbonssupport.htm>

I can get copies of the actual letters if you need them. Let me know.

Anne Womack
04/24/2002 09:42:12 AM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: do we have any letters of support for Gibbons?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 4/24/2002 5:50:27 AM
Subject: : Re: tour time for Thursday

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-APR-2002 09:50:27.00
SUBJECT:: Re: tour time for Thursday
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

sure

Elizabeth N. Camp
04/24/2002 09:50:04 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Allison L. Riepenhoff/WHO/EOP@EOP
Subject: Re: tour time for Thursday

Brett - If we start them at 7:00 at five minute intervals they should all be done approx 8:00 pm - maybe a few minutes before. Will this work?

----- Forwarded by Elizabeth N. Camp/WHO/EOP on
04/24/2002 09:48 AM -----

Colleen Litkenhaus
04/24/2002 09:48:14 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: Chad Babin/WHO/EOP@EOP
bcc:
Subject: Re: tour time for Thursday

He said 7PM was ok

Elizabeth N. Camp
04/24/2002 08:46:34 AM
Record Type: Record

To: Colleen Litkenhaus/WHO/EOP@EOP
cc:
Subject: tour time for Thursday

Checking in -

Were you able to determine if we could start the tour of the Supreme Court Clerks on Thursday as early as 6:30, 6:45 or 7:00?

REV_00144156

Please let me know so we can let them know.

The President, Ash and Blake and I think the rest of the world are leaving today and tomorrow for Logan and Kate's wedding so hopefully we won't be disturbing anyone at all.

Thanks!

Lib

From: CN=Stephen M. Lineberry/OU=CEA/O=EOP [CEA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/24/2002 5:54:21 AM
Subject: : Stephen M. Lineberry/CEA/EOP is out of the office.

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP [CEA])
CREATION DATE/TIME:24-APR-2002 09:54:21.00
SUBJECT:: Stephen M. Lineberry/CEA/EOP is out of the office.
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I will be out of the office from 04/24/2002 until 04/29/2002.

I will return to the office April 24-26; will return on Mon, 4/29. If you need information re Mark McClellan's schedule, please contact Lisa Branch at 202 395 5046 or via email at lisa_d_branch@cea.eop.gov. However, please cc me on all emails to Lisa. Thank you. Steve

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/24/2002 5:54:56 AM
Subject: : Re: Next Off-Site Schedule

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 09:54:56.00
SUBJECT:: Re: Next Off-Site Schedule
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thank you very much. consider it a done deal.

Noel J. Francisco
04/24/2002 09:48:39 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Next Off-Site Schedule

I will.

Bradford A. Berenson
04/24/2002 09:42:58 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher
Bartolomucci/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
cc:
Subject: Next Off-Site Schedule

Would one of you guys be open to a switch with me? I've got family coming
into town during my allotted days.

----- Forwarded by Bradford A. Berenson/WHO/EOP on
04/24/2002 09:42 AM -----

H. Christopher Bartolomucci
04/24/2002 09:40:06 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Next Off-Site Schedule

REV_00144159

Here is the next schedule:

May 6-8: Rachel
May 8-10: Brad
May 13-15: Kyle**
May 15-17: Helgi**
May 20-22: Brett
May 22-24: Bart
May 27-29: Noel

**There will be two two-day training/table-top exercise sessions held at the off-site location on May 13-14 and 15-16. Plan accordingly if you want to be there (or not be there) for one of these sessions.

Message Sent

To:

Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Daniel J. Bartlett/WHO/EOP@EOP [WHO] <Daniel J. Bartlett>; Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>; Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>; Mercedes M. Viana/WHO/EOP@EOP [WHO] <Mercedes M. Viana>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/24/2002 5:58:38 AM
Subject: : Ron Fournier is meeting w/ ARG Thursday at 9:30 am

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-APR-2002 09:58:38.00

SUBJECT:: Ron Fournier is meeting w/ ARG Thursday at 9:30 am

TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Ron said this is completely off the record - strictly chat time to catch up and won't be used for any stories.

Questions?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Kimberly A. Douglass/WHO/EOP@EOP [WHO] <Kimberly A. Douglass>
Sent: 4/24/2002 6:26:55 AM
Subject: : Re: Video Shooting

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-APR-2002 10:26:55.00
SUBJECT:: Re: Video Shooting
TO: Kimberly A. Douglass (CN=Kimberly A. Douglass/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Sounds like a standard equipment/room rental; fact that it is RNC should not matter in this instance, I would not think.

Kimberly A. Douglass 04/24/2002 10:20:13 AM

Record Type: Record

To: Cathy Alix/WHO/EOP@EOP, Sandra K. Evans/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Video Shooting

See below:

Is there any problem with the WH paying the RNC for use of the studio?
How do we pay for this?

Thanks!

----- Forwarded by Kimberly A. Douglass/WHO/EOP on
04/24/2002 10:19 AM -----

Catharine A. Ryun

04/24/2002 10:16:41 AM

Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@EOP
cc:
Subject: Video Shooting

Kim,
Jim Towe needs to have two speeches video taped today at 10:45am. We had it all set up at HHS - now Sec. Thompson needs the studio. Now we are all set for the RNC, but I need to make sure it is all legal to pay them the \$75 that it would cost. I need to move this quickly. So sorry for this last minute request. Please advise.

Thank you,
Catharine Ryun
Executive Assistant to the Director
Office of Faith-Based & Community Initiatives
202-456-5675

REV_00144162

From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/24/2002 7:00:16 AM
Subject: : Re:

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-APR-2002 11:00:16.00

SUBJECT:: Re:

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

very.

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: DeVere R. Patton/OA/EOP@EOP [OA] <DeVere R. Patton>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;timothy campen/oa/eop@eop [OA] <timothy campen>
Sent: 4/24/2002 11:24:45 AM
Subject: : Re: WAVES Records Manage Issue

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:24-APR-2002 15:24:45.00
SUBJECT:: Re: WAVES Records Manage Issue
TO:DeVere R. Patton (CN=DeVere R. Patton/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy campen (CN=timothy campen/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Anytime that afternoon for me too.

DeVere R. Patton
04/24/2002 03:22:25 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, timothy campen/oa/eop@eop
bcc:
Subject: Re: WAVES Records Manage Issue

Currently, Tim is available anytime in the afternoon on Friday, April 26.
Please let me know your availability.

Thank you.

DeVere
x5-1234

Adam F. Greenstone
04/24/2002 02:56:57 PM

Record Type: Record

To: DeVere R. Patton/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, Timothy Campen/OA/EOP@EOP
bcc:
Subject: Re: WAVES Records Manage Issue

I am available to discuss this anytime on Friday. I will also be on leave for at least a week starting on May 2, so I think it's important that we meet on this in the next few days. DeVere--It would be great if you can send Tim's available times for Friday to Brett, and I'll accommodate.

REV_00144165

Tim_Campen@oa.eop.gov
04/24/2002 02:43:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Adam F. Greenstone/OA/EOP@EOP
Subject: WAVES Records Manage Issue

We'll soon reach the point in our redesign of the WAVES interface where we'll need to know if we have to accommodate record management or not. Hate to do the extra work to add it if it's not required; but also hate to go back and add it later. Our non-legal position is that it (WAVES requests) got record managed in the first place because we used the email system to transport the request and not because someone thought WAVE requests needed to be record managed.... help!

From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: DeVere R. Patton/OA/EOP@EOP [OA] <DeVere R. Patton>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;timothy campen/oa/eop@eop [OA] <timothy campen>
Sent: 4/24/2002 11:24:45 AM
Subject: : Re: WAVES Records Manage Issue

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:24-APR-2002 15:24:45.00
SUBJECT:: Re: WAVES Records Manage Issue
TO:DeVere R. Patton (CN=DeVere R. Patton/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy campen (CN=timothy campen/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Anytime that afternoon for me too.

DeVere R. Patton
04/24/2002 03:22:25 PM
Record Type: Record

To: Adam F. Greenstone/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, timothy campen/oa/eop@eop
bcc:
Subject: Re: WAVES Records Manage Issue

Currently, Tim is available anytime in the afternoon on Friday, April 26.
Please let me know your availability.

Thank you.

DeVere
x5-1234

Adam F. Greenstone
04/24/2002 02:56:57 PM

Record Type: Record

To: DeVere R. Patton/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, Timothy Campen/OA/EOP@EOP
bcc:
Subject: Re: WAVES Records Manage Issue

I am available to discuss this anytime on Friday. I will also be on leave for at least a week starting on May 2, so I think it's important that we meet on this in the next few days. DeVere--It would be great if you can send Tim's available times for Friday to Brett, and I'll accommodate.

REV_00144167

Tim_Campen@oa.eop.gov
04/24/2002 02:43:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Adam F. Greenstone/OA/EOP@EOP
Subject: WAVES Records Manage Issue

We'll soon reach the point in our redesign of the WAVES interface where we'll need to know if we have to accommodate record management or not. Hate to do the extra work to add it if it's not required; but also hate to go back and add it later. Our non-legal position is that it (WAVES requests) got record managed in the first place because we used the email system to transport the request and not because someone thought WAVE requests needed to be record managed.... help!

From: CN=Rhonda L. Taylor/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/24/2002 7:50:01 AM
Subject: : Re: IMPORTANT: Your certification needed on attached Department of Justice form
Attachments: P_XKDX6003_OPD.TXT_1.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rhonda L. Taylor (CN=Rhonda L. Taylor/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:24-APR-2002 11:50:01.00
SUBJECT:: Re: IMPORTANT: Your certification needed on attached Department of Justice form
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I received this message addressed to Brett Kavanaugh from you. I was instructed that I did not have to complete the form originally because I did not work at the White House in the time period covered by the inquiry. I started work at the White House in February as a detailee from the Corporation for National and Community Service. Rhonda Taylor

Brett M. Kavanaugh
04/22/2002 09:44:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: IMPORTANT: Your certification needed on attached
Department of Justice form

According to our records, we have not received a signed certification from you on the form that is attached to this e-mail. The form relates to the Department of Justice's criminal investigation of the unauthorized disclosure last year of confidential government information concerning the blocking and freezing of the assets of the Global Relief Foundation, the Benevolence International Foundation, and the Holy Land Foundation. Please complete and sign the attached form and return it to Brent Greenfield in Room 160 1/2 no later than close of business Wednesday, April 24. If you have any questions or cannot complete the form in that time frame, please contact me at 6-7984.

As part of the certification, you are also asked to produce all official documents in your possession (including any e-mails and internal memoranda you have retained) that:

a) were created (or are dated) between September 11, 2001 and on or before September 30, 2001, and indicate that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen by the United States government; or

b) were created (or are dated) on or before December 4, 2001, and indicate that the Holy Land Foundation was being considered for inclusion on a list of suspected terrorist fund-raising organizations or would otherwise have its assets blocked or frozen by the United States government; or

c) were created (or are dated) on or before December 14, 2001, and indicate that the Global Relief Foundation was to be searched or would have its assets frozen or blocked on or about December 14, 2001 or which

REV_00144169

discusses the expected date and time of any such action.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XKDX6003_OPD.TXT_1>

CERTIFICATION

I certify, to the best of my knowledge, that

_____ I had access

_____ I did not have access

- a) on or before September 30, 2001, to the information that the Global Relief Foundation and/or the Benevolence International Foundation was being considered for inclusion on a list of organizations whose assets would be frozen; or
- b) on or before December 3, 2001, to the information that a search would be conducted of (or that a blocking action would be taken against) the Holy Land Foundation on December 4, 2001; or
- c) on or before December 13, 2001, to the information that a blocking action would be taken against (or that a search would be conducted of) the Global Relief Foundation on December 14, 2001.

I further certify, to the best of my knowledge, that

_____ I have produced to the Office of the Counsel to the President all official documents in my possession (including any e-mails and internal memoranda I have) responsive to the document production directive in the e-mail memorandum to which this Certification was attached.

_____ I have conducted a search and determined that I have no such documents.

I understand that the information and documents I provide to the Office of the Counsel to the President are likely to be disclosed to the U.S. Department of Justice for use in its criminal investigation and that the Counsel's Office is not acting as my private attorney in this matter.

I further understand that this Certification is for purposes of a federal criminal investigation and that intentional false statements may result in criminal penalties or other sanctions.

NAME (please print):

SIGNATURE:

DATE:

OFFICE:

PHONE NUMBER:

From: CN=Kyle Sampson/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
CC: bradford a. berenson/who/eop@eop [WHO] <bradford a. berenson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>
Sent: 4/24/2002 8:38:43 AM
Subject: : Re: Next Off-Site Schedule

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 12:38:43.00
SUBJECT:: Re: Next Off-Site Schedule
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:bradford a. berenson (CN=bradford a. berenson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

I have no particular interest in participating in the table top training exercise sessions. Anyone want to trade?

H. Christopher Bartolomucci
04/24/2002 09:40:06 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Next Off-Site Schedule

Here is the next schedule:

May 6-8: Rachel
May 8-10: Brad
May 13-15: Kyle**
May 15-17: Helgi**
May 20-22: Brett
May 22-24: Bart
May 27-29: Noel

**There will be two two-day training/table-top exercise sessions held at the off-site location on May 13-14 and 15-16. Plan accordingly if you want to be there (or not be there) for one of these sessions.

Message Sent

To:
Bradford A. Berenson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP

REV_00144172

Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/24/2002 1:04:07 PM
Subject: : Congress Daily PM Today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-APR-2002 17:04:07.00

SUBJECT:: Congress Daily PM Today

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

FINANCE

Reviews Of Terrorism Reinsurance Legislation Underway

With some holes opening up in the Senate schedule over the next several days,

Senate Democratic leaders could seek to begin debate on a terrorism insurance

measure as early as Thursday, sources said today. Although he did not confirm that

timeline, Senate Majority Leader Daschle this week said he expected the terrorism

insurance bill could be "double tracked" with other legislation.

Democratic leaders

"hotlined" the legislation late Tuesday for concerns, and a spokeswoman for Senate

Banking ranking member Phil Gramm, R-Texas, said his aides were planning to

review the text today. Sources said the offer would allow each side to offer two

amendments to a reinsurance compromise crafted in December by Daschle, Gramm,

Sen. Christopher Dodd, D-Conn., and Banking Chairman Sarbanes.

The base measure is essentially silent on tort reform, except to say

that taxpayers
should not be liable for claims brought against the government. Aides to
some other
key GOP senators said they had not yet seen the offer, but did not think
two amendments
per side will be sufficient. In a letter to Daschle and Minority Leader
Lott, 87 leading
executives today warned that the nation's property owners and lenders have
become
increasingly exposed to catastrophic loss in the event of the next
terrorist attack. "We
urge you to pass a temporary federal backstop for terrorism insurance as
quickly as
possible," they wrote. * by Pamela Barnett

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lindsey C. Kozberg/OPD/EOP@EOP [OPD] <Lindsey C. Kozberg>
Sent: 4/24/2002 9:44:34 AM
Subject: : Re: IMPORTANT: Your certification needed on attached Department of Justice form

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-APR-2002 13:44:34.00
SUBJECT:: Re: IMPORTANT: Your certification needed on attached Department of Justice form
TO: Lindsey C. Kozberg (CN=Lindsey C. Kozberg/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

That's correct. Thanks.

Lindsey C. Kozberg
04/23/2002 12:08:16 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: IMPORTANT: Your certification needed on attached
Department of Justice form

I began work in February so I think it is not applicable to me as a timing
matter. - lindsey

Brett M. Kavanaugh
04/23/2002 09:43:17 AM
Record Type: Record

To: Lindsey C. Kozberg/OPD/EOP@EOP
cc:
bcc:
Subject: Re: IMPORTANT: Your certification needed on attached
Department of Justice form

Am I correct that you did work here at the relevant time last
fall? If so, you need not complete the form.

Lindsey C. Kozberg
04/22/2002 11:15:09 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: IMPORTANT: Your certification needed on attached
Department of Justice form

REV_00144178

I was informed that as a detailee I was not required to complete. Please advise and I will follow suit accordingly.

Please pardon my spelling and grammar, this message was sent from a handheld pager.

From: CN=Karen N. Blank/OU=OMB/O=EOP [OMB]
To: Matthew J. Schneider/OMB/EOP@EOP [OMB] <Matthew J. Schneider>
CC: Diana L. Meredith/OMB/EOP@EOP [OMB] <Diana L. Meredith>; Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>; Justine F. Rodriguez/OMB/EOP@EOP [OMB] <Justine F. Rodriguez>; John F. Wood/OMB/EOP@EOP [OMB] <John F. Wood>
Sent: 4/24/2002 1:55:18 PM
Subject: : Re: LRM KNB78 - - Request for Views on HR4070 Social Security Program Protection Act of 2002 AND Clearance of Social Security Administration's Recommended Positions on Provisions in HR4070
Attachments: P_UHWX6003_WHO.TXT_1.txt; P_UHWX6003_WHO.TXT_2.doc

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Karen N. Blank (CN=Karen N. Blank/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME:24-APR-2002 17:55:18.00
SUBJECT:: Re: LRM KNB78 - - Request for Views on HR4070 Social Security Program Protection Act of 2002 AND Clearance of Social Security Administration's Recommended Positions on Provisions in HR4070
TO:Matthew J. Schneider (CN=Matthew J. Schneider/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Diana L. Meredith (CN=Diana L. Meredith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
CC:John F. Wood (CN=John F. Wood/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
End Original ARMS Header

Matthew -

The 6.3% assessment represented what at the time was thought to be a full cost recovery for SSA in processing atty fee requests; however, that figure in fact provided significantly less than a full recovery of costs for SSA. For 2/3 of the atty fee payments SSA makes, the fee assessment will be capped at \$100. For the remaining 1/3 atty fee awards, the fee assessment will be less than \$100 (will be 6.3% of the atty fee award).

Please let me know whether you have any additional questions or will sign-off on this provision? Thanks.

From: Matthew J. Schneider on 04/24/2002 04:52:33 PM
Record Type: Record

To: Karen N. Blank/OMB/EOP@EOP
cc: WHGC LRM, philip j. perry/omb/eop@eop, justine f. rodriguez/omb/eop@eop, john f. wood/omb/eop@eop
bcc:
Subject: Re: LRM KNB78 - - Request for Views on HR4070 Social Security Program Protection Act of 2002 AND Clearance of Social Security Administration's Recommended Positions on Provisions in HR4070

Given the limited timing, OMB GC cannot assess all of these provisions before today's 4:45 deadline, but I will provide comments on Section 301, which would cap the assessment for SSA processing attorney fees at \$100 or 6.3%, whichever is lower. We would be interested in finding out how the \$100 / 6.3% figure was reached and whether the previous provision of 6.3% captured fees highly in excess of \$100.

REV_00144180

From: Karen N. Blank on 04/24/2002 04:14:56 PM
Record Type: Record

To: WHGC LRM, Philip J. Perry/OMB/EOP@EOP, Matthew J. Schneider/OMB/EOP@EOP, Justine F. Rodriguez/OMB/EOP@EOP
cc: John F. Wood/OMB/EOP@EOP
Subject: LRM KNB78 - - Request for Views on HR4070 Social Security Program Protection Act of 2002 AND Clearance of Social Security Administration's Recommended Positions on Provisions in HR4070

We are preparing to clear -- at 4:45pm today -- the attached SSA recommended positions on the provisions in HR 4070 (the bill is scheduled to be marked up tomorrow morning). If you have any objections/concerns with those positions, please let me know by that time. Thank you.
----- Forwarded by Karen N. Blank/OMB/EOP on 04/24/2002 03:59 PM -----

From: Karen N. Blank on 04/03/2002 04:28:55 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Ingrid M. Schroeder/OMB/EOP
Subject: LRM KNB78 - - Request for Views on HR4070 Social Security Program Protection Act of 2002 AND Clearance of Social Security Administration's Recommended Positions on Provisions in HR4070

Comments are due by 4:00 PM on Wednesday, April 10.

We are requesting views on HR 4070 (Shaw, R-FL) (bill text attached). IN ADDITION, we are requesting comments/clearance of SSA's recommended positions (table attached) on the proposals in HR 4070.
Note - A number of the proposals in HR 4070 were cleared previously by OMB and are identified accordingly in the SSA table.

Thank you.

- h.r.4070.doc

SSA advises that the House Ways and Means subcommittee on Social Security may mark-up HR 4070 as soon as the week of April 15.

----- Forwarded by Karen N. Blank/OMB/EOP on 04/03/2002 04:22 PM -----

LRM ID: KNB78
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Wednesday, April 3, 2002

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Ingrid M. Schroeder (for) Assistant Director for Legislative Reference

OMB CONTACT: Karen N. Blank

PHONE: (202)395-7363 FAX: (202)395-6148

SUBJECT: Request for Views on HR4070 Social Security Program Protection Act of 2002 AND Clearance of Social Security Administration's

REV_00144181

Recommended Positions on Provisions in HR4070

DEADLINE: 4:00 PM Wednesday, April 10, 2002

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Requesting views on HR 4070 (Shaw, R-FL) (bill text attached). IN ADDITION, requesting comments/clearance of SSA's recommended positions (table attached) on the proposals in HR 4070.
Note - A number of the proposals in HR 4070 were cleared previously by OMB and are identified accordingly in the SSA table.

SSA advises that the House Ways and Means subcommittee on Social Security may mark-up HR 4070 as soon as the week of April 15.

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Edward Ingle
OVP LRM
Lauren Wittenberg
Brenda Aguilar
Brooke Dickson
Eva Kleederman
James J. Jukes
LRM ID: KNB78 SUBJECT: Request for Views on HR4070 Social Security
Benefit Enhancements for Women Act of 2002 AND Clearance of Social
Security Administration's Recommended Positions on Provisions in HR4070

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Karen N. Blank Phone: 395-7363 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-7362

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Sent

To:

James C. Capretta/OMB/EOP@EOP
Karen S. Dooley/OMB/EOP@EOP
Larry R. Matlack/OMB/EOP@EOP
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UHWX6003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UHWX6003_WHO.TXT_2>

107th CONGRESS

2d Session

H. R. 4070

To amend the Social Security Act and the Internal Revenue Code of 19 86 to provide additional safeguards for Social Security and Supplemental Securi ty Income beneficiaries with representative payees, to enhance program protecti ons, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. SHAW (for himself, Mr. MATSUI, Mr. BECERRA, Mr. BRADY of Texas, Mr. HAYW ORTH, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. POMEROY, and Mr. RYAN of Wisconsin) introduced the following bill; which was referred to the Committee on Ways an d Means

A BILL

To amend the Social Security Act and the Internal Revenue Code of 19 86 to provide additional safeguards for Social Security and Supplemental Securi ty Income beneficiaries with representative payees, to enhance program protecti ons, and for other purposes.

Be it enacted by the Senate and House of Representatives of the Un ited States of America in Congress assembled,

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE- This Act may be cited as the `Social Security Program Protection Act of 2002'.

(b) TABLE OF CONTENTS- The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I--PROTECTION OF BENEFICIARIES

Subtitle A--Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational re presentative payees.

Sec. 102. Oversight of representative payees.

Sec. 103. Disqualification from service as representative payee upon conviction of offenses resulting in imprisonment for more than 1 year and upon fugitive felon status.

Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.

`(E) such person is in fugitive felon status as described in section 1611(e)(4).'

(c) TITLE XVI AMENDMENTS- Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended--

(1) in clause (ii)--

(A) by striking `and' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

`(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

`(V) obtain information concerning whether such person is a fugitive felon as described in section 1611(e)(4); and';

(2) in clause (iii)(II)--

(A) by striking `clause (ii)(IV)' and inserting `clause (ii)(V I)'; and

(B) by striking `section 205(j)(2)(B)(i)(IV)' and inserting `section 205(j)(2)(B)(i)(VI)'; and

(3) in clause (iii)--

(A) by striking `or' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

`(IV) if the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

`(V) such person is in fugitive felon status as described in section 1611(e)(4).'

(d) EFFECTIVE DATE- The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAY EES.

(a) TITLE II AMENDMENTS- Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended--

(1) in the first sentence, by striking `A' and inserting `Except as provided in the next sentence, a'; and

(2) in the second sentence, by striking 'The Secretary' and inserting the following:

'A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner'.

(b) TITLE XVI AMENDMENTS- Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended--

(1) in the first sentence, by striking 'A' and inserting 'Except as provided in the next sentence, a'; and

(2) in the second sentence, by striking 'The Commissioner' and inserting the following: 'A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner makes the determination of misuse after December 31, 2002.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS- Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102 of this Act) is amended further--

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking 'paragraph (9)' and inserting 'paragraph (10)';

(3) in paragraph (6)(A)(ii), by striking 'paragraph (9)' and inserting 'paragraph (10)'; and

(4) by inserting after paragraph (6) the following new paragraph:< /ul>

'(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

`(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) of this paragraph and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.'.

(b) TITLE VIII AMENDMENT- Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following new subsection:

`(I) LIABILITY FOR MISUSED AMOUNTS-

`(1) IN GENERAL- If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

`(2) LIMITATION- The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) of this subsection and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.'.

(c) TITLE XVI AMENDMENTS- Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102 of this Act) is amended further--

(1) in subparagraph (G)(i)(II), by striking 'paragraph (9)' and inserting 'paragraph (10)'; and

(2) by striking subparagraph (H) and inserting the following:

`(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

`(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) of this subparagraph and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.'.

(d) EFFECTIVE DATE- The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner makes the determination of misuse after December 31, 2002.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS- Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) is amended--

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.”.

(b) TITLE VIII AMENDMENTS- Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended--

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING- In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.”.

(c) TITLE XVI AMENDMENT- Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following new clause:

“(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.”.

(d) EFFECTIVE DATE- The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle B--Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL- Section 1129(a) of the Social Security Act (42 U.S.C. 1320a-8) is amended by adding at the end the following new paragraph:

“(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than \$5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.”.

(b) EFFECTIVE DATE- The amendments made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II--PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO KNOWING WITHHOLDING OF MATERIAL FACTS.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS-

(1) CIVIL PENALTIES- Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a-8(a)(1)) is amended--

(A) by striking ‘who’ in the first sentence and inserting ‘who --’;

(B) by striking ‘makes’ in the first sentence and all that follows through ‘shall be subject to’ and inserting the following:

“(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading,

`(B) makes such a statement or representation for such use with knowing disregard for the truth, or

`(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to';

(C) by inserting `or each receipt of such benefits or payments while withholding disclosure of such fact' after `each such statement or representation' in the first sentence;

(D) by inserting `or because of such withholding of disclosure of a material fact' after `because of such statement or representation' in the second sentence; and

(E) by inserting `or such a withholding of disclosure' after `such a statement or representation' in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES- Section 1129A (a) of such Act (42 U.S.C. 1320a-8a(a)) is amended in the first sentence--

(A) by striking `who' and inserting `who--'; and

(B) by striking `makes' and all that follows through `shall be subject to,' and inserting the following:

`(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI that the person knows or should know is false or misleading,

`(2) makes such a statement or representation for such use with knowing disregard for the truth, or

`(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is

material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,'.

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS- Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a-8(e)(2)(B)) is amended by striking 'In the case of amounts recovered arising out of a determination relating to title VIII or XVI,' and inserting 'In the case of any other amounts recovered under this section,'.

(c) CONFORMING AMENDMENTS-

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a-8(b)(3)(A)) is amended by striking 'charging fraud or false statements'.

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a-8(c)(1)) is amended by striking 'and representations' and inserting ', representations, or actions'.

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a-8(e)(1)(A)) is amended by striking 'statement or representation referred to in subsection (a) was made' and inserting 'violation occurred'.

(d) EFFECTIVE DATES- The amendments made by this section shall apply with respect to violations committed after the date of the enactment of this Act .

SEC. 202. DISQUALIFICATION FROM ELIGIBILITY FOR TRIAL WORK PERIOD UPON CRIMINAL, CIVIL, OR ADMINISTRATIVE FINDING OF FRAUDULENT CONCEALMENT OF WORK ACTIVITY.

(a) IN GENERAL- Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following new paragraph:

(5) Effective upon the date of any final determination (after any applicable notice and opportunity for hearing) by a Federal court or by a Federal agency (including any final determination in a proceeding to determine whether to impose a civil monetary penalty under this Act), that an individual has fraudulently concealed work activity from the Commissioner of Social Security--

(A) any ongoing period of trial work for such individual under this subsection shall end with the end of the preceding month,

(B) such individual shall have no period of trial work thereafter in connection with any entitlement of such individual under section 223, 202(d), 202(e), or 202(f),

(C) such individual shall not be eligible for any subsequent waiver of adjustment of benefits or other form of recovery applicable in connection with any payment to such individual of more than the correct amount under section 223, 202(d), 202(e), or 202(f) by reason of such concealment, and

(D) amounts otherwise due under this title as restitution, penalties, assessments, fines, or other repayments shall in all cases be in addition to any amounts for which such individual is liable as overpayments by reason of such concealment.'

(b) EFFECTIVE DATE- The amendment made by this section shall apply with respect to work activity performed after the date of the enactment of this Act.

SEC. 203. DENIAL OF TITLE II BENEFITS TO FUGITIVE FELONS AND PERSONS FLEEING PROSECUTION.

(a) IN GENERAL- Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended--

(1) in the heading, by striking 'Prisoners' and all that follows and inserting the following: 'Prisoners, Certain Other Inmates of Publicly Funded Institutions, and Fugitives';

(2) in paragraph (1)(A)(ii)(IV), by striking 'or' at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

'(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a n offense punishable by imprisonment for more than 1 year under the laws of the place from which the person flees, or

'(v) is violating a condition of probation or parole imposed under Federal or State law.

In the case of an individual from whom such monthly benefits have been withheld pursuant to clause (iv), the Commissioner may, for good cause shown, pay such withheld benefits to the individual.'; and

(5) in paragraph (3), by adding at the end the following new subparagraph:

'(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that--

'(i) the beneficiary--

'(I) is described in clause (iv) or (v) of paragraph (1)(A); and

'(II) has information that is necessary for the officer to conduct the officer's official duties; and

`(ii) the location or apprehension of the beneficiary is within the officer's official duties.'

SEC. 204. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL- Section 1140 of the Social Security Act (42 U.S.C. 1320b-10) is amended--

(1) in subsection (a), by adding at the end the following new paragraph:

`(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that--

`(i) explains that the product or service is available free of charge from the Social Security Administration, and

`(ii) complies with standards prescribed by the Commissioner of Social Security respecting content of such notice and its placement, visibility, and legibility.

`(B) Subparagraph (A) shall not apply to any offer--

`(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

`(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI.'; and

(2) in the heading, by striking 'PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE' and inserting 'PROHIBITIONS RELATING TO REFERENCES'.

(b) EFFECTIVE DATE- The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the

Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within one year after the date of the enactment of this Act.

SEC. 205. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: 'Notwithstanding the preceding sentences, the Commissioner (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.'

SEC. 206. PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1134 the following new section:

'ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

'SEC. 1135. CORRUPT OR FORCIBLE INTERFERENCE- whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the social security administration (including any State employee of a disability determination service or any other individual designated by the commissioner of social security) acting in an official capacity to carry out a duty under this act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this act, shall be fined not more than \$5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than \$ 3,000, imprisoned not more than 1 year, or both. In this

Sec. 105. Liability of representative payees for misused benefits.

Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

Subtitle B--Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

TITLE II--PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to knowing withholding of material facts.

Sec. 202. Disqualification from eligibility for trial work period upon criminal, civil, or administrative finding of fraudulent concealment of work activity.

Sec. 203. Denial of title II benefits to fugitive felons and persons fleeing prosecution.

Sec. 204. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration.

Sec. 205. Refusal to recognize certain individuals as claimant representatives.

Sec. 206. Penalty for corrupt or forcible interference with administration of Social Security Act.

TITLE III--ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.

Sec. 302. Extension of attorney fee payment system to title XVI claims.

Sec. 303. Effective date of title.

TITLE IV--MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A--Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.

Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.

Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings.

Sec. 404. Availability of Federal and State work incentive services to additional individuals.

Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.

Subtitle B--Miscellaneous Amendments

subsection, the term `threats of force' means threats of harm to the officer or employee of the United States or to a member of the family of such an officer or employee.'

TITLE III--ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended by inserting `, except that the maximum amount of the assessment may not exceed \$100' after `subparagraph (B)'.

SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.< /h3>

Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended--

(1) in the matter in subparagraph (A) preceding clause (i)--
< /ul>

(A) by striking `section 206(a)' and inserting `section 206';< /ul>

(B) by striking `(other than paragraph (4) thereof)' and inserting `(other than subsections (a)(4) and (d) thereof); and

(C) by striking `paragraph (2) thereof' and inserting `such section';

(2) in subparagraph (A)(i), by striking `in subparagraphs (A)(ii)(I) and (C)(i),' and inserting `in subparagraphs (A)(ii) (I) and (D)(i) of subsection (a)(2)', and by striking `and' at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:< /ul>

`(ii) by substituting, in subsections (a)(2)(B) and (b)(1) (B)(i), the phrase `section 1631(a)(7)(A) or the

requirements of due process of law' for the phrase
'subsection (g) or (h) of section 223';

`(iii) by substituting, in subsection (a)(2)(C)(i), the
phrase 'under title II' for the phrase 'under title XVI';

`(iv) by substituting, in subsection (b)(1)(A), the phrase
'pay the amount of such fee' for the phrase 'certify the
amount of such fee for payment' and by striking, in
subsection (b)(1)(A), the phrase 'or certified for payment'; and

`(v) by substituting, in subsection (b)(1)(B)(ii), the
phrase 'determined to be such amounts as determined
before any applicable reduction under section 1631(g),
and reduced by the amount of any reduction in benefits
under this title or title II made pursuant to section 1127
(a)' for the phrase 'determined before any applicable
reduction under section 1127(a)'; and

(4) by striking subparagraph (B) and inserting the
following new subparagraphs:

`(B) Subject to subparagraph (C), if the claimant is
determined to be entitled to past-due benefits under this title
and the person representing the claimant is an attorney, the
Commissioner of Social Security shall pay out of such past-
due benefits (as determined before any applicable reduction
under section 1631(g), and reduced by the amount of any
reduction in benefits under this title or title II made
pursuant to section 1127(a)) to such attorney an amount
equal to so much of the maximum fee as does not exceed 25
percent of such past-due benefits (as so determined and so
reduced).

`(C)(i) Whenever a fee for services is required to be paid to
an attorney from a claimant's past-due benefits pursuant to
subparagraph (B), the Commissioner shall impose on the

attorney an assessment calculated in accordance with clause (ii).

`(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed \$100.

`(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

`(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

`(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

`(v) Assessments on attorneys collected under this subparagraph shall be deposited in the Treasury in a separate fund created for this purpose.

`(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.'

SEC. 303. EFFECTIVE DATE OF TITLE.

The amendments made by this title shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 or 1631 (d)(2) of the Social Security Act after 180 days after the date of the enactment of this Act.

TITLE IV--MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A--Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended--

(1) in the first sentence of subsection (c), by striking `conducted under subsection (a)' and inserting `initiated under subsection (a) on or before December 17, 2004'; and

(2) in subsection (d)(2), by amending the first sentence to read as follows: `The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2004.'.

**SEC. 402. EXPANSION OF WAIVER
AUTHORITY AVAILABLE IN CONNECTION
WITH DEMONSTRATION PROJECTS
PROVIDING FOR REDUCTIONS IN
DISABILITY INSURANCE BENEFITS BASED
ON EARNINGS.**

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking '(42 U.S.C. 401 et seq.)', and inserting '(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b-19) as they relate to the program established under title II of such Act,'.

**SEC. 403. FUNDING OF DEMONSTRATION
PROJECTS PROVIDED FOR REDUCTIONS IN
DISABILITY INSURANCE BENEFITS BASED
ON EARNINGS.**

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

“(f) **EXPENDITURES-** Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or title XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by

the Secretary of Health and Human Services, from funds available for benefits under such title II or title XVIII.'.

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) FEDERAL WORK INCENTIVES OUTREACH PROGRAM-

(1) IN GENERAL- Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b-20(c)(2)) is amended to read as follows:

`(2) DISABLED BENEFICIARY- the term **`disabled beneficiary'** means an individual--

`(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

`(B) who is receiving a cash payment described in section 1616 (a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93-66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93-66);

`(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

`(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act. '.

(2) EFFECTIVE DATE- The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) STATE GRANTS FOR WORK INCENTIVES ASSISTANCE-

(1) IN GENERAL- Section 1150(g)(2) of such Act (42 U.S.C. 1320b-21 (g)(2)) is amended to read as follows:

`(2) DISABLED BENEFICIARY- the term **`disabled beneficiary'** means a n individual--

`(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

`(B) who is receiving a cash payment described in section 1616 (a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93-66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93-66);

`(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

`(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act. '.

(2) EFFECTIVE DATE- The amendment made by this subsection shall apply with respect to

payments provided after the date of the enactment of this Act.

**SEC. 405. TECHNICAL AMENDMENT
CLARIFYING TREATMENT FOR CERTAIN
PURPOSES OF INDIVIDUAL WORK PLANS
UNDER THE TICKET TO WORK AND SELF-
SUFFICIENCY PROGRAM.**

(a) **IN GENERAL-** Section 1148(g)(1) of the Social Security Act (42 U.S. C. 1320b-19) is amended by adding at the end, after and below subparagraph (E), the following new sentence:

‘An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.’.

(b) **EFFECTIVE DATE-** The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170; 113 Stat. 1921).

Subtitle B--Miscellaneous Amendments

**SEC. 411. ELIMINATION OF TRANSCRIPT
REQUIREMENT IN REMAND CASES FULLY
FAVORABLE TO THE CLAIMANT.**

(a) **IN GENERAL-** Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking ‘and a transcript’ and inserting ‘and, in

any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript'.

(b) **EFFECTIVE DATE-** The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) **IN GENERAL-** Paragraphs (1) and (2) of section 202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2)) are each amended by striking 'or (1)(E) '.

(b) **EFFECTIVE DATE-** The amendment made by this section to section 202(n)(1) of the Social Security Act shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice from the Attorney General after the date of the enactment of this Act. The amendment made by this section to section 202(n)(2) of the Social Security Act shall apply with respect to removals occurring after the date of the enactment of this Act.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401 (c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i (b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t (b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i) (3)).

(C) Section 103(d)(2) of the Senior Citizens' Right to Work Act of 1996 (42 U.S.C. 401 note).

SEC. 414. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) IN GENERAL- Section 1140(a)(1) of the Social Security Act (42 U.S. C. 1320b-10(a)(1)) is amended--

(1) in subparagraph (A), by inserting `Centers for Medicare & Medicaid Services', after `Health Care Financing Administration', by striking `or `Medicaid', and inserting `Medicaid', `Death Benefits Update', `Federal Benefit Information', `Funeral Expenses', or `Final Supplemental Plan', and by inserting `CMS', after `HCFA',;

(2) in subparagraph (B), by inserting `Centers for Medicare & Medicaid Services,' after `Health Care Financing Administration,' each place it appears; and

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.

Sec. 412. Nonpayment of benefits upon removal from the United States .

Sec. 413. Reinstatement of certain reporting requirements.

Sec. 414. Use of symbols, emblems, or names in reference to social security or medicare.

Sec. 415. Clarification of definitions regarding certain survivor benefits.

Sec. 416. Optional methods for computing net earnings from self-employment.

Sec. 417. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.

Subtitle C--Technical Amendments

Sec. 431. Technical correction relating to responsible agency head.< /ul>

Sec. 432. Technical correction relating to retirement benefits of ministers.

Sec. 433. Technical corrections relating to domestic employment.

Sec. 434. Technical corrections of outdated references.

Sec. 435. Technical correction respecting self-employment income in community property States.

TITLE I--PROTECTION OF BENEFICIARIES

Subtitle A--Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS-

(1) REISSUANCE OF BENEFITS- Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following new sentences: 'In any case in which a representative payee--

`(i) that is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

`(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).'

(3) in the matter following subparagraph (B), by striking `the Health Care Financing Administration,' each place it appears and inserting `the Centers for Medicare & Medicaid Services,'.

(c) **EFFECTIVE DATE-** The amendments made by this section shall apply to items sent after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the explicit statements required to be provided in connection with such items. The Commissioner shall promulgate such final regulations within one year after the date of the enactment of this Act.

SEC. 415. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) **WIDOWS-** Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended--

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting `except as provided in paragraph (2),' before `she was married';

(4) by inserting `(1)' after `(c)'; and

(5) by adding at the end the following new paragraph:

`(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if--

`(A) the individual had been married prior to the individual's marriage to the surviving wife,

`(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

`(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

`(D) the prior wife continued to remain institutionalized up to the time of her death, and

`(E) the individual married the surviving wife within 60 days after prior wife's death.'

(b) WIDOWERS- Section 216(g) of such Act (42 U.S.C. 416(g)) is amended --

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting `except as provided in paragraph (2),' before `he was married';

(4) by inserting `(1)' after `(g)'; and

(5) by adding at the end the following new paragraph:

`(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if--

`(A) the individual had been married prior to the individual's marriage to the surviving husband,

`(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

`(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

`(D) the prior husband continued to remain institutionalized up to the time of his death, and

`(E) the individual married the surviving husband within 60 days after prior husband's death.'

(b) EFFECTIVE DATE- The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 416. OPTIONAL METHODS FOR COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986-

(1) IN GENERAL- Section 1402(h) of the Internal Revenue Code of 1986 is amended to read as follows:

`(h) OPTIONAL METHOD FOR COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT-< /ul>

`(1) INDIVIDUALS- In the case of any trade or business which is carried on by an individual--

`(A) if the gross income derived by the individual from such trade or business is not more than the upper limit for the taxable year and the net earnings from self-employment derived by the individual from such trade or business (computed under

subsection (a) without regard to this sentence) are less than $66\frac{2}{3}$ percent of such gross income, the net earnings from self-employment derived by the individual from such trade or business may, at the individual's option, be deemed to be $66\frac{2}{3}$ percent of such gross income, or

`(B) if the gross income derived by the individual from such trade or business is more than the upper limit for the taxable year and the net earnings from self-employment derived by the individual from such trade or business (computed under subsection (a) without regard to this sentence) are less than the lower limit for the taxable year, the net earnings from self-employment derived by the individual from such trade or business may, at the individual's option, be deemed to be the lower limit for the taxable year.

`(2) **MEMBER OF A PARTNERSHIP**- In the case of a member of a partnership carrying on any trade or business--

`(A) if the member's distributive share of the gross income of the partnership

derived from such trade or business (after such gross income has been reduced by the sum of all payments to which section 707(c) applies) is not more than the upper limit for the taxable year and the member's distributive share (whether or not distributed) of income described in section 702(a)(8) derived from such trade or business (computed under this subsection without regard to this sentence) is less than 66 2/3 percent of the member's distributive share of such gross income (after such gross income has been so reduced), the member's distributive share of income described in section 702(a)(8) derived from such trade or business may, at the member's option, be deemed to be an amount equal to 66 2/3 percent of the member's distributive share of such gross income (after such gross income has been so reduced), or

(B) if the member's distributive share of the gross income of the partnership derived from such trade or business (after such gross income has been reduced by the sum of all payments to which section 707(c) applies)

is more than the upper limit for the taxable year and the member's distributive share (whether or not distributed) of income described in section 702(a)(8) derived from such trade or business (computed under this subsection without regard to this sentence) is less than the lower limit for the taxable year, the member's distributive share of income described in section 702(a)(8) derived from such trade or business may, at the

member's option, be deemed to be the lower limit for the taxable year.

“(3) UPPER AND LOWER LIMITS- For purposes of this subsection--

“(A) LOWER LIMIT- The lower limit for any taxable year is the sum of the amounts required under section 213(d) of the Social Security Act for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

“(B) UPPER LIMIT- The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.

`(4) DETERMINATION OF GROSS INCOME- For purposes of this subsection, the term 'gross income' means--

`(A) in the case of any trade or business in which the income is computed under a cash receipts and disbursements method, the gross receipts from such trade or business reduced by the cost or other basis of property which was purchased and sold in carrying on such trade or business, adjusted (after such reduction) in accordance with the provisions of paragraphs (1) through (7) and paragraph (9) of subsection (a), and

`(B) in the case of any trade or business in which the income is computed under an accrual method, the gross income from such trade or business, adjusted in accordance with the provisions of paragraphs (1) through (7) and paragraph (9) of subsection (a).

`(5) INCOME DERIVED FROM MORE THAN ONE TRADE OR BUSINESS- For purposes of this subsection, if an individual (including a member of a partnership) derives gross income

from more than one such trade or business, such gross income (including his distributive share of the gross income of any partnership derived from any such trade or business) shall be deemed to have been derived from one trade or business.

`(6) ELECTION- The option under this subsection shall be allowed for any taxable year only if elected on the first return filed for such taxable year'.

(2) CONFORMING AMENDMENT- Section 1402(a) of such Code is amended by striking all that follows the first sentence following paragraph (15) and inserting `For optional method of determining net earnings from self-employment, see subsection (h)'.`.

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT-

(1) IN GENERAL- Section 211(g) of the Social Security Act (42 U.S.C. 411(g)) is amended to read as follows:

`Optional Method for Computing Net Earnings From Self-Employment

`(g)(1) In the case of any trade or business which is carried on by an individual--

`(A) if the gross income derived by the individual from such trade or business is not more than the upper limit for the taxable year and the net earnings from self-employment derived by the individual from such trade or business (computed under subsection (a) without regard to this sentence) are less than $66\frac{2}{3}$ percent of such gross income, the net earnings from self-employment derived by the individual from such trade or business may, at the individual's option, be deemed to be $66\frac{2}{3}$ percent of such gross income, or

`(B) if the gross income derived by the individual from such trade or business is more than the upper limit for the taxable year and the net earnings from self-employment derived by the individual from such trade or business (computed under subsection (a) without regard to this sentence) are less than the lower limit for the taxable year, the net earnings from self-employment derived by the individual from such trade or business may, at the individual's option, be deemed to be the lower limit for the taxable year.

`(2) In the case of a member of a partnership carrying on any trade or business--

(2) MISUSE OF BENEFITS DEFINED- Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

“(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term ‘use and benefit’ for purposes of this paragraph.”.

(b) TITLE VIII AMENDMENTS-

(1) REISSUANCE OF BENEFITS- Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) is amended by inserting after the first sentence the following new sentences: “In any case in which a representative payee--

“(A) that is not an individual; or

“(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).”.

(2) MISUSE OF BENEFITS DEFINED- Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following new subsection:

“(j) MISUSE OF BENEFITS- For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term ‘use and benefit’ for purposes of this subsection.”.

(3) TECHNICAL AMENDMENT- Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by inserting ‘use and’ before ‘benefit’.

(c) TITLE XVI AMENDMENTS-

(1) REISSUANCE OF BENEFITS- Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following new sentences: “In any case in which a representative payee--

“(i) that is not an individual (regardless of whether it is a ‘qualified organization’ within the meaning of subparagraph (D)(ii)); or

“(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to the representative payee, the Commissioner of Social Security shall make payment to the beneficiary or the beneficiary's alternative representative payee of an amount equal to the amount of the benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).”.

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES- Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended--

(A) in paragraph (12), by striking ‘and’ at the end;

(B) in paragraph (13), by striking the period and inserting ‘; and’; and

`(A) if the member's distributive share of the gross income of the partnership derived from such trade or business (after such gross income has been reduced by the sum of all payments to which section 707(c) of the Internal Revenue Code of 1986 applies) is not more than the upper limit for the taxable year and the member's distributive share (whether or not distributed) of income described in section 702(a)(8) of such Code derived from such trade or businesses (computed under this subsection without regard to this sentence) is less than $66\frac{2}{3}$ percent of the member's distributive share of such gross income (after such gross income has been so reduced), the member's distributive share of income described in section 702(a)(8) derived from such trade or business may, at the member's option, be deemed to be an amount equal to $66\frac{2}{3}$ percent of the member's distributive share of such gross income (after such gross income has been so reduced), or

`(B) if the member's distributive share of the gross income of the partnership derived from such trade or business (after such gross income has been reduced by the sum of all payments to which section 707(c) of such Code applies) is more than the upper limit for the taxable year and the

member's distri butive share
(whether or not distributed) of
income described in section 702(a)
(8) of such Code derived from such
trade or business (computed under
this subse ction without regard to
this sentence) is less than the lower
limit for the tax able year, the
member's distributive share of
income described in section 702(a)
(8) of such Code derived from such
trade or business may, at the
member's opti on, be deemed to be
the lower limit for the taxable year.

`(3) For purposes of this subsection--

`(A) The lower limit for any
taxable year is the sum of the
amount s required under section
213(d) for a quarter of coverage in
effect with respec t to each
calendar quarter ending with or
within such taxable year.

`(B) The upper limit for any
taxable year is the amount equal to
1 50 percent of the lower limit for
such taxable year.

`(4) For purposes of this subsection, the
term `gross income' means--< /ul>

`(A) in the case of any trade or
business in which the income
is c omputed under a cash
receipts and disbursements
method, the gross receipts
from such trade or business

reduced by the cost or other basis of property which was purchased and sold in carrying on such trade or business, adjusted (after such reduction) in accordance with the provisions of paragraphs (1) through (6) and paragraph (8) of subsection (a), and

`(B) in the case of any trade or business in which the income is computed under an accrual method, the gross income from such trade or business, adjusted in accordance with the provisions of paragraphs (1) through (6) and paragraph (8) of subsection (a).

`(5) For purposes of this subsection, if an individual (including a member of a partnership) derives gross income from more than one such trade or business, such gross income (including his distributive share of the gross income of any partnership derived from any such trade

or business) shall be deemed to have been derived from one trade or business .

`(6) The option under this subsection shall be allowed for any taxable year only if elected in

accordance with the provisions of section 1402(h) of the Internal Revenue Code of 1986.'.

**(2) CONFORMING
AMENDMENTS-**

(A) Section 211(a) of such Act (42 U.S.C. 411(a)) is amended by striking all that follows the first sentence following paragraph (15) and inserting `For optional method of determining net earnings from self-employment, see subsection (g).'

(B) Section 212 of such Act (42 U.S.C. 412) is amended--

< /ul>

(i) in subsection (b), by striking `For' and inserting `Except as provided in subsection (c), for'; and

(ii) by adding at the end the following new subsection:

`(c) For the purpose of determining average indexed monthly earnings, average monthly wage, and quarters of coverage in the case of any individual who elects the option described in paragraph (1)(B) or (2)(B) of section 211(g) of any taxable year that does not begin with or during a particular calendar year and end with or during such year, the self-employment income of such individual deemed to be derived during such taxable year shall be allocated to the two calendar years, portions of which are included within such taxable year, in the same proportion to the total of such deemed self-employment income as the sum of the amounts applicable under section 213(d) for the calendar quarters ending with or within each such calendar year bears to the lower limit for such taxable year specified in section 211 (g)(3)(A).'

(c) EFFECTIVE DATE-
The amendments made
by this section shall
apply to taxable years
beginning after the date
of the enactment of this
Act.

SEC. 417.
CLARIFICATION
RESPECTING THE
FICA AND SECA TAX
EXEMPTIONS FOR AN
INDIVIDUAL WHOSE
EARNINGS ARE
SUBJECT TO THE
LAWS OF A
TOTALIZATION
AGREEMENT
PARTNER.

Sections 1401(c), 3101(c),
and 3111(c) of the
Internal Revenue Code
of 1986 are each
amended by striking `to
taxes or contributions for
similar purposes under'
and inserting `exclusively
to the laws applicable to'.

**Subtitle C--Technical
Amendments**

**SEC. 431. TECHNICAL
CORRECTION**

**RELATING TO
RESPONSIBLE
AGENCY HEAD.**

**Section 1143 of the Social
Security Act (42 U.S.C.
1320b-13) is amended--**

**(1) by striking
'Secretary' the first
place it appears and
inserting
'Commissioner of
Social Security';
and**

**(2) by striking
'Secretary' each
subsequent place it
appears and i
nserting
'Commissioner'.**

**SEC. 432. TECHNICAL
CORRECTION
RELATING TO
RETIREMENT
BENEFITS OF MINIST
ERS.**

**(a) IN GENERAL--
Section 211(a)(7) of the
Social Security Act (42
U.S.C. 411(a)(7)) is
amended by inserting `
but shall not include in
any such net earnings**

from self-employment
the rental value of any
parsonage or any
parsonage allowance
(whether or not excluded
under section 107 of the
Internal Revenue Code
of 1986) provided after
the individual retires, or
any other retirement ben
efit received by such
individual from a church
plan (as defined in
section 414(e) of such
Code) after the
individual retires' before
the semicolon.

(b) EFFECTIVE DATE-
The amendment made by
this section shall apply to
years beginning before,
on, or after December 31,
1994.

SEC. 433. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) AMENDMENT TO
INTERNAL REVENUE
CODE- Section 3121(a)
(7)(B) of the Internal
Revenue Code of 1986 is
amended by striking
'described in subsection

(g)(5)' and inserting `on a farm operated for profit'.

(b) AMENDMENT TO SOCIAL SECURITY ACT- Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking `described in section 210(f)(5)' and inserting `on a farm operated for profit'.

(c) CONFORMING AMENDMENT- Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking `or is domestic service in a private home of the employer'.

SEC. 434. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) CORRECTION OF TERMINOLOGY AND CITATIONS RESPECTING REMOVAL FROM THE UNITED STATES- Section 202(n) of the Social Security Act (42

**U.S.C. 402(n)) i s
amended--**

**(1) by striking
`deportation' each
place it appears and
inserting `removal';**

**(2) by striking
`deported' each
place it appears and
inserting `re
moved';**

**(3) in paragraph (1)
(in the matter
preceding
subparagraph (A)),
b y striking `under
section 241(a) (other
than under
paragraph (1)(C) or
(1)(E) t hereof)' and
inserting `under
section 237(a) (other
than paragraph (1)
(C) or (1)(E)
thereof) or 212(a)(6)
(A)';**

**(4) in paragraph (2),
by striking `under
any of the
paragraphs of
section 241(a) of the
Immigration and
Nationality Act
(other than under
paragra ph (1)(C)**

(C) by inserting after paragraph (13) the following new paragraph:

`(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.'

(3) MISUSE OF BENEFITS DEFINED- Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following new clause:

`(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.'

(d) EFFECTIVE DATE- The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) CERTIFICATION OF BONDING AND LICENSING REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL REPRESENTATIVE PAYEES-

(1) TITLE II AMENDMENTS- Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended--

(A) in paragraph (2)(C)(v), by striking 'a community-based nonprofit social service agency licensed or bonded by the State' in subclause (I) and inserting 'a certified community-based nonprofit social service agency (as defined in paragraph (9))';

(B) in paragraph (3)(F), by striking 'community-based nonprofit social service agencies' and inserting 'certified community-based nonprofit social service agencies (as defined in paragraph (9))';

(C) in paragraph (4)(B), by striking 'any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee' and inserting 'any certified community-based nonprofit social service agency (as defined in paragraph (9))'; and

(D) by adding after paragraph (8) (as added by section 201(a)(2) of this Act) the following new paragraph:

`(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in such State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on such agency which may have been performed since the previous certification.'

(2) TITLE XVI AMENDMENTS- Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended--

(A) in subparagraph (B)(vii), by striking 'a community-based nonprofit social service agency licensed or bonded by the State' in subclause (I) and inserting 'a certified community-based nonprofit social service agency (as defined in subparagraph (I))';

(B) in subparagraph (D)(ii)--

or (1)(E) thereof'
and inserting
'under any of the
paragraphs of sec
tion 237(a) of the
Immigration and
Nationality Act
(other than
paragraph (1)(C) or
(1)(E) thereof) or
under section 212(a)
(6)(A) of such Act';

(5) in paragraph (3)

--

(A) by striking
'paragraph
(19) of section
241(a)' and
inserti ng
'subparagraph
(D) of section
237(a)(4)'; and

(B) by striking
'paragraph
(19)' and
inserting
'subparagraph
(D)'; and

(6) in the heading,
by striking
'Deportation' and
inserting 'Remov
al'.

(b) CORRECTION OF CITATION RESPECTING THE TAX DEDUCTION RELATING TO HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS- Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by striking `section 162(m)' and inserting `section 162(l)'.

(c) ELIMINATION OF REFERENCE TO OBSOLETE 20-DAY AGRICULTURAL WORK TEST - Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking `and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis' .

SEC. 435. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMM

**UNITY PROPERTY
STATES.**

**(a) SOCIAL SECURITY
ACT AMENDMENT-
Section 211(a)(5)(A) of
the Social Security Act
(42 U.S.C. 411(a)(5)(A))
is amended by striking
'all of the gross income'
and all that follows and
inserting 'the gross
income and deductions
attributable to such
trade or business shall be
treated as the gross
income and deductions
of the spouse carrying on
such trade or business
or, if such trade or
business is jointly
operated, treated as the
gross income and
deductions of each
spouse on the basis of
their respective
distributive share of the
gross income and
deductions;'**

**(b) INTERNAL
REVENUE CODE OF
1986 AMENDMENT-
Section 1402(a)(5)(A) of
the Internal Revenue
Code of 1986 is amended
by striking 'all of the
gross income' and all**

that follows and inserting
`the gross income and
deductions attribu table
to such trade or business
shall be treated as the
gross income and deduct
ions of the spouse
carrying on such trade or
business or, if such trade
or busi ness is jointly
operated, treated as the
gross income and
deductions of each sp
ouse on the basis of their
respective distributive
share of the gross income
an d deductions; and'.

END

(i) by striking `or any community-based' and all that follows through `in accordance' in subclause (II) and inserting `or any certified community-based nonprofit social service agency (as defined in subparagraph (I)) , if the agency, in accordance';

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margination accordingly); and

(iii) by striking `subclause (II)(bb)' and inserting `subclause (II)'; and

(C) by adding at the end the following new subparagraph:

(I) For purposes of this paragraph, the term `certified community-based nonprofit social service agency' means a community based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.'.

(3) EFFECTIVE DATE- The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) PERIODIC ONSITE REVIEW-

(1) TITLE II AMENDMENT- Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

(6)(A) The Commissioner of Social Security shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which--

(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A). Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include--

(i) the number of such reviews,

(ii) the results of such reviews,

(iii) the number of cases in which the representative payee was changed and why,

`(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity,

`(v) the number of cases discovered in which there was a misuse of funds,

`(vi) how any such cases of misuse of funds were dealt with by the Commissioner,

`(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed, and

`(viii) such other information as the Commissioner deems appropriate.'.

(2) TITLE VIII AMENDMENT- Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following new subsection:

`(k)(1) PERIODIC ONSITE REVIEW- The Commissioner of Social Security may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or

agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which--

`(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

`(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

`(2) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1). Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include--

`(A) the number of such reviews,

`(B) the results of such reviews,

`(C) the number of cases in which the representative payee was changed and why,

`(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity,

`(E) the number of cases discovered in which there was a misuse of funds,

`(F) how any such cases of misuse of funds were dealt with by the Commissioner,

`(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed, and

`(H) such other information as the Commissioner deems appropriate. '.

(3) TITLE XVI AMENDMENT- Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

`(G)(i) The Commissioner of Social Security shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which--

`(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

`(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

`(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

`(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i). Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include--

`(I) the number of the reviews,

`(II) the results of such reviews,

`(III) the number of cases in which the representative payee was changed and why,

`(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity,

`(V) the number of cases discovered in which there was a misuse of funds,

`(VI) how any such cases of misuse of funds were dealt with by the Commissioner,

`(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed, and

`(VIII) such other information as the Commissioner deems appropriate.'.

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE UPON CONVICTION OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR AND UPON FUGITIVE FELON STATUS.

(a) TITLE II AMENDMENTS- Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended--

(1) in subparagraph (B)(i)--

(A) by striking 'and' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

`(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

`(V) obtain information concerning whether such person is a fugitive felon as described in section 1611(e)(4), and'.

(2) in subparagraph (C)(i)(II), by striking `subparagraph (B)(i)(I V),,' and inserting `subparagraph (B)(i)(VI)' and striking `section 1631(a)(2)(B)(ii)(IV)' and inserting `section 1631(a)(2)(B)(ii)(VI)'; and

(3) in subparagraph (C)(i)--

(A) by striking `or' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following new subclauses:

`(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the

Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

`(V) such person is in fugitive felon status as described in section 1611(e)(4).'

(b) TITLE VIII AMENDMENTS- Section 807 of such Act (42 U.S.C. 1007) is amended--

(1) in subsection (b)(2)--

(A) by striking `and' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

`(D) obtain information concerning whether such person has been convicted of any other offense under a law of the United States or of any State of the United States which resulted in imprisonment for more than 1 year;

`(E) obtain information concerning whether such person is a fugitive felon as described in section 1611(e)(4); and'; and

(2) in subsection (d)(1)--

(A) by striking `or' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

`(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

Positions on Provisions in H.R. 4070, the "Social Security Program Protection Act of 2002"

PROVISION AND COSTS	RECOMMENDED POSITION
TITLE I—PROTECTION OF BENEFICIARIES	
Subtitle A—Representative Payees	
<p>Sec. 101. Authority to reissue benefits misused by organizational representative payees--Would require the Commissioner of Social Security to re-issue benefits under Titles II, VIII, or XVI whenever an individual representative payee serving 15 or more beneficiaries, or an organizational representative payee, is found to have misused a beneficiary's funds.</p> <p>(Costs included under section 102)</p>	Support (OMB cleared.)
<p>Sec. 102. Oversight of representative payees--Would require non-governmental fee-for-service organizational representative payees to be both licensed and bonded, provided that licensing is available in the State. Also would require the Commissioner to provide for periodic onsite reviews for all nonprofit fee-for-service payees, organizational payees (both governmental and non-governmental) representing 50 or more beneficiaries, and individual payees representing 15 or more beneficiaries; also would require the Commissioner to report annually to Congress on the results of the onsite reviews.</p> <p>5 Year Costs – Program: \$+1m Admin: \$+4m, 50 workyears (Includes costs for sects. 101, 104, 105 and 111)</p>	Do not oppose.
<p>Sec. 103. Disqualification from service as representative payee upon conviction of offenses resulting in imprisonment for more than 1 year and upon fugitive felon status--Would disqualify an individual from serving as a representative payee if he or she has been convicted of an offense resulting in more than one year of imprisonment, unless the Commissioner of Social Security determines that such certification would be appropriate notwithstanding such conviction. Also, would disqualify a person who is a fugitive felon.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	Support
<p>Sec. 104. Fee forfeiture in case of benefit misuse by representative payees--Would require representative payees to forfeit their fee from the beneficiary's benefits for the months during which the representative payee misused the funds, as determined by the Commissioner of Social Security or a court of competent jurisdiction.</p> <p>(Costs included under section 102)</p>	Support

PROVISION AND COSTS	RECOMMENDED POSITION
<p>Sec. 105. Liability of representative payees for misused benefits--Would provide that misused benefits by a nongovernmental representative payee shall be treated as overpayments to the representative payee, subject to current overpayment recovery authorities. Any recovered benefits not reissued to the beneficiary pursuant to section 201 of this legislation would be reissued under this provision to the beneficiary or their alternate representative payee, up to the total amount misused.</p> <p>(Costs included under section 102)</p>	Support
Subtitle B—Enforcement	
<p>Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting--Would provide SSA with the authority to redirect payments of Social Security, Title VIII, and SSI benefits to local Social Security field offices if a representative payee fails to provide an annual accounting of benefits report. The Commissioner would be required to provide proper notice prior to redirecting benefits.</p> <p>5 Year Costs – Program: \$-4m Admin: \$+4m, 55 workyears</p>	Support
<p>Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees--Would authorize SSA to impose a civil monetary penalty for offenses involving misuse of Social Security, Title VIII, or SSI benefits received by a representative payee on behalf of another individual. The penalty equals up to \$5,000 for each violation. In addition, the representative payee shall be subject to an assessment of not more than twice the amount of the misused payments.</p> <p>5 Year Costs – Program: Neg. Admin: (Costs included under section 102)</p>	Support
TITLE II—PROGRAM PROTECTIONS	
<p>Sec. 201. Civil monetary penalty authority with respect to knowing withholding of material facts--Would authorize SSA to impose, in addition to any other penalties that apply, civil monetary penalties of up to \$5,000 (and assessments) for the omission of a statement that the individual should have made to SSA in connection with determining eligibility for, or the amount of, benefits.</p> <p>5 Year Costs – Program: \$-1m Admin: Neg.</p>	Support
<p>Sec. 202. Disqualification from eligibility for trial work period upon criminal, civil, or administrative finding of fraudulent concealment of work activity--Would prohibit the application of the trial work period to an individual who has been found by a Federal court or agency to have fraudulently concealed work activity from the Commissioner of Social Security and prohibits waiver of recovery in connection with any overpayment to such individual by reason of such concealment.</p> <p>5 Year Costs – Program: \$-1m Admin: Neg.</p>	Support

PROVISION AND COSTS	RECOMMENDED POSITION
<p>Sec. 203. Denial of title II benefits to fugitive felons and persons fleeing prosecution—Would amend the Social Security Act to deny Title II benefits to fugitive felons, and if not in violation of Federal or State law, the Commissioner will furnish law enforcement officers the current address, SSN and photograph (if applicable) if necessary for the officer to perform his duties with respect locating and apprehending the beneficiary.</p> <p>5 Year Costs – Program: \$-388m Admin: +3m, 40 workyears. (Preceding are SSA costs. In 5/01 testimony, OIG estimated need for significant (180 FTEs) additional resources to carry out fugitive felon provisions.)</p>	<p>Support</p> <p>Recommend language be changed to conform to enacted Title XVI language in the Social Security Act (Sec. 1611(e)(4))</p>
<p>Sec. 204. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration--Would amend Section 1140 by adding a mandatory requirement that persons or companies include in their solicitations a statement that services which they provide for a fee are available directly from SSA free of charge. The statements would be required to comply with standards promulgated by the Commissioner of Social Security with respect to their content, placement, visibility, and legibility.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	<p>Support</p>
<p>Sec. 205. Refusal to recognize certain individuals as claimant representatives--Would provide that the Commissioner may, with notice and an opportunity to respond, disqualify or prohibit from further practice before the Commissioner an attorney or non-attorney representative who has been disbarred, debarred, prohibited, or suspended from any court or bar to which he or she was previously admitted to practice, or disbarred or suspended from representing individuals before any other Federal agency or any other court system authorized under the statutory authority of any other Federal agency, or convicted of any offense or held civilly liable in any matter involving the Social Security Act.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	<p>Support</p>
<p>Sec. 206. Penalty for corrupt of forcible interference with administration of Social Security Act--Would penalize persons who attempt to intimidate or impede by force or threats of force any officer or employee of the United States acting in an official capacity under the Social Security Act or persons who in any other way obstruct or impede or attempt to obstruct or impede the administration of the Social Security Act. The maximum penalties would be \$5,000 and/or 3 years imprisonment. If the offense were committed only by threats, the person would be fined no more than \$3,000 and/or 1 year imprisonment.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	<p>Support</p>

PROVISION AND COSTS	RECOMMENDED POSITION
TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS	
Sec. 301. Cap on attorney assessments-- Would cap the assessment for SSA processing attorney fees at \$100 or 6.3 % of fee, whichever is lower. 1-Year Loss to Trust Fund: \$+9m (verifying 5-Year cost with OB)	Do not oppose.
Sec. 302. Extension of attorney fee payment system to title XVI claims-- Would extend the direct payment of attorney fees to the SSI program. (Currently SSA authorizes but does not pay attorney fees from past-due SSI benefits.) 1-Year Admin: 300-400 workyears, depending on degree of automation. NOTE: Systems estimates 6-9 months to implement manually and 18-24 months for automated system for withholding fees.	Support
Sec. 303. Effective date of title-- Would be effective 180 days after date of enactment	Do not oppose.
TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS	
<p style="text-align: center;">Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999</p>	
Sec. 401. Application of demonstration authority sunset date to new projects-- Would extend the authority to include projects <i>initiated</i> before the 5-year period ending December 17, 2004 expires. 5 Year Costs – Program: \$0 Admin: Neg.	Support (OMB cleared. Included in draft bill sent to Congress, 10/3/01)
Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings-- Would provide the Commissioner with the authority to waive requirements of section 1148 of the Social Security Act for the mandated demonstration projects. 5 Year Costs – Program: \$0 Admin: Neg.	Support (OMB cleared. Included in draft bill sent to Congress, 10/3/01)
Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings-- Would clarify that the cost of paying increased benefits will not be appropriated while the administrative costs associated with the demonstration projects will come normally from funds available for administration. 5 Year Costs – Program: \$0 Admin: Neg.	Support (OMB cleared. Included in draft bill sent to Congress, 10/3/01)
Sec. 404. Availability of Federal and State work incentive services to additional individuals-- Would allow BPAO services and P&A systems services to be provided to those beneficiaries in section 1619(b) status, those beneficiaries receiving only a State Supplement payment, and those beneficiaries in an extended period of Medicare eligibility under title XVIII after a period of disability under title II has ended. 5 Year Costs – Program: \$0 Admin: Neg.	Support (OMB cleared. Included in draft bill sent to Congress, 10/3/01)

PROVISION AND COSTS	RECOMMENDED POSITION
<p>Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program—Would clarify that employers who hire individuals disabled under either Title II or Title XVI of the Social Security Act and who are participating in the Ticket to Work program are eligible for tax credits already available to businesses who hire individuals from targeted groups that have a particularly high unemployment rate or other special employment need.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	Support
Subtitle B—Miscellaneous Amendments	
<p>Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant--Would provide that the Agency does not have to prepare and file a transcript with the district court after a court-ordered remand for further administrative proceedings results in a fully-favorable award of benefits.</p> <p>5 Year Costs – Program: \$0 Admin: Neg. savings</p>	Support
<p>Sec. 412. Nonpayment of benefits upon removal from the United States—Would end the exemption from nonpayment of benefits for aliens removed from the United States for smuggling other aliens into the United States.</p> <p>5 Year Costs – Program: Neg. Admin: Neg.</p>	Support
<p>Sec. 413. Reinstatement of certain reporting requirements—Would continue the requirement for the Board of Trustees report on the OASDI, HI, and SMI trust funds, continuing disability reviews reports, and the disability preeffectuation review report.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	Support
<p>Sec. 414. Use of symbols, emblems, or names in reference to Social Security or Medicare—Would update section 1140 for HCFA's new name (Centers for Medicare and Medicaid Services). The section adds Death Benefits Update, Federal Benefits Information, Funeral Expenses, etc. as items prohibited from the use of symbols, emblems or names that may provide a false impression that the item is approved or endorsed by SSA, CMS or HHS.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	Support
<p>Sec. 415. Clarification of definitions regarding certain survivor benefits—Would provide a limited exception to the 9-month duration-of-marriage requirement for widow(er)'s benefits. This exception would apply in cases in which the marriage was postponed by legal impediments to the marriage caused by State restrictions on divorce due to mental incompetence or similar incapacity.</p> <p>5 Year Costs – Program: Neg. Admin: Neg.</p>	Support

PROVISION AND COSTS	RECOMMENDED POSITION
<p>Sec. 416. Optional methods for computing net earnings from self-employment--Would revise the optional method of computing self-employment income so that self-employed persons could receive credit for as many as four QCs in a year, instead of one, as under present law.</p> <p>5 Year Costs – Program: \$-49 Admin: Neg.</p>	Support (OMB cleared.)
<p>Sec. 417. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner--Would provide clear legal authority to exempt a worker’s earnings from U.S. Social Security tax in cases where their earnings were subject to a foreign country’s laws in accordance with a U.S. totalization agreement, but the foreign country’s law does not require compulsory contributions with respect to those earnings.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	Support (OMB cleared.)
Subtitle C—Technical Amendments	
<p>Sec. 431. Technical correction relating to responsible agency head--Would delete all references to the “Secretary of Health and Human Services” found in Section 1143 (which requires issuance of Social Security Statements) of the Social Security Act and replaces them with the “Commissioner of Social Security.”</p> <p>5 Year Costs – Program: \$0 Admin: \$0</p>	Support
<p>Sec. 432. Technical correction relating to retirement benefits of ministers--Would provide a conforming change would be made to the Social Security Act to exclude certain benefits received by retired ministers and members of religious orders for Social Security benefit purposes as well as Social Security tax purposes.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	Support
<p>Sec. 433. Technical corrections relating to domestic employment--Would provide that references to domestic employment be removed from the provisions in the law that define agricultural employment, and the provisions that define domestic employment would specify that domestic employment includes domestic service performed on a farm.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	Support (OMB cleared.)
<p>Sec. 434. Technical corrections of outdated references-- would correct various outdated references in the Social Security Act and related laws. Over the years, provisions of the Social Security Act, the Internal Revenue Code, and other laws have been deleted, re-designated, or otherwise amended.</p> <p>5 Year Costs – Program: \$0 Admin: \$0</p>	Support

PROVISION AND COSTS	RECOMMENDED POSITION
<p>Sec. 435. Technical correction respecting self-employment income in community property States- would conform the provision in the Social Security Act and the Internal Revenue Code to current practice in both community property and non-community property States--to provide that income from a trade or business that is not a partnership will be taxed and credited to the spouse who is carrying on the trade or business or to each spouse based on their distributive share of the gross earnings, if jointly operated.</p> <p>5 Year Costs – Program: \$0 Admin: Neg.</p>	Support (OMB cleared.)

From: CN=Timothy Campen/OU=OA/O=EOP [OA]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: agreenst@oa.eop.gov [OA] <agreenst@oa.eop.gov>
Sent: 4/24/2002 10:43:14 AM
Subject: : WAVES Records Manage Issue

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP [OA])
CREATION DATE/TIME: 24-APR-2002 14:43:14.00
SUBJECT: WAVES Records Manage Issue
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: agreenst@oa.eop.gov (agreenst@oa.eop.gov [OA])
READ: UNKNOWN
End Original ARMS Header

We'll soon reach the point in our redesign of the WAVES interface where we'll need to know if we have to accommodate record management or not. Hate to do the extra work to add it if it's not required; but also hate to go back and add it later. Our non-legal position is that it (WAVES requests) got record managed in the first place because we used the email system to transport the request and not because someone thought WAVE requests needed to be record managed.... help!

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From: Tim_Campen@oa.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
Sent: 4/24/2002 10:45:02 AM
Subject: : WAVES Records Manage Issue

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RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Tim_Campen@oa.eop.gov (Tim_Campen@oa.eop.gov [UNKNOWN])
CREATION DATE/TIME:24-APR-2002 14:45:02.00
SUBJECT:: WAVES Records Manage Issue
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
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SUBJECT:: WAVES Records Manage Issue
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
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From: CN=Adam F. Greenstone/OU=OA/O=EOP [OA]
To: DeVere R. Patton/OA/EOP@EOP [OA] <DeVere R. Patton>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
Sent: 4/24/2002 10:57:01 AM
Subject: : Re: WAVES Records Manage Issue

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:24-APR-2002 14:57:01.00
SUBJECT:: Re: WAVES Records Manage Issue
TO:DeVere R. Patton (CN=DeVere R. Patton/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
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I am available to discuss this anytime on Friday. I will also be on leave for at least a week starting on May 2, so I think it's important that we meet on this in the next few days. DeVere--It would be great if you can send Tim's available times for Friday to Brett, and I'll accommodate.

Tim_Campen@oa.eop.gov
04/24/2002 02:43:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Adam F. Greenstone/OA/EOP@EOP
Subject: WAVES Records Manage Issue

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CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>; Timothy Campen/OA/EOP@EOP [OA] <Timothy Campen>
Sent: 4/24/2002 10:57:01 AM
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CREATOR:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP [OA])
CREATION DATE/TIME:24-APR-2002 14:57:01.00
SUBJECT:: Re: WAVES Records Manage Issue
TO:DeVere R. Patton (CN=DeVere R. Patton/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
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04/24/2002 02:43:10 PM
Record Type: Record

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cc: Adam F. Greenstone/OA/EOP@EOP
Subject: WAVES Records Manage Issue

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From: CN=Anne Womack/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: daniel j. bartlett/who/eop@eop [WHO] <daniel j. bartlett>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>
Sent: 4/24/2002 10:58:30 AM
Subject: : Re: Ron Fournier is meeting w/ ARG Thursday at 9:30 am

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 14:58:30.00
SUBJECT:: Re: Ron Fournier is meeting w/ ARG Thursday at 9:30 am
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:daniel j. bartlett (CN=daniel j. bartlett/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ron came to see me yesterday about this. I'm still trying to figure out why he told me this, but he's going to make the case to the judge that he needs a source inside the counsel's office, someone he can go to without going through the press office because on big stories (and he mentioned Supreme Court) he needs to get information quickly and he often needs to be able to tell his editors that he has talked to someone other than the press office. again, not sure why he told me this.

From: CN=DeVere R. Patton/OU=OA/O=EOP [OA]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;timothy campen/oa/eop@eop [OA] <timothy campen>
Sent: 4/24/2002 11:22:29 AM
Subject: : Re: WAVES Records Manage Issue

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:DeVere R. Patton (CN=DeVere R. Patton/OU=OA/O=EOP [OA])
CREATION DATE/TIME:24-APR-2002 15:22:29.00
SUBJECT:: Re: WAVES Records Manage Issue
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy campen (CN=timothy campen/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Currently, Tim is available anytime in the afternoon on Friday, April 26.
Please let me know your availability.

Thank you.

DeVere
x5-1234

Adam F. Greenstone
04/24/2002 02:56:57 PM

Record Type: Record

To: DeVere R. Patton/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, Timothy Campen/OA/EOP@EOP
bcc:
Subject: Re: WAVES Records Manage Issue

I am available to discuss this anytime on Friday. I will also be on leave for at least a week starting on May 2, so I think it's important that we meet on this in the next few days. DeVere--It would be great if you can send Tim's available times for Friday to Brett, and I'll accommodate.

Tim_Campen@oa.eop.gov
04/24/2002 02:43:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Adam F. Greenstone/OA/EOP@EOP
Subject: WAVES Records Manage Issue

We'll soon reach the point in our redesign of the WAVES interface where we'll

REV_00144253

need to know if we have to accommodate record management or not. Hate to do the extra work to add it if it's not required; but also hate to go back and add it later. Our non-legal position is that it (WAVES requests) got record managed in the first place because we used the email system to transport the request and not because someone thought WAVE requests needed to be record managed.... help!

From: CN=DeVere R. Patton/OU=OA/O=EOP [OA]
To: Adam F. Greenstone/OA/EOP@EOP [OA] <Adam F. Greenstone>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;timothy campen/oa/eop@eop [OA] <timothy campen>
Sent: 4/24/2002 11:22:29 AM
Subject: : Re: WAVES Records Manage Issue

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:DeVere R. Patton (CN=DeVere R. Patton/OU=OA/O=EOP [OA])
CREATION DATE/TIME:24-APR-2002 15:22:29.00
SUBJECT:: Re: WAVES Records Manage Issue
TO:Adam F. Greenstone (CN=Adam F. Greenstone/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:timothy campen (CN=timothy campen/OU=oa/O=eop@eop [OA])
READ:UNKNOWN
End Original ARMS Header

Currently, Tim is available anytime in the afternoon on Friday, April 26.
Please let me know your availability.

Thank you.

DeVere
x5-1234

Adam F. Greenstone
04/24/2002 02:56:57 PM

Record Type: Record

To: DeVere R. Patton/OA/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, Timothy Campen/OA/EOP@EOP
bcc:
Subject: Re: WAVES Records Manage Issue

I am available to discuss this anytime on Friday. I will also be on leave for at least a week starting on May 2, so I think it's important that we meet on this in the next few days. DeVere--It would be great if you can send Tim's available times for Friday to Brett, and I'll accommodate.

Tim_Campen@oa.eop.gov
04/24/2002 02:43:10 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Adam F. Greenstone/OA/EOP@EOP
Subject: WAVES Records Manage Issue

We'll soon reach the point in our redesign of the WAVES interface where we'll

REV_00144255

need to know if we have to accommodate record management or not. Hate to do the extra work to add it if it's not required; but also hate to go back and add it later. Our non-legal position is that it (WAVES requests) got record managed in the first place because we used the email system to transport the request and not because someone thought WAVE requests needed to be record managed.... help!

From: Allison_L._Riepenhoff@who.eop.gov [UNKNOWN]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Hana F. Brilliant/WHO/EOP@EOP [WHO] <Hana F. Brilliant>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Nanette Everson/WHO/EOP@EOP [WHO] <Nanette Everson>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;James W. Carroll/WHO/EOP@EOP [WHO] <James W. Carroll>;Stuart W. Bowen/WHO/EOP@EOP [WHO] <Stuart W. Bowen>;A. Morgan Middlemas/WHO/EOP@EOP [WHO] <A. Morgan Middlemas>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>
Sent: 4/24/2002 11:47:34 AM
Subject: : Baby Shower!

Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Allison_L._Riepenhoff@who.eop.gov (Allison_L._Riepenhoff@who.eop.gov [UNKNOWN])
CREATION DATE/TIME:24-APR-2002 15:47:34.00
SUBJECT:: Baby Shower!
TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:James W. Carroll (CN=James W. Carroll/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

REV_00144257

End Original ARMS Header

We are having a shower for Courtney and Noel to celebrate the newest additions to the Counsel office family.

When: Tuesday, April 30

Time: 8:45 am (right after staff meeting)

Place: WW, 2 Floor

Please bring your favorite breakfast dish to share (except Brett- this is a no Pop Tart event). Let me know what you are bringing so we don't double up on too many things. We are asking Katie and Becky to make their famous potato(e) and egg casseroles, and Ed, Krispy Kreme has your name written all over it.

Hope you guys can make it!

-Allison

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Alberto R. Gonzales/WHO/EOP@EOP [WHO] <Alberto R. Gonzales>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;Michael J. Conway/WHO/EOP@EOP [WHO] <Michael J. Conway>
Sent: 4/24/2002 12:17:42 PM
Subject: : April 24 - response letter from Lieberman recieved approx 4:00 pm

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 16:17:42.00
SUBJECT:: April 24 - response letter from Lieberman recieved approx 4:00 pm
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Anne - wanted to make sure you knew that this just arrive a few minutes ago so the Judge and others in our office have not yet seen this.

Thanks!

Lib

From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 4/24/2002 4:35:01 PM
Subject: : Ter Ins

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 20:35:01.00
SUBJECT:: Ter Ins
TO:Kristen Silverberg (Kristen Silverberg [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

There will be a meeting Friday in Lott's office (S-230 in the Capitol)
with staff from Lott/Nickles/McConnell/Hatch/Gramm to decide the Rep
liability amendment to terrorisim insurance. Can you all attend?
thanks, Matt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus sumerlin>
Sent: 4/24/2002 4:37:27 PM
Subject: : Re: Ter Ins

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-APR-2002 20:37:27.00
SUBJECT:: Re: Ter Ins
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ: UNKNOWN
End Original ARMS Header

What time? I need to do in the morning.

Matthew Kirk
04/24/2002 08:34:56 PM
Record Type: Record

To: Kristen Silverberg, Brett M. Kavanaugh/WHO/EOP@EOP, D. Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject: Ter Ins

There will be a meeting Friday in Lott's office (S-230 in the Capitol) with staff from Lott/Nickles/McConnell/Hatch/Gramm to decide the Rep liability amendment to terrorism insurance. Can you all attend?
thanks, Matt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus sumerlin>
Sent: 4/24/2002 4:55:04 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 20:55:04.00
SUBJECT:: Re:
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
End Original ARMS Header

I can do 11-12. Thanks.

Matthew Kirk
04/24/2002 08:54:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: kristen silverberg/who/eop@eop, D. Marcus Sumerlin/OPD/EOP@EOP
Subject:

we'll never get it set up again if we move it, too many offices. If Brett can still attend, I won't have to play lawyer. Brett can you do 11-12?

From: CN=Kirk Blalock/OU=WHO/O=EOP [WHO]
To: Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>;Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;sheila.bair@do.treas.gov @ inet [UNKNOWN] <sheila.bair@do.treas.gov>;peter.fisher@do.treas.gov @ inet [UNKNOWN] <peter.fisher@do.treas.gov>;Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>;Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>;Randall S. Kroszner/CEA/EOP@EOP [CEA] <Randall S. Kroszner>
Sent: 4/24/2002 1:04:07 PM
Subject: : Congress Daily PM Today

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-APR-2002 17:04:07.00

SUBJECT:: Congress Daily PM Today

TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:sheila.bair@do.treas.gov (sheila.bair@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:peter.fisher@do.treas.gov (peter.fisher@do.treas.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])

READ:UNKNOWN

End Original ARMS Header

FINANCE

Reviews Of Terrorism Reinsurance Legislation Underway

With some holes opening up in the Senate schedule over the next several days,

Senate Democratic leaders could seek to begin debate on a terrorism insurance

measure as early as Thursday, sources said today. Although he did not confirm that

timeline, Senate Majority Leader Daschle this week said he expected the terrorism

insurance bill could be "double tracked" with other legislation.

Democratic leaders

"hotlined" the legislation late Tuesday for concerns, and a spokeswoman for Senate

Banking ranking member Phil Gramm, R-Texas, said his aides were planning to

review the text today. Sources said the offer would allow each side to offer two

amendments to a reinsurance compromise crafted in December by Daschle, Gramm,

Sen. Christopher Dodd, D-Conn., and Banking Chairman Sarbanes.

The base measure is essentially silent on tort reform, except to say

REV_00144330

that taxpayers
should not be liable for claims brought against the government. Aides to
some other
key GOP senators said they had not yet seen the offer, but did not think
two amendments
per side will be sufficient. In a letter to Daschle and Minority Leader
Lott, 87 leading
executives today warned that the nation's property owners and lenders have
become
increasingly exposed to catastrophic loss in the event of the next
terrorist attack. "We
urge you to pass a temporary federal backstop for terrorism insurance as
quickly as
possible," they wrote. * by Pamela Barnett

From: CN=Amy L. Call/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Claire E. Buchan/WHO/EOP@EOP [WHO] <Claire E. Buchan>
CC: philip j. perry/omb/eop@eop [OMB] <philip j. perry>; joel d. kaplan/who/eop@eop [WHO] <joel d. kaplan>
Sent: 4/24/2002 1:39:43 PM
Subject: : Re: victims comp discussions

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Amy L. Call (CN=Amy L. Call/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 24-APR-2002 17:39:43.00
SUBJECT:: Re: victims comp discussions
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: philip j. perry (CN=philip j. perry/OU=omb/O=eop@eop [OMB])
READ: UNKNOWN
CC: joel d. kaplan (CN=joel d. kaplan/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

Actually- if Clare agrees- can you guys go ahead and call her- we probably don't want to leave it to chance that she will get back -up for Mitch's story-
Julie Kosterlitz, National Journal 739-8408-

Brett M. Kavanaugh
04/24/2002 01:13:53 PM
Record Type: Record

To: Amy L. Call/OMB/EOP@EOP
cc: philip j. perry/omb/eop@eop, Joel D. Kaplan/WHO/EOP@EOP
bcc:
Subject: Re: victims comp discussions

I was in the room, as was Joel Kaplan. Mitch never said anything like that about putting a value on human life. That account is wrong.

The discussions that night largely were between (i) Delay and Nickles and (ii) Daschle and Gephardt.

Amy L. Call
04/24/2002 12:50:52 PM
Record Type: Record

To: Philip J. Perry/OMB/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: victims comp discussions

do either of you have any info on this? thanks
----- Forwarded by Amy L. Call/OMB/EOP on 04/24/2002
12:49 PM -----

REV_00144332

Amy L. Call
04/24/2002 12:07:58 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: victims comp discussions

The National Journal is doing a story about how the federal government allocates scarce resources and how resources were allocated post-9-11. She is looking into the victims comp fund negotiations.

Sources she has talked to have told her that Senator Daschle said you can't put a value on a human life and Mitch said- yes I can and it is \$37,850 She has also heard that Mitch was advocating for the collateral offset provision, and that there was a discussion about making this an appropriation as opposed to an entitlement.

She would like to know if this is a true accounting of these negotiations/discussions. She would also like to talk with Mitch or any staff involved in these discussions to get a more well-rounded version of events. Her deadline, of course, is today.

Message Sent

To:

Mitchell Daniels/OMB/EOP@EOP
Karen E. Keller/OMB/EOP
Trent D. Duffy/OMB/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@EOP
Augustine T. Smythe/OMB/EOP
Rebecca A. Beynon/WHO/EOP@EOP
Douglas Pitkin/OMB/EOP@EOP
Eric C. Pelletier/OMB/EOP@EOP

REV_00144333

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/24/2002 4:15:35 PM
Subject: : LRM KCT149 - - VETERANS AFFAIRS Qs and As on HR3253, National Medical Emergency Preparedness Act, and HR3254, Medical Education for National Defense in the 21st Century Act
Attachments: P_BXZX6003_WHO.TXT_1.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-APR-2002 20:15:35.00

SUBJECT:: LRM KCT149 - - VETERANS AFFAIRS Qs and As on HR3253, National Medical Emergency Preparedness Act, and HR3254, Medical Education for National Defense in the 21st Century Act

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

----- Forwarded by Patrick J. Bumatay/WHO/EOP on
04/24/2002 08:15 PM -----

From: Kathryn C. Thompson on 04/24/2002 06:14:55 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: LRM KCT149 - - VETERANS AFFAIRS Qs and As on HR3253, National Medical Emergency Preparedness Act, and HR3254, Medical Education for National Defense in the 21st Century Act

The following is LRM ID: KCT149 -- Veterans Affairs Qs and As on H.R. 3253, National Medical Emergency Preparedness Act, and H.R. 3254, Medical Education for National Defense in the 21st Century Act. The Qs and As are attached below in Word format and they consist of four pages.

Please comment on the Qs and As by 2 p.m., Friday, April 26th. If you do not respond by the deadline, I will assume that you have no objection to the Qs and As.

LRM ID: KCT149
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Wednesday, April 24, 2002

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Ingrid M. Schroeder (for) Assistant Director for Legislative Reference
OMB CONTACT: Kathryn C. Thompson
PHONE: (202)395-7596 FAX: (202)395-6148

SUBJECT: VETERANS AFFAIRS Qs and As on HR3253, National Medical Emergency Preparedness Act, and HR3254, Medical Education for National Defense in the 21st Century Act

DEADLINE: 2 p.m. Friday, April 26, 2002

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the

REV_00144334

program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: These Qs and As on H.R. 3253 and H.R. 3254 follow an April 10th hearing before a House Veterans' Affairs subcommittee. H.R. 3253 and H.R. 3254 will be marked up by the subcommittee on May 1st.

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052-HEALTH & HUMAN SERVICES - Sondra S. Wallace - (202) 690-7773
061-JUSTICE - Daniel Bryant - (202) 514-2141
083-National Security Council - Stephen E. Biegun - (202) 456-9221
088-Office of Government Ethics - Jane Ley - (202) 208-8022
092-Office of Personnel Management - Harry Wolf - (202) 606-1424

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Robin Cleveland
Kathleen Peroff
Toni S. Hustead
Narahari Sastry
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Robert Marsh
OHS LRM
WHGC LRM
OVP LRM
Albert Hawkins
Edward Ingle
Ingrid M. Schroeder
James J. Jukes
LRM ID: KCT149 SUBJECT: VETERANS AFFAIRS Qs and As on HR3253,
National Medical Emergency Preparedness Act, and HR3254, Medical Education
for National Defense in the 21st Century Act
RESPONSE TO

LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Kathryn C. Thompson Phone: 395-7596 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-7362

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Sent

To: _____
dodlrs@osdgc.osd.mil
energy.gc71@hq.doe.gov
legis@fema.gov
lrm@hhs.gov
justice.lrm@usdoj.gov
NSC LRM
legteam@oge.gov
ola@opm.gov

Message Copied

To: _____
Nancy Dorn/OMB/EOP@EOP
Robin Cleveland/OMB/EOP@EOP
Kathleen Peroff/OMB/EOP@EOP
Toni S. Hustead/OMB/EOP@EOP
Narahari Sastry/OMB/EOP@EOP
Danny A. Ermann/OMB/EOP@EOP
Lourdes M. Lamela/OMB/EOP@EOP
John J. Bartrum/OMB/EOP@EOP

Kelli A. Hagen/OMB/EOP@EOP
Winifred Y. Chang/OMB/EOP@EOP
Mark R. Seastrom/OMB/EOP@EOP
Arecia A. Grayton/OMB/EOP@EOP
Mary Jo Siclari/OMB/EOP@EOP
Karyn T. Carson/OMB/EOP@EOP
Cameron M. Leuthy/OMB/EOP@EOP
Wendell H. Waites/OMB/EOP@EOP
Thomas Reilly/OMB/EOP@EOP
Mark Vinkenes/OMB/EOP@EOP
Patrick Aylward/OMB/EOP@EOP
Michael F. Crowley/OMB/EOP@EOP
Lisa B. Fairhall/OMB/EOP@EOP
Meredith G. Benson/OMB/EOP@EOP
Lori A. Krauss/OMB/EOP@EOP
Stuart Shapiro/OMB/EOP@EOP
Douglas Pitkin/OMB/EOP@EOP
Andrew Abrams/OMB/EOP@EOP
Matthew J. Schneider/OMB/EOP@EOP
John F. Wood/OMB/EOP@EOP
Elizabeth L. Rossman/OMB/EOP@EOP
Danielle M. Simonetta/OMB/EOP@EOP
Lauren C. Lobrano/OMB/EOP@EOP
Aquiles F. Suarez/OPD/EOP@EOP
Robert Marsh/WHO/EOP@EOP
OHS LRM
WHGC LRM
OVP LRM
Albert Hawkins/WHO/EOP@EOP
Edward Ingle/WHO/EOP@EOP
Ingrid M. Schroeder/OMB/EOP@EOP
James J. Jukes/OMB/EOP@EOP
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BXZX6003_WHO.TXT_1>

**House Veterans Affairs Committee
Subcommittee on Health
Hearing on H.R. 3253 and H.R. 3254
April 10, 2002**

**Follow-up Questions for
The Honorable Leo S. Mackay, Jr., Ph.D.
Deputy Secretary of Veterans Affairs**

Question 1: Your testimony indicates you are concerned that, without dedicated funding, the new programs our two bills would establish could diminish VA's ability to fulfill its primary mission. Are these truly VA's concerns, or OMB's concerns, or those of the Office of Homeland Security? Since both these bills include provisions *that require outside funding*, in effect forbidding the Secretary from proceeding unless outside funding is available, what is the purpose of your raising concerns about funding?

Response: The concerns about receiving dedicated funding represent the Department of Veterans Affairs' (VA) position. Although H.R. 3253 and H.R. 3254 did authorize funding to meet the objectives of the legislation, it is not clear that the necessary funds under Public Law 107-38 will, in fact, be available for these purposes. Without additional funding specifically dedicated to those activities, VA is concerned about carrying out the proposed activities of H.R. 3253 and H.R. 3254.

Question 2: Beyond the funding question, considering the events of the past year and the new world we have entered with regard to terrorism here on our very shores, should Congress charge the Department with new public health functions beyond its primary mission of providing health care and services to veterans? Please explain the rationale for your response.

Response: Because of the new reality of the threat to the American homeland, VA cannot help but operate differently. We must make prudent preparation to safeguard the life and health of our employees and veterans under our care. As well, VA as an integrated and pre-deployed health care asset can play a role beyond the purely self-defensive in public health preparedness and response if funded to do so. The issue, really, is one of opportunity cost. Can the Congress and OHS afford *not* to take advantage of this tremendous resource if the American people are to be adequately protected?

Under the Federal Response Plan, VA today functions as a reservoir of services, expertise and trained health-care workers when requested to provide excess capacity in a given location to support local capabilities. VA may be reimbursed for these services. This is the same ethic that we seek with regard to emergency planning/homeland defense: make available to the public defense the

tremendous resource of VA's endowment of people, expertise, and geographic expanse, but recompense it for the services it provides in defense of the public.

Question 3: You estimated the first-year costs associated with H.R. 3254 to be \$5.6 million, and ten-year costs to be \$55 million. What is VA's basis for this estimate? Since VA is now spending billions of dollars annually on its academic affairs with schools of health professions nationwide, does your estimate indicate this bill would represent insignificant incremental costs, or is there some other implication the Subcommittee should note?

Response: A breakdown of the costs is attached. These are the additional costs to VA associated with the development and production by VHA's Employee Education System of appropriate training and education programs to meet its obligations under H.R. 3254. They have no relation to funds that VA spends in regard to its academic affiliations program.

Question 4: In your participation with the Office of Homeland Security to craft a comprehensive and coordinated federal policy on bio-terrorism, what is your estimate of the cost of the expertise, infrastructure and time that the Department is committing to the effort? Would it be fair to conclude that this work extends beyond your primary mission of caring for veterans? Please explain the rationale for your response.

Response: The President's formation of the Office of Homeland Security, with its Homeland Security Councils (HSC) and Policy Coordinating Committees (PCC) and working groups, created a new set of inter-agency activities and responsibilities for VA. VA's newly established Office of Operations, Security and Preparedness (OSP) has the mission to coordinate all of VA's involvement in HSCs and PCCs, and enhance liaison activities with other Federal agencies. In addition, OSP was formed with the specific intent of improving and increasing VA's ability to respond to any contingency (whether natural disaster or terrorist assault) with minimal disruption to ongoing services to veterans and their families. VA's focus is on all hazards that require comprehensive emergency management including bioterrorism. Therefore, we cannot separate out costs related exclusively to bioterrorism. The cost to establish OSP was approximately \$7.9 million. An additional \$115 million is needed in FY 2002 for other activities throughout VA to enhance internal preparedness capability.

Caring for veterans is the Department's primary mission, and VA is also tasked with conducting research to improve medical care that we provide, and with educating health care practitioners through affiliations with colleges, universities, etc. VA's participation in developing a comprehensive federal policy on bio-terrorism goes directly to the Department's ability to meet the needs of veterans who may be victims of bio-terrorist attacks, either in the United States or on foreign battlefields. This work directly supports VA's fourth mission of contingency support to DoD and natural disasters. VA is the largest integrated,

pre-deployed Federal health care system in this nation that is strategically positioned to respond during an emergency. Disasters occur locally. VA's strategic local presence in most communities makes our role inevitable in times of natural disasters or terrorist attacks. We must be prepared to take care of our veterans as well as our employees. Additional resources and authorization would be required to extend our care to other affected citizens. When properly tasked and resourced, VA can supplement Homeland Security with minimal disruption to the Department's primary mission of caring for veterans and their families.

Question 5: The written testimony submitted by the Vietnam Veterans of America does not support H.R. 3253 due to the funding matter that was thoroughly reviewed during the hearing. Mindful of the views of VVA, and in your opinion, can your 4th mission – supporting military and national emergencies – be carried out without jeopardizing the current resources available to VHA?

Response: VA believes that the existing 4th mission can be performed, as it now exists, without jeopardizing the current resources available to VHA. VHA has worked closely with DOD to provide contingency back up for many years, and VA does not see this changing, although excess capacity in both systems may be lower today than it was 10 years ago. In national emergencies, VA has a secondary role to HHS and provides support in an emergency. HHS also has other partners in the National Disaster Medical System, including DOD and civilian facilities.

Attachment – Response to Question 3

Item	Year 1	Years 2 to 10 *
VAKN broadcasts (36 new broadcasts per year)* *based on avg. cost	\$1,170,000	\$1,170,000
rebroadcasting costs* *based on \$1,450/hr for transponder time + \$1,500 for uplink truck per day x 4 hr/day	\$1,900,000	\$1,900,000
videotape distribution* *based on cost per tape of from \$3 to \$6 x 150,000 tapes	\$500,000	\$500,000
web-based instructional modules	\$150,000	\$300,000
staffing (direct)	\$248,000	\$248,000
staffing (additional)	\$128,500	\$128,500
marketing (.001)	\$300,000	\$300,000
program evaluation	\$600,000	\$300,000
Educational Tools and Products	\$645,000	\$645,000
	\$5,641,500	\$5,491,500

* Per year costs given for years 2-10.
Total 10-year costs = \$55,065,000.

From: CN=Matthew Kirk/OU=WHO/O=EOP [WHO]
To: Kristen Silverberg [WHO] <Kristen Silverberg>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO]
<Brett M. Kavanaugh>;D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>
Sent: 4/24/2002 4:35:01 PM
Subject: : Ter Ins

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 20:35:01.00
SUBJECT:: Ter Ins
TO:Kristen Silverberg (Kristen Silverberg [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

There will be a meeting Friday in Lott's office (S-230 in the Capitol)
with staff from Lott/Nickles/McConnell/Hatch/Gramm to decide the Rep
liability amendment to terrorisim insurance. Can you all attend?
thanks, Matt

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus sumerlin>
Sent: 4/24/2002 4:37:27 PM
Subject: : Re: Ter Ins

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 24-APR-2002 20:37:27.00
SUBJECT:: Re: Ter Ins
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ: UNKNOWN
End Original ARMS Header

What time? I need to do in the morning.

Matthew Kirk
04/24/2002 08:34:56 PM
Record Type: Record

To: Kristen Silverberg, Brett M. Kavanaugh/WHO/EOP@EOP, D. Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject: Ter Ins

There will be a meeting Friday in Lott's office (S-230 in the Capitol) with staff from Lott/Nickles/McConnell/Hatch/Gramm to decide the Rep liability amendment to terrorism insurance. Can you all attend?
thanks, Matt

From: CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
Sent: 4/24/2002 4:50:00 PM
Subject: : Re: Ter Ins

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:24-APR-2002 20:50:00.00
SUBJECT:: Re: Ter Ins
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

Kristen and I have COS policy Deputies at 11:00. And I am hosting a Deputies Airlines Insurance meeting at 10. So I can't do 10-12.

Matthew Kirk
04/24/2002 08:38:44 PM
Record Type: Record

To: Kristen Silverberg, D. Marcus Sumerlin/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Ter Ins

Sorry - 11 am. Long day.
----- Forwarded by Matthew Kirk/WHO/EOP on 04/24/2002
08:38 PM -----

Matthew Kirk
04/24/2002 08:34:56 PM
Record Type: Record

To: Kristen Silverberg, Brett M. Kavanaugh/WHO/EOP@EOP, D. Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject: Ter Ins

There will be a meeting Friday in Lott's office (S-230 in the Capitol) with staff from Lott/Nickles/McConnell/Hatch/Gramm to decide the Rep liability amendment to terrorisim insurance. Can you all attend?
thanks, Matt

REV_00144344

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>
CC: kristen silverberg/who/eop@eop [WHO] <kristen silverberg>;d. marcus sumerlin/opd/eop@eop [OPD] <d. marcus sumerlin>
Sent: 4/24/2002 4:55:04 PM
Subject: : Re:

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-APR-2002 20:55:04.00
SUBJECT:: Re:
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:kristen silverberg (CN=kristen silverberg/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:d. marcus sumerlin (CN=d. marcus sumerlin/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
End Original ARMS Header

I can do 11-12. Thanks.

Matthew Kirk
04/24/2002 08:54:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: kristen silverberg/who/eop@eop, D. Marcus Sumerlin/OPD/EOP@EOP
Subject:

we'll never get it set up again if we move it, too many offices. If Brett can still attend, I won't have to play lawyer. Brett can you do 11-12?

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 4/25/2002 4:21:34 AM
Subject: : Terrorism call

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-APR-2002 08:21:34.00

SUBJECT:: Terrorism call

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Are you both available at 9:00am tomorrow morning for a terrorism call?

Thanks

From: Sheila.Bair@do.treas.gov [UNKNOWN]
To: Kirk Blalock/WHO/EOP@EOP [WHO] <Kirk Blalock>; Karl C. Rove/WHO/EOP@EOP [WHO] <Karl C. Rove>; D. Marcus Sumerlin/OPD/EOP@EOP [OPD] <D. Marcus Sumerlin>; Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>; Matthew Kirk/WHO/EOP@EOP [WHO] <Matthew Kirk>; Brian C. Conklin/WHO/EOP@EOP [WHO] <Brian C. Conklin>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Sheila.Bair@do.treas.gov [UNKNOWN] <Sheila.Bair@do.treas.gov>; Peter.Fisher@do.treas.gov [UNKNOWN] <Peter.Fisher@do.treas.gov>; Ken Mehlman/WHO/EOP@EOP [WHO] <Ken Mehlman>; Lezlee J. Westine/WHO/EOP@EOP [WHO] <Lezlee J. Westine>; Randall S. Kroszner/CEA /EOP@EOP [CEA] <Randall S. Kroszner>; Ziad S. Ojakli/WHO/EOP@EOP [WHO] <Ziad S. Ojakli>; Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>; Nicholas E. Calio/WHO /EOP@EOP [WHO] <Nicholas E. Calio>
Sent: 4/25/2002 5:35:52 AM
Subject: : RE: Congress Daily - AM

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
CREATION DATE/TIME:25-APR-2002 09:35:52.00
SUBJECT:: RE: Congress Daily - AM
TO:Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sheila.Bair@do.treas.gov (Sheila.Bair@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Peter.Fisher@do.treas.gov (Peter.Fisher@do.treas.gov [UNKNOWN])
READ:UNKNOWN
TO:Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Randall S. Kroszner (CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

me too! We are going from good guys to bad guys on this. The private sector wants a bill, and they don't want to split hairs over punitives. As a starting point, I think the Dodd substitute is acceptable. Frankly, it's a lot more than we were willing to accept last year in the Senate version to get the bill moving. We can still offer two amendments, and then there has to be some process to resolve differences with the House bill which has more than we want on tort reforms.

Sheila

REV_00144350

-----Original Message-----

From: Kirk_Blalock@who.eop.gov [mailto:Kirk_Blalock@who.eop.gov]
Sent: Thursday, April 25, 2002 8:32 AM
To: Karl_C._Rove@who.eop.gov; D._Marcus_Sumerlin@opd.eop.gov;
Kristen_Silverberg@who.eop.gov; Matthew_Kirk@who.eop.gov;
Brian_C._Conklin@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov;
sheila.bair@do.treas.gov; peter.fisher@do.treas.gov;
Ken_Mehlman@who.eop.gov; Lezlee_J._Westine@who.eop.gov;
Randall_S._Kroszner@cea.eop.gov; Ziad_S._Ojakli@who.eop.gov;
Susan_B._Ralston@who.eop.gov; Nicholas_E._Calio@who.eop.gov
Subject: Congress Daily - AM

Can we have a call today to discuss message and next steps? (Im getting alot of calls asking for direction).

FINANCE

GOP Senators Say Liability Issue Holding Up Terrorism Reinsurance
Senate Republican leaders on terrorism insurance legislation emerged late Wednesday from a closed-door meeting saying the stumbling block to a unanimous consent agreement remained punitive damages related to acts of terrorism. "The sticking point is still liability," said Senate Banking ranking member Phil Gramm, R-Texas, who participated in the meeting along with Senate Minority Leader Lott and Sen. Mitch McConnell, R-Ky. Although Senate Majority Leader Daschle has proposed that each side offer amendments on the liability issue, the two sides cannot reach an accord on the base bill, Republican and Democratic bill managers said Wednesday. Daschle has offered to use a bipartisan compromise reached among key players in December. It included only a modest tort reform component, stipulating that taxpayers would not be liable for acts of terrorism. Gramm said Wednesday that the Republicans' counteroffer is to use as the starting point a bill Gramm unveiled in November with Banking Chairman Sarbanes, Sens. Christopher Dodd, D-Conn., Michael Enzi, R-Wyo., and the Treasury Department. That bill was never formally introduced because Daschle objected to its liability language. Among other things, it would have consolidated terrorism-related lawsuits in federal court. A unanimous consent offer Daschle circulated this week would enable each side to offer amendments related to liability. But in an interview Wednesday evening, Dodd said the GOP is standing firm in wanting the base bill to be more to their advantage. "When you have a majority ... you get to decide what the

REV_00144351

starting
point is," Dodd said. Daschle is
providing the minority with an opportunity to offer amendments on liability
and
is willing to accept the
outcome of those votes, Dodd said. "What more is he supposed to do?" he
asked.
Pamela Barnett

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 4/25/2002 7:01:43 AM
Subject: : Re: ABA Law Day proclamations

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-APR-2002 11:01:43.00

SUBJECT:: Re: ABA Law Day proclamations

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I have worked on the Law Day Proclamation. I don't know anything about the ABA, though. The one I worked on was originally drafted by OLP at DOJ.

REV_00144354

Elizabeth N. Camp
04/25/2002 10:49:13 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Patrick J. Bumatay/WHO/EOP@EOP
Subject: ABA Law Day proclamations

If anyone has recieved or reviewed a Presidential proclamation being prepared at the request of the ABA for Law Day please let me know asap.

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Patrick J. Bumatay/WHO/EOP@EOP

From: CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
CC: david s. addington/ovp/eop@eop [OVP] <david s. addington>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>;john b. bellinger/nsc/eop@eop [NSC] <john b. bellinger>;kyle sampson/who/eop@eop [WHO] <kyle sampson>;rachel l. brand/who/eop@eop [WHO] <rachel l. brand>;robert w. cobb/who/eop@eop [WHO] <robert w. cobb>;courtney s. elwood/who/eop@eop [WHO] <courtney s. elwood>;timothy e. flanigan/who/eop@eop [WHO] <timothy e. flanigan>;edward mcnelly/who/eop@eop [WHO] <edward mcnelly>;noel j. francisco/who/eop@eop [WHO] <noel j. francisco>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;helgard c. walker/who/eop@eop [WHO] <helgard c. walker>;allison l. riepenhoff/who/eop@eop [WHO] <allison l. riepenhoff>;brent d. greenfield/who/eop@eop [WHO] <brent d. greenfield>;lori l. lorenzi/who/eop@eop [WHO] <lori l. lorenzi>;patrick j. bumatay/who/eop@eop [WHO] <patrick j. bumatay>
Sent: 4/25/2002 7:01:43 AM
Subject: : Re: ABA Law Day proclamations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-APR-2002 11:01:43.00

SUBJECT:: Re: ABA Law Day proclamations

TO:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:david s. addington (CN=david s. addington/OU=ovp/O=eop@eop [OVP])

READ:UNKNOWN

CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:rachel l. brand (CN=rachel l. brand/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:robert w. cobb (CN=robert w. cobb/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:courtney s. elwood (CN=courtney s. elwood/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:timothy e. flanigan (CN=timothy e. flanigan/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:edward mcnelly (CN=edward mcnelly/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:helgard c. walker (CN=helgard c. walker/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:allison l. riepenhoff (CN=allison l. riepenhoff/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:brent d. greenfield (CN=brent d. greenfield/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:lori l. lorenzi (CN=lori l. lorenzi/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

CC:patrick j. bumatay (CN=patrick j. bumatay/OU=who/O=eop@eop [WHO])

READ:UNKNOWN

End Original ARMS Header

I have worked on the Law Day Proclamation. I don't know anything about the ABA, though. The one I worked on was originally drafted by OLP at DOJ.

REV_00144356

Elizabeth N. Camp
04/25/2002 10:49:13 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Patrick J. Bumatay/WHO/EOP@EOP
Subject: ABA Law Day proclamations

If anyone has recieved or reviewed a Presidential proclamation being prepared at the request of the ABA for Law Day please let me know asap.

Message Sent

To: _____
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Brent D. Greenfield/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Patrick J. Bumatay/WHO/EOP@EOP

From: CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Kristen Silverberg/WHO/EOP@EOP [WHO] <Kristen Silverberg>
Sent: 4/25/2002 4:21:34 AM
Subject: : Terrorism call

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:25-APR-2002 08:21:34.00
SUBJECT:: Terrorism call
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Are you both available at 9:00am tomorrow morning for a terrorism call?

Thanks

From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: David S. Addington/OVP/EOP@EOP [OVP] <David S. Addington>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>;John B. Bellinger/NSC/EOP@EOP [NSC] <John B. Bellinger>;Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>;Courtney S. Elwood/WHO/EOP@EOP [WHO] <Courtney S. Elwood>;Timothy E. Flanigan/WHO/EOP@EOP [WHO] <Timothy E. Flanigan>;Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>;Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Helgard C. Walker/WHO/EOP@EOP [WHO] <Helgard C. Walker>;Allison L. Riepenhoff/WHO/EOP@EOP [WHO] <Allison L. Riepenhoff>;Brent D. Greenfield/WHO/EOP@EOP [WHO] <Brent D. Greenfield>;Lori L. Lorenzi/WHO/EOP@EOP [WHO] <Lori L. Lorenzi>;Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
CC: Patrick J. Bumatay/WHO/EOP@EOP [WHO] <Patrick J. Bumatay>
Sent: 4/25/2002 6:49:19 AM
Subject: : ABA Law Day proclamations

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-APR-2002 10:49:19.00

SUBJECT:: ABA Law Day proclamations

TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])

READ:UNKNOWN

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Lori L. Lorenzi (CN=Lori L. Lorenzi/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

If anyone has recieved or reviewed a Presidential proclamation being prepared at the request of the ABA for Law Day please let me know asap.

REV_00144364

From: Jaso, Eric <Eric.Jaso@ed.gov>
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/25/2002 8:08:24 AM
Subject: : RE: Lunch
Attachments: P_W3GY6003_WHO.TXT_1.html

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Jaso, Eric" <Eric.Jaso@ed.gov> ("Jaso, Eric" <Eric.Jaso@ed.gov> [UNKNOWN])
CREATION DATE/TIME:25-APR-2002 12:08:24.00
SUBJECT:: RE: Lunch
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

OK thx

-----Original Message-----

From: Noel_J._Francisco@who.eop.gov
[mailto:Noel_J._Francisco@who.eop.gov]
Sent: Thursday, April 25, 2002 11:46 AM
To: Noel_J._Francisco@who.eop.gov
Cc: Brett_M._Kavanaugh@who.eop.gov; jaso, eric;
Noel_J._Francisco@who.eop.gov
Subject: RE: Lunch

Just a reminder about lunch today. See you at 1:15.

Noel J. Francisco
04/15/2002 09:21:53 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: "jaso, eric" <eric.jaso@ed.gov>, noel j. francisco/who/eop@eop
bcc: Records Management@EOP
Subject: RE: Lunch (Document link: Noel J. Francisco)

We're all set for 1:15 pm on Thurs Apr. 25. Eric, would you forward me your birthday and social security number? I'll clear you into my office (EEOB 151), and we can walk over to the Mess from there.

Brett M. Kavanaugh
04/12/2002 06:53:25 PM

Record Type: Record

REV_00144365